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Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, April 14, 1986*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MINETA].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *April 11, 1986.*

I hereby designate the Honorable NORMAN Y. MINETA to act as Speaker pro tempore on Monday, April 14, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that You would give to us the vision to see the glory of justice and mercy, and also grant us the wisdom to find the right paths in order to gain these values. Give us also, we pray, the enthusiasm and vigor to search for the ways that make for peace. May we never be content to let selfishness or pride cloud our action, but may we seek Your righteousness and thus secure Your blessing. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendments of the House to the bill (S. 1282) "An act to revise and extend provisions of the Public Health Service Act relating to primary care."

The message also announced that the Senate had passed bills, joint resolutions, and concurrent resolutions of the following titles, in which the concurrence of the House is requested.

S. 8. An act to grant a Federal charter to the Vietnam Veterans of America, Inc.;

S. 2054. An act to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named Challenger II;

S.J. Res. 188. Joint resolution to designate July 6, 1986, "National Air Traffic Control Day";

S.J. Res. 199. Joint resolution to designate the month of November 1986 as "National Elks Veterans Remembrance Month";

S.J. Res. 281. Joint resolution to designate the week of May 11 through May 17, 1986, as "Senior Center Week";

S.J. Res. 284. Joint resolution to designate the month of May 1986 as "Better Hearing and Speech Month";

S.J. Res. 300. Joint resolution to recognize and honor 350 years of service of the National Guard;

S.J. Res. 303. Joint resolution to designate April 1986, as "Fair Housing Month";

S.J. Res. 306. Joint resolution to designate the week beginning November 23, 1986, as "National Adoption Week".

S.J. Res. 307. Joint resolution to authorize and request the President to designate the week of April 18, 1986, through April 27, 1986, as "National Carpet and Floorcovering Week";

S.J. Res. 309. Joint resolution to designate the week of June 1, 1986, through June 7, 1986, as "National Intelligence Community Week";

S.J. Res. 315. Joint resolution designating May 1986 as "Older Americans Month";

S. Con. Res. 126. Concurrent resolution authorizing the rotunda of the United States Capitol to be used on May 6, 1986, for a ceremony commemorating the days of remembrance of victims of the Holocaust; and

S. Con. Res. 127. Concurrent resolution relating to predatory tied aid credits.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, April 11, 1986:

S.J. Res. 261. Joint resolution to designate the week of April 14, 1986, through April 20, 1986, as "National Mathematics Awareness Week."

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4515, URGENT SUPPLEMENTAL APPROPRIATIONS, 1986, AND PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION RELATING TO CENTRAL AMERICA CONTAINING ONLY THE TEXT OF SENATE JOINT RESOLUTION 283

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. 99-529) on the resolution (H. Res. 415) waiving certain points of order against consideration of the bill (H.R. 4515) making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes, and providing for the consideration of a joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985 only containing the text of Senate Joint Resolution 283, which was referred to the House Calendar and ordered to be printed.

DEATH OF THE HONORABLE JOSEPH P. ADDABBO

Mr. STRATTON. Mr. Speaker, I offer a privileged resolution (H. Res. 416) on the death of the Honorable JOSEPH P. ADDABBO and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 416

Resolved, That the House has heard with profound sorrow of the death of the Honorable Joseph P. Addabbo, a Representative from the State of New York.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for car-

rying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from New York [Mr. STRATTON] is recognized for 1 hour.

Mr. STRATTON. Mr. Speaker, the Members of the House have lost a very valuable and dedicated Member in the passing of the gentleman from New York [Mr. ADDABBO]. He was one of the pillars of this House as the chairman of the Defense Appropriations Subcommittee, and he was a tireless proponent of a strong defense but not supporting a wasteful defense.

We have all recognized that the gentleman from New York has been fighting a personal battle over the last few months against illness, but he never gave up in that fight and he will certainly be missed.

One of the features, I think, of the gentleman from New York [Mr. ADDABBO] was that, although he occupied one of the most responsible assignments in the House of Representatives, he always proceeded at a low key, was humble certainly, and was highly responsive not only to his constituents but also to his colleagues in the House.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to my friend, the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, it is with deep regret that I join with the gentleman from New York [Mr. STRATTON] in sponsoring this resolution.

We truly have lost a friend in JOE ADDABBO. I have known him since I have been here in the Congress. I serve as the vice chairman of the New York bipartisan delegation and as the dean of the Republican delegation. We join in sympathy for his loved ones. My wife, Nancy, and I join with the other Members in expressing our deep sympathy and regrets to his wife, Grace, and to the members of his family.

We will truly miss JOE ADDABBO from the Halls of Congress.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Speaker, I would just like to join with my colleagues, the gentlemen from New York [Mr. STRATTON and Mr. HORTON] and share their remarks.

I think probably the key to JOE ADDABBO was that in all the years that he spent here, he was always fair, and I would say to the public which is viewing these proceedings today that he was truly a nice guy. I think that is probably the hallmark of the gentleman from New York [Mr. ADDABBO] a person who could be a nice guy and at the same time be a true American and do what was necessary for our country.

Mr. STRATTON. I thank the gentleman.

Mr. Speaker, I would point out that we will, sometime next week, have a special order for our departed comrade. In the interim, let me advise Members that the Speaker will appoint a congressional delegation to attend the funeral services on tomorrow at 11 a.m. in New York City.

Members who desire to travel to that ceremony are advised to contact the Sergeant at Arms. The delegation will depart the House steps for Andrews Air Force Base at 7:30 a.m. The funeral mass will be in St. Patrick's Cathedral on Fifth Avenue at 11 a.m., and it is estimated that the delegation would return by 3:30 p.m.

Mr. Speaker, I yield back the balance of my time.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3:30 p.m. on tomorrow, Tuesday, April 15, 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. MICHEL. Reserving the right to object, Mr. Speaker, and I will not object, but might we have a little exchange here as to just what the program might be following the return of the Members from the funeral of our good friend, the gentleman from New York [Mr. ADDABBO]?

The way I gather it, and the gentleman can correct me if I am mistaken here, after we return we will have one-half hour of 1-minute speeches tomorrow, and then move immediately to consideration of the rule on the Contras and on the supplemental appropriation.

□ 1210

Then we would proceed with general debate on the Contra issue. There are 2 hours of general debate. There would not be a vote after general debate, but I would caution Members that after the 1-minutes, and then after a discussion on the rule, there could very well be a vote on the previous question and a vote on the rule prior to our going into general debate.

So that would suggest then that the session could last beyond 7 o'clock tomorrow.

Mr. MONTGOMERY. What the gentleman has said is correct. I would like to repeat what the minority leader said.

We go in at 3:30 on Tuesday. There would be 30 minutes of 1-minute speeches with 15 minutes on each side. There could be a possibility on the rule of two votes.

After the rule, we would take up 2 hours of general debate on the supplemental and Contra aid, and no votes, and it would probably be around 8 o'clock when we would finish our business.

Also, the suspensions, if there would be a vote called today, those votes would lay over until Wednesday, not Tuesday.

Mr. MICHEL. Then we will make a decision tomorrow as to what time we come in on Wednesday, because under a previous dialog with the majority whip, as I recall, we made a point that any votes demanded on suspensions would be the first order of business supposedly on tomorrow, but now that is being delayed 1 day. So we will make a determination then in conjunction with the majority leadership on time which we ought to begin then on Wednesday so that we can proceed with consideration of that supplemental.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VOTE "NO" ON AID TO THE CONTRAS

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, more proof surfaces daily that we should not be sponsoring the Contra invasion of Nicaragua.

Friday we learn that the Contras are being investigated in Florida for gunrunning and drug trafficking.

Sunday we learn that the White House by withholding economic aid is strong arming Costa Rica to support us.

Sunday we learn that the CIA has secretly funneled several million dollars to the Contras, in addition to the $27 million approved by Congress last year.

Finally there is overwhelming evidence that the White House pressured Honduras into describing the incursion incident as a major invasion.

Mr. Speaker, tomorrow and Wednesday we will vote on the President's request for another $100 in Contra aid.

All the evidence demands a "no" vote.

HOUSE OF REPRESENTATIVES DELINQUENT ON TAXES

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, today is April 14, and the question being asked around the country is: Have you done your taxes?

I'm afraid the answer for the House is "no." Although taxpayers around the country will face severe questions from the IRS if they don't file their tax returns by tomorrow, this House does not face so much as a slap on the wrist, despite the fact that we have not obeyed our own law and completed action on the 1987 budget resolution.

We apparently hold ourselves above the law: We face no monetary penalties; no one is going to put a lien on our furnishings or padlock the doors of this House.

Actually, Mr. Speaker, if it were not for the fact that the Constitution makes us immune from prosecution for our actions on this floor—or lack of action—there is no doubt in my mind that the Federal marshals would be in here at midnight tomorrow, asking us to present either a budget resolution or ourselves.

I find it more than ironic that we insist upon penalty of jail that the taxpayers meet their obligation, but that we not only refuse to meet ours, and in doing so, refuse even to tell them what we are going to do with their money. We should be ashamed.

But believe me, the taxpayers know of our delinquency, and they will hold us accountable. Not tomorrow, perhaps, and not next month, but certainly next November, because that is the time when the tables are turned.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 11, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 3:05 p.m. on Friday, April 11, 1986, as follows:

(1) Said to contain a message from the President wherein he transmits the Report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act during Calendar Year 1985; and

(2) Said to contain a message from the President wherein he transmits the Annual Report on International Activities of U.S. Government Agencies in the Fields of Science and Technology for Fiscal Year 1985.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

REPORT ON ADMINISTRATION OF RADIATION CONTROL FOR HEALTH AND SAFETY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of Friday, April 11, 1986, at page 7320.)

ANNUAL REPORT ON INTERNATIONAL ACTIVITIES OF U.S. GOVERNMENT AGENCIES IN THE FIELDS OF SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and the Committee on Science and Technology:

(For message, see proceedings of the Senate of Friday, April 11, 1986, at page S4157.)

NATIONAL FOOD BANK WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 234), designating the week of May 18, 1985, through May 24, 1985, as "National Food Bank Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. HORTON. Mr. Speaker, reserving the right to object, I shall not object, but in the first instance, I would like to commend and congratulate the gentleman from California [Mr. MINETA] in his role as the Speaker pro tempore. It is a great honor to serve in the Chair, and especially to be named as the Speaker pro tempore, I think it is a great honor. I congratulate the gentleman from California in his role as Speaker pro tempore today.

Mr. Speaker, I do not object to this legislation. As a matter of fact, I concur in it, and the minority has no objections to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 234

Whereas substantial evidence indicates that poverty in the United States has risen in recent years, with the Census Bureau reporting that 35,500,000 people currently live below the poverty line, the greatest such number in over 15 years;

Whereas the correlation between poverty and hunger has been demonstrated in national, State, and local studies;

Whereas an estimated 20,000,000 people in the United States periodically go hungry;

Whereas non-profit food banks all over the United States are witnessing an increasing demand for food from families, children, the elderly, unemployed workers, and the homeless;

Whereas despite such increasing demand, food banks are meeting the challenge of collecting surplus food which would otherwise be wasted and distributing it to food kitchens, day care centers, homes for the elderly, halfway houses, church-operated meal programs and needy families;

Whereas Second Harvest has become the nationally recognized leader and pioneer of food banking, has forged a successful working relationship with the Nation's food and transportation industries, and has obtained voluntary private sector response to the needs of the Nation's hungry;

Whereas Second Harvest succeeded in working with 235 national companies to distribute 76,000,000 pounds of food products through its member food banks during 1984;

Whereas from May 18, 1985, through May 23, 1985, Second Harvest is holding its national conference in the District of Columbia, to bring together its member food banks and their member food banks, and to focus attention on the growing food needs of people in the United States; and

Whereas Second Harvest, its members, and other food banks all over the United States deserve commendation for their work with private sector and non-profit organizations to help feed the Nation's hungry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 18, 1985, through May 24, 1985, is designated as "National Food Bank Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 3, strike "1985" each place it appears and insert "1986".

Mr. GARCIA. Mr. Speaker, what we are essentially doing is just updating this resolution. The resolution as it was prepared and submitted to the Clerk and to the House used the dates

of 1985, and what we have done is just eliminated 1985 and inserted 1986.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. GARCIA].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENTS TO THE PREAMBLE OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer amendments to the preamble.

The Clerk read as follows:

Amendments to the preamble offered by Mr. GARCIA: In the seventh paragraph of the preamble—

(1) strike "235" and insert "over 250",

(2) strike "76,000,000" and insert "over 100,000,000" and

(3) strike "1984" and insert "1985".

In the eighth paragraph of the preamble—

(1) strike "1985" each place it appears and insert "1986",

(2) strike "May 23" and insert "May 22",

(3) strike "in the District of Columbia,", and

(4) strike "and their member food banks, and" and insert ", affiliated food banks, and food industry representatives".

The SPEAKER pro tempore. The question is on the amendments to the preamble offered by Mr. GARCIA.

The amendments to the preamble were agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Amend the title so as to read: "Joint resolution designating the week of May 18, 1986, through May 24, 1986, as 'National Food Bank Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

OLDER AMERICANS MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 315) designating May 1986 as "Older Americans Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HORTON. Mr. Speaker, reserving the right to object, I will not object. As a matter of fact, I am one of the cosponsors of this Senate Joint Resolution 315 designating May 1986 as Older Americans Month.

The minority has no objection to the legislation now being considered, and we urge its approval.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 315

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas older Americans should be acknowledged for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities acknowledge older Americans during the month of May: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the traditional designation of the month of May as "Older Americans Month" and the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation, the President is directed to issue a proclamation designating the month of May 1986 as "Older Americans Month" and calling on the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL GARDEN WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 136), to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HORTON. Mr. Speaker, reserving the right to object, I will not object, but I will just take this occasion to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 136

Whereas the gardeners of this country produce an abundance of food for our people and enable us to export food to other countries which are in desperate need; and

Whereas the gardeners help to preserve and foster our traditional spirit of independence and individual initiative; and

Whereas gardening instills in our people, both young and old, a greater appreciation for nature, in general, and for our beautiful land, in particular; and

Whereas such appreciation naturally leads to a greater respect and care for our environment; and

Whereas gardening, in addition to being most beneficial for our country, furnishes a pleasant, healthful, and productive full- or part-time activity for a large number of our citizens; and

Whereas our gardens also yield flowers of great variety and breathtaking beauty; and

Whereas these flowers bring beauty into our lives and satisfy our aesthetic needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation—

(1) designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, to observe that week with educational efforts, ceremonies, and other appropriate activities which shall include the wearing of garden flowers as a symbol of our appreciation for the efforts and contributions of our gardeners.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDUCATION DAY U.S.A.

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 582), to designate April 20, 1986, as "Education Day U.S.A.," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

□ 1225

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HORTON. Mr. Speaker, reserving the right to object, I will not object, but I take this occasion to inform the House the minority has no objection to the legislation now being considered. As a matter of fact, I urge its approval because I am one of the cosponsors of this resolution (H.J. Res. 582) to designate April 20 as Education Day U.S.A.

Mr. MICHEL. Mr. Speaker, I welcome this opportunity to say a few words about House

Joint Resolution 582, requesting the President to designate April 20, 1986, as "Education Day, U.S.A."

Along with the distinguished majority leader, JIM WRIGHT, I am sponsoring this resolution. We joined forces last year and I'm happy to be part of this worthy venture today.

As I said last year, I think it is fitting that the majority and the minority leaders, should cosponsor such a resolution. It deals with a subject that transcends partisan consideration.

We are seeing a rebirth of the old American idea of progress through education for all Americans. That's still a great idea.

April 20 also happens to be the 84th birthday of a remarkable religious leader, Rabbi Menachem Mendel Schneerson.

He is the internationally renowned and respected leader of the Lubavitch movement which actively promotes education programs at more than 80 centers in 34 States.

The Lubavitch movement, founded in the 18th century, has as its philosophical foundation three basic elements—wisdom, understanding, and knowledge.

It is therefore appropriate that the movement, under the inspired leadership of the man called the rebbe, has been so active in promoting education.

Looking over my remarks from last year, I came upon a fact I want to share with you today.

The movement which the rebbe heads takes its name from a Russian city, Lubavitch, which, translated into English means, City of Love.

In the final analysis it is love of one's religious heritage, love of learning—that is at the heart of the Lubavitch movement and at the heart of our resolution.

I'm pleased once again to honor a great man and to support such a fine idea.

Mr. HORTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 582

Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;

Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos;

Whereas society is profoundly concerned with the recent weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society;

Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility to transmit these historical ethical values from our distinguished past to the generations of the future;

Whereas the Lubavitch movement has fostered and promoted these ethical values and principles throughout the World; and

Whereas Rabbi Menachem Mendel Schneerson, leader of the Lubavitch movement, is universally respected and revered and his eighty-fourth birthday falls on April 20, 1986: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 20, 1986, the birthday of Rabbi Menachem Mendel Schneerson, leader and head of the worldwide Lubavitch movement, is designated as "Education Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, April 16, 1986.

COLLECTION OF STATISTICS ON CERTAIN INDUSTRIES

Mr. GARCIA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2721) to amend title 13, United States Code, to require the collection of statistics on domestic apparel and textile industries.

The Clerk read as follows:

H.R. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 3 of title 13, United States Code, is amended by redesignating subchapters III and IV as subchapters IV and V, respectively, and by inserting after subchapter II the following:

"SUBCHAPTER III—APPAREL AND TEXTILES

"§ 81. Statistics on apparel and textile industries

"The Secretary shall collect and publish quartely statistics relating to domestic apparel and textile industries.".

(b) The analysis for chapter 3 of title 13, United States Code, is amended—

(1) by striking out the item relating to subchapter III and inserting in lieu thereof:

"SUBCHAPTER IV—QUARTERLY FINANCIAL STATISTICS";

(2) by striking out the item relating to subchapter IV and inserting in lieu thereof:

"SUBCHAPTER V—MISCELLANEOUS"; and

(3) by inserting after the item relating to section 63 the following:

"SUBCHAPTER III—APPAREL AND TEXTILES

"81. Statistics on apparel and textile industries.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. GARCIA] will be recognized for 20 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2721 amends title 13 of the United States Code to require the collection of quarterly statistics on domestic apparel and textile industries.

The intention of the bill is to require apparel and textile manufacturing firms to report to quarterly production surveys given by the Census Bureau.

Under current law, participation in surveys are mandatory only for annual production surveys. Although Census Bureau carries out quarterly surveys, there have been response problems because these surveys are on a voluntary basis. Consequently, apparel and textile industries have experienced lack of quality up-to-date data to get an accurate picture of the domestic market conditions.

High quality data are critical in establishing an accurate description of the effect of imports on domestic apparel and textile industries.

During the past two decades the apparel and textile industies have faced increased competition in the U.S. marketplace from low-wage developing countries. To avoid market disruption, these industries rely on our Government's interagency group, Committee for the Implementation of Textile Agreements, to consult with exporting countries regarding import limitations. Requests for consultation must be accompanied by factual statements of domestic market disruption.

Because of the time involved in processing the annual surveys, often annual data are not the most current picture of the market.

Passage of H.R. 2721 will provide the information that can lead to proper administration of the import restraint programs which can lead to economically healthy and stable apparel and textile industries.

The Congressional Budget Office has found that enactment of H.R.

2721 would result in no significant costs to the Federal Government and in no costs to State or local governments.

Mr. HORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2721, which requires a quarterly report of statistics on the domestic apparel and textile industries. This bill would provide much needed information for a very volatile industry and hopefully lead to better administration of the import restraint programs. At a time when the domestic apparel and textile industry is searching for economic stability, this bill seems to be very timely, and I commend the gentleman from New York [Mr. GARICA] for his efforts.

While the administration has some reservations regarding the language of the bill, I am confident any problems can be resolved in conference and I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GARCIA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GARICA] that the House suspend the rules and pass the bill, H.R. 2721.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PREDATORY TIED AID CREDITS

Mr. NEAL. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 127) relating to predatory tied aid credits.

The Clerk read as follows:

S. CON. RES. 127

Whereas tied aid and partially untied aid credits with low levels of concessionality are used by several governments as a predatory method of financing exports and result in market-distorting effects;

Whereas these distortions have caused the United States to lose export sales, with resulting losses in economic growth and development;

Whereas the Congress is preparing legislation intended to support the efforts of the Secretary of the Treasury to negotiate a comprehensive arrangement restricting the use of tied and partially untied aid credits for commercial purposes; and

Whereas these negotiating efforts of the Secretary of the Treasury are fully supported by the Congress of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a successful conclusion of an arrangement to regulate tied aid credits, so that their use for predatory commercial purposes is ended, would eliminate the need for the Congress to enact a special tied aid credit program;

(2) the Secretary of the Treasury should use the full resources of his office to promote such a successful conclusion to the negotiations; and

(3) the President should make the use of predatory tied aid credits a major topic of discussion at the Tokyo Summit.

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. NEAL] will be recognized for 20 minutes and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 127. This is a very simple resolution, reaffirming congressional support for the administration's efforts to negotiate an end to the use of mixed credits. More specifically, the resolution states that it is the sense of the Congress that at the upcoming OECD conference, the Secretary of the Treasury should use the full resources of this office to promote a successful conclusion to negotiations on restricting the use of tied aid credits for commercial purposes.

The House Banking and Foreign Affairs Committee have both reported legislation to establish a so-called war chest with which we can combat the unfair and predatory use of tied aid credits by our foreign competitors. Successful negotiations to restrict mixed credits would eliminate the need for Congress to enact a war chest.

I would like to explain, briefly, the threat to our exports posed by foreign tied aid credits. As it now stands, the OECD arrangement permits governments to offer tied aid credit to finance their exports but only if the "grant element" exceeds 25 percent of the loan. Many countries have commenced an aggressive program of tied aid credits with grant elements around 25 percent to 35 percent. American exporters cannot, on their own, compete against foreign exporters armed with such tied aid credit, no matter how good our products might be.

Tied aid credit can be a useful and legitimate tool for assisting developing countries, but only when it is genuine foreign aid. To be genuine foreign aid it should contain a grant element considerably greater than 25 percent. Tied aid credit with a grant element just about 25 percent is not sufficiently costly to donor countries to dissuade them from using it, and abusing it, primarily for commercial purposes. This is a thoroughly predatory practice, nothing less than the stealing of potential markets from American exporters.

The exploitation of mixed credits is extensive. According to the administration, reported tied aid credit offers with grant elements under 50 percent have doubled since 1982. Actual mixed credits were expected to exceed $6 billion in 1985. Since the beginning of 1984, the OECD has received notification of over 600 mixed credit offers, with a total value of over $10 billion.

To put an end to this abuse of tied aid credit, we have been trying to negotiate a reform of the OECD arrangement to ensure that tied aid credit would be granted primarily as bona fide foreign aid for legitimate development purposes. For instance, an agreement to offer only tied aid credits with grant elements greater than 50 percent would impose much greater discipline than the current 25 percent threshold. The more costly it becomes, the more the temptation to use tied aid credits to steal commercial markets diminishes.

Mr. Speaker, we have, unfortunately, made little progress to date in negotiations to achieve this objective. The administration reports that a few countries, notably France and Italy, are blocking negotiations. Only when they see our resolve to discipline mixed credits will progress be made. With this support from Congress, we hope that the administration will succeed in engaging France in serious negotiations.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution which we hope will fortify the work of our negotiators at the upcoming Organization for Economic Cooperation and Development Ministerial Conference in Paris on export credit issues. It is my understanding that the administration has a real opportunity to make significant progress at this meeting, particularly if other countries are certain that we are serious about dealing with this issue of tied aid credits.

This resolution before the House today will not cost the American taxpayer 1 cent: its enactment could, in fact, help the Treasury save millions of dollars in susidies which go to support U.S. exporters in the event negotiations fail.

By being able to offer heavily subsidized official project financing, foreign firms have constantly underbid American firms, leading to one lost sale after another. In the past, the United States has tried to counteract tied aid or mixed credits by offering Export-Import Bank financing at arrangement rates or at subsidized rates

through a joint Eximbank/AID program. This approach has not worked to date.

Over the past year, both the Banking and the Foreign Affairs Committees have reported out bills which would create a $300 million war chest which could support up to $2 billion in tied aid credit offers.

I would like to commend the gentleman from North Carolina [Mr. NEAL] for his leadership in this regard.

I introduced President Reagan's original request as H.R. 3515, with broad bipartisan support. While the two committees have differing approaches on how to set up this tied aid fund, this resolution specifically avoids taking sides in this policy debate. When it comes to supporting Treasury Secretary James Baker and our negotiators, I believe there are no disagreements between the two committees.

It is my understanding that the other body has already passed an identical resolution.

This measure deserves bipartisan support insofar as it will promote efforts to level the playing field for American exporters who frequently have had to compete against a foreign treasury as well as a foreign company.

Mr. Speaker, I urge its immediate adoption to assist Secretary Baker and his team and to help American business and American labor.

Mr. Speaker, I yield back the balance of my time.

Mr. NEAL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 127.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on Senate Concurrent Resolution 127, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REAFFIRMING CONGRESS' RECOGNITION OF THE VITAL ROLE PLAYED BY MEMBERS OF THE NATIONAL GUARD AND RESERVE IN THE NATIONAL DEFENSE

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the joint resolution, (H.J. Res. 220) to recognize the vital role played by members of the National Guard and Reserve in the national defense, as amended.

The Clerk read as follows:

H.J. RES. 220

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION OF NATIONAL GUARD AND RESERVE

(a) FINDINGS.—The Congress reaffirms its findings set out in section 1130(a) of Public Law 97-252 that—

(1) the National Guard and Reserve forces of the United States are an integral part of the total force policy of the United States for national defense and need to be ready to respond, on short notice, to augment the active military forces in time of national emergency;

(2) attracting and retaining sufficient numbers of qualified persons to serve in the Guard and Reserve is a difficult challenge during a period in which there is a decreasing number of young people from which to recruit; and

(3) the support of employers and supervisors in granting employees a leave of absence from their jobs to participate in military training without detriment to earned vacation time, promotions, and job benefits is essential to the maintenance of a strong Guard and Reserve force.

(b) RECOGNITION OF MEMBERS OF GUARD AND RESERVE.—It continues to be the sense of Congress that the citizen-military volunteers who serve the Nation as members of the National Guard and Reserve require and deserve public recognition of the essential role they play in the national defense, and particularly require and deserve the support and cooperation of their civilian employers, in order to be fully ready to respond to national emergencies.

(c) EMPLOYER SUPPORT FOR GUARD AND RESERVE.—The Congress reaffirms its statements expressed in section 1130(c) of Public Law 97-252 that it—

(1) recognizes, and requests all citizens to recognize, the vital need for a trained, ready National Guard and Reserve in the national defense posture of the United States; and

(2) urges and requests employers and supervisors of employees who are members of the National Guard or Reserve to abide by the provisions of chapter 43 of title 38, United States Code, by—

(A) granting a leave of absence for military training, exclusive of earned vacation, to employees who are members of the Guard and Reserve; and

(B) providing such employees equal consideration for job benefits and promotions as all other employees.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. HOLT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased that for the minority side, the gentlewoman from Maryland [Mrs. HOLT] will handle this very important piece of legislation. She has been very supportive of the National Guard and Reserve over the years, and I am very honored that she would be part of this resolution today.

Mr. Speaker, in the fiscal year 1983 Department of Defense Authorization Act, the Armed Services Committee expressed the sense of Congress recognizing the vital role of the National Guard and Reserve in the defense of our Nation. Language from that law states in part, and I quote:

The National Guard and Reserve forces of the United States are an integral part of the total force policy of the United States for national defense and need to be ready to respond, on short notice, to augment the military forces in time of national emergency.

That statement was true then and is true today. Since that law was enacted, there has been an even greater reliance on our Reserve Forces to help provide for the Nation's defense. I, along with the other members of the House Armed Services Committee, have long felt that our Reserve components offer a cost-effective means of providing for a significant share of the Nation's defense. I firmly believe that greater reliance on the National Guard and Reserves is an appropriate element in the battle to provide for an adequate defense at the lowest possible cost.

Because the vital role of our National Guard and Reserves becomes more apparent each day, the members of our Reserve components are being assigned more and more missions which require longer periods of training. In order to carry out their increased responsibilities, reservists and Guard members must have the support of the American people, and of employers in particular. It was because of this, that we introduced House Joint Resolution 220.

In reporting out this resolution, my colleagues on the Armed Services Committee have reaffirmed the feelings of Congress as expressed in the 1983 act which further stated, and I quote:

* * * The citizen-military volunteers who serve the Nation as members of the National Guard and Reserve require and deserve public recognition of the essential role they play in the national defense, and in particular, require and deserve the support and cooperation of their civilian employers, in order to be fully ready to respond to national emergencies.

Mr. Speaker, there seems to be little argument over the cost-effectiveness of reliance on our Reserve Forces. I believe this is a trend which will continue as we seek ways to reduce the Federal deficit. Although it is obvious to most of us here in Washington that our Reserve Forces represent the best buy for the taxpayer, this fact must be communicated to the American people, and to employers in particular.

During the development of a series of National Guard and Reserve initiatives last year, it became apparent to me that lack of awareness of the vital role being played by our Reserve Forces was still a problem. Hopefully, passage of this resolution will reemphasize this role and serve as a first step in establishing a broader base of support for the Guard and Reserve and also in bringing about a true national awareness of the professionalism and dedication of the members of our Reserve components.

Mr. Speaker, at this time I would like to yield to the distinguished Representative from Maryland [Mrs. HOLT], who has long been one of the strongest supporters of the National Guard and Reserves. Without her work and support, many of the things which Congress has done for the Reserve components would never have happened.

□ 1235

Mrs. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 220. This resolution is a tribute to the gentleman from Mississippi [Mr. MONTGOMERY] who for years has battled valiantly and tirelessly on behalf of the Nation's Guard and Reserve Forces. For years, the Pentagon's commitment to the important role of the National Guard and Reserve in the total force was primarily lipservice, lipservice that existed in a vacuum and was not translated into resources—the manpower, training, and equipment essential for military readiness.

Today, thanks in large part to the intervention of the Congress, the total force is a reality. The National Guard and Reserve are an integral part of the Nation's defense structure. The Guard and Reserve are expected to provide nearly one-half of the total Army's combat power and two-thirds of its combat support, service structure and wartime medical capability. Without the Reserves, the Active Forces would literally be unable to deploy and sustain the war effort. The gentleman from Mississippi [Mr. MONTGOMERY] deserves the lion's share of the credit for this dramatic turnaround.

To fulfill mission requirements, National Guard and Reserve personnel must have the opportunity for meaningful and realistic training—both at monthly inactive duty training drills and 2 weeks' active duty for training. This is particularly the case for early deploying units that will be sent to the combat theater in the first hours and days following mobilization. As a result of congressional persistence, these early deploying units are at last getting the modern, first-rate equipment they would be expected to use in combat. Obviously, it is vitally important that they have an opportunity to train on that equipment.

Participation in Reserve training requires the understanding and cooperation of employers. House Joint Resolution 220 calls attention to the vital role that employers play in their employees' decisions to maintain active Reserve and Guard membership and urges strong employer support of the National Guard and Reserve.

I urge my House colleagues to join me in unanimously affirming their wholehearted support for House Joint Resolution 220.

Mr. MONTGOMERY. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the chairman of the committee.

Mr. MONTGOMERY. I thank the gentlewoman for yielding.

Mr. Speaker, I want to thank the gentlewoman for a very strong statement and also for her kindness over the years in working with the National Guard and Reserve. It has been a total team effort. It has not been just one individual.

Mr. Speaker, I do not know if we can carry on or not after the gentlewoman leaves us.

Mrs. HOLT. I thank the gentleman for his comments.

Mr. STUMP. Mr. Speaker, I rise in strong support of House Joint Resolution 220. As a member of the House Armed Services Committee, I have supported the emphasis being placed upon our Reserve components as a cost-effective source of national defense.

Over the past several years, Congress has recognized the vital need for a trained and ready National Guard and Reserve. Seeing that this need continues to be met is becoming more difficult as the increased roles of the Guard and Reserve demand more and more training time for the individual reservist. This is a particularly difficult challenge as we enter a period in which the number of eligibles is decreasing and in which authority to induct persons for training in service in the Armed Forces is not provided for by law.

This resolution recognizes the sacrifices being made by the men and women serving as members of our Reserve Forces. It calls for the support of the American people, and of employers in particular. Without the support of employers, in the form of military leave and equal consideration for job benefits and promotions, the Reserve components cannot function. And without these forces, a significant portion of our total defense will be lost.

Mr. Speaker, I would like to add my call for this critically needed support for our Nation's citizens soldiers. They are true military professionals who help ensure the security of our Nation. They deserve no less than the full support of the American people.

Mr. HOYER. Mr. Speaker, I rise today in support of House Joint Resolution 220, a resolution which recognizes the critical role of the National Guard and Reserve in our national defense. I would also like to commend the chairman for bringing this resolution to the floor.

The National Guard and Reserve are an integral part of this Nation's defense structure. In recent years we have witnessed an increase in the role and responsibilities of the Guard and Reserve. As we attempt to find ways to cut the Federal deficit we should also recognize the fact that the Guard and Reserve are very cost efficient since these forces can perform certain missions at much less cost than our regular forces. The continuation of their success requires the vigorous support of the American people.

More important, this resolution is necessary because of the need to encourage employers to continue to be supportive of the National Guard and Reserve. Without this support from employers, our Guard and Reserve Forces would be unable to get the necessary training needed in the case of an emergency.

Today, we add our voices of support to those supportive employers in commending the excellent service provided by the men and women of the National Guard and Reserve.

Mr. BONER of Tennessee. Mr. Speaker, I am pleased to join my colleagues in supporting H.J. Res. 220, which recognizes the vital role played by members of the National Guard and Reserve in the defense of our country.

Today the National Guard and Reserve are an integral part of the Armed Forces of the United States. Under the total force policy, the Reserve components will be used as the initial and primary back-up of the Active Forces in the event of national mobilization. In many instances, the active forces would be unable to deploy and accomplish their mission without the support of National Guard and Reserve members. In fact, the Guard and Reserve are expected to provide nearly one-half of the total Army's combat power and two-thirds of its combat support, services structure, and wartime medical capability.

To fulfill its mission requirements, National Guard and Reserve personnel must have the opportunity for meaningful and realistic training, both at the monthly inactive duty training drills and the 2 weeks' active duty for training. Clearly, participation in reserve training requires the understanding and cooperation of employees.

House Joint Resolution 220 calls attention to the role employers play in support of their employees' decisions to maintain active Reserve and Guard membership. The joint resolution urges strong employer support of the National Guard and Reserve.

More importantly, the joint resolution expresses the sense of the Congress that the volunteers who serve the Nation as members of the National Guard and Reserve require and deserve public recognition of the essential role they play in the national defense.

I join my colleagues in support of this resolution and, in particular, I want to express my

appreciation to the members of the Tennessee National Guard and Reserve. Under the leadership of Major General Carl D. Wallace, the members of the Tennessee National Guard and Reserve are well prepared to meet their responsibility as part of our Nation's defense establishment. Tennessee is known as the volunteer State and the 18,000 members of the Tennessee National Guard and Reserve are among the very finest of this long tradition.

I join the citizens of Tennessee in saluting these men and women for their courage, sacrifice, and dedication.

Mrs. HOLT. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the joint resolution, House Joint Resolution 220, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "A joint resolution to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense."

A motion to reconsider was laid on the table.

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982 EXTENSION

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4551) to extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

The Clerk read as follows:

H.R. 4551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 (relating to emergency acquisitions) is amended by striking out "April 15, 1986" and inserting in lieu thereof "July 15, 1986".

(b) Section 206(a) of the Garn-St Germain Depository Institutions Act of 1982 (relating to net worth certificates) is amended by striking out "April 15, 1986" and inserting in lieu thereof "July 15, 1986."

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4551.

The SPEAKER pro tempore. Is there objecton to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I yield to myself such time as I may consume.

Mr. Speaker, on behalf of the Banking Committee and its chairman, FERNAND ST GERMAIN, who is unable to be here today, I ask for your support in passing H.R. 4551. This bill is cosponsored by almost the entire Banking Committee and is vital and absolutely noncontroversial legislation needed to enable our Federal bank and thrift regulators to continue to cope with the problems that now confront our banks and thrift industries.

H.R. 4551 would extend, with no change whatsoever, titles I and II of the Garn-St Germain Act of 90 days. The Garn-St Germain Act was originally passed by this House in 1982 to enable banks and thrifts to survive the high interest rates of that period.

Title I provides the Federal depository institution regulators with authority to arrange emergency interstate depository institution acquisitions to prevent the termination of essential deposit and loan services by problem bank and thrift institutions.

Title II authorizes the Federal Deposit Insurance Corporation [FDIC] and the Federal Savings and Loan Insurance Corporation [FSLIC] to extend capital assistance to certain problem bank and thrift institutions in the form of net worth certificates. Without this authority many depository institutions would be unable to continue operations. You should also be aware that title II contains an essential conservatorship authority that is critical to the ability of the Federal credit union regulator, NCUA, to handle problem credit unions.

Titles I and II of the Garn-St Germain Act were originally intended to expire October 15, 1985. However, the continuing problems in the thrift industry, and the emergence of real estate, agriculture, and energy lending problems around the country made necessary a 6-month extension until tomorrow, April 15. We continue to await specific legislation requested from the Federal Reserve, the other banking regulators, and the administration, addressing current depository institution problems. As a consequence, we must again seek an extension of the basic vital regulatory powers in titles I and II. To enable the regulators and committee members sufficient time to deliberate on proposed specific legislation, we seek an extension of 90 days.

A number of Members of this body have approached members of your House Banking Committee and, especially, the chairman of our committee, the Honorable FERNAND ST GERMAIN, to attempt to shorten the length of the extension contained in the bill before us from 90 to 30 days. This request, I am sure, was made with the best of intentions. We all know that a number of depository institutions, especially in the so-called energy and/or agriculturally oriented States, are in rather dire financial shape, as reported in the press, because of the loans they have made to agriculture and the energy sectors of our economy. Whereas we all hope this is a temporary situation for these financial institutions, the fact remains these depository institutions are not in the best of financial health at the moment.

It was the hope of those Members making the request that reducing the 90-day extension to 30 days would put the necessary pressure on the House Banking Committee to act immediately to solve the problems of these institutions and others in similar financial situations.

The administration—especially the financial regulatory agencies—as some of us know, is currently working on legislation concerning these matters which, if enacted into law, would alleviate the situation. As of the close of business Thursday, the regulators had not even come to a full agreement as to what precisely they wanted to propose to the Congress. I do not care to prolong this part of the discussion, but the Members should be informed that the Banking Committee is acting responsibly when it asks for this 90-day extension contained in the bill before us today.

In a Democratic caucus of the Financial Institutions Subcommittee, chaired by the chairman of the full committee, we considered all these problems and the need for prompt action. We are aware from extensive hearings of the full nature and extent of depository institution problems. The Members of the House should be advised that the Banking Committee has a history of acting in a timely fashion on all matters and especially matters which are of an emergency nature. The Members of the House should be comfortable in their knowledge that the Banking Committee will do the same in this instance.

In closing, Mr. Speaker, I ask for your support in passing H.R. 4551 to extend for 90 days the authorities contained in titles I and II of the Garn-St Germain Act of 1982.

Mr. Speaker, I reserve the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4551, the extension of the Garn-St Germain emergency acquisition and net worth certificate provisions. The gentleman from Illinois was an original cosponsor in 1982 and a strong supporter. These provisions have been extremely helpful to the regulators in resolving problems confronted by some of our financial institutions experiencing stress as a result of conditions in agriculture, energy, and other sectors of our economy.

The regulators have testified on numerous occasions that these provisions have materially increased their options in handling failures. The authorizations in Garn-St Germain have served not only to protect the reserves of the insurance funds and the safety and soundness of our financial institutions, but also have ensured that financial services will continue to be provided to many communities and depositors.

Mr. Speaker, this is a short-term extension of only 90 days. As Secretary of the Treasury Jim Baker and the regulators in a recent letter have stated, much more needs to be done. In view of the fact that some banking organizations may continue to experience severe and prolonged financial stress, the regulators' flexibility to deal with these more serious cases must be enhanced. The law needs to be broadened and improved to minimize the disruption of financial services to the communities involved and to provide the greater flexibility necessary to reduce the costs to the insurance funds. Prudent changes are necessary to maintain the safety and soundness of the banking system as a whole.

In this regard the Federal bank regulators—the Federal Reserve, the FDIC, and the Comptroller of the Currency—have recommended four specific changes in the emergency authorities. Based on their experience during the past 4 years and on the current outlook, the regulators have recommended that the law be changed to:

First, permit the out-of-State acquisition of failing banks, as well as of failed banks;

Second, permit the out-of-State acquisition of the entire holding company of a failed or failing bank under certain conditions;

Third, require equal treatment for acquiring banks in the State of acquisition; that is, an out-of-State purchaser would be accorded all of the branching and acquisition rights of any other holding company operating in the State of the acquired bank or holding company; and

Fourth, reduce the asset size of banks eligible to be acquired pursuant to the emergency provisions from $500 million to at least $250 million.

Mr. Speaker, as stated in the letter from the regulators, it seems unavoidable that over the foreseeable future there will continue to be situations in which banks and thrifts will have problems so severe that they will be unable to continue to operate without an infusion of additional capital and management. The banking supervisors simply must have adequate tools to deal with such situations quickly and effectively so that the impact on local communities or regions and repercussions on the banking system generally are minimized.

This is one of the most important lessons we learned from the Ohio thrift crisis last year where the regulators clearly were not prepared. I don't want anyone anywhere in the country to have to experience the loss or disruption of daily banking services like so many Ohioans did last year.

My staff has been working with the staff of the distinguished chairman of the Banking Committee and I am hopeful that, after passing this short-term extension, we can agree on an expedited review of the regulators' recommendations and take quick action on a more permanent measure. I am also hopeful, Mr. Speaker, that the Banking Committee's review can be expanded to include other matters related to the safety and soundness of our financial system such as recapitalization of the FSLIC and other enhancements to the regulators' supervisory powers. I would like to personally thank Chairman ST GERMAIN for bringing this bill to the floor and state that I look forward to working closely with the chairman over the next few weeks in drafting a more comprehensive package to reform our deposit insurance system and give the regulators the tools they require.

□ 1250

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I appreciate the distinguished gentleman yielding me time on this legislation.

Mr. Speaker, today, as stated, we are considering legislation under suspension for yet another 90-day extension of the net worth certificate program for the thrift institutions of this country, and extending the emergency acquisition provision of the 1982 Garn-St Germain Act. I certainly support these efforts.

The first provision is certainly important, but I am very pleased that the extension is for only 90 days at this time. As I have earlier stressed to the chairman of the committee and the ranking member, I think it is important that we consider the possibility at least of extension of the net worth certificate concept to agricultural commercial banks, that is to say, commercial banks that are classified as agricultural lenders by the nature of their loan portfolio. And certainly the importance of extending the emergency acquisition powers is crucial, given the problems of those agricultural banks and the problems of banks in the energy-producing parts of the Nation; that is very evident to all. Therefore, this legislation is certainly timely.

Mr. Speaker, I do hope that some consideration is given to an approach like that embodied in legislation that I offered on March 3, 1986, H.R. 4289, which would extend the possibility in a revised form of the net worth certificate to agricultural banks of this country. I believe the net worth certificate program provides a valuable tool among the instruments necessary to help the troubled banks in the Grain Belt of this country and in farming States generally. Even the Government Accounting Office, in testimony before the Banking Committee, agrees with me in this respect for combating the problems of the thrift industry. It is now time that we broadened the use of this instrument for agricultural commercial banks. It is an approach that has proven its worth for the thrift industries of this country.

Mr. Speaker, I commend the chairman of the Banking Committee [Mr. ST GERMAIN], the gentleman from Illinois [Mr. ANNUNZIO], and the ranking member of the Banking Committee [Mr. WYLIE] for their timely initiative in bringing us this legislation today. I urge its passage.

Mr. WYLIE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I support the legislation before us and the extension of Garn-St Germain for a 90-day period.

I think that in particular the acquisition powers of failed banks are necessary tools to deal with safety and soundness issues in 1986.

I do note the short-term nature of the extension. That is a 90-day extension, and I think that that 90 days, the short-term nature, is necessary and desirable as we consider the issues, because I do think it is necessary that over a short period of time, Congress visit the additional issues of the expansion of the emergency interstate acquisition of failing bank holding companies under Garn-St Germain, as has been proposed by the three principal regulators.

My own view, frankly, is that 90 days is longer than is necessary, and I had counseled last week with the bill's sponsors that we adopt a 30-day extension. But I do understand their concern, and I understand the need to

take a reasonable amount of time to draft legislation that is lasting legislation. I have received, and the House has received, assurances from the leadership of the committee that they will act expeditiously, and I do very much appreciate that assurance.

I do believe that the Banking Committee should consider and then bring promptly back to this floor legislation that would be limited legislation to expand Garn-St Germain in a way that would resolve the problem, that is, to permit the emergency powers for emergency interstate acquisition of a failing bank holding company.

Frankly, I must say that I reached that conclusion somewhat reluctantly. I am not enthusiastic about the expansion, but I do believe that it must be done.

I would have preferred to deal with interstate banking legislation in a more orderly fashion, in a rational approach that would have first provided for, as is under the current laws and the current court cases, a State-by-State decision of regional compacts, thus leading over a multiyear period to interstate acquisition. But I do not think this legislation is designed to promote or to provide for interstate banking. I think the legislation is designed to solve a very real problem.

During consideration of the legislation, I do have, and will express, several concerns on the committee about the details of the bill that has been submitted. It is my judgment that the law that we come back with, the legislation, should be narrowly drafted, when possible, and we should preempt State laws only as necessary to resolve the problem and not in some way to propose an additional loophole for interstate banking.

My concerns from a quick review of the legislation that has been proposed include the following, and may include more as we go through hearings and the markup.

First, the definition of failing. I would judge that we should define failing in a way that it is a narrow definition of failing, so that in fact we define failing as an institution that is in danger of closing, and that an interstate acquisition is necessary to avoid a failure.

Second, I think we should be very careful about preempting State laws any more than is necessary. I am not satisfied that we are required to preempt State laws in a way to permit the additional acquisitions of banks within a State by an out-of-State bank holding company just because they have acquired a bank holding company in that State on an emergency basis. I will urge that we avoid such preemption, and if such preemption is included, at the very least, we should have a 3- to 5-year waiting period for forbearance rather than immediately preempt those State laws.

My other concerns include maintaining in-State priorities first, retaining participation by all three Federal regulators and requiring the participating and consultation with the chief State regulators, and providing sufficient authority to avoid inappropriate windfalls for either the bank holding company management or the shareholders when such windfalls would be inappropriate.

Mr. Speaker, in conclusion, again I say I support the 90-day extension. I am grateful to the leadership of the committee for their agreement to act expeditiously, and to bring back legislation to this floor well in advance of the 90 days as quickly as the Banking Committee can act.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for an excellent and very thoughtful statement.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and pass the bill, H.R. 4551.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONTRA AID

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, the Democratic leadership has indicated in news reports that it is unwilling to give us a straight up-or-down vote on Contra aid separate and apart from the supplemental appropriations because they are miffed or angry at the intimation that the things that the Nicaraguans are doing can be laid at their doorstep.

I wish to revise history so that we can sooth the egos of the Democratic leadership and proceed to a separate vote on Contra aid.

Mr. Speaker, I will state for the record that Ortega did not go to Moscow following the vote on the Contras last year. I will state for the record that the Nicaraguan Sandinistas did not venture into Honduras following the vote just taken on Contra aid. And I will also state for the record that tomorrow is not April 15 and the deadline for filing income tax returns.

□ 1300

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE JOSEPH P. ADDABBO

The SPEAKER pro tempore. Pursuant to House Resolution 416, the Chair, without objection, appoints the following Members to attend the funeral of the late JOSEPH P. ADDABBO:

Mr. STRATTON of New York;
Mr. O'NEILL of Massachusetts;
Mr. HORTON of New York;
Mr. BIAGGI of New York;
Mr. FISH of New York;
Mr. LENT of New York;
Mr. RANGEL of New York;
Mr. GILMAN of New York;
Mr. SCHEUER of New York;
Mr. DOWNEY of New York;
Mr. LAFALCE of New York;
Mr. MCHUGH of New York;
Mr. NOWAK of New York;
Mr. SOLARZ of New York;
Mr. LUNDINE of New York;
Mr. WEISS of New York;
Mr. GARCIA of New York;
Mr. GREEN of New York;
Mr. CARNEY of New York;
Mr. SOLOMON of New York;
Mr. MARTIN of New York;
Mr. MCGRATH of New York;
Mr. MOLINARI of New York;
Mr. SCHUMER of New York;
Mr. WORTLEY of New York;
Mr. BOEHLERT of New York;
Mr. MRAZEK of New York;
Mr. OWENS of New York;
Mr. TOWNS of New York;
Mr. ACKERMAN of New York;
Mr. DIOGUARDI of New York;
Mr. MANTON of New York;
Mr. WHITTEN of Mississippi;
Mr. PRICE of Illinois;
Mr. RODINO of New Jersey;
Mr. BOLAND of Massachusetts;
Mr. CONTE of Massachusetts;
Mr. SMITH of Iowa;
Mr. MCDADE of Pennsylvania;
Mr. ROYBAL of California;
Mr. ANNUNZIO of Illinois;
Mr. FORD of Michigan;
Mr. MYERS of Indiana;
Mr. ALEXANDER of Arkansas;
Mr. CHAPPELL of Florida;
Mr. STOKES of Ohio;
Mr. OBEY of Wisconsin;
Mr. DELLUMS of California;
Mr. MITCHELL of Maryland;
Mr. YOUNG of Florida;
Mrs. HOLT of Maryland;
Mr. LEHMAN of Florida;
Mr. MOAKLEY of Massachusetts;
Mr. AUCOIN of Oregon;
Mr. EARLY of Massachusetts;
Mr. HEFNER of North Carolina;
Mr. MINETA of California;
Mr. MARKEY of Massachusetts;
Mr. AKAKA of Hawaii;
Mr. DICKS of Washington;
Mr. GLICKMAN of Kansas;
Mr. KILDEE of Michigan;
Mr. PANETTA of California;

Mr. PURSELL of Michigan;
Mr. LIVINGSTON of Louisiana;
Mr. FAZIO of California;
Mr. GRAY of Pennsylvania;
Mr. HUTTO of Florida;
Mr. LEWIS of California;
Mr. SENSENBRENNER of Wisconsin;
Mr. DWYER of New Jersey;
Mr. CARR of Michigan;
Mr. KOSTMAYER of Pennsylvania;
Mrs. BOXER of California;
Mr. COLEMAN of Texas; and
Mr. DURBIN of Illinois.
There was no objection.

JOHN D. CALLAWAY RECEIVES THE 1986 DANTE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the achievements of the nationally known senior correspondent for the public broadcast station WTTW-TV channel 11, John D. Callaway, who will receive the 15th Annual Dante Award of the Joint Civic Committee of Italian Americans on May 9, at a luncheon given in his honor at the Como Inn in Chicago.

John Callaway joined WTTW-TV in 1974 after 17 years as a broadcaster and news executive with CBS Radio and Television in Chicago and New York, and currently he is host of the Emmy-award winning program, "Chicago Tonight With John Callaway," which appears every week night on WTTW-TV. Well-known and highly respected for his insightful and responsible interviews, and for maintaining the highest standards of integrity in his 29-year career as as broadcast journalist, John Callaway has received more than 50 awards and honors in recognition of his work, including five Emmys and the prestigious Peabody Award. He is a most deserving recipient of the Dante Award for his achievements and contributions to broadcasting and he has been representative of Dante Alighieri's statement in his "Divine Comedy" that "man should never be timid about the truth."

The Dante Award was established by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicago area, to extend recognition annually to an individual in the mass media communications field who has made positive contributions to the profession of journalism.

During his career, John Callaway has covered six national political conventions, and was the moderator of the Illinois statewide network broadcasts of the four gubernatorial election debates which took place in 1978. In addition, he has compiled an outstanding record of achievement by moderating since 1974 all the WTTW-TV special programs on the congressional, senatorial, and mayoral campaigns in Illinois.

John Callaway has distinguished himself as a most competent and thorough journalist in his coverage of the aftermath of the 1967 Arab-Israeli War, and the career and death of Mayor Richard J. Daley, as well as his coverage of the tragic 1958 fire at Our Lady of the Angels School, where 92 students and 3 nuns died.

Beginning his career in journalism in 1956 as a copy boy and police reporter for the City News Bureau of Chicago, 1 year later John Callaway became a general assignment reporter and documentary producer for WBBM-Radio and WBBM-TV, the CBS owned station in Chicago. From 1960 to 1968, he served in several major executive positions at the radio station, including editorial director, public affairs director, and news and program director, and he also was host of the award-winning CBS radio documentary discussion, and call-in program, "Nightline."

In 1964, John Callaway won 7 national awards for his production and narration of a 13-part commentary series which examined the American civil rights movement. Writing, producing, and broadcasting several documentary programs about prison problems in Illinois, he became the first Chicago journalist to gain membership in the Illinois Academy of Criminology.

John Callaway was instrumental in helping to initate WBBM-Radio's all-news format in 1968, and from 1968 until 1970, he served as vice president of program services for CBS-Radio in New York City, where he developed the expansion of CBS all-news stations throughout the country. In 1970, he began hosting the nationally broadcast interview program, "Crosstalk," and in 1973, he returned to Chicago as a reporter for WBBM-TV.

Joining WTTW-TV channel 11 in Chicago in 1974, John Callaway has hosted numerous nationally syndicated Public Broadcasting System series, including the most highly respected "John Callaway Interviews," "Campaigning on Cue," and the "Paper Chase Addendum." He has also authored two books, and has contributed articles to several newspapers and magazines.

The 15th Annual Dante Award Luncheon will be held under the auspices of the Anti-Defamation Committee of the JCCIA, chaired by Carl De Moon, at the Como Inn, and many political dignitaries, civic leaders, and leaders of the communications industry will be in attendance. Joe Weisman, senior editor and host of WTTW's "Chicago Week in Review," will serve as master of ceremonies of the luncheon, sharing this position on the dais with Emil Venuti, a member of the Anti-Defamation Committee of the JCCIA. The invocation will be offered by the Reverend Lawrence Cozzi, C.S., administrator of Villa Scalabrini, the Italian Old Peoples Home in Melrose Park. Charles C. Porcelli, president of the JCCIA, will present the Dante Award to John Callaway.

For the 11th straight year, the John Fischetti Scholarship will also be awarded at the luncheon. The scholarship, which this year is a $1,500 award, was established by the Joint Civic Committee of Italian Americans to further the study of Italian American students in communications and is named after the Pulitzer prize-winning political cartoonist.

Mr. Speaker, I extend my warmest congratulations to John Callaway on meriting this recognition, and for the strong and constructive impact he has made on the broadcast industry. His career, his character, and his splendid record of achievement prove that he is, indeed, a "friend of truth."

SPECIAL RULE ON CONTRA AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT] is recognized for 10 minutes.

Mr. LOTT. Mr. Speaker, today our distinguished Republican leader, Mr. MICHEL, and I are introducing a special discharge rule on the subject of assistance for the democratic resistance in Nicaragua. I think it should be clear by now that the Democratic leadership of this House is more interested in playing games with the issue than in expediting consideration of a separate measure that could be signed into law and provide this urgently needed aid to the Contras. By folding the Contra aid issue into the supplemental under the rule to be taken up tomorrow, the Democratic leadership is cynically counting on delays and veto threats to put Contra aid on a slow track.

The rule I am introducing today would make in order consideration of House Joint Resolution 283, relating to the internal situation in Nicaragua, introduced by Congressman MCCURDY last year. The joint resolution would be subject to 2 hours of debate. The House would then consider three substitutes in the following order, with an hour of debate on each: a substitute by Congressman HAMILTON printed in the RECORD by May 7; A substitute by Congressman MCCURDY printed in the RECORD by May 7; and a substitute by Congressman MICHEL printed in the April 21 RECORD. If more than one substitute is adopted the last one adopted would be reported back to the House, the so-called king-of-the-mountain approach. The joint resolution would then be joined with the Senate-passed measure, Senate Joint Resolution 283 to facilitate either sending it to the President or achieving an agreement between the two Houses.

Mr. Speaker, I intend to file a discharge motion on this rule next Wednesday. Hopefully, we will secure the necessary 218 signatures in time to bring this up on the next discharge date, Monday, May 12.

I regret it is necessary to resort to the discharge procedure on a matter on which we had thought separate consideration would be permitted. But this is apparently the only way we can accomplish that objective given the leadership's attempts to submerge and delay the matter.

At this point in the RECORD, Mr. Speaker, I include a summary and the text of our special discharge rule. The items follow:

SUMMARY OF PROPOSED RULE FOR CONTRA AID

1. Immediately upon the adoption of the rule, the House would resolve into the Committee of the Whole for the consideration of H.J. Res. 283, to promote internal reconciliation in Nicaragua on the basis of democratic principles and to further peaceful resolution of the conflict in Central America.

[*Note:* H.J. Res. 283 was introduced by Rep. David McCurdy on May 8, 1985 with 10 cosponsors, and referred to the Committees on Appropriations, Foreign Affairs, Intelligence and Rules.]

2. The joint resolution would be subject to two hours of general debate divided between the majority and minority leaders.

3. All points of order are waived against the consideration of the joint resolution.

4. The rule makes in order the following amendments in the nature of a substitute to be offered only in the following order, waives all points of order against them, makes them in order even if a previous amendment has been adopted, prohibits any amendments to the amendments or a division of the question in the House or in the Committee of the Whole, and provides one hour of debate on each, divided between the proponent and an opponent: (1) an amendment printed in the Congressional Record by May 7th by Rep. Hamilton; (2) an amendment printed in the Congressional Record by May 7th by Rep. McCurdy; and (3) an amendment printed in the Congressional Record of April 21 by Rep. Michel. The last amendment adopted shall be reported back to the House (king-of-the-mountain).

5. After the joint resolution has been amended and reported to the House, the previous question is ordered to final passage without intervening motion except one motion to recommit.

6. After passage of the joint resolution, the House would proceed to the immediate consideraton in the House of S.J. Res. 283, the Senate passed Contra aid bill, and it would then be in order to move to insert the House passed language or, if the Michel substitute has been adopted, it would be in order as a preferential motion to move the previous question on the Senate joint resolution to final passage without intervening motion.

H. RES. 419

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 283) to promote internal reconciliation within Nicaragua, on the basis of democratic principles, in furtherance of peaceful resolution of the conflict in Central America, the first reading of the joint resolution shall be dispensed with, and all points of order against the consideration of the joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and the amendments made in order by this resolution, and which shall continue not to exceed two hours, to be equally divided and controlled by the majority leader and the minority leader, or their designees, the resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments, which shall be in order any rule of the House to the contrary notwithstanding, which shall be in order even if a previous amendment in the nature of a substitute has been adopted, which shall be considered as having been read, which shall be considered only in the following order, and which shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole:

(1) an amendment in the nature of a substitute printed in the Congressonal Record by May 7, 1986, by, and if offered by, Representative Hamilton of Indiana, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto;

(2) an amendment in the nature of a substitute printed in the Congressional Record by May 7, 1986, by, and if offered by, Representative McCurdy of Oklahoma, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative McCurdy and a Member opposed thereto; and

(3) an amendment in the nature of a substitute printed in the Congressional Record of April 21, 1986, by, and if offered by, Representative Michel of Illinois, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Michel and a Member opposed thereto. If more than one of the amendments in the nature of a substitute made in order by this resolution has been adopted, only the last such amendment which has been adopted shall be considered as having been finally adopted in the Committee of the Whole and reported back to the House.

At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 283, the House shall proceed to the immediate consideration of S.J. Res. 283 in the House, and it shall then be in order to move to strike out all after the enacting clause of the said Senate joint resolution and to insert in lieu thereof the provisions contained in H.J. Res. 283 as passed by the House, except that, if the joint resolution as passed by the House includes the provisions of the amendment offered by Representative Michel, it shall be in order as a preferential motion, any rule or precedent of the House to the contrary notwithstanding, to move the previous question on the said Senate joint resolution to final passage, without intervening motion.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. LOTT, for 10 minutes, today.

Mr. BEREUTER, for 60 minutes, April 15.

(The following Members (at the request of Mr. ANNUNZIO) and to revise and extend their remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FAUNTROY, for 60 minutes, today.

Mr. FAUNTROY, for 20 minutes, on April 15.

Mr. DURBIN, for 60 minutes, on April 17.

Mr. COLEMAN of Texas, for 60 minutes on May 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. CRANE.

Mr. CLINGER in three instances.

Mr. FISH in two instances.

Mr. BOULTER.

Mr. COURTER.

Mr. MICHEL in two instances.

(The following Members (at the request of Mr. ANNUNZIO) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MONTGOMERY.

Mr. MURTHA.

Mr. DYMALLY.

Mr. RODINO.

Mr. STARK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 8. An act to grant a Federal charter to the Vietnam Veterans of America, Inc.; to the Committee on the Judiciary.

S. 2054. An act to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named Challenger II; to the Committee on Science and Technology.

S.J. Res. 188. Joint resolution to designate July 6, 1986, "National Air Traffic Control Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 199. Joint resolution to designate the month of November 1986 as "National Elks Veterans Remembrance Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 281. Joint resolution to designate the week of May 11 through May 17, 1986, as "Senior Center Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 284. Joint resolution to designate the month of May 1986 as "Better Hearing and Speech Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 300. Joint resolution to recognize and honor three hundred and fifty years of service of the National Guard; to the Committee on Armed Services.

S.J. Res. 303. Joint resolution to designate April 1986 as "Fair Housing Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 306. Joint resolution to designate the week beginning November 23, 1986, as "National Adoption Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 307. Joint resolution to authorize and request the President to designate the week of April 18, 1986, through April 27, 1986, as "National Carpet and Floorcovering

Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 309. Joint resolution to designate the week of June 1, 1986, through June 7, 1986, as "National Intelligence Community Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 315. Joint resolution designating May 1986 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 126. Concurrent resolution authorizing the rotunda of the United States Capitol to be used on May 6, 1986, for a ceremony commemorating the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

SENATE ENROLLED JOINT RESOLUTION

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 261. Joint resolution to designate the week of April 14, 1986 through April 20, 1986 as "National Mathematics Awareness Enrolled Week".

ADJOURNMENT

Mr. ANNUNZIO. Mr. Speaker, pursuant to House Resolution 416, I move that the House do now adjourn in memory of the late JOSEPH P. ADDABBO.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 416, the House stands adjourned until 3:30 p.m., tomorrow, Tuesday, April 15, 1986, in memory of the late JOSEPH P. ADDABBO.

Thereupon (at 1 o'clock and 5 minutes p.m.), pursuant to House Resolution 416, the House adjourned until tomorrow, Tuesday, April 15, 1986, at 3:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3274. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1986 for the legislative branch and the Department of Agriculture, and supplemental appropriations language for the Department of Transportation, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-196); to the Committee on Appropriations and ordered to be printed.

3275. A letter from the Director, the Office of Management and Budget, transmitting a report giving the status as of April 1, 1986, of 80 rescission proposals and 66 deferrals contained in the first five special messages of fiscal year 1986, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 99-197); to the Committee on Appropriations and ordered to be printed.

3276. A letter from the Secretary, Federal Trade Commission, transmitting the eighth annual report on the administration and enforcement of the Fair Debt Collection Practices Act, pursuant to Public Law 90-321, section 815(a) (91 Stat. 882); to the Committee on Banking, Finance and Urban Affairs.

3277. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-150, "Parental Kidnaping Prevention Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3278. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-151, "South Africa and Namibia Contracting Sanction Amendment Act of 1986," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3279. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-152, "D.C. Soil and Water Conservation Act of 1982 Technical Amendment Act of 1986," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3280. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-153, "Leased Condominiums Temporary Clarification Amendment Act of 1986," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3281. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-154, "Alcoholic Beverage Control Act Temporary Amendment Act of 1986," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3282. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-155, "D.C. Construction Codes Adoption Act of 1983 Submission to the Council Due Date Amendment Act of 1986," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3283. A letter from the Secretary of Education, transmitting notification of "Final Funding Priorities for NIHR—Research and Demonstration Projects, Knowledge Dissemination and Utilization Projects," pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3284. A letter from the Secretary of Health and Human Services, transmitting the seventh annual report on the implementation of the Age Discrimination Act of 1975, as amended, during fiscal year 1985, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

3285. A letter from the Secretary of Education, transmitting drafts of proposed legislation to authorize the establishment of an endowment fund at Gallaudet College and the National Technical Institute for the Deaf, and for other purposes, and to terminate the perpetual trust fund for the American Printing House for the Blind, and for other purposes; to the Committee on Education and Labor.

3286. A letter from the Secretary of Education, transmitting a draft of proposed legislation to make certain amendments to the act of September 30, 1950 (Public Law 874, 81st Congress), and for other purposes; to the Committee on Education and Labor.

3287. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Native American Programs Act of 1974, and for other purposes; to the Committee on Education and Labor.

3288. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes; to the Committee on Energy and Commerce.

3289. A letter from the Acting Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a report providing an overview of both continuing and new United States assistance programs in South Africa; to the Committee on Foreign Affairs.

3290. A letter from the Administrator, Agency for International Development, transmitting the Agency's fiscal year 1985 report on actions taken to increase competition for contracts; number and dollar value of noncompetitive contracts and accomplishments of the advocate for competition, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

3291. A letter from the Deputy Assistant Secretary of Defense (Comptroller, Administration), transmitting notification of a proposed new record system by the Defense Contract Audit Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3292. A letter from the Deputy Assistant Secretary of Defense (Comptroller, Administration), transmitting notification of a proposed new record system by the Department of the Navy, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3293. A letter from the Deputy Assistant Secretary of Defense (Comptroller, Administration), transmitting notification of two new proposed record systems submitted by the Office of the Secretary of Defense, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3294. A letter from the Associate Administrator for Congressional Affairs, General Services Administration, transmitting a report on steps taken to reach GSA's fiscal years 1986 and 1987 budget goals; to the Committee on Government Operations.

3295. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3296. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the Council's fiscal year 1985 annual report, pursuant to Public Law 89-665, section 202(b) (94 Stat. 2999); to the Committee on Interior and Insular Affairs.

3297. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated September 26, 1984, from the Chief of Engineers, Department of the Army, on Oliver Lock Replacement, Black Warrior-Tombigbee Rivers, AL. These reports are in partial response to a resolution adopted on April 21, 1950 (H. Doc. No. 99-198); to the Committee on Public Works and Transportation and ordered to be printed.

3298. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated September 4, 1981, and accompanying supplement report dated February 1, 1985, from the Chief of Engineers, Department of the Army, on Central Ohio Survey, Scioto River at North Chillicothe, OH. These reports are in partial response to a resolution adopted July 14, 1970, and in full response to a resolution adopted December 9, 1975, by the House Committee

on Public Works (H. Doc. No. 99-199); to the Committee on Public Works and Transportation and ordered to be printed.

3299. A communication from the President of the United States, transmitting notification of his intention to designate Aruba as a "beneficiary country" for purposes of granting duty-free treatment, pursuant to Public Law 98-67, section 212(a)(1)(A). (H. Doc. No. 99-200); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 415, a Resolution waiving certain points of order against consideration of H.R. 4515 making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes; and providing for the consideration of a joint resolution only containing the text of S.J. Res. 283 (Rept. No. 99-529). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GARCIA: Committee on Post Office and Civil Service. H.R. 3559. A bill to amend the act establishing a Commission on the Bicentennial of the Constitution of the United States to clarify the status of employees of the Commission, to raise the limits on private contributions, and for other purposes; with an amendment; referred to the Committee on the Judiciary April 14, 1986, for a period ending not later than April 28, 1986, for consideration of such portions of the bill and amendment as fall within its jurisdiction pursuant to clause 1(m), rule X (Rept. No. 99-530, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STARK:

H.R. 4570. A bill to establish certain trade sanctions to foreign nations that are not signatory to the Nuclear Test Ban Treaty by January 1, 1987; to the Committee on Ways and Means.

H.R. 4571. A bill to establish certain trade sanctions to foreign nations that are not signatory to the Nuclear Weapons Non-Proliferation Treaty by January 1, 1987; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 4572. A bill making appropriations for the Sub-Saharan Africa Fund of the International Fund for Agricultural development for the fiscal year ending September 30, 1987; to the Committee on Appropriations.

By Mr. PEPPER:

H.J. Res. 599. Joint resolution commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H. Res. 416. Resolution expressing the condolences of the House on the death of the Honorabe Joseph P. Addabbo, a Representative for the State of New York; considered and agreed to.

By Mr. CRANE:

H. Res. 417 Resolution to amend the Rules of the House of Representatives to require a rollcall vote on the passage of bills making appropriations and bills providing revenue, and for other purposes; to the Committee on Rules.

By Mr. DASCHLE (for himself, Mr. COELHO, Mr. ENGLISH, Mr. GLICKMAN, Mr. PENNY, Mr. WILLIAMS, and Mr. MORRISON of Washington):

H. Res. 418. Resolution expressing the sense of the House of Representatives that there is an economic depression in the beef and pork industries, resulting in part from excessive meat imports and from the administration of the milk production termination program, and that the President should alleviate such depression by imposing limitations on the levels of meats and meat products imported into the United States during the milk production termination program; jointly to the Committees on Agriculture, and Ways and Means.

By Mr. LOTT (for himself, and Mr. MICHEL):

H. Res. 419. Resolution providing for the consideration of the joint resolution (H.J. Res. 283) to promote internal reconciliation within Nicaragua, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

339. By the SPEAKER: Memorial of the Legislature of the State of Kansas, relative to the production of leaded gasoline for the use in farm equipment; to the Committee on Energy and Commerce.

340. Also, memorial of the Legislature of the Territory of Guam, relative to expressing the condolences of the people of Guam to the families of the crew of the space shuttle *Challenger*; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 93: Mr. ARCHER.

H.R. 96: Mr. LENT.

H.R. 97: Mr. EMERSON, Mr. RITTER, and Mr. HYDE.

H.R. 1145: Mr. SCHEUER.

H.R. 1345: Mr. CRAIG, Mr. EMERSON, and Mr. RITTER.

H.R. 1398: Mr. EDWARDS of California.

H.R. 1674: Mr. HAYES.

H.R. 3000: Mr. TALLON.

H.R. 3024: Mr. COOPER and Mr. JONES of Tennessee.

H.R. 3298: Mr. CARNEY.

H.R. 3522: Mr. CAMPBELL.

H.R. 3894: Mr. HERTEL of Michigan, Mr. MARTINEZ, Mr. MORRISON of Connecticut, Mr. ROYBAL, Mr. WOLPE, Mr. ROSE, Mr. ORTIZ, Mr. RAHALL, Mr. FUQUA, Mr. TALLON, Mr. BOLAND, Mr. ROBINSON, Mr. MANTON, Mr. OWENS, Mr. FOGLIETTA, Mr. BUSTAMANTE, Mr. JONES of Oklahoma, Mr. WORTLEY, Mrs. SCHROEDER, Mr. GALLO, Mr. STANGELAND, Mr. BEILENSON, Mr. MINETA, Mr. OBERSTAR, Mr. DASCHLE, Mr. SILJANDER, Mr. FAZIO, Mr. EDWARDS of California, Mr. HOWARD, Mrs. BOGGS, Mr. BRYANT, Mr. ANDERSON, Mr. HORTON, Mr. BONER of Tennessee, Mrs. LLOYD, and Mr. WHITEHURST.

H.R. 4060: Mr. LEACH of Iowa, Mr. FEIGHAN, Mr. LEVIN of Michigan, Mr. KINDNESS, Mr. WILSON, Mrs. JOHNSON, Mr. PERKINS, Mr. BONIOR of Michigan, Mr. WYDEN, Mr. TORRICELLI, Mr. KOLBE, Mr. CARR, Mr. WOLPE, Mrs. SCHNEIDER, Mr. STAGGERS, Mr. WISE, Mr. SHAW, Mr. THOMAS of Georgia, Mr. OLIN, Mr. COUGHLIN, Mr. DURBIN, Mr. BERMAN, Mr. JONES of North Carolina, Mr. SKELTON, Mr. MINETA, Mr. FLORIO, Mr. HANSEN, Mr. LEHMAN of Florida, Mrs. COLLINS, Mr. FORD of Tennessee, and Mr. STALLINGS.

H.R. 4336: Mrs. HOLT.

H.R. 4442: Mr. DANNEMEYER, Mr. HENRY, Mrs. JOHNSON, Mr. NIELSON of Utah, and Mr. WORTLEY.

H.R. 4489: Mr. MORRISON of Washington, Mr. LAGOMARSINO, Mr. GREGG, and Mr. SCHAEFER.

H.J. Res. 244: Mrs. MEYERS of Kansas, and Mr. BEILENSON.

H.J. Res. 582: Mr. BLAZ, Mr. DIOGUARDI, Mr. BRYANT, Mr. MCDADE, Mr. HORTON, Mr. ANDREWS, Mr. CARNEY, Mr. MOORE, Mr. MOORHEAD, Mr. WEBER, Mr. COBEY, Mr. GREEN, Mr. MACK, Mr. BROYHILL, Mr. HARTNETT, Mr. GEJDENSON, Mr. CHAPPIE, Mr. LIGHTFOOT, Mr. LEACH of Iowa, Mr. LEWIS of Florida, Mr. RITTER, Mr. VANDER JAGT, Mr. PETRI, Mr. MARTINEZ, Mr. FAZIO, Mr. MARTIN of New York, Mr. DAUB, Mr. HENDON, Mrs. BYRON, Mr. BEVILL, Mr. NIELSON of Utah, Mr. O'BRIEN, Mr. QUILLEN, Mr. LENT, Mr. RINALDO, Mr. JEFFORDS, Mr. LEWIS of California, Mr. HENRY, Mr. SAXTON, Mr. DANNEMEYER, Mr. RUDD, Mr. DICKINSON, Mr. KASICH, Mr. MOODY, Mr. ROTH, Mr. ACKERMAN, Mr. ANDERSON, Mr. ANNUNZIO, Mr. ATKINS, Mr. BARNES, Mr. BENNETT, Mr. BERMAN, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BOUCHER, Mr. BROOKS, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CHAPMAN, Mr. CHAPPELL, Mr. COELHO, Mr. COLEMAN of Texas, Mr. COYNE, Mr. CROCKETT, Mr. DARDEN, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FRANK, Mr. FROST, Mr. FUSTER, Mr. GEKAS, Mr. GRAY of Illinois, Mr. HAMILTON, Mr. HATCHER, Mr. HAYES, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. HOWARD, Mr. HOYER, Mr. HUCKABY, Mr. JONES of North Carolina, Mr. KOLTER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LIPINSKI, Mr. LUNDINE, Mr. MCHUGH, Mr. MACKAY, Mr. MANTON, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. ORTIZ, Mr. OWENS, Mr. PEPPER, Mr. PERKINS, Mr. RAHALL, Mr. REID, Mr. RICHARDSON, Mr. ROE, Mr. ROSE, Mr. SCHEUER, Mr. SHELBY, Mr. SMITH of Florida, Mr. STRATTON, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. VALENTINE, Mr. VENTO, Mr. VOLKMER, Mr. WATKINS, Mr. WEISS, Mr. WOLPE, Mr. WORTLEY, and Mr. DYMALLY.

H. Con. Res. 129: Mrs. LLOYD and Mr. SKELTON.

H. Con. Res. 261: Mr. WAXMAN, Ms. MIKULSKI, Mr. GONZALEZ, Mr. DELLUMS, Mr.

FAZIO, Mr. HOYER, Mr. WEAVER, Mr. WORTLEY, and Mr. LEVIN of Michigan.

H. Con. Res. 306: Mr. LANTOS, Mr. SCHUMER, Mr. WOLPE, Ms. KAPTUR, Mr. ECKART of Ohio, Mr. MARTINEZ, Mr. LAFALCE, Mr. HORTON, Mr. BONIOR of Michigan, Mr. BURTON of Indiana, Mr. LEVIN of Michigan, Mr. BUSTAMANTE, Mr. KRAMER, Mr. SEIBERLING, and Mr. DIOGUARDI.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

302. By the SPEAKER: Petition of Mr. Carl E. Bagge, National Coal Association, Washington, DC, relative to the downward trend in sulfur dioxide emissions at coal-fired electric utilities; to the Committee on Energy and Commerce.

303. Also, petition of Ramonita Ramos and Jouquin Valentin of Arroyo, Puerto Rico, relative to statehood for Puerto Rico; to the Committee on Interior and Insular Affairs.

304. Also, petition of the National Association of Retired Federal Employees, New Mexico Federation of Chapters, relative to actions impacting NARFE members' COLA's; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4515

By Mr. ARMEY:

—Page 33, lines 19 through 21, strike section 201.

By Mr. BLILEY:

—Page 34, lines 7 through 15, strike section 204.

By Mr. BOSCO:

—Add the following new section at the end of the bill:

SEC. USE OF AMERICAN-BUILT RIGS FOR OCS DRILLING.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following new subsection:

"(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the outer Continental Shelf south of 49 degrees North latitude shall be built—

"(A) in the United States; and

"(B) from articles, materials, or supplies at least 50 percent of which, by cost, shall have been mined, produced, or manufactured, as the case may be, in the United States.

"(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, which is being built, or for which a building contract has been executed, on or before October 1, 1985.

"(3) The Secretary may waive—

"(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 percent of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be mined, produced, or manufactured, as the case may be, in the United States, and

"(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 percent of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).".

By Mr. FAUNTROY:

—Page 16, after line 11, insert the following:

HAITI

Of the funds made available for the "Economic Support Fund" in Public Law 99-190, up to $21,700,000 shall be made available for assistance to Haiti, which shall be in addition to the assistance previously allocated for Haiti. Of this amount, $1,700,000 shall be transferred to the Inter-American Foundation for use by the Foundation for programs for Haiti.

MILITARY ASSISTANCE

Of the funds made available for "Military Assistance" in Public Law 99-190, up to $4,000,000 shall be made available to provide nonlethal military assistance for Haiti (such as transportation equipment, training, communications equipment, and uniforms). Such assistance may be provided notwithstanding the limitation on assistance to Haiti contained in section 705(e) of the International Security and Development Cooperation Act of 1985.

GENERAL PROVISIONS—HAITI

SEC. 1. (a) The funds made available by this chapter under the heading "MILITARY ASSISTANCE" may be used for assistance for the Government of Haiti only with the understanding by and agreement of that Government that—

(1) it will not use the assistance to suppress legitimate protests,

(2) it will act to remove from the military personnel responsible for human rights abuses,

(3) it will act to investigate the killings of unarmed civilians in Martissant and Gonaives and to prevent any similar occurrences in the near future, and

(4) it will act to require former members of the Volunteers for National Security (VSN) to turn in their weapons.

(b) Half of such assistance shall be withheld until submission by the President of a report to the Congress 4 months after the date of enactment of this Act which details the extent to which the Government of Haiti is acting consistent with each paragraph of subsection (a).

SEC. 2. It is the sense of the Congress that the United States Government should cooperate with the Government of Haiti in recovering the wealth of the Haitian people that was illegally diverted by former president-for-life Jean-Claude Duvalier and his former government ministers and associates.

Page 16, after line 5, insert the following:

ECONOMIC SUPPORT FUND

ANGLO-IRISH INTERNATIONAL FUND

By Mr. FAZIO;

—On page 34, after line 20, add the following new section:

SECTION . No funds appropriated, or made available, under this or any other act shall be used hereafter for soliciting proposals, preparing or reviewing studies or drafting proposals designed to transfer out of federal ownership, management or control in whole or in part the facilities and functions of the Federal Power Marketing Administrations located within the contiguous 48 states, and the Tennessee Valley Authority, until such activities have been specifically authorized and in accordance with terms and conditions established by an Act of Congress hereafter enacted; *Provided*, That this provision shall not apply to the authority granted under Section 2(e) of the Bonneville Project Act of 1937; or to the authority of the Tennessee Valley Authority pursuant to any law under which it may dispose of property in the normal course of business in carrying out the purposes of the Tennessee Valley Authority Act of 1933, as amended; or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1949, as amended and the Surplus Property Act of 1944 to sell or otherwise dispose of surplus property.

By Mr. HAMMERSCHMIDT:

—Page 3, after line 14, insert the following:

DAIRY INDEMNITY PROGRAM

For an additional amount, for "Dairy Indemnity Program", authorized by the Act of August 13, 1968 (82 Stat. 750), the Act of August 10, 1973 (87 Stat. 223), and the Act of December 23, 1985 (99 Stat 1377) $10,000,000 to remain available until expended.

By Mr. MICA:

—Page 11, after line 12, insert the following:

GENERAL PROVISION—DIPLOMATIC SECURITY PROGRAM

The funds made available by this chapter under the headings "SALARIES AND EXPENSES", "ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD", and "COUNTERTERRORISM RESEARCH AND DEVELOPMENT" shall be used in accordance with those provisions applicable to the diplomatic security program that are contained in H.R. 4151 (the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986") as passed the House of Representatives on March 18, 1986, except that this paragraph shall cease to apply upon the enactment of authorizing legislation (either H.R. 4151 or similar legislation) providing for enhanced diplomatic security.

By Mr. MICHEL:

—Page 33, beginning on line 19, strike out section 201 and insert in lieu thereof the following:

SEC. 201. (a)(1) Paragraph (4) of section 1011 of the Impoundment Control Act of 1974 (hereinafter in this section referred to as "the Act") is amended to read as follows:

"(4) 'deferral resolution' means a joint resolution of the Congress which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 1013; and".

(2) Subsection (b) of section 1013 of the Act is amended to read as follows:

"(b) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be deferred in any fiscal year (as set forth in a special message under subsection (a)) shall be made available for obligation if a deferral resolution is enacted disapproving such proposed deferral.".

(3) Section 1017 of the Act is amended by striking out "impoundment resolution" each place it appears and inserting in lieu thereof "deferral resolution".

(b)(1) Section 1013 of the Act if further amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) in subsection (a), by striking out the matter following paragraph (6) and inserting in lieu thereof the following:

"(b) LIMITATIONS ON DEFERRAL MESSAGES.—

"(1) A special message may include one or more proposed deferrals of budget authority, but the total amount of budget authority that may be deferred in any fiscal year shall not exceed $5,000,000,000.

"(2) Deferrals of budget authority shall be counted for purposes of paragraph (1) in the order in which submitted, except that if a message under section 1013 and a report under section 1015 are submitted on the same day, the deferral of budget authority described in such report shall be counted first. Once the limit contained in paragraph (1) has been reached for any fiscal year, any additional deferral of budget authority for such fiscal year shall be invalid, and the budget authority that is the subject of such deferral shall be made available for obligation.

"(3) Amounts which have been deferred but which are required to be made available by reason of the enactment of a deferral resolution or other provision of law shall not, after such enactment, be counted for purposes of paragraph (1).

"(4) Except to the extent that paragraph (3) applies following the enactment of a deferral resolution or other provision of law, amounts as to which the Comptroller General has made a finding under section 1015 (that the President has failed to transmit a deferral message) shall be counted for purposes of such limitation.

"(5) A deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House of Representatives and the Senate.".

(2) Section 1015(c) of the Act is amended by adding at the end thereof the following:

"(c) EXCEEDING LIMITATION ON DEFERRAL AUTHORITY.—If the Comptroller General finds that the total of—

"(1) the budget authority proposed to be deferred by the President under section 1013(a), plus

"(2) the budget authority with respect to which a finding has been made under subsection (a) that the President has failed to transmit a deferral message,

equals or exceeds the total amount that may be deferred in such fiscal year under section 1013(b), the Comptroller General shall make a report to both Houses of Congress setting forth his reasons.".

(3) Section 1016 of the Act is amended by striking out "or 1013(b)" and inserting ", 1013(b), or 1013(c)".

(c)(1) Section 1011 of the Act is amended—

(A) in paragraph (1)—

(i) by striking out "includes—" and inserting in lieu thereof "does not include a reservation of budget authority, but includes—"; and

(ii) by striking out "(whether by establishing reserves or otherwise)";

(B) by striking out "and" at the end of paragraph (4);

(C) by redesignating paragraph (5) as paragraph (6); and

(D) by inserting after paragraph (4) the following new paragraph:

"(5) 'reservation of budget authority' means withholding or delaying the obligation or expenditure of budget authority by the establishment of a reserve in accordance with section 1512(c) of title 31, United States Code, and with paragraphs (1) and (2) of section 1018(c) of this Act; and".

(2) Part B of the Act is amended by adding at the end thereof the following new section:

"REPORTING AND RECLASSIFICATION OF RESERVATIONS

"SEC. 1018. (a) TRANSMITTAL OF SPECIAL MESSAGE.—Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to establish a reservation of budget authority, the President shall transmit to the House of Representatives and the Senate a special message specifying, with respect to the budget authority proposed to be reserved, the same information as is required with respect to a deferral of budget authority under paragraphs (1) through (6) or section 1013(a).

"(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review each special message transmitted under subsection (a) to determine whether the proposed reservation of budget authority complies with the standards prescribed under subsection (c) of this section. If the Comptroller General determines that the proposed reservation does not comply with such standards—

"(1) the Comptroller General shall make a report to both Houses of Congress setting forth his reasons, and

"(2) the special message transmitted under subsection (a) shall be treated as if transmitted under section 1013(a).

"(c) STANDARDS TO ENSURE USE OF RESERVATIONS FOR ROUTINE MANAGEMENT PURPOSES AND NOT FOR PROPOSAL OF POLICY CHANGES.—The Comptroller General shall prescribe standards for determining whether a special message transmitted under this section proposes to withhold or delay the obligation or expenditure of budget authority—

"(1) exclusively for a purpose authorized by section 1512(c)(1) of title 31, United States Code; and

"(2) in a manner which improves the management and administration of the budget authority without diverging from the policies, purposes, and objectives of the Congress in making such budget authority available.".

(d)(1) The amendments made by this section shall be effective on the date of enactment of this Act, but shall not apply with respect any deferral of budget authority—

(A) for which the special message was submitted by the President under section 1013(a) of the Act before such date, or

(B) for which a report was made by the Comptroller General under section 1015 of the Act before such date.

(2) For purposes of applying section 1013(b) of the Act (as amended by this section) during fiscal year 1986, any deferral of budget authority—

(A) for which the special message was submitted by the President under section 1013(a) of the Act before such date, or

(B) for which a report was made by the Comptroller General under section 1015 of the Act before such date, shall excluded from the total budget authority counted for purposes of paragraph (1) of section 1013(b) of the Act.

(3) The terms used in this subsection have the same meaning as such terms had under the Act is in effect prior to the enactment of this section.

By Mr. ROSTENKOWSKI:

—Page 34, after line 18, insert the following new section:

SEC. 206. Subsections (a)(4) and (g)(1) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) are amended by striking "1986" each place it appears and inserting "1987".

By Mrs. SCHROEDER:

—Page 34, after line 18, insert the following new section:

SEC. 206. Funds appropriated by this or any other Act for the Department of Defense or the Department of Energy may not be obligated or expended to carry out an explosive test of a nuclear device until the President certifies to Congress that the Soviet Union has conducted, after April 10, 1986 an explosive test of a nuclear device.

H.J. Res.

By Mr. HAMILTON:

(Text of S.J. Res. 283.)

—Strike out all after the resolving clause and insert in lieu thereof the following:

UNITED STATES POLICY IN CENTRAL AMERICA

SECTION 1. (a) The primary objectives of United States policy in Central America should be—

(1) to preserve the security of the United States;

(2) to prevent the Soviet Union and its allies from seeking to destabilize the region or to develop or deploy an offensive military capability which directly threatens the United States;

(3) to achieve peace and reconciliation;

(4) to promote stability and economic development;

(5) to promote the observance of human rights and the strengthening of democratic processes; and

(6) to live at peace with Nicaragua so long as Nicaragua lives at peace with its neighbors.

(b) United States strategy for achieving the objectives stated in subsection (a) should include—

(1) an emphasis on seeking a negotiated, regional settlement;

(2) respect for the independence and territorial integrity of all nations;

(3) a clear commitment, through appropriate types and levels of military and economic assistance, to assist the nations of Central America in building and sustaining viable, democratic societies capable of withstanding aggression and subversion and of providing their people with an opportunity for better lives; and

(4) consistent diplomatic support on behalf of the observance of human rights by groups and governments, and support for democratic institutions throughout the region, in recognition of the fact that subversion feeds on repression.

(c) In furtherance of the objectives stated in subsection (a), United States policy with respect to Nicaragua should include the following:

(1) A commitment to preserve the security of the United States by preventing the Soviet Union and its allies from developing or deploying an offensive military capability in Central America that directly threatens the United States.

(2) A commitment to protect the security and territorial integrity of any nation of Central America from unlawful actions by Nicaragua, in conformance with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance, which provide for collective action.

(3) Pursuit of a regional settlement through all diplomatic avenues, including—

(A) effective support for the Contadora process, which is addressing the questions of peace and security (including mechanisms

for verification and enforcement) and internal reconciliation and political pluralism;

(B) giving priority to obtaining a ceasefire in Nicaragua;

(C) renewing bilateral talks with Nicaragua; and

(D) encouraging direct talks among the parties to the conflict in Nicaragua.

(4) The provision of incentives to Nicaragua if, over the long term, the Government of Nicaragua improves its conduct, including by agreeing to a ceasefire and to negotiate with its opponents, removing foreign military advisors, agreeing not to provide material support for insurgencies and agreeing to appropriate monitoring procedures under Contadora auspices to verify such agreement, respecting human rights and the independence of the media, and making progress toward national reconciliation and a pluralistic democratic system. Incentives should be structured to enable the United States to respond to positive steps by Nicaragua. These incentives could include—

(A) the suspension of United States military exercises in the region;

(B) the resumption of normal trade, including the resumption of nondiscriminatory trade treatment (MFN status), the restoration of benefits under the Generalized System of Preferences, and the restoration of Nicaragua's sugar quota;

(C) supporting bilateral and multilateral assistance for Nicaragua and providing technical assistance, help in agriculture and health, and volunteer services; and

(D) the creation of a Central American Development Organization (in accordance with section 464 of the Foreign Assistance Act of 1961) in which Nicaragua could participate.

(5) The imposition of further sanctions against Nicaragua should it intensify or expand activities hostile to United States interests and to peace and security within Central America. Such sanctions could include obtaining the cooperation of our allies in Western Europe and Japan, now Nicaragua's largest trading partners, in—

(A) cutting trade with Nicaragua;

(B) stopping bilateral assistance and blocking multilateral assistance to Nicaragua;

(C) imposing comprehensive economic sanctions against Nicaragua;

(D) breaking diplomatic relations with Nicaragua; and

(E) working with our Latin American allies, especially those in Central America, to isolate Nicaragua in regional affairs. Such sanctions can only be effective if taken together with our allies. Unilateral sanctions have not and will not be effective.

ASSISTANCE FOR HUMANITARIAN NEEDS

SEC. 2. (a) Of the funds authorized to be transferred by section 4, up to $27,000,000 may be used by the President to provide food, medicine, or other assistance for the humanitarian needs of those who have been displaced by conflict in Nicaragua, regardless of whether they have been associated with the Nicaraguan opposition forces.

(b) Assistance under this section may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon that organization's determination that such assistance is necessary to meet humanitarian needs.

ASSISTANCE IN SUPPORT OF THE CONTADORA PROCESS

SEC. 3. (a) The Congress reaffirms its support for the Contadora initiatives and is prepared to support the regional peace process with financial assistance. Accordingly, the President may use up to $5,000,000—

(1) to provide assistance to the Contadora nations of Mexico, Panama, Venezuela, and Colombia, and the Contadora Support Group nations of Argentina, Peru, Uruguay, and Brazil, to assist those nations in reaching agreement among the nations of Central America based on the Contadora Document of Objectives of September 9, 1983, including assistance for peacekeeping, verification, and monitoring systems; and

(2) to help implement any joint border commission agreement between Nicaragua and Costa Rica, or between Nicaragua and Honduras, which those nations enter into in furtherance of the purposes of the Contadora Document of Objectives.

(b) In addition to funds transferred pursuant to section 4, the $2,000,000 appropriated under the heading "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT" by the Supplemental Appropriations Act, 1985, may be used to carry out this section.

TRANSFER OF DOD FUNDS

SEC. 4. The President may transfer up to $30,000,000 of the funds appropriated by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), for use in carrying out sections 2 and 3. The funds transferred under this section may include funds that have been made available for obligation beyond September 30, 1986, as provided by law.

REPORTS ON USE OF FUNDS

SEC. 5. No less frequently than once every 3 months, the President shall submit to the Congress a written report containing an accounting of any funds used pursuant to section 2 or section 3.

NATIONAL COMMISSION ON CONTADORA

SEC. 6. (a) There is hereby established the National Commission on Contadora (hereafter in this section referred to as the "Commission"). The Commission shall—

(1) monitor and review the efforts of the Contadora nations to achieve a political resolution to the conflicts in Central America; and

(2) make recommendations with a view to building a consensus on United States policy toward Nicaragua.

(b) The Commission shall consist of an even number of members, such number to be determined jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, who shall each appoint half of the members of the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment.

(c) Not later than September 1, 1986, the Commission shall submit a report to the President and to the Congress with respect to its findings and recommendations. This report shall include—

(1) a detailed review of the status of the Contadora negotiations and United States support for those negotiations;

(2) a determination by the Commission of whether the Government of Nicaragua and the Nicaraguan opposition are facilitating the Contadora process;

(3) a recommendation on policies toward Nicaragua which the Commission believes represent a consensus that is sustainable and is supportable by the American people; and

(4) a recommendation by the Commission on whether the United States should furnish military assistance to the Nicaraguan opposition forces, including an estimate of the likely impact that furnishing such assistance would have on the Government of Nicaragua and on United States policy throughout the region.

(d) Members of the Commission shall receive no compensation on account of their service on the Commission, but while away from their homes or regular places of business in the performance of their duties on the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(e)(1) The Commission may employ experts and consultants in accordance with section 3109 of title 5, United States Code.

(2) Upon a request by the Commission, the head of any Federal agency may temporarily assign employees of that agency to the Commission to assist the Commission in carrying out this section.

(f) The Administrator of General Services shall provide to the Commission, on a reimburseable basis, such administrative support services as the Commission may request.

(g) Funds for the expenses incurred by the Commission in carrying out this section, including travel expenses, shall be provided by Secretary of State.

PRESIDENTIAL REQUEST FOR ADDITIONAL AUTHORITY WITH RESPECT TO NICARAGUA

SEC. 7. (a) After considering the recommendations of the National Commission on Contadora contained in the report submitted pursuant to section 6(c), the President may submit to the Congress on or after September 1, 1986, a request for authority to take specified actions with respect to Nicaragua. The request must be accompanied by—

(1) the President's assurance that he has consulted with the Contadora nations and the Contadora Support Group nations concerning the proposed actions; and

(2) a description of the response of the Contadora nations and the Contadora Support Group nations to the proposed actions.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to the joint resolution entitled 'Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985'.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Nicaragua pursuant to the joint resolution entitled 'Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985'.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate commit-

tee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the Rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

By Mr. McCURDY:

(Text of S.J. Res. 283.)

—(1) In section 1, strike out "as requested" and all that follows through "(Public Law 99-88),".

(2) Strike out paragraph (5) of section 3(a) and insert in lieu thereof the following:

(5) the lack of progress toward a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives.

(3) Strike out paragraph (1) of section 3(b) and insert in lieu thereof the following:

(1) begin serious bilateral discussions with the Government of Nicaragua without requiring, as a precondition, negotiations between the Government of Nicaragua and the forces opposed to the Government of Nicaragua, provided a cease-fire, to be monitored by the Contadora countries and the Contadora Support Group countries, is established before the United States begins such negotiations; and

(4) In section 4(a) strike out "It is the policy of the United States to assist all" and insert in lieu thereof "The United States shall assist only those".

(5) Strike out section 4(c) and insert in lieu thereof the following:

(c) The President shall use the authority provided by this joint resolution to encourage the Nicaraguan democratic resistance to take additional steps to strengthen its unity, increase the responsiveness of military forces to civilian leadership, pursue a defined and coordinated program for representative democracy in Nicaragua, and otherwise increase its appeal to the Nicaraguan people.

(6) Strike out section 4(d) and insert in lieu thereof the following:

(d) In furtherance of the policy set out in this section, not less than $10,000,000 of the funds transferred under section 5(a) shall be available only for assistance to resistance groups otherwise eligible and not currently included within the United Nicaraguan Opposition (UNO), such assistance to be provided according to their needs and contribution to the resistance. In carrying out this subsection, not less than $5,000,000 of the funds made available pursuant to this subsection shall be available only for the Southern Opposition Bloc (BOS) and not less than $5,000,000 shall be available only for the Indian resistance force known as Misurasata.

(7) In section 5, strike out subsection (b) and redesignate subsections (c) and (d) as subsections (b) and (c), respectively.

(8) Strike out section 6 and insert in lieu thereof the following:

COORDINATION OF ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 6. The Secretary of State (or his designee) shall be responsible for policy guidance, coordination, and supervision of United States Government activities under this joint resolution.

(9) In section 9(b), strike out "In furtherance" and all that follows through the end of paragraph (1) and insert in lieu thereof the following:

(1) Of the amounts transferred under section 5(a), $30,000,000 shall be available only for the provision to the Nicaraguan democratic resistance of the following:

(A) assistance of the types authorized by section 722(g) of the International Security and Development Cooperation Act of 1985, provided by the Nicaraguan assistance office established by Executive Order 12530;

(1) In subsection (b) of section 9—

(A) insert "and" at the end of paragraph (3);

(B) strike out "; and" at the end of paragraph (4) and insert in lieu thereof a period;

(C) redesignate paragraphs (2), (3), and (4) as subparagraphs (B), (C), and (D), respectively;

(D) strike out paragraph (5); and

(E) at the end of the subsection, insert the following:

(2) Of the $30,000,000 specified in paragraph (1), $3,000,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

(3) In furtherance of the objectives set forth in subsection (a), none of the funds authorized to be transferred by section 5(a), except the $30,000,000 specified in paragraph (1), may be obligated or expended for assistance to the Nicaraguan democratic resistance unless the conditions specified in subsection (c) are met.

(11) Strike out subsections (c) through (f) of section 9 and insert in lieu thereof the following:

(c) On and after July 28, 1986, the restriction in subsection (b)(3) shall cease to apply if—

(1) the President determines and reports to the Congress that—

(A) the Central American countries have not concluded a comprehensive and effective agreement based on the Contadora Document of Objectives,

(B) the Government of Nicaragua is not engaged in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire, leading to regularly scheduled free and fair elections and the establishment of democratic institutions, and

(C) there is no reasonable prospect of achieving such agreement, dialogue, and cease-fire through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance; and

(2) the Congress enacts under section 10 a joint resolution approving the provision of assistance under this joint resolution without regard to the restriction in subsection (b)(3).

(d) Upon the enactment of a joint resolution pursuant to subsection (c)(2), $25,000,000 of the funds transferred under section 5(a) shall be available for obligation and expenditure in accordance with this joint resolution (in addition to the funds provided for in subsection (b)(1)). Upon the transmittal after the enactment of that joint resolution of each report required by section 12, an additional $15,000,000 of those funds shall be available for obligation and expenditure in accordance with this joint resolution.

(e) If the conditions specified in subsection (c) are met, assistance to the Nicaraguan democratic resistance under this joint resolution (other than the assistance provided for in subsection (b)(1)) shall no longer be provided if at any time—

(1) the President determines that—

(A) the Central American countries have concluded a comprehensive and effective agreement based on the Contadora Document of Objectives; or

(B) the Government of Nicaragua is engaging in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire, leading to regularly scheduled free and fair elections and the establishment of democratic institutions; or

(2) the Congress enacts under section 10 a joint resolution disapproving the provision of assistance under this joint resolution (other than the assistance provided for in subsection (b)(1)).

(f)(1) Notwithstanding any other provision of this joint resolution, on or after July 28, 1986, funds may be obligated or expended for assistance under this joint resolution for a Nicaraguan democratic resistance group only if the President determines and reports to the Congress that—

(A) that group has agreed upon a program of principles and objectives directed toward the attainment of democracy in Nicaragua, such program to include a plan to provide a significant measure of autonomy for Nicaraguan Indians;

(B) that group has instituted full and adequate human rights-related training programs;

(C) that group has removed from its ranks all persons responsible for past human rights abuses in Nicaragua;

(D) that group has established procedures to ensure severe punishment of any person within that group who commits human rights abuses in the future; and

(E) in the case of the groups currently within the United Nicaraguan Opposition (UNO), the United Nicaraguan Opposition has been restructured to allow complete and balanced representation of all democratic opposition forces within that organization and to ensure full subordination of military commanders to the political leadership.

(2) In making his determination under subparagraph (E) of paragraph (1), the President shall take into account the effectiveness and legitimacy of the political leadership of the United Nicaraguan Opposition, including the ability of that political leadership—

(A) to reflect the views and objectives of the internal and external Nicaraguan democratic opposition;

(B) to function as the spokesman for the Nicaraguan democratic opposition with Central Americans, international organizations, and the United States Government; and

(C) to represent the Nicaraguan democratic opposition in dealing with the Government of Nicaragua.

(12) Strike out subsection (a) of section 10 and insert in lieu thereof the following:

(a)(1) A joint resolution described in subsection (c)(2) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That pursuant to section 9(c) of the joint resolution entitled 'Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985', the Congress approves the provision of assistance to the Nicaraguan democratic resistance pursuant that joint resolution without regard to the restriction in section 9(b)(3).".

(2) A joint resolution described in subsection (e)(2) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That pursuant to section 9(e) of the joint resolution entitled 'Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985', the Congress disapproves the provision of any assistance to the Nicaraguan democratic resistance pursuant to that joint resolution, other than the assistance provided for in section 9(b)(1).".

(13) In section 10(b), strike out ", (a)(2), or (a)(3)" and insert in lieu thereof "or (a)(2)"; and in paragraph (1), strike out ", subsection (a)(2), or subsection (a)(3)" and insert in lieu thereof "or subsection (a)(2)".

(14) In section 11(b)(1), insert "representatives of" before "all elements".

(15) Strike out paragraph (2) of section 11(e) and insert in lieu thereof the following:

(2) not later than July 21, 1986, the Commission shall prepare and transmit to the Congress a report on whether the Nicaraguan democratic resistance groups receiving assistance under this joint resolution have implemented the measures described in section 9(f)(1) and, with respect to the United Nicaraguan Opposition, an evaluation of the factors described in section 9(f)(2).

(16) In paragraph (1) of section 12, insert "representatives of" before "the Nicaraguan democratic resistance".

(16) At the end of the amendment, add the following:

PLAN FOR ASSISTANCE TO CENTRAL AMERICA

SEC. 14. The Secretary of State, the Administrator of the Agency for International Development, and the Director of the Office of Management and Budget, shall—

(1) develop a plan for fully funding the assistance to the Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) proposed in the January 1984 report of the National Bipartisan Commission on Central America; and

(2) provide a report describing this plan to the President and the Congress no later than May 31, 1986.

By Mr. MRAZEK:

Text of S.J. Res. 283.

—At the end of section 4, add the following:

(f) Notwithstanding any other provision of this joint resolution, no member of the United States Armed Forces who is on active duty or is performing inactive duty training, and, no employee of any department, agency, or other component of the United States Government, may participate, in Honduras, Costa Rica, or El Salvador, in the provision of any assistance to the Nicaraguan democratic resistance pursuant to this joint resolution, except for the assistance described in paragraphs (1) and (3) of section 9(b).

(Version if the McCurdy amendment is adopted.)

—At the end of section 4, add the following:

(f) Notwithstanding any other provision of this joint resolution, no member of the United States Armed Forces who is on active duty or is performing inactive duty training, and, no employee of any department, agency, or other component of the United States Government, may participate, in Honduras, Costa Rica, or El Salvador, in the provision of any assistance to the Nicaraguan democratic resistance pursuant to this joint resolution, except for the assistance described in subparagraphs (A) and (C) of section 9(b)(1).

SENATE—*Monday, April 14, 1986*

(Legislative day of Tuesday, April 8, 1986)

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Not everyone that saith unto me Lord, Lord, shall enter into the Kingdom of Heaven; but he that doeth the will of my Father which is in Heaven.—Matthew 7:21.

Patient Father in Heaven, we thank You that our forebears took You seriously, however, they may have differed as to religious institutions. The Bible informed their lives and convictions out of which came a great republic. Forgive us, Lord, when we ignore You and the Bible as irrelevant. Help us see that the problem is not with those who deny that God exists, but with those who profess faith in God and behave as though He is nonexistent. Grant, Faithful God, that our lives will measure up to our profession. Forbid that we should forsake the faith of our fathers. Restore us in faith and life to Your glory and praise. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, to be followed by special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, whose statement will be read by the distinguished Presiding Officer, Senator THURMOND; Senator PROXMIRE; Senator WEICKER; and Senator CRANSTON.

Following the execution of the special orders, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

Hopefully, at that point or shortly thereafter, we can take up S. 1236, technical amendments to the crime bill. I understand there is an agreement that we can handle that without a rollcall vote.

Then, at some time in the afternoon I would attempt to proceed to S. 1774, the Hobbs Act and possibly file a cloture motion, on which the vote will occur on Wednesday.

It is also my hope that we can clear the joint resolution on farm credit offered by myself and other Senators, about 38 of us, so far as I know. They are pretty equally divided between Republicans and Democrats as a bipartisan issue. It is my hope that we can pass that early this week.

I hope to be able to advise the distinguished minority leader later today or the first thing tomorrow morning as to what the plans will be for the entire week so that that information will be available for our policy luncheons tomorrow.

Mr. President, I do not expect a late day today, and I do not expect any rollcall votes today.

On tomorrow, if there is an amendment or something offered by Senator HART concerning the hydro-relicensing bill, that will come at 3 o'clock. From 10 o'clock until noon, as I recall, if, in fact, Senator MELCHER has an amendment or amendments, I hope we can dispose of those amendments by voice vote. In any event, if there are rollcall votes, they will follow the vote on the Hart substitute if, in fact, there is a vote, which will be followed by final passage.

Hopefully, Mr. President, we can dispose of the hydro-relicensing bill fairly early on tomorrow.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. EAST). The minority leader is recognized.

Mr. BYRD. Mr. President, while the distinguished majority leader is on the floor, is he in a position to tell the Members of the Senate when we might expect the budget resolution to be brought up? I believe it was reported by the committee to the Senate 22 days ago, as I recall. How soon may we expect to have the budget resolution before the Senate?

Mr. DOLE. Mr. President, I would only say to the distinguished minority leader I will be meeting this afternoon with Don Regan, the President's Chief of Staff, as well as with Jim Miller, the OMB Director.

Mr. President, the problem with the budget as reported is it is not a very good budget. It contains a lot of new taxes and cuts defense spending but it does not cut domestic spending sufficiently. While I understand it is bipartisan, it has not been well received on this side of the aisle by about half of my colleagues. I would hope that, as I have indicated before, when we do bring it up, there will be an appropriate substitute that can be adopted by a bipartisan majority that will put back some of the defense cuts, reduce the revenue figures, and try to do more on the domestic spending side.

I may be in a position later today or tomorrow to advise the distinguished minority leader.

Mr. BYRD. I thank the distinguished majority leader.

Mr. President, the distinguished majority leader refers to the budget as not a very good budget. From what I have heard in talking with several members of the Budget Committee, they think it is a good budget, a moderate budget, a fair budget. It was reported out on a bipartisan basis, I believe with seven Republicans and six Democrats voting to report it.

If it is not a good budget, if it needs fixing, if it has some flaws, why not bring it up on the floor and let the light of public scrutiny and scrutiny by our colleagues develop ways, if there be such, to improve it?

I may want to offer an amendment myself, or others may want to offer amendments. With 50 hours of debate on the budget, it would seem to me that would be ample time to discover any flaws in it and to improve it, if necessary.

Of course, I am sure the distinguished majority leader is probably under some pressure from the White House to try to develop a substitute. That may or may not be the case. I am in no position to say. But it seems to me, with this being the greatest deliberative body in the world, we should be able to deliberate on this budget and improve it. If the White House has some problems with it, so be it. Maybe they can be corrected on the floor.

Mr. DOLE. Will the Senator yield at that point?

Mr. BYRD. Yes, I yield.

Mr. DOLE. I want the record to reflect that we have actually had the budget on the Calendar, I think, for about 6 legislative days. We had a recess for a day in that period. Also, I want to reemphasize my hope that we will have some action on the House

side. I understand there are a lot of politics in the budget. We are not waiting for the White House solution because I doubt that will come, to be very frank and candid with the distinguished minority leader. My view is that they do not see any real urgency with the budget.

There is some rumor that they may try to do it through the appropriations process, that they may be better off going that route. You would not have the revenue problem.

The budget is important, and I believe in the budget process, and I believe we have to preserve it and should make every effort to do so.

At the same time, I am certainly willing to admit that some of my friends are for it and some of my friends are against it, and I want to be with my friends. That is sort of a position I find myself in at this point.

It is my hope that not only can we discuss the budget with the White House, but also, if they are not willing to negotiate, as I understand they are not, based on the written reports I have read, public reports, then I think the best course to follow would be to bring it up and let the Senate work its will. I would certainly have amendments. The minority leader might have amendments.

I would also urge the House to come to the party. They also have a responsibility. We are both going to miss the deadline, which is tomorrow. But I hope, as we suggested to the Speaker in the letter, we might sort of march in lockstep on the budget issue. I have not yet had a response to that inquiry.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

With respect to House action, it seems to me that it is wholly irrelevant, as to when the House acts. I cannot understand why we should wait on the House to act. As I understand it, the House has not even reported the budget from the Committee. But that is wholly irrelevant.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. LONG. Mr. President, I say to the distinguished minority and the distinguished majority leader that this is a matter, in my judgment, on which the Senate should act. We had a resolution that we voted on, that we need to vote on this matter before we take up the tax bill.

In the judgment of this Senator, facing the enormous deficits we do face, we ought to reduce spending wherever we can. Having reduced spending as much as we can, we then ought to look at the revenue side and help reduce the deficit by reaching the revenue side as well.

I am familiar with the point of view of the White House—the President, at least—about no taxes. But although the President has consistently taken that attitude about taxes, he has bent to go along with ROBERT DOLE's bill which reduced the deficit, and he did yield a peg to go along on a 5-cent tax on gasoline, and he did go along with an increased Social Security tax to meet the problems of this sort, and he went along with the deficit reduction package in which many of us joined, in a bipartisan fashion, to pass and to help reduce this enormous deficit.

No matter what the President wants to do about the matter, we have a responsibility ourselves. What is the purpose of this budget process if it is not to try to get Congress to join forces and meet a very serious problem?

The budget committee could meet—and that is not on a Presidential recommendation and a bill signed by the President. They meet on the President's suggestions and recommend responsibility, or they are supposed to recommend responsibility, on this overwhelming problem.

If this matter can sit around and languish and wait until after the tax bill has been dealt with in the Senate, that is to convey a veto in advance, in effect, an irrevocable veto; because the chances are that we will not have an opportunity to send a big enough horse to carry that rider to the White House if we think taxes should be part of the answer to the problem.

So far as I am concerned, I want to do what is best for the country. I do not see how we can do it if we are going to continue to stall and put off action on this budget. There is no way I see that we can do the responsible job.

Mr. BYRD. Or the other body.

Mr. LONG. Or the other body.

Mr. BYRD. The Budget Act itself does not say anything about both Houses having to act concurrently. The act sets April 15 as the date when both Houses should have completed their work, conference and all, and here we are with the April 15 deadline tomorrow.

The measure has been reported by the Senate Budget Committee for several days. It has not been reported by the House committee. But it is irrelevant as to when the House acts. We have our own responsibility here. We have 50 days, and it seems to me that we should be moving ahead. I think we have to get down to the serious work that our constituents send us here to do.

Mr. LONG. I want to say, further, that although it was not my privilege to vote on who the majority leader would be, if I had been privy to vote, I would have voted for Mr. DOLE to be majority leader. So far as I am concerned, he was my candidate. Obviously, the Republicans were not going to let the Democrats agree as to who the majority leader should be. I was disposed to vote for Mr. BYRD to be the minority leader.

Mr. DOLE was my majority leader, even though I could not vote for him. He was the best man, I thought, for the job; and I am pleased that the Republicans chose Mr. DOLE to be their leader.

Mr. President, I want the majority leader to be our leader. I want him to represent us, rather than represent the President of the United States. I know how the White House works. I was in the leadership at one time, and I know that the White House would like our leader to be the President's messenger up here. BOB DOLE is not made of that kind of stuff. But from time to time I think we need to be reminded that he is supposed to be working for us. The President does not pay his salary.

Mr. BYRD. That is right—he is our leader. He is the Senate's man, not the President's man.

Mr. LONG. Mr. President, I once read a little book that inspired me for the rest of my life. It had one little passage in it that said there are two ways you can look at a problem. One, you could say, "Many are slaves because one is a tyrant. Let us hate the tyrant." Or, you could look at it another way and you could say, "One is a tyrant because many are slaves. Let us hate the slaves." I prefer to look at it that way, Mr. President.

It seems to me that the President has his responsibility and we have our responsibility.

We have no right to say that we would have done what is good for the country except that the President would not let us do it. We should do our duty in answer to our own conscience and let the President do what he wants. If he wants to veto, let him veto. At least we can say we did what we thought was right.

I have found, in serving in this body, that it is easy enough to vote for what the people in one State want. I believe that sometimes you can get away with voting contrary to what they want, if you convince them that you thought it was right, even though they did not. But what it is difficult to convince your people about is that you did it not because of what you thought was right or what they thought was right, but what somebody else thought was right, contrary to your judgment and contrary to the judgment of those you represent in this body.

I hope Senators will be Senators and take that attitude. If the President does not want to go along, fine. I still want to vote for what this Senator thinks is right, and have the privilege of doing so.

This Senator feels that if the budget process is not going to be permitted to work, we should get rid of it.

We should bring the matter up here and vote the committee up or down. I might differ with the committee in some parts; that is the way the process is supposed to work. Bring it out here and vote. I would like to support the Budget Committee in trying to reduce the deficit and see what happens. I hope the leadership on both sides of the aisle will help to bring that about, because as far as this Senator is concerned I am not running for reelection. I told everybody I am not going to run. So during the time remaining to this Senator, I can afford to vote for whatever I think is good for the country, without fear of consequences, you might say, except just to answer to my own conscience. I would like to vote for what is best for the country.

Mr. DOMENICI, for example, has provided courageous leadership on that committee and I believe Mr. CHILES and others have made it bipartisan. I would like very much to support them in their effort to make this budget thing work, because if it does not work we should get rid of it. The Senate should not be fiddling and faddling with a budget wasting all this time if we are not going to give the support that it takes to make that program work.

Mr. BYRD. I thank the distinguished Senator from Louisiana and I thank the distinguished majority leader.

FBI SPECIAL AGENT JERRY DOVE

Mr. BYRD. Mr. President, the town of Dunbar, WV, mourns today. It has lost one of its finest and bravest sons, FBI Special Agent Jerry Dove, who was killed last Friday in a hail of gunfire in Miami, FL.

Special Agent Dove was loved and respected by everyone who knew him. He was the type of man of whom this Nation can be most proud, who every parent wants for a son, and every decent, law-abiding citizen wants in the front line of defense against crime.

According to those who knew him, for as long as they can remember, Jerry Dove seemed to have one ambition—one dream—in life: to be an agent for the Federal Bureau of Investigation. After graduating from West Virginia University Law School in 1981 and serving as an assistant attorney general for the State of West Virginia for a year, he fulfilled that dream. During his visits to his hometown after becoming an agent, Special Agent Dove constantly told his friends of how he enjoyed and cherished every moment he was with the greatest law enforcement organization in the world.

Gunned down in the prime of his life, Special Agent Jerry Dove did not die in vain. He was performing his duty for the agency he held dear and performing his duty to his fellow man. He died protecting the innocent and pursuing those who would do them harm. He died fighting to push back that ever present web of evil that constantly threatens to encircle and engulf the free and honest people of this great country.

The death of this young and dedicated servant of the people is a reminder of how fragile life is. And it is a reminder of how people in law enforcement put their lives in jeopardy every day to safeguard society. How often we read about the excesses of a few people in law enforcement, while we take for granted the work of the vast majority of these courageous men and women until we read or hear of tragic events like that which took place last Friday in Miami.

To the people of Dunbar, especially the family and friends of Special Agent Dove, I say that while you mourn, you can be comforted with the knowledge that the young man you loved and respected is now in the embrace of an all-loving God.

To his mother, Patricia "Bobby" Dove, my wife Erma and I extend our most heartfelt condolences. I feel that I can speak for every Member of the U.S. Senate in saying that we thank you for your son and that we share your grief.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina will be recognized to speak for the Senator from Florida.

Mr. WEICKER. Mr. President, will my good friend from South Carolina yield?

Mr. THURMOND. I yield to the Senator.

PROPOSED SWAP

Mr. WEICKER. I was privileged to be here on the floor as I heard the comments of the distinguished Senator from Louisiana. I say this: If he would like to participate in the Republican caucus I am sure the Republicans would be glad to swap WEICKER for LONG on an even enough basis.

Mr. THURMOND. I join in that, inviting him to come over on this side where he should have been all the time.

SENATOR HAWKINS' SPECIAL ORDER

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. On behalf of Mrs. HAWKINS, I wish to present a statement.

It is entitled, "How Slow Spin the Wheels of Mexican Justice."

HOW SLOW SPIN THE WHEELS OF MEXICAN JUSTICE

Mrs. HAWKINS. Mr. President, it is true that we spend a great deal of time and effort pressuring poor countries to control narcotics trafficking. It is a fact that there would be no trafficking in the first place without the enormous demand in the United States and other affluent nations for cocaine and other illegal drugs. One hand washes the other. The cocaine trail leads from the jungles of Peru, to the lairs of unconscionable smugglers in Mexico and Colombia, through the sheltered waters off Fidel Castro's Cuba, and to the pathetic victims on the streets of New York, Washington, Miami, and other major cities of the United States. It's a mean, vicious trail of subterfuge, corruption, and terrorism, leaving in its backwash twisted minds, wrecked bodies, broken homes, and economic disruption.

Many countries pay lip service to the international effort to curb drug trafficking. Mexico and opium are a case in point. Mexican opium production in 1983 amounted to an estimated 17 metric tons. This year, production will range somewhere between 21 and 45 metric tons. Does that sound as if Mexico is making a concerted effort to reduce drug trafficking? In contrast, other major opium producers managed to achieve cutbacks. Production in Iran during the same three year period was cut in half. Other significant reductions were made by Pakistan, Iran, and Afghanistan. Marijuana shipments to the U.S. from Mexico grow. At the same time, Mexican eradication efforts falter. Marijuana eradication during the first six months of 1985 were 30 percent lower than for the first half of the previous year. One-third of all illegal heroin consumed in the U.S. originates in Mexico and another third passes through Mexico enroute to the U.S. Purity levels of Mexican heroin continue to rise while prices drop. The classic law of supply and demand holds forth—the larger the supply available, the lower the price.

Despite Mexico's role as a major producer and transit country of cocaine and heroin, local demand is slight. The drugs are made for export and I do not need to remind you who the number one customer is. Mexicans appear to prefer smoking marijuana and sniffing glue over "coke" and "horse."

The Mexican legal system poses a dismal picture when applied to drugs. The penal code is based on the Napoleonic tradition. Laws relating to narcotics generally are viewed as adequate, but enforcement is another thing altogether. The enforcement process is slow, cumbersome, and mired down in corruption at all levels. The lack of a computerized records system, or a centralized depository of criminal records that can be accessed by telephone, is a monumental handicap. Given the corruption level, there may be highly placed officials who do not want Mexico's legal record system to be state-of-the-art. It could be too efficient. Were it not for drug-financed corruption, the prison escape of Jose Contreras-Subias, a key figure in the Rafael Caro Quintero trafficking ring, could not have been engineered. Caro Quintero, you may recall, was indicted April 8, 1985 in connection with the brutal kidnap-torture-murder of DEA agent Enrique Camarena Salazar. He has yet to be tried. I think even Napoleon would raise his eyebrows over how the legal code that bears his name has been applied in the Camarena case. It's a textbook case of judicial foot-dragging. It has now been one year and six days since Caro Quintero was indicted. How slow spin the wheels of Mexican justice.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

THE UNITED STATES CAN NEGOTIATE ARMS CONTROL FROM STRENGTH RIGHT NOW

Mr. PROXMIRE. Mr. President, recently, President Reagan contended that this country must continue its feverish buildup of our military forces because the Soviet Union has a big military advantage over this country. He cited the vast superiority in Soviet tanks. He called attention to the much greater number of Soviet artillery pieces. He could have added the advantage the Soviets have in the number of troops, the number of ships, and even the number of planes. The President's facts were generally accurate. His implication that the Soviets have a stronger military force is wrong.

How does the Soviet military capability compare to America's military strength? Could the Soviets at will initiate a successful attack on the vital security interests of our country in Europe or in Asia or even directly against the United States itself? If so, what is the President recommending that this Congress do to respond to the Soviet military advantages that the President has highlighted? Does the President recommend that this country increase the number of our tanks to overcome the Soviet advantage? No. Does President Reagan ask this country to acquire the great number of artillery pieces necessary to put us on an equal plane with the Soviet Union in that respect? No. Does he call for an expansion of the number of troops in our armed services, so we can have the 5.7 million men under arms that the Soviet Union has? No. Does the President want us to step up the already accelerated production of ships? No. How about the increase in planes? Does the President call for this? No.

So why is the President making such a stir about the fact that the Soviets have such a massive advantage in so many military forces if he doesn't believe that Soviet advantage is significant enough for this country to overcome it? If the President could develop the case for this country matching the Soviets tank for tank, gun for gun, ship for ship, man for man, this country could do it, and Congress would appropriate whatever funds were necessary for the tanks, artillery, troops, ships, and planes. Our economy is twice as big as the Soviet's economy. The NATO economy is three times bigger than the Warsaw Pact economy. With far less effort than the Russians are making, we could easily match and surpass the Soviets militarily. So why doesn't the President call on us to do it?

The answer is that neither the United States nor the North Atlantic Treaty alliance needs to build up our military force in any of the specific areas the President has cited. The President knows that. That is why he has made no effort to ask for the tanks and artillery and planes and ships necessary to match the Soviets.

Is the President wrong in failing to call on the Congress to build up this country's capability in the military hardware where the Soviets have such a compelling advantage? No. The President is right, absolutely right. This country and its NATO allies have a devastating antitank capability. We have antitank guns mounted on mobile land carriers, antitank guns mounted on fast moving helicopters, antitank guns mounted on even faster planes. The Soviets have more combat aircraft. But they know that in conflicts between United States and Soviet aircraft in the Middle East, United States aircraft have prevailed and prevailed overwhelmingly.

How about the Soviet artillery advantage? Soviet and Warsaw Pact artillery is even more vulnerable to superior NATO land and air attack than Soviet tanks. How about the superior number of Soviet warships? Mr. President, numbers mean little. It means comparing Soviet patrol boats with United States cruisers. The real measure of naval strength is in naval firepower. How do the superpowers compare? There is no question that the United States has a huge advantage in naval firepower compared to the Soviet Union. When we compare NATO to the Warsaw Pact, the advantage becomes even greater. And in the combined power of air and sea forces represented by aircraft carriers, the advantage lies resoundingly with the United States over the Soviet Union. The United States has 15 aircraft carrier task forces. The Soviet Union as a couple of small helicopter carriers and one or two full-size aircraft carriers under construction.

Now consider the key element in military power in this nuclear world. Both superpowers have approximately the same number of nuclear warheads. The Soviets have the greater megatonnage and throw-weight. But the United States enjoys the crucial advantage. The U.S. nuclear deterrent is deployed in a far more survivable mode. Seventy percent of the Soviet nuclear deterrent is based in the most vulnerable kind of site, on stationary, land-based launchers—sitting ducks. Only about 25 percent is based on submarines and a mere 5 percent is deployed on bombers. Compare that with the far less vulnerable U.S. deterrent. Only 25 percent of the U.S. nuclear deterrent is stationary, land-based. A whopping 50 percent moves in mobile submarines, which the Secretary of the Navy has rightly described as virtually invulnerable. Twenty five percent—five times more U.S. nuclear weapons power—is deployed in bombers.

It may well be that in the nuclear age, military superiority between the superpowers is irrelevant because neither country could utterly destroy the other even after suffering a preemptive attack from its adversary. Both President Reagan and Secretary Gorbachev have said that a nuclear war must never be fought and can never be won. A war between the United States and the Soviet Union would very likely become a nuclear war. This is why the survivability of the nuclear deterrent is so absolutely critical. It is why the United States far less vulnerable deterrent gives our country the decisive military advantage. It is also why the President has not asked the Congress to match the Soviet Union in the numbers of conventional armament. And it is why the Reagan comparison of tanks and artillery pieces is so totally irrelevant.

Mr. President, this country does not need a major increase in military spending. The Congress should insist on using our superior economy and technology to maintain the kind of military quality advantage we hold over the Soviet Union, and we should use our great military strength now to negotiate arms control agreements that would stabilize the military deterrent of both superpowers and ease the immense economic burden that the arms race imposes on both countries.

THE GRIM TRUTH ABOUT THE ECONOMIC OUTLOOK

Mr. PROXMIRE. The American economy is weak. It is not strong. How can I say this when the stock market has been breaking one record after another? How can I say this when inflation has moderated to a level that has not been seen for 20 years? How can I say this when interest rates have been going down, down, down? Here is why: Here we have been rolling along in the 5th consecutive year of triple digit deficits. At this very moment the annual rate of the Federal Government deficit during the first 6 months of the current fiscal year that will end next September 30 exceeds $200 billion. With this kind of super stimulative deficit, of course, the American economy has been growing. It is being force fed. Our fiscal policy is not just stimulative. It is wildly, irresponsible stimulative.

How about monetary policy? For more than a year an extraordinarily expansive monetary policy has pushed the American economy along. In the past 12 months the money supply has rocketed ahead at an astonishing rate

of a 12-percent increase. Inflation putters along at less than a third of the rate of increase in the supply of credit. So here we have the super combo: All out truly reckless fiscal policy pushing the economy, plus a virtual explosion in the money supply. In nearly 30 years in this body this Senator cannot recall a time when fiscal and monetary policy have been so spectacularly expansive. And yet interest rates are falling. Why? Can anyone wonder why interest rates are down? The supply of credit is breaking all records for abundance. But that is only half of the reason. The other half is that the demand for credit is pitifully weak. In the past quarter of calendar 1985 the economy grew at the anemic rate of 0.7 percent. That means it was stumbling, staggering, crawling.

And why is inflation behaving so well in spite of this runaway fiscal policy and explosive monetary policy? Several reasons. But there is one simple and widely neglected answer. Inflation has been staying down not because of the free fall in oil prices. That has helped, but it has not been fundamental. Inflation has stayed down not because farm prices have fallen through the floor and taken tens of thousands of farmers down the heartbreaking road to bankruptcy in the process. The consequent low food prices have been marginally helpful to keeping inflation under control, but they have not been the prime factor. So what has caused inflation to behave so well? Answer: The same force that has kept interest rates down—the feebleness of the economy. What has always been the major reason prices rise? The major cause of inflation has been wage increases that exceed productivity improvements. Productivity has been wretched in our economy lately. So wage costs might be expected to rise and take prices up with them. Why hasn't that happened? Because this country still has more than 7 percent of its work force—an enormous 8 million plus Americans—out of work. Unemployment has hit specially hard in those industries that are heavily unionized. With union workers weakened by low demand in the manufacturing industries, the unions cannot lead the way. The huge pools of unemployed persons prevents nonunion wages from rising much in any major industry.

If the economy is weak now, what is the outlook? It is poor. First, there is little pent-up demand. Housing sales have been fairly high in recent years. They appear to be coming down in spite of the decisive fall in interest rates. The other major consumer purchases—automobiles—also shows no big potential. The last few years have been fairly big ones for the auto industry. There seems little demand in sight for new cars. And meanwhile the savings rate of the American people hit an all-time low last year. The consumers' reserves are running on empty. Suppose the American consumer returns to the 5 percent to 6 percent of income saved in the next couple of years. What does that mean? That means American consumers spend less. So sales and production and jobs fall. In fact, they will go through the floor. Corporations too are far more likely to save than to invest in new plant or equipment. They have just broken all records for debt. Like American consumers, American business is in very fragile shape. Many corporations are too near to survive a major recession. With equity razor thin, a year or 2 of losses would make many American firms insolvent.

This brings us to the most serious threat to economic recovery—the sudden, sharp shift in Federal deficits from the present $200 billion level down to zero in the next 4½ years. This Senator will do everything in his power to support those reductions. But let's face it. These reductions will contribute to a prolonged and deep recession. Then why will I fight for them? Because the alternative is worse, much worse. The alternative simply postpones the evil day. The alternative would give the country not just continued $200 billion deficits but $300 billion and $400 billion dollar deficits. The alternative will give us a national debt that will literally require most of our Federal revenues just to service the national debt that is for interest payments. And, of course, whenever we try to come off a $400 billion deficit and move toward a budget balance, the recession and unemployment will be far worse.

Mr. President, this country does not face happy times. It faces grim, tough, painful recession times. If we are to save this greatest economy in world history, we must recognize that cruel fact fully and squarely. We must take the painful budget cutting and tax increasing steps to meet it. And we must do it now.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, there is a line in Isaiah (30:7) that "In quietness and in confidence shall be your strength." And that quote is something we should keep in mind whenever we think about star wars.

Confidence is a wonderful thing. It implies a whole world of faith and trust in our ability to succeed. You can see that strength of confidence in athletes who are sure they can sink the next putt, or hit a homerun, or a violinist who faultlessly plays a Bach partita.

But how about confidence in the things we build, like automobiles or airplanes? Or how about the things we are thinking of building, like the star wars missile defense system?

We are pretty confident that our cars and planes will operate as they are supposed to. Every once in a while, however, something shakes up our confidence in these mechanical devices. Witness the tragic explosion of the space shuttle *Challenger*, or a plane that inexplicably crashes.

Now, you might ask why am I so concerned about this? Simply this: Take star wars or SDI. How much trust can you have in something so monumentally complicated that human brains cannot begin to comprehend the mathematics involved? Something so complex that in laboratories across the country our best scientific minds are searching for answers to its most basic questions? Something so complex that research costs alone, according to the fiscal 1987 budget, is $4.9 billion. By the way, that is 75 percent above the $2.75 billion Congress appropriated in 1986. Star wars is something so complicated that no one, I repeat no one, has any idea what its final cost would be.

Mr. President, the myth of the day is that we can ever have confidence in a star wars defense system.

SDI advocates would have us believe that in the quietness of outer space, an SDI system faithfully could warn us of any impending attack, flawlessly track thousands of nuclear warheads and decoys and then swiftly destroy the threat.

President Reagan's notion of making nuclear weapons impotent and obsolete is wonderful. What brighter hope for mankind could we have than ridding the world of nuclear weapons? But what a wrong way to go about it. Why do I say this?

Here is why: the computer softwear, the programming instructions that control the entire system, is flawed.

Are computers important to star wars? You bet they are. Without computers to digest the incredible amounts of raw information that would pour in during an attack, nothing could be done. No human mind is up to this task. The simple, distressing fact is that we could spend hundreds of billions of dollars on star wars and end up with the space age equivalent of an Edsel. I am sure all the battle stations and satellites would look impressive whizzing around in space, yet without functioning computer softwear, star wars could not destroy a fly, let alone a swarm of attacking missiles.

So what is the flaw with the computer softwear? It is this: we can never make a realistic test of the system. Oh, sure, we could run test after computer test of star wars, and computers could spit electrons back and forth to simulate an enemy attack. But the key fact is that the tests would never tell us if a star wars system would really work if we needed it. Star wars would

have to work perfectly the first time. There can be no margin for error. Less than perfect means lost cities and millions killed as missiles escape a defective star wars.

We have to come back to this basic point, Mr. President. Can we have confidence in star wars? Could we place the security of our country in something so fatally flawed? I think not.

TRIBUTE TO IRVINE H. SPRAGUE FORMER CHAIRMAN AND DIRECTOR OF THE FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. PROXMIRE. Mr. President, I rise to pay tribute to a good friend and a long-time public servant who is just now entering retirement after 29 years of service with the Federal Government.

I have known Irvine H. Sprague almost since he came to Washington with Congressman John McFall of California in 1957, the same year that I arrived. I became better acquainted with him in the late 1960's when he was at the White House working as an assistant to President Lyndon Johnson. And I got to know Irv very well after he was appointed by President Johnson to his first term on the board of directors of the Federal Deposit Insurance Corporation.

Irv was appointed to a second term at the FDIC, this time as chairman, in 1979 by President Carter, thus becoming the only director in history to be appointed by two Presidents. Overall, Irv served 11½ years on the FDIC board, the second longest tenure in the agency's history. He was on the board during some of the most difficult and challenging times in the history of our banking industry.

During his long career in public service, Irv also worked for Speaker TIP O'NEILL as executive director of the House Steering and Policy Committee, and earlier he was California Deputy Director of Finance under Gov. Pat Brown. Prior to that, he was a California newspaperman.

Now that he is retired, Irv is reverting to old habits. He has announced that the first thing he will do is write a book about his experiences at the FDIC.

On the legislative side, Irv was always interested, both at the White House and a chairman and director of the FDIC, in helping Congress pass laws which he felt would benefit the nation. Foremost among those is the extraordinary interstate acquisition law for large troubled banks, the very measure which has had to come to Congress for renewal this month.

Irv has led a very active, interesting and accomplishment-filled life during this wide-ranging public career. I wish him a long, active and just as fulfilling retirement.

RECOGNITION OF SENATOR WEICKER

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. WEICKER] is recognized for not to exceed 5 minutes.

S. 2294—HANDICAPPED EDUCATION ACT AMENDMENTS OF 1986

Mr. WEICKER. Mr. President, I rise today on behalf of myself and Mr. KERRY, Mr. ANDREWS, Mr. INOUYE, Mr. MATSUNAGA, and Mr. STAFFORD, to introduce legislation to amend and extend for 3 years programs authorized under the Education of the Handicapped Act.

Ten years after enactment of Public Law 94-142, we can be proud of the great strides we have made in meeting the mandate of that law: That all handicapped children be provided a free, appropriate public education in the least restrictive environment. Last year, over 4.1 million handicapped students received educational services as a result of this landmark legislation, and 93 percent of those were educated in our public schools.

We are all aware of the tremendous impact this legislation has had on the lives to children with handicaps. The doors of our Nation's schools are now open to all these youngsters, no matter how severe their disability. No longer do school districts have the freedom to legally abdicate their responsibility to educate handicapped children. No longer are the parents left helplessly on the sidelines while others decide on an educational strategy for their handicapped child. Today, parents and educators work together to develop individualized programs for these children.

What was once an idealistic concept—that we should be "mainstreaming" handicapped children into the public schools with their nonhandicapped peers—is now a reality. And it works. Everybody wins: The handicapped child who benefits socially, emotionally and intellectually from a normal environment, as well as the so-called normal child whose life is enriched by his association with children with handicaps.

The legislation I am introducing today will strengthen our national commitment to special education programs. It contains a major new initiative in the area of early intervention services for handicapped children. This new initiative is actually comprised of two sections. The first will create a new State grant program, authorized at $100 million in fiscal year 1987, to enhance services for handicapped children from birth through age 2. States wishing to apply for funds under this new grant authority will have to meet several requirements. These requirements include the development of an overall plan of service and establishment of a service delivery system for all eligible children within 2 years. This new service delivery system will be interagency in nature and the Governor of the State will designate a lead agency to administer the program. In addition, the due process protections established under Public Law 94-142 will be applicable to this new grant authority, as well.

States wishing to participate in the early intervention grant program must conduct a multidisclipinary assessment of each eligible handicapped child and develop an individualized program describing the necessary education, health and social services for that child. Appropriate support for the child's transition to school must also be provided. All of these services will be available at no cost to the parent, as are all other programs currently authorized under this act.

The need for these early intervention services cannot be denied. The State of the art is such that there is no excuse for waiting until a handicapped child reaches the age of 3 to begin to assist that child reach his maximum potential. In fact, the 1985 report to Congress of the Department of Education states: "studies of the effectiveness of preschool education for the handicapped have demonstrated beyond doubt the economic and educational benefits of programs for young handicapped children. In addition, the studies have shown that the earlier intervention is started, the greater is the ultimate dollar savings and the higher is the rate of educational attainment by these handicapped children." Yet the administration requests no legislative changes in the Education of the Handicapped Act to follow through on these findings. Instead, it supports only a simple extension of the existing programs and requests less than the 1985 levels of funding.

The second part of this initiative will be to mandate services to all handicapped children between the ages of 3 and 5 under Public Law 94-142. Although that law does mandate educational services to all handicapped children between 3 and 21, there is a large loophole. States whose laws do not require the provision of special educational services to those in the 3-5 age group are exempt from this aspect of the Federal mandate. As a result, although most States are providing some services to some eligible youngsters, approximately 239,000 children are still being deprived of these essential educational services. This new requirement will ensure that no person in this age group is denied the services that will assist them to reach their maximum potential. The estimated cost to the Federal Government of this requirement is $100 million, for a

total of $200 million for both parts of the early intervention initiative.

This week, during Senate consideration of the budget resolution, I will be offering an amendment to add $600 million for handicapped education programs. These funds will cover the roughly $200 million necessary for the early intervention initiative I described earlier, and $400 million to modestly increase the Federal Government's share of the cost of educating our handicapped children. In 1986, the Federal Government's contribution to the cost of special education was only 9 percent of the average per pupil expenditure—although the law envisions a 40-percent Federal share—and in 1987 the administration wants to reduce that commitment even further, to a paltry 7 percent. My amendment would bring up the Federal share to 12 percent of the total cost, a level reached only once before, in fiscal 1979.

In general, this reauthorization bill provides that discretionary programs under the Education of the Handicapped Act continue in their present form, and receive inflationary increases above the fiscal year 1986 appropriated level to maintain current services. There are a few exceptions, however.

Increases of 10 percent are provided for two areas where there are critical needs: personnel preparation and transitional services. During recent hearings of the Subcommittee on the Handicapped, we were presented with startling data documenting critical nationwide shortages of qualified special education professionals. One recent national survey found all but four States reported that the current supply of new graduates was not sufficient to meet the demand, and it is no secret that the educational services for handicapped children are meaningless without qualified teachers and specialists to deliver these services. In fact, special education experts now estimate that we will need over 100,000 new special education teachers by 1990.

For all of us, the transition from school to adult life is one of the most critical and challenging periods in our lives. It is even more so for those individuals with handicaps. As a result, we authorized in the 1983 Handicapped Education Amendments a pilot program to develop model secondary and transition programs to assist handicapped youth and their families face this challenge. Such demonstration programs have been funded around the country and have made a significant difference in facilitating the transition of handicapped students to the community. But again, the need is greater than the services available. Therefore, I am convinced that we need to continue and expand these model programs if we ever hope to reverse the grim unemployment statistics given to us by a recent Lou Harris poll: Two-thirds of handicapped adults are currently unemployed, and of those individuals, two-thirds of them want to work.

This Nation has moved quickly along the learning curve since pioneers like Senator Robert Stafford and then-Congressman, now Senator PAUL SIMON first wrote Public Law 94-142. Today, armed with 10 years of experience, we seek to build upon their work, expanding both education and equity.

This legislation represents an important step forward in fulfilling a Federal commitment to those most vulnerable in our society, who require our special care. It is the right thing to do, in both human and economic terms. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Education of the Handicapped Amendments of 1986".

ALLOCATIONS

SEC. 2. (a) AGE CATEGORY LIMITATION REVISION.—Section 611(a)(5)(A)(i) of the Education of the Handicapped Act (hereafter in this Act referred to as the "Act") is amended by inserting before the semicolon, a comma and the following: "except that the age category for the number of all children subject to the per centum limitation under this clause shall, in the case of a State which actually provides free appropriate public education for a different age category, be the age category which the State actually serves".

(b) SUPPORT SERVICES.—Section 611(b)(2)(B) of the Act is amended to read as follows:

"(B) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3), and for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".

ELIGIBILITY

SEC. 3. (a) GENERAL RULE.—Section 612(2)(B) of the Act is amended by striking out "aged three to five and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall take effect two years after the date of enactment of this Act with respect to States which, in order to comply with the amendment made by subsection (a), have to qualify under State laws.

AUTHORIZATION FOR EVALUATION

SEC. 4. Section 618(g) of the Act is amended to read as follows:

"(g) There are authorized to be appropriated $3,800,000 for fiscal year 1987, $4,000,000 for fiscal year 1988, and $4,200,000 for fiscal year 1989 to carry out the provisions of this section.".

EARLY INTERVENTION PROGRAM FOR HANDICAPPED INFANTS

SEC. 5. (a) GENERAL AUTHORITY.—The Act is amended—

(1) by inserting after the heading for part B the following:

"SUBPART 1—EDUCATION OF ALL HANDICAPPED CHILDREN";

(2) by redesignating sections 621 through 628 as sections 631 through 638, respectively;

(3) by redesignating sections 631 through 635 as sections 641 through 645, respectively;

(4) by redesignating sections 641 through 644 as sections 651 through 654, respectively;

(5) by redesignating sections 651 through section 654 as sections 661 through 664, respectively; and

(6) by adding after section 620 the following:

"SUBPART 2—EARLY INTERVENTION FOR HANDICAPPED INFANTS

"PROGRAM AUTHORIZED

"SEC. 621. (a) The Secretary shall make grants, in accordance with the provisions of this subpart, to States to carry out an early intervention program for handicapped infants.

"(b) There are authorized to be appropriated $100,000,000 for the fiscal year 1987, and for each succeeding fiscal year ending prior to October 1, 1989.

"(c) During any fiscal year in which the amount appropriated for this subpart is less than $100,000,000 each State shall be entitled to receive its allotment under this subpart if the Secretary determines that the State is making a good faith effort to comply substantially with the provisions of this subpart.

"ALLOTMENT TO STATES

"SEC. 622. (a)(1) From the sums appropriated to carry out this subpart for any fiscal year, the Secretary shall reserve 1 per centum for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(2) From the remainder of such funds the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the number of eligible handicapped infants served to the number of such infants served by all States, except that no State shall receive less than 0.5 per centum of such remainder.

"(b) If any State elects not to receive its allotment under this part, the Secretary shall reallot, among the remaining States, amounts from such State in accordance with subsection (a) of this section.

"ELIGIBILITY

"SEC. 623. In order to qualify for assistance under this subpart in each fiscal year, a State shall demonstrate to the Secretary that the State has—

"(1) met the eligibility requirements of section 612;

"(2) a State plan approved under section 613;

"(3) a State Early Intervention Council which meets the requirements of section 624(a) for the purpose of ensuring that the State provides a comprehensive system of early intervention for handicapped infants;

"(4) beginning two years after the date of enactment of this subpart, a comprehensive early childhood plan for services to handicapped children from birth to age five, inclusive, which address service delivery to all handicapped infants and includes the transition school;

"(5) beginning two years after the date of enactment of this subpart, a statewide comprehensive system of early intervention services available to serve all handicapped infants; and

"(6) a State agency administration which meets the requirements of section 624(b).

"EARLY INTERVENTION COUNCIL; STATE ADMINISTRATION

"SEC. 624. (a)(1) The Governor shall appoint an Early Intervention Council which shall be composed of members who represent each public agency within the State providing services to handicapped infants including the grant recipient under section 627 and one member representing the Governor.

"(2) The Early Intervention Council shall—

"(A) identify the sources of fiscal and other support for services for early intervention programs and ensure that each State agency is making a financial contribution to support;

"(B) promote the development of formal interagency agreements for services for handicapped infants;

"(C) assist the State agency in the development of and approval of the comprehensive early childhood plan for handicapped infants and the application for assistance under this subpart;

"(D) ensure that the application for assistance under this subpart is coordinated with grants awarded in the State under section 627;

"(E) disseminate information regarding early intervention programs; and

"(F) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs operated within the State for handicapped infants.

"(3) The report required by clause (E) of this subsection shall include recommendations on the appropriate use of Federal and State funds, together with a statement of statewide policy for the early intervention program for handicapped infants within the State.

"(4) A summary of the data required by this section shall be included in the annual report of the Secretary under section 618 of this Act.

"(5) The Early Intervention Council required by this section shall meet at least quarterly in each fiscal year.

"(b)(1) The Governor shall establish or designate a State agency for the purpose of administering this subpart in accordance with the provisions of this subsection. In carrying out this paragraph, the Governor may designate the State educational agency, the mental health agency, the mental retardation agency, a State health or social service agency, or a State Early Intervention Council.

"(2) The agency designated under paragraph (1) shall have responsibility for the general administration, supervision, and monitoring of the comprehensive system of early intervention services for handicapped infants within the State including the delivery of services to such infants. The State agency shall also be responsible either directly or by contract or other agreement with other agencies or organizations for coordinating multidisciplinary referrals of handicapped infants, conducting indepth assessments of such infants, and coordinating early intervention services for handicapped infants within the State.

"(c)(1) The Governor shall appoint an advisory panel to the Early Intervention Council consisting of individuals involved in or concerned with the needs of handicapped infants, including but not limited to parents, educators, rehabilitation specialists, social workers, medical experts, and psychologists, as well as one member of the State Advisory Council on Special Education, one member of the Developmental Disabilities Council, and one representative of the Parent Training Center established under part D of this Act.

"(2) The advisory panel shall—

"(A) advise the Early Intervention Council of unmet needs within the State in early intervention of handicapped infants;

"(B) comment publicly on the status of early intervention programs; and

"(C) make such recommendations to the Early Intervention Council as the advisory panel considers appropriate.

"PROGRAM COMPONENTS

"SEC. 625. (a) Each State shall develop and carry out a comprehensive plan to serve handicapped infants in accordance with the provisions of subsections (b), (c), and (d).

"(b) The State has or will establish an early intervention services program serving all handicapped infants from birth to age two, inclusive, within the State.

"(c) Each handicapped infant shall have—

"(1) a multidisciplinary assessment of individual needs and services required to meet such needs;

"(2) an individualized program plan developed by a multidisciplinary team, including the parent describing necessary services which may include but is not limited to—

"(A) special education;

"(B) speech and language therapy;

"(C) occupational therapy;

"(D) physical therapy;

"(E) psychological services;

"(F) health services;

"(G) parent and family support services; and

"(H) social services; and

"(3) access to all services described in the early intervention program plan without cost to the parent or guardian.

"(d)(1) Each individualized program shall be reviewed at least annually.

"(2) Services under the individualized program shall be provided by qualified personnel.

"(3) The individualized program shall include provisions which support the transition of handicapped infants to services provided under subpart 1 of this part.

"APPLICATION

"SEC. 626. (a) Each State meeting the eligibility requirements set forth in section 623 and desiring to participate in the program under this subpart shall submit an application to the Secretary through the Early Intervention Council at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

"(b) Each such application shall—

"(1) specify the role and financial contribution of each State agency providing services to handicapped infants;

"(2) describe the services which shall be available to handicapped infants and their families;

"(3) describe the procedures used to identify and serve handicapped infants;

"(4) set forth policies and procedures designed to assure that, to the extent consistent with the number and location of handicapped infants in the State, provision is made for the participation of such infants in the program assisted or carried out under this subpart by providing for such children community based early intervention services;

"(5) provide assurances that Federal funds made available under this subpart (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the purposes described in this subpart and in no case to supplant such State and local funds; and

"(6) provide assurances that the State will not expend more than 10 per centum of its allotment on administrative costs of carrying out the early intervention services for which assistance is sought.

"PLANNING AND DEVELOPMENT GRANTS

"SEC. 627. (a) The Secretary shall make one of the following types of grants to each State through the State agency for services for which handicapped children aged birth through 5 are eligible. Grants under this section may be made to any State which submits an application which meets the requirements of this section:

"(1) PLANNING GRANT.—A grant for a maximum of two years for the purpose of assessing needs within the State and establishing a procedure and design for the development of a comprehensive early childhood State plan which includes parent participation and training of professionals and others.

"(2) DEVELOPMENT GRANT.—A grant for a maximum of one year for the purpose of developing a comprehensive early childhood State plan, and gaining approval of the plan from the State educational agency, the Secretary of Education, or other designated official of the appropriate State agency.

"(3) IMPLEMENTATION GRANT.—A grant for a maximum of one year for the purpose of implementing and evaluating the comprehensive early childhood State plan.

"(b) Each State educational agency or other State agency desiring to receive a grant under this subsection shall submit an application at such time, in such manner, and containing or accompanied by such information as the Secretary considers necessary. Each such application shall contain assurances and evidence that—

"(1) The State agency receiving the grant will coordinate with other appropriate State agencies (including the State educational agency) in carrying out the grant.

"(2) The State plan will address the early intervention and the special education and related service needs of all handicapped children from birth through five years of age with special emphasis on children who are often not identified and children who are not now served.

"(3) The State plan will be closely coordinated with child-find efforts under section 612(2)(C) and with preschool incentive grant activities under section 619 of this Act.

"(c) The Secretary shall include in the annual report under section 618 of this Act the following:

"(1) The States and State agencies receiving grants under this subsection and the types of grants received.

"(2) A description of the activities in each State being undertaken through grants under this subsection.

"(3) Beginning in fiscal year 1987, in consultation with the National Council on the Handicapped a description of the status of early intervention programs for handicapped children from birth through five years of age (including children receiving services through Head Start, Developmental Disabilities Program, Maternal and Child Health Services, Mental Health/Mental Retardation Agency Services, and State child-developmental centers and private agencies under contract with State agencies or local schools).

"(d) Any planning or development grant application submitted pursuant to section 623(b) prior to the date of enactment of the Education of the Handicapped Amendments of 1986 shall qualify for a grant under this section.

"RESTRICTION

"SEC. 628. Nothing in this subpart shall be construed—

"(1) to permit the State to reduce medical assistance available, or to alter eligibility, under title XIX of the Social Security Act, relating to medicaid, for handicapped infants within the State; and

"(2) to encourage the reduction in benefits paid under other public or private insurance coverage.

"APPLICABILITY OF CERTAIN PROVISIONS OF LAW

"SEC. 629. The provisions of sections 615, 616, 617, 618, and 620 of this Act shall apply to the program authorized by this subpart, except that any reference to a State educational agency shall be deemed to be a reference to the State agency established or designated under section 623(b).".

(b) CONFORMING AMENDMENTS.—(1) Section 601(c) of the Act is amended by inserting before the period at the end thereof a comma the following: "and to assure that all handicapped infants have available to them a free appropriate early intervention program designed to meet their unique needs".

(2) Section 602(a) of the Act is amended by inserting after paragraph (1) the following new paragraph:

"(2) The term 'handicapped infants' means individuals from birth to age two, inclusive, who are substantially developmentally delayed or children with specific congenital conditions who by reason thereof require early intervention.".

(3) Section 602 of the Act is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) For the purpose of subpart 2 of part A of this title—

"(1) the term 'early intervention' means a program of services including special education services, social services, and health services but the term does not include surgery or hospitalization;

"(2) the term 'Early Intervention Council' means the Council established in accordance with the provisions of section 623(a);

"(3) the term 'Governor' means the chief executive of any State; and

"(4) the term 'State agency' means the State agency established or designated in accordance with section 623(b).".

(4)(A) Section 611(a)(1) of the Act is amended by striking out "part" and inserting in lieu thereof "subpart".

(B) Section 611(g)(1) of the Act is amended by striking out "part" and inserting in lieu thereof "subpart".

(C) Section 612 of the Act is amended—

(i) by striking out "part" in the matter preceding paragraph (1) and inserting in lieu thereof "subpart"; and

(ii) by striking out "part" in paragraph (6) and inserting in lieu thereof "subpart".

(D) Section 613 of the Act is amended by striking out "part" each time it appears and inserting in lieu thereof "subpart" each such time.

(5) Section 619(c) of the Act is amended by striking out ", and for providing special education and related services for handicapped children from birth to three years of age".

REGIONAL RESOURCE CENTERS

SEC. 6. Section 631(a) of the Act (as redesignated by this Act) is amended—

(1) by inserting after "special education" in clause (1) a comma and the following: "physical education,"; and

(2) by inserting after "special education" in clause (2) a comma and the following: "physical education,".

SERVICES FOR DEAF AND BLIND YOUTH

SEC. 7. Section 632(a)(2)(ii) of the Act is amended by inserting after "education" the following: "physical education".

EARLY INTERVENTION AND PRESCHOOL SERVICES FOR HANDICAPPED CHILDREN

SEC. 8. (a) GENERAL AUTHORITY.—Section 633(a)(1) of the Act (as redesignated by this Act) is amended to read as follows:

"SEC. 633. (a)(1) The Secretary is authorized to arrange by contract, grant, or cooperative agreement with appropriate public agencies, institutions of higher education (including university affiliated facilities program under the Developmental Disabilities Act of 1984 and the satellite network of the developmental disabilities program and the research and training centers under the Rehabilitation Act of 1973 specifically designed to address the needs of handicapped infants), and other appropriate nonprofit organizations for—

"(A) the development and operation of programs of experimental early intervention for traditionally unserved handicapped infants and their families;

"(B) preservice and inservice training of personnel including volunteers and paraprofessionals as well as physicians, nurses, occupational and physical therapists, educators, psychologists, social workers, speech and language pathologists, and administrators in early intervention practices; and

"(C) research pertaining to the intellectual, emotional, physical, social, and language development of handicapped children including investigations of the cost effectiveness of various approaches to service delivery.".

(b) SPECIAL RULE.—Section 633(a)(3) of the Act is amended by adding at the end thereof the following: "In carrying out the provisions of this Act, the Secretary shall, due to the over representation of native Hawaiians in statistical reports of children with handicaps, make a grant under paragraph (1) of this subsection within the State of Hawaii to address the needs of native Hawaiian children with handicaps. The grant made under the previous sentence shall be in addition to any other grant which may be made to Hawaii under this section.".

(c) RESERVATIONS.—(1) Section 633(b) of the Act is amended to read as follows:

"(b)(1) Not less than 10 per centum of the funds available in any fiscal year for purposes of this section shall be available for the provision of training and technical assistance for States preparing to receive or receiving grants under subpart 2 of part B.

"(2) Not less than 10 per centum of the funds available in any fiscal year for the purposes of this section shall be used for research pertaining to the intellectual, emotional, physical, social, and language development of handicapped infants and children, including studies providing information on various cost-effective approaches to service delivery as well as the impact and effectiveness of early intervention programs.".

(2) Subsection (c) of section 633 of the Act is repealed.

(d) TECHNICAL AMENDMENT.—The heading of section 633 of the Act is amended to read as follows:

"EARLY INTERVENTION AND PRESCHOOL SERVICES FOR HANDICAPPED CHILDREN".

RESEARCH, INNOVATION, TRAINING, AND DISSEMINATION ACTIVITIES

SEC. 9. (a) SPECIAL RULE.—Section 634(a) of the Act (as redesignated by this Act) is amended—

(1) by inserting before the semicolon in clause (1) the following: "including the needs of native Hawaiians and other native pacific basin individuals where there is a disproportionate overrepresentation of children and youth with handicaps";

(2) by inserting before the semicolon in clause (2) the following: "and to native Hawaiian and pacific basin handicapped children and youth"; and

(3) by inserting before the semicolon in clause (3) the following: "and for programs serving native Hawaiian and other native pacific basin handicapped children".

(b) SEVERELY HANDICAPPED SPECIAL RULE.—Section 634(c) of the Act is amended by inserting before the period the following: "including severely handicapped native Hawaiian and other native pacific basin children and youth".

SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTHS

SEC. 10. (a) NEW ACTIVITIES.—Section 636(b) of the Act (as redesignated by this Act) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively, and

(2) by inserting after clause (4) the following new clause:

"(5) specifically designed physical education and therapeutic recreation programs to increase the potential of handicapped youths for community participation;".

(b) CONDITIONS FOR PROJECTS.—Section 636(d) of the Act is amended to read as follows:

"(d) Projects funded under this section shall—

"(1) be coordinated with other State agencies providing services for which the student is eligible;

"(2) provide individual transition plans for students served by projects funded under this section; and

"(3) to the extent appropriate provide for the direct participation of handicapped students and the parents of such students in the planning, development, and implementation of such projects.".

AUTHORIZATION OF APPROPRIATIONS FOR PART C

SEC. 11. Section 638 of the Act (as redesignated by this Act) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 638. (a) There are authorized to be appropriated to carry out the provisions of section 631 $6,700,000 for the fiscal year 1987, $7,100,000 for the fiscal year 1988, and $7,500,000 for the fiscal year 1989.

"(b) There are authorized to be appropriated to carry out the provisions of section

632 $15,900,000 for the fiscal year 1987, $16,800,000 for the fiscal year 1988, and $17,800,000 for the fiscal year 1989.

"(c) There are authorized to be appropriated to carry out the provisions of section 633 $17,600,000 for the fiscal year 1987, $18,600,000 for the fiscal year 1988, and $19,700,000 for the fiscal year 1989.

"(d) There are authorized to be appropriated to carry out the provisions of section 634 $5,300,000 for the fiscal year 1987, $5,600,000 for the fiscal year 1988, and $5,900,000 for the fiscal year 1989.

"(e) There are authorized to be appropriated to carry out the provisions of section 635 $5,900,000 for the fiscal year 1987, $6,200,000 for the fiscal year 1988, and $6,600,000 for the fiscal year 1989.

"(f) There are authorized to be appropriated to carry out the provisions of section 636 $7,300,000 for the fiscal year 1987, $7,700,000 for the fiscal year 1988, and $8,100,000 for the fiscal year 1989.".

GRANTS FOR PERSONNEL TRAINING

SEC. 12. (a) PRIORITY.—Section 641(a) of the Act is amended—

(1) by inserting "(A)" after paragraph (4);

(2) by adding at the end thereof the following new subparagraph:

"(B) Whenever possible, the Secretary shall give priority to applications from States with areas where shortages exist.".

(b) PARENTAL TRAINING SPECIAL RULES.—(1) Section 641(c)(1) of the Act (as redesignated by this Act) is amended by inserting at the end thereof the following new sentence: "One such grant shall be made to a nonprofit agency serving the needs of native Hawaiians. This grant shall be in addition to and not in place of any other parent training grant made to an agency in the State of Hawaii.".

(2) Section 641(c)(4) of the Act is amended by adding at the end thereof the following new sentence: "The Secretary shall give priority to grants under this subsection which involve new programs.".

(3) Section 641(c)(6) of the Act is amended by adding at the end thereof the following new sentence: "Staff personnel of parent training and information programs may assist parents directly in activities under section 615.".

GRANTS FOR TRAINEESHIPS

SEC. 13. Section 642 of the Act (as redesignated by this Act) is amended—

(1) by striking out "to State educational agencies" and inserting in lieu thereof "to each State educational agency"; and

(2) by striking out "teachers" each time it appears and inserting in lieu thereof "personnel serving".

GRANTS TO IMPROVE RECRUITMENT OF EDUCATIONAL PERSONNEL

SEC. 14. (a) PHYSICAL EDUCATION.—Section 643(a)(2) of the Act is amended by inserting after "education" a comma and the following: "including physical education,".

(b) TRANSITIONAL SERVICES.—Section 643(b) of the Act is amended by inserting after "available" the following: "transitional services and programs as well as".

AUTHORIZATION OF APPROPRIATIONS FOR PART D

SEC. 15. (a) GENERAL.—Section 645(a) of the Act (as redesignated by this Act) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out the provisions of this part (other than section 643) $70,400,000 for fiscal year 1987 and $74,500,000 for fiscal year 1988, and $79,000,000 for fiscal year 1989. There are authorized to be appropriated to carry out the provisions of section 643, $1,200,000 for fiscal year 1987, $1,400,000 for fiscal year 1988, and $1,500,000 for fiscal year 1989.".

(b) RESERVATION.—Section 645 of the Act is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Of the funds appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall reserve not less than 65 per centum for activities described in clauses (A) through (E) of section 641(a)(1).".

(c) TECHNICAL AMENDMENT.—Section 645(c) of the Act (as redesignated by subsection (b) of this section) is amended by striking out "section 631(c)" and inserting in lieu thereof "section 641(c)".

RESEARCH AND DEMONSTRATION PROJECTS

SEC. 16. (a) USES SPECIAL RULE.—Section 651 of the Act (as redesignated by this Act) is amended by—

(1) redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and

(2) by adding after subsection (a) the following new subsection:

"(b) Not less than 5 per centum of the funds made available in any year for the purpose of this section shall be used to address the needs of underserved secondary school-aged handicapped youth.".

(b) ADDITIONAL ACTIVITIES.—Section 651(a) of the Act is amended by adding after paragraph (5) the following new paragraph:

"(6) The development of program models and demonstrations for native Hawaiian Handicapped children and youth by an educational agency providing comprehensive elementary and secondary educational services to native Hawaiians. A grant contract or cooperative agreement under this section shall be in addition to and not in place of any other grant made to other Hawaiian public or private agencies under this part.".

AUTHORIZATION OF APPROPRIATIONS FOR PART E

SEC. 17. Section 654 of the Act (as redesignated by this Act) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purpose of carrying out this part, there are authorized to be appropriated $18,000,000 for fiscal year 1987, $19,000,000 for fiscal year 1988, and $20,100,000 for fiscal year 1989.".

INSTRUCTIONAL MEDIA

SEC. 18. (a) THEATER.—Section 661(a)(1)(B) of the Act (as redesignated by this Act) is amended by inserting after "films" the following: "and through theater".

(b) MEDIAN TECHNOLOGY.—Section 651(a)(2) of the Act is amended by inserting after "media" each time it appears a comma and the following: "material and technology".

(c) NATIONAL THEATER OF THE DEAF.—Section 652 of the Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary is authorized to make grants to or enter into contracts or cooperative agreements with the National Theater of the Deaf for the purpose of providing theatrical experiences to—

"(1) enrich the lives of deaf children and adults,

"(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf people, and

"(3) promote the integration of hearing and deaf people through shared cultural experiences.".

AUTHORIZATION OF APPROPRIATIONS FOR PART F

SEC. 19. Section 664 of the Act (as redesignated by this Act) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 664. For the purpose of carrying out this part, there are authorized to be appropriated $18,500,000 for fiscal year 1987, $19,600,000 for fiscal year 1988, and $20,800,000 for fiscal year 1989.".

REPEAL

SEC. 20. Section 604 of the Act is repealed.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. KERRY. Mr. President, today I rise to join with my distinguished colleague from Connecticut in introducing legislation to reauthorize the discretionary programs under the Education of the Handicapped Act. The act has proven its value over the years by integrating our disabled children into their schools and communities, and allowing them an opportunity to participate in a way that was impossible only a decade ago. And today I am proud to be a partner in sponsoring legislation that adds to the act by further expanding educational services for handicapped children. Today's reauthorization package reflects thoughtful input and consultation from experts across the country. This is genuinely demonstrated in the clear intent of the bill which is to improve our educational system in a manner that increases the developmental and learning potential of handicapped children, contributing to their full growth into adulthood.

This reauthorization increases that goal by providing for early childhood intervention which has proven highly effective. Our bill mandates services for children beginning at age 3. It allows for State and local flexibility so that existing programs may be continued and new ones will have the support necessary to provide the early intervention needed by "at risk" children. Recent research has indicated that this timely assistance makes a critical difference in educational progress of "at risk" children. In order to understand the overwhelming need for early childhood intervention, one only has to point to the fact that in the past decade, the number of handicapped preschoolers has increased by over 30 percent. Just last year, over 250,000 preschoolers were given educational services and this is but a fraction of the overall number of children who need these services. Currently only 19 States mandate services to all 3-to-5-year-olds. Yet, over 30 States cover a portion of this age category. The reauthorization not only mandates early childhood services nationwide and provides a reimbursement

formula which covers the services, but it also amends the existing allotment formula to ensure that States will no longer be penalized for serving additional children.

The discretionary programs provide a critical support system to upgrade the service received by the more than 4 million children nationwide who are in special education programs. These programs provide new authority for early childhood research and personnel preparation. Interagency coordination and transition plans for students are required for the secondary transition programs. This assures that handicapped students enter the adult level of the community with the support and aid they require. Personnel preparation programs target areas of shortage, priority status is given to the establishment of parent training centers and staff is specifically permitted to assist parents in due process hearings. The appropriateness of physical education is stressed in several programs. The bill includes monitoring and complaint investigation in the administrative cost set-aside which realistically reflects school district needs.

Embodied in this legislation is the essential principle that the Federal Government has a critical role in devising a progressive and responsible approach to create an effective system designed to promote education for all handicapped children. These provisions, combined with past novel approaches implemented under the Education of the Handicapped Act, have allowed millions of children to maximize their potential, despite their handicap.

Mr. President, our bill builds on the existing mechanism and helps further integrate our disabled children into their schools and communities, helps their parents and families understand what resources are available to them, and establishes research and training so that future innovations can be encouraged to assist our handicapped youth.

Over the years, the Congress had made a commitment to our handicapped children and our proposal further strengthens this commitment in a manner that enhances the lives of disabled youth throughout our society.●

Mr. STAFFORD. Mr. President, I am pleased to join with Senator WEICKER as an original cosponsor of S. 2294, the Education of the Handicapped Amendments of 1986. It has been 10 years since this landmark legislation was first enacted by the Congress. In that time, countless school districts have opened their doors to handicapped children who were previously denied a free and appropriate public education. Approximately 10 percent of the children attending public schools receive special education services that are paid for in part by Federal funds. Children with every kind of disability have taken their rightful places in their neighborhood schools. Handicapped young adults are now graduating from our public schools, with educational attainments, employment skills, and the expectation that they will live and work independently in the mainstream of their communities. That is remarkable progress for a decade. The task, however, is far from complete. Unemployment figures among disabled adults are as high as 60 percent. Many adults who would choose to live independently must remain in institutional or family settings because local alternatives are not available. I do not mention these facts to be discouraging. Rather, they reinforce the importance of the mandate that Public Law 94-142 has provided.

Senator WEICKER is to be congratulated for the new initiatives included in this legislation which will bring services to handicapped children from birth. It is well-documented that early intervention equates to less expensive programming for handicapped children once they are school-aged. By encouraging local school districts to intervene in the lives of handicapped youngsters at birth instead of ages 5 or 6, we are increasing the likelihood that these children will leave school and enter the workplace with adequate skills and self-esteem to be wage-earning, taxpaying citizens. This initiative represents a major step toward achieving the ultimate goal of full integration of handicapped children and adults in society.

RECOGNITION OF SENATOR CRANSTON

The PRESIDING OFFICER. The Senator from California is recognized.

THE GENERAL MOTORS PRICE INCREASE

Mr. CRANSTON. Mr. President, whenever anyone mentions automobiles, a lot of people automatically think of California.

Cars may be an important part of life, even an essential part of life, everywhere in the United States.

But in California, cars are a way of life.

We have over 14 million passenger cars on the road—far more than any other State.

We have 26 million people—also more than any other State.

And at any one time, more than 1 million Californians are in the market for a new car.

That is why the news that the price of General Motors cars are going up an average of 2.9 percent today comes as such a shock to this Senator from California.

What is General Motors thinking of? Or are they not-thinking at all?

General Motors and the American automotive industry have been pushing Congress for protectionist legislation, complaining that they are being beaten by foreign competitors.

And they are being beaten—with the possible exception of Chrysler.

Twenty-five percent of the new cars sold in the United States in 1984 were foreign imports—mostly Japanese.

Fifty percent of the new cars sold in California that year were foreign imports—mostly Japanese.

And now, when their No. 1 competitor has boosted its prices because of the increase in the exchange rate of the yen, what does General Motors do?

Does GM cut its prices to become more competitive and try to win back some of the American market it has lost?

Does it at the very least hold the line on the price of GM cars?

No, GM raises its prices.

Someone once said that what is good for General Motors is good for the United States.

I never could make much sense out of that.

General Motors' price increase is not good for the United States.

What is good for the United States is to reduce our trade deficit by producing better cars at lower cost.

That is good for the American consumer.

And it could even be good for General Motors.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

THE W.M. KECK OBSERVATORY: TO SEE THE BEGINNING OF TIME

Mr. CRANSTON. Mr. President, I am very pleased that my colleague, Senator Matsunaga, has agreed to introduce legislation on behalf of the University of California, Caltech, and the University of Hawaii, to premit the duty-free entry of essential telescope components for installation in the W.M. Keck Observatory under construction on Hawaii's Mauna Kea.

The Keck telescope, when it is completed in 1992, will be the world's most powerful telescope, powerful enough to see a single candle at the distance of the Moon.

This marvelous instrument will function as a time machine peering 12 billion years into the past nearly three-quarters of the way to the birth of the

71-059 O-87-2 (Pt 6)

universe, according to Caltech scientists.

The Keck telescope will measure 10 meters across compared to the well-known 5-meter hale telescope on Palmar Mountain. The final mirror assembly will consist of 36 hexagonal segments each individually controlled by a computor making 300 corrections a second to a tolerance of 3.75 nanometers. The Keck telescope will be enhanced by additional technological developments which will mean a 600-fold increase in productivity over present telescopes.

The bill which Senator Matsunaga is introducing will permit the duty-free entry of mirror components manufactured in West Germany. The duty-free entry provision is necessary because the telescope must be imported in components parts. Ironically, if the telescope were imported as a unit, it could enter duty-free.

I urge my colleagues on the Finance Committee to act promptly on this matter and to my colleagues in the Senate, I ask their wholehearted support of this significant contribution to an important scientific effort.

I ask unanimous consent that an article describing the project which appeared in the Caltech publication, Engineering & Science, be printed in the RECORD together with correspondence between California Institute of Technology and the U.S. Customs Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Engineering & Science, January 1985]

THE W.M. KECK OBSERVATORY

It will be powerful enough to see a single candle at the distance of the moon. But the Keck Telescope won't be lookng at anything so mundance as the moon. Its faceted eye will look at the center of the galaxy to see if there's a black hole there. It will look at the clouds of hot gas that are the birthplace of stars. It will function as a time machine, peering 12 billion years into the past three-quarters of the way to the birth of the universe. When construction is complete in 1992, this telescope, the most powerful in the world, will be set to answer fundamental questions in the fields of optical and infrared astronomy.

And it will do so from a most unworldly landscape—the remote high ridge of an extinct volcano already dotted with the white domes of observatories. Perched at the 13,600-foot level on Hawaii's Mauna Kea (White Mountain), a site that has some of the best "seeing," astronomically speaking in the world, the Keck Telescope will be the culmination of a 15-year, $85 million project to design and build the premier weapon in the astronomical arsenal.

With the largest private gift ever made for a single scientific enterprise—$70 million from the W.M. Keck Foundation—Caltech will provide most of the funds for the observatory's construction. The University of California, whose scientists began designing the ten-meter telescope in 1977, will provide funds for the scope's continuing operation. Observation time will be split evenly between UC and Caltech astronomers, with a fraction of the time going to astronomers from the Universtiy of Hawaii, which is providing the site.

The observations these scientists will make should help answer some of the most perplexing of astronomical riddles. One of these involves the large-scale structure of the universe. Galaxies cluster in groups ranging from small ones only a million light years across, to superclusters, which span nearly a billion light years. Scientists link the small and medium-sized galactic clusters to tiny density irregularities arising among fundamental particles during the Big Bang. But they find the superclusters much more difficult to explain. Some scientists believe that superclusters owe their existence to primordial fluctuations in the density of as-yet-unidentified elementary particles, so particle physicists are vitally interested in the results of these studies as well.

Often superclusters occur in enormous filaments or chains, and the details of these structures that the telescope will reveal may provide important clues to their orign. Computer simulations indicate that the clustering process continues to this day. The ten-meter telescope will be able to trace this back in time by capturing light that's been traveling our way for billions of years. Present day telescopes, like the five-meter (200-inch) Hale Telescope on Palomar Mountain, are just barely able to make out then most distant (and hence the oldest) galaxies, but they can't collect enough light from them to determine their redshifts, a measure of astronomical distance. (The further away an object is, the faster it recedes from us. The faster it recedes, the further its light is shifted to the red end of the spectrum.) Redshift information is indispensable in mapping the structure of these ancient clusters. The ten-meter telescope, with its huge light collecting area, is admirably suited for this sort of work.

The telescope may also provide a solution to one of the major problems in astronomy—the question of why, where, and how stars form. Thick clouds of dust obscure most star-forming regions. But though the dust blocks visible light, infrared light gets through and the ten-meter telescope will be the biggest infrared instrument in the world, with a resolution three times that of its nearest competitor. The ten-meter telescope will be able to differentiate actual stars from nearby clumps of dust that scatter light and mimic stars. It will also be able to separate one nascent star from another in these densely packed areas. And the telescope may help solve the mystery within a mystery of certain small, young stars, which come into being as the result of an unknown mechanism operating outside the usual star-forming regions.

The telescope's infrared capabilities make it an ideal source of information about our galactic center, which is also obscured by layer upon layer of dust. Studies to date indicate that this is a most peculiar region, containing remnants of supernovae as well as chaotically moving clouds of ionized gas. Many astronomers believe that these constitute the gravitational signature of a black hole located precisely at the center of Milky Way galaxy. The Keck Telescope will peer through the dust, searching for the high velocity regions that will distinguish a black hole from a compact star cluster, the other major candidate for the structure at the galactic center.

One technique that will be applied to the telescope is known as Multiple Object Spectroscopy (MOS), a process in which the spectra of as many as 100 objects from a single field of view are obtained simultaneously. One of the advantages of MOS is a lengthening of the maximum tolerable exposure. An astronomer may be willing to invest 10 or even 20 hours in a single exposure if 100 good-quality spectra will result. In other words MOS, coupled with the great light-gathering power of the ten-meter telescope, will mean a 600-fold increase in productivity over present telescopes.

Despite the Keck Telescope's high resolution, when construction is completed in 1992 it will not be the highest resolution instrument in use. The Hubble Space Telescope, scheduled for launch by the Space Shuttle in 1986, will have a resolution ten times better than any ground-based instrument because of its freedom from atmospheric blurring. The Space Telescope will also have advantages in ultraviolet spectroscopy (since most ultraviolet light is filtered by the ozone layer) and in certain parts of the infrared region that are attenuated by atmospheric water vapor. But the Space Telescope's primary mirror is only 2.4 meters in diameter. At more than 4 times the diameter and 17.4 times the area, the ten-meter mirror will be better able to provide the large amounts of light demanded by the exacting requirements of spectroscopy. Spectroscopy is needed in quantitative astrophysical studies to determine abundances of the constituents of stars and galaxies, as well as to determine redshifts. The two telescopes will therefore complement each other. The ten-meter telescope will often be used to conduct detailed spectrographic studies of objects first discovered or imaged by the Space Telescope.

Designing a ten-meter telescope, which must have a virtually perfect 76-square-meter optical surface, requires much more than merely scaling up a five-meter mirror like the one at the Palomar Observatory. According to University of California astronomer Jerry Nelson (Caltech BS 1955), who headed the design team, scaling these designs up by a factor of two introduces a number of formidable problems, most of them associated with the primary mirror itself. A ten-meter mirror blank has never been made, and even if it were possible, its cost would be enormous. Polishing such a blank would take a very long time and require extremely large and expensive machinery.

Perhaps even more difficult is the problem of properly supporting the mirror against the force of gravity, since the deflections of a ten-meter mirror are 16 times those of a five-meter mirror. These deflections must be limited to about a thousandfold less than the thickness of a human hair, says Nelson. Such a large mirror would require a massive telescope structure and a dome of enormous proportions, leading, again, to unacceptable costs.

To avoid these difficulties, the telescope's designers have developed a primary mirror design composed of a mosaic of 36 hexagonal mirror segments only 1.8 meters in diameter. Many of the problems are thus reduced to those of a 1.8-meter telescope. This allows a much lighter mirror, and modern computer-aided structural design tools have also made an extremely lightweight telescope structure possible. In fact, at 158 tons, the Keck Telescope will weigh less than one-third as much as the Hale Telescope.

But construction of the ten-meter telescope is not without problems of its own. Polishing the mirror is complicated by the fact that each segment is neither flat nor

symmetrical, but rather is one of six off-axis sections of a shallow paraboloid. The design team developed a method called "stressed mirror polishing" to arrive at each of the six shapes. This technique takes advantage of the ease with which opticians can polish a spherical surface. It involves first applying precisely calculated forces to a circular mirror blank, intentionally warping it. The mirror blank is then polished to a concave, spherical surface. Once the applied force is released, the mirror blank springs into the desired final shape. Its edges are then cut off to form the hexagonal outline.

During the cutting of an initial test blank, larger than desired warping occurred. This led to the idea of putting a "stressing" jig on each segment to remove the warp. This dewarping method, whose feasibility has been demonstrated, may also lead to a faster mirror production by allowing more relaxed tolerances during the polishing phase.

These difficulties in polishing the hexagonal segments are minor compared to the problem of polishing a single large mirror. But the multi-segment approach introduces other problems. A single mirror could be held steady in a rigid but passive support. But a system of multiple mirrors must be continually realigned, since the forces that tend to disrupt the aim (gravity, wind, and heat are the most important of these) act differently at each mirror location and change over time. Each segment, therefore, has edge displacement sensors on its back surface that bridge the gaps between one segment and its neighbors. If one segment should move relative to another, these sensors will send a signal to the computer control system. The computer will then make the necessary corrections by adjusting the three actuator pistons that support each segment. In order to maintain a sufficiently stable image, the computer will make such corrections 300 times a second to a tolerance of 3.75 nanometers. In this way the 36 segments, each individually controlled, with constitute, for all intents and purposes, a single mirror.

Light falling on this mirror will be directed to the telescope's six focal points, where various instruments such as cameras, spectrographs, photometers, and polarimeters will be housed. The designers have deferred decisions on the exact specifications of many of these instruments because of the rapid pace of technological advance. Light detectors in particular are currently undergoing dramatic improvements in sensitivity coupled with decreases in size, and these characteristics are fundamental starting points in some instrument designs. This flexibility to take advantage of the latest advances in instrument and detector technology is a further advantage ground-based telescopes have over space platforms.

But even a telescope in the best location in the world can have its seeing degraded by thermal inhomogeneities causing local atmospheric turbulence. Experience has shown astronomers that, ironically, the most damaging source of such turbulence is often the observatory itself. Ideally, all parts of the telescope would maintain the same temperature as the surroundings, but in practice this is not possible. To minimize damaging temperature gradients the designers will take a number of steps. These include painting the dome with a special, heat-reflective paint; actively controlling the temperature of the dome floor so that this massive structure will be neither a source nor a sink of heat; and locating much of the heat-producing electronic equipment in the heavily insulated observatory building.

This one-story building will contain the control room, offices, a library, and mechanical and electrical shops, including an aluminizing facility where the mirrors will be cleaned and resurfaced. Some of these rooms will be supplemented with oxygen, since the atmosphere at 13,600 feet contains only 60 percent of the oxygen present at sea level. This low oxygen level significantly degrades a person's mental and physical performance, but often people don't notice this reduction in performance soon enough. Several of the other observatories on Mauna Kea provide masks and bottle oxygen to their personnel, but although this is a much less costly option than oxygenating whole rooms, studies show that these aids are underused. The supplemental oxygen will not provide a sea-level environment, which would be prohibitively expensive. Instead, the oxygen levels will simulate conditions at the Hale Pohaku base camp at 9,200 feet, where the astronomers and support staff will study, eat, and sleep.

Although there's a strong tradition of astronomers making their observations while in residence at a telescope, full remote control of the Keck Telescope will be possible. This will allow astronomers to make their observations from their home offices around the world, which will significantly reduce travel and housing costs. Although some astronomers may be secretly disappointed by this, since justifying a trip to tropical Hawaii will be more difficult, the fact that the temperature atop Mauna Kea is usually between 30° and 50° Fahrenheit may assuage their disappointment.

Mauns Kea is already home to a number of major observatories including the Canada-France-Hawaii 3.6-meter telescope, the NASA 3.0-meter Infrared Telescope Facility, the United Kingdom 3.8-meter Infrared Telescope and the University of Hawaii 2.2-meter telescope. In addition, the Caltech 10.4-meter telescope for submillimeter wavelengths and a United Kingdom-Netherlands 15-meter telescope for millimeter-wave observations are under construction. Caltech scientists anticipate that the Keck Telescope will be linked to the 10.4-meter telescope to form a 400-meter-baseline interferometer at submillimeter wavelengths. This will allow them to examine sites of star formation, for example, in unprecedented spatial detail.

Future hopes for the site call for the construction of a second, identical ten-meter telescope that may be used in conjunction with the first to perform optical interferometry. The effective resolving power of such tandem observations, with both telescopes trained on the same area of the sky, would be equivalent to that of a telescope having a single mirror with a diameter equal to the distance between the two scopes. No funds have yet been raised for the second telescope, which could cost an additional $60 million.

Even without its twin, the Keck ten-meter telescope will be the source of significant advances in astronomical knowledge for decades to come. Considered together with the Hubble Space Telescope and a number of other observatories that may come on line within the next decade, the Keck Observatory will set the stage for possibly the fastest increase in our understanding of the cosmos since the time of Galileo.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, December 17, 1985.

Refer to: DIS CO:R:R:D 85-573327 DLD.

G.M. SMITH, *Project Manager,*
W.M. Keck Observatory Project, California Institute of Technology, Pasadena, CA.

DEAR MR. SMITH: This is in response to your application of August 23, 1985, for duty-free entry under item 851.60 of the Tariff Schedules of the United States (TSUS), of astronomical telescope mirror blanks. The blanks will become part of the reflector for an optical telescope to be installed on Mauna Kea on the island of Hawaii.

It is our determination that the blanks are components within the meaning of 15 CFR 301.2(k), of the regulations of the Commerce Department and the Treasury Department. Components (other than repair components) are not eligible for duty-free treatment under this program. Therefore, we must deny your application.

Any additional facts or evidence concerning the conditions existing at the time of entry which might alter this determination may be submitted to the undersigned prior to notice of liquidation of the entry. In the absence of such a submission this determination is considered final. However, after notice of liquidation a protest may be filed in accordance with Part 174 of the Customs Regulations (19 CFR Part 174). In this regard see also 15 CFR 301.8(c) for the regulations of the Department of Commerce and the Department of the Treasury.

Sincerely,

JOHN E. ELKINS, *Chief,*
Disclosure Law Branch.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
January 17, 1986.

Ref: DIS CO:R:R:D 85-573327 DLD.

Mr. JOHN C. ELKINS,
Chief, Disclosure Law Branch, Department of the Treasury, U.S. Customs Service, Washington, DC.

DEAR MR. ELKINS: I have in hand your letter dated December 17, 1985 to G. M. Smith, Project Manager for our W. M. Keck Observatory Project. In your letter you deny our application for duty-free entry under item 851.60 of the Tariff Schedules of the United States for the astronomical telescope "mirror blanks" which we are purchasing from Schott Glass Technologies, Inc. in West Germany. These so-called "mirror blanks" will be combined to form the primary reflector (i.e. mirror) for the large (ten-meter) optical and infrared telescope to be installed on the summit of Mauna Kea on the Island of Hawaii. The primary reflector will be composed of 36 hexagonal, 1.8 meter segments, each of these to consist of one of the "mirror blanks" (further polished, of course) to be purchased from Schott Glass Technologies, Inc.

Actually, the problem here appears to be one of semantics, a problem caused by us when we described these mirrors as "mirror blanks." "Mirror blank" is clearly a misnomer. These mirrors, when received from Scott Technologies, Inc. will already have been worked and precision ground to a diameter of 1900 mm +/− .5 mm and to a thickness of 77 mm +/− .2 mm. And the surface will have been ground to form a meniscus with a radius of curvature of 35350 mm on the concave side and 35426 mm on the convex side.

Headnote 6. to part 4 (of which item 851.60 is a part) describes which "instruments and apparatus" are exempt under item 851.60. Included are the "instruments and apparatus" listed in schedule 7, part 2 (except subpart G).

Subpart A of schedule 7, part 2 clearly lists the mirrors in question (item 708.07). Thus the items for which we are requesting exemption are, in fact, a line item "instrument [or] apparatus" coming within the included class described in headnote 6.

It seems clear that anything rising to the status of a stand-alone line item in one of the exempted parts qualifies for an exemption under item 851.60. To conclude otherwise would be to change the obvious intent of Congress. These mirror blanks are not "components" of some "instrument and apparatus" listed in the schedules. They are one of those exempt items themselves. Please note that the qualifying legislative definition is "instrument and apparatus", not merely "instrument." A reference to Webster's Third New International Dictionary, 1976, will show that "apparatus" includes anything which is a "collection or set of materials, instruments, appliances, or machinery designed for a particular use." These so-called "mirror blanks" being purchased from Schott Glass Technologies, Inc. are in fact the set of mirrors which will form the primary reflector for the Keck Observatory.

I can understand why as set forth in 15 CFR 301.2(k) "components" of "instruments" or "apparatus" are not exempt. However, that quite simply is not the case here. As we have shown, these precision ground mirrors from Schott Glass Technologies, Inc. are line item "instruments and apparatus" entitled to exemption. Furthermore, the only feasible way to fabricate, ship and install a telescope of this size and complexity is in pieces. It literally would not be physically possible to build a telescope of this size and transport it across the oceans and up the mountainside intact, as contrasted with a telescope or other scientific instrument which would fit on a desk or even in a normal laboratory room or bay. This telescope must be fabricated and transported to the Mauna Kea summit in pieces and then erected and installed there. It would be totally unreasonable and a complete distortion of 15 CFR 301.2(k) to call these prime elements of the telescope "components," so as to exclude them from exemption. And there is nothing in the legislation to support such a view. For your further information, I am enclosing a copy of an article in the January 1985 issue of Engineering and Science which describes in some detail this rather incredible new telescope.

We would appreciate your prompt reinstatement and further processing of our application. The completion of this exciting new optical and infrared telescope on the top of Mauna Kea, which will be the largest such telescope in the world, is dependent upon a steady flow of these precision ground mirrors from Schott Glass Technologies, Inc. Deliveries from Scott Glass are due to begin in March 1986, so prompt action is absolutely essential.

Your cooperation will be much appreciated.

Very truly yours,

DONALD R. FOWLER,
General Counsel.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, February 26, 1986.

Refer to: DIS CO:R:R:D 86-573689 DLD

DONALD R. FOWLER, Esq.,
Office of the General Counsel, California Institute of Technology, Pasadena, CA

DEAR MR. FOWLER: This is in response to your letter of January 17, 1986, in which you appeal the denial of December 17, 1985, of an application for duty-free entry under item 851.60 of the Tariff Schedules of the United States (TSUS), of mirror blanks for the multiple mirror telescope being erected on Mauna Kea. Duty-free entry under item 851.60, TSUS, was denied on the grounds that the mirror blanks are components as defined by 15 CFR 301.2(k) of the regulations of the Department of Commerce and the Department of the Treasury.

The mirror blanks were not ruled ineligible because they were not completely optically worked and thus did not fail within the allowable tariff schedule items, although it might, in fact, be argued that they are not optically worked. Rather, they were denied duty-free entry because they are components, and components may not enter duty-free under item 851.60, TSUS. A telescope, for example, is an instrument. The primary mirror of a reflecting telescope is an component of the telescope, that is, a necessary part of the instrument, but not itself a complete instrument. The mirrors under consideration here will be assembled into the equivalent of a primary mirror in the Keck Telescope, and therefore cannot be considered an instrument or instruments.

If the entire multiple mirror telescope were purchased from one foreign manufacturer and imported in several shipments to be assembled in the United States, the instrument could obtain duty-free treatment under this provision. However, this is not the case here. The telescope was designed by the University of California and California Institute of Technology, and parts were purchased from various foreign and domestic manufacturers. The instrument is to be constructed in the United States. Section 301.2(k), Title 15, Code of Federal Regulations, states in part, "'Components' of an instrument means parts or assemblies of parts which are substantially less than the instrument to which they relate. A component enables an instrument to function at a specified minimum level . . . Applications shall not be accepted for components of instruments . . . being manufactured or assembled by a[n] . . . entity in the U.S." Therefore, we must affirm the denial of duty-free entry for the mirrors on the basis that they are components of a larger instrument, which did not enter duty-free under tariff item 851.60, TSUS.

This determination is considered final. However, if an entry has been filed a protest may be filed after notice of liquidation in accordance with 19 U.S.C. 1514 and Part 174, Customs Regulations (19 CFR Part 174). Once an entry has been liquidated the importer has 90 days in which to file a protest.

Sincerely,

B. JAMES FRITZ,
Director, Regulations Control and Disclosure Law Division.

SENATOR DOLE DEFENDS RIGHTS OF GUNOWNERS

Mr. HATCH. Mr. President, it has come to my attention that majority leader ROBERT DOLE is the subject of a recent false and unfair attack regarding his record on gunowners' rights issues. This attack was carried out in a mailing conducted under the auspices of the Gun Owners of America. J.E. Reinke, the president of the National Rifle Association, promptly protested the mailing and in response, Bill Richardson, the founder and chairman of Gun Owners of America, has submitted a formal apology. The mailing did not go out over Mr. Richardson's signature and I am confident that he had no prior knowledge of the mailing. I request that both their letters be printed in the CONGRESSIONAL RECORD at the end of my remarks. Right now, I would like to take a few moments to present my own point-by-point response to the charges that were made in this mailing.

The fact of the matter is, Majority Leader DOLE has been a staunch advocate of the rights of gunowners.

He has been a cosponsor and strong, consistent supporter of the Federal Firearms Owners Protection Act since its original introduction in 1979. Once he became majority leader, he made the bill a top legislative priority. In July 1985, he brought the bill up on the Senate floor for the first time since it had been introduced. A few days later, the Senate passed the bill by an overwhelming vote of 79 to 15. As floor manager for that bill, S. 49, I can personally attest to the critical contribution made by the majority leader that resulted in approval of this important initiative.

But this is hardly the first time BOB DOLE has demonstrated his commitment to the rights of gunowners. In 1981, he introduced a package of amendments that in some respects went farther than the McClure bill in correcting overreaching by the 1968 Gun Control Act.

For instance, there was his amendment, enacted into law in 1982, removing .22-caliber rimfire ammunition from the Gun Control Act. He also offered an amendment, enacted into law in 1984, removing the act's restrictions on military surplus imports. These were the first progun amendments to the 1968 act to be enacted by Congress. He also sought enactment of an amendment which would have downgraded technical and bookkeeping violations of the 1968 act. This Dole proposal would have handled technical regulatory infractions with a regulatory system of civil fines rather than with Federal felony prosecutions.

Incredibly, one of the allegations made in this mailing was that BOB DOLE tried to "tax and register" guns when in fact, Senator DOLE wrote the Commissioner of Internal Revenue, at the request of the person responsible for the mailing, protesting proposed regulations and any other attempt by

the IRS "directly or indirectly to require gun registration of any sort." In response, the Commissioner wrote back stating that the "IRS has no intention of requiring firearm registration of any sort"—a commitment which so far has been kept.

The mailing also attacked possible amendments to the National Firearms Act being circulated by Senator DOLE's staff for comment which BOB DOLE has never even seen.

What's more, I have been advised that these amendments, which were given to my staff and other interested parties many months ago, were designed to head off more sweeping changes to the national act. This staff draft was designed to help gunowners in many different ways. For instance, one change would give amnesty to certain individuals acting in good faith who possess automatic weapons now required to be registered by law. Another would allow law enforcement agencies to release from their arsenals for sale to collectors surplus automatic weapons with high collectors value, such as Thompson machineguns. These kinds of changes are highly unpopular with gun control advocates, so I was quite surprised to see the mailing also opposed to Senator DOLE's staff's efforts.

Contrary to what the mailing said, the staff amendments were never written to classify all semiautomatics as machineguns. On the contrary, Senator DOLE's staff have taken great pains to ensure that the amendments could not be so interpreted. Indeed, the most recent language being circulated goes so far as to repeat weapons covered by the national act remains the same.

Finally, the letter attacks Senator DOLE for supporting the KTW bill, S. 104, and its House counterpart. The letter fails to mention that Senator DOLE was among the first to caution against an overly broad approach in dealing with this issue. In 1982, his individual views on S. 1040, the McClure bill of that year, criticized the sweeping attempts being made at that time to prohibit the manufacture and sale of certain kinds of handgun ammunition. Instead, he offered an amendment to impose mandatory prison terms for the use of this kind of ammunition during the commission of a crime. This proposal was endorsed by the Reagan administration and interested progun groups and enacted into law in 1984.

During consideration of S. 104, Senator DOLE made every effort to accommodate Senator SYMMS and supported the successful Symms amendment because it was consistent with views held by the majority leader since 1982 concerning the need to ensure that the coverage of the legislation be carefully circumscribed. It should also be emphasized that as majority leader, Senator DOLE has a responsibility to accommodate the interests of the entire Senate. When a bill passes by a margin of 97 to 1, as did S. 104, and is supported by such staunch gunowner's rights advocates as Senators MCCLURE, THURMOND, and DECONCINI, I would say the majority leader is doing his job right.

What I find very difficult to understand is why this mailing would make such charges when now, more than ever, gunowners' rights advocates need to be pulling together to get the McClure-Volkmer bill finally enacted into law. I applaud the fact that such leaders as J.E. Reinke and Bill Richardson so quickly rose to Senator DOLE's defense. Senate DOLE has been unfairly attacked and it is important that responsible gunowners speak out to ensure the record stands corrected.

Mr. President, I ask unanimous consent that, in addition to the Reinke and Richardson letters, an article which appeared in the March 29 Congressional Quarterly entitled "Miscues Costly in Politics of Obstruction" be printed in the CONGRESSIONAL RECORD. This article contains an excellent summary of Senator DOLE's contributions on behalf of gunowners.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIFLE
ASSOCIATION OF AMERICA,
Washington, DC, March 19, 1986.

Hon. BILL RICHARDSON,
The State Capitol, Sacramento, CA.

DEAR BILL: I very much regret the need to advise you of my overwhelming sense of outrage and disappointment at the vicious, totally uncalled for attack on Senator Robert Dole by your employee, Larry Pratt—see enclosed.

I do not have the time to list all of the many outstanding contributions made by Senator Dole to the cause of the National Rifle Association and all law abiding gun owners. For the purpose of this letter, it will suffice to say that without the Majority Leader's courage and forceful leadership, we would not have seen the United States Senate pass the Firearms Owners' Protection Act in July of 1985. I would remind you that this momentous event occurred during the first year of Senator Dole's term as Majority Leader of the Senate after languishing in that body since 1979.

As a veteran member of the California State Senate you, better than most, know the critical importance of having any majority leader on your side during heated legislative debate. If it's required that a U.S. House-passed pro-gun bill be returned to the Senate for confirmation, we will all lean heavily on the advice and direction of Senator Dole. I call upon you to do everything in your power to repudiate the scurrilous attack upon the Senator by Pratt, as I feel that you personally and the Gun Owners of America will want to disassociate yourselves from Mr. Pratt as quickly as possible.

If his actions reflected only upon himself and GOA, then I would never make such a request. However, those of us who have labored long and hard to reform the 1968 Gun Control Act will, in some eyes at least, be tarred with the same brush, and I intend to advise every member of the Congress not only that Pratt speaks for a misguided few, but that the National Rifle Association denounces both the individual and his utterances.

I am sorry that I must use such harsh language, but Pratt's actions deserve no less.

Sincerely,

J. E. REINKE,
President.

GUN OWNERS INC.,
Sacramento, CA, March 25, 1986.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: I would like to apologize for some copy written by one of my employees in a recent Gun Owners newsletter. It was intemperate and ill-advised. It assuredly did not reflect my opinion nor the opinions of the rest of the leadership in Gun Owners.

I had a long conversation on the matter of this copy with two of my very good friends, Warren Cassidy and Jim Reinke of the National Rifle Association. I concur with them that you have been one of our leaders in the preservation of our Second Amendment Rights, and they made a good selection in choosing you as our speaker at the convention. I, too, had the pleasure of serving as director of the NRA for better than a decade.

I know of the difficulties you now face as a leader of the Senate. Hopefully Gun Owners can be an assistance to you in the years to come.

Sincerely,

H.L. RICHARDSON,
Founder and Chairman.

[From the Congressional Quarterly, Mar. 29, 1986]

MISCUES COSTLY IN POLITICS OF OBSTRUCTION

(By Nadine Cohodas)

For much of the last 5½ years, House Judiciary Committee Chairman Peter W. Rodino Jr., D-N.J., has acted like the little Dutch boy with his finger in the dike.

Ever since Ronald Reagan became president and the Republicans took control of the Senate, Rodino has been fighting to hold back a tide of legislation pressed by the conservative right: anti-abortion constitutional amendments, anti-busing legislation, constitutional amendments to require a balanced budget and to allow school prayer.

He has learned how to play obstructionist politics very well. Not one of these pieces of legislation has cleared Congress, although Rodino did have a scare in 1982 when the House was forced to consider a balanced-budget amendment after the Senate passed one. The amendment was defeated with the help of some deft moves choreographed by the House leadership.

But Rodino may not be so lucky on another issue set for floor action April 9. That day, the House is to consider two pieces of gun legislation. One, favored by the National Rifle Association (NRA), would loosen restrictions in the 1968 Gun Control Act. The other, approved by the Judiciary Committee, would ease some of the law's requirements but would keep restrictions on handguns.

The Judiciary bill is given little chance of passage against the NRA-backed bill, and Rodino and his allies have drafted amendments to the NRA proposal, trying to preserve elements of the 1968 law.

Since 1979, when the NRA accelerated efforts to change the 1968 act, Rodino has bottled up the gun issue in the House. But this year his fortunes changed, and the fight over gun control nicely illustrates the amorphous and mercurial nature of obstructionist politics.

To succeed, the obstructionist must have an accurate measure of his own strength and his opponent's. He rarely is acting in isolation, especially in the House, where the rules make it difficult, though not impossible, for one person to sway the actions of the other 434.

In Rodino's case, he has not been acting only for himself. His ability to keep divisive matters off the floor is supported by dozens of members who privately applaud him and his committee for saving them from controversial votes. As a result, they don't flock to sign "discharge petitions" on abortion, busing or school prayer that would push these issues onto the House floor. (When 218 members sign a petition, they can force action.)

But guns are different. And this time around, it appears that Rodino and William J. Hughes, D-N.J., chairman of Judiciary's Crime Subcommittee, misjudged congressional sentiment.

They probably didn't bargain for the relatively quick Senate action in 1985; the NRA bill bypassed the Senate Judiciary Committee and went directly onto the Senate calendar. And they might have forgotten to watch the key Senate player—not James A. McClure, R-Idaho, the bill's sponsor, but Majority Leader Robert Dole, R-Kan. Dole gave the NRA something they couldn't get under his predecessor, Howard H. Baker Jr., R-Tenn.: floor time.

Although the Senate Judiciary Committee had approved gun legislation in 1982, Baker refused to let it come to the floor. But when Dole became majority leader, he decided there had been enough debate and that it was time for action.

It was not the first time Dole had done something for gun owners. In a 1982 catch-all spending bill he quietly inserted an amendment that lifted record-keeping requirements for .22-caliber bullets. And he inserted a provision in a 1984 trade bill that lifted import restrictions on many World War II weapons.

After the Senate acted in July, Hughes and Rodino apparently underestimated the momentum generated by its overwhelming 79–15 vote for the NRA bill.

Rodino was an unwitting catalyst. He pronounced the Senate bill "dead on arrival" in the House, and his comment, while catchy, was inflammatory. It helped convince some members that once again he would bury gun legislation. And it played into the hands of Harold L. Volkmer, D-Mo., who was circulating a discharge petition to get the bill on the floor.

Hughes seemed to misjudge the atmosphere as well. He waited until September to announce that his panel would hold hearings on gun control in Washington, D.C., and several other cities. The hearings didn't begin until late October, and contrary to the advice of gun control advocates, the out-of-town sessions were held in San Francisco and New York, two cities the gun lobby portrayed as too liberal and unrepresentative. Hughes' supporters had wanted him to go to the heart of gun country, Dallas and Denver, and get testimony from police and citizens there about how important gun control was.

With Volkmer and 203 supporters breathing down his neck by February, Hughes was still planning to hold more hearings. But the House leadership realized the threat, and told him to move a bill.

Hughes and the full committee promptly complied. Judiciary even managed to get a 35–0 vote on a consensus measure that was reported March 14. But the bill was immediately attacked by the NRA and its House supporters as unworkable and misguided.

The law enforcement community likes the bill, however, and for the first time, police groups are actively lobbying for the legislation. Rodino ultimately may be able to salvage some of what he wants in the gun fight April 9. But in this instance he is not marching smartly into battle. He's been pushed.

THE RETIREMENT OF MAYOR CLAYTON LODOEN

Mr. ANDREWS. Mr. President, recently one of North Dakota's outstanding public servants stepped down from the office of mayor of West Fargo. While Clayton Lodoen may be retiring as mayor, a position he has held since 1966, he will continue to serve North Dakota in the State senate. Few Americans can boast of providing the strength and leadership so fundamental to State and local government that has embodied Clayton's public service. He has long been a friend of mine, and I salute his personal dedication and 20 years of work on behalf of his fellow North Dakotans.

I ask unanimous consent to have the following editorial from the Fargo Forum printed here in its entirety so my colleagues and fellow North Dakotans may read the tribute to this truly outstanding American.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LODOEN GAVE LEADERSHIP

Mayor Clayton Lodoen, West Fargo's man for all seasons, is stepping down after 20 years of presiding over this anomalous kind of town, one part suburb and one part Chicagoland. Packing plant, stockyards, rapid growth, waterfront problems, (Sheyenne River), West Fargo has fought the good fight and progressed marvelously.

Lodoen, a former U.S. Marine, has led the way to preserve the tax base, zone for orderly growth, provide utilities and services, fight floods, and clean up the night life. All this in a city that has tripled in size since Lodoen was first elected in 1966.

Lodoen didn't run for re-election this year, feeling it was time to cut back on his activities an give someone else a chance at the helm. Florenz Bjornson was elected to succeed him.

The grey-haired, ramrod straight Lodoen, at 63, isn't about to retire from public life. He is still a North Dakota state senator, where he is president pro tem, and still carries on some real estate and insurance business in West Fargo.

So we are not saying farewell to Lodoen, but writing a concluding chapter to his career as mayor and congratulating him for a job extremely well done.

We like the way he has:

Fought spring floods, and led the city's efforts to get a Sheyenne River Diversion around the city that appears near passage by Congress.

Helped keep city revenues in the black while also keeping taxes down.

Worn two hats—senatorial and mayoral—in passing legislation to allow the city to bar nude go-go dancing in night spots. West Fargo had been fighting prostitution that emanated from some of these places. The legislation is a model that is used by other cities.

Fought pollution in sewage disposal through expansion of the city's sewage treatment plant.

Built a new city hall suitable to this community that has grown to 11,000 on the western edge of Fargo.

Fargo taxpayers may not appreciate the fact that the West Acres shopping center, while a part of Fargo, remains in the West Fargo School District. But without this commercial property in that city's school district, it is difficult to imagine how enough schools could have been built to handle growing enrollments. The legislative coup that accomplished this was led by Lodoen, wearing his Senate hat.

Clayton Lodoen deserves our congratulations as he retires as West Fargo mayor.

THE MHD GAP

Mr. HATCH. Mr. President, I would like to call attention to two articles regarding the role of magnetohydrodynamic [MHD] generators in the SDI Program. I am concerned that the United States is overlooking an important alternative power source.

A November 1985 document, "Soviet Strategic Defense Programs," released jointly by the Department of State and the Department of Defense, states:

> The Soviets appear generally capable of supplying the prime power, energy storage and auxiliary components needed for most laser and other directed-energy weapons. They have developed a rocket-driven magnetohydrodynamic generator which produces over 15 megawatts of electrical power—a device that has no counterpart in the West.

The generator the document refers to is an open cycle generator which runs on special solid fuels. The use of high-power sources of short, single current pulses makes it possible to avoid the use of forced cooling systems for the generator, to simplify the systems of receiving stations and to be more flexible in selecting the time for conducting a measurement session while achieving the most favorable signal-to-noise ratio.

The MHD generator was introduced in the U.S.S.R. around 1968 by Dr. Y.P. Velikhov, president of the U.S.S.R. Academy of Sciences and chairman of Soviet Scientists in Defense for Peace and Against Nuclear War. Dr. Velikhov recognized the vast potential of the MHD generator, and today the Soviets have further developed the unit for use in ballistic shields and laser weapons.

This power source could undoubtedly be a valuable asset to the U.S. SDI Program. It is a proven, effective gen-

erator whose capability exceeds any in present use.

Why then is the MHD generator technology not being exploited in the United States? Further research turned up an interesting twist to this question—not only do we have the capability, we are the initial developer, and still it is not in use.

The preliminary stages of the MHD development began in the early 1960's at the University of Tennessee Space Institute [UTSI]. At that time there was a great deal of interest and cooperation from the Department of Defense. Toward the late 1960's, however, military interest began to wane. Only the Air Force continued its involvement in the testing, and even that was scaled down considerably.

In the early 1970's the oil embargo hit. The early testing at UTSI had resulted in a coal-fired generator, thus increasing the desirability of MHD during this critical period. The United States increased its development programs, as did several other nations, including the Soviet Union. This trend continued until the mid-1970's when the pulse-generator era started to wind down.

The Soviet Union did not slow its program, however. Their development programs are continuing today, with research proving that they were correct in their belief in the potential of the MHD generator.

Over the past 25 years, all the data, experiments and accomplishments of the MHD generator support the conclusion that the combustion-driven MHD pulse generators are a viable power supply for space or remote terrestrial applications. We have the technology, the capability and the facilities; I believe the United States should resume and intensify its research and application of the MHD generator.

Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

"SOVIET STRATEGIC DEFENSE PROGRAMS"

(By Department of Defense and Department of State)

ADVANCED TECHNOLOGIES FOR DEFENSE AGAINST BALLISTIC MISSILES

In the late 1960s, in line with its long-standing emphasis on strategic defense, the Soviet Union initiated a substantial research program into advanced technologies for defense against ballistic missiles. That program covers many of the same technologies involved in the U.S. Strategic Defense Initiative, but represents a far greater investment of plant space, capital, and manpower.

Laser Weapons

The USSR's laser program is much larger than U.S. efforts and involves over 10,000 scientists and engineers and more than a half dozen major research and development facilities and test ranges. Much of this research takes place at the Sary Shagan Missile Test Center where the Soviets also conduct traditional ABM research. Facilities there are estimated to include several air defense lasers, a laser that may be capable of damaging some components of satellites in orbit, and a laser that could be used in feasibility testing for ballistic missile defense applications. A laser weapon program of the magnitude of the Soviet effort would cost roughly $1 billion per year in the U.S.

The Soviets are conducting research in three types of gas lasers considered promising for weapons applications: the gas-dynamic laser; the electric discharge laser; and the chemical laser. Soviet achievements in this area, in terms of output power, have been impressive. The Soviets are also aware of the military potential of visible and very short wave-length lasers. They are investigating excimer, free-electron, and x-ray lasers, and have been developing argon-ion lasers for over a decade.

The Soviets appear generally capable of supplying the prime power, energy storage, and auxiliary components needed for most laser and other directed-energy weapons. They have developed a rocket-driven magnetohydrodynamic generator which produces over 15 megawatts of electrical power—a device that has no counterpart in the West. The Soviets may also have the capability to develop the optical systems necessary for laser weapons to track and attack their targets. Thus, they produced a 1.2-meter segmented mirror for an astrophysical telescope in 1978 and claimed that this was a prototype for a 25-meter mirror that would be constructed in the future. A large mirror is considered necessary for a space-based laser weapon.

Unlike the U.S., the USSR has now progressed in some cases beyond technology research. It already has ground-based lasers that could be used to interfere with U.S. satellites, and could have prototype space-based antisatellite laser weapons by the end of the decade. The Soviets could have prototypes for ground-based lasers for defense against ballistic missiles by the late 1980s, and could begin testing components for a large-scale deployment system in the early 1990s.

The remaining difficulties in fielding an operational system will require still more development time. An operational ground-based laser for defense against ballistic missiles probably could not be deployed until the late 1990s, or after the year 2000. If technology developments prove successful, the Soviets may deploy operational space-based antisatellite lasers in the 1990s, and might be able to deploy space-based laser systems for defense against ballistic missiles after the year 2000.

[From the Washington Post, Sept. 6, 1985]

SOVIETS TAKE LEAD IN SPACE LASERS

(By Jack Anderson and Dale Van Atta)

The superpowers' contest for military supremacy in space continues, and the Soviets appear to be substantially ahead in the latest round: laser weapons.

CIA sources have told us they've discovered a major laser test center at Krasnoarmeysk, 30 miles northeast of Moscow. Even more alarming, the facility is believed to be actually producing laser weapons.

Evidence of the priority the Soviets place on the Krasnoarmeysk weapons plant, the CIA has determined, is that it is operated by an integrated design bureau.

Ordinarily the Soviets borrow the capitalist technique of competing design bureaus for everything from tanks to ballistic missiles. They have found that the competition eventually produces better weapons—but it's too time-consuming for a top-priority program.

"The Soviets have had a research program under way since 1970 aimed at developing lasers with weapons applications," notes a top-secret CIA report.

The program includes at least a half-dozen major research and development facilities and test ranges. More than 10,000 scientists and engineers are involved.

By way of comparison, the CIA estimates that a similar U.S. laser weapons program would cost about $1 billion a year. But the United States only began playing catch-up during the Reagan administration, with about $800 million earmarked for laser weapons research in 1986.

One of the unique features of the Soviet laser program is the development of a rocket-driven magnetohydrodynamic (MHD) generator, which produces 15 megawatts of short-term electricity as a fire-power source for the lasers.

A secret State Department report on the MHD explains that "it generates current by passing a conducting fluid through a magnetic field." The report adds this disturbing comment:

"Their [the Soviets'] MHD work is the largest in the world and continues to grow. Power outputs already achieved exceed those in the West several fold, and both rocket power and liquid metal system inputs could have potential for military programs in high-energy lasers, charged particle beams and space-borne laser power supplies. MHD is a technology area where the Soviets clearly lead the U.S. in demonstrated capability."

In fact, there is no counterpart device in the West.

Both the CIA and the Pentagon believe that the Soviets already have ground-based lasers that could interfere with U.S. satellites, and they estimate that by the late 1980s the Russians could have at least prototype space-based laser weapons that could incapacitate U.S. satellites.

The actual development of space-based lasers for antisatellite use is a tricky business, however, and the intelligence experts figure that the Soviets won't have mastered this before the 1990s.

The various reports and estimates, which accumulate with virtually every top-secret satellite photograph and analysis of it, all demonstrate that the Buck Rogers "ray gun" won't wait for Dr. Huer to come along in the 25th century.

THE WASHINGTON POST PRAISES THE SENATE'S WATER RESOURCES BILL

Mr. STAFFORD. Mr. President, just prior to the recess, the Senate passed S. 1567, the omnibus water resources bill, then substituted the Senate-passed language as an amendment to H.R. 6, and requested a conference with the House.

While the Senate was in recess, the Washington Post carried an editorial discussing the Senate's version of this water resources development bill. This editorial referred to the Senate's bill as "sensible," and noted that "Con-

gress seems headed down the right path."

Mr. President, I agree.

This editorial is a tribute to the Senate. It is also a great tribute to our colleague, JIM ABDNOR, chairman of the Subcommittee on Water Resources. Senator ABDNOR worked hard and effectively to shape this bill and to win Senate passage of this legislation.

He led the fight for a disciplined, realistic bill. He deserves the special thanks of the Senate for this editorial.

Mr. President, I ask unanimous consent that a copy of the editorial be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 28, 1986]

WATER BILLS

Passage of a rivers and harbors bill used to be an important festival in Congress. Not since the early 1970s has there been one of any size. The main reason has been a dispute, first with President Carter, then with President Reagan, over the extent to which the federal government should any longer bear the cost. Now it appears that dispute may be ending. The Senate this week passed a sensible bill that, on the one hand, authorizes $11 billion in new projects but, on the other, requires beneficiaries to share the cost. The House passed similar albeit less disciplined legislation last year—$20 billion in projects and less cost-sharing. The administration has said the House bill is unacceptable, but the matter now goes to conference. A fair compromise ought to be possible.

The Reagan administration has insisted on cost-sharing on fiscal and philosophical grounds. It likes user fees, in part for the money they save, in part on the theory that government subsidies distort investment decisions and detract from efficient use of resources. The Senate bill would require the immediate beneficiaries of flood control projects to put up a fourth to a third of the cost. Communities will think twice about projects they used to accept happily because they were "free." That at least is the theory. There will be cargo fees to help pay for work on ports and a barge fuel tax increase to support work on inland waterways.

These partial deterrents may also have useful environmental effects. That was one of the reasons the Carter administration was drawn to them. Large water projects disturb the environment almost by definition; some do serious damage. Environmentalists tend to think the fewer the better.

Some of the projects in both bills remain dubious, both on environmental grounds and because the benefits don't match the costs. Not all these will be dropped in conference; they never are. But some will also be caught up by the new cost-sharing rules, and all these projects are authorizations only. It remains for the appropriations committees to choose—and to spread the expenditures so as not to burden the deficit.

It is tempting for all who live at a distance to write off all public works expenditures as pork. Not fair. Kept from excess, this is a necessary process in national investment; the cost-sharing principle is important. Congress seems headed down the right path.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, there are a number of us who will be attending a luncheon today with the Prime Minister of Japan, Mr. Nakasone. Because of that, and the fact we are waiting on one or two Senators with reference to the crime bill legislation, I move the Senate now stand in recess until 2:30 p.m. today.

The motion was agreed to; and, at 12:59 p.m., the Senate recessed until 2:30; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABDNOR).

JOHN Q. PUBLIC OF THE REAL WORLD

Mr. MELCHER. Mr. President, the concerns on which attention is currently focused here in Washington, DC, the seat of the government of the world's strongest country, are not the center of reality for the people of the United States.

The real world for most Americans is in the job place, and that is shaky; hanging on to the family farm, liquidation threatens; or business endeavors; basic industries are going under.

The family pocketbook and savings accounts are getting flattened and drained. Family and business debts are big worries. In short, these are the pressing real world concerns of the citizenry.

In contrast, we find the government of this country concentrating on Qadhafi and Libya, Nicaragua and the Contras, and David Stockman's book about his and the White House economic failures.

Each of these concerns intertwine in an unholy trinity to dominate the Federal Government's attention. They can only dominate the attention of the people in terms of frustration that their elected officials ignore the real problems of the country.

For those who take former Budget Director David Stockman too seriously, such as President Reagan and his staff plus national party leaders, they all deserve each other and Stockman's barbs.

On Libya and Nicaragua, there is a common problem—both countries of about 3 million people have misguided, irresponsible heads of state threatening terrorism or killing their neighbors. The use of overwhelming U.S. naval strength against Qadhafi should be approached with caution.

What next? President Reagan has not said.

But the President has not proposed, as he probably should, similar U.S. naval patrols in the Caribbean to stop armament shipments into Nicaragua from the Soviets and/or Cuba.

Instead, he tells John and Mary Q. Public that the rag-tag Nicaraguan Contras, with $100 million in United States aid now and more later with which to kill a few hundred more people, is the United States policy. The Publics only shake their heads in profound disbelief.

Imagine, with me, what John and Mary Q. Public must think as they contemplate the realities of Hometown, U.S.A.

The family paycheck has shrunk. Their 23-year-old son's job is irregular and low paying, and their college-trained daughter's best job so far is at a fast food counter. One of the next door neighbors' kids, because college loans were not available, dropped out of college.

But they are even more concerned that Mrs. Public's brother and nephew seem to be losing the old family farm. They have been told to contribute some of their time and assist with donations at their church food bank, which helps the community's jobless families after their town's manufacturing plant closed down last year. Despite hearing from their farm kin and reading press accounts of huge surpluses of commodities in Federal storage, none of it has trickled down to be used in their church food bank.

Television portrayals of terrorist attacks draw their attention and are discussed at the supper table. They ponder, wondering if the Federal controls on air travel safety should be beefed up. One of them recalls an acquaintance who is a flight controller never rehired after the strike. They ponder whether air traffic is safe but wonder if it has been cut too much. While the family favors the National Aeronautics and Space Administration [NASA], space exploration and space shuttles, they have noted the speedup in launches—11 of them scheduled in 1986—and they wonder how much they had to do with the President's plan for expanded star wars research.

All of the John Q. Public family have tightened their belts. They worry over the economy and are convinced that it is outrageous that some of the Pentagon procurement is wasted on high-priced equipment or canceled weapons that do not work. They particularly note as April 15 approaches and passes that profitable megabuck corporations still pay no income taxes.

Their puzzlement is growing and their anger is simmering.

Their city and school taxes are on the increase because Federal funds have been cut. That has resulted in

municipal garbage and landfill curtailment and a slowdown in a toxic dump cleanup on the edge of town.

Mary, a former schoolteacher, is particularly concerned that federally funded reading and math teaching assistance has been cut in the local schools.

But the over-coffee talk that John Q. has picked up about foreign aid increases has sparked more than one evening's family discussion. He is a World War II veteran. One of his Army buddies is having difficulty qualifying for sorely needed veterans health care. The health of their immediate family has always been good, but his parents have needed help in meeting hospital costs, even though both are covered under Medicare, because the couple's savings virtually evaporated.

The John Q. Public family is not too concerned about Stockman's book, hopes the President knows what he is doing about Qadhafi, but what is this about $100 million for Nicaragua—and just who are the Contras? They agree it is about time they write their Congressman and their Senators.

Well, if that is not the way it is happening in the real world of the John Q. Public family in Hometown, U.S.A., at least these are the concerns expressed that I find in my letters.

There is real work to be done for Hometown, U.S.A., and the Publics know it even if Washington does not.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPER RESPONSE TO THE LIBYAN THREAT

Mr. BENTSEN. Mr. President, certainly it has been established beyond doubt that Libyan leader Mu'ammar Qadhafi has threatened the United States and many other nations. I am convinced that it would be in our best interests if he no longer served as head of that country.

The best way to achieve that result would be to help those who have their own good reasons to seek his removal. I am not suggesting that we abandon our current prohibition on assassination. I am certainly not talking about putting out a contract on him. I am suggesting a program of assistance to those Libyans who oppose his regime and would like to see their country rescued from Qadhafi's wild adventures and repressive rule.

By all accounts, there is strong domestic opposition to Qadhafi—from segments of the military, from the middle class, from ordinary Libyans who have not benefited from his one-man revolution.

There have been over a dozen serious coup attempts directed against Qadhafi in this decade. Libya is thus ripe for a coup, and we should be supporting those who could bring it about.

Instead of aiding this opposition, current U.S policy has the effect of legitimizing Qadhafi among his countrymen and rallying them around him in patriotic fervor.

We also should be working quietly with other Arab nations who fear Qadhafi's expansiveness, his diplomatic intrigue, and his outright terrorism. They have their own good reasons for opposing Qadhafi, but they have felt compelled to show Arab solidarity in response to America's gunboat diplomacy.

Instead of such a policy—low profile, but tough and smart—we have been sailing warships around the Mediterranean and threatening unspecified additional military actions. We are not practicing the wise counsel of Theodore Roosevelt, to "speak softly but carry a big stick."

It would surprise no one—least of all Libyans at possible target sites—if we launched an attack. But such a retaliatory strike is not likely to be effective at eliminating either Qadhafi or the vicious terrorism which he supports.

There is no doubt in my mind that Libya has been directly involved in recent terrorist incidents, including the West Berlin bombing. What is at issue is not the question of guilt, but the question of how best we ought to respond to Qadhafi's terrorism in the context of both short-range and long-range foreign policy goals. This requires a balance, which does not appear we have achieved.

In recent days, U.S. officials have been publicly pressuring our European allies to join with us in denouncing Qadhafi and taking tough economic sanctions. Thus far, the European response has been disappointing, for they too should recognize and work to counter this Libyan threat. Unfortunately, our loud public efforts have led mainly to calls for U.S. restraint.

A lower profile is more likely to be effective than our current posture of blustery confrontation and imminent conflict. The terrorist threat is too real, and Qadhafi is too great a danger to civilization, for us to be diverted by military displays which offer little promise of promoting our true national interests in this situation. Threatening Qadhafi by destroying a missile battery or two and sinking a couple of patrol boats may be gratifying, but actions such as these, when they are ends in themselves, may in fact be counterproductive.

We discovered in Lebanon that a limited military response risks American lives without accomplishing our objectives. We should not send our men into harm's way when there is a better alternative still available. Our real goal is that of ending the terrorist threat that Libya's current ruler poses to the world. I do not believe that our present policy will reach that end.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Morning business is closed.

ANTI-VIOLENCE AMENDMENT TO THE HOBBS ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 353, S. 1774, the Hobbs Act.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Objection.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. DOLE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 353, S. 1774, the Hobbs Act, and I send a cloture motion to the desk. I understand the distinguished Senator from Pennsylvania wanted to speak on the motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the *motion to proceed* to the consideration of S. 1774, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

Bob Dole, Jesse Helms, Malcolm Wallop, Gordon Humphrey, Paul Laxalt, Don Nickles, Mack Mattingly, Phil Gramm, Steve Symms, Thad Cochran, J. Denton, Al Simpson, Chuck Grassley, Jake Garn, Mitch McConnell and Orrin Hatch.

Mr. DOLE. Mr. President, I would inform my colleagues a vote on the cloture motion on the motion to proceed would come on Wednesday. It may be that prior to that time we could reach some agreement on maybe letting us proceed to the bill. But in any event, the distinguished Senator from Pennsylvania advised me last Thursday that he wanted to be present when this effort was made and so we have waited. The Senator was available and he would now like to make a statement. I would hope that perhaps after some debate, if we cannot complete action on the so-called technical amendments on the crime bill, we would not stay in too late this evening because both the dis-

tinguished minority leader and I have other engagements all afternoon.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. We on this side were cleared for action on the motion to proceed. I had informed the distinguished majority leader to that extent, that we were not going to in any way attempt to delay the motion to proceed to take up the measure. But that consent has been objected to by the Senator who is acting within his rights and within the rules. I just wanted to say for the RECORD that the majority leader at least as far as this side is concerned was cleared to proceed to the measure.

Mr. DOLE. The Senator is correct; we did have that conversation and that indication was made.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for scheduling proceeding on the amendment to the Hobbs Act to allow this Senator to be present. I have registered my objection to the unanimous consent request propounded by the majority leader to proceed because it is my sense that this is a matter of fundamental importance and it ought to be debated at each step of the way so that this body can focus attention of this important issue. Moreover, the public ought to be informed as to what is involved and the Members of this body must have ample opportunity to focus on this issue which is, realistically viewed, the purpose of our extended considerations and extended debate.

The issue which is before the Senate at this time on the underlying merits contains an effort to amend the Hobbs Act to make alleged assault and battery cases on a union picket line a matter of a Federal violation warranting criminal prosecution in the Federal courts. It is my view that that is most unwise, and I say so having had substantial experience as a prosecuting attorney on matters involving labor violence.

Based on that experience, it is my view that the State courts and State prosecutors are well equipped to handle these matters if union violence is involved and that it is unwise to bring that matter to the Federal courts, to make a Federal case out of it, to bring the Federal Government into the picture at a time when there is a heavy emphasis on limiting the Federal role and leaving the majority of action to State and local governments.

The issue of picket line violence is properly a matter, under American law and American jurisprudence, to be handled at the local level.

Criminal prosecution in every State gives a responsibility to a district attorney in States like Pennsylvania, a county attorney in States like Kansas, a prosecutor of the pleas in some States, and it is the responsibility of the county official to make the baseline determination. County prosecutors are equipped to do so.

I cite my own experience as an assistant district attorney in the case of Commonwealth of Pennsylvania versus Local 107 Teamsters. Six Teamster officials were indicted in Pennsylvania in 1959 arising out of evidence acquired by the McClellan Committee, which investigated union corruption and union violence in a series of celebrated hearings in the U.S. Senate. In the hearing procedure in this body, back in the mid-1950's, a very well-known and very distinguished committee undertook that investigation.

At the conclusion of the hearings, the committee then turned evidence over to a variety of State prosecutors and turned over an abundance of evidence to the district attorney's office of Pennsylvania. I was assistant district attorney and brought the case to trail in March of 1963. It was a complex case which lasted for more than 10 weeks and involved some 250 witnesses who took the stand. Some 1,160 exhibits were presented in that case. As a result, all six of the Teamster officials were convicted, and all went to jail.

A significant part of that prosecution involved union violence on picket lines, where there were beatings, severe beatings, where there was assault and battery, and where there was aggravated assault and battery. The local prosecutors' office was fully equipped to handle that kind of case. There was no need for the Federal prosecutor to intervene, no need to bring the Federal Government into the matter, no need to make a Federal case out of it.

Mr. President, there are ample procedures for redress short of making an assault and battery case a Federal matter, even if the local prosecutor, for one reason or another, fails or refuses to act.

In Pennsylvania, which is illustrative of the general rule, the State attorney general may supersede the district attorney in cases where the district attorney fails or refuses to act. There are solid common-law precedents generally—although I do not purport now to comment on the detailed laws of all 50 States which give the attorneys general in the United States the authority to supersede local district attorneys where DA's act improperly or refuse to prosecute.

If the attorney general should similarly refuse to act, there is a statute in Pennsylvania—a statute duplicated in many States in the United States—which authorizes the private injured party to file a petition with the court showing that the district attorney has failed or refused to act, and the presiding judge of that county, in any one of Pennsylvania's 67 counties, then has the authority to appoint private counsel to act as the prosecuting attorney in that case.

So that if you have a matter where there is some overtone of inaction, inappropriate inaction, and there are strong reasons to proceed with the prosecution—and customarily in matters of this sort, there are well-represented parties on both sides—the case may go forward. In cases which have been heard by the Judiciary Committee, for example, frequently several injunction proceedings are pending at the same time. These are matters where counsel are present, and certainly there is an opportunity for private counsel to come in and file such a petition and act and displace the district attorney, if that is warranted under the facts of the case.

There is a solid precedent for private counsel acting in criminal prosecutions, with the vast majority of the States in the United States having case law which supports private counsel, for example, and for assisting the district attorney when there is a strong private reason for intervention.

Mr. President, this issue has been heard extensively by the Committee on the Judiciary. A number of the matters have involved incidents arriving out of Pennsylvania. This Senator has inquired into those matters and has found in every one of them that there were ample opportunities for full redress of any valid interest on the part of the injured party or full opportunities for redress by having a criminal prosecution which could have been brought, had the parties really wished to do so.

In some situations, there is not a possibility for identifying who the assailants are. Obviously, a Federal prosecutor can no more proceed in the absence of positive identification than can a district attorney or a private citizen.

Mr. President, I express further concern in this matter as to what the real import of this amendment may be. I am concerned that there may be an intent or an effort to utilize such a law, if it were to be passed by Congress and signed by the President, to stifle or chill the expression of freedom of speech as it is embodied in peaceful picketing. The cases are legion in which the Supreme Court of the United States has upheld peaceful picketing as a right of freedom of speech—that is, an expression of freedom of speech.

If those who are expressing their right of freedom of speech are going to be concerned that there may be a Federal marshal present or there may

be an assistant U.S. attorney present or an allusion that they will take the case to a Federal court, that can have a very chilling effect.

If there were an effort to amend the Hobbs Act to show that there is some element of conspiracy or some element of organized crime or some conspiratorial act of organized crime, this Senator's view would be quite different. In the opinion of this Senator, the amendment goes too far when it makes the simple assault and battery case a violation of the Federal law.

Mr. President, I further express a question—perhaps more strongly stated, some misgivings—about the procedure in this bill reaching the floor at this time, although the procedural meanderings of the Senate are complex and sometimes subject to some wonderment. This bill was defeated in the Judiciary Committee. The Judiciary Committee held extensive hearings on the bill in this, the 99th Congress, the 98th Congress, and also in the 97th Congress. We had a vote on it in the Judiciary Committee on September 12, 1985, and the Committee turned this bill down.

Now it is on the calendar, having been held at the desk and having moved to another legislative day. I think that procedure further warrants some special inquiry at this time.

Without foreclosing any further activity, Mr. President, let me say at this time it is not my intention to filibuster this matter. I do not intend to do so because I believe that the Senate ought to move ahead with the consideration of its regular business, and we have a great deal to take care of on our agenda, but I do not believe it is a difficult problem to have the motion to proceed considered by the Senate today.

We are not exactly overflowing with Senate business on the floor of the Senate today. Outside of a fair number of interested spectators in the galleries, a few members of the press, a few attentive pages, a few staff members, the floor of the Senate is populated today, and I trust I violate no rule of our august body by saying so, by the distinguished Presiding Officer, the distinguished Senator from Mississippi, Senator COCHRAN, and by yours truly, the Senator from Pennsylvania, who is making this speech.

So in expressing myself on the motion to proceed, I am not putting aside any other more pressing business of the Senate at this moment.

But I know that our colleagues are all hard at work, many of them in their own States. I already thanked the majority leader for awaiting my arrival because I was in Pennsylvania, arrived in Washington within a half hour or just a few moments before coming here. Our colleagues are very busy in their own States attending to many matters around this country, and some are doubtless in their offices in the Capitol here in Washington, DC, today and perhaps some of those in their offices have their squawkboxes on and it may even be that some are listening. If that be so, then let the consideration proceed.

Mr. President, as you know, and our association has been extensive the past 5½ years, this Senator does not take the floor on too many occasions, and I have not participated in any filibusters, but some extended debate on some subjects like Conrail that are very important to Pennsylvania.

But I feel very strongly about this issue, having been in the trenches on it and having seen exactly what it means to handle assault and battery cases and serious assault and battery cases and knowing that they can adequately be handled by local prosecuting attorneys. I really believe in a sense that it is an affront to the local prosecutors of America to say you need to bring the Federal prosecutor into the picture in the Hobbs Act because the local district attorney cannot handle the assault and battery cases. The district attorneys across America handle more than assault and battery cases. They can handle complex cases involving murder. I think the record is plain that by and large district attorneys handle assault and battery cases even when they involve union violence.

There are adequate remedies through State attorneys general and private prosecutors to protect the rights of those injured and ample remedies in a civil context, so there is no need to make a Federal case out of a fist fight on a picket line.

That is especially true, at least in the opinion of this Senator, where there are first amendment issues involved; the right to freedom of speech is exemplified by the right to peaceful picketing.

Mr. President, as the debate moves forward on this matter, this Senator will have additional comments to make in amplification, but that, in the course of a few minutes this afternoon, expresses my sense of the issue and my reasons for registering the objection on the motion to proceed at this time.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

VICTORY OF THE HUMAN SPIRIT

Mr. SIMPSON. Mr. President, today is a magnificent spring day in the Nation's Capital. I think it reminds us all of how fortunate we are to be here to represent our home States and to enjoy the peace and freedom of this great country—indeed, to be alive.

That is why I would like to pay special recognition to a very bittersweet anniversary on this day. It was this day 41 years ago that forever changed the life of one our most distinguished Senate colleagues.

Back then, he was known simply as 2d Lt. Robert Dole, a brave, 21-year-old platoon leader, who left the University of Kansas in his premedical studies and varsity athletics for the Jayhawks in 1943 to take on the Nazi hordes.

His athletic prowess, intelligence and unusal leadership abilities made him a natural for one of the elite units of the U.S. Army—the 10th Mountain Division, a crack group of Olympic-class athletes and college students whose unenviable job it was to storm the rugged Italian mountains—often times on skis—to root out the deeply entrenched German forces. Soon after he arrived in Italy, the young man from Russell, KS, became known as the finest platoon leader his men had ever had. Believe me, I am not surprised; nor are those of us that serve with him on either side of the aisle. So he is now my platoon leader. It is a great honor to be his first sergeant in these ranks.

And so it came that on April 14, 1945, Second Lieutenant Dole found himself on hill 913, one of those nameless battlefields that can speak volumes about heroism but is somehow lost in the pages of history. But history does tell us that the 10th Mountain Division was indeed a legendary outfit. It had set high standards indeed, having never yielded one inch of ground it had ever taken back from the enemy. In fact, on that April day in 1945, the 10th Mountain Division took more casualties than all other allied forces in Italy combined. The resistance was fearsome: The Dole platoon was pinned down near a mine field, and raked by deadly accurate German snipers, mortar fire and well-fortified machine gun bunkers. It was on this day 41 years ago—near a tiny mountain village called Castel D'Aiano—that Senator BOB DOLE, our superb majority leader, was struck down by a torrent of enemy fire. He had moved into a foxhole to try to save a fallen friend. But in an instant an explosion—a machine gun shell, a mortar round, no one knows for sure—tore into his body. He was left for dead on the battlefield.

So today is an anniversary. The anniversary of an inspirational and

almost unbelievable comeback. Because from the agony of that foxhole, BOB DOLE beat all the odds. In the face of catastrophe, he set out on a long and difficult journey back to the living. It started on a stretcher on an Italian hillside and took him all the way to a slot on the 1976 Presidential ticket and to the leadership of the U.S. Senate. His comeback included 39 months of hospitalization and years of rehabilitation; a roller coaster of hope and despair with several brushes with death along the way. First, he was told he would never walk again. From a robust 192 pounds he dropped to 120. He was to experience 108 degree body temperatures and severe kidney problems. Then there was a string of painful operations. And the knowledge that his medical career was over before it had ever started. But we all know how the story came out.

Mr. President, a few nights ago at the Kennedy Center, four disabled Americans were honored for their remarkable life achievements. Our Senate leader was one of them. The award he received is called "The Victory of the Human Spirit" and I can think of no one more deserving of this honor than BOB DOLE.

I am so very proud of my good friend from Kansas. Sometimes in the heat of the combat of everyday politics we forget that our Senate is an extraordinary collection of unique individuals, with fascinating backgrounds, and often very touching and moving experiences in those backgrounds that shaped them. We never take much time to share those things with each other in this Chamber as we go through the hurtling experiences of the day. But let me just say that today is a day to recall—BOB DOLE's day. We can all learn much from his "victory of the human spirit." He is a very special person to me, and to us all.

God bless him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUMPHREY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS ACT OF 1986

Mr. THURMOND. Mr. President, I send a bill to the desk, on behalf of myself and others, and ask that it be read for the first time.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2301) to reform procedures for collateral review of criminal judgments and for other purposes.

Mr. THURMOND. Mr. President, I ask that it be read a second time.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be held at the desk.

Mr. THURMOND. Mr. President, today, I am introducing two bills, habeas corpus legislation and exclusionary rule legislation, and asking that they be placed directly on the calendar. I am pleased to be joined in offering this legislation by several of my distinguished colleagues on the Judiciary Committee, Senators DECONCINI, LAXALT, HATCH, and DENTON.

The bills I am introducing today cover the same issues that were placed before, and fully considered by, the Judiciary Committee in two previous Congresses. In fact, these bills are identical to S. 237, Exclusionary Rule Reform, and S. 238, Habeas Corpus Reform, that I introduced during the first session of this Congress on January 22, 1985, and which were referred to the Judiciary Committee.

Over the last several Congresses the Judiciary Committee has devoted a great deal of time to these issues. During the 97th Congress, the committee held three hearings on exclusionary rule legislation and two hearings on habeas corpus legislation.

In the 98th Congress, the committee considered these issues in a series of hearings held on the comprehensive crime control bill and reported out S. 1763, Habeas Corpus Reform, and S. 1764, Exclusionary Rule Reform. The Senate overwhelmingly approved both of these bills. S. 1763, Habeas Corpus Reform, passed by a vote of 67-9 on February 6, 1984, and S. 1764, Exclusionary Rule Reform, passed by a vote of 63-24 on February 7, 1984.

At the time I introduced S. 237 and S. 238 last year, I did not ask that they be placed directly on the calendar even though they are identical to the legislation that passed last Congress, because I wanted to give the committee one more opportunity to consider these issues. The committee has had that opportunity for the last 13 months. These bills have been on the agenda on the committee since September 12, 1985. The committee held hearings on S. 237 on October 2, 1985, and on S. 238 on October 8, 1985. Even though the committee has fully considered these issues in previous Congresses and there is tremendous support for these bills as demonstrated last Congress, the committee still has not been able to proceed to a final vote on these bills this Congress.

By having these bills placed on the calendar, the full Senate will be given the opportunity to address these important issues, without forcing any committee member to forfeit his right to be involved in debate on the floor. Further, the committee will now move on to consideration of other legislation that is pending before us.

I will be working with the majority leader in an effort to have these bills scheduled for floor action, in order for the Senate to once again strongly endorse these needed reforms. I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reform of Federal Intervention in State Proceedings Act of 1986".

Sec. 2. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules of procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Surpreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 3. Section 2253 of title 28, United States Code, is amended to read as follows:

"§2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trail, a

person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 4. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"RULE 22.

"HABEAS CORPUS AND § 2255 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus. An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal. In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 5. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(e)" and "(f)" as subsections "(f)" and "(g)", respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the States.";

(b) by redesignating subsection "(d)" as subsection "(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear, and convincing evidence."; and

(c) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.".

SEC. 6. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States;

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgement of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

Mr. HATCH. Mr. President, for most of this decade, we have been trying to relieve the crushing burden on the Federal courts with respect to habeas corpus applications. In 1981 Senator THURMOND introduced S. 653 which sought to modify existing habeas corpus procedures and to reduce the enormous proliferation of applications of writs of habeas corpus by incarcerated defendants. This unfortunately unsuccessful attempt was followed in 1983 by the introduction of S. 1763, an amended version of S. 829, which had full administration support, including not only the Attorney General of the United States, but also the endorsement of the National Association of Attorneys General and the Conference of Chief Justices. S. 1763 was reported from the Committee on the Judiciary by a vote of 12-5 with 1 abstention. S. 1763 passed the Senate on February 6, 1984, by a vote of 67-9. The House, however, did not act on S. 1763 before the close of the 98th Congress. Now, Mr. President, S. 238, a bill designed to reform the areas open to abuse in the criminal justice system, with respect to habeas corpus procedures, is once again being delayed, by its critics, beyond the point of reason in the Senate Judiciary Committee. This bill has been on the agenda and the subject of extended discussion in the committee for 9 months. Any amendments have so far been defeated.

I commend Chairman THURMOND for bringing this to the floor. The abuse of the habeas process is making a mockery of the principles of finality and certainty in the American judicial system. During the past quarter century, habeas corpus filings have increased by 800 percent. The recent numbers involved are almost dumbfounding. In 1983, 10,392 habeas corpus petitions were filed. In 1984, 10,169 habeas corpus petitions were filed. And last year, in 1985, 11,992 habeas corpus petitions were filed, an increase of 823 over the previous year and an alltime high in filings. A Department of Justice study has revealed that 98.6 percent of habeas corpus cases which were appealed at the Federal level had previously undergone State appellate review. Over 30 percent of the Federal habeas corpus petitioners had filed one or more State habeas corpus petitions or Federal habeas corpus petitions. Over 44 percent of the State petitioners to Federal court had previously filed a habeas corpus petition in State court. Over 20 percent of Federal habeas corpus petitioners had filed more than 2—and up to 13—previous State petitions. Clearly, Mr. President, the use of the criminal justice system by these petitioners had turned into an abuse of the criminal justice system by these petitioners.

As of June 30, 1985, more than 7,500 habeas corpus petitions were still pending, according to the administrative office of the U.S. courts. And it should be carefully noted that the previous year, out of the nearly 2,000 habeas corpus petitions filed in just 6 Federal district courts, only 1.8 percent resulted in the prisoner's release. I believe it is also important to note that it is the continued stream of habeas corpus petitions which draw out capital punishment from the time of sentence to the time of punishment for a general period of 5 to 7 years.

The right to habeas corpus is far from clearly defined in the U.S. Constitution. It is mentioned only in article 1, section 9, clause 2, which merely states that the writ of habeas corpus shall not be suspended unless rebellion or invasion requires such suspension.

Chief Justice John Marshall in *Ex Parte Bollman*, 8 U.S. 75 (1807), determined that a statute was necessary before the Federal courts could issue writs of habeas corpus. In John Marshall's view, it was section 14 of the Judiciary Act of 1789 which provided the necessary authority for the granting of such writs. Thus, this is a question of statutory, not constitutional,

rights. The essential point to be made is that Congress can—and should—limit the application of habeas corpus under the provisions found in S. 238.

With respect to statute, in 1867 the Congress provided that persons who were incarcerated in violation of the Constitution and its guarantees could obtain a writ of habeas corpus from the Federal courts. Then in 1914, the majority of the Supreme Court held in the case of *Frank* v. *Magnum*, 237 U.S. 309 (1914), that a full and adequate hearing in State courts on a criminal conviction precluded collateral relief in Federal court. Full and adequate was defined in terms of due process—notice, opportunity to be heard, and an established procedure not repugnant to the Constitution. The late and great judge, Henry J. Friendly, writing in the University of Chicago Law Review (1970), pointedly observed that:

> Nothing in the Constitution requires a State to allow collateral attack simply because Congress has authorized Federal habeas corpus to challenge the State conviction.

In that context, it is valuable to hear what some of the Nation's chief jurists think of the current statutory habeas corpus policies:

Chief Justice Burger:

> The administration of justice in this country is bogged down with lack of reasonable finality of judgments in criminal cases.

Judge Henry Friendly:

> A matter that has rankled relations between State and Federal courts for some years now is the collateral attack on final State criminal convictions * * * since the same claim of Federal law can be and often is made in the trial and appellate courts of the State, with certoriari review available in the Supreme Court, the State judges understandably have some difficulty in seeing why their work should be reexamined.

Justice Stevens:

> In recent years Federal judges at times have lost sight of the true office of the great writ of habeas corpus.

Justice Powell:

> The present scope of habeas corpus tends to undermine the values inherent in our Federal system of government * * * we render the actions of State courts a serious disrepect in derogation of the constitutional balance between the two systems.

Justice O'Connor:

> State judges take an oath to support the Federal as well as the State constitution * * * it is a step in the right direction to defer to the State courts and give finality to their judgments on Federal constitutional questions where a full and fair adjudication has been given in State court.

Mr. President, S. 238 is not only reasonable, it is also necessary, if we are not to drown the Federal judiciary in a sea of habeas corpus writs. S. 238 denies habeas corpus relief to a convicted defendant who fails to raise a claim properly or to have it heard in State court proceedings. It allows only a 1-year period for such claim to be filed, and it runs only from the time that State remedies are exhausted, the time constitutional impediments are removed, the time at which a Federal right was initially recognized by the Supreme Court or newly recognized by it, and from the time when the factual predicate of the claim could have been discovered by due diligence. It also requires a claim of habeas corpus to be made to the appropriate district court, requires a circuit judge to issue a certificate of probable cause, requires the prior exhaustion of State remedies, and requires a timely petition to be made under the rules of Federal criminal procedure.

It is clear, Mr. President, that something has to be done and done soon if we are to have a manageable and meaningful criminal justice system. This bill does not violate the Constitution. It follows the Constitution. It also balances the interests of society and the general community with the interests of the individual in securing his constitutional rights and protections. This is a bill that will do justice. It should be passed in order to prevent our system from continual abuse of process. I urge its passage.

Mr. DENTON. Mr. President, I rise today to join my distinguished colleague from South Carolina, Mr. THURMOND, in support of the Reform of Federal Intervention in State Proceedings Act of 1986. It is designed to reform certain habeas corpus procedures that are currently in effect.

The writ of habeas corpus originated in the common law. Its importance was recognized by our Founding Fathers when they included in our Constitution a provision that "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." We know from history and the common law, however, that the habeas corpus proceedings to which the Founding Fathers referred in the Constitution were proceedings that sought an initial judicial determination of the legality of a detention imposed by an executive authority. The Founding Fathers did not have in mind proceedings that sought additional judicial reviews of the legality of a judicially imposed detention.

After the Constitution was ratified, the availability of habeas corpus in the Federal courts was restricted to Federal prisoners, and the common law restrictions on the scope of the writ were generally observed. Unfortunately, however, the common law origins of the writ were generally observed. Unfortunately, however, the common law origins of the writ were gradually eroded during the last 100 years or so through statutory and case law development. During the last 30 years, the writ of habeas corpus has routinely served as a means for the lower Federal courts to review State criminal judgments on the grounds of alleged deprivation of Federal rights. In fact, the number of prisoners challenging the validity of their State Federal habeas corpus petitions rose nearly 700 percent from 1961 through 1982, according to a report prepared by the Bureau of Justice statistics. It is that appalling situation that this bill is designed to redress.

According to our country's leading legal scholars on Federal procedure, the single most controversial and friction-producing issue in the relationship between the Federal courts and the States is Federal habeas corpus for State prisoners. State courts resent having their decisions reviewed by Federal judges, who in turn are unhappy about the burden of reviewing thousands of mostly frivolous petitions.

Several Supreme Court Justices have strongly criticized the current system of Federal habeas corpus, and have called for basic limitations on its scope and availability. Chief Justice Burger has urged Congress to consider restricting the availability of Federal habeas corpus for State prisoners because, in his view, "the administration of justice in this country is bogged down with lack of finality of judgments in criminal cases." As Justice Powell observed over 10 years ago in his opinion in Schneckloth against Bustamonte:

> The present scope of habeas corpus tends to undermine the values inherent in our Federal system of government. To the extent that every State crominal judgment is to be subject indefinitely to broad and repetitious Federal oversight, we render the actions of State courts a serious Disrespect in derogation of the constitutional balance between the two systems.

It is to that very problem, so eloquently expressed by distinguished Supreme Court jurists, that this bill is addressed.

The bill establishes a standard for reviewing habeas corpus proceedings by according deference to State adjudications that are "full and fair." That would be a vast improvement over the current rules, which provide, through habeas corpus proceedings, for mandatory readjudication, and that frequently result in duplicative relitigation of claims that have already been fairly considered by State trial and appellate courts.

The bill also would resolve the major uncertainties about access to Federal collateral remedies after a failure to raise a claim properly in normal criminal proceedings. It does that by establishing "cause and prejudice" as the exclusive governing standard.

In addition, the bill would establish a 1-year time limit on excess to Federal habeas corpus for State prisoners, normally running from the time State remedies are exhausted. For similar

purposes, it would prescribe a 2-year time limit on applications for collateral relief by Federal prisoners, normally running from finality of judgment.

The bill also addresses two technical issues that need to be remedied. First, it would make it clear that habeas corpus petition can be denied on the merits, notwithstanding the petitioner's failure to exhaust available State remedies. That change would eliminate the waste of time and effort that currently occurs when a frivolous petition is dismissed by a Federal court on grounds of nonexhaustion of State remedies but is later brought back to Federal court following its unsuccessful presentation.

Second, the bill would change the current rule that gives a State prisoner in a habeas corpus proceeding repeated opportunities to persuade a Federal district judge and then a circuit judge that an appeal is warranted. Similarly, it would bring the procedure governing access to appeal in collateral proceedings involving Federal prisoners into line with the procedure employed for habeas corpus proceedings for State prisoners.

I believe that the Reform of Federal Intervention in State Proceedings Act of 1986 represents a rational, reasoned approach to a problem that has been developing for more than a century, a problem so great that it has led our country's leading jurists to ask us for specific legislative relief. I commend Senator THURMOND for his leadership role in introducing this necessary piece of legislation and I urge my colleagues to support the bill in order to facilitate the ability of our judicial system to dispense justice to all our citizens instead of unnecessarily wasting time and effort on a few people who exploit procedural loopholes in the law.

EXCLUSIONARY RULE LIMITATION ACT OF 1986

Mr. THURMOND. Mr. President, I send a bill to the desk, on behalf of myself and others, and ask that it be read for the first time.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill S. 2302) to amend Title 18 to limit the application of the exclusionary rule.

Mr. THURMOND. Mr. President, I ask that the bill be read a second time.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be held at the desk.

S. 2302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Exclusionary Rule Limitation Act of 1986".

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Limitation of the fourth amendment exclusionary rule

"Except as specifically provided by statute, evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment to the Constitution of the United States. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief, unless the warrant was obtained through intentional and material misrepresentation.".

(b) The table of sections of such chapter is amended by adding at the end thereof the following item:

"3505. Limitation of the fourth amendment exclusionary rule.".

Mr. DENTON. Mr. President, I rise today to join my distinguished colleague, the Senator from South Carolina [Mr. THURMOND] in strong support of a bill to modify the application of the exclusionary rule in Federal courts.

The bill would amend title 18 of the United States Code to allow otherwise admissible evidence to be used in Federal court proceedings, even if it was obtained through a violation of the fourth amendment to the Constitution, as long as the search or seizure which produced the evidence was "undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment. * * *"

The Supreme Court first held in the case of Weeks versus United States (1914) that evidence obtained in violation of the fourth amendment was inadmissible in a Federal criminal trial. Since its limited application in Weeks to exclude simple evidence of a crime, the exclusionary rule has been expanded to exclude contraband and the actual tools and instrumentalities of a crime. It has been further expanded to exclude evidence that was derived from other illegally seized evidence. Since the exclusionary rule is a judicially mandated rather than a constitutionally required response to fourth amendment violations, its reform through the legislative process is appropriate.

The primary, if not the sole, rationale for the application of the exclusionary rule is to deter fourth amendment violations by law enforcement personnel. The theory is that the exclusion of illegally seized evidence will deter law enforcement personnel from engaging in negligent or intentional practices that result in fourth amendment violations.

The problem arises when the rule is applied to exclude evidence seized in situations that a reasonably well-trained officer would not or could not have recognized as being in violation of the fourth amendment. The rule therefore loses any deterrent value it may have for more egregious violations of the fourth amendment. It simply results in a windfall for the criminal, who walks away unscathed despite the existence of reliable evidence of guilt.

If one considers the exclusion of evidence a "remedy" for one whose fourth amendment rights have been violated, then the problem is that it only rewards those who are actually guilty of a crime. It provides no recourse for innocent victims of police overaggressiveness, negligence, or intentional misconduct.

Mr. President, in deciding when the exclusionary rule should be applied, the Supreme Court has balanced the deterrent effect of the rule against the cost to society that would result from the distortion of the judicial process caused by depriving the prosecution of reliable, probative evidence of guilt. The bill would make clear the congressional determination that whatever minimal deterrent effect the exclusionary rule may have is outweighed by its cost to society in cases where the evidence to be excluded is the product of a search or seizure undertaken in a reasonable and good faith belief that it was in conformity with the fourth amendment.

In the 1984 case of United States versus Leon, The Supreme Court upheld the use of evidence seized by offices acting in reasonable reliance on a search warrant, issued by a detached and neutral magistrate, that was later found to be invalid. The Supreme Court recognized in Leon the "indiscriminate application of the exclusionary rule—impeding the criminal justice system's truth finding function and allowing some guilty defendants to go free—may well generate disrespect for the law and the administration of justice." The bill introduced today incorporates the ruling of the Supreme Court that the exclusionary rule should be modified to permit the introduction of evidence obtained by officers reasonably relying on a warrant issued by a detached and neutral magistrate. It also permits the use of evidence seized in warrantless searches where the seizing officer was acting in a reasonable and good faith belief that his conduct conformed with the fourth amendment.

The exclusionary rule will still be applied in cases where police conduct is objectively and patently unreasonable or where it is based on a warrant which was acquired through intentional and material misrepresentation. Thus, the effect of the bill is simply to limit the use of the exclusionary rule in those cases in which its cost to society is grossly disproportionate to the minimal deterrent effect it may have on law enforcement officers.

Mr. President, legislation in this area is long overdue. I strongly urge my colleagues to support this effort so that the 99th Congress will effect a needed modification of the exclusionary rule.

DEATH OF REPRESENTATIVE JOSEPH P. ADDABBO OF NEW YORK

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration. It is relative to the death of Representative ADDABBO.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 382) relative to the death of Representative Joseph P. Addabbo.

S. RES. 382

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Joseph P. Addabbo, late a Representative from the State of New York.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

Mr. MOYNIHAN. Mr. President, for the second time in a month flags fly at half-mast over the Capitol in honor of an esteemed public servant from the State of New York. In early March, New York and the Nation mourned the loss of Jake Javits, and now we pay tribute to another colleague, JOE ADDABBO.

During his quarter-century in the Congress, JOE ADDABBO never forgot that he had two constituencies—Queens and the Nation. He served both with the greatest distinction. The Sixth District and our Armed Forces are much the better for his presence.

On March 19, the Senate passed H.R. 4399, a bill to designate the Federal Office Building in Jamaica, Queens, as the Joseph P. Addabbo Building. The bill was signed into law by the President on March 27, 1986. It was a simple tribute; a small gesture for so respected a legislator.

His colleagues mourn the loss of a great friend. New York has lost a tireless champion. JOE will be hugely missed.

I ask unanimous consent that his obituary from the April 12, 1986, Washington Post be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

NEW YORK REPRESENTATIVE JOSEPH P. ADDABBO DIES

(By Bart Barnes)

Rep. Joseph P. Addabbo, 61, a New York Democrat who as chairman of the defense subcommittee of the House Appropriations Committee built a reputation as an articulate and forceful opponent of what he considered excessive military spending, died late Thursday night at Walter Reed Army Medical Center. He had cancer and recently had suffered a heart attack.

Mr. Addabbo, who had been in a coma since collapsing March 6, represented a district in Queens. He served for 25 years in the House of Representatives and since 1979 had been chairman of the defense appropriations subcommittee, the panel that acts on requests for all military spending. In that role he was often critical of high military officers who, he said, frequently shared with civilian bureaucrats a penchant for empire building and a narrowness of vision.

Despite his reputation as a critic of military spending, Mr. Addabbo always insisted he supported a strong defense policy. "But I don't take the Pentagon at their word," he once said. "I don't like the attitude of some members, 'Well, let's give them $20 million to play around with this year. Let's give them $40 million next year.' Three years later, the weapon doesn't work, and there's $100 million down the drain."

But Mr. Addabbo often found himself in a minority position on his own committee, most of whose members tended to have more hawkish views than he. More often than not he was on the losing side of defense-spending controversies.

He tried in 1982 to block funding for the MX missile but lost, both in his own subcommittee and in the full Appropriations Committee. He prevailed when he took his case to the floor of the House, although the House later reversed its position and work began on the missile.

In 1973 Mr. Addabbo sponsored the first antiwar resolution ever to pass the House of Representatives—the cutting off of funds for the bombing of Cambodia. He had supported the war in Southeast Asia during the Johnson administration and in the early years of the Nixon presidency but he subsequently changed his mind. He also opposed the B1 bomber and other * * *.

In 1984 he castigated the Defense Department for what he called "a complete breakdown of control over millions of dollars." This followed a report that accused the military of scrapping valuable equipment, then turning around and paying higher prices to buy identical items.

President Reagan called Mr. Addabbo "one of the lending players in the development of American military policy." He said the congressman was "widely respected for his knowledge of defense issues even by those who disagreed with him. His genial style was in keeping with the best traditions of American politics."

House Speaker Thomas O'Neill said Mr. Addabbo "worked diligently to ensure that America's defense was strong, efficient and effective. He demanded quality for each defense dollar."

New York Gov. Mario Cuomo called him a "great man whose commitment to integrity and excellence has improved the quality of life for all New Yorkers."

Mayor Edward Koch of New York ordered flags on city buildings to be flown at half staff until after Mr. Addabbo's funeral. The congressman, Koch said, "always strove to ensure that people of every race, religion and ethnic origin had a fair hearing and full representation in the halls of the Capitol."

A native of New York City, Mr. Addabbo graduated from the City College of New York and St. John's University Law School. He practiced law in Queens, participated in civic and community organizations, and headed Italian-American committees for various candidates.

But he never ran for public office until 1960, when the incumbent Republican representative from his district retired. With the help of John F. Kennedy's drawing power among Catholic voters, Mr. Addabbo won with 53.5 percent of the vote.

In the ensuing years the district changed from a predominantly middle class Catholic suburb to an area more closely resembling the inner city, with a population that was 65 percent black and Hispanic by the 1984 election.

During that time Mr. Addabbo established a record of steering defense contracts to Long Island-based industries and listening to * * *. He voted in favor of federal aid to education and the elderly, in favor of civil rights, and against measures to limit rights to abortion or allow prayer in public schools.

He won most bids for reelection handily, and in the campaigns of 1974 to 1982 had the Republican as well as the Democratic nomination. In 1984 he was challenged in the Democratic primary by Simeon Golar, a black real estate developer, who asked the voters to oust Mr. Addabbo on the argument that since the district had a black majority it should have a black representative. Mr. Addabbo won with 68 percent of the vote.

He is survived by his wife, Grace, and three children, Dominic, Dina and Joseph.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 382) was unanimously agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I am pleased to transmit herewith the 20th Annual Report of the National Endowment for the Humanities covering the year 1985.

RONALD REAGAN.

THE WHITE HOUSE, *April 14, 1986.*

MESSAGES FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 136. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week"; and

S.J. Res. 315. Joint resolution designating May 1986 as "Older Americans Month."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 127. Concurrent resolution relating to predatory tied aid credits.

The message further announced that the House has agreed to the following resolution:

H. Res. 416. Resolution to the death of the Honorable Joseph P. Addabbo, a representative from the State of New York.

ENROLLED JOINT RESOLUTION SIGNED

The President pro tempore (Mr. THURMOND) announced that on today, April 14, 1986, he signed the following enrolled joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S.J. Res. 261. Joint resolution to designate the week of April 14, 1986 through April 20, 1986, as "National Mathematics Awareness Week."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 14, 1986, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 261. Joint resolution to designate the week of April 14, 1986 through April 20, 1986, as "National Mathematics Awareness Week."

MEASURES RE-REFERRED

Under the authority of the order of the Senate of April 11, 1986, the following bills were re-referred jointly to the Committee on Appropriations and the Committee on the Budget:

S. 2067. A bill to overturn the deferral of the fiscal year 1986 Urban Development Action Grant and Community Development Block Grant Program;

S. 2074. A bill disapproving the proposed deferral of budget authority for community development block grants; and

S. 2075. A bill to overturn the deferral of Urban Development Action Grants funds.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2950. A communication from the Secretary of Education, transmitting a draft of proposed legislation to make certain amendments to the act of September 30, 1950 (Public Law 874, 81st Congress), and for other purposes; to the Committee on Labor and Human Resources.

EC-2951. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "The Condition of Bilingual Education in the Nation, 1986"; to the Committee on Labor and Human Resources.

EC-2952. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Compliance Report, Fiscal Year 1986—Balanced Budget and Emergency Deficit Control Act of 1985"; to the Committee on Governmental Affairs.

EC-2953. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Urban Mass Transportation Report for the Fourth Quarter of Fiscal Year 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-2954. A communication from the D.C. auditor, transmitting, pursuant to law, a report entitled "Annual Audit of the Boxing and Wrestling Commission for Fiscal Year 1985"; to the Committee on Governmental Affairs.

EC-2955. A communication from the D.C. auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements of the Public Service Commission's Agency Fund"; to the Committee on Governmental Affairs.

EC-2956. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-2957. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-2958. A communication from the general counsel of the Department of Defense, transmitting a draft of proposed legislation to terminate the status as uniformed services treatment facilities of all former Public Health Service hospitals and stations and repeal requirements for ongoing studies, demonstrations and reports associated with such facilities; to the Committee on Armed Services.

EC-2959. A communication from the Secretary of State, transmitting, pursuant to law, a report on the situation in El Salvador; to the Committee on Foreign Relations.

EC-2960. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the administration of bankruptcy estates within the Judiciary.

EC-2961. A communication from the general counsel of the Department of Defense, trasmitting a draft of proposed legislation to repeal the Veterans' Educational Assistance Act of 1984, and for other purposes; to the Committee on Veterans' Affairs.

EC-2962. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the administration of the Deepwater Port Act of 1974; jointly, pursuant to 33 U.S.C. 1501, to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-2963. A communication from the Director of the Office of Civilian Radioactive Waste Management, DOE, transmitting, pursuant to law, the Office's 1985 annual report; jointly, pursuant to Public Law 97-425, to the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-2964. A communication from the Secretary of Labor transmitting, pursuant to law, notice of the determination of the necessity to extend the period of performance and to provide additional funding for the completion of ERISA cases concerning the Teamsters' central states pension and health and welfare funds; to the Committee on Governmental Affairs.

EC-2965. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to extend and amend Native American Programs Act programs; to the Select Committee on Indian Affairs.

EC-2966. A communication from the Secretary of Education transmitting, pursuant to law, a report on program reviews of 379 programs funded under the Indian Education Act; to the Select Committee on Indian Affairs.

EC-2967. A communication from the Director of the Office of Management and Budget transmitting a draft of proposed legislation to terminate the State Justice Institute; to the Committee on the Judiciary.

EC-2968. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on the new GI bill education benefits program; to the Committee on Veterans Affairs.

EC-2969. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on financial support for disabled infants with life-threatening conditions; to the Committee on Finance.

EC-2970. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting pursuant to law, the Council's special report on U.S. membership in the Multilateral Investment Guarantee Agency; to the Committee on Foreign Relations.

EC-2971. A communication from the Administrator of the Agency for International Development transmitting a request for authorization and appropriation for a new program for Northern Ireland and Ireland and a fiscal year 1986 and 1987 supplemental appropriations for United States contributions for the proposed international fund to support the Anglo-Irish Agreement on Northern Ireland; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services, without amendment:

S. 2295: An original bill to amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operation, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, and for other purposes (Rept. No. 99-280).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WEICKER (for himself, Mr. KERRY, Mr. ANDREWS, Mr. INOUYE, Mr. MATSUNAGA and Mr. STAFFORD):

S. 2294. A bill to reauthorize certain programs under the Education of the Handicapped Act, to authorize an early intervention program for handicapped infants, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GOLDWATER (for himself, Mr. NUNN, Mr. THURMOND, Mr. COHEN, Mr. QUAYLE, Mr. EAST, Mr. WILSON, Mr. GRAMM, Mr. HART, Mr. EXON Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. LEAHY, Mr. JOHNSTON, Mr. BOREN, and Mr. ROCKEFELLER):

S. 2295. An original bill to amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operation, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BRADLEY:

S. 2296. A bill to provide financial assistance to local educational agencies or schools of such agencies having centers of excellence in civic education; to the Committee on Labor and Human Resources.

By Mr. STEVENS. (by request):

S. 2297. A bill to amend the Atlantic Tunas Convention Act of 1975 to authorize appropriations for fiscal years 1987 and 1988; to the Committee on Commerce, Science, and Transportation.

By Mr. BENTSEN (for himself, Mr. GLENN, and Mr. LEVIN):

S. 2298. A bill to make a technical correction to the Department of Defense Authorization Act, 1986, relating to the extension of an enlistment bonus program; to the Committee on Armed Services.

By Mr. INOUYE:

S. 2299. A bill for the relief of Valerie S. Ford of Richmond, VA; to the Committee on Armed Services.

By Mr. STAFFORD (for himself, Mr. BAUCUS, Mr. MITCHELL, and Mr. DURENBERGER):

S. 2300. A bill to amend the Toxic Substances Control Act so as to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in Federal and other buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. LAXALT, Mr. HATCH, and Mr. DENTON):

S. 2301. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; read the first time.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. LAXALT, Mr. HATCH and Mr. DENTON):

S. 2302. A bill to amend title 18 to limit the application of the exclusionary rule; read the first time.

By Mr. CHILES:

S.J. Res. 319. Joint resolution commemorating the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny; to the Committee on the Judiciary.

By Mr. MITCHELL:

S.J. Res. 320. Joint resolution to designate April 17, 1986 as "National Pension Day"; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. CRANSTON, Mr. DENTON, Mr. DOLE, Mr. DURENBERGER, Mr. HARKIN, Mr. HATCH, Mrs. HAWKINS, Mr. HEINZ, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. MATHIAS, Mr. MATTINGLY, Mr. METZENBAUM, Mr. NICKLES, Mr. NUNN, Mr. PRYOR, Mr. SIMON, Mr. WARNER and Mr. WILSON):

S.J. Res. 321. Joint resolution to designate October 1986 as "National Down Syndrome Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. D'AMATO (for himself and Mr. MOYNIHAN)):

S. Res. 382. Resolution relative to the death of Representative Joseph P. Addabbo, of New York; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEICKER (for himself, Mr. KERRY, Mr. ANDREWS, Mr. INOUYE, Mr. MATSUNAGA, and Mr. STAFFORD):

S. 2294. A bill to reauthorize certain programs under the Education of the Handicapped Act, to authorize an early intervention program for handicapped infants, and for other purposes; to the Committee on Labor and Human Resources.

(The remarks of Mr. WEICKER and the text of the legislation appear earlier in today's RECORD.)

By Mr. BRADLEY:

S. 2296. A bill to provide financial assistance to local educational agencies or schools of such agencies having centers of excellence in civic education; to the Committee on Labor and Human Resources.

CENTERS OF EXCELLENCE IN CIVIC EDUCATION ACT

Mr. BRADLEY. Mr. President, when the word "bicentennial" is mentioned, most Americans conjure up very fond memories of tall ships, fireworks, celebrations, and festivities. In 1976, we held such a celebration of national scale on the 200th anniversary of the signing of the Declaration of Independence, and Americans showed their pride in our 200 years of freedom.

Why do we as a people like to celebrate the signing of the Declaration of Independence? One hundred and twenty seven years ago, Abraham Lincoln said, ". . . we hold this annual celebration to remind ourselves of all the good done in this process of time, of how it was done and who did it, and how we are historically connected with it; and we go from these meetings in better humor with ourselves—we feel more attached the one to the other, and more firmly bound to the country we inhabit . . ."

The bicentennial of the Declaration of Independence gave Americans a chance to pause for a moment and reflect on the importance of the actions in 1776 and the shared values on which this Nation is based.

Mr. President, a new bicentennial will soon be upon us—the 200th anniversary of our Constitution and Bill of Rights. The bicentennial of the Constitution will give Americans another opportunity to celebrate that which binds us together as a people.

The deepest origins of our Constitution date back to the traditions of Greece and Rome. But our particular constitutional concerns for individual liberty, for the rule of law, for equal justice and for the limits to the use of government power through our system of federalism and checks and balances are, in many respects, uniquely American. Our Constitution reflects the values on which our American system of governance was based. It is my hope that this bicentennial will give all Americans an opportunity to do more than celebrate. I hope we can reflect on the values that serve to bind us together as a people.

Mr. President, I strongly believe that the forum for much of this discussion should be in our Nation's schools.

Both Washington and Jefferson argued that one of the most important roles of the schools, given our pluralistic society, was to educate youth on the values that bind us together as a people. Thomas Jefferson said that ". . . if you expect a nation to be ignorant and free, you expect what never was and never will be . . ." He argued that a knowledgeable citizenry that accepts its civic responsibilities—responsibilities such as participation in our domocratic institutions and an acceptance of the policies which promote the common good—is central to the preservation of our Nation.

One way to help achieve these lofty goals is by promoting civic education. When I use the term civic—or citizenship—education, I am referring to a number of activities that are aimed at educating students about what it means to be an American, what the rights and responsibilities of citizenship are, and how students can take greater responsibility in the actual activities of government. Civic education tries to answer the following questions: What are the legitimate forms of authority? How, in a pluralistic society, can we establish fair and uniform laws? How can we ensure due process? How can we ensure that citizens play their parts as informed and responsible members of our democratic system?

There are many other democracies in the world, but Americans believe that we are unique in our special freedoms. But as D.H. Lawrence once noted, ". . . it is never really freedom until you positively decide what you want to be." Citizenship education programs in our schools should help students decide positively what they want to be—as individual citizens and collectively as a people.

Mr. President, there are a number of schools across the country that have established programs to try to meet this end. For example, in my home State of New Jersey, the Parsippany school district has established a program to help second and third graders examine the importance of the rule of law. Students discuss why laws are needed, how they are changed, and why laws must be fair. The students learn, not only by discussion, but by participating in the rulemaking of the school itself. These very young students are learning about the responsibilities of being a citizen who must live by the law with some very positive results. Parsippany has witnessed a significant decline in discipline problems since the program was instituted. Why? Because students have developed a commitment to responsible behavior. They have learned to understand the importance of the rule of law—for themselves and for their community. Who benefits? Both the individual and the community at large.

Another exemplary program is going on the the Sacramento school district in California. Over 200 local attorneys and judges have volunteered for various activities, such as holding mock trials and moot courts in the schools, to show students how our judicial system tries to arrive at justice. In addition, over 1,000 high school students are working as tutors to elementary school students on citizenship education projects. The elementary school students are not the only people benefiting from these activities; the high school students, in providing this service, are helping to discharge their responsibilities to the community at large.

A third example is Long Beach, where, with the help of the Center for Civil Education, the schools are helping their young people explore the values established in our Constitution by reenacting the debates of 200 years ago between the Federalists and Anti-Federalists. In addition, the Long Beach Lawyers Auxiliary is working with classes to act out real Supreme Court cases to show how conflicts are resolved at the Federal level.

Sadly, Mr. President, these exceptional programs are just that—more the exception than the rule. In some respects, I think many of our schools have lost some of their sense of mission to instill their students with a sense of values and mutual purpose that Jefferson spoke so eloquently about 200 years ago. But I believe that the bicentennial of the Constitution offers us the opportunity to remind young Americans about the rights as well as the responsibilities of citizenship. And what better vehicle for sending this message than our school system—the institution charged by Jefferson with part of the responsibility for instilling youth with this sense of mutual purpose?

And that is why today I am introducing in the Senate legislation to establish Centers of Excellence in Civic Education throughout the United States.

Mr. President, we know that many schools are already deeply involved in a variety of activities to promote the civic competence and civic responsibilities of their students. But it is important to publicize these local efforts so that other schools can learn from them. One way to accomplish that is to search out these outstanding schools and showcase them to the rest of the Nation.

The bill requires the Secretary of Education, in consultation with the Director of your Commission, to identify 10 to 20 schools that have exemplary programs and establish them as "Centers of Excellence" in Civic Education. These centers would be individual schools or school districts in the United States that have developed outstanding programs designed to develop both civic competence and civic responsibilities among their students. The Secretary shall be empowered to award the selected schools with grants of $25,000 to $75,000 a year to enable them to showcase their programs to other schools in their geographic area.

To receive funding, the selected schools must agree to form a steering commission of representatives from the public and private sectors to assist in the civic education activities of the school and to provide assistance to other school systems in their geographic area that are interested in improving their own civic education programs.

Finally, the bill envisions that an annual conference be held for the selected schools to exchange ideas and experiences of the various projects commemorating the bicentennial of the Constitution and other civic education projects that are currently being conducted throughout the United States.

What will this accomplish? A relatively small commitment of Federal funds—roughly $1 million a year—will help disseminate information about the very best programs that our schools have developed. And the success of this entire effort can, I believe reinforce the values that have made our particular form of democracy so vibrant and resilient.

Am I talking about forcing massive changes in the way that schools are doing their jobs? Of course not. We at the national level can't—and shouldn't—dictate policy to local schools. But when we have the opportunity, we can and should press schools to better meet the needs of their students and the Nation as a whole. I think this proposal is one very modest step in that direction.

I ask unanimous consent that a summary of the bill as well as the text of the bill be printed in the RECORD at the close of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Centers of Excellence in Civic Education Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide financial assistance to local educational agencies or individual schools of such agencies having centers of excellence in civic education.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "local educational agency" has the same meanging given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "school" means an elementary or secondary school.

(5) The term "Secretary" means the Secretary of Education.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(7) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

EXCELLENCE IN CIVIC EDUCATION GRANTS AUTHORIZED

SEC. 4. (a) The Secretary is authorized, in accordance with the provisions of this Act, to make grants to local educational agencies and to individual schools of such agencies for centers of excellence in civic education.

(b) There is authorized to be appropriated $1,000,000 for the fiscal year 1987 and for each fiscal year ending prior to October 1, 1991.

IDENTIFICATION AND SELECTION OF RECIPIENTS

SEC. 5. (a) The Secretary, in consultation with the Director of the Commission on the Bicentennial of the United States Constitution, shall establish procedures to identify in each fiscal year not less than 10 nor more than 20 centers of excellence in civic education administered by local educational agencies or individual schools of such agencies.

(b)(1) In establishing procedures under this section, the Secretary shall select such agencies or schools with centers which have developed exemplary programs designed to develop both civic competence and civic responsibilities among their students.

(2) In establishing such procedures, the Secretary shall make every effort to ensure that the selected schools are geographically balanced and that at least one-third of the local educational agencies or the schools of such agencies selected are agencies or schools which serve high concentrations of low-income students, minority students, or students with limited English language proficiency.

(3) The Secretary shall make grants to the local education agencies or the schools of such agencies that are selected of not less than $25,000 or more than $75,000 for each year that sufficient appropriations are available.

ASSURANCES

SEC. 6. (a) Each local education agency and each school of such agency selected for assistance under this Act shall provide assurances that it will—

(1) appoint a director who will work on civic education activities of the center at least half time; and

(2) be advised by a steering committee of representatives of the public and private sector of the community served by the agency nor school; and

(3) furnish assistance to other local educational educational agencies within the area served by the agency or school; and

(4) furnish other assurances as the Secretary deems appropriate.

DISSEMINATION AND EXCHANGE OF CIVIC EDUCATION IMPROVEMENTS

SEC. 7. The Secretary, in consultation with the Director of the Commission on the Bicentennial of the United States Constitution, shall convene a conference in each fiscal year including representatives of the agencies and schools selected in each fiscal year pursuant to section 5, together with other experts in civic education to exchange ideas with respect to improvements in civic education programs. The Secretary shall provide for the dissemination of such information as the conference deems appropriate.

CENTERS OF EXCELLENCE IN CIVIC EDUCATION ACT

Funding through the Department of Education in coordination with the Commission on the Bicentennial of the United States Constitution. $1 million a year authorized for fiscal years 1987–1991.

The Secretary, in consultation with the Director of the Commission, is directed to identify 10 to 20 schools that have exemplary civic education programs and establish them as Centers of Excellence in Civic Education. These Centers must be either individual schools or local education agencies (LEA's) in the United States that have developed exemplary programs designed to develop both civic competence and civic responsibilities among their students.

The Secretary shall award these schools with grants of $25,000 to $75,000 a year to enable the institution to showcase its activities to other schools in the geographic area in order to help them develop programs to meet the needs of their students.

The Secretary shall make every effort to ensure that the selected schools are geographically balanced and that at least one third of the selected schools or LEA's serve high concentrations of low income or minority students or students with limited English language proficiency.

To receive funding, the selected schools or LEA's must agree to the following activities: appoint a director who will work at least half time on civic education activities; form a steering committee of representatives from the public and private sectors to assist in the civic education activities of the school; provide assistance to other school systems in the geographic area interested in improving their civic education programs.

The Secretary, in consultation with the Director of the Commission, shall also hold an annual conference for the selected schools and other experts to exchange ideas and experiences of various civic education projects currently being conducted throughout the United States.

By Mr. STEVENS (by request):

S. 2297. A bill to amend the Atlantic Tunas Convention Act of 1975 to authorize appropriations for fiscal years 1987 and 1988; to the Committee on Commerce, Science, and Transportation.

ATLANTIC TUNAS CONVENTION ACT AUTHORIZATION

● Mr. STEVENS. Mr. President, today I am introducing legislation proposed by the administration to reauthorize the Atlantic Tunas Convention Act. This act implements the International Convention for the Conservation of Atlantic Tunas [ICCAT], a multinational treaty for the conservation of tuna in the Atlantic Ocean.

Both the ICCAT and the Atlantic Tunas Act are directed toward maintaining the population of Atlantic tuna at levels which will permit maximum sustainable catches. Under the ICCAT, a Commission comprised of representatives from member nations convenes biannually. The Commission collects and analyzes statistical information relating to the current conditions of the tuna fishery, recommends further studies, and coordinates the investigation programs of the member nations, and recommends harvesting levels for the tuna resource.

Reauthorization of the Atlantic Tunas Convention Act would assure that the United States effectively implements the ICCAT agreement and continues to strive for effective conservation and management of the tuna resource in the Atlantic Ocean. Authorization for appropriations under the Atlantic Tunas Conservation Act expires after fiscal year 1986. The administration's bill proposes to extend authorization of the act through fiscal year 1988.●

By Mr. BENTSEN (for himself, Mr. GLENN, and Mr. LEVIN):

S. 2298. A bill to make a technical correction to the Department of Defense Authorization Act, 1986, relating to the extension of an enlistment bonus program; to the Committee on Armed Services.

CORRECTION TO RESERVE ENLISTMENT LAW

Mr. BENTSEN. Mr. President, sometimes the calendar moves faster than the Congress. Last year, when we finally approved the massive defense authorization bill on November 8, we extended the authority to provide enlistment bonuses for people entering the National Guard and Reserve in critical skill areas.

Unfortunately, the law which originally set up that important bonus technically, expired on September 30. There was thus a gap of nearly 6 weeks during which enlistees were not allowed to be paid the bonus for which they were otherwise eligible.

I learned about this lapse in the law from a Texan whose son joined the National Guard last October and expected to receive the bonus, but then was denied it on this technicality. I considered this an unfortunate oversight and sought to determine just how many people might have been affected by this legal gap.

Recently the Defense Department advised me that more than 4,300 National Guard and Reserve personnel were denied the bonuses for which they were otherwise eligible. Moreover, the $5.4 million which should have been paid had already been budgeted for, so corrective legislation will not require any additional funding.

Today I am introducing legislation along with the distinguished Senators from Ohio [Mr. GLENN] and Michigan [Mr. LEVIN] to make the necessary technical correction in the law so that these bonuses can be paid.

This bill is needed not only to correct an inequity but also to avoid harming Guard and Reserve recruiting efforts, particularly in critical skill areas.

Mr. GLENN. Mr. President, I am pleased to join my colleague, Senator BENTSEN, in introducing legislation to correct an inequity which came about due to the delay in enactment of the fiscal year 1986 Defense Authorization Act.

The previous legislative authority which permitted the Reserve components to offer enlistment bonuses to individuals who enlist in critical skills in National Guard and Reserve personnel expired on September 30, 1985.

Section 642 of the fiscal year 1986 Defense Authorization Act extended the Defense Department's authority to pay this bonus for an additional 3 years. The House-Senate conference on this bill concluded in July of 1985, and the conference report on this bill passed the Senate on July 30, 1985, well before the expiration date of the current bonus authority. It was obviously the intention of the Congress that there be no lapse in this bonus authority.

Unfortunately, due to the delay in adopting the conference report on the fiscal year 1986 Defense authorization bill in the House, the fiscal year 1986 Defense authorization bill was not signed into law by the President until November 8, 1985. Since the legislative authority for this enlistment bonus technically expired on September 30, anyone who enlisted in the National Guard or Reserve in a critical skill between September 30 and November 8, 1985, and who otherwise would have been eligible for this bonus, cannot receive the bonus because of this lapse in authority.

The military services had already budgeted, and the Congress has already appropriated, the necessary funds to pay this bonus for the full 12-month year, so no additional funding will be required to correct this problem.

The bill that Senator BENTSEN and I are introducing today simply corrects this inequity and permits the Department of Defense to pay these bonuses to those who enlisted during the period September 30 through November 8, 1985, and who otherwise would have been eligible to receive an enlistment bonus.

I commend Senator BENTSEN for bringing this matter before the Senate.

By Mr. STAFFORD (for himself, Mr. BAUCUS, Mr. MITCHELL, and Mr. DURENBERGER):

S. 2300. A bill to amend the Toxic Substances Control Act so as to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in Federal and other buildings, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL BUILDING ASBESTOS HAZARD ABATEMENT ACT

Mr. STAFFORD. Mr. President, I am introducing today a bill entitled the "Federal Building Asbestos Hazard Abatement Act of 1986." The purpose of the bill is to protect the public from an unseen but deadly health hazard—airborne asbestos fibers in Federal and other buildings.

Asbestos is a proven human carcinogen. Its deadly fibers can penetrate deep into the lungs, leading to lung cancer, mesothelioma, and other serious diseases 20 to 40 years after exposure. According to the National Academy of Sciences, "much of the more than 30 million metric tons of asbestos used in the United States since 1900 is still present in its original application and provides a potential for exposure." Asbestos-containing building products include sprayed or troweled insulation and fireproofing, boiler and pipe insulation, fireproof plaster and wallboard, and acoustical ceiling. When these materials are damaged or disturbed, they may release asbestos fibers into the air.

It was established at hearings on this subject before the Committee on Environment and Public Works that asbestos in buildings often does not present an immediate threat to health because it is intact. In these cases, an appropriate response often is an operation and maintenance plan designed to assure that it will not be damaged and to assure that any repairs or renovations will be properly conducted. Attempts to remove the asbestos, especially if the attempts are improperly done, actually can increase the level of risk. In other cases, the asbestos already is damaged and hazardous, in which case abatement is called for. Abatement may be accomplished in some cases by enclosure or encapsulation, but in other cases removal is necessary.

Mr. President, the Environmental Protection Agency has known for years about the serious health hazards caused by asbestos in building materials. In 1979, the Agency began trying to get hazardous asbestos out of schools. At the present time, schools are required to inspect for hazardous asbestos and notify parents and employees if it is found. But not even this small step has been taken with regard to other types of buildings. A 1984 EPA survey of public and commercial buildings estimated that 20 percent of all such buildings, about 733,000 buildings, contain friable, easily crumbled, asbestos. About one-quarter of these, or 192,000 buildings, had sprayed/troweled asbestos, which usually is the most dangerous situation.

Despite the obvious dangers presented by asbestos in buildings, EPA has not set any requirements for inspection or for management or abatement of asbestos hazards.

The lack of standards and requirements has allowed a dangerous situation to develop. Fly-by-night contractors have taken advantage of legitimate public health concerns by persuading building owners to undertake unnecessary and expensive asbestos removal projects. Often the poor quality of their work has made the situation worse.

The bill would attack this important public health problem by:

Requiring EPA to set standards for asbestos detection, management, abatement, and disposal;

Establishing contractor accreditation programs to assure the availability of competent contractors;

Requiring that Federal buildings be inspected and appropriate action taken; and

Requiring EPA to identify classes and categories of non-Federal buildings to be subject to these requirements, based on various factors that relate to the likely degree of health hazard.

Mr. President, the kinds of problems that have developed due to a lack of standards and requirements governing asbestos projects were brought out very clearly in an article in the Wall Street Journal of March 5, 1986. I ask unanimous consent that this article be reprinted in the RECORD at this point, followed by the bill and a description of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 5, 1986]

BAD RIDDANCE: RIPPING OUT ASBESTOS ENDANGERS MORE LIVES AS LAWS ARE IGNORED

(By Jonathan Dahl)

The Environmental Protection Agency doesn't have to look far to find people getting exposed to cancer-causing asbestos. Right across the street from its Philadelphia office, the agency caught construction workers ripping out asbestos insulation and heaving it into outdoor dumpsters.

"We could see all this asbestos dust blow by us," says an EPA spokesman. "It made us wonder how the stuff was being removed elsewhere."

The EPA isn't wondering anymore. Since that incident in 1984, shoddy asbestos removals have been alarmingly common in buildings across the country. As a result, one of the nation's greatest occupational tragedies is being repeated. More than 100,000 workers have died because they inhaled asbestos particles while installing in-

sulation years ago. Now, desite publicity about those deaths, the deadly cycle is starting over again. This time, the eventual victims are the workers ripping out asbestos.

"It was bad enough when this happened and we didn't know the risks," says Dr. Irving Selikoff, an occupational-health expert at the Mount Sinai Medical Center in New York. "But now that we know, my God, we shouldn't let this be happening again."

A NATIONAL PROBLEM

Federal and state agencies cited more than 1,300 asbestos violations last year, and a government survey shows that at least 25% of removals are fouled up. Violations have occurred in schools, in apartments and even on Ellis Island in New York and on the grounds of the vice president's residence in Washington. They happen when asbestos cleanup is the main job and when it isn't. Most buildings constructed before 1970 have asbestos, and a health threat exists—even to passers-by—every time one is renovated or demolished. "It is a national problem," says Terrell Hunt, the EPA's highest-ranking criminal lawyer.

Some contractors don't know that they are tearing out asbestos. Others intentionally skip precautions or use slipshod methods. One contractor was sued for hiring dozens of homeless people off the street to remove asbestos from a San Antonio, Texas, hotel. And while the EPA recently beefed up its efforts to deter hazardous removals, experts say the laws pertaining to asbestos still are weak and poorly enforced. Because of the laws' inadequacies, even workers who follow guidelines might still die from asbestos poisoning.

"There are just no standards in the business. Some people do it right, but I've seen some abuses that would make your hair stand on end," says David Kimbrell, a former president of the National Association of Asbestos Abatement Contractors, a trade group based in Washington.

Ironically, some of the removal jobs aren't even necessary. Asbestos is lethal: it ranks only behind cigarettes as the leading cause of cancer. And while most of its uses are banned today, it is everywhere. Some 30 million tons of the fibrous mineral was mixed into plaster to insulate walls, pipes and ceilings during the past hundred years. But asbestos needs to come out only when it is old and crumbling. That is when the mineral's tiny particles, which cause lung cancer and other respiratory diseases, are released into the air.

Removing insulation without disturbing particles is tricky. The federal government doesn't require that asbestos come out, but it has issued reams of complicated cleanup rules. Insulation is supposed to be sprayed with water and stashed in airtight containers. Special air-circulating machines are recommended. And workers must don face masks and gear that looks like space suits. "There's almost a science to doing it correctly," says Edward Swoszowski, an indoor-air-quality consultant in Norwalk, Conn.

But many removals have been less than scientific. In the building across from the EPA's Philadelphia office, workers were gathering up asbestos debris with brooms and doing the job "the way you'd clean up your garage," says Ben Mykijewycz, an agency inspector. Eventually, the Justice Department sued the building's owner, Liberty Square Associates Ltd., for allegedly violating air-pollution laws. The owner paid a $50,000 fine last March to settle the suit, but made no admission of wrongdoing. A Justice Department suit is pending against the contractor.

COVERED WITH DUST

In another case, the EPA says it found eight teen-agers early last year yanking out asbestos with their bare hands in an abandoned school that was being converted into a condominium in Salem, Mass. The Justice Department has filed a suit against the developer, Granite Development Co. Company officials say they didn't realize that asbestos was in the school. Neither did the youths employed to remove it. "They were covered with white dust," recalls EPA inspector Bridget McGuiness. "They started asking me, 'Is this bad?' "

Nobody knows how many bad jobs are occurring, but the Occupational Safety and Health Administration found violations in * * * of 806 removal jobs that it inspected last year. The EPA estimates that it learns of only half of the asbestos removals; the agency is supposed to be notified of every instance. "If they're not notifying the EPA, they're probably not doing" the job right, says Patrick R. Tyson, the acting assistant secretary of OSHA. "I'm afraid a lot of people aren't handling it properly."

Most of those people won't feel any ill effects from asbestos exposure for a long time. As deadly as they are, asbestos diseases take five to 40 years to develop. And it isn't known how much exposure is harmful. OSHA estimates that 1.4 million construction workers risk becoming asbestos victims of the future, as do thousands of carpenters, electricians and others who work with insulation. Even passers-by may face a health threat. "Try to walk by [a construction site] without breathing the dust," says Charles Elkins, an acting assistant administrator of the EPA. "If it's asbestos, you're in trouble."

Some victims of asbestos removals are already getting sick. For 15 years, Dennis Burke wondered whether the insulation he was ripping out at construction jobs contained asbestos. "but if you complained, you'd get fired," he says. Now, Mr. Burke, 38 years old, has asbestosis, an incurable lung disease that causes shortness of breath. And he is still a construction worker; he can't find any other job.

Other victims could well be members of families already stricken by asbestos disease. Daniel O'Toole thought it was bad enough to have asbestosis; the 63-year-old former iron worker from Fort Howard, Md., was forced to retire early, and he can't take long walks. But last April, his son Patrick discovered he had swept up asbestos at a steel mill-the same mill in which Daniel O'Toole worked 18 years ago. "It's incredible, but my son was probably exposed to the same pipes I put in," Mr. O'Toole says.

Contractors complain that unless a building's owner hires them specifically to remove asbestos, they often don't realize that they are working with it. Asbestos in sulation, which sometimes looks like plaster of Paris, isn't always recognizable.

But some people have a hard time claiming ignorance. In late 1984, the EPA says, inspectors went out three times to warn Maurice Fabiani, a developer, about shoddy asbestos removals at a powerhouse in Oakville, Conn. All they got was a lecture: "He told us we were being nitpicky," says Andrew Lauterback, a special assistant U.S. attorney. Mr. Fabiani, for his part, apparently wasn't too picky about where he left his asbestos. The EPA says it found a pile of it in an open dump behind some houses. Inspectors had to shoo away children playing in it.

The matter was serious enough to draw the first prison sentence ever in an asbestos case. Through his attorney, Mr. Fabiani contends he shouldn't be blamed for a contractor's work. But he nevertheless pleaded guilty to violating air-pollution laws, paid a $25,000 fine and, in January, served 30 days in prison. The contractor, Peter J. Vileisis, pleaded guilty, was fined $25,000 and received a one-year suspended sentence.

Some contractors ignore precautions because they don't think asbestos is harmful, particularly since inhaling the fibers doesn't cause immediate injury. Other contractors cut corners to increase profits. Certainly, the work is lucrative: Three contractors may get more than $1 million to take out asbestos from a three-story school building in Atlanta. "There's a whole bunch of hustlers out there trying to make a quick buck who will end up killing themselves and others," says U.S. Rep. James Florio, a New Jersey Democrat interested in the safe handling of asbestos.

A fast buck is what 166 workers allege motivated the contractor that renovated the St. Anthony Hotel in San Antonio in 1983. In a lawsuit, the workers assert that the contractor hired them off the street without telling them that asbestos was being removed. Most say they wore bandannas over their mouths, or nothing at all, to protect themselves from the dust. "Now, every time I get a cold in my chest, I think uh-oh, this is it," says Daniel Cady, 29, who was one of the workers. He had been recruited for the job while hitchhiking through Texas.

The contractor. Planned Management International Inc., denies exposing the workers to asbestos. But OSHA fined the company $1,500 for not posting warnings or giving workers respirators. And this month the company, the construction manager and the hotel's owner settled the lawsuit. They won't discuss the terms, but the workers' attorney says his clients are receiving a total of $1.66 million.

EPA officials say that bad practices persist because neither the federal government nor 39 states require asbestos removers to be trained or licensed. New York, one of the few states with training provisions, requires contractors only to watch a 40-minute filmstrip that regulators concede is inadequate. "A barber has to go to school, but someone can remove a hazardous substance and have no experience and no training," says Wolfgang Brandner, the EPA's regional asbestos coordinator in Kansas City, Kan.

What's more asbestos regulations are flawed. OSHA figures that even if its standards were followed to the letter, 64 of every 1,000 workers who remove asbestos would still eventually die from overexposure. That is because the current exposure standard is two asbestos fibers per cubic centimeter of air—about four times the exposure the agency currently thinks is safe. OSHA is trying to change the standard, but "people think they're protected by these laws when they're not," say James Fite, the president of the White Lung Association, a nonprofit group in Baltimore that represents asbestos victims.

But the most frequently cited problem with asbestos laws is the way they are enforced. The EPA and OSHA inspect just a fraction of asbestos-removal jobs; many contractors have never had a job inspected. And both federal agencies routinely let violators off with small fines or none at all. OSHA's Dallas-area office, for example,

hasn't levied a fine in any of its 12 asbestos cases in the past three years.

But officials in Dallas office say they are shorthanded—the office doesn't have anyone assigned just to asbestos cases. They also say some contractors conceal violations by working at night or on weekends. But the result is that repeat violators are common. And legitimate contractors say unscrupulous competitors have a free rein. "It's basically a voluntary-compliance system," concludes Neil Wilson, the president of National Environmental Engineering Inc., an asbestos-removal company in Michigan City, Ind.

In response to such criticism, the EPA recently vowed to vigorously enforce asbestos laws. The Justice Department, as part of that effort, last month filed 11 publicized lawsuits alleging serious asbestos violations against the state of Florida, Conrail and the school system of Ankeny, Iowa, among others. And at least 10 states are considering bills that would regulate asbestos removers.

But such steps come far too late for thousands of workers who recently may have been exposed to asbestos—a known carcinogen for at least a decade. As Patrick O'Toole, the construction worker in Maryland, puts it, "My father was done wrong, and now I'm done wrong. When will it stop?"

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.

The Toxic Substances Control Act is amended by adding at the end thereof the following:

"TITLE II—FEDERAL BUILDING ASBESTOS HAZARD ABATEMENT

"SEC. 201. SHORT TITLE.

"This title may be cited as the "Federal Building Asbestos Hazard Abatement Act of 1986".

"SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

"(a) FINDINGS.—

"(1) The Congress finds that—

"(A) hazardous asbestos is present in many Federal buildings and other buildings that are accessible to the public;

"(B) asbestos, if unrecognized or poorly managed, can cause serious adverse health effects, including lung cancer and other deadly and debilitating diseases;

"(C) though the Federal Government requires that school buildings be inspected for hazardous asbestos, there is no such requirement affecting buildings that are owned or leased by the Federal Government, or other publicly accessible buildings, nor is there any requirement that hazardous asbestos be abated in a safe and complete manner once it is discovered;

"(D) many buildings have not been inspected for hazardous asbestos, while others have been subjected to expensive abatement projects with no regulatory guidance from the Environmental Protection Agency on whether the actions are necessary, adequate, or safe; and

"(E) serious asbestos hazards continue to exist in certain buildings and some hazards actually may have been made worse due to the lack of national standards for asbestos hazards and abatement.

"(b) PURPOSES.—The purposes of this title are to—

"(1) provide for the establishment of Federal standards for the identification and abatement of hazardous asbestos in Federal and other buildings; and

"(2) mandate safe and complete inspection and abatement in accordance with those standards.

"SEC. 203. DEFINITIONS.

"For purposes of this title, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'Federal building' means any building which is owned by the Federal Government;

"(3) 'covered Federal building' means any Federal building included on the schedule established by the Administrator pursuant to section 206(b) of this title;

"(4) 'non-Federal building' means any building other than a Federal building, except that such term does not include any school building otherwise subject to an asbestos inspection and abatement program under Federal law, any private residential dwelling, or any commercial residential building having fewer than 10 residential units;

"(5) 'covered non-Federal building' means any non-Federal building which is included on the schedule established by the Administrator pursuant to section 206(b) of this title;

"(6) 'accredited asbestos contractor' means an individual who has successfully completed an Environmental Protection Agency approved training program, or a training program relating to asbestos inspections and abatement adopted pursuant to subsection (b) of section 205 of this title;

"(7) 'owner', when used in connection with a covered Federal building under this title, means the head of the department, agency, office, or other instrumentality of the United States having jurisdiction or control over such building;

"(8) 'asbestos' means friable asbestos, material which contains friable asbestos, and any covering of friable asbestos or material which contains friable asbestos;

"(9) 'friable asbestos' means chrysotile, amosite, or crocidolite, or, in fibrous form, tremolite, anthophyllite, or actinolite, which can be crumbled, pulverized, or reduced to powder by hand pressure;

"(10) 'abatement' means action taken to eliminate the hazards posed by asbestos, including enclosure, encapsulation, repair, or removal; and

"(11) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

"SEC. 204. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS ON IDENTIFICATION AND ABATEMENT OF ASBESTOS.

"(a) STANDARDS.—Within 180 days after the date of the enactment of this title, the Administrator shall promulgate the following:

"(1) Regulations which prescribe standards and procedures, including the use of trained personnel, for determining whether asbestos is present in buildings.

"(2) Regulations which prescribe standards for the circumstances in which the presence of asbestos in a building shall be considered hazardous. In any standard prescribed under this paragraph, asbestos shall be considered hazardous if the asbestos or its covering is—

"(A) visibly damaged, or

"(B) readily accessible in a manner which presents a reasonable likelihood of human exposure to airborne asbestos fibers.

"(3) Regulations which mandate abatement, in accordance with standards prescribed under paragraph (4) of this subsection, of hazardous asbestos found in any building included on the schedule established pursuant to section 206 of this title, as determined in accordance with standards prescribed under paragraphs (1) and (2) of this subsection.

"(4) Regulations which prescribe standards for performance of asbestos abatement activities in buildings and for determination of when the hazard has been abated. Such regulations shall include standards for protection for both workers and building occupants for the following phases of abatement activity:

"(A) Inspection.

"(B) Abatement.

"(C) Post-abatement, including any long-term operation and maintenance activity.

"(5) Regulations which prescribe standards for operation and maintenance plans for—

"(A) hazardous asbestos which is abated by a means other than removal, and

"(B) asbestos which is found not to be hazardous.

The regulations shall include provisions for the education and protection of workers and other persons who may come in contact with the asbestos, for periodic reinspection of the asbestos, and for procedures to be used for custodial activities, building management, repairs, and renovations.

"(6) Regulations which prescribe such standards for transportation and disposal of asbestos as may be necessary to protect human health and the environment.

"(b) HAZARDOUS ASBESTOS STANDARD IF ENVIRONMENTAL PROTECTION AGENCY FAILS TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under paragraphs (1) and (2) of subsection (a) of this section within the prescribed period, any asbestos or its covering which exists in a building included on the schedule established pursuant to section 206 of this title shall be considered hazardous if the asbestos is visibly damaged, with portions of the material dislodged, missing, cracked, deteriorated, showing evidence of water damage, or flaking, in any area in the building where there is a potential for human exposure, including an air plenum. Such standards shall be effective until such time as the Administrator promulgates different standards under regulations under paragraphs (1) and (2) of subsection (a) of this section.

"(c) ABATEMENT IF ENVIRONMENTAL PROTECTION AGENCY FAILS TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under paragraphs (3) and (4) of subsection (a) of this section within the prescribed period, and if any asbestos which is hazardous under the standard described in subsection (b) of this section exists in a building included on the schedule established pursuant to section 206 of the title, the owner of such building shall abate such asbestos in accordance with the most recent version of the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Materials in Buildings' (or any successor to such document). The ambient interior concentration of asbestos after the completion of abatement shall not exceed the ambient exterior concentration, discounting any contribution from any local stationary source. In the ab-

sence of reliable measurements, the exterior ambient concentration shall be deemed to be less than 0.003 fibers per cubic centimeter. A scanning election microscope shall be used to determine whether the standard has been met.

"(d) TRANSPORTATION AND DISPOSAL STANDARDS IF ENVIRONMENTAL PROTECTION AGENCY FAILS TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under subsection (a)(6) of this section within the prescribed period, any asbestos which is abated within a building included on the scheduled established pursuant to section 206 of this title shall be transported and disposed of in accordance with the most recent version of the Environmental Protection Agency's "Asbestos Waste Management Guidance" (or any successor to such document).

"SEC. 205. MODEL CONTRACTOR ACCREDITATION PLAN.

"(a) MODEL PLAN.—

"(1) PERSONS TO BE ACCREDITED.—Within 180 days after the date of the enactment of this title, the Administrator shall develop a model accreditation plan for States to give accreditation to persons for performance of the following functions:

"(A) inspection for asbestos in buildings;

"(B) preparation of asbestos management plans for such buildings;

"(C) abatement of asbestos in such buildings; and

"(D) laboratory analysis of bulk samples and air samples of asbestos from such buildings in laboratories.

"(2) PLAN REQUIREMENTS.—The plan shall include a requirement that any person performing a function listed in the preceding sentence achieve a passing grade on an examination pertaining to that function and participate in continuing education on current asbestos abatement technology. The examination shall assess the knowledge of the person in areas that the Administrator prescribes in regulations as necessary and appropriate for the performance of the functions listed in paragraph (1). Such regulations may include requirements for knowledge in the following areas:

"(A) recognition of asbestos and its physical characteristics;

"(B) health hazards of asbestos and the relationship between asbestos exposure and disease;

"(C) assessing the risk of asbestos exposure through a knowledge of percentage weight of asbestos, friability, age, deterioration, location and accessibility of materials, and advantages and disadvantages of dry and wet methods of abatement;

"(D) respirators and their use, care, selection, degree of protection afforded, fitting, testing, and maintenance and cleaning procedures;

"(E) approrpiate work practices and control methods including the use of high efficiency particle absolute vacuums, use of amended water, and principles of negative air pressure equipment use and procedures;

"(F) work area preparation for asbestos abatement, including isolation procedures to prevent bystander or public exposure, decontamination procedures, procedures for post-abatement dismantling of work areas, and waste disposal procedures;

"(G) establishing emergency procedures to respond to sudden releases;

"(H) air monitoring requirements and procedures;

"(I) medical surveillance program requirements; and

"(J) housekeeping and personal hygiene practices and procedures to prevent asbestos exposure to an employee's family.

"(b) STATE ADOPTION OF PLAN.—Within 180 days after the Administrator has developed a model contractor accreditation plan under subsection (a) of this section, each State shall—

"(1) adopt a contractor accreditation plan at least as stringent as that model, or

"(2) require that anyone practicing as a contractor in the State be accredited by another State which has adopted a contractor accreditation plan at least as stringent as the model plan.

"SEC. 206. CERTAIN BUILDINGS SUBJECT TO TITLE.

"(a) COVERED BUILDINGS.—After the date of the enactment of this title, all covered Federal Buildings and covered non-Federal buildings shall be required to be inspected for the purpose of determining the presence of asbestos material. Such inspection, together with action necessary to abate any hazardous asbestos found as a result of such inspection, shall be carried out in accordance with the provisions of this title.

"(b) SCHEDULE FOR ASBESTOS INSPECTION AND MANAGEMENT.—

"(1) PUBLICATION OF SCHEDULE.—Within the 12-month period following the date of the enactment of this title, the Administrator shall develop and publish in the Federal Register a schedule identifying and designating, by category, type, or class, the order in which Federal buildings shall be inspected for the presence of asbestos material and, if such material is found, a management plan developed and implemented in accordance with section 208 of this title. Except to the extent otherwise specifically provided herein, the development and publication of such schedule, including revisions and additions under paragraph (2) of this subsection, shall be within the discretion of the Administrator.

"(2) REVISIONS; ADDITIONS.—The Administrator shall, from time to time (but not less than biannually), review the schedule established pursuant to paragraph (1) of this subsection with a view to expediting, to the extent consistent with the availability of technical experts and personnel, and analytical resources, the inclusion on such schedule of additional categories, types, or classes of Federal buildings and non-Federal building. Any such additions shall be published in the Federal Register.

"(3) MATTERS TO BE CONSIDERED IN DEVELOPING SCHEDULE.—In making the determination of any such category, type, or class of building for inclusion on such schedule, or revisions and additions thereto, the Administrator shall consider, among other items or matters—

"(A) the size of building;

"(B) date of construction or renovation;

"(C) likelihood that building contains asbestos material;

"(D) availability of technical experts and personnel and analytical resources;

"(E) whether the determination is likely to adversely affect or impede the inspection for, or abatement of, hazardous asbestos in school buildings;

"(F) number of occupants and visitors utilizing such building; and

"(G) likelihood of use by children.

"SEC. 207. INSPECTION OF COVERED BUILDING.

"(a) INSPECTION REQUIREMENT.—Within 180 days after the Administrator has published his initial schedule in the Federal Register pursuant to section 206 of this title, or a revision or addition thereto, designating a particular category, type, or class of building as a part of such schedule, the owner of any such building shall conduct an inspection thereof to determine the presence or absence of asbestos materials in such building. Each owner, following such inspection, shall prepare a statement containing the following information for each such building so owned;

"(1) the dates of inspection;

"(2) the name, address, and qualifications of each inspector;

"(3) a description of the specific areas inspected, including an indication of whether the boiler room was inspected;

"(4) the results of such inspection; and

"(5) a description of any abatement action previously taken.

"(b) PUBLIC AVAILABILITY OF INSPECTION STATEMENT.—A notice of the availability of the inspection statement required under subsection (a) of this section shall be posted and shall remain posted in a conspicuous place on or within the building covered by such statement. A copy of such inspection statement shall be made available, upon request by any person, by the owner of the building covered by such plan.

"(c) AVAILABILITY OF INSPECTION STATEMENT.—A copy of each inspection statement made pursuant to subsection (a) of this section shall, within sixty days following its preparation, be submitted to the Administrator. Upon request of any Governor of a State to the Administrator for copies of such inspection statements, the Administrator shall make copies available pursuant to such request.

"SEC. 208. ASBESTOS MANAGEMENT PLANS.

"(a) MANAGEMENT PLAN.—Each owner of a building designated on the schedule established pursuant to section 206 of this title who, following an inspection pursuant to section 207 of this title, determines the presence of asbestos material or materials in such building, shall, not more than 60 days following such inspection, prepare a management plan for dealing with such asbestos. Each plan shall provide for compliance with the applicable regulations prescribed by the Administrator under section 204 of this title (or if there are no regulations, the applicable standards in subsections (a) and (b) of section 204 of this title) and shall include the following:

"(1) schedules for followup inspections for asbestos;

"(2) a detailed description of measures to be hazardous, including the location or locations at which an abatement action will be taken and the method or methods of abatement to be used;

"(3)(A) a detailed description of criteria and procedures which have been or which will be followed in selecting persons to abate the asbestos found to be hazardous; or

"(B) if the State has adopted a contractor accreditation plan similar to the model contractor accreditation plan developed under section 205 of this title, a statement that the owner of the building followed that plan in selecting such persons;

"(4) the names of the consultants, if any, who contributed to the plan, along with a description of their credentials;

"(5) a detailed description of any asbestos found in such building which was found not to be hazardous under the regulations prescribed under subsection (a) of section 204 of this title (or the standard in subsection (b) of section 204 of this title) and which is not visibly damaged or flaking; and

"(6) an operation and maintenance plan, with a provision requiring periodic reinspection, for—

"(A) asbestos which was abated by encapsulation rather than by removal, and

"(B) asbestos which was not abated because it was found not to be hazardous.

"(b) MANAGEMENT PLAN ACCREDITATION.—Each such management plan shall contain a statement by an accredited asbestos contractor that such contractor has prepared or assisted in the preparation of such plan, or has reviewed such plan, and that such plan is in compliance with the applicable regulations and standards promulgated or adopted pursuant to section 204 of this title, and other applicable provisions of law.

"(c) IMPLEMENTATION OF ASBESTOS ABATEMENT MANAGEMENT PLANS.—After an asbestos management plan has been developed in accordance with this section, the owner of the building covered by such plan shall implement the plan within 12 months.

"(d) PUBLIC AVAILABILITY OF ASBESTOS MANAGEMENT PLAN.—Notice of the availability of the asbestos management plan required under subsection (a) of this section shall be posted and shall remain posted in a conspicuous place on or within the building covered by such plan. A copy of such plan shall be made available, upon request by any person, by the owner of the building covered by such plan.

"(e) WARNING LABELS.—Any owner of a building who has carried out his or her management plan activities with respect to such building shall display warning labels at appropriate locations in such building, to notify building users of—

"(1) asbestos which was abated by encapsulation rather than removal and is subject to operation and maintenance activities, and

"(2) asbestos which was not abated because it was not found to be hazardous.

The warning label shall read, in print which is readily visible because of large size or bright color, as follows:

'CAUTION: ASBESTOS PRESENT. ASBESTOS CAUSES CANCER. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT'.

"SEC. 209. FEDERAL LEASING POLICIES.

"On and after the expiration of the thirty-six-month period following the date of the enactment of this title, no department, agency, or other entity or instrumentality of the United States shall enter into any purchase agreement or lease for the acquisition of real property for use by any department, agency, or other entity or instrumentality of the United States, unless such property has been inspected in accordance with the provisions of this title and found to be free of any asbestos material, or such property has been inspected and is, at the time of any such purchase or lease, subject to a valid and current asbestos abatement management plan that is in compliance with the provisions of this title and regulations and standards promulgated pursuant thereto.

"SEC. 210. ENVIRONMENTAL PROTECTION AGENCY RESPONSE AUTHORITY.

"(a) IN GENERAL.—Whenever—

"(1) the presence of asbestos in a building designated on the schedule, or revision thereof, of the Administrator pursuant to section 206 of this title may present an imminent and substantial endangerment to human health, and

"(2) the owner of such building is not taking sufficient action (as determined, in the case of a covered Federal building, by the Administrator or, in the case of a covered non-Federal building, by the Governor or the Administrator) to abate or arrange for the abatement of the asbestos,

the Administrator, in the case of a covered Federal building, or the Governor or the Administrator, in the case of a covered non-Federal building, is authorized to act, consistent with standards prescribed under this title, to abate or arrange for the abatement of the hazard, or to take any other response measure which the Administrator or the Governor deems necessary to protect human health.

"(b) COST RECOVERY.—The Administrator may seek reimbursement from any potentially responsible party in a court of the United States for all costs of abatement action under this section incurred by the United States Government.

"SEC. 211. ABATEMENT ACTION.

"When the Administrator, in the case of a covered Federal building, or the Governor of a State, in the case of a covered non-Federal building, determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of the presence of asbestos in any such building, the Administrator may request the Attorney General of the United States, or the Governor may act, to secure such relief as may be necessary to abate such danger, including closure of the buildings. The district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief, including injunctive relief, as the public interest and the equities of the case may require.

"SEC. 212. PREEMPTION.

"Nothing in this title shall be construed as preempting a State from establishing any additional liability or requirements with respect to asbestos in non-Federal buildings within such State.

"SEC. 213. REPORT.

"The Administrator shall include, as a part of the annual report required by section 30 of the Toxic Substances Control Act, a report containing the following:

"(1) a summary of the information and other data (including inspection statements) available to the Administrator showing the extent to which asbestos was found in buildings covered by this title during the period covered by such annual report required by the Toxic Substances Control Act;

"(2) a summary of the abatement actions taken by owners of buildings covered by this title during the period covered by such annual report; and

"(3) a description of actions taken by the Administrator in the administration of this title during the period covered by such annual report, including information actions".".

SEC. 2. CONFORMING AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.

(a) CONFORMING AMENDMENT.—Section 15 of the Toxic Substances Control Act is amended in paragraph (1)—

(1) by striking out "or" before "(C)";

(2) by striking out the semicolon and inserting in lieu thereof a comma; and

(3) by adding at the end thereof the following: "or (D) any rule promulgated or order issued under title II;".

(b) TECHNICAL AMENDMENTS.—The Toxic Substances Control Act is amended—

(1) by inserting immediately before section 1 the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES";

(2) by inserting in the table of contents in section 1, immediately before the item relating to section 1, the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES"; and

(3) by adding at the end of the table of contents in section 1 the following:

"TITLE II—FEDERAL BUILDING ASBESTOS HAZARD ABATEMENT

"Sec. 201. Short title.
"Sec. 202. Congressional findings and purposes.
"Sec. 203. Definitions.
"Sec. 204. Environmental Protection Agency regulations on identification and abatement of asbestos.
"Sec. 205. Model contractor accreditation plan.
"Sec. 206. Certain buildings subject to title.
"Sec. 207. Inspection of covered buildings.
"Sec. 208. Asbestos management plans.
"Sec. 209. Federal leasing policies.
"Sec. 210. Environmental Protection Agency response authority.
"Sec. 211. Abatement action.
"Sec. 212. Report.".

DESCRIPTION OF BILL

The bill would amend the Toxic Substances Control Act by adding to it a new Title II entitled the "Federal Building Asbestos Hazard Abatement Act of 1986."

Section 202 contains the Congressional findings and purpose of the bill.

Section 203 contains definitions.

Section 204 requires the Environmental Protection Agency to promulgate a series of regulations related to asbestos identification, hazard assessment, abatement, operation and maintenance procedures, transportation and disposal. Fall back standards in the bill would apply should EPA fail to promulgate the required standards.

Section 205 defines the components of a model contractor accreditation program that EPA is required to publish. It requires States to adopt accreditation programs based on the model.

Section 206 requires the Administrator to establish a schedule by which classes and categories of Federal buildings are to be inspected for asbestos. The schedule is to be reviewed and revised periodically in order to add additional classes and categories of Federal and non-Federal buildings to the schedule. In determining the schedule, the Administrator is required to consider a number of factors related to the likelihood of asbestos exposure, size and characteristics of the exposed populations, and availability of technical resources.

Section 207 requires that buildings be inspected within 6 months after being scheduled, and that inspection statements describing the results of the inspection be made available to any person. Copies of this statement also are to be sent to the Administrator.

Section 208 requires that asbestos management plans be developed for buildings in which asbestos is found, consistent with the EPA regulations and standards. The plan must describe the asbestos found in the building and the steps that will be taken to prevent or abate asbestos hazards. The plan must be implemented within a year and must be made available to the public. Asbestos remaining in a building must be labeled.

Section 209 prohibits purchase or lease of an asbestos-containing building by the Fed-

eral government after three years from enactment.

Section 210 authorizes the Administrator or the Governor of a State (in the case of non-Federal buildings) or the Administrator (in the case of Federal buildings), to act to abate asbestos that presents an imminent and substantial endangerment to human health. The Administrator is authorized to seek reimbursement from any potentially responsible party in a federal court.

Section 211 authorizes United States district courts to grant appropriate relief from asbestos that presents an imminent and substantial endangerment to public health.

Section 212 states that these requirements do not preempt states from establishing any additional liability or requirements with respect to asbestos in non-Federal buildings.

Section 213 requires an annual report to Congress summarizing actions taken in response to these requirements.

Section 214 contains conforming amendments to the Toxic Substances Control Act.

● Mr. BAUCUS. Mr. President, I am pleased to join Chairman STAFFORD and others in sponsoring legislation that addresses the critical issue of asbestos.

On February 20, 1986, I, along with Senator STAFFORD and others, introduced S. 2083, the Asbestos Hazard Emergency Response Act. This bill focused on the problem of asbestos in our Nations' schools.

The bill we are introducing today was designed to accompany S. 2083. It is the logical next step in addressing the overall problem of asbestos in buildings in the United States. This bill focuses on asbestos in Federal buildings.

It is well documented that when released into the air, asbestos fibers can cause lung cancer, asbestosis, pleural mesothelioma, and other debilitating lung diseases.

Unfortunately, Federal agencies are not doing an adequate job of detecting hazardous asbestos in federally owned buildings.

In some buildings, the asbestos is posing a serious threat and immediate removal is necessary. In other buildings, the asbestos is still intact and does not need to be removed. Federal agencies, like schools, need the proper guidance to make the correct decisions to protect building occupants and the general public.

While this bill focuses on asbestos in Federal buildings, it would later address the problem in non-Federal buildings. In effect, this bill would require the Government to clean up its act first before regulating non-Government properties.

Specifically, this bill would:

Require EPA to set standards for asbestos detection, management, removal, and disposal;

Establish certification programs for asbestos abatement contractors. This would ensure that States have a sufficient number of qualified contractors to safely remove and dispose of asbestos;

Require that all Federal buildings be inspected and appropriate action taken; and

Require EPA to identify classes and categories of non-Federal buildings to be added to the list of buildings to be subject to these requirements.

The U.S. Government must address the problem of asbestos in federally owned buildings. The lack of an organized, interagency effort to control the release of asbestos fibers has threatened the health of Federal employees and the general public for too long.

I urge my colleagues to support this important legislation.●

By Mr. CHILES:

S.J. Res. 319. Joint resolution commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny; to the Committee on the Judiciary.

COMMEMORATION OF 25TH ANNIVERSARY OF THE BAY OF PIGS INVASION

● Mr. CHILES. Mr. President, April 17 marks the 25th anniversary of the Bay of Pigs attempted liberation of Cuba. I introduce this joint resolution in commemoration of this important date. I intend my resolution to be a special and appropriate acknowledgement in honor of the men of the 2506 Brigade. Their bravery and unhesitating response to the call of duty is to be admired by all.

We must not allow time to dim our memory of the heroes of the 2506 Brigade. They stand as shining examples of the Cuban people's love for freedom, their willingness to fight for democratic principles, and their vow to restore liberty to their enslaved homeland. Twenty-five years after the Bay of Pigs attempted liberation, the desire is just as strong, the resolve as profound, the yearning as sincere that Cuba should be free.

It began on a Monday morning in April; the year was 1961; 1,400 men participated in an invasion that was to result in the liberation of Cuba. It was not to be. Three days later it ended with 114 dead, 1,189 men taken prisoners, a newly elected President embarrassed and a Cuban dictator still in power.

Historians have well documented what occurred on that day in Playa Giron. Political scientists have analyzed the decisionmaking process and the flaws which marked this effort. Pundits have volunteered their interpretation of the events which followed and the events which never unfolded as a result of the Bay of Pigs.

What I wish to make perfectly clear is that the men of the 2506 Brigade did not die in vain. The liberation of Cuba was not attained, but the battle which began on that day 25 years ago continues today. The desire for a free Cuba lives on.

Jose Marti wrote:

> Every man of justice and honor fights for liberty whenever he may see it offended, because that is to fight for his integrity as a man: and the one who sees liberty offended and does not fight for it, or helps those who offend—is not a whole man.

These words are certainly applicable to the men of the 2506 Brigade. Twenty-five years ago they proved themselves to be, in Jose Marti's words, whole men.

This resolution I introduce today is in commemoration of the brave men who fought and gave their lives so that their brothers in Cuba could breathe free. Their struggle for a free Cuba was a just one and it continues to be to this day. All of us know that the battle at the Playa Giron was not victorious, but it was a battle worth fighting.

As lovers of freedom, as defendors of liberty, we do not rest while liberty is denied in Cuba, in Nicaragua, in Afghanistan, and Angola. Freedom is only secure when it is defended.

As members of the Cuban-American community remember the men who fought on Playa Giron, I cannot even begin to share in their very personal pain over the loss of loved ones and the loss of a nation. I do share, however, the pride in the heroes of Playa Giron. In memory of their deeds and in memory of the lives which were lost the battle for a free Cuba will continue. Again, borrowing Jose Marti's words, as whole men we will fight where we see liberty offended. We will fight against injustice, against oppression and tyranny so long as the Cuban nation remains in chains.●

By Mr. MITCHELL:

S.J. Res. 320. Joint resolution to designate April 17, 1987, as "National Pension Day"; to the Committee on the Judiciary.

NATIONAL PENSION DAY

● Mr. MITCHELL. Mr. President, I am introducing a joint resolution today which would mark April 17 as National Pension Day.

Few factors have given our American working men and women more long-term protection than the development and strengthening of the private pension system which provides for workers when their working days are over.

Nobody discounts the vital role played by the tax-financed income security programs, especially Social Security.

But private pensions are the essential element of financial security in retirement that supplement Government-financed programs. Without the pension protection that workers earn by their years of labor, the retirement plans of millions of Americans would be very different, the living conditions of millions of retired people would be much more straightened.

Pension protection should continue to be expanded and offered to American workers across the board. With the appropriate safeguards as to portability and vesting, each worker should be able to feel secure in the fact that decades of honest labor will ultimately mean retirement years of fair compensation in return.

The dedication of the Sheetmetal Workers Pension Building on April 17 is an appropriate recognition of the pivotal importance of pension programs to workers today.

And the recognition of April 17 as National Pension Day would mark an entirely appropriate national recognition of that fact.●

By Mr. LUGAR (for himself, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. CRANSTON, Mr. DENTON, Mr. DOLE, Mr. DURENBERGER, Mr. HARKIN, Mr. HATCH, Mrs. HAWKINS, Mr. HEINZ, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. MATHIAS, Mr. MATTINGLY, Mr. METZENBAUM, Mr. NICKLES, Mr. NUNN, Mr. PRYOR, Mr. SIMON, Mr. WARNER, and Mr. WILSON):

S.J. Res. 321. Joint resolution to designate October 1986 as "National Down Syndrome Month"; to the Committee on the Judiciary.

NATIONAL DOWN SYNDROME MONTH

● Mr. LUGAR. Mr. President, I rise today to introduce legislation to designate the month of October as "National Down syndrome Month." I introduced legislation proclaiming October as "National Down Syndrome Month" that was signed into law in 1984 and 1985, and I am convinced that such a law in 1986 will constitute another important step toward encouraging continued understanding and advancement in the medical and educational programs concerned with Down syndrome.

Down syndrome occurs once in every 1,000 births. It results from a genetic mishap in which an extra chromosome, No. 21—which affects physical and mental development—is found within the individual's genetic material. For years, Down syndrome carried the stigma of being a hopeless impediment to a meaningful and productive life.

Happily, the past 15 years have brought a revolution in terms of discovering the potential for individuals with Down syndrome. Significant medical advances have enabled correction of a number of the congenital disorders associated with Down syndrome, which have impeded normal functioning in society. Moreover, infant stimulation programs taught to parents of babies with Down syndrome, have increased intellectual development far beyond previous expectations.

Since the enactment of Public Law 94-142, we see the rewards of educating the developmentally disabled in our public schools, both in terms of their increased achievements, and, consequently, the contributions that these children will make to society in the future as productive citizens.

At one time, the birth of a child with a mental handicap was tantamount to a life of anguish, despair and certain institutionalization. Today, however, we know differently. Today we dream dreams for our children with handicaps. Today we make them a part of all that we do; we integrate them into the community and educate them through appropriate programs.

An integral part of this process has been the fostering of public awareness, the dissolution of old stereotypes and stigmas about Down syndrome, and an acceptance of these individuals into the mainstream of our society. Given the tremendous success of October 1984 and October 1985 as "National down syndrome Month," I am confident that this resolution will again contribute to that education and acceptance.

Mr. President, I would like to thank and commend my distinguished colleagues who have joined me in cosponsoring this resolution. I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 321

Whereas the past decade has brought a greater and more enlightened attitude in the care and training of the developmentally disabled;

Whereas one such condition which has undergone considerable reevaluation is that of Down syndrome—a problem which, just a short time ago, was often stigmatized as a mentally retarded condition which relegated its victims to lives of passivity in institutions and back rooms;

Whereas, through the efforts of concerned physicians, teachers and parent groups such as the National Down Syndrome Congress, programs are being put in place to educate new parents of babies with Down syndrome; to develop special education classes within maintreamed programs in schools; the provisions for vocational training in preparation for competitive employment in the work force and to prepare young adults with Down syndrome for independent living in the community;

Whereas the cost of such services designed to help individuals with Down syndrome move into their rightful place in our society is but a tiny fraction of the cost of institutionalization;

Whereas along with this improvement in educational opportunities for those with Down syndrome is the advancement in medical science which is adding to a more brightened outlook for individuals born with this chromosomal configuration; and

Whereas public awareness and acceptance of the capabilities of children with Down syndrome can greatly facilitate their being mainstreamed in our society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1986 is designated as "National Down Syndrome Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 1322

At the request of Mr. HECHT, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 1322, a bill to amend the Geothermal Steam Act of 1970.

S. 1917

At the request of Mr. BRADLEY, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 1923

At the request of Mr. THURMOND, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1923, a bill to provide for additional bankruptcy judges.

S. 2081

At the request of Mr. STAFFORD, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2081, a bill to reauthorize the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, the Community Services Block Grant Act, for deferred cost care programs, and for other purposes.

S. 2083

At the request of Mr. STAFFORD, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2083, a bill to amend the Toxic Substances Control Act to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in the Nation's schools, to mandate abatement of hazardous asbestos in the Nation's schools in accordance with those standards, to require local educational agencies to prepare asbestos management plans, and for other purposes.

S. 2221

At the request of Mrs. KASSEBAUM, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2221, a bill to amend section 108 of the Internal Revenue Code of 1954 to provide that the discharge of certain farm indebtedness shall not be included in gross income.

S. 2266

At the request of Mr. CRANSTON, the name of the Senator from Montana [Mr. BAUCUS] was added as a cospon-

sor of S. 2266, a bill to establish a ski area permit system on national forest lands established from the public domain, and for other purposes.

S. 2273

At the request of Mr. KASTEN, the names of the Senator from South Dakota [Mr. ABDNOR], and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of S. 2273, a bill to amend the Internal Revenue Code of 1954 to deny the tax exemption for interest on industrial development bonds used to finance acquisition of farm property by foreign persons.

S. 2274

At the request of Mr. KASTEN, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 2274, a bill to provide that certain individuals who are not citizens of the United States and certain persons who are not individuals shall be ineligible to receive financial assistance under the price support and related programs administered by the Secretary of Agriculture.

S. 2284

At the request of Mr. NICKLES the names of the Senator from Georgia [Mr. MATTINGLY], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 2284, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to take certain actions to minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers, and for other purposes.

S. 2288

At the request of Mr. CHILES, the names of the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. HEFLIN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 2288, a bill to amend title XIX of the Social Security Act to permit States the option of providing prenatal, delivery, and postpartum care to low-income pregnant women and of providing medical assistance to low-income infants under one year of age.

SENATE JOINT RESOLUTION 241

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Joint Resolution 241, a joint resolution designating the week beginning on May 11, 1986, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 282

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 282, a joint resolution to express the disapproval of the Congress with respect to the proposed rescission of budget authority for the general revenue sharing program.

SENATE JOINT RESOLUTION 301

At the request of Mr. NICKLES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 301, a joint resolution designating the week of May 18, 1986, through May 23, 1986, as "National Food Bank Week."

SENATE JOINT RESOLUTION 310

At the request of Mr. HELMS, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mrs. HAWKINS], the Senator from Nevada [Mr. HECHT], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. LEAHY], the Senator from Louisiana [Mr. LONG], the Senator from Indiana [Mr. LUGAR], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. QUAYLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 310, a joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

SENATE JOINT RESOLUTION 311

At the request of Mr. CRANSTON, the name of the Senator from South Carolina [Mr. HOLLINGS], was added as a cosponsor of Senate Joint Resolution 311, a joint resolution designating the week beginning November 9, 1986, as "National Women Veterans Recognition Week".

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. HOLLINGS] the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 312, a joint resolution designating the week beginning April 13, 1986, as "National Medical Laboratory Week".

SENATE JOINT RESOLUTION 316

At the request of Mr. CRANSTON, the names of the Senator from Florida [Mr. CHILES], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 316, a joint resolution prohibiting the sale to Saudi Arabia of certain defense articles and related defense services.

SENATE CONCURRENT RESOLUTION 122

At the request of Mr. NICKLES, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Concurrent Resolution 122, a concurrent resolution to express the sense of Congress with respect to agricultural loan restructuring.

SENATE RESOLUTION 342

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of Senate Resolution 342, a resolution to provide for the designation of the month of May 1986, as "Genetic Disorder Awareness Month".

SENATE RESOLUTION 374

At the request of Mr. FORD, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. LUGAR], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Resolution 374, a resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986.

SENATE RESOLUTION 382—RELATIVE TO THE DEATH OF REPRESENTATIVE JOSEPH P. ADDABBO OF NEW YORK

Mr. DOLE (for Mr. D'AMATO, for himself and Mr. MOYNIHAN) submitted the following resolution; which was considered and agreed to.

S. RES. 382

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Joseph P. Addabbo, late a Representative from the State of New York.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

AMENDMENTS SUBMITTED

FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS

CRANSTON AMENDMENT NO. 1782

(Ordered to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (S. 2231) to amend the Federal Deposit Insurance Act; as follows:

At the end of the bill, add the following:

TITLE II—DEFERRALS

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Credit Act of 1986".

SEC. 202. IN GENERAL.

(a) REQUIREMENTS FOR RECEIVING PAYMENTS.—If a qualified lender agrees to defer principal or interest payments under this title with respect to an agricultural loan to a qualified borrower, the Secretary, and appropriate State authorities (if so authorized under State law), shall make payments to that lender as described in section 203.

(b) LIMITATION ON LOAN AMOUNTS.—A deferral of principal and interest payments under this title may be made only with respect to loan amounts of a borrower totaling, in the aggregate, not more than—

(1) $500,000 in the case of a qualified borrower who is an individual; and

(2) $700,000 in the case of a qualified borrower who is a person other than an individual.

(c) PERIOD FOR INITIATING REFERRALS OF PRINCIPAL AND INTEREST.—

(1) Except as provided in paragraph (2), a deferral of principal and interest payments under this title may be made only within 90 days after the lender has received an application for such deferral submitted by the borrower within one year after the date of enactment of this Act.

(2) Paragraph (1) does not apply to a deferral of principal and interest payments made during the period beginning six months before the date of enactment of this Act and ending on the date of enactment.

SEC. 203. STATE AND FEDERAL INTEREST RATE PAYMENTS.

(a) PAYMENTS BY THE SECRETARY.—If the lender defers the principal or interest accruing on a loan throughout the period that an interest deferral remains in effect under section 205(a) by (1) 2 percent of the interest and 10 percent of the principal; (2) 1 percent of the interest and 15 percent of the principal; or (3) 20 percent or more of the principal, the Secretary, through the Farmers Home Administration, shall pay to the qualified lender making a deferral of principal and interest under section 204—

(1) an amount equal to the amount of the deferral by the lender but not to exceed 2 percentage points of the interest accruing on such loan throughout the period that an interest deferral remains in effect under section 205(a): and

(2) any amount received by the Secretary under subsection (b).

Any payment under this subsection shall be passed on to the borrower.

(b) PAYMENTS BY APPROPRIATE STATE AUTHORITIES.—With respect to a loan for which a deferral of principal or interest is made under section 205, the appropriate State authorities (if so authorized under State law), shall pay to the Secretary an amount equal to 2 percentage points of the interest accruing on such loan throughout the period that such deferral remains in effect under section 205(a).

SEC. 204. AMOUNTS OF PRINCIPAL AND INTEREST RATE DEFERRAL.

(a) TABLE.—Except as provided in subsection (b), the deferrals referred to in section 203 are as follows:

Bank Interest Deferral		Bank Principal Deferral	Federal Contribution	State Contribution	Total Deferral in States Authorizing Payments	Total Deferral in States not Authorizing Payments
2%	and	10%	2%	2%	6% interest 10% principal	4% interest 10% principal
1%	and	15%	2%	2%	5% interest 15% principal	3% interest 15% principal
0%	and	20%	2%	2%	4% interest 20% principal	2% interest 20% principal

(b) EXCEPTION IN THE CASE OF FIXED RATE LOANS.—In lieu of a principal deferral described under the second column of the table in subsection (a), a lender may defer the interest on a loan by an amount which will yield loan payments by the borrower comparable to loan payments which would be due under such principal deferral. An interest rate deferral under this subsection shall be in addition to any interest rate deferral described in the table in subsection (a).

SEC. 205. DEFERRAL PERIOD.

(a) DURATION OF INTEREST RATE DEFERRALS.—Except as provided in subsection (c), interest rate deferrals made under section 204 shall be in effect for the duration of the loan or for a period of three years from the date of enactment of this Act, whichever is less.

(b) INTEREST RATES FOLLOWING DEFERRAL PERIOD.—At the end of the period described in subsection (a) any interest rate charged on the balance of principal outstanding on a loan cannot exceed the standard rate charged by the lender for a comparable loan.

(c) EXCEPTION IN THE CASE OF INTEREST RATE DEFERRALS MADE IN LIEU OF PRINCIPAL DEFERRALS.—Interest rate deferrals made under section 204 in lieu of principal deferrals shall remain in effect for the duration of the loan.

SEC. 206. RECAPTURE IN THE EVENT OF NON-MONETARY DEFAULT.

In the event of non-monetary default by a qualified borrower on the terms of a loan whose terms are modified under this title, without consent by the lender, a qualified lender may enforce the terms of such loan as they existed before such modification.

SEC. 207. GUIDELINES.

(a) DEVELOPMENT OF GUIDELINES.—Each lender receiving a payment under section 203 shall develop guidelines for determining which borrowers shall receive interest or principal deferrals under this title.

(b) TERMINATION OF STATE AND FEDERAL PAYMENTS UPON FORECLOSURE.—No payment under section 203 shall be made with respect to a loan after a lender compels the forfeiture by a borrower of any security for such loan.

SEC. 208. USE OF CERTAIN FUNDS.

(a) USE OF AGRICULTURAL CREDIT INSURANCE FUND TO MAKE PAYMENTS.—The Secretary shall use the Agricultural Credit Insurance Fund established under section 309 of the Consolidated Farm and Rural Development Act to make payments under section 203(a)(1).

(b) DISCRETIONARY USE OF CERTAIN FUNDS.—The Secretary, at the Secretary's discretion, may use, to make payments under section 203(a)(1) during fiscal years 1986, 1987, 1988, and 1989 funds which would otherwise be available to the Secretary during such years under section 351(e)(2) of the Consolidated Farm and Rural Development Act.

SEC. 209. REGULATIONS.

The Secretary shall prescribe regulations to implement this title within 30 days after the date of enactment of this title.

SEC. 210. LIMITATIONS ON STATE LAWS RESPECTING FIXED RATE LOANS.

Any provision of the laws or constitution of any State which prohibits fixed rate loans shall not apply to extensions of credit made under this title or title IV.

SEC. 211. PENALTY FOR MISUSE OF FUNDS.

Whoever embezzles, misapplies, steals, or obtains by fraud, false statements, or forgery, any funds, assets, or property provided or financed under this title shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

SEC. 212. DEFINITIONS.

As used in this title and title IV—

(1) the term "agricultural loan" means a loan made to finance the production of agricultural products or livestock in the United States or a loan secured by agricultural property;

(2) the term "agricultural property" means land in the United States that is in regular use for the production of agricultural commodities for sale and any personal property used on such land in the production of agricultural commodities;

(3) the term "qualified agricultural debt restructuring"—

(A) means any combination of—

(i) a deferral in the principal due on an agricultural loan to a qualified borrower for the duration of the loan;

(ii) a deferral in the interest due on such loan for the duration of the loan;

(iii) an extension of the term to maturity of such loan; or

(iv) an asset restructuring plan entered into between the borrower and lender, the terms of which shall, within ten years of the date on which such plan is made, accomplish the purposes of the Agricultural Credit Act of 1986 and the amendments made by such Act; but

(B) does not include any such combination which—

(i) reduces the term to maturity of a loan; or

(ii) is made with respect to loan amounts of a qualified borrower totaling, in the aggregate, more than—

(I) $500,000 in the case of a qualified borrower who is an individual; and

(II) $700,000 in the case of a qualified borrower who is a person other than an individual;

(4) the term "qualified borrower" means, with respect to an agricultural loan, a person who—

(A) has derived at least 50 percent of the person's gross income during at least four of the previous five years from the production of agricultural commodities, including livestock, poultry, and the products of aquaculture;

(B) has gross annual sales of agricultural commodities of at least $30,000 during three of the last five taxable years ending before the date of enactment of this Act;

(C) has an average net income of less than $100,000 during the last 3 taxable years before the date of enactment of this Act;

(D) is delinquent in the payment of principal or interest on such loan; and

(E) enters into a restructuring and asset liquidation plan acceptable to the lender which—

(i) demonstrates a reasonable likelihood that the borrower will be able to repay the

amount of the loan if debt restructuring is made;

(ii) contains a schedule for the liquidation by the borrower of such assets as the lender may require as a condition for such restructuring; and

(iii) provides for annual review by the lender to ensure that the borrower is making a good faith effort to carry out the plan;

(5) the term "qualified lender" means a—

(A) commercial bank;

(B) savings and loan association;

(C) credit union;

(D) insurance company; or

(E) institution of the Farm Credit System;

(6) the term "qualified State institution" means a State chartered depository institution, the deposits of which are insured or guaranteed under the laws of a State;

(7) the term "Secretary" means the Secretary of Agriculture;

(8) the term "State" means each of the several States, the Distirct of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(9) the term "deferral" means a postponement of payment until the borrower can demonstrate an ability to repay. The Secretary shall determine the rate of repayment and shall apportion repayments among the lender, the State, and the Secretary.

TITLE III—CONSERVATION PROVISIONS

SEC. 301. PROHIBITING ASSISTANCE TO BORROWERS WHO PRODUCE COMMODITIES ON ERODIBLE LAND.

Section 1211 of the Food Security Act of 1985 is amended—

(1) by striking out "or" where it appears after the semicolon in paragraph (1)(E);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new paragraph:

"(3) treatment as a qualified borrower for purposes of title I of the Agricultural Credit Act of 1986.".

SEC. 302. PROHIBITING ASSISTANCE TO BORROWERS WHO PRODUCE COMMODITIES ON CONVERTED WETLANDS.

Section 1221 of the Food Security Act of 1985 is amended—

(1) by striking out "or" where it appears after the semicolon in paragraph (1)(E);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or" and

(3) by adding at the end the following new paragraph:

"(3) treatment as a qualified borrower for purposes of title II of the Agricultural Credit Act of 1986.".

TITLE IV—ACCOUNTING PROVISIONS

SEC. 401. FEDERAL REGULATION OF THE ACCOUNTING FOR RESTRUCTURED AGRICULTURAL LOANS.

Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(k)(1) IN GENERAL.—The appropriate Federal banking agency shall—

"(A) permit an insured bank to account for qualified agricultural debt restructuring under paragraph (2);

"(B) establish a program of capital forbearance under paragraph (3) for an insured bank engaging in qualified agricultural debt restructuring; and

"(C) implement call report requirements under paragraph (4) with respect to qualified agricultural debt restructuring.

"(2) ACCOUNTING OF RESTRUCTURED LOANS.—Consistent with generally accepted accounting principles, an insured bank engaging in qualified agricultural debt restructuring involving only modification of terms may account for the effects of the restructuring prospectively and will not be required to change the recorded investment at the time of the restructuring unless the recorded investment exceeds the total future cash receipts that can be reasonably anticipated given the new terms of the loan.

"(3) CAPITAL FORBEARANCE PROGRAM.—

"(A) Under a capital forbearance program under this paragraph the appropriate Federal banking agency shall permit the capital of an insured bank qualifying under this paragraph to fall below any applicable minimum capital requirement established by such agency to the extent that the reduction in such capital is attributable to qualified agricultural debt restructuring.

"(B) In order for an insured bank to qualify under subparagraph (A) such bank shall, before December 31, 1987, submit to the appropriate Federal banking agency an application containing a plan acceptable to such agency which details the insured bank's program to restore primary capital to levels at or above the regulatory minimum not later than January 1, 1993.

"(C) The appropriate Federal banking agency may establish additional specific requirements consistent with the requirements of this Act which any insured bank must meet in order to qualify under subparagraph (A), including requirements that such an insured bank—

"(i) demonstrate that its weakened capital position is not due to mismanagement, excessive operating expenses, excessive dividends, or action taken solely for the purpose of qualifying for capital forbearance;

"(ii) adopt and adhere to its plan for restoring capital to the required minimums; and

"(iii) report periodically to the appropriate Federal banking agency on its progress in complying with the plan submitted under clause (ii).

"(4) CALL REPORTS.—Each Federal banking agency shall implement call report requirements for loans restructured under qualified agricultural debt restructuring, providing an accurate description of their status. Such loans may be disclosed as 'Restructured and in Compliance With Modified Terms' or similar description.

"(5) IMPLEMENTATION DEADLINE.—Each Federal banking agency shall issue its program on capital forbearance and call report requirements for renegotiated loans not later than three days after the date of enactment of this subsection.

"(6) GUIDELINES.—Each insured bank shall develop guidelines for determining which borrowers shall receive qualified agricultural debt restructuring.

"(7) RECAPTURE IN THE EVENT OF NON-MONETARY DEFAULT.—In the event of non-monetary default by a qualified borrower on the terms of a loan modified by qualified agricultural debt restructuring without, consent by the lender, an insured bank may enforce the terms of such loan as they existed before such restructuring occurred.

"(8) DEFINITIONS.—For purposes of this subsection—

"(A) terms defined for purposes of the Agricultural Credit Act of 1986 shall apply to this subsection;

"(B) the term 'insured bank' means an insured bank which is not an agricultural bank or energy bank as defined in subsection (j)(6); and

"(C) the term 'capital forbearance' means refraining from taking administrative actions to enforce capital standards.".

SEC. 402. MODIFICATION OF LENDING LIMITATIONS FOR LENDERS THAT RESTRUCTURE AGRICULTURAL LOANS.

Section 5200(a) of the Revised Statutes (12 U.S.C. 84(a) is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

"(3) If the Comptroller of the Currency establishes a capital forbearance program pursuant to section 13(k) of the Federal Deposit Insurance Act, the Comptroller of the Currency shall, without public notice and comment, amend the regulations under this section to establish new lending limits for insured banks covered by the forbearance program, individually or as a class, to compensate for the effects on such insured banks for losses attributable to qualified agricultural debt restructuring. A lending limitation established pursuant to this paragraph in lieu of the limitation established in paragraph (1) shall not exceed 20 percent of the unimpaired capital and unimpaired surplus of an association."; and

(3) by striking out, in the paragraph redesignated as paragraph (4) by this section "paragraphs (1) and (2)", and inserting in lieu thereof "paragraphs (1), (2), and (3)".

SEC. 403. REGULATION OF THE ACCOUNTING FOR RESTRUCTURED AGRICULTURAL LOANS BY STATE INSURED DEPOSITORY INSTITUTIONS.

Notwithstanding any provision of the laws or constitution of any State, each appropriate State banking agency shall—

(1) permit qualified State institutions to account for qualified agricultural debt restructuring in the manner described in section 13(k) of the Federal Deposit Insurance Act;

(2) establish a program of capital forbearance in the manner described in section 13(k) of such Act for qualified State institutions engaging in qualified agricultural debt restructuring; and

(3) implement call report requirements of the kind described in section 13(k) of such Act with respect to qualified agricultural debt restructuring by qualified State institutions.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a hearing on Tuesday, April 22, 1986 on the implementation of title XVIII of Public Law 99-272, the Reconciliation Act. The hearing will commence at 2 p.m. and will be held in room 428A of the Russell Senate Office Building. For further information, please call Bob Wilson, chief counsel of the committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, April 14, in closed executive session to hold a hearing on defense of NATO, in review of S. 2199, the fiscal year 1987 DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. I also ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, April 14, to hold a hearing on the following nominations: William F. Martin to be Deputy Secretary of Energy, and David P. Waller, to be Assistant Secretary of Energy for International Affairs and Energy Emergency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Monday, April 14, 1986, in order to mark up H.R. 3838, the tax reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEFENSE REORGANIZATION

● Mr. GOLDWATER. Mr. President, because of circumstances over which I have no control, it was not possible for me to be present today when S. 2295, the bill on defense reorganization reported by the Armed Services Committee, and its accompanying report were filed. I merely want to say that this legislation is the result of a study initiated over 3 years ago by former Senators John Tower and Scoop Jackson.

A study has been made by a highly competent staff who questioned a great number of individuals and who studied many treaties on the subject of defense reorganization. This, again, was not something that either Senator NUNN or I instigated or asked for.

If each of you will recall, the Constitution charges us "To raise and support armies" and "To provide and maintain a Navy." The Constitution also empowers the Congress "To make rules for the Government and regulation of the land and naval forces." Since the writing of the Constitution, the Congress has often neglected this second responsibility. We did create the Secretary of Defense, the Air Force, and the Joint Chiefs of Staff in 1947, and we made certain improvements in these areas between 1947 and 1958. But since 1958, the Congress has not given enough attention to the important area of defense organization and procedures.

It is our responsibility to the Constitution that motivates me. I hope that my colleagues will understand this, and I hope that my friends in uniform will understand it. I have never pretended to be an expert on the military whose expertise has been gained by combat. The truth of the matter is, no one ever shot at me during World War II. I can say that mainly because I was never hit, nor did I ever fire a shot at anyone else. My decorations include one, the Air Medal, for having flown a single-engine P-47 aircraft across the North Atlantic Ocean during the war. The rest of my time was spent with the Air Transport Command supervising two transport runs from the United States to India, Burma, and China. There were a few runs across the so-called Hump.

I explain this because I do not want anyone thinking that I am attempting to back up the legislation and report that have been submitted by any claim of expertise in the subject on my part. As I have explained before, my actions have been prompted and motivated entirely by the Constitution and my responsibility as a Member of the Congress to it.

I have the utmost respect for the man in uniform and for his commanders. I have seen some of the things they have to go through. I have witnessed from the Congress the impositions that have been placed upon the military by Congressional micromanagement. I say to my friends in uniform and to my fellow Members of the Congress, all I want to see come out of this is a better military, better able to conduct itself in battle, better able to defend the United States in this new era where force is of such importance.

There will, naturally, be many efforts to amend this legislation. We have already had more than 80 attempts to amend it in the committee, and there will, undoubtedly, be many other areas where my colleagues will feel an amendment will improve them. But I beg of my colleagues not to clutter this bill up with extraneous material. The thorough study it has received can guarantee that, if properly passed by both Houses, signed by the President, and accompanied by the recommendations of the Packard Commission, the military will take a giant step forward. Going into battle will no longer raise a lot of the problems that have been raised in the past.●

AIDS

● Mr. SIMON. Mr. President, the Center for Disease Control recently reported that the AIDS virus quite possibly can be infecting more than 1,000 people each day. Of these 1,000 infected, between 10 to 20 percent will develop AIDS within 5 years. More than 18,800 cases of AIDS to date have been reported to the Center for Disease Control. This number is expected to double within 13 to 15 months.

The average lifespan of a person once diagnosed with AIDS is a year and a half. Very few diagnosed as having AIDS have lived longer than 5 years.

The cost to American taxpayers of caring for future AIDS patients may be overwhelming. In one of the first studies to assess the economic impact of the first 10,000 cases of AIDS, JAMA, on January 10, 1986, reported that approximately $147,000 is being spent on hospital care for each AIDS patient. The first 10,000 AIDS victims will require 1.6 million days in the hospital at a cost of $1.4 billion. Treatment for the next 200,000 AIDS patients in the United States could total $28 billion by 1990.

The disability rate for all patients with AIDS for the period from diagnosis until death is 86 percent. Because over 90 percent of the victims are between the ages of 20 and 49, it has been estimated that the lost future earnings because of premature death for just the first 10,000 AIDS victims is $4.6 billion. The expenditures for hospitalization, income lost due to disability, and lost future earnings total $6.3 billion for the first 10,000 AIDS cases in the United States.

Those cost figures may differ somewhat depending upon the geographic location of the patients, the availability of non-hospital-based health care and patient management. But despite some regional differences, I find these cost figures staggering. These figures can only be reduced through more rapid diagnosis of the disease, development of treatment strategies based on sound research protocols, and increased availability of appropriate patient care settings.

President Reagan, in his budget message to Congress, included AIDS research among the "high priority programs in crucial areas of national interest." Yet under the President's budget for 1986, there is a reduction in funding for AIDS research and control of $15 million. Cumulatively between 1987 and 1991, the President's proposed budgets, as compared with funds already authorized by Congress, would further reduce funding for AIDS research by almost $75 million.

AIDS is a fatal disease. The loss of productivity due to the disease is tremendous. The intangible costs related to AIDS, such as pain and suffering and adverse effects on personal relationships, are also great. Resources used and lost as a result of AIDS will continue to increase unless continued

efforts are directed toward prevention strategies. I urge my colleagues to join me in supporting increased funding for AIDS research and control.

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act," as amended.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, April 14, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through April 11, 1986. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

No changes have occurred since my last report.

With best wishes,
Sincerely,

RUDOLPH G. PENNER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S SENATE, 99TH CONGRESS, 2D SESSION, AS OF APRIL 11, 1986

[Fiscal Year 1986—in billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Current level [1]	1,057.1	980.7	778.6	2,001.3
Budget Resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by		13.1		
Under resolution by	12.6		17.1	77.4

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,078.7 billion.

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF APR. 11, 1986

[In million of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			777,794
Permanent appropriations and trust funds.	723,461	629,772	
Other appropriations	525,778	544,947	
Offsetting receipts	−188,561	−188,561	
Total enacted in previous sessions.	1,060,679	986,159	777,794
II. Enacted this session:			
Commodity Credit Corporation urgent supplemental appropriation, 1986 (Public Law 99–243).			
Federal Employees Benefits Improvement Act of 1986 (Public Law 99–251).		4	
VA home loan guarantee amendments (Public Law 99–255).		−51	
Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272).	−4,259	−6,001	765
Department of Agriculture urgent supplemental, 1986 (Public Law 99–263).			
Advance to Hazardous Substance Response Trust Fund (Public Law 99–270).			
Total	−4,259	−6,048	765
III. Continuing resolution authority:			
IV. Conference agreements ratified by both Houses.			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Veterans compensation.	272	185	
Veterans readjustment benefits.	91	91	
Compact of free association.	205	205	
Special benefits (Federal employees).	14	14	
Family social services	100	75	
Guaranteed student loans.	6		
Payment to civil service retirement [1].	(37)	(37)	
Total entitlements	688	570	
Total current level as of Apr. 11, 1986.	1,057,108	980,681	778,559
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution.		13,081	
Under budget resolution.	12,592		17,141

[1] Interfund transactions do not add to budget totals.

Note: Numbers may not add due to rounding.●

S. 2220, THE MUTUAL NUCLEAR WARHEAD TESTING MORATORIUM ACT

● Mr. SIMON. Mr. President, I was pleased to join with my distinguished colleagues Senators CRANSTON, HATFIELD, KERRY, and HARKIN in introducing S. 2220 on March 21, 1986. The bill calls for a mutual, verifiable moratorium on nuclear testing, a step long overdue and in our national security interest.

What does the bill call for? It asks that the President resume negotiations with the Soviet Union on a Comprehensive Test Ban Treaty and that we cease further testing if the Soviets do the same. If President Reagan will not cease further testing, then, beginning 30 days after enactment of our bill, no funds can be spent on the testing of nuclear warheads for a period of 6 months. As a precaution, funds may be expended to prepare test sites to respond to a Soviet breakout from the moratorium. The President can test again only if he certifies that the U.S.S.R. has resumed testing. Finally, the President must submit in the 3 months' time and annually thereafter a report to Congress outlining the status of nuclear arms control negotiations and whether he believes the test ban is in our national security interest.

Sadly, the day after we introduced our bill the Department of Energy conducted its first nuclear test of 1986. The Soviet leader, Mikhail Gorbachev, had offered to extend the moratorium beyond the end of March if we would join them. The Reagan administration maintains that a nuclear test ban is not verifiable and, even if it were, would not in any event be in our best interest. Defense and Energy Department officials repeat the myth over and over again that as long as nuclear deterrence is the basis of our security, we will need to make periodic tests to check on our stockpile's reliability.

But seven of the Nation's top nuclear scientists—Hans Bethe, Norris Bradbury, Richard Garwin, Spurgeon Keeney, Wolfgang Panofsky, George Rathjens, and Herbert Scoville—disagree. Their letter to Chairman DANTE FASCELL of May 14, 1985, says very clearly that "nuclear testing is not necessary in order to insure the reliability" of our nuclear weapons. The best way, they say, to check reliability is to "disassemble sample weapons" and subject their components to nonnuclear testing.

At this point I would like to ask that their letter be printed in full in the RECORD.

Mr. President, according to the Natural Resources Defense Council's recent study on nuclear testing, the United States has conducted 799 tests from 1945 through 1985. Last week's test was the 800th. The Soviets have tested 604 times, the French 141, the British 39, the Chinese 30, and the Indians 1. The total is an unbelievable 1,615 nuclear tests, almost half of them by the United States.

What have we gained from all this testing? Do any of us feel more secure because of our testing program? Isn't it time to reverse the direction of the

arms race, to stop new destabilizing warhead designs that both sides will inevitably manufacture and deploy?

When President Reagan refused to go along with the Soviet moratorium last summer, he said we had to catch up. But we have had 200 more tests than the Soviets. In what way do we need to catch up? Is our nuclear arsenal qualitatively inferior? No lab director that I am aware of has ever made this kind of assertion, nor will they because it simply isn't true.

Could it be that we need to test nuclear explosives to investigate the SDI's x-ray Laser, which is powered by a nuclear explosion? Could it be that the nonnuclear defense proclaimed again and again by President Reagan cannot survive without nuclear weapons? If this is the case, then how will nuclear weapons be rendered "impotent and obsolete," the whole point of the star wars program? We need to decide whether the $600 million requested by the Department of Energy in fiscal year 1987 for SDI's "nuclear-driven concepts" is consistent with the objectives of the SDI program, and more importantly whether we should let SDI get in the way of a comprehensive test ban.

Finally, on the subject of verification, virtually all of our leading seismologists have testified that we can verify with high confidence a test moratorium. Seismic technology is so good that we can detect explosions in hard rock down to a level below 1 kiloton with our international network of monitoring stations. Our Norwegian station picked up just such a subkiloton blast from the main Soviet test site at Semipalatinsk last July 11. And with a network of tamper-proof seismic sensors located at one another's test sites, supplemented by periodic onsite inspections, a comprehensive ban can be verified with high confidence. The U.S.S.R. has agreed to both in-country sensors and onsite inspections; only the details need to be worked out. That is why it is so important to resume negotiations on a test ban, and to ratify the already signed Threshold Test Ban and Peaceful Nuclear Explosions Treaties.

We need to turn the arms race around. This bill will help move us in this direction. We can verify a comprehensive test ban. It's in our interest. And it is time to act responsibly on behalf of ourselves and future generations.

I submit for the RECORD a letter sent to Representative DANTE FASCELL by a number of distinguished Americans relating to this matter.

MAY 14, 1985.

Hon. DANTE FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Continued nuclear testing is not necessary in order to insure the reliability of the nuclear weapons in our stockpile. The best way to confirm reliability is to disassemble sample weapons and to subject the components to non-nuclear tests. Weapons can also be detonated without their nuclear components in order to insure that the complete assembly operates correctly. Nonexplosive tests are also available for determining whether the nuclear components have deteriorated during storage. If aging problems are found in some components, these components can be replaced with newly fabricated ones, using the orginal design specifications.

In the past these techniques have identified a number of reliability problems. In no case, however, was the discovery of a reliability problem dependent on a nuclear test and in no case would it have been necessary to conduct a nuclear test to remedy the problem.

In any event, it would be completely impractical to conduct the large number of nuclear tests that would be required to establish by this method a statistically meaningful measure of the reliability of stockpiled weapons.

We hope these observations will be useful to you in considering the Comprehensive Test Ban.

Sincerely,

Hans Bethe, Nobel Laureate in Physics, former Director, Theoretical Division, Los Alamos National Laboratories; Norris Bradbury, former Director, Los Alamos National Laboratories; Richard Garwin, IBM Fellow, Thomas J. Watson Research Center, Consultant, Department of Defense, Department of Energy; Spurgeon M. Keeny, Jr., former Deputy Director, ACDA; Wolfgang Panofsky, former Director, Stanford Linear Accelerator; George Rathjens, former Deputy Director, Defense Advanced Research Projects Agency (DARPA); Herbert Scoville, Jr., former Deputy Director, CIA, former Technical Director, Defense Department Armed Forces Special Weapons Project; Paul Warnke, former Director, ACDA.

SALE OF U.S. CONSULATE BUILDING IN VENICE, ITALY

● Mr. PRESSLER. Mr. President, earlier this month, I became aware of certain information pertaining to the sale of the former U.S. consulate building in Venice, Italy. This building is one of the premier architectural prizes located on the Grand Canal in Venice.

In an effort to determine the veracity of the information I have received, I have written to Secretary of State George Shultz requesting a State Department reaction to this information. Many of our distinguished colleagues share our concern over appropriate ways to reduce unnecessary Government spending and to obtain full value for the American taxpayer when Federal properties are disposed of. They may be interested in this information. Therefore, I ask that my letter to Secretary Shultz be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, April 9, 1986.

Hon. GEORGE SHULTZ,
Secretary, Department of State, Washington, DC.

DEAR MR. SECRETARY: Information I have received suggests that the United States government soon may sell a valuable building in Venice, Italy at a small fraction of its actual value. Thus, I would appreciate your comments and reactions on the following information. I make no claim that this information is true—therefore your response will help to clarify this matter.

The property is the former U.S. Consulate, located on the Grand Canal next to the Guggenheim Museum.

Under the leadership of a former American ambassador, it was arranged for the building to be sold to his alma mater, Wake Forest University, for $250,000. The sale was mandated by Public Law 93-264 of April 12, 1974, and the State Department entered into a sales contract with the university on November 6, 1974.

Various transactions slowed Italian approval of this transaction for several years, but on June 29, 1983, a deed of sale was approved, contingent on the clearances of national government authorities in Italy. Except for the Italian Foreign Ministry, all the necessary clearances have been approved.

Current valuation estimates by Italian realtors indicate that this irreplaceable artistic building is worth as much as $40 million, or as much as 160 times the actual sales price.

There are indications of deep resentment on the part of Italians who regard the sale of this building as improper and as demonstrating a lack of American understanding about the importance attached by Italians to the disposition of this property of particular public and artistic interest.

Mr. Secretary, I bring this to your attention for two reasons. First, I would like to have your assessment of the accuracy of the above points and some evaluation of whether the sale of this historic building was handled properly. It would be my intention to share your response to me with my colleagues through the CONGRESSIONAL RECORD.

Second, in view of the urgent deficit reduction efforts—including proposed consular closings—being undertaken throughout the government, I would appreciate receiving an analysis of whether we are receiving fair value for this property. Would it be possible to retain ownership of the building and arrange leases with responsible parties at annual lease rates equivalent to the entire $250,000 sales price? If such is the case, would it not be a rational choice for the U.S. government to retain ownership, particularly in view of the prohibitive cost of purchasing another suitable building should we decide later to establish a consulate in Venice?

As indicated above, the Italian Foreign Ministry has not yet rendered a final judgment on this matter. If it is true that we could save millions of dollars for the U.S. government and American taxpayers and at the same time avoid offending the citizens of an important ally, then it is important for the appropriate signals to be sent as soon as possible. Thus, I would be most grateful for your prompt response to this inquiry.

Sincerely,

LARRY PRESSLER, *Chairman, Subcommittee on European Affairs.*

71-059 O-87-3 (Pt. 6)

NAUM AND INNA MEIMAN: THE BERN CONFERENCE

● Mr. SIMON. Mr. President, tomorrow marks the first day of the Conference on Human Contacts in Bern, Switzerland. The Conference will last approximately 6 weeks and includes all of the signatories to the Helsinki accords. The Soviet Union and the United States will have a unique opportunity to discuss ways to resolve pressing human rights cases.

One of the most poignant cases is that of Naum and Inna Meiman. Naum was a renowned scientist until he began his activism in the Helsinki Monitoring Group, a watchdog organization in the Soviet Union that documents human rights violations there. Naum applied to emigrate to Israel over 10 years ago and was joined by Inna in that application when the two were married 5 years ago.

Since that time, the Meimans have suffered many hardships, including the involuntary retirement which the Soviets forced upon Naum. Inna is now critically ill with cancer. She has had four operations for tumors at the top of her spine. Although a fifth tumor is growing, Inna has been told that there is nothing more that the Soviet doctors will do for her. Even with Inna's illness, the harassment continues. The Meimans' telephone was recently disconnected.

To highlight the critical nature of the Meimans' plight, I want to inform my colleagues of a news event to coincide with the opening of the Bern Conference tomorrow with Senator HART, Senator BOSCHWITZ, Congressman WIRTH, Congressman SIKORSKI, myself and Olga Plam, Inna's daughter. Also in attendance will be a cancer specialist from Indiana who has seen Inna and has determined that she can be treated in the West. Only by raising our voices in protest will the Meimans' case be resolved.

I urge the Soviets to allow the Meimans to emigrate to Israel.●

ORDERS FOR TUESDAY

RECESS UNTIL 9:15 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m. on Tuesday, April 15, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Following the recognition of the two leaders under the standing order, I ask unanimous consent that there be special orders in favor of the following Senators for not to exceed 5 minutes each: Senators HAWKINS, CRANSTON, HATFIELD, PROXMIRE, DOMENICI, and CHILES.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent there is a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 426—HYDRORELICENSING BILL

Mr. DOLE. At the conclusion of routine morning business, by a previous unanimous consent, the Senate will resume consideration of S. 426, the hydrorelicensing bill.

MID-DAY RECESS

I ask unanimous consent that the Senate stand in recess between the hours of 12 noon, and 2 p.m., in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. At 2 p.m. the Senator from Colorado [Mr. HART] will be recognized to offer a substitute amendment to S. 426, and it may be that between 10 and noon, the distinguished Senator from Montana, Senator MELCHER, will be in a position either to offer an amendment or indicate that he will not offer one or more amendments to the hydrorelicensing bill.

Votes can be expected throughout the day, and it is the intention of the majority leader to complete acton on S. 426 tomorrow and the Senate could possibly vote cloture on the motion to proceed to the Hobbs Act. It may be that we will by agreement go to the Hobbs Act and then file a cloture motion on the bill itself and have that cloture vote on Thursday.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, and pursuant to Senate Resolution 382, as a further mark of respect to the memory of the deceased Honorable Joseph P. Addabbo, late a Representative from the State of New York, that the Senate stand in recess until 9:15 a.m. tomorrow.

The motion was agreed to, and at 6:31 p.m., the Senate recessed until tomorrow, Tuesday, April 15, 1986, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate April 14, 1986:

DEPARTMENT OF STATE

J. Edward Fox, of the District of Columbia, to be an Assistant Secretary of State, vice William Lockhart Ball III.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert Brendon Keating, of the District of Columbia, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years, vice James B. Burnham, resigned.

BOARD FOR INTERNATIONAL BROADCASTING

Lilla Burt Cummings Tower, of Texas, to be a member of the Board for International Broadcasting for the remainder of the term expiring May 20, 1986, vice Frank Shakespeare.

Lilla Burt Cummings Tower, of Texas, to be a member of the Board for International Broadcasting for a term expiring May 20, 1989, (reappointment).

DEPARTMENT OF THE TREASURY

J. Michael Hudson, of Texas, to be a Deputy Under Secretary of the Treasury, vice Bruce E. Thompson, Jr., resigned.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Gerald T. Bartlett, [redacted], U.S. Army.

IN THE MARINE CORPS

The following-named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, under title 10, United States Code, section 624:

James E. Sniffen	Jeremiah W. Pearson III
John S. Grinalds	Walter E. Boomer
David V. Shuter	Frank A. Huey
Bobby G. Butcher	John A. Studds
George L. Cates	William M. Keys
Richard H. Huckaby	

EXTENSIONS OF REMARKS

RECONSIDERING AID TO THE CONTRAS

HON. ROBERT GARCIA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. GARCIA. Mr. Speaker, tomorrow we will once again consider whether or not to fund the Contras. I realize that most of us have read a great deal about the pros and cons surrounding this debate. I, nonetheless, felt that two articles from yesterday's Washington Post "Outlook" section are worth taking a look at before Members make up their minds on the upcoming vote.

[From the Washington Post, Apr. 13 1986]

GENERALS WHO CONTRADICT THE CONTRAS

(By George C. Wilson)

United States policy for Central America reaches what President Reagan says is a crucial crossroads this Tuesday. That's when the House is scheduled to vote on whether to send $100 million to the contras who are challenging the Sandinista government of Nicaragua.

But one group of retired U.S. military leaders who have actually fought wars do not see this crossroads as leading anywhere at all, militarily, whether the contras get the money or not.

After having spent years digesting the lessons of the Vietnam War, these professionals look at Central America and despair. Just as in Indochina, they see no clear military or political objective; no long-range policy, just tactical moves day by day. They feel sure, from their battlefield experience, that 15,000 to 25,000 contras cannot unseat the Managua government whether they get the $100 million or not. So the $100 million looks to them like conscience money—an alternative to bugging out on the contras right now; a something-is-better-than-nothing reaction.

Some U.S. military leaders do indeed consider another $100 million for the contras an investment in the future of the region. But even Gen. Paul F. Gorman, former commander of the U.S. Southern Command, found himself on the defensive when asking for contra money last year: "Is there any reasonable likelihood that this military force can defeat the military force in Nicaragua?" Sen. Edward M. Kennedy (D-Mass.) asked Gorman in his farewell appearance before the Senate Armed Services Committee. "Not in the foreseeable future," Gorman replied. He portrayed them as irritants, not victors, declaring: "My Salvadoran colleagues are entirely convinced that if it were not for the Sandinista opposition—the freedom fighters—the Salvadorans would have significantly increased military problems."

To respected soldier-statesmen like Gen. Bruce Palmer Jr., such a rationalization is not a policy. Palmer, in an interview representative of several others conducted with military professionals, shared his concerns about Central America. He spoke from the perspective of a general who, before retiring in 1974, commanded the troops former President Lyndon Johnson sent to the Dominican Republic, fought in Vietnam, ran the Army as vice chief of staff, advised presidents, and wrote a book entitled "The 25-Year War: America's Military Role in Vietnam."

"I think Nicaragua is probably gone," Palmer says. "Once dictators get in government, they dig in to control everything. Nothing short of a big effort can get them out. The time to intervene has passed. It's too late without starting a war, and we're not ready for that." Of the idea of using the contras, to overthrow the Sadinista government in Managua, he says, "It's ridiculous. It's sending a boy to do a man's job."

The fundamental weakness in the administration's position on Central America is lack of objectives, says retired Col. Harry G. Summers Jr., a soldier in and historian of the Vietnam War, now an analyst at U.S. News and World Report. "The objective is not only the first principle of war, it is also the most important, for all else flows from it. It asks the basic question, 'What are we trying to accomplish?' "

Despite these problems, says Palmer, if he were in the House of Representatives, he probably would vote for the $100 million as a symbol and then "look for better people to support. The contras already are discredited. We certainly don't want to get mixed up with Samoza guards. There is no such thing as covert action anymore." National leaders must go public with their concerns in Central America and "publicly warn" what they will not tolerate, he argues.

Retired general E. C. Meyer, former Army chief of staff, says he agrees with Palmer right down the line, adding he can't tell what the Reagan administration's objectives are in Central America but "if the objective is to try to cause an internal overthrow" of the Sandinista government, "it's not something that can be done through military means. You do it through people power, as was the case in the Philippines."

Retired lieutenant general Roy Thurman, former deputy director of the Army's training and doctrine command, says he, too has been unable to figure out the military and political objectives in Central America. He joined other military professionals in calling for less guns and more butter for the region. Rather than split the $100 million for the contras 70-30 in favor of military aid, Thurman recommends a reversal of those priorities.

Historian Summers also points out the weakness of the United States getting involved in another "coalition" war—one like Vietnam where a super-power is trying to work in concert with an underdeveloped nation." In order to gain public and congressional support for U.S. involvement, the American political leadership has a tendency to inflate the value of the coalition partner and to publicly announce that insurgent threats to the survival of the coalition partner also threaten the survival of the United States. The ally thus gains an erroneous perception of its own importance and may come to believe that the United States is permanently and irretrievably committed to its support."

Both active and retired military leaders have told me that they believe it is just a matter of time before the United States stops aiding the contras, no matter what Congress does in the coming week. One four-star general, in confiding those fears, said he would vote for the $100 million as a matter of conscience and then look for a way to pension the contras off while setting down clear national objectives in Central America.

In light of their battlefield and political experiences, a cross-section of professionals said it was time to take the following steps to give U.S. efforts in Central America a direction:

Draw a clear line outside of Nicaragua itself, that the Sandinistas can't cross. The United States would serve notice that it would oppose any effort by Nicaragua to overrun its neighboring countries. "We should draw a line and say this is it," Palmer said. "We have to keep hammering on the fact that this is close to home; that the Western Hemisphere is our base."

Declare that any new offensive weapons introduced into Nicaragua will be destroyed by the United States. Several generals noted that the Reagan administration's warnings to Managua against introducing MiG fighter planes into Nicaragua have proved effective. Military officials would like to see this doctrine applied to other sophisticated weapons as well. Instead, current thinking is that if something like an advanced Soviet helicopter is introduced, we should escalate by giving the contras advanced, "smart" antiaircraft missiles.

Increase financial assistance to friendly Central American countries and stress economic over military aid. Gorman's master plan called for creating jobs in building defense plants in the region. "I am convinced that in countries like Panama, Costa Rica and Salvador, even in Honduras, it would be possible to undertake, for example, a great deal more of defense-related electronics subcomponent assembly, the preparation of industrial fasteners and other modest tasks for defense prime contractors that are now being performed elsewhere overseas," Gorman told Congress. He noted in that context that 5 percent of the administration's security-assistance budget for fiscal 1986 was earmarked for all the friendly Latin American nations, compared to 27 percent for Israel.

If President Reagan or his successor should decide to go to war to remove the Sandinista government, this could not be done by subcontracting out the job to rebels, as was the case in the disastrous Bay of Pigs invasion, stresses Palmer. He recalled that after that invasion by CIA-sponsored forces, U.S. military planners focused on how much force it would take to topple Fidel Castro. It appeared to be a modest task at first. Palmer notes, but ended up with a plan calling for five U.S. divisions, or almost 100,000 men.

He estimates it would take "a couple of divisions" to take over Nicaragua but warns against expecting the native population to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rally and help the invaders, as was assumed before the Bay of Pigs invasion. "You've got to do it yourself rather than depending on people rallying. Once they see who's going to win, then they rally," the old soldier says.

[From the Washington Post, Apr. 13, 1986]

DEMOCRATS' FEAR OF VOTING

(By Mary McCrory)

To the Progressives in the House, David McCurdy (D-Okla.) is a suspect figure. Last year, he helped President Reagan get $27 million for the contras and assured his colleagues he had the president's promise that he would negotiate with the Sandinista government.

Now, however, the liberals are glumly lining up behind his alternative to the presidential proposal for $100 million in military aid to our mercenaries.

"It's not easy selling McCurdy," says Rep. David Bonior (D-Mich.), who is trying to persuade his liberal brethren that the ambitious Oklahoma Democrat is not in this instance a collaborator.

The realities of the contra vote, which is expected on Tuesday, is that while 200 Democrats stand firm against any aid at all, the magic number of 218 cannot be achieved. In the middle, controlling the outcome, are 25 or 30 Democrats who blanch at the thought of voting for nothing.

They feel so strongly about it that they would, if faced with the choice, vote for $100 million in military aid rather than for nothing, as proposed by Rep. Lee Hamilton (D-Ind.) With the Republicans solidly backing military aid, the president would win a total victory.

House Speaker Thomas P. O'Neill, Jr. is backing Hamilton, but when push comes to shove, he will have to join McCurdy. He is "not twisting arms " in McCurdy's behalf.

Bonior is urging liberal colleagues who wish to vote nothing to reconsider. "Look at the bill, not the personality," he says.

The alternative proposed by McCurdy, who has been cured of his delusion that the president would ever willingly negotiate with his counterpart Daniel Ortega, specifically requires direct talks between the U.S. and Nicaragua. It also provides $75 million in "logistical aid," bans the "lethal" variety and requires the president, after 90 days in which peace, presumably, is given a chance, to come back for release of the money.

Bonior tells the unhappy Democrats that it's about the best they can expect, since they are in the hands of the brokers.

Nobody hopes for anything constructive from Ortega, the president of Nicaragua. The day before the Senate vote, in one of his recurrent fits of bad timing, his troops crossed the Honduran border, as they often have before, in pursuit or contras. Reagan pounced on the crossing and inflated it to an "invasion". Honduran authorities were all off at the beach, but were persuaded, on receipt of $20 million in U.S. emergency aid, that their territorial sovereignty had been violated and that they were in trouble.

The press made much sport of the affair, but not until after Speaker O'Neill had lost his temper with Ortega and called him names, Ortega had seriously aggravated him a year ago by going to Moscow after the speaker had broken a pick to keep the House from voting contra aid. The speaker is in a little trip flap of his own right now, having been attacked by the U.S. ambassador to Argentina for his conduct as leader of a recess excursion to Latin America to find out if leaders in the area were saying the same thing publicly and privately about contra aid.

All this is of passionate concern to Washington, but not to the country, which is standing firm in the face of presidential alarms, 2 to 1, against any meddling in Nicaragua. They don't seem to care where Ortega goes or what he does. They pay no attention when the President and his men cry that the Sandinistas are coming to Harlingen, Tex., or San Diego, Calif. They tune out on lurid tales of drug trade and human rights atrocities. They think the money that is being talked about should be used to bail out farmers. Where Reagan sees another Cuba, they see another Vietnam. They want no part of it.

Members who tremblingly voted against aid on March 20 went home on the Easter recess to thanks and praise from their constitutents.

Since they returned, they have received another jolt. The Contradora talks have collapsed—"torpedoed" by the Sandinistas, says the president.

Bonior says the failure was "foreordained." The latest Contradora proposal asks the Sandinistas to reduce their armed forces before the U.S. withdraws support for the contras. "They regard that as suicidal," says Bonior. "But the Contradoras wanted the Sandinistas to make the first move, as a gesture of good will."

Good will is in short supply in any corner of the contra aid picture. What is written all over it is the iron will of a president who never says uncle and who has forced Democrats to the point where they don't dare do nothing for the contras.

CONGRATULATIONS TO THE CLEARFIELD HIGH SCHOOL WRESTLING TEAM

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. CLINGER. Mr. Speaker, congratulations to the Clearfield Area High School wrestling team which was the No. 1 dual meet team in Pennsylvania with a 15–0 record and which won the recent 1986 State championship in Hershey, PA.

Special congratulations are in order for Bison Coach Garry Barton who was named class AAA coach of the year; Todd Williams, Scott Collins, and Mike Owens, who were all first-place winners; Marty Novery who placed fourth; and Mike Triponey who was a qualifier.

Their performances in the 49th annual Pennsylvania Interscholastic Athletic Association wrestling championships have become a source of community pride in Clearfield and an inspiration to all their schoolmates as well.

I know all of my colleagues join me in wishing the Bison wrestling coaching staff and team members the very best in all their future endeavors.

HELSINKI REVIEW CONFERENCES IN BERNE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. COURTER. Mr. Speaker, as the official review conference on the Helsinki accords of 1975 gets underway in Berne, Switzerland, a parallel conference called by the Andrei Sakharov Institute and Resistance International will be assembling there as well. Both conventions have the endorsement of Anatoly Shcharansky, the emigre hero who now lives in Israel.

There will be much to discuss. As Mr. Shcharansky notes in the article which follows, imprisoned members of Helsinki monitoring groups in the Soviet Union are finding that the authorities can prolong their internment indefinitely under a new article, 188–1, of the Penal Code. In Czechoslovakia, meanwhile, the watch group Charter 77 has been suppressed. The Polish Helsinki Committee has been forced underground.

As the suppression of known human rights activists continues, so too does the suppression of the human rights of the captive populations of the Communist countries. In a report issued last August, Jeri Labor, executive director of the U.S. Helsinki Watch Committee described each and every one of the Warsaw Pact members as: "egregious violators of human rights and the Helsinki accords." In the Soviet Union, Laber reported, "repression appears to be more effective than it has been since the death of Joseph Stalin." And the citizens who live under such conditions are permitted no escape. For example, exactly 53 Soviet Jews were allowed to emigrate from the U.S.S.R. in the month of March, though hundreds of thousands have expressed the desire to do so. Only those with family members in the West have a serious prospect of being allowed that most fundamental right, the right to leave and seek a better life elsewhere.

I would like my colleagues to see the following article by Anatoly Shcharansky on the opening of the conferences in Berne. As always, his is eloquent testimony.

[From the New York Times, Apr. 13, 1986]

MOSCOW MUST START COMPLYING WITH THE 1975 HELSINKI AGREEMENT

(By Anatoly B. Shcharansky)

Anatoly B. Shcharansky, who left the Soviet Union in February, is living in Israel. This statement is to be delivered tomorrow in Berne, Switzerland, at the Paralle Helsinki Review Conference, a meeting of nongovernmental representatives designed to coincide with the official Helsinki review conference. The meeting was organized by the Andrei Sakharov Institute and by Resistance International, human rights organizations.)

I left the world of the gulag only a few weeks ago, and I am not yet ready to speak in public. Nevertheless, I could not refuse to greet you, if only in a recorded message, because the problems that brought you here today are extremely important to many people fighting for their rights in the Soviet Union and elsewhere in the world.

Ten years ago, several dissidents in the Soviet Union created a public group to monitor Moscow's compliance with the Helsinki agreements. Our idea was that many of the human rights issues that divide the governments of the Eastern and Western blocs could be agreed upon by independent representatives of public opinion—people in both East and West who have a vital interest in the implementation of the Helsinki agreements in their own countries. So we voluntarily took upon ourselves the task of examining how the Helsinki agreements were being implemented in the Soviet Union.

Ten years have passed, and what do we see? The Jewish emigration that began in the early 1970's has been brought to a stop by the Soviet authorities. Several hundreds of thousands of Soviet Jews who want to leave the Soviet Union cannot do so for no other reason than that the Soviet Government has decided that they cannot.

I spent nine years in Soviet prisons and camps, and I can certify that the conditions in which political prisoners are detained have been getting steadily worse. I shall mention only two particular problems.

First, a new article of the Penal Code, article 188-1, introduced in late 1983, allows the Soviet authorities to extend almost at will the length of time that one remains in prison or in camp. This measure has already been applied to several members of Helsinki monitoring groups now in prison. It is used by the authorities both to prolong the detention of political prisoners who resist "re-education"—who refuse to comply with efforts to make them change their ideas and convictions—and to intimidate the others.

Second, according to a new official directive introduced barely a year ago in the Soviet Union, political prisoners who start a hunger strike can be immediately thrown into a dungeon—a measure that very much aggravates their sufferings.

These are only two examples of the many ways that the authorities are cracking down on political prisoners in camps. Why is this so important? Because, as a rule, the policy regarding the camps very much reflects the general situation in the country—the disregard for the rule of law and the harshness of the repression.

I would like to attract your special attention to the Sakharov case. I do not need to remind you that Andrei Dmitrivich Sakharov is a hero, a model of a honorable man who continues the very best traditions of the Russian intelligentsia, fighting for the trampled rights—be they national, religious or political—of all the people of the Soviet Union.

Needless to say, his present situation is extremely difficult. He is cruelly and unjustly isolated from his family and friends, barred from scientific work and normal social activities. His state of health inspires growing fears. I consider it vitally important at this moment to raise our voices and call for the Soviet Government to stop its persecution of Andrei Sakharov—to grant this remarkable man the possibility to continue his noble activities in dignity and normal conditions.

Looking back at the first documents issued by our Helsinki group 10 years ago, I must say that the longer I spent in prison, the more accurate they seemed and the more important. I also believe that it is more necessary than ever now for international public opinion to press the Soviet Union on these matters. It is high time for Moscow to begin complying with the Helsinki agreement signed in 1975.

I think that the Andrei Sakharov Institute and Resistance International have made a great contribution by organizing this meeting. I hope this work will be continued and will lead to further contacts, contributing to a real détente and to the establishment of genuine trust between the superpowers. In the long run, however, there will be no trust or détente until both sides show full respect for human rights in the keeping with the Helsinki agreement.

WEST POINT MODEL UNITED NATIONS TEAM

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. FISH. Mr. Speaker, I rise today to salute the 1986 U.S. Military Academy Model United Nations Team.

The U.S. Military Academy, located at West Point in the 21st District of New York, has a tradition of excellence, not only in its long and distinguished record of service to the Nation, but also in its reputation as one of the Nation's leading colleges. Its athletic teams are well-known for their prowess, but I would like to invite Members' attention to the extraordinary achievements of a group of cadets known as the West Point Model United Nations Team.

For some years, the Academy has encouraged cadets to participate in this highly specialized form of intercollegiate competition, in which member colleges develop the legislative and parliamentary skills of their students in diplomatic simulations which test their understanding of the international political, military, and economic environment. Under the sponsorship of the Academy's Department of Social Sciences, the West Point Model United Nations Team has established a reputation as one of the top teams in the country, winning a string of individual and team awards in regional collegiate model U.N. conventions.

The ultimate test of excellence in this arena, however, has always been the National Model United Nations Convention, held each year over 5 days in New York City, which brings together the Nation's best students in political science and international relations from more than 140 colleges and universities. This year, the West Point Model United Nations Team achieved an unprecedented honor when, for the third consecutive time, it was named outstanding delegation in the nationals competition. I should emphasize that this national intercollegiate title was won by cadets who voluntarily sacrifice their limited free time for this most demanding form of extracurricular activity, and who in no way are excused from the even more demanding requirements of the training regimen at the Academy.

Mr. Speaker, I believe it was Will Rogers who said that the United States never lost a war nor won a conference. This group of cadets has clearly shown that their skills as warriors will be complemented by their abilities as our future statesmen, and let me add, stateswomen. I know that Members will share my satisfaction that this latest cadet victory is but another example of West Point's record of excellence in developing our Nation's most outstanding young men and women into the "Long Gray Line" that has served this country for so long and so well. Before introducing the members of the championship team, let me pay particular tribute to their leaders—the team's captain, Cadet Jonathan Millen, and their coaches, Maj. Marvin S. Searle II, and Capt. Mike Simone. Well done, gentlemen.

1986 WEST POINT MODEL UNITED NATIONS TEAM

CLASS OF 1986

Cadet Jonathan B. Millen (E-2) Team Captain.
Cadet Scott Pierce (H-4).
Cadet Linda Fetko (I-4).
Cadet Troy Roper (B-1).
Cadet Chris Houseman (I-4).
Cadet Gerry Pearman (I-4).
Cadet Richard Turner (D-2).
Cadet Matthew Christ (I-4).

CLASS OF 1987

Cadet Troy Garrett (D-4).
Cadet Edward Clukey (D-2).
Cadet Jennifer Rice (F-1).
Cadet Mark Nelson (F-1).
Cadet Matthew Gaither (D-4).
Cadet Bill Grove (F-1).
Cadet Harris Emmons III (B-2).
Cadet Ronald Haddock (I-4).
Cadet Joseph Felter (D-4).
Cadet Jeanne Remmes (C-1).

OFFICER REPRESENTATIVES

Major Marvin S. Searle, II (Head Coach).
Captain Mike Simone (Assistant).

CLASS OF 1988

Cadet David Velloney (A-1).
Cadet Mike Barsella (G-4).

CONSTITUTIONAL SPENDING LIMITATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. CRANE. Mr. Speaker, today, I am introducing legislation that would revise current House voting procedures. My bill would require a rollcall vote of two-thirds for passage on measures raising spending or taxes including resolutions making appropriations, joint resolutions making continuing appropriations, and conference reports.

Consider the following:

In February 1985, an emergency famine relief and recovery in Africa bill appropriating $1 billion was passed by voice vote. In other words, $1 billion of the taxpayer's money was spent without them knowing how their Representatives voted.

Last July, an energy and development bill appropriating $15 billion was passed by voice vote. Again, huge sums of money are being spent and constituents can only guess as to how they are being represented.

In December, passage of the Tax Reform Act of 1985 left constituents in the "dark" once again. The tax measure alone was estimated to affect over $141 billion in taxes from individuals and corporations over the next 5 years.

At midnight on October 3, 1984, just before Congress adjourned for the year, a massive $470 billion continuing appropriations resolution was passed by voice vote; an appropria-

tion which is more than twice the size of our current deficit. This measure alone proved to be the largest single expenditure made in the history of civilization.

A quick look at the House voting procedures used to gain passage of these bills illustrates a failure on the part of Congress to account for its actions. It is a total perversion of the concept of representative government to permit voice-voting practices on tax and spending issues. Such practices can hardly be considered the basis for honest decisionmaking when Congress is not held accountable for such critical votes. Important issues demand the efforts of Members to take a stand. Anything less does violence to the system. We need to bring the actions of Congress into the "sunshine" for the public to see. If we have the courage to make and stand by decisions that affect the entire Nation at large, then we should have the courage the stand by them and not hide behind them. Such courageous measures would reflect the quality and not the quantity of the many votes we decide upon. By taking cover under voice-voting procedures, our constitutents will never be able to know how we vote on the various bills that control the use of their tax dollars.

James Madison said it best, arguing for the newly drafted Constitution in 1787 and 1788: "It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it." Later, in the same essay, he states that "the legislative department alone has access to the pockets of the people" and therefore, he explained, its authority should also be restrained. In conclusion, he emphasized:

> If angles were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.

We need only look at the pyramiding deficit of $208 billion to understand that the power of the "legislative department" to pick the pockets of Americans has not been "effectually restrained." The fact that we have such a horrendous deficit paints a bleak picture of Congress as a responsible decisionmaking body. Despite our efforts to put the blame on someone else, the fact remins that no President or executive agency votes to control the taxpayer's money. It cannot be denied that Congress is, in fact, the body imbued with the constitutional power to spend and tax. And Congress alone was there in the middle of the night when the $470 billion continuing appropriations resolution was passed. Over the past 4 years, we have had on the average, an annual increase in the inflation rate of 4.3 percent and an increase in spending of 7.9 percent. Some question whether taxes are high enough. Yet a quick look at the 6.5 percent annual increase in taxes over this period indicates that the pocketbooks of the American people are financing every spending decision made by Congress.

We must not forget the words of John Marshall who said: "The power to tax involves the power to destroy." And indeed, we are destroying the confidence of the people through the lack of responsibility that we are demonstrating in our decisions not to go on record. For this reason alone, we owe it to our constituents to give special consideration to all spending and revenue measures. Such decisions not only deserve total accountability, but a broader consensus than just a simple majority. We have no greater voting responsibility than on measures raising our constituents' taxes and spending their money. Such items demand the approval of a special majority. With billions of dollars being processed through our hands each day, we tend to lose sight of the value of each tax dollar. House voting procedures help facilitate this process through passage of bills by voice vote and simple majority approval. Undoubtedly, as legislators, we are a "little less than angels," and our authority in spending and taxing ought to be restrained. A rollcall vote of two-thirds for passage would ensure the confidence of the American people in our ability as Representatives to control the use of their money in a responsible manner.

Now is the time to stand up and represent the people in the way that our forefathers intended. Especially in times such as these, when our spending decisions should be under close scrutiny, it is essential that we stand behind our individual decisions to vote for or against each such item. The Constitution gives us the authority to spend the taxpayer's money. It is up to us to use that trust in a forthright manner.

Now is the time to own up to our responsibilities. For many years now, Members have proposed changes in House voting procedures. A need for change existed long ago. The moment for taking this courageous step is now—this session of the 99th U.S. Congress.

AID TO THE CONTRAS: WHAT IS BEHIND THE POLICY?

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. GARCIA. Mr. Speaker, opposing aid to the Contras is not a question of siding with Daniel Ortega and the Sandinistas. It is a question of what is the best policy for the United States to pursue with regard to Nicaragua and the other nations of the region, and what precisely is behind the administration's request. What are its intentions toward Nicaragua?

In essence the argument over the Contras is really an argument over control. The White House wants to control the destiny of the region, insisting that events follow a preconceived notion of how they should proceed. It intends to use the Contras to undermine the Sandinistas, either by bringing them to the bargaining table or by causing them to crumble from within.

It is, at least at first glance, a logical plan. It permits the United States to move events along. It also fits in with the administration's notion that it is not possible for a totalitarian government—the Sandinistas—to fall without the use of outside pressure. This, in turn, coincides with the White House belief that the only thing the Sandinistas will respond to is force.

The White House has been successful in promoting a black/white, East versus West foreign policy, one not clouded by the nuances and subtlety of diplomacy that should characterize the foreign policy of a great power. Instead, administration rhetoricians reinforce the notions of a Latin American Armageddon if the freedom fighters are betrayed by Congress.

Yet why, despite these frightening warnings hasn't the administration been able to gain sufficient support for its policy? Certainly, $100 million is a significant sum of money when considering massive Gramm-Rudman inspired budget cuts. That money would go a long way toward helping to relieve urban blight or aiding distressed farmers.

But part of the problem is that throughout the Contra debate the White House has been largely unclear in its goals. This is where the logic of its plan breaks down. Not that it hasn't offered comprehensive briefing papers and policy statements calling for political solutions and reinforcing the idea that "power and diplomacy go hand in hand." In addition to this statement of tactic, the administration has said it wants "Nicaragua to be responsive to U.S. concerns about Soviet/Cuban ties, military buildup, support for subversion, internal repression, and refusal to negotiate."

While these goals sound reasonable enough, they become a bit hazy when one examines them more closely. What does the White House means by Soviet-Cuban ties? What is the bottom line? To what extent is the administration willing to pass resolutions in the United Nations about Nicaraguan repression as a means of protest against their abuses, to what extent is support for the Contras the only acceptable way to influence change? How far will the United States support Contadora? Does this include a willingness to "terminate external support to the irregular forces operating in the region," a position held by the Contadora and support groups, as well as by the five nations of Central America. Or, is the United States willing to support the Contras 10 to 20 years in the future? At some point are they expected to go it alone?

These questions may seem like details, obscuring the broader more important theme of the fight against the Sandinistas, but they should be clearly answered. The nations of Latin America, including Nicaragua, must understand what the United States wants and what it is willing to accept.

It would be naive to disregard legitimate U.S. strategic interests in Central America, and just as naive to down play Sandinista political repression and support for insurgencies throughout the hemisphere. Yet, it would be a mistake to ignore the importance of the role that Latin American nations can play in isolating the Sandinistas. President-elect Oscar Arias Sanchez of Costa Rica in a recent interview with conservative journalist, John McLaughlin, said that if the United States really wanted to help the nations of the

region, then it should use the $100 million to help the ailing economies of Guatemala, Honduras, Costa Rica, and El Salvador. The prosperity of its neighbors, economically and politically, will help to undercut the Sandinistas.

A further question remains. Can the Contras provide the "power" that the administration needs to bring about a political settlement to its differences with the Sandinistas? Thus far, they have not shown themselves to be a force that can garner much popular support within Nicaragua. That does not mean they could not become such a force, neither does it mean that they need extensive U.S. aid for them to do so. Perhaps it would be better for the Contras if they were left to their own devices; if they were able to remove the taint of being U.S. proxies by going it on their own. Maybe that is the only way they can succeed.

Finally, there is not now and there never has been enough support in Congress or across the Nation for the Contras. Chairman of the House Foreign Affairs Committee, Representative DANTE FASCELL of Florida, and committee member, DAN MICA of Florida, correctly pointed out at the committee's recent hearing on Contra aid that in order for foreign policy to be effective, it must enjoy a broad consensus of bipartisan support. There are still too many questions about the Contras—their human right record, their goals—and about the administration's policy toward Nicaragua before either will be able to muster that kind of support. High pitched rhetoric or emotional appeals cannot carry a controversial foreign policy.

R. EDWARD FERRARO

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. CLINGER. Mr. Speaker, R. Edward Ferraro, a native and life-long resident of Brockway, PA, is the State deputy of the Pennsylvania State Council of the Knights of Columbus and he is being honored at a testimonial dinner on Saturday, April 19, 1986.

Mr. Ferraro is a past grand knight of Rev. Thomas E. Kennedy Council No. 3794, Brockway, and served in all chair offices in the council. He was elected State Advocate for the Pennsylvania State Council, Knights of Columbus, 1978–80. And as State deputy of the Pennsylvania State Council, Knights of Columbus, elected 1984–86, he leads 62,000 Knights in Pennsylvania and 9,000 fourth degree Sir Knights.

He is the first State deputy from the Erie Diocese in 32 years, and one of the youngest State deputies ever elected in Pennsylvania.

I know all of my colleagues join me in congratulating Mr. Ferraro on his many accomplishments and fine service in the Knights of Columbus and wish him well in all future endeavors.

TRIBUTE TO MICHAEL ARNOLD

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. COURTER. Mr. Speaker, I rise today in tribute of Michael Arnold, Morris-Sussex Superior Court administrator. This past November Michael took over this position from his distinguished predecessor David Anderson, who was himself rewarded with promotion to the State's administrative office.

Michael has distinguished himself to the citizens of Morris and Sussex counties through 7 years of dedicated service in the court district. His record of excellence in previous position as a Morris County criminal justice planner, county probation officer, and State parole officer have earned him the respect and admiration of all who have come in contact with him in those positions.

For the 4½ years prior to his assuming the position of administrator he served as assistant trial court administrator. His record in that position furthered his reputation as a public servant of the highest integrity and abilities. It also provided him unique experience for his present duties as he has become intimately familiar with the workings and peoples of the Morris-Sussex district. The people of Morris-Sussex court district are indeed lucky to have such a capable and respected individual in this office. I take great pride in noting his accomplishments before my colleagues.

EARLINE PATRICE TO RECEIVE PAYNE HUMANITARIAN AWARD

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. FISH. Mr. Speaker, I would like to draw the attention of my colleagues to the accomplishments of the winner of the 1986 Bessie H. Payne Humanitarian Award, Mrs. Earline Patrice. The award is given annually by the Dutchess County Chapter of the New York State Association for Retarded Children. On April 18, 1986, this great honor is to be bestowed upon a richly deserving woman.

Mrs. Patrice's affiliations with community organizations in the mid-Hudson Valley are too numerous to list completely. Her present affiliations include membership in the Smith Street Tenant Council, the Jamaican and Concerned Citizens Committee, and the German Civic Association of Lower Main Street. Mrs. Patrice is known for the Annual Childrens' Christmas Party as well as the Thanksgiving Day and Christmas Day Dinners which she and her volunteers hold for those who are needy and alone.

Because of her outstanding record of community service, Mrs. Patrice has been the recipient of numerous awards. She has received the Poughkeepsie Area Chamber of Commerce Merit Award in 1971, the American Legion Lafayette Post No. 37 Community Service Award in 1973, the Model Cities Faithful Service Award in 1975, the Bethel Church of Christ Community Service Award in 1976, the Martin Luther King Commemorative Committee of Dutchess County Outstanding Service Award in 1981, the Poughkeepsie Area Jaycees Outstanding Citizens of the Year Award in 1985. The Bessie H. Payne Humanitarian Award is yet another in a long list of well-earned awards and honors for Mrs. Patrice.

Mrs. Patrice's tireless efforts on behalf of the community she serves so well are known to practically all Dutchess County residents. I join them in thanking her for her dedication, service, and selflessness.

THE ENERGY INCENTIVES AND AGRICULTURAL FINANCIAL RESOURCES ACT OF 1986

HON. BEAU BOULTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. BOULTER. Mr. Speaker, today I am introducing "The Energy Incentives and Agricultural Financial Resources Act of 1986." This legislation addresses certain problems confronting the oil and gas industry, the agriculture industry, as well as the banking and financial industry which is involved in lending its financial resources to both energy and agricultural concerns.

As virtually all of us are aware, due to a number of factors, we are experiencing dramatic declines in both the agricultural and energy sectors of our economy, which has in turn caused widespread and far-reaching concern to many other sectors of the national economy. The effects of this development are becoming more serious and encompassing every day, and some of the factors contributing, I believe, have been: First, the message sent to energy developers and investors by the Housed-passed version of "tax reform"; second, inadequate authority on the part of Federal banking agencies to work with temporarily troubled banks, and third, the problems and restrictions brought on by the passage of both the Natural Gas Policy Act of 1978 and the Industrial Fuel Use Act of 1978.

Mr. Speaker, this legislation addresses these problems in the following ways:

First, the bill expresses, through a sense-of-the-Congress resolution, that any changes detrimentally affecting the oil and gas industry in H.R. 3838, or in any other tax reform bill, should not be included in final legislation passed by Congress.

Second, the bill provides enhanced flexibility to the Federal Deposit Insurance Corporation, the Comptroller of the Currency and the Federal Reseve Board, to establish regulatory procedures that allow the restructuring of certain oil and gas or agriculture industry loans. It further provides for new acquisition provisions in the Federal Deposit Insurance Act, allowing for limited interstate purchases when an institution has been closed or is deemed to be in danger of failing, and when the appropriate regulatory authorities agree that action should be taken. Defining the specific terms and instances in which an institution is in fact failing, for instance, referring to capital-to-asset ratios

or other industry recognized indicators which the appropriate regulators (the Federal Reserve Bank, the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the respective State bank commissioner) would agree to and recognize jointly, have not been addressed in this piece of legislation. I would also mention that there may be additional clerical items which will also need to be addressed and further defined before specific sections in this bill would be complete, and I look forward to working with the distinguished chairman and members of the House Banking Committee in that regard. Other regulatory measures located in this section are intended to allow Federal banking agencies the regulatory abilities to work in cooperation with well-managed financial institutions whose capital may be temporarily impaired by adverse economic conditions beyond their control.

Further, this bill allows the natural gas industry the ability to make their product available to electric utility plants and major industrial users who choose natural gas as their energy source. Finally, this legislation provides for the transportation of natural gas without undue discrimination, and repeals the incremental pricing requirements of the Natural Gas Policy Act of 1978.

Mr. Speaker, I urge my colleagues to consider this issue, and hope they will join me in what I believe is an overdue effort to provide the mechanisms necessary to address the current situation.

THE ANTITERRORISM TAX ACT

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. LOWERY of California. Mr. Speaker, recent press reports have revealed that some American companies have been reluctant to quit operations in Libya after the President's order to do so. Many companies are still operating in North Korea, Cuba, Iran and Nicaragua, which, along with Libya, have been accused by the State Department of supporting terrorism as state policy.

Therefore, I have introduced legislation, H.R. 4278, which adds a financial incentive for U.S. companies to quit operations in terrorist countries and which prevents American taxpayers from indirectly subsidizing the economies of these nations.

Under current law, any corporation may receive a tax credit for any taxes paid to foreign countries on income earned in those foreign countries—called a foreign tax credit [FTC]. Although there are some statutes for denying credits and other tax provisions in response to foreign nations' dumping of goods, there are no provisions for denying these credits when those same nations commit acts of terrorism.

Briefly, H.R. 4278 requires the Secretary of State to list in the Federal Register nations which practice state-supported terrorism. The Secretary can add or delete countries from that list at his discretion. The bill then denies the use of the FTC for taxes paid to any country on the terrorist country list and has a part-year rule for cases when a country is listed or deleted during a tax year.

It is important to note, however, that H.R. 4278 only denies the FTC related to specific countries, it does not deny all FTC's to a company. For example, if a firm has an operation in a country such as Libya and one in a country which is not on the terrorist list, such as Saudi Arabia, the firm will no longer be able to use taxes paid to Libya as a way of reducing U.S. tax liability, but it will still be able to claim an FTC for taxes paid to Saudi Arabia.

In sum, Mr. Speaker, I would like to urge my colleagues to join me in sponsoring H.R. 4278, providing a financial incentive for companies to leave terrorist nations. It is time we make the important political statement that the U.S. Government will not credit taxes paid to terrorists against taxes owed to the U.S. Treasury.

DR. PAUL F. KLENS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. CLINGER. Mr. Speaker, Dr. Paul F. Klens, of Mill Hall, PA, who served as professor of biology and chairman of the department of biological sciences at Lock Haven University in Lock Haven, PA., is preparing to leave the university as an active faculty member in August 1986, and will be honored for his many years of service to the university at a special testimonial dinner Saturday, April 19, 1986.

A Lock Haven University scholarship fund will be established in his name to provide financial assistance to an undergraduate scholar majoring in the biological sciences.

Dr. Klens has been a member of many community and civic organizations in the 29 years he has lived in Clinton County and has over 15 years of administrative experience in business, education, and government.

I know all of my colleagues join me in congratulating Dr. Klens on his many accomplishments and fine service to Lock Haven University and to his State and country and wish him well in all future endeavors.

MSU TOPS IN HOCKEY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. CARR. Mr. Speaker, the Michigan State University Spartan hockey team surprised a lot of people. This year was supposed to be a rebuilding one. Young players were going to get the needed experience. No one expected this to be a great season. Next year or even the year after that MSU fans were going to expect the title. But MSU went one better. They came from behind, just as they had all year, and scored the winning goal to go ahead of Harvard 6 to 5 in the closing minutes of the NCAA hockey tournamant. After a gallant last minute effort by the Crimson, the arena in Providence RI looked like a sea of green as the MSU spartans laid claim to the title.

Finishing the year with a 34 to 2 record, the Spartans relied on leading NCAA scorer Mile Donnelly, junior Mitch Messier, junior Jeff Parker, freshman Brad Hamilton and freshman Brian McReynolds. Donnelly was named MVP of the tournament.

Coach Ron Mason has a lot to be proud of. He has accoumulated nearly 500-collegiate hockey victories and now has his first NCAA championship.

The student body responsed as well, filling the streets of East Lansing at a celebration parade.

Today, I salute the MSU Spartan hockey team. They beat the odds and deserve to be the NCAA champs.

CHARITY AND SELFLESSNESS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mrs. BOXER. Mr. Speaker, I rise today to commend the people of the Sixth District of California. During the recent flooding of many areas of California, the people of the Sixth District exhibited a generous spirit of helping their neighbors that should be a model for all communities in times of trouble.

One example of this spirit is the people and parish of St. Anselms of Ross, CA. During the flooding the people of the parish opened their school as an evacuation center to provide aid to many of the residents forced from their homes by rising water or peril of mudslide.

There are many unnamed heroes in the flood areas and I would like to commend them for their charity and selflessness; they certainly will not ask it for themselves.

MS. JEANNE LOSEY'S POEM HONORING "CHALLENGER" ASTRONAUTS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. SHARP. Mr. Speaker, I would like to call the House of Representatives attention to a poem I received recently from Ms. Jeanne Losey of Shelbyville, IN. Ms. Losey's poem expresses so well the country's sadness over the tragic deaths of the *Challenger* astronauts, yet our determination to proceed with the NASA program so as to continue their vision of future space exploration.

"CHALLENGER," JANUARY 28, 1986

(By Jeanne Losey)

They set out bravely into space,
And took our hearts along.
There was no thought of tragedy,
Or something going wrong.
Then came that awful ball of fire,
And everybody knew
That God had made a special place
For Challenger's brave crew.
For 7 heroes died that day,
But even though they're gone,
Their dreams are ours to be fulfilled;
Their memory still lives on.

Our country grieves for Challenger
And its courageous crew,
But, as we weep, we carry on,
For there is work to do.
They blazed a trail across the sky
Right to the heavenly gate.
They all were space-edge pioneers
Who bravely met their fate.
We shall not let them die in vain;
We must be strong and brave.
Because of heroes just like them,
Old Glory still will wave.

TRIBUTE TO THE MOST REVEREND JOHN J. DOUGHERTY, AUXILIARY BISHOP OF NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. RODINO. Mr. Speaker, I am deeply saddened to note the passing last month of one of Newark's finest spiritual leaders, Bishop John J. Dougherty.

Bishop Dougherty's career spanned 52 years and his great achievements and kindness touched the lives of countless people within and outside of his archdiocese. After his ordination in 1933, Bishop Dougherty earned degrees in sacred scripture, including a doctorate from the Pontifical Biblical Institute in Rome. He served as professor of scripture at Immaculate Conception Seminary in Mahwah for 22 years, hosted "Catholic Hour," a radio and later television program in the 1940's, and served on the Pontifical Commission of the Vatican for Motion Pictures, Radio, and Television.

Bishop Dougherty rose through the ranks of the church, becoming monsignor and, in 1962, auxiliary bishop. Beginning in 1959 he served for 10 years as president of Seton Hall University. Bishop Dougherty was one of the first Catholic prelates to speak out against the Vietnam war.

Although Bishop Dougherty was partially paralyzed by a stroke in 1980 and confined to a wheelchair, he continued his activities as chairman of the New Jersey Catholic Historical Records Commission and as chaplain to the Knights of Columbus.

Mr. Speaker, at the funeral Mass on March 24, Newark Archbishop Peter L. Gerety eulogized Bishop Dougherty as a man with a "great priestly heart." Although I mourn the loss of this great and kind man, I take comfort in knowing that his good works will be remembered and honored for many years to come.

Mr. Speaker, I commend to you Archbishop Gerety's homily, delivered in eulogy at the funeral Mass of Bishop John J. Dougherty:

FUNERAL MASS FOR MOST REVEREND JOHN J. DOUGHERTY, AUXILIARY BISHOP OF NEWARK, BY MOST REVEREND PETER L. GERETY, ARCHBISHOP OF NEWARK

Bishop Dougherty went home to God last Thursday evening at seven o'clock. His death came after more than half a decade filled with suffering and a courageous battle against the sickness which finally snatched him away from us just a few days ago.

We all have fond memories of him as he was before his stroke felled him in 1980. He was small of stature but he was an attractively healthy and handsome man with an engaging easy smile, a tender gentleness in his relationships with others and a gift for forming endearing friendships.

If we loved him before his stroke, we learned after it to add to that love profound admiration for the manner in which he bore the cross of illness. How he fought to overcome the slur in his speech, how he struggled to walk straight and proud again!

And above all, how he showed to us who were close to him the depth of his faith as he bore his suffering in union with his Lord. On one occasion, during one of the several crises brought on by his illness, he had been confined to a hospital bed for a considerable number of days. A priest of the Archdiocese who was a close friend of his dropped in to see him. He was agreeably surprised to find him at last sitting up in a chair.

He expressed to the Bishop his delight to see that he had fought his way to recovery. He said, "Bishop, it shows what a good man can do." In reply the Bishop said, "It shows that suffering is a part of the apostolate."

That remark revealed what a great priestly heart lay behind that ever-present smile. It made clear how closely he lived with the great High Priest, his crucified and risen Lord Jesus.

It was as if he had constantly ringing in his ears the Savior's instruction to all those who wish to be His true disciples. "If any man would come after Me, let him deny himself and take up his cross daily and follow Me. For whoever would save his life will lose it; and whoever loses his life for My sake, he will save it." (Luke 9, 23-24)

And he knew and profoundly believed with all his being the truth of that other saying of the Lord which we have just heard proclaimed in the Gospel selection chosen for this Mass. "Come to Me, all you who are weary and find life burdensome, and I will refresh you. Take My yoke upon your shoulders and learn from Me, for I am gentle and humble of heart. Your souls will find rest, for My yoke is easy and My burden light." (Matthew 11, 28-30)

Today we are gathered here to commend Bishop Dougherty to that gentle and humble Lord Whom he followed all his life in joy and in sorrow and in pain. He hoped with all his strength for that promised rest as he bore his cross with the Lord. We pray with all our hearts that God's eternal rest may be his now that he has passed through death to the life that was always the goal of his pilgrimage on this earth.

Indeed it is our goal too. Today we suffer pain and sorrow. The separation brought by death is an inescapable fact of the human condition. We cannot brush aside the crushing nature of that reality, nor can we deliver our hearts from it. It is part of the love we bear for one another that we should feel profoundly and shed bitter tears at the passing of those who are close to our hearts.

And yet our holy faith teaches us that death itself has been conquered by the Risen Christ. Its icy grip has been broken. God in Christ has promised, as Saint Paul said to Timothy, "If we have died with Him, we shall also live with Him, if we endure with Him, we shall also reign with Him." (2 Tim. 2, 11-12)

And in his first letter to the Corinthians, the great apostle to the Gentiles cried out, "Death is swallowed up in victory. O death where is thy victory? O death where is thy sting? . . . Thanks be to God, who gives us the victory through Our Lord Jesus Christ. Therefore, my beloved brethren," he said, "be steadfast, immovable, always abounding in the work of the Lord, knowing that in the Lord your labor is not in vain." (1 Cor. 15, 55-58)

As men and women of faith we firmly believe that death is a new beginning, the entrance into that heavenly city with God, His angels, His saints and all those loved ones who have gone on before us. The pain of death is real, it breaks our hearts. But even in the midst of sorrow the believer is sustained by the firm hope of better things to come.

The night before He died, the Lord Jesus spoke to His apostles with great solemnity. Good Friday He would hang on the cross and the world of injustice and evil would seem to carry the day. But He said:

"Truly, truly, I say to you, you will weep and lament, but the world will rejoice; you will be sorrowful but your sorrow will be turned into joy. . . . You have sorrow now, but I will see you again and your hearts will rejoice, and no one will take your joy from you." (John 16, 20 ff)

Bishop Dougherty was pastor of Saint Rose of Lima Church in Short Hills from 1969 until 1977 when he resigned to become Scholar in Residence at Seton Hall University. At the farewell mass in Short Hills he bored out his heart in these words, "What is it we celebrate today? Surely not a going away. No, it is presence; Yours to me and mine to you. If you ask what this presence has meant to me, it is that I have seen God in people."

In those words there is a distinct echo of the words of Christ which I have just quoted. The Christ who died, rose and became present to His followers even more intimately than before, He in us and we in Him. John Dougherty, priest of Christ, Bishop of Christ's people believed profoundly in that presence of the Lord. He saw God in everyone and everywhere. He believed in presences, the Lord to us and we to Him.

Those of us who knew him well sensed in his ready smile, his constant good humor, his open-friendliness, the manifestation of a profound joy in God's presence, a wonder at the spirit-filled universe peopled with men and women and little children, all radiant with the God who had made them His temples of flesh and blood.

Joy in the Lord, even when he was in pain or in sickness, even in the last days of his struggle with his stroke, even on the bed of his last agony, joy in the Lord seemed to radiate from his every word, from his endearing smile. It was as if he had always ringing in his ears and echoing in his heart those words of Saint Paul to the Phillipians, "Rejoice in the Lord always! I say it again, Rejoice! . . . The Lord is near." (Phillipians 4, 4)

Shortly after Bishop Dougherty's death one of our young priests said to me, "Archbishop, we have lost a great man!" Who indeed can doubt it?

One has only to look at the record of the broad interests, of the multifaceted priestly service which characterized the Bishop's life to realize how true those simple words are.

As a young man he was chosen for studies in Rome and was ordained in the Eternal City on July 23, 1933. Then the list of accomplishments and service to the Church and all humankind on the national and international scene begins:

Licentiate and then Doctorate in Sacred Scripture from the Pontifical Biblican Institute in Rome, Professor of Scripture in our own Immaculate Conception Seminary for twenty-two years, author of many learned articles for professional and religious jour-

nals, regular speaker for long years on national radio and television for the Catholic Hour, member of the Pontifical Commission at the Vatican for Motion Pictures, Radio and Television, honored as Papal Chamberlain, as Domestic Prelate, named President of Seton Hall University in 1959 and then named Auxiliary Bishop to the Archbishop of Newark in 1962—the list goes on and on. To ecclesiastical service we must add his activities in international affairs and interreligious ecumenical organizations. The interests of this dear man of God would fill a book. Scholarship, religion, justice in the world, peace, the new liturgy for which he was a member of the International Commission on English in the Liturgy; it is simply breathtaking.

It is impossible here to go through the entire story. All we can do is sit back and applaud such a universal man in a time of enormous change.

And with that I return to the question of the well-spring from which flowed John Dougherty's breadth of interest and service. To describe it is one thing, to understand its motivation and its roots is another.

Nevertheless it is basically simple, it is the secret of the saints. John Dougherty was a man whose whole life reflected that saying of Saint Paul, "The love of Christ impels us." (2 Cor. 5, 14) To Jesus Christ he gave himself as a young man and from that sweet smelling sacrifice of praise he never waivered. His path, chosen out of love, was a life-long response to those words of the Lord, "Abide in Me. . . . He who abides in Me and I in him, he it is who bears much fruit." (John 15, 4-5) He loved Jesus, the Word of God in the Scriptures, and in that Word he found delight.

He loved Jesus in His body, the Church—and so he served that Church through all the enormous changes of our time with open-hearted generosity and joy.

He loved Jesus in the people he met and so our hearts were warmed and made happy by his unfailing gentleness and courtesy, by his obvious empathy for us in our joys and sorrows.

And now we come to say good-bye. To the Bishop's family we offer our sympathy in their loss. Indeed, we share that loss of the gentle priestly presence among us—the presence as he said, he to us and we to him. But we take heart for we know that the living words of Jesus are meant for us at such a moment if we abide in Him, "You will be sorrowful, but your sorrow will turn into joy. . . . I will see you again and your hearts will rejoice, and no one will take your joy from you." (John 16, 22 ff)

FRANK STANTON'S APPRECIATION OF EDWARD R. MURROW

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. FASCELL. Mr. Speaker, in September of last year, CBS chairman and for the past 9 years, the Chairman of the U.S. Advisory Commission on Information, Frank Stanton, was the featured speaker at the USIA Alumni Association meeting.

In his remarks, Mr. Stanton noted, with understandable pride, that CBS has "given the (former) Office of War Information and the U.S. Information Agency three directors: Elmer Davis, Edward R. Murrow, and Frank Shakespeare." Each was very different, but all were equally dedicated to their profession.

Mr. Stanton took that opportunity to pay particular tribute to Ed Murrow—and in so doing, he provided a useful historical perspective of the World War II era. I believe his reminiscences are of value to this body and to the public at large, and for this reason, I would like to include the full text in the RECORD at this time.

Mr. Stanton also suggests that the current prohibition on making USIA products available to schools and colleges in this country is fast becoming outdated. While I am personally not convinced that this body is ready to embark on such a course, I believe Mr. Stanton's thoughts along this line were worthy of very serious considerations.

Finally, I would merely point out that Frank Stanton, like those he has eulogized, is also a very distinguished American and when he speaks to us on the subject of information policy, it behooves us to listen—and listen carefully.

The full text of Mr. Stanton's address follows:

REMARKS BY FRANK STANTON TO THE INFORMATION AGENCY ALUMNI ASSOCIATION

It's an unusual pleasure to be here today. After nine years as Chairman of the US Advisory Commission on Information, plus my stint on the Panel Report, I feel like something of a USIA alumnus myself.

I also feel exceptionally close to USIA for another reason.

CBS has given the Office of War Information and the US Information Agency three directors. Each very different, each very dedicated. Elmer Davis, Ed Murrow, Frank Shakespeare.

When Lou Olom invited me to come here today, he told me about the marker the Alumni Association had placed in that little park on Pennsylvania Avenue, dedicating the plot of land to Ed Murrow's memory. He suggested that in addition to whatever else I would like to say, I might talk a bit about Ed. He said it wouldn't be a dedication of the marker—that's been done—but a sort of a rededication.

That struck me as an excellent idea.

In fact, I can't think of any set of standards and ideals to which we in the world of information should more often rededicate ourselves than those of Ed Murrow.

I've long felt a special personal kinship with Ed. We were born in the same year. We came to CBS within a week of each other, almost 50 years ago. So we sort of grew up in broadcasting together. Actually, most of us here today are fortunate to have known and worked with Ed.

Ed was remarkable for what he was and also for what he represented. He was one of only a handful of journalists in all history whose stature as a man of his times—and for all times—overshadowed even his towering stature as a broadcaster.

Three great forces guided him. There was his strong faith in the power of education and enlightenment. There was his never-ending quest for perfection. And there was his passionate devotion to his duties as a journalist. His concept of those duties was to help the public—as he put it—"know the facts as far as they are ascertainable, and so to illuminate and explain facts and situations, as fairly as possible, as to enable the listener to judge and weigh them for himself."

Most Americans remember Ed Murrow as a creature of television: "See It Now," "Person to Person," "Small World." But it was on radio that he became an American institution.

Ed used to say that all he knew about radio was that the short waves were long and the long waves short. That, of course, was part of his gift for understatement and humor. But beyond that, he had a rare capacity for conveying the deeper meaning and the emotional quality of world events. They flowed through him like a stream. We saw it vividly on that historic day in March, 1938, when he went on the air from Vienna to report on the Anschluss of Austria and what we all recognized later as the beginning of the Second World War. That broadcast, the first CBS World News Roundup, was a milestone in journalism, tying the world together with live on-the-spot coverage of events as they were happening. In the decades since then, this format has become the hallmark of electronic journalism, bringing together correspondents from world capitals, battlefields, disaster areas, wherever the news is breaking.

During the Nazi blitz of London, it was the measured tones and perceptive reporting of Ed Murrow that awakened Americans to the ugly realities of the war then raging through Europe. With deep compassion and concern for the suffering he saw, he brought the burning city into our living rooms. He carried the dead to our doors, and we know they were more than the dead of London. They were the dead of mankind. He followed Londoners on their way to air-raid shelters and caught their measured footsteps on his microphone. He joined RAF bomber pilots on their raids over Germany and described the flak and fire.

This man destroyed the dangerous illusion of distance and time that insulated our nation from the grim events taking place in Europe. He destroyed the myth in many American minds that what is done 3,000 miles away is not really done at all. "There are no words to describe the thing that is happening here," he said of the inferno raging in London. But he somehow found the words. Simple ones. As the first American correspondent to enter Buchenwald, he expressed the same inability to describe the horrors found there. But somehow did.

It was from London that he stirred the soul of America. It was from London that he truly entered the heart of America.

When Ed broadcast from London, three things gave his reports the enormous impact they had.

One was that great resonant voice which conveyed such authority and immediacy and at the same time had a quality of human warmth that people responded to instinctively.

Another was his courage, and his passion to get the truth and convey the truth.

The third was the technology of radio itself.

For those who grew up in the television age, it may be hard to realize how exciting radio was in the 1930s and early 40s. When Ed brought the Battle of Britain home, live, to American living rooms, nothing like that had ever been done before. For the American people, it was a totally new experience. And it was gripping, chilling, heart-rending.

In that darkest hour of Britain's modern history, Ed Murrow, more than anyone, was the link that bound the United Kingdom and the United States together.

His success was a personal triumph. In a very personal way it also marked the

coming of age of broadcasting as an information medium.

Thinking back on those broadcasts today is a vivid reminder. First, that some things don't change; and second, that some things do change.

The human qualities, the professional qualities, that Ed brought to his work—those things don't change. But technology—that does change.

In the 1940s radio was the most pervasive and powerful information medium we had. Only radio had that immediacy and intimacy. Only radio brought us the human voice.

Now we have television. Through the magic of radio, we could hear Ed Murrow live from London. Through television, we could hear and see him. but the world of communications has expanded dramatically during the two short decades since Ed walked the halls at 1776.

And now we have a proliferation of new ways to get a television signal from one place to another. Satellites dot the skies. Cable snakes its way across the land. VCR players are in every fouth home. And increasingly, direct broadcast receiving dishes are sprouting from the landscape like giant inverted mushrooms after a spring rain.

Satellites, cable, VCRs, PCs, digital recording—these are radically changing the way we process and transmit information. They're changing the tools of the game. They're stretching the reach of the possible. And they're making a lot of our traditional thinking about communications obsolete. Technology is indeed driving us to change our way at home and abroad.

Today, I'd like to focus on two things in particular that I think this means for USIA.

First, it means that in its overseas information programs, the US has to move broadly and boldly beyond radio—just as the American people in their own news and entertainment habits have moved beyond radio. The Agency has begun to do that with Worldnet.

And second, it means that here at home the old rules that have barred the American people from seeing the product of USIA are more anachronistic than ever.

Let's think for a moment about those new technologies.

Let's think about digital recording—the laser disc. We've probably all listened to that wonderful new sound of music on those shiny compact discs. But they can be used for more than music. Already Grolier has put its entire encyclopedia—21 volumes—on one little five-inch disc, with an index that allows you to go to any subject in 5 to 10 seconds. Entire libraries can be put on discs and distributed to remote areas by satellite.

Think of what that means for our capacity, not just to store and retrieve information, but to transmit and share information.

And think about satellites. As more go up, as they broaden their footprints so that signals bounced off of them can be picked up over a wider and wider area, think what that means about our ability to reach places that are now unreachable.

Today, shortwave radio remains an effective means for reaching the people of the Soviet Union. Technically, there is little reason to believe that will not be true tomorrow, when it comes to signal availability and receivers. Except for the fact that Soviet television is reported to be coming up fast, due in large measure to its domestic program distribution via a sophisticated system of satellites and land-based stations. Not unlike our own television networks, save for geographic scale. Our lower 48 states stretch across four time zones: the USSR spans eleven.

As television becomes available to more and more people in the USSR, it could do the same thing to radio listening there that television did to radio here. It could soak up the audience's available time and attention. If and when that day comes, consider what impact that will have on the audiences for the Voice and Radio Liberty, as well as other Western radio broadcast services. Consider, too, that the source of the television news and information will be Moscow.

Does that mean we give up? To the contrary. It means we must plan ahead to the time when satellite technology will permit us to cover selected parts of the world with adequate television signals. It means we think about the impact of television, and about how advancing technology makes it possible to use television in new places and in new ways.

Ed Murrow believed in truth. He also believed in openness. And it's in his spirit that I suggest the time has come to stop hiding the work of USIA from the American people.

For almost 40 years now USIA has been producing an outstanding array of materials that present America to the world. But these have been off limits to Americans. We can show them overseas, but we can't show them here. If Americans want to see what their tax dollars are paying for, if they want to see how their government is portraying this country abroad, they have to go abroad.

When Congress first established USIA, there was a perhaps understandable concern that once the government got into the public information business, an unscrupulous administration might abuse the process in order to propagandize the American people for its own political purposes. So Congress leaned over on the side of caution. What USIA produced would be for overseas distribution. Period. It would not be shown or heard in the US. And therefore it would not be subject to political abuse. Through a combination of the sense of Congress and the power of precedent, this caution has hardened into an inflexible and binding rule.

But two things have happened to make those worries obsolete. One is experience. The other is technology.

For almost four decades now, USIA has maintained high standards of professionalism and integrity. And at the same time the American press, both broadcast and print, have shown convincingly that they are watchdogs with teeth. Surely any administration so foolhardy as to attempt to subvert USIA for domestic political purposes would be exposed and condemned by those whose business it is to keep an eye on government, and would quickly and sorely regret it.

At the same time, cable, satellites and VCRs have transformed broadcast technology. Many television receivers on sale today are "cable-ready," with dozens of cable connections. The consumer is no longer operating in an environment of scarcity with regard to programming sources. Even today every other home in the US has cable. Deregulation of broadcasting is itself predicated on the increased availability of multiple sources, and on the notion that the consumer ought to be the ultimate authority when it comes to program choice. Some day at least one of those cable connections ought to be available, if some enterprising person chose to make it available, to those Americans who might want to see what their government is telling the rest of the world about us.

Mind you, I'm not talking about using government money to distribute USIA programs in the United States. What I am talking about is ending the prohibition on their being shown here, so that schools and colleges and others who might want to know what their government is distributing abroad can gain access to the product. I'm talking about letting Americans themselves see it and make use of it, just as they can see and make use of the materials put out by the Government Printing Office. If not over the air or by cable, then by VCR.

Also, now that home satellite-receiving dishes are increasingly blanketing the countryside, the government soon won't be able to black out the USIA's product even if it still tries to. Eventually it's going to be up there, waiting to be pulled from the sky. So what I'm suggesting is that Congress catch up with technology and change the rules so that what will otherwise be done surreptitiously can be done openly and legitimately.

Truth doesn't have an easy time in today's world. It never did. It's our job to make its way easier, not harder.

But truth does have a wonderful quality: it has the power to cross national boundaries and to penetrate prison walls.

I'm glad that you who gave your careers to USIA are proud of Ed Murrow. CBS is proud of Ed Murrow. I'm proud of Ed Murrow.

Ed represented something central to the role of American journalism which is also central to the mission of USIA. He was both a truth-seeker and a communicator. Unfortunately, some people are one but not the other. Yet it doesn't help much for a person to seek the truth if he can't communicate it. And it is down-right dangerous if a person communicates well, but what he communicates isn't true.

Ed believed what we all believe: that in the world of information, truth is the ultimate standard.

In his CBS office Ed hung a quotation from Thoreau: "It takes two to speak the truth—one to speak and another to hear." And speaking of television, he used to say that without a message "all you have is a lot of wires and lights in a box."

That's at the heart of the challenge facing USIA: getting the message clear, getting it right, and getting it heard. Getting it across national boundaries, through Iron Curtains, into homes and villages and factories and schools around the world.

By taking advantage of the new technologies, we can help to make it available. And by letting the American people know what the message is, we can increase the public's confidence that we're getting it right.

INTRODUCTION OF LEGISLATION TO COMBAT NUCLEAR PROLIFERATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. STARK. Mr. Speaker, today I am introducing two pieces of legislation to help combat one of the most fearsome problems facing this country and the entire world today—poorly controlled proliferation of nuclear technology.

It is not an issue that has received the attention it deserves; in fact, it is not really even on the agenda of general public discussion. Because we tend not to address a problem until it is generally perceived to have reached crisis proportions, there has been little attempt to determine the status of nuclear proliferation and to propose ways to curb its expansion. With this subject, though, we cannot afford to delay action, for the costs of a crisis, in human and economic and environmental terms, are just too great. By the time a nuclear weapon is exploded by a non-superpower country or a terrorist organization, the realities of proliferation will be too intractable, and the time to solve them too short, for us to prevent a disaster of unthinkable horror.

The bills I am proposing cannot, by themselves, solve the problem, but they are useful and necessary steps—blocks in the foundation of a lasting structure to prevent uncontrolled proliferation. My legislation would simply deny all trade preferences—Most-Favored Nation, Generalized System of Preferences, Caribbean Basin Initiative, and Free Trade Agreements—to countries that have not signed the Non-Proliferation Treaty (NPT) or the Limited Test Ban Treaty, the basic documents in force designed to prevent the spread of nuclear weapons. These bills could help move us toward a more stable nuclear world.

Current U.S. nuclear policy is based upon the so-called "strategic triad," comprised of land-based ICBM's, submarine-launched ballistic missiles, and strategic bomber forces. It is a policy of death and destruction based upon a balance of terror, and it confronts us with the fearsome prospect of an endless nuclear winter, more terrible than any Ice Age. It is inhuman and it must not continue. My legislation would establish one leg of a new strategic triad: a triad to support peace. The three legs would be a comprehensive test ban, reduction of existing nuclear stockpiles and nonproliferation of nuclear technology. Unlike the current triad, it would be stable and survivable in the long run. Resumption of negotiations for a comprehensive test ban, which has received overwhelming congressional support, would provide the first leg. The Geneva arms talks would provide the second leg. My bills would set the framework for the third leg.

I believe the two areas, trade preferences and treaty adherence, can and should be linked. We grant such preferences to responsible members of the world community, and there is a conscious policy of tying those benefits to economic and diplomatic behavior. Agreement to limit nuclear weapons should be the most basic requirement for any country seeking standing in the community. If a country refuses to make the basic sacrifices necessary to preserve the community, it should not be eligible for the benefits accruing from membership in that community. My bills would change current policy only by extending the criteria for membership to include a willingness to participate in an attempt to protect the world from nuclear terror.

The problem of proliferation is present in three arenas, each presenting unique dangers and requiring unique measures to dismantle those threats. The first arena, and the one which has captured the world's attention, is the arms race between the superpowers. This is understandable. With about 50,000 nuclear weapons between them, these countries have the power to destroy the entire planet with just a small fraction of their arsenals. Article VI of the NPT calls on all signatories to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. . . ." Without question, the United States and the U.S.S.R. have, especially in the past few years, failed miserably at this. Until the members of the nuclear club abide by the sections of the treaty that apply to them, they will have little leverage in persuading nonnuclear nations not to seek nuclear weapons. I suggest that speedy negotiations on a comprehensive test ban, as called for in House Joint Resolution 3, which the House passed on February 26, would be a good first step in this area.

The second arena, and the one which has received the least public attention, covers the drive by other nations to acquire nuclear weapons. In the past decade, India, Pakistan, Israel, and South Africa have become "associate members," capable of producing nuclear weapons, if they have not done so already. Frighteningly, none of those countries is signatory to the NPT, which means that there can be no safeguards or restrictions under the treaty on the types of nuclear material they acquire. Other countries which have nuclear aspirations and will soon have nuclear capabilities include Brazil and Argentina, which have not signed the NPT, and Iran, Iraq, and Libya, which have signed but whose recent behavior casts real doubt on the depth of their commitment to peace and the quality of any promises they may make. Many of these countries already have well developed conventional arms industries. At present, Israel, India, Brazil, Argentina, and South Africa are among the top six weapons producers in the third world.

Consider the situation for a moment. We have here nine countries, each frantically trying to build nuclear weapons. Several of them have a history of unstable government. All are in a currently or potentially volatile situation militarily. How safe can we feel knowing that these countries can acquire nuclear weapons, free from oversight by the International Atomic Energy Agency or any other body?

Think for a minute. Pakistan and India are traditional enemies and have fought several wars over the past 40 years. Pakistan is ruled by an autocratic military dictator who dreams of enlarging his country's (and thus his own) power and prestige. India's Prime Minister was assassinated last year and the country is torn by domestic religious and economic turmoil. Israel has been in a state of war since 1948 and is surrounded by hostile countries. South Africa is also confronted by enemies, both from within and without, and has shown little restraint in committing brutal atrocities as they attempt to preserve their racist, indefensible regime. Brazil and Argentina are long-standing competitors for supremacy in South America. Both have recently shed military rulers and replaced them with democracies. Both countries, however, still have in their cultures the tradition of autocratic rule and both will be facing very trying economic times in the next few years which could trigger serious social unrest. Iran and Iraq have been at war with each other for 6 years now. Both countries have leaders who can, at best, be considered fanatics. Both have shown blatant disregard for international agreements and basic human civility through their use of poison gas in that war. Both have committed themselves to fight to the death. Finally, there is Libya. Colonel Qadhafi can most kindly be classified as a lunatic. In his disregard for international law, human life and the very basics of civilized behavior, the colonel has acted like a renegade terrorist. The acquisition by Libya of a nuclear weapon would be a catastrophe of the highest degree.

The fact that some of those countries are currently our allies does not make the situation less disturbing. In the first place, the nature of a government's leadership may change (witness Iran, Pakistan, Brazil, and Argentina), but nuclear capabilities do not. In the second place, are nuclear weapons less destructive when fired by a government of which we approve? Are the costs any less? Would fewer innocent people die if India dropped a bomb on Pakistan than the other way around?

The third and perhaps most terrifying arena, which has received some public attention lately, is the race by various terrorist groups to acquire a nuclear weapons capability. These weapons would not be of the type that initially come to mind; they would probably be small, crude devices that could perhaps fit into a suitcase or an oil drum. This does not make their destructive capability any less terrible. The weapons would not have to use the latest technology or be highly accurate because they would not have to elude missile defenses or penetrate hardened silos.

Consider the traumas that governments have faced when dealing with a hostage situation with dozens or even hundreds of hostages and identifiable terrorists armed with conventional weapons. Consider then the magnitude of difficulty in dealing with a terrorist's nuclear weapon planted in a locker in Grand Central Station or hidden in the coat check room at the Smithsonian.

Perhaps equally as frightening, imagine the abrogations of international law and individual rights that terrified governments could commit to guard against such an occurrence. The recent hijacking of a small plane in international airspace by Israel indicates the measures that governments are currently willing to take to protect their citizens. With the threat magnified exponentially by a nuclear threat, the willingness to violate agreed-upon rules and processes would increase as well. If that happened, the terrorists could substantially win without ever firing a shot.

Since the nuclear age began in the 1940's the members of the nuclear club have tried, like the Greek gods protecting fire, to keep the knowledge to themselves. Unfortunately, the members have all played a mercenary Prometheus at times, rushing to sell their secrets and get something for them before another country does. With none of the partners trusting the others to keep the secret, the result is that they all give it up, hoping to be soon enough to get credit—in this case, money and gratitude—for it. Our nuclear tech-

nology sales to China at a time when they may be providing nuclear help to Pakistan is a case in point.

The history of failed attempts to keep the nuclear club exclusive is a sad litany of poor planning, mistrust, sovereign pride, and greed. When the United States was the sole nuclear member, the first arms control proposal was to establish an international agency to take control of nuclear facilities and materials worldwide, after which the United States would destroy its nuclear weapons. This plan ended when the Soviet Union, mistrustful of U.S. intentions, demanded that the United States destroy its weapons first, before an international system preventing other countries from making them was established. The United States, equally mistrustful, refused.

Having failed with the Soviets, the United States turned its attention to its allies in Western Europe and, through the formation of the NATO alliance and the development of the Atoms for Peace Program, tried to dissuade them from pursuing nuclear capabilities. Britain concluded its first nuclear-weapons test in October 1952 and France joined the nuclear club in February 1960. So much for NATO.

The United States then switched its tactics from unilateral appeals to stop proliferation to more cooperative efforts, including negotiation of the Limited Test Ban Treaty and the creation of the International Atomic Energy Agency, charged with developing safeguards on the supply and use of atomic energy. Unfortunately, the IAEA could not inspect facilities built with material or assistance from countries that made IAEA compliance a prerequisite to any sale. Facilities developed independently within the country or with help from countries that did not demand IAEA oversight could not be watched. Also, there were several practical and technical problems with IAEA inspection procedures. In 1964, China exploded it first nuclear device, above ground, like all other nations' first tests. China was not signatory to the Limited Test Ban Treaty.

Growing desperate, the nuclear club members overcame their conflicting interests and developed the Non-Proliferation Treaty, which went into effect on March 1, 1970. In 1974, India conducted a "peaceful nuclear explosion." It is also widely believed that Israel assembled the various components needed to make a bomb in the 1970's. As Roger Molander and Robbie Nichols said in their book, "Who Will Stop the Bomb?", "so much for nonproliferation by treaty. It's good as far as it goes but it's hardly good enough unless everyone can be persuaded to sign." And, I might add, to comply.

As proliferation increases, the differences in negotiating a treaty to slow the spread grow exponentially. Multilateral negotiations are much more difficult to conduct than bilateral ones, and as more diverse viewpoints gain a say in the content of the final product, that document almost inevitably becomes weaker and less enforceable. Also, as the market for nuclear products and technology grows, the ability to monitor sale and use, especially reprocessing, becomes almost negligible. Regulating nuclear proliferation is rapidly becoming an impossible task; it is imperative that we act now at least to slow the leakage until we can figure out a way to stop it altogether.

There is hope, though, and there should be progress because this is an issue where it seems that all countries have, on balance, a real incentive to stop proliferation. Certainly, there are market forces at work which encourage proliferation. On the supply side, there are incentives to sell nuclear know-how, similar to those incentives to sell conventional weapons around the world. Short-term fiscal and foreign policy considerations can drive many countries to sell arms almost indiscriminately, regardless of what the long-term cost might be. The difference with nuclear weapons is the staggering burden of that long-term cost, which should outweigh the possible current attractiveness of a nuclear transfer. On the demand side, there are legitimate sovereignty and security reasons for nonnuclear countries to seek nuclear knowledge. Many face real energy problems which they feel can be alleviated somewhat with nuclear energy. Others feel that the nuclear club has little right to dictate terms to them, especially when they are not abiding by their part of the NPT by seeking arms reductions. Still others feel legitimately threatened by other countries or antigovernment forces and know that potential aggressors are much less likely to attrack a government that has nuclear weapons.

Nevertheless, the overriding concern of all countries should be to stop proliferation. Nuclear club members want to keep their club exclusive. Nonmembers whose programs are not advanced want to keep other nonmembers whose programs are advanced from joining the nuclear club. The problem group is those countries that are not members but that have advanced nuclear programs. Naturally, most of those countries have not signed the NPT. I believe it is time to start a multifront program to encourage those countries to help stop proliferation. Probably, there should be incentives, such as added security agreements, aid in developing alternative energy capability and so on. Certainly there should be strong diplomatic pressure applied. And, I think the time has also come for there to be sanctions against the most obstinate countries.

The case is strong for trade sanctions as a measured but effective step. Trade benefits are a privilege for the recipients, not a right. As with foreign aid, we should and do expect something in return for them. In practice, this bill does not change the policy of quid pro quo, it merely places a commitment to nonproliferation high on our list of foreign policy priorities. Trade benefits are easier to adjust than foreign aid. Much foreign aid is tied up in medium- and long-term programs for which disrupting funding could cause real problems. Trade benefits are much less cumbersome. Since they work on a transaction-by-transaction basis, they are easier to adjust and the effects are better contained. Finally, trade benefit programs are clearly a foreign policy tool. MFN, GSP, and CBI were all established for diplomatic as well as economic reasons.

As I have said before, neither of these bills will, by themselves, solve the problems of nuclear proliferation. At the very least, though, passage of these bills would give all countries real incentive to sign the NPT. It would also send a signal that the United States is serious about proliferation and ready to take steps to combat it. By forcing the issue, in a sense, it could bring all countries to discuss proliferation and, if there is general agreement that the NPT is not workable, stimulate discussion on possible alternatives. And, combined with support for a comprehensive test ban, further discussion of additional security agreements and programs to develop alternative energy programs in countries that need them, these bills could be an important part of an all-fronts attack on the scourge of proliferation before it reaches the point where no reasonable type of control is possible.

Mr. Speaker, we don't have time to delay until we find a perfect solution. In the past 40 years, the nuclear club has expanded from one to probably nine members. In another 15 years, several dozen countries could have the ability to manufacture nuclear weapons. There has been much talk about the legacy we are leaving our children by dallying on the issue of budget deficits. I would suggest that leaving them a world of nuclear anarchy would be even worse than the fiscal anarchy we are preparing for them now. I would hope that our sense of stewardship would prevent us from allowing this to happen.

Much of the terror we feel with nuclear weapons grows out of our sense that our technological ability to destroy the world has outpaced our diplomatic ability to save it. We still are not comfortable with the ability of the United States and the U.S.S.R. to handle the awesome responsibility that comes with possessing nuclear weapons and both countries have had almost 40 years of practice. How secure can we feel if a growing number of countries suddenly develop a nuclear capability without having had any experience in handling it, at a time when their political and social systems may be shaky and they may feel seriously threatened by outsiders? I don't believe we can allow ourselves to get into a situation where we have to find out. The potential costs are just too great.

Mr. Speaker, I hope that my colleagues in this Congress will support these two pieces of legislation. I hope they will seize this opportunity to take a first step, to get the ball rolling and to let it lead us to a policy that will effectively control the unregulated spread of nuclear technology. I hope we will be able to do this before we have a disaster and have to explain how we could have been so blind to such a clear and looming and awesome danger.

PIL WOONG LEE RECOGNIZED FOR EFFORTS TO REBUILD KOREA, SERVICE TO U.S. 8TH ARMY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. DYMALLY. Mr. Speaker, when the truce between North and South Korea was signed on July 27, 1953, Korea was a country devas-

tated by war. Clearly, the country faced a long period of rebuilding. Little more than a year after the signing of the truce, on October 5, 1954, a company was formed which would play a key role in bringing Korea back to its feet. That company is the Poong Lim Industrial Co. The company has also been a significant one for the United States because of the many construction projects it has performed with distinction for the United States 8th Army stationed in Korea.

This week, we are honored to have visiting Washington the president of Poong Lim, Mr. Pil Woong Lee. Mr. Lee is living proof that the liberal arts major has a place, and a high one in the world of business. Mr. Lee's undergraduate degree is in English language and literature. He went on to graduate study in business administration at Yonsei University in Seoul. While he completed those studies in 1981, Mr. Lee has 22 years of practical experience in business management. Since 1981, he has been president of domestic operations for Poong Lim.

As with a number of the top management of Poong Lim, Pil Woong Lee gained his initial business experience at the Daelim Industrial Co. where he began to work his way up the ranks in 1964. He began as manager of the domestic projects department, a post he held until 1966 when he became the director of project promotion and administration. Ten years in that position gained him the expertise that elevated him to executive director of that division in 1976 and to senior executive vice president of the entire domestic operations division in 1979. Mr. Lee became president of Poong Lim in 1981. The top management of Poong Lim share a wealth of experience among them. In fact, between them, the president and the chairman of the board have more than 50 years of experience in the construction industry.

A philosophy of quality before quantity has helped to bring Poong Lim within striking distance of being a billion-dollar-a-year company. Today, Poong Lim is rated 99th among the world's top 250 international contractors.

I have been personally impressed with the emphasis that Mr. Lee's company places on safety at all levels. The company takes pride in counseling its personnel that people are more important than things. As a result of this enlightened point of view, the greatest care is taken to ensure the safety of workers. Moreover, the company management believe in going a step farther to build into their designs safety features for those who will operate the plants they build. As an indication of their safety record, one of the many awards the company has received is a citation from the Arab American Oil Co. for having worked 1,010,210 man hours without an accident.

The record of quality, safety, and concern for people has earned Poong Lim many contracts with the United States 8th Army stationed in Korea. Over the years, Poong Lim has built troop quarters, office buildings, sanitary systems, mess halls and family housing for the Army. Since 1981, in fact, Poong Lim his done more than $16 million worth of work for our Army. I would like to take this opportunity to salute Pil Woong Lee and his company for its outstanding work in behalf of the United States Army an for its patriotic effort to rebuild South Korea to a position of prosperity and economic well-being for its citizens.

SANFORD McDONNELL, A MAN TO WHOM WE OWE MUCH

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. GEPHARDT. Mr. Speaker, I often speak of America's new generation and our responsibility to that generation. Our country has the best of everything to offer, and we, in Congress, must preserve the best and do what we can to guarantee that future.

This responsibility is vast and Congress needs the assistance of all Americans. It is a pleasure to know a man who, in his own actions, is also working for the same end. While his means may not be the House of Representatives, he has proven his dedication to the future, to America, and to its citizens. I speak of Sanford McDonnell, chief executive officer of the McDonnell Douglas Corp.

From his beginnings in Little Rock, AR, to the leadership he now shows in the business community, Sandy McDonnell has supported the future. His company has been active in the aerospace industry. McDonnell Douglas is the prime contractor for the Skylab space laboratory, and produced the Mercury and Gemini spacecrafts. Space is the frontier of the future. There is an enormous, unexplored frontier that lies waiting.

Under McDonnell's leadership, his company has been at the forefront of developments in the defense and commercial aerospace and electronics industries.

Aside from his business related efforts, he has also helped prepare future generations for leadership through his work with the Boy Scouts of America. He is currently national president of the Boy Scouts of America. This organization can help mold young men to face what's ahead; to be always aware of the concerns and needs of other; and to lead others to that future.

Tomorrow, Sanford McDonnell will receive the Electronics Industries Association's Medal of Honor. The electronics industry is aware of the work he performs and is honoring him with their most prestigious award.

This is an opportune time for us, in Congress to become aware of the work he has done. It is only through the actions of individuals like Sanford McDonnell that the work Congress performs can be effective. Individuals like Sanford McDonnell care about our society and future that waits just around the corner. I believe that society owes Sanford McDonnell a debt it can never repay. We can only try by honoring him with our thanks and our best wishes.

Every citizen has a responsibility to the future. People like Sanford McDonnell carry that responsibility well and are molding the future for my children, my neighbors' children, and all the children of the world.

ANATOLY SHCHARANSKY AND HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. LANTOS. Mr. Speaker, I am pleased to submit into the RECORD with my colleague and cochairman of the congressional human rights caucus, JOHN PORTER, a statement by Anatoly Shcharansky which appeared in the New York Times yesterday. His comments are especially worthwhile in light of the up-coming international meeting in Bern, Switzerland, regarding emigration and human contact issues.

Mr. Shcharansky writes with incredible clarity about a problem which concerns many of us here in Congress: The continuing persecution of Jewish and other political prisoners in the Soviet Union. Writing with the conviction possible only from one who has directly experienced the horrors of his subject, Mr. Shcharansky depicts the appalling conditions of the "re-education" of political and religious dissidents. These conditions, unfortunately, have not improved in the last 10 years since the signing of the Helsinki Final Act. In fact, Mr. Shcharansky indicates that conditions for political prisoners are actually worsening.

JOHN PORTER and I, on behalf of the congressional human rights caucus, commend this article to the attention of all Members of Congress. We must re-dedicate ourselves to the pursuit of human rights, today more than ever before. We should begin a dialog about the real world—tragically, the gulags are part of that world.

The statement follows:

MOSCOW MUST START COMPLYING WITH THE 1975 HELSINKI AGREEMENT

(By Anatoly B. Shcharansky)

I left the world of the gulag only a few weeks ago, and I am not yet ready to speak in public. Nevertheless, I could not refuse to greet you, if only in a recorded message, because the problems that brought you here today are extremely important to many people fighting for their rights in the Soviet Union and elsewhere in the world.

Ten years ago, several dissidents in the Soviet Union created a public group to monitor Moscow's compliance with the Helsinki agreements. Our idea was that many of the human rights issues that divide the governments of the Eastern and Western blocs could be agreed upon by independent representatives of public opinion—people in both East and West who have a vital interest in the implementation of the Helsinki agreements in their own countries. So we voluntarily took upon ourselves the task of examining how the Helsinki agreements were being implemented in the Soviet Union.

Ten years have passed, and what do we see? The Jewish emigration that began in the early 1970's has been brought to a stop by the Soviet authorities. Several hundreds of thousands of Soviet Jews who want to leave the Soviet Union cannot do so for no other reason than that the Soviet Government has decided that they cannot.

I spent nine years in Soviet prisons and camps, and I can certify that the conditions in which political prisoners are detained have been getting steadily worse. I shall mention only two particular problems.

First, a new article of the Penal Code, article 188-1, introduced in late 1983, allows the Soviet authorities to extend almost at will the length of time that one remains in prison or in camp. This measure has already been applied to several members of Helsinki monitoring groups now in prison. It is used by the authorities both to prolong the detention of political prisoners who resist "re-education"—who refuse to comply with efforts to make them change their ideas and convictions—and to intimidate the others.

Second, according to a new official directive introduced barely a year ago in the Soviet Union, political prisoners who start a hunger strike can be immediately thrown into a dungeon—a measure that very much aggravates their sufferings.

These are only two examples of the many ways that the authorities are cracking down on political prisoners in camps. Why is this so important? Because, as a rule, the policy regarding the camps very much reflects the general situation in the country—the disregard for the rule of law and the harshness of the repression.

I would like to attract your special attention to the Sakharov case. I do not need to remind you that Andrei Dmitrivich Sakharov is a hero, a model of a honorable man who continues the very best traditions of the Russian intelligentsia, fighting for the trampled rights—be they national, religious or political—of all people of the Soviet Union.

Needless to say, his present situation is extremely difficult. He is cruely and unjustly isolated from his family and friends, barred from scientific work and normal social activities. His state of health inspires growing fears. I consider it vitally important at this moment to raise our voices and call for the Soviet Government to stop its persecution of Andrei Sakharov—to grant this remarkable man the possibility to continue his noble activities in dignity and normal conditions.

Looking back at the first documents issued by our Helsinki group 10 years ago, I must say that the longer I spent in prison, the more accurate they seemed and the more important. I also believe that it is more necessary than ever now for international public opinion to press the Soviet Union on these matters. It is high time for Moscow to begin complying with the Helsinki agreement signed in 1975.

I think that the Andrei Sakharov Institute and Resistance International have made a great contribution by organizing this meeting. I hope this work will be continued and will lead to further contacts, contributing to a real détente and to the establishment of genuine trust between the superpowers. In the long run, however, there will be no trust or détente until both sides show full respect for human rights in the keeping with the Helsinki agreement.

DON'T ABANDON THE NICARAGUAN PEOPLE—SUPPORT THE CONTRAS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. MICHEL. Mr. Speaker, Jaime Chamorro, editor of La Prensa, the most prominent newspaper in Nicaragua, a foe of dictatorships of the right and left, has written an important and persuasive article outlining the case against the Communist government of Nicaragua and in support of aid to the democratic resistance.

Yesterday, April 8, the Associated Press carried a story from Managua, stating that La Prensa was not published Monday, April 7 "because government censors had eliminated almost 60 percent of the articles planned for the edition."

Given the circumstances under which he is forced to live by the Communists, Mr. Chamorro has displayed extraordinary courage in bringing to our attention the plight of his country. It is inconceivable to me that anyone could read this article and still not understand the obvious totalitarian nature of the Sandinista's Communist dictatorship.

At this point I insert in the RECORD, "Don't Abandon the Nicaraguan People," by Jaime Chamorro, the Washington Post, April 3, 1986.

The article follows:

DON'T ABANDON THE NICARAGUAN PEOPLE

(By Jaime Chamorro)

MANAGUA.—As the question of sending $100 million in aid to the anti-Sandinista rebels was being discussed in Congress, the bishop of León, Nicaragua, Monsignor Julian Barni, made the following comment: "While in the United States they are discussing the $100 million, the Soviet Union has already given $100 million and much more without any discussion at all." Bishop Barni added: "What is necessary is that both imperialist powers, not one alone, stop complicating matters in Nicaragua. The Nicaraguan people have fought to establish a true democratic regime and hope to achieve one. This is what matters most."

Nicaragua's problem, in effect, is not only a problem of the Nicaraguan people—their loss of freedom, civil and political rights. The problem is not only the total absence of democracy and political pluralism or the suppression of freedom of expression. Nor is it just the problem of discontent that prevails as a result of the same kinds of disastrous social and economic conditions that brought on the revolution. Nor is it only the persecution of the church, as if we have never seen this in the history of our country. Nor is it the 10,000 political prisoners.

In addition to these disgraces, which in one form or another we have seen appear and disappear in most Latin American countries, there emerges a particularly grave situation: the Sandinistas are transforming the Nicaraguan revolution, fought for by all Nicaraguans, into a revolution that serves the purposes of Marxism-Leninism. That is to say, they are taking a national movement and turning it into a beachhead for communist expansion. And they have sacrificed the national interest for the benefit of this cause.

Before the Sandinistas reach this goal, those Nicaraguans who are fighting for democracy have the right to ask for help from wherever they can get it. It is a cause far too important to lose. For the Nicaraguan people, the issue at hand is of such transcendental importance that they cannot vacillate at all in choosing the right position. The future of the freedom of generations of Nicaraguans hangs in the balance.

Those who argue that to give aid to the Nicaraguan rebels would be a violation of the "principle of a people's right to self-determination" are mistaken. These people seem to ignore or perhaps forget deliberately that self-determination applies to peoples, not oppressive governments that do not legitimately represent the will of the people.

They try to forget as well that the same Sandinistas received direct military aid from other countries when they were fighting to overthrow the Somoza dynasty. And despite the fact that the Sandinistas were receiving aid in the form of arms from other countries, no one accused those countries of being guilty of aggression toward Nicaragua. The reason is that the Somoza regime, like the Sandinistas today, did not represent the will of the people.

The free peoples of the world, and particularly those in America, both North and South, must not in this critical time abandon the Nicaragua people because their struggle is also the struggle for the future of the Western democracies. Nicaragua has become an important point of East-West confrontation. That Nicaragua in the long term could determine the balance of forces between the East and the West and ultimately the security of the United States and the Western Hemisphere as a whole may seem an exaggeration. But everything depends on future actions and the capacity of the democracies to defend themselves.

In the United States, the debate centers on whether the Sandinistas represent a serious threat to U.S. security. President Reagan argues firmly that they do. Nicaraguan President Daniel Ortega has declared that he is prepared to discuss matters of regional security, but he refuses to speak with anyone regarding Nicaragua's internal situation.

A short time ago, two members of the U.S. Congress debated on television whether to give the $100 million to the Nicaraguan rebels. One of them, who opposed aid, asked: How is it possible that such a small country with a population of only 3 million could pose a security threat to a great military power such as the United States? Against a power like the United States it would be impossible for even a single plane or tank to reach San Antonio, Texas, without it being destroyed.

When I heard the congressman's statement I couldn't believe he was serious. The danger is not military: naturally, when we speak of the military, we think of a war between the United States and Nicaragua. The danger is that the Sandinista revolution is not a revolution of the Nicaraguan people. Managua is filled with internationalists from Latin American countries who wield influence in this revolution and whose aims are the expansion of communist influence and Soviet domination in the region.

Nicaragua with its army of 60,000 men (Somoza's army had only 7,000) cannot be a military threat, nor can Cuba, whose army and militia consist of more than a million men. This absurd idea of a direct military threat from the Sandinistas is an attempt to obscure the real danger of the Sandinistas.

Their strategy is to prop up their communist regime in Nicaragua by sacrificing the freedom of the Nicaraguan people while they inspire, aid and arm, from Managua, insurgencies throughout Latin America, "movements of national liberation" that will convert the entire continent into an immense base of insurrection.

Perhaps now the idea of Nicaragua's becoming a serious military threat to the United States seems absurd, but in the future it could take on a far more serious air. Sooner or later, in 20 or 30 years, Latin America is going to succumb to one form or another of communist domination. Mexico is not necessarily an exception. It might one day be the country most likely to fall. Moreover, Mexico is considered by the commu-

nists to be the country that best fits into their strategy.

If all of this comes to pass, the balance of power between East and West, will be definitively in favor of the East and spending $100 million or a billion dollars will not reverse it. It could bring a world war to the doorstep of the United States. When Latin America, or much of Latin America, is under the influence of the Eastern bloc, NATO will no longer be in Europe; it will be in San Antonio, Texas.

But if the president of Nicaragua wants to have a dialogue on the subject of U.S. security, why not do it? We believe that dialogue is necessary. It should not be a dialogue solely on U.S. security, but also on our democracy and freedom—something that repels the Sandinistas, because making concessions by restoring democracy and freedom in Nicaragua will be their political death. The negation of the system that has been established will be the end of their internationalist and expansionist aims.

In addition, the Sandinistas have no reason or motivation to negotiate because the counterrevolution is in a ruinous state. This is because Reagan has not and will not be able to, as a result of congressional opposition, give effective aid so that the resistance can achieve its objective. In negotiations one concedes something in exchange for something else. The Sandinistas have a lot they can give. Reagan has nothing left to offer; Congress has already given it.

Daniel Ortega hopes to achieve the total elimination of the counterrevolution in exchange for the promise not to be a military threat to the United States or to Nicaragua's neighbors; not to allow the Soviets to install military bases, and to remove all Cuban advisers. With this the Sandinistas could achieve their consolidation and a free way to continue their expansionist aims through nonmilitary, but not less dangerous or effective, means.

As Jean-Francois Revel, in his book "How Democracies Perish," writes: Democracy "awakens only when the danger becomes deadly, imminent, evident. By then, either there is too little time left for it to save itself, or the price of survival has become crushingly high."

RICHMOND, CA, CITY COUNCIL URGES BAN ON NUCLEAR TESTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. MILLER of California. Mr. Speaker, on March 24, 1986, the City Council of Richmond, in my Seventh District of California passed a resolution recognizing the unique opportunity we have to put an end to the madness of the nuclear arms race by joining the Soviet Union's testing moratorium and immediately banning the testing of nuclear weapons.

The active support of the City Council of Richmond for a comprehensive, mutually verifiable nuclear test ban treaty is to be highly commended. Their efforts to focus public and government attention on the economic costs of the arms race, the verifiability of testing, the potential for spreading weapons to nonnuclear countries, and the grave danger of nuclear war are a great service to the citizens of Richmond and the Nation.

More accurate and more destructive weapons are unnecessary and only bring the world closer to the brink of catastrophe. We cannot afford to let a rare opportunity slip away. The city of Richmond and I again strongly urge the President to quit the tests and show the world that the United States is serious about arms control.

The text of the resolution follows:

CITY OF RICHMOND,
March 26, 1986.

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for favorable consideration is copy of Resolution No. 42-86 urging a ban on nuclear testing, adopted by the Richmond, California City Council at its meeting held March 24, 1986.

Very truly yours,

HARLAN J. HEYDON,
City Clerk.

Enclosure.

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND URGING A BAN ON NUCLEAR TESTING

Whereas, a nuclear war would result in death, injury and disease on a scale unprecedented in human history;

Whereas, spending for the arms race is contributing to record budget deficits that threaten our nation's economic security while programs providing essential assistance to communities throughout the country are being cut back;

Whereas, a ban on nuclear testing would promote the security of the United States by constraining new developments in the U.S.-Soviet nuclear arms competition and by strengthening efforts to prevent the spread of nuclear weapons to non-nuclear countries;

Whereas, a ban on nuclear testing can be verified with high confidence by a worldwide network of seismic monitors, satellites and other verification technology operated by the United States and other nations;

Now, therefore, the Richmond City Council calls upon the President to immediately respond to the Soviets' unilateral halt of testing by joining them in a mutual and verifiable suspension of testing as a first step towards freezing and reversing the arms race. This body also calls upon the members of our congressional delegation to support legislation that would enact a moratorium on nuclear testing, to be continued as long as the Soviets do not test. Copies of this resolution shall be forwarded to the President and to the Senators and Representatives comprising our congressional delegation.

DR. LAURANCE V. FOYE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. MONTGOMERY. Mr. Speaker, Dr. Laurance Foye, the outstanding Director of the Veterans' Administration Medical Center in San Francisco, retired from the agency on March 1, having served the public for more than 33 years. His leaving the Department of Medicine and Surgery [DM&S] will be a great loss and veterans throughout the great State of California, and others who have benefited from his excellent service through the VA will miss him.

I first came to know Dr. Foye when he was named Deputy Chief Medical Director in 1974. The then Chief Medical Director, Jack Chase, and Larry Foye were a great team and members of the Veterans Affairs' Committees of the House and Senate developed a relationship with "the team" that meant much to the Congress and the VA. They were very good years.

As Dr. Foye retires from Federal service, he can reflect with great pride on a long and eminently successful VA career. Following completion of his military service in 1946, his VA career began at the VA Medical Center, San Francisco, CA, as a medical intern from 1952 until 1953. Dr. Foye's unique abilities were quiclky identified and in 1953 Dr. Foye was promoted to the position of junior and intermediate resident in medicine. In 1956, Dr. Foye assumed the position of senior medical resident at that facility. Following a brief 1 year absence from the VA to further his studies at the Cowell Memorial Hospital, University of California, Berkeley, Dr. Foye returned to the VA Medical Center in San Francisco as Assistant Chief Medical Service in 1958. He remained in that position for 8 years, attaining the rating of chief grade.

Throughout Dr. Foye's illustrious medical career, he concentrated his efforts on cancer research. Having been recognized for his efforts in this area, Dr. Foye accepted the position as executive secretary, Chemotherapy Committee at the National Instituutes of Health in Bethesda, MD, from 1966 to 1968. The National Institutes of Health also identified Dr. Foye's outstanding potential, and, as a result, he was promoted to the position of executive secretary for the Clinical Investigation Review Committee. Dr. Foye remained in this position until 1970 when he returned to the Veterans' Administration accepting the position of Deputy to the Assistant Chief Medical Director [ACMD] for research and rehabilitation at the VA Central Office, Washington, DC. His knowledge of, and accomplishment in, research proved invaluable to the VA's Department of Medicine and Surgery. During his tenure in this position, Dr. Foye was instrumental in expanding the research program of the VA by enhancing cooperative and joint efforts between our medical centers and affiliated medical schools. By concentrating efforts, Dr. Foye was able to reduce duplicative efforts thereby concentrating resources toward a common goal. It was from this effort that arose a new level of understanding and relationship between the VA and affiliated teaching institutions. In 1973, Dr. Foye accepted the position of ACMD for academic affairs and continued to expand his efforts until the majority of VA medical centers were affiliated with university medical schools. To this day the VA remains the organization most responsible for the higher education of physicians within this country.

From 1974 through 1978, Dr. Foye accepted the number two position within the Department of Medicine and Surgery, as Deputy Chief Medical Director. As Deputy Chief Medical Director of the largest medical system in the free world, Dr. Foye was instrumental in

providing the leadership necessary to upgrade and expand the overall VA medical system by constructing new and replacement medical centers, obtaining nationally and internationally recognized physicians to care for our veteran patients, and promote the overall quality of care within our system. His aggressive and forthright management style often demonstrated a tolerance for peculiarities of individuals which allowed him the opportunity to mold the diverse personalities of both the administrative and professional staffs toward a common goal.

In 1978, Dr. Foye stepped down as Deputy Chief Medical Director to return to his beloved San Francisco and accept the position of Director of that Medical Center. He quickly identified the need to upgrade and expand the physical plant at the medical center. His 8-year effort has vaulted the San Francisco VA Medical Center from an affiliated hospital to one of the "flagship" medical centers within our system, offering a multitude of specialty care.

Perhaps the most dominant personal characteristic, that of conducting official business with impeccable integrity, is evident in his tenure as Medical District Director. He demonstrated the ability to create organizational structure to address pressing issues and willingness to take controversial positions in the Medical District Initiated Program Planning [MEDIPP] process, when warranted. He served as a preceptor in the development of newly appointed directors. Due to his performance and reputation as one of the top District Directors in DM&S, Dr. Foye was selected to the Chief Medical Director's Field Advisory Committee and has served on national task forces, in the design and implementation of MEDIPP and restructuring of DM&S.

Dr. Foye can be justly proud of his career with DM&S and the Federal Government where he exemplified the qualities of an outstanding, ethical human being as well as an outstanding Federal manager. We wish him well, Mr. Speaker, as he takes time to enjoy some of the finer things in life which he so richly deserves.

BLACK UNITED SERVICE CLUBS OF JOHNSTOWN ANNUAL COMMUNITY RECOGNITION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. MURTHA. Mr. Speaker, it is an honor for me to again this year place in the RECORD recognition of a group of community-minded citizens being honored at the annual dinner of the Black United Service Clubs of Johnstown on April 26.

I often remark that the history of our great Nation is written less by the headline-makers than by the individual acts of commitment, dedication, and caring that go on in our communities. That marks what America is all about. That is the pride and tradition of helping one another that has made our Nation great. It is against that measure that America is at its greatest.

And it is against that background, that it is my pleasure to summarize briefly the efforts of this year's award winners.

Robert Zakula: Recognized as an educator, a teacher, and a coach, Zak—as he was known to many—influenced the lives of hundreds of young people. It is impossible to count how many community, business, and civic leaders today received a boost from the attention and instruction of Zak. As we increasingly see in the stories about society's changes, there is no higher calling than working with our young people during the troubled, critical years of their lives. Against that measure, Zak can take great pride in his accomplishments. He has also been active on the Salvation Army Advisory Board, the Lions, retired organizations, and the St. Nicholas Serbian Church.

Dorothy Lewis: Mrs. Lewis is the director of community services for the Cambria County Community Action Council, and has been particularly active in working with disadvantaged youths in the community. Known to many as "Ms. Dice," Dorothy has provided counseling, job aid, and finding training opportunities for many young people. Even more important, Dorothy has providied them with support, with understanding, with letting them know that they can reach their goals, that their dreams are not impossible. For each youth promoted to new achievements and new commitments, our society gains tenfold, and Dorothy has met that challenge with a devotion that has benefited everyone in the community. She is also very active in other community groups including the Pennsylvania Human Relations Advisory Committee and the Mt. Sinai Institutional Baptist Church.

John A. Bennett: While Congress and the courts can pass and approve laws aimed at justice and equality, it is only by making those laws work for people that they prove great, and that is the work that John has undertaken for over 35 years. His leadership in the Johnstown Branch of the NAACP has brought hundreds of members of the minority community into the economic mainstream. His work with the NAACP and the Johnstown Regional Central Labor Council as civil rights chairman has been in the greatest tradition of the basic principles of our Nation, and has deeply affected the lives of many local residents and the entire community. Also active in the Mt. Sinai Baptist Church, John has combined his faith with our Nation's principles to make our community, State, and Nation stronger for striving to fullfill our principles of equality and fairness for all.

Delphine Andrews: Mrs. Andrews has shaped a career over the last two decades that has bridged the gaps of diverse groups in our community, with the constant theme of caring and helping. Delphine worked with the Cambria County Community Action Council as a neighborhood aide; she worked with the Johnstown Chapter of Children with Learning Disabilities; following the disastrous 1977 flood she worked with people who suffered traumatic experiences in the flood; and for the past 7 years Delphine has been a caseworker with the Cambria County Area Agency on Aging. Speaking specifically of raising children, Delphine said, "you may not have a lot of material things to give your children, but give them your love and encouragement." That has been true of Delphine's entire life and community commitment, and because of it, our entire community and hundreds of individuals have benefited. Her service has been in the highest tradition of individual commitment and concern.

It is a pleasure to join in recognition of these individuals and the Black United Service Clubs of Johnstown for their commitment to our area and the great principles of our Nation. It is recognition that is truly deserved.

RULE ON H.R. 3131, THE TELECOMMUNICATIONS TRADE ACT OF 1986

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1986

Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means on Wednesday, April 9, 1986, favorably ordered reported to the House of Representatives H.R. 3131, the Telecommunications Trade Act of 1986.

I wish to serve notice, pursuant to the rules of the Democratic caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this legislation by the House of Representatives.

SENATE COMMITEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 15, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 16

9:00 a.m.

Armed Services

To resume open and closed hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of De-

fense, focusing on Navy and Marine Corps posture.
SR-222

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, World War I Veterans, Jewish War Veterans of the U.S.A., and the National Association of Atomic Veterans.
SD-106

9:30 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on the overcrowding issue of the District of Columbia prison system.
SD-562

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, and college housing loans.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Marine Mammal Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue oversight hearings on mass transit.
SD-538

Energy and Natural Resources
Business meeting, to resume consideration of S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by the Nuclear Regulatory Commission licensees or Department of Energy contractors, S. 570, S. 372, S. 913, and S. 946, measures to improve the administration of the Federal coal leasing program, and other pending calendar business.
SD-366

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Judiciary
To hold hearings on S. 2281, to provide additional penalties for fraud and related activities in connection with access devices and computers.
SD-628

Labor and Human Resources
To hold hearings on Acquired Immune Deficiency Syndrome.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Security and Terrorism Subcommittee
To hold oversight hearings on activities of the Drug Enforcement Administration, Department of Justice.
SD-226

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold joint hearings with the House Committee on the Judiciary's Subcommittee on Courts, Civil Liberties, and the Administration of Justice to review intellectual property law and technological change.
SR-301

11:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, Postal Service, and general government programs.
SD-124

Armed Services
Closed business meeting, to resume markup of proposed legislation to reform the military retirement system.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the National Aeronautics and Space Administration and the Department of Defense assured access to space.
SR-253

Judiciary
To hold hearings on pending nominations.
SD-226

Conferees
On H.R. 2005, to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD-406

4:00 p.m.
Select on Ethics
Closed business meeting.
S-146, Capitol

5:30 p.m.
Rules and Administration
Business meeting, to mark up S. 2059, to control franking costs of Members of Congress, S. 2255, to prohibit the expenditure of Federal funding for congressional newsletters, and S. Res. 374, to limit the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986.
SR-301

APRIL 17

9:00 a.m.
Armed Services
To resume hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on Air Force posture.
SR-222

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including bilingual education, vocational and adult education, education research and improvement, and libraries.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Attorney General, Department of Justice.
S-126, Capitol

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings with the National Ocean Policy Study on S. 2138 and H.R. 2935, bills to establish a National Marketing Council to enable the United States fishing industry to establish a coordination program of research, education, and promotion to expand markets for fisheries products.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1319, to relieve the Washoe County Water Conservation District, Nevada, of certain Federal repayment obligations, and S. 1772, to convey certain real property to the Pershing County Water Conservation District.
SD-366

Foreign Relations
To hold hearings on arms sales to Saudi Arabia.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
To hold hearings on S. 2118, to provide for the distribution of funds appropriated to pay a judgment awarded to the Sisseton and Wahpeton Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142 and 359.
SD-485

Joint Economic
To resume hearings on the quality and accuracy of U.S. economic statistics.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

Judiciary
To resume oversight hearings on white collar crime in the United States.
SD-226

4:00 p.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

APRIL 18

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume open and closed hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on Navy nuclear and reactor programs.
SR-232A

9:30 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Travel and Tourism Administration.
SR-253

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Judiciary
To hold hearings on attorney fees forfeiture.
SD-226

APRIL 21

9:30 a.m.
Finance
To hold hearings on the Federal excise tax provisions of H.R. 3838, proposed Tax Reform Act of 1985.
SD-215

Foreign Relations
To hold oversight hearings on activities of the Agency for International Development.
SD-419

APRIL 22

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the Department of Agriculture, focusing on the Soil Conservation Service, Agricultural Stabilization and Conservation Service, Office of the General Sales Manager, Foreign Agricultural Service, Office of International Cooperation and Development, and the Food for Peace program (P.L. 480).
SD-138

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mediation and Conciliation Service, and the United States Institute of Peace.
SD-116

Foreign Relations
To continue oversight hearings on activities of the Agency for International Development.
SD-419

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

Energy and Natural Resources
To hold hearings on S. 2073, to require the Nuclear Regulatory Commission to establish procedures, standards, and criteria for preapproved sites and standardized designs for nuclear powerplants and to revise the procedures for issuing construction and operating licenses.
SD-366

Select on Indian Affairs
To hold hearings on S. 1991, to authorize funds for fiscal years 1987-1990 for Native American programs.
SR-385

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and anti-terrorism programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navajo-Hopi Indian Relocation Commission, and the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.
SD-192

Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 1696, to establish a federally declared floodway for the Colorado River.
SD-406

3:00 p.m.
Rules and Administration
Business meeting, to consider the schedule for the receipt of vendor responses to the amended request for a proposal for the procurement of a new telephone system for the Senate, to review the status of the present procurement process, and to consider alternatives to a Congress-wide system, and other pending committee business.
SR-301

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, and the National Commission on Libraries and Information Science.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space station program.
SR-253

Labor and Human Resources
To hold hearings on S. 1815, to prohibit any employer from using any lie detector test or examination in the work place, either for pre-employment testing or testing in the course of employment.
SD-430

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Federal Election Commission.
SR-301

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Navy aircraft procurement programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Railway Association and Conrail.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

1:30 p.m.
Foreign Relations
To continue oversight hearings on activities of the Agency for International Development.
SD-419

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, fo-

cusing on atomic energy and defense activities.
SD-116

Environment and Public Works
To hold hearings on the nomination of Frank H. Dunkle, of Montana, to be Director of the U.S. Fish and Wildlife Service, Department of the Interior.
SD-406

APRIL 24

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold hearings on S. 1121, to encourage foreign agricultural trade by improving the quality of grain shipped from U.S. export elevator facilities.
SR-332

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the Department of Agriculture, focusing on Farmers Home Administration, and the Farm Credit Administration.
SD-192

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116.

Foreign Relations
To continue oversight hearings on activities of the Agency for International Development.
SD-419

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for intelligence programs.
S-407, Capitol

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-138

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold hearings on S. 1322, proposed Geothermal Steam Act Amendments of 1985.
SD-366

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1662, proposed Training Technology Transfer Act of 1985.
SD-628

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

4:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

APRIL 25

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-342

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the findings of the Presidential Commission on the Space Shuttle Challenger Accident.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to review the Department of Energy's nuclear research and development programs.
SD-366

Select on Indian Affairs
To hold hearings on S. 2105, S. 2106, and S. 2107, bills to provide for the settlement of certain claims of the Papago Tribe of Arizona.
SR-385

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

Environment and Public Works
To hold hearings on domestic and international oil pollution issues.
SD-406

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2214, to prohibit criminal penalties for violations of the financial disclosure provisions of the Ethics in Government Act of 1978.
SD-342

APRIL 30

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on the human resources impact of reentry of women into the labor force.
SD-430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on embassy security enhancement.
SD-419

Governmental Affairs
Civil Services, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alterna-

tive personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.

SD-342

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Food and Drug Administration of the Department of Health and Human Services, and the Commodity Futures Trading Commission.

SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on employee benefit and pension policy implications contained in proposed tax reform legislation.

SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.

SD-192

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold hearings on the impact of coal and electricity imports on the domestic coal industry.

SD-366

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 571, proposed Drug Money Seizure Act.

SD-538

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.

SD-192

MAY 2

10:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space transportation system.

SR-253

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Air Force aircraft procurement programs.

SD-192

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.

S-146, Capitol

Labor and Human Resources
To hold oversight hearings on medical malpractice.

SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.

SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for strategic systems.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.

SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Holocaust Memorial Council and the Smithsonian Institution.

SD-192

MAY 9

9:30 a.m.
Finance
Health Subcommittee
To hold hearings to examine the condition of rural hospitals under the Medicare program.

SD-215

MAY 13

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.

EF-100, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration, Department of Health and Human Services.

SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.

S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.

SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.

SD-138

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 525, to provide for the transfer to the Secretary of Health and Human Services and authority of the Secretary of Energy to conduct epidemiological studies of radiation effects.

SD-342

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2050, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

10:00 a.m.
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold hearings on the prospects for exporting American coal.
SD-366

2:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on strategies to reduce hunger in America.
SD-430

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 3

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on statistical policy for an aging America.
SD-342

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings to review the imposition of user fees in FDA approval procedures for new drugs.
SD-430

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations to the National Advisory Council on Women's Educational Programs.
SD-430

JUNE 17

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2055, to establish the Columbia Gorge National Scenic Area.
SD-366

Labor and Human Resources
To resume oversight hearings on medical malpractice.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 25

9:30 a.m.
Labor and Human Resources
To hold hearings on the administration of the Mine Safety and Health Review Commission.
SD-430

JULY 16

9:30 a.m.
Labor and Human Resources
To hold hearings on measures to improve the health of children.
SD-430

JULY 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

AUGUST 13

9:30 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 15

1:00 p.m.
Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

APRIL 16

9:30 a.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Aeronautics and Space Administration.
SD-124

2:00 p.m.
Foreign Relations
To hold hearings on the nomination of Morton I. Abramowitz, of Massachusetts, to be an Assistant Secretary of State.
SD-419

APRIL 17

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on information provided by NASA's 51-L Data and Design Analysis Task Force to the Presidential Commission on the Space Shuttle Challenger Accident.
SR-253

APRIL 23

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 2009, to require that Federal employees be paid by electronic funds transfer or any other economical or effective method.
SD-342

SENATE—*Tuesday, April 15, 1986*

(Legislative day of Tuesday, April 8, 1986)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Lord God Almighty, in these crucial, explosive, unpredictable hours, move upon the hearts and minds of the leadership of all nations that justice may be done and truth prevail. Wherever one looks today there is trouble and sooner or later that trouble confronts the Senate and demands a response. Help fallible men and women who bear enormous responsibility for national and world peace and safety and for whom decision is inescapable find their way through controversy and confusion to the way of sanity and peace. We pray for the protection and safety of newspeople and aliens in Libya. Father in Heaven, give us all the resolve to seek Your will and do it on Earth as it is in Heaven. In Jesus' name Who lived to do Your will. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders will have 10 minutes each. The distinguished assistant leader, Senator CRANSTON, is here. Following that, special orders in favor of Senators HAWKINS, CRANSTON, HATFIELD, PROXMIRE, DOMENICI, and CHILES for not to exceed 5 minutes each, and routine morning business not to extend the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

At 10 a.m., by a previous unanimous consent, the Senate will resume consideration of S. 426, the hydrorelicensing bill.

The Senate will stand in recess between the hours of 12 noon and 2 p.m. in order for weekly party caucuses to meet.

At 2 p.m., the Senator from Colorado [Mr. HART] will be recognized to offer a substitute amendment to S. 426. Between 10 a.m. and noon, if the distinguished Senator from Montana has any amendments to S. 426, it is my understanding he will bring up one or more amendments and hopefully complete action on those amendments by noon, but if any rollcall votes should be ordered this morning, they will be later in the afternoon.

We will have rollcall votes throughout the day, and it is the intention of the majority leader to complete action on S. 426 during today's session. I know the distinguished Senator from California has an interest in completing action on S. 426.

Mr. CRANSTON. Yes, I have.

Mr. DOLE. I know the interest comes from around the country. I think we are all interested in completing action on it and perhaps, also, the crime bill. Then we will still be on the motion to proceed to S. 1774 to amend section 1951 of title 18 of the United States Code.

Also, sometime today, as soon as we have damage assessments and photographs, it will be our hope that we can have a rather extensive briefing by the State Department, the Defense Department, Secretary Weinberger, and Secretary Shultz, for all Senators in S-407.

We are advised by Defense and State Department officials that if we can do it a little later in the day we will have more information. So hopefully we could be finished on the floor by 4, 4:30, or 5 o'clock.

I will advise the distinguished minority leader as soon as we are able to firm up a time, and I believe all Senators want information as quickly as possible. But they also want reliable information. They want facts and not conjecture.

So it would be my hope that we can wait until we have some information that will be helpful to all Members.

UNITED STATES AIR RAID ON LIBYA

Mr. President, today is a day for unity—for Congress and the American people to stand together in support of the President, and his action to defend our country and our citizens against terrorism.

For years, Libyan Dictator Qadhafi has orchestrated, and carried out, a reign of terror; not only against the United States, but against innocent people the world over. America has tried every diplomatic and nonviolent response to Qadhafi's attacks. But to no avail.

Now, there is unassailable proof that the trail of blood from the latest atrocity, the bombing of the Berlin disco, led straight to Qadhafi's headquarters. There is unassailable proof that Libya ordered other acts of terrorism, including bomb attacks on innocent foreign citizens trying to obtain visas at a United States Embassy. There is unassailable proof that Qadhafi planned to try again, with assaults on American installations, officials, and citizens on four continents.

We have the facts, we have the will, and we have the right to defend ourselves. That right is written in the United Nations Charter and our own Constitution.

And, as the President said last night, if we have to, we are prepared to defend ourselves again.

We are under no illusion. Qadhafi may strike again. But consider what he would have done had we not acted; had we simply rolled over and pretended that his murderous attacks, his murderous plans would somehow go away. Under those circumstances, the carnage we have seen in Berlin, in Rome, in Vienna, and everywhere around the globe where Qadhafi and his ilk have struck would have been multiplied many times over.

The President did what he had to do. And, in my view, what the American people wanted him to do. He met his responsibilities as Commander in Chief, and he met his responsibilities to the Congress.

Now it is up to us to do our part. To stand by the President, to stand by our Armed Forces, to stand together in doing whatever it takes to answer the challenge of international terrorism.

Mr. President, having been present, as was the distinguished Presiding Officer, Senator THURMOND, at the briefing yesterday afternoon from 4 o'clock until 6, I think it is fair to say this was a decision that was difficult for the President to make. But when you look at the options and the alternatives, there is no doubt, I think, in the minds of everyone there the President made the right decision.

Some would argue that Congress should have been consulted earlier. I guess we can argue that point. I do not think that is the important point. The important point is we are trying to deter international terrorism. Someone has to take the action.

I believe that the President, by consulting with the Congress 3 hours ahead of the strike in the Benghazi and Tripoli areas, fulfilled his responsibilities in a manner consistent with the War Powers Act. The administra-

tion intends to continue in that spirit. I am hopeful that there will not be any dispute or hairsplitting over whether or not we had enough notice or that it should have been 5 hours, 7 hours, or the day before yesterday.

I am convinced that Democrats and Republicans, when asked the direct question, "What would you do?" would have the same response.

I know that the President will be concerned when he learns casualties may have included civilians, just as he was concerned when American civilians, innocent women, children, and others were killed by terrorist acts. But I believe the President chose the military target, not an economic target. They chose targets purposely that would keep down civilian casualties.

We can second-guess consultation, and we can second-guess other things. But it would seem to me that there are not any easy choices. There are only hard choices. We have only one President. He made the decision. In listening to some of the congressional response so far, I believe that the support is nearly universal.

I hope now that our allies would understand we are firm in our resolve to stop international terrorism. I must say that it has been less than heartwarming to see the response from some of our allies, particularly France, which would not let us overfly France on the way to Tripoli or Benghazi. So it would be my hope that our allies, and our friends around the world, would understand we are properly concerned for their welfare and the welfare of all of our citizens, for the freedom to travel, for the freedom of the skies, and for the freedom of the seas.

I really believe that the President has set the proper course and the proper tone—a proportionate response directed at terrorist targets in a country whose leader's name, "Qadhafi" has become almost synonymous with the word "terror."

SENATOR HAWKINS' SPECIAL ORDER

Mr. DOLE. Mr. President, I wish to read the statement by Senator HAWKINS relating to Ambassador Gavin. The statement is as follows:

TRIBUTE TO AMBASSADOR JOHN GAVIN

Mrs. HAWKINS. Mr. President, this country will soon lose the services of a true pillar of support for United States interests in Central America in general and in Mexico, in particular. I am speaking of Ambassador John Gavin, who has announced his intention to resign after serving with true distinction for five long years in Mexico City.

Every American should take pride in the effective leadership demonstrated by Ambassador Gavin during U.S. efforts to provide relief to Mexico following its tragic earthquake. Through his vision of courage, the United States was able to respond rapidly to Mexico's need for medicine, food, doctors, and disaster relief personnel.

Like all great public servants who actually make a difference with the issues they work on, Ambassador Gavin had his share of foes within the bureaucracy. Mr. Gavin did not belong to the "don't rock the boat" school of diplomacy. When necessary he was willing to let the Mexican Government know they were hurting America's interests, whether it be our Central American policy, our narcotics control policy, or our economic interests. Most importantly, he knew how to get their attention. He did not see diplomacy as the art of glossing over real problems that need attention. Rather than covering up, Ambassador Gavin opened up the dialogue to solve problems rather than letting them fester.

Today's narcotics control summit in Mexico, which will be attended by Attorney General Meese, along with representatives of the U.S. Customs Service, the U.S. Coast Guard, the Drug Enforcement Administration, and Department of State, is a tribute to Ambassador Gavin's timeless efforts. For over a decade, no major narcotics trafficker has been convicted in Mexico. Only by the continued interest of senior policy makers in both our nations will narcotics control become a priority in our relationship. The refreshing candor and courage of Ambassador Gavin has established a starting point for United States and Mexican leaders to follow.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The distinguished assistant Democratic leader is recognized.

Mr. CRANSTON. I would like to ask the distinguished majority leader how late he thinks we will be in today, and if he has any clues.

Mr. DOLE. I think if we have the briefing about 5 o'clock, we would try to complete action in the Senate before that briefing. I do not expect a late evening.

Mr. CRANSTON. I thank the distinguished majority leader.

Mr. President, I ask unanimous consent that the 5 minutes allocated to me be vitiated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I reserve the time of the minority leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. BOSCHWITZ). Without objection, it is so ordered.

THE PRESIDENT'S RESPONSE TO QADHAFI

Mr. THURMOND. Mr. President, I rise in support of the action of President Reagan yesterday in responding to Libya's Qadhafi, who seems intent on spreading terrorism throughout the world.

I was one of those who met with the President at 4 o'clock when he consulted with the congressional leadership at that time. In doing so, I think he met the requirements of the War Powers Act. There is no question in my mind, Mr. President, that the President is pursuing the right course. Time and time again we have had Americans attacked in various parts of the world. Our Embassies have been attacked, and terrorism has threatened our people long enough, the most recent being the American who was killed in Germany by a bomb.

Mr. President, it is well known that Mr. Qadhafi has been training terrorists in his country. It is well known that he is the world's foremost terrorist. It is also well known that he has attacked Americans, he has conspired with others to attack Americans, and insofar as I am concerned, the President acted wisely and courageously in taking the steps that he did.

How long can we go and not defend our people? This was a course pursued in self-defense of the American people.

As the Secretary of State said, it is matter of self-defense. That is what it was. We have been attacked so many times and we cannot afford to ignore this situation any longer. We must take steps to prevent a recurrence.

Someone said Mr. Qadhafi will just come back and again attack Americans.

Well, if he does that, he would have done it anyway. If he does that, I would expect this administration to respond again, and respond in a more severe manner. We simply cannot permit this to continue.

I admire the courage of the President because it took great courage in the face of some public opinion otherwise, and in the face of some political talk otherwise, and in the face of this being an election year. It may be said that we are taking steps here that may cause future trouble. But, Mr. President, President Reagan has pursued the right course. I do not know any other course a courageous President could have pursued.

What else could he have done? How much longer would he have to wait? I think he acted timely, he acted courageously, he acted wisely, and he acted in the best interests of the American people.

I commend President Reagan for the course he did take. I, for one, will back him up on it. I believe the Senate will back him up on it and the House will back him up on it, and I think the American people will back him up on it.

Mr. President, there may be other attacks. We must take steps to guard against further invasions by people like Mr. Qadhafi, whom the President

has called a "mad dog." That is a fitting term for him. That is exactly what he is. He has no regard for humanity. He will just kill in spite and try to bring together lawless elements in the world that can harm humanity.

I am proud of the President. I am proud of what he did. I am sure the American people will speak out when the time comes and back him up. I hope this Congress will not fail to back him up.

This is a foreign policy matter and everybody cannot make decisions on that. The President has to make the main decision. He has made the decision. He has made the right decision and I say, let us back him up.

I yield the floor, Mr. President.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

PRESIDENT REAGAN IS ON TARGET IN LIBYA

Mr. PROXMIRE. Mr. President, the President has taken precisely the right action in response to proven acts of terrorism by Libya under the control of Colonel Qadhafi. The U.S. retaliation was measured. Our air forces specially targeted terrorism installations. We took precautions to spare civilians as much as possible. The only reservations of this Senator is that the U.S. retaliation may not have brought sufficient force to bear on Libya to discourage further terrorist action directed by Qadhafi. The President was completely correct in promising to strike again with similar military retaliation if Qadhafi persists in his terrorist actions.

At the same time, the President has not taken the full economic actions against Libya that he should take. This country can and should insist that all American personnel leave Libya forthwith. We should sever all economic relations with Libya and continue to urge our friends in Europe and elsewhere in the world to do likewise.

GEOGRAPHY GIVES U.S. SHARP MILITARY ADVANTAGE OVER SOVIETS

Mr. PROXMIRE. Mr. President, what is the single, paramount consideration that most decisively influences the Congress' decisions on military spending? It is the threat represented by the Soviet Union. Is this not what President Reagan, like his predecessors, always uses as his prime argument for more appropriations for the armed services? I have recently spoken on the floor about the demonstrable military advantage this country has today achieved over the Soviet Union in relevant military power. In this speech I shall examine the striking military advantage the United States enjoys over its great superpower adversary for strictly geographic reasons.

The Soviet Union does have the advantage of occupying the largest land area of any nation on Earth. No nation is richer in natural resources, including energy resources, than the U.S.S.R. But the Soviet Union suffers very serious border problems. On its western Border, Russia dominates its neighbors through its puppet governments. The Soviets have a series of sullen, resentful bordering allies, including East Germany, Poland, Bulgaria, Czechoslovakia, Hungary and Rumania. The governments of these countries are tightly alined with the Soviet Union.

The people of these countries are another matter. They have repeatedly demonstrated their opposition to Russia in demonstrations, strikes, and even bloody uprising against great odds. In any Soviet invasion of Western Europe, the Soviet Warsaw Pact allies would be reluctant, foot-dragging allies or worse. In a Russian invasion of Western Europe, the Soviets would have to be concerned with sabotage and actual revolution from their Warsaw Pact allies.

In spite of its evident weaknesses, the North Atlantic Treaty Organization in Western Europe would confront the Soviets with a very tough resistance. Keep in mind that both England and France are full-fledged nuclear powers. Each of these countries has begun a buildup of its nuclear capability to a level of 1,000 nuclear warheads. Meanwhile, the United States has stockpiled literally thousands of tactical nuclear weapons throughout Western Europe. So on its western flank, the Soviet Union faces the serious threat of revolt among its own presumed Warsaw Pact allies in addition to a formidable NATO capability.

What does the Soviet Union face on its eastern flank? It confronts the biggest army in the world in manpower. China is four times larger in population than the Soviet Union. It is the biggest nation on Earth in population by far. It is also a full-fledged nuclear power. How about the Chinese economy? Could it support a Chinese military engagement against the Soviets. No question; the Soviet economy is clearly superior but no developed nation in the world has enjoyed the growth in economic strength that China has experienced over the past 2 or 3 years. And the economic explosion continues. Russia faces the same long historical conflict with China that it confronts with its presumed Warsaw Pact allies on its western front.

The hostility between the Soviets and its bordering neighbors east and west has persisted for centuries through profound ideological shifts. Those of us in the United States Congress consider the Soviet military force that confronts NATO. We too often ignore the fact that a third or more of the Soviet manpower, tanks, artillery and nuclear capability must be committed to its eastern border and we are reminded daily of the weaknesses of Russia's military machine in its dismal showing in Afghanistan. After 6 long years of Soviet military offensives, the primitive, feebly armed Afghans continue to defiantly rattle the superpower Soviets.

Now compare this Soviet geographic dilemma with what our country faces. We have one nation that shares our southern border: Mexico. Mexico has become our firm friend. Its government shares the same democratic system that we enjoy. The United States is far and away Mexico's principal trading partner. Mexico does not constitute the remotest kind of a military threat to the United States. Our countries both have a firm opposition to communism and Kremlin power plays. On our north, the United States occupies the longest undefended border between two sovereign countries in the world with Canada. Canada and the United States are each respectively the No. 1 trading partner of the other. We speak a common language. Both nations are proud of their democratic governments. Canada, like Mexico, has become our international partner and close friend.

On the east, this country is separated from Europe by one of the two great oceans of the world. On the west, the Pacific constitutes the vastest moat on Earth. It is true that an ocean can be viewed as a highway, an access for enemies as well as friends. A great coastal nation like the United States suffers a vulnerability as well as a protection by virtue of its ocean border. Which it is—a protection or a vulnerability—depends on seapower. Does the United States have the naval power to protect our coasts from invasion? The United States is without question the greatest seapower in the world, by far. That makes the Atlantic and the Pacific Oceans our great pro-

tection against invasion which they, in fact, have been since 1812.

That is not all the geographic advantage enjoyed by this country. The Soviet Union shares the Eastern Hemisphere—Europe and Asia—with other independent, large, highly developed and militarily powerful countries. The European Common Market consists entirely of Western European countries that are opposed to the Soviet Union and communism. Its gross national product exceeds that of the Soviet Union by more than 2 to 1. The Soviet Union in no sense dominates its hemisphere.

Now, how about the United States? Our country does dominate our hemisphere. It shares a far higher standard of living with Canada and no other Western Hemisphere country. Our country has a gross national product literally three times greater than the GNP of all other Western Hemisphere countries combined. We are the only nuclear power in the hemisphere. Our Navy greatly exceeds the combined force of all other Western Hemisphere navies. This is also true of our Air Force. Our land forces also enjoy conspicuous superiority in the Western Hemisphere to all other Western Hemisphere nations combined.

So, Mr. President, when the admirals and generals so consistently tell the Congress they would not trade our military position for that of the Soviet Union, you can see how right they are.

Mr. President, recently I said on the floor that the military advantage of the United States vis-a-vis the Soviets in conventional and nuclear military capability makes now, today, the ideal time for us to press for arms control negotiations. For those who say we should negotiate from strength, the answer is: Today we can deal from solid and demonstrable strength. Our geographic advantage makes that specially clear.

WHO'S RIGHT: STOCKMAN OR THE STOCK MARKET?

Mr. PROXMIRE. Mr. President, David Stockman's new book is a devastating indictment of the Reagan economic policies. That should shock a lot of Americans, who have viewed Reagan economic policies as just what the doctor ordered for the American economy. David Stockman understands more about the Reagan economic policies than any man alive or dead. Stockman was on the inside all the way. He has been the supreme numbers cruncher, the No. 1 budget wizard, the expert par excellence.

So is he right? Is the American economy headed for disaster? Who can convincingly rebut Stockman? Let's start with today's stock market. After all, where can you go for a more convincing or objective judgment of the country's economic future than the American stock market? The stock market is not rhetoric. It is not political puffery. The stock market goes up or down depending on how smart, hardheaded investors feel about the future of the American economy.

This is not a barroom boast investors are venturing. This is not a political speech. It is the commitment of hard cash by cold-eyed, calculating investors. And today's investors are not little guys. These are not the daffy old widows and dim-witted inveterate gamblers. These investors in today's stock market are highly trained professionals who manage massive funds. Have they been tested? They have, indeed. They are promoted or fired depending on their record, not on their personalities or whom they know.

So David Stockman tells us that the policies of the Reagan administration are leading the country to a historic collapse. To Stockman, the succession of runaway Federal deficits spell not just disaster; they spell economic collapse. On the other hand, the stock market in the last 6 months has put on a dazzling performance month after month for 6 months that appears to show a massive consensus of hardheaded, cold-eyed investors believe the American economy is on a happy, profitable, uphill, prosperous roll. So who is right? Have the Reagan economic policies given us an economic nirvana as the stock market boom seems to promise? Or is this country in for a first-class depression 1930's style, as David Stockman's analysis tells us?

Mr. President, here is one vote for David Stockman. Oh, sure, the stock market has been right more often than it has been wrong. And yes, today's stock market investors are, indeed, better able to judge the economy than the investors of years ago. But why have stocks been rising? Why have investors been selling bonds and buying equities? The answer does not have much, if anything, to do with the economy's future. The answer has to do with the choice America's investors have between a bond market that is promising a steadily lower return and a stock market that promises to rise in value precisely as interest rates fall.

For example, any investor who bought stocks 6 months ago and enjoyed the average upward rise received by the vast majority of stock market investors as reflected on the broad stock indices would have enjoyed an increase in the value of his investment of better than 30 percent, and that is in only 6 months. The annual rate of appreciation would be about two-thirds!

But if the investor instead chose to slug his investment away in a fixed interest security, the rise in value would be far less. So investors have been buying stocks on the assumption that interest rates would fall, thus driving investors from the bond market into the stock market. Will they continue to fall? Probably. Why? Because inflation will likely moderate for some time to come. The glut of oil will hold down energy prices. The oversupply of farm products will continue to hold down the price of food. There is also a massive 7 percent of the work force, more than 8 million, unemployed. That will hold down wage pressure on prices.

What has low inflation to do with low interest rates? Answer—everything. The prospect for continued moderate or declining inflation will hold down interest rates for the foreseeable future. Why? Because the major element in interest in any period of volatile prices is the level of inflation—the inflation premium. If prices stay down, interest rates stay down. And prices seem very likely to stay down. So the stock market has been rising not because economic prospects are bright. The stock market has been rising because interest rates are falling. That makes stocks a better investment than bonds.

All of this brings us to the main reason why inflation interest rates are declining. What is that? It is not the strength of the economy. It is the weakness of the economy. Do interest rates fall in a resurgent, exuberant economy? Of course not. Does inflation moderate when demand pushes the economy ahead? Never and no way. The American economy today is weak. It grew by less than 1 percent in the last quarter of calendar 1985. And the worst is yet to come. David Stockman calls the mountainous deficits of the past 5 years a disaster. He is right. Strangely enough, the rise in stock prices confirms the Stockman thesis that the economy is headed for disaster because this particular stock market boom is based on weakness, not strength.

We are, indeed, climbing a mountainous disaster. Getting down off that mountainous disaster is going to be sheer political hell. Every step of the way down from the $200 billion deficit level will carry this feeble economy down with it. Slashing the deficit is a prescription for recession.

So why do it? Because failing to cut the deficit is worse. It means we are piling up a mountain of debt for our citizens and future generations. So much of that debt will be owed to foreign countries that this country will lose much of its historic freedom. Eventually, that debt will force interest rates higher as lenders become surfeited with American debt and less and less confident that we have the will to repay it. And future Congresses will be tempted to turn to superinflation as the only way the country can meet its immense multi-trillion-dollar Federal debt obligation.

So, between the judgment of the stock market in the past 6 months and

the judgment of David Stockman, this Senator not only chooses Stockman—he is right; but this Senator believes the stock market confirms that he is right. That means we cut spending, cut spending, and then cut spending some more. Meanwhile, we raise revenues by requiring every person and every corporation to pay its fair share of taxes. The time to start is now.

MYTH OF THE DAY: THE CONTRA WAR IS JUST DEMOCRATIC RESISTANCE

Mr. PROXMIRE. Mr. President, the myth of the day is that the Contra rebels are true Jeffersonian freedom fighters.

To hear the administration tell it, the Contras are modern-day "minutemen" and the war they are waging in Nicaragua is "democratic resistance," to use the administration's own words.

Well, an article in the February 20th issue of the New York Times reveals that the Contras' war is far more than "democratic resistance."

There seems to be a great deal of terrorism in the Contras' violent revolution.

For example, the Times reports that one recent Sunday night on an unpaved road near the Nicaraguan border, a land mine blew up a pickup truck carrying 17 civilians.

A rebel band waiting in ambush then opened fire, killing five women, ages 28 to 70, and a Swiss agronomist.

That, Mr. President, is not democratic resistance. That is a terrorist attack.

"In recent months," according to the Times, "rebel bands have carried out attacks in which civilians have been killed, robbed, or otherwise abused."

A recent study by Amnesty International found that Contra rebels were guilty of torture and murder. The Washington Office on Latin America also recently reported 118 instances of rebels abusing civilians.

Now to be sure, the Sandinista government in Nicaragua also is guilty of terrorist activities. No doubt about that. Both Amnesty International and the Washington Office on Latin America also cite instances where the Sandinista government has abused civilians.

But that does not diminish the abuse that is being perpetrated by the Contras.

In pressing for military support of the Contras, the Reagan administration should not forget that some of those military activities it is supporting the administration would classify as terrorist attacks if they occurred in other parts of the world.

It is a myth to believe otherwise.

RECOGNITION OF SENATOR HATFIELD

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon [Mr. HATFIELD] is recognized for not to exceed 5 minutes.

Mr. HATFIELD. Mr. President, under the information of the leadership, I understand there is some time remaining. I ask unanimous consent that I might be able to finish my statement with 2 or 3 additional minutes, if necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

BACKSLIDING AGAIN

Mr. HATFIELD. Mr. President, today is April 15. Heretofore this date has been infamous for being the filing deadline for Federal income tax returns. Now we have a new reason to rue this day, for April 15 is upon us and Congress has not completed action on a budget resolution. Indeed, Congress has hardly begun.

In 1974, Mr. President, Congress enacted the Congressional Budget and Impoundment Control Act—Public Law 93-344—in a fit of missionary zeal that only reformed reprobates can muster. Those of us who were here at the time—and only 29 were—remember a good deal of praise for the act as our savior from haphazard action and frustrating delay. A new, orderly process was created with logical, manageable deadlines for action on the budget. A first concurrent resolution on the budget was to be reported by the Budget Committees by April 15, and adopted in identical form by both Houses by May 15. A second concurrent resolution on the budget was to be adopted by September 15, with all 13 regular appropriations enacted by the start of the fiscal year, which we moved from July 1 to October 1 to give us 3 additional months for budget deliberations.

I am getting older, Mr. President, and my memory may not be as sharp as it once was, but I do not recall that the Congress of the United States ever was as zealous in its adherence to those goals as it was in prescribing them. But that is only human nature, after all. It should not have surprised us too much. John Wesley was only one of the more recent theologians to remind us, as he did more than 200 years ago, of our fondness for backsliding.

While I may not clearly recall every budgetary episode of the past 12 years, I am very clear on last year, when Congress did not adopt a conference report on a budget resolution until August 1, right before the August recess, thus delaying action on appropriations bills and forcing us to resort to a continuing resolution of sizable proportions. Oh, how everyone complained when we dealt with the appropriations process in that way. There was great weeping and gnashing of teeth, and somber statements uttered within this Chamber and without, about what a travesty it was to conduct the Nation's fiscal business in such an irresponsible way.

So once again, Mr. President, Congress has found itself wandering in the fiscal wilderness with a troubled soul and the burden of manifold sins and iniquities. And once again, there arose a new priesthood, calling upon us to abandon our decadent ways and cling to a new ritual that would surely lead us to salvation and a paradise of balanced budgets. Why we fell for it, I do not know. But in clouds of incense, with incantations of magic formulas ringing in our ears and dire warnings of failure to abide by the new rules, the Congress passed Gramm-Rudman-Hollings, the Balanced Budget and Emergency Deficit Control Act of 1985, and went home with new conviction.

And where are we now? Alas, Mr. President, we have backslid again. Our conviction has waned. We have failed to adhere to our new ritual. We should not be surprised. No mere change in ritual can save us from our errant ways. We can concoct all the budgetary rigmarole we like, and offer up across-the-board cuts as burnt offerings to deficit reduction, and we will wind up no better off unless we have had a change of heart. The term is "repentance."

In the throes of revivial last fall, Gramm-Rudman-Hollings amended the 1974 Budget Act to require that the concurrent resolution on the budget be adopted by both Houses by April 15, a full month before the deadline that had been created by the 1974 act and observed most often in the breach. There were assurances all around that this time we would meet the deadlines. Well, we have not, Mr. President, and the reason is that Gramm-Rudman-Hollings did not regenerate the spirits of all the competing factions and special interests that created delay under the old regime. It just arbitrarily established a new deadline and hoped the magic of the new ritual would take over.

Not that an effort has not been made. Under the leadership of PETE DOMENICI, the chairman, and LAWTON CHILES, the ranking minority member, the Budget Committee of the Senate has produced a concurrent resolution on the budget covering fiscal years 1987, 1988, and 1989. That resolution, Senate Concurrent Resolution 120, was ordered reported by the committee on March 24, 1986, by a bipartisan rollcall vote of 13-9. Seven Republicans and six Democrats voted to report the resolution favorably. The measure has been on the calendar and available for consideration in the

Senate since we returned from the Easter recess.

As always, there are a number of reasons for our backsliding, and there are a number of consequences. I am not here today to blame anyone, but I cannot help but wonder where our zeal has gone, and I do want to mention some possible consequences of inaction.

The first that comes to mind is the effect of delay on the appropriations process. Under section 303(a) of the Budget Act, as amended, it is not in order for the Senate to consider fiscal year 1987 appropriations bills until a fiscal year 1987 budget resolution has been adopted by the Congress. The longer we delay the budget resolution, the longer the appropriations process will be delayed. The longer the appropriations process is delayed, the greater the likelihood of a massive continuing resolution, with all the anguish that causes. I cannot help but remember how the anguish of last year in part prompted the creation of our new ritual, and I cannot help but wonder why those who presided over that creation are not more vocal now in urging prompt and decisive action on a budget resolution.

I should say here that the procedural situation is not quite the same in the other body. There, too, it is not in order to consider an appropriations bill for any given fiscal year until the budget resolution for that year has been adopted, but that requirement can be waived at any time by adoption of a rule providing for consideration of an appropriations measure, and is not applicable at all under the terms of the Gramm-Rudman-Hollings statute after May 15. This is but one example of different procedures in the two Houses under Gramm-Rudman-Hollings. I will address others as the occasion arises.

Perhaps of greater importance than the immediate consequence of inaction for the appropriations process are the implications for our being able to meet other requirements of the ritual as we proceed with the process. It is accepted truth in this body that the easier decisions are made first and the harder ones are delayed. I have great admiration for the work of the Budget Committee in producing Senate Concurrent Resolution 120. I realize it was not easy to do. But it strikes me that reporting the measure, and considering it here in the Senate, are easier tasks than casting hard votes on the bills that will enact the resolution's recommendations into law. If we are stymied now on the relatively simple matter of considering the budget resolution, what will happen later? I am not optimistic.

Again, Mr. President, I am not here to cast blame, I know the majority leader and others are assiduously seeking a consensus so that we can consider and adopt a budget resolution at the earliest possible time. Senator STENNIS, the ranking minority member of the Appropriations Committee and the dean of the Senate, gave a forceful speech last week urging prompt action so that we can proceed with our business. I join with him in that, and I urge the 61 Senators who voted for Gramm-Rudman-Hollings last fall to rekindle their conviction. In light of the new religion I might be an old reprobate, but I believe we should at least proceed with the first steps of the new ritual.

Mr. CHILES. Will the Senator yield?

Mr. HATFIELD. I yield.

Mr. CHILES. I compliment the Senator from Oregon on his remarks and certainly thank him for his kind reference to the distinguished chairman of the Budget Committee, Senator DOMENICI, and myself.

I join with much of what he says. I sense the frustration he feels as we find ourselves at April 15, the deadline imposed by Gramm-Rudman-Hollings which said that we needed to speed up the budget process. I think the Senator is right. We tried in the Budget Committee to take that to heart. We went to work earlier. We produced a budget quicker than I can remember, and did it in a bipartisan way. We wanted to take it up before the Easter recess so it could be acted upon by this body well before the deadline. But to our chagrin, we find we still have not taken it up. I join with the Senator in saying I cannot understand why we do not have some of the sponsors of Gramm-Rudman-Hollings on the floor every day. This is their act. It is being violated. Where is the zeal we saw when that act was passed, and we moved up the deadline to April 15? It certainly would be helpful to the Appropriations Committee and to other committees if we could have prompt action on the budget. We in the Budget Committee have often felt the pressure when the authorizing committees chided us for failing to do our work. So we were attempting to move quickly this time in the spirit of Gramm-Rudman-Hollings. However, we now find the deadline is here, but the budget is not.

As you see, Mr. President, the distinguished chairman of the Appropriations Committee is with us on the floor. The distinguished ranking member, Senator STENNIS, as the Senator from Oregon said, has already made his very strong statement. I certainly compliment him for the statement he made last week. And now you see the chairman of the Budget Committee and the ranking member also here. They have been here on a number of days saying why can we not take this up. Now we find ourselves today going by the deadline.

I say to the Senator I understand his frustration. He is not alone in feeling that frustration. I wish we had more allies. It seems to me those allies should be the principal sponsors of the act. I do want to say for my distinguished friend from South Carolina, I know he wants to take it up and has been saying that right along. But I am surprised that we do not see some more helpers here in that regard.

Mr. HATFIELD. I thank the Senator for his response. I, too, am puzzled by the absence of any evidence of Gramm-Rudman. The only evidence I see in this Chamber is a stale stench of the incense that does not help us get over our present problems or the responsibilities we must ultimately implement.

Mr. DOMENICI. I wonder if the distinguished chairman of the Appropriations Committee will yield for a couple moments.

Mr. HATFIELD. Mr. President, I am happy to yield to the chairman of the Budget Committee.

Mr. DOMENICI. Let me say to my friend from Oregon it was by happenstance that we are here together on the floor. I had decided to come here today because it is a momentous day; people are all filing their taxes. They do not like that. By coincidence, we set that very same day as the final day for getting our budget house in order. I thank him for the analysis he made here today to the extent that it points out the differences in procedures between the House and Senate. I did not get to hear all of the remarks, but I assume the distinguished chairman is absolutely correct.

I do want to say to him the reason we reported out a budget resolution on March 24 is that we intended to get our work done on time. We intended this to be a very good year from the standpoint of completing the budget and appropriations processes on time. I looked forward to the pressure of Gramm-Rudman bringing us to the point in time when the distinguished chairman of the Appropriations Committee and all of his subcommittee chairmen would bring appropriations bills to the floor and we would consider them in the framework of a budget resolution as we are obligated to do.

Now, there is a new theory around which I want to share with the distinguished chairman. There are some who are saying it does not matter about April 15; it does not matter about the appropriations schedule, because what we ought to do is do nothing with these processes which are difficult for 100 Members of the U.S. Senate to try to comply with.

There is a new notion around here that we ought to just fumble through here: Things are looking somewhat better, people say; reconciliation is in place; you have $9 billion more. You look at the numbers, and there is a $10 billion float under Gramm-Rudman-

Hollings—that is, the target for fiscal year 1987 is $144 billion; but at the end of the year, so long as you do not exceed 154, the automatic reductions are not triggered. This allows for miscalculations on economics. Now some are saying, "Let's let everything float."

I suggest to the other 99 Members of the Senate that if we are to abide by Gramm-Rudman-Hollings, which was thought by many who supported it to be an impetus for us to determine policy, and not wait until the end of the year and gamble on a sequester, we need to decide how much we are going to cut. Almost everyone who voted for it said we should make the policy—we should vote on a budget resolution and then have the appropriators do their appropriations bills, so that when we get to August we have had an input.

The new idea is to say to the chairman: "Wait until August and take all these bills, packaged in a ribbon, called a continuing resolution, and maybe we'll get close to the budget targets and won't have to do anything."

I submit that anybody, including the White House, who has that theory and that thesis for activity here certainly is acting absolutely inconsistent with the way they voted and with the rhetoric of praise for that new approach called Gramm-Rudman-Hollings.

Yes, Gramm-Rudman-Hollings can work. But it will not work if we are going to graft on it some new theory that we do not need to do anything and we can let the distinguished chairman of the Appropriations Committee, in the waning days of this session, package up everything.

If that happened, this Senate would be denied, as the chairman knows, an opportunity to express its will. Nobody would be able to understand a continuing resolution, packaged all together. Nobody would be able to do anything significant, because it would be too late: a continuing resolution is too big and too complicated.

I urge all my colleagues who have an idea that we should fumble through this and do nothing to consider what that would do to their individual rights and privileges to have something to say about what happens to the fiscal policy of this country.

I want individual appropriations bills this year. I think they should be here. The Appropriations Committee should have an opportunity to go through those House appropriations bills and work its will, bring them to the floor, have 1, 2, or 3 days on each one, as we should be doing. We would not do that, under the newest theory in town—that things are OK and we do not have to do anything; that we will come out all right at the end of this year. I think we will come out with an absolute disaster from the standpoint of policy. We are gambling where we do not have to.

I say to the chairman of the Appropriations Committee that I do not know whether he has received any letters, but I do not have anybody telling me about alternative budgets. They are all saying: "Let's not do this. We can't do this, the budget the committee reported out." Has the chairman received any suggested budgets from Members? I have not seen any.

I ask, where are those budgets? If you want to add more to defense, let us hear about it. Perhaps there should be more money. Nobody has said that the budget resolution is inviolate. Where are the people who want to cut domestic spending more? They say we have not cut enough. Where are their proposals? Where will we find $10 to $12 billion more in outlay savings on the domestic side? If they have a proposal, I have not seen any clamor to sign up on some alternative.

Has the Senator from Florida seen any such proposal?

Mr. CHILES. Not yet. I am looking.

Mr. DOMENICI. I noticed that the distinguished Senator from Louisiana is here, wearing two hats: part of the leadership on the Democratic side, a member of the Appropriations Committee, and a member of the Budget Committee. Has he seen any proposal that we should get to debate?

Mr. JOHNSTON. I say to the Senator from New Mexico that I think the product produced by the Budget Committee was so good as to subsume everything else and sweep it right out the door.

Mr. DOMENICI. I thank the Senator.

Mr. HATFIELD. Mr. President, I thank the chairman of the Budget Committee. I agree with him fully on his analysis.

I think that even we who are heathens and voted against Gramm-Rudman-Hollings are here ready to try to help make it work. I believe we have an obligation, once the Senate works its will, to fall in line and try to implement that decision. Here we are, the laity, so to speak, and the priests have abandoned us. We have to call the priests back to the temple and get them back into their incantation or ritual.

I am ready to move, as chairman of the Appropriations Committee. I am locked in by this foul, new ritual we have adopted that has already proved its unworkability. At the same time, we should give it a try. I am only challenging the priests to come back to the temple, to help us out.

Mr. CHILES. Mr. President, I came across a proverb the other day that said, "One of these days is none of these days." I do not know who said that first, but it seems to me the White House has embraced that proverb as its basic attitude toward the budget. Their approach is a little like the old saying that by the street of by-and-by, one reaches the house of never. Well, by the same street, you can also reach the house of sequester.

If the administration wants to sit like a bump on a log and not negotiate the budget, I hope they will remember that at the other end of that log is the buzz saw of sequester.

I wonder how many times you can ask, how many times you can knock on a closed door, knowing that the person is home but will not answer? But that is the reaction we have had at the door of the White House.

At the same time, I notice the President derives great glee from whipping on Congress because we have not passed the budget by April 15. The reason we do not have it in place is because we cannot get any help from the White House at all in this matter.

If we do not have a budget, the sequester guillotine falls on October 15. That is 193 years almost to the day that it fell on Marie Antoinette's head. If it falls this year, it falls on all of us. It will mean we have already lost our heads, and it will mean a lot of people here will probably lose their jobs.

It seems to me that the most critical letters we face now are the letters GRH, and they do not stand for Gramm-Rudman-Hollings. They stand for "get Reagan's help." That is what I think we need, and we need it right away.

Four years ago, Milton Friedman said the deficit is a hidden tax. It is a tax in the form of money borrowed from the public. He is certainly right. The interest on the national debt this year is going to be $148 billion, roughly the same level to which we are trying to reduce this year's deficit. Yet, we find ourselves in a strange situation where we cannot get the budget up so it can be debated

Is there a Gramm alternative; is there another White House measure to come before us? We will never find that out if we cannot schedule the issue for debate. Many of us have been trying to do our job by April 15. I hope we will have the opportunity to do our work as soon as possible.

THE BOMBING OF LIBYA

Mr. CHILES. Mr. President, I want to take this opportunity to say I support the action the President took last night in striking at Qadhafi. I think the action was necessary in view of the overwhelming evidence that Qadhafi has consistently engaged in acts of terrorism, in acts of murder, against citizens of the United States and citizens of many other parts of the free world.

It is frustrating that we could not get our allies to totally join us with economic sanctions. I hope they will now.

We will, of course, have to review the results of this mission. Many of us hope the action was sufficient to deter further acts on the part of Qadhafi and people who would sponsor terrorism.

This is certainly an issue in which Congress must involve itself, and try to determine how we deal with the state-sponsored terrorism.

The PRESIDING OFFICER (Mr. DENTON). If the Senator from Florida will yield for an inquiry from the Chair, according to the order under the previous order, the Senator from New Mexico was to be recognized for not to exceed 5 minutes followed by the Senator from Florida being recognized for not to exceed 5 minutes.

Is the Chair going to understand that both Senators consider that to have been executed?

Mr. CHILES. I do.

Mr. DOMENICI. Mr. President, the Senator from New Mexico considers he used the time. If he has not, I yield back the time.

Mr. CHILES. I yield back the time.

The PRESIDING OFFICER. The Chair appreciates the response.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of routine morning business with statements limited to 5 minutes each.

TRIBUTE TO JUDGE WILLIAM LUTHER RHODES, JR.

Mr. THURMOND. Mr. President, I rise today to pay tribute to a distinguished South Carolinian, Judge William Luther Rhodes, Jr., who died on Tuesday, April 8, in Varnville, SC. To his wife and his three daughters, Mrs. Thurmond and I extend our deepest sympathy.

Judge Rhodes served in the State house of representatives from Hampton County from 1951 to 1960 and as chairman of the house ways and means committee for his last 4 years in the legislature.

He left the house to become a circuit judge and, for 15 years, was judge of the 14th circuit. He was first elected to the supreme court as an associate justice in 1975 and earned a reputation as a fair and careful jurist whose decisions were seldom reversed on appeal.

A native of Loris, SC, Rhodes was a graduate of Duke University and the University of South Carolina Law School. He served in the U.S. Army Air Corps during World War II.

Judge Rhodes was a great public servant, a dedicated leader, and an honest jurist. South Carolina and our Nation have lost one of their finest in his passing.

Mr. President, I ask my colleagues to join me in paying tribute to this great American patriot and my good friend, Judge William Luther Rhodes, Jr., and I ask unanimous consent that the following article which appeared in The State in Columbia, SC, on April 4, 1986, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State, Columbia, SC, Apr. 9, 1986]

RETIRED JUSTICE RHODES FOUND DEAD AFTER CRASH

Former legislator and retired Judge William Luther Rhodes Jr. died Tuesday, apparently after a heart attack, while driving in downtown Varnville.

The retired associate justice of the state Supreme Court was found dead at the wheel of his car after it left S.C. 278 and struck an empty pickup truck in a parking lot shortly afternoon.

The accident was reported to Varnville police at 12:42 p.m.

Hampton County Coroner Gordon Rhoden was not available for comment late Tuesday, but a spokesman for the funeral home Rhoden operates said that the death was attributed to natural causes and that no autopsy is planned.

Funeral arrangements will be announced today by Peoples-Rhoden Funeral Home in Hampton.

Rhodes, 67, served in the state House of Representatives from Hampton County from 1951 to 1960 and as chairman of the powerful House Ways and Means Committee for his last four years in the Legislature.

He left the House to become a circuit judge and, for 15 years, was presiding judge of the 14th Circuit, which encompasses Allendale, Hampton, Colleton, Jasper and Beaufort counties.

First elected to the Supreme Court as an associate justice in 1975. Rhodes filled the unexpired term of J. Woodrow Lewis, now retired, when Lewis was elevated to chief justice. Rhodes was re-elected to a full 10-year term on the court in 1979, but retired a year later because of ill health.

Rhodes was known as a fair and careful jurist whose decisions were seldom reversed on appeal and as an affable gentleman judge who frequently said that spittoons disappeared from South Carolina's courtrooms after women were allowed to serve on juries and that the ladies' presence had enhanced the quality of justice as well.

Rhodes also liked to share anecdotes about his years on the bench particularly when he "rode the circuit" to hold court in small counties. He said he once told a bailiff to take the jury to lunch and watched from the window of his chambers while members of the panel dutifully rode away in the back of a pickup truck after the bailiff found they wouldn't all fit in one car.

A native of Loris, Rhodes was a graduate of Duke University and the University of South Carolina law school. He served in the U.S. Army Air Corps during World War II and opened a law office in Varnville after leaving military service.

Hampton County voters elected Rhodes to four terms in the House. He later became the county's first resident trial judge. In his hometown, Rhodes remained "The Judge" throughout his life.

He was married to the former Elizabeth R. DuBose of Varnville.

Surviving are his widow and three daughters, Mrs. Thomas J. Ruhf, Mrs. Harold L. Peeples Jr. and Mrs. Varn Cummings.

IN SUPPORT OF PRESIDENT REAGAN'S ACTION AGAINST LIBYA

Mr. DENTON. Mr. President, I rise in strong support of the action taken by President Reagan in striking Libyan facilities which have been used to promote and support international terrorism. While the direct, documented, Libyan involvement in the recent bombing of the Berlin discotheque serves as the "smoking gun" which justified the President's action, ample evidence exists to demonstrate an interrelated nature of terrorist activities coordinated and sponsored by the Libyan Government.

In fact, in a February 19 hearing entitled "Libyan Sponsored Terrorism: A Dilemma for Policymakers," conducted by the Judiciary Subcommittee on Security and Terrorism, which I chair, evidence disclosed extensive involvement in international terrorism by the Libyan Government.

At that hearing, Dr. Yonah Alexander of Georgetown University's Center for Strategic and International Studies testified using maps and charts provided by intelligence sources. He was able to identify 44 terrorist training camps located in Libya, alone. The larger camps, several of which were hit last night, are located at Zawarah, Tarhuna, Al-Aziziyya Misurata, Sirte, Tocra, Baida, Ras el Hilal, Tubruq, Jaghbub, and Umm Al-Aranib. All of the bases except the last two are located along the Mediterranean coast. At these camps, terrorists from around the world are trained by Libyans, Cubans, East Germans, Soviets, Syrians, and Palestinians.

Moreover, the Libyan Secret Police, the dreaded Mukhabarat, is lead by Gen. Marcus Wolfe, chief of the GDR's Intelligence Service which, of course, is controlled by the KGB. Libya is supporting terrorism on two levels, by creating its own groups and by aiding those in existence. Qadhafi has restructured Libya and institutionalized the revolution within the bureaucracy. The revolutionary committees abroad keep dissidents in line and coordinate with the Peoples Bureaus—Embassies—which serve as an operation base for revolutionary activity.

The three primary bodies operating under Libyan auspices are the National Arab Youth Organization for the Liberation of Palestine (active against American civilians); the Revolutionary Arab-Palestinian Committees (based in Lebanon and operating against Israel); and the National Command for the Arab Revolutionary Force (which coordinates activities of terrorists from Syria, Iraq, Lebanon, and radical factions of the PLO).

Libyan Embassies reportedly serve as arms warehouses, even terrorists based in Indonesia have received money and weapons from Libya. The

Libyan Embassy in Kuala Lampur, Malaysia serves as the contact for Asian terrorist groups. The role of the Libyans is not limited to supplier, for as you know, two Libyan diplomats were forced to leave Spain in December 1985, following the discovery of evidence that they had been planning an attack.

Ambassador Robert B. Oakley, Director of the State Department's Office for Counterterrorism and Emergency Planning, who today is on a mission abroad to gain support for our effort against Libya, has provided the subcommittee with a voluminous history of Libya's support for and involvement in international terrorism, citing numerous specific incidents in the Middle East, Europe, Africa, and many other parts of the world.

Mr. President, at this point, I would ask unanimous consent that a "white paper" entitled "Libya Under Qadhafi: A Pattern of Aggression," prepared by the State Department and presented to the subcommittee by Ambassador Oakley, be placed in the RECORD immediately following my remarks.

Mr. President, Libya is not alone in its participation in state-sponsored terrorism. Over the past 5 years, the Subcommittee on Security and Terrorism has held more than 60 hearings on terrorism and related subjects, and those hearings have yielded abundant and conclusive evidence of a network, a global unity in the sources of support, strategy, tactics, and goals of international terrorists. The thrust and power of this network amounts to a new, highly effective form of low-intensity warfare, which is being waged by various nation-states to erode the influence and strategic position of the United States and Western democracies, in general, and to enhance the power of the Soviet Union, its client states and allies, in particular.

The hearings of the subcommittee have provided a reservoir of information sufficient to inform the Congress and the American public of the interrelationships between terrorist activities and, to show the nature and extent of this network's new threat to humanity, freedom, and U.S. economic as well as security interests. But the reservoir has not been tapped sufficiently. The information is not widely enough known by the Congress, the public, or the executive branch. Against such ignorance, informed policymakers face impediments. What should be chess has remained checkers, one move at a time. For too long, our policy toward terrorism has been fragmented, reactive, defensive and ad hoc, dealing with each incident as though it were an isolated occurrence, entirely unrelated to other terrorist acts. This approach to the problem ignores the voluminous record developed by this subcommittee and, also, the publicly declared policies and intentions of terrorist groups and the states, such as Libya, which support them.

The joint hearings held last May by the Senate Committees on Foreign Relations and the Judiciary disclosed, graphically and comprehensively, the interrelated nature of the international terrorist network. But few Senators seriously attended the hearings or studied the disclosures. Since those hearings, the American people have witnessed further the handiwork of the terrorist network as we have suffered through some depraved and outrageous episodes of international barbarity.

The shocking hijacking of the Italian cruise ship, the *Achille Lauro*, TWA flight 847, EgyptAir 648, the airport massacres in Rome and Vienna, the bombing of TWA flight 840, and the bombing of the Berlin discotheque were not isolated incidents. They were only a few of the more than roughly 705 terrorist acts that were committed in 1985, at a cost of death or injury to nearly 150 Americans and countless others. They are among only the most recent of the thousands of terrorist acts undertaken since 1973, except that the hijackings and the airport massacres have served to heighten American awareness of the cold, calculating nature of those persons or groups who use international terrorism to advance their political and ideological objectives. They have starkly revealed how little regard their perpetrators, strategists, and financiers have for human life and the values that are the core of the Western democratic world.

These incidents have revealed, more clearly with each occurrence, the existence of a multinational support system for such terrorist activities with Libya at the center of the support system. The airport massacres in Rome and Vienna were perpetrated by terrorists of the Abu Nidal faction who were able to cross international borders with the assistance of phony passports reportedly issued by Libya. The Libyan connection was established more firmly by statements made by Libyan leader Qadhafi describing the murders as "heroic" acts and pledging continuing support for such abominations. The U.S. Government reported that it had hard evidence that terrorists of the Abu Nidal and other factions were being harbored and trained in Libya.

The subcommittee's hearing also examined Libya's connection with that has become a "radical entente" of nation-states—including Libya, Syria, Iran, Cuba, and North Korea—which, since the early 1980's, has attempted to coordinate a worldwide strategy designed to expel United States military, political, and economic presence from key areas of the world. Terrorist acts are but one part of a strategy which plays heavily with politics, media, and psychological warfare. This radical explusion strategy includes efforts: First, to "decouple" the United States from its allies; second, to force the United States to abandon key military and diplomatic outposts; third, to stretch thin U.S. military forces over the world by coordinating the occurrence of terrorist incidents and other crises simultaneously or in succession in different parts of the world; and fourth, to deny the United States and other free nations access to trade vital to the survival of the free world's economy.

The activities of the "Radical Entente," only part of a global network, are nonetheless especially relevant to the Brezhnev, clearly stated Soviet goal of expanding Soviet hegemony into developing countries by fostering so-called "wars of national liberation," an ultimate end of which is to deprive the United States of trade in those key areas of the world. Mideastern oil and African metals and minerals should be in the forefront of our minds as we examine the entente's activities in the areas, especially when linked to the Communist-controlled ANC and SWAPO in southern Africa.

In the case of Libya, this hostile strategy is, as in other cased, directed primarily at the United States because of its leadership position in the Western World, the ideals and culture of which the radical entente considers to be inimical to the values both of its Muslim and Communist members. Also, the Arab members of the entente direct hostility toward the United States because of its long standing support for the State of Israel.

The Soviet Union supports the entente's operations with military hardware, the arrangements for terrorist training and other assistance, and encourages the core radical countries to focus their hostility more exclusively against the United States. Soviet stick-and-carrot intimidation discourages Third World countries from moving to maintain closer ties with the United States for fear of incurring the wrath of the radical entente. While the Soviet Union does not actually control the core countries of the radical entente, Moscow foments hatred of the United States and clearly benefits from the entente's anti-United States strategy and Soviet-sponsored tactics.

An understanding of the international support structure for terrorism is essential to developing a policy to combat it. After all, the commission of the terrorist act itself, although important, is only the tip of the iceberg; we must attack the core of the problem. We must have the intelligence capability to interdict and/or to discourage terrorist acts from occurring in the first place; and to discourage Soviet support for terrorism. If prevention of a terrorist act is not possi-

ble in a given case, we must be able to quickly identify and punish the terrorist group or groups involved and the nation-states which have facilitated their acts.

With the notable exception of our response in the *Achille Lauro* incident and President Reagan's response last night, we as a nation have rarely demonstrated an ability to prevent or effectively respond to terrorism.

I hope that the attention of the Congress and the American people will now be focused on the urgent need to develop a policy to combat international terrorism. The American people are alarmed and frustrated by what they perceive to be an apparent inability of the United States to prevent or effectively respond to international terrorist attacks. We must develop a consistent policy to deal with terrorism on a continuum—not with "fire engine diplomacy" that treats each terrorist incident as an isolated event. The Soviet Union's march via terrorism to accomplish our destruction through the achievement of the two Brezhnev policy goals must be arrested before it makes further progress.

Moscow's progress toward denying the United States access to previously available trade has already cost the United States more in annual budget deficit terms than any other factor.

The common predictions, about, and general acceptance in Congress of, gross reductions in our armed services, foreign operations, intelligence and counterterrorism funds in today's and tomorrow's security/international trade environment is unworthy of government's prime function: To assure the survival of our people, of our freedom and of our chance to prosper.

Mr. President, I again commend President Reagan for taking the necessary measured response to Libyan state-sponsored terrorism. And I congratulate and express gratitude to those members of our armed services who gallantly put themselves in harm's way to execute the President's orders.

Thank you, Mr. President.

There being no objecton, the report was ordered to be printed in the RECORD, as follows:

LIBYA UNDER QADHAFI: A PATTERN OF AGGRESSION

CHARACTER OF LIBYAN POLICY

Mu'ammar Qadhafi seized power in a military coup in 1969. Since then, he has forcibly sought to remake Libyan society according to his own revolutionary precepts. Qadhafi's ambitions are not confined within Libya's borders, however. He fancies himself a leader and agent of historic forces that will reorder Third World politics to his taste. His vision provides both a motive and a rationale for providing military and financial aid to radical regimes and for undermining moderate governments by creating or supporting subversive groups and abetting terrorists. Qadhafi's aggressive policies increasingly have focused on undermining U.S. and other Western interests in the Third World, as he sees these as the main barrier to his radical and expansionist goals. Qadhafi's use of political, economic, and military resources in support of anti-Western activities worldwide may be surpassed only by the Soviet Union, its East European allies, and possibly North Korea or Cuba. He is particularly hostile to Israel and the United States. His tactics include a mixture of threats and material support for terrorism, offers of cooperation, economic incentives and intimidation, and outright military aggression.

LIBYAN INVOLVEMENT IN TERRORISM

Qadhafi has used terrorism as one of the primary instruments of his foreign policy and supports radical groups that use terrorist tactics. Tripoli operates numerous training sites for foreign dissident groups that provide instruction in the use of explosive devices, hijacking, assassination, and various commando and guerrilla techniques. It also provides terrorist training outside Libya and abuses diplomatic privilege by storing arms and explosives at its diplomatic establishments, as demonstrated by the shootout at its embassy in London in April 1984.

The main targets of direct Libyan terrorist activities have been expatriate Libyan dissidents and leading officials of moderate Arab and African governments. In almost all cases, the assassins kill their victims with handguns, often provided by the Libyan diplomatic establishment in their country. Qadhafi generally uses Libyans for anti-exile operations; for other types of attacks he tends to employ surrogates or mercenaries.

The Libyan Government in 1980 began a concerted effort to assassinate anti-Qadhafi exiles. By the time the first phase ended in 1981, 11 Libyan dissidents living abroad had been murdered. Libya in 1985 sponsored five attacks against exiled Libyan dissidents. Targets of these attacks lived in Greece, West Germany, Cyprus, Italy, and Austria.

Qadhafi has at least twice tried to murder Libyan exiles in Egypt only to have his agents intercepted by Egyptian security. In November 1984, Egypt fooled Qadhafi into believing that his hired agents had assassinated former Libyan Prime Minister Bakoush. After the Libyan press acknowledged Tripoli's responsibility for the murder, Egypt revealed the sting: the four Libyan agents were in custody, and the pictures of the alleged victim were fake. In November 1985, another four-man Libyan team was arrested during an attempted attack against a gathering of exiles near Cairo. After the arrests, Egypt released audio and video tapes incriminating Libya.

Libya also has plotted anti-exile attacks in the United States. A Libyan exile in Colorado was shot and wounded by a Libyan-hired assassin in 1981. In May 1984, the FBI arrested two Libyans near Philadelphia for attempting to buy silenced handguns—the usual Libyan assassination weapon. A year later in May 1985, a Libyan diplomat at the United Nations was declared *persona non grata* and a ring of nonofficial Libyans was broken up in connection with a plot to kill Libyan dissidents in four states.

Qadhafi also targets moderate Arab governments for their refusal to continue the military struggle against Israel and for their links to the West. There is evidence of Libyan-backed assassination plots against President Mubarak of Egypt. For example, those arrested after last November's attempted attack on Libyan exiles in Egypt stated that Qadhafi's target list included Mubarak. Former Sudanese President Nimeiri has also been targeted by Libya. We believe that Qadhafi has added Jordan's King Hussein and Iraq's Saddam Husayn to his hit list because of restored ties to Cairo and Washington, respectively.

Qadhafi also has been implicated in plots to assassinate other moderate heads of state. In September 1984, the Chadian Government uncovered a Libyan-sponsored plot in which a briefcase bomb was to explode during a Cabinet meeting chaired by Chadian President Habre. More recently, Zairian officials thwarted a Libyan-sponsored plot against President Mobutu in September 1985.

LIBYAN LINKS TO MIDDLE EAST RADICALS

Longstanding Libyan support for radical Palestinian groups is growing. Qadhafi has provided safehaven, money, and arms to these groups—including the Popular Front for the Liberation of Palestine—General Command, the Fatah dissidents, and the notorious Abu Nidal group. Training for Palestinians and other radicals frequently takes place at several locations in Libya. These anti-Arafat Palestinians are widely engaged in terrorist activities and focus their terrorist activity on Israel and the occupied territories.

More recently, however, Libya's support has broadened to include logistic support for terrorist operations. For example, Libya provided passports to the Abu Nidal members responsibile for the attack on the El Al counter in Vienna. the Abu Nidal group is particularly appealing to Qadhafi because of its track record of successful terrorist operations. Abu Nidal's targeting of moderate Palestinians and moderate Arab leaders is consistent with Libya's antipathy toward participants in the peace process. According to Libyan press reports, Abu Nidal met with Qadhafi in Libya at least twice in 1985. Abu Nidal also gave an interview in Tripoli to a German publication last year and met with Qadhafi's chief lieutenant, Abd al-Salam Jallud. In addition, Libya has provided sanctuary, training assistance, and financial support to the Abu Nidal organization, and there are reliable press and other reports that its headquarters has been moved to Libya. The evidence points to Libya's having been involved in the bloody hijacking of Egyptair 648.

Libya is trying to improve ties to other regional terrorist groups. Qadhafi would also like closer links to Tehran's terrorist effort. He announced a "strategic alliance" with Iran last summer, which he hopes to use as a foundation for joint operational planning for terrorist attacks against various regional foes. He also supports Egyptian and Tunisian dissidents.

Libya also provided refuge for the notorious international terrorist Carlos, who has headed a network of terrorists for hire. His group was responsible for numerous vicious attacks including the hostage-taking of OPEC [Organization of Petroleum Exporting Countries] oil ministers in Vienna in 1975.

LIBYAN TERRORISM AGAINST THE UNITED STATES

During the past 18 months, Qadhafi has made several public references to expanding his terrorism campaign to cover U.S. targets. In a June 1984 speech, for example, he told his Libyan audience that "we are capable of exporting terrorism to the heart of America." During a speech last September observing the 16th anniversary of his takeover, Qadhafi remarked that "we have the right to fight America, and we have the

right to export terrorism to them. . . ." Qadhafi recently threatened in a press conference on January 2 to "pursue U.S. citizens in their country and streets" if the United States takes action in response to Libya's alleged involvement in the Rome and Vienna terrorist attacks.

There have been several instances over the years of Libyan-sponsored attacks against U.S. interests. These examples include the sacking of our Embassy in Tripoli in 1979 and the discovery by Sudanese authorities of a Libyan plot to blow up the American Embassy Club in Khartoum by planting explosives in stereo speakers. U.S. personnel also have been on Qadhafi's target list, as indicated by the plan in 1977 to assassinate our ambassador in Cairo.

RADICALISM IN THE ARAB WORLD

Qadhafi's foremost ambition is to dominate and unite the Arab world. He frequently compares himself to Garibaldi or Bismarck and has justified his use of violence and terrorism against moderate Arab regimes as necessary to achieve Arab unity.

Egypt, because of its peace treaty with Israel, is a special target. Libyan agents have been active in Egypt since the 1970s, and Qadhafi has offered support to various opponents of the Egyptian Government. In October 1981, immediately after President Sadat was assassinated, Qadhafi called on Egyptians to overthrow their government; within a week, at Cairo International Airport two bombs exploded that had been concealed in luggage unloaded from a flight originating in Tripoli.

More recently, Qadhafi has sought to embarrass the government of President Mubarak and undermine the Egyptian economy. In July 1984, a Libyan ship commanded by a senior Libyan naval commando laid mines in the Red Sea and Gulf of Suez that damaged 18 merchant ships. In May 1985, the Egyptians thwarted a plot by radical Palestinians backed by Libya to destroy the U.S. Embassy in Cairo with a truck bomb. Last summer Qadhafi expelled over 10,000 Egyptian workers in Libya—confiscating their savings and most of their belongings—in what was, in part, an effort to place a greater burden on the strained Egyptian economy. Also during 1985, Cairo captured several teams of Libyan-supported Egyptian dissidents who reported that their plan was to destabilize the Mubarak government through sabotage and inciting civil unrest.

Sudan also is a priority target. Qadhafi has long offered training and support to Sudanese dissidents and sponsored acts of sabotage against the government of former President Nimeiri. He was a major source of arms and money for southern Sudanese rebels who began a guerrilla war against the central government 2 years ago. In February 1983, the Sudanese, with Egyptain assistance, thwarted a Libyan-sponsored coup attempt, and in March 1984, a Libyan TU-22 bombed Omdurman, Sudan, in a failed attempt to destroy a radio station there that broadcast condemnations of Qadhafi's policies by Libyan oppositionists.

Since Nimeiri's fall from power, Qadhafi has exploited the resumption of diplomatic ties to Sudan to build a network for subversion inimical to Sudan's efforts to establish a parliamentary democracy. A number of known Libyan terrorists have been assigned to the Libyan People's Bureau (Embassy) and the Libyan airline office in Khartoum. Qadhafi also has provided arms, funding, training, and probably direction to the Sudanese Revolutionary Committees, a small group in Sudan dedicated to establishing a government on the Libyan model in Sudan. In May, a planeload of these dissidents arrived in Khartoum armed with assault rifles.

Qadhafi also is working to expand his influence in the countries of the Arab Maghreb. Qadhafi refuses to negotiate with Algeria to determine the correct location of the Libyan-Algerian border. Perhaps angered over President Bendjedid's moderation, Qadhafi reportedly provides money to Algerian dissidents such as Ahmed Ben Bella.

In Tunisia, Qadhafi has long sought to bring down the pro-Western government of Habib Bourguiba. In 1980, Libyan-supported guerrillas attacked the southern Tunisian mining town of Gafsa; when France offered its support to Tunis, Libyan mobs burned both the French and Tunisian Embassies while security forces stood idly by. Following bread riots in Tunisia in January 1984, saboteurs originating in Libya dynamited a pipeline near the Libyan-Tunisian border. In an effort to exacerbate social tensions this past year, Qadhafi expelled over 30,000 Tunisian workers and confiscated their property. In September, when Tunisian newspapers attacked Qadhafi for the expulsions, a Libyan diplomat attempted to mail letter bombs to the critical journalists. Several exploded, wounding two postal workers and causing Tunis to sever diplomatic relations.

Libya is staunchly opposed to the Middle East peace process, and Qadhafi is doing all he can to subvert it. In Lebanon, Libyan arms and money have flowed to different militias and Palestinian groups actively opposed to the government of President Gemayel. Qadhafi has been especially eager to undermine the influence of PLO [Palestine Liberation Organization] Chairman Yasir Arafat because Qadhafi perceives him as too willing to consider a negotiated settlement with Israel. As a result, Qadhafi has thrown his support to radical Palestinian groups—including the Fatah Revolutionary Council led by Abu Nidal—that advocate continued war against Israel. Since 1981 Qadhafi has shipped these groups items as prosaic as uniforms and as powerful as tanks and BM-21 multiple rocket launchers. In 1984, Libyan troops participated in the Syrian-backed assault on Arafat's forces in northern Lebanon.

The Persian Gulf also is an arena for Libyan medddling. Qadhafi has allied himself with Iran in its war against Iraq and has provided Tehran with T-55 tanks, antitank and antiaircraft artillery, ammunition, and even Scud rockets. In addition, Libya provides arms and money to Kurdish separatists in northern Iraq and to the antigovernment group, the "Union of Iraqi Democrats." In 1984 and 1985, Libyan agents attempted to disrupt the Islamic pilgrimage ceremonies in Saudi Arabia; in 1984 entire planeloads of Libyan "pilgrims" were discovered to be carrying arms. Libya continues to enjoy good relations with and has provided support to the National Democratic Front that operates out of Marxist South Yemen against the government of President Salih in North Yemen. Although Libya restored diplomatic relations with Somalia last May, Qadhafi has not severed his relationship with Somali opposition groups he has long supported.

INVOLVEMENT IN SUB-SAHARAN AFRICA

Tripoli views black Africa as a principal arena for forging a group of anti-Western radical states that will strengthen Libyan influence in international forums and confer upon Qadhafi status as a world leader. Qadhafi's aggressiveness has been strengthened by the propensity of the international community to ignore his often blatant disregard for the sovereignty of small African nations.

Chad, of course, is the most egregious example. In 1973 Qadhafi forcibly annexed the northern portion of Chad known as the Aozou Strip. Throughout the 1970s, Libya supported various tribal and guerrilla groups in Chad in a bid to install a pliable regime in N'Djamena. Having failed to achieve this indirectly, in October 1980 the Libyan army entered Chad and attempted to impose a union between the two countries. The Libyan occupation force withdrew in November 1981, but returned in 1983 when the pro-Libyan Chadian leader Goukouni Oueddei was ousted by current President Hissein Habre. Only intervention by French armed forces confined the Libyan occupation to the northern 40% of Chad. French forces were withdrawn in the fall of 1984, but Qadhafi reneged on an agreement reached with President Mitterand and continues to occupy northern Chad with an army of several thousand.

The drought-battered countries of the Sahel offer Qadhafi many opportunities for meddling. Qadhafi continues to provide arms and training to the nomadic Tuareg tribesmen in an effort to undermine the Governments of Mali and Niger.

Qadhafi also is determined to topple President Mobotu of Zaire. Qadhafi is motivated by hostility to Kinshasa's close ties to the West, its recognition of Israel, and its support of Chadian President Habre. Qadhafi also is aware of Zaire's role as a leading producer of cobalt and other strategic minerals. Tripoli provides training in sabotage and small arms to several different guerrilla groups including the National Front for the Liberation of the Congo and the Congolese National Movement. Libyan diplomatic facilities in countries bordering Zaire are centers of support for these groups.

MEDDLING IN LATIN AMERICA AND THE CARIBBEAN

Qadhafi's determination to strike at U.S. interests and to spread his philosophy of revolution has led to a more aggressive Libyan posture in Latin America. Although many governments and groups in this region are wary of Qadhafi, some are willing to accept his financial and military support.

Tripoli views Nicaragua as its base in Central America and accordingly seeks to strengthen the Sandinista dictatorship in Managua. In addition to several hundred million dollars in economic assistance, Qadhafi's support to the Sandinistas has included antiaircraft guns, SAM-7 surface-to-air missiles and launchers, and small arms. At least several dozen Libyan military pesonnel are in Nicaragua. Libyan support has enhanced the Sandinistas' ability to subvert neighboring states. In addition, Libya has provided some arms and money to insurgents in Guatemala and El Salvador, as well as the M-19 terrorist group in Colombia. During the past year, Libya has provided training, guidance, and funds to a key farleft terrorist group to enable it to expand armed action against the Government of Chile.

Libyan agents have been increasingly active among the Caribbean islands, especially since the summer of 1984. The loss of its People's Bureau in Grenada following the callapse of the Bishop government in 1983 forced Tripoli to attempt to establish

its centers for subversion in other diplomatic posts in the region. Qadhafi also has used religion as a cover for intelligence activities in the area, sponsoring Islamic conferences in which the Libyan participants often are intelligence officers or operatives of the Libyan Revolutionary Committees. Leftist leaders from the Dominican Republic, Dominica, Barbados, Antigua and Barbuda, St. Vincent and the Grenadines, St. Lucia, the French Departments, and elsewhere have also been invited to Libya for "seminars" and paramilitary training. Particularly worrisome is Libyan urging of leftist politicians to undertake violent action rather than pursue legal means to replace moderate governments in the region.

SOUTH AND SOUTHEAST ASIA

As elsewhere, Libyan diplomatic missions in this region provide the infrastructure for Libyan subversion, disbursing funds, and arranging for the training of leftists and other dissidents.

In South Asia, Libyan activities are focused on the Islamic states. No doubt reflecting his dependence on Russian arms, Qadhafi is one of the few Muslim leaders who does not criticize the Soviet invasion of Afghanistan. Although Libya maintains relations with Pakistan, it has also been involved with the "al-Zulfiqar" terrorist group. Qadhafi, in addition, has provided training and money to opponents of President Ershad of Bangladesh.

In Southeast Asia, Qadhafi concentrates on Muslim minorities. For some time, he has provided paramilitary training to the small Muslim insurgency in southern Thailand. In the Philippines, Libya continues to send assistance to the Muslim Moro separatists on Mindanao, despite a 1976 agreement with Manila to cease such aid. New Caledonia, a French possession in the South Pacific, has no appreciable Muslim population, but Libya has, nevertheless, provided military training and some funding to the Kanak Socialist National Liberation Front, the group responsible for most of the pro-independence violence on the island. Libyan intelligence operatives are known to be active on other islands in Oceania.

THE EROSION OF INTERNATIONAL NORMS

Qadhafi's subversion is not confined to those countries that are the direct object of his ambitions. The international community as a whole suffers from Qadhafi's disrespect for international norms of behavior and accepted practice. Qadhafi has abused diplomatic privilege for terrorist purposes, reneged on international agreements, and blatantly used terrorist violence against political opponents. In addition, Qadhafi's support of terrorism, regardless of his direct operational involvement in a given terrorist act, helps legitimize terrorism as an acceptable political activity.

The Abu Nidal Group

The Abu Nidal group is among the most dangerous of the Middle Eastern terrorist organizations. It is probably the best organized and most effective of the radical Palestinian terrorist groups, carefully planning its operations and keeping its information tightly compartmented.

The group has repeatedly demonstrated its ability to operate in any country it chooses. It has staged attacks in over 20 countries on three continents and operates throughout the Middle East.

Abu Nidal has conducted over 60 terrorist attacks during the last 8 years—at least 30 of them since the beginning of 1984. Two-thirds of the group's nearly 20 attacks this year have taken place in Western Europe, as innocent bystanders increasingly have become casualties of the group's assaults.

The simultaneous attacks on airline offices in Rome and Vienna on December 27, which have the hallmarks of Abu Nidal, left more than a dozen dead, including five Americans. Three of the passports used n the Vienna attacks were traced to Libya; two were seized from Tunisians as they were expelled from Libya last summer, and the third was lost in Libya by a Tunisian worker there in 1977.

The Egyptair hijacking in late November ultimately cost the lives of 59 passengers.

The group bombed the British Air office in Rome in September, injuring 15 persons, many of them passers-by.

Abu Nidal members threw grenades at Rome's Cafe de Paris in September, injuring 38 tourists—among them Americans, Germans, Britons, Italians, Argentines, and Brazilians.

The group bombed two hotels in Athens—one in September that injured 19, mostly British tourists, and one in August that injured 13 Britons.

In Spain, Abu Nidal attacks in July at the British Air office and the nearby Alia ticket office killed one and wounded 24 customers and employees.

Also, in July, the group was probably responsible for the bombing of two restaurants in Kuwait, killing eight and injuring almost 90.

In April, an Abu Nidal terrorist fired a rocket at a Jordanian airliner as it was taking off from Athens airport. The rocket hit the plane but did not explode. Hundreds of casualties might have resulted had the operation been successful.

The official name of the Abu Nidal organization is "Fatah-the-Revolutionary Council," which it usually employs when attacking Israeli targets. But it has employed a number of cover names for its operations. Originally, the group operated under the name Black June; more recently, the group has used the name Arab Revolutionary Brigades when it staged attacks against Persian Gulf targets. It also acts as Black September when it attacks Jordanian and Palestinian targets and employs the name Revolutionary Organization of Socialist Moslems (ROSM) as its signature for attacks against British targets. It added Egyptian nomenclatures when it hijacked the Egypt air plane in November.

BACKGROUND

The group, which is headed by Sabri al-Banna (who uses the nom de guerre Abu Nidal), grew out of elements that broke away a decade ago from PLO Chairman Arafat's Fatah organization. The group is committed to the use of violence to destroy diplomatic efforts designed to reconcile Israel and the Arab states, especially those mounted earlier this year by King Hussein and Arafat's PLO. The Abu Nidal group also calls for the destruction of ruling "reactionary" regimes such as Jordan, Egypt, and the Persian Gulf states and is critical of what it sees as Arafat's and the PLO's moderation and lack of revolutionary base and zeal. Consequently, the group contends that both inter-Arab and intra-Palestinian terrorism are needed to force the all-embracing Arab revolution which, in turn, would lead to the liberation of Palestine.

The group was formed in 1974 after Arafat instituted a ban on PLO involvement with international terrorism outside Israel and the occupied territories. Abu Nidal radical views found favor at the time with the Iraqi regime, which helped him to create the organization that Abu Nidal called "Fatah-the-Revolutionary Council to promote his claim that his organization, rather than the one led by Arafat, was the legitimate Fatah. He has similarly duplicated other Fatah organizational titles to suggest a parallel structure with the original.

Beginning in the early 1980s, Baghdad suppressed activities of the Abu Nidal group out of Iraq. Elements of the group then moved to Damascus. Since early 1984, Libya began to provide increased support to the group, and Abu Nidal himself and many of the group's operations may have moved there within the last 12 months.

The group probably has several hundred members, although an accurate count is difficult. We believe the group has a number of cells throughout Western Europe and the Middle East and makes use of the large number of Palestinian students studying abroad, sometimes involving them in operations after only perfunctory training. These new recruits, for example, were involved in the five grenade attacks staged by the group in 1985.

CURRENT OPERATIONS AND TRENDS

Based on the style of Abu Nidal attacks, it is evident that the group is willing to cause indiscriminate casualties. Apart from assassinations of particular individuals, Abu Nidal operations through November 1985 resulted in nearly 70 deaths and 201 wounded among innocent bystanders—and the number could have been much higher if the Jordanian airliner attack in Athens had been successful. In the previous year, 111 died in the crash of a Gulf Air jet on which an Abu Nidal bomb may have exploded.

The Abu Nidal group has concentrated on attacking Jordanian interests since 1984. These attacks were provoked by the Jordanian agreement to host the PNC [Palestine National Council] meeting in November 1984 and King Hussein's February accord with Arafat to restart the stalled Middle East peace process. Abu Nidal operatives thought to have assassinated former West Bank mayor and Palestinian moderate Fahd Qawasmeh in December 1984 shortly after his election to the PLO Executive Council. The anti-Jordanian/PLO campaign has not abated. As long as Jordanian and PLO efforts toward Middle East peace negotiations continue, attacks against both Jordanian and Palestinian targets probably will also continue.

Aside from the attack on Alia offices in Madrid in July and the attempt to down a Jordanian airliner over Athens in April, other incidents involving Jordanian targets in 1985 have included:

The November 24 assassination of a Palestinian in Amman;

The murder of a Jordanian publisher in Athens in September;

A plot to assassinate the Jordanian Ambassador to Greece in August;

The murder of a Jordanian diplomat in Ankara on July 24; and

A rocket attack on the Jordanian Embassy in Rome in April.

The group has also targeted British interests. ROSM claimed responsibility for the kidnaping in March 1985 of a British journalist in Lebanon and the assassination of British diplomats in India and Greece in 1984. The purpose of the attacks probably is to force the United Kingdom to release group members imprisoned for the attempted assassination of the Israeli Ambassador in London in June 1982.

Even before the recent attacks on the Vienna and Rome airports, Abu Nidal had begun to concentrate his field of operations in Western Europe. Although his targets have been his usual enemies—for example, British, Israeli, moderate Arab—he has become very indiscriminate about injuring bystanders. The relatively relaxed controls in West European countries have been conducive to his operations there. The pattern of concentrating his efforts in Europe has coincided with the strengthening of his links to Libya. The likelihood of Libyan financing, safehaven, and logistic assistance should be very helpful to his future international terrorist operations.

CHRONOLOGY OF LIBYAN SUPPORT FOR TERRORISM
1980–85

1985:			
December	Italy/Austria		Passports used by Abu Nidal terrorists in attack on El Al counter provided by Libya.
November	Malta		Hijacking of Egyptair airliner by Abu Nidal supporters may have involved Libyan support.
	Egypt		Four-man team of Libyan agents arrested shortly before attempting to attack gathering of Libyan exiles. Former Libyan Prime Minister Bakoush was the main target.
October	Greece		Libyan merchant wounded in Athens by two gunman; the victim had left Libya 5 years earlier.
September	Tunisia		Libyan diplomat smuggles about 100 letter bombs addressed to journalists into Tunisia. Several explode, injuring two postal workers and causing Tunisia to sever diplomatic relations.
May	United States		A Libyan diplomat at the United Nations was declared persona non grata, and 16 non-official Libyans were subpoenaed to appear before a U.S. grand jury in connection with a plot to kill dissidents in several different states.
April	West Germany		Moroccan citizen resident in the F.R.G. since 1960 killed by a Libyan, who was arrested at the scene.
			Anti-Qadhafi Libyan student killed in Bonn by Libyan gunman who was arrested. The assassin also wounded two German passers-by, one seriously. The victim had been a target of the Libyan regime for at least 2 years.
	Cyprus		Libyan businessman assassinated in downtown Nicosia by an unidentified gunman. The victim was the director of an offshore holding company and was believed to be an opponent of the Libyan regime.
March	Italy		Libyan jeweler murdered in his shop in Rome. A silencer-equipped pistol was left at the scene by the assassin.
February	Austria		Former Libyan Ambassador to Austria severely wounded by two shots fired from a car outside his home in Vienna. The victim had supported Qadhafi's seizure of power in 1969, but he quit his post in disgust at the regime in 1980.
1984:			
November	Egypt		President Mubarak announces that four assassins sent to Egypt by Libya to kill former Libyan Prime Minister Bakoush had been arrested and forced to send fake pictures to the Libyan Embassy in Malta showing Bakoush apparently dead. Official Libyan press sources then claimed Bakoush had been executed by suicide squads sent abroad "to liquidate enemies of the revolution."
September	Italy		A Libyan exile was found gagged and strangled in a hotel in Rome. The victim had been the subject of Libyan requests for deportation to Libya.

CHRONOLOGY OF LIBYAN SUPPORT FOR TERRORISM
1980–85—Continued

	Chad		Chadians discover plot to assassinate President Habre with an attache case bomb. Evidence of the plot, including photographs of the bomb, was provided to the United Nations the following February when Chad lodged a complaint against Libya.
August	United Kingdom		One of six Libyans awaiting trial for bomb attacks in London in March 1983 found shot to death in a London apartment. The victim may have been silenced by the Libyan Government.
	Belgium		A bomb wrecks a car parked in front of the Zairian Embassy in Brussels.
July	Belgium		A bomb exploded in the Brussels office Air Zaire.
	Red Sea		Libya mined the Red Sea, damaging 18 merchant ships of varying nationalities.
	Greece		Two Libyan students found murdered in their apartment in a crime reminiscent of Libyan killings of anti-Qadhafi students in 1980 and 1981. The two were beaten, strangled, and gagged before being shot twice in the back.
June	Greece		Anti-Qadhafi Libyan editor of an Arab newspaper in Athens killed by two men on a motorbike.
			A Libyan-born citizen known to distribute anti-Qadhafi literature at his store shot by a Libyan employee of Libyan Arab Airlines.
May	Libya		Jana, the official Libyan news agency, announces "the Libyan masses have decided to form suicide commandos to chase traitors and stray dogs wherever they are and liquidate them physically."
April	United Kingdom		A bomb hidden in an unclaimed suitcase probably unloaded from a Libyan airliner explodes at London's Heathrow Airport, injuring 25.
	Libya		A number of British subjects in Libya arrested on trumped-up charges as hostages in order to pressure British Government during siege of Libyan People's Bureau in London.
	United Kingdom		British policewoman killed and 11 anti-Qadhafi demonstrators wounded by gunfire from London Libyan People's Bureau. After a siege, British authorities found weapons and spent shell casings in the vacated embassy.
March	United Kingdom		Four bombs explode in London and Manchester near homes of Libyan exiles or at businesses frequented by them. Over 25 people injured. Three other bombs defused. Nine Libyan suspects arrested.
	Sudan		One Libyan TU–22 bomber drops bombs on Omdurman, Sudan, site of a radio transmitter used by anti-Qadhafi oppositionists.
February	Libya		Following annual Libyan General People's Congress, the Libyan Revolutionary Committees announce that all Libyan exiles must return to Libya or face "the death penalty."
			Libyan authorities take no action while a mob burned the Jordanian Embassy in Tripoli.
	Congo		Chadian dissidents ready to negotiate with Government of Chad threatened in Brazzaville, Congo.
1983:			
August	Burkina		Libya gave material support to coup in Burkina.
July	Chad		Libya invaded Chad for the second time. Occupation continues into 1985.
June	West Germany		Eight Libyan students in West Germany, all members of an anti-Qadhafi group, complain Libyan agents are harassing and threatening them.
February	Libya		Libyan General People's Congress warns all Libyans in exile to return home or face the "anger of the Libyan people."
1982	No incidents known		
1981:			
November	Sudan		Several bombs explode near government installations in Khartoum.

CHRONOLOGY OF LIBYAN SUPPORT FOR TERRORISM
1980–85—Continued

October	Sudan		Planned assassination of visiting Chadian official, Hissein Habre, failed when those sent to conduct the operation surrendered.
	Egypt		Two bombs explode in luggage being unloaded from a plane coming from Libya via Malta.
August	Libya		Two Libyan SU–22s that fired at U.S. Navy F–14s over Gulf of Sidra shot down.
July	United States		Anti-Qadhafi Libyan student killed in Ogden, Utah.
June	Sudan		Bomb explodes in front of Chadian Embassy in Khartoum.
February	Italy		Libyan gunmen open fire on passengers arriving at Rome's airport on a flight from Algiers. Prominent anti-Qadhafi exile was the target.
1980:			
November	United Kingdom		Anti-Qadhafi Libyan student brutally murdered in London.
			Two children of an anti-Qadhafi Libyan poisoned by eating peanuts containing thalium
October	Chad		Libyan forces occupied Chad. Qadhafi attempted to force a Libyan-Chadian union.
	The Gambia		Libyan subversion in The Gambia caused break in relations. Senegalese troops intervene under a mutual defense treaty.
June	Italy		Anti-Qadhafi exile wounded in Rome.
			Libyan exile killed in Milan within hours after expiration of a deadline set by Qadhafi for all Libyan exiles to return home.
May	Italy		Libyan exile shot at in Rome. The arrested Libyan gunman says he was sent by Libya "to kill an enemy of the people."
	Greece		Libyan exile killed in Athens. His throat was slit.
	Itlay		Libyan businessman found strangled to death in Rome.
	West Germany		Libyan exile gunned down in Bonn.
	Italy		Libyan exile killed in Rome by two gunshots to the head.
April	United Kingdom		Libyan lawyer shot and killed in London.
	Italy		Well-known Libyan businessman killed. The arrested assassin said the victim was an enemy of Col. Qadhafi.
	United Kingdom		Two gunmen kill an anti-Qadhafi Libyan journalist.
February	Libya		Tunisian and French Embassies in Tripoli sacked and burned by a mob while Libyan authorities took no action.
1979:			
December	Libya		An estimated 2,000 Libyans set fire to the U.S. Embassy in Tripoli. The Libyan authorities did not respond to requests by the Embassy for protection.
November	West Germany		Two Libyans arrested with three suspected Palestinians for an unspecified terrorist operation.

QADHAFI, TERRORISM AND THE STINGER

Mr. DECONCINI. Mr. President, the previous sale of Stinger missiles to Saudi Arabia contained tight security measures that were conditional to the sale. We cannot guarantee that such safety measures can or even will be taken by the rebels fighting in Angola or Afghanistan. There is no need to give these freedom fighters the best that our military has to offer without full faith and knowledge that these missiles will be stored under the same conditions outlined for Saudi Arabia. I wish to reiterate what has been stated in the past: "Not a single airplane or airport in the civilized world will be safe if these weapons fall into the wrong hands."

Today, we are assaulted by a terrible war. Not a war of conventional means, however, but a subversive, insane war. A war that has no rules, no set battleground and no clear warriors. Terrorism, Mr. President, is a cancer—springing up in isolated incidences, killing without reason, direction, or justice.

Recently, the United States has been under attack by this cowardly siege. A TWA airplane, flying over the Mediterranean, had a hole ripped through it in which four innocent victims plummeted to their death. All of these victims were Americans. One was a 4-month-old child. This bomb was allegedly planted by a known international terrorist who boarded in Cairo and debarked in Athens. This terrorist is associated with the Arab Revolutionary Brigades, which is linked with the Abu Nidal group, the group responsible for the Rome and Vienna airport bombings last December.

Recently, a bomb exploded in a Berlin discotheque killing 21-year-old Army Sgt. Kenneth Terrance Ford and injuring 64 other GI's. There is no one in custody, but there is strong belief that Libyan leader Qadhafi is responsible for this brutal murder.

In addition to the terrorist threat, delivering the Stinger to Savimbi in Angola will escalate regional conflict and seriously impair United States efforts to negotiate a peaceful settlement between Angola, Namibia, and South Africa. This will also increase the tension between the United States Government and the Soviet Union in the South African region and globally.

Providing these Stinger missiles to Mr. Savimbi raises many questions in this Senator's mind. He has claimed to have shot down commercial/civilian airliners on four occasions. The State Department verifies that at least twice he has successfully shot down Diamond Mine Co. commercial aircraft carrying employees.

The U.S. Department of State, in its publication "Patterns of Global Terrorism: 1984," described Savimbi's UNITA by stating that ". . . with increasing frequency in 1984 UNITA's tactics have verged on terrorism." In 1983 a UNITA spokesman claimed to have shot down a plane which carried 126 civilians. Do we want UNITA to have Stingers?

We have been slow reacting to terrorism in the past. I support the President's action to strike in pre-emptive fashion against Libya even though it certainly is not pleasant to have to do something like this. I have been critical of President Reagan and past Presidents when they have talked tough and not acted. I am glad that in this instance specific and strong action has been taken. This was a high risk response, but I see no alternative when faced with such a radical leader as Mr. Qadhafi.

Mr. Qadhafi has virulently stated, "We have the right to fight America, and we have the right to export terrorism to them." From my training and experience as an attorney, statements such as this connected with the evidence in the Berlin disco and TWA bombing give the United States the right to use self-defense as justification for this action. The United Nations legally recognizes this right in article 51. Democracies have a right and duty to defend their citizens.

We also need to think long and hard about preventive actions before terrorists strike. The transfer of the Stinger missiles to rebel forces in Afghanistan and Angola is irresponsible and hasty. Having these weapons available in areas where we are unable to monitor them or ensure that regulations are adhered to appears to be inviting terrorist organizations to advance to a new level of terrorism. In 1985 we had 13 significant terrorist attacks involving U.S. citizens. It is difficult enough to combat these murders without the Stingers. The Stinger missile is the wild card in Colonel Qadhafi's deck of terrorist cards. In this volatile conflict with Libya we are virtually at war over terrorism. The "mad dog" of the Middle East does not need U.S. weapons to further escalate this battle.

THE NEED TO TAKE ACTION ON THE BUDGET

Mr. BUMPERS. Mr. President, I want to express my great concern about our failure to take up and act on the budget resolution for fiscal year 1987. The Budget Committee reported a budget resolution on March 24, and Members have had ample time to study it. Yet action on the measure has been delayed, jeopardizing the orderly consideration of appropriations legislation and increasing the risk that the entire budget process will fall apart leaving us with automatic Gramm-Rudman cuts as our only option in September. None of us wants that to happen.

We are writing $200 billion in hot checks a year, and everyone claims to be extremely concerned about the national debt. Yet, here we are on April 15, the official deadline in the budget act for the entire Congress to complete action on the budget for the next fiscal year, and the Senate hasn't even begun to debate the issue. The Senate Budget Committee approved a budget and sent it to the full Senate 22 days ago. I understand that the White House is opposed to this budget, but the President is unwilling to negotiate an alternative, so the budget is languishing while the President and Congress are at loggerheads. While we fiddle, the budget burns. We need to begin the debate on the budget now. These tremendous deficits may be the most critical issue we face as a nation, and we cannot afford to let political squabbling keep us from acting responsibly and in a timely fashion.

The budget bill reported from committee is not perfect, but it is a bipartisan, responsible measure. It certainly can stand to be improved, but it is a good starting place and there is no reason to delay further in bringing it up.

I urge the majority leader to turn to the consideration of the budget forthwith. The other issues we are debating pale in comparison to the enormity of our $2 trillion-plus national debt, and we need to get on with taking the tough measures necessary to deal with it.

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ELECTRIC CONSUMERS PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 426, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 426) to amend the Federal Power Act to provide for more protection to electric consumers.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized to offer his amendments on wheeling of power.

Mr. MELCHER. Mr. President, last Friday afternoon when we discussed this bill, I laid down the criteria for what I thought a worthwhile amendment would be. We discussed it for about an hour, I suspect. Out of that discussion came some interesting points.

Immediately afterward, I asked, as I said I would do on Friday, the Edison Electric Institute to look at the language of the proposed amendment and to give me a critique on it, their learned feelings and understandings of what effect it would have on current law.

They used some of their fine attorneys to provide that critique, which

was given to me yesterday about noon. I very much appreciated that.

I believe while we have not satisfied by any means their objections to the proposed amendment, nevertheless there was an indication that there might be some method to satisfy their objections and still satisfy the public interest.

I suspect that anybody reading this RECORD would wonder first what it is all about to use that term "wheeling." I will attempt a definition of wheeling.

As I understand it, and I believe this to be correct, wheeling means the electrical transmission on lines owned by one utility of the electrical power generated by another utility. The utility company which owns the transmission lines is paid for the service by the second utility company.

Mr. President, I shall offer a limited and narrow amendment to pertinent sections of the Federal Power Act passed in 1935, as amended by the Public Utility Regulatory Policies Act, called PURPA, amended in 1978.

The amendment will change existing law in circumstances when one utility company would be required to carry electrical power generated by another utility company over its transmission lines.

The amendment will be narrow and limited because its requirements will meet these objectives.

A. The utility company with the transmission lines must have room, that is, unused capacity, to carry additional electrical power.

B. The utility company would not use capacity on its transmission lines and cannot be forced to carry additional power if in doing so the circumstances would significantly burden the utility company's ratepayers. In other words, my amendment would not have a significant cost or harmful cost effect on the consumers of the utility company required to carry electrical power generated by the other utility company seeking the wheeling contract.

Third, the need by the applicant utility company asking for the wheeling contract must be able to be demonstrated to the satisfaction of the Federal Energy Regulatory Commission that the wheeling contract is in the public interest.

Finally, the wheeling contract must not violate State law.

This issue, wheeling, is an old, old issue which has never been resolved in Federal law. The Federal Power Act passed in 1935 did not solve the wheeling issue. Section 211 and section 212 of that 1935 act were amended by the Public Utility Regulatory Policies Act, PURPA, enacted in 1978, and it was proclaimed by some in Congress and in the electric utility industry that those amendments would resolve the issue.

That simply did not prove to be the case.

Although many stated that their hopes were at that time, in 1978, that those amendments would put the wheeling issue to bed, it turned out to be a very short slumber.

Federal courts soon ruled that FERC had little or no additional authority to require wheeling contracts. Nevertheless, it is fair to say, and it should be said, that there have been dramatic increases in voluntary contracts for wheeling between utility companies during the past decade. These voluntarily negotiated wheeling service agreements are filed at FERC and more than 1,380 such agreements have been entered into since 1976. That is real progress.

It is apparent that wheeling contracts are in the public interest, and that it is good business practice for the utility company who gets paid for transmitting the electrical power of the second utility company that it can have its electrical power carried on unused capacity of an existing transmission line.

The public interest is further served by cutting down on the number of transmission lines that must be built to carry the electrical power to where it is needed.

For all the citizens who have been involved in the debate that surrounds the location and construction of new transmission lines which blight the environment and the esthetics, it is obvious that if construction of new transmission lines can be avoided, there is a huge sigh of relief from all sides. I believe that a significant number of American citizens have been involved in such arguments—where will a new transmission line be built, or will it be built? If so, how do you mitigate the environmental damage and, besides mitigating those potential damages, how do you satisfy the esthetics? Those are tough debates and hard, crushing conflicts.

To avoid building the new transmission lines not only makes good economic sense, it makes good sense for holding down the blood pressure acquired in the rousements that are caused by the thought of inflicting another huge transmission line across somebody's land, across somebody's favorite glorious area. So from all sides, if you can avoid building new transmission lines, it is always good to do so.

Mr. President, the Western Systems Coordinating Council, which includes a large part of our Big Sky Country of Montana, has worked diligently and consistently to make sure that where wheeling contracts are practical and efficient and needed, all sides get together to agree on them, get them in operation. It is that type philosophy upon which I shall offer an amendment to this bill to plant in bedrock that wheeling contracts are in the public interest and should be entered into if the following conditions are met—and I repeat them once more.

First, the utility company with the transmission lines must have room—that is, unused capacity—to carry additional electrical power.

Second, the utility company with unused capacity on its transmission lines cannot be forced to carry additional power if, in doing so, the circumstances would significantly burden the utility company's ratepayers.

In other words, my amendment would not have a significant cost or harmful cost effect on the consumers of a utility company required to carry electrical power generated by the other utility companies seeking the wheeling contract.

C. The need by the applicant utility company asking for the wheeling contract must be able to demonstrate to the satisfaction of the Federal Energy Regulatory Commission that the wheeling contract is in the public interest.

D. The wheeling contract must not violate State law.

That is a narrow amendment, one that I believe should be adopted. There is need for the amendment because there are documented cases where these conditions have been met and, for at least one or more reasons involving competition or greed for profit, wheeling contracts have not been voluntarily negotiated.

The Federal Energy Regulatory Commission under existing law in the Federal court case decision that I previously referred to have been restrained or prevented from issuing wheeling orders. Not one wheeling order has been issued by FERC since the 1978 amendments and the court case came down. To those who want wheeling and that is generally small utilities, rural electrics, and utility districts, they point out that there are instances when it is impossible to get wheeling contracts. To those companies who do not want to be bothered except by voluntary wheeling contracts that they negotiate, which is, generally speaking, large utility companies with large transmission lines, they point out that only three applications have been made to FERC for wheeling contract orders since 1978. For that reason, they say any change in the law is unnecessary. Both sides have a point but the strength of the argument of each side should be weighted to determine what is in the public interest. There is need, in my judgment, for enactment of an amendment for wheeling contracts. When the criteria of A, B, C, and D, which I have already detailed twice, are met, and FERC should make that wheeling contract required to be entered into.

It is wise that PURPA has required consumer protection against the provisions of inefficient costly transmission

services or those services which would adversely affect system reliability. That is what PURPA does. I would not offer an amendment that would discontinue that. I would not offer an amendment that would alter it. There is, however, compelling evidence that the present voluntary approach has not always worked and that some proposals that have been documented have not resulted in an FERC order for wheeling when it should have. Some economic and efficient wheeling services have not been able to be agreed to under contract because FERC was prevented by law from requiring it. Congress has pursued overall a restrained course in requiring mandatory actions even where it was necessary in the public interest. There need be no further debate on whether or not FERC lacks authority to require wheeling contracts. It does not. In some narrow instances where a wheeling contract would be good for the public, it is in those cases that I shall offer an amendment seeking to correct the inadequacy of present law. That is only common sense, it is only good business. It is a furtherance of competition in the marketplace.

Mr. President, from the debate or the discussion on Friday and from my visits with Edison Electric Institute attorneys, it is obvious that an argument is made that this is a very detailed subject, very difficult to understand, very difficult to modify, very difficult to balance all factors. I will not argue with that. I will not argue with that at all. That is why I shall offer an amendment that is very narrow and limited so they understand it, so everybody understands it, even Congress; so we can understand.

In furtherance of that line of discourse, it will be said, well, it is too big a thing to take on here, on the floor. Mr. President, this is the floor where we decide issues in the public interest. I do not want to burden anybody with too much detail and too much confusion; so I shall offer a very narrow, limited amendment that requires in some instances that I have outlined—A, B, C, and D—twice put in the RECORD, twice enunciated here certain things. Those points can be understood by everybody.

I know FERC is on a big study. Indeed, they ought to be on a big study. They want to look at this whole issue of wheeling. But I do not want them to bog themselves down in the eternal study.

But the more they learn about wheeling, I guess the better protected the public will be. But FERC cannot do anything about it. Only Congress can. They will talk about there is not time to do this; we will hold hearings next year; the House wants to hold hearings next year.

Well, there is time to do it. Where is the report on this bill? Do we have a report on this bill? I hope so.

Here it is. I have it in my hand right now. October 22, ordered to be printed—October 22, 1985. That is when it was printed. I have some minority remarks in here. Those additional views state that we ought to consider a wheeling contract. Let us see, that is the first year of this Congress. We had this bill up in a rather timely fashion, the first year in this Congress. This is April, the second year of this Congress.

Now, I want to see this bill pass. I think this bill is in the public interest. I think it is probably even necessary, beyond that. I do not know what would happen to some of these dams if this bill did not pass this year. So do not bother to tell me what will happen. I want to see it pass. I want to see this bill passed by the Senate and House and signed and sealed by the President before the Congress adjourns this year, which, as I understand it, will be the first week of October. Having said that and with all due deference to everybody's view, I believe there is time, plenty of it, to adopt an amendment of the type that I shall offer, this narrow, limited clarification of authority. It is new authority to FERC——

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. MELCHER. Not at this point, thank you—clarification to FERC that they do have the authority. We could adopt such an amendment when we arrive at what is the best language. But to get to that best language let me point out a couple of things. In my book, the Edison Electric Institute serves a very fine purpose. They can coordinate, bring to the public and to Congress the views of private utility companies. With me they have good credibility. And so I cast no aspersions on their motives, but to continue this delay, which existed, I suspect—I was just a kid in 1935, but I suspect there was plenty of discussion before the Federal Power Act was enacted by Congress in 1935 that said why can we not do something about wheeling. The 1935 Federal Power Act did not resolve it. In 1978—and I was here then and was no longer a kid—I remember somewhat the debate on how these PURPA amendments, which were enacted, were going to resolve wheeling issues. And so there is some merit to that argument if you just measure it on voluntary agreements. There is real merit to that argument if you just measure it on voluntary agreements, but there is not too much merit to the argument which says that the amendments to PURPA brought that on.

I do not think those amendments did much to bring that on. What brought it on was just good common sense and good business practices and people did what ought to be done, make voluntary agreements where it was good for both sides and assuredly in the public interest. But there is no doubt that in some instances wheeling contracts that are in the public interest and should have been entered into were not on a voluntary basis, and there is no way of getting FERC to force that because FERC does not have the authority. Congress has not granted it the authority.

Now, why now? Why now? Why not next year, the year after, 10 years later? Why not later rather than now? Well, I suspect I will have to give my answer from my own viewpoint, and I shall do so. There is not a whole lot of desire by Members of the Senate—and I will not speak for the House on this, but I do not think there is much desire by the Senate to get balled up in a long argument over a narrow amendment on this subject of wheeling.

I can just imagine next year. What bill would we have? Would we get a bill out of committee? I believe we would.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. MELCHER. Thank you, not right now. I believe we would. But what would it have in it? I do not know. Would it be passed? Well, I do not think it would be passed unless Edison Electric Institute wanted it to be passed.

I do not think it would be passed unless they liked every jot and tittle. And I do not say that out of any disrespect. They represent an awful lot of people across this country who generate electricity, which is then provided to consumers. But I believe this is the right time to consider it because I believe they want this bill passed this year, just like I do. Just like I do, they want it passed. Now, there is some hydrorelicensing that affects Montana and I want it enacted, I want the bill enacted. I think this is the right time to address a narrow amendment on wheeling because we are going to pass the bill. I do not know whether that will happen next year. I think this is the right time to address the issue.

Now I will be delighted to yield to my friend from Louisiana.

Mr. JOHNSTON. Yes. I was simply going to ask the distinguished Senator from Montana if he has an amendment written up and if we will get to see it?

Mr. MELCHER. Yes, I respond to my friend from Louisiana. It is the same amendment that was available and was examined by the staff for the past, I do not know, week or so.

As the discourse went last week, last Friday, that amendment was not right, but we make it right. We still have not properly ascertained what is wrong with it.

While I have had a critique supplied by very learned counsel—and I thank him for it, because it is a good critique—I have not had any suggestions. We seem to have a common interest. We talk about public interest. We talk about why voluntary agreements are good, and so forth. But we really have not gotten down to the nitty-gritty of "If you don't like it the way it is, what do you like, in order to take the needed, narrow, limited step forward to correct the defects?" It does not do us much good to say there are no defects in the present law.

Mr. JOHNSON. I am not arguing with the Senator. I simply want to know whether he is going to offer the amendment from last week, and when.

Mr. MELCHER. I will offer an amendment of the nature that I described on Friday, that I have described today, and of a nature that the learned Senator, my great friend from Louisiana, has looked at over the past several days. But I hardly think it is wise to just have an exercise in futility. When it is offered and if it is not acceptable, it will be tabled.

So let us do the obvious. Let us get together on an amendment.

Mr. JOHNSTON. Mr. President, I think the Senator knows that the Senator from Louisiana—and I think the distinguished chairman, the Senator from Idaho—have been telling the Senator for 5 months that we do not like wheeling more than PURPA has provided for. In the PURPA amendment, we went into great detail, after hearings to confect an amendment which is now the law, which is working, which is working very well. I do not think it comes as any surprise to the Senator to know that we oppose his amendment and why we oppose it.

I guess what I am asking is, Is the Senator really going to propose an amendment, or is this an exercise in filibuster?

Mr. MELCHER. It is much to take that dismal attitude, that a filibuster might be necessary.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. MELCHER. I will yield to the Senator from Idaho as soon as I respond to the Senator from Louisiana.

I want a narrow amendment to move forward in the public interest on wheeling. We can take the attitude that it is not necessary, that everything is fine. That attitude might easily prevail on a vote. I suspect that it would prevail overwhelmingly, that attitude expressed by the Senator from Louisiana. But I have consciously and sincerely expressed my intention.

I believe we can make some headway any time we want to. But we have to determine whether or not we want to try. Until we do that, I suspect that we are not going to make any progress at all, except discourse.

Mr. JOHNSTON. Mr. President, if the Senator will yield, I submit that last week's amendment was not narrow in scope at all. It was very broad, and the objections to it are very specific. We have cooperated with the Senator not only in giving our specific objections, but also, I think he has been furnished with a paper from me which further specifically details what those objections are.

Now there is a new amendment which is described as narrow.

Mr. MELCHER. Mr. President, I cannot deal further at this point. The amendment was very narrow. To say that it is not very narrow is merely to compound confusion that exists over what wheeling is to begin with.

I yield to the Senator from Idaho.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Idaho.

Mr. McCLURE. Mr. President, I think I sense what the Senator is trying to do, and I will not cast it in the worst light. I will try to put it in the most favorable light I can, as I understand it, and make a comment to the Senator, to see if it will yield any progress on the legislation.

First of all, the Senator points back to the fact that some months ago, this bill was reported, and the Senator wrote minority views that indicated he thought something should be done about wheeling. So the committee certainly was on notice, as was the Senate on notice, that the Senator from Montana has something in mind that he would like to accomplish. In fairness to the Senator, we would have to say that we still do not know what that is, exactly.

The Senator suggests that he offered an amendment last week and that he will offer an amendment similar to that one, which has similar objectives as outlined today, but he does not have that amendment drafted, and that maybe if we talk, we will find a solution, which seems to me that, having been put on notice some months ago and having been put on notice last Friday, in the next 20 minutes we will be able to come to an agreement.

I say that because I think that is what the Senator is groping toward, if I understand what he is saying.

I suggest to the Senator that while he thinks this is a simple subject, there are many other people—and this Senator is one—who think it is a very complex subject.

Frankly, I did not know, at the time this matter was before the committee and the Senator first raised this question, nor do I know any more since last Friday, after having seen for the first time an amendment offered by the distinguished Senator from Montana, what the objectives are or what the reason might be, nor do I see a solution any more clearly today than 5 months ago, when I do not even know what the problem is.

Mr. MELCHER. I will help the Senator from Idaho.

Mr. McCLURE. May I go a step further and make a suggestion?

Mr. MELCHER. Yes.

Mr. McCLURE. I do this in absolute sincerity and believing the Senator from Montana is operating in good faith, and I assure him that I am, too.

The background of the problem, if there be one, the question of whether PURPA has worked, or the provisions in PURPA have worked, the question of whether there are or are not problems, and the question of how to solve those problems, if they can be identified and do exist, is something we are not going to find in 20 minutes. In my judgment, we are not going to be able to develop either the background or the comments or the information that is necessary to reach the objectives that the Senator from Montana apparently has in mind—although I do not know what they are—in the time that is allotted for the consideration of this bill.

So, while the Senator can say that we have lots of time, I think it is more complex today, as a matter of fact, I say in candor to my friend from Montana. I think it is the kind of thing we ought to develop through the hearings process on a specific proposal, so that everybody can look at it and analyze it, and talk about it and think about it, and comment upon it, and offer amendments to it.

I sincerely offer to the Senator from Montana the opportunity for that kind of process within the committee hearing structure, but I do not believe we can do it on the floor of the Senate.

Mr. MELCHER. I thank my friend from Idaho and my friend from Louisiana.

First of all, I do not think we can do it on the floor of the Senate, either.

Second, I am going to respond again. Not having seen the language, the Senator had every right to see it, because the staffs had it for quite a few days. They could have had it even earlier.

As to this shuffle around of responsibility for looking at amendments, it is indeed sometimes a very hard task to pin down when language of a proposed amendment was available, and I do not quarrel with that. But the language was submitted to staffs on each side. and it was asked. "What do you think of it?"

Mr. McCLURE. Will the Senator yield on just that point?

Mr. MELCHER. Yes.

Mr. McCLURE. To the best of my knowledge, the staff of the Energy Committee first saw the language on Friday morning of last week and I have consulted with the minority staff

as well as the majority staff. None of us are aware of any such language being available to anyone prior to Friday morning of last week.

Mr. MELCHER. My staff just tells me he thinks you both had access to it. On Wednesday it was shoved at you, your staff. The staff over there shakes his head. Staff can argue with staff.

But the fact is the amendment is not that complicated and the fact is that while it should not be written here on the floor, there has to be willingness to want to have an amendment of this nature before we are going to have a good one.

Mr. McCLURE. Yes.

Mr. MELCHER. We are just going to say we will wait until some other time we can go on. I would have preferred, as a matter of fact, that the amendment would have been drafted and worked out in committee. I guess we could be truthful about this and honest about this and say "by the staff for our review." That was not done. Staff was not directed to do it.

It was looked at and thought why should a hydrorelicensing bill get into all of that? I am not even going to quarrel over that argument.

I think it might be a conclusion that under different circumstances if I were the chairman or the ranking minority member, such as my friend from Idaho and my friend from Louisiana, I might make the same decision.

But this is a difficult issue. This issue has been round and round and round. To the extent that it has been resolved, it has been resolved simply because it is good business practice to resolve it.

Now if my language is not good language, what is wrong with getting better language that does something? Why do I not hear from either this side or that side?

Mr. McCLURE. Introduce an amendment.

Mr. MELCHER. Why do I not hear from either side that there are instances when people wanting wheeling contracts could not simply get them and there are instances when the merits for awarding the contracts seemed to be justified.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. MELCHER. I asked a question. I will be delighted if the Senator would answer it.

Mr. JOHNSTON. It is very simple because the reason is that it is to the detriment of the customers of the company being asked to wheel to take away its customer base, in effect to pirate its customer base for someone else's benefit.

There is a limited ability to require wheeling as provided in PURPA and we think it is a proper requirement which has encouraged voluntary wheeling in ever-increasing amounts, but it is not in the interest of the customers to require further change, it is not in the interest of——

Mr. MELCHER. Now, would the Senator permit me?

Mr. JOHNSTON. Yes.

Mr. MELCHER. I would not want what you just described, a utility company to be forced to wheel to lose some of its customers.

Now might I ask my friend is that not a beginning point? That is one of my ABC's. Is that not a beginning point between us?

Mr. JOHNSTON. I think it is but I think the Senator's amendment from last week would allow what we call pirating.

Mr. MELCHER. There is a difference of opinion on that, see, between counsel. One say, oh, no, it does not. Then you say it does and other learned counsel say it does. So there is a difference of opinion on that point. I would not offer anything that allows pirating.

Mr. JOHNSTON. Will the Senator yield?

Mr. MELCHER. So that is a beginning point of agreement between us.

Mr. JOHNSTON. If the Senator will yield, his amendment provides that if you strike subsection (c)(1) of section 211 of the Power Act, and that is that provision which specifically prevents pirating, that is to say that is the amendment that is the part of PURPA that says "No such order may be issued under subsection (a) unless the Commission determines that such order would reasonably preserve existing competitive relationships."

That is to prevent pirating specifically.

Mr. MELCHER. Yes.

Mr. JOHNSTON. And I think the Senator's amendment would have done that.

Mr. MELCHER. The Senator will agree that between us we reached an agreement on a very basic point, as one of my A, B, C, and D's, that I set the amendment aside. Is that correct?

Mr. JOHNSTON. If the Senator says he did not want to do that, we can——

Mr. MELCHER. I do not want to offer anything that causes pirating—I think we understand that—the same way it causes a utility company offering or required to wheel I would cause them to lose part of their customers. I do not want that. We are in agreement on that.

You see, Mr. President, we might as well take each other seriously and have respect for each other's sincerity, because I think we are coming from the same point. The question is when learned counsel of one side says, "No, no, that language doesn't mean that," and learned counsel on the other side says, "Yes, it does mean that," that is exactly what would happen. All I ever said, to me we are seeking the same result; we better get language that we agree on.

I say that not as a learned counsel, just as a learned horse doctor and sometimes that helps. You can get in the middle between learned counsel and say let us get language that does exactly what we want it to do, to instruct FERC to carry it out.

I am delighted to yield to my friend from Idaho.

Mr. McCLURE. Mr. President, dealing with a sick horse is a little different. The horse cannot comment and cannot talk about it.

Mr. MELCHER. That is what makes it real tough sometimes.

Mr. McCLURE. It makes it easier in some respects because you do not have to ask the horse, do not have to get his consent and have to persuade what you do is right for him. You do it. He gets better or dies.

Mr. MELCHER. The horse always want good results, I remind my friend, let alone the owners of the horse.

Mr. McCLURE. I am sure he does.

Let me say to my friend from Montana that I am really not certain that I know how to help him draft an amendment because whether it be 5 months ago or last Friday, I still do not know what the problem is we seek to address when, as a matter of fact, the PURPA amendments tried to focus upon encouraging voluntary arrangements and in the decade past, we have had nearly 1,400 wheeling agreements entered into that have been with FERC. During the same period of time there have been five applications filed for the use of the authority of FERC to order wheeling under the provisions of the PURPA. One of those was denied, was denied under the provisions of the section the Senator seeks to strike. Two are still pending and two were settled or withdrawn.

If that is true, and I think those facts are irrefutable, I think that at least those facts are right. There may be some other facts of which I am not aware but at least those facts are right. If they are, then what is the problem, what is it we are trying to cure? Where is the wheeling that ought to take place that is not taking place? Where are the opportunities for mandatory wheeling which are available under PURPA? And FERC does have the authority to order wheeling under the test established under PURPA. Under criteria established in current law, FERC can order wheeling to take place.

They have only in one instance in the last 10 years denied such a request when made. What is the problem?

And that I guess is the dilemma of the Senator from Idaho, who has been trying to help the Senator from Montana draft an amendment to do what? To cure what ill? If indeed there are some problems that need to be ad-

dressed, we could develop that in a suitable hearing record and then start in pinpointing what there is in current law that is inadequate to meet the problems that are then identified.

But the Senator from Idaho does not know what the problem is and certainly cannot prescribe a cure for an illness which is not apparent.

Again, it seems to me that if indeed the Senator from Montana knows of such instances and problems, and others can do so, and they will present that to us in a hearing record, then we will start in honing in on why PURPA is not working, why the existing Federal power agency provisions are not adequate to meet the tests.

It seems to me, as I listen to the Senator from Montana, that the wheeling he desires to be done and believes should be done are all possible under existing law; that FERC has the authority under existing law to entertain an application and to make an order precisely as the Senator from Montana outlined as his desire that they should do, and the record does not indicate they have not followed nor applied the law.

So I start out from the beginning in a complete quandary as to how I can help the Senator from Montana because I do not know what he wants to do.

Mr. MELCHER. I thank my friend from Idaho. I know he is in a quandary on what the best language is. I can accept he does not understand for sure that there is a real problem out there.

The PURPA amendments were adopted in 1978. I believe the court case I referred to was of that same year, if I am not mistaken. And there was not any way that FERC could require wheeling unless it was voluntary.

Mr. McCLURE. Will the Senator yield?

Mr. MELCHER. Yes.

Mr. McCLURE. I do not remember the Senator having identified a specific case.

Mr. MELCHER. No.

Mr. McCLURE. To what case is the Senator referring?

Mr. MELCHER. I am not sure.

Mr. McCLURE. Neither am I.

Mr. MELCHER. But we will supply it to you. The Senator well knows that the PURPA amendments were tested. The Senator well knows—and I stated a couple of times in my remarks—that the ruling of the court on the interpretation of those PURPA amendments says FERC simply does not have that authority.

Mr. McCLURE. Will the Senator yield? There is a case which I think would be instructive, and that is Southern Power Administration versus Kentucky Utilities Co., which is a 1984 proceeding before the Federal Energy Regulatory Commission. And that one is the first case in which the Commission analyzed section 211 of PURPA with respect to wheeling to wholesale customers. And in SEPA, the Commission denied the application by the Southeastern Power Administration for an order requiring Kentucky Utilities, Inc., to wheel power generated by SEPA to eight of KU's municipal customers.

But that is just looking at the question of hiring and wheeling. That is a loaded term. The opportunity of different utilities to service customers within a service territory of another utility. That was pursuant to section 211 of PURPA.

PURPA has worked primarily because the whole theory of PURPA was set up on criteria that everyone could know, that are very clear and precise and well understood by people on both sides so everyone knows what the ground rules are and then seek voluntary arrangements. And that has worked. It has worked almost 1,400 times. It has failed to work five times, and two of those five were settled or withdrawn. It has only failed to work in one place where the Commission denied the application and in two cases they are still pending.

Now, that does not indicate to me that there is a problem that we need to fix. It indicates to me the law is working the way we intended it to work.

I am quite willing to explore the deficiencies of a statute or changes that might make it work better, but I need some evidence that it is not working and then, secondarily, what needs to be done to make it work better, neither of which has been presented to us either in committee or in debate on the floor.

Mr. MELCHER. First of all, Mr. President, I thank my friend from Idaho for his comments and his reference to the Southern Power Administration versus Kentucky Utilities Co. case before FERC, 61-206-983. I thank him for that and for his explanation.

But let me respond to this one point. In stating that—and it has been stated many times by the utility companies, at least privately owned utility companies—that only three applications for wheeling under sections 211 and section 212 had been made to FERC and that is good—now, that is a good indication that those desiring that, when services are able to obtain them, that that is through voluntary methods, and they have, by and large, obtained them through voluntary agreement.

But the fact is there are so many restrictions on the exercise of wheeling support granted FERC in sections 211 and 212 that the probability of prevailing before FERC is almost zero; that is, zilch.

That means there is not a chance of the proverbial snowball in Hades. Now, that is not how sections 211 and 212 are described ordinarily by those who drafted them, I suspect, in 1935, and those of us, including the two distinguished colleagues that I have on my left and my right, the Senator from Louisiana and the Senator from Idaho. Senator McCLURE assisted in drafting amendments to PURPA in 1978 to stress these very sections; that is, not to give any opportunity to approach FERC and say, "We want a wheeling contract, but this big meany over here won't give it to us." That is what those amendments were supposed to do.

If a little outfit comes in and says, "We want a wheeling contract with this monstrosity here. They won't give it to us. FERC, what do you think about it? Why can't you give us some guidelines and require it?" That is what that is supposed to do, but it does not do it.

Nobody applies because if you cannot get a voluntary agreement, there is no use applying to FERC. The cases well document that they are not going to get it anyway by application.

The issue of congressional preemption in the area of interstate transmission of electricity has already been resolved. The Federal Government has already preempted the States in this area. There would be no additional preemption to States' rights, under an amendment that I have described and will offer. When we find the narrow path, I will offer it. At the present time, however, there is no forum. FERC just cannot be the forum. They cannot deal effectively and expeditiously with refusals.

When somebody says, "Well, we want to negotiate with this other company way over here, this big one, but they won't negotiate a wheeling contract with us. We are asking you, FERC," and FERC cannot do it.

So there is no forum for these people seeking a wheeling contract that they believe is in the public interest and can meet all the criteria in the law. There is just no forum to go to.

You know, State commissions cannot deal with this and this is interstate. We want something uniform, not set it aside as a State commission's authority, but we do want something uniform on interstate. So it has to be under the Federal Power Act. It has to be decided by FERC. Only FERC can do it.

Mr. McCLURE. Will the Senator yield without losing his right to the floor?

Mr. MELCHER. The reason FERC cannot do it is, there are deficiencies in sections 211 and 212. If you do not like my approach to it, let us correct the deficiencies anyway. You give me the approach. I will go your way.

Yes. I am delighted to yield.

Mr. McCLURE. First of all, I do not know what the deficiencies are that the Senator has in mind. I have not been able to identify them. I look at section 211. It says:

The Commission may issue such an order if it finds that such an order is in the public interest, would conserve a significant amount of energy, would significantly promote the efficient use of facilities and resources, or would improve the reliability of any electric utility systems to which the order applies and meets the requirements of section 212.

That is section 211 of the Federal Power Act as amended by PURPA.

It goes on in the remainder of section 211 to say that the Commission may issue an order after a hearing, and after a notice, if they find the electric utility that has been asked to provide wheeling is either constructively or specifically denied access to wheeling, and if such order meets the requirements of section 212.

If you look further under section 211, it says the order cannot be issued unless the Commission determines that the order would reasonably preserve existing competitive relationships. That is the section the Senator seeks to remove. Subsection (a)(2) says in effect that the order may be issued which requires the electric utility subject to the order to transmit during any period an amount of electric energy which replaces any amount of electric energy required to be provided, and so on, during the contract period currently provided to the applicant by a utility subject to the order pursuant to a rate schedule on file.

It says further in subsection 3 of subsection C, no order may be issued under the authority of subsection A or B which is inconsistent with any State law which governs the retail marketing areas of electric utilities. No order may be issued under subsection 4 under subsection A or B which provides for the transmission of electric energy directly to an ultimate consumer. That is the antipirating provision.

If you flip the page to section 212, the order cannot be issued unless the Commission has determined that the order is not likely to result in a reasonably ascertainable uncompensated economic loss; subsection 2 refers to an undue burden; subsection 3, the impairment of the reliability of the utility, and will not impair the ability of the electric utility affected by the order to render adequate service to the customer.

I do not know what is wrong with that. I do not see where it has failed. I have not been presented any information by the Senator from Montana on any specific cases where it has not worked.

I guess again the only bottom line I can reach in this conversation is I do not know what the problem is. I cannot define the fix. And there is not unlimited time. We last week debated this issue some. We by unanimous consent fixed a period from 10 o'clock this morning until 12 o'clock this noon to deal with these amendments. We still do not have an amendment offered. We will go into recess at 12 o'clock and return at 2 o'clock to hear the amendment to be offered by the Senator from Colorado. At 3 o'clock we will vote on that amendment.

I say to the Senator from Montana that if we do not get this bill resolved within that timeframe we are on notice from the leadership that we are going to turn to other matters like the budget resolution, and that once we get on the budget resolution we will be talking about it for awhile.

That is a contentious issue with a great variety of issues which are going to occupy this Senate.

I think the Senator from Montana knows, as does the Senator from Idaho, that there are relatively few legislative days remaining in this session this year to deal with the myriad of subjects which will come before the floor of the Senate. If we have not completed this bill today it is unlikely that I can give any assurances to anyone that we will have a predictable opportunity to get back on the bill and complete it at some undefined later time.

So I plead with the Senator from Montana to indeed give us the opportunity to hear from the Senator from Montana and any other interested witness in the form of a committee hearing to identify what the problem is, and to start trying to identify answers.

Mr. MELCHER. Mr. President, I very much agree with the frustration and concerns expressed by my friend from Idaho. He is absolutely correct. We can talk about a proposal forever and never get to any resolution. I mean for ever in a very lucid time frame because forever is a couple days around here right now because there are only limited days.

I am not advocating that this is the place to resolve this issue. But I do strongly urge and encourage my friend on the committee, my colleagues in the entire Senate, to address this issue, and take some concern in it because there will be an amendment offered. I will ask for support on it.

But I am not going to offer an amendment that is not going to get any support, and to which a tabling motion is going to be made. We are going to have almost an unnecessary recorded vote because it will be overwhelming against it. I am going to offer an amendment on the basis of what is practical and needed, and necessary at this time.

That does not mean a filibuster. It would be unwise for us to waste our time doing that. What would be wise is to recognize that indeed the issue can be resolved. This is a good place to resolve it, and we can agree on language.

Twenty years ago the Federal Power Commissioner, Charlie Ross, said in the hearing before the Senate Commerce Committee that:

It is the parties who control the transmission, the arteries of the industry, that control the destiny of the millions of rate payers of this Nation.

I think we have made a great deal of headway since that time. He was talking directly about wheeling. I think there has been a great deal of headway since that time.

Let me give some examples to both my friends, the chairman, the Senator from Idaho, and the ranking member, the Senator from Louisiana, whom I do not see at the moment. But I know he is within listening distance.

Let me give you some examples. Utility companies do refuse to wheel on occasion despite those almost, as my friend from Idaho says, 1,400. I know that figure is accurate. It must be 1,400, maybe even above 1,400. It has been issued on a voluntary basis since 1976. That is good. That is real good. But there are utility companies that refuse to wheel.

Let me continue about these examples. In California, transmission service from Pacific Gas & Electric Co. has been obtained only through protracted negotiations and by accepting unreasonable terms and conditions. The Northern California Power Agency began negotiation with PG&E for wheeling before 1970 without result. In 1976 as a condition for obtaining the license for the Diablo Canyon nuclear project, PG&E was required by the Nuclear Regulatory Commission to provide wheeling when capacity is available. In 1983—13 years after negotiations started, 7 years after the licensing condition was imposed—the FERC approved a "negotiated" wheeling agreement whose terms are highly favorable to PG&E.

Throughout these negotiations, PG&E refused to submit controversies to FERC. Among other things, PG&E demanded that any transmission service change be filed with, and approved by FERC, thus creating a 3-month delay in each instance. Consequently, NCPA can make no day-to-day "opportunity" changes in operations that could save the consumers money.

Another example, like PG&E, Southern California Edison has actively sought to prevent California consumer-owned utilities from gaining access to independent power supplies.

Anaheim, California, is an island within Edison's service area; without transmission, it must remain wholly captive. Anaheim has tried to buy energy from the Pacific Northwest, but Edison refused to allow transmission. Anaheim was barred from participating in the Navajo coal-fired powerplant in Arizona when it could not secure transmission through Edison's facilities. Anaheim asked Nevada Power Company, manager of a proposed coal plant, the Henry Allen-Warner Valley Project, for participation in that project; Nevada referred Anaheim to Edison, a project co-owner, which replied that participation requests should be addressed to Nevada; Anaheim wrote to all

participants—without result. In 1979, Anaheim asked Edison for firm transmission for power from the Cholla Generating Project of Arizona Public Service Company. Edison demanded a contractual condition which made the purchase impossible—and then bought the Cholla power for itself.

In Florida, Wisconsin, and Kansas, municipal utilities must pay "pancaked" double or multiple wheeling rates to two or more utilities—in contrast to New England's joint rates for transmission across the lines of multiple utilities. Kansas municipals anticipate an allocation of economical power from the Western Area Power Administration in 1985—but it must be wheeled through up to four utilities, each piling on charges with little relationship to cost. The result—WAPA waterpower may be unaffordable. In Wisconsin, Northern States Power demands that Wisconsin Public Power, Inc. (WPPI) pay double charges to NSP Wisconsin and NSP Minnesota—even though the two companies are fully integrated, both financially and operationally. WPPI and its ratepayers have thus foregone economical power supply arrangements available both from Manitoba Hydro and Minnesota Power Company.

In Florida, municipal systems dependent on transmission by Florida Power and Light are unable to take advantage of economical short-term transactions with other utilities. FP&L refuses to file a transmission tariff and will deal only on a contract-by-contract basis. By the time negotiation can be concluded, opportunities have passed.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. MELCHER. I will in just a moment.

Mr. President, my amendment would not take care of all these cases. I cannot offer an amendment that is narrow and limited to deal with the A, B, C, and D criteria that I set out. I am not saying that all of these purported inequities would be corrected by my amendment. But I can offer an amendment that, in a narrow way, will open the door for those limited cases that FERC ought to consider and be the proper arena and forum to resolve quickly. That is what I shall offer.

I yield.

Mr. McCLURE. I thank the Senator for yielding. I thank the Senator for sharing with us specific kinds of cases with which he is concerned and to which he has now referred. I think that begins to allow us to lift the veil on the problem that the Senator is concerned about and may seek to deal with.

These cases, almost uniformly, are dealing with the anticompetitive antitrust aspects of utility operations and not wheeling. The Senator is not really dealing with a wheeling problem, per se. It is not something that is being done within FERC; it is something that is primarily within the purview of the courts under the antitrust law. That might yield the conclusion in the Senator's mind that FERC is powerless to deal with them because in an antitrust matter, not a wheeling matter, it is dealt with in the courts under an entirely different body of law and it is inappropriate for us to try to solve or deal with that area of the competitive situation between utilities in the guise of talking about wheeling.

It is an inappropriate attempt to remedy some of the problems that deal in an entirely different area of the law.

Mr. MELCHER. I thank my friend from Idaho for his observation, but I do not want the record to show that I agree with his observation. Indeed, wheeling in involved in each one of these observations that I briefly described.

The point really is this: Since you cannot get anywhere at FERC on having arrangements to quickly resolve wheeling orders, and, that lacking, no proper forum to go to, there are not many wheeling arrangements that are made on occasion when the utility company that does have the capacity does not want to transmit that power for another utility company because it would be advantageous of what they view as advantageous to a competitor, not hurting then but advantageous to a competitor in those instances they seek to correct.

I yield the floor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now stand in recess until 2 p.m.

Whereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HELMS].

The PRESIDING OFFICER. Under the previous order, the hour of 2 o'clock having arrived, the Senator from Colorado [Mr. HART] is recognized to offer his substitute, on which there will be 1 hour of debate equally divided.

The Senator from Colorado [Mr. HART] is recognized.

Mr. HART. Mr. President, I understand that the Nation has undergone some fairly dramatic events in the last 2 hours. I am just notified in the last 2 minutes the President of the United States is now going to talk on television to the American people about the Middle East situation. Is that correct? Does the Senator from Idaho know?

Mr. McCLURE. I cannot add any information at all. I have been in a meeting, and I do not know what we might have been told.

Mr. HART. The Senator from Colorado is wondering, since this is an issue, an item of concern to all of us, whether some temporary quorum call might be entered for 5 or 10 minutes without eating into the time set aside for the amendment.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, we have reserved 1 hour of time for this debate on the substitute offered by the Senator from Colorado. I do not think there would be any problem in us absorbing 15 minutes out of that time if the remainder is equally divided or even if we just take it out of our time. I think we can do that.

Mr. HART. Mine is a serious amendment and I cut way back to 1 hour on a serious amendment. I would like that time not to come out but I would like 15 minutes so I can find out what is going on.

Mr. McCLURE. I am in no position to offer to the Senator any other arrangement than that without consulting with the leadership on this side of the aisle.

Mr. HART. Would the Senator from Idaho agree to a unanimous-consent request to move the whole process forward 15 minutes?

Mr. McCLURE. Mr. President, without coming to that, let us see if we cannot arrange that. We will just have a quorum call and see if we cannot arrange that in the meantime.

Mr. HART. I cannot do that because I do not want to lose half an hour.

Mr. McCLURE. I cannot do better than that at the moment.

Mr. HART. I think 15 minutes would probably be eaten up by trying to find out whether we can get 15 minutes.

Mr. McCLURE. If the Senator will yield, I do not have the authority to make this arrangement but let me take a chance in spite of the fact that I do not have the authority to make the arrangement. I do not see the distinguished minority leader on the floor and he ordinarily would demand that for a matter of this kind he should be consulted. If we can just postpone the whole thing, we will start at 2:15 and end at 3:15.

Mr. HART. That was the request, but I understand even that has become academic because the President's statement is over, whatever it is he said, so I thank the Senator from Ohio.

Mr. McCLURE. I thank the Senator from Colorado. I wish we could have moved more rapidly.

AMENDMENT NO. 1783

(Purpose: To recapture for the public benefit, including the enhancement of environmental values, hydroelectric sites, upon the expiration of licenses therefor, issued to for-profit corporations under the Federal Power Act, and for other purposes)

Mr. HART. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRAMM). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. HART], proposes an amendment numbered 1783.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

That this Act may be cited as the Hydroelectric Power and Environmental Improvement Act of 1986.

SEC. 2. The Congress finds and declares that: This Act amends the Federal Power Act to provide mandatory take over by the United States of hydroelectric power projects held by private, for-profit, entities when the license expires, to provide for the marketing of power from those projects and to commit future revenues from such projects to fish and wildlife enhancement and for other environmental purposes.

SEC. 3. Title I of the Federal Power Act (16 U.S.C. Subsections 791a–823a) are amended in the following respects:

(a) In section 3 (16 U.S.C. Section 796(3)) by:

(1) inserting "or cooperatives" after the word "municipalities."; and

(2) adding a new subsection as follows: "(17) 'Cooperative' means any entity organized under the laws of any State or Territory of the United States which is entitled to preference in the sale of power and energy sold by the United States as provided in 16 U.S.C. §§ 831i, or 825s, or 43 U.S.C. § 485h(c)."

(b) In section 7 (16 U.S.C. § 800) by striking "States and municipalities" in subsection (a) and inserting in lieu thereof "States, cooperatives and municipalities" and by striking subsection (c).

(c) In section 14 (16 U.S.C. § 807):

(1) *In subsection (a), by* striking "have the right" after the words "United States shall," striking "to" after the word "license," striking "to" after the word "thereafter," adding the words "held by a corporation as defined in section 3 hereof (16 U.S.C. 796)" after the word "license," and adding a comma and the words "shall have" after the *first use of the* word "or".

(2) By striking subsection (b).

(3) By adding a new subsection "(b)" as follows: "Take over by the United States pursuant to the provisions of this section is mandatory unless, within two years from the date of the Commission's notice given under subsection (a) of this section, an Act of Congress declares that takeover of a project or projects by the United States shall not concur.".

(4) By adding a new subsection "(c)" as follows:

"(c) In the event the United States by reason of an Act of Congress does not take over a project or projects under subsection (b) of this Section *(or if the project is not subject to takeover under that subsection)*, the Commission shall, after not less than two years from notice published in the Federal Register, accept applications for a new license and decide them in a relicensing proceeding pursuant to the provisions of section 15 (16 U.S.C. 808)."

SEC. 4. Upon the effective date of a take over by the United States of a project as provided in section 14(b) of the Federal Power Act (16 U.S.C. § 807(b)), operation of the project shall be assumed:

(a) By the Tennessee Valley Authority if located on or along the Tennessee River or any of its tributaries or in any geographic area in which the Authority is authorized to sell electric power;

(b) By the Bureau of Reclamation if located in the seventeen conterminous western states;

(c) By the United States Army Corps of Engineers if located outside the areas covered by (a) and (b). The recaptured project facilities shall constitute power generating facilities held by the designated operating entity.

SEC. 5. Upon assuming operation of a project, the Tennessee Valley Authority, the Corps of Engineers or the Bureau of Reclamation, as the case may be, shall reassess the project and its operation for possible modification as needed to meet then current standards for fish and wildlife protection and enhancement and shall make such structural and operational modifications, including additions and betterments, as the agency determines is needed to provide equitable treatment for such fish and wildlife with the other purposes for which the project is operated. In the case of the Corps of Engineers and the Bureau of Reclamation such reassessment shall be in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661–666c). In the case of the Authority such reassessment shall be in accordance with cooperative arrangements between the Authority, the United States Fish and Wildlife Service and the National Marine Fisheries Service conforming to the Fish and Wildlife Coordination Act.

SEC. 6. (a) Wherever practicable and feasible, a project, the operation of which is assumed pursuant to section 4, shall be integrated with other federal hydroelectric projects.

(b) The electrical output attributable to a project the operation of which is assumed pursuant to section 4 which is surplus to the operating needs of the project itself shall, if operation is assumed by the Tennessee Valley Authority, be marketed by the Authority pursuant to the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. §§ 831–831d). In all other cases, such electrical output shall be marketed by the Secretary of Energy under section 302 of the Department of Energy Organization Act (41 U.S.C. § 7152) and pursuant to (1) 16 U.S.C. § 825s where the project is located in the marketing areas of the Southwestern, Southeastern or Alaska Power Administrations, or is located outside the marketing area of any existing Department of Energy power marketing administration; (2) the acts governing the marketing of power by the Bonneville Power Administration, where the project is located in the marketing area of that power marketing administration; or (3) section 9(c) of the Reclamation Project Act of 1939 where the project is located in the marketing area of the Western Area Power Administration.

(c) For purposes of determining the financial requirements of a project the operation of which is assumed under section 4, the costs of the project shall consist of expenses of operation and maintenance, costs of replacements, modifications and betterments, including costs resulting from the implementation of section 5, and payments, if any, arising out of section 7(a) of the Federal Power Act (16 U.S.C. § 807(a)).

(d) Rates for power marketed pursuant to subsection (b) of this section shall be determined as follows:

(1) Where the project is interconnected with other federal hydroelectic projects constructed by the United States, power from which is marketed by the same entity, the rates for each class of service shall be the rate charged by the marketing entity for that class of service from the interconnected system, determined without reference to the financial requirements specified in subsection (c).

(2) Where the project is isolated from other federal hydroelectric projects constructed by the United States, the rate for each class of service shall be the marketing entity's average rate for the class of service involved.

(3) Where the marketing entity is the Secretary of Energy but the project is located outside the geographic area of any power marketing administration, the rate for each class of service shall be the average rate charged for that class of service from all federal power developments: *Provided*, That in the event the Secretary of Energy (i) establishes a power marketing administration to market power from the project or extends the area of an existing power marketing administration to include the project and (ii) the project is interconnected with other federal hydroelectric projects constructed by the United States and from which power is marketed by the same power marketing administration, paragraph (1) shall govern the establishment of rates.

(4) If rates determined in accordance with paragraphs (1), (2) or (3), whichever would be applicable, would not, for the project involved, return an amount sufficient to meet the financial requirements specified in subsection (c) plus any applicable interest, the rates shall be established at levels which will provide the necessary revenues.

SEC. 7. (a) There is hereby established in the Treasury of the United States, a trust fund entitled the "Environmental and Conservation Trust Fund" (hereinafter the "Fund"). All revenues received on account of projects the operation of which is assumed under section 4 which for any prior project are in excess of the financial requirements specified in section 6(c) shall be deposited in the Fund, as shall repayment of loans made pursuant to subsection (c) of this section.

(b) The Fund shall be administered by a Board consisting of the Secretary of the Interior, the Secretary of the Army, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency (or their designees) and five, members selected by the President by and with the consent of the Senate, from among persons who by experience or training possess special qualifications in the fields of conservation or environmental protection. The Secretary of the Interior (or the Secretary's designee) shall serve as chairman of the Board and shall provide office space and staff for the Board, as the Board determines to be necessary, from staff and resources of the Fish and Wildlife Service and the National Park Service. Members of the Board who are not federal officials shall, when engaged in official duties, receive compensation at the level provided for federal officials at the initial step provided for federal employees holding the grade of GS 18, together with per diem or other allowances fixed in accordance with law while in travel status on official business. Other federal agencies shall provide such assistance as may be agreed upon on a reimbursable basis except that no charge shall be made for furnishing data and records in the possession of any federal agency, which data and records shall be provided as requested by the Board. The Board shall constitute an "agency" under 5 U.S.C. § 552b, and its records shall be available as

provided in 5 U.S.C. § 552. All expenses of the Board shall be met from the Fund, within appropriations therefor.

(c) The Board may, within the limits of appropriations from the Fund, make grants and loans to other federal agencies and to state and local public bodies for conservation and environmental purposes in accordance with regulations prescribed by the Board. The Board's proposed budget shall be included in the annual budget for the Department of the Interior and shall be transmitted to the Congress as adopted by the Board.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, the Senator from Colorado offers this amendment so as to turn this debate away from the details of the bill and to concentrate—even if for only 1 hour—on its underlying philosophy.

In the early years of this century, our Nation was blessed with certain foresighted leaders, among them President Theodore Roosevelt, who called themselves progressives. They were conservationists in the simplest and truest sense of the word. They were concerned with how best to care for and develop our physical environment long before the birth of the contemporary ecology movement.

Among the ideas they fought for was the idea that national resources such as forests and waterways should be managed to maximize their potential benefits to the public at large. Another of their ideas was that this stewardship was best entrusted to those who were directly responsible to the public.

These men believed in private ownership and profit making. But they also shared a profound belief that America's natural resources were assets of the Nation, the property of the people and a legacy to be willed to future Americans. They feared that assigning these assets to private concerns would interpose profit and the interests of shareholders between the resources and the people. Ordinary citizens would share in the development of these resources only as customers—and not as their rightful owners.

One of the fruits of this philosophy was the Federal Power Act of 1920, under which our waterways have been dammed to produce hydroelectric power. The 1920 act expressed the vision of the progressives and the conservationists by giving public bodies precedence in the granting of hydropower development licenses.

Nevertheless, most of those who raised the capital to build these facilities were—at least in the initial decades— private corporations. It was understood that, where public bodies could not do the job and private entities could, the Government should grant a license rather than leave the resource unused.

So the private corporations were licensed to develop power for a profit but for a period of time. It was an arrangement that all parties understood to be temporary.

The law made it clear that the resources in question were subject to recapture by the Federal Government when the licenses expired. And an adequate amount of time was allowed for the private utility to recoup its investment and then some.

Today, we face the question of renewing original licenses for private entities where public bodies are available to take over. The Federal Energy Regulatory Commission has been inconsistent in interpreting the right of public preference in relicensing decisions. The courts have stood by the Public preference in a succession of decisions, but that battle is still joined.

So, Mr. President, here we are, struggling to resolve the issue by legislation. The resulting bill before us provides a kind of compromise between various interested parties. But in seeking that compromise, and in accommodating the interests of the current licensees, the bill has short-changed the essential principle that informed the act of 1920—the principle that the water resources that generate this power are a public resource—first and last.

This bill does not go so far as to repudiate the public franchise overtly, of course. Yet it would, in effect, grant existing hydropower licenses to the current licensees in perpetuity—whether those licenses are held by public entities or private.

A licensee under this bill would only need to meet the barest requirements of the Federal Energy Regulatory Commission in order to retain the license. Any competing entity, public or private, would be required to meet a impractical standard to prevail.

So we are locking in the current licensees, Mr. President. I suspect that will satisfy most of the interests that have made their influence felt in the process thus far. But let us be clear about the price attached. Because that price is essentially the abandonment of a commitment—one that our predecessors in this body were foresighted enough to enact into law three generations ago.

We are today reversing the presumption that the ownership of national assets should be as close to the people as possible. The new presumption says that the license holder, whomever it may be, should be preferred.

This reversal is not without its practical effects. The strongest enforcer of responsiveness and responsibility today is not regulation but the potential of a license challenge. Under the new rules, it is hard to imaging a licensee feeling the same weight of responsibility.

We have heard this looking-in of current private licensees defended as a means to keep the cheapest power flowing to the greatest number of consumers.

The majority of affected consumers are served by private utilities because these utilities still hold most of the licenses. But this Senator remains unconvinced that the cheap power these consumers now enjoy would somehow be lost without this bill to preserve it. We are not discussing the existence of power but its ownership and management.

The benefits of this low-cost power could still find their way to those who enjoy them now—and without being diminished to satisfy the claims of shareholders. The achievement of such delivery is a major practical objective of the amendment this Senator has offered. And it is a natural by-product of keeping faith with our own progressive political heritage.

But before detailing this proposal, we should take note of another reason we should not proceed to approve this legislation today. In recent days, several indian tribes, among them the Cherokee Nation in Oklahoma and the Navajo of New Mexico, have raised questions concerning the potential infringment of their rights under this bill. The legislation makes not mention of the rights of tribes, nor does it make clear how the granting of permanent private usage rights will alter the claims of tribes to Federal resources.

The amendment I have sent to the desk would restore the presumption of public ownership that began our use of these national resources.

It would make the Federal recapture of privately licensed projects—which is now allowed under the 1920 act—automatic upon expiration of the original license. The recapture would occur unless the Congress acted to authorize extension of a current license. This restores the 1920 act's presumption that the hydropower resources and facilities would revert to public control.

The compensation features of the 1920 act would be retained, to maintain and respect the understanding under which licensees originally reached agreement with the people of the United States.

The amendment would preserve the preference for public bodies holding hydropower licenses and extend that preference to rural electric cooperatives, which do not now enjoy such a preference. These publicly responsible bodies would not be subject to Federal recapture.

The amendment would provide for recaptured projects to be operated by the Bureau of Reclamation in the 17 Western States, by the Tennessee Valley Authority in the TVA region and by the U.S. Army Corps of Engi-

neers in the rest of the country. Where it is found to be impractical to recapture and manage a given project, Congress retains the option of extending the license.

The power output from recaptured projects would be marketed by the Department of Energy through the existing power marketing agencies wherever possible. The Department would be empowered to create new power marketing agencies if and where necessary.

Each class of power would be sold at the average cost for that class in the relevant power marketing area. Where revenues from sales on this basis exceeded actual costs, the excess would be deposited in a trust fund for the purpose of meeting environmental objectives in the area from which the revenues are received.

The amendment also would require the agency managing each recaptured project to conform its operation to the Fish and Wildlife Coordination Act or—in the case of the TVA—to conform to the cooperative agreement now operative between the TVA and the Fish and Wildlife Service. In this way, we would be keeping faith with conservation dream of our forebears, as well as their progressive vision.

Mr. President, if we adopt this amendment, we can lend some substance to the title of the bill before us—"The Electric Consumers Protection Act." We would maintain our historic commitment to popular ownership of our national resources.

We would recognize that the 50-year relationship between these investor-owned utilities and the Federal Government was always designed as a mutually beneficial but temporary arrangement—dependent on a set of economic circumstances that has changed substantially.

And we would establish a framework in which the rights of all parties—utilities, consumers, tribes, and the Nation as a whole—are fully protected under law.

This is the philosophical framework that men such as Teddy Roosevelt fashioned as our heritage. This is the inheritance we are on the brink of disowning. This is what we would exchange for the sake of allowing utility executives to rest easy on guaranteed access to cheap hydropower.

Whatever stands to be gained under the bill before us, this Senator believes we owe the authors of our progressive and conservationist heritage at least enough respect to reflect upon the virtues of their public philosophy before turning our backs on it. And for that reason, this Senator offers this amendment for the Senate's consideration.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. JOHNSTON. Mr. President, this amendment is proof that even a fine and gifted Senator can occasionally make a very serious mistake.

What this amendment does is to seek to unscramble an egg which has been scrambled now for over 30 years, and unscramble it in a most unfair way.

Actually, what this amendment seeks to do is to take electricity generated by hydroelectric facilities and take it from investor-owned utilities and give it to cities, public power entities. Just in one fell swoop, it would do that.

That taking is concealed in the language of the amendment, because it says that at the expiration of the license, the dam shall be turned over to the federal power marketing administrations and TVA. But if you look further in Federal law, you will find that publicly owned utilities, have first call on the power from PMA's and TVA. So you are effectively taking it from investor-owned utilities and giving it to public power utilities.

Mr. President, the issue here is which consumers get the power and which consumers lose the power. There is nothing intrinsically right or wrong or legal or illegal about one set of consumers being chosen over another. The question here is, how are consumers best served?

Under this legislation, the legislation produced under this bill, we have a carefully calibrated test that bases the right to the power, the right to the license, the right to the electricity, on the public good.

What the amendment of the Senator from Colorado would do would be to make a judgment that the electricity should be taken from the investor-owned utilities and given to public power authorities. It is as simple as that.

In many cases, Mr. President, it would wreak economic injustice, chaos, and confusion. It would result in tens of thousands of customers who are now getting electricity at rather good rates suddenly being deprived of that electricity, which is then given to public power authority bodies, to municipalities, or others, and indeed it will be a great windfall for the municipalities.

Mr. President, there simply is no reason to take power from consumers served by investor-owned utilities and give it to cities or to public power authorities.

I wonder if the Senator does not agree with me that that is the effect of his amendment since the Corps of Engineers and these other groups which would be given this power, since public power authorities have——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JOHNSTON. Could I have 1 additional minute?

Mr. McCLURE. I yield 2 additional minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for an additional 2 minutes.

Mr. JOHNSTON. The Senator does agree the existing law does give publicly owned utilities preferential access to all power generated by the Federal power marketing administrations and the TVA. Therefore, the effect of this would be to take the power from the investor-owned utilities and give it to the public power authorities.

Mr. HART. The Senator from Louisiana is incorrect. First of all, the power does not belong to the privately owned utilities. They are licensees of the Federal Government who are the citizens of the United States. This power belongs to the people of the United States and the presumption operates in favor of or against.

The law clearly contemplated in 1920 that it operate in favor of public bodies where bodies are available to own and operate the projects. So it does not take anything from anybody that they owned. They are licensees of the people of the United States.

Mr. JOHNSTON. Let me put it another way. I think the Senator makes a point. Indeed, they do not own the power but they have a right to it under their present license which will expire.

Mr. HART. Presently, it is temporarily right.

Mr. JOHNSTON. There is not a preference that is given to the public power people. There is an absolute right under the law, is there not? They are given preferential access to all power generated by the PMA's and TVA.

Mr. HART. Yes. Does the Senator from Colorado understand in the bill before us, that will change that fundamental right by permitting private licenses as far in the future as one can see?

Mr. JOHNSTON. The Senator understands that under our bill, the one under consideration, there is no absolute right, but rather a public interest test and whoever is best under the public interest test gets the power, except in the case of a tie.

Mr. HART. We should not skip over that "whoever is best." The standards established by the bill presently before the Senate are clearly standards that mitigate against anyone who challenges the incumbent licensee and makes it almost impossible to overturn that presumption in favor of the present private licensee.

Mr. JOHNSTON. I beg to differ. I mean if you can make the economic case and show that the greatest good for the most people under economic, under reliability, under efficiency as well under environmental considerations, then you can indeed get someone else's power.

Mr. HART. Why not have the presumption operate in the way that the original law contemplated and that is in favor of the presumption operating in favor of the public operator rather than private operator? That is all.

Mr. JOHNSTON. First of all, the Senator's bill does not contain a presumption. It simply turns that power over to the PMA's and TVA, which in turn must turn it over to the publicly-owned utilities. The Senator agrees with that.

The PRESIDING OFFICER. The 2 minutes yielded to the Senator from Louisiana have expired.

Who yields time?

Mr. McCLURE. Mr. President, I yield myself 5 minutes.

Mr. President, first of all, I concur with what my colleague from Louisiana has said in characterizing the effect of the proposal now before us. I think there are a number of serious questions that need to be asked and I might characterize the Hart amendment as the new flip side of the Stockman proposal to divest Bonneville Power and the PMA's. It is the flip chart of "let's get the Federal Government out of all of it" and the opposite side of the, "let's get the Government into all of it."

I submit that while many of us ask many questions about OMB's proposal that the Power Marketing Administration be sold and Bonneville Power be sold to the highest bidder and the impact that that would have, I think we have the same kind of questions with respect to the broad and sweeping effect of the existing proposal.

This bill, if enacted, and I pray it will not be, will cost the consumers of utilities which currently hold FERC licenses billions and billions of dollars. I am not sure the Senator from Colorado can give us an estimate. I think it is very difficult to know exactly how much existing consumers would pay as a result of the application of the terms of this amendment if adopted.

I think we also would have to look at the question of how many more Federal employees would have to be hired to manage what is now being managed in non-Federal entities. There would be a substantial increase in the scope, the size, and the cost of the Federal Government just to administer what is now being administered in the non-Federal sector.

I think there is one other thing that I am sure the Senator from Colorado would be very much concerned about which cannot be answered. I will not ask the question because it would simply be a rhetorical question for which there is no answer, at least I cannot answer, and that is the effect of this proposal with respect to State water law and the appropriation of waters pursuant to State law and how that would be preempted and wiped out by the application of this amendment.

What section 5 of the Hart amendment would require is in effect an open-ended authorization to the Bureau of Reclamation and Corps of Engineers to make any kind of modification which they desire with respect to fish and wildlife on dams which they take over with no estimate. It is an absolutely open-ended amount. It would be whatever they desire it to be over whatever period of time they desire.

The primary concern I have is the impact upon consumers of utilities that now know what the cost of their electricity is and who will benefit over a future period of time for the amount of money which the consumers have paid for electricity generated from that power.

After all, that is where the money came from to pay for the dams and facilities in the first place. It seems to me that if indeed there is to be a benefit in the future, it ought to run to the very people who have paid for the facility, not a new set of consumers who had nothing to do with that. Is it not really a question of whether or not we are going to favor an existing utility? Are we going to favor or permit the continuation of benefits to an existing group of consumers or will we invest that benefit in others? Unless indeed we are going to sell these at market value, put them up on an aution block—and I suspect we out in my section of the country will have the British Columbia Hydro, a provincial entity of the Province of British Columbia, Canada, being one of the highest and best bidders for these facilities in the United States, if indeed we put them up for auction—I think there are a number of questions that we can ask, that need to be answered. If indeed the power is taken away from an existing utility and given to some other group or consumers for their benefit, then that existing utility must find power from some other source. Rather than causing less environmental disruption, it is going to cause more as the existing utilities go out and build new nuclear powerplants and new coal-fired plants to produce the power now being produced which they lose. And who is the double loser? Again the consumers in that particular utility service area.

So for all of these reasons, Mr. President, I hope that the pending amendment is not adopted.

I would just note that I have an estimate from one utility of how much it would cost them. In Alabama alone they have estimated it would cost $2.8 billion in 1985 for new investment only, just $2.8 billion for one area and that would raise their rates by 24 percent for every one of the more than 1 million Alabama consumers affected.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. HART. Mr. President, how much time remains on the side of those who favor the amendment?

The PRESIDING OFFICER. The Senator from Colorado has 18 minutes.

Mr. HART. Mr. President, to respond briefly to the Senator from Idaho and several observations, first of all, any private utility operating under license on these Federal resources, publicly owned resources, made whatever investment they made understanding that they did not have a permanent right to operate these facilities or to indeed earn a profit.

So if investments were made they were made with the clear knowledge of the intent of the law over some 65 years. It is very difficult to contemplate now that 10, 20, or 30 years ago hundreds of millions of dollars that were invested were invested with the thought that in 1986 a bill would be introduced in the Senate in effect to privatize those investments, which is essentially what the pending measure does.

The Senator from Idaho says that the consumers are going to change. I am not sure what consumers are going to change.

Mr. JOHNSTON. Will the Senator yield?

Mr. HART. If the Senator can just respond. The same people being served by the temporary, privately licensed private entity. The public licensed, private entity would be served by presumably a publicly owned operating entity.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. HART. I yield to the Senator from Louisiana for a question.

Mr. JOHNSTON. Yes. For example, Colorado Public Service, which is an investor-owned utility, has four licenses and it receives 324 megawatts from that. Now, if the Senator's amendment passed, that power would pass from Colorado Public Service to WAPA, Western Area Power Administration, and then be subject to the public power preference; that is to say, publicly owned utilities served by WAPA would have a preference and would be entitled to first call on the power WAPA acquired. It is not a presumption, it is not a test, it is an absolute right that the publicly owned utilities served by WAPA would have to that 324 megawatts.

Now, my question to the Senator is: Would that not be likely to raise somebody's rates, and whose rates might that likely raise?

Mr. HART. Not necessarily, at all. It would depend upon the economics of the circumstances. I do not know why one should assume that if a publicly owned or publicly managed utility is operating a facility, that rates are going to go up necessarily. I think they could well go down. It depends on the demand for energy in the region and a lot of other economic considerations.

Mr. JOHNSTON. If Colorado Public Serivce would be serving its customers out there and all of a sudden that power goes to WAPA and WAPA then reallocates but with an absolute right of cities and towns and public power authorities to get that power in preference to Colorada Public Service, and then Colorado Public Service would have to go make a contract with someone else to get the power, is that not likely to raise some rates and lower some rates and redistribute economic benefits?

Mr. HART. It could well, but we are arguing here once again what was always contemplated by the Congress of the United States to be resources owned by the people of the United States. What the Senator's bill does, what the manager's bill does, is in fact take what is a public resource and give it to some private entities for the benefit of some shareholders. I would think that publicly operated entities running these facilities would run then as economically perhaps as those private entities and the beneficiaries would be the public at large, as well as the existing consumers.

Let me just finally say this: I think what we are dealing with here, Mr. President, is not the technicalities of management or even the economics of power. We are dealing here with the fundamental philosophy: that is, who owns the power developed on Federal water facilities, on national water facilities? It was never contemplated by the Congress, at least until this bill was introduced, that that ownership and that control would pass semipermanently into private hands. The departure here is not by the Senator from Colorado, it is by the sponsors and managers of this bill.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. I yield to the Senator from Louisiana 2 additional minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 additional minutes.

Mr. JOHNSTON. Mr. President, I say to my colleagues, as well as to the Senator from Colorado, that our bill, S. 426, does not give an absolute right at all to the present holders of a hydroelectric license to keep that license. There is a carefully calculated test, and I invite the Senator's attention to page 6 of S. 426, which is section 4(b) of the bill, which states the factors upon which the Commission shall decide who gets the license. They are: Who best develops, conserves, and utilizes the water resources of the region? That, in turn, is a test contained in section 10(a) of the present act and is well understood, and it involves environmental factors as well.

Second, the relative economic impact upon customers; third, the economic impact, in the case of a nonutility holder, upon the operation and efficiency of the dependent industrial facility or related activity; fourth, the ability of each applicant to operate and maintain the project in a manner most likely to provide efficient, reliable electric service—and, reliability, of course, is a very important thing here. Finally, the need of each applicant for the electricity generated by the project to serve its existing customers—surely, a legitimate matter.

Now those are the tests upon which you vie for the right to license. We give the present license holder that license only in the event of a tie. You keep the status quo only in the event of a tie. And I might point out to my friend from Colorado that publicly owned power authorities now have four times the amount of hydropower on a per capita basis as do the investor-owned utilities. So this works to the advantage of both the investor-owned and the public power authorities that they are allowed to keep the status quo.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HART. Will the Senator yield for a question?

Mr. JOHNSTON. My time is up, but I would be glad to yield on the Senator's time.

The PRESIDING OFFICER. Who yields time?

Mr. HART. I yield myself 1 minute to ask the Senator from Louisiana a question. Is the Senator saying, under this bill, the pending measure before the Senate, that there is not a presumption in favor of the existing licensee?

Mr. JOHNSTON. Only in the event of a tie.

Mr. HART. Well, what is a tie?

Mr. JOHNSTON. Well, in other words, if this is an applicant who presents his application and, based on each of these five factors, for example, the relative economic impact, FERC says, "We cannot tell, both are equally meritorious," it is only in that instance where there is an equality of merit that the present holder of the license keeps the license.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mr. McCLURE. Mr. President, I yield 5 minutes to the distinguished senior Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. ZORINSKY. Thank you, Mr. President.

Mr. President, I rise in opposition to S. 426, the Electric Consumers Protection Act of 1985. This bill proposes to eliminate the preference granted smaller, nonprofit, publicly owned electric utilities in the relicensing of hydroelectric power facilities. Thus, it is a serious threat to a fundamental public policy regarding use of the Nation's resources.

The rivers and streams which drive these hydroelectric projects are public resources which belong to the Nation as a whole, not to individual companies. Congress has always recognized and lived up to its responsibility to ensure that these public resources are used in a manner which promotes valid public policy goals. Congress has consistently found that preference would foster competition in an essentially monopolistic industry. Congress has deemed it appropriate to provide, through preference, an opportunity for communities to exercise local control over an essential public service. Finally, Congress has stated time and again that the benefits of these public resources should flow directly to the public without passing through the tollgates of private, profit-oriented enterprises.

After several years of debate, Congress passed the Federal Power Act in 1920. The act authorizes the issuance of Federal licenses for up to 50 years for the operation of hydroelectric projects using Federal water. Under the law, a State or municipal applicant for a license is to be preferred over any private company as long as the plans of the public applicant are equally well adapted "to conserve and utilize in the public interest the water resources of the region."

Earlier in this century, many licenses were granted to investor-owned utilities. However, this was done with the express understanding that they would last for specified terms up to 50 years. Definite-term licenses were established to prevent private power companies from having the rights to public resources in perpetuity. The relicensing process was designed to provide a method by which the public could reclaim their resources after a 50-year period. Yet, S. 426 eliminates preference to municipal utilities in relicensing of hydro projects, and instead, grants to the private company license holders what amounts to perpetual rights to the use of a valuable public resource—falling water.

We must remember that as the law is now written, preference is applied

only if two applicants are in equally good standing in what they propose to do with the project. You could say that the preference clause works as a tie breaker. Thus, the existing law clearly promotes competition in relicensing to the benefit of the public.

Now, just when implementation of preference in the relicensing process is being called into play, the private companies are asking Congress to change the rules of the game and undo the preference clause. They want to eliminate preference in relicensing, the tie breaker, and avoid competition. This would amount to a giveaway of valuable public resources, and that would be bad public policy.

No licenses have changed hands under provisions of existing law. The only impact of this law to date is that certain current licensees have been forced to compete for the privilege of the future use and enjoyment of a public resource. There is no need for Congress to act now. We should let the preference principle in relicensing work as it was intended.

Preference in the licensing and relicensing process is in the best interests of the public. I urge my colleagues to vote against S. 426.

The PRESIDING OFFICER. Who yields time?

Mr. ZORINSKY. I thank the Senator from Idaho for his courtesy.

The PRESIDING OFFICER. Who yields time?

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, the Senator from Colorado is so moved by the powerful statement of the Senator from Nebraska in favor of this position that I am prepared to yield the equivalent amount of time back to the managers of the bill, if that is considered fair play.

Mr. McCLURE. Mr. President, I understand the Senator from Nebraska would be opposed to both the amendment and the bill.

Mr. HART. I take back my offer.

[Laughter.]

Mr. McCLURE. I thought perhaps in candor the Senator should know that.

Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. McCLURE. Mr. President, first of all I do not want to get involved in the debate of either of my colleagues today with respect to whether or not the Federal Government owns all of the water and owns all of the resources because I do not think they own the water any more than does the Federal Government own the oil, or gas, or coal, or soil, or timber, or air that exists in this country. There is a fundamental disagreement in the matter of philosophy and principle.

But that is not really the crux of my objection, although that might be the crux of the approach of the Senator from Colorado. My main objection is that there are winners and losers. Under the provisions of the amendment as offered by the Senator from Colorado, there is no way of now determining who those winners and losers will be because there is no congruence between the service areas or the consumers served by existing entities that hold licenses today, and those who might hold the license in the future.

To just use a hypothetical, and I will use it because it happens to be the Senator's State and not mine; that is, if a nonmunicipal or publicly owned utility, an investor owned utility in the State of Colorado has a license that expires and a public body in southern California applied for that license, they would get it. It would not be the people of Colorado who paid for the facilities through the rates they paid who would have the benefit of the use of that facility in the future. It would be consumers in southern California who would have the advantage of those lower rates.

Who is really going to be helped or hurt? It is not the investors of a utility who are helped by the extension of the license period. It is the consumers from that utility because if that utility is regulated by a competent State regulatory agency, once the cost of the facility is written off it is no longer a part of the rate base for the purpose of fixing the rates for that utility, and the rates are therefore lower than they otherwise would be.

Any other investor that comes in, or if that utility itself were forced to put in new capital or any other entity that comes in is forced to put new capital in, the consumers' total aggregate bill has to rise because there is a new element in the rate base upon which the rates must be fixed, and that, I submit, is not good for the consumers. I do not care whose consumers they are or where they may be. I would submit that is really an aid to those who loan money.

If you want to help Wall Street and hurt the consumers, pass this provision. Wall Street will be the winner. The consumers will be the losers.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

The Senator from Colorado.

Mr. HART. Mr. President, with all due respect, my response is it is patent nonsense. First and foremost, the Senator from Colorado has never talked about the Government owning this water. I have gone out of my way to talk about the people of the United States owning this water. That is what Theodore Roosevelt and the pioneer progressives and conservationists themselves understood and appreciated, and if I may say so, the drafters of the basic 1921 act. It is not the question of the Government owning the water. It is the question of the people of the United States owning the water.

Second, Mr. President, I think the Senator from Idaho well knows that the Senator from Colorado is not offering a bill for the benefit of Wall Street. This is an amendment offered for the benefit of the taxpayers and the citizens of this country who own these waterways, and who are entitled to the benefits of the power generated on them. That again was the underlying philosophy of the law.

It is in fact the Senator from Idaho and the sponsors and managers of this bill who seek to reverse that 65-year tradition—indeed, even 200-year tradition.

Finally, Mr. President, this notion that a privately operated and owned utility cares more about local consumers than a publicly owned and operated one is again just patent nonsense. Why in the world should the Senator from Idaho presume that a public entity responsible for the local constituency is going to export power to some other part of the country? I think quite the reverse is the presumption here.

It is those whose sole concern is the profit motive as obviously it should be, and the rights and interests of shareholders under the law that are going to take their profits and sell their power wherever they can.

The PRESIDING OFFICER (Mr. McCLURE). Would the Senator suspend for just a moment? I apologize. The Chair is uncertain whether the Senator yielded himself a specific amount of time.

Mr. HART. No. I did not.

The PRESIDING OFFICER. I thank the Senator.

Mr. HART. So, Mr. President, the law as it presently exists and has existed for over 65 years said that private licensees who expended capital for the construction of facilities did so with the understanding that it would be depreciated over time, that their investment eventually would be recaptured unless their license were renewed, and the pending legislation almost guarantees surely that license will be renewed in perpetuity.

The Senator from Colorado thinks that is bad public policy, thinks it is a dramatic reversal of the philosophy of this Government that this country has operated under for 2 centuries, and certainly in the case of public waterways and public power generation for the last six and one-half decades.

The Senator from Colorado hopes that the Senate will maintain that

philosophy by supporting his amendment.

The PRESIDING OFFICER (Mr. GRAMM). Who yields time?

Mr. McCLURE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Colorado has 7 minutes, and the Senator from Idaho has 5 minutes.

Mr. McCLURE. Mr. President, we are a little late in getting started on this for no fault of the Senator from Colorado or the Senator from Idaho. I ask unanimous consent that the time on this amendment be extended by 15 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. McCLURE. Mr. President, I appreciate what the Senator from Colorado says and the distinction that he makes between the Federal Government and the people, a debating distinction but more than a debating distinction. I accept that. But again I have to remind the Senator that the taxpayers and consumers are the same body of people in the aggregate.

That does not mean that every taxpayer and every consumer consumes in exactly the same proportion as they pay taxes.

Some pay more and some pay less, some consume more and some consume less. But the resources which we are talking about here are resources which have been developed by the application of capital, whether it was done by an investor-owned utility and the capital gained in that way; whether it was done by a publicly owned body and they floated bonds and gained capital in that way, or whether it was done as a result of the advancement of Federal funds to a Federal entity and money generated through taxpayers' contributions. There was capital invested.

That capital, once written off, no longer lies in the rate base of the utility and rates drop. The rates reflect the amount of unrecovered capital.

If, at the moment that that unrecovered capital is completely written out of the rate base, more capital is required. Somebody goes to the market to get more capital, whether it be an investor-owned utility, whether it be a public body, or whether it be acquisition by the Federal Government.

If that is so, then all this can do is raise the rate base to cover that additional capital.

Mr. President, that has to be the aggregate paid by the consumers and their rates must be greater than it otherwise would be because it has to, again, repay capital borrowed from capital markets in one way or another.

So the transfer of ownership, if it is a company, by any payment requirement, simply increases the consumer's bill, and if it is the Federal Government that provides the additional capital or a public body that produces the capital, it can only be done by increasing the capitalization.

So, in some way, somewhere, the capital markets are those who are favored, initially and most directly; second, that group of consumers who might find that this power is for them cheaper than their current source of power. That group of consumers would be favored. But the group of consumers who would otherwise have been served who would then have to seek higher cost power would themselves be paying the bill for the shift of benefit from one group to another.

One other thing before I yield the floor is simply to express my disagreement with both the Senator from Colorado and the Senator from Nebraska that the 1920 Power Act says the preference applies to relicense. The 1920 act says no such thing. The 1920 act is silent in that regard.

There is an ambiguity or a hole or an area that is not just vague; it is uncovered. Because the law does not consider what happens in that event, we are trying to legislate to cover what is not now covered by the statute at all. This measure that we have is not a public power versus private power fight, because many of the existing licenses are public entities that themselves got a license through the route of a municipal or public power preference who might themselves be at the short end of this and find it bit away by some other public or preference entity. The Federal Government would take it away. They would not under the Senator's provision take it away but in the absence of some amendment to the statute can very well find their license removed from them and transferred to some other public entity.

We are not trying to serve just the one group, a private investor-owned utility group at the expense of publicly owned utility groups. We are trying to write a provision that serves the greatest number of consumers in the fairest possible way and the greatest number of entities that are already there in the fairest possible way with the least economic disruption to the existing patterns that exist throughout much of the United States.

I hope the amendment of the Senator from Colorado is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield myself so much time as I may require.

Mr. President, as appreciative as the Senator from Colorado is for the lecture on economics by the Senator from Idaho, that is not the issue.

The issue is one of public policy and whether it is the intention of the Senate of the United States in 1986 to reverse 6½ decades of philosophy which said that power generated from the public waterways of this country belongs to the people of the United States, and that a legal preference under the law operates in favor of public operators of that power.

The Senator is generally correct in his statement that a vacuum exists in the law itself and can be variously interpreted. But it is the understanding of the Senator from Colorado that virtually unanimously when this issue has been addressed by the courts of the United States, including very recently, those courts have found, almost uniformly, that a public preference does in fact operate on relicensing and that was the intent of the Congress in passing the 1920 law.

If the Senator from Colorado is incorrect in that analysis of court decisions, I hope to hear otherwise.

The fact of the matter is, Mr. President, that the bill before us dramatically reverses public intent and congressional intent in 1920. It essentially says if you had a long-term but temporary license to operate a power-generating facility on a public waterway, that license could be transferred to a public entity at the discretion of the Federal Government at the end of the license period.

What this proposal presently before us says is that you have a presumption in your favor if you had that license, if you made investments, and it takes an extraordinary showing to upset your right, what the Senator from Colorado called a semipermanent right, to continue to operate that facility. That is the simple issue here.

Certainly there are economics involved, but not the kind the Senator from Idaho has suggested. We are not talking about raising consumer rates. We are not talking about changing who the consumers are. What we are talking about is continuing a philosophy spelled out in the law in 1920 that the power generated from publicly owned public waterways is power that belongs to the people of the United States and can be licensed to private entities at the discretion of the Federal Government working for the people of the United States. That is the issue.

I hope the Senator from Nebraska, who has since departed the Chamber, and others who care deeply about this question as the Senator from Colorado does, will support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. JOHNSTON. Mr. President, the question in this legislation is not whether the power belongs to the people of the United States. Of course it does. Of course it does. And certainly in the sense that the Congress can allocate that power, can distribute it, can put provisions for its license in this legislation. That is what this legislation is all about.

To say that the power is owned and subject to the power of this Congress is not to say, as the Senator's amendment would say, that public power authorities are necessarily better than investor-owned utilities.

The Senator has said or implied that there is some kind of moral superiority of the public power authorities over the investor-owned utilities.

I think that is decidedly not so, Mr. President. I do not claim moral superiority for either side. As a matter of fact, the publicly owned power authorities are not subject to regulation, whereas the investor-owned utilities are.

While I do not claim that as being a reason to be superior, it at least is a protection for the public that you have with investor-owned utilities which you do not have with cities. Indeed, there are some cities which use the power they receive from hydroelectric dams as a substitute tax, as a revenue source, on which to run their cities.

Now, Mr. President, public power authorities already have four times the amount of power from dams as the investor-owned utilities on a per capita basis. They have been treated more than fairly. There is no reason to take away the power presently licensed to the investor-owned utilities and give it to public power authorities unless they can make a case. This bill, S. 426, provides a perfect test, as perfect as we could devise, to determine who ought to have it. It ought to be based upon the public interest, Mr. President, not upon some arbitrary statement of who ought to get it. It ought to be based upon the public interest.

S. 426 has a very carefully orchestrated list of tests by which to determine where that public interest is. If the Senator can devise a better test of the public interest, I would like to hear it. But simply to ignore the public interest and say we are going to take it from the investor-owned utilities and give it to the power marketing authorities or to TVA is not to serve the public interest. Indeed, that may in many instances be going diametrically opposed to what the interest is. What our bill does, S. 426, is to, at the expiration of a license, give to the FERC a set of tests to determine the public interest and to mandate that they follow them. It is only in the event of a tie, only in the event a counterapplicant to the present licensee cannot prove a better case, that the present license holder, whether he be investor-owned or publicly owned, continues as in the status quo.

Mr. President, the Senator asks why do we want to change the present law. Because there is no adequate test under the present law. The present law simply says that you must develop, conserve, and utilize the water resources of the region, which is an important test and indeed a test that is brought forward in our bill. But it should not be the sole test. Relative economic impact upon consumers, reliability, efficiency, those kinds of measures ought also to be considered because they are always considered in electricity matters.

Mr. President, we submit that the better way to determine who gets the power is where is the public interest, and we submit that the tests we have in S. 420 are much better designed to do that than the present law and certainly much better than the Senator's amendment presently pending which would arbitarily take that power from those who have it and give it immediately to the Corps of Engineers or to TVA, to the power marketing authorities. The present law—and I want to emphasize this—provides that public power authorities have an automatic preference to the power from TVA, the Corps of Engineers or the power marketing authorities. In other words, you are taking it from those who have it and giving it automaticallly, without reference to the public interest, without reference to the economics, without reference to efficiency or reliability or any of those other tests, to the public power authorities, to those who do not now have it without having to prove merit, without having to pass muster under any test. Mr. President, that would wreak economic havoc, be unjust. It would raise rates across this country for tens of thousands of customers and therefore this amendment should be defeated.

The PRESIDING OFFICER (Mr. ARMSTRONG). Who yields time?

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. How much time remains in support of the amendment?

The PRESIDING OFFICER. The Senator from Colorado has 10 minutes remaining; the Senator from Idaho has 1 minute remaining.

Mr. HART. Mr. President, let us try to get one notion straight here if we may.

The right to the power generated on public waterways does not belong to private investor-owned utilities. The amendment of the Senator from Colorado takes nothing away from them. They do not own the power. They have a temporary license to operate facilities to generate that power. This amendment puts the power back in the hands of the people it was contemplated to belong to in 1920, and those are the people of the United States.

Now, to say that a handful or even a large number of privately owned corporate interests are better qualified to define the public interest than public entities flies in the face of reason, logic, and fact. The Senator lists criteria. One wonders who drafted those criteria and by whom those criteria were approved. Were they entities responsive and responsible to the people of the country or local areas or not? Were they entities responsible to stockholders and corporate laws?

Mr. JOHNSTON. Will the Senator yield?

Mr. HART. I yield for a question.

Mr. JOHNSTON. Is the Senator aware that those criteria were drafted by us, those of us sitting right here, without intervention? As a matter of fact, the investor-owned utilities opposed this test. They wanted a different approach altogether.

Mr. HART. Well, to the degree the Senator is asking a question, I will take his word for it. If the Senator says those criteria were not approved by or achieved the approval of those who have a license they want to protect, then I will take his word for it. But then certainly they would not be pushing as hard as they are the bill introduced by the managers. In any case, this is, as the Senator from Colorado said at the outset, a philosophical debate. It is an economic debate only secondarily. It is a philosophical debate about who owns the public resources of the country.

What is happening under the bill as introduced by the managers is a shifting of presumption as to who has what rights. What this bill would do, if enacted, is to fundamentally shift the notion of who is entitled to manage, own, and benefit from the power generated by public waterways. We should not make any mistake about it. It is designed to shift something that belongs to the people of the United States even more—as I said, semipermanently—into private hands. Now, private hands are good hands, but they have their own interests. Those interests are not always necessarily the interests of the people who own the resource. The amendment offered by the Senator from Colorado is to continue that long progressive tradition of protecting the public interest, the interest of the people who own these resources and who are entitled to benefit from them as public resources—not secondarily after shareholders are taken care of and after other capital interests but primarily.

If the presumption that those public interests can be met by a private entity is adhered to, then the private

entity prevails. This is not to make public rights and interests that are now in private hands. It is to maintain a presumption that the interests and the property of the United States ought to continue to belong to the people of the United States.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. McCLURE. Mr. President, I ask unanimous consent that my time be extended for 3 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. McCLURE. I thank the Senator for not objecting and I will not try to take advantage of this situation at all. But I think we ought to get one thing clearly on the record at this point before we get to a vote on this amendment. This is not a new issue—who owns the resource. It has been debated for many, many years in this country. The question to regulate or to license flowing water is quite a different thing than who owns the dam and the facilities that are involved quite a different thing.

Mr. President, section 4(e) of the Federal Power Act describes the legal basis for the Commission's licensing authority with respect to hydro projects. The language of this enabling provision demonstrates that Congress clearly recognized that the basic Federal interest in hydro projects is a purely regulatory interest based upon Congress' power under the commerce clause to regulate navigable streams except where public lands or Indian reservations are involved. The section states:

SEC. 4. The Commission is hereby authorized and empowered—

(e) To issue licenses * * * for the purpose of constructing, operating and maintaining dams, water conduits, reservoirs, power houses, transmission lines or other projects works necessary or convenient for the development and improvement of navigation and for the development, transmission and utilization of power across, along, from or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States * * *.

Likewise, in section 4(g), the Commission's authority to investigate possible encroachments upon its licensing authority and to issue and enforce remedial orders is based upon and restricted to the same regulatory interest, except as affecting public lands and reservations. Where public proprietary interests belonging to the Federal Government are involved in a hydro project, Congress provided in section 10(e) for appropriate charges to be assessed for their use. Other examples of the Congress' understanding of its role as regulator, but not owner, of the navigable waters throughout the Nation are apparent in section 9(b) regarding an applicant's demonstration of compliance with State property, water and utility laws, section 23(b) regarding the Commission's licensing authority over sites on nonnavigable waters and section 27 clarifying continuing primacy of State water law regarding rights in and uses of flowing waters. The Federal Power Act itself, therefore, evidences Congress' acknowledgement that the Federal Government has no proprietary interest whatsoever in hydroelectric projects not built on Federal lands or reservations or superimposed on existing Federal dams even though they utilize the flow of navigable waters. The enabling legislation makes clear that the Federal interest is strictly regulatory.

Notwithstanding the language of the act, proponents of the so-called public domain argument assert dogmatically that the admittedly dominant regulatory power of Congress over navigable waters somehow transforms the private assets involved in a licensed project into public assets allegedly due to be returned to public ownership at time of relicensing. Regardless of the unquestioned predominance of a proper exercise of the Federal regulatory power, the lands and facilities which comprise the affected hydroelectric projects—exclusive of Federal lands and reservations—remain the property of the respective States, their grantees or permittees and private owners.

This settled principle of law was recognized by Congress early in the development of Federal water power legislation. Senator John K. Shields of Tennessee,[1] eminent legal scholar, jurist and author of the seminal bill (S. 3331) leading to the Federal Water Power Act,[2] argued vociferously in the 2d session of the 64th Congress against amendments providing for a fee upon project licensees for the privilege of building a dam and using the flowing waters to generate power. Senator Shields made it clear that, despite its dominant regulatory power, the Federal Government lacked constitutional authority to impose a rental fee because the United States has no property interest in navigable waters.[3] The Senator and many of his colleagues in Congress[4] relied upon several leading U.S. Supreme Court decisions which I understand from counsel remain the law of the land today.

In *Martin* v. *Lessee of Waddell*, 41 U.S. (16 Pet.) 366 (1842), Chief Justice Taney spoke for the Court in an opinion resolving a dispute over ownership of certain New Jersey oyster beds.

[W]hen the revolution took place, the people of each state became themselves sovereign; and in that character, held the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the constitution to the general government. (41 U.S. (16 Pet.) at 410).

In a later case involving the navigable waters of Alabama, *Pollard's Lessee* v. *Hagan*, 44 U.S. (3 How.) 212 (1845), the Court quoted with approval the foregoing language of Martin and further stated:

Then to Alabama belong the navigable waters, and soils under them, in controversy in this case, subject to the rights surrendered by the Constitution to the United States; and no compact that might be made between her and the United States could diminish or enlarge these rights. (44 U.S. (3 How.) at 229).

The Court concludes its decision in the Pollard case as follows:

By the preceding course of reasoning we have arrived at these general conclusions: First, The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the states respectively. Secondly, The new states have the same rights, sovereignty, and jurisdiction over this subject as the original states. Thirdly, The right of the United States to the public lands, and the power of Congress to make all needful rules and regulations for the sale and disposition thereof, conferred no power to grant to the plaintiffs the land in controversy in this case. (44 U.S. (3 How.) at 230).

Many other seasoned Supreme Court decisions reiterate this immutable principle of law. See, *United States* v. *Chandler-Dunbar Co.*, 229 U.S. 53, 60 (1913); *Kansas* v. *Colorado*, 206 U.S.

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[1] Senator Shields expressed his legal position on this matter many times, but most notably in a speech given in 1916 while House and Senate conferees considered a measure which had passed the House and S. 3331, which had passed the Senate. 54 Cong. Rec. 1004 (1916).

[2] The act was referred to as the Federal Water Power Act until the Wheeler-Rayburn bill of 1935 added pts. II and III and redesignated the act as the Federal Power Act.

[3] Senator John K. Shields (1858–1934) was a Democrat from Tennessee. He was elected to the Senate in 1913 and reelected in 1918, serving until 1924. Senator Shields served as chancellor of the 12th Division of the State of Tennessee (1892–94), associate justice of the Tennessee Supreme Court (1902–10) and chief justice of the Tennessee Supreme Court. After his two-term service as a U.S. Senator, President Warren G. Harding desired to submit the Senator's name for appointment to the U.S. Supreme Court, but was dissuaded by Senator Shield's age and ill health. Hale and Merritt, "A History of Tennessee and Tennesseeans" (1913), p. 2292; Concise Dictionary of American Biography (3d ed. 1964), p. 656.

[4] Other Senators and Representatives stating concurrent agreement with the position of Senator Shields on this issue include Senators Bankhead (53 Cong. Rec. 2580), Sutherland (53 Cong. Rec. 2580), Thomas (53 Cong. Rec. 2692), Husting (53 Cong. Rec. 2649), Shaforth (53 Cong. Rec. 3243), Galliger (53 Cong. Rec. 3366), Smith (53 Cong. Rec. 3366 and 54 Cong. Rec. 109), Simmons (53 Cong. Rec. 3366), Clarke (53 Cong. Rec. 3366), Works (54 Cong. Rec. 1179), Smoot (54 Cong. Rec. 1179), Clark (54 Cong. Rec. 1179), Nelson (54 Cong. Rec. 778–9), Root (54 Cong. Rec. 778–9), Chilton (54 Cong. Rec. 778–9), O'Gorman (54 Cong. Rec. 778–9), Culberson (54 Cong. Rec. 778–9) and Representatives Sparkman (54 Cong. Rec. 3366), Moon (53 Cong. Rec. 3366), Austin (54 Cong. Rec. 2785–6), Heflin (54 Cong. Rec. 2787), LaFollette (54 Cong. Rec. 2788 and 56 Cong. Rec. 9108), and Sinnott (56 Cong. Rec. 9290).

46, 92 (1907); *Shively* v. *Bowlby*, 152 U.S. 1, 58 (1894); *Illinois Central Railroad Co.* v. *Illinois*, 146 U.S. 387, 435 (1892); *Hardin* v. *Jordan*, 140 U.S. 371, 381–82 (1891); *Weber* v. *Board of Harbor Commissioners*, 85 U.S. (18 Wall.) 57, 71 (1873).

Most notably, as explained in the comments of Senator Shields, this principle is not diminished by the oft-cited Chandler-Dunbar decision. Clearly, the Court's decision in that case specified the undeniable predominance of the Government's navigational servitude over private property interests of riparian landowners when exercised for commerce clause purposes. Furthermore, the Court determined that ownership of the flowing waters in a navigable stream is "inconceivable." Most importantly, however, the Court decided that because the company admitted that any structures in the stream found to be an obstruction to the Government's navigational purposes could be ordered removed and because the Government had paid for all other private property interests except those associated with the disputed claim to the flowing waters, the Chandler-Dunbar Co. had no grounds for complaint. Thus, the Chandler-Dunbar decision demonstrates the relationship between the dominant Federal power over navigable waters and the coterminus private property rights which exist subject to that power.

Senator Shield's legal analysis was accepted by the Congress which adopted the Federal Water Power Act of 1920. Congress declined to impose rental charges for the use of the flowing navigable waters by licensees. More recent U.S. Supreme Court case law confirms the vitality of these earlier cases and the applicability of the legal principle accepted by Congress. In *Kaiser Aetna* v. *United States*, 444 U.S. 164 (1979), the Federal Government asserted a public right of access into a private marina development because the developers' dredging of the private lagoon created navigable waters subject to the Government's navigable servitude. The Court confirmed the broad regulatory power of the Government over navigable waters, stating that:

[T]here is no doubt that Congress may prescribe the rules of the road, define the conditions under which running lights shall be displayed, require the removal of obstructions to navigation, and exercise its authority for such other reason as may seem to it in the interest of furthering navigation or commerce. (444 U.S. at 174).

But the property subjected to that dominant power remains private property and does not become a public asset merely by reason of its servitude.

Although the Government is clearly correct in maintaining that the now dredged Kuapa Pond falls within the definition of "navigable waters" as this Court has used that term in delimiting the boundaries of Congress' regulatory authority under the Commerce Clause, this Court has never held that the navigational servitude creates a blanket exception to the Takings Clause whenever Congress exercises its Commerce Clause authority to promote navigation. Thus, while Kuapa Pond may be subject to regulation by the Corps of Engineers, acting under the authority delegated it by Congress in the Rivers and Harbors Appropriation Act, it does not follow that the pond is also subject to a public right of access. (444 U.S. at 172-3). (Citations omitted).

Thus, the regulatory power of Congress over navigable waters under the commerce clause, although unquestionably predominant over private property rights affected by its proper exercise, does not give rise to a proprietary or property interest in the riparian property subject to the commerce clause. Exclusive of Federal lands and reservations, the property interests comprising the various hydroelectric projects throughout the country remain private property subject to a dominant Federal navigational or regulatory power. Such projects are not public assets or a part of the public domain simply because they are subject to the Federal regulatory power.

This is especially apparent in the States east of the Mississippi River, such as Alabama, where licensed projects commonly were built with the use of privately owned lands and in river beds owned either by riparian landowners or the respective States. In these cases, the Federal Government's only cognizable interest is strictly regulatory. Likewise, this is the situation in other regions except where the projects were located on Federal reservations but, even then, the project works were constructed with funds provided by the licensee and the licensee is required by license provisions prescribed in accordance with section 9(e) of the act to pay annual charges for the use of the Government property used in the development and operation of the project. Thus, the project works of the existing licensee and the lands and flowage easements acquired by it are not "public resources," but rather private assets or resources devoted to public service. Except for the States' proprietary rights in the streambed, many of the projects which could be taken from existing licensees by application of a preference at relicensing are composed entirely of property interests assembled by developers with investment capital. Except for two projects where Alabama Power Co. has added generating facilities to dams constructed for the Federal Government by the Corps of Engineers—Bankhead and Holt projects—the company's projects have been built, at great risk to the investors, upon property acquired by the company after paying amounts reflecting fair market value at the time of the acquisition. All the improvements constructed on the site by Alabama Power were built without Federal funds. The impoundments, equipment, buildings, roads and transmission lines all were constructed, paid for and are owned by Alabama Power. All authorized taxing authorities levy ad valorem taxes against Alabama Power Co. as owner of such projects.

Congress' commerce clause power to regulate and improve navigation subjects all works that could impede navigation to a dominant servitude for such Federal purposes as may be related to the proper exercise of that power, but the servitude does not divest title from the owner of subjected property or create sua sponte a proprietary interest in the Federal Government. For example, if the Federal license for an existing project is taken from Alabama Power and issued to a municipality based upon a statutory preference, the property interests comprising that project will remain in Alabama Power until transferred by a properly executed deed or a condemnation order upon payment of the required compensation.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. JOHNSTON. I hesitate to interrupt the Senator, but before the time expired, I wanted to get on the record where this legislation came from.

Will the Senator agree with me that the approach of the investor-owned utilities, EEI and the other group, was to provide legislation that provided not only for preference for the present license holders but also to provide compensation in the event that FERC should order that? As I recall the compensation language, it was fair market value as determined by due process.

Mr. McCLURE. The Senator is correct.

Mr. JOHNSTON. The Senator will also recall that we drafted the tests, I believe, almost exactly and precisely as stated, with maybe a minor change or some changes not suggested by the EEI or the investor-owned utilities. So all these tests came from us, this legislation came from us, and not from the investor-owned utilities.

Mr. McCLURE. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Colorado has 6 minutes remaining.

Mr. HART. Mr. President, I ask unanimous consent that the name of the Senator from Nebraska [Mr. EXON] be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, let me assure my colleagues, the distinguished managers of the bill, that no bad faith was intended by the Senator from Colorado in terms of the drafting of criteria. The Senator from Colorado

merely meant to say that those interests presently operating under private license strongly favor the pending bill, which contains those criteria. That is all.

On the issue of what the courts have said or currently are saying about the question of presumption, I should like to quote the court of appeals judge, Abner Mikva, who wrote, I think fairly recently, in a decision in October 1985, less than a year ago, last fall, on the question of presumption and the intent of the law. Judge Mikva wrote:

The legislative history—

I assume him here to mean the 1920 act——

removes any shadow of a doubt as to what Congress wanted to happen when relicensing time arrived. The muncipal preference applies to all relicensing, including those involving an incumbent licensee.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. HART. I yield for a question.

Mr. McCLURE. Is the Senator aware that the opinion to which he refers was vacated under the very unusual circumstance of a panel en banc, which set aside that opinion?

Mr. HART. No; the Senator understands that the court of appeals en banc is undertaking to review that decision. Nevertheless, until that review occurs, the language still stands. I think it stands, supported by a long series of Federal court decisions over the years.

In sum, Mr. President, the issue, as the Senator from Colorado has said, is a basic, philosophical issue. It has to do with the fundamental notion of who owns the public resources, who has what rights to them, who has what interests in them.

The 1920 act clearly contemplated that where public entities were not available to undertake production and operation of power facilities on public waterways, licenses, long-term but temporary, still to expire at a date certain, could be granted to private licensees. The issue before Congress today is what happens when those licenses expire.

The amendment offered by the Senator from Colorado says that the preference should operate in favor of the publicly owned facility when that entity is prepared to operate the facility in the public interest, or when a presumption in favor of that public entity can be overcome by a private licensee, then that license should be renewed.

I ask the Senators who care about preserving this public option to support the amendment of the Senator from Colorado.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEFLIN. Mr. President, I rise in opposition to the proposed Hart amendment to S. 426. I do so, primarily, because its impact upon consumers, the electric utility industry, financial institutions, and industrial companies would be devastating.

Mr. President, the proposed Hart amendment is discriminatory on its face. It would require the Federal Government to exercise its discretionary right under S. 14 of the Federal Power Act to take over federally licensed hydroelectric projects presently owned by utility companies at the expiration of the license, but the hydro projects owned by State, municipal or cooperative utilities would not be subject to Federal takeover.

The power from these taken projects would then be turned over to existing Federal power agencies such as the Southeastern Power Administration in the Southeast for marketing in accordance with the existing schemes for marketing Federal hydropower, which include, of course, a preference for States and municipalities. I would also extend to cooperatives the present municipal preference in hydroelectric project licensing. More than 48 percent of our Nation's hydroelectric power is owned by the Federal Government and marketed pursuant to that scheme of preferences. The proposed Hart amendment would mandate that all of this valuable resource be monopolized for the benefit of these privileged few.

Utility companies that would lose hydroelectric capacity and energy pursuant to that Hart amendment would have to replace that capacity and energy with fossil-fired or nuclear generation in order to continue to serve their customers. This would be terribly expensive to consumers. There are few remaining sites for susbstantial hydroelectric projects, and all other hydro projects would be marketed pursuant to preference.

This incredible task would require new plants, new transmission networks, new fuel stocks, lots of capital, and lots of lead time. The cost of such an upheaval on a national basis would be staggering.

The environmental impact of creating an unnecessary requirement for new plant construction would be considerable.

The highest and best use of the hydroelectric capacity as peaking and stabilizing capacity in integrated systems would be lost forever if the units were separated from the integrated systems and sold on a stand-alone basis. The capacity and energy available from the units on that basis would be far less valuable to consumers. Such a use of hydroelectric capacity is poor energy policy and a waste of a valuable resource.

In Alabama alone, the cost of the Hart amendment would be $2.8 billion in 1985 dollars for new investment only. This would mean a 24 percent rate increase for every one of the more than 1 million Alabama consumers served by the private utility. Those customers would then still face higher annual electric bills because of increased fuel, maintenance and operating costs.

The proposed Hart amendment would unjustifiably extend the concept of federally subsidized power at the expense of millions of innocent consumers who happen to be served by utility companies.

The Federal Government already owns and operates more than 48 percent of the hydropower available in America. All of that power is mandated pursuant to preferences for State, municipal, and cooperative utilities which, altogether serve approximately 24 percent of American electricity consumers.

On a per-residential-customer basis, State and municipal utilities already own and operate more than four times the hydro capacity and more than 5½ times the hydro energy than utility companies.

All told, State and municipal utilities have preferential access to more than 68 percent of America's available hydropower for the exclusive benefit of the 14 percent of American electricity consumers they serve.

This is above and beyond the other special benefits provided to municipalities which aid their efforts to provide low cost electric service, such as:

First, freedom from Federal, State, county and local income, property, gross receipts, franchise, payroll and severance taxes;

Second, taxpayer-subsidized capital costs . . . approximately 4 percent, compared to 11 percent for utility companies;

Third, freedom from regulation in many States;

Fourth, immunity from financial penalties for violations of the antitrust laws.

In summary, Mr. President, the proposed Hart amendment—in the nature of a substitute—is directly contrary to every major concept embodied in S. 426. S. 426 presumes existing licenses should keep the dams for service to their customers, which the Hart amendment requires a Federal takeover. S. 426 seeks to protect the 76 percent of American electric consumers served by utility companies from an unjustifiable loss of hydro projects they have paid for through their rates while the Hart amendment mandates their automatic takeover by the Federal Government without adequate compensation. S. 426 eliminates a further preference at the relicensing stage for taxpayer-subsidized utilities while the Hart amendment seeks to extend the existing scheme of Federal subsidiza-

tion to other entities over all hydroelectric capacity in the Nation forever.

Finally, Mr. President, the underlying premise of the proposed Hart amendment, that is, that the projects built with private capital on private property is really a Federal resource because the operation of that project is subject to Federal licensing authority, is simply legally wrong. I urge its defeat.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. HART. The Senator wants to see what the Senator from Idaho has in mind.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. HART. I yield

Mr. McCLURE. Mr. President, there will be a unanimous-consent request that it be in order to order a quorum call prior to the rollcall. It will be the intention of the Senator from Idaho to move to table and ask for the yeas and nays on the motion to table.

Mr. HART. It would be the intention?

Mr. McCLURE. Yes.

Mr. HART. What is the purpose of the quorum call?

Mr. McCLURE. Mr. President, if the Senator will yield further, the interposition of the quorum call will require unanimous consent, and I will ask that unanimous consent at the time the Senator from Colorado has yielded back the remainder of his time.

Mr. HART. My understanding is that the Senator can, by unanimous consent, seek a quorum call, without the Senator from Colorado yielding back his time.

Mr. McCLURE. The Senator is correct.

Mr. President, how much time remains?

The PRESIDING OFFICER. Approximately 1 minute remains to the Senator from Colorado.

Who yields time?

Mr. HART. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair advises the Senator from Colorado that under the consent agreement, the clock continues to run, and the vote will occur at approximately 3:18, under the previous order of the Senate.

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. McCLURE. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that it be in order to order a quorum call prior to the rollcall.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. I further ask unanimous consent that at the end of statements which I and the distinguished Senator from North Carolina will make that we go back automatically into a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC DEFENSE INITIATIVE

Mr. JOHNSTON. Mr. President, my colleagues know that while I support vigorous research on antiballistic missiles I have doubts about the pace and direction of the President's star wars initiative. In the last several days these concerns have turned to grave reservations, especially with respect to the vulnerability of a star wars defense system to attack by the Soviets.

On March 5, in an open hearing before the Defense Appropriations Subcommittee I asked Lt. Gen. James Abrahamson, Director of the Strategic Defense Initiative Organization, how we could defend star wars satellites from Soviet attack. He responded that there are quite a few ways to defend them but they are classified. In a classified hearing with General Abrahamson on April 9, I asked him the same question, how can we defend space-based assets? After listening to the classified answer I must tell you that I was not any more satisfied with the classified answer than I was with the unclassified answer.

Furthermore, Senators CHILES, PROXMIRE, and I released a staff study on March 17, 1986, entitled, "SDI: Progress and Challenges," which stated:

> What is the current overall assessment on survivability? At this point, it appears bleak. Scientists at the Sandia Laboratory who have been intensely studying this question have come to the conclusion that space-based, boost-phase defenses can never be made survivable, unless by treaty.

This report was prepared by our staffs who went to the national labs, including Sandia, and to other SDI facilities and interviewed scientists working on the program. In the past, SDI officials have talked of establishing "keep-out zones" to protect SDI satellites against Soviet antisatellite weapons and Soviet space mines. The United States would declare a certain area around a satellite—say, hundreds or thousands of kilometers—off limits. Anything entering the keep-out zones would be destroyed. "Rules of the road" would be established in space which would govern what would be threatening to U.S. assets and thus subject to attack.

Obviously, the Soviet Union, who even prohibits overflights over their territory of foreign satellites capable of direct television broadcasts, might have some objection to such "keep-out zones" and "rules of the road" over their territory. We certainly would if the tables were reversed. These matters would have to be negotiated by treaty, assuming that is possible. I would refer my colleagues to this unclassified staff report for a more detailed discussion of survivability issues. Suffice it to say that the staff report concludes that, "A closer look should be taken at whether * * * spaced-based assets can ever be made survivable."

The Pentagon responded to this staff report through an article in the April 7, 1986, issue of Aviation Week and Space Technology saying that the report's comments about satellite survivability:

> Represent only random comments by individuals with essentially no expertise in the design or construction of space systems. Moreover, the authors of the staff report have not talked to the managers of the SDI Survivability Program. This dearth of credible sources is characteristic of the staff report.

In fact, as the magazine article points out, the staff who authored this report talked to the SDI program manager for survivability and top scientists and researchers at the national labs who the SDI organization selected for the interviews with the congressional staff. They even talked to General Abrahamson himself.

More recently, the Pentagon has toned down their response to the congressional staff study and says that the staff "apparently drew heavily upon informal conversations they had during a congressional staff tour of SDI-related research facilities."

On April 4, 1986, Irwin Welber, president of Sandia National Laboratories, wrote a letter to Senator PROXMIRE clarifying its official position saying:

> Sandia National Laboratories has not reached the conclusion that spaced-based elements of a strategic defense system cannot be made survivable. No definitive conclusion—especially a negative one—is appropriate at this stage of the research program. Indeed, until we gain a better understanding of the elements of the system that will be based in space, and what their character should be, the only conclusion that we can draw is that survivability should be a major focus of our research.

Now why am I recounting all this to you? Because knowing the background of the recent controversy about the ability of star wars to defend itself from Soviet attack, you will appreciate the significance of an article just published in the April 18 edition of Science magazine by Michael M. May, who is the associate director at large at the Lawrence Livermore National Laboratory.

The article is entitled "Safeguarding Our Military Space Systems." I urge my colleagues to read the article in its entirety, but I would draw your attention to his statement that—

Space assets much more complex and expensive than the present ones must be safeguarded if there are to be effective space defenses, and they must be safeguarded against very severe threats. It is not clear to me when we will know whether this can be done. The sort of partial ASAT ban suggested above would not in the long term be compatible with an active R&D program aimed at testing the survivability of strategic defenses in space. We are therefore thrown back on whether and at what pace to proceed toward strategic defenses as the first question to settle * * *. However, we are not close to knowing whether an effective defense system can be built or what it would look like.

Mr. President, the star wars program is being hyped up and oversold. In the midst of this star wars snowjob on the Congress and the American people, our respected and knowledgeable scientists are trying to tell us something and we would do well to listen.

I am not suggesting that severe doubts about SDI survivability and other critical issues enumerated in our congressional staff study should lead us to abandon the program. To the contrary, I support robust ABM research on these issues. What I deplore are the statements by enthusiasts that the feasibility of star wars is now established and that it is just a matter of time and money before we can breathe a sigh of relief behind the so-called "peace-shield." Nothing could be further from the truth.

Mr. President, I ask unanimous consent that the article entitled, "Safeguarding Our Military Space Systems," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAFEGUARDING OUR MILITARY SPACE SYSTEMS

(By Michael M. May)

(The vulnerability of military space systems depends on their orbits, functions, and other characteristics. The high-altitude satellites needed for warning and communications in particular could be vulnerable to prompt destruction by certain space-based systems and, in the future, possibly by ground-based high power lasers. A combination of passive countermeasures and arms control agreements could give these satellites some protection against such attack. Deployment of strategic defensive systems with the capability to reach far into space would invalidate this approach.)

The measures that can be taken to safeguard our military space systems or the functions carried out by these assets, the potential effectiveness of the measures, and the utility of arms control agreements vary according to the function to be safeguarded. Broad statements, arguing that space assets are few and fragile or that the deployment of antisatellite systems (ASAT's) is unverifiable, do not usefully summarize what can or cannot be done.

Military space systems consist of satellites, earth stations, and links between them. The characteristics that mainly affect the vulnerability of these systems, such as altitudes of orbits, nature of components, and the like are discussed in the first part of this article. Then various ways of attacking the systems along with steps that can be taken to counter the attack or make it less effective are described. Next, the adequacy of these steps in safeguarding some space system functions are evaluated, mainly to illustrate the kind of analysis that must be done in each case. Finally, the potential value of some arms control agreements in further safeguarding these functions is discussed.

VULNERABILITY OF MILITARY SPACE SYSTEMS

Space systems can be used for surveillance of either strategic assets or tactical situations, for warning, for communication, for weather information, for navigation, and for targeting. Figure 2 displays typical orbits for these various kinds of missions. The orbit is the main determinant of vulnerability. It determine the time and cost for an earth-launched ASAT to get to the satellite, as well as the power needed for a laser or particle beam to destroy a satellite. Warning and communication satellites are typically in very high orbits. Surveillance, weather, and targeting satellites, which need to see details on the surface of the earth, will typically be in lower orbits—how low depends on the scale of the details needed and on the resolving power of the optics. Radar surveillance and navigation satellites can be in intermediate orbits.

Several kinds of componentry might go into the various kinds of satellites: transponders used for communication, radar antennas, solar power panels, and internal electronics. Not all componentry would be on any one satellite, and there are other kinds. The ones shown in Fig. 3 are all necessary for some satellites. They illustrate the range of vulnerabilities that can be expected from most componentry.

Vulnerability can be due to material damage, blinding or jamming of sensors, or damage or false signals induced in the electronics. Let me take up material damage first. Some of the materials used on satellites that were designed without special attention to hardening can be quite fragile. Normal solar panels, for instance, will fail at relatively low levels of laser or nuclear irradiation. With special attention to the materials and design, however, the material problem can be solved to the point that a satellite can only be destroyed by either (i) a direct hit, (ii) a nuclear explosion sufficiently close that it can destroy only that satellite and no other,[1] or (iii) laser irradiation at levels than can be delivered only by sizable, costly facilities designed and tested for the purpose.

The blinding or jamming of sensors must be done by radar, infrared, or visible light sources according to the frequency band the sensor operates in. Such "in-band" jamming can be countered by rapidly changing the frequency at which the radar operates, by rapidly shuttering the optical elements of a camera, or by other measures. One particular countermeasure applies to infrared sensors. For launch warning purposes these sensors need only pick up, the infrared signal from the missile plume above the atmosphere. The plume emits over a whole range of frequencies. The frequency chosen for the sensor to react to, therefore, can be one that does not penerate the atmosphere. Jamming such a signal would require mounting the source on a rocket, greatly increasing the cost and difficulty.

Damage to electronics componentry can be induced by nuclear explosions above the atmosphere, by penetrating neutral particle beams from space platforms, or possibly by extremely powerful radar transmitters. There are effective countermeasures against damage by radar transmitters. Nuclear explosions can destroy a satellite, but, with proper system design, one nuclear explosion per satellite would be required. Space-based particle beams that can disable satellite electronics have not been designed. Counters to them are possible in principle at some cost in weight, and the particle beam satellite can itself be attacked.

Ground stations and links between the satellites and the ground are also needed for space systems. Ground stations usually are large buildings. The major options for lessening the vulnerability of ground stations are the same as the major options for lessening the vulnerability of strategic weapons systems: to defend them actively, to harden them by putting them underground, to hide them, or to make them mobile and proliferate them. The latter is probably the preferred approach for ground stations. Underground siting is difficult for facilities that must keep communications open most of the time with space, hiding is unreliable in the United States, and active defense would run afoul of the Anti-Ballistic Missile Treaty requirements and may also be unreliable unless combined with some form of mobility and proliferation. Mobility can be, and is being, undertaken for several key systems with the use of airplanes, ships, and ground-mobile terminals.

The third element of space systems are the (electromagnetic) links between satellites and ground stations or among satellites. These links can be vulnerable to interference (including covert, deniable interference) unless measures are taken to protect them. The measures and countermeasures in this area are complex and classified and do not decisively favor either the offense or the defense. In general, it is difficult or impossible to deny with any confidence simple information, such as warning, even over a short period of time. Given a longer period

[1] What is said here and elsewhere in this article regarding nuclear explosions or lasers in space may not apply to nuclear-driven x-ray lasers.

of time, it is difficult to deny even complex information. If the information needed is both complex and time-urgent, however, as would be the case for a ballistic missile defense system, various means of interference, including nuclear means, could be very disruptive. Laser communication links are very robust against jamming and could offer a solution.

ATTACKING AND PROTECTING MILITARY SPACE SYSTEMS

With this general survey of key componentry and vulnerabilities in mind, let me turn to the various methods of attacking and safeguarding space systems, concentrating on satellites since that is where the main technical questions are currently. Safeguarding ground stations and electronic links from attack is equally important, but the technological problems and potential solutions are probably more familiar.

Let me begin with nuclear explosives, which were the earliest ASAT's historically. Since there is no way to harden against a nuclear explosion that comes close enough to the satellite, the key improvement from the standpoint of survivability is to make sure that one nuclear explosion is needed to destroy each satellite. That is possible to do, except possibly against nuclear-driven x-ray lasers. Satellites are typically thousands of kilometers apart, whereas the lethal range of even a 1-megaton explosion against a satellite hardened to a feasible level of hardness is less than 100 km. (An unhardened civilian communication satellite could be damaged at distances of thousands of kilometers by a high-yield nuclear explosion in space.) Making satellites nuclear-hard thus serves to make the task of attacking space systems more complex and time consuming. Nuclear weapons, however, probably remain the cheapest way to attack a properly designed and hardened space system.

Conventional explosives and kinetic energy weapons, the latter of which are sophisticated guided bullets, can also be used against satellites. The guidance requirements are much more severe for high-explosive weapons than for nuclear weapons and even more severe for kinetic energy weapons that must hit the target.

Nuclear weapons, conventional weapons, and kinetic energy weapons could all be stationed in space. (Nuclear weapons in space are prohibited by the Outer Space Treaty.) Space-basing would greatly increase the cost of any ASAT system. On the other hand, space-basing an adequate number of weapons can decrease the time needed for ASAT's to put a target system composed of several satellites out of commission. This time element is particularly important in the case of warning and strategic communication satellite systems. ASAT system which can accomplish the destruction of these systems without giving any warning could be particularly dangerous.

Space-based ASAT systems that are to be effective on a prompt time scale against a hardened set of target satellites are likely to be noticeable, however, especially if the target satellites are placed into unique orbits. It may be difficult or impossible to determines without actual inspection what is inside a satellite. But maneuvering or emplacing a number of otherwise unidentified satellites close enough to the several target satellites to destroy them promptly is likely to give warning of hostile intent. Agreements that satellites will be kept a certain distance apart when in the particular orbits, or that they will submit to some sort of identification procedure if they come closer than a certain distance, would greatly increase the likelihood of warning. Such agreements, conventionally termed "rules of the road," will be discussed below.

Laser ASAT's, both ground-based and space-based, have the advantage that they deliver their lethal punch at the speed of light and the disadvantage that it is much more difficult and costly to package enough energy to do damage in laser beams than in explosives or bullets. For this discussion, assume that the sensors have been designed so that lasers cannot do permanent damage by in-band illumination at any greater range than they can damage other materials in the satellite. Materials can be damaged either by continuous irradiation above a certain level or by a large single pulse of energy. We will assume a damage threshold against both mechanisms within the present state of the art—that is, above that of unhardened satellites but below what advanced material research promises to do.

Under these conditions, powerful but presently or soon to be available laser systems (lasers with the necessary optics, pointing, tracking, and computer capability) could damage a satellite from 100 to 1000 km away. Satellites in relatively low orbits could be damaged by such systems based on the ground. The main problem is not the laser power but adaptive optics to compensate for the natural fluctuations in the atmosphere's optical properties. The lasers and optics could probably be hidden, but the pointing and tracking and other experiments needed to develop the full ASAT system would probably be detected.

A high-orbit satellite of the stated level of hardness, on the other hand, could not be damaged from the ground except by lasers with power and optics far beyond what is now available or what will be available operationally in the next 10 years. Not only are these lasers not available now or expected soon, but they would be extremely difficult to hide. They would probably be the size of a football field, with optical components and stable bases for them larger than most astronomical installations, with power supplies in the hundreds of megawatts at least, the whole installed in a region that should be free from cloud cover most of the time if the ASAT system is to be effective.

Research on advanced material and other techniques could give us satellites orders of magnitude harder than the present state of the art. To damage such future satellites even in comparatively low orbits would take very complex, noticeable laser facilities.

High-orbit satellites with state-of-the-art level of survivability could be damaged by space-based lasers deployed within 100 to 1000 km of the targeted satellites, but such space-based laser ASAT's could not sweep the sky clear of satellites in a short time unless they were deployed one-on-one. This would make the space-based laser ASAT system not only difficult or impossible to deploy covertly, but also probably much more expensive than the targeted system.

In addition to lasers that operate in the visible and infrared frequency range and can be based on the ground, x-ray lasers and particle beams, which cannot penetrate the whole atmosphere, could be based in space or launched into space at the time of the attack. The x-ray lasers would involve the use of nuclear explosions. Particle-beam accelerators would be high-cost items, for the same reason that optical and infrared lasers are, namely that expensive and heavy facilities would have to be orbited. Both x-ray lasers and particle beams are in the research stage.

SURVIVABILITY OF MILITARY SPACE SYSTEMS

How do these various threats to the space systems interact with the timely functioning of the systems and what can be done about it? The question of space survivability must be dealt with separately for each of the main types of space systems.

As a first example, let me consider warning and communication systems. They are stationed in high orbits, usually geosynchronous. They must function in minutes. Because of their central role in nuclear operations, interference with these systems in situations that do not threaten to become nuclear in any participant's judgment is perhaps unlikely. In situations involving nuclear threat or alert, on the other hand, these systems become salient potential targets.

Ground-launched, direct-ascent ASAT's would take hours to reach geosynchronous altitudes. During that time, there is a chance (how much of a chance depends on our detection capability and alertness) that they could be recognized and action could be taken. Such action could include evasive motion on the part of the targeted satellites (the reaction of ASAT's in turn could confirm whether or not there was an attack on the system), higher states of alert, and attaching more credibility to the other means of strategic warning. The plausibility of any particular would depend on the circumstances.

Although direct-ascent ASAT's against warning and communication systems might well be used in connection with a nuclear attack, space-based ASAT's and future, very powerful ground-based lasers that might be able to destroy the systems rapidly or without notice are of greater concern. As noted above, however, if we carry out the various measures now planned or in progress to make the warning and communication systems less vulnerable, to give them unique orbits, and to improve our ability to monitor what is going on in space in real time, we will probably be able to detect any ASAT system likely to be effective rapidly and will probably also know if an attack is in progress.

Low-altitude systems offer a more difficult safeguarding problem. The lower orbits make it easier for ground-based lasers and faster for direct-ascent ASAT's to destroy the satellites. We would probably know, from testing and other necessary activities, whether a threat existed and, with proper system design for survivability, the required ASAT system would have to be large and expensive. Thus, although sudden denial in a crisis of the information these satellites bring could not be ruled out, an attack could probably not be carried out in a covert or deniable way if we design the systems appropriately.

Different space systems have their own time lines, cost elements, and vulnerabilities. In most cases, perhaps all, easy or deniable interference with the systems can be prevented through the use of sophisticated techniques to protect communication links and by hardening satellites so that low to moderate power, ground-based lasers cannot damage them.

DISCUSSION

To reach some conclusion regarding the usefulness of various possible arms control arrangements in space,[2] we must have some

[2] For a history of ASAT negotiations and a survey of current positions, *see Nuclear Arms Control, Background and Issues* (National Academy Press, Washington, DC. 1985), chap. 6.

notion of what eventualities we want to prepare against and at what level of priority. On the whole, there has been agreement that the essential warning and communication capabilities should be preserved at a very high priority even in the face of a nuclear attack. Much can be done to preserve these capabilities by unilateral measures. Stabilizing this situation seems a reasonable objective for arms control agreements in space, assuming there is not overriding rationale for deploying ASAT's in connection with or to deter conventional wars or crises, an assumption which seems warranted by history to date. Such an objective would lead us to focus first on space-based weapons and on ground-based laser systems sufficiently capable to damage hardened satellite systems, especially at high altitudes.

Verification is a major concern. There is no hope of arms control agreements being adequately verifiable unless we take the steps outlined above, as well as others, to enhance the survivability of the space functions as much as possible unilaterally, consistent with reasonable increases in systems cost. If we do not take these steps, small, not readily identifiable ground-based lasers, for instance, could have an ASAT capability. If we do take those steps, however, several agreements might enhance the security of at least the high-altitude space assets most relevant to nuclear stability in an adequately verifiable way. The following is a tentative and partial list.

(1) Develop rules of the road, that is, international agreements governing the use of space. These agreements might, for example, make it legal for any signatory nation to take some action regarding other nations' satellites coming closer than certain stated distances to specified satellites of its own. The stated distances and specified satellites would have to be worked out according to the orbits of the satellites to be protected and according to the requirements of civilian space users. Rules of the road that provide effective protection or warning may only be feasible in orbits that are not heavily used by civilian space users. The action to be permitted would also depend on the circumstances. It could range from requiring that entering legal satellites carry beacons to providing opportunities for inspection to acutal destruction of a trespassing satellite.[3] These rules of the road would not provide foolproof saftey against space mines and other space-based ASAT's. They would make the task of effective attack against certain space functions, which should already be a difficult matter if the systems carrying out these functions are suitably designed, more difficult yet and more uncertain.

(2) Ban the test and deployment of ground-based lasers in an ASAT mode. Bans on lasers in the appropriate power range coupled to sophisticated compensating optics to send the light through the atmosphere are probably very likely to be verifiable.

(3) Ban the test and deployment of projectile launchers, lasers, particle beams, and any other ASAT's in space. These would be in the main distinctive space installations that would require testing in space. The associated test program and deployment in numbers adequate to constitute a threat to a properly designed space system should both be verifiable.

[3] A. Wohlstetter and B. Chow. *Wall Street Journal*, 17 July 1985, p. 28 (eastern edition).

Such arms control measures would not make our satellites safe against nuclear attack by specially configured intercontinental ballistic missiles, for example. They could, however, augment unilateral measures in ensuring that warning and communication systems, especially, could survive for some crucial period of time in the event of a nuclear war or crisis. They could also help avoid deployments that seem to add little or nothing to our security and that might make the handling of lower level conflicts more difficult and more risky.

If extensive strategic defenses are deployed, the ASAT and counter-ASAT picture changes completely. This is particularly true if space-based weapons are developed and deployed. Under such circumstances, all space assets, whether needed for defense or offense, for warning or other purpose, would have to operate in a very hostile environment. They would have to be hardened beyond anything now contemplated, at commensurate cost, or alternatively be mobile, defended, or proliferated. Space hardware would replicate the characteristics of earthbound military hardware. We would have the space analog of tank corps and carrier battle groups. The recommendations herein do not apply to such an era. Arms control in such an era, if it were possible, would be closer to the Strategic Arms Limitation Treaty—type of agreements, in which limits in the thousands or perhaps hundreds are agreed to.

The question of whether and when to proceed toward strategic defenses thus subsumes the question of safeguarding present space functions. Space assets much more complex and expensive than the present ones must be safeguarded if there are to be effective space defenses, and they must be safeguarded against very severe threats. It is not clear to me when we will know whether this can be done. The sort of partial ASAT ban suggested above would not in the long term be compatible with an active R&D program aimed at testing the survivability of strategic defenses in space. We are therefore thrown back on whether and at what pace to proceed toward strategic defenses as the first question to settle.

My view is that the right kind of strategic defenses could be helpful both to deterrence and to survival but that we are a long way from being able to tell whether that potential will be realized. Defenses could be helpful to deterrence, if coordinated with survivable offensive forces, by reducing both the real and the perceived differences between first and second strikes and by offering the possibility of defending against accidents and of stalemating limited attacks. They could also limit damage from a nuclear attack, if they are sufficiently survivable and sufficiently cost-effective so as not to lead to offsetting buildups.

However, we are not close to knowing whether an effective defense system can be built or what it would look like. We do not know for instance whether it should be based in space and to what extent, nor do we know what the component of the system should be. If space deployments are needed, a whole new regime of launch capabilities will have to come into being first. It thus seems unlikely that a strategic defense deployment of any value can begin within at least 10 years.

Thus the United States and the Soviet Union could agree to maintain the Anti-Ballistic Missile Treaty for some period of time, perhaps 10 years, possibly with exceptions to be negotiated for certain tests, without substantially harming the prospects for an effective defense. We could also complement the Anti-Ballistic Missile Treaty with ASAT agreements and rules of the road, those again to be good for the same period of time. Such measures could give us a chance to see what if anything new technologies might lead to in the way of a more satisfactory basis for peace.

CONCLUSION

Space systems are not all the same from the point of view of survivability. High-altitude systems, such as warning and communication systems, have the best prospects.

Similarly, ASAT systems are not all the same from either the standpoint of effectiveness or verification. In general, the more survivable the space system, the more costly and extensive the ASAT system needed to attack it effectively and the more verifiable a ban on such effective ASAT systems is likely to be. The exception is inorbit weapons, which might be handled with rules of the road.

Thus, from the point of view of safeguarding our space assets, especially our warning and communication assets which are most crucial for nuclear stability, there is a definite advantage to at least partial ASAT bans, if verifiable, and to appropriate rules of the road.

The deployment of strategic defense systems might change these conclusions. It might for one thing enormously increase the amount of resources that we would launch into space. However, that technology does not appear to warrant an early deployment decision for strategic defenses. As a result, it seems that proceeding with space arms control measures, in conjunction with unilateral survivability measures, is well warranted.

Mr. JOHNSTON. Mr. President, I extend to my distinguished colleague from North Carolina my apologies for taking so long with my statement.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is now recognized.

Mr. HELMS. Mr. President, of course, I thank the Chair and I thank my friend from Louisiana, Mr. JOHNSTON.

THE PRESIDENT'S ACTION AGAINST LIBYA

Mr. HELMS. Mr. President, I have never been prouder of President Reagan than I was last night when he informed the Nation that the United States had made a significant strike against the regime of Mu'ammar Qadhafi.

Clearly, the time had come when the United States was obliged to face up to the threat to international peace provoked by world terrorism. That threat was symbolized by the bomb placed in TWA 840. If the President had blinked, and nothing had happened, we would have seen a massive escalation of terrorism throughout the world.

It was necessary and proper for the United States to take decisive action—not in retaliation, not in vengeance, but to remove the existing threat. Qa-

dhafi's capability to destroy innocent lives must be removed.

At the same time, Mr. President, our allies must recognize this fact, both in Western Europe and in the Arab world, that the time has come. Although the United States is the most obvious target of opportunity, all free nations are at risk. The European nations may have short range goals to continue their trade and investments in Libya; but in the long run their very existence may be threatened by the arbitrary terrorism of Libya's leader.

The Arab nations, too, must face the fact that Qadhafi is a threat to their stability and flexibility. For it is not just the Islamic fundamentalism that is the problem. Behind the surface turmoil lies the strong support and encouragement of the Soviet Union using the passions of the Middle East to undermine and weaken all non-Communist nations.

Unless both Europe and the Arab world realize that this is, at bottom, a confrontation between the Soviet Union and the free world, there will be no end to the destabilization of the Western World.

Frankly, I am deeply concerned that we as a nation, and the administration in particular, were being perceived as not having yet fully realized the incontrovertable fact that Libya, Iran, and Syria have declared war upon the United States by word and by deed. The President's powerful leadership has recognized that Libya is an important agent in world terrorism. But Qadhafi is just a front man. It is not just Libya that is the problem; Iran and Syria are far more fundamentally involved.

I am concerned that we are facing a clear threat to our Nation's security and to the security of our fellow citizens. Last June, in a Senate speech, I pointed out the intricate relationship between Libya, Iran, and Syria. I pointed out that on June 23, 1985, Libya and Iran signed a treaty of strategic and political alliance, just 9 days after the hijacking of TWA 847.

Yet I am sorry to see the perception that the administration was pursuing little more than a policy of rhetoric when it comes to Syria and Iran. It was all confined to Libya. Now Syria and Iran are pursuing a policy of war. There is no question about that, and rhetoric will never stop war.

Mr. President, no one wants war. Precisely because no one wants war, we must take those actions which will prevent a war from developing. Indeed, unless such action is taken, this Nation will be slowly dragged, more and more, into the war which we all want to avoid.

Mr. President, when, after the TWA 847 hijack crisis, I spoke in some detail in this Chamber on the subject of the international terrorism unleashed by Iran, Libya, and Syria, I noted that Iran was behind the TWA 847 attack. I also presented to the Senate extensive documentation gathered by my staff not only about that attack but also about the global network of terrorism that Khomeini has organized.

Since last June, Americans have been murdered by terrorists in the *Achille Lauro* attack, in the Rome and Vienna attacks, in the recent TWA 840 attack, and in the Berlin nightclub attack. Prior to this, hundreds of Americans have perished in attacks against our Embassies and against our military forces.

Therefore, Mr. President, I do hope that the administration will make a detailed presentation directly to the American people and to the press of the global infrastructure of terror that we are facing today. The public needs to know the facts and it is entitled to them.

I commend our distinguished colleague from Alabama [Mr. DENTON] for his determined and relentless efforts to expose international terrorism and educate not only our colleagues but also the American people. The hearings which he has held in the Subcommittee on Security and Terrorism, which he chairs, have been an invaluable service to our country.

In recent days, we have had to endure the spectacle of American officials being dispatched to Western Europe in order to seek cooperation with our supposed allies on the matter of international terrorism. This Senator can see no pressing need for our Nation to go hat in hand to the European governments, which have, so far, backed away from effectively defending their own people from international terrorism. We know all too well their excuses which put, under the guise of trade relations, the interests of their multinational corporations and their international financiers ahead of the security of the people of Western Europe.

And, today and last night, I felt obliged to ask: Do our friends in Europe not recall the enormous sacrifices of the American people during World War II? Where would they be today had it not been for the gallant men who gave their lives to rescue Europe from the clutches of Adolph Hitler? Is there no gratitude?

But, let me go back, Mr. President, and reiterate that the way to stop war is to take action against the facilities which give the capability of war.

When there is imminent danger that the peace will be endangered, or where there is a continuing breach of the peace where lives and property are threatened, it is necessary to stop the threat or the breach.

That is what the President had done in Libya. The American people would support not mere retaliatory air strikes. We have no need to "retaliate" against an enemy out of some supposed desire for vengeance. The only need to strike at Libya is to eliminate an immediate danger. That is what the President has done, and I commend him for it.

Mr. McCLURE. Will the Senator yield?

Mr. HELMS. Certainly.

Mr. McCLURE. I wish to commend the distinguished Senator from North Carolina for the statement he is making, and join with him in commending Senator DENTON for the hours and hours of dedicated effort he has put in through the subcommittee which he chairs to uncover the sources, the causes, and perhaps to point to some of the responses to international terrorism.

I think there are a great many people who have been waiting for us to take affirmative action and I suspect last night when it became apparent that this country was, under the leadership of President Reagan, going to respond very affirmatively and directly—there were two reactions. The most immediate one was "thank goodness, we are finally doing something;" and the second was "but I wonder where this leads us."

So I suspect most of the joy and support was tempered by a concern that it makes the situation better rather than worse. I join with the Senator in my own conviction that while this is a very difficult situation to know cause and effect, and to determine whether any specific action will make the situation better or worse, when you get down to really making a decision, and you have to choose between alternatives, this course of action was the best of the alternatives; that to do nothing is a worse alternative that surely would lead to a worsening of the situation.

I suppose that particular question will be debated endlessly, and the people will be analyzing it with meticulous care for months, if not for years, the course of events from this day forward as to whether or not it succeeded or failed.

But ultimately the President of the United States was confronted with an agonizing decision. No alternative was wholly satisfactory. I join with the Senator from North Carolina for commending the President for the courage to make hard decisions when hard decisions are called for when we far too often have seen in recent years a tendency to somehow duck that hard decision in the hope that the problem would somehow otherwise be dealt with.

I appreciate the Senator's comments.

Mr. HELMS. I thank the Senator.

Mr. President, Senator McCLURE and I are mindful of the great leadership of Senator DENTON in this vital field. Unfortunately, for many, many

months his activities have been almost ignored by the media, but I think that they cannot be ignored any longer.

But in any case, JERRY DENTON represents to me the finest spirit of America. I shall never forget the morning that the first contingent of prisoners of war came back home. Of course, JERRY DENTON was the first down the ramp, and his first words were "God Bless America." I recall on that occasion that he thanked the American people for letting him go and serve. Here is a man, I would say to my friend from Idaho, who had endured 7 years of hellish torment as a prisoner of war.

So I am certainly grateful to JERRY DENTON for all he has done and is doing, and I thank the Senator from Idaho for his remarks.

Mr. President, it is clear to this Senator that there is a very specific set of appropriate targets which is self-evident. The targets are the leadership and personnel of the terrorist organizations, their training facilities, their headquarters, their weapons caches, their supporters in foreign governments who sponsor international terrorism, and the infrastructure which these governments provide.

Mr. President, it is clear that such an infrastructure exists. In January 1985—6 months, before the TWA 847 hijacking—Libya, Iran, and Syria held a Foreign Ministers conference in Tehran to map out terrorist strategy for 1985 and beyond. In my statement here last June, I pointed to this as a clear indication of the nature of the war planning effort that these countries were engaged in. Terrorist attacks since last year have served to confirm this settled design and joint war effort.

Until yesterday, however, the United States had not acted effectively to counter this joint war effort. As a consequence, more and more Americans have perished at the hands of international terrorists and more will perish. We simply cannot escape the fact that Libya, Syria, and Iran are at war with our country. We cannot escape the urgent necessity to take whatever measures are necessary to defend ourselves.

Mr. President, there is only one form of response in this war. It is the direct use of lethal force in the degree necessary to destroy the intended target whether it be an individual terrorist in action, a terrorist headquarters building, a terrorist training center, a terrorist weapons cache, or any other part of the terrorist infrastructure operated by Iran, Libya, Syria and others.

Mr. President, this use of lethal force can be in the form of covert action or it can be in the form of overt military action for larger scale targets. The point is this. Lethal force must be used and used decisively in a timely manner.

The most appropriate and obvious targets for covert action are the leadership and operational personnel of the terrorist organizations who are at war with the United States. Wars are fought with the implements of war and not with lawsuits and political rhetoric.

THE TWA 840 ATTACK

Mr. President, the attack against TWA 840 resulted in the death of four Americans. Over this past weekend, millions of Americans witnessed TV clips of their funeral services and the funeral service of the serviceman murdered in the Berlin nightclub.

Mr. President, I have taken some trouble to investigate the background of these sad events by going to reliable sources outside of the intelligence community. I am not a member of the Senate Intelligence Committee, and I have not asked to be made privy to classified information that might disclose sources and methods if it were revealed. Rather I have gone to my own sources which have proved exceedingly reliable in the past, and I present the following information in the belief that it will prove reliable in the future. I believe that the more information which is available for public discussion the better, and I invite any responsible criticisms or corrections which will help to foster understanding.

According to my responsible and well-informed sources in Lebanon and elsewhere in the Middle East, there is little doubt that May Elias Mansur, the woman who sat in seat 10F, where the bomb was planted, was responsible for implementing the attack.

Mr. President, Mansur is no normal housewife and businesswoman as she would have the Western public believe in her well-staged press opportunities. I believe that events will show that she is, in fact, a hardened terrorist who just killed four Americans.

These same sources give the following account of Mansur's terrorist past and present. In the early 1970's, she reportedly joined the Lebanese Action Party, a Communist party with a pro-Albanian line. She then became the companion to Abu Jihad who is the commander of Yassir Arafat's PLO military forces. She carried out several missions for the PLO, although in an apparently nonmilitary role.

In 1982–83, Mansur joined the Syrian Nationalist Party and was sent to London for several months.

In early 1984, my sources indicate that she joined the Abu Nidal terrorist organization. The Revolutionary Fatah is a breakaway group from Arafat's al-Fatah. She then traveled to Libya and stayed there until June 1985. She then returned to Lebanon via Tunisia and Cairo. After that, she regularly shuttled back and forth between Beirut and Cairo on special missions.

Finally, I believe that after many years of terrorist preparation, Mansur was entrusted by her superiors with the attack against TWA 840, a mission which was handled with deadly professionalism. According to some experts, had the aircraft not been in a low altitude descent pattern, it would have been completely torn to pieces by the force of the explosion and all aboard would likely have perished.

THE ABU NIDAL ORGANIZATION

Mr. President, the international terrorist known as Abu Nidal was an Iraqi and Syrian asset. In 1981, however, he was expelled from Iraq and began to operate out of Syria until 1984.

His organization, the Revolutionary Fatah, is based in Libya. It is said to have about 50 to 60 core members. Most of these terrorists are Palestinians but it is reported that there are also Turkish, Jordanian, Armenian, Lebanese, Bangladeshi, and Pakistani members. Many analysts, with reason, consider them to be the best professional terrorist organization in the world today. They are highly trained and highly capable professional killers.

According to recent information from the Middle East, there are indications that this group is planning to relocate to Lebanon. There, they intend to connect into the Khomeini Hisbollah terrorist network.

I would note that some sources in the Middle East believe that Abu Nidal himself is dead. According to these sources, he was flown from Damascas to East Germany in 1984 for cancer treatment. Near death, he supposedly requested to be flown to Bagdad to be with his family and to be buried there. It is said that he died in late 1984 and was buried in Bagdad at a funeral service attended by his family, supporters, and some press. In the confused network of Middle Eastern intrigue, no one has been able to establish with certainty the facts of this narration. Nevertheless, there are many experts who believe that this is the truth.

Since his reported death, these sources point to his former second-in-command, Abbas Saleh, known as Abu Ahmad, as the new leader of the organization. It is reported that he is frequently in Iran for consultations.

Since the Abu Nidal organization is hosted by Qadhafi, receives Qadhafi's direct aid and support, and operates on Qadhafi's behalf, the conclusion is inescapable that the TWA 840 attack was a Qadhafi operation.

QADHAFI SUPPORTS KHOMEINI'S HISBOLLAH

In Lebanon, Qadhafi had several terrorist formations which he supported. They were the Morabatoun and the Independent Nasserist Fighters. These pro-Qadhafi groups were crushed in

1985 by Nabi Birri and his Amal militia who are anti-Qadhafi and anti-Khomeini. The leader of the pro-Qadhafi terrorist formations, Ibrahim Gholailat, fled to Europe and now operates out of Paris.

My sources report that, after his Lebanese formations were crushed by the Birri forces, Qadhafi supported several smaller armed bands. Over the last year, however, he has formalized his cooperation with and support of the pro-Khomeini Hisbollah terrorist organizations based in Lebanon.

Last year, one of the Hisbollah Executive Committee members, Abdul Azziz Hakkim, visited Libya and obtained an agreement with Qadhafi for considerable financial support as well as military aid in the form of weapons and ammunition.

Qadhafi, through Hakkim, invited the Hisbollah to establish an office in Tripoli. Two key operatives were dispatched from Hisbollah's Lebanese organization to open this office. These agents are reported to be Hosseyn Sadr and Mehti al-Hashemi. Hosseyn Sadr, 38, is a member of the Islamic Revolutionary Council for the Liberation of Iraq and was related to Ayatollah Bagher Sadr who was executed by Iraq for subversive activity. Formerly a Shiite clergyman, Hosseyn Sadr became a trained terrorist. Mehti al-Hashemi, 40, was a teacher in eastern Lebanon. He is a close confidant of Hosseyn Mossavi the leader of the Islamic Amal terrorist organization. Al-Hashemi was a member of Khomeini's Iranian Revolutionary Guard command in the Bekaa Valley.

For joint Libyan-Iranian terrorist operations, Qadhafi's Abu Nidal organization representatives meet with the two Hisbollah representatives in Libya for planning and coordination. The Rome and Vienna attacks are examples of this type of joint Libyan-Iranian operation according to informed sources. As Admiral Martini of the Italian military intelligence service correctly observed, the terrorists involved in the Rome and Vienna operations were trained in Iran and, assisted by Syria, passed through Damascas on their way to West Europe. Logistical assistance was reportedly provided by Libya. For these types of operations, Libya provides not only false passports from Morocco or Tunisia, for example, but also makes available safehouses, weapons, explosives, and other assistance from Qadhafi's well-established terrorist infrastructure in Europe.

Mr. President, Senators should note that there are millions of aliens, many illegal, in Western Europe from Morocco, Algeria, Tunisia, Libya, and other Arab countries. This massive population group provides ample cover for Middle Eastern terrorists and their operations as well as a recruiting ground for potential terrorists. Libya and Iran are known to fund substantial sums to labor organizations representing Arab workers in West Europe. Terrorists are recruited and then trained in Libya and Iran. They return to Europe to remain in place until they are activated for such operations as the Berlin nightclub attack. It is known that the West German Baader-Meinhof terrorist group as well as other European terrorist groups maintain close relations with Libya and Iran.

As for the Berlin attack, it is well known that the Libyan intelligence service, the Mukhabarat, is under the control of the East German intelligence service which itself is under the control of the KGB.

KHOMEINI'S HISBOLLAH IN LEBANON

Mr. President, Khomeini's terrorist force in Lebanon, the Hisbollah, is no longer the small single party that it started out as in 1981. Hisbollah has been transformed into a terrorist united front organization composed of both Shiite and Sunni terrorist organizations who retain their own separate identities but act jointly under an executive committee.

As I noted earlier, Mr. President, the Hisbollah has established an office in Tripoli, Libya, in order to better coordinate joint terrorist operations with Qadhafi.

After the TWA 847 attack last year, Hisbollah was reorganized and an executive committee was formed. The executive committee of Hisbollah contains 14 representatives from 5 terrorist organizations.

There are five representatives from the original Hisbollah organization. They are: Shaykh Ibrahim al-Amin; Shaykh Mohharram al-Arefi; Shaykh Sobhi Tofaili, the founder of Hisbollah in Lebanon; Shaykh Ahmed Zaki Toffane; and Shaykh Salaheddin Arghedan.

There are two representatives from Islamic Amal. They are: Hosseyn Mossavi, its founder, and Shaykh Abbas Mossavi.

There are two representatives from the Iraqi section of the Al-Dawa party. They are: Abdul Azziz Hakkim and Shayk Muhammad Hosseyn Nasseri.

There are two representatives from the Kuwaiti section of the Al-Dawa party. They are: Mehti al-Moussavi and Dr. Mahmoud al-Dashti.

There are two members of the Islamic Towhid Movement, a Sunni terrorist organization. They are: Shaykh Said Shabban and Eng. Abdullah Babati.

The chairman of the Hisbollah Executive Committee is the former Shaykh Muhammad Hosseyn Fadlallah. During February of this year, Fadlallah and a number of Lebanese terrorist leaders traveled to Iran for a 6 to 7 week visit. On February 11, Ayatollah Khomeini formally installed Fadlallah as an "Ayatollah." This was a highly unusual ceremony because it was the first time that Khomeini had conferred the title of "Ayatollah" on a foreigner.

Khomeini's Chargé d'Affaires in Beirut, Mahmoud Nourani, is reported to always participate in the meetings of the Hisbollah Executive Committee. His role is to convey plans for terrorist operations directly from Tehran. He also proposes terrorist operations on his own initiative as well as counsels the Hisbollah Executive Committee on terrorist operations and plans they develop themselves.

Until February of this year, Iranian funding of Lebanese terrorist organizations flowed either through the Iranian Beirut Embassy, the Shahid Foundation based in Iran, or the Iranian Revolutionary Guards stationed in the Bekaa Valley. Since February, however, the funds flow only through Nourani at the Embassy. The Hisbollah Executive Committee then apportions the money among its member terrorist organizations.

QADHAFI'S SUBVERSION IN THE WESTERN HEMISPHERE

Mr. President, as chairman of the Western Hemisphere Subcommittee, I would draw Senators' attention to the fact that Qadhafi has developed a terrorist infrastructure in the Western Hemisphere, particularly in Central America and the Caribbean region. He has done this in order to not only destabilize the governments of countries friendly to the United States but also to have a base of operations for terrorist attacks against the United States itself.

Libya has financed the election campaigns of several extremist Presidential candidates in the eastern Caribbean. Libya has provided several hundred million dollars to the Communist regime in Nicaragua. Libya has established a presence in Surinam and has used Surinam as a transshipment point for the delivery of Soviet bloc war materiel to Communist Nicaragua.

Mr. President, last year, Iran purchased a large shipment of rice from Thailand. This rice was then transfered to Libya which in turn gave it to the Communist regime in Nicaragua as a gift. This same pattern has occurred with Argentine beef. I would also point out that it has been revealed by sources within Qadhafi's own palace that he is a heavy user of the drug cocaine which the Communist government of Nicaragua makes available to him.

For its part, Iran maintains at least two major bank accounts in Panama for its operations in the Western Hemisphere. Last year, Khomeini promised the Communist regime in Nicaragua some 200 busses which will undoubtedly be used as troop transports. Sources inside Iran report that Iranian President Khameni will visit

Nicaragua sometime this year and that President Ortega plans to visit Iran this year.

Mr. President, as I stated at the outset of my remarks today, the time has long since come for decisive and effective action to combat the ever-growing international terrorist apparatus of Libya, Iran, and Syria. It is time for a serious national decision to employ the necessary means, particularly through covert action, to systematically eliminate the very real and present danger posed by international terrorism to our Nation's security and to the well-being of our fellow citizens.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTRIC CONSUMERS PROTECTION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to lay on the table the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] is necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

The PRESIDING OFFICER (Mr. EVANS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 18, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—80

Abdnor	Glenn	Melcher
Armstrong	Gorton	Mitchell
Bentsen	Gramm	Moynihan
Biden	Grassley	Murkowski
Bingaman	Hatch	Nickles
Boren	Hatfield	Nunn
Boschwitz	Hecht	Packwood
Bradley	Heflin	Proxmire
Bumpers	Heinz	Quayle
Byrd	Helms	Riegle
Chafee	Hollings	Rockefeller
Chiles	Humphrey	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Simpson
Cranston	Kasten	Specter
D'Amato	Kerry	Stafford
Danforth	Lautenberg	Stennis
DeConcini	Laxalt	Stevens
Denton	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Long	Trible
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
East	Matsunaga	Weicker
Evans	Mattingly	Wilson
Ford	McClure	Zorinsky
Garn	McConnell	

NAYS—18

Andrews	Gore	Pell
Baucus	Harkin	Pressler
Burdick	Hart	Pryor
Dixon	Inouye	Sarbanes
Eagleton	Kennedy	Sasser
Exon	Metzenbaum	Simon

NOT VOTING—2

Goldwater	Hawkins

So the motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The bill is open to amendment by the Senator from Montana, and only the Senator from Montana.

The Chair announces that if the Senator from Montana does not offer an amendment at this time, there is no further debate. Is there further debate?

The question is on agreeing to the committee substitute.

Mr. MELCHER. Mr. President, as we discussed this morning——

The PRESIDING OFFICER. Debate is not in order unless the Senator offers an amendment.

Mr. JOHNSTON. Regular order, Mr. President.

Mr. MELCHER. Mr. President, may I offer my amendment?

The PRESIDING OFFICER. If the Senator wishes to offer an amendment, it is his right.

Mr. MELCHER. A parliamentary inquiry. Is it proper for me to discuss my amendment?

The PRESIDING OFFICER. Not before offering the amendment.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1784

(Purpose: To provide specific wheeling authority under sections 211 and 212 of PURPA)

Mr. MELCHER. Mr. President, earlier this morning we spoke at some length, at least 1½ hours, about an amendment I will be introducing.

The PRESIDING OFFICER. The Senator is out of order unless he sends an amendment to the desk.

Mr. MELCHER. Mr. President, I am sending an amendment to the desk.

The PRESIDING OFFICER. No debate is allowed until the amendment is sent to the desk.

Mr. MELCHER. Mr. President, I am sending an amendment to the desk. I call the attention of a page and hopefully someone will come and take the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 1784.

Mr. MELCHER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 426 is hereby amended by adding the following new section :

"SEC. . WHEELING OF POWER.

(a) Section 211 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(j) is amended as follows—

(1) Strike out subsection (c)(1).

(2) Strike out subsection (c)(2)(B).

(3) Redesignate subsections (c)(2), (c)(3) and (c)(4) as subsections (c)(1), (c)(2) and (c)(3) respectively.

(b) Section 212(1) of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(k)(1)) is amended as follows:

(1) Strike out 'electric utility,'.

(2) Insert ',or, in the case of any electric utility affect by the order, is not likely to unduly affect the cost of service provided to its customers,' after 'order'."

Mr. MELCHER. Mr. President, as I was stating earlier this morning we discussed the proposed amendment that is now at the desk and before us. We had discussed it on Friday when we were on the bill previous to that. I had described the amendment. I had circulated the amendment to committee staff of both sides prior to Friday and stated that if the amendment does not do as I purported it to accomplish, then, of course, I would like to know what its fallacies and faults were and make some corrections in order to make it an agreeable amendment.

There are none of us, I believe, here in the Senate who do not agree that we would like to give all utility companies the opportunity for transporting of electric power that they have to transmit it on lines that have the room or have the capability of transmitting it so as to provide for good business practices, and that is what we call wheeling.

Wheeling by one utility company that has the capacity for transmitting of power generated by another utility is widely done, and the question, of course, immediately occurs if it is widely done, do we need anything more in the law to augment what is already presently in the law.

The answer to that is, "Yes," there are occasions when the applicant company that generates some power and wants to get it wheeled by another utility is refused by the utility having the capacity to transmit that power.

So, this amendment seeks in a narrow way to make a correction in existing law.

I have earlier discussed the point that the Federal Power Act passed in 1935 did not correct the situation. The amendments to the Federal Power Act adopted in 1978, the PURPA Act, sought to do that.

Over the weekend, I asked for a critique on the amendment from the Edison Electric Institute. They were very gracious and very cooperative in providing me with that critique on Monday by noon, and they found fault with it.

I have gone over their critique and have recognized a legitimacy of their complaints, but it is coming down to the crunch where their complaints are not agreed to by attorneys on the other side.

I have described this, Mr. President, to the managers of the bill. We have had some opportunity to debate the questions of how to correct it and get something that we can agree on.

Let me outline, again, Mr. President, what I suggest should be the basis of agreement. The utility company, which owns the transmission lines where the wheeling is to be done is paid for the service by the second utility company. Now on this amendment which I now have offered and where fault has been found by Edison Electric Institute and by the managers of the bill, I would seek to modify the amendment. And let me tell you why.

The sections of the Federal Power Act, as I earlier mentioned, passed in 1935 and as amended by PURPA simply have not closed all the gaps. These are my objectives in the amendment which I hope we can finally adopt, whether it is in the form as it is now or whether it is modified.

These criteria are as follows: That the utility company with the transmission lines must have room, that is, unused capacity to carry additional electrical power.

Second, the utility company with unused capacity on its transmission lines cannot be forced to carry additional power if, in doing so, the circumstances would significantly burden the utility company's ratepayers. In other words, I seek in my amendment that the amendment would not have a significant cost or harmful cost effect on the consumers of a utility company required to carry electrical power generated by the other utility companies seeking the wheeling contract.

Third, the need by the applicant utility company asking for the wheeling contract must be able to demonstrate, to the satisfaction of the Federal Energy Regulatory Commission—FERC—that the wheeling contract is in the public interest.

And, last, the fourth point is, the wheeling contract must not violate State law.

Now, this is really an old issue. The Federal Power Act passed in 1945, of course, did not resolve the issue. Section 211 and section 212 of that act were amended by PURPA in 1978 and there were quite a few in Congress and in the electric utility industry that stated that those amendments would resolve the issue. That has not proven to be the case.

It is true that we have had a significant number of voluntarily negotiated wheeling service agreements. Over 1,380 such agreements have been entered into since 1976, and they are filed with FERC. So that is progress. But it is very apparent that wheeling contracts are in the public interest and that it is good business practice for both sides, the utility company that gets paid for transmitting electrical power and the second utility company that can have the power carried on unused capacity of an existing transmission line.

Now, this point should not be lost, Mr. President, by the wheeling contracts that have been entered into. There have been occasions when, just because of the wheeling contracts, there was not any need to build a new transmission line. New transmission lines, at their best, raise a point on the satisfaction of the environmental requirements and almost invariably raise the question of the esthetic value. And so to avoid any blight on the environment or any blight on the esthetics of the area, every time we can avoid the construction of a new transmission line, we are much further ahead, and there is a sigh of relief from almost all sides.

I want to compliment the Western Systems Coordinating Council, which includes a large part of our Big Sky Country of Montana, who have worked diligently and consistently to make sure that where wheeling contracts are practical and efficient and needed, all sides get together and agree on them. And so it is on that type of philosophy that I seek to have an amendment that will satisfy all those four criteria that move us forward with more opportunities for wheeling contracts to be entered into. We have the opportunity in this bill to do just that.

Now, the managers of the bill, very properly—and I fault them not at all for doing so—say, well, they do not understand exactly what is needed. If we have almost 1,400, and perhaps even more than 1,400 voluntary agreements, if we have all those agreements, surely the system works. Why do more? Why get into this?

They are not awared, they state, that there is a problem. Well, yes, indeed, there is a problem. The American Public Power Association, long known for its advocacy of more wheeling contracts, in July 1985, put together some of the problems as they saw them. In other words, they describe instances where they felt that a wheeling contract should have been granted. I read some of those this morning. I will not repeat those. But let me read you a couple more.

Kentucky Utilities has refused to wheel power from the Southeastern Power Administration to eight Kentucky cities since 1974. A 1980 SEPA complaint to FERC resulted in a decision that the Commission had no authority to order KU to wheel under the Public Utilities Regulatory Policy Act of 1978 (PURPA) because such wheeling would not "reasonably preserve existing competitive relationships," as PURPA requires. The Department of Justice began an antitrust action to compel KU to wheel the SEPA power in 1981.

I believe that case is probably in trial right now. This is an old report from the American Public Power Association. They projected that the case would be tried this spring.

The second one that I will cite this afternoon that they state demonstrates the need for some change is:

The giant American Electric Power Corp. forces other utilities, dependent on its monopoly ownership of transmission, to forgo short term and opportunity sales and purchases. AEP will not sell transmission service in less than 12-month time segments, and imposes unreasonable notice requirements. A utility which uses transmission for one day must pay for 12 months, and in some cases must make a formal request 60 days in advance for reservation of capacity for no less than one year. The upshot is that AEP acquires a competitive advantage over other generating utilities through its control of the transmission system. It is ensured access to markets closed to others.

A third one, and these are the only three that I will mention this afternoon.

Wisconsin Electric Co. has filed wheeling rates, but it interprets the terms of the tariff to define all transactions as firm, this pricing them at high, firm wheeling rates rather than lower interruptible rates. Wisconsin Public Power, Inc., a publicly owned power agency dependent on Wisconsin Electric transmission services, states that only about half of its transactions are in fact firm.

What does all that say? What do those three examples say?

Mr. President, what these little utilities are saying is, they would like to have a forum—the Federal Energy Regulatory Commission, which is empowered by law to resolve these.

I have heard the argument, well, the Federal Energy Regulatory Commission has all the authority they need. That is not found to be true.

So the amendment would seek to correct that. The amendment is directed at wheeling contracts on the consideration of those contracts by FERC, one utility with the other utility, and one utility company with the other utility company.

We are not trying to reach out and correct everything. We are trying to have FERC be able to resolve some of

the cases that come before it or would come before it if FERC had the authority to act on it in such a way that it made it practical to put the case before FERC. It is not creating something brandnew. It is creating the opportunity for FERC to do the right thing. That is all.

On that basis, I believe we can get an agreement for that purpose, not to disrupt what so many utilities have told me they fear some wheeling amendments might do. And that is, to enter into a situation where the ratepayer of the utility that would be wheeling the power under contract would lose money on it, thereby being a harmful effect on their ratepayers.

We do not want to do that. We should not do it. Or the other situation where the law would be changed to the extent that FERC would order a wheeling contract for a utility where they would have to sacrifice some of their own transmission. That we do not want to do.

I, above all, do not want to be instrumental in any amendment which would result in either of those cases.

But I do hear, I do sympathize with, and I do believe it is in the public interest, this lament. There must be a forum—that should be FERC—for the smaller utility companies to ask for relief from the terms and conditions set by a utility company that is abusing good business practice in the public interest by not accepting a wheeling contract when they have the capacity to do so, and when it shall not hurt their own ratepayers.

Mr. President, I think we can arrive at the language for such an amendment that would be helpful. At times it appears to be dismal to arrive at proper language and proper time, and be able to agree that, yes, indeed, that is what the language will do, and it is in the public interest. But, Mr. President, I think it is paramount that we continue that effort.

I am pleased that we had the amount of cooperation we have had so far. It has not resulted in good language yet that is acceptable. But I do want to pursue it for a day or two, and hope very desperately that we can make some progress on this point.

It is now a quarter of 5, 4:45, and perhaps I should yield the floor for purpose of a recess. I do want to discuss my amendment further.

Mr. HEFLIN. Mr. President, I rise today to oppose the proposed wheeling amendment.

Although "wheeling" enjoys a simple definition, that is, the transmission of electricity between two noncontiguous utilities over the lines of a third utility while, ironically, it is a technical, complex issue.

It is my understanding that my good friend, Senator MELCHER, is troubled by the absence of a mechanism in S. 426 to assure services for utilities which are allegedly denied access to these services. It is also my understanding that he would like for the FERC to be empowered to order the transmission of "wheeling" of power by the big utilities, subject to just and reasonable terms and conditions. I would like to address each of these concerns.

First the proposed Melcher amendment assumes that wheeling services are not being encouraged and provided under the Federal Power Act, as amended by PURPA in 1978.

Sections 211 and 212 of the Federal Power Act, as amended by the Public Utilities Regulatory Policies Act [PURPA] were carefully crafted by Congress to provide encouragement for utilities to voluntarily engage in efficiency-enhancing wheeling transactions, while also providing important protections to all electric consumers with respect to both rates and reliability.

Dramatic increases in the provision of voluntary transmission services have resulted. Between 1976 and 1983, transmission delivered by private electric utility companies increased by 82 percent while total sales increased by only 16 percent. Nationwide, between 1976 and 1985, voluntarily negotiated wheeling service agreements on file at FERC increased by over 110 percent to 1,380 agreements. Agreements to wheel power to municipal and cooperative utilities increased during that period by 80 percent.

As an example of the high degree of voluntary wheeling provided on a regional basis, investor-owned utilities within the Western Systems Coordinating Council [WSCC] which includes a large portion of Montana, currently have 214 transmission service agreements on file with FERC. About half of them provide for transmission service to public or co-op customers.

The argument has been made that because there have been no wheeling orders issued pursuant to the PURPA wheeling amendments, that the statute is not working. However, Congress, in passing these, did not abandon the concept—inherent in the Federal Power Act—of encouraging voluntary wheeling among utilities. Rather, PURPA was intended to provide a means for FERC to issue wheeling orders only where parties are unable to reach voluntary agreement. At the same time, the PURPA amendments were intended to provide important consumer protections against the provision of inefficient, costly transmission services or those services which would adversely affect system reliability.

Without compelling evidence in more than a couple of isolated instances that the present voluntary approach is not working, the Senate should not act precipitously to change a system that has produced dramatic increases in transmission services in the last decade. The almost total absence of requests for wheeling orders under sections 211 and 212 of the Federal Power Act as amended by PURPA—only three have been requested—is a good indication that those desiring economic and efficient wheeling services are able to obtain the services they require through private business negotiations without the need for governmental interference and compulsion.

The 1978 act was adopted in the context of perceived energy shortages. The limited mandatory authority conferred by Congress upon the Federal Energy Regulatory Commission was thought to be necessary to conserve energy and improve the reliability of electric service. As stated previously, since the enactment of PURPA, significant increases in transmission or wheeling services have taken place. These increases have come about in a fashion consistent with the carefully crafted guidelines adopted by Congress in PURPA. No case has been made to tamper with these existing provisions or to reject congressional policies which have encouraged the best and most economical electric service in the world.

The second concern of my good friend, Senator MELCHER, is that Congress should grant FERC the power to order the transmission of "wheeling" of power by the large utilities.

PURPA has served well, not by forcing mandatory wheeling, but by encouraging voluntary wheeling agreements. As I said earlier, Mr. President, between 1976 and 1985 voluntary wheeling agreements on file with FERC increased 110 percent, to 1,380 filed agreements.

Senator MELCHER's concern is that no orders have been issued under section 211 of the Federal Power Act. This is so because most legitimate needs for wheeling have been accommodated. Again, it is my understanding that only three such section 211 orders have been applied for.

Wheeling is a very complicated issue. It requires more extensive study than a proposed floor amendment, which eliminates protection for consumers of the wheeling utility. The entire issue is presently under study in Docket RM 85-17 at FERC and by the National Association of Regulatory Utility Commissioners [NARUS] and at the Office of Technology Assessment.

Congress has already encouraged voluntary wheeling to promote economic efficiency but should avoid support for mandatory wheeling that has the destructive effect of disrupting existing wholesale customer relationships and failing to take into account utilities' obligation to serve its own retail customers at the lowest possible cost.

For these reasons, I urge the defeat of the amendment.

Mr. JOHNSTON. Mr. President, this amendment does only three things. All three of them are very, very bad. None of the three things which it does resembles what the Senator says he wants to do. Indeed, the three things have no similarity to it.

This amendment, first of all, repeals the antipirating amendment of PURPA. Mr. President, we put the antipirating amendment in because it is not right to pirate somebody else's customers. It is not in the public interest. It is not fair. It is a charge and a cost to some customers in favor of those to be wheeled. And almost everybody that I know, except maybe those who want to pirate the power, agree with that.

Second, this amendment permits under the guise of FERC ordering wheeling to abrogate contracts; that is to say, if there is a valid existing contract in terms of furnishing power, and a schedule for that filed with the FERC under the Senator's amendment, you could come in and preempt that valid subsidizing contractual relationship. That is the second thing it does. That is what it is meant by the subsection (a)(2), the striking out of subsection (c)(2)(b). It is exactly what it means. It is all it means.

Third, Mr. President, it repeals that provisions of existing law which says you cannot get wheeling if it is going to result in a reasonably ascertainable uncompensated economic loss to an electric utility.

Mr. President, it is basic not only in our Constitution, but in all our laws that you cannot take something from someone else without compensating them. The Senator's amendment would repeal that provision of PURPA so carefully crafted and put in the law that says you cannot under the guise of wheeling make another utility suffer an uncompensated loss.

How in the world, Mr. President, the Senator disagrees with any of those three principles I do not know. They are in the law. They were put there intentionally. There has been not one word, not one whit, not one jot or tittle said on the floor here that I can understand to disagree with three principles. Yet that is all his amendment does, is to repeal those three principles.

Mr. President, we have stood ready for not hours, but for months to try to come to an agreement on the question of wheeling. We think the present law is proper. If it is not, please give us an amendment, and we will look at it. But we have not seen anything yet other than the present amendment which has been introduced, which is neither similar to that which has been described by the distinguished Senator from Montana, nor is it in the public interest.

Mr. President, I will yield at this point to my colleague from Idaho.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, we have debated this issue at length. I do not know what we can do to accommodate the Senator from Montana. I do not question that he is sincere in his desire to find an answer. But I do not know what that answer is.

I share with the Senator from Louisiana the conviction that if indeed the Senator from Montana has an amendment, we will look at it.

We will try to see whether it is acceptable. The one that is before us is obviously not acceptable.

Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object, I understand the distinguished chairman, as manager of the bill, would like to put us into recess. I thought he was going to do that before the tabling motion or I would not have suggested the absence of a quorum. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNITL 6 P.M.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate stand in recess from the hour of 5 p.m. until the hour of 6 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate stands in recess until 6 p.m. this evening.

Thereupon, at 5 p.m., the Senate recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. McCLURE].

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I am sending a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

S. 426 is hereby amended by adding the following new section :

"SEC. . WHEELING OF POWER.

(a) Section 211 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 424(j)) is amended as follows—

(2) Strike out subsection (c)(2)(B).

(3) Redesignate subsections (c)(2), (c)(3) and (c)(4) as subsections (c)(1), (c)(2) and (c)(3) respectively.

(a) Section 212(1) of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 424(k)(1)) is amended as follows—

(1) Strike out 'electric utility,'.

(2) Insert ', or, in the case of any electric utility affect by the order, is not likely to unduly affect the cost of service provided to its customers,' after 'order'."

Mr. MELCHER. Mr. President, I think it would be in order——

The PRESIDING OFFICER. The Chair informs the Senator from Montana that no further debate is in order on the amendment as modified. The question is on—

CALL OF THE ROLL

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 4 Leg.]

Abdnor	Gore	McClure
Andrews	Gorton	McConnell
Baucus	Grassley	Melcher
Boren	Harkin	Metzenbaum
Boschwitz	Hart	Mitchell
Bumpers	Hatfield	Moynihan
Burdick	Hecht	Murkowski
Byrd	Helms	Pressler
Chafee	Hollings	Pryor
Chiles	Inouye	Quayle
Cochran	Johnston	Roth
Cohen	Kassebaum	Simon
D'Amato	Kasten	Specter
DeConcini	Kennedy	Stafford
Dodd	Lautenberg	Stevens
Dole	Laxalt	Thurmond
Domenici	Leahy	Trible
Eagleton	Levin	Warner
Exon	Lugar	Weicker
Ford	Mathias	Wilson
Garn	Mattingly	Zorinsky

The PRESIDING OFFICER (Mr. GORTON). A quorum is present.

The question is on agreeing to the motion to table the amendment of the Senator from Montana. The clerk will call the roll.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Are we still in the quorum?

The PRESIDING OFFICER. We are not.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum has just been established, without intervening business.

The clerk will call the roll on the motion to table.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I withdraw the amendment, and I ask for a little consideration to——

Mr. McCLURE. Regular order.

Mr. MELCHER. Mr. President, may I be recognized?

Mr. McCLURE. Regular order.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. Debate is not in order unless the Senator offers an amendment.

Mr. MELCHER. Mr. President, I am going to put in a quorum call now, but prior to doing that, I would suggest that we could make more headway with a little more consideration of what we are doing here tonight in order to avoid holding everybody around here, wondering whether or not a vote is imminent. A vote is not imminent.

So, now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. There has been no intervening business. A quorum call is not in order.

Mr. McCLURE. Regular order, Mr. President.

AMENDMENT NO. 1785

(Purpose: To provide specific wheeling authority under sections 211 and 212 of PURPA).

Mr. MELCHER. Mr. President, I shall send up another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 1785.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, has the clerk reported the amendment?

The PRESIDING OFFICER. The clerk is attempting to do that right now.

Mr. MELCHER. I thank the Chair.

The assistant legislative clerk read as follows:

S. 426 is hereby amended by adding the following new section:

Mr. MELCHER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 426 is hereby amended by adding the following new section :

"SEC. . WHEELING OF POWER.

(a) Section 211 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(j)) is amended as follows—

(1) In

(2) Strike out subsection (c)(2)(B).

(3) Redesignate subsections (c)(2), (c)(3) and (c)(4) as subsections (c)(1), (c)(2) and (c)(3) respectively.

(b) Section 212(1) of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(k)(1)) is amended as follows:

(1) Strike out 'electric utility,'.

(2) Insert ', or, in the case of any electric utility affect by the order, is not likely to unduly affect the cost of service provided to its customers,' after 'order'."

Mr. MELCHER. Mr. President, let me explain a couple of things, so that whatever Members are here or listening on the radios in their offices can understand.

When I was speaking at 4:45, prior to the briefing, we were informed that the majority leader would like to have us go into recess at 4:45, so I relinquished the floor. It was not my intention this evening, at least at that point, to get to a tabling motion and force a vote.

Unfortunately, when I relinquished the floor, the managers of the bill, operating under the belief that we were going to recess at 5 o'clock, took the floor and did what they were inclined to do, and which they were perfectly entitled to do, and that is to move to table the amendment, which requires a vote, unless I just want to let it go by.

We were not to the point of having an amendment that is in any way acceptable to either manager or to a great number of the membership of the Senate, simply because the amendment is at fault or the amendment is not properly understood by the managers of the bill.

It is not my desire to have some useless votes on any amendment that I offer on this wheeling provision. I would like to have a vote when we can get close to an agreement on one; and perhaps even when we get to an agreement, no vote will be necessary.

It can just be adopted by voice. But I do not want to let my colleagues believe that I am trying to set the stage to force a requirement for recorded votes on into the evening.

I would like to present something that makes some sense to the managers and makes some sense to my colleagues and apparently we are not at that point. We do have some modifications that go directly to the points that were raised.

A point was raised that the amendment would permit pirating. Counsel on one side says that is not true. But if that were true the language can certainly be changed to demonstrate to every one's satisfaction that it does not set up pirating nor does it permit pirating.

The second point that was raised had to do with striking subsection (C)(2)(b) that would override contracts. Then again lawyers on one side argue "No, it doesn't do that because I can override contracts in other provisions of the FERC requirements." Nevertheless, if that is a point that will be interpreted that way, I would like to modify the amendment so it is clear that it does not.

Finally, on the third point, the question of what the phrase "or in the case of any electric utility affected by the order is not unlikely to unduly affect the cost of services provided to its customers."

Adding that phrase causes some of the membership to believe that we are creating some very complicated situations that will work adversely to the private utility company that is providing the wheeling services.

That is not the intention nor do counsel on one side believe that it does that.

But on those three points, we think modifications can be made and in so doing, I want to have the consideration of the managers of the bill and their review and see whether they can agree to that, that the modifications are correct and go in the direction of satisfying their objection.

That is my intention and Mr. President, I want to get on with the drafting of those kind of modifications to satisfy the managers.

For that reason, now I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I rise today in opposition to S. 426, the Electric Consumers Protection Act. This legislation has been portrayed as merely an effort to clarify ambiguous provisions of the Federal Power Act of 1920. It is, in fact, far more than that. It is not a bill to protect electric consumers. It is not a bill in the public interest. It is a bill that would destroy competition. And that, Mr. President, is not in the long-term best interest of either the American ratepayer nor the American taxpayer.

In the early part of this century, conservationists such as Theodore Roosevelt and Gifford Pinchot realized that our Nation's public water resources had to be protected from monopoly control in the hands of giant private power corporations. Over the next 10 years, their concerns were refined by Congress in debates over comprehensive legislation to permit the private development of public water resources.

That legislation, the Federal Power Act of 1920, established two key provi-

sions: Limited license terms, and the preference in licensing and relicensing provided for States and municipalities. Both of these provisions would be undermined by the passage of S. 426.

The bill does not eliminate the requirement for limited term licenses. However, it virtually assures that existing licenses will be able to retain control over licensed projects in perpetuity by giving preference in relicensing to existing licensees. This idea of control in perpetuity of a public resource was rejected by the Congress in 1920. It should likewise be rejected again.

The bill also eliminates the municipal preference in relicensing. The preference clause does not ensure automatic granting of a license to States or municipalities; rather, it operates as a "tie breaker" when all other factors are equal. It does not guarantee that a municipality will win in every competitive proceeding.

Municipal preference is extremely important in stimulating competition in relicensing. One has to understand that the strength of the competitors in relicensing is grossly unequal. Municipal utilities are, on the whole, relatively small, certainly smaller than most investor-owned utilities. The relicensing preference is therefore little more than an attempt to equalize the relative strengths of the potential competitors for new licenses at existing hydroelectric sites.

I might point out that while nearly 140 licenses have expired since 1970, only 11 competitive applications have been filed with the Federal Energy Regulatory Commission for new licenses by public power systems. No licenses have yet changed hands. Yet benefits have accrued to the public as a result of the preference clause in the few competitive relicensing proceedings filed.

In some of these cases, the incumbent licensees filed applications for license renewals that indicated existing projects could not be improved. Public agencies then filed competing applications demonstrating how improvements might be made. These improvements included plans to increase the power production potential of the project, mitigate environmental consequences of the project, or add recreational facilities. The investor-owned utilities were then forced to amend their own initial proposals and offer similar improvements.

Clearly, the competitive relicensing process benefits the public. I should add that the General Accounting Office made precisely this same point in a report to Congressman Ottinger in May 1984.

Tennesseans are particularly concerned about this legislation. The Tennessee Valley Public Power Association, representing 160 municipal and electric cooperative distributors of Tennessee Valley Authority power, has urged me to oppose this legislation. Public preference was one of the underlying principles of the Tennessee Valley Authority Act. In addition, Tennessee ratepayers benefit from the preference policy in terms of their access to federally generated power at certain Corps of Engineers dams. If enacted, S. 426 would be the first assault on the municipal preference principle. It could well invite attacks on this preference in Federal power marketing.

Mr. President, I find it curious that a bill entitled the Electric Consumers Protection Act should be opposed by both the Consumer Federation of America and the Consumer Energy Council of America. They don't believe it will benefit the consumer, either.

Mr. President, I oppose S. 426 because it eliminates the municipal preference clause in relicensing. I believe the elimination of this clause will significantly reduce competition in the relicensing process, which is not in the best interest of our country's consumers. I also oppose S. 426 because it could eventually undermine the Federal public power marketing preference. I urge my colleagues to oppose this legislation.

Mr. LEAHY. Mr. President, I rise in opposition to S. 426, the hydro-relicensing legislation currently before the Senate. While I cannot support this particular bill, I very much support efforts to reform the process by which hydroelectric projects are licensed.

The Federal Power Act, which regulates licensing of hydroelectric plants, has largely remained unchanged since 1920. That law was enacted to govern the use by private and publicly held utilities of public waterways for the purpose of generating power.

In the 56 years since President Theodore Roosevelt signed the Federal Power Act, there have been hundreds of changes in the ways utilities do business and in the circumstances surrounding the use and vitality of our nation's waterways.

Amendments to the law are essential to ensure that utility customers pay the lowest rates possible for electricity and to guarantee that hydroelectric energy remains a viable and reliable source of power. Important environmental and wildlife concerns must be addressed as well.

Mr. President, I believe that all of these criteria are met in H.R. 44, legislation reported by the House Energy and Commerce Committee. While I commend members of the Senate Energy Committee for their diligent work to reform the hyrdoelectric relicensing process, I believe that the House language is preferable and would urge the conferees on this legislation to adopt it.

Most importantly, the House bill clarifies the standards which the Federal Energy Regulatory Commission [FERC] uses in evaluating license and relicensing applications. Currently, those standards are sufficiently confused and befuddled to have caused an enormous amount of litigation and a corresponding amount of uncertainty among utilities and ratepayers concerned about obtaining new licenses or renewing expiring ones. Because many of the 50-year licenses will soon expire, including 13 in my own State of Vermont, these standards must be updated and clearly defined.

H.R. 44 clarifies that protection of the environment and proper management of fish and wildlife resources must be given equal weight with other concerns in the evaluation of license and relicensing applications. The bill also strengthens the energy conservation criteria used in the licensing process in recognition of our national commitment to energy independence.

In addition, the House legislation prescribes a rigorous process for reevaluating applications for relicensing. Unlike the Senate bill, H.R. 44 requires a utility to continually prove that its project is the "best adapted" to energy and environmental concerns and provides ratepayers the lowest possible price for electricity. As the House Committee report states, this approach "ensures that an existing license will not be rubber stamped," but will be subject to careful examination, taking into consideration the management of fish and wildlife, the environment, in general, and the needs of electric power consumers.

Finally, the House bill strikes a compromise on the issue of public preference in relicensing—one of the most divisive factors in this complicated and important debate. Under current law, FERC must award a license for a hydroelectric facility to a publicly held utility if a privately held utility presents a proposal of identical merit. This public preference has served our Nation well, but also needs reform to ensure that fair competition for licenses may continue to provide ratepayers with electricity at the lowest price possible.

The House bill preserves the public preference—the preference for State and local government utilities—for original hydroelectric power licenses. The preference, however, is discontinued in the relicensing process.

H.R. 44 also provides an adequate system for compensating public and private utilities that lose a hydroelectric facility in the relicensing process. This important provision protects ratepayers who, through their monthly utility payments, have helped finance construction and improvement of hydroelectric dams.

Finally, Mr. President, I support H.R. 44 because it is good for Vermont and good for Vermonters. The legislation ensures critical reevaluation of the impact of hydroelectric facilities on our special State's most valuable commodity—the environment. The interest of outdoorsmen and fishermen are equally protected under this important measure. The House bill also ensures that Vermonters, who must already devote a tremendous amount of income to energy costs, will find electric energy readily available at competitive rates.

Mr. President, while proposed changes in hydro-relicensing legislation have divided investor-owned and publicly held utilities across this Nation, I am proud to report that the two major private utilities in Vermont, Green Mountain Power, and Central Vermont Public Service, join the State's publicly held utilities in supporting H.R. 44.

I ask unanimous consent that letters from these three organizations appear in the RECORD.

I applaud Green Mountain Power, CVPS, and Vermont Public Power for their diligent efforts to arrive at this important compromise and for the excellent guidance they provided me and my office. Specifically, I wish to express my gratitude to Governor Thomas Salmon and Steven Terry of Green Mountain Power, Thomas Hurcomb of CVPS and Paul Bradtmiller of Vermont Public Power. Their efforts truly attest to the commitment that all Vermonters share to the protection and improvement of our State.

There being no objection, the letter were ordered to be printed in the RECORD, as follows:

VERMONT PUBLIC POWER
SUPPLY AUTHORITY,
Williston, VT, April 8, 1986.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your letter of February 12, 1986 regarding the hydro-licensing bill introduced by Senators Wallop and Johnston, S. 426, as it pertains to federal policy on promoting the most comprehensive and equitable use of our water resources. Information received subsequently regarding amendment to the House version of hydro-relicensing legislation, H.R. 44, confirms the concern of the Vermont Public Power Supply Authority (VPPSA) that the Wallop-Johnston bill as presently written would not serve the best interests of all electric consumers.

I have reviewed the Report of the House Committee on Energy and Commerce dated March 25, 1986, and have concluded that H.R. 44, as recently amended in Committee, contains superior provisions, of which the following are considered key:

(a) The distinction between the relicensing and preference in power marketing fits the mix of investor-owned and consumer-owned electric utilities in Vermont, and is consistent with the Vermont method of allocation of Preference Power.

(b) The restructured relicensing process to restrict preference to original licensing in order to make it fair and competitive is reasonable and more protective of the consumer.

(c) The special emphasis placed on environmental issues and energy conservation is consistent with our priorities in Vermont.

Accordingly, on behalf of the VPPSA Systems, and thereby municipal and cooperative electric ratepayers throughout Vermont, I urge that you support the provisions of H.R. 44 over those of S. 426, as hydro-relicensing legislation comes up for passage in the Congress.

Sincerely yours,
PAUL H. BRADTMILLER,
General Manager.

CENTRAL VERMONT PUBLIC
SERVICE CORP.,
Rutland, VT, April 11, 1986.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: During the last few days I have met twice with Paul Bradtmiller the general manager of the Vermont Public Power Supply Authority to discuss and review in detail the two hydro relicensing bills presently before Congres, S. 426 and H.R. 44.

Mr. Bradtmiller and I have concluded that H.R. 44 will more adquately protect and preserve our customers' interests with particular emphasis on environmental and energy conservation issues.

I would request that you carefully review and support H.R. 44.

Sincerely yours,
THOMAS J. HURCOMB,
Vice President, External Affairs.

GREEN MOUNTAIN POWER CORP.,
Burlington, VT, April 14, 1986.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR PAT: I understand that the Senate will very soon be considering S. 426, the hydro-relicensing legislation.

I have reviewed the provisions of S. 426, and H.R. 44, the House-passed version of the federal hydro-relicensing bill. Green Mountain Power believes that H.R. 44 does a better job in protecting our customers' interest than will S. 426. GMP has discussed this legislation with representatives of Central Vermont Public Service Corporation, and the Vermont Public Power Supply Authority. We have all concluded that H.R. 44 best protects the interests of Vermont, and our respective customers.

I urge your careful review and support of H.R. 44.

Sincerly yours,
JOHN V. CLEARY, Jr.,
President and CEO.

Mr. DENTON. Mr. President, as an original cosponsor of the bill, I rise to express my support for S. 426, "The Electric Consumers Protection Act." I want to commend Senator WALLOP for introducing the bill and the Senate Energy Committee for getting it to the Senate floor. The issue before us today is important to many of my constitutents in Alabama.

When the Federal Power Act was written in 1920, a preference was given to municipalities for the initial licensing of hydroelectric projects. The preference means that if a municipality and, for example, an investor-owned utility were both to submit equally well adapted project applications, a preference would be granted to the application of the municipality. That preference for initial licensing is not being challenged. The need for the legislation before us has arisen because the Federal Power Act has proven ambiguous about whether the preference shown municipalities for originial licensing is also available to them upon relicensing.

In 1968, the Federal Power Commission, the predecessor to the Federal Energy Regulatory Commissioin [FERC], represented to Congress that no such preference for municipalities existed at relicensing. In 1980, the FERC reversed the earlier opinion, saying that a preference would apply. In 1983, the Commission again reversed direction, holding that a preference was not required by the act. On October 22, 1985, a three judge panel of the D.C. Circuit Court of Appeals reversed the 1983 ruling by FERC, but on January 16, 1986, the circuit court, sitting en banc, vacated the panel's decision and is presently reconsidering that case. This action demonstrates the need for this bill.

S. 426 is designed to dispel once and for all any ambiguity contained in the Federal Power Act. The legislation makes clear that existing licensees, whether public or investor owned, shall retain their projects and protect their customers and their investors. If FERC determines that they will continue to operate the projects in the public interest and in accordance with the best adapted standard provided for in section 10(A) of the Federal Power Act.

In the initial licensing process, the municipal preference stated in section 7(A) of the Federal Power Act governs and operates, in effect, to preclude any competitive interplay among competing applicants. In contrast, the relicensing process under S. 426 will still allow for full consideration of any and all competing applications filed by applicants seeking to beat the existing licensee in a best adapted project contest, as well as of all competing and contrasting ideas and positions of invervening parties, State and Federal Government agencies and of course, the FERC staff.

In Alabama, Alabama Power Co. serves more than a million electric consumers, all of whom could adversely be affected by the interpretation of the Federal Power Act to give an unqualified municipal preference in relicensing proceedings. Alabama Power Co. currently owns and operates 14 hydroelectric projects on the Coosa, Tallapoosa and Warrior Rivers. The projects were designed and constructed to meet the energy needs of the citizens of Alabama. Hydroelectric power is, without question, the most

inexpensive source of energy that can be provided to electric consumers. If Alabama Power Co. were to lose any of its existing hydroelectric projects, it would be necessary to replace the loss with alternative sources of energy. All of the alternatives are far more costly. Although the cost situation is of particular concern to the citizens of my State, there are other reasons why S. 426 should receive our support.

There is no sound policy reason to support the transfer of a project from an existing licensee to another simply because a license term has expired and a new license for an additional term is to be issued. If an existing licensee will, based upon all available information at the time of relicensing, continue to operate the project in the public interest, including making the improvements in structure or operation required to achieve the necessary environmental and other project values, it should be given the opportunity to do so. To transfer a license to another entity based on any ground other than a licensee's failure to perform in the public interest would be unfair. S. 426, which would eliminate the risk, is a fair and equitable answer to the ambiguity found in the Federal Power Act.

The issue of the compensation to be paid to an existing licensee that loses its license has been of great concern to those on both sides of this bill. S. 426, as originally introduced, provided for just compensation. The committee decided, however, to strike this provision.

The current bill requires the FERC to assess the negative impact of the loss of the project on the customers of each applicant. FERC is specifically directed to consider the difference between the compensation which would be due the existing licensee under the net investment plus severance damages standard of the Federal Power Act and the cost of replacement power for the existing licensee. Although the term "just compensation" was questioned, it represents the concept embodied in the fifth amendment to the U.S. Constitution that no private property shall be taken for public use without just compensation in accordance with the due process of law. While I acknowledge that the water resources to generate power for the facility is public property, the power facility itself was paid for by the utilities' customers.

I know that the committee has attempted to balance the need to adequately compensate the ratepayers that paid for the project and also encourage a degree of competition. I commend the members of the committee for their efforts to resolve this issue.

Mr. President, more than 75 percent of America's electricity consumers are served by regulated utilities. Due to the municipal preference at initial licensing stages, and other Federal laws and developments preferential to public power systems, the more than 75 percent of American consumers served by regulated utilities have rights to only 32 percent of the hydropower available in the Nation. The consumers of existing investor owned utility licensees should have the same opportunity to continue to enjoy the benefits of hydropower that are available to the consumers of existing public power licensees. I strongly urge passage of S. 426.

Mr. PRESSLER. Mr. President, the hydroelectric relicensing legislation (S. 426) we are considering could have a very damaging effect on the public preference provision. The Federal Power Act of 1920 established the method of developing hydroelectric power resources and the sale of that power. The act provided muncipalities and other public power entities, such as rural electric cooperatives, with a preference in competing for dam sites and power generated at federally operated dams. The legislation we are considering today will eliminate this preferential treatment when hydroelectric projects are relicensed.

It is critical that we make it clear that this modification in the preference power provision is not intended to affect the preference municipalities and rural electric cooperatives receive in the sale of hydroelectric power generated at Federal dams and sold by the Federal marketing authorities. This preference is crucial to the economic survival of rural electric cooperatives and small towns. These public power entities do not have the resources to compete with large investor-owned utilities or even large municipalities for hydroelectric power. The preference power provision must be maintained for these public power consumers.

Mr. President, I want to stress that this legislation will not affect the preference power provision in regard to the sale of power from Federal hydroelectric projects and Federal power marketing authorities. The legislative record must clearly show that we do not intend this bill to have any effect on the public preference provision for the sale of Federal hydroelectric power.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, there will be no more rollcall votes this evening.

It will be my intention hopefully to complete action on the relicensing bill tomorrow. We will come in about 10 o'clock. There will be six special orders and then there will be a vote on the motion to proceed to the Hobbs Act, S. 1774, which would occur at about 11 o'clock tomorrow. If that motion is agreed to, then we would be on the Hobbs Act. If cloture is invoked, is that correct, we will be on the Hobbs Act.

The PRESIDING OFFICER. If cloture is invoked it would be on the motion to proceed and then we would be on the motion to proceed.

Mr. DOLE. That is true. Then we would have 30 hours. Hopefully it may be that we can work out some agreement on that.

But it would be my guess that cloture would not be invoked on the motion to proceed and we would be back on this proposal under the same terms and conditions that we leave it this evening; is that correct?

The PRESIDING OFFICER. The majority leader is correct.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond the hour of 7 p.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

RETALIATION BEGETS RETALIATION

Mr. HATFIELD. Mr. President, 3 weeks ago, I rose on this floor to question the timing and usefulness of U.S. freedom of navigation exercises conducted in the Gulf of Sidra. Retaliation begets retaliation, I said, in an unending spiral of violence. As the Libyan people count their dead and assess the damage done by 33 American bombers, I rise again to question military action taken against Libya.

Colonel Qadhafi's 17-year reign in Libya has gone sour. Shortages of consumer goods have become more severe in recent months as Libyan oil revenues shrink. His once successful coalition between various tribal groups and the Libyan Armed Forces has fallen apart, and factionalized tensions are running high. Libya's moderate neighbors including Tunisia, Sudan, and Egypt no longer offer automatic support in the name of Arab unity. Libyan expert Lisa Anderson recently asserted in the Washington Post that Qadhafi is "* * * ripe for a coup, and my guess is that he'll be gone within a year."

The obvious response of a leader with domestic troubles is to turn his nation's attention to real or perceived external threats. Nationalism leads to national unity when an external threat is made clear. As United States bombs dropped on Libyan targets last night, that threat could not have been

more clear. As Ms. Anderson pointed out even before last night's strike:

> Ironically [Qadhafi is] surviving now largely because of the escalating American campaign against him—which has rallied patriotic Libyans to support a regime they otherwise disliked.

Moral outrage and fear have risen dramatically in recent months as the United States watches terrorism go unpunished throughout the world community. Because our evidence so clearly points to Qadhafi's culpability in many of the recent bloody attacks, that outrage and fear can be translated into punishment. By putting Qadhafi on the defensive, the rationale goes, the United States shows that terrorism will not go unpunished. Just as we did 3 weeks ago in the Gulf of Sidra, the United States has proven a point.

Notice has been served, and today we are riding high but tomorrow, and next week, and next month, the consequences of our rash desire for retribution will have succeeded in rallying an otherwise factionalized nation behind its crazy leader.

The negative long-term consequences of last night's strike will not be limited to Libya, however. Only international resolve will quell terrorism, isolating its sponsors and denying their lifeblood.

In the past several years, Western resolve has been patiently yet persistently sought on three separate issues. In 1981, exhausting conversations took place between the United States and Western European leaders on how best to bring economic vitality to the alliance. When the United States realized that voices of dissent had been raised in Western Europe over the deployment of Pershing 2 and cruise missiles, leaders again thoroughly discussed the issues until a resolution was reached. Even as we talk, similar discussions are ongoing regarding the strategic defense initiative. Each of these issues has been deemed so important as to demand that we sit down at the negotiating table and not get up until resolve is reached.

Yet last night's attack received only the blessings of England. Western European hesitation to join United States sanctions against Libya has fueled our frustration. West Germany and Italy receive the majority of their oil from Libya, and 40,000 Western Europeans are now living in Libya. Terrorists though often targeting Americans, tends to strike on Western European soil.

Western European hesitation may be understandable. It is not, however, acceptable nor is it necessarily unalterable. Proof that Colonel Qadhafi was undeniably behind the recent West Berlin disco attack which killed 2 and injured more than 200 went a long way toward convincing Western Europeans that Libya's hands are bloody. A meeting of European Economic Community foreign ministers in the Hague yesterday produced the strongest condemnation of Libya yet heard in Western Europe.

Mr. President, we got up from the negotiating table far too quickly. The West Berlin disco bombing seemed a catalyst for mobilizing Western European public opinion against Qadhafi. The current oil glut lends itself to restructuring Western European oil supplies. Dialog and consensus building rarely make headlines. But working with the Western Europeans rather than imposing our plan on them might have achieved meaningful resolve rather than destabilizing factionalism.

The implications will be no more pleasant for our moderate Arab allies. Condemning terrorism and calling for peaceful conflict resolution, several Arab nations have put themselves and their political stability on the line. Egypt's President Mubarek faces mounting opposition from radical factions in his nation and threats from various groups outside Egypt. Tunisia has felt threatened since Tunisian workers were expelled from Libya last fall. Saudi Arabia watches anxiously as the Iran-Iraq war threatens to spill over into Saudi oil fields. By pursuing diplomatic policies which address forthrightly the Palestinian problem we could deprive Qadhafi of his anti-American lifeblood. We could undergird our moderate allies in the region. Instead, we have embarked on a course which will only strengthen Qadhafi's stature in militant circles of the Arab world and erode the ability of those who might be in a position to challenge him.

Mr. President, Gandhi once said that "means are the end in the making." If he was right—and it is my firm conviction that he was—one stark, irrefutable, bottomline fact emerges from last night's bombing. The vast moral gulf which once separated us from the terrorists was narrowed yesterday.

A terrorist deliberately seeks the innocent. We sought to destroy military targets in Libya last night. But when the smoke had cleared, we had inched one step closer to the terrorism we sought to punish and deter.

There may be an indisputable moral distinction between the bombs that went off in Berlin and the ones that exploded in Libya. Yet the only clear justification which filters through the barrage of briefings and explanations and commentary is that it felt good. It felt good and, dammit, the monster deserved it. Mr. President, I would bet that the monster is laughing sick laughter right now.

How can one bask in the emotional satisfaction of revenge against Mr. Qadhafi's warped lust for violence while witnessing on television the agony of bleeding children in a Tripoli hospital? Sure, that is the reaction Mr. Qadhafi wishes to evoke as he parades television crews through the hospitals and clinics. But that is not the point, because it does not diminish the human cost of this action.

We missed the target, Mr. President. That is the point. Not in the traditional military sense of hits and misses. We missed the target because the terrorist target is profounding ubiquitous—worldwide—infinite. We did not hit the target. We grazed the symbol. Because that is all Colonel Qadhafi is—a symbol in the form of a sick clown. Destroy Qadhafi himself and you do not destroy terrorism. Destroy Libya and you do not destroy terrorism. The cause he symbolizes will continue to slither like a snake in the midst of the innocent population. And no bomb is going to stop it.

Take another look at those bleeding children before you delight over the precision of the rockets my colleagues. Tell them you are not sure the policy will work, but it sure did feel good. There will be more victims. And there will be only one difference between the status quo which existed prior to initiating this policy and the status quo which follows it. Before only they had the blood of innocents on their hands. Now we both do. Before we had moral authority. Now we share the vacuum of immorality.

Have we ignited a prairie fire of violence and reprisal for which there is no end in sight? Fanaticism was not bombed out of existence Monday, nor will it cease to exist the next time we strike back.

Mr. President, Teddy Roosevelt once said that "A just war is * * * better for a man's soul than the most prosperous peace." If he was correct—and I do not think he was—then certainly "just revenge is better for a man's soul than an imperfect peace marred by terrorism." At least it would appear that way, judging from the reaction in the streets and in the Congress. This is our contemporary manifestation of the Roosevelt thesis. I hope that we all stop and think about that. And think about Gandhi's words—that the means are the end in the making. Because only in that light can we possibly draw ourselves away from more of this senseless violence, that old familiar friend who comes around every time our best instincts fail us.

In the words of a German philosopher:

> Whoever battles with monsters had better see that it does not turn him into a monster.
>
> And if you gaze long into an abyss, the abyss will gaze back into you.

Mr. SIMON. Mr. President, I just got here for the final few pages of the Senator's speech. I simply want to commend my colleague from Oregon for standing up courageously, for saying some things that I fear are right.

There is no question about Mr. Qadhafi's direct relationship with the bombing that occurred in Berlin, but the question is whether we are wise and prudent in doing what we have done. And in addition to the very moral questions the Senator from Oregon has raised is this question: Have we elevated Qadhafi in Libya or weakened him? My fear is that we have elevated him rather than weakened him, and the same in the Arab world.

Prior to a few weeks ago, he was a pariah in the Arab world. I fear that is no longer the case.

The Senator from Oregon has, typical from MARK HATFIELD, shown great courage. I simply want to commend him for that courage and for raising the questions that we ought to be asking ourselves.

Mr. HATFIELD. Mr. President, I thank my good friend and colleague from Illinois, Senator SIMON. I would only say to the Senator that these are not easy times for anyone, about whichever side of the issue one may feel strongly on this particular occasion. But I do feel we have to call to conscience in order to at least raise questions; whether we have answers and solutions, at least ask questions about the validity and the wisdom of policy, particularly in matters of war and peace. And it is out of a call of conviction and conscience that I rise to make these comments I rise not because of any pleasure, not because of any satisfaction or anything else that it provides me, because it does not.

And yet I would feel less than responsible to my conscience if I did not at least take this occasion to hopefully in a respectful way, in a contributing, and in a positive way, at least to question some of these policies that are escalating hour by hour and day by day.

I want to thank the Senator for his kind remarks.

Mr. SIMON. Mr. President, if I can add one other point to what the Senator made which concerns me. The Senator said it makes us feel good. I have the feeling that we are responding to feelings rather than the national interest, and that is a very easy thing to do. It is very easy 5 years from now to look back, and say what the answer is. But we are dealing with this thing right now, and what is right.

The Senator helped to prick our conscience on this.

I thank the Senator.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the distinguished Senator withhold?

Mr. HATFIELD. I withhold that request.

Mr. BYRD. Mr. President, I thank the distinguished Senator, my chairman on the Appropriations Committee.

SENATOR DOLE RECEIVES "THE VICTORY OF THE HUMAN SPIRIT" AWARD

Mr. BYRD. Mr. President, on April 7, 1986, our esteemed colleague, majority leader DOLE, received the Victory of the Human Spirit Award during a special ceremony at the Kennedy Center, sponsored by the newly opened National Rehabilitation Hospital here in Washington, DC.

He and three other outstanding Americans, including Edward Kennedy, Jr., the son of the distinguished senior Senator from Massachusetts, were so honored for showing that while personal disabilities may impose certain physical limitations, they need not impose limitations upon one's spirit, ambitions, or the pursuit and conquest of goals.

As the majority whip pointed out yesterday, it was 41 years ago yesterday that, while serving this Nation during World War II, a young and healthy 2d Lt. ROBERT DOLE was severly wounded by enemy gunfire.

This injury ended young ROBERT DOLE's dream of a medical career, but it could not end his pursuit of a career in public service. Mr. DOLE went on to serve in the Kansas Legislature, as Russell County, KS, attorney, and in the U.S. House of Representatives, 1960–68. In 1968, he was elected to the U.S. Senate. From 1971–73, he served as chairman of the Republican National Committee. In 1976, he was the Republican Party candidate for Vice President. Now he is the majority leader of the U.S. Senate.

Having served in that position myself, I know the demands and pressures of the job. In the 15 months that Senator DOLE has held that position, as all of us know, he has shown that he can meet these challenges effectively and successfully.

I am pleased that the promoters of the ceremony chose to recognize and honor the distinguished majority leader for his ability to overcome adversity and for his accomplishments. I congratulate him on the receipt of the award, and say that it is well deserved. Like Presidents Franklin Roosevelt and John Kennedy, and a number of other successful American public servants, such as our own distinguished Senator INOUYE of Hawaii, the majority leader has shown that America is indeed a land where dreams can and do come true despite physical limitations, that people can and do triumph over adversity, and that Americans should be recognized and appreciated for their abilities and should not be limited by their disabilities.

I congratulate my friend. Again, I say I am happy to have seen him receive this distinguished award.

I yield the floor.

Mr. HATFIELD. Mr. President, I would like to on behalf of Senator DOLE express appreciation to the Democratic leader of the Senate for his commendatory remarks on the award given to the majority leader, Senator DOLE of Kansas.

We all share in that. I also think it is illustrative of part of the glue of our Senate which may sometimes confound the casual observer as to how we may debate issues and appear to have such strong convictions that must eventually erupt into personalities or ruptured relationships. From the casual observer standpoint, people are puzzled at times when the Democratic leader will arise on an occasion of this type and make a public record concerning the distinction of an award given to the majority leader, and how that happens in both directions in the Senate.

I call it the glue of the Senate. There are a lot of things that make up the glue.

I want to thank the Democratic leader for his gracious remarks. I know that the Senator from Kansas, our majority leader, will express his own personal appreciation as well. I just cannot let this occasion go by, now that I have this powerful role for the moment of being the representative of the majority leader, but to respond in such a way.

Mr. BYRD. Mr. President, it is characteristic of the Senator from Oregon to speak in this fashion. I said a moment ago that he is the distinguished chairman of the Appropriations Committee, and he is distinguished, but he is more than that. He is considerate of others on both sides of the aisle who have their duties to perform as members of the Appropriations Committee. He is always understanding and courteous. I salute him for that.

We are Senators, but, after all, we are human beings and we have to get along with one another. Not only do we have to, but it is easy to get along with people like you, Senator HATFIELD, if I may go outside the rules of the Senate for a moment and speak to the distinguished Senator from Oregon in the second person.

I thank the Senator for what he means to all of us and for the example that he sets for us. He is fair, he has the courage to speak his mind, and I am happy to consider him my friend.

He is not only a good Senator but, perhaps, even better, he is also a gentleman.

Mr. HATFIELD. I am very grateful to the Senator for his gracious remarks.

THE CALENDAR

Mr. HATFIELD. Mr. President, I would like to inquire of the Democratic leader at this time if he is ready to handle some of the business that I

have been assigned to raise before the body.

JOINT RESOLUTION HELD AT THE DESK—HOUSE JOINT RESOLUTION 582

Mr. HATFIELD. First of all, Mr. President, I will inquire as to holding at the desk House Joint Resolution 582.

Mr. BYRD. Mr. President, I have no objection.

Mr. HATFIELD. Mr. President, I ask unanimous consent that once the Senate receives from the House Joint Resolution 582, "Education Day," it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF THE REPORT "DEVELOPMENTS IN AGING, 1985"

Mr. HATFIELD. Mr. President, I would like to inquire of the Democratic leader if he is ready to consider Calendar Order No. 525, Senate Resolution 305.

Mr. BYRD. Mr. President, there is no objection on this side of the aisle to proceeding with Calendar Order No. 525, Senate Resolution 305.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 305) relating to the printing of a report entitled "Developments in Aging, 1985."

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider resolution.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 305) was agreed to, as follows:

S. RES. 305

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volume 1 of its annual report to the Senate, entitled "Developments in Aging: 1985", which may be printed at a cost not to exceed $1,200.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. HATFIELD. Mr. President, I ask the Democratic leader if he is ready to consider Calendar Order No. 529, Senate Resolution 356.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. HATFIELD. I ask unanimous consent that the Senate turn to consideration of Calendar 529, S. 356, authorizing the printing of a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 356) authorizing the printing of a revised edition of Senate document numbered 99-23, entitled "Senate Election Law Guidebook 1984" as a Senate document.

The Senate proceeded to consider the resolution.

AMENDMENT NO. 1786

Mr. HATFIELD. Mr. President, I send an amendment to the desk on behalf of Mr. MATHIAS.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. MATHIAS, proposes an amendment numbered 1786.

In line 2, after the word "numbered" strike out "99" and insert in lieu thereof "98",

Amend the title so as to read: "Authorizing the printing of a revised edition of Senate document numbered 98-23, entitled "Senate Election Law Guidebook 1984" as a Senate document.".

Mr. HATFIELD. This is a technical change, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1786) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 356) was agreed to, as follows:

S. RES. 356

Resolved, That there be printed a revised edition of Senate document numbered 98-23, entitled "Senate Election Law Guidebook 1984", as a Senate document, and that there be printed for the use of the committee additional copies of such document not to exceed the cost of $1,200.

Mr. HATFIELD. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. I ask the distinguished minority leader if he is prepared to consider Senate Resolution 383, a resolution marking the 10th anniversary of the Magnuson Fishery Conservation and Management Act's becoming law.

Mr. BYRD. Mr. President, there is no objection on this side and we are prepared to consider the resolution.

THE 10TH ANNIVERSARY OF MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

Mr. HATFIELD. I send the resolution to the desk and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Without objection, the resolution will be stated by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 383) marking the 10th Anniversary of the Magnuson Fishery Conservation and Management Act becoming law.

The Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, today I am joining several of my distinguished colleagues in introducing a resolution marking the 10th anniversary of the enactment of the Magnuson Fishery Conservation and Management Act [MFCMA]. Sunday, April 13, marked the 10th anniversary of the Magnuson Act being the law of the land. In order to pay the proper tribute to former Senator Warren Magnuson, who led the effort to pass this important fishery conservation law, I am seeking prompt passage of this resolution.

Under Senator Magnuson's leadership, the United States was able to assert jurisdiction of our fishery resources out to 200 miles from our shores. These marine fisheries resources comprise the largest, most varied and valuable fisheries resource in the world. Over 20 percent of all marine fisheries are found in this zone. It includes one-fifth of all the traditionally marketed fish and shellfish in the ocean, and about 90 thousand miles of tidal shoreline offering numerous and varied recreational opportunities.

During the decade prior to final passage of the act, Senator Magnuson had long been concerned about the serious plight of the American fishing industry and the progressive deterioration of our fishery resources. It became clear to him that the regulatory powers of the United States over these fisheries were insufficient. In response, Senator Magnuson framed this historic legislation upon on two fundamental goals that are still the basis for the act today. First. the United States was to reduce and manage the foreign fishing fleets and give preference to the U.S. industry. The second goal was to create a national management program, centered at the regional level, for management and conservation of the resources for all fishermen and future generations.

With passage of the Magnuson Fishery Conservation and Management Act, the United States established exclusive management authority over most fishery resources within 200

miles of our Nation's shores. The act created a fishery conservation zone, or FCZ, extending seaward from the 3-mile territorial waters to a distance of 200 nautical miles. Eight Regional Fishery Management Councils were created to manage the fishery within the FCZ, in cooperation with the Department of Commerce. Foreign fishermen were permitted to harvest that portion of the fish resource which would not be harvested by vessels of American fishermen, but only if the foreign nation had entered into a strict agreement with the United States and had paid license fees established by the Department of Commerce.

Our fishing industry is worth nearly $10 billion per year to our economy. Since passage of the Magnuson Act, our commercial fishermen alone have almost quadrupled their catches. The important role this law has played in helping our domestic industry grow cannot be overstated.

On an occasion such as this, however, it is also appropriate to recognize our other colleagues who not only contributed to the development of the Magnuson Act, but who also are ensuring that it is properly implemented. The Senator from the State of Alaska, Mr. STEVENS, stands out in this regard. That distinguished Senator was an active floor manager of the act, has been a leader in promoting the interests of the American industry, and remains as important a force in shaping fisheries policy as anyone. He was additionally the Senator who offered the successful amendment naming the act—the Magnuson Act. He deserves a great deal of credit and our thanks for his role. Senators PACKWOOD, HATFIELD, HOLLINGS, KENNEDY, INOUYE, PELL, and WEICKER also were leaders 10 years ago in securing passage of this landmark legislation.

Mr. President, I believe it is fitting that we honor Warren Magnuson for all that he has done to help conserve our fishery resources and promote our domestic fishing industry. His role as chief architect and father of the act 10 years ago deserves our attention and tribute. The Magnuson Fishery Conservation and Management Act is appropriately named.●

Mr. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 383) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 383

Resolved,

Whereas Sunday, April 13, marked the 10th anniversary of the Magnuson Fishery Conservation and Management Act becoming the law of the United States of America (Public Law 94-265);

Whereas that Act extended U.S. jurisdiction to encompass over 3 million square miles of the world's most productive fishing grounds and 20 percent of the world's fishery resources;

Whereas that act instituted conservation and management for these stocks which has previously been heavily overfished and depleted by foreign fleets, and thus has permitted this Nation to manage our fisheries for the benefit of both present and future generations;

Whereas that Act provided unprecedented incentives and preferences for U.S. fishermen and processors, and since the Magnuson Act was passed, the U.S. fishing industry has almost quadrupled its catch;

Whereas Warren G. Magnuson, who honorably served Washington State in the U.S. Senate from 1944 to 1981 was the Nation's preeminent leader in securing passage of this landmark legislation and was honored for this effort by having the Act named after him: Now, it is hereby

Resolved, That the Senate of the United States recognizes and declares its highest respect and deepest gratitude to Warren Magnuson for his tireless and successful efforts to promote the conservation and management of our marine fisheries, and to provide our commercial and recreational fishing industry the ability to gain the full benefits of those vast and valuable resources.

Mr. HATFIELD. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. HATFIELD. Mr. President, is the distinguished minority leader prepared to consider the Senate Concurrent Resolution 128?

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATION OF THE BICENTENNIAL OF AUSTRALIA AND HONORING THE APRIL 1986 VISIT OF AUSTRALIAN PRIME MINISTER ROBERT HAWKE TO THE UNITED STATES

Mr. HATFIELD. Mr. President, I send to the desk the Senate concurrent resolution on behalf of Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A Senate concurrent resolution (S. Con. Res. 128) to commemorate the bicentennial of Australia and to honor the April 1986 visit of Australian Prime Minister Robert Hawke to the United States.

The Senate concurrent resolution was considered and agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. CON. RES. 128

Whereas the United States and Australia enjoy a special and close relationship based on our shared history, cultural heritage, similar political values, and mutual respect for individual liberties;

Whereas our two nations enjoy thriving trade and business relationships and a broad range of people-to-people programs;

Whereas that close relationship has assured an alliance between our two nations in defense of freedom during four wars;

Whereas Australia and the United States are linked in a mutual defense treaty and readily accept the costs involved in preserving international peace;

Whereas Australia participated in the celebration of the bicentennial anniversary of American independence in 1976;

Whereas the Prime Minister of Australia, the Honorable Robert J.L. Hawke, will be visiting the United States in April 1986;

Whereas the Government and people of Australia have invited the Government and people of the United States to join in celebrating the forthcoming 1988 bicentennial of Australia; and

Whereas it is most fitting that this historic event be recognized in a manner which will commemorate Australian-American friendship and strengthen the many ties which link our two great nations together: Now, therefore, be it

Resolved by the United States Senate (the House of Representatives concurring), That the Congress declares its deep and abiding respect and friendship for the people of Australia and salutes Australia in its preparations for the celebration of its bicentennial.

SEC. 2. It is the sense of the Congress that the United States Government should help Australia observe its bicentennial year with appropriate activities and ceremonies that would indicate the high regard and deep affection which the people of the United States hold toward the Government and people of Australia during their celebration.

Mr. HATFIELD. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. HATFIELD. Mr. President, I inquire of the Democratic leader if he is in a position to concur in the following nominations on the Executive Calendar: No. 742, Eric G. Bruggink and Calendar No. 754, Robert M. Gates.

Mr. BYRD. Mr. President, I do not think there is any objection on either of those nominations to the Senate's taking action at this time. I suggest to the distinguished acting majority leader that a Senator is on his way to the floor to speak on the second of the

two nominations that were indicated by the distinguished acting leader.

May I suggest to the distinguished Senator who is the acting leader that the Senate proceed to the first of the two nominations and then, if the Senator would put in a quorum call so that the Senator on this side may come to the floor and speak; then I think that second nomination can be acted upon promptly.

EXECUTIVE SESSION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session in order to consider the nominations just identified.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

THE JUDICIARY

The assistant legislative clerk read the nomination of Eric G. Bruggink, of Virginia, to be a judge of the U.S. Claims Court.

Mr. HATFIELD. Mr. President, in compliance with the request made by the Democratic leader, I move approval of this nomination separately from the second nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. HATFIELD. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to consider the nomination.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further proceedings on the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the period for routine morning business be extended for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENTRAL INTELLIGENCE

The assistant legislative clerk read the nomination of Robert M. Gates, of Virginia, to be Deputy Director of Central Intelligence.

SUPPORT FOR GATES NOMINATION

Mr. DOLE. Mr. President, I am pleased to support the nomination of Bob Gates to the key position of Deputy Director of the Central Intelligence Agency. First, because Bob is a consumate pro, with two decades of experience and accomplishment in intelligence affairs; and second, because Bob is a native Kansan, whose proud parents still live in Wichita.

ROLE OF CIA DEPUTY DIRECTOR POSITION

Bob has been nominated to assume one of the most important and sensitive positions in our Government. As the principal Deputy to CIA Director Casey, and as the Agency's representative when Casey assumes his "hat" as overall Director of Central Intelligence, Bob will be deeply involved in all major intelligence matters—which is to say, in virtually all of the major international issues facing our country.

He will have an enormous input into the intelligence on which the President and other senior officials base their national security and foreign policy decisions. He will help shape the strategy and programs of intelligence collection, on which our national security is directly based. And one only need to look at the current situation involving terrorism to know how critical timely, accurate intelligence can be to our national interests and to the safety of our people. And Bob will also influence the nature and scope of special intelligence activities, including covert programs, which can be so vital to our ability to operate in the real world.

READY TO MEET THE CHALLENGE

No doubt about it, he faces an enormous challenge. But he is ready to tackle it, by virtue of his talent and his experience.

Bob joined the CIA in 1966, after winning a B.A. from William and Mary and an M.A. from Indiana. Subsequently, he obtained a Ph.D. from Georgetown, as a specialist in Soviet affairs and Russian history.

Within the Agency, he rose rapidly as one of its most perceptive and creative analysts. Four years ago, he was appointed Deputy Director of CIA for intelligence; that is, in overall charge of the Agency's analytic effort. In that position, he has made a major effort to focus and sharpen Agency analysis of all of the major issues we confront, including such current issues as terrorism. Concurrently, he has served as chairman of the National Intelligence Council, the interagency body coordinating governmentwide analysis of national security and foreign policy related issues.

Among his many honors, Bob has won the intelligence community's "Intelligence Medal of Merit" and, in 1978, the prestigious Arthur S. Fleming Award as one of America's 10 most outstanding civil servants.

Bob Gates is eminently qualified to be the CIA's Deputy Director. He's the right man for the job. He deserves our unanimous support, and I urge all Senators to vote for his nomination.

Mr. LEAHY. Mr. President, I have no objection to this nomination.

I note that we had the confirmation hearings last week. The Senate Intelligence Committee—those voting—voted unanimously to confirm the nomination of Dr. Gates as Deputy Director of the CIA. He was extremely forthcoming and open in the answers to questions of all the members.

For the press, it was a unique opportunity to actually see our committee. We had the doors open for the meeting. It was only the second time I can remember in almost 7 years that I have been on the committee that we had the doors open to cameras.

I recommend to my colleagues that they read the transcript of that hearing. It is an instance of an extremely professional member of our intelligence community giving his views on covert action, the role of intelligence in arms control and foreign policy, and so forth. It is a unique window in that area.

As I said, I have no objection, as vice chairman of the Intelligence Committee, and I urge the confirmation of the nomination of Dr. Gates.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert M. Gates, of Virginia, to be Deputy Director of Central Intelligence?

The nomination was confirmed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:39 p.m., a message from the House of Representatives, delilvered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2721. An act to amend title 13, United States Code, to require the collection of statisticis on domestic apparel and textile industries;

H.R. 4551. An act to extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982;

H.J. Res. 220. Joint resolution to recognize the vital role played by members of the National guard and Reserve in the national defense;

H.J. Res. 234. Joint resolution designating the week of May 18, 1986 through May 24, 1986, as "National Food Bank Week"; and

H.J. Res. 582. Joint resolution to designate April 20, 1986, as "Education Day U.S.A.".

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1282. An act to amend the Public Health Service Act to revise and extend the programs of assistance for primary health care;

S.J. Res. 136. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week"; and

S.J. Res. 315. Joint resolution designating May 1986 as "Older Americans Month".

The enrolled and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2721. An act to amend title 13, United States Code, to require the collection of statistics on domestic apparel and textile industries; to the Committee on Governmental Affairs.

H.J. Res. 234. Joint resolution designating the week of May 18, 1986 through May 24, 1986, as "National Food Bank Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4551. An act to extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982;

MEASURES HELD AT THE DESK

The following joint resolution was ordered held at the desk by unanimous consent pending further disposition:

H.J. Res. 582. Joint resolution to designate April 20, 1986, as "Education Day U.S.A.".

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 15, 1986, she had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 1282 An act to amend the Public Health Service Act to revise and extend the programs of assistance for primary health care;

S.J. Res. 136. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week"; and

S.J. Res. 315. Joint resolution designating May 1986 as "Older Americans Month".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1968) to amend the Railroad Unemployment Insurance Act to assure sufficient resources to pay benefits, to increase the maximum daily benefit, and for other purposes (Rept. No. 99-281).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 2303. A bill to designate September 17 of every year as "Constitution Day" and to establish such day as a legal holiday with certain limitations; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL and Mr. ROCKEFELLER):

S. 2304. A bill to amend title 38, United States Code, to extend the period of time during which veterans readjustment appointments may be made; to the Committee on Veterans' Affairs.

By Mr. KENNEDY:

S. 2305. A bill to amend title IV of the Public Health Service Act to require the Director of the National Cancer Institute to make grants and enter into contracts to support research on adoptive immunotherapy for cancer; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2306. A bill entitled the "Bank Secrecy Act Amendments of 1986"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER (for himself, Mr. GORE, Mr. INOUYE, Mr. HOLLINGS, Mr. ABDNOR, Mr. ANDREWS, Mr. WARNER, Mr. JOHNSTON, Mr. MELCHER, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. HECHT, Mr. COHEN, Mr. WILSON, Mr. NUNN, Mr. MATSUNAGA, Mr. LONG and Mr. LAXALT):

S. 2307. A bill to provide authorization of appropriations for activities of the U.S. Travel and Tourism Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 2308. A bill to authorize the President of the United States to award congressional gold medals to Anatoly and Avital Shcharansky in recognition of their dedication to human rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STAFFORD (by request):

S. 2309. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRESSLER (for himself, Mr. HECHT and Mr. GRASSLEY):

S. 2310. A bill to make foreign nationals ineligible for certain agricultural program loans, payments or benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 2311. A bill relating to certain foreign labor subsidies for which relief may be sought under the countervailing duty laws; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. MURKOWSKI, and Mr. CRANSTON):

S.J. Res. 322. Joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 323. Joint resolution to designate May 21, 1986, as "National Andrei Sakharov Day"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. CHILES, Mr. COCHRAN, Mr. CRANSTON, Mr. DOLE, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. PELL, Mr. SARBANES, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, and Mr. ZORINSKY):

S.J. Res. 324. Joint resolution to designate the week beginning May 18, 1986, as "National Digestive Diseases Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATFIELD (for Mr. GORTON (for himself, Mr. EVANS, Mr. STEVENS, Mr. MURKOWSKI, Mr. HATFIELD, Mr. PACKWOOD, Mr. PELL, Mr. SARBANES, Mr. FORD, Mr. HOLLINGS, Mr. DANFORTH, Mr. ABDNOR, Mr. COCHRAN, Mr. HECHT, Mr. LAUTENBERG, Mr. BOREN, Mr. BOSCHWITZ, Mr. INOUYE, Mr. KENNEDY, Mr. MITCHELL, and Mr. BYRD)):

S. Res. 383. Resolution marking the 10th anniversary of the Magnuson Fishery Conservation and Management Act becoming law; considered and agreed to.

By Mr. HATFIELD (for Mr. DOLE (for himself, Mr. LUGAR, Mr. PELL, and Mr. BYRD)):

S. Con. Res. 128. Concurrent resolution to commemorate the bicentennial of Australia and to honor the April 1986 visit of Australian Prime Minister Robert Hawke to the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2303. A bill to designate September 17 of every year as "Constitution Day" and to establish such day as a legal public holiday with certain limitations; to the Committee on the Judiciary.

CONSTITUTION DAY

Mr. HATCH. Mr. President, on September 11, 1987, the United States will celebrate the 200th anniversary of the signing of the Constitution. The bicentennial celebration provides a rare opportunity for the American people to reflect upon those principles which have nobly governed the Nation and which serve as a beacon for free people throughout the world.

Truly the Constitution is a marvelous work. On the occasion of the Constitution's centennial celebration, former Prime Minister William Gladstone of England remarked: "I have always regarded that Constitution as the most remarkable work known to men in modern times to have been produced by the human intellect."

As we approach the 200th anniversary of our charter of liberty, it is appropriate to ask: "How familiar are Americans with the formation and principles of the Constitution?"

Richard B. Morris, professor of history emeritus at Columbia University answered this question when he appeared before the Senate Subcommittee on the Constitution during the 97th Congress. "Granted the Constitution's central place in American political life," he said, "it is hardly disputable that the public's understanding of the Constitution is at a low ebb, and that young people completing high school take with them an abysmal sum of ignorance about the constitutional system of this Nation. * * * We are not * * * effectively teaching the Constitution in our schools."

The bicentennial celebration offers the Nation an opportunity to correct this educational dilemma. Thomas Jefferson once wrote that: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

The future of the Constitution depends upon the level of understanding of the American people and their willingness to uphold it in the tradition of the framers. If we are to remain a free people, we need an informed electorate.

In addition to the bicentennial celebration, there is another way in which Americans of all ages can become more familiar with the Constitution, That is to set aside one day each year to reflect upon the Constitution. Therefore, I have introduced a bill to designate September 17 of each year as "Constitution Day" and to establish such day as a legal public holiday with a certain limitation. The limitation is that while "Constitution Day" would be a national holiday, Federal workers would not be exempt from work. In other words, September 17 of each year would be a unique national holiday because Federal offices would not be closed. However, public and private schools, along with the media, would be free to focus upon the importance of the Constitution and the contributions of the framers. Since Federal offices would not be closed on September 17, there would be no cost involved.

Just as we honor the drafting and signing of the Declaration of Independence on July 4 of each year, I believe it is fitting that we honor the Constitution and those who drafted it. After all, it is these charters which have provided this Nation with unparalleled freedom.

I urge my distinguished colleagues in the Senate and the House of Representatives to support this bill.

By Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL, and Mr. ROCKEFELLER):

S. 2304. A bill to amend title 38, United States Code, to extend the period of time during which veterans readjustment appointments may to be made; to the Committee on Veterans Affairs.

EXTENSION OF VETERANS READJUSTMENT APPOINTMENT AUTHORITY

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am introducing today S. 2304, a bill to extend for 3 additional years the authority set forth in section 2014(b) of title 38, United States Code, for veterans readjustment appointments—VRA's. Joining with me as an original cosponsor of this measure are the Senators from Hawaii [Mr. MATSUNAGA], Arizona [Mr. DECONCINI], Maine [Mr. MITCHELL], and West Virginia [Mr. ROCKEFELLER], all of whom also serve on the Veterans' Affairs Committee.

The VRA authority, which would otherwise expire on September 30, 1986, permits certain disabled Vietnam-era veterans and educationally disadvantaged Vietnam-era veterans to be given excepted appointments in the Federal civil service. The purpose of the VRA authority is to assist these veterans by making it possible for them to be hired noncompetively into the Federal civil service and to develop additional skills through a program combining education and training with the opportunity for a regular career appointment.

On March 26, 1970, President Nixon issued Executive Order No. 11521, which established a special civil service appointment authority for certain veterans and disabled veterans of the Vietnam era who were discharged after April 9, 1969. Under that original authority, the eligibility requirements specified that in order to be considered for an apppointment a veteran must be qualified for the position, must have completed no more than 14 years of education, must have served on active duty during the Vietnam era, and generally must have been separated from the service for 1 year or less. Veterans who met these eligibility requirements could be given a VRA for any position in the competitive service at or below the general schedules 5 [GS-5] level or its equivalent. A veteran who satisfactorily completed 2 years of substantially continuous service under a VRA and an education or training program was converted to career conditional employment and automatically acquired a competitive status for civil service purposes.

In 1973, I authored legislation, based on this model, that was enacted in Public Law 93-508. It codified the VRA authority as section 2014(b) of title 38, extended the eligibility period for certain veterans who enrolled in a program of education within 1 year after release from active duty, and provided for the continuation of the program through June 30, 1978.

In 1978, I authored provisions—based upon legislation submitted by the administration—to extend and expand the VRA program substantially. These provisions were enacted in section 6(b) of the Veterans' Programs Extension Act of 1978, Public Law 95-520, which extended the authority through September 30, 1981. These provisions also extended eligibility to all Vietnam-era veterans with no more than 14 years of education, not just those separated after April 9, 1969, and eliminated the maximum limitation on the number of years of education for Vietnam-era veterans with service-connected disabilities and those who were discharged or released because of a service-connected disability. In addition, that measure raised the grade-level limitation for VRA's from GS-5 to GS-7, expanded requirements for reporting on the use of this authority, and extended the program for 3 years through September 30, 1981.

In 1981, I authored in the Senate provisions, consistent with administration-supported proposals, enacted in Public Law 97-72, that further ex-

tended the authority through September 30, 1984, and in 1984 provisions, enacted in Public Law 98-543, that led to the extension of the authority through September 30, 1986. Additionally, based on administration-proposed legislation, Public Law 98-543 raised the grade-level limitation from GS-7 to GS-9 and provided veterans who receive VRA appointments with certain appeal rights to the Merit Systems Protection Board during the first year of employment.

Since the inception of this very successful program in 1970, VRA's have provided employment opportunities for over one-quarter of a million veterans. In fiscal year 1984, more than 20,000 appointments were made: in fiscal year 1985, more than 17,000. Overall, minority group veterans have received an average of 38 percent of the total appointments, service-connected disabled veterans, 10 percent, and women veterans, 9 percent.

The success of the VRA program is also evidenced by the high Government-wide retention rates of veterans who were intitially appointed under the VRA authority. Over 80 percent of veterans who have received VRA's have converted to career conditional employment status in the civil sevice system.

It should be stressed that the VRA program does not provide for the creation of additional Government jobs. All VRA positions are regular civil service positions that count against an agency's staffing ceilings. Federal agencies' participation in the program is influenced by such factors as the agency's interest in providing eligible veterans with VRA opportunities, budgetary considerations, and the types of positions available that attract the interest and are compatible with the qualifications of VRA eligibles.

Mr. President, the continued success and popularity of the program is without question. Indeed, at hearings held before the House Committee on Veterans' Affairs on March 20, there was unanimous support among the witnesses for extension of the program, including OPM Acting Associate Director for Workforce Effectiveness and Development Gerald Hinch, who noted the administration's support for enactment of legislation to extend the program for 3 additional years, just as the measure we are introducing today would do.

Mr. Hinch also noted that OPM has taken significant actions to encourage participation by Federal agencies in the VRA program. These include providing technical assistance and advice to Federal agencies, publicizing the program through Federal executive boards and the interagency advisory group, dispensing job information through OPM's network of Federal Job Information Centers, and participating in conferences and conventions of veterans' organizations. In addition, OPM works in cooperation with the VA, the Department of Labor, and the President's Committee on the Employment of the Handicapped to promote the program. Recently, OPM also successfully implemented a training course, "Veterans Employment Programs: A Workshop," a 2-day course designed for Government employers with the responsibility for veterans' employment programs. A major component of this course covers the policies and procedures of the VRA program and how agencies can use the VRA authority more effectively.

Mr. President, the VRA program has provided employment for tens of thousands of Vietnam-era veterans who would otherwise, because of a variety of factors, have not been able to obtain Federal employment. The extension of the basic authority would ensure that this consistently successful program continues to meet needs.

By Mr. KENNEDY:

S. 2305. A bill to amend title IV of the Public Health Service Act to require the Director of the National Cancer Institute to make grants and enter into contracts to support research on adoptive immunotherapy for cancer; to the Committee on Labor and Human Resources.

CANCER RESEARCH ACT

Mr. KENNEDY. Mr. President, I rise to introduce the Cancer Research Act of 1986. The bill I introduce today stands as a tangible hope for hundreds of cancer victims. A revolution has occurred in medical science, allowing understanding, treatment, even cure of disease on the molecular level where it occurs. Today, I introduce a measure seeking immediate support for a promising breakthrough in cancer therapy: Adoptive immunotherapy.

Adoptive immunotherapy. A cancer therapy developed by Dr. Stephen Rosenberg, Chief of Surgery at the National Cancer Institute, has been heralded by physicians, scientists, and lay leaders as one of the most significant cancer advances of our time. The process activated the body's own immune system to attack malignant cells, using a blood protein, Interleukin 2, genetically engineered in large amounts.

To date, 71 patients, all of them with extensive disease and with failures after other therapies, have been treated with this Interleukin 2 therapy. There have been highly encouraging response rates. The responses have been especially promising because they have occurred in some cancers which have been particularly difficult to treat. Kidney cancer, malignant melanoma, and colon cancer have responded at rates of 100 percent, 50 percent, and 30 percent respectively. These should not be confused with cures. But they are unusually encouraging responses.

The history of this struggle is a long, often frustrating one. In the 1970's, we turned money and muscle to the "war on cancer" expecting to conquer it as we had the Moon. The answers did not spring forth, and there was frustration in American homes. Today, fully three of four American families can expect at some point to face the diagnosis of cancer. Fortunately, the slow arduous process of research was not new to our scientists. It has been necessary to take years of small steps and to lay a foundation in basic medical science research. The scientists persisted in their work as we did in our support of them. The war continued against an oppressive, unrelenting foe. Thanks to breakthroughs like Dr. Rosenberg's work, the future for families who face cancer is less bleak than it once was.

Though six centers have been selected by the National Cancer Institute to receive a half million dollars for the treatment of 40 patients each, clearly this exciting new breakthrough deserves wider testing. Many questions must be answered. We must accelerate the development of this treatment into a therapy that could benefit millions of Americans.

When Dr. Rosenberg's cautious words on IL 2/LAK therapy appeared in the New England Journal of Medicine, the National Cancer Institute began receiving over 1,000 calls a day, the largest number in its history, from patients seeking placement in the program. Disease knows no prejudice. These calls were from your constituents and mine, people rich and poor, black and white, mothers and fathers, sons and daughters, Americans from all across the land. All were desperate for the treatment their tax dollars helped to discover. Their calls were answered but their pleas for help went unfulfilled. No funds nor mechanisms existed to extend the program.

The legislation I am introducing today will provide for 12 treatment and research sites. It will double the rate at which scientists can answer the many questions that need to be answered before this immunotherapy can surpass the experimental stage. Each center designated will receive a half million dollars.

The expansion of research on this therapy has been endorsed by the President's Cancer Panel. They asserted in their most recent report there would be an "almost immediate benefit from expanding the clinical trials of Steven Rosenberg's (sic)." They recommended $20 million to this end.

The proposal I introduce today is a modest one. It will cost only $6 million. But it will double the number of cancer centers which can begin work on this therapy and the number of pa-

tients who are hopeful of receiving benefits from it.

Mr. President, there are those who would scoff at an old man who digs in the soil to plant a sapling, wasting effort on a tree whose fruit he will not live to taste, whose shade he will never enjoy. And yet that old man continues to toil, for he has vision. He labors, not just for himself, but for his children, for their fruit, for their shade. The Congress has shown vision through tireless support for basic science research since the very inception of the National Institutes of Health. While many of us do not fully understand the intricacies of biological science, we suffer ourselves and through family and friends when those biological processes go awry. At times, we have yearned for more direct results, for more practical research. But we have held fast to our faith in scientists at the helm supported by public revenues. Small steps lead to large ones. Years of small steps and vision have contributed to the larger step we are on the verge of making today.

By Mr. D'AMATO:

S. 2306. A bill entitled the "Bank Secrecy Act Amendments of 1986"; to the Committee on Banking, Housing, and Urban Affairs.

BANK SECRECY ACT AMENDMENTS

Mr. D'AMATO. Mr. President, I am very pleased today to introduce the Bank Secrecy Act Amendments of 1986. These amendments correct many of the weaknesses in current law that criminal investigators and prosecutors working against criminal money launderers have long complained about. Congressman. J.J. PICKLE is introducing a companion measure in the House of Representatives today.

I ask unanimous consent that the full text of this bill, together with a complete technical analysis, be printed in the RECORD immediately following these remarks.

I call my colleagues' attention to two especially important aspects of our legislation:

First. It closes the favorite loophole in present law used by launderers of drug money and other criminal profits. Because today's Bank Secrecy Act only requires that deposits of more than $10,000 be reported on IRS Currency Transaction Reports [CTR's], money launderers often make multiple deposits of under $10,000 each, within very brief periods of time, to avoid the act's reporting rules.

In other words, our bill closes the so-called structuring loophole. I call to my colleagues' attention the fact that the Government has lost all three major structuring cases on appeal in the last year: United States versus Anzalone, United States versus Denemark, and United States versus Varbel.

Second. For the first time, our bill allows property related to a violation of 31 U.S.C. 5313 to be seized and forfeited. This new provision targets the person who structures his deposits, or otherwise subverts or attempts to subvert the act's reporting requirements, in order to cause a financial institution not to file a CTR.

For example, a person makes a series of deposits in a single day of under $10,000 each, but the total of deposits exceeds $70,000. If the purpose of this activity is to cause a financial institution not to file a required report or if the deposits are structured so as to evade the reporting requirements of section 5313(a), the currency used, or the property traceable to such currency, would be subject to seizure and forfeiture.

The importance of this new section is that it permits forfeiture of money even if it cannot be directly traced to a drug sale or other crime. Major drug traffickers and others engaged in organized crime are, of course, notoriously effective in covering the trail leading from their crimes to their profits. Under our bill, the only tracing needed will be that currency be traced to the failure to file a CTR, or that property be clearly traced to such currency.

Because we are breaking new legal ground, we have decided to proceed cautiously. Forfeitures under our bill will be subject to a defense that the owner of property violated the reporting rules without willfulness or a reckless disregard of the act's reporting rules.

The forfeiture authority proposed in this bill is also much more limited than most forfeiture provisions already in existence. For example, under 26 U.S.C. 7302, any property used or intended for use in violation of the internal revenue laws may be forfeited.

Under the bill being introduced today, property may not be forfeited if first, the person violating the domestic currency transactions requirements is a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission; second, the owner is a good faith purchaser for value who took without notice of the violation; or third, the violation was not willful.

Mr. President, I urge my colleagues to support not only this bill, but also S. 571, which will be the subject of a full Banking Committee hearing the morning of May 1, and other legislation directed at the money laundering operations of organized crime.

Only when legislation such as this becomes law, and criminal money laundering becomes a much more frequent and vulnerable target of Federal law enforcement activity, will we have a serious chance of permanently crippling major drug trafficking and other criminal organizations in this country.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bank Secrecy Act (31 U.S.C. 5311 et seq.) is amended as follows:

SECTION 1. Section 5313 of Title 31 of the United States Code is amended by adding to the end of subsection (a) a sentence which reads as follows:

"No person shall cause or attempt to cause a domestic financial institution to fail to file a report required by ths subsection, shall cause or attempt to cause a domestic financial institution to file a report required by this subsection that contains a material omission or misstatement of fact, or shall structure or assist in structuring a transaction for the purpose of evading the reporting requirements of this subsection."

SEC. 2. Section 5317 of Title 31 of the United States Code is amended by:

(a) Revising the first sentence of section 5317(c) of Title 31 of the United States Code to read as follows:

"(c) A monetary instrument being transported, or which has been transported, or any interest in any property, including any deposit in a financial institution, traceable to such instrument, may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement."

(b) Adding a new subsection (d) which reads as follows:

"(d) United States coin or currency (or other such monetary instrument as the Secretary may prescribe) or any interest in other property, including any deposit in a financial institution, traceable to such coin or currency involved in a transaction or attempted transaction in violation of section 5313(a) of this chapter may be seized and forfeited to the United States Government under the procedures of subchapter C of chapter 75 of Title 26 of the United States Code whenever a person (excluding a domestic financial institution examined by a federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission liable under subsection 5321(a) of this chapter) violates section 5313(a) of this chapter. No property or interest in property shall be forfeited under this subsection if it can be established that the owner is a bona fide purchaser for value who took without notice of the violation or if the violation or attempted violation of section 5313(a) was not willful."

SEC. 3. Section 5321 of Title 31 of the United States Code is amended by:

(a) Adding to subsection (a) a new paragraph (4) to read as follows: "(a)(4) The Secretary may impose a civil penalty on a person or persons (excluding a domestic financial institution examined by a federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission) willfully violating section 5313(a) of this chapter. A civil penalty under this paragraph may not be more than the amount of the United States coins and currency (or other monetary instruments the Secretary may prescribe) for which a report was required under section 5313(a) of this chapter. A civil penalty under this para-

graph is reduced by an amount forfeited under section 5317(d) of this title."

(b) Deleting "or (2)" from subsection (b) and adding in lieu thereof ", (2) or (4)".

(c) Deleting "5317(b)" in subsection (c) and adding in lieu thereof "5317(c) or (d)" and by deleting "subsection (a)(2)."

SEC. 4. Section 7302 of Title 26 of the United States Code is amended by deleting "such property" in the second sentence and inserting in lieu thereof "property under this section and under the forfeiture provisions of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" and by adding "or under the provisions of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" after "section" in the fourth sentence.

SEC. 5. Section 7321 of Title 26 of the United States Code is amended by adding "or under any provision of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" immediately following "title".

SEC. 6. Section 7327 of Title 26 of the United States Code is amended by inserting immediately following "internal revenue laws", the following: "or under provisions enforced or administered by the Internal Revenue Service under Title 31 of the United States Code, to the extent not inconsistent with the provisions of Title 31."

SEC. 7. Section 7608(b) of Title 26 of the United States Code is amended by adding "or any provision of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" immediately following "responsible" in paragraph (1) and immediately following "the internal revenue laws" in paragraph (2)(C).

EXPLANATIONS OF PROPOSED AMENDMENTS

The general purposes of the proposed amendments are (1) to subject a person who launders money to potential civil and criminal penalties for certain money laundering activity, *i.e.*, causing a financial institution not to file a required report or to file an incorrect report and structuring or assisting in structuring a transaction to evade the reporting requirements, (2) to add an "attempt" provision, and (3) to create a program for forfeiting monetary instruments, or property interests traceable to those instruments, involved in violations of 31 U.S.C. § 5313 by persons other than financial institutions.

SECTION 1

Under present law, money launderers are successfully prosecuted in some judicial circuits for causing financial institutions not to file reports on multiple currency transactions totaling more than $10,000 or causing financial institutions to file incorrect reports. In such cases, defendants are charged with violations of 18 U.S.C. § 2 (aiding and abetting or causing another to commit an offense) and § 1001 (concealing from the government a material fact by a trick, scheme, or device). For example, in *United States* v. *Tobon-Builes*, 706 F.2d 1092 (11th Cir. 1983), the Eleventh Circuit Court of Appeals upheld a conviction under 18 U.S.C. § 1001 where the defendants had engaged in a money laundering scheme in which they had structured a series of currency transactions, each one less than $10,000 but totaling more than $10,000, to evade the reporting requirements. See also *United States* v. *Massa*, 740 F.2d 629, 645 (8th Cir. 1984), cert. denied sub nom *Skinner* v. *United States*, U.S. ——, 105 S.Ct. 2357 (1985); *United States* v. *Sanchez Vazguez*, 585 F.Supp. 990, 993 (N.D. Ga. 1984); *United States* v. *Konefal*, 566 F.Supp. 698 (N.D.N.Y. 1983) (prosecution for structuring upheld under Title 31). In contrast, the First Circuit Court of Appeals, in *United States* v. *Anzalone*, 766 F.2d 676 (1st Cir. 1985), the Eleventh Circuit Court of Appeals in *United States* v. *Denemark*, 779 F.2d 1559 (11th Cir. 1986), and the Ninth Circuit Court of Appeals in *United States* v. *Varbel*, 780 F.2d 758 (9th Cir., 1986) have held that structuring currency transactions to avoid the reporting requirements did not violate 18 U.S.C. § 1001.

The proposed amendment to 31 U.S.C. § 5313(a) would codify Toubon-Builes and like cases and would negate the effect of Anzalone, Varbel and Denemark. The proposed amendment would expressly subject to potential liability a person who causes or attempts to cause a financial institution to fail to file a required report or who causes a financial institution to file a required report that contains material omissions or misstatements of fact. In addition, the proposed amendment would create the offense of structuring a transaction to evade the reporting requirements, without regard for whether an individual transaction is, itself, reportable under the Bank Secrecy Act. For example, a person who converts $18,000 in currency to cashier's checks by purchasing two $9,000 cashier's checks at two different banks or on two different days with the specific intent that the participating bank or banks not be required to file Currency Transaction Reports for those transactions, would be subject to potential civil and criminal liability and the currency (or such monetary instruments as the Secretary prescribed) or property traceable to the currency would be subject to seizure and forfeiture under the proposed amendment in section 2. A person conducting the same transactions for any other reasons or a person splitting up an amount of currency that would not be reportable if the full amount were involved in a single transaction, *e.g.*, splitting $2000 in currency into four transactions of $500 each, would not be subject to liability under the proposed amendment.

The proposed amendment to 31 U.S.C. § 5313(a) would also add a much-needed attempt provision to the Bank Secrecy Act. Under current law, a financial institution is not required to report a currency transaction until 15 days after the transaction has taken place; therefore, a reporting violation does not occur until (1) 15 days have passed since the time of the transaction and (2) the financial institution has failed to file a report. This situation creates two problems for prosecutions of persons who have structured their transactions to avoid the reporting requirements of the Bank Secrecy Act. First, after 15 days the money launderers may have fled, and the investigative trail may be cold. Second, an individual who has attempted to avoid the reporting requirements may escape liability if the financial institution, despite the efforts of the money launderer, files a timely, correct report. The proposed attempt provision would cure these present flaws by: (1) authorizing an earlier seizure of individuals and funds, and (2) subjecting individuals who attempt to frustrate the reporting requirements of the Act to potential criminal liability at the time of their attempt and not 15 days later.

SECTION 2

31 U.S.C. § 5317 would be amended to add a new subsection (d), which would, for the first time, allow property related to a violation of section 5313, to be seized and forfeited. This new subsection would be directed primarily at a person who launders money or attempts to launder money in collusion with a financial institution, who intentionally subverts or who attempts to subvert the reporting requirements by causing or attempting to cause an "innocent" or otherwise unwitting financial institution to fail to file a report or to file a materially incomplete or inaccurate report, or a person who structures or assists in structuring a transaction for the purpose of evading the reporting requirements, where a report would, but for its artificial structure, be required under section 5313(a). For example, a person may engage in a pattern of cash deposits at a financial institution where each deposit involves less than $10,000 in currency and where the total of the deposits equals substantially more than $10,000. If the activity were performed in an attempt to cause the financial institution to fail to file a report required by section 5313(a), or if the activity is a transaction structured for the purpose of evading the reporting requirements of section 5313(a), the currency used or intended to be used, or the interest in the property traceable to such currency would be subject to seizure and forfeiture. The fact that the violation was not willful would be a defense to the forfeiture. Willfulness in a forfeiture case would be determined under the civil, reckless disregard standard in this, a civil, in rem forfeiture action.

This forfeiture provision is intended to reach interests in property which can be clearly traced to the currency that gave rise to the section 5313(a) violation. It would reach monies deposited in bank accounts or other types of financial accounts, *e.g.*, checking accounts, money market accounts, and certificates of deposit, and would apply to real and personal property that had been purchased by a violator with a monetary instrument that gave rise to a section 5313(a) violation. However, the provision is not intended to apply to the property interests of innocent third parties. It would not apply to cash received by an innocent bank, in which the money launderer no longer had any property interest, that a money launderer had used in the purchase of a cashier's check, but it would apply to the cashier's check in the hands of the money launderer or in the hands of the person on whose behalf the money launderer was acting. The fact that a person was a bona fide purchaser for value without knowledge of the violation would be a defense to forfeiture.

The amendment is needed because current forfeiture authority is an inadequate tool against money laundering. For example, forfeiture authority under federal drug laws, 21 U.S.C. § 881, requires a finding of probable cause to believe that the money was used in connection with a violation of the drug laws. Laundered money is frequently connected to violations of drug laws; however, money laundering is also used for non-drug criminal activity and, even where the operation is part of a drug trafficking organization, the money laundering can be arranged so that it is difficult, if not impossible, to prove such a connection.

Section 5317(c) is amended to provide express authority to seize assets clearly traceable to a monetary instrument being transported or which has been transported in violation of section 5316. The violation of section 5316 need not be willful in order for an unreported monetary instrument to be subject to seizure and forfeiture. Customs law relating to seizure, forfeiture and disposi-

tion of property continue to apply, to the extent not inconsistent with the Bank Secrecy Act, to forfeitures under this subsection.

Current tax assessment and collection statutes, 26 U.S.C. §§ 6851 and 6861, are also an inadequate tool against money laundering. Tax assessment and collection under such statutes requires proof that a Title 26 tax deficiency is in jeopardy. This involves a computation of taxable income, which is a difficult computation with respect to illegal activity. Furthermore, since only the tax deficiency is collectable under such authority, much of the laundered money is unreachable.

Tax assessment and collection authority under 26 U.S.C. § 6867 is also an inadequate tool against money laundering. That authority permits a jeopardy/termination assessment against a person "in physical possession" of cash (or equivalent) who does not claim ownership or who claims that an unknown third person owns the money but permits seizure of only fifty percent of the cash, as income tax due. The balance is available to a person who comes forward to claim ownership. The launderer or actual owner of the money may be able to regain half of it.

In contrast, the proposed forfeiture authority is likely to be a very valuable tool against money laundering. As evidence of the usefulness of such forfeiture authority, one can look to current forfeiture authority under the Bank Secrecy Act. Under such authority, large amounts of currency, *i.e.*, more than $10,000, that a money launderer moves into or out of the country may be seized and forfeited to the United States if he fails to report it. This forfeiture authority has been used often and effectively as an important weapon in Treasury's war against money launderers.

Numerous case examples demonstrate how effective the proposed forfeiture authority can be. Following are three situations involving reporting violations where the proposed forfeiture authority would have enhanced law enforcement capabilities. The fourth example is a non-willful violation where no forfeiture would occur.

Case No. 1: An investigation developed evidence that a group of suspected narcotic traffickers had willfully caused domestic financial institutions not to file required Currency Transaction Reports on transactions totaling more than $50 million. However, the investigation did not develop sufficient admissible evidence to connect the laundered money to violations of the drug laws. Therefore, the money was not forfeitable under the current forfeiture authority at 21 U.S.C. § 881. Under the proposed forfeiture authority, the entire $50 million, or assets traceable to it, would have been forfeitable. Note that such assets in the hands of a bona fide purchaser for value would not have been forfeitable.

Case No. 2: A South Florida money laundering specialist laundered $57 million over 18 months through various Miami bank accounts. He deposited duffel bags and boxes filled with cash into accounts at Miami banks in collusion with certain bank officials; the banks filed no reports. The funds were transferred from the Miami accounts to other accounts and ultimately to Colombia. The admissible evidence in this case did not tie the $57 million to narcotics activity; therefore, the Government was unable to seize any of the funds under 21 U.S.C. § 881. Under the proposed forfeiture authority, the funds might have been seized prior to their leaving the United States. Furthermore, even if law enforcement officers had been unable to seize the money before it left the country, the proposed amendments would have authorized a civil penalty equal to the amount of the unreported currency.

Case No. 3: An individual represented to numerous financial institutions that he was conducting business as a bullion dealer and that he would be depositing large amounts of currency with those institutions. He opened business accounts, using his true name and the name of a bullion-dealer organization. He was not, in fact, a bullion dealer but was a money launderer. The bullion-dealer organization was strictly a shell corporation he used to launder money for his clients.

Over a 12-month period he deposited about $10 million in currency into 40 different accounts with 25 financial institutions in Florida and California. He drew checks on the accounts, payable to nominee names, which were then given to his clients. The check amounts were slightly less than the deposit amounts and the difference represented his money laundering commission.

The individual filed Federal tax returns, showing his occupation as a bullion dealer. Gross receipts on the tax returns approximated the amounts deposited into the bank accounts. Cost of the goods sold (expenses) shown on the returns approximated the amount of the checks drawn on the accounts. The profit on the returns resulted from the commissions.

Although the banks filed reports on the individual's transactions, the individual would have violated amended 31 U.S.C. §5313 (he did not violate 18 U.S.C. § 1001) because he made a material misstatement of fact, *i.e.*, a false occupation and a false business name, which caused the bank to file a form containing a material misstatement of fact. Current statutes do not allow for seizure of any of the funds deposited in the bank accounts. The proposed amendment to 31 U.S.C. §§5313(a) and adding 5317(d) would subject these deposited funds to seizure and forfeiture.

Case No. 4: A person has saved money to purchase a home, and, according to the real estate broker, needed a $9,000 down payment. On the day of the closing, she went to her bank and withdrew $9,000 in currency. When she arrived at the closing, her broker revealed that he had made an error in his calculations and that she needed $11,000 not $9,000 for the down payment.

She returned to her bank and withdrew another $2,000 in currency. Because she withdrew the $11,000 in currency in two transactions, the bank filed no report, despite the requirement on the report form that multiple transactions within a 24-hour period be aggregated and treated as a single transaction. Her withdrawal of the $11,000 in currency in two transactions presumably caused the bank to fail to file a required Currency Transaction Report; however, she would not have been criminally liable and her interest in the house would not have been subject to forfeiture under the proposed amendments because she had not willfully caused the bank to fail to file a required report and her transactions were not structured for the purpose of evading the reporting requirements.

Finally, it should be noted that the forfeiture provision proposed at 31 U.S.C. § 5317(d) for use with respect to domestic currency transactions is more limited in scope than most forfeiture provisions including the one already existing at 26 U.S.C. § 7302 for use with respect to violations of the internal revenue laws. Under 26 U.S.C. § 7302 any property used or intended for use in violation of the internal revenue laws may be forfeited. Under the proposed legislation for domestic currency transactions, the basic types of property subject to forfeiture are very limited. Only coins, currency, and certain other monetary instruments and property traceable to such monetary instruments may be seized and forfeited. Further restrictions exclude property from forfeiture if (1) the person violating the domestic currency transactions requirements is a domestic financial institution examined by a federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission, (2) the owner is a bona fide purchaser for value who took without notice of the violation, and (3) if the violation or attempted violation was not willful.

SECTION 3

31 U.S.C § 5321 would be amended by adding a new subsection (a)(4) authorizing a civil penalty against a person who willfully violates section 5313(a). No amendment is necessary to 31 U.S.C. § 5322 for imposition of criminal penalties for violations of section 5313(a). Civil penalties can be imposed where a person had specific intent to violate the law or acted with reckless disregard for the law. This standard for willfulness is consistent with case law construing willfulness in civil penalty contexts and with Treasury's interpretation of willfulness under the Bank Secrecy Act.

The proposed civil penalty would complement the proposed forfeiture provision authorizing a civil penalty sufficient to fill the gap between the value of the property seized under proposed section 5317(d) and the value of the financial instruments involved in the unlawful transactions. This mirrors current treatment of forfeiture of monetary instruments seized under section 5317 and civil penalties imposed under section 5321(a)(2) (for violations of Bank Secrecy Act reporting requirements regarding transporting currency into or out of the United States).

SECTION A

The authority of the Internal Revenue Service to forfeit property is currently set forth in 26 U.S.C. § 7302 and is limited to property used or intended to be used in violating the internal revenue laws. IRS agents enforce and administer laws in Title 31 of the United States Code (the currency transaction reporting provisions) in addition to the internal revenue laws. The proposed amendment to 26 U.S.C. § 7302 would allow the IRS to use this provision to forfeit property under proposed 31 U.S.C. § 5317(d).

It should be clearly understood that the forfeiture authority under section 7302 of Title 26 and the procedures relating to the administration and disposition of forfeited property are entirely separate and distinct from the provisions for the seizure of property for the collection of taxes provided under subchapter D of chapter 64 of Title 26.

SECTION 5

Those with an interest in property seized for forfeiture by the Internal Revenue Service may file a petition for remission or mitigation. The Internal Revenue Service applies the customs laws relating to remission or mitigation (26 U.S.C. § 7327). The authority to remit forfeitures under the Bank Se-

crecy Act rests with the Secretary of the Treasury under 31 U.S.C. § 5321(c).

Petitions for remission or mitigation are expected to be rare. Seizures will only be made by trained law enforcement personnel. Seizures will normally be reviewed by legal counsel before they are made. The vast majority of seizures will be made under a search warrant obtained from a United States magistrate after a review of the circumstances to determine if there is probable cause.

It is anticipated that the procedures for remission or mitigation will be similar to the current IRS procedures for property subject to administrative forfeiture. A petition must be filed with the Internal Revenue Service District Director for the district in which the property was seized. The requirements and rules concerning the contents of such a petition under the internal revenue laws are set forth in the Internal Revenue Service's regulations at 26 C.F.R. §§ 403.35-403.45. A petition must be filed not later than three months after the sale or other disposition of the property. The petition must (1) contain a description of the property, (2) indicate the nature and amount of the petitioner's interest in the property, (3) show that the petitioner was not willfully negligent and did not intend that the property be used in violation of the law, (4) set forth documents supporting the claims made in the petition (such as contracts and bills of sale), (5) indicate that costs (such as those relating to seizure and storage) assessed as a condition of allowance of the petition will be paid by the claimant, and (6) state how the property came into the possession of the person whose act caused the seizure, and that the petitioner had no knowledge or reason to believe that the property would be used in violation of the law where the petitioner did not commit the act which caused the seizure of the property. The assessment of costs is discretionary with those allowing a petition and therefore may be waived.

In reviewing petitions, consideration is given to factors such as (1) whether the petitioner had a recognizable, good-faith interest in the property, (2) whether the petitioner played any part in or had knowledge of the violation or should have had knowledge of the violation, (3) the petitioner's criminal record, and (4) whether the petition was timely filed.

Finally, it should be noted that provision is made in the law and regulations for consideration of petitions for mitigation where a forfeiture would cause undue hardship. This authority may be exercised where the petitioner has not or cannot meet the conditions for remission but where other extenuating circumstances are present indicating that some relief should be granted to avoid extreme hardship. Basically, the contents and procedures for petitions for mitigation are the same as those for remission.

Normally, petitions for remission or mitigation of other types of IRS forfeitures have been granted in around two months. However, in certain instances where a petitioner's noninvolvement, innocence, and ownership is clear, property can be returned more quickly.

Additionally, seized property may be returned to its owner if it was seized in error or if there is insufficient evidence to support the forfeiture. This can be done in a few days whether or not a petition has been filed.

All remission and mitigation determinations relating to property over a certain dollar amount, *e.g.*, $100,000, would be approved by the Assistant Secretary (Enforcement).

SECTIONS 6 AND 7

Current law limits IRS agents' seizure authority to "property subject to forfeiture under the internal revenue laws." The amended language is required to authorize IRS officers to seize property subject to forfeiture under Title 31. The changes coordinate with the change in section 7302.

By Mr. PRESSLER (for himself, Mr. GORE, Mr. INOUYE, Mr. HOLLINGS, Mr. ABDNOR, Mr. ANDREWS, Mr. WARNER, Mr. JOHNSTON, Mr. MELCHER, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. HECHT, Mr. COHEN, Mr. WILSON, Mr. NUNN, Mr. MATSUNAGA, Mr. LONG, and Mr. LAXALT):

S. 2307. A bill to provide authorization of appropriations for activities of the U.S. Travel and Tourism Administration; to the Committee on Commerce, Science, and Transportation.

USTTA REAUTHORIZATION

Mr. PRESSLER. Mr. President, I am introducing legislation today to authorize funds for the U.S. Travel and Tourism Administration [USTTA], recognizing the unique and vital role this agency fills in maximizing the impact of travel and tourism as an export—a major and positive contribution to the U.S. balance of trade. As chairman of the Senate Subcommittee on Business, Trade, and Tourism, I ask you to consider the following:

Travel and tourism is the first, second, or third largest employer in 41 States, and the second largest private employer in the Nation, providing 4.9 million jobs. In my own State of South Dakota, travel and tourism is the second largest employer, supporting nearly 15,000 jobs, or 6.1 percent of all jobs in the State.

All told, travel and tourism in this country account for $240 billion in annual revenues, making it the third largest service industry in the United States. In South Dakota, nearly $500 million is generated by travel and tourism annually.

Thirty of the fifty States earn more than $50 million from sales of tourism services to foreign visitors, 12 earned more than $100 million, 5 more than $1 billion, and 2 more than $2.6 billion, with a national total of nearly $15 billion from travel and tourism exports, South Dakota receives over $8.5 million from foreign visitors each year.

In the role of travel and tourism export developer, the USTTA wears many hats:

TRADE STRATEGY COORDINATOR

Working with States, cities, and the United States' 1 million travel-related businesses to make them more aware of the international market and how to enter it. Most recently this has involved uniting these components of the industry in joint marketing efforts that are able to compete effectively with major foreign tourism campaigns.

USTTA's new cooperative advertising program packages participants which provide complementary services or facilities, or which are located in a particular national region, targeting them to specific European or Pacific markets. To date, it is estimated that this effort has returned $18 for every dollar invested by the USTTA.

NATIONAL POLICY COORDINATOR

Working with other Federal and State agencies to ensure that there is a balance between travel and tourism interests, historical and cultural preservation, energy development and conservation, environmental concerns and natural resource utilization.

No other agency is in a position to oversee the decisions being made in these areas in order to ensure that future generations will be able to enjoy our rich natural heritage.

INTERNATIONAL NEGOTIATOR

Working with foreign governments to remove trade barriers and open doors for U.S. export development. Over the past several months, USTTA has successfully negotiated an agreement with Canada to remove a prohibitive sales tax on U.S. tourism literature entering that country.

More recently, USTTA has taken on the critically important role of coordinating the travel and trade industry's response to the serious problem of international terrorism. No other Federal agency is better suited to work with our travel and tourism industry and their counterparts worldwide to make travel safe and enjoyable for all people.

GOODWILL AMBASSADOR

Working to foster international understanding and world peace by encouraging citizens of other nations to come see our country and get to know us better as a people. USTTA's nine field offices around the globe seek both to identify marketing opportunities for U.S. tourism exporters and to educate travel-sellers abroad about the U.S. product.

In addition, USTTA works closely with the U.S. Information Service and Voice of America [USIA/VOA] which have large overseas audiences and do much to disseminate materials and promote travel to the United States.

Finally, the USTTA is working with public and community groups and the travel and tourism industry in this country to heighten awareness of the foreign visitor's need for specialized travel helps including language services, currency exchange facilities, universal symbol directional signs in public areas, et cetera.

EDUCATOR AND PLANNER

Working to collect, analyze, and distribute data which accurately measure the economic and social impacts of

travel and tourism to and within the United States in order to help the public and private sectors plan for the future.

Competition for the world tourism market has intensified in recent years with developing countries anxious to earn foreign exchange and long-established nations looking to improve their economic circumstances. USTTA has been able to determine where untapped markets exist, and where growth is possible. This has been accomplished in part through their newly developed in flight survey, which is rapidly proving to be an invaluable tool for export market expansion.

The USTTA has continued to provide these unique and vital services to the U.S. travel and tourism industry, harvesting a bountiful return on an extremely modest investment. The legislation I propose to introduce would authorize funding for this important agency at levels of $13 million, $14 million, and $15 million for fiscal years 1987, 1988, and 1989 respectively—an investment of less than 3.5 cents per capita compared to an average of $3.64 per capita for national tourism organizations worldwide.

On Friday, April 18, 1986, at 9:30 a.m. in room 253 of the Russell Building, my Senate Subcommittee on Business, Trade, and Tourism will hold hearings on this legislation. At that time we will consider the value of a national government travel and tourism agency as a catalyst to State, local, and private cooperative efforts; the need for such an agency to represent U.S. interests abroad, and to work with other countries to address mutual concerns such as international terrorism; and the suggestion that State, local, and private organizations could deliver these and other services now provided by the USTTA as effectively and efficiently.

I believe this hearing will show that the USTTA is necessary, and that only that agency can articulate, demonstrate, and represent the various elements of U.S. travel and tourism, as a whole, to the rest of the world. The USTTA does for the people what they cannot do for themselves very effectively, and at minimal cost and great benefit to the American public. Therefore, I invite you to join me in supporting this legislation to reauthorize the U.S. Travel and Tourism Administration.

By Mr. LAUTENBERG:

S. 2308. A bill to authorize the President of the United States to award congressional gold medals to Anatoly and Avital Shcharansky in recognition of their dedication to human rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals; to the Committee on Banking, Housing, and Urban Affairs.

GOLD MEDALS FOR THE SHCHARANSKYS

Mr. LAUTENBERG. Mr. President, today I introduce a bill to award congressional gold medals to Anatoly "Natan" and Avital Shcharansky in recognition of their courageous dedication to human rights. A similar bill has been introduced in the House of Representatives by my colleague Representative BENJAMIN A. GILMAN.

Commissioning a congressional gold medal is Congress' way of expressing national appreciation for distinguished achievements. Each one is individually struck to honor particular individuals, institutions, or events. The congressional gold medal is not to be confused with the Medal of Honor, awarded for combat bravery alone.

Anatoly "Natan" and his wife Avital deserve this special honor because of their outstanding and unwavering commitment to human rights, and their truly magnificent strength of spirit. Anatoly Shcharansky, a Jewish computer programmer, was one of the founding members of the Moscow Helsinki Monitoring Group. The group was set up to monitor the Soviet Union's compliance with the human rights provisions of the Helsinki accords. Those accords, signed in 1975 by the Soviet Union, included provisions that "everyone has a right to leave any country, including his own" and that "participating states will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with their family."

Within months of joining the Helsinki Monitoring Group, Anatoly was arrested on charges of espionage as part of a Soviet campaign to taint the Jewish emigration movement with the charge of treason. He was 29. In 1978, he was sentenced to 3 years in prison and 10 years of hard labor for anti-Soviet agitation, treason, and espionage for the Central Intelligence Agency. Almost 9 years later, he was set free.

Anatoly "Natan" Shcharansky was not a spy. His real crime was his courageous activity on behalf of would-be Jewish immigrants. Using his wit and excellent command of English, he served as a spokesman and public relations person in Moscow for the Jewish emigration movement. Knowing full well that his activity would probably lead to prison, he nevertheless contacted Western correspondents, arranged press conferences, and translated statements to win publicity for the plight of Soviet Jews seeking to emigrate. He even advised Soviet Jews who had been turned down for exit visas on how to use the law and bureaucratic procedures to needle the authorities.

Once imprisoned, he did not lose hope or lose heart. Although he was in physical custody, his Soviet jailers never enslaved his spirit. He refused to inform on other prisoners or confess to crimes of which he was not guilty in order to receive better treatment in prison. Despite years of physical and psychological torture, including repeated stretches in solitary confinement, bouts of starvation, and periods of extreme cold, his spirit remained whole.

And on the day he was set free, his first thought was of those he left behind. He said:

On this happiest day of our lives, I am not going to forget those who I left in the camps in the prisons, who are still in exile or who still continue their struggle for their right to emigrate, for their human rights. And I hope that that enthusiasm, that energy, that joy which fills our hearts today, Avital's and mine, will help us to continue the struggle, for the freedom and the rights of our brothers in Russia.

Avital Shcharansky deserves a congressional gold medal for her tireless efforts to free her husband from the gulag, and to elevate his plight into a global concern for human rights. Avital and Anatoly were married in 1974. She left for Israel the day after the wedding, fully expecting her husband to join her there soon. When it became clear that her husband would not be released, Avital took up a vigil that spanned continents, lasted years, and was not relinquished until she was reunited with her husband 12 years after she had seen him last. Her unending crusade took her to many Western capitals, to presidents, prime ministers, and kings. Tirelessly, never faltering, she kept his name on government agendas, making sure no one forgot that Anatoly Shcharansky was not free. As Prime Mininster Peres said, Avital fought like a lioness."

Avital and Anatoly "Natan" Shcharansky have already proven their credentials in the fight for human rights. They have demonstrated tenacity, strength of spirit, and dedication worth far more than any gold medal we could give them. But a congressional gold medal is nonetheless an important way of recognizing their past contributions to the cause of human rights, and saying thank you in advance for those we know, we know they will make in the future. I urge my colleagues to pass this bill to give the Shcharansky's the recognition they deserve. I ask unanimous consent that a copy of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

section 1. findings.

The Congress finds that—

(1) Avital Shcharansky and Anatoly Shcharansky have displayed immense courage and commitment to the preservation of individual human rights, regarded as among

the highest of ideals by the American people;

(2) Anatoly Shcharansky, a prominent founding member of the Moscow Helsinki Monitoring Group and active spokesman for the human rights denied to Soviet Jews, was unjustly arrested by the Soviet Union in 1977 and imprisoned for almost nine years on the false charges of espionage and treason;

(3) Anatoly Shcharansky, during his lengthy incarceration and isolation, was subjected to ongoing emotional and physical deprivation of the highest magnitude, yet continued to display raw courage and the noblest commitment to his rights as an individual, thereby setting an example for others whose individual freedoms are being denied;

(4) freedom is the ideal held most dear by the American people, and Anatoly Shcharansky has become a symbol of that love of freedom;

(5) Avital Shcharansky, while her husband was kept silent by Soviet prisons and labor camps, waged an indefatigable campaign around the world on behalf of her husband and others similarly treated;

(6) Avital Shcharansky's earnest persistance and dedication to the precepts of freedom of thought, word, and deed raised the consciousness of the world while she valiantly worked for her husband's release, thus elevating human rights to a global concern; and

(7) their reunion is evidence of the triumph of the human spirit against all adversities.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—The President of the United States is authorized and requested to present, on behalf of the Congress, gold medals to Anatoly and Avital Shcharansky in recognition of their supreme dedication and total commitment to the cause of individual human rights and freedoms.

(b) DESIGN AND CONSTRUCTION.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this act referred to as the "Secretary") shall cause to be struck two gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 3. DUPLICATE MEDALS.

(a) CONSTRUCTION AND SALE.—The Secretary may cause duplicates in bronze of the gold medals provided for in section 2 to be coined and sold under regulations prescribed by the Secretary, at a price sufficient to cover the cost of such duplicates and such gold medals, including labor, material, dies, use of machinery, and overhead expenses.

(b) REIMBURSEMENT OF APPROPRIATIONS.—Any appropriation made under section 2 shall be reimbursed out of the proceeds of the sales referred to in subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals provided for in this Act shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

By Mr. STAFFORD (by request):

S. 2309. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS AUTHORIZATION

● Mr. STAFFORD. Mr. President, by request, I am introducing a bill to provide authorizations of appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy for the Performing Arts. The bill provides monetary authorizations for fiscal years 1987 and 1988 to enable the National Park Service to continue to provide services as directed in the John F. Kennedy Center Act.

Mr. President, I ask that the text of the letter transmitting that legislation from Acting Assistant Secretary P. Daniel Smith be printed at this point in the RECORD, together with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698, 1699; 20 U.S.C. 76 h, 76 l) is amended by striking out the period in the last sentence and adding in lieu thereof", and not to exceed $4,771,000 for the fiscal year ending September 30, 1987, and such sums as are necessary for the fiscal year ending September 30, 1988.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 28, 1986.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill, "Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes."

We recommended that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

Under subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698, 1699; 20 U.S.C. 76 h, 76 l), the Secretary of the Interior is required to provide all services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, including informational, interpretation, janitorial, maintenance, and security services. However, the Congress has only appropriated funds to the National Park Service through September 30, 1986, for the nonperforming arts functions of the Kennedy Center.

The draft bill would amend the appropriation authorization in subsection (e) to authorize an appropriation of $4,771,000 for the fiscal year ending September 30, 1987, and such sums as are necessary for the fiscal year ending September 30, 1988. Such an authorization and appropriation would enable the National Park Service to continue to carry out its responsibilities for the nonperforming arts functions for the Kennedy Center as provided in the President's 1987 budget.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

P. DANIEL SMITH,
Acting Assistant Secretary.●

By Mr. PRESSLER (for himself, Mr. HECHT, and Mr. GRASSLEY):

S. 2310. A bill to make foreign nationals ineligible for certain agricultural program loans, payments, or benefits; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL PROGRAM INELIGIBILITY FOR FOREIGN NATIONALS

● Mr. PRESSLER. Mr. President, today I am introducing legislation to prohibit the payment of farm program benefits to foreign landowners or operators. Under current law, any farmland owner or operator is eligible for farm program benefits if they comply with the various requirements. My legislation would prohibit foreign owners and operators of farms from receiving benefits.

Currently, 8,760,300 acres of farmland is owned by foreign investors. This represents a relatively small percentage of total farmland, but if all of the land was placed in farm programs the payments to the foreign owners could total several million dollars. With the strict budget requirements farm programs face we cannot afford to subsidize these foreign investors.

The eligibility of foreign investors to receive farm program benefits also increases the incentive for them to purchase U.S. farmland. In recent years with farmland values declining, there has been a decline in foreign investment in farmland. But with farmland prices bottoming out the number of foreign investors purchasing U.S. farmland is bound to increase. Prohibiting these investors from receiving farm program payments on their land would make U.S. farmland less attractive to foreign investors.

Finally, the majority of the foreign owned farmland is held by corporations. These are not family farm corporations but huge multinational corporations who do not need farm program subsidies. For many years I have argued that farm program benefits should be directed to family farmers and restrictions placed on payments to huge corporations. This would achieve such a goal.

As I have outlined, this legislation has several advantages. It will reduce the cost of farm programs. It will reduce the incentive for foreign investors to purchase U.S. farmland. And it will prohibit payments from going to huge multinational corporations.

I urge my colleagues to join me in support of this legislation and work for passage of it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGRICULTURAL PROGRAM INELIGIBILITY FOR FOREIGN NATIONALS.

(a) IN GENERAL.—Except as otherwise provided in this section and notwithstanding any other provision of law, following the date of enactment of this Act, any person who is not a citizen or national of the United States or an alien lawfully admitted for permanent residence shall be ineligible for—

(1) as to any commodity produced on a farm that is owned or operated by such person—

(A) any type of price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(B) a farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714B(h));

(C) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(D) a disaster payment made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(E) a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration; or

(2) a payment made under sections 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b or 714c) for the storage of an agricultural commodity acquired by the Commodity Credit Corporation.

(b) CORPORATIONS.—For the purpose of subsection (a), a corporation shall be considered a person that is ineligible for program loans, payments, or benefits if more than 50 percent of the beneficial ownership of the corporation is held by persons who are not citizens or nationals of the United States or aliens lawfully admitted for permanent residence.

(c) EXEMPTION.—No person shall become ineligible under this section for program loans, payments, or benefits as the result of the production of a crop of an agricultural commodity planted before the date of enactment of this Act.●

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 2311. A bill relating to certain foreign labor subsidies for which relief may be sought under the countervailing duty laws; to the Committee on Finance.

RELIEF UNDER COUNTERVAILING DUTY LAWS FOR CERTAIN FOREIGN LABOR SUBSIDIES

● Mr. MITCHELL. Mr. President, I introduce today a bill that would clarify a gap in our trade laws that currently is working to the detriment of the New England fishing industry. Under current law, foreign unemployment assistance programs which benefit a particular sector, and which confer benefits far in excess of premiums, are not explicitly considered to be subsidies subject to countervailing duties.

The seriousness of this problem recently became clear in the current countervailing duty case against Canadian groundfish. The Canadian program is inaccurately termed "unemployment insurance". But there is no insurance risk involved. Payments are made every year to self-employed fishermen during their off-season. Furthermore, there is no employer to pay premiums, because benefits are restricted to self-employed fishermen. Finally, the program constitutes in effect a massive government transfer program to fishermen far exceeding the small amount of insurance premiums they pay.

Canadian fishermen receive $140 million annually under this program; of that amount, over 90 percent is directly from Federal Government revenue. Under normal Canadian unemployment insurance, the ratio of benefits received to premiums paid is slightly over 1 to 1. For the self employed fisherman, the ratio is an enormous 17 to 1.

These unemployment transfer payments should qualify as a bounty or grant under the definition of subsidy under current countervailing duty law. However, the definition of subsidy is apparantly not clear enough at present, for the Commerce Department recently decided not to recognize these grants as countervailable. Despite the fact that economically, they act exactly like direct subsidies to the Canadian fish industry, Commerce did not factor them into its estimate for a countervailing duty.

Clearly, not to have such practices considered countervailable contradicts the intent of our current trade law. Countervailing duty law is meant to protect efficient American industries against unfair foreign subsidies. American fishermen must operate without the benefit of enormous grants for the months that they are idle. If Canadian fishermen were also subject to the discipline of the free marketplace, they could not so effectively compete against their American counterparts. These unemployment payments allow inefficient Canadian fishermen, who otherwise could not remain in business, to stay in the marketplace.

Thus, in the interest of fair trade, it is necessary to broaden the definition of subsidy under our countervailing duty laws. This bill would do just that. To insure that such obvious direct subsidy programs are countervailable in the future, I urge my colleagues to support this legislation.●

By Mr. LAUTENBERG (for himself, Mr. MURKOWSKI, and Mr. CRANSTON):

S.J. Res. 322. Joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

● Mr. LAUTENBERG. Mr. President, today Senators MURKOWSKI, CRANSTON, and I are introducing a joint resolution to designate December 7, 1986, the 45th anniversary of the attack on Pearl Harbor, as "National Pearl Harbor Remembrance Day." I greatly appreciate the support of the chairman and the ranking minority member of the Senate Veterans Affairs Committee in joining me in introducing this joint resolution.

The joint resolution also authorizes and requests the President to issue a proclamation calling upon the people of the United States to observe this solemn occasion with appropriate ceremonies and activities, and pledge our strong resolve to defend this Nation and its allies from all future aggression.

I would like to commend the New Jersey members of the Pearl Harbor Survivors Association, particularly Lee Goldfarb, the State chairman, and the approximately 10,000 members throughout the country, for their active interest and support in commemorating this 45th anniversary through a Presidential Proclamation of National Pearl Harbor Remembrance Day.

On December 7, 1941, "a date which will live in infamy," while talks between Japanese and American diplomats were going on in Washington, the United States was attacked by the imperial Japanese Navy and Air Force. Pearl Harbor was caught totally unprepared. The blow was deliberately planned for Sunday morning, when the ships of the Pacific Fleet were moored in perfect alignment, and their crews were ashore, having breakfast or relaxing on board. There was no advance warning.

About 360 Japanese planes attacked Pacific Fleet units at the naval base, and army aircraft at Hickam Field and other nearby military installations. The surprise attack, launched entirely without provocation, took, the lives of 2,403 Americans, and wounded 1,178. Some of those lost were civilians.

Fortunately, no aircraft carriers were tied up at the base during the attack. When the assault ended nearly 2 hours later, the Pacific Fleet had lost eight battleships, three light cruisers, three destroyers and four other vessels. The attack also destroyed about 170 U.S. planes. The Japanese had concentrated on ships and planes, leaving repair facilities, the submarine base, and fuel oil storage facilities relatively undamaged.

In short, the attack had dealt the Pacific Fleet, and Hawaii's air defense a devastating blow. In less than 2 hours, the Japanese had crippled the

Pacific Fleet and undermined the American strategic position in the Pacific.

The unification of the country under the impact was swift. It was the first time in U.S. history that we had been attacked first, and it wiped away the last vestige of isolationist sentiment. The entire country stood behind the President and gave him wholehearted support. The attack united U.S. public opinion against Japan, and propelled the United States into World War II. On 4:10 p.m., Monday, December 8, 1941, the United States declared war on the Japanese empire.

As "Remember Pearl Harbor" became the American war cry throughout World War II, so today we must "Remember Pearl Habor." We must recall and pay tribute to those who died in that tragedy, and we must remember so that we will never be caught short or unprepared again.

Mr. President, I ask unanimous consent that a copy of the joint resolution appear in the RECORD following my remarks, along with a letter from the Pearl Harbor Survivors Association, Inc. in support of this joint resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 322

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy and Air Force launched an unprovoked surprise attack upon units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in action and one thousand one hundred and seventy-eight were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as " a date that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1986, in remembrance of this tragic attack on Pearl Harbor: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1986, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.

PEARL HARBOR SURVIVORS ASSOCIATION,
East Hanover, NJ, March 26, 1986.

Senator FRANK LAUTENBERG,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: Enclosed is a copy of a letter written by Thomas J. Stockett which was sent to you on March 20, 1986. Mr. Stockett is the National President of the Pearl Harbor Survivors Association and in his letter to you he authorizes me to act on behalf of the Association.

I am also enclosing a copy of my letter to you outlining our request to you. I would like to repeat the last sentence to you knowing it has just as much meaning now as it did when I first wrote it March 7, 1986. "May I thank you in advance for your cooperation and please be assured of the gratitude of our entire organization."

With best regards,

LEE GOLDFARB,
New Jersey State Chairman,
Pearl Harbor Survivors Associations.

PEARL HARBOR SURVIVORS ASSOCIATION, INC.,
Woburn, MA, March 20, 1986.

DEAR SENATOR LAUTENBERG: I thank you for your interest in the declaration of Sunday, December 7, 1986 as Pearl Harbor Remembrance Day. Lee Goldfarb, New Jersey State Chairman of the Pearl Harbor Survivors Association, is serving as the prime mover in this case.

The 88,000 young Americans, living and dead, that served our Country on that Day of Infamy will deeply appreciate your support and effort necessary to bring this petition to a successful conclusion.

Sincerely yours,

THOMAS J. STOCKETT,
National President.

PEARL HARBOR SURVIVORS ASSOCIATION,
East Hanover, NJ, March 7, 1986.

Senator FRANK LAUTENBERG,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The Pearl Harbor Survivors Association are endeavoring to have December 7, 1986 declared as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

Congressman Courter of New Jersey has introduced legislation to that effect (Joint Resolution #524) in the House of Representatives and we would be honored and delighted if you would introduce similar legislation in the Senate.

This December 7th is the Forty Fifth anniversary of the attack and we are having our reunion in Hawaii. I personally as the New Jersey State Chairman would indeed be proud to announce at our convention the passage of the Resolution and both chief sponsors were from New Jersey.

May I thank you in advance for your cooperation and please be assured of the gratitude of our entire organization.

With best regards,

LEE GOLDFARB,
New Jersey State Chairman,
Pearl Harbor Survivors Association.●

By Mr. D'AMATO:

S.J. Res. 323. Joint resolution to designate May 21, 1986, as "National Andrei Sakharov Day"; to the Committee on the Judiciary.

NATIONAL ANDREI SAKHAROV DAY

● Mr. D'AMATO. Mr. President, I rise today to introduce a Senate joint resolution to make May 21, 1986, National Andrei Sakharov Day. As chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I call to the attention of my colleagues the fact that May 21, 1986, will be Andrei Sakharov's 65th birthday. He will spend this birthday in exile in the closed city of Gorky, where he is under close KGB surveillance.

Few people are more qualified to speak about Andrei Sakharov than Anatoly B. Shcharansky. On Sunday, April 13, 1986, the New York Times published the transcript of a statement by Shcharansky to be delivered the following day to the parallel Helsinki Review Conference in Bern, Switzerland. His statement contained an eloquent passage on Sakharov's plight.

Shcharansky said:

I would like to attract your special attention to the Sakharov case. I do not need to remind you that Andrei Dmitrivich Sakharov is a hero, a model of an honorable man who continues the very best traditions of the Russian intelligentsia, fighting for the trampled rights—be they national, religious or political—of all the people of the Soviet Union.

Shcharansky continued:

Needless to say, his present situation is extremely difficult. He is cruelly and unjustly isolated from his family and friends, barred from scientific work and normal social activities. His state of health inspires growing fears. I consider it vitally important at this moment to raise our voices and call for the Soviet Government to stop its persecution of Andrei Sakharov—to grant this remarkable man the possibility to continue his noble activities in dignity and normal conditions.

Adopting this resolution to make May 21, 1986, National Andrei Sakharov Day adds our voices to the voice of Anatoly Shcharansky and the many supporters of the Helsinki process now gathered in Bern. Shcharansky pointed out that:

It is more necessary than ever now for international public opinion to press the Soviet Union on these matters. It is high time for Moscow to begin complying with the Helsinki agreement signed in 1975.

Your support for this resolution will help achieve those goals.

Sakharov is a hero, not just to dissidents within the Soviet Union, but to freedom-loving people everywhere. He is a Nobel Peace Prize winner who has led the fight for respect for human rights and fundamental freedoms. His is a lonely voice calling for civilized behavior by a government which rests upon one of the bloodiest records in the history of the world.

Andrei Sakharov is the leading figure in the Soviet Union working for peace and human rights. He believes all Soviet citizens should enjoy the rights their government promised to them when it signed the Helsinki

Final Act in August 1975. He believes they have the right to live in peace, not just free from external attack, but also free from attack by their own government.

Instead of witnessing gradual improvement in Soviet behavior as they seek acceptance into the community of nations, we have seen repeated and continuing acts of barbarism. These acts are not isolated instances of misbehavior on the part of minor functionaries who have somehow escaped adequate supervision by their superiors. They are acts committed in a carefully organized, centrally directed effort designed to further the basic interests of the Soviet nomenklatura, the small band of totalitarians who rule the Soviet State.

Andrei Sakharov's own experiences illustrate this point too well. Let us examine the suffering he experienced as he attempted to obtain an exit visa for his wife, Elena Bonner, so she could travel to the west for treatment of her heart condition:

May 1, 1984, Dr. Sakharov begins a hunger strike to protest Soviet denial of Elena Bonner's request for an exit visa for medical treatment.

May 7, 1984, Dr. Sakharov is hospitalized and Soviet authorities order him force-fed.

May 11, 1984, as a result of forced feeding and rough treatment by Soviet authorities, Sakharov suffers a stroke. His condition is not treated.

August 10, 1984, Elena Bonner is sentenced to 5 years exile in Gorky for anti-Soviet slander.

August 1984, KGB-produced video tape given to West German News magazine. Purchased and shown by ABC on U.S. television, this video tape, spliced together from old footage and still photos, purportedly is current and is intended to show Sakharov in good health. This is a clear KGB use of disinformation to deceive Western public opinion.

September 8, 1984, Sakharov ends his hunger strike, despairing of success, suffering from the physical impact of forced feeding and the emotional impact of separation from his wife.

October 15, 1984, Sakharov writes to the President of the Soviet Academy of Science, appealing on behalf of his wife.

December 1984, as General Secretary Mikhail Gorbachev arrives in London, the second KGB photographic effort is released in the West, again purporting to show Sakharov and Bonner in good health.

January 1985, Sakharov letter smuggled to the West, announcing that he will begin his next hunger strike in April.

April 16, 1985, Sakharov begins hunger strike.

April 21, 1985, Sakharov again hospitalized and Soviet authorities again order him force-fed.

May 16, 1985, associated press reports, on the basis of a smuggled note, that Sakharov has begun his hunger strike.

May 24, 1985, KGB produces fake telegram to Irina Kristi, who is about to emigrate to the United States, purporting to be from Elena Bonner. This forgery implied that Sakharov and Bonner are living together and conditions are improving.

May 25, 1985, Bonner's daughter, Tatiana, living in Newton, MA, receives postcard from Bonner, apparently dated April 21, 1985, saying in part, "so now April is passed * * * the snow has melted, and the Sun is shinning." When analyzed by experts, the actual date of the card is April 1, and verb tenses have been changed. Another KGB disinformation ploy.

June 1985, ABC obtains from the same West German News magazine two more KGB video tapes, of Sakharov in the Gorky Hospital. A Soviet doctor narrates the tape, denying any hunger strike by Sakharov, claiming he was in the hospital for treatment of different complaints.

July 11, 1985, Sakharov terminates hunger strike to rejoin Elena Bonner.

July 25, 1985, determining that her health remains in jeopardy, Sakharov resumes his hunger strike.

July 27, 1985, Sakharov is back in the hospital and Soviet authorities again direct that he be force-fed.

July 29, 1985, KGB releases another secret surveillance video tape of Sakharov and Bonner, this time attending a movie theater. In the background, a poster dated July 11, 1985, is visible. ABC and French television broadcast this tape.

October 21, 1985, Bonner is issued an exit visa and a passport. This is provided on the conditions that she agree not to speak to the press while she is in the West and that Sakharov publicly agree that the Soviet argument that he cannot be allowed to emigrate because of security concerns is valid.

December 2, 1985, Bonner arrives in Rome, Italy for treatment of an eye ailment.

December 8, 1985, Bonner joins her daughter and son-in-law in Newton, MA.

January 13, 1986, Bonner undergoes heart bypass surgery.

February 18, 1986, Bonner's VISA is extended for 3 months until, June 2, 1986, to allow her to convalesce here.

March 26, 1986, KGB produces another secret surveillance video tape, showing Sakharov pushing a car in the snow and doing other routine things. ABC shows the tape to Bonner, who breaks her commitment to the KGB not to speak to the press while she is in the West. She says the tape "is an indicator that Sakharov's condition is worsening, deteriorating."

April 3, 1986, Bonner attempts to tell Sakharov over the telephone that the KGB is secretly video taping him. The KGB jams this portion of the call.

This is the story of the most recent events in the ordeal Soviet authorities have forced this gentle and great man to undergo. Contrary to Soviet hopes, their disinformation campaign has raised his stature in the West. Sakharov's love for his wife, Elena Bonner, and his steadfast dedication to his principles are on full public display.

Just as his courage marks him as a heroic figure of giant stature, so the conduct of Soviet authorities from Mikhail Gorbachev to the KGB doctors who force-fed Sakharov and the KGB thugs who surveilled, video taped and forged marks them as totally immoral, unprincipled supporters and beneficiaries of a fundamentally corrupt and vicious system.

Accordingly, it is entirely timely and appropriate for the Congress to adopt this resolution making May 21, 1986, National Andrei Sakharov Day. Our action on this measure will keep the spotlight of public attention focused on Andrei Sakharov and upon Soviet authorities' actions toward him. It might even save his life.

His agreement to the Soviet contention that he cannot emigrate because of his knowledge of state secrets was clearly extorted from him. It deserves no respect whatsoever. Therefore, the provision of this resolution calling upon the President to "urge the Government of the Union of Soviet Socialist Republics to permit Andrei Sakharov and Elena Bonner freely to choose their place of residence," is vitally important.

This resolution, given our united support, will certainly send a message to both President Reagan and General Secretary Gorbachev. In light of the decision that Elena Bonner should not see the President, our action here should clearly call attention to the importance, in Sakharov's case, of public diplomacy and a resolute expression of our concern and support for him. It should also convince the President of the necessity of raising the issue of permitting Sakharov to emigrate with General Secretary Gorbachev when they next meet.

On the 21st of May, Sakharov will be 65 years old. When an American citizen reaches this age, he or she is either retired or is contemplating retirement. An American is usually planning to enjoy life without work in the company of friends, children, and grandchildren.

In the starkest contrast, Sakharov is in forced exile, alone and isolated. The only people who see him are government officials. His friends cannot visit

him. His wife is here in the United States and Sakharov must have doubts about whether the Soviet authorities will allow her back into the Soviet Union when her recuperation period here ends.

Instead of facing the final years of his life surrounded by his family and friends, enjoying the honors and achievements which are the product of a remarkable life, he is hounded, spied upon, tortured both mentally and physically, and subjected to campaigns of vilification in the Soviet press. He cannot associate or communicate with anyone on professional matters. His mind has been cut off from the universe of scientific discourse.

I call upon my colleagues to join me in support of this resolution. Its timely passage is urgently necessary. With your support, we can join with our colleagues in the House, where my Helsinki Commission cochairman, the distinguished Representative from Maryland, STENY HOYER, has introduced the same resolution as House Joint Resolution 596. Clearly, a strong expression of congressional support for Dr. Sakharov is necessary now. I urge you to join me to make May 21st National Andrei Sakharov Day.●

By Mr. GORE. (for himself, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. CHILES, Mr. COCHRAN, Mr. CRANSTON, Mr. DOLE, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HEINZ, Mr. HOLLINGS, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. PELL, Mr. SARBANES, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, and Mr. ZORINSKY):

S.J. Res. 324. Joint resolution to designate the week beginning May 18, 1986, as "National Digestive Diseases Awareness Week"; to the Committee on the Judiciary.

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

● Mr. GORE. Mr. President, I am pleased today to introduce a joint resolution that will designate the week of May 18, 1986, through May 24, 1986, as "National Digestive Diseases Awareness Week," and request the President to issue a proclamation for this purpose. This will be the fourth consecutive year this designation has been made.

The digestive system, which includes the esophagus, stomach, intestine, gall bladder, liver, pancreas, and colon, can be affected by a wide range of acute and chronic diseases. For those who suffer from a disorder of the digestive tract, problems may range from mild discomfort to a severe and real threat to life itself. An estimated 20 million Americans suffer from chronic digestive diseases, with over 14 million cases of acute digestive disease disorders treated each year. Tragically, more than 200,000 deaths occur from these illnesses each year, as well as one-third of all malignancies, including the cancerous growth that was removed from the President's colon last year.

When measured in economic terms, digestive disorders are extremely costly to the American public, with direct personal health care expenditures for treatment at $17 billion per year. Combined with annual lost wages, taxes, disability, and other financial expenditures, total losses from digestive diseases are estimated at nearly $50 billion.

Despite these grim and saddening statistics, there has been valuable and exciting progress made recently by researchers through the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases. Many previously disabled and chronically ill Americans can now hope for relief from pain and suffering as a result of these Federal and other research efforts conducted elsewhere. Congress has recently funded the development of digestive disease research centers of excellence through the NIH to perform basic and clinical research into diseases of the digestive tract. Hopefully these efforts will lead to more answers by researchers on the debilitating effects of gastrointestinal disease.

Mr. President, I urge my colleagues to support this joint resolution—I hope each one of them will consponsor this resolution to heighten the awareness of the American public to the significance of digestive disease in this country. I applaud the Digestive Disease National Coalition for their efforts to bring about this level of awareness. I urge the swift consideration of this important measure.●

ADDITIONAL COSPONSORS

S. 1372

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1372, a bill to amend the Internal Revenue Code of 1954 to provide incentives for the establishment of statewide insurance pools to provide health insurance to high-risk individuals.

S. 1900

At the request of Mr. ROTH, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 1900, a bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 1937

At the request of Mr. STEVENS, his name, and the names of the Senator from Utah [Mr. HATCH], the Senator from California [Mr. CRANSTON], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1937, an original bill to restrict smoking to designated areas in all U.S. Government buildings.

S. 2081

At the request of Mr. STAFFORD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2081, a bill to reauthorize the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, the Community Services Block Grant Act, for deferred cost care programs, and for other purposes.

S. 2166

At the request of Mr. DURENBERGER, the names of the Senator from Nevada [Mr. LAXALT], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 2166, a bill to amend the Internal Revenue Code of 1954 to modify the tax treatment of tax-exempt municipal bonds, and for other purposes.

S. 2181

At the request of Mr. D'AMATO, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2181, a bill entitled the "Construction Industry Labor Law Amendments of 1986".

S. 2203

At the request of Mr. STAFFORD, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of S. 2203, a bill to establish a program to reduce acid deposition, and for other purposes.

S. 2209

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2209, a bill to make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued payment of SSI benefits to individuals who work despite severe medical impairment; to amend such act to require concurrent notification of eligibility for SSI and Medicaid benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions, and for other purposes.

S. 2253

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2253, a bill to amend the Balanced

Budget and Emergency Deficit Act of 1985 to exempt certain railroad retirement benefits from sequestration or reduction under an order issued by the President under section 252 of such act.

S. 2285

At the request of Mr. MCCLURE, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 2285, a bill to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes.

S. 2288

At the request of Mr. CHILES, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. LEVIN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 2288, a bill to amend title XIX of the Social Security Act to permit States the option of providing prenatal, delivery, and postpartum care to low-income pregnant women and of providing medical assistance to low-income infants under 1 year of age.

S. 2301

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 2301, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 2302

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 2302, a bill to amend title 18 to limit the application of the exclusionary rule.

SENATE JOINT RESOLUTION 288

At the request of Mr. MCCLURE, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Georgia [Mr. MATTINGLY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. ZORINSKY], the Senator from California [Mr. CRANSTON], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. GARN], the Senator from Florida [Mrs. HAWKINS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alabama [Mr. DENTON], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Missouri [Mr. DANFORTH], the Senator from South Dakota [Mr. ABDNOR], the Senator from South Carolina [Mr. THURMOND], the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], the Senator from Missouri [Mr. EAGLETON], the Senator from Georgia [Mr. NUNN], the Senator from Tennessee [Mr. GORE], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. BURDICK], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 288, a joint resolution to designate the month of May 1986, as "National Birds of Prey Month".

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Joint Resolution 312, a joint resolution designating the week beginning April 13, 1986, as "National Medical Laboratory Week".

SENATE RESOLUTION 374

At the request of Mr. FORD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Resolution 374, a resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986.

SENATE CONCURRENT RESOLUTION 128—COMMEMORATING THE BICENTENNIAL OF AUSTRALIA

Mr. HATFIELD for Mr. DOLE (for himself, Mr. LUGAR, Mr. PELL, and Mr. BYRD) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 128

Whereas the United States and Australia enjoy a special and close relationship based on our shared history, cultural heritage, similar political values, and mutual respect for individual liberties;

Whereas our two nations enjoy thriving trade and business relationships and a broad range of people-to-people programs;

Whereas that close relationship has assured an alliance between our two nations in defense of freedom during four wars;

Whereas Australia and the United States are linked in a mutual defense treaty and readily accept the costs involved in preserving international peace;

Whereas Australia participated in the celebration of the bicentennial anniversary of American independence in 1976;

Whereas the Prime Minister of Australia, the Honorable Robert J. L. Hawke, will be visiting the United States in April 1986;

Whereas the Government and people of Australia have invited the Government and people of the United States to join in celebrating the forthcoming 1988 bicentennial of Australia; and

Whereas it is most fitting that this historic event be recognized in a manner which will commemorate Australian-American friendship and strengthen the many ties which link our two great nations together: Now, therefore, be it

Resolved by the United States Senate (the House of Representatives concurring), That the Congress declares its deep and abiding respect and friendship for the people of Australia and salutes Australia in its preparations for the celebration of its bicentennial.

SEC. 2. It is the sense of the Congress that the United States Government should help Australia observe its bicentennial year with appropriate activities and ceremonies that would indicate the high regard and deep affection which the people of the United States hold toward the Government and people of Australia during their celebration.

SENATE RESOLUTION 383—MARKING THE 10TH ANNIVERSARY OF THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT BECOMING LAW

Mr. HATFIELD for Mr. GORTON (for himself, Mr. EVANS, Mr. STEVENS, Mr. MURKOWSKI, Mr. HATFIELD, Mr. PACKWOOD, Mr. PELL, Mr. SARBANES, Mr. FORD, Mr. HOLLINGS, Mr. DANFORTH, Mr. ABDNOR, Mr. COCHRAN, Mr. HECHT, Mr. LAUTENBERG, Mr. BOREN, Mr. BOSCHWITZ, Mr. INOUYE, Mr. KENNEDY, Mr. MITCHELL, and Mr. BYRD) submitted the following resolution; which was considered and agreed to.

S. Res. 383

Whereas, Sunday, April 13, marked the tenth anniversary of the Magnuson Fishery Conservation and Management Act becoming the law of the United States of America (Public Law 94-265);

Whereas, That Act extended United States jurisdiction to encompass over three million square miles of the world's most productive fishing grounds and twenty percent of the world's fishery resources;

Whereas, That Act instituted conservation and management for these stocks which has previously been heavily overfished and depleted by foreign fleets, and thus has permitted this nation to manage our fisheries for the benefit of both present and future generations;

Whereas, That Act provided unprecedented incentives and preferences for United States fishermen and processors, and since the Magnuson Act was passed, the United States fishing industry has almost quadrupled its catch;

Whereas, Warren G. Magnuson, who honorably served Washington State in the United States Senate from 1944 to 1981 was the nation's preeminent leader in securing passage of this landmark legislation and was honored for this effort by having the Act named after him; Now, It is Hereby

Resolved, That the Senate of the United States recognizes and declares its highest respect and deepest gratitude to Warren Magnuson for his tireless and successful efforts to promote the conservation and management of our marine fisheries, and to provide our commercial and recreational fishing industry the ability to gain the full benefits of those vast and valuable resources.

AMENDMENTS SUBMITTED

ELECTRIC CONSUMERS PROTECTION ACT

HART (AND EXON) AMENDMENT NO. 1783

Mr. HART (for himself and Mr. EXON) proposed an amendment to the bill (S. 426) to amend the Federal

Power Act to provide for more protection to electric consumers; as follows:

In lieu of the language proposed to be inserted, insert the following:

That this Act may be cited as the Hydroelectric Power and Environmental Improvement Act of 1986.

SEC. 2. The Congress finds and declares that: This Act amends the Federal Power Act to provide mandatory takeover by the United States of hydroelectric power projects held by private, for-profit, entities when the license expires, to provide for the marketing of power from those projects and to commit future revenues from such projects to fish and wildlife enhancement and for other environmental purposes.

SEC. 3. Title I of the Federal Power Act (16 U.S.C. Subsections 791a–823a) are amended in the following respects:

(a) In section 3 (16 U.S.C. Section 796(3)) by:

(1) inserting "or cooperatives" after the word "municipalities."; and

(2) adding a new subsection as follows: "(17) 'Cooperative' means any entity organized under the laws of any State or Territory of the United States which is entitled to preference in the sale of power and energy sold by the United States as provided in 16 U.S.C. §§ 831i, or 825s, or 43 U.S.C. § 485h(c)."

(b) In section 7 (16 U.S.C. § 800) by striking "States and municipalities" in subsection (a) and inserting in lieu thereof "States, cooperatives and municipalities" and by striking subsection (c).

(c) In section 14 (16 U.S.C. § 807):

(1) In subsection (a), by striking "have the right" after the words "United States shall," striking "to" after the word "license," striking "to" after the word "thereafter," adding the words "held by a corporation as defined in section 3 hereof (16 U.S.C. 796)" after the word "license," and adding a comma and the words "shall have" after the first use of the word "or".

(2) By striking subsection (b).

(3) By adding a new subsection "(b)" as follows: "Takeover by the United States pursuant to the provisions of this section is mandatory unless, within two years from the date of the Commission's notice given under subsection (a) of this section, an Act of Congress declares that takeover of a project or projects by the United States shall not occur.".

(4) By adding a new subsection "(c)" as follows:

"(c) In the event the United States by reason of an Act of Congress does not take over a project or projects under subsection (b) of this Section (or if the project is not subject to takeover under that subsection), the Commission shall, after not less than two years from notice published in the Federal Register, accept applications for a new license and decide them in a relicensing proceeding pursuant to the provisions of section 15 (16 U.S.C. 808)."

SEC. 4. Upon the effective date of a take over by the United States of a project as provided in section 14(b) of the Federal Power Act (16 U.S.C. § 807(b)), operation of the project shall be assumed:

(a) By the Tennessee Valley Authority if located on or along the Tennessee River or any of its tributaries or in any geographic area in which the Authority is authorized to sell electric power;

(b) By the Bureau of Reclamation if located in the seventeen conterminous western states;

(c) By the United States Army Corps of Engineers if located outside the areas covered by (a) and (b). The recaptured project facilities shall constitute power generating facilities held by the designated operating entity.

SEC. 5. Upon assuming operation of a project, the Tennessee Valley Authority, the Corps of Engineers or the Bureau of Reclamation, as the case may be, shall reassess the project and its operation for possible modification as needed to meet then current standards for fish and wildlife protection and enhancement and shall make such structural and operational modifications, including additions and betterments, as the agency determines is needed to provide equitable treatment for such fish and wildlife with the other purposes for which the project is operated. In the case of the Corps of Engineers and the Bureau of Reclamation such reassessment shall be in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661–666c). In the case of the Authority such reassessment shall be in accordance with cooperative arrangements between the Authority, the United States Fish and Wildlife Service and the National Marine Fisheries Service conforming to the Fish and Wildlife Coordination Act.

SEC. 6. (a) Wherever practicable and feasible, a project, the operation of which is assumed pursuant to section 4, shall be integrated with other federal hydroelectric projects.

(b) The electrical output attributable to a project the operation of which is assumed pursuant to section 4 which is surplus to the operating needs of the project itself shall, if operation is assumed by the Tennessee Valley Authority, be marketed by the Authority pursuant to the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. §§ 831–831d). In all other cases, such electrical output shall be marketed by the Secretary of Energy under section 302 of the Department of Energy Organization Act (41 U.S.C. § 7152) and pursuant to (1) 16 U.S.C. § 825s where the project is located in the marketing areas of the Southwestern, Southeastern or Alaska Power Administrations, or is located outside the marketing area of any existing Department of Energy power marketing administration; (2) the acts governing the marketing of power by the Bonneville Power Administration, where the project is located in the marketing area of that power marketing administration; or (3) section 9(c) of the Reclamation Project Act of 1939 where the project is located in the marketing area of the Western Area Power Administration.

(c) For purposes of determining the financial requirements of a project the operation of which is assumed under section 4, the costs of the project shall consist of expenses of operation and maintenance, costs or replacements, modifications and betterments, including costs resulting from the implementation of section 5, and payments, if any, arising out of section 7(a) of the Federal Power Act (16 U.S.C. § 807(a)).

(d) Rates for power marketed pursuant to subsection (b) of this section shall be determined as follows:

(1) Where the project is interconnected with other federal hydroelectric projects constructed by the United States, power from which is marketed by the same entity, the rates for each class of service shall be the rate charged by the marketing entity for that class of service from the interconnected system, determined without reference to the financial requirements specified in subsection (c).

(2) Where the project is isolated from other federal hydroelectric projects constructed by the United States, the rate for each class of service shall be the marketing entity's average rate for the class of service involved?

(3) Where the marketing entity is the Secretary of Energy but the project is located outside the geographic area of any power marketing administration, the rate for each class of service shall be the average rate charged for that class of service from all federal power developments: *Provided,* That in the event the Secretary of Energy (i) establishes a power marketing administration to market power from the project or extends the area of an existing power marketing administration to include the project and (ii) the project is interconnected with other federal hydroelectric projects constructed by the United States and from which power is marketed by the same power marketing administration, paragraph (1) shall govern the establishment of rates.

(4) If rates determined in accordance with paragraph (1), (2) or (3), whichever would be applicable, would not, for the project involved, return an amount sufficient to meet the financial requirements specified in subsection (c) plus any applicable interest, the rates shall be established at levels which will provide the necessary revenues.

SEC. 7. (a) There is hereby established in the Treasury of the United States, a trust fund entitled the "Environmental and Conservation Trust Fund" (hereinafter the "Fund"). All revenues received on account of projects the operation of which is assumed under section 4 which for any prior project are in excess of the financial requirements specified in section 6(c) shall be deposited in the Fund, as shall repayment of loans made pursuant to subsection (c) of this section.

(b) The Fund shall be administered by a Board consisting of the Secretary of the Interior, the Secretary of the Army, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency (or their designees) and five members selected by the President by and with the consent of the Senate, from among persons who by experience or training possess special qualifications in the fields of conservation or environmental protection. The Secretary of the Interior (or the Secretary's designee) shall serve as chairman of the Board and shall provide office space and staff for the Board, as the Board determines to be necessary, from staff and resources of the Fish and Wildlife Service and the National Park Service. Members of the Board who are not federal officials shall, when engaged in official duties, receive compensation at the level provided for federal officials at the initial step provided for federal employees holding the grade of GS 18, together with per diem or other allowances fixed in accordance with law while in travel status on official business. Other federal agencies shall provide such assistance as may be agreed upon on a reimbursable basis except that no charge shall be made for furnishing data and records in the possession of any federal agency, which data and records shall be provided as requested by the Board. The Board shall constitute an "agency" under 5 U.S.C. § 552b, and its records shall be available as provided in 5 U.S.C. § 552. All expenses of the Board shall be met from the Fund, within appropriations therefor.

(c) The Board may, within the limits of appropriations from the Fund, make grants and loans to other federal agencies and to

state and local public bodies for conservation and environmental purposes in accordance with regulations prescribed by the Board. The Board's proposed budget shall be included in the annual budget for the Department of the Interior and shall be transmitted to the Congress as adopted by the Board.

MELCHER AMENDMENT NO. 1784

Mr. MELCHER proposed an amendment which was subsequently modified, to the bill S. 426, supra; as follows:

S. 426 is hereby amended by adding the following new section:

"SEC. . WHEELING OF POWER.

(a) Section 211 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(j)) is amended as follows:

(2) Strike out subsection (c)(2)(B).

(3) Redesignate subsections (c)(2), (c)(3) and (c)(4) as subsections (c)(1), (c)(2) and (c)(3) respectively.

(b) Section 212 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(k)(1)) is amended as follows:

(1) Strike out 'electric utility,'.

(2) Insert ',or, in the case of any electric utility affected by the order, is not likely to unduly affect the cost of service provided to its customers,' after 'order'."

MELCHER AMENDMENT NO. 1785

Mr. MELCHER proposed an amendment to the bill S. 426, supra; as follows:

S. 426 is hereby amended by adding the following new section:

"SEC. . WHEELING OF POWER.

(a) Section 211 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(j)) is amended as follows—

(2) Strike out subsection (c)(2)(B).

(3) Redesignate subsections (c)(2), (c)(3) and (c)(4) as subsections (c)(1), (c)(2) and (c)(3) respectively.

(b) Section 212(1) of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. section 824(k)(1)) is amended as follows:

(1) Strike out 'electric utility,'.

(2) Insert ', or, in the case of any electric utility affect by the order, is not likely to unduly affect the cost of service provided to its customers,' after 'order'."

PRINTING OF A REVISED EDITION OF "SENATE ELECTION LAW GUIDEBOOK, 1984"

MATHIAS AMENDMENT NO. 1786

Mr. HATFIELD (for Mr. MATHIAS) proposed an amendment to the resolution (S. Res. 356) authorizing the printing of a revised edition of Senate document numbered 99-23, entitled "Senate Election Law Guidebook 1984" as a Senate document; as follows:

In line 2, after the word "numbered" strike out "99" and insert in lieu thereof "98",

Amend the title so as to read: "Authorizing the printing of a revised edition of Senate document numbered 98-23, entitled "Senate Election Law Guidebook 1984" as a Senate document.".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on the following bills:

On Tuesday, April 29, 1986, in Senate Russell Office Building, SR-385, at 10 a.m., on S. 2105, settlement of certain claims of the Papago Tribe arising from the operation of Painted Rock Dam; S. 2106, settlement of certain water rights claims of the Papago Tribe of Arizona; and, S. 2107, settlement of certain claims of the Papago Tribe of Arizona arising from the construction of Tat Momolikot Dam, and for other purposes. Those wishing additional information on these bills should contact Patricia Zell of the committee at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry, has scheduled 2 full days of hearings to receive testimony on legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act.

The first hearing is scheduled for Tuesday, April 22, 1986, at 9:30 a.m., with an afternoon session to begin at 2 p.m.

The second hearing is scheduled for Wednesday, April 30, 1986, at 10 a.m., with an afternoon session to begin at 2 p.m.

For further information, please contact Alex Mathews or Chuck Conner of the committee staff at 224-2035 or 224-6901, respectively.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office Building, on Wednesday, April 23, 1986, to receive testimony on the Federal Election Commission's fiscal year 1987 budget authorization request.

For further information regarding this hearing, please contact the elections staff of the Rules Committee at (202) 224-3448.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, April 22, 1986, at 3 p.m., to consider the procurement of a new telephone system for the Senate and other pending business.

For further information concerning this business meeting, please contact Carole Blessington of the Rules Committee staff on 40278.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources has scheduled a hearing on Monday, May 5, 1986, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC, to receive testimony on the Department of Energy's nuclear research and development program policy.

Those wishing to testify or who wish to submit written statements for this hearing should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, Washington, DC 20510.

For additional information regarding this hearing, you may contact Marilyn Meigs or K.P. Lau on the subcommittee staff at (202) 224-4431.

Mr. President, I would like to announce for the information of the Senate and the public of a change in the hearing previously scheduled on Tuesday, April 29, 1986, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC, by the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources. The purpose of this hearing will be to receive testimony from the administration on the Department of Energy's budget with respect to its nuclear activities.

For additional information regarding this hearing, you may contact Marilyn Meigs or K.P. Lau on the subcommittee staff at (202) 224-4431.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 15, 1986, until 12 noon in order to mark up H.R. 3838, the tax reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCLURE. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 15, to receive testimony on the posture of the U.S. Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, April 15, 1986, in closed executive session, in order to conduct a

hearing on Air Force classified programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 15, to hold a hearing to consider the following: S. 1302, to amend the Natural Gas Policy Act of 1978, to protect consumers from market distortions that occur as a consequence of current partial regulation of natural gas prices by eliminating the remaining wellhead price regulation as contracts expire, or terminate, or are renegotiated, to permit natural gas contracts to reflect free market prices, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes; S. 1251, entitled the "Natural Gas Utilization Act of 1985"; S. 2205, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes; and S. 2285, to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, April 15, 1986, in order to receive testimony on DOD readiness.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CIVIL SERVICE, POST OFFICE, AND GENERAL SERVICES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Civil Service, Post Office, and General Services, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate of Tuesday, April 15, 1986, in order to conduct a hearing on the following legislation: S. 1327, Special Pay Rates, S. 1727, Federal Science and Technical Revitalization Act of 1985, and S. 2082, Defense Acquisition Enterprise, and Initiative Act of 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Security and Terrorism of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 15, to hold a closed hearing on FBI Oversight and Budget Authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. McCLURE. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 15, to conduct a hearing on aviation safety issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, April 15, 1986, to conduct a hearing on the reauthorization of the satellite and atmospheric programs of the National Oceanic and Atmospheric Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 15, 1986, in order to receive testimony concerning S. 2162, the "Antitrust Remedies Improvement Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CALL TO CONSCIENCE FOR SOVIET JEWRY

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mrs. HAWKINS. Mr. President, I want to take some time today to draw the attention of the Senate to an issue of paramount importance—the plight of the Jewish activists, refusniks and others whose only crime was to be born Jewish and to be proud of the achievements that are associated with that heritage. These people are not asking for anything special or extraordinary. They are simply asking for their internationally recognized rights to freedom of worship, and in some cases, freedom to emigrate. But what we here in the United States and the rest of the West view as ordinary and inalienable rights, are for the totalitarian society of the Soviet Union a grave threat.

The point is, however, threat or not, these rights are inalienable, and we have an obligation to provide moral and other support for those brave men and women who stand up to the Soviet juggernaut and take a stand for what they believe in. These men and women are our brothers and sisters—and they need our help.

There are a number of ways in which we can help. Perhaps the most important is that we not forget them. It is so easy for many of us to get wrapped up in the daily routine, and lose track of the really important things of life such as the lives and freedom of people who live imprisoned in the restrictive societies of the Soviet Union and other Communist countries.

It is for this reason that we need to take public and private steps to ensure that neither the American people, the United States Government, nor, most importantly, the Soviet Union forget the importance of these people to us.

I have been working for some time to achieve the emigration of several Jewish families in the Soviet Union, and I would like to share some of the details of a particular case with you. Last year, when I participated in the Call to Conscience, I brought to the Senate's attention the case of Yakov Mesh. Yakov is a 33-year-old tailor by trade. He has a wife, Marina, 26, and an 8-year-old son, Marat. Mr. President, Yakov Mesh is a free man today, living with his family here in the United States.

The Mesh family has been trying to leave the Soviet Union since 1977 when 20 of Yakov and Marina's relatives were allowed to emigrate. While Yakov was held back at the time, Soviet officials assured Yakov's mother, Rosa, that Yakov and his family would be allowed to join them shortly. But days turned into months and months turned into years and the Soviets were unrelenting in their refusal to consider issuing him and his family visas.

The reason the Soviets gave for not allowing him to emigrate is that he served in the Soviet military and there acquired a knowledge of military secrets. While it is true that Yakov did serve in the military, he was attached to the sports section as a boxer—hardly a position from which one would expect exposure to essential military secrets. I believe that the real reasons for not allowing the Meshes to emigrate probably had more to do with their pro-Jewish activities in the Soviet Union. They participated in activities such as hunger strikes, and organized seminars and meetings on Jewish culture, history and languages. Because of these activities the Meshes were repeatedly harassed, intimidated, detained and even arrested.

In 1984 Yakov was arrested and while in prison he was abused causing a deterioration in his health. Yakov was released from prison in December 1984.

On February 28, 1985, I went to the Soviet Embassy to discuss this case with Soviet authorities and was accompanied by Senator METZENBAUM. We forcefully made the case for Yakov and his family, and requested that he and his family be issued emigrant visas as soon as possible. We never received any type of response to our meeting at that time.

I know that many of my colleagues have worked on or are working on difficult cases such as Yakov's. In fact because of the tremendous decline in emigration visas granted to Soviet Jews in recent years, there are many heart-rendering cases like this. Yet we cannot give up. We must persevere, and take every possible step we can to provide these brave refusniks with moral support and encouragement because there is hope. We can, with the force of public expressions of concern, force the Soviet Union to allow refusniks to emigrate. Yakov Mesh and his family are free. The efforts that we make in bringing these cases to the attention of Soviet authorities can make a difference. I commend all of my colleagues who are participating in this year's Call to Conscience on Soviet Jewry because this effort is so important. I particularly want to thank Senator MITCHELL who is managing the Call to Conscience this year for allowing me the opportunity to address this important issue at this time.

JOSEPH H. KANTER JOGGING AND EXERCISE CENTER

● Mr. BINGAMAN. Mr. President, I want to bring to the attention of my colleagues in the Senate a new exercise facility under construction on the mall at Fourth Street and Independence Avenue SW., adjacent to the National Air and Space Museum at the Smithsonian Institution.

The facility, known as a Parcourse, has been donated by a long time fitness enthusiast, Joseph H. Kanter. A former resident of Washington, DC, Mr. Kanter has for over 40 years enjoyed the benefits of good physical condition that so many Americans are discovering today. Having jogged throughout his lifetime, Mr. Kanter will soon complete a cumulative total mileage equaling the circumference of the Earth.

Mr. Kanter, who now lives in Miami, FL, where he is the chairman of the Bank of Florida, has donated this facility for use by all government employees and all Americans. As one interested in the health of our citizens and a supporter of the "wellness" movement that is inspiring many Americans to lead healthier lifestyles, I applaud Joe Kanter's initiative and urge my colleagues to join in extending thanks to him for his generosity.●

THE HELSINKI ACCORDS AND VISITATION RIGHTS

● Mr. DURENBERGER. Mr. President, in my almost 8 years in the Senate, I have placed a high priority on promoting and protecting the basic human rights of individuals both in this country and around the world. I have not hesitated to call attention—wherever appropriate—to barriers to either individuals or groups of individuals in the exercise of those basic human rights.

Certain of these basic human rights are guaranteed by our own Constitution and the constitutions of other sovereign nations. Other rights are guaranteed by international treaties and other agreements.

One such agreement is the Helsinki accords and one such right is the right of all individuals to contacts and regular meetings among family members.

The Helsinki accords, for example, commit signatories to favorably consider visa applications from individuals seeking to visit family members in the country in which they live.

Unfortunately, the Soviet Union has not complied with this important provision of the Helsinki accords. Former Soviet citizens who have emigrated to the United States are routinely denied permission to return to the U.S.S.R. for visits to family members. One such Soviet emigree now living in Minnesota has tried repeatedly over the last several years to gain permission to visit aging parents and other relatives in the Soviet Union, but has been denied the necessary visa without any reasonable explanation from Soviet officials.

Not only is this policy by Soviet officials a violation of the Helsinki accords, but it is a violation of basic laws of human decency and respect for the value of the family in society.

It is my understanding that members of the Congress and administration will be participating in a conference in Bern, Switzerland, over the next several months which will deal with human contact issues covered by the Helsinski accords. I am certainly hopeful that our delegation will raise this important issue of visitation rights to relatives in those discussions.

Because of the importance of this issue to Americans and to all people who care about basic human rights, I ask that the following op ed article which recently was published in the Minneapolis Star and Tribune be printed in the RECORD.

The article follows:

SOVIETS SHOULD FULFILL PLEDGE ON FAMILY VISITS

(Editor's note: On rare occasions, circumstances justify the withholding of a writer's name. This is such an occasion. The writer is a Soviet emigre who lives in the Twin Cities.)

In considering human-rights violations in the Soviet Union, the public, Congress and the media have focused on the Kremlin's refusal to allow Jewish refuseniks to emigrate and on its continuous disregard of the human rights of dissidents.

Also of concern, however, should be the Soviet failure to live up to the provision of the Helsinki accords on contacts and regular meetings among family members, which states:

"In order to promote further development of contacts on the basis of family ties the participating states will favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families. Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination. . . . The preparation and issue of . . . documents and visas will be effected within reasonable time limits; cases of urgent necessity—such as serious illness or death—will be given priority treatment."

Despite this clear language the Soviet Union is denying visas to those seeking to visit their families in the Soviet Union. Many Soviet Jews who legally emigrated from the Soviet Union in '70s are now U.S. citizens. When they seek to return to the Soviet Union to visit their families, their visa applications are invariably denied.

It is understandable that every country controls its own visa policies and may have legitimate reasons to exclude certain individuals, just as the United States does. However, the Soviet Union is using its power to stop the reunification of families. This punishment of those who have emigrated and their families still living in the Soviet Union is a blatant abuse of basic human rights and must be protested.

The issue of visitation rights has not received sufficient attention. If the administration hears enough voices it will assign the issue a higher priority. To quote Secretary of State George Shultz, "Human rights cannot be relegated to the margins of international policies . . . The need for steady improvement of Soviet performance in the most important human-rights categories is as central to the Soviet-American dialogue as any other theme."

It is important that the Reagan administration and Congress speak out on family-visitation rights. The free flow of individuals and ideas can only improve relations between the United States and the Soviet Union.●

OPENING OF THE BERN HUMAN CONTACTS EXPERTS MEETING OF HELSINKI SIGNATORY STATES

● Mr. D'AMATO. Mr. President, today marks the opening of the Human Contacts Experts Meeting of Helsinki Signatory States in Bern, Switzerland. The 6-week Bern meeting should be a clear focus of continuing congressional and U.S. public concerns about Soviet and Warsaw Pact policies maintaining barriers between the peoples of East and West in clear violation of their

commitments as signatories of the Helsinki Final Act.

The official U.S. delegation to the multilateral conference, led by Ambassador Michael Novak, will address such issues as emigration, divided families, obstacles to family visits and binational marriage, impediments to travel for personal or professional reasons, and interference by East bloc governments with telephone and mail communications. I urge my colleagues in Congress to take an active interest in the Bern meeting and to express their strong support for Ambassador Novak's efforts to conduct a vigorous review of these important issues.

This morning, the New York Times published an article entitled, "Identify All Helsinki Violators," by Leonard R. Sussman, executive director of Freedom House. This article addresses further the importance of the Bern meeting. In particular, it highlights the need for media recognition of our efforts to achieve compliance with the Helsinki Final Act's humanitarian provisions. It deserves the thoughtful attention of everyone who is concerned about human rights. I commend this article to my colleagues' attention.

I ask that Mr. Sussman's article appear in the RECORD immediately following my remarks.

Meanwhile, outside the official conference, concerned citizens groups also have organized events designed to train the spotlight of world opinion on the ongoing human contacts violations committed by Eastern governments.

Mr. President, I ask that a letter Cochairman HOYER and I addressed to the participants in the unofficial "Helsinki Review Conference" organized in Bern by nongovernmental representatives of United States, Canadian, and West European human rights advocacy organizations appear in the RECORD immediately following my remarks.

The documents follow:

[From the New York Times, Apr. 15, 1986]

IDENTIFY ALL HELSINKI VIOLATORS

(By Leonard R. Sussman)

President Reagan's statement last month attacking human rights violators on the right as well as the left drew great attention from the American press and public—and it was indeed newsworthy that a President known for chiding the Soviet Union began to chastise right-wing oppressors. But will the press remain interested when the camera focuses once again on the authenticated evils of the Soviet empire.

That test starts today and continues through May 26 as delegations from the 35 countries that signed the Helsinki accords in 1975 meet in Bern, Switzerland, to examine whether each signatory is fulfilling its pledge to improve "human contacts."

The meeting will focus on rather intimate human activities—family reunification, travel within and between countries, broadening contacts among citizens of different countries, marriage of people of two nationalities and cross-border contacts between religious groups, labor unions and other institutions.

It all sounds innocuous enough, but crossing borders—whether for simple travel or to reunite families—can still be a dangerous, even deadly business in Europe. Barbed wire and police dogs still deter any crossings from East Germany that have not been paid for by a Western government supplying ransoms for the reuniting of families. Just last year, Czechoslovak guards shot and killed Frantisek Faktor for crossing to Austria. Yugoslav border police killed another Czechoslovak citizen already on Austrian soil, and several others drowned while crossing between Yugoslavia and Austria.

Most prominent Polish human rights activists do not travel abroad for fear that they will not be allowed to return to Poland. And the second largest category of political "patients" in the psychiatric hospitals of the Soviet Union—dissidents made up the largest single group—is composed of people who have attempted unauthorized border crossings.

It wasn't suprising, then, that the Soviet Union and its allies strongly opposed the Bern meeting. They belatedly agreed only when the West insisted on maintaining "linkage" between these humanitarian questions and the security aspects of the Helsinki accords.

Bureaucratic procedures for expanding human contacts may not seem newsworthy, but change could reflect significant improvements in the closed societies of the Eastern bloc. Besides, even without significant change—and it is unlikely that this six-week conference will lead to major openings—the quite oppression in Soviet-bloc countries is always newsworthy, and providing publicity is the most important thing we can do for the victims in the gulags.

The human rights violations that receive most attention occur in countries with significant public connections to the United States. Yet the worst human rights abuses routinely occur in places where we have little or no connections—Iran, Iraq, Cambodia, Vietnam, Afghanistan, North Korea and Eastern Europe, among others. Because Washington has relatively little official business in these countries, there is little press coverage of violations there, and the public receives a distorted view of where the worst oppressors are headquartered.

Of course, the countries where we have the best connections are also the places where we can do most good, using our leverage—usually the promise of economic or military aid—to influence human rights practices. But we can have an effect even on countries where we have no leverage—by providing persuasive public and private expressions of unflagging American abhorrence of human rights abuses and of our determination to work by all effective means to eliminate them.

That abhorrence will be aired in detail by the American delegation at Bern—and it should be properly reported in the press these next six weeks. The Administration is making an important effort to balance its human rights policy, and it is time for the press to provide similar balance in covering the human rights story.

The Soviet Union has insisted that the Bern meetings be closed to journalists, but the American press and public have a responsibility to attend to the "naming of names" at the Helsinki review conference.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
CONGRESS OF THE UNITED STATES,
Washington, DC, April 14, 1986.

To the Participants in the Helsinki Review Conference, Buregerhaus Bern, Neuengasse 20, CH 3011, Bern, Switzerland.

DEAR FRIENDS OF THE CSCE PROCESS: As Chairman and Co-Chairman of the U.S. (Helsinki) Commission on Security and Cooperation in Europe, the independent U.S. Government agency mandated by Congress to monitor and encourage compliance with the 1975 Helsinki Final Act, we send you our best wishes.

As a matter of principle in CSCE, the Commission has stressed the vitally important role that private individuals and nongovernmental representatives play in the Helsinki process. Since the Final Act's signing, concerned citizens from both the East and West have sought to give the Helsinki Final Act's words more than just symbolic meaning. From the West's perspective, private efforts do not counter the work of participating governments; they complement it.

In fact, individual citizens' activities, alone or in association with other persons, are the clearest expression of the true spirit of the Helsinki process. Your activities become even more important when contrasted with East Bloc states' treatment of their citizens who similarly have attempted to exercise their rights and play a legitimate and genuine role in the Helsinki process. Your freedom to speak and act casts in stark relief Soviet and East Bloc failures to live up to their Helsinki promises to respect human rights and fundamental freedoms.

The Bern Human Contacts Experts Meeting is coming at a time when the direction of East-West relations is a matter of intense popular interest and comment. In advance of the third major Helsinki Review Meeting, scheduled to begin in Vienna in November, it is only fitting that concerned citizens such as yourselves take early stock of the Helsinki process and consider means by which its effectiveness can be increased.

The Helsinki process remains an important instrument of diplomacy for the United States and for other Western democracies. The Final Act placed respect for fundamental human freedoms squarely within the East-West framework as a basic element of government-to-government relations. In East-West diplomacy, the Helsinki process has become the vehicle by which concerns in humanitarian, military, political, social, cultural and other fields routinely are conveyed. Also, the Helsinki umbrella has afforded to the smaller Eastern countries in particular much greater latitude in establishing relationships with Western nations independently of the Soviet Union. The multilateral Helsinki approach to problems can serve to increase Western leverage by compounding the political cost to the Eastern governments of human rights violations. Furthermore, Helsinki's European focus ensures that debate on key issues remains centered on an area where Western ideas fall on familiar and fertile soil.

Helsinki's unique follow-up provisions, calling for periodic review meetings such as those in Belgrade, Madrid and the upcoming Vienna Conference and the interim meeting such as the Bern experts meeting, constitute a continuing framework for the consideration of a broad range of East-West matters and keep the door open to the possibility of concrete progress when the international climate is propitious.

From the beginning, the West has acknowledged that full implementation of the Helsinki accords' provisions will be a long-term process. In the decade since the accords were signed, the West has chronicled some steps forward as well as a litany of Eastern human rights violations. In the human contracts field, for example, there have been some welcome easements in the emigration and travel policies and practices of some East Bloc countries and a net increase has been registered in East-West travel.

Yet, despite their Helsinki commitments, Eastern countries, continue to maintain policies stringently limiting and controlling the movement of their citizens. Physical barriers, such as the Berlin Wall, remain tangible reminders of the artifical division of Europe—and Europeans—by force. Legal, procedural and financial obstacles are imposed and methods of intimidation are applied by Eastern governments in order to dissuade would-be emigrants, finances and travellers, Helsinki monitors, human rights activitist, religious believers, unofficial peace groups members and free trade unionists have been prosecuted for their efforts to maintian independent contacts with Eastern and Western counterparts.

The U.S. Helsinki Commission has urged that all such problems be raised forthrightly at the Bern Human Contacts Experts Meeting. Your support of the CSCE process and participation at Bern assistant in drawing the international spotlight to these same problems and in so doing will help to ensure that the victims of repressive and restrictive governments are remembered and that their plight is brought to the attention of officials of the offending governments.

The U.S. Helsinki Commission closes its letter of greeting to you with a restatement of our conviction that the Helsinki process—painstakingly built only a few hundred miles away in Geneva—can, if developed over time in a determined, concerted and compassionate manner, lead to positive results. We should not lose sight of our ultimate aim, perhaps put most eloquently by physicist Yuri Orlov, founder of the Moscow Helsinki Group and a prisoner of conscience since 1977: "By our efforts, we increase the probability that in the end we shall be successful."

Joining you in these humanitarian efforts, the U.S. Helsinki Commission sends you our best regards.

Sincerely.

ALFONSE M. D'AMATO,
Chairman.
STENY H. HOYER,
Cochairman.●

THE SETTING OF SOCIAL STANDARDS BY GOVERNMENT

● Mr. ARMSTRONG. Mr. President, two items of recommended reading recently crossed my desk. One is Paul Johnson's magisterial history of the 20th century, "Modern Times." It is massive, literate, sweeping in scope, emphatic in conclusions. The other is just the opposite. Richard B. Freeman's study for the National Bureau of Economic Research, a private think tank in Cambridge, MA, is slim, statistical, and tentative. It is micro-analysis, focusing on "the relation of church-going and other background factors to the socioeconomic performance of black male youths from inner-city poverty tracts."

Johnson's opus won international acclaim, while Freeman's working paper has received scant attention. Despite their differences, however, the two publications are intimately related; and in understanding that kinship we may get a better grip on some of the policy problems we face in government today.

When "Modern Times" appeared in 1983, it became an instant classic. For readers around the world, divided by every imaginable distinction, it deftly drew together the pieces of mankind's shattering experience to arrange them in a startling pattern. For Johnson did more than recount the horrors of the last nine decades. He gave them a logic.

He showed how the ghastly suffering of this century has been the natural consequence of moral relativism. Once mankind—or rather, a large part of its rulers and opinion makers—accepted the idea that one set of values is no better than any other, it became silly to quibble about a crime here, an atrocity there. Efficiency became as important as justice, ruthlessness as ethical as mercy. A human life could have no more value than a bureaucrat's whim or a commissar's production quota.

Granted, evil has always been with us. This side of the Garden of Eden, human history seems a record of our shortcomings. But the malignity of the 20th century has been fundamentally different: many have denied the distinction between good and evil. When all virtue is relative, so is all vice. The distinguished healer of minds, Dr. Karl Menninger, turning his attention to ailments of the spirit a few years ago, asked in the title of his thoughtful essay, "Whatever happened to sin?" That is, whatever happened to the concept, basic to western civilization, that rational individuals can discern right from wrong and that those two categories, far from being arbitrary, are non-negotiable expressions of values to which mankind is summoned by its Creator?

Readers of "Modern Times" know what happened. The very concept of values crumbled under the onslaught, not so much from modern science, as from those who wielded science to justify their own social and politicial agendas. Thus, scientific genetics could be used to advance ignorant racism. Scientific psychiatry could be used to justify personal misconduct or national lunacy. Scientific physics could be distorted into a denial of any standard of measurement, including those applicable to human behavior.

This denial of all norms was the intellectual prerequisite to establishing regimes like those of Nazis, Soviets, and their imitators past and present. Monstrous evil was made possible by the corruption of the individual mind. Once it became acceptable to eliminate one defective person for the common good, then there could be no effective objection to larger enterprises of like nature. The scores of millions killed—dying now—under Marxism can mean no more than the far fewer millions slaughtered under Hitler. Those in turn meant no more than the quarter million massacred in Nanking alone during a 2-month period of Japanese occupation, who all together meant no more than the hundreds of twins butchered by "Doctor" Mengele in his hideous experiments. Their deaths were no more important than that of a single mental patient gassed by physicians years before the Holocaust began. If the one did not matter, then neither did the multitude.

We like to think our society is immune to such amorality, but it may be only the difference between acorn and oak. Under the proper circumstances, the former develops into the latter. Those who have read "the fine print" in the Supreme Court's decision in Roe versus Wade, giving the state the option—not the obligation—of protecting life after birth will know what I mean. But that is a subject for another time.

For this time, instead, we can summarize the findings of Richard Freeman's study: There appears to be a correlation between church attendance by low-income black youngsters and their later prospects for escaping poverty and moving into the mainstream of American life. If that seems puny when compared to Paul Johnson's grand exposition, look more closely at what it is telling us. Young people who daily confront disadvantage and discouragement are much more likely to lead successful lives—not just economically successful, but in terms of overall personal development—if they participate in institutions or social processes that inculcate fixed values and demand an ethically normative code of conduct. On the other hand—and perhaps it is more important to put things this way—youngsters who grow up without a sense of spiritually ordered right and wrong are far less likely to break out of the ranks of what some call the underclass. Not only are they more apt to do wrong to society, through crimes, but they are also less able to do right by themselves, through development of their personal potential.

That sets in microcosm the immense lesson of "Modern Times": Ethical norms are a necessary part of all human interaction; without them, in the long run, we are doomed.

But of course, most Americans would say. No one denies that. Tragically, many do deny it; or to be more precise, they claim that, since all mo-

rality is relative anyway, moral standards must be private. Government must abstain from decisions that demand an ethical dimension. Public policy must not be used to impose one set of values upon all. In particular, those whose ethical concerns spring from religious commitment cannot intrude their private views into civic discourse. If they insist upon doing so, one public figure recently explained, "we've got to show them for the bigots they are. We've gotta wrap it around their necks!"

That extreme statement has a familiar ring to it. Wrapped in phrases plucked inappropriately from the U.S. Constitution, the same argument has appeared in editorials and speeches throughout the country. The application of moral values to public policy is suspect as the intrusion of religion into politics. Indeed, some groups have gone so far as to ask Federal judges to strike down congressional legislation because its sponsors were acting out of ethical motives related to their religious beliefs. Thus far, the courts have hesitated to take that step; but there is no assurance that some jurists may not attempt it in the future.

That is only part of the price we pay, as a society, for moral relativism in public life. It paralyzes government in the face of critical problems; for when ethical choices are not made consciously, they are made by default.

That brings us back to the Freeman study and others like it. We know that intact families are the best preventive medicine against a whole range of social pathologies. Two-parent households are much less inclined to delinquency, welfare dependence, substance abuse, problems in schooling, and so on. One would assume, therefore, that public policy would do all in its power to foster stable family life. That would be not only in the interest of the taxpayers and the community as a whole, but also to the direct benefit of those who need incentives to keep their households together.

But government does not do that. It avoids the appearance of moralism. It dares not to prefer certain family arrangements to others. Indeed, a series of decisions by the Supreme Court over the last two decades has called into question the ability of government to have such a preference, even if public officials wanted to do so. One of them is especially enlightening. In Moore versus City of East Cleveland (1977), the Court confronted a local zoning ordinance which restricted housing to intact families, thereby prohibiting communes and other tenuous living arrangements. This was not a cover for bigotry; East Cleveland was a predominantly black city under a black city commission and city manager. Their purpose in zoning their community for families was affirmative, not exclusionary. Hoping to preserve the strong family structure that had enabled them to reach the mainstream of American life, they were declaring that this particular norm is what works best for people trying to live decent lives, advance economically, and raise children who will be assets, rather than liabilities, to the community.

They did not have a chance in Washington. Relying explicitly upon such cases as Roe versus Wade, Justice Powell wrote in the majority decision:

> The Constitution prevents [the government] from standardizing its children—and its adults—by forcing all to live in certain narrowly defined family patterns.

The Constitution, of course, says nothing of the sort; but that has not prevented a majority on the Court from forbidding Congress and the States to allot public benefits, especially welfare, on the basis of family structure. This deprived the States of their traditional means of encouraging legitimate births over illegitimate ones, of encouraging marital commitment over cohabitation, of reinforcing the norms of social behavior rather than the aberrations that now threaten to overwhelm society. The people of East Cleveland have nothing to say about what are or are not acceptable living arrangements. The people of New Jersey cannot give preference, in receipt of welfare, to married—as opposed to cohabiting—couples, according to the Court in New Jersey Welfare Rights Organization versus Cahill. The Congress cannot direct food stamps only to households composed of individuals related by blood, marriage, or adoption, according to the Court in USDA versus Moreno.

In short, there are no grounds for the community to impose its values on others. Its notions about family structure or socially productive behavior are entirely relative. Intimidated by that argument, many public officials have, in effect, written off what some call "the underclass," the millions who have been left behind in America's ongoing progress. But we have done them no favor by not imposing our norms upon them. They have paid the price for the relativism of public policy. Their children continue to pay it.

Meanwhile, evidence accumulates that the setting of social standards by government, the official preference for certain kinds of living arrangements and behavior patterns, would be one of the best things we could do for those now trapped outside the American mainstream. Among disadvantaged minorities, intact families have attained incomes near the national average. Among the poor in city after city, youngsters are excelling in schools that are short on resources but rich in moral standards. In experiments with mandatory work programs, welfare dependency has fallen. Sure, the public benefits from these trends. But the persons involved have the greatest gain, not only financially but where it counts most: in their self-respect, their independence, their human fulfillment.

That is reason for great hope, but only if we are willing to translate these lessons into policies which affirm and enforce the norms upon which human advancement depends. That means those in government have a special responsibility. They have an obligation to apply the standards they avow to their official decisions. Otherwise, they are juggling two sets of ethical books, one for private lives and the other for public business. They must not be afraid to act upon the values they profess, to translate into legislation or administration the sense of right and wrong that distinguishes us from the totalitarians of these modern times.●

UNREST AND VIOLENCE IN SOUTH AFRICA

● Mr. SIMON. Mr. President, I take this opportunity to congratulate Bishop Tutu on his appointment as the Archbishiop of Capetown. He is the first black man to head the Anglican Church in South Africa. Bishop Tutu is a great man and a formidable spiritual leader of his people. I had the privilege of meeting him when he visited the United States and we discussed the situation in South Africa. Bishop Tutu has repeatedly warned that continued white intransigence would lead to further violence in South Africa. Sadly his predictions have come true. In the 24 hours preceding his election, for example, 14 black persons died and the bodies of another 36 were found in a tribal homeland north of Pretoria.

I am increasingly concerned about the reports of continued heightened violence in South Africa. For a time, the restrictions on the American press imposed under the state of emergency decree issued by the Government in South Africa resulted in less coverage by American media of the violence and unrest in South Africa. Now the State of Emergency has been lifted but the press is still restricted in instances from covering the unrest and violence. But that unrest and violence is still occurring on a massive scale. According to Amnesty International, extensive violations of human rights by the South African authorities have escalated further in the wake of widespread black protest against Apartheid.

Recently, Amnesty International USA published a report that documented that in 1984 238,000 people were arrested because of alleged violation of the pass laws. The State Department's country reports on human

rights practices reported that almost 900 people were killed last year and more than 11,000 were detained by the police and security forces there.

We are at a crossroads in our policy toward South Africa. We cannot stand idly by and tacitly participate in the South African economy by accepting the President's assurances that the sanctions in his Executive order are sufficient. We must take additional measures to promote justice and freedom in South Africa. That is why I recently introduced a bill for further economic sanctions against South Africa and why I intend to support other similar measures as they come before Congress.

Two weeks ago, Archbishop Tutu risked a charge of treason by saying:

> I have no hope for change from this government unless they are forced. We face a catastrophe in the land, and only the action of the international community, by applying pressure, can save us. Our children are dying. Our land is burning and bleeding, and so I call on the international community to apply punitive sanctions against the government to help us establish a new South Africa—nonracial, democratic, participatory and just.

Today I congratulate Bishop Tutu on his election, and I say to him that we in the Senate hear his call and the call of millions of other South Africans. We can answer that call by bringing to the floor of this body more stringent sanctions legislation and voting that legislation into law.●

SESQUICENTENNIAL EDITION OF THE EDGEFIELD ADVERTISER

● Mr. HOLLINGS. Mr. President, I should like to recognize a great achievement by the Edgefield Advertiser, a weekly newspaper in Edgefield, SC. This newspaper is currently celebrating its sesquicentennial anniversary. In the 150 years in which this newspaper has been in operation, it has never missed an issue or changed its name. In fact, for the past 114 years, it has been owned by the same family.

The history of the Edgefield Advertiser is filled with colorful and historic stories. For example, it was the only newspaper to publish the letter of Colonel Travis, commander of the Alamo, to Gen. Sam Houston. This historic press coverage prompted the Governor of Texas and the mayor of San Antonio to send their congratulations to the Edgefield Advertiser in commemoration of its sesquicentennial.

The Edgefield Advertiser combines a strong sense of history with a dedication to excellence in reporting the events that currently impact on Edgefield and the surrounding area. I offer my most sincere congratulations on a job well done.●

NAUM AND INNA MEIMAN: SUPPORT IN CONGRESS

● Mr. SIMON. Mr. President, I just returned from a moving news conference to demonstrate solidarity with Naum and Inna Meiman with Senator HART, Congressman WIRTH, Congressman SIKORSKI, Lisa Paul, Olga Plam, Naum's daughter, and others.

All of us spoke about the profound effect that Naum and Inna had on us when we met them. As Lisa Paul, a young Minnesota woman who went on a 25-day hunger strike for the Meimans, said, "The Meimans have this incredible energy and vitality." To think of Inna suffering in pain in Moscow is a chilling thought. Naum is a 74-year-old man. He has not performed "sensitive" work in 30 years.

The Meimans are persecuted for expressing their desire to leave the Soviet Union. What good does it do the Soviets to keep the Meimans there?

I strongly urge the Soviets to allow the Meimans to emigrate to Israel.●

SCHIZOPHRENIA

● Mr. DOMENICI. Mr. President, schizophrenia strikes 1 percent of the American people. It is devastating disease. Of the hundreds of thousands of homeless Americans, from one-third to one-half are mentally ill, most of these afflicted with incurable schizophrenia. The costs of this disease to this Nation annually exceed $20 billion. We are now spending $27 million annually on research.

Science tells us it is a brain disease, that is does not come about from bad parents or "toxic" families. Nor is it necessarily character flaw in the afflicted person, as it was once believed. Because of psychotropic medication, schizophrenic citizens are no longer hospitalized for endless years. They are stabilized and returned to the community. Unfortunately, communities are poorly prepared to receive them and to provide the rehabilitation services that can and will help them achieve their potential for independence and self-care.

The care givers today are, in the majority of cases, the families. They need help in understanding the illness, in providing a therapeutic environment in the home, in financial support, and in respite from the day-in-day-out regime of care.

Mr. President, these remarks are to introduce an excellent four-part series on schizophrenia that appeared in the New York Times, March 16–19, 1986. I offer them because there is a lot of ignorance across this land about schizophrenia, as well as other serious mental illnesses such as major or manic depression. The Times series gives an up-to-date report of the state of scientific research on this disease. It details the emerging family movement that is achieving historic growth as a force in the Halls of Congress, our State capitals, city halls, and courthouse. It describes the treatment and rehabilitation needs of these mentally ill citizens. It describes the gaps in our mental health system.

I commend the editors of the New York Times for focusing on this important topic at a time when policymakers must face the consequences of mental illness in our society, particularly among the homeless whose numbers continue to grow.

I ask that the articles from the New York Times be printed in the RECORD.

The articles follow:

SCHIZOPHRENIA PUZZLE: TOLL RISES AMID HOPE

(By Philip M. Boffey)

WASHINGTON.—Schizophrenia is emerging as the worst mental health problem facing the nation. Yet it has long been the most neglected.

Never before in American history have so many schizophrenics been seen on the streets of American cities, screaming aloud to voices only they can hear, proclaiming themselves God, warning passers-by that the Central Intelligence Agency has bugged their brains, or simply sitting, mute and withdrawn, sunk in an apathy so deep that no emotion crosses their faces.

But street people are only a part of the problem. Far more victims of this shattering disease are now in the homes of their families, in the nation's hospitals, in nursing homes, halfway houses or seedy hotels—either forgotten or given care that, health experts agree, has brought only limited relief of their suffering.

SIGNS OF NEW UNDERSTANDING

But there are now important signs of change.

Interviews and an extensive review of medical journals and scientific papers reveal that the nation is moving toward a new era in both understanding and treating schizophrenia. The new insights are paradoxical, the news, to some degree, both bad and good:

Not only are more people suffering from schizophrenia than ever, but medical and behavioral scientists believe that the disease itself is far more complicated and resistant to treatment than had been realized. Moreover, though much has been learned about its manifestations, the basic cause remains a mystery.

On the other hand, for the first time in decades, scientists are expressing cautious hope that progress can now be made toward unraveling the inner mysteries of schizophrenia and finding more effective treatments.

ENORMOUS COST TO SOCIETY

All told, two million to three million Americans, 1 percent of the population, either have the disorder or will develop it at some point in their lives, according to the National Institute of Mental Health.

The cost to society is enormous, with authoritative estimates ranging from $20 billion annually, as calculated by the N.I.M.H., to $48 billion reported by the Institute of Medicine of the National Academy of Sciences. The estimates are of expenses incurred in providing treatment and social services, as well as the staggering amount of

productivity lost as schizophrenics; lives are disrupted.

"While schizophrenia is by no means the most common mental illness," a 1984 report from the mental health institute asserted, "It is probably the most costly and devastating in terms of human suffering."

It has never been easy to determine who is schizophrenic; all the homeless people who wander the streets are by no means suffering from the disorder. But the N.I.M.H. studies were based on one of the most scientifically precise analyses ever conducted of schizophrenia.

Some 20,000 people were randomly selected by researchers at Yale, Johns Hopkins, Washington University of St. Louis, Duke and the University of California at Los Angeles, and carefully chosen diagnostic criteria were used to determine which could properly be judged to be suffering from the disorder. Information was collected from the late 1970's until late 1981; over the next three years it was analyzed and extrapolations were made to the general population.

Schizophrenia is the classic disease of madness, a disease that can produce symptoms and behavior so bizarre that people recoil from its victims in fear, revulsion or disbelief.

Schizophrenics often suffer from delusions, hallucinations or a wild disordering of thought processes, an inability to think straight. In periods when their more florid symptoms are absent, they may show no emotion at all, talking in a flat, monotonous voice, from a face without expression, showing almost no response at all to the people and events around them. Then again, at other times, the patient may show no signs of disorder.

The reasons for all this remain a mystery. Schizophrenia is still regarded as one of the most baffling of all—"possibily the most complex puzzle in biomedicine," according to Dr. Shervert H. Frazier, the director of the National Institute of Mental Health. Its cause is unknown, its progression unpredictable. Schizophrenia has no cure, although drugs can control its most bizarre manifestations. Nor is there any laboratory test capable of providing an undisputed diagnosis.

But rapid strides have been made in understanding some aspects of the disease, producing a small revolution in scientific comprehension and guarded hope for further advances. The new studies have shown that the outlook for schizophrenics is by no means as uniformly dismal as was widely believed just a few years ago. Roughly half of all schizophrenics eventually get better, spontaneously, over the course of decades, according to five recent studies.

Many other key concepts about the disease have changed dramatically as well. The old notion that families were to blame for causing the disease has given way to the notion that biological factors play a major causative role.

There is a recognition now, too, that drugs, introduced in the late 1950's, are not by themselves enough—that psychotherapies and drugs work best in tandem. And in long-term care, simple management of daily life is proving as important as drugs or psychotherapy. Most important, old beliefs have faded that the disturbing outward symptoms, the hallucinations and delusions, are the most important aspect of the disease. Less flamboyant "deficit" symptoms, like apathy and inertia, are now regarded by many experts as constituting the care of the disorder.

Scientists have thus realized, belatedly, that they were focusing much of their energies for the past three decades on the less important symptoms.

ANCIENT MADNESS OR A MODERN ILL?

Nobody really knows whether schizophrenia is an ancient disease that has always afflicted mankind, or an illness that was ushered in by modern civilization. The word "schizophrenia" was not even coined until 1911, and scholars still argue over whether symptoms of madness described in earlier literature represent essentially the same disorder that we now call schizophrenia.

Dr. E. Fuller Torrey, a Washington psychiatrist who has published some of the most provocative analyses of the origins of schizophrenia, believes that the illness was virtually unknown until about 1800, when it appeared suddenly all over the Western world, increased rapidly for about 100 years, then leveled off about 1920 and has maintained essentially the same prevalence rate ever since. He links the appearance and spread of schizophrenia to the rise of civilization. But Dr. Torrey acknowledges that his is a minority view.

The mainstream view was expressed in a paper by four scholars from N.I.M.H., published in a recent issue of Comprehensive Psychiatry. They found sketchy descriptions of delusions, auditory hallucinations and bizarre behavior in documents as far back as the third millenium B.C., in cuneiform tablets from ancient Mesopotamia. Although "the evidence is not conclusive," they said, it nevertheless suggests that "schizophrenia has existed throughout history."

Dr. Torrey, who has conducted some of the most thorough epidemiological reviews, believes that the highest schizophrenia rates in the world are found in northern Sweden, western Ireland and northern Yugoslavia. The United States falls somewhere in the middle, with rates roughly comparable to those in Japan, England, Germany and Denmark. And relatively low rates are found in southern Europe and in the developing world.

But such comparisons are fraught with uncertainty. Schizophrenia has been defined solely by its symptoms, and doctors in different countries have often used different definitions or methods of diagnosis. Whatever real differences may exist are not understood.

In a majority of countries surveyed, schizophrenia appears to be disproportionately high in the poorer classes. But it is not known whether the disease actually strikes the poor in greater numbers, or whether the afflicted poor are more visible or more often diagnosed with what may be a stigmatizing label. And schizophrenia often so disables its victims that they are unable to earn a living.

Schizophrenia is apparently not becoming more prevalent as a percentage of the population. Epidemiologists have long estimated that about 1 in every 100 Americans will develop schizophrenia at some point in their lifetime, and they believe that rate is holding stable. But as the nation's population increases, particularly in the age groups where schizophrenia is most common, the number of schizophrenics in the United States has climbed to an all-time high.

The mental, emotional and financial toll exacted by this bizarre disease is enormous. Schizophrenics occupy over half of the hospital beds for the mentally ill and retarded in the United States and fully one-fourth of all hospital beds in the nation, according to the Institute of Medicine.

Few other mental illnesses disrupt the whole course of their victim's lives so completely. Schizophrenia typically strikes men in their late teens or 20's, and women perhaps five years later, just at the point where the victims have finished the long, costly preparation for life and are embarking on adulthood. For reasons that are unclear, but could be related to hormones, the course of the disease is often less severe in women.

NEW THOUGHTS ON CAUSE AND RECOVERY

The old rule of thumb used to be that about a third of all schizophrenics would improve, about a third would stagnate and a third would deteriorate. Indeed, a recent diagnostic manual published by the American Psychiatric Association, known as DSM-III, says "a complete return to premorbid functioning is unusual—so rare, in fact, that some clinicians would question the diagnosis."

But recent studies have shown surprising and encouraging evidence that many cases of schizophrenia eventually cure themselves.

A recent long-term follow-up of 118 schizophrenics who were discharged from Vermont State Hospital 20 to 25 years found that half to two-thirds had since achieved "significant improvement or recovery." The improvements seemed to be spontaneous, for the most part coming well after treatment. Fully 45 percent had no psychiatric symptoms at all after two decades, and another 23 percent had lost all symptoms of schizophrenia while developing symptoms of other, more treatable, mental disorders. The results corroborated similar results from three European studies and another American study over the past decade indicating that half or more of the schizophrenics eventually recovered or significantly improved.

"It's not all downhill," says Dr. Frazier, the N.I.M.H. director. "Our data show that 50 per cent or more do improve."

"They get better but not necessarily well," says Dr. Howard Goldman, a special consultant to the institute. "It's a far better prognosis than we used to give people, that they would just get worse and worse and end up on the back wards of the state hospital as a vegetable."

Theories as to what causes schizophrenia have changed sharply over the years, although they remain just that—theories. Those tracing the cause of schizophrenia to family or childhood experiences, although once very popular in this country, have faded in recent years. The old concept that "schizophrenigenic mothers" caused the disease by their coldness and rejection of their children has largely been abandoned, as have notions that pathological family interaction was the chief cause.

But stress within the family is still believed to play some role. Studies in several countries have found that schizophrenics who returned after hospital treatment to live with families that criticized them a lot or got overinvolved in their lives suffered far more relapses than those who returned to families more tolerant and supportive.

Moreover, stress in general is still believed by some experts to play a role in triggering schizophrenia, perhaps by pushing a vulnerable individual over the edge.

But today, most scientists are focusing on possible biological or medical causes.

Genetic factors clearly play some role, according to a range of research done years ago and refined in more recent studies. The children of a schizophrenic parent, for ex-

ample, have about a 10 percent chance of developing schizophrenia, and of two schizophrenic parents a 39 percent chance, far above the 1 percent chance in the general population. Most scientists believe that what is inherited is not the disease itself, but a vulnerability or predisposition to it. No one, however, has pinpointed a specific genetic defect responsible.

EMPHASIS SHIFTS TO OTHER SYMPTOMS

Technologies that enable scientists to probe deeper than ever into the structure and functioning of the brain have given an impetus to the search for biochemical and physiological abnormalities.

New brain scanning instruments have shown that the brains of some schizophrenics are actually different from the brains of people who do not have the disease. Schizophrenics often have an enlargement of cavities in the interior of the brain, or functional abnormalities like unusual electrical impulses, decreased blood flow or glucose utilization in key areas of the brain, and excess or lack of neurotransmitters, the cells of the brain that enable it to send and receive information.

Nobody knows what role these biological factors play in causing schizophrenia, and no common biological factor has yet been found. But the rapid rush of new findings is creating optimism that a biological explanation will eventually be developed.

One theory is that schizophrenia will be shown to be caused by a slow virus, exerting its effect years after it first invades the body. The evidence, however, is still sparse.

The new understanding of schizophrenia has placed a major emphasis on a range of less glaring symptoms that had previously received little attention. Among these are the blunting of the emotions, loss of curiosity, narrowing of ideas, poverty of speech, a diminution of social drive, and deep apathy or inertia. For several decades, the features most commonly emphasized by doctors, those now referred to as the positive ones, have been the bizarre manifestations like hallucinations, delusions and incoherent thoughts.

The positive symptoms are often accompanied by the less dramatic, but equally debilitating, negative symptoms. Sometimes they are closely linked, and both sets of symptoms come and go in tandem, according to William Carpenter, a psychiatrist at the University of Maryland who initially identified the importance of the negative symptoms.

But in many cases, the negative symptoms appear to be entirely independent of the positive symptoms, so that a patient can be "cured" of hallucinations and delusions but remain deeply impaired by apathy.

"Most treatment has focused on the positive symptoms in an effort to reduce the hallucinations and delusions and the more florid aspects of the illness," said Dr. Joseph Autry, director of policy analysis for N.I.M.H. "Now we need to address the deficits that may, in fact, be the core element of the disease."

"There is a concern that while the deficit, or negative, symptoms may be the most troubling, the bulk of attention in diagnosis and treatment has been directed toward the positive symptoms," Dr. Frazier said in a speech last November. "This stems, in part, from the fact that existing medications are more effective in treating positive symptoms."

DRUGS ARE A HELP, NOT THE ENTIRE ANSWER

A major breakthrough in treating schizophrenia came three decades ago with the discovery of the antipsychotic, or neuroleptic, drugs, found accidentally during a search for medication to alleviate anxiety among surgical patients.

The neuroleptic drugs revolutionized the treatment of schizophrenia and had an immense social impact. The drugs control the most disruptive symptoms of schizophrenia, and doctors, for the first time, felt safe in moving patients out of state hospitals and back into the community.

But the drugs do not work on all schizophrenics, and many patients suffer relapses while on treatment. Some 40 percent of all schizophrenics who are discharged from the hospital suffer relapses within two years, even with continued drug treatment, although the number soars to 80 percent if drugs are discontinued. The drugs do not prevent relapses, most experts say, but rather reduce their frequency.

Unfortunately, they can also do damage. Some 13 per cent of all schizophenics who have received antipsychotic drugs for many years develop a side effect, tardive dyskinesia, which can produce involuntary movements of the tongue mouth or limbs.

The initial drug discoveries have not been followed by any comparable advances over the past three decades. What new drugs there are operate in basically the same way and represent, at best, marginal improvements for some patients.

"The basic problem with drugs is that we don't know the cause of schizophrenia, and until we do it's difficult to design a proper treatment," says Dr. Richard Wyatt, head of the neuropsychiatry branch at the National Institute of Mental Health.

Most important of all, the drugs have almost no value in treating the negative symptoms. "I see nothing on the near horizon to treat the deficits with," says Dr. Wyatt. "It would be blind luck if we stumbled across something."

An early approach to psychotherapy with schizophrenics, which involved an intense encounter between therapist and patient, has fallen out of favor. At many private hospitals, though, psychoanalytic and other therapies are used, as well as a more general supportive treatment that tries to build on whatever strengths the patient may have in the midst of his illness. Such therapy is not available to the vast majority of schizophrenics who are being treated in public facilities.

"Almost everyone who does therapy with schizophrenics uses drugs to make the patient accessible to treatment," said Mortimer Ostow, a psychiatrist who wrote one of the first books on combining drug and psychotherapy approaches. "When the patient is too psychotic, with flamboyant symptoms, there is no point in trying therapy."

Current research is seeking ways to lower the dosages of drugs used. Helping patients better organize and order the tasks of day-to-day life has, in early studies, shown promise, allowing lower drug dosages by lessening symptoms exacerbated by stress.

STUDY OF DISEASE HAS BEEN NEGLECTED

Despite its destructive impact and enormous cost to society, schizophrenia has been widely neglected even among those in the position to help.

Psychiatrists in private practice seldom deal with these patients because they are hard to treat and are generally too poor to pay their own way or to carry substantial insurance.

Dr. Torrey scornfully accuses his fellow psychiatrists of ignoring schizophrenics and caring only for what he calls the "worried well"—"neurotic ladies and gentlemen" who spend hours explaining "how their feelings about mother had shaped their lives." Dr. John A. Talbott, a past president of the American Psychiatric Association, acknowledges that psychiatry is "one of the few specialties where the most skilled practitioners take care of the least impaired patients."

The very institutions that are designed to care for schizophrenics often throw up their hands in despair over the great numbers who need help and the lack to date of any really effective treatment to restore their health. Wave after wave of reform in the American mental health system has brought little benefit to schizophrenics. The state mental hospitals, which were created in the last century to provide the first humane treatment for the insane, did little for schizophrenics except lock them up, far from the eyes of other citizens who might be offended by their presence.

The community mental health centers that were supposed to replace state hospitals as the cornerstone of this generation's effort to "reform" mental health care have often neglected the schizophrenics and concentrated on easier patients.

"The history of the care of the mentally ill in this country is one of abuse and neglect," says Dr. Ellen Bassuk, associate professor of Psychiatry at the Harvard Medical School. "Whether that abuse and neglect occurred in the hospital or in the community is beside the point. There's been a lack of commitment to the care of these terribly ill individuals. That's the bottom line."

Research scientists have been reluctant to investigate schizophrenia, largely because it is so hard to understand, measure and treat.

A meeting of expert consultants who were called upon to address the problem at N.I.M.H. last July heard Dr. Frazier express "deep concern" about the difficulties in attracting scientists into the field. Various experts noted a sharp drop in the number of scientific articles on schizophrenia, a drop in applications for research support to a major private foundation, and a loss of interest among young scientists. A host of factors were blamed for the decline, including the lack of any comprehensive theory of the disease to guide research, the apparent intractability of the problem and the limited possibilities to actually help many patients.

But signs of a stronger Federal commitment to conquer schizophrenia are emerging. Dr. Frazier said that two years ago he felt that "inadequate attention" was being paid to schizophrenia in comparison to other mental illnesses and that people in the field had "lost heart," so he pushed for a stronger emphasis on studying the disease.

The N.I.M.H. recently selected schizophrenia as one of its five major targets, elevating it to a new level of importance. The agency's funds for research have been edging up slowly, from $18.4 million in the fiscal year 1985 to a projected $20.6 million this year, although critics feel these sums are paltry given the importance of the disease. And the agency has established a new schizophrenia research branch to coordinate and focus attention on the disorder. It is also considering a broad range of incentives to attract young scientists into the field.

No one believes that a cure for schizophrenia is near, but Federal officials are increasingly optimistic that major progress can be made. So is Dr. Torrey, who sees "a potential for significant breakthroughs" if research is increased. "Ten years ago we felt

we didn't know where to begin," he said. "But given rapid advances since then, it looks very promising now. To not invest in schizophrenia research is very foolish."

SCHIZOPHRENIA: DISORDER HAS MANY FACES

The roots of schizophrenia remain a mystery. There is uncertainty as to the precise roles of biology and of environment, and many experts believe that the diagnosis of schizophrenia covers a group of disorders that will one day prove to have differing causes.

The diagnosis of schizophrenia requires that a person display a serious loss of contact with reality, such as bizarre delusions—for example, that one's thoughts are being broadcast on the radio—auditory hallucinations, or incoherent thoughts with no awareness of the incoherence. These symptoms typically accompany a marked deterioration of the person's ability to function.

When these active symptoms clear up, there are residual signs of schizophrenia that can linger for years. These include markedly peculiar behavior, like talking to oneself in public; social withdrawal and an inability to function as well as previously, and odd ways of speaking and thinking. Experts now say that long-term care is often needed for long-lasting and subtle deficiencies, such as apathy and lack of normal feelings.

There are, by Federal estimates, more than two million Americans who could now be diagnosed as schizophrenic, and over 600,000 of these are in active treatment in a given year. Another half million to a million schizophrenics are being cared for in a range of settings, with their families, in boarding houses or nursing homes, or on their own, many living in the streets.

There are several types of schizophrenia, depending on which symptoms predominate. A "disorganized" diagnosis is made when the person is often incoherent but has no systematic delusions. "Paranoid" is the diagnosis when the person has delusions of persecution or grandiosity. When there are no prominent psychotic symptoms but the person's behavior is deficient in many regards—withdrawn and eccentric, for example—the diagnosis is a "residual" type of schizophrenia.

Schizophrenia typically begins in late adolescence or early adulthood; it generally first emerges before the age of 45.

There are two general patterns of symptoms, one thought to have a good prognosis, the other poor. One pattern, sometimes called "reactive" schizophrenia, begins in early adulthood with a sudden, extreme psychosis that typically clears up within six months, leaving no further problems. In "process" schizophrenia there are signs of trouble early in life, with the first full psychotic symptoms emerging in adolescence and often continuing in episodes throughout life.

But there is no single, set course schizophrenia follows. It has been thought that about one-third of schizophrenics suffer a single acute episode and never have a further problem. Another third have longer lasting symptoms, which finally clear up entirely, or enough to allow a normal life. And the final third have symptoms all their lives, at times increasing in severity, although schizophrenia seems, generally, to lessen gradually over the years.

The common belief that schizophrenia involves a "split personality" is a misconception. Multiple personality is a psychiatric disorder that is clinically distinct from schizophrenia.

SCHIZOPHRENIA'S VICTIMS INCLUDE STRAINED FAMILIES

(By Eric Eckholm)

The greatest numbers of schizophrenics do not now live in hospitals or in the streets or jails, but rather with their families, representing a profound change in the way the nation cares for its most severely mentally ill.

The families, many health officials have only recently concluded, are forgotten victims of this baffling disorder that disables one of every hundred Americans at some point in their lives.

Parents and siblings of schizophrenics say they are racked by demands that would overtax a Mother Theresa. They describe themselves as bitter, despairing and wrung out.

FAMILIES BECOME THE DOCTORS

Between the excruciating turbulence at home and the limited services they receive from public agencies, families become "lost in a process that is hideously engulfing," as one woman with a schizophrenic niece described it.

"The families have become the doctors, the nurses and the social workers," said Dr. John Talbott, former president of the American Psychiatric Association. Close to a million families are struggling with these burdens of schizophrenia, whose victims can suffer a serious loss of contact with reality leading to delusions, incoherent thoughts, bizarre behavior or a profound withdrawal and apathy.

A generation ago, a person diagnosed as a chronic schizophrenic was apt to live and die in a state hosptial. Since the 1950's, however, with the discovery of antipsychotic drugs and changes in social attitudes, far fewer have been permanently kept in institutions. Instead, they tend to stay in the hospital only temporarily, during acute breakdowns, and then return home with little or no medical follow-up.

The dazed man huddled on the sidewalk, the babbling woman with an overstuffed shopping bag have come to symbolize the "deinstitutionalized" schizophrenic.

Yet in fact, some 65 percent of patients discharged from mental hospitals return to their families, usually their parents, according to the National Institute of Mental Health. An estimated 800,000 schizophrenics now live with their families and many more live nearby, depending on relatives for crucial support. But society has, for the most part, left these caretakers to fend for themselves.

An index of their suffering, borne silently until recently, is the explosive emergence around the country of activism on the part of families of the mentally disturbed: The National Alliance for the Mentally Ill is one of the nation's fastest-growing pressure groups.

The goals of this "family movement" are emotional support, public education and advocacy of neglected programs and research on severe mental diseases, schizophrenia foremost among them. It was formed in 1979 at a meeting attended by delegates from 80 local family groups. Now, just seven years later, it includes 550 groups from every state, with members drawn from 30,000 households. Throughout the second half of 1985 local groups were joining the alliance at a rate of 4 per week.

It is not only the families who will pay, activisits warn, if society does not help mental patients live more independently. Schizophrenia tends to strike people in their late teens or 20's, but now, as the first generation of nonhospitalized patients ages, more and more elderly parents find themselves caring for middle-aged schizophrenic children.

"I predict we'll see a new wave of people living in the streets as their parents pass away," said James W. Howe, the president of the burgeoning national alliance, with headquarters in Arlington, Va. "I'm not arguing they should be back in hospitals. There's an urgent-need for residences, job programs and other community services."

Mental illness can devastate a household financially as well as emotionally. Many patients are diagnosed as schizophrenic in their teens and then live 60 years, in and out of hospital and home, without ever working.

"It has ruined families economically," Dr. Talbott said. "People come to me saying, 'I've got $40,000 left and a 40-year-old schizophrenic child. What should I do?'

"I don't know what to tell them," he admitted.

Stung by the stigma of mental illness, the families of schizophrenics often turn inward, spending years in anguished isolation.

"A stigma is society's way of telling people they somehow have failed," said Phyllis Vine, a historian at Sarah Lawrence College whose experiences with a schizophrenic niece led her to write a book called "Families in Pain."

The truth is concealed from neighbors, even relatives. Outside friendships tend to wither as the family struggles against the strange specter in the home.

BURDENED FAMILIES 'FIND EACH OTHER'

Mr. Howe and his wife, Carol, of Garett Park, Md., say their experience was typical. For seven years after one son, then another, became mentally ill, they "wandered alone," as Mr. Howe described it. "We paid people $75 an hour to tell us it was our fault. We believed them and that kept us in the closet.

"We felt guilty, frustrated and angry," he continued. Then in 1978, five families with similar problems "found each other," he said. "That gave us exquisite relief—we learned we weren't alone, and that we could restore some sort of order to our lives."

Activists say that families have become more willing to declare themselves publicly as they learn about the changing scientific understanding of schizophrenia, about the decline in theories that blamed domineering mothers or family strains for what is now seen as a disease with biological origins.

"The old philosophy was that parents, especially mothers, caused their kids to become schizophrenic," said Dr. Talbott. "Now we see that when a kid is this crazy, he'll make the family begin to seem crazy." A growing number of doctors work with families, not so much to treat the "cause" of the child's disease as to help reduce conflict and discourage any family interactions that encourage the schizophrenic symptoms.

Life with a schizophrenic is "endlessly frustrating, a roller coaster," said Dr. Vine. "You can never presume tomorrow will be like today. You constantly steel yourself for the unknown, and you never know when the unknown will hit."

Parents tell of helplessly watching a child become tormented by delusions, become unable to respond normally or cope with daily challenges. But even a parent's love and patience, many admit, can be sorely

tested by behavior that seems hostile or uncooperative.

To the frustration of those around them, more than half of all schizophrenics fail to take their prescribed antipsychotic drugs, which for many help normalize thoughts and stave off relapses. Some housemates may suspect the patient is taking advantage of his condition, asserting independence when convenient yet demanding care when needed.

"A parent has to watch a 30-year-old son say he's going out to drink with friends tonight, knowing he might come home psychotic," said Dr. Bert Pepper, the director of the Rockland County Mental Health Center in New York who is an expert on young, chronic mental cases. Quite often, mental disease is exacerbated by the patient's overuse of alcohol or illegal drugs.

LAWS ON COMMITMENT CAN BE A HINDRANCE

While acknowledging that former laws governing forcible hospital commitment were open to abuse, many family activists believe that necessary hospitalizations are now impeded. Even patient who request admission may be turned away by state hospitals if their mental state is deemed insufficiently serious.

When relatives know a patient is having a psychotic relapse but he refuses to acknowledge it, they may reluctantly seek to force him into a hospital. But today's state laws, which forbid involuntary commitment unless a judge is convinced that the patient poses a clear danger to himself or others, are too rigid, many parents assert. Parents describe the wrenching humiliation of appearing in an open courtroom to argue that their child needs temporary hospitalization, sometimes with a public lawyer arguing against them in the child's behalf.

While no statistics on divorce rates have been gathered, psychiatrists say that the stresses of coping with schizophrenic children have taken a heavy toll on marriages. Brothers and sisters, too, tend to suffer, often feeling neglected, angry and guilty. Like their parents, they often lose friends, whom they are embarrassed to bring home.

Often the mothers carry the heaviest loads. In a familiar syndrome, the mother accepts the child's condition as an illness while the father persists in seeing it as misbehavior requiring discipline. "It's not at all uncommon for the father to segregate himself from the problem," Mr. Howe said. "We see a lot of women attending support-group meetings whose husbands refuse to come, or have left them."

Some mothers or other relatives, afraid to leave an unstable patient alone, say they feel like jailers. Unable or unwilling to hire an outside caretaker, they become prisoners themselves.

While Social Security and other government programs help with subsistence and medical expenses, neither these nor private insurance tends to pay all the enormous costs of hospitalization and psychiatric care. Adding to the costs, sometimes a relative must stop working in order to care for the patient, chauffeur him to his appointments and keep watch at home.

At a recent conference, a father summarized his medical expenses over the nine years since his son was diagnosed as schizophrenic, during which the son had been hospitalized 10 times for a total of a 68 months. The medical bills totalled $721,500, of which insurance companies paid $541,000 and the family paid $180,000.

STRAINS ARE HARDEST FOR THE POOR

Once family members join a support group, a transition from "just sharing tales of woe," as one put it, to political advocacy is common.

"At first, I would stay home and cry, and hope he would get better next year," said Kathleen Giaimo of Queens, the mother of a schizophrenic son. "In 1979 I heard about another mother. I called her and we talked on the phone for four hours."

Then, Mrs. Giaimo said, she realized that her son's problem would not disappear and that the family alone could do little. "I got involved with a group to try to make the system change," she said, "because the system stinks."

Mrs. Giaimo became active in Friends and Advocates of the Mentally Ill, in which 500 New York City families now participate. Thirty such groups have sprung up in the state and the movement is "growing like crazy" as more families discover it, said Mrs. Giaimo, who is serving as president of the local association this year.

The strains on the family are all the worse among the poor, who for unclear reasons seem to suffer the highest incidence of schizophrenia.

"A schizophrenic creates even more wear and tear in poor families than in the middle class," said Dr. Neal Cohen of Gouverneur Hospital on Manhattan's Lower East Side. "The family structure is often more vulnerable and can more quickly break apart."

Dr. Cohen said that many young schizophrenics in the inner city start out living with their families, then drift away, often getting into trouble with the police. Sometimes parents give up in despair and break all ties. "We think of these youths as the pre-homeless population," he said.

"The urban poor are facing tremendous burdens anyway, survival issues like housing and income and safety," observed Dr. Donald Brown, the director of the Morrisania Neighborhood Family Care Center in an impoverished area of the Bronx. "We can't count on things we take for granted elsewhere, such as a parent's ability to cooperate with their child's treatment or even visit a clinic. A family member might be unable to come out for strong reasons; work, no baby sitter, fear of leaving the apartment at night."

The volatile mixture of mental illness and drug abuse may also be more common in the inner city, where drugs are readily available. "We're seeing more and more patients confused by marijuana and angel dust," Dr. Brown said of his clinic in the South Bronx. "It's getting hard to find a pure schizophrenic anymore."

SOME PSYCHIATRISTS STILL BLAME FAMILIES

On top of all the other burdens, families often also suffer at the hands of psychiatrists. Many doctors, they charge, have not kept pace with scientific research and still tend to blame the family somehow for causing the disease.

Some psychiatrists acknowledge the problem. "In the past, the families were looked at as noxious agents instead of people with a sick child," Dr. Pepper said. "Many of the parents have been scarred and humiliated by the mental health professionals, especially if their child became ill 15 or 20 years ago."

Local family groups share information about which doctors their members have found to be helpful and sympathetic and which ones they have not. Many groups are also campaigning against what they say are widespread misconceptions about mental illness. Especially pernicious is the image of schizophrenics as prone to violence, a myth sustained, family advocates contend, by frequent portrayals of wild "crazies" on television.

At the national level, advocates are pushing hard for an increase in research on the causes and treatment of mental disorders, now budgeted at about $200 million a year and declining. Of this, about $21 million is specifically allocated for research on schizophrenia.

"Given the costs to society of mental illness, it's unbelievable how little investment in research there is," said Richard T. Greer, the director of government relations for the national alliance. "And this at a time when the biomedical opportunities are so exciting."

Looking to the future, groups in several states are pioneering in the creation of trust funds and corporations that can take over from the parents when they die, providing private case-workers who can keep tabs on the patients and help them procure housing, medical care and other needs.

Meanwhile, a primary goal is to create more programs that can help patients live on their own or in residences where they receive counseling and companionship. For many reasons, a rising number of experts contend, care at home is often not preferable even when the family is willing and able to provide it. For one thing, the parent's home is a poor environment for developing independence, vital if the patient is to regain anything close to a normal life.

Also, the stress for family members is often simply overwhelming, with the result that several lives are ruined by one person's illness. Medical professionals complain of "burnout" from working with patients just 40 hours a week, activists observe. But a family keeping a schizophrenic at home is, in effect, on duty 168 hours a week, with no vacation.

And finally, the parents are deeply aware of their own aging. Many wonder, fearfully, how their ill child will get by 20, 30 and 40 years from now.

"This is what haunts the parents," Mr. Howe said. "What will happen when I'm no longer around? This may be the biggest driving force behind the activism for community services."

SCHIZOPHRENIA FOCUS SHIFTS TO DRAMATIC CHANGES IN BRAIN

(By Harold M. Schmeck Jr.)

The architecture and chemistry of the brains of schizophrenics can be actually different from those of normal people, new studies show. As a result, a revolution in psychiatry has occurred in which biology has become the main focus of the research on this most devastating and intractable disease of the mind.

Among the most dramatic differences revealed in the new research are computer generated images of the brain that light up in vital regions when a normal person tackles a mental problem. These regions stay ominously dim when the disordered mind of the schizophrenic takes the same test.

Physical brain abnormalities have long been suspected among schizophrenics but have only recently been pinned down by researchers using new tools for exploring the brain.

The brains of some schizophrenics have even been found to weigh less than normal and sometimes look as though the crucial fore part of the cerebral cortex, the "think-

ing" part of the brain, has atrophied. Abnormalities have been detected in the brain's chemistry as well as structure.

Just how these aberrations account for the hallucinations, the voices and the schizophrenic's chaotic attitude toward the world, however, are still a mystery. Penetrating that mystery, scientists hope, will lead to more effective diagnosis and treatment of the baffling disorder.

What looks like atrophy of the cortex and other physical abnormalities have been confirmed by more than 30 studies, said Dr. Richard J. Wyatt of the National Institute of Mental Health and St. Elizabeths Hospital in Washington. He estimated that these abnormalities may be present in 5 to 15 percent of schizophrenics.

"Whether it is atrophy or failure of the brain to develop fully is not clear," Dr. Wyatt said. It does seem clear that the abnormalities exist long before the patient begins to hear voices or to drift away from normal emotional involvement with family, friends or the world.

The new evidence indicates that the disease is far more than a consequence of adverse familial, social and other environmental experiences as many American psychiatrists long believed.

Some scientists still maintain that these biological changes may be results rather than a cause of the disease.

But many biological psychiatrists today speak bitterly of the pain the earlier view inflicted on the families of schizophrenics: adding guilt to the agony of watching a spouse or child turn into an irrational, angry or apathetic stranger.

Nevertheless, few experts doubt that there are powerful social and environmental influences. The role of the family is seen as particularly important after a patient is released from a mental institution.

Many experts believe the chief task of brain scientists, in schizophrenia today is to discover just how environment interacts with heredity and the physical and chemical state of the patient's brain to evoke catastrophe.

Heredity appears to be a factor in the disease. Children who were adopted and reared apart from a schizophrenic mother or father are significantly more likely to become schizophrenic themselves than are the natural children of normal parents.

The new tools of molecular biology are being enlisted more and more in efforts to find the genes and gene products that express this heredity. But what those factors are and how they lead some individuals into the wasteland of mental illness is still a mystery.

Schizophrenia involves two different sorts of symptoms that seem to be linked to different features of the biology of the brain.

The hallucinations, the rages, the patient's belief that his mind is being controlled by an external force like radio waves or a television set are what scientists call the "positive" symptoms of the disorder. Laughter or tears may occur in totally inappropriate situations, and some rare cases involve violence or even the compulsion to kill on orders from an imagined higher power. It is these symptoms that are often ameliorated by the antipsychotic drugs and are thought to be most directly related to aberrent brain chemistry.

The negative symptoms are the indifference, the withdrawal from the world. It is these symptoms that often create the street people who quietly drag all their possessions along with them in bags and sleep on grates. Even with drug treatment, patients who show this array of negative symptoms are often on a grim downhill course from which they never recover.

WATCHING THE BRAIN AT WORK

Some of the most dramatic new observations of the schizophrenic brain in action have been made by a group at St. Elizabeths headed by Dr. Daniel R. Weinberger. They have watched the living brains of normal people and schizophrenics in the process of coping with mental tasks.

Using sophisticated electronic imaging equipment they have seen appropriate parts of the brain light up in a computer-generated image as increased chemical activity indicates heightened work by brain cells.

Schizophrenics and others were tested while they were performing a psychological test that measured their ability to correlate different kinds of data including colors, shapes and numbers. This exercise, the Wisconsin Card Sort test, is not particularly taxing for a normal adult, but has long been known to be extremely difficult for schizophrenics.

In a normal person, the image of a portion of the brain called the prefrontal cortex can been seen to light up as it reacts to this analytic task. In sharp contrast, the brains of schizophrenics remained quiescent as though they were unable to meet the physiological demands.

The experiment shows a physiological defect not just in schizophrenic brain, but in that brain's prothought processes.

Some brain scientists view this link to the prefrontal cortex as particularly interesting for several reasons. This brain area is important in cognition—the processes of thought and higher mental function that are so terribly disrupted in schizophrenia. Furthermore it is the last region of the brain to attain complete development and does this only in adolescence and early adulthood.

VIRUS SUSPECTED BY SOME

Perhaps significantly, the Wisconsin Card Sort is difficult for children, in whom the brain region is not yet mature. Schizophrenia rarely develops before the age of 15, which suggests that something may have interfered with development of the prefrontal cortex.

The nature and timing of the "something" are complete mysteries. Some scientists have suggested that a virus infection in a pregnant woman may set the stage for this outcome years later in her child, or perhaps a self distructive immune reaction or some toxin produces damage before birth or in early childhood.

One tantalizing clue that may be relevant to virus involvement is that significantly more people who become schizophrenics are born in late winter and early spring than in any other season. These evidently fateful months are known for the prevalence of many virus infections. But to date, solid evidence of damage by any specific virus or possible autoimmune problems in schizophrenia is lacking.

"My own sense is that there is some legitimate excitement in the viral and autoimmune areas," said Dr. Frederick K. Goodwin, the direcor of intramural research at the mental health institute. "But scientists of both those fields have to be respectful of the false starts made in the past."

Dr. Weinberger's group studied brain cell activity through a method that allowed them to gauge blood flow and cell metabolism in specific regions of the cerebral cortex, using inhaled xenon gas as an indicator. The method is only one of several developed recently that psychiatrists and brain scientists are using to study the disease-impaired living brain.

Many studies based on computed axial tomography, CAT scans, have shown structural abnormalities in the brains of some schizophrenics. Most notable were abnormally large ventricles, the hollow fluid-filled spaces within the brain.

That and related evidence indicates that some schizophrenics have somewhat less brain tissue than normal people do. Careful studies indicate that the findings are intrinsic to the disease, not just effects of treatment or hospitalization. The evidence also suggests strongly that whatever causes the enlarged ventricles does so before the first symptoms of schizophrenia appear and does not change, for better or worse, thereafter. Usually, by the time the patient first comes to the attention of a psychiatrist, the brain damage has already been done.

Some scientists hypothesize that these structural abnormalities are linked to the withdrawal and apathy classified as negative symptoms of schizophrenia.

The CAT scan evidence has led to a renaissance in studies of the schizophrenic brain, Dr. Weinberger said. Even more important results are expected from newer and more sophisticated brain imaging methods.

As a group, patients whose brains showed these physicial abonormalities had poorer social adjustment before diagnosis. Later, they showed poorer response to drugs and to generally bleak outlook. But the findings were not sharp enough to be used in diagnosis of individual patients.

Such antipsychotic drugs as chlorpromazine have had profound impact on the treatment of schizophrenia and also on efforts to fathom the biochemistry of the disease. The drugs, a class called phenothiazines, interfer with the brain's production and use of an important brain chemical, dopamine. American scientists have used their understanding of those drugs to glean important clues concerning the involvement of aberrant brain chemistry in schizophrenia.

The evidence available today links the positive symptoms of schizophrenia with chemical rather than physical abnormalities, especally the brain's handling of dopamine, one of the chemicals that transmits signals in the brain.

That the phenothiazines interfere with the dopamine system suggested that perhaps excess dopamine was a factor in schizophrenia. The suspicion was strengthened by observing victims of Parkinson's disease, who lack sufficient dopamine activity. Parkinson's patients who take a dopamine promoter, L Dopa, to curb their shaking, halting movements and other physical symptoms also sometimes develop psychotic symptoms. Conversely, schizophrenics who are treated with drugs known to inhibit the dopamine system sometimes develop the stumbling gait and facial rigidity characteristic of Parkinsonism.

Other drugs, like amphetamine, that boost the normal brain's production of dopamine can produce symptoms like those of schizophrenia.

The resulting body of knowledge has produced the hypothesis that a key factor in schizophrenia is abnormal dopamine activity.

But the search for simple chemical solutions to the puzzle of schizophrenia has been frustratingly unsuccessful. Indeed, Dr. David Shore of the mental health institute likes to cite H. L. Mencken's idea that for

any complex question there is almost always a simple answer—that is almost always wrong.

Scientists note that the true situation in schizophrenia may involve abnormality in the population of dopamine receptors on nerve cells in parts of the brain, possibly a shortage of a still-undiscovered dopamine inhibitor or some other possibility that has not yet occurred to anyone. The available evidence does not support any simple cause-and-effect link between the mental illness and excess dopamine. In fact studies show reduced dopamine in some brain tissues, leading some scientists to suspect there may be simultaneous excesses and deficiencies in different parts of the brain of the same patient.

While some form of the dopamine hypothesis may help explain the positive symptoms, specialists say, they do not yet seem to offer much enlightenment on the negative symptoms.

Furthermore, this baffling disorder is so far from uniform in its effects that many specialists prefer to call it a group of disorders rather than a single entity. One of the hopes of the new and highly sophisticated brain research, they say, is that the studies may help tease apart from the whole tangled skein some of the more homogeneous subgroups of the disease. This too could lead to important enlightenment and perhaps more effective medical intervention.

AUTOPSIES SUPPORT VIEW

Major recent autopsy studies have bolstered the view that enlarged brain ventricles are involved in schizophrenia, that parts of the cortex of the forward part of the brain appear thinner and short of the normal number of active nerve cells.

The evidence of malfunction of the prefrontal cortex seems powerful and offers researchers an important focus for future research.

Physical abnormalities in the brains of schizophrenics were long denied by many American psychiatrists. Today the evidence is on a much more solid footing.

"We have made some good progress," said Dr. Samuel Keith, chief of the mental health institute's center for study of schizophrenia. "It hasn't been easy progress because the brain is a complex and inaccessible organ.

He described the new brain imaging techniques as exciting new windows on that inaccessible organ, offering important hope for the future of schizophrenia research.

"I think we are at a critical juncture today in terms of schizophrenia research," he said.

I FEEL LIKE I AM TRAPPED INSIDE MY HEAD, BANGING DESPERATELY AGAINST ITS WALLS

(The following first-person account of the ordeal of schizophrenia was written by a woman who recently completed college despite repeated hospitalizations. Her identity is withheld to protect her privacy.)

Can I ever forget that I am schizophrenic? I am isolated and I am alone. I am never real. I play-act my life, touching and feeling only shadows. My heart and soul are touched, but the feelings remain locked away, festering inside me because they cannot find expression.

Can I ever forget that I am schizophrenic? Will I ever learn to live, to love unselfishly, to appropriate the beauties of life, to deny my hell and pain and darkness? Why is life like this? What have I done wrong? Have I created my own hell? If I did not create it, why was it inflicted upon me? What does it mean, all these weird feelings that shut me off from the rest of the world? Will they ever end?

Can I ever forget that I am schizophrenic? I am a ghost within myself, a spirit no one knows. Long ago when they locked us up forever, perhaps they were not so wrong. What good is physical freedom if the human feelings are trapped, unable to escape? I am in my own prison. I feel like I'm just stumbling around, grasping at straws hoping one will be the key to open my heart. It never comes, and I wonder if I'll ever give up.

It is hard to be schizophrenic. It means years of struggling and fighting to overcome a disease that defies submission. Many times I have felt that I was fighting my way up a dirt hill, and as I walked the ground crumbled beneath me, and I could make no movement. After nine years I can look back through a maze of pain and fear and see that I have moved and made progress: Many of the symptoms that crippled me for years have come under some control. The totally frustrating part of this illness is that it is always growing, always changing. There are always new symptoms, new fears to conquer. Sometimes I get tired, and it is the weariness more than the pain that brings tears to my eyes.

The most wearing aspects of schizophrenia is the fierce battle that goes on inside my head in which conflicts become irresolvable. I am so ambivalent that my mind can divide on a subject, and those two parts subdivide over and over until my mind feels like it is in pieces, and I am totally disorganized. At other times, I feel like I am trapped inside my head, banging against its walls, trying desperately to escape while my lips can utter only nonsense.

Some of the symptoms I experience now are different than when the illness first began but they are just as painful and just as powerful. At times my thinking about things around me becomes confused as is revealed by this entry in my journal:

I live in the shade and I try to capture its edge so I can contain it but it keeps growing. Then it's gone, but the sun is too hot, so hot it too becomes engulfed in shadows—sun shadows—the sots that bore through my head and make me spacey. There is no escape. The whole world is poison. I must hide.

Recently, my mind has played tricks on me, creating The People inside my head who sometimes come out to haunt me and torment me. They surround me in rooms, hide behind trees and under the snow outside. They taunt me and scream at me and devise plans to break my spirit. The voices come and go, but The People are always there, always real.

Life for most schizophrenics is a nightmare full of fears and doubts about oneself and about reality; they have a distorted view of that most profound question of how they relate to the world around them. Boundaries become unclear and other people are frightening and not to be trusted. Thus, the very thing which could bring relief—closeness to other people—is shunned as something horrible and dangerous. For this reason it is absolutely essential to have someone to depend on, to draw the schizophrenic out of his jungle of terrors and eventually more into the less frightening world of reality.

One of the hardest issues for me to deal with has been trust. My mind has created so many reasons to fear the real world and the people in it that trusting a new person or moving to a new level of trust with a familiar person presents a terrifying conflict that must be hammered out over and over until I can find a way to overcome my fears or in a few cases give up the battle, even if just for the time being. The intensity of this conflict makes it hard to build relationships. It's hard for the family to help. It's difficult for them to understand the nature of the disease.

Therapy with schizophrenics can go on for years before a level of trust is built up sufficiently for the patient to use his therapist as a bridge between the two worlds he is confronted with. For me, each new experience of trust adds a new dimension to my life and brings me that much closer to living in reality.

Living day to day is a challenge because it is just simply *hard* for schizophrenics to live in a world that is so troublesome to them. My fears are so intense that before I do most things I must pass through a "wall of terror" that stands between myself and my goal. Leaving the house, talking to someone, or taking a walk can create panic, simply because I do not feel like part of the world. It is a foreign place to me. Since my childhood I have felt like an outsider looking in.

Schizophrenia is not just an illness, it is a way of life, and it is a life constantly disrupted by symptoms. I have dealt with a totally delusional world in which I was God—The Creator and The Sufferer—and the trees held magical power while a great wall and glass dome cut me off from the rest of humanity. More recently, I have gone through excruciating periods of thought-interference and feeling that I did not exist, experiencing my body as a machine that I could see and feel but which I could not perceive as being in the world. The most frightening part for me is how quickly I can be taken as if by a force and projected into another "state" in which all my perceptions are altered and the world becomes a bizarre place. Sometimes there is confusion about which is the true reality—the objective world or the psychotic world:

Today I saw reality, felt it, lived in it for a while. It was exactly as though someone had thrown a switch and turned a black and white TV into color—like the Wizard of Oz. It was incredibly beautiful and extremely intense. I felt every color, heard every light, saw the world as everyone else sees it—as a vibrant, pulsating complex of what life is all about. I heard in my head very distinctly, "I am both The Creator and The Sufferer."

My mind is often tortured by the movement back and forth between two worlds, neither of which I clearly understand. The only real peace or sense of "feeling good" comes with the relief of these symptoms, even if just for a short time. In my experience, the best source of relief is other people who are sensitive enough to understand me and patient enough to help me through my times of unreality. I have done much work but I still seek reassurance that the real world is not as hostile as I had imagined and that I do indeed have a place in it. Perhaps acceptance in the real world can give me the strength to sever those painful ties to the world of my imagination that have for so long held me captive.

AID IN DAY-TO-DAY LIFE SEEN AS HOPE FOR SCHIZOPHRENICS

(By Daniel Goleman)

Innovative programs scattered around the country are now offering the first rays of hope in decades for millions of tormented victims of schizophrenia, which has become the nation's worst mental health problem.

"We've learned that if we have the will to provide decent care for schizophrenics, their condition could be sharply improved," said John Talbott, a former president of the American Psychiatric Association.

But other experts say the growing ability to cope with schizophrenia is not being matched by a broad, coordinated effort to apply it. That failure, they say, is enormously costly to the nation both in the money spent for excessive hospitalization and in the shattered, unrepaired lives that result.

Schizophrenia's victims can be completely disabled by unsettling delusions or an inability to think clearly; they may find themselves shouting back wildly at imaginary voices or sinking, emotionless, into deep apathy.

Most of the new approaches in treating the baffling disorder focus on practical help for patients and their families in managing everyday problems: diminishing the stress that sets off some of the most disruptive and painful behavior, as well as teaching skills needed to achieve friendships, jobs and success in negotiating a bureaucracy to obtain the government benefits that any sick or poor person is entitled to.

"The environment in which the person lives has become the key factor in treating schizophrenia," said Dr. Samuel J. Keith, who heads the schizophrenia branch of the National Institute of Mental Health.

The trend reflects the inability of scientists thus far to discover the root causes of the disorder as well as the failure of powerful drugs to ameliorate some of the most prevalent symptoms.

But the innovative approaches to the handling of schizophrenia are demonstrating dramatic improvements in patients' return to mental stability.

A recently completed 30-year study of hospitalized schizophrenics who had been given up as hopeless, but then were released in a program that closely manages and monitors their lives, has found that two-thirds of them are now living normal lives in the community, half of them without any signs of the disorder.

There are a range of treatments that, taken together, offer new hope:

Family management, the fastest growing of the new approaches, encourages the patient's family to keep stresses in the home minimal and teaches family members how to handle the day-to-day difficulties of living with a schizophrenic.

A full spectrum of community services—ranging from hiring neighbors to help look after schizophrenics to 24-hour crisis teams whose members will move in for days at a time with a schizophrenic in crisis—has proven capable of keeping all but a small minority of schizophrenics out of psychiatric hospitals while speeding their improvement. And when schizophrenics are helped to get the government funds due them, they need not live in shelters or on the streets.

Havens of several sorts offer new kinds of protected environments in which schizophrenics can rebuild their lives. In New York City, Fountain House finds sheltered jobs and apartments for schizophrenics leaving hospitals. In Boulder, Colo., a program sets up patients in households with two members of a treatment team.

PROMISE COMES AMID RESEARCH OPTIMISM

The promise of the new family and community programs is strengthened by recent research findings that portray a far more positive long-term prognosis for many schizophrenics than is commonly assumed, even by many of those who treat them.

Next month, for example, in an article in The Archives of General Psychiatry, a team of researchers at the University of Pittsburgh will publish results of a study showing that teaching the families of schizophrenics how to care for them can drastically improve the course of the illness.

It is not yet clear whether the new programs might not prove too expensive or unwieldy in some urban settings where social services, under the best of circumstances, are often mired in bureaucracy.

Some schizophrenics continue to be treated individually by psychotherapists, usually in combination with drugs, and with varying degrees of success. While there are some promising developments in psychotherapy, for the vast majority of schizophrenics the hope lies in the new approaches.

One of the factors behind it is a radical new understanding of schizophrenia itself: that the disorder goes far deeper than had been thought and that recovery does not end when the more obvious symptoms—the delusions and hallucinations—stop.

Effective treatment, it is now thought, requires an ongoing, dogged effort to help a person overcome the apathy and other problems created by the longlasting emotional and other deficits, and to rebuild crumbled social relationships.

One of the more inventive methods used, called "network therapy," constructs a support system for former hospital patients who otherwise would be isolated and alone.

"These are people who have been in and out of the hospital for the last 10 years and whose natural network of family and friends has gradually eroded," said Paul Wagner, a clinical social worker who directs the Mount Tom Institute in Holyoke, Mass., one of several agencies that provides such services.

"Network therapy begins with a series of meetings to which you invite absolutely everyone who knows the person and might help him," he said. "It might be a distant relative, some old friends, the grocer, maybe some neighbors. Everyone meets and you tell them the person's whole story. These stories are very tragic, very moving. By the end, just about everyone wants to help somehow.

"Each person does a small part," Mr. Wagner added. "One neighbor says he'll call more often, someone else volunteers to bring him to church. When you put it together, you have a treatment plan. Since we began network therapy in 1982, not a single person in the program has been readmitted to the hospital."

An important factor in this success, according to Mr. Wagner, is a crisis team available 24 hours a day. It not only makes house calls to help resolve crises, but also has access to families in the area who keep an extra bedroom available for the emergency team, where a person in crisis can stay and be treated for up to a month.

There is great interest among professionals in teaching families better ways to care for schizophrenic members, at least until they can live on their own. "There's hardly a place in the country where, in the last three years, they have not begun to use some form of family management," said Dr. Talbott. "It is an idea whose time has come."

Carol Anderson, a psychologist at the University of Pittsburgh who is one of the primary developers of the family management approach, said: "We emphasize that schizophrenia seems to be due to a biological vulnerability that is triggered by stress. Most families have some private theory about what caused it, often one that makes them feel guilty, like their child falling out of bed. They're relieved to learn that no one single life event causes schizophrenia."

GUIDES TO CREATING A HELPFUL ENVIRONMENT

The training, which Dr. Anderson describes in detail in "Schizophrenia in the Family" (Guilford Press), typically begins with a one-day session for families in which a member is being treated for schizophrenia. Families are told that because schizophrenics are easily overstimulated and distracted, they should avoid extremes of conflict and criticism on the one hand, or extreme enthusiasm on the other. They are also advised to create an attitude of "benign indifference" toward many of the symptoms of schizophrenia.

But families are also urged to set reasonable rules for the patient, so as "not to confuse the need for low stimulation with permissiveness." Even the most stable of families would be hard-pressed to deal with a member's insistence that the television screen be covered with aluminum foil to thwart eavesdropping.

Families are also urged to let patients withdraw for a time when they need to do so, for example, taking meals alone or staying in their rooms when company comes. At the same time it is crucial that burdened family members maintain friends and sources of pleasure outside the home.

Research done by Dr. Anderson shows a one-year relapse rate under 10 percent in patients treated using family management. For patients who receive only drug treatment the relapse rate was 50 percent. According to the researchers, similar patients who receive no treatment at all have a relapse rate of 60 to 80 percent in the first year after leaving the hospital.

"The main rationale for family management is to calm the emotional climate and offer the family support, not point fingers or try to change the family dynamics," said Christine McGill, a social worker. She is training the staffs of hospitals engaged in a major five-year, $5 million study of family management being conducted by the National Institute of Mental Health. The study, now in its first year, is under way at four hospitals, including the Payne-Whitney Clinic in New York City and the Long Island Jewish-Hillside Medical Center in Glen Oaks.

A major goal of that study is to determine the extent to which dosages of the drugs used to treat schizophrenics can be lowered as families become more adept at handling the patient. The drugs, called neuropleptics, can have serious side effects, such as loss of muscular coordination. The standard treatment is to maintain patients with chronic symptoms on the drugs for years, but many experts now believe that family management and similar support can allow symptoms of schizophrenia to be controlled with intermittent or much lower doses of the drugs, or even no drugs at all.

With the proliferation of family management, Dr. McGill cautions, often what is offered to families is simply a one-day training program. "They neglect the crucial part: the contact with families to help them through the large and small crises," she said. "You need to make a minimum two-year commitment to help a family after a member has had a schizophrenic episode."

PROGRAMS FOR THOSE OUTSIDE THE FAMILY

While the goal of family management is to help the person, finally, to become inde-

pendent, not every family is willing or able to put up with the difficulties that having a schizophrenic at home entails. And, of course, many patients have no families to take them in. For such people other programs have evolved with principles and methods similar to family management.

One of the most innovative is a treatment arrangement that, in effect, creates a family for a schizophrenic while he is in treatment. This program, operated by Maitri Psychological Services of Boulder, Colo., creates a household in a rented apartment or house with a schizophrenic patient and two roommates, who are trained as part of an eight-member treatment team. Members of the team are with the patient as needed day and night.

Although each patient in the program is in psychotherapy three times a week, the emphasis is on the healing value of ordinary daily activities in the household.

"Our experience is that when highly disturbed people are in the intensive company of healthy people, they tend to become healthier," said Edward Podvoll, the psychiatist who directs Maitri.

One of the main deficit symptoms of schizophrenia is a wildly wandering attention. The Maitri treatment puts a special emphasis on the quality of attention that patient and companion bring to what they do.

"It is all done from the point of view of helping the patient engage in a mindful way in every activity, to help them recover their attention and concentration abilities."

Maitri and other private programs like it, however, are available only to a limited number of patients, and cost about as much as one of the better psychiatric hospitals. Maitri, for instance, ranges from $6,375 to $9,850 a month, and although some health insurance plans will pay for it, few patients or their families can afford such expense on their own.

For the several hundred thousand schizophrenics across the country who need continuing treatment, there is a longstanding Federal plan for a spectrum of community services. The plan, dating back to the 1970's, was to be a replacement for the "warehousing" of chronic patients in large state hospitals. But few states, it is now widely acknowledged, allotted sufficient funds for the community program.

One notable exception is a highly successful program that began as an experiment in Madison, Wis.

"We started by moving a large group of patients out of the state hospital into town, and moved the staff right along with them" into the community, said Leonard Stein, the psychiatrist who directed the project. "When we evaluated the needs of each patient we found that they had been coming back to the hospital because, for example, they got into trouble with a landlord and were evicted, or they didn't know how to get their social security benefits and got very upset."

Compared to patients who were treated in the hospital as a part of the usual follow-up treatment, the patients in this program had one-tenth the rate of relapse, had far fewer symptoms of schizophrenia, and were generally more satisfied with their lives. Moreover, the cost per patient in the community program was about $15,000 a year, while a full year in the hospital would cost $70,000.

Despite the success of the Wisconsin experiment, very few states have allocated the funds that would set up similar programs. One of the rare exceptions is a community-based program in western Massachusetts, created as the result of a legal action taken in behalf of patients at the state hospital in Northampton. In 1972 the hospital had 1,400 patients; now it has just over 200, a very small number for a region with 800,000 residents.

The network therapy at the Mount Tom Institute is part of the Massachusetts program. Among the other unusual services offered there is "respite care," where a family who is caring for a schizophrenic member can, when a particularly difficult crisis occurs, have the patient stay in a supervised house for a few days, or have a mental health worker come and stay with the family to help them out. In addition, specially trained families are available who will take in schizophrenic patients from other families for anywhere from a week to two months.

Such services are part of a concerted effort to keep patients living in the community, even when they are having psychotic episodes. "The state hospital is the last resort, not the first resort," said Steven J. Schwartz, the lawyer whose suit created the system.

The key to the Massachusetts program is case management, the assignment of around 30 patients to a service coordinator whose task it is to see that they get whatever help they need. This means, for example, that if someone is too confused or apathetic to find an apartment, the service coordinator will do it with him, and help him move in. And if an ex-patient needs looking after in his apartment, the service coordinator might hire neighbors to keep an eye on him.

There are public funds already allotted to which schizophrenics are entitled, but are often too confused or naive to get on their own. "To get the money, you're got to know exactly which funds you're entitled to, where to apply, how to answer the question," said Mr. Wagner. "One of the main jobs of the service coordinators is to go along with their clients to all these places and help them through each step."

The potential sources include insurance plans and veterans' benefits, Medicare and Medicaid, and Social Security for the mentally disabled. In addition, in Holyoke there are funds available to help pay for heating oil, a food bank that provides the poverty-stricken with groceries until they can get food stamps or other funds, and a program that pays the security deposit on an apartment—often one of the crushing financial obstacles for those who have been existing on the streets.

NEW YORK PROGRAM IS OFTEN COPIED

Finding a group of friends and a job is seen by many mental health experts as key steps for those who have suffered from schizophrenia for many years. The most copied program that focuses on these needs is Fountain House in New York City.

"We start with the assumption that schizophrenia is a condition that isolates people and destroys their confidence," said Jim Schmidt, the director. "We give them a place to go where they are welcomed, even celebrated. They are not here to be treated or trained; it's a clubhouse."

Dozens of businesses have entry-level jobs reserved for Fountain House. Members try these jobs part-time, at first accompanied by someone from the staff who will do the job if the member fails at it. If the member succeeds, in six months he moves on to another job, until he is finally able to get a full-time job on his own.

There are now nearly 200 programs nationwide based on the Fountain House approach to getting former patients employed again. But while many communities have one or another part of the services offered in western Massachusetts or by Fountain House, programs with the entire range are few and far between.

"People are only just becoming aware that community treatment can be successful, if done right," Dr. Stein said. "There is no real alternative to a community program; the old hospitals are enormously expensive. And this works."●

JAPANESE BARRIERS TO U.S. TOBACCO PRODUCTS

● Mr. MATTINGLY. Mr. President, when the U.S. Commerce Department released its trade deficit figures for 1985 those figures clearly indicated that the U.S. trade deficit had continued its unchecked growth for yet another year. Of even greater concern is our trade imbalance with Japan which soared to a record level of almost $50 billion, nearly one third of this country's total trade deficit.

I was encouraged last year when the President announced that the administration would self-initiate a number of section 301 trade investigations into certain unfair Japanese trade practices. While success has been reported in negotiations concerning leather and pharmaceutical products, little progress has been made in eliminating Japanese barriers to imported cigarettes. U.S. Trade Representative Clayton Yeutter has written to me to say that recommendations in this case will be submitted to the President by this fall, though he hopes the issue can be resolved in the interim. I am concerned that the effort is losing momentum.

Mr. President, right now imported cigarettes have only a 2.3-percent share of a Japanese market worth $20 billion a year. We all heralded the supposed liberalization of the Japanese tobacco market on April 1, 1985, when the virtual monopoly of the Government-owned tobacco company, Japan Tobacco Inc., or JTI, ended. Foreign companies were no longer required to distribute cigarettes through JTI, also their biggest competitor. Nonetheless, substantial barriers remain that allowed imported tobacco products less than a one-third of 1 percent increase in market share over the past year. U.S. manufacturers' efforts to gain a greater share have been blocked by unfair tariff and taxation policies which place imports at a price level well in excess of the price of comparable domestic brands. United States cigarette companies are prohibited from manufacturing in Japan, an opportunity available to Japanese manufacturers in this country. Importers are forced to notify the Japanese Government, the majority shareholder of JTI, in advance of any price alterations. Importers also must employ

the same distribution network that has traditionally serviced their main competitor, JTI, and is in fact a subsidiary of that organization. The president of Philip Morris Inc.'s Japan subsidiary has likened the system to Pepsi Cola being distributed by Coca Cola. Now Japanese cigarette manufacturers are engaged in a campaign of trademark piracy. I joined several of my colleagues in writing last month to Ambassador Yeutter and Secretary of Commerce Malcolm Baldrige protesting this latest unethical action by the Japanese.

Conservative estimates of the potential for cigarette exports to Japan are impressive. Each percentage point of market share in Japan is worth an estimated $48 million. Without restrictions, United States products could easily obtain a 10-percent share of the Japanese cigarette market; this translates into potential United States exports worth almost half a billion dollars.

We have delivered our warning messages to the Japanese and they are responding. Japanese officials often reason that United States products are inferior. If Japanese officials really believe that our products are inferior and would not be purchased by Japanese consumers, why not remove all barriers? In actuality, the U.S. cigarette industry produces a high quality, reasonably priced, popular product that is well marketed around the world. Once again, all we are asking for is the opportunity to compete on an equal footing. I support the administration's self-initiation of a section 301 investigation into Japanese practices surrounding tobacco trade, but was disappointed that the agenda of last weekend's meeting between the President and Japanese Prime Minister Nakasone did not allow for discussion of this issue. I encourage the President to address the situation directly with Prime Minister Nakasone at the earliest opportunity.●

KOREAN TRADE RESOLUTION

● Mr. McCONNELL. Mr. President, on March 19, I introduced Senate Resolution 369 which, if approved, would express the sense of the Senate that until substantial progress is made in the liberalization of its import restrictions, the Republic of Korea should be removed as a beneficiary country under the U.S. Generalized System of Preferences.

Today, I am pleased to add as cosponsors to this resolution Senators ABDNOR, FORD, GORE, HEINZ, HOLLINGS, SYMMS, THURMOND, TRIBLE, and WILSON.

Mr. President, Korea has been a close friend and ally of the United States for many years. Our friendship has been based on a mutual sense of trust and respect. I fear, however, that our differences of opinion in the forum of international trade have the potential of weakening our alliance. When U.S. farmers, businessmen, and manufacturers encounter a wall of unfair trade practices, who can blame them for becoming frustrated—who can blame them for losing their patience?

By concentrating on the Republic of Korea, therefore, Senate Resolution 369 focuses on an international friendship of particular importance. With this resolution we are saying that our exports to Korea are being treated unfairly and we are willing to take action to emphasize our concern. Further, it should be clear that Korea, while not our only ally with which we have disagreements in the area of trade, has erected trade barriers and maintained policies which are uniquely discriminatory.

But, Mr. President, this resolution should not signal any change in our resolve to be a constructive partner in Korea's growth and development. Our relationship with Korea, both in terms of foreign policy and trade, will require increased attention in the months and years ahead. The United States has always, when possible, been there when Korea has needed us. I am absolutely convinced that if we ignore our trade disagreements now, we invite larger and more complicated problems in the future.

Mr. President, the April 5 edition of the National Journal published an article by Bruce Stokes entitled "Korea: Relations Worsen." I believe that it is one of the most objective recent articles written on the issue of our trade deficit with Korea, and I ask that it appear in the RECORD.

The article follows:

KOREA: RELATIONS WORSEN

(By Bruce Stokes)

SEOUL, SOUTH KOREA.—U.S.-Korean trade relations have never been worse.

Tension is mounting in Washington, keeping pace with the growing U.S. trade deficit with South Korea. The Reagan Administration is increasingly frustrated with the pace and scope of Seoul's efforts to open its markets to American goods and services. Korean industries' plans to target the American market with an array of new products—automobiles, computer chips, consumer electronics—are bound to exacerbate frictions.

In Seoul, there is a sense that the United States has singled out Korea as a scapegoat for America's declining international competitiveness. There is concern that Korea will suffer from the backlash of anti-Japanese sentiment now prevalent in the United States. And there is a small, but vocal, streak of defiance in Korean society, a sentiment that Korea's economic performance is nothing to be ashamed of and that the country need no longer restrain itself to suit the Americans.

Trade differences are unlikely to rupture Korea's strong political and military ties with the United States. Both sides have a vested interest in regional stability. But Washington is seemingly oblivious to Korea's debt and employment problems and insensitive to the political turmoil that U.S. trade actions cause for Seoul. And Seoul has yet to divine how Washington works or to accept that being a major industrial power entails buying a variety of goods and services from the world marketplace as well as selling to it.

As a result, there is a fundamental disparity in how South Korea and the United States view their trading relationship. "We're talking past each other on trade issues," said an American expert on Korea based in Seoul.

The price of continuing this miscommunication may be an escalating trade conflict between the two nations.

TRADE PROBLEMS

Trade tensions are already running very high. To try to increase sales by U.S. firms to Korea, the Administration has launched a series of unfair trade cases against Korea and is pressuring the Korean government to accelerate its efforts to open the Korean market to foreign competition. And Members of Congress are attempting to curb the sale of duty-free Korean items in the U.S. market because of Korea's labor policies.

Moreover, the trade balance between South Korea and the United States has gone from a small U.S. surplus in the 1970s to a $5 billion U.S. deficit in 1985. While U.S. imports from Korea nearly doubled from $5.5 billion in 1981 to $10.7 billion in 1985, Korean imports of U.S. products grew only from $5 billion to $5.7 billion, not even keeping pace with inflation.

Koreans point out, however, that the United States has traditionally run a trade surplus with their country. Moreover,they argue that their surplus with the United States only helps to offset Korea's staggering deficit with Japan and that their surplus is neccessary to help pay their $46 billion foreign debt.

What the Koreans fail to acknowledge is that while their dependence on sales to the United States is growing, they are diversifying the sources of their imports. In 1975, 30 per cent of Korean exports went to the United States; in 1985, the U.S. bought 38 per cent. In 1975, Korea bought 26 per cent of its imports from the United States, but a decade later, it purchased only 22 per cent of such goods and services from the United States.

Such problems have led to charges that Korea is the next Japan—flooding the world market with its goods but refusing to buy from other people.

"We copy a lot that is Japanese," acknowledged Yung Chul Park, professor of economics at Korea University. "We emulate Japanese industrial techniques, their work ethics, managerial system and research and development investment strategy."

But there the similarity stops, say Korean officials. Korea is a relatively small country of 42 million people that is just emerging as a modern industrial nation. It has an annual per capita income of only $2,000 and a gross national product (GNP) of just $80 billion. It cannot produce for export to the U.S. market or afford to import from the United States nearly as much as Japan, with a $1.2 trillion GNP, 120 million consumers and a $10,000 per capita income.

In fact, Korean officials argue that many of their trade problems with the United States stem from their small domestic market, which forces their industries to produce for export to survive.

"Who the hell else are we going to sell our autos and TVs?" Park asked. "There are

only two countries who can absorb our exports—Japan and the United States."

Nevertheless, the Koreans' ardent, at times desperate, desire to convince Americans that Korea is not another Japan raises suspicions that there may be a kernel of truth to the claim.

"We want to become the next Japan [in the sense that] it is the only Asian country to become an industrial nation in the 20th century," admitted a Korean government official.

And the industrial road map that the Koreans have chosen is the same as Japan's—building up some of the same industries, (by hiding behind some of the same protectionist barriers) and targeting the U.S. market in the same way. Little wonder that Korea is encountering some of the same trade frictions that Japan has.

INDUSTRIAL TROUBLE SPOTS

Even those who do not see parallels with Japan foresee a rough road ahead for Korea in its relationships with the United States. In a whole range of industries, trade problems between the two nations loom on the horizon, and no amount of disassociation from Japan can defuse the coming confrontations.

Korean textile and apparel manufacturers are particularly vulnerable to U.S. protectionism. Korea is the third-largest supplier of apparel to the United States and the fifth-largest textile supplier. Competition from low-wage countries such as China is forcing the Koreans to shift to higher-value products, but this puts them in direct conflict with that small portion of the American textile industry that has survived.

The Administration is pressing Korea to voluntarily cap its textile exports to the United States through 1988. If that fails, Congress may again push for quotas on textile imports. The Korean Economic Planning Board estimates that this could cost Korea 30,000 jobs.

Another area of tension involves consumer electronics products. U.S. imports of Korean electronics have more than doubled since 1981. Korea has long since surpassed Japan in the manufacture of 12-inch portable black and white televisions for the U.S market and last year supplanted Japan in the production of 13-inch color sets. Korea began marketing video cassette recorders in the United States only a year ago, but sold approximately $210 million worth in 1985 and expects sales to reach $380 million this year.

Korea may also be on the verge of flooding the U.S. market with low-priced automobiles. Hyundai Motor Co. hopes to sell 100,000 small cars in the United States in 1986, its first year of marketing in the United States. Daewoo Motor Co. will soon be producing a car under a joint venture with General Motors Corp. With the average Korean auto worker putting in a 50-hour work week, at $2.16 an hour, the Korean firms should easily undercut the prices of U.S. and Japanese automakers.

Moreover, Korean auto parts manufacturers are expanding rapidly. The Samsung Group, in a joint venture with Chrysler Corp., will begin producing auto parts this year, and many industry analysts think a joint auto-making effort involving the two giants is inevitable.

Until 1982, Korea sold no integrated circuits—arrays of computer chips—in the United States. By 1984, integrated circuits were by far the most valuable Korean export to the United States, totaling $732 million. Most of this production was by Korean firms assembling American-made chips, one reason the U.S. chip industry has yet to complain. Using loans from the World Bank and the purchase of foreign technology, Korean firms are now producing their own 64K chips, soon will produce 256K chips and are working on a 1 megabit chip. But the world market for 64K chips has collapsed, and Japanese and U.S. producers of 256K chips are unwilling to cede that new market to the Koreans without a fight.

FUTURE CHALLENGES

Whether Korean industries of the future will pose similar challenges to the American economy depends largely on the industrial strategy choices now being made in Korea.

The Korean economy is dominated by giant industrial conglomerates whose mammoth size has facilitated Korea's rapid growth in exports. "The problem with these large industries is that they do things in a big way," Park said. "So when they enter foreign markets, they have a large impact and draw an unfavorable reaction." And when they move into a new field—such as chemicals in the mid-1970s—they can make costly mistakes.

The Korean government is now trying to encourage the expansion of medium and small-scale enterprises because it thinks such firms will be more responsive to signals from the marketplace and will prove more attractive as joint venture partners for American high-technology firms that are leery of the conglomerates.

The Korean government also hopes that small companies will generate more jobs than the large firms will. Korea's unemployment rate rose slightly last year, to 4 per cent, but due to definitional differences, unemployment in U.S. terms may be almost twice as high. Because of Korea's 1960s baby boom, the economy must grow by 6-7 per cent a year just to generate enough jobs for new entrants to the work force. Lately it has failed to keep up this pace. Half of the spring 1985 college graduates did not find a job last year, fueling the ranks of those ready to take to the streets to protest government economic and political policies.

The Korean government "must be judicious in selecting those medium and high-tech areas [that require] a fair amount of labor—manufacturing components for automobiles, for example," said Henry Nau, a professor of economics at George Washington University. The emphasis has to be more on assembly operations than research and development.

Such a labor-intensive development strategy continues Korea on its collision course with American industry. As Korean producers move into manufacturing machine tools and other sophisticated uses of technology, they will face the same problems that textile manufacturers did. And concerns about generating jobs will strengthen Korea's reluctance to open its service sector—including labor-intensive banking and insurance operations—to more efficient foreign competition.

If such conflicts are to be minimized, Korea and the United States are going to have to radically change the way they relate to each other. "The non-understanding between the two is just phenomenal," said a U.S. trade official.

Koreans are relatively naive about how Washington works. Hyundia, for example, blithely announced plans to market cars in the United States during the U.S. debate on renewing the voluntary auto import restraint agreement with the Japanese. Only recently have the Koreans begun to improve their lobbying and diplomatic representation in Washington.

Many Koreans enter into trade negotiations with the United States with a chip on their shoulder. For centuries, Korea was a colony first of China and then of Japan. From the man in the street to industry captains, the national self-image demands standing up to foreigners. And Korea's Confucian heritage teaches that one does not compromise when one is right. As a result, the Koreans have a reputation for digging in their heels when trying to resolve differences.

For its part, say some observers, the United States has demonstrated a striking insensitivity to the consequences of its actions in dealing with Korea, even when the United States ends up paying a price. The recent U.S. unfair trade practices cases lodged against Korea cost Kim Kiwhan, Korea's chief trade negotiator, his job. His advocacy within Korean government circles of opening domestic markets was seen as appeasement that did not work.

The immediate consequenses of U.S. pressure can be heard in the anti-American slogans chanted in Korean street demonstrations. "The [Korean] government is really being sandwiched," said Bon ho Koo, a professor of economics at Hanyang University. "The United States says Korean government is going too slow [in opening its economy to foreign competition]. businessmen, students and newspapers think they are going too fast."

If Korea is to join the ranks of the advanced industrial countries by the end of the century, it must accept many of the responsibilities of an industrial power-including tempering its robust enconomy so it can live in harmony with its trading partners. This already has begun. More and more Korean companies are forming joint ventures with U.S. firms and investing more in the United States.

The United States, meanwhile, must not object if such joint ventures lead to more U.S. imports from Korea and must "frame [its] trade objectives with the [other] country's domestic situation in mind," said a U.S. trade official. "If we go in with something unrealistic, you make their life miserable and undermine your own credibility."

The ability of Korea and the United States to work better together will soon be tested. The Korean currency, the won, is tied to a basket of currencies, primarily the dollar. In recent months, while the Japanese yen has appreciated 30 per cent against the dollar, the won has appreciated only 7 per cent. As a result, Korean goods are going to become relatively more affordable in the U.S. market compared with Japanese goods, driving up the U.S. trade deficit with Korea. Only sensitivity and understanding on both sides will avoid further trade conflicts.●

RESEARCH ON METHANOL AND ETHANOL PRODUCTION

● Mr. PRESSLER. Mr. President, research on alternative fuels continues to require our serious attention. During this period of budget reductions and falling oil prices, funding for research on alternative energy sources has become a very attractive target. We must not forget what happened to oil prices in the past as we prepare to meet our future energy needs. It is

critical that we continue to explore potential new sources of renewable energy.

Two areas about which I am particularly concerned are ethanol and methanol. Both ethanol and methanol can be produced from renewable sources of energy. Ethanol, commonly known as grain alcohol, is usually produced from agricultural crops such as corn, wheat, or sugarcane. Ethanol is not only an alternative source of fuel but also creates a use for farm commodities which we currently have in record surplus. The development of a vigorous ethanol industry would reduce crop surpluses and help to improve the depressed state of the farm economy. Nearly 40 percent of U.S. crop production would be required to produce 11 billion gallons of alcohol fuel, which represents approximately 10 percent of U.S. automotive needs. An added benefit would be lower costs for farm programs.

Methanol, commonly known as wood alcohol, is derived from coal, wood, or urban wastes. A potentially great benefit of increased methanol production would be the disposal of huge amounts of urban waste. An estimated 200 million tons of municipal solid waste were generated last year. The processing of 90 percent of this municipal waste into methanol would produce approximately 10 billion gallons of methanol. Methanol and ethanol could not totally replace oil or other fossil fuels, but their production could help to reduce our dependence on imported oil.

The current low oil prices will not last, and in many respects they may cause long-term problems for the economy. Low prices may force major cuts in domestic oil exploration and eventually increase U.S. dependence on foreign oil. We must continue active research and development of alternative sources of fuel, such as methanol and ethanol, as a hedge against the next surge in oil prices.

An executive of General Motors recently stated that methanol will be the fuel of the next century. The adaptation of automobiles to methanol fuel would take approximately 20 to 30 years. We could reduce this time by accelerating development of technology to produce methanol from urban wastes, coal, and sea water. The development of this technology will be essential to achieve the goal of U.S. energy independence.

Mr. President, I urge our colleagues to resist making devastating cuts in funding for research on alternative energy sources. Research and development in this area are critical to the long-term prosperity of the United States and world economies.●

UNITED STATES ACTED WISELY

● Mr. HECHT. Mr. President, the United States has acted wisely and decisively in launching a series of strikes against the terrorist nerve centers of Libya's Mu'ammar Qadhafi. No man, woman, or child is immune from Colonel Qadhafi's thirst for blood. President Reagan's actions reflect the feeling of an overwhelming number of Americans: Terrorists will have to pay a price for their deeds!

The victims of this mass murderer posed no threat to Libya, and left the United States with no choice. I am very proud of our President's response. I am also proud of our military men and women involved in this action.

I am especially proud that Nevada is a temporary home to so many pilots who train for these missions at the Nellis Air Force Base at Las Vegas and at the Naval Air Station at Fallon. We have very few detractors of our military in Nevada, but the vast majority of the people in our State support our installations and are pleased to be their neighbor. I would like to point out that many of our allies use our bases for pilot training as well.

Mr. President, the United States has taken a strong stand against terrorism. We should expect no less from our allies.

Mrs. Thatcher's support will not be forgotten by Americans. Libyan sponsored terrorism cannot and should not be condoned, much less tolerated by any responsible government.

We have tried quiet diplomacy, public condemnation, economic sanctions, and demonstrations of military force. Criminals like Qadhafi must face punishment. I am glad we had the opportunity to administer it.●

THE MILITARY OPERATION AGAINST LIBYA

Mr. BYRD. Mr. President, the American military operation against Libya last evening was, according to early administration reports, a success in that it achieved its objectives—specifically, to interfere with Libya's ability to undertake terrorist acts by taking out selected military and terrorist support targets, and, by so doing, to demonstrate that terrorism is undertaken only at a heavy cost. This operation, conducted with such professionalism by our fighting forces—under cover of darkness, with highly defined and selected targeting, gives all of us a sense of great pride and patriotism. As always, the men and women of our Armed Forces have performed the mission that is asked of them—this is one of the fundamental strengths which make the United States a great nation. It is regrettable that the problem confronting our airmen and airwomen was exacerbated by the refusal of a number of our European allies to permit overflight through their airspace—this lengthened the time necessary for the American strike aircraft to proceed from their base in England to their destinations in Libya.

Mr. President, I have been very disappointed in the inability of the administration to convince our European allies to join us in a series of closely coordinated actions to deter Qadhafi's regime from its policy of terrorism. Terrorism is a global scourge which confronts civilized society with very difficult problems in how to respond effectively. Without close coordination, terrorists are provided with opportunities and temptations which compound our efforts to combat it.

Therefore, it is clear to me that our allies should now be urged to review their policies toward Libya, and a renewed effort to fashion a common approach be made. There are a variety of actions, such as economic sanctions, that could and should again be explored. To be sure, those economic sanctions may pose short-run difficulties for the nations that impose them. As an example, Italy has substantial economic ties with Libya and would be making a sacrifice in joining an economic blockade of Libya. However, Italy is a nation which has suffered the results of Libyan-generated violence, and the long-term elimination of that violence would be well worth the short-term economic sacrifice which she would have to pay in joining with the United States in a common effort. I believe all western airlines should be prohibited by the western nations from operating into or out of Libya, for example.

It is worth repeating, Mr. President: Terrorism is a world problem which demands a world solution—the sooner that other nations recognize this fundamental reality, the sooner the appropriate common steps can be taken.

Mr. President, yesterday I was invited to the White House, along with Mr. DOLE and a number of other leaders from both Chambers of the Congress. We were asked to come to the White House at 4 p.m. and remained in discussions with the President for a while and then with his advisors until about 6 p.m. The President briefly indicated to the group that he had already ordered a bombing raid on targets in Libya, and after that, Mr. Weinberger proceeded to indicate what the specific targets were. We were informed that the aircraft, FB-111's based in England had been on their way already to their destinations for 2 hours and that they would reach the targets at about 7 p.m. Washington, DC time.

I asked the administration officials at the meeting if anyone in the Congress had been briefed prior to our meeting. The answer being no, it was my conclusion that the consultation requirements of section 3 of the War Powers Act, which states that "the President in every possible instance shall consult with Congress before in-

troducing U.S. Armed Forces into hostilities" . . . had not been satisfied.

The purpose of consultation, required by the War Powers Act, is to seek the best possible advice so that the actions of this Nation on the weighty matter of conducting hostile action is given the benefit of thoughtful consideration by responsible public officials in both branches of the Congress.

I would also note, Mr. President, that it is still somewhat unclear what the long-term policy of the United States is in regard to acts of terrorism and how best to forestall them.

Mr. President, I asked, and several of my colleagues present at the White House meeting yesterday also asked, the basic question: is this just a tit-for-tat policy, and if, after our military action, Qadhafi or someone else, such as the Iranians or Syrians, engage in a terrorist act against Americans, what do we do then? The answer was that we will make that decision at that time. I believe we need a more thoughtful policy. We do have to contemplate the likelihood that terrorists will commit further acts.

We must try every way possible to encourage a well-developed and effective global anti-terrorism policy—a series of agreed-upon diplomatic, economic, and possible military steps in response to or even in anticipation of actions by terrorist groups and states.

In recent days, Mr. President, I have written to the President, as well as to the Japanese Prime Minister, Mr. Nakasone, and to the Soviet leader, General Secretary Gorbachev, to include the question of coordinated actions against terrorism on the agenda of both the upcoming economic summit of western leaders in May in Tokyo and the next Reagan-Gorbachev summit. In addition, I have met with the German Foreign Minister, Mr. Genscher, this afternoon, along with a group of my colleagues, to discuss this matter in more depth.

Mr. President, I am hopeful that the military action taken by the United States last night will have the desired effects—to damage Libya's military and terrorist support sites, and to inhibit Qadhafi from further terrorist acts. I hope it will encourage our allies to take a second look and evaluate jointly with us as to where we go next. I believe that we should work quitely but effectively with our allies to come up with a joint policy. We should be rethinking the range of economic sanctions that can be put into place.

I reiterate my congratulations to, and pride in, the fine young fighting men and women who executed this operation so boldly and so well.

Mr. President, I ask unanimous consent to have several letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I was pleased to note that some progress is now being made in the scheduling of your second summit meeting with Mr. Gorbachev. I also was gratified to note that Mr. Gorbachev has apparently dropped any insistence on preconditions to the scheduling of that meeting. I believe that the benefits for both our nations which will result over the long run from a full and regular dialogue will be well worth your efforts.

We all share the goal that the next summit meeting will produce tangible benefits in the way of major progress on several arms control matters, including, at the least, intermediate-range nuclear missiles, nuclear testing, and the Nunn-Warner proposal for Nuclear Risk Reduction Centers.

I would like to suggest that you give serious consideration to including, on the summit agenda, an initiative for a joint U.S.-Soviet program to work together to reduce the scope of terrorist activities in our world. The recent incident in West Berlin, and the numerous other terrorist actions and threats indicate that better planning should be done and more decisive actions should be taken on a cooperative basis with other nations. I know that you have attempted to develop closer working relations in this area with our European allies, and it occurs to me that it might be possible to broaden your efforts to include the Soviets in some ways. Such an initiative might be constructed along the lines of the Nuclear Risk Reduction Center proposal and other existing understandings between the United States and the Soviet Union regarding nuclear incidents, but broadened to include non-nuclear terrorism as well.

I appreciate your consideration of this idea.

With highest personal regards,
Sincerely,

ROBERT C. BYRD.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC.

His Excellency MIKHAIL GORBACHEV,
General Secretary of the Communist Party of the Soviet Union, Moscow, Union of Soviet Socialist Republics.

DEAR MR. GENERAL SECRETARY: I and my colleagues in the Senate were pleased to note that some progress is now being made in the scheduling of your second series of meetings with President Reagan. I believe that the benefits for both our nations which will result over the long run from a full and regular dialogue will be well worth this effort.

I have also noted that you are not attaching any preconditions to the scheduling of the next summit meeting and I believe that is an important step forward. Naturally, however, we all share the goal that the next meeting will produce tangible benefits in the way of major progress on several arms control matters, including, at the least, nuclear testing, intermediate-range nuclear missiles, and the proposal for Nuclear Risk Reduction Centers.

I have today hosted a luncheon for your very able ambassador to the United States, Mr. Anatoly Dobrynin, and have asked him to deliver this letter to you upon this return to Moscow. The other seven Senators who accompanied me on my visit to meet with you last September also attended this luncheon, and wish to renew their warm regards and best wishes to you. We are delighted that Mr. Dobrynin will continue to serve as an important channel of communication and understanding between our two nations as he assumes his new responsibilities.

I would like to suggest to you that in preparation for the upcoming summit consideration be given to a joint Soviet-American initiative to work together to reduce the scope of activities of terrorists in our world. The recent upsurge of terrorist incidents and threats indicates, I believe, that better planning and more decisive actions must be taken on a cooperative basis by our two nations. I am also making this suggestion to President Reagan.

I hope that this letter finds you and your family well, and I look forward to the opportunity to renew our acquaintance.

With best wishes.
Sincerely,

ROBERT C. BYRD.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 14, 1986.

Hon. Prime Minister YASUHIRO NAKASONE,
Office of the Prime Minister, Nagata-Cho, Chiyoda-Ku, Tokyo, Japan.

DEAR MR. PRIME MINISTER: My predecessor, former Senate Democratic Leader Mike Mansfield, now United States Ambassador to your nation, has described the U.S./Japan relationship as the most important bilateral relationship that both countries enjoy. In a letter to you of March 10, 1986, Speaker Thomas O'Neill, Jr. and I affirmed the importance of this relationship, and encouraged your renewed efforts to reduce the trade imbalance that has had such a profound impact in recent years.

In that letter, we called for increased Japanese purchases of American goods and services. As you know, I am especially concerned about the trend of Japanese purchases of coal from West Virginia. U.S. coal exports to Japan have declined from about 31 million metric tons in 1982 to 13.3 million metric tons in 1985. I understand that U.S. coal producers were recently informed by Japanese officials that Japan would be further reducing its purchase of U.S. coal to about 11 million tons in 1986. About 38 percent of US. coal exports to Japan come from my state of West Virginia. Consequently, I am particularly concerned with the grim prospects for U.S./ Japan coal trade.

The decline in U.S. market share has occurred at a time when the Japanese coal market has increased by 13 million tons to over 90 million tons. Unfortunately, it does not appear that coal producers in the United States will benefit from this growth in the Japanese coal market. I understand that Japan has increased coal purchases from every other major coal exporting nation in the world, except the United States.

Finally, on another matter of shared interest, I encourage you to join with President Reagan and other concerned leaders in assuring that the challenge of terrorism receives an appropriately high place on the agenda of the up-coming summit meeting which you will be hosting in Tokyo. I wrote last week to President Reagan, urging him to move in this direction, and I hereby pro-

vide a copy of my letter to him for your information.

Sincerely yours,

ROBERT C. BYRD.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 10, 1986.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The up-coming Tokyo Summit provides an important opportunity for cooperation between the seven largest industrial democracies at a time of fundamental change in the world economy. The need for action to resolve trade disputes and avert a global economic crisis is paramount. A related priority will be progress in stabilizing international currency movements to reduce the imbalances which handicap America's ability to compete.

While economic issues should be given priority at these important meetings, the economic challenges do not occur in a vacuum. All responsible nations share the uncertainties created by an increase in international terrorism. It would be unfortunate if leaders of the world's great democratic powers met at this time without reviewing opportunities for increased cooperation in combatting terrorism. In my letter to you of July 9, 1985, I recommended increased multilateral efforts in response to terrorism. The report of the Vice President's Task Force on Combatting Terrorism incorporated some of these recommendations, and provided other initiatives to strengthen the international regime.

I encourage you to seek the support of other Tokyo Summit participants for increased cooperation in combatting global terrorism, and to make sure that such action receives appropriate attention on the agenda of the Tokyo Summit. Participants at the Bonn Summit in 1978 dealt with this issue and included a commitment to combatting terrorism in their final declaration. That effort provided an important foundation for joint action. Given our shared interest in an effective response to terrorism, I believe it is essential that the great industrial democracies use the occasion of the Tokyo Summit to renew and expand that commitment.

You have my support in pursuing multilateral initiatives as well as domestic legislation to protect Americans at home and abroad, and to bring to justice those responsible for terrorist acts.

Sincerely,

ROBERT C. BYRD.

ORDERS FOR WEDNESDAY

RECESS UNTIL 10 A.M

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Wednesday, April 16, 1986.

The PRESIDING OFFICER. Without objection it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. HATFIELD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on tomorrow under the standing order, there be special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, Senator CRANSTON, Senator SPECTER, Senator BIDEN, Senator MCCONNELL, Senator CHILES, Senator PROXMIRE, and Senator METZENBAUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that on tomorrow, following the special orders just identified, there be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATFIELD. Mr. President, at 11 a.m. tomorrow, under the provisions of rule XXII, a live quorum will begin, to be immediately followed by a cloture vote on the motion to proceed to S. 1774, the Hobbs Act.

If cloture is invoked, it will be the intention of the majority leader to remain on the motion to proceed for the remainder of Wednesday's session.

If cloture is not invoked, the Senate could turn to any of the following items: S. 1236, technical amendments to the crime bill; S. 2231, Federal Deposit Insurance Act, or its companion bill, H.R. 4551; S. 1923, bankruptcy court judges bill; any Executive Calendar nominations that appear on the calendar; and then resume S. 426, the hydroelectric relicensing bill.

Therefore, rollcall votes can be expected throughout the day on Wednesday.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HATFIELD. Mr. President, I, therefore, ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 7:11 p.m., recessed until tomorrow, Wednesday, April 16, 1986, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 15, 1986:

DEPARTMENT OF STATE

Warren Zimmermann, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador in his capacity as Chief of the U.S. delegation to the Vienna Conference on Security and Cooperation in Europe Follow-Up Meeting.

DEPARTMENT OF JUSTICE

Breckinridge L. Willcox, of Maryland, to be U.S. attorney for the district of Maryland for the term of 4 years vice J. Frederick Motz, resigned.

MERIT SYSTEMS PROTECTION BOARD

Daniel R. Levinson, of Virginia, to be a member of the Merit Systems Protection Board for the term of 7 years expiring March 1, 1993, vice Herbert E. Ellingwood.

Daniel R. Levinson, of Virginia, to be chairman of the Merit Systems Protection Board, vice Herbert E. Ellingwood.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 15, 1986:

THE JUDICIARY

Eric G. Bruggink, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years.

CENTRAL INTELLIGENCE

Robert M. Gates, of Virginia, to be Deputy Director of Central Intelligence.

HOUSE OF REPRESENTATIVES—*Tuesday, April 15, 1986*

The House met at 3:30 p.m.

The Reverend Russell Fitts, pastor, Zion Baptist Church, Shelby, NC, offered the following prayer:

Our Father, we recognize that You have told us in Psalms 127:1, "Except the Lord build the house, they labor in vain that build it: except the Lord keep the city, the watchman waketh but in vain." We look to You to help us build and maintain this Nation.

We pray for the women and men of this House. Be with them in their elected duties. Some have sacrificed time and distance from loved ones to enter service here. Be with loved ones at home while we invoke Your direction upon the activities here.

Grant, we pray, our awareness of Your love for all the world and our appreciation of Your goodness. We pray through Jesus our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 273, nays 128, answered "present" 1, not voting 31, as follows:

[Roll No. 76]

YEAS—273

Ackerman	Bedell	Breaux
Akaka	Bellenson	Brooks
Alexander	Bennett	Broomfield
Anderson	Bevill	Brown (CA)
Andrews	Biaggi	Broyhill
Annunzio	Boggs	Bruce
Anthony	Boland	Bryant
Archer	Boner (TN)	Burton (CA)
Aspin	Bonior (MI)	Bustamante
AuCoin	Bonker	Byron
Barnard	Borski	Callahan
Barnes	Bosco	Carper
Bateman	Boucher	Carr
Bates	Boxer	Chapman
Chappell	Howard	Price
Clinger	Hoyer	Pursell
Coelho	Hubbard	Quillen
Coleman (TX)	Huckaby	Rahall
Collins	Hughes	Rangel
Combest	Hutto	Ray
Conyers	Hyde	Regula
Cooper	Jeffords	Reid
Craig	Jenkins	Richardson
Crockett	Johnson	Rinaldo
Daniel	Jones (NC)	Ritter
Darden	Kanjorski	Robinson
Daschle	Kaptur	Rodino
de la Garza	Kasich	Roe
Dellums	Kastenmeier	Rose
Derrick	Kemp	Rostenkowski
Dicks	Kennelly	Rowland (GA)
DioGuardi	Kildee	Roybal
Dixon	Kleczka	Rudd
Donnelly	Kolter	Russo
Dorgan (ND)	Kostmayer	Sabo
Dowdy	LaFalce	Scheuer
Downey	Lantos	Schulze
Duncan	Leath (TX)	Schumer
Durbin	Lehman (CA)	Sharp
Dwyer	Lehman (FL)	Shelby
Dymally	Leland	Shumway
Dyson	Levin (MI)	Sisisky
Early	Levine (CA)	Skelton
Eckart (OH)	Lipinski	Slattery
Eckert (NY)	Livingston	Smith (FL)
Edwards (CA)	Luken	Smith (IA)
English	Manton	Smith (NE)
Erdreich	Markey	Smith (NJ)
Evans (IL)	Martinez	Snyder
Fascell	Matsui	Solarz
Fazio	Mavroules	Spratt
Feighan	Mazzoli	St Germain
Fish	McCloskey	Staggers
Flippo	McCollum	Stallings
Florio	McCurdy	Stark
Foley	McDade	Stenholm
Ford (MI)	McEwen	Stokes
Ford (TN)	McHugh	Stratton
Fowler	McKinney	Studds
Frank	McMillan	Sweeney
Franklin	Mica	Swift
Frenzel	Mikulski	Synar
Frost	Miller (CA)	Tauke
Fuqua	Miller (WA)	Tauzin
Garcia	Mineta	Thomas (GA)
Gejdenson	Moakley	Torres
Gephardt	Mollohan	Torricelli
Gibbons	Montgomery	Traficant
Gilman	Moody	Traxler
Glickman	Moore	Udall
Gonzalez	Morrison (WA)	Valentine
Gordon	Mrazek	Vento
Gradison	Murphy	Visclosky
Gray (IL)	Myers	Volkmer
Gray (PA)	Natcher	Walgren
Green	Neal	Waxman
Guarini	Nelson	Weaver
Gunderson	Nowak	Weiss
Hall (OH)	Oakar	Wheat
Hall, Ralph	Oberstar	Whitley
Hamilton	Obey	Whitten
Hammerschmidt	Olin	Wilson
Hansen	Owens	Wirth
Hatcher	Packard	Wise
Hawkins	Panetta	Wolpe
Hayes	Pease	Wortley
Hefner	Pepper	Wyden
Heftel	Perkins	Wylie
Hertel	Petri	Yates
Hopkins	Pickle	Yatron
Horton	Porter	Young (MO)

NAYS—128

Armey	Bilirakis	Campbell
Badham	Billey	Carney
Bartlett	Boehlert	Chandler
Barton	Boulter	Chappie
Bentley	Brown (CO)	Cheney
Bereuter	Burton (IN)	Clay
Coats	Lent	Schaefer
Cobey	Lewis (CA)	Schneider
Coble	Lewis (FL)	Schroeder
Coleman (MO)	Lightfoot	Schuette
Conte	Lloyd	Sensenbrenner
Coughlin	Lowery (CA)	Shaw
Courter	Lowry (WA)	Shuster
Crane	Lungren	Sikorski
Dannemeyer	Mack	Siljander
Daub	MacKay	Skeen
DeLay	Madigan	Slaughter
DeWine	Marlenee	Smith, Denny (OR)
Dickinson	Martin (IL)	Smith, Robert (NH)
Dornan (CA)	Martin (NY)	Smith, Robert (OR)
Dreier	McCain	Snowe
Edwards (OK)	McCandless	Solomon
Emerson	McGrath	Spence
Evans (IA)	McKernan	Stangeland
Fawell	Meyers	Strang
Fiedler	Michel	Stump
Gallo	Miller (OH)	Sundquist
Gekas	Mitchell	Swindall
Gingrich	Molinari	Taylor
Goodling	Monson	Thomas (CA)
Gregg	Moorhead	Vander Jagt
Hartnett	Nielson	Vucanovich
Hendon	Oxley	Walker
Henry	Parris	Watkins
Hiler	Pashayan	Whitehurst
Ireland	Penny	Whittaker
Jacobs	Ridge	Wolf
Jones (OK)	Roberts	Young (AK)
Kindness	Roemer	Young (FL)
Kolbe	Rogers	Zschau
Kramer	Roth	
Lagomarsino	Roukema	
Latta	Rowland (CT)	
Leach (IA)	Saxton	

ANSWERED "PRESENT"—1

Ortiz

NOT VOTING—31

Applegate	Hillis	Nichols
Atkins	Holt	O'Brien
Berman	Hunter	Savage
Coyne	Jones (TN)	Seiberling
Davis	Loeffler	Tallon
Dingell	Long	Towns
Edgar	Lott	Weber
Fields	Lujan	Williams
Foglietta	Lundine	Wright
Gaydos	Morrison (CT)	
Grotberg	Murtha	

□ 1540

Mr. SIKORSKI changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Doorkeepers will maintain order in the gallery.

FURTHER ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. May the Chair explain what the schedule of the day will be.

First of all, the Chair will recognize the gentleman from North Carolina [Mr. BROYHILL] for a 1-minute speech.

Then the call of the Private Calendar.

Then under previous agreement, there will be 15 minutes on each side, Democratic side and Republican side, for 1-minute speeches. We will cut off recognition at the end of 30 minutes.

The House will then take up the rule and hope, after the completion of the rule, that there will be 1 hour of general debate on the Contra joint resolution.

It is the Chair's understanding that there is a briefing for the House at 7 o'clock tonight on the Libya situation. My understanding is that it will be at 7 o'clock, and if not, we would have to make other plans, but I hope we will be able to complete the rule.

□ 1555

All Members wearing yellow badges should be advised that they are inappropriate under the rules of the House.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 382

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Joseph P. Addabbo, late a Representative from the State of New York.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House following title:

H.R. 3570. An act to amend title 28, United States Code, to reform and improve the Federal justices and judges survivors' annuities program, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 290. An act for the relief of Catherine and Robert Fossez.

THE REVEREND RUSSELL FITTS

(Mr. BROYHILL asked and was given permission to address the House for 1 minute.)

Mr. BROYHILL. Mr. Speaker, it is a great privilege for me to welcome to the House of Representatives the Reverend Russell Fitts, pastor of Zion Baptist Church in Shelby, NC. Reverend Fitts was born and raised in Siler City, NC, was a high school classmate of our colleague, Congressman CHARLIE WHITLEY, educated at Morris Hill College, Furman University, and Southern Baptist Seminary in Louisville, KY. His education being interrupted in World War II with service in the 82d Airborne.

My congressional district doesn't have any major metropolitan areas, just lots of small cities and towns where people get to know their neighbors, and the townsfolk really try to put something back into their communities.

Reverend Fitts, and his wife Mary, are people like that. During their 23 years in Cleveland County, and 8 years at Zion Baptist, they have proven time and again that they are good neighbors, not just to those who belong to their particular church, or share their particular faith, but to anyone in need of a friend.

And I want to thank you, Reverend Fitts, for the message you brought us today. We owe you a debt of gratitude for those comforting words. With the events of last evening still fresh in our minds, and our hearts filled with concern for the future of our country and our world, we need that message of hope; that prayer for wisdom and guidance.

Thank you for honoring us with your presence here today.

I now yield to the Reverend Fitts' former high school classmate, our colleague, CHARLIE WHITLEY.

Mr. WHITLEY. I thank the gentleman for yielding, and I want to associate myself with his remarks in welcoming here today the Reverend Russell Fitts.

As the gentleman said, Russell and I were classmates all the way from first grade through high school, and as you can see, after that time Russell went straight; he has been in the ministry: A very outstanding Baptist minister in North Carolina.

I am delighted to call him my friend and we are happy to have him here today.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

STEVEN McKENNA

The Clerk called the bill (H.R. 1598) for the relief of Steven McKenna.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under the call of the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There is no objection.

The SPEAKER. This concludes the call of the Private Calendar.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 1128, CLEAN WATER ACT AMENDMENTS OF 1985

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint two additional conferees on the part of the House on the Senate bill (S. 1128) to amend the Clean Water Act, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and appoints as additional conferees the gentleman from New Jersey [Mr. HOWARD] and the gentleman from Pennsylvania [Mr. SHUSTER].

The Clerk will notify the Senate of the change in conferees.

TERRORISM AND APPEASEMENT

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, a generation ago the threat to free and democratic societies came from large-scale conventional military forces under the control of dictators. Today the threat to free and open societies comes from brutal and bloody terrorist attacks controlled by the likes of Qadhafi masquerading as heads of state.

A generation ago the voices of appeasement advised us that if we would only let Hitler take one more little country, his needs would be satisfied and peace would prevail. The voices of appeasement are heard again in Europe and elsewhere—and they are as wrong today as they were decades ago.

I fully support the action of our Commander in Chief. He acted after exhausting all avenues of diplomatic pressure, attempts at persuading our friends to join us in an economic boycott, private and public calls for coordinated action against terrorism.

The critics of our Government's action have an obligation to answer these simple questions: How many more American diplomats will have to be killed while peacefully performing their official duties? How many more 11-year-old American girls waiting at civilian airports will have to be killed while playing with their toys? How many more American grandmothers and infants will have to be blown out of American commercial aircraft before the critics are ready to act?

Appeasement is not a policy. It is the road to war. Terrorism will not prevail because there are enough of us who have learned the lessons of appeasement and who know that free societies must defend themselves if they wish to survive.

EXPRESSING CONCERN FOR THE MISSING F-111 PILOTS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I would like to ask us to pause for one moment to pray for the two families of two young American Air Force pilots, the F-111 crew that is still missing and hopes for their safety grow darker with each passing hour.

One of these young pilots—I am sure they both have young wives and small children waiting for them just outside that air base at Lakenheath in England. One of them is 33 years of age, he is Puerto Rican-American named Fernando L. Ribas-Dominicci. The other one is 31 years of age, Paul F. Lorence.

These are the first two Air Force pilots to be ordered into combat since Vietnam in January 1973 and Laos through August of that year. That is the longest period of peace since Pearl Harbor that Air Force or Army-Air Force crews have not been sent into combat.

I ask you to pray for these men, for the brave Navy pilots; the Navy has seen combat in those years and remember that these select few maintain our way of life and our liberty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MOAKLEY). The time of the gentleman from California [Mr. DORNAN] has expired.

Members giving 1-minute speeches should pay strict attention to the Chair's warnings because there are only 15 minutes on each side and if speeches run over, it is unfair to others who want to address the House.

SERVICES FOR HON. JOSEPH P. ADDABBO

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I have just returned from the funeral service held this morning for our dear and departed friend and colleague Joseph Patrick Addabbo. The service which was attended by more than 50 House Members was held in St. Patrick's Cathedral and was officiated by Cardinal John J. O'Connor. The speaker delivered a most moving eulogy.

Joe Addabbo died this past Thursday night at the age of 61. He served this House of Representatives with unique effectiveness for a total of 26 years. He rose to national prominence as chairman of the Defense Appropriations Subcommittee.

Yet we remember our friend Joe Addabbo, we struggle with our feelings. We are in grief yet we are relieved that Joe is not suffering anymore.

We will remember Joe's sweet nature, his kind and unassuming manner. We will remember a man of unparalled integrity with the highest moral principles and values. Yet he never let the trappings of power to cause him to be removed from his constitutents. He served them for so long and so well that they were part of an extended Addabbo family.

We have lost Joe Addabbo. It is a loss difficult to measure and impossible to reconcile, especially for those of us blessed enough to be his friend. We convey our most sincere condolences to Grace Addabbo and Joe's children Dominic, Diana, and Joseph. We share your loss but hope you will take solace in the fact that his legacy of public service and love of country will endure for years to come.

THE HOUSE MUST HONOR ITS COMMITMENTS

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, today is April 15 and millions of citizens across the United States have filed their annual income tax forms. Our tax system is based on the commitment of the majority of American people to honor their civic duty and meet the April 15 deadline.

While considering this remarkable system, I am acutely aware of the fact that April 15 is also the date on which Federal law requires Congress to have completed action on a budget resolution for fiscal year 1987. Unfortunately, this law is being deliberately violated by the House.

Mr. Speaker, our country is struggling with the numerous adverse effects of a $205 billion deficit. Last year we passed the Gramm-Rudman legislation in an effort to ensure that Congress meets it deficit reduction targets. Still, the House Budget Committee has failed to produce a budget and bring it to the floor. There is no valid excuse for failing to comply with the law. We were elected to do our job and set national priorities by enacting a budget.

We are here to represent the people in our congressional districts across the country. Like our taxpaying constituents who have met the April 15 deadline, we must produce a budget resolution that meets the appropriate deficit reduction figure. I urge my colleagues to honor their commitment to the taxpayers of America by reporting a fiscal year 1987 budget resolution without further delay.

ATTACKS ON TERRORIST TARGETS IN LIBYA JUSTIFIED

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, the President was more than justified in ordering military attacks on terrorist targets in Libya.

Given Qadhafi's terrorist bent leading up to our actions, it would seem more than even that the administration should press for an allied boycott of Libya.

One of the allies we should start with is the pentagon cancellation of a $7.9 million defense contract to Fiatallia this is crucial, as this firm has 15-percent Libyan ownership.

Why Qadhafi should be reaping profits from a U.S. contract for crawler tractors for the Marines while we urge an economic boycott of Libya by our allies is perplexing, to say the least.

I have introduced legislation to prevent this action, which imperils hundreds of jobs in southern Indiana.

The Congress must urge the Secretary of Defense to suspend this contract.

□ 1605

THE PRESIDENT STRIKES AT LIBYAN TERRORISM

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I commend the President for his courageous decision to strike back against Libya, a terrorist-supporting state, responsible for the murder in West Berlin of a young Army sergeant from Detroit, after confirming Libya's role in that terrorist action.

Our Government tried to get our allies to agree to nonmilitary options in dealing with Qadhafi. We used public diplomacy to convince him to change his ways. Nothing, however, worked.

Libyan agents went on planning attacks on U.S. military and diplomatic targets.

The President's decision was an act of self-defense, justified under the U.N. charter. Our military operations there were designed to reduce Libya's capability to support and direct terrorism.

While terrorism will not go away, a clear signal was sent. We have raised the cost of Libyan-backed terror.

My heart goes out to the families of those servicemen who were lost. I praise the President for a gutsy decision in defense of our country. He did what he had to do. I believe that all of us in Congress can say, "Well, done, Mr. President."

THE PRESIDENT MADE THE RIGHT DECISION

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, there is clearly sufficient evidence to link Qadhafi and the Libyan Government to terrorist acts against Americans. The President made the right decision, based on Qadhafi's continued support of worldwide terrorism. It was the response we should have made.

We must demonstrate a firm resolve against state-supported terrorism. A military option must be part of the arsenal of our defense against terrorism, to be used, as it was in this case, as a last resort when peaceful measures have failed. We all regret the loss of lives, but our resolve must be firm. The next step needs to be the diplomatic and economic isolation of all nations that sponsor terrorism, not just Libya, and it needs to be a concerted effort in conjunction with our allies.

Today we stand as one nation resolved to end international terrorism. Soon, we must stand as one people worldwide resolved to halt the spread of terrorism.

We cannot expect any short-term relief as a result of this action, and all Americans must know that, in fact, we face a possible escalation. We hope, however, that by raising the costs of terrorism to the nations that sponsor it, in the long term we can end terrorism worldwide.

HONORING WILLIAM SIKKEL

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, I would like to take this opportunity to recognize the outstanding contributions of Mr. William A. Sikkel to his community and to his Nation.

Following 5 years of outstanding military service, Bill Sikkel settled in Holland, MI, where he married the former Alma Brondyke. Bill and Alma now have two children and four grandchildren.

Americans have a way about them, Mr. Speaker. We're known as people who work our way up from the bottom. Our folk heroes are more likely to have their roots in buckskins than in suede.

Bill Sikkel is one of those Americans.

Born in Paterson, NJ, Bill settled in Holland in 1935, got a job as a punch press operator for the Holland Furnace Co., and began working his way up the ladder. But, when war broke out a few years later, he turned in his lunchbox for a backpack.

In 5 years, Bill fought his way through four campaigns in the South Pacific, went from private first class to major and earned a Bronze Star and three Presidential Citations.

Bill returned to Holland after the war. He and Alma were married in 1944, and back at Holland Furnace, he worked his way up to branch manager.

Bill's business love has always been sales. Throughout his career—from the Holland Furnace Co. through Big Dutchman to Haworth, Inc.—this love has carried him through all 50 States and 56 foreign countries. During this time, he trained more than 1,000 sales people.

When he signed on as Haworth's vice president sales in 1966, company sales were $3 million a year. Today, Haworth brings in $350 million putting it at the forefront of the office systems industry. That translates into unprecedented job opportunities for the people of western Michigan.

But there are many outstanding businessmen in America. The man we are honoring today is much more than that.

Bill served enthusiastically as president and director of the Holland Area Chamber of Commerce. He served as director of the Holland Community Foundation. And, an avid hunter and fisherman, he served with particular enthusiasm as the director of Wildlife Unlimited. At one point, Bill successfully mixed business with pleasure launching the Holland Fishing Derby Program which brought in more tourist and resort business and tied them in to the harbor and fishery industries.

I said several times that Bill Sikkel "served." That is the motivation in Bill's life.

He served his Nation in World War II. He served his community by offering his leaderhip skills to civic activities. And he served his family as a faithful and loving husband, father, and grandfather.

His son Bob is an attorney. He and his wife Connie have two sons. Daughter Linda is a homemaker, married to Gary Speet who is a sales representative for Coutours, Inc., of Holland. The Speets have two daughters.

Bill also serves his faith. A member of the Maple Avenue Christian Reformed Church, he is a loyal supporter of private, Christian education. His son, a graduate of Holland Christian Schools, now serves on the H.C.S. Board of Directors.

In 1984, Bill raised $3 million for a new middle school building. Its offices were completely equipped and furnished by a gift from his own corporation. He also utilized his international experience to raise money for Christian Schools International, headquartered in Grand Rapids.

Hero, leader, and servant. For these qualities and accomplishments and more, I ask you, my colleagues, to join me today in commending William A. Sikkel.

UNITED STATES SENT A MESSAGE TO TERRORISTS WORLDWIDE

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, yesterday America sent a message to terrorists worldwide. We said that we are no longer going to lie down for cowardly killing. We are no longer going to lie down because of fear. We are no longer going to ignore senseless brutal destruction.

Qadhafi is a madman who we can no longer tolerate. We told the world we intend to do what must be done to protect our citizens worldwide.

I applaud the President's decisive, measured response against a mindless mad dog Mu'ammar.

Despite the apparent success of last night's mission, I cannot help but share the disappointment expressed by one of my constituents in east Texas that in bombing the military barracks in Libya, Colonel Qadhafi was not sleeping inside.

It is my sincere hope that the Libyan people—who are not our enemy—rethink the direction their leader is taking them.

I do not underestimate the mindless response and brutality of Qadhafi. We may suffer further attacks, but we nonetheless stand ready to act.

United America will fight terrorism and terrorists wherever they are found.

ARE THEY REALLY "MEDICAL SUPPLIES" OR LIBYAN MILITARY SUPPLIES?

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, yesterday, Americans protesting proposed aid to the Nicaraguan Contras symbolically placed medical supplies on the steps of the U.S. Capitol; crutches, bandages, ointments, and the list goes on.

These people were not the first to think of sending the Sandinistas medical supplies. The Sandinistas received a shipment a few years ago, and it was marked "medical supplies." However, these "medical supplies" did not immediately reach their destination. Four Libyan planes loaded to capacity ran into trouble and had to land in Brazil. And what did they find? Two dismantled Soviet fighter jets, wire-guided missiles, rifles, machineguns, mortars, bazookas, 90-millimeter cannons, 8 multiple-rocket launchers, 5 tons of bombs, 8 antiaircraft guns, 600 light artillery rockets, and the list goes on. All in all, 84 tons of arms. One of a number of shipments of Libyan military shipments to the Sandinistas. In praise of the Sandinistan efforts, Qadhafi said, "Libyan fighters, arms, and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground."

That is why, my colleagues, he gave $400 million to the Sandinistas.

TO THE SHORES OF TRIPOLI—AGAIN

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, the military action last night was one of self-defense taken against a sustained, continuous, and ever increasing use of terrorism by Colonel Qadhafi directed against America. For too long, he has viewed Americans as easy pickings for his coldblooded murderers. Targets have included our servicemen, our embassies, diplomats and their children, U.S. businessmen, and American tourists throughout the world. To put an end to this, America went to the shores of Tripoli again.

We wish we didn't have to take this action. We also wish there were no terrorism in the world. Unfortunately, we can't wish terrorism away.

The Government and people of the United Kingdom who cooperated in yesterday's mission should be thanked. They remember the lessons of history and well understand that there can be no security in appeasing dictators. My great regret is that the French Government did not see fit to allow our fighter bombers to overfly French territory. Instead of a flight of 8 hours, our flight crews were forced to fly 14 hours.

If our allies had only joined us, months or years ago, in economic sanctions against Libya, this type of military action might never have been necessary.

This Government has talked long and loud about actions it was going to take in response to terrorism. Action has finally been taken. Now is the time to heed the old adage to "speak softly but carry a big stick."

The American people should be aware that one military strike does not a policy make. The fight against terrorism will require a sustained effort, and the most important component is willpower. The fight against terrorism will not end with last night's strike, but a strong blow in a right cause was finally made.

TAX POLICY

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to address both the short-term ill effects of current tax reform proposals and our long-term tax policy and its relationship to the world economy. As America approaches the 21st century, she is facing a greatly altered international trade arena. We must gear our policies, including our tax policy, toward the future.

The business alternative minimum tax will start America moving in that direction. This new minimum tax will bring our tax system into closer harmony with those of our major trading partners, and help level the playing field with foreign competition. It will ensure that corporations pay a substantial and fair share of tax, and will right the wrongs of the huge business tax increases included in the current tax reform proposals.

Today is April 15, Mr. Speaker, a day that is foremost in the minds of American taxpayers. Today our Nation must look toward the future in its tax policy.

I urge my colleagues to join me in supporting a tax policy to solve the ills of tax reform and allow us to be more competitive worldwide.

THE PRESIDENT'S ACTION DESERVES NOT ONLY BIPARTISAN SUPPORT BUT ALSO ALLIES' SUPPORT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the President's action on Libya was justified and it deserves our bipartisan support. A good number of our European nation friends, however, have slapped the United States in the face with their lack of cooperation. France and Spain went so far as to prevent us from using their air space. I looked at the definition of "ally" in Webster's dictionary, and it says "one that is associated with another as a helper."

After yesterday, quite frankly, I sometimes wonder. Had the Europeans supported us on economic sanctions, perhaps this course of action might not have been necessary. One cannot simply condemn the Libyans as the EEC did yesterday with rhetoric. I suggest that the Europeans consult among themselves and talk about two words, "alliance" and "NATO."

AIR STRIKE ON LIBYA

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, yesterday the United States delivered a message to Libya's Colonel Qadhafi in the only language he understands. It was firm, clear, and resounding. Time had come for Qadhafi to end his reign of terror. Our warnings had gone unheeded. He had failed to listen to reason. He had shown no signs of changing his relentless pursuit of terror.

In the famous words of Edmund Burke, "All that is necessary for evil to succeed is for good men to do nothing." Last night when the President talked to America about the day's events, he told us, "Today we have done what we had to do. If necessary, we shall do it again." Mr. Speaker, yesterday good men confronted evil and did something.

I would add one final observation. Last night the President praised French authorities for helping us successfully prevent Libya from carrying out a massacre of civilians waiting in line for visas at the American Embassy in France. I trust we can expect similar behavior on their part in the future so American aircraft will be granted access to French air space and safe passage should it be necesssary in the future. France needs to straighten up its act so we can fly right to the target should another mission be necessary.

THE UNITED STATES RESPONDS TO THE TERRORIST THREAT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute.)

Mr. HUBBARD. Mr. Speaker, I support our President regarding our air attacks yesterday in Libya.

We were trying to respond through the only method Col. Mu'ammar Qadhafi understands to the violent terrorist activities ordered and carried out by the world's No. 1 terrorist.

We in the United States appreciate and value human life.

Therefore, we are not happy about, indeed, we're sympathetic with the Libyans, including Colonel Qadhafi, who have lost family members in last night's air strikes.

But, Colonel Qadhafi, you asked for it. You are directly responsible for killing Americans in the Middle East and

in Europe on land, at sea, and in the air. We are fed up with you and your terrorist gangs.

The use of U.S. military power must always be used with great caution. Last night the Libyan terrorists learned that Americans are unwilling any longer to see our people's safety and travels jeopardized by Colonel Qadhafi and his terrorist gangs.

WE SHOULD NOT MINIMIZE THE GRAVITY OF THE SANDINISTA INVASION OF HONDURAS

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, Honduran concerns about Nicaraguan attacks across its border were well established before 1,500 Nicaraguan soldiers invaded Honduras on March 23. Honduran military intelligence learned of a large buildup of Sandinista troops on the border around March 19 and 20. The Honduran military reportedly was considering air raids against targets in Nicaragua and had six planes loaded with bombs on standby even before the border crossing by the Sandinista soldiers. Reports indicate the bombing raids were cancelled because the Hondurans were concerned that the Nicaraguans might have installed new antiaircraft defenses along the border.

Honduran officials have reacted angrily to reports that the United States pressured Honduras into taking military action against the Snadinistas. Honduran Armed Forces spokesman Maj. Jorge Arguello said that any reports of pressure were "categorically a lie. No one pushed us into anything." Honduran President Azcona said he made his decision to seek United States military aid "without outside or domestic pressures."

I stongly believe it would be a mistake to minimize the gravity of the Sandinista invasion of Honduras.

HOUR OF MEETING ON TOMORROW, APRIL 16, 1986

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, April 16, 1986.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Texas?

Mrs. MARTIN of Illinois. Mr. Speaker, reserving the right to object, has this been cleared with the minority?

Mr. PICKLE. Yes; it has.

Mrs. MARTIN of Illinois. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MONEY LAUNDERING PREVENTION ACT OF 1986

Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, today I have introduced the bill, Money Laundering Prevention Act of 1986, along with the gentleman from Pennsylvania [Mr. SCHULZE]. This bill was drafted by the administration with the close consultation of the oversight staff. The bill closes the loopholes in current law which allow money launderers to escape conviction and provides Internal Revenue Service with seizure and forfeiture authority when there are violations of the bank secretary reporting requirements.

Mr. Speaker, this bill is needed. The Federal courts have taken the position that there is inadequate legislative authority to prosecute people who are actively engaged in money laundering operations.

Mr. Schulze and I are going to petition our colleagues, requesting Members to join with us in enacting this much needed legislation.

CONGRESS NEEDS TO PASS A BUDGET RESOLUTION NOW

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, today marks the symbolic day for the collection of our national taxes to pay for the feeding frenzy of the Federal Government. Today also marks the day that Congress was expected to take a significant step to curb the voracious appetite of the Government under the Gramm-Rudman legislation passed by this body only a few short months ago.

As millions of Americans meet the April 15 deadline today, Congress ought to be ashamed that we do not have the political courage to meet our own self-imposed deadline to reduce Federal spending.

Why is it important for Congress to get on with the business of deficit reduction? We now have the kind of economic climate many of us have advocated for years: Low inflation, sustained economic growth, declining interest rates, and a dollar moving into a more advantageous position. The Federal Reserve recently lowered the interest rate it directly controls—the discount rate is now at 7 percent—and many forecasters are predicting it will move lower.

Congress needs to complement this action by passing a budget resolution now that meets the Gramm-Rudman deficit target. Millions of first-time home buyers, millions of small businesses, millions of farmers all across America will benefit from the lower interest rates that will ensue from meaningful deficit reduction.

Finally, there is the most dangerous consequence of procrastination of all—the likely erosion of confidence by the financial community, both domestic and international, that the U.S. Congress is serious about cutting the Federal deficits. The result can only be a renewed increase of interest rates—despite recent Federal Reserve discount action—a stronger dollar and a likely delay in the improvement of our trade balance. Working in the limelight of public scrutiny, as we do, we dare not permit the impression that we are wavering in our resolve.

The financial markets expect Congress to act. The good people of this country expect Congress to act. Mr. Speaker, let Congress act. Bring us a budget resolution under an open rule so Congress can work its will and do its part to sustain the present economic expansion.

□ 1620

WE SHOULD BE PROUD OF THE PRESIDENT'S ACTION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the failure of our European allies, except for England, to join in any kind of collective action against the world's greatest terrorist chief of state was pusillanimous, fainthearted, pitiful, and shameful. The President acted in the only way a Chief of State could react; he did what had to be done.

The act itself, our reprisal, was an excellent military exercise, surgical to the point. If there were any civilian casualities, it is only as a result of Mu'ammar Qadhafi's placing his assassins and his, hiding them under the skirts of women and children, as does his mentor, the PLO chairman.

And the face that our President put on this act to the world in his speech last night was thoughtful, calm, deliberate, much more on sorrow than in anger, and he presented an image that made all Americans proud.

THE DEMOCRATIC STEALTH BUDGET

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, the Defense Department claims that we have the ability to make a fighter plane that will be an effective offensive weapon, but it will be invulnerable to attack because it will in

effect be radar invisible. Now I do know that technology exists because the Democrats are using it in their own stealth budget.

Ever since the President released his budget, the Democrats have gone on the offensive, attacking it with glee and vigor across the Nation. They even scheduled a vote on the floor of the House on the President's budget under the guise that they had to vote on that budget before the committee could consider an alternative. That was March 13. The House Budget Committee has not even met since that vote. In the process, the majority party in this House has let the April 15 deadline pass by.

The Democratic stealth budget has its advantages. Since it is invisible, we cannot examine it, discuss it, or criticize it. We could not even agree to it if we wanted to. It is time to take the wraps off the Democrat's stealth budget and begin the process of governing as we were elected to do.

VOTE AGAINST AID TO THE CONTRAS

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I rise today to urge my colleagues to vote against the President's proposal for aid to the Contras when it comes before the House for the second time.

More aid to the Contras will not solve our problems with Nicaragua.

The administration says that military pressure is needed if diplomatic initiatives are to succeed. Military pressure in the form of support for the Contras has done nothing to further the diplomatic initiatives.

These Contras who have little support in Nicaragua have achieved little besides encouraging extremists in the Sandinista junta and pushing their country closer to the Soviet Union for military support.

The administration must make clear what sort of a threat they believe Nicaragua is. If the Sandinistas are truly endangering the United States, $100 million to a weak and embattled rebel force will do nothing to stop this threat.

THE AMERICAN PEOPLE DESERVE BETTER

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, today is the day when this House was supposed to pass a budget. Sadly, we not only have not enacted a budget for the Congress, we did not even act on it in the House of Representatives.

As a matter of fact, the leadership of this House has not even permitted a markup hearing to exist on the budget. What we have is a refusal by the leadership of this House to even allow the markup of a budget. What they have done is decided to hide from the problem. You cannot hide from this problem. It is not going to go away.

What we see here is a decision by the leadership to refuse to let the American people deal with a budget, and an insistence on the part of the leadership of this House that you go ahead with the sequestering provided for under Gramm-Rudman.

Mr. Speaker, that is irresponsible. The American people deserve far better.

SURPRISE, NO SURPRISE

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, last night there were no surprises in Tripoli. From the Libyans, the American Government has found exactly what it expected.

Indeed, the only real surprise, the only real disappointment, is not from an adversary, but from a friend in France, because American pilots had to find uncertain dangers, different dangers, by flying a longer route to the coast of Libya.

So today I rise to apologize, apologize for a French Government that cowers by intimidation and in fear. And I apologize for that French Government to those brave Americans who lie in Normandy and expected more, to those brave Americans who lost their lives in Dien Bien Phu and expected more, to those Americans who sacrificed to rebuild France and expected more. I apologize for all of those who expected more from a free and a proud French people.

Last night was a proud moment for the American people, but it remains a day of shame for France.

TERRORISTS ONLY UNDERSTAND THE LANGUAGE OF FORCE

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, America's attack against Libya was clearly justified. No nation need sit back idly while a hostile power maims and murders its citizens. In launching these air attacks against Libya, President Reagan has chosen to speak the only language terrorists understand, the language of force.

We must now work to speak this language with a unified voice in the West. The inability of some of our allies, and especially the French, to join with us in defending our shared interests against wanton attacks is most troubling. The administration, with support from this body, should work to bring all our allies aboard for this effort to end state-sponsored terrorism. Those of our allies who decided not to assist us in this effort need to reexamine their decision. It is time to stand up and be counted.

OUR EUROPEAN ALLIES CANNOT HAVE IT BOTH WAYS

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, when we read in the morning newspaper about a terrorist act, we react with horror. But, imagine the horror if it is our own wife and baby daughter that is blown out of a TWA aircraft to their deaths, or our own son whose arms and legs are blown off in a discotheque in West Germany. When terrorism can be tracked to its source, then we have to take action. No one is sure where this action will lead, but without it the murder of innocent civilians would certainly go on.

Our European allies cannot continue to have it both ways. They cannot continue to expect $100 billion a year for their own security while sanctimoniously chastising the United States of America for at least attempting to confront a terrorist menace that has consumed so many lives of their own citizens.

CONGRESS SHOULD COMPLY WITH THE LAW

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Mr. Speaker, when Congress passes a law, it expects that the law will be obeyed. Today, April 15, is a day for complying with two very important laws.

As many of us will be reminded late this evening, today is the day that Americans file their Federal tax returns. It is the law, and the great majority of Americans comply with it.

Today is also the day that Congress is to have completed action on a budget resolution for fiscal year 1987. Unlike the vast majority of Americans—Congress is not complying with the law today. Congress has not even come close. Unlike the millions of Americans who will put pen to paper late today in order to get the 1040 form completed, the House of Representatives has not started the budget writing process.

Mr. Speaker, it is the Democrat majority that is responsible for this hypocracy—telling the Nation to comply with one law, while this House ignores another. It reminds me of the old saying—do what I say, not what I do.

The Democrat majority on the Budget Committee has delayed any real action on the budget. Do they think the deficit is going to go away on its own?

Well, I, for one, know that it won't. It is time for Congress to follow the example of the American people and comply with the laws by which it is governed.

If taxpayers can pay their taxes on time, then surely we in this body can take timely action to come up with a responsible budget that puts tax dollars to the best possible use.

WE NEED COOPERATION OF ALL NATIONS TO STEM THE THREAT OF TERRORISM

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, like most Americans, I stand by President Reagan's decision to bomb key terrorist bases and military facilities in Libya. We cannot permit terrorists like Qadhafi and his kind to intimidate with impunity and without fear of retaliation.

The raid on Libya was calculated to protect the lives of Americans and other citizens of the world community. It is my sincere hope that this military strike was successful in disrupting Libya's terrorist agenda, and that it serves as a deterrent to future terrorist attacks by these cowards, who pride themselves on murdering innocent citizens.

It is time for our allies to stand with us in exerting as much economic, political and diplomatic pressure as possible on Libya and the other peddlers of terrorism. Perhaps if our allies had joined with us for that purpose months ago, yesterday's actions might not have been necessary.

I find it inexcusable that France forced our planes to fly an additional 1,200 miles each way around its borders. We are trying to protect the interests of the entire world, not just the United States. It's going to take the cooperation of all nations to stem the threat of terrorism and return some degree of sanity to our world. I am disappointed with some of our allies and their ostrich-like thinking.

REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, the legislation I introduce today would correct an unfortunate change in this country's relationship with the U.S. territory that I represent.

The revised Organic Act of the Virgin Islands, enacted in 1954, is the Federal law which establishes the premises of this country's relationship with the territory of the U.S. Virgin Islands. A major component of that act is permanent financial assistance provided to the territory through advanced payment of U.S. excise tax collections on products of the islands. The most significant of these collections are the excise taxes on rum. This tax was imposed on rum entering from the Virgin Islands as a means of equalizing the costs vis-a-vis mainland distillers. From its inception, this equalizing tariff was returned to the territory. There were two prevailing theories for the returns: excise taxes provide an ideal source for meeting the Federal objective of promoting economic development in the territories because they are tied to local production; and Federal taxation of territorial inhabitants suggests taxation without the constitutional minimum of representation, a result which is avoided by returning the assessment to the local government.

The 1984 Tax Act changed this historical economic arrangement. The act increased from $10.50 to $12.50 per proof gallon the excise taxes imposed on distilled spirits, but disallowed the increase to the Virgin Islands for the first time. As is to be expected when the price increases, rum sales diminished. Furthermore, for public policy reasons, alcohol consumption has dropped off somewhat. The dual effect has yielded the Virgin Island a significant loss in revenue. Unlike the Federal Government, the impact has not been mitigated by the excise tax increase.

According to the President's budget, over 5 years the excise taxes returned to the Virgin Islands will fall from $40 million to $25 million. This is hard to accommodate in a territory that, by Federal law, must rely on the funds for many of its capital improvement needs, and which had considered these excise taxes its singlemost reliable resource.

If passed, the increase in excise taxes to be returned to the Virgin Islands in fiscal year 1987 would be just under $5 million. This amount would be generated solely by excise taxes collected on the sale of Virgin Islands produced rum. The revenue would be derived from a source that was never intended as a Federal revenue enhancer, and would be returned to the jurisdiction which Congress had historically recognized as the beneficiary.

□ 1630

BENTLEY PRAISES STRIKE ON TERRORISM

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, our reaction to last night's punitive action must include consideration of the dead in the airports at Rome and Vienna and of the three Maryland dead from the bomb on the TWA plane from 2 weeks ago and another Marylander on a TWA plane last fall. I could go on—the list is endless, the dead from terrorist attacks.

The toast of Robert Goodloe Harper "Millions for defense but not one cent for tribute" was first used in 1798. Several years later that toast became the battle cry of the infant American Republic when it fought the pirates of Tripoli.

For decades, pirates—the terrorists of their day—held Europe at gunpoint. If governments did not pay tribute the Tripoli pirates would disrupt sealanes by sinking ships. The Europeans were afraid; and, counseled caution; 180 years later, the Europeans are still cautioning as yet new Tripoli pirates are attacking travel lanes and committing other acts of barbarism. President Reagan, like Jefferson before him, was forced to protect travel lanes, and to defend against Tripoli pirates.

While the use of force is dangerous, it has been the policy of the new Tripoli pirates for years. A failure to react with force was probably even more dangerous than allowing Qadhafi to go unchallenged. I wish there was a peaceful way to guarantee the safety of our citizens, but I support the President in his necessary use of force.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be permitted to sit tomorrow, April 16, 1986, during the 5-minute rule.

This request has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SHAW. Reserving the right to object, Mr. Speaker, that is quite correct, it has been cleared, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4515, URGENT SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1986, AND PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION RELATING TO CENTRAL AMERICA

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 415 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 415

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the Senate of the Union for the consideration of a joint resolution relating to Central America pursuant to the International Security and De-

velopment Cooperation Act of 1985 only containing the text of S.J. Res. 283, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and to the amendments made in order by this resolution and which shall continue not to exceed two hours, to be equally divided and controlled by a Member in favor of the joint resolution and a Member opposite thereto, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments, which shall be in order any rule of the House to the contrary notwithstanding, which shall be considered only in the following order, and which shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole:

(1) an amendment in the nature of a substitute printed in the Congressional Record of April 14, 1986, by, and if offered by, Representative Hamilton of Indiana, and said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto;

(2) an amendment, which may be offered only if the amendment designated (1) above has been rejected, printed in the Congressional Record of April 14, 1986, by, and if offered by, Representative McCurdy of Oklahoma, and said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by Representative McCurdy and a Member opposed thereto; and

(3) an amendment, which may be offered only if the amendment designated (1) above has been rejected, printed in the Congressional Record of April 14, 1986, by, and if offered by, Representative Mrazek of New York, and said amendment shall be debatable for not to exceed two hours, to be equally divided and controlled by Representative Mrazek and a Member opposed thereto. At the conclusion of the consideration of the joint resolution for amendment, there shall be an additional period of general debate on the joint resolution to continue not to exceed thirty minutes, to be equally divided and controlled by a Member in favor of the joint resolution and a Member opposed thereto. At the conclusion of said debate, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to commit, which may not contain instructions. The engrossment of the joint resolution shall not be messaged to the Senate if the bill (H.R. 4515) making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes is passed by the House.

SEC. 2. After the vote on final passage of such joint resolution, all points of order for failure to comply with the provisions of section 302(f) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), and with the provisions of clause 2(1)(3)(B) of rule XI, are hereby waived against the consideration of the bill (H.R. 4515) making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes. During the consideration of the bill, all points of order against the bill for failure to comply wiht the provisions of clauses 2 and 6 of rule XXI are hereby waived. Amendments to strike out the following provisions in the bill shall be considered to have been adopted in the House and in the Committee of the Whole: beginning on page 5, lines 11 through 25; and beginning on page 28, line 19 through page 30, line 16. It shall be in order to consider the following amendments to the bill printed in the Congressional Record of April 14, 1986, by, and if offered by, the Members indicated: the amendment by Representative Hammerschmidt of Arkansas, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 302(f) of the Congressional Budget Act of 1974, as amended, are hereby waived; an amendment by Representative Schroeder of Colorado, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; an amendment by Delegate Fauntroy of the District of Columbia, and all points of order against said amendment for failure to comply with the provisions of clauses 2 and 6 of rule XXI, and clause 7 of rule XVI, are hereby waived; an amendment by Representative Mica of Florida, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived; an amendment by Representative Fazio of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; an amendment by Representative Rostenkowski of Illinois, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived; and an amendment by Representative Bosco of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived. If the joint resolution designated in section one of this resolution and H.R. 4515 are both passed by the House, the enrolling clerk of the House of Representatives shall add the text of such joint resolution as passed by the House, with such technical and conforming changes as may be necessary, to the engrossment of H.R. 4515 as passed by the House, and such joint resolution shall be considered to have been laid on the table.

POINT OF ORDER

Mr. STRATTON. Mr. Speaker, I have a point of order against the rule. I am not exactly sure how to express the situation that I face.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The gentleman will state his point of order.

Mr. STRATTON. Mr. Speaker, on behalf of the Committee on Armed Services, this Member appeared before the Committee on Rules last week to point out that one of the amendments that the rule that has just been read, the so-called Schroeder-Downey amendment, was legislation that has already been referred by the Parliamentarian to the Committee on Armed Services and has been further referred to the Subcommittee on Procurement and Military Nuclear Systems, which I have the honor of chairing, and that the same amendment that is being put in order in this rule was also referred to the Committee on Foreign Affairs.

The distinguished chairman of the Committee on Rules is in the Chamber. When I testified before the Committee on Rules, the distinguished chariman said: "Do you mean to tell me that the identical legislation that the gentlewoman from Colorado wants to add as an amendment to the supplemental appropriation bill has been referred to the Committee on Armed Services?"

And I said: "Yes, sir."

He said: "Do you mean to tell me that the same piece of legislation that the gentlewoman from Colorado wants to add to the rule already and the supplemental appropriation bill was also referred to the Committee on Foreign Affairs?"

And I said: "Yes, sir."

And the chairman said: "Well, in that case, we will not allow that to be put in the amendment."

This is in the proceedings of the Committee on Rules, and it would seem to me that a pledge on behalf of the chairman of the committee on a matter that was brought to the attention by the Committee on Armed Services should be honored, Mr. Speaker.

The SPEAKER pro tempore. Does any Member desire to be heard on the point of order of the gentleman from New York [Mr. STRATTON]?

Mr. BONIOR of Michigan. What is the point of order, Mr. Speaker?

The SPEAKER pro tempore. The Chair is not quite clear. The gentleman from New York [Mr. STRATTON] has made a point of order against the entire rule. I would ask my dear friend, the gentleman from New York, to be more specific as to what point of order he is making.

Mr. STRATTON. Mr. Speaker, the basic point of order is that you cannot make a piece of legislation that has been referred by the Parliamentarian to two standing committees and have it then, without any discussion in those standing committees, added to the legislation that includes this entire rule.

The SPEAKER pro tempore. Does the gentleman from Michigan [Mr. BONIOR] desire to be heard?

Mr. BONIOR of Michigan. Mr. Speaker, with all due respect to my good friend, the gentleman from New York, who is a distinguished Member of the Committee on Armed Services, he certainly understands and realizes that this is not a point of order that can lie against this rule.

Mr. Speaker, I would ask the Chair to rule.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. STRATTON] desire to be heard further?

Mr. STRATTON. Mr. Speaker, it is a point of order of the credibility of the committee. I do not believe that the

pledge of the chairman of the committee can be overridden by some individual Member.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Chair is ready to rule.

The Chair would state to the distinguished gentleman from New York [Mr. STRATTON] that the Committee on Rules has the inherent authority to recommend to the House the discharge of any committee from consideration of any matter. The gentleman has the right to express his argument on the merits of the special order during debate or by voting against the rule.

The Chair overrules the gentleman's point of order.

Mr. STRATTON. Mr. Speaker, I would be delighted to exercise that privilege.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 415 is a complex and lengthy rule pertaining to two measures. Section 1 provides for consideration of a joint reolution relating to Central America. Section 2 waives certain points of order against the bill H.R. 4515, making urgent supplemental appropriations for fiscal year 1986.

House Resolution 415 provides a modified closed procedure for the consideration of a joint resolution on Central America, containing the text of Senate Joint Resolution 283. The rule provides for 2 hours of general debate, to be confined to the joint resolution and to the amendments made in order.

After general debate is concluded, only three amendments are to be in order under the rule. All points of order against the three amendments are waived and they will not be subject to amendment or to a demand for a division of the question either in the House or in the Committee of the Whole.

The amendments are printed in Monday's CONGRESSIONAL RECORD and are to be considered only in the following order:

First, an amendment in the nature of a substitute to be offered by Representative HAMILTON;

Second, an amendment which may be offered only if the amendment by Mr. HAMILTON is rejected, to be offered by Representative MCCURDY;

And third, an amendment, which may be offered only if the Hamilton amendment is rejected, to be offered by Representative MRAZEK of New York. Each of these amendments will be debatable for not to exceed 2 hours, to be equally divided and controlled by the author and a Member opposed to the amendment.

At the conclusion of consideration of the joint resolution for amendment, there shall be an additional period of general debate. This debate shall not exceed 30 minutes, equally divided and controlled by a Member in favor and a Member opposed.

The rule provides for one motion to commit, which may not contain instructions. The House will then move to a vote on final passage of the joint resolution.

The rule also contains a stipulation that the engrossment of the joint resolution shall not be messaged to the other body if H.R. 4515—the supplemental appropriations bill—is passed by the House.

Section 2 of the rule before the House contains waivers of points of order during the consideration of H.R. 4515, the urgent Supplemental Appropriations Act for fiscal year 1986.

The rules waives section 302(f) of the Congressional Budget Act of 1974 against consideration of the bill. In compliance with section 302(b) of the Budget Act, the Appropriations Committee issued a report subdividing the budget authority allocated to the full committee among its subcommittees. While the budget authority contained in H.R. 4515 would not breach the Appropriations Committee's budget authority allocation, it does violate the allocation made to some of its subcommittees. Section 302(f) of the Budget Act prohibits the consideration of legislation if it violates the Appropriate Committee's subdivision and so the waiver is necessary in order for H.R. 4515 to be considered.

The rule also waives clause 2(L)(3)(B) of rule 11 against consideration of the bill. This provision of the House rules requires each committee to include in its report on any bill a comparison of the spending levels in the bill to the subcommittee budget authority allocations.

The rule waives clauses 2 and 6 of rule XXI against the bill. Clause 2 of rule XXI prohibits the inclusion of legislation and unauthorized appropriations in any general appropriations bill. H.R. 4515 contains a number of such provisions which are outlined in the committee's report on the bill.

Clause 6 prohibits reappropriations in a general appropriations bill. A number of the provisions of the bill contain transfers of funds previously appropriated.

The rule strikes out two provisions of the bill. The first provision pertains to modifications of the Farmland Conservation Reserve Program, established by the 1985 farm bill. The other provision stricken by the rule relates to standards and funds for congressional mailings.

The rule waives points of order to permit consideration of seven amendments. Each of these amendments must be printed in the CONGRESSIONAL RECORD of April 14, 1986, by its author.

Finally, the rule provides that, if both the joint resolution on Central America and the urgent supplemental appropriations bill are passed by the House, the text of the joint resolution is to be added to H.R. 4515, and the joint resolution itself will be laid on the table.

Mr. Speaker, let me summarize briefly the procedural situation made in order by this rule.

First, it will be in order to consider the joint resolution on aid to the Contras. This will contain only the text of Senate Joint Resolution 283, the administration's proposal.

There will be 2 hours of general debate on the joint resolution after which only three amendments may be offered which will be considered in the following order:

First, an amendment in the nature of a substitute by Mr. HAMILTON;

Second, an amendment by Representative MCCURDY, which may be offered only if the Hamilton amendment is defeated;

Third, an amendment by Representative MRAZEK, which also may be offered only if the Hamilton amendment fails.

Each of these amendments will be debated for up to 2 hours. There will be one-half hour more of general debate after the conclusion of deliberation on the amendments and before the vote on final passage.

After consideration of the joint resolution, we will move to consideration of the supplemental appropriations bill. After the final vote on the supplemental, if both the joint resolution and the supplemental pass they will be joined and sent to the other body.

Mr. Speaker, we have before us two measures of utmost importance to this House and Nation. It is fitting, I believe, that we consider them together.

At bottom, what we debate today, and the rest of this week is the issue of our Nation's priorities.

Mr. Speaker, in H.R. 4515, we have urgent supplemental appropriations for the most pressing problems this Nation faces.

Across this Nation, farmers are facing the threat of bankruptcy and ruin. This legislation will restore funds for the Farmers Home Administration to provide housing in our rural areas. It also recommends that the administration use its authority to defer principal and interest payments and provide loans for farmers who are suffering from circumstances beyond their control.

Much of our Nation has been devastated by floods causing hundreds of millions of dollars in property damage, and threatening erosion to valuable farm land. This legislation provides

emergency flood relief, and for flood control.

The bill provides funds for veterans compensation, and pension benefits. Funds for veterans job training and readjustment counseling.

It provides funds for feeding programs for women, infants and children in this country who otherwise would go without adequate nutrition.

It restores funds for economic development assistance in our Nation's cities and towns. For shelters for our homeless who haunt our Nation's streets.

And it makes available immediate funds to strengthen our Embassies throughout the world against the threat of terrorism. In the midst of the current crisis in Libya, who can deny that we urgently need these funds to protect American lives abroad?

Yet, the President has told us he will veto this bill. And because he wants to veto this bill, he wants us to consider separately the question of providing $100 million in aid to the Contras.

Mr. Speaker, when we vote on this rule today, we must face up to the true cost of the war in Nicaragua. The President has told us that $100 million is a small price to pay, a limited investment in Central America. But he has not told us that the true cost of the war in the last 5 years has totalled over $1 billion.

Will we allow the administration to spend a billion dollars in a war against Nicaragua, while allowing our family farmers to face bankruptcy and ruin?

Will we allow the administration to send $10,000 in additional aid to every single Contra, while women, infants, and children in this country suffer from poor nutrition?

Will we allow the people of this Nation who have paid for a billion dollar war in Central America, watch their own homes and savings of a lifetime be washed away with no hope of financial recovery?

Mr. Speaker, I urge adoption of this rule. The procedure before us is an unsual one, unusual in the extent to which, in this rule, we have bent over backward to provide an opportunity for the administration's position on Contra aid to be presented to the House again.

Three of the relevant committees have already voted their disapproval for the President's Contra request this year. This joint resolution could not reach the floor independently.

By connecting this resolution to the supplemental, we have taken an extraordinary step to ensure Contra aid will be considered on the first possible legislative vehicle.

Mr. Speaker, this is a fair rule. It allows for an opportunity to debate a range of options on our policy in Central America, and it allows this body to face what the President prefers to hide—the true cost to the American people of the Contra war.

□ 1645

Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Well, I guess I should say, "Thank you very much," but instead, I will say, "There you go again."

You call this rule fair? I really have to question the truth of an allegation that this is a fair rule. In certainly is not. It is the most convoluted process that goes beyond the bounds of anything I have ever seen from the Rules Committee in the 18 years I have been around here, not to mention the fact that it involves foreign policy that this process is being used.

Now, I know that you might say, "I have heard you say that before, that this process is worse than any I have ever seen before."

Incredibly, they keep getting worse. I wonder where it will end. I really worry about the institution when we have a process devised like this one, which is a very thinly veiled effort to thwart the will of the House.

It is clear that the votes are here now to vote for aid for the Contras in Nicaragua. So realizing that the votes are here in the whole House coming from both sides of the aisle. We have this process that will, at the very least, delay a conclusion for probably a minimum of 30 days if it is coupled to the supplemental appropriation bill, goes across to the Senate, they act, and then it goes to conference. And probably, based on what I see and what I hear about this urgent supplemental appropriation, it will be vetoed in the end anyway. So, a month, or 6 weeks, or 2 months from now we will be back here with no urgent supplemental, assuming it is an urgent supplemental, and of course no aid having reached the Contras, even if the House and the Senate will have voted for it.

I repeat, this goes beyond the bounds of anything I have ever seen before.

Let us talk about the rule. I do not want to repeat everything that the gentleman from Michigan has already said. We know the resolution brings this process to the floor and the time that is allocated, but there are a couple really interesting points that maybe have not been touched on that I would like to talk about.

Mr. Speaker, House Resolution 415 makes in order H.R. 4515, making urgent supplemental appropriations for the fiscal year ending September 30, 1986. This rule provides for the consideration of two measures, a joint resolution relating to Central America and the urgent supplemental. If both the joint resolution and H.R. 4515 pass the House, the Contra aid resolution is automatically included in the supplemental.

The Contra aid resolution is subject to 2 hours of general debate to be equally divided between a proponent and an opponent. It makes in order three amendments which are not subject to amendments: Two hours of debate on an amendment in the nature of a substitute by Representative HAMILTON; 2 hours of debate on a McCurdy amendment if the Hamilton substitute is defeated; 2 hours of debate on a Mrazek amendment if the Hamilton substitue is defeated.

An additional 30 minutes of debate is provided at the end of the amendment process, divided equally between a proponent and an opponent. Finally, the rule provides for one motion to commit, without instructions. At the conclusion of the consideration of the Contra aid resolution that House will proceed with the consideration of H.R. 4515, the urgent supplemental appropriations.

Mr. Speaker, the rule waives two points of order against consideration of the bill: section 302(f) of the Congressional Budget Act and clause 2(l)(3)(B) of rule 11. Section 302(f) of the Budget Act prohibits consideration of a bill which exceeds a committee's section 302(b) allocation of budget authority under the most recent budget resolution. Since several Appropriations subcommittees have already exceeded 302(b) allocations, the waiver is necessary to permit consideration of the bill. The Budget Committee chairman has indicated that a majority of the committee members support the waiver.

I think this is a serious violation of Gramm-Rudman that should not be taken lightly.

The rule also waives clauses 2 and 6 of rule 21 which prohibit legislative and unauthorized provisions, and transfers in appropriations bills. In recent times, we have been specifying in rules by page and line numbers which provisions were given protection. In this rule, we don't do that; we simply waive clauses 2 and 6 against the entire bill. The rule leaves it to you to find out just how many legislative provisions are hidden away in here.

To give you some idea of how much is being protected, I call your attention to pages 44–52 of the committee report in which all the legislative provisions and transfers are listed which require these waivers. This comes to 208 of the bill's 838 lines or 25 percent. It is no wonder the rule avoids telling us about all the offensive provisions being protected. We might begin to take offense and accuse the Appropriations Committee of usurping the powers of other committees. But that would hardly be fair.

Most of these authorization provisions have been given a wink and a nod by the authorizing chairmen.

To compound this problem the rule also waives clause 2 against the consideration of seven amendments specified in the rule. These include the following: First, a Schroeder amendment that deals with nuclear testing; second, a Hammerschmidt amendment of dairy indemnity; third, an amendment by Mr. MICA regarding Embassy security; fourth, a Fauntroy amendment on Haiti aid; fifth, a Fazio amendment on sale of Federal power, sixth, an amendment by Mr. ROSTENKOWSKI on the hospital regulations; and seventh, a Bosco "Buy American" amendment for oil rigs.

Finally, the rule automatically strikes the sections dealing with conservation reserve programs and congressional mailings.

Mr. Speaker, this urgent supplemental started out as a simple little disaster relief bill and ended up more disaster than relief, with the taxpayer picking up the bill.

Mr. Speaker, the rule before us is one of the most blatantly cynical and transparently political I have seen in all my years, and I'll grant you I've seen some doozies. But I have to hand it to the draftsmen who charted this procedural path—they've managed to come up with the most roundabout route to nowhere one could imagine. But while I might give the drafters of this rule an A for creativity, I would give them an F when it comes to fairness and fundamental decency. This rule is an insult to the House as an institution and the Members individually.

Who is going to be fooled by a rule that says, "yes," you can consider the issue of Contra aid in a separate resoluton; but, when you finish with the supplemental, a clerk will automatically insert that Contra aid language in the supplemental bill?

There you go again!

You might say this process is fair, and I ask is that the truth?

Why no, this convoluted process will delay and be defeated by veto.

And you say defeat the supplemental.

This goes beyond the bounds of anything I've seen.

I can't for the life of me understand how that either keeps faith with commitments made to permit separate consideration of the Contra aid issue or demands made for such a clean vote. It was no secret from the outset that the supplemental was veto bait with all the goodies weighing it down. How could anyone truly interested in getting immediate assistance to the democratic resistance in Nicaragua buy-off on a procedure that will tie such aid to a bill that will be delayed at best and vetoed at worst?

This rule is a little like offering the Pony Express rider a free ride on a train you know is going to be derailed: you ain't really doing him any favors.

And what about the favors that are being done within the Contra aid portion of the rule? Under this rule, if the Hamilton substitute, which denies all aid, is adopted, the ball game is over: there will be no separate votes on MCCURDY, MRAZEK, of MICHEL. Whatever happened to the king-of-the mountain approach that we had in last year's supplemental rule? So much for fairness, decency, and civility.

Mr. Speaker, I also want to say a few words about section 201 of the supplemental which purports to take away a good part of the President's deferral authority. I say "purports" because a legal memorandum from the American Law Division of the Congressional Research Service indicates that the actual effect of this provision is to simply eliminate the reporting of deferrals, and not the deferral authority itself.

I can understand the frustration of some of my colleagues over some recent deferrals, and I would agree that some reforms may be in order. But, why, at a time we are trying to meet rigid new deficit reduction requirements, would anyone want to strip the President of the ability to make prudent delays in spending that could ultimately save us billions of dollars? The meat-axe approach taken by section 201 not only contributes to the prospects of a veto, but of higher deficits as well? Is this House that hot to sequester?

Our distinguished Republican leader testified before the Rules Committee against this provision and urged that we take a more deliberate look at the issue in the committees of jurisdiction—Rules and Government Operations. But while the Rules Committee raised a great fuss over the franking rule included in the bill, and took that out in this rule, it let this major deferral repealer stay in with a wink and a nod. It even denied our Republican leader a chance to offer an alternative which would cap policy alternatives at $5 billion a year.

Mr. Speaker, for all these reasons, I urge my colleagues to vote "no" on the previous question so that I can offer a substitute rule which will permanently decouple the Contra aid resolution from the supplemental, guarantee separate votes on the McCurdy and Mrazek amendments and the Michel and Hamilton substitutes in that order, ala king-of-the-mountain, and permit consideration of the Michel deferral alternative in the supplemental.

Mr. Speaker, let us cut the games being played by this rule and adopt a serious substitute that is fair to the Members of this House, fair to the President, fair to the democratic resistance in Nicaragua, and fair to the American people. We're not fooling anyone by this "convoluted process that is designed to self-destruct." Let's face the Contra aid and supplemental appropriations issues involved, fairly, squarely and separately. Vote "no" on the previous question and then "yes" on the substitute rule I will offer. This is the only way to do credit to this House and address the vital international security interests and responsibilities tied to this rule.

Mr. Speaker, I yield 5 minutes to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the previous question and to the rule. I wish I could drag out the familiar angry words and phrases to describe the way the majority has acted in rolling this great, bursting barrel of rancid pork onto the floor of the House, but my heart would not be in it. I am sick of complaining about unfairness and my colleagues are sick of hearing it.

The majority has proved once again that old saying about the effect of absolute power. Let me try to put this process in perspective, and before dealing with the Contra-aid issue, let me first comment on the second part of the proposition having to do with the appropriation process.

My colleagues know and I know that the supplemental appropriation is so overbudget, so hung with baubles, bangles, and beads, that it is a wonder it does not fall of its own weight. The administration, the President's senior advisers, would recommend veto of H.R. 4515 in its present form. Accordingly, the administration believes that this bill is a totally inappropriate, ill-advised vehicle for the urgent matter of funding for the Nicaraguan freedom fighters. I will include that communication in my remarks.

The communication is as follows:

STATEMENT OF ADMINISTRATION POLICY, APRIL 15, 1986

H.R. 4515, URGENT SUPPLEMENTAL APPROPRIATIONS, 1986 (WHITTEN, MISSISSIPPI)

The President's senior advisors would recommend veto of H.R. 4515 in its present form. Accordingly, the administration believes that this bill is a totally inappropriate and ill-advised vehicle for the urgent matter of funding for the Nicaraguan Freedom Fighters.

There has not been so much pork seen in one place since the last "Porky Pig" film festival. As the gentleman from Mississippi [Mr. LOTT] so ably pointed out, this bill would take away the President's spending deferral authority, thereby providing yet another tool with which to break open the locks of the National Treasury.

The power to defer is one of the essential tools we have to keep spending under control. If my memory serves me correctly, over $100 billion has been saved through the deferral process since 1975 alone. One hundred billion bucks through that process, with

Congress having overturned only 17 percent of the deferrals submitted by the President.

It is bad enough that the Committee on Rules would allow elimination of the deferral power through ill-considered language on an appropriation bill; it is even worse that the Committee on Rules would not allow any alternatives to the appropriation language to even be considered.

I have an amendment, as the gentleman pointed out, that would retain the deferral power with new limitations. If major changes in the Budget Act are to be considered here, then certainly an amendment of this sort ought to be allowed.

Beyond deferrals and badly written bills, the Members of this body ought to share considerable concern over the integrity of this institution. We are making a mockery of our rules. They are rewritten daily, sometimes hourly, in order to satisfy the political whims of a select few and powerful few around here. If our procedures have no integrity, the House has none; and if the House has none, neither do we.

But these features are not the worst part of the process. No; that prize goes to the way in which the majority leadership has housed the issue of Contra aid in the pork palace. My colleagues know and I know that if we got a clean up-or-down vote on Contra aid, the President's position would prevail.

Bear in mind when we get to this procedure what this rule makes in order. First of all, we are out there standing free with our proposition. We have to take off an amendment by Barnes-Hamilton, beat it down; take on an amendment by MCCURDY, beat it down; take on an amendment or substitute by MRAZEK, beat it down; and then if we are still standing, we get married up with this monstrous supplemental appropriation bill, and with all the goodies in it and projects for districts and all the rest, and I have to go to every one of my men, plus hopefully a select few over here, to make a majority and say, "Vote down those things which you want just to keep us free-standing up there."

We know, as I said earlier, that appropriation bill is doomed to failure and it is going to be vetoed, and what has been done here by this procedure is kill aid to the Contras. Make no mistake about it. And those of you who join in this doggone cabal are just as guilty of playing a part in that charade.

In doing this, the majority leadership has reached the point of no return on the road to dangerously irresponsible manipulation of foreign policy. The majority leadership has set itself up as an alternative government, frankly, complete with its own foreign policy which it seeks to force upon the President and the people through parliamentary maneuverings.

Genuine opposition to a Presidential proposal is a legitimate part of our democratic process, but when that opposition is afraid to come out in the open and hides behind legislative technicalities, it trivializes debate over foreign policy. The Democratic Party has a great tradition of making tough foreign-policy decisions. Harry Truman did not flinch or hide behind legislative trickery to avoid his duty in aiding Greece. He was criticized, and roundly so, but he did what was right, and he was a great Democrat.

That great Democratic Party tradition is being thrown into the rubbish bin of history by this deplorable piece of cut, slick, aren't-we-clever legislative trickery. To the Democrats who remember the great foreign policy tradition of their party and want to reclaim it, I say join with us in voting down the previous question and defeating this rule. I ask you to give the President a fair chance and give this great institution and, yes, your party, something to be proud of.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am somewhat baffled by the intensity of the opposition to this rule, and I will tell my colleagues why. Everyone on that side of the aisle understands that we voted last year to provide a special vote on the Contra aid issue when we voted the so-called $27 million.

The President submitted his request, it came up before the House, and it was defeated. It was defeated. There were no obligations to provide another vehicle. There were no obligations to provide other accelerated procedures. But the Speaker, in fairness to the administration, said on the next vehicle that moves through this House, that will become law—and I disagree with the gentleman from Illinois; he knows that the supplemental is going to become law because there are too many important issues in this thing that the President will not veto—the Speaker said, in all fairness, that he would give the opponents who had alternatives a chance.

Quite frankly, there was a hue and a cry from many on my side of the aisle who said, "Why are you giving them another chance? Let them go through the regular legislative process, the committees, the Committee on Rules, and then to the House floor." But the Speaker said, "Let us be fair."

So we went up to the Committee on Rules and we allow the gentleman from Oklahoma, who has an alternative, we allow the gentleman from Illinois, who has an alternative, and we allow the gentleman from Indiana, who has an alternative, to express their will in this first part of the supplemental.

In addition, we separated out the Contra aid from the supplemental appropriation. We think that is fair, and I think the Members of this body will respond that this rule is a fair one.

The gentleman from Illinois suggests, in the great tradition of the Democratic Party, that we stand with Harry Truman. I would point out to the gentleman from Illinois that when Harry Truman involved himself in the Marshall plan and the containment doctrine, he had the American people with him. You do not have the American people with you on this issue.

The latest polls today that came out in the gentleman's own State, the Chicago Tribune, pointed out by a 2-to-1 majority the American people oppose this administration in aiding militarily the Contras in Nicaragua. And those same findings were found in the New York Times poll.

□ 1710

There is a distinct difference between what Harry Truman did and what you are trying to do here in this bill.

Mr. MICHEL. Harry Truman did not legislate by a public opinion poll.

Mr. BONIOR of Michigan. I ask for regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan has the time. Does the gentleman from Michigan [Mr. BONIOR] yield to the distinguished minority leader?

Mr. LOTT. Mr. Speaker, will the gentleman yield to me on a point he just made a moment ago?

Mr. BONIOR of Michigan. I yield to the gentleman from Mississippi.

Mr. LOTT. I appreciate the gentleman yielding. I would like to make the point that the rule does not make an amendment in order by the gentleman from Illinois [Mr. MICHEL] not by name. It makes in order a House joint resolution.

Mr. BONIOR of Michigan. The base resolution is the same as that of the gentleman from Illinois.

Mr. LOTT. He was not given an opportunity.

Mr. BONIOR of Michigan. I correct myself. The gentleman's base resolution is the same as the gentleman proposed the last time.

Mr. LOTT. He did not have an opportunity under the rules to offer the Michel amendment. It is a House joint resolution which was put in the RECORD by a Democrat.

Mr. BONIOR of Michigan. The gentleman had ample opportunity to offer that in the Rules Committee, ample opportunity.

Mr. LOTT. Ample opportunity to what?

Mr. BONIOR of Michigan. To offer the gentleman's position, the bill as passed by the Senate, and the gentleman from Illinois, and the gentleman speaking now had ample opportunity

in the Rules Committee to offer that. They refused to do that.

Mr. LOTT. As a matter of fact, this gentleman came to the Rules Committee in an executive session, whatever that was, and asked to make sure that we were going to have to print it in the RECORD with the assumption that we would have an opportunity for the gentleman from Illinois [Mr. MICHEL] to put it in the RECORD. But when the rule was brought out from the executive committee, fait accomplie, the gentleman from Illinois [Mr. MICHEL] did not have an opportunity.

Mr. BONIOR of Michigan. If he would like to have had the opportunity, we would like to have had the gentleman express an interest in doing that, and I believe we would have allowed the gentleman to have offered that. He had the opportunity to offer it. He refused to exercise that opportunity.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has 19 minutes remaining, and the gentleman from Mississippi [Mr. LOTT] has 15 minutes remaining.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, last month I voted against House Joint Resolution 540 because I did not believe that it sufficiently addressed the concerns of a number of Members on both sides of the aisle who have been working to develop a bipartisan policy with respect to Central America.

Our group was offered the opportunity to propose an alternative to the President's plan following the Easter recess. We will have that opportunity under the resolution reported by the Committee on Rules that is now before the House, and I will support the previous question and vote for the committee rule.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume just to clarify one other thing, and then I yield to my friend from California.

Before we passed the rule out of the Rules Committee, the gentleman from Illinois' staff was specifically asked if they wanted the gentleman from Illinois to offer the amendment, and they refused.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, I rise today in support of the rule and the previous question on the rule.

Let's be clear about one thing: The issue in the debate today is not fairness, because this rule is very fair.

It's fair because it provides an opportunity for the House to consider a full range of alternatives for United States policy in Nicaragua.

This rule is fair because it allows the House to vote separately on United States policy in Nicaragua and the supplemental, allowing either of them to go forward if the other is defeated.

So the issue is not fairness. On the contrary, it's this: The Republicans in the White House and in this House want to be able to veto the farm aid in the supplemental. They want to fund the Contras, but not the combines.

The issue is this: The administration wants to terminate the Farmers Home Administration while rushing another hundred million to the billion dollar war in Nicaragua.

The issue is this: The supplemental mandates the Secretary of Agriculture to provide loans at a level to give farmers a fair rate of return.

And it encourages the administration to use its existing authority to defer principal and interest payments at this critical time in Central America—that is, from Minnesota to Texas, and everyplace in between.

Mr. Speaker, it's ironic that today, tax day, the administration is trying to veto the supplemental, thereby vetoing thousands of family farmers across the country.

These are people who struggle every year to pay their fair share in taxes, and who are struggling today for their dignity and their future. Yet, at the same time, the President has no trouble giving $10,000 in taxpayer funds to every single Contra fighting in Nicaragua, whether they're running drugs or not.

In short, this administration's priorities are out of whack, and the American people know it. And it's not just farm aid they're upset about: The supplemental restores funding for housing, education, mass transit, health research, and other vital programs.

It's time for the House to send a message to the administration, and this rule will give us all a chance to express our own budget priorities.

Now, Mr. Speaker, earlier today the President said he needed Contra aid to help him fight Qadhafi. But in his speech last night his justification for military action was that he'd exhausted all methods of diplomacy toward Libya. And he was right.

But of course in Nicaragua, Mr. Reagan refuses to negotiate. So the Libyan comparison is wrong, and the American people understand the President's lack of consistency.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume for just a couple of brief points.

First of all, I want to emphasize that the gentleman from Oklahoma [Mr. MCCURDY] who may have left the Chamber, did say in the Rules Committee that he definitely thought that the two bills should be separate, that they should not be coupled together. Now he says he will support the rule, even though it clearly is not what he expressed a desire to have when he came before the Rules Committee.

As far as what a staff member said, you know, there you go again. I mean, have we gotten to the point where we do not even give the Republican leader of the House the opportunity to speak for himself?

The information I have is that the staff did not say he did not want to have that opportunity. But you would think on something this important that the Republican leader would have had a chance to say for himself whether or not he would have liked to have had an opportunity to put that amendment in the RECORD.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. If it was so important, why did not the minority leader come himself and ask for it?

Mr. LOTT. He did not think that the process deserved the type of time and credit that he would be responsible for in coming up to the Rules Committee and ask for this to be in order; and because he thought it would be a very matter-of-fact thing that it would be the Michel amendment to be offered or not to be offered under the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, at the outset, I want to associate myself with the excellent remarks by the minority leader as well as the minority whip opposing this rule.

Mr. Speaker, this proposed rule, in its present form, should be rejected by the House in light of its bizarre and unjustified treatment of Senate Joint Resolution 283, which would provide assistance to the Nicaraguan freedom fighters.

The joint resolution involves a critical national security and foreign policy issue which should NOT be held hostage in a transparent partisan attempt to "veto proof" H.R. 4515.

That bill is a "Christmas tree" supplemental appropriation which contains a grab bag of provisions, some good and some of highly questionable value.

I believe the House is ready to act with appropriate dispatch on the pressing Contra aid matter. There is no justification for this kind of rule.

It will force the House to purposely slow the progress of Senate Joint Resolution 283 to a snail's pace by retroactively attaching it to H.R. 4515 or alternatively, to defeat that urgent supplemental appropriations bill in order to send the resolution back to the Senate cleanly in the timely fashion which that critical joint resolution deserves.

Members who vote for this rule will be responsible for needlessly forcing a

Hobson's choice on the House. Unless we defeat H.R. 4515, we will give the Sandinista regime more time to annihilate its democratic opposition before effective aid can be sent to the Freedom Fighters.

Let's face it, the Sandinistas are playing stall ball, and their recent behavior at the latest round of Contadora talks in Panama revealed how insincere they are about bringing genuine and lasting peace to Central America. They flatly rejected a timetable and deadline for concluding negotiations that was proposed by their Central American democratic neighbors. Particularly noteworthy is the fact that this proposal was also endorsed by the Contadora and support group nations.

Oscar Arias, the President-Elect of Costa Rica, hit the nail on the head when he observed that—

> In Panama the true situation was made very clear. Twelve Latin American Foreign Ministers, among them the Foreign Ministers of four Central American countries, supported the prompt signing of the [Contadora draft of September 1984 with agreed-upon modifications] in accordance with international opinion. Only Nicaragua was opposed, thus demonstrating once again that it has neither an interest in, nor the will for, peace in Central America.

And let's not forget the Holy Week incursion by Sandinista forces into Honduras. That was not just another border skirmish. In fact, this was a blatant violation of Honduran sovereignty and a dramatic illustration of Sandinista intentions to continue to subvert and militarily intimidate its democratic neighbors.

I urge the Members to vote no on this pending rule. An issue of this magnitude must be considered strictly on its own merits. Resorting to clever parliamentarian tactics to frustrate the will of the majority is simply not fair.

In short, Mr. Speaker, we deserve a straight up or down vote on this important question. The democratic leadership knows Contra aid would prevail.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I regret that I have to break into this discussion of a much more fundamental, important debate on foreign policy to bring up a rather mundane but difficult issue for the House of Representatives to deal with, in fact, for the entire Congress to deal with.

Most of the Members are well aware of the fact that sometime this spring, May or June, we are going to run out of funds to respond to our constituents' mail. We are also going to, in effect, have no funds left for the privilege of using the frank for any purpose.

But I want to underscore it is not simply for legislative newsletters. It is for responding to the burgeoning, increasing amount of mail that we get from our constituents. Yes, we have increased the appropriations on a regular basis, but the incoming mail has been increased by an overwhelming margin. Since 1972, we have had a 1,700-percent increase in our incoming mail while our outgoing franked mail has gone up by only 300 percent. But we need the money to pay the bill.

We recognized that problem last year. It is not a surprise to us, those of us who pay attention to the legislative branch bill.

The Speaker appointed a bipartisan, ad hoc committee of Members who have primary responsibility on this matter from both sides of the aisle, and we had worked out what we thought was the proper approach; funding a supplemental of some $42 million, and at the same time, projecting savings as a result of a variety of reforms recommended by this ad hoc committee to the tune of over $8 million, and through the voluntary restraint of a number of Members cutting back perhaps another $16 million between now and the end of the fiscal year.

These restrictions include the following:

Proviso 1: Amends clause 1 of rule 46 by requiring that first-class mail be sent at the lowest rate practicable. This primarily means using 9-digit zip codes and/or presorting wherever practicable. This proviso also requires that non-time-sensitive mail such as calendars and yearbooks are sent at class 3 or 4 rates;

Proviso 2: Amends clause 2 of rule 46—as of May 1, 1986—to reduce from 6 to 4 the number of districtwide, 3d class, postal-patron mailings;

Proviso 3: Amends clause 3 of rule 46 to require that all mass mailings—500 or more pieces, but not those in response to incoming communications—be submitted to the Franking Commission for an advisory opinion. The purpose here is to get advice on lowest cost method and to provide data on mail volumes;

Proviso 4: A technical correction to clause 4 of the rule;

Proviso 5: A technical correction to clause 5 of the rule;

Proviso 6: For the period of May 1, 1986 through December 31, 1986, a freestanding provision of law, the number of town meeting notices is set at one per address in the congressional district. All additional notices will count against the new limit of four districtwide postal patron mailings, except that notices may be included in regular newsletters without counting against the limitation;

Proviso 7: For the period May 1, 1986, through September 30, 1986—a freestanding provision of law—limits the number of pieces of first-class franked mail not sent in response to an inquiry or request to the total number of addresses in the congressional district.

But it became obvious that this was not going to be an easy matter for us to deal with. Certain individuals indicated they wished to make this a political debate on the floor, and so it is possible to say that in supporting this rule, as I do for a variety of reasons, we will also be rejecting at this time any additional funding for the franking privilege.

I hope that we can continue to work in the bipartisan manner that has brought us to the proposal that was included by the Appropriations Committee in this bill. I hope it will be possible for us to avoid hitting the wall with the Postal Service. I hope we will be responsible and mature and bipartisan, as well as reaching a bicameral solution in solving this problem because it impacts on every one of the Members of this body and the other body, too.

I look forward to having that opportunity sometime in the future. But for today, it appears we do not have the resolve to move forward.

I would simply want to underscore for those concerned about the future that we do not know whether the funds will be available later on. We do not know whether the Postal Service will simply refuse to process our correspondence. We do not know whether we will have to pay this bill in a future fiscal year, or perhaps it will be defined away by some legal opinion.

But the only responsible way is for us to deal with it in the context of this fiscal year's appropriation, and I hope we will have the courage to do so at the proper time. But for now, I urge support for the rule and for the elimination of this provision.

□ 1725

The SPEAKER pro tempore. The Chair will announce that the gentleman from Michigan [Mr. BONIOR] has 11½ minutes remaining, and the gentleman from Mississippi [Mr. LOTT] has 11 minutes remaining.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Speaker, I rise in opposition to the rule on the urgent supplemental appropriations bill.

The rule does not give the Members of the House a fair procedure under which to consider the critical issue of aid to the Nicaraguan democratic resistance. In order for those of us who support the President to prevail, we have to defeat three separate nonamendable amendments. Then, if we win on the substance, the rule requires that the victory be taken away by attaching the Nicaraguan provision to the Urgent Supplemental Appropriations Act. Does this sound like a fair

rule to assist the House in the disposition of its legislative responsibilities?

The rule before us is procedurally rigged so that if the House supports the President's position on Nicaragua, the legislative provisions will only go forward as a rider on a dead bill.

I urge my colleagues to vote to defeat the rule. That is the only way we can get a fair procedure for consideration of the Nicaragua issue.

CALL OF THE HOUSE

Mr. BONIOR of Michigan. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 77]

ANSWERED "PRESENT"—400

Ackerman	Cooper	Glickman
Akaka	Coughlin	Gonzalez
Alexander	Courter	Goodling
Anderson	Coyne	Gordon
Andrews	Craig	Gradison
Annunzio	Crane	Gray (IL)
Anthony	Crockett	Gray (PA)
Armey	Daniel	Green
AuCoin	Dannemeyer	Gregg
Badham	Darden	Guarini
Barnard	Daschle	Gunderson
Bartlett	Daub	Hall (OH)
Barton	de la Garza	Hall, Ralph
Bateman	DeLay	Hamilton
Bates	Dellums	Hammerschmidt
Bedell	Derrick	Hansen
Bennett	DeWine	Hartnett
Bentley	Dickinson	Hatcher
Bereuter	Dicks	Hawkins
Bevill	DioGuardi	Hayes
Biaggi	Dixon	Hefner
Bilirakis	Donnelly	Heftel
Bliley	Dorgan (ND)	Henry
Boehlert	Dornan (CA)	Hertel
Boggs	Dowdy	Hiler
Boland	Dreier	Holt
Boner (TN)	Duncan	Hopkins
Bonior (MI)	Durbin	Horton
Bonker	Dwyer	Howard
Borski	Dymally	Hoyer
Bosco	Dyson	Hubbard
Boucher	Early	Huckaby
Boulter	Eckart (OH)	Hughes
Boxer	Eckert (NY)	Hunter
Breaux	Edwards (CA)	Hutto
Brooks	Edwards (OK)	Hyde
Broomfield	Emerson	Ireland
Brown (CA)	English	Jacobs
Brown (CO)	Erdreich	Jeffords
Broyhill	Evans (IA)	Jenkins
Bruce	Evans (IL)	Johnson
Bryant	Fascell	Jones (NC)
Burton (CA)	Fawell	Jones (OK)
Burton (IN)	Fazio	Jones (TN)
Bustamante	Feighan	Kanjorski
Byron	Fiedler	Kaptur
Callahan	Fields	Kasich
Campbell	Fish	Kastenmeier
Carney	Flippo	Kemp
Carper	Florio	Kennelly
Carr	Foglietta	Kildee
Chandler	Foley	Kindness
Chapman	Ford (MI)	Kleczka
Chappell	Ford (TN)	Kolbe
Chappie	Fowler	Kolter
Cheney	Franklin	Kostmayer
Clay	Frenzel	Kramer
Clinger	Frost	LaFalce
Coats	Fuqua	Lagomarsino
Cobey	Gallo	Lantos
Coble	Garcia	Latta
Coelho	Gaydos	Leach (IA)
Coleman (MO)	Gejdenson	Leath (TX)
Coleman (TX)	Gekas	Lehman (CA)
Collins	Gibbons	Lehman (FL)
Combest	Gilman	Leland
Conte	Gingrich	Lent
Levin (MI)	Obey	Smith (NJ)
Levine (CA)	Olin	Smith, Denny (OR)
Lewis (CA)	Ortiz	Smith, Robert (NH)
Lewis (FL)	Owens	Smith, Robert (OR)
Lightfoot	Oxley	Snowe
Lipinski	Packard	Snyder
Livingston	Panetta	Solarz
Lloyd	Parris	Solomon
Long	Pashayan	Spence
Lott	Pease	Spratt
Lowery (CA)	Penny	St Germain
Lowry (WA)	Pepper	Staggers
Luken	Perkins	Stallings
Lundine	Petri	Stangeland
Lungren	Pickle	Stenholm
Mack	Porter	Stokes
MacKay	Price	Strang
Madigan	Pursell	Stratton
Manton	Quillen	Studds
Markey	Rahall	Stump
Marlenee	Rangel	Sundquist
Martin (IL)	Ray	Sweeney
Martin (NY)	Regula	Swift
Martinez	Reid	Swindall
Matsui	Richardson	Synar
Mavroules	Ridge	Tauke
Mazzoli	Rinaldo	Tauzin
McCain	Ritter	Taylor
McCandless	Roberts	Thomas (CA)
McCloskey	Robinson	Thomas (GA)
McCollum	Rodino	Torres
McCurdy	Roe	Torricelli
McDade	Roemer	Traficant
McEwen	Rogers	Traxler
McGrath	Rose	Valentine
McHugh	Rostenkowski	Vander Jagt
McKernan	Roth	Vento
McKinney	Roukema	Visclosky
McMillan	Rowland (CT)	Volkmer
Meyers	Rowland (GA)	Vucanovich
Mica	Roybal	Walgren
Michel	Rudd	Walker
Mikulski	Russo	Watkins
Miller (CA)	Sabo	Waxman
Miller (OH)	Savage	Weaver
Miller (WA)	Saxton	Weber
Mineta	Schaefer	Weiss
Mitchell	Schneider	Wheat
Moakley	Schroeder	Whitley
Molinari	Schuette	Whittaker
Mollohan	Schulze	Whitten
Monson	Schumer	Wirth
Montgomery	Seiberling	Wise
Moody	Sensenbrenner	Wolf
Moore	Sharp	Wolpe
Moorhead	Shaw	Wright
Morrison (CT)	Shelby	Wyden
Morrison (WA)	Shumway	Wylie
Mrazek	Sikorski	Yates
Murtha	Siljander	Yatron
Myers	Sisisky	Young (FL)
Natcher	Skeen	Young (MO)
Neal	Skelton	Zschau
Nelson	Slattery	
Nielson	Slaughter	
Nowak	Smith (FL)	
Oakar	Smith (IA)	
Oberstar	Smith (NE)	

□ 1735

The SPEAKER pro tempore. On this rollcall, 400 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4515, URGENT SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1986, AND PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION RELATING TO CENTRAL AMERICA

The SPEAKER pro tempore. The chair will state that the gentleman from Michigan [Mr. BONIOR] has 11½ minutes remaining, and the gentleman from Mississippi [Mr. LOTT] has 9½ minutes remaining.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule before the House. Adoption of this rule is most important because it will enable this body to take expeditious action to preserve congressional prerogatives by terminating the absolute line item veto that the President has grabbed by abusing the judicially crippled deferral mechanism in the Impoundment Control Act. While I generally oppose allowing legislation in appropriations bills, I support the waiver of points of order against section 201 because I think we have an emergency situation facing us with which we must deal immediately.

Only if Congress takes away the statutory vehicle that the President is abusing will we be able to force him to sit down and work out a new method of equitably allowing Congress and the Executive to share in the Federal spending process. I strongly urge that we adopt this rule so that steps can be taken immediately to begin this negotiating process.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to voice my strong opposition to House Resolution 415. This rule contains just about every element you'd want to avoid if you were looking for a clean rule to govern debate on a bill requesting new spending.

A good rule wouldn't tie the issue of Contra funding to new spending. A good rule wouldn't contain waivers allowing subcommittee or program ceilings to be breached. A good rule would not allow substantive legislative language in an appropriation bill. And finally a good rule would not allow nongermane, legislative amendments and protect them with waivers from points of order.

Mr. Speaker, last week as the Rules Committee considered House Resolution 415, I submitted a letter to the committee, signed by 70 of our colleagues, urging a rule without waivers that would protect substantive legislative language from points of order. Our letter also asked the Rules Committee to refuse to grant a rule until the Appropriations Committee reported out a bill containing no net new spending.

This last point—no net new spending—is the key. We all know how serious the deficit is, and we all know that every new dollar we spend is just an-

other dollar of debt that we are continually piling on the backs of our children. Does this mean that the Government of the United States cannot initiate any new programs that the Congress deems vital? Not at all.

It simply means that we must embrace the concept of zero sum spending in supplemental appropriation bills. If we need to spend money on a new project, fine, let's do that. But let's take the money from elsewhere in the budget, and not get it from new borrowing or new taxing.

Those of us who signed the letter felt there was ample precedent, even within this supplemental appropriation, to support the concept of zero-sum funding. I personally believe that many items in this spending bill are very important. Recent events in the Mediterranean illustrate the need for the antiterrorism provisions, for instance. And while I disagree with the source of funds for this transfer, I applaud the Appropriation Committee for adopting the concept of zero-sum spending in this instance. There are other examples in this bill where money is transferred from one account to another to reflect changing priorities.

Let me mention two particular points that concern me. Both are legislative in nature, and both would not be in order if this rule did not protect them from points of order.

H.R. 4515 contains legislative language repealing a portion of the Budget and Impoundment Control Act governing the President's power to defer spending. Deferrals are carefully governed under the Budget Act. They are a valuable budgetary tool that have helped us achieve some $65 billion in savings since their creation. A supplemental appropriation bill is not the place to debate and vote on such a major budgetary issue, and I strongly object to waivers in this bill which protect this extraneous legislative provision.

Representative FAZIO will also offer an amendment prohibiting any further study or consideration of proposals to privatize Federal power marketing agencies. An urgent supplemental appropriation is no place to make policy. Whether you agree that privatization is a viable alternative or not, everyone agrees that it represents a major policy shift. Clearly such a change in policy cannot be effectively considered in a half-hour debate over the supplemental which is already overloaded with major policy issues. Privatization deserves a thorough and spirited debate, not a gag order.

For the sake of fiscal responsibility and responsible government, I strongly urge my colleagues to defeat this rule.

□ 1750

Mr. LOTT. Mr. Speaker, I do have additional requests for time, but I would like to inquire of the Chair how much time we have remaining on each side.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. LOTT] has 7 minutes remaining and the gentleman from Michigan [Mr. BONIOR] has 10 minutes remaining.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 4 minutes to the gentleman from Washington [Mr. FOLEY], the distinguished majority whip.

Mr. FOLEY. Mr. Speaker, I think it might be useful for us to focus for a bit on what would be the normal course in considering such a matter as the Contra aid issue. The House took action and voted on the issue a month ago, exactly as requested by the administration, but rejected that proposal. The normal course of action to revisit this matter under the circumstances would require the introduction of legislation, its referral to committee, and the holding of hearings. Based upon the previous references to the committees, it would have been referred to four committees of the House of Representatives, three of which reported adversely on it on the last occasion.

Instead of that, Mr. Speaker, there was a commitment made by the Speaker of the House to an extraordinary opportunity, despite all the existing rules of the House and its earlier defeat, to bring this matter up again and to bring it up specifically as an amendment to the supplemental appropriation bill by special rule waiving the necessary points of order.

After the Speaker made this a commitment, I heard no complaints publicly mentioned that this was unfair. Indeed, I believe it was viewed by most Members for what it was, an extraordinary and unusual opportunity to revisit an issue that had already been decided.

Now the rule that comes before the House this afternoon goes even beyond that and allows for separate consideration of the so-called Contra aid issue, separate from the supplemental appropriation, again a matter that benefits those who want to separate out this issue. Yet we hear complaints that it is not precisely as those who favor a particular point of view would like to have the rule structured.

After giving a commitment that the rules and procedures of the House would be bypassed to permit an expedited reconsideration of this issue, within scarcely a month's time, after providing an opportunity for it to be considered under a rule which separates it from the pending business as an amendment, and after offering a way for those who take any position on this issue that they wish to reflect that position, we are told that it is unfair.

I think that the Speaker and the House have been presented by the Committee on Rules with the fairest and most generous opportunity to consider this issue again, and the response of the House should be to recognize that fairness and equity by voting the previous question and adopting the rule. Then may the House decide as it wishes on the underlying issue so important in the consideration of this country's future foreign policy.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I could not disagree with my good friend, the gentleman from Washington, TOM FOLEY, more. The gentleman is a good man and usually right, occasionally wrong; on this issue, I think the gentleman is wrong.

I ask you to vote against the rule, vote against the motion for the previous question. We cannot hide on this issue.

The rule deliberately unites the questions of spending and fiscal policy, the supplemental appropriations bill, with the fundamental issue in American foreign policy today, Central America. What are we willing to risk? What are we willing to stand for? Which friends will we help? That is the issue.

The gentleman from California, VIC FAZIO, said it earlier today in the debate, perhaps inadvertently. The gentleman got up in the middle of the debate and, being a good man, the gentleman told it like it was. The gentleman said, "I hate to get in the middle of this fundamental, basic American foreign policy issue about questions on supplemental."

□ 1800

That is what the rule does. We can work our will as a nation and as a body and end up having united on the final vote questions of the supplemental and questions of support to the Contras.

We deserve better than this. Vote against the previous question. Vote against the rule. Remember, as one Member of the House, a colleague of mine, asked me before I spoke today, "Do you think the American people understand the question of the rule?"

No, they do not. But we do. Every man and woman in this House knows what is at stake. Win or lose, right or wrong, keep the issue of the Contras separate. Let us debate it, dissect it, and I hope we stand for something.

And I will say this to my Democrats: I am proud to be a Democrat, but at this moment the party of the donkey

is looking an awful lot like the party of the ostrich.

Let us beat the rule.

Mr. LOTT. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I guess the heavy hitter who is going to end the debate on your side is the distinguished gentleman from Texas [Mr. WRIGHT]. So I am going to listen carefully during his remarks, because he is quoted in the newspaper of April 9, in an address at the National Press Club, and he said:

> Let us be very clear about the real threat in Latin America. Hopelessness, spawned by hunger, illiteracy, disease and debt—that's the real malignancy.

Now, he did not say "that's a real malignancy." He said "that's the real malignancy."

Now, if that is so, I want Mr. WRIGHT to explain, at least to me—and I am an underachiever—why President Carter halted aid to the Sandinista government. If it was hunger, if it was poverty, why did President Carter cut off the millions of dollars that I voted for to assist that country? I will be interested in the gentleman's explanation.

Now, the meanest argument against foreign aid has been made, and that is: We have people at home who need this money, why do you send it overseas?

I have heard that argument for 12 years. And I will tell you, it is tough to sell foreign aid at home.

"Why feed Ethiopians, even though they are hungry? They are way over there. We need better transit and we need food at home." I have heard that argument. It is a mean argument. It is a good one, but it is a mean one. And usually it is made by right-wing reactionaries, not the party of compassion.

Now, in addition, as far as polls are concerned, I will say to my dear friend from Michigan that if Jesus Christ had taken a poll in Jerusalem, he would never have preached the Gospel. You know that and I know that.

Now, we are actors in a farce today, unwilling and unwitting, but this script was written by the Rules Committee, produced by the Democratic leadership. And "farce" is really too mild a word. "Fraud" would be more descriptive, because it pretends to give us a second bite at the apple, a vote on Contra aid, but it weighs it down with a millstone that is of grotesque proportions. We are going to vote on a sensitive life and death issue and combine it with a wild spending bill.

Now, I have no quarrel with that. I agree with Mr. FOLEY, we had our opportunity, we had a free-standing vote, and we blew it. Sixteen of our people, five of them ranking Members, did not vote with the President. They voted with you.

Now, some of the conservative Democrats may feel a little cynical. They may feel they have been had because they put their flowers at the altar of the Democratic leadership, thinking they would get another crack at it, but they are not going to get another crack at it. They find themselves standing on two stools, the freedom fighters and the Democratic leadership, and they are going to soon learn what a political hernia feels like.

What you are doing, your party of compassion, is trivializing an issue of life and death. And this is a form of blackmail. You are saying, "Mr. Reagan, if you want your $100 million, it is going to cost you $1.7 billion." that is the trade-off. And you want to know if we will become accessories.

Now, seriously, ladies and gentlemen, can we inject a little candor into this debate, a little intellectual honesty? When you Democrats wheel out your heavy hitters to close the debate, spare us the sermonizing about voting your conscience. Spare us that. Because while those words were resounding through this Chamber, there was a line of Democrats at the doctor's office trying to get their shoulders put back in the socket. You know that and I know that. In fact, your whip call, when it went out on the last vote, it did not say, "Vote your conscience," it said, "The Democratic leadership wants a no vote."

So spare us the conscience bit.

And, then, No. 2, spare us any banalities about partisanship stops at the water's edge. Can we skip that this time around? I would appreciate it.

I hope I have the time to discuss Mr. FOLEY's op-ed piece today, because the substance of it is twofold: The Contras cannot win. Thank God he was not Washington's military adviser at Valley Forge. He would have said, "Hey, those guys have no shoes, they can't win." And then he referred to what is going on in Nicaragua as our proxy war. It is not too tough to understand, I should think, that these are Nicaraguans we are helping. They are not invading their own country. The proxies are on the other side—Bulgarians, North Koreans, Libyans, East Germans, Cubans, Russians. Those are the proxies. And that country is an occupied country.

We wish to help Nicaraguans fight Nicaraguans to recover their freedom.

There are two sides, the Communist side and the free side.

And let me close with a quote from a Nicaraguan. Let me just read this to you. This is from testimony from Bernard Aaronson, a very nice liberal Democrat, and he is quoting to us what a Nicaraguan opposition leader said inside the country:

> You have the strength, the opportunity, but not the will. We want to struggle, but it is dangerous to have friends like you. It is dangerous to be stuck on the landing beaches of the Bay of Pigs. Either help us or leave us alone.

I want to help.

Mr. BONIOR of Michigan. Mr. Speaker, before I yield to my distinguished leader, I yield myself such time as I may consume so that I may respond to my friend, the gentleman from Illinois.

He has accused us of trivializing a policy of life or death. I would respond to my friend that the Nicaraguan people have lost 50,000 of their precious young during the revolution. They lost 12,000 already in this war. That is 62,000 young men who will never know an education, never know a decent living, will never fall in love, never get married, will never grow old in peace.

If you were to take 62,000 of that number and spread that proportionately across this country, with our numbers—that is a country of 2.5 to 3 million people, we are a country of 230 million people—you are talking roughly 5 million Americans.

We have 57,000 Americans on that wall near the Lincoln Memorial. You could stretch that wall up to the Capitol and back down again. So we do not trivialize life and death in this war. We think it is serious.

Mr. Speaker, I yield the remaining time on this side to my colleague, the gentleman from Texas [Mr. WRIGHT].

The SPEAKER pro tempore. The distinguished majority leader is recognized for 5½ minutes.

Mr. WRIGHT. Mr. Speaker, I rise in support of this rule.

I am sorry that the debate has degenerated into an attempt to discredit the Speaker and the leadership of the House on the basis of a rule which is, on its face, patently and eminently fair.

What is a fair rule? A fair rule, by definition, is one which allows the will of the majority of the Members to prevail. That is the purpose of the rules of this House. They exist to guarantee that a majority will not be tyrannized by a minority and that a minority will not be taken advantage of by a majority.

Those who have attempted to make a case that this is an unfair rule do so simply on the ground, as I understand it, that it does not treat the question of Contra aid as a separate matter entirely without any amendments.

But, my colleagues, that is exactly what we did less than 1 month ago. We gave a full and ample opportunity for debate without any amendment whatever and an up and down vote. It did not prevail. The House was under no moral or ethical or legal obligation to give a second opportunity.

I was present in the room when the Speaker agreed with a number of Members that there were Members who wanted an opportunity to have

some modification, something in between the all or nothing positions. And quite reasonably and quite fairly the Speaker said, "On the 15th day of April that opportunity will be given, and anybody who has a serious amendment to offer to modify, alter or change will have that opportunity as a part of the supplemental appropriation bill."

That agreement was made almost a month ago, and that agreement is being kept.

I would like for us to reflect that this is the most expeditious way in which the President's position could be given a second chance. There is not any other manner, save by a rule of this type and as an amendment to this bill by which it could be offered without first having to go to committees, be subject to hearings, be subject to amendments.

Now, it is offered as a reasonable proposition that it is not a fair rule because, in order to prevail, those in favor of the Michel approach are going to have to defeat three amendments. Well, how does that differ from any other proposition that comes to this House floor? Any proposition that comes to the House floor, in order to prevail in its raw form, must have a majority who will reject amendments. So it is not any different. It is a fair rule, it is an expeditious rule.

And I want to say, in the last instance, it is a logical rule.

What is this? It is an appropriation, is it not? Does it not belong to be considered as part of a supplemental appropriations bill? Is that not the very purpose of a supplemental appropriations bill, in order that we might consider in concert a number of important matters, urgent supplemental matters, dignified by their urgency and the importance of each of those matters to our country.

Now, it is suggested that we trivialize the question of the Contra aid by considering it in concert with other matters. Now, I just want to ask: Do we truly trivialize it when we consider it in concert with such questions as security from terrorism?

Only a few weeks ago the House voted for a bill that would strengthen the security of our Embassies all over the world so that they do not have to be vulnerable to the kind of madmen who hurdle through space intent upon blowing themselves up and doing so in the process of killing American citizens. Is that trivial? Does that not deserve to be considered also in the same context?

We are carrying that out in an expeditious fashion. Surely the events of last evening demonstrate the importance of that matter.

Finally, I want us to recognize that this is the only manner in which we can properly preserve the constitutional balance between the executive and legislative branch. Due to a juxtaposition of deferrals and rescissions and the change exerted by the judicial branch of Government in our carefully crafted Anti-Impoundment Act, the only way we have to prevent the President's asserting, in effect, a line-item veto forbidden in our Constitution is to have the opportunity to present a rejection of the deferrals.

Now, we have already asserted the will of the majority on each of these items. Low-income housing, is that not important? Housing for the elderly and the handicapped, is that trivial?

We have already asserted the will of this House on a strategic petroleum reserve. And surely if it is appropriate ever, it ought to be appropriate at this time, when the price of petroleum is cheap, to fill up the reserve and reduce our vulnerability to Middle Eastern sources of oil. Is that trivial?

I suggest that it is a matter of important national security and must be considered.

□ 1815

This is the only way we ever will have an opportunity to present these matters which we already have supported by a clear majority in the House and the Senate to require the President to expend the funds that we have appropriated, and that is by incorporating them in this supplemental bill.

Let me suggest one other thought. Surely the plight of the American farmers is anything but trivial. Is it unimportant that we protect our efforts to address that plight, and to preserve the American family farmer from the foreclosures that are greater this year than any year since the midst of the Great Depression, is that trivial? This is our opportunity to do it.

Veterans' compensation programs are protected in this bill. I do not think any man or woman in his rightful mind would consider our responsibility to those who have sacrificed their wholeness in defense of our country as trivial.

So the other matters contained in this bill, too, are matters of extreme importance.

Finally, I just want to suggest to my very dear friend, the gentleman from Illinois [Mr. HYDE], who is also delightful and whom I revere and respect, that there is contained in this bill a very important element for the protection of the rights of the unborn, the women's, infants' and children's feeding program, and unless this bill passes, that program will be trivialized by an administration that seems not to understand the needs of those people.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 30 additional seconds.)

Mr. WRIGHT. Mr. Speaker, I thank the gentleman, and I did not realize that my time was otherwise expired. Let me just simply say that it is truly an important matter that we protect the rights of the unborn generations yet to come by providing adequate nutrition for poor, pregnant mothers. All of these things are important.

We give to each an opportunity to go up or down by the will of the majority of the Members of this House under this rule. For that reason, it is a fair rule and I ask all of you to support it.

The SPEAKER pro tempore. All time has expired.

Mr. BONIOR of Michigan. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BONIOR of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 202, not voting 10, as follows:

[Roll No. 78]

YEAS—221

Ackerman	Dicks	Huckaby
Akaka	Dingell	Hughes
Alexander	Dixon	Jacobs
Anderson	Donnelly	Jones (NC)
Andrews	Dorgan (ND)	Jones (OK)
Annunzio	Dowdy	Jones (TN)
Anthony	Downey	Kanjorski
Applegate	Durbin	Kaptur
Aspin	Dwyer	Kastenmeier
Atkins	Dymally	Kennelly
AuCoin	Early	Kildee
Barnes	Eckart (OH)	Kleczka
Bates	Edwards (CA)	Kolter
Bedell	English	Kostmayer
Beilenson	Evans (IL)	LaFalce
Berman	Fazio	Lantos
Bevill	Feighan	Lehman (CA)
Biaggi	Florio	Lehman (FL)
Boggs	Foglietta	Leland
Boland	Foley	Levin (MI)
Boner (TN)	Ford (MI)	Levine (CA)
Bonior (MI)	Ford (TN)	Lipinski
Bonker	Fowler	Long
Borski	Frank	Lowry (WA)
Bosco	Frost	Luken
Boucher	Fuqua	Lundine
Boxer	Garcia	MacKay
Brooks	Gaydos	Manton
Brown (CA)	Gejdenson	Markey
Bruce	Gephardt	Martinez
Bryant	Gibbons	Matsui
Burton (CA)	Glickman	Mavroules
Bustamante	Gonzalez	Mazzoli
Carper	Gordon	McCloskey
Carr	Gray (IL)	McCurdy
Chapman	Gray (PA)	McHugh
Chappell	Guarini	Mica
Clay	Hall (OH)	Mikulski
Coelho	Hamilton	Miller (CA)
Coleman (TX)	Hatcher	Mineta
Collins	Hawkins	Mitchell
Cooper	Hayes	Moakley
Coyne	Hefner	Mollohan
Crockett	Heftel	Montgomery
Daschle	Hertel	Moody
Dellums	Howard	Morrison (CT)
Derrick	Hoyer	Mrazek

Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Rahall
Rangel
Ray
Reid
Richardson
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)

NAYS—202

Archer
Armey
Badham
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Callahan
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Conte
Conyers
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Dyson
Eckert (NY)
Edwards (OK)
Emerson
Erdreich
Evans (IA)
Fascell
Fawell
Fiedler
Fields
Fish
Flippo
Franklin
Frenzel
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Green
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hartnett
Hendon
Henry
Hiler
Holt
Hopkins
Horton
Hubbard
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Moore
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solomon
Spence
Stallings
Stangeland
Stenholm
Strang
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—10

Davis
Edgar
Grotberg
Hillis
Loeffler
Lujan
Nichols
O'Brien
Tallon
Towns

□ 1830

Mr. BEVILL changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was annouced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken.

The SPEAKER pro tempore. The Chair is in doubt. The Chair will put the question again.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 208, not voting 13, as follows:

[Roll No. 79]

AYES—212

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chapman
Chappell
Clay
Coelho
Coleman (TX)
Collins
Coyne
Crockett
Darden
Daschle
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Edwards (CA)
Evans (IL)
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Howard
Hoyer
Huckaby
Jacobs
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Schroeder
Schumer
Seiberling
Sharp
Sikorski
Sisisky
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)

NOES—208

Archer
Armey
Badham
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Callahan
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Daub
de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Dyson
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fascell
Fawell
Fiedler
Fields
Fish
Flippo
Franklin
Frenzel
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen
Hartnett
Hendon
Henry
Hiler
Holt
Hopkins
Horton
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Slattery
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solomon
Spence
Stallings
Stangeland
Stenholm
Strang
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—13

Davis
Dingell
Edgar
Gibbons
Grotberg
Hillis
Loeffler
Lujan
Nichols
O'Brien
Scheuer
Tallon
Towns

□ 1840

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WOLPE. Mr. Speaker, last week, I inadvertently neglected to record my vote on final passage of H.R. 4332, as amended. I intended to cast a "no" vote.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, it would be my intention to ask unanimous consent that when the House adjourns tonight, it adjourn to meet at 10 a.m. tomorrow. But before I make that request, I would state, Mr. Speaker, that I think we have many Members who are anxious to be at a briefing which is now being conducted by the Secretaries of State and Defense. We had planned to go for 1 hour tonight on the general debate, but I think it would accommodate Members' desire to be present at that important briefing if we were able to get consent to resume the work before tomorrow and have 2 hours in the morning.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Mississippi.

Mr. LOTT. I think our leader would have no objection to that unanimous-consent request. Of course, all of the Members are interested in this briefing, and we would like to join with the gentleman in making arrangements to do so.

I would like to make one inquiry. Do you intend to resolve into the Committee of the Whole at this point, or do you intend for the House to go to special orders after your unanimous consent request?

Mr. FOLEY. I would assume we would go to special orders.

HOUR OF MEETING ON TOMORROW, APRIL 16, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight, it adjourn to meet at 10 a.m., tomorrow, April 16, 1986.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 14, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:50 p.m. on Monday, April 14, 1986, and said to contain a message from the President wherein he transmits the 20th Annual Report of the National Endowment for the Humanities covering the year 1985.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of yesterday, Monday, April 14, 1986, page 7399.)

□ 1855

MAYOR CHASTAINE FLYNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, the dean of Mississippi mayors is one of my constituents and a good friend, Mayor Chastaine Flynt of Flowood, MS. This year he will celebrate his 33d year in office. The publication of the Mississippi Municipal Association contains a feature story on Mayor Flynt and it details the progress of his city since he took office in 1953.

I want to share the article with my colleagues:

DEAN OF MISSISSIPPI MAYORS CELEBRATES 33 YEARS IN OFFICE

Chastaine Flynt is a man of many titles. His official title is Mayor of Flowood, but he's also called "Mayor of Mississippi," "Dean of Mississippi Mayors," and even "Emperor."

Flynt chuckles about the Emperor title. "I really don't think I act like an emperor because if I did, the nice people around here wouldn't work with me," Flynt said. "I think some people call me that because I've been around so long.

Mayor Flynt has been around for a long time. If fact, he's been mayor of Flowood since the city was incorporated 33 years ago on March 10, 1953. Lately, he's enjoyed laughing and saying he's stayed in office longer than Marcos.

Everyone who knows the "Mayor of Mississippi," no matter how slightly, knows he is full of fun and likes to joke, especially about himself. But don't be mistaken, though he likes fun, he takes his job as mayor seriously. Flowood's growth is proof of it.

The tiny city started from scratch in 1953 and operated the first year on an $8,600 budget. Today's budget is $1,750,000.

The city boasts three major hospitals: River Oaks Hospital, Woman's Hospital and Riverside Hospital. It is the home of Blue Cross and Blue Shield of Mississippi and Aetna Insurance Company. Other major industries include Magna Corporation, BIC Corporation, Stone Manufacturing, Rival Manufacturing, Seagull Corporation, Cataphote Corporation, Steel Services Corporation, Adcock and Campbell Street and Road Builders, Associated Contractors, and Browning Ferris Industries.

Flowood is also home of Jackson Preparatory School, Dean, Dale & Dean, the state's largest architectural firm; three major furniture dealers, two building supply companies, a racquetball club with swimming facilities and the offices of approximately 35 physicians.

When talking about industries in Flowood, Flynt says he usually mentions Shacks Welding Company because he likes the company's motto: "We can weld anything except the break of day and a broken heart."

It's easy to tell that Flynt is proud of Flowood, but he's modest about this industrial development efforts. He says the city doesn't have to go out and look for industries. "They come to us," Flynt explains. "The reason is simple. It's our location."

Recent development includes commercial buildings and residential construction. Fox Meadow and East Lakeland apartment complex were recently completed and Reflection Point, a 244 unit complex is underway. Also under construction is Mirror Lake Plaza, a $27 million project.

The Flowood construction Mayor Flynt is most interested in right now is a new $750,000 fire station. "We're going to call it Central," says Flynt proudly. "Now tell me, how many towns in Mississippi have $750,000 fire stations?"

Flowood owns its city hall and is the only city in Rankin County with it own city auditorium. The population is 1800 for the town in which 12,000 people are employed.

The City Board of Aldermen include E. C. Dewitt, who has served as alderman as long as Flynt has served as mayor; K. R. Ainsworth, W. K. Bell, Ivy Graham and Bobby Gene Moore. Billie Bush is Fire Chief and Gary Rhoads is Chief of Police. Miss Frances Jones is City Clerk.

REAUTHORIZING CERTAIN INDIAN HEALTH PROGRAMS AND REFORMING ADMINISTRATION OF THE INDIAN HEALTH SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I am introducing today for myself and Mr. WAXMAN, a bill reauthorizing certain Indian health programs and making reforms in the administration of Indian health service.

My committee began consideration of this matter in March 1983. In the 98th Congress,

legislation on the subject was passed by both Houses, but was unfortunately vetoed by the President. In March of last year, I reintroduced similar legislation, H.R. 1426, which was jointly referred to the Interior Committee and the Committee on Energy and Commerce. Both committees reported H.R. 1426 in May of last year with amendments. As reported, there were significant differences between the two committee bills.

In the intervening months, we have sought to resolve these differences and to meet some of the further objections of the administration. In addition to resolving most of the differences between the two committees in H.R. 1426 as reported, this new bill significantly reduces authorization levels for the various Indian health programs and reduces the authorization period from 4 years to 3 years.

While I would prefer the passage of H.R. 1426 as reported from my committee, in light of existing fiscal restraints and in the spirit of compromise, I can support the provisions of the bill I introduce today. It is the intent of Mr. WAXMAN and myself to seek consideration of this new bill under suspension of the rules as soon as possible in lieu of H.R. 1426 as reported from our committees.

CONGRESSIONAL DELEGATION'S TRIP TO LATIN AMERICA

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. O'NEILL. Mr. Speaker, from March 26–April 8, I led a bipartisan delegation to four Latin American countries.

Democracy is the wave of the future in Latin America. Ninety percent of the people to our south are living in countries that are either fully democratic or moving toward democracy. In the countries we visited, Brazil, Argentina, Venezuela, and the Dominican Republic, we saw that the commitment to democratic institutions is strong and vital. The people of these countries have a strong and passionate belief in human rights, a free press, free elections, and a lively political competition. Rather than being alone in this hemisphere the United States is part of an overwhelming democratic majority in the Americas.

A number of these countries are on the verge of joining the economic first world. They have developed in great strides and while they face serious challenges of debt and trade they have a real opportunity to leave the ranks of developing nations and join those of the developed world. if correct policies are followed these countries could, at sometime in the future, be facing north as economic equals of the United States, Europe, and Japan.

In our visits to these rising democracies, we met with legislators like ourselves who fully appreciate the crisis facing Central America. They have a realistic assessment of the Contadora process and fully realize the frustration and challenges that lie in the path of peace. The fact that they remain committed to the negotiation process, rather than further military escalation, is itself a healthy sign that the democracies of Latin America recognize the essential importance of concerted action.

The leaders we met with shared a common concern that the conflict in Central America must not trigger United States intervention. They believe that such a development could undermine their own democracies by igniting extremist movements who would use American military intervention as means to gaining public support. They expressed this concern both publicly and privately.

Members of Congress in the bipartisan delegation accompanying Speaker Thomas P. O'Neill, Jr.:

The Honorable Dan Rostenkowski of Illinois;

The Honorable Edward P. Boland of Massachusetts;

The Honorable Joseph M. McDade of Pennsylvania;

The Honorable Charles B. Rangel of New York;

The Honorable Norman Lent of New York;

The Honorable Pete Stark of California;

The Honorable Ralph Regula of Ohio;

The Honorable John Murtha of Pennsylvania;

The Honorable Marty Russo of Illinois;

The Honorable George Miller of California;

The Honorable Barbara Kennelly of Connecticut;

The Honorable Bill Lowery of California; and

The Honorable Norman Sisisky of Virginia.

Mr. Speaker, on behalf of the delegation, I submit the following report.

BRAZIL

During its visit to Brazil, the Congressional delegation met with President Jose Sarney Costa; Foreign Minister Roberto Sodre; Presidential Foreign Affairs Advisor Rubens Ricupero; Finance Minister Dilson Funaro; fifteen members of the Chamber of Deputies (including President of the Chamber Ulysses Guimares and members of the Committees on Foreign Relations; Finance; Science and Technology; Constitution and Justice; and the Economy, Industry, and Commerce); Governor of Rio de Janiero Leonel Brizola; U.S. Charge Alec Watson and the staff of the U.S. Embassy in Brasilia and the U.S. Consulate in Rio de Janiero. Several members of the delegation also had separate meetings with the chief of police and with U.S. businessmen. The delegation visited an innovative school in Rio where the children spend nine hours a day (in contrast to the normal three) and receive educational instruction, 3 meals, and health care, and participate in athletics. The discussions focused on the evolution of democracy in Brazil, the current economic situation in Brazil, the external debt, U.S.-Brazilian trade relations, and Central America.

POLITICAL AND ECONOMIC DEVELOPMENT IN BRAZIL

1985 was described to the delegation as a year of crisis, both political and economic. The country left behind twenty years of authoritarian rule, and did it without trauma. The death of President-elect Trancredo Neves came at a time of political tension and economic/social crisis; political tension in the transition to democracy at a time when political parties and democratic institutions lacked substance and stability, and economic/social crisis arising from a period of economic recession, falling wages, high external and demostic debt, inflation, and high unemployment.

A year later, the rejuvenation of political activity and an easing of the economic crisis have relieved the social tension that threatened the stability of the transition. By early 1986 Brazil had moved beyond the recession that had lasted seven years. Economic growth in 1985 was 8%, unemployment declined, real wages rose, and the trade surplus was $12.5 billion. However, inflation reached 250% in 1985 and at the beginning of 1986 was approaching 400%, and was quickly erroding any gains achieved in wage increases. Consequently, in February of this year President Sarney instituted the Tropical Plan, under which a new currency was created, all wages and prices were frozen, all indexation was terminated, and the government ceased issuing new money. A month later, no new money has been printed and inflation had been halted.

One Brazilian political leader with whom the delegation met expressed the view that the economic reforms are inequitable in their impact—the burden falls on the poorer 70% of society—and that greater attention to social problems is necessary. However, the accepted view in Brazil appears to be that there is widespread public support for the economic reform plan.

Several Brazilians said the critical thing that remains to be done is to settle the "social debt" which remains from the years of military rule. It was also explained to the delegation that the other item which must be dealt with is the external debt burden. Foreign markets must remain open in order for Brazil to be able to meet its debt service obligations—which commitments it will keep—and it is important to realize that there is a direct link between Brazil's debt burden and trade balance and its ability to sustain its political development.

There was also an expression of the view that the real crisis in Latin America is economic, not ideological. It is the low level of economic activity, not ideological doctrine, that is causing social tension and violence. What is needed is to attack the root causes of the problem, such as in Brazil the widespread labor strikes were attacked not by treating the symptoms (the strikes) but through economic reform that protected wage levels. The result has been a calming of social unrest and a reduction in labor strikes.

TRADE AND DEBT

Considerable focus was directed during the discussions to the issues of Brazil's external debt and U.S.-Brazilian trading relations, and the links between the two. On the broader issue of the Third World debt problem, several Brazilians made the point that efforts had been made by some countries to politicize the debt issue—to make it into an ideological confrontation—but Brazil had rejected and helped block those efforts.

Brazil has the largest external debt of any Third World country, $102 billion as of the end of 1985. Several Brazilians with whom the delegation met pointed out that Brazil's reserves at $8 billion (some sources put them at $9.2 billion) are small compared to its requirements, and Brazil must run a trade surplus in order to meet its annual debt service payments of $10–12 billion. The Brazilian debt was run up during the period 1980–1985 due to high interest rates, and now Brazil must put out the equivalent of its entire debt every six years just to service the debt. Debt servicing was 83% of exports in 1982 and 71% in 1985.

One presentation on Brazil's debt identified its principal sources as rising interest

rates and oil prices—$35 billion due to spiralling interest rates during the early 1980's and $36 billion due to the increased cost of oil imports. It was said that these two items are beyond Brazil's control, and it is impossible for Brazil to continue to devote 50% of its export earnings to servicing its external debt; 4.5% of Brazil's savings goes to pay interest on external debt. The flood of petrodollars kept interest rates artificially low, countries like Brazil went into the market, and then interest rates spiralled to 21%. Another Brazilian reported that as much as $45 billion of the debt went for major infrastructure projects, so there appears to be some difference in analysis as to the exact breakdown of the source and use of Brazil's external debt. The danger of interest rates was noted by the fact that a two point rise in interest rates would wipe out the Baker Plan.

One Brazilian urged that the United States reduce its budget deficit in order to relieve the pressure on interest rates and therefore the burden of servicing Brazil's debt. It was asked how long does Brazil have to continue to pay for the U.S. internal deficit. Another asked for the delegation's view on eliminating floating interest rates, undertaking a full audit of Brazil's external debt (part of which may have ended up in U.S. banks as capital flight rather than being put to productive use in Brazil), and the need for a new Bretton Woods arrangement because the Third World debt is unmanageable. It was also suggested that it is in order to be able to meet its debt payments that Brazil has to limit imports. It was asked what would the impact be on U.S. banks if Brazil could not pay its debt. Various officials with them the delegation met emphasized the potential conflict between the development of democracy in Brazil and the burden of Brazil's external debt.

Members of the congressional delegation expressed considerably sympathy for the problems posed by Brazil's external debt, and appreciation for the potential difficulties which the debt burden imposes on Brazil's economic/social stability and the new democratic institutions of the country. They said there is obviously a careful balance which must be struck between Brazil meeting its debt commitments and the development of democracy, and the IMF and the banks must realize what is required to sustain a democracy. Appreciation was also expressed for Brazil's pledge to honor its commitments. However, it was pointed out that Brazil does not face as serious a debt servicing problem as many developing countries. With U.S. commercial banks accounting for only 27% of Brazil's external debt—no more than $4 billion of the total annual servicing burden—that sum is more than covered by Brazil's $5 billion trade surplus with the United States. Brazil's debt problem is not just a problem with the United States, but also with Western Europe, Japan, and some Arab countries.

It was pointed out to the Brazilians that for the House of Representatives 1986 is the year of deficit and trade. U.S. interest rates have declined over the last eighteen months, and, with Gramm-Rudman and other efforts, the Congress is attempting to reduce the budget deficit—so there should be a further reduction in pressure on interest rates. It was also suggested that Brazil should have an easier time servicing its debt in 1986—the recent and expected further reduction in interest rates should result in the servicing requirement for 1986 being in the range of $10 billion rather than $12 billion, and Brazil should save another $1 billion or more from the dramatic decline in oil prices. Brazil, therefore, should have the capability also to meet its official debt requirements, which have accumulated some $2 billion in arrearages since servicing was suspended in December 1984.

Several Brazilians with whom the delegation met expressed the Brazilian reluctance to agree to an IMF arrangement, because the last one required a reduction in trade and economic growth, while Brazil is now taking the opposite tact of attempting to increase exports and to grow out of its economic/debt difficulties. Members of the delegation expressed the hope that Brazil would find a way to cooperate with the International Monetary Fund.

Various Brazilians drew a strong link between Brazil's external debt and its trade balance. They explained that Brazil had to maintain a net trade surplus in order to service its debt. It was explained that for a period of some twelve years Brazil ran a trade deficit with the United States in the range of better than $1 billion annually, so the trade surplus that evolved in 1985 and 1986 is a recent phenomenon. It was noted that in 1985 Brazil had restricted certain types of steel exports to the United States, only to have the difference picked up by other exporters. The concern was expressed that the United States is moving to protectionist measures which will affect Brazilian exports.

Members of the congressional delegation raised various trade problems which the United States faces with Brazil. Particular focus was directed toward Brazilian policy on "informatics", whereby significant segments of the sector are "reserved" for Brazilian production and thereby impacts negatively on both U.S. investments in and exports to Brazil. The software side of the industry faces a lack of copyright protection. U.S. informatics exports to Brazil rose only slightly from $347.9 million in 1980 to $375.3 million in 1984; this trade is increasingly in spare parts, and U.S. products account for a decreasing share of the market. The matter of Brazilian policies affecting U.S. investment in the pharmaceutical industry was also raised, particularly the absence of intellectual property protection, price controls, and bureaucratic delays and discrimination against U.S. owned firms. It was mentioned that the GAO had released a report which documents specific instances of Brazilian import restrictions, quotas, licensing restrictions, and discriminatory taxes. Concern was also expressed over Brazilian subsidy of production and exports.

The members of the delegation explained the many difficulties facing the United States in the area of trade. The current U.S. trade deficit of $150 billion is unsustainable. This situation, and the gradual deindustrialization of basic industries, is producing considerable pressure in the Congress to enact trade legislation. It was explained that the House of Representatives will consider a trade bill in mid-May, and, while a strong effort will be made to prevent it from becoming a vehicle for protectionism, those pressures may be very difficult to fend off. There is a growing feeling in the United States that it is the last nation practicing free trade, and the Congress is coming to the position of demanding reciprocity. If Brazil denies U.S. products access to the Brazilian market, then Brazil will find that its products will be denied access to the U.S. market.

It was pointed out to the delegation that the ITC recently determined that Brazilian imports of ethanol were not causing injury to the U.S. industry. It was also suggested that the United States does not have to worry about Brazilian subsidy because the U.S. regulatory procedures are strong and more than adequate to the task of protecting American business interests.

The overall impression the delegation developed of the foreign investment/trade climate of Brazil is that, while there are specific areas in which there are serious U.S. business complaints because of restrictions and discrimination, overall the climate is favorable and there are many U.S. firms engaged in satisfactory business relations with Brazil.

FOREIGN POLICY—CENTRAL AMERICA AND THE GULF OF SIDRA

The delegation engaged in wide ranging discussions on foreign policy with various Brazilians. The primary focus was on Central America, but recent events on the Gulf of Sidra were also discussed. There was no consensus which could be identified as the single Brazilian view on the issues, as the delegation found a diversity of opinions.

Various Brazilians argued that a negotiated dialogue should be pursued in Central America through the Contadora process and that ideological and East-West confrontation should be avoided. They could not say whether Ortega would negotiate, but negotiations should always be tried. Several also said that what should be attacked is the underlying causes of the civil strife in Central America—the inequitable social and economic conditions that give rise to unrest and upheaval.

Several Brazilians expressed strong opposition to U.S. assistance to the contras, whom they saw as composed mainly of former Somoza guardsmen. It was noted that the Contadora nations were to meet April 5-6th in Panama and that Brazil will attend and support a proposal for a commission to review the veracity of recent events (presumably the recent Honduran-Nicaraguan border conflict). One individual expressed the view that, although the Nicaragua Government is not democratic, it is a strong government following the Somoza dictatorship and is in transition. Another expressed general sympathy for U.S. policy in Central America.

During the discussions the congressional delegation attempted to explain the sentiment within the U.S. Congress and of the American people with regard to Central America. While there is considerable disagreement within the Congress as to the specifics of U.S. policy toward Nicaragua, there is little disagreement that the Sandinistas are in the process of establishing a non-democratic political system and are supporting subversion in the region and that it should be U.S. policy to seek an alteration in that behavior. It was urged that Brazil become more involved in the process and help push for a negotiated settlement. It was also explained that it was important to isolate Nicaragua and that the one point of stablity in the region—El Salvador—should be supported. It was suggested that time is not on the Sandinista's side but is on the side of democracy.

Several Brazilians expressed concern over and opposition to recent U.S. military maneuvers in the Gulf of Sidra and what was characterized as the hawkish U.S. position toward Libya. The view was expressed that the United States provoked the military confrontation and that the U.S. Congress should stand on the side of non-interven-

tion. Several members of the delegation made a strong defense of U.S. actions in the Gulf of Sidra. They explained that Kadafi had become an international outlaw and had violated international law and that the United States was defending the right of passage in international waterways for all countries. The United States had undertaken similar maneuvers before, they had been announced in advance, and the United States cannot allow a Kadafi to engage in international blackmail.

One Brazilian expressed the view that historically the United States has provided support for many dictatorships, but commended the recent change in U.S. policy with regard to the Philippines, Haiti, Chile, and Nicaragua. This was seen as a positive change in policy that should be continued.

The sense which the delegation received from the discussions on foreign policy matters is that foreign policy, Central America specifically, is not high on the Brazilian agenda. Its priority issues are institutionalization of the democratic processes, domestic economic revitalization, and the external debt. Brazilian attention to and involvement in finding a resolution to the conflict in Central America is further down the list of priorities.

ARGENTINA

In Argentina the delegation met with President Raul Alfonsin, Foreign Minister Dante Caputo, U.S. Ambassador Frank Ortiz, and the staff of the U.S. Embassy. The delegation also held roundtable discussions with members of the Chambers of Deputies, led by Chairman of the Chamber of Deputies Dr. Juan Carlos Pugliese, and with members of the Senate, led by Vice President of Argentina and President of the Senate Dr. Victor Martinez. The discussions focused on the return of democracy in Argentina, the Argentine economic situation, the external debt, and Central America.

POLITICAL AND ECONOMIC DEVELOPMENT IN ARGENTINA

The delegation congratulated the Argentine political leaders for the successful transition from a military government to democracy. The Argentines explained that their constitution, which dates from 1853, is very similar to the U.S. Constitution—provides for three branches of government that are separate and equal. They said the road to reestablishing democracy has been difficult and Argentina does not yet have the political stability enjoyed by the United States, but that institutionalization of democracy is well on its way.

It was explained to the delegation that the Government of Raul Alfonsin, elected in 1983, inherited the residue of failed economic policies, human rights abuses of the military government, and defeat from the war over the Malvinas Islands. The Government has been seeking a resolution of the dispute with Britain through the United Nations, has brought to trial the nine principal military leaders, and has undertaken economic reforms.

While coming to office seeking economic growth and an increase in wages, the Government of Raul Alfonsin realized in 1985 that the principal economic problem facing the country was inflation. During the first quarter of 1985 inflation totaled 91% and at the end of that period was running at an annualized level of 851%. In June, 1985, President Alfonsin announced a dramatic economic reform program that went beyond even IMF requirements. The Plan Austral froze wages and prices, introduced a new currency (Austral), stopped the issuance of currency unsupported by reserves, and promised to reduce the budget deficit to 2.5%. Inflation declined to 2%/month for the remainder of 1985 and is running at the same level for 1986, with the projected level for all of 1986 being 28%. The Argentine economy grew by 2% in 1984 and declined by 4.5% in 1985. Projections for 1986 are for 4% growth.

Members of the delegation commended the Argentine Government for the serious manner in which it was attempted to bring under control its economic problems and for its pledge to meet its international commitments, specifically its $50 billion external debt. When the Alfonsin Government came to office, Argentina was in arrears on its debt servicing. An IMF agreement and a rescheduling of its debt in 1984, together with a trade surplus of $3.5 billion in 1984 and of $4.4 billion in 1985, has made it possible for Argentina to keep its debt servicing current. Debt servicing as a per cent of exports declined from 125% in 1983 to 91% in 1985.

Various Argentines with whom the delegation met expressed the view that there is a direct connection between Argentina's external debt, its ability to grow economically, and the institutionalization of democracy. The economic constraints required in order to meet the debt payments jeopardizes democracy, not just in Argentina, but throughout the hemisphere. They argued that economic adjustment is necessary, not just by the debtor nations, but also in the Northern economies, in order to reduce the budget deficits which have maintained interest rates at an historic high.

Members of the delegation pointed out that 1986 is for the House of Representatives the year of the deficit and of trade. Tax reform has already passed the House, and a trade bill will be on the House floor in May. The Congress has made a commitment to reducing the federal deficit and set the goal of eliminating it by 1991. That commitment has brought stability and confidence to financial markets, resulting in a decline in inflation and in interest rates. This will help both the U.S. economy and other economies. However, it was pointed out that reducing the budget deficit is not an easy matter. $40 billion has already been taken from domestic spending programs, and there is no longer any fat to cut. Constituents do not want social programs cut and the Administration and other governments do not want defense and foreign aid cut, so where do you reduce the deficit?

An Argentine said that the priority issues in the Argentine Congress are similar. The Congress is seized with budget deficit reduction and tax reform, which are aimed at solidifying the fight against inflation, bringing economic stability and growth, and providing the country with the ability to meet its international commitments.

While the delegation was in Argentina the Congress was involved in a lengthy debate over the external debt. The opposition is suggesting that the debt, having been largely incurred under a non-elected military government, should not be the responsibility of the current government. The need to service the debt has produced economic policies that have resulted in a reduction of the standard of living; instead of paying the debt, the government should be raising salaries. The opposition is also suggesting a debt moratorium and the establishment of a commission to determine which portion of the debt is legitimate and which is illegitimate. The position of the government party is that the debt must be honored, that unilateral action is not the correct path, but that Argentina should seek to negotiate a better deal (the objective of which would be a reduction in interest rates).

The United States appeared to be the target of most comments on the debt situation, and members of the delegation pointed out that the debt is not solely, or even principally, a U.S. matter. U.S. banks account for only $11 billion of Argentina's external debt, so it is a matter also involving Western Europe, Japan, and other countries. The Argentines noted that the Cartagena Group has called for a return of interest rates to historic levels, but the creditor nations have not heeded this plea. The Argentine analysis of the debt problem is that it is no longer just an economic/financial matter, but a political matter, and requires a political solution.

The Argentines raised the issure of the new U.S. farm bill and complained that EEC and US subsidies on agriculture products and barriers to agricultural trade are seriously damaging Argentine agricultural exports, specifically resulting in an international price of wheat of below $100/ton rather than what had been a price of $140/ton. In response, it was explained that the real culprit in imposing trade barriers and engaging in subsidies is the European Community, and the target of the new U.S. farm bill is those unfair European practices, not Argentina. It was noted that the basic problem is worldwide oversupply.

CENTRAL AMERICA

The delegation engaged in wide ranging discussions on Central America in all of the meetings that were held in Argentina. The focus of the delegation's questions to the Argentina political leaders was their views on the Contadora process, the Nicaraguan government, and U.S. policy in the region.

While expressing a desire to avoiding becoming involved in domestic U.S. politics, the Argentines express strong support for the Contadora process and for the necessity of pursuing peace in the region through negotiations. They said that Argentina shares the same objectives as the United States—stopping Nicaraguan subversion in the region and promoting the democratization of Nicaragua—but disagrees on methodology. They said they could not promise that negotiations would achieve those objectives, but that was the preferred approach to pursue.

There was strong expression that Latin America should be composed of democratic nations, with democracy being defined as is customary in this hemisphere—democratic pluralism and political and press freedoms—not dominance by one party with a Marxist-Leninist ideology. Democracy is to be supported in the hemisphere, not just for ideological, but more importantly for practical reasons—practical reasons because communist governments always seek alliances with communist bloc countries and bring hemispheric instability.

When asked whether Nicaragua was committed to being a communist country, the response was that it could go either way, but the current trend is toward consolidating communism. The current economic situation in Nicaragua is in a crisis state, and it was held that such a situation tends to polarize the politics of a country.

Several Argentines suggested that the best path to pursue change in Nicaraguan behavior is through pressure from the other countries of Latin America. Such efforts

will require a strong will and will not be easy. The problem of Nicaragua goes beyond Central America, because if there is not a peaceful solution, it will have a damaging effect of public opinion in Argentina and elsewhere. Some felt that direct US intervention in Nicaragua could produce a radicalization in Argentina and even destabilize Argentina democracy.

Several Argentines presented this view, and what obviously was behind this assessment was revealed by one official who explained that historically public opinion in Argentina has not been pro-America. Just as there is an oversimplification in the United States of events in Latin America, the same phenomenon exist in Latin America with regard to the United States. The Argentine government is seeking a more stable, more mature relationship with the United States, in an effort to overcome years of instability in relations between the two countries, but a military intervention in Central America would be a serious set back to that effort because of the adverse impact on Argentine public opinion. It was clear that Argentines see their country as having a direct interest in developments in Central America, as they believe a non-peaceful development there would adversely affect the efforts to institutionalize democracy in Argentina.

Various Argentines expressed strong support for the efforts of the Contadora countries and suggested that the recent Declaration of Caraballeda offered the basis for an agreement. When queried why it was thought that agreement was possible when three years of effort had proved fruitless, the response was that recent efforts had focused too much on technical details rather than on the main issues and that multilateral diplomacy is always difficult. It was noted that the Declaration of Caraballeda was agreed to by the Contadora nations and the Contadora Support Group, which together represent 90% of the population of Latin America. This support, together with that which has been offered by the European Community, Canada, and Japan, should increase the pressure for an agreement.

Members of the delegation explained that, although there is general agreement within the delegation on the importance of the Contadora process and that negotiations are the preferred route, the time for negotiations is running short. They explained that Congress will probably pass legislation similar to what was approved by the Senate on March 27, resulting in a ninety-day period between enactment of legislation and the time that restrictions are removed from the provision of offensive military assistance to the contras. They further explained that it therefore is very important that progress be made at the April 5-6 meeting in Panama of the thirteen nations (the five Central American countries, the four Contadora nations, and the four Support Group nations); and that a Contadora agreement be concluded during the ninety-day "window of opportunity". It was suggested that this period is a unique opportunity for Latin America to have a positive impact on the United States. If the Latin American countries do not influence the Sandinistas and resolve the conflict in Central America, it will be a tremendous loss for Latin America in U.S. public opinion.

There was understanding and accord from various Argentines that the time for negotiations is limited. The view was also expressed that Argentina was prepared to accept the consequences of a pacificist approach to the situation in Central America. If a peaceful solution is not found, the situation will deteriorate rapidly. But, if the United States intervenes, it will affect the entire hemisphere and will constrict U.S. relations throughout the hemisphere.

There was a recognition among some Argentines that, during the period of no U.S. assistance to the contras, the pressure was taken off the Sandinistas and there was no progress on negotiations. One Argentina tied the lack of progress to the absence of agreement between the United States and Contadora on either objectives or methodology. Various Argentines agreed that it was important to maintain pressure on the Sandinistas but said it should be Latin pressure.

When queried as to the recent Nicaraguan incursion across the Honduras border, Argentines said similar occurrences happen frequently, but that this last incident was particularly explosive. Argentina is reviewing a proposal to create a peace force in the area, similar to the one proposed for the border between Nicaragua and Costa Rica, but they said the northern border of Nicaragua is different from its southern border. The Canadian Government has studied the situation and has reported that, for a border force to be effective, would require a 20,000 man force.

When queried as to whether there was a difference of opinion between the two major parties on policy toward Central America, the response was "no", that there is consensus on non-intervention, self-determination, and support for Contadora. It was also suggested that, while the Argentine position should not be taken as being against the United States, there is a feeling in the country that a political solution is possible, like the political progress that has been made in Guatemala and El Salvador. One Argentine expressed the view that, because Nicaragua is subject to invasion from outside, maybe it cannot survive under a political system similar to other countries in Latin America, and, while Argentina struggled against terrorism through a bloody means, the objective in Central America should be peace. Another reported that there is Argentine concern over certain actions by the Nicaraguan government, specifically its connection to M19 in Colombia.

It was explained to the delegation that Argentina favors the development of pluralistic democracy in Nicaragua because developments in Central America can affect the security of the region and the integration of the hemisphere. The Nicaraguans have been told by Argentines that there are two paths to political developments, one the Eastern European model of "popular democracy" and the other of Latin American pluralistic democracy. If the latter is chosen, then Nicaragua can benefit from integration into Latin America and can expect assistance in solving its economic and social problems. The most effective means of achieving this objective is through Latin pressure. Several Argentines said there is no guarantee as to what path will bring peaceful development of democracy to Central America, but that the route of peace is the more likely one.

It was suggested that a solution can be achieved when there is agreement by the United States and the Contadora countries on an acceptable methodology for pursuing it, and that the Contadora process would be strengthened if there were a coincidence of view with the United States. When asked what it is Argentina would want the United States to do in order to help Contadora, the suggestion was made that, instead of providing $100 million to the contras, the United States should use the funds to help the Contadora nations to promote economic development in Central America. Another Argentine suggested that, rather than providing the $100 million to the Contadora countries, what is necessary is a new analysis of the situation by the United States and actions in consort with Contadora. It was said that any formula that is arrived at by the Contadora countries must be approved by the United States to be successful.

When asked whether it was being suggested that peace and democracy could be achieved in Central America and Nicaragua only if the contras are removed from the borders, one Argentine responded in the affirmative and said the methodology of assistance to the contras was wrong. It was suggested by another that international law permits criticism of certain actions by the "other" super power, but that U.S. actions in Central America are jeopardizing that ability and that international law would be dead were the Congress to approve aid to the contras, which would amount to Congress approving assistance to overthrow a government which is a member of the Organization of American States.

When asked how long should be given for Contadora to bring about a resolution to the strife in Central America before another route is chosen, the response was that no time limit can be placed on negotiations. As to the implications if negotiations fail, it was explained that would not be catastrophic because there is always possibility of change. It was said that, if faced with alternatives, Argentina will always choose the path of principle.

VENEZUELA

In Venezuela the congressional delegation held discussions with President Jaime Lusinchi; Foreign Minister Simon Alberto Consalvi; former President Rafael Caldera; President of the Senate (and of the entire Congress) Reinaldo Leandro Mora and other members of the Senate; President of the Chamber of Deputies Leonardo Ferrer the other members of the Chamber of Deputies; several members of the board and the presidents of two of the operating companies of Petroleos de Venezuela; and Chargé Kim Flowers and the staff of the U.S. Embassy. The delegation also held a joint meeting with leaders of the two principal political parties specifically to discuss their views on Central America and the Contadora process. The discussions in Venezuela focused principally on the Venezuelen economic situation, international oil prices, the country's external debt, and Central America.

POLITICAL AND ECONOMIC DEVELOPMENT IN VENEZUELA

Members of the delegation commended the Venezuelans for having the "oldest of the young democracies of Latin America", dating from 1957, and for being such good friends of the United States. The Venezuelen economy generally has been depressed during the 1980's. The country was faced with a balance of payments deficit in 1983, but that was reversed by a combination of devaluation, fiscal austerity, debt rescheduling, and import and exchange controls. Venezuela posted a trade surplus of $8 billion in 1984 and of $7.4 billion in 1985. Its trade surplus with the United States was $3.4 billion in 1984 and $3.6 billion in 1985. Given the current international prices for petroleum, Venezuela faces the prospect that foreign exchange earnings from oil exports will

decline approximately one-third, from $12.5 billion in 1985 to $8 billion in 1986. Venezuela's international reserves stood at $14 billion at the end of this 1985.

In the various discussions the delegation held in Venezuela, the two economic issues foremost on the minds of Venezuelan government and political leaders were international oil prices and the country's $26 billion external debt (with private debt, the external debt reaches $39 billion). It was suggested to the delegation that the source of the Latin American debt problem is a combination of irresponsible borrowing and use of the loans by the Latin American debtors and the rashness of the commercial banks in pushing loans. It was said that Venezuela will meet its international responsibilities, but it must be accomplished in a manner that avoids a reduction in the standard of living of the Venezuelan people. Venezuela's debt service payments were 63% of exports in 1982 but in the range of 36-38% for 1983-1985.

When queried as to their assessment of the Baker Plan, several Venezuelans responded that it is a welcomed recognition that the debt problem must be dealt with in a political context, as Henry Kissinger suggested some time ago, but it is not a complete solution to the problem and the inclusion of the IMF as one of its pillars makes it unpopular for many in Latin America. A recent article in *Foreign Affairs* by Abe Lowenthal was also mentioned; the statistics he presents demonstrate that growth is impossible if the Latin American debtors are to meet their debt service payments. It was pointed out that such a situation will endanger democracy and stability in the hemisphere.

It was suggested by one Venezuelan political leader that what is needed is a dialogue between the debtor and creditor nations and a Latin version of the Marshall Plan. When Western Europe was threatened by communism in the late 1940's, the United States responded with the Marshall Plan. The debt situation presents a similar threat of instability and communism in Latin America today, and a similar response is in order. The essence of a debtor-creditor agreement on debt would be a reduction in the interest rate, which has remained at an historic real high. Current interest rates of 11-12% are unconscionable when inflation in the United States is 3-4%. It was suggested that the source of the high interest rates was the need of the United States for capital to finance its fiscal deficit.

The response by a member of the delegation was that interest rates have come down in the United States, but they are unlikely to decline much more because there appears to have developed a permanent differential of some five points between the rate of inflation and interest rates.

Another approach to the debt problem suggested by a Venezuelan would be for a multilateral institution, possibly the World Bank, to secure a pool of funds from creditor nations which could be used to purchase Third World loans from commercial banks, in exchange for which the banks would hold long term paper, at a lower interest rate which could be sold at discount.

When asked whether capital flight was a problem for Venezuela, the answer was "yes" and that the problem arose from a concern and fear of devaluation and a lack of confidence in the domestic economy. It was suggested by a member of the delegation that Venezuela's debt problem can be traced to capital flight, and if Venezuela could find a way to attract that capital back home, its debt problem would be solved. It was explained to the delegation that one of the clauses of the rescheduling arrangement was a contingency clause permitting a reopening of discussion on the terms of debt repayment, and the decline in oil revenues may force the government into invoking that clause.

Many Venezuelans with whom the delegation met raised the issue of the likelihood of the U.S. Congress enacting an oil import fee, or quotas. The importance of oil to the Venezuelan economy was made clear: in 1984 the petroleum industry accounted for 23% of gross national product, 65% of federal revenues, and 88% of foreign exchange earnings. Venezuela's petroleum resources include proven reserves of petroleum of 29 billion barrels (the same as the United States) and unproven petroleum reserves of 225 billion barrels. Venezuela's current petroleum production capacity is 2.6 million barrels/day and current production is 1.7 million barrels/day, of which 1.4 million barrels/day is exported, one-third as refined products. Over forty percent of exports go directly to the United States. Thirty per cent of exports go to the Caribbean, mostly, to be refined, and half of that is subsequently shipped to the United States, so over half of Venezuela's oil exports end up in the United States.

The Venezuelans expressed serious concern over proposals that have been made in the United States to impose a fee, or quotas, on oil imports, either to protect domestic U.S. production or for purposes of energy conservation. They made a strong point of the fact that Venezuela has been over the years a dependable source of petroleum for the United States. In time of peace, war, and crisis—during World War II, the Korean War, the Vietnam War, and the Arab oil embargo—Venezuelan supplies were always available. Furthermore, it is important to maintain dependable supply relationships and there are many advantages which Venezuela has to offer as a supplier—operational flexibility (30-40 different types of oil and the ability to shift from one type to another); capacity to increase production; a large and excess refining capacity; a modern marine capacity and proximity to the United States (three and a half days shipping time); large natural gas resources; and competitive costs (production costs of $3.5/barrel).

The Venezuelans argued strongly against any discriminary fee based on geography (imports versus domestic production, or preferential treatment of Canadian and Mexican imports over Venezuelan) or based on product (higher fee on refined products than crude oil). When asked whether they had the same concern about an across the board tax on gasoline, or petroleum products, or energy products, the answer was negative. Concern was also expressed over proposed legislation which would define certain raw material pricing practices as a subsidy that is countervailable.

When asked by a member of the delegation whether Venezuela did not need the U.S. market as much as the United States needed Venezuelan oil, the answer was "yes", there is a strong mutuality of interests in the relationship. Another member of the delegation explained that one of the points raised in the United States is that a continuation of the current price level will result in capacity of a million barrels/day having to be shut-in in California alone, and that production capacity will be lost forever, or until prices reach some astronomical level. Such a development will lead to increased U.S. dependency on foreign sources of oil, with which the United States has an unfavorable experience. The Venezuelans suggested that the United States would be better off conserving its petroleum resources, because, if it uses them up now, it will be even more dependent on foreign supplies in the future.

When asked where oil prices were going, the Venezuelans said they did not know, but the bottom had not likely been reached yet. A Venezuelan suggested a dialogue between producers (OPEC and non-OPEC) and consumers to bring stability to the international oil market, an objective which should be in the interests of both exporting and importing nations. Markets can sometimes be artificial, so government action may be required to insure stability. A member of the delegation noted it was ironic that in the 1970's OPEC nations criticized the United States for being an excessive oil consumer, but it was the success of the United States in responding to that criticism—on reducing petroleum consumption—that had brought on the collapse of international oil prices. It was reported by a member of the delegation that there is not a strong move in the United States to impose a fee on oil imports, but the proposal obviously could gain momentum at any point.

Several Venezuelans said that they understood the economic difficulties being faced in some U.S. oil producing states—Louisiana, Texas, Oklahoma—but that U.S. policy should not be driven by short-term solutions to those problems. Any action taken to discriminate against oil imports would have both a practical and psychological effect on Venezuela.

Noting that the Venezuelan petroleum industry had been nationalized in 1974, a member of the delegation asked whether a similar policy would be recommended for the United States. The answer was not necessarily because of the different circumstances of the industry in the two countries. Oil in Venezuela is the economy. Under Hispanic law the resource is reserved for the state. The nationalization process in Venezuela was not instituted for political/social reasons, but because investment had been declining in the industry for some years and because of a lack of national control over the industry. Furthermore, the process was not traumatic; it was the result of lengthy discussions and negotiations, and the nationalized industry has maintained technical and supply relationships with the former owners. When asked when a resolution would be reached to the ten-year-old dispute over the allocation of the reserve fund from the nationalization, the response was hopefully soon. Most interested parties appear to be reaching a position of being satisfied with a wash, the government is pushing for a resolution, and it is principally a matter of completing the judicial proceedings, which have proved to be lengthy.

FOREIGN POLICY—THE AMERICAN HEMISPHERE AND CENTRAL AMERICA

As in the other countries visited by the congressional delegation, a clear link was drawn between economic and political development. While the principal foreign policy issue discussed in the meetings in Venezuela was Central America, an appropriate introduction to those discussions is a review of the other foreign policy issues which were raised. Those other issues are developments in other countries of the hempishere, and

that portion of the discussions is representative of the broad range of Venezuelan interest in the hempishere. As a Caribbean nation, a member of the Andean group, a South American country, and a neighbor to Central America, Venezuela has interests throughout the hempishere and could be seen as sitting at the center of a crossroads.

Concern was expressed for the narcotics situation in Peru, Bolivia, and Colombia, and it was suggested that those governments need to be strengthened and an alternative source of income offered to its peasants in order to permit those countries to be able to deal with the narcotics production and trafficking problems. The United States was praised for its role in helping to bring democracy to Guatemala, and it was urged that greater assistance be provided to the recently elected civilian government. Costa Rica also needs help in getting through its current economic difficulties. The institutionalization of the democratic processes of Brazil and Argentina—in Argentina it is particularly fragile—need to be helped along, and attention must be directed toward a return of democracy to Panama. The new U.S. policy toward Chile, with greater emphasis on human rights, was also praised, and it was urged that the situation there not be let to fester too long as time is likely to strengthen the communist elements in the country.

A direct link was made between the political road likely to be chosen in these countries and their economic difficulties, specifically the external debt problem and the need to maintain and increase exports. A plea was made for the United States to approach the debt problem on a global basis and to find some mechanism of dealing with the unmanageable burden of high interest rates. It was also urged that the United States maintain adequate access to its markets for the exports from the region. Trade barriers or specific tariffs would be a tragedy—especially on oil for Venezuela, on manufacture products for Brazil, and on agricultural products for Mexico.

It was suggested that it is up to the Western Christian world—the United States, Canada, Western Europe—to help guarantee democracy in the American hemisphere. The ideological war will be waged in Latin America, not in Asia. Basic equality must be insured. Venezuela is a true ally of the United States. Venezuela and other countries of Latin America share the values of democracy, and the United States should invest in democracy in the region. What is needed is joint solutions to the mutual problems facing the hemisphere.

A special plea was made to the delegation on policy toward Haiti. Recent U.S. policy toward Haiti was described as good, but as needing to go further. It is uncertain whether the governing council in Haiti will produce a process for democracy, and Venezuela and the United States should collaborate to insure that such a path is followed. A transitional government is obviously required and the current president of the council deserves our trust, but the environment in the country is very unstable and dangerous. There is the potential for external subversion, and the United States and Venezuela should work together to counter any such effort. Venezuela is prepared to use its oil resources as leverage for the democratization of Haiti.

A Venezuelan political leader expressed the view that the search for peace in Central America is tied to the search for economic and social equity, because deprivation can lead directly to violence. Venezuela supports peace in Central America and the Contadora process because events in Central America can affect social and economic progress in Latin America, so Venezuela has a self-interest in what happens there. Violence has been present in Central America for many years, in the form of both guerillas and dictatorships. Those who want to foment violence do not need to undertake a great effort; they do not even need foreign financing because today it can be financed through narco-trafficking.

The Venezuelans expressed a strong commitment to search for peace through the Contadora process. Countries representing 90% of the population of Latin America are behind the most recent Contadora effort, the Declaration of Caraballeda, which seeks to terminate the activities of all irregular forces and stop the arms escalation. The Document of Objectives defines the type of society which is being sought—democracy which is characterized by pluralism, liberty, respect for human rights, free elections, and private enterprise. Unfortunately, not all parties see the Contadora process as a sufficiently serious effort to achieve this objective, but they should today. Contadora has been declared dead many times, and the possibility of negotiations is limited and the process has suffered set backs, but it is strong today, the delegation was told.

Several Venezuelans said that, as the question of assistance to the contras is a matter of internal domestic U.S. politics, they would not address that issue directly.

A member of the delegation explained that the Soviet Union and Cuba are providing assistance to Nicaragua, and if the Contadora nations do not want the United States to provide military assistance to the contras, then they must act quickly. A Venezuelen agreed that the Soviet Union and Cuban interest in the region cannot be ignored and must be removed. Venezuela has had experience with Cuban subversion and with communist influence in its universities and got rid of both. Venezuela knows how to deal with communist elements. The correct path is through political pressure, because if it looks like war is being promoted then the United States will lose public opinion in Latin America. If anyone is to be blamed for the absence of peace, it must be clear who deserves the blame in order to keep public opinion on your side. The forces for democracy have been losing the war in the media. It is time to be less declarative and take actions that will make it clear that it is the Sandinistas and Cuba who are the real aggressors. The Vietnam War was lost in the media, and the same could happen with Nicaragua.

Another said that there has been plenty of good will and political support for Contadora, what has been lacking is the strength to conclude the negotiations. Venezuela appeals to the United States—and to Cuba, the USSR, and Nicaragua, because there is no one source to blame—to reject intervention and to support democratic self-determination, not imposed self-determination. The Sandinistas and the United States have hindered the negotiating process, and both the Sandinistas and the contras must be brought into any dialogue, the one way to find a possible solution. One Venezuelen suggested that President Duarte should be taken up on his proposal to engage in a dialogue with the Salvadorian armed opposition if the Sandinistas would engage in a dialogue with the contras.

Another Venezuelen proposed that Cuba be invited into the negotiations, as Cuba is part of the problem and so must be part of the solution. He suggested, given the fact that Castro has to be worried about the possibility of U.S. intervention, he may be willing to talk and negotiate. Venezuela has told the Sandinistas to open up and pursue democracy, but they are too stubborn and only know how to live with violence. There are potential sources of instability, which could be contagious in Venezuela, so Venezuela has a direct interest in finding peace in Central America. War is good business for some, and can lead to intransigence. An excess of resources can be counterproductive, so one needs to be careful on the use of military resources as they could play into the hands of those seeking to destabilize the hemisphere. Another view was that maybe guns will be necessary, it cannot be ruled out, but only after all other routes have been tried.

It was said that the meeting in Panama April 5-6th is the first time that the foreign ministers of all of the thirteen countries involved in the Contadora process have come together, and at this meeting it will be determined who is really interested in peace—who is interested in negotiations and who is interested in war. The way to demonstrate interest in and support for the Contadora process is to demonstrate a will to implement the Contadora draft treaty. When pressed as to the agenda for the April 5-6th meeting in Panama and what Contadora could accomplish during the ninety-day "window of opportunity", the response was that there is no set agenda but there is great interest in knowing exactly what the Nicaraguan position is and whether it intends to commit to the principles set down in the Contadora documents. The matter of a commission to supervise the Honduran/Nicaraguan border may come up during the meeting, but Venezuela has no position on the adviseability of that proposal.

It was explained to the delegation that the objective of Contadora is not just peace in Central America, but also democracy and freedom in Nicaragua. Certain political promises were made when Somoza was overthrown, but democracy has not evolved, and now the danger is that Central America may be given over to a violent solution. When the delegation was asked its view on the situation in Central America, it was explained that a broad consensus had developed within the U.S. Congress on two issues: that the Sandinistas were not pursuing a democratic course and were moving to establish a Marxist/Leninist structure; and the preferable route to pursue a resolution is through negotiations and the Contadora process.

However, there is disagreement in the United States over the means of achieving the dual objectives of democracy in Nicaragua and an end to Nicaraguan external subversion. Some members feel that the President's policy is correct and military assistance should be provided to the contras, as the only effective way to bring pressure on the Sandinistas, while others believe that both the Sandinistas and the President's policies are wrong and that negotiations should receive greater emphasis and support.

Several Venezuelen political leaders expressed agreement with the U.S. assessment that the Sandinistas are attempting to create a Marxist/Leninist dictatorship, but said there are other means besides military resources to exert pressure. An alternative route is to support the remaining sources of democratic pluralism in the country—the

private sector, media, church, labor unions. These groups still exist within Nicaragua. To a large extent they do not agree with the contras and have been calling for a dialogue, and use should be made of these forces for democracy in Nicaragua. The Sandinistas have used the contras and the possibility of a U.S. invasion to justify waging war on these groups, and this excuse should be removed.

One Venezuelen agreed that we cannot just go on and on pursuing negotiations to no conclusion, and made the proposal that one possibility is to force the Sandinistas to hold elections. In 1984 thirty per cent of the vote went against the Sandinistas, even though there was no comprehensive, coordinated opposition. A unique opportunity was lost in 1984 with the failure of the opposition to unite and actively contest the election, so maybe outside pressure could force the holding of new elections.

Another Venezuelen noted that unfortunately elections were held in Nicaragua and that elections are not always a democratic expression, if the government appoints the candidates and announces the results. However, he said it was unfair that the remaining democratic forces in Nicaragua—church, trade unions, etc.—did not share the views of the contras but were having to pay for their actions. He said that some of those groups want dialogue and not support for the contras. However, he said it was also unfair to label the contras as Somozistas just because some of them had been members of Somoza's National Guard.

It was mentioned that the Venezuelen delegation to the April meeting of the Inter-Parliamentary Conference in Mexico City will present a resolution which reaffirms support for the efforts of the Contadora Group.

The view was expressed by one Venezuelen political leader that, although Machiavelli may have been correct that sometimes it is necessary to practice diplomacy through other means, war and direct U.S. intervention is too dangerous in Central America. The people of Latin America are of Spanish heritage, so are a proud people and react strongly to foreign intervention. Political pressure must be pursued, because violence simply allows the Sandinistas to strengthen themselves through further militarization of the country.

It was suggested that communism will be very difficult to consolidate in Nicaragua. Nicaragua is different from Cuba. Nicaragua is backward, is not an island, and has a diversified economy. Castro could take over the sugar industry and in that one action essentially nationalized the entire economy. In contrast, the Nicaraguan economy is backward and diversified and would be much more complicated to take over. In addition, in Nicaragua there is a low level of political activity, the church is strong, and the Indians do not speak Spanish and have a strong sense of their own self-determination. When asked by a member of the delegation whether the situation in Nicaragua was not the same as in eastern Europe and Cuba, the answer was "no", because communism has not been consolidated yet in Nicaragua and there are differences among the Sandinista leaders.

Finally, it was suggested that the United States has great moral authority, which is much more powerful than its dollars, and that is what should be exerted. Various Venezuelens with whom the delegation met said it was necessary to put "pressure" on the Sandanistas. Sometimes the pressure was specified as "political", or "Latin". Sometimes it was unspecified. There was never any direct suggestion that it was military pressure that should be applied.

DOMINICAN REPUBLIC

In the Dominican Republic the congressional delegation met with: President Salvador Jorge Blanco; Foreign Secretary Jose Augusto Vega Imbert; President of the Chamber of Deputies Hugo Tolentino Dipp; President of the Senate (and presidential candidate of the Dominican Revolutionary Party) Jacobo Majulta Azur, and his Vice Presidential candidate Micolas Vargas; former President (and presidential candidate of the Social Chirstian Reformist Party) Joaquin Balaguer, and his vice presidential candidate Carlos Morales Troncoso; and U.S. Ambassador Lowell C. Kilday and the staff of the U.S. Embassy.

The focus of the discussions in the Dominician Republic were on the political developments of the country and the pending elections, the state of the economy, problems with the external debt and sugar exports, and Central America.

Because of the delegation's interest in the situation in Haiti, and in keeping with one of the principal purposes of the trip of reviewing and expressing U.S. support for the new democracies in the hemisphere, the delegation requested and received a briefing from U.S. Ambassador to Haiti Clay McManaway and his political counselor Larry Rossin.

POLITICAL AND ECONOMIC SITUATION

The delegation commended Dominican government and political leaders for the firm institutionalization of democracy since 1966 and wished them well in the May elections. It was explained to the delegation that, while a strong base for democracy has been laid over the past twenty-five years, that base could be jeopardized, specifically by adverse economic developments. A strong economy is necessary in order for the country to be able to deal with its social problems, and, conversely, economic decline could produce social problems that can endanger democratic institutions.

One Dominican political leader suggested that the United States should provide observors for the May elections. It was explained that this was done for past elections, and that the benefit was in insuring that the conduct of the election was fair and in providing people with confidence that their vote will count and be respected. A member of the delegation explained that the sending of election observers was a matter to be taken up with the U.S. Embassy and the Executive Branch, in response to which the Dominican express skepticism that the Dominican Government would make such a request.

Members of the delegation congratulated the Dominicans for the strong and difficult economic adjustment measures which the government had instituted. In the early 1980's the Dominican Republic faced a spiralling external debt and growing arrearages, a declining price for and exports of sugar, an overvalued exchange rate, a lack of export diversity, and high unemployment. Between 1982 and 1985 the government undertook major economic reforms which led in 1985 to a one-year IMF Standby Agreement, a rescheduling of $800 million in commercial debt, and a Paris Club rescheduling of $280 million in official debt (mostly to the United States).

The reform measures included: devaluation and unification of the exchange rate at a free market rate; monetary and fiscal discipline; and reduction in subsidies, including increased prices for petroleum products, electricity, and basic food items; curbed money supply growth; and a stop to printing money to finance the government deficit.

The United States assisted the Dominican Republic through this adjustment process, most importantly in 1984 in providing a $50 million ESF loan which enabled the government to initiate the structural adjustment program (including the unified exchange rate) and also in 1984 a further $40 million ESF loan which assisted the country to meet the performance criteria under the IMF Standby Agreement and thereby permitting the commercial and official debt rescheduling.

One Dominican political leader with whom the delegation met expressed the view that the government's economic program had been inadequate and that what was needed was greater fiscal austerity and a reduction in the size of the government bureacracy.

Having gone through this painful adjustment process, the Dominican Republic is now facing an improved economic outlook, including favorable international trends in the form of lower oil prices (saving over $100 million), lower interest rates, and higher coffee and gold prices. The negative side remains sugar, with continued low international prices, reduced access to the U.S. market, and a lower than average production. Inflation, which hit an annual rate of 70 percent in the month of January 1985, is projected at 15 percent for 1986. Expectations for 1986 are for minimal growth, which has been characteristic of the economy during the first half of the 1980's, and for a continued balance of payment and trade deficit.

TRADE/ECONOMIC ISSUES

Sugar

All of the Dominican officals and political leaders with whom the delegation met raised the issue of sugar. It clearly is the principal economic issue in the country and to the Dominican perspective of relations with the United States. The Dominicans explained the importance of sugar to the Dominican economy and the economic setback which had occurred in recent years. The sugar industry provides the Dominican Republic with 40 percent of its total exports and 35 percent of foreign exchange earnings. One out of every ten Dominicans derives his daily livelihood from the sugar industry. In 1981 the Dominican Republic shipped 747,000 tons of sugar to the United States valued at $414 million. The sugar quota has been steadily cut, and in 1986 the quota will be 276 tons. When combined with low international prices and reduced harvesting, 1986 export revenues from sugar are expected to be around $145 million.

The Dominicans explained that economic difficulties were being incurred, not just because of the reduced sugar quota, but also because of the manner in which they were being applied this year. Rather than being set on a quarterly basis, they are now administered on a monthly basis. The Dominican Republic traditionally has exported at the beginning of the quarter, so it now finds itself short of working capital. One Dominican said that a further difficulty is the inefficiency of the state owned sugar industry. The deficit of the Dominican Sugar Council had been gradually reduced since 1982, but low prices and the reduction in the U.S.

sugar quota has reversed that positive trend.

The current difficulty with the harvest was explained as arising from delay in commencing the harvest and from the inadequate availability of Haitian workers. At the beginning of the harvest season, just days before Jean-Claude Duvailier left Haiti in early February, the Dominican government provided $2 million to the Haitian government for the annual recruitment of workers to harvest the sugar crop. The $2 million disappeared, and the workers never arrived in the Dominican Republic. The country is attempting to substitute with military and civilian Dominican workers, and Haitian workers already in the country, but the harvest is 50 percent behind last year. Other difficulties of the Dominican sugar industry were identified as the inefficiency of the state-run lands and mills and over production by Cuba and the European community.

External debt

The other priority economic issue that is substantially affected by external developments is the country's debt. By the end of 1984 the external debt had grown to $3.4 billion. The economic reforms and the reschedulings outlined above rescued the country from near financial bankruptcy. Debt servicing requirements were 44 percent of exports in 1983 and 31 percent in 1985. The Dominicans with whom the congressional delegation met said that the external debt remains a serious problem.

The view was expressed that the democratic process could be sustained only through a process of further development, but that development was being jeopardized by the debt overhang. It was suggested that the external debt can no longer be paid for with poverty and that the Cartegena Group has presented a clear formula—debt service must be adjusted to a country's level of foreign exchange earnings. Statistics demonstrate that in the past several years Latin America has exported more capital than it has imported, a serious reversal of historic trends. What is needed is a reactivation of the world economy and a reduction in trade barriers.

CBI

The Dominicans also raised the matter of the Caribbean Basin Initiative and explained that the Dominican Republic had benefitted from the initiative. They produced statistics which showed that for the years 1984–1985, the CBI had bought fifty-five investments in agribusiness worth $280.6 million and creating 6,728 jobs, and 102 investments in free trade zones worth $368.4 million and employing 17,745 people. The deficiencies that were noted were insufficient financial resources and restricted access to U.S. markets. 1985 non-traditional exports were 9.5% above their 1984 level.

Book piracy

The other economic/trade issue discussed was piracy of intellectual property. A member of the delegation explained that there was concern in the United States over the illegal publication of American copyrighted books and inquired as to the prospects for legislation to remedy this problem. It was explained that remedial legislation had passed a first reading in the Chamber of Deputies, but that a second reading had been delayed by the difficulty in securing a quorum because members were campaigning for the May elections. The assessment was given that the bill would pass a second reading, after which it would be considered by the Senate.

CENTRAL AMERICA

The matter of Central America was also discussed in the meetings, although not to the extent as in the other three countries visited by the delegation. One Dominican expressed the view that there is concern in the Dominican Republic over developments in Central America because they could affect the Caribbean. He also said that we are now seeing the harvesting of seeds sown in the past—seeds produced by a monopoly by a few of the productive assets, which had produced misery and provided the base for civil unrest. He further asserted that it is important to learn from the lessons of the past that a lack of social justice produces social discontent which leads to violence. It is important to create conditions where people do not lose faith in democracy. The United States' role is vital to achieving that goal. It was further explained that Latins are a proud people, but, if treated fairly by the United States, they will respect the United States.

GENERAL OBSERVATIONS

Democracy.—The new democracies visited by the congressional delegation are strong and vibrant, but their political leaders are concerned that they could be subject to instability due to economic difficulties, particularly due to the external debt burden. The congressional delegation understands and appreciates this concern and hopes that the United States Government will continue and enhance its efforts to work with these countries to overcome their economic difficulties.

Debt.—The external debt situation is one of the principal issues of concern in Latin America. These countries are increasingly coming to see the external debt as not just an economic/financial matter, but also as a political problem, and are calling for it to be dealt with in a political context. While admitting to some irresponsible borrowing and use of the loans on their part, they see the debt burden as having spiralled due to the run-up of interest rates in the early 1980's and to their continuance at an historic real high today, and they are asking why and how long they have to pay for the U.S. domestic budget deficit.

The congressional delegation is convinced that the debt servicing burden is restricting a return to economic prosperity, which can have serious potential political ramifications, particularly in the new democracies. The delegation hopes that a reduction in the U.S. fiscal deficit and other actions will bring a continued decline in interest rates and calls on the U.S. Government and commercial banks to devote renewed effort to finding means of easing this burden.

Trade.—The congressional delegation found in all of the countries visited a perception of rising protectionist sentiment in the United States and a concern over possible increased restriction of access of U.S. markets, with a special concern in the Dominican Republic over its reduced exports of sugar to the United States and in Venezuela over proposals for an oil import fee. The congressional delegation did not find a concomitant recognition and appreciation of the extent to which U.S. exports and investments are restricted from access to those economies due to trade barriers, subsidies, and restricted investment policies. The congressional delegation emphasized the U.S. concern and explained that the House of Representatives will consider trade legislation in May which will demand fair and reciprocal trade relations, but hopefully will not be protectionist.

Central America.—The congressional delegation engaged in wide-ranging discussions on Central America in all of the countries visited. The delegation explained the current prevailing view in the United States: that there is a consensus that the Sandinistas were pursuing a route to totalitarianism and communism and that their support for external subversion was unacceptable, but no consensus over the policy options to pursue a change in that behaviour. Several members of the delegation also expressed an urgency over achieving substantial movement in the Contadora process toward a peaceful solution during the ninety-day period which is likely to be provided in legislation that may be passed by Congress; otherwise, military assistance to the contras will be renewed.

The government and political leaders with whom the congressional delegation met expressed the following views:

Strong support for the Contadora process and negotiations, and the importance of the United States strongly supporting those efforts.

Concern that direct U.S intervention could have serious adverse repercussions on public opinion in Latin America and could even be politically destabilizing in some countries.

Athough many shared the U.S. concern over the nature of the Sandinista regime and its support for subversion, there was no overall consensus.

Many called for external pressure on the Sandinistas, with the pressure called for being identified as "Latin", "political", "moral", or unspecified.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUJAN (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. GROTBERG (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. WYLIE, for 5 minutes, today.

Mr. COBEY, for 60 minutes, April 16.

Mr. ROTH, for 60 minutes, April 16.

Mr. ROTH, for 60 minutes, April 17.

Mr. LUNGREN, for 60 minutes, today.

Mr. LUNGREN, for 60 minutes, April 16.

Mr. LUNGREN, for 60 minutes, April 17.

Mr. LUNGREN, for 60 minutes, April 18.

Mr. LUNGREN, for 60 minutes, April 21.

Mr. KOLBE, for 60 minutes, April 23.

Mr. DANNEMEYER, for 60 minutes, April 17.

(The following Members (at the request of Mr. MOODY) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. LUNDINE, for 5 minutes, today.

Mr. SOLARZ, for 60 minutes, April 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'NEILL (at the request of Mr. MOODY) to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. PACKARD.

Mr. JEFFORDS.

Mr. COURTER.

Mr. WORTLEY.

Mr. KINDNESS in two instances.

Mr. KEMP in two instances.

Mr. GEKAS in four instances.

Mr. PURSELL.

Mr. GOODLING.

Mr. SCHULZE.

Mr. LAGOMARSINO in two instances.

Mr. CONTE.

Mr. CRANE.

Mr. SCHUETTE in two instances.

Mr. GRADISON.

Mr. ROWLAND of Connecticut.

Mr. THOMAS of California in two instances.

Mr. HORTON.

Mr. HILER.

Mr. HYDE.

Mr. GALLO in two instances.

Mr. MCKERNAN.

Mr. BARTON of Texas in two instances.

Mr. MOLINARI.

Mrs. SMITH of Nebraska.

Mr. MOORHEAD.

Mr. MARLENEE.

Mr. SUNDQUIST.

Mr. PORTER.

Mr. GILMAN.

(The following Members (at the request of Mr. MOODY) and to include extraneous matter:)

Mr. LANTOS in two instances.

Mr. DE LA GARZA.

Mr. DONNELLY in two instances.

Mr. MCHUGH.

Mr. LAFALCE.

Mr. DORGAN of North Dakota in two instances.

Mr. HOYER.

Mr. JONES of North Carolina.

Mr. SKELTON.

Mr. FRANK.

Mr. MICA.

Mr. LEVINE of California in three instances.

Mrs. LLOYD.

Mr. LUNDINE.

Mr. COOPER.

Mr. BONER of Tennessee in two instances.

Mr. STARK.

Mr. BORSKI.

Mr. OWENS.

Ms. OAKAR.

Mr. FASCELL.

Mr. HALL of Ohio.

Mr. ECKART of Ohio.

Mr. TRAFICANT.

Ms. KAPTUR.

Mr. STOKES in two instances.

Mr. RODINO.

Mr. COELHO.

Mr. GARCIA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 290. An act for the relief of Catherine and Robert Fossez; to the Committee on the Judiciary.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to the enrolled bill and joint resolutions of the Senate of the following titles:

S. 1282. An act to amend the Public Health Service Act to revise and extend the programs of assistance for primary health care;

S.J. Res. 136. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, April 13, 1986, as "National Garden Week"; and

S.J. Res. 315. Joint resolution designating May 1986 as "Older Americans Month."

ADJOURNMENT

Mr. MOODY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, April 16, 1986, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3300. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period May 1, 1986 to June 30, 1986, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

3301. A letter from the Secretary of the Army, transmitting additional information on the Pershing II program, which has exceeded a baseline unit cost by more than 25 percent, pursuant to 10 U.S.C. 139b(e)(1); to the Committee on Armed Services.

3302. A letter from the Secretary of the Army, transmitting additional information on the Army Helicopter Improvement Program, which has exceeded a baseline unit cost by more than 25 percent, pursuant to 10 U.S.C. 139b(e)(1); to the Committee on Armed Services.

3303. A letter from the Secretary of the Army, transmitting additional information on the Remotely Piloted Vehicle Program, which has exceeded a baseline unit cost by more than 25 percent, pursuant to 10 U.S.C. 139b(e)(1); to the Committee on Armed Services.

3304. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 404(d) of title 37, United States Code, to authorize the payment of a per diem in lieu of subsistence in an amount sufficient to meet normal and necessary expenses of travel in the area to which such travel is performed, and for other purposes; to the Committee on Armed Services.

3305. A letter from the President of the United States, transmitting his determination that the authority available to the Export-Import Bank for fiscal year 1986 is sufficient to meet its needs, pursuant to 12 U.S.C. 635e(a)(2)(A)(ii) (97 Stat. 1257) (July 31, 1945, ch. 341, sec. 7(a)(2)(A)(ii)); to the Committee on Banking, Finance and Urban Affairs.

3306. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Annual Audit of the Washington Convention Center for the Fiscal Years ended September 30, 1985 and 1984", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3307. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Receipts and Disbursements of the Office of the People's Counsel Agency Fund", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3308. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Annual Audit of the Boxing and Wrestling Commission for Fiscal Year 1985", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3309. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Receipts and Disbursements of the Public Service Commission's Agency Fund", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3310. A letter from the Secretary of Education, transmitting notification of "Final Funding Priorities for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals Program", pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3311. A letter from the Secretary of Education, transmitting notification of "Final Funding Priorities for NIHR—Research and Demonstration Projects in Research Training", pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3312. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to terminate the U.S. Travel and Tourism Administration, to repeal the International Travel Act of 1961, as amended, and for other purposes; to the Committee on Energy and Commerce.

3313. A letter from the President of the United States, transmitting a bimonthly report on progress toward a negotiated settlement of the Cyprus question, pursuant to

22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

3314. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the calendar year 1985 report on the Commission's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3315. A letter from the Director, Office of Personnel and Management, transmitting a report on OPM's activities under the Freedom of Information Act during calendar year 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3316. A letter from the Freedom of Information/Privacy Officer, Interstate Commerce Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3317. A letter from the Assistant Attorney General, Legislative and Intergovernmental Affairs, Department of Justice, transmitting a draft of proposed legislation to amend the interest provisions of the Declaration of Taking Act; to the Committee on the Judiciary.

3318. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to terminate the State Justice Institute; to the Committee on the Judiciary.

3319. A letter from the Secretary of Transportation, transmitting the Urban Mass Transportation Administration Quarterly Report for the fourth quarter of fiscal year 1985, pursuant to 49 U.S.C. app. 1603(h)(1); to the Committee on Public Works and Transportation.

3320. A letter from the Director, Office of Alcohol Fuels, Department of Energy, transmitting notification of a delay in submitting the annual report on the use of alcohol in fuels, pursuant to 26 U.S.C. 4041 nt; to the Committee on Ways and Means.

3321. A letter from the Under Secretary of State for Management, transmitting a report on the operation, cost, advantages, and disadvantages of the Model Foreign Language Competence Posts, pursuant to 22 U.S.C. 4171(b); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI. Committee on Ways and Means. H.R. 3131. A bill to identify and reduce barriers to, and distortions of, international trade affecting United States suppliers of telecommunications equipment and services in interstate and foreign commerce; with an amendment (Rept. 99-471, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN. Committee on Armed Services. Report pursuant to section 302(b) of the Congressional Budget and Impoundment Control Act of 1974 (Rept. 99-531). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PICKLE (for himself and Mr. SCHULZE):

H.R. 4573. A bill entitled: "The Money Laundering Prevention Act of 1986"; jointly, to the Committees on Banking, Finance and Urban Affairs, and Ways and Means.

By Mr. LUNDINE (for himself, Mr. BEREUTER, Mr. LAFALCE, Ms. OAKAR, Mr. LEVIN of Michigan, Mr. TORRES, Mr. KOLBE, and Mr. MORRISON of Connecticut):

H.R. 4574. A bill to alleviate the international debt crisis, expand world trade, and promote stability in the international financial system; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI:

H.R. 4575. A bill to amend the Internal Revenue Code of 1954 to prevent the avoidance of certain pension requirements through the use of leased employees; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 4576. A bill to designate the U.S. Attorney's Building for the Southern District of New York as the "Silvio James Mollo Federal Building"; to the Committee on Public Works and Transportation.

By Mr. DANIEL (for himself, Mr. BATEMAN, Mr. WHITEHURST, Mr. BLILEY, Mr. SISISKY, Mr. OLIN, Mr. SLAUGHTER, and Mr. PARRIS):

H.R. 4577. A bill to amend the Immigration and Nationality Act to provide that the adverse effect wage rate, for nonimmigrant aliens brought into the United States to perform temporary agricultural labor, may not be more than 50 cents higher than the applicable Federal or State minimum wage rate, and for other purposes; to the Committee on the Judiciary.

By Mr. DE LUGO (for himself, Mr. UDALL, Mr. YOUNG of Alaska, and Mr. LAGOMARSINO):

H.R. 4578. A bill to amend the Internal Revenue Code of 1954 to provide that the full amount of excise taxes imposed on rum produced in the Virgin Islands shall be covered over to the Virgin Islands; to the Committee on Ways and Means.

By Mr. DOWNEY of New York:

H.R. 4579. A bill to amend the Tariff Schedules of the United States to provide for the elimination of duty on small toys; to the Committee on Ways and Means.

By Mr. ECKART of Ohio (for himself and Mr. TRAFICANT):

H.R. 4580. A bill to amend the Tariff Act of 1930 to make the unfair trade laws more effective, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. JONES of North Carolina (for himself, Mr. BIAGGI, Mr. LENT, and Mr. SNYDER) (by request):

H.R. 4581. A bill to direct the Secretary of Transportation to enter into certain contracts and contract amendments to develop and deregulate the U.S.-flag liner fleet; to the Committee on Merchant Marine and Fisheries.

H.R. 4582. A bill to direct the Secretary of Transportation to enter into certain contracts and contract amendments to develop and deregulate the U.S.-flag liner fleet; to the Committee on Merchant Marine and Fisheries.

H.R. 4583. A bill to direct the Secretary of Transportation to enter into certain contracts and contract amendments to develop and deregulate the U.S.-flag liner fleet and to permit a subsidy buy out for smaller liner companies or alternatively an infusion in recognition of the adverse competitive impact of this program on smaller U.S. liner companies to the benefit of the larger U.S. liner companies; to the Committee on Merchant Marine and Fisheries.

H.R. 4584. A bill to direct the Secretary of Transportation to enter into certain contracts and contract amendments to develop and deregulate the U.S.-flag liner fleet; to the Committee on Merchant Marine and Fisheries.

By Mr. ERDREICH:

H.R. 4585. A bill to encourage innovation, promote research and development, and stimulate trade by strengthening the protection given intellectual property rights by making necessary and appropriate amendments to the intellectual property rights laws; jointly, to the Committees on the Judiciary, Ways and Means, and Energy and Commerce.

By Mr. FISH:

H.R. 4586. A bill to amend the interest provisions of the Declaration of Taking Act; to the Committee on the Judiciary.

By Mr. FORD of Tennessee:

H.R. 4587. A bill to appropriate funds for the establishment of a cancer research center at the University of Tennessee Center for Health Sciences in Memphis, TN; to the Committee on Appropriations.

By Mr. GLICKMAN (for himself and Mr. FRANK):

H.R. 4588. A bill to authorize appropriations for the Administrative Conference of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 4589. A bill to provide financial assistance and incentives to local schools having centers of excellence in civic education; to the Committee on Education and Labor.

By Mr. McKERNAN:

H.R. 4590. A bill relating to certain foreign labor subsidies for which relief may be sought under the countervailing duty laws; to the Committee on Ways and Means.

By Mr. MARLENEE (for himself, Mr. VOLKMER, Mrs. SMITH of Nebraska, Mr. STALLINGS, Mr. CRAIG, Mr. ROBERT F. SMITH, Mr. DASCHLE, Mr. EMERSON, Mr. TAYLOR, Mr. STRANG, Mr. STANGELAND, Mr. ROBERTS, Mr. GUNDERSON, Mrs. VUCANOVICH, Mr. REID, and Mr. GLICKMAN):

H.R. 4591. A bill relating to the importation of certain Canadian beef products; to the Committee on Ways and Means.

By Ms. MIKULSKI:

H.R. 4592. A bill to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction; to the Committee on the Judiciary.

By Mr. NEAL:

H.R. 4593. A bill to permit the Government National Mortgage Association and the Federal Housing Administration to enter into additional commitments during fiscal year 1986 to guarantee mortgage-backed securities and insure loans under the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

By Ms. OAKAR:

H.R. 4594. A bill to require the Administrator of Veterans' Affairs to conduct a study for the purpose of locating sites in the State of Ohio suitable for development as

cemeteries in the National Cemetery System with an emphasis on the Greater Cleveland area; to the Committee on Veterans' Affairs.

By Mr. RANGEL:

H.R. 4595. A bill to provide that certain amounts received by a qualified cooperative housing corporation in connection with the refinancing of indebtedness of such corporation shall not be subject to Federal income tax, and for other purposes; to the Committee on Ways and Means.

H.R. 4596. A bill to amend the Internal Revenue Code of 1954 to make certain changes with respect to the Tax Court; to the Committee on Ways and Means.

By Mr. Rangel (by request):

H.R. 4597. A bill to amend the Internal Revenue Code of 1954 to make certain changes relating to the administration of the excise taxes on alcohol, tobacco, and firearms, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 4598. A bill to amend the Internal Revenue Code of 1954 to impose a business alternative minimum tax, to repeal the existing minimum tax on corporations, and to revise certain capital cost recovery provisions; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 4599. A bill to extend duty-free treatment to certain chemicals; to the Committee on Ways and Means.

By Mr. UDALL (for himself and Mr. WAXMAN):

H.R. 4600. A bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Energy and Commerce.

By Mr. WEBER (for himself, Mr. TAUKE, Mr. COLEMAN of Missouri, Mr. EVANS of Iowa, Mr. JONES of North Carolina, Mr. GINGRICH, Mr. WILLIAMS, Mr. BRUCE, and Mr. DAUB):

H.R. 4601. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts attributable to the discharge of indebtedness on certain farm property; to the Committee on Ways and Means.

By Mr. WYLIE (for himself, Mr. ST GERMAIN, Mr. GONZALEZ, and Mr. MCKINNEY):

H.R. 4602. A bill to authorize the Federal Housing Administration and the Government National Mortgage Association to enter into additional commitments to insure loans and guarantee mortgage-backed securities during fiscal year 1986, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COELHO (for himself, Mr. AKAKA, Mr. BEVILL, Mr. BROOKS, Mr. COLEMAN of Texas, Mr. DARDEN, Mr. FAUNTROY, Mr. MURPHY, Mr. KILDEE, Mr. OWENS, Mr. BOUCHER, Mr. HAYES, Mr. PERKINS, Mr. DYMALLY, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KOLTER, Mr. LANTOS, Mr. SAVAGE, Mr. SKELTON, Mr. TRAXLER, Mr. CHAPMAN, Mr. DWYER of New Jersey, Mr. HOYER, Mr. BEDELL, Mr. SABO, Mr. GRAY of Illinois, Mr. MRAZEK, Mr. RICHARDSON, Mr. SISISKY, Mr. ACKERMAN, Mr. OBERSTAR, Mr. ANDERSON, Mr. BONER of Tennessee, Mr. BRYANT, Mr. CONYERS, Mr. DELLUMS, Mr. FAZIO, Mrs. LLOYD, Mr. LUKEN, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MOAKLEY, Mr. MOODY, Mr. PRICE, Mr. STAGGERS, Mr. TOWNS, Mr. GUARINI, Mr. ORTIZ, Mr. MAVROULES, Mr. MINETA, Mr. LEVIN of Michigan, Mr. PANETTA, Mr. BONIOR of Michigan, Mr. WAXMAN, Mr. FUSTER, Mr. YOUNG of Missouri, Mr. FRANK, Mr. CROCKETT, Mr. BARNES, Mr. BORSKI, Mr. BUSTAMANTE, Mr. VALENTINE, Mr. DOWDY of Mississippi, Mr. FEIGHAN, Mr. WALGREN, Mr. WEISS, Mr. WILSON, Mr. WYDEN, Mr. YATES, Mr. SUNIA, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. PEPPER, Mr. RODINO, Mr. ROE, Mr. TRAFICANT, Mr. RALPH M. HALL, Mr. MARTINEZ, Mr. DIXON, Mr. O'BRIEN, Mrs. BURTON of California, Mr. LEHMAN of California, Mr. YATRON, Mr. GORDON, Mrs. BYRON, Mr. SMITH of Iowa, Ms. OAKAR, Mr. STALLINGS, and Mr. VOLKMER):

H.J. Res. 600. A joint resolution to designate April 17, 1986, as "National Pension Day"; to the Committee on Post Office and Civil Service.

By Mr. WIRTH (for himself, Mr. SIKORSKI, and Mr. GILMAN):

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress that the Soviet Union should immediately provide for the release and safe passage of Naum Meiman and Inna Kitrosskaya-Meiman; to the Committee on Foreign Affairs.

By Mr. NEAL:

H. Con. Res. 318. Concurrent resolution to express the sense of the Congress that the Federal income tax deduction allowable for payment of Federal excise taxes should not be changed as part of tax reform; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. GREEN, Mr. MRAZEK, and Mr. RANGEL):

H. Res. 420. Resolution to express the sense of the House of Representatives concerning Solidarity Sunday for Soviet Jewry; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

341. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to price advantages for foreign coal producers; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 471: Mr. HARTNETT and Mr. OXLEY.

H.R. 831: Mr. WOLPE.

H.R. 880: Mr. BEDELL, Mr. FAZIO, Mr. BARNES, Mr. REID, and Mr. LEHMAN of Florida.

H.R. 1069: Mr. KOLBE.

H.R. 1140: Mr. COELHO.

H.R. 1154: Mr. SCHUMER.

H.R. 1375: Mr. ROSE and Mr. MARTINEZ.

H.R. 1398: Mr. FAUNTROY.

H.R. 1659: Mr. RANGEL, Mr. BATES, Mr. SCHEUER, Mr. HENDON, Mr. BILIRAKIS, Mr. MINETA, and Mr. WILSON.

H.R. 1674: Mr. ACKERMAN, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. CONYERS, Mr. DASCHLE, Mr. DIXON, Mr. DYMALLY, Mr. DYSON, Mr. ERDREICH, Mr. FROST, Mr. FRANK, Mr. HALL of Ohio, Mr. MANTON, Ms. MIKULSKI, Mr. PRICE, Mr. SCHEUER, Mr. SMITH of Florida, Mr. STUDDS, Mr. SEIBERLING, Mr. STAGGERS, Mr. TALLON, Mr. WILLIAMS, and Mr. GORDON.

H.R. 2353: Mr. NIELSON of Utah.

H.R. 2354: Mr. FORD of Tennessee.

H.R. 2439: Mr. VALENTINE.

H.R. 2504: Mr. STAGGERS, Mr. KINDNESS, and Mr. HAMMERSCHMIDT.

H.R. 2578: Mr. DEWINE, Mr. DICKINSON, Mr. GALLO, Mr. GUNDERSON, Mr. UDALL, and Mr. WYLIE.

H.R. 2591: Mr. BROWN of California, Mr. ATKINS, Mr. HEFNER, Mrs. BOGGS, and Mr. COUGHLIN.

H.R. 2741: Mr. SLATTERY.

H.R. 3032: Mrs. SCHROEDER.

H.R. 3042: Mr. BERMAN, Mr. MOAKLEY, and Mr. MARKEY.

H.R. 3330: Mr. DENNY SMITH and Mr. HENDON.

H.R. 3431: Mr. BROWN of Colorado.

H.R. 3465: Mr. PORTER and Mr. KANJORSKI.

H.R. 3522: Mr. BATEMAN.

H.R. 3597: Mr. CLINGER, Mr. TRAXLER, Mr. WORTLEY, Mr. DAUB, Mr. KOLBE, Mr. MARTINEZ, and Mr. DORGAN of North Dakota.

H.R. 3626: Mr. OXLEY.

H.R. 3799: Mr. ROE, Mr. MARKEY, and Mr. PANETTA.

H.R. 3806: Mr. EDWARDS of California, Mr. RUSSO, Mrs. BOXER, Mr. WEAVER, and Mr. TORRICELLI.

H.R. 3822: Mr. FAZIO and Mr. REID.

H.R. 3833: Mr. RITTER.

H.R. 3866: Mr. DUNCAN, Mr. ROE, Mr. WOLPE, Mr. SCHEUER, and Mrs. BOXER.

H.R. 4003: Mr. WILSON and Mr. WEAVER.

H.R. 4057: Mr. MICA, Mr. BATES, Mr. SHAW, Mrs. BURTON of California, Mr. PRICE, Mr. GILMAN, Mr. KOLTER, Mr. HENRY, Mr. WILLIAMS, and Mr. BLAZ.

H.R. 4073: Mr. JONES of North Carolina.

H.R. 4098: Mr. PETRI and Mr. SHUMWAY.

H.R. 4148: Mr. OBEY.

H.R. 4183: Mr. ACKERMAN, Mr. QUILLEN, Mr. NIELSON of Utah, Mr. FLIPPO, Mr. SPENCE, Mr. MCCAIN, Mr. GONZALEZ, Mr. GRAY of Illinois, Mr. EVANS of Iowa, Mr. BONER of Tennessee, Mr. UDALL, Mr. GORDON, and Mr. CARR.

H.R. 4194: Mr. DOWNEY of New York, Mr. TRAFICANT, and Mr. OWENS.

H.R. 4202: Mr. ARCHER, Mr. ARMEY, Mr. FUQUA, Mr. MONSON, and Mr. STALLINGS.

H.R. 4203: Mr. DURBIN.

H.R. 4253: Mr. ATKINS, Mr. DOWNEY of New York, Mr. FRANK, Mrs. BYRON, Mr. BOULTER, Mr. SCHEUER, Mr. MARKEY, Mr. BLAND, Mr. MOAKLEY, Mr. HAYES, Mr. CONTE, Mr. RANGEL, Mr. MAVROULES, Mr. MCKINNEY, Mr. STUDDS, and Mr. KOLTER.

H.R. 4299: Mr. KRAMER, Mr. MCDADE, Mr. LUKEN, Mr. CHANDLER, Mr. CHAPPELL, Mr. COUGHLIN, Mr. HATCHER, and Mr. RIDGE.

H.R. 4301: Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. FRANK, Mr. GONZALEZ, Mr. MITCHELL, Mr. TALLON, Mr. FEIGHAN, Mr. NICHOLS, Mr. STRANG, Mr. LUJAN, Mr. DAVIS, Mrs. BOXER, Mr. YATRON, Mrs. VUCANOVICH, Mr. GILMAN, Mr. TRAFICANT, Mr. LOWRY of Washington, Mr. OWENS, Mr. RAHALL, and Mr. VENTO, and Mr. ORTIZO.

H.R. 4312: Mr. SHAW, Mr. KINDNESS, Mr. HORTON, Mr. FAZIO, and Mr. DREIER of California.

H.R. 4360: Mrs. SCHNEIDER.

H.R. 4391: Mr. HAYES, Mr. LEATH of Texas, Mrs. LLOYD, Mr. CLINGER, and Mr. TORRES.

H.R. 4405: Mr. DORGAN of North Dakota and Mr. STALLINGS.

H.R. 4430: Mr. AKAKA.

H.R. 4488: Mr. OBERSTAR, Mr. NIELSON of Utah, Mr. DELLUMS, Mr. SYNAR, Mr. HANSEN, Mr. ROYBAL, Mr. BATES, Mr. BEILENSON, Mr. LELAND, Mr. JACOBS, Mr. WILSON, Mr. WAXMAN, Mr. FAWELL, Mr. ACKERMAN, and Mr. SEIBERLING.

H.R. 4519: Mr. HOPKINS, Mrs. MARTIN of Illinois, Mr. DANIEL, and Mrs. SMITH of Nebraska.

H.R. 4520: Mr. STANGELAND, Mr. ROTH, Mr. DAUB, Mr. HENRY, Mr. HOPKINS, Mr. OLIN, Mr. SCHUETTE, Mrs. MARTIN of Illinois, Mr. DANIEL, Mr. GEJDENSON, Mr. PENNY, and Mrs. SMITH of Nebraska.

H.R. 4524: Mr. STENHOLM, Mr. TALLON, Mr. BILIRAKIS, Mr. APPLEGATE, Mr. PURSELL, and Mr. WILSON.

H.R. 4534: Mr. BEDELL and Mr. SLATTERY.

H.R. 4569: Mr. WATKINS and Mr. MCCURDY.

H.J. Res. 57: Mr. MOORHEAD.

H.J. Res. 279: Mr. BROYHILL.

H.J. Res. 429: Mr. RODINO, Mr. BUSTAMANTE, and Mrs. BURTON of California.

H.J. Res. 451: Mr. LOTT, Mr. SPRATT, Mr. SAXTON, Mr. TAUKE, Mr. HUNTER, Mr. KOLTER, Mr. SKELTON, Mr. TORRICELLI, and Mr. KOLBE.

H.J. Res. 470: Mr. SIKORSKI, Mr. JENKINS, Mr. MCDADE, Mr. SMITH of New Hampshire, Mr. REID, Mr. MARTIN of New York, Mr. ANNUNZIO, Mr. ANDERSON, Mr. ATKINS, Mr. BLILEY, Mr. NIELSON of Utah, Mr. LENT, Mr. LAGOMARSINO, Mr. NOWAK, and Mr. MOLINARI.

H.J. Res. 492: Mr. DERRICK, Mr. BILIRAKIS, Mr. CROCKETT, Mr. PICKLE, Mr. GEPHARDT, Mr. DARDEN, Mr. FORD of Michigan, Mr. MCKERNAN, Mr. MACKAY, Mr. WALGREN, Mr. DREIER of California, Mrs. HOLT, Mr. GRAY of Illinois, Mr. FISH, Mr. ERDREICH, Mr. HEFTEL of Hawaii, Mrs. MEYERS of Kansas, Mr. FLORIO, and Mr. MADIGAN.

H.J. Res. 502: Mr. COELHO, Mr. DELLUMS, Mr. KASICH, Mr. MITCHELL, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. OWENS, Mr. PEPPER, Mr. RINALDO, Mr. RODINO, Mr. SKELTON, Mr. SNYDER, Mr. SWINDALL, Mr. TALLON, Mr. TAUKE, Mr. WALGREN, Mr. WHITTAKER, Mr. WIRTH, Mr. WYDEN, and Mr. MCCLOSKEY.

H.J. Res. 510: Mr. BERMAN, Mr. ROSE, Mr. STANGELAND, Mr. ACKERMAN, Mr. NELSON of Florida, Mr. STOKES, Mr. GEPHARDT, Mr. BONER of Tennessee, Mr. GRAY of Illinois, Mr. SCHEUER, Mr. MCKERNAN, Mr. TRAFICANT, Mr. SPRATT, Mr. DOWDY of Mississippi, Mr. JEFFORDS, Mr. KASICH, Mr. BORSKI, Mr. CARNEY, Mrs. COLLINS, Mr. KASTENMEIER, Mr. SMITH of Florida, Mr. MACK, Mr. BROOKS, Mr. EVANS of Iowa, Mr. BOUCHER, Mr. CARPER, Mr. BOEHLERT, Mr. ENGLISH, Mr. ANDREWS, Mr. DYMALLY, Mr. MOODY, Mr. FRANK, Mr. GILMAN, Mr. VOLKMER, Mr. COLEMAN of Missouri, Mr. ALEXANDER, Mr. MONSON, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. BONIOR of Michigan, Mr. PETRI, Mr. BREAUX, Mr. MILLER of Ohio, Mr. SYNAR, Mr. PERKINS, Mr. SNYDER, Mr. WIRTH, Mr. SMITH of New Hampshire, Mr. WOLPE, Mr. TALLON, Mr. TAUZIN, Mr. NIELSON of Utah, Mr. LAFALCE, Mr. CHAPMAN, Mr. LUNGREN, Mr. MOORE, Mr. LEACH of Iowa, Mr. HAYES, Mr. JONES of North Carolina, Mr. HUNTER, and Mr. SCHUETTE.

H.J. Res. 528: Mr. FEIGHAN, Ms. MIKULSKI, and Mr. SHELBY.

H.J. Res. 529: Mr. FRANKLIN, Mr. HOYER, Mr. SCHUETTE, Mr. O'BRIEN, and Ms. KAPTUR.

H.J. Res. 531: Mr. ECKART of Ohio, Mr. MCHUGH, Mr. SISISKY, Mr. GORDON, Mr. LAFALCE, Mr. HOYER, Mr. FRENZEL, Mr. FORD of Michigan, Mr. FUQUA, and Mr. DERRICK.

H.J. Res. 544: Mr. VALENTINE, Mr. ROSE, Mr. DORNAN of California, Mr. LEWIS of Florida, Mr. KOSTMAYER, Mrs. LLOYD, Mr. HOYER, Mr. HAMMERSCHMIDT, Mr. HEFNER, Mr. LIVINGSTON, Mr. COELHO, Mr. DERRICK, Mr. CAMPBELL, Mr. ORTIZ, Mr. STARK, Mr. DANNEMEYER, Mr. BARTLETT, Mrs. BURTON of California, Mr. HARTNETT, Mr. CHAPPIE, Mr. LUNGREN, Mr. KASICH, Mr. ERDREICH, and Mr. FUQUA.

H.J. Res. 561: Mr. MCEWEN, Mrs. VUCANOVICH, Mr. FAZIO, Mr. MCKERNAN, Mr. MILLER of California, Mr. CLINGER, Mr. MCGRATH, Mr. ORTIZ, Mr. DURBIN, Mrs. JOHNSON, Mr. HAWKINS, Mrs. BENTLEY, Mr. ATKINS, Mr. HAMMERSCHMIDT, Ms. SNOWE, Mr. WALGREN, Mr. BUSTAMANTE, Mr. COATS, Mr. GRAY of Pennsylvania, Mr. DUNCAN, Mr. GRAY of Illinois, Mr. BEDELL, Mr. GUNDERSON, Mr. TAUKE, Mr. JEFFORDS, Mr. RINALDO, Mr. LUNDINE, Mr. AUCOIN, and Mr. ROGERS.

H. Con. Res. 233: Mr. DYMALLY.

H. Con. Res. 299: Mr. RINALDO, Mr. MONSON, and Mr. WATKINS.

H. Con. Res. 307: Mr. RINALDO and Mr. MONSON.

H. Res. 362: Mr. FAWELL, Mr. DREIER of California, Mr. DAUB, Mr. KLECZKA, Mr. LAGOMARSINO, Mrs. ROUKEMA, Mr. HENDON, Mr. WYLIE, Mr. SHAW, Mr. DORNAN of Califonia, Mr. SIKORSKI, Mr. COBEY, Mr. FRANKLIN, Mrs. VUCANOVICH, Mr. LIGHTFOOT, Mr. MACK, Mr. SWINDALL, and Mrs. MARTIN of Illinois.

H. Res. 407: Mr. ACKERMAN, Mr. BATEMAN, Mr. BEILENSON, Mr. BONKER, Mr. BOSCO, Mr. BOUCHER, Mrs. BURTON of California, Mr. BRUCE, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. DOWNEY of New York, Mr. DURBIN, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FRANK, Mr. GEJDENSON, Mr. HEFTEL of Hawaii, Mr. HENDON, Mr. HENRY, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mr. HYDE, Mr. KASTENMEIER, Mr. KINDNESS, Mr. KOLTER, Mr. LAFALCE, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MCKERNAN, Mr. MILLER of Washington, Mr. MORRISON of Connecticut, Mr. REID, Mr. RIDGE, Mr. RODINO, Mr. ROE, Mr. ROTH, Mr. SABO, Mr. SEIBERLING, Mr. STARK, Mr. STANGELAND, Mr. SWIFT, Mr. SYNAR, Mr. TAUKE, Mr. TAYLOR, Mr. UDALL, Mr. WALGREN, Mr. WEISS, Mr. YATES, Mr. YATRON, Mr. ZSCHAU, Mr. PORTER, Mr. TORRES, Mr. WOLPE, Mr. PARRIS, Mr. MRAZEK, Mrs. LLOYD, Mr. ANDERSON, Mr. KLECZKA, Mrs. BENTLEY, Mr. LENT, Mr. LIPINSKI, Mr. DONNELLY, Mr. YOUNG of Missouri, Mr. SENSENBRENNER, Mr. HUGHES, Mrs. BYRON, Mr. MATSUI, and Mr. TRAXLER.

H. Res. 413: Mr. HORTON, Mr. LIGHTFOOT, Mr. BATEMAN, Mr. DAUB, Mr. MONSON, Mr. MCKINNEY, Mr. SYNAR, and Mr. DORGAN of North Dakota, and Mr. MCCLOSKEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

305. By the SPEAKER: Petition of the city council of Detroit, MI, relative to Public Law 93-531; to the Committee on Interior and Insular Affairs.

306. Also, petition of the council of the Borough of Ringwood, NJ, relative to an amendment to the 16th amendment to the Constitution; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 281

By Mr. JEFFORDS:

(Amendment in the nature of a substitute.)

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Constitution Industry Labor Law Amendments of 1986".

SEC. 2. (a) Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by adding at the end thereof the following new sentence: "In the construction industry, any two or more business entities performing the same or similar work in the same geographical area and having common ownership, management or control, shall be deemed a single employer if there is a practice of interchanging employees among the entities or if any such entity directly competes with or intentionally deprives other such entities of work."

(b) Section 8(d) of such Act (29 U.S.C. 158(d)) is amended by adding at the end thereof the following new sentence: "Whenever the collective bargaining involves employees of a business entity comprising part of a single employer in the construction industry, as defined in section 2(2) of this Act, the duty to bargain collectively, for the purposes of this section, shall include the duty to apply the terms of a collective bargaining agreement between such business entity and a labor organization to all other business entities comprising the single employer within the geographical area covered by the agreement: *Provided*, That the employees of the combined business entity covered by the agreement constitute an appropriate unit for the purpose of collective bargaining, consistent with section 9(b) of this Act.".

(c) Section 8(e) of such Act (29 U.S.C. 158(e)) is amended by inserting before the colon at the end of the first proviso of such section the following new proviso: ": *Provided further*, That nothing in this subsection (e) shall be construed to prohibit any agreement between a labor organization and an employer in the construction industry form including any prohibition, restriction, or requirement on such employer with regard to the ownership, management, or control of other business entities in the same geographic area that are engaged in work similar to that performed by the employees in the bargaining unit".

(d) Section 8(f) of such Act (29 U.S.C. 158(f)) is amended—

(1) by striking out " geographical area:" in clause (4) and inserting in lieu thereof the following: "geographical area. An agreement lawfully made pursuant to this subsection shall impose the same obligations under the Act as an agreement made with a majority representative pursuant to section 9(a):"; and

(2) by inserting before the period at the end of such section the following new proviso: ": *Provided further*, That any agreement lawfully made pursuant to this subsection may be repudiated at any given site only where (A) at least 30 days after the hiring of the first employee under such agreement

at such site, the employer, based upon objective considerations and after compliance with any requirements in such agreement permitted by clause (3) of this subsection, determines that the majority status of such labor organization at such site has not been established or is no longer present; or (B) the Board certifies the results of an election conducted pursuant to section 9(c), in which a majority of employees in an appropriate bargaining unit selects a bargaining representative other than the labor organization with which such agreement was made or chooses not to be represented by a labor organization.

EXTENSIONS OF REMARKS

SOLIDARITY SUNDAY FOR SOVIET JEWRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GILMAN. Mr. Speaker, once again I am privileged to introduce the congressional resolution of support for Soviet Jewry. Each year, to highlight the plight of those denied their religious and cultural rights under international law, the Coalition to Free Soviet Jews, in New York City, organizes a massive rally at Dag Hammarskjold Plaza opposite the United Nations. Nearby are the Shcharansky Steps, which for years commemorated the daily struggle of Anatoly Shcharansky as he languished in a Soviet prison under the false charge of treason. Yet, on May 11, 1986, hundreds of thousands of concerned citizens will stand in solidarity with Soviet Jewry, and will hear the words of the newly freed Anatoly Shcharansky.

This past year has been a time of both joy and frustration to those of us concerned about the plight or Soviet Jewry. Apparently, the recent summit meeting between President Reagan and Soviet leader Mikhail Gorbachev, helped to bring about the release of several well-known long-term refuseniks and former Prisoners of Conscience, including Dr. Mark Nashpitz, a Moscow dentist with whom I had been corresponding for almost 15 years, and Ilya Essas, a self-taught Hebrew and religious teacher who became the focal point in Moscow for observant Jews. these two men were in Washington recently, where many Members of Congress had the opportunity to meet with them.

Yet, from a high point of over 51,000 in 1979, we saw emigration plummet in the early 1980's. And in 1985, only 1,140 Jewish men, women, and children were allowed to participate in the reunification process as provided for by the Helsinki Final Act.

During the past year, we have also seen other innocent people arrested, harassed, and interrogated for no other reason than they had expressed their desire to emigrate to Israel. Yakov Berenshtein's sight is almost completely gone as a result of having been beaten by criminals in his prison, POC Yuli Edelshtein lies in a hospital, the victim of a badly shattered broken leg and ruptured urethra associated with a suspicious accident while on a construction project at his labor camp.

These innocent people continue to suffer, as do all those who make the decision to apply to emigrate. There are almost 400,000 individuals who are at some point in the application process. Once their decision to emigrate is made, loss of employment is almost certain to follow. Once unemployed, such an individual risks arrest on the charge of parasitism. If the applicant is younger, he most certainly risks being drafted into the Soviet Army, which automatically carries with it the knowledge of state secrets for at least 5 years, certain grounds for emigration refusal. There are so many obstacles ahead of one who decides to emigrate, and so much official discrimination and persecution, that those who pursue their dream are to be admired. They suffer for their principles, but they will not be bowed.

Mr. Speaker, Solidarity Sunday for Soviet Jewry is our annual opportunity in the House of Representatives to make known our commitment to human rights. When Anatoly and Avital Shcharansky ascend the platform on Solidarity Sunday, the free world will see for itself a shining example of the triumph of the human spirit in the face of adversity. Yet we cannot forget the hundreds of thousands who are left behind the Iron Curtain. It is for them that we must continue to speak out, until all those who desire to practice their religious and cultural heritage freely are allowed to do so.

Mr. Speaker, I request that at this point in the CONGRESSIONAL RECORD the full text of this resolution be printed, and I invite our colleagues to cosponsor this important measure. I anticipate floor action in the very near future, and will be conducting a special order in the week prior to Solidarity Sunday.

H. RES. 420

Whereas on May 11, 1986, the constituent agencies of the Coalition to Free Soviet Jews will convene the fifteenth annual "Solidarity Sunday for Soviet Jewry" in reaffirmation of the American People's resolve to secure freedom for Soviet Jews and beleaguered persons everywhere;

Whereas Americans of all faiths will join in myriad activities on that day in public expression of solidarity with the long suffering Jewish community in the Soviet Union;

Whereas the right to emigrate freely and to be reunited with one's family abroad is denied Jews and many others in the Soviet Union;

Whereas the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations, and the Helsinki Final Act explicitly assert guarantees of those rights;

Whereas the Government of the Soviet Union has nevertheless continued to restrict emigration, particularly in the last few months, when the number of Jews allowed to emigrate has declined to extremely low levels;

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying them even those few rights and privileges accorded other recognized religions in the Soviet Union;

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish cultural classes, by arresting teachers of Hebrew, and by harassing those Soviet Jews who seek only to practice their religion;

Whereas a virulent anti-Semitic campaign continues unabated in the Soviet Union and Soviet Jews are increasingly deprived of occupational and educational opportunities;

Whereas thousands of innocent Jews and other persons, having applied to leave the Soviet Union, have been subjected to immediate induction into the armed forces, improper incarceration in mental institutions, expulsion from school, and constant surveillance and harassment;

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the free world so long as those who cherish liberty continue to speak on behalf of beleaguered people everywhere;

Whereas "Solidarity Sunday for Soviet Jewry" shall provide vigorous expression of American determination to secure freedom for Soviet Jewish prisoners of conscience incarcerated solely for their desire to emigrate; and

Whereas the Government of the Soviet Union refuses to permit the free exercise of religious beliefs and cultural expression and also refuses to remove all obstacles to the free emigration of its Jewish citizens and others who wish to leave and live in other countries: Now, therefore, be it

Resolved, That the House of Representatives hereby expresses its full support for "Solidarity Sunday for Soviet Jewry", to be held on May 11, 1986, and encourages Americans to participate in the activities of that day.

TRADE LAW IMPROVEMENT ACT OF 1986

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. ECKART of Ohio. Mr. Speaker, today, I along with my distinguished colleague and congressional neighbor JIM TRAFICANT, am introducing the Trade Law Improvement Act of 1986. Both Representative TRAFICANT and myself have worked hard to bring jobs back to northeast Ohio by promoting our local businesses and industries. This bill takes urgently needed steps to save both local and national industries from the invasion of unfairly produced imports which are threatening our economy and endangering jobs in America and in northeast Ohio.

Over the course of the past 5 years, this Nation has suffered a steady erosion of its ability to compete in the international marketplace. This problem has rapidly approached epidemic proportions. Last year, the United States imported $148 billion more in goods than we exported, causing the largest trade deficit in our Nation's history and turning us into a debtor nation. This staggering figure represents a nearly fivefold increase over the 1980 trade deficit of just $30 billion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The unavoidable bottom line of this crisis is lost jobs for Ohioans. Over 140,000 Ohioans in auto-related industries have lost jobs due to the import invasion, more than 20,000 people lost their steel-related jobs, and in northeast Ohio alone, tens of thousands of jobs have fallen prey to the growing trade imbalance. In areas like Ashtabula, OH, where unemployment still hovers above 15 percent, and Trumbull County, OH, with an unemployment rate over 12 percent, this comes as no surprise. We are not strangers to the economic devastation and personal ruin brought about by the unfair trade practices which this administration has allowed to exist and proliferate. The administration continues to perilously cling to its weak adherence to free trade while other nations subsidize their industries and erect barriers against American products at their borders.

What has become most disturbing and in need of immediate remedy is the discovery that our Government's current trade laws not only allow this uneven international playing field to exist, they are helping to tip it further from our advantage. The specific problems encountered by RMI Corp., based in Niles, OH, with plants in Ashtabula County and elsewhere, only serve to illustrate the glaring inequities in our trade law which are similarly hurting other industries nationwide. The 1983 contract award for the purchase of titanium sponge by the General Services Administration [GSA] handed 80 percent of the contract to foreign producers at dumped prices. This action blatantly ignored buy-American requirements, favored goods produced unfairly in foreign countries, and threatened our Nation's national security interests. Titanium sponge is a critical element in the manufacture of crucial defense components. It is, therefore, unconscionable that our own trade practices would allow for the development and advancement of foreign manufacturers of this strategic product to the detriment and potential destruction of domestic producers.

This bill contains several key provisions to help level the playing field and erode the barriers to fair and free trade:

It closes existing loopholes in the antidumping laws for certain purchases by the Federal Government to ensure that imports are priced at fair value and domestic producers can compete evenly and openly.

It requires that companies responding to Commerce Department inquiries in antidumping and countervailing duties certify their responses as accurate.

It gives producers injured by customs fraud a private cause of action against the persons involved in the fraud. Widespread customs fraud has recently been discovered in connection with imports of steel and textile products—industries especially hard hit by unfair trade practices.

It provides a workable private cause of action for damages caused by dumping. Existing provisions are revised by the bill to make a more meaningful remedy for damages caused by dumping, as well as to provide a deterrent to future dumping.

Trade policy and the U.S. trade deficit are among the biggest issues facing Congress this year. This bill offers relief to specific aspects of what is indeed a much larger ailment. It is vitally important that any—and all—efforts be made to shape a workable and practical trade policy for America. This proposal which Representative TRAFICANT and I are introducing today takes us one step closer toward achieving that goal.

THE TRADE LAW ENFORCEMENT ACT OF 1986

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. TRAFICANT. Mr. Speaker, it is my pleasure to be joining my colleague, Representative DENNIS ECKART, in introducing the Trade Law Enforcement Act of 1986.

In the fall of 1985, representatives of the RMI Co. of my congressional district brought to my attention a disturbing case of how our own U.S. trade and tariff laws were injuring American industry, making it more difficult and in some circumstances impossible to compete in the international marketplace. RMI's particular case of discovering the U.S. purchase of illegally dumped titanium from foreign manufacturers instead of from an adequate domestic industry is literally just the tip of the iceberg in the question of fair trade.

The legislation we are introducing today, the Trade Law Enforcement Act of 1986 addresses the concerns of domestic industries in order to bring a fairer trade policy forward. Specifically, the closing of existing loopholes in the antidumping laws for certain purchases by the Federal Government will insure the opportunity of competition to domestic producers. Likewise, it provides for a private cause of action for damages sustained by "dumping," a situation occurring when a foreign company sells large quantities of a resource or product in U.S. markets at prices below market value. Current U.S. trade law makes this practice illegal and requires a stiff duty be imposed on illegally dumped goods. However, goods purchased by the Federal Government for the national defense stockpile are exempt from this action.

This bill will have a significant impact on the trade policy of this Nation—a policy that desperately needs to be reformed in order to save American jobs and America's industry. Faced with the largest trade deficit in this Nation's history the threat of more U.S. plants closing; and the despair of our unemployed Americans, action must be taken immediately. The Trade Law Enforcement Act as introduced by Mr. ECKART and myself will provide some relief to these problems and reflect a move toward a trade policy that is both fair and just in responding to the pressing needs of our Nation.

I urge my colleagues to join us in sponsoring this important trade legislation.

THE MAJORITY WHIP ON CONTRA AID

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article by THOMAS S. FOLEY, majority whip of the House. His views on the Contra aid question deserve careful consideration before this body votes on this issue again. This article appeared in the Washington Post April 15, 1986, and the text follows:

CONTRA AID: AN ACT OF WAR

(By Thomas S. Foley)

Today the House will revisit the contra aid debate. Shortly before the last vote in the House the administration abandoned its erstwhile strategy of all or nothing on the contra issue. Its new strategy has two facets. On the one hand, it has begun to offer paper compromises. On the other, it has tried to develop some public relations event equivalent to last year's famous trip to Moscow by Nicaraguan leader Daniel Ortega.

Despite strenuous effort, the administration has been unable to rally convincing majorities of the public or Congress to its position. The week following the last House vote on contra aid, the Senate voted by a narrow margin to approve a "compromise" plan which many regard as little more than a cosmetic makeover of the president's original proposal. Key features of that plan were that "only" one quarter of the $100 million, 18-month financing would be available in the first 90 days, only "defensive" weapons could be bought and the president could not release the remaining funds until an additional 15 days had expired, 15 days in which Congress could veto the decision to release the remaining funds and the president could veto any such congressional action. A thinner compromise could hardly be imagined and, indeed, only a thin majority of the Senate supported the president where he had hoped for an overwhelming vote.

But before the Senate vote, the administration believed the public relations coup it has so fervently desired had fallen into its hands, a highly trumpeted "invasion" of Honduras by Nicaraguan troops in pursuit of the contras. Originally the administration had difficulty in persuading the Hondurans that they should acknowledge the event at all. Their reluctance was understandable in light of the fact that the Nicaraguan action may have been larger than normal but nevertheless closely resembled hundreds of similar reported incidents over the last five years. For Honduras to raise a public outcry would, in its view, publicly acknowledge that the contras were being allowed to stay in Honduras.

Congressional leaders of both parties said the "invasion" had had little or not effect on the Senate vote. In the face of subsequent intelligence and press reports, which substantially reduced the scale of the incident, the administration's public relations machine has had no choice but to seek a new approach.

Now, before the second vote in the House, the administration has launched a new offensive on the Contadora front. The president says the Nicaraguans have "torpedoed" the Contradora peace process with their

latest rejection of a proposed document that called on them to reduce their armed forces without their first being a cut-off in aid to the contras. Diplomatic damage experts have noted that the disappointment of the Contadora negotiators with the latest action by the Nicaraguan representatives was obvious. But the communique issued by the Contadora nations after the recent breakup contemplates getting back to work as soon as possible. It does not resemble an obituary. Nevertheless the administration has seized on the latest development and is now trying to exaggerate its consequence in yet another attempt to weaken opposition to its proposal, a proposal which would wring from both houses a reluctant declaration of a proxy war in Nicaragua.

The Contadora negotiators continually point to the fact that the contras merely frustrate the Contadora process. The Central American nations know what they want from negotiations: regional security. But the administration wants the Sandinistas to negotiate cession of power, a concession it also says it never expects them to give without military defeat by the contras. Yet the continuation of the contra war will reduce, not enhance the security of Nicaragua's neighbors. The administration appears confused about its own goals and in any case is acting at cross purpose to Contadora, as the Latin Americans view it.

We should make no mistake. This is not a one-time vote for $100 million. We are on the eve of a historic decision. This vote is merely a down payment on hundreds of millions, perhaps billions to come over many years in support of the contras (indeed we have already spent $1 billion on military preparations in Central America). Much more important than the money, however, is the unprecedented and damaging decision we are about to make to support and finance the proxy invasion of a foreign country with which, for whatever purpose, we maintain diplomatic relations. This course of action sweeps aside the president's own stated concern, only a year ago, that to pursue such a course would be an act of war. In any case, our action would be totally unilateral with no support from our allies anywhere on the globe.

We desperately need a better strategy regarding Nicaragua and, despite the recent setback, Contadora is that strategy.

The Contadora process is far from dead. On the contrary, it has been the administration's own refusal to promote Contadora that has deprived the process of its moral authority to pressure the Nicaraguans. We have been unable to exploit the Nicaraguans' recent action because the other Latin American participants do not view us as supporting Contadora. Reports say that several Central American foreign ministers have come away with the impression that their recent visits from U.S. envoys were actually attempts to undermine Contadora.

If we were wholeheartedly to support the Contadora process, we would vastly improve its possibilities for guaranteeing regional security, U.S. security and liberalization of the Nicaraguans' internal policies. The current policy of aid to the contras, accompanied by lip service support of Contadora, allows the Sandinistas plausibly to claim that their internal repressive policies, their military build-up, their reliance on thousands of Cuban advisers, their close ties to Moscow and their reluctance to negotiate are all the result of their need to repel the American-sponsored contra invasion.

The Contadora process offers us many opportunities to pressure Nicaragua productively that we do not now have. We would have the support of the rest of Central America to pressure Nicaragua to reduce its armed forces, expel the Cubans, honor its borders and cease support for insurgencies in other countries. We do not now have the support of those countries. We would have the support of the entire Western world when we pressured the Sandinistas to cease their lockdown of Nicaraguan society and honor basic human rights principles there. We do not have such support for our policy of backing the contras.

Some suggest that only the contras can put productive pressure on the Sandinistas, but we must remember that Nicaragua has a weak economy, totally dependent on world trade. Western opinion, if it is united, will mean a great deal to them, and they can ill afford to continue to disillusion Western democracies with their repressive internal policies.

Some Contadora ministers have confided that the contras are the best thing to happen to the Sandinistas in Nicaragua. The story goes that the Sandinistas can survive years of war with ease, but six months of peace would be a terrible threat because of the natural political pressures that would develop within Nicaragua.

If Contadora were ultimately to succeed, and with the enthusiastic backing of the United States, the pressure on Nicaragua to cooperate would be intense, and we would have the moral authority and international support to militarily back up the treaty if that ever became necessary.

What are the risks of Contadora? We need not fear the military loss of Central America while talks continue. Congress will support any action to repel Nicaraguan aggression against its neighbors, or to prevent the introduction of advanced weaponry or to prevent the use of Nicaragua as a base for Soviet and Cuban main forces. Our steady policy of strong support for the other democracies in the region has lessened the Nicaraguans opportunities for subversion, and we should continue that policy with determination. This is the approach that all the Central American countries we are trying to help urge upon us.

In contrast to Contadora, what risks does the continued policy of support for the contras present? What will we do if, after hundreds of millions of dollars, years of support, training and equipment and an incalculable investment of American political and diplomatic currency, the contras eventually face defeat? What if they face decimation or capture? Will we never send our own forces to help them no matter how desperate their situation? Or will we leave them to their fate in a giant replay of the Bay of Pigs? Will we then be negotiating to save the contras rather than to reform Nicaragua?

Perhaps I view the contras' prospects too pessimistically, although the overwhelming weight of American intelligence and military opinion, some of it on the public record, agrees that the contras have no chance of military victory. A bloody stalemate is their best hope, and even this analysis assumes a static situation without escalation on the other side.

I accept President Reagan's assurance that he has no present intention to send American troops to Nicaragua. But the president's present intentions are not what will determine the outcome. We have all witnessed this inexorable process before. As our commitment increases, our options dwindle, and the day when we are out of options grows nearer.

I have trouble understanding the administration's strategy. On the one hand they say that the contras really don't have to win. They need only stalemate the sandinistas to force them to the bargaining table to negotiate internal reforms in Nicaragua. But administration officials also almost invariably say that no Marxist-Leninist regime will ever voluntarily relinquish power. They often publicly use that as reason why direct U.S.-Nicaragua talks will not succeed. Stalemate will not be good enough. The contras must win or the Sandinistas will simply keep fighting with all the resources they can command or that the Soviets and Cubans can provide. If the contras must win, we must decide now what we are willing to do to ensure their victory, and if we are not prepared to use American forces we must be prepared to accept the possible defeat of our proxy army and the resultant embarrassment to ourselves.

In short, the contra option is a prescription for an unprecedented U.S. proxy invasion of a country with which we are not at war, a proxy invasion with almost no chance of military victory without American participation and no chance of productive results short of victory. Compared with the sometimes difficult course of negotiations, military action seems strong and decisive, but it is fraught with terrible risks. It leaves us with the probable choice of having to use our own forces or accept the defeat of the army we have armed and suborned. Compared with this, Contadora remains the compelling choice.

NEW HORIZONS FOR AMERICAN YOUTH

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HUCKABY. Mr. Speaker, our youth of today, as our leaders of tomorrow, will face some stiff challenges in the years ahead. They may very well face a world and a lifestyle unlike what we have today.

For that reason, I am always impressed when I come across the accomplishment of a young person that shows strength of purpose and a realization of what lies ahead.

Mark Oliver of Bastrop, LA, one of my constituents, is such a young man. He was the Louisiana winner in the VFW Voice of Democracy Scholarship Program, a program which has challenged our youth to think responsibly for 38 years.

I commend for your attention the script written by Mark Oliver. I think you will be impressed with him as I was.

NEW HORIZONS FOR AMERICA'S YOUTH

(By Mark Oliver)

A few days ago, as I was sitting quietly, thinking on this topic, how I could tell you exactly the things I wanted to tell you about it, an idea came to me, so I got in my car and I drove out to a nearby field.

The field was large and wide, and there were no trees as far as the eye could see. So as I stood there, feet planted firmly in the wet grass, looking toward a beautiful sunset, I was able to see the most perfectly clear horizon that I've ever seen. But it was then that all these things on which I had been

thinking came together, and they made sense.

That horizon out there is like a goal, a destination, it's the future. I felt as if I would walk across that field, I would soon be there standing on the horizon I saw in the distance.

But the truth is with every step I would have made in that direction I would have created a new horizon for myself. Oh, if I had kept on, I would have eventually have gotten to the spot where I saw the first line, but from there I would see a new horizon, a new goal, a new destination, and a new future.

For you see, there really is no such thing as a horizon. The sky really doesn't meet the earth. It only appears to. But unless we, as America's youth have something to look toward, a horizon to walk toward, our feet will remain firmly planted in the wet grass, and we will go nowhere.

Just as I had to step out of my nice dry home, and go and stand in that wet field, to see that physical horizon; we as America's youth are going to have to step out to see our horizon's. We have to picture them. You can't begin your journey to the future on the horizon until you know where it is, until you've caught a vision of it.

But now understand this; the field where I stood was a rare sort. I haven't seen very many fields that are that broad and that bare, and thus with a horizon that clear. Oh, there is one place you can always see a perfect horizon: and that's standing on the sea, and looking out over the seemingly calm waters, but those are the hardest and most dangerous of all horizons to reach.

This occurred to me as I was returning home that evening and had looked out to see behind a small hill covered with trees, the beautiful colors of the sunset; red, orange, and purple radiating in the sky.

You see, most of our horizons are much harder to see. Sometimes we have to start by just following the signs. Now I knew there was a horizon over that hill, and if there wasn't, and all I found was another hill, well, as long as I could see the light I'd know that the horizon was there, just over that hill or perhaps the next. A new horizon for an American youth.

Oh, thank God I'm an American youth. I took a picture of that perfect and clear horizon. And when I returned home I sat down with that picture. I reached into my desk and took out a roll of dark tape, and with the tape I covered the horizon. In the picture now I could see a glow rising above the dark band that was like a wall between me and it. If that was my horizon on the other side of that wall, it didn't look like I would ever be able to reach it. Just like many young men and women in other nations around the world have set their eyes to a goal, a destination, or a future; but can't get over the wall that's been built in front of them. Oh, thank God I'm an American youth, and if any of you listening to me have ever fought for my freedom, I thank you, because of you I can reach for my horizons.

Basically, what I'm trying to say to you and the youth of America is that first of all we, the future leaders and protectors of our nation must get out and look for new horizons, and realize that as we travel toward them they change, and become anew every day. And it's very rare one sees a destination clearly and unobstructed, and if one does there is more often than not unforeseen dangers lying ahead. In most cases our horizon is over a hill or behind some trees, but it's there all the same. And as long as we catch a vision of it and where we're going, we can get there; and when we do . . . we'll find a new horizon, a new goal, a new destination, and a new future.

MONEY LAUNDERING

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. PICKLE. Mr. Speaker, the Oversight Subcommittee of the Committee on Ways and Means has investigated problems associated with money laundering. The subcommittee held a hearing, last year, focusing specifically on the responsibilities of the Internal Revenue Service in this area. In addition, several members of the subcommittee toured the IRS training facilities at the Federal Law Enforcement Training Center in Glynco, GA, to learn more about the IRS enforcement in this area.

Our subcommittee's investigation resulted in two important findings. We found that because of loopholes in the current law, the Government has been unable to successfully prosecute the person who puts together schemes that allow illegal source cash to be laundered. We also found that problems existed in the ability of IRS to seize illegal source income when a criminal, such as the drug dealer, launders his illegal source income through domestic financial institutions.

We as a nation, are losing our battle against the flow of illegal drugs. Money laundering is an intricate part of the drug trafficking process. Therefore, any efforts to try to stop the drug traffic must stop the money laundering associated with it. Also, I should point out that businesses and individuals in the United States are laundering income, from both illegal and legal activities. This problem is a growing one. As a result, I am concerned about the impact of money laundering operations on the collection of U.S. Federal income taxes.

As members are aware, the enforcement of the Bank Secrecy Act reporting requirements is the responsibility of the Secretary of the Treasury, who has delegated his authority to the IRS. Under current law, domestic financial institutions must report cash transactions of $10,000 or more to the Internal Revenue Service. In a typical scheme, money launderers often break up large sums of money, into transactions of less than $10,000, to avoid having the financial institutions report the cash.

I asked the administration to work with me in drafting legislation that will close loopholes in the law that have not allowed the government to successfully prosecute money launderers and will give the IRS adequate seizure and forfeiture authority. The bill I am introducing today, "The Money Laundering Prevention Act of 1986," represents the results of this joint effort. This bill (H.R. 4523) was drafted by the administration with close consultation with my staff. The bill closes the loopholes in current law which allow the money launderer to escape conviction and provides the IRS with seizure and forfeiture authority when there are violations of Bank Secrecy Act reporting requirements.

The bill, as drafted, is primarily under the jurisdiction of the House Banking, Financing and Urban Affairs Committee. I will share the proposal, with its distinguished chairman, Mr. ST. GERMAIN and members of that committee. I am confident that this committee will proceed to carefully evaluate this legislation.

Before I outline my bill, I think one thing should be made clear. The administration has developed its own comprehensive approach to address the entire area of money laundering. Their proposals are being actively worked on in the House and Senate Judiciary Committees. I encourage all efforts in this area.

My bill, which has administration support, is designed to complement other money laundering proposals. My bill, even if it is enacted on its own, will be a useful addition to current law in combating money laundering activities.

Let me briefly outline this legislation. H.R. 4573 does the following:

Section 1 of my bill expressly subjects persons to criminal and civil liability where they cause or attempt to cause an institution to fail to file a required report or an incorrect report. This will be helpful in not only getting the smurf who does the actual transaction, but also those who plan the activity. This would also allow Treasury and IRS to act before the 15 days the financial institution has to formally file a CTR report.

Also, the bill creates an offense of structuring or assisting in structuring a transaction to evade the reporting requirements. For example, this provision would prohibit the structuring of a transaction to circumvent the reporting requirements by involving two or more financial institutions.

Section 2 of my bill allows forfeiture and seizure authority to be used by the IRS to seize laundered cash and property directly traceable to the laundered cash. Thus, both the IRS and the Customs Service will be able to use seizure and forfeiture authority more effectively to get the money or the property before it disappears.

However, there are protections in my bill for innocent third parties. If a person proves he was a good faith bona fide purchaser or could prove that it was not a willful violation, he would not be subject to forfeiture.

Section 3 of my legislation provides a new civil penalty for violations of the Bank Secrecy Act. The amount of the penalty would be the difference between the amount forfeited under section 2 and the total amount of the laundering transaction. Again, the standard for this new civil penalty would be a willful violation.

In conclusion, Mr. Speaker, I believe the need for this legislation is obvious. Federal courts have taken the position that there is inadequate legislative authority to prosecute people who are actively engaged in money laundering operations. At a minimum, this loophole should be closed forever. Under my bill, it would be. Also, for the first time, this legislation will allow the Internal Revenue Service to seize and forfeit cash and property that is involved in a violation of the Bank Secrecy Act. As members may know, laundered money cannot be seized because there is difficulty in proving that there is a nexus be-

tween the laundered money and a criminal activity. In most cases, the case involves illegal drugs. My bill also represents a careful effort to strengthen IRS enforcement authority against money laundering, while at the same time, protects third parties.

H.R. 4573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bank Secrecy Act (31 U.S.C. 5311 et seq.) is amended as follows:

SECTION 1. Section 5313 of Title 31 of the United States Code is amended by adding to the end of subsection (a) a sentence which reads as follows:

No person shall cause or attempt to cause a domestic financial institution to fail to file a report required by this subsection, shall cause or attempt to cause a domestic financial institution to file a report required by this subsection that contains a material omission or misstatement of fact, or shall structure or assist in structuring a transaction for the purpose of evading the reporting requirements of this subsection.

SEC. 2. Section 5317 of Title 31 of the United States Code is amended by:

a. Revising the first sentence of section 5317(c) of Title 31 of the United States Code to read as follows:

(c) A monetary instrument being transported, or which has been transported, or any interest in any property, including any deposit in a financial institution, traceable to such instrument, may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement.

b. Adding a new subsection (d) which reads as follows:

(d) United States coin or currency (or other such monetary instrument as the Secretary may prescribe) or any interest in other property, including any deposit in a financial institution, traceable to such coin or currency involved in a transaction or attempted transaction in violation of section 5313(a) of this chapter may be seized and forfeited to the United States Government under the procedures of subchapter C of Chapter 75 of Title 26 of the United States Code whenever a person (excluding a domestic financial institution examined by a federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission liable under subsection 5321 (a) of this chapter) violates section 5313(a) of this chapter. No property or interest in property shall be forfeited under this subsection if it can be established that the owner is a bona fide purchaser for value who took without notice of the violation or if the violation or attempted violation of section 5313(a) was not willful.

SEC. 3. Section 5321 of Title 31 of the United States Code is amended by:

a. Adding to subsection (a) a new paragraph (4) to read as follows:

(a)(4) The Secretary may impose a civil penalty on a person or persons (excluding a domestic financial institution examined by a federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission) willfully violating section 5313(a) of this chapter. A civil penalty under this paragraph may not be more than the amount of the United States coins and currency (or other monetary instruments the Secretary may prescribe) for which a report was required under section 5313(a) of this chapter. A civil penalty under this paragraph is reduced by an amount forfeited under section 5317(d) of this title.

b. Deleting "or (2)" from subsection (b) and adding in lieu thereof ", (2) or (4)".

c. Deleting "5317(b)" in subsection (c) and adding in lieu thereof "5317(c) or (d)" and by deleting "subsection (a)(2) of".

SEC. 4. Section 7302 of Title 26 of the United States Code is amended by deleting "such property" in the second sentence and inserting in lieu thereof "property under this section and under the forfeiture provisions of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" and by adding "or under the provisions of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" after "section" in the fourth sentence.

SEC. 5. Section 7321 of Title 26 of the United States Code is amended by adding "or under any provision of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" immediately following "title".

SEC. 6. Section 7327 of title 26 of the United States Code is amended by inserting immediately following "internal revenue laws", the following: "or under provisions enforced or administered by the Internal Revenue Service under Title 31 of the United States Code, to the extent not inconsistent with the provisions of Title 31."

SEC. 7. Section 7608(b) of Title 26 of the United States Code is amended by adding "or any provision of Title 31 of the United States Code enforced or administered by the Internal Revenue Service" immediately following "responsible" in paragraph (1) and immediately following "the internal revenue laws" in paragraph (2)(C).

"BACKDOOR BROKERING" IMPORT POLICIES

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. MARLENEE. Mr. Speaker, our cattlemen have been suffering from years of economic stress and it is time that we send a signal to the Canadians that their "backdoor brokering" import policies are placing the results of an unfair trade practice right at the front door of the United States producer.

A major concern of America's cattle industry is Canada's import policy, particularly subsidized imports from the European Community. This can cause a disproportionate amount of imports into the United States from Canada. The extra imports into Canada from the EC displaces Canadian beef into the United States. We are essentially a safety valve for anything Canada cannot consume.

Subsidized beef imports from the European Economic Community to Canada may be displacing the Canadian market to such an extent that Canadian beef products are being imported in the United States in increased quantities. This substitution or "backdoor brokering" needs immediate attention.

For example, in 1983, Canada imported around 13 to 14 million pounds from the EC. In 1984, this rose to almost 50 million pounds. The Canadian cattlemen have fought this practice.

The irony of this situation is that the Canadian livestock producers commissioned Canada's equivalent of our International Trade Commission [ITC] to study whether EC beef being imported into Canada is subsidized. The preliminary findings by the Canadian tribunal have determined the EC beef is subsidized.

Today I am introducing legislation to stop "backdoor brokering" from Canada. The legislation places a moratorium on Canadian beef products. This moratorium includes both live cattle and fresh, chilled, or frozen beef.

The moratorium remains in place while the ITC undertakes and completes within 6 months a study under section 201 of the Trade Act of 1974 to determine if beef products are being imported from Canada in such increased quantities as to be a substantial cause of serious injury to America's industry producing live cattle and fresh, chilled, or frozen beef.

Upon completion of the study, if the ITC does not find serious injury to the livestock industry, the moratorium will be lifted. If, however, serious injury is found, the moratorium will remain in effect. The ITC will periodically update the study—not less than twice each year. If, as a result of any study update, the ITC finds that the injury is no longer serious, the moratorium will be lifted.

The EC's export subsidies have brought some cheap beef into Canada, which has displaced local production. Ultimately, the surplus ends up in the United States.

Unless Canada does something about importing subsidized EC beef, we will bear the brunt of it in the long run.

SHEET-METAL JUSTICE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. MATSUI. Mr. Speaker, I would like to call to the attention of the House of Representatives an important editorial which appeared in the Sacramento Bee on Sunday, March 2, 1986.

The editorial, entitled "Sheet-Metal Justice," examines attempts by the Justice Department to reverse many of the civil rights gains made over the last 30 years. The Justice Department has sought to amend Executive Order 11246 and has argued against affirmative action in the courts.

I commend this article to all of my colleagues.

SHEET-METAL JUSTICE

Until it was ordered to integrate by a court in 1964, Local 28 of the Sheet Metal Workers union was lily-white. The New York union had a clause barring non-whites from membership until 1946, but even after that was struck down nothing changed in the racial composition of the union's membership.

In 1966, the union was forced to give a court-ordered aptitude test but sought to void the results because blacks had scored too high. When the union administered the test again the following year, it paid for tutorials for white friends and relatives of union members.

The union refused to organize non-union shops that had no white employees, would

only accept as transfers members of other unions who were white and, in the years between 1968 and 1972, after a court ordered the union to give preference to minorities in admitting new members, the union issued only temporary work permits. Of the more than 400 such permits, only one went to a non-white. In 1971, it refused to comply with a plan by the mayor of New York to admit one minority trainee for every four members employed.

What's the proper remedy for such a record of discrimination?

For the U.S. Justice Department in 1971, the answer was clear. It sued the union and, in 1975, won a federal court order requiring the union to strive for a minority membership of at least 29 percent, a figure that more or less reflected the racial composition of the community. The 29 percent goal was upheld by an appellate court, which ruled that it did not constitute a quota, only a target to remedy a clear history of discrimination.

In 1981, having raised minority membership to only 7 percent, the union was held in contempt. It appealed the decision, lost in the circuit court, and is now before the Supreme Court, where the Justice Department, having reversed two generations of federal civil rights policy, is arguing the union's side. The Civil Rights Act, the Justice Department claims, was never meant to force employers to hire by race. Counting by race is racism, says Attorney General Ed Meese.

In a case like this, what should be counted? Of course it would be better if all judgments—on the job, like everywhere else—were made without reference to race. But how, without guidelines, can a union or company with such a record be trusted to do the "color-blind" hiring that the administration proposes as an alternative? If enforcement depends on each applicant for union membership who is a victim of discrimination hiring a lawyer, collecting the required evidence, itself often impossible to get, and waiting for a case to move through two or three levels of courts, there will be no remedy for discrimination of any sort, certainly not within any reasonable time.

The issues and problems arising from affirmative action policies are rarely easy, but the country has made progress with them. For the courts to begin reversing them now would not only undercut that progress, but also make a mockery of the ideals and objectives that the nation, and not least the federal government, have honorably been pursuing for more than 30 years.

GLENDALE CHAMBER OF COMMERCE RECOGNITION LUNCHEON: WOMAN OF THE YEAR—MARLENE HAMILTON, MAN OF THE YEAR—RICHARD JUTRAS, ORGANIZATION OF THE YEAR—GLENDALE FEDERAL SAVINGS & LOAN, GOLDEN SERVICE AWARD—FLOYD C. "BABE" HERMAN

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. MOORHEAD. Mr. Speaker, on April 23 the Glendale Chamber of Commerce will host its annual special recognition luncheon at which three individuals and one organization will receive deserved and special recognition.

The chamber will honor Marlene Hamilton as Woman of the Year, Richard Jutras as Man of the Year, baseball great Babe Herman as the recipient of the Golden Service Award and Glendale Federal Savings & Loan as the Organization of the Year.

Marlene Hamilton has been a community mainstay for years. Her record of involvement is extensive and long standing. She has served the chamber, the Days of Verdugo, the Tournament of Roses Float Committee, the United Way, the Building Industry Association, the Verdugo Hills Mental Health Association, the YMCA, and the city of Glendale with charm and efficiency. Each entity has benefited from Ms. Hamilton's energy and dedication.

Richard Jutras is an active and involved member of the chamber of commerce and the Kiwanis Club. He served on the Glendale Planning Commission for 6 years, the last as its chairman. He has served on the board of directors of the Salvation Army and Los Conquistadors of the Glendale YMCA. Mr. Jutras' record of civic involvement and success is one worthy of the special tribute.

The Golden Service Award is presented to an individual who has demonstrated a special brand of community devotion for a long period of time. Few Glendalians are more worthy of this honor than Babe Herman. While we all know that Babe has skillfully served the legend and lore of baseball with a great 14-year major league career, his numerous contributions to the city of Glendale are not as well chronicled but just as appreciated by his many friends and fellow residents. Babe Herman is one of those individuals a community delights in calling one of her own.

The success of Glendale Federal Saving & Loan as a financial institution and community benefactor is virtually without equal. It is one of the largest federally insured savings institutions in the Nation and it is the principal underwriter of much-lauded Glendale Symphony Orchestra. It has recently become a sponsor of the LPGA's tournament at Oakmont Country Club, a growing community tradition.

Mr. Speaker, I appreciate the Glendale Chamber of Commerce paying special tribute to Marlene Hamilton, Richard Jutras, Babe Herman and Glendale Federal. I am also grateful to each of the honorees for their contributions to the city and its residents. We all have benefited because of their charitable ethic.

EXPLANATION OF VOTE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. PORTER. Mr. Speaker, on rollcall No. 78, I inadvertently pressed the aye button on the electronic voting device when I had intended to vote no and did not realize my mistake until after the rollcall had been completed. While I am officially recorded as voting "aye" my correct vote was intended to have been "no." A correct no vote, unfortunately, would not have changed the result.

BERN HUMAN CONTACTS EXPERTS MEETING OPENS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. RITTER. Mr. Speaker, today, April 15, 1986, marks the opening of the Bern Human Contacts Experts Meeting, one of the followup meetings between the 35 signatories of the Helsinki accords which have become an integral part of the Helsinki process. This meeting is mandated to discuss the development of international contacts among persons, institutions, and organizations. Among the topics for discussion which the U.S. delegation considers most important is the Soviet Union's record of noncompliance with the human contacts provisions spelled out in the Helsinki accords. Specifically, the U.S. delegation will raise numerous cases in which the Soviet Union has obstructed the reunification of families.

Family ties, the firm foundation of so many American values, are taken for granted by most U.S. citizens. Unfortunately, families with relatives living in the U.S.S.R. cannot take these for granted. Families divided by the Iron Curtain are given little reason to hope for reunification with their loved ones. Their applications for visas are routinely rejected; even the submission of an application for a visit or emigration can result in serious persecution. Life has become miserable for these family members.

The case of Kaisa Randpere is a prime example of the Soviet Union's flagrant disregard for the pledges it made in Helsinki in 1975. At the age of 3½ years, Kaisa is the world's youngest refusenik. In August 1984, her parents Valdo and Leila—a senior aid to the Estonian Minister of Justice and a popular Estonian singer, respectively—managed to secure passage to Sweden while on a tour of Finland. Once they had requested asylum from the Swedish authorities, the Randperes requested that their 13-month-old daughter be allowed to join them. They never imagined that the Soviet authorities would refuse this request, and instead of the month-long separation they had expected, Valdo and Leila have been waiting for nearly 2 years to see their daughter. Since 1984, Kaisa's parents, many organizations and individuals, including 110 Members of Congress, have made repeated attempts to secure Kaisa's release. Instead of acting positively toward these request, the Soviet Government continually has harassed the child's grandmother, with whom Kaisa is staying, threatened to send Kaisa to an orphanage, and told the Randperes, "You will never see her again." Such is the Soviet Union's shameless attitude toward family reunification.

The Bern meeting provides us with a forum to reemphasize our commitment to realizing the humanitarian goal of bringing families together rather than forcing them to live apart. My fellow Commissioners and I hope that this meeting will result in concrete actions on the part of the Soviet Union and its East European allies to facilitate human contracts between our citizens.

NEW AMERICANS: FREE CITIZENS IN A FREE SOCIETY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. RODINO. Mr. Speaker, last month my colleague from New York, Congressman STEPHEN J. SOLARZ, was asked to deliver an address to a very special audience at the Federal courthouse in Brooklyn: The event was the swearing-in of 397 new American citizens.

The audience in that courtroom represented people from 59 countries. These men and women had worked and studied hard to fulfill the requirements mandated by the Congress to become citizens of this great Nation. Now they were freely choosing to accept the duties and responsibilities of American citizenship.

The address which Congressman SOLARZ delivered was a brief, but eloquent, explanation of just what our democratic way of life means and what citizenship in this Nation entails. STEVE SOLARZ, like many of us, represents a congressional district which welcomes many newcomers each year and which is a microcosm of the wonderful mosaic of ethnic, racial, and religious groups which make this Nation so unique and so dynamic.

Mr. Speaker, because of the importance of the naturalization process in our political life, I ask that the entire text of Congressman SOLARZ' address be reprinted in today's RECORD.

FREE CITIZENS IN A FREE SOCIETY—WELCOMING 397 NEW AMERICANS

A few moments ago, each of you swore to uphold and defend the Constitution of the United States.

With those few words, you ended a long journey from your homeland. How you begin anew—as free citizens of a free society.

Today I am proud to welcome you to this great nation—to this citadel of democracy and freedom—the United States of America.

We are not an ancient nation. But we are dedicated to some of the oldest and most profound truths associated with the human enterprise.

We believe and we cherish what Thomas Jefferson wrote in the Declaration of Independence: "That all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

And we have taken to heart another timeless message of Thomas Jefferson: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

Where many other countries are founded on fear, our country is founded in freedom. Where many other societies are torn apart by hate, ours is held together by hope.

In many other countries, an iron curtain descends to bar the free flow of people and ideas.

In America, we refuse to lock people in or lock ideas out.

In many other lands, leaders launch a relentless assault against the human spirit. In America, we celebrate the human potential. We reward artistry in literature, theater, and music. We never define the creative expression of the soul as a threat to the continued existence of the state.

In America, we do not remain indifferent to the fate of freedom in other lands. We understand, as Malusi Mpumlwana, a black South African priest and friend of Steve Biko, has said, "The measure of your freedom is to what extent you are able to recognize the unfreedom of others and battle to undo it."

And so we have reached out to rescue those who have been trapped in the gulags of the Soviet Union or the killing fields of Cambodia. Often we fail. But when we succeed—when, after a decade of struggle, we save Anatoly Shcharansky from the clutches of the KGB or when we aid Dith Pran in his death-defying flight from the genocidal Khmer Rouge, we honor our sense of national purpose.

Last Thursday morning, in this very room, Dith Pran took the solemn step you have taken today. And on Thursday evening, Tom Brokaw, the anchorman for NBC News, spoke for all Americans when he said, "I am proud to share a citizenship with Dith Pran."

America is not a perfect nation. But we pledged in the Constitution to form a more perfect union, and we remain committed today to perfecting and improving our system of government.

One hundred and fifty years ago, a French citizen named Alexis de Tocqueville wrote a book called *Democracy in America.* He wrote, "America is a land of wonders in which everything is in constant motion and every change seems an improvement. No Natural boundary seems to be set to the efforts of man: and in his eyes what is not yet done is only what he has not yet attempted to do."

Or as the playwright George Bernard Shaw once said, "Some men see things as they are and ask why. Others dream things that never were and ask why not."

We build no walls to keep people in, and we build no ceilings to limit their achievements. Last year, the daughter of immigrants, Geraldine Ferraro, come upon the world stage as the first woman ever nominated for the second highest office in our land.

And last month, when the space shuttle Challenger exploded, we saw dramatic evidence of our diverse heritage. America grieved for its seven fallen heroes—Baptist and Buddhist, Catholic and Jew, Black and white, men and women. From different parts of America, from different backgrounds, races, and religions, they came together, united in a drive for excellence and scientific advance, and in doing so, they brought America together as well.

The United States is not—as we once thought—a melting pot. But we are a remarkable mosaic of many races, creeds, and ethnic backgrounds. Look around you in the City of New York. You will see not a clash of cultures, but a place where each culture leaves its own imprint and enriches us all.

Each new wave of immigrants—from Europe, from Asia and the Pacific Islands, from Africa, from South America, from the Caribbean—has brought new ideas and new ambitions, new drive and new achievements to our society.

Indeed, we are not just a mosaic, but a kaleidoscope, a changing canvas of many colors and many cultures, the emblem of a dynamic and free society.

America is not a government of men and women, but a government of law.

In this country, we seek to change the policy of our government through the ballot, not the bullet.

We reject the concept of arbitrary state action or the confiscation of private property.

We settle disputes through our public courts, not private armies. We resolve conflicts by hiring attorneys, not assassins.

We cherish the right to disagree—privately or publicly—with our government, and our press reminds us that self-criticism lies at the heart of a free society.

Now you are part of this revered American tradition. Now you, too, share the rights and responsibilities of American citizens.

You are free to work and live where you will.

You are free to practice any religion or no religion, according to the dictates of your conscience, not the dictatorship of any state.

You can join any political party, or none at all.

You are free to read or publish any newspaper or magazine, to listen to or watch any radio or television program.

At the same time, you are responsible for obeying the law and respecting the rights of your fellow citizens.

In a few months, we will celebrate the one hundredth anniversary of the Statue of Liberty—our heroine and herald of freedom. I suspect that just as you are very proud today of all that you have achieved in becoming an American citizen, so, too, you will look with special pride at the festivities next July.

More than most Americans, you will see beyond the glitter—beyond the fireworks lighting up the sky and the spectacular procession of ships in our harbor. You will not lose sight of the symbolism of the Statute of Liberty—reminding America of our special status as a refuge for the dispossessed.

On that day—indeed on any day, all Americans can reflect upon the words of the songwriter, Phil Ochs, "This is a land full of power and glory—beauty that words can not recall. The power shall rest on the strength of her freedom. Glory shall rest on us all."

May God bless all of you and our great nation, of which you are now a part.

MATT SNYDER, NEBRASKA WINNER 1985/86 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mrs. SMITH of Nebraska. Mr. Speaker, I would like to share with my colleagues the winning entry in the Nebraska Voice of Democracy contest, sponsored by the Veterans of Foreign Wars and its Ladies Auxiliary.

The author is Matthew Snyder of Broken Bow, NE, and I am extremely proud of his in-

spirational thoughts about the future of America. I hope my colleagues will find his essay of interest:

NEW HORIZONS FOR AMERICA'S YOUTH

We stand right at the mid-point of the decade. In only fifteen years we will be welcoming a new millennium—the year 2000. As we look toward that horizon—toward the twenty-first century—we realize that it is today's American youth who will determine our nation's course.

How will we do? It is appropriate and timely for us to begin now, preparing for the challenges America and our generation will face.

First, let me backtrack a little to consider how earlier generations of Americans prepared themselves for the coming of a new century. From our nation's very birth, Americans have accepted challenges which seemed to threaten our future. As we approached the nineteenth century, colonial farmers and merchants, trappers and bookkeepers, formed hometown militias and risked their lives in battle against those who would deny basic human rights in this new land.

Midway through that century, Americans again were called to take up arms to preserve the unity of our young country, and our nation came out of this internal struggle a freer and stronger country.

Barely into the twentieth century Americans were called to battle twice, joining free forces all over the world—forces determined that mankind would not be ruled by fascist tyrants. Once again we proved to ourselves and to others, that America was strong and more than willing to protect that invaluable freedom with the strength that is America.

I think it is appropriate, as we consider the new millennium on our horizon, that we remember the lessons of yesterday—that they might guide us tomorrow. Consider, for a moment, one of those lessons as described by an American poet, Douglas Mallach, in the first stanza of this poem. He creates an imagery which seems very appropriate here.

The tree that never had to fight
For sun and sky and air and light;
That stood out in the open plain
And always got its share of rain,
Never became a forest king,
But lived and died a shrubby thing.

Facing challenges with optimism and courage has become an American tradition—a tradition we must carry with us into the twenty-first century. If we see a better life on the horizon, we must not be blind to the challenges which lie between us and that dream.

We know that if we are to conquer disease, we must begin our preparation today. If our horizon holds dreams of energy independence, it is today's graduates who will have to find new ways to tap new deposits of oil and coal below the earth's surface. If the very spirit of America is to serve us well into the new era, we must accept the challenge of instilling American values in the next generation.

America is rich in resources—resources beyond minerals and food, beyond medical advances and education. And we are at this moment at the brink of discovering and developing that which I am convinced is our greatest resource of all, our generosity and pride of nation.

It is a unique opportunity for America's youth to lead this exploration and development. And when today's youth reach those horizons which they explored and then developed, they can say.

America fought.
And America will be that forest king.

When we meet those horizons we have set, we must not stop. We must expand them. We must not only find way to reach below the earth's surface, but we must put our energy resources to work to keep America the industrial giant of the world. We must not only prepare to conquer disease, but we must continue to improve the quality of life. We should not stop at instilling American values in the next generation, but must live so that each new generation has cause to be proud of their country. And after we have expanded and passed those horizons we set, we can say with pride in our voice,

America grew,
America is the forest king,
And America will never die a shrubby thing.

THE CONGRESSIONAL BUDGET PROCEDURES HAVE FAILED ONCE AGAIN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. YOUNG of Florida. Mr. Speaker, Congress has failed again to meet its budget deadlines. Today is April 15, the new deadline for House and Senate agreement on a budget resolution, but there is once again no budget resolution to be found.

That's not really surprising though. Last year, Congress didn't reach agreement on the first budget resolution until August 15, 2½ months late. In 1984, we were 4½ months late. In both 1982 and 1983, Congress was 5 weeks late.

According to the Budget Act of 1974, the first budget resolution is supposed to be nonbinding. It's the second budget resolution that is supposed to be the binding budget guideline. But our record with the second budget resolution is even more dismal. We haven't passed one in any of the last 4 years!

How ironic that we have set April 15 as the new deadline for a first budget resolution. This is the same date that American taxpayers must meet the deadline to file their income tax returns. Congress has established penalties for taxpayers who don't meet these deadlines. Maybe we need to establish penalties against Congress when we fail to meet our deadlines.

I believe, however, there is another solution to our budgetary difficulties. Let's revamp the current budget process, which has become too cumbersome and just doesn't work. To begin, I propose at least a temporary 2-year budget cycle to allow us to get caught up with budgetary matters. I also propose to abolish the House and Senate Budget Committees and the new level of bureacracy they have established with Congress. In place of the Budget Committees, the Appropriations and Ways and Means Committees would meet early in the process to issue a statement of receipts and outlays that cites estimated revenues for the budget period and a maximum level of expenditures.

New deadlines would be established for authorizing legislation to be brought before Congress prior to the consideration of any appropriations bills. Finally, a 1-month period would be set aside for the sole consideration of the 13 regular appropriations bills.

As a member of the Appropriations Committee, it's obvious to me that Congress has failed miserably in meeting its fiscal deadlines and responsibilities. Not only have we failed with regard to the budget process, but more importantly, we have failed to meet our appropriations deadlines. Seven of the 13 regular appropriations deadlines. Seven of the 13 regular appropriations bills were included this year in a massive continuing resolution. Continuing resolution are a symbol of our failure to discharge our responsibilities, and unfortunately, they have become a rule rather than an exception.

The Library of Congress recently analyzed the record of Congress with regard to appropriations bills since the institutions of the 1974 Budget Act. According to the report:

Before the Budget Act it was highly unusual if all 12 months of a fiscal year went by without passing the regular appropriations bills. It is now a common occurrence. From fiscal 1968 through fiscal 1975, only two appropriations bills were under a continuing resolution for an entire fiscal year. From fiscal year 1976 through fiscal 1985, that figure jumbed to 27.

Because of our failure to meet budget and appropriations deadlines, our Government was on the verge of fiscal chaos last year. The Secretary of the Treasury even had to resort to the disinvesting of the Social Security trust funds in order ot make good on Federal obligations.

We funded the operations of our Government on a week-to-week basis under continuing resolutions for 2½ months. We let important legislation pile up to the point that we had to consider temporary extensions to prevent programs from expiring.

We were asked to vote on major legislation in excess of 1,000 pages with little or no time to review key provisions. This happened with regard to the tax bill, farm bill, and reconciliation bill.

The situation became so bleak that Members were willing to accept the Gramm-Rudman-Hollings concept and turn over to computers our constitutional responsibilities to make important financial decisions for the Federal Government. I opposed Gramm-Rudman because we shouldn't turn our backs on casting the tough votes and making the difficult Federal spending decisions. That's why we have been elected to Congress.

The conduct of Congress the past few months is a sad commentary of how the greatest Nation in the world conducts its fiscal affairs. We need to work together to find the solution to our problems. We need strong and effective leadership to guide us on our course. We need to resist gimmickry and return to

procedures that will enable Congress to make the tough decisions we're charged with making in a timely fashion.

Above all else, we need to make a commitment to quit wasting time and to fulfill the responsibilities of governing our Nation. Since we reconvened here January 21 for the second session of the 99th Congress, the House has met to conduct official business on only 29 of a possible 59 days. On eight other days, the House convened in pro forma session or conducted no legislative business.

Mr. Speaker, I hope that we can move forward by working toghether to discharge our duties in a responsible and timely fashion. As a cornerstone of this effort, I look forward to working with my colleagues to craft a new, streamlined budget process that will get us back on track in making the important funding decisions so we can do our job to reduce Federal deficits and ensure a strong and thriving national economy.

A CONSTITUENT RESPONSE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. STOKES. Mr. Speaker, recently, there has been a great deal of discussion in the House about public opinion toward how best to achieve peace in Central America and to reduce nuclear proliferation. And, later this week, the House will, once again, meet to make key policy decisions on these matters.

Mr. Speaker, I recently received a letter from a distinguished constituent of mine, Allan J. Bing, a retired lecturer of philosophy at Case Western Reserve University in Cleveland, which raises a number of compelling points with respect to these issues. And, while the jury may still be out as to overall public opinion, Mr. Bing's letter is just one example of how a majority of the residents of the 21st District of Ohio view U.S. policy in this regard.

Mr. Speaker, I submit his letter to be inserted into the RECORD and I commend it to the attention of my colleagues:

MARCH 28, 1986.

DEAR CONGRESSMAN STOKES: I must vehemently protest against the underground nuclear bomb explosion which took place in the Nevada desert on Mar. 22. As you must know, the bomb was ten (10) times as powerful as the one exploded at Hiroshima, and shook all the major buildings in Reno, seventy miles away.

I can only regard this explosion as a completely irrational defiance of the Soviets, especially in view of the Moratorium on nuclear explosions which the Kremlin proposed, and itself rigidly adhered to, since last July 30. Most peace groups, both in Cleveland and in Washington, regarded this proposed moratorium on testing as the most significant breakthrough on the issue of nuclear disarmament, since the two superpowers began to build their arsenals. Pres. Reagan must be off his nut to order this explosion. As Nina McLellan, head of the Cleveland chapter of the Sierra Club, said, as quoted by the Cleveland Plain Dealer on March 23: "The reason that Pres. Reagan refuses to negotiate a test ban is that he wants to test and build new, advanced nuclear weapons. These weapons represent a significant change in nuclear technology and are a dangerous esculation toward nuclear war. A test ban could easily be verified."

On the somewhat related issue of the question of aid to the Contras in Nicaragua, I refer you to the lead article in the current issue (March 31) of *Time Magazine*. After attempting to regard the Sandinistas in a more reasonable and human light than the President has, the writer concludes: "In fact, if the peril posed by the Sandinistas were as great as the President's political rhetoric suggest, he would be irresponsible *not* to send in American troops."

This President needs to have his head examined. Please personally see to it that his irrationality and stupidity are tightly contained.

Very truly yours,

ALLAN J. BING.

APRIL IS MONTH OF THE MILITARY CHILD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. ANDERSON. Mr. Speaker, Defense Secretary Caspar Weinberger has designated this month, and every April Thereafter, as "Month of the Military Child." I would like to join military families throughout the world in recognizing the important role our youth play in the development of this great land of ours.

This year's theme has been appropriately titled, "Children and Youth: Our Investment in the Future."

In the March 28, 1986, edition of Astro News, Lt. Gen. Forrest S. McCartney, Space Division Commander at Los Angeles AFS, has written an excellent editorial on the significance and importance of recognizing the many contributions of military children. This article is as follows:

[From the Astro News, March 28, 1986]

COMMANDER SALUTES YOUTH

(By Lt. Gen. Forrest S. McCartney)

April 1986—and every April thereafter—has been designated the "Month of the Military Child" by Defense Secretary Caspar Weinberger to recognize the important role that our youth and their activities play in our lives.

The theme this year, "Children and Youth: Our Investment in the Future," appropriately reflects the effort we have placed in our programs which care for and nurture our young family members.

These programs include the Fort MacArthur Youth Center, the Youth Elite Society, and the station's child care program.

The center is an outstanding source for a wide variety of activities which help develop social and intellectual values. It also provides an outstanding perspective of Air Force life for high school-age participants who aspire toward military careers.

The Youth Elite Society, which has benefited our children for four years, holds activities which set social, intellectual and spiritual standards as guidelines for growth.

The society's field trips help its members widen their horizons, and its service projects help teach them how to set example and meet goals. The society also recognizes those who excel in their scholastic and extracurricular activities.

The child care center, when completed later this year, will provide much-needed day-time supervision of our infant children and thus ease their parents' concerns for adequate care.

Those concerns have already been considerably alleviated thanks to many of the wives at Fort MacArthur who have become certified to care for children in their homes.

Our youth activity coordinators work very hard in support of our familes. They are planning activities at the Fort in commemoration of the Month of the Military Child. I encourage you to participate in the efforts.

SMALL SCHOOL DISTRICTS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. DYMALLY. Mr. Speaker, the economic crisis of our times has forced education to be on the back burner of priorities for our Nation. This displacement of education within the nation within the framework of our national priorities comes at a time when the illiteracy rate of our Nation is at an all time high; the dropout rate of our youngsters from high school is devasting to our national security; and, local school districts do not have the economic resources to properly and appropriately address the issues of today.

On Friday, April 4, 1986 the Subcommittee on Elementary, Secondary and Vocational Education of the House Education and Labor Committee held a hearing in Paramount California to address some of the problems which are being encountered by the cuts in Federal funding to small school districts. Among those who submitted testimony was Mr. Willard H. Murray, vice president of the California Voter Education and Research Action, Inc., who succinctly charactered the problems in education as a result of the cuts in Federal spending on the State of California.

Herewith is Mr. Murray's statement:

Congressman DYMALLY: Thank you for allowing me to present this testimony to you to be a part of the Committee print of this hearing. I am Willard H. Murray, Vice President of the California Voter Education and Research Action, Inc, (VERA). While not an expert, I am knowledgable of the effects that are being realized by the State of California and the Assembly district which I seek to represent—which includes large and small school districts. I will address federal cuts in education as a whole and a beam of hope that I see on the horizon.

It is my position that in order to ensure a strong educational system and a vital nation, the State, Federal government and local school districts must be in the position to carry out their roles and work in accord with one another. The cuts in Federal funding, which have been the trend of the Reagan Administration, have placed an undue and unfair burden on the State of

California, and this burden is felt in greater proportions by local school districts. This burden comes at a time when the United States of America is witnessing the worst economic crisis for the poor and the farmer since the Great Depression of the 1930's, and the deficit of this great nation of ours is at an all time record.

In the area of Elementary and Secondary Education, the cuts in federal spending have mounted to such great proportions that it may take years for our nation to recover. When comparing the actual federal appropriations from 1980 until the present, and adjusting for inflation, there is actually a 23.9 percent decrease in funding of the Chapter 1 program. This program provides funds for supplementary education and related services to educationally disadvantaged children. California suffers because of this.

Chapter 2 of the Education Consolidation and Improvement Act of 1981, the program which provides block grants to State and local educational agencies and provides programs such as basic skills development, educational improvement and support services along with special projects in elementary and secondary schools has experienced a 54.6 percent cut (with inflation considered). The impact was felt greatest in urban areas which is much of what the district that I seek to represent consists of. California suffers because of this.

Bilingual Education, a subject that can not be ignored by the State of California at any level, has experienced a 44.7 percent decrease since 1980 (inflation adjusted). The impact of this cut for California is that more state funds will have to be allocated to this area at a time when economic crisis throughout the Nation does not allow the State to secure more taxes and thereby making revenues unavailable to sustain the program at the level needed. I must add that bilingual education is negatively correlated with income wealth or other measures of taxing and spending capabilities. California suffers because of this.

The Impact Aid Program provides financial assistance to local school districts for the cost of educating children. A cut in Federal activities has caused a financial burden to the district. The cuts in Federal funding of Impact Aid by approximately 36.2 percent has been especially hard for the State of California because of the amounts of Federal property which is in the state. California suffers because of this.

While education of the handicapped has fluctuated in terms of federal funding, the overall results have been negative and the nation has witnessed a 7.8 percent decrease. Mr. Chairman, the same is true for Vocational Rehabilitation.

Vocational education, the portion of education which is necessary in order for the State of California to meet the needs of the workforce of the future and ensure equity and equal opportunity for all Californians, has been cut to such a level that the industries of California will be hard pressed to have a workforce within the next few years. Nevertheless an educated and qualified one will ensure the national defense and stability of these United States. And, yes, California suffers because of this.

While the list goes on and on and includes such topics as adult education and adult literacy, I wish to speak now about a beacon of hope.

The hope I speak of is a piece of legislation which was recently introduced in the House of Representatives by the distinguished Chairman, (H.R. 747) "The Effective Schools Development in Education Act of 1985".

While it is true that the State of California has long since implemented a program simular to this Legislation, in my opinion this legislation is much farther reaching and will benefit the 54th Assembly District as well as the State of California in most significant ways.

The effective schools bill has the purpose of assisting and encouraging State and local education agencies in broadening and improving effective school programs that they have developed and/or implemented. Through grants provided to states, this legislation will create effective schools by providing basic educational skills to the functionally illiterate parents; enhance a child's very early pre-school education; help parents learn how to teach three to seven year old children; and, help the school administrators, teachers, and other school staff, parents and community to learn how to organize an effective school through school analysis of all of its functions and, then, develop and implement plans which will vastly improve those functions.

Mr. Chairman, the federal cuts in funding are hard for the State of California to adjust to. Your bill should help us do the job of educating our students in a more appropriate sound manner. California will be thankful when this bill becomes law. Then, perhaps we can make do with the awful cuts that we are experiencing.

NO AID TO THE CONTRAS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GARCIA. Mr. Speaker, our colleague from the State of Washington, the distinguished majority whip, TOM FOLEY, wrote an excellent, well-reasoned op-ed piece on why we shouldn't aid the Contras. I will not express my own views at this time on why we should not send them aid, other than to say that I agree with my colleague wholeheartedly. I am inserting the article in the RECORD for my colleagues' perusal.

[From the Washington Post, Apr. 15, 1986]

CONTRA AID: AN ACT OF WAR

(By Thomas S. Foley)

Today the House will revisit the contra aid debate. Shortly before the last vote in the House the administration abandoned its erst-while strategy of all or nothing on the contra issue. Its new strategy has two facets. On the one hand, it has begun to offer compromises. On the other, it has tried to develop some public relations event equivalent to last year's famous trip to Moscow by Nicaraguan leader Daniel Ortega.

Despite strenuous effort, the administration has been unable to rally convincing majorities of the public or Congress to its position. The week following the last House vote on contra aid, the Senate voted by a narrow margin to approve a "compromise" plan which many regard as little more than a cosmetic makeover of the president's original proposal. Key features of that plan were that "only" one quarter of the $100 million, 18-month financing would be available in the first 90 days, only "defensive" weapons could be bought and the president could not release the remaining funds until an additional 15 days had expired, 15 days in which Congress could veto the decision to release the remaining funds and the president could veto any such congressional action. A thinner compromise could hardly be imagined and, indeed, only a thin majority of the Senate supported the president where he had hoped for an overwhelming vote.

But before the Senate vote, the administration believed the public relations coup it has so fervently desired had fallen into its hands, a highly trumpeted "invasion" of Honduras by Nicaraguan troops in pursuit of the contras. Originally the administration had difficulty in persuading the Hondurans that they should acknowledge the event at all. Their reluctance was understandable in light of the fact that the Nicaraguan action may have been larger than normal but nevertheless closely resembled hundreds of similar reported incidents over the last five years. For Honduras to raise a public outcry would, in its view, publicly acknowledge that the contras were being allowed to stay in Honduras.

Congressional leaders of both parties said the "invasion" has had little or no effect on the Senate vote. In the face of subsequent intelligence and press reports, which substantially reduced the scale of the incident, the administration's public relations machine has had no choice but to seek a new approach.

Now, before the second vote in the House, the administration has launched a new offensive on the Contadora front. The president says the Nicaraguans have "torpedoed" the Contadora peace process with their latest rejection of a proposed document that called on them to reduce their armed forces without their first being a cut-off in aid to the contras. Diplomatic damage experts have noted that the disappointment of the Contadora negotiators with the latest action by the Nicaraguan representatives was obvious. But the communique issued by the Contadora nations after the recent breakup contemplates getting back to work as soon as possible. It does not resemble an obituary. Nevertheless the administration has seized on the latest development and is now trying to exaggerate its consequence in yet another attempt to weaken opposition to its proposal, a proposal which would wring from both houses a reluctant declaration of a proxy war in Nicaragua.

The Contadora negotiators continually point to the fact that the contras merely frustrate the Contadora process. The Central American nations know what they want from negotiations: regional security. But the administration wants the Sandinistas to negotiate cession of power, a concession it also says it never expects them to give without military defeat by the contras. Yet the continuation of the contra war will reduce, not enhance the security of Nicaragua's neighbors. The administration appears confused about its own goals and in any case is acting at cross purpose to Contadora, as the Latin Americans view it.

We should make no mistake. This is not a one-time vote for $100 million. We are on the eve of a historic decision. This vote is merely a down payment on hundreds of millions, perhaps billions to come over many years in support of the contras (indeed we have already spent $1 billion on military preparations in Central America). Much more important than the money, however, is the unprecedented and damaging decision we are about to make to support and finance the proxy invasion of a foreign coun-

try with which, for whatever purpose, we maintain diplomatic relations. This course of action sweeps aside the president's own stated concern, only a year ago, that to pursue such a course would be an act of war. In any case, our action would be totally unilateral with no support from our allies anywhere on the globe.

We desperately need a better strategy regarding Nicaragua and, despite the recent setback, Contadora is that strategy.

The Contadora process is far from dead. On the contrary, it has been the administration's own refusal to promote Contadora that has deprived the process of its moral authority to pressure the Nicaraguans. We have been unable to exploit the Nicaraguan's recent action because the other Latin American participants do not view us as supporting Contadora. Reports say that several Central American foreign ministers have come away with the impression that their recent visits from U.S. envoys were actually attempts to undermine Contadora.

If we were wholeheartedly to support the Contadora process, we would vastly improve its possibilities for guaranteeing regional security, U.S. security and liberalization of the Nicaraguans' internal policies. The current policy of aid to the contras, accompanied by lip service support of Contadora, allows the Sandinistas plausibly to claim that their internal repressive policies, their military build-up their reliance on thousands of Cuban advisers, their close ties to Moscow and their reluctance to negotiate are all the result of their need to repel the American-sponsored contra invasion.

The Contadora process offers us many opportunities to pressure Nicaragua productively that we do not now have. We would have the support of the rest of Central America to pressure Nicaragua to reduce its armed forces, expel the Cubans, honor its borders and cease support for insurgencies in other countries. We do not now have the support of those countries. We would have the support of the entire Western world when we pressured the Sandinistas to cease their lockdown of Nicaraguan society and honor basic human rights principles there. We do not have such support for our policy of backing the contras.

Some suggest that only the contras can put productive pressure on the Sandinistas, but we must remember that Nicaragua has a weak economy, totally dependent on world trade. Western opinion, if it is united, will mean a great deal to them, and they can ill afford to continue to disillusion Western democracies with their repressive internal policies.

Some Contadora ministers have confided that the contras are the best thing to happen to the Sandinistas in Nicaragua. The story goes that the Sandinistas can survive years of war with ease, but six months of peace would be a terrible threat because of the natural political pressures that would develop within Nicaragua.

If Contadora were ultimately to succeed, and with the enthusiastic backing of the United States, the pressure on Nicaragua to cooperate would be intense, and we would have the moral authority and international support to militarily back up the treaty if that ever became necessary.

What are the risks of Contadora? We need not fear the military loss of Central America while talks continue. Congress will support any action to repel Nicaraguan aggression against its neighbors, or to prevent the introduction of advanced weaponry or to prevent the use of Nicaragua as a base for Soviet and Cuban main forces. Our steady policy of strong support for the other democracies in the region has lessened the Nicaraguans opportunities for subversion, and we should continue that policy with determination. This is the approach that all the Central American countries we are trying to help urge upon us.

In contrast to Contadora, what risks does the continued policy of support for the contras present? What will we do if, after hundreds of millions of dollars, years of support, training and equipment and an incalculable investment of American political and diplomatic currency, the contras eventually face defeat? What if they face decimation or capture? Will we never send our own forces to help them no matter how desperate their situation? Or will we leave them to their fate in a giant replay of the Bay of Pigs? Will we then be negotiating to save the contras rather than to reform Nicaragua?

Perhaps I view the contras' prospects too pessimistically, although the overwhelming weight of American intelligence and military opinion, some of it on the public record, agrees that the contras have no chance of military victory. A bloody stalemate is their best hope, and even this analysis assumes a static situation without escalation on the other side.

I accept President Reagan's assurance that he has no present intention to send American troops to Nicaragua. But the president's present intentions are not what will determine the outcome. We have all witnessed this inexorable process before. As our commitment increases, our options dwindle, and the day when we are out of options grows nearer.

I have trouble understanding the administration's strategy. On the one hand they say that the contras really don't have to win. They need only stalemate the Sandinistas to force them to the bargaining table to negotiate internal reforms in Nicaragua. But administration officials also almost invariably say that no Marxist-Leninist regime will ever voluntarily relinquich power. They often publicly use that as reason why direct U.S.-Nicaragua talks will not succeed. Stalemate will not be good enough. The contras must win or the Sandinistas will simply keep fighting with all the resources they can command or that the Soviets and Cubans can provide. If the contras must win, we must decide now what we are willing to do to ensure their victory, and if we are not prepared to use American forces we must be prepared to accept the possible defeat of our proxy army and the resultant embarrassment to ourselves.

In short, the contra option is a prescription for an unprecedented U.S. proxy invasion of a country with which we are not at war, a proxy invasion with almost no chance of military victory without American participation and no chance of productive results short of victory. Compared with the sometimes difficult course of negotiations, military action seems strong and decisive, but it is fraught with terrible risks. It leaves us with the probable choice of having to use our own forces or accept the defeat of the army we have armed and suborned. Compared with this, Contadora remains the compelling choice.

GUN BILL RECORDS CHECK DELETION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GEKAS. Mr. Speaker, on Thursday, April 10, 1986, the House of Representatives passed legislation (H.R. 4332) changing the focus of the Gun Control Act of 1968. During floor consideration of the measure I had planned to offer an amendment to the Judiciary Committee's version of the bill to delete the records check section of the bill, but instead withdrew the amendment due to time constraints. And, while the House did finally pass a measure that did not incorporate a records check, I feel that the House should be aware of the reasons for objecting to a records check provision.

The records check section of H.R. 4332 as passed by the Judiciary Committee was included in an effort to maintain some control over who purchases a handgun. While admirable in intent, the practical aspects of a records check are far less positive. Simply stated, a records check requirement would place a tremendous burden of cost and labor on the FBI but would yield few if any of the protections of criminal history tracing supposedly available. I submit to the House for the edification of the Members a letter from John R. Bolton, Assistant Attorney General, U.S. Department of Justice, to Representative BILL MCCOLLUM, ranking minority member of the Subcommittee on Crime, regarding the Department's feelings on the handgun records check requirement of H.R. 4332 as passed by the Judiciary Committee, and hope that if considered again a records check provision will be reworked to correctly address the problems it is trying to amend.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, March 19, 1986.

Hon. BILL MCCOLLUM,
Ranking Minority Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCCOLLUM: The Department of Justice has deferred to the Department of the Treasury as to the substantive portions of S. 49, which passed the Senate on July 9, 1985, and H.R. 4332, the Federal Firearms Law Reform Act of 1986, which was ordered reported by your Committee on March 11, 1986. However, I would like to address one particular section in the House bill which directly affects the Federal Bureau of Investigation (FBI) and poses serious problems.

Section 14 of H.R. 4332 makes it unlawful for a licensed dealer or other persons to sell or transfer a handgun to an individual who is not licensed unless the transferor promptly sends by registered or certified mail a copy of the documentation of transfer to the chief law and enforcement officer of the transferee's place of residence and to the FBI. The FBI is then required to examine "Federal official records which may reveal any circumstances making illegal the receipt or possession of a handgun by the transferee" and report such information to the chief

law enforcement officer of the transferee's residence.

Our primary concerns with this language are as follows:

(1) The proposed examination of Federal records is based on an individual's name and other identifiers (date of birth, place of birth, etc.). Those persons with a criminal record who are prohibited from purchasing a handgun are the ones most likely to obtain false identification documents to support a new name. As to felons using a false identity, the name check will not reveal any information regarding the purchaser's criminal activity which might make him ineligible to own a handgun. Even if the purchaser uses his true name, it may not be possible to determine with certainty whether or not a criminal record belongs to the purchaser or another person with the same name. There are many people with identical names and similar identifiers who have criminal records. It is possible that the FBI might identify a half dozen individuals with criminal records whose name is the same as the purchaser; further, even if we identify only one record in an individual's name, that does not mean that the record belongs to the purchaser. The outcome of the name check may be that persons with no previous contact with the criminal justice system will be further investigated merely because they wish to purchase a handgun while those with a disqualifying criminal record will perhaps be able to escape closer scrutiny.

(2) The bill would require the FBI to check all "Federal official records which may reveal any circumstances making illegal the receipt or possession of a handgun by the transferee . . ." Currently, the FBI estimates that the cost of a name check of its Identification Division criminal record system is about $7. However, the broad language of the bill would not only require a name check of the Identification Division system, but the FBI's central records system as well. I understand that the National Rifle Association is estimating that from 2 to 4 million handguns are purchased each year. The cost of the name check of just the FBI Identification records could be as much as 30 million dollars a year. However, the bill does not provide any additional funding for the FBI to cover its costs.

(3) The bill would conflict with State laws governing criminal record checks currently performed in connection with firearms purchases. Pursuant to Public Law 92-544, the FBI is permitted to exchange identification records with officials of state and local governments for licensing and employment purposes if authorized by state law and approved by the Attorney General. Public Law 99-180 (the Department of Justice Appropriation Act for 1986) authorizes the FBI to collect fees to process fingerprint identification records for noncriminal justice employment and licensing purposes and credit up to $13,500,000 of such fees to its appropriation to be used for salaries and other expenses incurred in providing this service. The states have enacted various types of laws which mandate a criminal history record check based on fingerprints for different licensing and employment purposes, i.e., to license teachers, child care workers, real estate brokers, etc. Twenty-one states including the District of Columbia and three territories now require handgun purchases based on their fingerprints. The fingerprints are submitted to the State Identification Bureau or other similar central state authority. If the central state authority finds anything in its records which disqualifies the purchaser, it will be submitted to the FBI for processing. The FBI charges $14 for this service. (The states may have additional charges). The FBI's fees are funneled back into its budget to cover costs. For Fiscal Year 1985, the FBI processed 864,085 fingerprints for noncriminal justice licensing and employment purposes and collected $9,577,969 in fees.

If the Congress considers it important to require a check of handgun purchasers, we believe that such legislation should take advantage of current procedures. In doing so, the Congress would avoid placing any additional burdens on the 21 states which now have laws and procedures in place which are intended to keep handguns out of the hands of criminals. Further, by mandating a criminal history check based on fingerprints, the FBI would be able to charge for its service. The cost of doing a name check as mandated by H.R. 4332 could not be recovered by fees; therefore, the Bureau's budget would have to be enhanced. Most importantly, by requiring a fingerprint check, law enforcement will know beyond a doubt that the criminal record in fact belongs to the purchaser.

To further illustrate the benefits of a fingerprint check, I am attaching a news article from The Star-Ledger (Newark, New Jersey), dated February 23, 1986. As reported in this article, an Edward Morris, who was wanted for forgery and grand theft in Tallahassee, Florida, had been hired by a Newark bank using the name of Kenneth Taylor. Taylors' fingerprints were routinely taken by the bank and submitted to the FBI Identification Division for processing. The results led to Taylors arrest just in time as he was found to have in his possession $5,000 in cash, a cashier's check in the amount of $57,000, and a new car valued at $13,000. Taylor was charged with bank fraud and embezzlement. A name check would have been worthless in this case.

If the Committee wishes further information on this issue, representatives of the Department are available to discuss current fingerprint processing procedures and to suggest legislative language which would address the concerns identified above.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

IN RECOGNITION OF THE BUSINESS ACHIEVEMENTS OF LEROY OZANNE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. STOKES. Mr. Speaker, I would like to call my colleagues attention to an article that recently appeared in the Cleveland Plain Dealer that traces the career of Leroy Ozanne, an outstanding Cleveland business pioneer, entrepreneur and the owner of the largest black contracting company in the Cleveland area.

Mr. Ozanne's climb to the top of the business world demonstrates that hard work, foresight and a few breaks are essential elements to survival in the highly competitive construction business. The Ozanne Construction Co., represents a success story we are very proud of in Cleveland, and I am pleased to bring it to the attention of my colleagues in the House of Representatives.

The article follows:

VENTURES PAY OFF—BLACK CONTRACTOR BUILDS REPUTE AND BUSINESS

(By Angela D. Chatman)

More than 30 years ago, Leroy Ozanne saw an opportunity to be what was then a rarity: a black general contractor.

As a city building inspector in the early 1950s, he saw few black contractors come to the Cleveland Building Department for permits and information.

"There was actually no representation in construction and that's what got me interested. I said, 'This is going to be my shot,' " he said recently in his offices on E. 25th St.

He was right.

Thirty years after the Ozanne Construction Co.'s incorporation in 1956. Leroy Ozanne, 59, and son Dominic, 32, run what is identified as the largest, most prominent of the 10 or so minority general contractors in the Cleveland area.

It has in the past been listed among the nation's top 100 Black businesses by Black Enterprise magazine.

Its 1985 workload was in excess of $10 million. During his first 12 years, he was able to put together at most $200,000 in projects in any one year.

In those first 12 years, Ozanne was a sole proprietor. Today, the company employs 14, eldest son Dominic is president, and Ozanne is chairman of a three-person board on which his son and wife, Betty, serve.

The elder Ozanne's first job as a contractor was the conversion of a porch into a real estate office for a friend. Today, the company name is associated with such major projects as housing projects, Martin Luther King Plaza, the Justice Center, the Cleveland Hopkins International Airport expansion, the U.S. Postal Service headquarters on Orange Ave., and Lexington Village.

"They're a strong, aggressive company with a good track record," said Joseph A. McCullough, vice president and operations manager for Turner Construction Co., which does quite a bit of joint venture work with Ozanne.

"They are the area's largest minority contracting company. . . . They are a highly respected company within the construction industry," said Catherine A. Barry, editor of the Construction Register, a publication of the Builder's Exchange, a non-profit trade group for the Ohio construction industry.

It wasn't always that way.

In fact, there was a time when Ozanne considered leaving Cleveland.

The company say some good times and some lean times in its beginnings. Back then, Ozanne's first idea was to get into the remodeling business.

"I spent about three to four years in the Building Department and (I) saw minorities buying into the Hough area and buying into new areas that needed work. My first idea was to get involved in remodeling, converting buildings and that kind of thing," he said.

He was familiar with all building codes and could draw plans. He began doing remodeling on the side in 1954, while he still was employed by the city.

After a short time in the remodeling business, Ozanne decided that he preferred the commercial end of building. So in 1956 and 1957, he looked for commercial work.

His first commercial venture was with the city of Cleveland, building a service station

at the old incinerator plant on W. 3rd St. ". . . I built it. I mean I literally built it. . . . They put a metal roof on there and I had to weld it myself," he said. The only thing he didn't do was lay brick, he said.

It was his first time dealing with a bonding company and the first of 16 service stations he would eventually build.

He was bonded for $5,000 for the $4,595 city project.

Once he was able to get bonding, he could go after larger projects. It was then that he went after more service station work, building stations for Gulf Oil Co., Shell Oil Co., Texaco Co. and Cities Service Co.

His next bonded job was a Gulf service station at the corner of Lakeview Rd. and Durant Ave. The bond was for $35,000.

"I think the biggest thrill I ever had in my life was when I got two gasoline stations at once. . . . And, that bond had to be awfully large, $70,000. . . . That was really big stuff. That was just before 1958," he said.

"When you started around the $100,000 mark in those days, you were considered heavy," he said.

In 1959, he successfully bid to build the Brooklyn fire station.

Then there were sudden obstacles. Many times, the company bid unsuccessfully. There were even times when the company was the low bidder, but didn't get the job, he recalled. Such has been the case with many minority-owned firms.

He got more proficient in the work, but the big projects did not come his way, he said.

"We bid a lot of work . . . remodeling work and things like that . . . but new building additions never came to Ozanne Construction or new school buildings never came to Ozanne," he said.

The company had to settle for doing work for the U.S. Department of Housing and Urban Development, and doing other jobs it was able to pick up along the way, he said.

Despite his relatively successful start, he did not add staff until 1968 when he had more than one project going at a time.

That also was the year Turner Construction chose Ozanne as its joint venture partner on the Martin Luther King Plaza project.

When the call came, Ozanne was planning to leave town.

"My bags were packed to move to Denver . . . I'd had enough of it. Cleveland had just gotten me right up to here," he said raising his hand to his neck.

The native Texas had never been to Denver, but was willing to go just "to make a major change," he said.

The call from Turner Construction turned what was a dismal point in his career to a positive turning point, he said.

"That was a turning point and we saw it as an opportunity to work with company like Turner, because they took a complete interest in our people and they exposed us to" building systems and techniques, he said.

The Ozannes are advocates of joint venturing as a way for minority contractors to learn building techniques from other contractors, even though such arrangements aren't always lucrative.

Over the years, Ozanne Construction has done six joint ventures with Turner Construction, among them the Orange Ave. postal facility.

The joint venture lent credibility to Ozanne Construction as a general contractor.

There was no long-term strategy for success, Ozanne said, just aggresiveness.

"You know, it's just like a treadmill. You can't stop it. You have to keep it going . . . The necessity of just having new jobs come in the office all the time required us to bid very ferociously for new work," he said.

He said having his son in the business had helped.

Dominic Ozanne began working with his father on jobs when he was 11 or 12, Ozanne said.

Although Dominic Ozanne has a degree from Harvard Law School and worked for two years with the local law firm of Thompson, Hine & Flory, he always wanted to join the family business, he said.

TESTIMONY OF HON. BYRON DORGAN BEFORE SUBCOMMITTEE ON FOREIGN OPERATIONS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HALL of Ohio. Mr. Speaker, as a colleague of Representative BYRON DORGAN on the Select Committee on Hunger, I want to call attention to his timely testimony before the Foreign Operations Appropriations Subcommittee. Mr. DORGAN trenchantly makes the case for realigning our foreign aid priorities—away from massive growth in military aid toward greater investments in economic and food aid. His analysis of our aid mistakes in the Philippines warrants particular attention.

I also want to commend our colleague for his thoughtful remarks about the value of investments in child survival programs and universal immunization. As the author of a bill to increase the U.S. commitment to global immunization, I found Mr. DORGAN'S remarks on the subject to be right on target. We can save the lives of millions of children for literally pennies per child and it's time we capitalized on the opportunity.

Mr. DORGAN'S testimony follows:

TESTIMONY OF HON. BYRON L. DORGAN, APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

Mr. Chairman, I appreciate the opportunity to testify today on the right kind of foreign aid. I know that you have wrestled with this tiger—often times by yourself—so I know that my remarks do not fall on deaf ears. I want to commend you and members of this Subcommittee for trying to develop a foreign aid package which advances our legitimate interests and also meets the pressing needs of the developing world.

This can be a thankless task. Yet, it's a job which must be done if we are to craft a foreign policy that makes sense. I want to try to illustrate some severe blunders in our foreign assistance program and also to highlight what kind of aid really works for us and its recipients.

A MESS IN MANILA

Rarely do we have a chance to look into the belly of a dictatorship to see how our aid went sour. The collapse of the Marcos regime affords us a great chance to see how our aid can be wasted and squandered, if we don't link it to sound policy and if we don't provide the right kind of aid.

It now seems likely that money which we sent to help poor Filipinos was stolen to buy Gucci shoes, fur coats, gold bullion, stocks, bonds, and Manhattan real estate. Over the past 20 years we have poured in nearly $2 billion in aid to the Philippines—about half of it as military aid.

But did this buy us a more democratic government in a key Pacific ally? Did this ensure a long-term lease for vital U.S. military bases in the Philippines? Did this aid help its people shake loose from staggering external debt and a stagnant economy? We know that the answer to all these questions is NO!

We don't yet know all the reasons why things went so awry. We do know that we waited too long to press for democratic reforms. We also waited too long to monitor carefully how our aid was being used. We further assumed naively that massive amounts of military aid could prop up a dictatorship with clay feet.

On the future, we can do better. We can insist that policy and aid are linked together. We can press for tougher oversight and audits on aid. We can change the mix of aid to developing nations, so that we place greater emphasis on food for the hungry, medicine for the sick, teachers for the illiterate, and technical help for self-sufficiency.

Unfortunately, the Administration is proposing the same tired and fruitless program for FY 87 to the Philippines as before. The White House wants to double military aid, virtually drop food aid, and freeze economic aid. I hope that the rise of the Aquino government will realign our priorities and urge this Subcommittee to grab the bull by the horns if President Reagan does not show some leadership.

I would also encourage this Subcommittee to support appropriate efforts to establish a commission to X-ray our aid to the Philippines. We need to find out how that aid was abused and where it ended up. The Philippine Fraud Commission and our own Foreign Affairs Committee simply don't have the resources to find out how President Marcos, with a $5,400 a year salary, managed to spirit away an estimated $5 to $10 billion into foreign real estate, stocks, and bank accounts. This is no small change; it equals the total foreign debt of the Philippines in 1983.

The American taxpayers and the Philippine people deserve an answer to these questions. I have urged the President to appoint a Special Commission to investigate the Marcos money ring. But I hope your Subcommittee, Mr. Chairman, will consider your own initiatives.

TRENDS IN FOREIGN AID

I cite the Philippines as a specific case of a lamentable infatuation with military aid as a security sweetheart. The appended chart of the Congressional Research Service show that this is no aberration in recent years.

You will see that between FY 1981 and FY 1987 we have seen a sizable 62% growth in foreign aid, including a 12% proposed increase for FY 1987 alone. I want to say that I am puzzled at best to understand how the President can propose this when he simultaneously wants to cut all domestic programs by 6%. If getting our budget house in order is one of the best ways to help developing nations, by reducing their debt service costs through lower interest rates, why not start with restraint in foreign aid? I believe we can freeze total aid at the FY 1986 level, or even make cuts, and still meet our obligations.

I also fail to see the budget sense or foreign policy value in a 100% plus growth in military aid, including an 800% growth in

the Military Assistance Program. The growth in the MAP account makes the Pentagon's big spenders look like country bumpkins. But the Reagan Administration sees this account as the salvation of governments like Marcos' Philippines. Well, it did not work in Manila and it's not going to work in Port-au-Prince, Haiti—despite the White House plans to pump more riot control equipment and military aid into a country with the lowest literacy and worst hunger problems in the Western Hemisphere.

What the people in the Philippines, the Caribbean, Africa, and Central America need is a fighting chance—not more chances to fight. They need to arm themselves with literacy, self-sufficiency, and health to defeat their real enemies—the scourges of poverty, hunger, and disease. These are the carrion on which Marxism feeds. I only hope we start funneling our aid into these programs with tough controls, instead of into security aid for dictators which ends up in Swiss bank accounts and Imelda Marcos' wardrobe closet.

I won't take time to tackle the tough issue of aid to the contras of Nicaragua to finance our proxy war to overthrow an admittedly distasteful and repugnant Sandinista regime. Let me simply say that we are threatened in Central America—in Wisconsin, North Dakota, Kansas, and Iowa. We are being threatened with the loss of our family farms and small towns.

So I ask the President to spend some time helping our Central America, the Central America at home, before we send down machine guns and rockets to a band of thugs and murderers. I ask this Appropriations Subcommittee to help straighten out our budget priorities so that we preserve genuine security with a strong economy, a defense that works, and the right kind of foreign aid.

HIGH ON THE HOG

I also would like to underscore my concern about the salaries and perks of employees of the International Monetary Fund and the World Bank. Congress can exercise some control over what I consider a misuse of foreign aid by restraining the U.S. contributions to these development institutions.

Salaries at the World Bank and IMF remind me of James Michener's decription of the fictional missionaries in Hawaii: "They came to do good, but ended up doing very well." Much the same could be said of the international civil servants who staff the Bank and IMF.

For example, where can you find a job in the U.S. Government that pays a $130,000 a year salary and offers 4-5% loans for home purchases and 4% loans for children's education? You can at the IMF. If you are an American IMF employee, you'll find that 40% of all employees earn a pay grade with a midpoint of at least $70,000. Moreover, you and everyone else garners what amounts to a tax-free salary. Nice work—if you can get it!

I wonder how we can square the Wall Street salaries and benefits of IMF staff with the pressing needs of nations too poor to even collect accurate employment and national income data. Shaving 10% off the IMF personnel budget, for example, would not in itself save the IMF from an onslaught of Third World debt. But the savings would have been large enough to cover the 1985 overall IMF loss.

I would like to see some belt-tightening around the middle of the IMF and World Bank—not just around the necks of dairy farmers and wheat growers. If we can keep lining the pockets of international aid elites, why can't we afford to let family farmers earn enough to pay their bills?

I plan to ask GAO to look into the salary and benefit packages at these two financial institutions. I want to know if these salaries are out of line with comparable organizations, our own budget goals, and the stated intentions of the Treasury and State Departments.

I have no interest in undermining the legitimate work of these needed agencies. But I believe that they can only help bridge the development gap if they enjoy the solid support of donor governments. I simply think we need to make sure in Congress that the World Bank and IMF are on the right track.

ON THE RIGHT TRACK

Fortunately, we can also point to some real success stories in foreign aid. We do have a responsibility to help our poorer neighbors and to advance the development of younger nations. The question is what kind of aid is the right kind.

For the most part, I think that it is food aid, health aid, and development. Judicious amounts of security aid can undoubtedly help in the right circumstances; but military aid will not do the job if it is used as a surrogate for building genuine security.

For example, our recent provision of emergency food aid to Africa points to the best in the American tradition of helping others. Without timely delivery of American grain and dairy products thousands or millions more Africans would have perished in the recent famine.

Nor has the need for food aid evaporated, despite the good news of better harvests in Africa. Some 69 food deficit countries will need to import 10 million tons of cereals, beyond commercial import levels in the next year, just to maintain consumption at present substandard levels. To meet adequate nutritional levels, they would have to obtain donations of twice that level, according to USDA's 1986 report on World Food Needs and Availabilities. So I don't support the Administration's plan to cut Food for Peace by 6% next year.

Food for Peace builds bridges which last with aid which brings life. When provided creatively in emergency feeding stations or as part of food-for-work projects, such aid can lay the groundwork for survival and longer-term development. As one commentator observed, "People don't eat in the future, they eat every day."

INVESTING IN IFAD

Naturally, the wrong kind of food aid can create a deadly addiction to outside help and sap the nerve of self-sufficient food production. And this need not happen with well-run programs such as we find with CARE, Catholic Relief Services, Lutheran World Relief and others.

But inevitably, the need for people to feed themselves surfaces. It costs $400 to ship a ton of emergency food aid, but only $200 for the International Fund for Agricultural Development to assist individual farmers in improving yields by a ton every year for a lifetime.

In my view, the International Fund for Agricultural Development provides one of the surest, leanest, and most progressive ways to invest in the self-sufficiency of developing nations. IFAD has a proven record of efficiently promoting self-sufficiency, as shown in evaluations by AID.

Most notable of IFAD's successes is its ability to manage and leverage limited resources. It has financed some 152 projects in 83 countries at a cost of about $8.2 billion through early 1985. Yet, its direct contribution was only $1.9 billion. Even more remarkably, IFAD has achieved a loan repayment rate of up to 99%—the envy of any Wall Street banker—with a staff of 100 and very low overhead.

This also is the right kind of aid. I strongly urge the Subcommittee to fund the regular replenishment for IFAD's next three years—at about $30 million a year—and to willingly consider added funds for a Special Africa Fund.

SAVING LIVES FOR PENNIES

Finally, I would like to urge the Subcommittee's support for the purpose of H.R. 3894, which would make available an added $50 million beyond the FY 1986 level for the Child Survival Program of AID.

Every year about 3½ million children die from six easily preventable diseases. These tragedies need not occur. We have on hand the vaccines to prevent these diseases, but only a fraction of the world's children are immunized. To reach the goal of universal immunization by 1990, the United States will have to join other nations in contributing as generously as possible to this worldwide effort.

It makes good sense. For every $1 invested in immunization, $14 in health costs will be saved. And a coordinated child Survival Program can save lives, too. UNICEF estimates that the rate of 40,000 child deaths per day could be cut in half by advancing a simple, four-point program of proven health techniques for literally pennies per child.

In conclusion, Mr. Chairman crafting the right kind of aid is no small task. But it's both possible and workable. I have attempted to shine the caution spotlight on some kinds of aid which don't work, like our runaway pre-occupation with aid that explodes. I have also sought to showcase the right kind of aid: Food for Peace, the International Fund for Agricultural Development, and the Child Survival Program. We can do this within budget limits, if we put some clamps on security aid.

Thank you for your attention and I gladly would try to answer any questions which you and members of the Subcommittee may have.

FOREIGN ASSISTANCE APPROPRIATIONS: FISCAL YEARS 1981, 1986, 1987

[Dollar amounts in millions]

	1981	1986 (post-GRH)	1987 (request)	1987 (+/−), 1986 dollars	1987 (+/−), 1986 percent	1987 (+/−), 1981 dollars	1987 (+/−), 1981 percent
Multilateral aid:							
Int Bank for Recon and Dev	$32.8	$105.0	$182.8	$77.8	74.1	$150.0	457.3

FOREIGN ASSISTANCE APPROPRIATIONS: FISCAL YEARS 1981, 1986, 1987—Continued

[Dollar amounts in millions]

	1981	1986 (post-GRH)	1987 (request)	1987 (+/−), 1986 dollars	1987 (+/−), 1986 percent	1987 (+/−), 1981 dollars	1987 (+/−), 1981 percent
Int Development Assoc	520.0	669.9	750.0	80.1	12.0	230.0	44.2
IDA African Facility		71.8		−71.8		0	
Int Finance Corp	0	27.8	35.0	7.2	25.7	35.0	
Inter-American Dev Bank	251.5	85.8	143.5	57.7	67.2	−108.0	−42.9
Asian Development Bank	139.6	107.1	143.2	36.1	33.7	3.6	2.6
African Development Fund	41.7	59.6	75.0	15.4	25.8	33.3	79.9
African Development Bank	18.0	15.5	18.0	2.5	16.1	0	0
Mult Invest Guarantee Ag			44.4	44.4		44.4	
Subtotal, Int Financial Inst	1,003.6	1,142.6	1,391.9	249.3	21.8	388.3	38.7
Int Organizations and Programs	210.4	337.2	186.0	−51.2	−21.6	−24.4	−11.6
Int Fund for Agricultural Dev	0	28.7		−28.7		0	
Total, multilateral aid	1,214.0	1,408.5	1,577.9	169.4	12.0	363.9	30.0
Bilateral economic aid:							
Agriculture	635.0	669.9	709.9	40.0	6.0	74.9	11.8
Population	190.0	239.3	250.0	10.8	4.5	60.0	31.6
Health	135.0	192.2	150.8	−41.4	−21.5	15.8	11.7
Child Survival Fund		23.9	25.0	1.1	4.5	25.0	
Education	101.0	162.7	179.8	17.1	10.5	78.8	78.0
Sel Dev Act/Science and Tech	123.9	177.1	231.5	54.4	30.7	107.6	86.8
Subtotal, development accounts	1,184.9	1,465.1	1,547.0	81.9	5.6	362.1	30.6
Amer Schools/Hospitals Abroad	20.0	33.5	10.0	−23.5	−70.1	−10.0	−50.0
International Disaster Asst	73.0	21.5	25.0	3.5	16.1	−48.0	−65.8
Sahel Development Program	91.0	77.0	80.0	3.0	3.8	−11.0	−12.1
Foreign Service Retirement	27.9	41.2	45.5	4.3	10.3	17.6	63.1
AID Deob/Reob Authority		4.8		−4.8		0	
AID Operating Expenses	300.6	360.2	388.9	28.7	8.0	88.3	29.4
AID Inspector General Op Exp		20.2	21.8	1.6	8.0	21.8	
Trade and Development Program		18.1	18.0	.1	.6	18.0	
Housing and Investment Guarantees			10.0	10.0		10.0	
African Development Foundation	(0.5)	3.7	6.5	2.8	74.2	6.5	
Inter-American Foundation	15.8	11.5	10.8	−.7	−6.0	−5.0	−31.6
Peace Corps	105.5	124.4	126.2	1.8	1.4	20.7	19.6
Int Narcotics Control Program	36.0	55.0	65.4	10.4	18.8	29.4	81.7
Migration and Refugee Asst	490.7	324.3	347.5	23.2	7.1	−143.2	−29.2
Emerg Migration and Refugee Fund			25.0	25.0		25.0	
Subtotal, bilateral development	2,345.4	2,560.6	2,727.6	167.0	6.5	382.2	16.3
Public Law 480 (food aid)	1,229.0	1,243.3	1,164.4	−78.9	−6.3	−64.6	−5.3
Subtotal, bilat development/food		3,804.0	3,892.0	88.0	2.3		
Economic Support Fund	2,104.5	3,540.9	4,093.8	552.9	15.6	1,989.3	94.5
Anti-Terrorism Program		7.1	9.8	2.7	38.4	9.8	
Peacekeeping Operations	25.0	32.5	39.0	6.5	19.9	14.0	56.0
Nicaragua Contra Aid							
Total, bilateral economic aid	5,703.9	7,384.5	8,034.6	650.1	8.8	2,330.7	40.9
Military aid:							
Military Asst Program (MAP)	110.2	748.4	996.5	248.1	33.2	886.3	804.3
Int Military Ed and Training (IMET)	28.4	52.2	68.8	16.6	31.9	40.4	142.3
Foreign Military Sales Credits	3,046.2	4,966.8	5,661.0	694.2	14.0	2,614.8	85.8
(FMS Forgiven Credits)	(500.0)	(2,966.7)	(3,100.0)	(133.3)	(4.3)	(2,600.0)	(520.0)
(FMS Market/Concessional Loans)	(2,546.2)	(2,000.1)	(2,561.0)	(560.9)	(28.0)	(14.8)	(0.6)
FMS Guarantee Reserve							
Total, military aid	3,184.8	5,767.4	6,726.3	958.9	16.6	3,541.5	111.2
Total, foreign assistance app	10,102.7	14,560.4	16,338.8	1,778.4	12.2	6,236.1	61.7

FOUR HONORED AT MOST DISTINGUISHED GREEK AMERICAN BANQUET

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HYDE. Mr. Speaker, the United Hellenic Voters of America, headquartered in Addison, IL, held its most distinguished Greek-American Banquet in March and honored four distinguished Greek-Americans in the fields of medicine, religion, government, and business.

This year's honorees were:

DR. ALEXANDER DOOLAS—MEDICINE

Dr. Doolas is presently a senior attending surgeon at the Rush Presbyterian St. Luke's Hospital in Chicago. He is also a director of undergraduate surgical education at the Rush Medical College and a very respected individual in the Greek-American community.

REVEREND FATHER EMMANUEL M. LIONIKIS—RELIGION

Father Lionikis has served the church in many capacities during his 39 years in the Diocese of Chicago. He has also published a number of church service books. He is well known and respected in the community at large.

STEVEN G. NASH—GOVERNMENT

Mr. Nash was elected to the Senate of the Illinois General Assembly in 1978 and served until 1982, he was then elected to the House of Representatives in the Illinois General Assembly. He is well respected as a legislator and community leader.

TOM ANGELOS—BUSINESS

Mr. Angelos was formerly a newspaper publisher and editor in Greece. He is presently the owner and manager of the successful Ambassador Banquets in Elmhurst, IL.

Mr. Speaker, I know my colleagues join me in congratulating these four distinguished members of the Illinois Greek-American community, and in wishing them continued success.

HON. MARY ROSE OAKAR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Ms. KAPTUR. Mr. Speaker, recently our distinguished colleague and my fellow Ohioan, MARY ROSE OAKAR, of Cleveland, was featured in the Washington Post. I include this article in the RECORD for the benefit of this entire body.

[From the Washington Post, Mar. 31, 1986]

MARY ROSE OAKAR—A LEADER IN THE HOUSE WHO SPEAKS HER MIND

(By Spencer Rich)

About a month ago, recalls Rep. Mary Rose Oakar (D-Ohio), President Reagan told a "welfare story" at a meeting with congressional leaders. It was about a jobless welfare recipient who phoned the employment service ostensibly to look for work, but

who hung up immediately when told it was available.

Oakar, who attends the White House meetings as secretary of the House Democratic Caucus, says she and other Democrats who were there—led by the Speaker of the House—were "livid."

"So I raised my hand and the president said, "Yes, Mary Rose?" I said, 'A lot of unemployed people are very proud and don't want welfare. I know 50-year-old unemployed workers who will not take welfare. It's not true that people prefer welfare.' "

The incident illustrates a lot about Oakar and why she is receiving increasing attention as a tough legislator squarely within the liberal Democratic social welfare tradition.

"She speaks up, that's for sure," said a Republican who asked not to be named. "She stands by her guns and doesn't hesitate to let you know what she's thinking—and she knows what she's talking about," said a Democratic official.

The perception is also beginning to spread that Oakar, 46, a 10-year veteran of the House, is a strong party activist of remarkable energy. She is unusual in serving on four committees: Banking, Aging, Post Office and Civil Service, and House Administration. At the Select Committee on Aging, she heads the task force on Social Security, elderly and women. She also chairs the key Post Office and Civil Service compensation and benefits subcommittee, which handles federal employe pensions, health benefits and pay.

And in recent years, Oakar has risen within her party. A member of the Democratic National Committee, she serves as House congressional liaison to the DNC and as an at-large House Democratic whip. She is starting a political action committee called Economic Security PAC to help female candidates, and she speaks at colleges to help recapture the campuses for the Democrats.

"I think the kids are coming around," she says. Oakar calls herself a "moderate" Democrat, but others call her a traditional liberal. She says that when people hear the specifics of what President Reagan wants to cut in domestic programs, they respond well to the Democrats.

Oakar, first elected to the House in 1976, has won most elections since by huge margins; in 1984 she had no opposition and only 44 write-in votes were cast against her. Representing downtown Cleveland and suburbs that include many white ethnic working-class people, she has built a strong pro-labor record.

Increasingly, Oakar also has become associated with women's issues—pay, pensions and Social Security protection—and with consumer matters. These issues have been in political decline in recent years, but Oakar persists.

On the other hand, while she supports the Equal Rights Amendment and family planning and has sponsored numerous bills on women's benefits, she recognizes that "certain women's groups will never endorse me" because of her stance on abortion. She opposes Medicaid funding of abortions and favors special benefits for pregnant women to provide alternatives to abortion.

The youngest of five children in a Maronite Catholic family, Oakar was born in Cleveland, attended Roman Catholic schools, got her B.A. in English, speech and drama at Ursuline College in Cleveland and her M.A. in fine arts from nearby John Carroll University. Her father, a Lebanese immigrant, was a steelworker, construction worker and stonecutter.

She once thought of working on the stage, but turned to teaching instead—for four years at a high school and for six years at Cuyahoga Community College in Cleveland, where she taught English, speech, drama and fine arts. Although she almost was fired for starting a union at the college, she says, "technically I am still on leave from Cuyahoga."

She began her political career as a neighborhood activist, served on the City Council from 1973 to 1976, and made a bid for Congress when the incumbent sought a Senate seat.

When she came to the House, Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) kept calling her "Rosemary." When she mentioned this, he explained that he has a daughter named Rosemary and a sister named Mary Rose, and that he's always had trouble keeping the names straight.

Oakar is philosophical about being a leading woman in a traditionally male club. "I really can't say I have suffered discrimination in the House because of being a woman. At times the fellows go out of their way to not leave you out." But she says women in the House do feel a special bond, "because after all, there are only 24 of us."

Oakar has a heavy agenda in the 99th Congress, with a special emphasis this year on banking legislation. Because many banks "only want to cater to large accounts," she is pressing to require banks to give certain free services, to bar a minimum balance requirement and to pay interest on all balances.

She is concerned about interstate banking takeovers in which big banks buy smaller banks and funnel the money from depositor savings to investments in other areas. With Rep. Charles E. Schumer (D-N.Y.), she wants to introduce legislation requiring large banks to reinvest money in the local community and to make their portfolios public. The Banking Committee has endorsed the idea.

She also has been pushing (so far without success) for big increases in Social Security benefits for women; more free credits for years of absence from the labor force for child care, better benefits for widows and widowers, and above all, for earnings-sharing—a highly controversial plan to give a person Social Security credits for half the earnings of her or his spouse, thereby entitling these people to Social Security disability or old-age benefits on their own.

She is also a strong advocate of improving private pensions for women—for example, cutting the 10-year vesting requirement, which works to the disadvantage of women who join the work force late or who make time off for child care, to five years.

An Oakar-engineered House bill calling for a broad study of pay equity for women and minorities in the federal pay system awaits Senate action. "Women are now 40 percent" of the federal labor force, she says, "but they're clustered in the bottom four rungs" of the scale.

Oakar also describes herself as "a big advocate of federal workers. This administration is just trying to take everything away from them—gut the retirement system, gut their health benefits and gut their pay, too."

While cutting an increasingly high profile in Washington, Oakar still has that other attribute of successful politicians: she's a big home-town booster. Cleveland, she says, is enjoying a "fabulous regrowth" after being hit hard by the shrinkage of heavy industry. Employers based in the city or nearby include TRW, Standard Oil, Eaton, LTV Steel and the only National Aeronautics and Space Administration center "north of the Mason-Dixon line and east of the Mississippi." Cleveland, she says, "is second only to New York in the arts, with the Cleveland Orchestra, all the museums, magnificent old theaters now being revived instead of turned into parking lots, outstanding health institutions."

In fact, Cleveland's health institutions are such that "one year, five members of Congress had heart bypasses at the Cleveland Clinic. I kept sending them baskets of flowers."

BACKGROUND

Elected to House of Representatives in 1976. Ran unopposed in 1984. Represents Ohio's 20th District, including Cleveland. Serves as secretary of the House Democratic Caucus, House congressional liaison to Democratic National Committee and at-large Democratic House whip, and on four committees. Special interest in labor, consumers and women's issues.

MOSCOW MUST START COMPLYING WITH 1975 HELSINKI AGREEMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. KEMP. Mr. Speaker, today marks the opening of the Helsinki Review Conference on human contacts in Berne, Switzerland. The United States has sent a strong delegation headed by Ambassador Michael Novak.

To commemorate this occasion, the New York Times has printed two excellent statements on the conference, which I am introducing into the CONGRESSIONAL RECORD.

Former Soviet prisoner of conscience Anatoly Shcharansky sent one statement to open the Parallel Helsinki Review Conference. The Parallel Conference is a meeting of nongovernmental organizations which has been organized by the Sakharov Institute and Resistance International. Shcharansky highlights the repression and reprisals taken against the original Soviet Helsinki Monitoring Groups, himself the most visible member, and the intolerable treatment being accorded to Dr. Andrei Sakharov, and calls for the Soviet Union to begin—after 10 years—to comply with the Helsinki agreement.

In his article in today's New York Times, Leonard Sussman stressed the importance of focusing attention on the consistent violations of the Helsinki Accords on the part of the Soviet Union. Sussman points out that we are presently in a position to influence human rights practice, and we should take advantage of this forum to do so.

[From the New York Times, Apr. 13, 1986]

MOSCOW MUST START COMPLYING WITH THE 1975 HELSINKI AGREEMENT

(Anatoly B. Shcharansky, who left the Soviet Union in February, is living in Israel. This statement is to be delivered tomorrow in Berne, Switzerland, at the Parallel Helsinki Review Conference, a meeting of non-

governmental representatives designed to coincide with the official Helsinki review conference. The meeting was organized by the Andrei Sakharov Institute and by Resistance International, human rights organizations.)

(By Anatoly B. Shcharansky)

I left the world of the gulag only a few weeks ago, and I am not yet ready to speak in public. Nevertheless, I could not refuse to greet you, if only in a recorded message, because the problems that brought you here today are extremely important to many people fighting for their rights in the Soviet Union and elsewhere in the world.

Ten years ago, several dissidents in the Soviet Union created a public group to monitor Moscow's compliance with the Helsinki agreements. Our idea was that many of the human rights issues that divide the governments of the Eastern and Western blocs could be agreed upon by independent representatives of public opinion—people in both East and West who have a vital interest in the implementation of the Helsinki agreements in their own countries. So we voluntarily took upon ourselves the task of examining how the Helsinki agreements were being implemented in the Soviet Union.

Ten years have passed, and what do we see? The Jewish emigration that began in the early 1970's has been brought to a stop by the Soviet authorities. Several hundreds of thousands of Soviet Jews who want to leave the Soviet Union cannot do so for no other reason than that the Soviet Government has decided that they cannot.

I spent nine years in Soviet prisons and camps, and I can certify that the conditions in which political prisoners are detained have been getting steadily worse. I shall mention only two particular problems.

First, a new article of the Penal Code, article 188-1, introduced in late 1983, allows the Soviet authorities to extend almost at will the length of time that one remains in prison or in camp. This measure has already been applied to several members of Helsinki monitoring groups now in prison. It is used by the authorities both to prolong the detention of political prisoners who resist "re-education"—who refuse to comply with efforts to make them change their ideas and convictions—and to intimidate the others.

Second, according to a new official directive introduced barely a year ago in the Soviet Union, political prisoners who start a hunger strike can be immediately thrown into a dungeon—a measure that very much aggravates their sufferings.

These are only two examples of the many ways that the authorities are cracking down on political prisoners in camps. Why is this so important? Because, as a rule, the policy regarding the camps very much reflects the general situation in the country—the disregard for the rule of law and the harshness of the repression.

I would like to attract your special attention to the Sakharov case. I do not need to remind you that Andrei Dmitrivich Sakharov is a hero, a model of a honorable man who continues the very best traditions of the Russian intelligentsia, fighting for the trampled rights—be they national, religious or political—of all the people of the Soviet Union.

Needless to say, his present situation is extremely difficult. He is cruelly and unjustly isolated from his family and friends, barred from scientific work and normal social activities. His state of health inspires growing fears. I consider it vitally important at this moment to raise our voices and call for the Soviet Government to stop its persecution of Andrei Sakharov—to grant this remarkable man the possibility to continue his noble activities in dignity and normal conditions.

Looking back at the first documents issued by our Helsinki group 10 years ago, I must say that the longer I spent in prison, the more accurate they seemed and the more important. I also believe that it is more necessary than ever now for international public opinion to press the Soviet Union on these matters. It is high time for Moscow to begin complying with the Helsinki agreement signed in 1975.

I think that the Andrei Sakharov Institute and Resistance International have made a great contribution by organizing this meeting. I hope this work will be continued and will lead to further contacts, contributing at a real détente and to the establishment of genuine trust between the superpowers. In the long run, however, there will be no trust or détente until both sides show full respect for human rights in the keeping with the Helsinki agreement.

[From the New York Times, Apr. 15, 1986]

IDENTIFY ALL HELSINKI VIOLATORS

(By Leonard R. Sussman)

President Reagan's statement last month attacking human rights violators on the right as well as the left drew great attention from the American press and public—and it was indeed newsworthy that a President known for chiding the Soviet Union began to chastise right-wing oppressors. But will the press remain interested when the camera focuses once again on the authenticated evils of the Soviet empire?

That test starts today and continues through May 26 as delegations from the 35 counties that signed the Helsinki accords in 1975 meet in Bern, Switzerland, to examine whether each signatory is fulfilling its pledge to improve "human contacts."

The meeting will focus on rather intimate human activities—family reunification, travel within and between countries, broadening contacts among citizens of different countries, marriage of people of two nationalities and cross-border contacts between religious groups, labor unions and other institutions.

It all sounds innocuous enough, but crossing borders—whether for simple travel or to reunite families—can still be a dangerous, even deadly business in Europe. Barbed wire and police dogs still deter any crossings from East Germany that have not been paid for by a Western government supplying ransoms for the reuniting of families. Just last year, Czechoslovak guards shot and killed Frantisek Faktor for crossing to Austria. Yugoslav border police killed another Czechoslovak citizen already on Austrian soil, and several others drowned while crossing between Yugoslavia and Austria.

Most prominent Polish human rights activists do not travel abroad for fear they will not be allowed to return to Poland. And the second largest category of political "patients" in the psychiatric hospitals of the Soviet Union—dissidents make up the largest single group—is composed of people who have attempted unauthorized border crossings.

It wasn't surprising, then, that the Soviet Union and its allies strongly opposed the Bern meeting. They belatedly agreed only when the West insisted on maintaining "linkage" between these humanitarian questions and the security aspects of the Helsinki accords.

Bureaucratic procedures for expanding human contacts may not seem newsworthy, but change could reflect significant improvements in the closed societies of the Eastern bloc. Besides, even without significant change—and it is unlikely that this six-week conference will lead to major openings—the quiet oppression in Soviet-bloc countries is always newsworthy, and providing publicity is the most important thing we can do for the victims in the gulags.

The human rights violations that receive most attention occur in countries with significant public connections to the United States. Yet the worst human rights abuses routinely occur in places where we have little or no connections—Iran, Iraq, Cambodia, Vietnam, Afghanistan, North Korea and Eastern Europe, among others. Because Washington has relatively little official business in these countries, there is little press coverage of violations there, and the public receives a distorted view of where the worst oppressors are headquartered.

Of course, the countries where we have the best connections are also the places where we can do most good, using our leverage—usually the promise of economic or military aid—to influence human rights practices. But we can have an effect even on countries where we have no leverage—by providing persuasive public and private expressions of unflagging American abhorrence of human rights abuses and of our determination to work by all effective means to eliminate them.

That abhorrence will be aired in detail by the American delegation at Bern—and it should be properly reported in the press these next six weeks. The Administration is making an important effort to balance its human rights policy, and it is time for the press to provide similar balance in covering the human rights story.

The Soviet Union has insisted that the Bern meetings be closed to journalists, but the American press and public have a responsibility to attend to the "naming of names" at the Helsinki review conference.

H.R. 3002: EXPERIMENT IN VOLUNTARY SERVICES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. OWENS. Mr. Speaker, I am pleased to see H.R. 3002, the Executive Exchange Program Voluntary Services Act of 1986 come to the floor of the House. The need for this limited experimental program, which would allow the volunteers to be paid by their private industry employer, makes the point that Federal employees, including managers, do not receive salaries which are comparable to their private industry counterparts.

The second aspect of the bill, as amended by the committee, which is significant is the emphasis on the application of laws and regulations on conflicts of interest, financial disclosure and standards of conduct for Federal employees to the private sector volunteers. This section will need attention if we are to ensure that voluntary placements in Federal agencies are not simply a vehicle for making contacts which will benefit the volunteer and his or her parent company for years to come.

This experiment upon which we embark is an exceedingly limited one. There can be up to 10 volunteers sponsored by their parent companies over the next 3 fiscal years. The limited nature of the experiment makes it possible for me to support it. Let us all monitor this experiment closely lest we find that we have created a new way to preserve revolving doors which have worked against the best interests of the American taxpayer.

THE COMMON BOND OF GENERATIONS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. ROYBAL. Mr. Speaker, I rise today, as chairman of the House Select Committee on Aging, to call the members' attention to an important report released at the committee's April 8 hearing on the interdependence of the generations. This report, "The Common Stake: The Interdependence of Generations," is the definitive statement on the common bond of generations in the health and economic security of Americans of all ages. Yesterday, I distributed copies of this report to each member of the House on behalf of its author—the Gerontological Society of America [GSA]. Today, I urge the Members to carefully review the report's findings.

The results of the committee's April 8 hearing and the GSA report highlight the emotional and economic interdependence of families across generations and their common stake in programs for both young and old. They also alert the Nation to the serious problem of poverty among children that threatens their and America's future. Most important, they warn against the divisive and destructive notion of "intergenerational conflict" that has been recently popularized in the media.

Clearly, we face a serious challenge in meeting the needs of today's and tomorrow's children, young families and elderly—a challenge that calls for a reassessment of current funding priorities. Where some, however, would pit the generations against one another in funding decisions, the GSA report offers a responsible framework for public policy based, instead, on the interdependence of young and old within the family and in society at large.

Few would deny the common bond that exists among family members of all ages and the benefit to older generations of investing in their own children and grandchildren. Few would deny the relief that programs for the aged provide families on whom the elderly would otherwise depend. Yet, after 5 years of cutbacks in programs for America's vulnerable citizens, rising inflation and a deplorable increase in poverty among children, a notion of "intergenerational inequity" has emerged.

This is a frightening notion that defies the strength of traditional family bonds and draws an artificial, simplistic parallel between poor young and "well-off" elderly. The issue is not whether one generation has been assisted at the expense of another, but whether the needs of all vulnerable Americans will be met now and in the future. To the extent that we have made progress in improving the economic security of older persons—the Nation can be proud. To the extent that older persons and their families remain unprotected against the catastrophic costs of long term illness—the Nation must move quickly to provide protection. To the extent that children are being driven into poverty—the Nation must move immediately to pull them out.

The GSA report provides us with the means for educating ourselves and the public on the common bond of generations. With this report in hand, it is my hope that we can redirect the notion of "intergenerational conflict" toward what, in reality, are serious problems of poverty and health-related financial destitution that strike Americans of all ages and carry a heavy toll for the entire family. I urge you, as Members of Congress and as spokespeople for Americans of all ages, to join with me in this effort.

Mr. Speaker, the attached summary of the GSA's report follows:

"THE COMMON STAKE: THE INTERDEPENDENCE OF GENERATIONS"

PREPARED BY THE GERONTOLOGICAL ASSOCIATION OF AMERICA [GSA]

Released April 8, 1986 at House Select Committee on Aging hearing "Investing in America's Families: The Common Bond of Generations"

This fact sheet outlines four key issues that are covered in the Gerontological Society of America's (GSA) report, "The Common Stake: The Interdependence of Generations", and that the Society considers essential to a proper framing of the upcoming policy debates on the growing needs of an aging society.

Responsible use of data

It is undoubtedly true that the elderly population of the U.S. is growing and will continue to increase. This leads some researchers and policy makers to question whether there will be sufficient resources to support a retired baby boom generation and whether future taxpayers will have to shoulder unreasonably heavy burdens. These fears are being used to justify shortsighted policies and are helping to create the very conflict between generations that this group hopes to avoid. However, these arguments are based on "voodoo demographics" and ignore a significant part of the picture. Specifically:

Their assumptions do not take into account the effects of economic growth. Given a realistic assumption of two percent growth, the real costs in 2030 of supporting each dependent could be 5 to 6 times greater than in 1960 without increasing the burden on society.

This view also ignores the fact that the aged dependency ratio is only part of the overall dependency ratio. According to the Census Bureau, the dependency burden—which includes underage dependents as well as the elderly—will remain below the levels of the mid-1960's, even at the height of the retirement of the baby-boom generation.

Lastly, this view fails to account for the increasing proportion of the elderly who work. The aged dependency ratio assumes that the elderly do not contribute to the economy and that all persons 18-64 are productive—obviously not true. One-quarter of men aged 65 to 69 worked in 1984 and, in the future, a larger proportion of the elderly will continue to work.

Interdependence of generations

Fifty years ago the framers of our Social Security Act understood that the generations are interdependent. They realized that "old age pensions are in a real sense measures in behalf of children,"—that societally guaranteed benefits to the elderly benefit children and young adults because those public dollars relieve younger generations of heavy financial burdens. The elderly likewise benefit from programs aimed primarily at the young. Each generation has a stake in social policies targeted at those in other age groups:

Younger generations have two important stakes in programs which assist the elderly maintain a decent quality of life. First, programs which assist their grandparents and parents to remain as autonomous as possible in old age relieve younger families of financial burdens and intra-family stresses. And second, they will be served by those programs when they become old.

By providing cash benefits to older family members, Social Security frees up younger and middle-aged family members to concentrate more financial resources on their children to help them become productive members of society.

Social Security stabilizes family and community life by enabling family members to partially protect themselves from major financial risks.

Social Security provides disability and survivors protection to young families.

The elderly benefit directly and indirectly from education, training, and health programs which help increase the productivity of the workforce. The eventual contributions to economic growth and tax revenue will benefit current workers as they age.

A July 1985 Harris poll indicates that, given a choice between cutting defense spending or cutting Medicare, more than 70 percent of adult Americans respond that they would prefer to see defense cuts.

Family care

Contrary to myth, the elderly have not been deserted by their families. However, current public policies are putting extreme pressure on already overburdened caregiving families. If the government does not respond to these growing pressures many families will be overwhelmed by the stress of providing care to relatives. This could effectively undermine the family and ultimately add to the economic and social costs to the nation.

Families, not the government or social agencies, provide 80-90 percent of the health/social supportive services: medically-related care and home nursing, hands-on personal care, household maintenance, transportation, and shopping.

Only 4.3 percent of the daily services needed by older people are provided by Government or social agency workers. The rest is either purchased or given by the family.

Families nowadays provide more care, and more difficult care, over longer periods of time to more older people than ever before. They also strenuously avoid placing older people into institutions, often exhausting themselves emotionally, physically, and financially before taking that step.

When adults aged 18-64 are asked to indicate which public programs they would support, even if an increase in taxes were required, they overwhelmingly favor income security and health care for the old.

Diversity of the elderly

Stereotypes of the elderly—as either all rich or all poor, all healthy or all ill, all retiring voluntarily or all retiring involuntarily—are inaccurate and do not provide a realistic basis for policy making. The older population is actually composed of many different groups of different ages, with vastly different needs. Just as the old image of all the elderly being poverty stricken and eating dog food was inaccurate, so is it now untrue that they all are rolling in wealth. In fact:

In 1984, more than one-fifth (5.6 million) of all elderly were classified as poor and near poor—that is, below the near proverty thresholds ($6,224 for a single elderly person and $7,853 for an elderly couple).

Well over half (56 percent) of women aged 65 and older are not currently married and therefore are likely to be facing old age alone. In addition, not only do older women have substantially lower incomes than men, but most are not entitled to pension benefits and many have no health care insurance.

Certain groups of the elderly—namely widows, the very old and minorities—have very high poverty rates. About 23 percent of all Hispanic elderly, 36 percent of all back elderly, 24 percent of elderly unmarried white women, 46 percent of elderly unmarried Hispanic women and 63 percent of elderly unmarried black women had below poverty incomes in 1983.

While about four-fifths of the non-institutionalized elderly report their health as "good" or "excellent", the other fifth report being unable to carry on a major activity of daily living.

FORT LEONARD WOOD: BEST BASE IN THE U.S. ARMY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. SKELTON. Mr. Speaker, it is with a great deal of personal pride that I rise today to inform my colleagues that the Department of Defense has chosen Fort Leonard Wood, MO—located in my congressional district—as the best base in the U.S. Army. This army-wide award given Fort Leonard Wood, was based on how they treat their people, perform their mission, and wisely use resources. Fort Wood was also praised for having innovative management programs that improve productivity and quality of life.

The commanding general of the post, Maj. Gen. James W. van Loben Sels, will be coming to Washington to receive the Commander in Chief's Award for Installation Excellence later this month.

Along with providing basic training for between 30,000 and 40,000 new soldiers each year, Fort Leonard Wood is in process of becoming the leading military engineer training center in the free world. The decision last year to move the Army Corps of Engineers officers' training school to Fort Wood by 1989, will continue the tradition of excellent instruction at the base that helped win the Presidential award this year.

Mr. Speaker, I am certain all the Members join me in congratulating the men and women of Fort Leonard Wood, and wishing them all the best as they continue to do the most important of jobs—protecting liberty, freedom, and our way of life.

PUBLIC SERVICE OF McGLADREY, HENRICKSON AND PULLEN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. STARK. Mr. Speaker, I would like to take this opportunity today to thank the accounting firm of McGladrey, Henrickson and Pullen for demonstrating that good tax policy is consistant with good politics.

Partners of McGladrey, Hendrickson and Pullen ran a tax reform workshop in my district last fall while the tax bill was under consideration by the Ways and Means Committee. This workshop provided me with the opportunity to see how my constituents would fare if various tax reform provisions were enacted.

The workshop was conducted on September 5, 1985 in Dublin, CA. Forty-nine constituents volunteered to bring in their 1984 tax returns for confidential analysis by the accountants. The accountants collected the 1984 tax information and compared how much in taxes each constituent actually paid in 1984 with what they would pay if the President's tax reform proposal were enacted. The accountants who ran the workshop analyzed the effects of proposed changes and explained these effects to the workshop participants. The constituents then received a computer printout of their tax analysis for their personal records.

The tax reform workshop was important to me because it illustrated to my constituents that rate reduction could offset the loss of a tax preference or even a combination of tax preferences.

McGladrey, Henrickson and Pullen adapted their computer analysis as the tax reform bill moved through the legislative process to provide a comparison of the various proposals. With each modification, the majority of the workshop participants received a larger tax cut.

By stripping the code of outdated and inefficient tax preferences and reducing the rates, Congress will enable businessmen to concentrate on the economics of their business decisions without getting waylaid by complicated tax considerations.

Closing corporate loopholes to broaden the tax base and reduce tax rates dramatically reduces the tax burden of individuals. Ninety percent of the constituents who volunteered to have their tax returns analyzed would receive a tax cut if H.R. 3838 were enacted today.

The average tax cut for these individuals was $760.90 a year!

Data like this helps remind us as legislators that although the tax reform process is complicated and painful, the result of our labor, if we let good policy prevail, is sweet and simple—more money in the pockets of most individual taxpayers!

The Senate Finance Committee is grappling now with the same tax reform issues and the pressures of provincial interests seem insurmountable. I am delighted to share the results of the McGladrey, Hendrickson and Pullen tax reform workshop to show the beauty of tax reform.

TEXTILE INDUSTRY HONORS WAYNE COUNTY RADIO STATION

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. SUNDQUIST. Mr. Speaker, I am delighted today to bring to the House's attention a very high honor that has been bestowed upon a radio station in my district. WNBG Radio in Waynesboro, TN, under the leadership of Station Manager Lisa Nutt, has been awarded a $25,000 cash prize for its efforts to promote the "Crafted With Pride in the U.S.A." campaign. Of 753 entries nationwide, WNBG placed first for its outstanding promotion of American-made goods, specifically in the textile and apparel industries.

In light of the fact that WNBG won first prize over stations with literally 100 times its wattage, I'm proud of this high achievement. But I'm even more proud of the total community effort from the industries of Wayne and Hardin counties that made this award possible. Lisa and her staff rallied the resources of merchants, workers, political leaders, and concerned residents—from Girl Scouts to senior citizens—to promote American made products.

Stuart Epperson, national chairman for radio broadcasters for the Crafted With Pride in the U.S.A. Council, will formally present the $25,000 this week. "We're talking about more than just a contest," said Mr. Epperson. "We're talking about American jobs. A lot depends on what we do to save the entire manufacturing industry in this country."

Though the Crafted With Pride Council is primarily affiliated with the American textile industry, WNBG used the contest as a vehicle also to promote Wayne and Hardin Counties' shoe and furniture industries.

More than any other area of my congressional district, these counties are impacted tremendously by international trade fluctuations in these industries. And despite all of their successful efforts to produce superior products at the lowest possible price, everyone knows that these industries cannot survive without Federal Government policies and practices that enable our industries to be competitive worldwide.

As chairman of the Republican Task Force on International Trade, I'll continue to work in Congress to create a stable and fair world trading atmosphere in which all of us can compete and prosper.

I get pretty fed up when I hear that American businesses must fail because they are wasteful and can't compete in world markets. That's nonsense. I'm familiar enough with our textile and shoe industries to know that these industries are doing more to modernize and stay ahead of the game than practically any other industries in the world. I'm convinced

that Americans can and will produce superior products at fair prices. The efforts that culminated in the award to WNBG Radio demonstrate this commitment.

I frankly can't think of a better cause—a display of pride in our American fiber, textile, shoe and home furnishing industries. WNBG's efforts to promote Wayne County products represents perhaps the finest display of good citizenship and pride I've witnessed from a radio station since becoming involved in public service. Lisa Nutt in particular deserves all the credit in the world for her hard and persistent work on behalf of these industries. I salute WNBG for its outstanding performance.

JOANN BURRIS TO RECEIVE KERN COUNTY'S REGISTERED NURSE OF THE YEAR AWARD

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. THOMAS of California. Mr. Speaker, on Tuesday, May 6, the Kern County Registered Nurse Society will present its annual "Nurse of the Year Award" to Joann Burris.

Joann is most deserving of this prestigious award. Throughout her 19 years of service, she has continually demonstrated the utmost dedication of excellence in her field. As supervisor of a high risk neonatal area at the Kern Medical Center, Joann has implemented many programs to improve the entire area of maternal child health.

In addition to the numerous medical organizations in which Joanne participates, she takes the time to initiate programs to improve the growth and development of her patients and staff. She pioneered the Infant Stimulation Program at Kern Medical Center which teaches both staff and new mothers how to respond to infant signals. She also established the Active Outreach Program which utilizes stabilization techniques to decrease high risks to the newborn. She combines the sharp sense of professionalism necessary for crisis care with a unique sensitivity to the emotional needs of the newborn and their families.

Joann makes continuing contributions to her field by sharing her knowledge and expertise with those around her. She has organized orientation programs, led lectures and demonstrations, and has published significant research on neonatal crisis care. She is consistently innovating so that her work will reach the largest number of people possible and all may benefit from her skills and experience.

Joann is an example of one who is dedicated to improving the lives of others. Her contributions are even more impressive when one considers the delicacy of newborn lives. She is most certainly an asset to her profession, and I consider her a tremendous asset to the Bakersfield community.

I would like to extend my deepest congratulations to Joann and wish her continued success in her flourishing career.

JACK KEMP ON REAL MILITARY REFORM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. COURTER. Mr. Speaker, my distinguished colleague, JACK KEMP, has, in a recent Wall Street Journal essay, closely examined the defense bureaucracy and found it sorely wanting. Too many procurement bureaucrats are zealously watched by too many congressional overseers. Their primary product is confusion and paralysis. This centralized, multilayered complex is Robert McNamara's legacy to a nation facing an enormous budget deficit and a menacing, expansionist Soviet Union.

JACK KEMP'S proposed remedies are eminently sensible; many of them are currently at work in America's best-run corporations. Central staffs must be cut; accountability must be restored; internal competition must be encouraged, and innovation must be rewarded. But for these reforms to work, Congress must also curb its voracious appetite for micromanagement. The ultimate result should be greater efficiency in meeting and defeating the Soviet military challenge. I urge all my colleagues to read carefully the following essay by Representative KEMP.

The article follows:

[From the Wall Street Journal, Apr. 9, 1986]

MILITARY REFORMERS, TAKE A CUE FROM BUSINESS

(By Jack Kemp)

Last fiscal year more than $250 billion was spent on defense. Now for the quiz: Name just one item that the Defense Department bought with your money.

If my recent conversations about the defense budget are any guide, about half of you will give the following answer:

A $700 toilet seat.

In 1985 that "toilet seat" became the symbol of the defense-reform debate. To would-be reformers it offered a memorable caricature of everything wrong with our "military-industrial complex." To their opponents it demonstrated not just a disregard for the truth, but even worse, a willful distraction from the serious business of restoring America's defenses.

Both sides have a point. Most Americans have heard only a misleading account of the $700 toilet seat. But the true toilet-seat story also supports the case for defense reform—reform of quite a different kind than Congress is now pursuing.

"SEAT, WATER CLOSET"

Back in fall 1983, the inventory of spare part P/N 941673-101 for the Navy's fleet of P-3 long-range patrol aircraft fell to its replenishment point. Now, the Navy doesn't just go out, negotiate a price for his item, and buy it. Instead, this and most similar purchasing is done centrally for all the services by the Defense Logistics Agency (DLA).

So DLA put in the order for item P/N 941673-101: "Seat, Water Closet," proposed Lockheed price $618.

The junior purchasing clerk at DLA may have scratched his head at a $618 "Seat, Water Closet." But it was not his job, nor, most likely, did he have the technical expertise, to evaluate what a P-3—whatever that is—required. Probably the thing was a lot more complicated than it sounded. And so it was. Part P/N 941673-101 is actually the large molded plastic assembly that holds a $10 toilet seat.

Was $618 a reasonable price for this item? Federal law, as passed by Congress, and federal regulations, as administered by another central defense agency, the Defense Contract Audit Administration (DCAA), are quite specific about how contractors set their prices.

In this case, everything appeared to be in order. So the purchase was approved—with a $100 DLA surcharge tacked on.

The "$700 toilet seat" later caused a stir because it was misleadingly labeled. What should have drawn attention, however, was the $700-plus price tag on an item that the Navy's "price fighter team" subsequently concluded should have cost, even with substantial overhead charges and the DCAA-approved profit margin, about $350: half the DLA price.

The Navy analysts also calculated the price using DCAA-approved charges. They estimated that direct labor and materials would come to $140 per unit, while overhead charges, all fully authorized, would come to $356, or more than twice the direct costs. Add on a few other allowable charges, plus profit, and the Navy calculated the DCAA-recommended price at $626: about what Lockheed charged.

In many ways, this is already a tale of defense reform. Central purchasing by DLA was instituted in the 1960s to enforce uniform purchasing policies among the services, and to take advantage of economies of scale. Regulated, "by-the-book," pricing was established to ensure consistency, to combat fraud, and to simplify review. Centralization, rationalization: These were the goals of dedicated people struggling to bring our huge, diffuse defense establishment under control.

To American business, this story will sound familiar. The multiple administrative layers and swelling headquarters staffs, the overambitious pursuit of economies of scale through centralization, the by-the-book decision-making, the erosion of line operators' authority and accountability: Today these are all well-recognized management problems.

Twenty years ago, of course, they were popular management solutions. And no one represented that approach better than Ford's Robert McNamara, who imposed it vigorously on the Pentagon.

Numbers tell part of the story. Between 1962 and 1968 the total of civilian and military personnel employed by the Office of the Secretary of Defense, the Office of the Joint Chiefs of Staff, and other central agencies such as the newly created DLA grew from 32,000 to 89,000: Today it is close to 95,000. With this vast growth in the central agencies came more consistency and central control. With it, too, came more administrative layers, more paper work, less responsibility and accountability at every level. And as each new agency or office gained the opportunity to delay decisions or add pet requirements, weapons and equipment grew more and more expensive and took longer and longer to reach the field.

Today America's businesses are busy applying lessons from the past. In a new wave of corporate reform, companies are cutting central staffs, restoring accountability to line operators, fostering innovation, even encouraging internal competition. The need for strong central direction is no longer in-

terpreted as a call for centralization. Rationality is no longer confused with rigid regulation and uniformity.

Unfortunately our government, seldom learns so quickly. Many of the reforms being urged by Congress today would actually produce not less but more centralization and regulation.

In defense procurement, for example, there has been little effort to explore, much less clear, the vast jungle of laws and regulations. At a time when budgets are shrinking, the services themselves would have a powerful incentive to get more for their money—if they were allowed more flexibility in negotiating contracts, or saw success rewarded with something other than an immediate subtraction of any savings realized from the relevant line item in the budget.

But instead of restoring incentives and accountability to the military services, Congress has made itself one more administrative layer: a kind of giant corporate staff that second-guesses and micro-manages every defense program. In 1970 Congress made changes to 180 line items in the defense budget. In 1985, we made 1,315. Even the current legislative proposals to inject more competition and market discipline into defense contracting are mostly just more procurement rules.

This preoccupation with centralized control shows up, as well, in proposals for reorganizing the Defense Department. For example, legislation now before the Senate Armed Services Committee would concentrate power in the hands of the chairman of the Joint Chiefs of Staff (JCS). The chairman would replace the corporate JCS as the principal military adviser to the secretary of defense, and would also gain control over the JCS staff, which prepares strategic plans for the U.S. military. While this "reform" would give our civilian leaders more uniform advice—indeed, the advice of a single uniform—it would also help suppress the competition of ideas and encourage civilian leaders to abdicate their responsibility for making hard choices about our nation's defense policy.

Yes, our defense establishment needs reform—a different kind of reform. Rather than further concentrating control in the hands of central Pentagon bureaucracies or a single military adviser, we should be reducing red tape, eliminating bureaucratic layers and restoring responsibility to our line operators—the military services—while making them more accountable for their results. My colleagues Jim Courter (R. N.J.) has taken the lead in many of these issues. For a start we should cut back the size of the central defense bureaucracies. The Hudson Institute, a respected defense think tank, has proposed a 20% reduction. Navy Secretary John Lehman told the House Armed Services Committee last summer that the bureaucracy could be halved—so long, he added, as it didn't have to continue devoting over 700,000 employee-hours a year to answering congressional queries.

Nor should the services escape the knife. Their own bureaucracies have grown large and cumbersome, partly in response to the need for central "coordination" with the rest of the department.

For the most part, the work of the Packard Commission has reflected these concerns. President Reagan's directive to the Pentagon last week to implement virtually all of that panel's recommendations on reorganization and cuts in the bureaucracy should provide the impetus for progress. Now Congress should begin reexamining its own contribution to the chaos. Instead of rushing to pass new laws regulating defense procurement, such as Rep. Les Aspin's bill up before a House Armed Services subcommittee this month, we should first take a long, hard look at what's already on the books. Instead of trying to direct every small decision made by the Defense Department, we should spend more of our time looking at the overall direction of defense policy.

MORE REALISTIC EXPECTATIONS

Finally—and this is not going to be a very popular suggestion—we must develop more realistic expectations about what any defense reform can achieve.

We may have a bloated defense bureaucracy. We do not have a bloated defense budget. The gross inefficiency of the Soviet Union's centrally planned economy has not prevented a leadership willing to impose great sacrifice on Soviet citizens from accumulating enormous military might. Greater efficiency on our own part will not let us escape the consequences of that Soviet buildup. President Reagan's defense program has started us down the road toward regaining our strength. We must seize the opportunity for significant defense reform: but we must not allow reform to become a smokescreen for returning to the policy of weakness that threatened peace and freedom just a few short years ago.

THE LAND OF FREEDOM

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, the future of our Nation rests in the hands of the young people of America. And we should be proud that there are many bright, hard working, dedicated young people today who are willing and able to carry the torch of freedom in the years ahead.

I'd like to share with my colleagues the thoughts of one young woman from my State of North Dakota. Penny Knutt, a 16-year-old attending Rock Lake Public School in Rock Lake, ND, is the State's winner of the annual Veterans of Foreign Wars of the United States' "Voice of Democracy" context.

Penny makes several vital points in her winning entry which follows:

Past generations of Americans look back on their younger years and say, "Oh, those were the good ole' days." They seem to look at society and see no hope for the young people of today. They just look back on how good things were. But they are overlooking one small detail. They have to see the advances that have been made in the last 75 years or even in the last 10.

Who would have ever dreamed during World War I and II that someday wars might be fought in outer space. Or that man could even walk on the moon and explore our solar system. Or who would have ever thought that the human heart could completely be transplanted or man could live with a man made heart.

The advances and discoveries made in the last century have opened many doors and new opportunities for the young of today; that makes it very difficult to choose a field or profession. With all the opportunities just knocking at our door, all it takes is a little initiative and encouragement, and there's a whole world of things just waiting to be explored.

One thing that being an American gives me is pride—pride in being from such a great country and pride for being part of the American people. As we've seen in recent events, the people of this great country seem to pull together in a great crisis, The overtaking of the TWA flight in which many American hostages were taken is an example. Or all the people in the country pulling together to help their brothers abroad and within the country with their financial difficulties is another. When one is hurt, everyone feels. When one is in trouble, they try their best to help him out of it. It's a sense of brotherhood that makes American people so unique. This gives us, as the future of America, a reason to do everything we can to keep that alive.

When people from other countries look at the United States, they see the land of freedom. From way back in the early history of our nation, people took their chances on the long treacherous voyages to seek freedom in the new world. They wanted freedom of speech and religion. Some came desperately seeking to save their own lives. In many countries today, the people still don't have the freedom that Americans do. In many countries the youth are not allowed to choose a career and pursue it. They are either chosen for them, or they are not allowed to or are unable to continue their education. This should inspire the young people of today even more to take advantage of all that America has to offer them—to make them realize that they really can "be all that they can be".

Because of this freedom, America's youth can strive to do the best at whatever direction in life that they choose. It is our duty to do all we can to make a better today and brighter tomorrow for our children and the generations to follow. I know that because of what America is today, I will be a better persons, and I too will someday be able to say "Ah, yes, those were the good ole' days".

VOICE OF DEMOCRACY SCRIPTWRITER CONTEST WINNER

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. FLIPPO. Mr. Speaker, the Voice of Democracy Scholarship Program was initiated 38 years ago with the endorsement of the U.S. Office of Education and the National Association of Secondary School Principals. Sponsorship was provided by the National Association of Broadcasters, Electronic Industries Association, and State Association of Broadcasters.

Starting in 1958–59, the program was conducted in cooperation with the Veterans of Foreign Wars with the broadcasters still serving as sponsors. In 1961–62, the Veterans of Foreign Wars assumed sole sponsorship responsibility.

During the past 24 years under VFW sponsorship, the annual national scholarships have been increased to six, totaling $32,500, with the first-place winner currently receiving a $14,000 scholarship to the school of their choice. To date, over 5 million students have

participated nationwide with the winners receiving more than $3 million in scholarship awards.

The winning script for the State of Alabama was written by Chever Hardin Kellogg of Huntsville, AL. Chev is a senior at Randolph School. He is an Eagle Scout, has served as president and vice president of the Student Government Association, and has received numerous awards for academic achievement.

This year's contest theme was "New Horizons for America's Youth." I want to congratulate Chev Kellogg on his thoughtful and insightful script, and I ask that his winning composition be reprinted here.

NEW HORIZONS FOR AMERICA'S YOUTH

(By Chev Kellogg, Huntsville, AL)

The sun. Every morning it rises, spraying its warm light over the dark earth. Every morning it rises, awakening people to a new day and new deeds. All over the nation it rises, a daily testament to the eternal hope and glory of mankind, and all over the nation the hopes and dreams of America's youth rise with it.

This dawn, like all the ones that came before and all that will follow, symbolizes the mission of American youth. Although the essence of a sunrise remains the same from day-to-day, the constantly changing contours and colors create a distinctly different effect each morning. Just as the sunrise accomplishes its age-old duty in a different way each day, American's youth constantly searches for a perfect solution to the problems that face our country today.

I am reminded of a story I once heard. It involved a man whose home lay through a maze of tiny streets and finally past a nearby junkyard. Because of these complicated directions, the man's journey to and from his home was always an arduous task and no guests could be directed to his house. This problem was solved, however, when the man became lost on his way home one day. In this lost condition the man drove through a few short streets and finally stopped at a peacock farm for directions. As he angrily stepped from his car the man suddenly saw his home in the distance and realized that he had found both a shorter and because of the peacock farm, more beautiful way home.

Just as this man found a more effective and more satisfying path to his home, the new horizon for America's youth lies in the search for new and better answers to old problems.

This search for new solutions is readily apparent in the solution of modern environmental problems. Parts of America are currently vexed by a major smog problem. In an attempt to stop this pollution of our environment, several cities raised the heights of their smokestacks. This height increase diffused the smoke higher into the atmosphere, where it was subsequently spread over a vast area, ending the smog problem. Unfortunately this diffusion of smoke contributed to another problem: acid rain. America is now seeking to solve both the smog and acid rain problems without further damage to the environment.

Just as America is seeking a solution to the constant problem of pollution. America's youth must use new ideas and new technologies to solve problems that, in the past, have seemed insoluble. Although the youth of America will rely on the same patriotic devotion to America, they must seek new routes to solve such problems as social security funding and the high crime rates nationwide. Just as a tree, always growing upward, must send its branches in all directions to survive and grow, America's youth must search for new solutions to America's problems, and through the solving of these problems the nation will be made stronger.

The sun is setting now, with mere wisps of fleeting daylight left to remind us of its presence. But this sunset is not an end. It is instead a symbol of the unending promise that tomorrow holds for the new horizons of America's youth.

GEORGE BUSH'S MISTAKE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. FRANK. Mr. Speaker, the saga of GEORGE BUSH's mission on behalf of higher oil prices is one of the most intriguing we have seen unfold in awhile. Despite some obfuscation, it does seem clear that Vice President BUSH thought it appropriate to lobby in various quarters—including Saudi Arabia—for higher oil prices. The fallacy of that policy has been cogently laid out in two recent articles which I ask be printed here.

Lester Thurow in the April 8 Boston Globe points out that while it is reasonable to have an element in national policy that deals with a particular economic distress that certain sectors of the economy encounter, that ought to be done in an explicit and open fashion and not by lobbying foreign nations to charge all Americans higher prices for a vital commodity.

And an editorial in the April 28 New Republic provides a very thoughtful and balanced analysis both of the problems and advantages presented to us by rapidly dropping oil prices, and proposes intelligent policies to take advantage of the opportunities and diminish the problems. Lobbying the Saudis to keep oil prices high is not one of the policies proposed.

The articles follow:

[From the Boston Globe, April 8, 1986]

AN INAPPROPRIATE TRIP

(By Lester C. Thurow)

Last week's newspapers reported that Vice President George Bush was off to Saudi Arabia to persuade the Sheiks to hold up the price of oil. The announced reason for this mission was to prevent oil firms and their associated service industries from going broke in the oil patch—Texas, Oklahoma and Louisiana—and to lessen the probability that Third World oil-exporting countries would go broke.

If treason is defined as a betrayal of American interests, then such a mission should be viewed as something close to economic treason. The United States imports approximately one-third of its oil supplies. Any country that is a net importer of oil unambiguously benefits from a fall in the price of oil. Americans have to spend less of their money buying energy and as a result they have more income left over to buy other goods and services.

Any vice president interested in the welfare of America would be working to lower the price of oil—not raise it. For America, higher oil prices are bad, lower oil prices are good, and there are no circumstances that reverse this conclusion.

This does not mean, however, that every American benefits from falling oil prices. That, of course, is not true. America produces about two-thirds of its own oil and those associated with the oil industry are going to suffer much lower incomes—some of them will, in fact, go broke as the price of oil falls. But the income losses imposed on those in the oil industry will be smaller than the real income gains harvested by the rest of America.

If America produced all of its own oil, a $15 dollar per barrel fall in the price of oil would neither raise or lower the average American income. Some American oil consumer would have $15 extra since he could buy oil for $15 less, but some American oil producer would have $15 less to spend since he was selling his oil for $15 less.

But if America imports one-third of its oil, the American consumer gets a $15 gain when the price of oil falls, yet only two-thirds of the loss ($10) is suffered by American producers. The rest of the loss (the other $5) accrues to oil producers in the rest of the world.

It is perfectly appropriate for the Reagan government to want to do something to prevent massive bankruptcies in the oil patch. But to go to Saudi Arabia to ask them to hold up the price of oil is perfectly inappropriate. It is perfectly inappropriate since it is the most expensive way imaginable to help those in the oil patch. If help is to be given to the oil patch, there are much cheaper home-grown alternatives.

The cheaper domestic alternative is to tax the oil consumers whose real income is rising with an oil tax and use the revenue from this tax to give income subsidies to those in the oil patch whose income has fallen. Even if this were done to the extent that those in the oil patch suffered no income reductions (they were given 15 extra dollars for every barrel of oil they produced), the American consumer would still be left with an extra $15 for every barrel of imported oil.

If Saudi Arabia raises the price of oil, the American oil consumer is effectively being taxed by Saudi Arabia and he loses not just the income that must be taken away from him to subsidize those in the oil patch, but also the income that must be taken away to subsidize those who sell imported oil—Saudi Arabia. If Americans are to be taxed to help those in the oil patch, an American tax beats a Saudi Arabian tax every time.

Given this reality, why then is Vice President Bush off to Saudi Arabia to ask the Saudis to raise their taxes on Americans? One does not have to be completely cynical to understand the rationale.

To tax American oil consumers overtly to subsidize American oil producers is a political non-starter of the first magnitude. Far better to have the Saudis raise the price of oil and covertly tax the American oil consumer to subsidize the American oil producer. In addition, President Ronald Reagan has promised not to raise American taxes. A Saudi tax increase is not a technical violation of his "no new taxes" pledge.

If one is only slightly cynical, other factors come into play. The oil industry is a major source of campaign financing for the Republican party and that no candidate for the presidency, especially one from Texas, could really run for the presidency without oil money. One gets such money by asking for higher oil prices. In addition, if too much of the oil industry goes broke, the oil industry will have no money to contribute

to any campaigns—no matter how much they may love him.

Personally, I have some sympathy with adopting domestic public policies to prevent a total collapse of the oil-patch economy—it is part of America—and America should be willing to come to the aid of its different regions when they are in trouble, although I admit Texans don't make it easy to be sympathetic. But I have no sympathy with the vice president's mission to Saudi Arabia. It is a wrong policy at a wrong time in a wrong place.

(Lester C. Thurow is the Gordon Y. Billard professor of economics and management at MIT.)

[From the New Republic, April 28, 1986]

OIL DRIP

The ideal price for oil would be $0 a barrel. As Henry George explained more than a century ago in *Progress and Poverty*, the cost of natural resources is nothing more than a tax on the productive elements of the economy—labor and capital. The $15 plummet in the price of oil during the past few months—from about $27 to about $12 a barrel—has been like a $90 billion annual tax cut for the American economy. The policy question is what we should do with our $90 billion.

Vice President Bush thinks we should give part of it back. Well, who knows what—or if—George Bush really thinks. During the first week in April, Bush said regarding the proper price of oil: (a) that he was going to urge the Saudis "that we not just have a continued free-fall . . . without a parachute"; (b) that "our answer is market, market—let the market forces work"; (c) that whereas the Saudis want higher prices, the United States "ought to be pleased" by low prices; and (d) "I don't know." He continues to imply, though, that there is some danger to the nation if prices get too low. Others say it outright.

The ostensible danger of low oil prices is fourfold. First, prices could go up again if we allow ourselves to get too dependent on foreign supplies. Second, apart from price, we need the guaranteed supply of oil that only a large domestic industry can provide. Third, low prices are devastating the energy-producing regions of the country, with potential ripple effects, mostly involving the collapse of banks. And fourth, Mexico and other Third World producers are also being devastated, with potentially explosive consequences, both political and economic.

The United States is a net energy importer. Therefore, it is a mathematical certainty that the nation as a whole is better off, not worse off, with lower prices. As with any dramatic economic change, there are winners and losers, but that's capitalism. When oil prices were going up, an equally dramatic and far less desirable change, those now complaining the loudest felt very strongly that the government shouldn't interfere. As for the ripple effects, banks in trouble are forever holding themselves hostage and demanding ransom. We're skeptical. But even if a bailout were required, doing it directly would be far cheaper than showering the oil regions with money in the hope that some of it will land where it's needed.

The foreign policy consequences of cheap oil are also generally favorable. Yes, it's bad for Mexico. But it's also disastrous for the Soviet Union. Cheap oil may cost the Soviets a third of their hard-currency earnings. It's a blessing for the very poorest nations—those with no oil of their own. And it's bad for the terrorist international, whose formerly oil-rich patrons will be watching their pennies in the future.

The national security argument for maintaining a domestic oil capacity cannot be laughed off. Nor can concerns of a future OPEC rip-off if we lower our guard too much now. What can be laughed off are most of the estimates of how the domestic industry would dry up with lower prices. For one thing, prices are not likely to stay as low as they are now. If they settle at $15 to $18 a barrel, most of the most productive wells will still be profitable, and so will continued exploration. In addition, there's a countervailing factor at work. If a steel plant shuts down, you don't have a steel plant. If an oil well shuts down, you may not have an oil well, but you do have the oil—in fact, you have more of it, in more accessible locations, than if you kept pumping away full speed. When and if prices go back up, you can reopen the well. (Yes, it's not quite that easy. But it's also not as hard as oil industry apologists would have you believe.)

Of all the policies being proposed for dealing with these problems, real and imagined, the most insane is Bush's original suggestion, echoed by Secretary of Energy John Herrington, that we should talk the price of oil back up, or at least try to prevent it from falling further. To start with, this would negate all the foreign policy benefits of lower oil prices worldwide. (And surely direct aid to Mexico would make more sense than indirect aid to Mexico, the Soviet Union, and Libya.) Financially, every dollar extra we pay for oil is a 30-cent gift to foreigners and a 70-cent subsidy to domestic oil producers.

An import fee is only marginally more sensible. At least in this case the foreigners' share of the take would go to the U.S. Treasury instead. But since an import fee will raise the price for domestic oil by an equal amount, it is in effect a huge and utterly unjustified handout to domestic oil producers. A ten-dollar-a-barrel import fee, for example, would raise about $20 billion for the government and transfer another $40 billion from oil consumers (including businesses) to producers.

A gasoline tax or other broad-based energy levy would prevent this unjustified windfall. In terms of preventing renewed overdependence on foreign oil, guarding our achievements in conservation is at least as important as continued domestic production. A gas tax would have the same effect in encouraging conservation as an import fee, but for any given burden on consumers and businesses, it would bring three times as much revenue to the government. The rule of thumb is that every penny increase in the gas tax would bring in a billion dollars of revenue. A 20-cent gas tax increase, for example, would be an easy $20 billion. Gasoline prices would still be below where they were six months ago, way below what consumers pay in almost every other country, and—in real terms—even below where they were at the beginning of the energy crisis.

How to use the money? Part of it should be used to fill up the Strategic Petroleum Reserve and, if possible, to create new reserves while oil remains cheap. Huge stockpiles of quickly available oil are our best defense against either a huge price hike or a sudden shutoff by foreign producers. Buying the oil from foreigners now at $12 a barrel makes a lot more sense than paying our own producers $27 a barrel in the hope that they'll still be producing at that price when and if we need them.

The rest of the money could be used to reduce the deficit which isn't going to go away even with all this good news. If that's intolerably sensible, it also could be used to finance a reduction in the FICA (Social Security) tax, the most regressive and economically destructive of all federal taxes, and one that has increased dramatically during the supposedly tax-cutting Reagan years.

Oh. And a few dollars might profitably be invested in a copy of *Progress and poverty* for George Bush.

A LETTER FROM AMBASSADOR FENWICK

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GRADISON. Mr. Speaker, I would like to bring to the attention of our colleagues, a letter which I received from our former colleague—Ambassador Millicent Fenwick. Ambassador Fenwick graciously wrote to me regarding a report on Social Policy by the House Wednesday Group, which I currently chair.

Mr. Speaker, I know that you and our colleagues have great respect and admiration for Millicent. Not only does she perform admirably in heading the U.S. mission to the U.N. Agencies for Food and Agriculture, but she still takes time to share her important views about the things happening on this side of the Atlantic.

Her letter, like the Wednesday Group report, speaks to issues affecting families and child care, welfare policy, health policy, and civil rights. In the area of welfare policy, she points out that it is "unwise to give independent welfare status to a very young teenager * * *. The hope of an independent apartment and income, of medicaid and food stamps, constitute an escape from many a crowded welfare household. But, more importantly, no escape from the welfare syndrome."

Mr. Speaker, I know that I speak on behalf of all our colleagues when I say how much we appreciate Millicent continuing to share her wisdom with us on these vital issues.

I am pleased to include a copy of her letter for the RECORD:

UNITED STATES MISSION TO THE
UNITED NATIONS AGENCIES FOR
FOOD AND AGRICULTURE,
Rome, Italy, March 6, 1986.

Hon. WILLIS D. GRADISON, JR.,
Congress of the United States, House of Representatives, Washington, DC.

DEAR BILL: The Wednesday Group agenda, "Social Policy," arrived here in Rome Tuesday. It is an excellent document and, as always with Wednesday Group proposals, I am stimulated to write concerning a few ideas that might be useful, or worth considering:

FAMILIES AND CHILD CARE

1. I think repeal on the tax on marriage would be a great boom to all two-earner families. My bill in the House had 160 cosponsors, as I remember it. It received a slight nod of acceptance while I was still in the House, but some States have a simple, direct form we really should copy.

2. Trying to do something about child care when I was still in Congress, I found an excellent system devised by the Chicago Telephone Company, which had an overwhelming majority of women as employees. It was organized by one competent social worker, employed by the company, who presented this plan to the women: "If you need child care, get together with some of these employees who live near you and are mothers. Choose a woman in your area to whom you would be happy to confide your children while you are at work. Five children would be the maximum for any one such child care center, operating in the home of the one you have chosen. The company will interview and, if necessary, give the necessary training to this foster mother." The foster mother may be a low-income—or even a welfare recipient—who has the confidence of the working mothers. The working mothers pay her a very small sum each week. The expense to the company is the high-powered social worker that they provided to organize the whole system, and to check the ability of the one the mothers have chose. There was also a very good child care system in Maryland, and another in Maine but I don't remember the details.

3. I am convinced—by the California experience—that preventive care for mothers and children is the wisest of all investments. But I cannot see why WIC and MCH are not merged. Unless the regulations have changed, a pregnant woman can go to WIC for advice on nutrition. So can her child, for 5 years. The mother, however, is limited to one year's services of WIC after the birth of the baby. So we have two sets of books, practical inconvenience for the mother, and an uncoordinated system. I proposed this merger to the Labor and Education Committee and the key witness against my proposal was a professor from Johns Hopkins. I was forced to go to a Foreign Affairs meeting scheduled at the same hour and missed the professor's appearance. When I telephoned him to inquire about his testimony I found that his main and only objection was that maternal and child health had no nutrition specialist. I asked if he would approve the merger if maternal and child health were required to include nutritional counseling by a qualified person. And the answer was "Well, we are all set up this way." Here we have a ridiculous situation—inconvenience for the mother; lack of continuity in health care; useless duplication and expense for the taxpayer.

WELFARE

1. The Plainfield Chapter of the Red Cross under Mabel Sias' direction, runs a program whereby welfare mothers are trained as Home Helath Care Practitioners. Over 90% of them receive jobs in private employment. I believe Charlie Rangel is the author of this legislation—in any case, when funds were threatened, Mrs. Sias asked me to put her in touch with Charlie, and apparently it worked.

2. Another point was made in a most interesting article in the New York Times written by Francis Cline, the sociologist. The article strongly suggested that it was unwise to give independent welfare status to a very young teenager who was still under the necessary protection of the child labor laws. The hope of an independent apartment and income, of medicaid and food stamps, constituted an escape from many a crowded welfare household. But, more importantly, no escape from the welfare syndrome. Cline quoted the teenager he interviewed as saying, "My girlfriend told me all about how to do this." This will perpetuate what Ken Auletta has called the permanent underclass.

HEALTH

1. The HMO process has always interested me. I worked hard with organized labor in New Jersey to encourage and facilitate the establishment of an HMO and I cannot see why the system has not developed more quickly and more widely.

2. Home health care, and long-term medical care, need to be completely reoriented, I think. Our New Jersey nursing homes, in order to get a license, had to take a certain number of indigent patients paid for by the public. The cost was roughly half or a little more than half what rich people paid. For example, at a time when average nursing homes cost $70.00 a day, the indigent was cared for at $40.00 a day (the State nursing home costs over $80.00 a day!) My hope was to give the patient—or the family—half the nursing home cost in a home health care subsidy. My interest in all this was sparked by a pitiful letter, and subsequent telephone call, from a woman whose mother was in the hospital and was threatened with being transferred to a nursing home. Both mother and daughter were horrified by the prospect, and the doctor, too, thought it would be most damaging. The therapy the mother needed could have been paid by a home health care subsidy which could go directly to the daughter. All that was needed from the State was a bimonthly visit to make sure that the patient was happy and the therapist was being paid. (The sad sequel to this is that I could not arrange home health care. The mother went to the nursing home and died of "transfer trauma" within three weeks). These sums are probably out of date but the point is this: when doctor, patient and family urge care at home and when the payment to the family covers the cost of the necessary therapy at half the cost to the taxpayer, it seems ridiculous to continue an expensive, anti-human system. HEW Secretary Califano greatly approved this idea and tried it, he said, in Texas in a rural and in an urban district. But I found after repeated checking that the money was not given to the family but instead to a variety of organized therapists. (For example, an elderly Mexican-American woman was being given speech therapy when her family and she were quite accustomed to the communication system they used for many years).

3. Another point can be made when one considers that in many areas hospitals are overbuilt and have empty wards. These wards could be used for nursing home care at less cost than nursing home prices. The only reason they are not used in this way, as one hospital administrator explained it to me, is the Federal regulation which stipulates that Federal support for the care of the indigent will be "at cost." This means factoring-in CAT scans, ultra sound and other expensive equipment. The simple solution to the problem would be to change the regulation to read "at cost or less."

CIVIL RIGHTS

1. The description of the lack of civil rights in the housing field is absolutely disgraceful. Page 7 of your paper reads ". . . if an alleged violator of Title VIII refuses to participate in such proceedings, there is little HUD can do." That is outrageous and I agree that with the last paragraph on page 15 which suggest corrective as well as punitive sanctions. Most people just want a house, and justice under the law, and would rather get a house than be involved in a court fight.

2. I have also been very much interested in affirmative action programs. I would like to suggest that all Federal and State agencies, particularly those located in core-cities, should form teams of their employees, to go into the high schools and tell the students what the requirements are for each of the occupations, in which the employees are involved. For instance, I see a white truck-driver, a black doctor, a female administrator, a Puerto Rican or Asian nurse who—without mentioning race—would by their very presence, and composition as a group, make clear the goal of equal opportunity. Companies in the area should be encouraged to do this to.

Bill, I know you will turn this over to one of our wonderful staff members but I hope some of it will be useful.

All the best to you, as always.

Sincerely,

MILLICENT H. FENWICK,
Ambassador.

OPENING OF THE BERN HUMAN CONTACTS EXPERTS MEETING OF HELSINKI SIGNATORY STATES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HOYER. Mr. Speaker, I rise to remind my distinguished colleagues that today marks the opening in Bern, Switzerland, of the Human Contacts Experts Meeting of Helsinki signatory states. As Co-Chairman of the U.S. (Helsinki) Commission, I can point with some institutional pride to the convention of the 6-week conference, which is the brainchild of the Helsinki Commission. The Commission, under the leadership of Representative DANTE FASCELL, developed the idea in 1979 as it worked with the State Department to prepare for the Madrid Review Meeting of Helsinki signatory states. The Commission strongly believed that holding a human contacts meeting as well as other human rights forums were necessary to counterbalance the expected post-Madrid security conference.

The U.S. delegation, under the direction of Ambassador Kampelman, and other Western delegations to the Madrid Conference, eventually adopted the Commission's idea and, after 3 long years of tenacious negotiation, achieved agreement with the East to hold the human contacts conference.

Bern is coming at the midpoint between summits when prospects for East-West relations will be a matter of intense popular speculation and comment. As Anatoly Shcharansky pointed out in his message to representatives of nongovernmental human rights advocacy organizations meeting in Bern: "I hope this work will be continued and will lead to further contacts, contributing to a real détente and to the establishment of genuine trust between the superpowers. In the long run * * * there will be no trust or détente until both sides show full respect for human rights in keeping with the Helsinki agreement." Mr. Speaker, I respectfully request that the entire statement by Anatoly Shcharansky as reported in The New York Times on April 13 appear

in the RECORD immediately following my remarks.

The overriding humanitarian theme for the United States at the Bern meeting is the expansion of people-to-people contacts across East-West borders, on an individual basis or by groups, whether for the purpose of emigration, family reunification, repatriation, or travel for personal or professional purposes.

The U.S. Helsinki Commission has urged the U.S. delegation to begin from the premise that Europe is unnaturally divided by force. Artificial barriers to the free flow of people having extensive common ties and interests have been erected. Physical barriers, such as the Berlin wall, have been built. In addition, legal, procedural, and financial obstacles are imposed and methods of intimidation are applied by East bloc governments in order to dissuade would-be emigrants or travelers.

In the decade since the accords were signed, the West has chronicled some steps forward as well as a litany of Eastern human rights violations. In the human contacts field, for example, there have been some welcome easements in the emigration and travel policies and practices of some East bloc countries and a net increase has been registered in East-West travel. Yet, despite their Helsinki commitments, a number of the participating states continue to maintain policies stringently limiting and controlling the movement of their citizens. Helsinki monitors, human rights activists, religious believers, unofficial peace group members, and free trade unionists continue to be prosecuted for their efforts to maintain independent contacts with Eastern and Western counterparts.

In itself, the Bern meeting will not provide any guarantee of Soviet or East European compliance with the human contacts section of the final act and of the Madrid document. It will, however, provide an excellent and timely mechanism for examining how human contacts provisions have been implemented and will be a useful forum to encourage greater compliance with them in the future. In light of Eastern violations, it would be detrimental to the Helsinki process if the exchanges at the conference were limited to technical discussion. The freer flow of people across East-West borders should be forthrightly raised as the overriding humanitarian theme of the Bern meeting.

I, therefore, encourage my colleagues in Congress to lend their active support to the U.S. delegation in Bern, ably led by Ambassador Michael Novak, in a common effort to draw international attention to existing human contacts violations and to seek practical solutions to humanitarian problems in this field.

[From the New York Times, Apr. 13, 1986]

MOSCOW MUST START COMPLYING WITH THE 1975 HELSINKI AGREEMENT

(By Anatoly B. Shcharansky)

I left the world of the gulag only a few weeks ago, and I am not yet ready to speak in public. Nevertheless, I could not refuse to greet you, if only in a recorded message, because the problems that brought you here today are extremely important to many people fighting for their rights in the Soviet Union and elsewhere in the world.

Ten years ago, several dissidents in the Soviet Union created a public group to monitor Moscow's compliance with the Helsinki agreements. Our idea was that many of the human rights issues that divide the governments of the Eastern and Western blocs could be agreed upon by independent representatives of public opinion—people in both East and West who have a vital interest in the implementation of the Helsinki agreements in their own countries. So we voluntarily took upon ourselves the task of examining how the Helsinki agreements were being implemented in the Soviet Union.

Ten years have passed, and what do we see? The Jewish emigration that began in the early 1970's has been brought to a stop by the Soviet authorities. Several hundreds of thousands of Soviet Jews who want to leave the Soviet Union cannot do so for no other reason than that the Soviet Government has decided that they cannot.

I spent nine years in Soviet prisons and camps, and I can certify that the conditions in which political prisoners are detained have been getting steadily worse. I shall mention only two particular problems.

First, a new article of the Penal Code, article 188-1, introduced in late 1983, allows the Soviet authorities to extend almost at will the length of time that one remains in prison or in camp. This measure has already been applied to several members of Helsinki monitoring groups now in prison. It is used by the authorities both to prolong the detention of political prisoners who resist "re-education"—who refuse to comply with efforts to make them change their ideas and convictions—and to intimidate the others.

Second, according to a new official directive introduced barely a year ago in the Soviet Union, political prisoners who start a hunger strike can be immediately thrown into a dungeon—a measure that very much aggravates their sufferings.

These are only two examples of the many ways that the authorities are cracking down on political prisoners in camps. Why is this so important? Because, as a rule, the policy regarding the camps very much reflects the general situation in the country—the disregard for the rule of law and the harshness of the repression.

I would like to attract your special attention to the Sakharov case. I do not need to remind you that Andrei Dmitrivich Sakharov is a hero, a model of a honorable man who continues the very best traditions of the Russian intelligentsia, fighting for the trampled rights—be they national, religious or political—of all the people of the Soviet Union.

Needless to say, his present situation is extremely difficult. He is cruelly and unjustly isolated from his family and friends, barred from scientific work and normal social activities. His state of health inspires growing fears. I consider it vitally important at this moment to raise our voices and call for the Soviet Government to stop its persecution of Andrei Sakharov—to grant this remarkable man the possibility to continue his noble activities in dignity and normal conditions.

Looking back at the first documents issued by our Helsinki group 10 years ago, I must say that the longer I spent in prison, the more accurate they seemed and the more important. I also believe that it is more necessary than ever now for international public opinion to press the Soviet Union on these matters. It is high time for Moscow to begin complying with the Helsinki agreement signed in 1975.

I think tht the Andrei Sakharov Institute and Resistance International have made a great contribution by organizing this meeting. I hope this work will be continued and will lead to further contacts, contributing to a real détente and to the establishment of genuine trust between the superpowers. In the long run, however, there will be no trust or détente until both sides show full respect for human rights in the keeping with the Helsinki agreement.

THE REAGAN NICARAGUA POLICY: A PRECONCEIVED, PARANOID, OBSESSIVE SCRIPT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LEVINE of California. Mr. Speaker, a most intelligent article titled "Reagan's Nicaragua Obsession Puts All the Hemisphere at Risk," by Mexican novelist and former diplomat Carlos Fuentes, appeared in the April 6, 1986 Los Angeles Times. I want to share it with my colleagues.

The author writes, in part:

Ronald Reagan's failed Central America policy is less of a danger to Nicaragua, which is geared to defend itself for a long, long time, than to the United States' friends on the continent and, eventually, to the United States itself, acting in this matter as its own worst enemy * * *

A great deal—the respect and credibility of a whole continent; a whole range of political opportunities—is being sacrificed to very little—a preconceived, paranoid and obsessive script.

Mr. Speaker, giving money to the Contras will undermine our relationship with all of Latin America, and will in no way advance our own national and security interests. Mr. Fuentes' article, which follows, articulately explains why, and I urge our colleagues to read it. Thank you

The article follows:

APPROACHES TO THE AMERICAS—REAGAN'S NICARAGUA OBSESSION PUTS ALL THE HEMISPHERE AT RISK

(By Carlos Fuentes)

The real political choice for the United States in this hemisphere is between the contras and the governments of Latin America. Perhaps in all its history, Latin America has never before been governed by such an exceptional group of men: capable, honest, democratically oriented and internationally educated individuals. To name not all: Argentina's Raul Alfonsin, Uruguay's Julio Sanguinetti, Brazil's Jose Sarney, Peru's Alan Garcia, Mexico's Miguel de la Madrid, Guatemala's Vinicio Cerezo, Venezuela's Jaime Lusinchi and Colombia's Belisario Betancur (as well as his probable successor, Virgilio Barco) form a constellation of heads of state offering the United States an unparalleled opportunity for cooperation and the solution of problems.

These men appear on the scene, however, during a period of harrowing economic and social dilemmas. It is far from certain they will find solutions. Too many intractable forces—a disillusioned middle class, a mob of urban marginals, a deeply dispossessed working class, a blighted agricultural proletariat—are seething under the veneer of stability. The democratic gains of the last few years, so fervently hailed by those who did nothing to bring them about, run the gravest risks of becoming mere swallows caught

in a sudden winter storm. The military, unwilling to administer the crises, are nevertheless waiting in the wings.

One dreams of what leaders such as Franklin D. Roosevelt or John F. Kennedy would have done together with a comparable group of Latin Americans. Certainly not offer them a contra war in Central America, distracting attention from the really important questions of economic survival, draining energies from the internal to the international stage, dividing national opinion and threatening, in sum, the feeble stability of the continent. The last thing that De la Madrid, Alfonsin or Sarney need is an escalating conflict in Latin American territories, leading inexorably to generalized war—by accident, by slippage or by will.

Ronald Reagan's failed Central American policy is less of a danger to Nicaragua, which is geared to defend itself for a long, long time, than to the United States' friends on the continent and, eventually to the United States itself, acting in this matter as its own worst enemy.

For example: During almost half a century Mexico has offered the United States the most precious of gifts: a secure southern border. In effect, the United States is that rarity in universal history, a great power with only two neighbors, both weaker than itself. But the Reagan Administration seems willing to create havoc in Mexico by forcing the *contra* war and, eventually, the American war on Nicaragua. Mexico, a nation of 80 million, will not be drowned by a red tide flowing from Nicaragua. In fact, well before reaching Harlingen, Texas, any venturesome Sandinista battalions would be blown apart at the Honduran, Salvadoran or Guatemalan borders.

But Mexico would be politically ripped apart by pressures to take sides in an American conflict in Central America as either enemy or satellite of the United States. The Mexican government, seriously damaged by economic, moral and physical problems, would probably lose its strongest claim to legitimacy—the sovereign conduct of its foreign policy—if it caved in to Washington's demands. But it would also suffer grievously, for other reasons, if it seemed to undermine the security of the United States for refusing to follow Washington's lead in Central America. The result would be turmoil on the border, but not for the reasons Reagan paints in his TV graphics.

A great deal—the respect and credibility of a whole continent; a whole range of political opportunities—is being sacrificed to very little—a preconceived, paranoid and obsessive script. Brazil has had to ask—twice—that it not be painted red on Reagan's maps. President Betancur of Colombia has had to denounce publicly, on more than one occasion, the State Department's penchant for saying that he says one thing in private and another in public. Betancur's latest correction: "All of Latin America opposes the Reagan proposal [of aid to the *contras*]."

Former President Carlos Andres Perez of Venezuela has warned that all of Latin America would rise against the United States in the event of an invasion of Nicaragua. President Garcia of Peru has declared before the Argentine Congress that his country would "break relations with the aggressive power" if Nicaragua were invaded and "do everything in its power to defend the brother country." And the newly elected president of Costa Rica, Oscar Arias, has wryly suggested that the $100 million in proposed contra aid be given to the Central American countries for economic development. Farmers, scientific researchers, the roofless and quite a few U.S. schoolchildren must feel the same way.

Latin America cannot be faulted for critizing while abstaining. Latin governments have repeatedly offered rational political and diplomatic solutions to what they consider a very minor international crisis in Central America—although it is a major economic and social crisis for those extremely weak countries, more and more dependent on foreign military and financial aid, wherever it might come from.

Why not listen seriously for once to the Latin American solution? It takes care of the security concerns of the United States better than Reagan's theater of horrors. By now everyone knows that the solutions include ending external support for any guerrillas; freezing the acquisition of arms and then diminishing them gradually suspending international military maneuvers; reducing and finally eliminating foreign military advisers and bases.

Since it is now evident that the Reagan Administration, caught in its own web of fictions, will not give the Latin American solution that serious try, I believe Latin America should take a bold initiative to negotiate with the five Central American governments and offer Latin Americans—the four Contadora nations and the four countries forming their support group—as guarantors of the peace agreement. This is a Latin American problem and it deserves a Latin American solution. "Left to ourselves," a former president of Costa Rica told me recently, "we Central Americans would solve this problem in a few weeks."

If any of the Central American governments then faulted on the agreements freely arrived at with the Latin American community—if, say, Honduras were to offer continued sanctuary to the contras, or Nicaragua a base to the Soviet Union, or if El Salvador were to turn against its traditional foe, Honduras—then all hell would break loose. But the solutions and eventual sanctions would all be inspired by Latin America, guaranteed and headed by Latin America; the United States would be spared the divisive contests, the debasing rhetoric, the ignorance in high places that have seriously damaged it during these past few weeks.

Men such as Sen. Edward M. Kennedy (D-Mass), Sen. Christopher J. Dodd (D-Conn.) and Rep. Michael D. Barnes (D-Md.) have saved the honor and the voice of the United States for a better, more rational day. The contras cannot win, but the United States and Latin America can lose. It is time to stop playing games, physical or rhetorical, and take serious diplomatic initiatives. The time is now, in the hiatus between voting on contra aid in the Senate and the House. The stakes are indeed high, but not for the reasons Reagan offers. Most of the new Latin governments have the legitimacy to carry through the harsh solutions needed for economic recovery. If they consent to American adventurism in Central America they will end by losing this legitimacy. Economic disaster, erosion of the social fabric and political upheaval will ensue, from the Rio Grande to Cape Horn.

Where will the security of the United States be then?

NATIONAL CEMETERY NEEDED IN OHIO

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Ms. OAKAR. Mr. Speaker, I rise today in order to pay homage to the hundreds of thousands of men and women who have defended their country to preserve our freedoms.

Mr. Speaker, it is because of these sacrifices that I introduce H.R. 4594 a bill that would require the Administrator of Veterans' Affairs to conduct a study for the purpose of locating sites in the State of Ohio suitable for development as cemeteries in the National Cemetery System.

The veterans in my district have urged my support for a new national cemetery. Presently, Ohio has only one cemetery which is located in Dayton. This cemetery is expected to be filled by the year 2001. Another regional cemetery, located at Fort Custer, MI, is 260 miles away from northeast Ohio. Statistics indicate that 538,000 veterans are living within a 50-mile radius of Cleveland and 790,000 within a 100-mile radius of Cleveland. By the year 2000, it is expected that 260,000 veterans within Ohio will die.

Mr. Speaker, I firmly believe that it is our duty to establish a final resting place for our veterans within a reasonable distance, so that friends and family will be able to visit. According to Paul T. Bannai, Chief Memorial Affairs Director for the Veterans' Administration, "the Veterans' Administration recognizes that an aging veteran population may have significant impact on the National Cemetery System in years to come. Cleveland, with its large veteran population, is included in our long range planning."

It has been my pleasure to work closely with the Veterans Affairs Committee under the leadership of my good friend and colleague SONNY MONTGOMERY. We have worked together on issues concerning health benefits, distinguished service, memorials, and medical care for veterans. Now, we must recognize the need to establish this cemetery because of the even-increasing size of the aging veteran population in my district.

A TRIBUTE TO MARK SEBASTIAN PALERMO

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. PACKARD. Mr. Speaker, today I rise to honor Mark Sebastian Palermo, a member of my district. Mark has been chosen as the California State winner in the Voice of Democracy contest sponsored by the Veterans of Foreign Wars.

During the past year, over 250,000 students participated in this contest nationwide. I would like to commend the Veterans of Foreign Wars organization for sponsoring this contest

which helps to instill patriotism in the heart's of young Americans.

As a fitting recognition of his achievement in this contest, I wish to enter Mark's winning speech into the CONGRESSIONAL RECORD.

NEW HORIZONS FOR AMERICA'S YOUTH

You know, I've heard some people say, "What kind of adults are America's youth going to be? Things are so different now. Our kids face population explosions, new diseases, energy problems, pollution problems, the constant threat of war. What kind of future is that?" But is our future all that bleak?

Couldn't I just as well say, "What a terrific future our children have! With advancements in medicine, transportation, communication, energy, space exploration, and pollution control, our kids will have the best lives any human being has ever seen!"

When you were young, there were plenty of folks that thought your generation would simply flounder in its tracks. But did it? No! Even a horror like war can't stifle the livelihood of Americans. The fact that the VFW is sponsoring such a youth oriented, thought provoking event like this, shows the strength and comradery of its members, and the hope they have for our future. They see that right here, in America's youth, is that same strength and comradery.

The problems today's youth face are really no different than those of any other age. Poverty is an inherent problem. Somebody will always be considered impoverished; however, we will continue to put out our hands to the less fortunate. What about medical problems? Just about everything is a carcinogen these days, and we have a deadly new threat in AIDS, but these afflictions have always been around. We are now aware of them, and looking for their cures. The questions we are faced with about energy sources and pollution control are the same as they've always been. Each age simply provides different answers. New scientific advancements made by the youth will provide the solutions to today's energy and pollution problems, just as you did to yours. As a generation, we know the importance of solving our international differences peacefully, but we also know the importance of national defense, and protecting our rights and our heritage. Today's youth is striving to make a better life for all Americans.

As we grow up and start families, move into the workforce, and contribute to politics, our new minds will bring new ideas and new technological advancements. We will help our impoverished brothers. We are discovering more cures than we are new medical mysteries, and more ways to produce energy than use it. We are bent on controlling pollution, and working toward its irradiation. We will do our best to negotiate through political differences, but if our nation calls us to arms, America's youth will not let you down. We will stand by this nation and defend its ideals, our families, and our freedom. Technology, advancement, better standards of living, national pride, politics, and families, these are the new horizons for America's youth.

THE PRESIDENT HAS ACTED EFFECTIVELY AGAINST LIBYAN TERRORISM

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. STUMP. Mr. Speaker, the President's action against military and terrorist targets in Libya demonstrates a new resolve to defend Americans against the scourge of terrorism. The President's action in defense against terrorism shows that America has both the capability and the will to counter threats to the safety and well-being of Americans here at home and around the world.

As a member of the Intelligence Committee, I must not discuss the content of matters which come before the committee in executive session. I can say, however, that the President is absolutely correct that the evidence linking the Qadhafi regime of Libya to terrorism against Americans is clear, direct, and irrefutable.

Given the Libyans' state-sponsored terrorism directed at Americans, the United States has the right—indeed, the duty—to act to reduce the capability of the Libyan regime to wage terroristic war against the American people. Before employing force in self-defense, the President clearly and repeatedly warned the Libyans that their continued terrorism would bring a tough United States response. In developing that response, the President consulted with leaders in the Congress. The President also consulted with our allies around the world, including the United Kingdom, whose support for the United States action deserves the special thanks of the American people. After issuing warnings and after extensive consultations, and in accordance with international law, including article 51 of the United Nations Charter, the President chose a carefully measured, proportionate response involving use of force in self-defense against the Libyans.

The President has sent a clear message to terrorists around the world: The United States will not stand still while terrorists wage war against the United States. The United States will protect its citizens from terrorism, including when necessary by direct application of military force. The United States of America will protect its citizens around the globe.

IN MEMORY OF THE "CHALLENGER" ASTRONAUTS

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. WORTLEY. Mr. Speaker, the Common Council of the City of Syracuse has passed a resolution requesting the mayor of Syracuse to lower the flags at all city installations on each January 28 in memory of the brave women and men who died aboard the space shuttle *Challenger*: Dick Scobee, Mike Smith, Ron McNair, Ellison Onizuka, Judith Resnik, Greg Jarvis, and Christa McAuliffe. I respectfully request that the text of the resolution be printed in the CONGRESSIONAL RECORD.

RESOLUTION NO. 133-R

RESOLUTION—REQUESTING THE MAYOR TO CONSIDER LOWERING FLAGS AT ALL CITY INSTALLATIONS TO HALF-MAST ON EACH JANUARY 28TH IN HONOR OF THE MEMORIES OF THE CHALLENGER ASTRONAUTS

Whereas, on January 28, 1986, at approximately 11:39 a.m., the horrendous and calamitous explosion of the space shuttle *Challenger* that took the lives of the seven brave men and women aboard, completely shattered the tranquility and confidence of all Americans, the flaming wreckage spewing untold grief and utter disbelief throughout this entire proud and mighty nation; and

Whereas, since that time, the pain and horror of that day has begun to ease, explanations concerning the cause of this terrible tragedy are being brought to light and investigated, and Americans are once again beginning to bring themselves to look toward the future; and

Whereas, although no one will ever be able to forget this shocking and painful event in our history, time heals, answers will help to lighten the overwhelming burden we have been carrying within our hearts and minds; and

Whereas, members of this Common Council have been requested by Mr. Jerry Effron, a World War II veteran presently hospitalized at the Veterans Administration Hospital in Syracuse, to ensure the date is prominently remembered; now therefore be it

Resolved, That this Common Council, on behalf of the citizens of the City of Syracuse, hereby joins with Mr. Effron in seeking to preserve the memories of the *Challenger* Astronauts by respectfully requesting Syracuse Mayor Thomas G. Young to consider lowering the flags at all City installations to half-mast on each January 28th.

PROFILE OF HON. MARY ROSE OAKAR

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mrs. LLOYD. Mr. Speaker, I rise today to call to the attention of my colleagues a profile on MARY ROSE OAKAR, secretary of the Democratic caucus, which appeared in the Washington Post during the Easter district work period. This article details the exceptional record and strong tireless leadership of our friend and colleague, MARY ROSE OAKAR. The article is as follows:

MARY ROSE OAKAR—A LEADER IN THE HOUSE WHO SPEAKS HER MIND

(By Spencer Rich)

About a month ago, recalls Rep. Mary Rose Oakar (D-Ohio), President Reagan told a "welfare story" at a meeting with congressional leaders. It was about a jobless welfare recipient who phoned the employment service ostensibly to look for work, but who hung up immediately when told it was available.

Oakar, who attends the White House meetings as secretary of the House Democratic Caucus, says she and other Democrats who were there—led by the Speaker of the House—were "livid."

"So I raised my hand and the president said, 'Yes, Mary Rose?' I said, 'A lot of unemployed people are very proud and don't want welfare. I know 50-year-old unemployed workers who will not take welfare. It's not true that people prefer welfare.' "

The incident illustrates a lot about Oakar and why she is receiving increasing attention as a tough legislator squarely within the liberal Democratic social welfare tradition.

"She speaks up, that's for sure," said a Republican who asked not to be named. "She stands by her guns and doesn't hesitate to let you know what she's thinking—and she knows what she's talking about," said a Democratic official.

The perception is also beginning to spread that Oakar, 46, a 10-year veteran of the House, is a strong party activist of remarkable energy. She is unusual in serving on four committees: Banking, Aging, Post Office and Civil Service, and House Administration. At the Select Committee on Aging, she heads the task force on Social Security, elderly and women. She also chairs the key Post Office and Civil Service compensation and benefits subcommittee, which handles federal employee pensions, health benefits and pay.

And in recent years, Oakar has risen within her party. A member of the Democratic National Committee, she serves as House congressional liaison to the DNC and as an at-large House Democratic whip. She is starting a political action committee called Economic Security PAC to help female candidates, and she speaks at colleges to help recapture the campuses for the Democrats.

"I think the kids are coming around," she says. Oakar calls herself a "moderate" Democrat, but others call her a traditional liberal. She says that when people hear the specifics of what President Reagan wants to cut in domestic programs, they respond well to the Democrats.

Oakar, first elected to the House in 1976, has won most elections since by huge margins; in 1984 she had no opposition and only 44 write-in votes were cast against her. Representing downtown Cleveland and suburbs that include many white ethnic working-class people, she has built a strong pro-labor record.

Increasingly, Oakar also has become associated with women's issues—pay, pensions and Social Security protection—and with consumer matters. These issues have been in political decline in recent years, but Oakar persists.

On the other hand, while she supports the Equal Rights Amendment and family planning and has sponsored numerous bills on women's benefits, she recognizes that "certain women's groups will never endorse me" because of her stance on abortion. She opposes Medicaid funding of abortions and favors special benefits for pregnant women to provide alternatives to abortion.

The youngest of five children in a Maronite Catholic family, Oakar was born in Cleveland, attended Roman Catholic schools, got her B.A. in English, speech and drama at Ursuline College in Cleveland and her M.A. in fine arts from nearby John Carroll University. Her father, a Lebanese immigrant, was a steelworker, construction worker and stonecutter.

She once thought of working on the stage, but turned to teaching instead—for four years at a high school and for six years at Cuyahoga Community College in Cleveland, where she taught English, speech, drama and fine arts. Although she almost was fired for starting a union at the college, she says, "technically I am still on leave from Cuyahoga."

She began her political career as a neighborhood activist, served on the City Council from 1973 to 1976, and made a bid for Congress when the incumbent sought a Senate seat.

When she came to the House, Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) kept calling her "Rosemary." When she mentioned this, he explained that he has a daughter named Rosemary and a sister named Mary Rose, and that he's always had trouble keeping the names straight.

Oakar is philosophical about being a leading woman in a traditionally male club. "I really can't say I have suffered discrimination in the House because of being a woman. At times the fellows go out of their way to not leave you out." But she says women in the House do feel a special bond, "because after all, there are only 24 of us."

Oakar has a heavy agenda in the 99th Congress, with a special emphasis this year on banking legislation. Because many banks "only want to cater to large accounts," she is pressing to require banks to give certain free services, to bar a minimum balance requirement and to pay interest on all balances.

She is concerned about interstate banking takeovers in which big banks buy smaller banks and funnel the money from depositor savings to investments in other areas. With Rep. Charles E. Schumer (D-N.Y.), she wants to introduce legislation requiring large banks to reinvest money in the local community and to make their portfolios public. The Banking Committee has endorsed the idea.

She also has been pushing (so far without success) for big increases in Social Security benefits for women: more free credits for years of absence from the labor force for child care, better benefits for widows and widowers, and above all, for earnings-sharing—a highly controversial plan to give a person Social Security credits for half the earnings of her or his spouse, thereby entitling these people to Social Security disability or old-age benefits on their own.

She is also a strong advocate of improving private pensions for women—for example, cutting the 10-year vesting requirement, which works to the disadvantage of women who join the work force late or who take time off for child care, to five years.

An Oakar-engineered House bill calling for a broad study of pay equity for women and minorities in the federal pay system awaits Senate action. "Women are now 40 percent" of the federal labor force, she says, "but they're clustered in the bottom four rungs" of the scale.

Oakar also describes herself as "a big advocate of federal workers. This administration is just trying to take everything away from them—gut the retirement system, gut their health benefits and gut their pay, too."

While cutting an increasingly high profile in Washington, Oakar still has that other attribute of successful politicians: she's a big home-town booster. Cleveland, she says, is enjoying a "fabulous regrowth" after being hard hit by the shrinkage of heavy industry. Employers based in the city or nearby include TRW, Standard Oil, Eaton, LTV Steel and the only National Aeronautics and Space Administration center "north of the Mason-Dixon line and east of the Mississippi." Cleveland, she says, "is second only to New York in the arts, with the Cleveland Orchestra, all the museums, magnificent old theaters now being revived instead of turned into parking lots, outstanding health institutions."

In fact, Cleveland's health institutions are such that "one year, five members of Congress had heart bypasses at the Cleveland Clinic. I kept sending them baskets of flowers."

BACKGROUND

Elected to House of Representatives in 1976. Ran unopposed in 1984. Represents Ohio's 20th District, including Cleveland. Serves as secretary of the House Democratic Caucus, House congressional liaison to Democratic National Committee and at-large Democratic House whip, and on four committees. Special interest in labor, consumer and women's issues.

A TRIBUTE TO MARTY ROSE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HORTON. Mr. Speaker, a testimonial dinner was held in Oswego, NY, on April 5 for a very close personal friend of mine, and one of the most dedicated labor leaders I have known in my 24 years in Congress—Martin (Marty) Rose.

Marty Rose symbolizes to me the very best of the labor movement in the United States. He is a man dedicated to his fellow workers, to his community, to his State of New York and to our Nation. His personal dedication has been translated into a lifetime of service. And for that outstanding record of service, I and more than 400 of his friends attended the April 5 testimonial in his honor.

Marty Rose knows the problems of workers and of Americans generally. He knows their desires and their dreams. He understands the desire of men and women to earn a decent wage, to afford their children the opportunities of education, to create a quality of life and standard of living that befits our Nation and the principles for which it stands. Marty is from Oswego County, which is in my congressional district, and which is part of Upstate New York that is suffering from economic flight.

Oswego County and upstate New York in general, could not have a more aggressive advocate than Marty Rose. He is concerned about his community and the union he represents. He is tireless in his efforts to attract and assist businesses located in, or seeking to locate in, Oswego County and upstate New York. His efforts have brought many results. Oswego County is an area of growth and growth potential, thanks in no small measure to Marty's work. Operation Oswego County, Onward Oswego, his work on a number of particular projects, his unfailing commitment to his union membership, all contribute to the area. These accomplishments and his record of service are all especially impressive when one considers that Marty Rose is blind. However, loss of sight has diminished neither his spirit or his ability to get a job done and done well.

Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a biography outlining the career and record of service of Martin (Marty) Rose:

Martin Rose was elected as a delegate to The Oswego Federation of Labor-A.F.L. in 1942, respesenting the International Ladies Garment Workers Union. The O.F.C.-A.F.L. Central Body recommended the I.L.G.W.U. was the appropriate Union to represent a group of workers who were seeking to be organized. Consequently, three shops were successfully unionized.

The I.L.G.W.U. workers received a charter for Local 396 on August 14, 1941.

Marty has been a continuous delegate and served as chairman of many committees in the Central Body. Also he has served as an assistant Secretary, Vice President and has been President since 1957 of that Central Body.

Marty served as Vice President to the Upstate New York and Vermont District Council and when the then President of the District Council accepted a State job, Marty was elected President of the Upstate New York and Vermont District Council.

The "Antiprofessional Strikebreaker Ordinance" was entered into the record books of the City of Oswego, spearheaded by Marty and a committee of labor leaders, which was approved by the then Mayor of Oswego John O.C. Conway and successfully passed through the Common Council. Attempts to place the similar legislation in the City of Fulton failed after being presented in two common council meetings with Presidents of various local labor unions assisting in the presentation.

He was appointed by President George Meany as a member of the National AFL-CIO Volunteer Organizer Corps.

He was the AFL-CIO Community Service Councilor.

He was appointed to the committee on International Year For Disabled Persons by Governor Carey.

Marty was appointed by the N.Y. State AFL-CIO President Edward Cleary as honorary Chairman of the 1984 N.Y. State Convention.

Marty represented the Union Label Department and the International President of the I.L.G.W.U. at a convention of the Aluminum Workers in Messina, N.Y., also at the Switchmen of North America Convention, held in Buffalo, N.Y.

Marty has addressed many organizations in behalf of advancing the purchase of Union Label, and Garment Workers. He also urged respect for Union Label goods and services in the family of Trade Unions.

He served many years, and continues to serve as the Vice President of the Union Label & Service Trades Department of the State of N.Y., AFL-CIO.

Marty served on CETA, Private Industry Council, currently serving as member of Oswego County Job Training and Partnership Act.

He served as the first Secretary Treasurer of Labor's League for Political Education. He currently serves as the Chairman of the Oswego County COPE. In addition he serves as a member of the N.Y.S. AFL-CIO COPE Advisory Board.

Marty serves as a member of the Advisory Board of the Central N.Y. Labor Studies of Industrial Labor Relations School at Cornell, and has been utilized to speak at graduations and serve on panels.

Marty was the Director of the Oswego County March of Dimes in 1975.

Marty served on Onward Oswego. He served eight one year terms on the Commercial and Industrial Relations Commission of the city of Oswego. He was appointed by Sal Chaikin and David Gringold, Associate Directors of the North East Department of the I.L.G.W.U. as a Union Label Representative in 1960.

Following the separation of Vermont into the newly created New England States District, Marty was elected President of the Upstate New York District Council of the New York State District of the I.L.G.W.U. and as President of Local 280.

ARTIE WALLACE RECEIVES GOD AND COUNTRY AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GEKAS. Mr. Speaker, I am pleased to inform my colleagues of a young man's accomplishments from my congressional district. Artie Wallace of Oberlin, PA. will be receiving the Boy Scout God and Country Award on Sunday, April 20, 1986, at the Salem Lutheran Church.

Artie, a fifth grader at the Tri-Community Elementary School has been involved in scouting for the past 2 years and is presently a member of Boy Scout Troop 95 in Enhaut. He started working toward this award 5 months ago as a Cub Scout, and has worked extensively with the pastor of the Salem Lutheran Church. He has also kept a daily prayer log and completed a service project at the church. Artie is a member of the midget baseball team in Enhaut.

I would like to congratulate Artie on his fine work and wish him continued success in all his endeavors.

APRIL 15 MARKS THE OPENING OF AMERICAN AIRLINES HUB IN NASHVILLE

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. BONER of Tennessee. Mr. Speaker, Nashville is on the move.

Today, April 15, marks the expansion of major air service to and from Nashville. Today, American Airlines begins hub service in Nashville, thereby linking Nashville and middle Tennessee by direct air service to more than 35 cities in the East and Midwest.

Middle Tennesseans have worked hard for this day. City officials, airport authority officials, businessmen, women and labor leaders, everyday Nashvillians, as well as officials here in the Federal Government, have all worked to attract the American Airlines hub to Nashville. This investment of personnel and equipment not only promises future growth for Nashville and middle Tennessee but, just as importantly, it indicates the confidence that American Airlines has in Nashville's business and labor community to provide the support necessary to maintain a major airline hub.

I join my fellow Tennesseans in welcoming American Airlines' expanded service to and from Nashville. And I congratulate the officials, business men and women, and labor leaders in landing the hub at Nashville. I am proud to have played a role in these efforts and I look forward to continuing this partnership.

I am including an article from the Nashville Banner describing the importance of the hub to the continued growth of Nashville and middle Tennessee, and several articles from today's Tennessean commemorating the beginning of expanded service.

[From the Nashville Banner, Apr. 14, 1986]

HUB PROVEN KEY TO AREA'S GROWTH

(By Mary Hance)

Cities across the country are increasingly aware that having a hub—having good air service—is a critical link to economic development and community growth.

With this week's startup of the American Airlines hub, Nashville joins cities like Atlanta; Charlotte, N.C.; Dallas/Fort Worth, all of which have prospered and attribute much of that prosperity to the superb air service that a hub makes possible.

In Memphis, for example, where Republic Airlines last year established a hub, "Republic added overnight $55 million in payroll," said Larry Cox, director of the Memphis International Airport.

"They added 1,200 employees. And as far as sales and purchase of goods and services, I would say the impact was between $25 million and $30 million."

Republic, which already had a sizable presence in Memphis with 55 daily flights, increased that to 159 daily flights when it launched its hub in April 1985.

"It has exceeded all of our expectations," Cox said, adding that the proposed merger of Republic with Northwest Orient would mean even more service.

David Cooley, president of the Memphis Chamber of Commerce, described the airport as "a very significant economic factor" for this region.

He said recent figures show the total economic impact of the Memphis airport is $1.5 billion for 1985, the airport employs 17,000 people, and it has a total payroll of $450 million.

In June 1985, American made its announcement that it would establish a hub here—a hub representing an investment of $115 million dollars, a hub that would increase the number of daily flights to 103 from its current 15. From there American would build the hub to as many as 200 daily flights.

The hub, which is being developed in phases, begins with the first phase that kicks in Tuesday.

The hub, which already has created 500 American jobs here, is expected to create as many as 1,350 jobs directly under American Airlines and thousands of associated jobs.

American began looking for an eastern North/South hub location about 18 months ago—and selected Nashville and Raleigh/Durham, N.C., from about 20 perspective airports.

"The hub city is clearly the element that benefits from the hub," said Wes Kaldahl, director of corporate communications for American, "—not only the non-stop service to an increasing number of points, but an incredible economic benefit because of the traffic."

In Atlanta, where there are 2,100 daily flights, including more that 350 a day each from Delta and Eastern, the impact is even more significant.

"I'm not aware of any economic measurement of what it has done," said Gerald Bartels, director of the Atlanta Chamber. "But the airport is absolutely the single most important factor in Atlanta's historic development.

"It is Atlanta's biggest asset," Bartels said. "That is sort of universal opinion among thinking people."

Meanwhile, other cities—cities like Birmingham, Ala., and Louisville, Ky.,—are struggling to get full hubs, minihubs, regional hubs—any variation that means better air services.

In Louisville, the situation has gotten to the point that Greyhound Bus Lines not long ago launched an advertising campaign to shuttle Louisville travelers from the Greyhound Bus Terminal to the Greater Cincinnati Airport, where the prices and the variety of flights are vastly superior.

"It is actually cheaper to drive to Cincinnati (about two hours away) and catch a plane there," said Terry Feathers, director of government affairs for the Louisville Chamber of Commerce.

Louisville has the disadvantage of being located closed to very active airports in Cincinnati and in Indianapolis, Ind. In addition, it does not have enough room to add a parallel runway—and almost mandatory element in a full hub operation.

Bob Michael, director of Standiford Field at Louisville, said even without the runway, his airport could handle considerably more traffic than it does now. And that is what airport officials, Louisville Mayor Jerry Abramson and the business community are going after.

"There is a perception of poor air service, and we want to turn that around," Michael said. "We have a deficit that is impeding our economic efforts."

In Birmingham, where air service is perceived as notoriously bad, the mayor and business community have also taken an aggressive approach to improving the air traffic situation—the Alabama House of Representatives has passed a bill granting certain tax exemptions to airlines establishing large daily flight schedules or hub operations at the Birmingham Airport.

"It (inadequate air service) is a terrific disincentive to people and businesses wanting to locate here," said Ed LaMonte, executive secretary to Birmingham Mayor Richard Arrington.

"It is an albatross around our neck in an otherwise effective economic development campaign," LaMonte said.

Delta Airlines, and to a lesser extent Eastern Airlines, are credited with creating the hub-and-spoke concept about 25 years ago.

Nashville's road to becoming a hub city started in the late 1970s—after it was clear that deregulation was sure to make trouble for airports the size of Nashville's.

Sam Bartholomew, attorney to the Metro Airport Authority, said the first strategy of deregulation was the "save what we have" game plan.

"We realized that with deregulation we would have a big time problem," he said. "So what we decided was that we would have to keep our airlines happy—keep the airlines who were serving Nashville from pulling out. That was the game plan."

It was then that they established programs like the Airline Executives Conference to bring the airlines' top management here to see Nashville first hand and build personal and professional relationships with the city and its leaders.

"In 1981, we looked at it and said, 'hey, we've been successful. What do we do now?'

"In 1981 John Tune (chairman and one of the founders of the authority, who died in 1983) and I sat down and realized that if we were ever going to be a major city we would have to have a hub.

"A new phase of hubbing was developing and we saw that if we missed out on this second phase of hubbing, we would never be able to attract any corporate headquarters," Bartholomew said.

[From the Tennessean, Apr. 15, 1986]

American's Nashville Hub Opens

American Airlines is celebrating the opening of its new Nashville hub today with a special package of introductory, unrestricted discount fares of $49 each way to feeder cities and $98 each way to Los Angeles.

The fares provide discounts ranging up to 83% and apply to all 23 points American will serve from the Nashville hub, except Dallas/Fort Worth. They also will apply to all 11 markets to be served from Nashville by American's commuter airline partner, American Eagle, during the start-up period.

The fares are available for purchase through next Tuesday and will apply to travel to, from or through the Nashville hub today through May 15. They will apply to all coach seats on all Nashville flights at all hours of the day or night.

At a news conference at the Nashville City Club, Donald P. O'Hare, American's southeastern division president, said the discounts are the airline's way of saying "thank you" to the Nashville community for its support and encouragement.

"Nashville has given its heart to the American Airlines over the past several months," O'Hare said, "and now we are giving the community a special 'thank you' in return.

By offering the low fares to people in the feeder cities, American hopes to more quickly familiarize them with the Nashville hub."

O'Hare also announced at the news conference that Robert L. Crandall, American's chairman and president, will conduct the hub's opening ceremonies today and that Crandall will be joined for the event by Gov. Lamar Alexander, Mayor Richard Fulton, Metro Nashville Authority Chairman Robert Mathews, and Gen. William Moore, the airport director.

Led by Crandall, the board of directors of AMR Corp., parent company of the airline, will hold its regular monthly meeting in Nashville tomorrow as part of the overall hub celebration.

In addition, over 500 key travel agents and convention and meeting planners from throughout the American Airlines system are being flown to Nashville during the inaugural week to see the hub operation firsthand and to learn more about what Nashville has to offer major events like national conventions.

The special "thank you" fares were put on sale April 7 through American's SABRE reservations system.

Savings with the fares are substantial. For example, the $49 "thank you" fare is a 76 percent discount from the normal one-way coach fare of $210. The $49 price is 83 percent less than the normal Boston fare of $290 and 73 percent below the regular New Orleans fare of $182. To Los Angeles, the $98 "thank you" fare is a 76 percent savings from the regular fare of $418.

By June, when the first phase of the hub is fully developed, American and American Eagle together will operate a total of 106 flights a day to 37 destinations. American will have 60 daily flights to 23 points, and Eagle will offer 46 flights a day to 14 cities.

O'Hare said advance bookings for the hub have been strong and that American expects to board an average of more than 100,000 passengers a month during the first several months of operation. The airline anticipates that for its first full year of hub operations, its total boardings will exceed 1.1 million passengers.

The Nashville hub is being established as a north-south connecting center. As a result, the cities American and American Eagle will serve from Nashville will be about evenly divided north and south.

To the north of Nashville, American will have daily service to 12 points: Boston, Mass; Buffalo, NY.; Chicago, Ill.; Cincinnati, Cleveland and Columbus, Ohio; Detroit and Grand Rapids, Mich.; Newark, N.J.; Philadelphia, Pa.; New York's La-Guardia Airport, and Washington's National Airport.

To the south, American will have 10 destinations: Baton Rouge and New Orleans, La.; Birmingham, Huntsville and Mobile, Ala.; Chattanooga, Tenn.; Jackson, Miss.; Little Rock, Ark.; Dallas/Fort Worth, Texas, and Memphis, Tenn.

Additionally, there will be non-stop service to Los Angeles in the west.

American Eagle's cities to the north will be Terra Haute and Evansville, Ind.; Springfield, Mo. ; Lexington and Paducah, Ky.; Tri Cities and Knoxville, Tenn.; Asheville, N.C., and Roanoke, Va.

To the south, Eagle will serve Tuscaloosa and Montgomery, Ala.; Albany, Ga., and Columbus and Tupelo, Miss.

American will serve the hub with 142-seat Super 80 twin-jet, one with 115 seats and a larger version with 150 seats. American Eagle will fly its Nashville schedules with 17-seat Metros and 30-seat Brasilias.

Flight Approval Sought to Mexican Resort Cities

American Airlines has asked the U.S. Department of Transportation for authority to begin daily non-stop jet service between Nashville, and Cancun and Cozumel in Mexico's Yucatan peninsula.

If approved, the route authority would give American its first international service for the hub at Metro Nashville Airport, which opens today.

Donald P. O'Hare American's southeastern division vice president, said the airline would like to begin the Mexico service "as soon as possible."

"With creation of the hub," O'Hare said, "American will be in an excellent position to serve Cancun and Cozumel from Nashville. We will be the largest carrier at Metro Nashville Airport, and the existence of the hub will benefit passengers in feeder cities with convenient connections to the Yucatan."

O'Hare said American has received strong indications that the Mexican government "would look favorably on a request from the U.S. government to allow Nashville-Yucatan service." Cancun and Cozumel are popular resort destinations, and the Mexican government is eager for increased tourism throughout its country, O'Hare said.

In its filing with the DOT, American said it would service the Nashville-Yucatan market with 142-seat Super 80 jets. The southbound flight would leave Nashville at

10:10 a.m. and arrive at Cancun at 11:37 a.m., and at Cozumel at 12:41 p.m.

The northbound flight would leave Cancun at 12:20 p.m. and Cozumel at 1:25 p.m., arriving at Nashville at 4:58 p.m.

NASHVILLE HUB DEVELOPMENT

	Phase 1, minihub, spring 1986	Phase 2, new terminal, late 1987	Phase 3, ultimate potential
Gates	9	15	As required.
Departures:			
American Airlines	50–60	75–85	Up to 135.
American Eagle	40–45	65–75	Up to 100.
Cities served:			
American Airlines	20–25	45–50	Up to 60.
American Eagle	15–20	20–25	Up to 28.
Added jobs	598	843	1,350.

AMR BOARD SETS MEETING FOR OPENING

The visit to Nashville this week of the board of directors of AMR Corp. reflects American Airlines' strong commitment to the new Nashville hub, officials say.

The board of AMR, parent company of the airline, meets here tomorrow as part of a full week of gala inaugural events and activities in connection with the formal opening of the hub.

"It is a distinction we can be proud of," said Donald P. O'Hare, American's southeastern division vice president, "and it illustrates the enormous importance American has attached to the success of the Nashville project."

The official ceremonies begin at 10 a.m. today in the new lounge area for Gates 1A-B-C. Other events scheduled this week include:

A special black-tie gala event for key community leaders at Opryland Hotel today that will feature a performance by the Nashville Symphony Orchestra, with Maestro Kenneth Schermerhorn conducting.

Tomorrow, Thursday and Friday, a series of special Nashville "Product Fairs" at Opryland Hotel that will tell the story of Nashville and its new hub to more than 500 of the nation's leading travel agents and meeting and convention planners.

O'Hare said the Product Fairs will be attended by some of the most important travel leaders in the country.

"They represent the very elite of travel decision-makers in the country—the people who actually select cities and hotel properties for major meeting and conventions," he said. "The decisions these people make can pump millions in the local economy."

O'Hare said the Nashville hub will be the largest single startup of new service in American's history and will constitute for American and the community "a giant leap into a stronger and more dynamic future."

American is making a total financial commitment of about $115 million for the long-term development of the Nashville hub. Phase One is the interim hub that opens today in an expanded nine-gate facility in the existing terminal building.

Phase 2 of the hub will begin in January 1988 when the airline moves into a 15-gate concourse in the airport's new terminal complex. At that point, American will increase its Nashville service to as many as 85 flights a day serving 50 cities, and American Eagle will increase to 75 flights a day to 25 cities.

The ultimate potential of the hub, called Phase 3, envisions American operating about 135 flights a day and American Eagle operating an additional 100 flights. At that point, American will be serving 60 cities from Nashville and American Eagle will be serving 28 for a total hub operation of 235 flights and 88 cities.

American estimates that when the hub reaches full potential, the airline alone will have added more than 1,350 new jobs to the Nashville economy.

American Airlines

City	*Nonstop frequency*
North:	
Boston	3
Buffalo (1-stop)	3
Chicago	3
Cincinnati	3
Cleveland	3
Columbia (1-stop)	3
Detroit	3
Grand Rapids (1-stop)	3
Newark	3
Philadelphia	3
New York (LaGuardia)	3
Washington (National)	4
South:	
Baton Rouge	3
Birmingham	3
Chattanooga	3
Dallas/Fort Worth	6
Huntsville	3
Jackson	3
Little Rock	3
Memphis	3
Mobile	3
New Orleans	3
West:	
Los Angeles	1

American Eagle

City	*Nonstop frequency*
North:	
Terre Haute, IN	3
Evansville, IN	3
Springfield, MO	3
Lexington, KY	3
Tri Cities, IN	3
Knoxville, TN	6
Ashville, NC	3
Paducah, KY	3
Roanoke, VA	3
South:	
Tuscaloosa, AL	3
Montgomery, AL	3
Albany, GA	3
Columbus, MS	3
Tupelo, MS	3

Note: Columbus, MS, and Terre Haute began May 1; Montgomery and Springfield began May 15; Albany, GA, will start June 1.

A TRIBUTE TO JOHN A "SNOOKS" KELLEY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to John A. "Snooks" Kelley, a true all-American, who was called from us Thursday, April 10 at the age of 78.

Snooks Kelley was a legend throughout New England for his contribution to the sport of hockey and the hundreds of young student-scholars he inspired while serving as Boston College hockey coach for nearly four decades. This man was known as the architect of the Boston College hockey program, now one the Nation's finest amateur athletic organizations.

Snooks believed in America and he believed in Americans. As patriarch of a hockey program that could have catered to outstanding foreign talent, Snooks always looked to this country's youth first for hockey talent and then taught them as much about life as he did about skates, slap shots, and forechecking.

This man, a New England sports legend, was the first college hockey coach to win 500 games. He did this while compiling an astounding record of 501–243–15 during his 36 years at Boston College. Only three other college hockey coaches can boast of 500 or more wins.

This was not the only record Snooks achieved. During his distinguished career, he coached nine teams to the national championships and that record stands to this day. Snooks, a BC alumnus himself, coached his first team to victory and continued winning from that point on.

Snooks Kelley was also a founding father of the now famous Beanpot Tournament and led eight of his own teams to victory in the celebrated New England hockey fest. The awards and distinctions he received during and after his career are far too numerous to list but bear testament to the commitment he made to a sport that is truly part of New England.

His record is not one that will soon be matched and I have no doubt he will long be heralded for his accomplishments by the students and athletes whose lives were changed by his persevering optimism.

Beyond hockey, Snooks Kelley stood for education and development of sound, well-rounded American youth. He taught at Cambridge High and Latin School for 30 years, giving young scholars the same encouragement and insight he instilled on the hockey rink. This was a man who cared about people, a man who developed young minds and bodies to their fullest potential while maintaining the good heart that his friends and associates will remember him by.

Snooks Kelley, member of the National Hockey Hall of Fame, member of the Boston College Hall of Fame, friend, coach, pioneer, and above all Great American, will be sorely missed.

IN HONOR OF GEORGE BARKS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today to honor George Barks, who will retire from the Hermosa Beach City Council after 12 years of dedicated service.

George is a native of Hermosa Beach, CA, and attended neighborhood schools including South Valley Vista, Pier Avenue, Redondo Union High School, El Camino College and UCLA.

He is a property owner and has owned a small business in Hermosa Beach. In addition, he teaches adult school auto shop at Redondo Union High School.

George has two children, Georgia, and George, Jr.

As the congressional representative for Hermosa Beach, I have enjoyed working with George during the two terms that I have been in office. After serving the community of Hermosa Beach for 12 years, I know George will be missed. I ask that my colleagues join me in wishing him the best of luck in all his future endeavors.

IN RECOGNITION OF ANTHONY G. PENNUCCI

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GALLO. Mr. Speaker, I rise today to recognize the commitment and dedication of Mr. Anthony G. Pennucci, who is a business representative of the Carpenters Union Local 620, in Madison, NJ. I hope that by my statement, my fellow Members will appreciate the years of service that Tony has given to the Occupational Training Center for the Handicapped.

In 1959, Tony Pennucci recognized a need. He knew the importance of reaching out to all people in the community and the importance of providing opportunities for all. More importantly, Tony recognized the responsibility that we all have to see that those who are less fortunate than we have an opportunity to live as active and productive members in our communities.

Twenty-seven years ago, Tony Pennucci made a personal commitment to the Occupational Training Center, and as a result the center has become an unsurpassed resource in our county. The center builds bridges that help everyone. Its network provides access and opportunity. Most importantly it provides promise.

Much of the success of the Occupational Training Center is the result of the activities of Tony Pennucci, and people like him.

Mr. Speaker, we all speak of voluntarism. We all try to encourage and foster voluntarism. Tony Pennucci is a volunteer of the highest order. He has given selflessly of his time and effort, and we have all reaped the benefits of his service.

I want to take this opportunity to thank Tony, and to urge my fellow Members to learn from his example.

Thank you.

PENSIONS: RETIREMENT SECURITY FOR AMERICA'S WORKERS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. COELHO. Mr. Speaker, today I'd like to take a moment to praise American industry and its effort to provide workers with a secure future through pension plans.

Often times we focus solely on the benefits of Social Security, and rightly so, as it is an essential part of a retiree's life these days. However, there are other aspects to a retiree's income, sometimes overlooked, yet just as important. I'm speaking here of pension plans.

Thanks to advances in labor law and labor agreements, most American workers are covered by some form of pension plan on their jobs. These plans vary from basic, straight cash paybacks to complicated cash-stock-investment portfolio plans, the so-called "cafeteria plans," 401k benefits. But no matter what the composition, pension plans are set up by employers, along with the employees, and their unions to help workers plan reasonably and logically for the future.

Though pension plans are generally regarded as providing only income to retired workers, pension plans do much, much more. Funds collected from present day workers not only serve to pay pensions to retirees, but they avail pension plan members of a whole host of services. Many pension plans offer investment services, health benefits and educational opportunities for their members. In fact, the Sheetmetal Workers International Association, in the very spirit of this service, has erected a new pension building solely devoted to the purposes and promotion of the American worker.

I make this statement because I believe it is, and always will be, part of the American work ethic to work toward one's own financial independence. Retirement should be the culmination and achievement of that independence. The Sheetmetal Worker's building is a monument to the effort. For this reason I have introduced a resolution calling on the President to proclaim National Pension Day. I feel strongly that efforts by industry and by labor to improve the retirement prospects of the American workers should be duly recognized and that my resolution, House Joint Resolution 600, is one small way to doing so. I encourage and welcome all my colleagues to join me in this tribute to the American laborer—backbone of American industry.

THE 50TH ANNIVERSARY OF ARMSTRONG'S BRAINTREE, MA, PLANT

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. DONNELLY. Mr. Speaker, 1986 marks the 50th anniversary of Armstrong World Industries' Braintree, MA, plant, and I would like to take a moment to congratulate the employees, management, and retirees on this milestone.

The Armstrong Cork Co., as it was known then, purchased the facility from the Stedman Rubber Flooring Co. in 1936 to add rubber floor tile to the company's product line.

In the half century since, the Braintree plant has shifted from making flooring to producing industrial rubber and insulation products, but the facility remains an important component of the region's economy, providing about 500 jobs.

Armstrong's Braintree plant is located on one of the oldest manufacturing sites in the Western Hemisphere. In 1643, Braintree's early settlers established an iron works at the same location, along the Monatiquot River. In 1776, a saw and grist mill was set up. In 1820, the metalworking firm begun by patriot Paul Revere acquired the site for a copper and bell foundry.

The site was purchased in 1909 for a newly formed Monatiquot Rubber Works Co., which evolved into the firm purchased 50 years ago by Armstrong.

During those five decades, Armstrong and its employees have made a continuing, important contribution to the life of the community. We, their neighbors, congratulate them on their 50th anniversary and we look forward to a long continuation of our association with them.

WHY MILITARY AID TO HAITI?

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, are we set to slide down the same slippery slope in Haiti which embarrassed us in the Philippines? It looks like the White House wants to pump in military aid to Haiti's new military council, just as we did for so many years for the Marcos bunch in the Philippines. I am very concerned that we provide the right kind of aid to help Haiti on the road to recovery and stability.

Haiti has not ranked high among our military aid recipients. But last month, the administration approved some $383,000 worth of riot control gear. Now it seems poised to provide unconditional security training for a new police force to fill the vacuum left by the demise of ex-dictator Duvalier's hated militia, the Tontons Macoute.

I sincerely hope that we will not be arming and training another instrument for the repression of the Haitian people. Any such aid must include strict human rights conditions to ensure that it is only used to stomp out the vestiges of the Duvalier system, not to entrench new military power.

As one Haitian Catholic priest remarked, "Until we get rid of the Duvalier system, we will continue to say no, no, no." No doubt the people will say no until democracy arrives, just as the people of the Philippines pressed their cause to purge the Marcos system.

I support the administration in its provision of emergency food aid, I submit that food and other emergency economic support is the kind of aid most needed by Haitians—not shotguns, teargas, and birdshot. Even nonlethal aid should be provided with great care.

The following articles describe recent aid developments in Haiti and I call them to the attention of my colleagues.

[From the Washington Post, Apr. 4, 1986]

CRIES FOR CHANGE LOUDER IN HAITI

UNTIL DUVALIER SYSTEM GOES, PRIEST SAYS, "WE CONTINUE TO SAY NO"

(By Edward Cody)

PORT-AU-PRINCE, HAITI.—Suddenly released after 29 years of repression, demands for political change are sweeping over Haiti

like a Caribbean hurricane too powerful and unpredictable to control.

Thousands of youths, emboldened by success in driving Jean-Claude Duvalier from power, are reveling in a discovery that for the first time they can challenge authority and not only get away with it, but also force a response.

So far, they have proved to be the country's main political force in a chaotic array of competing power centers.

More than six weeks after Duvalier's fall, their power in the streets has yet to be harnessed by civilian political leaders able to channel the demands for change and deal with the military officers who inherited authority when Duvalier fled.

The result has been an explosion of political activity with little, if any, direction * * * groups, causes, or aspiring presidential candidates. The one cause most street youths appear to have agreed on recently is a growing call for the military to step aside for a provisional civilian government even before elections can be organized.

"Bum palais-la, burn Palais-la," they chanted in Creole during a recent demonstration challenging the military's right to rule. "Turn over the palace turn over the palace."

Lt. Gen. Henri Namphy, who heads the National Council of Government, fired two council members and a key adviser on March 21 who were associated in the public mind with Duvalier's abuses. Namphy's action came in response to weeks of demands by demonstrating youths. But by the time he moved, the popular demands had expanded to include his own removal.

Diplomatic and Haitian sources said some military officers, uncomfortable with the disorder, have discussed the possibility of moving against Namphy. These sources said the contacts, among a small group of colonels and majors, appeared so far to be tentative and inconclusive. But they were enough to send rumors of a coup d'etat percolating through Port-au-Prince a few days ago.

The extent of a U.S. influence over these officers has remained unclear. The Haitian military, abiding by tradition, has mostly kept silent. Neither U.S. Ambassador Clayton McManaway nor his military attache has been available to reporters to discuss U.S. contacts in the military.

Publicly, however, the Reagan administration has offered strong support for Namphy. Within one month of Duvalier's departure, Washington flew in $384,000 worth of riot gear including 150 shotguns with 10,000 rounds of birdshot, 5,000 tear gas canisters and some radios and bullet-proof vests.

In addition, a ship bearing $2.3 million in emergency U.S. wheat donations arrived two weeks ago.

Haitian youths have complained angrily that the United States also sent in the hard rubber truncheons used March 21 to beat a number of protesters in Port-au-Prince. U.S. Embassy issued a statement calling this an "unfounded allegation." But young men burning tires during disorders March 24 said they did not believe the denial.

Aspiring political leaders have said in interviews that such youth often has unrealistic demands and attitudes because of inexperience and lack of education. The political figures appeared unanimous, for example, that the military must remain in power for a time until elections are held because no civilian could manage the country under present conditions. This assessment was in direct contradiction to demands shouted by the demonstrating youths.

"A civilian government without the military, what is that worth?" said Gerard Gourgue, who resigned March 20 as the council's longtime anti-Duvalier leader.

Gourgue and other civilian figures have been in contact in an effort to work out a civilian leadership coalition as a moderate counterweight to the military, said Lafontant Joseph, one of those involved. But Hubert de Ronceray and Gregoire Eugene, both presidential candidates, said they would not be part of the group and urged instead that the military work faster to organize elections.

"Everyone is a presidential candidate," said DeRonceray. "What kind of association can we form?"

Rene Theodore, the Haitian Communist Party leader recently returned from exile, has suggested instead a "national debate" to select a replacement for Namphy's National Council of Government. In a public document, he urged that each of Haiti's nine regions delegate a spokesman for the debate.

The Roman Catholic Church, which played a leading role in toppling Duvalier, has pulled away from the present confusion, apparently to leave the way clear for political leaders. Activist priests have remained close to the street demonstrations, however.

One, The Rev. Jean-Bertrand Aristides, led a small demonstration recently in which students sang for peace and changes in the government at the same time. "Until we get rid of the Duvalier system, we will continue to say no, no, no," Aristides told reporters.

Aristides said the will of the people has to be respected; if they say the military must leave the government, that is the solution.

Other demonstrators have been similarly rigid. A group of taxi drivers demanded improvements in a crowded street recently, for example, and added in a message to the government:

"We will wait only eight days for the Department of Public Works and Transport to make known its plan to carry out [improvement projects]. If not, we will consider the department is no longer competent and will take the appropriate measures."

[From the New York Times, Apr. 4, 1986]

U.S. To Give Haiti More Military Aid

(By Marlise Simons)

Port-au-Prince, April 3.—A high-ranking American official said today that the United States intended to increase military and economic assistance to Haiti and also to help it recover some of the vast riches stolen from the country by the Duvalier Government.

The official, Elliott Abrams, Assistant Secretary of State of Inter-American Affairs, made the announcement at the conclusion of a two-day visit here.

He was accompanied by Brig. Gen. Fred Gorden, director of the Inter-American region at the Defense Department.

SMALL LEFTIST GROUPS CITED

The visit appeared to reflect the growing United States concern with the stability of this impoverished Caribbean nation of six million people that has remained poltically and economically stagnant in the two months since the flight Feb. 7 of Jean-Claude Duvalier.

Haiti's military dominated ruling council has quickly lost its popularity because of its general lack of achievement. In recent days, United States and other diplomats have begun to cite the presence of small leftist groups as a source of growing concern.

In a news conference before his departure, Mr. Abrams said: "We have increased the amount of aid we are giving to Haiti and we hope to increase it more."

The size of the aid increase, he said, would depend on Congressional action. Newly approved emergency food shipments will bring the amount of United States assistance to Haiti to close to $60 million this year.

Mr. Abrams said that Haiti's most pressing needs were for food and jobs. "But if you want to maintain order in the country, then the military is going to have to modernize and professionalize, which it wishes to. Obviously a new democratic Haiti will need a new professional force to maintain order."

TRAINING IS DISCUSSED

Mr. Abrams declined to specify if more military equipment would be sent to Haiti. "But certainly training, yes. I think the Army wants training. This is something we can offer and that I think will be very useful for the armed forces here."

Both the Haitian military and police forces, according to officials, will begin a recruiting program this month to fill the vacuum left by the Duvalier militia known as the Tontons Macoute. This feared paramilitary force of some 15,000 armed men and some 300,000 members was widely believed to have been the vital instrument for maintaining stability. Its members performed often arbitrary police duties and served as a nationwide political spy network.

Since it was disbanded, Haiti's security forces consist of 7,800 mostly poorly trained men, which include the fire brigade, a small Navy and Air Force and about 1,000 police in the capital.

ON STOLEN FORTUNE

Long low on the list of United States military and recipients, Haiti's allotted portion of $500,000 of aid was spent largely last month, when the United States sent $383,000 worth of riot control gear here.

Asked if the United States Government would help Haiti recuperate part of the fortune stolen by the former president and his associates, Mr. Abrams said: "Yes, we want to and we will in every way we can. We will work with the Government of Haiti on the information that is needed." He said the issue had been discussed with the President, Gen. Henry Namphy. But referring to similar attempts to recover Ferdinand E. Marcos's holdings, Mr. Abrams said that the case of Haiti was much more difficult. "We had the Marcos documents and we could give them to the new Government of the Philippines," said Mr. Abrams, "we don't have the Duvalier documents."

To Haitians, who are not used to such concentrated attention from the outside world, the procession of American politicians during the last two weeks has been variously a source of punishment or concern. Haitian politicians repeatedly question foreigners on what they believe to be the American design behind the high-level attention from Washington. Besides today's delegation, in the past week Haiti also has had visits from Peter McPherson, the administrator of the United States Agency for International Development, from State Department officials and five American Congressmen.

"We have never seen such a constellation of stars of the American system," said one pro-American presidential candidate who asked not to be named.

DAVID PACKARD SPEAKS OUT ON SCIENTIFIC BRAIN DRAIN

HON. DON FUQUA
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. FUQUA. Mr. Speaker, last October, I introduced H.R. 3480, the Science and Technology Revitalization Act, to authorize alternative personnel management systems for scientific and technical personnel in the Federal Government. I introduced this bill because, in my capacity as chairman of the Committee on Science and Technology, I have observed an alarming decrease in overall quality of personnel beginning careers at our Federal laboratories.

At a recent hearing held by our Subcommittee on Science, Research and Technology, we heard from Hon. David Packard, who chaired the White House Science Council's Federal Laboratory Review Panel. Mr. Packard dramatically highlighted this alarming trend for the Science Committee, and called our attention once again to the contribution of Federal personnel management systems to the problem. Simply stated, the current system is just not working to attract and retain the high quality Federal scientists and engineers we need.

Mr. Speaker, I believe what David Packard is saying is of the utmost importance if we are to maintain the traditional quality of work at our Federal labs. Not only do our national prestige and our international competitiveness rest heavily on that quality, but even more important, our national security is heavily dependent on maintaining a technological lead. For this reason, I would commend the following article by Mr. Packard to the Members of this body, and to everyone who is concerned that we obtain quality work in science and technology for our Federal tax dollars. The article appeared in the spring 1986 edition of Issues in Science and Technology, the public policy journal of the National Academies of Sciences and Engineering, and the Institute of Medicine.

THE LOSS OF GOVERNMENT SCIENTIFIC AND ENGINEERING TALENT

(By David Packard)

PROLOGUE: From AIDS research to plant biotechnology to the Strategic Defense Initiative, the federal laboratories are entrusted with much of the nation's vital R&D. In 1985 the laboratories received $17 billion, or one-third of the federal R&D budget, and federal support is increasing. But, David Packard warns, the government is skimping on the laboratories' most essential element: scientists and engineers.

Because of low salaries and noncompetitive fringe benefits, the federal laboratories are having difficulty attracting, retaining, and motivating high-caliber scientists and engineers, says Packard, who headed a White House review of the laboratories. Here he outlines several measures to correct these problems and to reduce the general rigidity and inertia of the federal personnel system. He urges Congress to act quickly to halt the erosion of scientific talent before the vitality of the laboratories is seriously undermined.

David Packard is chairman of the board of Hewlett-Packard Company, which he founded with William Hewlett in 1939. Packard received a B.A. in 1934 and an M.S. in electrical engineering in 1939, both from Stanford University. From 1969 through 1971 he served as deputy secretary of defense. In 1982 Packard chaired a White House Science Council committee to review the performance of the federal laboratories, and in 1985 President Reagan appointed him to chair the President's Blue Ribbon Commission on Defense Management.

Research and development are key to both our national security and industrial competitiveness. In the past 10 years both federal and private support for R&D in the United States have been increasing in constant dollars, and in 1985 this support reached an all-time high of $107 billion, about 47 percent of which was federal. Ironically, with more national emphasis on R&D than ever before, the federal government's inability to attract and retain qualified scientists and engineers has become a major problem.

A significant part of the nation's R&D is performed in government-owned laboratories, a system of over 700 institutions that includes not only the National Bureau of Standards, National Institutes of Health, Beltsville Agricultural Research Center, and Naval Research Laboratory but also less familiar ones such as the National Severe Storms Laboratory, Environmental Monitoring Support Laboratory, and National Space Technology Laboratories. About one-third of the federal government's annual R&D budget is allocated to the federal laboratories; the rest goes to universities and industry. In 1985 the federal laboratories received roughly $17 billion, or about 16 percent of total federal and private expenditures on R&D.

The accomplishments of the federal laboratories, from the development of radar to frozen orange juice to nuclear power, have had an impact on every American. Today these laboratories are tackling such challenges as AIDS research, plant and animal genetics, secure computer systems, optical fibers for telecommunications, and night vision devices.

During the past 10 years, however, the federal government has had increasing difficulty in recruiting and retaining people of the caliber needed to conduct and manage its R&D activities. These problems have generally not affected the 27 federal laboratories that are run under contract to universities and industry, such as the National Aeronautics and Space Administration's Jet Propulsion Laboratory and the Energy Department's Argonne, Los Alamos, and other atomic energy laboratories. Rather, the problems are concentrated in the laboratories operated by the government and thus subject to government salary and personnel regulations.

At the heart of the problem is pay, with rigidity and inertia of the personnel administration system being a less important but contributing factor. The pay disparity between government and industry began to grow with the last cycle of inflation, when increases in federal salaries failed to keep pace. The problem is particularly acute in the scientific and engineering fields, where industrial pay scales have risen faster than the rest. Congress has exacerbated the problem by insisting on linking congressional and civil service pay. Because Congress is reluctant to raise its own pay, civil service salaries have been capped for at least six years; in 1986 the salary ceiling is $72,300. The result is not only lower federal salaries but also severe salary compression at the senior levels, which penalizes some of the most highly trained and experienced people entrusted with critical responsibilities.

In 1984 the General Accounting Office found that federal engineers' salaries were 47 percent lower than those in the private sector at the entry level and 25 percent lower at the more experienced (GS–11) level.[1] A recent Air Force survey showed that for computer scientists, federal civilian starting salaries are 30 to 40 percent lower than those in industry. Data from other agencies tell the same story:

The National Bureau of Standards found in recent recruiting actions that the top federal salary offers to Ph.D. scientists, engineers, and mathematicians in high-technology fields averaged about $10,000 per year less than industry and university salaries.

A recent survey of unsuccessful recruiting actions at the Naval Research Laboratory revealed that 93 of 102 candidates who turned down federal job offers did so because of low federal salaries.

The acceptance rate for NASA's offers to new engineering graduates dropped from 62 percent in 1981 to 46 percent in 1984.

The Agricultural Research Service has had difficulty recruiting and retaining Ph.D.'s in high-technology fields, where university and industry salaries are as much as 40 percent higher.

At the National Institutes of Health, salaries for senior Ph.D. scientists are 25 percent lower than those in the private sector, and salaries for clinical surgical specialists are 300 percent lower.

There has also been an alarming increase in resignations among the Air Force's civilian scientists and engineers. From 1981 through 1984 the number of resignations increased by 164 percent; resignations now constitute the major source of attrition in the technical work force. The predominant reason given for leaving government service is inadequate pay. Another disturbing trend is that resignations, which used to be most common at the junior middle management levels, are now spreading to the less experienced levels as well.

Faced with problems in recruiting, federal agencies often have to choose between accepting a less qualified candidate or leaving a position vacant. Defense Department data show that the aptitude scores of newly hired scientists and engineers are declining relative to national norms. This situation illustrates that the nation is getting only what it is willing to pay for.

Not only are federal salaries noncompetitive but fringe benefits are eroding as well. Although the federal pension plan is still relatively generous, it has been affected by recent budget cuts and is often matched or exceeded in the private sector. Federal health and life insurance provisions and annual and sick leave allowances are far less generous than those offered by many private companies and universities.

Salaries in the contractor-operated federal laboratories are more attractive than salaries in the government-operated institutions. Indeed, the government originally decided to have contractors run some of its laboratories during World War II to avoid

[1] General Accounting Office, *Federal White Collar Special Rate Program*, Report to the Subcommittee on Compensation and Benefits, House Committee on Post Office and Civil Service, 98th Cong., March 30, 1984.

many of the difficulties inherent in government operation and the civil service. The contractors have more flexibility in salary administration, and the salaries they typically offer are competitive with those in industry and universities. Certainly, many of the problems in government-operated laboratories today, particularly in the personnel area, could be solved by converting to contractor operation. That approach, however, brings other problems. Contractors may have a lesser commitment to the sponsoring agency's mission, and they may appear to have a conflict of interest in the R&D projects they undertake. In addition, legal difficulties occasionally arise because the contractor-operated laboratories are not purely federal or private.

In 1982 I chaired a White House Science Council panel established to review the federal laboratories and recommend actions to improve their use and performance. The panel concluded that the inability of many federal laboratories—especially those under civil service restraints—to attract, retain, and motivate qualified scientists and engineers limits the productivity of the laboratories. If not corrected, this situation will seriously threaten the vitality of the institutions.[2]

In examining the various factors that contribute to these problems, our Federal Laboratory Review Panel compared administrative practices in government-operated laboratories with those in industrial R&D organizations. We found that industry typically places more administrative control over technical personnel in the hands of technical supervisors than do government-operated laboratories. In the federal system, personnel administration is handled by a more or less autonomous bureaucracy focused on procedures and standardization rather than on technical achievement. The federal government also commonly imposes personnel ceilings as well as budgetary controls on the laboratories, whereas the general industrial practice is to use budgetary control alone. Our panel recommended that government-operated laboratories also use budgetary control alone.

Another problem of federal personnel administration, and one that differs from customary practice in industry, is the emphasis on length of service rather than quality of performance in determining salary increases. Thus, a federal employee who has a clean service record is assured of a step increase at regular intervals regardless of productivity. Conversely, the process of rewarding high performers is administratively cumbersome, and most bonuses and promotions are difficult to get through the system. Thus, the federal system plods along for the most part, fostering mediocrity and lacking the means to attract or encourage the genuis needed for technical inspiration and organizational leadership.

A greater exchange of scientists and engineers between government and academia would provide new ideas, not only to laboratories but also to federal R&D program offices. Unfortunately, the current structure and rigidity of the federal personnel system inhibit the mobility of technical personnel between government and universities. Pay comparability would do much to improve the situation, as would additional flexibility in pension accounts. There is no reason, for example, why academics who join a federal organization should not have the option of retaining their own pension plans rather than being required to join the federal one.

The Navy is attempting to rectify some of these personnel management problems in a demonstration project started in 1980 at two of its California laboratories, the Naval Weapons Center at China Lake and the Naval Ocean Systems Center in San Diego. An alternative personnel management system has been created at each facility that, among other things, aggregates the numerous civil service grades into broad pay bands, links pay to performance, and simplifies personnel administration. The broad pay bands give supervisors more flexibility in making initial salary offers and giving subsequent in-grade raises; they also permit more generic job descriptions and greater latitude in rewarding deserving individuals without having to promote them. In contrast, the existing civil service system, with its many narrowly and rigidly defined grades, makes if difficult to match markets rates for scarce talent. This system also forces supervisors to rewrite job descriptions, thereby justifying promotion to higher grades, in order to give employees pay raises.

After visiting China Lake and reviewing the improvements these changes had made in the quality of the facility's professional staff, our panel recommended that government-operated laboratories be allowed to establish a new management system for scientific and technical personnel, patterned after the Navy's demonstration project.

A bill now pending in Congress includes the panel's recommendation. The Federal Science and Technology Revitalization Act, introduced in both the Senate (S. 1727) and the House (H.R. 3480), proposes changes in personnel management that incorporate both provisions of the Navy's personnel system at China Lake and additional features intended to alleviate the specific problems pertaining to scientists and engineers. The proposed legislation would permit federal agencies to adopt this alternative personnel system, although adoption would not be mandatory, it would base pay on performance rather than service time, create broad pay bands, and simplify job classification. It would also allow the pay cap to be waived for up to 5 percent of the covered positions, although this waiver would be limited to specially qualified scientific and technical personnel. Finally, the bill would provide greater flexibility in retirement programs and would permit agency heads to classify positions and fix compensation to make positions competitive with rates and practices outside the federal government. These changes would apply to all of an agency's scientists and engineers other than presidental appointees requiring Senate confirmation.

Aside from the obvious improvements in the compensation system, the proposed legislation would give each agency flexibility to design a personnel management system to fit its own distinct needs. It would also give more control over technical personnel to technical supervisors rather than to personnel administrators. Passage of this bill would go a long way toward improving the federal government's ability to manage and conduct R&D.

Another potential benefit of this proposed act should be recognized. Increasing the attractiveness of federal R&D jobs will improve the job market for all scientists and engineers, thereby attracting more young people into science and engineering careers. Greater involvement of our most promising talent in R&D activities is essential if we are to retain technological leadership in an increasingly competitive international environment.

It will take some time for legislative remedies and enlightened administrative measures to restore our federal R&D capability to an acceptable level. Within today's constrained budget environment, salary reforms will have to be spread out over time. Eventually, however, these reforms should stop the talent drain and make it possible to rebuild the quality of the federal scientific and engineering work force. Now is the time to act before it is too late. It is in every American's interest to see that the quality of our federal R&D establishment not decline because of neglect of its most essential element—people.

[2] *"Report of the White House Science Council, Federal Laboratory Review Panel"* (Washington, D.C.: Office of Science and Technology Policy, Executive Office of the President, May 1983.)

IN HONOR OF GARY BRUTSCH

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today on behalf of Gary Brutsch, a city councilman in Hermosa Beach, CA, whose term will expire on April 15, 1986. As the Congressional Representative of Hermosa Beach, I have had the privilege of working with Gary throughout most of his term and it is an honor for me to share a few of his many accomplishments with my colleagues in the U.S. House of Representatives.

Gary will be remembered as one local official who continually advocated improvements in the quality of life for all residents of Hermosa Beach. This included leading the city toward a planned program of replacement for its deteriorated sewers, advocacy of new storm drains for the downtown area and a nurturing of economic and commercial development in the city. During his 4 years on the city council, he was in the forefront of urging a clean up of the entire Santa Monica Bay and in addressing reduced density/traffic congestion in Hermosa Beach.

Gary and I have always shared a passion for the Santa Monica Bay and have worked together to keep the bay free from oil rigs. Last summer Gary cochaired a local group in order to rally support for an agreement I and other members of the California delegation had negotiated with Secretary Hodel. This agreement would have offered most of the bay long-term protection from offshore oil drilling until the year 2000.

Although I regret that Secretary Hodel backed away from this agreement, we have resumed negotiations with Hodel in Washington, and again Gary has organized a local effort to demonstrate additional support.

Gary authored a successful initiative, which came before voters in the April 8 elections, asking residents if they believed the Federal Government should lease for oil in the Santa Monica Bay. An overwhelming majority of Hermosa residents voted "no" for the measure, thus sending a clear message to the Interior Department that local residents in Hermosa Beach are opposed to current leasing plans.

As someone who has been involved in ongoing efforts to protect this precious resource, the success of Gary's initiative means a great deal to me and I appreciate all of his hard work on behalf of the bay.

A native of southern California, Gary has lived in Hermosa Beach for 14 years. He received a bachelors degree in business administration and a masters degree in communications from Pepperdine University. In addition, Gary did graduate work in management at the University of Virginia. Gary spent 20 years of outstanding service with the Los Angeles Police Department, and was appointed by the chief of police to train with the FBI National Academy. Gary retired from the police force in 1985, and has recently founded Gary Lee Brutsch and Associates, a public relations and lobbying firm. Gary is married to Kena and they have a 6-year-old daughter Shanden.

Gary established an impressive record during his 4 years in office and his presence on the city council will be greatly missed. On a personal note, I want Gary to know how much I have enjoyed working with him and I hope he will continue to remain in close touch. I will always welcome his imput on matters of mutual concern.

It is a pleasure to highlight Gary's fine record with my colleagues in the House of Representatives. I ask that Members of this body join me in wishing Gary the best of luck in all his future endeavors.

OUR FIRM RESPONSE TO TERRORISM

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GALLO. Mr. Speaker, the actions of our Government over the last 24 hours in response to acts of terrorism that resulted in the deaths of Americans around the world deserve our support today.

I think from the comments of my colleagues here today, that support is broad and deep. It is bipartisan and it is representative of all parts of this country.

It is always difficult, when you are dealing with sensitive intelligence gathered from many sources, to publicly proclaim the source of terrorism in our world today.

But, in this case, we have the evidence linking events of recent weeks to the country of Libya. We have proof that other events were planned which would have resulted in further deaths and greater destruction.

We have reports, including this morning's column by Jack Anderson, of further links between Libya and acts of terrorism dating back several years or more.

We have deliberated and we have studied these many reports.

And, most importantly, we have acted.

Our national commitment to fight state-sponsored terrorism has been greatly strengthened by our actions yesterday.

In the past, we have tried economic force. We have tried moral force. The supporters of terrorism around the world now know that we are capable of using the type of force that they understand to answer their acts of terror.

Our actions were directed and initiated for one purpose and one purpose only—to send a clear and unmistakable message to those who would undertake state-sponsored acts of terrorism that this country will not tolerate continuous and unanswered acts of violence.

Our actions came after careful review of the evidence and a full review of our options in this case. I anticipate that the same review process will be used in the future, as well.

We will respond to protect American citizens. We will also respond to clearly documented evidence of intimidation directed at the United States or our allies by any nation using premeditated acts of random violence.

And, most importantly, we will stand by the strength of our commitments.

ON AID TO THE CONTRAS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GARCIA. Mr. Speaker, I am inserting in the RECORD two articles on aid to the Contras that I thought might be helpful as our colleagues consider their vote on this most important issue. One is a poll published in today's New York Times, which talks about the extensive opposition against Contra aid among many Americans. The other is an editorial from today's Washington Post on why we should press for negotiations rather than aid to the Contras. I hope my colleagues will find them useful.

[From the New York Times, Apr. 15, 1986]

POLL SHOWS CONFUSION ON AID TO CONTRAS

(By David K. Shipler)

Americans are uncertain about which side the United States is backing in Nicaragua and only one out of four supports President Reagan's request for $100 milllion in aid to the rebels who are trying to overthrow the Nicaraguan Government, according to the latest New York Times/CBS News Poll.

With the approach of another key vote by the House of Representatives on the President's proposal, majorities of those polled accepted his argument that Nicaragua is a risk to American interests, but opposed his remedy of $100 million in aid.

Only 38 percent knew that Washington was supporting the guerrillas and not the Government. That confusion extended to the nature of Nicaragua's Government, which is aligned with the Soviet Union; just 20 percent said it was Communist, 19 percent said it was a right-wing dictatorship and 49 percent said they didn't know.

NICARAGUAN THREAT PERCEIVED

Nevertheless, after questions about the Reagan aid plan had been asked, a more defined image of Nicaragua seemed to emerge. Fifty-nine percent of the 1,601 adults interviewed by telephone from April 6 through 10 answered yes when asked if they thought the Nicaraguan Government would provide the Soviet Union with military bases, and 56 percent agreed that Nicaragua constituted a threat to the security of other Central American countries. The survey's margin of sampling error was plus or minus three percentage points.

It therefore appeared that President Reagan had succeeded only partially in his efforts to sway the American public toward his views on Central America. There was concern, but it failed to translate into support for action by the United States.

Citing the risk of another Vietnam, the need to address domestic problems and a conviction that the money would be wasted, only 25 percent expressed a willingness to assist the contras. Sixty-two percent opposed the aid, and 12 percent had no opinion.

A FINANCIAL DRAIN IS SEEN

"If we had some assurance that the money would do the job, that would be one thing," said Thomas Haeger of Vancouver, Wash., who described himself as a conservative Republican. "But it would just be the beginning of years of a financial drain. After Vietnam we don't need the money worry or the emotional worry."

As the example of Mr. Haeger illustrated, opposition to the aid request came even from the ranks of President Reagan's supporters. Even those who approved of the way in which Mr. Reagan was handling his job as President—a very strong 64 percent of the total—rejected aid to the contras by a margin of 52 to 35 percent. Those who described themselves as conservatives opposed it by 57 to 30 percent and Republicans by 51 to 36 percent.

The survey was done after weeks of vigorous debate in Washington over the Nicaragua issue. The Reagan Administration is seeking to end a two-year Congressional ban on military aid to the contras—$27 million in nonlethal aid was provided during the fiscal year ending last March 31—but has encountered considerable opposition, especially in the Democratic-controlled House.

VOTE SCHEDULED FOR TUESDAY

Last month, the House narrowly defeated the Administration's request. The Republican-controlled Senate then passed a compromise, under which the aid would be withheld pending diplomatic efforts to get Nicaragua's agreement to move toward internal democratization and refrain from supporting insurgencies against its Central American neighbors. The House vote Tuesday is expected to be close.

Judging from the results of the Times/CBS News Poll, the contra aid issue appears to have tapped a deep well of ambivalence over the place of the United States in countering undemocratic, pro-American regimes.

Asked whether Washington should back a right-wing dictatorship friendly to the United States or urge free elections even if they might lead to a Communist government, those surveyed opted for the elections by a margin of 40 to 33 percent.

The public also expressed more willingness to criticize such governments than to try to change them. To the question, "Should the United States criticize governments that deny human rights to their citizens, even if those governments support us on important foreign policy issues?" 54 percent said yes and 31 percent said no. But opposite sentiments were evoked by the question "Should the United States try to change a dictatorship to a democracy where it can, or should the United States stay out of other countries' affairs?" Sixty-two percent said stay out, and 28 percent said try to change.

TERRORISM SEEN AS TOP PROBLEM

Terrorism, not Central America, was listed most frequently as the most important problem facing this country, followed by the economy, unemployment, the risk of nuclear war and the budget deficit. Only 12 of

the 1,601 persons questioned mentioned Central America as the United States' chief worry.

Few of the aid proponents accepted the idea of American military intervention, and some saw money as a way of avoiding a deeper entanglement. "If we don't help, it will turn out like Cuba—we'll be threatened from all sides," said Eva Gramm, a restaurant cook in Avon, S.D., "I have three sons—one is eligible for the draft," she continued. "I think we should send money and keep our troops out."

"I'd rather send money than troops," said Robert Thomas, an electrician from Easton, Pa. "That's where we have to draw the line: no troops, no advisers."

Indeed, when a suggestion was made to include American personnel in the aid, the survey showed support for American involvement dropping sharply. The 25 percent who favored funds to the contras fell to 16 percent when asked whether they would favor American military advisers if the money "did not work." Then, if advisers "did not work," they were asked whether they would favor sending United States combat troops. Only 10 percent said yes.

NO GROUP FAVORED AID

Opposition to aid for the contras crossed all political, ethnic and regional and socioeconomic lines. No demographic group favored it. But within that broad picture, some differences emerged. Aid was opposed by a lower percentage of men than women, whites than blacks, Republicans than Democrats and conservatives than liberals.

The higher the education and income, the less the opposition. Those earning more than $50,000 a year were against aid by a margin of 52 to 40 percent, while those earning less than $12,500 a year opposed it by 68 to 17 percent. Similarly, college graduates were against it by 53 to 33 percent, and those with less than a high school education by 68 to 17 percent.

The shadow of the long, losing war in Vietnam appeared to hang over the prospect of involvement in Central America. Sixty-two percent of the respondents said that they feared that the United States would get involved in Nicaragua the way it did in Vietnam, although when asked to volunteer reasons for opposing contra aid, only 2 percent mentioned "another Vietnam" and the danger of escalation.

Some proponents of aid dismissed the Vietnam analogy. "We won't have another Vietnam," said Eva Gramm. "It was a harsh lesson; it won't happen again."

The most frequent reason given against the aid, and given most often by urban residents and those with lower incomes and less education, was that problems in the United States were more important. Of those opposing assistance, 44 percent said the $100 million should be spent on domestic problems.

In addition, follow-up interviews revealed some skepticism about the contras' abilities and a fear that money would be pocketed by corrupt rebels. Some respondents pointed to the example of Ferdinand E. Marcos, the former President of the Philippines, who has been accused of enriching himself with American Government funds.

"If we give money to the contras, we should monitor where and how it is being spent," said Mary Battle of Riveredge, N.J.

The New York Times/CBS NEWS POLL—AID TO THE CONTRAS: IGNORANCE AND OPPOSITION

[Percent]

	Those who know U.S. support Contras	Willing to give aid	
		Yes	No
Total	38	25	62
Republicans	40	36	51
Democrats	31	16	74
Independents	43	26	60
Men	52	35	56
Women	25	17	68
18–44 year old	38	29	62
45 and older	38	20	64
High school graduate or less	31	22	65
Some college or more	52	31	57
Whites	39	26	61
Blacks	28	16	74
Northeast	43	27	61
Midwest	39	22	67
South	31	27	59
West	39	24	64
Those who			
Know which side U.S. supports in Nicaragua		40	52
Don't know		16	69
Call Nicaragua a threat to security of Central America		36	54
Not a threat		11	82
Say Nicaragua will give Soviet Union bases		34	55
Will not give		16	75
Say it's important to U.S. security to eliminate communism from Latin America		38	51
Say Communist governments can exist without threatening U.S. security		13	79
Fear U.S. will get involved in Nicaragua the way it did in Vietnam		17	73
Not afraid		43	44
Approve Reagan's handling presidency		35	52
Disapprove		8	84

Based on 1,601 telephone interveiws conducted April 6–10

HOW THE SURVEY WAS CONDUCTED

The latest New York Times/CBS News Poll is based on telephone interviews conducted April 6 through 10 with 1,601 adults around the United States, excluding Alaska and Hawaii.

The sample of telephone exchanges called was selected by a computer from a complete list of exchanges in the country. The exchanges were chosen so as to insure that each region of the country was represented in proportion to its population. For each exchange, the telephone numbers were formed by random digits, thus permitting access to both listed and unlisted residential numbers.

The results have been weighted to take account of household size and number of residential telephones and to adjust for variations in the sample relating to region, race, sex, age and education.

In theory, in 19 cases out of 20 the results based on such samples will differ by no more than 3 percentage points in either direction from what would have been obtained by interviewing all adult Americans. The error for smaller subgroups is larger. For example, for either Republicans or Democrats the potential error is plus or minus four percentage points.

In addition to sampling error, the practical difficulties of conducting any survey of public opinion may introduce other sources of error into the poll.

[From the Washington Post, Apr. 15, 1986]

THE CONTRA AID VOTE

Two weekends ago in Panama, the would-be mediators of the Contadora group struggled to find a way to ease the gathering confrontation between the United States and Nicaragua. The Sandinistas defiantly rejected all steps the would-be mediators urged on them. Last weekend, however, they edged back a bit, agreeing to accept a deadline of June 6 for the signing of a regional peace treaty, with two conditions: that the points of the treaty still in dispute be resolved, and that the United States halt "aggression" against Managua. Presumably this was done at least in part to assure members of the House, who are about to vote on contra aid, that there is a valid diplomatic alternative to the Reagan administration's course.

The eight Latin governments supporting the Contadora initiative believe there is. If Washington cut off the contras, they argue, a workable regional security treaty could be put in place, and in the resulting calm, Nicaragua could be induced to slow and reverse its totalitarian progress. For its part, the Reagan administration says it has no confidence in a treaty entered into by a Sandinista regime. It further insists that the Latin way of political envelopment, far from mellowing Managua, would merely let the regime consolidate power. Its call for contra aid follows.

The moral argument for contra aid—that it keeps faith with the democrats of Nicarauga—is powerful. They are worthy people, and they deserve better than to be identified, as some identify them, with that part of the Nicaraguan opposition consisting of Somoza holdovers.

The difficulty is the lack of a plausible way to help. The administration offers the contras. But in four years these forces have yet to demonstrate either military effectiveness—they have not held a town overnight—or political appeal—most leaders of the contra groups supported by Washington are Somoza holdovers and act the part. Senoir retired American military officers attest to the inadequacy of the administration's military program to accomplish any realistic military objectives. The prospect that American forces might have to bail out a failing contra expedition is real. The hostility to the United States that would grow elsewhere in Latin America is a serious consideration.

Four years of pursuit of democracy in Nicaragua by military means has spurred the Sandinistas to move faster toward police rule and has helped them gather wider Latin sympathy for being targets of American power. A more zealous application of this policy, as the administration urges, would not alter these unhappy basic facts.

Rather than contra aid, the Latins propose quickly to complete a treaty limiting Nicaragua's military reach and its Soviet-Cuban ties, and then to start trying to press the Sandinistas along a better internal path. It is argued that the security talks won't work without the pressure of the contras. The record suggests to us that those talks won't work with the pressure of the contras. The Sandinistas are in the eighth year of a communist revolution. Yet Nicaragua is contiguous to its Latin neighbors and connected to them in ways that Cuba never was. Its economy is in desperate straits.

The United States, moreover, would—should—remain ready to do what is necessary, in security policy, political support and development aid, to prevent Nicaragua from undermining the security of its Central American neighbors. It must also be ready to ensure, by its own military acts if necessary, that Nicaragua does not become a strategic threat to the United States.

Finally, the United States must not stop demanding that the Contadora Latins keep pressing the Sandinistas to open to the democrats in Nicaragua. The very least Americans can do for these Nicaraguans is

to stay alert to ways of salvaging what can be salvaged by acceptable means.

DANIEL SHAPIRO TO COMPETE IN NATIONAL PTA CONTEST

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GEKAS. Mr. Speaker, it is my pleasure to bring to the attention of the Members of Congress the work of Daniel Shapiro. Danny, a student at Linglestown Junior High School, and a resident of Harrisburg, PA, has been chosen to be the sole representative from Pennsylvania in the national competition of the "PTA Reflections" competition that will take place in June.

Danny, an amateur photographer for just 1 year, entered the local PTA contest after learning of the competition through a school announcement. His photograph, in accordance with the contest's theme "On Liberty's View", reveals an interesting perspective of Pennsylvania's State Capitol in Harrisburg. He photographed, developed, and printed his entry, using the darkroom at the Museum of Scientific Discovery in Harrisburg.

After winning the competition at Linglestown Junior High School, he went on to capture first place in the intermediate competition and then took another first place in Statewide competition. I would like to congratulate Danny on his accomplishments and wish him the best of luck in the national competition.

A TRIBUTE TO JOHN HOY

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HILER. Mr. Speaker, I would like to take this opportunity to share with this body a story about an individual who has touched a great many lives.

The very special person I am referring to is John Hoy, a man with a truly remarkable talent for making friends. Mr Hoy, a native of North Webster, IN, has dedicated himself to spreading friendship through the concept of "A Rose for Friendship."

I have been aware of Mr. Hoy's "mission of friendship" for a number of years, and I have always been impressed that one man could have such an effect on others' lives. In this fast-paced and complex modern day, it is reassuring to know that there are good friends like John Hoy among us.

I would like to call to the attention of my colleagues an insightful newspaper article, which was written by Edith Gray, a resident of Goshen, IN.

[From the Mail-Journal (Milford and Syracuse, IN), Feb. 12, 1986]

"A ROSE FOR FRIENDSHIP"

On the shores of beautiful Tippecanoe Lake in northern Indiana in a lovely brick ranch home under great oak trees lives a sensitive man who many call friend. A native of the North Webster area, one-time milk salesman (in the days of home deliveries and the depression), now semi-retired realtor and developer, J.B. Hoy enjoys pursuing a dream he earnestly seeks to make come true.

In many ways he has already succeeded. But when his dream is finally realized, his part in achieving his goals will probably be forgotten by those who will enjoy the fruit of his labor.

In 1963 business took Mr. Hoy, the small-town businessman, to the big city of Chicago where he called on a gentleman in a luxurious office with lovely furnishings but with one flaw. On the receptionist's desk was a faded, plastic rose. After completing his business he left the office and returned a few minutes later with one long-stemmed rose which he presented to a delighted young lady in place of the artificial one. She sent a note of thanks to his home a few days later.

Three years later J.B.'s son, Phil Hoy, a personnel director for a firm in Fort Wayne, interviewed a young woman who had recently moved from Chicago. She inquired if he might be related to a J.B. Hoy of Tippecanoe Lake and was told of the relationship. She then related the long-stemmed rose incident and said she had always considered the rose to be the emblem of friendship and a compliment.

J.B. Hoy was impressed that one single act of kindness, long forgotten by him—it was such a little thing—that of giving a rose, had meant so much to another person that she would remember it three years afterward and even remember the stranger's name who had given it. The full impact of our human need for receiving expressions of kindness, love, or concern, that intangible thing we call friendship, hit home that day for J.B. Hoy. The more he thought about it, the more he appreciated his own friends and all the little things that many people had done for him over the years. It seemed that there should be some special way to repay and show appreciation for the many benefits of friendship he had received from others. But many of those acts of kindness had been done by people he could not identify, or the whereabouts of whom he no longer knew, or who were no longer living. So he felt a debt that seemed hopeless to repay.

The solution came in the form of a resolve that from that day forward each time he met someone, he would give that person a "rose" in the form of a compliment, a kind word, or an act of kindness.

As he carried out his resolve, he began to notice how many more acts of kindness were returned to him. Kind words begat kind words, compliments yielded a return compliment, days were brightened by the smiles and appreciative words received by the giver of a "rose." Truly, "a bit of fragrance always clings to the hand that gives a 'rose.'"

The value of friendship became even more apparent to J.B. Hoy upon the death of his wife, Eunice, of 37 years. He realized we have a day to honor almost every human relationship, Mother's Day, Father's Day, Valentine's Day for lovers, birthdays for ourselves, even Children's Day, but never has there been a day set aside to recognize one of the most precious possessions we have—our friends. No governmental unit had proclaimed a special day for expressing love and concern for others. Until J.B. Hoy took his dream to the 1976 session of the Indiana Legislature.

In February of that year the Legislature passed a little-publicized resolution designating the fourth week of June as "A Rose for Friendship Week" with the Wednesday of that week being "Friendship Day" and the then Governor Otis R. Bowen, M.D., now Director of the Department of Health and Human Services, so proclaimed it on April 2, 1976. As he did so, he mentioned to members of the press and J.B. Hoy ". . . carried to complete fulfillment, a Rose for Friendship could bring peace to all the world.

A resolution by the Legislature and the Proclamation by the Governor were two of the goals Mr. Hoy had set out to obtain. The third he has yet to achieve—to have a similar resolution passed by the Congress of the United States.

As I sat that day figuring my balance sheet, I was reminded of the Bible story of the rich man who built more barns to store the wheat to preserve his wealth in the form of farm production. Is it not more important to build more friendships? For fire or mold could destroy the wheat, thieves could come and steal it, or the bank could foreclose upon it. But building a balance sheet full of friends or with a few very good friends is something no one can take from you. Some of them may move away, but the friendship is still there. Its luster may tarnish with lack of use but with renewed communication the friendship becomes beautiful again just as a silver bowl with a little polish.

The exciting thing to me about J.B.'s concept of a "Rose for Friendship" is that it teaches us how to become a friend. Many people are friendless because they have never learned how to be a friend. When we give a "rose": that compliment, kind word, or act of kindness, we give of ourselves to others that precious commodity called love. And from that act, or many repetitions of it, can develop a beautiful friendship.

As a nation, at a time in our history when we are concerned with human rights and the welfare of people living in countries who do not share our concepts, what better way to demonstrate what we are trying to say about the value of the individual and the need for more acts of kindness in our world than to adopt a national day celebrating friendship—a Rose for Friendship Day. As Dr. Bowen said "a Rose for Friendship could bring peace to all the world." No nation in the history of the world has ever set aside a day to honor and recognize friendship. Shouldn't we, the United States of America, set the example? Isn't this an idea whose time has come?

Would it not be wonderful for us as a nation to send a compliment to other countries, including our enemies, on our national Rose for Friendship Day? Do a kind deed on that day for a neighboring country. Maybe the idea would catch on and we would learn to be better friends as nations of the world.

In addressing the Indiana assembly of lawmakers, J.B. Hoy said, "Rose is a key word, a symbol, for in the face of a rose the heart of God is revealed. In it you see love, tenderness, kindness, thoughtfulness. A rose is for friendship, for remembrance, for forgiveness. In its larger meaning, a Rose for Friendship can be an act of kindness, a token of remembrance, a compliment, or just a friendly word. In so doing, we lengthen our shadow, for kindness and thoughtfulness are watermarks of character."

A TRIBUTE TO HAL BOEL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LAGOMARSINO. Mr. Speaker, on behalf of the entire California delegation, I'd like to pay tribute to an individual who is well known and well respected by all of my colleagues in the California delegation—Hal Boel. Hal is retiring with 46 years of service for Pacific Telesis Group.

Most of us have known Hal as the "telephone company lobbyist" both in Washington recently, and for 10 years in Sacramento. Hal has been a familiar face in the California political scene—spreading good will on behalf of the k85,000 employees of Pacific Bell.

Hal's involvement in California related activities is well known. He has been a tireless supporter of the California State Society, the California Roundtable, and the Olympic fund-raising efforts. In addition, he is one of the first people my colleagues can call on to help with charitable or fund-raising efforts—Hal is always there: dependable, reliable, and helpful.

Hal has been a most effective representative of his corporation as well. Throughout his service with the telephone company, he has served in virtually every nonmanagement and management position.

While too numerous to cite in specifics, suffice to say Hal started as a lineman in Nevada in 1942 building a redundant telephone route through Nevada. He was promoted to service representative, worked as a manager in Fresno, Bakersfield, Modesto, San Francisco, and Marysville. He entered the political arena in 1967 as Pacific's lobbyist in Sacramento, and capped his career as vice president, Federal relations when the company opened its door in Washington 3 years ago.

Hal served this country well as a Navy pilot during World War II. In addition, he participated in the Executive Program at the University of California.

Hal is also a family man. He loves to spend his time hunting and fishing with his sons Neil and Mark—or in Tahoe and on the golf course with daughters Stephanie and Nan. He and his wife Jan are looking forward to settling back in California—and allocating more time to those things he loves.

Mr. Speaker, Hal Boel will be sorely missed as an active and effective participant in the California political scene. I, along with my colleagues, consider Hal a trusted lobbyist and a good friend. I know I speak for the entire delegation in wishing him the best of luck.

JUSTICE FOR MURDER VICTIMS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LANTOS. Mr. Speaker, following the approval by this House yesterday of changes to the Victims of Crime Act of 1984, it is most appropriate that I draw your attention and the attention of my colleagues in the Congress to a special organization in my district called "Justice for Murder Victims." I first came into contact with this group through one of the members of my congressional office staff who is, through tragic circumstances, a victim of crime herself.

The purpose of this organization is to provide assistance to victims of crime and their families regardless of race, color, religion, or social status. The people who volunteer their help have themselves been targets of crime, and they well understand the feelings of pain, anger, fear, and isolation experienced by survivors of violent attacks.

The idea stems from the San Francisco Chapter of Parents of Murdered Children which was founded in 1979. Six years later, Justice for Murder Victims was organized and incorporated. Members offer assistance in the form of personal counseling, advising survivors of programs available to help them lead normal lives again, help in receiving benefits to which they may be entitled, and familiarizing them with the complicated and often confusing judicial procedure which they experience. The aim of the organization is to ensure that laws already enacted are enforced and to work within the legislative process to secure new legislation which will bring added protection for all Americans.

A group such as this is long overdue. For too long, victims of criminal attack have been neglected as we have focused attention upon the criminal. For example, criminal suspects are entitled to free legal assistance and unlimited medical care, but the victim of a crime has only minimal benefits. "Justice for Murder Victims" has taken the first important step toward rectifying these inequalities. It deserves the support of all of us, for all of us are potential victims of crime through no action or fault of our own.

Mr. Speaker, I would also like to take this opportunity to pay my own special tribute to Elizabeth and Sven Carlson, whom I have known for many years. I admire them not only for their courage, but also for their commitment and dedication to helping fellow victims of crime. My heart goes out to them as they continue their work. I invite you, Mr. Speaker, and my fellow colleagues in Congress, to join with me in saluting this much needed organization.

VALIANT EFFORTS SAVE LIFE OF 3-YEAR-OLD CHILD

HON. GUY V. MOLINARI,

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. MOLINARI. Mr. Speaker, it is my pleasure to rise today to pay tribute to a very special group of concerned medical and police personnel in my congressional district through whose valiant and sustained efforts the life of a trapped and drowning 3-year-old girl was saved. This remarkable group showed through example just what can be accomplished when dedicated people work to turn an almost certain tragedy into a story of inspiration.

On the night of April 9, 1986, a car plunged into the frigid waters off Stapleton, Staten Island and 3-year-old Jacqueline Williams was trapped inside. Alerted to the emergency, members of the Emergency Medical Service and the police department quickly arrived on the scene. Their efforts to pull the child from the car were thwarted by the cold water and the high waves. By the time the child was pulled from the car by police divers she had been trapped under water for 25 minutes. At that point, Mr. Speaker, the girl's heart was not beating and she was not breathing—clinically, she was dead.

Undeterred, the EMS specialists immediately went to work administering CPR on the child while she was placed in an ambulance and taken to Bayley Seton Hospital. At Bayley Seton Hospital, a devoted team of doctors and nurses went into action working relentlessly until Jacqueline's heartbeat and breathing were restored. Once stabilized, the child was transferred to a special pediatrics unit at St. Vincent's Medical Center.

Mr. Speaker, what these exceptional people did was in no way short of a miracle. Without their dedication, concern and hope, Jacqueline Williams would not be alive today. It is for this reason that I would like to enter their names here as a record of their dedication and service.

Members of the Emergency Medical Service who assisted include Ralph Wainwright, Charles Pfefferbaum, Nicholas Catello, Rod Mauceri, Christopher Schwartz, Ray Tufaro, and William Azar. Gary Brennan and Michael Duchin, members of the Staten Island ambulance crew, also gave their services.

Those helping from the police department were Sgt. Salvatore Margarella and Police Officers Robert Higgins, Frank Hamer, George Croake, Ernest Couch, Vincent Fucci, Michael Careu, and Kevin Collins.

Finally, the fine team from Bayley Seton Hospital included Dr. Lloyd McPherson, Dr. Alberto Belalcazar, Eileen Schierenbeck, Helen Mohon, Bruce Cornish, Maria Sineri, Janet Madoro, Alice Porowski, and Franklin Rosado.

Mr. Speaker, it is my privilege to bring the outstanding accomplishments of these modern heroes—and indeed they are heroes—to the attention of my colleagues in the House. I know that they join me in applauding the valiant service that led to the saving of a young child's life.

FAIR SHARE LOW-INCOME ENERGY ASSISTANCE ACT OF 1986

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 4556, the Fair Share Low-Income Energy Assistance Act of 1986. This bill ensures that Low-Income Home Energy Assistance Program funds are distributed among States in a fair manner. The LIHEAP Program distributes funds to low-income families in order to help them pay home energy bills.

The Gramm-Rudman Balanced Budget Act has put our country back on the path to fiscal

health. I fully support Gramm-Rudman, and believe that the Congress can stick to the deficit reduction schedule in the law if it exercises strong leadership and a sense of fairness. Across-the-board spending reductions are one way that the Congress can demonstrate this sense of fairness.

However, this sense of fairness is threatened by certain loopholes that impose unfair shares of budget reductions on some States. The uneven budget reductions that are proposed in the LIHEAP Program are evidence of unfairness in our common fight for the fiscal health of our great country. Currently, a hold-harmless provision protects certain States from Gramm-Rudman reductions in the program, although the law provided that the program must be cut by 4.3 percent in fiscal year 1986. In order to comply with these reductions and respect the hold-harmless clause those States that do not enjoy this special protection have to shoulder an unfair share of budget reductions. My home State of Texas is one of the States that would have to bear an unfair share of future budget reductions. The LIHEAP allocations for Texas and 14 other States will suffer 11.4 percent reductions in order to achieve an across-the-board reduction of 4.3 percent.

The Department of Health and Human Services has announced that reductions in the LIHEAP Program will range from 0 percent to 4.3 percent to 11.4 percent. I believe that the wide range in these reductions is an example of the unfairness that will spoil congressional efforts to control Federal spending and reduce the deficit. The Members from the unlucky States that shoulder an unfair share of reductions in this program will push for special consideration in other areas.

The Fair Share Low-Income Energy Assistance Act of 1986 presents us with the opportunity to retain the sense of fairness that is essential to our duty to balance the budget and comply with the provisions of Gramm-Rudman. Under H.R. 4556, reductions in the LIHEAP Program will be made on a pro rata basis in every State. Under the bill, the States will shoulder the same reduction, and there would be no favorites. I believe that Congress must maintain a sense of fairness on budget reductions if we are to succeed in our difficult task.

I urge my colleagues to support H.R. 4556 and the effort to establish fair standards for reductions in the Low-Income Home Energy Assistance Program.

RESPONSIBILITY

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. KINDNESS. Mr. Speaker, today, millions of taxpayers across the United States are hustling to meet the April 15th income tax filing deadline. Meeting this deadline, or at least filing for an extension of time to file, is expected of all responsible U.S. taxpayers.

The important point here is that we expect the taxpaying public to act responsibly in handling their affairs, yet the same expectations do not seem to apply to many of the actions of this body.

Today, Mr. Speaker, also marks another deadline important to the livelihood of U.S. taxpayers. The Congress, in accordance with Federal law, was to have come up with a budget resolution for fiscal year 1987 by April 15. Regrettably, such action is not yet complete.

The Members of the other body have lived up to their end of this congressional commitment. However, the House Democratic leadership has done little, other than playing partisan politics with the administration budget proposals, to move this body toward action on a budget resolution.

I guess it's a good thing that there aren't agents like those of the IRS to enforce our budgetary commitments, Mr. Speaker, because their hands would be full in this institution.

The sequestration process of the Balanced Budget and Emergency Deficit Control Act of 1985 will be upon us, if we allow the budget process to falter in this manner. That will clearly mark the leadership of the majority in this House as irresponsible. We must act on a budget resolution without further delay.

On behalf of taxpayers throughout the Nation, I urge my colleagues on the other side of the aisle to consider the seriousness of this situation and the ridicule to which you will be subject, and to allow the membership of this body an opportunity to vote on a budget.

Today, millions of taxpayers are living up to their obligations under the U.S. Internal Revenue Code. Don't we owe it to these responsible citizens to live up to our obligations and responsibilities as their representatives?

A CONGRESSIONAL SALUTE TO DR. MARION L. PLIES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Dr. Marion LaVona Plies, who will be celebrating the 45th year of her pastorate at the Harbor City Foursquare Church in Harbor City, CA, on April 27, 1986.

Born in Fort Worth, TX, in 1910, Dr. Plies and her family moved to San Francisco, CA, when she was 7 years old. Her family later moved to Los Angeles, CA, where Dr. Plies attended Huntington Park Union High School by day, and LIFE Bible College at night. In January of 1930, she graduated from LIFE Bible College. She had married George Plies in 1929, and following her graduation she worked with a number of ministers and ran a mission on San Pedro Street.

After a number of years, she was asked to take over the pastorate at the Harbor City Foursquare Church. She officially took over the pastorate in 1941. In September of 1948, Dr. Plies opened the Harbor City Christian School. The school has been relocated since to a new site, and has opened up a high school. The church itself has been relocated, and in all, Dr. Plies has been responsible for the acquisition, on behalf of the church, of over $5.7 million worth of developed property.

In addition to her outstanding work with the Harbor City Foursquare Church, and the Harbor City Christian School, Dr. Plies has been a leader in a number of other areas of Christian work. Dr. Plies has served on the International Education Committee of the International Church of Foursquare Gospel, and is the founder of the Foursquare Association of Christian Schools. She is also the author of a book entitled, "To God Be the Glory," and the recipient of an honorary doctorate for her work in Pentecostal Christian Day Schools.

It is with great pride that my wife, Lee, joins me in congratulating Dr. Plies on her 45th year as the pastor of the Harbor City Foursquare Church, and in wishing Dr. Marion L. Plies, her son Vic and his wife Mary—continued success, and all the best in the years ahead.

SUPPORT PRESIDENT REAGAN MILITARY ACTION VERSUS LIBYA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. BIAGGI. Mr. Speaker, I rise today to convey my support for the President's decision of last night to launch a limited but purposeful military attack on selected targets in two cities in Libya. I believe the response was entirely appropriate considering the repeated patterns of provocations by Libyan leader Qadhafi including "irrefutable" evidence linking Libya to the West German club bombing which killed an American soldier.

It is obvious that Qadhafi poses a menace to the United States and to the free world. It is obvious that Qadhafi feels he could operate his reign of terror with impunity and without fear of response. Such an assumption on his part was wrong.

The use of military force is justified by the United States when it is operating as in last night's action in self-defense. Unlike Libyan terrorism which seeks out innocent civilians for its victims, every effort was made in the United States mission to minimize damage and harm to civilians.

A total of 33 United States F–111's and A6 and A7 attack planes were involved in last night's action. We pray for the recovery of the one missing F–111 and its two-member crew. We commend the skill and bravery of our Armed Forces in conducting this action so successfully. The message that was sent to Libya had to be sent. It was a message their leader asked for and got.

JAMES G. McCANN, DEMOCRATIC COMMITTEEMAN

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. BORSKI. Mr. Speaker, I rise to pay tribute to Mr. James G. McCann, for more than a

half century of loyal service to the Philadelphia Democratic Party.

Mr. McCann has been a Democratic Party committeeman in 33d ward, 13th division, since shortly after he graduated from high school. In that time he has helped his party rise in power and influence in city government and he has seen Philadelphia grow and renew itself. The 33d ward, including parts of Kensington and Juniata, has been a stronghold for the Democratic Party, due in no small part to the dedicated efforts of people like Jim McCann. These people have helped maintain a 3-to-1 voter registration edge and a strong and effective party organization.

Mr. McCann is a lifelong Philadelphian, and a graduate of North Catholic HIgh School. He worked for over 20 years at Liberty Bell Racetrack and in the city's department of revenue. He and his wife Dorothy have raised 5 children and are now proud grandparents to 15 grandchildren and 1 great-grandchild.

Jim McCann stands for what is best in our political system, and for what is best in our party. He has set an example through a lifetime of service and dedication that should be an inspiration to all of us. I am happy to join with the Democrats of the 33d ward and throughout Philadelphia in saluting James McCann as he leaves the 13th division to enjoy a well-deserved retirement from our party's activities.

NEO-PROTECTIONISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. CRANE. Mr. Speaker, I would like to call your attention to a recent article, "Neo-Protectionism, a Growing Threat to World Trade," by Charles R. Allen, executive vice president and chief executive officer TRW, Inc. The article appeared in the February addition of the Financial Executives Institute publication FE. Mr. Allens' article points out why protectionism is a self-defeating approach for the U.S. trade deficit.

As the ranking minority member of the Ways and Means Trade Subcommittee in the House of Representatives, I find the growing call for protectionism alarming. Traditionally, the United States has always supported free trade with other nations and it is only recently, in the light of growing U.S. trade deficits, that the trend toward protectionism is spreading.

One of the best historical examples of the failure of trade protection is the Smoot-Hawley Act, implemented by President Hoover to protect trade in the late 1920's. Instead of developing a strategy to improve the competitive capabilities of American goods and continuing the tax reductions begun by President Coolidge, Hoover isolated the United States with trade protection and tariffs. Once implemented, Smoot-Hawley was met with retaliation by other nations who reacted by raising their import tariffs against U.S. products. High trade tariffs worldwide caused an international slump in trade. The United States, unable to meet the high cost of exporting goods to foreign countries, decreased production resulting in higher unemployment. It is clear that the Smoot-Hawley Act only aggravated the Depression and did not accomplish its goal of protecting U.S. goods and creating employment opportunities.

Today the United States is faced with a similar fate. If we pursue the course of protectionism and isolation we will lose the vitality and innovation of our domestic economy. Protectionism only locks industry and labor into inefficient methods which stifle modernization and the response to changing technology and consumer demands.

Mr. Speaker and fellow Members, I urge you to read Mr. Allen's article and consider the effects that protectionism will have on our future. We do not want to repeat the same mistakes of our past.

NEO-PROTECTIONISM A GROWING THREAT TO WORLD TRADE

(By Charles R. Allen)

The major trading countries must get serious—very soon—about supporting an open, fair, and expanding world trade system, or suffer the consequences of their inaction.

The drive for open trade is a constant struggle between long-term universal values and short-term, narrow nationalistic fears, distress, or simple greed. It's like the nuclear peace that we all so desire, yet find so hard to achieve because of human frailty. And though the problem is coming to a head in the U.S., the solution is one that must involve the whole trading community.

Let's start with a look at some recent developments in the United States. Beginning late last spring, the U.S. Congress has been caught up in a legislative frenzy. More than 300 specific trade measures have been introduced: trade protection bills, trade expansion bills, and trade reform bills. The underlying theme of many of these bills is labeled as "fair trade" but is, in fact, an appeal to some form of protectionism.

Of all the private interest groups in the U.S., the large multinational companies are almost alone in trying to slow a runaway protectionist freight train speeding toward disaster. Most labor unions and trade associations are urging it on with all their energy. Small businessmen, farmers, and industries most affected by growing imports are lobbying furiously, as they sense a growing protectionist sentiment throughout the country. The trade deficit is looming as a major issue in the 1986 Congressional campaign.

This protectionist thrust must be stopped before it has gone too far. Preventive action is needed, not just by the United States, but also by all the major trading nations. All of them should be as concerned as we to avoid a trade war, for many have even more to lose. What a trade war would do to the debt-laden economies of Latin America, not to mention the world banking and credit systems, is too awful to contemplate.

We must all understand that the economic and political posture of the United States in the world community is in a process of change.

For the first time in memory, the U.S. standard of living is going down, both in absolute terms and compared with other countries. The telling evidence of the U.S. decline appears in our balance of trade. We have changed almost overnight from a net exporter, running trade surpluses with the rest of the world, to a net importer with huge negative trade balances in merchandise, as much as $150 billion in 1985.

The trade deficit has led to large-scale job displacement and industrial unemployment, upheavals in major industries and communities, and a depression in U.S. agriculture, with epidemic bankruptcy in small family farms, low commodity prices, and loss of export markets.

U.S. government policies have been slow to respond to changes in trading patterns, and now we face a serious problem of orderly adjustment. The result is intense—perhaps irresistible—pressure on politicians to protect U.S. industry and agriculture.

The causes of the U.S. decline most often mentioned include:

First, the loss of competitive advantage to a number of emerging industrial powers that have outperformed us in the excellence of their marketing strategies, products, quality, and productivity. This is probably the major problem we face. Responsible business leaders in the U.S. have come at last to realize that competing for global markets is a matter of some urgency, even survival.

Next is the too-huge U.S. budget deficit, which begins a vicious cycle leading to higher interest rates, which, in turn attracts foreign investors to U.S. government securities. This flow of funds then drives up the value of the dollar, making our exports uncompetitive and whetting consumer appetites for imports. Most of us were taught that trade imbalances were self-correcting; a country's worsening trade deficit would weaken its currency. So much for conventional wisdom. For in today's environment of global interdependence, it is capital flows, not trade flows, that produce an overvalued dollar, all made possible by the emergence of international money and capital markets. While one can applaud the efforts of the Group of Five (Japan, England, U.S., Germany, and France) to lower the value of the dollar, intervention in the currency markets cannot produce lasting effects. The ultimate solution to the overvalued dollar is to be found only in reduced budget deficits.

Third, we should not be surprised by the sharp decline of U.S. exports to countries, particularly in Latin America, burdened with foreign debt.

Finally, there has been a slow but steady increase in restrictive and aggressive trade practices that are nullifying past efforts to promote expanding world trade through the General Agreement on Tariffs and Trade (GATT) and other multilateral negotiations. I refer to such well-known practices as:

Rebates of European value-added taxes on export items, creating a competitive cost advantage.

Quotas against selected products, designed to protect the domestic producers. So-called voluntary agreements are much in vogue. In the U.S., limitations on imports of Japanese cars and limitations on imports of European steel are prime examples.

Bureaucratic barriers to unwanted imports—harrassing inspections, absurd product standards, unwarranted paperwork—all justified as national prerogatives, and evasions of past commitments.

Aggressive government-aided strategies, including direct export subsidies, subsidized shipping, insurance, and financing arrangements that virtually insure exporters against risk.

The list goes on. Whatever the strategies used, no country can claim that it always plays fair. We are all sinners, some more than others. But right or wrong, it is perceived in Washington that the U.S. is a net

loser in the game of restrictive trade practices. And while such actions may account for only a small part of the U.S. trade deficit, they lend moral support to the argument of our protectionists. Like the small tail wagging a big dog, they are an irritant that arouses a disproportionate reaction in Congress.

One cannot review the U.S. trade deficit without noting the special role of Japan. Certainly the powerful economic advance of Japan is an important cause of the world trade imbalance and the drift toward protectionism. Still, the popular and long-standing pastime of blaming Japan for all our problems is overdone and counterproductive, as it leads to negative rather than positive solutions.

I mention "long-standing" because of an astonishing prophecy, made 35 years ago, by Joseph Stalin. He predicted that one day the Western Alliance, no longer able to absorb the export capabilities of Japan, would fall apart in a naked struggle for markets. There was just enough truth in that prediction to make one stop and think.

Today, both Europe and the United States are suffering from the combination of massive Japanese exports and exclusionary practices against imports. Our growing deficit with Japan alone—$19 billion in 1983, $38 billion, in 1984, $50 billion-plus in 1985—shows no signs of turning around.

There's considerable feeling, justified or not, that Japanese industry and government have been ganging up on us in ways that we are not permitted to use under our rules of fair play. There is anger not only about Japan's aggressive assault on our markets, but also about what's seen as extreme resistance to our exports to Japan, even where we have a decided advantage in cost or technology.

In fairness, there is much truth to the countercharge that many U.S. firms have not been very effective in marketing their products in Japan. However, it's clear that the recent surge of trade bills in the Congress was triggered largely by frustration over the failure of trade negotiations to gain improved acceptance of U.S. telecommunications equipment. In contrast, the breakup of AT&T enabled a major Japanese invasion of our domestic telecommunications market.

By now, that militancy is being directed not just toward Japan and other Far Eastern countries but toward some of our trading partners in Europe and Latin America as well.

I mentioned earlier the fundamental change that has altered the U.S. economic posture in the world community. In days past, the U.S. has been viewed as an invulnerable economic giant. That may once have been true, but it doesn't look that way to us now. We look east to the European Community, an economy at least as large, modern, and advanced in technology as ours. We look south to the state-of-the-art factories and low wages of Mexico and Brazil, and west across the Pacific to the new industrial revolution launched by Japan and joined by Korea, Taiwan, Hong Kong, and Singapore.

And we begin to realize that those comfortable days in which U.S. firms competed mainly with each other in a market that all understood, under accepted rules of the game, are gone forever.

Gone, too, are the days when the unchallenged might of U.S. mass production bought the machinery that enabled us to pay the world's highest wages and still enjoy the world's lowest unit labor costs. Now, for the first time, we face tough foreign competition in a world market, under terms that we do not control. To some of our competitors, the only rule seems to be "export or die."

Since the end of World War II, it's fair to say the U.S. has been a strong advocate of trade liberalization and open markets. For motives both selfish and broad-gauged, it has fostered common markets in Europe, Asia, and Latin America, and supported a stronger GATT and healthy private-enterprise economies in Japan and throughout the free world.

Following the war, it was not difficult for the U.S., as the world's dominant economic power, to open its gates to foreign imports, to help allies by trade, not aid. Those efforts helped create not only an explosion of world trade and growing wealth but also the emergence of two new economic superstars—Japan and the European Community. The fact that some European nations still see themselves as separate national economic units does not alter the reality of the combined economic power of the European trading bloc.

The world responsibilities of a great industrial power have not changed from 1950, when there was one, to today, when there are three—the U.S., Europe, and Japan.

A country in a position of having a profound impact on the world economy has two choices:

To deal positively with problems created by its successes, assume its full share of the task of leadership, and moderate the demands of its constituencies; or

To continue to seek maximum advantage for narrow national interests until overwhelming opposition and hostility arise and destroy the fragile web of economic cooperation.

What seems to be happening today is that Western Europe is seeking to protect itself against U.S. and Japanese exports, and evasions of the intent of the GATT have been increasing, both in number and ingenuity. Meanwhile, Japan continues to exclude U.S. and European exports, and to step up its assault upon foreign markets.

U.S. leaders are led to conclude that we can no longer carry the main responsibility for open markets, that the time has come for others to bear an equal burden in supporting trade. Those are the realities of the present trade environment. Because the seductions of protectionism are ever present, politically tempting, and easy to rationalize, the situation is dangerous. The step from where we are now to serious protectionism is a short one.

Let me stress that the real and official U.S. position is still strongly pro-free trade. The President, as a committed free trader, but a political pragnatist as well, is trying to avoid a hard confrontation with Congress and the protectionist lobby, where a defeat on any one trade bill could unleash an avalanche. He has warned that the United States—while shunning protectionism—will insist upon full parity of treatment for its exports, the same as that granted by the U.S. to imports in its home markets, asserting that there can be "no free trade that is not fair," Those words should be taken seriously.

As financial executives, we know that when business competes against on equal terms under an orderly set of rules, the market can be trusted to diffuse power, and comparative advantage can work its begin magic to the benefit of all. But when societies and governments compete, cut deals, each seeking the greatest national advantage, we have a prescription for economic war.

To sum up: The time has come when all industrially advanced nations will have to make significant changes in order to maintain a world trade environment in which we all can live and prosper together. The United States is under greater pressure to deal with its domestic economic problems and to compete more effectively in the world without falling prey to protectionism. The major trading nations are under equal pressure to recognize that the era of the United States playing big brother to the free world economy has been brought to an end by inexorable forces of history and economics.

Looking at the present situation, there are a range of possible outcomes.

One is that key trading nations will evade their leadership responsibilities to the international community and will insist upon playing by their own rules. The next round of GATT negotiations will fizzle. A firmer response by the United States to what it views as unfair trade practices will meet with hostility and retaliation. The European Economic Community will break out in internal bickering and advantage seeking. Japan will keep talking and keep shipping. And all together, we will pull the roof down upon ourselves.

That dreary outcome is the worst-case scenario and, though unlikely, it's by no means impossible.

A far happier outcome results if all the major trading nations can agree that a strong and open world trade system should be a primary goal of every national policy and approach the next GATT negotiations in that spirit. In seeking such a positive outcome, there is a special role for the international business community.

Business knows what is at stake. It will be the first to suffer if the trade system is blown apart. Business has the resources and the credibility to encourage our governments to do what they must do to avoid a fight that no one can win.

And we, as financial executives, are in a special position to appreciate the benefits of world trade and fear the perils of protectionism. Today, the world trade system is in danger. It must be preserved and strengthened at all costs. Such are the dues every nation must pay for sharing in the benefits of a world economy. For to help that economy survive and grow, we must all truly support open markets and fair competition.

TRIBUTE TO BROCKTON HOSPITAL SCHOOL OF NURSING

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. DONNELLY. Mr. Speaker, it is my distinct pleasure to rise today in recognition of the Brockton Hospital School of Nursing. The Brockton Hospital School of Nursing, founded in 1897, is celebrating 90 years of excellent service to the Greater Brockton Metropolitan Community. It is the only hospital-based school within the area that offers its students field training while simultaneously setting high standards of nursing education with a curriculum based on both the humanities and health

and nursing. The students receive a wide variety of educational benefits through their learning experience. As a result, 90 percent of the graduating students pass their RN qualifying examinations on the first attempt.

The school is a private nonprofit institution that is funded directly through the Brockton Hospital and the Federal Government through Medicare grants. Students who enroll in the Brockton Hospital School of Nursing may also receive additional assistance in meeting the costs of tuition through the many financial programs offered by the Federal Government. The school of nursing enjoys full accreditation while its student enjoy small classroom settings with excellent facilities.

Recently, the Brockton Hospital School of Nursing has collaborated with Stonehill College, a 4-year accredited liberal arts college located in North Easton, MA. Students who graduate from the nursing school in high standing, may now continue on with their studies at Stonehill, receiving their baccalaureate in nursing.

On behalf of the citizens of Massachusetts, I wish to congratulate the Brockton Hospital School of Nursing for its 90 years of dedicated service to the Brockton metropolitan community.

HOW NATURAL GAS USE CAN REDUCE ACID RAIN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. BARTON of Texas. Mr. Speaker, President Reagan and Canadian Prime Minister Mulroney in their recent Washington summit issued a statement that acid rain is a common environmental problem for both countries, and recommended a coal technology program as the answer to acid rain. Last week, legislation was introduced in the House that would establish an expensive control program to reduce the sulfate emissions that some say are the source of acid deposition.

I believe that a very important means of sulfate emissions reduction has been overlooked: the select use of natural gas. The select use of natural gas is probably the most painless way to reduce sulfate emissions. As such, it is an appropriate approach to an acid rain control program.

Natural gas is the cleanest burning fossil fuel, producing virtually no sulfur oxides or particulate matter, and only a small fraction of the nitrogen oxides produced by coal or high sulfur residual fuel oil. Natural gas could substitute for coal or high-sulfur fuel oil in some circumstances. A partial substitution of natural gas for coal would also minimize the impact on local coal industries compared to other alternatives such as coal switching.

One of the most attractive features of increased use of natural gas for environmental purposes is its low cost. Natural gas is a very cost-effective fuel for electric generation, and because of its clean burning characteristics its operation and maintenance costs are much lower than other fuels. The low cost of sulfur dioxide removed should be compared with other control methods. Natural gas use with coal or oil can remove sulfur dioxide at costs of $200 to $400 per ton removed. In comparision, control technology such as "scrubbers" can cost as much as $2,000 per ton of sulfur dioxide removed.

In new plants, the cost advantage of select use of natural gas is even more marked. A new combined-cycle gas turbine powerplant can be installed at a capital cost of $500 per kilowatt, about one-third the cost of a new coal-fired unit. Further, a natural gas plant will produce less than 0.003 percent of the sulfur dioxide produced by a comparable coal powerplant with pollution control technology. Gas has advantages based on both cost and environmental factors.

Natural gas is both cheap and plentiful, and an increased demand for gas for environmental purposes would shrink the "bubble" that troubles natural gas producers. Gas supplies far exceed current demand. An increase in gas use of 1 trillion cubic feet, about 6 percent of consumption, would decrease annual sulfate emissions by 2 to 3 million tons. This would be a very substantial reduction, especially in the context of a 5 million ton reduction program such as proposed by President Reagan and Prime Minister Mulroney.

Incredibly, the United States discourages the use of natural gas through certain regulations and provisions of law. These regulations and laws were added at a time when natural gas supplies had been eroded through Government price controls and supplies were scarce. However, these natural gas-shortages have disappeared since the partial decontrol of gas, and supplies are ample. The legal impediments to select use of natural gas, such as the Powerplant and Industrial Fuel Use Act and incremental pricing provisions of the 1978 Natural Gas Policy Act, must be repealed. Repeal of these restrictive provisions can enable industrial customers and utilities to use more natural gas.

There is legislation before Congress to repeal the Fuel Use Act and the incremental pricing provisions of the Natural Gas Policy Act. I encourage my House colleagues to seriously consider supporting this legislation.

I have not been convinced that acid deposition is a serious environmental problem that deserves an expensive control program. However, I have outlined some of the benefits of select use of natural gas for my House colleagues who support an acid rain control program. Gas has clear environmental benefits.

THE ISSUE OF EMPLOYER SANCTIONS AND IMPLEMENTATION UNDER IMMIGRATION REFORM BILLS

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. KINDNESS. Mr. Speaker, I would like to bring to the attention of the House a statement by Richard L. Lesher of the U.S. Chamber of Commerce which addresses the issue of employer sanctions and their implementation under the immigration reform bills presently under consideration by the House. I believe his statement suggests an alternative that would make such legislation much more palatable to business interests while at the same time maintaining the kind of protection necessary for enforcement purposes.

Mr. Lesher's statement follows:

It's a tribute to America that while around the world people literally are dying to get out of countries limiting freedom and opportunity, they're falling all over each other to get in here.

But the ability of an estimated 3 million to 6 million foreigners to reside illegally within our borders weakens the very system that attracts them.

America's freedoms are based on our system of laws. We cannot allow these laws to be broken with impunity during nearly two million border crossings every day, nor can we encourage creating an entire class of people whose very presence mocks those laws.

We must prevent this destabilization. The question is how. Congress has struggled with that one for ages, in part because they've been unable to resist making business the fall guy.

Immigration control proposals over the years have invariably included sanctions against employers who hire illegals. Now no one wants to protect employers who knowingly hire illegals. But most sanction proposals have included onerous record-keeping requirements and criminal penalties against employers who may have been duped into hiring illegals—provisions bound to cause employers to avoid hiring Hispanics, not out of discriminatory intent but out of self-defense.

Fortunately, Sen. ALAN SIMPSON, R-Wyo., this year introduced reform legislation with less burdensome—and optional—record-keeping requirements and no criminal sanctions. Limited criminal sanctions were added in committee but Simpson's bill remains a tough and fair attempt to regain control of our borders—one business can live with.

But the House of Representatives seems determined to hang the immigration control millstone around business' neck. Legislation introduced by Rep. PETER RODINO, D-N.J., takes those onerous record-keeping requirements off the trash heap and puts them back on the table—and imposes criminal penalties for mere paperwork violations.

Congress would do well to enact legislation closer to the Simpson version. It isn't perfect, but unlike Rodino's bill, it represents a fair compromise. However, Congress would do even better to go beyond these limited efforts to address the full range of issues surrounding immigration control.

Maybe we could take a hint from that old saying "If you can't bring Mohammed to the mountain, bring the mountain to Mohammed" by addressing the desperate political and economic straits illegal immigrants are fleeing. And I'm not talking about foreign aid giveaways. We should be in the position of providing the fishing poles and the lessons, not the fish.

We should establish free trade zones with our neighbors and encourage them to copy our recent tax and budget cuts and regulatory reforms—policies based on a return to the freedoms that historically have produced unprecedented prosperity.

Instead of importing foreign workers, perhaps the best solution is to export the best features of the system that attracts foreigners to our shores in the first place.

Mr. Speaker, the sentiments expressed by Mr. Lesher should provide ample food for thought as we address the critical issue of immigration control. Certainly there is not enough room for all who would like to come to the United States and our efforts should realize the burdens that American businesses already bear.

EAGLE SCOUT AWARD TO MARC DORMAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GEKAS. Mr. Speaker, I would like to take this time to express my congratulations to Marc Dorman of Harrisburg, PA, who will receive the Boy Scout Eagle Award on Monday, April 21, 1986. This event is always a special time for the family and friends of a man who receives such an award because it is a recognition of his dedication to his community and country.

Marc, a freshman honor student at Susquehanna Township Senior High School, is a member of Boy Scout Troop 256. He began the scouting program as a Cub Scout in Troop 38 and has worked his way through Webelos and Boy Scouts. At Susquehanna High School he is the freshman class president, a member of the baseball team, and a violinist in the school orchestra.

As part of the scouting program, Marc is involved with the Medical Explorer Post at Polyclinic Medical Center in Harrisburg. Since joining Troop 256 he has served as a patrol leader, chaplain's aid, and quartermaster. He is also an ordeal member of the Order of the Arrow.

Marc Dorman has shown excellent service and leadership capabilities in his work with the Scouts and should be congratulated for earning this very distinguished achievement. I wish him good luck and great success in his future endeavors.

CONGRESS SHOULD START MEETING ITS DEADLINES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. GOODLING. Mr. Speaker, is today just the first of a series of deadlines this House will miss under the Balanced Budget and Emergency Deficit Reduction Act of 1985?

Congress was to have completed action on a binding budget resolution for fiscal year 1987 by today. The majority side of the House Budget Committee has not even produced such a resolution to date.

Before we know it, June 10, the deadline for all appropriations bills to be through the Appropriations Committee, will be past. Then June 15, when the Congress is to have completed action on budget reconciliation, will be gone. June 30, when all appropriations bills are to have cleared the House, may slip by. If we miss those last deadlines, we may miss an extended Independence Day district work period, because technically we cannot adjourn for more than 3 days until we have cleared all reconciliation and appropriations legislation.

The purpose of the accelerated deadlines for consideration of budget legislation this year was to insure that everything was done by mid-August, when the economic agencies are to take the economic snapshot that will show whether we are within the required deficit reduction target and can avoid sequestration on necessary programs.

Every deadline we miss brings us closer to the sequestration we wish to avoid. Let us start meeting the deadlines instead of ignoring them.

A SPECIAL TRIBUTE TO DR. H. CLAUDE HUDSON

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. HAWKINS. Mr. Speaker, on April 19, 1986, the distinguished son of a former slave and Louisiana sharecropper, Dr. H. Claude Hudson, shares his 100th anniversary with four generations of relatives, community associates, and friends from all walks of life.

The phenomenal career of this libertarian, successful dentist, civil rights leader, and president of a $50 million savings and loan institution exemplifies the finest tradition of American life.

Dr. Hudson was elected to the presidency of the Shreveport, LA, branch of the NAACP in 1921 at a time when being president of the NAACP in the South was not only unfashionable, but suicidal. Whenever referring to his membership in the NAACP, he identified it as a citizens' committee. He was so active in fighting segregation and police abuses that in June 1923 he was "called on the carpet" by the power structure. Immediately, he went to the office of the chief of police and found him with the sheriff discussing what to do with Dr. Hudson. Dr. Hudson argued the situtation with them and they finally admonished him to, "Go home, be a good boy, and don't give us any more trouble."

That visit to the chief of police and sheriff saved his life. Having already obtained a license to practice dentistry in California, he moved his family to Los Angeles without causing further disturbance. That incident gave rise to the rumor that he had been run out of Shreveport. He never denied it because it was a good story and gave everyone who heard it a good laugh.

In November 1924, due to this record of service during his 2 years with the Shreveport branch of the NAACP, he was elected to the presidency of the Los Angeles branch. Even though he had changed his residency, he didn't miss a year of service with the NAACP.

During his second term as president of the Los Angeles branch, Dr. Hudson faced a serious civil rights problem. At this time the Pacific Ocean was segregated: Black people, with one minor exception, could not go to the beach without being molested. So in 1925, he and seven other members of the NAACP waded in the ocean at Manhattan Beach, were arrested and fined $500 for defying the no-swimming ordinance. He immediately appealed the decision, and thereupon the Manhattan Beach court called him in and wanted to throw the case out of court. He agreed, but asked what was going to be done about the parking ordinance which allowed only 15 minutes for bathers to undress, swim, and return to their cars. The court reminded him that it would take about 90 days to repeal the ordinance. Dr. Hudson informed him that he was aware of that, as well as the fact that the ordinance was not being enforced against anyone else. The court responded that if he dropped the case they would not enforce the ordinance against black people. On the following day Dr. Hudson took a little black boy with him to swim on the beach to see if they would be arrested, but they were not and from that day on the beaches have been open to everyone.

Dr. Hudson served 10 consecutive years as president of the NAACP Los Angeles branch, which he developed into one of the largest and most effective in the Nation. Since 1934, Dr. Hudson has served the local branch as either vice president or as a member of the executive board. In 1950, he was elected to the national board of directors of the NAACP and has served continuously since that date. He is at present a member of the executive committee of the national board of directors.

In 1927, Dr. Hudson enrolled in the Loyola University School of Law and was awarded the LL.B. degree in 1931. His interest in the study of law was to broaden his education to better enable him to carry on the work of the civil rights organization.

Dr. Hudson assumed the presidency of Broadway Federal Savings & Loan Association in 1949 when the association had assets of less than $3 million. The association, with Dr. Hudson as its leader, broke the stranglehold of white savings and loan associations in Los Angeles, who refused to lend money on property located in neighborhoods where they felt black people should not live. Broadway made so many loans until the white associations reversed their position and began making loans to people under better terms.

Under Dr. Hudson's leadership, Broadway Federal Savings grew into a $57 million company. During his tenure as president of the association, he enrolled in the American Savings and Loan Institute evening school and obtained a graduate diploma in the operation and management of savings and loan associations. Dr. Hudson is now president emeritus of Broadway Federal Savings and Loan Association of Los Angeles, having retired from the presidency in 1972.

In 1962, at charter day exercises, Dr. Hudson received the Distinguished Alumnus Award from his alma mater, Howard University, for distinguished service as a dentist, businessman, and civil rights advocate.

He serves as a member of the Los Angeles County Real Estate Advisory Commission and as a member of the board of trustees of the Martin Luther King Memorial Hospital. The auditorium of King Hospital was named in honor of Dr. H. Claude Hudson. Loyola University,

Los Angeles, CA, established a scholarship in honor of Dr. H. Claude Hudson in June 1974.

In 1974, Dr. Hudson was awarded the Humanitarian of the Year Award of the Aid United Givers of the Biltmore Bowl of the Biltmore Hotel in Los Angeles. Upon his introduction as guest speaker, the audience of several thousand gave him a standing ovation. After the audience was reseated, Dr. Hudson began his acceptance speech by saying, "The ovation that you have just given me amazes me when I think of the fact that when I arrived in Los Angeles in 1923 I was not allowed to enter this hotel, and now to be the guest of honor shows me how far you have come." The audience at his request then stood and gave themselves a big round of applause.

At the Wiley College baccalaureate commencement convocation held on the campus of the college in Marshall, TX, on May 6, 1976, Dr. Hudson was awarded the honorary degree of doctor of humanities.

In mid-winter of 1976, Dr. Hudson received the honorary degree of doctor of laws from the University of Southern California, being the second citizen of black ancestry to be so honored by this great university.

The Distinguished Service Medal was awarded to Dr. Hudson on April 19, 1976, by the Los Angeles County Board of Supervisors, which is the highest honor the board of supervisors can bestow upon one of its citizens.

In 1976, the Commission on Human Relations of Los Angeles County awarded Dr. Hudson the John Anson Ford Award in human relations. In 1976, at the age of 90, he surprised his many friends and acquaintances by taking unto himself a bride, the former Lena Brown Work, a retired mathematics teacher and college adviser in the Los Angeles school system.

In 1977, Dr. Hudson was presented the Civil Rights Award of the National Dentist Association. In 1978, the Senate of the State of California presented an Outstanding Service Award, to his community, to Dr. H. Claude Hudson.

Mr. Speaker, Dr. Hudson epitomizes in so many ways the best our country can produce. His commitment to civil rights and dedication to the community are truly an inspiration to all who know him. I would like all my colleagues to join me in honoring Dr. H. Claude Hudson, who on April 19, 1986, will be 100 years young.

INTRODUCTION OF FOUR BILLS TO DEVELOP AND DEREGULATE THE U.S. LINER FLEET

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. JONES of North Carolina. Mr. Speaker, I rise in behalf of the leadership of the Committee on Merchant Marine and Fisheries to introduce by request, four bills to amend the 1936 Merchant Marine Act. The 1936 act established a complex system of financial assistance to aid the U.S. merchant marine. Congress recognized the important role of the merchant marine in times of national emergency and that a U.S.-flag maritime fleet was necessary if our Nation was to develop as a major trade and military power.

It is ironic that in recent years as we have devoted tremendous attention to the military needs of our Nation, we have ignored, neglected, and disregarded what continues to be the essential fourth arm of defense—our merchant marine.

The problems of the 1980's unfortunately cannot always be satisfactorily solved with solutions fashioned in the 1930's. The impact of our attempts to resolve the budget deficit crisis on essential activities such as our merchant marine has been devastating, and we must address our urgent attention to answers that will address the needs of the merchant marine not only today but for the balance of this century.

The industry most immediately affected has been engaged in efforts to present the Congress with a unified position on a solution to the crisis facing the merchant marine. Unfortunately, time is running short and rather than a single unified industry position, we have been presented with four approaches. In order to move the process along, I together with Messrs. LENT, BIAGGI, and SNYDER have agreed to introduce all four bills at the request of their proponents. These bills together with other concepts already before the committee will serve as the basis for legislative distillation.

It is the committee's goal to present to the Congress a single bill that will be responsive to the needs of the Nation, the industry, and the budget.

A TRIBUTE TO CHARLIE HALLECK

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. de la GARZA. Mr. Speaker, long will I remember how impressed I was with Representative Charlie Halleck when I arrived as a brand new Member of the House in 1965 to be sworn-in for the 89th Congress.

To a young fellow from the Texas Legislature, I was interested in being within the same quarters as those about whom I had read in the papers and seen on television for such a long time.

Certainly Congressman Halleck set a record of some kind, having served as both majority and minority leader—that is an accomplishment that doesn't happen to many.

His family can always live with the realization that their father was one of the Nation's greats—a man who won respect and the admiration of all in this body.

A POET LAUREATE FOR THE UNITED STATES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LaFALCE. Mr. Speaker, following an act of Congress creating the post of Poet Laureate, the Librarian of Congress, Daniel Boorstin, installed writer Robert Penn Warren as Poet Laureate of the United States. At first blush this appeared a curious if not questionable act. After all, the role of poet laureate is a British tradition embodying all the trappings of an aristocracy which our society purports to reject.

The poet laureate tradition dates from early 17th century England. There is seem disagreement about the first appointee but most authorities identify John Dryden. His responsibilities as laureate were to celebrate in verse major state events and other weight occasions such as birthdays of the monarch. Not surprisingly, such a tradition held little charm for Americans.

In the American context the appointment creates a concrete, tangible symbol to make explicit a solid but diffuse notion that art is truly important among our national priorities. Moreover, it affirms the role of government as an active collaborator with the private sector in supporting and encouraging excellence in the arts. There is nothing new in this. Historically, our Government, with widespread popular backing, has always vigorously promoted artistic expression. Importantly, the form of this support has recognized the artist and his work as far more than a dispensable luxury to be patronized in times of plenty. In the depths of the Great Depression, among the major New Deal programs were the Federal artists and writers projects which ensured that our society would emerge from that dark period intact in soul as well as body. What is new is the crystallization of this tradition represented by the Poet Laureate appointment.

Reflecting on this appointment and its antecedent tradition reinforces the principle that art not only enhances civilized life but sustains it; that art is a uniquely human endeavor and lacking outlets for creativity we would not be fully alive.

This appointment also invites us to consider the functions of art in society.

Often the artist and his work serve as mirrors and preservers capturing the prevailing beliefs and values of a society in a concrete, tangible form. Inevitably, the serious student of our own or another culture, past or present, will look to its major artistic works as a source of understanding.

Ironically, the artistic enterprise is often both conservator and iconoclast. Frequently the artist as social critic both symbolizes and stimulates the emergence of a new order. By its very nature the expressive essence of art is fertile ground for the growth of new ideas.

Functions of reflection and criticism are not contradictions, for any society is a dynamic relationship between pressures for change in several directions. In this dynamic process the artist plays the vital role of creating compre-

hensible forms out of the often bewildering flux of ideas and beliefs. His work gives concrete shape and texture to abstract and elusive notions which pulse like currents through our complex world.

But more vital than flash freezing the waves of change, the artists, especially the great artists, give definition and form to enduring abstractions such as good and evil, love and hate, beauty and trust. It is for this reason that the classic artist can speak with equal veracity to the 14th century cobbler and today's systems analyst.

In the process of articulating ideals and values, the artist creates models readily identifiable by anyone in our vast and multitiered society. Heroes, villains, and fools expemplify for appropriate response our ideals, failings and foibles. For example, I suspect that Pinocchio's nose is a far more powerful force in shaping children's values than abstract discussions of truth and falsity.

Serious accomplished artists are merely a fraction of our population yet their impact involves literally millions. One consequence of this mass impact is the opportunity for vast numbers of people to share concurrently in the ideas and emotions contained in artistic creations. In this phenomenon we have a form of public dialog at an unprecedented scale on complex but vital moral, spiritual, and esthetic issues.

If this brief and fragmented list is even partially valid it confirms my belief in the aptness of establishing a position to symbolize and enshrine artistic excellence. The choice of the first incumbent, Robert Penn Warren, is especially appropriate.

His record of excellence as poet, novelist, essayist, and critic is awesome. But equally impressive are certain qualities of the man and his work. To that special forum of public discussion which is modern literature, Mr. Warren has contributed abundantly and significantly. As simultaneous critic and observer he has reminded us of our own roots with vivid evocations of the virtues of our agrarian past. In two of his best novels, "At Heaven's Gate" (1943) and "All the King's Men" (1946), he incisively examines the dark side of public life-corruption, demogoguery, and the abuse of power. His own personal response to the appointment exemplifies the independence of thought and expression cherished in our society and demonstrated by the roles of the artist in it. He rejects the historic regal trappings of the position and even denies its value as an encouragement to aspiring yound artists. In short, his appointment confirms the assertion of Mr. Warran;'s wife that in creating this position, contrary to British tradition, the Government honors the artist.

WELCOME TO VENTURA COUNTY GULLS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LAGOMARSINO. Mr. Speaker, on Friday, April 11, 1986, pro baseball returned to Ventura County. The Ventura County Gulls, a class A affiliate of the Toronto Blue Jays, opened their California league regular schedule against the Reno Padres.

This marks the first time in 31 years that Ventura County has had professional baseball and the red carpet has been rolled out for the Gulls. Thanks for bringing this team to Ventura County go to Jim Biby and former ballplayer Ken McMullen.

I urge my colleagues to join me in welcoming the Gulls and wishing them a winning season. Play ball!

IS AID SERIOUS ABOUT PRIVATE SECTOR DEVELOPMENT?

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. McHUGH. Mr. Speaker, shortly after the Reagan administration took office in 1981, the Agency for International Development [AID] established a new Bureau for Private Enterprise. Its purpose was to stimulate the private sector within developing countries.

Since the economies of most developing countries are agriculturally based, a top priority for the new Bureau was to stimulate the flow of capital and technology from the private agribusiness sector in the United States to counterparts in developing nations.

One of the first efforts of the Bureau was to fund the Joint Agricultural Consultative Corporation [JACC], a private nonprofit corporation headed by former Agriculture Secretary Orville Freemen. Secretary Freeman had pioneered the JACC effort in Nigeria under a bilateral agreement signed by the United States and Nigerian Governments in 1980.

Under the AID/JACC funding agreement signed in 1982, JACC was asked to expand its efforts beyond Nigeria to several additional countries over the following 3 years. Eventually, the total number of countries covered under the agreement reached 11: Belize, Costa Rica, the Dominican Republic, Honduras, Indonesia, Ivory Coast, Nigeria, Panama, the Philippines, Sri Lanka, and Thailand.

The JACC program has stimulated the creation of broad-based, affiliated agribusiness committees in those countries. In addition, professionally staffed offices have been established in eight of them, with funding provided almost entirely from local resources. Here in the United States, the JACC has created individual country committees, consisting of 65 U.S. agribusiness companies having an investment interest in these 11 countries.

Over the course of the last 3 years, the JACC, in cooperation with its overseas affiliates, has provided help for hundreds of private agribusiness firms in those countries, linking them with private companies in the United States. More than 30 joint ventures have already been formed, valued at over $140 million, with several hundred million dollars worth of projects still in the pipline. Total cost to the U.S. Government: $1.5 million over the entire 3 years.

Despite this phenomenal success story, AID suddenly decided late in 1985 to terminate funding for JACC. This decision was apparently made by the Bureau's new Assistant Administrator, Ms. Neal Peden, in spite of a commitment in May, 1985, to continue funding for at least another 3 years and in spite of a recommendation for continued funding from the President's Task Force on International Private Enterprise.

Opposition to the decision to terminate funding was immediate, both overseas and in the United States. Among those opposing the decision were our Ambassadors to Nigeria and the Ivory Coast. As a result, Ms. Peden agreed to take another look. She commissioned three private contracting firms to visit overseas JACC affiliate offices, committees and companies. All of the reports she received from these contractors were apparently positive toward the JACC program. Yet, no new funding agreement has been reached.

Mr. Speaker, I am including an editorial about the JACC program at the conclusion of my remarks. It states the case for continuing the JACC very well.

It is my hope that AID will seriously consider continued funding for this worthwhile program, and won't seek to create new mechanisms to perform services that the JACC is already providing. Congress has generously funded the activities of the Private Enterprise Bureau over the years, and this episode raises troubling questions.

In particular, if the Bureau cannot appreciate a success story like this, one has to wonder whether it is up to the task with which it has been charged.

Is AID Serious About Private Sector Development?

Since its incorporation as a nonprofit organization in 1982, the Joint Agricultural Consultative Corporation (JACC) has helped to expand the agricultural horizons of developing nations in Africa, Southeast Asia, Central America and the Caribbean. Begun with the help of a grant from the U.S. Agency for International Development, through the Bureau of Private Enterprise, JACC's mission is the establishment of an informational network between private industry's agribusiness firms in the United States and agribusiness entrepreneurs in foreign developing countries. The goal is to provide direct help to foreign agribusiness companies who are looking for U.S. joint venture partners, to provide technical assistance in their development of specific agricultural resources and the transferral of technologies that will expand the agricultural bases of these foreign countries and help them to reduce their dependency on imports, and at the same time, increase their exports.

The lack of agricultural technology systems in developing countries is having the most severe consequences to the citizens of these nations. This lack of technology and support coupled with these countries' fragile economies, makes the development of a strong and viable agricultural base within these countries an arduous task.

In 1985, the citizens of the world witnessed the struggle for life in Ethopia. The ferocity of the drought in Africa made clear the fact that unexpected natural disasters can greatly undermine a nation's ability to provide adequate food for its countrymen. And as the agricultural technologies in these developing countries are at best only rudimentary, under these conditions even the most dedicated and conscientious efforts

on the part of the citizens of the world to bring relief to those victims of the famine still come too late for many.

Since man first began communicating with signs and symbols, through the development of the spoken and written word, through the stages of agrarian societies and on into the industrial revolution, we now have come to experience the informational revolution. We have the technology, experience and knowledge to prevent starvation, and at the same time, establish strong agricultural bases within developing countries and help them to become economically and nutritionally independent.

We see JACC as an instrument capable of transmitting that information and expertise to developing nations beset by antiquated farming and agricultural techniques. We see JACC's efforts to include private industry in this endeavour as a way for U.S. firms to, at the same time, take advantage of the excellent trade and investment opportunities inherent in this challenge. In its December 2, 1985 newsletter, an update of JACC's activities states that in the past three years, private agribusiness committees have been established in eleven developing nations. In eight of these countries, local affiliate offices and professional staff have been established, funded almost entirely with local funds. This indicates that JACC has been successful in the establishment of long-term foreign investment contracts with these countries while effectively leveraging local funds to help finance these efforts.

In the past three years, JACC has directly assisted the formation of over thirty joint venture enterprises involving U.S. and foreign agribusiness firms, the total estimated value of which exceeds $140 million. Also, as of September 1985, another twenty projects were in the "advanced stages of negotiation," partners had been identified for another thirty projects, and an additional eighty were in the U.S. "search" phase of developmnet. Should all of these ventures make it to the "established enterprise stage," the total project value would exceed one billion U.S. dollars.

Under the chairmanship of former U.S. Secretary of Agriculture Orville L. Freeman, the Joint Agricultural Consultative Corporation has expanded its activities into the countries of Belize, Cameroon, Costa Rica, Dominican Republic, Honduras, Indonesia, Ivory Coast, Nigeria, Panama, Philippines, Sri Lanka and Thailand. JACC has established a Washington, D.C. office, organized U.S. JACC Country Committees, introduced the JACC concept and structure to targeted countries, provided assistance to JACC countries in organizing and financing their in-country JACC committees, offices and staffs, processed requests for joint ventures and technology transfers to JACC targeted countries, sponsored and participated in conferences to promote the socio-economic interests inherent in the mission of JACC, engaged in some limited activities related to the review of foreign government policies affecting private enterprise and direct foreign investment, promoted private source revenues to reduce future financial dependence on AID, and hosted numerous individual office meetings to explain the JACC organization and operating structure.

Through these endeavours, JACC and its private industry members retain the capability to help developing nations meet their increased food and fiber needs and helps bring focus to future development of the infrastructure necessary to store, transport, market and export increase commodity production.

The U.S. Agency for International Development has announced that assessments are being completed on the decision to terminate US JACC/AID funding agreement. Should this funding be terminated, JACC will probably have no other option than to convert the JACC into a "for profit" investor-owned company. Through the years of its operation, JACC has steadfastly held to its original purpose to facilitate the technology transfer process and attract private U.S. investment in developing country agribusiness. JACC represents a number of medium-sized U.S. companies which, without JACC assistance, would probably not be involved in developing country agribusiness projects. JACC committees, set up in key developing countries, have both U.S. and Third World agribusiness participants, who exchange information and pursue joint ventures.

In its December 1984 report to the President of the United States, The President's Task Force on International Private Enterprise stated: "The Joint Agricultural Consultative Corporation (JACC) should receive continued and expanded support from the Agency for International Development." The report goes on to mention that the AID should support organizations and programs that serve as brokers between the U.S. private sector and the Less Developed Countries (LDC) private sector. Many times, because they lack sufficient information about international markets, U.S. firms ignore opportunities to go overseas because of what appears to them unknown, high-risk markets, too undefined and "unattainable" to be worth the effort.

JACC helps to bridge the gap and provide informational services between the U.S. private sector and the LDC private sector. Through its sponsorship of feasibility studies of foreign countries' agricultural potential and in providing assistance to obtain loan capital to finance these enterprises, the JACC helps to ensure the environment the agribusiness community needs in order to negotiate mutually advantageous business agreements.

We at INFOS recognize the accomplishments of JACC and its overseas affiliates and strongly support its mission and goals to sustain and enrich the lives of all residents of this planet. Beyond the differences of race and creed and economic status remains the common need for sustenance. As individual members of the human race, we are bound by a brotherhood of instinct—an instinct to be physically, emotionally and spiritually whole. We must work together to help sustain physical life on this planet. Although we here in the United States are blessed with advanced technology and an abundance of things necessary to enrich our lives, in the spirit of international brotherhood we must, for the future of our planet, see to it that all of our brothers and sisters and their children have at least the basic foods and nutritional elements required to sustain life. The Joint Agricultural Consultative Corporation promotes and encourages world food productivity through private enterprise.

We at INFOS suggest to our readers that they do all in their power to help assure continued funding of the JACC program. The challenge to those of us living in the informational revolution is to experience the freedom and benefits inherent to our ability to share the technologies and information we have with all of our fellow human beings within the global community.

FISHERMEN DESERVE OPPORTUNITY TO COMPETE FAIRLY IN THEIR OWN MARKET

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. McKERNAN. Mr. Speaker, on March 14, 1986, the International Trade Administration in the Department of Commerce announced that it had determined that imports of fresh Atlantic groundfish from Canada were being subsidized. The ITA noted that a total of 55 programs administered by the Canadian Federal Government and the provinces of Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland, and Quebec provided subsidies to the Canadian fresh fish industry. Unfortunately, however, the Department of Commerce did not consider all programs—particularly the off-season payments made directly to unemployed fishermen by the Canadian Government—to constitute a countervailable subsidy.

In its determination, the Department of Commerce did not dispute the fact that the unemployment compensation provided to Canada's self-employed fishermen is governed by a special statutory provision and directed at a specific type of industry. The Department stated, however, that fishermen who received unemployment insurance through this program did not receive benefits on more preferential terms than those who received benefits under other Canadian unemployment programs.

One key criterion that can be used to establish whether or not preferential treatment has been afforded is the ratio of benefits provided to premiums paid. It has been clearly established by the North Atlantic Fisheries Task Force, in their petition on behalf of United States fishermen, that the level of benefits paid by the Canadian Government to the premiums paid by Canadian fishermen is at least 12 to 1. Such a ratio is, in my view, substantially disproportionate and, I believe, prima facie evidence of the type of subsidy that has contributed to the injury of U.S. fishermen.

I have introduced legislation today which clarifies the definition of subsidy to include unemployment insurance programs if the benefit recipient is allowed to draw a substantially disproportionate amount of benefits relative to the costs incurred in participating in the program. The purpose of this legislation is to discourage foreign countries from providing direct financial assistance to specific industries under the guise of social welfare that function as a direct granting of funds to aid in the manufacture, production or export of any product. This legislation is in response to the Department of Commerce's final determination in its countervailing duty investigation of fresh Atlantic groundfish from Canada. It is my intention, however, that the changes made by this legislation would apply in all investigations where unemployment compensation is an alleged subsidy.

Mr. Speaker, in the existing trading environment, our fishing industry lacks both the market power and the Government support to

stand up to the Canadian industry. I believe, however, that given the chance to compete fairly, our fishing industry can hold its own. Our fishermen have proven their case—they deseve an opportunity to compete fairly in their own market, and I urge my colleagues to support me in this effort to provide the tools necessary to bring about a sense of equity.

CONGRATULATIONS TO COACH JODY CONRADT AND THE UNIVERSITY OF TEXAS WOMEN'S BASKETBALL TEAM, AND COACH RICHARD QUICK AND THE TEXAS WOMEN'S SWIM TEAM, NCAA NATIONAL CHAMPIONS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. PICKLE. Mr. Speaker, if you had been in Austin, TX, last week, you could not have failed to notice the University of Texas tower which was lit twice to honor University of Texas national championships in women's basketball and swmming.

The University of Texas Lady Longhorns' basketball team who won their first national basketball championship by defeating the University of Southern California, 97–81.

The University of Texas women's swim team also won the national championship, their third in 3 years, by outpointing the University of Florida, 633–586, in Fayetteville.

Our hats are off to both teams for their accomplishments.

The Lady Longhorns are, without a doubt, one of the most powerful and one of the winningest basketball teams in the history of women's college basketball. They were ranked No. 1 in the country the entire year and compiled a remarkable 34–0 undefeated season. They may very well be the best women's basketball team ever assembled.

The Lady Longhorns' victory was especially sweet for the seniors of the team who had been to the playoffs before but had come up short. Over the last 4 years, the Lady Longhorns have had one of the winningest programs in the country, but the seniors on the team saved their best for last—a national championship. What a way to top off their collegiate careers.

And we can't help but share Coach Conradt's enthusiasm for the performance of the Lady Longhorns that came off the bench to help seal the victory. Indeed, if Coach Conradt is right, and I'm taking her at her word, that it doesn't matter who starts on this team, then I'm planning to be standing in the well of the House this time next year complimenting them on their second national championship.

And what about the Texas Women's Swim Team? This is the third national title for the women's swim team in 3 years and most of our swimmers from this year's team will be returning, so I may very well find myself back here next year congratulating them on their fourth national championship.

Coach Richard Quick, who, I might add, is the 1988 Olympic swimming coach, has put together one of the strongest swimming programs in the country. I think this bodes well for our 1988 Olympic Swim Team, which I assume will be represented by Texas swimmers.

This particular championship was a total team effort as evidenced by the fact that the Texas team only won four of the 22 total events, yet still managed to win the championship. Teamwork and team depth were the key.

To Coach Conradt and the Lady Longhorns, and to Coach Richard Quick and the Texas Women's Swim Team, I simply want to say, well done, you make us proud, and "Hook Em Horns!"

SALUTE TO THE COPE-O'BRIEN CENTER

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to a center dedicated to helping youths in need.

The Washtenaw County O'Brien Center for Youth Development/Center for Occupational and Personalized Education, Inc.—referred to as the COPE-O'Brien Center—is celebrating its 15th anniversary.

Founded in March 1971, the COPE-O'Brien Center has been instrumental in offering essential individualized therapeutic and alternative educational services for behaviorally troubled and needy adolescents aged 13 to 21, living in Michigan's Washtenaw County.

The COPE-O'Brien Center works with one philosophy: that, given the opportunity to receive critical skill training and specialized treatment with regard to both vocation and education, the quality of these young people's lives and their chances for becoming productive and responsible adults will improve significantly.

Annually, more than 200 youths are served at the center. Totally, some 2,500 have benefited from its services during the last 15 years. The center has been considered a valuable asset to the community and has been given consistent public funding support at the local, State, and Federal level.

COPE-O'Brien Center represents a unique resource sharing model which integrates a public/private partnership in the delivery of youth services, and has been recognized as a model youth service program by the Michigan Department of Social Services, and the National Council of Juvenile and Family Court Judges.

I think it only fitting, Mr. Speaker, that I ask my colleagues to join with me in saluting the COPE-O'Brien Center for its outstanding work and wish them another 15 years of success.

A TAX POLICY FOR TODAY AND THE FUTURE—HOW TO SAVE TAX REFORM

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. SCHULZE. Mr. Speaker, today, April 15, is a day that is foremost in the minds of American taxpayers. This April 15, taxpayers again face filing Federal tax returns after months of work and confusion. Congress also faces confusion in sorting out months of work on reforming our Internal Revenue Code. Unfortunately, it has become apparent that proposals under consideration fail to address the role of tax policy in competing in our world economy. It is for this reason I am introducing legislation to address the ills of current tax reform proposals before Congress. Legislation to enact a strong and broad-based business alternative minimum tax or BAMT.

The BAMT would more nearly harmonize our tax system with those of our major trading partners, would help to level the playing field with foreign competition, and it would ensure that corporations which currently pay little or no income tax would pay a substantial amount of tax. Most importantly, the BAMT would pay for a capital formation system nearly as generous as current law and would replace either the current minimum tax or the onerous and loophole-filled minimum tax proposals under consideration by Congress.

Currently, our major trading partners utilize value-added taxes to raise the majority of their revenues. These VAT's tax imported goods raising substantial revenues from American exports. This is one more example of our Nations inability to utilize our Tax Code to level the playing field with our foreign competition. Japan is now considering implementing a VAT to enhance their trading position. The time has come for America to move toward harmonizing our tax system with our trading partners and the business alternative minimum tax does just that.

Let me emphasize that the BAMT is not a VAT. It acts as an alternative minimum tax to the Federal income tax and places a 7-percent tax on the net business receipts of trade or business. The BAMT also taxes all imports and exempts all exports as is allowed under the General Agreement on Tariffs and Trade [GATT]. Credits are allowed against the Federal income tax, FICA liability, and the BAMT also includes a small business exemption of $10 million to avoid hindering new business growth. The BAMT is not an add-on tax easily increased as a VAT could be; it is instead an alternative tax and includes specific language limiting any increase to a ratio directly corresponding with the income tax. In addition, a two-thirds vote by both Houses of Congress is needed to increase the rate. As an alternative tax, the BAMT is not a regressive tax as a VAT would be.

Finally, the BAMT raises $205 billion over five years, 68 percent from imports, and would pay for a tax reform bill American business could live with. Doesn't it make sense that we subsidize our economy with revenues from our

trading partners as they do from us? I urge my colleagues in the Congress to join me in addressing both a short-term goal of keeping our Nation's economy healthy and a long-term goal of implementing a tax policy to harmonize our system for competing effectively and efficiently in our future world economy. The BAMT generates the revenue necessary to lower tax rates for all Americans while maintaining a strong economy and a more equitable playing field in the international trade arena.

PROTECT SATELLITE DISH OWNERS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. SCHUETTE. Mr. Speaker, H.R. 3989 has rightly been called the Rural Satellite Dish Owners Protection Act. Many of the satellite dish owners throughout our country, and especially in Michigan's 10th District which I represent, live in rural areas where Earth-based satellite technology brings them a variety of television programming that would not otherwise be available to them.

The cable TV industry has legitimate concerns over the effects of satellite dish use for its business. But what they have proposed to do about this puts unfair penalties on satellite dish owners. The cable programmers want to scramble their signal—and in some areas they have already begun to do so—before insuring that decoding devices for wisely available and at a reasonable cost. Furthermore, cable programmers have come to no agreement on a uniform method for scrambling their programs, and different scrambling techniques would render one decoder useless for unscrambling other programs. Finally, cable programmers have even considered providing service to dish owners at a higher subscription rate than regular cable subscribers. These solutions that the cable programmers have offered can only be described as punitive against the satellite dish owners.

Mr. Speaker, I have agreed to cosponsor H.R. 3989 because it offers a solution to the conflict between satellite dish owners and cable programmers that is fair to both and punitive toward neither. This legislation permits cable programmers to scramble, but in accordance with uniform standards and after a 30-day moratorium which will allow time for decoders to become more widely available at more reasonable prices. This legislation allows cable programmers to charge satellite owners a subscription fee, but not at a rate that exceeds the fee charged regular cable subscribers.

Mr. Speaker, satellite dish owners are willing to pay their fair share for the programming they now enjoy, and no less. But also, no more. Previously, I have given my support to H.R. 1769 and H.R. 1840, Legislation also designed to achieve an equitable solution to this problem. Rural residents throughout our country, and especially in the district I represent, have turned to us in Congress to help them arrive at a reasonable compromise with cable programmers, one that will allow them to continue to enjoy the programming now available to them. I am committed to achieving such a compromise which is a fair deal for all parties involved in this problem. H.R. 3989 gives us the opportunity to achieve such a compromise, and this is why I urge my colleagues to join me in support of this legislation.

A TRIBUTE TO GORDON CARRINGTON

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. ROWLAND of Connecticut. Mr. Speaker, I would like to take this opportunity to mark the passing of one of my district's finest citizens, Gordon Carrington of Bethany.

Gordon has spent his life trying to make his hometown of Bethany a better place for all of its citizens. He was born in Bethany 64 years ago and from the day he became an adult he began a career of public service, becoming town assessor. For 6 years he served on the board of assessors and later served on the town's first zoning board. On July 23, 1963, Gordon became first selectman of Bethany, a post his neighbors reelected him to in every election since. At the time of his untimely death Gordon had served as first selectman for 22 years—longer than any other first selectman in Connecticut.

Gordon Carrington's service to the community of Bethany was not restricted to political service. He was both a successful farmer and businessman, as co-owner of the Cherry Tree Farm and owner of an Agway dealership. He was an active member of the Congregational Church, the Bethany Lions Club, and a number of masonic lodges. Prehaps most important of all, Gordon Carrington was a devoted husband and father.

I am sorry to see Gordon Carrington pass away. He will be greatly missed by all who knew him. We can rest easier in the knowledge that Gordon's accomplishments in making Bethany a better place to live will long outlive him.

TRIBUTE TO FRANKLIN A. POLK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. STOKES. Mr. Speaker, on May 21, 1986, a distinguished constituent of mine, Franklin A. Polk, will be honored by the Cuyahoga County Bar Association. I would like to bring to the attention of my colleagues the numerous contributions made by the "Grand Old Man" of the Cleveland legal community.

Mr. Speaker, Franklin Polk is a 1939 graduate of Cleveland State University Law School, who has maintained offices as an individual, general practitioner at 5725 Broadway, Cleveland, OH, for 44 years. In 1948, he was elected president of the Cuyahoga County Bar Association. For 39 years, he has chaired its annual Public Servants Merit Awards committee luncheon in which each year five of the county's most deserving court employees are honored. For 35 years he has been an elected delegate to the Ohio State Bar Association House of Delegates. For 12 years, from 1971 to 1983, Mr. Polk represented the Cuyahoga County Bar Association in the American Bar House of Delegates. These years of devoted service, however, have not gone unrecognized. Mr. Polk is the recipient of numerous awards and honors.

Mr. Speaker, in May 1983, Mr. Polk was awarded the Ohio State Bar Association Medal for his exceptional contributions to furthering the administration of justice. In May 1984, he received the American Judicature Society's Herbert J. Harley Award for his lifetime efforts toward improving the functioning of the Nation's legal system.

Mr. Speaker, Mr. Polk has introduced 108 lawyers into the full-time practice of law since 1947. They have memorialized his assistance to them by naming the No. 1 carrel at the Cleveland State University Law School Library after him. Mr. Polk has also served as the National Alumni Association President of John Carroll University, from which he graduated in 1935 after earning an A.B. degree. In 1951, Mr. Polk served as dean of Delta Theta Phi Cleveland Alumni Senate. He has been named as an outstanding alumnus of Cleveland State University Law School, John Carroll University and Delta Theta Phi. In addition, Mr. Polk currently serves on the editorial committee of the Cleveland Bar Association.

Mr. Speaker, Franklin A. Polk has made immeasurable contributions to every bar association, civic organization and fraternal brotherhood he has ever been involved with, and I am extremely honored to join in the salute to him. He has unselfishly served the Cleveland community for more than 40 years, and I join with the Cuyahoga County Bar Association in paying tribute to him.

TRADE TALKS WITH KOREA

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. MICA. Mr. Speaker, I would like to acknowledge the significance of the talks being held between representatives of the United States and the Republic of Korea, one of our key trading partners. Leaders from business and government in seven Southeastern States will be meeting April 20–22 in Miami Beach with a Korean delegation, headed by Minister of Trade and Industry Jin-Ho Kum, to discuss opportunities for establishing new economic ties between our two regions.

We are proud that Florida is hosting this conference. We believe the whole Southeastern United States is rich in potential for increased exports to Korea.

Korea is a key ally for us in the Pacific. We have a vital security interest in seeing that it maintains a strong economy to support its heavy defense burden. Koreans have the fourth largest international debt among the developed countries.

The backbone of the Korean economy is trade. Already, Korea is the eighth largest purchaser of United States goods. Expanded economic relationships with the United States are key to Korea's continued stability.

We are heartened by Korea's apparent desire to engage in international trade on a good-faith basis. Unlike other countries, Korea is not committed to a program of industrial self-sufficiency. Its leaders seem to recognize that restricting imports could trigger retaliatory trade actions that would devastate its economy.

The current discussions with the Koreans could furnish a blueprint for working with our other trading partners. This approach provides us with an alternative to instituting restrictive, protectionist policies. We stand to gain more from adopting an international trading policy grounded in cooperation rather than confrontation.

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. FASCELL. Mr. Speaker, I have had the privilege of participating in the Call to Conscience Vigil since it was first organized in 1976. I would like to commend this year's sponsor, our distinguished colleague, Representative TOM KINDNESS, for organizing this ongoing manifestation of congressional support for Soviet Jewry. As always, I am glad to do my part in demonstrating Congress' concern for the plight of the Jewish minority in the U.S.S.R.

I regret, however, Mr. Speaker, that today also marks the 10th year that I have taken the floor to draw our colleagues' attention to the case of Vladimir and Maria Slepak. For a decade now, I have spoken on behalf of the Slepak family of Moscow, a family that has been attempting to emigrate to Israel since 1970. Vladimir and Maria's two sons were allowed to emigrate to Israel in the late 1970's and Maria's mother and sister also live there. Vladimir, a radio and television engineer and member of the Moscow Helsinki Group, and Maria, a physician, spent 5 years in remote Siberian exile for protesting against the Soviet refusal to grant them exit visas. Since December 1982, when they returned to Moscow from exile, the Slepaks have renewed their efforts to be reunited with their children and the grandchildren they have never seen.

Mr. Speaker, earlier this month, I had the honor of meeting Maria and Vladimir Slepak in Moscow. Along with one distinguished colleague, Representative BROOMFIELD, I met with many of the Moscow Jewish community's long-term refuseniks. We told them of the Congress' commitment to their freedom and pledged ourselves to do all that we could to achieve that goal. And, in all our meetings with Soviet officials, including General Secretary Gorbachev, we raised the issue of Jewish emigration and highlighted specific cases. While we received no assurances, we were told that the cases were raised—including, of course, the Slepaks—would be reviewed and decisions reconsidered. I am, therefore, very hopeful that I will not be compelled to take the floor again next year, Mr. Speaker, on behalf of the Slepaks but that they will, after a 16-year-long wait, be reunited with relatives in Israel.

Mr. Speaker, today the 35 nations that signed the Helsinki final act are meeting in Bern, Switzerland, to open the Experts Meeting on Human Contacts. This 6-week-long meeting will cover the issue of family reunification, family visits, travel, and emigration. Specific cases of divided families, such as the Slepaks, will be raised and discussed. Let the Soviet Union use the occasion of the Bern meeting to demonstrate their professed fidelity to the final act with concrete actions and allow the emigration of the Slepak family.

IN HONOR OF JACK WOOD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today on behalf of Jack Wood who will leave public office in Hermosa Beach on April 15, 1986.

Jack has served on the Hermosa Beach City Council for 4 years and most recently served as mayor. He has been a resident of Hermosa Beach for 16 years.

He was educated at Norwich University where he received his bachelors degree in civil engineering. He earned a masters in business administration from Cal State University in 1975. He has worked as a private consulting engineer in Hermosa Beach and has been active in both the Hermosa Beach Rotary Club and Hermosa Beach Chamber of Commerce.

He served his country in the U.S. Army as a combat engineer during the Vietnam war and was made an officer.

To mark Jack's departure from public office, I ask that my colleagues join me in wishing him the best of luck in all of his future endeavors.

ACTION BY ADMINISTRATION MAY LEAD TO SELLING OF TVA

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1986

Mr. COOPER. Mr. Speaker, the administration recently announced their intention to sell the five Federal Power Marketing Administrations (PMAs) to the private sector. I am deeply concerned that this action could eventually lead to the selling of the Tennessee Valley Authority [TVA]. I wish to bring to my colleagues' attention a study which I hope will help inform them as to the impact such a move would have on ratepayers in the Tennessee Valley.

THE RATE IMPACT IMPLICIT IN THE HERITAGE FOUNDATION STUDY OF SELLING THE FIVE FEDERAL POWER MARKETING ADMINISTRATIONS AND THE TVA POWER SYSTEM

The Heritage Foundation study by Senior Policy Analyst Milton Copulos concludes that selling the five PMAs and the TVA power system would:

1. Yield significant long-term benefits to the consumers of PMA- and TVA-generated power through greater efficiency and accountability.

2. Help solve the deficit problem by raising $100 billion—even after all debts from revenue bonds were repaid.

An initial review of the study as it relates to TVA indicates both these conclusions are false. The $62 billion price tag for the TVA power system meets neither the test of financial common sense nor of protecting the public interest. Determining the market value of TVA involves not only complex financial and accounting questions, but fundamental legislative and regulatory uncertainties. There is no way to value TVA's power assets without knowing how the output produced by those assets would be priced, i.e., how rates for a "privatized" TVA would be set. Thus, the amount that the Treasury would realize is problematical at best, and in any event would be a one-shot affair that would not change the basic economic problems caused by the Federal deficit in a beneficial way.

In this paper, we deal primarily with the interrelated issues of whether the sale price for the TVA power system established in the Heritage study makes financial sense and the magnitude of the rate impact on TVA's customers that is implicit in it.

1. The rate impact of the sale of the TVA power system for $62 billion would be cataclysmic:

In order to yield $62 billion to the Government under a typical 60 percent debt and 40 percent equity financing arrangement, annual power system revenue requirements would have to increase by $7.18 billion in order to complete the transaction. (Based on average returns on utility debt and equity.)

An increase in revenue requirements of $7.18 billion would imply a rate increase of 158 percent.

An increase in revenue requirements of that magnitude would increase the monthly residential electric bill for 1,000 kWh from the current level of about $50 to $115.

With average annual residential use in the TVA service area at about 14,418 kWh per year (residential average use in 1984), the annual bill would increase from $720 to $1,645—an increase of $925 for the average residential customer.

This proposal would give the Tennessee Valley the highest electric rates in the Southeast by a large margin (they are now among the lowest). Of the major U.S. cities only New York City would have higher electric rates.

Moreover, as their contracts with TVA expired, TVA's customers would leave the system in order to buy the now much cheaper power available from contiguous utility systems. In turn this would drive up TVA's rates even further as the higher revenue requirements were spread over fewer and fewer ratepayers.

The derivation of this rate impact is shown in table 1. We have used very conservative assumptions as to interest rates and required rates of return. In reality, a substantial "risk premium" would be de-

manded by the financial markets for the sort of transaction outlined in the study—increasing the impact substantially.

Table 1.—Rate impact if TVA were sold: 60 percent financing by debt, 40 percent by equity

Assumptions:	*Billion*
Sale price of	$62.0
Financed by long-term bonds at 9.5 percent	37.2
New shares earning the average rate of return for the utility industry of 15.6 percent	24.8
Major changes in TVA's revenue requirements	
[In billions]	
Decreases:	
Long-term interest	$1.55
Repayment to U.S. Treasury	0.12
Increase in retained earnings	0.33
Total decrease	2.00
Increases:	
Interest on new debt	3.53
Return on equity	3.87
Increase in depreciation	1.78
Total increase	9.18
Net change	7.18
Current revenue payments	4.55
Percent increase	158

2. The structure of the sale as proposed in the Heritage Foundation study is all equity financing scheduled in two phases: an initial offering of 51 percent of the value of the agency's assets with the Government retaining a 49 percent share to be sold at a later date.

This arrangement would increase the revenue requirements and rate impact substantially above the 158 percent increase implicit in the 60 percent debt and 40 percent equity arrangement described previously.

The net increase in revenue requirements that would follow the initial 51 percent offering would be $4.71 billion, approximately a 104 percent increase. This assumes, of course, that the Government would be willing to forego any dividends on its 49 percent equity.

This would raise the current monthly residential bill of about $50 for 1,000 kWh to about $95.

As the second phase of the proposed offering went into effect, revenue requirements would increase another $4.74 billion. This also assumes that the first issue maintained its initial value, keeping in mind that in order for the shares in the first issue to retain their value, rates would have had to more than double, and that TVA's customers would not have left the system to obtain cheaper power elsewhere.

The combined impact for the two phases of the sale as proposed by the Heritage Foundation would be to raise revenue requirements by $9.45 billion, leading to a 208 percent increase.

Translating this into a increase in the average annual residential bill means the current $720 per year would almost triple to about $1,950 per year.

(The derviation of the rate impact is shown in table 2.)

Table 2.—Revenue requirement impact of TVA sale: Heritage Foundation plan

Assumptions:	*Billions*
Sale price	$62
Financed in two stages by new shares earning the average rate of return in utility industry of 15.6 percent	
Major Changes in TVA's Revenue Requirements	
[In billions]	
PHASE I:	
Decreases:	
Long-term interest	$1.55
Repayment to Treasury	0.12
Increase in retained earnings	0.33
Phase I decreases	2.00
Increases:	
Return on equity (51 percent of $62 billion at 15.6 percent)	$4.93
Increase in depreciation	1.78
Phase I increases	6.71
Net increase Phase I	4.71
Current revenue requirement	4.55
Percent change	104
PHASE II:	
Total decrease Phases I and II	2.00
Return on equity (49 percent of $62 billion at 15.6 percent)	4.74
Total increase Phases I and II	11.45
Net increase Phases I and II	9.45
Current revenue requirements	4.55
Percent change	208

3. Aside from the rate implications, the sheer magnitude of the proposed stock offering is so much larger than any previous sale that it makes any prediction of its yield an exercise in conjecture.

The largest previous stock offering was British Telecom in 1984—about $6 billion, but this offering was spread through Europe and Japan as well as the United States.

The largest stock offering made in the U.S. was a $1.17 billion sale of AT&T shares in 1983.

The proposed sale would also yield a very significant fee for the investment bankers underwriting the sale. Assuming a typical fee spread of 1 percent of the face value of the debt and 5 percent of the aggregate proceeds for stock offerings:

The 60/40 "buy out" would yield underwriters fees of $1.6 billion.

The all equity approach advocated by the Heritage Foundation would result in underwriting fees of $3.1 billion.

To put this in perspective, under the Heritage Foundation plan the fees paid to the bankers handling the transaction would exceed the Federal Government's current equity investment in the TVA power system.

The Heritage Foundation also recommends that the proceeds from the proposed sale of Bonneville Power Administration (BPA) be used to pay off the bonds issued to build units four and five of the Washington Public Power Supply System (WPPSS). BPA did not guarantee the bonds issued to build those units, and recent litigation has established BPA has no liability for them. Thus, the arrangement proposed in the study would amount to a very substantial Federal subsidy to the WPPSS bondholders.

Numbers and rate impacts of this magnitude may seem unrealistically large—and in our opinion clearly they are—however, they are also logically implicit in the study's claim that TVA could be sold for $62 million.

Another way to say the same thing is, that in order for rational investors to be willing to pay $62 billion for TVA, they would have to be assured that whoever would have the authority to set rates in the event of such a sale would be willing and able to triple the rates paid by TVA's customers.

Thus it appears that the Heritage Foundation's basic conclusions fail rather badly a basic test of financial and political reductio ad absurdum.

HOUSE OF REPRESENTATIVES—*Wednesday, April 16, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we anticipate the opportunities and responsibilities of each new day we pray, gracious God, that Your spirit would illumine our minds to see the truth that makes us free, touch our souls so we will be aware of the needs of all Your creation, make us receptive to the demands of justice and mercy that we may know that peace that passes all human understanding and gives hope and purpose to our lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SCHUETTE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHUETTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 134, answered "present" 5, not voting 50, as follows:

[Roll No. 80]

YEAS—244

Ackerman	Boner (TN)	Collins
Akaka	Bonior (MI)	Combest
Alexander	Bonker	Conte
Anderson	Borski	Cooper
Andrews	Bosco	Coyne
Annunzio	Boucher	Crockett
Anthony	Boxer	Daniel
Applegate	Breaux	Darden
Archer	Brooks	Daschle
Aspin	Broomfield	Davis
AuCoin	Brown (CA)	Dicks
Barnard	Bruce	Donnelly
Barnes	Bryant	Dorgan (ND)
Bateman	Burton (CA)	Dowdy
Bates	Bustamante	Downey
Bedell	Byron	Dwyer
Beilenson	Callahan	Dymally
Bennett	Carper	Dyson
Berman	Carr	Early
Bevill	Chappell	Eckart (OH)
Boggs	Coelho	Eckert (NY)
Boland	Coleman (TX)	Edwards (CA)
English	Levin (MI)	Roe
Erdreich	Levine (CA)	Rose
Evans (IL)	Lipinski	Rowland (CT)
Fascell	Long	Rowland (GA)
Feighan	Luken	Roybal
Fish	Lundine	Rudd
Flippo	MacKay	Russo
Florio	Manton	Sabo
Foglietta	Markey	Schneider
Ford (TN)	Martinez	Schulze
Fowler	Matsui	Schumer
Frank	Mavroules	Seiberling
Frost	Mazzoli	Sharp
Fuqua	McCloskey	Shelby
Garcia	McCollum	Shumway
Gejdenson	McCurdy	Sisisky
Gephardt	McDade	Slattery
Gilman	McHugh	Smith (IA)
Glickman	McKinney	Smith (NE)
Gonzalez	Mica	Snyder
Gordon	Miller (WA)	Solarz
Gradison	Mineta	Spratt
Gray (IL)	Moakley	St Germain
Gray (PA)	Mollohan	Staggers
Green	Montgomery	Stallings
Hall (OH)	Moody	Stokes
Hall, Ralph	Moore	Stratton
Hamilton	Morrison (CT)	Studds
Hartnett	Morrison (WA)	Swift
Hayes	Mrazek	Synar
Hefner	Murphy	Tauzin
Hertel	Murtha	Taylor
Hillis	Myers	Thomas (GA)
Holt	Natcher	Torres
Horton	Neal	Torricelli
Howard	Nelson	Traficant
Hoyer	Nowak	Traxler
Hubbard	Oakar	Udall
Huckaby	Oberstar	Valentine
Hughes	Obey	Vento
Hutto	Olin	Visclosky
Hyde	Ortiz	Volkmer
Jeffords	Owens	Walgren
Jenkins	Packard	Waxman
Johnson	Panetta	Weaver
Jones (NC)	Pease	Weiss
Jones (OK)	Pepper	Wheat
Jones (TN)	Perkins	Whitley
Kanjorski	Petri	Whitten
Kasich	Pickle	Wilson
Kastenmeier	Price	Wirth
Kennelly	Pursell	Wolpe
Kildee	Rahall	Wright
Kleczka	Rangel	Wyden
Kolter	Ray	Wylie
Kostmayer	Regula	Yates
LaFalce	Reid	Yatron
Lantos	Richardson	Young (MO)
Lehman (CA)	Ritter	
Lehman (FL)	Robinson	

NAYS—134

Armey	Craig	Gunderson
Badham	Crane	Hammerschmidt
Bartlett	Dannemeyer	Hansen
Barton	Daub	Hawkins
Bentley	DeLay	Hendon
Bereuter	DeWine	Henry
Bilirakis	Dickinson	Hiler
Billey	DioGuardi	Hopkins
Boehlert	Dornan (CA)	Hunter
Boulter	Dreier	Ireland
Brown (CO)	Duncan	Jacobs
Burton (IN)	Durbin	Kindness
Carney	Edwards (OK)	Kolbe
Chandler	Emerson	Kramer
Chappie	Evans (IA)	Lagomarsino
Clay	Fawell	Latta
Clinger	Fiedler	Leach (IA)
Coats	Fields	Lent
Cobey	Franklin	Lewis (CA)
Coble	Gekas	Lightfoot
Coleman (MO)	Gingrich	Livingston
Coughlin	Goodling	Lloyd
Courter	Gregg	Loeffler
Lott	Quillen	Snowe
Lowry (WA)	Ridge	Solomon
Lungren	Roberts	Spence
Mack	Roemer	Stangeland
Madigan	Rogers	Stenholm
Martin (IL)	Roth	Strang
Martin (NY)	Roukema	Stump
McCain	Saxton	Sundquist
McCandless	Schaefer	Swindall
McGrath	Schroeder	Tauke
McKernan	Schuette	Thomas (CA)
McMillan	Shaw	Vander Jagt
Meyers	Shuster	Vucanovich
Miller (OH)	Sikorski	Walker
Molinari	Siljander	Weber
Monson	Skeen	Whitehurst
Moorhead	Slaughter	Whittaker
Nielson	Smith, Denny (OR)	Wolf
Oxley	Smith, Robert (NH)	Wortley
Parris	Smith, Robert (OR)	Young (AK)
Pashayan		Young (FL)
Penny		Zschau
Porter		

ANSWERED "PRESENT"—5

Gibbons	Heftel	Watkins
Hatcher	Rostenkowski	

NOT VOTING—50

Atkins	Gallo	Nichols
Biaggi	Gaydos	O'Brien
Broyhill	Grotberg	Rinaldo
Campbell	Guarini	Rodino
Chapman	Kaptur	Savage
Cheney	Kemp	Scheuer
Conyers	Leath (TX)	Sensenbrenner
de la Garza	Leland	Skelton
Dellums	Lewis (FL)	Smith (FL)
Derrick	Lowery (CA)	Smith (NJ)
Dingell	Lujan	Stark
Dixon	Marlenee	Sweeney
Edgar	McEwen	Tallon
Fazio	Michel	Towns
Foley	Mikulski	Williams
Ford (MI)	Miller (CA)	Wise
Frenzel	Mitchell	

□ 1010

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that he will not recognize Members for 1-minute speeches before legislative business today.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

URGENT SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1986, AND JOINT RESOLUTION RELATING TO CENTRAL AMERICA

The SPEAKER. Pursuant to House Resolution 415 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution——

POINT OF ORDER

Mr. LOTT. Mr. Speaker, I rise to a point of order against consideration of the joint resolution, and ask to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. LOTT. Mr. Speaker, House Resolution 415 just adopted, or adopted last night, provides for consideration of, and I quote:

> A joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985 only containing the text of S.J. Res. 283.

Under section 722(s) of the International Security Act, the subsection headed "House Procedures," it is stated that the provisions apply during the 99th Congress to the consideration of a joint resolution with respect to the request submitted by the President pursuant to subsection (p), and the subsection goes on, I quote:

> For purposes of this subsection, the term joint resolution means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (p).

□ 1025

Mr. Speaker, under the terms of the rule and the International Security Act, only one pending joint resolution qualifies for consideration at this time, and that is Senate Joint Resolution 283 now pending at the Speaker's table since only it was introduced within 3 legislative days of the President's request and only it also contains the text of Senate Joint Resolution 283.

The House joint resolution the Speaker is attempting to bring up is not eligible under the terms of the rule or the International Security Act because it is not a legitimate joint resolution pursuant to that act; that is, it was not introduced within 3 days of the President's request.

I therefore urge that my point of order be sustained, Mr. Speaker, and that the Chair then resolve the House into the Committee of the Whole for the consideration of Senate Joint Resolution 283, which is the only joint resolution eligible for consideration under the terms of the rule and the International Security Act.

The SPEAKER. Does the gentleman from Texas [Mr. FROST] desire to be heard on the point of order?

Mr. FROST. Mr. Speaker, could the gentleman from Mississippi [Mr. LOTT] very concisely restate his point of order? I do not think many people in the House heard it, and if he could very precisely state what his objection is.

Mr. LOTT. Mr. Speaker, under the rule and also under the International Security Act, the only thing that is eligible for consideration is Senate Joint Resolution 283, because it was the only one that was introduced within 3 legislative days of the President's request.

The House joint resolution that is attempting to be brought up at this time is not eligible under that rule or the terms of the International Security Act.

Mr. Speaker, in furtherance of that point of order, I would like to make some additional comments.

Mr. Speaker, a review of the Rules Committee transcript on the motion to report the rule reveals that there was no discussion as to intent or interpretation of the phrase, "a joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985." Nor was there any elucidation on this phrase in yesterday's debate on the rule. Whatever discussions as to intentions or interpretations which may have taken place behind the closed doors of the committee caucus or in the Speaker's Office are irrelevant to the public record on which any determination as to intent must be based. But, I would point out that one need not look beyond the language of the rule itself if it is clear on its face what it means, since that is the first tenet of statutory construction—the so-called plain meaning rule. And nothing could be plainer than the words "pursuant to" and act which permits "only a joint resolution introduced within 3 legislative days of the President's request."

That is the key phrase, Mr. Speaker.

Mr. FROST. Mr. Speaker, of course we dealt with this matter several weeks ago, under the statute as the gentleman from Mississippi [Mr. LOTT] is aware. This is an entirely different question; it is a part of a supplemental piece of appropriation pending before this House, and this matter was dealt with, the procedures were complied with, when this matter was dealt with the first time.

Mr. LOTT. If I can be heard further on that point, Mr. Speaker, that was a House joint resolution. Our understanding all along was that the gentleman from Illinois [Mr. MICHEL] would be allowed to offer a House joint resolution which incorporated the Senate-passed language, perhaps with some modifications; but that was not what happened when the rule came out and we voted on the rule.

So, Mr. Speaker, I persist in my point of order that the House joint resolution that is attempting to be brought up at this time is not eligible, under the rule or the act.

PARLIAMENTARY INQUIRIES

Mr. MICHEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHEL. Enlarging upon the gentleman's inquiry, and if the Chair is constrained to overrule the gentleman's point of order, then I would also make the parliamentary inquiry: What is the base from which we are operating?

It is not my resolution; it was not referred to any committee; I do not know that there has been any effort here to discharge a committee from consideration of the base resolution; where did it come from? What is the mechanism by which we consider this base resolution?

The SPEAKER. The Chair will respond that the gentleman from Mississippi was really reading the title of the House joint resolution made in order by House Resolution 415; it is that title that refers to the International Security Act.

The House is not operating under that statute, and that statute does acknowledge that the House has the constitutional right to change the procedure at any time under its rulemaking authority. The Committee on Rules and the House have changed the procedure; so the House is not acting under the procedures outlined in the law cited in the title, but under the rule.

As far as the gentleman from Illinois' [Mr. MICHEL] is concerned, there is a joint resolution just numbered by the Clerk, House Joint Resolution 601, and the House rule adopted yesterday makes it in order to consider that resolution, and not Senate Joint Resolution 283.

So the point of order is not well taken.

Mr. MICHEL. Mr. Speaker, a further parliamentary inquiry. Might I inquire as to who introduced that measure you just made reference to? House Joint Resolution 601.

The SPEAKER. The Chair will state that it was made in order by the rule.

Mr. MICHEL. With no author?

The SPEAKER. It does not have to have an author; it was made in order by the rule.

Mr. MICHEL. Well, that is something unique around here. They are now falling from the sky.

The SPEAKER. The Chair appoints the gentleman from North Carolina [Mr. WHITLEY] to preside over the Committee of the Whole.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 601) relating to Central America pursuant to the International Security and Development Cooperation Act of 1985, with Mr. WHITLEY in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Under the rule, the first reading of the joint resolution is dispensed with.

Pursuant to the rule, the gentleman from Illinois [Mr. MICHEL] will be recognized for 1 hour and the gentleman from Massachusetts [Mr. BOLAND] will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, as we begin this debate again, a very quick review of what the rule adopted yesterday by the very narrow margin of four votes provides is, 2 hours of general debate here on this base resolution after which there will be 2 hours of debate on the so-called Hamilton-Barnes substitute to the base resolution; after which there are 2 hours of debate on the McCurdy substitute or amendment; and then finally 2 hours on the amendment introduced by Mr. MRAZEK.

The procedure is that if perchance the Hamilton-Barnes substitute should prevail, my understanding is then it washes out the other two substitutes; but in any event, there would be 30 minutes of debate prior to a final resolution of this issue before we would engage in debating more specifically the supplemental appropriation bill.

Mr. BROOMFIELD. Mr. Chairman, the foreign policy objectives of the United States in Nicaragua are clear. The plan of the President, already approved by the other body, can achieve those objectives. The plans represented by the Hamilton, McCurdy, and Mrazek amendments cannot.

The President has stated American objectives clearly and consistently for several years. Those objectives are to convince the Sandinista regime in Nicaragua to:

End Nicaraguan military and security ties to Cuba, the Soviet Union and other Warsaw Pact countries;

Reduce Nicaraguan military and security forces to a level consistent with Nicaraguan defensive needs;

End Nicaraguan support for subversion and terrorism directed at other countries;

End internal repression of the Nicaraguan people;

Begin good faith diplomatic negotiations in the Contadora process;

Begin the process of national reconciliation by church-mediated dialog with the opposition; and

Observe basic human rights and fundamental freedoms, including the right of free election of democratic government.

The President's plan is designed to achieve these objectives through diplomacy coupled with effective support to the Nicaraguan democratic resistance. The support for the resistance will give the Sandinistas the incentive to negotiate in good faith with neighboring countries and the internal opposition.

The Hamilton amendment plan will not achieve U.S. foreign policy objectives. All the Hamilton amendment does is turn an effective resistance into refugees dependent on handouts. It does not give the Sandinistas a reason to negotiate. Why should the Sandinistas negotiate if the Hamilton amendment hands them on a silver platter victory over the resistance?

The McCurdy amendment also will not achieve U.S. foreign policy objectives. All the McCurdy amendment does is stall any possibility of progress through the end of July. The McCurdy amendment does not give the Sandinistas a reason to negotiate. It simply states that if the Sandinistas don't negotiate in good faith out of the goodness of their hearts by the end of July, then maybe the Congress might then decide that we ought to give them a reason to negotiate by providing effective support for the resistance. The time to give the Sandinistas a reason to start negotiating is now. We have let them coast along with impunity long enough.

The Mrazek amendment would gut both the President's plan and the ineffective McCurdy amendment plan. It would be foolish to spend money to support the resistance, but then provide that U.S. personnel cannot be involved in making sure that the money is effectively spent.

Only the President's plan can do the job. The Hamilton, McCurdy, and Mrazek amendments cannot do the job and I urge my colleagues to vote against those amendments.

The letter from the Secretary of State follows:

THE SECRETARY OF STATE,
Washington, DC, April 16, 1986.

Hon. WILLIAM BROOMFIELD,
House of Representatives,
Washington, DC.

DEAR BILL: The McCurdy Amendment to be considered by the House on April 16 again raises the question of our policy on further bilateral negotiations with the Sandinistas. This amendment would require bilateral discussions between the United States and the Government of Nicaragua without requiring the latter to begin negotiations with the Nicaraguan opposition. I would like to review the history of our policy with regard to talks with the Sandinistas and why U.S./Nicaraguan bilaterals by themselves will not contribute to a peaceful settlement in Central America.

During nine rounds of bilateral negotiations in 1984, the Sandinistas rejected our offer of bilateral assurances in exchange for a workable Contadora agreement. By the ninth round, in December 1984, the Sandinista position was very clear: they were using the Manzanillo talks with us as an excuse to refuse to conduct any substantive negotiations with the other countries of Central America. In addition, the Sandinistas sought to create distrust of the United States by telling the Central American democracies that the U.S. was "making a deal" behind their backs. Since December 1984, the Sandinistas have grown increasingly obstructive in the multilateral Contadora talks while making renewal of bilateral talks with the U.S. a priority objective.

The United States remains willing to resume bilateral talks in support of a comprehensive regional agreement, including democratic internal reconciliation within Nicaragua. However, in view of past Sandinista intransigence and duplicity, we have insisted that the Sandinistas demonstrate serious intent by initiating a credible dialogue, accompanied by a ceasefire and restoration of civil liberties, with *all* elements of their opposition. Our objective is not talks which lead to "power sharing," but rather a sincere effort toward democratization.

In support of this goal, we have made a number of forthright proposals. In April 1985, the President endorsed an offer by the Nicaraguan democratic resistance, in which they proposed a ceasefire and a Church-mediated dialogue with the Sandinistas. In February 1986, we offered to have the U.S. begin bilateral talks simultaneously with the initiation of an internal dialogue by the Sandinistas with their opposition. On March 5, 1986, President Duarte added an offer to begin serious talks with the Salvadoran guerrillas, simultaneously with a Sandinista dialogue with the Nicaraguan democratic resistance.

The Nicaraguan resistance has been willing to talk; the Nicaraguan Council of Bishops has offered to mediate. The Presidents of Guatemala and Honduras, the President-elect of Costa Rica, and the United States Government all endorse President Duarte's proposal. The Sandinistas have adamantly rejected all these offers and have obstructed further Contadora meetings. They have insisted on bilateral talks with the U.S. as their foremost objective.

The United States continues to resist the Sandinistas' effort to portray the regional crisis as a bilateral, U.S.-Nicaraguan dispute and the internal Nicaraguan conflict as an artificial creation of the U.S. Given recent events in Honduras, I am more concerned than ever that giving the Sandinistas what they want—direct bilateral talks with the U.S.—would have a number of severe and adverse consequences:

It would seriously undercut President Duarte and his democratic neighbors who have supported him. President Duarte braved considerable internal criticism in his bold offer to open talks with the FMLN guerrillas in El Salvador, if the Sandinistas would simultaneously hold similar talks with the Nicaraguan democratic resistance. His forthright initiative provided an additional inducement that complemented our proposals to further a dialogue on national reconciliation in Nicaragua. We should not be in a position of weakening President Duarte in the eyes of his domestic critics or diminishing his prestige in the region.

It would afford the Sandinistas an opportunity for further duplicity and result in further delay in resolving the conflict. Their past record of dishonesty, during earlier bilateral talks with the U.S., has been duplicated by Sandinista misrepresentations over the invasion of Honduras.

It would divert attention from the evidence of Sandinista performance in the international diplomatic arena, as well as their aggression against their neighbors. The real issues are genuine dialogue leading to democracy in Nicaragua and serious nego-

tiations with their neighbors. They seek to district attention from these matters.

Finally, suggestions that we should undertake direct negotiations with the Sandinistas, if they simply talk to their internal political opponents, would place an undue burden on the weakest elements of the Nicaraguan opposition. Representatives of these internal groups, with their families and homes at risk and subject to direct Sandinista retribution, cannot be expected to speak for the concerns of the resistance.

A democratic reconciliation in Nicaragua is essential to regional peace. The United States has consistently offered to provide incentives to initiate such a dialogue—to include simultaneous bilateral talks with the Sandinistas. Conditioning our aid to the Nicaraguan resistance on the initiation of direct bilateral talks, without first requiring that the Sandinistas talk to their own internal opposition, would seriously undercut our friends in the region and prospects for a comprehensive, verifiable regional settlement. Our policy is, and should continue to be, to persuade the Sandinistas that they must come to terms with their own opposition and their neighbors.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. MICHEL. Mr. Chairman, I yield 7 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, we hear criticism of the President's request for military assistance for the democratic resistance in Nicaragua because, critics say, we should instead be supporting the Contadora effort to achieve a negotiated solution. The rejection by the Sandinistas of further negotiations at the meeting of Foreign Ministers in Panama April 5–7 should have been sufficient evidence that the Sandinistas are not willing to negotiate.

Through countless debates we have heard that the United States is the obstacle to a negotiated settlement in Central America, that if we would only give Contadora a chance, we could have a diplomatic solution. Where is there evidence the Sandinistas really want to negotiate? Why would they even have to negotiate if they didn't face any opposition? The Sandinistas believe they can win on the battlefield without having to give up anything at the negotiating table. Well, let's have negotiations, but let's not give up our bargaining chips before we go to the bargaining table.

Our Western Hemisphere Subcommittee last week heard testimony from a witness who had just returned from Nicaragua and Honduras. He offered a compelling picture of Nicaraguans fighting to recapture a revolution they thought they had won in 1979 against Somoza only to be betrayed by the Communist Sandinistas. This witness, Bernie Aronson, a lifelong Democrat, said we should make no mistake about the democratic resistance. "They are not our puppets, they are not our proxies, they are not our creation," he said. They are fighting for something they believe in, not because of what we do in the United States.

Much of this debate has concentrated on charges by one side or another about the Contras and whether they deserve our help. Not enough attention has been paid to what the Contras are proposing.

On January 22, 1986, the directorate of the united Nicaraguan opposition supported by its permanent advisory committee proposed the principles and objectives of a provisional government of national reconciliation. Those principles and objectives follow:

I. REGARDING THE POLITICAL SYSTEM

First, to democratize Nicaragua, guaranteeing and promoting political pluralism and the participation of all citizens at the local and national level, through the exercise of representative democracy, respecting their ethnic, cultural, and religious values;

Second, to establish a political system which guarantees the separation and independence of the powers of the government;

Third, to establish a rule of law which assures the equality of the citizens before the law; respect for, the full exercise of, and effective development of human rights through the independence of the judicial power; giving guarantees to national human rights organizations, and adhering strictly to international obligations deriving from written agreements;

Fourth, to guarantee the strictest respect for freedoms, especially those of speech, association, worship, and unions with respect for agreements numbers 87 and 98 of the International Labor Organization, such as the undeniable right to strike;

Fifth, to recognize the primacy of civil society over the state and the achievement of the common good as its principal objective;

Sixth, to create an autonomous electoral system which guarantees representative democracy and respect for the popular will, freely expressed in periodic elections, assuring alternability in office, through the principle of non-reflection;

Seventh, to promulgate a civil service law, establishing the administrative career. There will be created the National Comptrollership Commission to guarantee the efficient and honest use of public funds and state resources;

Eighth, to abolish any and all types of capital punishment and to eliminate permanently and unequivocally the special tribunals which have been abusively created by the Sandinista front;

Ninth, to decree a general amnesty for political and related common crimes, as an expression of the process of rehabilitation and reconciliation, without exception;

Tenth, to recognize the historic rights of the indigenous peoples of Nicaragua, adopting special administrative and developmental measures in order to accelerate the progress of the Atlantic coast; fostering the participation of its peoples in matters affecting the region, preserving their cultural identity and strengthening the nationality and territorial integrity of the nation;

Eleventh, to demilitarize society by subjecting the military to the civil authority, proceeding to dismantle military, paramilitary and security organizations and the organizations of repressive nature of the Sandinista regime;

Twelfth, to create a national army in the service of the nation and the defense of its sovereignty, of adequate proportions for those objectives and composed principally of freedom fighters who wish to serve professionally and loyally in democratic institutions, and by other Nicaraguans who also meet the conditions of moral character. No person with a record of human rights violations will be able to become a part of the new national army.

II. SOCIO-ECONOMIC AFFAIRS

First, to recognize the family as the basis of society, making its protection a fundamental objective of the government of reconciliation;

Second, to give preferential use of state resources to satisfy basic human needs: Especially employment, food, health, education and housing;

Third, to assure that education responds to the fundamental principles of freedom of instruction and the right of parents to select the best for their children. The preservation and the development of culture and sports will be an important part of the programs of teaching, outreach and information;

Fourth, to carry out an integral agrarian reform, which responds to the natural right of private property, taking into account efficiency in the utilization of resources and the utility of giving land to those who work it;

Fifth, to establish a new social contract, democratically adopted, which recognizes the equitable participation of all sectors of civil society, both in effort as well as in benefits;

Sixth, to provide immediate assistance to the victims of the civil war, providing programs which permit their rehabilitation and economic security;

Seventh, to adopt measures which facilitate full participation in productive civilian life by combatants who do not join the new army and national police;

Eighth, to promote and facilitate the return of exiles through programs to finance the creation of jobs and the adoption of legal, economic and customs measures and other incentives;

Ninth, to formulate and execute an immediate program of action and the securing of resources for the reorder-

ing and reactivation of the national economy and the providing of jobs for the Nicaraguan people;

Tenth, to abolish state centralism and return to the private sector all those productive, commercial and service activities which said sector is able to carry out more efficiently for the common good;

Eleventh, the government of reconciliation, as guarantor of the common good and social peace, will observe and promote the principles of: Social justice, freedom of association, work as a source of well-being and wealth, the indispensable contribution of laborers and peasants to the development of the country, as well as solidarity with the less favored sectors of the population, private property as the expression of a natural right and the sovereignty of Nicaragua over its natural resources;

Twelfth, to consolidate and perfect the Central American common market and to promote foreign investment as important measures to bring about socio-economic development.

III. FOREIGN POLICY

To adopt a foreign policy which protects the peace and strengthens the independence and sovereignty of the nation, founded on the principles of the inter-American system; supported in the fulfillment of international accords, cooperation and friendly relations, especially with those countries which practice representative democracy, and in the permanent determination to contribute to the economic, social, and political integration of the Central American fatherland.

IV. PLAN AND PROGRAM

A program of government will be presented for the consideration of a consultative body in which will be represented the various democratic, political, social, and labor organizations which will implement these principles. It will establish the procedures so that, by the 8th month after the installation of the new government of reconciliation, it will hold elections for a constituent assembly. After 18 months it will hold general elections with guarantees to assure the free participation of all citizens and the integrity of the elections.

Among the preferred objectives to be considered by the consultative body should be the following: Reorganization of the judicial power; municipal autonomy; reorganization and integrity of public administration; health and social security; education; culture; housing; transportation; infrastructure; sports; policies of incentives for the various productive sectors; the financial system; agrarian reform; commerce; foreign investment; reduction of the foreign debt; fiscal, monetary and credit policies, giving special attention to the development of cooperatives and the balanced action of the state.

We reiterate that the liberation of our fatherland requires the participation of all the democratic sectors of the Nicaraguan people, as well as the solidarity and support of the peoples and governments of the countries of the Americans and the other free peoples of the world.

At the same time, we pledge ourselves to respect the consensus of Nicaragua's democratic spectrum in the selection of those who will implement the initial task of national reconstruction. Furthermore, we pledge ourselves to assure that it shall be the people, by means of an electoral process in full enjoyment of their rights and freedoms, who will elect the constituent assembly and later the national authorities.

National reconciliation is an integral part of the Contadora process, yet the Sandinistas refuse to accept dialog with their opposition. President-elect Arias of Costa Rica has said that Contadora means agreeing to elements that imply "a political process of pluralistic democratization, which probably Nicaragua and those countries ideologically close to it are not disposed to accept. For this reason it is understandable that Nicaragua has adopted its present position of rejecting Contadora, after having approved of this mediation effort in the past for its international propaganda value—and to buy time."

A Costa Rican official, a favorite source for quotation by critics of the administration, has just said the Sandinistas have been participating in Contadora "for its international propaganda value—and to buy time." Now these critics say, we must buy more time, we must not pass military aid for the Contras, or we must at least make it more difficult to pass, so the Sandinistas can negotiate in Contadora. To those critics I say, heed the words of Bernie Aronson:

> The Sandinistas fought for 20 years to create a certain kind of society and it is not Costa Rica. They believe in what they are doing. They do not feel guilty they are suppressing those parties * * *. They are going to try to promote revolution elsewhere. There are 400 Costa Ricans fighting with the Sandinistas right now. What are they going to do when they go home? They are not fighting for Costa Rica * * * and I do not think we should kid ourselves about who those people are. They are Leninists and we have to deal with Leninists. They are not frustrated social democrats * * *. I would never say give military aid to the armed resistance for security alone. I really would not. I do not think we have a right to ask Nicaraguans to die for us. But I would say that if they want to stand up and complete their revolution, and they have a chance to do so, and I think they do, they have a right to do that; and if we are going to help, let's do it the right way. If not, let's end the tragedy. Let's end the killing.

I believe we do have to help the democratic resistance in Nicaragua, and we have to help them the right way. We must approve military aid to the Contras. I urge my colleagues to support the language of the resolution and reject all amendments to it.

□ 1035

Mr. BOLAND. Mr. Chairman, I yield 7½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman very much for yielding.

Mr. Chairman, I rise in strong support of a new foreign policy in Central America and against the old failed policy of aid to the Contras. That new policy is embodied in the Hamilton amendment.

From Haiti to the Philippines to Libya, the issue of what makes a successful foreign policy is currently being debated in many parts of this country.

First, no policy can be successful unless it has the support of the American people, and by extension, bipartisan support in the Congress.

Why does aid to the Contras not enjoy wide support in this country? It is because the American people realize that the Contras kill indiscrimately, operate through a policy of terror, and have no real program for their country's future. Now, allegations have come out that the Contras are involved in drug trafficking in this country.

As a matter of fact, the largest cocaine bust on the west coast is tied to the Contras. Both the U.S. Congress and the administration have begun investigations into these allegations backing up their credibility. The President has already stated that drug traffickers do not deserve our support. I agree with the President on that. But I would like to go further. I say drug dealers deserve our contempt and certainly not our dollars.

Again and again, the American people have said they do not want us to aid the Contras. The latest CBS/New York Times poll shows only 25 percent of the American people support the President on aid to the Contras.

Then there is the question of support of the Contras by the Nicaraguan people. The United States cannot hope to influence events in another country by supporting a movement that does not have their support of that country's people. Let us learn from the example of the Philippines, where Mrs. Aquino clearly caught the Filipino people's imagination and was able to lead a bloodless transition of power. Contrast that with the 5 bloody years that the Contras have been fighting in Nicaragua, evidentally without the popular support they need, to be the domestic alternative the President imagines them to be. Pushing the Contras on an unwilling Nicaraguan people is doomed to fail

miserably. The Nicaraguan people do not want another Somoza dictatorship and they know that the leadership of the Contras are former Somocistas.

Finally, we cannot possibly have a successful policy without the support of our friends and allies in the region. Recently, President Alfonsin of Argentina, a man who clearly knows the importance of diplomacy, echoed this same point when he said that only concerted pressure by its neighbors will cause the Sandinistas to change their policies. There is a sentiment among these neighbors for diplomacy and negotiation. There is no support for the Contra War—not publicly, not privately—there is no support. We are isolated in that regard.

The United States commands powerful influence, there is no doubt about that. So far we have used that influence to press a failed policy of armed conflict which has led the Congress to place restrictions on every Contra aid proposal that is sent up here. There are many who say this is no way to run a war. We hear that all the time and I agree. Let's not keep placing Band-Aids on the bloody wound. Let's cure the illness and move on to a new day with the Hamilton amendment.

To bring this new day about let us find one aspect of this Central America quagmire that everyone supports—all sides. That is the Contadora process. Full support of Contadora should be the centerpiece of our new bipartisan policy and it is the centerpiece of the Hamilton amendment.

I hope with all my heart the Congress ushers in the new day with the Hamilton amendment, but if we do not, I believe those of us who have fought against aid to the Contras will support the McCurdy amendment. McCurdy forces the military aid to be fenced for 90 days and then requires a vote of approval to release it. My friends, any amendment that will delay one death, one wound, one frightened child, deserves our support. Our choices are sometimes murky, but it is clear that McCurdy will at least delay the worst from happening right now.

Our choices are sometimes murky in this body, but it is clear that McCurdy will at least delay the worst from happening right now. And very important to all sides, very important, it keeps the control here in this Congress.

It buys us a little time for diplomacy, it keeps the control right here in the House.

My friends, whether you are Republican or Democrat, whether you are a moderate or a conservative or a liberal, we should keep the control of this war in this body and that is what McCurdy does. So vote yes on Hamilton, vote yes on McCurdy if Hamilton fails, and vote "no" on Michel.

Mr. BURTON of Indiana. Mr. Chairman, will the gentlewoman yield to me?

Mrs. BOXER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, on what basis does the gentlewoman make the allegation that the Contras were involved in drug trafficking? Can she give names, dates, places?

Mrs. BOXER. I will be happy to do that. The gentleman should like to look back into the CONGRESSIONAL RECORD on the last debate. I placed into that record the story that was in the San Francisco Examiner that was confirmed by court investigation. Those records are in court files and I would be glad to make those available.

Mr. BURTON of Indiana. Have there been any indictments or convictions? If so, what were the names of those people who were convicted?

Mrs. BOXER. Yes. We have that all for the gentleman. In fact, there was a conviction. What was very interesting was——

Mr. BURTON of Indiana. Was it a Contra?

Mrs. BOXER. If I may just complete my answer: These people were directly tied to the Contras. In fact, what happened which was so extraordinary was that the U.S. Department of Justice returned the funds to that particular party. I think the first time in history when a drug dealer got back the money once it was known the money was for the Contras.

I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

The gentlewoman from California just referred to the case in California. It has been brought to my attention that the DEA confirms that the case referred to by Congresswoman BOXER involves a Colombian, Enrique Zavallos, who was a member of a Colombian drug ring. The DEA further confirms that the individual, Enrique Zavallos, later admitted to having lied about any connections with the Contras in Nicaragua, that he had only made up the story. This is confirmed by the DEA.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. FIEDLER].

Ms. FIEDLER. I thank the gentleman.

Mr. Chairman, we spend billions and billions of dollars on our national defense, and yet when there is a real threat in our own back yard, we refuse to acknowledge that it exists.

Now in just the past couple of days we have seen what happens when we recognize a threat. The threat in this case was Qadhafi's support of terrorism, and Congress saw the effectiveness with which the United States can respond when it is necessary.

After all, he armed, supported, and trained terrorists in another part of the world. Yet we see a situation taking place in Nicaragua with many of the same terrorist groups that are involved with Libya and some liberals propose that we do nothing to stop them.

□ 1050

The threat of terrorists working out of Nicaragua is compounded by a tremendous buildup of troops by the Sandinista government that did not exist prior to their taking over.

In 1979, there was only 16,000 troops in the country of Nicaragua; yet today, there are 120,000 troops there. The Soviet Union has invested, along with the Cubans, more than $500 million in military equipment for Nicaragua. They have provided military hardware in the form of tanks, artillery, helicopter gunships, patrol boats, a whole host of other things, to help work toward exporting terror in that part of the world. In Nicaragua we are dealing with the issue of the Sandinistas exporting terrorism to a neighboring country, El Salvador, which is trying to stabilize a democracy. They have also put their arms around and dealt closely with the PLO, the Libyans, the Iranians, all of whom comprise the greatest elements of opposition to the United States and its citizens. They all advocate World terror.

Terrorist activities are taking place within Nicaragua itself. They have slaughtered numerous Miskito Indians in Nicaragua; they have burned the only synagogue in Managua, and the entire Jewish community had to leave Nicaragua because it was no longer safe there. There is also a tremendous level of religious repression taking place there today.

These are the people who have control over the Nicaraguan Government. These are the same enemies that we were dealing with in Libya. And for this Government not to recognize the enormous threat that exists, not thousands and thousands of miles away from our shores, but right here in our hemisphere, is a terrible mistake for us and the American people. I urge this body to support aid for the Contras so that they can establish a democracy in Nicaragua, instead of permitting the continuing expansion of influence by the same terrorist groups we are dealing with in Libya.

Mr. BOLAND. Mr. Chairman, I yield 7 minutes to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, no one is more disturbed than I over the prospect of a Sandinista Communist regime in Nicaragua. Yet, I think I see as clearly as anyone the terrible dilem-

ma that faces us as a Congress and we as a country.

The Contras are not a viable alternative to the Sandinistas. They have been at it for 5 years and they do not have a single beachhead inside Nicaragua. They have no popular uprising of support when they do go into Nicaragua. They are riddled with corruption. Their leadership is dominated by former Somocista national guardists.

So let us not kid ourselves. If we are going to rely on a military option in Central America, then there is no way that it is going to be successful unless it also includes the U.S. Armed Forces. And that is what the country clearly does not want. That is what the Congress does not want. Yet, we are slowly edging into it as we did in Vietnam, first with advisers, then with military training and, finally, it will include the entire U.S. Armed Forces.

So that is what is disturbing some of us who do not just jump through the hoop when the President says that there is a threat to our American security system coming from the Sandinistas. Of course, there is. But the question is: How do we deal with it?

I submit to you that the use of military options on a very limited basis through giving money to the Contras, both for military and humanitarian aid, is not a viable option in dealing with what is basically a political problem.

Let us take a little longer-range look at this thing. Suppose we wiped out the Sandinistas through some combination of U.S. Armed Force intervention and the Contras. That is not something new. For over 100 years, this country has on occasion invaded Nicaragua and set up regimes that we thought were more stable and more friendly to the United States. Each time we had to intervene again. The last one was the Somoza family. And what did it produce? It produced the Sandinista revolution.

Unless we address the basic underlying causes of instability in Central America, we are not going to solve this problem. You can knock off the Sandinistas and someone else will be back tomorrow.

So that brings us to the point that I really want to take a look at, which is the long-range problem that we are facing in Central America. I hope my Republican colleagues will think about this, as well as my Democratic colleagues.

We have lost the tax base to deal effectively in international affairs with any means except military means. We have lost our tax base through the unwise tax cuts that the President got the Congress to approve in 1981. We have now cut our domestic programs just about as far as we can safely go in order to finance the Presidents' increased defense spending. We have $200 billion a year deficits, and the Gramm-Rudman process that is forcing us to cut, cut, cut on both defense and democratic programs.

If we wanted a Marshall plan for Central America, if we wanted point 4, if we wanted another Alliance for Progress, we do not have the funds to do it. So all we have left now is the military option, and I submit to you that that is not going to solve the political, social, and economic problems which give rise to unrest in Central America, not only in Nicaragua, but throughout Central America, and South America as well.

That is what our friends in the Contadora countries and the other South American countries are trying to tell us, that if we have a program which is purely a military stick and no carrot of economic growth and development of the kind that will produce stability in Central America—and perhaps even provide a carrot for Nicaragua to moderate their dictatorial approach to their internal affairs—then we are not going to succeed in solving the problem of communism in Nicaragua or any other place in Central America.

So I suggest to you that we start taking a longer view. In the meantime, let us adopt the Hamilton amendment which sends a message that we are, in fact, going to do so. If that fails, we should at least adopt the McCurdy amendment that forces serious negotiations on both sides before Congress has to vote on the military option.

Beyond that, let us take a look down the road and figure out some way, whether through tax increases or some other means, to get ourselves in the position where we can start dealing with these Third World problems, the economic and social problems, and not just have the military option.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I would be happy to yield to the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, I just have a brief question. First of all, what period of time does the gentleman think we should wait for further negotiations? No. 2, if those negotiations are not fruitful, will the gentleman vote for military assistance?

Mr. SEIBERLING. I am trying to get across that we do need time to develop other options than military options.

Mr. BURTON of Indiana. Will the gentleman vote for military options if they do not work?

Mr. SEIBERLING. That will depend entirely on the circumstances at the time.

I do think that we ought to send a message very loud and clear to the Sandinista government, and to Cuba and the Soviets, that if the Contras aid is terminated, there are, nevertheless, limits to Sandinista actions which we will tolerate. Certainly we should not tolerate the introduction of any significantly higher levels of weapons in Nicaragua or military advisers or sophisticated weapons that could threaten neighboring countries. And we will not tolerate Sandinista military interventions outside of their borders. We can and should draw that line. That, in effect, was the original Contadora proposal.

Mr. BURTON of Indiana. If the gentleman will yield further, if they do not pay any attention, would the gentleman vote for military assistance?

Mr. SEIBERLING. Again, that will depend entirely on the circumstances.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. DELAY. Mr. Chairman, will the gentleman tell me what a viable force is? Is a viable force 3 weeks ago that was invaded by a huge Communist army when they invaded Honduras and attacked the freedom fighters' training camps, and the unviable force that you talked about kicked their tail in 2 days and sent them back across the border? Is that an unviable force?

Mr. SEIBERLING. If they could not defend their own base, I would say that they were not only not viable, they were practically nonexistent.

Mr. DELAY. I think they did defend their own base and kicked the Communists right back into Nicaragua.

Mr. SEIBERLING. But can they establish a base in Nicaragua? That is the Contra's objective.

□ 1100

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman in the well made mention of the erosion of the tax base and that, therefore, we cannot do some of the things we ought to be doing. I simply suggest that since 1980 and before 1985, Federal revenues have increased better than 40 percent, even with that tax reduction that we voted in 1981. The problem is that expenditures, mainly in the entitlement area, increased 62 percent during the same period of time.

As for our getting ourselves dragged down in a Vietnam situation, the conditions are completely different. We do not have military advisers in Nicaragua today. As a matter of fact, the gentleman opposed those military advisers in El Salvador, and it was the assistance of those military advisers that helped gain a free election in El Salvador, a neighboring country, and helped establish the kind of government, a pluralistic government, that we are striving for in Nicaragua.

So this business of getting ourselves in another Vietnam just does not hold water. We could, as a matter of fact, bar military advisers if that were our inclination, and we could certainly bar

the introduction of American troops. That is the last thing the President would want to have happen; that has been made clear in any of the conversations that I have had with him.

At this juncture, Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, all eyes are focused on Libya. With a near unanimous American voice supporting our actions there, it is wise at this juncture to consider the meaning of the Libyan-Nicaraguan link.

I have here a picture of Qadhafi of Libya and Ortega of Nicaragua, their fists raised together in solidarity, and this is the quote that appears underneath the picture of Mu'ammar Qadhafi: He says;

Libyan fighers, arms, and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground.

Those were the words of Col. Mu'ammar Qadhafi as reported in the New York Times on September 1, 1984.

I say to my colleagues that the link is both substantive and symbolic. There are deep and abiding commonalities between Qadhafi, his Libya, and Nicaragua's Leninist regime. It is essential that we understand fully this brotherhood because it implies something that opponents of Contra assistance have been unwilling to admit, that a Marxist-Soviet client, Nicaragua, poses a direct threat to the United States and its citizens.

The close relationship between the Sandinistas and Qadhafi creates the imminent danger of Libyan-inspired terrorism in this hemisphere against Americans. Consolidation of the Sandinistas' Leninist regime can only benefit Qadhafi and his sponsors and hurt America and Americans. Qadhafi's terrorists have a second home in Nicaragua. The Sandinistas and the Libyans are not just in the same league; they are on the same team. I repeat the quote of Colonel Qadhafi: "Libyan fighters, arms, and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground." In other words, the Libyans know exactly what is going on in Central America. None of us could have said it better. The Sandinistas are fighting the United States.

No, it is not an open war, but it is a war against democracy, a war against their neighbors, a war against human rights, a terrorist war in Colombia and El Salvador, and this threatens all of Central America and the entire hemisphere, and it jeopardizes American lives and security. The majority of Americans agree that Libya's Qadhafi deserved punishment, and they approved the President's action.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RITTER] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, on this Contra aid issue so many Members of this House are not willing to support the action, not of American troops, not of the American Air Force or the U.S. Navy as they did in Libya, but the actions of others who would fight for their freedom against a destabilizing threat, a hostile threat, right south of our borders from the Sandinistas.

Let us consider the evidence of the Libyan-Nicaraguan connection, the terrorism, the anti-American activities, the democracy bashing, the suppression of human rights, the arms traffic. The facts are that four Libyan planeloads of Soviet-manufactured arms were intercepted in Brazil, and all in all there were 84 tons of arms labeled as medical supplies. Libyan loans in the amount of $400 million have reach the Sandinistas. That is four times the amount that we cannot get, because of this Congress, to our friends who are fighting for freedom in that region. We hear of Sandinista celebrations honoring the Qadhafi takeover of Libya and the ousting of U.S. military bases in Libya, and you can go through the quotes reflecting solidarity among Qadhafi and his colleagues.

We know that Libyan military officers are advising and fighting inside Nicaragua with the Sandinistas. Libya has repeatedly propped up the Nicaraguan economy with tens of millions of dollars in oil loans. The Libyans and the Sandinistas are in this together. They see this as a war.

Surrender is not a viable alternative. The best alternative is to support those who would fight for their own freedom. Again before we vote, let us remember Qadhafi's words, the words underneath this picture, with Qadhafi's fist raised in solidarity with Daniel Ortega, the President of Communist Nicaragua:

Libyan fighters, arms, and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground.

Mr. BOLAND. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, we have just heard a discussion about the link between Libya and Nicaragua. I think the recent events in Libya underscore why American policy or administration policy in Nicaragua is wrong, not right.

There are two fundamental differences between our policy in Libya and our policy in Nicaragua. What are we on this side urging the administration to do before we commit to a military solution in Nicaragua? The very thing they have done in Libya. What did the administration do before it took military action? We have known what Qadhafi has been doing for a year, but we first tried diplomacy and we tried economic measures. We tried them for 6 months, 8 months, 10 months, and a year. It was only after those methods failed that we then had to resort, with no other choice before us, to the ultimate military force.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I will yield after I finish my remarks to the gentleman from Indiana.

Mr. Chairman, there is a world of difference here. Why cannot we try diplomacy first in Nicaragua? Why can we not listen to the Contadora nations and the surrounding countries who have, if anything, more to lose than we?

Let me ask the gentleman a rhetorical question. That is this: Why is it that the American people have supported the President in Libya overwhelmingly and yet, by a CBS-New York Times poll just recently given-out, have rejected his policy in Nicaragua? For one simple reason: They are convinced that we tried diplomacy and it failed in Libya. Everywhere you go, people say: "I didn't like to see us have to do it, but it was a last resort."

There is a second major difference. The day Daniel Ortega trains terrorist hit squads to assassinate Americans in Nicaragua or outside Nicaragua, you can be sure that the kind of bipartisan support the President has received on Libya will be received on Nicaragua. The difference in the argument is that what is going on in Nicaragua is an internal struggle. Qadhafi did not just get into power this year. He has been doing his evil things within Libya not just for a year but for 5 years, for 8 years.

□ 1110

And yet 2 years ago or 3 years ago did our President say that we should interfere in Liyba no matter how evil the Libyan Government was? No. It was only when the Libyan regime declared war on Americans in Germany, in Italy, in Egypt and in Sudan—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOLAND. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Massachusetts for his kindness.

It was only when he began a terrorist war against Americans outside of Libya that we intervened and only after the use of diplomacy.

I would submit, Mr. Chairman, that indeed the bipartisan support in this House that the President has received

for his Libyan policies, and furthermore the overwhelming degree of backing he has received for his Libyan policies among the American people, are founded with very good reason, that first, in Libya indeed military policy has been a last resort. In Nicaragua it seems to be the first resort.

Second, that Libya no matter how badly internally its policies are is seeking to export its terror to Americans throughout the world. Those are two major differences and differences that I believe stand the test politically, issuewise and morally, and that is why I would urge support in this House for the Hamilton provision and the McCurdy provision.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I am happy to yield.

Mr. BURTON of Indiana. Mr. Chairman, how does the gentleman explain the walkout of the Communist Sandinistas from the Contadora talks recently and is the gentleman aware there have been nine times in the past 2 years that we have made overtures to the Nicaragua government to negotiate.

Mr. SCHUMER. Let me say to the gentleman from Indiana that the negotiations that the President has tried cannot be tried at the same time we are aiding a military force.

I think in this country if some foreign power were trying to overthrow our government and then said, "Let's sit down and negotiate," we would resist doing that. Let us do one and then the other.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

If the gentleman from New York had his facts straight, I would agree with him, but the fact is that aid to the Contras was cut off entirely, not just military aid, but humanitarian aid, any kind of aid was cut off entirely for a period of 16 months and then some humanitarian aid started coming in there and there were many negotiations plus many attempts at negotiations.

Let me read from a letter that Congressman BROOMFIELD just received from Secretary of State Shultz:

> During nine rounds of bilateral negotations in 1984 the Sandinistas rejected our offer of bilateral assurances in exchange for a workable Contadora agreement. By the ninth round in December 1984, the Sandinista position was very clear. They were using the Manzanillo talks with us as an excuse to refuse to conduct any substantive negotiations with the other countries of Central America. In addition, the Sandinistas sought to create distrust of the United States by telling the Central American democracies that the United States was making a deal behind their backs.

The gentleman from New York said that if—another caveat of his—that if it could be shown that the Sandinistas were training terrorists for the export of revolution, he would support military assistance.

Well, the facts are clear. M-19, the Colombian terrorist group, is active inside Nicaragua. Thomas Borge held a special mass for the deceased M-19 guerrillas who were killed in their massive assault on the Palace of Justice in Columbia. There is an intimate link between the Sandinistas and those terrorists.

Mr. BROOMFIELD. Mr. Chairman, I yield 3½ minutes to the gentleman from Indiana [Mr. BURTON], a member of the Foreign Affairs Committee.

Mr. BURTON of Indiana. Mr. Chairman, I thank my distinguished colleague for yielding.

It never ceases to amaze me, Mr. Speaker, how my colleagues on the other side of the aisle seem to be consumed with disinformation emanating from Nicaragua.

There is a book out that has been published by the State Department and it is a complete dissertation by Mr. Alvaro Baldizon who was the right-hand man of Thomas Borge, the Minister of the Interior in Nicaragua. In this book he talks about the disinformation tactics of the Communist Sandinista government. He talks about how when visiting delegations, particularly religious delegations go down there, they go into Borge's office, which has a crucifix, a picture of Jesus Christ, and a Bible on his desk, and he talks in religious terms to confuse them and to deceive them into thinking that his is a Christian and humanitarian type government. He even brings in poor peasants who may have been mistreated and promises them, with the door open so that these visiting dignitaries can hear, aid and assistance and then he goes out and very humbly apologizes for keeping these people waiting.

Disinformation is one of the major tactics that the Communists are using in Nicaragua and elsewhere in the world.

In addition to that, you talk about drug trafficking, Mr. Borge, according to Baldizon, his former right-hand man, is directly involved in drug trafficking, unlike the case that the Representative from California [Mrs. BOXER] talked about a few minutes ago. What the gentlewoman talked about was more Communist disinformation.

The man who made the allegations that the gentlewoman from California [Mrs. BOXER] referred to, Mr. Zavallos, later said to the DEA that he lied, that he lied, and yet on this floor a few moments ago one of my colleagues was stating this false information as fact.

Is it any wonder that the American people do not know who to believe? Is it any wonder that the American people do not know whether or not we should support the freedom fighters down there, because they are getting a steady diet of Communist disinformation.

The law firm of Reichler & Applebaum here in Washington, DC, who was paid $320,000 by the Communist Sandinista government last year that commissioned a human rights study to make the Sandinistas look better, which was later published by the Washington office on Latin American affairs, which one of my colleagues, the gentleman from Connecticut [Mr. GEJDENSON] supported at a news conference here on Capitol Hill was total Communist disinformation. There is no question about that, and yet on CBS news and other networks around this country that document was reported as fact. It was never refuted.

Now, how is it that the American people are supposed to understand this issue clearly when Communist disinformation has been fed to them as a steady diet? It concerns me a great deal and I am sure it concerns my colleagues.

The previous speaker up here talked about Mr. Qadhafi. Mr. Qadhafi said that he supports the Communist Sandinistas as brothers and gave them massive amounts of aid because they fight America on our own ground. That ought to tell us something. It ought to tell us that the Communist Sandinistas with the support from Qadhafi and the Soviet Union intend to crush all internal opposition and if we do not give the freedom fighters the aid that they need, they will crush them, make no mistake about that. They will then consolidate power and export revolution rapidly throughout Central America. They will build a massive army that will be on our southern flank, the 2,000-mile border between us and Mexico.

My colleagues, at some point in the future we are going to have to face that massive military power if we do not deal with the problem today.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank my colleague, the gentleman from Massachusetts, who is doing a superb job on this whole question of Central America.

We are talking here somewhat about the quality of information and as long as we are on the question of the quality of information being given to us on the House floor, I have to confess some puzzlement that we are debating anything at all, because on March 20 the distinguished minority leader, who is here, got up on the floor and he said:

> To those of you gazing longingly at the April 15th vote, the escape hatch offered by the Speaker, let me tell you what a national

security expert told me yesterday. He said, "Bob, if you lose that vote tomorrow, Nicaragua is gone. A month from now will be too late, because the Communists are even now mobilizing for an offensive."

So I have to wonder if the minority leader was correct a month ago what we are voting on, because if Nicaragua is gone, what have we got left here? That is an example I think of the kind of problems we are getting with information.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the minority leader.

Mr. MICHEL. Well, it is not uncommon for those of us on the floor to quote individuals, those who are supposed to be experts. He was only one. He was not the ultimate. He was not the head of his department. He was one.

I was simply quoting him to make a point, as the gentleman from Massachusetts quoted at the time whomever he thinks is appropriate. I did not say that was my personal view.

Mr. FRANK. I have to take my time back, because the gentleman from Illinois is misstating it right now. The gentleman did say quite clearly in the context that that was his personal view. The only person I am quoting right now is the gentleman from Illinois. He did not get up and say here is one expert out of several. He got up and he said: "To those of you gazing longingly, let me tell you."

He clearly intended to say, "Don't vote for it because Nicaragua will be gone."

Well, it is not gone and that is an example of the kind of information we are getting.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. FRANK. Yes, I will yield again to the minority leader.

Mr. MICHEL. Well, the gentleman would have to concede that just a few days thereafter there was a serious incursion onto the borders beyond in Honduras by the Sandinistas. That is a very serious kind of thing.

Mr. FRANK. I do not "concede it." I will take back my time. The gentleman wants to get off the point. I do not "concede it." I concede something if I have done something wrong.

I mentioned the fact, yes, it happened, but the gentleman said that if we did not do this on March 20, Nicaragua would be gone. I think that is an example of the inaccurate hyperbole we are being given.

Now, I want to talk a little bit about the Libyan connection. There was an inconsistency and hypocrisy and lack of central rationale in the administration's position on this that is striking. You talk about funding a war against Nicaragua because Qadhafi was friendly with the Sandinistas. The Saudi Arabians have been good friends of the Libyans. They have given them help. And what are we doing with the Saudi Arabians? We are sending weapons over there, but for them to use to shoot other people.

We have been told that negotiations have not worked partly because this administration, incredibly and hypocritically, has included in the list of things to be negotiated internal reforms to Nicaragua.

Now, I am for human rights and we should make our point about human rights clear, but let us be consistent once again. We are told that the Nicaraguans mistreat people in the Roman Catholic Church, and they do and that is something to be deplored and something we should work against; but you know, in Ronald Reagan's great friendly country, the People's Republic of China, they do not mistreat any Catholic prelates. Do you know why? They ran them all out. The do not allow them in there. They have outlawed the Roman Catholic Church in the People's Republic of China. There is no Cardinal, like Cardinal Obando in there to be harassed, because they will not let him in. They set up there own Catholic Church, a pseudo-Catholic Church.

And what are we doing to the People's Republic of China? We are sending them weapons to shoot other people.

Now we are told that they are not very good to Jews in Nicaragua. I think there have been some anti-Semitic outbursts, but I would rather be a Jew in Managua than a Jew in Riad in Saudi Arabia, and we are sending them money.

There is an inconsistency and a lack of coherent rationale in this that is striking.

One reason that negotiations have not succeeded is that Ronald Reagan has suddenly pretended that he is the Paladin of civil liberties. He is the 911 of free speech. Somebody is not letting a newspaper be published, call Ronald Reagan. Here comes a hundred million bucks to a country that is gone, according to the minority leader, a hundred million bucks being thrown in a hole. Rand McNally has probably taken the map back and we are being told that that is why negotiations will not succeed.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, would the gentleman concede that maybe the reason the freedom fighters continue to flourish is because they are tenacious and because they are patriotic and they want to hang in there no matter what the cost and maybe we have not given them enough credit, maybe they are going to hang in there as long as possible to defend their liberty?

Mr. FRANK. Well, I will take back my time now to say, in the first place, I am not "conceding" that they are patriotic and tenacious. People keep asking me to "concede" things. I do not concede facts unless they are something unpleasant to me.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. FRANK. No, I have taken back my time. I have yielded three times in a short period of time here.

I want to say to the gentleman that I was not talking about the quality of whether or not they are patriotic or not patriotic. I am talking about American policies.

I will ask the gentleman to stop interrupting me. I have yielded for the third time in a short period of 5 minutes. I am trying to respond to the gentleman's comments and the gentleman ought not to be interrupting.

The point is simply this, we do not decide to send hundreds of millions of American dollars to get people killed based on other people's patriotism or lack of it.

I supported what we did in Libya. I thought that was a rational use of American force with a sensible moral and strategic rationale. Quite distinct from Nicaragua; but even there, innocent people, tragically, were killed.

What we are talking about in Nicaragua is not just pushing pieces on a chess board. We are talking about taking American tax dollars to help people kill each other and I do not think we ought to do that as a matter of national policy without a lot stronger moral and strategic rationale.

The patriotism of a particular group—there are patriotic people all over the world who would like to kill each other. That is not in my judgment a reason for giving American funds there.

The reasons being, the human rights reason, is nonsense. Ronald Reagan had to be dragged, lamenting, kicking and screaming, away from Ferdinand Marcos. He called one of the most fraudulent elections of our times a show of strength of the two-party systems.

□ 1125

When he turns around and says to the Nicaraguans, "Let us negotiate free elections," of course, those negotiations are not going anywhere.

Now I will yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I will take my 15 seconds. The gentleman is running out of time.

Mr. FRANK. I do not know why the gentleman was standing up, but I apologize for yielding to him when he did not want to be yielded to.

If there is a threat to the strategic interests of the United States, then we use force. I do not think that these 3

million people in that poor, unorganized country, threaten our security. There is a national consensus——

Mr. BURTON of Indiana. Will the gentleman concede——

Mr. FRANK. The gentleman has himself confused with a yo-yo. I say I will yield and he says "No." Then when I start talking, he interrupts me again. No, I will not yield to the gentleman.

The point is this: We have had a national consensus here that the gentleman from Massachusetts [Mr. BOLAND] helped formulate. We are prepared to say that we will interdict arms, we will protect any other country against a possible attack, but to pretend that Ronald Reagan is the 911 of civil liberties and that he is so offended by the lack of democracy in Nicaragua that he is going to send these people in there to help kill each other is nonsense. It does not represent a threat to the United States.

Libya is an instructive difference. That was a rational use of American force. This is an irrational one, it is not morally justified, and I hope that the Hamilton amendment passes, and if not, the McCurdy amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON] for a response.

Mr. BURTON of Indiana. I thank the gentleman for yielding this time to me.

Mr. Chairman, after all of the rhetoric, fact No. 1: The Soviet Union in spades is supporting the Communist Government of Nicaragua and giving them massive military support. The PLO is supporting them. The Libyans are supporting them. All the Communist fellow travelers are supporting them. They are suppressing their people. The human rights violations that the gentleman talked about are legion and the freedom fighters are asking and pleading and crying for our support.

I think people fighting for their freedom deserve it, and that ought to put to rest the statements by my colleague who preceded me.

Mr. BROOMFIELD. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think we should state from the outset here, we talked about patriotism here a minute ago, that everybody engaged in this debate on the House floor is a patriotic American and we ought to understand that we are all coming at these issues from a position of good will.

What is questioned in many instances is the judgment that people bring to these matters affecting our own national security, because the question that we have before us is: What is the real nature of the Communist movement in Central America, and in particular in Nicaragua?

We got some hints of that. The person who was put on television by the Democratic Party in opposition to the President's policy said this:

> We agree that the Sandinista government has betrayed the promise of its own revolution, has suppressed the freedom of its own people, and has supported subversion against its neighbor, El Salvador.

There is agreement by the Democratic Party that that is the nature of communism in Central America today, particularly in Nicaragua.

What has the chairman of the subcommittee related to Central America said about this? In a report to this body, he said:

> There is no question but that the Nicaraguan government has contributed to regional tension in Central America. It has channeled assistance to other revolutionary movements, especially the guerrilla movement in El Salvador, and has staged its own rapid military buildup with Cuban and Soviet support.

In other words, in that document, we admit that there is Cuban and Soviet involvement in the Nicaraguan Communist movement in Central America.

The New York Times, that has hardly been a supporter of the President's policies, has said this, and I quote:

> The Sandinista junta has meddled in its neighbors' affairs and complicated the region's security problems. With Soviet-bloc help, it has built the biggest military airfield in Central America and is building a deepwater port in the Caribbean. Managua is plainly encouraging guerrilla comrades in El Salvador, and more than piety explains why Tomas Borge, the Interior Minister, participated in a mass for the M-19 guerrillas who shot up the Palace of Justice in Bogota, Colombia.

That is the nature of the Communist movement in Nicaragua. Now, the question then before us is: What are we going to do about it? Are we going to sit here and blithely say that we are going to simply negotiate? I will tell my colleagues what the Secretary of State said the other day about negotiations. He said negotiation in this context is the same as capitulation.

Why did he say that? Because the negotiation process, the Contadora process, as constantly referred to on this floor, broke down the other day. Why? Because the Sandinistas walked out. Why did they walk out? Because they were not about to come to an agreement; because what they want is time, time in order to put together their totalitarian regime in such a way that they cannot be removed from power.

That is what the side that talks about negotiation is really talking about. They are talking about a policy of appeasement. They are talking about a policy of capitulation. I submit to my colleagues that that kind of judgment is a danger to our national security.

It seems to me, then, that our choice is clear. We have a choice of either doing something to help bring freedom to Nicaragua or to support dictatorship in Nicaragua. We have a choice of standing up to the Communist expansionism in Central America or capitulating to Communist aggression in Central America.

We should stand firm in this body. We should stand firm for freedom. We should stand firmly against communism.

Mr. FOLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. I thank the gentleman for yielding this time to me.

Mr. Chairman, when the House voted last month to reject the President's $100 million aid request, the President called it "a dark day for freedom." The Democratic leaders of Latin America called it an opportunity for peace.

Last Thursday, I introduced a resolution that, if enacted, would declare a state of war between the United States and Nicaragua. I do not support a policy of war, but this Congress will commit an act of war if the President's plan to aid the Contras is approved.

A resolution to declare war frames the real issue more clearly and more fairly than any of the legislative options we will consider today.

The central question, after all, is whether the United States should support with weapons, money, and military advisers the violent overthrow of a government with whom we purport to be at peace. Although the United States intervention in Nicaragua began more than 4 years ago, our Government has provided no explicit answer to this question. As a result, we have a policy that puts little military pressure on Nicaragua, while it squanders our ability to encourage change by other means.

The primary victims of this indecision are the people of Nicaragua—all of them, Contra, Sandinista, and, perhaps most tragically, those in the middle, the unlabeled majority.

The administration has invited the people of Nicaragua to rebel violently against their government; but because this invitation does not have the backing of the American people, it is a trap, an invitation only to suffer and die.

President Reagan's war has encouraged the worst instincts and strengthened the most extreme elements within the Sandinista government; it has cast suspicion and restricted the options of those seeking nonviolent means of effecting change.

Mr. Chairman, the people of Nicaragua did not elect the Members of this Congress; they have not asked us to

select their leaders; they have done nothing to deserve this war.

Our Government should stand with the American people, with the Democrats of Central and South America, with the independent labor unions, with the church, and with Nicaragua's own internal political opposition in support of law, justice, and freedom, not only in Nicaragua but throughout the hemisphere. Today, as a result of this administration, our Government stands isolated, accompanied only by the Contras, supporting an undeclared war in which we cannot with honor participate, and which we cannot win.

We have, in recent days, taken a strong stand against state-sponsored international terrorism. Let us live up to that position not only in what we ask others to do, but in what we ask of ourselves. Violence is not the solution to the crisis in Central America; freedom will not be served by a replay, albeit in slow motion, of the Bay of Pigs.

Our policy toward Nicaragua can be saved. It can be made to work. But first, it must be changed. I hope Members will support the Hamilton substitute; support, if that fails, the McCurdy amendment. Let us begin again, this time with the full backing of the American people; and with the active cooperation of our Latin allies; let us, for once, hold out to the people of Nicaragua the promise of a better future, instead of reminding them, as we have for 5 years, of their own bitter past.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, I just have one question, and that is: If negotiations do not work, if the gentleman's position prevails and negotiations do not work, will the gentleman vote for military assistance down the road for the freedom fighters?

Mr. STUDDS. The gentleman persists in asking hypothetical questions. I do not understand how now, or in any hypothetical situation the gentleman would conjure in his wildest imagination, he thinks that the people of any Latin country will rally behind the United States and the CIA after 80-some years of history of intervention in this century.

Even if desirable, which I do not grant the gentleman, the bottom line is that in addition to being illegal, it will not work.

Mr. BROOMFIELD. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas [Mr. DELAY].

□ 1135

Mr. DeLAY. Mr. Chairman, already some of my colleagues have once again found themselves in the dark with the boogyman—Vietnam. Out of fear they raise this spector—and hope that many of us will shy away, fearing the old wounds of a war we would all like to forget. Well, let me take a stab at plugging in their nightlight, and showing them how to make the boogyman go away.

The question is asked—are there parallels between our efforts in Central America and Vietnam? The answer is "Yes." The next question, logically, is—will we continue to go down the same road we did in Vietnam? The answer—we don't have to.

We can choose another road by changing the fundamental factor which drew us into the slow spiral of a defensive war that cost us many lives and our self-respect. That factor is U.S. resolve. The resolve to make a commitment to act in the national interest. The resolve to do what we can now with indiginous forces to preclude having to commit forces later if at all possible.

In Vietnam our resolve from the outset was weak and wavering. We only aided the South Vietnamese in fits and starts through years of debate and discussion—meanwhile the North Vietnamese organized and mobilized—and we continued to debate and discuss. Though strategic United States interests were at stake, we could not find the resolve to say—we must do everything in our power to ensure that the South Vietnamese people would be ready and able to defend themselves—to win a war against the North. Instead we flip-flopped slowly drawing ourselves into a long drawnout war, where our lack of resolve continued to haunt us.

In Nicaragua, there is an opposition force of over 20,000—more than the Sandinistas had when they set out to overthrow Somoza—20,000 against a Sandinsta army built by physically forced recruitment and supported by Libya, the PLO, the Soviet Union, Cuba, Bulgaria—and the list goes on.

Yes, my friends, we can all feel the Vietnam boogyman's presence and, yes, he is scary. But do we once again cower in the corner waiting for events to take their own course. Hoping that things will turn out favorably for our country—merely hoping that we can avoid sending our own troops to fight—finding some resolve so late that it's too late? Or does this Congress reach deep within itself and find the resolve to make a commitment of support to indigenous forces who want to take back their country before it's lost to Cuba and the Soviet Union. Do we once again send a message to the world that the United States can't make up its mind to help those who would kick out of their country those who are bent on destabilizing the West—a band of international thugs brutally oppressing a nation? Or do we say that our resolve to defend American interests does not stop on the shores of Libya? Will we tell the world that when we see a threat, no boogyman is scary enough to paralyze the Congress of the United States? I hope so. If we find this resolve—Vietnam will fade into the past. We now have a chance to make it a memory—let's not let fear cause it to once again be a reality.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, only a few short weeks ago this body voted down aid to the Contras. That was the correct vote then. It is the correct vote today. Nothing has changed.

Shortly after our vote, the Nicaraguan Army entered Honduras in hot pursuit of Contra forces. This was publicized as an unusual occurrence, and as a threat to Honduras. It was an event that has occurred at least 100 times in the past, and apparently the Hondurans did not see it as a major threat to themselves until we convinced them to let us move Honduran forces close to the border to defend Honduras.

Let us try to be somewhat objective about this latest event. The Contra bases are in Honduras. The Contras are working actively to overthrow the Sandinista government. What government, including ours, perceiving itself to be under attack would not pursue its attacker all the way to the attacker's home base wherever that base might be? As our incursion into Libya makes amply clear, we will not hesitate to cross our own borders in order to defend ourselves. Other countries do not hesitate to do likewise. While we may not like the Sandinista government, we should not expect it to act differently than we and our allies would and do act when attacked.

The question we still must face is this: What is that $100 million in aid going to win for us? The answer is nothing. It will not lead to the overthrow of the Sandinistas. It will lead to a continuation of fighting, a continuation of death and destruction in a country so desperately poor that it is a travesty to use that money to promote an arms buildup on both sides. And we know that will happen. As long as the Sandinistas are under attack, its allies will be able to justify more and better weapons. We will do the same for our proxies. if we want to spend $100 million on Nicaragua, let's do it to benefit the people directly, not to purchase armaments.

Let us send that money to Haiti where it will do some good.

Let us again vote down military aid to the Contras.

Let us support the Hamilton amendment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I want to make sure I understood the gentleman's last statement that he made, that we should be giving $100 million in economic aid to the Sandinista government to help the people down there?

Mr. DYMALLY. No, to Haiti.

Mr. BURTON of Indiana. To Haiti?

Mr. DYMALLY. That is correct.

Mr. BURTON of Indiana. I am sorry. I misunderstood the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, how much time remains on this side.

The CHAIRMAN. The gentleman from California [Mr. LAGOMARSINO] has 30 minutes remaining.

Mr. LAGOMARSINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, at this point in the debate, I would like to take a few moments to consider the nature of revolution. Here is an idea, a word, revolution, that is so often used—and almost as much it is misused.

The sad fact that history teaches us is that the vast majority of those political upheavals that have been called by the name of revolution have in fact subverted the very liberties they were intended to establish. If there is one thing we must learn from this tragic record it is this: A political process that results merely in the exchange of one form of tyranny for another is not revolutionary—it is reactionary.

I have often pointed out that the great irony of communism is the fact that Communists are always interested in sponsoring so-called revolutions against everything except the most reactionary model for political, social, and economic development that the human mind has ever devised; namely, communism itself.

And that leads me to the pathetic spectacle that is Nicaragua. The pattern has repeated itself so many times in so many countries that I wonder how we can possibly keep missing it.

In 1979, Nicaragua experienced what has been called a revolution. What really happened is that a gang of cutthroats incorporated the name of an authentic Nicaraguan hero; they next adopted the language of our own Founding Fathers; And they finally succeeded in mobilizing public opposition to a decaying and corrupt regime whose political effectiveness had long since been exhausted. With a timely shove from the United States, bolstered by international public opinion, the Somoza regime was out—and suddenly the Sandinistas were in!

A revolution it was called! A cynical betrayal it soon became.

We all remember the solemn promises the Sandinistas made in 1979, the commitments made to the OAS and to the United States:

Free and fair elections.

A mixed economy with opportunity for individual enterprises and advancement.

A pluralistic society with respect for freedom of religion, association, and expression; and

An impartial and orderly judicial system.

That is what the Sandinistas promised. What they produced is what these so-called revolutions always produce:

Broken promises.

A shattered economy.

Political repression on a scale previously unknown in Nicaragua.

Expanding prisons; and, oh yes, waves of refugees.

The revelations made by Alvaro Baldizon, Arturo Cruz, and other defectors who had inside knowledge of the inner workings of the Sandinista regime add up to a striking group portrait of men who are desperately clinging to power and living in fear of the very people that they ostensibly liberated. So complete has been the failure of the Sandinista revolution within Nicaragua itself that its leaders soon turned their attention outward to the neighboring countries.

"This revolution goes beyond our borders"—so declared Tomas Borge in 1981 as he and his cohorts moved to subvert the neighboring countries. Only by spreading revolution Sandinista-style—uninvited, unwanted, and undemocratic—could the Sandinistas find reason enough to justify continuing their disgusting regime.

Mr. Chairman, If Tomas Borge can proclaim a revolution beyond the borders of Nicaragua—if the principles of Sandinismo are truly international in scope—why cannot we help the Nicaraguan people reclaim their own revolution? Why cannot we help them bring to completion the revolution they thought they had achieved in 1979?

The choice before us is whether we are willing to accept as a permanent fact of life a demented parody of those ideals for which the Nicaraguan people fought and bled in 1979—or whether we will stand with them in their hour of need, helping them to reclaim their own revolution.

Mr. LAGOMARSINO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, today, the House continues its debate on U.S. policy for Central America. Three weeks ago, the House made the decision to take the extra time to resolve this issue properly. I voted no then because I firmly believe we must find legislatively a time for negotiation.

Options and choices are now before us.

What is decided now will serve as the foundation for an essential long term policy in Central America.

All of us share a common goal: To nurture democracy and independence in a region which has long known only dictatorship and indifference. As secretary Shultz has commented, the consequences of our inaction are simply too great—the price of failure too high—for this Congress not to follow the right road.

Before the last vote, I met with President Duarte at his office in San Salvador. "People who have lived under a dictatorship," He said, "need an opportunity to fully appreciate liberty. I want to prove," President Duarte continued, "that a democratic revolution is better than a Communist revolution."

Our challenge in this Congress is to support a program that gives democracy a chance.

I have consistently said I would support aid to the Contras. I have consistently said I see the need for a fenced-in period of negotiation. I have consistently said the United States should strive toward a Central American policy.

It would be a tragedy not to support the positive trend toward democracy throughout Central America.

While I understand the honorable motives behind the other amendments being offered, our actions must send a clear signal. A second vote in a few weeks is no substitute for a decision today. It is important that we display our support. More conditions will only send a confused message that Congress cannot make up its mind.

If we want to provide a little breathing room for those fragile democracies in El Salvador and Honduras, Congress must send a signal to the Sandinistas.

If their response is indifference, the Senate proposal is equally clear. The United States will support a program to promote Central American independence through appropriate assistance to the Nicaraguan resistance.

The Senate proposal meets the conditions I outlined in my report after my own visit to Central America I will support the Senate proposal.

Mr. HOYER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. BARNES].

Mr. BARNES. Mr. Chairman, I thank my distinguished friend from Maryland for yielding the time to me.

Mr. Chairman, we face today one of the most important series of votes that we are going to cast in this Congress. These votes are about nothing less than whether our Nation will continue down the road of escalation in Central America that the administration has laid out for us, or whether we are going to give diplomacy a real try.

The administration has charted its road very clearly. This road leads to an ever-larger Contra army, and it leads, in my judgment, to eventual United States intervention if the Sandinistas do not, as the President has said, cry uncle. This road leads to a war that will serve no one's interests.

As a Contadora negotiator told me just last week, the approval by Congress of the $100 million for the Contras will lead to "nothing positive; only havoc and chaos."

Later today, our universally respected colleague from Indiana [Mr. HAMILTON], the distinguished chairman of the Intelligence Committee, will offer an alternative that would take our Nation down another road, a road toward diplomatic settlement, a road

toward stability in our region rather than chaos in our region.

We are not just debating $100 million in aid. We are debating the entire direction of our Central American policy. We are debating whether we will continue to pursue policies that have failed to bring peace and stability to Central America, failed to slow Nicaragua's military buildup, failed to slow its movement into the Soviet-Cuban camp, failed to induce the Sandinistas to open up their political system; or whether we will adopt new policies, new policies that have, we are told, by all of our friends in the hemisphere, a better chance of working. We are being asked today to kid ourselves. Basically, we are being asked to suspend judgment, to pretend that voting for this joint resolution providing for $100 million to the Contras will accomplish something positive.

But I believe, I really believe that we know better. My colleague, we cannot escape responsibility for the fact that we know better. We know that this $100 million, or whatever it turns out to be because the resolution, if adopted, will suspend the restriction on the use of other funds, so we do not know how much money we are talking about, but whatever it ends up being, we know that it is not going to accomplish anything. We know that 18 months from now the administration is going to be back asking for more, just another $100 million, or just another $200 million, or $500 million to, as they will tell us again, draw the Sandinistas to the negotiating table.

But we know that this policy is not going to produce negotiation. We are told that by the negotiators. That is not the intent of this policy, and that will not be its effect.

The idea that by financing the Contras we will ever get the Sandinistas to sit down with Somoza's national guard and agree to give power back to them is, we are told by our friends in the hemisphere, ludicrous. It cannot happen. We know that.

If that is what we want, to get the Sandinistas out of power, we are going to have to accomplish that with the use of American troops. We know that this policy makes reconciliation in Nicaragua less likely. It makes concessions by the Sandinistas less likely, because they do not want to be seen to be giving into externally supported aggression. That message has been told to us loud and clear by the negotiators themselves, the very people who are trying to pursue an alternative to war. And it makes concessions, I would argue, by the opposition, the Nicaraguan opposition, less likely because they will continue to hope that the United States Armed Forces will eventually install them in power.

We know that this policy is a failure. The record is clear. Five years of this policy have produced more repression, have produced more polarization, more censorship, more human rights violations, more attacks on the church, more military buildup, more Cuban advisers, more of everything in Nicaragua that the administration says that the policy is supposed to prevent.

We know also, I would argue, everybody here knows Nicaragua is not 10 feet tall. We know that our rejection of this request is not going to lead to the fall of Mexico and the end of freedom in the Americas.

□ 1150

Nicaragua is a tiny country of 3 million people, about half the population of our State of Maryland, with an inept government and a bankrupt economy. The United States does not have to be afraid of Nicaragua. In cooperation with our many friends in Latin America who have more at stake in this than we do, we can clearly deal with Nicaragua; and our friends confirm that when we talk with them.

We can ensure that the Soviets do not base missiles or submarines in Nicaragua. The Contras do not have the power to do that, by the way, but we do. We can ensure that Nicaragua does not take over other countries. The Contras cannot ensure that, but if we and our friends follow the right policies, we can ensure that.

We know that we are isolated from Latin America on this issue. This is an irony here. A policy intended to isolate Nicaragua has instead isolated the United States. The Latin American democracies do not support this policy. They tell us that there is a better way, and it is through the diplomatic process that they have been working at over these many months.

We know that this policy is not an alternative to intervention or withdrawal, as the administration claims. On the contrary, it makes either intervention or withdrawal inevitable. We know that the only way to avoid having to face that cruel choice is to abandon this failed policy and go to an alternative that does serve the national interests of the United States.

My colleagues, I suggest to you that we all really know when we stop to think about it that these things are true. Acting on that knowledge, I concede, will be difficult today. We will be attacked by the administration, we will be attacked by the right wing; but when we were elected, and when we took our oaths of office on the floor of this House, we acquired responsibilities; and one of the most awesome of those responsibilities is to cast the tough votes when we know the national interest of our Nation demands it.

I ask you to join with me, to join with the majority of the American people who oppose this policy, to join with virtually all of our democratic neighbors to the south and all of our allies in Europe, to join with the Latin American Parliament, which issued a report just 10 days ago on April 5, condemning United States policy of aiding the Contras; to join with the three former Presidents, with the more than a dozen former Cabinet officials and many other leaders from the United States and Latin America who signed the report of the Inter-American Dialog condemning this policy, which I had delivered to the offices of all of my colleagues yesterday. I urge you to read that statement if you have not had an opportunity to do so yet. It was signed by leaders from all over the hemisphere, including former Cabinet members of the United States, former American Ambassadors, former American military officials; an outstanding group of business leaders and political leaders from our Nation and nations all over the hemisphere cochaired by the former President of Peru, and the former distinguished American Ambassador to the Organization of American States, Ambassador Lenowitz; a superb statement which I provided to all Members yesterday, condemning the proposal to aid the Contras.

I urge Members very strongly to vote "no" on war, to vote "yes" on the positive alternative that many of us will be offering later under the leadership of the distinguished chairman of the Committee on Intelligence.

Now I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, one of the things the gentleman from Maryland [Mr. BARNES] said struck me in an unusual way.

In all Communist countries with which I am familiar, there is severe repression, and Nicaragua is no exception. Yet the gentleman indicated in his remarks that the main responsibilities for the repression in this country, in Nicaragua, rests with the Contras and their aggressive attitude. Is that the impression you meant to leave?

Mr. BARNES. No, it is not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOYER. Mr. Chairman, I yield 30 additional seconds to the gentleman from Maryland.

Mr. BARNES. What the existence of the Contras does, we are told; and the gentleman has had meetings with Contadora leaders so I am sure he has had the same message from them. What the existence of the Contras does is provide a beautiful excuse for the Sandinistas to take the actions that they have taken.

It makes it, their neighbors tell us, virtually impossible for them to put the kind of pressures that the Latin Americans are prepared, they tell us, to put on Nicaragua because of the policies that we are engaged in and the excuse that the Nicaraguans have

in the negotiations that they have been engaged in.

Mr. LEWIS of California. Mr. Chairman, the presentation of my colleague, Mr. BARNES reminds me of the reality that men and women are elected to Congress to make the tough choices. Not the simple—not the easy, but rather the complex and difficult choices.

And the most important decisions come at a time when your individual vote really counts—when what you decide to do with your vote may change the course of history for America.

Today, each of us is faced with just such a decision. The vote is going to be close. Four or five—maybe even one or two votes will make the difference.

As we come to decision time on Nicaragua—to support the freedom fighters or to allow the consolidation of a Communist state in our hemisphere, let us review a chapter of recent history:

During the session beginning in 1979, as new Members of Congress, my colleague Mr. BARNES and I listened with fascination while more learned and senior Members debated the role we should play as America joined forces to pressure Somoza to leave Nicaragua in the hands of a group who called themselves Sandinistas. Their rhetoric gave promise of a free and pluralistic society—that would hold democratic elections—would support a free press, freedom of religion, and bring an end to politicial oppression.

One side of the debate argued that we should give economic assistance to the new government because of the hope of the Sandinista promise. The other suggested that we should not be fooled by false promise and that the threat of Communist takeover was real.

Well, there was credibility to the argument of both sides and the Congress decided to go with hope. Those who say we walked away from the new government are wrong. During the next 18 months President Carter's administration and Congress poured $118 million in the Sandinista regime.

In the meantime the Ortega brothers and those who make up today's commandantes stole the revolution from the Nicaragua democrats. Businesses were closed, property confiscated, free speech and press obliterated, and the church humiliated. Voices of opposition were heard only from Nicaraguan jails and Miskito Indians were massacred. Finally in frustration, President Carter cut off aid and the democrats of Nicaragua began their effort to recapture the revolution of hope.

The history of the 1980's has been recounted here by others. Ortega has declared himself the leader of a revolution without borders. Sandinista efforts to destabilize the democratic states of Central America are well documented. We have made continued efforts through persuasion to bring about meaningful negotiations. Even our Speaker has recognized Ortega to be an "incompetent Marxist-Leninist Communist."

So that history brings us to the point of decision: Will we support the hope of the democrats in Nicaragua or will we let Ortega and the commandantes consolidate their Communist state?

The question is not $100 million when placed beside the $1.5 billion we already plan to spend in Latin America this year. So don't try to hide behind a sop to a balanced budget.

During hours of debate I have not heard one of my colleagues come to the floor to praise those Communists who call themselves Sandinistas. I did hear some argue: "If the Ortega brothers and the commandantes really mean to threaten El Salvador or Costa Rica—surely $100 million is not enough—then and only then we should send the Marines."

Well friends, I certainly hope this House has more to offer than two simplistic alternatives: On the one hand to send no money at all while we wish the Nicaraguan Communists to the table for negotiations, or, some suggest that after overt action against, and destabilization of, democracy in neighboring countries such as Costa Rica, El Salvador, and Honduras by the Sandinistas then send in the Marines!

Ortega has rejected Contadora and the Duarte initiative—our aid to the freedom fighters is our only hope to pressure them to the bargaining table.

I urge you today to cast your vote to continue the revolution begun by the freedom fighters against Somoza. Let your vote give freedom a chance to survive in the Americas.

Mr. LAGOMARSINO. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, as the gentleman from Maryland [Mr. BARNES] knows, I have a great deal of respect for him; but I really believe he sometimes gets himself into the utopia position. I wish there were ways to work that the gentleman from Maryland mentions, but they are not going to work.

I rise in support of the Contra aid. Basically I support the Senate compromise and oppose the first three amendments that will be offered today.

Four Members of the House went to Nicaragua, Mr. Chairman, several weeks ago: KEN GRAY, SANDY LEVIN, BUDDY DARDEN, and myself. We had voted 2 and 2 for and against Contra aid. I do not think we changed any votes on our trip.

However, and I think my colleagues will agree with this, we did find in place a Marxist-Leninist type of government in Nicaragua. There is no freedom of the press in that country; there is no religious freedom, and no free elections are being planned.

Mr. Chairman, if the freedom fighters are willing to risk their lives for freedom, I certainly want to help them.

The CHAIRMAN. The time of the gentleman has expired.

The Chair will advise that the gentleman from California [Mr. LAGOMARSINO] has 27 minutes remaining, the gentleman from Maryland [Mr. HOYER] has 16 minutes remaining, and consequently the Chair now recognizes the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I would like to refute just a couple of points that were made by the gentleman from Maryland [Mr. BARNES], the chairman of the Subcommittee on Western Hemisphere Affairs.

First of all, he referred to the Contras as the Somoza guard; 98 percent of the Contras are campacinos and citizens of Nicaragua, and not the Somoza national guard. There are about 20 percent in the leadership, but the Contras are not the Somoza national guard.

He said aid will get us into war. I believe and I believe my colleagues on this side of the aisle believe that no aid will allow the Sandinistas to crush their opposition and consolidate their power and export revolution and then we will be forced into a war that is unnecessary and one we don't want.

Finally, Mr. Borge himself has said they want a revolution throughout all of Central America, up into Mexico. We must take them at their word.

Mr. LAGOMARSINO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there has been a lot of talk, especially earlier in the debate, about drugs. I would point out for my colleagues that the legislation we are debating, the Senate-passed resolution, provides that: No assistance under this joint resolution may be provided to any group that retains in its ranks any individual who has been found to engage in drug smuggling.

Mr. LAGOMARSINO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, no Member of this House has made any attempt whatsoever to deny the Qadhafi-Ortega connection. It is very clear and evident here that there is a tremendous alliance between

both Mu'ammar Qadhafi and Daniel Ortega.

It is also obvious that we have made an attempt to bring about negotiations with Libyans. That is one of the reasons that we were led to this very last resort. There is almost unanimity of thought in both Houses of Congress that the President was correct in taking the action that he did in the strike against Libya. That is why it is very important for us to provide this much needed assistance to the freedom fighters.

A number of us have been greatly criticized by picketers at our offices. My district office has twice been picketed by a number of people; up to 50 just the day before yesterday, and I have to say, Mr. Chairman, that it is very important for us to realize as I have found when I visited Nicaragua, that the kind of gathering which took place outside of my office could not have taken place in Managua, because Ortega and the Sandinista regime, the Communist dictatorship, prevents that kind of gathering.

□ 1200

Mr. Chairman, not only do I welcome that kind of gathering outside my office, even though it disrupts the work of my office and the small businesses around my office, but I will take, and when we go into the full House, I will print in the CONGRESSIONAL RECORD the announcement that they had calling people to that rally. That shows very clearly the difference between Nicaragua and the United States of America.

As I have reported to this House several times, based on the trip that we had, we are seeing two revolutions taking place in Nicaragua. One is a revolution without borders, as has been pointed out on several occasions. That revolution without borders was seen very clearly with the incursion into Honduras.

The second revolution, that important one of 1979, which the people of Nicaragua support. The revolution which called for free and fair elections, nonalignment, an end to human rights violations, that is what the people of Nicaragua want and that is all we are trying to provide them, is what they originally wanted in their quest in 1979 by overthrowing that horrible repressive Somoza dictatorship.

Mr. Chairman, I urge my colleagues to support this package as these people of Nicaragua are reaching out for the same kinds of freedoms that we in the United States of America enjoy.

Rally announcement referred to follows:

JOIN IN A NATIONWIDE PROTEST AGAINST RACISM AND INJUSTICE

In Commemoration of the 18th Anniversary of the Assassination of Dr. Martin Luther King, Jr.

Friday, April 4, 3:30-5:00 pm

At the offices of David Dreier (R), U.S. Representative of the 33rd District

112 N. Second Ave., Covina

(Corner of Badillo and 2nd; take Citrus Ave. exit from 10) Car-pooling at 3:00 pm from McAlister's Center (corner of 9th & Columbia, Claremont Colleges)

Stop U.S. support and sanction of repressive and fascist regimes like South Africa, El Salvador and Guatemala. Stop the use of your tax dollars to aid terrorists attempting to overthrow the legitimate governments of Nicaragua and Angola and to support U.S. international terrorism and geopolitical bullying. Demand that our government use its resources to promote peace and justice at home and abroad. Demand that our government respond to our cry. The time is now, the opportunity is here, and the rest is up to us!

Kickoff: Thursday, April 3, 6:30 pm; Avery auditorium, Pitzer College. A talk by Jeff Cohen on the role of the FBI in the harassment of Civil Rights Workers and the assassinations of Dr. Martin Luther King Jr. and Black Panther leader Fred Hampton.

Sponsored by: Clarement Colleges' Central American Concern, Students Against Apartheid, and Black Students Union.

Mr. LAGOMARSINO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, as I have listened to the debate not only today but last month when we considered this matter, and read the account in the newspapers, I have asked myself this question time and again: Why is it so many of the Democrats in the House, who are dedicated and loyal Americans as any Republican in this House, see the issue in Nicaragua so differently than so many Republicans? It is one of the major differences between the two great political parties in America. Why is that? The answer really involves an interpretation of history that I think the American people should understand in terms of where the stewardship of power should be vested in the years to come.

Up until about 1975 in this country we had a bipartisan foreign policy that recognized the necessity of interfacing with Soviet expansionism wherever it occurred in the world. That bipartisan policy broke down in 1975, and since then the leadership of the Democratic Party in America has turned inward and isolationist and to justify their bias, their analysis goes something like this: We Americans are a revolutionary people. We won our Revolution 200 years ago from Great Britain and the tide of history is on the side of the revolutionary movement. What is going on in Central America is a revolution. We Americans should be on the side of revolution, not against it. Therefore, we should be supporting the forces of Ortega and those seeking a better life for those in Nicaragua.

It sounds pretty good. But let us look at it. The American Revolution was based on certain premises: Respect for private property, another respect for pluralism, respect for religious views, and respect for freedom of speech. The revolution going on in Central America claims to reflect all those values. They claim to pursue them, to respect them, but the fact is they do not support them.

That is why today 40 percent of the Contras are former Sandinistas. The revolution going on in Central America is one that is pursued with a gun, and the gun says to those with property: "If you do not give it up voluntarily, we will take it from you or your life, and we the government will redistribute this wealth to those who have a greater need than those who have it."

That violation of private property is the major distinction in the revolutions going on in Central America and the American Revolution and is responsible for the failure of this rostrum, now receding, which is the same failure of my Democratic colleagues who cannot understand the difference between the two revolutions in our world.

Mr. HOYER. Mr. Chairman, I yield 6 minutes to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, as many of you know, I come from an agricultural area which is having serious, serious difficulties at this time. I must tell you that I have great difficulty understanding that if we need something to help our own people, it is constant cutback, cutback, cutback, we cannot do it. But if what we are going to do is to try to furnish arms to overthrow a government, then "don't worry about the cost, go right ahead." I do not agree with that. I think we should have some concern for the problems that exist herein. And if my friends who are so concerned about the budget, surely they should be somewhat concerned about the money we are spending in other areas as well.

Mr. WALKER, you are one of those that says we ought to worry about spending. Apparently 100 million bucks to the Contras does not bother you. We go ahead and throw it away.

What is your view?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I have a question: Is the gentleman going to support my amendment to cut out the Irish aid?

Mr. BEDELL. I do not know about the gentleman's amendment to cut out

the Irish aid. I do not know what it is about, what it says.

Mr. WALKER. That will be an amendment. Will the gentleman support that amendment to cut out the Irish aid?

Mr. BEDELL. That has nothing to do with this issue. This is whether you believe we ought to——

Mr. WALKER. Sure it does, sure it does. It is money going elsewhere. Is the gentleman willing to support stopping the money going to Ireland?

Mr. BEDELL. I am telling the gentleman I do not know what that amendment is, and I am not going to tell you what I am going to do if I do not know what the amendment is. What a ridiculous question for you to ask. You apparently do not think it matters a darn bit how much money we spend in furnishing arms to other countries to overthrow governments. That is the issue. The issue is not Ireland today. That is the issue. The gentleman is saying we have got to worry about our budget, but apparently you do not worry about it when it comes to this sort of thing. That bothers me.

Mr. WALKER. Will the gentleman yield?

Mr. BEDELL. No, I will not. I am not going to spend all of my time talking about Irish aid. This is not Irish aid. This is whether we are going to send arms to try to overthrow a government. Some of us question whether that is advisable. But I have a greater concern than that, and that is that I do not have any love for the Sandinista government either. I think they have done a lot of bad things. We have seen what terrorism has done recently. We are against terrorism. But we are supporting terrorism when we support the Contras.

I have been down there. Let me tell you they are committing acts of terrorism against the people in Nicaragua.

Mr. RITTER. Mr. Chairman, will the gentleman yield for a very quick question?

Mr. BEDELL. I yield to the gentleman from Pennsylvania, and I apologize that I did not yield before.

Mr. RITTER. I thank the gentleman for yielding. There was somebody else here before.

Will the gentleman acknowledge the intimate link between Qadhafi's Libya and the Sandinistas' Nicaragua? Does he understand that intimately? Does he understand how the two work inexorably together, that they have cooperated in terrorist training, that the Sandinistas are exporting terrorism?

Mr. BEDELL. That indeed is the issue, and I have told you I do not admire the Sandinista government. We agree on a lot of things, but let me finish if you may, it is my floor, if I may. It seems to me then we should objectively look at what it is we do in order to try to reduce the power and influence of that regime.

My contention is, for God's sake, if we want to strengthen a regime, all you have got to do is threaten it from without. That is what we are doing. That is what we are supporting in spite of the expenditures we are spending, that is what we are doing.

The issue is not whether we love the Sandinistas. I made that clear that I do not. The issue is not whether we feel they should have the associations that they have. I agree they should not.

The question is, Are we first of all going to overthrow them with $100 million of aid to the Contras. Does this gentleman think that will overthrow their government?

Mr. RITTER. Do I believe that the $100 million will be successful in overthrowing the government?

Mr. BEDELL. Yes.

Mr. RITTER. Well, I for one think that we can certainly neutralize MI-24 Hind-D helicopters with a few million dollars worth of Stingers. I do believe that.

Mr. BEDELL. That is not my question. Does the gentleman——

Mr. RITTER. I believe that we have, that there is a potential shot at it. It is a lot better shot than what—people in the gentleman's own party have stated that in the event the Soviets and Cubans establish a major base then U.S. troops would have to be sent into action. The gentleman from the other body stated that.

What we are trying to do is avoid that.

Mr. BEDELL. I understand, we are all trying to avoid it. I asked the gentleman a question and apparently the answer is yes. Certainly the gentleman does think that $100 million——

Mr. RITTER. We have freedom in Nicaragua——

Mr. BEDELL. No, please, it is my time, I wish the gentleman would not interrupt me. Apparently the gentleman does feel that $100 million aid to the Contras is likely to cause the overthrow of the Sandinista government. Is that correct?

Mr. RITTER. The possibility is distinct that the Sandinistas are so rotten——

Mr. BEDELL. I am sorry, it is my time, I asked the gentleman a question. It is either yes or no. Does he think the $100 million will overthrow the government?

Mr. RITTER. I think it would help, yes.

Mr. BEDELL. Does he think it is likely to overthrow the government of Nicaragua?

Mr. RITTER. I have no crystal ball as the gentleman.

Mr. BEDELL. Well, does he think——

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. No; I will not. You have taken up all my time so far talking about Ireland and everything else. The fact is that we have a problem in Nicaragua.

The fact is that the President is becoming more and more committed to the overthrow of that government. The fact is most people would tell you this is not going to do it, and most people would tell you the Contras are probably not going to do it.

I hope we will ask ourselves if we are committed to the overthrow of that government and the Contras cannot do it, how are we going to do it? And do you want to commit our young people to go to war in Central America.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. No; I am not going to yield. You have taken up all my time. I have about 1 minute left. I understand that, but some of us have a right to ask questions and those questions are: What happens when we have to send our own people down there, and if we do not, how the devil are you going to overthrow that government if the Contras cannot do it?

Thank you.

Mr. LAGOMARSINO. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania.

Mr. RITTER. I appreciate the feelings of the gentleman from Iowa. I empathize with those feelings. He wants peace in the region, but he should know that members of his own party have stated that, if the situation deteriorated, if the Soviets were indeed establishing a military base, then they would recommend the use of American troops. A member of the gentleman's party in the other body stated that and then, according to an ex-Vice President of the gentleman's party, a former Presidential candidate, quarantine, a blockade, might be necessary. That is precisely what we are trying to avoid by supporting forces indigenous to the region.

Mr. LAGOMARSINO. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, we've come a long way in the last few months. It used to be that some of us had to stand up on this floor to try to convince some of our colleagues that the Sandinistas are dedicated Marxists committed to repressing their own people in the name of their "people's revolution." It used to be that we had to spell out for those who refused to listen to the details of how civil liberties have been suspended, freedoms have been trampled upon, and a nation has been imprisoned by its own government.

But now, that's all changed, for we all know the Sandinistas have systematically destroyed free expression in

Nicaragua. We know that they've taken over all the radio and television stations and that they've heavily censored the press. We know that they've suppressed and humiliated the Catholic Church by harassing its leaders and shutting down its newspaper and radio station. We all know that they've betrayed their revolution and have lost whatever legitimacy they may have had as a representative democracy by denying all freedom of expression to their opposition; by invoking martial law and imprisoning, torturing and even executing their foes, and by supporting and subsidizing terrorist training bases and exporting terror and revolution to their neighbors.

The question before us now is simply, what are we going to do about it? The President has made his request for funding for the freedom fighters 2 months ago, and the other body has agreed with him. We have fooled around long enough and now we come once again to the moment of decision. We must decide whether we're going to continue to turn the other cheek to their transgressions, or whether we're going to pressure them to live up to the promises of freedom they made to the world 7 years ago.

Opponents of the legislation before us today have done their level best to avoid this issue and to keep the House from voting up or down on the President's aid package. The leadership has attached this aid package to a supplemental appropriations bill containing additional spending provisions that the President may veto, even though this aid package has nothing whatsoever to do with new appropriations, and is merely a reprogramming of Defense Department funds. They feel that by obscuring the procedure, they can evade a true vote on the issue, and divert the President from what most of us know must ultimately be done.

Mr. Chairman, this legislative maneuvering must not be allowed to succeed, for the Nicaraguan freedom fighters need our help.

There will be amendments here today that will attempt to impose restrictions and conditions on the President's proposal. One of my colleagues will offer an amendment to only allow assistance to refugees and support for the Contadoran process. He obviously lingers under the misguided notion that the Sandinistas intend to negotiate in good faith. I find that somewhat incredible in light of their recent refusal to even discuss a rational agreement at the bargaining table in Panama, but of course, the gentleman is entitled to his opinion. But so am I, and I am wholly convinced that the Sandinistas will never have any motivation to negotiate seriously, so long as we blindly leave them to their own sinister divices.

Another of my colleagues will propose an amendment to restrict the immediate release of defensive weapons, and if passed, his amendment would delay the release of the rest of the money until the administration has undertaken "serious" negotiations with the Sandinistas, whereupon there would, of course, have to be another vote on the issue. How many delays must be endured by a people who seek only to restore liberty to their own homes and those of their neighbors? The administration has already tried negotiations, and they have not worked. How many times must they be compelled by the legions of congressional "experts" in this body to return to a fruitless negotiating table? When will we realize that the Sandinistas will not negotiate away the death grip that they hold on their people without being pressured? When the Contras have been eradicated?

Mr. Chairman, the time has come to take firm action. The cruelest policy that we can impose on the Nicaraguan people is one of half-hearted restrictions on aid that is truly needed. We must show the freedom fighters that we intend to help them; we must show them that it is not dangerous to have a friend in the United States; we must convince them that we'll not leave them on the landing beaches of another "Bay of Pigs."

The time has come to cease our bleating and our helpless equivocating.

The time has come to let Central America know that it is every bit as important to us as is the Middle East.

The time has come to help the Nicaraguan freedom fighters, so I urge my colleagues to defeat these amendments and pass the President's aid package, unencumbered.

□ 1215

Mr. SOLOMON. Mr. Chairman, we reserve the balance of our time.

Mr. FOLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I favor a period for unconditioned negotiations. Negotiations may not work, but the alternatives are worse.

If we pass military aid but fence it, it more likely than not will be counterproductive. Passage of military aid will likely cause the Sandinistas to stiffen their position still further. And it might also take pressure off the Reagan administration to negotiate vigorously, it preferring instead to wait out an interim period.

In fact, there now exists good cause for both sides to negotiate. A rough parity of peril prevails today. For the Sandinistas, there is the peril of the unknown, further U.S. military action. For the United States, there is the peril of different unknowns, that $100 million most likely will become just another step on an endless journey.

There are no easy answers here. There is every reason for reasoned debate, not reckless charges.

In that regard, the President was wrong in the New York Times interview of several weeks ago, when he said there was a basic difference of objectives here. No side in this debate likes the increasingly closed society being crafted by the Sandinistas. The problem is that each position contains the potential of unsatisfactory consequences. The United States, with our military capability and surveillance capabilities, can move to contain Nicaragua, to inhibit dramatically Nicaragua's ability to infiltrate into other nations. We can continue to act economically to boycott, to press for further sanctions.

Further, we can keep the glare of publicity on undemocratic practices and provide moral and financial support to opposition forces within Nicaragua.

The results of such a policy of containment and change are not totally certain. If we put our mind to it, containment should work. The outcome of pressures for internal change is less certain, and the result could be a Nicaragua cordoned off externally, but undemocratic inside.

But on the other hand, the logic of the Michel proposal can lead to massive involvement of U.S. troops to overthrow the Sandinistas.

The administration's policies toward Nicaragua have been plagued by unclear and shifting objectives. Its basic position is that the United States cannot live with the Sandinista regime. It was anxious to point out that United States helicopter pilots were not in danger when ferrying Honduras troops to the border several weeks ago, but the logic of its position means first United States military advisers, and then if need be hundreds of United States helicopter pilots, and then United States soldiers on the firing lines in the valleys and mountains of Nicaragua.

The sensitivity of the Reagan administration about such a result shows how unacceptable it is. The potential outcome of deepening U.S. military involvement militates in favor of giving negotiations a serious unfettered try now, no matter how difficult the process. The alternatives are indeed much worse. That is why I intend to support the Hamilton-Barnes proposal.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LEVIN of Michigan. I would be happy to yield to the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, will this containment strategy the gentleman is talking about keep American marines like those who were shot down in a restaurant in El Salvador from being killed by Communist guerrillas trained in Managua?

Mr. LEVIN of Michigan. I think the answer to that is there is a good chance, yes, and a better chance than that of keeping United States marines out of Nicaragua fighting in the valleys and mountains under the administration's policy.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I have just signed up for two special orders, one tonight—I hope it is not a postmortem on a vote against freedom—and one for tomorrow night, because I cannot cover in 2 minutes the major human rights violations going on in our hemisphere at this moment.

Here is the report which I signed and put out together with my distinguished colleague from the majority side, the gentleman from Texas, CHARLES WILSON, the gentleman from New York [Mr. SOLOMON] and myself on the prison system in Nicaragua.

At the height of Somoza's cruelty to his own people, the deposed and murdered dictator, he had a high-water mark of 500 people in his prisons. There are now between 11,000 and 13,000 people in prison in Nicaragua.

I had the opportunity to debate a nun of my faith by radio in San Antonio. She told me that she has a friend who visits all of these political prisoners and that they are getting sensitivity training on their crimes against the people under Somoza.

The fact is the majority of these people fought against Somoza.

The map, which cannot be seen too well by Members in the back of the House, shows 10 major prisons and 4 suspected prisons. We do not yet have all the intelligence we need on Nicaragua—a country which is closer to my district in southern California than we are here in the Capital City.

But here is a graph that no one on the majority side who votes against the President has refuted. It says there were 20,000 square feet of prison footage under Somoza. It is now way over 100,000 square feet, locking up people who fought with the Communists who were part of the Sandinistas to free that country.

Look at these pictures. This is hard evidence.

I have offered several times in this well to resign from the Congress if somebody can show me this is a massive conspiracy between the leadership on both sides of the aisle, the CIA, the Defense Intelligence Agency, and that somehow or other it is a coverup.

□ 1225

Without sufficient time to adequately cover this issue I urge, Mr. Chairman, my colleagues to please watch my special order, following that of the gentleman from Georgia [Mr. GINGRICH] tonight, where I talk individually about each prison camp.

Mr. KASTENMEIER. Mr. Chairman, this is the fourth time within a year that the House of Representatives is considering the issue of aid to the Nicaraguan Contras. A year ago last April the House decided that assistance to the Contras was wrong. Today, such aid still is wrong, and I urge the House to support the substitute to the Senate resolution offered by our colleague from Indiana, LEE HAMILTON, which does not provide any aid to the Contras.

There is no political, strategic, moral, or intellectual value in supporting the Contras. The administration's policy of seeking a military solution to our differences with Nicaragua is wrongheaded and it is doomed to failure. Yet, the administration persists in its efforts to promote the Contra cause. The administration is pressuring Honduras and Costa Rica to cooperate with our backing of the Contras. Recent news reports have now informed us that the CIA has given the Contras several million dollars during the past year for various Contra political projects.

Notwithstanding this enthusiastic support by the administration for the Contra cause, the hard truth is that the Contras do not have popular appeal in Nicaragua. Many of the Contras are viewed, correctly, as being former members of the hated Somoza national guard. The Contras have repeatedly engaged in terrorist campaigns against Nicaraguan civilians and their atrocities have been well documented by various human rights organizations. Even President Reagan, last June, belatedly acknowledged the acts of brutality committed by the Contras.

The Contras have no political legitimacy in Nicaragua. They are fighting a losing cause. There is no popular uprising on their behalf. They have not been able to hold a single town in Nicaragua, and, by themselves, they cannot dislodge the Saninistas.

The President has told us that our credibility will collapse and our alliances will crumble if we fail to aid the Contras and prevail in Central America. But, it is the President, and no one else, who has made our credibility and our alliances an issue. None of our major allies throughout the world support the President's promotion of the Contras. In particular, our friends and allies in Central America, who know this region best, do not back the President's policy. On the contrary, heads of state throughout Central and Latin America have called the Reagan administration's military support for the Contras wrong. The newly elected President of Costa Rica, Oscar Arias, has stated his desire to prevent the Contras from using Costa Rica as a base, and he has said that the President should use the $100 million that Mr. Reagan is seeking in military aid to the Contras for economic aid to United States-allied governments in that region. President Reagan, however, with the wrong kind of farsightedness, ignores the advice of our neighbors to the south.

The $100 million which the President asked for the Contras is nothing more than an additional downpayment to try to keep the Contra cause alive. I doubt that anyone in this Chamber seriously believes that this $100 million is going to help topple the Nicaraguan Government. The administration has failed to tell us what the upper limit is of financial aid to the Contras. It is inevitable that we will see additional requests in the future for escalating amounts of money to prop up the Contra forces.

Mr. Chairman, the President's policy toward Nicaragua is also very dangerous. It is dangerous because it permits the Reagan administration to inexorably push the United States deeper and deeper into a Central American quagmire. For those of us who remember the steps which led to our involvement in Vietnam, the parallel with Nicaragua is striking, and the lessons of our tragic experience in Vietnam must not be ignored. If this request for $100 million is approved, the President will interpret such support as a blanket congressional endorsement for whatever he seeks to do against Nicaragua. This, I fear, will eventually result in the involvement of our Nation in a military action against Nicaragua once it becomes obvious to the administration that the armed aggression by the externally financed Contras cannot succeed. At that point, this war by proxy against Nicaragua will cease being a war by proxy.

There, however, is an alternative to the administration's policy of unleashing the dogs of war in Central America. It is a process for a negotiated peace in Central America which has been proposed by the Contadora group of eight Latin American states. This Contadora peace process offers the best prospect for obtaining a long-term commitment to peace and stability in Central America and we should become a willing partner in the diplomatic pursuit for peace.

Mr. NEAL. Mr. Chairman, I would like to make a brief observation about our policy toward Nicaragua and some recommendations.

In a representative democracy it is imperative that foreign policy in particular receive broad support if it is to work. This is especially important when it involves a long-term commitment, such as in the case of Nicaragua.

That the American people are split on increasing aid to the Contras is clear. Most polls, in fact, show that the majority of American people oppose increasing aid to the Contras.

While the American people may not agree on a policy toward Nicaragua, Mr. Chairman, they are united on policy goals. The American people, by and large, would like to see Nicaragua decrease reliance on the Soviet Union and Cuba; they want Nicaragua to reduce the size of its armed forces so that it no longer would in any way threaten its Latin neighbors; and, Mr. Chairman, they want Nicaragua to move toward a representative government that respects the rights of its citizens.

How do we accomplish our shared goals, Mr. Chairman? Well, I do not believe there is any policy guaranteed to work. I am convinced that continuing the current policy or escalating U.S. military support for the Contras will not do the job. The administration's policies toward Nicaragua have only worsen the situation. Compared to 1980, Nicaragua today is far more reliant on the Soviet Union and Cuba, its military force is double in size and

the Sandinista government imposes far more restrictions on the rights of its citizens.

Nor do I believe that continuing to throw scraps to the Contras in the form of so-called humanitarian aid will work. We have gone this route before, Mr. Chairman. To go down it again will not bring us any closer to a consensus policy and will only prolong the agony down there.

I would argue, Mr. Chairman, that we settle the issue today. End U.S. support for the Contras and force the administration to go back to the drawing board and come up with a policy to accomplish our shared goals that can be supported by the American people.

One positive consequence of ending support for the Contras today would be that Mr. Ortega would no longer have that excuse for continuing to refuse to sign the Contadora regional compact. As we know, the Contadora treaty would send Cuban and Soviet military advisers home and require a reduction in Nicaragua's armed forces. I would urge the administration to take other more direct steps to resolve the situation, refraining from new military operations with Honduras designed to intimidate Nicaragua, and engaging the Sandinistas in direct negotiations. The administration should offer the possibility of normalizing trade relations with the United States and the possibility of economic assistance, in exchange for opening up the political process to all Nicaraguans, including the Contras. It should be made absolutely clear, too, that the United States will not tolerate domination by any foreign power, particularly the Soviet Union and Cuba, in our hemisphere.

Mr. Chairman, I urge my colleagues to support the Hamilton substitute and opt for a change in policy that has a much better chance to succeed than the one we are now following.

Mr. DOWNEY of New York. Mr. Chairman, I rise today in strong opposition to this latest proposal, adopted by the other body, to provide $70 million in military assistance to the Contras and an additional $30 million in humanitarian assistance.

We are not dealing here with a one time vote to provide $100 million in aid to the Contras. We are considering the next step in the administration's program to overthrow the Sandinistas. We have been assured by the administration that it has no intention of becoming directly involved in the activities of the Contras, that the United States will not be called upon to commit its armed forces to the Contras' goals. Yet, despite these firm declarations of the President's intentions, they really are not a guarantee that we will not have to commit troops to the Contras' war against the Sandinistas.

One thing is clear. Without the monetary and logistical support of the United States the Contras would barely exist. Where is their support in Nicaragua? Why do they have no base in Nicaragua?

Mr. Chairman, this latest administration proposal for Contra aid will immediately provide defense arms for the Contras. I am tempted to ask what defensive arms means in this context. What territory do the Contras have to defend? They are based in Honduras, not Nicaragua. They have no territory to defend. Any arms they have are inevitably offensive, for they will be used to attack Nicaragua.

I will support the substitute offered by my colleague, Representative LEE HAMILTON, which will provide $27 million in humanitarian assistance for refugees from the Nicaraguan conflict, but which provides no assistance for the Contras.

Should that proposal fail, I will support the amendment offered by Mr. MCCURDY which restricts the use of funds provided in the measure adopted by the other body. I support this amendment because it allows the negotiation process undertaken by the Contadora nations to continue and postpones any military aid for 90 days. It requires that Congress act affirmatively in July in order to release any funds for military assistance. The Congress, under the McCurdy amendment, will retain control of the purse strings.

I will also support the amendment offered by my good friend Representatives MRAZEK. This amendment prohibits United States troops or employees from providing military training or assistance to the Contras in Honduras, Costa Rica, or El Salvador. This is the best guarantee that we have, under the circumstances, that U.S. troops will not be involved in the Contras' war.

Mr. Chairman, I do not support assistance for the Contras. I have said before that we are headed down the wrong road in Central America. If we vote to provide assistance today we will have moved further down the road of United States involvement in Nicaragua; we will have moved further away from a negotiated settlement and from peace. And we will not have succeeded in our acknowledged goals, to deny the Soviet Union an offensive military base in Central America and to promote peace in the region. I urge my colleagues to vote against House Joint Resolution 601, the Nicaraguan assistance provision.

Mr. OWENS. Mr. Chairman, once again we are being asked to consider aid to the Contras. It is imperative that we ask ourselves why some would support such aid and precisely what might be gained or lost through any support given.

The stated objectives of Contra aid has varied from making democratic reforms in Nicaragua to the ousting of the Nicaraguan Government. It is clear that external pressures will not lead to democratic reforms in Nicaragua. In fact, the opposite is true. No country in history has ever become more democratic when it was dealing with an external threat. One has but to look at our own country's behavior during World War II to understand that individual rights may be violated in response to a threat. The removal of Japanese Americans from the west coast is interestingly similar to the removal of Nicaraguan Indians from the Rio Coco area. Neither act can be viewed as a high point for democracy and the protection of human rights.

The objective of removing the current Nicaraguan Government is not likely to be met by continuing aid to the Contras. The Contras have failed to get support within Nicaragua and it is clear that a far more massive military adventure would be necessary if the goal was to remove the government. There is no support for such a venture in the United States and our Latin American neighbors have expressed their opposition to such an approach.

If we are incapable of encouraging democratic reforms in Nicaragua or removing the current government through the use of the Contras, we must then take a look at whether any reasonable policy objective can be met by supporting the Contras. I fail to see any stated objective being met by financial support to the Contras.

If we are unable to gain the objectives that we articulate, we must go the next step and recognize just what it is that we have gained and lost through support for the Contras to date, and what is the likely result of further support. To date, we have been assigned the responsibility for the most objectionable behavior of the Contras; for example, terrorist attacks on Nicaraguan civilians, at the same time that we have virtually no control over these actions which would not be tolerated by any responsible American military commander. This behavior has led to a general sense of disgust on the part of our American neighbors who have repeatedly stated their support for the Contadora process and their understanding that that process of demilitarization cannot proceed without an understanding that Nicaragua cannot continue to be attacked.

Although there has long been a sense of hemispheric good will which has allowed our American neighbors to live with U.S. foreign policy actions of which they did not approve, we seem bound and determined to undermine those sentiments by assuming a right to interfere whenever and wherever it seemed to meet our immediate needs. Such policies are shortsighted and ignore the realities of modern transportation and communication which make it possible for our neighbors to the south to unite on issues of national integrity. Latin Americans see the U.S. intervention of Contra support as a threat to their own national integrity even though they may not be under such pressures at the moment. Unity in Latin America in friendship with the United States is in our interests. Unity in Latin America in defense against the United States is clearly not in our best interests. Nothing binds people together more than a common enemy. I, for one, do not want to see the United States perceived as being the common enemy of the peoples of Latin America.

Support for the Contras has also gained us one more expenditure in a time when we are told that we must cut Government spending. Although I would not argue against spending which increased the security of the United States and which was clearly in our best interests, I do not have any reason to believe that anything is to be gained by spending money to support the Contras. Although I would have questions if every penny were accounted for and were spent to supply the Contra forces, it is quite clear that a great deal of money is unaccounted for. The Contra leadership salaries always manage to get paid, but money allocated for those in the field seems to go astray leaving the rank and file without food, medical supplies and clothing. The last thing that this country can afford is to fatten the bank accounts of military leaders, be they in power or trying to get power.

Support for so-called humanitarian aid to the Contras has also caused problems. Humanitarian aid, by definition, must go to assist all parties to a conflict through neutral aid givers. The whole point of organizations such as the International Red Cross is to supply aid to all victims. Selective aid is simply a way to assist one side in a conflict and labeling it as "humanitarian" merely clouds the issue of genuine humanitarian aid to recognized nonaligned neutral organizations.

Latin Americans are working together to solve their own regional problems. It is not necessary that we stand by to shape their solutions. It is necessary that we not get in the way and that we not force any country to militarize in order to defend themselves from a direct attack by the United States or from attacks supported and supplied by the United States. In order for the Contadora process to proceed we do not have to come up with any solutions to anyone's problems. We can simply stop sending, or implying that we will send, money to the Contras. That does not seem to be a very difficult task.

It is my hope that all of my colleagues will see fit to vote against Contra aid. This is the only choice open to us which is consistent with our interests and consistent with the will of the vast majority of our people.

Mr. SOLOMON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MICHEL], the distinguished Republican leader.

Mr. MICHEL. Mr. Chairman, during yesterday's debate on the rule, Mr. BONIOR quoted a New York Times poll concerning public views of aid to the Contras.

Mr. BONIOR correctly quoted the New York Times poll as showing that a majority of Americans polled are opposed to the President's position.

Today I would like to tell you the rest of the story of that poll, a story neither the gentleman from Michigan nor any of the President's critics have discussed.

First, while the poll shows that there is opposition to the President's position, it also shows the following:

Only 38 percent of those polled know that the administration is supporting the Contras and not the Government in Nicaragua.

As to the nature of the Sandinista regime, just 20 percent think it is Communist, 19 percent think it is a rightwing dictatorship and 49 percent haven't the slightest idea what ideology the Sandinistas have.

Fifty-nine percent believe the Nicaraguan Government would provide the Soviet Union with military bases and 56 percent agree that Nicaragua constitutes a threat to the security of other Central American countries.

This is an astounding fact. After 6 years of debate and discussion and evening television news, only 38 percent of the American people know which side the administration is supporting.

And this lack of knowledge isn't a new phenomenon.

Consider two national polls taken by the New York Times/CBS News. One was taken in April 1984 and the other in May and June 1985. Both showed that less than a majority favor the President's programs in Central America. But in the story describing the results of the 1984 poll, the Times reported:

> Only 19% of those surveyed could answer that the United States supported the opponents of the Nicaraguan government. Although the figure is an increase of 6 percentage points since last June (i.e. June, 1983), 62% of those who were interviewed said they had not been following events in the region carefully enough to identify which side the United States supported.

In the story accompanying the results of the 1985 poll, the Times said:

> Support for the Reagan administration policy is increasing, especially among the growing number who know which side the United States backs.

That "growing number" was 26 percent of those interviewed.

What are we to make of this scarcely credible confusion and lack of knowledge?

I say it is proof that American democracy, which depends upon an informed electorate, is being ill-served.

It is being ill-served by those of us in Congress who either can't or won't tell the facts to our constituents.

Maybe we just don't want to talk about Nicaragua because it is a tough question. Maybe we ourselves are not as informed as we should be.

But for whatever reason, those of us in Congress are not communicating the facts about Nicaragua to our people, except to activists on both sides.

Remember what I'm talking about—less than 40 percent of the people are certain what side we are supporting in Nicaragua. That doesn't even get into complicated questions of policy.

The administration also stands indicted for not communicating the facts. They have done a poor job.

And, yes, the national media must bear their part of the shame for this situation. Most Americans get their news from television. And if 6 years of television news has left the public so confused, maybe we're getting too much soap and not enough substance in our newscasts.

We all stand indicted for failure to inform the people. The New York Times poll shows that this debate is being held without the kind of informed electorate our democratic process demands.

The House, the Senate, the administration, and the media all have to do some soul-searching.

The point I am making is that as men and women responsibly elected to this body by the people, we ought not simply put our finger to the wind and test every vote we make here by public opinion polls. That is not the way strong men and women, elected to responsible positions, should act around here. From time to time we have got to sense, from all the information available to us, that we have got to accept responsibility and exercise it, we have got to lead. And, hopefully, the American people will follow.

The CHAIRMAN. The Chair will advise that the gentleman from Washington [Mr. FOLEY] has 6 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 7½ minutes remaining. The gentleman from New York, on a resolution that opened on the minority side, will have the right to close.

Mr. FOLEY. Mr. Chairman, there is 7½ minutes remaining on the other side of the aisle?

The CHAIRMAN. The gentleman from Washington [Mr. FOLEY] has 6 minutes remaining on the general debate.

Mr. FOLEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, there is no person in the body that I admire more than the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL], but I found myself being very surprised by his remarks. In effect, he is suggesting that the American people do not understand this issue and it is for that reason that they are apparently opposed by majorities of 2 and 3 and 4 to 1, depending upon which group and which question is asked, to the President's proposal to provide military aid to the so-called Contras. I can understand his search for an explanation for this situation. Every group and region in the United States, whether you take it by income, background, education or political party, opposes this proposal. After years of discussion of this issue by the administration, it is obviously difficult and embarrassing to find the American people standing resolutely against providing military aid to the Contras.

The fact is that if we act today to support the resolution offered by the gentleman from Illinois [Mr. MICHEL], we will be acting against the repeated opinion of the people of this country.

Now, there are times, I suppose, when it could be argued that it is our job, our duty, to go public opinion, against the American preference, against the will of the people, in order to provide leadership. But let us understand, at least, that that is what we are doing.

If it is decided by this body to provide military aid to the Contras, we are acting against the opinion of our constituents, against the opinion of the people whom we were sent here to represent.

I do not concede that that is necessarily wrong. There are times when we must stand up and vote our convictions as to what we believe to be in the

best interest of our country. But they should be acknowledged as such.

Beyond that, I think we ought to recognize the wisdom of the Secretary of Defense, Mr. Weinberger, who said that before we send American forces into an area to fight a war, we should have the firm, committed opinion, of the American people to back them up. It would be equally wise to extend that condition to proxy wars when they are being proposed, because this is nothing more or less than a declaration of a proxy war against Nicaragua in which American money and American weapons will be used and Nicaraguan lives lost. Before we embark on such an undertaking, perhaps it would be better that the American people be convinced that it is in our national interest, that they believe it is in the course of advancing freedom and liberty in that region and here.

So far, the record is clear, from every objective survey and every objective analysis done by the media and by people on both sides of this issue, that that is not the case.

If the American people could vote directly today on the Michel amendment, they would vote a resounding "no."

Mr. SOLOMON. Mr. Chairman, we have one last speaker to sum up for this side, so we will reserve our time at the moment.

The CHAIRMAN. The gentleman from Washington [Mr. FOLEY] has 2½ minutes remaining.

Mr. FOLEY. Mr. Chairman, how much time remains on the other side?

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] has 7½ minutes remaining.

Does the gentleman from New York desire all that time for summary?

Mr. SOLOMON. That is correct, Mr. Chairman.

Mr. FOLEY. Mr. Chairman, I thought the gentleman intended to make some time available to the gentleman from Missouri.

Mr. SOLOMON. That is correct, Mr. Chairman. We are privileged to have the gentleman from Missouri sum up for this side.

Mr. FOLEY. The gentleman from Missouri is going to be the final speaker in the debate?

Mr. SOLOMON. Yes.

Mr. FOLEY. Mr. Chairman, in that case, I yield myself the remaining time on this side.

Mr. Chairman, I just want to address an issue that I am rather surprised was placed into this debate, it is the suggestion that if the Sandinista regime has had any connections with Libya, this ought to justify a decision for us, with proxy forces, to invade Nicaragua.

I just want to suggest, as did the gentleman from Massachusetts [Mr. FRANK] that, if that is the assumption, then the gentleman should be prepared to take action against Cuba, Syria, the Soviet Union, countries all over the world with which I do not presume he wants to go immediately to war through proxies or otherwise.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Indiana.

By the way, I think the gentleman said something in debate that I wonder if he would like to confirm. I believe that I heard him say that those in the course of opposition to the President's proposal here were congressional fellow travelers. Did I hear the gentleman correctly?

Mr. BURTON of Indiana. No, the gentleman did not hear that from me. He may have heard that from another Member of this body, but it was not from me.

My question is: The gentleman indicated that we would be involved in a proxy war, a United States proxy war.

Would the gentleman concede that the Soviets, who sent 18,000 tons of war materials in there last year, are involved in a proxy war on our continent?

Mr. FOLEY. On our continent?

Mr. BURTON of Indiana. Yes, in our continent, on the Continent of North America.

Mr. FOLEY. Not in the same way. There are no Soviet troops fighting in this area. As far as I know, the United States maintains diplomatic relations, for whatever purpose, with Nicaragua. One might question that, but I do not think there is any question that the President himself last year suggested that if we provided open support for the Contras we would be engaging in an act of war. That is the President's statement of what he felt would be the result of the proposal that is now before us. Under the circumstances, I think to call it a proxy war is certainly within the gambit of what the President has suggested.

Mr. BURTON of Indiana. I just want to understand the aspect of——

Mr. FOLEY. I have only about a minute to conclude, and I would like to take it to do so.

This is an issue on which Democrats and Republicans disagree. It is also an issue on which Democrats and Democrats disagree and Republicans and Republicans disagree. I want to compliment the gentleman from Pennsylvania [Mr. WALKER] for saying that everybody in this well is a patriot who is concerned about the future of this country, about freedom in this continent and hemisphere, and about the prevention of Soviet bases or Soviet capacity to work against their neighbors.

The question is whether this particular policy is correct and wise. The position that is being taken against it is one which is supported by the American people.

Mr. SOLOMON. Mr. Chairman, when it comes to foreign policy, we all agree that partisanship ends at the water's edge, and it is because of that that I yield the balance of our time to one of the most distinguished Members of this House, the gentleman from Missouri [Mr. SKELTON], who has proved this time and time again. I am proud to yield our remaining time to the gentleman from Missouri.

The CHAIRMAN. The gentleman from Missouri [Mr. SKELTON] is recognized for 7½ minutes to close general debate.

□ 1240

Mr. SKELTON. Mr. Chairman, I rise in favor of the basic resolution, the resolution that was passed in the Senate just several days ago. I do this in the best of bipartisan spirit, because I realize that the future of our country, the national security to which all of us are so interested in, must be on a bipartisan basis.

Mr. Chairman, this is legislation before us that is basically what the gentleman from Washington [Mr. CHANDLER] and I worked out over a period of several days with the White House prior to the last vote, with one exception. Prior to the last vote, the President agreed—after a great deal of difficult negotiations with the White House—agreed to specifics which would allow 90 days for negotiations to give one last clear chance for negotiations to work; should that be impossible, to allow training to go on and to allow defensive weaponry, to bring about insistence upon human rights, to bring all people into the political process and the process of resistance in Nicaragua, including the Indians, including the southern front, to make sure that there is a cleaning up of the resistance movement. We have talked about all those things and the President did agree to give an Executive order to that effect.

As you know, that failed by a few votes. It failed because some people wanted the very same thing to be in legislation.

Mr. Chairman, we have that before us today, because that is exactly what the Senate passed, the legislative agreement that the gentleman from Washington [Mr. CHANDLER] and I worked out for an Executive order.

Now, let us look at this basically. We have two interests as Americans. No. 1 is that of national security. The second is that of supporting democracy.

Let us look at the first. There is a national security interest in having the Communists suppressed, to having a democratic regime in Nicaragua, because it is a potential proxy territory for communism, not just to be there, but to foment into the entire area possibly and threats to cut off the south-

ern port areas, the Panama Canal, and all the national security interests that we have in the southern part of our country.

The second is that of supporting democracy and fighting and standing against communism. Democracy is alive in Central America. Costa Rica has been doing well. We know that. Honduras is new at it and we are proud of what they are doing. In El Salvador, we know all that story and it is a success story that this Congress can take pride in because we passed legislation that encouraged it and fomented democracy to go in there and stay there, and it is working.

Now Guatemala is falling into the same pattern. But there is a cancer in the center of all this and that is the Sandinista Nicaragua.

Mr. Chairman, let us look at some basic things that all of us agree upon. No. 1 is that we agree that the American Nation has important interests in Central America.

We also all agree that the United States should support democratic states in our region with economic and security assistance. Everyone opposes the Nicaraguan subversion. Everyone also opposes the establishment of a Soviet beachhead in Nicaragua. These are things that no one will really disagree with and no one argues anymore about the nature of the Sandinista regime, because we all agree it is brutal, repressive, a communistic dictatorship, and this is something that all of us understand so well.

Now, what we need to do, Mr. Chairman, is to forge a bipartisan consensus and that is what the Senate resolution does and that is what this basic document to which we are addressing ourselves today does. It creates a diplomatic and economic and military carrot and stick in dealing with the Sandinistas. It establishes a commission on Central American negotiations. It furthers the democractizing of the resistance, giving real power to such people in the democratic resistance, like Arturo Cruz and Alfonso Robelo.

It broadens the resistance by including the Indians, the Misurasata Indians included, and the southern opposition bloc, also known as BOS.

What is very important to us is that it cleans up the resistance, because there have been charges made concerning the human rights violations and other violations that I think all of us will agree should be addressed. That is what this does.

There are other amendments and I urge the body, Mr. Chairman, not to vote for those other amendments.

I can see us basically on the same track, but what we should do is send a clear message in a clear-cut legislative piece, and that is what has come for the Senate, and that is what we wish to pass today without the encumbrance of those other amendments.

We wish to give the Contras a meaningful assistance within the next few months. We cannot do this if we prohibit them from receiving defensive weapons during that 90 days of negotiations.

We should not postpone the congressional decision again on this critical issue until late in the summer, because when you do that you send a message not just to the Sandinistas that we do not mean what we say, but we send a message to all of Central America that we do not stand by our friends and our allies by what we say for democracy.

Nicaragua's recent aggression against its neighbor Honduras and its torpedoing of the Contadora talks show why aid to the Contras and the pressure that it would bring on the Sandinistas is needed soon. It is needed now.

We must by the measure that I am urging not prolong the inevitable, because we do as a nation stand behind the basic tenets of democracy and freedom.

Mr. Chairman, we have our credibility as a nation at stake. We have national security as a nation at stake. This is a decision we must make for democracy and against communism. That is very clear and that issue is at stake.

If we have learned anything from the lessons of history, it is that prolonged indecision and lack of looking clearly where we are going does not determine a true course and policy.

Mr. Chairman, I urge sincerely the defeat of all amendments and the adoption of the basic language in House Joint Resolution 601. It will be a vote for democracy in our Nation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 415, the joint resolution is considered as having been read for amendment under the 5-minute rule.

No amendments are in order except the following amendments, which shall not be subject to amendment or to a demand for a division of the question and shall be considered only in the following order and each amendment listed below shall be debatable for 2 hours equally divided and controlled by the Member offering the amendment and a Member opposed thereto:

(1) An amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of April 14, 1986, by, and if offered by, Representative HAMILTON;

(2) An amendment, which may be offered only if the amendment designated (1) above has been rejected, printed in the CONGRESSIONAL RECORD of April 14, 1986, by, and if offered by, Representative MCCURDY; and

(3) An amendment, which may be offered only if the amendment designated (1) above has been rejected, printed in the CONGRESSIONAL RECORD of April 14, 1986, by, and if offered by, Representative MRAZEK.

The text of House Joint Resolution 601 is as follows:

H.J. RES. 601

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES

SECTION 1. The purposes of this joint resolution are to promote peace, stability, and democracy in Central America, to encourage a negotiated resolution of the conflict in the region and, toward these ends, to enable the President to provide additional assistance for the Nicaraguan democratic resistance, as requested by the President on February 25, 1986, pursuant to the provisions of section 722(p) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) and section 106(a) of the Supplemental Appropriations Act, 1985 (Public Law 99-88), subject to the terms and conditions of this joint resolution.

POLICY TOWARD CENTRAL AMERICA

SEC. 2. (a) It is the policy of the United States that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States;

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America; and

(3) the September 1983 Contadora Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, is to be encouraged and supported.

(b) The United States strongly supports as essential to the objectives set forth in subsection (a)—

(1) national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful, democratic settlement to the Nicaraguan conflict; and

(2) efforts to reach a comprehensive and verifiable final agreement based on the Contadora Document of Objectives, including efforts to encourage the Government of Nicaragua to pursue a dialogue with the representatives of all elements of the Nicaraguan democratic opposition for the purposes of achieving a democratic political settlement of the conflict, including free and fair elections.

POLICY TOWARD THE GOVERNMENT OF NICARAGUA

SEC. 3. (a) United States policy toward Nicaragua shall be based upon Nicaragua's responsiveness to continuing concerns affecting the national security of the United States and Nicaragua's neighbors about—

(1) Nicaragua's close military and security ties to Cuba and the Soviet Union and its Warsaw Pact allies, including the presence in Nicaragua of military and security personnel from those countries and allies;

(2) Nicaragua's buildup of military forces in numbers disproportionate to those of its neighbors and equipped with sophisticated weapons systems and facilities designed to accommodate even more advanced equipment;

(3) Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries;

(4) Nicaragua's internal repression and lack of opportunity for the exercise of civil and political rights which would allow the people of Nicaragua to have a meaningful voice in determining the policies of their government through participation in regularly scheduled free and fair elections and the establishment of democratic institutions; and

(5) Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to engage in a serious national dialogue with all elements of the Nicaraguan democratic opposition.

(b) The United States will address the concerns described in subsection (a) through economic, political, and diplomatic measures, as well as through support for the Nicaraguan democratic resistance. In order to assure every opportunity for a peaceful resolution of the conflict in Central America, the United States will—

(1) engage in bilateral discussions with the Government of Nicaragua with a view toward facilitating progress in achieving a peaceful resolution of the conflict, if the Government of Nicaragua simultaneously engages in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition; and

(2) limit the types and amounts of assistance provided to the Nicaraguan democratic resistance and take other positive action in response to steps taken by the Government of Nicaragua toward meeting the concerns described in subsection (a).

(c) The duration of bilateral discussions with the Government of Nicaragua and the implementation of additional measures under subsection (b) shall be determined, after consultation with the Congress, by reference to Nicaragua's actions in response to the concerns described in subsection (a). Particular regard will be paid to whether—

(1) freedom of speech, assembly, religion, and political activity are being respected in Nicaragua and progress is being made toward the holding of regularly scheduled free and fair elections;

(2) there has been a halt to the flow of arms and the introduction of foreign military personnel into Nicaragua, and a withdrawal of all foreign military personnel has begun;

(3) a cease-fire with the Nicaraguan democratic resistance is being respected; and

(4) Nicaragua is refraining from acts of aggression, including support for insurgency and terrorism in other countries.

(d) The actions by the United States under this joint resolution in response to the concerns described in subsection (a) are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed, not to determine the form or composition of any government of Nicaragua, but to achieve a comprehensive and verifiable agreement among Central American countries, based upon the 1983 Contadora Document of Objectives, including internal reconciliation within Nicaragua, based upon democratic principles, without the use of force by the United States. Nothing in this joint resolution shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua.

POLICY TOWARD THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 4. (a) It is the policy of the United States to assist all groups within the Nicaraguan democratic resistance which—

(1) are committed to work together for democratic national reconciliation in Nicaragua based on the document issued by the six Nicaraguan opposition parties on February 7, 1986, entitled "Proposal to the Nicaraguan Government for a Solution to the Crisis in Our Country"; and

(2) respect international standards of conduct and refrain from violations of human rights or from other criminal acts.

(b) No assistance under this joint resolution may be provided to any group that retains in its ranks any individual who has been found to engage in—

(1) gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961); or

(2) drug smuggling or significant misuse of public or private funds.

(c)(1) The Congress finds that the Nicaraguan democratic resistance has been broadening its representative base, through the forging of cooperative relationships between the United Nicaraguan Opposition (UNO) and other democratic resistance elements, and has been increasing the responsiveness of military forces to civilian leadership.

(2) The President shall use the authority provided by this joint resolution to further the developments described in paragraph (1) and to encourage the Nicaraguan democratic resistance to take additional steps to strengthen its unity, pursue a defined and coordinated program for representative democracy in Nicaragua, and otherwise increase its appeal to the Nicaraguan people.

(d) In furtherance of the policy set out in this section, not less than $10,000,000 of the funds transferred under section 5(a) shall be available only for assistance to resistance forces otherwise eligible and not currently included within UNO, of which amount $5,000,000 shall be available only for the Southern Opposition Bloc (BOS) and $5,000,000 shall be available only for the Indian resistance force known as Misurasata.

(e) Notwithstanding any other provision of this joint resolution, no member of the United States Armed Forces, or employee of any department, agency, or other component of the United States Government may enter Nicaragua to provide military advice, training, or logistical support to paramilitary groups operating inside that country.

TRANSFER OF FUNDS

SEC. 5. (a)(1) The Congress hereby approves the provision of assistance for the Nicaraguan democratic resistance in accordance with the provisions of this joint resolution.

(2) There are transferred to the President for use in carrying out the provisions of this joint resolution $100,000,000 of unobligated funds from such accounts for which appropriations were made by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), as the President shall designate. No limitation or restriction contained in section 10 of Public Law 91-672, section 8109 of the Department of Defense Appropriations Act, 1986, section 502 of the National Security Act of 1947, or any other provision of law shall apply to the transfer or use of such funds.

(b) Notwithstanding the Impoundment Control Act of 1974, not more than 25 percent of the funds transferred under subsection (a) may be available for obligation or expenditure in accordance with this joint resolution upon the date of enactment of this joint resolution, and not more than an additional 15 percent of such funds may be so available upon the transmittal of each report required by section 12.

(c) Funds transferred under subsection (a) shall remain available for the same periods of time, but not to exceed September 30, 1987, as such funds would have been available under the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), but for the enactment of this joint resolution.

(d)(1) There are transferred to the President out of funds appropriated by the Supplemental Appropriations Act, 1985 (Public Law 99-88), under the heading "Assistance For Implementation of a Contadora Agreement" such sums as the President may require, but not more than $2,000,000, to facilitate the participation of Costa Rica, El Salvador, Guatemala, and Honduras in regional meetings and negotiations to promote peace, stability, and security in Central America. No limitation or restriction contained in section 15 of the State Department Basic Authorities Act of 1956, section 10 of Public Law 91-672, or any other provision of law shall apply to the transfer or use of such funds.

(2) Funds transferred under paragraph (1) shall remain available for the same period of time as such funds would have been available under the Supplemental Appropriations Act, 1985 (Public Law 99-88), but for the enactment of this joint resolution.

FUNDS FOR HUMANITARIAN ASSISTANCE

SEC. 6. (a) Of the amounts transferred under section 5(a), $30,000,000 shall be available only for the provision of humanitarian assistance to the Nicaraguan democratic resistance by the Nicaraguan Humanitarian Assistance Office (established by Executive Order 12530).

(b) Of the $30,000,000 made available only for purposes of subsection (a), $3,000,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

APPLICATION OF EXISTING LAWS

SEC. 7. (a) Except as otherwise provided in this joint resolution, funds transferred under section 5(a) shall be available for the purposes described in section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986, and all the requirements, terms, and conditions of such section and sections 101 and 102 of such Act, section 502 of the National Security Act of 1947, and section 106 of the Supplemental Appropriations Act, 1985 (Public Law 99-88), shall be deemed to have been met for such use of such funds.

(b) The use of funds made available under this joint resolution is subject to all applicable provisions of law and established procedures relating to the oversight by the Congress of operations of departments and agencies.

(c) Nothing in this joint resolution shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 5(a) or otherwise specifically author-

ized by the Congress for assistance to the Nicaraguan democratic resistance.

USE OF FUNDS AFTER A PEACEFUL SETTLEMENT

SEC. 8. If the President determines and so reports to the Congress that a peaceful settlement of the conflict in Central America has been reached, then the unobligated balance, if any, of funds transferred under section 5(a) shall be available for the purposes of relief, rehabilitation, and reconstruction in Central American countries in accordance with the authorities contained in chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund assistance).

INCENTIVES FOR A NEGOTIATED SETTLEMENT

SEC. 9. (a) Assistance under this joint resolution shall be provided in a manner designed to encourage the Government of Nicaragua to respond favorably to the many opportunities available for achieving a negotiated settlement of the conflict in Central America. These opportunities include the following proposals:

(1) Six opposition Nicaraguan political parties on February 7, 1986, called for an immediate cease-fire, an effective general amnesty, abolition of the state of emergency, agreement on a new electoral process and general elections, effective fulfillment of international commitments for democratization, and observance of implementation of these actions and commitments by appropriate international groups and organizations;

(2) President Reagan on February 10, 1986, offered simultaneous talks between the Government of Nicaragua and all elements of the Nicaraguan democratic opposition in Nicaragua and between the Government of Nicaragua and the United States Government;

(3) President Jose Napoleon Duarte of El Salvador on March 5, 1986, offered an additional dialogue between the Government of El Salvador and the insurgents in El Salvador if the Government of Nicaragua would simultaneously engage in a dialogue with all elements of the Nicaraguan democratic opposition; and

(4) President Reagan's Message to the Congress of March 19, 1986, proposed a mission to Latin America by his special envoy to encourage the Contadora and Support Group countries to join in urging the Government of Nicaragua to initiate a national dialogue with representatives of all elements of the Nicaraguan democratic opposition.

(b) In furtherance of the objectives set forth in subsection (a), and except as provided in subsection (c), assistance to the Nicaraguan democratic resistance under this joint resolution shall be limited to the following:

(1) humanitarian assistance (as defined in section 722(g)(5) of the International Security and Development Cooperation Act of 1985);

(2) logistics advice and assistance;

(3) support for democratic political and diplomatic activities;

(4) training in radio communications, collection, and utilization of intelligence, logistics, and small-unit skills and tactics; and

(5) equipment and supplies necessary for defense against air attacks.

(c) On and after July 1, 1986, the restrictions in subsection (b) shall cease to apply beginning 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contadora Document of Objectives,

(2) the Government of Nicaragua is not engaged in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity, leading to regularly scheduled free and fair elections and the establishment of democratic institutions, and

(3) there is no reasonable prospect of achieving such agreement, dialogue, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance,

unless the Congress has enacted a joint resolution under section 10 disapproving the provision of additional assistance (other than assistance described in subsection (b)).

(d)(1) Notwithstanding subsection (c), no assistance (other than the assistance described in paragraphs (1) through (4) of subsection (b)) shall be provided at any time to the Nicaraguan democratic resistance under this joint resolution if—

(A) the President determines that—

(i) the Central American countries have concluded a comprehensive and effective agreement based on the Contadora Document of Objectives; or

(ii) the Government of Nicaragua is engaging in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity leading to regularly scheduled free and fair elections and the establishment of democratic institutions; or

(B) the Congress enacts a joint resolution under section 10 disapproving the provision of additional assistance (other than assistance described in paragraphs (1) through (4) of subsection (b)).

(2) The prohibition contained in paragraph (1) shall not apply with respect to assistance described in paragraph (5) of subsection (b) if the Government of Nicaragua acquires additional equipment or materiel to carry out air attacks.

(e) The limitations on assistance that may be furnished to the Nicaraguan democratic resistance which are contained in subsections (b) and (d) shall cease to apply if the Congress enacts a joint resolution, in accordance with section 10, stating that the Government of Nicaragua has failed to accept or observe a cease-fire with the Nicaraguan democratic resistance.

(f)(1) Notwithstanding any other provision of this joint resolution, on or after July 1, 1986, funds may be obligated or expended under this joint resolution only if the President determines and reports to the Congress that the Nicaraguan democratic resistance groups receiving assistance under this joint resolution have agreed to and are beginning to implement—

(A) confederation and reform measures to broaden their leadership base;

(B) the coordination of their efforts;

(C) the elimination of human rights abuses;

(D) the pursuit of a defined and coordinated program for achieving representative democracy in Nicaragua; and

(E) the subordination of military forces to civilian leadership.

(2) In making his determination under paragraph (1), the President shall take into account the effectiveness and legitimacy of the political leadership of those Nicaraguan democratic resistance groups receiving assistance under this joint resolution, including the ability of that political leadership—

(A) to reflect the views and objectives of the internal and external Nicaraguan democratic opposition;

(B) to function as the spokesman for the Nicaraguan democratic opposition with Central Americans, international organizations, and the United States Government;

(C) to represent the Nicaraguan democratic opposition in dealing with the Government of Nicaragua;

(D) to provide command and control for the military forces of all resistance groups receiving assistance under this joint resolution and to establish the goals for their military operations;

(E) to determine the distribution of assistance provided under this joint resolution; and

(F) to provide the legal mechanisms necessary for the enforcement of standards of conduct applicable to all members of the resistance groups receiving assistance under this joint resolution.

CONGRESSIONAL PRIORITY PROCEDURES

SEC. 10. (a)(1) A joint resolution described in subsection (c) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to the joint resolution entitled 'Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985', except as provided in section 9(b) thereof.".

(2) A joint resolution described in subsection (d)(1)(B) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to the joint resolution entitled 'Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985', except as provided in paragraphs (1) through (4) of section 9(b) and paragraph (2) of subsection (d) thereof.".

(3) A joint resolution described in subsection (e) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress finds that the Government of Nicaragua has failed to accept or observe a cease-fire and hereby approves the provision of assistance to the Nicaraguan democratic resistance pursuant to the joint resolution entitled 'Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.', notwithstanding subsection (b) or (d) of section 5 thereof".

(b) A joint resolution described in subsection (a)(1), (a)(2), or (a)(3) shall be considered in the House of Representatives and in the Senate in accordance with the provisions of paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to a joint resolution shall be deemed to be references to the respective joint resolution set forth in subsection (a)(1), subsection (a)(2), or subsection (a)(3);

(2) references in such paragraphs to the Committee on Appropriations shall be deemed to be references to the appropriate committee or committees of the respective House of Congress;

(3) references in such paragraphs to the eighth day and to fifteen calendar days shall be deemed to be references to the fifth day and to five calendar days, respectively; and

(4) amendments may be in order but only if the amendments are germane.

(c) The provisions of this section are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under section 9, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

COMMISSION ON CENTRAL AMERICAN NEGOTIATIONS

SEC. 11. (a)(1) There is established the Commission on Central American Negotiations (hereafter in this section referred to as the "Commission"), which shall be composed of five members appointed as follows:

(A) One individual appointed by the Speaker of the House of Representatives;

(B) One individual appointed by the Minority Leader of the House of Representatives;

(C) One individual appointed by the Majority Leader of the Senate;

(D) One individual appointed by the Minority Leader of the Senate; and

(E) One individual, who shall serve as Chairman of the Commission, selected by unanimous vote of the other members of the Commission.

(2) No officer or employee of the United States may be appointed as a member of the Commission.

(b) The purpose of the Commission is to monitor and report on the efforts of the Nicaraguan democratic resistance to coordinate and reform and on the status of any negotiations on the peace, stability, and security of Central America, including negotiations conducted between or among—

(1) the Government of Nicaragua and all elements of the Nicaraguan democratic opposition, including the Nicaraguan democratic resistance;

(2) the governments of Central American countries;

(3) the Government of the United States and the Government of Nicaragua;

(4) the governments of the Contadora and Support Group countries and the government of the Central American countries; and

(5) the Government of El Salvador and the insurgents in El Salvador.

(c)(1) The Commission may appoint and fix the pay of not more than seven staff personnel, but at such rates not in excess of the rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2)(A) Each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the performance of duties as a member of the Commission.

(B) While away from his home or regular place of business in the performance of duties for the Commission, a member or staff personnel of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(3) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(d)(1) A majority of the members of the Commission shall constitute a quorum.

(2) All decisions of the Commission, except as otherwise provided in this section, shall be by majority vote.

(e) The Commission may make such reports in connection with its duties as it deems necessary to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, except that—

(1) not later than 5 days after receipt by the Congress of a report by the President under section 9(c), the Commission shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report addressing all the matters which are required to be included in reports of the President by paragraphs (1), (3), and (4) of section 12; and

(2) not later than June 30, 1986, the Commission shall prepare and transmit to the Congress a report on whether the Nicaraguan democratic resistance groups receiving assistance under this joint resolution have agreed to and are beginning to implement measures described in subparagraphs (A) through (E) of section 9(f)(1) and an evaluation of the factors described in section 9(f)(2).

(f)(1) Salaries and expenses of the Commission, but not more than $400,000, shall be paid from the contingent fund of the Senate out of the Account for Miscellaneous Items, in accordance with the provisions of this section.

(2) Funds made available to the Commission by paragraph (1) shall be disbursed on vouchers approved by the Chairman, except that no voucher shall be required for the disbursement of the salary of an individual appointed under subsection (c).

(3) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to use of funds in accordance with such section.

(g) The Commission shall terminate not later than 30 days after transmittal of the reports required by subsections (e) and (f).

PRESIDENTIAL REPORTING REQUIREMENT

SEC. 12. Not later than 90 days after the date of enactment of this joint resolution, and every 90 days thereafter, the President shall prepare and transmit to the Congress a report on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in section 3(a). Each such report shall include—

(1) a detailed statement of any progress made in reaching a negotiated settlement, including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide assistance with the funds transferred under section 5(a);

(3) a discussion of alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) an evaluation of the progress made by the Nicaraguan democratic resistance in broadening its political base and defining a unified and coordinated program for achieving representative democracy in Nicaragua.

REQUESTS FOR ADDITIONAL ASSISTANCE

SEC. 13. The provisions of subsections (s) and (t) of section 722 of the International Security and Development Cooperation Act of 1985 shall apply with respect to any request described in section 722(p) of such Act submitted by the President to the Congress on or after the date of enactment of this joint resolution, except that, for purposes of consideration in a House of Congress of a joint resolution under subsection (s) or (t) of such section, amendments to such a joint resolution may be in order but only if such amendments are germane.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HAMILTON: Strike out all after the resolving clause and insert in lieu thereof the following:

UNITED STATES POLICY IN CENTRAL AMERICA

SECTION 1. (a) The primary objectives of United States policy in Central America should be—

(1) to preserve the security of the United States;

(2) to prevent the Soviet Union and its allies from seeking to destabilize the region or to develop or deploy an offensive military capability which directly threatens the United States;

(3) to achieve peace and reconciliation;

(4) to promote stability and economic development;

(5) to promote the observance of human rights and the strengthening of democratic processes; and

(6) to live at peace with Nicaragua so long as Nicaragua lives at peace with its neighbors.

(b) United States strategy for achieving the objectives stated in subsection (a) should include—

(1) an emphasis on seeking a negotiated, regional settlement;

(2) respect for the independence and territorial integrity of all nations;

(3) a clear commitment, through appropriate types and levels of military and economic assistance, to assist the nations of Central America in building and sustaining viable, democratic societies capable of withstanding aggression and subversion and of providing

their people with an opportunity for better lives; and

(4) consistent diplomatic support on behalf of the observance of human rights by groups and governments, and support for democratic institutions throughout the region, in recognition of the fact that subversion feeds on repression.

(c) In furtherance of the objectives stated in subsection (a), United States policy with respect to Nicaragua should include the following:

(1) A commitment to preserve the security of the United States by preventing the Soviet Union and its allies from developing or deploying an offensive military capability in Central America that directly threatens the United States.

(2) A commitment to protect the security and territorial integrity of any nation of Central America from unlawful actions by Nicaragua, in conformance with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance, which provide for collective action.

(3) Pursuit of a regional settlement through all diplomatic avenues, including—

(A) effective support for the Contadora process, which is addressing the questions of peace and security (including mechanisms for verification and enforcement) and internal reconciliation and political pluralism;

(B) giving priority to obtaining a ceasefire in Nicaragua;

(C) renewing bilateral talks with Nicaragua; and

(D) encouraging direct talks among the parties to the conflict in Nicaragua.

(4) The provision of incentives to Nicaragua if, over the long term, the Government of Nicaragua improves its conduct, including by agreeing to a ceasefire and to negotiate with its opponents, removing foreign military advisors, agreeing not to provide material support for insurgencies and agreeing to appropriate monitoring procedures under Contadora auspices to verify such agreement, respecting human rights and the independence of the media, and making progress toward national reconciliation and a pluralistic democratic system. Incentives should be structured to enable the United States to respond to positive steps by Nicaragua. These incentives could include—

(A) the suspension of United States military exercises in the region;

(B) the resumption of normal trade, including the resumption of nondiscriminatory trade treatment (MFN status), the restoration of benefits under the Generalized System of Preferences, and the restoration of Nicaragua's sugar quota;

(C) supporting bilateral and multilateral assistance for Nicaragua and providing technical assistance, help in agriculture and health, and volunteer services; and

(D) the creation of a Central American Development Organization (in accordance with section 464 of the Foreign Assistance Act of 1961) in which Nicaragua could participate.

(5) The imposition of further sanctions against Nicaragua should it intensify or expand activities hostile to United States interests and to peace and security within Central America. Such sanctions could include obtaining the cooperation of our allies in Western Europe and Japan, now Nicaragua's largest trading partners, in—

(A) cutting trade with Nicaragua;

(B) stopping bilateral assistance and blocking multilateral assistance to Nicaragua;

(C) imposing comprehensive economic sanctions against Nicaragua;

(D) breaking diplomatic relations with Nicaragua; and

(E) working with our Latin America allies, especially those in Central America, to isolate Nicaragua in regional affairs.

Such sanctions can only be effective if taken together with our allies. Unilateral sanctions have not and will not be effective.

ASSISTANCE FOR HUMANITARIAN NEEDS

SEC. 2. (a) Of the funds authorized to be transferred by section 4, up to $27,000,000 may be used by the President to provide food, medicine, or other assistance for the humanitarian needs of those who have been displaced by conflict in Nicaragua, regardless of whether they have been associated with the Nicaraguan opposition forces.

(b) Assistance under this section may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon that organization's determination that such assistance is necessary to meet humanitarian needs.

ASSISTANCE IN SUPPORT OF THE CONTADORA PROCESS

SEC. 3. (a) The Congress reaffirms its support for the Contadora initiatives and is prepared to support the regional peace process with financial assistance. Accordingly, the President may use up to $5,000,000—

(1) to provide assistance to the Contadora nations of Mexico, Panama, Venezuela, and Colombia, and the Contadora Support Group nations of Argentina, Peru, Uruguay, and Brazil, to assist those nations in reaching agreement among the nations of Central America based on the Contadora Document of Objectives of September 9, 1983, including assistance for peacekeeping, verification, and monitoring systems; and

(2) to help implement any joint border commission agreement between Nicaragua and Costa Rica, or between Nicaragua and Honduras, which those nations enter into in furtherance of the purposes of the Contadora Document of Objectives.

(b) In addition to funds transferred pursuant to section 4, the $2,000,000 appropriated under the heading "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT" by the Supplemental Appropriations Act, 1985, may be used to carry out this section.

TRANSFER OF DOD FUNDS

SEC. 4. The President may transfer up to $30,000,000 of the funds appropriated by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), for use in carrying out sections 2 and 3. The funds transferred under this section may include funds that have been made available for obligation beyond September 30, 1986, as provided by law.

REPORTS ON USE OF FUNDS

SEC. 5. No less frequently than once every 3 months, the President shall submit to the Congress a written report containing an accounting of any funds used pursuant to section 2 or section 3.

NATIONAL COMMISSION ON CONTADORA

SEC. 6. (a) There is hereby established the National Commission on Contadora (hereafter in this section referred to as the "Commission"). The Commission shall—

(1) monitor and review the efforts of the Contadora nations to achieve a political resolution to the conflicts in Central America; and

(2) make recommendations with a view to building a consensus on United States policy toward Nicaragua.

(b) The Commission shall consist of an even number of members, such number to be determined jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, who shall each appoint half of the members of the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment.

(c) Not later than September 1, 1986, the Commission shall submit a report to the President and to the Congress with respect to its findings and recommendations. This report shall include—

(1) a detailed review of the status of the Contadora negotiations and United States support for those negotiations;

(2) a determination by the Commission of whether the Government of Nicaragua and the Nicaraguan opposition are facilitating the Contadora process;

(3) a recommendation on policies toward Nicaragua which the Commission believes represent a consensus that is sustainable and is supportable by the American people; and

(4) a recommendation by the Commission on whether the United States should furnish military assistance to the Nicaraguan opposition forces, including an estimate of the likely impact that furnishing such assistance would have on the Government of Nicaragua and on United States policy throughout the region.

(d) Members of the Commission shall receive no compensation on account of their service on the Commission, but while away from their homes or regular places of business in the performance of their duties on the Commission, shall be allowed travel expenses, including per diem in lieu of subsistance, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(e)(1) The Commission may employ experts and consultants in accordance with section 3109 of title 5, United States Code.

(2) Upon a request by the Commission, the head of any Federal agency may temporarily assign employees of that agency to the Commission to assist the Commission in carrying out this section.

(f) The Administrator of General Services shall provide to the Commission, on a reimburseable basis, such administrative support services as the Commission may request.

(g) Funds for the expenses incurred by the Commission in carrying out this section, including travel expenses, shall be provided by Secretary of State.

PRESIDENTIAL REQUEST FOR ADDITIONAL AUTHORITY WITH RESPECT TO NICARAGUA

SEC. 7. (a) After considering the recommendations of the National Commission on Contadora contained in the report submitted pursuant to section 6(c), the President may submit to the Congress on or after September 1, 1986, a request for authority to take specified actions with respect to Nicaragua. The request must be accompanied by—

(1) the President's assurance that he has consulted with the Contadora nations and the Contadora Support Group nations concerning the proposed actions; and

(2) a description of the response of the Contadora nations and the Contadora Support Group nations to the proposed actions.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the re-

quest submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to the joint resolution entitled 'Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985'.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Nicaragua pursuant to the joint resolution entitled 'Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985'.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the Rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

Mr. HAMILTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 1 hour and a Member opposed will be recognized for 1 hour.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of this substitute amendment.

This substitute has five parts:

First, it sets out the primary objectives of United States policy toward Central America and spells out a strategy for achieving those objectives. It gives specific suggestions as to what should be the elements of United States policy toward Nicaragua. That policy should include:

A commitment to prevent the Soviet Union and its allies from deploying an offensive military capability in Central America that directly threatens the United States;

A commitment to protect Central American nations from attack;

Pursuit of a regional settlement through all diplomatic channels; and

A willingness to use, over the long term, incentives and penalties to respond to Nicaragua's behavior.

Second, this substitute makes $27 million available for those who have been displaced by conflict in Nicaragua, to be provided by the International Committee of the Red Cross or the U.N. High Commissioner for refugees upon that organization's determination of need for food, medicine or other humanitarian assistance. The amendment calls for a written report from the President every 90 days containing an accounting of the funds.

Third, this substitute makes available $5 million, including the $2 million appropriated by the 1985 Supplemental Appropriations Act, for assistance to the Contadora nations to help them in reaching a regional peace settlement. It also makes available this assistance to help implement any joint border agreement between Nicaragua and Costa Rica, or Nicaragua and Honduras.

Fourth, the amendment creates a national Commission on Contadora to be appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate. The Commission shall report not later than September 1, 1986, with respect to its findings on the status of the Contadora negotiations, and shall make recommendations on policies toward Nicaragua which the Commission believes represents a sustainable consensus on policy toward Nicaragua, including a recommendation on whether the United States should furnish military assistance.

In the final section of the amendment the President may, on or after September 1, 1986, request of Congress authorization to take further actions with respect to Nicaragua. A joint resolution authorizing the President to take action would be considered under expedited procedures.

WHAT ARE THE AREAS OF AGREEMENT AND DISAGREEMENT BETWEEN SUPPORTERS AND OPPONENTS OF THIS SUBSTITUTE?

A. AREAS OF AGREEMENT

Mr. Chairman, it is worth noting in this debate that there are significant and expanding areas of agreement between the Congress and the President on broad questions of Central American policy and even United States policy toward Nicaragua.

The policy language in this substitute would find wide, even unanimous, approval in this House.

We all share the goal of:

Protecting the security and territorial integrity of democracies in Central America from unlawful actions by Nicaragua;

Working together with our allies and friends to develop incentives and penalties to influence Nicaragua's behavior;

Creating a commission to follow Central American negotiations in the coming months;

Providing funds to help implement a regional peace agreement;

Pursuing a regional settlement through effective diplomacy;

Trying to isolate and contain Nicaragua's harmful external behavior;

Preserving the security of the United States by preventing the Soviet Union and its allies from developing or deploying an offensive military capability in Central America that directly threatens the United States; and

Preserving our right to use unilateral military force, if necessary, to protect United States vital interests in Central America.

B. AREAS OF DISAGREEMENT

The crux of the debate today is not about goals we do share but about means to achieve those goals and it is here that there are differences.

First, we disagree on the narrow question of United States financial support to provide military aid for a group of exiles who seek to invade Nicaragua.

The substitute does not renounce military action. It supports military action to repel Nicaraguan aggression against its neighbors, to prevent the introduction of advanced weapons in the area, or to prevent the use of Nicaragua as a Soviet or Cuban base. It says that military aid to the Contras for the purpose of invading Nicaragua has not pressured the Sandinistas to make fundamental reforms—and will not.

We firmly believe that while United States goals in Nicaragua are valid, a unilateral United States military strategy will fail:

We believe that military force should not be used for the purpose of trying to overthrow the Sandinista government or for trying to pressure internal reform. Neither of these goals can be achieved with the proposed $100 million;

We believe that military force has an important role to play. It can and should be used to stop subversion or efforts by Nicaragua to undermine its neighbors; and

To assure that Nicaragua does not become a strategic threat to the United States. We must allow no Soviet bases, no Mig's, no submarines, no missiles, no weapons to threaten the region, and no military probes or incursions into the territory of Nicaragua's neighbors.

We are prepared to take whatever steps are necessary to block or to defeat such moves.

Second, we disagree with supporters of the Michel amendment about whether diplomacy and negotiation can better achieve our goals.

We must not be timid in our assessment of what diplomacy can achieve. Since the end of World War II, we have had many important successes in negotiations with Communist governments:

In the Austrian State Treaty of 1955 the Soviets surrendered territory occupied by their troops and an independent and neutral state was created;

The Berlin Quadrapartite Agreement of 1971 successfully normalized Berlin's status;

The Test-Ban Treaty of 1963, the Nuclear Non-Proliferation Treaty of 1970, the ABM Treaty of 1972, SALT I and SALT II each represent important steps forward in the limitation of nuclear arms;

The United States opening to China, with all of its great importance for our geostrategic position, was achieved by diplomacy, not by the force of arms;

Far more has been achieved by U.S. diplomacy than by force of arms in the postwar era.

We can achieve success in our negotiations with Nicaragua if we use the strong cards we hold in our hand:

Nicaragua is not an island. It depends on its neighbors. It cannot survive on its own. It cannot develop without trade, without normal economic relations with its neighbors and without investment from Europe, Japan, and the United States;

Nicaragua is far away from Moscow. The Soviets have not, cannot and will not guarantee Nicaragua's security. The Soviet-bloc economic organization Comecon even refused membership for Nicaragua because it does not want to support another economic basket case;

Nicaragua still has important elements in the country devoted to the betterment of its people, including the church, the private sector, and domestic political opponents, all of whom speak out with great courage;

There is a historical tide of democracy sweeping through Latin America. Virtually every country in Central America, save Nicaragua, has held free elections and experienced a peaceful transition of government in the past 2 years.

We should put our diplomacy on the side of these central realities at work in Central America and have confidence that diplomacy can succeed:

The administration wants the Sandinistas to negotiate away their power. They have not done it, and they will not do it;

The President argues that diplomacy will not work without the pressure from the Contras. But the record shows that the diplomacy has not worked with the pressure of the Contras;

Every good negotiator knows that you have to give some incentives to the other party if you want a successful negotiation;

We should address security issues before trying to pressure the Sandinistas into being more democratic. Such a strategy offers the Sandinistas a way out and offers diplomacy a real chance;

Diplomacy cannot succeed as long as the United States insists on fundamental changes in the Sandinista regime as a prior condition to an agreement;

Negotiations cannot and will not succeed if the objective is to apply military pressure to try to cause the Sandinista government to commit political suicide;

The more promising approach is that in exchange for a guarantee by the Sandinistas not to threaten United States or Central American security—no Soviet bases and no export of revolution—the United States would stop military help for the Contras;

We can complete a treaty with Nicaragua limiting Nicaragua's military reach, and its Soviet and Cuban ties. Then, with our friends in the region we can start pressing the Sandinistas along a better internal path;

Our incentive to the Sandinistas is that we let them survive, if they change their external behavior;

Over the long term, we can have confidence that Nicaragua will be unable to resist the tide of democracy in Latin America.

WHAT HAS HAPPENED SINCE THE RESUMPTION OF AID TO THE CONTRAS?

Last year this body voted to resume aid to the Contras. At the time of the debate we warned what would happen if the assistance were approved. What we said would happen, did happen:

We said that aid would lead to more bloodshed. And it has;

We said that aid would only lead to a continued stalemate. And it has;

We said that aid to the Contras would make regional support for U.S. policy harder to obtain. Latin governments are now more outspoken in criticism of U.S. policy;

We said aid to the Contras would confirm the Communist leanings of the Sandinista government. The President himself now refers to them as Communists;

We said aid to the Contras would increase tensions between Nicaragua and Honduras. News of border incursions now fill the headlines;

We said aid to the Contras would lead to deeper American involvement. United States helicopters last month ferried Honduran troops to the war zones along the Nicaraguan border;

We said aid to the Contras was a military solution to a problem that must be solved politically. Can anyone now doubt this? We have seen escalation, more bloodshed and continuing stalemate;

We said aid to the Contras would make negotiations more remote. No progress has been made in negotiations. The lesson of the past year is that Contadora negotiations cannot succeed while Contra war continues.

WHAT NEXT

There is an important question which all supporters of military assistance for the Contras must try to answer when they vote for military assistance: What happens if this military aid package for the Contras fails and does not accomplish the purposes its supporters suggest it will achieve? What next?

The Reagan administration will not answer that question. It does not want to address it.

I do not know the answer, but I can give three hints of what is likely to happen based on the words of the President and on recent history.

First, our adversaries in Nicaragua will react to United States military assistance. When the United States steps up its aid to the Contras, the Soviet Union and Cuba will step up their aid to the Sandinistas. The administration

assumes that our move will be the last move. But it will not be the last move. There will be further ratcheting upward of the conflict.

Second, even with this $100 million, the Contra force simply is not a suitable instrument for protecting the U.S. national interest.

One of the clearest points in all this discussion is the inadequacy of the President's program to accomplish his objectives. The Contras, even with aid, have no chance of victory, and a stalemate will not pressure the Sandinistas to make fundamental reforms. The administration demands victory, but is unwilling to commit the resources to achieve it. It sets forth ambitious goals, and provides only modest means.

Gen. Paul Gorman, before retiring as commander of the U.S. Southern Command, stated in February 1985 that a Contra overthrow of the Sandinista government was not "feasible in the near future" with U.S. financial assistance, and that such military pressure would take "years" to produce results. Senior military officers attest to the inadequacy of the President's military program to accomplish any realistic military objectives;

After listening to the testimony of many witnesses, my judgment is that the Contras cannot overthrow the Sandinistas, even with $100 million in aid; and that it will take the intervention of U.S. forces to topple the Sandinistas. I have every reason to believe that the intelligence community agrees with that judgment;

The President accurately states much of his and our criticism of the Sandinista government. But he is blind to the weaknesses and faults of the Contras;

We have provided to date some $100 million to the Contras. But in 4 years they have yet to demonstrate their military effectiveness. Their force of 20,000 does not control a single town or village. They control less territory than ever before. They stay primarily in safe haven in Honduras, and wage war largely against civilian targets;

Some of their leaders have democratic credentials, but they are commanded primarily by former Somoza national guardsmen;

Their tactics of terror and human rights abuses have been repeatedly documented by independent groups;

In short, there are too many questions about the Contras relating to their political viability, adherence to democracy, military performance, respect to human rights, and regional support for the United States to invest heavily in them;

This $100 million is only the downpayment on a war, the first payment on a long-term debt. Many more payments will come due if we expand the current war by providing military assistance to the Contras.

Third, we see what can be down the road if the Michel amendment is approved by examining carefully the words of the President. He is quoted in his report of April 1985 as follows:

> Direct application of United States military force • • • must realistically be recognized as an eventual option, given our stakes in the region, if other policy alternatives fail.

That statement has never been denied or retracted.

The Michel amendment will lift restrictions on CIA and DOD participation in the Contra war and will bring American military advisors into Central America to train the Contras. It will put American soldiers shoulder to shoulder with the Contras;

The President has said that he does not plan to send United States troops to Nicaragua, and I have no doubt that he does not intend to do so. But, I submit, the announced goals of the President, his commitment to those goals, the predictable response of our adversaries, the chances of accident and miscalculation all raise the risks of deeper American military involvement. The logic inexorably points in that direction;

Nicaragua has become the acid test of the Reagan doctrine. If the Contras cannot achieve the President's goals, and I share the assessment that they cannot for the foreseeable future, then the United States will have to face the question of military intervention.

Present policy sets us on a course of no win and high risk. Present policy has demonstrably failed to achieve its goals. We need a better policy.

Mr. Chairman, I urge support of this substitute amendment.

□ 1255

The CHAIRMAN pro tempore (Mr. LEVIN of Michigan). The gentleman from Indiana [Mr. HAMILTON] has consumed 13 minutes.

Mr. SOLOMON. Mr. Chairman, I yield 7 minutes to one of the outstanding Members of this House and a veteran member of the Committee on Foreign Affairs, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Chairman and my friends, Members of the House, I listened earlier to the majority whip talk about how the American people are against this. I suppose he knows that by the polls we have seen published, and I will concede the figures do not indicate a lot of support for supporting the democratic resistance in Nicaragua. We all can read the numbers.

I suggest, however, we know how polls are taken and we know that in formulating the question we can almost elicit the answer we are looking for.

Do you support the counterrevolutionaries in their effort to overturn the Government of Nicaragua, which we recognize? One cannot be an outlaw, of course, if you do not support that.

Do you support the freedom fighters, who are indigenous Nicaraguans seeking to reestablish a democracy and have free elections and freedom of the press against the Marxist-Leninist government? Of course we are for that.

It depends upon how one asks the question. In your career as a legislator, sometimes you are called upon to be a thermostat and not a thermometer. Sometimes you are called upon to do some leadership and not some followship. That takes guts. That takes courage. And sometimes it is in short supply.

One of the great fallacies of this entire argument is repeated again and again and again by the gentlemen on the left who oppose negotiating from strength with the Communist Sandinistas, and that is, the Contras cannot win a military victory. If you get in an argument, he who defines it has it half won, and they choose to set up this straw man of a military victory and saying the Contras cannot win one; ergo, we should not support them. There will just be a lot of empty, needless bloodletting.

I am going to try to say it as clearly and as simply as I can. Nobody is looking for a military victory. What we are looking for is a combination of pressures, a triad if you will: Military pressure from the Contras; economic pressure hopefully from ourselves and other countries who will learn, if we will ever get some backbone and support the Contras, that we are in there for the long haul. We are on the side of freedom. We are not on the side of surrender and capitulation and temporizing and appeasement.

□ 1305

We are there to support Nicaraguans who are fighting for freedom in their own country, not as our proxies. They are willing to fight and die. They have been doing it. We have not sent them a rifle. We have not sent them a slingshot. They are in there dying right now. They are not our proxies.

The proxies are the Bulgarians, the North Koreans, the Libyans, the PLO, the Russians, and the Cubans. The Sandinistas are their proxies. So let us get our terminology straight.

Military victory, no. By military pressure, combined with economic pressure, combined with diplomatic pressure, that is what got Somoza out of there. There was no big military victory. The OAS finally saw where we were. Finally we stopped vacillating and we said he has got to go, just like we said Marcos has to go, and that is why Somoza left. There was no mili-

tary victory, but a combination of military pressure.

Now you take that element off the table and what are you left with? Resolutions from Contradora?

You negotiate from strength and you negotiate from weakness, and that is the choice.

The problem with your proposals of negotiating is you want us to stop supporting the Contras, and God knows I wish we were supporting the Contras, and trust the Sandinistas. Why, they even lied about the incursion into Honduras. They denied they even went over the border.

Now if there was some reciprocity, if the Sandinistas say you stop funding the Contras and we will get the Cubans out, we will get the Bulgarians out, we will reduce our military services, that would make some sense. But what you are proposing is unilateral disarmament in a place where you have expansionist aggressive Marxist/Leninists who, by definition, have to subvert everyplace around there.

Diplomacy has not worked with pressure from the Contras. What pressure from the Contras? They have been fighting there with nothing, with nothing. Let us see how diplomacy works with pressure from the Contras. If you think taking the Contras out of the equation is going to help the side of freedom, you are a raving optimist.

I suggest that if this was such a popular government in Nicaragua on October 15, instead of taking away the civil rights of the whole country, they would have rallied the country behind them. If the Contras are so ineffective, why on October 15 did they have to take away the civil rights of the whole country and have a state of emergency? If they are so beloved and represent the aspirations of the compesinos, they should not have to shut the church, confiscate the presses, turn off the church radio station, give La Prensa nothing to print by censorship, and draft kids into their party army—that is not even the Nicaraguan Army, that is the party of the Sandinistas, it is their army drafting seminarians in there. How do you tolerate that? And you want to do nothing, nothing.

God, you are the party of Ramsey Clark and George McGovern.

Containment, that is a great idea. Boy, if the Soviets move in there, we will be down there. Yes. you will be down there like we were in Cuba.

What will happen is they built Puenta Huerte, and they have all of the heavy Soviet aircraft, and we will argue up here whether those are really just in for training or not. Then they build a deepwater seaport at El Bluff, and we will argue among ourselves as to whether that is for "Love Boat" to dock conveniently. And then if anybody wants to do anything with it, we will have the War Powers Act all over the lot.

Containment is a great idea. Let them go Communist and we will contain them, just like we did in Afghanistan, and in Camranh Bay and everything else.

No, if you want to have a Soviet base down there, as we have in Cuba, then continue to do nothing.

I say we cannot tolerate another Soviet base in this hemisphere, and the time to do something is while we have got some people down there willing to fight and die for their freedom.

The Hamilton amendment says if you want to eat, leave home, cross the border, and become a refugee.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON] one of the cosponsors of this amendment.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for allowing me to offer this amendment with him. It is an honor to do so.

I think reciting the arguments in support of the Hamilton/Richardson amendment, as many have done, is not the way to go. I think it is best when you deal with an issue like this to speak from your own experience. And the experience, the most recent one that I had with this issue, was attending the Contadora meetings in Panama.

I feel very strongly after having come back from that meeting that this is the best way to go. I say so because I think I share, I do not know if it is a distinct honor, of having been with about 50 other Members having voted against aid to the Contras in the early stages, having then proceeded to support humanitarian aid to the Contras, and now moving into a position where I firmly believe that the approach the gentleman from Indiana [Mr. HAMILTON] is taking is the correct one.

I feel very strongly in looking at some of the Contadora foreign ministers that we have to have faith in their commitment toward peace. I saw four men, foreign ministers, committed to a peace process. I saw them asking us for more time. I heard them tell us please give us an opportunity for more discussion and more deliberation.

I say that if there is this commitment from these men, and these nations for peace, I would say that if we give them more time, it is possible that we can proceed with peace.

The Sandinistas were heavily involved in hurting those talks in Panama, there is no question about it. But I think undermining the process was our policy of aiding the Contras.

In the same vein, I feel very strongly that the Contadora peace process is the last chance for peace. It is the last chance to avoid war, and I feel it should be given this last breath of hope.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to my colleague from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding. I publicly endorse and support the pending amendment. I would like to be shown as a cosponsor of the amendment.

The centerpiece of Mr. Reagan's foreign policy is the administration's strategy in Central America. It is a policy of U.S. support for movements of national liberation against incompatible governments, both Communist and non-Communist. That is to say, that the Reagan administration has adopted a policy of overthrowing governments that it can not get along with.

The direction of United States policy in Latin America will affect United States relations in the Western Hemisphere well into the next decade. What have we achieved over the last 4 years. The current policy has cost us $3.4 billion in Central America. The United States has associated itself and even sponsored criminals who have killed thousands of innocent people. We have reports of defection, corruption, and failure from the Contras that we have sponsored. Why have the Contras failed? Because these Contras are not freedom fighters; the Contras are not fighting for a cause; they are working for the Yankee dollar.

Mr. Reagan's policy is wrong today for the same reasons it was wrong a year ago. My reasons for opposition to this policy have been stated before and need not be recited again. On April 10, 1985, I addressed the School of Latin American Affairs of Stanford University at Palo Alto, CA, on this subject. For the RECORD I submit my remarks. My objections are the same today as a year ago:

U.S. POLICY IN CENTRAL AMERICA: AN ALTERNATIVE TO WAR

(Address by Hon. William Alexander)

(Stanford University Palo Alto, California April 10, 1985)

Dr. Wirth, Ladies and Gentlemen, before the end of the month, Congress will vote on a request by President Reagan for $14 million in aid for the guerrilla army fighting to overthrow the government of Nicaragua.

While the amount of the aid request may seem relatively insignificant, this vote is in reality a vote on the overall direction of American foreign policy in Latin America for well into the next decade.

During a recent trip to Central America. I had dinner with one of Mr. Reagan's most ideological ambassadors. At one point I asked him what Latin America would look like if the Reagan Administration were 100 percent successful in pursuing its foreign policy objectives. What kind of society . . . what kind of an economy . . . what kind of government would we see in that part of the world if Mr. Reagan's vision became a reality.

The Ambassador thought for a moment—almost as if he had never even considered the question—and he said, "Congressman, it

would be like things were down here in the 1950's—commerce was flourishing, the people loved and respected Americans, and there was a general sense of contentment with things."

After spending most of my life in or around politics, I am not astounded at anything very often. But this response was astounding.

To me it seems that it was the social and economic condition in Latin America in the 1950's that gave rise to the political upheaval of the 1960's and 1970's. The vestiges of that period are still having their impact today. The 50's were years marked by extraordinary repression and deprivation for most Latin peoples. There was rampant poverty and disease for most, while economic prosperity and political power resided in the hands of a relative handful of fortunate families.

The governments of these nations could be described variously as "tin horn dictatorships" and "banana republics . . ." most bought and paid for through outside forces—mostly in the United States.

For many years, we in this country enjoyed a comfortable, paternalistic relationship with these nations. However, slowly we began to see a threat to that relationship spawned by a growing restlessness. We Americans saw a threat to our security in Latin America—and we focused our fears on the appearance of Marxism.

It would be easy to let the story end there. It would be far more simple to adopt the view—as has been adopted by the Reagan Administration—that Marxism is the cause of all evil in Central and South America . . . and if we could just contain that movement all would be right again.

That is a convenient view but not one firmly rooted in reality.

Latin America—and especially those nations in Central America—is a series of unique nations undergoing an inevitable transition. In every one of those countries there is a process underway in which an old order is failing, and a new order is coming to power.

In Central America the symbol of this process of transition is Nicaragua. Somoza and his loyalists stayed well beyond their time, lost touch with the public, undercut the moderate opposition, allowed the center to be destroyed, and created conditions that permitted revolution by extremists to dominate the opposition. When Somoza ultimately fled, there was no popular-based moderate force to fill the void.

Other nations in Central America are undergoing a similar process of change. The traditional alliances between the landed oligarchy, political elites and military commanders are encountering greater and greater difficulty in controlling events.

The questions are what new alliances and systems will take over, whether they will be consistent with the interests and values of the United States, and what policies will best serve those interests and values under these conditions of change.

Basically, the nations of Central America are members of the Western rather than the Eastern world, and should be more open to the Western than Eastern models. There is no reason that the United States cannot successfully help these nations along this course.

The challenge faced by the United States is to develop policies which carefully define and effectively protect U.S. national interests in the long term, and work comprehensively to support pluralistic and stable new structures in Central America.

Given the strategic and psychological importance of Central America to the United States, we must clearly define these goals and objectives.

The essential institutional requirements will differ somewhat from one nation to another, but will include:

1. Development of respect for the rule of law and human rights.
2. Creation of political institutions that allow and encourage citizen participation.
3. Emphasis on building up human resources through education, training and other means.
4. Development of region-wide cooperation.

The most practical way to achieve U.S. objectives is to help Central American nations deal with one another, and to help them solve internal problems through negotiations rather than militarism and violence. We should support change through democratization and peace through diplomacy, seeking a region-wide system of economic cooperation and open trading markets.

Progressive policy-makers in this country must realize that monolithic communism in Latin America has failed. Cuba is a virtual economic client state of the Eastern bloc countries.

The real enemies of the United States' interests in Latin America are disease, hunger and poverty. These are the forces that could well defeat our most well-intentioned initiative.

Last Thursday afternoon, President Reagan was doing what he does best as he stood before a national television audience and attempted to sell a peace plan. The President argued his case for increasing aid to the guerrillas in Nicaragua by conjuring up a world view completely at odds with reality. He recast the situation in Central America in such a way as to argue that—in Orwell's words—"war is peace."

Mr. Reagan reiterated his support for peace and democracy in Central America. He repeated his opposition to the spread of communism . . . and I speak for all in my party when I applaud these goals.

Unfortunately, we cannot support the means by which the President hopes to achieve these goals. His thinking is rooted deep in the world of the 1950's. Instead of providing an incentive for peace, his proposal is an invitation to greater violence and a further step away from the processes of change taking place in Latin America today.

There is nothing new in what the President said last week. The essential realities remain the same. The President wants Congress to give its approval to his war against the Nicaraguan government. It is a new face on an old horror.

This new proposal for negotiations is a very sophisticated subterfuge. Do not be fooled . . . it is a ploy . . . a ploy designed to give Mr. Reagan what he wants, and that is official sanction from Congress to fight a war in Nicaragua.

Mr. Reagan wants Congress to approve $14 million for the "Reaganistas," which he says will only be used initially for "humanitarian support." The leadership of the House has been advised that the Administration defines "humanitarian" as inclusive of trucks, uniforms and other logistical support short of actual guns and bullets.

Mr. Reagan says that only if the negotiations break down will he convert the so-called "humanitarian aid" to military assistance.

This proposal insults the intelligence of Members of Congress and the American people—under the Reagan plan, the Reaganistas are guaranteed $14 million if they walk away from the negotiations table. They have no incentive to try to achieve some sort of settlement. Clearly, Mr. Reagan developed this plan as a roundabout way of getting his aid request through Congress—a request he was told by leaders of his own party on Wednesday ". . . was dead in the water."

Mr. Reagan would have Americans take their eyes off the ball. He would divert our attention away from the real issues. Mr. Reagan does not want peaceful solution in Nicaragua. He will not tolerate the presence of the Sandinistas in a government there. He is using a suggestion of peace to induce support for a policy of war.

The real question here is "Why is the United States involved militarily in Nicaragua in the first place?" Mr. Reagan has given us the answer time and time again—we are there to overthrow the Sandinista Government. Mr. Reagan has repeatedly said that he will not tolerate "another Cuba" in Latin America. On several occasions, including his speech last Thursday, he referred to the Sandinistas as thugs or murderers. Are we to believe that he has changed his position? That he is now willing to tolerate their continued presence there?

Mr. Reagan—in that speech last week—tried to pass himself off as the compassionate peacemaker in a war which he has helped create. The Reaganistas army exists largely because Mr. Reagan has provided it with the means to fight a war of bedevilment against the Sandinista government. The Reaganistas are essentially an American mercenary army—and Mr. Reagan is asking the Congress and the American people to give their official support to that cause.

Mr. Reagan and his supporters suggest that gunboat diplomacy will bring democracy to Latin America. However, history does not support that conclusion. Instead, history demonstrates that democracy in Latin America has taken hold only when democratic structures offered real hope for coming to terms with poverty, disease and despair that plagues Latin societies. Mr. Reagan should understand that no amount of military aid, that no increase in arms will be big enough to make democracy work in Latin America. Our foreign policy in Latin America will only succeed when we align our objectives with those of the people of the region. Then there can be hope. Then there can be true progress.

Contrary to the claims of the President, U.S. policy in Central America is out of control—lacking in direction and substance. We are wasting millions upon millions of dollars, while needlessly placing at risk the lives of brave American soldiers along with countless other Latin civilians.

Mr. Reagan is transfixed by an antiquated view of Latin America, wholly inconsistent with modern realities. His policies make it more likely that we Americans will repeat the mistakes of the past than to learn from them. Gunboat diplomacy did not work in the 1950's—it is not likely to succeed today.

Is the United States going to fulfill the fear of Simon Bolivar, the George Washington of Latin America, who worried that:

"Los Estados Unidos paracen destinados . . . plagar a las Americas de miseriea e nombre de la libertad.

"The United States appears destined . . . to plague the Americas with misery in the name of freedom."

Or, are we going to provide the leadership which is the mark of a great nation?

I urge those in my party to look at the constructive, positive alternatives available to our nation. Mr. Reagan would have us resort to a policy which substitutes military action for diplomacy. I cannot endorse that. The opportunities for a comprehensive diplomatic settlement in Central America are real and available. Let us offer words of hope rather than threats of war.

To achieve a long term settlement in this region, I suggest the following:

1. The full force and power of the United States should be placed in support of the Contradora negotiations. There should remain no doubt in the minds of the leaders of the Contradora nations, and others throughout Latin America that the United States is taking every possible step and using all possible leverage in support of an end to the bloodshed through the use of diplomacy.

The example of President Bellisario Bettancur of Colombia is important. Through diplomatic leadership, personal courage and good faith, President Bettancur has begun to bring peace to Colombia by negotiating with his opponents. The United States should fully support his efforts and other similar efforts, to negotiate an end to the region-wide violence.

2. The Administration should work with Congress in a bi-partisan effort to devise a significant foreign assistance program, directed toward the following objectives:

a. To support the creation or improvement of institutions designed to strengthen the administration of justice and the democratic process.

b. To improve education and training programs including projects within Central American nations and student exchange programs between those nations and the United States.

c. To improve local infrastructure (e.g., transportation) as an aid to economic development.

d. To improve local health care.

e. To support economic cooperation projects, movements toward inter-American economic integration, and a more open regional trading system.

f. To support local agricultural projects, and to promote export of American agricultural products.

g. To improve training of armed forces, respect for human rights by military personnel, and defensive military capabilities.

3. The Administration might approach friends and allies in Latin America and Europe to propose that the above program involve joint funding as part of an international "democratic initiative."

The policy stated above could be implemented by taking the following steps:

1. The United States should put its full force and power behind the Contradora initiative undertaken by Mexico, Panama, Colombia, and Venezuela.

2. The United States should offer to support, promote, or organize a general hemispheric peace conference, which would focus on the major disputed questions of the Americas, should the Contadora heads of state conclude that such a conference would contribute to the search for peace.

3. The United States should express a willingness to work with any nation, through Contadora, a hemispheric peace conference, or any other appropriate forum that professes an interest in pursuing non-violent solutions to the crises in Central America. The United States, working with and through the Contadora nations, should test the sincerity of claims by Cuban President Fidel Castro that he will take strong action in support of the Contadora process. U.S. policy towards Cuba should avoid the mistaken extremes of naive optimism or blind paranoia and instead should offer a willingness to pursue careful, realistic and tough-minded diplomacy in search of gradual lessening of U.S.-Cuban tensions.

In 1945 the Soviet Union emerged from World War II as a superpower in sole competition with the United States for influence among the developing nations. The Soviets were eager to demonstrate the merits of communism as an economic system. During the forty years that have elapsed, Marxism is failing and has succeeded only as a process of distribution, unable to compete with capitalism in production. Committed Marxists continue to flirt with the U.S. and the Western World:

The Peoples Republic of China (PRC) turned to the West in 1978, adapting capitalistic methods in order to increase productivity;

Cuba's Fidel Castro, a disciple of Marxism, describes the "China Model" as a goal for future Cuban-U.S. relations;

North Korea hints a coming to terms with South Korea in exchange for economic ties with the U.S. and Japan;

Vietnam increases its cooperation with the U.S. to discover and return MIA's lost in the conflict;

Ethiopia turns to the U.S. and Europe for food to relieve famine;

And, Mozambique and Angola look to the U.S. to broker deals with South Africa.

Indeed, the United States has a unique opportunity to lure Third World States away from the influence of the Soviet Union to the capitalist orbit. But, we must seize the initiative to take advantage of the opportunity that exists at this time of generational change within the Kremlin.

Democratic capitalism can compete ideologically in the Third World with Marxist Communism. Militaristic competition between the U.S. and U.S.S.R. appears inevitable; however, armed conflict need not be a solution when dealing with Soviet client states. The success of capitalism as a superior system of productivity demonstrates that the Marxist ideology of the Soviet Union is not, per se, a threat to the United States.

The triumph of capitalism continues simultaneously with the tragic lessons learned by the failure of militarism. This week marks the tenth year of the defeat of militarism as a policy in Vietnam. We must develop a policy that is not rooted in the brute force of militarism but instead builds upon the sucess of capitalism.

"To live bravely by convictions in which the free peoples of this world can take heart, the American people must put their faith in stable, long range policies—political, economic, and military—programs that will not be heated and cooled with the brightening and waning of tension.

"The United States has matured to world leadership; it is time we steered by the stars, not by the lights of each passing ship." (General Omar Bradley, 1945).

President Reagan's position on Central America is not a policy—it is a tactic. Moreover, it is outmoded because of the heavy reliance upon militarism.

Most knowledgable observers agree that militarism is not a solution in Central America inasmuch as it does not address the problems of poverty, disease, malnutrition, social injustice and political corruption.

A long-term solution requires a long-term policy that addresses the aspirations of the people of the Central American region. A return to the military dictatorships of the past ignores the problems and prolongs the conflict. And, a U.S. policy is bound to fail which violates American traditions and values.

"In the great struggle against Communism, we must find our strength by developing and applying our own principles, not in abandoning them." (Walter Lippmann, 1962).

It is time to stop squandering billions of dollars; needlessly wasting lives, and alienating our allies; and to gain control of U.S. foreign policy in a positive and meaningful way that serves America's best interest—peace through Democracy.

Thank you.

□ 1320

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. When the gentleman was at Contadora, as I recall from reading a newspaper account, the Cubans were advising the Nicaraguans, and because the Nicaraguans did not get what they wanted, they left Contadora; they walked out of the meeting; is that correct?

Mr. RICHARDSON. That is correct. The Cubans were there.

Mr. BURTON of Indiana. They were there.

Mr. RICHARDSON. I think in the same vein, I feel very strongly that there are two elements there; the Cubans' proxy forces and our support for the Contras that doomed the talks; but the gentleman is correct.

Mr. BURTON of Indiana. The Cubans were advising them and they did leave the talks?

Mr. RICHARDSON. Yes.

Mr. SOLOMON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Indiana [Mr. BURTON], a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Chairman, the Hamilton substitute says—he will offer an amendment in the nature of a substitute that provides $27 million for programs to assist refugees—and make no mistake about it, if there is no military assistance for the Contras, there will be many more refugees, and we are going to have to appropriate a lot more than $27 million to help them. We will probably have to erect road signs, directing them north toward the United States to freedom; and second, it will appropriate $2 million for continuing the Contadora process.

The gentleman from New Mexico [Mr. RICHARDSON], who just spoke on this floor, acknowledged the fact that when he was at a Contadora meeting, the Cubans were advising the Nicaraguans, and because the Nicaraguans did not get what they wanted out of Contadora, they got up and left.

We are going to provide $2 million more for that process? It makes no sense to me. The only thing that Communists down in Nicaragua understand is power. They are not going to negotiate away their power voluntarily. We are going to have to put pressure on them both diplomatically and militarily, and that is what President Reagan wants to do with his two-track approach.

Let us look at the facts. The facts are there are 19 countries south of the Mexican-American border; 12 of those countries have either terrorists or guerrillas trained in Managua or weapons that came through Managua, or both. There is a cancer in Central America and it is called the Communist Nicaraguan Government.

If they really wanted to negotiate, if they were really concerned, they would show good faith by cutting off aid to the Communist guerrillas in these 12 countries; but they are not doing that. What they are doing is continuing to support them and continuing to export revolution, even though they are getting some pressure from the Contras right now.

I submit to my colleagues that if we do not give any assistance to the freedom fighters, the Communists will prevail, and this exportation of revolution that is taking place right now in 12 of the 19 countries in Central and Latin America will turn into a tidal wave of Communist subversion. They will be subverting these governments, undermining these fledgling democracies to such an extent that we will have to be involved not only in the Nicaraguan problem, but in a myriad of problems throughout Central and all of Latin America.

My colleagues, I cannot believe we are adopting or trying to adopt this head-in-the-sand approach. The Communists have told us time and again what their objectives are. Thomas Borge, Umberto Ortega, Daniel Ortega have said time and again, "We want revolution without borders. Our revolution has always been international.

I do not understand why my colleagues cannot see that. I was in Chalatenango Province in northern El Salvador, and I talked to a captured Communist guerrilla, and he told me face to face that the training for his people was coming out of Managua that the weapons were coming out of Managua. I walked outside and I saw the weapons.

There is no doubt that they are exporting revolution. Now, the only pressure that we can exert upon them is by helping the freedom fighters put pressure on them internally. In addition to that, those freedom fighters deserve the opportunity; the opportunity to have freedom restored in their country.

Mr. Chairman, I would like to summarize by saying that, "Don't just take my word for these things." Mr. Baldizon, whom I talked about earlier today, the right hand man of Thomas Borge, has talked about time and again the disinformation tactics of the Communist Sandinista government. They are doing everything they can to mold public opinion within the confines of the United States; and I think they have been somewhat successful.

Because of that, we have a real problem here. My colleague from Illinois [Mr. HYDE] said a few moments ago: "Sometimes we have to lead, instead of following public opinion," and I think this is one of those times.

We have to tell our friends in Central America who are fighting for fledgling democracies we are going to support them. We have to tell the freedom fighters in Nicaragua we are going to give them the tools that are necessary to bring about the promises, to realize the promises that were made by the Communist Sandinistas in 1979 when they took power. They promised free elections, freedom of religion, freedom of assembly, and freedom of the press.

We owe those fighting for freedom in Central America a chance to realize those promises. we must not turn our back on them.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I rise in strong support of the Hamilton-Richardson amendment.

We have debated the Nicaraguan issue over and over again during the last 3 years—the last time, only 3 weeks ago. In those debates, and the votes which have followed, we have made our differences on this issue quite clear. But it is important to emphasize that we differ not over what our policy goals should be in Nicaragua and Central America but in the way those goals should be achieved.

On March 20, this House rejected President Reagan's request to provide military assistance to the Contras. In my judgment, that was the proper course of action for us to take. Today, we reconsider that vote. Has there been a material change in the situation in Nicaragua since March 20 that necessitates a reversal of our position? I would suggest that there has not. Some have argued that the Sandinista incursion into Honduras, and the inability of the Contadora nations to agree on a peace plan make a compelling case for American military aid to the Contras. The Sandinista military operation in Honduras was nothing new. Sandinista forces have pursued the Contras in Honduras before and without an agreement insuring the integrity of the Honduras-Nicaragua border may very well do so again. Rather that justifying American military aid perhaps this incident should cause us to consider whether the presence of the United States backed Contras in Honduras brings us closer to war, or closer to peace, in Central America.

It is true that the Contadora process has not as yet yielded a peace agreement. It is also true that that process is not over, it might very well benefit from the perception among its participants that the United States is acting in a way which will facilitate rather than impede its work. Our allies among the Contadora group and the support group have made it quite clear that our assistance to the Contras does not help their efforts to negotiate with the Sandinistas.

Negotiation or an assuredly escalating level of fighting is our choice today. The Hamilton-Richardson amendment seeks to remove an impediment to a negotiated settlement while recognizing our responsibilities to those made refugees by the fighting. It seeks to provide the Contadora process with the moral and material support it needs to fairly test its ability as a vehicle for a political solution to the varied concerns of our Latin American neighbors. I do not believe that our current Nicaraguan policy gives that kind of test. We have nothing to lose and everything to gain by giving Contadora a real chance to work, and I believe that the Hamilton-Richardson amendment best provides that opportunity.

The Contras are our other choice, and the alternatives to Hamilton-Richardson in varying degrees embody that selection. Let us be clear about the Contras. They cannot, for $100 million or any sum remotely close to it, accomplish what I believe most would agree are our policy objectives in Nicaragua. They cannot keep Nicaragua from becoming a base for advanced Soviet weapons or prevent the Sandinistas from exporting their revolution to their neighbors. Those jobs can only be done by the United States and our Latin American allies. No surrogates can do them for us and experience forcefully suggests that the Contras even fortified by $100 million in U.S. assistance, can neither alter the repressive aspects of Sandinista rule nor coerce Daniel Ortega to the bargaining table. If anything, the Contras make those goals less achievable. No, $100 million does not buy a Contra victory. It buys continued fighting to no apparent conclusion. It represents not the end but merely the first installment of the U.S. aid that will be necessary to sustain the Contras as a fighting force. And most ominous of all it binds the Contras to us with ties of dependence so strong as to, in my judgment, assure the use of American forces if the Contras are at some point in the future faced with certain defeat. We have traveled that road

before, Mr. Chairman, and I for one do not propose to travel it again.

And so we must choose between assisting Contadora and assisting the Contras. The evidence is clear that we cannot do both. We must decide which is most likely to further our interests and the interests of the Central and South American democracies with whom we are allied. I believe that the overwhelming sentiment among the leaders of those countries is for Contadora and negotiations rather than for the Contras. That should be our choice as well. The Hamilton-Richardson amendment gives us the opportunity to effect that choice and I urge its adoption.

□ 1330

Mr. SOLOMON. Mr. Chairman, I yield 10 minutes to the distinguished and veteran Member of the Committee on Foreign Affairs, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank the Chairman.

The President of the United States told our Nation the day before yesterday that if this House engages in subterfuge or back-room deals to thwart a straight clean up-or-down vote on this issue, that this body would be responsible for getting freedom fighters killed in Central America. And I agree with the President's analysis. That is what makes this discussion here today so very serious.

Now there were very few single issues in this House that would cause the defeat of Members on both sides of the aisle, no matter what side of the issue they take, and this is such an issue.

I characterized this vote earlier today as basically a human rights discussion. I stick by that characterization.

My distinguished colleagues on the other side who try at every turn, even through political intrigue here in the House via parliamentary procedures to thwart the President's policy, I think they led with their best efforts saying that the people the President and I call freedom fighters were guilty of human rights violations.

However, they have never been able to effectively develop that case with hard evidence. I just have not seen it, as hard as they have tried.

But on the other side, the prison system in Nicaragua alone, not just suppression of the press and religious persecution of the Jewish community, the Protestant fundamentalists or the evangelicals and of my own Catholic Church, severe, grievous persecution, that alone is not what makes this a human rights issue. It is this massive prison system, this Communist mini-Gulag system mirroring the prison camps of eastern Europe and Siberia, should be enough to make those opposing Contra aid, rethink their views.

This map is too small for my colleagues visiting up in the higher seats of our Chamber or in the back of the Chamber to see and I know that our camerawork is somewhat limited. But suffice it to say that the camps start up in the northeast corner of the country at Puerto Cabezas, run all the way over to Chinandega, in the northwest corner of the country, Esteli which has a major camp, an area which was the scene of Soviet helicopters flown by Castro's pilots, first made their combat moves on the continent of North America. The square footage of prison space since Somoza fled that country has increased five- to six-fold. Here now I begin the ignominious litany that for the life of me I cannot understand does not shift dozens of votes of my well-meaning distinguished colleagues on the other side of the aisle.

The first prison is Puerto Cabezas. Please bear in mind that these are United States-garnered intelligence images that I swear by my life are correct. They were classified top secret only a few weeks ago. And because of the importance of this debate, Members, not of the other body, but of this Chamber literally almost begged on our knees for the administration to declassify this or they would have a defeat on their hands knowing we did not try to convince the 62 percent of our fellow Americans who do not even understand which side we are on.

The next one is in Esteli. That camp was formed before the Soviet-manufactured, Castro-pilot-flown gunships began to kill young men and women fighting in the name of freedom, closer to my home in California than we are right now.

This prison did not exist at Waswali while Somoza was raping his country of a not-so-small part of its treasure. Club Hipico, this is no Club Med for vacationing Americans, my friends. This is another camp where people, naked in solitary confinement, are tortured because they tried to develop in Nicaragua what we simply call our first amendment, that government should make no law restricting their freedom of speech, of the right of the people to assemble in the private sector, or the right of people to freely practice their religion.

Here is that Chinandega prison. I do not have two of the prisons.

Here is Palo Alto prison. This is not a photograph, my distinguished colleagues on the majority side, of the campus of Stanford in middle California. This is another prison of a large chain of prisons, which were built and now hold 11,000 people. Keep in mind that the sources you most quote, Amnesty International and America's Watch, have told me to my face that at the high-water mark Somoza had 500 prisoners, not 11,000 to 13,000.

Here is La Palmera, a prison near Grenada, one of the three largest cities in Nicaragua.

Nobody even in the city of Grenada is allowed within 100 yards of that prison. And here is the one I find most interesting because this is the one that is in the flight pattern at Sandino Airport. I cannot emphasize how many dozens of American Congressmen have been flown over this prison, enlarged five times just in the last 4 years. In this prison people are held in solitary confinement cells, naked, only for speaking out for the promises of the original Sandinista revolution. Despite this our planes continue to bring American Congressmen to this country, overflying these prisons.

They wonder in the Zona Franca Prison, as they wonder in Tipitapa, which was Somoza's only federal penitentiary for his political prisoners, which has four or five times as many people languishing in these Communist cells, which would be the flight of a key American, bringing a key Member of Congress from the majority side, who could stand as a noble American before this body and say that the evidence is now overwhelming "I was wrong. I do not ask you for forgiveness because my main motivating drive was to protect human rights. I thought the Contras were the main violators but I found out that these Sandinista Communists, these commandantes make Somoza truly look like a tin-hat dictator. These people are serious and deadly Communist brothers of Mu'ammar Qadhafi in Libya."

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. Yes; I yield to my colleague.

Mr. HYDE. The gentleman must admit, though, there is a sort of logic to the Hamilton-Barnes-Richardson amendment because it recognizes that once we cut the legs out from the Contra military effort there will be a flood of refugees and we are now moving into the refugee business under the aegis of the U.N. You have heard of the U.N., that outfit in New York that is so balanced and fair.

Mr. DORNAN of California. The U.N. hates refugees.

Mr. HYDE. Now the rule of thumb on Communist countries is that 10 percent of the people flee. That is what we got out of Cuba in the Mariel boatlift. So 10 percent of 3 million people is 300,000 people. Have we consulted Honduras and Costa Rica about how they are going to absorb the flood of refugees that this magnet will attract? Does the gentleman know of any efforts that have been made, say, by the House Permanent Select Committee on Intelligence or the Democratic leadership?

Mr. DORNAN of California. None whatsoever.

Mr. HYDE. Does the gentleman know whether they have inquired of Honduras whether they can absorb, let us say, half of the 300,000, 150,000 refugees from Nicaragua and Costa Rica? Does the gentleman know of any exploration along those lines?

Mr. DORNAN of California. No; none whatsoever.

Mr. HYDE. What if Honduras says "Look, they are not a fighting force anymore, going to protect us and make the Sandinistas look inward, but now they are free to look outward and we do not want Nicaraguan refugees." Then what? Would we have new boatpeople maybe?

Mr. DORNAN of California. Of course, we are going to have feetpeople by the thousands.

But let me comment on how fast the debate is changing here and how resilient the arguments are on the other side defying all logic. Here is one of America's three major newspapers, the Los Angeles Times. The headline story is "Contras Seen as Ineffectual Force."

Mr. HYDE. Now wait a minute. Is that why the Sandinista government put the emergency decree in October 15 because the Contras are an ineffective force?

Mr. DORNAN of California. Marjorie Miller, the Times staff writer, tells us the Sandinistas grow stronger. Listen to how they adapt to this headline that only 5 weeks ago now looks ridiculous after the incursion began the night of March 22.

It says, "The Nicaraguan rebels backed by the United States are a rudimentary and ineffectual force, unable to mount a real military threat to their well-trained and well-equipped opponents, diplomats and military analysis here say," off the record.

These unnamed U.S. observers who are supposedly supporting the President say that "the Sandinistas, on the other hand, have become an experienced professional force." They describe the Contras as "an almost defeated army" and raise questions about how much pressure the rebels could put on the Sandinistas. They say, "The Sandinistas' confidence tends to reinforce this view." I would submit to my colleagues that after the events in Tripoli over the last few days, Mr. Ortega's confidence is not flying too high, particularly if the rumors we hear about Colonel Qadhafi turn out to be true later today.

Then it says in April, "when Congress was considering a request for $14 million in military aid to the Contras" last year, "the Sandinistas and their supporters were in a state of near panic." Then when we approved $27 million in nonlethal aid after Nicaraguan President Ortega traveled to the Soviet Union, to Moscow, the Soviet helicopters were cut loose. It says, "The public mood today is matter of fact and Ortega apparently is untroubled." I can tell you they are in their Communist bunker down there right now analyzing what we do carefully here; right, Mr. ROBINSON? And weighing the fate of Mr. Qadhafi. I beg you to get on the side of the real defense of human rights in our hemsiphere and support the Michael amendment.

Mr. MCHUGH. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, I am here because I fear also that we will lose to the Communists. But my fear is generated fom a different line of reasoning and from a disparate result on what we should do on this particular amendment.

The policy of this administration, and that of most of its predecessors, toward Central America has been based on the premise that communism is bad; that Soviet expansionism is particularly bad; and that Soviet expansionism onto our own continental soil—in whatever form—is a threat to our national security and totally unacceptable.

There are few, if any, in this room that would disagree with that premise. Where we do disagree is on the question of how we prevent such Soviet and Cuban incursions and what policies will ensure the stability and freedom of the hemisphere.

The administration believes that since the Sandinistas in Nicaragua are backed by the Soviet Union, they must be removed, and that the way to remove them is by supporting the Contra forces in order to force a change in government.

I, too, would rather see a democratic government in Nicaragua. I do not want to live with the threat of a Communist regime on our southern border. I continue to serve today as a Naval reservist because of my distrust of the Soviets. I was an officer in the 6th Fleet when Khrushchev beat his shoe on the podium at the United Nations, referring to my ship as a "coffin of steel." I was in the Lebanon landing in 1958, and later served on ships playing "navigational chicken" with Soviet ships in the Red Sea and the Persian Gulf.

I also vividly remember my exchange of letters with a Czech family that abruptly ended when the family lost its freedom and fell behind the iron curtain after World War II. And no one can read Gulag Archipelago or talk with Alexandr Solzhenitzyn and not feel deeply about the Soviet threat.

In short, I completely agree with the administration that we cannot ignore the Communist threat as we deal with the situation in our hemisphere. And, under certain circumstances where there is a direct threat to our national security, such as the location of missles, or in response to treaty obligations, I believe that military action might be justified. Years ago, I volunteered to serve during the Cuban missile crisis. More recently, I strongly backed the President's swift action in Grenada.

Yet military confrontation is frequently not the wisest course. We have plenty of examples in our history of what has happened when we have pursued military solutions that backfired and ultimately produced the very thing we sought to prevent.

I am reminded of Cuba and the Bay of Pigs. Or Vietnam. They are both examples of flawed thinking and policies that assumed the only way to prevent communism from gaining a toehold was through a military response.

In 1961, the Kennedy administration seemed to believe that all we had to provide was the military catalyst to oust Fidel Castro; that if we landed a group of Cuban exiles inside the country, the people would surge to greet them, tossing out the Communists. We assumed that every manifestation of Marxist doctrine resembled Stalinism, and was equally hated by the people.

Or so we thought. Instead, the invasion met with failure. While military planning mistakes were made which most likely prevented the success of the initial landing, there were other important factors that, in my mind, would have prevented any chance of success inside Cuba. The Cubans who led the invasion were primarily military men who had served under President Batista. They had few ties with the struggling democratic opposition. The mutual distrust between these two groups was so great that they were unable to join forces. There was no popular uprising. Nor was Castro scared into moderating his behavior. To the contrary, the Bay of Pigs solidified his dependency on the Soviet Union and his own hold on the people.

Vietnam was a country long subject to control by a colonial power. Not only were the people unable to develop their own government, they were prevented from providing for their own economic well-being. Then we launched a devastating war in an attempt to establish our system of government and to eradicate the Vietcong influence in the countryside.

What we overlooked was that the people in Vietnam were war-weary. They wanted peace. They wanted food for themselves and their children. They wanted only the opportunity to be left alone so they could provide for themselves. And it was Ho Chi Minh who appeared to offer the only things that really mattered to these peasants. This, combined with the mounting popular opposition to the war here at home, eventually led to the withdrawal of our troops and to the very thing

we fought to prevent—a Communist regime in Vietnam.

The same thinking that prevailed in the Bay of Pigs and in Vietnam is dictating our response to Nicaragua today. And that is a tragic mistake. These historic parallels should make that quite clear. We have never won the hearts and minds of people through a purely military approach. And without the hearts and minds of the people, there can be no democracy.

The problems of Nicaragua are in many respects the problems of all of Central and South America. Poverty, illiteracy, disease, and economic oppression are undermining the fragile democracies in the region and fueling Communist-style revolutions throughout the hemisphere. If our policy toward the region does not address these conditions and provide support for our allies' attempts to eradicate these ills, then we will make very little headway at containing Nicaraguan-style revolutions.

One incident that forcefully brought that point home to me was a discussion I had with an Salvadoran peasant whom the Salvadoran Government introduced as an example of people fleeing rebel-controlled areas. When I asked the man what it was he really wanted, he replied, simply but eloquently: "All I want is a piece of ground to plant my corn."

What solutions to these problems do our Western European allies support? And how do our allies feel about our policy toward Nicaragua? After all, they are confronted daily with the threat of Communist proximity and must always be on the alert against Soviet expansionism. Yet their response to our policy has been nearly universal—they have opposed our aid to the Contras.

While we heard a lot about Daniel Ortega's trip to Moscow in April 1985, few people realize that his swing home through Western Europe provided him with $190 million in aid—only $12 million less than he was promised by the Eastern bloc nations. Additionally, the Europeans doubled their exports to Nicaragua from 1980 to 1984. As the Europeans stepped up their trade with the Sandinistas, Nicaraguan imports from the Eastern bloc countries amounted to only 26 percent in 1984.

As a personal aside, I recently received a note from 68 members of the Austrian Parliament representing all three politicial parties. They wrote to support my opposition to further aid to the Contras. The letter noted that 40 Austrian development assistants currently are working in Nicaragua, and that their "lives are menaced day after day by the indiscriminate acts of the 'Contras.'" Our Austrian counterparts urged us to withdraw aid to the Contras "in the spirit of all those humanitarian and democratic principles which unite the free nations on both sides of the Atlantic."

It is important to remember that this letter came from leaders of a country bordered on three sides by Communist governments. Surely we can learn from this attitude.

We aren't so far down the military path that we cannot reverse the policies of our Government in Nicaragua, although given the repressive actions by the Sandinistas recently, this may be difficult. What we certainly should be doing is pursuing more appropriate and effective policies in all Central American countries, and no repeating our mistakes.

My deep concern is that the administration has become so obsessed with military solutions that it is turning its back on the needs of our friends in Central America. The $100 million requested by the administration could make a real difference in improving conditions in Honduras, El Salvador, and Costa Rica—countries whose fragile democracies need our support. This is especially true if we learn from the Cubans, who outmaneuvered us very successfully in the early days after Somoza by providing Nicaragua with much-needed human resources—technical assistants in crucial areas such as agriculture, health and education.

We, too, could be providing that kind of valued assistance. We have many Americans—especially Hispanic Americans—who understand the culture, the people and the problems of Nicaragua and would be willing to help that country. They could do so if we had a program that would utilize their abilities on a long-term basis.

A good example of this kind of need—and the desire for our presence—was relayed to me by a Vermont veterinarian who traveled to rural Nicaragua. The Vermonter had asked a Nicaraguan colleague why there were Cuban vets in the area. He was told that the people would much prefer to have American vets, but that their animals were dying from disease, and the Cubans were the only ones offering help. The Vermonter was, in fact, the first American veterinarian the man had ever seen.

We must not underestimate the power of our presence in such underdeveloped countries. If we change our policy to address the most important needs of the people—and in a visible and human way—we can't help but lessen Nicaraguan dependency upon the Eastern bloc. Moreover, Ortega is finding the Eastern bloc increasingly reluctant to provide much-needed developmental assistance. The Soviet Union is facing its own extreme economic problems, and clearly neither it nor its allies are anxious to take on another drain upon its economy similar to that of Cuba.

A successful policy in Central America will take a firm commitment on our part, combined with a sensitivity to the unique problems of our southern neighbors. Through such a policy, we can and must show that democracy offers a brighter future for the people of Central America than does Marxism-Leninism. Unfortunately, we have ignored many of the positive suggestions for development contained in the Kissinger Commission report that would do just that.

I hate the idea of losing to communism. And this time, within our own hemisphere, winning is especially important. I have no doubt that we could successfully overthrow the Sandinistas if we threw ourselves into a total military effort. But it we did, we would find ourselves in a position of occupation that would quickly become untenable for us and unacceptable to our allies. I also am convinced that unless we adopt the policy outlined above, the cost will be painfully high. If we remain preoccupied with the Sandinistas, we will find out democratic friends in the region falling around us, succumbing to right- or left-wing dictorships or other forces of instability.

The stakes are now very high. And we can no longer afford to fail.

□ 1545

The CHAIRMAN. The time of the gentleman from Vermont [Mr. JEFFORDS] has expired.

Mr. SOLOMON. Mr. Chairman, I yield 1 minutes to the gentleman in the well.

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman for yielding this additional time to me.

Mr. Chairman, just let me say one more phrase. I am afraid that we will lose again. And when we turn around, those fragile democracies which, if we were supporting now will succeed, will disappear off into rightwing dictatorships, leftwing dictatorships, and we will be back worse than we were when we started—even if we do succeed on the policies of conquering Nicaragua.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. HYDE. Mr. Chairman, I have two points I would like to make.

I wish the gentleman would talk to Mr. ASPIN, who just returned from Nicaragua, and he was in the company of a man named Bernard Aaronson, a very liberal Democrat. Ask him what he found about the support for the Sandinistas and the Contras within the country. Just ask him.

Second, if hunger is the problem there—and we should be taking care of that, not Communist subversion—why did President Carter halt our aid, the aid that I voted for and the gentleman voted for? Was he not concerned about subversion in El Salvador and the building of a Communist dictatorship?

How do you deal with that? If it was not good enough for Carter, why should it be good enough for the gentleman?

Mr. JEFFORDS. Mr. Chairman, let me say, first of all, I have talked to many people from Nicaragua and Americans who have been to Nicaragua.

Mr. HYDE. Talk to Mr. ASPIN.

Mr. JEFFORDS. I have talked to Mr. ASPIN. I talked more recently to someone I also have confidence in. As I said before, I talked to a Vermont veterinarian who was down there working in Nicaragua. That veterinarian told me in his discussion with people there he had asked, "Why do you have Cuban and Soviet advisers?" They said, "Because we do not have Americans here. We would prefer Americans. Why don't they come?"

Mr. HYDE. They refused to take the Peace Corps. We asked to submit the Peace Corps. They wanted Cuba, not the Peace Corps. Does not the gentleman know that?

Mr. JEFFORDS. That may have been the decision of the Sandinistas, certainly not of the Nicaraguan people. I do not agree with the Sandinistas. Many Vermonters have been to Nicaragua and have worked with the Nicaraguan people.

I would add that when I was in El Salvador, I interviewed a farming family that fled from the guerrillas there. As I mentioned above I asked them what they wanted. Their response has stuck in my mind. I asked them "What are you looking for? Why did you leave?" They said all they want is a piece of ground to put their corn in.

That is the basic issue we are dealing with here, the needs of poor people to have a better life. We are not dealing in the countryside with Communist philosophy versus the democratic philosophy. We are dealing with who is going to help the people, and will their next day be better. If we don't offer them the better answer they will support those who do.

Mr. HYDE. When has communism ever given anybody anything but misery and hell on Earth?

Mr. SOLOMON. Mr. Chairman, may I inquire of the Chair how much time each side has? According to my record, we have 34 minutes left on this side.

The CHAIRMAN. The gentleman is correct. The minority side has 34 minutes remaining and 31½ minutes remains on the majority side.

Mr. SOLOMON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. First, Mr. Chairman, I, too, wish to express disappointment with those of my colleagues who are engaging in parliamentary maneuvers here today. The inclusion of the Contra aid package in this supplemental appropriations bill is merely a tit-for-tat demand on the part of the majority leadership.

The leadership is saying: If you want your Contra aid package, we get our spending bills.

Mr. Chairman, in a time when we face several critical issues of foreign and domestic significance, this linkage in defiance of budgetary limits is unconscionable.

These issues deserve to be considered separately, and on their individual merits: To combine them is irresponsible and dangerous.

I regret that we are forced to consider legislation that is a Pandora's box and not an objective analysis of the Nation's priorities. The Nation deserves better than that.

As for the issue of aid to the Contra freedom fighters in Nicaragua, you know, we here in Congress must heed the words of one of history's great philosophers. It was Hegel who pointed out that—

> What experience and history teach us is this: That people and governments have never learned anything from history.

Today, we will have a second chance to prove Hegel wrong. We must not waste that chance. And what should we have learned?

We should have learned that relying on the Sandinista government in Managua to negotiate freely and openly without pressure is a waste of time. We have fresh evidence of that, don't we?

On March 20, this House voted down the President's aid request for the Contras. Did this inspire the Sandinistas to moderate their actions? No, it did not. What they did was initiate the largest cross-border incident ever with their neighbor, Honduras.

And this incident was roundly commemned by Members of this body, from the Speaker of the House and the majority whip right on down.

The Sandinistas followed that by scuttling the Contadora talks. This has been laid at their feet, not only by us, but by virtually all parties involved.

Diplomacy alone has failed again and again to move the Sandinistas away from their oppressive ways and toward a pluralistic form of government.

Special Envoy Philip Habib's mission to Latin America was the 50th U.S. diplomatic mission in 3 years seeking a negotiated settlement. He is the third special Presidential envoy, and we are no closer to a negotiated settlement today than we were all those years and lives ago.

Not one Communist dictatorship on Earth—ever—has voluntarily become a democracy or even moved in that direction. We cannot afford to abandon Central America to the Sandinistas, who have admitted they are conducting a revolution without borders. The freedom fighters are fighting to take their country back from a Soviet-Cuban-PLO-Libyan sponsored minority who betrayed their country's revolution and stole the only election they have agreed to hold. We cannot abandon these valiant freedom fighters either.

Today, let all of us prove Hegel wrong at last—for the sake of peace. Let's send the Contras the aid they so desperately need in their struggle to be free. Thank you.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think we are all still considering the most recent incident of the so-called Sandinistas moving over into Honduras to enter the Contra camps.

Be advised that the Honduran Government never admitted or never would lay claim to the fact that the Contras were located in Honduras. In fact, about the time of these dynamic events, the President of Honduras, I believe, went on vacation.

We look back in history and we look at Cuba, and really we ask now, "Who is responsible for Fidel Castro being in Cuba? Who is ultimately responsible for the Ayatollah Khomeini in Iran?" We supported Somoza, and the people of Nicaragua could not stand Somoza, a ruthless dictator, and it was a very popular revolution to rid themselves of the most ruthless dictator in Central America.

But now I want to focus on another particular area. In 1983, Federal agents sized over 400 pounds of cocaine at San Francisco. As a result of this bust, the biggest ever in west coast history, two Nicaraguan nationals were convicted and sent to prison. These Nicaraguans have stated this drug deal and other deals were made to raise money for the Contras.

In addition, during the bust, $36,000 was seized by these Federal agents. However, this money was returned to these Nicaraguans when it was revealed that the money was not "drug money," and then a letter was shown to the Federal agents by the Nicaraguans, a letter from Contra leaders stating that the cash was really "political money for the reinstatement of democracy in Nicaragua."

In addition to this Contra connection in drug trafficking, sealed documents on this incident obtained by the San Francisco Examiner pointed to alleged cognizance of the CIA into this matter.

On April 12, 1986, an edition of the Washington Post reported that Federal investigators directed from Miami are examining allegations that Nicaraguan Contras and some private Ameri-

can backers have engaged in gunrunning, drug trafficking, and violations of the Neutrality Act.

These allegations, along with the serious allegations made in the San Francisco case, should start making us wonder who these Contras really are. Are these freedom fighters who are attempting to stop communism in Central America when the Honduran Government denies the existence of these Contras camps across the border?

□ 1355

Are we now moving forward to an area that is sacred in the American Constitution, one of self-determination?

We may not like what government is emanating from Nicaragua, but our Constitution affords America the most sacred right, one of self-determination, and we cannot project something different and continue to meddle in the internal affairs of these countries. Nicaragua has to do something with Mr. Ortega, that is true; but America cannot go in and fight everybody's battles. Let us get the Organization of American States and let the Contadora peace process work and give it an opportunity to work. These are either gunrunners, drug traffickers, or freedom fighters. People are going to have to make up their minds here in the House.

Mr. Chairman, once again we are considering whether or not to fund the Contras in Nicaragua. Since my time is limited, I want to ask my colleagues, before making their final decision on this vote, to consider just who the Contras are, and—more importantly—what they have been doing in recent years.

We have all heard about the human rights abuses, the fact that despite being termed "freedom fighters" the leadership of the Contras is not democratically elected—in fact, a large number of the Contra leaders are former officers in Somoza's dreaded National Guard—and it is obvious that the Contras have not won the hearts of the Nicaraguan people.

Aside from these very disturbing facts, I want to focus on allegations that the Contras have been involved in drug trafficking in the United States to raise money for their war. One incident is particularly disturbing.

In 1983, Federal agents seized 430 pounds of cocaine at a San Francisco seaport. As a result of this drug bust—the biggest ever in west coast history—two Nicaraguan nationals were convicted and sent to prison. These Nicaraguans have stated that this drug deal and other deals were made to raise money for the Contras. In addition, during the bust, $36,020 was seized by Federal agents. However, this money was returned to the Nicaraguans when it was revealed that the money was not drug money, and a letter was shown to Federal agents by the Nicaraguans—a letter from Contra leaders stating that the cash was really political money for the "reinstatement of democracy in Nicaragua." In addition to the Contra connection to drug trafficking, sealed documents on this incident—obtained by the San Francisco Examiner—point to alleged CIA involvement in this, and other drug deals to raise money for the Contras.

Allegations of Contra involvement in drug trafficking and possible CIA complicity in such nefarious action is cause for great concern. Before we send millions of U.S. dollars to the Contras, the American people should know, for certain, just what type of movement we are supporting. Anyone who would bring 430 pounds of cocaine into this country is a dangerous criminal and a threat to our society. No cause—no matter how just—warrants the poisoning of our youth with dangerous narcotic drugs. Before we cast our vote to aid the Contras, a full congressional investigation should be conducted to examine the allegations that have been made about Contra drug dealing in this country and possible CIA complicity in these dealings. We have a right to know.

I, along with my esteemed colleague from California, Congresswoman BARBARA BOXER, have written to the House Judiciary Committee requesting that these allegations be fully investigated. And the allegations are not limited to the San Francisco incident I alluded to earlier.

The April 12, 1986 edition of the Washington Post reported that Federal investigators, directed from Miami, are examining allegations that Nicaraguan Contras and some private American backers have engaged in gunrunning, drug trafficking, and violations of the Neutrality Act. These allegations, along with the serious allegations made in the San Francisco case, raise legitimate questions about what the Contra leadership has been doing to fund and carry on its war against the Nicaraguan people.

I once again point to the fact that this "leadership" is not democratically elected and they include ex-Somozistas. While the incident I have mentioned involve allegations that have not yet been proven to be fact, these allegations of Contra involvement in drug trafficking are serious enough to warrant a thorough re-thinking of whether or not to aid the Contra effort.

I urge my colleagues to consider this information and think twice before voting or whether or not to fund the Contra war.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, we are facing once again another crucial vote which will shape future United States policy toward Nicaragua. The ramifications of this vote will be felt in all of Latin America for the rest of this century.

We in Congress have been studying and debating this issue with each other, with the administration and with our Latin allies for several years. Our continued debate of this issue is testimony to its importance. I believe we have all come to the conclusion that the Sandinistas are not the Social Democrats they promised to be. They are in fact dangerous to the peace and solidarity of our hemisphere. The fledgling democracies of Central and South America are put at risk. We must remember the Sandinista statement: "Ours is a revolution without borders."

We as a body, our constituents and our Latin American allies have not as yet reached a consensus on what the proper U.S. response will be. The lack of a consensus is what makes this issue so difficult for us.

I propose to approach this matter from a different perspective. First we must make a judgment if this is a U.S. problem alone or a hemispheric problem. Clearly we have come to the conclusion that the presence of the Sandinistas and their Marxist philosophy affect the entire hemisphere. Why then do we not have a consensus within Latin America as to how to respond to the presence of the Sandinista regime?

I believe the answer to that is that we have not worked hard enough with our allies in the region to form a consensus. Having just visited with leaders of three Latin American countries—Brazil, Argentina, and Venezuela—I know that those leaders have no illusions as to the character of the Sandinistas. There is unanimity of opinion that the Sandinistas have perverted the promises of the revolution.

However, my questions to these leaders as to what our policy should be were met with ambiguity. If they are truly opposed to U.S. policy, then they must take on the responsibility for solving this problem. Their efforts with Contadora have truly been beneficial, even if a treaty is never signed. They now better understand the character of the Sandinistas and have come to the realization that negotiations are not going to work unless all are dedicated to them—a dedication that the Sandinistas lack.

There is a growing consensus in the hemisphere that the problem is great and the moment is historic. I believe that during the delay as provided in both the Michel and McCurdy proposals, the Organization of American States should be utilized to its full capacity.

The OAS if the oldest regional organization in the world. It was created

for conflicts such as this. It has over the years been a forum for consensus-building and conflict resolution, both of which are needed now.

In 1978, Venezuela invoked article 59 of the OAS Charter to call for a Meeting of Consultation of Ministers of Foreign Affairs to respond to events in Central America, in particular Nicaragua. This meeting is still officially open, although inactive. It is the forum that should be used to make our case against the Sandinistas and to build a consensus with our Latin American allies.

This option clearly would share the Nicaraguan problem with the Latin American leadership, while demonstrating our commitment to negotiations. In the meantime, we need to continue providing the Contras with a defensive capability.

The Sandinistas are dragging their feet in negotiations because they believe they can militarily beat the Contras. If any nation is seeking a purely military solution—it is the Sandinistas. They hope to destroy the Contras and therefore make the issue of U.S. aid to them irrelevant.

The Contras are Nicaraguans. The initial release of $30 million must be made while other diplomatic options are pursued.

And finally, the Contadora countries and the United States must give serious consideration to the Organization of American States. It is the best way to build a consensus, and perhaps even to resolve the conflicts that are paralyzing Central America.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, the President is asking us for $100 million in aid to the Contras. Before we vote on this request, I think it is important for us to ask the same questions that we would ask about any other request for $100 million: What is our policy that we are seeking to support with that $100 million? Is it working? How much does it cost? How much will it cost?

Those are legitimate questions, the same kinds of questions we would ask if this were a program in education or in housing, or whatever. We have a responsibility to ask questions whether or not these funds are going to a policy that is working.

With regards to the policy question, I think the American people are very confused about what exactly our policy is in Central America today. Is it to overthrow the government? Is it to negotiate with the Government of Nicaragua? Is it to interdict arms shipments from Nicaragua to other countries? Let us, for the moment, agree that there is at least some consensus that we wish to encourage changes with regard to the Nicaraguan Government. Is this policy working to accomplish that goal?

Clearly, the answer is no. After 5 years of fighting, the Contras still have no perceptible popular support. They have a great deal of trouble recruiting additional new members. Most military and intelligence experts agree that $100 million is not going to change the Contras into a serious military and political threat to the Sandinistas.

So aid to the Contras, at least to this point, simply has not worked.

So what are we asked to do? We are asked to throw more money at the problem. That is a common response we have to other programs. But we are getting the same thing being asked here: Let's put more money into a program that is not working.

And the problem is that it results in what generally happens in other similar programs. It results in sloppiness and fiscal irresponsibility. We to this date do not know how $7 million was handled of the $27 million we provided in humanitarian aid. We have asked the GAO to look at it. They cannot tell us where it went.

We have now received from the State Department, as a result of a motion of inquiry, all of the documents they have. We have looked at it. The staff of the Foreign Affairs Committee has looked at it. They have been very cooperative. But the problem is, based on the documents they have we do not know where that money went, except that it went into a Miami bank account, and from there we do not know.

Surely, regardless of the position you have with regard to support for or against aid to the Contras, we have a responsibility to the taxpayers to be able to determine where those funds went.

In short, the policy makes no sense. Our allies and friends have told us that it makes no sense. Our allies and friends have told us that is the case. It is not a policy that is bringing us closer to achieving the goals that we seek to achieve.

The Hamilton substitute tries to offer a positive formula to help us break out of the bonds that we now have. Right now, the only thing that is resulting from this policy is the killing of people. And when push comes to shove, with regard to the people of Central America, they are being asked to pay the highest price of all. This is not the kind of policy we should be supporting, because the end result will be a waste of time, a waste of money and a waste of lives. The time has come to change that kind of policy.

I urge an "aye" vote on the Hamilton substitute.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thought maybe I might take a few minutes here to deal with some of the questions that have been raised and some of the points that have been raised by the opposition, because it seems to me that sometimes this debate gets tangled up in a lot of things that prove to be confusing within that debate.

For example, we had the gentleman from Ohio out here a few minutes ago bringing up the drug dealing of the Contras again. A little while ago in the debate it was shown that the person who raised that charge was a Colombian who later said that he lied with regard to that drug-dealing charge. And yet time and time again the people have come to the floor in opposition and raised this phony issue out on the floor. It seems to me that once you put it to bed, it ought to be left there, and we ought to get away from arguments that have proven to be patently false.

We also had a discussion out here a little while ago about this question of: How are we spending the taxpayer money?

And I raised the issue with one of the Members of the other side of: How was he going to vote when it comes to the issue that is also contained in this bill of money to go to Ireland? We are concerned about people in this country. How are we going to vote when it comes to the question of excising from this bill the money that is now supposed to go to Ireland? And I could not get an answer from him. It is always amazing, to me, what we find when we raised those kinds of questions.

If you are dealing with anti-Communists, if you are dealing with an anti-Communist kind of issue, then there is, all of a sudden, questions about sending money overseas. However, if there is no real threat to freedom, then we are perfectly willing to send money everywhere and anywhere. So it will be interesting to see the dichotomy that results here between people who have come to the floor and talked about our farmers and talked about housing and talked about all of these things, with regard to spending foreign-aid money, how they will vote when the issue is, do we send $50 million to Ireland, and whether or not their rhetoric on $100 million to fight communism in Central America is real.

The question was raised by the gentleman from Indiana a little while ago: What happens if military aid fails?

That is indeed a very important question. It seems to me there is an answer, and that is: If military aid fails, at the very least we will have at that point kept the Nicaraguan Communists from coalescing their power there. As long as they are faced with some kind of internal pressure, they

are not going to coalesce their power, and that that is indeed as important a goal for our policy in Central America. On the other hand, the question needs to be raised about the policy of capitulation. What happens if the leftist capitulation policy fails? Well, it seems to me that there are a couple of things that happen at that point. If in fact they have established Soviet bases in their country, which they are in the process of doing, it seems to me then the United States might have to make the choice of a deeper military involvement by our own country. That is the real danger. The real danger of Americans having to fight in Central America is: if the policy of capitulation allows the Sandinistas to coalesce their power there in a way that it becomes a pro-Soviet base similar to Cuba, then we have got a problem.

Right now all of the people in this Congress say, "Well, there is nothing we can do about Cuba." Why? Well, because we have allowed Cuba to coalesce its power. It would be foolhardy at the present time to send a force against Cuba. So we simply have to accept that nation, which is subverting democracy and freedom all over the world, not just in Central America. We accept it today. And that is wrong. That is wrong, but it was brought on by a leftist policy of capitulation before. That is what we are proceeding toward again.

And if the capitulation policy fails, then what about those millions of refugees? What are we going to do about them, because we are certainly going to be faced with them. If we are not faced with them, our allies in Honduras and Costa Rica and some of those nations that are struggling to survive, anyhow, are going to be faced with them. A capitulation policy that fails is very dangerous to struggling democracies in Central America. We have had the argument out here on the floor that the Contras are not credible. If the Contras are not credible, given the definition of what credibility is, I would submit, then, that the Afghan rebels are not credible either. I wonder whether or not we are willing to say that we are going to withdraw our aid based upon the definitions here of those people who are struggling to fight against Soviet aggression in their own country. That seems to me to be the kinds of choices that we are being asked to make here. If you accept the definition of credibility that has been put on the Contras, then I would submit that we are probably not going to be able to aid freedom fighters anywhere, and maybe that is what the left of this country really wants—no help for freedom fighters anywhere. It is not what I think most of the American people want.

□ 1410

We have also had the argument here that we cannot go along with the President's policy anymore because the policy has not worked. Good heavens, I say to my friends, we have not allowed it to work. The Contras cannot be blistered on the House floor for having had an ineffective military; they have not gotten any military help for 18 months.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. LAGOMARSINO. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, we have had a policy that this Congress has prevented from working, and so the Contras are in fact the victims of what this House of Representatives has decided time and time again to do to them instead of doing something for them, and no amount of evidence seems to be available that would convince the left in this country that they have been wrong. It does not convince them when Ortega goes to Moscow, it does not convince them when the Nicaraguan Communists invade their neighbors, nothing convinces them. They allow the policy not to work.

The bottom line is, I think, that the policy we are being asked to accept here on the House floor here today by the left wing in this country is the policy of trusting the Sandinista Communists. It is a blame-America-first policy of the first order. It seems to me it is not really a policy; it is a fantasyland scenario, and it has nothing to do with the real world.

Mr. Chairman, I think we ought to stick with the real world, vote for the Michel amendment, and let us have a policy that is real in Central America.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, here we go again. We are being asked once again to put money and people's lives—this time it is Nicaraguans' lives—into an endless war.

Last week Mr. Elliott Abrams spoke before the Western Hemisphere Subcommittee, and he told us in his testimony that, in his judgment, the Nicaraguan Government's military forces could give the Mexican military a good match. Now, the Nicaraguans have under 3 million people, and the Mexicans have 20 times that number of people.

So I asked the question: "How are those, at most, 20,000 Contras going to stand up against the Nicaraguan military?"

His answer was that there would be such disaffection among the Nicaraguan people that they will eventually turn the government out.

The subcommittee then had three witnesses, two of whom oppose aid to the Contras and one of whom supports it. I asked them, "How much do you think it would take to give the Contras a fighting chance to defeat the Nicaraguan military?"

And they each said, "At least $500 million, and that is assuming that the people of Nicaragua were to rise up in support of the Contras." But Mr. Chairman, there is no indication at all that the Contras, because of their policies of mayhem and torture and murder and rape and pillage, have any chance at all of picking up the support of the Nicaraguan people.

But here we are being told by the President that if only we give them $100 million, something significant is going to happen. Nothing is going to happen, except that the administration will come back for at least $400 million more and then maybe ask for some direct American military support through advisers and trainers and finally combat troops to try to bail out the Contras. The American people do not want that.

There was some mention here earlier that the American people support the President. Every poll that has been taken, some as recently as this past week, indicates that the American people overwhelmingly oppose the President's policy of support for the Contras.

By a margin of 62 to 25 percent, respondents to the CBS/NYT poll said they oppose giving "military and other aid to the Contras trying to overthrow the Government of Nicaragua. "A year ago, 53 percent of those responding to a similar CBS/NYT poll opposed helping "the people trying to overthrow the Government of Nicaragua" while 32 percent favored such help.

The depth of public opposition to aiding the Contras is underscored by the fact that 59 percent of those polled believe the Nicaraguan Government will provide bases for the Soviet Union while 56 percent agreed that Nicaragua constitutes a threat to the security of other Central American countries. Nonetheless, 62 percent oppose aid to the Contras.

The degree of public opposition can also be seen in the fact that aiding the Contras is opposed by a clear majority of Republicans (51 percent to 36 percent opposed) as well as Democrats (74 percent to 16 percent) and Independents (60 percent to 26 percent), and by overwhelming majorities from every section of the country: the Northeast (61 percent to 27 percent opposed), the Midwest (67 percent to 42 percent), the South (59 percent to 27 percent), and the West (64 percent to 24 percent).

Other recent polls also reflect an increase in the level of public opposition to aiding the Contras. For example, a

Gallup poll taken last month before House rejection of the President's request for $100 million in Contra aid showed 52 percent opposed and 35 percent in favor.

Following House rejection of the Reagan request, an ABC/Washington Post poll found 60 percent approving the House action and 34 percent disapproving. A new Harris poll taken over last weekend shows a similar division with 62 percent opposing aid to the Contras and 33 percent in favor.

Mr. Chairman, for 5 years we have debated this war and for 5 years it has been our President's leading obsession. What have we got to show for this treasure and these efforts? The Contras have killed thousands of Nicaraguans, including many innocent civilians, and they control not an inch of territory.

I got a letter recently which brings home the destructiveness and futility of this war. It was from a group of citizens in Switzerland. They were writing, in sadness and in anger, to protest the killing of Maurice Demierre in Nicaragua on February 16, 1986. Mr. Demierre was a Swiss citizen, an agricultural specialist. He worked with a Christian group called Brothers Without Borders, which assists in development projects in various areas in the Third World.

Mr. Demierre had worked for the last 4 years on farm projects in a district of Nicaragua close to the Honduran border. He was well liked and respected in the area, and his wife worked with him there. On February 16, he was riding with a group of Nicaraguan civilians in a jeep which hit a mine placed by the Contras. The mine disabled the jeep, and Mr. Demierre and four Nicaraguan women were then killed by Contras who raked the area with automatic weapons fire. Our tax dollars were helping to keep his killers in the field.

Many newspapers in Europe prominently carried the story and editorialized against the policy that resulted in his death. It is events like this which explain why the United States stands almost completely isolated in the entire world on the issue of Nicaragua. The policy is not a way to preserve U.S. influence or credibility in the world; it is a sure formula for uniting other nations against us.

The Hamilton amendment will at long last turn our policy in a constructive direction. I urge its adoption today.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, in order to keep the record straight, we have a list of pithy sayings made by majority Members, that is being kept on our leadership desk on this side so we can track the record of the last several years' debate.

Here is a statement by my good friend and distinguished colleague, the gentleman from New York [Mr. WEISS], made on April 23 of last year, almost a year ago. Mr. WEISS said, "If you are a citizen of El Salvador, you have nowhere near the capacity to openly criticize your government as you do if you are a citizen of Nicaragua."

Well, that certainly is not true now, not when there are 11,000 people in political prisons in Nicaragua.

Mr. Chairman, the Chinese proverb, going back a few thousand years, that one picture is worth a thousand words is certainly true, and this picture should be shown every hour on the hour. Here is the suspended priest, Miguel D'Escoto, holding up the Marxist fist of death, the Communist fist. And it is a disgrace for even a suspended priest to call his cardinal a CIA agent and a traitor, marking him for assassination, as D'Escoto has.

Here is Danny Ortega with his one campaign ribbon. That is for shooting two milk truck delivery men and crippling them. They are both still in wheelchairs in Nicaragua, unable even to become a land person and escape on foot. That is his only combat mission. You remember when Ortega robbed the bank, got caught and was sent to prison? It was Eden Pastora who sprung him from prison. Eden Pastora is now back in the hills. He wrote me a great letter last week begging some of the Democrats to wake up.

And here is Qadhafi. Let me tell you what his combat ribbons are for. This one here is for little Natasha Simpson dying in her father's arms in the airport in Rome. This ribbon here is for Kenneth Ford. That is a brand new one. It is for killing our Army sergeant in that disco in Berlin.

Here is a ribbon for little Demetra Klug, who was blown out of an airplane with three other Americans, one of them pregnant.

Here is a ribbon where the colors are indistinct because it is for the one that caused the garbage trucks to be parked around Capitol Hill here at night. He never got to pull off that bombing here at the Capitol.

And here is one for sending $400 million to Nicaragua. That is four times what we are debating. This is just one radical leftist. That $400 million, of course, helped to murder Greg Webber, Tom Handwork, Bobby Dickson, and Patrick Kwiatkowski, four young marines, in San Salvador at Chilli's Cafe.

On and on it goes, his five rows—six across—of ribbons earned for engaging in death and mayhem and terrorism against this country. Qadhafi; of course, holds up the Marxist salute, as does Danny O.—that is the affectionate name for Ortega used by an Irish-American Congressman from New England. I am sorry, fellows, he is not Irish. Danny Ortega is a killer, a Communist cut out of the mold of Qadhafi.

To see this suspended priest D'Escoto, whose doctors took him off his diet when he gained 3 pounds last July—remember, he went on a diet which some of the leftist clergy here in America joined him in—well, he never got too far because he started gaining weight. It is called a lemonade diet. And that is a true story.

This is a disgraceful trio here, and the only thing wrong with this picture is that D'Escoto—he was known as Mike Brockman when he went to school in Hollywood—should have been excommunicated, not just suspended, for bringing a threat of assassination against his cardinal and the other bishops in Nicaragua.

Mr. Chairman, I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Hamilton-Richardson proposal to bar any kind of aid to the Contras until September 1, 1986.

Mr. Chairman, I have been a consistent opponent of aid to the Contras and a hopeful Member of the Congress to think that we could find a peaceful solution to this problem in Central America. I have also been consistent in my support of the Contadora process. Yet every time I have talked about it, I felt that something was missing, and as this situation has become more serious and as I see us coming closer to a military solution and see us coming closer to going down a road that is going to be heartbreaking as well as expensive, I beg once more that my colleagues consider negotiation through the Hamilton-Richardson proposal.

The missing link in the Contadora process, I believe, has been us. I think so many of us look at the Contadora process, not realizing that we have to be a true partner in this process. Whenever we talk to the leaders of the Contadora countries, they look to us and say, "What can we do? You have already decided that it is going to be a military solution."

These are people who are very interested in their trade deficit, what they owe the United States, and they are very interested in their economic futures. They have no illusions about Ortega and Nicaragua, and they know that $100 million cannot overthrow Ortega and the Sandinistas. They know that if we have a military solution and we get involved in Nicaragua, the next thing will be that all those extreme elements in their countries will come forward. They are very familiar with not having democracy.

They know what it is like to live under a military rule. They know if we bring unrest to the Central American area, unrest will come to these countries, too.

□ 1420

So, I urge my colleagues to support the Hamilton-Richardson process, because for one more time we can try to be a partner with the Contadoras, insist that they not only express moral outrage, insist that they come up with some concrete solutions, that we will work with them, whether it be isolating Nicaragua, whether it be a peacekeeping force, but at least once more, Mr. Chairman, let us try the peaceful solution of negotiations, once more to say that we tried to do it without war.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I rise in opposition to the Hamilton amendment, in opposition to the McCurdy amendment, in opposition to the Mrazek amendment, and for Senate Joint Resolution 283.

In our cloakroom on the Democratic side we have a handout, an overview of the Lou Harris poll. As I read this, a poll that consisted of surveying 1,254 Americans out of a population of 250 million, I was outraged to read the way the poll was prefaced to those being polled. Not once in the Lou Harris poll did they ask the person that they were asking to respond, "Are you for or against communism?"

Not once did they ask the individuals in the poll, "Did you know that the money that we are asking for has been appropriated for DOD use and it would not be used for farmers or other domestic programs?"

Not once did they ask the person being surveyed, "Do you want another Cuba in this hemisphere?"

Not once did they ask the person surveyed, "Did you know that Daniel Ortega has refused to participate in the Contadora process?"

Not once did they ask, "Did you know that Daniel Ortega promised free elections?"

"Did you know that he promised not to censor the press?"

"Did you know that he promised not to commit acts that were barbaric against his own citizens?"

Not once did they ask, "Do you know that the Contras are Nicaraguan citizens? They are not Libyans. They are not Communists. They are not Algerians."

The purpose of my brief remarks today is simply to say this poll is bogus. The American people elected Ronald Reagan to forge foreign policy. They did not elect Lou Harris. We now have 435 Secretaries of State in the House of Representatives and 435 Presidents, and fellows, you are making a mess out of foreign policy.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of the Hamilton amendment. It truly is an alternative to the current policy of this administration, which is seeking to provide military aid, in the past has provided military aid, to the Contras in an effort to destabilize and overthrow the Government of Nicaragua.

This policy has not worked. And the fact of the matter is that this policy will not work, even if $100 million is provided, and hundreds of millions of dollars are provided in the future, as the logic of this policy dictates.

More importantly, this policy will not allow a democracy to flower in Nicaragua. In fact, it will continue to be the pretext for stifling democracy in Nicaragua. It will continue to be the pretext for repression in Nicaragua.

I say to those who have risen time and again in support of the emerging democracies in Latin America, that the heads of states of many of those emerging democracies say that this administration's policy threatens those very democracies. An election does not make a strong democracy. An election starts a country down the road to a democracy.

As we know, the countries of Costa Rica, Guatemala, Honduras, El Salvdor, Colombia, Venezuela, Brazil, and Argentina, are beset with a whole series of problems that must be resolved if the roots of democracy are to go anywhere below the surface; but those roots can only take hold with our help and encouragement.

But rather than make an example of the Latin American democracies, rather than show what happens when you move to a democracy, in terms of our friendship, and economic power, we have chosen to do something else. We have chosen to make ourselves the issue.

What we were told on our recent trip to Latin America by the heads of those democratic countries was that they felt that a continuation of our policy toward Nicaragua threatened them. Even though in many instances they were thousands of miles away, they were concerned that continued and increased American intervention in Nicaragua would threaten the foundations of their countries.

The question really is whether or not those who support administration policy have as much faith in the positive aspects of our democratic tradition that we bring to Latin America as they have faith in communism. The fact of the matter is that the tide is running against the Sandinistras. The tide is running against Nicaragua. The tide in Latin America and South America today is for democracy.

The question will be whether or not the United States of America puts its energies into fostering those democracies, fostering those economies, so that we can establish the strength of those democracies and never again go back to dictators of the right or the left.

Unfortunately, we are now seeking to squander a valuable $100 million in fostering repression in the state of Nicaragua.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I was reading some of your thoughts. I did not identify the bottom row of ribbons on Mu'ammar's chest. The first one is for the rifle slaughter of the British constable, Yvonne Fletcher, on the streets of London. Shot in the stomach, she died a very painful death.

This one was a public relations award for praising the Soviet fighter pilot who killed Larry McDonald, one of our great colleagues of 10 years' standing, and 267 other grandparents, men, women, children, and infants.

This ribbon was for supplying the wherewithal, the financial sustenance, $400 million, to murder our naval attache, Lt. Com. Al Schauffelburger, as he sat in his car in San Salvador.

This last one is particularly odious. It is another public relations award, earned by Qadhafi and his friends at Radio Vinceramos in Nicaragua, for broadcasting from El Salvador that two Americans who had been killed in the explosion of the space shuttle *Challenger* were war criminals.

That is just a little reminder done in a spirit of good-naturedness, that, let us face it, those awards were not won in combat. They are for the kind of ugly rhetoric, the praising of these heinous deeds for which Qadhafi has become justifiably infamous. And it is that connection between the terrorist training camps and Nicaragua that we have carefully tried to lay out before you today. Well, let me close with the words from one of the distinguished prelates of my faith, and the Speaker's faith, in this hemisphere, Cardinal Migel Obando y Bravo. While our delegation of nine was visiting the gentleman from Pennsylvania [Mr. WALKER] asked the question, "Who is here in this country, assisting the Sandinistas given that Americans are trying to help the freedom fighters?"

I close with this quote of the boss of Mike Brockman (Miguel O'Escoto), Obando y Bravo, who I have said in this well is the bravest man in this hemisphere, a man marked for execution by the Communist Sandinistas, turned to our group of nine Congressmen and said, "Well, you know who is here? The Tupamaros, the Montoneros, the ETA, the radical Marxist IRA terrorists, the Bulgarians, all the other East German countries, the

Libyans," and he closed I think on the PLO.

Our translator said, "The PLO, Bulgarians and all the rest"—and I stopped and said, "Please, let us get the whole litany translated," and we went through them all again with this great prince of the Catholic Church, Cardinal Obando y Bravo.

So that is why I think it is tragic that the religious left in this country has intimidated so many Members of our House, when only 38 percent of our country even knows what side any of us are on in this debate, when what we are supposed to do here is win our profile in courage and lead.

Mr. Chairman, in truth, it is a human rights issue concerning 11,000 political prisoners, that we are voting on today.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we are all opposed to the Sandinistas denying freedom to the people of Nicaragua. What we are talking about in this lengthy debate is what should our policy be.

I want to quote from the doctrine enunciated in November 1984 by our Secretary of Defense, Mr. Weinberger. I want to quote him specifically as to when military forces should be used.

Mr. Weinberger said:

If we do decide to commit forces to combat of overseas, we should have clearly defined political and military objectives and we should know precisely how our forces can accomplish those clearly defined objectives and we should have and send the forces needed to do just that.

Mr. Weinberger, our Secretary of Defense, also said in that speech:

Before the United States commits combat forces abroad, there must be some reasonable assurance that we will have the support of the American people and their elected Representatives in Congress.

So then just a few months ago, Mr. Weinberger came to spend a day before the House Armed Services Committee, of which I am a member. I asked him in regard to the administration's policy in Nicaragua how much money was he going to ask for in the future, how long would it take? I asked if American trainers would be used. I asked him about the possibility of American forces involvement.

Mr. Weinberger's answer to me was:

I don't have my crystal ball with me, Mr. Hertel, and I can't tell you all the answers to all of those questions.

Let me cite further Mr. Weinberger's own statement of when Armed Forces should be used:

The point we must keep uppermost in our minds if we ever decide to commit forces to combat, we must support those forces to the fullest to show our national will for so long as it takes to win. We must have in mind objectives that are clearly defined and understood and supported by the widest possible number of our citizens.

Let me tell the Members of the House that before I asked the questions about specifics, I cited Mr. Weinberger's own doctrine to him and again when I asked how much money, how long, and what about American trainers and American forces, he could not give me an answer to those questions, just as no one else in the administration has given us an answer to those questions; but clearly when he points out that we need the long-lasting support of the Congress and the American people, we see that test has not already been met in the Senate and by a very narrow margin his policy with an amendment was approved, because you see, Mr. Weinberger is ignoring and going against his own doctrine.

He quoted in that same November 1984, speech the historian, the military historian Klauswitz. He quoted him as saying:

No one in his senses ought to do so without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it.

Clearly, Mr. Weinberger has not met the test of his own doctrine. His policy is ill-thought out. It is openended and that is why it is going to be defeated by the House. That is why the American people do oppose it.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in support of the Hamilton amendment, but I would just like for a moment to say to my colleagues that I think there are good arguments and bad arguments to be against aid to the Contras. One of the bad arguments is that folks at home need money and it is a mistake to send money overseas. I happen to be one of those Members who believe that there are certain parts of this world that we should send perhaps defense aid and food aid overseas. I do not want to get to see us locked into a trap when we have future foreign aid measures before this House that will be brought up before us and say that we should not support this because we did not support aid to the Nicaraguan Contras.

The fact of the matter is there are reasons on the merits not to support aid to the Nicaraguan Contras. The issue is troubling. There are no clear cut answers.

□ 1435

We obviously do not want another Cuba in this hemisphere. But as my colleague, the gentleman from Michigan [Mr. HERTEL] said, we have to decide what our goals are in connection with this policy, and until we decide what those goals are, I do not want to commit the potentiality of U.S. troop loss of life and a major land war in Central America because we did not know what we were trying to accomplish.

Are we trying to overthrow the Government of Nicaragua? Are we trying to preserve internal freedoms in Nicaragua such as freedom of the press and democracy? Are we trying to stop interference of Nicaragua into other countries? Are we trying to get the Soviets and Cubans out? Are we trying to enhance Latin influence?

Each one of these things demands a different response, and demands a response targeted to what we are trying to achieve. Aiding the Contras may achieve some of these, but certainly not all of these, and it certainly will not achieve the overthrow of the government and it currently will not achieve the preservation of internal freedom.

It certainly will achieve a greater likelihood that the United States will involve troops in that region of the world.

We need to know what our goals are before we go ahead. In the words of H.L. Mencken, for every complicated problem there is a simple and a wrong solution. I fear that we are following that simple and wrong solution in this case, and I urge my colleagues to support the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. HAMILTON].

Mr. BROOMFIELD. Mr. Chairman, may I inquire as to how many speakers the majority side has?

Mr. HAMILTON. Mr. Chairman, we have one remaining speaker for 5 minutes.

Mr. BROOMFIELD. Mr. Chairman, I would suggest, then, after that, that we will reserve the balance of our time, and after the gentleman from New York [Mr. MCHUGH] has finished, we may go directly to the vote.

Mr. HAMILTON. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. I thank the gentleman for yielding this time to me.

Mr. Chairman and members of the Committee, we are clearly facing once again a critical choice on our policy in Central America. This is not a choice between withdrawal and engagement; it is fundamentally a choice between alternative forms of engagement.

Both alternatives before us today recognize that we have legitimate interests in Central America, and that withdrawal and isolation do not constitute a viable policy. However, the two alternatives before us do indeed present us with different ways of actively pursuing our interests in that region.

One alternative is embodied in the President's current policy, a policy which is presented today by the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL]. That

policy focuses on military force, and specifically on military aid to the Contras whose avowed purpose is the overthrow of the Nicaraguan Government.

I realize that some proponents of this aid, and the President himself at times, suggest that the purpose of the aid is to promote negotiations. But this is not the stated goal of the Contras themselves, and many of the proponents have candidly admitted here today, as they have in the past, that the purpose of the aid and the purpose of the policy is the total elimination of the Sandinista government, the cancer, as they call it, in Central America.

If Members support the Michel proposal, make no mistake about it, it is that policy and that goal to which Members are committed, regardless of the circumstances and implications down the road.

The second alternative is presented to us once again by the distinguished chairman of the Subcommittee on the Middle East and Europe, the gentleman from Indiana [Mr. HAMILTON]. This alternative does not embrace the Sandinista regime; it recognizes that we have legitimate concerns and differences with the direction the Sandinistas are taking. Indeed, it suggests and affirms that we will defend our interests with military force if necessary when we are threatened, and we will defend our friends if they are threatened.

This alternative does not disengage the United States from Central America But, rather, it proposes a more affirmative and I believe a more effective alternative for pursuing our interests in Central America. It proposes to work with our friends in the region, and specifically supports the Contadora effort, an effort which has been given lip service by the President but which, in truth, has never been given a real commitment. The Hamilton alternative proposes to reach out and help the people who are suffering in Central America, our neighbors, about whom we are truly concerned, by providing refugee assistance while the political process is given a fair and meaningful opportunity.

Will this alternative policy succeed? Is there any guarantee that it will be effective? No; no one can provide any guarantees here today. But what we do know is that the Hamilton alternative will enjoy much broader public support than the President's policy currently does.

We do know, moreover, that public support both here and in Central America is absolutely essential to an effective policy. Why is it that the people of our country in poll after poll do not support the President's current policy? Is it because they are opposed to military force under any circumstances? I think not. Recent days have shown that the American people will rally behind the President in the use of military force if they believe we have been threatened, as we have in the case of Libya and Qadhafi in particular. American citizens not only have been threatened but they have been killed, and there is sufficient evidence to tie Qadhafi to those killings. They will support military force by the President in such a case so long as they believe that the President has first tried other means of resolving the problem. As the President has said, he did try other means in dealing with Libya. He tried economic sanctions. He tried political persuasion. He tried an initial demonstration in the Gulf of Sidra that we were serious, even in the use of military force, and nothing worked.

When there is no other alternative and when we are in fact threatened, most Americans will support the ultimate use of force, as they have this week in Libya. But they are not convinced, in the case of Nicaragua and Central America, that the President has tried other means. And when they are not convinced, they will not support a policy of military intervention; and when they do not support the policy, it cannot be an effective policy.

So, if the President is sincere, as I believe he is, in attempting to protect our interests in Central America, he should look again at the means he is using because those means are not broadly supported, and therefore are not sustainable as effective policy.

I believe that the Hamilton alternative embodies a more effective, a more popular approach to the active pursuit of American interests in Central America. It proposes to meaningfully pursue negotiations, to try political dialogue, while at the same time affirming that we will defend our interests if they are threatened directly, and will defend our friends if they are threatened directly. The Hamilton alternative enunciates a principle and a policy which the American people can support, and indeed do support if all of the polls are any indication.

I, therefore, urge my colleagues, at this time of critical choice when perhaps we have the last opportunity before military escalation gets out of hand, to support the Hamilton approach as an alternative to the military approach embodied in the Michel proposal.

If we go down the road of military escalation which is embraced by the Michel proposal, there is no doubt that the Sandinistas will respond in kind. Advisers of the U.S. military will be in place under the Michel proposal. Inevitably the escalation will involve U.S. military advisers, even though I am sure the President does not intend to directly involve U.S. forces in the military engagements.

This may in fact be our last opportunity to turn back, or at least pause in the pursuit of military escalation as a U.S. policy in Central America. The Hamilton alternative affords us that opportunity to pause and try negotiations.

I urge my colleagues on both sides of the aisle to make that choice, and to support the Hamilton alternative.

Mr. BROOMFIELD. Mr. Chairman, I would inquire of the majority side if that was the last speaker for them?

Mr. HAMILTON. Mr. Chairman, I have no further requests for time.

Mr. BROOMFIELD. Mr. Chairman, I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. HAMILTON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HAMILTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 361, noes 66, not voting 6, as follows:

[Roll No. 81]

AYES—361

Ackerman	Chappie	Fawell
Akaka	Cheney	Fazio
Alexander	Clay	Feighan
Anderson	Clinger	Fiedler
Annunzio	Coats	Fields
Anthony	Cobey	Fish
Applegate	Coble	Foglietta
Archer	Coelho	Foley
Armey	Coleman (MO)	Ford (MI)
Atkins	Coleman (TX)	Ford (TN)
AuCoin	Collins	Fowler
Badham	Combest	Frank
Barnes	Conte	Franklin
Bartlett	Conyers	Frenzel
Barton	Cooper	Frost
Bateman	Coughlin	Gallo
Bates	Courter	Garcia
Bedell	Coyne	Gejdenson
Bellenson	Craig	Gekas
Bentley	Crane	Gephardt
Bereuter	Crockett	Gilman
Berman	Dannemeyer	Gingrich
Biaggi	Daschle	Glickman
Billrakis	Daub	Gonzalez
Bliley	Davis	Goodling
Boehlert	de la Garza	Gordon
Boggs	DeLay	Gray (IL)
Boland	Dellums	Gray (PA)
Boner (TN)	Derrick	Green
Bonior (MI)	DeWine	Gregg
Bonker	Dickinson	Guarini
Borski	Dicks	Gunderson
Bosco	Dingell	Hamilton
Boucher	DioGuardi	Hammerschmidt
Boulter	Dixon	Hansen
Boxer	Donnelly	Hartnett
Breaux	Dorgan (ND)	Hawkins
Brooks	Dornan (CA)	Hayes
Broomfield	Downey	Heftel
Brown (CA)	Dreier	Hendon
Brown (CO)	Duncan	Henry
Broyhill	Durbin	Hertel
Bruce	Dwyer	Hiler
Bryant	Dymally	Hillis
Burton (CA)	Early	Holt
Burton (IN)	Eckart (OH)	Hopkins
Callahan	Edgar	Horton
Campbell	Edwards (CA)	Howard
Carney	Edwards (OK)	Hoyer
Carper	Emerson	Hubbard
Carr	Evans (IA)	Hughes
Chandler	Evans (IL)	Hunter

Hyde	Mitchell	Skeen
Ireland	Moakley	Slattery
Jacobs	Molinari	Slaughter
Jeffords	Monson	Smith (NE)
Johnson	Moody	Smith (NJ)
Jones (NC)	Moore	Smith, Denny (OR)
Jones (TN)	Moorhead	Smith, Robert (NH)
Kanjorski	Morrison (CT)	Smith, Robert (OR)
Kaptur	Morrison (WA)	Snowe
Kasich	Mrazek	Snyder
Kastenmeier	Myers	Solarz
Kemp	Natcher	Solomon
Kennelly	Neal	Spence
Kildee	Nielson	St Germain
Kindness	Nowak	Staggers
Kleczka	Oakar	Stallings
Kolbe	Oberstar	Stangeland
Kostmayer	Obey	Stark
Kramer	Olin	Stokes
LaFalce	Owens	Strang
Lagomarsino	Oxley	Stratton
Lantos	Packard	Studds
Latta	Panetta	Stump
Leach (IA)	Parris	Sundquist
Lehman (CA)	Pashayan	Sweeney
Lehman (FL)	Pease	Swift
Leland	Penny	Swindall
Lent	Petri	Synar
Levin (MI)	Porter	Tauke
Levine (CA)	Price	Taylor
Lewis (CA)	Pursell	Thomas (CA)
Lewis (FL)	Quillen	Torres
Lightfoot	Rangel	Torricelli
Livingston	Regula	Towns
Loeffler	Reid	Traficant
Long	Richardson	Traxler
Lott	Ridge	Udall
Lowery (CA)	Rinaldo	Vander Jagt
Lowry (WA)	Ritter	Vento
Luken	Roberts	Visclosky
Lundine	Rodino	Volkmer
Lungren	Roe	Vucanovich
Mack	Rogers	Walker
Madigan	Rose	Waxman
Manton	Rostenkowski	Weaver
Markey	Roth	Weber
Marlenee	Roukema	Weiss
Martin (IL)	Rowland (CT)	Wheat
Martin (NY)	Roybal	Whitehurst
Martinez	Rudd	Whittaker
Matsui	Russo	Williams
Mavroules	Sabo	Wirth
McCain	Savage	Wise
McCandless	Saxton	Wolf
McCloskey	Schaefer	Wolpe
McCollum	Scheuer	Wortley
McDade	Schneider	Wright
McEwen	Schroeder	Wyden
McGrath	Schuette	Wylie
McHugh	Schulze	Yates
McKernan	Schumer	Yatron
McKinney	Seiberling	Young (AK)
McMillan	Sensenbrenner	Young (FL)
Meyers	Sharp	Young (MO)
Michel	Shaw	Zschau
Mikulski	Shelby	
Miller (CA)	Shumway	
Miller (OH)	Shuster	
Miller (WA)	Sikorski	
Mineta	Siljander	

NOES—66

Andrews	Hall (OH)	Pepper
Aspin	Hall, Ralph	Perkins
Barnard	Hatcher	Pickle
Bennett	Hefner	Ray
Bevill	Huckaby	Robinson
Bustamante	Hutto	Roemer
Byron	Jenkins	Rowland (GA)
Chapman	Jones (OK)	Sisisky
Chappell	Kolter	Skelton
Daniel	Leath (TX)	Smith (FL)
Darden	Lipinski	Smith (IA)
Dowdy	Lloyd	Spratt
Dyson	MacKay	Stenholm
English	Mazzoli	Tallon
Erdreich	McCurdy	Tauzin
Fascell	Mica	Thomas (GA)
Flippo	Mollohan	Valentine
Florio	Montgomery	Walgren
Fuqua	Murphy	Watkins
Gaydos	Murtha	Whitley
Gibbons	Nelson	Whitten
Gradison	Ortiz	Wilson

NOT VOTING—6

Eckert (NY)	Lujan	O'Brien
Grotberg	Nichols	Rahall

□ 1500

Messrs. PERKINS, MICA, ASPIN, and WHITTEN changed their votes from "aye" to "no."

Messrs. COLEMAN of Missouri, IRELAND, DORNAN of California, GREGG, KASICH, DAVIS, BROOKS, MOORE, and STRATTON changed their votes from "no" to "aye."

So, the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair advises that under the rule the gentleman from Illinois [Mr. MICHEL] will be recognized for 15 minutes and the gentleman from Washington [Mr. FOLEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

PARLIAMENTARY INQUIRY

Mr. FOLEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOLEY. Mr. Chairman, is additional debate time still pending?

The CHAIRMAN. The Chair will advise that under the rule there is 30 minutes of additional debate time, allocated 15 minutes to the gentleman from Washington, and 15 minutes to the gentleman from Illinois.

Mr. FOLEY. I thank the Chair.

Mr. MICHEL. Mr. Chairman, it might be of interest to be informed as to why this action was taken. It may come as a shock to some of you to see the Republican leader and other Republicans vote for the amendment offered by the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Maryland [Mr. BARNES].

Let me explain why we did it. When you have a rotten rule to play by, we are forced to be somewhat unconventional in our approach to the process. Our vote was the only way we had of telling the majority of the American public that we will not be a party to a procedure that debases the legislative process and demeans the ideals of comity and civility that lie at the heart of that process.

This procedure under which we are forced to debate is a variation of the old con game "heads I win, tails you lose." We refuse to play the roles assigned to us by the directors of this farce.

We have been forced to introduce a rule that will eventually give the House a real chance to debate and vote on this very important issue, standing alone without being married up to a proposition that it frankly, as I said weeks ago, is going nowhere.

But in order for this strategy to become successful, we need 218 votes for a discharge petition. Monday Mr. LOTT and I introduced a rule, House Resolution 419, which will make in order House Joint Resolution 283, introduced by the gentleman from Oklahoma [Mr. MCCURDY] last year, that has to do with funding the freedom fighters in Nicaragua.

It would be our intention under that rule as so enunciated in the rule, to make in order three substantial amendments: Mr. MCCURDY himself would be permitted to introduce his own amendment to his previous resolution. Mr. BARNES and Mr. HAMILTON will be allowed to have their own amendment, and then it would be expected naturally that BOB MICHEL would have his own amendment that pretty closely tracks with the President's proposal here.

By the middle of next week, after the required 7 legislative days have expired, we will file a discharge petition and begin selecting Member's signatures on that discharge petition.

□ 1510

If we get the required number of signatures, it will then be our intention to call up this rule on May 12, the first date under the rules on which it would be eligible to be called up.

But even at that late date that appears to be now, when I see what will happen with the supplemental appropriation bill, we are going to be ahead of our time if we honor that kind of proposition. And in my judgment we ought to take that course.

In last month's debate, our distinguished colleague, the chairman of the Committee on Foreign Affairs, Mr. FASCELL, said this issue is not going to go away. The issue is will we have democracy in Nicaragua? That indeed is the issue, Mr. Chairman, as you reflect the great and glorious tradition of your party and having said so that day in debate on the floor of this House. Now for those of you in the majority leadership who thought you could ignore the flight of democracy from Nicaragua by turning this debate into one in which we have to choose between aid to the Contras and a supplemental appropriation bill loaded with goodies, I have to say again we just cannot play that game.

Frankly, it is just inconceivable that serious leaders would deal with a grave foreign policy issue in this way. So I do not know that there is any need for any further explanation. That was the reason for our doing what we did today, and we hope that there would be those reasonable rational people out there who likewise see it our way, that when the time comes for signing the discharge petition to give us a mechanism by which we could bring this up as a freestanding proposition

and being fair about giving your side two substantial amendments to do anything you want to, I just happen to feel that my position is one that is shared by a majority of this House and given a clean shot at it, will win notwithstanding your two efforts to try and beat us down.

Just give us that chance.

And finally, my friends, I think the President deserves better treatment than what we would propose to be giving him here today by this sham charade.

The CHAIRMAN. The gentleman from Washington [Mr. FOLEY] is recognized for 15 minutes.

Mr. FOLEY. Mr. Chairman, as I said this morning, there is no person I respect in this House more than the distinguished leader of the Republican Party, the gentleman from Illinois. I think that is an opinion that is very broadly shared on our side of the aisle from the Speaker to the newest Member of the Democratic Party. We have a deep division on this question, that has nothing to do with whether we are Democrats or Republicans. There are Democrats who are for Contra aid, as well as Republicans who are against it. There is no question of patriotism involved here. There is a deep question of what our country's policy should be for the future in Central America, and it is a long and very important decision that is being made today. What we are deciding goes beyond whether we will provide $100 million in 18 months. It goes many years ahead, for better or worse.

Today I heard my friend, the distinguished Republican leader, say something very surprising. He came to the floor and said it was because the American people do not understand this issue that the President and the administration have been unable to get even a bare majority of support from any region of the country for this proposal.

In fact, the American people disapprove the policy enunciated in the Michel amendment. While some would lay the blame for this on the public and what they believe to be its lack of understanding of the issue, I in fact think they understand it very well. By 2 to 1, 3 to 1, and 4 to 1, and even greater percentage in every region of this country and, in every poll or survey that has been taken, and however the question is stated, they have come back again and again saying that they do not want a war in Nicaragua, they do not want a proxy war, they do not want an American war.

That does not mean that they approve of what is going on in Nicaragua or that they want to see Soviet or other influence brought into this hemisphere in a way that endangers our liberty—I did the gentleman the courtesy of being attentive during his remarks, and I hope he will do the same courtesy for me.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I will in a moment.

We had an opportunity today to vote on a compromise. While the President's original proposal was given in an up or down, all or nothing way, it seems to be the determination of some here to have the House deny that same consideration to others. We think it would be in the American people's interest to have a decision about whether there should be some compromise, some intermediate position. That, however, is not going to be permitted by this tactic. Make no mistake about it, it is a tactic, one which the gentleman from Illinois himself confessed and stated he was unfortunately forced to make. Let us have no mistake either about the fact that frustration and difficulty here have nothing to do with one procedure or another. They arise from the fact that the American people cannot and will not be brought along to a policy of headlong, reckless intervention in Latin America that could eventually bring us to the brink of a war they do not want and that they reject. That is the issue and the problem. The rest of it is just debate.

Mr. Chairman, I yield to the gentleman from Illinois briefly.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, if the gentleman is so sure that the American public is so overwhelmingly behind his position, why the reluctance to give us a free-standing vote on this important issue?

Mr. FOLEY. If the gentleman is so convinced of his own position why not permit Mr. MCCURDY to offer his amendment and let us have a vote on that?

Mr. HYDE. We will, we will.

Mr. FOLEY. We can do that today. We can do it right now. In fact, we would have done so.

Let us not have a misunderstanding over what the issue is.

With the best effort and with sincere commitment, the President and the administration have tried to persuade the American people of this policy. Because they have not been able to do that, I think that as much as anything else, this is an effort to have a little more time for persuasion. There should be no question about fairness.

The House of Representatives rejected the President's proposal when it came before this House on an expedited procedure. We said then that we would offer another opportunity on the supplemental appropriations bill, and that is what we did. Now it is suddenly contended that that was unfair.

In fact, it went beyond the original commitment in offering fairness. If normal procedure had been followed any such proposal would have been referred to committee.

If the gentleman will permit, Mr. Chairman, I would move at this time that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LOTT. Does this mean that we will not resolve, that there will not be a vote on this issue today?

Mr. CHAIRMAN. It is a straight motion to rise.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington [Mr. FOLEY] withdraw his motion temporarily?

Does the gentleman yield to the distinguished Speaker?

Mr. O'NEILL. Mr. Chairman, may I be recognized for 5 minutes?

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. FOLEY. Mr. Chairman, I yield such time as he may consume to the distinguished Speaker, the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL. Mr. Chairman, may I say when this bill came to the House and the Congress accomplished its will, during the time previous to the debate I talked with the members of my party. Many of them were very much concerned that the McCurdy amendment have an opportunity. I guaranteed them at that time that this bill would be up on the Tuesday after the week we came back, April 15. And I also said that any other Member who had an amendment that they want to offer, they would be able to offer it. That meant Democrats and Republicans.

Now let me say this: In the discussion "how do we get a vehicle, how do we get a vehicle?" do we file the legislation? If we do, it goes to the appropriate committees, it is assigned to a subcommittee, then to the full committee. There is no way possible I could fulfill the commitment that I gave to those people who had asked for the McCurdy amendment or any other amendment if we want that process.

It was clearly understood to them, clearly understood to them.

The minority leader called me and asked me, he hoped they would get a fair shot. I said, let me look and see what we could do.

There was no vehicle out there. Only one vehicle that we knew that was coming along, the supplementary appropriation budget. So we attached it to the supplementary appropriation budget, and anybody that came and asked me for an amendment I said "Go to the Rules Committee. If you

can convince the Committee on Rules, then fine."

I have made a commitment that there is going to be a vote on that day.

Now let me say I think that we did everything humanly possible so I could keep my word. And it was done. I understand, of course, last Monday that you placed a bill before the House. I believe you, Mr. Republican Leader, and your Republican whip, Mr. LOTT, filed a rule. I think you have something like 7 days before you can get the signatures. Then under the call of the discharge calendar you may bring it up. If you can go that process, that is the rule of the House. No way am I going to stop you. No way can I stop you.

You must get 218 signatures to discharge. You understand that. Where are we now? Where are we now?

The gentleman from Washington has offered a motion to rise. We will rise and that means that we will not bring the bill up again. Fine, we will go back to the Rules Committee and we will get a clean rule on the supplemental, nothing to do with Central America whatsoever.

If on the prescribed day your bill comes up it will be brought to the floor, and we will go through the process as provided in that rule.

So with that, the schedule for the remainder of the week would be that we would rise, we would go back to the Rules Committee and bring a supplementary appropriations bill up next week, possibly Tuesday because we only meet until Wednesday of next week, Thursday and Friday being off because of the religious holidays. On Thursday, tomorrow, I believe there is a labor bill. We would hope to complete that bill tomorrow, and that would finish the session for the week.

So I wonder if the gentleman from Washington would make a motion at this time that the Committee do now rise.

Mr. FOLEY. I will yield for a parliamentary inquiry from the gentleman from Oklahoma.

Mr. O'NEILL. The chairman should recognize the gentleman from Oklahoma.

A little levity is good for the House.

PARLIAMENTARY INQUIRY

Mr. McCURDY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCURDY. Mr. Chairman, under the procedure here might I inquire as to the Chair's understanding as to the status of the amendment that is offered by this gentleman and seven other Members of this body, under the procedure as outlined by the minority leader?

The CHAIRMAN. The Chair will advise the gentleman that under the rule his amendment could be considered today only if the Hamilton amendment was rejected in the Committee of the Whole. But the Hamilton amendment in the nature of a substitute having been adopted, the gentleman's amendment cannot be considered in the Committee of the Whole, whether or not the Committee rises.

Does that answer the gentleman's question?

Mr. McCURDY. I would yield to the gentleman from Wisconsin [Mr. ASPIN].

□ 1525

PARLIAMENTARY INQUIRY

Mr. ASPIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPIN. Mr. Chairman, the question is, if we do not rise and we continue with amendments today, I am asking what would happen on the votes? For example, if the Committee rises, we would then have a vote on the Hamilton amendment in the House; is that what would happen?

The CHAIRMAN. If the Committee rises in regular form, under the rule form, the Hamilton amendment would be put to a vote in the House.

Mr. ASPIN. If the Hamilton amendment is voted down at that point, what is before the House at that point?

The CHAIRMAN. The original House Joint Resolution 601. A straight motion to recommit would be in order before the question is put on passage.

Mr. FOLEY. Mr. Chairman, I renew my motion. I move that the Committee do now rise.

PARLIAMENTARY INQUIRY

Mr. MICHEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHEL. Mr. Chairman, is it not true that under the rule, had we gone through the amendment process on the Contra aid proposition and the rule would not have foreclosed our messaging that issue over to the other body, we could have had, in effect, a freestanding proposition here? But it was the rule itself that dictated those two together?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry that the Chairman of Committee of the Whole can answer.

Mr. FOLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WHITLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 601) relating to Central America pursuant to the International Security and Development Cooperation Act of 1985, had come to no resolution thereon.

PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOTT. Mr. Speaker, what is the present status? The committee has risen, so there will be no further consideration of the Contra aid or the supplemental today; is that correct?

The SPEAKER. The gentleman is correct.

Mr. LOTT. Mr. Speaker, could the Chair then advise the Members as to what the schedule would be for the balance of the day.

The SPEAKER. There is no legislation for the balance of the day. Tomorrow the labor legislation will be considered.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from California [Mr. DANNEMEYER].

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from the District of Columbia [Mr. FAUNTROY].

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4420, MILITARY RETIREMENT REFORM ACT OF 1986

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 99-537) on the resolution (H. Res. 421) providing for the consideration of the bill (H.R. 4420) to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IN MEMORY OF H. CARL MOULTRIE I

The SPEAKER. Under a previous order of the House the Delegate from

the District of Columbia [Mr. FAUNTROY] is recognized for 5 minutes.

Mr. FAUNTROY. Mr. Speaker, I and other Members would like to pay tribute to the late H. Carl Moultrie I, who served as chief judge of the D.C. Superior Court.

In his lifetime, Carl Moultrie received many awards and honors, all of them, richly deserved. He was actively involved in community service since the beginning of his career. Noteworthy among his activities in this respect are: president, D.C. branch NAACP; member, board of directors, Council of Churches, Washington, DC; chairman, D.C. Commission on Human Rights; Chair, nominating committee, American Lung Association; member, board of directors, Pretrial Services Agency, Washington, DC; vice president, Bloomingdale Civic Association, Washington, DC; chairman, D.C. Housing Committee, Inter-Boundary Neighborhood Council; member, board of directors and executive committee, D.C. Citizens for Better Public Education, just to name a few.

As chief judge of the D.C. Superior Court, Carl Moultrie brought many far-reaching reforms to that system. He instituted an innovative Child Support Enforcement Program in 1983 through which child support orders are routinely monitored for compliance. He convinced the American Bar Association to select the District of Columbia to run a national model program in dispute resolution that in just 1 year has attracted the attention of judges and criminal justice experts. Another important judicial contribution is the District's experimental multidoor courthouse which provides a growing number of District residents with alternatives in litigation.

In addressing a group of dignitaries gathered to launch the multidoor program, Chief Justice Warren E. Burger applauded Judge Moultrie's leadership and vision—so do I.

Chief Judge Moultrie increased public access to the court in other ways as well. He brought special services to the city's Spanish-speaking community by the translation of frequently used court forms into Spanish and the display of bilingual information signs in the court. His work with the small claims court pioneered the needs of cases otherwise neglected.

Carl Moultrie's energy and commitment to mankind will be missed. To his family I extend my deepest sympathy upon their loss of husband and father, for the rest of us, the memory of the important contributions of this great man will serve as an inspiration in our lives.

Mr. DELLUMS. Mr. Speaker, amidst the important House affairs fixed on today's agenda, I have designated as one of my top priorities a few moments to reflect upon the death, but more importantly, the life work of a great man, H. Carl Moultrie I.

Coming from a small town in Charleston, SC, among other notable achievements, he went forward to become a lawyer, president of the D.C. NAACP, an associate judge for 6 years and eventually to serve in the capacity as chief judge of the Superior Court of the District of Columbia, a position which he held from 1978 until the time of his death. Although he is well known for the many outstanding, significant contributions which he made to society, he is most recognized for the achievements he made while serving as chief judge.

Without a doubt, he met the pledges he made to the commission in 1978, and to the citizens of the District of Columbia as he was appointed chief judge. He implemented a number of far-reaching reforms that have increased the access of District residents to justice and improved the overall administration of the court system in the District of Columbia.

Judge Moultrie forced the D.C. Superior Court to the forefront of judicial reform by addressing the needs of families and children who are put to risk by the nonpayment of court-ordered child support, instituting an innovative Child Support Enforcement Program in 1983.

As Langston Hughes forever lives through the continuous reading of his magnificent poetry, so lives H. Carl Moultrie through the constant reflection upon the outstanding contributions which he made to society, as well as through the impressions he placed on the hearts and minds of so many. H. Carl Moultrie, a man who gave a new meaning to commitment and excellence will be sorely missed.

Mr. McKINNEY. Mr. Speaker, it is my privilege to join my colleagues in paying tribute today to H. Carl Moultrie I, chief judge of the District of Columbia Superior Court. Judge Moultrie fell victim to cancer only weeks after publicly announcing his condition. His loss is a great one to every resident of the District of Columbia, for his accomplishments in their behalf are incalculable.

His entire adult life was characterized by service to others, and he brought his unique leadership qualities to everything he touched. Characteristically, he labored until the very end. But it was a labor of love, and I am certain that when he realized that the end was near, he felt saddened by goals not yet achieved. With no thoughts of self, he would have regretted not having spent more time at improving a judicial system that under his stewardship went from an uncertain infancy to become in many respects a model for the rest of the country.

Typically, Judge Moultrie would counter praise with a frank assessment of how much better some accomplishment could have been had he only done one additional thing or another. Not one to bask in the glory of achievement, Judge Moultrie would be discussing plans for the next step while others celebrated the achievement of the first step. Yet he did not seek change for the sake of change.

Countless times, in the face of congressional indifference or opposition, he was able to steer a steady course, all the while quietly and effectively convincing our colleagues that certain reforms were prudent and justified. It is to his personal credit that many innovative programs are now hallmarks of the local judiciary. During his tenure, he managed to maintain and improve the courts, oftentimes a very difficult task with the competing demands and suggestions of the council, the mayor, and assorted personalities in Congress. Yet he managed to balance and satisfy these demands, and in the process improve the situation not for himself, not for his colleagues on the bench, but for the residents of this city.

He was, in the truest sense of the term, a gentleman. His style was aggressive, but never abrasive or confrontational. Although devoid of political ambition, he possessed the knowledge that through compromise, accord is achieved. He had the ability to shepard together those with radically different aims, and perhaps more significant, to make all interests feel appeased. It was not through strict adherence to his position that he made such accomplishments, but through quiet diplomacy and the sincere belief that he, too, could be wrong. Seldom if ever did he accept credit for what was clearly his personal accomplishment.

To his family and friends, I express my deepest sympathy. And to those who did not know him well, I would end my comments with something I believe Judge Moultrie himself would say. Do not dwell on today, for there is much more to be done. Carl would wish that those in Congress and on the bench not spend that precious commodity of time singing his praises, but rather on striving to achieve the goals he set toward the betterment of life for all citizens of this city. I hope that we can honor his memory by doing just that.

Mr. BARNES. Mr. Speaker, the metropolitan area owes a debt of gratitude to an exemplary public servant who distinguished himself over the years as a civic leader, advocate, and jurist. The death of Judge H. Carl Moultrie I, chief judge of the D.C. Superior Court, will be mourned by all who were aware of his service and contributions to the community.

Many in this area knew Judge Moultrie best in his role as jurist, but the range of his activities prior to his appointment to the bench say a lot about the man and his compassion for humanity. As a young man he was a journalist, social worker, executive director of a Boys Club, probation officer, housing project manager, executive secretary of Omega Psi Phi, civil rights leader, and lawyer for the poor. All of these roles prepared him well for his work on the D.C. Superior Court.

As chief judge he rose to the challenges of the job with skill and sensitivity. He encouraged innovation and put reforms in place that leave his clear imprint on the work of the court. He instituted a court Child Support Enforcement Program to monitor and enforce child support orders, he established a sentencing guidelines commission to reduce disparate criminal sentences, and instituted arbitration and mediation facilities to encourage use of those measures as an easier and less expensive means of dispute resolution.

The city has lost an impressive and compassionate jurist who will not be easily replaced. We were fortunate to have an individual of his caliber serving the community.

□ 1535

CAPITAL PUNISHMENT

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, the subject of my special order this evening—actually, this afternoon, since we stopped business so abruptly—is going to be on the question of capital punishment and the necessity of our enacting legislation in the very near future.

But before I get into that, I would like to discuss, just for a few moments, with some of my colleagues what has occurred here today, because I think, in fact, it is extemely important for us to discuss it for a few moments, at least.

On our side of the aisle, Mr. Speaker, many Members felt that, although we had the opportunity to go to the Rules Committee, oftentimes the die is already cast. Perhaps that has something to do with the markup of the Rules Committee being 9 to 4, 9 Democrats to 4 Republicans, and anybody who has any idea of mathematics can figure out the odds of attempting to get a rule in our favor.

But, nonetheless, at least on our side of the aisle we had expected an opportunity to have a free-standing vote on the President's package. We understand the separation of powers, the executive branch and the legislative branch; we understand that we are required to legislate here and that we have the opportunity to set our own rules. But those on our side of the aisle, in keeping with the notion that politics ends at the water's edge, thought that at least the President of the United States should have the opportuntity to have an important issue debated, at least given a chance to be debated on his terms.

We happen to have a predominant, an overwhelming support for the President's position on that issue on our side, and yet, despite our attempts to get a free-standing vote, that was denied us.

It is a very difficult decision for Members of Congress to vote for the Barnes-Hamilton amendment when in fact we think it does not meet the needs of Central America. It is particularly difficult for those of us from the Southwest portion of the United States who perhaps most acutely feel the effects of the instability of Central America to vote in that way. But as our distinguished leader, the gentleman from Illinois [Mr. MICHEL], said, when you have been given a stacked rule, when you have been given an unconventional rule, you have to respond in unconventional fashion. We responded in an unconventional fashion today. And I think, Mr. Speaker, you have made it very clear as to what the terms of the game are now. I think you very clearly stated that if the President is to have his opportunity for a free-standing vote on a question of major concern to the American people, he will have to do it by means of a discharge petition. Quoting you in earlier session, Mr. Speaker, when we had the ERA up, you said it was your prerogative to establish the calendar, it is your prerogative to bring bills to the floor. You have now made it clear that if we are to get a free-standing vote for the President of the United States on an issue of central importance to Central America, we will be required to go the discharge petition route.

So I hope all the Members will heed your words and recognize that if we are to respond to a very important issue we are going to have to do that, because, as you have said, there is no other way.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I hope that an important precedent has been established today, and that is the rule that in very important foreign matters, whether they be issues in which we think the Democrat side of the aisle is going to prevail or the Republican side of the aisle, those issues should not be framed in a manner which bogs them down procedurally, and procedural mechanisms should not be utilized to prevent the President of the United States from at least having his shot at an important issue. I think that is restating, to some degree, Sam Rayburn's statement that politics ends at the water's edge.

I would like to say, as a Member of the Republican Party on this side of the aisle—and I think this is a clear feeling over here—as a Republican, it is my intention and I think the intention of many Members on this side of the aisle, that this same rule will be applied when there is a Democrat President, that he will have a fair shot at getting a vote on his issues which he deems to be of great national importance in the public affairs area. I think it is reasonable, it comports with our tradition in the past, and I think what the Republican leader, ROBERT MICHEL, did today was completely in keeping with that tradition.

Mr. LUNGREN. I thank the gentleman.

I would be happy to yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I think it is important to point out that what we saw this afternoon is an example of the frustration that the minority often feels, with the kind of arrogance of power we see demonstrated by the majority party in this body.

What has happened with regard to the Rules Committee—and the gentleman from California rightfully points out—with a 2 to 1 plus 1 majority that exists on the Rules Committee, literally the rules are being written, and particularly important rules of this type, in the Democratic caucus. The Republicans are not even being consulted. The Republicans are being told what the rule is. We have no chance for input. Legitimate amendments that are wanting to be offered by even the minority leader of the House are rejected out of hand. The minority is stuck with procedures that we had no hand in developing, and we are being told, "Take it or leave it."

Well, today what we are faced with was an absolutely fraudulent procedure. It was a procedure that by virtually unanimous feeling on this side of the aisle was a procedure without merit. So it was decided on this side of the aisle to use the majority's own procedure against them, because they designed it and so, therefore, if there were a way that the minority could exact a penalty for that design, we were determined to do it.

It is a shame that the merits of an issue have to get lost in that kind of process. But the fact is that the processes of this House are tied up in the rules that the majority, first of all, foist upon this body on the opening day and then continues to change, at will, as we go through the process. That is changed, then, by overwhelming majorities in key committees, such as the Appropriations Committee that was bringing the whole bill to the floor, and the Rules Committee that designed this particular bad rule. And we saw the venting of a minority opinion today that the majority simply has taken an arrogance of power unto itself, which is totally unacceptable. Perhaps the message was so clear today that, ultimately, we will get some fairness in this body. We are a little sick and tired, in all honesty, of hearing everything described from that side being talked about as fair when in fact we know that it is fundamentally unfair. Perhaps we will achieve some true fairness at some point here.

Mr. LUNGREN. I appreciate the gentleman's remarks.

Mr. Speaker, the point I would like to underscore is that this is an issue of major significance. There was debate on both sides, talking about how it is a controversial issue, how the decisions made on this issue will not only affect us in the next 18 months but the next 5 years and the next 10 years. And I agree with that. It does appear to me that if it is that important, then it really merits being dealt with on its own, standing alone, and the President of the United States ought to be accorded the courtesy of at least having his view voted on singly—if it is that important. And so if in fact it is not mere rhetoric to describe this issue in the terms that it was described on both sides, we do a disservice to the seriousness of the issue by, as our friend, the gentleman from Illinois [Mr. HYDE], said, trivializing it with this type of a rule.

I will be happy to yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I would like to talk for a moment about that rule, because I watched that rule being made. Of course, as I went through my civics classes as a youngster, I heard a great deal of what we do in this country to protect against the tyranny of the majority. As we know, there is about a 2-to-1 majority of the Democrat Party versus the Republican Party on the Rules Committee. I stayed very late last Thursday afternoon, while most of the Members had gotten on their way back to their districts, to testify, on behalf of myself and 70 other cosigners of a letter that I had, against the rule that would waive the rules of the House that prohibit legislation in appropriations bills. As I sat through the process and watched person after person go before this committee and ask for further waivers of the prohibition against legislation so they could make even additional legislation in this appropriation bill, and watched the gentlewoman from Colorado asking for a rule that would allow her to include legislation that would prohibit further nuclear tests, we had an interruption in the proceedings as Congressman LOTT, one of our leaders on our side, the minority whip and a member of the Committee on Rules, inquired regarding the continued process and when the rule would be completed.

I was, frankly, appalled to see the gentleman from Michigan [Mr. BONIOR], a majority member of that committee, tell Mr. LOTT that they had a rule.

Now, this was during the time when the proceedings were going on and the testimony and the requests were coming in. The gentleman from Michigan [Mr. BONIOR], told the gentleman from Mississippi [Mr. LOTT], a member of the committee, "We have a rule, and when we finish the proceedings here we will be happy to tell you what that rule is."

The gentleman from Mississippi [Mr. LOTT], was, obviously, taken aback and asked if Mr. BONIOR thought he might like that. Mr. BONIOR said—and, I might add, quite smugly—"We believe there will be some things in the rule we have that you will like."

Further discussion of the matter was ruled out.

It became clear to me at that point, after I had canceled my travel arrangements twice already on that day, was preparing to do it again so that I could stay and make my request on behalf of myself and 70 other Members of the House who had signed my letter, that that would be a futile effort because, as the majority Member reported during the proceedings, they had the rule and they would tell us what it was after the proceedings were over.

Mr. LUNGREN. If I might recapture my time, I suppose the gentleman's feelings on that matter were colored somewhat—your feelings, that is—by the makeup of the committee, that is, 9-to-4 majority to minority, that is, you go in there figuring your chances are not very good to begin with.

Mr. ARMEY. Well, certainly we had that concern; but we did feel that with the strength of a letter signed by 70 Members of Congress, an ability to try to make that case, as clearly a bipartisan request from Members of both sides of the aisle, that we would get consideration.

Mr. LUNGREN. As I understand it, the gentleman got every bit as much consideration as the President of the United States did.

Mr. ARMEY. I might point out that in Texas, in the old days, we used to give them a fair trial and then hang them. But in this case the hanging took place before the trial. I think that is what disturbed me.

Mr. LUNGREN. I think there is an old description of it. It is called: Ready, shoot, aim.

It is one of the ways we do business around here if you have got the votes in your favor.

I yield to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. I thank the gentleman from California for yielding.

Mr. Speaker, just for the record, I would like to correct some impressions.

The gentleman from Washington, before this House at the end of the last vote, implied that the gentleman from Illinois, the minority leader, was ignoring the will of the American people and felt that the American people really did not know what was going on in Nicaragua.

What the gentleman from Illinois was doing was quoting from a poll done by the New York Times-CBS News. And in that poll, I think it is instructive to repeat, only 38 percent of those polled know that the administration is supporting the Contras and not the Government in Nicaragua.

So a minority of the American citizens polled knew whose side we were on. A majority did not know who the United States was backing.

As to the nature of the Sandinista regime, just 20 percent of the people polled think it is Communist. Approximately an equal number, 19 percent, think it is a right wing dictatorship. Forty-nine percent have not the slightest idea of what ideology the Sandinistas have.

This is an astounding fact, but the minority leader was not stating that the American people are not being listened to, but he was stating that this issue is not the best understood issue to come along.

□ 1550

Mr. LUNGREN. I appreciate the gentleman's remarks. I think to underscore what the gentleman said, it is a fact that we have not had the debate that is necessary to move the country toward a full appreciation of what the stakes are in Central America. We are just beginning that debate.

One of the things we have done in terms of the President's speeches, the debate that has gone on within the White House, the debate that has gone on here, is just to initiate the debate. In fact, it seems to me we do a disservice to the American people by cloaking the debate with this kind of a rule, that instead of allowing you to get to the issue and having it free standing, hides the rules behind the supplemental that is as full of pork as our minority leader said yesterday as a film festival on Porky Pig.

I mean, it is astounding that an issue this important, that is not as fully understood in this body as well as in the public at large would be hidden behind the doors of a supplemental on things that have absolutely nothing to do with this issue at all.

Mr. RITTER. If the gentleman would just yield back for a moment, I would appreciate it.

Mr. LUNGREN. Certainly.

Mr. RITTER. It would be interesting if the American people were presented with the fact before the question was asked, if they were presented with the fact that Libya and Qadhafi work hand in glove with Nicaragua and the Sandinista Communists, what would their response be?

How many of the American people would know that Qadhafi and Ortega and D'Escoto raised their fists in solidarity, while Qadhafi makes the statement that, "We fight with the Nicaraguans because they fight the United States on their own grounds."

How many Americans if they knew the Libya-Sandinista connection would oppose the President's policies in Central America?

Mr. LUNGREN. I would say to the gentleman, knowing the intelligence of the American people, I think that question answers itself. I think the American people would strongly support it.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield.

Mr. LEWIS of California. I appreciate my colleague from California yielding.

I wonder if the gentleman would continue a colloquy with me. I have followed the Nicaraguan issue with great care and spent a good deal of time on it since 1979 when we arrived here in this body. As I remember at that point in time, the debate that we watched as new Members involved a discussion that suggested that Amer-

ica had joined forces to pressure change in Nicaragua. We pressured Somoza out and that the Sandinistas were making this great promise, that is, they were going to bring about a democratic process, democratic institutions, free press, no oppression of the church, et cetera, et cetera.

Others said, "Wait a minute. That change looks to us that there could be some problems."

Some suggested that maybe even some Communists had an interest there. The debate raged here.

The House made a decision to go with hope and so they decided to give a good deal of money over there, that is quite a few years ago, some $120 million to that new Sandinista group.

I guess we know that some of our Members actually believe that somehow we walked away from the Sandinistas.

Mr. RITTER. Mr. Speaker, if the gentleman will yield, could I ask the gentleman from California a question?

Mr. LUNGREN. I am happy to yield.

Mr. RITTER. Let me ask the gentleman from California a question. Did the gentleman vote for that assistance to the newly emerging revolutionary government, I know I did. I know the gentleman from Illinois, Mr. HENRY HYDE, did. We had hope.

We tried to work with them. Our Government gave them significant development loans, probably more than in the entire history of the Somoza regime; so it is not as if those of us who are standing here promoting aid to the Contras were not on the side of a good democratic revolution in Nicaragua when it happened.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield further?

Mr. LUNGREN. I am happy to yield.

Mr. LEWIS of California. The gentleman makes a very good point. Of course, we came together in a bipartisan way in the House and said it looks as though there is a chance for pluralism. It looks as though there is a chance for democracy and expanded economic opportunity within Nicaragua. There was bipartisan support to help this promise succeed, but the warnings were real as well. We made the decision to vote for hope, but then at the next step we found ourselves in a circumstance where a few within that new organization had plans of their own. The Ortega brothers and their friends who now we call the Commandantes had been laying the foundation to capture the democratic people's revolution and take it over.

Mr. RITTER. Mr. Speaker, will the gentleman yield on that particular point?

Mr. LUNGREN. I am happy to yield for just a short time.

Mr. RITTER. We know that 6 months after the Sandinistas took power in Managua, Nicaragua, 6 months after, there was a training group of some 600 Salvadorans who transmitted illegally through Nicaragua, got their papers, got their air fare, got their safe house preparations and went to Cuba to study terrorism and warfare, to make war back in their home country of El Salvador; so it really does seem that from the outset the Sandinistas had these kinds of terrorist aims in mind.

I might add that today when I and others brought up the Sandinistas-Libya connection, the intimacy of that connection, the intimacy of the terrorist relationship, the intimacy of the arms transfers from Libya to Nicaragua, no one on the other side of the aisle, no one denied that connection. I thought that was interesting.

What they tried to say was Libya was different from Nicaragua. Yes, it is in a different place in the world. Nicaragua is a lot closer to home. What they tried to say was that Libya exports terrorism and Nicaragua does not. This is patently untrue. It is patently in denial of objective reality.

Mr. RITTER. Mr. Speaker, would the gentleman just let me complete my last sentence?

Mr. LUNGREN. Yes.

Mr. RITTER. The Sandinistas do export terrorism, as we know from the M-19 assault on the Palace of Justice which was with arms supplied by the Sandinistas and a memorial mass was held with Thomas Borge himself present in Managua.

They also said this morning that we have tried negotiations with the Libyans before, but we did not do this with the Sandinistas.

Again, nothing could be further from objective reality. We have negotiated far, far more before these actions with the Sandinistas than we have with the Libyans, so there really was not any counter whatsoever to the danger of the Libyan-Nicaraguan connection to the region and to the citizens of the United States of America.

I thank the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield again?

Mr. LUNGREN. I yield to the gentleman from California one last time.

Mr. LEWIS of California. I appreciate my colleague yielding.

I think the gentleman from Pennsylvania has been very helpful to me in this debate in this sense. I have been very, very much aware of the disappointment of my colleagues who for long standing have been supporting the hope for democracy in the Central American region. They have been not just disappointed, but embarrassed by the Sandinistas robbing the people of their revolution, of Ortega and his Commandantes committing themselves publicly to a Marxist-Leninist regime, indicating clearly that their revolution no longer was a Nicaraguan revolution, but one without borders in the region; indeed threatening Mexico and eventually the United States.

It is very clear that they immediately began to suppress a free expression. The press is endlessly censored. The church has been humiliated. It is obvious the slaughter that has been the experience of the Miskito Indians is evidence of their lack of care for humanity.

I had not known of the deep connection with Libya. The American people are reacting strongly enough as it is in my judgment when they learned that Ortega is trying to consolidate a Communist Cuba like state in our hemisphere, but to learn of this linkage to Qadhafi and Libya just compounds that.

If the American people ever in depth get the message of what is happening in our hemisphere, clearly they will ask us to do an awful lot more than we are suggesting by this aid to the freedom fighters, the Nicaraguan democrats who want to recapture their revolution. They are about to recapture that hope which they held so high, a hope for freedom and democracy and the elimination of political oppression in Nicaragua.

I really appreciate my colleague taking this time and yielding so much of it to me and to my colleague from Pennsylvania.

Mr. LUNGREN. I thank the gentleman for his comments.

I might just mention that there is no doubt about the fact that the Sandinistas have violated the terms of their own revolution.

It is not Ronald Reagan that came to this conclusion. Let us recall it was President Jimmy Carter who made the decision to suspend aid after the United States had made sure that more aid went to the Sandinista regime in its first 2 years of existence than had gone in all the previous 18 years to the Somoza regime.

Mr. Speaker, after that brief interlude on discussing what occurred here today and the ramifications, I would like to get into the topic of my discussion on capital punishment.

Mr. Speaker, last November, the Gallup organization released a startling survey of American attitudes toward the death penalty. Three out of every four Americans, Gallup estimates, now favor capital punishment for murderers—the highest total in the poll's history. Despite these figures, and despite the present ability of terrorists and assassins to escape the ultimate punishment, Congress has largely remained silent on the issue.

Today, my colleagues and I hope to demonstrate that the cause of justice and the safety of Americans, mandate legislative action on behalf of capital punishment. Public opinion is plainly at odds with the consequences of the Supreme Court's decisions on this sub-

ject, decisions that have brought into question the constitutionality of all but two of the Federal death penalty statutes. But the role of capital punishment as a deterrent, as an instrument of societal protection, as an answer to espionage and terrorism, and as a guideline for the relative gravity of crimes, is also at odds with the ramifications of those decisions. The inescapable need for these functions of capital punishment makes legislation permitting it not just important, but urgent.

In 1972, the Supreme Court shattered a nationwide consensus on capital punishment by issuing its famous decision, Furman versus Georgia. While the Court declared only the death penalties of Georgia and—in a companion case—Texas, unconstitutional, its decision had the effect of invalidating capital punishment in 37 States and the District of Columbia. At that time many commentators felt that the Court provided no specific rationale for its ruling. But the majority appeared to agree that the death penalty must not be left to the unbridled discretion of a judge or jury. Only Justices Brennan and Marshall contended that the death penalty itself constituted cruel and unusual punishment. And Chief Justice Burger made the following observation in his dissenting opinion: "* * * legislative bodies may seek to bring their laws into compliance with the Court's ruling by providing standards for juries to follow in determining the sentence in capital cases or by more narrowly defining the crimes for which the penalty is to be imposed." Though the Court closed the door on capital punishment, it left a window open through which reformed statutes could reappear.

Subsequently, the Supreme Court considered additional State death penalty laws. In these cases, the Court has clearly held that the death penalty is constitutional if it avoids the arbitrary and capricious application cited in Furman versus Georgia. Since that decision, 38 States have revised their laws to provide for the death penalty under the requirements of that decision and other decisions of the Supreme Court which followed it. In other words, over 75 percent of the States have concluded that the death penalty should be available as a punishment for certain offenses. Even the State of Oregon, often viewed as a haven of liberal opinions in the West, joined the emerging consensus in favor of the death penalty in 1984, when the State legislature approved its use for the crime of aggravated murder.

But, at the same time, the Federal Government lags behind. Thanks to the labors of our colleague BILL MCCOLLUM of Florida, this body recently approved capital punishment for members of our Armed Forces convicted of espionage during peacetime. In 1974, the Congress passed a bill which provided for the death penalty for persons convicted of air piracy. Yet that's the sum and substance of Congress' actions. It has consistently refused to move beyond these narrow parameters. As Assistant Attorney General Stephen Trott has noted, "Incredibly, the maximum punishment that can be imposed by a Federal court for the murder of the President, of a Member of Congress, or of an ordinary citizen committed on some Federal property is less than could be imposed by most State courts if they had jurisdiction or were free to exercise it."

Such limits or shortcomings on punishment for deadly crimes plainly lack the support of the American people. I have already observed that 75 percent of the American people support the death penalty for individuals convicted of murder. But this is only part of the story. Only 17 percent of the poll respondents opposed the death penalty for murder, a stunning contrast with the 47 percent who opposed it in 1966. The poll indicated that 75 percent of Americans support capital punishment for persons convicted of murdering the President, while 57 percent support the death penalty for those who attempt to assassinate the President.

□ 1605

It is an irony, a paradox in this country, that had John Hinckley committed a murder in the course of skyjacking an aircraft in order to get to Washington, DC, to assassinate the President, and had he been successful in assassinating the President, he could have gotten the death penalty for the skyjacking offense, the murder involved in the skyjacking, but he could not have gotten the death penalty for successfully assassinating the President of the United States.

How in the world, I must ask, can we explain this disjunction between the views of the American people and the actions of their Representatives in Washington? Are the Members of Congress somehow possessed of wisdom that surpasses that of their constituents in this matter? Is this one of those rare, actual examples of national statesmanship where a courageous stand against the prevailing public sentiment is, in fact, the correct one?

I would argue, Mr. Speaker, this is not the case; that in fact the American people have a better understanding of the usefulness and the moral underpinnings of the death penalty. They are aware, for example, that the death example does in fact function as a deterrent.

Some of my colleagues may recall a recent episode of "60 Minutes" that featured the police chief in Charleston, SC. This police chief, who has a Ph.D. in sociology, was asked how he felt about the death penalty. He observed that in the inner cities of America, mobsters sometimes employ so-called bag ladies to transport their illicit cash. This might seem to some a rather risky method of transporting hundreds of dollars in profits, even thousands of dollars in profits. Any young gang member could easily overcome one of these frail, elderly individuals, but the chief emphasized that nobody does. Why? The answer is that the mob has made it perfectly clear that anyone who harms these seemingly helpless couriers will not survive the escapade. In other words, the mob in America has supplied an effective deterrent to the victimization of its servants through the threat of "capital punishment." Of course, this is not offered as an example of the moral equivalent situation, that is, that somehow we should mimic organized crime; rather, I cite it as evidence of the fact of deterence provided by capital punishment.

If the mobsters can recognize this, if they can use a potential death penalty to protect their fellow criminals, why can we not use it to protect the hardworking, law-abiding citizens of the United States? Yet, in spite of this clearcut example and others, we should note that some would still deny the possible deterrent effect of the death penalty.

Opponents of the death penalty often argue that criminals are so generically distinct from other people, so irrational, that they would slay someone without considering that such an act would cost them their own lives. Frankly, I find it impossible to believe that all putative murderers lack intelligence and that all putative murderers commit their acts without substantial precognition.

Jack Abbott, the convicted murderer who was pronounced a literary wunderkind by no less than Norman Mailer, gives the lie to such generalizations. So, too, does an incident related to me recently by a member of my staff. He recalls that during his senior year in high school, a State prison rehabilitation program brought three convicts to his civics class to discuss the woes of prison life. One student asked the convicts how they felt about the death penalty. Not suprisingly, two of them replied that they opposed it. But the third convict, the one who had committed murder, said that he felt the death penalty did function as a deterrent. An insurance agent before his crime, he stated that the existence of the death penalty in California at that time might have prevented him from taking a life.

I also recall, Mr. Speaker, hearing from Vincent Bugliosi. He was the assistant district attorney in Los Ange-

les, who successfully convicted Charles Manson and his crowd. He happened to interview a number of criminals as they sat in incarceration, and these were people who had committed their crimes before the death penalty was declared unconstitutional in California. These were people who, based on the description of the crime, he was able to surmise probably could have gotten away with the crime if they had killed the only witnesses to their crime, and they had ample opportunity to kill the witnesses. He asked them, "Why did you not kill the witnesses to your crime when you knew that killing them would basically make it very difficult if not impossible for you to be prosecuted?"

These people sitting in incarceration told Vincent Bugliosi, assistant district attorney of Los Angeles County, that they refrained from killing the witnesses because they feared the chamber. What is "the chamber?" It is the gas chamber in California. These are people who have been there, who had ample opportunity. Even worse than that now is the fact that you can talk with police officers around this country who will tell you when they have interviewed folks who have killed the only individuals who were, they thought, available to testify later on as to the crime, that they did it specifically because they thought it would make it impossible to be prosecuted. We have instance after instance in State after State in which people, after being victimized, who offered no resistance to a crime, are killed by the perpetrators of the crime, and the only logical reason that exists for them doing that is so that they rub out the witnesses and they know they do not have to fear the death penalty.

If anybody has looked at the recent review done by the Department of Justice of the average sentence served by someone in the United States convicted of murder and given life imprisonment, they know that life imprisonment means a couple of years, maybe a decade at most.

In an April 1985 issue of the New Republic, Mayor Ed Koch illustrated the power of the death penalty in an equally concrete manner. "Consider the tragic death of Rosa Velez, who happened to be home when a man named Luis Vera burglarized her apartment in Brooklyn. 'Yeah, I shot her,' Vera admitted, 'She knew me, and I knew I wouldn't go to the chair.'" The absence of the death penalty, it seems, may not only permit more murders, but murders with impunity and the arrogance manifested by Mr. Vera.

The question of deterrence has special relevance for a group long neglected by the U.S. Congress, that is, the officers of our Federal prisons. Stephen Trott, the Assistant Attorney General for the Criminal Division of the Justice Department, addressed this issue in a letter to the editor he composed in 1984. The letter responded to a Los Angeles Times editorial which condemned the death penalty as "morally impermissible." Trott noted the "serious problem of protecting prison officers and prison inmates from dangerous prisoners who are serving life sentences for murder without the possibility of parole. Five Federal prison officers have been killed during the last 14 months by inmates serving natural life sentences for the crime of murder. Is it a just result that no additional punishment be imposed for such heinous crimes, leaving such inmates to murder with impunity? Is it morally permissible to leave inmates and prison officers at the 'mercy' of such savage killers?

"Rather than print literary quotes from William Styron to support your opinion, I would like to see instead what you would offer to the families of prison officers killed in the line of duty about what is and is not 'morally permissible.'

"Styron's words, as repeated by you, serve as no comfort whatsoever to widows and children deprived of their husbands and fathers. What kind of obligation do we have to them and those officers against whom prisoners have not yet exacted the death penalty? I submit that it is an obligation to protect them to the constitutional limit of our capacity by imposing the death penalty as a sanction against such hideous behavior."

Trott's observations have been supported by the U.S. attorney for the District of Columbia, Joseph DiGenova. In a 1984 interview with the Washington Times, DiGenova commented: "The thing I find most disturbing about the lack of capital punishment is the increasing number of prison guards who are being murdered. There is no other way to deter that behavior. Inmates who are in prison for a long period of time can essentially get a free ride. They are in jail already and can kill guards with impunity."

Finally, we cannot forget the brutal murders carried out within the maximum security section of the Federal penitentiary at Marion, IL. The first incident at Marion involved an inmate who used a knife to inflict over 40 stab wounds on a correctional officer. This senseless act was committed in full view of other staff and inmates. The second incident in that same day involved an inmate who apparently slipped out of his handcuffs and stabbed an officer with a homemade knife. As other staff members rushed to assist the officer, one of them was wounded and another stabbed to death. As one can imagine, this has not only been a tragedy for the families of the slain officers but for the entire Federal law enforcement system as well.

In my opinion, Members of Congress have a moral responsibility to consider whether they can continue to ask prison guards to perform their functions. Those men not only provide essential services in the most grim of settings, but they do so at serious risk to their lives. The death penalty is the only sanction available to us to help dissuade long-term convicts from additional brutality in prison. And yet we in the Congress have refused to do what we can to deter hardened felons from maiming and murdering these public servants.

But the death penalty serves an even more elemental function than the deterrence of criminals from committing heinous acts. It protects society from its most dangerous members. When the death penalty is imposed upon murderers, it preserves the lives of individuals from those murderers who might otherwise have been released on parole, only to kill again. Some doubt that such horrible things can happen. Surely, they say, our Government officials would not permit highly dangerous people, people who have killed and are perfectly capable of killing again, from roaming the streets. But Government officials can in fact permit such developments. Two weeks ago, the Bureau of Justice Statistics, a division of the Department of Justice, released a report that outlined a significant pattern of leniency in State prisons. The report indicated that over 50 percent of the convicted murderers freed from prison in 1983 had served terms of less than 7 years. Over 700 people with life sentences were released from prison in 1983—and those only in the 21 States examined by the bureau. According to a Washington Post account of the report, "The survey of more than 300,000 criminal cases . . . also found that 18 percent of those sentenced to life imprisonment served 3 years or less before being released." Finally, the study noted that the median time for a life sentence is less than 9 years. Speaking frankly, I can only surmise from such statistics that in certain localities the term "life sentence" has lost its meaning.

One may recall the case of Theodore Streleski, a graduate student at Stanford who clubbed his professor to death with a hammer. Streleski said that he was frustrated with his professor over not being awarded a doctorate, and that his act was "morally correct." He refused to undergo pyschotherapy in prison because such actions would be "indicative of remorse." When this obviously dangerous individual became eligible for parole after just 5½ years, he opted to serve the full—albeit lenient—8 years of his term. Calling prison "a sort of utopia

with constraints," he said he was happy to stay there until he could be released without any sort of constraints.

In his essay in the New Republic, Mayor Ed Koch described what can happen when this sort of individual is released. Louisiana authorities, he recounts, executed Robert Lee Willie in December 1984. He was punished for raping and then murdering an 18-year-old woman. It may be shocking to learn of such a crime. But it is astounding to discover that Willie had previously been convicted of aggravated rape, aggravated kidnaping, the murder of a Louisiana deputy and the murder of another man from Missouri.

Assistant Attorney General Stephen Trott provided an equally disturbing instance of peril in his 1984 letter to the Los Angeles Times. Replying to the editors' arguments about the death penalty, he states:

> You falsely assume that one consideration—vengeance—is served by the death penalty. Not true. The real end served by the death penalty is the protection of innocent life. Eddie Simon Wein, for example, was sentenced to death in Los Angeles Superior Court in 1957. Instead of being executed, he was released from prison in 1975 to live in West Los Angeles, without any warning to his neighbors. Within months, he began to attack and kill women in the area. Fortunately for the other potential victims, his apprehension was—relatively—swift. He was convicted in 1976 of first degree murder of one woman, attempted murder of another, and numerous sexual offenses. The woman who was killed by Wein and the woman who was scarred by him for life would not have been the victims of his crimes if Eddie Wein had been executed as originally decreed, This is a situation where the death penalty would have spared a life.

In light of these observations, it seems clear to me that Government officials cannot claim that they have acted responsibly when they have refused to take the requisite actions to prevent deadly criminals from killing again and again.

One must not forget, however, that there are criminals far more fearsome than the domestic murderer. The activities of international terrorists have spread like a wave across the entire globe, and now require legislative responses appropriate to the gravity of the terrorist threat. From the point of view of justice, it boggles the mind to consider that even if the murderers of Leon Klinghoffer were caught, brought to trial and convicted of their despicable acts, even if the judges and juries were fully aware of the cold-blooded manner in which Mr. Klinghoffer was executed, these terrorists could not suffer the maximum punishment they so richly deserve. Instead, the courts would confine them to prison, a "solution" that might bring about the worst of all possible worlds. One has only to recall the heyday of the Italian Red Brigade and the German Baader-Meinhof units to remember that the imprisonment of key terrorists only incites those still free to try to liberate their comrades. Only last year, key leaders of the deadly Japanese Red Army were released by their Israeli captors in exchange for captured Israeli soldiers. While the imprisonment of terrorists may seem to some a humane alternative to execution, it in fact only engenders additional terrorism even as the eventual freedom of such criminals remains a distinct possibility. Speaking for myself, I find nothing "humane" about such consequences.

While we must recognize the danger posed to American citizens and our national will by terrorists, we must also perceive that our national security is being vigorously assaulted by espionage. As I noted earlier, the Congress has acted to ensure that members of the Armed Forces engaging in espionage are subject to capital punishment. But civilians and employees of nonmilitary government agencies can still betray their country with only the prospect of a prison term to darken their consciences. John Walker will probably serve about 20 years in a Federal penitentiary, and he may still believe that his betrayal of sensitive command-and-control data to Moscow proved a justifiable gamble, given the lucrative financial and material rewards he received from his Soviet benefactors. Someone about to die in the electric chair could harbor no such illusions.

In an article in the June 28, 1985 edition of the Los Angeles Times, Paul Johnson, author of Modern Times, formerly editor of the New Statesman, illustrated both the seriousness of the crime of espionage and the reasons why capital punishment must be a possibility for those who commit it.

> For a citizen of a democracy under the rule of law to spy for an expansionist, totalitarian enemy falls into the most serious category of offenses that a human being is capable of committing.
>
> Even within this category, however, there are degrees of atrocity. The offense is more grave if the guilty man or woman is a member of the Armed Forces or other Government agency and thus is in a breach of oath and trust. The worst case of all is where the offender's position in the State service gives access to information of the highest secrecy and importance, and where this is the subject of treason.
>
> We have in such a case a crime of unique depravity. It is worse than mass murder, for one has to assume—and the offender, in committing it made the assumption—that the information could, in the event of war, lead to the deaths of hundreds—perhaps thousands, perhaps even millions—of compatriots, a slaughter far beyond the capacity of a single assassin.

Johnson then places espionage in the context of our own time, with its particular moral and strategic gridlocks. "In the peculiar circumstances of the Cold War, the crime acquires an added degree of wickedness. It is well known that the United States forms the only real barrier to Soviet expansion, and that if this barrier were removed, free institutions and people everywhere would be in jeopardy. It is also well known that the United States maintains this barrier largely by its technological superiority in certain arcane areas of military science.

> The original act of treason, then, would be a crime * * * against humanity, against all those who choose to live in societies based on consent and the process of law. Indeed, it would be a crime against posterity, too, for its consequences might well commit unborn generations to live their lives in servitude.

Johnson then asks, "How can a crime of this magnitude be punished adequately? It seems to me that to deprive the convicted felon of his or her life is the only way a civilized society can repond both prudently and justly.

> Prudently for two reasons: First, deterrence. The age of the ideological traitor is over, the age of the mercenary traitor has begun. For spies who convey secrets not from conviction, but for money, who are motivated by a rational calculation of greed, the death penalty is an undoubted deterrent.
>
> The second utilitarian calculation is that the Soviet spymasters have repeatedly taken advantage of the West's unwillingness to execute spies. Some, like British master spy George Blake, they have actually sprung from jail. They have negotiated the release of others, sometimes by arresting Western citizens on trumped-up charges. There is thus no absolute guarantee that a spy sentenced to life imprisonment will serve it. It is a comfort to actual spies and an encouragement to would-be spies that, even in the worst possible circumstances, the most they will face is prison, and that even there they are under the long, protective arm of the KGB.

□ 1615

It just seems to me, Mr. Speaker, that we have compelling evidence to suggest that the death penalty is morally justified, politically justifiable and, in fact, more than that, in some circumstances morally required if we are to remain a free society, if we are to properly punish those who would victimize innocent members of the U.S. civilization.

Mr. Speaker, it does us a disservice, it does the American people a disservice for us, the people's House, to ignore this question. There is a large debate on it and there are sincere beliefs on both sides, but we owe it to the American people to have the issue debated, and I would suggest to have the issue voted on and passed on to the President for his signature.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Pennsylvania, the ranking Republican member of the Subcommittee on Crime of the Judiciary Committee, the committee that, in fact, has jurisdiction over this question.

Mr. GEKAS. I thank the gentleman for yielding and want to commend him on the excellent statement and review of the compellingness of bringing the death penalty legislation to the floor for a final vote by the House of Representatives.

As the gentleman well knows, the reason that today we do not have the opportunity in the near future to debate this on the floor of the House is because of the staunch oppostion to it by a mere handful of the members of the Judiciary Committee. So we have had to resort over the past few years to parliamentary maneuvers and amendments on and off the floor of the House to get the message across that the majority of the House, reflecting the majority of the American people, want to lodge into the American jurisprudence a carefully crafted death penalty procedure to accompany the death penalty that is already on the books.

In that regard, I want to also commend the gentleman for participating in that dramatic moment when in subcommittee, we were able to append the death penalty, for the first stage of the proceedings at least, to the terrorism to which the gentleman alluded in his fine remarks. That means to me that we have a possibility, a good chance in the full Judiciary Committee, to revive the debate and then bring that to the floor.

But can you imagine, to add to your woes, your complaints about the absence of the death penalty, that at this very moment, God forbid if the President of the United States were the target of an assassination attempt. The death penalty would not apply. Why? Because this handful of people have chosen, for their philosophical, personal beliefs, or for other reasons, to keep it from coming to the floor.

We are going to persevere, I say to the gentleman from California, and will have a full vote one day, and because of the rationale that the gentleman espouses, and which he projected during this special order, I venture to say that we are going to succeed in having the death penalty restored to the Federal jurisdiction.

Mr. LUNGREN. I thank the gentleman for his comments. I should suggest that the gentleman is one of the leaders in the House on this question. The gentleman has legislation, has pursued legislation on this matter for some time. I am hopeful, as he is, that we will have the opportunity to deal with this legislation.

But, faced with what I think is an obvious and convincing case for sanction of life against violent criminals, that is, with taking their life from violent criminals, and faced with the immediate availability of appropriate legislation, the gentleman has legislation, the gentleman from New York [Mr. SOLOMON] has legislation, the gentleman from Florida [Mr. MCCOLLUM] has legislation, and there is other legislation that has been introduced, I wonder how people can justify the continued procrastination on the critical issue.

Apparently some of our more liberal Members in this House can and do. Some of them proclaim that the death penalty is barbaric. They say it is discriminatory, and they point to a lack of capital punishment in other democracies.

It was interesting that Mayor Koch responded to this very argument recently and he said this:

Opponents of the death penalty frequently cite the sixth of the Ten Commandments in an attempt to prove that capital punishment for a variety of offenses. The biblical viewpoint has been upheld by philosophers throughout history. The greatest thinkers of the 19th century—Kant, Locke, Hobbes, Rousseau, Montesquieu, and Mill—agreed that natural law properly authorizes the sovereign to take life in order to vindicate justice. Only Jeremy Bentham was ambivalent. Washington, Jefferson, and Franklin endorsed it. Abraham Lincoln authorized executions for deserters in wartime. Alexis de Tocqueville, who expressed profound respect for American institutions, believed that the death penalty was indispensable to the support of social order.

□ 1630

Mayor Koch also dismisses charges that racial discrimination takes place in the assessment of capital punishment.

The appeals process for a condemned prisoner is lengthy and painstaking. Every effort is made to see that the verdict and sentence were fairly arrived at. However, assertions of discrimination are not an argument for ending the death penalty but for extending it. It is not justice to exclude everyone from the penalty of the law if a few are found to be so favored. Justice requires that the law to be applied equally to all.

Recently, the Washington Legal Foundation prepared a position paper entitled "Capital Punishment 1986: Last Lines of Defense." The paper addressed itself to several topics, among which was the issue of race discrimination in capital punishment. The paper cited a Department of Justice report which indicated that, in fact, the death penalty has been meted out more readily to white defendants. While 12 out of every 1,000 blacks convicted of murder or manslaughter were sentenced to death, 16 out of every 1,000 whites were given the death penalty; 1.1 percent of black inmates on death row were executed; 1.7 percent of white death row inmates were executed. Finally, court rulings released a larger percentage of black death row inmates (37 percent) than of white (35 percent).

Now, to many of the blacks who are victimized in the inner city—and they are victimized by murderers to a far greater extent than people who live in the suburbs and of the majority population in this country, I do not think that is very comforting.

In fact, to them, this whole argument about discrimination is moot. They are being killed at an unbelievable rate in this country. The leading cause of death to black men between ages 18 and 24 in the United States today is not to cancer, is not to heart disease, it is to murder.

It seems to me we owe consideration of this to members of the minority community as well as other citizens.

As for the comparison with other democracies, Koch comments:

No other major democracy—in fact, few other countries of any description—are plagued by a murder rate such as that in the United States. Fewer and fewer Americans can remember the days when unlocked doors were the norm and murder was a rare and terrible offense. In America the murder rate climbed 122 percent between 1963 and 1980. During the same period, the murder rate in New York City increased by almost 400 percent, and the statistics are even worse in many other cities. A study at the Massachusetts Institute of Technology showed that based on 1970 homicide rates a person who lived in a large American city ran a greater risk of being murdered than an American soldier in World War II ran of being killed in combat. It is not surprising that the laws of each country differ according to differing conditions and traditions. If other countries had our murder problem, the cry for capital punishment would be just as loud as it is here. And I daresay that any other democracy where 75 percent of the people supported the death penalty would soon enact it into law.

Mr. Speaker, Mayor Koch is exactly right. It is no wonder that many Americans feel frustrated about law enforcement. When they know that the death penalty can deter criminals, when they know that it can make the streets of our cities safer, and when they know it can provide just sanctions against the spies and terrorists who threaten the foundations of our society, and yet the Congress remains silent, who can blame them for losing faith in our criminal justice system? Let us consider the lives and even freedoms that may be lost as a result of continued inaction. Let us consider the effect of continued ignorance of the popular will on the compact that exists between the Government and the governed. When we do so, it becomes clear that capital punishment legislation is not merely important, but urgent. We must enact it, and we must enact it in 1986.

Mr. Speaker, I now yield to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Speaker, I appreciate the fact that the gentleman from California [Mr. LUNGREN] has taken out a special order on this very important subject, and I take great pleasure in joining him in this special order.

Mr. Speaker, currently, the death penalty is already available under a limited number of provisions in Federal law.

Opponents to capital punishment contend that it fails to serve as a viable deterrent to criminal activity and that it constitutes cruel and unusual punishment for those convicted of certain offenses.

As we examine a criminal justice system that breeds repeat offenders and that makes it a practice to afford shorter periods of actual hard time for convicts, Congress must act in order to effectively reduce crimes against the person.

The only reason capital punishment is not the deterrent it can be is because of the knowledge that it takes extended periods of time to review a death sentence in the court system. The time, effort and money that is expended during this process makes it less likely to be pursued except in rare cases. The only effective deterrence is swift and certain punishment upon conviction. Antisocial behavior resulting in the death of innocent victims needs to be severely dealt with. By its very design, our penal system is set up to rehabilitate and not deter. Capital punishment legislation fills this void.

I ask my colleagues to consider the following: What obligation does society have to feed, clothe, house, educate, job train and provide medical care to repeat convicted felons who have raped, murdered and robbed and ravaged their fellow citizens? We take better care of our criminal population than we do the victims of their activity. Is that logical? Is it morally responsive? I think not.

The argument that capital punishment is cruel and unusual never ceases to amaze me. I maintain that incarceration for extended periods of time—15, 25, 35 years—is a fate worse than death. Opponents of this legislation fool themselves by thinking that caging up human beings for life is somehow more humane than capital punishment. We live and thrive on our freedom, and without it we perish.

Punishment must fit the crime if deterrence is to be achieved. I ask my colleagues to support capital punishment legislation. The choice is one between more victims, more social ills, more prisons, increased costs of safer streets and neighborhoods.

Mr. LUNGREN. I thank the gentleman for his comments, and I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I would like to join in this special order in the House on the need for action on capital punishment legislation. As a former trial attorney, I have seen firsthand the deterrent effect that the death penalty can have. And as you know, a recent Gallup poll shows that 72 percent of the American public favors the death penalty for persons convicted of murder. We have seen the effects of a society without it—violent and senseless criminal acts and a dramatic and threatening increase in espionage-related activities. These crimes must be deterred or punished by a death penalty statute.

We in thg Congress have a special duty to show support for the imposition of the death penalty in certain cases and to affirm one of our Nation's basic beliefs that society's primary responsibility is to protect its members so they might live in safety. The American public wants the Congress to pass a death penalty statue and I believe it's time for us to take action.

Mr. LUNGREN. I thank you for your comments.

I would like to conclude by saying, just give us a chance, Mr. Speaker, and the leadership of the House, to deal with this issue. That is all we ask; that is all the American people ask.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1017. An act to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority; and

S. Con. Res. 128. Concurrent resolution to commemorate the bicentennial of Australia and to honor the April 1986 visit of Australian Prime Minister Robert Hawke to the United States.

ORDER OF BUSINESS

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that my special order precede the special order of the gentlewoman from Louisiana [Mrs. BOGGS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RECOGNIZING THE FRIENDSHIP AND ASSISTANCE OF THE GOVERNMENT AND PEOPLE OF GREAT BRITAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, during times of difficulty and trial, nations as well as individuals learn who their friends are and those upon whom you can count.

In the recent episode regarding Libya, regarding the need to put an end to the terrorist formentation in Libya, the United States sought cooperation, help and assistance from our European allies.

Today I am introducing a resolution to express the gratitude of the American people for the assistance provided by the Government and by the people of the United Kingdom during our defensive operations carried out against Libya on April 14.

Mr. Speaker, I am also troubled that other allies, given the opportunity to assist us, such as allowing our fighter bombers to overfly their territory were not as cooperative.

In this resolution I am introducing, I state that there is a rising tide of State-sponsored international terrorism and that this constitutes a direct threat to the security of our country as well as to our European allies, and that the American and European civilians and military personnel have been victims of these terrorist acts that have been directed by the Government and individuals in Libya, and that our Government is possessed of hard evidence that further Libyan-planned and supported terrorist acts against American nations and our installations are emminent, and that, Mr. Speaker, under article 51 of the U.N. Charter, which unequivocally sanctions the use of military force in self-defense, that we did take these acts on April 14.

Then on that day, the naval and air forces of our country did conduct defensive operations against Libya, and that the Government of the United Kingdom did allow, at the request of the United States, the U.S. Air Force FB-111s, fighter bombers, stationed in Great Britain, to be used against the Libyans to put an end to this terrorist situation.

Mr. Speaker, my resolution today states that we as a people in the United States are deeply grateful to the Government and the people of the United Kingdom who assisted us in our trial and need and also that this resolution, House resolution, once it passes, be delivered to the Ambassador of Great Britain, here in Washington, DC.

It is this that I wish to commend a friend and ally through the years; they stood with us.

I am proud of the people of Great Britain, I am proud of their friendship, I commend them for standing fast.

The resolution follows:

H.J. RES. —

A resolution to express the gratitude of the American people for the assistance provided by the government and people of the United Kingdom during defensive operations carried out against Libya on April 14, 1986

Whereas the rising tide of state-sponsored international terrorism constitutes a direct threat to the security of the United States and its European allies; and

Whereas American and European civilians and military personnel have recently been victims of terrorist acts directed by the government of Libya; and

Whereas the government of the United States possessed incontrovertible evidence that further Libyan-planned and supported terrorist acts against American nationals and installations were imminent; and

Whereas Article 51 of the United Nations Charter unequivocally sanctions the use of military force in self-defense, collectively as well as by individual members; and

Whereas on April 14, 1986, naval and air forces of the United States conducted defensive operations against Libyan military bases and terrorists training facilities in order to prevent those imminent terrorist attacks; and

Whereas the government of the United States sought the permission of the government of the United Kingdom to allow U.S. Air Force F-111 bombers stationed in Great Britain to participate in those defensive operations; and

Whereas the Prime Minister of the United Kingdom granted that permission; and

Whereas the use of the F-111 bombers substantially reduced the risk to American servicemen and significantly contributed to the success of their mission; and

Whereas such exemplary cooperation as that extended by the government of the United Kingdom in this instance is necessary to effectively combat terrorism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) on behalf of the people of the United States expresses gratitude to the government and people of the United Kingdom who resolutely assisted the United States in the legitimate exercise of self-defense and the fight against state-sponsored international terrorism; and

(2) directs the Clerk of the House to transmit a copy of this resolution to the United Kingdom's ambassador to the United States.

□ 1640

ELDERLY HOUSING PROGRAM UNDER SECTION 202 HIGHLIGHTS

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 10 minutes.

Mrs. BOGGS. I thank the Speaker so much.

As the House of Representatives prepares to consider the supplemental appropriations bill and the disapproval of a number of proposed deferrals, many related to housing assistance for low- and moderate-income Americans, I thought it a most appropriate time to call our colleagues' attention to the very real success story of HUD's Section 202 Loan Program, which assists nonprofit organizations or sponsors in providing housing for the elderly and handicapped who are of low or moderate income.

I am deeply concerned that the administration has requested rescission of funds for the Section 202 Program in fiscal year 1986 and has requested no funds for the program in fiscal year 1987. Along with many of our colleagues, I continue to subscribe to the goal, first expressed in the Housing Act of 1949, of decent, safe and sanitary housing for all Americans. Good quality, affordable housing for our growing elderly population is in short supply, yet the kind of housing provided through the Section 202 Program has often been found to help the elderly live independent lives, avoiding the need for confinement in nursing homes.

There are many 202 projects throughout the Nation that deserve our praise. I should especially like to compliment the initiative and leadership of the archdiocese of New Orleans in making use of the Section 202 Program to provide fine housing for over 1,800 elderly and handicapped area residents. The kinds of projects developed in the New Orleans area and operated by the Sisters of the Holy Family and other religious orders and nonprofit organizations offer inspiring examples of the great gains that can be made with a little Federal help and encouragement.

I would like to share with you some excerpts from an article which appeared in the March 8, 1986 issue of America Magazine written by Joseph H. Fichter, S.J., a sociologist at Loyola University in New Orleans. Father Fichter tells the story of the successful archdiocesan effort to provide housing for the elderly and handicapped in the New Orleans area through the Section 202 Program. He highlights a residential community known as St. John Berchmans Manor, operated by the Sisters of the Holy Family.

In addition, I would like to share with our colleagues a letter to the editor of America submitted by our esteemed colleague, the gentleman from Texas [Mr. GONZALEZ] chairman of the Banking Committee's Housing Subcommittee. Chairman GONZALEZ notes the many accomplishments of the Section 202 Program and urges that we as a nation make certain that we can provide more St. John Berchmans Manors for Americans. I certainly share his views.

St. John Berchmans Manor in New Orleans, La., is a high-rise, 150-unit residence for elderly persons of low income, built with a Department of Housing and Urban Development (H.U.D.) loan and managed by the sisters of the Holy Family. The tenants must be at least 62 years of age and have an annual income of no more than $9,650. The sisters have been approved for another 40-year Federal H.U.D. loan, this time to build a 50-unit high-rise next door to their Lafon Nursing Home. All plans and blueprints have been completed, but the specific allocation of funds has been delayed. The proportion of needy elderly is increasing in the New Orleans population, while the Federal commitment to such housing appears to be gradually eroding.

The 1971 White House Conference on Aging had recommended the construction of 120,000 units of housing for the elderly annually. In no single year since then has Congress appropriated sufficient funds to provide more than 30,000 such housing units. In 1984, the Federal Government approved only 12,000 units of Section 202 housing for the elderly. For 1986, the allocations across the country are for only 14,000 units of elderly housing, but there was included on the agenda of the Appropriations Committee an item to freeze all section 202 allocations. While the need is immense and growing, the Federal retrenchment of funds for elderly housing is exacerbating the problem. Nevertheless, the long-term loans and rental subsidies from H.U.D. made possible 10 archdiocesan housing projects providing 1,835 apartments for the elderly poor and handicapped in the New Orleans area. The Archdiocese now boasts one of the largest privately sponsored housing programs in the United States.

The sisters undertook this venture into congregate housing for the elderly poor at the inspiration of Archbishop Philip M. Hannan, who was alerted to the shortage of housing from his first days in New Orleans. On his arrival in 1965, he was greeted with the devastation wrought by Hurricane Betsy, especially on the homes of the poor. He was met by Eugene McManus, S.S.J., a trained sociologist with long experience among the local black parishes, who urged application for Federal loans under Section 202 of the 1959 Housing Act. Father McManus, a member of the Mayor's Housing Committee and local chapter president of the Urban League, contacted Michael O'Keefe, William Guste, Clarence Jupiter, Louis Reed and others to organize Christopher Homes, Inc., a nonprofit corporation to develop housing for low-income people.

The residents of St. John Berchmans Manor are among the fortunate minority of low-income senior citizens able to obtain such housing accommodations. Sister Rose de Lima Hazeur, S.S.F., manager of the Manor, reports increasing numbers of frustrated applicants. St. John Berchmans Manor exemplifies the ingenuity and courage of the Holy Family Sisters who own and staff the facility that was built on land belonging to their religious community. All the other Federally financed projects under diocesan sponsorship were built on land acquired by the Archbishop for this purpose. Assuming the administration of these housing complexes constituted a new and additional apostolate for the religious sisters of six different communities.

The residents of St. John Berchmans Manor are among the fortunate minority of low-income senior citizens able to obtain such affordable housing accommodations. They are the envy of thousands of similarly qualified "outsiders" looking for similar housing that simply does not exist.

There are positive benefits that accrue beyond the routine of moving into safe, comfortable, affordable living quarters. James Broder points out that such nonprofit housing for the elderly can increase healthy lifespans. He states: "Because of social involvement, emotional and physical security, and the services that can be provided, people occupying such housing tend not to deteriorate in many of the ways associated with aging. Residents of such housing tend to live more active, healthier lives and require less institutionalization."

The promotion of this expanding social ministry may provide apostolic opportunities for other Catholic dioceses and religious communities.

In response to this splendid article, Mr. GONZALEZ wrote the following letter to the editor of America.

CONGRESSIONAL VOICE FOR THE POOR

I wish to commend Father Joseph H. Fichter, S.J., and AMERICA for presenting in his fine article "Shelter for the Elderly Poor" (2/1) the story of a very successful

housing project sponsored by the Archdiocese of New Orleans, assisted by the Federal Government and managed by the Sisters of the Holy Family.

Under the President's budget submitted to the Congress this week, funds Congress already appropriated for the Section 202 elderly-housing program are proposed to be rescinded, and no funds would be made available in F.Y. 1987. In October 1984, just a month before the November elections, President Reagan presided over the opening of a Section 202 project in Buffalo, N.Y., sponsored by the Diocese of Buffalo and managed by a religious community in a way similar to that of the St. John Berchmans Manor project.

The Administration sought to end the Section 202 program last January but was unable to convince the Congress. Again this year we are being confronted, under the budget-cutting mania brought upon us by the Gramm-Rudman Act, with proposals to terminate all of the Federal Government's efforts to provide housing for low- and moderate-income people.

Those of us in Congress who support this 50-year commitment on the part of the Federal Government to provide decent, safe and suitable housing for our low- and moderate-income people have been fighting a lonely and essentially rear-guard battle against a popular President who dismisses the Section 202 elderly and all of our housing programs as not being part of the Government's responsibility. The Subcommittee on Housing and Community Development has heard testimony throughout the country on the success of other Federally assisted housing projects and has heard testimony from members of church-related groups, including that of Cardinal John O'Connor of New York City, that have cleverly and industriously found ways to assist low-income people, albeit in very small increments. Unfortunately, too little of this effort has been brought forth in the public media. Whether this is a reflection of the fact that housing for our citizens is no longer a priority on the social agenda of our country or that the media have been more enamored with the issues that the President has presented is difficult for me to determine.

If the President's agenda is adopted by the Congress and the American people, there will be no additional units of low-income housing for the growing number of poor families and no further commitment by the Federal Government to housing as an essential element in the traditional values of family life in our country.

If the church communities do not speak out loudly in protest of this direction of policy, then no one will. We will have submitted to the propaganda that Federally assisted low-income housing has been a failure. But it has not failed, as Father Fichter has demonstrated in his article. There are hundreds of such projects throughout this country.

I believe that we could strengthen and enhance the viability of Federally assisted low-income housing by having more St. John Berchmans Manors where church-related groups are working together in a supportive role with low-income tenants in managing and operating projects, providing various counseling services and encouraging the political support necessary to continue the Federal Government's financial commitment to low-income people in need of housing.

Mr. HENRY B. GONZALEZ,
U.S. House of Representatives.
WASHINGTON, DC.

ORDER OF BUSINESS

Mr. WYLIE. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes ahead of any special orders heretofore granted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CREDIT LIMITS FROM GNMA AND FHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. WYLIE] is recognized for 5 minutes.

Mr. WYLIE. I thank the Speaker.

I take this time to respond to an inquiry from many of my colleagues as to what we are doing about the credit limits for Ginnie Mae and FHA. I have had calls from mortgage lenders, home builders, and realtors, too.

May I say to the gentlewomen from Louisiana who just preceded me in the well that the section 202 elderly housing program is healthy and is here to stay, and I would not have too much apprehension about it.

But I would like to say that yesterday I introduced legislation along with the distinguished chairman of the Committee on Banking, Mr. ST GERMAIN, and the distinguished chairman of the Housing Subcommittee, Mr. GONZALEZ, and the distinguished ranking minority member of the Housing Subcommittee, Mr. MCKINNEY.

The bill to which I refer is H.R. 4602, the FHA/GNMA Credit Assistance Act of 1986.

This is a measure which is critical to the Nation's home buyers. Last week we were advised that the Federal Government had reached the legal limit on the amount of mortgages it can guarantee in this fiscal year. The Government National Mortgage Association, which is popularly known as Ginnie Mae, has a statutorily established credit limit of $65.3 billion.

□ 1655

Ginnie Mae acts as a secondary mortgage market for FHA and VA loans by guaranteeing securities backed by privately issued mortgages which are underwritten by the Federal Government. Through its Mortgage-Backed Securities Program, Ginnie Mae channels funds from the Nation's securities markets into the housing market.

Ginnie Mae's Mortgage Backed Securities Program has not only increased the overall supply of mortgage credit for housing, but has accomplished this while at the same time assuring that credit is available at reasonable rates.

Due to the unprecedented heavy activity in FHA home mortgages, it is clear the FHA credit limit will soon be depleted for this fiscal year also.

Since the latter part of 1984, the housing industry has experienced a spectacular and unprecedented surge in home sales activity. This substantial increase in housing sales has been largely attributable to a steady decline in long-term interest rates. As long-term interest rates have declined, home ownership opportunities have increased dramatically. For example, since the fourth quarter of calendar year 1984—when the current surge began—interest rates have dropped by approximately 3.5 percent and now are under 10 percent for the first time in almost 8 years. At these current low rates, the number of households which would qualify to purchase the median priced home has increased by approximately 8.1 million. The success of this administration's efforts to foster a healthy rate of economic growth with reduced rates of unemployment and a largely inflation free environment is clearly in evidence in the housing sector of the American economy.

The Department of Housing and Urban Development reports that single-family unit applications at the end of February totaled 547,740 and are double last year's activity for the comparable period. At the current pace, HUD conservatively estimates that single-family unit applications could exceed 1.5 million compared with the 1986 budget projections for 900,000 units. These statistics are staggering and are a tribute to the economic recovery in the housing industry. It now appears virtually certain that, short of a dramatic rise in interest rates, demand for FHA mortgage insurance this year will be the highest in the FHA's 52-year existence.

In view of this unprecedented demand for home credit, our legislation would increase the limitation of the amount of FHA commitments to insure mortgages and loans from $57.4 billion up to $95 billion. Also, the limitation on commitments to guarantee Ginnie Mae mortgage-backed securities would be increased from $65.3 billion up to $100 billion.

I believe it is important to remind my colleagues that these figures represent credit limits and are not disbursements from the U.S. Treasury.

It is important to note that the Federal Housing Insurance Funds are on an actuarially sound footing. In fact, I should emphasize that the increased applications for mortgage insurance during this fiscal year can be expected to generate an estimated $948 million in additional receipts in 1986 and 1987 from prepaid premiums collection.

Mr. ST GERMAIN, Mr. GONZALEZ, and Mr. MCKINNEY and I have sent around a "Dear Colleague" letter. I hope that Members of the House will join us in

acting immediately on this legislation. There are thousands of would-be homeowners who have waited for interest rates to fall to a level that would allow them to fulfill their dream of an affordable home. With FHA insurance, that is possible now; without FHA insurance, it may not be possible.

Mr. Speaker, the dollar limits set forth in H.R. 4602 legislation are based on data provided by HUD as of the end of March. I firmly believe we must act now and correct this rapidly escalating problem.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I would be glad to yield to the gentlewoman.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman for bringing forth the legislation in a very timely fashion to assure all the people who have such concern and worry that they will indeed have their difficulties taken care of.

I also wish to commend the gentleman for standing stalwartly behind the 202 Program. I had the pleasure of serving with the gentleman in the well in the Banking Currency Committee and the Housing Subcommittee before I went over to the sister Committee on Appropriations, and I have always found the gentleman to be one of the stalwarts in support of housing for all of the American people, clean, safe, decent, and affordable housing.

Mr. WYLIE. Mr. Speaker, I thank the gentlewoman for that compliment and for her contribution. It was indeed a pleasure to serve with the gentlewoman on the Banking Committee. The gentlewoman did perform a distinguished service.

What I meant to do when I got up here, and I do appreciate the statements the gentlewoman made with reference to the elderly 202 Housing Program, it has been a good program. It has served its purpose well. I want the gentlewoman to know of my commitment to continue the 202 Elderly Housing Program. I think that there is little reason for apprehension, that it will be continued at least through this fiscal year and into the next.

I do hope the gentlewoman will sign on the bill which we introduced today.

THERE YOU GO AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, "There you go again" is the title of this particular special order. I want to use that phrase to refer to what I think are three very different problems that affect us here in the U.S. House of Representatives and that we need to look at as they relate to the American people and where we are at today.

Many Americans will remember that "There you go again" was the phrase that then candidate Ronald Reagan used in his debates with President Jimmy Carter when President Carter would exaggerate a particular position or would state about Ronald Reagan's position things that then Governor Reagan thought were not accurate. The way he would respond is by saying, "There you go again."

I gave a special order, I guess, 2 weeks ago, a 5-minute special order about the way in which the House had suddenly been adjourned one night, the reasons that were given for that adjournment. And I wish at the time I had thought of saying, "There you go again," because it just was not, in my judgment, an accurate statement of what happened.

Today we had a debate where I think the Republican Party communicated as decisively as it could how deeply upset it is, how deeply offended it is, by the way in which the Democratic leadership structured this particular opportunity to vote on aid to the freedom fighters.

While I am going to talk some about the Democratic leaders of the House, I want to make clear that on a number of these problems, it is not purely a partisan disagreement. I think the gentleman from Washington [Mr. FOLEY] was right today when he said that we face a bipartisan problem on the issue of how we defend freedom and how we deal with the transnational strategies of the Soviet empire attempting to extend tyranny.

Clearly there are some Republicans who would vote against aid to the freedom fighters. There are many courageous Democrats who spoke and worked and argued for and voted for aid to the freedom fighters. It is not purely a partisan issue, but it becomes an issue of the Democratic leadership, because the Democratic leadership runs the House. It sets the rules. It decides on the committee structures. It ultimately decides on the calendar. In effect, it makes up the rules of the game.

When every Republican but one voted today for the Hamilton-Barnes amendment, something we would not normally have expected, they did so because their leader, BOB MICHEL, had told them it was the only strategy he could see to get across the message that we as a party were fundamentally offended by the way the House is being run, that we thought it was fundamentally unfair, and that we thought it was not fair to the American people, it was not fair to the minority party, it was not fair to the major issue of freedom in Central America.

But it goes deeper than just today's vote, just this situation.

There was something wrong a couple of weeks ago when we brought a major bill about gun control to the floor of the House only by having signed a discharge petition, only by having 218 Members walk up right here and sign their name to bring that bill out, because the committee chairman and the Democratic leadership would not bring it to the floor.

Now we find ourselves in a similar situation. Congressman MICHEL and Congressman LOTT have filed a rule which would bring a bill to the floor.

□ 1705

Next week they will file a discharge petition to bring that rule up. It is a cumbersome, clumsy, inadequate process, but it is the only way allowed to us to have a clean, straight vote on helping the freedom fighters so that that vote, if it passes, can send a bill across to the Senate, to the other body, so that it can then go to the President.

What was being tried today by the Democratic leadership was just plain wrong. It was an effort to say that even if we could find the votes on the floor to pass aid to the freedom fighters, all those votes would do would put that proposal on a supplemental appropriations bill which, at best, would take several months to go through the other body and through conference and to final passage and, at worst, would actually be vetoed by the President, therefore going nowhere. In other words, the liberal Democratic leadership had set up a game in which, even, when those of us who favor help to the freedom fighters won, we would lose, by in effect blowing up that game, by voting for Barnes-Hamilton, in order to force the Democratic leadership to recognize that it could not possibly win on final passage.

Those of us who favor aid to the freedom fighters were trying to say, "Enough is enough. Let's look at things fairly."

This is a constant, recurring problem. We find again and again that rules are made to suit the liberal Democratic leadership, rules are changed to suit the liberal Democratic leadership, things are written as the liberal Democratic leadership wants them to be.

We were told today, for example, that it would have been impossible to have introduced a free-standing bill and brought it up in the time allotted. "There you go again" is probably the correct answer, because the fact is we could introduce a bill this evening and if the Speaker wanted to instruct the Rules Committee to bring it out, they could meet tomorrow and we could be voting on that bill by Monday. In fact, if we wanted to bring the bill to the House—and this has happened in my experience here—if the House would vote by a large enough majority, I be-

lieve it is two-thirds, we could actually go to the Rules Committee in the morning and report that bill out by tomorrow afternoon.

It is simply not correct to say, as some Members of the liberal Democratic leadership said today, that they were technically stopped. And, in fact, members of the liberal Democratic leadership have been quite candid in the past that they could bring up bills when they wanted to, they could basically set the calendar as they wanted to, that they are the majority and they have the right to run this place the way they want to.

So they set up the game today so that the side that favored helping the freedom fighters could not win. And then, when they found they had outsmarted themselves, they tried to explain it was not their fault.

We face a similar problem on the budget. Under Gramm-Rudman, we should have passed a budget I believe it was yesterday. Under Gramm-Rudman we should have done our job. I have been told today—and this is hearsay because I have only talked to one Republican member of the Budget Committee—but that member told me they have not had an official meeting of the Budget Committee since March 13.

Surely, one would wonder why we are not following the law, why we are not in fact passing a budget when we are supposed to.

The problem is, from the standpoint of liberalism in America, that both in foreign policy and defense policy, on the one hand, and on domestic policy and the budget, on the other hand, there are no good answers if you are a liberal.

Consider, for example, the relationship between Qadhafi, the Libyan terrorist leader, and Nicaraguan communism. The fact is that Qadhafi and Libya have given $400 million in economic aid to Nicaraguan Communists. The fact is that the Libyan Government has sent over 100 military advisers to the Nicaraguan Communist Government. The fact is that the Libyan Government sent 2 helicopters to the Nicaraguan Communists. The fact is that the Libyan terrorists sent antiaircraft machineguns to the Nicaraguan Communists. The fact is that the Libyans sent SA-7 shoulder-fired rockets to the Nicaraguan Communists. The fact is the Libyan terrorists sent small arms and ammunition to the Nicaraguan Communists. The fact is that there were 4 planeloads of Libyan weapons that landed in Brazil labeled as medical supplies but that in fact turned out to have 2 dismantled fighter planes, 600 light rockets and literally tons of weapons for the Nicaraguan Communists.

Now, none of these facts are in dispute. Yet as recently as yesterday, one member of the liberal Democratic leadership told the press that he just did not believe that the Libyans had done anything like that.

Now, that poses, I think, a real problem for the American people at two levels. In the first place, liberal foreign policy would make great sense if we lived in Epcot Center or Disney World, if there was a fantasyland of nice people in which there was no violence. The problem with liberal Democratic foreign policy is that we live in a real world where there are people like Qadhafi and Ortega, where terrorists and Communists dine together, where there are active enemies of America.

Faced with that reality, liberal Democrats all too often rush into fantasyland and then are shocked when the fantasyland blows up in their face.

For example, when the United States, led by President Reagan, decided that enough Americans had been killed, that we had proof, for example, that Sgt. Kenneth T. Ford of Detroit, an infantry sergeant, 21 years old, had been killed by Libyans, when we knew that the National Security Agency had intercepted the radio messages and had interpreted them, the United States decided to retaliate.

When we decided to retaliate, we asked France for permission to fly over its territory. Yesterday France declined that permission.

I stood on the floor of the House and I listened as several liberals got up and said, "Oh, this is terrible of the French. How could they deny us flying over their territory?"

One of the reactions of liberalism, when suddenly its fantasyland is invaded by reality, is to blame somebody else. There is always somebody else who is responsible.

And it suddenly hit me: If you were France and you had watched the U.S. House of Representatives over the years and you had watched America leave Vietnam and you had watched American leave Cambodia and you had watched America leave Laos and you had watched America cut off aid to Angola and Mozambique, with the effect that the Soviet Empire and the Communist Cuban colonial moved in, and you had watched America be ineffective in Afghanistan and you had looked at the debate after debate in the U.S. House of Representatives, in which the American left again and again was against doing anything militarily effective, how big a gamble would you want to take?

And I was struck by an article in the Washington Times, an article about precisely that phenomena, an article which quoted Hondurans, entitled, "Contra 'Ghost' Materializes as Honduras Mentions Rebels."

Let me read a couple of paragraphs about why the Hondurans have been very, very careful about talking openly about their support for the Contras:

"It's still very difficult for us," the official said. "If we say the Contras are here, we will be in trouble with the international community and international law. We remember exactly what happened with Cambodia."

"What happened with Cambodia?" you might ask.

Well, there was a government of Cambodia that was pro-American, that was trying to stop the Communists, that was openly for us. And in the House of Representatives, we cut off aid to that government, and a few weeks later it fell and the horrors of Cambodia began, and the Communists killed over 1 million people.

The official goes on:

The official also noted that if Honduras gave a public blessing to the rebels, "then we are exposed to the revenge of the Sandinistas openly." And, he added, the Honduran government cannot be certain that American policy won't suddenly shift and leave Hondurans dangling on a branch.

This week's vote in Congress on U.S. aid to the rebels, for instance, has Hondurans deeply worried.

And I think every American should listen carefully to this next statement:

"It's hard to be a close friend or ally of the United States," the official said. "With the Soviet Union they have no strings attached to their aid. They have no Congress to satisfy . . . . But with the United States, you have to get—

And he cited two liberal Democrats—

to give permission for everything. Mr. Reagan has good intentions, but he doesn't have the ability to act by himself . . . .

"But we have to live with the consequences. Many people don't have sympathy for the United States. They can't say publicly to the United States. 'We hate you.' But they can say it to Honduras. It is very easy to make accusations against Honduras."

In other words, if you were a government in Central America, how much would you trust the U.S. Congress? If you were a government in Europe and you knew Ronald Reagan was firm or you read the debate in the U.S. Congress, how much would you risk on trusting the United States?

Let me give you some quotes. I went back and studied the debate in March on Nicaragua. I am not going to quote anybody by name. These are all liberals. All but one are Democrats. But I want you to listen to these quotes and ask yourselves if you were in Belgium or France or Italy and you had seen elected officials in the United States taking these positions, how ready would you be to get involved?

"All the guns in the world cannot win."

"There is no military solution. There is no military answer."

"War is an anachronism."

"National reconciliation is ordered by diplomacy, not by guns."

"I am concerned about us. Do we believe that the ways we should try to settle arguments is to grab our guns?

Does it matter whether we grab guns or whether we try to settle our problems?"

"The notion that our only option is war betrays a lack of imagination and an absence of confidence in our country's moral, economic, political and cultural strength."

Now, my point is, if you were a European country and you were asking, "Well, why are the Americans mad at Qadhafi? He is a lot further away than Nicaragua. Why are they picking on him? He has not killed more Americans than the Nicaraguan-supported El Salvadoran guerrillas have. Why are they picking on him? Why not negotiate? Why not sit down?"

Now, you and I may understand that in fact there comes a time when you have warned a person who is willing to use terrorism, when you have told him again and again not to do it, when you have absolute proof that he is deliberately killing Americans, there comes a time when you use force. But are we really prepared to be all that angry at our European allies when they have watched the last 15 years of vacillation and confusion and uncertainty in our system? Are we really all that prepared to say to the Hondurans, "Oh, you ought to stand up and be counted because you can really trust us, we won't leave"? I am not so sure.

And let me cite one personal example. In 1977, I visited with one of the senior leaders of the West German Army. At that time we had just moved a brigade up near Bremerhaven, on the German coast, in order to reinforce the northern flank of the central front. The way it had been presented to the news media came off very badly, and it looked as though we were trying to take a port so that we could protect ourselves.

□ 1720

And the German general said, "You know, it looked to many people"—this, remember, is 2 years after we had pulled out of Vietnam, pulled out of Laos, pulled out of Cambodia, it was 2 years after we had cut off aid in Angola and in Mozambique in order to have a negotiated settlement, followed immediately by 35,000 Cubans being flown in by the Soviets. The German general said to me, "It looks as though you're trying to protect a port of evacuation."

I, being naive, said, "You mean like Dunkirk?"

He said with a withering look, "No, I mean like Saigon."

Faced with that history and faced with unreliability of this Congress, would you really recommend to the Hondurans or the French to gamble on the American card that we are reliable and we are stable. And as you listened to the debate yesterday and today, would you really say that American liberalism has learned anything about the Soviet empire, the dangers of military force, or the nature of dictatorships? I am not so sure.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my good friend, the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I appreciate the gentleman's yielding to me.

Mr. Speaker, I would like to clear up something that I was confused about in listening to the gentleman just a moment ago. He seemed to wonder whether we should not be doing the same thing to Nicaragua that we are doing to Libya, at least that is what I seemed to get from the parallel he was trying to draw between Libya and Nicaragua. I happen to believe that the President had no choice the other day. I think the evidence of Libyan terrorism was incontrovertible from all that I know, and he did the right thing. I have said that I support the President in the air attack on Libya, and I hope that we can convince Qadhafi and others that they are victims of their own grotesque terrorist acts in the long run.

Notwithstanding that, I assume the gentleman also supports the President in what he has done in Libya. Is he suggesting that there is a parallel with respect to Nicaragua and that we ought to be launching air attacks in Nicaragua, and the absence of doing that is what is confusing our European allies?

Mr. GINGRICH. No, I am suggesting we must have the willingness to be sophisticated about the nature of our enemies, and the willingness to recognize that our enemies are linked together, and the willingness to take the most effective steps currently available. There is, for example, in Libya, no active anti-Qadhafi domestic effort that we could be supporting. Frankly, if tomorrow morning there was a Libyan freedom movement that emerged and that was willing to tackle Qadhafi, I would be in favor of supporting it.

Mr. DORGAN of North Dakota. Is it a Communist monolith that we are concerned about here, and if so, how do we deal with the People's Republic of China?

Mr. GINGRICH. The gentleman asks exactly the right question. There is a Soviet empire. It is not purely ideological.

Mr. DORGAN of North Dakota. It is not necessarily just Leninist-Marxist, it is Soviet as opposed to Leninist-Marxist?

Mr. GINGRICH. I think the primary intellectual doctrine is Leninism. Marx is essentially, I think, irrelevant in terms of power. Marxism is a 19th century intellectual analysis, but I do not think that it relates much to this. I do think there is, if you will, a Soviet empire which believes at least as much in Leninism as we believe in the Constitution. I think that it is the nature of that Soviet empire that should frighten most Americans.

I happen to see Nicaragua in the context of the Soviet empire. I think Nicaragua in isolation is a nonissue. It is by definition not a threat to America. But Nicaragua as an additional building block in which the Soviet empire uses Communist Cuban colonial troops and establishes an additional set of bases and an additional set of resources, I think that is something legitimately that Americans can worry about and should worry about.

Mr. DORGAN of North Dakota. I do not disagree with the gentleman that certainly we need to worry about the Soviet bloc and the Soviet sphere of influence, and we need to be concerned about the Soviets in this hemisphere; we share that common concern.

One of the things that I was most interested in was that I feel the gentleman is being too kind to our allies in seeming to make excuses for them for not being supportive of our efforts to attempt to deal with Qadhafi. My feeling is that given the evidence that we have of Quadhafi's reign of terror around this world—a reign of terror, incidentally, which has substantial impact on Western Europe as well—it seems to me that it would be incumbent upon our allies in Europe to be very supportive of this country's efforts to deal with Qadhafi.

Frankly, I am very disappointed and also somewhat angry that some of those who we should count on as strong supporters in this instance seem not to be supportive at all. The gentleman knows what we are spending for 300,000 troops in Europe.

Mr. GINGRICH. Sure. I wish, I could say to my good friend, that they were more supportive. But I found it ironic that yesterday some people who have given impassioned speeches against force were suddenly outraged that the French and the Belgians had listened to their speeches, that people in this Congress who had voted year after year after year not to oppose effectively the Soviet empire should suddenly, on our terms on the day we decide to do it, decide that the French have to do what we think is right.

Mr. DORGAN of North Dakota. Mr. Speaker, if the gentleman will yield, I wonder if the failing here is not the gentleman's suggestion that the way to deal with the Soviet empire is always force. It seems to me that force——

Mr. GINGRICH. I did not say that.

Mr. DORGAN of North Dakota. But the gentleman is suggesting that those who have not previously supported the use of force are somehow inconsistent when they see an application

for force that they believe is appropriate.

Mr. GINGRICH. What I am suggesting is, and I think the gentleman has raised a very legitimate point here, that if for 15 years the systematic lecture of the American left has been not to be too aggressively anti-Communist, not to be too militaristic, not to use force, then when we finally begin to turn and say, "Ah, here is a case where we should use force," it seems to me a bit much to now condemn the Belgians and the French for not having learned our lesson. This is particularly the case in the light of a situation where, as I just read into the Record, as recently as last month many of our good friends on the left were once again preaching what is in effect that force never works, violence is never good, the military never solves anything.

All I was saying was that if I were the French Ambassador reading the American left's speeches last month on Nicaragua, I would advise my government to be very careful about trusting this Congress to back Ronald Reagan for more than 96 hours.

Mr. DORGAN of North Dakota. I think it mischaracterizes the debate to suggest that it is just the American left. The gentleman has members of his own party who have consistently opposed the use of force.

Mr. GINGRICH. That is why I did not say "Democrat." There are Republicans who belong to the American left.

Mr. DORGAN of North Dakota. I think that is too simple an analogy. It seems to me the gentleman characterized those who do not agree with the use of force in Nicaragua as people who are unwilling to use force in any instance where this country is threatened.

Mr. GINGRICH. No, no, I did not say that. I never said that. What I said was, and I say it is a consistent pattern, we cut off aid in South Vietnam, and it fell. We cut off aid in Cambodia, and it fell. We pulled out, and Laos fell. We refused to support anybody in Angola and Mozambique, and the Soviets used Cubans to take over. We have been ineffective in Afghanistan. We are indecisive in Nicaragua. We failed in Lebanon. And we were very passive in Iran.

All I am saying is, if you have that 15-year history of American confusion behind you and you were a foreign government, you might be a little careful, and it is a bit much for some of our friends on the left to suddenly get angry at the French, because the French have been watching and reading the speeches of our friends on the left.

Mr. DORGAN of North Dakota. I think the gentleman is too charitable to our allies. Why be that charitable? Why not ask our allies and expect our allies to look at the solid evidence that exists with respect to the need to deal with Libya, and ask them to make their judgments on that basis. We are not dealing with history lessons here.

Mr. GINGRICH. If he would, I would like the gentleman to give me one example in the last 16 years where the U.S. Congress has consistently supported the use of force anywhere.

Mr. DORGAN of North Dakota. In Nicaragua.

Mr. GINGRICH. We have not consistently supported the use of force.

Mr. DORGAN of North Dakota. Of course we have. How does the gentleman think Somoza left? This country supported the Sandinistas.

Mr. GINGRICH. No, no, we did not support the use of force there.

Mr. DORGAN of North Dakota. Did we support the Sandinistas in Nicaragua, or did we not?

Mr. GINGRICH. No, we withdrew recognition and aid from Somoza.

Mr. DORGAN of North Dakota. If the gentleman believes that, if he believes that that is all that happened with the withdrawal of Somoza, then I think——

Mr. GINGRICH. We never voted to give money to the guerrillas while they were in the field.

Mr. DORGAN of North Dakota. Aha! But did we not support the Sandinistas' revolutionary movement?

Mr. GINGRICH. The gentleman is not hearing me.

Mr. DORGAN of North Dakota. I am asking a question.

Mr. GINGRICH. Yes, there was a period that lasted less than a year when we helped evict Somoza and we helped get the Communists in.

Mr. DORGAN of North Dakota. That is my point. My point is that Somoza was thrown out of Nicaragua, regardless of the merits.

Mr. GINGRICH. Right; it took less than a year.

Mr. DORGAN of North Dakota. All right. When Somoza was thrown out of Nicaragua, in the end of that process, when the Sandinistas were marching on Managua, the question I am asking is, "Was this country a party to that removal of that government, which was removed incidentally through force?"

Mr. GINGRICH. Yes, we were, very indirectly and nonmilitarily.

Mr. DORGAN of North Dakota. All right, and the gentleman has asked—and so I have answered the question—he has asked, "Have we been willing to use force around this Earth?" Of course we have, in selected instances.

Mr. GINGRICH. Wait a second.

Mr. DORGAN of North Dakota. The difference is that some people want to use force in every instance.

Mr. GINGRICH. That is not fair. Wait a second. The French, when asked by us to go into Lebanon, went into Lebanon. There were Frenchmen killed the very same day the U.S. marines were killed. But if you are sitting in France and you are right across the ocean from the Libyans, and you say to yourself, "All right, Ronald Reagan is mad this week, and this week Ronald Reagan is going to be able to launch an air strike. How long do I think the news media in America and the intellectual left in America and the politicians in America are going to let Ronald Reagan be that decisive?"

All I am saying is—and I am not apologizing for the French—I wish they had supported us.

Mr. DORGAN of North Dakota. It sounds like the gentleman is.

Mr. GINGRICH. What I am saying is that I think that there is an awful lot in our behavior over the last 16 years that is—and I quoted a Honduran official talking to a Washington Times reporter yesterday about how scary it is to rely on the United States, knowing that this Congress at any moment can vote to cut and run.

□ 1730

Mr. DORGAN of North Dakota. Let me suggest this. I think if you are going to rely on anybody in this world, you ought to be able to rely on this country. The United States is the most reliable, bar none, in this world. You show me trouble in this world and I will show you who has gone there first with the most and generally speaking, it has been us.

Mr. GINGRICH. I can give five examples: Cambodia, Vietnam, Laos, Angola, and Mozambique.

Mr. DORGAN of North Dakota. What did we first deliver to Cambodia?

Mr. GINGRICH. No, no. What I am saying is we voted to pull out in each of those countries. We voted to allow a vacuum of power for the Soviets.

Now, all I am saying is that if you or anybody else in the world watching that, would that not scare you? Given what the gentleman just said, and I agree, if you love freedom, we are the best hope on this planet; but for the last 16 years we have been pretty scary.

Mr. DORGAN of North Dakota. Oh, see; I guess I do not share that view. I mean, I asked about Cambodia because I rue the day when we decided to chase into Cambodia and begin dropping the bombs there.

Mr. GINGRICH. The gentleman does rue the day?

Mr. DORGAN of North Dakota. Yes, I do, because we began dropping those bombs in Cambodia illegally, incidentally, and I think there is a lot of evidence of that.

Mr. GINGRICH. Sure, because they had allowed the North Vietnamese in there illegally.

Mr. DORGAN of North Dakota. Well, the point is we went in seeking

those bases with a substantial bombing of Cambodia, which eventually led to the horrors that we now have discovered about that country.

My point is this: In the last 15 years, which is a period in history where the gentleman feels we apparently have not used force enough——

Mr. GINGRICH. Where we have withdrawn and allowed the Soviet empire to win.

Mr. DORGAN of North Dakota. Well, but I think there is substantial evidence in this hemisphere and I think around the world that democracy in many respects is succeeding.

Let me give the gentleman some examples in this hemisphere. The gentleman knows the examples. We have a gem of a democracy in Costa Rica. We have a new democratic government in Honduras. We have a new democratic government in Guatemala.

It is interesting to me, moving from democracies to other parts of this world, that in the last 15 years we have opened up China, and I pay homage to Richard Nixon for doing that, without arms.

China somehow is now open to the West, and in fact becoming a friend of the West.

I was amazed the other day to discover that this administration wants to send them some military airplane technology on the heels of the nuclear power technology they also wanted to share with them, al la George Bush.

Mr. GINGRICH. I would say explicitly in the context that China discovered in the late fifties that it did not want to be a part of the Soviet empire and that for all practical purposes we are the allies of almost anybody who does not want to be part of the Soviet empire.

Mr. DORGAN of North Dakota. Oh, but part of the Vietnam experience and part of the judgment that went into that was that the Chinese and the Soviets represented a Communist monolith. Would the gentleman not agree with that? That was the assessment here in this country and in Washington, DC.

Mr. GINGRICH. No. I do not think that was true by 1963 or 1964. I think there was a general feeling that the fighting—remember, there was a very severe split in 1958-59 and by 1964, I think it was, there was actually fighting on the Sino-Soviet border.

Mr. DORGAN of North Dakota. Well, I guess everything I have read suggests——

Mr. GINGRICH. I would be glad to get to the documents. I used to teach that stuff.

Mr. DORGAN of North Dakota. Well, I was not here in Washington, DC, at the time; but the documents are also available that I have read that suggest that the underpinnings of the Vietnam experience was a belief there was a monolith of communism between the Red Chinese and the Soviet Union.

But be that as it may, I guess the point where the gentleman and I part company is the gentleman's notion that somehow in the last 16 years we have become a weak sister internationally and that other countries should view us that way.

Mr. GINGRICH. I did not say they should. I said do.

Mr. DORGAN of North Dakota. The gentleman said they do.

Mr. GINGRICH. I quoted a Honduran who said flatly he does. I quoted a West German who said that he was scared that we would pull a Saigon.

All I am sayng, there are reasonable grounds for other countries, particularly looking at this House of Representatives in the U.S. Congress, to be very confused and very uncertain about America's commitment to a firm, consistent, long-range policy.

Mr. DORGAN of North Dakota. Well, I do not think Hondurans should be confused at all. I mean, I think this country's commitment to Honduras, particularly in recent years, has been substantial. The people I have visited with in Tegucigalpa, Honduras, do not reflect the person the gentleman quoted from.

I guess the point I wanted to make is that I do not see the gentleman's rather dark view of where we have been and where we are going. I think we must use power responsibly. I think the gentleman would probably agree with me that we are probably the most powerful country in the world. I happen to feel that way.

Mr. GINGRICH. I think we are.

Mr. DORGAN of North Dakota. And the Chairman of the Joint Chiefs would probably believe that. You know, one of the responsibilities of power is to know when to use it and to know when not to use it.

I think if we look over a continuum of time that this country has been doing pretty well. We can look back and see some mistakes and I would be willing to admit to those mistakes; but I would sooner err on the side that we have erred on perhaps than the other side.

Mr. GINGRICH. I think it depends in part, if you went back and took a snapshot of the world, certainly as late as 1959 and certainly maybe as late as 1966 or 1967, and you took a snapshot of the world today, let me cite the changes for just a second:

South Vietnam is now Communist. Laos is now Communist. Cambodia is now Communist, meaning there is a Soviet naval base in Camranh Bay.

Ethiopia is now Communist. South Yemen is now Communist, meaning that there are Soviet troops and Cuban troops there.

Mr. DORGAN of North Dakota. But the gentleman is not just concerned about Communists.

Mr. GINGRICH. I am talking about part of the Soviet empire.

Mr. DORGAN of North Dakota. The gentleman is saying that Ethiopia is now part of the Soviet empire.

Mr. GINGRICH. Sure.

Mr. DORGAN of North Dakota. We want to distinguish between Communists and Communists.

Mr. GINGRICH. I appreciate the gentleman's point.

Mr. DORGAN of North Dakota. The administration's view with respect to China has been confused. I want to make that distinction.

Mr. GINGRICH. I think the gentleman is exactly right, and I think frankly it is one of the reasons over the last 2 years, in trying to listen to the debate in the House that I have had to think through, what is it we failed to explain?

Let us talk about the Soviet empire and let us see the world for a minute from the standpoint of gaining and losing ground.

The Soviet empire, as I said, gained resources in South Vietnam, which is now part of the Vietnamese Communist government and the Soviet empire now has a big naval base a Camranh Bay.

The Soviet empire gained assets and facilities in Ethiopia and in South Yemen, using, interestingly enough, both Cuban and colonial troops and is now in a position where it is on both sides of the mouth of the Red Sea.

The Soviet empire gained considerable advantage in Angola and Mozambique, both of which have Cuban and colonial troops and has advantages there.

The Soviet empire was on the verge of gaining an air field in Grenada and when we liberated the island, they lost that.

The Soviet empire is in the process of gaining a Pacific port and a 10,000-foot runway and other facilities in Nicaragua by making it in effect a colony of the Soviet empire.

The Soviet empire has something like 11 air bases in Cuba, its largest spy station at Lourdes listening to us, and in the Cuban Navy has a set of assets about the size of Nazi Germany's submarines in World War II in the Caribbean.

All I am suggesting is not that we are in desperate straits, but first of all, that we are up against an active adversary in the Soviet empire that systematically seeks to extend tyranny, that has invented two kinds of conflicts that we are not used to yet.

One is what I would call transnational conflict, where they have the right to cheat, as the gentleman himself said about Cambodia. They get to cheat, but if we do anything that is wrong—and I would say again in Nicaragua we have at least as much evidence about Nicaraguan support of

terrorists and guerrillas as we have about Qadhafi.

There is plenty of evidence, for example, about El Salvadoran Communists getting aid directly from Nicaragua. We have tons of evidence.

Mr. DORGAN of North Dakota. Well, that is not quite the case. We have had a secret session of the House and we have seen evidence from pictures.

Mr. GINGRICH. Would the gentleman seriously dispute factually whether or not there is a flow of weapons and other resources through Nicaragua into El Salvador?

Mr. DORGAN of North Dakota. No; I would not dispute that. I am saying there may be some weapons flowing there.

The gentleman is saying there is a flood of weapons.

Mr. GINGRICH. OK. We can argue about flood.

Mr. DORGAN of North Dakota. The gentleman tells me if they send a few guns somewhere, that is a flood

Mr. GINGRICH. Well, what is a flood in most of North Dakota?

Mr. DORGAN of North Dakota. Well, let us talk about it for a second. The gentleman knows of the Gulf of Fonseca, which is the gulf around Honduras, El Salvador, and Nicaragua. On the Gulf of Fonseca we have provided money for the fast boats. These are the fast little boats with machine guns and you have got the Hondurans patrolling the Gulf of Fonseca, because the Gulf of Fonseca, frankly, is where there is supposed to be the major amount of a cache of guns being moved from Nicaragua to El Salvador.

I was on the Gulf of Fonseca. I went to the naval station that deals with these fast boats. We had a briefing from the colonel. Every colonel, of course, has a slide projector, so we saw the slide projector presentation first and heard how great the fast boats were and how they patrolled the Gulf of Fonseca for 18 months and how many more boats they have now than then and so forth.

Then I asked the operative question: How many guns have you interdicted here?

"Well, none."

"None, in 18 months?"

"Now we think we have stopped it."

The point is, I am not suggesting there are not some guns being moved, but the gentleman is suggesting that there is overwhelming evidence that it is a massive shipment of guns from Nicaragua to El Salvador, which is not supported by the facts.

Mr. GINGRICH. I did not say that. The gentleman is exaggerating what I said. What I said was there is overwhelming evidence that the Nicaraguans directly supply the El Salvadoran Communists. There is overwhelming evidence the command and control for the El Salvadoran Communist is based in Nicaragua.

When we had the famous incident in the early 1980's in which two El Salvadoran Communists killed each other in a Nicaraguan hotel, that was pretty good evidence that they were spending time in Nicaragua.

Now, all I am saying, if you have absolute proof that Nicaragua is guilty, at least as guilty as Libya, and we have I think absolute proof. We have absolute ties of the Nicaraguans with other Communists.

We had an Ecuadoran terrorist picked up in El Salvador who was carrying money out of Nicaragua to the guerrillas and terrorists in Costa Rica. She was arrested in Costa Rica on her way to Ecuador.

We have absolute proof of tying them into the M-19 guerrillas in Columbia. I mean, nobody seriously disputes that, do they?

Mr. DORGAN of North Dakota. Well, I guess I do not quite understand. The gentleman is saying that Nicaragua is as terrorist a state as Libya and the evidence exists that the gentleman has available to him and to me to support that. Is that what the gentleman is saying?

Mr. GINGRICH. Sure. Does the gentleman dispute that the Nicaraguan Communists have been systematically helping guerrillas and terrorists in parts of South and Central America?

Mr. DORGAN of North Dakota. No. It is my judgment that there has been some of that help. It is also my judgment that when the gentleman comes to the floor and says that there has been a flood of that sort of thing going on, that the gentleman does not have the evidence to support that.

Now, the problem is——

Mr. GINGRICH. Now, wait a second. Now, hold it. There you go again.

I am suggesting to the gentleman that the evidence is incontrovertible that Nicaragua systematically supports terrorism in countries in South and Central America.

Now, I want to focus on that, because if the gentleman agrees that they do, that is clearly illegal and against the rules of the game and makes them an outlaw regime, makes them like Libya. Now, does the gentleman agree with that or not?

Mr. DORGAN of North Dakota. Well, what the gentleman suggests is that there is all sorts of evidence that is equated with the kind of evidence that most of us know exists about Libya. I do not know that for a fact.

I do not doubt for a moment, incidentially, that the Sandinistas, for whom I have no admiration, I have met them, I do not like them——

Mr. GINGRICH. This is not an admiration society.

Mr. DORGAN of North Dakota. I do not doubt for a moment that they are supportive and are soulmates of those who seek revolution in El Salvador; but what makes me uncomfortable is that those of us who do not want to send explosives to the hills are somehow painted as people who really enjoy the Sandinistas. I do not.

Mr. GINGRICH. I did not say that.

Mr. DORGAN of North Dakota. I hope the Sandinistas leave one of these days and I think there are ways to persuade them to do that.

Mr. GINGRICH. Let me make clear, because I do not want to suggest that it is a question of like or dislike. This is not a dating society.

We have, and I will be glad to meet any reasonable standard the gentleman wants to offer, we have evidence in the form of captured prisoners, in the form of intercepts by radio, in the form of actual weapons, we have evidence that the guerrillas and terrorists in at least three or four countries are directly overtly helped right now from Nicaragua.

Mr. DORGAN of North Dakota. Well, look, the gentleman's evidence, the evidence that the gentleman purports to represent is the same kind of evidence that we see here on the floor that in my judgment grotesquely distorts what we have to deal with.

Mr. GINGRICH. The gentleman is saying that we could educate the French and I am saying the same National Security Agency, the same Central Intelligence Agency, the same Defense Intelligence Agency that would have educated the French are trying to educate the gentleman.

I will guarantee, we can go down tomorrow morning and I can get the gentleman more, as the gentleman well knows, more briefings on more data and more secret material than the gentleman could possibly want to spend time on.

Now, the gentleman is angry at the French because they do not believe the Agency about Libya that the gentleman does not want to believe about Nicaragua.

Mr. DORGAN of North Dakota. No, no; I do not believe them about Nicaragua because they have not made a persuasive case about the extent to which the Sandinistas are exporting revolution successfully. Let me give the gentleman an example. I do not know whether the gentleman said it on the floor——

Mr. GINGRICH. Who is wrong, the Central Intelligence Agency, the Defense Intelligence Agency or the National Security Agency?

Mr. DORGAN of North Dakota. But permit me for a minute to give the gentleman an example. Let us describe precisely why the gentleman is wrong and where the administration is wrong.

One of the threats, obstensibly, the terrorist threat, is the 120,000 or 130,000 man army in Nicaragua, right?

That is the official line. I heard it in Nicaragua. I have heard it on this floor. I have heard it from the administration and I have heard it from intelligence sources. It is in the papers. It is in the periodicals. if there are 120,000 or 130,000 people in Nicaragua under arms and if the gentleman really believes that, then obviously the gentleman probably will pursue the course or advocate the course that the gentleman suggests on the floor of the House, but that is preposterous. That is no where near the truth. It does not nearly represent the empirical facts. The gentleman knows there are not that many men under arms in Nicaragua. All you have to do is visit Nicaragua and see for yourself.

When the gentleman says those things and the gentleman says he has evidence, that does not make them true or not true. While I oppose the Sandinistas I don't want to overinflate their military capability

Mr. GINGRICH. I just want to point out to my good friend, the gentleman is now doing precisely what I said earlier. The gentleman is saying that of the American intelligence government agencies——

Mr. DORGAN of North Dakota. No; that is not the case.

Mr. GINGRICH. Exactly what the gentleman said when the French were saying it.

Mr. DORGAN of North Dakota. That is not the case. In fact, if we pin the intelligence agencies down about the troop strength in Nicaragua, eventually they will get off this nonsense that they try to sell to all of us about 120,000 people under arms in Nicaragua and eventually they will admit that that is not the case.

□ 1745

But that is the official line. That is what they are trying to tell us.

Mr. GINGRICH. Let me yield to my friend from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. It all depends on how you want to interpret the information.

What I think nearly anybody who observes Nicaragua today will say is that the number of people actually under arms in the Nicaraguan Army is 70,000 people. They have a 70,000-man army as such. There are about another 50,000 of trained people that they now regard as reserves that are available to them. So, in fact, if you put the two together, you have got that, but you can make the case that they do not have 120,000 men under arms at any particular time. They do have about 70,000 men under arms at any given time, and that is, in fact, the army that is there, that is their drafted army that is extremely unpopular in Nicaragua. And even if the army were half that size, even if it were half that size, it would still be twice the size of the army that Somoza had at his peak. He never had more than 15,000 people under arms in Nicaragua, and by anybody's estimate. I know you cannot possibly come up with an estimate lower than that for the Sandinistas.

So, in fact, the Communists have put more people under arms. They have approximately 70,000 people, and I thank the gentleman for yielding.

Mr. GINGRICH. I know our friend from Pennsylvania was not here earlier when I was trying to make my case, and I want to repeat it because I think it is important to keep this focused. All I was saying earlier was before the gentleman gets too angry at our European allies, we should recognize that the American left has for 16 years taught two principles. One is to always underestimate the threat, and the other is to always be inconsistent in sustaining our policies. And if you were Honduras, or you were Belgium, or you were France, you would worry about whether or not the U.S. House of Representatives would sustain Ronald Reagan's policies long enough to make them effective.

Mr. DORGAN of North Dakota. If the gentleman will yield, are you suggesting that the French support the policy you advocate?

Mr. GINGRICH. No, I am not.

Mr. DORGAN of North Dakota. Or Reagan's policy in Nicaragua? In fact, they oppose it.

Mr. GINGRICH. Wait a second. There you go again. I am trying to say to you that I have a very clear case to make, and my case is that simply there is a Soviet empire. It does use Communist Cuban colonial troops. There are 2,500 Cuban colonial troops in Nicaragua. They are helping prop up the Soviet colony in Nicaragua, which is actively helping terrorists today, and we can talk all we want about negotiations, but today we have evidence. The agencies that you want the French to believe are willing to say in secret briefings, and I think in public, and it is not just the administration line, because after all, even you are formulating the sentences the French Ambassador could use. He could say, well, the administration line was Qadhafi was really dangerous, but why should we believe the Central Intelligence Agency anymore than the American left believes the Central Intelligence Agency. And you are making my point for me, which is that I can give you absolutely incontrovertible proof that the Sandinista Communist Government, with the help of Cuban colonial troops, is advising, training and equipping terrorists today.

That is a military problem, and the least expensive and least risky military answer is to help the freedom fighters.

Mr. DORGAN of North Dakota. You are suggesting somehow that the reason our allies have been so recalcitrant is that they do not believe the evidence. I do not think that is the case at all.

Mr. GINGRICH. No; they do not believe the Congress of this country has the firmness to stay the course. They are scared to death we will cut and run.

Mr. DORGAN of North Dakota. But you have just changed course yourself.

Mr. GINGRICH. No.

Mr. DORGAN of North Dakota. Yes, you have. You suggested that our allies have not supported us because they do not believe the intelligence agencies' information. I am saying I do not think is the case at all.

I think the case is that our allies are not prepared to do what we want them to do in supporting us against Qadhafi. That is an entirely different prospect, and the question is why.

Mr. GINGRICH. Wait a second. Our allies are more prepared or as prepared to support America and Ronald Reagan against Qadhafi as the American left is to support Ronald Reagan against Nicaragua.

Mr. DORGAN of North Dakota. That is completely irrelevant.

Mr. GINGRICH. Why?

Mr. DORGAN of North Dakota. Because it has no relationship at all to our operations against Qadhafi and whether our allies should or will support us. I do not understand what that has to do with it.

Mr. GINGRICH. Of course they are tied at two levels. In the first place, as I said earlier, there is a direct relationship between Libya and Nicaragua. I mean, Qadhafi sent $400 million in economic assistance. As you know, there were four planeloads of assistance.

Mr. DORGAN of North Dakota. There is a relationship between Libya and the French, but so what?

Mr. GINGRICH. In the case of Libya and Nicaragua, there were no French officials at Qadhafi's 15th anniversary. There have been no French officials praising the Nicaraguans for killing freedom fighters and for fighting in America's backyard. There is an active anti-American alliance on the planet, and I would say the difference between China and Russia is that the Soviet empire is based in Moscow and is actively anti-American and the Chinese are now sufficiently afraid of the Russians that they are actively pro-American against that empire.

Mr. DORGAN of North Dakota. Let me just, if I might, say this: I think you far too easily excuse our allies in our dealings with Libya.

Mr. GINGRICH. I think you are far too easily excusing the left.

Mr. DORGAN of North Dakota. I understand what you are doing and what you are saying. But I am saying that in my judgment, this country ought to be able to expect our allies to

help us in the kind of operation we committed against Libya for very good purpose. As you said, the evidence was incontrovertible. We should be able to expect the help of the Italians, the Germans and others in dealing with Qadhafi.

Now what you are doing is using that to develop some other case for how the left or how the right ought to deal with this or that.

Mr. GINGRICH. No, no.

Mr. DORGAN of North Dakota. But I am disappointed in our allies, and I would hope that you would be as well.

Mr. GINGRICH. I am disappointed, let me say, I am disappointed in our allies, but I fully understand why watching 16 years of a very confused America would make our allies a little cautious about following this Government and following the U.S. Congress. All I am saying, and I do not see how you can really disagree with this——

Mr. DORGAN of North Dakota. Well, I do.

Mr. GINGRICH. There has been a huge gap between promise and performance in America's foreign policy for the last 16 years. And there are reasonable grounds for people who love freedom, but are a little worried about the Soviet empire, to sort of keep looking over their shoulder at this Chamber and wondering whether or not we are going to cut them off. I mean, Duarte, I think will tell you that it was a long, hard fight to get aid for El Salvador. I think all the freedom fighters in Nicaragua will tell you it is real hard to get aid, and I think the Hondurans will tell you, and again, I will be glad to arrange the briefings, although the gentleman clearly can get his own, they worry a great deal about now reliable an ally we are. You talked about how much money we put into Honduras. We put a lot more money into Vietnam, and we pulled out.

All I am saying is I think there are very practical reasons, based on the history of the U.S. House of Representatives since 1970, to worry if you are anyone else in the world relying on the United States, and I think the debate last month, and the intellectual pattern—I talk about the left, not Democrats, I talk about the left because there are some Republicans on the left intellectually, and there are a number of Democrats on the left intellectually. It is a world view which does not deal with the Soviet empire. It does not deal with Leninism, it does not deal with transnational conflict. Then it says, almost as though we were at EPCOT Center or Disneyworld, "Gosh, why don't we sit down and talk with these nice guys."

I will guarantee you that there are folks in this House who, if the Qadhafi situation is not cured in 2 weeks, there will be people getting up here saying, well, you know, we should be reasonable.

Mr. DORGAN of North Dakota. Can I just tell you that I taught economics very briefly in college, but was able to overcome that experience. You have to learn to overcome this history background as well, it seems to me.

Mr. GINGRICH. But it is real. It is not just history, it is real, and it is the world that we have lived through for several years.

Mr. DORGAN of North Dakota. It is your view of that world. All I am saying is there is a gap between performance and promise in European foreign policy, country by country, in the last 15 years.

Mr. GINGRICH. Would you deny that history?

Mr. DORGAN of North Dakota. But all I am saying is I think we should expect more from our allies.

Mr. GINGRICH. Let me ask you a factual question. Did the U.S. Congress vote to cut off aid before the North Vietnamese attacked in 1975?

Mr. DORGAN of North Dakota. Just ask rhetorical questions.

Mr. GINGRICH. You say we are talking about history, but this is real. I mean, we know the historical facts. We have General Giap's memoirs which stated flatly that as head of the North Vietnamese army, they were shocked.

Mr. DORGAN of North Dakota. I think blame-America-first is wrong. It seems to me that we are reliable anyplace in the world that there has been trouble, and we have been there.

Mr. GINGRICH. But we do not always stay.

Mr. DORGAN of North Dakota. Well, we have sure been there, and we have been there first with the most in most cases. And I think it is too quick to blame America for all of these things now which we are dealing with.

Mr. GINGRICH. I am not blaming America. I am blaming the left, and I am blaming the U.S. House of Representatives. It is very precise, very small, defined.

Let me yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding, because I think to just emphasize the point, we had to fight with everything we could against the American left in this body to get enough money and aid going to El Salvador to allow a democracy to flourish there. It was not more than 5 or 6 years ago that this body was lined up with daily speeches much like we heard on Nicaragua today down in this well suggesting that we ought not be doing anything in El Salvador that would support American policy there.

□ 1755

That somehow we were to blame, and we ought to let nature take its course, and if that ended up causing a Communist overthrow of the El Salvadoran Government, well, that is the way the world is.

We had those arguments out here, and we had to fight with everything we had in order to overcome that in order to give Duarte and his government a chance.

Today I heard people down here talking about this miracle of democracy that is taking place in Central America, and including in that El Salvador as one of the success stories. They were some of the very people who fought the hardest on this floor to cut off all aid to El Salvador and continue—some of the religious left in this country continues to have documentation out calling Duarte a fascist; that we ought to withdrawn support from.

So it seems to me that it is very clear that the gentleman is absolutely right, this is not something that is historical; this is happening now, and the problem is that the left cannot bring itself to support any of our allies anywhere, and so therefore they have reason to distrust us.

I just want to say, that I guess to build from what my friend from Pennsylvania said, there are a number of folks in this House who seem eager to take credit but are not too eager to do the work; and I would cite the number of Members who voted against building aircraft carriers who are delighted that we happen to have aircraft carriers available.

Frankly, there is a continuity in behavior.

I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Or people who go to Head Start Centers who voted against the Head Start appropriation. I mean, it is the same on all sides.

The only point I wanted to make is that the issue today in this country is Libya. It is one of the reasons you came to the floor, I think, is to draw a parallel.

With respect to Libya, the President took some action; he asserted power. In my judgment, the present facts show he did that correctly. The point I was trying to make to the gentleman from Georgia is that I think that the disappointment some of us have of what we feel our allies are responsible for and ought to be able to do for us in actions against Libya, are disappointments that are hard to get over.

I think we should—the Europeans are very capable of explaining why they will or will not do something; and you do not need to explain for France why it is confused.

Mr. GINGRICH. No, I am not explaining for France. I am trying, if I might say to my friend, first of all the issue is not Libya. The issue is the survival of freedom, the issue is the phys-

ical safety of Americans, the issue of our capacity in dealing not—you know, he is not a madman. He is a fanatic who believes sincerely in his views who is aided dramatically by the Soviet empire, who is the largest single purchaser of Soviet equipment, who sponsors terrorists, many of whom are trained by the Cubans and the Soviets, and I think it is precisely because—many of our good friends on the left are eager to rush and join the bandwagon against Qadhafi when in fact it is a much deeper, much more serious issue, and Qadhafi is the tip of the iceberg. It is the beginning of the problem.

Then we turn around—I will say to the gentleman, I lived in France as an Army brat when De Gaulle pulled out of NATO. I share, I understand. I lived personally through the experience of French nationalism.

The French were willing to die in Lebanon with us and did; the French, I suspect, if they were convinced we were going to be decisive and committed against Qadhafi will stay with us; they have been pretty good allies for a long time, but I suspect they have a certain fear of this Congress.

All I was saying earlier was, given the language I could cite from as recently as a month ago of the American left, I find it a little hard to have some of the Members of that very same movement getting up and attacking the French for acting out in reality what that movement preaches in Central America.

I will yield to my friend from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I guess my point in response to the gentleman would be that I am appalled by the behavior of allies. I think the gentleman in the well is appalled by the behavior of our allies.

They seem to swim in a fantasy land that will not admit the fact that there is a Soviet colonial empire that seeks to subvert freedom in their countries as well as in ours as well as in Third World countries.

I am appalled that they could not bring themselves to help us with Libya; in diplomatic ways, in economic ways, or ultimately in military ways, or at least endorsing what we determined to do militarily. I am appalled. I think it is disgusting.

My problem is that I see precisely the same behavior on the House floor, and I think that is what the gentleman is saying. I see the same crowd who, like our European allies, are willing to blame America first; I see the same crowd here who are willing to ignore the Soviet colonial empire; and my problem is that as appalled as I am with our allies, I have got to be just as appalled with politicians in this country who will not learn those lessons, either.

That is our problem. I condemn the allies, and in condemning the allies, I am also willing to condemn those politicians in this country who are just as blind as our allies are.

Mr. DORGAN of North Dakota. Will the gentleman yield just for a moment.

Mr. GINGRICH. I yield.

Mr. DORGAN of North Dakota. I think the issue finally is not just for the left or the right and even the center; and yes there is a center. The issue is the use of power. When and how.

Mr. GINGRICH. Precisely.

Mr. DORGAN of North Dakota. And we have deep disagreement in the U.S. Congress about that——

Mr. GINGRICH. That is exactly correct.

Mr. DORGAN of North Dakota. And that is where we ought to have the disagreements, because we are the representatives of the American people to help control that use of power.

Mr. GINGRICH. All I was saying was, that if we do not have our act together as the leader of the free world, and in many ways on many occasions we do not; it should not surprise us that members of our alliance who are weaker and smaller and more vulnerable find it difficult to get their act together.

The United States desperately needs a calm, consistent, sustainable policy that contains the Soviet empire, that defeats the Cuban colonial forces and particularly defeats them by helping local freedom fighters who are willing to risk their lives to defeat Soviet imperialism.

When you have people with the courage of the Afghans and the Angolans and the Ethiopians and the Nicaraguans and the Cambodians, and they are begging for America to help so that they can have a fair chance to defeat the Soviet empire, then we are very foolish not to provide that help and not to make sure that the Soviet empire is contained before it endangers America.

I will be glad to yield to my friend.

Mr. WALKER. Would it not be nice if we got some Poles and some Hungarians and Czechoslovakians and some Lithuanians and a lot of people like that who would also follow suit, knowing that America supported freedom fighters elsewhere, that would provide the kind of incentive that was needed to destroy the colonial empire other places.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1116, GARRISON DIVERSION UNIT REFORMULATION ACT OF 1986

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 99-538) on the resolution (H. Res. 422) providing for the consideration of the bill (H.R. 1116) to implement certain recommendations made pursuant to Public Law 98-360, which was referred to the House Calendar and ordered to be printed.

MONEY LAUNDERING PREVENTION ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, yesterday I introduced H.R. 4573, the Money Laundering Prevention Act of 1986 with my colleague, the Honorable RICHARD SCHULZE.

For the benefit of the Members, I wish to include a section-by-section analysis of this bill at this point in the RECORD:

EXPLANATIONS OF PROPOSED AMENDMENTS

The general purposes of the proposed amendments are (1) to subject a person who launders money to potential civil and criminal penalties for certain money laundering activity, *i.e.*, causing a financial institution not to file a required report or to file an incorrect report and structuring or assisting in structuring a transaction to evade the reporting requirements, (2) to add an "attempt" provision, and (3) to create a program for forfeiting monetary instruments, or property interests traceable to those instruments, involved in violations of 31 U.S.C. § 5313 by persons other than financial institutions.

SECTION 1

Under present law, money launderers are successfully prosecuted in some judicial circuits for causing financial institutions not to file reports on multiple currency transactions totaling more than $10,000 or causing financial institutions to file incorrect reports. In such cases, defendants are charged with violations of 18 U.S.C. § 2 (aiding and abetting or causing another to commit an offense) and § 1001 (concealing from the government a material fact by a trick, scheme, or device). For example, in *United States* v. *Tobon-Builes*, 706 F.2d 1092 (11th Cir. 1983), the Eleventh Circuit Court of Appeals upheld a conviction under 18 U.S.C. § 1001 where the defendants had engaged in a money laundering scheme in which they had structured a series of currency transactions, each one less than $10,000 but totaling more than $10,000, to evade the reporting requirements. See also *United States* v. *Massa*, 740 F.2d 629, 645 (8th Cir. 1984), *cert. denied sub nom Skinner* v. *United States*, U.S. , 105 S. Ct. 2357 (1985); *United States* v. *Sanchez Vazquez*, 585 F.Supp. 990, 993 (N.D. Ga. 1984); *United States* v. *Konefal*, 566 F.Supp. 698 (N.D.N.Y. 1983) (prosecution for structuring upheld under Title 31). In contrast, the First Circuit Court of Appeals, in *United States* v. *Anzalone*, 766 F.2d 676 (1st Cir. 1985), the Eleventh Circuit Court of Appeals in *United States* v. *Denemark*, 779 F.2d 1559 (11th Cir. 1986), and the Ninth Circuit Court of Appeals in *United States* v. *Varbel*, 780 F.2d 758 (9th Cir., 1986) have held that structuring currency transactions to avoid the reporting requirements did not violate 18 U.S.C. § 1001.

The proposed amendment to 31 U.S.C. § 5313(a) would codify Toubon-Builes and like cases and would negate the effect of

Anzalone, Varbel and Denemark. The proposed amendment would expressly subject to potential liability a person who causes or attempts to cause a financial institution to fail to file a required report or who causes a financial institution to file a required report that contains material omissions or misstatements of fact. In addition, the proposed amendment would create the offense of structuring a transaction to evade the reporting requirements, without regard for whether an individual transaction is, itself, reportable under the Bank Secrecy Act. For example, a person who converts $18,000 in currency to cashier's checks by purchasing two $9,000 cashier's checks at two different banks or on two different days with the specific intent that the participating bank or banks not be required to file Currency Transaction Reports for those transactions, would be subject to potential civil and criminal liability and the currency (or such monetary instruments as the Secretary prescribes) or property traceable to the currency would be subject to seizure and forfeiture under the proposed amendment in section 2. A person conducting the same transactions for any other reasons or a person splitting up an amount of currency that would not be reportable if the full amount were involved in a single transaction, *e.g.*, splitting $2,000 in currency into four transactions of $500 each, would not be subject to liability under the proposed amendment.

The proposed amendment to 31 U.S.C. § 5313(a) would also add a much-needed attempt provision to the Bank Secrecy Act. Under current law, a financial institution is not required to report a currency transaction until 15 days after the transaction has taken place; therefore, a reporting violation does not occur until (1) 15 days have passed since the time of the transaction and (2) the financial institution has failed to file a report. This situation creates two problems for prosecutions of persons who have structured their transactions to avoid the reporting requirements of the Bank Secrecy Act. First, after 15 days the money launderers may have fled, and the investigative trail may be cold. Second, an individual who has attempted to avoid the reporting requirements may escape liability if the financial institution, despite the efforts of the money launderer, files a timely, correct report. The proposed attempt provision would cure these present flaws by: (1) authorizing an earlier seizure of individuals and funds, and (2) subjecting individuals who attempt to frustrate the reporting requirements of the Act to potential criminal liability at the time of their attempt and not 15 days later.

SECTION 2

31 U.S.C. § 5317 would be amended to add a new subsection (d), which would, for the first time, allow property related to a violation of section 5313, to be seized and forfeited. This new subsection would be directed primarily at a person who launders money or attempts to launder money in collusion with a financial institution, who intentionally subverts or who attempts to subvert the reporting requirements by causing or attempting to cause an "innocent" or otherwise unwitting financial institution to fail to file a report or to file a materially incomplete or inaccurate report, or a person who structures or assists in structuring a transaction for the purpose of evading the reporting requirements, where a report would, but for its artificial structure, be required under section 5313(a). For example, a person may engage in a pattern of cash deposits at a financial institution where each deposit involves less than $10,000 in currency and where the total of the deposits equals substantially more than $10,000. If the activity were performed in an attempt to cause the financial institution to fail to file a report required by section 5313(a), or if the activity is a transaction structured for the purpose of evading the reporting requirements of section 5313(a), the currency used or intended to be used, or the interest in the property traceable to such currency would be subject to seizure and forfeiture. The fact that the violation was not willful would be a defense to the forfeiture. Willfulness in a forfeiture case would be determined under the civil, reckless disregard standard in this, a civil, in rem forfeiture action.

This forfeiture provision is intended to reach interests in property which can be clearly traced to the currency that gave rise to the section 5313(a) violation. It would reach monies deposited in bank accounts or other types of financial accounts, e.g., checking accounts, money market accounts, and certificates of deposit, and would apply to real and personal property that had been purchased by a violator with a monetary instrument that gave rise to a section 5313(a) violation. However, the provision is not intended to apply to the property interests of innocent third parties. It would not apply to cash received by an innocent bank, in which the money launderer no longer had any property interest, that a money launderer had used in the purchase of a cashier's check, but it would apply to the cashier's check in the hands of the money launderer or in the hands of the person on whose behalf the money launderer was acting. The fact that a person was a bona fide purchaser for value without knowledge of the violation would be a defense to forfeiture.

The amendment is needed because current forfeiture authority is an inadequate tool against money laundering. For example, forfeiture authority under federal drug laws, 21 U.S.C. § 881, requires a finding of probable cause to believe that the money was used in connection with a violation of the drug laws. Laundered money is frequently connected to violations of drug laws; however, money laundering is also used for non-drug criminal activity and, even where the operation is part of a drug trafficking organization, the money laundering can be arranged so that it is difficult, if not impossible, to prove such a connection.

Section 5317(c) is amended to provide express authority to seize assets clearly traceable to a monetary instrument being transported or which has been transported in violation of section 5316. The violation of section 5316 need not be willful in order for an unreported monetary instrument to be subject to seizure and forfeiture. Customs law relating to seizure, forfeiture and disposition of property continue to apply, to the extent not inconsistent with the Bank Secrecy Act, to forfeitures under this subsection.

Current tax assessment and collection statutes, 26 U.S.C. §§ 6851 and 6861, are also an inadequate tool against money laundering. Tax assessment and collection under such statutes requires proof that a Title 26 tax deficiency is in jeopardy. This involves a computation of taxable income, which is a difficult computation with respect to illegal activity. Furthermore, since only the tax deficiency is collectable under such authority, much of the laundered money is unreachable.

Tax assessment and collection authority under 26 U.S.C. § 6867 is also an inadequate tool against money laundering. That authority permits a jeopardy/termination assessment against a person "in physical possession" of cash (or equivalent) who does not claim ownership or who claims that an unknown third person owns the money but permits seizure of only fifty percent of the cash, as income tax due. The balance is available to a person who comes forward to claim ownership. The launderer or actual owner of the money may be able to regain half of it.

In contrast, the proposed forfeiture authority is likely to be a very valuable tool against money laundering. As evidence of the usefulness of such forfeiture authority, one can look to current forfeiture authority under the Bank Secrecy Act. Under such authority, large amounts of currency, i.e., more than $10,000, that a money launderer moves into or out of the country may be seized and forfeited to the United States if he fails to report it. This forfeiture authority has been used often and effectively as an important weapon in Treasury's war against money launderers.

Numerous case examples demonstrate how effective the proposed forfeiture authority can be. Following are three situations involving reporting violations where the proposed forfeiture authority would have enhanced law enforcement capabilities. The fourth example is a non-willful violation where no forfeiture would occur.

Case No. 1

An investigation developed evidence that a group of suspected narcotic traffickers had willfully caused domestic financial institutions not to file required Currency Transaction Reports on transactions totaling more than $50 million. However, the investigation did not develop sufficient admissible evidence to connect the laundered money to violations of the drug laws. Therefore, the money was not forfeitable under the current forfeiture authority at 21 U.S.C. § 881. Under the proposed forfeiture authority, the entire $50 million, or assets traceable to it, would have been forfeitable. Note that such assets in the hands of a bona fide purchaser for value would not have been forfeitable.

Case No. 2

A South Florida money laundering specialist laundered $57 million over 18 months through various Miami bank accounts. He deposited duffel bags and boxes filled with cash into accounts at Miami banks in collusion with certain bank officials; the banks filed no reports. The funds were transferred from the Miami accounts to other accounts and ultimately to Colombia. The admissible evidence in this case did not tie the $57 million to narcotics activity; therefore, the Government was unable to seize any of the funds under 21 U.S.C. § 881. Under the proposed forfeiture authority, the funds might have been seized prior to their leaving the United States. Furthermore, even if law enforcement officers had been unable to seize the money before it left the country, the proposed amendments would have authorized a civil penalty equal to the amount of the unreported currency.

Case No. 3

An individual represented to numerous financial institutions that he was conducting business as a bullion dealer and that he would be depositing large amounts of currency with those institutions. He opened business accounts, using his true name and the name of a bullion-dealer organization.

He was not, in fact, a bullion dealer but was a money launderer. The bullion-dealer organization was strictly a shell corporation he used to launder money for his clients.

Over a 12-month period he deposited about $10 million in currency into 40 different accounts with 25 financial institutions in Florida and California. He drew checks on the accounts, payable to nominee names, which were then given to his clients. The check amounts were slightly less than the deposit amounts and the difference represented his money laundering commission.

The individual filed Federal tax returns, showing his occupation as a bullion dealer. Gross receipts on the tax returns approximated the amounts deposited into the bank accounts. Cost of goods sold (expenses) shown on the returns approximated the amount of the checks drawn on the accounts. The profit on the returns resulted from the commissions.

Although the banks filed reports on the individual's transactions, the individual would have violated amended 31 U.S.C. § 5313 (he did violate 18 U.S.C. § 1001) because he made a material misstatement of fact, i.e., a false occupation and a false business name, which caused the bank to file a form containing a material misstatement of fact. Current statutes do not allow for seizure of any of the funds deposited in the bank accounts. The proposed amendment to 31 U.S.C. §§ 5313(a) adding 5317(d) would subject these deposited funds to seizure and forfeiture.

Case No. 4

A person has saved money to purchase a home, and, according to the real estate broker, needed a $9,000 down payment. On the day of the closing, she went to her bank and withdrew $9,000 in currency. When she arrived at the closing, her broker revealed that he had made an error in his calculations and that she needed $11,000, not $9,000, for the down payment. She returned to her bank and withdrew another $2,000 in currency. Because she withdrew the $11,000 in currency in two transactions, the bank filed no report, despite the requirement on the report form that multiple transactions within a 24-hour period be aggregated and treated as a single transaction. Her withdrawal of the $11,000 in currency in two transactions presumably caused the bank to fail to file a required Currency Transaction Report; however, she would not have been criminally liable and her interest in the house would not have been subject to forfeiture under the proposed amendments because she had not willfully caused the bank to fail to file a required report and her transactions were not structured for the purpose of evading the reporting requirements.

Finally, it should be noted that the forfeiture provision proposed at 31 U.S.C. § 5317(d) for use with respect to domestic currency transactions is more limited in scope than most forfeiture provisions including the one already existing at 26 U.S.C. § 7302 for use with respect to violations of the internal revenue laws. Under 26 U.S.C. § 7302 any property used or intended for use in violation of the internal revenue laws may be forfeited. Under the proposed legislation for domestic currency transactions, the basic types of property subject to forfeiture are very limited. Only coins, currency, and certain other monetary instruments and property traceable to such monetary instruments may be seized and forfeited. Further restrictions exclude property from forfeiture if (1) the person violating the domestic currency transactions requirements is a domestic financial institutional examined by a federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission, (2) the owner is a bona fide purchaser for value who took without notice of the violation, and (3) if the violation or attempted violation was not willful.

SECTION 3

31 U.S.C. § 5321 would be amended by adding a new subsection (a)(4) authorizing a civil penalty against a person who willfully violates section 5313(a). No amendment is necessary to 31 U.S.C. § 5322 for imposition of criminal penalties for violations of section 5313(a). Civil penalties can be imposed where a person had specific intent to violate the law or acted with reckless disregard for the law. This standard for willfulness is consistent with case law construing willfulness in civil penalty contexts and with Treasury's interpretation of willfullness under the Bank Secrecy Act.

The proposed civil penalty would complement the proposed forfeiture provision authorizing a civil penalty sufficient to fill the gap between the value of the property seized under proposed section 5317(d) and the value of the financial instruments involved in the unlawful transactions. This mirrors current treatment of forfeiture of monetary instruments seized under section 5317 and civil penalties imposed under section 5321(a)(2) (for violations of Bank Secrecy Act reporting requirements regarding transporting currency into or out of the United States).

SECTION 4

The authority of the Internal Revenue Service to forfeit property is currently set forth in 26 U.S.C. § 7302 and is limited to property used or intended to be used in violating the internal revenue laws. IRS agents enforce and administer laws in Title 31 of the United States Code (the currency transaction reporting provisions) in addition to the internal revenue laws. The proposed amendment to 26 U.S.C. § 7302 would allow the IRS to use the procedures under this provision to forfeit property under proposed 31 U.S.C. § 5317(d).

It should be clearly understood that the forfeiture authority under section 7302 of Title 26 and the procedures relating to the administration and disposition of forfeited property are entirely separate and distinct from the provisions for the seizure of property for the collection of taxes provided under subchapter D of chapter 64 of Title 26.

SECTION 5

Those with an interest in property seized for forfeiture by the Internal Revenue Service may file a petition for remission or mitigation. The Internal Revenue Service applies the customs laws relating to remission or mitigation (26 U.S.C. § 7327). The authority to remit forfeitures under the Bank Secrecy Act rests with the Secretary of the Treasury under 31 U.S.C. § 5321(c).

Petitions for remission or mitigation are expected to be rare. Seizures will only be made by trained law enforcement personnel. Seizures will normally be reviewed by legal counsel before they are made. The vast majority of seizures will be made under a search warrant obtained from a United States magistrate after a review of the circumstances to determine if there is probable cause.

It is anticipated that the procedures for remission or mitigation will be similar to the current IRS procedures for property subject to administrative forfeiture. A petition must be filed with the Internal Revenue Service District Director for the district in which the property was seized. The requirements and rules concerning the contents of such a petition under the internal revenue laws are set forth in the Internal Revenue Service's regulations at 26 C.F.R. §§ 403.35–403.45. A petition must be filed not later than three months after the sale or other disposition of the property. The petition must (1) contain a description of the property, (2) indicate the nature and amount of the petitioner's interest in the property, (3) show that the petitioner was not willfully negligent and did not intend that the property be used in violation of the law, (4) set forth documents supporting the claims made in the petition (such as contracts and bills of sale), (5) indicate that costs (such as those relating to seizure and storage) assessed as a condition of allowance of the petition will be paid by the claimant, and (6) state how the property came into the possession of the person whose act caused the seizure, and that the petitioner had no knowledge or reason to believe that the property would be used in violations of the law where the petitioner did not commit the act which caused the seizure of the property. The assessment of costs is discretionary with those allowing a petition and therefore may be waived.

In reviewing petitions, consideration is given to factors such as (1) whether the petitioner had a recognizable, good-faith interest in the property, (2) whether the petitioner played any part in or had knowledge of the violation or should have had knowledge of the violation, (3) the petitioner's criminal record, and (4) whether the petition was timely filed.

Finally, it should be noted that provision is made in the law and regulations for consideration of petitions for mitigation where a forfeiture would cause undue hardship. This authority may be exercised where the petitioner has not or cannot meet the conditions for remission but where other extenuating circumstances are present indicating that some relief should be granted to avoid hardship. Basically, the contents and procedures for petitions for mitigation are the same as those for remission.

Normally, petitions for remission or mitigation of our types of IRS forfeitures have been granted in around two months. However, in certain instances where a petitioner's noninvolvement, innocence, and ownership is clear, property can be returned more quickly.

Additionally, seized property may be returned to its owner if it was seized in error or if there is insufficient evidence to support the forfeiture. This can be done in a few days whether or not a petition has been filed.

All remission and mitigation determinations relating to property over a certain dollar amount, e.g., $100,000, would be approved by the Assistant Secretary (Enforcement).

SECTIONS 6 AND 7

Current law limits IRS agents' seizure authority to "property subject to forfeiture under the internal revenue laws". The amended language is required to authorize IRS officers to seize property subject to forfeiture under Title 31. The changes coordinate with the change in section 7302.

DECONTROL NATURAL GAS NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, today 20 colleagues and I, Democrats and Republicans alike, introduced legislation to promote competition in the natural gas market, to provide consumers and producers with access to transportation and to make available ample supplies of natural gas at the lowest reasonable price. This legislation, the Natural Gas Policy Act Amendments of 1986, has been submitted to the Congress by the Department of Energy. It is an excellent bill that would do much to improve our Nation's energy security and would expand the use of a clean-burning and abundant domestic fuel.

The Department of Energy estimates that if this bill were passed, natural gas prices would be lower by 10 to 20 cents per thousand cubic feet per year between 1987 and 1995. Allowing producers of gas from old fields to get market prices for that gas would result in the production of 30 to 34 trillion cubic feet over the next 40 years. This is equivalent to nearly 2 years of domestic natural gas consumption. Without legislation decontrolling old natural gas, this 2-year supply of gas will never be produced.

Passage of this bill will not be easy. It will take political courage to overcome the inertia, bogymen, and partisan politics that have blocked good natural gas legislation. The Secretary of Energy is serious about this legislation. The President is serious about natural gas decontrol. He said so in his State of the Union Address. The other body held a hearing on this bill and other natural gas legislation this week. I and those cosponsoring this legislation are serious about it and we plan to work for it.

I urge my colleagues on both sides of the aisle to look at this legislation. Let's work together to get it passed. A section-by-section analysis, a fact sheet on the bill and an editorial from the April 7 oil and gas journal follows:

FACTSHEET—NATURAL GAS POLICY ACT AMENDMENTS OF 1986

SUMMARY

The Administration bill will promote competition in the natural gas market and will ensure that consumers receive adequate supplies of natural gas at reasonable prices.

The Administration bill will result in lower average gas prices, increased domestic gas production and consumption, reduced payments for imported oil and gas supplies, and an improved balance-of-trade.

Reduced prices for high cost supplies and increased production of low-cost old gas supplies will lower gas prices by an average of about $0.10 to $0.20 per thousand cubic feet per year between 1987 and 1995.

Market prices for old gas will result in increased production from existing old gas reserves of about 30 to 34 tcf over the next 40 years, including about 12 to 14 tcf from delayed abandonment, 15.5 tcf from infill drilling, and 2.5 to 4.5 tcf from production enhancement.

The Administration bill will result in net economic benefits of about $16 billion (1984 dollars) over the next ten years relative to current regulations.

PROVISIONS OF THE ADMINISTRATION BILL

The Administration bill includes "open access" provisions that require interstate pipelines to provide transportation on a nondiscriminatory basis and to the fullest extent practicable.

Upon enactment, the Administration bill decontrols all natural gas wellhead prices subject to new or renegotiated contracts. All remaining Federal wellhead price controls are to be removed on April 1, 1987.

The Administration bill will prevent contracts containing an area rate clause, with no other indefinite price escalator clause, from reverting to extemely low fixed prices.

Provisions in current law that arbitrarily restrain the demand for natural gas, including certain provisions of the Fuel Use Act and the incremental pricing provision of the NGPA, are repealed.

BENEFITS OF THE ADMINISTRATION BILL

The Administration bill will open access to available interstate pipeline transportation capacity.

Open access will increase the competition between pipelines and producers and thereby ensure least-cost gas supplies to consumers.

Open access will ensure that the benefits of increased competition in the natural gas market extend to all consumers.

The Administration bill will result in lower average natural gas prices and increased gas market flexibility.

After partial decontrol, average wellhead prices declined by about 5 percent in real terms during 1985. Under full decontrol, average prices are projected to fall by about 14 to 17 percent in the first year after enactment, or by about $0.25 to $0.45 per mcf.

Decontrol of all gas prices will result in the production of 30 to 34 tcf of old gas reserves that would not be produced under current regulations. This additional production will occur at the rate of about 750 to 850 bcf per year for the next 40 years.

Increased production of old gas reserves will lower gas prices and encourage renegotiation of contracts that hold high-cost gas prices above market-clearing levels.

Lower gas prices, increased consumption and production of old gas reserves, and renegotiation of high-cost contracts will rapidly dissipate the inefficient surplus of deliverable gas supplies.

Lower domestic gas prices will also force prices for imported gas to decline, reducing payments for imported gas by about $3 billion to $5 billion between 1987 and 1995.

Lower prices for natural gas will also reduce oil imports by about 300 to 350 thousand barrels per day on average from 1987 to 1995, resulting in an annual reduction of $1.6 billion to $3.2 billion in the U.S. balance-of-payments deficit.

Repeal of demand restraints will allow all consumers to choose the least-costly fuel available.

SECTION-BY-SECTION ANALYSIS—NATURAL GAS POLICY ACT AMENDMENTS OF 1986

TITLE I—OPEN ACCESS TO TRANSPORTATION

Section 101 would revise Natural Gas Policy Act [NGPA] section 311(a) to expand voluntary transactions for gas transportation. This, and the following section on "Open Access Carriage," are intended to open the transportation system to competition. As a result, all gas supplies, including low-cost gas now shut-in, would become available at prices that reflect the highly competitive nature of the wellhead and burner-tip markets for natural gas.

NGPA section 311(a) currently permits the Federal Energy Regulatory Commission to authorize transportation by interstate pipelines on behalf of an intrastate pipeline or local distribution company, and by an intrastate pipeline on behalf of any interstate pipeline or local distribution company served by an interstate pipeline. Section 101 would expand NGPA section 311(a) to permit the Commission to authorize any pipeline to transport gas on behalf of any person. The use of the phrase "any person" is not intended to reflect any view concerning the persons on whose behalf gas currently can be transported under section 311(a), but rather to indicate the broadest application of section 311(a).

Section 101 also would add a new paragraph (4) to NGPA section 311(a) to make clear transportation under that section must be non-discriminatory. There is no legitimate reason to discrimination in an open, market-oriented system. Discrimination hinders competition, and thus is at cross purposes with the Congressional determination in the NGPA that the wellhead market is competitive and that consumers are best served by letting competitive forces work.

In addition, new paragraph (4) would require any natural gas company which received gas pursuant to section 311(a) to offer section 311(a) transportation service. It is intended that those who benefit from section 311(a) transportation services must offer the same service to others.

These changes would not affect the basic thrust of the Commission's recent action in Order No. 436. Rather, these changes are intended to codify the spirit of that action and to reinforce the Commission's generic authority to promote and provide for voluntary transportation arrangements, and thereby to increase the competitive flow of gas in commerce at market-sensitive prices.

Section 102 would add a new section 316 to the NGPA providing for "Open Access Carriage." Section 316 would provide that, upon application by any person, the Commission shall direct an interstate pipeline to transport gas unless the pipeline demonstrates to the Commission it is incapable of rendering the service. This section is intended to open the natural gas market to the operation of the laws of supply and demand to the fullest extent. It would remove barriers to open transportation that now exist, and would allow willing buyers and sellers to deal directly to bring low cost, currently shut-in gas to market. This section responds to the failure of most interstate pipelines to participate in Order No. 436, and to the conditions that precipitated Order No. 436 in the first place: the inability of consumers to obtain transportation for gas purchased directly from producers.

In determining whether a pipeline is "incapable" of rendering service the Commission, it is intended, would avoid interpretations that prevent carriage. The Commission should consider such factors as full pipeline utilization, full use of pipeline interconnections and compression, and displacement or other ways of facilitating transportation. The primary concern of the Commission, in making this determination,

must be to ensure competition in the marketplace through the utilization of pipeline capacity to the fullest extent practicable.

The Commission is given the option to implement this section either by rule or order. This is intended to give the Commission the flexibility to act on applications as circumstances vary while preventing abuse of its processes that would delay open carriage. This section makes clear it shall operate without discrimination. Finally, the charge for transportation under this section must be just and reasonable, as that term has been defined under the Natural Gas Act.

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF JURISDICTION OVER CERTAIN FIRST SALES

Section 201 would amend NGPA section 121 to provide for the ultimate elimination of all price controls on first sales of natural gas. New subsection (f) would provide that natural gas sold under contracts executed or renegotiated after March 1, 1986, would be free from any NGPA price controls. This provision Section 315(c) permits the Commission to require the filing of contracts for the first sale of natural gas. The repeal of the existing NGPA section 315, along with the elimination of the Commission's NGA jurisdiction over first sales (*see* section 202(a)), would remove all non-price regulation of first sales of natural gas.

Section 203 would add a new section 315 to the NGPA providing for "the effect of area rate clauses" following decontrol. For a certain, limited number of contracts, the section would treat the last price paid for NGPA section 104 or 106(a) gas before decontrol on April 1, 1987, as a Federally-established rate or charge for purposes of area rate clauses. The contracts involved are those containing an area rate clause and no other indefinite price escalator clause, and only if the contract was entered into when the Federal Government prohibited an indefinite escalator provision other than an area rate clause. The intent of this section is to deal with situations where the Federal Government in effect dictated the price terms to the commercial parties. It would prevent a roll-back to extremely low fixed prices in contracts where the parties were unable to deal with this eventuality because of Federal interference with contract terms. This section thus would continue the status-quo, and would prevent both uncertainty over the applicable pricing terms and litigation that might result from that uncertainty.

TITLE III—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

Sections 301 and 302 would repeal several sections of the Powerplant and Industrial Fuel Use Act of 1978 [FUA].

The bill would repeal (1) the prohibitions on the use of natural gas and petroleum as a primary energy source in new electric powerplants (FUA § 201) and new major fuel-burning installations (FUA § 202), (2) the prohibition on the construction of new powerplants without alternate fuel capability (FUA § 201), and (3) the discretionary authority of the Secretary of Energy to prohibit nonboiler installations from using natural gas and petroleum as a primary energy source (FUA § 202).

The bill would repeal section 302 of FUA which authorizes the Secretary of Energy to prohibit the use of natural gas or petroleum as a primary energy source where coal or alternate fuel capability exists in existing major fuel-burning installations.

The Secretary of Energy's authority under section 401 of FUA to prohibit the use of natural gas as a primary energy source in certain boilers would be repealed.

The bill would repeal section 402 of FUA which prohibits certain installations of new outdoors lighting fixtures that use natural gas and certain uses of natural gas therein.

The bill would repeal section 405 of FUA which authorizes the Secretary of Energy to restrict, by rule, increases in the use of petroleum as a primary energy source in existing powerplants that used coal or another alternate fuel in 1977.

The bill would repeal subsections 103(a)(16), (a)(18), (a)(19) and (a)(29) of the Powerplant and Industrial Fuel Use Act of 1978, which provide certain definitions for general reference that are no longer necessary due to the proposed repeal of many statutory provisions.

Section 303 would repeal title II of the NGPA, which provides for an incremental pricing system whereby low priority users of natural gas pay a larger share of the first sale acquisition costs for natural gas, and thus would end this regulatory system. Acquisition costs incurred prior to the enactment of this bill would be passed through to users on the basis of the existing Commission regulations for incremental pricing. Any acquisition costs incurred after the enactment of this bill would be dealt with without regard to incremental pricing requirements.

[From the Oil & Gas Journal]

TAKE OR PAY ISSUE MUST NOT BLOCK NEEDED GAS INDUSTRY ACTION

The U.S. Federal Energy Regulatory Commission acted correctly late last month in refusing to grant interstate natural gas pipelines across-the-board relief from troublesome take or pay contracts with producers.

There's no denying that, for some pipelines, take or pay liabilities are major problems. Existence of contract problems for some pipelines, however, is insufficient reason for the government to intervene in contracts industrywide. And it is no reason at all for the government to refrain from doing what the market needs most: moving to free market pricing for gas the quickest way possible.

Pipelines have a reasonable concern over what happened—or didn't happen—to take or pay in FERC's landmark Orders 436 and 436-A last year dealing with natural gas transportation. The orders offer expedited certification to pipelines agreeing to provide transportation service on a nondiscriminatory basis. Pipelines accepting the orders' terms subject themselves to loss of firm contract demand. While they lose contract customers, however, they gain no compensating relief from their contract purchase obligations to producers under high-cost and take or pay contracts. And the bind is complicated by an earlier order that limited pipelines' abilities to recover variable costs through minimum commodity bills.

Critical to the issue, however, is a point that FERC acknowledged in rejecting pipelines' requests for reconsideration of Orders 436 and 436-A. The pipelines wanted the commission to tie nondiscriminatory transportation service to blanket take or pay relief. Pipeline groups similarly are trying to make such relief a condition of the Department of Energy's proposed end to old gas vintaging. The point FERC acknowledged in the Order 436/436-A case—and it's point that applies as well to the DOE proposal—is that take or pay isn't an industrywide problem. Therefore, government abrogation of private contracts industrywide is unwarranted.

A 1984 Foster Associates Inc. study for Natural Gas Supply Association, a producers group with an obvious interest in preserving take or pay contracts, found that only four out of 36 major interstate pipelines had historically high take or pay liabilities during the study period. Since then, moreover, negotiations have eased the difficulties in at least some cases. Pipelines bristle at the suggestion that take or pay is anything other than a daunting problem, and for specific pipelines it is precisely that. for many others, however, it is not.

To the extent Orders 436 and 436-A unfairly tip the contract balance in pipelines' disfavor, the remedy may lie in amending the provisions that allow pipelines' firm customers to phase out their contract purchase obligations. It certainly should not be in allowing all pipelines to walk away from their take obligations with producers.

Neither should the take or pay issue prevent FERC from seriously considering DOE's stop-gap move to rationalize gas prices. The gas market's core problem is the lingering volume of gas subject to price controls. Contractual snags, supply/demand imbalances, and regulatory uncertainties all stem from the government's bungled manipulation of gas prices and uses. There will be no order in the gas market until all price and market controls are removed. Congress won't do what's right, so DOE is offering a second-best alternative. An end to vintaging would mean pipelines would lose access to artificially cheap gas, which is why they object to the DOE plan. But their objections are far less compelling than the prospect of a gas industry made less subject to the uncertainties and distortions of government meddling.

Slowly but surely, the gas industry is becoming less a creature of government and more a creature of the market. The evolution has its hazards, among them fluctuation of supply and demand. The current deliverability surplus is aggravated by demand loss due to falling oil prices and rising U.S. imports of Canadian gas. The industry is suffering, but producers—who have lost both markets and margins—are hurting most. Pipelines ought to look more to their suppliers—whose needs to move gas are at least as urgent as their own—and less to FERC for solutions to take or pay problems. It's how business increasingly will be done as deregulation progresses, slowly or otherwise. Producers and pipelines might find they have significant mutual interests—such as the future health of their industry.

□ 1805

One of the biggest problems facing the country today is the fact that we Americans are energy dependent on other nations of the world. We use today in this country about 15,000,000 barrels of oil per day, and we import a little better than one-third of those, in excess of 5,000,000 barrels of oil per day. It is important that this country have a policy which will produce the most energy at a reasonable price for the foundation of the industry of this country. For some reason over the years a policy position of Congress relating to natural gas legislation has

been encumbered by regulations which go back over 30 years, specifically to 1954 and even before that.

In 1978 Congress passed the Natural Gas Policy Act, which constructively did much to ease some regulations with respect to the production of natural gas for the country.

As a result of that legislation, about one-half of the natural gas in the country became deregulated on January 1, 1985. The other one-half of the natural gas is still regulated and will continue in that status until Congress takes some action to do otherwise. Historially this question of deregulation of natural gas prices has a tendency to have one section of the country interface and be in contest with another. Specifically the States of the Union that produce the most natural gas such as Louisiana, Texas, Oklahoma, Kansas, and we produce a lot of it in California as well, have been perceived by those States in the Union that do not produce energy, natural gas or otherwise, as being in the catbird's seat.

This results unfortunately in Members of Congress coming from non-energy-producing States to, as they see the light, have a tendency to vote in such a way as to place restriction on the price of the energy this country needs. This has resulted in the controls on natural gas that exist at the present time relating to about one-half of the natural gas produced in the country. We have another very fundamental problem and a solution that this legislation offers to resolve; namely how do we clean up the air that is polluted in America? Of all the energy sources that we could use, coal, nuclear, oil, geothermal, and natural gas, the one that is the least polluting is natural gas. We have 29 nonattainment areas in the country under the Clean Air Act, and these areas are required by Federal law to take action to improve the air quality of their regions in order that the people who happen to live there will be able to breathe clean air and live a better life. All Americans support that goal.

My area in southern California is one of the nonattainment areas of the country. We would rather burn natural gas than any other fuel to fire the boilers to run the generators of electricity and produce the energy with it, without which our country cannot survive.

It is interesting to note today that just recently legislation was introduced by many Members of the House relating to placing a huge tax burden on the production of coal in this country and, indeed, a tax burden on all energy produced in the country in the form of electricity rates so that we could develop a huge fund to clean up coal that is being burned in energy producing plants, powerplants around the country.

A good number of these are in the Middle West of the United States and are said to be responsible for the creation of acid rain that is plaguing much of the country today, not only in the United States but in Canada as well. So when you look at it, what we are going about is creating a fund by taxing the production of energy, all forms of energy in order to clean up coal being produced so that it does not produce sulfides and oxides of nitrogen into the atmosphere, which is a constructive goal. But we should also understand that natural gas is an energy that can be used in these powerplants around the country without the necessity of engaging in an expensive means of cleaning up the production of the power when the natural gas is used as the energy source.

The main reason that this Member from California is supporting the deregulation of natural gas is not because I am solicitous of the welfare of the owners of the natural gas in the ground, whether they are located in Kansas or Texas or Louisiana or Oklahoma or California; those people can take care of themselves very well. But the reason that this policymaker is very much interested in deregulating the price of that gas is very simple. Whenever the Government sets a maximum price below the market, you get a shortage, and whenever the Government sets a minimum price above the market, you get a surplus. That explains why we have a surplus of teenage labor in America. That also explains why in those communities in the country where we put price controls on rental housing we have a shortage of rental housing for some reason. Similarly, this price control practice of the Federal Government on natural gas is primarily responsible for the shortage of natural gas that this country experienced in the 1970's.

It is in the interest of increasing the production of natural gas that we deregulate the price and let the market force determine what price will be available to the producers of that gas in the marketplace. And there is a great deal of common sense that any layman can easily understand with respect to this whole issue of natural gas pricing. Put yourself in the shoes of the owners of the gas field. And if the Federal Government today is saying that you are going to get 20 cents per unit, per mcf, or 40 cents or $1 or $1.25, depending on when that particular field came into production and the market clearing price is somewhere around $2.25, which is where it is today, are you going to want to produce gas from that field?

I do not think so. You are going to use every method within the law to keep that gas in the ground with the idea that someday reality will come to the regulators in Washington, DC, and you will be able to get a market price for that gas, bring it out of the ground and put it in the energy supply system of this country. That is the very point of this legislation. Numerous experts testified before our Subcommittee on Fossil and Synthetic Fuels, on which I serve, to the effect that if we deregulate the price of old gas we will bring into the production stream of America between 20 and 40 trillion cubic feet of the gas that we would otherwise never achieve.

Now how do we do that? Bear in mind we use about 18 to 20 trillion cubic feet of gas per year. So that is about a 1- to 2-year supply of natural gas which we otherwise will never get if we do not regulate the price as I indicated.

The reason that that statement is true is because of three factors. If the price of old gas is deregulated, there are incentives in the economic sense that come into existence which cause the producer of gas from an old field to produce more gas from that field. Specifically they have an economic incentive to produce more wells in that field, infield drilling it is called, and this results in more production from the field. They also have an incentive to improve the productivity of wells. You can invest money in rehabilitation of a well if the market price you get for that gas is at a level with market levels.

Third, the abandonment pressure in a producing gas field is a very important factor. If the price you receive for the gas coming out of the ground is at one level, that determines what the abandonment pressure for that field will be. Of course, the higher the price for the gas that comes out of the field, the lower the abandonment pressure can be, and that results in more gas being produced from that field.

These three factors are responsible for what I have stated, namely that by deregulating natural gas prices we have the very good assurance from experts on all sides of the equation that we can bring into the energy supply of the country between 20 and 40 trillion cubic feet of natural gas which we otherwise will not receive.

By increasing the supply of natural gas to the energy base of the Nation, we back out of the energy usage equation of our energy system oil that is currently being used. That certainly is in the interest of this country. The largest single item of foreign purchases is oil for the economy of this country. Of the $150 billion negative trade balance with the rest of the world in 1985, better than $50 billion of it came from the purchase of oil. To the extent that we decrease the purchase of oil from foreign nations, to that extent we are improving the economic situation of the Nation in terms of its balance of trade.

Bear in mind also that for every $1 billion that we do not send to other countries for the purchase of energy means the production of about 25,000 jobs for the people in America. In other words, we can produce jobs for the people in this Nation by decreasing our dependence on foreign-supplied oil.

The recent decline in the price of oil presents us, I believe, with a sterling opportunity for deregulation of natural gas. This issue, of course, has been infected with partisan politics, regional politics, and I am happy to say that this legislation that is being introduced today enjoys the bipartisan support of Democrats and Republicans in this House, and I hope we can continue that bipartisan support because it is obvious that that is the only way we are going to be able to process this legislation to conclusion and place it on the President's desk for his signature.

The decline in oil prices has been facilitated because of an increased supply of oil. We have actually a surplus of natural gas on the market today. And because there is a surplus of natural gas, there is no crisis that compels us to do something or do nothing. And in this atmosphere today, I believe this is the best opportunity for moving forward with this legislation.

Mr. Speaker, I yield to my colleague from Louisiana if he has a comment he would like to share with respect to this issue.

Mr. MOORE. I thank the gentleman for yielding. I am very proud to coauthor this bill with the gentleman. This bill is the administration's bill. They have asked us to introduce it at their request. I am pleased to do so. I think this shows the administration is very concerned about the consumer, about national defense, and about the oil and gas industry, all three.

This bill also is somewhat of a victory as 2 weeks ago Congressman ARCHER of Texas and I introduced H.R. 4476, the Emergency Energy Act. This bill we are talking about here tonight that we introduced today does some of the same things that bill does. So I am pleased that the administration is supporting many of the same things.

Three of the things that this bill does, the main three things: first, as the gentleman has been describing, is that it has immediate decontrol of all new and renegotiated contracts for natural gas with a total lifting of all remaining price controls by April 1, 1987, including incremental pricing.

Second, it has open access to transportation through mandatory contract carriage by pipelines.

Third, it repeals the Fuel Use Act, which currently restricts the use of natural gas.

I happened to be in Congress and served on the committee the gentleman is now serving on, the Committee on Energy and Commerce, back in 1978 when the Carter administration had the Congress pass the Fuel Use Act. It was a mistake then. Many of us knew it. The industry knew it. Consumers now know it. It has been a mistake ever since. It needs to be repealed. This bill will do that.

Second, the deregulation bill that was passed in 1978 by the Carter administration, the Natural Gas Pricing and Policy Act, maintains, and people need to understand this, it really does not decontrol all of natural gas. About 50 percent of it remains with price controls on it forever. That is something not in the best interest of the consumer or certainly the industry itself. So what we are doing here is moving to remove two things passed during the Carter administration and do a third thing, and that is to provide for accessibility of gas.

□ 1820

This bill is important. We now know of the great difficulties that we are finding in the oil and gas industry, and I want to touch on a different slant. I agree with everything the gentleman said about the impact of this bill on consumers and the impact on jobs. The gentleman is totally correct. I want to take a little bit different slant and add a little bit to it.

Everybody understands the difficulty of the oil and gas industry today. Everybody understands that we do not want to get back into a position like we were in 1973, when we were totally dependent, or too much dependent, on foreign suppliers of our energy resources. That is what is going to happen if something is not done to be of some benefit to that industry as we are losing wells, we are losing companies, we are losing employees, we are losing facilities daily.

Gas is very important, and doing what this bill does to help gas will help preserve that industry. Better than 50 percent of the energy industry revenue, at least in Louisiana and in most parts of the country, is from natural gas. Fifty percent of the energy industry's revenue comes from gas.

Over 75 percent of the independent energy producers in Louisiana produce both gas and oil. Many times when you are out there exploring for one you find the other. That is why it is that way. Some of the most productive fields in the State of Louisiana are purely gas production fields. Therefore, when you realize how much revenue is coming into this industry from gas, anything we can do to improve the marketability of gas certainly will help that industry and help that industry's cash flow without any necessary increase in prices at all to the consumer.

New markets need to be opened up. As demand for natural gas drops, we are losing proven reserves. As an example, in 1983, Louisiana had better than 2 trillion cubic feet in proven reserves. That is more than the total production this year. As the price of oil drops, gas is becoming less competitive in limited markets available under current law. The industry estimates say that repeal of the Fuel Use Act, doing away with the current controls on natural gas, and increasing the accessibility for the transportation of natural gas will improve the marketability of natural gas from 20 to 25 percent. I want to repeat that. We can improve the marketability of natural gas, from the estimates I am getting, from 20 to 25 percent by simply doing the three things this bill does.

Gas is marginally profitable today. Industries are finding it more economical to switch to oil. This bill will help find new markets, transport to those markets and increase the value or the profit in going out and getting old gas back on stream that would be under regulation forever if this bill does not pass.

Louisiana produces 31 percent of all the domestic gas produced in this country, more than any other State in the Nation. Seventy-five percent of the gas produced in Louisiana is used outside the State of Louisiana. So producers can make this gas more available to 75 percent of the people outside of Louisiana who are using our gas if we can have that improved access to pipelines this bill gives, if we can repeal the Fuel Use Act so we can sell them gas for purposes that they want to use, that they cannot use it now except for the artificial provisions of the current law on the books.

Decontrol is also totally necessary. As I said earlier, 50 percent of all gas will stay regulated, and at the price it is regulated at, those wells need servicing, those wells need reworking, and you cannot do it at the price of gas that is being regulated today. So if that happens, those wells just stop producing gas and may be forever shut it, meaning we have that natural gas available for consumers that will never be made available for consumers. Consumers need to understand this. Decontrol does not necessarily mean higher prices for them. If we can produce more of that old gas, that will bring down the total market value somewhat. If we cannot produce that old gas because it is not profitable to do so, then the only gas they can buy is some of that newer gas decontrolled at a higher price.

So we believe, as does the administration, that decontrol of gas prices, plus opening up the access and transportation will, in fact, probably keep the prices stable with increased supply, and maybe even reduce the price somewhat to consumers.

We know what it will do for the industry. We had one source in Louisiana of independent producers that tells us they use the term, it will be of "unbelievable assistance" to natural gas producers in Louisiana at a time they need it the most.

Limited decontrol we have already seen will not work. It will not, but it has also not resulted in the skyrocketing prices to consumers, just like decontrol of oil did not result in skyrocketing prices to consumers. So I submit consumers have nothing to fear, while producers have everything to gain and hope for by the provisions of this bill.

As oil and gas companies can increase their natural gas production and exploration activities, this puts people to work in the oil and gas industry, as the gentleman has mentioned before. It also includes their cash-flow at a time they need it, putting them in a stronger financial position at present, and a stronger financial position to be able to last through the existing hard times through low oil prices.

It also has a positive effect on the petrochemical industries, something that has not been discussed. Petrochemical companies use natural gas as a feedstock. They would like to use it as a boiler fuel once again, so the repeal of the Fuel Use Act will allow them to do that.

We are about to lose many of these natural gas feedstock petrochemical companies overseas. They are moving to Saudi Arabia. We can help prolong that or prevent that by the activities of repealing the Fuel Use Act. It will allow them to use natural gas as a boiler fuel, which is important to them, but it also will prevent them from having their contracts abrogated when they buy natural gas as a feedstock by the existing laws which this bill repeals. It means when they sign a contract with a natural gas producer for natural gas to use as a feedstock to make chemicals from, there is no chance that is going to be abrogated, as it is under existing law, and take that gas away from them and take it somewhere else in the country in case of a shortage. So this will help the petrochemical industry as well.

We believe also, as indicated earlier, that any lower prices enjoyed by consumers would likewise be enjoyed by manufacturers, such as the petrochemical industry, keeping people to work, keeping us producing chemicals to sell in foreign trade to improve our deficit in foreign trade.

Mr. Speaker, I want to conclude by simply saying this bill does some very necessary things to help consumers, to help the oil and gas industry which needs help, to help our national defense by keeping us energy independent, and also it certainly helps the economy of my State, which now, unfortunately, has achieved the status of being the highest unemployed State in the Union. This will help put people back to work in my State.

So I think that this is something that we need to do.

Mr. Speaker, let me just say to my good friend from California, who is the lead author on this bill, and I appreciate the gentleman working with me and having me with him on this bill, we have seen in the attack on Libya that there are a lot of allies in this world we cannot depend on; as a matter of fact, very darn few. Now, are we going to depend on those same people to help us get oil when we run out of oil or natural gas? I think we have learned a very valuable lesson. This Nation can never depend on anybody other than ourselves for national defense, and this Nation cannot ever depend on anybody but ourselves for production of energy. We have learned that, if nothing else, in that raid on Libya.

This bill will help us remain energy independent by repealing two totally worthless laws, the Fuel Use Act and the remaining provisions of natural gas price controls and, at the same time, clear up a third problem of not being able to have ready access to pipelines by natural gas producers to get their natural gas to market.

Mr. Speaker, I commend the gentleman. I am glad to join the gentleman. This bill is most worthwhile.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman from Louisiana [Mr. MOORE] for those comments. I appreciate the gentleman's participation in this special order.

Mr. Speaker, I have just some concluding comments that I would like to make.

The proponents of price control have told us that if we deregulated the price of oil, we consumers would expect to have a flareup in the price; that is, those producing the oil in the world and in the country would take advantage of the consumers of this Nation and stick it to them.

The facts have proved that to be just the opposite. In 1979, when Jimmy Carter was our President, he wisely began the deregulation of oil prices in America. The first thing President Reagan did when he was elected and began to serve as our President in 1981 was to complete at one time, in the beginning of 1981, the deregulation of all oil prices in this Nation.

We Americans now see what that wise policy decision has produced. We have decreased the quantity of oil this Nation is importing from foreign sources in 1986 as compared with what quantity we were importing in the late 1970's.

□ 1830

And, also, we have, actually as a result of the recent price decline in oil, witnessed the deregulation of oil prices. Rather than driving up oil prices for all consumers in this country, it has had the effect, along with other factors that could be a part of the monetary instability of our Nation and the Western World, but at least oil prices are significantly lower today, in 1986, than they were in 1981 or 1982 or 1983 or 1984 or indeed even in 1985.

The reason I mention this is because it has relevance with respect to the policy on natural gas. We were told again that if we deregulated natural gas prices to the extent that one-half of them by the National Gas Policy Act adopted in 1978, whereby about half of the prices of gas were deregulated effective January 1, 1985, that we would have a flareup of gas prices and we consumers would have to pay that. That did not prove to be the case. On January 1, 1985, we did not experience a flareup of gas prices in this Nation, nor do I think we would experience a flareup of gas prices in this Nation if we have the political courage to deregulate that gas in this Nation that is currently under price control, basically, 104 gas.

I think any layman—you do not have to be an economist to figure this out—knows that when you increase the supply of a product and the market is relatively the same, you are going to have a decline in price. It follows as night follows day. That is the very essence of this legislation. If we bring into the natural gas supply of this Nation an additional 20 to 40 trillion cubic feet, 1 to 2 years of additional supply that we will never get otherwise, I think it follows, as night follows day, that we are going to significantly drive down the price that we consumers have to pay for natural gas because the market force out there, that mysterious method by which automatically when buyers and sellers through the multimillion transactions that take place every day determine the price, we consumers have the best product at the lowest price and availability that can possibly be achieved. That is what the market system has done for the mystery and the benefit of the American consumer, and I submit that it is in the interest of all of us in this country to adopt the same policy with respect to natural gas prices.

Mr. Speaker, I yield back the balance of my time.

AGRICULTURAL CREDIT ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today the financial difficulties of many farm borrowers and their lenders are more severe than any

encounted since the Great Depression. More than one-third of our Nation's commercial-sized family farms continue to experience serious financial problems. If we do not deal with the farm debt crisis now, we will continue resolving it through foreclosures, bankruptcies, and bank failures. If the agriculture economy sees a cascading rate of failures due to overburdened credit, the taxpayer and the Nation will be assessed in many ways—not the least of which will be through FDIC guarantees.

Last year, the administration vetoed legislation initiated by our committee on immediate farm credit relief. The problems that our farmers have been struggling with for the last 5 years have not disappeared. The magnitude of the crisis has only grown worse and has had rippling affects on other sectors of our economy. Many communities are faced with a loss of population, declining property values, tax revenue, and public services. The outlook appears worse instead of bettter. Time is of the essence and inaction is clearly not the solution.

The new farm bill was designed to make U.S. farm products more competitive on world markets by making sharp reductions in loan rates. But, the results have been less than encouraging. Little improvement is expected in the export market. This year, agricultural revenues are projected to hit their lowest level in 8 years—over a 34-percent decline since their peak. The problems facing U.S. farmers are compounded by the fact that world grain reserves are at record levels and bumper crop harvests have kept commodity prices low.

To make matters worse, the value of the farmland that farmers use as collateral for their loans has continued to decline—compounding farmers' financial problems. Many farmers already burdened with high debt loads are being turned down for new operating loans by lenders worried about the prospects for recovery. Turned down by commercial lenders, many farmers have sought relief from the Farmers Home Administration, as the lender of last resort. But, the Agency has been unable to fulfill the flood of loan applications and reported in March that it ran out of money for new direct planting loans this year. As an interim measure, the Agency shifted limited funds into the direct loan program, but only through drawing down other FmHA loan accounts.

Not only are our farmers in for another dismal year, but farm banks are increasingly more vulnerable—as thousands of farmers will be unable to service their debt. Scores of agricultural banks are already in grim shape. The FDIC reported that net loan losses at agricultural banks nearly tripled over the past 2 years and that about 40 percent of the problem banks are farm banks. Sixty-two farm banks failed last year—the highest number of failures since the depression. This year, another 60 farm banks are expected to fail. Farm bank problems and failures will continue, unless immediate action is taken.

I was encouraged to learn of the recommendations that the three bank regulatory agencies recently proposed in bank accounting rules to allow banks to deal with losses incurred by troubled farm and energy loans. While this action is a step in the right direction, I am concerned that there is no mechanism to translate assistance down to the farm borrower.

We in Congress have a responsibility to deal with these problems now. That is why the bill that I am offering today is so important. This bill would establish a 3-year program of financial incentives for banks, other commercial lenders, and the Farm Credit System to reduce the interest rates and principal on existing loans to financially troubled farmers. This bill encourages lenders to use these liberalized accounting rules to restructure troubled farm debt by providing a matching interest subsidy program to lenders that reduce principal by a least 15 percent. The interest subsidy would be up to 6 percent—2 percent from the Federal Government, 2 percent from individual States, whose participation would be optional, and 2 percent from the lender.

Borrowers, lenders, and the Government must share the responsibility for fixing the present credit problems. Banks and other lenders can do much on their own to lighten the debt burden of their customers—and lenders have indicated a willingness to do this. But, many banks have been reluctant to write down loans or grant other concessions to borrowers because of the effect this might have on their capital levels. Federal assistance is needed to provide the mechanisms and incentives to lenders to work with borrowers to effect long-term restructuring of problem debt.

This bill also addresses the problem where the availability of new accounting rules does not necessarily ensure that they will be utilized. A case in point involves the Financial Accounting Standards Board Statement (known as the FASB No. 15 program). Although the FASB No. 15 program is now on the books, adequate notice was not provided to lenders—as evidenced by the fact that the majority were unaware that such a mechanism exists. we must act to ensure that lenders, examiners, and farm borrowers are fully aware of all available restructuring options. This bill would require lenders to develop debt restructuring guidelines and give borrowers an opportunity to participate in such a plan before action could be taken on defaulted loans.

My goals are simple. We need a program that is a solution for our farmers—not simply a bailout of an institution or a bank. This bill is designed to give farmers and their lenders an opportunity to restructure their debts and to stay in business. It is a reasonable and fair approach. It does not "bail out" anyone; instead it gives farmers and their lenders an opportunity to walk together out of a problem they entered into together. We must act now to prevent huge loan defaults that could shake confidence in the Nation's financial system, causing interest rates to rise and slowing the growth of income and jobs. This bill would help to restore the confidence on the main streets and among the farmers of rural America.

Mr. Speaker, I include the section-by-section analysis in the RECORD, along with the text of the bill:

AGRICULTURAL CREDIT ACT OF 1986—SECTION-BY-SECTION SUMMARY

TITLE I: INTEREST SUBSIDY INCENTIVES FOR RESTRUCTURED LOANS

Section 101: General provisions

To encourage farm debt restructuring, this Act provides a matching interest subsidy program to lenders that reduce principal on troubled farm loans by at least 15%. As an added benefit, such debt restructuring would also allow lenders to participate in FmHA's Debt Adjustment Program (DAP). Under the DAP, loans that are restructured by at least 10% are eligible for a 90% FmHA guarantee.

From the date Act is enacted, borrowers have a one-year period in which they can apply to their lenders to participate in this three-year program. Loans that lenders have restructured during a six month period prior to enactment of this act would also be eligible for the interest subsidy.

Section 102: State and Federal interest rate payments

Interest rate subsidies would be provided to qualified lenders through the Farmers Home Administration (FmHA). State participation is optional.

Section 103: Principal and interest rate reduction

Up to 6 points of interest could be written down for those loans in which principal is reduced by at least 15%. The interest subsidy consists of 2% Federal, 2% State (participation is optional), and 2% Lender. For each additional 5% reduction in principal, one point of interest subsidy would be waived. The following table illustrates the incentive program:

Principal reduction [1]	Interest subsidy contribution			Total interest write-down (percent)
	Federal (percent)	State [2] (percent)	Lender (percent)	
10 percent	([3])	([3])	([3])	([3])
15 percent	2	2	2	6
15 percent to 20 percent	2	2	1	5
20 percent to 25 percent	2	2	0	4

[1] In lieu of a principal reduction, lenders could reduce interest on fixed rate loans to acheive a comparable payment reduction over the life of the loan.
[2] State participation is optional. If State does not participate, total interest write-down would be reduced by 2 percent.
[3] Qualifies for 90 percent FmHA guarantees under DAP.

Section 104: Duration of interest rate reductions

At the end of this 3 year program, the interest rate charged on the restructured loan cannot exceed the standard rate charged by the lender for a comparable loan.

Section 105: Recapture provisions

In the event of non-monetary default (violation of non-monetary terms of loan agreement without lender's consent), the lender may enforce the terms of the loan as they existed before restructuring occurred.

Section 106: Limitation on foreclosure

Requires lender to develop debt restructuring guidelines for farm borrowers and give them the opportunity to participate in debt restructuring program before taking action on a defaulted loan. This would not apply to loans under jurisdiction of bankruptcy court.

If a lender should foreclose on a participating borrower, the federal and state interest subsidy would be cancelled.

Section 107: Use of certain funds

Authorizes the Secretary to use the Agricultural Credit Insurance Fund to carry out

this Act. Provides the Secretary with discretionary authority to use funds authorized under the interest subsidy program in the Farm Bill.

TITLE II: CONSERVATION PROVISIONS

Amends Section 1211 and 1212 of Food Security Act of 1985 to provide that any producer that cultivates highly erodible lands and wetlands will be ineligible for assistance under this Act.

TITLE III: ACCOUNTING PROVISIONS

Section 301: Federal regulation of the accounting for restructured agricultural loans

Subsections(j)(1-5) Agricultural Loan Restructuring

Amends the Federal Deposit Insurance Act to provide lenders with more flexibility to restructure troubled agricultural debt—by minimizing effects of capital erosion and lending limitations. The following amendments are consistent with those proposed by the bank regulatory agencies in March:

(A) FASB #15—encourages banks to utilize a little-used accounting rule that allows banks to restructure loans *without* having to take a loss against capital if the restructuring results in payments that at least equal the original loan principal. FASB #15 (Financial Accounting Standards Board Statement No. 15) applies when "the creditor's objective is to make the best of a difficult situation . . . the creditor expects to obtain more . . . value from the debtor, or to increase the probability of receipt, by granting the concession than by not granting it."

(B) Capitol Forbearance—requires each Federal banking agency to establish a capital forbearance program for banks that have experienced a reduction in capital which is largely attributable to problems in the agricultural sector. Under such a program, a bank would be allowed to operate under relaxed capital requirements, provided they can demonstrate capacity to restore capital within five years. Currently, banks falling below the minimum 6% capital level are subject to stringent enforcement action by bank examiners.

(C) "Call Report" Modifications—requires the Federal banking agencies to amend description of the status of restructured "troubled" loans in the Reports of Condition and Income (call reports). This requirement allows banks to distinguish loans that, although restructured (as under FASB #15), are in compliance with modified terms. Those loans would no longer need to be included in the category of nonperforming loans but could be disclosed in the call report as "Restructured and in Compliance With Modified Terms" or a similar description.

Subsection (j)(6) Limitation on Foreclosure

Requires lenders to develop debt restructuring guidelines for farm borrowers and given them the opportunity to participate in debt restructuring program before taking action on a defaulted loan. This would not apply to loans under jurisdiction of bankruptcy court.

Subsection (j)(7) Recapture Provisions

In the event of non-monetary default (violation of non-monetary terms of loan agreement without lenders' consent), the lender may enforce the terms of the loan as they existed before restructuring occurred.

Subsection (j)(8) Definitions

With the exception that this Section only applies to banks that have their deposits insured by the FDIC, the definitions are basically the same as those listed under Section 404.

Section 302: Modification of lending limitations for lenders that restructure agricultural loans

Amends regulations that establish lending limits for national banks so that a temporary reduction in capital would not reduce banks' lending authority. Currently, a decline in capital results in a parallel decline in the bank's maximum lending limit. By establishing an increased lending limit, a bank participating in the capital forbearance program who suffers moderate losses on agricultural loans could maintain its current dollar lending limits.

Section 303: Regulation of the accounting for restructured agricultural loans by State insured depository institutions

Requires appropriate State banking agency to amend State regulations to conform to amendments in Section 301.

Section 304: Adjusting real estate holding periods for a National Banking Association

Increases the number of years that national banks can hold real estate, from 5 to 10 years. Currently, a bank must dispose of farmland it acquired through foreclosures within five years unless the Comptroller of the Currency approves the possession for an extended period not to exceed an additional five years. This provision is intended to relieve any further downward pressure on already depressed farmland values.

TITLE IV: MISCELLANEOUS PROVISIONS

Section 401—Authorizes the Secretary to issue regulations to implement this Act within 30 days after the date of enactment.

Section 402—This section clarifies that the requirement for fixed rate mortgages in any restructured loan supersedes any state law.

Section 403—Provides for penalties under 18 U.S.C. 3623 or imprisonment for up to five years for those who steal, forge, misapply, etc., under this act.

Section 404: Definitions

"Agricultural Loan"—any loan made to finance production of agricultural products or livestock; or secured by agricultural property.

"Debt Restructuring"—loans restructured by any combination of: repayment period extension, interest rate reduction, principal reduction, or asset restructuring that would be accomplished over a ten year period.

"Qualified Agricultural Debt"—borrowers are limited to a $500,000 aggregate loan participation in the case of an individual and $600,000 in all other agricultural operations.

"Qualified Borrower"—is any person that has made at least 50 percent of its gross income from farming in four of the past five years; has gross annual sales of at least $30,000 during three of the previous five years, and total net income not to exceed $100,000; is delinquent in the payment of principal or interest on agricultural loan; can demonstrate an ability to repay loan if debt is restructured.

"Qualified Lender"—any commercial bank, savings and loan association, credit union, insurance company, or farm credit institution.

"Qualified State Institution"—any State chartered depository institution that has deposits insured or guaranteed under State law.

H.R. 4609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Credit Act of 1986".

TITLE I—INTEREST SUBSIDY INCENTIVES FOR RESTRUCTURING LOANS

SEC. 101. IN GENERAL.

(a) REQUIREMENTS FOR RECEIVING PAYMENTS.—If a qualified lender agrees to reduce principal and interest rates under this title with respect to an agricultural loan to a qualified borrower, the Secretary, and appropriate State authorities (if so authorized under State law), shall make payments to that lender as described in section 102.

(b) LIMITATION ON LOAN AMOUNTS.—A reduction of principal and interest rates under this title may be made only with respect to loan amounts of a borrower totaling, in the aggregate, not more than—

(1) $500,000 in the case of a qualified borrower who is an individual; and

(2) $700,000 in the case of a qualified borrower who is a person other than an individual.

(c) PERIOD FOR INITIATING REDUCTIONS OF PRINCIPAL AND INTEREST.—

(1) Except as provided in paragraph (2), a reduction of principal and interest rates under this title may be made only within 90 days after the lender has received an application for such reduction submitted by the borrower within one year after the date of enactment of this Act.

(2) Paragraph (1) does not apply to a reduction of principal and interest rates made during the period beginning six months before the date of enactment of this Act and ending on the date of enactment.

SEC. 102. STATE AND FEDERAL INTEREST RATE PAYMENTS.

(a) PAYMENTS BY THE SECRETARY.—The Secretary, through the Farmers Home Administration, shall pay to a qualified lender making a reduction of principal and interest under section 103—

(1) an amount equal to two percentage points of the interest accruing on such loan throughout the period that an interest rate reduction remains in effect under section 104(a); and

(2) any amount received by the Secretary under subsection (b).

(b) PAYMENTS BY APPROPRIATE STATE AUTHORITIES.—With respect to a loan for which a reduction of principal or interest is made under section 103, the appropriate State authorities (if so authorized under State law), shall pay to the Secretary an amount equal to two percentage points of the interest accruing on such loan throughout the period that such reduction remains in effect under section 104(a).

SEC. 103. AMOUNTS OF PRINCIPAL AND INTEREST RATE REDUCTION.

(a) TABLE.—Except as provided in subsection (b), the reductions referred to in section 102 are as follows:

If the amount of principal on the loan is reduced by:.	In States in which State payments are authorized under section 102(b), the interest rate on the loan shall be reduced, from the rate charged on the last loan payment due before the date of enactment of this Act, by:.	In States in which State payments are not authorized under section 102(b), the interest rate on the loan shall be reduced, from the rate charged on the last loan payment due before the date of enactment of this Act, by:

At least 15 percent but less than 20 percent.	Six percentage points	Four percentage points.
At least 20 percent but less than 25 percent.	Five percentage points	Three percentage points.
25 percent or more	Four percentage points	Two percentage points.

(b) EXCEPTION IN THE CASE OF FIXED RATE LOANS.—In lieu of a principal reduction described under the first column of the table in paragraph (1), a lender may reduce the interest on a fixed rate loan by an amount which will yield loan payments by the borrower comparable to loan payments which would be due under such principal reduction. An interest rate reduction under this paragraph shall be in addition to any interest rate reduction described in the second or third column of the table in paragraph (1).

SEC. 104. REDUCTION PERIOD.

(a) DURATION OF INTEREST RATE REDUCTIONS.—Except as provided in subsection (c), interest rate reductions made under section 103 shall be in effect for the duration of the loan or for a period of three years from the date of enactment of this Act, whichever is less.

(b) INTEREST RATES FOLLOWING REDUCTION PERIOD.—At the end of the period described in subsection (a) any interest rate charged on the balance of principal outstanding on a loan cannot exceed the standard rate charged by the lender for a comparable loan.

(c) EXCEPTION IN THE CASE OF INTEREST RATE REDUCTIONS MADE IN LIEU OF PRINCIPAL REDUCTIONS.—Interest rate reductions made under section 103 in lieu of principal reduction shall remain in effect for the duration of the loan.

SEC. 105. RECAPTURE IN THE EVENT OF NONMONETARY DEFAULT.

In the event of nonmonetary default by a qualified borrower on the terms of a loan whose terms are modified under this title, without consent by the lender, a qualified lender may enforce the terms of such loan as they existed before such modification.

SEC. 106. LIMITATION ON FORECLOSURE OF AGRICULTURAL LOANS.

(a) IN GENERAL.—Except as provided in subsection (b), a lender may not compel the forfeiture, by a borrower, of any security for an agricultural loan unless the lender first makes a good faith effort to reduce the principal or interest due on such loan in compliance with any applicable guidelines established under subsection (c).

(b) EXEMPTION FOR LOANS UNDER THE JURISDICTION OF A BANKRUPTCY COURT.—Subsection (a) does not apply to a loan of a borrower with respect to whom a case is pending in a bankruptcy court.

(c) DEVELOPMENT OF GUIDELINES.—Each lender receiving a payment under section 102 shall develop guidelines for determining which borrowers shall receive interest and principal reductions under this title.

(d) TERMINATION OF STATE AND FEDERAL PAYMENTS UPON FORECLOSURE.—No payment under section 102 shall be made with respect to a loan after a lender compels the forfeiture by a borrower of any security for such loan.

SEC. 107. USE OF CERTAIN FUNDS.

(a) USE OF AGRICULTURAL CREDIT INSURANCE FUND TO MAKE PAYMENTS.—The Secretary shall use the Agricultural Credit Insurance Fund established under section 309 of the Consolidated Farm and Rural Development Act to make payments under section 102(a)(1).

(b) DISCRETIONARY USE OF CERTAIN FUNDS.—The Secretary, at the Secretary's discretion, may use, to make payments under section 102(a)(1) funds which would otherwise be available to the Secretary under section 351(e)(2) of the Consolidated Farm and Rural Development Act.

TITLE II—CONSERVATION PROVISIONS

SEC. 201. PROHIBITING ASSISTANCE TO BORROWERS WHO PRODUCE COMMODITIES ON ERODIBLE LAND.

Section 1211 of the Food Security Act of 1985 is amended—

(1) by striking "or" where it appears after the semicolon in paragraph (1)(E);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) treatment as a qualified borrower for purposes of title I of the Agriculture Credit Act of 1986.".

SEC. 202. PROHIBITING ASSISTANCE TO BORROWERS WHO PRODUCE COMMODITIES ON CONVERTED WETLANDS.

Section 1211 of the Food Security Act of 1985 is amended—

(1) by striking "or" where it appears after the semicolon in paragraph (1)(E);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) treatment as a qualified borrower for purposes of title I of the Agriculture Credit Act of 1986.".

TITLE III—ACCOUNTING PROVISIONS

SEC. 301. FEDERAL REGULATION OF THE ACCOUNTING FOR RESTRUCTURED AGRICULTURAL LOANS.

Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(j)(1) IN GENERAL.—The appropriate Federal banking agency shall—

"(A) permit an insured bank to account for qualified agricultural debt restructuring under paragraph (2);

"(B) establish a program of capital forbearance under paragraph (3) for an insured bank engaging in qualified agricultural debt restructuring; and

"(C) implement call report requirements under paragraph (4) with respect to qualified agricultural debt restructuring.

"(2) ACCOUNTING OF RESTRUCTURED LOANS.—Consistent with generally accepted accounting principals, an insured bank engaging in qualified agricultural debt restructuring involving only modification of terms may account for the effects of the restructuring prospectively and will not be required to change the recorded investment at the time of the restructuring unless the recorded investment exceeds the total future cash receipts that can be reasonably anticipated given the new terms of the loan.

"(3) CAPITAL FORBEARANCE PROGRAM.—

"(A) Under a capital forbearance program under this paragraph the appropriate Federal banking agency shall permit the capital of an insured bank qualifying under this paragraph to fall below any applicable minimum capital requirement established by such agency to the extent that the reduction in such capital is attributable to qualified agricultural debt restructuring.

"(B) In order for an insured bank to qualify under subparagraph (A) such bank shall, before December 31, 1987, submit to the appropriate Federal banking agency an application containing a plan acceptable to such agency which details the insured bank's program to restore primary capital to levels at or above the regulatory minimum not later than January 1, 1993.

"(C) The appropriate Federal banking agency may establish additional specific requirements consistent with the requirements of this Act which any insured bank must meet in order to qualify under subparagraph (A), including requirements that such an insured bank—

"(i) demonstrate that its weakened capital position is not due to mismanagement, excessive operating expenses, excessive dividends, or action taken solely for the purpose of qualifying for capital forbearance;

"(ii) adopt and adhere to its plan for restoring capital to the required minimums; and

(iii) report periodically to the appropriate Federal banking agency on its progress in complying with the plan submitted under clause (ii).

"(4) CALL REPORTS.—Each Federal banking agency shall implement call report requirements for loans restructured under qualified agricultural debt restructuring, providing an accurate description of their status. Such loans may be disclosed as 'Restructured and in Compliance With Modified Terms' or similar description.

"(5) IMPLEMENTATION DEADLINE.—Each Federal banking agency shall issue its program on capital forbearance and call report requirements for renegotiated loans not later than three days after the date of enactment of this subsection.

"(6) LIMITATION ON FORECLOSURE.—

"(A) Except as provided in subparagraph (B) an insured bank may not compel the forfeiture, by a qualified borrower, of any security for an agricultural loan unless the bank first makes a good faith effort to reduce the principal or interest due on such debt in compliance with any applicable guidelines established under subparagraph (C).

"(B) Subparagraph (A) does not apply to a loan of a borrower with respect to whom a case is pending in a bankruptcy court.

"(C) Each insured bank shall develop guidelines for determining which borrowers shall receive qualified agricultural debt restructuring.

"(7) RECAPTURE IN THE EVENT OF NON-MONETARY DEFAULT.—In the event of non-monetary default by a qualified borrower on the terms of a loan modified by qualified agricultural debt restructuring without, consent by the lender, an insured bank may enforce the terms of such loan as they existed before such restructuring occurred.

"(8) DEFINITIONS.—For purposes of this subsection—

"(A) terms defined for purposes of the Agricultural Credit Act of 1986 shall apply to this subsection; and

"(B) the term 'capital forbearance' means refraining from taking administrative actions to enforce capital standards."

SEC. 302. MODIFICATION OF LENDING LIMITATIONS FOR LENDERS THAT RESTRUCTURE AGRICULTURAL LOANS.

Section 5200(a) of the Revised Statutes (12 U.S.C. 84) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

"(2) If the Comptroller of the Currency establishes a capital forbearance program pursuant to section 13(j) of the Federal Deposit Insurance Act, the Comptroller of the Currency shall, without public notice and comment, amend the regulations under this section to establish new lending limits for

insured banks covered by the forbearance program, individually or as a class, to compensate for the effects on such insured banks for losses attributable to qualified agricultural debt restructuring. A lending limitation established pursuant to this paragraph in lieu of the limitation established in paragraph (1) shall not exceed 20 percent of the unimpaired capital and unimpaired surplus of an association."; and

(3) by striking, in the paragraph redesignated as paragraph (3) by this section, "paragraph (1)", and inserting "paragraphs (1) and (2)".

SEC. 303. REGULATION OF THE ACCOUNTING FOR RESTRUCTURED AGRICULTURAL LOANS BY STATE INSURED DEPOSITORY INSTITUTIONS.

Notwithstanding any provision of the laws or constitution of any State, each appropriate State banking agency shall—

(1) permit qualified State institutions to account for qualified agricultural debt restructuring in the manner described in section 13(j)(2) of the Federal Deposit Insurance Act;

(2) establish a program of capital forbearance in the manner described in section 13(j)(3) of such Act for qualified State institutions engaging in qualified agricultural debt restructuring; and

(3) implement call report requirements of the kind described in section 13(j)(3) of such Act with respect to qualified agricultural debt restructuring by qualified State Institutions.

SEC. 304. ADJUSTING REAL ESTATE HOLDING PERIODS FOR A NATIONAL BANKING ASSOCIATION.

Section 5137 of the Revised Statutes (12 U.S.C. 29) is amended—

(1) by striking "five years" in the paragraph following the fourth designated paragraph and inserting "ten years";

(2) by striking the second paragraph following the fourth designated paragraph; and

(3) by striking "five-year" in the last paragraph and inserting "ten-year".

TITLE IV—MISCELLANEOUS

SEC. 401. REGULATIONS.

The Secretary shall prescribe regulations to implement this Act within 30 days after the date of enactment of this Act.

SEC. 402. LIMITATIONS ON STATE LAWS RESPECTING FIXED RATE LOANS.

Any provision of the laws or constitution of any State which prohibits fixed rate loans shall not apply to extensions of credit made under this Act.

SEC. 403. PENALTY FOR MISUSE OF FUNDS.

Whoever embezzles, misapplies, steals, or obtains by fraud, false statements, or forgery, any funds, assets or property provided or financed under this Act shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

SEC. 404. DEFINITIONS.

As used in this Act—

(1) the term "agricultural loan" means a loan made to finance the production of agricultural products or livestock in the United States or a loan secured by agricultural property;

(2) the term "agricultural property" means land in the United States that is in regular use for the production of agricultural commodities for sale and any personal property used on such land in the production of agricultural commodities;

(3) the term "qualified agricultural debt restructuring"—

(A) means any combination of—

(i) a reduction in the principal due on an agricultural loan to a qualified borrower for the duration of the loan;

(ii) a reduction in the interest due on such loan for the duration of the loan;

(iii) an extension of the term to maturity of such loan; or

(iv) an asset restructuring plan entered into between the borrower and lender, the terms of which shall, within ten years of the date on which such plan is made, accomplish the purposes of the Agricultural Credit Act of 1986 and the amendments made by such Act; but

(B) does not include any such combination which—

(i) reduces the term to maturity of a loan; or

(ii) is made with respect to loan amounts of a qualified borrower totaling, in the aggregate more than—

(I) $500,000 in the case of a qualified borrower who is an individual; and

(II) $700,000 in the case of a qualified borrower who is a person other than an individual;

(4) the term "qualified borrower" means, with respect to an agricultural loan, a person who—

(A) has derived at least 50 percent of the person's gross income during at least four of the previous five years from the production of agricultural commodities, including livestock, poultry, and the products of aquaculture;

(B) has gross annual sales of agricultural commodities of at least $30,000 during three of the last five taxable years ending before the date of enactment of this Act;

(C) has as average net income of less than $100,000 during the last five taxable years before the date of enactment of this Act;

(D) is delinquent in the payment of principal or interest on such loan; and

(E) enters into a restructuring and asset liquidation plan acceptable to the lender which—

(i) demonstrates a reasonable likelihood that the borrower will be able to repay the amount of the loan if debt restructuring is made;

(ii) contains a schedule for the liquidation by the borrower of such assets as the lender may require as a condition for such restructuring; and

(iii) provides for annual review by the lender to ensure that the borrower is making a good faith effort to carry out the plan.

(5) The term "qualified lender" means a—

(A) commercial bank;

(B) savings and loan association;

(C) credit union;

(D) insurance company; or

(E) institution of the Farm Credit System.

(6) The term "qualified State institution" means a State chartered depository institution, the deposits of which are insured or guaranteed under the laws of a State.

(7) The term "Secretary" means the Secretary of Agriculture.

(8) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

THE McCURDY PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, I am greatly disappointed in the action of the House today in not allowing us the opportunity to vote on the McCurdy proposal. I believe all sides should put the political rhetoric behind us and work toward a tough but thoughtful policy that says—to firend and foe alike—that America will not compromise our security or our principles.

Last year, I joined the McCurdy group in supporting nonmilitary aid to the Contras. Essentially, we felt it wasn't sufficient for Democrats simply to be against everything—we felt we had an obligation to say what we were for!

What we were for last year—and what we are still for—is a two-track policy toward the Sandinistas—a policy which recognizes the sovereignty of Nicaragua—a country with whom we are not at war—and commits America to peaceful settlements of our differences.

But a policy which also makes it clear that we choose to walk softly because we are a government of laws. But we also carry a big stick! And we are prepared to use it if an adversary refuses to agree to conditions essential to peace and security.

By the way, this two-track proposal is not original with the McCurdy group. It originated 2 years ago with President Reagan's own Bi-Partisan Blue Ribbon Commission on Central America.

During last summer's debate on aid to the Contras, our group broke with the Democratic leadership and made an offer to the White House. We said: "If you will commit to walk softly, seeking a negotiated settlement with Nicaragua, we will commit to making the necessary votes available, so you've got the big stick, if diplomatic efforts fail."

That offer was accepted. We were given a written commitment, signed by President Reagan, that a negotiated settlement would be given priority over a military solution, and that the United States would be an active partner in the Contadora regional peace effort. Relying on that written commitment, our group provided the swing vote for the aid to the Contras.

Unfortunately, no serious effort was made to honor that commitment, and we are now back at the same point as last summer, except the stakes are higher.

Our group's position today is basically the same as last summer. We insist that priority be given to an effort at a negotiated settlement. But if it becomes clear that the Sandinistas won't negotiate, we'll provide the votes for military aid to the Contras.

But there is one difference. Based on last year's experience, we want to see the negotiations take place before we vote the military aid.

None of us thinks the Sandinistas will negotiate themselves out of office.

But we can negotiate conditions which will assure a pluralistic society—in which the Sandinistas will be required to compete in free elections with other political parties whose platforms are based on free enterprise and traditional religious values.

And we can negotiate conditions which assure peaceful relations with neighboring countries.

And we can negotiate onsite verification by an international observer team stationed in Nicaragua.

We believe that when Marxism has to compete with free enterprise in free elections, the people of Nicaragua will reject it, just as people have rejected it in numerous other countries.

One final point: America's biggest advantage over the Soviets is not military; it is a moral advantage.

We are a government of laws—we have a tradition of respecting the rights and sovereignty of other nations. We don't have to explain a Czechoslovakia or a Hungary.

President Reagan himself made this point in his radio address on March 29:

American power, so long as it is used wisely and justly, is an undying symbol of hope to oppressed peoples around the world.

But this moral advantage carries with it a corresponding burden. When we disregard another nation's sovereignty, or support an unjust war, the rest of the world notices. And we lose more, in terms of integrity, than we gain, in terms of military advantage.

That's what the Contadora Group is telling us, and that's what our own Bi-Partisan Commission on Central America told us 2 years ago.

The McCurdy amendment assures the American people and the rest of the world that if American military power is used in Nicaragua, that will only happen after all peaceful alternatives have been explored!

If we go forward with military aid without the McCurdy amendment, we will be adopting a dual standard—walk softly when dealing with people with power, but use the big stick to crush disargeement from people without power. As this standard becomes clear. America's moral advantage will be lost—along with our integrity.

Sooner or later, the House will get back to the question of militrary aid to the Contras. When it does, I urge both parties to take a second look at the McCurdy compromise. It is not a dispute over a minor technicality: its point is central to what this country stands for.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. MICHEL), until 1 p.m. today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. DANNEMEYER, for 60 minutes, today.

Mr. DREIER of California, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BEREUTER, for 10 minutes, today.

Mr. GINGRICH, for 60 minutes, on April 17.

Mr. DORNAN of California, for 60 minutes, on April 17.

Mrs. BENTLEY, for 5 minutes, on April 17.

Mr. SLAUGHTER, for 60 minutes, on April 17.

(The following Members (at the request of Mr. CHAPMAN) to revise and extend their remarks and include extraneous material:)

Mr. FAUNTROY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STRATTON, for 60 minutes, on April 22.

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 10 minutes, today.

Mr. PICKLE, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

(The following Members (at the request of Mr. DANNEMEYER) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. MCKAY, for 5 minutes, today.

Mrs. MEYERS of Kansas, for 30 minutes, on April 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROOMFIELD, and to include extraneous material following Mr. MICHEL, on House Joint Resolution 601, in the Committee of the Whole, today.

Mr. LEWIS of California, following the remarks of Mr. BARNES, on House Joint Resolution 601, in the Committee of the Whole, today.

Mr. DREIER of California, during general debate on House Joint Resolution 601, in the Committee of the Whole, today.

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mr. MILLER of Ohio in three instances.

Mr. BROOMFIELD.

Mr. GEKAS in three instances.

Mr. GALLO.

Mr. KINDNESS.

Mrs. SCHNEIDER.

Mr. GREEN in two instances

Mr. SHUMWAY.

Mr. GREGG.

Mr. SAXTON.

Mr. O'BRIEN.

Mr. GILMAN in two instances.

Mr. COLEMAN of Missouri.

Mr. SCHULZE.

Mr. DREIER of California.

Mr. GILMAN.

(The following Members (at the request of Mr. CHAPMAN) and to include extraneous matter:)

Mr. RANGEL.

Mr. FUSTER.

Mr. DOWNEY of New York.

Mr. YATRON.

Mr. CLAY.

Mr. COELHO.

Mr. HAYES.

Mrs. BURTON of California.

Mr. KILDEE.

Mrs. BOGGS.

Mr. LUNDINE.

Mr. HOYER.

Mrs. KENNELLY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1017. An Act to provide for the transfer of the Metropolitan Washington Airports to an independent airport authority; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. DANNEMEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, April 17, 1986, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3322. A letter from the Acting Secretary of the Air Force, transmitting additional information on the Space Defense and Operations (ASAT) and T-46A programs, which have exceeded their baseline unit costs by more than 25 percent, pursuant to 10 U.S.C. 139b(e)(1); to the Committee on Armed Services.

3323. A communication from the President of the United States, transmitting notification of the employment of United States Armed Forces in Libya, pursuant to 50 U.S.C. 1543(a) (H. Doc. No. 99-201); to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3358. A bill to reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes; with amendments (Rept.

99-532). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3133. A bill to authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975 during fiscal years 1987, 1988, and 1989. Rept. 99-533. Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4353. A bill to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1987, 1988, and 1989 (Rept. 99-534). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1438. A bill to change the name of the Loxahatchee National Wildlife Refuge, FL, to the Arthur R. Marshall Loxahatchee National Wildlife Refuge. Rept. 99-535. Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4409. A bill to authorize appropriations for fiscal year 1987 for the operation and maintenance of the Panama Canal, and for other purposes; with an amendment (Rept. 99-536). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 421. Resolution providing for the consideration of H.R. 4420, a bill to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes. (Rept. 99-537). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 422. Resolution providing for the consideration of H.R. 1116, a bill to implement certain recommendations made pursuant to Public Law 98-360 (Rept. 99-538). Referred to the House Calendar.

Mr. HAWKINS: Committee on Education and Labor. H.R. 3247. A bill to amend the Native American Programs Act of 1974 to authorize appropriations for fiscal years 1987 through 1990; with an amendment (Rept. 99-539). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4022. A bill to direct release of restrictions, conditions, and limitations on the use or conveyance of certain real property located in Calcasieu Parish, LA; with amendments (Rept. 99-540). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUBBARD:

H.R. 4603. A bill to provide that certain costs of a private foundation in removing hazardous substances shall be treated as qualifying distributions under section 4942 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DANNEMEYER (for himself, Mr. MOORE, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BOULTER, Mr. COMBEST, Mr. DELAY, Mr. DOWDY of Mississippi, Mr. EDWARDS of Oklahoma, Mr. FIELDS, Mr. RALPH M. HALL, Mr. HYDE, Mr. LAGOMARSINO, Mr. LIVINGSTON, Mr. LOTT, Mr. LUNGREN, Mr. MOORHEAD, Mr. OXLEY, Mr. SCHAEFER, Mr. SHUMWAY, and Mr. THOMAS of California):

H.R. 4604. A bill to promote competition in the natural gas market, to ensure open access to transportation service, to encourage production of natural gas, to provide natural gas consumers with adequate supplies at reasonable prices, to eliminate demand restraints, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EVANS of Iowa (for himself and Mr. PENNY):

H.R. 4605. A bill to amend the Grain Standards Act of 1916 to provide for authority of the Administrator of the Federal Grain Inspection Service to refuse to certify export cargos under certain circumstances and for other purposes; to the Committee on Agriculture.

By Mr. FISH:

H.R. 4606. A bill to provide for seabed boundary agreements between the United States and any coastal State; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 4607. A bill to amend the Domestic Volunteer Service Act of 1973 to authorize appropriations for fiscal years 1987, 1988, and 1989 for Older American Volunteer Programs; to the Committee on Education and Labor.

By Mr. PANETTA:

H.R. 4608. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to carry out a project for flood control in the Felton Grove area, Santa Cruz County, CA.; to the Committee on Public Works and Transportation.

By Mr. PANETTA:

H.R. 4609. A bill to provide interest subsidy incentives for lenders restructuring agricultural loans, and for other purposes; jointly, to the Committees on Agriculture, and Banking, Finance and Urban Affairs.

By Mr. STANGELAND:

H.R. 4610. A bill to amend the Food Security Improvements Act of 1986 to mandate the Secretary of Agriculture to provide advance recourse loans to producers of commodities; to the Committee on Agriculture.

By Mr. HOYER (for himself and Mr. MOLLOHAN):

H.J. Res. 602. Joint resolution to designate the month of November 1986 as "National Diabetes Month"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. LEACH of Iowa, Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. ACKERMAN, Mr. UDALL, Mr. GARCIA, Mr. LAGOMARSINO, Mr. SOLOMON, Mr. SILJANDER, Mr. DORNAN of California, Mr. DEWINE, Mr. BURTON of Indiana, Mr. MCCAIN, Mr. BARNES, Mr. LEVINE of California, and Mr. GILMAN):

H. Con. Res. 319. Concurrent resolution to commemorate the bicentennial of Australia and to honor the April 1986 visit of Australian Prime Minister Robert Hawke to the United States; to the Committee on Foreign Affairs.

By Mr. VENTO (for himself, Mr. FRENZEL, Mr. OBERSTAR, Mr. SABO, Mr. PENNY, Mr. STANGELAND, Mr. SIKORSKI, Mr. WEBER, Mr. VISCLOSKY, Mr. LEVIN of Michigan, Mr. EVANS of Illinois, Mr. CONYERS, Mr. MARTINEZ, Mr. MATSUI, and Mr. BERMAN):

H. Res. 423. Resolution expressing the House of Representatives' opposition to the proposed closing of the Veterans' Administration Insurance Center at Fort Snelling, MN; to the Committee on Veterans' Affairs.

JOINT RESOLUTION ON CENTRAL AMERICA

Pursuant to House Resolution 415, the following joint resolution was considered:

H.J. Res. 601. Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mr. STANGELAND.

H.R. 526: Mr. WEAVER and Mr. COLEMAN of Texas.

H.R. 585: Mr. DIOGUARDI.

H.R. 2952: Mr. ROSE and Mr. SABO.

H.R. 2999: Mr. BARTON of Texas and Mr. AKAKA.

H.R. 3040: Mr. MURPHY and Mr. CONYERS.

H.R. 3070: Mr. GILMAN.

H.R. 3268: Mr. COATS.

H.R. 3357: Mr. ARCHER.

H.R. 3793: Mr. CLAY and Mr. MCCOLLUM.

H.R. 3799: Mr. KOSTMAYER, Mr. GEPHARDT, and Mr. SIKORSKI.

H.R. 3845: Mr. CROCKETT, Mr. WEAVER, and Mr. AUCOIN.

H.R. 3886: Mr. SHAW, Mr. LIGHTFOOT, Mr. BATES, Mr. GARCIA, Mr. STARK, Mr. DENNY SMITH, Mr. MACKAY, Mr. ACKERMAN, Mr. CHANDLER, Mr. OBERSTAR, Mr. NEAL, and Mr. DURBIN.

H.R. 3906: Mr. GINGRICH and Mr. HENRY.

H.R. 3989: Mr. BURTON of Indiana, Mr. HUCKABY, Mr. MARTIN of New York, Ms. SNOWE, and Mr. TAUKE.

H.R. 4003: Mr. PEASE, Mr. KILDEE, and Mr. RICHARDSON.

H.R. 4030: Mr. FUSTER, Mr. TOWNS, Mr. MATSUI, Mr. KILDEE, Mrs. BOXER, Mr. SUNIA, Mr. BERMAN, and Mr. MINETA.

H.R. 4075: Mr. REID, Mr. SKELTON, Mr. FUSTER, Mr. HUGHES, Mr. GARCIA, and Mr. HENDON.

H.R. 4119: Mr. BARNES and Mr. TORRES.

H.R. 4155: Mr. SMITH of Florida, Mr. WORTLEY, Mr. FUSTER, Mr. LIPINSKI, Mr. SAVAGE, Mr. DELLUMS, Mr. MATSUI, Mr. BONIOR of Michigan, Mr. LEVINE of California, Mr. LANTOS, Mr. ADDABBO, Mr. OWENS, Mr. CARPER, Mr. DE LUGO, Mr. MOAKLEY, Mr. WEISS, Mr. MORRISON of Connecticut, Mr. LEVIN of Michigan, Mr. GEJDENSON, Mrs. BENTLEY, Mr. MITCHELL, Mr. FEIGHAN, Mr. ROE, Mrs. BOXER, and Mr. DIXON.

H.R. 4175: Mr. VANDER JAGT.

H.R. 4179: Mr. ANDREWS, Mr. BRYANT, Mr. BUSTAMANTE, Mr. COLEMAN of Texas, Mr. DE LA GARZA, Mr. FRANK, Mr. MARTINEZ, Mr. RANGEL, Mr. TOWNS, and Mr. UDALL.

H.R. 4194: Mr. DIOGUARDI, Mr. EDWARDS of Oklahoma, Mr. MANTON, and Mr. BEDELL.

H.R. 4228: Mr. MICA.

H.R. 4275: Mr. BIAGGI, Ms. KAPTUR, Mr. FRANK, Mr. DONNELLY, Mr. HENRY, Mr. CHAPMAN, Mr. WORTLEY, Mr. HEFNER, Mr.

EVANS of Illinois, Mr. STENHOLM, Mr. OWENS, Mr. BEDELL, and Mr. SAXTON.

H.R. 4295: Mr. RODINO, Mr. ACKERMAN, Mr. JACOBS, Mr. BATES, Mr. SAVAGE, Mr. Richardson, Mr. HUTTO, Mr. FAUNTROY, Mr. KLECZKA, Mr. ROE, Mr. FRANK, Mr. TOWNS, Mr. COLEMAN of Texas, Mr. YATRON, Mr. SAXTON, Mr. WHITEHURST, Mr. BROWN of California, Mr. MORRISON of Connecticut, Mr. PENNY, Mr. BARNES, Mr. EDGAR, Mr. EVANS of Illinois, Mr. SKELTON, Mr. MITCHELL, Mr. CONYERS, Mrs. HOLT, Mr. WHEAT, Mr. WOLF, Mr. HOWARD, Mr. WILLIAMS, Mr. PARRIS, Mr. DASCHLE, Mrs. BYRON, Mr. HAYES, Mrs. BOXER, Mr. STAGGERS, Mr. HAWKINS, Mr. FAZIO, Mr. KOSTMAYER, Mr. MATSUI, Mr. OBERSTAR, Mr. HOYER, and Mr. THOMAS of Georgia.

H.R. 4311: Mr. MINETA, Mr. MORRISON of Connecticut, Mr. MOODY, Mr. TOWNS, Mr. WILSON, Mr. LANTOS, Mrs. BYRON, Mr. LEVINE of California, Mr. SEIBERLING, Mr. HUGHES, Mr. FORD of Michigan, Ms. OAKAR, Mr. DAVIS, Mrs. BOXER, Mr. DWYER of New Jersey, Mr. MAVROULES, Mr. MANTON, Mr. KILDEE, Mrs. BURTON of California, Mr. LAFALCE, Mr. MILLER of Washington, Mr. RANGEL, Mr. STOKES, Mr. BUSTAMANTE, Mr. OWENS, and Mr. JEFFORDS.

H.R. 4333: Mr. EDGAR.

H.R. 4338: Mr. MORRISON of Connecticut, Mr. LLOYD, Mr. GUARINI, Mr. WYDEN, Mr. RANGEL, Mr. NOWAK, Mr. HUGHES, and Mr. SAXTON.

H.R. 4391: Mr. GLICKMAN, Mr. JONES of Oklahoma, and Mr. HUTTO.

H.R. 4421: Mr. LAFALCE, Mr. BERMAN, Mr. SCHEUER, and Mr. STUDDS.

H.R. 4422: Mr. LEVINE of California, Mr. MCKERNAN, Mr. FLORIO, Mr. MINETA, and Mr. GREEN.

H.R. 4437: Mr. JEFFORDS.

H.R. 4512: Mr. KOLTER and Mr. SOLOMON.

H.R. 4513: Mr. JONES of North Carolina, Mr. EMERSON, and Mr. MADIGAN.

H.J. Res. 133: Mr. FUQUA.

H.J. Res. 381: Mr. TAUKE, Mr. LUNDINE, Mr. FISH, and Mr. BURTON of Indiana.

H.J. Res. 417: Mrs. SCHROEDER, Mr. WEISS, Mr. HOWARD, Mr. GARCIA, Mr. DOWNEY of New York, Mr. FAZIO, Mr. DELLUMS, Mrs. SCHNEIDER, and Mr. LANTOS.

H.J. Res. 427: Mr. MURPHY, Mr. ROBERT F. SMITH, Mr. PERKINS, Mr. RINALDO, Mr. RITTER, Mr. TAUKE, Mr. ROWLAND of Georgia, Mr. SCHUMER, Mr. TRAFICANT, Mr. SILJANDER, Mr. ADDABBO, Mr. BENNETT, Mr. BERMAN, Mr. BIAGGI, Mr. BLILEY, Mr. BONER of Tennessee, Mr. BROOKS, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CARPER, Mr. COATS, Mr. CONTE, Mr. CONYERS, Mr. DANIEL, Mr. DARDEN, Mr. DAUB, Mr. DELLUMS, Mr. DIXON, Mr. FAUNTROY, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. HALL of Ohio, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Mr. KEMP, Mrs. KENNELLY, Mr. KOLTER, Mr. RICHARDSON, Mr. ROBERTS, Mr. MRAZEK, Mr. KASICH, Mr. TOWNS, Mr. DAVIS, Mr. EDGAR, Mr. GILMAN, Mr. HATCHER, Mr. VENTO, Mr. LEWIS of Florida, Mr. BRYANT, Mr. FRANKLIN, Mr. BRUCE, Mr. ROYBAL, Mr. BONIOR of Michigan, Mr. WALKER, Mr. ENGLISH, Mr. VOLKMER, Mr. TORRICELLI, Mr. HUBBARD, Mr. MICHEL, Mr. DELAY, Mr. HARTNETT, Mrs. BENTLEY, Mr. BEVILL, Mr. CALLAHAN, Mr. DASCHLE, Mrs. LLOYD, Mr. LEWIS of California, Mr. LOWRY of Washington, Mr. JENKINS, Mr. MCCLOSKEY, Mr. SCHEUER, Mr. THOMAS of Georgia, Mr. MANTON, Mr. MARKEY, Mr. HENRY, Mr. MOORHEAD, Mr. MURTHA, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. MCKERNAN, Mr. MONSON, Mr. ROWLAND of Connecticut, Mr. SAVAGE, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SNYDER, Mr. STOKES, Mr. STRATTON, Mr. TALLON, Mr. WAXMAN, Mr. WILSON, Mr. YATRON, Mr. YOUNG of Alaska, Mr. WYLIE, Mr. COELHO, Mr. HANSEN, Mr. PASHAYAN, Mr. FUQUA, Mr. KRAMER, Mr. ACKERMAN, Mr. EVANS of Illinois, and Mr. WHITTAKER.

H.J. Res. 475: Mr. SPRATT, Mr. THOMAS of Georgia, Mr. PRICE, Mr. YOUNG of Alaska, Mr. FLORIO, Mr. MINETA, Mr. FRANKLIN, Mr. HALL of Ohio, Mr. HUTTO, Mr. REID, Mr. BOLAND, Mr. EARLY, Mr. GEKAS, Mr. PANETTA, Mr. LAFALCE, Mrs. BYRON, Mr. WYLIE, Mr. ALEXANDER, Mr. BIAGGI, Mrs. COLLINS, Mr. WAXMAN, Mr. KASICH, Mr. DASCHLE, Mr. FRANK, Mr. MILLER of Washington, Mr. LEHMAN of Florida, Mr. SHELBY, Mr. WIRTH, Mr. ST GERMAIN, Mr. YATRON, Mr. WHEAT, Mr. SKELTON, Mr. WYDEN, Mr. MARKEY, Mr. STAGGERS, Mr. SMITH of New Jersey, Mr. MORRISON of Washington, Mr. NEAL, and Mr. WEBER.

H.J. Res. 514. Mr. SCHEUER, Mr. LEVIN of Michigan, Mr. KANJORSKI, Mr. MCGRATH, Mr. EVANS of Illinois, Mr. BROOKS, Mr. BONIOR of Michigan, Mr. ROYBAL, Mr. FAZIO, Mrs. COLLINS, Mr. ROE, Mr. CLINGER, Mr. EMERSON, Mr. SPRATT, Mr. WISE, Mr. WYDEN, Mr. MARTINEZ, Mr. BIAGGI, Mr. HUGHES, Mr. GUARINI, Mr. TRAXLER, Mr. MONSON, Mr. NEAL, Mr. CONTE, Mr. SHUMWAY, Mr. BERMAN, Mr. YOUNG of Missouri, Ms. SNOWE, Mr. PURSELL, Mr. KOLTER, Mrs. SCHROEDER, Mr. BILIRAKSI, Mr. HALL of Ohio, Mr. PORTER, Mr. KASICH, Mr. HOYER, Mr. OBERSTAR, Mr. GILMAN, Mr. WEAVER, and Mrs. LLOYD.

H.J. Res. 522: Mr. PEPPER, Mr. LAFALCE, and Mr. RITTER.

H.J. Res. 529: Mr. HENDON, Mr. MONTGOMERY, Mr. NOWAK, Mr. LENT, and Mr. GILMAN.

H.J. Res. 532: Mr. ORTIZ, Mr. FORD of Michigan, Mr. RODINO, Mr. FOGLIETTA, Mr. EDGAR, Mr. NATCHER, Mr. SHUMWAY, Mr. BARNES, and Mr. BOSCO.

H.J. Res. 536: Mr. GINGRICH, Mr. CAMPBELL, Mr. COELHO, Mr. CLAY, Mr. SKEEN, Mr. PETRI, Mr. BRYANT, Mr. SKELTON, Mr. COBLE, Mr. VOLKMER, Mr. MINETA, Mr. HUBBARD, and Mr. DINGELL.

H.J. Res. 538: Mr. BRYANT, Mr. EDGAR, Mr. YOUNG of Florida, Mr. CROCKETT, Mr. LEHMAN of California, Mr. VENTO, Mr. WEISS, Mr. MONSON, Mr. LATTA, Mr. OWENS, Mr. HUGHES, Ms. KAPTUR, Mr. SCHUETTE, Mr. BIAGGI, Mr. COLEMAN of Missouri, Mr. COATS, Mr. DORNAN of California, Mr. FISH, Mr. WAXMAN, Mr. DAUB, Mr. KASICH, Mr. YATRON, Mr. WOLF, Mrs. JOHNSON, Mr. CARPER, Mr. SPRATT, Mr. MCDADE, Mr. HENDON, Mr. ST GERMAIN, Mr. BOLAND, Mr. ARCHER, Mr. DANNEMEYER, Mr. QUILLEN, Mr. JACOBS, Mr. SCHUMER, Mr. LAFALCE, Mr. RICHARDSON, Mr. PICKLE, Mr. STRATTON, Mr. PERKINS, Mr. CHENEY, Mr. SAXTON, Mr. SUNIA, Mr. STANGELAND, Mr. JEFFORDS, Mr. WATKINS, Mr. SISISKY, Mr. BUSTAMANTE, Mr. SHELBY, Mr. FOLEY, Mr. ROWLAND of Connecticut, Mr. GRAY of Pennsylvania, Mr. SOLOMON, Mr. CAMPBELL, Mr. RANGEL, and Mr. GEJDENSON.

H.J. Res. 547: Mr. FRANK, Mr. STRATTON, Mr. GRAY of Pennsylvania, Mrs. KENNELLY, Mr. FASCELL, Mr. ACKERMAN, Mr. WAXMAN, and Mr. PURSELL.

H.J. Res. 549: Mr. O'BRIEN, Mr. ANNUNZIO, Mr. HALL of Ohio, Mr. GUARINI, Mr. SOLARZ, and Mr. SABO.

H.J. Res. 551: Mr. HORTON, Mr. SEIBERLING, Mr. ROE, and Mr. SHUSTER.

H.J. Res. 560: Mr. FAZIO, Mrs. BOXER, Mr. BATES, Mr. BROOKS, Mr. CARR, Mr. HERTEL of Michigan, Mr. ROEMER, Mr. LELAND, Mr. FORD of Tennessee, Mr. DASCHLE, Mr. LANTOS, Mr. DANNEMEYER, Mr. KANJORSKI, Mr. CONYERS, Mr. LEHMAN of Florida, Mr. MAVROULES, Mr. DICKS, Mr. KILDEE, Mr. KASTENMEIER, Mr. KLECZKA, Mr. NELSON of Florida, Mr. WYDEN, Mr. WOLF, Mr. MOODY, Mr. BEDELL, Mr. GRAY of Pennsylvania, Mr. WOLPE, Mr. SISISKY, Mr. DIOGUARDI, Mr. LUNDINE, Mr. BONER of Tennessee, Mr. HEFNER, Mr. MCHUGH, Mr. MICA, Mr. FLORIO, Mr. FEIGHAN, Mr. LEACH of Iowa, Mr. DONNELLY, Mr. ARCHER, Mr. SCHEUER, Mr. ANDERSON, Mr. SEIBERLING, Mr. EDWARDS of California, Mr. MOAKLEY, Mr. MARKEY, Mr. STRATTON, Mr. ALEXANDER, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. STUDDS, and Mr. SMITH of New Jersey.

H.J. Res. 561: Mrs. KENNELLY.

H. Con. Res. 15: Mr. ROE.

H. Con. Res. 287: Mr. MONSON and Mr. ARMEY.

H. Con. Res. 295: Mr. PACKARD.

H. Con. Res. 299: Mrs. BENTLEY, Mr. DORNAN of California, and Mr. HILLIS.

H. Con. Res. 307: Mr. HILLIS.

H. Res. 373: Mr. MARTINEZ, Mr. BERMAN, Mr. CLAY, Mr. CLINGER, Mr. COYNE, Mr. DOWNEY of New York, Mr. HOYER, Mr. LOWRY of Washington, Mr. MAVROULES, Mr. WALGREN, Mr. OBERSTAR, Mr. LEVINE of California, Mr. FRENZEL, and Mr. DWYER of New Jersey.

H. Res. 404: Mr. SMITH of New Hampshire, Mr. BROWN of Colorado, Mr. JONES of North Carolina, Mr. HENDON, Mr. ROSE, Mr. BONIOR of Michigan, Mr. MCCURDY, Mr. GORDON, Mr. LOWRY of Washington, Mr. MCCLOSKEY, Mr. ANDREWS, Mr. COLEMAN of Texas, Mr. PRICE, Mr. GRAY of Illinois, Mr. MURTHA, Mr. LEATH of Texas, Mr. COMBEST, Mr. LOTT, Mr. DURBIN, Mr. BUSTAMANTE, Mr. SLATTERY, Mr. MATSUI, Mr. CARPER, and Mr. MACKAY.

H. Res. 408: Mr. LENT, Mr. MATSUI, Mr. FRANK, and Mr. LEHMAN of Florida.

H. Res. 412: Ms. MIKULSKI, Mr. DAUB, and Mr. LEHMAN of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 281

By Mr. ARMEY:

—Page 3, line 14, strike out "the agreement." and insert in lieu thereof the following: "the agreement, except that an agreement between an employer and a labor organization which would require compulsory employee support of a labor organization (including the irrevocable authorization of dues or fees to be withheld from wages and paid to a labor organization) shall be applicable only to the employees of the business entity which is the formal party to such agreement and not to the employees of any other business entity comprising such single employee.".

SENATE—*Wednesday, April 16, 1986*

(Legislative day of Tuesday, April 8, 1986)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O Lord, You have searched me and known me.
You know my sitting down and my rising up;
You understand my thought afar off.
You comprehend my path and my lying down,
And are acquainted with all my ways.
For there is not a word on my tongue,
But behold, O Lord, You know it altogether.
You have hedged me behind and before,
And laid Your hand upon me.
Such knowledge is too wonderful for me;
It is high, I cannot attain it.
—Psalm 139:1-6.

Loving Father, in days like these, we reach our extremity easily. With the wisest and strongest there is ambivalence, second-guessing, uncertainty, even confusion. Some cover their ambivalence with strong language, and often it seems that the only ones who are cocksure and dogmatic are those who do not bear the burden of decision. Lord God, manifest Your wisdom, power, grace, and love in this place today. In the private sanctuary of each heart and mind, make Yourself known, lead us individually and collectively in Your way. To the glory of Your name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders for Senators HAWKINS, CRANSTON, SPECTER, BIDEN, MCCONNELL, CHILES, PROXMIRE, and METZENBAUM for not to exceed 5 minutes each.

At 11 o'clock, under the provisions of rule XXII, a live quorum will begin, to be immediately followed by a cloture vote on the motion to proceed to S. 1774, the Hobbs Act. If cloture is invoked, it will be the intention of the majority leader to remain on the motion to proceed for the remainder of the day.

If cloture is not invoked, the Senate could turn to any of the following items: S. 1236, technical amendments to the crime bill; S. 2231, Federal Deposit Insurance Act, or its companion, H.R. 4551; S. 1923, the bankruptcy judges bill; and any Executive Calendar nominations that appear on the calendar. We can also expect to resume consideration of S. 426, the hydroelectric relicensing bill.

So I would suggest that there will be rollcall votes today, the first one will come sometime after 11 o'clock, between 11 and 11:30. There will be rollcall votes throughout the day. Hopefully we can dispose of the hydroelectric relicensing bill.

I indicate to those who have concerns about the budget that we are having a meeting today on the budget to see whether or not there is some way to at least get started on the budget process. We know that we have missed the deadline. We know that the deadline is important. We hope that the House would respond and would at least report out a budget resolution from the Budget Committee.

But, in any event, we certainly have not lost sight of the importance of the budget resolution. I advise all of my colleagues on either side of the issue that it is still our hope to move as quickly as we can on that very important matter.

Mr. President, I reserve the balance of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The able Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

(Mr. COCHRAN assumed the chair.)

THE BUDGET RESOLUTION

Mr. BYRD. Mr. President, I simply want to state again that I hope the distinguished majority leader will call up the budget resolution very, very soon. Yesterday was the deadline, I believe, the April 15 deadline, when all the work on the resolution was to have been finished, including the conference and the subsequent actions by both Houses.

CONTINUED SALT II COMPLIANCE

Mr. BYRD. Mr. President, I wrote President Reagan last week outlining my position on the question of continued adherence by the United States to the terms of the unratified SALT II accords. May I say that I have some mixed feelings on this matter. Where treaties are entered into between or among nations, with our own country having agreed to a treaty, I feel that the constitutional role of the Senate should not be averted or avoided.

In this particular instance, with SALT II, I have joined with others on both sides of the aisle in supporting a no-undercut policy up to this time, but, as I said in discussing this with other Senators, and very recently, especially, with Senator NUNN, I am concerned that we have set a precedent which, in the future, could come back to haunt us. Because if treaties can be agreed to by the Executive and the Senate's constitutional role be circumvented, then I think that the Senate will have been recreant in its duties and responsibilities in not insisting that such treaties be sent to the Senate, hearings be conducted thereon, and action one way or the other be taken by the Senate, to approve or disapprove the resolution of ratification. Many treaties have been retained by the Senate over a period of many years with no action having been taken thereon.

I believe that, normally, it is not a good thing for the Senate to urge compliance with the provisions of any treaty which has not had the Senate's formal approval by a two-thirds vote. That road can lead to the surrender of the Senate's constitutional role in the treaty-making process.

And so it does give me pause and it troubles me to advocate that our Government should live up to a treaty which has never been acted upon by the Senate. Yet, I have been urging a no-undercut policy.

I have indicated to the President that I believe continuation of the so-called no-undercut policy by his administration, through the end of this calendar year 1986, is in our national security interests.

In this instance, I feel that there is justification for our continuation of a no-undercut policy.

At this time, I think it is in the security interests of the United States that we adhere to the treaty's provisions until the end of this year. But I must

say, and I say again, that I am troubled by the failure of the Senate to insist upon fulfilling its constitutional role in regard to treaties.

This reflects a consistent position on my part, as well as on the part of a majority of my colleagues, since the Senate voted to support the no-undercut policy last June by a vote of 90 to 5.

In supporting the no-undercut policy, I and others endorse the proposition that the United States should not exceed the SALT II limits on ballistic missiles carrying multiple warheads [MIRV's] and bombers carrying cruise missiles. Thus, as new Trident submarines are placed into service, equivalent launchers from older systems, be they land based or sea based, would have to be dismantled.

Last year, President Reagan chose to dismantle an older Poseidon submarine to honor those limits when a new Trident boat, the U.S.S. *Alaska*, began sea trials.

Similar action would be required when the eighth Trident boat, the U.S.S. *Nevada*, undergoes sea trials next month.

Many of my colleagues, led by Senator BUMPERS, Senator LEAHY, and Senator CRANSTON, signed a letter of support for the no-undercut policy. In doing so, my colleagues advocated the dismantlement of two additional Poseidon boats to comply with the SALT II limits this spring.

Others of my colleagues prefer the dismantlement of more vulnerable land-based Minuteman missiles. I, myself, reserve judgment on the appropriate method of complying, but I think it is important to note that there is a clear bipartisan majority in the Senate at this time which supports continued U.S. compliance with the SALT II limits.

Before explaining my reasons for this decision, I wish to set the record straight on a matter related to the history of the SALT II treaty. On February 26, 1982, President Reagan delivered a televised address—or it may have been in a news conference. My memory is not entirely clear on this point. In any event, he made a statement, which has since been quoted frequently, that "President Carter had to abandon the treaty"—meaning the SALT II treaty—"because Senate leaders of his own party wouldn't support it * * *"

Mr. President, that statement by the President is absolutely, positively, and incontrovertibly not correct—not correct. It is entirely incorrect. As the majority leader at that time, I examined the provisions of the SALT II treaty very carefully after it was submitted to the Senate for its advice and consent. I was not wholly satisfied with everything in it but, on balance, I felt it would enhance our national security. I publicly announced my support for it.

I read every line of the hearings that were conducted by both the Armed Services Committee and the Foreign Relations Committee. This was not one of those instances of lesser moment in which I might ask my staff to read a printed copy of committee hearings and give me a memorandum summarizing the contents. I personally read every word just as I read every word in the case of the Panama Canal treaties.

I was not greatly impressed by the SALT II treaty. It gave me a great deal of difficulty to make a decision. But, finally, I came down on the side of going forward with the SALT II treaty, taking it up, debating it in the Senate, and I think I may have said on one or two occasions, well, it is about a 49–51 ratio with me. The scale is tipped in the direction of its being in our own country's best interests overall.

If I could have written it, it would have been much different, of course, as any Senator probably would say and certainly could say.

But I came down on the side of the treaty, stated so publicly, and worked toward having the treaty approved in this body.

It was only when the Soviet Union invaded Afghanistan in late December 1979 that I talked to President Carter and told him it would be impossible to secure Senate approval.

As majority leader, may I say to my very distinguished friend, Mr. BIDEN of Delaware, to my equally distinguished friend, Mr. CRANSTON, and the distinguished Senator from Mississippi who is presiding over the Senate, I went to Moscow, went down to the Crimea, and talked to President Brezhnev on that occasion. I was allowed to have one aide with me. That aide was Hoyt Pervis, who is now teaching at the Universtiy of Texas. President Brezhnev had one aide, and each of us had an interpreter.

Upon that occasion, may I say to the distinguished Senator from California, I went alone, I had 1½ hours or 2 hours of discussion with President Brezhnev. I told him of my support for the treaty, and I told him the reason for my mission to the Soviet Union; that was, to urge Soviet leaders and the Soviet press to stop making threats in an attempt to intimidate the United States Senate, saying, in essence, that if the Senate does not approve this treaty, this will happen or that will happen—dire threats.

I said to Mr. Brezhnev:

The Senate will not be intimidated, and the Senate is not a rubber stamp for any President of the United States. And I urge that such critical statements be discontinued lest they destroy the very, very slim chance of the U.S. Senate's voting to approve the ratification of the treaty.

So there should be no question but that I supported that treaty.

It was when the Soviet Union invaded Afghanistan in December 1979 that I then talked to President Carter and told him that it would be impossible to secure Senate approval in the atmosphere that then prevailed; namely, the holding of hostages by the Iranians and the invasion of Afghanistan by the Soviets.

I said to Mr. Carter, there was not the slightest chance that the Senate would approve the ratification of that treaty—not the slightest chance, with invasion of Afghanistan by Soviet military forces, we could not hope to get the two-thirds vote. I suggested that we stop our efforts in that direction. The President agreed, and said he would write a letter to me for the RECORD so stating.

Mr. President, my fundamental reason for advocating a continuation of adherence to the SALT limits for at least the remainder of 1986 is simple but critical. It would redound more to the advantage of the Soviet Union than the United States if we broke through the launcher limits.

It seems likely to me that the Soviet Union would use that event as a pretext to break through the SALT II limits on central strategic systems, particularly land-based MIRV'ed ICBM's.

Because of the size of the Soviet inventory of these menacing weapons, and the capability of the Soviet production base to add to that inventory, it is quite clear that the Soviets are more capable of expanding their operational strategic weapons inventory far more quickly than we are. Therefore, for the United States to give the Soviets a rationale and a justification for ignoring the SALT II limits would result in a quantitative shift in the balance of forces against the United States in the near future.

Second, Mr. President, at the same time that the Soviet Union could outstrip us in deploying new strategic weapons, they could argue that it was the fault of the United States that the arms race had taken a new turn. I beleive that this inevitable aggressive Soviet public relations campaign would place us on the defensive in the ongoing competition for supportive world opinion for our arms control proposals.

Mr. President, the United States, together with our NATO allies, has had a very notable success in meeting the challenge thrown down by the Soviet Union as a result of its deployment of intermediate-range ballistic missiles in the European theater. The resulting NATO decision to respond with a two-track approach, encompassing both a NATO Euromissile deployment schedule and negotiations with the Soviets aimed at withdrawing the SS-20's, has

been extremely successful. NATO has hung together in weathering difficult political opposition to our Euromissile deployment and this demonstration of resolve is a key reason why the Soviets are now back at the negotiating table in Geneva.

Mr. President, recent proposals and counterproposals by both superpowers on the matter of medium-range missiles in Europe have raised hopes that progress might be made on this matter this year. I hope that the firm outlines of an equitable agreement on the Euromissile question can be developed as a result of the administration's latest offer in Geneva in this area. But it should be borne in mind by my colleagues that, if a successful arms control agreement is achieved on Euromissiles, it will have been because NATO stood together.

It appears obvious to me, Mr. President, that the views of our NATO partners on arms control matters must be accorded significant weight in our decisionmaking process. Therefore, I asked the Congressional Research Service to undertake a fresh assessment of the specific views of our allies so as to help guide the Senate in this matter. That assessment is now ready, and I ask unanimous consent that it appear in its entirety in the RECORD at the end of my address.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit No. 1.]

Mr. BYRD. Mr. President, in summary, the assessment finds that: First, NATO governments believe that abandoning the SALT II limits would be more advantageous to the Soviets than to the United States, in terms of relative potential to add nuclear weapons systems and with regard to international political reactions; second, NATO governments still strongly favor continued U.S. compliance with SALT II and remain unconvinced that Soviet violations cited by the administration warrant suspending that compliance. They believe questionable Soviet practices should not be ignored, but the United States should continue compliance so long as western security is not prejudiced; third, NATO governments oppose adoption of gray-area noncompliance formulas, such as drydocking Poseidon submarines, instead of dismantling them, when new U.S. Trident boats begin sea trials; and, fourth, NATO governments are concerned that a U.S. move away from SALT II would sour the political climate for a summit meeting, and compound the damage to U.S. prestige before world opinion which the allies believe has been caused by the nuclear testing controversy.

The United States has legitimate concerns over Soviet compliance with the provisions of existing arms control agreements, including the ABM Treaty, as well as limits of the unratified SALT II accords. I indicated in very clear terms to Mr. Gorbachev last September, when I led a Senate delegation to Moscow, that the U.S. Senate is very serious over compliance with the spirit, as well as the specific provisions, of arms control treaties.

I agree completely with the statements in the Bumpers-Leahy letter to the President in this regard, that in "order to maintain the integrity of those agreements and facilitate reaching a new agreement, the Soviets should be pressed to take positive steps to resolve our concerns." However, these concerns should not cause us to overlook the benefits to our overall national security of continuing the "no undercut" of SALT II policy in 1986.

It is because of these benefits to our security that I support this continuation.

Mr. President, I ask unanimous consent that my letter to the President last week be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit No. 2.]

EXHIBIT No. 1

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, April 4, 1986.

To: The Honorable Robert C. Byrd, U.S. Senate, Attn.: Peter Lennon.

From: Stanley R. Sloan, Specialist in U.S. Alliance Relations, Foreign Affairs and National Defense Division.

Subject: The NATO Allies and the Issue of Continued U.S. Observance of SALT II Limits.

Last year at your request I prepared an assessment of the attitude of NATO governments toward continued U.S. compliance with SALT II constraints. This memorandum is in response to your recent request to examine this issue again, and to highlight any new or changed considerations, in view of the forthcoming U.S. decision on continued SALT II compliance prompted by the scheduled sea trials in May 1986 of the eighth Trident submarine, Nevada. As with last year's assessment, this analysis reflects the results of discussions with officials in the embassies of principal NATO allies in Washington, D.C.; these consultations occurred during the period April 1-3, 1986.

THE NATO ALLIES AND THE ISSUE OF CONTINUED U.S. OBSERVANCE OF SALT II LIMITS [1]

Allies still favor compliance

Discussions in April 1986 with authoritative representatives of major NATO governments in Washington lead to the conclusion that the NATO allies still strongly favor continued U.S. compliance with the terms of the SALT II accord. The spokesmen say their governments would deeply regret steps by the United States that could be interpreted as violating or undermining that U.S.-Soviet understanding. According to these officials, the following generalizations describe their national positions.

The NATO allies hope that the United States and the Soviet Union will observe some restraint in their nuclear weapons programs while negotiations aimed at achieving a new limitations accord are underway.

The allies remain unconvinced that Soviet violations of arms control accords cited by the Reagan Administration warrant suspending observance of SALT II constraints. They believe that questionable Soviet practices should not be ignored, but they feel that the United States should hold the high moral ground on this issue by continuing to observe treaty constraints, so long as this posture does not prejudice Western security interests.

NATO governments therefore oppose adoption of gray-area non-compliance formulas, such as simply dry-docking Poseidon submarines (which they would regard as a breach of SALT II obligations) instead of disabling them as SALT-countable nuclear delivery systems when the next Trident submarine begins sea trials in May 1986.

In any case, NATO governments believe that dispensing with SALT II constraints would be more advantageous to the Soviet Union than to the United States, both in terms of relative potential over the next several years to add nuclear delivery vehicles to current inventories and with regard to international political reactions.

Specific sources of concern

Last year, the NATO governments feared that a U.S. decision to undercut SALT II constraints would reduce prospects for a U.S.-Soviet arms control agreement in Geneva. This year, they are similarly concerned that a U.S. move away from SALT II would sour the political climate for a U.S.-Soviet summit meeting in 1986 as well as close the door to any nuclear arms control agreement for the remainder of the Reagan Administration. In addition, they believe that the Soviet Union has taken the high ground on the issue of nuclear weapons testing with its unilateral testing moratorium, and that a U.S. decision to undercut the SALT II regime would compound the damage to U.S. prestige before world public opinion.

Some European governments may also be concerned about the internal political repercussions of the U.S. decision. The Christian Democratic government in Bonn and the Conservative government in London both face formidable political challenges from opposition parties in elections scheduled next year. Arms control positions will not likely be the major issues in those elections—economic issues and personal popularity may be the big factors in both cases. And, the British and West German governments do not disagree with the major opposition parties about the importance of maintaining the SALT II framework. But in a close contest, the opposition parties may get some political mileage from accusing the incumbents of not effectively representing their national views to Washington. Both German Chancellor Helmut Kohl and British Prime Minister Margaret Thatcher have made much out of their influence with the Reagan administration, and a decision by the United States to undercut the SALT II regime would tarnish this image of influence for the current West German and British governments.

In the nearer term, the Dutch government, having moved toward deployment of new intermediate-range nuclear systems (ground-launched cruise missiles) over substantial popular and parliamentary opposition, faces a strong electoral challenge from the opposition Labor Party in elections to be held this May. A U.S. retreat from SALT

[1] Prepared by Stanley R. Sloan, Specialist in U.S. Alliance Relations, Foreign Affairs and National Defense Division, April 4, 1986.

II could be used by Labor to argue that the current center-right coalition's policy of cooperation with Reagan Administration policies has undermined arms control prospects and fueled the arms race.

European restraint

As was noted last year, in spite of their strong concerns, the European allies will not intrude openly in the U.S. decisionmaking process. They are making their views known to the administration through official channels, hoping to encourage continued U.S. compliance with the SALT II regime. And, as was also noted last year, should the United States decide to suspend or modify SALT II compliance, NATO governments probably would attempt to minimize the political impact on the alliance, moderating their critique in public statements and masking the true depth of their concern about the domestic political impact and the consequences for the arms control process as well as for overall East-West relations.

EXHIBIT No. 2

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you consider the national security issues raised by the impending sea trials of our newest Trident submarine, *USS Nevada*, I want to urge you to continue, through 1986, U.S. policy refraining from actions undercutting existing strategic arms agreements, if the Soviets show similar restraint.

I am making this recommendation because of the compelling evidence demonstrating that continuation of this policy clearly is in our overall national security interests because:

First, it constrains Soviet strategic weapons programs more than U.S. programs, thus limiting the Soviet nuclear threat to America and its allies;

Second, it promotes your efforts to achieve mutual and verifiable arms control agreements; and

Third, it reinforces U.S. leadership within the NATO Alliance, and allied support for that leadership in this area. Our allies strongly supported your decision last June to continue U.S. compliance with SALT II, and they favor a continuation of that policy now.

The Senate twice last June voted overwhelmingly to endorse continued U.S. compliance with SALT constraints. Since then, there has been no major change in the strategic nuclear relationship between the U.S. and the U.S.S.R. which would warrant abandoning that policy. In addition, U.S. abandonment of SALT II compliance would give the Soviets a pretext to take advantage of a superior strategic weapons production base to add many more new warheads to their arsenal than we could add to ours in the near future. At the same time, the Soviets undoubtedly would mount an aggressive propaganda campaign based on the claim that the U.S. is responsible for an accelerated arms race, placing us on the defensive in the ongoing competition for supportive world opinion for our arms control proposals.

Many of my Senate colleagues on both sides of the aisle have reached this same conclusion and have sent you a letter organized by Senators Leahy and Bumpers and signed by 52 Senators. This letter is a thoughtful and cogent expression of why it is in the overall military and arms control interests of the United States not to discard SALT constraints in 1986, and I know you will consider carefully the views expressed in it.

Finally, I wish to emphasize the particular importance placed by the NATO allies on our continuing to comply *unambiguously* with the provisions of SALT II when the *USS Nevada* begins sea trials. The Library of Congress, at my request, has prepared a new, objective assessment of allied perspectives on this issue, and the strength of our allies' sentiments on this matter is unmistakable in this special report. I am attaching a copy of this report for your consideration.

Please accept my appreciation in advance for your consideration of my views on this important national security issue.

Sincerely,

ROBERT C. BYRD.

Mr. BYRD. Mr. President, I yield the floor.

SENATOR HAWKINS' SPECIAL ORDER

Mr. SIMPSON. Mr. President, this morning I shall read a statement by Senator HAWKINS relating to the drug problem. The statement reads as follows:

ANOTHER CHANCE FOR MEXICO TO MAKE GOOD ON ITS DRUG PROMISES

Mrs. HAWKINS. Mr. President, every weekend there is a strange ritual that takes place at the San Miguel Gate on the U.S.-Mexican border. The San Miguel Gate is a border crossing from Mexico into the Papago Indian Reservation in southern Arizona. From Friday afternoon to Sunday afternoon, the gate turns into a commercial "no-man's land" as Mexicans and Papago Indians gather for the "flea market," where food and clothing are sold, and jewelry, trinkets, and household items are traded in a fiesta atmosphere with music, singing, and dancing. There is strict obedience to the law of supply and demand and the principle of free enterprise is in full evidence. There is, however, a fly in the ointment; drugs and alcohol are openly traded with little restraint.

In February, the corrosive influence of drugs exploded in a violent manner. Glenn Miles, a U.S. Customs Service patrol officer and a Papago Indian, was gunned down as he tried to intercept three drug smugglers who were returning to Mexico. The 44-year-old Miles was on the 4 p.m.-to-midnight shift. He was part of a three-man patrol that normally worked together, but on this particular evening his two partners were in a separate car—they could cover more territory that way.

Miles radioed his partners that he had spotted three backpackers who he suspected were carrying drugs. Backpackers on the reservation are almost inherently suspect, particularly if their movements draw attention in any way. The reason for this cloak of suspicion is that backpackers can earn between $200 and $250 to lug a cargo of 60 to 100 pounds of marijuana across the border into the U.S. The marijuana is picked up on the American side and transported by car or truck to "stash houses" in Tucson, Arizona for shipment elsewhere in the U.S. About 15 minutes after Miles' first radio signal to his partners, he called again and was told that they were speeding to his aid. When the partners arrived, they found Miles' empty truck hidden behind a clump of bushes on a desolate stretch of the border, covered with dust, scrub brush, cactus, and tumbleweeds. One hundred yards away they found a light shining. It turned out to be Miles' flashlight, which had fallen to the ground beside his body. Miles had been hit several times with bullets from two different guns.

Commissioner William von Raab, of the Customs Service, believes that Miles was a victim of a new wave of drug trafficking along the border of the southwestern United States. The surge in trafficking there has occurred as cocaine and marijuana smugglers try new routes to bypass increased law enforcement in Florida and the Gulf Coast.

Officials say Colombians have moved into the southwest on both sides of the border and are involved in drug trafficking and smuggling illegal aliens into the U.S. Miles was gunned down about a mile from the San Miguel Gate on a Friday night in February and officials speculate that his slayers could easily have melted into the crowd at the "flea market" without attracting any attention.

The Customs Service has offered a $100,000 reward for information on the killers, and Commissioner von Raab says he is determined to find out who committed the dastardly act and bring them to justice.

One promising lead in the case has been three sets of tracks found by Miles' fellow Papago Customs officers, who employed the same tactics and skills their ancestors did in bygone years to hunt game and to track raiders from other Indian tribes. The tracks crossed near the San Miguel Gate at a point where a waist-high, barbed-wire fence separates the U.S. side of the Papago Reservation and Mexico. The Customs Service is being deliberately vague about the investigation except to give assurances that the leads are promising.

In the Miles case, marijuana smuggling by backpackers is thought to have been involved. The bulk of the cocaine trafficking in that area is done with low-flying planes. And the Customs Service is interested in ways to keep closer tabs on private aircraft flying back and forth between the U.S. and Mexico. One proposal, now under study by the Federal Aviation Administration, would limit the number of corridors through which small planes could fly. That, von Raab points out, would have the effect of banning light planes from routes preferred by drug runners and enable the Customs Service to concentrate its resources on suspect planes crossing the border.

Meanwhile, American and Mexican authorities are working together to solve the murder of Glenn Miles, a dedicated Customs official who worked hard and long hours to make this a better and safer world to live in. It is hoped that the level of cooperation we receive with the Mexican officials is greater than in the case of Enrique Camarena Salazar, the American DEA agent kidnaped, tortured, and killed more than a year ago. Several suspects are in custody, but not a single person has been brought to trial yet.

RECOGNITION OF SENATOR CRANSTON

The PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. CRANSTON] is recognized for not to exceed 5 minutes.

U.S. ACTION IN LIBYA

Mr. CRANSTON. Mr. President, Congress was not advised about the

Libyan action until it was underway. I have withheld comment on this very serious matter until I could be more thoroughly informed.

Terrorism is as despicable as war and it must be stopped. Failure to act after we had proof of Libyan terrorism would have given credence to the view that America lacks the will to stand up and fight against terrorism.

We sought economic and diplomatic action against Libya but our European allies refused to cooperate. The United States then had to act alone, and President Reagan chose to fight terrorism with military action.

I hope and pray that the President has embarked America on a course of action which will succeed in quelling terrorism. Unfortunately, we cannot expect that result soon. We must anticipate more violence.

I deeply regret that Americans—including Capt. Paul F. Lorence of San Francisco—are missing in action, and that Libyan civilians reportedly have been wounded and killed.

But let us not forget that Libyan terrorists have deliberately wounded and killed innocent civilians. They have done so purposely. We have sought to avoid doing so.

RECOGNITION OF SENATOR BIDEN

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. BIDEN] is recognized for not to exceed 5 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that the time that was set aside for Mr. CHILES earlier be vitiated and given to the distinguished Senator from Delaware. I do this at the request of Mr. CHILES as far as vitiating the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SALT II TREATY COMPLIANCE

Mr. BIDEN. Mr. President, as we have heard from the majority leader and the Democratic leader, the President will be meeting today with his top national security advisers to make a decision that will have a very significant impact on prospects for arms control. At stake is the survival of not only the unratified SALT Treaty, which has placed limits on United States and Soviet strategic forces since 1979, but, in fact, prospects for a necessary and critical arms control agreement in the next several years.

The SALT II Treaty has contributed to U.S. security since 1979, notwithstanding the fact we never formally ratified it. It has done that by substantially constraining the buildup of Soviet strategic offensive forces.

Since 1972 the Soviets have had to remove more than 1,000 land-based and 200 submarine-based ballistic missiles from their active forces. They have had to dismantle 13 *Yankee*-class ballistic-missile-carrying submarines. By contrast, the United States has had to remove fewer than half that number of land-based and submarine-based missiles, and only 11 submarines have been dismantled thus far.

Until now, the President has prudently chosen to abide by a policy of "interim restraint" as he referred to it. The Senate strongly endorsed that policy by a vote of 90 to 5 last June. But now some of the President's advisors are urging him to abandon that wise policy, arguing that Soviet violations of arms-control agreements cannot be ignored.

I agree that Soviet violations should not be ignored. But SALT II should not be expected to carry the baggage for all of arms control. And that is precisely the burden opponents of the SALT "no-undercut" policy are trying to impose on the agreement. They are focusing on the issue of violations because they want to break down existing arms control agreements and avoid being bound by any new ones.

The President should not give in to these pressures. The policy of not undercutting the existing arms control agreements sustains the vitally important process of arms control, which I must acknowledge is barely limping along. But, in fact, it is still a process.

In an unconstrained world the Soviets would be in a far better position to increase not only their missile totals but also their warhead totals.

We seem to forget about that here on the floor. My dear grandmother used to have an expression that I am sure we have all heard in various forms. She used to say, "Joey Joey, don't bite your nose off to spite your face."

Well, if we focus on what SALT II imposes on the Soviets and on what a no-SALT world allows the Soviets and allows us, we quickly come to the inescapable conclusion that an unconstrained nuclear situation would at this moment better serve the Soviet Union than it would the United States of America.

Not only would it allow, as I said, the Soviets to increase their missile totals, but also their warhead totals. That is what kills people.

Whether SALT II is perfect or imperfect—and I agree there is some imperfection—we could find ourselves in a far more imperfect world than we now live in without it.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BIDEN. I certainly will.

Mr. BYRD. I thank the distinguished Senator for his statement.

It is not true that the Soviets have a production base, in other words a hot line, prepared, in the case of breakthrough, to proceed more rapidly than we could proceed at the present time with the production of additional ballistic missiles with MIRV's? Are the Soviets not in a better position than we to quickly expand production in the event this treaty were to be cast aside?

Mr. BIDEN. The Democratic leader is correct. Yes, not only are they able to do that, but to put it in very simple terms for all of us to understand, and I know the Democratic leader understands this and all its sophisticated aspects very well, they have bigger missiles, they can add more warheads on top more quickly than we can, which means that they can add to their firepower, their destructive power, more rapidly and with more accuracy and with more consistency than we can now.

Mr. BYRD. Mr. President, I thank the distinguished Senator. May I ask one other question?

Mr. BIDEN. Yes.

Mr. BYRD. I apologize for injecting myself.

Mr. BIDEN. I am delighted to hear the distinguished minority leader.

Mr. BYRD. Would the distinguished Senator not agree with me that the political repercussions of undercutting this treaty by the United States at this time would cast a chill upon a future summit between the President and General Secretary Gorbachev and the negotiations toward an arms control accord?

Would it not give the Soviets an excuse to walk away from the summit as well as the negotiations which are being carried on in Geneva?

Mr. BIDEN. Mr. President, let me say that I think the Senator from West Virginia has put his finger on the single most significant aspsect of this whole discussion.

It is my view, as the Senator from West Virginia implied, that in concert with our refusal to stop testing of nuclear weapons, in concert with the overwhelming skepticism among friends and foe alike, that we, in fact, are not committed to arms control, this action would be read by the Soviets and others as a clear signal that the forces in this administration that have for 7 years argued against any arms contol agreement had prevailed.

It is no secret to any Member of this body, Democrat or Republican, liberal or conservative, that, not unlike the last administration, there has been a battle going on internally within the administration between those who support a strong, independently verifiable arms control agreement, and those who do not want an arms control at all.

I say to my friend from West Virginia that I believe one of the most damaging aspects in a political sense to reneging on the "no undercut" policy would be that it would be read by the

Soviets and other analysts that the forces within the administration who oppose any arms control agreement had prevailed.

That would be very damaging.

Mr. President, let me say to the distinguished Senator from West Virginia that I have no objection to its appearing as an interruption. It is an addition. It indicates that the minority leader has taken seriously my statement. I would be flattered to have it appear in the middle of my statement. It does not diminish it; it enhances it.

Let me take a few more minutes, if I may.

Mr. President, I once again submit that the President should not give in to the pressures as I have characterized them. The policy of not undercutting the arms control agreements sustains, as I indicated, the vitally important process of arms control.

While the Soviets have by and large abided by the quantitative limits of SALT II, the administration has charged them with violations in other areas, including the deployment of a second "new type" of land-based missile and the encryption of telemetry in missile tests. The administration has also repeatedly raised the issue of the construction of the Krasnoyarsk radar installation.

This construction at that location is one of some great concern to us, with good reason. It is not, however, relevant to the terms of the SALT II treaty.

I, and many of my colleagues, support a policy of "proportionate response" to instances of noncompliance.

Simply stated, if, in fact, the Soviets would in any way alter a specific provision of the treaty which is otherwise very much in our interest, it seems to me the wiser course is to respond in kind rather than vitiate the entire document. That is what I mean by proportionate response.

A proportionate response would allow the United States to develop the Midgetman missile as its second new system, but it would also allow us to fully comply otherwise unless the Soviets do not.

The telemetry encryption problem—simply stated, the way by which they prevent us from being able to know what they are doing in their testing—should be addressed through the Standing Consultative Commission. We all know that is the Commission established under SALT whereby we argue with one another about whether or not each side is keeping the letter and the spirit of the agreement. High-level diplomacy is another channel for dealing with such violations.

The Soviets must understand, however, that if they significantly impede our ability to verify their compliance with arms control agreements, it will not only make continued adherence to SALT II impossible, but will call into question all future arms control prospects, which would be extremely dangerous for the whole world.

When our eighth Trident submarine begins sea trials in late May, the United States will exceed the SALT II ceiling on launchers of MIRV'd ballistic missiles. Abandoning the treaty limits will endanger American national security. Abandoning two aging Poseidon submarines to comply with the treaty—which is the price we pay for compliance with the treaty—will not endanger American national security.

Therefore, Mr. President, I urge President Reagan to continue the course he has wisely set out on and to dismantle the Poseidon submarines, put the Trident to sea, which I support, continue to comply with the SALT II agreement, and get about the business of an arms control agreement.

I thank my colleagues and I thank Senator CHILES for allowing me the extra time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

PROPORTIONAL RESPONSE: THE WRONG WAY TO GO

Mr. PROXMIRE. Mr. President, before the Senator from Delaware leaves the floor, let me say I greatly admire him. He is a wonderful Senator, would make a great President of the United States, but he is wrong on proportional response. This would gut the treaty and is the wrong way to go.

THE LESSON FROM LIBYA: CRACKDOWN ON THE SPREAD OF NUCLEAR WEAPONS

Mr. PROXMIRE. Mr. President, there has always been a powerful case for an all-out effort by this country to stop the spread of nuclear weapons. But now this country is virtually at war with Libya. We know Libya is led by an unpredictable, erratic tyrant. We know from sad experience that Colonel Qadhafi will use whatever military force he has at hand regardless of its terrible consequences for innocent civilians. Now, stop for a minute, and think of this situation. Suppose Qadhafi had nuclear weapons. Not strategic nuclear weapons, just small tactical nuclear weapons. Suppose Qadhafi had within his control a couple of hundred nuclear weapons small enough and light enough for terrorists to carry around in briefcases. A single terrorist could destroy a hundred thousand Americans at a football game, or at a busy intersection during the rush hour in any major American city.

One Libyan fanatic with a nuclear bomb in a suitcase a block away from the U.S. Capitol in Washington when the President of the United States is delivering his State of the Union Message could, at one stroke, destroy the President, the Vice President, the Supreme Court, the Joint Chiefs of Staff of our Armed Forces, the entire Cabinet of the President, the entire U.S. Senate, the House of Representatives, and the diplomatic corps. And the country would be decapitated. Every leader of our Federal Government would be gone. Does anyone really think that a person like Qadhafi on the basis of his record could resist such a tempting target, if he had the means at hand?

The President was right to order the strike against Libya that he ordered. There may have to be more such strikes. Will they end terrorism? No. Will they begin to reduce terrorism? That depends on whether this country can make the price of terroristic actions so high that states directing terrorism will recognize they are in a losing game.

Confronted with the possibility of using nuclear weapons to blow the head off the most powerful country in the world, the price might seem well worthwhile. But would not the sure retaliation, the devastating retaliation, from this country in response for such a terrible act assure that no Libya or Syria or Iran or any other country would initiate such an action?

Mr. President, the answer to this question is very important. Stop and consider it. If the spread of nuclear weapons continues, if the present 5 nuclear powers expands to 10 and then to 20 or 30, and if those powers include Syria, Iraq, Iran, North Korea, and Vietnam, we might have a very difficult, perhaps an impossible time determining whence came the nuclear explosion.

Colonel Qadhafi's threat and boasting are irritants. His open training of terrorists insults people throughout the world. But it greatly diminishes his force and effect. We can respond to the terrorist actions of this braggart with the approval of our country and of much of the world. But in a world with a number of nuclear armed countries directing terrorists, we might never have any clear and convincing proof which one was destroying our cities or wiping out our Government leadership.

Fortunately, the Soviet Union sees this problem much the way we do. They have been more consistently and effectively opposed to nuclear weapons proliferation than we have been. This country's recent careless agreement to sell nuclear powerplants to the People's Republic of China is pre-

cisely the kind of proliferation policy that we must stop. That agreement would permit the transfer to China of American nuclear powerplants that produce processed uranium of nuclear weapons grade.

Oh, sure it's true that China is already a nuclear weapons state. It already has ample sources of weapons grade plutonium and uranium. But we will now be selling a technology to China that they in turn can sell elsewhere, wherever they wish in the world. China has frequently assisted other countries interested in developing a nuclear arsenal. She has stated her opposition to the present exclusive monopoly on nuclear weapons by the United States, Russia, the United Kingdom, France, as well as China. China will not submit to international inspection or control by the International Atomic Energy Commission. Her leaders have refused to commit themselves either orally or in writing to desist from the resale of this nuclear technology that produces the essential raw material nuclear weapons.

Meanwhile, this country continues in its refusal to even try to negotiate an end to nuclear weapons testing. That testing seems certain to develop weapons that are smaller, lighter, cheaper, and more devastating than any nuclear weapon is now. This will be precisely what the Libyas of the world want and will find a way to secure once we have developed it.

Mr. President, this Senator is not talking theory. Colonel Qadhafi has reportedly attempted to purchase a nuclear weapon from various sources. He has, in fact, offered to fund development of a Moslem bomb.

So the Libyan experience should convince us that the time has come not only to crack down on Libya—the President is precisely right in doing this—the time has also come when we should crack down even harder on nuclear proliferation. It is no exaggeration to say that the survival of our country is at stake.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that we have made substantial progress in reducing unemployment since the spring of 1984.

Nothing could be further from the truth. It is surprising and unsettling to note that in spite of reports of economic growth over the past 3 years, March's unemployment figure of 7.2 percent is precisely the same as that in June 1984. With the growth in the labor force over the past 2 years, the actual number of unemployed persons has risen by 200,000. In the last year alone, manufacturing employment has fallen by 130,000.

Clearly, while the stock market traders may be getting rich, close to 8½ million Americans still cannot find jobs during this so-called economic expansion.

In addition, another 1.1 million Americans are so discouraged about finding work that they have given up and dropped out of the labor force. Still another 5.5 million Americans are working part time because full-time jobs are unavailable. Many of these people formerly were employed full time in high-paying jobs in our Nation's factories.

In other words, the poor performance of our Nation's labor markets since June 1984 has left 15 million American workers deeply disappointed.

Perhaps lower interest rates, cheaper oil, and a lower dollar will eventually result in an economic boom, but most labor market statistics have remained stuck at recession levels for close to 2 years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McCLURE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that further proceedings on the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania [Mr. SPECTER] is recognized for not to exceed 5 minutes.

Mr. SPECTER. I thank the Chair.

S. 2312—ARMED CAREER CRIMINAL ACT AMENDMENTS

Mr. SPECTER. Mr. President, I introduce today a bill to broaden the scope of the Armed Career Criminal Act, which was signed into law as an integral part of the Comprehensive Crime Control Act of 1984. The Armed Career Criminal Act provides for enhanced penalities for persons convicted of possessing firearms and who already have three previous convictions for robbery or burglary. Conviction under the statute results in a mandatory minimum 15-year term of imprisonment, with no possibility of probation or parole.

The armed career criminal bill for the first time brings the Federal Government into the fight against street crime by making it a Federal offense for career criminal to possess a firearm. In the 1½ years since the career criminal bill was enacted into law, it has been very effective in dealing with violent crime throughout the country. We have found, however, that there is a need to broaden the so-called predicate crimes to include drug violations and certain other serious violent acts. This amendment would change the law by broadening the prior convictions which lead to the classification of being a "career criminal."

I introduced the original career criminal bill to provide prosecutors nationwide with a new tool to be used against the most dangerous criminals—that small percentage of criminals who are responsible for as much as 70 percent of all crimes. Since its enactment, the statute has resulted in numerous convictions of this country's most hardened felons. If Congress expands the scope of this act, as I propose today, Federal prosecutors can prosecute and convict an even broader range of these career criminals.

When the bill was first introduced in 1981, a more restrictive definition of career criminal was then incorporated by this Senator in the concept of the bill because of difficulty in involving the Federal Government in the fight against street crime and the concern of States' rights on this issue. But now that the bill has been in effect for a year and a half and has been successful with the basic classification of robberies and burglaries as the definition for "career criminal," the time has come to broaden that definition so that we may have a greater sweep and more effective use of this important statute.

The matter has had hearings in the Judiciary Committee. The matter has been examined by the Attorney General's Office. The Department of Justice and the Attorney General agree that this amendment is desirable. I submit that we will vastly strengthen law enforcement in this country by having a broader definition of "career criminal."

The career criminal statute has worked precisely as planned and deserves to be expanded. Local prosecutors use the law in two ways. First, district attorneys refer these toughest criminals to the U.S. attorney for prosecution in Federal courts, which can provide more swift and certain trial and sentencing. Second, district attorneys use the mere prospect of such referral and the extremely stiff penalties to get a favorable guilty plea at a local level. I believe that this "leveraging" effect is one of the most important aspects of the statute. We have seen major cases in which local prosecutors have obtained guilty pleas and stiff sentences simply by raising the possibility of referring the case to Federal authorities for prosecution under the armed career criminal statute.

In a recent Pennsylvania case, the defendant was arrested for armed robbery of a small grocery store. The district attorney gave the defendant, who qualified as a "career criminal" under the statute, a simple choice: cooperate with the police, by acting as an in-

formant and pleading guilty to a State firearms felony; or be referred to the U.S. attorney for Federal prosecution under the Armed Career Criminal Act, with its 15-year minimum sentence. The defendant's eager cooperation with the police resulted in the arrest of numerous drug dealers, and the defendant still will serve a 5-year prison sentence.

The U.S. Department of Justice expects prosecutions of career criminals under the statute to increase significantly as a result of special cooperative programs between Federal and local authorities, which already have been established in over 40 districts. Officials of the joint program in Detroit, for example, estimate that they will prosecute 100 career criminals in 1986. As more of these cooperative agreements are reached between local prosecutors and U.S. attorneys, the statute's effect will multiply exponentially.

Here, in Washington, DC, the first defendant convicted under the Armed Career Criminal Act was sentenced on January 27, 1986, to 35 years in prison. The felon, who had four previous armed robbery convictions, was sentenced to a 15-year mandatory minimum sentence for use of a firearm in commission of a crime. The two mandatory minimum sentences—during which there is no possibility of parole—must run consecutively. On March 11, 1986, the second career criminal conviction in Washington, DC, was announced. The defendant was convicted of illegal possession of a firearm, carrying a pistol without a license, possession of an unregistered firearm, and unlawful possession of unregistered ammunition. These offenses, when combined with the mandatory minimum 15-year sentence under the career criminal statute, carry a maximum penalty of 27 years in prison.

All of this has been achieved using the present statute, which is narrowly limited to cases where the predicate prior convictions are for robbery or burglary. Obviously, the statute can be greatly more effective if it is amended—as the Department of Justice urges—to apply to career criminals whose prior offenses may be murder, rape, or heroin smuggling.

As a member of the Senate Judiciary Committee, I have held hearings in many of the country's largest cities in order to encourage prosecution of career criminals. Based on the testimony presented at these Senate hearings by victims, sheriffs, U.S. attorneys, police, local prosecutors, and other criminal justice officials, and in light of the initial success of the statute, I am convinced that we must expand the law to apply to these additional classes of career criminals if we are to win the battle against violent street crime.

Mr. President, the time has come for a more vigorous attack on violent crime in the United States. Increasing the effectiveness of the Armed Career Criminal Act is a significant step toward that goal.

Mr. President, I ask unanimous consent that the full text of the amendment be printed in the RECORD, together with a copy of a letter from the Assistant Attorney General, John R. Bolton, stating the administration's agreement with this amendment.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of subsection (a) of section 1202 of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1202(a)) is amended by striking out "for robbery or burglary, or both," and inserting in lieu thereof "for a crime of violence or a serious drug offense, or both,"

(b) Subsection (c) of section 1202 of title VII of such Act is amended by striking out paragraphs (8) and (9) and inserting in lieu thereof the following:

"(8) 'serious drug offense' means an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); and

"(9) 'crime of violence' means—

"(A) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, March 18, 1986.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: This letter is in response to your letter of January 27, 1986, to the Deputy Attorney General requesting the views of the Department of Justice on expanding the coverage of the Armed Career Criminal Act of 1984, codified at 18 U.S.C. App. § 1202(a). In your letter you suggest two possible ways to expand the coverage of the Act.

As you note in your letter the Act is applicable to any person who is convicted of illegally possessing a firearm and who has three or more prior convictions for robbery or burglary or both. Your first suggestion would expand the Act's coverage by adding to the predicate crimes of robbery and burglary the predicate crime of "serious drug offense." "Serious drug offense" would be defined as "an offense for which a maximum term of imprisonment of ten years or more is prescribed [for violations of various sections of title 21]." Your second suggestion would expand the Act's coverage by adding to the predicate crimes of robbery and burglary the predicate crime of "crime of violence."

We think the most efficacious way to expand the Act's coverage is to remove from the Act the terms "robbery" and "burglary," and to replace them with the terms "crime of violence" and "serious drug offense." The term "crime of violence" would encompass robbery and burglary since both are felonies that "by [their] nature, [involve] a substantial risk that physical force against the person or property of another may be used in the course of committing [them]." See 18 U.S.C. § 16(b). To include serious narcotics offenses within the Act's coverage it will be necessary to explicitly make a "serious drug offense" a predicate crime, because the term "crime of violence"—defined in 18 U.S.C. § 16—has been interpreted by several courts to exclude narcotics offenses. See e.g., *United States* v. *Diaz,* 778 F.2d 86 (2d Cir. 1985) ("narcotics offenses do not constitute crimes of violence within the meaning of [18 U.S.C.] § 924(c)"). This could be accomplished by including in your proposed amendment to the Act the definition of "serious drug offense" contained in your first suggestion.

We trust our reply is responsive to your request. If we can be of any further assistance please feel free to contact us.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

HOBBS ACT AMENDMENT

Mr. SPECTER. Mr. President, at 11 o'clock we will be turning to consideration of the Hobbs Act and to a cloture vote seeking to bring debate to an end on the motion to proceed. This Senator objected to proceeding on the bill by unanimous consent because it was my view the amendment to the Hobbs Act poses a very fundamental change in the law of the United States which requires the attention of the Senate before we move ahead with consideration of the bill.

The majority leader then filed a cloture motion on Monday, which is scheduled for a vote today. I should like to speak briefly about the matter as I did on Monday, to call to my colleagues' attention the various provisions of the amendment to the Hobbs Act.

It is a serious matter because it will bring the Federal Government into what is, essentially speaking, an assault and battery case on a picket line, and it serves in sharp contradistinction to the amendment which I have just introduced on the career criminal bill, where it is vitally necessary for the Federal Government to play a very important role in dealing with violent crime in this country.

Contrast that, Mr. President, to an amendment to the Hobbs Act which would make it a Federal offense to have a fistfight on the picket line.

The experience I have had as district attorney of the city of Philadelphia and as an assistant district attorney in that office for some 12 years, has demonstrated to me that local law enforcement is able to handle this kind of problem. As an assistant district attorney I prosecuted the case of Commonwealth of Virginia versus Local 107 of the Teamsters, a matter which arose

out of the investigation of the McClellan committee where union violence was an issue, where the case was presented in State court. Six defendants were charged with conspiracy to cheat and defraud local 107, and as part of that action union activities involved violence. All of the defendants were convicted. All six went to jail. I cite that as illustrative of the proposition that local law enforcement is fully able to deal with problems involving union violence in assault and battery cases.

Mr. President, if there is a concern that some local prosecutors will not discharge their duty, let it be known that there are other remedies available.

In Pennsylvania, for example, as is the situation in most States—and I do not want to make representations as to the law of all 50 States—the practice is that the State attorneys general have the power to supersede a district attorney where the district attorney fails or refuses to act or a local prosecutor would be unwilling to proceed where he should.

In Pennsylvania and in many other States there are supplementary remedies available for a private party to petition the presiding judge. Where a prosecuting attorney fails to act, a judge may appoint a private attorney to supersede the district attorney.

So there are ample remedies available to handle the issue of prosecution of union violence—first, by the local prosecutor; second, by the State attorney general; and third, if both those officials fail or refuse to act, by private counsel.

Mr. President, I am concerned that the effort to amend the Hobbs Act in this respect may have a chilling effect on fundamental rights. The first amendment right of freedom of speech is one of the most cherished rights we enjoy as American citizens. The right to peaceful picketing is a part of the right of freedom of speech under the first amendment. There cannot be mass picketing, there cannot be violence, there cannot be abuse of the right of picketing within the first amendment protections; but in terms of peaceful picketing and the right to convey an expression, that is guarded and protected by the first amendment. To bring the U.S. marshals or the U.S. attorneys or the Department of Justice into these cases, I submit, would have a chilling effect on the legitimate exercise of the right to peacefully picket.

Therefore, in the context of the adequacy of existing procedures, I submit that there is no need to amend the Hobbs Act to make a fistfight on a picket line a matter of Federal prosecution. In fact, it may have a very harmful, chilling effect, as I have described.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements therein limited to 5 minutes each.

WHY REAGAN WAS RIGHT IN STRIKING LIBYA

Mr. QUAYLE. Mr. President, I rise this morning to state why I believe the President was right in striking at Libya.

Shortly after ordering last Monday's air attacks against Libya, President Reagan leveled with the American people. As he noted in his TV address Monday night, the strike against Libya will not necessarily end Qadhafi's reign of terror; other actions may be necessary.

Because of this and because other actions may have to be taken, it is critical that we understand why the strike Monday night was itself required and correct. There are three reasons.

First, by his words and deeds, Qadhafi has in effect declared war against the United States. In a speech made last September, he claimed he had "the right to fight America, and * * * the right to export terrorism to them." More recently, he threatened to "pursue United States citizens in their country and streets" if the United States responded to Libya's involvement in the Rome and Vienna terrorist attacks.

As the Berlin attack demonstrated, Qadhafi meant what he said. But, then, given the legacy of terror Qadhafi has established over the last 3 years, there should have been no doubt about this. Indeed, we now have compelling evidence of Libyan involvement in planned attacks against the United States:

France expelled two members of the Libyan People's Bureau for their involvement in a planned operation against our Embassy to have been executed March 28.

A week later, France expelled two Palestinian terrorists recruited by Libya to conduct another operation against the United States in Paris.

On April 6, a Libyan plot to attack the United States Embassy in Beirut with rockets resulted in a near-miss.

In late March, Turkish police arrested two Tunisians in Istanbul hired by Libya to conduct a series of terrorists operations against United States in Turkey.

Libyan operatives are suspected of tracking United States personnel and facilities in at least 35 reported instances this year.

What Qadhafi is doing here is not to be confused with random crime. Americans have been murdered by Libya, but the intent of these killings has been to single America out rather than the particular victims of Libyan terror per se.

Indeed, what Qadhafi is attempting to achieve by his acts of terror is the sort of political submission normally gained only through victory in declared war. Through terror, he is attempting to establish a recognized right to hold any American's life at risk at any time and at any place. His hope is that by depriving Americans of the protection of their own Government, he can undermine their support of it and so force our officials to appease Libya and his will. In short, Qadhafi has declared war on America.

Second, President Reagan's action against Libya was correct and legal. The United States took military action only after repeated warnings to Qadhafi to desist in his terrorist actions. Economic sanctions were tried with our allies. But these proved to be inadequate. Finally, we tried quiet diplomacy and military demonstrations, but Qadhafi persisted in his efforts to hold American lives at risk.

Under the U.N. Charter, each nation has the inherent right to act in its own self-defense. The only qualification international law and, specifically the Geneva Convention, make is that any action taken for self-defense must be proportionate to the threat and necessary to deter further aggression—military actions must avoid unnecessary loss of civilian life.

The Joint Chiefs of Staff were careful to select only targets directly related to terrorism—military bases associated with terrorist activities or air defenses that had to be suppressed to hit these bases. Whatever collateral damage occurred was unintended and was a result of the need to make the attack at night. Economic targets and urban centers were clearly avoided.

Finally, President Reagan took care to follow both the letter and the spirit of the War Powers Act. Consultations with Members of Congress were made with all of the congressional leadership before the attack itself was executed. Indeed, if congressional support was insufficient, the President made provision to call the attack off. After sharing all of the evidence concerning Libya's terrorist actions, however, a majority of the leadership sustained the President's judgment. The raid went ahead, and formal notice was issued to Congress publicly within 48 hours.

Finally, the raid itself was appropriate. It demonstrated to Qadhafi that he can no longer count on America to be passive to his campaign of terror, that he, in fact, will have to pay a price if he persists. Our Government is not about to ignore its duty to defend and protect the Constitution and the American people. It is ready and able to defend both. Indeed, it and the American people have made it clear to Qadhafi that if he persists in holding American life at risk, he must risk his own continued rule over his own nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE HOBBS ACT (S. 1774)

Mr. KENNEDY. Mr. President, today we are writing another chapter of the never ending saga of this body's failure to subscribe to an orderly legislative process, a process by which this Chamber, as a whole body, is supposed to consider proposed legislation which has been carefully studied, crafted, and fine tuned by a committee or committees of proper jurisdiction and expertise, and favorably reported out for this body's deliberation and consideration, a process which is to be bypassed only under extraordinary circumstances, marked by urgent need for Federal legislation, and an absence of adequate State legislation to handle a situation of crisis proportions.

There are no extraordinary circumstances addressed by this legislation. And there are, in every State, adequate statutes and enforcement mechanisms to address the problem this bill purports to address.

What we have here is a group, unhappy with the results in the Judiciary Committee, attempting to bypass the proper legislative process and to achieve on the floor what they failed to achieve in committee, this Congress or in any previous Congress. This objective and strategy is made all the worse when it is an attempt to pass poor legislation.

Mr. President, in just about 1 minute the Senate will go to a quorum call and then go to the issue about whether we are going to impose cloture on a motion to take up legislation dealing with the Hobbs Act.

I would hope, Mr. President, that the Senate would not acquiesce in the request to take that legislation up.

The legislation was considered in the Judiciary Committee. It failed to be reported out of the Judiciary Committee. Should we just now be willing to circumvent the whole legislative process by effectively ignoring the committee structure I think that we open a wide, vast process and procedure which I think runs completely contrary to the whole structure and institution of the Senate.

I will speak to the issue of the Hobbs Act should we have the opportunity to debate that issue in the future as I have in the past. But it seems to me that there is none of the required urgency to take the time of this body at this time to deliberate that legislation. We have other matters, such as the budget, other issues of foreign policy that should take our attention.

I would hope that the request of the majority leader would be rejected at this time.

THREE INTERESTING ARTICLES

Mr. THURMOND. Mr. President, I would like to bring to the attention of my colleagues three recent articles concerning topics of interest to all Americans. The first article is an editorial that appeared in the April 6, 1986, edition of the Washington Post. It is titled "SALT II: Renounce It," and was written by Ambassador Jeanne Kirkpatrick. The editorial is a very thoughtful analysis of the reasons why the United States should discontinue adherence to SALT II. As Ambassador Kirkpatrick points out, the Soviets are violating previous strategic arms agreements with impunity, and failure to address these violations in any substantive way is a grave mistake on the part of the United States. Ambassador Kirkpatrick's editorial recommends that the United States renounce compliance with SALT II, and I commend her editorial to the attention of all my colleagues.

The second article appeared in the Officer magazine, which is a publication of the Reserve Officer's Association of the United States. The article is entitled "Latin America's Democracies Need Us," and was written by the Honorable ROBERT K. DORNAN of California. Congressman DORNAN addresses the critics of U.S. Latin American policy who claim that democratic governments are not really emerging in Latin America. His analysis of the development of democracy in Latin America is very cogent and demonstrates that the growth of democracy in Latin America, although slow, is increasing.

The third article appeared in the April 13, 1986, issue of Parade magazine and was written by Gen. William C. Westmoreland, former Chief of Staff of the U.S. Army and former commander of U.S. forces in Vietnam. The title of the article is "It Takes More Than Strength." In the article, General Westmoreland reflects on the meaning of liberty and the role of the officer and the citizen in a democracy. As he points out, liberty is not preserved by military strength alone. It is nurtured and protected by a responsible, duty conscious citizenry and the public will to bear the hardships that often accompany the protection of freedom.

Mr. President, I urge all of my colleagues to read these three important articles, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SALT II: RENOUNCE IT

(By Jeane Kirkpatrick)

Once upon a time—when he was a candidate rather than a president—Ronald Reagan found it easy to reach conclusions about the SALT II treaty. Candidate Reagan pronounced it "fatally flawed" and "unequal," incapable of restraining the growth of Soviet strategic capabilities.

But, like most Americans, Ronald Reagan longs to slow the arms race with the Soviet Union—if he cannot end it entirely. Therefore, desiring to maintain a good climate and believing that some limits are better than hone, President Reagan decided that the U.S. government should honor the SALT II treaty on an interim basis while he tried to negotiate something better.

Five years later there is nothing better on the horizon, the evidence of treaty violations by the Soviets has accumulated, and the cost of "interim restraint" is rising sharply.

Now the president faces a treaty deadline and must make a crucial decision. To continue in compliance with SALT II limits, the United States must dismantle two Poseidon submarines when the new Trident submarine begins sea trials on May 20.

The president must decide what to do about the Poseidons, and more broadly, what to do about the SALT II agreement. Since the agreement, negotiated by the Carter administration, was never ratified by the Senate, compliance is a matter of executive policy—not of law.

It is up to Ronald Reagan. He and his principal advisers are currently deliberating the pros and cons of continuing compliance, abandoning the treaty, or possibly setting a course that would systematically link United States and Soviet compliance, thus taking account of Soviet violations.

Those who advocate continued compliance emphasize the military disadvantages to the United States of abandoning the agreement. The chairman of the House Armed Services Committee, Les Aspin, has emphasized that ending the present restraints on production of new weapons systems would give the Soviets an advantage because they have greater capacity than the United States to produce strategic weapons systems and missiles with larger payloads.

Opponents of continued compliance counter that the United States pays too high a price for these limited and uncertain constraints. Abiding by SALT II, they say, will inhibit modernization of U.S. military forces (including Midgetman testing and deployment), prevent the United States from retaining needed weapons systems, raise American defense costs in this year of Gramm-Rudman and diminish our already reduced margin of security.

Both sides acknowledge that the political consequences of a decision on SALT II are at least as important as its military effects. Supporters worry that U.S. failure to comply would damage prospects for future arms control negotiations and offend our allies—who are enthusiastic about all United States/Soviet arms agreements that will not affect British and French arms or decouple American and European defense.

Even the supporters of SALT II agree that some account must be taken of Soviet violations. Certainly, the president is not free to ignore them. His report to Congress on Soviet noncompliance with arms control agreements (December 1985) described deployment of the SS-25 missile as a "clear and irreversible violation" and noted that the Soviet policy of deliberate concealment was contrary to both the letter and the spirit of SALT II.

The latest Department of Defense report, "Soviet Military Power," cites several additional SALT violations and makes it clear they are part of a broader pattern of selective Soviet noncompliance with existing arms control agreements.

So far the United States has charged the Soviets with important violations of SALT I and II, the ABM Treaty, the Threshold Test Ban Treaty, the Biological and Toxin Weapons Convention and the Geneva Protocol.

Because the Reagan administration has chosen to make Soviet violations a matter of public record, the decision on SALT II must be made in the light of that record.

Will Ronald Reagan commit the United States to compliance with an agreement the Soviets violate? Or will he decide that Soviet noncompliance has effectively—if informally—already vitiated the agreement?

Reaffirming the SALT II treaty in the face of violations would send a clear signal that the United States is ready to settle for less than we say we will. Such a message is hardly conducive to negotiating new meaningful, verifiable arms control agreements.

What would be the domestic political fallout of renouncing U.S. compliance with a flawed treaty that the Soviets are violating? Polls conducted in the last six months indicate that a majority of Americans want our government to negotiate arms control agreements, but do not believe we should honor agreements that are being violated by the Soviet Union.

The president's realism and common sense should lead him to the same conclusion.

Latin America's Democracies Need Us

(By Robert K. Dornan)

The year 1986 began on an optimistic note for U.S. foreign policy in Latin America and the Caribbean. A democratic revolution has been sweeping through the region, displacing "traditional" military dictatorships and oligarchies.

Over the last five years elected civilian presidents have replaced military rulers in nine countries: Argentina, Bolivia, Brazil, Ecuador, El Salvador, Guatemala, Honduras, Peru and Uruguay. In contrast, only six years ago two-thirds of our Latin neighbors lived under military-dominated governments.

Numerous factors have contributed to the region-wide upsurge in democratic politics. Throughout the electoral process, international observers have consistently reported that voters were responding to a desire to repudiate both leftist revolutionary alternatives as well as military obligarchies.

For most Latin Americans the uncertainties of representative democracy are far more preferable than the violence and abuse of the far left or the far right.

As a member of the House Foreign Affairs Committee, I have observed that voter participation originates from internal dynamics and is not solely a response to U.S. prompting. In many countries the atmosphere underlying the electoral process has been hopeful about the democratic potential to facilitate long-term development. It is generally recognized throughout Latin America that democracy builds confidence in the private sector, and creates a stable environment essential to the attraction of international capital. It is also acknowledged that the general populace throughout Latin America recognizes that governmental accountability to the electorate is the best guarantor of basic human rights and internal stability.

To my disappointment though, many have expressed the view that democracy in Latin America, and particularly in Central America, is not a reality. This simplistic and short-sighted perspective does not give proper credit to our neighbors in their struggle to implement truly representative democratic institutions. Pessimistic regional observers contend that the armed forces are only allowing power-sharing with civilian politicians in order to facilitate a flow of funds from the United States.

To these analysts, elections in El Salvador, Honduras and Guatemala only constitute a cosmetic facade of democracy which merits little long-term attention or respect. That is a cynical and unfair analysis.

It is true that long historical traditions of military interventionism and "caudillo" politics makes it naive to assume that a comprehensive change will occur overnight. Nor can we expect the electoral process to be perfect.

The growth of democracy is inherently evolutionary in nature and must be adapted to the peculiar circumstances of individual nations. With many exceptions and nuances of development, Latin American politics follows a general step-wise progression.

Wars and revolutions of independence.

"Caudillo" or Personalist Authoritarianism.

Limited democratic participation.

Democracy with enlarged participation.

Total participation democracy.

The northern tier states of South America, such as Venezuela and Ecuador are concrete examples of just such an evolution. Venezuela has made a successful transition to democracy in which constitutional institutions have survived for nearly 30 years. In Ecuador, it was in fact the military that set the stage for a successful transition to democracy.

Even the forefathers of authoritarian Latin American politics, the Spaniards, have just recently celebrated the 10th anniversary of uninterrupted democratic rule—a nation where just a decade ago a viable democracy was considered only a dream.

The separation of the military from politics will occur as political parties consolidate and legitimate forms of expression become institutionalized. At present, many of these countries do not have any convenient democratic tradition upon which to model themselves. Decades of military rule have left the political process fragmented.

As Latin democracies establish themselves as problem-solving mechanisms and instruments of equitable development they will ensure their own survival. The role of the United States in this process should be to provide development assistance which can buy the necessary time to allow a fledgling democracy to consolidate and to help ease the pains of strict austerity measures.

Nicaragua stands in stark contrast to the democratic trends in the region. The Leninist Sandinista Directorate has been able to consolidate the reigns of political power and is committed to undermining neighboring democracies through subversion.

Most recently the Colombian government has presented evidence that the November M-19 commando raid of the Palace of Justice in Bogota was substantially aided by the Sandinistas. At least half of the weapons seized after the terrorist attack can be traced unequivocally to the Managua regime.

Less well recognized, however, is the threat Nicaragua poses to democracies by encouraging the intervention of the military into the political process in the name of state security.

Although internal dynamics have been the primary factor driving Latin American support for democracy, the United States has rightfully acted as the catalyst for democratic evolution. We North Americans must consider the implications that derive from self-defeating attitudes of doubt and despair so characteristic of our foreign policy in the early post Vietnam years.

The United States is the leader of the western hemisphere and as such has a responsibility to encourage democratic solidarity with our Latin neighbors. We cannot expect the leaders of Latin American nations to give full support to democracy and resist the short-sighted attractions of violent revolution when our own commitment to political liberty is faltering and inconsistent.

Hopefully, the key architects of U.S. foreign policy will see the critical connection between the leadership role this country has taken and the support for fragile democracies throughout Latin America.

I am encouraged by a much more confident U.S. policy in the region which is taking the initiative with increasing confidence to assist our neighbors to fulfill their own aspirations. Behind much of the rhetoric voiced by Latin American leaders today, one finds solid encouragement for decisive U.S. actions.

The challenges to democracy in Latin America are great but we should be encouraged by the democratic transitions that have already taken place.

The United States must take the offensive politically and economically rather than become mired in handwringing, pessimistic despair. The fact of the matter is that an assertive U.S. foreign policy will never be popular anywhere. The United States is simply too large a presence, too successful economically and too diverse a culture to ever be cuddly or loveable as a nation. Respect though, will always exist for the United States of America when we follow through on principle and support.

I believe that the world will follow a strong leadership role of our great country. It is beyond any doubt that the world will never support defeatist American policies.

It Takes More Than Strength

(By Gen. William C. Westmoreland)

Almost 24 years ago, at the United States Military Academy, I was host for Gen. Douglas MacArthur when he made his historic farewell address to the corps of cadets at West Point, NY. He distilled how he felt about his life in the Army, its principles and its unique relationship to our civilian government.

I was impressed—as was the country—by the old soldier's idealism, pride in service to our country and dedication to the Army he fought with in three wars. He counseled the cadets, "A soldier above all prays for peace, for he must suffer and bear the deepest wounds and scars of war." At the time, the American people also were inspired by the idealistic words of a new, young President,

John F. Kennedy, who had dedicated a nation to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty."

Almost a half century has passed since I graduated from the U.S. Military Academy, and this has remained my view of the soldier's role in a democracy: to guarantee, as a professional, the survival and success of liberty. To me, the symbol of Lady Liberty is far more profound than that of the cartoon-like Uncle Sam—a figure dressed in red, white and blue and a funny hat, demanding: "I want you." He is asking you to join the Army but does not tell you why. The Statue of Liberty, on the other hand, tells you why. She represents individual and national freedom, the ideals upon which our nation was founded. She conveys warmth and a love of country.

These ideals have always inspired those serving in the military. Today, as an old soldier myself, I look over a career of proud memories. The years have been eventful ones for me—and for the United States. When I was commissioned, our country was inward-looking and militarily weak by current standards. World War II came to our shores before we were ready. Unified as never before by the flames of Pearl Harbor, we gained new responsibilities and status as a world power. During those years, the U.S. inherited the mantle of leadership of the free world.

In that role, we became the international champions of liberty, which put us on a collision course with Communist designs—first in Korea and then in Vietnam. Our initiatives were applauded by our people. I think most believed we were on the right course, both in the interest of liberty and in our own self-interest. At the same time, public attitudes toward the military began to shift drastically. In many cases, the Army was portrayed as a negative force. Many forgot the vital connection between the survival of our nation's fundamental ideals and those privileged to serve her.

Under our cherished Constitution, civilian leadership must be supreme in decisions involving the national interest—though our military leadership does have an obligation to make known any threat to our welfare and to appraise our preparedness to defend ourselves. In the end, however, it is the soldier who must fight our battles. For the morale of that soldier, it is important that his role be understood and appreciated in our society.

I believe that our leadership in strength is the best guarantee of peace and justice in the world—and of our own liberty at home. But leadership of true quality, that which is noble and inspiring, involves more than strength. To be legitimate, it must be grounded not on personal ambition but on our great democratic principles: due process and equal justice under the law, equality of opportunity, loyalty to our nation and to those carrying responsibility, and fairness in human and governmental relations, all a part of the end product—liberty. Throughout our history, only a very few military officers have violated those standards.

It is in the context of these broad challenges to our democratic society that the officers of our armed forces must be prepared to serve the nation. It requires a special type of leadership and a special type of organization. It is a trust, founded on idealism and love of country. President Reagan has said, "Who else but an idealist would choose to become a member of the armed forces?"

Indeed, nothing is more important to the future of our nation than the inculcation of our soldiers, our youth, our future citizens, with the virtues that have made America great. The Army, with its institutional idealism, has always strived to do just that. Not only does it prepare soldiers to deter aggression but it is also a great teacher of patriotism. The soldier understands only one system of rank. It is not the rank of bars and leaves. It is the rank of dedication, of duty, of care and concern for his mission and his men, of integrity of character, willingness to learn, readiness to admit error and devotion to principle. Soldiers may not be articulate on these principles, but they fully expect their officers to live and act by them.

However, in our open, free-for-all society, the swings in public attitude—particularly regarding the military—can be dismaying. It is often difficult for our young citizens to separate the facts from the propaganda. During the hectic years of the war in Vietnam, with the increase in drug abuse and campus protests, many seemed to lose confidence in our traditional institutions. And currently, fears of a nuclear holocaust or another Vietnam, threaten to weaken our defenses and, paradoxically, to increase the very danger we fear.

We all share a concern for our nation's future. And, indeed, it is frightening to contemplate that we might, in our confusion, cast aside the ideals, ethics and standards that have made our country great.

America is great because it is a land of liberty, endless challenge and unbounded opportunity. We have overcome foreign and domestic strife and staggering social, economic and political problems, and by doing so have become the most powerful nation on earth. We added to the challenges that confronted us one of our own choosing: to be, by our example, a beacon to other people in the world for individual liberty. No other nation has done that.

Never before in history has a nation so freely shared the treasure of its hard work; never before has a nation provided others with so much security: never before has a nation so responsibly shouldered the burden of world leadership or combined the material and human aspirations of man to such a reality.

Yes, we have faltered. We've made mistakes. We have not been perfect. But when one weighs the good and bad, there can only be one conclusion: The vision of our founding fathers has become a reality.

We should think about that. We should think about it when cynical, petty people mock our ideals and sneer at our sacrifices; when they seek to diminish the bedrock values of our society by calling them clichés.

Unlike the many college students in the late 1960s and early 1970s who wished to change our system, today's campus generation apparently has chosen to work within it, respecting the limitations that are a necessary part of freedom. Dostoyevski, the great Russian writer of a century ago, wrote: "No man or nation can exist without a sublime ideal." Such an ideal is necessary to weld together individuals and social efforts. We are fortunate in America that such a unifying ideal has always been in view. In practice, that ideal has embodied respect for God and country and involves dedication to the principles of the American Constitution, made explicit in our laws and public documents. That dedication travels under another name: patriotism.

I remember, in the mid-1970s, after I had retired from the Army, I visited one of the Army basic training centers and talked to the command sergeant major, the senior noncommissioned officer of the base, a fellow paratrooper with whom I had served in Vietnam. He expressed to me concern about the attitude of many of the young men in training. He told me that his final charge to those new recruits after several weeks of intensive training was: "Men, in the past several years, we in our country sadly have destroyed the tall towers. Now, I want you men to work with me to rebuild the first one." The first of those tall towers was patriotism. The name of the sergeant major was Antonio Torres, a man born outside the continental United States in a family that spoke no English.

Patriotism demands commitment to the principle that for every right there is a duty. Without the practice of that precept by our citizens and institutions, our democracy simply cannot survive.

As a proud old soldier, I was pleased and honored when I was asked to be a member of the Statue of Liberty-Ellis Island Centennial Commission, but I wondered why. Perhaps it was because I have fought in three wars for the principle of liberty. And perhaps it was because I commanded in Vietnam for more than four years the cream of our American youth and saw them give their all in support of that idealism personified by Lady Liberty.

Yes, it seems our nation has rebuilt the first tall tower, to be symbolized by the rededication of our beloved Statue of Liberty.

THE NATIONAL STRATEGY ACT

Mr. DECONCINI. Mr. President, I want to take this opportunity to enthusiastically support S. 2064. Introduced by my esteemed colleague, Senator WARNER of Virginia, this bill would require the President to make an annual report on the national strategy of the United States to certain committees of Congress and require joint committee meetings to be held on such report.

The National Strategy Act not only supports a more logical budget planning process but also encourages a more thoughtful and considered decisionmaking process. Although it may not bring consensus, it will certainly go a long way in preventing reactive decisions that address short-term problems but fail to evaluate the long-term impact of our decisions.

I would also like to take this opportunity to commend my senior colleague and friend from Arizona, Senator BARRY GOLDWATER. He has worked diligently with Senator NUNN to reform the defense establishment to ensure better military readiness and cost effective weapons procurement policies. Senator GOLDWATER, commenting on this issue, said: "We need a grand strategy and we need it now. . . . It must be sufficient to deter our enemies and protect our friends. And it must be understood by the American people and have their support." I am confident that this National Strategy Act will have the support of Arizonans as well as make impor-

tant steps toward accomplishing the broader goals articulated by Senator GOLDWATER.

Since becoming a member of the Senate, I have noted the difficulty that Congress has in maintaining a clear view of our Nation's strategic objectives and the support required to reach those objectives. Seldom do we get the complete picture, the strategic overview that defines where the administration wants to go, how it's going to get there, and what the expected results of these policies should be. Certainly, the Packard Commission would endorse the wisdom of this legislation. The Commission, appointed by the President, noted "there is no rational system whereby the executive branch and the Congress reach coherent and enduring agreement on national military strategy, the forces to carry it out, and the funding that should be provided in light of the overall economy and competing claims on national resources. The absence of such a system contributes substantially to the instability and uncertainty that plague our defense program. These cause imbalances in our military forces and capabilities, and increase the costs of procuring military equipment." The Commission goes on to articulate a comprehensive statement on national security objectives and priorities.

Over the years, I have observed information coming to us on a wide range of strategic issues in bits and pieces, in different versions, and from a variety of sources. We sort through the information, read posture statements, listen to addresses from the administration, conduct hearings, ask questions and evaluate responses. After all of this is done, I'm still not convinced we have the big picture and, more importantly, I don't think the people of this country have the kind of overview they need to know where our Nation's strategy is taking us. This becomes particularly critical in these times when so much national attention is paid to how Congress allocates funds in an era of increased budgetary austerity.

The time has passed when we can afford to provide funding without examining the overall value of individual programs and how they support the attainment of larger national objectives. Developing a comprehensive, unified national strategy is a strong step in the right direction. Both Chambers of Congress will be better prepared and equipped to study, evaluate, and decide on the best way to carry out national strategy with this bill. This is an outstanding example of farsighted law-making and I am pleased to cosponsor this legislation.

JOSEPH FACCI

Mr. CRANSTON. Mr. President, I rise to commemorate the life of Joseph Facci, a life devoted to a selfless crusade against human misery.

I met Joseph Facci during my years as chief of the Foreign Language Division of the Office of War Information in World War II. A Dante-like character in appearance, and a refugee from the Mussolini regime, he was in charge of working with the Italian-American community in my division.

Facci played a creative and decisive part in getting Italian aliens exempted from the enemy alien classification in 1944, in pushing for a separate peace with the Italian people, and in helping to bring our two great countries together.

When America entered the war, aliens from Italy and Germany were officially labeled "enemies." They could not travel freely and could not take certain jobs. Loyal native-born and naturalized Americans of these ancestries, as well as the aliens, resented these restrictions. As the Rome-Berlin axis began to falter and Italians became unhappy with their alliance with the Nazis, Facci came up with an idea designed to impose greater strains on the alliance and to solve the problems of these Italian-Americans. He proposed that President Roosevelt issue a proclamation ending the enemy alien certification for Italians living in America. He convinced me, and I took on the task of selling the idea. I sold it inside OWI all the way to its top—to Elmer Davis. Then Davis and I sold it all the way to the top in the Department of Justice to Attorney General Francis Biddle. Then Biddle and Davis sold it to Secretary of State Cordell Hull and to President Roosevelt. All the while Facci was pressing me, and I was pushing Davis.

In his Columbus Day speech in 1943, Roosevelt announced that Italians were no longer enemy aliens. I will never forget Joe's joy and pride the day FDR made this announcement. Restrictions on Italians in the United States were lifted. And leaflets were dropped from planes flying over Italy just before we invaded that country, announcing that Americans now considered them friends.

Bruno Foa, director of the Bureau of Latin American Research, wrote to me: "It was certainly an enormous step forward in the grand strategy of political warfare."

Count Carlo Sforza, Italy's first postwar Foreign Minister, declared then that this act, establishing that we were "friends not enemies," saved the lives of countless American soldiers—and Italians, too—when the Allies landed in Italy to drive out the Nazis.

Incidentally, Randolpho Pacciardi, the leader of the refugee anti-Fascist Italians in America during the war, and Italy's postwar Minister of Defense, arranged for me to be awarded the Star of Solidarity by the Italian Government in 1946. The award should have gone to Joe Facci.

No one could have done all this better than a man who had been an Italian soldier in World War I and a prisoner of war, and who was then one of the first to take up the struggle against the Fascists. Joe Facci loved his Italy, and its people, just as he came to love America, and its people. And he joined in the effort to restore the freedom of Italians and to preserve the freedom of Americans in World War II.

Facci died in Maryland in May 1979, at the age of 85. It seems to me that the passage of time has added a perspective to the remarkable events of his life.

His story is unique in that he was able to spend more than 50 years fighting against human misery in causes of national and international importance, that cut across the whole fabric of society.

Despite his great eloquence and pragmatism, he never reached a vast audience with his own words and personality, yet his successful life reminds us of the supremacy of moral courage and of our obligation to fight as he did, whenever he could, against injustice, intolerance, and cruelty.

Joe was born in northern Italy in August 1893, the eldest son in a large family of well-to-do millers. He gave up training for the priesthood because he decided that his life would be more effective if he devoted it to direct efforts to ameliorate the misery of the people. For the same reasons he refused to go into the prosperous family milling business. He married Catherine (Nella) Marta, from his native village, and served in Italy's Alpine troops in the bitter fighting on the Austrian front in World War I. He became a prisoner of war and failed twice in attempts to escape. After his second effort he was placed in solitary confinement in the dungeons of the prison-fortress of Komaron.

He gained his law degree at the University of Padua in 1919. He then served the Italian Government in Austria and Italy, in increasingly responsible posts, where he acquired experience in economics and foreign affairs, especially foreign trade. He rose to director of a vital trade unit.

Meanwhile he had begun to fight the oppressive Fascist system, which he thought represented a gross travesty of the spirit of the Italian people, and was a blueprint for eventual national disaster. Without joining any party or group, he spoke against it openly. He saw his friends persecuted and jailed, and he decided he must save his family by leaving Italy. He

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also felt that his crusade would be stronger fought from abroad.

In America he found what he most fervently needed, a free, dynamic society. His appreciation and love for this country lasted the rest of his life.

He became Secretary of the Italian Chamber of Commerce in San Francisco, an association of northern California merchants concerned with Italian trade. There he fought for free trade and against the Smoot-Hawley Tariff Act, and he was widely quoted in the press. When his growing anti-Fascist activities became irreconcilable with his position, he left and worked as a freelance writer and lecturer. He established and published the Italian language monthly Cultura Populare, a vehicle for his fight against fascism, and for help to working men and women and the small farmers of northern California during the Depression. He stirred opposition to Mussolini and his regime among Bay Area Italians.

Facci became a U.S. citizen in May 1935. In 1940 he moved to Washington, hoping to find a place where his ideas and talents might be more influential. After a stint with the Department of Agriculture, he came to work for me at OWI, where he made his extraordinary contribution to the war effort.

After the war he passed up opportunities to return to Italy in the new government, and went to work for Unesco in CREFAL, the joint Unesco-Mexican Government-Latin American center in Patzcuaro Michoacan, Mexico. CREFAL's mission was to teach selected schoolteachers from Latin American countries the special skills needed for adult education, community development, and self-help. There he promoted the agricultural cooperative, not state ownership, as the vehicle for land reform in the near-feudal systems. He retired at 65 and devoted himself to helping the region's peasant-farmers, the campesinos. He obtained money from bankers, contributions of farm tractors from Ford and International Harvester, service from the phone company, and road improvement from the state of Michoacan. He and his Nella then obtained assistance from local contractors and wealthy families to build a vitally needed primary school in Patzcuaro. He continued to write and devote himself to local projects for the campesinos and their families until 1970, when he returned to Alexandria, VA, to spend the rest of his life there.

In sum, Joe Facci was highly intelligent and remarkably brave, unafraid to move into new fields, a voracious reader, talented in language, and a prolific writer and orator in Italian, English, and Spanish. In the best sense of the word he was a polemicist, and in the best tradition, a reformer.

He was gregarious. He loved good food and wine in moderation, good stories, and the out-of-doors. Politically progressive, he was personally conservative, unconcerned about clothes or luxuries. Since the family was, to him, the basic unit of society, he believed its healthy survival was worth the sacrifice of individual desires. Although his frenetic work habits caused him to neglect some family matters, he found the time to know his children well and to contribute to their development.

Throughout their more than 60 years of marriage, his wife Nella, who is still living, shared his ideals and helped him. With great personal sacrifice, she managed the affairs of the family, contributing to a good life and education for their devoted children, Hugo Facci and Mary Marton.

Facci believed that the greatness of the American Constitution was that it stated only the barest principles to guide its people and their political associations. It demanded that its people constantly reapply those principles in new laws and contracts in order to avoid abuses growing out of social and environmental changes. He felt that impartial, balanced dissemination of information was second only to basic education for the survival of a democratic society.

Change was not to be feared in a free society because, if imperfect, it could always be corrected. Abuses, imperfections, and injustices were everywhere, and the greatest danger was to tolerate and entrench them. Thus he admired FDR, knowing that the New Deal's flaws could be corrected later, but that human misery of the Depression was a permanent drain on people's lives. And so it was with human misery everywhere. It had to be fought at all costs in the interest of the individuals and their societies. There was no overall, simplistic, unalterable doctrine. There was only free information and knowledge, free and open dialog, and the free democratic process.

His philosophy could best be expressed as a belief in the inviolability of the individual, and of the human spirit, and the need to care for and respect one another.

Joseph Facci's life symbolizes in a very substantive way the fact that our country's richness comes not only from its natural wealth but from the spirit of its citizens, native and naturalized, representing every corner of our Earth.

MOUNT HOLYOKE INTERNSHIP PROGRAM

Mr. STAFFORD. Mr. President, as chairman of the Senate Education, Arts, and Humanities Subcommittee, I want to bring to the attention of my colleagues an event which begins tomorrow, Thursday, April 17, and ends this Saturday, April 19, which will celebrate 35 years of the Washington Internship Program of Mount Holyoke College.

As many Members already know, Mount Holyoke, located in South Hadley, MA, is the oldest women's college in the United States, and will be celebrating its 150th anniversary next year. In 1950, Victoria Schuck, then a professor of political science at Mount Holyoke, created the Washington Internship Program, which has allowed more than a thousand young women to gain their first working experience in Washington, and awakened their interest in politics. In fact, the internship program was so successful at Mount Holyoke that it has been used as a model by many other institutions of higher learning for their own students.

Following my remarks, I ask unanimous consent that two statements on the internship program and its founder be included in the RECORD. However, I would first like to point out what the real success of Vicky Schuck's program has been that it illustrates the importance of the influence of teachers in all our lives. Dr. Schuck has dedicated her life to seeing that young women have the same opportunities and receive the same quality education available to young men in this country. She has devoted countless hours of personal counseling, arranged thousands of unique adventures for her students and been totally supportive of and accessible to her many students at Mount Holyoke over the years. The number of now accomplished, successful women who return for this conference is a testament to their respect, admiration, gratitude, and love for their former teacher and mentor. To have touched so many people's lives by encouraging their ambitions is surely a great accomplishment, and I want to acknowledge Vicky Schuck's work as teacher today. I wish those who attend the conference over the next 3 days good luck and am sure they will learn much in their meetings and exchanges.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

MOUNT HOLYOKE COLLEGE WASHINGTON INTERNSHIP PROGRAM

Mount Holyoke College's Washington Internship Program has since its beginnings brought hundreds of Mount Holyoke women to the halls of Congress, the White House, federal agencies and lobbying organizations in the nation's capital, giving students the opportunity to witness politics in action and to participate in policy-making decisions.

When Victoria Schuck, professor of political science at Mount Holyoke, inaugurated the internship program by placing early interns in the offices of Washington politicians whom she knew personally, students were given an opportunity to add hands-on experience to their classroom studies. In the

years since those first interns arrived in Washington, campuses nationwide have adopted internship programs as an invaluable learning resource.

The early placements paved the way for an expanded program at Mount Holyoke, as students found themselves spending summers in executive and legislative offices of federal, state and local governments; in newspaper offices and television newsrooms; in national party headquarters and in foundations for the arts, humanities and education. A widening network of contacts in Washington gave the program a solid footing in its early years, and officials who agreed to sponsor the first interns became its strongest advocates, requesting additional interns in succeeding years. Thus, an institution was born.

The list of names of internship sponsors forms a roster of the political and the powerful in post-war Washington. Mike Mansfield, Edward P. Kennedy, Thomas P. O'Neill, Silvio Conte, Bella Abzug, Gerald Ford, Edmund Muskie, Shirley Chisholm, John F. Kennedy, Edward W. Brooke, Lyndon Johnson, Andrew Young, Martha Griffiths, Birch Bayh, Richard Nixon, Clifford Case, Jimmy Carter and Charles Percy are among the politicians whose offices benefited from the work of interns and who offered those interns a close-up view of the political process. Interns wrote speeches, researched legislation and compiled reports; they published articles and participated in decision-making. The inner workings of Washington offices, from the ground up, were made available to them, and the interns seized their opportunity for an invaluable enhancement of the classroom experience.

Victoria Schuck's goal in creating the Washington Internship Program was to make internships "a significant part of the liberal arts education" and to allow Mount Holyoke women to pursue their own interests within the political framework. They learned to ask questions: "How are decisions made?" "How does party leadership function?" "What is the relationship between local and national organizations?" "What tools are used to measure public opinion?" And they learned how to find answers: as participant observers in political campaigns, as survey researchers, as speechwriters and as planning assistants, the interns discovered that they could apply political reality to their classroom learning.

The program offers personal as well as political discovery to its participants, and for many interns career decisions have been an important outgrowth of their summer experiences. Many Mount Holyoke students returned to Washington and to their state capitals, to continue the work they had begun or to enter politics themselves. The Washington Internship Program brought politics to Mount Holyoke and assured that Mount Holyoke became a part of the national political scene.

VICTORIA SCHUCK

Victoria Schuck, who created Mount Holyoke's Washington Internship Program, is a political scientist whose career exemplifies her credo of combining scholarly excellence with political experience.

She was graduated with great distinction from Stanford University, where she received her M.A. and Ph.D., and she taught there before joining the Mount Holyoke College faculty in 1940. By the time she left Mount Holyoke in 1974, Victoria Schuck had written scores of articles and monographs, served on the boards of federal, state and local commissions and created the landmark Washington Internship Program, which has sent legions of Mount Holyoke women to the nation's capital for a first-hand look at the political processes and policy-making they had studied in the classroom.

Leaving Mount Holyoke hardly brought a change of pace for Victoria Schuck as she moved on to assume the presidency of Mount Vernon College in Washington, D.C., subsequently becoming a guest scholar at the Woodrow Wilson International Center and, currently, the visiting scholar in the political science department at Stanford University.

It has long been a maxim that Victoria Schuck "knew everybody" in Washington. Certainly, the names of the senators, members of congress and other officials who took part in the internship program at its beginning and who joined later form a "Who's Who" list of Washington leaders during the past 40 years.

Victoria Schuck continues to be a forceful presence in politics and political science. She was coeditor of the 1979 anthology Women Organizing and the 1981 volume New England Politics, also serving as contributor on the latter. She has contributed to the Notable American Women series with a biography of Republican member of the House Edith Nourse Rogers and is currently examining issues in mobile government and reorganization of the White House. While at Mount Vernon she was a member of the District of Columbia Commission on Post-secondary Education and was an educator consultant on a panel of the United States General Accounting Office. She continues to serve on the editorial board of the Social Science Quarterly and to contribute to the National Municipal Review, the Wilson Quarterly and Phi Beta Kappa's The Key Reporter.

In 1985, Victoria Schuck represented the American Political Science Association at the Forum of the United Nations World Conference on the Decade of Women, held at Nairobi, Kenya, where she organized a panel on women in local government. She went from there to Paris to serve on panels at the meeting of the World Congress of Political Scientists held there in July.

Victoria Schuck's interest and participation in government and community affairs dates to her early days at Mount Holyoke. She was a member of the United Nations Conference at San Francisco and was appointed by President Kennedy to the President's Commission on Registration and Voting Participation. Regionally, Victoria Schuck served as a member of the Board of Trustees of the University of Massachusetts, the Massachusetts Building Authority and the Massachusetts Advisory Committee on the U.S. Commission of Civil Rights. She was also chair of the Town of South Hadley Planning Board.

Her professional affiliations during her years at Mount Holyoke include president of the New England Political Science Association, secretary and vice-president of the Northeastern Political Science Association. She was also president of the state division of the American Association of University Women.

She is a member of Phi Beta Kappa and researched the White House staff as a scholar of the Brookings Institution; she was also a grantee of the Asia Society, doing research in Vietnam in the late 1960's.

Victoria Schuck's influence continues today through the Washington Internship Program, which helped open the doors of politics to women. Her work and efforts are felt in the national and state capitals, by the women who arrived there for one summer and returned to pursue their careers. Victoria Schuck helped to bring women and politics together.

MAY THE GOOD LORD BLESS YOU, STEPHEN B. ROMAN

Mr. PELL. Mr. President, there are times when we wish to recognize someone whom we admire and appreciate. This is the case regarding Stephen B. Roman, a Canadian citizen who on April 17 attains the ripe young age of 65.

Stephen's biography is replete with one basic theme: He has done it mostly all by himself. Emigrating from Czechoslovakia, a country I know so well, because I served there as a Foreign Service Officer in the late 1940's, Stephen changed his destiny from being an ordinary farmer to becoming one of Canada's most enterprising and successful business leaders as Chairman and CEO of Denison Mines, a multi-billion dollar multi-venture corporation with worldwide investments, including in the United States.

How did he do it—to accomplish so much in such a relatively short time? Stephen says "By faith and good farmer's common sense," which he still practices. "If you treat people as though they were the most important people in the world * * * they, too, will respond positively," is Stephen B. Roman's motto.

And, he has proved his motto over and over. Most recently during the Canadian Papal visit, he prevailed in getting Pope John Paul II to come and bless the cornerstone of a Slovak Byzantine Rite Catholic cathedral, while Canadian hierarchs sought to prevent such a side trip. It was no easy task to overcome such an obstacle.

He has a great passion for his Slovak ethnic roots. He was primarily responsible for unifying all the various small emigre groups into one cohesive Slovak World Congress headquartered in Toronto. The Communist government in Czechoslovakia has been ceaselessly trying with all kinds of underhanded maneuvers to embarrass Stephen Roman and those who work for the Congress. Despite that, in the United States alone, some half million members of fraternal, civic and social associations belong to and support the Slovak World Congress, which he founded 15 years ago.

Since we have not forgotten our brethren who are still suffering religious persecution and denied their basic human and civil rights, we get together periodically to bring to world public opinion a record of those abuses. And it is a sorry record for the once most progressive country of Czechoslovakia, to deny their own peoples—the Slovaks and Czechs—the basic freedoms which are so

elemental and essential to us living in our adopted homes.

The SWC meets and holds a conference every 6 months somewhere in the free world to press would public opinion on these issues.

"It is Czechoslovakia that has lost the genius outflow, when our people had to flee for their lives because of the inhuman persecution; Czechoslovakia is the loser. If I had the wisdom to develop economic power in Canada—in a free environment—perhaps I could have done a similar thing in my own native Slovakia," says Stephen B. Roman. He was actively involved in negotiations with the Dubcek government and investing in Slovakia, but then Soviet tanks moved in.

As the ranking minority member of the Foreign Relations Committee, I had the privilege to encourage hearings on "Religious Persecution in Communist Bloc Countries of Eastern Europe" recently, and I was disturbed by the testimony of the persecution still practiced by the Prague government in Czechoslovakia.

Stephen B. Roman is also an active promoter of good Canadian-American relations, which are so essential in this hemisphere. I look forward to seeing his name associated with other outstanding Canadians representing his country in heart-to-heart negotiations on vital issues of concern to both our countries.

My Dear Friend, Stephen B. Roman, Happy Birthday.

TEST BAN RESOLUTION

Mr. PELL. Mr. President, on December 18, 1985 the Senator from Missouri [Mr. DANFORTH] and I introduced a joint resolution (S.J. Res. 252) requesting the President of the United States to negotiate controls upon and the early prohibition of nuclear explosions.

I ask that the Senators from Delaware [Mr. BIDEN], Vermont [Mr. LEAHY], Maryland [Mr. SARBANES], Wisconsin [Mr. PROXMIRE], Oregon [Mr. HATFIELD], and [Mr. PACKWOOD] be added as cosponsors, for a current total of 21.

We hope other Senators will join us in cosponsoring this legislation, which we intend to pursue vigorously this year. In this connection, I should note that we expect to hold hearings on test ban issues in the Foreign Relations Committee early next month.

THE FUTURE OF HUMAN SERVICE PROGRAMS

Mr. PELL. Mr. President, the administration's budget proposals for the 1987 fiscal year, combined with enactment of the Gramm-Rudman-Hollings Deficit Reduction Act, have caused deep concern in many communities over the future of human service programs that help meet the needs of the poor, the elderly, young people and others who urgently need assistance.

Recently in the city of Warwick, RI, the agencies and organizations that provide this assistance joined together as the Human Service Providers of Warwick to compile a comprehensive assessment of the impact that proposed budget cuts and the Gramm-Rudman-Hollings Act would have on their programs and services.

Their assessment concluded that because of the breadth and severity of potential budget cuts, the funding reductions would "weaken the foundation of core services, thereby threatening the quality of life for the entire community".

Among the programs and activities in Warwick that would be seriously affected by administration or Gramm-Rudman-Hollings funding reductions are programs that provide food and shelter, substance abuse prevention and education, delinquency prevention, senior citizen transportation and meal programs, alcoholism and mental health treatment, health care for the elderly, day care assistance, emergency housing, weatherization, fuel assistance and youth employment.

I believe the human service agencies and organizations in the city of Warwick have provided a fine public service by compiling this assessment of the potential impact of Federal budget cuts. I have no doubt that many other communities in Rhode Island, and indeed across the Nation, would be confronted with similar problems if these proposed funding reductions take place.

It is exactly because of this kind of indiscriminate, unthinking reductions in Federal funding that I voted against enactment of the Gramm-Rudman-Hollings legislation. And it is because of the demonstrated importance and effectiveness of many of these community human services programs that I oppose the deep budget cuts proposed by the administration in programs that have already been subjected to funding reductions.

Because the proposed budget reductions would have an impact on other communities much like the impact on Warwick, RI, I believe this assessment would be of interest to Members of the Senate, and I ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WARWICK HUMAN SERVICE PROVIDERS

We, the Human Service Providers of Warwick, have joined together out of common concern for the potential effects of the Gramm-Rudman-Hollings Legislation and President Reagan's proposed FY '87 budget. To substantiate the reasons for our concern, we have prepared an Impact Statement detailing the effects of cuts in local and federal funds. To voice our concerns, we have invited the members of Rhode Island's Congressional Delegation to attend and participate in today's informational session. It is our hope that information gained through visits to selected sites and from the Impact Statement will provide a basis for knowledgeable and sensitive discussion of the importance of continued funding for domestic programs.

As a group, Warwick Human Service Agencies participating in the Human Services Project offer programs to thousands of residents. Many of these people, particularly the youth, the elderly, the low and moderate-income residents, and those with special needs, may experience loss or reduction of some services as a result of the anticipated funding cuts. In all, $2,288,779 in federal and local funds is jeopardized. The imperiled funds support programs that provide food and shelter, substance abuse prevention and education programs, delinquency prevention programs, transportation and meal programs for senior citizens, alcoholism and mental health treatment programs, subsidized health care for the elderly, day care assistance, emergency housing, weatherization, fuel assistance, and youth employment programs, among others.

Of primary concern to the Human Service Providers is the impression that the proposed cuts will affect the entire spectrum of human services, whereby those with the greatest need will suffer the most. The federal budget cuts do not appear to be aimed at any particular special interest group, but rather weaken the foundation of core services, thereby threatening the quality of life for the entire community.

Proposed cuts will affect agencies and services both directly and indirectly. Among the directly funded programs, agencies will experience specific reductions for targeted services. Included in this category are: Community Service Block Grants, Medicare reimbursement, housing assistance for the poor, and funds channeled through the state government, such as the Governor's Justice Commission. Indirect effects occur as follows: the City of Warwick will lose $2 million in revenue sharing, which it uses for public safety programs. As a result, discretionary funds which were once distributed to human service agencies and other groups in the form of Contributive Support dollars may have to be reallocated to cover the deficit created by the loss of revenue sharing. Additionally, the City of Warwick expects to lose $250,000 of its $750,000 in Community Development funds, which are passed on to the community through many of the Human Service Providers.

Warwick's Human Service Providers are not asking for special treatment, but rather to be considered fairly in the budget consideration and decision making process. We ask that the federal budget not be balanced at the expense of the elderly, the low and moderate-income families, those with special needs, and the children in our community. We ask that, after reviewing the Impact Statement and participating in today's program, the members of the Congressional Delegation re-assess the priorities and defend the safety of human services and domestic programs.

REPORT FROM PRESIDENT REAGAN REGARDING USE OF AIR AND NAVAL FORCES IN LIBYA

Mr. THURMOND. Mr. President, as President pro tempore, I have just received from the President his report consistent with the War Powers Resolution regarding use of air and naval forces in Libya.

I am submitting this report to the Senate for its review and I ask unanimous consent that it be placed in the RECORD at this time.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 16, 1986.

HON. STROM THURMOND,
President pro tempore of the Senate,
Washington, DC

DEAR MR. PRESIDENT: Commencing at about 7:00 p.m. (EST) on April 14, air and naval forces of the United States conducted simultaneous bombing strikes on headquarters, terrorist facilities and military installations that support Libyan subversive activities. These strikes were completed by approximately 7:30 p.m. (EST).

The United States Air Force element, which launched from bases in the United Kingdom, struck targets at Tripoli Military Air Field, Tarabulus (Aziziyah) Barracks, and Sidi Bilal Terrorist Training Camp. The United States Navy element, which launched from the USS Coral Sea and the USS America, struck targets at Benina Military Air Field and Benghazi Military Barracks. One F-111 with its two crew members is missing. These targets were carefully chosen, both for their direct linkage to Libyan support of terrorist activities and for the purpose of minimizing collateral damage and injury to innocent civilians.

These strikes were conducted in the exercise of our right of self-defense under Article 51 of the United Nations Charter. This necessary and appropriate action was a preemptive strike, directed against the Libyan terrorist infrastructure and designed to deter acts of terrrorism by Libya, such as the Libyan-ordered bombing of a discotheque in West Berlin on April 5. Libya's cowardly and murderous act resulted in the death of two innocent people—an American soldier and a young Turkish woman—and the wounding of 50 United States Armed Forces personnel and 180 other innocent persons. This was the latest in a long series of terrorist attacks against United States installations, diplomats and citizens carried out or attempted with the support and direction of Mu'ammar Qadhafi.

Should Libyan-sponsored terrorist attacks against United States citizens not cease, we will take appropriate measures necessary to protect United States citizens in the exercise of our right of self-defense.

In accordance with my desire that Congress be informed on this matter, and consistent with the War Powers Resolution, I am providing this report on the employment of the United States Armed Forces. These self-defense measures were undertaken pursuant to my authority under the Constitution, including my authority as Commander in Chief of United States Armed Forces.

Sincerely,

RONALD REAGAN.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 11 o'clock having arrived, morning business is closed.

ANTIVIOLENCE AMENDMENT TO THE HOBBS ACT

The PRESIDING OFFICER. One hour having passed since the Senate convened, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the *motion to proceed* to the consideration of S. 1774, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

Bob Dole, Jesse Helms, Malcolm Wallop, Gordon Humphrey, Paul Laxalt, Don Nickles, Mack Mattingly, Phil Gramm, Steve Symms, Thad Cochran, J. Denton, Al Simpson, Chuck Grassley, Jake Garn, Mitch McConnell and Orrin Hatch.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 5 Leg.]

Byrd	Grassley	McClure
DeConcini	Kasten	Quayle
Ford	Kennedy	

The PRESIDING OFFICER [Mr. KASTEN]. A quorum is not present.

The clerk will call the names of the absent Senators.

The legislative clerk resumed to call the roll and the following Senators entered the Chamber and answered to their names:

Bentsen	Exon	Metzenbaum
Biden	Gorton	Nickles
Bingaman	Harkin	Riegle
Boschwitz	Hart	Rockefeller
Bumpers	Hatfield	Rudman
Burdick	Heflin	Simon
Chiles	Humphrey	Specter
Cochran	Inouye	Stevens
Cohen	Kassebaum	Thurmond
Cranston	Leahy	Warner
D'Amato	Long	Weicker
Denton	Mathias	Wilson
Dixon	Mattingly	Zorinsky
Dole	McConnell	
Domenici	Melcher	

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, "Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1774, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes, shall be brought to a close?" The yeas and nays are automatic under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] is necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—44

Abdnor	Garn	Pell
Armstrong	Gramm	Pressler
Bentsen	Grassley	Pryor
Boren	Hatch	Quayle
Boschwitz	Hecht	Roth
Bumpers	Helms	Rudman
Chafee	Humphrey	Simpson
Chiles	Kassebaum	Symms
Cochran	Kasten	Thurmond
Cohen	Laxalt	Trible
DeConcini	Lugar	Wallop
Denton	Mattingly	Warner
Dole	McClure	Wilson
Domenici	McConnell	Zorinsky
East	Nickles	

NAYS—54

Andrews	Gore	Melcher
Baucus	Gorton	Metzenbaum
Biden	Harkin	Mitchell
Bingaman	Hart	Moynihan
Bradley	Hatfield	Murkowski
Burdick	Heflin	Nunn
Byrd	Heinz	Packwood
Cranston	Hollings	Proxmire
D'Amato	Inouye	Riegle
Danforth	Johnston	Rockefeller
Dixon	Kennedy	Sarbanes
Dodd	Kerry	Sasser
Durenberger	Lautenberg	Simon
Eagleton	Leahy	Specter
Evans	Levin	Stafford
Exon	Long	Stennis
Ford	Mathias	Stevens
Glenn	Matsunaga	Weicker

NOT VOTING—2

Goldwater	Hawkins

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. BYRD, Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SCHEDULE

Mr. BYRD. Mr. President, I take the floor now to ask the distinguished majority leader what the program is for the remainder of the day; what the situation may be, as he sees it, with respect to rollcall votes; how late the Senate will be in session today; the schedule for tomorrow; and, finally, with reference to Friday, whether he anticipates a session with votes and, if so, on what legislation.

Mr. DOLE. Mr. President, what we would liked to do now, if we can get an agreement, is this: A number of Senators wanted to make statements on the pending motion to proceed. As I understand it, the distinguished Senator from Iowa wanted 1 hour.

Does the Senator from Iowa want 1 hour on S. 1774?

Mr. GRASSLEY. I would rather not have a time limit, because we would like to speak to the point that we thought we were going to do the day before and did not get an opportunity to do. So I would rather not have any limit at this point.

Mr. BYRD. Mr. President, I say to the distinguished majority leader that on this side, I think we have cleared a unanimous-consent agreement that there be 2 hours of debate.

Mr. METZENBAUM. One hour.

Mr. BYRD. I am reading the memorandum.

There would be 2 hours of debate only in relation to S. 1774, to be equally divided between the Senator from Iowa [Mr. GRASSLEY] and the Senator from Ohio [Mr. METZENBAUM] or their designees; and that during the 2 hours, it not be in order to file a cloture motion with respect to S. 1774 or the motion to proceed thereto.

Mr. DOLE. I hope we can have that agreement. Without that agreement, as I understand it, the pending business is the hydrolicensing bill, and no debate would be in order.

The PRESIDING OFFICER (Mr. SPECTER). The Senator is correct.

Mr. DOLE. I think 2 hours would be adequate. I do not know how many Members are going to speak.

Can we go ahead and make the request—that there be 2 hours of debate only in relation to S. 1774, the Hobbs Act, to be equally divided between the Senator from Iowa [Mr. GRASSLEY] and the Senator from Ohio [Mr. METZENBAUM]?

Mr. McCLURE. Mr. President, reserving the right to object—and I will not object—under the current position, we would have returned automatically to the hydrorelicensing bill. Is it the intention that it be temporarily set aside and that we will return to the hydrorelicensing bill upon the expiration of this time?

Mr. DOLE. That is correct.

Mr. McCLURE. I have no objection.

The PRESIDING OFFICER (Mr. KASTEN). Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. As I understand it, there would be 2 hours on the measure, but 1 hour would be equally controlled by Mr. METZENBAUM and Mr. GRASSLEY.

Mr. DOLE. Mr. GRASSLEY would have 1 hour, and Mr. METZENBAUM and Mr. SPECTER would have the other hour.

Mr. METZENBAUM. That will be fine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. That would include that there would be no cloture motion filed during that period.

Prior to doing that, I would like to ask unanimous consent that the Senator from Florida may proceed for 5 minutes as in morning business.

Mr. BYRD. Mr. President, if the distinguished Senator from Florida will indulge us, could we get a response from the majority leader, if he is ready to respond to my unquiry?

Mr. DOLE. Following the debate on S. 1774, we will return to the hydrorelicensing bill, unless we can get some agreement that we will finally have a vote.

It seems to me that we have been on this bill now for some time. It is very important to about 99 Members in this body and apparently not so important to 1.

If we can reach some agreement to vote at a time certain on the Melcher amendment, whether it is Friday or Monday, then we could do it. Otherwise, I do not have any recourse except to go back on that bill and proceed as long as necessary. If we can get some agreement on the pending amendments to the crime bill and if we can complete action on Federal Deposit Insurance Act and the bankruptcy judges bill, it may be that we could avoid a Friday session.

We are in the process of working with the distinguished minority leader trying to clear these bills on each side.

Mr. BYRD. Is the majority leader in position to indicate what he foresees by way of rollcall votes today and the clock running as to whether we are having rollcall votes, say, after 6 o'clock, whatever?

Mr. DOLE. I think it may depend on the conversations taking place near here between the distinguished Senator from Idaho and the distinguished Senator from Montana. I do not want any rollcall votes if they are not necessary. I would like not to stay late this evening. But, on the other hand, if we do not complete action on the hydro bill, if we start on the budget fairly soon, it is going to be out of the picture for probably 2 or 3 weeks.

I just hope we could go ahead and work our will on that legislation.

Mr. BYRD. Then, do I understand the distinguished majority leader to indicate there is not likely to be any rollcall votes after, say, 6 o'clock today?

Mr. DOLE. If I could visit with my colleagues here, I will maybe make that statement by 2 o'clock.

Mr. BYRD. Sure.

I thank the distinguished majority leader.

THE BUDGET RESOLUTION

Mr. CHILES. Mr. President, we are 1 day past the date for action on a budget resolution. Although the resolution has been reported, it has not yet been brought to the floor for debate.

What that means, Mr. President, is that the time of budget temptation has begun. The longer we wait, the greater the temptation to persuade ourselves nothing at all needs to be done.

Already, we have heard claims that lower oil prices and lower interest rates will take care of the Federal deficit. Outside events, some argue, will make the hard choices unnecessary, a budget irrelevant, and time a luxury we can use without worry.

The facts are exactly the opposite.

CBO's baseline, published in February, shows the deficit for fiscal year 1987 to be $183 billion.

Since that time we have passed last year's reconciliation bill which will save $9 billion in 1987 reducing the deficit to $174 billion.

However, the $174 billion deficit is not the base that will be used to see if a sequester is necessary.

The Gramm-Rudman base assumes that last year's appropriations levels would remain in force in 1987 if no appropriation bills have been passed at the time the sequester snapshot is taken.

This would mean that budget authority for defense would start at $287 billion and then be cut below that level by the sequester.

CBO has just estimated that the 1987 deficit in the August snapshot would be $162 billion.

However, CBO indicates that this estimate is based on the economic forecast it constructed in February.

Suggestions have been made that lower inflation, lower interest rates, and lower oil prices that were in the CBO forecast will reduce fiscal year 1987 spending so much that a sequester will no longer be triggered.

However, this is not the whole picture. While it is true that these changes would reduce the spending forecast for 1987, they ignore the major changes in the economic factors which lower revenues and raise the deficit.

Lower revenues are already projected in 1987 because of lower real economic growth to date. Lower 1987 revenues also result from the same lower inflation projections which reduce the spending forecast.

In addition, lower oil prices will mean less windfall profits taxes on oil and less royalties from Outer Continental Shelf leases.

Together these re-estimates indicate that the deficit is likely to be between $166 and $174 billion in fiscal year

1987, well above the $154 billion trigger level.

Mr. President, the gist of all this is that even with falling oil prices, even with the current lower inflation, we are still looking at a sequester of between $22 billion and $30 billion. We simply must act on a budget.

A sequester of this magnitude would lead to a defense budget authority level of between $267 and $273 billion. This is about $25 billion below the budget resolution level and $50 billion below the President's request.

Under a sequester, civilian, military, and tier II railroad retirement benefits would have COLA's frozen for a second year in a row.

Nondefense budget authority would probably be cut by at least $20 to $25 billion.

Some programs, such as dislocated workers training and summer youth employment would be hit much harder than that.

Tomorrow, the Commerce Department will release the growth rate of the economy for the first quarter of 1986, and most analysts expect around 2 percent growth even though the CBO forecast assumes 4.4 percent.

If this spread of 2.4 percent is indeed correct, the deficit projection would rise by about another $2 billion.

We must act on the budget. If we have economic improvement it is based on at least in major part on the perception that Congress is serious about cutting deficits.

We made a promise to cut deficits, and interest rates have stayed down. We made a promise to cut deficits and the stock market has taken off. If we break that promise now, we can turn all our good work into nothing more than a nice try.

Mr. President, I wish to include in the RECORD a table which will show what I have been talking about and will give us a projection or show that, in effect, we could see a defense cut anywhere from approximately $50 billion below the President's request, $25 billion below the joint budget resolution that we now have before us, and the other problems that could occur in many of our other programs such as dislocated worker training programs would be cut by 48 percent, summer youth employment cut by 23 percent.

So the reestimate takes into account lower inflation on both the spending and the revenue side. But since Gramm-Rudman sequester baseline assumes no inflation increases other than COLA's, the major impact of lower inflation is going to be a loss of income.

Mr. President, I think that people should take this into consideration when they think they can enjoy the luxury of thinking there will be no sequester and they can escape that because the employment looks like it is going to get better.

Figures tomorrow will probably tell us that we are not having the kind of growth that was projected by the administration or CBO, and all of this indicates to me that the Senate should be about its business in taking up the budget resolution and we should be debating that right now and not waiting or delaying on that.

I ask unanimous consent that the tables that I referred to be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

No budget resolution: sequester potential re-estimated

[Outlays, in billions of dollars]

Fiscal year 1987 CBO baseline deficit	183
Adjustments to yield sequester base:	
COBRA	−9
Defense at $287 billion in BA	−8
Domestic frozen in fiscal year 1986 post-sequester budget authority	−3
Other	−1
Gramm-Rudman base deficit	162
Lower interests rates	−10
Social Security, other COLA's at 2.4 percent	−2
Subtotal	150
Lower windfall profits, offshore (Continental Shelf and naval petroleum reserve revenues)	+2
Lower revenues (lower inflation in 1986–87; CBO baseline real growth adjusted for lower growth to date)	+14 to +22
Sequester base deficit	166 to 174
Sequester trigger deficit	154
Maximum deficit amount	144
Sequestered outlays amount	22 to 30
Outlay reductions under sequestration:	
1. COLA freeze for second year for civilian, military, railroad retirees	1
2. Defense outlays	10 to 15
3. Domestic outlays	10 to 15

Prepared by minority staff, Senate Budget Committee, Apr. 16, 1986.

Effects of sequester:

1. Civilian, military, railroad retirees (tier II): Second Consecutive year of COLA freeze.

2. Defense: Budget authority reduced by $14–$20 billion below $287, that is, budget authority equals $267 to $273 which is $22 to $28 billion below budget resolution, and $47 to $53 billion below President's request. Outlays cut $10 to $14 billion below $277, that is $263 to 267 billion.

3. Nondefense cut by $11 to $15 billion in outlays and at least $20 to $25 billion in budget authority.

Certain programs would be cut even more severely:

Dislocated workers training program cut by 48 percent below fiscal year 1986 program level.

Summer youth employment program cut by 23 percent below fiscal year 1986 program level.

These cuts occur because the 1986 program level was funded from carryover moneys as well as new budget authority. The 1987 sequester base is only equal to the 1986 new budget authority level. The sequester then cuts even below this very low base level.

Mr. CHILES. I thank the distinguished Senator from Iowa for yielding me time.

ANTIVIOLENCE AMENDMENT TO THE HOBBS ACT

Mr. GRASSLEY. I yield 10 minutes to the Senator from Alabama.

Mr. DENTON. I thank my friend, the distinguished Senator from Iowa.

Mr. President, the content of this bill has been widely misrepresented in this country. I have had what I considered to be a very significant meeting with some labor union leaders in Birmingham, AL, not long ago in which their concept of this bill, a concept ingrained by a Washington AFL–CIO representative, was clearly erroneous. They had letters from lawyers saying some outrageous things about the intent of this bill. When I showed them the bill they were dumbstruck.

I really cannot understand how anyone who reads this bill, understanding the context of present law in which it is offered, can oppose it.

I have joined Senator GRASSLEY happily as a cosponsor. I have been an original cosponsor of similar legislation in the 97th and 98th Congresses.

The crux of the matter, Mr. President, is that in 1973 a closely divided Supreme Court ruled that the Hobbs Act did not reach all violence but only violence that is "wrongful" in the sense that the extortionist did not have a lawful claim to the property that he sought to obtain.

This was in addressing union violence and prosecution therefor.

That misrepresentation, Mr. President, prevents the Hobbs Act from reaching actual or threatened use of violence directed at obtaining legitimate labor objectives or economic benefits. In other words, if higher wages are considered and should be considered a legitimate labor objective, present law permits violence to be used in pursuit of that legitimate objective.

As a result of Enmons, the Hobbs Act does not reach extortion, however, violent, in those instances where the union can claim that its demand for property is a "legitimate union activity."

Mr. President, the growth of violence on the picket lines has reached dramatic proportions. According to Armand J. Thieblot, Jr., of the Univer-

sity of Maryland, and Thomas R. Haggard, of the University of South Carolina, "Labor violence is substantial, systematically applied, not diminishing, and the law tacitly allows unions wide latitude to use coercive techniques."

I am in no way implying that all unions would take advantage of this situation. I am saying that some have and that rank-and-file members, as I will develop later, can be victimized by the loopholes resulting from Enmons.

Statistics published by the Industrial Research Unit of the Wharton School of Business of the University of Pennsylvania revealed that there were at least 5,114 documented acts of violence committed on picket lines from 1975 to 1985. Those acts of violence were not isolated to any one area of the country but have been nationwide in scope. In fact, every State represented has experienced incidents of violence.

Mr. President, I ask unanimous consent that a State-by-State breakdown of the incidents of documented union violence be placed in the RECORD at this point.

There being no objection, the breakdown was ordered to be printed in the RECORD, as follows:

Since 1975 there have been:
27 documented incidents in Alaska.
68 documented incidents in Alabama.
44 documented incidents in Arkansas.
109 documented incidents in Arizona.
636 documented incidents in California.
48 documented incidents in Colorado.
108 documented incidents in Connecticut.
16 documented incidents in the District of Columbia.
13 documented incidents in Delaware.
85 documented incidents in Florida.
38 documented incidents in Georgia.
25 documented incidents in Hawaii.
46 documented incidents in Iowa.
31 documented incidents in Idaho.
137 documented incidents in Illinois.
128 documented incidents in Indiana.
18 documented incidents in Kansas.
249 documented incidents in Kentucky.
63 documented incidents in Louisiana.
91 documented incidents in Massachusetts.
43 documented incidents in Maryland.
21 documented incidents in Maine.
179 documented incidents in Michigan.
66 documented incidents in Minnesota.
215 documented incidents in Missouri.
28 documented incidents in Mississippi.
80 documented incidents in Montana.
40 documented incidents in North Carolina.
4 documented incidents in North Dakota.
65 documented incidents in Nebraska.
12 documented incidents in New Hampshire.
183 documented incidents in New Jersey.
15 documented incidents in New Mexico.
70 documented incidents in Nevada.
264 documented incidents in New York.
289 documented incidents in Ohio.
118 documented incidents in Oklahoma.
68 documented incidents in Oregon.
488 documented incidents in Pennsylvania.
55 documented incidents in Rhode Island.
13 documented incidents in South Carolina.
5 documented incidents in South Dakota.
219 documented incidents in Tennessee.
119 documented incidents in Texas.
8 documented incidents in Utah.
10 documented incidents in Vermont.
95 documented incidents in Virginia.
95 documented incidents in Washington.
123 documented incidents in West Virginia.
114 documented incidents in Wisconsin.
2 documented incidents in Wyoming.
8 incidents which could not be classified into one particular state.

Mr. DENTON. Incidentally, the list includes hundreds of instances in some States, 249 documented in Kentucky, 215 in Missouri, 264 in New York, 289 in Ohio, 488 in Pennsylvania, and I could go on, but the list will speak for itself.

Mr. President, this is not an antilabor union bill. This legislation is made necessary because of the loophole created in the Hobbs Act by the Supreme Court, by which violence is permitted, and also because organized crime figures have been allowed to obtain, under the guise of "legitimate union activities," personal gains through extortion of employees. Additionally, a corrupt union, under the direction of organized crime associates, could be used to commit violent acts against a nonunion business competitor. The organized crime-dominated union could simply claim that the violence took place in pursuit of a legitimate, nonprosecutable labor objective, such as a union organizing effort, when the actual purpose was to eliminate unwanted business competition for the syndicate. In such a case, the Government would find it nearly impossible to prove the absence of a legitimate goal, such as union organizing, that is protected by the Enmons decision.

Of course, the Enmons decision does not preclude charging racketeers under other Federal criminal statutes such as the RICO statutes but it does leave an unnecessary and unwelcome loophole in the Federal law of great significance. In some cases, there may be no interstate nexus to engender Federal jurisdiction. Federal prosecutors must then defer to prosecutions under State law, where penalties may be more lenient than those provided under the Hobbs Act. Additionally, in isolated cases local prosecutors may hesitate to file charges against powerful union or business leaders in their local communities.

Mr. President, S. 1774 would close that loophole by allowing criminal prosecution of individuals involved in violent, extortionate labor union tactics. And, in this case, it is union tactics since management is already prosecutable under the Hobbs Act. This would simply cover both sides. It would allow for the punishment of any individuals who use or threaten the use of force or violence or similar activities. It would retain the feature of keeping management prosecutable, creating a situation in which no distinction exists between management and employers, on the one hand, and labor union and employees, on the other. Accordingly, it is clear that the legislation applies to both acts of violence by labor union members if committed with the purpose of inducing the employer to pay higher wages for actual work, and to similar acts of violence by employers or their agents, intended to induce employees to abandon their bargaining demands. Moreover, the bill would disclaim any intent by Congress to exclude Federal jurisdiction in cases involving violent conduct "in the course of a legitimate business or labor dispute or in pursuit of a legitimate business or labor objective."

Moreover, passage of the bill would correct the clear implication of the Enmons decision that the legitimacy of the ends sought by union agents—contract concessions—exempts them from prosecution under the Hobbs Act for the use of wanton destruction as a means to force employers to accede to their demands. If we follow the "ends justifies the means" rationale of Enmons, we in effect condone the systematic destruction of property and the maiming or killing of innocent individuals in order to obtain higher wages or better fringe benefits for union members. And there are examples of just that having occurred.

The bill would not interfere in any legitimate fashion with the right of workers to strike for higher wages. Its provisions would come into effect only if a strike goes beyond the mere withholding of labor to include activities such as shooting, dynamiting, or arson directed against employers and nonstriking workers. The bill explicitly exempts minor incidental incursions. If a man in a picket line gets a couple of beers in him and takes a swing and smacks somebody on the nose and makes his nose bleed, no problem. That is not what this bill is addressing. The fact that the actions of a defendent caused only a minor bodily injury, or minor damage to property not exceeding $2,500, would be a bar to a prosecution under the bill. Additionally, the bill specifically provides that it is not intended to chill legitimate labor activity occurring during a labor dispute that does not involve extortion.

Mr. President, I believe that the legislation, which was recently endorsed by the President's Commission on Organized Crime, is of paramount importance. We need to treat all violence and extortion the same, without regard to who commits the crimes and without special exemptions and privileges for either business or labor. This

legislation will accomplish this purpose.

I commend Senator GRASSLEY and the other Members of Congress who are endeavoring to free the workplaces of our Nation from violence.

We need the peacefulness that the bill would bring. We need the teamwork and cooperation I see developing between management and labor, perhaps for the first time, blossoming the way it is, with such an important payoff to the American public.

I urge my colleagues to vote in favor of S. 1774.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, the question before the Senate is a straightforward one—should extortionate violence be illegal under Federal law when committed by labor unions as it is when committed by anyone else? For me, the answer is obvious, if we are to have a nation of equal application of the criminal law.

This bill—S. 1774—would finally overturn the Supreme Court's misguided Enmons decisions of 13 years ago. By the narrowest of margins, the Enmons case held that extortionate means are justified by the legitimate collective bargaining end of better wages and benefits. In so doing, the 5-justice-majority stood the concept of a uniform criminal code on its head.

You will recall that the Enmons case centered around charges of sabotage and wanton destruction of property by a group of striking employees. Yet the Supreme Court incredibly held that while blowing up transformers and committing other acts of sabotage might have been Federal crimes under other circumstances, such acts were not Federal crimes if the employees were on strike for legitimate demands.

The decision centered on the Hobbs Act, the Federal antiextortion statute which has been on the books for about 40 years. Under the act, extortion is defined as the use of violence or the threat of violence to coerce someone into giving up property. In one form or another, such acts have been outlawed since 1934 by Federal law. Yet in the Enmons case, the narrowest of majorities suddenly decided that the use of violence as a means of coercing management is not extortion at all, but a perfectly legitimate bargaining tool in the eyes of the Federal courts.

I would like to point out to the Members of this body that no less a supporter of organized labor than William O. Douglas wrote the dissenting opinion in the Enmons case. He said: "Seeking higher wages is certainly not unlawful. But using violence to obtain them seems plainly within the scope of extortion."

Justice Douglas went on to say "Violence, whatever its precise objective, is a common device of extortion and is condemned by the Hobbs Act."

I do not see how anyone could disagree with Justice Douglas in this commonsense reasoning.

This latest effort on Hobbs Act reform is the culmination of many years of effort since the Enmons case was decided. Many bills have been introduced, and numerous hearings have been held. Often featuring shocking tales of extortionate labor violence.

We have heard testimony similar to the reign of terror directed against the A.T. Massey Coal Co. of West Virginia, which I detailed on this floor in a statement of October 18, 1985. After 5 years, the scorecard reads: 745 windshields broken, 1,677 truck tires destroyed, 178 coal trucks and other company vehicles burned or destroyed, 4 dynamitings destroying company equipment, 27 homes shot at or damaged, 86 employees hospitalized or injured, 1 person permanently disabled and 1 person, a truck driver, murdered by ambush of 27 high powered rifle shots through the cab of his truck.

Where was the sheriff or prosecuting attorney during all of this?

The shocking fact is that although the A.T. Massey Co. was able to obtain 23 Federal and State injunctions citing the United Mine Workers for numerous acts of violence and extortion, not one union member has been found guilty or fined for his actions. No more than a handful have been brought forward for prosecution.

I think its time we ask every Member of this Chamber this very simple question: Do they believe the ends justify the means under our criminal law? Or do they believe in the equal application of the criminal law across all segments of our society?

We know the arguments of our opponents. And we can dispose of most of them right at the outset.

We start by conceding that not all strike-related violence constitutes extortion. Not all strike-related violence is part of a plan nor serious enough to warrant a felony charge. Neither do I believe that someone who loses his temper and throws a punch or breaks a window during picketing should be treated as an extortionist, for purposes of Federal law.

My bill makes clear that this commonsense interpretation will be followed, and that exceptions will be made, and that minor acts of picket line violence are left to the States to handle.

This is not an antiunion measure. It is not even antistrike or antipicket. It is simply a law enforcement matter. And I would ask those that would oppose this amendment: Does any Member of this body honestly believe that the average rank-and-file union member thinks he can resort to violence in the streets as a mean of getting his way at the bargaining table?

Mr. President, this bill is no cause for concern on the part of the overwhelming bulk of union members who refuse to have any part of the type of violence in the Enmons case. This bill deals solely with willful destruction of property which reaches serious proportions.

Mr. President, I would like to add a personal note at this point. For 10 years between 1961 and 1971, I ran a drill press at the Waterloo Register Co. in Cedar Falls, IA. I was a card-carrying and dues-paying member of the International Association of Machinists. When my union went out on strike, I went out on strike with it. But the men and women that I worked with, and went out on strike with, did not believe that they had a right to use violence to get what they wanted, and I do not believe that the vast majority of America's working men and women union members do either. But we also know that there are some "bad apples" out there.

When these "bad apples" do decide to use violence to get their way at the bargaining table, there is little or nothing that can be done about it. If people being beaten up or having their property destroyed call for help from the local authorities, they are likely to find an elected county sheriff, and elected prosecutor, or the city police under the control of the elected mayor, unwilling to get involved in the controversy in a fair manner. And if they call the FBI, they will be told that the Federal Government's hands are tied because of the Enmons decision.

Mr. President, we are not talking about isolated incidents either. According to a 540-page study published by the industrial research unit of the prestigious Wharton School of the University of Pennsylvania, there were at least 4,350 acts of violence committed by union members from 1975 to 1984. Every State represented in this body has experienced incidents of union violence—violence that too often goes unpunished.

Mr. President, there are new developments on the outcry to overturn the Enmons decision. The President's Commission on Organized Crime recently reported to the President and the Attorney General on how the Enmons decision has aided the cancer of organized crime in this country. I would like to quote from the report:

> Under *Enmons* the result has been that the Hobbs Act provides a loophole that allows organized crime figures to obtain, under the guise of legitimate union activities, personal gains through the extortion of employees. Beyond this a union, under the direction of organized crime associates, could be used to commit violent acts against a nonunion business competitor. The organized crime-dominated union could claim that the violence took place in pursuit of a legitimate, nonprosecutable labor objective such as a union organizing effort, when the actual purpose was to eliminate unwanted business competition for the syndicate. In

such a case, the Government would find it virtually impossible to prove the absence of a legitimate goal, i.e., union organizing, that is protected under *Enmons.*

Without this amendment, our citizens can continue to be victims of violence for economic gain, with no one there to protect them. I do not believe that is what Congress intended when it enacted the Hobbs Act. But that is what is happening today.

We have to return the meaning of the Hobbs Act to what it was intended to mean when it was enacted. As the author of the law—Congressman Hobbs—simply stated in 1943:

This bill is grounded on the bedrock principle that crime is crime, no matter who commits it; and that robbery is robbery and extortion is extortion, whether or not the perpetrator has a union card.

Mr. President, I would suggest that Congressman Hobbs knew what he intended when he authored the law that bears his name, and its high time we followed that intent.

One final note, Mr. President, I know some in this body will misinterpret the motivations and objectives of this legislation. They will brand it as merely a club for the open-shop movement to employ in beating unions. I have tried to allay those concerns today. But if Members view it that way, I am afraid it will be a sorry day for organized labor within this country.

Mr. President, the Department of Justice in a letter dated April 11, 1986, said that they strongly support this legislation. I have a copy of that letter. It was received by Senator THURMOND on Friday last. It was signed by Assistant Attorney General Bolton. A copy of this letter is on each Member's desk. I would hope that they would read the letter.

I would like to read parts of this letter.

Dear Mr. Chairman: This is a comment by the Department of Justice on S. 1774, a bill "[t]o amend section 1951 of title 18 of the United States Code, and for other purposes."

RECOMMENDATION

The Department of Justice recommends enactment of this legislation with a suggested amendment. This bill and the amendment would nullify the effect of *United States v. Enmons,* 410 U.S. 396 (1973). The legislation makes clear that the Hobbs Act punishes the actual or threatened use of force or violence to obtain property without regard to the legitimacy of the extortionist's claim to such property as part of a labor-management dispute. It also adopts the recommendation made by the Department of Justice in its comments on S. 462 in the 98th Congress, namely, that the statutory exception for minor violence which is incidental to peaceful picketing and not intended to obtain property be litigated as a bar to prosecution rather than an affirmative defense.

I would go on to quote elsewhere in the letter a second point that the assistant attorney general makes.

The Court held in Enmons that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective-bargaining objectives, such as higher wages for genuine services that the employer seeks. By its focus on the objectives of the property claimant who uses force or violence to achieve his goals, the Enmons decision has had several unfortunate results which make legislation overturning it necessary. First, it has deprived the federal government of the ability to punish significant acts of extortionate violence when they occur in a labor-management context. Although other federal statutes proscribe the use of specific devices or the use of the channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. The Justice Department does not view other federal statutes as adequate vehicles for avoiding the full effect of the Enmons decision. Although the Comprehensive Crime Control Act of 1984 added new offenses which can reach violence in labor disputes in certain cases, the Hobbs Act continues to be the statute of most general application to labor-management violence.

Although we support the efforts of State and local law enforcement authorities in their attempt to punish labor-management violence by the means which are available to them, we think that the federal government has a responsibility to assist State and local authorities in those instances of serious, extortionate violence which disrupt the collective bargaining process just as the federal government is able to provide assistance in other situations where the underlying acts of violence are also violations of State law.

Second, the rationale of the Enmons decision is not consistent with federal labor law. Although Enmons states that the "wrongful" use of force, violence, or fear under the Hobbs Act is judged by the standard of "wrongful" goals, the use of force or violence itself, apart from the user's ultimate objectives, is "wrongful" under federal labor law.

Quoting elsewhere, a third point:

Third, the Enmons decision forces prosecutors to consider fine questions of whether or not the labor goals sought by those persons making property demands are otherwise legitimate under federal labor law.

Quoting further:

Finally, parties to labor-management disputes are afforded an exemption from the statute's broad proscription against violence which is not available to any other group in society.

The proposed amendment of 18 U.S.C. 1951 would make clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether or not the extortionist has a colorable claim to such property and without regard to his status as a labor representative, businessman, or private citizen.

The proposed definition of extortion in subsection (b)(2) of 18 U.S.C. 1951 clearly distinguishes the "use of actual or threatened force, violence, or fear thereof" from the "wrongful use of fear not involving force or violence" as independent predicates of prosecution. Economic coercion by labor unions in the form of strikes and work stoppages during the course of otherwise peaceful labor disputes is recognized as an appropriate means of achieving legitimate labor objectives. The proposed definition of extortion makes clear that property demands in the form of wages for necessary labor and legitimate employment benefits could never become the subject of a Hobbs Act prosecution when such demands were backed only by peaceful strikes, work stoppages and picketing.

The bar to prosecution in proposed subsection (d) of 18 U.S.C. 1951 is consistent with the view of the Department of Justice that minor, incidental violence which sometimes occurs in the course of a labor dispute among those at a picket line is not ordinarily designed for extortive purposes, * * * but generally arises from the emotional intensity of the participants to the dispute. Therefore, although it may be redundant as a technical matter to state the position that minor, incidental picket line violence is not subject to the Hobbs Act, the Department agrees with the drafters of the bill that this position should be expressed in the statute in order to allay the concerns of those who may feel that the statute might otherwise be applied to incidents of picket line violence and not just to clear cases of extortion.

By formulation of the defense as a bar to prosecution rather than as an affirmative defense, the issues relevant to these criteria can be disposed of at an earlier stage of prosecution—preferably, through pre-trial motions. The earlier resolution of these issues would benefit defendants who have a valid claim that the Hobbs Act is inapplicable to their case.

That letter from which I have quoted excerpts is signed by John R. Bolton, Assistant Attorney General.

The President's Commission on Organized Crime, in its comprehensive report to the President and the Attorney General, very recently came out in favor of overturning the Enmons decision.

I would like, Mr. President, at this time to read from the report, which sees amending the Hobbs Act as a key to its battle against organized crime.

The third point that the report makes:

Congress should amend the Federal antiextortion statute (Hobbs Act) to authorize prosecutions for the actual or threatened use of violence irrespective of whether such conduct is in furtherance of a legitimate labor objective.

In 1973, in *U.S.* v. *Enmons,* a Hobbs Act prosecution for violent conduct during the course of a labor dispute, a closely divided Supreme Court held that the Hobbs Act did not reach all violence, but only violence that is wrongful in the sense that the extortionist did not have a lawful claim to the property he sought to obtain. Under this interpretation, the Hobbs Act does not reach the actual or threatened use of violence directed at obtaining a legitimate labor objective or economic benefits that can otherwise be lawfully obtained by collective bargaining. As a result of Enmons, the Hobbs Act does not reach extortion, however violent, in those instances where the union can claim that its demand for property is a legitimate union activity. The commission rejects the view that such violence should be exempted from the scope of Federal prosecutive authority.

I think we need to emphasize that, Mr. President, because this is the President's Commission on Organized Crime, entitled "The Edge: Organized Crime, Business, and Labor Unions."

Let me repeat:

The Commission rejects the view that such violence—

which was OK'd by the Enmons case in a 5 to 4 decision in 1972—

should be exempted from the scope of Federal prosecutive authority.

During hearings before the Committee on the Judiciary of the U.S. Senate on proposed Hobbs Act revisions in 1984, the FBI's Deputy Assistant Director of Criminal Investigations, Floyd I. Clark, testified about the impact of the Enmons case on Federal law enforcement.

I quote from Mr. Clark:

The increased demands for the employer to pay money to the union or to its associated funds provides the organized crime figure with an increased power or financial base which can be used by the organized crime figures who might have access to those union funds through embezzlement. And they provide jobs to organized crime figures despite the fact that they do not work, sometimes referred to as "no shows." In many instances, the union official extorts the employer for alleged legitimate union demands and then through some of his previously described methods, uses these payments for this own personal benefit.

I want to emphasize at this point, quoting again from the President's commission report:

Under Enmons, the result has been that the Hobbs Act provides a loophole that allows organized crime figures to obtain, under the guise of legitimate union activities, personal gains through the extortion of employees. Beyond this, a union, under the direction of organized crime associates, could be used to commit violent acts against a nonunion business competitor.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. No. I shall be glad to when I have done with my statement, because I do not want to be interrupted.

The organized crime-dominated union could claim that the violence took place in pursuit of a legitimate nonprosecutable effort such as a legitimate organizing effort when the actual purpose was to eliminate unwanted business. In such a case, the Government could find it virtually impossible to prove the absence of a legitimate goal—that is, union organizing—that is protected under Enmons. Enmons does not, of course, preclude charging racketeers under other Federal laws, but it does leave a unnecessary and unwelcome gap in Federal law.

In some cases, there may be no interstate nexus to provide Federal intervention. Federal prosecutors must defer to prosecutors under State law, where penalties may be more lenient than those under the Hobbs Act. In isolated cases, local prosecutors may hesitate to file charges against powerful union or business leaders in their own community. There is a strong Federal interest, recognized by Congress, which would be served by the Commission's proposed revisions of the Hobbs Act. The possibility of Federal prosecution ensures that organized crime cases in the labor area will, in fact, be investigated.

The President's Commission on Organized Crime has documented the pervasive influence of organized crime. The Commission has recommended that the Enmons loophole be closed as one way to fight back. It would be a shame if we, in the Senate, let this opportunity to actually do something slip away. Here is a chance to do something beyond mere rhetoric. I would say, let us give the FBI a tool that they can use to fight organized crime.

Mr. President, at this point in the debate, I ask unanimous consent to have printed in the RECORD a paper that the U.S. Chamber of Commerce has prepared on Hobbs Act reform, entitled "Labor Violence—Setting the Record Straight."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOBBS ACT REFORM—S. 1774—LABOR VIOLENCE SETTING THE RECORD STRAIGHT

S. 1774 would amend the Hobbs Anti-Extortion Act of 1946, 18 U.S.C. Sec. 1951, to restore coverage to union members who intentionally commit or threaten violence for the purpose of extortion. Thus, S. 1774 would reverse legislatively the U.S. Supreme Court's decision in *United States* v. *Enmons*, 410 U.S. 396 (1973), which exempts union members from the Hobbs Act provided their extortionate violence or threats are intended to further "legitimate union objectives" such as higher wages.

(1) Labor violence is a major problem:

Labor violence is a major problem in American society, one that annually is growing in frequency and severity. In the last ten years, 5,100 recorded incidents of labor violence have occurred during labor disputes, including more than 2,300 physical assaults and 66 murders. While strike activity is decreasing, labor violence is increasing. Significantly, labor violence has increased dramatically since the 1973 Enmons decision, a decision which exempted labor unions—and only labor unions—from the federal criminal statute on extortion, the Hobbs Act. A 1983 study of labor violence published by the Wharton School of Business at the University of Pennsylvania found that "violence in labor disputes is a peruasive, widespread and continuing problem." More importantly, the Wharton study concluded that for some unions labor violence has become an integral part of their collective bargaining strategy.

(2) Local police are not controlling picket line violence:

(a) Cannot—Local authorities often cannot take the steps necessary to prevent union violence and extortion. Local police often lack the personnel, equipment, or training and experience in crowd control to protect people and property from labor violence. Disputes often occur at remote locations where local authorities simply are too understaffed to keep the peace when faced with hundreds of strikers in an explosive atmosphere. Local authorities sometimes are prevented from apprehending and prosecuting criminals in labor disputes because of jurisdictional limitations. For example, union members may cross a state line late at night, destroy 20 company trucks, and slip back across the state line again, thus assuring immunity from both state and federal prosecution.

(b) Will not—Beyond when they cannot, local authorities often will not get involved in a labor dispute to protect individuals and property or to investigate crimes. Local sheriffs and prosecutors are most often elected officials. The political ramifications of being perceived to favor one side or the other in a labor dispute dissuade some authorities from upholding the law—even criminal law. One witness at the Senate hearings stated that he was told by the police that "the rule of thumb" for local police was not to become "involved" in labor violence unless a murder occurs. This tacit approval of labor union violence only serves to guarantee its recurrence. For local authorities to accord special deference to union violence, in conjunction with federal authorities being forced to accord complete priviledge and legal immunity to union violence, encourages more violence and perpetuation of the assumption that labor violence—no matter how injurious or destructive—is justified. Local police also often are unionized and their philosophical sympathies for union strikers may overcome their responsibilities to uphold the law. Furthermore, in all but one state, state authorities, more likely to have the manpower, equipment and training to keep the peace and less likely to allow political judgments to interfere, can only be summoned to help in a labor dispute by local police authorities and in one state—Montana—are prohibited by law from ever getting involved. As a practical matter, protection by state policy is seldom accorded.

(c) Are not—While S. 1774's opponents contend that local authorities can "handle" labor disturbances, the issue as to whether they can is somewhat moot. The real issue is whether local authorities are handling the labor violence problem in light of the dramatic annual increases in labor violence. Can local authorities handle picket line violence? Some can and some do. But most do not. No state and virtually no industry is immune from the growing problem of labor violence.

(3) Organized crime is a prime force behind labor violence:

Organized crime dominates at least four major international unions, is integrally involved in strategies for widespread and intentional use of labor violence and intimidation, and use the union exemption from the Hobbs Act as a shield from federal investigation and prosecution of its criminal activities. The President's Commission on Organized Crime reported that the Enmons decision has resulted in a Hobbs Act "loophole" that permits organized crime figures to extort employees and businesses "under the guide of legitimate union activities" without any chance of federal prosecution. Floyd Clark, Deputy Assistant Director of Criminal Investigations at the Federal Bureau of Investigation testified in 1984 that the Hobbs Act exemption effectively "provides the organized crime figure with an increased power or financial base." While most unions do not engage in labor violence and most union members are law-abiding, some unions are engaged in a deliberate program of labor violence and extortion in an unholy marriage of organized labor and organized crime which denies federal prosecution and shrouds the vilest criminal activity in a cloak of "legitimate" union objectives.

(4) There is a broad spectrum of victims of union violence including union members:

Labor violence often is directed at company property, the destruction of which is intended to keep the employer from operating during a strike and to intimidate the employer into settling the strike on the union's terms. More often extortionate acts are directed at individuals: managers, supervisors, and foremen; security personnel; replacement workers lawfully hired in accordance with the more than fifty-year old National Labor Relations Act; and union members crossing the picket line to return to work. The focus of collective bargaining in the 1980's has shifted from wages and benefits to job security. Employers have an almost absolute right to hire and retain replacement workers during an economic strike—a strike over wage and benefit issues rather than one regarding an allegation of an unfair labor practice. Workers for any number of reasons—they may feel they are treated fairly and paid well, may be close to retirement or vesting in a pension, may be up for promotion or in need of health benefits or may wish to preserve their job—may oppose a strike and wish to return to work. Crossing the picket line—their legal right—often becomes an invitation to harassment, threats, damage to their vehicles and homes, and assault of themselves and their families. Unlike management employees and property, these workers are not protected by security personnel most of the time. Because of their vulnerability, these workers become the targets of labor violence. The Wharton School study found that the amount of labor violence was inversely proportionate to the amount of support a strike or organizing drive had among employees. Thus, labor violence escalates when rank-and-file workers resist the union's demands.

(5) Hobbs Act reform is necessary to assure equal application of the law to business and labor:

Employers are subject to the Hobbs Act's prohibitions—and rightfully so. So are nonunion employees. The exemption carved out by the Court in Enmons—the only coverage exemption—applies only to union members. Management has, is and will continue to be subject to federal investigation and prosecution for any violent or extortionate behavior in or out of the collective bargaining process. S. 1774 seeks to restore the same coverage to union members as is applied to all other citizens and, in so doing, would accord equal application of—and protection by—our laws.

(6) S. 1774 merely restores the Hobbs Act to its original intent:

"Crime is crime no matter who commits it; and robbery is robbery and extortion, extortion, whether or not the perpetrator has a union card," stated Congressman Samuel Hobbs in sponsoring the Anti-Extortion Act of 1946. With passage of the Hobbs Act, crime was crime and extortion was extortion—regardless of who committed it—from 1946 until 1973. The Hobbs Act was not even a legislative issue. However, the Enmons decision, by a 5-4 vote based on a strict constructionist view of the law which focused on the Hobbs Act's prohibition of extortion for "wrongful purposes," created a judicial loophole in contradiction of legislative intent. The Court failed to distinguish between legal and illegal efforts to obtain "legitimate" labor objectives such as higher wages. Thus acts illegal under federal law became legal, and violent acts or threats became legitimized. S. 1774 is a restorative measure, intended merely to return the Hobbs Act to its 1946-1973 status, restoring the law to Congress' original intent, and closing a unique exemption from a federal criminal statute.

(7) The Enmons decision is contrary to our national labor policies:

The federal government—through the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and the federal courts—has long been the principal regulator, arbitrator and judge of labor-management relations practices and procedures. To cede responsibility over those labor disputes involving labor violence—and only those labor disputes—to state law and local authorities is unprecedented and contrary to our long-standing and oft reaffirmed national labor policy of federal jurisdiction. Furthermore, the primary purpose of our nation's federal labor laws is to insure industrial peace and stability. The Enmons decision contradicts this national policy. Its effect since 1973 has been to escalate labor violence. The union exemption from the Hobbs Act in many instances has shifted the balance of power to organized labor during the negotiations and organizing drives by permitting acts or threats of violence without fear of federal investigation or prosecution. Provided a shield of immunity, unions increasingly have used extortion, rather than legitimate economic pressures, to create—without reprisal—an unlawful imbalance in labor-management relations. Among the victims of labor violence is our national policy of industrial peace and stability.

(8) There are safeguards in S. 1774 to ensure that legitimate union rights are preserved:

S. 1774 would not have a "chilling" effect on the legitimate exercise of union rights, interfere with lawful strike activity, single out union members for special treatment under federal law, penalize workers in minor picket line scuffles or destruction of property, or penalize impulsive acts of animal exuberance on the picket line.

A union member's violation of the Hobbs Act would require an intent to extort and a minimum of $2500 worth of damage or serious bodily injury. The restriction of coverage to intentional acts excludes the spontaneous picket line incident. The threshold dollar limitation excludes the slashed tire or smashed window. The bill specifically reaffirms Hobbs Act coverage for employers, twice asserting coverage when violence occurs during pursuit of a "legitimate business or labor objective." Furthermore, the concept of "property" which is obtained through extortion under the Hobbs Act has been interpreted in a broad sense by the courts, is not limited to physical or tangible property, does not require a direct benefit to the extortionist, and includes such management "benefits" as the ability to continue production or shipments, to solicit business, to maintain customer goodwill, or to obtain concessions in bargaining. Thus, coverage under the Hobbs Act truly would be uniform, and all parties to a labor dispute—employers, employees and labor organizations—would be held equally accountable under the law for injuries or destruction of property intentionally perpetrated.

(9) Reversal of the Enmons decision has been advocated by a broad range of neutral judicial bodies:

The Federal Bureau of Investigation, the U.S. Department of Justice, the President's Commission on Organized Crime, and every U.S. Attorney General since the Supreme Court's decision in 1973 have advocated reversal of Enmons decision. The 5-4 Court decision included a dissent by Justice William O. Douglas that stated that "seeking higher wages is certainly not unlawful. But using violence to obtain them seems plainly within the scope of 'extortion' as used in the Act." A concurrence by Justice Blackmun stated, "If Congress wishes acts of that kind to be encompassed by a federal statute, it has the constitutional power in the interstate context to effect that result."

Congress should effect that result.

Mr. DOLE. Mr. President, I am pleased to rise in support of S. 1774, a bill to overturn the Enmons case. In this case, the Supreme Court held that acts of labor union violence may not be prosecuted under the Hobbs Act if committed in furtherance of "legitimate labor objectives." S. 1774 would enable Federal enforcement authorities to investigate and prosecute major acts of labor union violence under the Federal anti-extortion law.

A solid record has been established to document the need for this legislation. For instance, during hearings before the Senate Judiciary Committee in 1984, the FBI's Deputy Assistant Director of Criminal Investigations, Floyd I. Clark, testified that the Enmons decision had hampered law enforcement efforts to combat labor union violence. Studies have shown that instances of labor violence have increased dramatically as a result of the decision. Statistics compiled by the Wharton School of the University of Pennsylvania indicate that there were at least 4,350 acts of violence committed by labor unions from 1975 to 1984. In addition, the President's Commission on Organized Crime has recommended overturning Enmons, finding that labor violence is often instigated by organized crime.

Over the past several weeks, I have had the opportunity to meet with a number of victims of acts of labor-related violence which were not prosecuted because of the Enmons loophole. Perhaps even more than congressional hearings, studies, and reports, the tragic stories of these individuals provide strong justification for the legislation before us today.

I have listened to the concerns of labor unions opposed to the bill, but believe their fears are unfounded. This bill will not enable Federal law enforcement to weigh in against unions during labor negotiations every time a rock or bottle is thrown by a union member. What it will do is permit Federal prosecution when serious acts of violence are committed or threatened for the purpose of extorting some benefit from management. Indeed, pursuant to amendments approved by the Senate Judiciary Committee, Federal officials are completely barred from prosecuting minor picket-line violence.

Mr. President, this is the first time this legislation has been debated on the Senate floor, though it should be noted that the issue has been the sub-

ject of extensive consideration by the Senate Judiciary Committee. Indeed, in 1977, under the chairmanship of the distinguished Senator from Massachusetts, Senator KENNEDY, the Judiciary Committee reported a comprehensive Criminal Code reform bill which included a provision overturning the Enmons decision. The committee found in its report that "an employer who blows up a union office or causes a union official to be assaulted in order to instill fear and thereby obtain property of the union ought to be guilty under the act irrespective of whether the property could have been obtained lawfully through collective bargaining. And the same should be true in the reverse situation."

So there are already clear precedents for approving the legislation before us. It was in the legislation reported by the committee under the chairmanship of Senator KENNEDY, who is one of the leaders today in opposition. It seemed to me nothing has changed except his position.

I regret that the cloture vote failed, but am pleased to have been able to facilitate the issue's consideration. I am a cosponsor of this bill, as I was in the last Congress. If we had come within striking distance of invoking cloture, I would have supported staying on the motion to proceed and trying again. Unfortunately, supporters of the bill knew when it was scheduled that the chances of garnering 60 votes were remote.

I think that was the known factor but in any event we thought we should proceed. Had we had 55 votes instead of 45 votes, I would suggest that we pursue it further.

But I do believe it is important that the issue has been placed on the Senate's agenda to help make the public aware of the issue and the arguments and to give Senators an opportunity to state their positions and to be on record at least insofar as the motion to proceed is concerned.

Mr. President, I ask unanimous consent that the portion of the Senate Judiciary Committee's 1977 report which deals with the Hobbs Act be printed in the CONGRESSIONAL RECORD. The material appears on pages 621–625 of the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIMINAL CODE REFORM ACT OF 1977

(Report of the Committee on the Judiciary)

2. PRESENT FEDERAL LAW

A. The Hobbs Act

Perhaps the single most important extortion provision in current Federal law is the Hobbs Act, 18 U.S.C. 1951. The statute penalizes by up to twenty years in prison whoever "in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by . . . extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section." The term "extortion" is defined to mean the "obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right."

The statute has in the main been construed broadly. Thus, the Supreme Court has held that, in using the language "in any way or degree . . . affects commerce," the Hobbs Act manifested a "purpose to use all the constitutional power Congress has to punish interference with interstate commerce by extortion, robbery, or physical violence."[31] Similarly the courts have held that the term "fear" encompasses not only fear of violence but also fear of economic harm to the victim's property;[32] and the term "property" has been interpreted expansively to include a threat of interference with a potential right to solicit business.[33] Likewise, it is settled that one need receive no personal benefit from the conduct to be guilty under this section (for example, a union officer may be guilty if he uses extortionate means to secure benefits for his union).[34] The Hobbs Act has also been held applicable to a bank extortion offense, notwithstanding that the conduct was also punishable under the bank robbery statute, 18 U.S.C. 2113.[35]

With respect to the branch of the statute defining extortion as the "obtaining of property from another, with his consent, . . . under color of official right," the courts have held that this proscribes a distinct crime, applicable only to public officials or potential public officials (i.e., candidates), requiring no proof of the wrongful use of actual or threatened force, violence, or fear.[36] In recent years, this branch of the statute has been increasingly utilized, with considerable success, in rooting out and punishing instances of official corruption.[37] However, as a practical matter, where a public official receives property to which neither he nor his office is entitled[38] from persons who pay, e.g., because of an understanding or custom that every person doing business with the city has to pay, it can usually be shown that the payment was made unwillingly because an implicit threat of force or fear. Where threats *are* used by a public official to extort money, it does not matter that the official action threatened was action that the official could legally take or even was duty-bound to take; the threat itself was wrongful and constituted extortion, since it deprived the victim of the right to an impartial determination of the issue on the merits.[39]

There is one area, however, in which the courts have narrowly construed the reach of the Hobbs Act. Despite the acknowledgment that a principal purpose of the Act is to reach labor racketeering.[40] the Supreme Court has held that it does not proscribe extortionate activities by employees or union officials in the course of a collective bargaining dispute where the objective of the extortion is to secure a benefit that legitimately could have been attained through collective bargaining.[41]

Some historical perspective and discussion is necessary to better understand the background and effect of this decision, which the Committee proposes to overturn. The Federal Anti-Racketeering Act of 1934 proscribed substantially the same conduct as does the present Hobbs act with one notable exception. The original statute excepted from its coverage "the payment of wages by a bona fide employer to a bona fide employee." The Supreme court in *United States* v. *Local 807*[42] construed this exception to preclude punishment of members of a city truck-drivers union who had sought by threat of violance to procure wages from their employers for superfluous services.

In response, Congress enacted the present Hobbs Act, with a specific purpose, *inter alia*, to overrule the *Local 807* case and to "eliminate any grounds for future judicial conclusions that Congress did not intend to cover the employer-employee relationship."[43] The legislative history of the Act makes clear that the measure was not intended to interfere with labor's right to strike and picket peacefully or to take any other legitimate concerted action.[44] Congress' intent was rather to protect interstate commerce from robbery and extortion perpetrated by anyone—including union members. As stated by the author of the Act, Representative Hobbs.[45]

This bill is grounded on the bedrock principle that crime is crime, no matter who commits it; and that robbery is robbery and extortion extortion, whether or not the perpetrator has a union card. It covers whoever in any way or degree interferes with interstate or foreign commerce by robbery or extortion.

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[31] *Stirone* v. *United States*, 361 U.S. 212, 215 (1960); see also *United States* v. *Spagnolo*, 546 F.2d 1117 (4th Cir. 1976); *United States* v. *Pranno*, 385 F.2d 387 (7th Cir. 1967), cert. denied, 390 U.S. 944 (1968).

[32] The fear, however, must be reasonable and not the product of a particularly timid heart. See *Carbo* v. *United States*, 314 F.2d 718, 740–741 (9th Cir. 1963), cert. denied, 377 U.S. 953 (1964); *United States* v. *Critchley*, 353 2d 358 (3d Cir. 1965).

[33] See, e.g., *United States* v. *Tropiano*, 418 F.2d 1069, 1075–1076 (2d Cir. 1969), cert. denied, 397 U.S. 1021 (1970); *United States* v. *Pranno*, *supra* note 31.

[34] See *United States* v. *Green*, 350 U.S. 415 (1956); *United States* v. *Hyde*, 448 F.2d 815, 843 (5th Cir. 1971), cert. denied, 404 U.S. 1058 (1972).

[35] *United States* v. *Golay*, *supra* note 28; *contra*, *United States* v. *Beck*, 511 F.2d 997 (6th Cir. 1975). But in *United States* v. *Culbert*, *supra* note 28, petition for writ of certiorari pending, the Ninth Circuit narrowly construed the Hobbs Act in a bank extortion context as requiring that the extortionate conduct constitute "racketeering" in order to come within 18 U.S.C. 1951.

[36] See *United States* v. *Kenny*, 462 F.2d 1205, 1229 (3d Cir. 1972), cert. denied, 409 U.S. 914 (1973); *United States* v. *Meyers*, 529 F.2d 1033 (7th Cir. 1976).

[37] See, e.g., *United States* v. *Brassch*, 505 F.2d 139 (7th Cir. 1974), cert. denied, 421 U.S. 910 (1975); *United States* v. *Crowley*, 504 F.2d 992 (7th Cir. 1974); *United States* v. *Staszcuk*, 517 F.2d 53 (7th Cir.) (*en banc*), cert. denied 423 U.S. 837 (1975); *United States* v. *Mazzei*, 521 F.2d 639 (3rd Cir.) (*en banc*), cert. denied, 423 U.S. 1014 (1975); *United States* v. *Hall*, 536 F.2d 313 (8th Cir.), cert. denied, 428 U.S. 919 (1976); *United States* v. *Hathaway*, 534 F.2d 386 (1st Cir.), cert. denied, 428 U.S. 819 (1976); *United States* v. *Price*, 507 F.2d 1349 (4th Cir. 1974).

[38] This has been held to the common law definition of the offense, which 18 U.S.C. 1951 adopts. See *United States* v. *Kenny*, *supra* note 36, at 1229; *United States* v. *Nardello*, 393 U.S. 286, 289 (1969).

[39] See *Carbo* v. *United States*, *supra* note 32; *United States* v. *Howe*, 353 F. Supp. 419. 424 (W.D. Mo. 1973).

[40] *United States* v. *Hyde*, *supra* note 30, at 832–833.

[41] See *United States* v. *Enmons*, 410 U.S. 396 (1973).

[42] 315 U.S. 521 (1942).

[43] See *United States* v. *Green*, *supra* note 34.

[44] 91 Cong. Rec. 11900–11922 (1945).

[45] 89 Cong. Rec. 3217 (1943).

Subsequently, the Supreme Court held that Congress in the Hobbs Act had accomplished its purpose of overruling the result in the *Local 807* case and upheld an indictment which charged a local union and its members with acts of extortion against an employer in an attempt to force him to consent to a union contract for certain maintenance work and thereby obtain his money, "in the form of wages to be paid for imposed, unwanted, superfluous and fictitious services of laborers." [46]

However, until recently no case had been prosecuted involving extortionate activities by unions, in the course of a dispute with an employer, designed to obtain property which could legitimately have been sought through the collective bargaining mechanism (e.g., higher wages for desired work). *United States* v. *Enmons*[47] was such a case. It involved acts of violence (including shooting weapons at transformers and blowing up a transformer station) committed by union officers in the course of a labor dispute with the company as to the terms of a new contract for genuine and desired services. The Supreme Court, dividing 5 to 4, held that the Hobbs Act did not reach such activity, on the ground that, since the objectives of the labor activity were lawful (albeit the means to accomplish them were not), the extortion did not constitute "wrongful" use of actual or threatened force, violence, or fear.

This holding, which was based on the majority's reading of the legislative history concerning the extent of the Act's intended application to unions (a reading strongly disputed by the minority),[48] is apparently to be read as confined solely to the employer-employee context. It is at odds with the otherwise uniform construction of the statute as proscribing extortionate means, whether or not the end sought to be attained is legitimate (e.g., public official's demand for money to take lawful official action or to refrain from taking official action where he has discretion whether to do so).[49]

Apparently in part what motivated the Court in *Enmons* was the desire to avoid Federal Hobbs Act coverage over unlawful picket-line violence—usually the product of short tempers—in which minor but intentional damage is done to the property of the employer.[50] However, in the Committee's view such acts do not fall within the purview of the Hobbs Act (nor should they be Federally punishable) since there is no intent thereby to obtain the employer's property through the use of force and the acts do not in fact cause the employer to part with his property; in short, such isolated acts of violence do not partake of the nature of extortion.

As a result of the Supreme Court's holding in *Enmons*, the opportunity is created for unions or employers to cloak extortionate demands in the guise of an objective which could be legitimately sought through collective bargaining. For instance, rather than violate the Act (under *Green*) by seeking wages for superfluous services, unions may (under *Enmons*) demand and obtain with impunity inordinately high wages for the performance of existing and desired services through fear instilled by violence. Such a situation is, of course, highly undesirable. The thrust of an extortion statute should be to punish violent extortionate means to obtain the property of another regardless of the legality of the ends sought, and this principle should apply in the collective bargaining context as well as elsewhere. Thus, an employer who blows up a union office or causes a union official to be assaulted in order to instill fear and thereby obtain property of the union ought to be guilty under the Act irrespective of whether the property could have been obtained lawfully through collective bargaining. And the same should be true in the reverse situation. Accordingly, the Committee has proposed in effect to overturn the *Enmons* result by treating the parties engaged in a labor dispute no differently from other persons in terms of the applicable prohibitions under this section, which is limited to extortionate means involving actual or threatened violence.

Mr. DOLE. Mr. President, so there is no doubt about the matter. I would indicate again that we will not make any additional effort at this time to proceed to the consideration of S. 1774. I would think that the debate we had will at least raise the public impressions or at least their knowledge of what is at stake here, what the issues are, and if at some appropriate time later this year, if support should grow for the legislation, we will consider it again. But we plan to take no additional action at this time.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

Mr. SIMON. Mr. President, I ask unanimous consent that I may speak for 15 minutes to be charged against the time under the control of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. SIMON. Mr. President, I have great respect for the Senator from Iowa and I appreciate what he is trying to do. The issue is not who favors violence in labor-management activities. We all oppose violence. The Senator from Pennsylvania, who made the motion, is opposed to violence. I am opposed to violence; the Senator from Iowa is opposed to violence. The 54–44 vote was not on the issue of violence in labor-management relations. The question is how do we effectively deal with this problem and are we effectively dealing with it now?

Justice Stewart, in the Enmons decision that is the basis for much of this discussion, noted that if the act were broadly interpreted, then, "The worker who threw a punch on a picket line or the striker who deflated the tires on his employer's truck would be subject to a Hobbs Act prosecution and the possibility of 20 years imprisonment and a $10,000 fine."

He denied that the language of the statute placed the Federal Government "in the business of policing the orderly conduct of restriction."

The reality is we do not have a serious problem in this country. It is not as good as we would like it to be. I am pleased to say that labor-management relations have moved in a constructive direction in this country. There is less and less violence. We meet around the table much more. That is what ought to be encouraged. We do not need a one-edged sword that comes in and intervenes in this process. Let me cite two experiences from Massac County, IL.

One was a case where we had violence, where some striking coal miners came to a coal loading dock and caused problems. I was called, and I called the superintendent of the State police and very shortly we had the State police there to calm things down. That is the way these things work ordinarily. I know of no instance that has been cited where that kind of State and local law enforcement is not adequate.

The second involved a hearing that we held in the Labor and Human Resources Committee on a strike in Massac County. I think some of those who called for the hearings felt it would show a pattern of labor violence. In fact it showed a labor union that was bending over backwards to avoid any difficulty.

State and local law enforcement people consider strike-related violence a nonissue. Ninety-eight percent, I am amazed to say, of all contract negotiations are settled without that kind of formal dispute. Of the remaining 2 percent—and I wish it were 1 percent of a half of 1 percent, but of the remaining 2 percent where you do have a strike, the overwhelming percentage is that they are peaceful and settled without any form of violence. So we are talking about a very, very small number.

Incidents of labor violence are so rare that the FBI does not publish statistics under this or any other related category in its annual crime report. The Justice Department declared in recent time, "By and large we simply have not found a reluctance" on the part of local officials to prosecute instances of labor-related violence.

In a survey taken in 1981 of law enforcement officials in this Nation, asking them what they thought the serious problems were, 68 percent considered burglary a top priority; 47 percent wished they could pursue the drug enforcement more aggressively. Robbery, rape, white-collar crime, fraud, child abuse, prostitution, and traffic violations all received some

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[46] *United States* v. *Green*, *supra* note 34, at 417.

[47] *Supra* note 41.

[48] Indeed one member of the majority in *Enmons* expressly indicated his belief that the conduct prosecuted therein "deserve" (d) to be dignified as (a) federal crime" and noted that Congress had the power to achieve that result. See 410 U.S., at 412 (Blackmun, J. concurring).

[49] See also, e.g., *Battaglia* v. *United States*, 383 F. 2d 303 (9th Cir. 1967), cert. denied, 390 U.S. 907 (1968) (demand to use victim's establishment as a location for defendant's pool table): *United States* v. *Tropiano*, *supra* note 29 (wrongful use of threats to obtain right to solicit business). Compare *United States* v. *Pignatelli*, 125 F.2d 643 (2d Cir. 1942). disallowing a "claim of right" defense for extortion threats transmitted through the mails.

[50] See *United States* v. *Caldes*, 457 F. 2d 74 (9th Cir. 1972).

small ratings but not even 1 percent of State and local law enforcement officials mentioned strike-related violence as a problem needing additional resources.

So we are talking about something that is not a major problem in this country. The question is, if we do not have something that is a major problem, is there any necessity for the Federal Government to move in? I think the answer is fairly clear that it is not.

The other thing which this does that concerns me is that it gives an administration a one-edged sword that is used against labor but not against management. Frankly, we already have things out of balance. The appointees to the National Labor Relations Board, the OSHA Commissioners, some of the others, clearly have not had the sense of balance that we have had from an administration of either political party in the past. I am not just talking about the Johnson administration or the Kennedy administration or the Carter administration. I am talking also about the Eisenhower administration, the Nixon administration—Republican administrations. That lack of balance is not a healthy thing. That lack of balance is important.

Now, there is another problem here, and that is the problem of how far the Federal Government gets involved in these things. Particularly that is important in police work. In any other field we can get into a dispute about States rights, whether it is helpful for handicapped young people who need education, but where we draw the line there, while it is important in the lives of those young people, is not going to create some kind of monster. When you put more and more and more police authority in the Federal Government, then you have the potential of creating something that is not healthy at all. That I think we ought to be avoiding.

In addition to everything else, I would add as a final note we have passed Gramm-Rudman-Hollings. I voted for it. I think I did the right thing because we have to control Federal expenditures. But if we are saying to the FBI and law enforcement people and the Justice Department, "We are going to limit your resources but we are going to give you additional duties," that means they will spend less time on organized crime and other problems that come before Federal officials. So this just is not the direction we ought to be going.

Again, I have great respect for my colleague from Iowa. He is completely sincere in doing this. It is a judgment call, but my judgment is there is no necessity for this. There is no evidence that State and local law enforcement officials cannot handle the problem now. It gives the administration an imbalanced tool, a tool that will be used against labor, not against management, and it takes away from the FBI and Federal law enforcement officials the ability that they now have to deal with other problems. It just adds another burden without adding additional resources. And so I was pleased, frankly, with the vote we just had. I hope this settles this issue, and I hope we do not move in this direction.

Mr. President, I am pleased to yield to the Senator from Pennsylvania.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had asked the distinguished Senator from Iowa [Mr. GRASSLEY] to yield for a question, and he had expressed his preference to finish his prepared text before doing so. I thank the distinguished Senator from Iowa for staying on the floor for a brief question and discussion.

Mr. SIMON. Mr. President, if my colleague will yield, since I am going to have to get to another meeting, if I may ask, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes remaining.

Mr. SIMON. Is 5 minutes adequate or would the Senator from Pennsylvania like more time than that?

Mr. SPECTER. I would prefer to take the floor in my own right if the Senator is finished.

Mr. SIMON. Let me yield my 5 minutes to the Senator from Pennsylvania and proceed from there.

Mr. SPECTER. I thank the Senator from Illinois.

Mr. President, I had objected to the motion to proceed by the distinguished Senator from Kansas, the majority leader, when that motion was made on Monday of this week, because of my concern about the very important issues posed in this amendment to the Hobbs Act. Following my objection to the majority leader's unanimous-consent request to proceed, the cloture motion was filed and earlier today was defeated by a vote of 44 in favor and 54 opposed.

On Monday and earlier today in morning business, I had expressed my concerns about this amendment on grounds that there were adequate remedies for prosecuting attorneys to handle cases involving union violence, and referred at some length to the prosecution which I handled as an assistant district attorney in the Commonwealth of Pennsylvania versus Local 107 of the Teamsters, a case involving union violence in which six union officials were tried, convicted, and sent to jail. I made further reference to the opportunity, if a district attorney failed to act, to pursue the matter with the State attorney general or if the State attorney general and the district attorney refused to act, private counsel could petition the presiding judge under the law of Pennsylvania and many States and take over the prosecution of the case. I further expressed my concern about the chilling effect on legitimate first amendment rights. Peaceful picketing is protected under the first amendment, a very fundamental right.

Then I sought to ask the Senator from Iowa a question, when he came to the floor, about organized crime. The question I now pose to Senator GRASSLEY is this: Does not this bill apply to conduct which does not involve organized crime?

Mr. GRASSLEY. I yield to the Senator.

Mr. SPECTER. The question is: Does not this bill apply to violence which does not involve organized crime?

Mr. GRASSLEY. Yes.

Mr. SPECTER. While Senator SIMON was speaking, Senator GRASSLEY and I engaged in an informal discussion—and I think this reduces the bill to its very rudimentary form, not that it is necessary to do so, because I think this body has already said, with 54 Senators voting "no" on cloture, that we are not going to take up the bill. But since the debate is proceeding, it is my concern that this bill makes it a Federal offense to have an assault and battery case on a picket line.

My question to Senator GRASSLEY is this: Is it not true that if you have a case of assault and battery on a picket line, it is a violation of this bill?

Mr. GRASSLEY. I hope I have made that very clear, not only in my statement but also as I read the supporting letter from the Attorney General, as they made it very clear that we did not intend to do that. We went that extra mile to guarantee that incidents like that would not be subject to the Federal statute. So I do not know how much more clear I can make it.

Mr. SPECTER. The difficulty is that the statement by the Attorney General does not state the law. The law is stated in the bill language. Even if the Senator from Iowa says that, as do the principal sponsors of the bill as a matter of legislative history, that does not contravene the clear-cut statement of the bill.

In our informal discussion, we talked about the provisions which were set forth, that "nothing in this section shall be construed as indicating an intent on the part of the Congress"; then, in subsection (3), "to chill legitimate labor activity by authorizing Federal prosecution for offenses occurring during a labor dispute which do not involve extortion. This intent would preclude prosecution, under this section, of conduct which is incidental to peaceful picketing in the course of a legitimate labor dispute."

The difficulty is that as soon as you have assault and battery, someone will say it is not peaceful picketing, and the prosecution can be brought.

Then, subsection (d) says "It is a bar to a prosecution under this section that the conduct of the defendant—first, was incidental to peaceful picketing; second, consisted solely of minor bodily injury; third, was not intended to obtain property."

The difficulty is that under this language, if you are seeking property in a labor dispute as part of a settlement, which is a customary reason why there is picketing, you have to have all three of those items; and it is certainly within the purview of the language of this bill to include a simple assault and battery case, a fistfight, is it not?

Mr. GRASSLEY. The statute is very clear that it has to be wrongful.

Mr. SPECTER. Is not a punch in the nose wrongful?

Mr. GRASSLEY. I could take the Senator's question more seriously—and I know that it is a serious question from his point of view—if he were willing to admit that we have a problem when confronted with the facts of the Enmons case. That case involved a terrific amount of damage and harm done to individuals, yet the Supreme Court said that was all right—if the goals that were behind the extortion activity at that particular time were all right. The Supreme Court said that.

If the Senator from Pennsylvania were willing to tell me that he thinks that those instances should be prosecuted by Federal law, then I would say that he would make a case for the points he is bringing up. But he does not accept the premise that the Enmons case was wrongly decided.

Mr. SPECTER. The Supreme Court did not condone the conduct in that case. The Supreme Court said it did not fall under the provisions of the Federal statute. This Senator does not condone that conduct. This Senator is very much opposed to it. My long record as assistant district attorney in Pennsylvania, in the convictions in labor violence cases, supports what I am saying.

The issue is whether this language would permit prosecution of a simple assault and battery case, and I submit to the Senator that it does.

Mr. GRASSLEY. I do not know how I can make it any more clear cut. It does not.

Mr. SPECTER. What in the language of the statute precludes Federal prosecution, under this bill, of simple assault and battery?

Mr. GRASSLEY. Because it does not have extortion intent.

Mr. SPECTER. That is a jury question. That is a question to be decided by a jury, as to what is intended. That subjects somebody who engages in a fistfight on a picket line to a prosecution in the Federal court, arrest by the U.S. marshal, for a jury to decide the question of intent. That is a fact question.

Mr. GRASSLEY. There is a bar to prosecution in those instances.

Mr. SPECTER. But the bars to prosecution do not bar a fistfight. It says in subsection (c)(3) that it is peaceful picketing. But if you have a fistfight, that is not peaceful picketing.

If you look at subsection (d), you have to have all three. Again, you refer to peaceful picketing, so a fistfight is not peaceful picketing.

The gravamen of this bill amends the term "extortion," saying:

"The term 'extortion' means the obtaining of property from another, with his or her consent, induced by use of actual or threatened force, violence, or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right.".

That language says directly that extortion covers the use of actual force. A fistfight constitutes actual force, and that is the concern I have, and that is my objection.

If this bill went to organized crime—and I have started to ask the Senator the question about organized crime—if you have a limitation in this bill to organized crime, this Senator would take a very different view, as I said during the course of the hearings.

I compliment the Senator from Iowa for his tenacity in bringing the measure forward and for the hearings he has held. But I raise this point in this manner to put on the record what is the essence of this bill, and that is that it makes subject to Federal prosecution a fistfight on a union picket line, and I believe that is unwise.

Mr. GRASSLEY. I suggest to the Senator from Pennsylvania that at this point we will have to part company. He has his point of view, and I have expressed my point of view. I have expressed the point that the Attorney General agrees with my point of view, and I have expressed the point that the President's Commission on Organized Crime agrees with my point of view. And from that point there just has to be honest disagreement of opinion. I do not know how else to handle it.

Mr. SPECTER. I will not take the time to go into the opinions of the Attorney General and the Commission on Crime, except that those views do not control in the face of clear statutory language to the contrary which is expressed in S. 1774.

I thank the Senator for remaining on the floor and engaging in this dialog because I think it sets the parameter, and certainly establishes the reasons, that I have objection to this bill and refuse to go along with the motion to proceed.

In essence, when the bill in its language says, "the term 'extortion' means force" period, an assault and battery case is force and the bars on prosecution do not preclude unpeaceful picketing. A fistfight is not peaceful picketing, and this bill would make it a violation of Federal law to have a fistfight. That is what the bill says and no amount of interpretation by the Attorney General or legislative history, even of the author of the bill, in the face of that language would change it.

If you want to amend this language to say that it does not cover assault and battery, simple assault and battery, that would do it. But this bill just makes it a Federal offense to have a fistfight, and I do not think that is an appropriate Federal case.

I thank the Chair and I yield the floor.

Mr. GRASSLEY. Mr. President, at this point I yield to Senator THURMOND, chairman of the Senate Judiciary Committee who is in support of the legislation and happens to be a cosponsor of it as well.

Mr. THURMOND. Mr. President, I rise in support of S. 1774, a bill to amend the Hobbs Act. This particular measure was sponsored by Senator GRASSLEY and introduced on October 18, 1985; however, this issue has been the subject of several bills and received extensive review during the last few Congresses. In the 97th Congress, I introduced an almost identical measure, S. 2189. In the 98th Congress Senator GRASSLEY introduced S. 462 on which three hearings were held. Earlier in this Congress, Senator GRASSLEY introduced S. 300.

S. 1774 is necessary to undo the effects of the 1973 Supreme Court decision, United States versus Enmons, which drastically limited the application of the extortion provisions in the Hobbs Act with respect to violence which occurs during the course of a labor dispute. Violence or intimidation, regardless of its source, should never be used to disrupt commerce. The Hobbs Act, as originally written, was meant to apply to everyone; there was never any congressional intent to provide an exception for any group or individual. As Samuel Hobbs, the author of the act, stated at the time the bill was passed, "Crime is crime, no matter who commits it: robbery is robbery, and extortion extortion, whether or not the perpetrator has a union card." S. 1774 would ensure that those union officials and their agents, who are not lawabiding, are subject to the same laws that apply to every other American.

Of course, the Federal Government should not become involved in relatively minor physical altercations and vandalism that may occur during a labor dispute in the wake of charged emotions or flared tempers. Where such action is insignificant to the overall coercive effect of the legitimate

strike, it is not extortion. If, however, violence becomes a significant or overriding factor in settling commerce-related disputes, some governmental entity should step in to remedy the situation. If the State or local government fails to provide the remedy in these cases; or, where there is a clear Federal interest, then, the Federal Government should be empowered to act.

I feel that S. 1774, of which I am an original cosponsor, is an evenhanded approach, covering only the conduct legitimately within the Federal interest.

I urge my colleagues to support this legislation.

Mr. GRASSLEY. I also take this opportunity to thank Senator Thurmond for his help in this bill reaching the floor of the Senate for discussion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time? We are under time control.

Mr. GRASSLEY. To be equally divided. The reason I am asking for it is that Senator METZENBAUM, who is hoping to be back to the floor to speak, asked that I put in a quorum call pending his return to the floor.

The PRESIDING OFFICER. Without objection, the clerk will call the roll and the time will be equally divided.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from California.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I rise to commend my friend from Iowa. I think that we are in his debt for his courage and tenacity in bringing to the floor this important piece of legislation. It is incredible to me that it should ever have been necessary for him to undertake this effort.

But in this democracy, perhaps the most hopeful aspect of our form of Government is that when one branch makes mistakes either that branch or another can correct those mistakes and the ultimate remedy lies with the people. The people can be heard through their elective representatives, taking action to correct inequities where they do exist, and no greater inequity can exist than where, as a matter of public policy, the United States has exempted from punishment violence that would otherwise be not only deplored but prosecuted simply on the basis that it is pursued and accomplished in pursuit of what is sought as a legitimate goal in the course of collective bargaining or of some labor dispute.

Mr. President, this is a nation in which we prize freedom. It is a nation in which we prize the ability of all segments of our society to be heard and if possible accomodated insofar as their just grievances and legitimate aims can be accommodated.

But in no place have we ever accorded to violence the dignity of legitimacy. To try to legitimize violence, for whatever end, as being legitimate, if it is in pursuit of collective bargaining goals, is to make a mockery of justice; and to say that if someone has a legitimate goal, any course of conduct, any means will be permitted in order to achieve it; that criminal activity, and criminal violence amounting to extortion within the commonly common law understood definition of that term, will be permitted and those who engage in it will be exonerated from criminal prosecution simply because what they seek to do has what we think to be a legitimate goal, the securing of better working conditions or higher wages.

Mr. President, That is not only nonsense, it is dangerous nonsense. It is to create a special exception for a special interest. And there is no justification for violence, not for the kind of deliberate violence that seeks to extort, not for any supposed legitimacy of purpose.

The fact that the Senator from Iowa is compelled to take this step to cure this inequity in our law is something of which we should be ashamed. But, more to the point, it is something that needs not only his attention but the active suport of all us who think that justice should be equal justice for all and that there is no justice if we allow some, under the color of legitimate labor aims, to escape justice and to engage in extortion.

It is really a very simply issue, Mr. President. Lawyers can entertain themselves with respect to the niceties that often cloud criminal prosecutions, but the fact is our law should be clear that no one will be permitted to engage in lawful extortion, a contradiction in terms.

So, Mr. President, I hope that this glaring defect, this really disgraceful exception to the kind of guarantee that our State laws and that our Federal laws should give to citizens, that they will not be subjected to violence for any purpose, that they will be protected against violence, I hope that this provision is swiftly removed from the law as the Senator from Iowa seeks to do. He has not only my support, but my earnest admiration. I hope that we will lose no time in seeing to it that his efforts are rewarded, as they should be. The existence of this provision, I think, is truly a blot on the American legal system.

Mr. President, I yield the floor and thank the Chair.

Mr. GRASSLEY. Mr. President, I wish to thank the Senator from California for his kind remarks about me, but I also want to thank him very much for his support of this legislation and his taking time from his busy schedule to speak those supporting words on the floor of the Senate.

Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER (Mr. HATFIELD). Time has been yielded back.

Who seeks recognition?

Does the Senator from Iowa wish to have a quorum call?

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I may avail myself of 5 mintues of the time yielded back on this side of the issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I want to express my continued support for S. 1774, an amendment to the Hobbs Anti-Extortion Act of 1946 that would restore the coverage of that act to extortionate acts or threats of violence by labor unions.

I think—and I have been studying it for a bit since I have been a member of the Judiciary Committee—that it is necessary because of the Supreme Court's decision in the 1973 case of United States against Enmons. That decision has allowed some union members to engage in, even though most have perhaps no intent to do so, to engage in violence and threats of violence under this guise of pursuing "legitimate" union goals.

So I want to commend Senator GRASSLEY, in particular, for his efforts in bringing this measure to the floor. This legislation, I think, is important to close the loophole in the Hobbs Act which leaves Federal remedies for dealing with union violence, I think, inadequate.

Statistics show us that in the past decade more than 5,000 acts of violence have occurred during labor disputes. Many have been violent physical assaults, including 66 murders. All of those, of course, are not attributed to this decision or the correction of it. Most recently in Austin, MN, we have seen violence of harsh proportion. Certainly it has not been isolated in any

one area of the country but is nationwide in scope.

The Federal Government, I believe, has the responsibility to assist State and local governments in those instances of serious extortion and violence just as the Federal Government is able to provide assistance in other situations where the underlying acts of violence are also violations of State law.

The entire area of labor law has been preempted by the Federal Government because of the importance of labor peace, and all of us share that goal of having labor peace in interstate commerce. It certainly does affect interstate commerce. The laws on that are so complete in our history.

The Court in the Enmons decision effectively applied an ends-justifies-the-means test in finding the labor unions' goals—and laudatory goals they are: higher wages and better working conditions—were not "wrongful purposes."

Therefore, Federal law did not apply to labor violence regardless of how destructive.

If we follow that rationale, in effect, we condone the systematic destruction of property, and the maiming and injury of innocent people in order to attain the very clear union goals of high wages or more adequate benefits for union members.

It is my view, Mr. President, that there is simply no place for violence or threats of violence in labor disputes by any party or on any side, that all people should be equal in the eyes of the law and the union employees should have the same standard applied to them as to nonunion employees. That should be the same in right-to-work States or nonright-to-work States. That is not the issue.

So this bill would restore equal coverage to all citizens.

I think it is so important that we realize the bill would not interfere in any way with the workers' right to strike. Minor acts of force or violence that do not involve extortion would not be subject to Federal prosecution under the Hobbs Act if we were to enact S. 1774 into law.

I want to share those things with my colleagues. I would urge support of S. 1774 having to do with Hobbs Act reform.

I yield back the balance of my time.

Mr. HATCH. Mr. President, during the past 10 years there have been more than 5,100 incidents of violence during labor disputes, including more than 2,300 physical assaults and 66 murders. Noticeably, the violence has increased since 1973 when the Supreme Court, in United States against Enmons, exempted labor unions, and labor unions only, from the Federal criminal statute on extortion known as the Hobbs Act.

The Enmons decision was based upon a literal interpretation of the Hobbs Act's prohibition against the use of violence or threats of violence to export "for wrongful purposes" something of value from someone else. The Court found that because such goals of labor unions as higher wages and improved working conditions were not "wrongful purposes" and were "legitimate labor objectives," Federal law was not applicable to threats of violence or actual violence, no matter how injurious or ruinous.

As a result of Enmons, labor union violence is now shielded from Federal investigation and prosecution. This means that union members who may have chosen not to strike, management and security personnel, and replacement employees are denied Federal protection. Company property and assets must also go unprotected.

Nearly everyone agrees that labor disputes should be settled in an atmosphere of negotiation. Violence and threats of violence have no place at the bargaining table or near it. In addition, union members should be held to the same standards which are applied to nonunion employers and employees.

Senator GRASSLEY and a number of my distinguished colleagues have prepared an amendment to the Hobbs Anti-Extortion Act of 1946 which merits the support of this body. S. 1774 would restore equal coverage for all people by removing the union members exemption from the Hobbs Act.

S. 1774 also restores the original congressional intent, which, in my opinion, was interpreted correctly from 1946 through 1973. By reversing the Enmons decision, S. 1774 corresponds with recommendations made by the Federal Bureau of Investigation, the Department of Justice, and the President's Commission on Original Crime.

It is vital that Congress adopt S. 1774. We must prevent members of organized crime from invoking the Hobbs Act exemption argument to cover their criminal activity. I urge my colleagues to vote in favor of this bill.

Mr. GORTON. Mr. President, the issue before the Senate today is whether we should make assault and battery on a union picket line a Federal offense allowing a criminal prosecution in the Federal courts. Although I abhor criminal violence, whether it is a part of a labor dispute or otherwise, I cannot support cloture on S. 1774.

Certainly I am opposed to the use of criminal violence or coercion by anyone, including union officials. The question before this body, however, is not whether battery, assault and willful destruction of property during a labor dispute are crimes that should be punished. They are already crimes punishable under State law. There is no dispute that these wrongs should be promptly investigated, prosecuted, and their perpetrators given a proper sentence. Instead, we are focusing on whether the Federal Government should be intruding upon the historical responsibility of States and local governments to keep the peace.

The vast majority of labor disputes, over 98 percent, are settled without a strike. In the relatively few cases where a union member uses actual or threatened violence during a strike, the facts show that States and local officials make arrests and prosecute the perpetrators. S. 1774 amounts to Federal intrusion into the jurisdiction of our State and local governments, and I do not believe a convincing case has been made to justify such a major change in Federal-State jurisdiction.

I would remind my colleagues that there are many areas of law enforcement that have been left to the States. The 50 States now prosecute murderers, rapists, and robbers. Criminals who use guns to force the owner of a local convenience store to hand over his or her hard-earned money with rare exception are brought to justice by local law enforcement officials. In most cases, investigating and prosecuting these types of crimes is much more complex than pursuing the wrongs arising from labor disputes. The Federal Government, however, has recognized the interest of the States in keeping the peace and refrained from enacting laws that would bring most of these crimes before the Federal courts.

During my five terms in the Washington State house of representatives, I took part in many successful efforts to strengthen State laws limiting violent and criminal activity. In my 12 years as attorney general for the State of Washington, I had an opportunity to observe State law enforcement officers and local prosecutors enforcing statutes aimed at precluding incidents of violence, including labor-related violence. I can report to this body that State officials professionally and diligently handled their responsibilities in this area. My experience as a State legislator and attorney general has shown me that our State and local prosecutors are fully equipped to handle labor violence and have done an admirable job in this area of law enforcement.

Mr. President, let us be clear that union leaders are not now immune from Federal prosecution when the Federal Government does have an extraordinary interest in their activities. The U.S. Supreme Court has noted that the Hobbs Act presently reaches violence or threats of violence by union officials trying to obtain personal payoffs or to force an employer to put "ghost" workers on the payroll. Such acts would subject the union

member to Federal prosecution, 20 years in prison, and a $10,000 fine.

The Federal Government also can bring an action against those who engage in serious union violence under a panoply of other Federal statutes. If there is evidence of a union or management conspiracy to conduct affairs through a pattern of racketeering, a Federal indictment can be brought under the Racketeer Influenced and Corrupt Organization Act (RICO). If a union or management official uses explosives to injure people or destroy property, the Federal Government can prosecute under Federal criminal laws. Similarly, travel in interstate commerce to destroy property by fire is covered by the Travel Act. These types of violence now are covered by Federal laws, and a Federal indictment can be brought without regard as to whether the violence took place during the course of legitimate labor activities.

The activities addressed by the measure before us are the scuffles and property damage arising out of the emotion surrounding legitimate labor disputes—disputes over wage levels and benefits. These are assaults, batteries, breaches of the peace, and property crimes that are thoroughly addressed by State statutes. There have been suggestions by sources such as the President's Commission on Organized Crime that "(I)n isolated cases local prosecutors may hesitate to file charges against powerful union or business leaders in their legal communities." I would remind my colleagues, however, that most States have established procedures that allow the State attorney general to supercede the district attorney in cases where the district attorney fails or refuses to act. If the attorney general will not act, many States allow State courts to appoint "private prosecutors" to pursue those who use violence to obtain their ends.

Mr. President, given the generally admirable job local and State officials are doing enforcing State laws in this area, the Federal Government simply should not be in the business of policing the orderly conduct of labor disputes. The record is not sufficient for an extraordinary shift in Federal labor law or an unprecedented incursion by the Federal Government into the criminal jurisdiction of States and localities.

Mr. LEAHY. Mr. President, the Senate Judiciary Committee rejected similar legislation last fall when it considered Senator GRASSLEY's bill, S. 300.

As I did last year and in previous years when the committee considered this proposal, I oppose S. 1774's proposed expansion of Federal criminal jurisdiction in an area where it is not needed. I also oppose the subversion of the committee process that the introduction of this bill and its consideration here today represent.

First, let me say that violence should be prosecuted no matter who commits it. If an assault and battery, destruction of property or unlawful trespass occurs during a labor dispute, that action should be investigated promptly, it should be prosecuted, and if the elements of the crime are established, the perpetrator or perpetrators should be punished.

The proponents of this legislation act as though picket-line violence is not prosecuted. This is not true.

As a State's attorney, I prosecuted both labor and management as a result of incidents arising out of labor disputes. Based on that experience, I am convinced that State and local prosecutors are not only able, but better equipped than Federal prosecutors to handle picket-line violence.

It is ridiculous to ask Federal law enforcement agencies to take on responsibility for prosecuting crimes like assault and battery at a time when we are already asking those Federal agencies to stretch their law enforcement budget as far as they can.

The Hobbs Act establishes substantial penalties for Federal criminal extortion—up to 20 years imprisonment and up to $10,000 in fines. In 1973, the Supreme Court held in its decision in United States against Enmons that the Hobbs Act's prohibition against extortion does not extend to the use of physical violence or the threatened use of force in connection with an attempt, during a labor dispute, to achieve such legitimate objectives as better wages, better hours, and improved job conditions. The purpose of this bill is to overturn that decision by classifying such conduct as "extortion."

In the context of a labor dispute, violence or wrongdoing may be precipitated by either side—by a worker or union member seeking better wages or improved working conditions, or by an employer or supervisor seeking to extract concessions from the union.

It is a fundamental concept of law in this country that the law will be applied uniformly. Similarly, it is a fundamental tenet of labor law in this country that the Federal Government will not come down on the side of the labor union or of the employer during a labor dispute. This bill would turn both of those principles on their heads.

S. 1774 purports to be even handed. Its proponents argue that it will apply equally to management and to labor, and that it will not chill legitimate labor activity. These arguments ignore both the key to the legislation and the nature of a labor dispute. The bill defines extortion as the "obtaining of property from another . . . Because in a labor dispute an employer does not demand or obtain the property of his employees, the employer would not be subject to prosecution even if he, or others acting on his behalf, engaged in violent activities. Thus, in practice, if enacted, this bill would really only apply to unions and the working men and women they represent. If management engaged in the same conduct, in the same labor dispute, it would be presecuted under State and local laws, not under the Federal criminal extortion statute.

All such prosecutions should be left where they are now—in the capable hands of our State and local prosecutors.

S. 1774 proposes an unwarranted intrusion by the Federal Government on the prosecutorial authority of State and local Governments. As such, it should be rejected.

Mr. HELMS. Mr. President, with all due respect to Senators who oppose the pending legislation, I am obliged to say that I have tried by best to find one scintilla of rationale for their opposition to amending the Hobbs Act—and I have been unable to do so.

What does this bill propose, Mr. President? It simply proposes that Congress take action to put an end to the senseless violence perpetrated under the pretense of legitimate union activity. Passage of this bill would be a step in that direction by making it clear—to the courts and to the unions—that the Hobbs Act covers any extortionate force or violence that obstructs interstate commerce, regardless of whether that violence is committed in pursuit of so-called legitimate union objectives.

I find it impossible to comprehend how any Senator, no matter how much support he has received from labor union bosses, could oppose this civilized proposition. Mr. President, as my colleagues have pointed out, it was the Supreme Court's 1973 decision in United States versus Enmons that led to the tremendous amount of union violence over the past 13 years. In my state of North Carolina, where workers have the right to choose whether they wish to join a union, and where law and order are vigorously pursued, there have been more than 40 documented incidents of union violence during the past 10 years. In many other States there have been hundreds of incidents. In the country as a whole, there have been more than 5,000 incidents of union violence in the past decade.

Mr. President, I could stand here and describe in detail some of the more outrageous incidents that have occurred in North Carolina, but they are a matter of record, and I will not prolong the debate. They are identical to incidents in Alabama, in Alaska, in Arkansas—right down the alphabetical line—in all 50 States. There are episodes involving shotgun blasts into homes, knifings, arson, even murders.

Mr. President, these are criminal acts. No other face can be upon it. But the Supreme Court declared in a nonsensical ruling, that this criminality is somehow not covered by the Hobbs Act. The violent lawbreakers cannot be prosecuted under that act—according to the Court—because the crimes were committed in what the Court foolishly declared was the pursuit of "legitimate union objectives."

What an absurdity, Mr. President.

Mr. Justice Douglas understood the clear purpose of the Hobbs Act. He stated it in his dissent in the Enmons case:

> Seeking higher wages is certainly not unlawful. But using violence to obtain them seems plainly within the scope of "extortion" as used in the Act, just as is the use of violence to exact payment for no work or the use of violence to get a sham substitution for no work. The regime of violence, whatever its precise objective, is a common device of extortion and is condemned by the Act.

Congressman Hobbs also expressed the basis of the original act when it was introduced:

> This bill is grounded on the bedrock principle that crime is crime, no matter who commits it; and that robbery is robbery, and extortion is extortion, whether or not the perpetrator has a union card. It covers whoever in any way or degree interferes with interstate or foreign commerce by robbery or extortion.

Hooray for Mr. Justice Douglas.

Mr. President, the pending bill would reverse the Supreme Court's absurd interpretation of the Hobbs Act and restore its true intent. Law-abiding citizens across America have a right to demand that Congress do precisely that.

Mr. President, my record as a Senator will show that I am unalterably opposed to the unnecessary Federal intervention into State and local matters. It has become apparent, however, that local politics can stand in the way of prosecution of labor-related violence. In its support of the bill, the President's Commission on Organized Crime found that "local prosecutors may hesitate to file charges against powerful union or business leaders in their local community." The Commission went on to state that "there is a strong Federal interest, recognized by Congress, which would be served by the Commission's proposed revision of the Hobbs Act." The FBI and Justice Department officials have observed that many local law enforcement official have observed that many local law enforcement officials are unevenly matched against a huge international union and lack the resources to bring to justice. Thus perpetrators of coercive union violence often go unpunished.

I suppose we will be hearing oratory from born-again States righters about the dangers of the Federal Government intruding into an area where it doesn't belong. We seldom if ever hear a defense of States rights from these orators. But when union bosses say jump, these orators ask only, how high? And then they jump. The fact is that most of the cosponsors of this bill are consistently and genuinely opposed to unnecessary Federal intervention in the private sector, but the key word is "unnecessary." Isn't it interesting that so many who so strongly support the plethora of Federal regulation of the private sector are suddenly so loathe to see the Federal Government step in to fight a nationwide problem of unchecked violence?

Mr. President, the statistical evidence demonstrate that the problem of extortionate labor violence is a serious national tragedy that has hit every State. All workers, both union and nonunion, are adversely affected by violent labor disputes. This amendment to the Hobbs Act is an antiviolence effort. It is designed to protect all workers.

The Department of Justice, the FBI, and the President's Commission on Organized Crime have expressed their support for an amendment to the Hobbs Act. I urge Senators who are truly concerned about the workers in their States to vote for this bill.

Thank you, Mr. President.

Mr. HECHT. Mr. President, I would like to take this opportunity to express my support for Senate bill 1774, which seeks to amend the Hobbs Anti-Extortion Act so as to overturn a narrow 1973 Supreme Court interpretation and return authority over labor disputes involving extortionate force to this act's jurisdiction. I have been a cosponsor and supporter of this and similar legislation since coming to the Senate in 1983.

The President's Commission on Organized Crime recently recommended that Congress amend the Hobbs Act as this legislation would do. Moreover, the Federal Bureau of Investigation, the Department of Justice, and every U.S. Attorney General to serve subsequent to the aforementioned Supreme Court decision, has supported amending the Hobbs Act as S. 1774 would.

As a consequence of the Supreme Court's 1973 Enmons decision, the use of force and violence by labor unions is not presently considered to be extortion under the Hobbs Act if such actions are undertaken in the furtherance of "legitimate" collective bargaining objectives. Similar extortionate actions are, however, illegal under Federal law in all other contexts. I, quite frankly, cannot see the justification for such a select exemption from Federal law, and further, believe there is a demonstrable need for congressional action to remedy this inequity, to preclude unwarranted and unlawful interference in the free flow of interstate commerce.

Currently State and local statutes are the only avenue available to address illegal strike-related activities, as the Enmons decision effectively removed these crimes from Federal purview. Consequently, problems arise in instances where the ability of these jurisdictions is not sufficient to satisfactorily deal with the illegal conduct of large, well-funded, well-organized labor unions. S. 1774 would remedy this situation by returning Federal authority over these occurrences—as was the standard prior to 1973.

I would also like to add, Mr. President, that actions incidental to the conduct of a legitimate labor dispute consisting solely of minor bodily injury, minor property damage, or the threat thereof, which are not intended to obtain property, would not be subjected to Federal prosecution with the passage of this legislation.

In conclusion, let me simply reiterate my support for S. 1774, support for returning the Hobbs Act to its intended role as a Federal prohibition against extortionate force and violence, and ultimately, support for a safer environment in which the resolution of legitimate labor disputes may be undertaken.

Mr. McCONNELL. Mr. President, I would like to take this opportunity to urge my colleagues to vote for S. 1774 to revise the Supreme Court's erroneous interpretation of the Hobbs Act in the 1973 Enmons decision. Five of the nine Justices ruled in Enmons that union officials committing extortionate violence in pursuit of legitimate union objectives are exempt from prosecution under the Hobbs Act.

As a cosponsor of S. 1774, I have sought to eliminate this exemption, which I strongly believe has contributed to an unnecessarily high incidence of life-threatening assaults against American workers.

The Enmons case stemmed from a violent strike in Louisiana during which union agents shot up and dynamited electrical transformers and substations. The Federal Government attempted to prosecute the perpetrators under the Hobbs Act.

The basic issue before the High Court was whether severe acts of violence during the course of that strike could be construed as extortion, since wages, the object of the strike, were the property of the employer. Union attorneys argued that enforcement of the Hobbs Act would curtail their legitimate objectives to strike for better wages and working conditions.

Until Enmons, no one questioned the purpose of the Hobbs Act. Enacted in 1946 to curb a rising tide of violent labor-management disputes, the Hobbs Act was intended to make clear that taking another's property by force should be a crime, no matter what the objective. The overriding concern of

Congress was to protect interstate commerce from violent labor-management disputes.

The Hobbs Act was designed to apply to all Americans. Congressman Samual Hobbs, the author of the bill, summed it up best with the words, "crime is crime no matter who commits it; and that robbery is robbery, and extortion is extortion, whether or not the perpetrator has a union card."

Thus, prior to Enmons, it was commonly held that any actual or threatened use of force or violence to obtain property was a wrongful use of force or violence and therefore constituted extortion.

But in Enmons the Supreme Court radically departed from the intent of Congress, and took the position that the legitimacy of the ends sought by the union agents—namely, contract concessions—fully justified the use of wanton destruction as a means to force employers to accede to the demands. Thus, the Supreme Court's rationale in Enmons boiled down to an "ends justifies the means" philosophy.

I want to make it perfectly clear that legislation to correct the Enmons decision would not interfere with the right of workers to strike for higher wages. However, strikes which go beyond the mere withholding of labor to encompass shootings, dynamitings, and other terrorist tactics against employers and workers constitute extortion by any normal definition, and should be addressed by the Hobbs Act.

It has been argued here today and in our committee deliberation that strike-related crimes are punishable under numerous State and local laws. Also, many born-again States rights advocates argue that government should not be in the business of policing strikes. However, I find it ironic that many who support Federal regulation of so many aspects of American lives—including the regulation of private sector labor relations within the sovereign States through the National Labor Relations Act—should have a problem with making the Hobbs Act equally applicable to all Americans.

This peculiar blind spot with regard to labor violence has caused much needless suffering in my home State of Kentucky. The most recent coal strike in the eastern United States is a classic example. Last year, riflemen and saboteurs turned the coal-hauling roads into shooting galleries in the coal producing regions of Kentucky, Pennsylvania, West Virginia, and Virginia. The violence—violence fueled by the Enmons way of thinking—reached its awful zenith on May 29, when Hayes West, a 35 year old resident of Racoon, KY, and the father of two, was shot to death while driving his coal truck. Many local lawmen have been overwhelmed by the scope of the violence. Others, fearing political retaliation, have been slow to respond.

Of course, there are many other well-documented cases of such unpunished extortion, and of such senseless violence.

Ultimately, it is the overwhelming majority of American working men and women who pay the price of labor violence, either as consumers, or as actual victims.

I hope my distinguished colleagues will give the American public some relief from this national tragedy by voting in favor of S. 1774.

Mr. SYMMS. Mr. President, I am pleased to join my distinguished colleague, Senator GRASSLEY, as an original cosponsor of S. 1774, and I want to thank the majority leader, who is also a cosponsor, for allowing the full Senate an opportunity to consider this badly needed legislation.

Let us be clear at the outset, Mr. President. S. 1774 is intended to overturn the 1973 Supreme Court decision in United States against Enmons, in which a five-member majority of the Court ruled that the Hobbs Act does not proscribe extortion undertaken in pursuit of "legitimate union objectives." S. 1774 makes clear Congress intent to treat extortionate acts equally under the law, whether or not such acts are perpetrated by union members and whether or not those union members are participating in a strike or other legitimate union activity.

Passage of this legislation is essential if we are to reduce the incidence of union violence. During hearings in the Senate Judiciary Committee, committee members heard testimony on a dozen incidents in as many States where small groups of union activists used violence to force compliance with their demands. One of the witnesses, Mike Ashby of Boundary County, ID, told the committee of firebombings, gun shots, rocks, and bottles being hurled at him and other nonstriking workers at the Louisiana Pacific Co. Moreover, the statistics which Senator DENTON listed in the RECORD last year indicate that between 1975 and 1984 there were at least 4,350 acts of violence committed by union members, with documented incidents occurring in every State in the Nation.

It was this kind of lawlessness, perpetrated by a few "bad apples" among the union members on strike at a Louisiana utility company, which the Supreme Court was asked to address in the Enmons case. In that case, the employees were out on strike seeking a new contract with the company. Some of the strikers fired high powered rifles at three company transformers, drained the oil from a company transformer, and blew up a transformer substation owned by the company. Under any other circumstances, destroying another's property to force compliance with demands for financial or other benefits would fall under the definition of extortion and may be punishable under Federal law.

In the Enmons case, however, the court ruled that the anti-extortion provisions of the Hobbs Act do not extend to cases in which violence is used "to achieve legitimate union objectives, such as higher wages . . ." The Court's majority looked closely at the statutory language and legislative history of the Hobbs Act and relied heavily on remakrs made by Representative Hobbs to support its ruling that the act was not intended to proscribe violence committed in the course of a strike.

I believe the brief exchange between Representatives Hobbs and Marcantonio, cited by the Court from the 1943 CONGRESSIONAL RECORD, does not reflect accurately the intent of most proponents of the legislation with regard to the extent of the act's coverage. Most supporters of the Hobbs Act undoubtedly thought they were voting to eliminate the judicially created legal distinction between union and nonunion individuals who obstruct interstate commerce through extortionate acts. Unfortunately, the legislative history is clouded sufficiently to leave one confused about the sponsors' intentions with respect to the act's applicability to violence committed in the course of a strike.

Mr. President, it is time for Congress to make itself perfectly clear on this point. While S. 1774 is not intended to interfere with labor's right to strike and picket peacefully, it will extend Hobbs Act coverage to reach violence threatened or committed during a strike. It is intended to protect interstate commerce from robbery or extortion perpetrated by anyone, including union members.

Some will argue that the criminal activities which this bill addresses are best handled by State and local authorities and should not fall within the purview of Federal law enforcement officials of the Federal courts. While I strongly believe that law enforcement is the primary responsibility of State and local governments, I do not believe that the court's distinction between union and nonunion perpetrators of extortion should be allowed to stand any longer. Clearly, the Federal Government has a role to play in the prosecution of violent acts which disrupt interstate commerce, and individuals should not be able to claim immunity from such prosecution solely because they were involved in a labor-management dispute at the time the violence was committed.

It is important to note that this is not the first time the Senate has given serious consideration to Hobbs Act reform that would overturn the Enmons decision. In 1977, the Judiciary Committee reported out the "Criminal Code Reform Act," which

included a provision similar to the bill we have before us today. I want to quote briefly from passages in that 1977 committee report concerning the need to overturn the Enmons decision:

This [Enmons] holding, which was based on the majority's reading of the legislative history . . . is at odds with the otherwise uniform construction of the statute as proscribing extortionate means, whether or not the end sought to be attained is legitimate.

And the report continues:

As a result of the Supreme Court's holding in Enmons, the opportunity is created for unions or employers to cloak extortionate demands in the guise of an objective which could be legitimately sought through collective-bargaining . . . The thrust of an extortion statute should be to punish violent extortionate means to obtain the property of another regardless of the legality of the ends sought, and this principle should apply in the collective-bargaining context as well as elsewhere.

And with regard to the effect of the committee's amendment, the report reads as follows:

Accordingly, the Committee has proposed in effect to overturn the Enmons result by treating the parties engaged in a labor dispute no differently from other persons in terms of the applicable prohibitions under this section, which is limited to extortionate means involving actual or threatened violence.

Mr. President, I believe the report makes clear the position of a majority of the Judiciary Committee members in 1977 with respect to the proper application of Federal extortion laws. I urge my colleagues to review this committee report because it spells out clearly the problem with the Court's interpretation of the Hobbs Act and includes strong, persuasive arguments in support of the legislative solution which is proposed in S. 1774.

Before closing, I want to reemphasize a very important point, Mr. President. The legislation we're considering today is not intended to, and would not, interfere with the right of union members to strike and picket peacefully in the course of a labor-management dispute. I know that many false and misleading charges will be made about the ramifications of this bill, and I want to be very clear on that point.

I have many good friends and supporters in Idaho who are proud of their membership in a strong and effective labor union. I value their support and will always work to protect their right to strike and picket peacefully as part of a concerted effort to obtain higher wages, better working conditions, or any other legitimate union objective. These people are hard working, law-abiding citizens who do not participate in or condone the strike-related violence we seek to proscribe today. I am confident that they would support the passage of this legislation because they realize that these acts of union violence are damaging to the interests and objectives of most union members.

Again, Mr. President, I want to congratulate Senator GRASSLEY for his leadership and perseverance on such an important issue. I also want to thank Senator THURMOND, the distinguished chairman of the Judiciary Committee, for supporting S. 1774 and cooperating with Senator GRASSLEY to get the bill to the Senate floor. Without the commitment of these Senators and the leadership and support of Senator DOLE, the majority leader, we wouldn't be here today considering this legislation, and I applaud them for their efforts.

Mr. KENNEDY. Mr. President, today we are writing another chapter of the never ending saga of this body's failure to subscribe to an orderly legislative process. A process by which this Chamber, as a whole body, is supposed to consider proposed legislation which has been carefully studied, crafted, and fine tuned by a committee or committees of proper jurisdiction and expertise, and favorably reported out for this body's deliberation and consideration. A process which is to be bypassed only under extraordinary circumstances, marked by urgent need for Federal legislation, and an absence of adequate State legislation to handle a situation of crisis proportions.

There are no extraordinary circumstances addressed by this legislation. And there are, in every State, adequate statutes and enforcement mechanisms to address the problem this bill purports to address.

What we have here is a group, unhappy with the results in the Judiciary Committee, attempting to bypass the proper legislative process and to achieve on the floor what they failed to achieve in committee, this Congress or in any previous Congress. This objective is made all the worse when it is an attempt to pass poor legislation.

This legislation was defeated in the Judiciary Committee last September. It is totally inappropriate to consider it now on the Senate floor, particularly in an amended form not considered by the committee. Aside from its procedure weaknesses, the bill is unnecessary, unfair, and unwise. It is unnecessary because not a single wrong that would be made a Federal crime under this bill is not already subject to Federal, State, or local prosecution. It is unnecessary because the collective-bargaining process works in achieving peaceful resolution of collective-bargaining differences. Ninety-eight percent of contracts are agreed to without a strike. In the rare situation of a strike, an overwhelming percent of those are not accompanied by any violence.

In fact, instances of strike-related violence are so rare the FBI's annual crime report does not even list strike-related violence as a separate category of crime. The Treasury Department's report on all bombing incidents shows less than 2½ percent of such instances were "labor-related"—and that includes acts against workers and all allegations, even based on unverified reports.

The bill is unnecessary because there is no "wave of labor violence" that might justify this vast expansion of Federal criminal jurisdiction. In fact, the number of strikes and strike-related violence have decreased in the 13 years since the Enmons decision. Moreover, there is absolutely no evidence that State and local authorities are incapable of handling any and all strike-related violent situations. An examination of even the "worst case" scenarios cited by the backers of this bill proves that State and local authorities handle the situation—those guilty of acts of violence are arrested, prosecuted, and convicted by local authorities. And Federal authority is already available where it is needed. Labor officials are already prosecutable under the Hobbs Act when they commit extortionate acts—even when related to the collective-bargaining process, and they are being sent to jail under the Hobbs Act, as well as under a plethora of State statutes.

Not only is this legislation unnecessary—it is substantively unfair. Section 1 of the National Labor Relations Act flatly declares our national policy to be: "Encouraging the practice and procedure of collective bargaining and protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection." Passage of this bill would take the Government out of encouraging collective bargaining and even take the Government out of the role of being neutral, and for the first time place the Government squarely on the side of management in labor disputes. By greatly expanding the definition of extortion to include incidental strike-related violence—even if provoked by management—the Federal Government under this legislation would weigh into the bargaining process against only one side—labor. That relates to the legal definition of extortion, and is at the crux of why this legislation is patently unfair. An employer—and his agents—could not be construed as "obtaining" property from employees during collective bargaining or a strike. They could never be subject to Hobbs Act prosecution, even if they deliberately provoked or engaged in violence. The sad fact is, sometimes companies engage in violence, sometimes unions engage in violence. But it makes no sense to amend the law so only one

kind of violence is punishable by Federal law.

A good example of company sponsored violence is the case of George Johns, an ex-employee of a security firm which specialized in breaking strikes by provoking violence. Here is what he had to say about what his job entailed:

Our purpose was to break strikes. We knew how to provoke violence on the picket line. We tapped phones and conducted surveillance, we destroyed property. One time we destroyed $148,000 worth of lumber to break a strike. "We guaranteed our clients that we could get an injunction against the union in two weeks, and we never failed. "We used video cameras 24 hours a day, then we set about provoking violence from the strikers and getting it on film for the judge. For example, one of our guys would walk up to a striker—especially if he had on a wedding band—and say he had gone to bed with the guy's wife.

The point is not that since violence is used by both sides, it is tolerable—it is not. The point is that the solution to the rare instances of strike-related violence is not to amend a statute that will result in prosecuting only one party to the violence.

The legislation is not only unnecessary, and unfair, it is unwise. States and localities historically have had the responsibility of keeping the peace. Local violence is appropriately addressed and prosecuted at the local level. There is a total absence of any evidence that State and local law enforcement officials need additional Federal involvement—or that they even want it. Today, most judicial reformists urge a reduction in Federal causes of action. Our Federal courts are straining to meet current caseloads, and budget cuts jeopardize adequate delivery of judicial services. Nearly 60 percent of all cases filed by U.S. attorneys are dropped because the prosecutors do not have the time or the resources to handle them. Expanding this Federal cause of action, when our resources are already stretched to the breaking point and when all the evidence indicates the States are more than adequately handling strike-related violence hardly seems a prudent allocation of resources. Our Federal judicial resources would be better spent on uniquely Federal demands, adequately enforcing our already existing Federal statutes.

Some claim that S. 1774 is identical to the extortion provision contained in the Criminal Code Reform Act of 1979 that I supported. That claim is false: It is not the same language, not the same intent, not the same context, and would not have the same results.

The 1979 Criminal Code Reform was a sweeping overhaul of the Criminal Code, an ambitious attempt to reform the Code which fell short of the votes necessary for completed action. It was not a one-shot bill intended by its authors to be an antilabor prosecutorial weapon. The language in the crime package was substantially and significantly different. There had to be clear proof the violent conduct was engaged in for the purpose of causing death or severe bodily injury—a far different standard than S. 1774's exemption for only "minor" injury or damage. The most fundamental difference is that under the 1979 crime package, there would be a bar to prosecution unless the Attorney General proved the State was unable or unwilling to proceed with any equivalent prosecution. Under S. 1774, there is no such requirement. There is no concern with whether or not a State has acted. It would allow the Federal prosecutor to wade into the labor dispute irrespective of any need to intercede in the local dispute; he would be capable of prosecuting only one side—labor.

The provisions of the crime package were strictly intended to be a backup—if and only if a State was unwilling or unable to proceed with punishing acts of violence in a labor dispute. It was intended only to fill a potential void in law enforcement, not, as this bill would do, to create unnecessary duplication of effort and a waste of scarce judicial resources.

The imbalance of this "reform" is evident to those who know how worksite violence sometimes comes to pass. There is a fundamental problem with amending our laws to enable the Federal Government to prosecute only labor violence. Many instances of violence are intentionally committed by management. Why? Because if violence is committed, especially against company property, the public—and particularly a judge before whom the company goes to seek an injunction—will think it is labor instigated. The proponents of this legislation have seen fit to use anecdotal evidence of rare examples of union violence. I think it appropriate to include in the RECORD some of the equally rare—yet unreachable under the current Hobbs Act, or the amended revision before us—acts of management violence in a strike. The following information appeared in the October 1985 issue of the *United Mine Workers Journal:*

On Tuesday, March 15, 1985, over 1,000 United Mine Workers Association supporters stood near the gates of A. T. Massey Coal Company's strikebound Sprouse Creek Processing Plant, peacefully demonstrating against the company's use of strikebreakers.

Suddenly, a non-union truck driver raced down the road and slammed his 50-ton rig into a staggered blockade of parked trucks owned by United Mine Workers Association members. Ten vehicles were demolished.

A Massey spokesman "explained" the incident by saying the driver panicked after seeing United Mine Workers Association members brandishing guns—although reporters and state police on the scene denied seeing any union member carrying weapons.

The next day, four United Mine Workers Association members left the picket line to travel to a nearby community church.

As they drove up the road in a ford Escort, they found themselves "sandwiched" between two massive coal trucks. As the front driver slowed down, the driver in the rear rode the small car's bumper.

Then the rear driver rammed into the Escort, destroying the subcompact car and sending all four passengers to the hospital.

Later, a Massey spokesman again blamed the victims, claiming that the car's passengers had attacked the driver of the giant coal truck from the back seat of the tiny Escort.

The same day, with the four injured United Mine Workers Association members still in the hospital, the National Labor Relations Board obtained an injunction against the United Mine Workers Association.

Incidents like these are familiar to union members, who have seen the pattern repeated in strikes throughout the United States. Time after time, companies have found violence to be one of their most effective weapons in any strikebreaking campaign.

"Companies are able to reap enormous benefits from the use of violence," said President Richard Trumka.

"They can hire armed mercenaries to establish an atmosphere of violence."

"They also use the issue of violence to craft orchestrated Public-relations campaigns against unions in the media. "And, once they've established the image of unions as 'violent' organizations, they can escalate their campaign of terror and intimidation."

"There have even been cases of companies destroying their own equipment and casting the blame on union members, who want nothing more than to return to work with a fair and just contract."

Many retired miners remember the "mine wars" of the early 1900's, when coal companies imported hired armies of "gun thugs" who roamed the coalfields, hunting down union organizers and terrorizing mining communities. Mrs. Bertha Damron of North Matewan, WV, recalled:

My father had to stay in the hills to keep from getting shot by gun thugs while he was helping to organize the union.

The judges got unfair injunctions against us then, just like they do now. And the company kicked us out of our houses, so we lived in tents. It got so bad at the "Battle of Blair Mountain" that the company dropped bombs out of airplanes on the union men.

Union members have seen a resurgence of company violence in recent years.

While the tactics of intimidation and provocation aren't new, companies are investing big money in the lastest union-busting technology: Helicopters, surveillance equipment, searchlights, and even armored personnel carriers like the one found hidden in Massey's Sprouse Creek compound. "It makes you think about how it was in Vietnam," said Local Union 1440 member Larry "Mo" Mounts, who served in the U.S. Army in Vietnam.

I never thought I would see this happen here, with all the helicopters coming in.

What it boils down to is that the company is going to war with us because we want to keep our jobs.

Some of the guard companies that are using military hardware to break union strikes are routinely violating State laws.

Southeastern Securities and Investigation, Inc., was ordered out of West Virginia after a State investigation revealed that some of its employees patrolling A.T. Massey operations were convicted felons.

The same company is under investigation by authorities in New York State for possible illegal activities associated with strikebreaking efforts at a zinc mine owned by St. Joe Minerals Corp. St. Joe is a Flour Corp. subsidiary which manages Flour's interest in another subsidiary, A.T. Massey.

"It's clear the companies are working together to send their SWAT teams to break strikes" said Dick Corcoran of the United Steelworkers of America, which represents the workers at St. Joe's zinc mine in Balmat, NY. "That's why the unions have to get together to share information, so we can combat their tactics more effectively. And one way we can fight them is with political pressure."

Clayton Hafield of Local Union 1440 agrees. "We've got to keep the legal and political pressure on," he said. "They kicked Southeastern Securities out of West Virginia, but Massey just sent them over the river into Kentucky."

Even more than physical violence, companies wage a different kind of war against striking union members, especially if the strike is a long one.

That warfare is psychological, and its hardest hit victims are often those least able to defend themselves—the children and the elderly of the community, who find themselves caught in the middle of a combat zone. In school, children have been kept inside during recess because of the proximity of armed guards. They live in fear of speeding nonunion coal trucks, and sleep with their parents away from windows, afraid of sniper fire. "It's scary, real scary," said 12-year-old Charlie Dixon. "They shot up our house one night. We didn't get hurt because we'd gone over to my grandmothers.

"And last night, somebody shot up the union tent, and I was right across the road. It was awful, because my cousin and my uncle and my friends were over there." For elderly residents living near Massey's Sprouse Creek operation, the activities of the company's "security" guards leave them feeling much less secure.

"Those guards forced the Government to close our Post Office," said Mrs. Virginia Cantrell of Lobata, WV.

"It was in a company building and Massey built a fence around it, with barbed wire, and put guards there. They filmed us and demanded identification. They even searched my son's mail."

The purposes of company violence are the same now as they always have been—to break the morale of the community and begin a reign of terror that companies then blame on union members trying to hold onto their jobs.

"It's not the first time we've seen these tactics, and it won't be the last," said William Pruitt of Local Union 1803.

"We know what these companies are up to. They're out to break this union and the whole labor movement.

"One way we can fight them is to stay out of the traps they try to set for us. We've got to show violence for what it is—the company's tactics for breaking a strike."

During the course of this particular coal strike, the following is a short list of some of the examples of specific instances of management instigated violence:

March 14, 1985—A non-union coal truck slams into mine worker vehicles parked on West Virginia Route 49, destroying 10 personal vehicles.

March 15, 1985—A non-union coal truck rams into the rear of a Ford Escort driving along West Virginia Route 49, injuring four mine worker members.

May 25, 1985—Unknown attackers fired into the home of mine worker member Coty Miller while his wife and four-year old daughter are in the living room.

June 3, 1985—Nine shots are fired into the home and vehicle of Local Union President Bill Davis while his wife and three children are at home.

June 4, 1985—A non-union truck driver shoots at a group of mine worker supporters at B & G Market on Blackberry Creek in Pike County, Kentucky.

August 14, 1985—Mine Worker District 30 headquarters in Pike County, Kentucky is bombed, causing extensive structural damage.

Now, what were the State and local authorities doing during this timeframe? Was there an unwillingness or inability to act? Was there a need for yet another prosecutorial weapon from the Federal Government—a weapon which by definition could only be used to prosecute the labor side of the dispute? No. The State authorities were willing and able to investigate and prosecute violent acts by both sides of this strike:

February 18, 1985—Several hundred demonstrators are arrested at a rally protesting the company's use of strikebreakers brought in from out of state.

February 27, 1985—Truck drivers are arrested for possession of unlicensed weapons, including Uzi assault rifles.

March 15, 1985—West Virginia Secretary of State begins an investigation into the illegal activities of a Massey guard company.

March 18, 1985—Over 100 Kentucky state police dressed in full riot gear arrive to keep the peace in Pike County, Kentucky.

March 27, 1985—Mingo County Judge fines the mine workers $200,000 for violative picketing.

April 13, 1985—An undercover agent arrests a non-union coal operator for soliciting the agent to "break the arms and legs" of a mine worker member of Raleigh County, West Virginia.

May 2, 1985—Non-union truck drivers connected with the company are charged with illegal possession of deadly weapons. One of the drivers is revealed to be a convicted murderer.

August 20, 1985—West Virginia officials revoke the license of Southeastern Securities and Investigations Inc.—and ordered the withdrawal of the mercenaries from one of the processing plants.

Again, I want to emphasize that in no circumstances is violence—whether by management or labor—justified or in anyway condoned. Partially because of the violence and upheaval of labor relations in the 1930's, we passed our basic labor law in 1935. And that framework, by and large, results in the peaceful settlement of disputes through the collective bargaining process.

Over 98 percent of all contract negotiations are settled without a strike. And most strikes are peacefully conducted, with no instances of violence—by either party.

But in those rare instances where violence does accompany a strike—whether instigated by management or labor—the State and local authorities have been fully capable of discharging their duties of maintaining law and order, and restoring the peace. From a law enforcement standpoint, it makes absolutely no sense to expand Federal prosecutorial power capable of prosecuting only one side of a labor dispute—the unions.

From a union-busting perspective, this amendment makes a lot of sense. Bring in Federal law enforcement, with the threat of 20 years in jail and $10,000 in fines, and union-busting mercenaries will have a field day, intentionally destroying $2,500 worth of company property—and subjecting only the union to Federal prosecution. This would be prosecution by an administration, I might add, whose chief law enforcement officer stated last year during an interview with a national magazine that "There are no innocent suspects—if you are a suspect, you are not innocent."

I am truly amazed that the proponents of this bill are—on every other issue—the biggest proponents of State's rights and State autonomy in handling local problems, particularly in local criminal matters.

Local violence—by either management or labor—is a matter best handled—and adequately handled—by local authorities.

Even more one sided than this bill is the Wharton School of Business study on union violence: The record and the response by the courts, legislatures, and the NLRB. The statistics in the Wharton study raises some interesting points. First, let's look at the principal

author. Mr. Thieblot has candidly admitted that his is not an unbiased view. In an interview in April 1975, Mr. Theiblot bluntly stated that he is promanagement. Second, let's look at the source of funding for the study. The money came exclusively from conservative, antiunion foundations, and major corporations. Are we to be surprised that such a funding source yields a study, written by a self-proclaimed promanagement author, that lays blame for strike-related violence exclusively on labors unions, exonerating the business community entirely? A study funded by an advisory group of 95 corporations can hardly be expected to be an unbiased analysis of labor-management relations.

Third, let's look at the source of the bulk of the information utilized in the study. The authors admit the National Right to Work Legal Defense Fund data base is the source of most of their data.

Let's be clear about the lack of objectivity of the National Right to Work Committee, by reading an excerpt from their newsletter for this month:

The Hobbs Act amendment * * * is aimed at curbing domestic terrorism and violence orchestrated by union kingpins to bend independent minded workers to their will. Unlike other Americans, union chieftains are immune from federal prosecution * * *.

The Right to Work Committee continues their biased analysis:

This unique license to destroy the lives of innocent workers and families through beatings, bombings and shootings was granted to union officials in the Supreme Court's 5-4 ruling in *United States* v. *Enmons* in 1973. The Hobbs Act amendment would reverse this divisive decision, and close the loophole in federal law that encourages union officials to employ violence as a matter of policy to spread compulsory unionism.

The author of this study apparently not only shared in the Right to Work Committee's funding and scholarly analysis—he apparently shares their views about the source of strike-related violence.

In the course of this debate we have heard numerous instances of strike related violence—some instigated by management, some by labor, all subject to State and local prosecution. Yet Mr. Thieblot's very title of his study of strike-related violence indicates the overwhelming bias of the whole effort—it's called union violence: No mention of management violence at all. From the title, we are to believe there is only one source of violence—but that is understandable, given his funding and information sources.

The authors do acknowledge in their introduction that:

It is not our intention to lay all of the blame for labor violence at the feet of the unionists, nor to apologize for the sometimes brutal and often brutish actions of the mineowners, industrialists, sheriffs, or militiamen of previous generations. Little would be gained from such an exercise, for a complete reading of the history of the period shows that there were excesses and brutishness on both sides.

But the authors conclude:

Lacking clear evidence to the contrary, the aggressors—in the case of labor disputes, typically the unionists—must bear the greatest responsibility.

In their view, this is the assumption that guides their study: the authors assume the union is guilty—the presumption of innocence is only for those who pay wages, not for those who earn them: The authors go on to outline what in their minds, and for the purpose of the study, is the definition of violence:

Violence is the nonprivileged physical interference with the person or property of another, or the threat, express or implied, of such interference.

This definition is intended to include such physical acts as beatings or sabotage and also the objectional aspects of mass picketing such as blocking ingress or egress to a struck plant, prohibiting nonstriking or nonunion employees from exercising their right to work, and such nonphysical violence as threats, intimidation, and moral coercion. It excludes the consequences of refusals by striking employees to work or perform services, even if those services might be considered important or critical. Such actions, though they might be morally reprehensible, are not of themselves violent, in our view.

So the authors define "moral coercion" as violence. They count as an act of violence the use of moral argument, and conclude that striking "important services" is morally reprehensible. These authors have lost their own moral compass, but that often is the fate of those who sell their scholarship for silver. With these admissions, definitions, and moral judgments fresh in mind, the authors proceed to outline their goals.

They candidly admit their first goal is to, I quote: "Demonstrate the pervasiveness of labor violence and evaluate its apparently deliberate use during strikes." Note that it is not to review, study. or analyze, strike-related violence—their first goal is to prove the pervasiveness of labor violence. Given the 100 percent management funding, the Right to Work Committee information source, the admitted promanagement bias of the authors, and the stated goals of the authors at the outset of the study, we should not be surprised at the results reached, the conclusions drawn, and the recommendations made?

While admitting in their introduction that the term violence is an elusive one and is not subject to a neat definition, the authors acknowledge, and I quote: "What is meant by the term violence is complicated by the fact that perceptions of violence are colored by attitudes and conventions which are not fully definable." Yet, in the face of these ambiguities, the authors conclude that there were exactly 2,598 instances of labor violence between 1975-81. Exactly 2,598 instances of violence, not 2,597, or 2,599—but exactly 2,598. They precisely break it down by year: 1975, exactly 386; 1976, exactly 230; 1977, exactly 234; 1978, exactly 248; 1979, exactly 483; 1980, exactly 442; and 1981, exactly 575.

The authors even provide the form used for this empirical research, a form with 15 items of information to be recorded on each incident. But how did the authors ever find the time to research and compile this impressive data base? They didn't. Did a room full of poor graduate students tediously pour through thousands of police reports and investigate these thousands of violent incidents? They didn't. How did these authors come up with such an impressive and extensive data base on labor violence? Why, the Right to Work Legal Defense Fund gave it to them! That sure saved the Wharton authors a lot of research, and probably spared many graduate students thousands of hours of tedious academic investigation. But it calls into question the validity of the entire study. The empirical foundation of this is built of sand. It is composed exclusively of examples of union incidents, and the source of these incident reports are suspect, at best.

The authors describe the National Right to Work Legal Defense Foundation "violence data base" in the following manner:

The violence data base is a series of records of violence events involving labor union members or labor union officials. Each individual record summarizes a separate incident or a related series of incidents from information found in magazine articles, newspapers, television news program transcripts, or trade association journals.

Even the authors of the Wharton study admit to some of the problems of the Right to Work Legal Defense Fund magazine clipping data base: I quote:

One of the weaknesses of this or any catalog of violent events is the determination of what constitutes a separate event or incident. If two men on a picket line each throw a rock, one might argue with equal logic that a single violent event has occurred or that two violent events have occurred. The same problem exists with respect to one picket throwing two different rocks, or with respect to a thrown rock that both breaks a window and injures a person: How many violent events have occurred in each situation?

The counting task in the violence data base is further complicated by the fact that the information used is from secondary sources—that is, newspaper accounts and similar reports—which may not consistently decide these questions, and which may describe the same activity from different perspectives using different words, or may describe it on different days.

One brick thrown twice? How many times is that to be counted? I don't mean to trivialize the seriousness of strike-related violence, because in the rare instance that it does occur, it is a serious matter, to be seriously dealt with. But it should be dealt with by the State and local authorities who are there, best equipped to handle and prosecute the perpetrators. I do mean to trivalize this Wharton study. The authors take conservative foundation and corporate money, conduct a study based almost entirely on magazine clippings and expect us to rely on their figures and conclusions to greatly expand the Federal prosecution of unions by expanding the definition of extortion to include labor violence—but not touching management violence.

The Wharton study takes no account of management violence in "empirical analysis" and I use the term empirical very loosely, the methodology much more closely resembling ancedotal manipulation—and takes into account each brick thrown in each strike, while admitting to significant overcounting of these incidents.

The Wharton study in and of itself does violence—violence to the integrity of academic research, violence to the notions of academic objectivity and fairness, and violence to the concepts of unbiased, fair research by our institutions of higher education.

The Hobbs Act was designed simply to prevent both union members and nonunion people from making use of robbery and extortion under the guise of obtaining wages in the obstruction of interstate commerce. The Hobbs Act is not intended to reach violence during a strike to achieve legitimate collective-bargaining objectives. From the time of the act's passage in 1946, the courts of this country have consistently recognized this intent and have held as such.

Proponents of the Hobbs Act defended it as not encroaching on the legitimate activities of labor unions on the grounds that the act incorporated New York's definition of extortion, that is "the obtaining of property from another * * * with his consent, induced by a wrongful use of force or fear, or under color of official right." Construing this language back in 1960, the New York Court of Appeals held that when the object of a lawful activity is the personal enrichment of the actor rather than the economic betterment of the worker, it is extortion. On the other hand, where the end is attainment of a legitimate labor objective, there is no extortion because there is no intent to misappropriate property. (*People* v. *Dioguardi*, 8 N.Y. 2d 260, 168 N.E. 2d 683, 203 N.Y. 2d 870 (1960).) This principle has been followed by many of the circuit courts. In *United States* v. *Kramer*, 355 F. 2d 891 (7th Cir. 1966), the seventh circuit found a Hobbs Act violation where a union leader threatened an employee with labor trouble if he was not paid a sum of money. Likewise, in *United States* v. *Kemble*, 198 F. 2d 899 (3rd Cir. 1952) the third circuit found a Hobbs Act violation when a union business representative forcibly insisted that a nonunion truckdriver employ a helper referred by his Local to unload the trucks because of the truckdriver's nonunion status. The list goes on. In 1956 the Supreme Court held that union representatives violated the Hobbs Act as the extortionate acts consisted of attempts to obtain from an employer "his money, in the form of wages to be paid for imposed, unwanted, superfluous and fictitious services of laborers commonly known as swampers induced by threats of force or violence." *United States* v. *Green*, 350 U.S. 415 (1956).

The fifth circuit has followed these cases in its interpretation of the Hobbs Act. In *United States* v. *Quinn* 514 F. 2d 1250 (5th Cir. 1975) the Court upheld the Hobbs Act conviction of an individual who had received a payoff from an employer in return for calling off a picket line at the employer's premises. Even though there was no threat of violence, the lack of a legitimate labor objective made this threat of economic harm a Hobbs Act violation.

My colleagues should also note that the Hobbs Act in its current state is highly effective in reaching a wide range of conduct that falls short of violence. In *United States* v. *Nell*, 570 F. 2d 1257 (5th Cir. 1978), for example, the defendant had received money from three contractors after their cranes and heavy equipment had been vandalized and destroyed. The Court ruled that guilt did not depend on whether the defendant was in fact responsible for the damage to the equipment. In order to convict under the Hobbs Act, the government need only show that the person receiving the money had no lawful claim to it and the person doing business in interstate commerce made the payment out of fear. The contractors had testified that they made the payments because of the defendant's reputation, but they could not specifically link him to the equipment damage. One contractor testified that he feared the defendant economically, but not physically. Similarly, the 11th circuit in *United States* v. *Kopituk*, 690 F. 2d 1289 (11th Cir. 1982), found that the defendants obtained money and other articles of value—cruise tickets—from the employer through extortionate means. There was, in fact, an implicit threat of economic injury underlying the entire conspiracy. The employer's weekly "peace payments" were for the purpose of ensuring continued labor peace.

Two years ago, the first circuit upheld a Hobbs Act conviction of a union local's business manager who extorted a co-owner of a Massachusetts roofing company for using nonunion labor. More specifically, the court said:

> Guilderson (the co-owner) understood Gibson's offer to solve his company's "problem" for a consideration as a threat of violence to himself and to company property . . . we think . . . that Gibson's use of the word "problem" plus his demand for a payoff to solve the problem was deliberately calculated to raise the specter of violence. *United States* v. *Gibson*, 726 F. 2d 869, 872 (1st Cir. 1984), Cert. denied, 104 S. Ct. 2174.

And in 1983, the eight circuit in *United States* v. *Wilford* affirmed a jury finding that union officials were guilty of demanding and accepting an unloading fee in violation of the Hobbs Act.

This case-law confirms my strong belief that the Hobbs Act in its current state serves the purpose intended by Congress. The act reaches extortionate labor conduct. It does not and should not reach incidental violence committed during a lawful strike or other lawful conduct in pursuit of their statutory right to reach agreement on legitimate collective-bargaining demands.

The bill's proponents have suggested that the bill applies to management violence, too. That claim is absurd. What we are dealing with is a very narrow, very specific, very serious crime—extortion. Extortion has been defined within the current Hobbs Act as: "The obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right." S. 1774 would expand that definition to: "The obtaining of property from another, with his or her consent, induced by case of actual or threatened force, violence or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right."

As interpreted by the Supreme Court, the use of the word "wrongful" means that the extortionist must seek to obtain property to which he has no legal right.

What property does an employer seek to obtain when he hires agents to beat up strikers? None! What property is at stake?

WAGES

Whose wages are they? The employer's. How could an employer ever be prosecuted for wrongfully obtaining property already his? He could not.

But under this expanded definition of extortion, which includes even fear not involving force or violence, unions and their members would be subject to Hobbs Act prosecution. Even when no force or violence was involved, if the employer has fear of economic harm flowing from the strike—even when

there are legitimate labor objectives pursued by the statutorily protected right to engage in a strike. Twenty years in jail, if an employer alleges the union threatened adverse economic consequences would result if a strike occurred. If the employer alleges he was afraid of the economic harm—and every strike involves obvious economic harm to both sides—the union may be brought up on Hobbs Act charges, and face 20 years in jail.

Current case law has upheld that the threat of economic harm, without violence, may constitute extortion under the Hobbs Act—where there is no legitimate labor objective. *United States* v. *Arambosich* 597 F. 2d 609 (7th Cir. 1979)

S. 1774 removes that qualification.

The word "property" in the Hobbs Act probably does not extend to statutory or contractual rights of employees under Federal labor law.

As S. 1774 defines extortion as the obtaining of property from another, with his or her consent, induced by use of actual or threatened force, violence, or fear there of, or wrongful use of fear not involving force or violence, or under color of official right.

During the past two decades, the courts in this country have occasionally construed the word "property" in the Hobbs Act to include intangible property rights or any valuable right considered as a source or element of wealth. None of these cases involved legitimate labor disputes.

In *United States* v. *Tropiano*, 418 F. 2d 1069 (2d Cir. 1969), several rubbish collectors used threats of violence to induce a rival collector to abandon customers and to refrain from soliciting additional customers. The defendants challenged their convictions on the ground that the prosecution's evidence indicated that no property had been extorted, asserting that nothing more than the right to do business had been surrendered by the victim, and that such a right was not property obtained by the defendants, as those terms are used in the Hobbs Act. While conceding that actual rubbish removal accounts, which may be purchased and sold, were probably property, the defendants argued that the right to solicit business was amorphous and could not be squared with the congressional expression in the act of obtaining property.

The Court responded that the Hobbs Act "speaks in broad language, manifesting a purpose to use all the constitutional power Congress had to punish interference with interstate commerce by extortion, robbery or physical violence." 418 F. 2d 1075, quoting *Stirone* v. *United States*, 361 U.S. 212, 215 (1960). The Court found that the concept of property under the Hobbs Act, as devolved from its legislative history and numerous decisions, was not limited to physical or tangible property or things, but included, in a broad sense, any valuable right considered as a source or element of wealth, and did not depend upon a direct benefit being conferred on the person who obtained the property. The Court found that the victim had an obvious right to solicit business from anyone in any area without any territorial restrictions by the defendants, and that only by exercise of such a right could customers be obtained whose accounts were admittedly valuable. The courts thus ruled that the right to pursue a lawful business, including the solicitation of customers necessary to the conduct of such business, has long been recognized as a property right within the protection of the fifth and fourteenth amendments to the Constitution, and that the victim's right to solicit accounts constituted property within the Hobbs Act definition.

In *United States* v. *Zemek*, 634 F. 2d 1159 (9th Cir. 1980), the defendants were convicted of extortion to obtain the good-will and customer revenue of a competing tavern by forceful acts, including damage to the tavern with a molotov cocktail, destroying the tavern by fire, tailing the owners, breaking into the owners' home and threatening the occupants, and plotting to blow up the tavern. The Court held that the concept of property under the Hobbs Act is not limited to physical or tangible things, and that the right to make business decisions free from wrongful coercion is a protected property right. The Court sustained a jury instruction by the trial court that property includes "any valuable right considered as a source of element of wealth." 634 F. 2d at 1147, quoting *United States* v. *Tropiano, supra*, 418 F. 2d at 1075. The Court concluded that tavern owner's right to solicit business free from threatened destruction and physical harm falls within the scope of protected property rights under the Hobbs Act. (Idem). Another court held that extortion under the Hobbs Act does not require a direct benefit to the extortionist, that the gravamen of the offense is loss to the victim, and that such loss includes intangible as well as tangible property. *United States* v. *Santoni*, 585 F. 2d 667, 673 (4th Cir. 1978) property extorted was the right of victim to make a business decision free from outside pressure wrongfully imposed. Similarly, the Court in *United States* v. *Nadaline*, 471 F. 2d 340 (5th Cir. 1973) held that intangible property, such as business accounts and unrealized profits from those accounts, is included within those rights protected by the extortion provisions of the Hobbs Act, 471 F. 2d at 344.

Despite this case law, no court has ever held that the intangible concept of property extends to statutory or contractual rights of employees under Federal labor law. I believe the intent of this bill is not to extend to such intangible property rights, and employers could not be prosecuted under the Hobbs Act for wrongfully denying those rights—even if it is by use of extreme violence.

It is also claimed that the amendment exempts minor acts of violence and minor property damage.

Let's take a look at the "bar to prosecution" within S. 1774. Section (d) provides:

(d) it is a bar to a prosecution under this section that the conduct of the defendant—

(1) was incidental to peaceful picketing in the course of a legitimate labor dispute, as defined in Section 2(9) of the National Labor Relations Act, as amended (29 U.S.C. 152(9));

(2) consisted solely of minor bodily injury, or minor damage to property not exceeding a value of $2,500, or a threat of such minor injury or damage; and

(3) was not intended to obtain property.

So a prosecution can't be brought under the Hobbs Act if three conditions are all met:

First, if it is incidental to peaceful picketing in the course of a legitimate labor dispute.

Second, it also must consist solely of minor bodily injury, or minor damage to property not exceeding $2,500, or a threat of minor injury or damage.

And most important, the third requirement to be met before Hobbs Act prosecution would be barred the harm or threat must not have been intended to obtain property.

There's the clincher! Do you know of any strike which was not intended to obtain property, in the form of wages?

What section (d) is saying is that minor incidents will be exempt from Hobbs Act prosecution—unless done by workers in the course of a strike to obtain wages!

The bar to prosecution in reality is no bar at all.

Proponents also allege that this bill is supported by the Justice Department, and that these changes were recommended by the Commission on Organized Crime.

Frankly, the Justice Department's position on amending the Hobbs Act seems to swing with the right-wing winds. Let me give you some excerpts from the testimony of the Reagan administration Justice Department on almost identical legislation.

On December 10, before the Judiciary Subcommittee on criminal law, Assistant Attorney General Jonathan Rose made the following statement:

Incidents of violence occurring during labor disputes are today prosecuted by state and local authorities, and we believe those incidents should in the future continue to be prosecuted.

The Justice Department believes that these provisions would result in an extremely broad expansion of federal criminal enforcement responsibilities, which is not jus-

tified and which could severely tax the resources of the department.

The Federal Government could be called upon to prosecute such crimes which are now more appropriately handled by local authorities.

First, the Department has neither the investigative nor prosecutorial manpower to pursue every alleged violation which could arise under the statutory language.

Second, although we do not question the authority of Congress to create such crimes under its power to regulate commerce, there are delicate questions of federalism involved here so that Federal investigation and prosecution of every alleged violation would not be appropriate.

Third, enactment of these new crimes is not necessary to remedy the specific kinds of problems raised by the Enmons decision.

Mr. Rose went on to state:

Here you simply would be holding out the promise of federal enforcement where we believe it is not realistic or appropriate. We simply are not in the foreseeable future going to have the resources to handle this kind of vastly increased jurisdiction and we do not think it necessary because we do believe the States and localities have been handling the matters effectively.

Mr. Rose concluded:

As a general matter, we simply have not found it a matter, with regard to violence alone in labor disputes that there ought to be a general federal jurisdiction to deal with that issue. We simply have not found the reluctance, if it exists at all, to reach any such extent that the kind of expansion of jurisdiction in this bill that would be provided is necessary or justified.

Now, we are told the Justice Department has changed its mind, and supports this amendment expanding Federal authority into the most traditional of all local matters—keeping the peace.

Let me last address the proponent's claim that labor violence escapes punishment. Flaring tempers by labor and management may sometimes lead to bodily harm or property damage. But it should not be the job of the Hobbs Act to prosecute those individuals who cause such damage. It is the job of the States to keep the peace—and they are doing it—pursuant to their police power. Since the passage of the Wagner Act in 1935, the States have retained and exercised effectively their authority to enjoin violent labor activity pursuant to their police power.

It is highly hypocritical that the proponents of S. 1774, who allegedly seek to carry out the current administration's New Federalism by returning power from the Federal Government to the States, are now standing behind a measure that will undermine State power.

This measure is unnecessary, because the States have the authority to prosecute perpetrators of violent labor activity, and because there are other Federal statutes that address the problem of labor-management violence without chilling the rights that employees are guaranteed by the National Labor Relations Act.

In 1981, the ninth circuit, in *United States* v. *Thordarson*, 646, F. 2d 1322 (9th Cir. 1981), held that the doctrine of the Enmons case applies only to prosecutions under the Hobbs Act.

In Thordarson, the defendants were charged with the use of explosives to damage vehicles used in interstate commerce, in violation of 18 U.S.C. sec. 844(i); travel in interstate commerce to commit arson, in violation of the Travel Act, 18 U.S.C. 1952; and conspiracy of conduct the affairs of an enterprise through a pattern of racketeering activity, in Violation of the Racketeer Influenced and Corrupt Organization [RICO] Act, 18 U.S.C. 1962(d).

All these prosecutions can be pursued when violence is used in labor situations. In 1947 Congress passed the Labor-Management Relations Act, which made it an unfair labor practice for a labor organization or its agents "to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other things of value, the nature of an exaction, for services which are not peformed or not to be performed." Labor-Management Relations Act, 29 U.S.C. 158(b)(6) (1947). The meaning of this language is clear and unambiguous. Congress intended to make demands for unwanted services and unfair labor practice. Case law, State authority to prosecute perpetrators of labor-management violence, other criminal Federal statutes like the Racketeer Influenced and Corrupt Oganization [RICO] Act and the National Labor Relations Act itself all give great weight to the conclusion that S. 1774, is an unnecessary, antilabor prosecutorial excess.

We are also told the Commission on Organized Crime supports these proposed changes.

But that support is pulled completely out of context in the Commission's report. The Commission made a package recommendation for a comprehensive approach to organized crime, an entire restructuring of our national approach. As to specific statutory recommendations, the Commission cautioned:

Their true value lies in their use as part of the overall national strategy or plan.

To snatch one specific out of the package proposal distorts the intentions and findings of the Commission.

Furthermore, the example used by the Commission as a reason why the law should be changed already is prosecutable under the Hobbs Act! Use of violence to eliminate a business competitor is a violation under current law. There are labor officials in jail for violating the Hobbs Act, for using force for wrongful purposes. They all probably alleged legitimate union activities—but prosecutors easily rebut this allegation where union aims are not legitimate

Finally, the specific language recommended by the Commission is significantly different from that which is before us now. To take the findings of the Commission, pull them out of context, and try to make that an endorsement for specific legislation which materially differs from the language they put forward is very misleading.

Mr. DURENBERGER. Mr. President, I rise today in opposition to S. 1774, a bill to amend the Hobbs Act to make labor union violence a Federal crime. And, I have voted against ending debate on the motion to proceed to consideration of this measure.

First, S. 1777 would unnecessarily expand Federal jurisdiction into an area which has traditionally been effectively covered by State and local law. Supporters argue that State and local law enforcement officials may be unwilling or unable to arrest and prosecute union members accused of illegal acts. They claim that if union violence were made a Federal crime, Federal law enforcement officials would prosecute without hesitation or fear. Mr. President, I have not seen sufficient evidence to support this argument.

In my home State of Minnesota, one finds an excellent example of a situation where Federal law would only intrude upon State and local governance. I am certain that many of my colleagues have seen media accounts of the prolonged labor dispute taking place at the George A. Hormel packinghouse in Austin. In the past, violence has erupted on the picket line; however, the Governor of Minnesota has taken steps to control that violence. Furthermore, the State and local law enforcement officials have prosecuted and jailed numerous union members convicted of committing crimes. These officials are fulfilling their law enforcement responsibilities. Why should the Federal Government intervene?

Second, the State of Minnesota has sufficient procedures to ensure that justice is carried out in cases where a local prosecutor does not wish to try a case against his own citizens. If such a situation were to arise, the Governor could request that the State attorney general take over the case.

Third, I do not believe that the Federal Government should be in the business of policing picket lines. This is an inefficient use of our resources at a time when budgetary pressures are forcing deep spending cuts in all Federal programs.

Finally, the intervention of the Federal Government into union protests can greatly interfere with the collective bargaining process, thus slowing rather than speeding up a resolution to the strike.

My vote against S. 1774 does not mean I condone labor union violence. To the contrary, I firmly believe that anyone who commits a crime, regardless of affiliations or motivation, should be properly prosecuted and punished. However, in this situation, I do not think that Federal law would be more effective than State or local law at eliminating or deterring labor union crimes. In fact, it could be detrimental to the resolution of labor disputes.

Mr. METZENBAUM. Mr. President, I yield myself such time as I may need.

Mr. President, today was a major moment in the history of the effort to repeal the Hobbs Act. Just repealing the Hobbs Act is probably not exactly the right phraseology, but actually to reverse the exemption which is provided in the Hobbs Act. It is a major day because, in an effort to move forward in connection with the bill, I myself confess that I would have thought there would be more votes than there were.

But I think that the fact that there were only 44 votes in the affirmative indicates that the Senate has a concern both about the substance of the bill as well as the manner in which it was called up.

The manner in which it was called up is shocking. I was on the floor the other day when somebody talked about prerogatives of the leadership, which I would always be prepared to respect. But there are also prerogatives of the U.S. Senate. I also respect those.

This bill was voted on in committee and the committee failed to report it out. Yet the sponsor of the bill put it on the calendar and the majority leader called it up.

That totally undercuts the committee system. I think when it does, it certainly creates problems for the body and we all have to question the use of that procedure.

As a matter of fact, I am told that the chairman of the Judiciary Committee, who is unable to move forward in connection with another bill, is following a similar procedure in order to try to get that measure to the calendar.

Why should the Senate spend time on a bill that has already been defeated in committee? Would anybody suggest that this is a matter of national importance compared to other issues we need to debate such as the budget, tax reform? Those are the issues that ought to be on the floor of the U.S. Senate, not the Hobbs Act.

This is not the first example of ignoring the committee system during this Congress. One of the worst bills this Senate has acted upon, the McClure-Volkmer bill gutting our country's gun control laws, was put on the calendar without going through committee. The budget resolution, which went through the committee, and which, under the law, was to be on the calendar and disposed of as of yesterday, has not as yet been put on the calendar. We proceed backward. We travel in reverse.

What about the bill itself? This bill will not do anything about stopping violence. This is just a fun-and-games bill for some to try to force through and claim that they are prepared to provide some protection against violence.

First of all, I have been in tune with what has been happening in labor matters over the course of many years. Certainly, there have been times when there have been confrontations on the picket lines, as happened in the Hormel strike. But this bill is not going to stop violence if it were to pass. It will not do anything about strengthening law enforcement. This bill is packaging. It is packaging only. It sounds good, but it does nothing.

The kind of conduct the proponents of this bill say they want to stop is already illegal under State law. If a worker in a picket line shoots out a window during a strike, that is a crime under State law. Since when do we need the Federal Government to prosecute shooting out windows?

If there is a fistfight that breaks out during a strike, that may or may not be a crime under State law. But if it is a crime at all, then it is a crime under State law. If there is any type of violence during a strike that rises to the level of criminal conduct, the local law enforcement officials can already prosecute, under the law.

The supporters of this bill are quick to support States rights, and that is a subject I would like to talk about for a moment.

Every single one of those who voted to invoke cloture and who are supporters of this bill—every single one of them—is in that crowd in the Senate that bleats as loudly and as clearly as they possibly can, claiming States rights, "the Federal Government ought to get out of the State's business."

But when it comes to the State, this bill, the Hobbs Act, then they say, "No, no, we need the Federal Government to get in. We ought to make it a Federal crime to have violence on the picket line." They want to turn things back over to State and local governments.

I think that somewhat indicates the absurdity and ridiculousness of this position taken by those who are promoting this bill.

They believe that the State ought to have more responsibility in all other areas, so why not with respect to violence on the picket line? But here they want to throw the book at them under Federal law.

The fact is that the dispute over the Hobbs Act application to labor violence is a tempest in a teapot. There is no general exemption for labor unions under the Federal extortion criminal statute. Labor unions can be prosecuted just like anyone else.

The whole debate about the Hobbs Act arises because the statute only covers attempts to obtain property to which the defendant has no lawful claim. The Supreme Court held 13 years ago in the Enmons decision that the Government could not expand the meaning of the statute to cover cases where the defendant had a lawful claim to the property.

The Court said:

> The Government's broad concept of extortion—the "wrongful" use of force to obtain even the legitimate union demands of higher wages—is not easily restricted. It would cover all overtly coercive economic conduct in the course of an economic strike, obstructing, delaying or affecting commerce. The worker who threw a punch on a picket line, or the striker who deflated the tires of his employer's truck would be subject to a Hobbs Act prosecution and the possibility of 20 years' imprisonment and a $10,000 fine.

In other words, the Hobbs Act could not be used to bootstrap the jurisdiction of the Federal criminal law to ordinary assault or vandalism just because it took place in the context of a strike and the strike affected interstate commerce.

Yet we have the proponents of this bill anxious to expand the long arm of the Federal law.

The bill says it is not intended to chill legitimate labor activity and that Federal prosecution is not authorized for minor bodily injury or minor damage to property. But—and it is a big but—there is a qualification. It does not cover minor injury or damage only if it is not intended to obtain property. But the Hobbs Act itself requires an intent to obtain property. So this exemption means nothing. If an act of violence is not intended to obtain property it is not covered anyway.

And that language raises another problem. What are "minor bodily injury" and "minor damage to property"? These are vague terms to set a standard for a criminal violation. And if it turns out that the court decides someone has violated the law, he or she is subject to a $10,000 fine and imprisonment up to 20 years.

Much is made of the fact that this bill is going to stop labor unions from using violence to force payoffs of ghost employees or to obtain bribes. The truth is that the Hobbs Act already prohibits that kind of activity under Federal law.

Here is what the Supreme Court said in the Enmons opinion:

> . . . the Hobbs Act has properly been held to reach instances where union officials threatened force or violence against an employer in order to obtain personal payoffs, and where unions used the proscribed

means to exact "wage" payments from employers in return for imposed, unwanted, superfluous and fictitious services of workers.

Another phony argument is made in support of this bill. The proponents say that the bill is necessary to stop organized crime activities. The President's Commission on Organized Crime identified the Hobbs Act as a problem in depriving Federal prosecutors of a tool to use against an organized crime-infiltrated labor union.

The hypothetical example cited by the Commission is an organized-crime dominated labor union which engages in violence in order to eliminate an unwanted business competitor. However, the Hobbs Act would not preclude prosecution of the union in this case because destroying a competitor is not a legitimate union activity.

The fact is that any type of labor union activity which is really the result of domination by organized crime is not going to be in pursuit of a lawful objective. Consequently, this kind of activity may still be prosecuted under the current law.

Another point the Commission overlooks is that other Federal statutes allow prosecution of labor unions if they become involved with organized crime. The RICO statute, prohibiting a pattern of racketeering, allows prosecutions of labor unions and others if they have engaged in two or more instances of criminal conduct in pursuit of a pattern of racketeering. This statute was passed expressly for the purpose of stopping organized crime and organizations involved with organized crime. There is no exemption for labor unions.

The proponents of this bill would have you believe that there is a cry coming from State and local police officials for Federal help. This just is not so. That is not factual. Listen to 1,000 enforcement officials in 500 of this country's largest cities. When asked about strike-related violence in their communities, 96 percent of those surveyed found it to be "not very serious" or "not at all serious."

These same 1,000 officials were asked what enforcement programs they would spend money on if it was readily available and abundant. Not even 1 percent said they would like to use this money toward aiding local police in combating strike-related violence. Other programs needed money more they said.

The fact is that this bill has nothing to do with organized crime. It has nothing to do with bribes and payoffs. It is simply a way to extend Federal jurisdiction into local affairs. It is a way to allow the FBI and U.S. attorneys to get involved in labor-management relations at the local level. Let's face it. It's a way to give some overly aggressive U.S. attorney a tool for breaking a strike.

Let us face it: If the FBI and all the U.S. attorneys did all that they should be doing now with respect to crime and drugs and some other areas of a similar nature, the country would be better served. I think we can hardly afford to use their time in broadening their jurisdiction in the manner suggested by this legislation.

Nobody in the United States is going to be safer if this bill is passed. Nobody is going to be protected who is not protected now. This is not a law enforcement bill. This is an antiworker bill. I oppose it.

The Senate has acted wisely in refusing to invoke cloture with respect to the motion to proceed.

Mr. McCLURE. Mr. President, I regret the action of the Senate in failing to invoke cloture on the motion to proceed to S. 1774, the Hobbs Act bill. I would have hoped, at the very least, that the Senate could have an opportunity to consider the bill on its merits, vote on amendments, and, finally, work its will on the bill, without being sidetracked on a procedural point.

The Enmons decision represented what, I believe, is a perversion of the intent of Congress when it enacted the Hobbs Act. By a narrow 5 to 4 margin, the Supreme Court made the unfortunate move of completely exempting one area—and only one area—from Federal law governing extortionate activity. I do not believe that is good law or good jurisprudence. Associate Justice Douglas, on behalf of himself, the Chief Justice, and Justices Powell and Rehnquist, summarized the issue when he stated:

The Court today achieves by interpretation what those who were opposed to the Hobbs Act were unable to get Congress to do.

Mr. President, I ask unanimous consent that the dissenting opinion by Justice Douglas be printed in the RECORD:

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Mr. Justice Douglas, with whom the Chief Justice, Mr. Justice Powell, and Mr. Justice Rehnquist concur, dissenting.

The Court today achieves by interpretation what those who were opposed to the Hobbs Act were unable to get Congress to do. The Court considers primarily the legislative history of a predecessor bill considered by the 78th Congress. The bill before us was considered and enacted by the 79th Congress; and, as I read the debates, the opposition lost in the 79th Congress what they win today. All of which makes pertinent Mr. Justice Holmes' admonition in Missouri, K. & T. R. Co. v. May, 194 U.S. 267, 270, 24 S.Ct. 638, 639, 48 L.Ed. 971, that "it must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."

In United States v. Local 807, 315 U.S. 521, 62 S.Ct. 642, 86 L.Ed. 1004, we had before us the Anti-Racketeering Act of 1934, 48 Stat. 979, which made it a crime to use violence respecting interstate trade or commerce to obtain the "payment of money or other valuable considerations," excluding "the payment of wages by a bona-fide employer to a bona-fide employee." We held that the exception included demands for unwanted or superfluous services and covered those who wanted jobs, not only those who presently had them.

Congress in the Hobbs Act changed the law. The critical change was the exclusion of the employer-employee clause. The Court said in the United States v. Green, 350 U.S. 415, 419, 76 S.Ct. 522, 525, 100 L.Ed. 494: "In the Hobbs Act, 60 Stat. 420, carried forward as 18 U.S.C. § 1951, which amended the Anti-Racketeering Act, the exclusion clause involved in the *Local 807* decision was dropped. The legislative history makes clear that the new Act was meant to eliminate any grounds for future judicial conclusions that Congress did not intend to cover the employer-employee relationship. The words were defined to avoid any misunderstanding."

In *Green*, the Court held that it was an extortion within the meaning of the Act to use force to obtain payment of wages for unwanted and superfluous services. *Id.*, at 417, 76 S.Ct., at 524.

Here, the services were not unwanted or superfluous; they were services being negotiated under a collective-bargaining agreement.

The Court relies mostly on the legislative history of a measure covering the same topic which was passed by the previous House but on which the Senate did not act. Two years later, the bill in its present form was enacted. It was a differently constituted House that debated it and the year was 1945 rather than 1943. So the most relevant legislative history, in my view, concerns the 79th Congress, not the 78th.

The fear was expressed in the House that the elimination of the Exception Clause would open up the prospect of labor's being prosecuted.[1] As a consequence, Congressman Celler sought to amend the measure so as to exempt the use of violence to exact "wages paid by a bona fide employer to a bona fide employee." [2] His precise amendment in that regard would define "property" in the Act as not including "wages paid by a bona fide employer to a bona fide employee."[3] Those who objected said that it would substantially restore the 1934 Act.[4]

Congressman Biemiller, in speaking for the Celler Amendment said:

"We fear, for example, under the bill as it now stands, that a simple, unfortunate altercation on a picket line—and we all know that human beings are frail and when tempers are hot some trouble may develop—under such a situation you may send a man to jail for 20 years or fine him $10,000." [5]

The Celler amendment was rejected.[6]

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[1] 91 Cong. Rec. 11914 (remarks of Rep. Marcantonio).
[2] *Id.*, at 11913.
[3] *Ibid.*
[4] *Id.*, at 11914; 11914-11915; 11918.
[5] *Id.*, at 11916.
[6] *Id.*, at 11917.

As I read the Congressional Record, Congressman Baldwin spoke for the concensus when he said:

"This bill would not have been presented to the House if organized labor had recognized law and order in striking and in establishing their rights, as they have a right to do. Everyone can remember the taxicab strike in the city of Baltimore, which does not pertain to this bill, where cabs were overturned, bricks thrown through the windows endangering the lives of people, innocent victims. Those were the tactics of organized labor which you people support outright and which organized labor sanctioned. The leaders were locked up and put in jail for participating in those activities. Yet you stand here on the floor of this House and say they did not do it or they did not know anything about it.

"Mr. Chairman, labor has a right to strike, but when labor perpetrates that sort of thing, they are going far beyond the bounds of reason. Certainly, I do not take the position that labor has not the right to organize or to strike, but when they do so they should abide by the laws of the land and the laws of decency. If they had done that, we would not have this legislation before the House today." [7]

Congressman Whittington voiced the same sentiments:

"The pending bill will provide for punishing racketeers who rob or extort. There is no justification for labor unions opposing the bill as it constitutes no invasion of the legitimate rights of labor. Robbery and extortion by members of labor unions must be punished. Labor unions owe that much to the public. In demanding the protection of laws, labor unions should urge that those engaged in legitimate interstate commerce be protected from robbery and extortion." [8]

Congressman Celler offered another amendment which would give as a defense to a charge under the Hobbs Act that the employee "did not violate the provisions of the Norris-LaGuardia Act, the Clayton Act, or the Railway Labor Act, or the National Labor Relations Act." [9] But that amendment was also voted down; [10] the only provision of the Hobbs Act which touched on that problem was 18 U.S.C. § 1951(c), which stated that this section "shall not be construed to repeal, modify or affect" those laws. References were made in the House debates to the trucking problem in New York, where farmers bringing their produce to market in trucks were held up and money was extorted "from the drivers in order that the shipments might enter the Holland Tunnel and be delivered to their respective destinations in New York." [11]

Congressman LaFollette offered an amendment which would keep the 1934 Act intact but would bar the use of violence by a person not a bona fide employee to obtain property from a bona fide employer.[12] That, too, was defeated.[13]

In the present case, violence was used during the bargaining—five acts of violence involving the shooting and sabotage of the employer's transformers and the blowing up of a company transformer substation. The violence was used to obtain higher wages and other benefits for union members. The acts literally fit the definition of extortion used in the Hobbs Act, 18 U.S.C. § 1951. The term "extortion" means the use of violence to obtain "property" from another § 1951(b)(2). The crime is the use of "extortion" in furtherance of a plan to do anything in violation of the section. § 1951(a). The prior exception covering those who seek "the payment of wages by a bona-fide employer to a bona-fide employee" was taken out of the Act by Congress. Hence, the use of violence to obtain higher wages is plainly a method of obtaining "property from another" within the meaning of § 1951(b)(2).

Seeking higher wages is certainly not unlawful. But using violence to obtain them seems plainly within the scope of "extortion" as used in the Act, just as is the use of violence to exact payment for no work or the use of violence to get a sham substitution for no work. The regime of violence, whatever its precise objective, is a common device of extortion and is condemned by the Act.

Congressman Lemke said in the House debates on the Hobbs Act which he opposed, "The minority is generally right." [14]

Whatever may be thought of the policy which the Court today embroiders into the Act, it was the minority view in the House and clearly did not represent the consensus of the House. No light is thrown on the matter by the Senate, for it summarily approved the House version of the bill.[15]

It is easy in these insulated chambers to put an attractive gloss on an Act of Congress if five votes can be obtained. At times, the legislative history of a measure is so clouded or obscure that we must perforce give some meaning to vague words.[16] But where, as here, the consensus of the House is so clear, we should carry out its purpose no matter how distasteful or undesirable that policy may be to us,[17] unless of course the Act oversteps constitutional boundaries. But none has been so hardy as even to suggest that.

While we said in Kirschbaum C. v. Walling, 316 U.S. 517, 522, 62 S.Ct. 1116, 1119, 86 L.Ed. 1638, that it is "retrospective expansion of meaning which properly deserves the stigma of judicial legislation," the same is true of retrospective contraction of meaning.

I would reverse.

Mr. McCLURE. Mr. President, numerous congressional investigations and "think tank" studies have been undertaken with respect to the Enmons case. Although, as the vote suggests, there is strong disagreement on the policy surrounding the Enmons case, I think the better view is that Enmons thwarted the congressional intent in enacting the Hobbs Act, and did so in a way that laid the groundwork for bizarre and unjust results. The House Republican Study Committee, in its 1984 hearings on the subject, heard from a New Jersey janitor who had his house vandalized and was threatened with a knife pursuant to labor-union-related violence, a Philadelphia contractor who was hospitalized for spinal surgery during a labor dispute, and a construction business owner who had to be placed in the witness protection program as a result of union violence. These cases should be subject to Federal purview and prosecution.

Mr. President, I ask unanimous consent that the report of the House Republican Study Committee be printed in the RECORD at this point:

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON RSC HEARINGS ON LABOR VIOLENCE

On February 8, 1984, the RSC held hearings on the subject of labor violence. These hearings stemmed from continuing frustration on the part of conservatives in the House: the widespread nature of this type of violence has not been adequately aired, and legislation to discourage this violence has been stalled by the Democratic leadership.

The Focus: The hearings focused on an injustice in current federal law. The Hobbs Act addresses the crime of extortion, described as the taking of property from another by using force or violence to obtain another's consent. However, in a 1973 Supreme Court decision known as the *Enmons* decision, this law was held not to apply where the extortion had a legitimate labor

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[7] *Id.*, at 11918.
[8] *Id.*, at 11913.
[9] *Id.*, at 11919.
[10] *Ibid.*
[11] *Id.*, at 11917.

[12] *Id.*, at 11919. The proposed amendment read as follows:

"(a) The term 'the payment of wages by a bona fide employer to a bona fide employee' shall not be construed so as to include the payment of money or the transfer of a thing of value by a person to another when the latter shall use or attempt to use or threaten to use force or violence against the body or to the physical property (as distinguished from intangible property) of the former or against the body of anyone having the possession, custody, or control of the physical property of the former, in attempting to obtain or obtaining such payment or transfer.

"(b) The term 'the rights of a bona fide labor organization in lawfully carrying out the legitimate objects thereof, as such rights are expressed in existing statutes of the United States' shall not be construed so as to ignore, void, set aside, or nullify the definitions set out or the words used in or the plain meaning of subsection (a) hereof."

[13] *Id.*, at 11922.
[14] *Ibid.*
[15] 92 Cong. Rec. 7308.
[16] See, *e.g.*, Addision v. Holly Hill, 322 U.S. 607, 615-616, 64 S.Ct. 1215, 1220-1221, 88 L.Ed. 1488, for the use by Congress of the rather opaque phrase "area of production."
[17] The fear was expreseed in the House debates by opponents of the measure that a fistfight on a picket line during a strike could bring down on the offender a $10,000 fine and 20 years in jail or both. See 91 Cong. Rec. 11916; *supra*, at 1017. And the Government actually argued in one case, *United States v. Caldes*, 9 Cir., 457 F.2d 74, 78, that a union and its members were guilty of extortion if they used the coercion of a strike to obtain economic benefits from the employer. That, however, is nonsense, as these court in *Caldes* ruled, *id.*, at 79, for the Hobbs Act specifically does not touch collective bargaining of which the strike is a component part. 18 U.S.C. § 1951(c). Moreover, the court in *Caldes* held that "mischievous" conduct during a strike and actions which are "the by-product of frustration engendered by a prolonged, bona fide collective bargaining negotiation," *id.*, at 78, are often only low-level acts of violence that may be unfair labor practices or at best, subject to state, not federal, prosecution. That is my view.

objective as a goal. Thus, although the rest of us could be prosecuted under the Hobbs Act for extortion as described above, a special exemption for labor is allowed for example when this tactic is used in a press for higher wages or benefits.

Corrective legislation: There are two bills in the House and one in the Senate amending the Hobbs Act in a way that would restore equity, making sure that labor violence is treated no differently than any other violence falling within the federal realm. These bills eliminate the special exemption now enjoyed by labor, clarifying Congressional intent so that the law cannot be again misinterpreted by the courts.

H.R. 287 (J. Kenneth Robinson) and H.R. 1514 (P.M. Crane) are pending in the Judiciary Committee, Subcommittee on Criminal Justice, with no action pending.

S. 462 (Grassley) had hearings last October in the Subcommittee on Separation of Powers in the Judiciary Committee, and full Committee hearings are expected in mid-March.

WITNESSES

Four witnesses testified at these hearings, appearing before the committee despite some personal risk. All had already suffered greatly—from destruction of property, from intimidation and threats, from physical violence, and from the emotional effects of such lawlessness.

To further point up the magnitude of the problem of unchecked labor violence, we note that three of the seven witnesses originally invited to testify later declined to appear before our committee because they said they had received further threats of violence and were afraid to appear, or they were fearful of further violent acts if they dared to testify at the hearing.

FEDERAL LAW NEEDED

There are numerous factors which make local or state prosecution and conviction of labor violence less than certain. Individual states are limited in effectively dealing with labor violence affecting interstate commerce. Indeed, in some cases labor tacticians from out of state are sent into a locality expressely to plan or manage a local or statewide strike.

Labor violence can exert tremendous pressure on authorities and institutions of a community which in some cases are clearly beyond its resources to contain equitably.

Local and state public officials are sometimes hesitant to pursue a case of labor violence because of the labor union's political or financial clout. Law enforcement agencies have been known to decline to step in because they themselves are unionized and are therefore reluctant to interfer with the union responsible for the violence.

It cannot be assumed that individuals willing to bomb, sabotage equipment, destroy private property, and physically assault another would not also continue this behavior to exert further pressure in order to avoid prosecution and conviction by local or state authorities. Prosecution under such circumstances can sometimes be understandably lax. Further, in cases of strikes by public officials (police or firemen, for example) there may be no local law enforcement or government to speak of.

Further, for fifty years labor management relations have been widely presumed to affect interstate commerce. The national organization structure of most unions, with jurisdiction that covers many states, supports this view, and violence of the unions certainly impact collective bargaining and in turn, interstate commerce.

It clearly is an area of legitimate Federal jurisdiction, because these unions do cross State borders, and normally, I would harbor a great respect for local law enforcement, but you are dealing with entities here that are not just national—they are international, and as a result, that is a legitimate basis for getting the national law enforcement authorities to go to work in your behalf, especially in areas where local law enforcement authorities have broken down. (Rep. Philip Crane, RSC hearings on labor violence, 2/8/84)

TESTIMONY

The witnesses' testimony illustrated graphically the inadequacy of local remedies and the need for federal legislation to restore equity in the law.

HORACE GUYTON, A NEW JERSEY JANITOR

His union struck Wheaton Industries May '83. He went back to work after union stonewalled him on reasons. House vandalized, threatened with knife, told he was on 'Hit List', Guyton moved. Threats kept up. Knows his photo, phone and license numbers are displayed at union headquarters. Strike is over, persecution isn't.

Mr. Guyton has received no cooperation from law enforcement officials in his town:

The local law enforcement, they're not doing anything. I have had a knife waved in my face, my life threatened. I called the police. They referred me to the sheriff's department. The sheriff's department came after staying out in the picket line with the strikers for about 45 minutes, they come up to the building and they tell me that if the strikers call and say I am saying anything to them, they are going to come back and lock me up. That was it. Nothing else was done or anything.

. . . who can I call? I can't call the local police. I can't call the sheriff's department. They have already shown they won't do anything. I am on my own.

The witness made an eloquent plea for passage of the legislation to amend the Hobbs Act in order to restore order in the law:

So I am going to keep working like this, in fear. I don't know how long I can take this. . . . Something has to be done. I don't know if Congress will pass this Hobbs Act [amendments], but I am praying they will, and I wish everybody else gives you a prayer to get through this before something bad comes out of this, not only in this part of the country, but other parts where it is worse than this.

CHER MUNGOVAN, WIFE OF PROTECTED WITNESS

Husband Walter had $2 million-a-year construction business in Hawaii, paid his people union scale plus. Testified in federal probe about illegal union actions against his company. Repeatedly threatened, Walter now under federal witness protection program. Wife Cher doesn't know who or where he is. There life's work is ruined.

This witness continues to receive threats on her life for her courage in pursuing the injustices done to her family. She and her 12 year old son still live in constant fear and continue to receive death threats. They are victims of unchecked union intimidation and violence, and they are virtually unprotected by the law.

The only consequence for the union which vowed to break Walter Mungovan for his refusal to force his employees into a union (the employees had voted in a federally-supervised election to remain non-union) has seen several perjury convictions. Mrs. Mungovan illustrated the problems that many victims find when forced to turn to local or state government for help, and her testimony reinforces the need for federal legislation to fight this type of violence and lawlessness:

The thing that bothers me over the sentencing of Kapau [1] is he is a convicted felon with a prior criminal record. He produced for a sentencing report letters of support and admiration from Hawaii members of Congress and the local state legislators, and endorsements like that, which are obviously politically motivated, I don't know how we can ever hope to live in a society free of union violence.

Regarding the need to amend the Hobbs Act, Mrs. Mungovan impressed upon those present the need for equity.

We only ask for equal rights under the law and that the unions and members or people that they might hire be liable for their actions just the same as you or I are. We don't think that is too much to ask for considering what we have gone through and are still going through today. . . .

We only ask that the law be amended so that we stand a fighting chance in this thing.

I don't understand how, in effect, any member of Congress can condone the kind of activity that has destroyed my family, taken my husband from me, and is still refusing to vote for an amendment to the Hobbs Act.

SIGMUND KAYE, PHILADELPHIA CONTRACTOR

Was renovating a house with non-union workers. They were driven off and house wrecked by 15 burly men in gray union-owned bus. Kaye beat up by same men same day, resulting in hospitalization for spinal surgery. Same bus linked to other scenes of intimidation and violence.

As in the case of many other victims of this type of union violence, Mr. Kaye received virtually no assistance from police or other local law enforcement agencies:

I have worked with the Philadelphia police department, the DA's office, the United States Attorney. No one has made any efforts to bring about any restitution.

The police have done absolutely nothing. They have made . . . the linkage with the union . . . and that's as far as they've gone. They will not go any further. The FBI cannot get involved because it's not a Federal crime. The United States Attorney won't go near it . . . We cannot get cooperation from the authorities.

Mr. Kaye emphasized the need for federal legislation in order to combat this type of criminal behavior:

I'm hoping my testimony here along with other people here can try and get some Federal jurisdiction in combatting these crimes, because nothing is being done on a local level. Nothing is being done.

And again,

I just feel as though it's a hopeless case as far as any prosecution is concerned, because the Philadelphia Police Department are not willing to do anything. So I'm hoping that Federally we can do something . . . .

BOB WOHLSEN, PENNSYLVANIA CONTRACTOR

Company had contract to expand museum in Chadds Ford, Pennsylvania. Union activists blocked site and museum too. On 6-8-83 Wohlsen and 4 others videotaped it for anti-picketing injunction. They were beaten.

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[1] Head of Hawaii carpenters union, sentenced only for perjury in the Mungovan case; vowed to break Walter Mungovan.

Wohlsen's head, stomach and back were kicked and punched. Needed brain surgery.

Mr. Wohlsen's testimony supported what our committee found to be frequently the case: it is not always a simple matter for law enforcement authorities to contain violence in these situations:

Right in the presence of state police being there, they punctured our tires and beat up our cars and cut our hydraulic lines on our trailers, right there.

Those policemen had a heck of a time in that violent situation . . .. Every time we call the police we are told 'there is nothing we can do.'

Mr. Wohlsen urged the Congress to act against such lawlessness:

"I would not pretend to know more about organized labor and this country's labor laws than what this distinguished committee knows. But I do know that I have never seen or experienced such a total and blatant disregard for the law and for the most basic of all human rights. No union, no individual, no matter how politically strong they may be, should have the power to be above the law. No one should be allowed to hurt another human being or to disrupt or attempt to destroy another person's business. If I committed a crime I would expect to be punished. Furthermore, I would in fact be punished. Why should a labor organization, its leadership and its members be any different.

. . . violence, vandalism, extortion and sheer terrorism are allowed to continue. If federal law created the various rights for the unions then the same body of law should also regulate labor's behavior and punish its misconduct. As a citizen and as a businessman I should be free from the type of problem that occurred on June 8, 1983. It is obvious that something needs to be done to further protect our rights.

BACKGROUND

Federal legislative attempts to control union violence began with the Anti-Racketeering Act of 1934, which was one of a number of bills resulting from investigations into racketeering, conducted in 1933 by a subcommittee of the Senate Committee on Interstate Commerce. With this legislation the Congress recognized that labor violence was a problem which state and local governments could not effectively control.

The Anti-Racketeering Act of 1934 set penalties for those who use or threaten to use force, violence or coercion to obtain money or property or other valuable consideration, or the purchase or rental of property, or protective services. However, this prohibition specifically did not include "the payment of wages by a bona fide employer to a bona fide employee." In short, extortion against employers was illegal except in the case of wages.

This exemption led to a Supreme Court ruling in *U.S.* v. *Local 807* (118 F. 2d 684 (2d Cir. 1941), *aff'd*, 315 U.S. 521, (1942)) that under the federal Anti-Racketeering Act of New York City Teamsters local could stop trucks as they came into the city and use violence and threats of violence to obtain from the truck owners the equivalent of a day's pay either to allow the teamsters to take the trucks into the city or in many instances for simply allowing the trucks to enter the city with their regular drivers. The statute did not include a prohibition against force or violence to obtain "the payment of wages by a bona fide employer to a bona fide employees," and in the *U.S.* v. *Local 807* situation, the court oddly decided that there *was* a bona-fide employer-employee situation as long as the person who extorted the payments offered to do the work. This statute then did not protect the out-of-town drivers nor punish the behavior of the Teamster local.

This holding further indicated the court's preoccupation with the notion that if the objective were "traditionally legitimate . . . from labor's perspective" then the means to achieve the objective would not be viewed as extortion, no matter how violent.

Congress later acted to assure that such an interpretation would no longer be held valid by the courts by passing the Hobbs Act.

In 1946 the Hobbs Act was passed to eliminate the wage exemption. The debate on the Hobbs Act indicated that the Congress felt the Supreme Court wrongly decided the *Local 807* case, and that the decision was a "distortion of the intent of Congress." (Congressman Halleck, see 91 Cong. Rec. 11900, 1945; also 88 Cong. Rec. 2071, 5334-35, 1942; 89 Cong. Rec. 3193, 3201-2, 3206-7, 3220, 1943.) In an effort to be sure that a future similar case would not be similarly decided, the Congress rewrote the 1934 Anti-Racketeering Act and took care to completely eliminate the exemption on which the decision in the *Local 807* case was based. The Hobbs Act read as follows:

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in Commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

Congressman Hobbs indicated during debate that his bill, while eliminating the wage exemption, was in fact designed to correct the deficiency in the 1934 federal law. The Congress was intent on making sure that a decision such as in the *Local 807* case would not be repeated. Extortion this time was defined to include the obtaining of property from another, with his consent, induced by *wrongful* use of actual or threatened force, violence or fear. (emphasis added)

The inclusion of the word "wrongful" is a key to continuing problems with decisions regarding union violence based on the Supreme Court interpretation of the Hobbs Act. The Supreme Court decided in 1973 in *United States* v. *Enmons* (335 F. Supp. 641 (E.D. La. 1971) *aff'd*, 410 U.S. 396, (1973)) that acts of violence could not be considered extortion under the Hobbs Act when perpetrated in furtherance of a legitimate labor objective. The Court felt that the word "wrongful" would not have been included in the definition of extortion if the Hobbs Act had been meant to apply to all labor violence.

A further look at legislative history, however, would show convincingly that the *Enmons* decision reached by the Supreme Court is in error, and that "wrongful" applies to all but legitimate labor activity, such as allowable peaceful striking and picketing.

In fact, Congressman Hobbs made it very clear during debate that a simple threat to go on strike would not be viewed as extortion under the Act, and stated that the word "wrongful" applied to the entire relevant section of the Act. Thus a strike is not "wrongful force" unless accompanied by violence. (See *Nebraska Law Review* vol. 59, No. 4 (1980) p. 893).

It is reasonable to assume that the insertion of the word "wrongful" was meant to assure the opponents that the Hobbs Act was not meant to restrict legitimate activity, and even if a strike were to be considered an application of force, it would not be wrongful force, unless violence were to be involved. This interpretation is certainly compatible with the legislative history as brought out by debate and is, in addition, compatible with the desire of the Congress to overrule the *Local 807* decision.

COMMITTEE FINDINGS AND RECOMMENDATIONS

The testimony developed at this hearing reinforced findings made by the Senate Judiciary Committee's Subcommittee on Separation of Powers, at its hearings held October, 1983, and by studies such as the Wharton School's comprehensive study on union violence published in 1983. In short, labor violence is all too frequently attributable to union strike tactics whch include premeditated efforts at intimidation through fear and violence, and such violence is not prosecutable under the Hobbs Act due to a misinterpretation of Congressional intent made in a 1973 Supreme Court case. Further, this type of violence is part of a widespread pattern serious enough to be a national problem.

The Anti-Racketeering Act, and later the Hobbs Act, were passed in an effort to curb labor violence. Unfortunately, federal laws passed to prohibit such violence have been virtually nullified through inadequate court interpretations of Congressional intent and legislative history. Yet the Congress never intended to make the distinction between union workers and other Americans.

In other words, as brokers of employee services, labor unions were to be limited in the use of force to the same extent as were other brokers or sellers of commodities; in either instance, the effectuation of the exchange through the use of force was to be prohibited as extortion. (Wharton Study, No. 25 (1983)).

H.R. 287 and H.R. 1514 are the most recent in a continuing effort to tighten up the Anti-Racketeering Act (later the Hobbs Act) in order to clarify Congressional intent and correct the interpretation of the Court.

These bills do not interfere with the legal right to strike or picket. They are aimed solely at restoring equity by making sure that labor violence is treated no differently than any other violence.

The legislation would amend the Hobbs Act so that violence or threats of violence "in the course of a legitimate labor dispute or in pursuit of legitimate union or labor ends or objectives" would be a violation of the Act and would be subject to federal prosecution. It would close the legal loophole in the law created by the Supreme Court interpretation of the Act in the *Enmons* case.

It is unfortunate that the Democratic leadership in the Congress has seen fit to ignore what is a serious nationwide problem, and has refused to allow these bills to be considered in the House. In the face of this deliberate inaction, cosponsorship of H.R. 287 and H.R. 1514 is particularly important as a part of the effort to force the leadership to allow consideration of this legislation.

This committee promises that the effort to rectify the current injustice will not stop with these hearings, and that our members will do all that is possible to achieve passage of H.R. 287, H.R. 1514 or similar legislation.

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Mr. McCLURE. Finally, Mr. President, the U.S. Chamber of Commerce has done an excellent study of S. 1774. The chamber concluded that, first, labor violence is a major problem, second, local police are not controlling picket line violence, third, organized crime use a prime force behind labor violence, fourth, there is a broad spectrum of victims of union violence, including union members, and fifth, S. 1774, which merely restores the original intent of the Hobbs Act, is necessary to assure equal application of the law, ensure the preservation of legitimate rights, and being Federal extortion laws in consonance with other Federal labor policies. Mr. President, I ask unanimous consent that the study by the chamber of commerce be printed in the RECORD.

(The study is printed earlier in today's RECORD.)

In sum, Mr. President, I am saddened by the outcome of our earlier vote. I suspect it will set the stage for increasing violence, and that, following some major tragedy involving extensive injury and loss of life, we will be back to the same point we are now, but with a different result.

Mr. METZENBAUM. Mr. President, I do not see anybody else on the floor seeking recognition. That being the case, and it being my understanding that the Senator from Iowa has yielded back all his time——

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. I therefore yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back on this particular subject.

ELECTRIC CONSUMER PROTECTION ACT

The PRESIDING OFFICER. The Senate will now return to consideration of S. 426, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 426) to amend the Federal Power Act to provide for more protection for electric consumers.

The Senate continued with the consideration of the bill.

Pending:

Melcher Amendment No. 1785, to provide specific authority for wheeling of power under sections 211 and 212 of the Public Utilities Regulatory Policy Act.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. QUAYLE). Without objection, it is so ordered.

SCHEDULE

Mr. DOLE. Mr. President, earlier in the day the distinguished minority leader asked what we might expect for the remainder of the day. I am still hopeful that we can complete action on S. 426. It seems to me that this bill is not a major piece of legislation. It is important. I did not want it misunderstood. Again, we find ourselves spending several days on items that should be cleared up in several hours. We just finished one bill, the Airport Transfer Act, which took a couple of weeks. Now we are on the hydrorelicensing bill which should take a couple of hours. It has been 4 days.

I hope to complete action on that today and also the technical amendments to the crime bill, if not today, tomorrow; the Federal Deposit Insurance Act, S. 2231, or its companion bill H.R. 4451; S. 1923, the bankruptcy judges bill; and any Executive Calendar nominations that appear on the Calendar.

If we can complete action on this legislation, the items just mentioned, between now and tomorrow evening, I would suggest that if there were a Friday session, there would not be any votes. If we cannot do that, then I think we would have to indicate we would want to complete action. It may be that by Friday we will be prepared to proceed to the budget resolution and, if that were the case, that would probably be opening statement but no votes.

I must advise the distinguished minority leader and others that I just cannot indicate at this time with any certainty what the schedule would be on Friday or how late we might be here this evening or whether or not there would be votes into the evening.

AMENDMENT NO. 1785

Mr. JOHNSTON. Mr. President, this bill has been pending now for some months. We had long proceedings before the Energy Committee. There were long hearings, and many long markups. It has been pending on the calendar for a long time.

We have been put on notice, by the distinguished Senator from Montana, as to his interest in the question of wheeling, and we know from the public power people that they have an interest in wheeling. We have yet to determine exactly what it is that they want, Mr. President.

Even if we were willing to say, "Yes," we don't know what is it that they want.

They put in an amendment yesterday and, as we were about to vote on that amendment the amendment was withdrawn. Apparently, today's amendment is not the amendment of yesterday.

One thing seems absolutely clear, Mr. President, that the representatives of public power are not willing to put their issues up before the Senate, and the reason is that those issues do not pass muster. They are not logical. They are not good for the country. They will not pass the Senate, and they know that. They would get defeated overwhelmingly.

Every time we ask "What is it you want," they say it is not what we said yesterday, it is something else.

Mr. President, this body works under a principle of unlimited debate, and I as much as any one here want to preserve that principle. I understand that that is a great right and indeed I stood on this floor to protest television in the Senate because I thought it might interefere with that.

I do not for 1 minute imply that the principle of unlimited debate and the right to filibuster is wrong. I think it is basic to this country. I think it is basic to the U.S. Senate.

The reason the principle of filibuster has been followed here for over a century, Mr. President, is that this is the body where very controversial issues are supposed to be allowed to be cooled and fully debated and fully considered, and the passions of the day taken out of those issues while you slow legislation down long enough to consider it deliberately. That is what we mean when we say the world's greatest deliberative body. Some people laugh when we say that. Maybe we have pretensions in trying to claim that. But that is what it is supposed to be, a deliberative body where we discuss things at some length.

But, Mr. President, that right to filibuster can also be abused. And it is abused when you take a bill which is overwhelmingly favored and well understood and because of the inability to come to a decision, the inability to be willing to risk anything on the floor of this Senate, they use that right inappropriately.

I do not want to say that they do not have the right, because the right is there to be used properly or improperly. But, Mr. President, when the public power people will not even tell us what they want or having presented the outrageously and illogical amendment of yesterday they are not willing to put that to a vote, I think that is a misuse of the power.

Mr. President, the public power people may think that they can abuse the Senate day after day, hour after hour, and not pay a price. But I want to tell you, as far as this Senator is concerned, I feel that they have abused the process, abused this bill, and if they expect the Senate seriously to consider what they have on their agenda, they better think again because they are abusing this Senate and

abusing the process and I, for one, do not appreciate it.

Mr. President, if they will tell us what they want, if they will put out here on the Senate floor an amendment which we can debate and discuss on its merits one way or the other, I say that is fine. We do not claim that every jot and tittle of our legislation is not capable of change. But at least tell us what you want. At least say, "We want this or that," but do not just say we want something else besides that which is pending.

Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I do hope that my colleagues can work this out. As I understand it, there may be a legitimate controversy involved but, again, there are a number of Senators and other interests in the country, not special interests, that would like to see this bill passsed.

I must indicate to my colleagues, maybe the Senator from Montana wants to kill it, and he may be able to do that, because once we get on the budget, then we have a full plate from then on. We have the defense reorganization bill, we are going to have the budget resolution, we will have the supplemental appropriations within the next week or so, and we will revisit Contra aid. So this bill will not see the light of day for some time.

But, it is leverage time around here. Everybody else is ready to pass it but one Senator. He wants something, and maybe he is being spurred by others who want something. That is the way it works. I do not quarrel with the system.

But I do suggest if we do have the amendments to offer, it does not serve any purpose to say, "Well, we don't want to take it up today; we want to take it up next week or the week after that."

If there are amendments, let us offer the amendments and vote on the amendments and see what happens and find out where the will of the Senate is. But we cannot determine what the will of the Senate is if nothing is offered.

So I hope my friend from Montana would offer an amendment, offer two amendments, offer three amendments, offer four amendments, and then let us act on the amendments and then finally dispose of this bill today.

I hope the managers of the bill are prepared to continue work on this bill into the evening.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. MELCHER. Will the majority leader yield?

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. McCLURE. Mr. President, it is my intention, without relinguishing my right to the floor, to move to table the pending amendment. I do not unduly wish to restrict the opportunity to ask questions, but, I think, under the circumstances, perhaps, while I have the floor, I better make that motion.

I am happy to yield to the Senator from Montana for a question, without losing my right to the floor.

Mr. MELCHER. Well, I hesitate to say anything because it is so obvious it is not a question. But while the majority leader is here on the floor, let me explain my position on this.

Under the unanimous consent request, there must be an amendment at the desk. My purpose is just to save votes. If we have a useless amendment out there that cannot be acceptable, there is no reason to even vote.

We were able last evening to meet immediately after we finished discussing this bill, we were not quite adjourned, and I met with about 11 or so attorneys representing both sides of the issue, and included in that 11 was about 4 or 5, perhaps 6, of the committee staff attorneys. We were able to narrow down the points of contention. Staff attorneys of the committee were very timely in providing some proposals for alternative language that might be beneficial for both sides.

Representing the public power interests, on the other side, their attorneys provided some language that they thought might be beneficial and we would exchange those two sets of proposals.

I have had some opportunity during the past hour to discuss the proposals made by the public power attorneys to both the managers of the bill and the committee attorneys, and they are not acceptable. That is clear. On the other side, I have not had an opportunity to get back to the public power attorneys to see if they found any merit in what the committee staff attorneys propose. I suspect they will find some merit, but I think what usually happens is they will want to jiggle this or jiggle that. I do not know. But I simply have not had that opportunity.

It is nobody's fault. The fact is that we met until about 10 o'clock last night and broke up. The attorneys were gracious enough of their time and were industrious enough to provide some alternative language this morning and we have not had the benefit of letting each side digest it.

Now, there is an amendment pending at the desk and we can have a vote. It is not much of an amendment, as both sides know, both managers know. I just think it is a wasted vote. We would be better off spending our time getting to something else. We could continue the discussion of the issue—I do not mind doing that—after we have the vote, if we find that wise.

Mr. McCLURE. Mr. President, I think the Senator from Montana is in good faith trying to find a solution to a problem, but nobody has yet been able to define or point to an area of compromise that is likely to satisfy people on both sides. I cannot see how the negotiations, unless the parties on one side or the other move away from their preconceived positions, that we are going to get to that agreement. So far there has been no such sign of accommodation, absolutely no such sign of accommodation. I do not say that of the Senator from Montana. I say that of the people whose interests he is trying to protect here in this process.

I agree with the Senator from Louisiana and his statement. While I regret to do it while there is still a good faith effort on the part of the Senator from Montana, that good faith effort simply is not producing anything in the current climate. I, therefore, move to table the amendment pending and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho [Mr. McCLURE] to table the amendment of the Senator from Montana [Mr. MELCHER]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] is necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—77

Armstrong	Gorton	Mitchell
Bentsen	Gramm	Moynihan
Biden	Grassley	Murkowski
Bingaman	Hatch	Nickles
Boren	Hatfield	Nunn
Boschwitz	Hecht	Packwood
Bumpers	Heflin	Pryor
Byrd	Heinz	Quayle
Chafee	Helms	Riegle
Cochran	Hollings	Rockefeller
Cohen	Humphrey	Roth
Cranston	Inouye	Rudman
D'Amato	Johnston	Sasser
Danforth	Kassebaum	Simon
DeConcini	Kasten	Simpson
Denton	Kerry	Specter
Dixon	Laxalt	Stafford
Dole	Leahy	Stevens
Domenici	Levin	Symms
Durenberger	Long	Thurmond
Eagleton	Lugar	Trible
East	Mathias	Wallop
Evans	Matsunaga	Warner
Ford	Mattingly	Weicker
Garn	McClure	Wilson
Glenn	McConnell	

NAYS—21

Abdnor	Exon	Metzenbaum
Andrews	Gore	Pell
Baucus	Harkin	Pressler
Bradley	Hart	Proxmire
Burdick	Kennedy	Sarbanes
Chiles	Lautenberg	Stennis
Dodd	Melcher	Zorinsky

NOT VOTING—2

Goldwater	Hawkins

So the motion to lay on the table amendment No. 1785 was agreed to.

Mr. McCLURE. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MELCHER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 1787

Mr. MELCHER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 1787:

At the appropriate place, insert the following:

"Sec.——.

a. Sec. 211(c)(1) of the Federal Power Act, as amended is amended by striking the period and adding the following:

"*Provided* That the Commission in making its determination under this paragraph need only consider the existing retail customers and the current level of service to such customers of the utility potentially subject to the order and of the applicant." "

Mr. MELCHER. Madam President, the parliamentary procedure that is in effect now, because of the unanimous-consent agreement, is this: Only wheeling amendments can be offered—I have to offer them—and that language is subject to a second-degree amendment by the Senator from Ohio [Mr. METZENBAUM]. Under these circumstances, an amendment must always be at the desk, and I would like to describe my purpose in sending these amendments to the desk.

The last vote we had was on an amendment that I do not think was in good order. While it was a symbolic vote on whether or not you wanted to broaden wheeling, the amendment itself had flaws.

This bill, S. 426, is a very good bill, I believe. I think it is a desirable and needed bill. The relicensing of hydrofacilities is proper, and it is a continuation of licensing in most instances, but not necessarily all, for the present utility company that has a license for the particular hydrofacility.

Some will argue that that is too generous. However, in my State, we have some hydrofacilities that would be affected by this bill; and if the utility that has that license should be relicensed, there would be a great deal of confusion, which I do not think would be worth the effort and probably would not be in the public interest.

So, all in all, I think the bill is good. But from the standpoint of the utility companies that are privately owned, it is a particularly fine bill, for obvious reasons. Some of the public power people say it is too good a bill for them; and, in a restrained manner, they have said: "If we do not really have preference in the relicensing procedure, we at least hope we would see some progress in another important area"—in two important areas, perhaps, but the primary area they are concerned in would be wheeling, I believe.

When the bill was in committee, two issues were raised, not immediately resolved in the bill before it was reported by the committee.

Senator METZENBAUM raised the issue of antitrust provisions. He thought the bill should carry with it an antitrust provision. I thought so, too. I had concerns about that.

However, nothing was done in committee, with the understanding that perhaps on the floor there would be consideration of an antitrust amendment. To the credit of the managers of the bill and the committee as a whole and Senator METZENBAUM, the antitrust provisions were worked out, an amendment was accepted, and it is now part of the bill.

On the question of wheeling, I reserved the right—I did not have to reserve the right; I described in the committee that I had some concern about wheeling and would attempt to provide some language for an amendment on the floor that would broaden wheeling somewhat. That is exactly where we are at now.

The point is, why is wheeling necessary? Why is any wheeling modification necessary? I am going to describe an instance that exists in a number of cases, in a number of areas, and then perhaps we can narrow the issue down as to what we are really describing as a necessary improvement in the bill.

If a municipality which has its own utility company is completely surrounded by a public utility, privately owned, and needs to have additional power, the municipality may seek, not from the public utility which surrounds it but from some other sources, the purchase of power, which would then have to be on a transmission line and brought to the municipality. That is the only way it could get additional power without going to the private utility company that surrounds it. There are two different examples of that one instance.

The private utility company that surrounds it may not have the capability of providing from its present generating sources, its own generation, any additional power. Therefore, if it were going to sell to the municipality, it would have to purchase it somewhere else, just as the municipality would, and have it carried into its area, and then on to the municipality.

The other example—and it easily could be the case—is that the private utility company did indeed have additional power to sell right there, but the municipality itself, a public utility, might care to have some competition—in other words, not just be a captured purchaser—and be able to look elsewhere to see whether the price was fair and, if it got a better price, perhaps to buy it from the other source, maybe even the same source from which the privately owned utility company would purchase it for itself.

Madam President, in that instance, getting what is called wheeling—that is, the transmission of the power into the municipality—into that captured municipality is something that obviously is in the public interest.

What about from the side of the privately owned utility? Are they somehow disadvantaged?

In the case where it is additional power needed and has to come into the area, they are not disadvantaged.

If the case is such that they do have power available to be sold to the municipality, they may be able to say they are disadvantaged. That might be the case.

What would be the procedure?

In either case, the municipality in a captured market would ask for a wheeling provision, perhaps from the privately owned public utility that surrounds it. If they make an agreement, fine. It is voluntary.

The other side of that is, what if the agreement that is offered, the best agreement they can get out of that particular private utility, is not satisfactory? In that instance, then, they could seek to go to FERC, the Federal Energy Regulatory Commission, and say: "We cannot get a voluntary agreement on wheeling that is satisfactory. We seek to have one ordered."

PURPA was designed, it was passed in 1978, to resolve that difficulty, to allow this captured municipal utility to go before FERC, make their case to see whether a wheeling order under decent circumstances, decent costs, because, remember, it will be paid for, could be arranged.

Since the passage of PURPA in 1978, PURPA has not ordered one wheeling contract. So, it remains an unsolved problem. PURPA was designed to give a narrow window of opportunity to

that municipality, this captured public utility, an opportunity to go before FERC and have a proper, fair, decent, wheeling order issued.

What I have described in this case in no way fits in with anyone's definition of pirating. I want to go to that point first.

Pirating is generally described as a utility company taking away a retail customer of another utility company.

This is not a case even of retail customers. This is a wholesale deal and it is one public utility versus another public utility, one of them publicly owned and one of them privately owned.

If the case were to be, and this is a different situation and should not be considered under the term "pirating," but if the case would be that the municipality felt that they were paying too much to the private utility that was surrounding them and they wanted an opportunity not to purchase power from them, because the price was too high, and wanted to go somewhere else and than needed a wheeling order to have it in there because they have no transmission lines, that is a different instance than I earlier described.

But many municipalities feel that that also should enable them to go before FERC and ask for a wheeling order.

What prevents FERC from giving the wheeling order because courts have narrowly interpreted the purpose and really the intention, the congressional intention, of PURPA when it was passed and said that under any circumstances when it can be shown at all that the private utility company that surrounds them, this captured market, would be of less value, the wheeling order cannot be issued, that PURPA hoped to open a narrow window of opportunity for the public utilities that were in such circumstances. But it failed. It has failed since the language itself in one of the sections has been interpreted to make it impossible to ever determine that the private utility company involved was disadvantaged.

What does disadvantaged mean? It means that their income will not be the same after the wheeling order was issued.

It could be greater. Obviously, if the captured market was going to buy more power for them or even had to get the power from outside because there was not any more power available, just the fact that they would not be wheeled over the private utility company's transmission lines, it is easy to see that they would not have as much revenue coming in. So it is a catch-22.

What was designed to be an opportunity, a narrow opportunity for the public utility that needed a wheeling order, cannot get it.

The argument is made that there has been a lot of voluntary agreements for wheeling and, of course, there have, and I applaud that and I think that is very good.

But a captured public utility says, "Well, in those instances we might have gotten a better wheeling contract. If there was some indication that it would be possible as a last resort to go to FERC, we might have gotten a better contract on wheeling," that is the price they paid for the power being transmitted to them would be on better terms, more acceptable to them from the standpoint of their consumers.

I mentioned consumers, I think erroneously some of the debate has centered against any broadening of wheeling at all on the basis, well, consumers would have to pay more. No; in the case of where any wheeling or before any wheeling order could be granted, it had to be demonstrated to the satisfaction of the Federal Energy Regulatory Commission that the consumers of the public utility that was going to do the wheeling were not adversely affected. That is taken care of and that would not be disturbed.

From the public power standpoint, they hasten to point out, "Well, we are also talking about the consumers of these public utilities and when they are captured when they cannot get a decent wheeling order or decent voluntary wheeling contract, then their consumers are hurt."

It is on balancing out one side versus the other and to the extent that wheeling contracts are higher than they should be or to the extent that a public utility cannot get a wheeling order, their consumers are hurt.

As far as the privately owned utility company consumers are concerned, nothing in this amendment I am now proposing or any that I would seriously offer and ask the managers of the bill to accept would I want to see that altered. I do not want pirating. I do not want cancellation of contracts. I do not want to hurt one set of consumers just to try to balance out another set of consumers. I do not want the ratepayers of a private utility company burdened.

PURPA, the Federal Power Act, does not allow that. I do not want to change that.

Maybe the question is in your mind, Is there any room to change anything? I believe there is. In good faith I believe this can be worked out. We have not satisfactorily worked it out now, but I have offered an amendment and I want to describe that amendment.

This adds to the one section of the Federal Power Act as amended by PURPA. It is something that would provide a narrow, limited opportunity for public utilities to be able to get before FERC and have FERC rule on the case whether or not a wheeling order under all the conditions of FERC could be granted.

This language was developed after a 3-hour session last night with the staff attorneys and some of the attorneys representing public power and some of the attorneys respresenting private utility companies. It is language that would attempt to satisfy a narrow opportunity.

Now the language itself actually came from the committee, except for one word that is charged. And everybody that has a copy of the amendment, both of the managers and their staffs, and the amendment at the desk shows that there is one word added. The Commission, that is the Federal Energy Regulatory Commission, in making its determination need only consider the existing retail customers.

What is a retail customer? A retail customer is anyone that is a customer, any business, any home, anyone that buys electricity to use it for their own purposes. Is that different from some other customers? Yes, it is different from some other customers. The other customers are called wholesale customers. They are customers that generate electricity and sell it to somebody else.

So what this amendment does is allow one more opportunity for FERC to look at a wheeling request put to it by a public utility. The public utility is a wholesaler. They sell the electricity they have to consumers.

This amendment would give a very narrow, limited opportunity for public utilities to come to FERC and say, "We want to see, under all the constraints and all the provisions of the Federal Power Act, as amended by PURPA, whether or not we can get a wheeling order."

Now, there is not anything that the Federal Energy Regulatory Commission must do. By the way, it is an adjudicatory process. Both sides present their arguments. Both sides say how the provisions of the Federal Power Act and PURPA will be satisfied by their application in the case. If it is a public utility and if it is resisted by the other private utility, they present their side and say. "You cannot grant it." One side says, "Can you grant it?" The other one says, "You can't grant it." And under all of the constraints of the body of law that has developed since 1935 under the Federal Power Act and particularly those amendments that were added by Congress in 1978 under PURPA, the Federal Energy Regulatory Commission must make a decision.

Since 1978, there have not been any wheeling orders out of FERC. It is on that basis that I sincerely believe that the public power utilities, the rural electric companies, they have a right, a legitimate right, to approach the Congress and say:

Well, we would like some relief. We would like a chance. We want to progress too. We want to protect our consumers. And in wheeling, we are not always able to get a voluntary agreement for wheeling. Sometimes when we sign a voluntary agreement for wheeling, we think the terms are a little bit harsh, the costs are a little bit too much. But that is the best we can get. We felt under PURPA and the 1978 amendments to the Federal Power Act we might have a better shot, but it really has not worked out that way. So we are coming to you now and asking for some adjustment in a very narrow, limited way.

Now, Madam President, what about this whole deal? Why was it not resolved in committee? The whole argument in committee was over the relicensing of hydrodams. And, rightly or wrongly, public power made their case and their big pitch on holding in the law a preference, a preference that many of us felt really was a somewhat broader concept than what I had previously viewed as preference. In other words, the public power advocates, their leaders, in their approach to me was only on the issue of preference. They wanted a preference on the question of relicensing. Preference on a new dam, they could get that if it was a Federal dam. But on the relicensing of an existing hydrofacility, the committee rejected—and I do not argue with the committee on this point—rejected a preference to a public power entity to get the license of an existing hydrofacility instead of the current operator which, in most instances, in the larger ones at least, is the private utility company. So they lost on that. So, I guess, to put it in a phrase that might be easily understood, in their efforts in the committee, they shot there wad on that one and did not pursue vigorously this question of wheeling.

Now, it is fairly asked by the managers of the bill—and I concede they have some questions to ask of me—"Well, why wasn't it pursued more vigorously in committee?"

And I will say to the managers of the bill and say to the rest of my colleagues, that, in my judgment, it probably should have been pursued more vigorously in committee, but it was not. But having not done it then, that does not mean they should be foreclosed now. And that is my motivation for offering these amendments.

I believe that it is both in the public interest and fairness to broaden out in this very narrow gap the opportunity for wheeling.

I have only been speaking about public utility companies that want a wheeling order. Let me address something else that I feel is just as essential. There are some privately owned utilities, operated in the same way as the largest of the privately owned utilities, the United States. But they are small. They operate in the same way; exactly the same fashion.

And some small privately owned utilities can have the same set of circumstances facing them as I have described in this concept of a public utility, perhaps a municipal utility, completely surrounded by one privately owned utility, or in some cases more than one. But completely surrounded, in order to give wheeling it has to be done by the larger utility company. I think in fairness to them they ought to have some consideration in this bill.

Why the change? Why the one-word change in this language in the amendment? Why "retail"? They have added the word "retail" to it. I repeat. The word "retail" comes in this context, in this phraseology, that the Commission in making its determination under this paragraph need only consider the existing retail customers.

That is too narrow, very much too narrow, and to clearly make it fit with the rest of the Federal Power Act, and the purposes of PURPA, the amended Federal Power Act.

There is a very good solid argument to be made that to protect the ratepayers, the consumers of one group against the other, by adding the word "retail" we make sure that it is clear that it cannot be misinterpreted in any way, and that it would not be in conflict with any other part of the existing law that FERC must administer.

Madam President, I really believe what we have before us comes close to satisfying my purposes, and comes close to satisfying the purposes of the managers of the bill. I am not going to prejudge what their comments will be on this. But I can say that I have brought this matter up to clearly identify that with the retail customers. The answer I received back was that by just adding that one word would change the meaning of the amendment or go further than they are willing to go.

Well, that would seem to say to everybody, well, why even offer it? If it is going to be rejected, why burden the Senate with another vote if it goes to a vote?

There is only one purpose; that is, because it is necessary for an amendment to be at the desk to be discussed. That is the purpose. Under the procedures that we are under, if there is not an amendment at the desk, that forecloses and precludes any further amendments to be offered.

I would like to conscientiously persist for today, or tomorrow, if necessary, to reach an agreement where we have made some progress in wheeling. And, having been told by the managers of the bill that the amendment is not agreeable, it might indicate, well, we are just wasting the time of the Senate, or at least those of us who are here, and the staffs. That is true.

My preference would be to see if we can pursue this further, to reach and to solve all of the disagreements that are now here between the managers and myself, between the public power interests and some of the smaller privately owned utilities and the larger utilities to see whether we could not reach that.

But perhaps we have made some progress. At least I believe we have made some progress in identifying exactly what I am trying to accomplish, and what the problems are that are now burdening the public utilities and some of the very smaller privately owned utilities to see whether we cannot do as PURPA thought it would do in 1978—provide for that narrow window of opportunity to see whether or not a wheeling order could be made by the Federal Energy Regulatory Commission.

I am strongly motivated by that one fact: that none—none—not one wheeling order has ever been made by the Federal Energy Regulatory Commission since 1978.

I strongly have to admit that I am also encouraged by the fact that there have been since 1975 about 1,400 wheeling agreements voluntarily entered into. But I do also recognize the lament and the plea of public utilities that some of these wheeling agreements, although entered into voluntarily, were done as a last resort when we could not get an agreement out of FERC.

So wheeling is in the public interest. We can agree on that. Wheeling should be voluntary. It should be between both sides agreeing to it. All of us can agree to that. That is good business. The only one unresolved question is when they are not so good for the public utilities, can they have a little gap to get before the Federal Energy Regulatory Commission, and therefore see whether all the conditions and all the circumstances—that have to be met in the adjudicatory process under a Federal Energy Regulatory Commission wheeling order—will permit a wheeling contract to be ordered under their authority.

I do not believe that is too much. That, Madam President, is why I offered the amendment. I seek in good faith to continue the process to see whether we cannot arrive at a satisfactory conclusion.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mr. EVANS). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this is the same song, second verse. What we are dealing with here is the so-called antipirating provision of the existing law. The antipirating provision of the existing law was put in to prevent wheeling from being used to defeat or to take away a utility's own customers, or, as I think the legislative history showed at the time, I think the phrase we used is to prevent a util-

ity from having to use its own rope to hang itself.

Wheeling, as my colleagues know, is using somebody else's wires to carry electricity to another customer. What we did back in PURPA is to put in a provision that said you cannot use another guy's wires to steal your customers, or if steal is too strong a word, to purloin your own customers, or to entice your own customers, whatever word you want to use, and if piracy is too strong, then let us say to take your own customers.

In any event, Mr. President, it is very clear that should not be allowed to happen. And the Senate just overwhelmingly defeated a provision because it provided in large part for this antipiracy provision.

Now we have a new iteration of the same verse, because now we say that it is all right to pirate wholesale customers, but not retail customers.

What is the practical effect of that, Mr. President? Nothing at all because when you are talking about piracy, you are always talking about wholesale customers. I mean, let us say PEPCO serves the District of Columbia, which it does, and VEPCO serves outside of the District of Columbia. If VEPCO wants to use PEPCO's wires to get a customer, who do they want to get? Do they want to get my family? We use too much electricity, it is true.

But, Mr. President, they are not going to make a special contract for a retail customer. They are going after the wholesale customer, the big customer. They want to serve the whole U.S. Capital, or they want to serve some big industry here in the District of Columbia. A wholesale customer. That is what it is all about.

So here under the guise of a new amendment we have exactly the same tune that we had before.

Mr. President, I think the matter ought to be tabled. Before I yield to my committee chairman, I ask for the yeas and nays on the amendment.

The PRESIDNG OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Louisiana for the statement he has made and I will agree with him totally. I will take a few brief moments to add a little bit to the record because although we may be in kind of a holding pattern, I think it is important to demonstrate to the other Members of the Senate that indeed we are in that position of not seriously trying to amend but seriously trying to find a way to amend. Therefore, the object is not a current amendment but time.

I will take just a moment because I want to illustrate that we are tying to find that ground even if we take the time.

I will not belabor the subject, but it seems to me that we need to understand that the fundamental motive behind this amendment and the past amendment was not what the Senator from Montana says, regardless of his own concern in saying it, and I do not question the sincerity, but the fundamental change that is sought is to change the application of PURPA under the Federal Power Act. It is not to gain access before FERC. It is to change the way FERC would judge things if, indeed, they are before FERC.

The Senator from Montana has indicated a time or two that nobody can get before FERC and yet nobody has really felt the necessity to get before FERC under the Federal Power Act and the PURPA amendments because there have been 1,380 wheeling agreements filed before FERC which were the result of voluntary arrangements, which was the whole theory behind the statute. It is working.

During the same period of time in the last decade, there have only been five who even attempted to get before FERC by filing an application. One of those five cases in a decade that have even tried to get before FERC, two of them were resolved and settled between the parties, one was rejected and two are pending.

So it is not a question of whether or not there is access to FERC. It is obvious that it is there. The ones who have sought to are before FERC. Only five have sought to while 1,380 resolved it without having to go before FERC.

I have absolutely no evidence on the record or by whispers in the corridor, by surreptitious phone calls or other comments, that anybody who really wanted to get before FERC could not.

I think the real attempt by those who are pushing these amendments is to change the rules by which FERC judges whether or not wheeling should be ordered. The only real case that I have seen which causes that motivation is the one which was decided by FERC in the Southeastern Power Administration versus Kentucky Utilities Co., in which certain communities in Kentucky sought to get a wheeling order so that they could purchase from Southeastern Power. That matter was resolved before the Commission as the Commission applied the tests in the law to the very narrow issue which is now before us in this amendment.

This amendment is clearly designed to set aside the test that was used by the Federal Energy Regulatory Commission in that case and come up with a different result under the remaining criteria under the law.

Remember, this case was the case in which the Southeastern Power Administration was the applicant, the petitioner before the Commission. Southeastern Power Administration lost that case before FERC.

I have today received from the Administrator of Southeastern Power Administration a letter addressed to me as chairman of the committee. That letter is dated April 16, 1986. It says this:

> It has been brought to my attention that the Southeastern Power Administration (SEPA) and its inability to convince Kentucky Utilities Company (KU) to wheel 62 million MW of Cumberland power to the 12 municipal customers in its service area is being used as an example of why the law should be changed to allow the Federal Energy Regulatory Commission to mandate wheeling.
>
> With the exception of the KU case, SEPA has had little difficulty in its other systems negotiating wheeling arrangements satisfactory to the private and public utilities involved.

The petitioner, the applicant, in the case which they lost, which now other interests are trying to have completely supplanted by a process that does not just reverse that but removes the criteria by which it was decided, that petitioner who lost the case says they do not have any problem, that this is not necessary.

There is not any fix required, according to the petitioner who lost. They lost that case, but they have been successful in every other instance.

The Administrator concludes the letter by saying:

> I only hope that Congress in its wisdom will not further encumber the power marketing process by adding another layer of Federal regulation.

Mr. President, I ask unanimous consent that that letter appear in the RECORD in full at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
SOUTHEASTERN POWER ADMINISTRATION,
Elberton, GA, April 16, 1986.

Hon. JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It has been brought to my attention that the Southeastern Power Administration (SEPA) and its inability to convince Kentucky Utilities Company (KU) to wheel 62 MW of Cumberland power to the 12 municipal customers in its service area is being used as an example of why the law should be changed to allow the Federal Energy Regulatory Commission to mandate wheeling.

With the exception of the KU case, SEPA has had little difficulty in its other systems negotiating wheeling arrangements satisfactory to the private and public utilities involved.

To mandate wheeling without assuring a benefit to the wheeling party would be a step backward. When enforceable law is not available, wheeling arrangements will only

work when it is beneficial to both parties. In the case of KU, the municipals have not pressed for the benefits of the 62 MW and KU has failed to recognize the value that scheduling the 62 MW will have on its system.

I only hope that Congress in its wisdom will not further encumber the power marketing process by adding another layer of Federal regulation.

Sincerely,

HARRY C. GEISINGER,
Administrator.

Mr. McCLURE. Mr. President, the amendment addresses section 211(c)(1) of the Federal Power Act which requires FERC to reasonably preserve existing competitive relationships. That section was designed to prevent pirating. That section has been subject to a decision by FERC, the one to which I just referred.

At issue in that case, as I indicated, were the eight municipals who were seeking access by wheeling arrangements to SEPA power.

Whether the competitive relationship was limited to the eight recipients or involved all the wholesale customers of Kentucky Utilities was the issue. FERC decided it was the former.

This amendment would do more than simply reverse that decision; it would effectively prohibit any consideration of wholesale customers by restricting such considerations to retail.

Of course, section 211(c)(4) prohibits wheeling to ultimate consumers. The effect of the amendment is not to encourage wheeling in the public interest, but wholesale piracy.

Moreover, the losing party in the SEPA decision, as I stated a moment ago, has stated that there is no problem that needs to be fixed, in their opinion.

What this amendment seeks to do is not to fix the question of access but to change the terms, the conditions, and the pricing of wheeling and of power—not access, not competitive arrangements except as affected by terms, conditions, and pricing.

The Senator from Montana has said that he does not want to change the existing arrangement but his amendment does change the existing arrangement.

Mr. MELCHER. Will the Senator yield?

Mr. McCLURE. I would be happy to yield to the Senator without losing my right to the floor.

Mr. MELCHER. This term "pirating" has been used by both managers of the bill, just recently, in the last 15 minutes. So perhaps we have a different understanding of what "pirating" means. Pirating is clearly forbidden in PURPA. Pirating means the taking of retail customers within established franchise areas. To take this amendment lightly and not describe it accurately is not a very productive thing to do. Maybe we understand pirating differently.

Mr. McCLURE. The Senator's definition of pirating is only one and a very narrow limitation of what pirating is, because you can also pirate wholesale. You do not have to pirate retail in order for it to be pirating. It can be wholesale pirating and that is exactly what the amendment would permit—in my judgment.

Mr. MELCHER. Will the Senator yield once more on that point?

Mr. McCLURE. I shall be happy to yield for a question without losing my right to the floor.

Mr. MELCHER. Mr. President, it is my understanding that the term "pirating" is used when one utility loses its customer, the same customer, to another, when dealing between just two utilities. So, since that cannot happen under my amendment, I wonder if we are not talking at cross purposes here.

Mr. JOHNSTON. Mr. President, would the distinguished Senator from Idaho yield so I may respond on this question?

Mr. McCLURE. I would be happy to yield to the Senator without losing my right to the floor.

Mr. JOHNSTON. Mr. President, when we confected this provision back during the consideration of PURPA, I had occasion, as the floor manager at that time, to explain what we meant by this "piracy." I would like to quote what I said at the time.

> The committee did not want to use the power of the Federal Government, at least not on the basis of the RECORD and the hearings we have had, to permit what some utilities regard as piracy. That is to require a utility to wheel the power from some other utility's generating plant to one of its wholesale customers; in effect, to require a utility to furnish the rope to hang itself or to risk losing some of its retail or wholesale customers.

That is from 123 CONGRESSIONAL RECORD, 16496, of October 6, 1977.

Also, Mr. President, in conference, the House conferees agreed with the Senate conferees that the wheeling utilities should be protected against the loss of its wholesale customers. Representative DINGELL, who was chairman of the House conferees at the time, said as follows:

> I have no objection whatsoever in protecting a utility in a reasonable fashion against what has been termed "piracy." Again, that is a utility within the boundaries of another utility being able to enforce the wheeling and being used to wheel in power from without.

That is from the joint conference proceedings at 2745 to 2746.

So, Mr. President, that word "piracy" was used at the time this provision was born, was originally put in the law. It was well understood. It meant principally wholesale, because that is where the main thrust comes. It also, as I read, meant retail, but principally wholesale.

So what we are talking about in this amendment flies right in the face of what we intended in that amendment at that time.

Mr. MELCHER. Would the Senator yield once more?

Mr. McCLURE. In just a moment, if I may. I do not mean to cut off the dialog, because I think it is instructive.

The Senator's amendment would amend section 211(c)(1), which deals with what the Commission must consider when they are looking at such a wheeling request. It attempts to inject in that criteria a provision that says that the Commission need only consider the existing retail customers and other things, and I shall get back to the other things in a moment.

At the same time, the existing section 211(c)(4) says:

> No order may be issued under subsection (a) or (b) which provides for the transmission of electric energy directly to a utility consumer.

Why would you want to say to the Commission that you can only consider one class of transmission when, in another case, they are prohibited from entering an order to serve it? That is nonsense on its face. I think if you analyze the southeastern case, as you must in order to understand the thrust of this amendment, it is clear that the criteria of looking at what kind of markets should be served and what they should consider in determining whether or not the wheeling should be entered turned on that definition. If you can change that definition, as this amendment seeks to do, you have removed the basis upon which FERC made the decision in the Southeastern case. That is obviously its intent.

Second, I would like to point, in addition to that, to another flaw in the existing amendment—not just that. That by itself is sufficient to ask for its rejection and I shall move to table in just a moment.

The Senator from Montana, I think, had asked that I yield with respect to this question of piracy. If I may yield to the Senator without losing my right to the floor, I shall be happy to do so.

Mr. MELCHER. First, Mr. President, I want to thank both the managers of the bill, the Senator from Louisiana for the statement he has just made and the Senator from Idaho, on this term "pirating." It has baffled me why something dealing only—putting aside the end consumer, who ought to be perfectly protected, not to be stolen, not to be pirated under the terms of PURPA and under the terms of the amendment—why the reference was made that the amendment was pirating. I see now there is a different interpretation.

Pirating, which has commonly been thought only to refer to the retail customers, has been adequately described to be broader, at least after the adoption of the PURPA, that no matter

how the people out in the field use the term, for purposes of PURPA, piracy or pirating referred to both wholesale and retail customers. That clarifies the point. I thank the Senators very much.

It also brings up the question if this narrow case that we are considering would be to allow only FERC to consider those cases where the public utility company seeking the wheeling order was only going to use it for their own consumers, does that change the viewpoint of either of the managers? That is my primary purpose in this.

Mr. McCLURE. Will the Senator repeat the question? I am not certain that I understood what he was getting at.

Mr. MELCHER. If the circumstances of the public utility asking FERC for a wheeling order were such that they were only going to use the power, under the wheeling order, to satisfy their own consumers, their own end consumers—they are not looking at anything. They have a territory. They have their own consumers—does that change the attitude?

Mr. McCLURE. Let me respond to the Senator in this way, because I think again it illustrates the difficulty we are having in coming to a meeting of the minds.

Mr. MELCHER. Yes.

Mr. McCLURE. It is just not an interpretation of the term piracy. The Senator from Montana seems to believe that this is a relatively uncomplicated issue, a relatively uncomplicated relationship can be found.

This is an extremely complex issue with a tremendous number of very closely intertwined relationships defined in statute and interpreted by the courts. It is almost impossible for me to answer a question that is——

Mr. MELCHER. I understand.

Mr. McCLURE. Based upon the assumption that we can rather easily change one relationship without changing a host of others. That is precisely the point that is made in the Southeastern case and that is precisely the point for my concern about an amendment to the criteria, because in spite of the fact that the Senator from Montana talks about access to FERC, this is not an access question. All you have to do, if you want to get a matter before FERC, is file an application and you are there, bang. It is not hard. It is easy. Give me 35 bucks and a mimeograph machine, and I will get you there. I might not do much in terms of——

Mr. MELCHER. Getting anywhere.

Mr. McCLURE. What I get after I get there, but I can get you there. It is not a question of standing. It is a question of criteria upon which it will be decided once it gets there.

The second fallacy, I believe, in the pending amendment—and again a sign of the difficulty of dealing in this very complex area—it says in the face of the amendment that the Commission need only consider existing retail customers and the current level of service.

It is a much more complex computation than that under existing law and regulations because you must not look only at current levels of service to existing customers. You have to look at the potential.

For instance, any unused capacity in a transmission line might indeed be unused today under current service, but very predictably 2 years from now there will be no excess capacity. Under the terms of this amendment, if it were adopted—and it should not be adopted—you would then immediately be foreclosed from looking at the growth of service and the growth of demand upon that power line by the entity that owns the power line.

Now, this is not just a public entity versus private entity conflict, because such power transmission lines can also be owned by public entities. And the amount of capacity on that line is of vital concern to them not only in terms of their future marketing but also their current cost and also whether or not they have to immediately start making plans for the construction of other transmission lines. So there are a complex set of interrelated economic considerations as well as technical considerations in the determination of any issue concerning wheeling.

Mr. President——

Mr. MELCHER. Might I just impose on the generosity of the manager, the chairman of the committee, one more time?

Mr. McCLURE. I will be happy to yield to the Senator without losing my right to the floor.

Mr. MELCHER. I think I understood correctly that a tabling motion would be made at this point. I do so only to clarify the term "pirating" as understood by myself and as commonly used by the industry.

The red flag of "pirating" has been raised continually throughout this debate. Let me be clear. My amendment does nothing to permit "pirating," of end-use consumers no matter the size or amount of electricity they use which is clearly forbidden in PURPA.

As I use the term, "pirating" means the taking of retail customers within established franchise areas. For example, if a large factory is located within PG&E's service territory and wishes to seek an independent power supply, nothing in PURPA would permit it to seek such service from a different utility. Nothing in my amendment would permit it to do so, either.

My amendment goes to transactions between wholesale customers, who are also utilities, and their power suppliers like PG&E, who are also utilities. There has been some loose talk on the floor that permitting a small utility to purchase economy power and requesting wheeling through PURPA would result in "pirating." That is incorrect. PURPA was intended to permit small utilities to seek the most economic power supplies, within the constraints of their existing contracts and the capability of existing transmission systems. My amendment only corrects an interpretation that would preclude what was a chief purpose of the PURPA legislation.

The privately owned utilities have sometimes characterized sales to their smaller wholesale customers from other utilities and suppliers as "pirating." This assumes that wholesale customers—which are utilities, too—are viewed as captives forever by their present utility suppliers. PURPA was never intended to sanctify such bondage; it was intended to permit only whatever little extra flexibility the present contracts of small utilities gave to them to purchase more economic power supplies. That's what my amendment does.

SECTION 211 (C) (2) (A) AND (B)

The present version of PURPA forbids the issuance of a wheeling order by the Federal Energy Regulatory Commission if the utility requested to do the wheeling would transmit any amount of energy required to be provided to an applicant pursuant to a contract or as currently provided by a rate schedule on file at the FERC. The first provision—section 211(C)(2)(A)—simply preserves existing contractual obligations agreed to by all concerned, and is not controversial. The real question is whether the second provision—section 211(C)(2)(B)—effectively bars any wheeling under PURPA. As presently stated, I believe it does.

My amendment would permit the implementation of the PURPA wheeling conditions subject to contract provisions, and all the other restrictions in PURPA. The filing of rate schedules at FERC covers both contracts and other schedules that are unilaterally filed by the private utility, and which can be changed at any time by the filing by that utility of an amendment or replacement by a new tariff. Thus I wish to avoid the situation where a utility can, merely by filing unilaterally at the FERC, impose new restrictions never agreed to by the party needing transmission and which the FERC may take years to resolve. The FERC, which oversees these schedules, has the duty to see to it that the utility is compensated at a just and reasonable rate. PURPA provides that the transmitting utility is compensated at a just and reasonable rate. What more does the transmitting utility need, want, or expect?

I cannot view any opposition to my amendment in this regard as anything but a desire to undercut the very purpose of PURPA: to permit wheeling that will permit an existing utility to improve the economics of its power supply.

Mr. McCLURE. I want the record to be very clear that the Senator's understanding of the term pirating may not be our understanding of the term.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] is necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER (Mr. HATCH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—75

Armstrong	Garn	McConnell
Bentsen	Glenn	Mitchell
Bingaman	Gorton	Moynihan
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bumpers	Hatch	Nunn
Byrd	Hatfield	Packwood
Chafee	Hecht	Pryor
Chiles	Heflin	Quayle
Cochran	Heinz	Riegle
Cohen	Helms	Rockefeller
Cranston	Hollings	Roth
D'Amato	Humphrey	Rudman
Danforth	Johnston	Simon
DeConcini	Kassebaum	Simpson
Denton	Kasten	Specter
Dixon	Laxalt	Stafford
Dodd	Leahy	Stevens
Dole	Levin	Symms
Domenici	Long	Thurmond
Durenberger	Lugar	Trible
Eagleton	Mathias	Wallop
East	Matsunaga	Warner
Evans	Mattingly	Weicker
Ford	McClure	Wilson

NAYS—22

Abdnor	Hart	Pressler
Andrews	Inouye	Proxmire
Baucus	Kennedy	Sarbanes
Biden	Kerry	Sasser
Burdick	Lautenberg	Stennis
Exon	Melcher	Zorinsky
Gore	Metzenbaum	
Harkin	Pell	

NOT VOTING—3

Bradley	Goldwater	Hawkins

So the motion to table the amendment was agreed to.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

Mr. McCLURE. Mr. President, a quorum has been established.

The PRESIDING OFFICER. The Senator is correct.

Mr. MELCHER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. MELCHER. I could not hear what was said.

The PRESIDING OFFICER. The Senator is correct; a quorum has been established.

Mr. MELCHER. A quorum call is not in order?

The PRESIDING OFFICER. It is not in order at this time until further business is transacted.

Mr. MELCHER. Have we moved to reconsider, Mr. President?

The PRESIDING OFFICER. We have not.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

Mr. McCLURE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—83

Andrews	Byrd	DeConcini
Armstrong	Chafee	Denton
Bentsen	Chiles	Dixon
Biden	Cochran	Dodd
Bingaman	Cohen	Dole
Boren	Cranston	Domenici
Boschwitz	D'Amato	Durenberger
Bumpers	Danforth	Eagleton
East	Kasten	Pressler
Evans	Kerry	Pryor
Ford	Laxalt	Quayle
Garn	Leahy	Riegle
Glenn	Levin	Rockefeller
Gorton	Long	Roth
Gramm	Lugar	Rudman
Grassley	Mathias	Sasser
Hart	Matsunaga	Simon
Hatch	Mattingly	Simpson
Hatfield	McClure	Specter
Hecht	McConnell	Stafford
Heflin	Metzenbaum	Stevens
Heinz	Mitchell	Symms
Helms	Moynihan	Thurmond
Hollings	Murkowski	Trible
Humphrey	Nickles	Wallop
Inouye	Nunn	Warner
Johnston	Packwood	Wilson
Kassebaum	Pell	

NAYS—14

Abdnor	Gore	Proxmire
Baucus	Harkin	Sarbanes
Bradley	Kennedy	Stennis
Burdick	Lautenberg	Zorinsky
Exon	Melcher	

NOT VOTING—3

Goldwater	Hawkins	Weicker

So the motion was agreed to.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1788

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 1788.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 426 is hereby amended by adding the following new section:

"SEC. . WHEELING OF POWER.

(a) Subsection 212(a)(1) of the Federal Power Act (16 U.S.C. section 824K(a)(1)) is amended as follows:

(1) Strike out 'electric utility,';

(2) Insert ', or, in the case of any electric utility affected by the order, is not likely to unduly affect the cost of service provided to its customers,' after 'order'."

(b) Nothing in this amendment should be construed to alter any of the other requirements of section 824K of this title.

Mr. McCLURE. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

CALL OF THE ROLL

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, a point of order. A quorum has been established.

The PRESIDING OFFICER. The point of order was that a quorum has been established. The Senator has offered an amendment that constitutes new business. Therefore, the suggestion of the absence of a quorum is proper. The point of order is not well taken.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

The bill clerk called the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6 Leg.]

D'Amato	Garn	Mathias
Danforth	Gore	McConnell
DeConcini	Hatch	Melcher
Dixon	Hatfield	Rockefeller
East	Johnston	Roth
Exon	Long	Thurmond

The PRESIDING OFFICER. A quorum is not present.

Mr. McCLURE. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. KENNEDY] and the the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER [Mr. PRESSLER]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 3—as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—92

Abdnor	Dodd	Helms
Andrews	Dole	Hollings
Armstrong	Domenici	Humphrey
Baucus	Durenberger	Inouye
Bentsen	Eagleton	Johnston
Bingaman	East	Kassebaum
Boren	Evans	Kasten
Boschwitz	Exon	Kerry
Bradley	Ford	Lautenberg
Bumpers	Garn	Laxalt
Burdick	Glenn	Leahy
Byrd	Gore	Levin
Chafee	Gorton	Long
Chiles	Gramm	Lugar
Cochran	Grassley	Mathias
Cohen	Harkin	Matsunaga
Cranston	Hart	Mattingly
D'Amato	Hatch	McClure
Danforth	Hatfield	McConnell
DeConcini	Hecht	Melcher
Denton	Heflin	Metzenbaum
Dixon	Heinz	Mitchell
Moynihan	Rockefeller	Stevens
Murkowski	Roth	Symms
Nickles	Rudman	Thurmond
Nunn	Sarbanes	Trible
Packwood	Sasser	Wallop
Pell	Simon	Warner
Pressler	Simpson	Wilson
Pryor	Specter	Zorinsky
Riegle	Stafford	

NAYS—3

Biden	Proxmire	Quayle

NOT VOTING—5

Goldwater	Kennedy	Weicker
Hawkins	Stennis	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on Amendment No. 1788.

The PRESIDING OFFICER. The amendment is not pending for the purpose of the yeas and nays. The motion to table is pending. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Florida [Mrs. HAWKINS] and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. DIXON], the Senator from Massachusetts [Mr. KERRY], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—78

Abdnor	Garn	McClure
Andrews	Glenn	McConnell
Armstrong	Gorton	Mitchell
Bentsen	Gramm	Moynihan
Biden	Grassley	Murkowski
Bingaman	Hatch	Nickles
Boren	Hatfield	Nunn
Boschwitz	Hecht	Packwood
Byrd	Heflin	Pressler
Chafee	Heinz	Pryor
Chiles	Helms	Quayle
Cochran	Hollings	Riegle
Cohen	Humphrey	Rockefeller
Cranston	Inouye	Roth
D'Amato	Johnston	Rudman
Danforth	Kassebaum	Simon
DeConcini	Kasten	Simpson
Denton	Kennedy	Specter
Dodd	Laxalt	Stafford
Dole	Leahy	Stevens
Domenici	Levin	Symms
Durenberger	Long	Thurmond
Eagleton	Lugar	Trible
East	Mathias	Wallop
Evans	Matsunaga	Warner
Ford	Mattingly	Wilson

NAYS—16

Baucus	Harkin	Proxmire
Bradley	Hart	Sarbanes
Bumpers	Lautenberg	Sasser
Burdick	Melcher	Zorinsky
Exon	Metzenbaum	
Gore	Pell	

NOT VOTING—6

Dixon	Hawkins	Stennis
Goldwater	Kerry	Weicker

So the motion to lay on the table the amendment (No. 1788) was agreed to.

AMENDMENT NO. 1789

(Purpose: To amend sections 211 and 212 of the Federal Power Act of 1978)

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 1789.

S. 426 is hereby amended by adding the following new section:

"SEC. . WHEELING OF POWER.

(a) Section 211 of the Federal Power Act of 1978 (16 U.S.C. Section 824J) is amended as follows—

(1) Amend subsection (c)(1) by adding the words "between the electric utility subject to the order to transmit and its retail customers at the end of the subsection; and would not significantly alter existing competitive relationships between the electric utility subject to the order to transmit and its wholesale customers"

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I consulted with the author of the amendment. I would like to withhold the motion to table the amendment. I wonder if the Senator from Montana and others would agree to a time limit on this amendment of one-half hour to be equally divided between the Senator from Montana and the manager of the bill.

Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I want to thank the distinguished Senator from Idaho for making the unanimous-consent request because it was within his power, within his rules, and within his rights to immediately after the amendment was stated to do as he did with the last amendment, just to move, seek recognition, he would get recognition over myself, and to move to table it. Of course that is a nondebatable motion.

Mr. President, that is not very good business for the Senate to be about, to send an amendment to the desk on an important matter, and not even have it discussed. These are not amendments that should be taken lightly. These are amendments now that we are attempting to arrive at a point of agreement, the discussion of what are

the contents of the amendment, the purpose, the intention of the amendment, and how it would change existing law is very pertinent.

There is a case to be made, a case that I have been trying to make, and so far unsuccessfully—that it is so difficult for a public utility or a small utility to get a wheeling order, and to even approach FERC and file an application for such a wheeling order is not undertaken.

It is true as was earlier stated in the debate—for a small amount of money you could write out a paper, and ask to be heard on a wheeling order before FERC. That would get you standing. The whole process could start. But the facts are it is an adjudicatory process, and to approach it without detailed briefs, without being prepared to spend a great deal of time preparing those briefs, and meeting the requirements of the law is just wasted motion.

So since 1968 there has not been a successful application for a wheeling order yet for FERC. That was not the purpose of the 1978 amendments which we called PURPA. Those were amendments of the Federal Power Act. Those amendments were sought to give a narrow window, a narrow opportunity for the public utilities and the smaller utilities to go to FERC, and meet all the conditions that were required for satisfying the law to apply for a wheeling order.

I think that should be altered, particularly this bill. I think there should be some consideration given to their problems. While I have no desire to inconvenience my colleagues and to prolong the discussion on this question, I sincerely hope and I have faith that we can still resolve some language that will provide that opportunity. It will be narrow. It will be very limited. This is an amendment that would seek to do that.

If you read this amendment, and rather than ask unanimous consent that reading of the amendment be dispensed with, I let it run so the clerk would read the whole amendment.

What this amendment simply does under the conditions that an electric utility that was going to transmit—that is, do the wheeling—there could be no disturbance of its retail customers, and the order could not be granted by FERC if it would significantly alter existing competitive relationships between the electric utility subject to the order—that is the one that would do the wheeling—to transmit, and also could not alter the existing competitive relationships to its wholesale customers.

I think we are prudent. I think we are a considerate body in the Senate. I believe this language is prudent, considerate, constructive, and in the public interest. I do not believe it does economic injury of any consequence to the utility company that would be ordered to wheel.

I think it would be a fine means of following the public interest, and enhancing the public interest.

Mr. President, I reserve the balance of my time.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I regret this amendment is no more satisfactory than the others that the Senator has offered. As a matter of fact, it attempts to do in a different way exactly what the Senator from Montana has been attempting to do in every other amendment that has been offered. It is just a different approach to the same problem. Because we have a little time and because our friends are probably out getting a bowl of soup in anticipation that we will be here much later, which anticipation is perhaps correct, we will take a little of the time that is allotted for the debate of this amendment even though there is not much new to debate.

But I want to read from the decision of the Federal Energy Regulatory Commission in dealing with this question of a decision that we have made reference to before which is Southeastern Power Administration versus Kentucky Utilities Company. The decision recites the finding of the trial judge, the law judge who heard the case and made the decision and the interpretation of section 211(c)(1). I will not read all of the opinion. But I think it will illustrate some of the difficulty we are dealing with. I quote from that opinion.

What subsection 211(c)(1) directs us to consider is not clear. To be sure, it is certain that this subsection directs us to consider the changes the proposed wheeling would make in the competitive relationships of SEPA and Kentucky in a particular market. But the particular market we are to examine is not certain. The key phrase, "existing competitive relationships", is ambiguous. It can be interpreted in two ways. According to Kentucky, the phrase means the competitive relationships SEPA and Kentucky have towards the eight municipals to whom SEPA wants to sell. Thus, Kentucky argues that the market subsection 211(c)(1) directs us to consider is small. According to the Cities, however, the relevant market is broad. They argue that the phrase "existing competitive relationships" means the competitive relationships SEPA and Kentucky have towards all the wholesale customers for whose business both can compete.

If Kentucky's interpretation is correct, the factual analysis is simple. All we need to do is to compare what Kentucky and SEPA now provide the municipals and what they would provide if wheeling is ordered. Kentucky now provides almost all the power and energy the municipals require. And, because the 25 MW of power and 36,000 MWH of energy SEPA wants to sell is less than the municipals' total requirements, Kentucky would continue to provide substantial amounts of power and energy to them. But it would provide less. According to figures in SEPA's application, Kentucky would provide about 18 percent less of the municipals' power requirements and about 6 percent less of the municipals' energy requirements. SEPA, on the other hand, now provides nothing to the eight municipals. Hence if wheeling is ordered, SEPA would provide 18 percent of the municipals' power requirements and 6 percent of their energy requirements.

If the Cities' interpretation is correct, the factual analysis is much more complicated. As is done in antitrust cases, the product and geographic markets in which SEPA and Kentucky compete must be defined, market shares computed, and the changes examined.

The Cities defined one product market. They say that this is the market for wholesale sales of electricity. But they defined alternative geographic markets. Their preferred geographic market is the overlapping areas SEPA and Kentucky consider to be their marketing areas. This market consists of Kentucky's service area and the service areas of the utilities in Tennessee, Illinois, and Indiana with which Kentucky is interconnected. Wheeling SEPA's power and energy to the eight municipals will make no change in SEPA's share of this market and no perceptible change in Kentucky's share.

The Cities' other geographic market is smaller. It is defined by Kentucky's service area because Kentucky said that it did not seek to make sales beyond this area. The Cities include in this market Kentucky's wholesale sales to its distribution customers. They also include Kentucky's sales at retail. They do so on the theory that the communities now served by Kentucky at retail can always form a distribution system for whose business SEPA could compete. Kentucky currently provides almost all of the power and energy in this market. If SEPA were to sell power and energy to the municipals, Kentucky would, based on 1978 figures, provide about 1.3% less of the market's power requirements. The decline in Kentucky's energy sales in this market would be even smaller.

The changes in competitive relationships that are to be prohibited by subsection 211(c)(1) are also uncertain. The phrase "reasonably preserve" is not precise. But the statute's imprecision has not created much controversy in this case. Kentucky contends that an order whose effect is to transfer the supply of 18% of a market's power requirements and 6% of its energy requirements from one utility to another is not an order that reasonably preserves existing competitive relationships. No one disputes this contention if Kentucky has correctly interpreted the phrase "existing competitive relationships." The Cities, on the other hand, contend that a wheeling order that makes no perceptible change in one market and only a slightly noticeable change in another is an order that reasonably preserves existing competitive relationships. Kentucky does not dispute this contention if the Cities have correctly defined the markets. Thus, the resolution of this case turns on whether Kentucky's or the Cities' interpretation of "existing competitive relationships" is correct.

I could go on and read more of the decision, but the Commission ultimately decided in favor of Kentucky and against SEPA and what this series of amendments seem to do is to set aside that result.

I would again refer to the letter that we received earlier today from SEPA that said in spite of the fact that they lost the case in *SEPA* versus *Kentucky*, that indeed they did not see any reason why that fact should be reason to amend the law and make it more complex than it already is. Indeed, they said they have had no problem in negotiating wheeling somewhere else.

So all we have here is an attempt to overturn a decision or remove the basis of the decision where the affected party who was aggrieved by the decision in the first place says there is no problem and no reason to amend the statute.

Mr. President, in my judgment, this amendment is nothing more than another variation of the same theme seeking to get to the same objective that the Senate has rejected by tabling the amendments of the Senator from Montana in the past.

I have not accused the Senator from Montana of offering frivolous amendments, but I think he is trying in a variety of different ways to accomplish the same end—when that same end has been rejected by the Senate on several occasions, to attempt further to achieve the same ends by a different means begins to be abusive of this body. I will, at the appropriate time, make a motion to table this amendment also.

Mr. President, I reserve the remainder of my time.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. How much time have I remaining?

The PRESIDING OFFICER. Nine minutes and 10 seconds.

Mr. MELCHER. I thank the Chair.

Mr. President, I want to say at the outset that I am very pleased that the Senator from Idaho read a very pertinent part of the decision. I would think that the amendment really answers some of the questions that were weighed in balance in that particular decision and would clarify just what this particular section of the Federal Power Act and PURPA seek to do. I shall read the entire subsection, which is very short.

> No order may be issued unless the Commission determines that such order would reasonably preserve the existing competitive relationship between the electric utility subject to the order to transmit and its retail customers and would not significantly alter existing competitive relationships between the electric utility subject to the order to transmit and its wholesale customers.

I think that protects exactly what was being weighed in balance in the particular decision that the distinguished chairman of the Senate Energy Committee just read.

I am not trying to be frivolous. The distinguished Senator did not accuse me of it, of course. But I do not believe these amendments should be taken lightly. They are sincere, diligent efforts to get beyond the point where a public utility is constrained from getting a favorable decision out of the Federal Energy Regulatory Commission, which it is entitled to—entitled to on the basis of fairness, entitled to on the basis of good business, entitled to on the basis of competitiveness.

Those are all points that add up to what is in the public interest.

PURPA has been described to me by those who were very diligent in its passage as attempting to give some relief on the question of wheeling to these very encumbered, presently encumbered and were encumbered before, public utilities and small utilities that were not able to get wheeling agreements by voluntary means.

The case that was decided is a case in point, all right, but I do not believe that this amendment would be anything buy helpful in that particular decision. Therefore, it is constructive.

Mr. President, I will yield the floor. I do not want to force somebody else to take it, but I will reserve the remainder of my time.

Mr. McCLURE. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. The Senator from Idaho has 6 minutes and 56 seconds.

Mr. McCLURE. Mr. President, I yield myself 3 minutes.

The Senator from Montana has more clearly stated at this juncture than ever before in debate in the hours we have had this measure before us that the objective is to change the statute with respect to wheeling in a way that increases the opportunities to enforce wheeling orders through FERC. We have been kind of hedging around the edges of that with the assurances that somehow, if we would just sit down and negotiate, we could find some language that would accommodate the necessities of parties on both sides. As long as the objective of that negotiation was relatively ambiguous, it was relatively impossible to make a clear answer.

But if, indeed, the objective is as the Senator from Montana has just stated, that the focus of his efforts today is to enshrine in the bill access to FERC to order wheeling for the sake of wheeling, then I think it is obvious that there is no compromise possible. If that is the objective, and I believe that it is, then this entire exercise is one that is dedicated to forcing one side to make concessions which that side cannot make. It is a classic case in which there are simply disagreements.

It is not a question of good faith and motive. It is simply disagreement. One side wants to do something and the other side does not.

I do not know how many times the Senate has to vote on that proposition. I have in my years here, as has the Senator from Montana, sometimes been on the winning side and sometimes I have been on the losing side. When a vote is held and I have lost, that generally is the end of it. I suggest that that is the only appropriate end of this.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, I have sought rather diligently, from my point of view, in discussion with the staff and attorneys and managers of the bill, to narrow exactly what we are attempting to say would be an opportunity for captive utilities to be given a wheeling contract by involuntary means that is acceptable to them, or if not, at least to have their day in court before there is some opportunity for FERC to weigh all the pros and cons and all the complexities of the adjudicatory process that FERC has, to either come up with a granting of a wheeling order or denial.

The wheeling orders that are involuntary are somewhat affected by whether or not FERC might, under the law, grant a wheeling order. The overall constraint is that none have been issued since 1978 and therefore, the contention of some of the public utilities and some of the smaller privately owned utilities is that they are being burdened somewhat. That means their consumers' rates, because they have voluntarily agreed to wheeling orders, would have been somewhat less and their returns, in some manner, means it is less costly for them. That somehow has not been the case.

The very able and distinguished chairman [Mr. McCLURE] simply has not had any type of proposal that he believes is constructive. That sounds rather dismal after a day or two of discussing this. I believe it was Friday afternoon that we started talking about it and then yesterday and today. But I still continue to believe that there is a chance.

I do not really prefer at all to continue to offer amendments. My continuing proposal is that we should be sitting down and trying to determine, utilizing the sage advice of the staff attorneys, whether there can be something done here. We are not doing that now. I have hopes that we will, but under the situation as we have it, about all I can do is get that opportunity to attempt to do that in good faith, to continue to offer amendments. I would prefer to do otherwise.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. McCLURE. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Montana has 28 seconds. The Senator from Idaho has 4 minutes, 15 seconds.

Mr. McCLURE. Mr. President, in response to the Senator from Montana, I can only repeat what we have said repeatedly. The Senator construes the fact that wheeling orders have not been granted as evidence of the failure of the system, a fault in the law. I think the statistics are quite the contrary. The facts are not in dispute; the interpretation of the facts is different.

In the last decade, there have been 1,380 voluntary wheeling agreements entered into by FERC. During that same period of time when there were 1,380 voluntary arrangements, there have been five applications filed for involuntary orders. Out of those five, two have been compromised and agreed to, one has been denied, and two are pending.

In the last decade, then, there have been 1,385 wheeling arrangements settled or contested in proceedings that FERC has looked at or approved in wheeling orders.

Out of that 1,385, one has been denied and two are pending. The Senator from Montana contends that that is a failure of the process, which simply strains my imagination beyond any possible other response. It is such a bizarre interpretation of facts as to defy any kind of logical response.

The law is working. The law has worked. It has not always produced the results that some parties wished. That is the crux of the issue and as long as that is the crux of the issue and the Senator from Montana seeks to change the existing law by the extortion of the time of the Senate, I hope the Senate will stay consistently with its position that indeed, the majority should rule, that we should vote, and that we should abide by the majority vote.

Mr. President, I am prepared to yield back the remainder of my time if the Senator from Montana is prepared to yield back the remainder of his time.

Mr. MELCHER. Mr. President, I shall just briefly state that this process of determining whether or not there can be language that can be helpful and constructive and agreeable is entirely within the hands of the distinguished chairman and the ranking member of the committee. They are managers. Whether or not we have faith that anything can be arrived at is entirely under their control, because under the parliamentary procedure, all I can do is offer an amendment and I am always subject to a tabling motion. I may not even be able to describe what the amendment is or talk about it or advocate it simply by a tabling motion as was done with the previous amendment.

On this one we have had a little discussion. I believe that it is meritorious, and I believe it might lead us to finding a proper solution. But I have to repeat while we are here on the floor and tying up the staff, that is not likely to happen. I regret it, but I am just constrained to say, believing as I do that there is a chance to reach an accommodation between all of us, my only way of keeping that opportunity open is by just continuing to offer amendments. But I do believe, Mr. President, that this amendment goes in the direction that we are seeking to go.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho.

Mr. McCLURE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. One minute remains.

Mr. JOHNSTON. Mr. President, will the Senator yield 30 seconds?

Mr. McCLURE. I yield the Senator 30 seconds.

Mr. JOHNSTON. Mr. President, we keep rehashing the same ground over and over and over and over again. There is no chance of settling this thing on the same basis. All we can do is sit here all night, and we may well do it, and vote over and over again. It is a nongermane amendment. It is not even germane to this legislation. Yet we keep voting over and over again on it, and I am prepared to do so.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. In my remaining 30 seconds, I just want to remind the body that this is extremely complex legislation. We took some time on this amendment because the amendment as offered to us was complex enough that we wanted to make certain it did what I have since concluded it did before we made a motion to table. It was plain on the previous one and it may be plain on the next one that it is just one in a series which seek to achieve the same objective and, if so, I will continue to offer the motion to table the amendments as rapidly as they can be offered.

Mr. President, we have also suggested that since it is complex, it is subject to hearings and indeed have offered that this be made a matter of hearings so that we can develop both the actual and technical basis upon which we might make a judgment as to whether an amendment should be adopted and, if so, what kind of amendment should be adopted to existing law.

Mr. DOLE. Will the Senator from Idaho yield?

Mr. McCLURE. I will be happy to yield to the majority leader.

Mr. DOLE. Is it the intention of the managers to pursue this matter on into the evening?

Mr. McCLURE. Yes; it is.

Mr. DOLE. And morning if necessary?

Mr. McCLURE. There does not seem to be any way to resolve the issue except just to continue in that fashion.

Mr. DOLE. I think all Members ought to be on notice that that is the plan of the managers. I certainly agree that we cannot make it easy for one person who wants to hold up the bill. If we are going to punish the other Senators, they ought to know that we are going to be here late, late in the evening, and I hope that they will make their plans accordingly. But I am perfectly willing to stay all night if necessary.

Mr. McCLURE. I hope it is not, but I am prepared to do the same.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

CALL OF THE ROLL

Mr. MELCHER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7 Leg.]

Abdnor	Johnston	Proxmire
Boren	Kasten	Quayle
Chiles	Matsunaga	Rockefeller
DeConcini	McClure	Rudman
Dole	Melcher	
Hecht	Pressler	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. McCLURE. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Members, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Florida [Mrs. HAWKINS] are necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Massachusetts [Mr. KERRY], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—91

Abdnor	Garn	Melcher
Andrews	Glenn	Metzenbaum
Armstrong	Gore	Mitchell
Baucus	Gorton	Moynihan
Bentsen	Gramm	Murkowski
Biden	Grassley	Nickles
Bingaman	Harkin	Nunn
Boren	Hart	Packwood
Boschwitz	Hatch	Pell
Bradley	Hecht	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Riegle
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Cochran	Humphrey	Rudman
Cohen	Inouye	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kassebaum	Simon
Danforth	Kasten	Simpson
DeConcini	Kennedy	Specter
Denton	Lautenberg	Stafford
Dixon	Laxalt	Symms
Dodd	Leahy	Thurmond
Dole	Levin	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Eagleton	Mathias	Weicker
East	Matsunaga	Wilson
Evans	Mattingly	Zorinsky
Exon	McClure	
Ford	McConnell	

NAYS—3

Proxmire	Quayle	Stevens

NOT VOTING—6

Chiles	Hatfield	Kerry
Goldwater	Hawkins	Stennis

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

AMENDMENT NO. 1789

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to lay on the table the amendment of the Senator from Montana.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Florida [Mrs. HAWKINS], are necessarily absent.

I also announce that the Senator from Arizona [Mr. GOLDWATER], is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. KERRY] and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 82, nays 13, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—82

Abdnor	Glenn	Moynihan
Andrews	Gore	Murkowski
Armstrong	Gorton	Nickles
Bentsen	Gramm	Nunn
Bingaman	Grassley	Packwood
Boren	Hatch	Pell
Boschwitz	Hecht	Pressler
Bumpers	Heflin	Pryor
Byrd	Heinz	Quayle
Chafee	Helms	Riegle
Chiles	Hollings	Rockefeller
Cochran	Humphrey	Roth
Cohen	Inouye	Rudman
Cranston	Johnston	Sasser
D'Amato	Kassebaum	Simon
Danforth	Kasten	Simpson
DeConcini	Kennedy	Specter
Denton	Laxalt	Stafford
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Long	Thurmond
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Weicker
Evans	McClure	Wilson
Ford	McConnell	
Garn	Mitchell	

NAYS—13

Baucus	Harkin	Proxmire
Biden	Hart	Sarbanes
Bradley	Lautenberg	Zorinsky
Burdick	Melcher	
Exon	Metzenbaum	

NOT VOTING—5

Goldwater	Hawkins	Stennis
Hatfield	Kerry	

So the motion to table amendment No. 1789 was agreed to.

The PRESIDING OFFICER. Are there further amendments?

AMENDMENT NO. 1790

Mr. MELCHER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER], proposes an amendment numbered 1790.

S. 426 is hereby amended by adding the following new section at the end thereof.

"SEC. .

Section 211(c)(2)(B) of the Federal Power Act is amended to read as follows:

" '(B) required to be provided to such applicant pursuant to a rate schedule on file, the existing terms of which have previously been agreed to by the applicant.' "

Mr. McCLURE. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous-consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I rise to speak in support of the Electric Consumers Protection Act. This legislation will result, over time, in lower power rates for consumers. I think this is very important. My constituents think it is very important. Support of this act has generated a surprising volume of mail. Like any piece of legislation, the final product is not exactly as I wanted it. I doubt if any Senator in this Chamber is completely satisfied with this piece of legislation.

That, of course, is the heart of our system. We all know that we must together arrive at a position that is acceptable to the majority of the Members of the Senate. I think we have accomplished this and that the Election Consumers Protection Act will be passed by the Senate.

When that happens it will be due, in large part, to the dedicated work and fine judgment of my respected colleague, Senator JIM MCCLURE, the Senior Senator from the State of Idaho and the Chairman of the Energy and Natural Resources Committee. Without Senator MCCLURE's strong leadership I am not sure that this legislation would be enacted. I want Senator MCCLURE to know how much he is appreciated and that his contributions to this body are well recognized.

WHEELING ISSUE

Mr. BUMPERS. Mr. President, the wheeling issue is indeed a complicated one, and I wanted to make my position clear. For me, the only questions are these: Will wheeling increase the likelihood of cheaper power being made available to electric consumers in Arkansas and the Nation as a whole? And if changes in current wheeling law will benefit consumers, what particular changes should be made?

As has been pointed out on the floor several times during the debate on this bill, it has been difficult to evaluate the various wheeling proposals we have voted on today. I voted to table most of the wheeling proposals presented today out of concern for the ratepayers served by the utility companies that would be forced to wheel. I think I would favor some changes in the law to force unwilling utility companies to wheel power, but only if the customers of the utility being forced to wheel are protected. In Arkansas,

for example, if AP&L is forced to wheel, I want to make sure that the rates for AP&L's retail customers do not increase, and I have weighed the various amendments against this standard.

I appreciate the position the Senator from Montana is in. Many a good legislative proposal is withdrawn from consideration on the Senate floor in return for a promise of hearings, never to surface again. But having attempted during the last few days to research the wheeling issue in some detail, I have been surprised at how difficult it is to come up with reliable information about how wheeling would affect utility customers in my State and across the Nation. It is difficult to determine the winners and losers on the wheeling issue. For this reason, I really do believe this is a matter that could benefit greatly from hearings before the Energy Committee. I fear that it is too complicated a subject to be dealt with through floor amendments that have been only perfunctorily scrutinized.

As I said, I think some well thought-out wheeling amendments would benefit electric consumers as floor amendments without the benefit of fairly sophisticated hearings.

Mr. SYMMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business not to extend beyond the hour of 9:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO PROCEED TO CONSIDERATION OF S. 1774 WITHDRAWN

Mr. DOLE. Mr. President, I think this matter has been cleared earlier with the distinguished minority leader. I ask unanimous consent to withdraw my motion to proceed to consider S. 1774, the Hobbs Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF TESTIMONY BY FORMER SENATE STAFF

Mr. DOLE. Mr. President, I send to the desk a resolution on behalf of myself and the distinguished minority leader (Mr. BYRD) and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

The Clerk will state the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 384) to direct the Senate Legal Counsel to represent, and to authorize the testimony of, former Senator Hansen and his past staff assistant in the case of *Dow Chemical Company* v. *United States.*

The Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the plaintiff in a patent-infringement case against the Department of the Interior, now pending in the claims court, has subpoenaed a past employee of retired Wyoming Senator Cliff Hansen for deposition testimony in Washington this coming Friday morning. They have done so in the belief that that former staff assistant, Patty Howe, can provide information about early 1970's dealings between Senator Hansen's office and the Bureau of Mines important to plaintiff's contention that an abandoned mine backfilling process was entitled to royalties as a new technique.

This resolution would direct the Senate Legal Counsel to represent Senator Hansen, Pat Howe, and any other former staff assistant who may be asked to testify in the matter. It would also authorize their testimony to the extent required, except for anything privileged, but would not provide for the production of documents since none in the possession of the Senate are considered crucial to the case. If the deposition of Senator Hansen himself were to become necessary, it would take place in his home community without involving any travel.

Mr. President, I move adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 384) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 384

Whereas, in the case of *Dow Chemical Company* v. *United States,* No. 19-83C, pending in the United States Claims Court, the plaintiff has obtained a subpoena for the deposition testimony of Patricia Howe, past staff assistant to former Wyoming Senator Clifford Hansen;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent former Members or employees of the Senate with respect to subpoenas issued to them in their previous official capacity;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of former Members and employees of the Senate is or may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent former Senator Clifford P. Hansen, Patricia Joanne Howe, and any other past staff assistant of Senator Hansen who may be asked to testify in the case of *Dow Chemical Company* v. *United States.*

SEC. 2. That Senator Hansen, Patricia Howe, and any other staff assistant of Senator Hansen who may be asked, are authorized to testify in the case of *Dow Chemical Company* v. *United States,* except concerning matters which may be privileged.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I inquire of the distinguished minority leader if he is in a position to consider the following nomination on the Executive Calendar: Daniel Oliver, of Connecticut, to be a Federal Trade Commissioner and, if so, I would ask unanimous consent that the Senate go into executive session to consider the nomination.

Mr. BYRD. Mr. President, reserving the right to object, that nomination has been cleared on this side. There is no objection.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

FEDERAL TRADE COMMISSION

The legislative clerk read the nomination of Daniel Oliver, of Connecticut, to be a Federal Trade Commissioner.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I do not know of any other business we can take care of now, but it is my hope that before we recess this evening we might be able to take care of the Federal Deposit Insurance Act, either the Senate bill or its companion House bill, H.R. 4551. I know the Senator from Illinois [Mr. DIXON] has an interest in that, along with the chairman of the Banking Committee, and I know both Oklahoma Senators have an interest. It is rather critical, as I understand it, to a number of banks in that State. So it is our hope that, if we cannot pass the extension with amendments, at least we could pass the 90-day extension this evening. But I understand the distinguished Senator from Illiniois would like to visit with the chairman of the committee, and he will be present momentarily.

I would also indicate that if we can complete action on the pending legislation and tomorrow do the technical amendments to the crime bill and the FDIC amendments, it would probably be possible to assure Members there will be no votes on Friday, but I cannot do that yet. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF CERTAIN PROVISIONS OF THE GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

Mr. GARN. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 4551, received from the House today, which is to extend for 3 months certain provisions of the Garn-St Germain bill.

The PRESIDING OFFICER. Is there objection?

Mr. DIXON. Mr. President, reserving the right to object, and I shall not object, I wonder if my colleague would be kind enough to enter into a short discussion with me about this request he has just made.

Mr. GARN. I shall be happy to.

Mr. DIXON. As you know, may I say to my distinguished friend from Utah, we have a bill on the calendar, S. 2231, upon which he and I appear as principal cosponsors, which was unanimously voted out of the Banking Committee, after a short markup recently, that would address the problem of agricultural banks and problems on the farms around America. That has been pending for some time. It had been my hope that that bill, which also extends the 90-day extension, could be brought up tonight. There have been objections on my side, although it has been cleared on your side.

I understand in our discussion with the majority leader that he has indicated that, sometime before Memorial Day, that bill, S. 2231, would be called up for consideration in the Senate. Is that the Senator's understanding of what procedure will take place?

Mr. GARN. I say to the Senator from Illinois, that is correct. I would like to give a little more background so our colleagues know exactly what has taken place.

Last December, when the Farm Credit Administration amendments were on the floor, a very large bill, I very vigorously objected to including commercial, particularly agricultural, banks in with that jurisdiction, which was under the Agriculture Committee, and was successful at that time in defeating an amendment by the distinguished Senator from Illinois to add commercial banks into that bill. At that time I made the commitment that if that amendment were defeated, I would hold hearings—because we had not held hearings on this matter—that I would hold hearings expeditiously and that the committee would attempt to come up in our area of jurisdiction with a bill. I kept that commitment.

We did exactly that. The Senate Banking Committee passed a bill unanimously and we brought it to the floor and hoped to pass it the very day that we had approved it because we thought it was next to motherhood. Unfortunately, at various times we have had objections on both sides of the aisle over the last 2 or 3 weeks.

We have finally reached a point where it is impossible to bring it up. But we have another situation where title 1 and title 2 of Garn-St Germain that was passed in 1982 have expired yesterday, and there is some controversy over those provisions. But, nevertheless, I feel it is not responsible to not extend those, and I cannot hold those extensions for 90 days only hostage to these other provisions.

That is a brief summary of the background. The Senator is correct. We have talked to the Senator from Kansas, the distinguished majority leader, and he has agreed that he will make every effort to bring up the Garn-Dixon or Dixon-Garn bill, which still remains on the calendar with those other provisions in before the Memorial Day recess, so that we will have an opportunity to pass those provisions.

In the meantime, what I am asking to be called up now is a House-passed bill. It is a simple extension of title 1 and title 2 of Garn-St Germain until July 15.

Mr. DIXON. I thank my distinguished friend from Utah.

On that basis, I would have no objection to the unanimous-consent request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4551) to extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the bill.

Mr. PROXMIRE. Mr. President, this bill would extend for 90 days the emergency interstate bank acquisition authority and the Net Worth Certificate Program first enacted in 1982 under the Garn-St Germain Act. This authority expired last October and was extended to April 15 of this year. At the time, I had some misgivings to an extension in the absence of a comprehensive banking bill. However, I was given to understand that the extension would give us more time to deal with all the banking issues before the committee. Unfortunately, the 6-month extension has expired and we still do not yet have a comprehensive banking bill.

I am somewhat reluctant to agree to another short-term extension of these authorities. There is always the danger that the additional time will remove some of the pressure for dealing with the numerous banking issues before the Banking Committee including the closing of the nonbank bank and other loopholes, new powers for bank holding companies, restrictions on check holds, deposit insurance reform, a recapitalization of the Federal Savings and Loan Insurance Corporation, and whether or not to permit the interstate acquisition of failing banks. Nonetheless, I have been assured by the chairman that he has no intention to delay the consideration of these issues and that he will schedule a markup of the Banking Committee on these issues, hopefully prior to the Memorial Day recess, but in no event, later than June 15.

I encourage the chairman to begin marking up a banking bill as soon as possible and I will be pleased to work with him in bringing a bill to the Senate. I would also like to serve

notice that this is the last short-term extension of the Garn-St Germain emergency authorities that I intend to agree to. If the committee has not acted before the next extension I will offer an amendment to close the nonbank bank loophole as provided in S. 2851 which passed the Senate on September 13, 1984, but without the new securities powers for bank holding companies. While I continue to support these new powers, there is no credible prospect of getting them through the Senate and the House if the Senate Banking Committee has not acted definitively on the issue well in advance of the July 15, expiration date. In fact, given the lateness of the session, it may already be too late.

In order to send this extension promptly to the President, I have agreed not to offer the 90-day moratorium on nonbank banks contained in S. 2231. Nonetheless, the record should reflect the fact that this moratorium passed the Banking Committee unanimously and in my view accurately reflects the view of the committee on the nonbank bank issue.

Mr. President, the Senate has already acted to close the nonbank bank loophole when it passed S. 2851 by an overwhelming vote in September 1984. Unfortunately, the House took no action and the legislation died in the last Congress. However, our intention to close the nonbank bank loophole in this Congress with a July 1, 1983, grandfather date was clearly reaffirmed in a joint statement of Senator GARN, Congressman ST GERMAIN, Congressman WYLIE, and myself on October 8, 1984. There should be no confusion that this is still our intent. As a matter of fact, I am opposed to any grandfather date and will do my best to eliminate the limited grandfather rights contained in the 1984 legislation that passed the Senate. Whatever the date, there is, in my view, no sentiment on the committee for the Treasury position that the nonbank bank loophole should be made legitimate.

Mr. METZENBAUM. Mr. President, I have serious reservations about the pending bill. It permits the regulatory agencies to continue the net worth certificate program authorized by the Garn-St Germain Act and to extend the emergency acquisition authority contained in that act.

I have no problem at this time with the emergency acquisition provision, but I have grave concerns about the net worth certificate program. I believe that program is the worst kind of bookkeeping gimmickry.

Now let me describe how this program works. If a bank has $20 million in net worth, it issues a certificate to the bank board. At this point the board issues a promissory note for $20 million to the thrift. Now, what happens? The thrift is able to report net worth of $40 million, not $20 million.

Now, obviously, the institution's net worth has not doubled. There has been no additional equity put into the bank. It is a paper transaction, and all of a sudden the bank is in a position to say now its net worth is $40 million, not $20 million. No matter how you slice it, that is false reporting.

A November 1984 General Accounting Office report noted that the Federal Home Loan Bank Board counts appraised equity capital in determining a thrift's net worth.

Among other things, appraised equity capital includes the unrealized and unrecorded equity in office land, buildings and improvements owned by the institution.

The GAO also noted that the accounting community does not believe that the promissory notes given to institutions by the bank agencies can be recorded as assets. Incredibly, these notes are the heart and soul of the program. They are the vehicle used to boost an institution's net worth. Yet, accounting professionals say the whole deal is bogus.

The GAO report flatly stated that the use of the appraised equity capital and net worth certificates is deceptive:

> The bank board and the FDIC release financial reports submitted by thrift institutions that could be misleading or confusing to the general public . . . these reports contain financial information reported in a manner that is not recognized under generally accepted accounting principles for general purpose reporting to the public . . .
>
> Without proper disclosure, the public could inadvertently rely upon such reports to make business and investment decisions.

The job of regulators is not to keep insolvent institutions open through smoke and mirrors accounting like net worth certificates. Indeed, such regulatory shenanigans disguise the real problems facing our financial system and will only make the coming shakeout that much more traumatic.

The argument has been made that this procedure that has been in effect since 1982 has made it possible for a number of institutions to be saved, and to put their own house in order. True and good, and well enough. That was in an era of good times, sort of boom times, stronger economy, less inflation, and as a consequence, I can understand what has occurred.

But let us take the other side of the coin. The other side of the coin is we could have gone in reverse. There could have been a negative reaction. The net worth could have gone down. There is an old point of view and philosophy that in some business deals the first loss is the cheapest loss. If some of these institutions have to fold up because they are insolvent or because they do not meet the regulatory requirements, maybe that is the way it should be rather than fooling the American people, the depositors and those who do business with the institution; that is, the institution is truly solvent or the institution is more financially stable than is the reality.

I am pleased that the bill before us does not include provisions regarding energy and agricultural banks. But I am terribly disturbed that the agencies themselves are proceeding with plans to permit bank capital to fall below regulatory minimums, and to allow loan restructuring that is nothing more than flim-flam.

Mr. President, I believe that it would be far better to let some banks fail now than to engage in artificial, misleading, and dangerous accounting games that will inevitably result in far greater outlays in the future. We are not helping anyone with these kinds of accounting games, least of all the farmers, the oil men, the banking, and the investing public.

I share the concern of my colleagues in the Senate with respect to each of those groups but I believe that we should not create an illusion of soundness and safety when in fact we know that the institutions we purport to help are neither sound nor safe.

I intended to object to consideration of this bill but I will not do so. But I want to make it clear that in the next 90 days I believe the Senate should get down to the job of really addressing our banking problems. The Senator is tired of delay and Band-Aid solutions. I will oppose with all my energy any further extension of the net worth certificate program as well as any other legislation that includes dubious financial and accounting procedures.

I might say that I have inquired of the regulators with respect to the observations that I have made on the floor here this evening. They do not challenge the accuracy of my representation. They say as a matter of fact I am exactly on target. But they also say that there are circumstances in which they are bound by the legislative requirements, and also with respect to other considerations where they have felt it advisable not to insist upon conformity with their previously prescribed regulatory procedures.

I wanted for some time to offer some consumer banking amendments as well as some corporate takeover amendments. I have waited patiently in order that there might be an opportunity to offer such amendments. I intend to do so on the next banking bill that comes to the floor. I will not do so with respect to this legislation because there is some timeliness and some need for prompt action.

Having said that, Mr. President, I yield the floor.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President I will certainly not take the time of the Senate this evening to debate this issue with the Senator from Ohio.

There are a couple of observations which I think need to be made, however. I do not necessarily agree with the Senator's characterization of the legislation. But it is easy to be a critic when you are not involved in the problem. I was one of those critics who opposed the House provisions that were much more severe as far as capital maintenance guaranteeing that institutions should stay in business. Senator PROXMIRE and I proposed modified provisions of title 1 and title 2 of Garn-St Germain, and insisted on that in the conference with the House.

You can call it flim-flam, if you want. It worked. Sitting in the position of responsibility as we did in the Banking Committee in 1982 it was not boom times. The highest of troubled institutions on the list were both banks and savings and loans, and more failures were handled in 1982 than any year in the history of the Federal Home Loan Bank Board combined—all of them combined. They handled more.

So let us not characterize 1982 as a year of low interest rates and boom times. We were in the middle of a depression with the banking industry, and particularly with the thrifts on their back. So this worked. It is not desirable theoretically. I agree with the Senator from Ohio.

Sometimes when you have the responsibility, you are sitting on that kind of a problem, and most of the Senate does not know about it, and we have saved a lot of institutions. Maybe there was a better way to do it. But we saved a lot of institutions. If we had not had these provisions, you would have then given the FSLIC and the FDIC the only alternative of simply allowing these institutions to fail and saying OK, I will let your depositors with $100,000 get their money back—with vastly depleted funds those over $100,000 would have lost.

The assisted merger route has solved some very difficult problems. And we still are in the situations with very large troubled institutions which under the circumstances the regulatory institutions of this country have handled very well.

I also suggest that if the Senator from Ohio is impatient about banking legislation, he does not know what it is like to be frustrated and impatient as one who has tried for 5 years to push comprehensive legislation, and has not been able to do so since 1982. Even when in 1984 on the floor of this Senate we passed by a vote of 89 to 5 a comprehensive banking bill, the House of Representatives would not go to conference with me. I was ready to produce a bill again last year, and the House would not produce anything to even go to conference on.

The problem is in the House of Representatives. This body has been ready, willing, and able with the help of my distinguished ranking minority member for the last 3½ years to pass additional legislation.

So I suggest to the Senator from Ohio before we get into this battle in 90 days, because we will, and then we will debate it fully, but I would like him to make his speech on impatience on the House of Representatives floor or the House Banking Committee because Senator PROXMIRE and I are just as impatient if not far more so than the Senator from Ohio. But we will continue this debate at a later date.

I ask that we proceed to third reading and pass the bill.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I respect the fact that the chairman of the committee and ranking minority member have made a serious effort to provide banking legislation that moves us in the right direction. I appreciate the fact that we passed legislation in the Senate, and the House has not acted. I am not quite willing to go over, and make a speech on the floor of the House because I guess that would mean I would have to be a Member of the body. And I am quite happy where I am.

Mr. GARN. By unanimous consent they will let the Senator do anything.

Mr. METZENBAUM. Having said that, let me say that the Senator from Utah is right, that in 1982 we were not in boom times. I think what I meant to say was that since that time the economy has improved considerably. It is a fact that a number of institutions that might have gone under have not gone under. But that does not mean that it will always be that way.

I am trying to suggest to the Senator from Utah, and the ranking minority member, my good friend, that I think we have to take another look at this whole issue of net worth certificates. I think to do less than that might possibly provide a day in the future when we all regret the fact that we have not been more concerned about those net worth certificates.

I look forward to working with the Senator from Utah and the Senator from Wisconsin.

I have no objection to proceeding forward with the passage of the legislation this evening.

Mr. GARN. Mr. President, I thank the Senator from Ohio for not objecting this evening. I ask for third reading.

Mr. BOREN. Mr. President, I appreciate the speed at which the distinguished majority leader has moved to proceed to the consideration of this most important piece of legislation.

Given the nature of the economy in Oklahoma and throughout the Southwest, it is important that we in Congress provide the flexibility necessary for the banking industry to survive these turbulent times. I remain hopeful that this legislation will address those very concerns.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

The bill (H.R. 4551) was read the third time, and passed.

Mr. GARN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOSCHWITZ. Mr. President, I would like to thank the Senator from Utah, the chairman of the Banking Committee, and also Senator HELMS, the chairman of the Agriculture Committee. Some of us had an amendment that we wanted to put on this bill. We were able to work it out together with their help, particularly with the help of the distinguished Senator from North Carolina and George Dunlop of the Agriculture Committee. So I think that we will be able to make some helpful moves with respect to the Farm Credit System in the near future. I thank my colleagues.

I also thank the Senator from Illinois, Senator DIXON, as well as Senator NICKLES, who is particularly active in our effort.

So I think we have made some progress with the Farm Credit System which will become apparent soon.

Mr. STAFFORD. Mr. President, a parliamentary inquiry. I understand that we are now in morning business.

The PRESIDING OFFICER [Mr. DOMENICI]. The Senator is correct.

THE INTER-PARLIAMENTARY UNION

Mr. STAFFORD. Mr. President, last week I had the privilege of being in Mexico City for a week as part of our delegation to a meeting of the Inter-Parliamentary Union, which was held in that city.

The other member of our delegation was Mr. LOUIS STOKES, a Congressman from Ohio, who served this Nation very well in the period of the week we were representing the United States.

I would remind my colleagues that the Inter-Parliamentary Union began in 1899, and that the United States has been a member of that union for a great many years. At the present time some 104 nations belong to it and more than 80 nations were represented by delegations at Mexico City.

Let me further remind my colleagues, Mr. President, that the aims of the Inter-Parliamentary Union are to promote personal contacts between members of all parliaments and to unite them in common action to

secure and maintain the full participation of their respective states in the firm establishments and development of representative institutions in the advancement of the work of international peace and corporation, particularly by supporting the objectives of the United Nations.

Mr. President, as I said, some 80 nations were present in Mexico City. We had a series of vigorous debates on the subjects which were assigned to the two so-called study committees of the Inter-Parliamentary Union. Additionally, on a supplemental matter that the conference agreed to make up, I would note that the initial matter which the conference had to dispose of was an attempt on the part of the Syrian delegation to inject into the deliberations of the conference the following emergency supplemental question:

The aggression against Libya by the American Armed Forces constitutes an eminent danger for the security of the Mediterranean basin and for world peace.

This, mind you, was with reference to the Gulf of Sidra incident and not to the events which have occurred this week.

I am pleased to be able to report to my colleagues that we were able to defeat the Syrian effort to inject this as a supplemental matter for the Inter-Parliamentary Conference to consider, and that the speech made on behalf of the United States was made by Congressman LOUIS STOKES. He did a very good job.

I ask unanimous consent, Mr. President, that the text of the sppech delivered by Mr. STOKES at that time be made a part of the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS MADE BY THE HONORABLE LOUIS STOKES

Mr. President, the U.S. delegation would like to register its strong opposition to the adoption by this body of an emergency supplementary item on a recent event in the Gulf of Sidra as proposed by the delegation of Syria.

The situation to which the request refers does not constitute either an emergency or an imminent danger to world peace or Mediterranean security as stated in the Syrian proposal. The incident is over. There have been no U.S. armed forces in the area referred to in the proposal for more than two weeks. Moreover, the event to which they refer occurred in internationally-recognized waters.

At the time, the United States was merely exercising its right of free navigation in international waters, as recognized in international law, and as exercised by other maritime powers. Additionally, there was no aggression against Libya. The U.S. Naval Forces returned fire, only when attacked in international waters by Libyan forces, as was our right under international law.

I would like to emphasize that it is not the United States which constitutes a threat to world peace and to the security of the Mediterranean. The real threat in that part of the world and to world peace comes not from this brief encounter in the Gulf of Sidra, but from the current, ongoing, policy of state-supported terrorism which has resulted in the deaths of so many innocent civilians. I refer to the most recent terrible loss of life and limb in airport and plane bombings in Rome and Vienna. When the threat of terrorism is so imminent as to cause fear of travel around the world, this is the danger to world peace.

Mr. Chairman, this conference and this Interparliamentary Union has on its agenda some very important world issues. It would seem that our work as parliamentarians would be greatly enhanced if we were to concentrate our time and efforts, not on divisive issues, but on those issues which were stressed by each of the speakers at our opening session this morning. I submit that our time would be better served on issues of substance such as combatting world hunger, helping the undeveloped and under-developed nations of the world, furthering the cause of nuclear disarmament, combatting the rising tide of terrorism, and fostering world peace.

The proposal before us is divisive; it is not relevant to any presently existing situation; and it is not in furtherance of the principle of fostering world peace. I urge my fellow parliamentarians to vote against the adoption of this proposal.

Mr. STAFFORD. Mr. President, in the course of deliberating upon the regularly assigned subjects in front of the conference, with respect to one of them which had to do with the halting of the arms race and effective disarmament with special regard to the militarization of outer space, nuclear weapons and chemical weapons, and to the effective combating of international terrorism, and to the elimination of hotbeds of tension in the world and in particular to the efforts of the Contadora Group in Latin America, it was my privilege to make a statement on behalf of the United States in connection with our views about handling the problems of terrorism in the world.

Mr. President, I ask unanimous consent that a copy of that speech appear in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE ROBERT T. STAFFORD

Mr. President, my fellow delegates, permit me to begin by expressing the deep appreciation of the U.S. delegation to our Mexican hosts. We convey our congratulations to Senator Riva Palacio Lopez on his ascendancy to the presidency of this conference. Our delegation looks forward to strengthening the warm ties with our neighbor state of Mexico.

Today's agenda item encompasses a multitude of issues—each important, pressing, and complex. In the limited time available, little could be accomplished by attempting to address them all. I will confine my remarks, therefore, to an issue which at this very hour threatens to damage irreparably an already fragile international order. I refer to the scourge of international terrorism. Until the world community of nations cooperates on combating terrorists our collective capacity to compose our differences on other issues will remain in serious doubt. Cooperation on combating terrorism is a minimum requirement if the phrase "community of nations" is to retain any meaning.

Trends in international terrorism in recent years have grown steadily worse. Since 1977 the number of terrorist incidents resulting in fatalities has risen each year. In 1985 alone, according to U.S. Government figures, 812 incidents of international terrorism occurred, a marked jump from the 597 incidents in 1984. Of the 2,223 casualties in 1985, 926 were fatal.

This increase in fatalities is linked directly to the fact that state sponsorship of terrorism has become more prevalent. State-sponsored terrorist organizations enjoy many advantages. Funds, training, arms, explosives, and communications become readily available. The organization can concentrate less on maintaining itself and more on committing its terroristic crimes. According to one study, state-sponsored terrorist incidents are likely to be eight times more lethal than non-state-supported incidents.

As gruesome as this bloody calculus may be, it fails to convey the truly reprehensible nature of the slaughter of innocents. An Air India jet explodes over Ireland and 329 lives are simply snuffed out. The families are left to grieve, unable to place the theft of their loved ones from them within any rational context. A U.S. Navy diver is mechanistically executed on the tarmac in Beirut. A wheelchair-ridden elderly American, enjoying a sea cruise in his last years, is shot aboard the *Achile Lauro* and dumped in the Mediterranean. His murderers laugh about it while cynically denying their crime to the world media. A 9-year-old girl is gunned down in Vienna and dies in her father's arms.

Within the last week, two explosions in Europe continue the slaughter. Four innocent passengers were sucked out of an airplane after a bomb ripped a hole in its side. But for the grace of God, the bomb, targeted to murder everyone aboard, took only a limited number of lives. And just this last weekend, an explosion ripped through a Berlin nightclub, killing two and maiming dozens of others. Human limbs were scattered throughout the room.

Yet, unbelievably, not only do states equivocate in the face of this carnage—the perpetrators of these terrorist crimes are actually publicly excused. Rather than meeting swift condemnation and sanction, state sponsors of terrorists meet silence, accommodation, and—let's call it for what it is—appeasement.

No amount of rhetoric about failing to address the so-called "root causes of terrorism" can justify this kind of wanton violence. The Secretary General of the United Nations has spoken out repeatedly on this issue, constantly stressing that nothing can justify terrorism. Numerous resolutions of the Security Council and the United Nations General Assembly have affirmed this fundamental principle.

Time and again those who excuse terrorist acts refer to political conflicts needing resolution. They never admit that those committing these heinous crimes—almost without exception—have no interest in resolving conflicts. Their interest is in exacerbating conflict. Possessed by a pathological nihilism, they pursue their bloody work. In the Middle East, for instance, how else does one explain that terrorism invariably rises when hints are made of progress in the peace progress? For those who doubt it, one need only speak to the family members of Zafer

Al Mazri, the slain mayor of Nablus in the occupied territories.

For its part, the United States' policy on international terrorism is unambiguous: We condemn terrorism in all its forms no matter where it occurs. The United States does not negotiate with terrorists, we will not pay ransoms, nor will we alter our policies to meet terrorist demands.

United States citizens have suffered a disproportionate share of terrorist attacks, and most of those attacks have occurred overseas. We naturally prefer that countries in which terrorist incidents take place apprehend and punish those responsible. But the United States has the right under international law to employ the means necessary to defend its citizens. This is true in those cases where countries prove unwilling or unable to perform their obligations under international law. In recent days the American public understandably has been clamoring that their Government exercise this right vigorously.

No easy solutions exist to combat terrorism. One thing is clear: Combating terrorism is a collective responsibility of the international community. The U.S. Congress has recognized that multilateral approaches must characterize American diplomacy in the fight against terrorism. The U.S. Senate gave prompt approval to ratification of international conventions which criminalized aircraft hijacking, the taking of hostages, and violent acts against internationally protected persons. Both bodies of Congress have supported United States antiterrorism assistance to a wide spectrum of countries. In last year's foreign assistance legislation, these funds increased substantially.

Congress has also passed legislation granting broad authority to the executive branch to impose economic sanctions against state supporters of terrorism. Frequently criticized for being ineffective, economic sanctions are effective only when they receive the requisite degree of international collaboration. We have no illusions that unilateral economic sanctions can work over the long term; multilateral sanctions can. At a minimum, economic and military assistance should be cut off for countries which aid and abet terrorism. Such a provision has existed for years in U.S. law, and the authority granted to the executive branch was expanded in 1985.

Parliaments can help create the formal mechanisms to combat terrorism, but the legal instruments will only be as effective as the willingness of governments to execute them.

The aim of collective effort should be to deny terrorists safe haven so they may be apprehended, prosecuted, and punished. Nations which provide safe haven for terrorist criminals merit the sternest censure of the international community.

The American people have difficulty understanding why this achievable goal eludes the world community of nations. Americans suffer from no illusion terorrism can be eliminated, but they do believe that with the cooperation of nations it can be reduced markedly. Failure to pursue this task vigorously threatens to damage irreparably an already weak faith in the ability of multilateral institutions to address pressing world problems. The terrorists will then have won. They will have converted the world citizenry to their own nihilistic vision: We live not in a world where nations, with effort, can compose their difference; we live, rather, in a hobbesian world, a lawless world, a world where no one can be trusted, a world where everyone is sentenced to a perpetual war of all against all.

(Mr. GRAMM assumed the Chair.)

Mr. STAFFORD. Later on, in connection with a second matter before the Conference under the heading of constitutional problems with acceleration of economic advancement of developing countries by the improvement in the terms of international trade by using science and technology to advance the welfare of mankind in general and particularly the health and well being of the elderly, Mr. Stokes made a speech on behalf of the United States on that subject.

I ask unanimous consent that that speech be made a part of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. LOUIS STOKES—UNITED STATES OF AMERICA INTERPARLIAMENTARY UNION PLENARY SESSION, APRIL 10, 1986

MR. PRESIDENT, FELLOW DELEGATES: The economic advancement of the developing world through improvements in science and technology and the terms of international trade is a goal towards which we all are striving. It is a problem to which the Interparliamentary Union has devoted much attention. Most recently at our last conference in Ottawa we debated and adopted resolutions on how best to deal with the increasingly onerous debt burden of the developing countries. Today I would like to turn your attention to one area of the overall problem of the economic advancement of the developing world which has not received the attention it deserves—the care and well-being of the aging. This is a problem confronting not only the developing world, but the developed world as well, and it is a problem which the application of science and technology can do much to alleviate.

I advance this cause to you today on behalf of our esteemed member of the United States delegation, CLAUDE PEPPER, a renown advocate of the elderly. For many years, Representative Pepper was chairman of the Select Committee on Aging in the U.S. House of Representatives of the U.S. Congress, a committee which has done much to bring the problems of the elderly to national attention and to initiate programs to effectively deal with this pressing issue.

We are currently witnessing an unprecedented increase in longevity, brought about, in large part by the achievements of science and technology. Medical advancements, in particular, have nearly doubled life expectancy in my country in the past eighty years. In the less developed countries it is projected that there will be an increase in those age sixty or over of nearly 475 million between 1980 and the year 2020 and that in those years, worldwide, the population of those over sixty will more than double, to almost one billion. By the year 2000, it is estimated that more than sixty percent of the world's sixty and over population will be living in the developing world as a whole. And it is the population of those age eighty and over which is increasing most rapidly, particularly in the developing countries.

These drastic demographic changes must not be viewed as a liability but as an asset. History tells us repeatedly that age associated with wisdom and experience has always been a benefit to mankind, whether in the developed or the developing world. Yet, the rising numbers of aging people worldwide poses significant challenges to those in our societies, including parliamentarians who are most concerned with improving the quality of life of their citizens and providing them with the basic prerequisites for a productive life of well-being and self-respect. The modernization process, with its accelerating urbanization and social atomization, has placed great strains on the ability of many developing countries to deal with their rapidly increasing populations and particularly with the vast increase of those over sixty five years of age. The living conditions of the elderly in many of the large cities of the world provides a grim picture of poverty, lost hope, and neglect.

While they could do much to improve the lot of their own growing numbers of elderly persons, the more developed countries can and must contribute to the well-being of the elderly in developing societies. Forms of assistance in ths area would include provision for increased manpower training, research, services and information-sharing, or, in other words, putting the advances in science and technology to work in providing better living conditions and more productive roles for the elderly. Unfortunately, significant obstacles remain to making these advancements readily available to the developing countries, including the lack of financial resources in those countries and the scarcity of trained manpower to adapt them to the special circumstances and traditions of the various nations of the developing world.

It is here in this vital area that parliaments can play a more positive and productive role. They must ensure that the question of aging becomes an integral part of their country's national development plans and guarantee that multilateral efforts already undertaken within the context of the United Nations are effectively implemented. An important catalyst for the increased national awareness of the problems of the elderly has been provided by the World Assembly on Aging conducted by the United Nations in 1982. This assembly adopted a comprehensive plan of action entitled "The International Plan of Action on Aging" which identified and defined many of the vital questions concerning the rapidly aging world population.Unfortunately, implementation of the plan—which depended primarily on action undertaken at the national level—has not progressed sufficiently, and the United Nations aging unit in Vienna responsible for coordination of this international plan has suffered a significant budget cut.

It is the duty of parliamentarians, direct representatives of all strata of their populations, to focus the attention of their governments on these shortcomings and to suggest improvements. The need for continuing dialogue between parliamentarians of developed and developing countries is, therefore, critical. It is here that the Interparliamentary Union, a unique assembly of parliamentarians from all over the world, can play a special, relevant role. Through its biannual conferences and its periodic specialized meetings, the Interparliamentary Union provides a useful and convenient framework for fostering international dialogue regarding the problems of the aging. These problems are inherent in the fact that all individuals have a variety of minimum needs, of which the physiological demands of food, shelter and health care are only the most

elemental sustenance of life. There are also requirements for safety, security, and self-respect achieved in part through engagement in society, job participation, and the ability to control one's physical destiny. The elderly are no exception to this notion and parliaments as well as governments must strive to meet these requirements.

The United States delegation believes that the Committee on Economic, Social, Cultural, and Environmental Questions constitutes the logical forum within the Interparliamentary Union for discussions of the aging problem. We would welcome all proposals or resolutions concerning the well-being of the elderly, as a promising first step in the Interparliamentary Union's consideration of this issue.

For its part, my delegation has proposed a resolution calling upon the Interparliamentary Union to give regular and serious consideration to the health and well-being of the elderly at its future meetings. Specifically, it proposes the establishment of an ad hoc committee which would regularly consider and report to the economic and social committee and to the IPU conference on the status of various initiatives to improve the well-being of the elderly and to make recommendations on how parliamentarians in general, and the Interparliamentary Union in particular, can play a useful and relevant role. Through the establishment of such an ad hoc committee, my delegation believes that the Interparliamentary Union can eventually make an effective contribution to advancing the welfare of an often neglected segment of our societies. Universal, international concern for the aging of the world is an investment in the future of us all.

Mr. STAFFORD. Mr. President, there followed these plenary session speeches efforts in three different drafting committees, two drafting committees working for the so-called political committee on the questions of halting the arms race and the other items I mentioned in connection with it, and a second drafting committee in connection with the situation in the Mideast, with a third drafting committee working under the economic committee, the committee which I just mentioned with respect to economic advancement, and so on.

Mr. Stokes served on the drafting committee for the economic committee. It was my assignment to serve on the drafting committee on the arms race, terrorism, and hotbeds of tension in the world, particularly the Contadora group.

I am pleased to be able to tell my colleagues that with respect to the arms race, terrorism and the Contadora group, the drafting committee was able to agree on the text of a resolution which was unanimously approved by the drafting committee and subsequently by its parent, the political committee, and, subsequently, by the entire conference of delegates representing more than 80 nations. It was unanimously adopted.

I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

FINAL EDITION

75TH INTER-PARLIAMENTARY CONFERENCE—ADOPTED BY ACCLAMATION 12 APRIL 1986.

The Contribution of Parliaments:

(a) To the halting of the arms race and to effective disarmament with special regard to the militarization of outer space, nuclear and conventional weapons and chemical weapons

(b) To the effective combating of international terrorism

(c) To the elimination of hotbeds of tension in the world and, in particular, to the efforts of the Contadora group

Draft resolution adopted without a vote by the 1st Committee Rapporteur: Mr. L. Moreau (Argentina)

A. AS REGARDS DISARMAMENT

The 75th Inter-Parliamentary Conference,

Expressing grave concern over the danger of nuclear catastrophe threatening mankind, which can lead to the end of civilization on earth,

Guided by a desire to save mankind from the threat of nuclear and conventional war and to clear the way for the phasing out of the nuclear and conventional arms race on earth and its prevention in outer space for an overall reduction of the danger of war and for the establishment of trust as an integral component of relations between States,

Gravely concerned at the danger posed to all mankind by an arms race in outer space, and emphasizing that outer space should be used for the benefit of mankind for peaceful purposes,

Supporting ongoing efforts aimed at eliminating nuclear and chemical weapons and taking note of recent important proposals made in this area by the United States of America and the USSR, including a programme for the elimination of those weapons by the year 2000,

Expressing great satisfaction at the results of the Soviet-American Summit Meeting in Geneva and the accords reached there to accelerate work at the Geneva negotiations on nuclear and space arms with a view to preventing an arms race in outer space and to ending it on earth, and to give new impetus to the efforts made in other areas of arms limitation and reduction, and at strengthening strategic stability.

Taking note of the Joint Declaration issued on 22 May 1984 and reiterated on 28 January 1985 by the Heads of State or Government of Argentina, Greece, India, Mexico, Sweden and the United Republic of Tanzania addressed to the nuclear-weapon States, urging the end of nuclear weapon testing and the end of the nuclear arms race,

Reaffirming previous resolutions to the effect that the establishment of nuclear-weapon-free zones, such as established by the Treaty of Tlatelolco, could contribute to the security of States in such zones, to the prevention of the proliferation of nuclear weapons and to the goals of general and complete disarmament,

Taking note of the recent signature by the majority of States of the South Pacific region of the South Pacific Nuclear-Free Zone Treaty, adopted at Raratonga (Cook Islands) on 6 August 1985,

Welcoming the adoption by the United States General Assembly at its jubilee 40th Session of a resolution on the prevention of an arms race in outer space,

Stressing the responsibility of Parliaments and parliamentarians for the prevention of war, including nuclear war, the halting of the arms race and the preservation of peace,

Reaffirming the provisions of the final document of the Tenth Special Session of the General Assembly of the United Nations, the first Special Session devoted to disarmament, according to which the gradual reduction of military budgets on a mutually agreed basis, particularly by nuclear weapon States and other militarily significant States, would contribute to curbing the arms race and would increase the possibilities for the reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of developing countries,

Regarding vigorous assistance to nations' striving for peace and international security as its special duty in accordance with Article 1 of the Statutes of the Inter-Parliamentary Union,

Conscious of the responsibility imposed on the parliamentarians in all countries as the elected representatives of the people in relation to the safeguarding of international peace and security,

Emphasizing the obligation of all United Nations member States, in accordance with Article 2 of the United Nations Charter and the Helsinki Final Act, to renounce the threat and use of force against the territorial integrity or political independence of any State, and recognizing the right of all States to individual and collective self-defense as laid down in Article 51 of the UN Charter,

1. Expresses its determination to assist in every way in the taking of important and effective decisions at the existing negotiations that would bring about the prevention of an arms race in outer space and its termination on earth, thereby freeing billions of dollars of funds for the realization of constructive aims and assistance to peoples seeking to promote their economic and social development;

2. Welcomes the results of the Soviet-American Summit Meeting in Geneva, the understanding reached by the President of the United States of America and the General Secretary of the Central Committee of the Communist Party of the Soviet Union that a nuclear war should never be fought and cannot be won, and the agreement to accelerate work at the Geneva negotiations on nuclear and space arms, and expresses the hope that further meetings of such a kind will follow;

3. Appeals to the Parliaments of all States to support the earliest possible verifiable elimination of nuclear and chemical weapons, and the reduction of conventional armaments, and urges all States to reconfirm their commitment to the 1925 Geneva Protocol in view of the recent UN reports on the use of chemical weapons;

4. Emphasizes the importance of regional efforts towards the creation in the world of nuclear-weapon-free zones, aimed at the final objective of general and complete disarmament, on the basis of arrangements freely arrived at among the States of the region concerned;

5. Calls all States and their Parliaments to contribute to the earliest possible conclusion of a fully verifiable comprehensive nuclear test ban treaty, this treaty to be understood as being part of a broader process of nuclear disarmament and by no means as a substitute for drastic reductions in nuclear weaponry;

6. Urges Parliaments vigorously to promote the objectives of the peaceful use of

outer space in the interests of the keeping of international peace, as well as the observance of existing international space treaties;

7. Urges the Parliaments of the countries participating in the Geneva Conference on Disarmament to help to increase the efficiency of the conference and to start early negotiations within its framework to promote nuclear disarmament, ban nuclear weapon tests—an effective verifiable ban which would encompass all nuclear Powers—and prevent nuclear war;

8. Calls upon the Parliaments of the countries participating in the Vienna negotiations on the mutual balanced reduction of military forces and armaments in Central Europe to make a contribution to carry out the agreed reductions in the conventional arms and military forces and to expediting the achievement of mutually acceptable agreements at the Vienna negotiations to this effect;

9. Urges the Parliaments of the countries participating in the Stockholm Conference on Confidence and Security-Building Measures and Disarmament in Europe to facilitate its early conclusion and the adoption of a document which would include concrete, mutually acceptable and verifiable confidence-building measures, as well as a reaffirmation of the principle of the non-use of force;

10. Urges all Parliaments and National Groups to take steps aimed at encouraging effective decisions which promote worldwide disarmament on earth and peaceful use of outer space.

B. AS REGARDS INTERNATIONAL TERRORISM

The 75th Inter-Parliamentary Conference,

Recalling resolution 40/61 of the General Assembly of thee United Nations on terrorism adopted on 9 December 1985,

Recalling the existing international conventions relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, (Tokyo, 14 September 1963), the Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971), the Convention on the prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic agents (New York, 14 December 1973), and the International Convention against the Taking of Hostages (New York, 17 December 1979),

Deeply concerned by the acts and practice of international terrorism in all its manifestations, which threaten the lives of people and lead to their death,

Convinced that widespread international cooperation is likely to prove most effective in dealing with the problem,

Reaffirming the principle of self-determination of peoples as enshrined in the Charter of the United Nations,

Reaffirming the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination, and upholding the legitimacy of their struggle, in conformity with the purposes and principles of the Charter and of the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming the principle that everyone has the right to life, liberty and security of person as stipulated in the Universal Declaration of Human Rights,

Convinced of the importance of expanding and improving international cooperation among States, on a bilateral and multilateral basis, which will contribute to the elimination of acts of international terrorism and their underlying causes and to the prevention and elimination of this criminal scourge,

Convinced that Parliaments must play an important role in the search for solutions to the problem of international terrorism,

Considering that the taking of hostages and abductions are offences of grave concern to the international community, having severe adverse consequences for the rights of the victims and for the promotion of friendly relations and cooperation among States,

1. Unequivocally condemns any terrorist acts, manifestations and practices, regardless of the place where they are committed or their author;

2. Deeply deplores the loss of innocent human lives which results from such acts of terrorism;

3. Further deplores the pernicious impact of acts of international terrorism on relations of cooperation among States, including cooperation for development;

4. Appeals to all States to recognize the importance of a policy opposing the making of concessions to terrorists as the international community cannot succumb to the blackmail of terrorists, and appeals to all Parliaments to implement such a policy;

5. Affirms the obligation of all States in whose territory hostages or abducted persons are held urgently to take all appropriate measures to secure their safe release and to prevent the commission of acts of hostage-taking and abduction in the future;

6. Appeals to all States that have not yet done so to consider becoming party to the existing international conventions relating to various aspects of international terrorism;

7. Requests the States which have signed the relevant Conventions to promote full and strict implementation of their provisions;

8. Calls on all Parliaments and Governments to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism, such as the harmonization of domestic legislation with existing international conventions, the fulfillment of assumed international obligations and the prevention of the preparation and organization in their respective territories of acts directed against other States;

9. Strongly demands that Governments and Parliaments adopt all necessary measures—without excluding a boycott of the airports concerned—in order to prevent terrorist acts and to punish perpetrators of acts of terrorism;

10. Calls upon all States to fulfil their obligations under international law to refrain from organizing, financing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts,

11. Urges all Parliaments to ensure that their countries are not used as safe havens for those who resort to terrorism and that terrorists are brought to justice in accordance with the provisions of the relevant international conventions;

12. Requests the Parliaments and Governments of all States to strengthen international collaboration in order to find ways and means of action which are most adequate in fighting acts of international terrorism,

13. Further urges all States to co-operate with one another more closely, especially through the exchange of relevant information concerning the prevention and combating of terrorism, apprehension and prosecution or extradition of the perpetrators of such acts, the conclusion of special treaties and/or the incorporation into appropriate bilateral treaties of special clauses, in particular regarding the extradition or prosecution of terrorists;

14. Calls on all Parliaments to urge their respective Governments, unilaterally and in co-operation with other Governments, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including, inter alia, colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien occupation, that may give rise to international terrorism and may endanger international peace and security;

15. Emphasizes the necessity for Governments and Parliaments to work towards the full and effective application by national authorities of the security regulations for the suppression of attacks drawn up by various international organizations in the field of civil aviation, in particular the International Civil Aviation Organization (ICAO);

16. Encourages the appropriate international organizations to work towards the achievement of further enhancing the security of air travel, as well as the elimination of terrorism on the seas;

17. Requests the Parliaments of the nations represented in the Inter-Parliamentary Union to work towards the implementation of this resolution.

C. AS REGARDS HOTBEDS OF TENSION

I. As regards hotbeds of tension in general

The 75th Inter-Parliamentary Conference,

Convinced of the urgent need to eliminate hotbeds of tension in the world not only to avoid regional conflicts but because of the danger that such conflicts could evolve into a world-wide confrontation,

Aware that urgent action should be taken by all States to end colonialism, interference in internal affairs, apartheid, racial and other discriminations and all forms of aggression and occupation which constitute a grave threat to international peace and security, particularly in Africa, Asia and the American continent,

Emphasizing the importance of the adoption, by consensus, by the United Nations General Assembly in November 1985, of a solemn appeal to States in conflict to put an immediate end to hostilities and to settle their problems through negotiations, as well as of the obligation of member States of the United Nations to solve situations of tension and conflict and existing disputes by political means, to refrain from the threat or use of force and from any intervention in the internal affairs of other States,

1. Recommends that the Inter-Parliamentary Council study the possibility of organizing Inter-Parliamentary meetings on questions of peace and security in the regions and areas concerned, with a view to the elimination of hotbeds of tension in different parts of the world and the promotion of closer co-operation among nations, taking

into account the proposals of some National Groups for such a meeting in Asia;

2. Urges Parliaments and Governments to support all moves to strengthen, on a permanent basis, democratic, representative and pluralistic systems and to promote national reconciliation, human rights, and fundamental freedoms, such as respect for personal integrity, freedom of the press and freedom to establish trade unions, and in particular affirm the importance of upholding and implementing the principles of the Universal Declaration of Human Rights and the two International Covenants on human rights;

3. Urges Parliaments and parliamentarians to recommend that their respective Governments rigorously apply the relevant resolutions of the United Nations and other international organizations with a view to the final elimination of the hotbeds of tension in Africa, Asia and the American continent;

II. As regards support to the efforts of the Contadora Group

Gravely concerned about the situation in Central America which is characterized, as mentioned in the Preamble of the Contadora Act on Peace and Co-operation in Central America, "by a serious decline in political confidence and by frontier incidents, an arms build-up, arms traffic, the presence of foreign advisers and other forms of foreign military presence, and the use by irregular forces of the territories of certain States to carry out destabilizing operations against other States in the region",

Convinced that the signing of the Contadora Act on Peace and Co-operation in Central America by all States of the region and also those having ties and interests in the region should provide the necessary framework for eliminating tensions and providing peace and security in Central America and encouraging co-operation and economic integration,

Emphasizing that all Central American countries have the right to live in peace and security, free from outside influence from any source and that military action will not solve the problems of Central America,

Considering also that the action carried out by the Contadora Group on behalf of Peace constitutes an example of the search for a peaceful and regional solution to a regional conflict,

Noting with satisfaction that the countries co-operating in the Contadora Group, i.e. Colombia, Mexico, Panama and Venezuela, are being supported by Argentina, Brazil, Peru and Uruguay in their initiative to bring about a negotiating process intended to lead to a peaceful settlement of the tensions in Central America,

Considering that the Caraballeda meeting recommended the implementation of a package of concrete actions which are aimed at the consolidation of peace in the region and must be carried out simultaneously, and that it also adopted the proposal of the President of Guatemala for initiating a process of consultations which could lead to the establishment of a Central American Parliament and that such an initiative would contribute to better understanding of the problems of the region,

1. Urges all the parties to the conflict to sign the Contadora Act on Peace and Co-operation in Central America, taking into account the last appeal made by the Governments of the countries of the Contadora Group and the Support Group at their meeting in Panama;

2. Urges all States which have ties in the region to facilitate the signature of the Contadora Act on Peace and Co-operation respect the undertakings given under the Act, and subscribe to the documents of accession and support to the Contadora Act, provided for that purpose;

3. Reaffirms the right of all countries of the region to live in peace and security without foreign interference;

4. Supports initiatives for regional integration in Central America, such as the creation of a Central American Parliament and any other forms of co-operation and agreement;

5. Supports Costa Rica's policy of active, perpetual and unarmed neutrality;

6. Reaffirms of the inalienable right of the nations of Latin America to join development, within a framework of effective regional peace, democracy, co-operation and solidarity;

7. Takes note of the latest declaration of the Latin American Parliament on the occasion of its meeting in Guatemala, which reasserts "its will of emancipation and defends self-determination, non-interference in the internal affairs of other States, pluralistic democracy, the exclusion of foreign bases or advisers and full respect for human rights";

8. Rejects any economic and military assistance which has as its objective aggression against or destabilization of States in the region.

Mr. STAFFORD. Second, the drafting committee for the economic questions, particularly involving those of the health and wellbeing of the elderly, on which Mr. STOKES served, was also able to formulate a resolution which was unanimously accepted by the full economic committee and then unanimously adopted by the entire conference of the Inter-Parliamentary Union. Much good work was done there by Mr. STOKES.

The chairman of the House delegation, Mr. CLAUDE PEPPER, was unable to attend the conference because of a minor illness. I think he should be gratified to know that his hope that the economic committee might create an ad hoc committee with respect to the problems of the elderly was granted by that committee. The ad hoc committee under the economic committee is coming into existence just as Congressman PEPPER had hoped it might.

Mr. President, I ask unanimouns consent that that resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

75TH INTER-PARLIAMENTARY CONFERENCE, MEXICO CITY, 7-12 APRIL 1986

ITEM 4

(The contribution of Parliaments to the acceleration of the economic advancement of developing countries by the improvement in the terms of international trade and by using science and technology to advance the welfare of mankind in general and, in particular, the health and well-being of the elderly.)

DRAFT RESOLUTION ADOPTED BY THE COMMITTEE ON ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL QUESTIONS BY 31 VOTES TO 0 AND 2 ABSTENTIONS

(Rapporteur: Mr. M. Borge Martin (Mexico))

The 75th Inter-Parliamentary Conference,

Recognizing that the Governments and Parliaments of developing and industrialized countries alike have a shared responsibility in fostering constructive international economic co-operation with a view to strengthening the global economy and advancing the welfare of mankind,

Emphasizing the important role which Parliaments can play in creating a greater public awareness of the fact that the fate of the countries of the North is intimately bound up wih the fate of the countries of the South,

Aware of the continuing threats to the global economy caused by economic stagnation in many countries, particularly in the Third World, their growing external debt burden, high unemployment rates aggravated by unstable or falling commodity prices, increasing protectionist pressures and international monetary instability,

Confirming the views contained in the resolutions of the 73rd and 74th Inter-Parliamentary Conferences on "The role of Parliaments and their contribution toward the elimination of poverty by alleviating the burden of international debt" and "The contribution of Parliaments to the search for measures and actions aimed at removing the burden of foreign debt that weighs on the developing countries",

Considering that in conditions characterized by unbalanced and unstable economic deveopment in the world, the causes of which lie in the structural disproportions and rigidities of the world economy, the burden of adjustment is unevenly distributed and lies primarily on the shoulders of the developing countries, thus jeopardizing their normal economic progress, in particular that of the least developed among them whose position is continuing to deteriorate,

Considering that, even in conditions of economic recovery in the developed countries, the position of the developing countries is not improving and is particularly influenced by growing protectionism, lower prices of raw materials, less favorable terms of trade, great exchange rate fluctuations, high real interest rates, a growing debt burden, and the reduction of official development assistance in real terms,

Considering that development policies should give greater priority to the development of human resources, to the reduction of illiteracy, to the integration of women in the development process, and to health, nutrition and population policies with a view to strengthening self-reliant and self-sustaining socio-economic development,

Emphasizing the importance of technical assistance as an often neglected but critical component of development co-operation and the indispensability of education and the expansion of human skills for the effective use of capital investment and for self-reliance,

Deeply concerned by the fact that a large share of mankind—especially in sub-Saharan Africa—is suffering from starvation and under-nourishment, resulting in an appalling human tragedy, life-long impairment to the health of children in particular and the uprooting of entire populations,

Recalling UN General Assembly resolution 3281 (XXIX) of 12 December 1974

which acknowledges that the developing countries have the right to benefit from the advantages of science and technology to accelerate their economic and social development,

Recalling UN General Assembly resolution 37/207 entitled "Development aspects of the reverse transfer of technology" as well as the Conclusions and Recommendations of the Meeting of Governmental Experts on Reverse Transfer of Technology, adopted on 7 September 1983,

Convinced that the application of science and the continuing transfer of technology on acceptable terms are essential for raising the people's standard of living and improving the quality of life in the Third World and for ensuring better access to world markets for their products,

Recognizing the importance of co-operation between Parliaments of developed and developing countries in exchanging their perceptions and experiences in addressing the socio-economic issues surrounding the health and well-being of the elderly,

Recalling the endorsement by the world community of the International Plan of Action on Aging adopted at the World Assembly on Aging, held in Vienna from 26 July to 6 August 1982, and recognizing that the Plan of Action should be considered an integral component of the major international, regional and national strategies and programmes formulated in response to important world social and economic problems and needs,

Recalling further the resolutions on aging passed by the United Nations General Assembly at successive recent sessions (in particular resolution 40/30 of 29 November 1985 on the implementation of the International Plan of Action on Aging),

1. Supports the efforts made by the United Nations and its Specialized Agencies in favour of the drought-stricken areas in Africa, and calls on countries which are in a position to do so to increase their contributions to the Emergency Operations conducted under the responsibility of the Secretary-General of the United Nations as well as to the Special Programme and Facility for sub-Saharan Africa of the World Bank;

2. Invites the Governments and Parliaments of the industrialized nations:

(a) To improve further their generalized systems of preferences or most-favoured-nation treatment for products of particular importance to developing countries;

(b) To take measures to eliminate protectionism and discrimination in international trade, as well as other measures which do not obstruct or prevent exports from the developing countries under equitable conditions;

(c) To strengthen co-operation with developing countries in the field of trade promotion and to refrain from subsidizing exports, especially those of an agricultural nature competing with the exports of developing countries and also of other manufactured and semi-manufactured goods, including textiles and clothing;

(d) To help the developing countries to improve the quality and increase the production of various commodities, by means of the transfer of technology, as well as by raising the standard of living in these countries;

(e) To work for the stabilization and increase of revenues from commodities by adopting constructive attitudes in the negotiations on international commodity agreements, by promoting the speedy implementation of the integrated programme and the Common Fund for Commodities of UNCTAD, and by working for the strengthening of such international mechanisms as the Compensatory Financing Facility of the IMF;

(f) To adopt an overall strategy for co-operation designed to deal jointly with trade, debt and financing problems, conceived with a view to finding a lasting and stable solution that will assure the growth of the developing economies;

3. Calls upon the Governments and Parliaments of the GATT member countries to exert efforts in relation to the new multilateral trade negotiations within the framework of GATT with a view to the following:

(a) The provision and effective application in all fields of negotiations of the principle of a differentiated and more favourable treatment of the developing countries, including the non-reciprocity on their part for concessions given to them by the developed countries;

(b) The giving of priority in the negotiations to the unsolved problems from the Tokyo Round, mentioned in the 1982 GATT work programme, especially the seeking of solutions for the long-term open problem of a safeguard system based on GATT rules which should be applied in all sectors of international trade;

4. Considers that the World Bank should have a greater capacity to finance development projects so as to keep pace with expansion, needs and opportunities in the developing countries and, for this purpose, invites all Governments to support an increased lending capacity for the World Bank by means of a substantial capital increase;

5. Calls upon the industrialized countries to make a joint effort to provide the International Development Association with a total replenishment of $12 billion and to support the regional development banks so that they may pursue and expand their important role in the social and economic development of Africa, Asia and Latin America;

6. Recommends that the IMF become more effective through access to increased resources and a more flexible, varied and sensitive approach to the policy advice it gives to Governments of developing countries, giving greater weight to output, growth and employment as well as to the control of inflation and payment deficits;

7. Stresses the importance and urgency of reform in the international monetary system and, in this context, draws attention to the proposal of the Non-Aligned Summit of 1983 for the convening of an International Conference on Money and Finance for Development at an early stage;

8. Calls upon the IMF and other creditors to adopt a system for the repayment of foreign debts by developing countries which takes into consideration the balance of payments and the economic growth of the debtor as well as the resolutions adopted by the "Consensus of Cartagena";

9. Urges all States to work towards the full implementation of the World Plan of Action for the Application of Science and Technology to Development and of the Lagos Plan;

10. Calls upon industrialized countries:

(a) To ensure that developing countries have access to objective and unbiased sources of technical assistance and industrial co-operation geared to their particular needs and, to this end, to sustain the United Nations Development Programme [UNDP] and the United Nations Industrial Development Organization [UNIDO] as central organs of the United Nations system for technical and industrial co-operation;

(b) To help developing countries to strengthen their own capacity in the fields of training and scientific and technical research;

(c) To co-operate with developing countries in using advanced technologies, notably in agriculture, energy and space (for earth observation and resource management);

11. Calls upon developing countries:

(a) To strengthen their efforts to implement scientific and technological policies and to apply science and technology to research and development;

(b) To develop and popularize the use of scientific and technological processes suited to their circumstances and to increase innovation in this area, so as to accelerate their economic and social progress;

(c) To develop effectively North-South co-operation, in particular in relation to science, technology and trade;

12. Urges Parliaments and Governments to adopt constructive attitudes in relation to the preparation by the United Nations of an International Code of Conduct on the Transfer of Technology and of a Code of Conduct on Transnational Corporations, with a view to the speedy completion of the formulation of these codes;

13. Calls on Parliaments and Governments:

(a) To ensure that the question of aging is incorporated into their countries' national development plans, in accordance with their culture and traditions;

(b) To continue to make efforts to implement the principles and recommendations contained in the Vienna International Plan of Action on Aging;

(c) To continue to promote the exchange of information and experience in order to stimulate progress on the question of aging, to encourage the adoption of measures to respond to the economic and social implications of aging and to meet the needs of older persons;

(d) To consider convening regional and sub-regional meetings on the applicability of the recommendations of the International Plan of Aging to their particular needs and conditions;

14. Recommends that the Inter-Parliamentary Council establish, in accordance with Article 22(f) of the Statutes, a representative ad hoc committee to meet at each of the subsequent sessions to consider and report on steps Parliaments may take to improve the health and well-being of the elderly;

15. Recommends that both developing and developed countries launch, within an appropriate framework and in a spirit of solidarity and understanding, new North-South negotiations with a view to reforming the international trade system and to establishing a new international economic order which is more just and better balanced in accordance with the principles laid down in the programme of action adopted by the United Nations General Assembly in 1974.

Mr. STAFFORD. Finally, Mr. President, the second resolution which was produced in the political committee by another drafting group was adopted by the conference, but neither Mr. STOKES nor myself was able to serve on it because there were but two of us there trying to do the work normally

carried on by five or six Members of the U.S. Congress.

I would have to say that even had we been there, the resolution probably would not have been satisfactory from the standpoint of the United States. We voted against it, but it was adopted. So that any Member of the Senate who might wish to examine it may see it, I ask unanimous consent that it also may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

75TH INTER-PARLIAMENTARY CONFERENCE, MEXICO CITY, 7-12 APRIL 1986

(The implementation of the resolutions adopted by the United Nations General Assembly and Security Council and by the Inter-Parliamentary Union on the Palestinian Question, Lebanon, the occupied Arab territories, and the Iraq-Iran War, as a means of strengthening international peace and security.)

Draft resolution adopted by the Committee on political questions, international security and disarmament by 30 votes to 7, with 1 abstention.

Rapporteur: Mr. H. Van Wambeke (Belgium).

The 75th Inter-Parliamentary Conference—

Recalling all the relevant resolutions adopted by the UN General Assembly and Security Council and the Inter-Parliamentary Union;

Recalling also the statements and efforts of the Security Council and the Secretary-General of the United Nations;

Convinced that a comprehensive, just and lasting settlement of conflicts can only be achieved by collective efforts, with the participation of all those concerned;

Convinced that continued occupation of Arab territories by Israel and the denial of the inalienable rights of the Palestinian people, including their right to return to their homeland and to self-determination, constitute the most serious problem in the Middle East yet to be resolved,

Recognizing the rights of all States in the region to existence and security, as well as the inalienable right of the Palestinian people to return to their homeland and to self-determination,

Noting that Israel has not, to date, complied with UN Security Council resolutions 425 and 426 (1978), 501, 508 and 509 (1982) concerning Lebanon, and is stubbornly insisting on maintaining a military presence, directly through the stationing of troops and indirectly through allied armed groups on the pretext of protecting its security, and, *stressing* that Israel has failed to achieve this aim and has on the contrary only maintained and exacerbated tension in South Lebanon, added legitimacy to the national resistance and inflamed the internal situation in Lebanon in spite of the universal desire for the elimination of the hotbed of tension in the Middle East and for the return of peace, security and sovereignty to Lebanon,

Regretting the decision by the US Congress to cut back by half the US contribution to the funding of the United Nations Interim Force in Lebanon (UNIFIL), and *noting* that the decisions of a military, political and financial nature which might hinder UNIFIL's mission may discourage the States which are participating in UNIFIL in their humanitarian and pacific mission, thereby leading to a worsening of the situation in the area,

Deploring the initial acts which gave rise to the conflict between Iran and Iraq and *expressing* deep regret and concern at the continuation of the conflict, which causes great human and material loss for both countries, destabilizes the security of and disrupts navigation in the region,

Profoundly concerned by numerous UN reports of violations of international humanitarian law and in particular the 17 June 1925 Geneva Protocol regarding the use of chemical weapons and the 12 August 1949 Geneva Convention for the protection of war victims,

A. As regards the Middle East—

1. *Calls again* for a just and lasting peace in the Middle East;

2. *Considers* that this aim should be pursued through the implementation of the resolutions and decisions adopted by the General Assembly and the Security Council of the United Nations relating to the Palestinian question and the Middle East conflict;

3. *Demands* the full, immediate and unconditional withdrawal of Israel from all occupied Arab territory, affirms the inalienable rights of the Arab Palestinian people to recover their entire territory, to return to their homeland, to self-determination, and to the establishment of their independent State under the leadership of the sole and legitimate representatives, the Palestine Liberation Organization (PLO), *denounces* the oppressive measures taken by the Israeli occupation authorities against the Palestinian people, and *condemns* the policy of annexation and settlement in occupied Arab territory, as well as attempts to change the population structure and democratic and cultural features;

4. *Condemns* Israel's violation, by its air raid, of Tunisian sovereignty, which caused the death of innocent people and *calls for* the implementation of UN Security Council resolution 573 (1985) in this regard;

5. *Strongly condemns* any actions which pose a threat of civil aviation security and endanger passenger safety;

6. *Calls on* Parliaments and Governments to support all efforts towards the early convening of the International Peace Conference on the Middle East, in accordance with UN General Assembly resolution 38/58C with the participation of all concerned parties including the PLO, the United States of America, the USSR and the other permanent membrs of the Security Council;

B. As regards Lebanon—

7. *Demands once again* that Israel implement the resolutions adopted by the Inter-Parliamentary Union on Lebanon and *urges* that it comply with the Security Council resolutions 425, 426 (1978), 501, 508 and 509 (1982) by withdrawing definitively from Lebanon and letting UNIFIL fulfill its mission;

8. *Hopes* that the member states of the UN Security Council will accept once again Lebanon's request for the renewal of the mandate of UNIFIL, which is set for 17 April 1986, and that the US Congress will reverse its decision to reduce by half the US share in the funding of UNIFIL;

9. *Calls on* all Parliaments and Governments to support Lebanon and the legitimate authority in order to establish security, stability and national unity over Lebanese territory, to respect Lebanese sovereignty and independence and to contribute to the reconstruction of Lebanon;

C. As regards the Iran-Iraq war—

10. *Strongly supports* the efforts by the United Nations, the Non-Aligned Movement and the Organization of the Islamic Conference (OIC) to achieve a peaceful, comprehensive and just settlement between Iran and Iraq through mediation or any other means of peaceful settlement of disputes based on resolutions and statements of the Security Council, General Assembly resolutions, and efforts and proposals of the Secretary-General of the United Nations;

11. *Deplores* the violations of international humanitarian law and *calls on* the parties strictly to observe and implement these laws, in particular the 1925 Geneva Protocol and the 1949 Geneva Conventions;

12. *Urges* all States, in particular the States in the region, to exercise the utmost restraint and to refrain from any act which may escalate the level of tension or endanger neutral shipping or civil aviation in the region.

Mr. STAFFORD. Mr. President, with only two of us there, it was particularly difficult for Mr. STOKES and myself to cover all the various duties that fall upon a U.S. delegation at a meeting of the Inter-Parliamentary Union. The Inter-Parliamentary Union can be distinguished from the United Nations because a country, to belong, has to have at least some kind of parliamentary organization to get there. So the union is made up of members of parliaments rather than diplomats. There is always the possibility that parliamentarians, after a meeting of this kind, can return to their countries and adopt some legislation reflecting the efforts of the conference itself.

It affords a great opportunity for members of parliaments of the world to know something about each other and frequently, if you go to a few of the sessions, to get on a first-name basis with delegates from another part of the world.

It is also, in my opinion, after having served on our delegation for most of 14 years, an unusual opportunity to get a realistic appraisal of how much of the rest of the world reacts to the United States. Anybody who wants to really understand how the rest of the world feels about us and how we can impact on the rest of the world, in my opinion, ought to make a couple of trips with an IPU delegation and experience this firsthand instead of reading about it in the press or hearing about it on the electronic media. It is quite an experience. To some of us from time to time, it may come as something of a shock.

Mr. STOKES and I could not have possibly carried out as much work as we did in Mexico City had it not been for the outstanding work of some of the professional staff that were with us. I have particular reference to Mr. Claude Allen, who is from the Senate Foreign Relations Committee, Mr. Ryan Malarkey, professional staff member of the Senate Foreign Relations Committee, Mr. Marty Sletzinger, staff consultant to the House

Foreign Affairs Committee, and Mr. Ernest Grigg from the State Department.

Those men worked above and beyond the call of duty, night after night as well as through long days, to help Mr. STOKES and myself on the various duties we were carrying out, particularly the drafting of the resolutions in which we played a part.

Mr. Edward Derwinski, counselor at the Department of State, former Member of Congress, was particularly helpful at all times. Of special help to Mr. STOKES and myself was Robert McClory, former Member of Congress, who is an honorary member of the Inter-Parliamentary Union from the United States. In view of his long service in that body he was invaluable.

I have not mentioned others of the staff, but there were many who worked hard to see that we were able to carry out the job assigned to us and, over 6 hard days, get as much done that was favorable to the United States as we could.

Mr. President, I hope that when we make another trip—I might point out that there will be a meeting of the Inter-parliamentary Union in Argentina, in Buenos Aires, on the 6th to 11th of October 1986 That will be the 76th Inter-Parliamentary Conference. The two committees that will be meeting at that time will be the Committee on Parliamentary, Juridical and Human Rights questions, and the subject will be the contribution of parliaments to the application and progress of humanitarian international law applicable in cases of armed conflict.

The other is the Committee on Non-self Governing Territories and Ethnic questions. The subject will be the contribution of parliaments to the elimination of the remnants of colonialism in the world, in particular to promoting the independence of the media and the eradication of apartheid and racial discrimination in South Africa and to pursuing the political, economic, and social advancement and peaceful development of the so-called small territories.

It is my earnest hope that this body would be willing to have some additional members to the Senator from Vermont attend that particular meeting. We shall have to defend ourselves on that second committee from the usual charges, I might say, that we are a neocolonial power. We hope we will have enough Members going to what should be an interesting place so that there will be enough to cover the various subjects that have to be taken care of. That again is Buenos Aires, October 6 to 11 of 1986. We will correspond with our colleagues further and hope some people will be interested.

Mr. President, I am prepared to yield the floor.

EUROPEAN COOPERATION IN THE STRUGGLE AGAINST LIBYAN TERRORISM

Mr. DOMENICI. Mr. President, with the notable exception of the United Kingdom, under the steady leadership of Prime Minister Thatcher, most of our European NATO allies have indeed flinced in the face of terrorism.

As former Secretary of State Kissinger said recently, we all recognize that Sovereign states often disagree, even when they are allies. But it is inconceivable that our European allies should disagree with us 100 percent of the time, and still except to be treated as allies. Is there any step the United States could have taken against the terrorist nests in Libya that would have escaped the opposition of France and Italy?

In the case of France, a nation which is not shy about defending its interests in Africa or the South Pacific though any and all means availble, I am at a loss to understand their motivation. French airmen have frequently gone into combat against Colonel Qadhafi's forces in the country of Chad. This has happened in the past few months. French peacekeeping troops in Lebanon have been killed by Lebanese forces paid by Qadhafi and the Iranians. French citizens have been killed on French soil by terrorists allied with Qadhafi.

Just presently, we learned that Qadhafi's terrorists planned a daytime grenade and machine-gun attack on the American Embassy visa office in Paris. That could have killed dozens of people. The terrorists would not, in this insance, have been killing Americans. Americans don't need to stand in line for visas in Paris. The Qadhafi terrorists would have been killing Frenchmen and Frenchwomen. We stopped that.

What were the consequences of the French refusal to allow our F111's to overfly France, and reduce their long journey by 1,200 miles? For one thing, it increased the flying time for our brave pilots and weapons officers by 6 or 7 hours. That meant 14 hours sitting in confined space, unable to stretch or rest. Some might say that is a fault of the design of the F111, but our 36 officers and our 18 aircraft would have been in much better shape—much fresher and able to perform their mission with accuracy and safety—if they had been able to overfly France. Perhaps the French embassy in Tripoli would have remained undamaged, and we regret the damage that did occur, if our American pilots had arrived less fatigued.

I also regret the strange behavior of Italy, the land of my own ancestors, in the matter of Qadhafi's terrorists. Italy has a special connection with Libya, a former colony. Thousands of Italians were born and raised in Libya between the two world wars. Under Qadhafi's rule of terror, many of them lost everything they owned and had built up over the years. Churches were closed, and the economy was ruined, requiring the importation of thousands of other foreign nationals. Unlike the Libyans of Italian ancestry, they had no stake in the country. Yet we never hear much about this self-destructive anti-Italian behavior. We just hear about how the Italians do not want to risk their current, rather transitory, investments and job opportunities in Libya.

Has the Italian prime minister forgotten the winter's events at the airport in Rome? The pictures of visitors to Italy slaughtered like sheep, and Italian citizens falling in the crossfire? Is this the same brave Italian government that rescued the American, General Frazier, from local terrorists several years ago? The same brave Italian government that brought under control the Red Brigades which killed former Prime Minister Moro, one of the great western statesmen of the post-war period? The same Italian government whose judges fearlessly probe into international criminal groups and local mobsters? There is no question that Italy is on the front line already in the fight against terrorism, yet the Italian government will not agree to joint sanctions against Qadhafi's economy.

Mr. President, I should like to express our appreciation to the British people for their cooperation, and respectfully request the French and Italians reconsider their refusal to cooperate in the struggle against Qadhafi.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THATCHER SUPPORT OF U.S. ACTION

Mr. CHAFEE. Mr. President, I should like to express my appreciation to Margaret Thatcher and her government for the support they have given the United States in this situation in Europe. I have been listening to a lot of criticism by our European allies, but there is one exception to all of that, the Government of Great Britain. Margaret Thatcher deserves the support and the commendation of everybody in this Senate who has supported the action of the United States. But for what she did, those F-111's of course could not have taken off from Lakenheath.

Mr. President, I know it has been a great political cost to her and to her government; her government has suffered some setbacks recently, particularly in an election that just took place and yet she went out on the end of a limb. It was not necessary for her to do this. Nobody else amongst our European allies was supporting what we did. I want to tip my hat to Margaret Thatcher and to her government. I think it is wonderful that we have an ally that really is an ally, and it was not in her particular interest, clearly it was against her political interests to support us as she did.

Mr. President, we are fortunate to have as loyal a person as Margaret Thatcher as head of the Government of the United Kingdom, and we want to pay tribute and our respect to her for what she did.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the presiding officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Commerce, Science, and Transportation.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2972. A communication from the Senior Associate Director of GAO transmitting, pursuant to law, a report entitled "School Meal Programs—Options for Improving the Verification of Student Eligibility"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2973. A communication from the Acting Secretary of the Air Force transmitting, pursuant to law, a report on two weapons systems whose unit baseline cost .as increased by more than 15 percent (ASAT & T-46A); to the Committee on Armed Services.

EC-2974. A communication from the Acting Comptroller General of the U.S. transmitting, pursuant to law, a report entitled "Financial Audit—Panama Canal Commission's Financial Statements FY 1984 and 1983"; to the Committee on Armed Services.

EC-2975. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize payment of increased per diem in lieu of subsistence; to the Committee on Armed Services.

EC-2976. A communication from the Acting Secretary of the Army transmitting, pursuant to law, a report that the Pershing II program has exceeded its baseline unit cost by more than 25 percent; to the Committee on Armed Services.

EC-2977. A communication from the Acting Secretary of the Army transmitting, pursuant to law, a report that the Army Helicopter Improvement Program has exceeded its baseline unit cost by more than 25 percent; to the Committee on Armed Services.

EC-2978. A communication from the Acting Secretary of the Army transmitting, pursuant to law, a report that the Remotely Piloted Vehicle Program has exceeded its baseline unit cost by more than 25 percent; to the Committee on Armed Services.

EC-2979. A communication from the President of the United States transmitting, pursuant to law, a report that the authority available to the Export-Import Bank for fiscal year 1986 loans and guarantees is sufficient but should remain unchanged; to the Committee on Banking, Housing, and Urban Development.

EC-2980. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1985 Annual Report of the National Park Foundation; to the Committee on Energy and Natural Resources.

EC-2981. A communication from the Director of the Office of Alcohol Fuels transmitting, pursuant to law, notice of a delay of several weeks in the transmitting of the Annual Report on the Use of Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-2982. A communication from the President of the United States transmitting, pursuant to law, notice of his designation of Aruba as a beneficiary of the Generalized System of Preferences program; to the Committee on Finance.

EC-2983. A communication from the Assistant Secretary of Labor transmitting, pursuant to law, comments of the Members of the Advisory Committee to the Department of Labor on Short-time Compensation; to the Committee on Finance.

EC-2984. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the final report of the National Hospice Study; to the Committee on Finance.

EC-2985. A communication from the Administrator of the Agency for International Development transmitting, pursuant to law, the Agency's Annual Report on Competition; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. Thurmond, from the Committee on the Judiciary, with amendments:

S. 239. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes (with additional, minority, and supplemental views) (Rept. No. 99-282).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Richard Thomas McCormack, of Pennsylvania, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1988.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

Treaty Doc. 99-4. Protocol to the 1966 International Convention for the Conservation of Atlantic Tunas, agreed upon July 10, 1984, by the Conference on Plenipotentiaries of the Contracting Parties to the 1966 Convention, and signed by the United States on September 10, 1984 (Exec. Rept. No. 99-12).

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in its entirety in the CONGRESSIONAL RECORD of March 12, 1986, and, to save the expense of reprinting it on the executive calendar, I ask that these nominations lie at the Secretary's desk for the information of Senators.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2312. A bill to amend title VII of the Omnibus Crime Control and Safe Streets Act of 1986, relating to armed career criminals, to include a serious drug offense and any crime of violence as an offense subject to enhanced penalties; to the Committee on the Judiciary.

By Mr. GORTON:

S. 2313. A bill to provide a credit against Federal income tax in an amount equal to the taxpayer's B-stock losses resulting from the failure of a production credit association; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. GARN and Mr. INOUYE):

S. 2314. A bill to amend the Newspaper Preservation Act; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2315. A bill to provide for the restructuring of agricultural loans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ:

S. 2316. A bill to amend the Tariff Act of 1930 to specify information which is to be included in manifests submitted for vessels and vehicles arriving in the United States from a contiguous country; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2317. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make deficiency payments for the 1986 crops of wheat and feed grains not later than the end of the fifth month of the marketing years for such crops; to the Com-

mittee on Agriculture, Nutrition, and Forestry.

By Mr. McCLURE (by request):

S.J. Res. 325. A joint resolution to approve the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WALLOP:

S.J. Res. 326. A joint resolution to proclaim May 21, 1986, as "Andrei Sakharov Honor and Freedom Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 384. A resolution to direct the Senate Legal Counsel to represent, and to authorize the testimony of, former Senator Hansen and his past staff assistant in the case of Dow Chemical Co. against United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2312. A bill to amend title VII of the Omnibus Crime Control and Safe Streets Act of 1968, relating to armed career criminals, to include a serious drug offense and any crime of violence as an offense subject to enhanced penalties; to the Committee on the Judiciary.

(The remarks of Mr. SPECTER and the text of the legislation appear earlier in today's RECORD.)

By Mr. GORTON:

S. 2313. A bill to provide a credit against Federal income tax in an amount equal to the taxpayer's B-stock losses resulting from the failure of a production credit association; to the Committee on Finance.

CREDIT AGAINST INCOME TAX FOR B-STOCK LOSSES

● Mr. GORTON. Mr. President, today I am introducing legislation that would provide farmers who suffered the loss of their B-stock due to the failure of production credit associations a fair shake under the tax laws. This bill would give those farmers the option of taking a tax credit for their payments for worthless B-stock.

The Farm Credit System accounts for about 32 percent of all farm debt in 1985. Organized through Federal land banks and production credit associations [PCA's], the Farm Credit System has helped provide millions of farmers the financial resources they must have to produce a crop. Production credit associations are cooperatively organized lending institutions wholly owned by its member borrowers, operating under Federal law and regulated by the Farm Credit Administration.

In order to borrow from a PCA, the borrower must acquire stock in the system, and this stock becomes part of the loan package. An amount equal to 10 percent of the loan disbursement becomes a contingent stock liability to the PCA. If the PCA remained solvent for the life of the loan, the liability for B-stock would be retired or canceled as the loan was repaid.

During the early 1980's, loan officers at PCA's usually referred to B-stock as a simple formality in securing a loan. Farmers were told that it was a small percentage of the loan package and that no one had ever been called on to pay off the B-stock portion of their loan—it was required by Federal law, but nothing to be concerned about.

In recent years, however, PCA's have faced increasing problems with their borrowers experiencing serious debt repayment problems and increasing levels of loan losses. Thirty-nine PCA's that experienced large losses or other problems were merged with neighboring PCA's during the January–September 1984 period. The passage of the Farm Credit Amendments Act of 1985, Public Law 99-205, will protect the B-stock investment of the farmers who are a part of these merged PCA's and help troubled PCA's from being forced into liquidation.

Congressional action came too late, however, for PCA's. Prior to enactment of the Farm Credit Amendments Act, these 11 PCA's were forced to liquidate as a result of severe loan losses. The farmers who put their trust in the Farm Credit System by taking out loans from these PCA's are the unwitting losers in our legislative relief package. They have had the bad luck of having their PCA close too soon, before Congress stepped in to protect the system. As a result, they are having to make payments on worthless B-stock as they pay off their loans. This is simply unfair.

Mr. President, the bill I am introducing today is a small step in correcting the unfairness of this situation. It gives the farmer the option of taking a tax credit for the amount that he or she is paying or paid for B-stock that has been made worthless due to the failure of a PCA. I ask unanimous consent that the bill be reprinted in the RECORD at this point.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT AGAINST INCOME TAX FOR B-STOCK LOSSES.

(a) ALLOWANCE OF CREDIT.—Notwithstanding any other provision of law, at the election of the taxpayer for any taxable year, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1954 an amount equal to the taxpayer's payment (not including interest) during such year for B-stock which becomes on has become worthless due to the failure of a production credit association.

(b) LIMITATION BASED ON AMOUNT OF TAX.—

(1) IN GENERAL.—The credit allowed by subsection (a) for a taxable year shall not exceed the taxpayer's tax liability for such year, reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954.

(2) TAX LIABILITY DEFINED.—For purposes of this subsection, the term "tax liability" has the meaning given to such term by section 26(b) of such Code.

(c) DEFINITIONS.—For purposes of this section—

(1) B-STOCK.—The term "B-stock" means stock or participation certificates issued under subsections (f) and (h) of section 2.13 of the Farm Credit Act of 1971 (12 U.S.C. 2094).

(2) PRODUCTION CREDIT ASSOCIATION.—The term "production credit association" means any production credit association described under section 2.10 of the Farm Credit Act of 1971 (12 U.S.C. 2091).

(d) ELECTION.—An election under subsection (a) shall identify the B-stock for which the credit is allowed. An election may be made at any time before the expiration of the period for making a claim for refund or credit of the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year in which the payment for worthless B-stock occurred, and shall be made in such manner as the Secretary of the Treasury or the Secretary's delegate shall by regulations prescribe.

(e) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under the Internal Revenue Code of 1954 with respect to any amount for which a credit is allowed under subsection (a).

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The provisions of this section shall apply to any payment made for worthless B-stock, if such stock becomes worthless due to the failure of any production credit association during any taxable year beginning after December 31, 1982, and ending before January 1, 1986.

(2) STATUTE OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of this section is prevented by the operation of any law or rule of law (including res judicata), refund or credit of such overpayment (to the extent attributable to the application of this section) may, nevertheless, be made or allowed if claim for such refund or credit is filed before the close of the period ending with the date which is 1 year after the date of the enactment of this Act.●

By Mr. CRANSTON:

S. 2315. A bill to provide for the restructuring of agricultural loans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL CREDIT ACT

Mr. CRANSTON: Mr. President, today I am introducing a bill that provides for principal and/or interest payment buy downs on agricultural loans held by farm borrowers that can demonstrate a reasonable possibility of repayment. Under the program the Fed-

eral Government, the State government if it chooses to participate, and the lender would share the cost of reducing the debt service on an agricultural loan to an amount the borrower is capable of managing. This amendment is designed to help the small- and medium-size farmer.

The three bank regulatory agencies recently proposed modifications in the bank accounting rules to allow banks more flexibility to deal with losses incurred from troubled farm and energy loans similar to the language in the pending bill. While this action is a step in the right direction and gives relief primarily to banks, I am concerned that there is no mechanism to encourage banks to restructure loans deeply enough and stretch out the debt burden of farmers who have a reasonable possibility of returning to profitability if their monthly debt burben is reduced. Under the pending agricultural bill S. 2231, flexible loan restructuring is permitted for banks that meet the definition of an "agricultural bank"—those that have 25 percent or more of their portfolio in agricultural loans and their capital is impaired—while, other nonagricultural banks could apply only on a case-by-case basis. California banks hold about 9 percent of the agricultural loans nationwide—more than any other State. None is defined as an agricultural bank.

Under this program the principal and interest rate reductions on restructured loans would be accomplished by the lender reducing the amount of the loan principal by 10 percent or more with the Federal and/or State government each contributing a matching 2 percent subsidy on interest write downs.

My goal is to develop a debt restructuring plan to aid financially stressed farmers who would, under the right circumstances, have a chance to survive. Farm operators with the greatest debt problems have substantial amounts of nonworking debt which after the servicing of principal and interest leaves little cash-flow available to continue to operate the farm business. For these farmers a substantial reduction in the debt that has to be serviced out of current income is absolutely the only way to bring about long-lasting financial relief.

Commercial banks currently face substantial regulatory impediments if they want to help farm operators with debt restructuring. Any debt that makes a portion of the loan a nonearning asset for the bank results in a nonearning portion of the loan immediately being written off against capital, even if the loan could be repaid in the future. Banks are also under pressure to require that loans be fully collateralized while at the same time collateral values securing existing loans continue to devalue causing the farm debt to escalate.

While this bill and other regulations recently issued have liberalized bank lending and forebearance ability, these liberalized lending and restructuring requirements do not apply to many large banks that have enormous portfolios of agricultural loans which do not meet the agricultural bank definition in S. 2231 of having 25 percent or more farm loans. For instance five large banks in California hold 88 percent of the commercial bank agricultural loans in California, yet these banks are not qualified as agricultural banks because of their size even though they may hold more agricultural loans than an average size agricultural bank that specializes in only farm loans. They have no program under which to provide liberalized loan relief for their farm borrowers.

Heretofore, most programs have encouraged banks to work out strategies with their farm borrowers, knowing that lenders experiencing difficulties would have a difficult time participating because of capital impairment problems. However, in this program, direct financial assistance will be provided to the farm borrower to encourage the lenders to participate actively in restructuring farm debt. The expansion of the $490 million interest rate buydown program in the 1985 farm bill to include funding for the interest subsidy in this bill will provide much needed cash-flow assistance to agricultural borrowers at no additional cost to the Government.

A recent analysis by the Congressional Budget Office indicates that this interest rate subsidy program will not cost over $35 million in 1986 and no more than $210 million a year over 3 years.

The Congress has previously passed legislation, S. 1844, the Farm Credit System Restructuring and Regulatory Relief Act of 1985, that ameliorates the financial pressures on the Farm Credit System borrowers. Equal benefits should be available to nonfarm credit system borrowers.

The pressures on the farm economy are not expected to change significantly in the near future. However, most individual farm operators continue to show reasonable levels of cash-flow and income, nonetheless, the problems are immediate and serious for producers who sharply increased their debt during the high profit period in the late 1970's and others who have been borrowing extensively in recent years to ride out what was expected to be a brief period of low profits. Because many outside factors contributed to the seriousness of the problem and because communities and financial institutions may be seriously impaired as well as farmers, the solution calls for some type of Government assistance that can stabilize land values, and provide a targeted program of debt restructuring because:

First, 55 percent of the farms with negative margins—232,046—would not have had negative cash-flow except for debt service on which a debt restructuring program could have a significant impact on their chances of survival, according to a study done by the Center for National Policy.

Second, the farmers are rushing to sell land to pay current debts; further depressing land prices at the same time lenders rush to market to sell foreclosed property. The bill provides for an extension of the 5-year real estate holding period by banks. This will permit banks to hold foreclosed properties up to 10 years. Hopefully, this will slow down bank sales on farm properties and help to stabilize farm land values.

Third, in the Senate bill, S. 2231, emphasis has been placed on stabilizing the capital base of lending institutions and finding mechanisms for doing so which permit loan losses to continue to be realized. The primary objective of these approaches is to prevent deterioration of the financial system.

Stretching out loans, whether accompanied by lower interest are not, reduces the value of the lenders asset—collateral. Forebearance in loan service treatment cannot continue indefinitely without jeopardizing either the lenders interest or the borrowers solvency. Further, for some borrowers, relief which reasonably might be provided by the lender is not adequate to allow them to achieve a stable cash-flow position over time.

According to the American Farm Bureau Federation in testimony before the Banking, Housing, and Urban Affairs Committee on March 11, 1986:

> For 1986, the agricultural finance policy debate will be focused on the immediate problems of the one-third of commercial agricultural operators that hold two-thirds of the debt held by farm operators. About half of this group, 100,000 to 125,000 farm operators, are at the point where substantial debt restructuring will be needed over the next two years to avoid liquidation, either voluntary or forced.
>
> A substantial reduction in debt loan or a reduction in the debt that has to be serviced out of current income is absolutely essential. Only this will bring long-lasting financial relief to stressed farm operators.

Recent reports from California, the Nation's leading agricultural State, indicate that farmers there are in worse trouble than previously recognized.

According to one estimate, 15 percent of California's 135,000 full-time farmers are in serious trouble and nearly 10 percent more are having difficulty in making payments on their debts.

According to Jim Cothern, agricultural economist in charge of the farm

crisis project in California, California farmers owed more than $9 billion in real estate loans in 1984. In 1986 their debt is expected to exceed $10 billion.

In 1984 California farmers owed $8.5 billion in nonreal estate loans. This will top $10 billion in 1986 for a combined debt of $20 billion in 1986.

Clair Berryhill, director of the California Department of Food and Agriculture, and Henry Voss, president of the California Farm Bureau, also predict that 25 percent of the farms in California will go out of business in the near future.

The San Franciso examiner reports that as many as 33 percent of California farm borrowers have net worths that have slipped below zero.

Bank of America and Wells Fargo Bank, according to the examiner, have foreclosed or accepted voluntary take backs on property worth more than $210 million.

While California net farm income held between $2 and $4 billion from 1977 to 1984, total farm debt in the State rose from $8 billion to nearly $18 billion.

The Bank of America last year reported agricultural loan losses of $150 million. The bank's loan loss ratio, the average outstanding loans divided into the loss amount, was 9.42 percent. According to Cornelius Gallagher, vice president for agribusiness at the bank, this is probably five times as high as the Midwest and at least two times as high as the Midwest.

With commercial banks providing 50 percent of the agricultural loans in the State, this is an alarming situation.

A program providing incentives for restructuring such as my bill is a realistic approach to turning the debt problem around, for farmers and stabilizing farm debt so fewer farmers will be forced out of business and banks will benefit from stronger loan portfolios.

There is a growing public concern about the viability of the family farm. The adjustment process to deflation in agriculture has weakened some farmers and banks and also the communities they serve. These farmers and banks and their surrounding communities can be expected to survive, but only if they are given more time to adjust to the massive changes now going on in agriculture.

Mr. President, I ask unanimous consent to have the full text of my bill and section-by-section printed in the RECORD and several select news articles on the plight of farmers in California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Credit Act of 1986".

TITLE I—DEFERRALS

SEC. 101. IN GENERAL.

(a) REQUIREMENTS FOR RECEIVING PAYMENTS.—If a qualified lender agrees to defer principal or interest payments under this title with respect to an agricultural loan to a qualified borrower, the Secretary, and appropriate State authorities (if so authorized under State law), shall make payments to that lender as described in section 102.

(b) LIMITATION ON LOAN AMOUNTS.—A deferral of principal and interest payments under this title may be made only with respect to loan amounts of a borrower totaling, in the aggregate, not more than—

(1) $500,000 in the case of a qualified borrower who is an individual; and

(2) $700,000 in the case of a qualified borrower who is a person other than an individual.

(c) PERIOD FOR INITIATING REFERRALS OF PRINCIPAL AND INTEREST.—

(1) Except as provided in paragraph (2), a deferral of principal and interest payments under this title may be made only within 90 days after the lender has received an application for such deferral submitted by the borrower within one year after the date of enactment of this Act.

(2) Paragraph (1) does not apply to a deferral of principal and interest payments made during the period beginning six months before the date of enactment of this Act and ending on the date of enactment.

SEC. 102. STATE AND FEDERAL INTEREST RATE PAYMENTS.

(a) PAYMENTS BY THE SECRETARY.—If the lender defers the principal or interest accruing on a loan throughout the period that an interest deferral remains in effect under section 104(a) by (1) 2 percent of the interest and 10 percent of the principal; (2) 1 percent of the interest and 15 percent of the principal; or (3) 20 percent or more of the principal, the Secretary, through the Farmers Home Administration, shall pay to the qualified lender making a deferral of principal and interest under section 103—

(1) an amount equal to the amount of the deferral by the lender but not to exceed 2 percentage points of the interest accruing on such loan throughout the period that an interest deferral remains in effect under section 104(a); and

(2) any amount received by the Secretary under subsection (b).

Any payment under this subsection shall be passed on to the borrower.

(b) PAYMENTS BY APPROPRIATE STATE AUTHORITIES.—With respect to a loan for which a deferral of principal or interest is made under section 104, the appropriate State authorities (if so authorized under State law), shall pay to the Secretary an amount equal to 2 percentage points of the interest accruing on such loan throughout the period that such deferral remains in effect under section 104(a).

SEC. 103. AMOUNTS OF PRINCIPAL AND INTEREST RATE DEFERRAL.

(a) TABLE.—Except as provided in subsection (b), the deferrals referred to in section 102 are as follows:

Bank		Federal contribution	State contribution	Total deferral in States authorizing payments	Total deferral in States not authorizing payments
Interest deferral	Principal deferral				
2%	10%	2%	2%	6% interest..... 10% principal.....	4% interest 10% principal
1%	15%	2%	2%	5% interest..... 15% principal.....	3% interest 15% principal
0%	20%	2%	2%	4% interest..... 20% principal.....	2% interest 20% principal

(b) EXCEPTION IN THE CASE OF FIXED RATE LOANS.—In lieu of a principal deferral described under the second column of the table in subsection (a), a lender may defer the interest on a loan by an amount which will yield loan payments by the borrower comparable to loan payments which would be due under such principal deferral. An interest rate deferral under this subsection shall be in addition to any interest rate deferral described in the table in subsection (a).

SEC. 104. DEFERRAL PERIOD.

(a) DURATION OF INTEREST RATE DEFERRALS.—Except as provided in subsection (c), interest rate deferrals made under section 103 shall be in effect for the duration of the loan or for a period of three years from the date of enactment of this Act, whichever is less.

(b) INTEREST RATES FOLLOWING DEFERRAL PERIOD.—At the end of the period described in subsection (a) any interest rate charged on the balance of principal outstanding on a loan cannot exceed the standard rate charged by the lender for a comparable loan.

(c) EXCEPTION IN THE CASE OF INTEREST RATE DEFERRALS MADE IN LIEU OF PRINCIPAL DEFERRALS.—Interest rate deferrals made under section 103 in lieu of principal deferrals shall remain in effect for the duration of the loan.

SEC. 105. RECAPTURE IN THE EVENT OF NON-MONETARY DEFAULT.

In the event of non-monetary default by a qualified borrower on the terms of a loan whose terms are modified under this title, without consent by the lender, a qualified lender may enforce the terms of such loan as they existed before such modification.

SEC. 106. GUIDELINES.

(a) DEVELOPMENT OF GUIDELINES.—Each lender receiving a payment under section 102 shall develop guidelines for determining which borrowers shall receive interest or principal deferrals under this title.

(b) TERMINATION OF STATE AND FEDERAL PAYMENTS UPON FORECLOSURE.—No payment under section 102 shall be made with respect to a loan after a lender compels the forfeiture by a borrower of any security for such loan.

SEC. 107. USE OF CERTAIN FUNDS.

(a) USE OF AGRICULTURAL CREDIT INSURANCE FUND TO MAKE PAYMENTS.—The Secretary shall use the Agricultural Credit Insurance Fund established under section 309 of the Consolidated Farm and Rural Development Act to make payments under section 102(a).

(b) DISCRETIONARY USE OF CERTAIN FUNDS.—The Secretary, at the Secretary's discretion, may use, to make payments under section 102(a) during fiscal years 1986, 1987, 1988, and 1989 funds which would otherwise be available to the Secretary during such years under section 351(e)(2) of the Consolidated Farm and Rural Development Act.

SEC. 108. REGULATIONS.

The Secretary shall prescribe regulations to implement this title within 30 days after the date of enactment of this title.

SEC. 109. LIMITATIONS ON STATE LAWS RESPECTING FIXED RATE LOANS.

Any provision of the laws or constitution of any State which prohibits fixed rate loans shall not apply to extensions of credit made under this title or title III.

SEC. 110. PENALTY FOR MISUSE OF FUNDS.

Whoever embezzles, misapplies, steals, or obtains by fraud, false statements, or forgery, any funds, assets, or property provided or financed under this title shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

SEC. 111. DEFINITIONS.

As used in this title and title III—

(1) the term "agricultural loan" means a loan made to finance the production of agricultural products or livestock in the United States or a loan secured by agricultural property;

(2) the term "agricultural property" means land in the United States that is in regular use for the production of agricultural commodities for sale and any personal property used on such land in the production of agricultural commodities;

(3) the term "qualified agricultural debt restructuring"—

(A) means any combination of—

(i) a deferral in the principal due on an agricultural loan to a qualified borrower for the duration of the loan;

(ii) a deferral in the interest due on such loan for the duration of the loan;

(iii) an extension of the term to maturity of such loan; or

(iv) an asset restructuring plan entered into between the borrower and lender, the terms of which shall, within ten years of the date on which such plan is made, accomplish the purposes of the Agricultural Credit Act of 1986 and the amendments made by such Act; but

(B) does not include any such combination which—

(i) reduces the term to maturity of a loan; or

(ii) is made with respect to loan amounts of a qualified borrower totaling, in the aggregate, more than—

(I) $500,000 in the case of a qualified borrower who is an individual; and

(II) $700,000 in the case of a qualified borrower who is a person other than an individual;

(4) the term "qualified borrower" means, with respect to an agricultural loan, a person who—

(A) has derived at least 50 percent of the person's gross income during at least four of the previous five years from the production of agricultural commodities, including livestock, poultry, and the products of aquaculture;

(B) has gross annual sales of agricultural commodities of at least $30,000 during three of the last five taxable years ending before the date of enactment of this Act;

(C) has as average net income of less than $100,000 during the last 3 taxable years before the date of enactment of this Act;

(D) is delinquent in the payment of principal or interest on such loan; and

(E) enters into a restructuring and asset liquidation plan acceptable to the lender which—

(i) demonstrates a reasonable likelihood that the borrower will be able to repay the amount of the loan if debt restructuring is made;

(ii) contains a schedule for the liquidation by the borrower of such assets as the lender may require as a condition for such restructuring; and

(iii) provides for annual review by the lender to ensure that the borrower is making a good faith effort to carry out the plan;

(5) the term "qualified lender" means a—

(A) commercial bank;

(B) savings and loan association;

(C) credit union;

(D) insurance company; or

(E) institution of the Farm Credit System;

(6) the term "qualified State institution" means a State chartered depository institution, the deposits of which are insured or guaranteed under the laws of a State;

(7) the term "Secretary" means the Secretary of Agriculture;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(9) the term "deferral" means a postponement of payment until the borrower can demonstrate an ability to repay. The Secretary shall determine the rate of repayment and shall apportion repayments among the lender, the State, and the Secretary.

TITLE II—CONSERVATION PROVISIONS

SEC. 201. PROHIBITING ASSISTANCE TO BORROWERS WHO PRODUCE COMMODITIES ON ERODIBLE LAND.

Section 1211 of the Food Security Act of 1985 is amended—

(1) by striking out "or" where it appears after the semicolon in paragraph (1)(E);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or "; and

(3) by adding at the end the following new paragraph:

"(3) treatment as a qualified borrower for purposes of title I of the Agricultural Credit Act of 1986.".

SEC. 202. PROHIBITING ASSISTANCE TO BORROWERS WHO PRODUCE COMMODITIES ON CONVERTED WETLANDS.

Section 1221 of the Food Security Act of 1985 is amended—

(1) by striking out "or" where it appears after the semicolon in paragraph (1)(E);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new paragraph:

"(3) treatment as a qualified borrower for purposes of title I of the Agricultural Credit Act of 1986.".

TITLE III—ACCOUNTING PROVISIONS

SEC. 301. FEDERAL REGULATION OF THE ACCOUNTING FOR RESTRUCTURED AGRICULTURAL LOANS.

Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(k)(1) IN GENERAL.—The appropriate Federal banking agency shall—

"(A) permit an insured bank to account for qualified agricultural debt restructuring under paragraph (2);

"(B) establish a program of capital forbearance under paragraph (3) for an insured bank engaging in qualified agricultural debt restructuring; and

"(C) implement call report requirements under paragraph (4) with respect to qualified agricultural debt restructuring.

"(2) ACCOUNTING OF RESTRUCTURED LOANS.—Consistent with generally accepted accounting principles, an insured bank engaging in qualified agricultural debt restructuring involving only modification of terms may account for the effects of the restructuring prospectively and will not be required to change the recorded investment at the time of the restructuring unless the recorded investment exceeds the total future cash receipts that can be reasonably anticipated given the new terms of the loan.

"(3) CAPITAL FORBEARANCE PROGRAM.—

"(A) Under a capital forbearance program under this paragraph the appropriate Federal banking agency shall permit the capital of an insured bank qualifying under this paragraph to fall below any applicable minimum capital requirement established by such agency to the extent that the reduction in such capital is attributable to qualified agricultural debt restructuring.

"(B) In order for an insured bank to qualify under subparagraph (A) such bank shall, before December 31, 1987, submit to the appropriate Federal banking agency an application containing a plan acceptable to such agency which details the insured bank's program to restore primary capital to levels at or above the regulatory minimum not later than January 1, 1993.

"(C) The appropriate Federal banking agency may establish additional specific requirements consistent with the requirements of this Act which any insured bank must meet in order to qualify under subparagraph (A), including requirements that such an insured bank—

"(i) demonstrate that its weakened capital position is not due to mismanagement, excessive operating expenses, excessive dividends, or action taken solely for the purpose of qualifying for capital forbearance;

"(ii) adopt and adhere to its plan for restoring capital to the required minimums; and

"(iii) report periodically to the appropriate Federal banking agency on its progress in complying with the plan submitted under clause (ii).

"(4) CALL REPORTS.—Each Federal banking agency shall implement call report requirements for loans restructured under qualified agricultural debt restructuring, providing an accurate description of their status. Such loans may be disclosed as 'Restructured and in Compliance With Modified Terms' or similar description.

"(5) IMPLEMENTATION DEADLINE.—Each Federal banking agency shall issue its program on capital forbearance and call report requirements for renegotiated loans not later than three days after the date of enactment of this subsection.

"(6) GUIDELINES.—Each insured bank shall develop guidelines for determining which borrowers shall receive qualified agricultural debt restructuring.

"(7) RECAPTURE IN THE EVENT OF NON-MILITARY DEFAULT.—In the event of non-monetary default by a qualified borrower or the terms of a loan modified by qualified agricultural debt restructuring without, consent by the lender, an insured bank may enforce the terms of such loan as they existed before such restructuring occurred.

"(8) DEFINITIONS.—For purpose of this subsection—

"(A) terms defined for purposes of the Agricultural Credit Act of 1986 shall apply to this subsection;

"(B) the term 'insured bank' means an insured bank which is not an agricultural bank or energy bank as defined in subsection (j)(6); and

"(C) the term 'capital forbearance' means refraining from taking administrative actions to enforce capital standards.".

SEC. 302. MODIFICATION OF LENDING LIMITATIONS FOR LENDERS THAT RESTRUCTURE AGRICULTURAL LOANS.

Section 5200(a) of the Revised Statutes (12 U.S.C. 84(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

"(3) If the Comptroller of the Currency establishes a capital forbearance program pursuant to section 13(k) of the Federal Deposit Insurance Act, the Comptroller of the Currency shall, without public notice and comment, amend the regulations under this section to establish new lending limits for insured banks covered by the forbearance program, individually or as a class, to compensate for the effects on such insured banks for losses attributable to qualified agricultural debt restructuring. A lending limitation established pursuant to this paragraph in lieu of the limitation established in paragraph (1) shall not exceed 20 percent of the unimpaired capital and unimpaired surplus of an association."; and

(3) by striking out, in the paragraph redesignated as paragraph (4) by this section "paragraphs (1) and (2)", and inserting in lieu thereof "paragraphs (1), (2), and (3)".

SEC. 303. REGULATION OF THE ACCOUNTING FOR RESTRUCTURED AGRICULTURAL LOANS BY STATE INSURED DEPOSITORY INSTITUTIONS.

Notwithstanding any provision of the laws or constitution of any State, each appropriate State banking agency shall—

(1) permit qualified State institutions to account for qualified agricultural debt restructuring in the manner described in section 13(k) of the Federal Deposit Insurance Act;

(2) establish a program of capital forbearance in the manner described in section 13(k) of such Act for qualified State institutions engaging in qualified agricultural debt restructuring; and

(3) implement call report requirements of the kind described in section 13(k) of such Act with respect to qualified agricultural debt restructuring by qualified State institutions.

SEC. 304. ADJUSTING REAL ESTATE HOLDING PERIODS FOR A NATIONAL BANKING ASSOCIATION.

Section 5137 of the Revised Statutes (12 U.S.C. 29) is amended—

(1) by striking out "five years" in the paragraph following the fourth designated paragraph and inserting in lieu thereof "ten years";

(2) by striking out the second paragraph following the fourth designated paragraph; and

(3) by striking out "five-year" in the last paragraph and inserting in lieu thereof "ten-year".

AGRICULTURAL CREDIT ACT OF 1986—SECTION-BY-SECTION

TITLE I: PRINCIPAL AND INTEREST SUBSIDY DEFERRAL

Section 101: General Provisions

To encourage farm debt restructuring, this Act provides a matching interest subsidy program to lenders that reduce principal on troubled farm loans by at least 10 percent. As an added benefit, such debt restructuring would also allow lenders to participate in FmHA's Debt Adjustment Program (DAP). Under the DAP, loans that are restructured by at least 10 percent are eligible for a 90 percent FmHA guarantee.

From the date the Act is enacted, borrowers have a one-year period in which they can apply to their lenders to participate in this three-year program. Loans that lenders have restructured during a six month period prior to enactment of this act would also be eligible for the interest subsidy. Qualifying individual borrowers debt cannot exceed $500,000, other than an individual qualified debt can't exceed $700,000.

Section 102: State and Federal Interest Rate Payments

Interest rate subsidies would be provided to qualified lenders through the Farmers Home Administration (FmHA). State participation is optional.

Section 103: Principal and Interest Rate Deferral

Up to 6 points of interest could be written down for those loans in which principal is reduced by at least 10 percent. The interest subsidy consists of 2 percent Federal, 2 percent State (participation is optional), and 2 percent Lender.

[In percent]

Principal reduction [1]	Interest subsidy contribution			Total interest write-down
	Federal	State [2]	Lender	
10 [3]				
15	2	2	2	6
15	2	2	1	5
20 or more	2	2	0	4

[1] In lieu of a principal reduction, lenders could reduce interest on loans to achieve a comparable payment reduction over the life of the loan.
[2] State participation is optional. If State does not participate, total interest write-down would be reduced by 2 percent.
[3] Qualifies for 90 percent FmHA Guarantees under DAP.

Section 104: Duration of Interest Rate Deferral

At the end of this 3 year program, the interest rate charged on the restructured loan cannot exceed the standard rate charged by the lender for a comparable loan.

Section 105: Recapture Provision

In the event of non-monetary default (violation of non-monetary terms of loan agreement without lenders' consent), the lender may enforce the terms of the loan as they existed before restructuring occurred.

Section 106: Development of Guidelines

(a) Requires lender to develop debt restructuring guidelines for farm borrowers.

(b) If a lender should foreclose on a participating borrower, the federal and state interest subsidy would be cancelled.

Section 107: Use of Certain Funds

Authorizes the Secretary to use the Agricultural Credit Insurance Fund to carry out this Act. Provides the Secretary with discretionary authority to use funds authorized in FY86, FY87, FY88, and FY89 under the interest subsidy program in the Farm Bill. Section 309, 203(u)(1) Section 351(e)(2) of the consolidated Farm and Rural Development Act.

Section 108: Guidelines

Authorizes the Secretary to issue regulations to implement this Act within 30 days after the date of enactment.

Section 109: Limitations on State Laws

This section clarifies that the requirement for fixed rate mortgages in any restructured loan supersedes any state law.

Section 110: Penalty for Misuse of Funds

Provides for penalties under 18 U.S.C. 3623 or imprisonment for up to five years for those who steal, forge, misapply, etc., under this act.

Section 111: Definitions

"Agricultural Loan"—any loan made to finance production of agricultural products or livestock; or secured by agricultural property.

"Debt Restructuring"—loans restructured by any combination of: repayment period extenstion, interest rate reduction, principal reduction, or asset restructuring that would be accomplished over a ten year period.

"Qualified Agricultural Debt"—borrowers are limited to a $500,000 aggregate loan participation in the case of an individual and $600,000 in all other agricultural operations.

"Qualified Borrower":

Is any person that has made at least 50 percent of its gross income from farming in four of the past five years;

Has gross annual sales of at least $30,000 during three of the previous three years, and total net income not to exceed $100,000;

Is delinquent in the payment of principal or interest on agricultural loan;

Can demonstrate an ability to repay loan if debt is restructured.

"Qualified Lender"—any commercial bank, savings and loan association, credit union, insurance company, or farm credit institution.

"Qualified State Institution"—any State chartered depository institution that has deposits insured or guaranteed under State law.

TITLE II: CONSERVATION PROVISIONS

Amends Section 1211 and 1212 of Food Security Act of 1985 to provide that any producer that cultivates highly erodible lands and wetlands will be ineligible for assistance under this Act.

TITLE III: ACCOUNTING PROVISIONS

Section 201: Federal Regulation of the Accounting for Restructured Agricultural Loans

Subsections (k)(1 thru 5) Agricultural Loan Restructuring

Amends the Federal Deposit Insurance Act to provide lenders with more flexibility to restructure troubled agricultural debt—by minimizing effects of capital erosion and lending limitations. The following amendments are consistent with those proposed by the bank regulatory agencies in March, 1986 and in S. 2231.

(A) FASB #15—encourages banks to utilize a little-used accounting rule that allows banks to restructure loans without having to take a loss against capital if the restructuring results in payments that at least equal the original loan principal. FASB #15 (Financial Accounting Standards Board Statement No. 15) applies when "the creditor's objective is to make the best of a difficult situation . . . the creditor expects to obtain more . . . value from the debtor, or to increase the probability of receipt, by

granting the concession than by not granting it."

(B) Capital Forbearance—requires each Federal banking agency to establish a capital forbearance program for banks that have experienced a reduction in capital which is largely attributable to problems in the agriculture sector. Under such a program, a bank would be allowed to operate under relaxed capital requirements, provided they can demonstrate capacity to restore capital within five years. Currently, banks falling below the minimum 6% capital level are subject to stringent enforcement action by bank examiners.

(C) "Call Report" Modifications—requires the Federal banking agencies to amend description of the status of restructured "troubled" loans in the Reports of Condition and Income (call reports). This requirement allows banks to distinguish loans that, although restructured (as under FASB #15), are in compliance with modified terms. Those loans would no longer need to be included in the category of nonperforming loans but could be disclosed in the call report as "Restructured and in Compliance with Modified Terms" or a similar description.

Subsection (k)(6) Guidelines

Requires participating lenders to restablish guidelines to determine which borrowers qualify for restructuring.

Subsection (k)(7) Recapture Provisions

In the event of non-monetary default (violation of non-monetary terms of loan agreement without lenders' consent), the lender may enforce the terms of the loan as they existed before restructuring occurred.

Subsection (k)(8) Definitions

With the exception that this Section only applies to banks that have their deposits insured by the FDIC, the definitions are basically the same as those listed under Section 212.

Section 302: Modification of Lending Limitations for Lenders That Restructure Agricultural Loans

Amends regulations that establish lending limits for national banks so that a temporary reduction in capital would not reduce banks' lending authority. Currently, a decline in capital results in a parallel decline in the bank's maximum lending limit. By establishing an increased lending limit, a bank participating in the capital forbearance program who suffers moderate losses on agricultural loans could maintain its current dollar lending limits.

Section 303: Regulation of the Accounting for Restructured Agricultural Loans by State Insured Depository Institutions

Requires appropriate State banking agency to amend State regulations to conform to amendments in Section 401.

Section 304: Real Estate Holding Period

Amends 12 U.S.C Section 29, which establishes the limited purposes for which national banks may purchase, hold and convey real property mortgaged, conveyed or otherwise acquired as security for or in satisfaction of a debt previously contracted. Currently, a bank must dispose of such property within five years unless the Comptroller of the Currency approves the possession for an extended period not to exceed an additional five years. This amendment would allow any national bank to hold such real property for a 10-year period without the Comptroller's approval. The amendment is intended to prevent further depressed farmland values which could result from agricultural banks' disposal of such real estate.

UNHAPPY BANKS REAP CROP OF UNPROFITABLE LAND

(By Sally Lehrman)

FRESNO.—The white banner draped outside the Bank of America branch office cheerily invites, "Have a loan!"

But farmers throughout the state wonder just who the bank is inviting. This winter, loyal bank customers are encountering a reception as cool as the weather, and often walking away without even the warmth of a promise.

Farmers already feeling the crush of plummeting land values, sinking commodities and swamped markets now must face their banker's stony countenance.

As in other farm states, California lenders are moving quickly to cut their losses, and shore up portfolios sagging under the weight of the agriculture industry's problems. Loaded with acres of acquired property, millions of dollars written off as losses and millions more not accruing interest, they are demanding hard proof of future payment, and cutting off customers who can't provide it.

Bank of America, Wells Fargo and Crocker Bank are taking back properties in numbers not seen since the Great Depression. Their reluctance to lend to operators who can't show a sure profit is forcing many more farmers to sell off their property or shut down the ranch. Strict rules enforced by checklists and computer work sheets often eliminate the good farmer who's not all that good at filling out forms.

"(Banks) started tightening up in the summer of '85," said Dan Buser, a former official at the American Bankers Association. "They had to.

"You don't want to keep extending, if you've got to foreclose; that's no fun," Buser said. "At the same time, you want to keep your customers. It's difficult."

Agricultural loan losses last year reached $150 million for Bank of America and $36.7 million for Wells Fargo, the state's two biggest farm lenders. In 1984, the two banks lost $82 million and $45.9 million, respectively, on farm loans. The 1985 total helped push Bank of America to a staggering $337 million overall loss for last year.

Bank of America reported $188 million in loans not accruing interest out of a total agriculture loan portfolio of $1.7 billion last year. Wells Fargo was unable to collect interest on loans worth $180 million out of a farm loan portfolio of $825 million. (The Wells Fargo portfolio includes loans made by Wells Fargo Ag Credit, a Colorado subsidiary.)

Cornelius Gallagher, vice president in charge of agribusiness for the Bank of America, calls the bank's agriculture loan losses "significant," even though the farm portion of the bank's portfolio is only about 3 percent of total loans. As banks toughen up on lending policies, some critics accuse them of pulling out of agriculture altogether. But Bank of America's investment in agriculture remains strong, even though it dropped from $2.1 billion in 1984 to $1.7 billion last year. Wells Fargo's loans to the industry increased slightly from $802 million in 1984.

Lenders assure farmers that they plan to stand by them. They are quick to add, however, that they must protect against their own losses.

"We're in a risk business," Gallagher said. "We have to manage that risk."

George Beitzel, executive vice president of the Farm Credit Banks of Sacramento, said the bank is still "making lots of agriculture loans every day. But we are scrutinizing loans, making sure there is a means to repay them and a constructive purpose to the loans."

Ken Billings, president of the Federal Land Bank in Fresno, said the farmer-owned farm credit system feels a special responsibility to growers.

"If they have a fighting chance at all, we'll keep the loan in default," Billings said. "If they can service the interest, we'll stay with them, even if they're one or two payments behind.

"If we can be criticized for anything, it's staying with them too long."

Wells Fargo and Bank of America officials also say they aren't asking farmers to turn their fortunes around overnight.

However, five months into the crop year, Lars Swanson still is begging for funding from First Interstate Bank and the Federal Home Loan Mortgage Association. His commercial spray business has brought in just enough to barely maintain his 200 acres of alfalfa, walnuts and almonds in Los Banos—with a little left over to live on.

Water and taxes were due in December. Swanson (who asked that his real name not be used) has sold his house and his houseboat, and has tried to sell his ranch.

"We're already four months without living expenses," Swanson said recently, musing about his future while he watched an auction preview at his next-door neighbor's ranch. "Seems like every year they get slower."

Swanson went to FmHA, the farm lender of last resort, because his regular lender had decided to foreclose. He said his application has been at FmHA for eight months, and First Interstate won't sign a check for operating money until FmHA gives him the OK.

"I said to my banker, 'You get a guy down, then you keep kicking him and kicking him,'" he said. "Instead of helping, they're just tightening the screws harder."

Farmers also complain that as the crisis has grown, bankers have stopped making decisions on their own and instead are depending on manuals and check lists to make their choices.

City folks in pin-stripe suits are replacing the local banker who knew farming and knew his customers, they say. The loan officer who worked with families and their farms for years has been isolated to a special task force on problem loans, replaced by a newcomer with a computer.

Bank of America has a 20-point list it uses to evaluate farm loans. One wrong check and you're out of luck.

The loan gets bumped up to a higher authority and possibly into limbo. "Even the smallest loan is subject to the highest scrutiny," said Ronald Brase, president of Crop Care Services Inc., a consulting service in Fresno. Despite his excellent loan history, Brase recently had to wait nearly a month to get about $20,000 to grow Thompson grapes on his small family farm.

BofA's Gallagher defends the check list as a streamlined version of the same questions bankers always have asked. The bank's checklist asks for basic financial facts and a general business plan, he said. And with real estate values rapidly diminishing, banks that once would base hefty loans on the value of a farmer's land now are carefully examining the operation's cash flow.

"Back in the good old days, there were farmers who were so financially strong . . .

that you would loan to them without asking questions," Gallagher said. But things have changed. Farmers now find it nearly impossible to project a cash flow, because they have little ability to predict the cost of production or what a crop will bring in.

"We're just asking, 'How are you going to repay the loan?' " Gallagher said. "That's a very basic question. I'm sorry it's tougher to answer."

Flow charts and documentation have become just as vital as a good crop. Because Brase reported higher than average crop yields, he was required to bring in a land appraisal or receipts proving the delivery of his crop.

"Banks have been extremely stringent," he said—so stringent, he said, that they're forcing many good farmers to become marginal ones.

"You start cutting costs too much, you start hurting your income, that's what to a large extent is happening," he said. "In the last two or three months, because financing institutions have come down so hard on growers, I've seen several good growers move into a survival mode."

Farmers who have cut costs and improved production in the last couple of years may find lenders unmoved by their efforts, because the institutions usually base their decisions on a four-year average.

Most banks also are demanding that farms show a 25 percent profit margin. But, Brase said, "with current commodity prices, there ain't no one who can get that 25 percent margin."

While insisting that BofA holds no absolutes, Gallagher defends the concept of a wide profit margin. According to the bank's logic, farmers need a larger margin for error because it's so hard to predict how they will fare in today's constantly changing commodities market.

"We're just saying, balance your budget," he said. "But because of the uncertainty, you better have a margin there."

While banks say the more stringent paper work helps weed out poor managers, others argue that the strict guidelines eliminate both the innovator and the experienced grower who knows where his costs are, but not how to put them down on paper. The farmer who can grow an outstanding stand of wheat, but is flustered by a pile of forms won't get a loan.

FARM LOANS: LOSSES AND IN LIMBO

[Figures for the four largest agricultural lenders in California. Shown in millions]

Bank	Agricultural portfolio	Loan losses	Loans not earning interest
Bank of America	$1,700	$150	$188
Wells Fargo	825	36.7	204
Security Pacific	652.7	12.1	108.8
Crocker Bank	277	19	64

Note.—Figures for yearend 1986.
Source: Individual banks.

"Many bankers are overly conservative in how they're viewing lending practices in agriculture," said Henry Voss, president of the California Farm Bureau Federation in Sacramento. "I think what will happen is some people who are good managers and probably have sufficient assets . . . will be questioned or denied credit because these people don't fit into that computer mold."

Gallagher said it is not the attitude of the banks that has changed—just the structure of agriculture. "The way you look at it hasn't changed—what's changed is what you're looking at," he said. Farmers are struggling to reduce their debt at the same time their asset value is falling sharply. They work to reduce costs, but can't keep up with dropping commodity prices. To survive, they need to be keenly aware of the marketplace and their own financial position, Gallagher said.

BofA, Wells Fargo and other banks stress their willingness to assist the farmer—to a point.

"We'll work with them and make suggestions in the financial area," said Billings. "We'll help them restructure their debt; make suggestions like don't buy new equipment, instead pay a little higher repair bill.

"But most farmers are good farmers, you don't need to advise them how to farm."

Billings said the Land Bank has increased its staff by 20 percent in the last year to work with problem loans.

Wells Fargo's James Kirk said most of the farmers who have been able to survive are good farmers. "The farmer who's not the great manager may not have lasted this long anyway," he said. So Wells Fargo tries to structure a program that will help them stay in business.

Banks are shutting the door on scores of marginal businessmen.

"Ultimately, the solution is not to throw money, continually year after year, at a losing situation," said Roger Cruzen, a spokesman for Wells Fargo.

Bank of America recently isolated many of its problem loans into "strategic analysis groups." While Gallagher would not describe the exact purpose of such a category, he said the arrangement is designed to give growers personal help in solving their debt problems. "I call it trying to minimize the loss to their estate," he said.

Such gentle words may bring a harsh reality for farmers, however. "In some cases, you may just say, 'I'm sorry, we can't go any further,' " Gallagher said. "Because it's gone."

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PROFITS? STATE FARMERS SEEK SURVIVAL

(By Sally Lehrman)

SALINAS.—The question haunting every California farmer this year is not whether he will make a living, but whether he will survive.

The answer is not easy.

The harsh economic realities battering the state's farm industry don't seem to be letting up. Land values remain flat and growers' debt continues to soar. And analysts predict that the 1985 Reagan farm bill will drop the net income of U.S. farms 18 percent lower than its current rate.

See-sawing prices have plagued farmers for years. Growers tired of battling the world market on their own have asked for the government's help.

For some, 70 percent parity, or government-guaranteed prices equal to their cost of production, is the only solution. They say it will be impossible for them ever to make a living as long as they have to compete with unpredictable world prices.

The American Agriculture Movement advocates increasing the amount of government loans made against stored crops to cover the rising costs of production. Farmers who can't get a decent price for their crop are allowed to store it in exchange for a government loan. But support prices and loan rates are just 49 percent of parity right now, according to Wayne Meyer, president of the California chapter of the American Agriculture Movement.

"We've got to at least get some prices where we can cover our costs of production," he says. "Otherwise, nobody's going to stay in business. It's like standing out on the street corner selling dollar bills for 49 cents."

Meyer says that if loan rates for U.S. crops go up to 70 percent of parity, the world price will rise to match them. If it doesn't, the government should tack on protective tariffs or quotas, he says.

For example, a Sacramento grower now has a rough time finding someone to buy his rice for $6.50 to $7 per hundredweight when warehouses are filled with rice shipped in from Thailand at $4 a hundredweight.

"If we've got more rice than we know what to do with, why are we importing rice?" Meyer asks.

He says the containers shoppers carry to the grocery counter should show clearly where the food was grown, so consumers know when they are buying from American farmers.

Tim Wallace, an agriculture economist for the University of California, agrees that a parity program would encourage shoppers to buy domestic foods. But even though the money would go directly into U.S. government coffers, possibly to be doled out for commodity programs, such a policy could eventually hurt farmers, he warns.

"Foreign nations would retaliate, probably, by saying, 'You put a tariff on us, we'll put a tariff on you,' " he says.

Meyer argues that the nation is already engaged in a trade war and is losing it pretty badly. "They're already slapping tariffs on us, and we're not doing a thing," he says.

The American Farm Bureau Federation is hoping to help struggling farmers stay in business with a debt-restructuring plan. According to the proposal, a grower would divide his debt into two parts. He would continue to pay regular interest and principal on a manageable portion, and pay 3 percent interest but no principal on the rest of the amount owed.

Banks would be able to avoid classifying restructured loans as "non-performing" and would temporarily be allowed to operate at a lower capital base.

Bankers like the idea and have come up with their own recommendations. The American Bankers Association has proposed a three-part relief package for farmers. The goal is to stabilize three components of the farm crisis: bank capital, borrowers' cash-flow ability and farm asset value, according to Michael Fitch, chairman of the association.

The bankers advocate new accounting procedures to help banks bear the strain by spreading losses over a longer period. An interest rate buydown would assist cash-strapped borrowers by allowing them to pay back their loans at a lower rate under certain conditions. And asset values could stabilize if banks were allowed to put troubled farm loans in a quasi-governmental financial corporation that would hold farm land off the market until the economy improves.

California banks would like to be able to hold repossessed farm land for longer than the current five-year limit. They also suggest an institutional secondary market for farm real estate loans that could resell guaranteed loans to investors as mortgage-backed securities.

But to the farmer going over this season's budget, such solutions seem terribly distant.

While the dollar's strength has faltered a bit and sinking oil prices have helped boost

Third World economies, California farmers continue to combat a strengthening foreign presence in their formerly exclusive markets.

Bankers are making trips to Washington in alarm. Legislators are approving emergency measures to help growers keep their farms, and are proposing revisions to the farm bill.

But as the powerful hammer out policy, the farmer must pull on his boots, walk out to a muddy barren field and make a decision.

Most California farmers have cut costs beyond the point where they might hurt an acre's yield. They have gone back repeatedly to their bankers to ask for money. They have sold some of their land and canceled leases on nearby property they used to farm.

They know that only the most conservative, only the most savvy, will make it this year.

Ed Boutonnet unfolds sheet after sheet of numbers. The Castroville grower says he hasn't made a profit in four years. This year, he had hoped to break the jinx. But cold weather recently swept through his fields and burned the tips of rows of healthy artichokes.

It's a fact of life for a farmer that a little blister on a leaf can destroy his income.

Boutonnet and his partners run the state's largest artichoke operation. The 175 acres he once farmed have swelled to 5,500 acres and a packing and shipping company. But even Boutonnet, with a master's degree in soil science and vegetable production from Cornell University, is worried.

After the cold spell, his price for a carton of artichokes plunged to $5 from $15.

"We need $10 a carton, on average, to break even," he says. "Unless we can get up to $10 to $12 a carton, we're in serious trouble."

Boutonnet has broken out every little cost that goes into growing an artichoke. His list of numbers includes power, planting, sprinkler pipe, insecticide, rodent control and hoeing. Checking the figures over and over, he has finally found room for improvement.

"We've got a permanent drip irrigation trial in," he says. "If it works, we're going to eliminate our labor. You can irrigate six to seven hundred acres with one man."

In this way, Boutonnet thinks he can cut irrigation labor costs three-quarters and possibly reduce his power bill by one-third.

Boutonnet is one of the few farmers who has the funds to make an investment in order to save money in the long run. But he refuses to borrow to do it. His caution may keep him in business.

"We finance our own farming operations," he says. "We do not have any operational loans. We've never expanded on credit.

"That's basically a very conservative philosophy. That's not the philosophy they teach you in school."

The growers who followed their textbooks and fattened their farms are now drowning in debt. The farm crisis may finally winnow the industry to those like Boutonnet, who won't borrow a cent.

"Maybe we were a little slow in the '60s," he says, "but we're still in business.

"Most of our land is paid for and we will not borrow against our property to operate," he says. "A lot of farmers get into trouble that way—I'll quit before I do that."

Today, Boutonnet is moving quickly. He pulled 450 acres out of artichoke production last year. He says he'd rather invest money in unused ground than put cash into a crop that may not bring in anything. He's working on marketing ideas and will pore over his brown folder of budget breakdowns several more times. But he says it's unlikely he'll find a place to make additional cuts.

"We're not switching crops, we're not going to alternate crops," he says. "We've run a tight operation and we continue."

Farmers throughout the state will have a tough time cutting production costs this year, according to Ronald Brase, president of Crop Care Services Inc., a Fresno consulting firm. The growers have already shaved them to the minimum.

That leaves yield—the measure of how much produce comes off an acre of land.

"The only thing they can do is work with yield," Brase says. He argues that farmers should boost their production expenses in strategic places in order to increase yield. In other words, they should look for the factor, like insects or disease, that's limiting the amount their fields can produce—and correct it.

An improved yield can dramatically cut the cost per head of lettuce or bunch of spinach. But most growers don't have money to spare and can't get their banks to forward the cash for such a project, he says. So their only hope is to consider growing an unusual mix of crops or to try to get a contract in advance. That way a cotton or wheat grower can be sure of a certain price for his goods, and thus will know how much he can spend.

[From the San Francisco Examiner, Mar. 16, 1986]

STATE FARMING GOES TO SEED—MORE FORECLOSURES THAN AT ANY TIME SINCE GREAT DEPRESSION

(By Sally Lehrman)

Quietly and mercilessly, despair is sweeping through California's ravaged agricultural economy.

It once seemed the state's fertile hillsides and valleys would blossom with prosperity forever. But now farms from one end of California to the other are folding too quickly to count.

"I've never seen it like this," said Ken Billings, president of the Federal Land Bank in Fresno.

News of farm failures in the Midwest continues to stun the nation. But few outside the industry realize that the crisis also has devoured the vitality of the nation's largest farm state—California.

California growers are staggering under a debt load five times the amount of their net income, according to government statistics. Foreclosures of farm property in the state have reached a number unseen since the Great Depression.

The California farmer has been hit all at once by subsidized world competition, high interest rates, a strong dollar and eroding land values. Not only has it become nearly impossible to make a living, but most farmers can't make payments on their debt. To make things worse, recent heavy storms crushed any hope farmers may have had for a better year in 1986.

From the conservative old-timer to the eager graduate of the University of California at Davis, nearly every grower is struggling to survive just one more season.

"They have cut production costs as much as they can, 10 percent to 20 percent, but their costs keep going up," Billings said. "They're letting more weeds grow, not fertilizing as much as they should. They're using bailing wire to hold their equipment together." They're also hedging on the water bill, trying to renegotiate the rent and going to work part time in the city.

One Los Banos almond and walnut grower and his wife sold their house and are raising their two young boys on just $300 a month—the precious bit left over after buying the fertilizer, the water and the labor vital to their orchards.

Their neighbor, George Lindemann, a once-prosperous beef, dairy and vegetable grower, sold one operation after another in a four-year race to keep up with his mounting losses. Last month, in desperation, he auctioned off every tractor and hand tool that wasn't essential.

Even Ed Boutonnet, a partner in Castroville-based California Artichoke, the nation's largest artichoke growing and packing operation, has cut costs everywhere it seems possible. He hasn't made a profit since 1981 and is helplessly watching the price of artichokes fall below cost once again this year.

"They're doing some dramatic cost-cutting and selling off some land," Billings said. "But the problem is, they can't continue doing that. You can buy a little time—but if this thing continues for five or six years, we may lose quite a few farmers." The toll, he said, may be as many as one-third of the state's growers.

The state's top two commercial farm lenders, Bank of America and Wells Fargo Bank, have foreclosed or accepted voluntary takebacks on property worth more than $210 million. Insurance companies, unable to extract payments from farmers, also have snatched up land. New Jersey-based Prudential Insurance Co. of America, for example, holds about 45,600 acres in foreclosed properties in its Western region, a 13-fold increase from its 1984 holdings of 3,400 acres.

But the astounding rate of foreclosures reflects only a tiny portion of the California farmers who have had to give up their only security—land. Pleading with their bankers to grant one more year's operating credit, most are selling bits of acreage just to meet their interest payments.

Estimates vary on just how many farmers are teetering on the edge of bankruptcy. The American Bankers Association in Washington, D.C., figures that 15 percent of California's 35,000 full-time growers are in serious trouble and nearly 10 percent more are finding it difficult to make payments on their debt. Cornelius Gallagher, vice president for agribusiness at Bank of America, estimates the number of farmers whose net worth is slipping below zero to be as high as 33 percent.

Cattle ranchers, cotton farmers and rice growers have taken the worst beating, according to Henry Voss, president of the California Farm Bureau Federation. Even the giant cotton and grain grower J.G. Boswell has been stricken. The half-century-old company recently announced that it was slicing its work force by about a quarter, bracing for at least another year of poor revenue.

"We've got a whale of a supply of cotton out there, and that's causing tremendously depressed prices," said Ed Giermann, corporate counsel for the Kings County-based operation.

"We have growers who are just as distressed as growers in the Mid-west," said Tom Smith, president of Calcot Ltd. a Bakersfield cotton marketing cooperative. "They're going into a survival mode, making sure they can pay their bills."

Farming competes with tourism as California's largest industry. The state's more than 200 crops brought in an estimated

$14.3 billion in 1985, the highest farming income in the nation. According to the California Crop and Livestock Reporting Service, agriculture directly employed 500,000 people and contributed $50 billion to the gross state product of $500 billion in 1984.

Agricultural specialists have always said California was immune to a farm crisis. Fertile soil, good weather and a bountiful selection of crops shielded growers here from the whims of the market, they said. But the wave of misfortune devastating the Midwest has arrived in the Golden State.

California's rural backbone is buckling under its worst financial stress in more than 50 years, with net annual farm income from 1982 to 1984 below the level of every year from 1972 to 1981 after discounting for inflation.

Agriculture specialists often point to exports as the root of the disaster here. California's farm exports slid to $2.9 billion in 1984, a 31 percent drop from a peak of $4.2 billion in 1981. The strength of the dollar has made California products more expensive to foreign buyers. And many nations subsidize their agriculture, making it possible to undercut U.S. prices.

Nations that once depended on California for commodities now grow their own and even export to this country. South Korea, which once bought the bulk of its rice from the state, has become self-sufficent. China, long a hungry market for California cotton, has grown into a tough competitor on the world market.

"We lost a lot of the international market," Voss said. "We have a mature market in this country and we can't absorb much more. If we could improve the world market, things would improve pretty quickly in California."

Imports exert the other half of the world pressure on California farming. The state once worried little about competition from foreign fruits and vegetables. Now products such as wine and canned fruit are bumping local goods off the grocery shelves.

"We've exported all of our knowledge, and they have on top of that a very cheap, cheap labor situation," said Dorothy Mortensen, spokeswoman for several fruit and vegetable growers' cooperatives.

Almost no fruit products were shipped into the United States until 1984. This year, however, the California Peach Association predicts that about 2 million cases of peaches, pears and other fruits will pour in from Europe, Australia, South Africa and South America.

The imports already have pushed many growers out of business and prompted discouraged survivors to dig up one-third of their trees in five years. Acreage planted in peaches plummeted to 27,000 in 1985 from 40,000 five years earlier.

The intense price competition and a shrinking world market have pushed prices for foods from cauliflower to cotton well below the cost to grow them.

"There's no crop that you can clearly see a profit on," said Ronald Brase, president of Crop Care Services, Inc., a consulting service in Fresno. For example, Thompson seedless grapes cost about $870 an acre to grow. At $70 a ton and an average yield of 9.1 tons, they bring in just $637 an acre. In one season, the farmer loses $233 an acre.

Eroding land prices add the last straw to the fiscal weight breaking farmers' backs across the state. The average farm value in California plunged to $1,726 an acre in 1985 from $1,918 an acre the year before. That 10 percent drop compares with a 13 percent slide across the nation to $679 an acre from $782, according to California Department of Agriculture statistics.

Pockets of the state have seen land values plunge more quickly than have others. Wayne Zoller, an appraiser for the Colusa County assessor's office, says that in just one year, rice lands there halved in value to $1,400 an acre in 1985 from $2,600 an acre in 1984.

Farmers' ability to borrow has disappeared in tandem with their land's worth. They have little to offer as a guarantee against default on loans for this year's growing season. At the same time, banks are reminding farmers that their land's value as security is shrinking and are asking for more collateral on existing loans.

The change in the value bloats farmers' debt-to-asset ratios dramatically. Combined with a little bad luck and a few missed loan payments, it can push even the best growers over the edge.

"I think that's happening to people, and just shocking them," said BofA's Gallagher. "This thing's gone well beyond people who mismanage.

In fact, it's often the "good" managers who go out of business first—the young men and women who left their family farms to study at the University of California and returned with the gospel of agribusiness expansion. These ambitious achievers bought more land, upgraded with new equipment and diversified into a variety of crops. When the bottom fell out of commodity prices, their debt load crushed them.

At the other end of the spectrum fall the leather-skinned old hands who have always farmed by experience and sixth sense. Unable to come up with a detailed budget and a charted cash-flow projection, they are finding it more difficult to get a loan for spring planting from bankers grown stingy.

Though farmers tend to be naturally optimistic, the outlook this year isn't good. Recent storms wiped out the hopes of almond growers whose peak blossoms crumpled in the rain. Bees spooked by the rain failed to pollinate fruit trees, and many an asparagus field was washed out in the Delta Acres of mud have prevented farmers from planting cotton and canning tomatoes, a crop many thought would be able to bring in a profit this year.

The recent disaster only aggravates the pressure of high interest rates, increased foreign agricultural production and weak world economic growth. These factors led Bank of America to predict "continued stagnation at low-income levels" for the 1986 farm economy. Only the most savvy and the most conservative may survive.

Farmers who took no chances, stuck to the homestead and refused to borrow a cent still have that land and may be able to make it through another bad year. And there are pockets of plenty in the grim outlook. California oranges are selling well and land value has held. Some say avocados are making a turnaround.

But for the rest of California this may be the last year many farmers put food on their families tables by tilling the soil their fathers worked.

By Mr. HEINZ:

S. 2316. A bill to amend the Tariff Act of 1930 to specify information which is to be included in manifests submitted for vessels and vehicles arriving in the United States from a contiguous country; to the Committee on Finance.

MANIFESTS FOR VESSELS AND VEHICLES FROM A CONTIGUOUS COUNTRY

● Mr. HEINZ. Mr. President, today I am introducing legislation to remedy a loophole in the laws governing the disclosure of information concerning goods imported into the United States.

In 1984, I introduced legislation, enacted by Congress as part of Public Law 98-573, which explicitly provided for the disclosure of basic information concerning goods imported into the United States. That law also contained specific mechanisms to protect confidential business information. For example, under Public Law 98-573 the identity of any importer/consignee and the identity of the foreign shipper to such importer/consignee may be kept confidential as the result of a biennial certification request of the American importer/consignee.

Under that legislation, U.S. manufacturers, transportation companies, port authorities, and others have been able to better plan, promote domestic enterprise, and compete in world markets. In addition, the information made available under the legislation has assisted Government agencies in monitoring our international trade flows.

However, the Customs Service has interpreted Public Law 98-573 to apply only to information concerning goods imported by ocean vessels. They have excluded information on manifests submitted for vehicles—for example, trucks and rail—and nonocean vessels of less than 5 net tons. Thus, no information is made available concerning overland importations from Canada and Mexico. There is no logical reason why overland importations from Canada and Mexico should be kept secret.

My bill would apply the disclosure provisions and protections we enacted in Public Law 98-573 to truck, rail and small barge importations from Mexico and Canada. As a result, it would equalize the treatment of all importations, whether by land or by sea, and eliminate the distinctions that have been applied solely on the basis of the mode of transportation utilized to bring goods into the United States. I continue to believe that the full disclosure of import and export data helps U.S. industries better compete. It also allows our transportation companies to develop and plan more effectively.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANIFESTS FOR VESSELS AND VEHICLES FROM A CONTIGUOUS COUNTRY.

Section 459 of the Tariff Act of 1930 (19 U.S.C. 1459) is amended—

(1) by striking out "The Master" and inserting in lieu thereof "(a) The Master",

(2) by striking out "as required by law," in the first sentence and inserting in lieu thereof "containing the information required by subsection (b),", and

(3) by adding at the end thereof the following new subsections:

"(b) The following information shall be included in any manifest submitted under subsection (a):

"(1) The identity of the vessel or vehicle.

"(2) The port of arrival, the port of lading, and the United States port of destination.

"(3) A description of the merchandise.

"(4) The marks and number of packages of the merchandise and the gross weight of the merchandise.

"(5) A copy of the bill of lading for the merchandise or the addresses of the consignees of the merchandise.

"(6) The names and addresses of the shippers of the merchandise.

"(7) The names of the consignees of the merchandise.

"(c)(1) Except as provided in paragraph (2), the following information, when contained in a manifest submitted under subsection (a), shall be available for public disclosure:

"(A) The name and address of each importer or consignee and the name and address of the shipper to such importer or consignee, unless the importer or consignee has made a biennial certification, in accordance with procedures adopted by the Secretary of the Treasury, claiming confidential treatment of such information.

"(B) The description of the merchandise.

"(C) The number of packages of the merchandise and the gross weight of the merchandise.

"(D) The name of the vessel or the license number of the vehicle.

"(E) The port of lading.

"(F) The port of destination.

"(G) The country of origin of the shipment.

"(2) The information listed in paragraph (1) shall not be available for public disclosure if—

"(A) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage, or

"(B) the information is exempt under the provisions of section 552(b)(1) of title 5.

"(3) The Secretary of the Treasury, in order to allow for the timely dissemination and publication of the information listed in paragraph (1), shall establish procedures to provide access to manifests submitted under subsection (a). Such procedures shall include provisions for adequate protection against the public disclosure of information not available for public disclosure from such manifest.".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to arrivals in the United States after the date that is 15 days after the date of enactment of this Act.●

By Mr. GRASSLEY:

S. 2317. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make deficiency payments for the 1986 crops of wheat and feed grains not later than the end of the fifth month of the marketing years for such crops; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL DEFICIENCY PAYMENTS

● Mr. GRASSLEY. Mr. President, the bill I am introducing today will require deficiency payments for the 1986 wheat and feed grains farm programs be paid at the same time as they have in previous years. This bill is simple and to the point. All we will be saying by passing this legislation is that farmers will get paid for their production the same year they produce it.

The farm bill, as it stands now, would not allow farmers to be paid their final deficiency payment for their 1986 crop until October 1987, 1½ years after they planted it and 1 year after harvest. This would be the same as asking some one who works in the city to work today even though he won't get his pay check until next year.

This problem is even more severe because of the severe cash-flow problems being experienced by our Nation's farmers. In previous years farmers have been given both their deficiency payment and their Commodity Credit Corporation loan by the spring of the marketing year. This cash-flow situation was very helpful to both farmers and lenders in estimating cash-flows for both that marketing year and the previous year. With the farm bill postponing that final payment until October 1987 many lenders are throwing it out of the cash-flow projections all together. As a result of this late payment, farmers who would have attained credit under the formula and time table used in previous year's farm programs are now being turned down. Because of this cash-flow problem established in the farm bill many farmers, who have survived all the other hurdles established under this farm program, are going to be forced out of business because of a lack of credit.

There is another hidden penalty that exists for our farmers as a result of the way this farm program calculates the final deficiency payment. This final payment is estimated on a 12-month average rather than a 5-month average. The result of this calculation is that farmers may end up getting less because the 12-month average may move up the national average price and therefore lower the total deficiency payment.

The net effect of the way these deficiency payments are being calculated and paid, is that farmers will receive less money at a later date then they would in previous programs. Farmers cannot afford these policies that pick away at the safety net they so desperately need.

I strongly encourage my colleagues to support this bill and help farmers with this credit and income problem.●

By Mr. McCLURE (by request):

S.J. Res. 325. Joint resolution to approve the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes; to the Committee on Energy and Natural Resources.

UNITED STATES-PALAU "COMPACT OF FREE ASSOCIATION"

● Mr. McCLURE. Mr. President, pursuant to a Presidential message referred to the Committee on Energy and Natural Resources, at the request of the President I send to the desk a joint resolution to approve the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the President, and I ask unanimous consent that the joint resolution, a section-by-section analysis of it, and the Presidential message which accompanied the proposal from the President be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S.J. RES. 325

Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the Trusteeship Agreement for the former Japanese Mandated Islands entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 18, 1947; and

Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and

Whereas the United States, in response to the desires of the people of Palau expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted government, and in consideration of its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the people of Palau; and

Whereas these negotiations resulted in the "Compact of Free Association" between the United States and Palau which, together with its related agreements, was signed by the United States and by Palau on January 10, 1986; and

Whereas the Compact of Free Association was approved by a majority of the people of Palau in a United Nations-observed referendum conducted on February 21, 1986; and

Whereas the Compact of Free Association has been approved by the Government of Palau in accordance with its constitutional processes, thus completing fully for Palau its domestic approval processes with respect to the Compact as contemplated in Compact Section 411: Now be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Compact of Free Association, the text of which follows,

is hereby approved and the President is authorized to agree to an effective date for and thereafter to implement the Compact of Free Association, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

SEC. 1.

COMPACT OF FREE ASSOCIATION PREAMBLE THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PALAU

Affirming that their Governments and the relationship between their Governments are founded upon respect for human rights and fundamental freedoms for all; and

Affirming the common interest of the United States of America and the people of Palau in creating close and mutually beneficial relationships through a free and voluntary association of their Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and self-sufficiency of the people of Palau; and

Recognizing that their previous relationship has been based upon the International Trusteeship System of the United Nations Charter; and that pursuant to Article 76 of the Charter, the peoples of the Trust Territory have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they have, through their freely-expressed wishes, adopted a Constitution appropriate to their particular circumstances; and

Recognizing their common desire to terminate the Trusteeship and establish a new government-to-government relationship in accordance with a new political status based on the freely-expressed wishes of the people of Palau and appropriate to their particular circumstances; and

Recognizing That the people of Palau have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and from of government and that the approval of the entry of their Government into this Compact of Free Association by the people of Palau constitutes an exercise of their sovereign right to self-determination;

Now, therefore, agree to enter into a relationship of free association which provides a full measure of self-government for the people of Palua; and

Further agree that the relationship of free association derives from and is as set forth in this Compact; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the freely associated state of Palau in regard to this relationship of free association derives from and is as set forth in this Compact.

TITLE I—GOVERNMENT RELATIONS

Article I—Self-government

SEC. 111. The people of Palau, acting through their duly elected goverment established under their constitution, are self-governing.

Article II—Foreign Affairs

SEC. 121. (a) The Republic of Palau has the capacity to conduct foreign affairs in its own name and right, except as otherwise provided in this Compact and the Government of the United States recognizes that the Government of Palau, in the exercise of this capacity, may enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(b) In the conduct of its foreign affairs the Government of Palau confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

SEC. 122. The Government of the United States shall support application by the Government of Palau for membership or other participation in regional or international organizations as may be mutually agreed. The Government of the United States agrees to accept citizens of Palau for training and instruction at the United States Foreign Service Institute, established under 22 U.S.C. 4021, or similar training under terms and conditions to be mutually agreed.

SEC. 123. In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of Palau shall consult with the Government of the United States. The Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of Palau on matters which the Government of the United States regards as relating to or affecting the Government of Palau, and shall provide, on a regular basis, information on regional foreign policy matters.

SEC. 124. (a) The Government of Palau has authority to conduct its foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and nonliving resources from the sea, seabed or subsoil to the full extent recognized under international law.

(b) The Government of Palau has jurisdiction and sovereignty over its territory, including its land and internal waters, territorial seas, the airspace superjacent thereto only to the extent recognized under international law.

SEC. 125. Except as otherwise provided in this Compact or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as administering authority which have resulted from the application pursuant to the Trusteeship Agreement or any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact are no longer assumed and enjoyed by the Government of the United States.

SEC. 126. The Government of the United States shall accept responsibility for those actions taken by the Government of Palau in the area of foreign affairs, only as may from time to time be expressly and mutually agreed.

SEC. 127. The Government of the United States may assist or act on behalf of the Government of Palau in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of Palau undertaken with the assistance or through the agency of the Government of the United States pursuant to this Section unless expressly agreed.

SEC. 128. At the request of the Government of Palau and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of Palau for travel outside of Palau, the Marshall Islands, the Federated States of Micronesia, the United States and its territories and possessions.

Article III—Communications

SEC. 131. (a) The Government of Palau has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communication assistance in accordance with the terms of a related agreement which shall come into effect simultaneously with this Compact, and such agreement shall remain in effect until such time as any election is made pursuant to Section 131(b) and which shall provide for the following:

(1) the Government of the United States remains the sole administration entitled to make notification to the International Frequency Registration Board of the International Telecommunications Union of frequency assignments to radio communications stations in Palau; and to submit to the International Frequency Registration Board seasonal schedules for the broadcasting stations in Palau in the bands allocated exclusively to the broadcasting service between 5,950 and 26,100 kHz and in any other additional frequency bands that may be allocated to use by high frequency broadcasting stations; and

(2) the United States Federal Communications Act of 1934, 47 U.S.C. 151 *et seq.*, and the Communications Satellite Act of 1962, 47 U.S.C. 721 *et seq.*, over all domestic and foreign communications services furnished by means of satellite earth terminal stations where such stations are owned or operated by United States common carriers and are located in Palau.

(b) The Government of Palau may elect at any time to undertake the functions enumerated in Section 131(a) and previously performed by the Government of the United States. Upon such election, the Government of the United States shall so notify the International Frequency Registration Board and shall take such other actions as may be necessary to transfer to the Government of Palau the notification authority referred to in Section 131(a) and all rights deriving from the previous exercise of any such notification authority by the Government of the United States.

SEC. 132. The Government of Palau shall permit the Government of the United States to operate telecommunications services in Palau to the extent necessary to fulfill the obligations of the Government of the United States under this Compact in accordance with the terms of related agreements which shall come into effect simultaneously with this Compact.

Article IV—Immigration

SEC. 141. (a) Any person in the following categories may enter into, lawfully engage in occupations, and establish residence as a non-immigrant in the United States and its territories and possessions without regard to paragraphs (14), (20), and (26) of Section 212(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(a) (14), (20), and (26):

(1) a person who, on the day preceding the effective date of this Compact, is a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become a citizen of Palau;

(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

(3) a naturalized citizen of Palau, who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

Such persons shall be considered to have the permission of the Attorney General of the United States to accept employment in the United States.

(b) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for:

(1) in statutes or regulations of the United States; or

(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

(c) Section 141(a) does not confer on a citizen of Palau the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

SEC. 142. (a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in Palau, subject to the right of that Government to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in Palau only in accordance with the laws of Palau. This subsection is without prejudice to the right of the Government of Palau to regulate occupations in Palau in a non-discriminatory manner.

(b) With respect to the subject matter of this Section, the Government of Palau shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.

SEC. 143. (a) The privileges set forth in Section 141 shall not apply to any person who takes an affirmative step to preserve or acquire a citizenship or nationality other than that of Palau.

(b) Every person having the privileges set forth in sections 141 and 142 who possesses a citizenship or nationality other than that of Palau or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

SEC. 144. (a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of Palau, commences employment with that Government shall not be deprived of his United States nationality pursuant to Section 349 (a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481 (a)(2) and (a)(4).

(b) Upon such notification by the Government of Palau, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of Palau on the effective date of this Compact with respect to the positions held by them at that time.

Article V—Representation

SEC. 151. The Government of the United States and the Government of Palau may establish and maintain representative offices in the capitals of the other.

SEC. 152. (a) The premises of such representative offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of international law to official communications of a diplomatic mission.

(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

(c) The sending Governments and their respective assets, income and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and representative offices.

(d) Persons designated by the sending Government to serve in the capacity of its resident representatives shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

Article VI—Environmental Protection

SEC. 161. The Government of the United States and the Government of Palau declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of Palau.

SEC. 162. The Government of the United States and the Government of Palau agree with respect to the activities of the Government of the United States in Palau, and with respect to substantively equivalent activities of the Government of Palau, each of the Governments shall be bound by such environmental protection standards as may be mutually agreed for the purpose of carrying out the policy set forth in this Compact.

SEC. 163. In order to carry out the policy set forth in this Article, the Government of the United States and the Government of Palau agree to the following undertakings.

(a) The Government of the United States:

(1) shall apply environmental standards substantively similar to those in effect on the day preceding the effective date of this Compact to any activity requiring the preparation of an Environmental Impact Statement under the provisions of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 *et seq.;*

(2) shall develop, prior to conducting any activity included within the category described in this Section, appropriate mechanisms, including regulations or other standards and procedures, to regulate such activity in Palau in a manner appropriate to the special governmental relationship set forth in this Compact. The Government of the United States shall provide the Government of Palau with the opportunity to comment formally during the development of such mechanisms.

(b) The Government of Palau shall develop standards and procedures to protect the environment of Palau. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Government of Palau, taking into account the particular environment of Palau, shall develop standards for environmental protection substantively similar to those required of the Government of the United States by Section 163(a)(1) prior to conducting activities in Palau substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 163(a), including any standard or procedure applicable thereunder, and Section 163(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of Palau.

(d) Disputes arising under this Article, except for Section 163(e), shall be resolved exclusively in accordance with Article II of Title Four.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable under this Article if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of Palau shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of Palau.

Article VII—General Legal Provisions

SEC. 171. Except as provided in this Compact or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceases with respect to Palau as of the effective date of this Compact.

SEC. 172. (a) Every citizen of Palau who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any nonresident alien.

(b) The Government and every citizen of Palau shall be considered a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701–706.

SEC. 173. The Government of the United States and the Government of Palau; agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in Palau pursuant to this Compact and its related agreements and by that Government in the United States pursuant to this Compact and its related agreements.

SEC. 174. Except as otherwise provided in this Compact and its related agreements:

(a) The Government of Palau shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall be immune from the jurisdiction of the courts of Palau.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands or the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact;

(2) any claim settled by the claimant and the Government of the Trust Terrritory of the Pacific Islands but not paid as of the effective date of this Compact; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands, pending as of the effective date of this Compact, against the Government of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in Section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor court, which shall have jurisdiction therefor, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Government of Palau, shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of Palau in any case in which the action is based on a commercial activity of the defendent Government carried out where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought. This subsection shall apply only to actions based on commercial activities entered into or injuries or losses suffered on or after the effective date of this Compact.

SEC. 175. A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Government of Palau regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer to prisoners. The separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188–3195, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100–4115, shall be applicable to the transfer of prisoners under the separate agreement.

SEC. 176. The Government of Palau confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of Palau to grant relief from judgments in appropriate cases.

SEC. 177. (a) Federal agencies of the Government of the United States which provide services and related programs in Palau are authorized to settle and pay tort claims arising in Palau from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in Section 177(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under Section 177(a) which cannot be settled under Section 177(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of Palau shall provide for:

(1) the administrative settlement of claims referred to in Section 177(a), including designation of local agents in Palau, such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such related agreements; and

(2) arbitration, referred to in Section 177(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 177(a).

(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

TITLE II— ECONOMIC RELATIONS

Article I—Grant Assistance

SEC. 211. In order to assist the Government of Palau in its efforts to advance the well-being of the people of Palau and in recognition of the special relationship that exists between the United States and Palau, the Government of the United States shall provide to the Government of Palau on a grant basis the following amounts:

(a) $12 million annually for ten years commencing on the effective date of this Compact, and $11 million annually for five years commencing on the tenth anniversary of the effective date of this Compact, for current account operations and maintenance purposes, which amounts commencing on the fourth anniversary of the effective date of this Compact shall include a minimum annual distribution of $5 million from the fund specified in Section 211(f).

(b) $2 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact as a contribution to efforts aimed at achieving increased self-sufficiency in energy production, of which annual amounts not less than $500,000 shall be devoted to the energy needs of those parts of Palau not served by its central power-generating facility.

(c) $150,000 annually for fifteen years commencing on the effective date of this Compact as a contribution to current account operations and maintenance of communications systems, and the sum of $1.5 million, to be made available concurrently with the grant assistance provided during the first year after the effective date of this Compact, for the purpose of acquiring such communications hardware as may be located within Palau or for such other current or capital account activity as the Government of Palau may select.

(d) $631,000 annually on a current account basis for fifteen years commencing on the effective date of this Compact for the purposes set forth below:

(1) for the surveillance and enforcement by Government of Palau of its maritime zone;

(2) for health and medical programs, including referrals to hospital and treatment centers; and

(3) for a scholarship fund to support the post-secondary education of citizens of Palau attending United States accredited, post-secondary institutions in Palau, the United States, its territories and possessions, and states in free association with the United States. The curricular criteria for the award of scholarships shall be designed to advance the purposes of the plan referred to in Section 231.

(e) The sum of $666,800 as a contribution to the commencement of activities pursuant to Section 211(d)(1).

(f) The sum of $66 million on the effective date of this Compact, and the sum of $4 million concurrently with the grant assistance to be made available during the third year after the effective date on this Compact, to create a fund to be invested by the Government of Palau in issues of bonds, notes or other redeemable instruments of the Government of the United States or other qualified instruments which may be identified by mutual agreement of the Government of the United States and the Government of Palau. Investment of the fund in qualified instruments of United States nationality, and the distribution of sums derived from such investment to the Government of Palau, shall not be subject to any form of taxation by the United States or its political subdivisions. The Government of the United States and the Government of Palau shall set forth in a separate agreement, which shall come into effect simultaneously with

this Compact, provisions for the investment, management and review of the fund so as to allow for an agreed minimum annual distribution from its accrued principal and interest commencing upon the effective date of this Compact for fifty years. The objective of this sum is to produce an average annual distribution of $15 million commencing on the fifteenth anniversary of this Compact for thirty five years. Any excess or variance from the agreed minimum annual distributions which may be produced form these sums shall accrue to or be absorbed by the Government of Palau unless otherwise mutually agreed in accordance with the provisions of the separate agreement referred to in this paragraph. The annual distributions produced from these sums are not subject to Sections 215 and 236.

SEC. 212. In order to assist the Government of Palau in its efforts to advance the economic development and self-sufficiency of the people of Palau and in recognition of the special relationship that exists between the United States and Palau, the Government of the United States shall provide:

(a) To the people of Palau, a road system in accordance with mutually agreed specifications, the construction of which shall be completed prior to the sixth anniversary of the effective date of this Compact; and

(b) To the Government of Palau, the sum of $36 million, during the first year after the effective date of this Compact, for capital account purposes.

SEC. 213. The Government of the United States shall provide on a grant basis to the Government of Palau the sum of $5.5 million in conjunction with Article II of Title Three. This sum shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of Palau, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Palau.

SEC. 214. All funds previously appropriated to the Trust Territory of the Pacific Islands for the Government of Palau which are unobligated by the Government of the Trust Territory as of the effective date of this Compact shall accrue to the Government of Palau for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

SEC. 215. Except as otherwise provided, the amounts stated in Sections 211(a), 211(b), 211(c) and 212(b) shall be adjusted for each fiscal year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

Article II—Program Assistance

SEC. 211. (a) The Government of the United States shall make available to Palau, in accordance with and to the extent provided in the separate agreement referred to in Section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands during the year prior to the effective date of this Compact, the services and related programs:

(1) of the United States Weather Service;

(2) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 *et seq.;*

(3) of the United States Federal Aviation Administration; and

(4) of the United States Civil Aeronautics Board of its successor agencies which have the authority to implement the provisions of paragraph 5 of Article IX of such related agreements, the language of which is incorporated into this Compact.

(b) The Government of the United States, recognizing the special needs of Palau particularly in the fields of education and health care, shall make available, as provided by the laws of the United States,

(1) the annual amount of $2 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232; and

(2) the sums of $4.3 million, $2.9 million and $1.5 million, respectively, during the first, second and third years after the effective date of this Compact, which sums shall be used by the Government of Palau as current account funds to finance programs similar to those programs of the United States that applied to Palau prior to the effective date of this Compact and that provided financial assistance for education to any institution, agency, organization or permanent resident of Palau or to the College of Micronesia.

(c) The Government of the United States shall make available to Palau such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

(d) The Government of the United States shall have and exercise such authority as is necessary for the purpose of this Article and as is set forth in the related agreements referred to in Section 232, which shall also set forth the extent to which services and programs shall be provided to Palau.

SEC. 222. The Government of Palau may request, from time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws and which shall grant such technical assistance in a manner which gives priority consideration to Palau over other recipients not a part of the United States, its territories or possessions and equivalent consideration to Palau with respect to other states in Free Association with the United States.

SEC. 223. The citizens of Palau who are receiving post-secondary education assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

SEC. 224. The Government of the United States and the Government of Palau may agree from time to time to the extension to Palau of additional United States grant assistance and of United States services and programs as provided by the laws of the United States.

Article III—Administrative Provisions

SEC. 231. (a) The annual expenditure by the Government of Palau of the grant amounts specified in Article I of this Title shall be in accordance with an official national development plan promulgated by the Government of Palau and concurred in by the Government of the United States prior to the effective date of this Compact. This plan may be amended from time to time by the Government of Palau.

(b) The Government of the United States and the Government of Palau recognize that the achievement of the goals of the plan referred to in this Section depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of Palau, including the Government of the United States, and may, in addition, be affected by the impact of exceptional, economically adverse circumstances. The Government of Palau shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of this plan and on its use of the funds specified in this Article. This report shall outline the achievements of the plan to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. The availability of such additional economic assistance from the Government of the United States shall be subject to the authorization and appropriation of funds by the Government of the United States.

SEC. 232. The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in Palau, and other arrangements in connection with a service or program furnished by the Government of the United States, are set forth in related agreements which shall come into affect simultaneously with this Compact.

SEC. 233. The Government of the United States, in consultation with the Government of Palau, shall determine and implement procedures for the periodic audit of all grants and other assistance made under this Title. Such audits shall be conducted at no cost to the Government of Palau.

SEC. 234. Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands and in Palau or acquired for or used by the Government of the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Government of Palau as set forth in a separate agreement which shall come into effect simultaneously with this Compact. The provisions of this Section shall not apply to the personal property of the Government of the United States for which the Government of the United States determines a continuing requirement.

SEC. 235. (a) Funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands, in his official capacity, as of the effective date of this Compact shall remain available as trust funds to their designated beneficiaries. The Government of the United States, in consultation with the Government of Palau, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

(b) To provide for the continuity of administration, and to assure the Government of Palau that the purposes of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Com-

missioner of the Trust Territory of the Pacific Islands.

SEC. 236. Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Article I of this Title. The obligation of the Government of the United States under Article I of this Title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States.

Article IV—Trade

SEC. 241. Palau is not included in the customs territory of the United States.

SEC. 242. The President of the United States shall proclaim the following tariff treatment for articles imported from Palau which shall apply during the period of effectiveness of this Title:

(a) Unless otherwise excluded, articles imported from Palau, subject to the limitations imposed under sections 503(b) and 504(c) of title 5 of the Trade Act of 1974 (19 USC 2463(b): 2464(c)), shall be exempt from duty.

(b) Only canned tuna provided for in item 112.30 of the Tariff Schedules of the United States that is imported from the Federated States of Micronesia, the Marshall Islands and Palau during any calendar year not to exceed 10 percent of the United States consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty free treatment under this paragraph for any calendar year shall be counted against the aggregate quantity of canned tuna that is dutiable under rate column numbered 1 of such item 112.30 for that calendar year.

(c) The duty-free treatment provided under paragraph (1) shall not apply to:

(1) watches, clocks, and timing apparatus provided for in sub-part E of part 2 of schedule 7 of the Tariff Schedules of the United States;

(2) buttons (whether finished or not finished) provided for in item 745.32 of such Schedules;

(3) textile and apparel articles which are subject to textile agreements; and

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of chapter V of the Trade Act of 1974 (19 USC 2461 et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of Palau, an appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(b)(2) of title V of the Trade Act of 1974.

SEC. 243. Articles imported from Palau which are not exempt from any duty under paragraphs (a), (b), (c) and (d) of Section 242 shall be subject to the rates of duty set forth in column numbered 1 of the Tariff Schedules of the United States and all products of the United States imported into Palau shall receive treatment no less favorable that that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage, or use.

Article V—Finance and Taxation

SEC. 251. The currency of the United States is the official circulating legal tender of Palau. Should the Government of Palau act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

SEC. 252. The Government of Palau may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as such government deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact, be made according to the United States Internal Revenue Code.

SEC. 253. A citizen of Palau, domiciled therein and who is a nonresident and not a citizen of the United States, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

SEC. 254. (a) In determining any income tax imposed by the Government of Palau, the Government of Palau shall have authority to impose tax upon income derived by a resident of Palau from sources without Palau in the same manner and to the same extent as the Government of Palau imposes tax upon income derived from within its jurisdiction. If the Government of Palau exercises such authority as provided in this subsection, any individual resident of Palau who is subject to tax by the Government of the United States on income which is also taxed by the Government of Palau shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term "resident of Palau" shall be deemed to include any person who was physically present in Palau for a period of 183 or more days during any taxable year. The relief from liability referred to in this subsection means only

(1) relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and

(2) relief in the form of the exclusion under section 911 of the United States Internal Revenue Code of 1954.

(b) If the Government of Palau subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in Section 254 (a).

SEC. 255. (a) For purposes of section 936 of the Internal Revenue Code of 1954 Palau shall be treated as if it was a possession of the United States.

(b) Subsection (a) of this Section shall not apply to Palau for any period after December 31, 1986, during which there is not in effect between Palau and the United States an exchange of information agreement of the kind described in section 274(h)(6)(C) (other than clause (ii) thereof) of the Internal Revenue Code of 1954.

(c) If the tax incentives extended to Palau under subsection (a) of this Section are, at any time during which the Compact is in effect, reduced, the United States Secretary of the Treasury shall negotiate an agreement with the Government of Palau under which, when such agreement is approved by law, Palau will be provided with benefits substantially equivalent to such reduction in benefits. If within the 1-year period after the date of the enactment of the Act making the reduction in benefits, an agreement negotiated under the preceding sentence is not approved by law, the matter shall be submitted to the Arbitration Board established pursuant to Section 424. For purposes of Article V of this Title, the Secretary of the Treasury or his delegate shall be the member of such Board representing the Government of the United States. Any decision of such Board in the matter when approved by law shall be binding on the United States, except that such decision rendered is binding only as to whether the United States has provided the substantially equivalent benefits referred to in this subsection.

(d) For purposes of section 274(h)(3)(A) of the Internal Revenue Code of 1954, the term "North American area" shall include Palau.

SEC. 256. This Article shall apply to income earned, and transactions occurring, after September 30, 1985, in taxable years ending after such date.

TITLE III—SECURITY AND DEFENSE RELATIONS

Article I—Authority and Responsibility

SEC. 311. The territorial jurisdiction of the Republic of Palau shall be completely foreclosed to the military forces and personnel or for the military purposes of any nation except the United States of America, and as provided for in Section 312.

SEC. 312. The Government of the United States has full authority and responsibility for security and defense matters in or relating to Palau. Subject to the terms of any agreements negotiated pursuant to Article II of this Title, the Government of the United States may conduct within the lands, water and airspace of Palau the activities and operations necessary for the exercise of its authority and responsibility under this Title. The Government of the United States may invite the armed forces of other nations to use military areas and facilities in Palau in conjunction with and under the control of United States Armed Forces.

SEC. 313. The Government of Palau shall refrain from actions which the Government of the United States determines, after consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to Palau.

Article II—Defense Sites and Operating Rights

SEC. 321. The Government of the United States may establish and use defense sites in Palau, and may designate for this purpose land and water areas and improvements in accordance with the provisions of a separate agreement which shall come into force simultaneously with this Compact.

SEC. 322. (a) When the Government of the United States desires to establish or use such a defense site specifically identified in the separate agreement referred to in Section 321, it shall so inform the Government of Palau which shall make the designated site available to the Government of the United States for the duration and level of use specified.

(b) With respect to any site not specifically identified in the separate agreement referred to in Section 321, the Government of

the United States shall inform the Government of Palau, which shall make the designated site available to the Government of the United States for the duration and level of use specified, or shall make available one alternative site acceptable to the Government of the United States. If such alternative site is unacceptable to the Government of the United States, the site first designated shall be made available after such determination.

(c) Compensation in full for designation, establishment or use of defense sites is provided in Title Two of this Compact.

SEC. 323. The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in Palau, are set forth in related agreements which shall come into effect simultaneously with this Compact.

SEC. 324. In the exercise in Palau of its authority and responsibility under this Title, the Government of the United States shall not use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare and the Government of Palau assures the Government of the United States that in carrying out its security and defense responsibilities under this Title, the Government of the United States has the right to operate nuclear capable or nuclear propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau.

Article III—Defense Treaties and International Security Agreements

SEC. 331. Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to Palau, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as administering authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact; and

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in Palau. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of Palau.

Article IV—Service in the Armed Forces of the United States

SEC. 341. Any citizen of Palau entitled to the privileges of Section 131 of this Compact shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such person does not establish habitual residence in the United States, its territories or possessions.

SEC. 342. The Government of the United States shall have enrolled, at any one time, at least one qualified student from Palau as may be nominated by the Government of Palau, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195; and

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295b(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

Article V—General Provisions

SEC. 351. (a) The Government of the United States and the Government of Palau shall establish a joint committee empowered to consider disputes which may arise under the implementation of this Title and its related agreements.

(b) The membership of the joint committee shall comprise selected senior officials of each of the participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the joint committee. For the meetings of the joint committee, each of the Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the joint committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The joint committee also shall meet promptly upon request of either of its members. Upon notification by the Government of the United States, the joint committee shall meet promptly in combined session with other such joint committees so notified. The joint committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

(d) Unresolved issues in the joint committee shall be referred to the Government of the United States and the Government of Palau for resolution, and the Government of Palau shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

SEC. 352. In the exercise of its authority and responsibility under this Compact, the Government of the United States shall accord due respect to the authority and responsibility of the Government of Palau under this Compact and to the responsibility of the Government of Palau assure the well-being of Palau and its people. The Government of the United States and the Government of Palau agree that the authority and responsibility of the United States set forth in this Title and exercised for the mutual security and benefit of Palau and the United States, and that any attack on Palau would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, or threat thereof, the Government of the United States would take action to meet the danger to the United States and Palau in accordance with its constitutional processes.

SEC. 353. (a) The Government of the United States shall not include the Government of Palau as a named party to a formal declaration of war, without the consent of the Government of Palau.

(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of Palau which arise out of armed conflict subsequent to the effective date of this Compact and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government citizens, nationals or entities of any third country.

(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.

TITLE IV—GENERAL PROVISIONS

Article I—Approval and Effective Date

SEC. 411. This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of Palau, subsequent to completion of the following:

(a) Approval by the Government of Palau in accordance with its constitutional processes;

(b) Approval by the people of Palau in a referendum called on this Compact; and

(c) Approval by the Government of the United States in accordance with its constitutional processes.

Article II—Conference and Dispute Resolution

SEC. 421. The Government of the United States and the Government of Palau shall confer promptly at the request of the other on matters relating to the provisions of this Compact or of its related agreements.

SEC. 422. In the event the Government of the United States or the Government of Palau, after conferring pursuant to Section 421, determines that there is a dispute and gives written notice thereof, the Governments shall make a good faith effort to resolve the dispute among themselves.

SEC. 423. If a dispute between the Government of the United States and the Government of Palau cannot be resolved within 90 days of written notification in the manner provided in Section 422, either party to the dispute may refer it to arbitration in accordance with Section 424.

SEC. 424. Should a dispute be referred to arbitration as provided for in Section 423, an arbitration board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An arbitration board shall consist of a chairman and two other members, each of whom shall be a citizen of a party to the dispute and each of the two parties to the dispute shall appoint one member to the arbitration board. If either party to the dispute does not fulfill the appointment requirements of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the arbitration board shall be selected from its own standing list by the other party to the dispute. Each government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a chairman within 15 days after selection of the other members of the arbitration board. Failing agreement on a chairman, the chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) The arbitration board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles, I, II, III, IV, and VI of Title One, Title Two, Title Four and their related agreements.

(c) Each member of the arbitration board shall have one vote. Each decision of the arbitration board shall be reached by majority vote.

(d) In determining any legal issue, the arbitration board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the statute of the International Court of Justice.

(e) The arbitration board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise by mutual agreement, the arbitration board shall endeavor to render its decision within 30 days after the conclusion of arguments. The arbitration board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the arbitration board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of Palau.

Article III—Amendment and Review

SEC. 431. The provisions of this Compact may be amended at any time by mutual agreement of the Government of the United States and the Government of Palau in accordance with their respective constitutional processes.

SEC. 432. Upon the fifteenth and thirtieth and fortieth anniveraries of the effective date of this Compact, the Government of the United States and the Government of Palau shall formally review the terms of this Compact and its related agreements and shall consider the overall nature and development of their relationship. In these formal reviews, the governments shall consider the operating requirements of the Government of Palau and its progress in meeting the development objectives set forth in the plan referred to in Section 231(a). The governments commit themselves to take specific measures in relation to the findings of conclusions resulting from the review. Any alteration to the terms of this Compact or its related agreements shall be made by mutual agreement, the terms of this Compact and its related agreements shall remain in force until otherwise amended or terminated pursuant to Title Four of this Compact.

Article IV—Termination

SEC. 441. This Compact may be terminated by mutual agreement and subject to Section 451.

SEC. 442. This Compact may be terminated by the Government of the United States subject to Section 452, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

SEC. 443. This Compact shall be terminated, pursuant to its constitutional processes, by the Government of Palau subject to Section 452 if the people of Palau vote in a plebiscite to terminate. The Government of Palau shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such government shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V—Survivability

SEC. 451. Should termination occur pursuant to Section 441, economic assistance by the Government of the United States shall continue on mutually agreed terms.

SEC. 452. Should termination occur pursuant to Section 442 or 443, the following provisions of this Compact shall remain in full force and effect until the fiftieth anniversary of the effective date of this Compact and thereafter as mutually agreed:

(a) Article I and Section 233 of Title Two;

(b) Title Three; and

(c) Article II, III, V, and VI of Title Four.

SEC. 453. Notwithstanding any other provisions of this Compact:

(a) The provisions of Section 311, even if Title Three should terminate, are binding and shall remain in effect for a period of 50 years and thereafter until terminated or otherwise amended by mutual consent;

(b) The related agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms; and

(c) The Government of the United States reaffirms its continuing interest in promoting the long-term economic advancement and self-sufficiency of the people of Palau.

SEC. 454. Any provision of this Compact which remains in effect by operation of section 452 shall be construed and implemented in the same manner as prior to any termination of this Compact pursuant to Section 442 or 443.

Article VI—Definition of Terms

SEC. 461. For the purpose of this Compact the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the administrative districts of Kosrae, Yap, Palau, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, Section 1, in force on January 1, 1979. This term does not include the area of the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "Palau" is used in a geographic sense and includes the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States consistent with the Compact and its related agreements.

(d) "Government of Palau" means the Government established and organized by the Constitution of Palau including all the political subdivisions and entities comprising that Government.

(e) "Habitual Residence" means a place of general abode or a principal, actual dwelling place of a continuing or lasting nature; provided, however, that this term shall not apply to the residence of any person who entered the United States for the purpose of full time studies as long as such person maintains that status, or who has been physically present in the United States or Palau for less than one year, or who is a dependent of a resident representative, as described in Section 152.

(f) For the purposes of Article IV of Title One of this Compact:

(1) "Actual Residence" means physical presence in Palau during eighty-five percent of the period of residency required by Section 141(a)(3); and

(2) "Certificate of Actual Residence" means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3).

(g) "Defense Sites" means those land and water areas and improvements thereon in Palau reserved or acquired by the Government of Palau for use by the Government of the United States, as set forth in the related agreements referred to in Section 321.

(h) "Capital Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, which are to be obligated for:

(1) the construction or major repair of capital infrastructure; or

(2) public and private sector projects identified in the official overall economic development plan.

(i) "Current Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

(j) "Official National Development Plan" means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authority in Title Two. Such a document should include an analysis of population trends, manpower requirements, social needs, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of Palau. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

(k) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(l) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502 500 U.N.T.S. 95.

SEC. 462. The Government of the United States and the Government of Palau shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, and which shall be construed and implemented in a manner consistent with this Compact, as follows:

(a) Agreement regarding the Provision of Telecommunication Services by the Government of the United States to Palau Concluded Pursuant to Section 131 of the Compact of Free Association;

(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in Palau, Con-

cluded Pursuant to Section 132 of the Compact of Free Association;

(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 of the Compact of Free Association;

(d) Agreement Regarding United States Economic Assistance to the Government of Palau Concluded Pursuant to Section 211(f) of the Compact of Free Association;

(e) Agreement Regarding Construction Projects in Palau Concluded Pursuant to Section 212(a) of the Compact of Free Association;

(f) Agreement Regarding Federal Programs and Services, Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association;

(g) Agreement Regarding Property Turnover, Concluded Pursuant to Section 234 of the Compact of Free Association;

(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in Palau Concluded Pursuant to Sections 321 and 322 of the Compact of Free Association; and

(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association.

(j) Agreement Regarding the Jurisdiction and Sovereignty of the Republic of Palau over its Territory and the Living and Non-living Resources of the Sea.

Article VII—Concluding Provisions

SEC. 471. (a) The Government of the United States and the Government of Palau agree that they have full authority under their respective constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.

(b) The Government of the United States and the Government of Palau shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, that their laws, regulations and administrative procedures are such as to effect the commitments referred to in Section 471(a).

(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

SEC. 472. This Compact may be accepted, by signature or otherwise, by the Government of the United States and the Government of Palau. Each government shall possess an original English language version.

In Witness thereof, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and the Government of Palau.

Done at ————, this —— day of ——, One Thousand Nine Hundred Eighty-five for the Government of the United States of America.

Done at ————, this —— day of ——, One Thousand Nine Hundred Eighty-five for the Government of the Republic of Palau.

SEC. 2. (a) With respect to Section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States for permanent residence who are in Palau.

(b) The defense sites of the United States established in Palau in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in Section 7, Title 18, United States Code.

(i) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the Territory of Guam by the laws thereof, in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(ii) The District Court of Guam shall have jurisdiction to try all criminal offenses against the United States, including the laws of Guam made applicable to the defense sites in Palau by virtue of subsection (b)(i) of this section, committed by any person referred to in subsection (a) of this section.

(iii) The District Court of Guam may appoint one or more magistrates for the defense sites in Palau. Such Magistrates shall have the power and the status of Magistrates appointed pursuant to chapter 43, title 28, United States Code, provided, however that such Magistrates shall have the power to try persons accused of and sentence persons convicted of petty offenses, as defined in section 1(3), title 18, United States Code, including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18, United States Code.

SECTION-BY-SECTION ANALYSIS OF THE COMPANY OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND PALAU

The Compact of Free Association with Palau is divided into a preamble and four titles: Governmental Relations; Economic Relations; Security and Defense Relations; and General Provisions.

[Preamble]

The Preamble states that the relationship which will exist between the United States and emergent state of Palau is "Free Association."

The Preamble recognizes that the agreement is concluded on a government-to-government basis; that the peoples of Palau, as inhabitants of the Trust Territory, have and retain sovereignty and their sovereign right to self-determination; that, as a Freely Associated State (FAS), Palau will be self-governing under its constitution; and that the political and legal relationship between Palau and the United States is fully described and governed by the Compact. The Preamble recognizes the competence of the constitutional government to enter into the Compat.

TITLE ONE: GOVERNMENTAL RELATIONS

Article I, Self-Government.

Section 111. This section recognizes that the people of Palau, acting through their constitutional government, are self-governing. This recognition is the foundation of the government-to-government agreement and is consistent with the international political status of free association.

Article II, Foreign Affairs.

Section 121. The United States, in this section, recognizes the capacity of Palau, as a FAS, to conduct foreign affairs in its own name and right. This includes the capacity to enter into treaties and other international agreements with other governments or international organizations, as appropriate. This recognition of foreign affairs capacity by the United States acknowledges the international legal personality of the FAS. Thus, for example, while the United States will provide certain services under the Compact, these activities will take place on a government-to-government basis through an international agreement, rather than by the direct extension of U.S. domestic programs as was done during Trusteeship pursuant to Article 3 of the Trusteeship Agreement. Palau agrees in this section to conduct affairs of state in accordance with international law and settle disputes by peaceful means.

Section 122. In this section, the United States agrees to support Palau's participation and membership in regional and international organizations as may be mutually agreed from time to time.

This section also obligates the United States to accept qualified Palauan citizens for training in the Foreign Service Institute. This program will contribute to Palau's capabilities to meet the demands of the new political status and promote inter-governmental cooperation between Palau and the United States.

Section 123. In this section, Palau agrees to consult with the United States in foreign affairs matters in recognition of the authority and responsibility of the United States under Title Three (security and defense relations).

This section also provides that the United States will consult with Palau on foreign affairs matters which relate to or affect Palau.

Section 124. This section describes the foreign affairs authority of the Government of Palau, which extends to marine resources, and its territorial jurisdiction and sovereignty as recognized by international law. Under this provision Palau would have the same basic attributes of governmental authority, sovereignty and jurisdiction as other members of the international community, subject to applicable international law, including the provisions of the Compact which place certain limitations on Palau's authority.

Section 125. This section provides for termination of all obligations, responsibilities, rights and benefits of the United States under any treaty made applicable to the Trust Territory during the Trusteeship. The continued application of such treaties to Palau will be determined in accordance with international law, and will thus depend upon the relations between Palau and other signatories of such agreements. However, under Title III and the separate agreements concluded pursuant thereto, defense treaties and international security agreements will continue in force.

Section 126. This section is a disclaimer by the United States of responsibility for actions taken by the Government of Palau in the exercise of its foreign affairs capacity, except where the United States agrees to accept such responsibility.

Section 127. This section authorizes the United States, upon request, to assist Palau in foreign affairs matters, and includes a disclaimer of United States responsibility for actions of the FAS taken with the assistance or through the agency of the United States Government.

Article III, Communication.

Section 131. This section recognizes Palau's authority and responsibility to control domestic and foreign communications, and enables the United States to provide

such assistance as representing Palau before the International Telecommunications Union with respect to frequency registration and broadcast scheduling until Palau chooses to undertake that function. The specific types of assistance are set forth in the separate agreement referred to in this section. This section also extends Federal Communications Commission jurisdiction to Palau as regards the operations of satellite earth terminal stations operated by U.S. common carriers. Under this arrangement, Palau will be included in the United States telecommunications system for rate-making and other operational aspects relating to United States common carriers.

Section 132. This section ensures United States ability to operate telecommunications systems in Palau in connection with its obligations under the Compact.

Article IV, Immigration.

Section 141. This section effectively exempts Palauan citizens meeting specified criteria from certain United States passport, visa and work permit requirements and enables them to enter, reside, be employed, attend school or remain as visitors in the United States. Section 141 also recognizes the ability of the United States Congress to promulgate, or authorize the legislatures of United States territories to promulgate, non-discriminatory immigration laws or regulations applicable to FAS citizens who wish to establish "habitual residence" in those U.S. territories. Habitual residence is defined as establishment of a place of general abode or principal, actual dwelling place of a continuing or lasting nature and of at least one year duration.

Finally, entry into the United States under the authority of Section 141(a) does not confer the right of Palauan citizens to establish residency necessary for naturalization. Section 141(a), however, does not preclude Palauan citizens from acquiring lawful permanent resident status by other means.

Section 142. Palauan reciprocity for the open immigration arrangement provided under Section 141 is set forth in this section, under which United States citizens will be able to enter, reside and be employed in Palau, subject only to Palauan law providing for exclusion of undesirable aliens and statutes regulating occupations on a non-discriminatory basis. Establishment of "habitual residence" in Palau by United States citizens would also be subject to Palauan law. This section also confers most favored nation status in immigration matters on United States citizens.

Section 143. The privileges of Palauan citizens set forth in Sections 141 and 142 will be lost to a citizen of Palau who takes an affirmative step to preserve or acquire a citizenship or nationality other than that of Palau or fails to renounce such an existing citizenship or nationality within two years after the effective date of the Compact.

Section 144. This section enables United States citizens to accept employment by the Government of Palau without losing their U.S. citizenship.

Article V, Representation.

Section 151-152. These sections provide for the establishment of resident representatives in the capitals of the United States and Palau. Designated representatives are entitled to limited or functional immunity, exemptions and privileges in connection with the performance of official duties.

Article VI, Environmental Protection.

Section 161-162. The sections within this article establish an environmental protection policy based upon reciprocity and mutual agreement in the establishment of procedures and requirements for activities of both governments. Existing environmental standards will provide the base line for regulating governmental activities except as otherwise mutually agreed, and disputes will be subject to arbitration. Palauan environmental protection law will govern private sector activities.

Article VII, General Legal Provisions.

Section 171. Because the United States has extended United States laws to the Trust Territory of the Pacific Islands only by virtue of the Trusteeship Agreement, with the exception of laws of general extra-territorial applicability, this section operates to terminate the application of Palau of any laws of the United States whenever made applicable to the Trust Territory of the Pacific Islands or any part thereof, unless they are specifically made applicable by the Compact or are of general extraterritorial applicability.

Section 172. This section provides that citizens of Palau not residing in the United States shall be entitled to the same rights and privileges as any other non-resident aliens and that they shall be treated as "persons" within the meaning of the Administrative Procedures Act and of the Freedom of Information Act. It should also be noted that a United States citizen who becomes a citizen of Palau and who does not renounce his United States citizenship would retain his United States citizenship and continue to be entitled to the same rights and privileges as any other United States citizen.

Section 173. The United States and Palau undertake positive obligations to protect the programs, personnel, property and facilities of the other which are connected with public and official functions specified in the Compact or its related agreements.

Section 174. Subsections (a) and (d), taken together, provide that the Government of Palau will be immune from jurisdiction of the courts of the United States, and vice versa, except when the defendant government is sued in connection with commerical activities, personal injury, death or damage to or loss of property.

Subsections (b) and (c) of this section set forth the procedure for payment of claims against the Trust Territory Government or the United States arising from acts or omissions of either such government prior to the effective date of the Compact. All unpaid judgments against the Trust Territory Government or the United States entered prior to the effective date of the Compact, or settlements reached, will be paid by the United States. All claims against the Trust Territory or United States which are not resolved prior to the effective date of the Compact or which arise afterwards, will be adjudicated in the courts of Palau, but any judgment of those courts will be presented for certification to the United States Court of Appeals for the Federal Circuit which shall order payment of such judgment, unless it is manifestly erroneous in law or fact, or is manifestly excessive. In this latter situation, that court shall have jurisdiction to modify the judgment.

Section 175. This section provides for the negotiation of separate agreements regarding extradition, mutual assistance in law enforcement and transfer of prisoners. These agreements shall have the force of law and shall be similar to arrangements which the United States has with other nations.

Section 176. This section preserves judgments established in civil litigation during the Trusteeship by the courts of the Trust Territory, subject to the power of the courts of Palau derived from their respective constitutions to modify judgments in appropriate cases.

Section 177. This section enables federal agencies providing services and programs in Palau to settle and pay tort claims arising from their activities pursuant to the administrative procedures set forth at 28 U.S.C. 2672. Claims not resolved through that procedure will be referred to arbitration under the conference and dispute resolution process set forth in Title Four, Article II, of the Compact. In both cases, payment shall be made pursuant to 31 U.S.C. 1304. The United States will be immune from suits based on claims covered by the provisions of this section.

TITLE TWO: ECONOMIC RELATIONS

(The chart attached as Appendix A displays the amounts and schedule for payment of grant funding and assistance set forth in the Compact and discussed in the following analysis.)

Article I, Grant Assistance.

Sections 211-212. These sections set forth the basic grant assistance constituting the economic foundation of free association. The fundamental concept underlying the grant assistance is that Palau will be provided with the resources to plan and implement long-term development programs and provide public services appropriate to conditions and needs as determined by the Government of Palau in accordance with its constitutional processes. A capital account and a current account will be established from grant funds, to be used for economic development and government operations, respectively.

In order to enable Palau to undertake economic development programs at the outset of the initial fifteen years of free association, the grant assistance package was structured to provide maximum "front-end loading" of grant and special purpose funding, while at the same time spreading out funding levels over the entire fifty-year period to ensure that minimum needs can be satisfied and that economic stability can be preserved throughout the entire period of free association. Thus, at the tenth anniversary of the effective date of the Compact, the amounts of grant will be reduced from the higher levels provided during the first years, and in years sixteen through fifty funding will be obtained from the proceeds of the sixty-six million dollar fund to be established under Section 211(f).

Section 212 provides for road construction and payment of the capital account funding for basic capital improvement programs to support economic development objectives.

Section 213. This section provides for a payment in conjunction with the exercise of rights to defense sites under Article II of Title Three.

Section 214. This section transfers existing Trust Territory funding for Palau to Palau, for use in accordance with the purposes for which Congress appropriated the funds. The United States will make the determination as to the purposes which the funds can be used.

Section 215. This section provides for an annual adjustment of the designated grants provided under this article by two-thirds of the percentage annual change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less.

Article II, Program Assistance.

Section 221. While Palau will fund the basic functions of government from grant assistance and general revenues, performance of certain activities will be beyond the technical capability of the new governments at the outset of free association. Thus, the United States has agreed in Section 221(a) to continue to provide services of the United States Weather Service, the United States Federal Emergency Management Agency, the United States Postal Service, the Federal Aviation Administration and the Civil Aeronautics Board or its successor agencies. (Since the CAB has been abolished, this provision of the Compact refers to services provided by the CAB's successor agencies). Enactment of Section 221(a) by Congress provides the legislative authority for provision of these services. The specific arrangements for provisions of these services are set forth in a separate agreement. The United States commitment is expressly limited to continuation of the essential services specified at levels equivalent to the last year prior to the effective date of the Compact. This will establish a ceiling on the nature and extent of United States programs.

Subsection (b)(1) provides a $2 million annual grant to be coupled with the scholarship and health service funding set forth in Section 211(d) in order to enable Palau to augment current account expenditures in the field of education and health services and tailor such activities as scholarship programs and medical referral activities to local needs. Subsection (b)(2) provides an additional $8.7 million for education programs similar to those Federal educational programs to be phased out under the Compact.

Subsection (c) provides that alternate energy development progams which were extended to the Trust Territory will continue after the effective date of the Compact and be available subject to the terms set forth in United States law with respect to the scope and duration of such programs.

Subsection (d) defines United States authority incident to implementing program assistance.

Section 222. Under this section, United States Government agencies which have statutory authority to provide technical assistance on an intergovernmental or international basis, or to territories or possessions of the United States, will be able to provide such technical assistance to Palau upon request. In light of the free association relationship, Palauan requests for technical assistance will be given priority consideration over request of other nations eligible for such assistance.

Section 223. This section ensures that those Trust Territory students embarked upon a course of study at a United States-accredited post-secondary institution and who receive Federal student financial assistance will be able to continue to receive such assistance for the duration of the individual academic programs up to four years following the effective date of the Compact.

Section 224. This section provides that the United States and Palau may agree on the extension of federal programs, assistance, or services in addition to those specified in the Compact. While the grant assistance and services provided by Title Two constitute a negotiated and agreed package, this section enables the United States and Palau to adjust to changing conditions and needs by establishing such additional programs as may be authorized by United States law.

Article III, Administrative Provisions.

Section 231. This section requires that prior to the effective date of the Compact Palau submit and that the United States concur in a national economic development plan which shall provide for the manner in which Article I, Title Two grant funds shall be expended. This section also requires that the Government of Palau submit an annual report to the President and Congress on the expenditure of Compact grant assistance.

Section 232. This section provides that the program assistance to be made available under Section 221 be defined in separate agreements. The levels and duration of such assitance, and the legal parameters within which federal agencies will operate—including the legal status of their employees, payment of claims, entry and departure of employees and other similar matters—are dealt with in the comprehensive agreement negotiated pursuant to this section. Under that agreement, federal agency civilian employees will enjoy certain privileges, exemptions and limited immunity from Palauan laws, including tax laws, and federal agencies are assured the operational freedom necessary to carry out their responsibilities.

Section 233. This section authorizes the United States to conduct audits of grant and program assistance provided to Palau under Title Two. These audits will enable the United States to determine if Palau has met the requirements set forth in the Compact and its separate agreements regarding the purposes for which funds and program assistance are to be used and the propriety of their financial transactions. The procedures for conduct of the audits will be the subject of consultation to ensure that institutional integrity is preserved, and that the United States will have full access to financial information relating to Compact funding. The procedures for conducting the audit and obtaining annual reports and other financial information as required by the Compact are the subject of a separate agreement on fiscal procedures between the United States and Palau.

Section 234. This section provides for the transfer to Palau at no cost United States property located in the Trust Territory for which there is no continuing U.S. need. This transfer process is largely complete. Transfer of federal property began in the Trust Territory in 1980, pursuant to Section 402 of United States Public Law 96-597.

Section 235. During the Trusteeship, trust funds have been established for the benefit of various groups of Trust Territory citizens, such as those affected by the United States nuclear testing programs in the Marshall Islands. This section provides for appointment by the United States of a new trustee to replace the High Commissioner as trustee of such funds, so that the initial legislative intent in creating the funds can be carried out. The United States also agrees to carry out such functions of government formerly exercised by the High Commissioner as are necessary to implement the provisions of a particular trust. For instance, the High Commissioner is currently required to make certain determinations and exercise certain administrative functions in connection with trust funds. Under the Compact, this will be undertaken by the United States.

Section 236. This section pledges the full faith and credit of the United States for payment of the amounts provided for under Article I of Title Two. A similar pledge is contained in the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States. This pledge is intended to create an enforceable obligation of the United States to pay the amounts provided for in Article I. While this obligation will be discharged in the same manner as other financial obligations incurred through international agreements requiring an act of appropriation, Palau is provided with a judicial remedy before the United States Claims Court in the event payments owing under the Compact are not made. Because the Compact will be both an international agreement and public law, this is a valid grant of jurisdiction which contains an express exception from the restriction contained in 28 U.S.C. 1502 relating to actions arising from treaties with foreign nations. Any judgments resulting from an action by Palau under this section would be paid under 31 U.S.C. 1304.

Article IV, Trade.

Sections 241-243. These sections provide that Palau will not be within the customs territory of the United States, and will be able to export products to the United States duty free, provided that less than 70% of the products' value derives from foreign sources. This treatment of Palauan articles is tied to and will remain the same as the treatment which United States insular possessions receive under General Headnote 3(a) of the United States Tariff Schedule. There is a cap on duty free tuna imports and certain other articles are expressly excluded from duty free treatment. Palauan articles not covered by General Headnote 3(a) and United States articles imported into Palau will be entitled to generally applicable most favored treatment.

Article V, Finance and Taxation.

Section 251. This section establishes United States currency as the legal tender of Palau, but gives Palau the option to issue its own currency; in which case appropriate transitional arrangements would be agreed upon.

Section 252. This section recognizes Palua's jurisdiction to tax any United States persons income which is derived from sources in Palau, and applies United States tax laws to determine income source.

Section 253. Palauan citizens domiciled in Palau who are nonresident in the United States and who are not also United States citizens will be exempt from United States estate gift and generation-skipping transfer taxes. It is intended that questions of citizenship and domicile for such individual persons in Palau will be determined under the laws of Palau (see Section 142(a) of the Compact).

Section 254. Persons who meet bona fide residency requirements in Palau will not have to pay any otherwise applicable United States tax on income which is taxed by Palau, including where such income is derived from sources outside Palau.

Section 255. While Sections 253 and 254 are intended to provide incentives for investment in Palau for individuals, this section provides incentives for investments primarily by corporations. Thus, Palau will receive treatment as a possession of the United States for purposes of Section 936 of the United States Internal Revenue Code, which is intended to generate United States investment in developing areas that enjoy a special relationship with the United States. If the provisions of the Internal Revenue Code applicable to Palau under this section are amended, alternative but substantially equivalent beneficial arrangements will be negotiated.

Section 256. This Section makes Article V applicable after September 30, 1985.

TITLE THREE: SECURITY AND DEFENSE RELATIONS

Article I, Authority and Responsibility.

Section 311. This section, in accordance with Section 312, forecloses the territory of Palau to third country military forces.

Section 312. This section establishes as part of the free association relationship defined in the Compact the full authority and responsibility of the United States for security and defense matters in or relating to Palau. This United States authority and responsibility includes the ability to conduct military operations as required to carry out the United States security and defense role.

Section 313. To ensure that the actions of the Government of Palau do not impair the ability of the United States to exercise its authority and fulfill its responsibility in security and defense matters, Palau agrees in this section to refrain from actions which the United States determines to be incompatible with the United States security and defense role defined in the Compact. The purpose of this provision is to preserve the allocation of authority and responsibility for domestic and foreign affairs to Palau, and for security and defense to the United States.

To ensure that any U.S. determination requiring Palau to refrain from a particular action is made on the basis of full information, the United States will consult with Palau prior to making any final determination. The Government of Palau will be entitled to raise with the Secretaries of State and Defense, personally and on an expeditious basis, any concerns which might arise from a United States action under this provision.

Article II, Defense Facilities and Operating Rights.

Section 321. This section provides for a separate agreement to be concluded between the United States and Palau for the establishment and use of military areas and facilities by the United States in Palau.

Section 322. This section enables the United States to designate and requires the Government of Palau to provide sites for the activities and operations authorized under Section 321 and the separate agreement concluded pursuant thereto. This section establishes that compensation in full for all defense sites at the designated duration and level of use is provided in Title Two of the Compact.

Section 323. Pursuant to this section, the United States and Palau have concluded comprehensive agreements on military use and operating rights (MUORA) and status of forces (SOFA). These agreements are modeled on similar arrangements the United States has entered into with other countries.

The SOFA is a multilateral agreement which defines the rights and obligations of United States Armed Forces and their personnel in Palau. Specifically, the SOFA defines the protections afforded to personnel under the SOFA and addresses such issues as entry and exit requirements, use of contractors and employment of labor, tax and customs relief, criminal jurisdiction, applicability of local law, payment of claims, medical and postal services, telecommunications, and other related matters.

Section 324. This section ensures compatibility between the Compact, particularly Title Three, and Article II, Section 3 of Palau's constitution. By agreeing not to use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons in Palau, the United States and Palau have eliminated any need for 75% approval of the Compact under Article II, Section 3. In order to ensure that the United States will be able to carry out its defense responsibilities this section also states the United States will be able to operate nuclear capable and nuclear propelled vessels and aircraft without confirming or denying the presence or absence of such weapons in Palau.

Article III, Defense Treaties and International Security Agreement.

Section 331. In keeping with United States responsibility and authority for security and defense matters in Palau, this section provides that security and defense agreements or treaties to which the United States is a party, and which have applied to the Trust Territory during the Trusteeship, will continue in force and be applied by the United States in the exercise of its security and defense role in Palau. In addition, the United States retains the authority to extend to Palau any security or defense agreements or treaties it may determine to be applicable, after appropriate consultation with the Government of Palau. This arrangement is necessary in light of United States treaty obligations in the region.

Article IV, Service in the Armed Forces.

Sections 341 and 342. Palau citizens will be entitled under these sections to serve voluntarily in the armed forces of the United States, but cannot involuntarily be inducted into such service unless habitual residence in the United States is established. In addition, upon nomination by their governments and if otherwise qualified, Palau citizens will be enrolled in the United States Coast Guard Academy and in the United States Merchant Marine Academy. The service and training available in the armed forces and the designated academies will provide educational opportunities not available in Palau.

Article V, General Provisions.

Section 351. Under this section, a Joint Committee will be established for the purpose of resolving disputes arising from implementation of Title Three and the separate agreements concluded pursuant to sections within Title Three. The purpose of the Joint Committee is to provide a forum for consultation regarding issues related to Title Three. Any matter which the Committee cannot resolve is referred back to the governments concerned for resolution.

Section 352. This section contains a U.S. assurance that in fulfilling its security and defense role, and in making the specific determinations incident to its authority under Title Three of the Compact, the United States will accord due respect to the authority and responsibility of the Governments of Palau as defined in the Compact.

Section 353. This section requires Palauan consent to be included in a declaration of war, and preserves future war claims by the Palauan people.

TITLE FOUR: GENERAL PROVISIONS

Article I, Approval and Effective Date.

Section 411. Under this section there is established a four-step process for approval and entry into force of the Compact. This process includes approval by the Government of Palau in accordance with its constitutional processes and approval of the Compact by the people of Palau.

The approval process also requires approval of the Compact by the United States, and agreement between the United States and the Government of Palau on its effective date. Once so approved, the United States, as administering authority of the Trusteeship, will make appropriate arrangements for termination of the Trusteeship Agreement with the United Nations.

Article II, Conference and Dispute Resolution.

Sections 421–424. These sections establish the method for settlement of disputes arising in connection with the implementation and enforcement of the provisions of the Compact except for matters arising out of Title Three, which will be handled as provided for in Section 351. The procedure for dispute resolution requires that upon notification of a dispute, the parties confer on the matter. After a 90-day period, if the issue has not been resolved, the matter is referred to a three-person Arbitration Board consisting of one member appointed by each of the parties and a chairman jointly appointed by the parties or selected by lot from standing lists if mutual agreement cannot be reached. Decisions will be by majority vote and shall be binding on the parties unless it is agreed that the decision shall be advisory. The Board will also not have jurisdiction in matters arising under the general legal provisions of Article VII, Title One, except for Section 178.

Article III, Amendment.

Sections 431–433. These sections provide for bilateral and multilateral amendment of the Compact by mutual agreement of the parties affected by such amendments, as well as a review of the relationship after thirteen years.

Article IV, Termination.

Sections 441–443. The Compact provides three avenues for its termination. Under Section 441, the Compact may be terminated by mutual agreement of the United States and Palau.

Section 442 provides for unilateral termination initiated by the United States, in which case prior notice of no less than six months is required before termination is effective.

Termination by unilateral action of Palau is provided for in Section 443, which requires Palau to conduct a plebiscite on termination in accordance with its constitutional processes. A majority vote in favor of termination is required for termination to occur. The plebiscite can be conducted only upon three months' prior notice to the United States, and termination pursuant to an affirmative vote to end the agreement would not become effective until at least three months after certification of the result to the United States and notification that termination will occur.

Article V, Survivability.

Sections 451–453. These sections identify which portions of the Compact would survive, and for how long, under the different termination procedures described in Article IV of Title Four.

Should the Compact be terminated by mutual agreement pursuant to Section 441, the continuation of economic relations between the United States and Palau would be as mutually agreed.

Should termination occur at United States or Palauan initiative under Section 442 or 443, the provisions listed in section 452 of the Compact would remain in effect until the fiftieth anniversary of the effective date of the Compact, or longer if mutually agreed.

Under Section 453 the foreclosure of Palau to third country forces would continue for fifty years and therefore until terminated or amended by mutual consent, and separate agreements under Article II of Title Two will continue in accordance with

their terms, notwithstanding termination or other provisions of the Compact.

Article VI, Definition of Terms.

Sections 461-462. These sections define various terms used in the Compact, and list the separate agreements concluded pursuant to the Compact.

Article VII, Concluding Provisions.

Section 471. Under this section, the signatory governments agree that they are authorized by their constitutions and laws to enter into and implement the Compact and its related agreements. This section also provides that Palau and the United States will conform their laws to the Compact prior to its effective date, so that they will be able to implement the Compact in a manner consistent with their domestic laws. Finally, in fulfillment of the obligations of the Government of the United States under paragraph (b) of this section to ensure that its laws conform with the provisions of the Compact, paragraph (c) of this section provides that the Compact will have the force and effect of a statute under the laws of the United States.

Section 472. This section provides for acceptance of the Compact by the signature of each government party to the agreement.

SEC. 2. of Joint Resolution approving Palau Compact.

This section provides for United States court jurisdiction in criminal cases over which the United States acquires the primary right to exercise criminal jurisdiction under the provisions of the Status of Forces Agreement concluded pursuant to Section 323 of the Compact.

APRIL 9, 1986.

TO THE CONGRESS OF THE UNITED STATES: There is enclosed a draft of a Joint Resolution to approve the "Compact of Free Association," the negotiated instrument setting forth the future political relationship between the United States and Palau, a political jurisdiction of the Trust Territory of the Pacific Islands.

This Compact of Free Association is the result of more than sixteen years of continuous and comprehensive negotiations, spanning the administrations of four Presidents. The transmission of the proposed Joint Resolution today, and congressional enactment of it, marks the last step in the process for approval of the Compact.

The full text of the Compact is part of the draft Joint Resolution, which I request be introduced, referred to the appropriate committees, and enacted. I also request that the Congress note the agreements subsidiary to the Compact. Also enclosed is a section-by-section analysis to facilitate your consideration of the Compact.

On March 30, 1984, and again on February 20, 1985, I submitted to Congress a Compact of Free Association relating to the Marshall Islands and the Federated States of Micronesia, two other jurisdictions of the Trust Territory. That Compact was approved as House Joint Resolution 187 by Congress on December 13, 1985, and with my signature on January 14, 1986, became Public Law 99-239. The people of the fourth jurisdiction of the Trust Territory—the Northern Mariana Islands—have voted to become a United States territory when the Trusteeship is terminated. The Congress approved their political status instrument as Public Law 94-241.

The defense and land use provisions of the Compact with Palau, and the right of the United States to foreclose access to the area for military purposes of third countries, are of great importance to our strategic position in the Pacific and enable us to continue preserving regional security and peace. Under the Palau Compact, the minimum term of United States defense authority and responsibility will be fifty years; otherwise, the Palau Compact is very similar to the Compact that the Congress approved for the Marshall Islands and the Federated States of Micronesia.

For almost four decades, the Trust Territory has been administered under a Trusteeship Agreement with the United Nations Security Council, which the United States entered into pursuant to the Joint Resolution of July 18, 1947. This Compact of Free Association with the government of Palau fulfills our commitment under that Agreement to bring about self-government in accordance with the freely expressed wishes of the Palauan people. Termination of the Trusteeship Agreement and the formal assumption of freely chosen political status arrangements by all parts of the present Trust Territory are important foreign policy objectives of the United States.

The Compact with Palau was signed for the United States by Ambassador Fred M. Zeder II and the President of the Republic of Palau on January 10, 1986. It was approved on January 24, 1986, by both houses of the Palau National Congress. On February 21, 1986, the Compact was approved by the Palauan people in a United Nations observed plebiscite. The President of Palau has certified that the approval process has been completed in full compliance with Palau's constitutional requirements.

Enactment of this draft Joint Resolution approving the Compact of Free Association for Palau will complete the enterprise of self-government we began with the peoples of the Trust Territory many years ago. It is the final step preceding full termination of the Trusteeship Agreement. Therefore, I urge the Congress to approve the Compact of Free Association for Palau.

RONALD REAGAN.

THE WHITE HOUSE, *April 9, 1986.*●

ADDITIONAL COSPONSORS

S. 1525

At the request of Mr. PELL, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1525, a bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects.

S. 1696

At the request of Mr. GOLDWATER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1696, a bill to establish a federally declared Floodway for the Colorado River below Davis Dam.

S. 1747

At the request of Mr. ROTH, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1747, a bill to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries.

S. 1748

At the request of Mr. ROTH, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1748, a bill to amend the Foreign Assistance Act of 1961 to protect biological diversity in developing countries.

S. 1941

At the request of Mr. DENTON, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 1941, a bill to protect the security of the United States by providing for sanctions against any country that provides support for perpetrators of acts of international terrorism.

S. 2067

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2067, a bill to overturn the deferral of the Fiscal Year 1986 Urban Development Action Grant and Community Development Block Grant Program.

S. 2075

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2075, a bill to overturn the deferral of Urban Development Action Grant funds.

S. 2166

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2166, a bill to amend the Internal Revenue Code of 1954 to modify the tax treatment of tax-exempt municipal bonds, and for other purposes.

S. 2181

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2181, a bill entitled the "Construction Industry Labor Law Amendments of 1986".

S. 2244

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Mississippi [Mr. COCHRAN] was added as cosponsors of S. 2244, a bill to amend the Tariff Act of 1930 with respect to the definition of industry in antidumping and countervailing duty investigations involving certain processed agricultural products.

S. 2261

At the request of Mr. HUMPHREY, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 2261, a bill to amend the Service Contract Act of 1965 to reform the administration of such act, and for other purposes.

S. 2273

At the request of Mr. KASTEN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2273, a bill to amend the Internal Revenue Code of 1954 to deny the tax exemption for interest on industrial development bonds used to finance ac-

quisition of farm property by foreign persons.

S. 2288

At the request of Mr. CHILES, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. STENNIS], the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. RIEGLE], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 2288, a bill to amend title XIX of the Social Security Act to permit States the option of providing prenatal, delivery, and postpartum care to low-income pregnant women and of providing medical assistance to low-income infants under one year of age.

S. 2301

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr. CHILES] was added as cosponsor of S. 2301, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 2310

At the request of Mr. PRESSLER, the name of the Senator from West Virginia [Mr. BYRD] was added as cosponsor of S. 2310, a bill to make foreign nationals ineligible for certain agricultural program loans, payments or benefits.

SENATE JOINT RESOLUTION 252

At the request of Mr. PELL, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Mr. SARBANES], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Oregon [Mr. HATFIELD], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 252, a joint resolution requesting the President of the United States to negotiate controls upon and the early prohibition of nuclear explosions.

SENATE JOINT RESOLUTION 282

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as cosponsor of Senate Joint Resolution 282, a joint resolution to express the disapproval of the Congress with respect to the proposed rescission of budget authority for the general revenue sharing program.

SENATE JOINT RESOLUTION 310

At the request of Mr. HELMS, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Virgina [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 310, a joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

SENATE JOINT RESOLUTION 312

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 312, a joint resolution designating the week beginning April 13, 1986, as "National Medical Laboratory Week."

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 117, a concurrent resolution expressing the sense of the Congress in support of RIAS, the radio in the American Sector of Berlin.

SENATE CONCURRENT RESOLUTION 122

At the request of Mr. NICKLES, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of Senate Concurrent Resolution 122, a concurrent resolution to express the sense of Congress with respect to agricultural loan restructuring.

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. HEINZ, the names of the Senator from California [Mr. WILSON], the Senator from Massachusetts [Mr. KERRY], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Concurrent Resolution 125, a concurrent resolution recognizing the achievements of the Ireland Fund and its founder, Dr. Anthony J.F. O'Reilly.

SENATE RESOLUTION 333

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Resolution 333, a resolution to express the sense of the Senate regarding the Urban Development Action Grant Program.

SENATE RESOLUTION 374

At the request of Mr. FORD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 374, a resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986.

SENATE RESOLUTION 384—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Whereas, in the case of *Dow Chemical Company* v. *United States*, No. 19-83C, pending in the United States Claims Court, the plaintiff has obtained a subpoena for the deposition testimony of Patricia Howe, past staff assistant to former Wyoming Senator Clifford Hansen;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent former Members or employees of the Senate with respect to subpoenas issued to them in their previous official capacity;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of former Members and employees of the Senate is or may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent former Senator Clifford P. Hansen, Patricia Joanne Howe, and any other past staff assistant of Senator Hansen who may be asked to testify in the case of *Dow Chemical Company* v. *United States*.

SEC. 2. That Senator Hansen, Patricia Howe, and any other staff assistant of Senator Hansen who may be asked, are authorized to testify in the case of *Dow Chemical Company* v. *United States*, except concerning matters which may be privileged.

AMENDMENTS SUBMITTED

PROTECTION FOR ELECTRIC CONSUMERS

MELCHER AMENDMENT NOS. 1787 THROUGH 1790

Mr. MELCHER proposed four amendments to the bill (S. 426) to amend the Federal Power Act to provide for more protection to electric consumers; as follows:

AMENDMENT No. 1787

S. 426 is hereby amended by adding the following new section:

At the appropriate place, insert the following:

"SEC. .

a. Sec. 211(c)(1) of the Federal Power Act, as amended is amended by striking the period and adding the following:

"Provided that the Commission in making its determination under this paragraph need only consider the existing retail customers and the current level of service to such customers of the utility potentially subject to the order and of the applicant."

AMENDMENT No. 1788

S. 426 is hereby amended by adding the following new section:

"SEC. . WHEELING OF POWER

(a) Subsection 212(a)(1) of the Federal Power Act (16 U.S.C. section 824K(a)(1) is amended as follows:

(1) Strike out 'electric utility,';

(2) Insert ', or, in the case of any electric utility affected by the order, is not likely to unduly affect the cost of service provided to its customers,' after 'order'."

(b) Nothing in this amendment should be construed to alter any of the other requirements of section 824K of this title.

AMENDMENT No. 1789

S. 426 is hereby amended by adding the following new section :

"SEC. . WHEELING OF POWER.

(a) Section 211 of the Federal Power Act of 1978 (16 U.S.C. Section 824J) is amended as follows—

(1) Amend subsection (c)(1) by adding the words "between the electric utility subject to the order to transmit and its retail customers and would not significantly alter existing competitive relationships between the electric utility subject to the order to transmit and its wholesale customers" at the end of the subsection;

AMENDMENT 1790

S. 426 is hereby amended by adding the following new section at the end thereof.

"SEC. .

Section 211(c)(2)(B) of the Federal Power Act is amended to read as follows:

'(B) required to be provided to such applicant pursuant to a rate schedule on file, the existing terms of which have previously been agreed to by the applicant.' "

ADDITIONAL BANKRUPTCY JUDGES

DENTON (AND SIMON) AMENDMENT NO. 1791

(Ordered to lie on the table)

Mr. DENTON (for himself and Mr. SIMON) submitted an amendment intended to be proposed by them to the bill (S. 1923) to provide for additional bankruptcy judges; as follows:

At an appropriate place in the bill, add the following:

"Sec. .

Section 523(a)(5) of title 11, United States Code, is amended by inserting after "or other order of a court of record or" the following: "any order, rule, or determination made pursuant to a State administrative process for obtaining and enforcing support orders, or".

PROTECTION FOR ELECTRIC CONSUMERS

MELCHER AMENDMENT NO. 1792

Mr. MELCHER proposed an amendment to the bill S. 426, supra; as follows:

Add the following new section to S. 426 at the end thereof:

SEC. . Section 211(c)(2)(B) of the Federal Power Act is amended by adding before the period the following: "provided, nothing in this subparagraph shall prevent an application for an order hereunder to be filed prior to termination or modification of an existing rate schedule, provided that such order shall not become effective until termination of such rate schedule or the modification becomes effective."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 16, 1986, in order to receive testimony concerning the nomination of James Larry Edmondson, to be U.S. Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 16, 1986, in order to receive testimony concerning computer crime legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 16, 1986, in closed executive session, in order to markup an original bill to reform military retirement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 16, 1986, in open, later to become closed session, in order to conduct a hearing on the Navy and Marine Corps posture statements, in review of S. 2199.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration, be authorized to meet during the session of the Senate on Wednesday, April 16, 1986, in order S. 2059, S. 2272, S. 2255, and Senate Resolution 374, relating to official mail costs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Wednesday, April 16, to conduct a hearing on the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CANCER RESEARCH ACT OF 1986

● Mr. KENNEDY. Mr. President, I introduce today the Cancer Research Act of 1986. The bill I introduce today stands as a tangible hope for hundreds of cancer victims. A revolution has occurred in medical science, allowing understanding, treatment, even cure of disease on the molecular level where it occurs. Today, I introduce a measure seeking immediate support for a promising breakthrough in cancer therapy: Adoptive immunotherapy.

Adoptive immunotherapy, a cancer therapy developed by Dr. Stephen Rosenberg, chief of surgery at the National Cancer Institute, has been heralded by physicians, scientists, and lay leaders as one of the most significant cancer advances of our time. The process activated the body's own immune system to attack malignant cells, using a blood protein, Interleukin 2, genetically engineered in large amounts.

To date, 71 patients, all of them with extensive disease and with failures after other therapies, have been treated with this Interleukin 2 therapy. There have been highly encouraging response rates. The responses have been especially promising because they have occurred in some cancers which have been particularly difficult to treat. Kidney cancer, malignant melanoma, and colon cancer have responded at rates of 100 percent, 50 percent, and 30 percent, respectively. These should not be confused with cures. But they are unusually encouraging responses.

The history of this struggle is a long, often frustrating one. In the 1970's, we turned money and muscle to the "War on Cancer" expecting to conquer it as we had the Moon. The answers did not spring forth, and there was frustration in American homes. Today, fully 3 of 4 American families can expect at some point to face the diagnoses of cancer. Fortunately, the slow arduous process of research was not new to our scientists. It has been neessary to take years of small steps and to lay a foundation in basic medical science research. The scientists persisted in their work as we did in our support of them. The war continued against an oppressive, unrelenting foe. Thanks to breakthroughs like Dr. Rosenberg's work, the future for families who face cancer is less bleak than it once was.

Though six centers have been selected by the National Cancer Institute to receive a half million dollars for the treatment of 40 patients each, clearly this exciting new breakthrough deserves wider testing. Many questions must be answered. We must accelerate the development of this treatment into a therapy that could benefit millions of Americans.

When Dr. Rosenberg's cautious words on IL 2/LAK therapy appeared in the New England Journal of Medicine, the National Cancer Institute began receiving over 1,000 calls a day, the largest number in its history, from patients seeking placement in the program. Disease knows no prejudice.

These calls were from your constitutents and mine, people rich and poor, black and white, mothers and fathers, sons and daughters, Americans from all across the land. All were desperate for the treatment their tax dollars helped to discover. Their calls were answered but their pleas for help went unfulfilled. No funds nor mechanisms existed to extend the program.

The legislation I am introducing today will provide for 12 treatment and research sites. It will double the rate at which scientists can answer the many questions that need to be answered before this immunotherapy can surpass the experimental stage. Each center designated will receive a half million dollars.

The expansion of research on this therapy has been endorsed by the President's Cancer Panel. They asserted in their most recent report there would be an "almost immediate benefit from expanding the clinical trials of Steven Rosenberg's (sic)." They recommended $20 million to this end.

The proposal I introduce today is a modest one. It will cost only $6 million. But it will double the number of cancer centers which can begin work on this therapy and the number of patients who are hopeful of receiving benefit from it.

Mr. President, there are those who would scoff at an old man who digs in the soil to plant a sapling, wasting effort on a tree whose fruit he will not live to taste, whose shade he will never enjoy. And yet that old man continues to toil, for he has vision. He labors, not just for himself, but for his children, for their fruit, for their shade. The Congress has shown vision through tireless support for basic science research since the very inception of the National Institutes of Health. While many of us do not fully understand the intricacies of biological science, we suffer ourselves and through family and friends when those biological processes go awry. At times, we have yearned for more direct results, for more practical research. But we have held fast to our faith in scientists at the helm supported by public revenues. Small steps lead to large ones. Years of small steps and vision have contributed to the larger step we are on the verge of making today.

I submit the text of the bill for the RECORD.

The text follows:

S. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cancer Research Act of 1986".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) in the last decade—

(A) there were in excess of 6,500,000 cases of cancer;

(B) more than 10,000,000 people were under medical care for cancer; and

(C) more than 3,500,000 people died from cancer;

(2) in 1986, one out of every five deaths in the United States will be due to cancer;

(3) three of the more common, most difficult to treat, and most fatal cancers are malignant melanoma, cancer of the colon, and cancer of the kidney; and

(4) adoptive immunotherapy, in the form of interleukin 2 lymphocyte activated killer cell therapy, has been shown to be unusually effective in the treatment of cancer of the kidney and has shown great promise in the treatment of malignant melanoma and cancer of the colon.

(b) It is the purpose of this Act—

(1) to provide means through which interleukin 2 lymphocyte activated killer cell therapy can be made more available to the thousands of Americans who suffer from cancer; and

(2) to foster expanded research efforts concerning methods to apply and improve interleukin 2 lymphocyte activated killer cell therapy as both a primary and an adjunctive therapy for cancer.

GRANTS AND CONTRACTS FOR RESEARCH

SEC. 3. (a) Subpart 1 of part C of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"RESEARCH ON ADOPTIVE IMMUNOTHERAPY

"SEC. 417. (a) The Director of the Institute shall make grants to, and enter into contracts with, 12 of the centers supported under section 414 for the conduct of clinical research on interleukin 2 lymphocyte activated killer cell therapy which has demonstrated particular promise for the treatment and cure of cancer.

"(b) The total amount of any grant or contract under this section for any fiscal year may not exceed $500,000.".

(b) Section 408(a)(1) of such Act is amended—

(1) by striking out "section 412" in subparagraph (A) and inserting in lieu thereof "sections 412 and 417"; and

(2) by adding at the end thereof the following new subparagraph:

"(C) To carry out section 417, there are authorized to be appropriated $6,000,000 for each of the fiscal years 1987, 1988, and 1989.".●

FORMER SENATOR J.W. FULBRIGHT'S ARTICLE ON PEACE

● Mr. PRYOR. Mr. President, I am pleased to note today that former Senator J.W. Fulbright of Arkansas has recently published in a national publication his thoughts on our prospects for peace and how we might best achieve it. The thrust of his argument is that we need to pursue a series of joint ventures on a wide range of cooperative levels.

It strikes me that, at a time when our country faces renewed interest in discussions with Soviet leaders, we should listen to a former Senator whose voice was always on the side of reason and good sense. I find it encouraging that Senator Fulbright continues to speak up for what he believes. For example:

"The way to prevent nuclear disaster," he writes, "is not through futile, mechanistic efforts to reduce Soviet military capabilities but through realistic attempts to influence political intentions and convictions. That is the purpose of joint ventures in various fields."

Let me commend my fellow Arkansan, Senator Fulbright, and ask that my colleagues in the Senate pay close attention to this recent article. I ask that it be printed in the RECORD.

The article follows:

OUTLOOK FOR PEACE—A DISTINGUISHED OBSERVER ASSESSES THE PROSPECTS FOR EAST—WEST COOPERATION

(By J. William Fulbright)

Now that there appears to be a thaw in East-West relations following the Geneva summit meeting between President Reagan and the Soviet Union's leader Mikhail Gorbachev, what are the prospects for peace and cooperation between our two countries? For an overview on what might lie ahead, and some suggestions on how the two nations could get along better, we invited the opinions of former U.S. Senator J. William Fulbright, who for 15 years served as chairman of the Senate Foreign Relations Committee—Ed.)

In dramatic contrast to his hostile criticism of the Soviet Union five years ago, President Ronald Reagan has now engaged Soviet leader Mikhail S. Gorbachev in an amiable and extended discussion of their respective national interests. And the two followed up their Geneva talks with New Year's Day addresses to each other's nations. It's certainly a "fresh start"—the start, we may hope, of an era of continuing dialogue and cooperation in a variety of joint ventures, and the beginning of the end of the era of confrontation.

Many commentators—most, in fact—have expressed disappointment at the lack of any substantive agreements regarding arms control at the Geneva summit. My own view is that this disappointment is not justified, because it is unrealistic to expect significant arms control agreements in the atmosphere of antagonism and suspicion brought about by five years of name-calling. With the "fresh start" at Geneva, the process of reestablishing civil communication between the parties can begin; and as the proposals for the resumption of exchanges, trade, and other confidence-building joint ventures are pursued, a climate sympathetic to substantive agreements can be created.

Pacts affecting the military forces of America and Russia are the most sensitive and unlikely to be achieved until the overall climate is improved. Negotiations for the S.A.L.T. II treaty were carried on over a period of some seven years without final approval, and the negotiations of Mutual and Balanced Reduction of Forces in Central Europe have been fruitless after more than 10 years of meetings in Vienna. These experiences should teach us that our priorities are wrong, that we have put the proverbial cart before the horse and that it is now time to put the horse in front and start to move toward our objective of a peaceful world. We are wasting our time, our resources and our patience in seeking arms control agreements when both parties are obsessed by suspicion and distrust and lack even a modicum of empathy for each other.

But it should not be beyond our capacity to find the means to reduce the suspicion and distrust that has, until now, obstructed progress toward the resumption of more

normal relations. To achieve this we do not have to give moral sanction to the totalitarian aspects of the Soviet system. That, I should think, would be quite impossible for people with our tradition of democracy and individual liberty. But I do think it is possible for us to think about the Russians as human beings like ourselves. We do not have to admire the Soviet system to allow the possibility that the Soviet leaders, like our own, genuinely fear for their nation's security.

In the course of my 15-year tenure as chairman of the Senate Foreign Relations Committee, I conducted hundreds of hearings on a wide variety of topics. In retrospect, those that had the greatest impact on my own thinking were two separate series—in 1966 and 1969—on the psychological aspects of foreign policy. A number of themes emerged from those hearings that seem pertinent to our present circumstances.

The most obvious—and perhaps most important—is that it is not reality itself that shapes our political behavior but our perception of reality, and these are not necessarily the same thing. Another theme that emerged is that antagonism between hostile groups can be either aggravated by insult and epithet or alleviated by carefully planned activities requiring cooperation and human contact.

It is in this last category—planned cooperation in chosen areas—that we may discern some hope for the future of Soviet-American relations, and therefore for world peace.

At the present time, and in the wake of last year's summit, the most dramatic and effective confidence-building measures I can think of would be a joint research program with the Russians on the "Star Wars," or Strategic Defense Initiative, advocated by President Reagan. The President has on several occasions suggested that, if the project should prove feasible, he would be prepared to share the technology with the Russians, or as he put it more recently, sell it to them "at cost."

Instead of this rather casual and condescending promise for the future, it would be far more credible and useful if the research on "Star Wars" were conducted jointly from the outset. Such a venture would enhance the likelihood of success, reduce the cost to each party, and, of far greater importance, remove the destabilizing effects of a unilateral program while contributing substantially to the development of trust and confidence in each other's intentions. President Reagan insists that his Strategic Defense Initiative is solely for defensive purposes, but the Russians obviously are not convinced.

Another important confidence-building measure would be the revival of the Soviet-American trade agreement of 1972. It is tragic that, for unrelated reasons, this agreement was breached and abandoned. It provided not only for normal tariff treatment of trade with Russia, but also for payment by the Russians of the balance of the old lend-lease account of World War II amounting to approximately $700 million. (The payment of a long overdue debt always improves one's opinion of the debtor.)

Discussions took place soon after the agreement was concluded with a view to spending part of the funds from the lend-lease settlement on a large increase in the exchange of students and teachers, an area in which the United States has almost 40 years' experience. And a record of success.

At first funded by the United States alone, cultural exchanges now receive financial support from 29 other countries. Among these nations mutual understanding and trust has been strengthened by shared, cooperative activities.

Two of our former enemies—Japan and Germany—have become prominent supporters of this venture; a more recent antagonist, the People's Republic of China, now sends its students in impressive numbers to American universities.

In view of Reagan's recent speech and his negotiation with Gorbachev at Geneva for an expansion of cultural exchanges with the Soviet Union, we may anticipate that our relations with the Russians can be changed in a similar manner.

There are many other possibilities for cooperative joint ventures that would be both cost efficient and effective in finding solutions to problems that affect all countries. We might consider, for example, cooperation in medical research; better methods to control environmental pollution; cooperative procedures to prevent the extinction of endangered species; research on the problem of more and cheaper energy; and the broad area of increasing our understanding of the natural phenomena that are of interest to all peoples.

Beyond the direct results of any research, the more important achievement would be the effect collaborative activity has on the attitudes of the Russians and Americans involved.

Can there be any doubt that a well-designed and successful joint enterprise would reduce mistrust in the minds of the participants and increase their understanding of each other's purposes?

Having worked together and shared the tribulation inherent in the solving of difficult problems, Russians and Americans could develop a sense of comradeship and trust that now seems all but inconceivable. Under these conditions—experience shows—ideology loses much of its impact and old antagonisms abate

"Stars Wars" notwithstanding, we are well past the time when either side can hope to neutralize the other's capacity to inflict nuclear cataclysm.

The way to prevent nuclear disaster is not through futile, mechanistic efforts to reduce Soviet military capabilities but through realistic attempts to influence political intentions and convictions. That is the purpose of joint ventures in various fields. With our present rough parity of nuclear power there is little risk involved in pursuing joint ventures, which also offer a much better prospect of providing for our security and preserving our solvency than we can hope to gain by expanding the arms race into space.

Unabated, the arms race eventually will result in either a nuclear war or the impoverishment of both nations. It will not—and cannot—validate the ideology of either party. All it can prove, if it has not done so already, is the compulsion of superpowers for suicidal irrationality.

Leaders of powerful nations since the beginning of history have sought to increase their power and prestige by force and violence, hoping thereby to win profit and fame. More often than not the fame obtained has been short-lived. Victors beget rivals, who then form combinations to deprive the victor of his gains, and who then go on to seek their own fame and profit through further conflicts and conquests. The cycle of victory and defeat goes on—a temporary glory followed by more lasting degradation in pursuit of the phantom of some elusive prize in an empty system of power.

Irrational and absurd though all this may have been, it did not until recent times pose a definitive threat to the survival of our species. With the coming of the nuclear age, as Albert Einstein suggested in 1945, we came to a profound break in the thread of human history. What we could at least endure in the past we can no longer even consider. Thus the need for a "new manner of thinking" if humanity is to survive.

The fundamental challenge is one of psychology and education in the field of human relations. It is not the kind of problem that is likely to be resolved by expertise—even the sophisticated expertise of our most gifted military thinkers, who delight in exotic weapons systems and strategic doctrines well beyond the comprehension of ordinary citizens. A distinguished professor once commented that there is no such thing as an expert on the subject of wisdom in human affairs. The attributes upon which we must draw are the human attributes—of compassion and common sense, of intellect and creative imagination, and of empathy and understanding between cultures.

The central issue in relations between the U.S. and the U.S.S.R. is the latter's conviction that the U.S. is unwilling to recognize the legitimacy of the U.S.S.R.'s political and social system and is committed to thwarting it in every way and ultimately to changing it. The counterpart of that conviction is the belief by the U.S. that the Russians are determined to communize the world by force if the U.S. does not confront it with superior force. These beliefs, nurtured by harsh rhetoric and communication and trade boycotts, increase fear and hatred and the likelihood of a conflict. The only way to prevent such a disaster is to change these intentions and convictions: To this end, joint ventures are well designed.

Even though we do not recognize its legitimacy, the truth is that the Soviet Union is a fact of life to be dealt with and it is futile to think it will go away, that it can be intimidated by more and more nuclear arms or that it will collapse from internal weakness. Russia has so much nuclear- and manpower that there is no way the U.S. can neutralize it or deprive it of the power to do great damage to us.

The competition to militarize space should be transferred to a competition to improve the quality of life of all people. With only a fraction of the annual cost of armaments, enormous progress could be made in the eradication of poverty, of slums, of contaminated air and water, of ignorance and all the other afflictions of our people. The resources devoted to military preparations by both superpowers are so enormous that none of us can really grasp their significance and how they could transform the ordinary life of the people. We have become so traumatized by the apprehension of a nuclear war that we have forgotten the beauty and satisfaction of an ordinary way of life under peaceful conditions.

Is it unreasonable to believe that the Russian people and their government share the usual aspirations of other people for the good life, for food and shelter, and for all the amenities that make life more enjoyable and ensure a future for our children? The main difference between us is they believe they have a better system for the attainment of those blessings, a better system than ours.

Although it is no insignificant difference, the validity of each nation's views cannot be proved by a nuclear war. The value of each country's social and political system can be demonstrated only by peaceful competition, free of the distortion of life caused by the heavy burden of the arms race.

INDIANA AWARD WINNERS

● Mr. LUGAR. Mr. President, I wish to enter into today's RECORD the 1985 winning essays of a contest which I cosponsor annually with the Indiana Farm Bureau. The two winners, Amber Shoultz of Petersburg, IN, and Brian Stwalley of Fillmore, IN, traveled to Washington this spring to visit the Senate as part of their award. Their time and effort to become academic achievers should be commended and recognized. Amber and Brian are two examples of this country's continuing commitment to sound fundamentals in American education.

Mr. President, I ask that their essays on nutrition and Indiana's food production be printed in the RECORD.

The essays follow:

GOOD FOOD FROM INDIANA: FROM OUR FARMS TO OUR TABLES

(Amber Shoultz, Pike Central, Petersburg, IN)

I am only one kernel of corn in millions in this field. I am sad because when I mature, I am divided from all of my family and friends. The farmer picks me and many others. We are taken to market and sold. We are then shipped to many different places in the country. Some of us will be used as feed for livestock. Others will end up on the dinner table.

I have heard that Indiana has a large variety of nutritious foods grown within its borders. Melons, peaches, tomatoes, strawberries, and cabbage are some of the fruits and vegetables grown in Indiana. Some of the most common crops are corn, wheat, oats and soybeans. Cattle are plentiful also. The milk and meat that we get from this animal is very important in a diet.

Indiana produces most everything needed to begin and maintain a good diet. A proper diet consists of these major food groups: breads and cereals, fruits and vegetables, meat, and milk. Without the proper nutrients, you could grow weak. Your body might not function correctly. As a kernel of corn, I know. I have seen many kernels die from a lack of water and minerals. If you eat right, you will stay healthy.

Eating right not only helps you when you are young, but it also helps you to be stronger when you become old. Everyone needs nutrients, vitamins and proteins to stay alive.

Maybe it is not so bad being a kernel of corn. I get to travel through the country. I am also the most important crop in my state and one of the most important crops raised in the United States. I am high in nutrition and whoa—the farmer just picked me, so I have to go.

GOOD FOOD FROM INDIANA: FROM OUR FARMS TO OUR TABLES

(Brian Stwalley, Greencastle Middle School, Fillmore, IN)

Many plant and animal food products are grown in Indiana. Meat is one of Indiana's biggest agricultural industries. Meat contains protein, iron, and fat, three essential nutrients. Hoosiers enjoy getting their meat through beef, veal, lamb, poultry, pork, and various wild game.

One of the most important foods of Indiana is milk. Milk contains calcium and is considered a "nearly perfect food." There are quite a few dairy farmers and independent dairies in this state. If you don't like to drink milk, you may choose ice cream, cheese, butter, or yogurt.

Indiana's corn, wheat, and oat farmers help supply the nation with flour and meal as well as many varieties of cereal. Bread products contain carbohydrates, thiamin, and niacin. Hoosiers enjoy fresh baked bread anytime.

From asparagus to zucchini and everything in between, Hoosiers enjoy gardens. Various types of squash along with beans, peas, corn, cabbage, and other vegetables are raised. Fruits such as strawberries, raspberries, apples, peaches, and other fruits are plentiful. There are about 250 fresh produce markets spread throughout the state to obtain these products. Fruits and vegetables are plentiful in vitamins A, B, and C, so Hoosiers should have good eyesight.

People need to maintain a good diet in order to stay healthy and live longer, more productive lives. The food you eat affects your appearance. Your skin and hair are made from the food you eat, so it's important that you eat the right food to keep your complexion and hair healthy.

The food you eat also affects your personality and performance at your job or school. It's important to eat good food to maintain peak performance and to keep a friendly personality. Hoosiers grow and eat some of the most nutritious foods found anywhere.●

HAPPY BIRTHDAY TO DOREL CATARAMA

● Mr. SIMON. Mr. President, today marks the 35th birthday of Dorel Catarama.

Earlier this week, I met with officials of the Romanian Parliament and Embassy. It was a fine visit. It was my sense in this meeting that there is a keen interest in preserving the United States-Romanian relationship. There is concern with continued dialog and understanding, with Romania's ability to act independently, with most-favored-nation status and with the United States interest in human rights.

I communicated clearly in our meeting my strong concern for Dorel Catarama. I believe we have seen some success in the past with regard to these specific cases. It is my hope that we can work together toward that same kind of success with regard to Dorel Catarama.

His family in Chicago is quietly commemorating Dorel's birthday today. I join them on this occasion with the hope that they may be rejoined with their brother and son. I urge my colleagues to join us in this effort.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Charles N. Andreae, a member of the staff of Senator RICHARD G. LUGAR, to participate in a program in Saudi Arabia, Kuwait, and Jordan, sponsored by the Union of Saudi Arabian Chambers of Commerce and Industry, from March 28–April 8, 1986.

The committee has determined that participation by Mr. Andreae in the program in Saudi Arabia, Kuwait, and Jordan, at the expense of the Union of Saudi Arabian Chambers of Commerce and Industry, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Wahlquist, a member of the staff of Senator JOHN WARNER, and Mr. Daryl H. Owen, a member of the staff of Senator J. BENNETT JOHNSTON, to participate in a program in Saudi Arabia, Kuwait, and Jordan, sponsored by the Union of Saudi Arabian Chambers of Commerce and Industry and the National Council on United States-Arab Relations, from March 28–April 8, 1986.

The committee has determined that participation by Messrs. Wahlquist and Owen in the program in Saudi Arabia, Kuwait, and Jordan, at the expense of the Union of Saudi Arabian Chambers of Commerce and Industry and the National Council on United States-Arab Relations, was in the interest of the Senate and the United States.●

NATIONAL ANDREI SAKHAROV DAY

● Mr. D'AMATO. Mr. President, yesterday I introduced a resolution, now numbered Senate Joint Resolution 323, to designate May 21, 1986, as "National Andrei Sakharov Day." Since there are so many Americans concerned with the fate of Mr. Sakharov, I have been asked to have this resolution printed in the CONGRESSIONAL RECORD in its entirety so that copies of it will be available to all congressional offices for easy distribution.

Therefore, Mr. President, I ask that the full text of Senate Joint Resolution 323 be printed in the RECORD.

The joint resolution follows:

S.J. RES. 323

Whereas Andrei Sakharov has earned world-wide admiration and respect for his courageous and energetic efforts to secure fundamental human freedoms for the peoples of the Soviet Union, including those rights guaranteed in the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, Finland on August 1, 1975; and

Whereas Andrei Sakharov has been awarded the 1975 Nobel Peace Prize for "his love of truth and strong belief in the inviolability of human beings . . . his courageous defense of the human spirit . . ." and for his life which has made him "the conscience of mankind"; and

Whereas Andrei Sakharov, due to his selfless work for human rights and world peace, has been illegally banished by the government of the Union of Soviet Socialist Republics to the closed city of Gorky, where on May 31, 1986, he will spend his sixty-fifth birthday in almost total isolation; and

Whereas Andrei Sakharov has been subjected to cruel and unusual medical procedures by the Soviet authorities when he conducted hunger strikes to protest repeated denials of his wife's, Elena Bonner's, request to be permitted to go to the West for medical treatment; and

Whereas the government of the Union of Soviet Socialist Republics has undertaken extraordinary measures, including confiscation of personal and professional correspondence and intensive physical and electronic surveillance, to isolate Andrei Sakharov and Elena Bonner in Gorky; and

Whereas the Soviet Union as signatory to the Universal Declaration of Human Rights has committed itself to respect the rights to freedom of movement and of residence within the borders of each state as well as the right to leave one's own country and return to it;

Whereas the Soviet Union and other signatories of the Helsinki Final Act stated their desire "to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality" and were "conscious that . . . contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims," further made it their objective "to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connexion;" and

Whereas the participating States of the Helsinki Final Act are convened in Bern, Switzerland at the Human Contacts Experts Meeting inter alia to discuss implementation of those Helsinki Final Act provisions concerning the resolution in a positive and humanitarian spirit questions related to family visits, the reunification of families, binational marriage and promotion of other personal and professional contacts between people and between organizations; and

Whereas Andrei Sakharov continues to advocate full compliance by all signatory states with the provisions of the Helsinki Final Act and the Universal Declaration of Human Rights; now therefore, be it

Resolved by the House of Representatives (and the Senate) of the United States of America in Congress assembled, That May 21, 1985 is designated "National Andrei Sakharov Day" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities, and be it further

Resolved, That the President of the United States is authorized and requested to urge the Government of the Union of Soviet Socialist Republics to permit Andrei Sakharov and Elena Bonner freely to choose their place of residence.●

SURVIVORS OF ABORTION: THE DREADED COMPLICATION

● Mr. HUMPHREY. Mr. President, once each day in the United States a tiny infant survives an abortion. Contrary to what many Americans assume, late-term, third-trimester abortions are permitted by Roe against Wade. In 1973, viability was estimated to be about 28 weeks gestation, but today it is known to be between 20 and 22 weeks in 1986. And yet, today, many hospitals and clinics allow abortions to be performed after the 20th week of pregnancy.

The result is babies who occasionally survive this cruel ordeal. I call upon the Supreme Court to seriously reconsider its carte blanche endorsement of late-term abortion. I call upon this body to exercise some moral leadership in considering new ways to protect these defenseless human children who can in fact live outside the womb.

I ask that the first half of an article which appeared in the Philadelphia Inquirer and which won a Pulitzer Prize in 1981, be printed in the CONGRESSIONAL RECORD. Tomorrow, I will ask unanimous consent that the second half of the article be printed.

The material follows:

[From the Philadelphia Inquirer, Aug. 2, 1981]

ABORTION

Although abortions remain one of the major ethical controversies of our time, the fact is that an abortion has become the most common medical procedure performed on adults in the United States. More than a million and a half fetuses are aborted annually, and the number has increased about 50 percent from five years ago. At present, approximately one out of every four pregnancies is terminated by an abortion. American doctors remove more fetuses than tonsils.

But despite the intense attention the subject has received and the frequency with which the procedure is performed, something happens in a very small number of abortions, performed relatively late in the pregnancy, that no one wants to talk about. It horrifies many of the medical personnel who have encountered it.

What happens is that about once a day, somewhere in the U.S., something goes wrong and an abortion results in a live baby.

[Reprinted by permission of the Philadelphia Inquirer, Aug. 2, 1981, and co-author, Liz Jeffries]

THE DREADED COMPLICATION

(By Liz Jeffries and Rick Edmonds)

A woman's scream broke the late-night quiet and brought two young obstetrical nurses rushing to Room 4456 of the University of Nebraska Medical Center. The patient, admitted for an abortion, had been injected 30 hours earlier with a salt solution, which normally kills the fetus and causes the patient to deliver a mass of lifeless tissue, in a process similar to a miscarriage.

This time, though, something had gone wrong. When nurse Marilyn Wilson flicked on the lights and pulled back the covers, she found, instead of the stillborn fetus she'd expected, a live 2½-pound baby boy, crying and moving his arms and legs there on the bed.

Dismayed, the second nurse, Joanie Fuchs, gathered the squirming infant in loose bedcovers, dashed down the corridor and called to the other nurses for help. She did not take the baby to an intensive care nursery, but deposited it instead on the stainless steel drainboard of a sink in the maternity unit's dirty utility room—a large closet where bedpans are emptied and dirty linens stored. Other nurses and a resident doctor gathered and gaped.

Finally, a head nurse telephoned the patient's physician, Dr. C.J. LaBenz, at home, apparently waking him.

"He told me to leave it where it was," the head nurse testified later, "just to watch it for a few minutes, that it would probably die in a few minutes."

This was in Omaha, in September 1979. It was nothing new. Hundreds of times a year in the United States, an aborted fetus emerges from the womb kicking and alive. Some survive. A baby girl in Florida, rescued by nurses who found her laying in a bedpan, is 5 years old now and doing well. Most die. The Omaha baby lasted barely 2½ hours after he was put in the closet with the dirty linen.

Always, their arrival is met with shock, dismay and confusion.

When such a baby is allowed to die and the incident becomes known, the authorities often try to prosecute the doctor. This has happened several dozen times in the past eight years, most recently in the case of Dr. LaBenz, who is to go on trial in Omaha this fall on two counts of criminal abortion. But interviews with nurses, some of them visibly anguished, uncovered dozens of similar cases that never reached public attention.

In fact, for every case that does become known, a hundred probably go unreported. Dr. Willard Cates, an expert on medical statistics who is chief of abortion surveillance for the Center for Disease Control in Atlanta, estimates that 400 to 500 abortion live births occur every year in the United States. That is only a tiny fraction of the nation's 1.5 million annual abortions. Still, it means that these unintended live births are literally an everyday occurrence.

They are little known because organized medicine, from fear of public clamor and legal action, treats them more as an embarrassment to be hushed up than a problem to be solved. "It's like turning yourself in to the IRS for an audit," Cates said. "What is there to gain? The tendency is not to report because there are only negative incentives."

One result of the medical community's failure to openly acknowledge the problem is that many hospitals and clinics give their staffs no guidelines for dealing with abortion live births. Even where guidelines exist, they may not be followed. The doctor is seldom present when a live birth occurs, because most late abortions—those done later than the midpoint of pregnancy—are performed by the injection of a solution (the method used in the Omaha case) that slowly induces delivery of the fetus many hours later. Crucial decisions therefore fall

to nurses and physician residents with secondary authority over the case.

Signs of life in the baby may or may not be recognized. At some hospitals a live-born abortion baby is presumed dead unless it conspicuously demonstrates otherwise, by crying or waving its arms and legs. Even then, the medical personnel on the scene may let the baby die rather than try to save it.

Because they are premature, these infants need immediate care, including machine support, in order to live. Given such care, many can survive in good health, as did a pair of abortion babies born in separate incidents in Wilmington, Del., in the spring of 1979 and since adopted. Others are too premature to be saved even with the best care.

Whether they live or die, these abortion live births—and even successful, routine abortions of late-term, highly developed fetuses—are taking a heavy emotional toll on medical staffs across the country. Some physicians say they have "burned out" and have stopped doing abortions altogether. Nursing staffs at hospitals in Cleveland, Grand Rapids, Fort Lauderdale and elsewhere have rebelled at late abortions and have stopped their hospitals from performing any abortions later than the midpoint of pregnancy. Some staff members who regularly perform late abortions report having nightmares about fetuses, including recurring dreams in which they frantically seek to hide fetuses from others.

In legalizing abortion in 1973, the Supreme Court said it was reserving the right to protect the life of a viable fetus—that is, one with the potential to survive outside the womb. But the court never directly acknowledged the chance of an aborted fetus' being born alive. And it therefore never gave a clear guideline for dealing with what Dr. Thomas Kerenyi, a leading New York expert on abortions, has called "the dreaded complication."

Twenty states (including Pennsylvania, New Jersey and Delaware) have no laws limiting late abortions or mandating care for live-born abortion babies. Even where such state laws exist, they have usually been found unenforceable in practice or unconstitutional.

"Everyone—doctors, attorneys, state legislators—is looking for some clear guidelines concerning disposition of these infants," said Newman Flanagan, district attorney for the City of Boston. "If a baby has rejected an abortion and lives, then it is a person under the Constitution. As such, it has a basic right to life. Unfortunately, it is difficult to protect that right, because there are no guidelines addressed to this specific issue."

Medical trends indicate that abortion live births will continue. They may even become more frequent. For one thing, demand for late-term abortions is undiminished, and with the growing popularity of genetic testing to screen for fetal defects midway through pregnancy, educated and affluent women are now joining the young, the poor and the uninformed who have been, until now, the main groups seeking late abortions.

Furthermore, estimating the gestational age of a fetus in the womb—a crucial aspect of a successful abortion—remains an inexact art. In March, doctors at the Valley Abortion Clinic in Phoenix estimated that one woman was 19 to 20 weeks pregnant; days after she delivered not an aborted fetus but a 2½-pound, 32-week baby. It survived after two months of intensive care at a Phoenix hospital.

Finally, medical science in the past 10 years has greatly improved its ability to care for premature babies. Infants are becoming viable earlier and earlier. Those with a gestational age of 24 weeks and weighing as little as 1½ pounds can now survive if given the best of care.

So long as doctors perform abortions up to the 24th week of pregnancy (as is legal everywhere in the United States under the 1973 Supreme Court ruling), it is statistically certain that some of these borderline cases will turn out to be viable babies, born alive. It happened again last May in Chicago—a 19-to-20-week estimate, a live-born 2-pound baby boy.

By ignoring the problem of abortion live births, the courts and the medical establishment are choosing to overlook a long, well-documented history of cases: *January 1969,* Stobhill Hospital, Glasgow, Scotland: A custodian heard a cry from a paper bag in the snow beside an incinerator. He found a live baby. It was taken inside and cared for in the hospital's operating theater but died nine hours later. The infant's gestational age had been estimated at 26 weeks by the physician performing the abortion. It was actually closer to 32 weeks. No efforts were made to check for signs of life before the aborted baby was discarded. No charges were filed. Because the case had been written about in British medical journals, it was a matter of record—before abortion was legalized in this country—that such things could happen.

April 1973, Greater Bakersfield Hospital, Bakersfield, Calif.: A 4½-pound infant was born live following a saline abortion (induced by an injection of salt solution) performed by Dr. Xavier Hall Ramirez. Informed by phone, Dr. Ramirez ordered two nurses to discontinue administering oxygen to the baby. His instructions were countermanded by another doctor; the baby survived and later was placed for adoption. Ramirez was indicted for solicitation to commit murder. His attorney argued that a medical order based on medical opinion, no matter how mistaken, is privileged. Dr. Irvin M. Cushner of the University of California at Los Angeles, later to become a top health policy official in the Carter administration, testified that it was normal for Ramirez to expect the delivery of a dead or certain-to-die infant as the result of a saline abortion.

July 1974, West Penn Hospital, Pittsburgh: Dr. Leonard Laufe performed an abortion on a woman who contended she had been raped—though that and her account of when she became pregnant were later disputed. She had been turned down for an abortion at another hospital, where the term of her pregnancy was estimated at 26 to 31 weeks. Laufe put it at 20 to 22. The abortion, induced by an injection of prostaglandin, a substance that stimulates muscle contraction and delivery of the fetus, was filmed for use as an instructional film. The film showed the three-pound infant moving and gasping. Also, a nurse and a medical student testified that they had noticed signs of life. No charges were filed, however, after a coroner's inquest at which Laufe testified that the infant sustained fatal damage during delivery.

February 1975, Boston: Dr. Kenneth Edelin was convicted of manslaughter for neglecting to give care to a 24-week infant after a 1973 abortion at Boston City Hospital. Witnesses said Edelin held the infant down, constricting the flow of oxygen through the umbilical cord and smothering it. He was the first and only American doctor ever convicted on charges of failing to care for an infant born during an abortion. The conviction was overturned by the Massachusetts Supreme Court on the ground that improper instructions had been given to the jury. Edelin and his lawyer argued that he had taken no steps to care for the infant because it was never alive outside the womb.

March 1977, Westminster Community Hospital, Westminster, Calif: A seven-month baby girl was born live after a saline abortion performed by Dr. William Waddill. A nurse testified that Waddill, when he got to the hospital, interrupted her efforts to help the baby's breathing. A fellow physician testified that he had seen Waddill choke the infant. "I saw him put his hand on this baby's neck and push down," said Dr. Ronald Cornelson. "He said, 'I can't find the —— trachea,' and 'This baby won't stop breathing.'" Two juries, finding Cornelson an emotional and unconvincing witness, deadlocked in two separate trials. Charges against Waddill were then dismissed. He had contended the infant was dying of natural causes by the time he got to the hospital.

July 1979, Cedars-Sinai Medical Center, Los Angeles: Dr. Boyd Cooper delivered an apparently stillborn infant, after having ended a problem pregnancy of 23 weeks. Half an hour later the baby made gasping attempts to breathe, but no efforts were made to resuscitate it because of its size (1 pound 2 ounces) and the wishes of the parents. The baby was taken to a small utility room that was used, among other things, as an infant morgue. Told of the continued gasping, Cooper instructed a nurse, "Leave the baby there—it will die." Twelve hours later, according to testimony of the nurse, Laura VanArsdale, she returned to work and found the infant still in the closet, still gasping.

Cooper then agreed to have the baby boy transferred to an intensive care unit, where he died four days later. A coroner's jury ruled the death "accidental" rather than natural but found nothing in Cooper's conduct to warrant criminal action.

A common thread in all these incidents is that life was recognized and the episode brought to light by someone other than the doctor. Indeed, there is evidence that doctors tend to ignore all but the most obvious signs of life in an abortion baby.

In the November 1974 newsletter of the International Correspondence Society of Obstetricians and Gynecologists, several doctors addressed a question from a practitioner who had written in an earlier issue that he was troubled by what to do when an aborted infant showed signs of life.

One was Dr. Ronald Bolognese, an obstetrician at Pennsylvania Hospital in Philadelphia, who replied:

"At the time of delivery, it has been our policy to wrap the fetus in a towel. The fetus is then moved to another room while our attention is turned to the care of [the woman]. She is examined to determine whether complete placental expulsion has occurred and the extent of vaginal bleeding. Once we are sure that her condition is stable, the fetus is evaluated. Almost invariably all signs of life have ceased."

(Bolognese recanted that statement in a 1979 interview. "That's not what we do now," he said. "We would transport it to the intensive care nursery.")

In addition, Dr. William Brenner of the University of North Carolina Medical School suggested that if breathing and

movement persist for several minutes, "the patient's physician, if he is not in attendance should probably be contacted and informed of the situation. The pediatrician on call should probably be apprised of the situation if signs of life continue."

Dr. Warren Pearse, executive director of the American College of Obstetrics and Gynecology, was asked in a 1979 interview what doctors do, as standard practice, to check whether an aborted fetus is alive.

"What you would do next [after expulsion] is nothing," Pearse said. "You assume the infant is dead unless it shows signs of life. You're dealing with a dead fetus unless there is sustained cardiac action or sustained respiration—it's not enough if there's a single heartbeat or an occasional gasp."

These seemingly callous policies are based on the assumption that abortion babies are too small or too damaged by the abortion process to survive and live meaningful lives. That is not necessarily the case, though, even for babies set aside and neglected in the minutes after delivery.

A nursing supervisor who asked not to be identified told of an abortion live birth in the mid-70's in a Florida hospital. The infant was dumped in a bedpan without examination, as was standard practice. "It did not die," the nurse said. "It was left in the bedpan for an hour before signs of life were noticed. It weighed slightly over a pound.

The baby remained in critical condition for several months, but excellent care in a unit for premature infants enabled it to survive. The child, now 5 years old, was put up for adoption. The nursing supervisor, who has followed its progress, said she has pictures of the youngster "riding a bicycle and playing a little piano."

In the spring of 1979 two babies were born live, five weeks apart, after saline abortions at the Wilmington Medical Center. They were given vigorous care, survived and were later adopted. One had been discovered by a nurse, struggling for breath and with a faint heartbeat, after having been placed in a plastic specimen jar. The second was judged to be a live delivery and was given immediate help breathing.

A baby girl, weighing 1 pound 11 ounces, was born in February 1979 after a saline abortion at Inglewood (Calif.) Hospital. Harbor General Hospital, which is associated with UCLA and is fully equipped to care for premature babies, was called for help, but the neonatal rescue team did not respond. The infant died after three hours.

The Los Angeles Department of Health Services investigated and was told that there had been confusion over the baby's weight and that it reportedly showed poor vital signs. It was "very unusual for them not to pick up [an infant] of this size," Dr. Rosemary Leake of Harbor General told investigators.

The administrator of the New York abortion unit, asked what would be done for a live-born abortion baby, said, "The nurses have been trained in how to handle this. I'd like to think we would do everything to save it. But honestly I'm not sure."

These incidents together suggest that life in an aborted infant may or may not be recognized. If it is, supportive treatment may or may not be ordered.

Such incidents, when discovered, often provoke prosecutions. A few may seem something like murder at first blush. But on closer inspection the doctors' actions have been judged, time and again, not quite to fit the definition of a crime.

Nowhere was this more vividly shown than in the case of Dr. Jesse J. Floyd, who was indicted on charges of murder and criminal abortion by a grand jury in Columbia, S.C., in August 1975. The charges were the result of an abortion a year earlier of a baby that appeared to have a gestational age of 27 to 28 weeks. It weighed 2 pounds 5 ounces and lived for 20 days.

In October 1979 the state dropped its case against Floyd. County prosecutor James C. Anders later conceded in an interview that South Carolina's abortion law was of dubious constitutionality. "In the second place," he said, "I had a reluctant witness [the infant's mother]. That and the passage of time worked against me."

A detailed record was developed in the case, as part of a federal suit that Floyd brought against Anders in which he sought to block the state prosecution. The 20-year-old mother, Louise A., lived in the small town of Hopkins, worked at a military-base commissary and had plans to enroll in a technical college. Those plans made her unwilling to have the baby she was carrying, so she presented herself for an abortion at Floyd's office in July 1974. Court records indicate that she had been told erroneously by her hometown doctor's nurse that she was not pregnant, and that she only slowly realized that she was.

Floyd found her to be past the first trimester of pregnancy, and under South Carolina law that meant an in-hospital abortion would be required. There were delays in her raising $450 for the abortion and more delays in admitting her to Richland Memorial Hospital. She was injected with prostaglandin on Sept. 4 and expelled the live baby early on the morning of Sept. 6.

"I started having real bad labor pains again," Louise recalled in her deposition, "and finally my baby was born. I called the nurse. Then about four or five of them came in the room at the time. The head nurse came in the same time the other nurses came in and she told me did I know that the baby was a seven-month baby. I told her no.

"One of the nurses said that the baby was alive. They took the baby out of the room. He never did cry, he just made some kind of a noise.

The first doctor on the scene, paged from the cafeteria, was a young resident. She did not hesitate. On detecting a heartbeat of 100, she clamped and severed the umbilical cord and had the baby sent to the hospital's intensive care unit.

"It was a shock, a totally unique emergency situation, very upsetting to all of us," the doctor, who now practices in California, said in an interview. "Some people have disagreed with me [about ordering intensive care for an abortion live birth] but that seems to me the only way you can go.

"It's like watching a drowning. You act. You don't have the luxury of calling around and consulting. You institute life-preserving measures first and decide about viability later on."

Ten days after birth, the baby had improved markedly and was given a 50-50 chance of survival. Then he developed a tear in the small intestine and died of that and other complications on Sept. 26.

Louise A. never saw the child. She checked out of the hospital two days after the abortion and did not return. But she did show a passing interest in the baby's progress.

"I kept calling this nurse," Louise said in her deposition. "I would call . . . and get information from them about the baby, and they told me he was doing fine. They told me he had picked up two or three pounds. I started going to school, and one afternoon I called home and they told me the baby had died, but no one told me the cause of his death."

Floyd never saw the infant either. On the day of the abortion, his hospital privileges at Richland were withdrawn, and they have never been restored.

These circumstances presented prosecutor Anders with a difficult case. Floyd had had no physical contact with the live-born infant, nor was he issuing orders concerning its care. Nonetheless, Anders thought the doctor could be held responsible for the infant's death.

Anders pressed his murder charge using an old English common-law theory. Under this theory, willfully doing damage to a "vital" infant in the womb could be considered a crime against the fetus as a person. The abortion itself, Anders alleged, was an assault.

This line of argument is not entirely farfetched. For instance, a Camden, N.J., man was convicted of murder in 1975 after he shot a woman in the abdomen late in her pregnancy, causing the death of the twins she was carrying. But application of the theory to abortion had never been tested—in South Carolina or anywhere else.

South Carolina law in the mid-1970s prohibited third-trimester abortion unless two other doctors certified that the abortion was essential to protect the life or health of the mother. No such certifications were made for Louise. However, various Supreme Court rulings suggested that both the requirement of consultation with other doctors and the explicit definition of viability (as beginning in the third trimester) would make that law unconstitutional

Floyd's lawyers, George Kosko of Columbia. S.C., and Roy Lucas of Washington, also filed voluminous expert affidavits on the difficulty of estimating gestational age accurately. At worst, they argued, Floyd had made a mistaken diagnosis. What proof was there that he had intentionally aborted a viable baby?

District Court Judge Robert Chapman and the Fourth Circuit Court of Appeals agreed that the prosecution was based on flimsy evidence and should be blocked. However, the Supreme Court disagreed, in a ruling in March 1979, and suggested that judgment should be withheld on constitutional matters until the state prosecution had run its course. The way was thus cleared for Anders to proceed, but with witnesses dispersed, memories fading and the legal basis for prosecution still doubtful, Anders chose to drop the case.

Floyd, 49, continues performing first-trimester abortions at his Ladies Clinic, but the loss of hospital privileges and the damage to his reputation caused his surgical practice to collapse, he said.

The long legal proceeding also seems to have had a chilling effect on abortion practice throughout South Carolina, which Anders concedes was one of his intentions.

"The main thing is the dilemma it puts the other physicians in," Floyd said in an interview. "It's just about dried up second-trimester abortions in this state. I have to send mine to Atlanta, Washington or New York."

Asked about late abortions and the risk of live births, Floyd said he thought abortions performed through the sixth month of pregnancy create "a problem to which there isn't an answer. We probably need to move

back to 20 weeks. I would be reluctant to do one now after 20 weeks."

A similar case occurred about the same time in South Carolina, when Anders obtained a criminal indictment charging Dr. Herbert Schreiber of Camden, S.C., with first-degree murder and illegal abortion.

On July 18, 1976, a month after the charges had been filed, the 60-year-old doctor was found dead in a motel room in Asheville, N.C. A motel maid discovered the body slumped in a chair. Several bottles of prescription drugs were recovered from the room. Two days later the Buncombe County medical examiner ruled the death a suicide from a drug overdose.

Schreiber, who left no note, had pleaded not guilty to the charge of having killed a live baby girl after an abortion by choking or smothering her to death.

Comparing the Floyd and Schreiber cases, Anders found an irony: Schreiber "just reached in and strangled the baby," the prosecutor said his evidence showed. "I charged him with murder, and he committed suicide. If he had been willing to wait, he probably would have been OK too."●

ED DOWNEY HONORED BY THE ESSEX COUNTY, NJ GOVERNMENT

● Mr. LAUTENBERG, Mr. President, I am pleased today to recognize the accomplishments of Essex County, NJ, clerk of the Board of Elections for 25 years of service to Essex County.

Starting as an investigator, commissioner of registration and superintendent of elections, Mr. Downey advanced through the ranks to eventually become the commissioner of registration and superintendent of elections for the county of Essex, NJ. More recently, Ed was chosen to be the clerk of the Board of Elections for Essex County.

In these days when loyalty, diligence and job performance are not highlighted as often as needed, I want to cite Mr. Downey as an inspiration to young people who are about to enter the work force. Because of his outstanding service, the Essex County government is sponsoring a reception in his honor on Wednesday, April 16, 1986.

Mr. President, I am proud to join in honoring Ed Downey for his considerable accomplishments which have benefited many persons throughout the State of New Jersey. His efforts over the last 25 years stand as a testament to government which is both fiscally and socially responsible; government which works for the average American.●

NAUM AND INNA MEIMAN: SPEAKING OUT

● Mr. SIMON. Mr. President, today, I sent copies of past floor statements on Naum and Inna Meiman to the Soviet Embassy. It is essential that the Soviets understand the level of concern that we in the Congress express.

Yesterday's news conference with Olga Plam, Naum's daughter, Lisa Paul, the Meimans' young American friend and a number of Senators and Congressmen demonstrates the importance of the Meimans' case.

As Olga pleaded with the world to not forget those she left behind, I could not help but look around the room to see that Olga had moved us all. Lisa, the young women who went on a hunger strike to protest the Meimans' situation, made a brief statement which focused on the vitality of the Meimans. She broke into tears and could not continue.

The Meimans are beloved, old people who pose no threat to the Soviet state.

I urge the Soviets to grant the Meimans permission to emigrate to Israel.●

DAVID H. MALIN

● Mr. MATHIAS. Mr. President, leaders in every form of human endeavor are very rare. When their leadership is exercised in new fields and pioneering endeavors their loss is keenly felt.

This is certainly true of David Malin who died in Baltimore last Thursday. He was both a leader and a pioneer in the education of children with learning disabilities. He fully understood the great potential of such children and the necessity of recognizing their problems at an early age.

David Malin put his belief in children with learning disabilities to the test when he joined in the founding of Jemicy School. He was serving as director of the school at the time of his death.

Many young Americans who might have been shunted aside by the education system can now look forward to successful and fulfilling lives because of David Malin's work.

Mrs. Mathias and I share the sense of loss that is felt by all who know Jemicy School. We extend our sympathy to Mrs. Malin and to their son Michael.

I ask that an obituary that appeared in the Baltimore Sun on April 11, 1986 be printed in the RECORD.

The obituary follows:

DAVID H. MALIN DIES AT 45; WAS JEMICY SCHOOL DIRECTOR

A memorial service for David H. Malin, the director and one of the founders of the Jemicy School, will be at 11 a.m. Friday at the school, 11 Celadon Road in Owings Mills.

Mr. Malin, who was 45, died Thursday of cancer at his home in the 300 block of Northway. Graveside services were held yesterday at Beth Tfiloh Congregation cemetery.

In 1973, Mr. Malin was one of the founders of the school for children with dyslexia, an impairment of the ability to read. Originally called the School at Jemicy Farm, it moved from the farm to the quarters of the old Valley School shortly after its formation.

Earlier, he taught exceptional children in the Baltimore County school system, directed a model program for children with dyslexia in Prince George's County and taught in the Loyola College graduate program in addition to tutoring children privately.

He also served on the Governor's Commission for Dyslexia.

In 1983, he received the International Reading Association's Celebration of Literacy Award, and in 1973 was named an Outstanding Young Man of the year by the Baltimore Junior Chamber of Commerce.

Born in Baltimore, he was educated at the Talmudical Academy and City College. He earned a bachelor's degree at Towson State University and a master's degree at Loyola College.

He is survived by his wife, the former Judith Ann George; a son, Michael Malin, of Baltimore, and a brother, Jerald A. Malin, of Baltimore.

The family suggested that memorial donations could be made to the Jemicy School.●

THE TARGETED JOBS TAX CREDIT PROGRAM

● Mr. DOMENICI. Mr. President, I would like to bring to your attention the support and praise many New Mexicans have expressed for the Targeted Jobs Tax Credit Program. During a period of unprecedented Federal fiscal imbalance and consequent need to reduce spending, this job creation program is unique and welcomed. No expensive Government agency runs it. No excessive redtape lessens its effectiveness. Rather, the TJTC offers financial incentives in the form of tax credits to employers who hire a selected group of people who because of their age, education or other circumstances have a hard time getting a chance at a job. Let me say that I am an enthusiastic supporter of this job placement program.

The Targeted Jobs Tax Credit Program was implemented in 1978 to focus employment opportunities for groups in need of special incentives in order to be considered for employment, groups whose unemployment rates are traditionally above the national average.

The TJTC Program targets for employment of individuals from nine targeted groups. These groups are first, vocational rehabilitation referrals; second, economically disadvantaged youths age 18 through 24; third, economically disadvantaged Vietnam-era veterans; fourth, SSI recipients; fifth, general assistance recipients; sixth, economically disadvantaged cooperative education students age 16 through 19; seventh, economically disadvantaged former convicts; eighth, AFDC recipients and WIN registrants; ninth, economically disadvantaged summer youth employees age 16 or 17.

The credit generally equals 50 percent of the first $6,000 of qualified first year wages and 25 percent of the first $6,000 of qualified second year wages paid to a member of a target

group. Thus, the maximum credit is $3,000 per individual in the first year of employment and $1,500 per individual in the second year of employment, or a maximum credit of $4,500 over a 2-year period. With respect to economically disadvantaged summer youth employees, however, the credit is equal to 85 percent of up to $3,000 of wages, for a maxium credit of $2,000. The employer's deduction for wages must be reduced by the amount of credit.

New Mexico placed 4,121 of its citizens in jobs in 1985 through the targeted jobs tax credit and 3,766 in 1984. The largest percentage of these placements have been in the categories of disadvantaged youth enrolled in cooperative education programs, disadvantaged youth age 18 to 24, AFDC recipients and exconvicts. In addition, the TJTC has been particularly effective in providing summer employment for disadvantaged youth.

In 1981, the Senate voted 95 to 3 to extend the TJTC Program for 1 year as a result of a Senate floor amendment offered by myself and my distinguished colleagues Senator HEINZ, Senator DOLE, Senator LONG, and 29 others. The program was extended again for 2 years under the Tax Equity and Fiscal Responsibility Act of 1984 [TEFRA] and for an additional year by the Deficit Reduction Act of 1984.

I have been a cosponsor and active supporter of the targeted jobs tax credit each time it has been considered for authorization. This includes the Economic Recovery Tax Act of 1981, the Tax Equity and Fiscal Responsibility Act of 1982, and the Deficit Reduction Act of 1984.

The targeted jobs tax credit expired on December 31, 1985. A 2-year extension was included in the Tax Reform Act, H.R. 3838, which has passed the House and now the Senate Finance Committee is considering tax reform. Since drafting major tax legislation is time consuming, this period of uncertainty must be eliminated in the interest of maintaining continuity for the taxpayer.

This credit must be extended because the TJTC is simple, effective, and an easily understood private enterprise stimulus that works to reduce structural unemployment. Employers under the program will take a chance on the target groups regardless of the associated higher training costs and employment risks, thus the program operates effectively to create preferential hiring practices. Small businesses have used TJTC because of its simplicity. State employment agencies in almost every State support TJTC, and in certain States, 50 percent of the Job Services' placements are related to TJTC.

The program is cost effective, because it drastically reduces welfare assistance and unemployment compensation to targeted groups. Since people are leaving welfare roles to become taxpayers, the TJTC benefits society without increasing Government spending.

The TJTC is an outstanding jobs program, but is dying a slow death. It has been in a state of limbo since December 31, 1985. It is different from other programs in similar situations because it is more sensitive to this loss of time. Businesses and community agencies who have become used to using it as a placement tool for the handicapped and disadvantaged are losing interest and confidence. The State employment agencies are dismantling their TJTC vouchering and certification structure and laying off or transferring TJTC personnel. TJTC, one of very few successful, cost efficient partnerships between business and Government, is in danger of extinction. Therefore, I suggest that immediate action be taken.●

THE "IMPACT '86" SPEECH OF SENATOR CHILES

● Mr. NUNN. Mr. President, on April 14, Senator CHILES delivered a major policy speech to the National Conference of the American Academy of Pediatrics. His topic was infant mortality and what needs to be done to conquer a threat still so common in the United States, that we rank 16th in the world in the number of children who die in infancy.

It was a hard-hitting talk, laced with facts and remarkable for the plan of action it proposes to reduce our infant mortality rate. Senator CHILES described his bill, S. 2288, entitled "IMPACT '86, the Infant Mortality Prevention Act of 1986." The bill would allow States, through Medicaid, to provide prenatal care to pregnant women with incomes below the poverty level and to their infants.

It was Senator CHILES who made sure $100 million was included in the Senate's version of the first concurrent budget resolution to provide room for this legislation itself.

It's clear from these actions and others that LAWTON CHILES has become one of the Nation's authentic leaders in the fight against infant mortality. His speech is both a comprehensive assessment of the problem, and a strategic blueprint for action.

I commend it to my colleagues as the best statement I've read on one of the Nation's most damaging problems. I ask that it be printed in the RECORD.

The address follows:

REMARKS OF SENATOR LAWTON CHILES AT THE NATIONAL CONFERENCE OF THE AMERICAN ACADEMY OF PEDIATRICS

Thank you for your invitation. I'm very pleased to be with you today.

Some years ago, I was blessed with a miraculous grandson.

He was more than five months early, and weighed less than two pounds. Today, he's strong and healthy. And my family and I will always be thankful for the pediatricians and neonatologists who watched over him.

Still, I know in my heart—and his doctors agreed—there was something more in that boy that saved him. He came back to us even when his doctors told us his chances were all but gone.

We were fortunate to have the doctors with us. And we were fortunate for the unseen hand that saved him.

Yet others have met tragedy.

Today, we still hear—much too often—the echoes of this ancient Greek question: "Can you find in human life any greater suffering than to see your children dead?"

I know those are stark words. But they have been asked so often in this country by people from all walks of life.

Abraham Lincoln—murdered this day in 1865—lost an 11-year-old son to diptheria. Calvin Coolidge lost his son to a blood infection. And John Kennedy's son, Patrick, lived just 48 hours.

Even today in the United States—the richest and most advanced nation on earth—at least ten births out of every 1000 leave parents asking that same painful question: Is there any greater suffering?

Those stricken parents must live with the answer all their lives. But the rest of us have other questions to answer.

For example, why is it that the United States still ranks 16th on the list of infant mortality—on a par with Singapore?

Why is it that newborn black children are twice as likely to die in infancy as white children?

And why is it that despite improvements over the years, death rates for babies who survive the first month of life are rising?

Maybe it will never be possible to isolate a single cause. Certainly the evidence suggests that prenatal care for more mothers needs serious improvement. But for the third year in a row, the percentage of women not getting that care has increased.

And when the figures show that American infants of low-birthweight are 40 times more likely to die in the neonatal period than normal infants, we can't help but be alarmed by the persistently high number of low-birthweight infants born in the United States.

The physicians of this country have been able to work wonders over the last 25 years. The rate of infant mortality has fallen dramatically. Right here in Florida, we have gone from nearly 30 deaths per 1000 births in 1960 down to less than 11 in 1984.

The downward trend must continue. It seems to me that the path to follow is to bring the medical genius of the nation to more and more people. But around the nation, we seem to have run into a barrier that keeps proper care during pregnancy from the reach of too many women.

If we can't penetrate that barrier, the nation will pay a cruel price in lost lives and limited futures. The mothers without care will pay a price. The children who survive a difficult birth without access to good neonatal care will pay a price of their own.

And the nation will pay as well.

Children without proper nutrition and health care begin life with restrictions. Schooling becomes hard. Many drop out. The cycle of poverty takes over, leaving them out of the mainstream of American life. There seem to be more opportunities to go wrong than to move ahead. And the nation loses twice—in remedial, welfare, and

correctional costs—and in squandered minds.

I'm not saying there's a universal link between children who fail and the lack of good care for infants and mothers. But I do suggest that the more healthy children we can bring to life in this nation, the better the nation's life can be.

Last September, I proposed legislation in the Senate to create a National Commission to Prevent Infant Mortality. It would serve for just one year. And it would not try to reinvent the wheel.

The Commission's aim would be to review current state and federal efforts to prevent infant mortality. It would be charged to report legislative steps, to coordinate and improve on what's been done so far.

Medicine in this nation has worked wonders for so many. What we face now is the question of what can be done to help reach others in need.

In Washington, I serve as the ranking Democrat on the Senate Budget Committee. So, better than most, I recognize the limits the federal deficit imposes on spending choices.

The Administration's budget request for Maternal and Child Health would not even provide enough for the current level of service. Community health and migrant health programs would vanish into block grants at lower levels of funding. And the National Institute for Child Health would end up with $11 million less next year than it received last year.

Deficits forced those choices. And they are the wrong choices.

Poor families with meager resources try and make choices that will save them money in the future. They try and plan ahead—to put something away for the hardest times—but also to invest what they have to keep those hard times away.

The high level of infant mortality demands we make those same choices. We must act now to give our children and their mothers a better chance.

So as a parent, a grandparent, and as a member of the Budget Committee it's clear to me that preventive investment is essential at both the humane level, and at the financial level.

In March, we reported a budget in the Senate that includes room for a $100 million initiative in the Medicaid program. It would be used to target preventive health care service to low-income pregnant women and their infants.

The budget itself does not make the necessary changes in federal law to achieve the goal. But it would fence off the funds to help us begin.

In this time of budget austerity, we've got to work even harder to find ways to achieve long-range savings. Putting aside money for pregnant women and newborn children is that kind of investment. Inattention to these needs in the past has been costly. What we need is the small dose of prevention to avoid major spending on cures later—the kind of cures that would be necessary to help children damaged in infancy because they had no access to proper care.

I have seen compelling figures from right here in my own state about the value of investing in prevention.

On average, the cost of prenatal care in a normal pregnancy is around $600. But the cost of intensive care for a low-birthweight infant can be as much as $120,000.

Pediatricians do incredible work saving the newborn. But it seems to me there's a great deal more that must be done to safeguard the unborn. We must reach more and more pregnant women with better and better care to help them bring healthier babies into the world.

Last week, I introduced legislation to put the flesh on the bones of the budget initiative.

Let me tell you something about it.

I want to strengthen the Medicaid program so all low-income, pregnant women can have decent prenatal care. And their children—through the first year of their life—can have decent health care. Even if they aren't covered by health insurance. And even if they have incomes lower than necessary to pay for it. Our goal is to make this special maternity benefit available to all women with family incomes below the Federal poverty standard—a standard now set at about $8,800 for a family of three. We may have to start out on a smaller scale—targeting those with family incomes only one-half that amount.

If a state chooses to implement maternity coverage for this special group, the federal government would match their expenses at the same overall Medicaid rate, somewhere between 50 and 80 percent of the total cost.

Right now, Medicaid coverage is tied to state eligibility standards for AFDC. If an individual's income is low enough to qualify for AFDC, Medicaid's also provided.

In many states, however, the payment standard for AFDC is too low to bring health care insurance to the thousands of women and children who need it. And many of those are the same states with the highest levels of infant mortality. It's incredible when you realize that 20 States now do not even have a standard high enough to provide health care to pregnant women with incomes at half the poverty level.

The bill would require all health insurance coverage through Medicaid to be available solely on the basis of need, rather than tied to welfare.

Beyond that, the coverage wouldn't be dependent on accumulating large medical bills to qualify for Medicaid. As things stand now, a low-income woman has to show huge medical bills to qualify for the Medicaid program. This in itself discourages the woman from seeking crucial prenatal care because she can't afford the bill in the first place. The preventive guidance so important in early pregnancy never reaches her.

So those are the basic contours of what the plan would do. But no one knows better than you do that one bill or a specified amount of money will not solve all the problems.

It won't solve the problems of complicated pregnancies. It won't take care of the mother's pre-existing health conditions. It's not a cure all. But it's a firm step forward.

Obviously medicine can do only so much. Unwanted pregnancies among the young and unmarried, nutrition problems, and the prevalence of drugs are all threats to the life of the unborn child.

Nothing the federal government can do alone—nothing the state governments can do alone—can solve all the problems.

But the one thing that's clear is that no matter what we do, you're the ones who will make the difference. Your skills and lifetime dedication to giving children the best chance is the critical factor.

For 56 years, the American Academy of Pediatrics has held fast to its founding ideals: helping children attain their full potential for physical, emotional and social health.

During my 15 years in the Senate, you have worked hard to push forward research and learning on maternal and child health, biomedical research and child nutrition.

Your advice has helped children make progress. Your initiative has made policy makers see the light. And your imagination and persistence can help us all see the future. I am grateful to all of you—to our own pediatricians in Florida and those of you from all throughout the country—for your leadership.

So, I'm not here to lecture. I only want to make it clear that the work you do has willing allies throughout society.

Louis Pasteur once described two contrary laws he saw at work in the world. One was the "law" of the battlefield and death. The other was the law of peace and health.

Of the second law, Pasteur wrote that science must try, "by obeying the law of humanity, to extend the frontiers of life."

It is this law you have sworn to uphold. It is the law of the children. And it is the law of hope for all of us.

Thank you very much.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. NICKLES. Mr. President, I am proud to be a participant in the 1986 Congressional Call to Conscience. This program highlights the plight of Soviet Jews. Today, I would like to call attention to one woman's plight. It is the case of Nadezhda Fradkova.

Nadezhda, who is now 39, first applied for permission to emigrate to Israel in 1978. The reasons given for her denial reveal the lack of good faith on the part of the Soviet authorities. They maintained that she could not be allowed to emigrate because her father had access to State secrets. In reality, her parents divorced when she was an infant, and Nadezha has never met her father.

To protest the continued denial of her right to emigrate, Nadezhda resorted to the only weapon at her disposal, the hunger strike. She began several during 1983 and 1984. However, each time she began a hunger strike, she was forcibly taken to a hospital where she was force-fed.

Despite her advanced science degrees, Nadezhda was refused all but the most menial work. In 1984, she was arrested and charged with parasitism although she had tried unsuccessfully to find employment. She was harassed by the police and the KGB in the process. The subsequent treatment she received was horrendous.

Nadezhda was checked in and out of psychiatric institutions. Whenever she tried to register complaints about her treatment by waging hunger strikes, she was force-fed. She spent periods in complete isolation. To break her spirit, she was injected with massive dosages of drugs which left her paralyzed and barely conscious.

Following her stay in the psychiatric hospital, Nadezhda was transferred directly to a labor camp. She has been denied visitation rights. No word has

been received from her since she was taken there.

As Americans, we must stand up and take notice of the injustice that is being perpetrated against our fellow human beings. We must not turn our backs on the suffering of countless Soviet Jews. Anatoly Shcharansky is free, but there are many like him who were left behind. This country was founded on the premise that no one should be oppressed or persecuted because of his or her religion. I call on the Soviet Union to give religious freedom to its Jews and other religious denominations, and to let Nadezhda Fradkova go free.●

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. We are still in morning business.

Mr. MELCHER. Mr. President, I ask unanimous consent that morning business end.

The PRESIDING OFFICER. Morning business is closed.

ELECTRIC CONSUMERS PROTECTION ACT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 426) to amend the Federal Power Act to provide for more protection to electric consumers.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1790

Mr. MELCHER. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1792

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 1792.

Add the following new section to S. 426 at the end thereof:

Sec. (—.) Section 211(c)(2)(B) of the Federal Power Act is amended by adding before the period the following: "provided, nothing in this subparagraph shall prevent an application for an order hereunder to be filed prior to termination or modification of an existing rate schedule, provided that such order shall not become effective until termination of such rate schedule or the modification becomes effective."

Mr. MELCHER. Mr. President, I thank the distinguished manager of the bill, the Senator from Idaho, the chairman of the Energy Committee, and the distinguished Senator from Louisiana, the ranking member of the Energy Committee, for their patience and cooperation.

I think with this amendment we have taken a step forward, to partially correct the inadequacies that some of the public utilities and small privately owned utilities find themselves in on dealing with the opportunity for applying for wheeling orders.

That was my goal and without the cooperation of the two distinguished Senators it would have been very difficult, probably impossible, to obtain.

I appreciate the cooperation of the distinguished Senator from Kentucky in examining the amendment and participating in its drafting.

I hope the amendment can be accepted.

Mr. FORD. Mr. President, I wish to ask the distinguished chairman of the Energy Committee and manager of the bill a question or two. Will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. FORD. It is my understanding that this amendment deals only—and I repeat, only—with the ability of a utility to file an application for wheeling prior to the termination of a rate schedule. It does not authorize any wheeling order to be issued and go into effect in violation of section 211(c)(2)(B). It does not provide a basis for termination of a rate schedule.

The only thing this does is clarify that an applicant does not have to wait until a rate schedule actually terminates before filing.

Mr. McCLURE. Will the Senator yield?

Mr. FORD. Yes.

Mr. McCLURE. The Senator is perfectly and absolutely correct. This is only a procedural clarification that an application can be filed prior to a rate schedule terminating. No wheeling order could go into effect until the rate schedule on file is terminated pursuant to its terms and by order of FERC. This is not an opportunity to abrogate contracts and rate schedules.

Mr. FORD. Mr. President, I would like to ask the distinguished floor manager an additional question. May I inquire as to whether this provides any modification or change to the standards under section 206 or 205?

Mr. McCLURE. Will the Senator yield?

Mr. FORD. Yes.

Mr. McCLURE. Absolutely not. The same standards and criteria which apply now would continue to apply.

Mr. FORD. I thank the distinguished Senator for answering my questions and entering into the colloquy. I have been able to learn how to count tonight.

Mr. McCLURE. Mr. President, I want to underscore what was just said. The standards, the criteria, the procedure by which a termination is sought or a modification of a rate schedule under section 205 or 206 are changed in absolutely no way, with the single exception of it being in order to file application for wheeling before the termination or modification of a rate schedule. It does not affect the substance, it affects the time.

Second, it should also be clarified absolutely in the RECORD at this point that this amendment does not change the standards, the process, the criteria, by which a wheeling order is judged or processed. Those are absolutely unaffected and would go in every respect as existing law, with the single exception that a wheeling order could be applied for while a rate schedule was in effect and prior to the termination or modification of that rate schedule. But there is no interrelationship between the wheeling and the modification or termination which are separate issues under separate provisions of the law.

I am happy to yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, let me say I agree totally with my colleague, the distinguished chairman of the Senate Energy Committee. He is right that this makes no substantive change. The rules of the road, in effect, are not changed at all. Indeed, I wonder, there must be some hidden significance of this amendment, because it seems as though it is much ado about nothing for this many hours of working with the Senate. Nevertheless, we will not object to it largely because we think it has very little effect. It simply allows you to make the application a little earlier than you otherwise could and that is, I believe, all that it does. The wheeling order, if it were granted, could not take effect until after the termination took effect or until the modification was ordered. So, Mr. President, we will not object to the amendment.

Mr. McCLURE. Mr. President, I certainly agree with the statement of the Senator from Louisiana with respect to the effect of this amendment. And I also want to add further that a utility can request a wheeling order which is contingent upon obtaining a modification of a rate schedule. The fact that the modification is requested and granted, however, only would permit a wheeling order for the amount of power which was freed up by the modification. In effect, section 211(c)2(b) would no longer apply to that increment, although it would con-

tinue to apply to any energy which continues to be provided under the modified rate schedule on file.

Mr. President, I would ask the Senator from Montana if it is not his understanding that the discussion that we have here with respect to the effects of the amendment are correct.

Mr. MELCHER. Yes, the discussion which I have listened to with attention between the Senator from Kentucky, Senator FORD, and the distinguished chairman and Senator JOHNSTON from Louisiana is my understanding of the purpose of the amendment.

I might say that, in the narrow context that we sought some relief for the captive public utilities or the captive small utilities, it is a small step forward. And that is what we sought to do. And while it may appear to have been only a small step, that is exactly what it is. It is a small step. But I am very pleased we were able to reach this agreement and I thank again my colleague.

Mr. McCLURE. Mr. President, I would say the amendment is acceptable to the manager of the bill on this side of the aisle and I think the Senator from Louisiana has indicated it is acceptable to him as well. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1792) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, it is my understanding the Senator from Montana has no further amendments to offer to the bill.

Mr. MELCHER. If the Senator will yield to me, the Senator is absolutely correct. I have no further amendments to offer.

Mr. McCLURE. Then I will say to all Members that there are no further amendments to be offered or considered. There are a couple of procedural matters and some colloquys to put in the RECORD at this time. It will be my intention, then, if it is agreeable with the majority leader, to complete all action up to the third reading of the bill and the rollcall for the third reading of the bill and ask that the rollcall occur tomorrow.

Mr. HATFIELD. Mr. President, I have serious concerns about the environmental consequences of an amendment adopted last Friday. In an attempt to mitigate the effects of the PURPA provisions of the bill on those individuals or groups who have made substantial financial investments and commitments in small hydro projects, the language grandfathers many projects that could create problems for the rivers of this country. It could affect fisheries, water and stream flows, animal habitats and certain plant species. This is an unfortunate result from a noble gesture. We must find a solution. Does the manager agree that the language adopted to section 10, grandfathering applications, creates potential difficulties for the environmental community?

Mr. McCLURE. Yes; I do.

Mr. HATFIELD. Given the lateness of the hour and the press of the legislative schedule, it appears impossible to craft an acceptable amendment to resolve this issue. I would ask the assurances of the managers of this legislation that this specific problem can be addressed during conference. So I ask: Is it your understanding that reasonable efforts will be made to correct this perceived problem in conference?

Mr. McCLURE. That is correct.

Mr. HATFIELD. It is this Senator's opinion that we should work toward a resolution which would limit the grandfather to, first, those projects that have been accepted for filing prior to the enactment of this legislation, or second, those that the license applicant has demonstrated to the satisfaction of FERC that the requirements under the second stage of consultation set forth in FERC's prefiling consultation requirements have been adequately met. This, of course, assumes that there is an understanding that certain accommodations must be made for applications submitted prior to the implementation of FERC's new prefiling consultation requirements. Is it the manager's belief that such a structure may be a possible resolution to this controversy?

Mr. McCLURE. Yes, every effort will be made to resolve this issue; and I will work with you in the conferences to address the legitimate environmental concerns which have been raised.

Mr. MURKOWSKI. Mr. President, I would like to clarify the intent of the amendment made by section 3 of the pending bill to section 10(a) of the Federal Power Act by directing an inquiry to a principal sponsor of the bill, the distinguished Senator from Wyoming, and to my distinguished colleague from Washington State who has been of great assistance in developing this bill. I raise this inquiry because I believe there will be situations, including many in my own State where there has not yet been a lot of hydroelectric or other river development, where enhancement measures may not be appropriate. I am simply seeking assurance that this amendment cannot be read to require enhancement measures in every case without exception; but rather that the intent is simply to assure that enhancement measures are considered when such measures are appropriate and justified taking into account all of the site-specific economic and environmental circumstances.

Mr. WALLOP. I would like to give the Senator from Alaska those assurances since it is also my understanding that the intent of this provision is to ensure that the FERC considers fish and wildlife enhancement measures, adopting them where appropriate when they can be environmentally and economically justified given the scope of the project and the nature of the affected environment.

Mr. MURKOWSKI. Senator EVANS, can you confirm my understanding that the adjective "adequate" as used in the amendment made by section 3(a) qualifies the terms "mitigation" and "enhancement" as well as the term "protection," so that revised section 10(a) of the Federal Power Act will ensure that a license issued under the act will provide for adequate protection, adequate mitigation, and when appropriate and justified, adequate enhancement of fish and wildlife, given the scope of the project and the nature of the affected environment.

Mr. EVANS. The Senator from Alaska is correct. In pertinent part, section 10(a) of the Federal Power Act, as amended by S. 426, requires an applicant to include such provisions as, in the judgment of the Commission, are best adapted to the comprehensive development of water resources, including the adequate protection, mitigation, and enhancement of fish and wildlife. The provision imposes on a project applicant responsibility to protect, mitigate, and enhance fish and wildlife only to the extent these resources are affected by the development and operation of the project or projects in question.

Mr. McCLURE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. McCLURE. Mr. President, I believe, before we are ready to go to final passage, the committee amendment, as amended, must be adopted.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I move the committee amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the rollcall vote on final passage of S. 426, the hydroelectric bill, occur at 11:30 a.m., on tomorrow, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on final passage of S. 426.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR THURSDAY

RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 10 a.m., on Thursday, April 17, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Following the recognition of the two leaders under the standing order, I ask unanimous consent that the following Senators be recognized for not to exceed 5 minutes each for special orders: Senator HAWKINS, Senator CRANSTON, Senator WILSON, Senator DIXON, Senator ROCKEFELLER, Senator BINGAMAN, Senator CHILES, Senator LEVIN, Senator RIEGLE, Senator BAUCUS, Senator GORE, and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, as just agreed to, the vote on final passage will occur at 11:30 a.m. Immediately following the vote it will be the intention of the majority leader to turn to S. 1923, the Bankruptcy Judges bill.

I understand that might be completed in 2 or 3 hours. There are amendments. I understand there are no objections to taking it up.

We have completed action on the Federal Deposit Insurance Act; on the extensions.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator is quite right in his request.

The majority leader.

Mr. DOLE. I thank the Chair.

Following the bankruptcy bill, I hope we can complete action on the technical amendments to the crime bill.

So there will be rollcall votes tomorrow. I hope we are not in too late tomorrow evening.

If we can complete action on these items, I think I can assure Members there will be no votes on Friday. If we are in session, maybe we can lay down the budget resolution, or lay something down, and have opening statements.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

I hope that the Senate can complete action on the measures which have been identified by the distinguished majority leader.

I hope we would then be able to call up the budget for opening statements, at least.

Mr. DOLE. Mr. President, I say to the minority leader that I am not certain we will call up the budget. We have a meeting scheduled for, I think, around noon on Friday with the Speaker to discuss the budget.

I have written a letter to the Speaker, for myself and Congressman MICHEL, and asked him to meet with the two of us, along with Senator DOMENICI, and Senator HATFIELD.

That meeting probably will not take too long. But in any event, I think there are a number of Members asking about votes on Friday.

We are almost certain that there will be no votes. I think we will be in a position, hopefully, by 1 o'clock tomorrow to affirm that.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. DOLE. Mr. President, I apologize to the Member on this side who indicated earlier that he would not be available for the 11:30 vote. He will not be available until around noon. It may be that tomorrow morning, if nobody else objects, we might slip that vote to 11:45, or to 12 noon. But I will wait until tomorrow morning.

Mr. BYRD. I thank the majority leader.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order just entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to, and at 11:03 p.m., the Senate recessed until tomorrow, Thursday, April 17, 1986, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 16, 1986:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

James C. Fletcher, of Virginia, to be Administrator of the National Aeronautics and Space Administration, vice James Montgomery Beggs, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate April 16, 1986:

FEDERAL TRADE COMMISSION

Daniel Oliver, of Connecticut, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1981.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

KILDEE HONORS CALVARYMEN QUARTET'S 30TH ANNIVERSARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. KILDEE. Mr. Speaker, today I would like to bring to the attention of my colleagues and the Nation a recognition ceremony that will be held Saturday, April 19, in Flint, MI, honoring the Calvarymen Quartet. The nationally renowned gospel group is being honored in conjunction with the celebration of its 30th anniversary at Flint's beautiful Whiting Auditorium.

The Calvarymen Quartet, also known as "Michigan's Ambassadors of Goodwill," began their career in 1956. Since that time they have recorded over 30 albums and have traveled almost 2 million miles singing and performing in 42 States and in three different countries. The group, consisting of Mr. Chuck Glasco, Mr. Jim Glasco, Mr. Dan Grimshaw, Mr. John Grimshaw, Mr. Bruce Hooker, and Mr. Irv Waddlington, has been extremely generous in donating their time and talents for special causes. They have benevolently performed in prisons, high schools, telethons, and in many other charity programs. Through the international language of music, the Calvarymen have spread joy and goodwill to many different audiences of greatly diverse backgrounds and nationalities. The group has given freely of their talents and has served to inspire and uplift the human spirit of those who have witnessed their finely tuned skills. The people of the Seventh Congressional District of Michigan are very proud and honored to claim the Calvarymen as their own.

Mr. Speaker, I would urge my colleagues to join me in paying tribute to the Calvarymen in recognition of 30 outstanding years of dynamic community leadership. I would like to congratulate these ambassadors of goodwill and offer my sincere best wishes for future success.

A TRIBUTE TO HAROLD A. HAUTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Ms. KAPTUR. Mr. Speaker, as a Member of Congress, I have the privilege of representing nearly one-half million people. This job has many challenges and many rewards. One of the greatest pleasures is knowing people like Harold A. Hauter.

Next week in my district, Harold Hauter is being honored at a State of Israel Bonds Tribute Dinner. Beyond the work Harold has done for the State of Israel, he is also being recognized for a long and distinguished career in the labor movement.

Harold is retiring this year as executive secretary and treasurer of the Maumee Valley District Council of Carpenters. But Harold has been more than just a respected and influential labor leader in northwest Ohio, as is evidenced by this Israeli Bonds Dinner. For me, Harold has always been an adviser, supporter, and above all, a friend. His word has always been his bond. Throughout my time as a public official, I have been fortunate to have the steady, insightful, and reassuring counsel of Harold Hauter.

Though I know our community will miss him as an active union official, I am certain his wisdom will still be heard even in retirement. I know that I will always rely on Harold when I need a straightforward, honest assessment of a particular concern facing our area or the Nation. Because of Harold's dedication to his trade union, I am confident he has layed a solid foundation for an even brighter future for our local carpenters. He has built his union with the same skills and pride he utilized on the job site.

To Helen, his lovely wife of 39 years, his children and grandchildren, I say on behalf of the entire Ninth District, thank you for sharing Harold with us. He has made a difference in his union. his church, his community, his State, and his Nation. Harold has helped make life better for others at home and abroad. What greater tribute can be made.

I know my colleagues in the House of Representatives join me in congratulating Harold on being recognized by the State of Israel and wish him well in retirement. Harold Hauter deserves only the best.

A HIBAKUSHA'S PLEA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GREEN. Mr. Speaker, yesterday I was honored by the visit of Mr. Senji Yamaguchi, a survivor of the bomb dropped by the United States on Nagasaki.

Mr. Yamaguchi, though scarred by the effects of the bomb, did not come to speak about himself; he came to speak out for a comprehensive test ban. It is a message he has carried around the world, including the Soviet Union. Since we will soon be debating and voting on an amendment to cut off funds for nuclear testing, thereby imposing a comprehensive test ban, I would like to enter into the RECORD a copy of a statement brought by Mr. Yamaguchi.

This statement, drafted by the primary advocacy organization for Hibakusha—atomic bomb survivors—calls on the United States to stop nuclear testing and take this important step toward insuring "no more Hibakusha." It is a message I strongly endorse and I urge my colleagues to read the following statement:

STATEMENT ON THE NUCLEAR TEST AT NEVADA

(By Nihon Hidankyo)

On April 10, in Nevada, USA, a nuclear test was purposefully carried out, contrary to world public opinion which has demanded the abolishment of nuclear weapons. We "Hibakusha (Atomic Bomb Survivors)," cannot help having profound grief and anger about this test.

The United Nations has proclaimed this year the "Year of Peace" and world public opinion has sincerely asked for the prevention of nuclear war and the elimination of atomic weapons.

Last year, on the 40th anniversary of Hiroshima and Nagasaki, Nihon Hidankyo (Japan Confederation of A- and H-bomb Sufferers Organizations) set delegations to five nuclear power nations, and requested each leader to abolish nuclear weapons. Since then Mr. Gorbachev, Secretary General of the Soviet Union, has proposed the elimination of atomic weapons. A U.S.-Soviet summit meeting was fulfillment of the Hibakusha's hope of "no more 'Hibakusha.'"

This U.S. resolve to test nuclear weapons crushes our hope.

Today, upon the departure of a "Hibakusha" delegation to speak in various U.S. cities, we strongly urge that the U.S. government deeply reflect upon this nuclear test, and begin making every effort to conclude an international agreement abolishing nuclear weapons.

Furthermore, we also request the Soviet Union not to resume their nuclear testing as a reaction to the irrational U.S. nuclear test.

NATIONAL DIABETES MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. HOYER. Mr. Speaker, my colleague, Congressman ALAN B. MOLLOHAN of West Virginia, and I are introducing a joint resolution to designate the month of November 1986 as National Diabetes Month. I am greatly pleased by the opportunity to introduce this laudable resolution for the fourth consecutive year.

The continuing battle against diabetes has yielded significant and impressive advances in basic and clinical research aimed at prevention, diagnosis, and treatment of those who have this disease. However, much more remains to be done.

Eleven million Americans suffer from diabetes. It is most distressing that a sizable portion of the victims of diabetes do not even know of their illness. The friends and families of those with this disease—literally tens of millions of Americans—are personally and often tragically affected by the consequences of diabetes on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their loved ones. As a result of diabetes, we spend more than $14 billion each year on health care, disability payments, and premature mortality costs.

Diabetes and related health complications affect many bodily functions and organs. The lasting effects of such complications are quite severe. Among the problems detailed by the National Diabetes Report Groups are:

Diabetes causes almost 50 percent of foot and leg amputations among adults;

Diabetes is a leading cause of new cases of adult blindness and of kidney failure;

Diabetes is a major cause of birth defects and infant mortality;

The United States ranks among the five nations with the highest incidence of diabetes-related mortality;

Diabetes is a major cause of cardiovascular disease;

Persons with diabetes spend twice as many days in hospitals as persons without this disease;

Diabetes, which is the fourth leading cause of visits to general and family practice physicians, places a severe drain on our Nation's health resources;

And insulin-dependent diabetes afflicts 1 in every 600 children.

Diabetes is particularly prevalent among Hispanic-Americans, native Americans, black Americans, and women. Indeed, women are victims twice as often as men and blacks are victims twice as often as whites.

Mr. Speaker, by designating November 1986 as National Diabetes Month, this Congress can focus the attention on the American people on the human and economic costs of diabetes. I am personally aware of the consequences of diabetes, in general, and, sadly, juvenile diabetes, in particular. An increased understanding of this disease—by those directly affected and by others—might lead to greater research efforts, improved methods of preventing serious complications, new methods of treatment, and general awareness of the challenge we must face in treating and finally eliminating diabetes.

I sincerely urge the speedy adoption of this joint resolution. In addition, I would like to acknowledge the superb role performed by the American Diabetes Association in seeking the prevention, detection, and treatment of diabetes.

H.J. RES. 602

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas diabetes with its complications kills more people than any other disease cancer and cardiovascular disease;

Whereas diabetes afflicts 11,000,000 Americans, of whom 5,000,000 are not aware of their illness;

Whereas diabetes costs the Nation more than $14,000,000,000 annually in health care costs, disability payments, and premature mortality costs;

Whereas up to 85 percent of all cases of non-insulin dependent diabetes may be prevented through greater public understanding, awareness, and education;

Whereas diabetes is particularly prevalent among black Americans, Hispanic Americans, native Americans, and women; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, incidences of which may be reduced through greater patient and public education about diabetes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1986 is designated as "National Diabetes Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

TOWARD A STRONGER DEFENSE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 15, 1986 into the CONGRESSIONAL RECORD:

TOWARD A STRONGER DEFENSE

Most Members of Congress would agree that major improvements are needed in the way we formulate our national security objectives, organize our military establishment and acquire our weapons. The U.S. defense effort is an enormous and complex enterprise, which poses unique challenges in planning for an uncertain future in a dangerous world, responding to security threats, and applying our technological and industrial capabilities and resources. Several reforms are needed for a stronger defense.

DEFINING SECURITY OBJECTIVES

The national debate on defense usually centers on how much should be spent, rather than on what is purchased, why it is needed, and how well funds are spent. There is no sound system whereby the President and Congress agree on strategic objectives, a military strategy to carry out the objectives, and necessary funding in the context of our overall economy and other competing claims for resources.

A root cause of our defense spending problems is the absence of clear guidance from the top about where and how America should be prepared to fight. If we don't know what we want to do, we can't plan how to do it. The task is to get the defense debate, which is always lively and sometimes acrimonious, to focus more on strategy, operations and force structure needed for the national security. Defense planning should begin with a comprehensive statement of objectives and priorities. Multi-year budgets should reflect a clear military strategy to achieve the objectives. The temptation has been to embrace an ambitious, global strategy that amounts to little more than the total demands of all of the armed services. My sense is that our military forces are asked to do too much in too many places with too little. U.S. forces are simply stretched too thin.

The defense debate in recent years has been less about defense than about the size of the defense budget. We have avoided tough choices among strategies and weapons, seeking to have them all. I am encouraged that, with budgets getting tighter, the terms of the debate are changing. Both those who favor more money for defense and those who favor less must speak precisely to the strategic consequences of their views.

MILITARY ORGANIZATIONS

There is growing doubt in the Congress whether our military forces, as currently structured, can adequately respond to a broad spectrum of threats, ranging from low level warfare to an extended war. The problem is not funding, but organization. My view is that the Defense Department's present organization is not well adapted to the challenges that confront us.

The integrated battlefield is a military reality. Modern warfare requires cooperation among the services and integration of command. The President needs military advice that better integrates the views of the nation's combat commanders. A former Defense Secretary complains that Joint Chiefs of Staff (JCS) recommendations are "designed to protect the institutional interests of each of the separate services." The JCS chairman lacks authority to mediate service rivalries or to articulate a national strategy. He does not even control the joint staff. Today he has only the power of persuasion, and disputes are often left unsettled. If the Navy wants one plane and the Army wants another, the Joint Chiefs are apt to approve both. One proposed reform would designate the JCS chairman as the principal military advisor to the President. Another would give our warfighting commanders a greater say in military planning and resource allocation. I favor both reforms.

DEFENSE ACQUISITION

The defense acquisition system is the largest business enterprise in the world, with annual purchases by the Defense Department of almost $170 billion, and 165,000 employees to manage it. It involves 15 million contract actions each year. This system has basic and severe problems. Our weapons cost too much, take too long to develop, and are often obsolete by the time they are in the field. A spate of horror stories—overpriced spare parts, test failures, cost and schedule overruns—has prompted Members of Congress to ask what can be done to end these practices. They point out, for example, that private industry can develop a multi-billion dollar program, such as a satellite or a transport airplane, in half the time and at less cost than it takes the Pentagon to develop a comparable military system. The public has been deeply distressed that billions of defense dollars have been wasted. Fundamental changes are needed at all levels of the weapons procurement process.

Common sense is the key element in a successful acquisition system. Under the present system, it appears that no one is in charge. One official, should be appointed with full responsibility for all acquisitions. Extensive testing must be done well before production decisions are made, and those who design a new weapon should not be responsible for testing it. Weapons that appear too costly should be stopped outright. Where commercial items are available, the Pentagon should not insist on customized products. The Pentagon should follow the buying practices of major private corporations, stressing quality and proven performance as well as price. The costs of weapons must be determined accurately. Today contractors are allowed to obtain long-term procurements with unrealistic price projections. Contractors should also bear some financial responsibility for cost overruns. Competitive bidding should be used whenever possible. I am impressed by the relentless consistency with which the Pentagon and industry resist competition. Awarding contracts to at least two compa-

nies, known as dual sourcing, could also save money. The Pentagon's buying process is overstaffed; many of them could be released without any apparent risk to national security.

The real challenge is to reform the way the military spends its billions. If the Pentagon squanders money on expensive weapons, it will squander the public support that is crucial for defense. If we can dispel the climate of waste and mismanagement, defense will not only have more money, but it will also have more fighting strength.

KNOW YOUR COUNTRY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GEKAS. Mr. Speaker, members of the Pennsylvania International Heritage Society have been part of the national effort over the past few years to raise funds to refurbish the Statue of Liberty. On Saturday, April 19, 1986, the society will host a fundraising dinner at St. Ann's Church in Steelton, PA. The theme for the dinner is "Know Your Country." Proceeds from the dinner will go to the Statute of Liberty Fund.

Mr. Speaker, I bring this to the attention of my colleagues not only because I want to shed light on the hard work and efforts of the Pennsylvania International Heritage Society on behalf of our lady of liberty, but also to recognize another very special lady for whom the dinner has been dedicated—Mary Barnum Bush Hauck.

Mary Barnum Bush Hauck has dedicated her entire life to the music world as an educator, instructor, piano manual writer, and organizer of folk festivals for the Harrisburg area. Mrs. Hauck received her musical education from both private instructors and from Miss Thomas' School of Public School Music in Detroit, MI. She went on to teach music in public schools at Mechanicsburg and Hershey, PA, specializing in class piano methods.

Over the years, Mrs. Hauck gave demonstrations and acted as a musical consultant in 28 States for the Theodore Presser Music Publishing Co. in Philadelphia. Also during her distinguished music career, she wrote a class piano manual and conducted piano studies in the Lancaster and Harrisburg areas. She was appointed State supervisor of music, director of folk festivals, education and recreation program, work projects administration.

Accomplishing all of these activities would seem to be enough to satisfy most of us in a lifetime, but for Mrs. Hauck the list continues. Her extensive work with folk festivals is equally noteworthy. She conducted folk festivals throughout Pennsylvania since 1936 and was the originator of the Dauphin County Folk Council, conducting annual folk festivals from 1936 through the early 1960's. Her work also included compiling written material on the origin of American holidays, American folk tunes, and Pennsylvania folklore.

I would like the record to reflect my own personal pride in the accomplishments of Mary Barnum Bush Hauck, our constituent and lifelong friend from Harrisburg, PA.

ONE HUNDRED AND TWENTY YEARS IN DEFENSE OF ANIMALS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GREEN. Mr. Speaker, the 120th anniversary of the American Society for the Prevention of Cruelty to Animals is being celebrated this month. I would like to bring to the attention of my colleagues the fine work that this organization has done by including in the RECORD an article by ASPCA president, John Kullberg.

The article follows:

ONE HUNDRED AND TWENTY YEARS IN DEFENSE OF ANIMALS

In the mid 1800s an American diplomat on assignment in Russia witnessed a cruel beating of a horse. The poor creature had fallen while trying to pull a heavily loaded cart up a steep, cobblestone grade. Rather than show compassion, the driver became enraged and repeatedly and forcefully whipped the helpless animal. The witness to this not-too-unusual occurrence was Henry Bergh, then America's legate to the Czar's court at St. Petersburg. Overwhelmed at how insensitive basically decent people can be to captive animal suffering, Bergh was determined to awaken in society a humane ethic that would encompass all creatures. Abruptly resigning his ambassadorial assignment, he returned to his home in New York City and, on April 10, 1866, founded the first humane society in America, aptly named The American Society for the Prevention of Cruelty to Animals [ASPCA].

The ASPCA is most commonly identified as a principal caretaker of New York City dogs and cats. And for good reason: Through its New York City animal shelters, adoption centers, pet registration efforts, lost and found offices, hospitals, spay/neuter clinics and pet behavioral consultation programs, the ASPCA directly cares for more dogs and cats each year than any other humane Society in the country.

But the ASPCA was founded as a national animal protection organization, and its earliest efforts were more typically directed toward remedying the mistreatment of nineteenth century horses. In contrast to today, the Society's first annual report made no reference to companion animals at all. Rather, the ASPCA of 1866 was involved with nationwide legislative efforts, sheep and calves, poultry, sea turtles, horse and cattle grain adulteration, horse-drawn carriages, animal transport, animal fighting and animals used for laboratory research.

Henry Bergh spoke glowingly of the rights of animals long before that term became fashionable in the last decade. Among other noteworthy attributes, a study of Henry Bergh's early writings shows him to be an antivivisectionist, a vegetarian and a pre-cursor of Schweitzer in his reverence for all life. By any measure Bergh is the patron saint of those committed to aggressive leadership in defense of animals.

Since the ASPCA was in its earliest days so strongly identified with horses, and is today so much identified with dogs and cats, a look at recent ASPCA efforts with regard to these three great species is helpful in demonstrating how much further we still have to go before ethical values benefiting all species become socially prevalent.

Wild horses: The ASPCA's historic efforts in defense of horses is today principally waged on two fronts: Action to stop federal legislation threatening America's dwindling wild horse herds and continued vigilance to assure that carriage and riding horses are not mistreated.

In 1971 Congress passed the Wild and Free Roaming Horse and Burro Act, legislation which protects wild horses on public lands. But western cattle interests, whose animals also graze on public lands, do not want to share their grazing areas and have lobbied to have the law revoked, amended and even declared unconstitutional. More than 310 million acres of federal lands are now being used by cattle ranchers. In support of this special interest group, Sen. James A. McClure (Idaho) has repeatedly introduced Congressional amendments to the Act which would, in effect, allow government to get into the horse meat business by selling at public auction large segments of wild horse herds to canneries.

To date, McClure has been unsuccessful. Undaunted, however, he asked for, and received, $17 million last year to finance the round-up of almost one-third of the nation's wild horses on the pretext that there is sufficient public interest in adopting them. In reality, however, these massive removals are intended to cripple federal Adopt-A-Horse programs by removing horses from the range faster than adoptive homes can be found. His all-too-obvious long-term plan? Sell at public auction the unadopted wild horses to canneries since no other alternatives acceptable to the cattle ranchers will exist. According to a spokesperson from McClure's office, this exorbitant funding and massive gathering of horses is designed to wear down opponents to this sale-to-slaughter legislation.

The ASPCA, particularly through its legislative office in Washington, D.C., is now actively working with Sen. Thomas Eagleton (Missouri), Congressman Bill Green (New York), and other concerned congressional leaders and humane groups to protect the Wild and Free Roaming Horse and Burro Act from increasingly aggressive efforts to weaken its humane provisions.

Captive horses: Many horses inhabit the less hospitable asphalt jungles of New York and other major American cities. The ASPCA has been trying through legislative initiatives and its own law enforcement powers to protect carriage and other city rental horses from drivers and owners who overwork or mistreat their charges.

Carriage horse drivers are the worst offenders. Many carriage drivers, as they relentlessly pursue tourist dollars, will employ every evasive tactic they can to avoid the ASPCA, and in New York they have an entire city at their disposal in which to be evasive. New York City law, which the ASPCA originally drafted and for which it effectively lobbied, requires that carriage and rental horse owners provide quarters which are clean, dry, heated and ventilated, and food that is sufficient and appropriate.

Horses must not be out in severe weather and cannot work for more than 10 hours in a 24-hour period; the driving pace is restricted and equipment in carriages regulated. The enforcement of this city law, however, is with very few exceptions left entirely to the ASPCA. Last year the ASPCA's 9 humane law enforcement officers assigned to New York City cited 210 carriage horse violations among more than 1,300 New York City animal-related summonses/appearance tickets they issued overall. But nine officers

cannot cover all of the city during periods of peak stress to these animals, and most infractions inevitably go unchecked.

Many of those who are concerned about the welfare of the carriage horse would like to see an end to the "carriage trade" altogether. Others, including New York City Councilman Bob Dryfoos, have called for restricting carriages to New York City's Central Park so that they are not so extensively exposed to city traffic and exhaust fumes and their drivers are more available for monitoring. If now pending legislative reforms fail, the ASPCA will do everything it can to end an industry that increasingly proves itself to be ethically untenable.

Dogs and cats: The American Veterinary Medical Association (AVMA) recently updated a 1972 American Animal Hospital Association dog/cat population study and the results should be receiving more attention from concerned citizens and, particularly, city planners.

From 1972-1983, the number of cats in American households increased by 104 percent (from 25.5 million to 52.1 million). Dogs increased by 54 percent (from 36.1 million to 55.6 million). Combined, these figures represent a 75-percent increase over 11 years in the dog/cat population in America (61.6 million in 1972; 107.7 million in 1983).

But studies also show that at the very time more and more Americans are sharing their lives with dogs and cats, two-thirds of all pets are eventually abandoned. Most Americans are, it would appear, far from comprehending what responsible pet stewardship means. Last year, of the 130,000 animals brought to ASPCA shelters and hospitals in New York City, some 80,000 were unwanted.

Among major American cities, New York is alone in referring all of its unwanted pet problems to a private humane society. New York City has never fully addressed its responsibility to remedy pet overpopulation problems. As a consequence the ASPCA, the private humane society that functions as the city's pet problem referral agency, annually loses more than $1 million caring for unwanted New York City pets.

The ASPCA appeals for funds nationally to meet this loss. The ASPCA would prefer to spend more of these nationally raised monies on legislative and educational efforts aimed at eradicating the cause of animal overpopulation—public policies that encourage the breeding and merchandising of animals—rather than on the overwhelming and unabated consequences of pet mismanagement.

Pet overpopulation problems are far from being a New York City phenomenon. Nationally, more than 10 million unwanted pets are being killed by city pounds and, paradoxically, humane societies every year. An additional 10 million pets annually abandoned to the streets experience the agonies of disease, starvation, or worse, until they die. Unless public attitudes change this immense annual carnage will probably increase.

A funding remedy: City and state remedies to existing pet genocide practices are readily available. The traditional funding source for city animal control programs is dog license fees. But were New York City to rely on this discriminatory source for funding animal shelter and spay/neuter clinic programs, the yearly dog license fee would exceed $50.

A tax on pet foods and supplies would provide a much more equitable source of funding for animal shelters and spay/neuter clinics. The $5 billion-a-year American pet food industry, for obvious self-serving reasons, encourages pet breeding and pet marketing. A state-operated pet food and pet supply tax program modeled on existing cigarette, liquor and gasoline tax legislation would help state and city governments to more fully and effectively respond to the daily tragedies created by the pet overpopulation problems that the pet food industry's extraordinarily successful marketing efforts in large part create.

Success in overcoming the pet overpopulation tragedy in New York City or any other major American city through a fair and dependable funding base for animal shelters, spay/neuter clinics and education programs focusing on pet overpopulation issues would establish a national model for overcoming what is now a national disgrace. Legislative efforts to bring about such a model are currently underway in California, Texas and Illinois, as well as in New York.

In the 120 Years that have passed since the ASPCA's founding much good has come through its efforts and the efforts of the thousands of similar societies it has spawned. But clearly the battle against cruelty, neglect and irresponsibility is far from over. One need only review what is happening to America's horses, dogs and cats as well as to many other victimized species worldwide to dispel any doubts to the contrary.

NEW HORIZONS FOR AMERICA'S YOUTH

HON. JUDD GREGG

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GREGG. Mr. Speaker, I rise today to enter into the RECORD an essay from a young lady who represents the finest in scholarship from the State of New Hampshire. Blessed with vision, ambition, and a sense of citizenship, Miss Jill Sible is the New Hampshire winner of the VFW Voice of Democracy Scholarship Program. It is my pleasure to share with my colleagues this award-winning work from a young person bursting with aspiration, and who seems destined to fulfill many of them.

NEW HORIZONS FOR AMERICA'S YOUTH

(By Jill Sible)

Caught up in the rush of my senior year, I often wonder what lies ahead in my future. With the proximity of entering college comes the realization that I will also be entering a whole new world of adulthood. What will I do with my life? Who will I become? What new horizons are there for America's youth? The members of my parents' generation have made incredible breakthroughs in every field, yet a generation is a relatively short period of time, and much of their work remains unfinished. This leaves my generation to build upon the foundations they have set and to make further progress socially, politically, medically, and technologically in an effort to better this nation and the world. Our opportunity to do this is limited only by our own degree of concern and willingness to try.

Many social barriers have been broken which bring America's youth even closer to that horizon called social equality. Women, blacks, and other minority groups are now given a chance in professional fields and given a voice in the political world. However, America still harbors some prejudice from which the new generation must breach. Much of the difficult work has already been done by activists such as Martin Luther King Jr., and Gloria Steinem, and today's youth can concentrate its energy more on bettering life for all people once they are accepted as equal.

For the first time in decades, there is tangible hope for world peace if America's next leaders are willing to continue the work their predecessors have begun. The meeting of President Reagan and Prime Minister Gorbachev has created a new line of Communication, a line which should be used with increasing frequency. This new horizon of world peace is perhaps the sunniest new horizon there is.

Even if space is attained, however, America and the world will always have a common enemy: disease. Recent advancements in the medical field may lead to the discovery of cures for many killing illnesses. Although many die yearly of diseases such as cancer and AIDS, scientists are learning more daily about these killers, and America's new generation of doctors will be able to use this information to develop treatments and even find cures for these deadly illnesses.

The last new horizon for America's youth and perhaps the most exciting is the opportunity available to even further develop American technology. With computers which can do almost anything and a space program on the brink of creating a passenger shuttle, the advancements that can be made by the next generation seem unlimited. There is such a strong foundation of technological knowledge that the researchers and developers of the future can conceivably create new machines which supply the world with an inexhaustible and inexpensive supply of energy. They may develop a method to mine valuable resources from other planets. They may even advance agricultural technology and end world hunger.

In technology as well as medicine, politics, and society, there are endless new horizons for America's youth, yet these horizons lead to roads both rocky and steep. They are challenges to me and my entire generation to work a little harder and strive a little farther than our predecessors did in order to preserve and implement our American ideals.

NORTH CAROLINA WINNER OF VOICE OF DEMOCRACY CONTEST

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. JONES of North Carolina. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the voice of democracy scriptwriting contest. This year more than 250,000 secondary school students participated in the contest, and I am most honored that one of my constituents, Kelly Margaret Jones of Greenville, NC, was the contestant winner from North Carolina. Kelly is a senior from J.H. Rose High School in Greenville, and I respectfully request permission to have her script, the sub-

ject of which was, "New Horizons for America's Youth," reprinted in the CONGRESSIONAL RECORD.

NEW HORIZONS FOR AMERICA'S YOUTH
(By Kelly Jones)

The world today is vastly different from the world of our forefathers. The paths of pioneers have widened into broad highways. We live in a world of high technology—a world in which computers operate bakeries; diagnose diseases; control air and auto traffic; help design, produce, and market new products; read and write—even play cupid.

We, America's youth, are presented with boundless opportunities to broaden our horizons, to seek whatever tomorrow we choose. To pursue these opportunities, however, entails a sense of responsibility to something beyond ourselves. We must grow to the full measure of our capacity and utilize individual achievement for the common good. When we realize the responsibility which comes with our opportunities, we shall strive to learn all we can, to become all we can, and to do all we can.

The first horizon open to us is the pursuit of knowledge. Learning everything in an age of knowledge exploration is impossible, but learning all that we can is not only a challenge but a necessity. Even in our technically competent world, there is a serious flaw in education that is too practical, for it implies a final note to the business of learning. Education is never done, only begun. He who knows all for today will be ignorant tomorrow. As youth, we want to cultivate a sincere desire to learn, to become not just highly trained, but truly educated in the knowledge that lends color to the personality and vitality to the mind. To borrow the words of David Truman, what good is it to give the chemical structure of a delightful odor, if one cannot appreciate the beauty of the rose that produced it?

If we succeed in our pursuit of learning, opportunities are endless for what we may become. As the world becomes more complex and the people who inhabit it become more creative, there evolve an increasing range and variety of vocations from which we can make our livelihood. We are the products of mobile people and, therefore, are constantly exposed to new culture which can broaden our concept of life to reflect, not only our material wealth, but a standard of life measured in terms of our basic beliefs in man and his role in this world of atoms—a standard that reflects the heritage of America and shows the world what it is that makes us what we are. We have the freedom to grow like the tree; every tree must have a trunk, but it can put out branches in profusion, and the branches will spread and intertwine with one another to produce the whole specimen.

The final horizon open to us, America's youth, is the privilege to act on our convictions. Individual conduct multiplies itself a million fold in chain reactions among other individuals. We have the opportunity to show our faith in the merits of the individual and our allegiance to the principles of democracy; we have the opportunity to put our beliefs into practice. If we want our ideas to conquer, we must dedicate ourselves to them as faithfully as did the first small band of men who came to establish a foothold on this continent.

America has given to us, its youth, a rich birthright—a birthright founded on freedom. If we accept the challenges which this freedom brings, we shall explore the new horizons open to us and make visible our faith in the democratic tradition. We will learn all we can, be all we can, and, ultimately, do all we can. Our correlative obligation will be to convert the freedom we have been given into power which will work for human betterment and enhance freedom, dignity and integrity among people and nations.

SUMMARY OF 1985 TAX RETURN DATA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. DOWNEY of New York. Mr. Speaker, again this year, I am making a summary of my tax return public because I believe that Federal officeholders should be forthcoming about the sources of their income. Therefore, I ask that the following summary be printed in the official RECORD of the day's proceedings.

Salary—U.S. House of Representatives	$74,892
Interest income	384
State and local income tax refunds	None
Rental loss	(1,524)
Business income—honoraria (net of expenses)	22,200
Total income	95,952
Less:	
Nonreimbursed employee business expenses	3,275
Payments to IRA	2,250
Payments to Keogh retirement plan	3,548
Adjusted gross income	86,879
Itemized deductions:	
Taxes	8,658
Interest expense	3,353
Contributions	554
Miscellaneous deductions	1,554
Total itemized deductions	14,119
Less: Zero bracket amount	3,540
Excess itemized deductions	10,579
Tax table income	76,300
Less: Personal exemptions	4,160
1985 taxable income	72,140
Federal income tax	19,858
New York State income tax	6,708
New Jersey income tax	37

SHOULD WE LEARN FROM HISTORY OR MERELY REPEAT IT?

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. DANNEMEYER. Mr. Speaker, history is the chronicle of mankind's collective experience. Our past is the fountainhead from whence our future springs. We move from what was to what will be. It is a cyclical ritual, a perpetual motion distinguished by infinite variations on a central theme. The theme is human behavior; the variations are successive improvements. Or so it goes in theory: We are supposed to learn from our mistakes. Tragically, we are all too often inclined to repeat them.

We are witnessing a replay of history as we consider once again the issue of providing aid to the Contra forces in Nicaragua. We have traversed this route before, only to find ourselves mired in the mud of intransigence. We are infrequently offered the opportunity to undo our mistakes; fate has now bestowed upon us a second chance.

As irony would have it, this was the month—11 years ago—in which we confronted the impending Communist occupation of Southeast Asia by ignominiously abandoning our allies, our tails between our legs and our heads in the sand. Assuredly, the situation then was not identical to the current one in Central America: We have not been fighting an unpopular war for 10 years, we have not lost 50,000 of our sons, we have not spent $140 billion on a losing proposition.

What is comparable, however, is the alacrity with which we relinquish our responsibilities to friends and our adherence to principles. Faced with imminent disaster in South Vietnam and the de facto loss of Cambodia, President Ford, on April 10, 1975, appealed for $722 million in emergency military aid and an additional $250 million in humanitarian and economic assistance. At the very least, we needed to buy time in order to allow the South Vietnamese to evacuate from hopeless positions. Congress, in its finite wisdom, chose to let the body hang and twist slowly in the wind, a macabre and grisly finale to a long and frustrating period of U.S. involvement in Southeast Asia.

That choice is again before us. Shall we once more choose expediency and evidence, as Alexander Solzhenitsyn observed, "the Western world has lost its civil courage?" There are many who chose to cut and run in 1975 who were subsequently made uneasy by the genocide which followed. Chagrined, perhaps, but not contrite.

The President has requested $100 million in military assistance for the Contra forces who are waging a life-and-death struggle for their homeland. There are several valid reasons why I believe it is vitally important to provide this aid.

First, the present Nicaraguan Government is a force for evil in the Western Hemisphere and the world. Documents captured on Grenada incontrovertibly reveal the extent to which Soviet and Cuban plans to infiltrate and exploit the Sandinista regime have succeeded. The intention is clear: Promote, train, and export terrorism, revolution, and communism throughout Latin America. The myth that the Sandinistas are nothing more than a ragtag bunch of agrarian reformers can be dispelled forthwith; they take their marching orders from Moscow and Havana, and they intend to provide the Warsaw Pact with a vital outpost in the U.S. backyard.

Second, Nicaragua threatens to destabilize the succeeding but fragile democracies in Central America. Costa Rica, Honduras, El Salvador, and Guatemala have all shed their despots and adopted democratically elected governments. The dictators of years past have been consigned to the history books. And

even Panama has, in the past few years, been inclined to more moderate ways since the reforms of 1983. But Nicaragua threatens to undermine these advances. Efforts to form stable governments, promote economic and social progress, and allow the benefits of democracy to be enjoyed by the people are all confronted by Nicaraguan meddling, terrorist activity, and guerrilla attacks. Once Central America is destabilized, Mexico will be next. At what point do we take a stand? It is important to note that not once has a Communist government—whether elected or imposed—voluntarily given up control of a nation. When popular discontent led to overt attempts to reform or change Communist rule in Hungary (1956) and Czechoslovakia (1968), the patriot uprisings were brutally suppressed. Totalitarian government plus Soviet expansion: This was the reason for the invasion of Grenada. The citizens there had no choice. Neither will the people of Central America.

Third, negotiations have not succeeded. It is erroneously charged that the President is seeking a military solution instead of a diplomatic one. This argument is a not-so-benign ruse, part of the disinformation campaign designed to malign and subvert American policy. In fact, we have pursued diplomatic negotiations, attempting since 1981 to achieve a peaceful political solution. Since 1983, three special envoys—Philip Habib being the most recent—have made 48 trips to the region. High-level bilateral talks between the United States and Nicaraguan officials have taken place nine times since June 1984 alone. On the other hand, Nicaragua terminated its participation in the Contadora talks in the fall of 1985, and in December, voted against an Organization of American States resolution calling for accelerated negotiations. The Ortega government has rejected repeated overtures to negotiate a settlement following the 1984 cutoff of U.S. military aid. It has, instead, imported $350 million worth of Soviet arms, of dubious value in improving the lot of Nicaraguan peasants. Last May, Congress voted against providing military aid to the Contras, part of the reasoning being that we needed to show "good faith" and provide an incentive for Ortega to sit down at the negotiating table. What he did was fly to Moscow and proclaim his solidarity with international communism. We held out our hand; he spit in our face.

Fourth, Nicaragua has become a training ground and haven for terrorists of all nations. The PLO maintains a presence there as do other extremist groups spreading hatred and violence throughout the world, such as the Red Brigade of Italy and the Baader-Meinhof radicals in West Germany. We, as all decent people everywhere, have been shocked by the escalation of terrorism and hostage-taking, piracy on the high seas, and the hijacking of airplanes, murder, and destruction. From the massacre of the Israeli Olympic team in Munich in 1972 to the Achille Lauro episode, outrage has been piled upon outrage. And there is no end in sight. And these fanatics are attending school in Nicaragua with the blessing—indeed, cooperation and encouragement—of the Sandinista government.

Fifth, it is alleged that the Contras are merely former adherents of the despised Somoza regime and that we are indirectly funding a reimposition of an antidemocratic dictatorship. Contrary to this canard, only 2 percent of the 20,000 Contra rebels were in the old National Guard. A far higher percentage of Contra leaders are actually former Sandinistas who helped overthrow Somoza, and who have broken with Ortega once they realized the true nature of his rule. Anti-Somoza leaders Arturo Cruz, Alfonso Robelo, and Adolfo Calero initially helped the Sandinista revolution; they now lead the Contras. Fully 40 percent of all Contra forces are former Sandinistas. Their crime? They believe in Nicaragua, not in the Soviet Union.

Sixth, opponents of aid are quick to point out that we have no allies on this isue, especially among Latin American nations. This is a false assertion. Most Latin heads of government publicly oppose U.S. aid for the Contras; privately, they plead for it as the only way to maintain pressure on the Nicaraguan government. Direct U.S. intervention will not succeed because it will only serve to inflame anti-American sentiment in the entire region. But the Ortega regime must be stopped before it undermines all of its neighbors. (Incidentally, Interior Minister Tomas Borge has publicly proclaimed that the goal of the Sandinistas is to foment revolution and death up to and into U.S. territory). Even the socialist President of Spain, where voters wary of Soviet intentions recently supported Spanish participation in NATO, privately informed American officials that everything must be done to stop the cancer of Nicaragua from spreading to other Latin American nations. A Gallup poll published over March 2–3 this year indicated that Nicaragua was perceived as a military threat by 92 percent in Costa Rica, 89 percent in Honduras, 63 percent in El Salvador, and 48 percent in Guatemala. Moreover, Nicaragua was viewed as a Soviet agent by 93 percent in Honduras, 92 percent in Costa Rica, 80 percent in Guatemala, and 74 percent in El Salvador. Nine democratic Latin American prime ministers have informed President Reagan that they fully support his initiative to provide military aid to the Contra forces.

Seventh, we are faced with a potential refugee problem of catastrophic proportions if we allow the Sandinistas to export revolution and terrorism. The loss of democratic governments through destabilization of its Central American neighbors is bad enough. But we face an onslaught of refugees—10 to 20 million of them—should the Sandinistas succeed. In fact, the Government of Mexico has already secretly requested information from the administration as to how many landing ships, personnel carriers, and other seaborne and airborne craft our military could provide to assist them in ferrying those refugees to our borders. We can not and must not allow this to happen. Disaster will strike if we do nothing.

Eighth, an assertion heard all too often is that the Contras are just as bad as the Sandinistas. Reports of atrocities, murders, rape and pillaging, roving bands of cutthroats, and terrorist campaigns permeate the debate. Recently obtained information proves otherwise. Many religious and humanitarian groups operating in Nicaragua have been led to believe in these Contra atrocities; they have been victimized by a highly successful disinformation campaign. Alvaro Jose Baldizon Aviles was a former chief investigator of the special investigation committee of the Nicaraguan Ministry of Interior, where he worked under the infamous Tomas Borge. He was essentially the chief of internal security. Baldizon was also an avowed Marxist-Leninist who joined the Sandinistas out of idealism and received part of his education in the Soviet Union. But in the 6 years he served the Sandinistas, he learned that theory and reality are not the same. In July of last year, he fled to Honduras and has provided an insider's view of what has been going on in the Nicaraguan Government. Among his revelations is that there have been at least three platoons—one in 1981, two in late 1982—of troops trained in East Germany for special duty in Nicaragua. They returned well-versed in the use of NATO weapons and dressed as Contra rebels. Their mission: Commit acts of terrorism and atrocities for which the Contras would be blamed.

Fifteen, twenty years ago, many opponents of the war in Vietnam were asked, "Where would you draw the line against Communist aggression, if not in Southeast Asia?" Although there were some genuinely opposed to war of any sort in any place, the response was largely "we have no business getting involved overseas; we should be concerned only with our own hemisphere, on our own doorstep." Well, Central America is in our hemisphere, and the knocking is getting awfully close to our own door.

These are the reasons I am backing the President and support giving aid to the Contras. If not here, where do we draw the line?

DAYS OF REMEMBRANCE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GALLO. Mr. Speaker, I am today calling on all Americans to join in an effort to remember the events of our recent past, as a reminder that we must never allow these atrocities to be repeated.

The annual official observance of the "Days of Remembrance," commemorating the victims of the Holocaust, is a necessary reminder to every American that we must continually rededicate ourselves to the principle of equal justice for all people.

In the spring of 1945, our American GI's and the Armed Forces of other free nations discovered the full horror of a decade-long campaign of death and destruction on the European Continent. Now, 41 years later, we are still unable to grasp the total horror of the series of events that we call the Holocaust.

The events of the Holocaust are well documented. The death camps had their own photographers and filmmakers, who recorded hours of horrible activities in graphic detail. Allied forces took their own photos and reporters were on hand to report the findings of our forces during the liberation of the death camps.

Survivors have told about their personal suffering and the suffering of others who did not survive. I have spoken with survivors of the

death camps, now living in my district. After hearing their words, I have a real, personal understanding of their strong commitment to remembrance as the only preventive medicine available to mankind. They feel committed to telling their stories so that mankind will not forget that even civilized, industrialized nations can allow inhumanities to occur on a massive scale.

No other series of events in the 20th century has been examined and reexamined more than these events, because no other series of events in this century is as barbaric on such a massive scale.

As incredible as these well-documented events were to us 41 years ago—as incredible as they remain to us today—the truly unbelievable part of this long story of suffering is the public declaration by a small group of people who claim that these events never occurred.

In spite of all the evidence. In spite of the personal accounts and the documentation. In spite of the fact that some of these camps have been preserved as reminders, we are asked by this small group to believe that these events were somehow manufactured.

And, that is why we need "Days of Remembrance," to tell this story to a new generation, born after World War II, and to pass along the warning that such acts of horror can occur in any nation that singles out one group of its citizens and blames that group exclusively for all of that nation's troubles.

The message of history is clear. It has happened before and it can happen again, if we forget, or worse yet deny, the past.

A SALUTE TO CONCERNED BLACK MEN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. FAUNTROY. Mr. Speaker, there has been much said in the last several weeks regarding the deterioration of the black family in America. Further, there has been a conspicuous absence of the images and work product of positive black men. Today, I rise to respond to this evidentiary void and to salute the Washington, DC, chapter of Concerned Black Men [CBM] Inc., a group of men here in the Nation's Capital, who are moving in their own quiet way to help make a difference for black youth. Adopting as its motto "Caring for Our Youth," the Washington, DC, chapter of CBM began functioning in February 1983, after having studied the successful efforts of the Philadelphia chapter of CBM—now in its 11th year. CBM's goal is to organize concerned black men who are willing to devote time and energy, regardless of professional status and schedule demands, toward the development of positive self esteem and meaningful adult-youth communications. They do this by sponsoring various programs, and at the same time, creatively exposing youth to positive black male role models.

Led by attorney Donald Temple, its first president, and a core group of 15 black men, the Washington chapter's first major program was the Martin Luther King, Jr., Oratory Contest for area junior and senior high school students. With approximately 65 students participating and 15 judges from the political, business, and educational communities, the program was an overwhelming success.

Under the committed leadership of Temple and Attorney Clarence Daniels, its second president, CBM continued to expand its membership and programs.

To date CBM has:

First. Sponsored its first annual Black Youth Recognition Dinner for area youth at the National Press Club and will be hosting its second annual dinner on May 2, 1986;

Second. Sponsored three Annual Martin Luther King, Jr. Oratory Contests;

Third. Sponsored three award banquets for contest participants and three trips to the Philadelphia CBM award banquet;

Fourth. Conducted three all-day workshops on "Job Interviewing and Preparation Techniques" and participated in several high school career programs;

Fifth. Conducted 30 teenage pregnancy or sexual awareness workshops for junior high and elementary school students;

Sixth. Adopted Staton Elementary School in southeast Washington for targeted attention and effort;

Seventh. Conducted its second annual Black History Bee;

Eighth. Sponsored an oratory contest for the Lorton Prison Youth Center on "The Responsibility of Black Men";

Ninth. Implemented a career black shadow program which allows youth to interact with CBM members and other individuals on their jobs;

Tenth. Sponsored several luncheons for the student body leadership of various District of Columbia high schools; and

Eleventh. Sponsored two citywide programs for black male youths "On Becoming a Man."

While many of CBM's original members and officers are attorneys, its membership base now includes physicians, economists, educators, journalists, policemen, photographers, business executives, and others.

Mr. Speaker, CBM's record of action speaks highly of their concern for black youth. It is no wonder that President Reagan awarded their national organization the 1985 Presidential Volunteer Service Award.

I am proud, Mr. Speaker, to salute the Washington, DC, chapter of Concerned Black Men, its current president, Mr. Anthony Williams and all of those Concerned Black Men who send that needed and special message to black youth, not through words, but deeds: "We care and we love you."

To epitomize their contribution to black youth, I bring the following letter to your attention:

WASHINGTON, DC,
May 23, 1984.

DEAR CONCERNED BLACK MEN: I praise your name and the works of your hands, and I pay homage to the depth and expanse of spirit from which your work is brought forth.

I thank you, further, for the process orientation of the Martin Luther King, Jr. oratory contest. All of my students learned a great deal from Dr. Boyd and from seeing how the skills I teach every day lead to self actualization.

Your compassionate aid to my student (William Bryant Frazier), who lost his speech before his oratory presentation, was most remarkable. The roles you model are indeed, worthy of emulation! Your warmth, professional manner, brotherhood, and relaxed dignity bear witness to the spirit that moves among you before it suffuses the youth whom you touch. The fruit of your labor must be growing each day! May it and you and all of us continue to thrive.

Sincerely,

CONSTANCE THOMAS RAZZA.

MEETING OUR DEADLINES

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. DREIER of California. Mr. Speaker, yesterday, April 15, was an important deadline for taxpaying Americans, one which most of them made every effort to meet. Yesterday was also an important deadline for Congress—but ours went unmet and virtually unremarked.

Since we passed the Gramm-Rudman-Hollings legislation, much time has been spent decrying how setting an orderly schedule of deficit reduction would bring untold devastation to our society. Well, society need not worry—we have yet to meet a single target date.

Yesterday, Congress was to have completed action on a fiscal 1987 budget resolution. Instead, we have barely begun, and are instead once again considering a new spending bill.

If taxpayers miss their April 15 deadline, they know they will suffer the consequences. Unfortunately, when Congress misses its deadline, it is again the taxpayers who suffer the consequences.

Instead of a budget, today we are talking about spending about $7 billion more than would have been spent otherwise, and taking away the President's 65-year-old authority to defer spending he finds excessive. To accomplish this, we had to first pass a special rule allowing us to waive standing House rules prohibiting us from legislating in spending bills and exceeding subcommittee ceilings.

Members of the Appropriations Committee have worked hard on this bill, which contains funding for many programs that, considered separately, are reasonable and important. The bottom line, however, is $7 billion we would not be spending otherwise, putting us $7 billion further from reaching the fiscal 1987 deficit target.

At some point, we are going to have to begin making some choice on spending priorities, and start meeting targets and deadlines. I am sorry that this is not that time.

PLEASURE ENDEAVORS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mrs. BURTON of California. Mr. Speaker, I would like to bring to your attention and the attention of our colleagues a very special organization in my congressional district, San Francisco, which, for nearly a decade, has actually acted on the principle that our senior citizens have a vast reserve of creative energy and talent which can be cultivated to improve both their personal lives and environments.

In 1987, Pleasure Endeavors Projects, Inc., will celebrate a decade of service to frail elders and other residents of long-term care facilities. It is the only organization of its kind that provides indepth, action art programs with very real avenues by which those under care may find ways to break the bonds of institutionalization. It is about real goals, personal relationships, and individual dignity.

This project began as a grassroots endeavor—to decorate the largest geriatric hospital in the United States through the efforts of the elderly and disabled residents who live there. Currently, a magnificent elder art gallery is being completed on the third floor of the huge facility and there are plans for exhibits to include many elders there and throughout the community.

The Artist-Development Project—the nucleus activity which backed this endeavor—continues to offer support for artistic exploration and skills development for residents of Laguna Honda and several other convalescent homes in San Francisco.

A team of well trained artists, recreation professionals, reentry seniors, and community volunteers join together to provide person-to-person support for aspiring artists. Those who come to the Artist-Development activities find that teaching is primarily a function of acknowledgement, confirmation, and close personal interest. In this regard, the term "art therapy" is redundant.

Exhibits are held regularly; paintings do not end up in drawers. It is not about making a bunch of bowls and ashtrays and selling them in the annual bazaar for a nickel or a dime. Artworks are sold for a fair price and the artists get all the money—less direct expenses. The artists get acknowledgement and confirmation through their presence at the art show, announcements and personal public contact that, again, confirms and raises self-esteem through public appreciation of their efforts.

Other projects include reproductions of artworks; calendars, cards, and other artifacts. Recently, a universal communication board was developed for those who have hearing or speech loss. It is a pointer board of unique design which features the artwork of a participant of Artist-Development activities, and it is receiving a tremendous response nationwide from the professional and private sector while helping those who could not otherwise be able to communicate.

Pleasure Endeavors Projects is a charitable, nonprofit organization supported by the San Francisco Commission on the Aging, the Senior Community Service Project [E.O.C.], Laguna Honda Hospital, The California Arts Council, Pacific Bell, Levi Strauss, Project 20, the Telephone Pioneers, the San Francisco Volunteer Center, the National Center on Arts and Aging of the National Council on Aging and Coming of Age, Inc.

I urge all my colleagues to contact my office to review the materials and the art work produced by the seniors involved in Pleasure Endeavors. I think you will be genuinely surprised and may want to encourage the development of a similar project in your congressional district.

THE FOURTH PILLAR OF SOUND MONEY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. DANNEMEYER. Mr. Speaker, the fourth of 10 pillars of sound money and credit is the principle of monetary policy. These are troubled times insofar as monetary policy is concerned, as witnessed by the Secretary of the Treasury, Mr. Baker, and the Chairman of the Federal Reserve Board, Mr. Volcker. Mr. Baker publicly advocates further depreciation of the dollar in terms of foreign exchange, while Mr. Volcker is on record as saying that such a path is strewn with dangers, and may trigger a run on the dollar. We are like the passengers of an aircraft watching the pilot and the copilot fight over the flight course in mid air.

It would be far safer for the Nation and the world if the Congress discharged its constitutional duties in fixing a monetary standard. This would then set the course for both the pilot, Mr. Baker, and the copilot, Mr. Volcker, and a crash could be avoided.

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THE FOURTH PILLAR OF SOUND MONEY AND CREDIT: THE PRINCIPLE OF MONETARY POLICY

(By Antal E. Fekete)

A CHINESE TALE

Once upon a time the Treasury of the Celestial Empire was found empty. The Emperor instructed Hwa, the Chairman of the Heavenly Research Council, to work out a plan to meet the emergency.

Hwa suggested that the Emperor assume the title "The Son of Heaven", thereby laying claim to supernatural powers. The Emperor would then inject words and phrases such as "targeting the money supply", "clean versus dirty floating", "the crawling peg", "semi-fixed standard", "snake in the tunnel", "softening the bands of hard currencies", and so forth, into the public debate on money, thereby endowing these meaningless words with sacramental effects. The purpose of the exercise would be to induce men to give up actual goods and services in exchange for fictitious ones.

The Emperor went along with these proposals and debased the silver coins of the Empire, while retaining the coins' outward appearance. But the people refused to be duped, and they accepted the debased coins only at a discount. Hwa threw himself at the feet of the Emperor. "Son of Heaven, it is not enough for you to claim absolute power over the value of coins and over the destiny of the people. You must also forbid any examination of your claims. You must outlaw logic. All questions about currency depreciation must be tabooed. To ask them, to answer them, even to think of them must be declared an act of sacrilege, and unpardonable sin. Only then will people believe that coin-clipping is no self-mutilation but, rather, the mutilation of their competitors. Only then will the coolie stop cursing, and start blessing, his yoke.

The Emperor was not impressed. "Hwa, you talk like a fool. Even a child can see through your theocratic fraud. All he need ask is whether the priest is the instrument of religion, or religion is the instrument of the priest. The proof that the people have been duped is that the priest is rich and powerful. He can taboo questions, he can adjust moral principles to suit himself. So your studied gestures and poses, your hieroglyphic messages are losing their effects because people observe your simony, the trafficking in relics. Seek as one may, there is no substitute for an informed and enlightened public opinion. It is the only remedy."

Then the Emperor recalled the debased coinage, and let it be known that hard times can be overcome if everybody worked, and saved, even harder. Before twelve moons have passed, the Treasury was once more replete with full-bodied silver coins.

THE BIGGEST HUMAN EXPLOITATION

Today people take it for granted that "targeting the money supply" is a legitimate objective of monetary policy. It wasn't always like that. In 1932, the Canadian economist and humorist, Stephen Leacock, could joke:

"The gold standard has fallen into opprobrium. A while ago it looked as safe as the rock of ages, and now it is being relegated to the age of rocks. We have been learning some new economic truths. Consider the control of the money supply. What does it mean? A lot of flowery words have grown up around this. But if that means anything at all, it means that there will be a board, a committee of people who will, when they like, expand money or contract money, and boost prices up or boost prices down. There will be three men in a room somewhere who will do that. If that time ever comes, I want to be one of the three, or at least a warm personal friend of all three."

"Now I say this in all sincerity that the three-men-in-a-room stuff will do for the Soviets; it will not do for us. You cannot have a system of social controls dependent upon the will of three men in a room. You cannot have prices which can be moved up by a group in control. You cannot have wages which can be shifted down in their purchasing power by the good will of the men of the monetary caste. You must weigh that very, very carefully. The board, when it boosts prices up or down would follow, or be tempted to follow, all sorts of self-seeking ends. You cannot run society like that. If you try to have a money standard based on human interest or opinion, you have started the biggest human exploitation one can possibly imagine."

THE GREATEST VIRTUE OF THE GOLD STANDARD

The concept of the money supply is a spu-

rious one, and the idea of targeting the money supply by open market operations of the Fed is a modern theocratic fraud, establishing the biggest scheme of human exploitation in history. The extent to which this method of plunder is practiced is in inverse proportion to the perspicacity of the people. It is in the nature of abuses to go as far as they can. Plunderers conform to the Malthusian law: they multiply in direct proportion with the means of existence—and the means of existence for knaves is the credulity of their dupes.

If God had made man a solitary animal, everyone would labor for himself, and individual wealth would be in proportion to the services that each man performed for himself. But since man is a social creature, services are exchanged for services. Moreover, to provide for certain needs such as security, the members of society organize governments and agree to tax themselves in order to cover these needs. The government too is subject to the Malthusian law. It tends to expand in proportion to its means of existence which, in the last analysis, is nothing but the substance of the people. So when the government runs out of real services, it will continue to expand by offering fictitious services to the taxpayer. Targeting the money supply is one of the most reprehensible of these fictitious services.

In private transactions each party remains the sole judge of both values: the value of services rendered, and that of services received. The individual is perfectly free either to decline the exchange or to make it elsewhere. The greatest virtue of the gold standard is that the medium through which these services are exchanged is left outside of the political arena, and hence individual valuations remain as free of distortion as possible.

But when the government starts targeting the money supply, it interposes between the exchanging parties a medium which cannot be valued because it has, by design, not definable value. In combination with that fatal disposition, that one man could always be persuaded to live at the expense of others, this interposition by the government creates enormous disparities between the exchanging parties, while plundering both. The people are astonished to find that, while they hear of wonderful inventions that are supposed to save labor and multiply output without end, they are working as hard as ever and are still no better off than before. Meanwhile, things go from bad to worse and, at last, people open their eyes, not to the remedy (for they have not yet progressed that far), but to the evil.

MONETARY POLICY UNDER LIMITED GOVERNMENT

Targeting the money supply is an arbitrary and unlimited power, which is at variance with our Constitution and with the principles on which our government is based. Constitutionally, the government has a carefully circumscribed responsibility in the realm of money. This is to see to it that the value of every kind of money in circulation, namely, coins, bank notes, bank drafts, bank deposits, etc., rigidly conforms to the standard unit of value. The government is charged with the responsibility of stabilizing and value of currency, and it must not aggrandize its powers by destabilizing it.

THE VIETNAM WAR AS VIEWED BY A TEENAGER TODAY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. COELHO. Mr. Speaker, I thought my colleagues might be interested in the work of Megan Furth, a 13-year-old from San Francisco, CA, who recently wrote on the Vietnam war. Being a congressional staff member at the time of the war, I was very involved in the debate and still have my own strong beliefs about the war. But it is interesting to see how our young people today, who did not grow up during the war, view it after researching it and talking to veterans who were there. I am encouraged that so many of our young people are interested and willing to learn from our past and I am pleased to share one such analysis with my colleagues:

STATEMENT BY MEGAN FURTH

This report is trying to give all those who were not alive during, or did not understand, the Vietnam War an understanding of it. Before I started this report, I did not even know where Vietnam was, but even greater I did not know that it was, as Newsweek termed it, the "longest, saddest, baddest war America ever fought." ("The Legacy of Vietnam," Newsweek, April 15, 1985, p. 32.)

HISTORY: PRE-1946

It could be said that the Vietnam War began with the invasion of the French in 1858. During the 1800's the French took over such cities as Hanoi, Saigon, and Da Nang. They imposed colonial rule throughout Indochina in 1884. The Vietnamese were treated like slaves, and the resources of their country were exploited. The Vietnamese people were unhappy in this oppressed state.

Ho Chi Minh was perhaps the most important person in the history of Vietnam. He was born in 1890 in Vietnam and grew up hating the French because they controlled his homeland. His life-long goal was to make Vietnam a free and independent country. Although Ho Chi Minh was a devoted communist, he was less concerned with political system than that Vietnam be free. He was a man of action rather than ideas. It has been said that he was first and foremost a Vietnamese nationalist.

In 1919 Ho petitioned the members of the Peace Conference at Versailles for the emancipation of the Vietnamese people. In 1927 he founded the Vietnam Nationalist Party. In 1930, because of instructions from Moscow, he developed the first Vietnamese communist party called "Dang Cong San Dong Duong" (Indochinese Communist Party). In 1940 he started to train revolutionary troops. In 1941 the Viet Minh Party, dedicated to the independence of Vietnam was founded.

1945 was one of the most important years in the Vietnam War. On March 9 the Japanese dissolved the French government in Indochina and declared Vietnam "independent." In April of that year, President Roosevelt died, and President Truman was sworn in. In July of 1945 President Truman approved the military decision to divide Vietnam at the 16th parallel. In August of that year Japan surrendered in World War II. In October of 1945 the British and the French signed an agreement that the French could again rule South Vietnam.

THE INDOCHINA WAR

Ho Chi Minh and the French signed an agreement in September of 1946 giving the French unlimited power in Vietnam. In October of that year the Viet Minh attacked the Saigon Airport and made a last stand before retreating to guerrilla warfare. At the end of 1946 French ships shelled Haiphong, killing 6,000 civilians. In December of 1946 the French demanded the disarmament of the Vietnamese army, and the Vietnamese refused. Large-scale conflict broke out.

This first year of the Indochina War was a period of power struggles and shifting alliances. The Viet Minh insisted upon full recognition of their party and full independence for Vietnam. The French chose a policy of military victory and did not negotiate with Ho Chi Minh. The French advanced that the Vietnamese emperor could lead the nation; this was the "Bao Dai solution." In June of 1948 the French signed an agreement granting the independence of Vietnam, but no authority was actually transferred to the Vietnamese. In June, Ho denounced the new government as a puppet of France. Also in June of 1948 the Emperor, Bao Dai, arrived in Saigon and took power as head of state. There now were two Vietnamese states: that of Ho Chi Minh and that of Bao Dai in 1950, the United States recognized the Republic of Vietnam (Dao Dai); in that same year, the U.S.S.R. and China recognized the Democratic Republic of Vietnam (D.R.V.N., run by Ho Chi Minh).

In February of 1950 the Bao Dai government asked the United States for economic aid in prosecuting the Indochina War. In May of that year President Truman approved a 10-million-dollar grant for assistance in the Indochina War, to be administered through the French. Also in 1950, the Korean War broke out. At the end of 1950 Truman ordered increased military aid to the French in Indochina and send a Military Assistance Advisory Group (M.A.A.G.) to Indochina. The United States was now committed to the Bao Dai government.

In November of 1951, then Senator John Kennedy visited Vietnam and stated that there was little support for the pro-French, Bao Dai government among the people of Indochina; however, our commitment had already been made. By 1952 the United States had already borne one-third of the war's cost.

In October of 1952, his political support declining, Bao Dai withdrew from politics. President Eisenhower was sworn in shortly thereafter and stressed the need to block communist aggression "to save the rest of Asia." This was the "domino theory," which stated that if Vietnam fell to communism, it would trigger a whole row of dominoes which would also fall to communism. Indochina, Thailand, and the Malay Peninsula would fall, then Indonesia, and eventually we would be fighting off communists in Hawaii.

In December of 1953 Ho Chi Minh had offered for the last time to negotiate a truce with the French. He was turned down. At that point the French dug in at Dien Bien Phu, and the Viet Minh began their famous seige—which ended in the military defeat of the French in April of 1954. In the meanwhile, in January of 1954, at the Berlin Conference, the United States, France, the United Kingdom, and the U.S.S.R. agreed to convene in Geneva to seek a resolution to

the Indochina War. In May 1954, after the French were defeated, the Geneva Accords were signed, dividing Vietnam at the 11th parallel. By October of that year the last French troops had left Vietnam. They had lost a war that they had been fighting for almost a hundred years. Very soon after, President Eisenhower offered South Vietnam direct economic aid.

THE HEART OF THE VIETNAM WAR AND UNITED STATES INVOLVEMENT

If we backtrack ten years, we learn some interesting things. In 1945 Ho Chi Minh asked for America's support in freeing Vietnam. He was turned down. President Roosevelt had intended to suggest that (1) Vietnam become an independent country and that (2) the United Nations supervise the development of this country. He intended to do this after World War II. Unfortunately President Roosevelt died in April of 1945, and President Truman did not carry out his intentions. If Roosevelt's plan had been carried out, history might have been very different. The United States got involved because of the domino theory (explained on page 4), which was based on a fear of communism. In truth, Ho Chi Minh and his cadres, although they were communists, just wanted their country to be free and independent. If is significant, for example, that the first lines of the declaration of Vietnamese independence, which was written by Ho Chi Minh, are the same as ours: "We hold these truths to be self-evidence: that all men are created equal . . . ."

As it was, President Eisenhower pledged economic aid to South Vietnam shortly after he was sworn into office. In 1955 the United States took over the training of the South Vietnam Armed Forces. In 1955, the elections promised by the Geneva Accords failed to materialize; and in 1957 the International Control Commission reported that neither North nor South Vietnam had lived up to their obligations under the Geneva Accords. Problems were bound to develop.

At the end of 1957 the United States' installations in Saigon were bombed by communists, and in 1958 guerrilla warfare tactics began in South Vietnam. By 1950 the number of American advisors in Vietnam increased to 685. Ho Chi Minh's government, in North Vietnam, and the U.S.S.R. protested against the increased American involvement. Also in 1960, the National Front for the Liberation of South Vietnam, known as the NFL or Viet Cong, was organized.

1961 was a turning point in the war; this was when the Americans increased their support dramatically. In this year President Kennedy pledged more help to South Vietnam. There were now 3,200 military aids in Vietnam.

At this point the United States set up the Military Assistance Command, Vietnam. Robert Kennedy announced that United States troops would remain until the Viet Cong had been defeated. On a radio show in Peking, China, it was stated that the United States was waging an "undeclared war" in South Vietnam. At this point, United States forces had increased to 11,300 men.

In 1963, Diem, the leader of South Vietnam who had been supported by the United States government, was murdered along with his brother, Ngu. Nguyen Ngoc Tho took over South Vietnam. President Kennedy was also assassinated that year, and the new President, Lyndon Johnson, promised more support of Vietnam.

During the terms of Johnson we dramatically increased our military assistance of South Vietnam. In 1964 our troops level reached 21,000. There were also several direct attacks on the United States by the Viet Cong; they sunk an American aircraft transport, and they bombed American installations in Saigon. In 1965 President Johnson ordered around-the-clock retaliatory bombing strikes on North Vietnam. The number of U.S. troops reached 27,000. In mid-April the U.S.S.R. and North Vietnam proposed a four-point program for negotiations, which included the withdrawal of foreign troops and the reunification of both Vietnams through free elections. The United States responded by increasing its troop strength to 46,500. The U.S. also continued to bomb North Vietnam. Then, by October and November of that year, the U.S. troop strength was increased to 148,300.

In 1966 Ho Chi Minh declared that the Hanoi peace plan must be accepted by the United States if war was to end. A week later, President Johnson announced the resumption of bombing after a 37-day pause over the Christmas holidays. In March of 1966 215,000 American troops were in Vietnam, and in April of that year we initiated B-52 bombing raids over North Vietnam. At that point U.S. forces were said to be at 245,000, plus 50,000 naval people offshore. In December 1966 there were raids by the United States around Hanoi.

In early 1967, General Westmoreland, who headed our forces in South Vietnam, requested additional United States troops there. His request was granted, and President Johnson, in his State of the Union Message, defended our involvement there, stating that he would persevere in the war despite "more cost, more loss, and more agony." So as you can see, Johnson was taking this "undeclared" war very seriously. He was again demonstrating the intensity of this war. He then ordered a new type of military action, to hasten the end of the war; he authorized the bombing of North Vietnamese industrial targets, which had previously been restricted. In June of 1967, U.S. military strength was at 463,000. In October of 1967, Generals Thieu and Ky were inaugurated as president and vice-president of South Vietnam.

In 1968, the North Vietnamese offered to meet with the United States in peace talks; the offer was accepted. Also in 1968, Richard Nixon was elected, promising peace in Vietnam. In 1969 the Viet Cong launched a general offensive in South Vietnam. At this time, U.S. forces had reached 541,000 men, which was the peak of our involvement.

Shortly thereafter, in 1969, Nixon met with President Thieu and announced the withdrawal of 25,000 American troops from Vietnam. This was the first withdrawal from the war. In the second half of this year Nixon also announced the "Nixon Doctrine," which states that the United States will avoid situations like Vietnam in the future by limiting its assistance to economic and military aid rather than active combat involvement. Also in 1969, a "defeat" in some ways for the communists was the death of Ho Chi Minh, on September 3 of that year. Near the end of the year, Nixon withdrew another 35,000 men, and the American troop level was at 479,500.

In the first part of 1970, Prince Sihanouk was overthrown as head of Cambodia. In April, Nixon withdrew another 50,000 men, and the number of American soldiers was down to 429,000. In October Nixon proposed a cease-fire plan. In July of 1971 the North Vietnamese presented a peace proposal to Secretary of State Henry Kissinger in a secret meeting in Paris, calling for a withdrawal of U.S. forces within six months, release of prisoners of war, and free elections. The United States forces were then at 160,000.

In 1972 Nixon was relected. Peace talks broke down, and Nixon ordered the renewal of the bombing—which had been called off in late 1968, after peace talks were agreed upon. On January 8, 1973, however, the peace talks were reconvened, and all offensives operations in North Vietnam were ordered stopped. Accords were signed in late January, 1973, and a cease fire began on January 28. Five hundred American prisoners of war were then released by the North Vietnamese.

In 1974 the cease-fire of January 1973 broke down, but the conflict did not overtly involve any American troops. Then in 1975 Hanoi launched an all-out offensive to take Saigon. They captured several cities which were the key to taking Saigon. General Thieu resigned as president in April 1975, and the South Vietnam Assembly elected General Van Minh as president with instructions to find a way to peace. On April 30, 1975, President Minh surrendered unconditionally to the Viet Cong, who entered and occupied Saigon. The United States military evacuated the remaining one thousand Americans began the evacuation of 130,000 Vietnamese. It was the end, for the Americans, of a very depressing war.

When the United States retreated from Vietnam, we did it quickly. The whole collapse of South Vietnam had taken only 55 days. Some of our officers left on helicopters from the roofs of building.

In 1976 Vietnam formally declared its reunification as the Socialist Republic of Vietnam, with its capital at Hanoi.

WHY THE NORTH VIETNAMESE WON

There are many reasons why the North Vietnamese won the war; however, several are worth mentioning. First, back in 1968, the North Vietnamese had gained an important psychological victory with the "Tet Offensive." Beginning on January 21, 1968, they launched an 11-week seige to take over Saigon by attacking other American bases. The first was Khe Sanh. This base held up against the seige, but diverted our attention from the cities in the south which were the prime targets for the Tet Offensive. The date chosen for the attack, for maximum surprise, was the sacred holiday of Tet, of the lunar New Year, which, in 1968, fell on January 29. For the offensive, all available Vietnamese communists were used. Children would throw grenades at soldiers. Everyone was out to kill. On that night, the North Vietnamese attacked in eight different locations, and one thousand troops entered Saigon. By February 1, the communists controlled 30 provincial capitals, 60 district capitals, and many bases. Although most of these were recaptured and the North lost 32,000 men in this fight, they had a new perspective on the war.

Another characteristic of the war which made it difficult for the Americans was that it was "frustrating." The enemy was everywhere. Children and old women were soldiers, as much as men in uniform; and there was no way of telling one Vietnamese from another, which was a communist and which was not. Also it was not a war fought with conventional tactics. It was a war of guerrilla tactics.

Another problem for the U.S. was the lack of public support at home. There were massive peace demonstrations. The soldiers

were fighting a war that people at home did not support. The American public did not suffer during the Vietnam War; there were no war taxes and no rationing, as in World War II. This was true even though we were deeply involved. We dropped more ammunition in the Vietnam War than in World War II and the Korean War combined.

AFTERMATH

The general feeling about the Vietnam War was that we should not have gone. Vietnam veterans say that they may have gone to the wrong war, but they went for the right reasons—that is, the blood and guts of this war were no less horrifying for the men who were there. A lieutenant in Vietnam once saw one of his men's legs blown off. The lieutenant said, "I will never forget the boy's face and or his words: 'Lieutenant, will you please tell 'em that I gave it all I got ?' "

It is said today that Americans are still feeling the "Vietnam syndrome," which is to rule out all use of military force in every foreign conflict, even one where the chances of success are good.

The Vietnam War was the first war that the United States ever lost, but the loss itself was not as traumatic for the Americans as the way we left there. We went to Vietnam to stop communism. But Vietnam could have been a democratic country. Ho Chi Minh asked for American support in 1945. He was turned down. Americans have had to face the fact that they have been wrong. For once the clean-cut guys from Virginia had destroyed unnecessarily.

The war also had many political effects. Lyndon Johnson did not run for a second term because of the war. Reagan's views in some ways have come from the effects of Vietnam. Nixon was elected President because he promised peace in Vietnam.

But the biggest effect has been on the Vietnamese themselves. The North Vietnamese have imposed a grim, repressive regime throughout the country. It is one of the poorest nations in the world, but invests its best minds in its military. The Vietnamese are quiet people as it is; but, with the communists there, they have become silenced even more and are always on the defensive. Vietnam has returned to being an oppressed nation.

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PELHAM PARKWAY CITIZENS COUNCIL CELEBRATES 25TH ANNIVERSARY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. SCHEUER. Mr. Speaker, this week the Pelham Parkway Citizens Council celebrates an important milestone—its 25th anniversary as the umbrella organization for 16 organizations representing the diverse neighborhoods that comprise the Pelham Parkway area of the Bronx.

Since it was formed a quarter century ago, the Pelham Parkway Citizens Council and the fine fraternal, civic, religious, political, educational, and professional organizations it represents have been a major catalyst in stabilizing the Pelham Parkway area and making it a great place to live.

As the Congressman who represents Pelham Parkway, I am proud of the determination, perseverance, and community spirit of those citizens who serve on the council and work to provide the 80,000 residents of Pelham Parkway with improved physical, cultural, educational, and recreational facilities and activities.

Many talented and creative people serve or have served on the Pelham Parkway Citizens Council. One of those citizens is Mr. Henry Yuspeh, who has been a catalyst for community improvement through his position as president of the council. Through patience and hard work, Mr. Yuspeh and his colleagues on the council have overcome bureaucratic redtape time after time to rack up a long string of success stories that have contributed greatly to the quality of life in the Pelham Parkway community.

Soon after it was formed, the council joined forces with Public School No. 105 to push for a new centrally located library for the area. That building now stands as a symbol of what organized community action can accomplish.

The council currently is fighting to force major changes in the conditions at the Bronx Psychiatric Center. So far, the council has succeeded in seeing a new director appointed and improvements in the center's facilities.

In other areas, the council: serves as a liaison between the community and the police force; is a driving force behind cultural offerings in the area; and has been responsible for numerous neighborhood cleanup and graffiti removal campaigns. On a far-reaching level, the council is the catalyst behind a letter writing campaign to insure that our Nation's prisoners of war and those missing in action are accounted for and not forgotten.

The Pelham Parkway Citizens Council is a wonderful example of civic responsibility that should serve as a model for other grassroots community organizations throughout our Nation.

I congratulate the Pelham Parkway Citizens Council for their 25 years of outstanding service to their community and I know I speak for all Bronx residents when I offer my support and admiration for the indispensable services they have provided over the years.

INTRODUCTION OF THE INTERNATIONAL DEBT, TRADE, AND FINANCIAL STABILIZATION ACT

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. LUNDINE. Mr. Speaker, yesterday I introduced on behalf of the majority of the members of the International Development Institutions Subcommittee, which I chair, legislation to address the serious problem of developing country debt. This legislation has evolved after detailed oversight and legislative hearings on the ideas contained in the bill. Our proposal is aimed at strengthening and expanding the Baker initiative on debt launched last October in Seoul, South Korea. We have taken timely action on this matter so that it can become part of the Speaker's trade bill scheduled to go to the House floor the week of May 12.

The effect of the debt crisis on the U.S. trade deficit is clear. Since the onset of the debt crisis in 1982, in order to earn badly needed foreign exchange to pay their international debt, debt ridden developing countries have closed their economies to imports and concentrated on boosting their exports. Over one-third of the 1985 U.S. trade deficit was with developing countries. The United States has experienced a 32 percent decline in exports and a 13 percent increase in imports since 1981 with the key 15 debtor countries recently identified in the Baker debt initiative. The trade deficit with these same countries has grown from $3.3 billion in 1981 to $21.3 billion in 1985. The Overseas Development Council has estimated that 1.4 million U.S. jobs have been lost due to the trade ramifications of the debt crisis.

The United States also has other reasons to seek a solution to the debt crisis. Our banks are dangerously overexposed to developing countries who will continue to have serious difficulties paying their debts unless they can secure some breathing room from their debt burdens. Effectively addressing the debt crisis is critically important to preserving United States foreign policy and security interests around the world, particularly in Latin America where infant democracies are struggling to maintain the support of their people.

The bill proposes steps to increase the effectiveness of the World Bank and other multilateral development institutions. It is our belief that the World Bank must play the key catalytic role in bringing about a satisfactory resolution to the debt crisis. The World Bank must help increase the flow of capital into developing countries. To help achieve this we urge the World Bank to propose that a temporary adjustment be made in its disbursement practices to forward World Bank capital to developing countries in an accelerated, but still responsibly monitored, fashion. In addition, we call for steps to help developing countries

boost domestic savings rates and minimize the capital flight from their countries. Finally, the bill proposes ways which the World Bank can increase its capital base without involving direct appropriation by the Congress during this difficult budgetary environment.

The World Bank must also help bring about important economic policy reforms in developing countries. To help achieve this, we call for an increase in structural adjustment lending by the World Bank. The bill makes particular reference to the need to have as a goal the gradual liberalization of trade and investment policies of developing countries. An essential ingredient in providing expanded resources to developing countries to deal with their debt burdens must be future access to their markets. This not only will strengthen the world trading system, but also contributed to making the economies of the developing countries more efficient and competitive.

To help improve the investment climate in developing countries, the bill endorses the Multilateral Investment Guarantee Agency [MIGA] recently negotiated and endorsed by the administration. This new multilateral agency will provide political risk insurance to private investors in the developing countries. Because of the serious budgetary situation facing us presently, the bill defers authorization of any new funds for this purpose until next fiscal year.

As a means of promoting U.S. interests, the bill directs the Secretary of the Treasury to take steps to keep U.S. firms fully informed of bidding opportunities in countries receiving loans from the multilateral development organizations. In many instances, the United States is losing valuable export business associated with multilateral development bank loans to our trading partners simply because we are not aggressive enough.

The proposed legislation also calls upon our industrialized trading partners to assume a larger share of the burden of developing country imports. Last year, the United States imported 62 percent of the manufacturing exports of developing countries. In contrast, the Europeans only imported 23 percent and Japan 8 percent, respectively. Both the Japanese and Europeans can do much more to help solve this debt crisis through adjustments in their trade and investment policies.

The final section of this proposed legislation attempts to improve the stability of the international financial system. It requires the Secretary of the Treasury, in conjunction with the Chairman of the Federal Reserve Board and Comptroller of the Currency, to explore changes in the structure of U.S. capital markets and regulation of private financial institutions to help address the debt crisis. Any lasting solution to the problem of developing country debt must involve the participation and cooperation of private banks both in dealing with existing debt and insuring that adequate new resources flow to these countries.

The Baker initiative was an important policy reversal by the administration. It correctly identified the widespread economic consequences of Third World debt. The legislation we propose today is an effort to sustain this initiative for our long term economic interests, both for the well-being of developing nations and the United States.

THIS WAS GWEN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. CLAY. Mr. Speaker, on Wednesday, March 26, 1986, Mrs. Gwen B. Giles, the assessor for the city of St. Louis and a very dear friend of mine, departed this life. She left behind a legacy that will be difficult for anyone to follow or to forget. Her death must be viewed as a dark and deep tragedy.

She was that very special kind of person who touched our lives in a very special way and one whose memory will last forever.

I would like to share the following information with my colleagues on Mrs. Gwen B. Giles, which appeared in the St. Louis Post Dispatch on April 1, 1986.

GWEN GILES EULOGIZED AS A BRIDGE-BUILDER

Gwen B. Giles was eulogized Monday as a community bridge-builder who "was as comfortable in the streets as she was in government suites."

Mrs. Giles, 53, who died Wednesday of cancer, was St. Louis assessor after having served as the first black woman in the Missouri Senate. Several speakers at her funeral recalled also her earlier work as a civil rights fighter and community leader in the West End.

The burial in St. Peter's Cemetery followed the two-hour funeral Mass and ecumenical service at St. Rose Catholic Church, 1001 Goodfellow Boulevard. About 400 people attended the funeral.

The Rev. C. Garnett Henning Sr., pastor of St. Paul African Methodist Episcopal Church, who gave the eulogy, said: "I come not to mourn the passing of Gwen, but to celebrate her life. She achieves in death what she had sought in life—bringing us here together today—black and white, Catholic, Protestant and Jew."

Michael E. Newmark, a representative of Jewish groups, recalled that he had first worked with Mrs. Giles in a program sponsored by the National Council of Christians and Jews. He said they had worked together again in recent years when she became concerned about relations between blacks and Jews.

"She dreamed of building solid bridges between our religious and ethnic groups that would indeed make a better community," Newmark said.

The funeral Mass was concelebrated by the Rev. James Moll, pastor of St. Rose, and Monsignor John Shocklee, executive director of the Archdiocesan Office of Human Rights.

Moll stepped down from the altar to the closed casket, where he said: "We all know a bit more peace, a bit more strength, a bit more life because of Gwen Giles."

Several public officials who attended also spoke in a series of farewell remarks.

Lt. Gov. Harriett Woods recalled that she had preceded Mrs. Giles in the state Senate, "and when Gwen came, I never stood alone again." Mrs. Giles represented the 4th District on the North Side from 1977 to 1981.

Mayor Vincent C. Schoemehl Jr., who then appointed her as city assessor, said she had brought energy and enthusiasm to every job she undertook.. "Her vision and hope touched as all," he said.

Rep. William L. Clay, D-St. Louis, alluded to her role as manager of his first congressional election campaign. "Many of us here today would not be who we are if not for the contributions of this very special lady," Clay said.

Margaret Bush Wilson, former president of the National Association for the Advancement of Colored People. said: "She had the serenity to accept what she could not change, the courage to change what she could and the wisdom to know the difference."

WORLD FOOD DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GILMAN. Mr. Speaker, today I am introducing House Joint Resolution 595 which would designate October 16, 1986, as "World Food Day." World Food Day celebrates the founding of the food and agriculture organization of the United Nations in 1945. For the past 5 years Congress has supported this commemorative day which has been an effective tool in increasing the public's awareness of the global problems of hunger and malnutrition.

As public concern about world hunger grows, the importance of special days like World Food Day increases. Hundreds of colleges, universities, and other local organizations participated in various activities to help educate their communities on the problem of hunger last year. These individual activities add up to the huge worldwide movement that will give the hungry the support they need to succeed. Public concern has already created enormous resources for Africa and is stimulating the political commitment needed to achieve long-term success.

By designating October 16, "World Hunger Day," Congress will join these communities and initiatives in a committed national effort to alleviate hunger in the world.

Mr. Speaker, at this point in the RECORD, I am inserting the full text of the House Joint Resolution 595 to designate October 16, 1986, as "World Food Day."

H.J. RES. 595

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world and famine is again affecting so many of the countries of Africa;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas Congress is particularly concerned by the rise of hunger, recurring natural catastrophes, and inadequate food production and distribution now affecting a large number of African countries and the need for an appropriate United States response to emergency and long-term food needs of that continent;

Whereas there is growing recognition that improved agricultural policies, including farmer incentives, are necessary in many de-

veloping countries to increase food production and national economic growth;

Whereas there is a need to increase the involvement of the private voluntary and business sectors, working with governments and the international community, in the search for solutions to food and hunger problems;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agriculture based on private enterprise and the primacy of the independent family farm;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist countries and people to improve their ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and therefore to the security of the United States;

Whereas Congress is acutely aware of the paradox of immense farm surpluses and rising farm foreclosures in the United States despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation contained in the 1980 report of the Presidential Commission on World Hunger is that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas the Food and Agriculture Organization was conceived at a conference in Hot Springs, Virginia, with a goal of freedom from hunger and 1985 marks the 40th anniversary of the organization's existence;

Whereas past observances of World Food Day have been supported by proclamations of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than 330 private and voluntary organizations and many thousands of community leaders are participating in the planning of World Food Day observances for 1986: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1986, is hereby designated as "World Food Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.

THE CASE AGAINST FURTHER AID TO THE CONTRAS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. WEISS. Mr. Speaker, a distinguished New York attorney, Mr. Robert L. Boehm, has cogently stated the case against any further aid to the Contras in Nicaragua. I commend the attached letter to the attention of all Members of the House.

APRIL 7, 1986.

DEAR MEMBER OF CONGRESS: President Reagan, fighting desperately to get $100,000,000 for "his" Contras, paints dire pictures of despair if Congress does not support his demand. Yet he says nothing about what will happen if he does get his $100,000,000.

This is an area into which neither he nor his supporters have ventured. Why not? Because he cannot explore this possibility without exposing the weakness of his position.

Does he or anyone else suppose that $100,000,000 to the Contras will end the war in Nicaragua? The Contras have failed to hold a single town or for that matter a blade of grass for even a few days. They can do no more than run for refuge in Honduras when the going gets rough. Headed by a mixed bag of former Somocistas and young soldiers of fortune, they have very little popular support in Nicaragua. They have not even been able to agree on their own political aims.

What must happen after the $100,000,000 is spent? Will the President then agree that their mission is a failure and that we must withdraw our support? A most unlikely scenario. Instead the Reagan program will call for more aid—this time $200,000,000 to $300,000,000—with greater emphasis on more offensive weapons, like armed helcopters, high-powered gunships, etc., and more "advisers" and "trainers."

On the third try the President will ask for American troops, or at least the Marines . . . a replay of the Vietnam fiasco.

This is the real question behind the facade of "only $100,000,000." Must Congress grant this request? Arm twisting and political deals have become the order of the day. But Congress can have its own program . . . not more arms but a political settlement for Nicaragua with the United States and with its own Latin American neighbors.

The assumption that Congress must give in and allow the President some of what he wants is without foundation. If the separation of powers means anything at all, it must mean that legislative powers must be independently exercised—not subject to domination by the Executive. Compromise is all very well, but it cannot work when in effect compromise means surrender.

The Administration has already seen the failure of its military approach. The only realistic alternative is political and diplomatic . . . the reconvening of the Contadora nations and the United States in a genuine effort to resolve the issues. Such an approach is totally incompatible with more dollars for the military. Only if the military approach is rejected will it be possible to place a diplomatic effort on the agenda. Our present military approach—the funding of the Contras—not only is leading us toward all out war, but in fact violates basic rules of international law embodied in the Charters of the UN and the OAS, as well as fundamental principles of U.S. constitutional law. Let us think clearly before we rush into the misguided Reagan "policy."

Respectfully yours,

ROBERT BOEHM.

MASS STARVATION: A SOVIET POLICY

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. SCHULZE. Mr. Speaker, on a recent trip to Arizona, I picked up a copy of the Arizona Republic which contained a truly excellent editorial on the use of starvation by the Soviet Union as a tool for achieving population subservience. It comes as no surprise to most of us that the Soviet Union and its puppets violate individual human rights—but it should concern and shock all of us that mass starvation is practiced in this day and age as a means of overpowering and controlling those who defend themselves against Communist rule. Mr. Speaker, I ask that this editorial be printed in the CONGRESSIONAL RECORD and commend it to the attention of each of my colleagues.

THE ARIZONA REPUBLIC,
April 12, 1986.

SOVIETS: STARVATION AS A POLICY TOOL

Communists regularly use famine—planned, deliberate, premeditated, state-sponsored mass starvation—as a means of executing foreign and domestic policy.

This is little known in the West for the simple reason that it is usually carried out under ideal totalitarian conditions with the borders of affected areas sealed off to outside journalists and diplomats.

Millions have been starved to death deliberately in the Ukraine, China, Cambodia, Ethiopia and Afghanistan while the world went on la-di-da in blessed ignorance.

There is, however, a sinister side to this lack of awareness: Western self-censorship.

By 1932, Josef Stalin had run out of patience trying to collectivize and bring a stubborn Ukraine under Soviet control. He sealed the borders of the region, stripped it of foodstuffs down to killing the cats and dogs, and in a year had murdered at least 7 million, and perhaps as many as 15 million, Ukrainians.

The tragedy was hidden from the West by Stalin's ironclad censorship and by a conniving Western press sympathetic to socialism.

New York Times correspondent Walter Duranty, a Pulitzer Prize winner and dean of Western reporters in Moscow, toured the afflicted area and denied in print the existence of the famine, an act for which Stalin awarded him the Order of Lenin. It is now universally recognized that Duranty lied.

Malcolm Muggeridge, an idealistic young communist reporter for the British Guardian, in 1933 secretly got into the Ukraine and reported the famine only to have all his stories "spiked." Muggeridge left Russia disillusioned and repulsed by "one of the most monstrous crimes in human history."

All this would be of purely historical interest except for the fact that the "spiking" of the Ukrainian famine story continues in 1986.

The Ukrainian Studies Fund of Harvard University, completing a massive three-year study of Stalin's planned famine to be published in October, has been unable to interest any major news organization in its work.

And don't look for the award-winning documentary film Harvest of Despair on television. The commercial networks, the Public Broadcasting System and most local stations have refused to air the film documenting Stalin's deliberate mass murder despite its having been awarded a gold medal over 837 entries from 44 countries at the 1985 International Film & TV Festival.

Why this resistance to airing the film? Because it isn't chic to criticize the Soviet Union in an era of summit meetings and cultural exchanges; it isn't wise to risk Russian reprisals against your Moscow news bureau; because the film isn't "balanced" with the Soviet side.

The Soviet side? Do documentaries on Hitler's Holocaust give "the Nazi side," as if there is a "side" in favor of genocide? Anyway, the Soviet response is self-contradictory: (a) The famine never happened; (b) the famine happened but was an accident of nature.

The Kremlin threatens and blusters every time the subject is broached. When Canadian Prime Minister Brian Mulroney mentioned it in a speech last year, the Kremlin charged he was trying to overthrow the Soviet government!

How does the West deal with a government that starved its own people by the millions to gain its ideological ends? The idea is so monstrous and so cuts through our more comforting images of the Soviet Union that most would rather assent to the Russian view of reality than challenge it.

And it continues. An article in the April *Commentary* magazine details how the Ethiopian Marxist government is using a Stalinesque famine to collectivize agriculture. In Afghanistan, the Soviets have destroyed the agricultural infrastructure to break the will of the freedom fighters. More people per capita face starvation in Afghanistan than in Africa.

While the West prattles on endlessly about the Nazi Holocaust and makes insincere protestations of "never again," communists systematically carry out genocide by famine, hidden safely behind the barbed wire of their gulag states and Western self-willed blindness.

FELTON GROVE FLOOD CONTROL PROJECT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. PANETTA. Mr. Speaker, today I am introducing legislation that would authorize a flood control project in the Felton Grove area of Santa Cruz County, CA. The severe storms this year have once again caused extensive flood damage in the Felton Grove vicinity. This area has suffered significant flood damage year after year, causing a public safety hazard and a direct threat to homes immediately adjacent to the river bank and necessitating the evacuation of area residents. The sooner a permanent solution can be put in place, the less the danger to the lives and property of area residents.

Mr. Speaker, the text of the bill follows:

H.R. 4608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to carry out a project for flood control in the Felton Grove area, Santa Cruz County, California. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

ILLINOIS SUPPORT FOR SET-ASIDE PROGRAM

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. HAYES. Mr. Speaker, while the Reagan administration attempts to bury the Small Business Administration in the Department of Commerce and the Civil Rights Commission and the Office of Management and Budget attempt to roll back the gains of the Federal Government's set-aside program, my home State of Illinois is attempting to get a bigger share of Federal contracts for the State's small businesses. The Government Assisted Industry Network [GAIN] is a bipartisan, statewide organization of business executives working to bolster existing efforts to help get a bigger share of Federal contracts for the State's small businesses.

Recently, this organization sent a letter to the 24 Members of the Illinois congressional delegation urging opposition to the proposed procurement rules changes which would virtually eliminate the set-aside program.

Mr. Speaker, the GAIN letter is but one more illustration of the broad-based support that this popular program enjoys. While the set-aside program still needs to be improved and expanded, it is a worthwhile and necessary example of how the Federal Government can assist small and minority businesses obtain their fair share in our Nation's economic system.

The GAIN letter follows:

GOVERNMENT ASSISTED INDUSTRY NETWORK,
Springfield, IL, March 15, 1985.

MEMORANDUM

Re Small Business Set-Aside Program.
To: Illinois Congressional Delegation.
From: House Speaker Michael J. Madigan and House Minority Leader Lee A. Daniel.

Members of the Government Assisted Industry Network (GAIN) are asking your help in preventing proposed procurement rules changes which would virtually eliminate the set-aside program for small businesses.

The changes proposed by the Office of Management and Budget (OMB) would require procurement officers in the Department of Defense, National Aeronautics and Space Administration and General Services Administration to "demonstrate that a sufficient number of responsible small business concerns will respond" to an invitation to bid "at the lowest reasonable cost."

The previous standard for set-aside contracts required only that "at least two responsible small businesses offering reasonable prices" demonstrate an interest in bidding.

Small business leaders, procurement officials and the Small Business Administration all agree that the new standard, if adopted, would sharply reduce, if not actually eliminate, small business set-aside contracts. Set-aside contracts account for nearly half of the procurement contracts won by small business on the national level. It would clearly harm Illinois, which already has far less than its share of all federal contracts. According to the most recent figures provided by the Small Business Administration, Illinois small businesses received 22% of the federal contracts awarded the state in comparison with an average of 14% won by small business in other states. Clearly a reduction in small business contracts would undermine our state's economy.

On behalf of the members of GAIN we urge your strong bi-partisan support for HR 4097 sponsored by Representative Esteban Torres (D-California) or similar legislation which would preserve the current rules for procurement officers establishing set-aside contracts.

With your timely assistance, we can prevent a step backward in the effort and develop a fair procurement system which offers a reasonable share of contracts for small businesses.

H.R. 4515

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. FRENZEL. Mr. Speaker, I voted against the rule on H.R. 4515, the urgent supplemental appropriations bill, because it linked two nongermane items, the Contra issue, and repeal of the President's deferral policy, with the supplemental appropriation. Neither of those items should have been joined to the bill.

The distorted rule, which is contrary to the regular procedures of the House, was the reason for my positive vote on the Hamilton amendment. My original inclination was to vote against the Hamilton amendment, but when an affirmative vote offered the opportunity to sever the Contra issue from the appropriations bill, I took advantage of that opportunity.

Incidentally, I will still vote against the next rule on the supplemental, because it will still include legislative langauge repealing the deferral authority along with the appropriations. The vote for the Hamilton amendment only cured one-half of the problem.

What infuriated the Republican minority today was the fact that the Speaker, in providing a vote on the President's proposal, provided one under which success was impossible. The President was sworn to veto the supple-

mental. Even if his Contra proposal had been passed, he would have had to veto it along with the rest of the supplemental.

That procedure is an affront to our system. I voted against the President's proposal, but I strongly believe he, or any other President of any party, deserves an honest chance to present his policy to the Congress.

Unfortunately, the Democratic majority, uses the combination approach on an increasing number of important spending bills. Our continuing resolutions are a national disgrace, but they are used repeatedly to drag poor spending programs along with essential ones.

Today's confrontation is only the beginning. Long after today's issue is forgotten, legislators will still be trying to add nongermane amendments to bills of one kind or another.

When they are aided by congressional leadership, as was the case today, the whole process becomes more of an exercise in cronyism, and less representative, and less working of the people's confidence.

The House, and its Democratic leadership, suffered a real embarrassment today. No wonder H.R. 4515 was abruptly pulled from the schedule.

EL LAGARTILLO

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. WEISS. Mr. Speaker, before we vote to spend another dime to expand our war against the Nicaraguans, let us ponder what our policy has meant to the small farm cooperative known as El Lagartillo. For in essence, the Contra war is simply El Lagartillo writ large.

I commend the attached letter, which I recently received from a group of Americans studying in England, to the attention of all Members of the House:

OXFORD, ENGLAND, MARCH 1, 1986.

DEAR REPRESENTATIVE: Last March, you and your colleagues received a letter from ourselves and 43 other American students then living in Oxford (*CR*, 25 April 1985, E1768). In that letter we urged you to vote against funding for the Contras fighting to overthrow the government of Nicaragua. We are writing you now to tell you of an event in Oxford last May which we believe helps illustrate the absurdity of our current policy toward Nicaragua, and once again to urge you to vote against the renewal of any aid—including so-called "non-lethal" aid—to the Contras.

Last May, students in Oxford held a sponsored fast to raise money for El Lagartillo, a small farming cooperative in Nicaragua which had been attacked by the Contras. We raised £7000 (about $10,000), which is now being held by the Dominican priest in the village. According to an explicit agreement between ourselves and the priest, the villagers are using the money to do the following:

Roof and stock a school; construct a food storehouse and supply center; construct new homes for several families; install a system of potable water; purchase farming tools; purchase tools and other essentials for the village women; provide secondary-school scholarships for the area children; purchase preschool supplies; purchase 80 acres of land for ten landless families; and provide a discretionary fund for neighboring villages.

We know where our $10,000 has gone. Do you know where the $27 million Congress gave the Contras last year went? We can report it went to support people who did the following to El Lagartillo:

Burned the school and several homes (est. value: $1,600); burned a grainstore and farm tools (est. value: $2,700); burned a number of personal possessions (est. value: $2,900); and killed six villagers—three adult men, one 20-year-old woman, and two 14-year-old boys—as they were working in the fields.

[Source: The Catholic Institute for International Relations, 22 Coleman Fields, London N1 7AF, U.K.]

As Oxford residents, we are proud that we have been able to help one community cope with life in a war zone. As United States citizens, we are deeply disturbed that our government is funding that war and assisting those who perpetrate cruel attacks on innocent Nicaraguans. President Reagan, in the wake of the attacks at the Rome and Vienna airports in December, said he does not speak "with men who kill 11-year-old girls." But he favors giving $100 million to people who kill 14-year-old boys. Many of the estimated 8,000 civilians the Contras have killed have been children. These crimes are not anecdotal: they are pervasive and ongoing, and they have been documented ad nauseam by Americas Watch, Amnesty International, the Washington Office on Latin America, and many others.

That is why this year we are helping organize the International Fast for Peace in Nicaragua, which will consist of scores of local fasts like Oxford's in Europe, Britain, Canada and the United States. This is more than a symbolic act—fasters will raise money for a variety of relief efforts to ease the effects of the war on the people of Nicaragua. We will be working through Oxfam, the American Friends Service Committee, and other reputable groups to see that our money does go to truly humanitarian efforts in Nicaragua.

The fast in the United States will take place in a number of congressional districts in early March. The underlying premise is that our government's funding of the Contras is immoral and counterproductive.

Once more, we urge you in the strongest terms to vote against any further funding of the Contras in Nicaragua, and to pursue instead constructive policies which address the real problems and needs of Central Americans.

Respectfully yours,

SARAH SEWALL,
Bremen, Maine.
JOHN W. FANESTIL,
La Jolla, California.
WADE B. BUCHANAN,
Boulder, Colorado.

SPACE POLICY NEEDS FURTHER GUIDANCE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. BROWN of California. Mr. Speaker, one of the obvious results of the space shuttle *Challenger* tragedy has been a revival of national interest in America's space program. Not since the 1960's have so many of our citizens focused their attention on NASA's policies and programs. It is sad, but true, that many Americans have not looked closely at our space activities since the Apollo flights to the Moon.

Much has happened in the U.S. space program over the past 15 years. Despite the recent disaster, the shuttle program has represented an historic achievement. There have been many other major triumphs for NASA as well, including the Pioneer missions to Jupiter in the early 1970's, the Viking landings on Mars in 1976, and the Voyager visits to Saturn in 1981 and Uranus in January 1986. NASA's exploration of the solar system has resulted in revolutionary advances in our knowledge of our sister planets. NASA's scientific programs have expanded our understanding of the physical dynamics and characteristics of our planet, and of Earth's history and heritage in the universe.

But there have also been disturbing trends in the U.S. space program since the momentous Moon landings of the late 1960's. Specifically, the Defense Department has come to control an ever-increasing, and now domineering, portion of the Federal space budget. In the 1960's, NASA was receiving 60 to 70 percent of the Nation's space budget, with the Pentagon controlling most of the rest. This relationship has now been reversed, with the Pentagon now commanding 60 to 70 percent of total Federal space expenditures. Compared to this year's NASA request of $7.6 billion, the Pentagon's request of nearly $17 billion for space and space-related activities is a symbol of the increasing militarization of the Federal space budget.

The Pentagon's growing control over U.S. space policy might come as a surprise to many people, and it should, for it has not been the result of public debate over national space priorities. Rather, it has resulted from the lack of such debate, combined with the Pentagon's incredible ability to direct national spending patterns.

The Pentagon's growing control over our space program may not have come about if there had been an institutional mechanism for reviewing and directing overall national space policy, and for weighing civilian space priorities against those of the Defense Department. But we do not have such a mechanism. The comparative size of our civilian versus military space programs has been the result of a haphazard and incoherent process which has had little oversight.

In my opinion, we need a new organizational entity established for the explicit purpose of developing national space policy.

The Pentagon is now proceeding with a think tank of its own that, in my view, will generate an even greater appetite at the Defense Department for space dollars. I refer here to the Strategic Defense Initiative Institute that has been requested by the Director of the SDI and authorized by the Secretary of Defense. Although not yet created, this institution would lead to an even further domination of military space programs over those of NASA and other civilian agencies.

The Nation's rekindled interest in space programs should be given expression through the establishment of an institutional entity that

directs overall national space policy. The Nation once had such a body—the National Aeronautics and Space Council. The NAS Council was originally formed under the 1958 NASA Act, but was abolished during the Nixon administration. Tomorrow during markup of the NASA authorization bill by the Science and Technology Committee's Subcommittee on Space Science and Applications, I will propose that the United States develop a better method of developing its space policies. Reestablishment of the NAS Council would be an obvious and sound beginning. I will also, however, be looking into the possibility of creating a new National Space Policy Institute along the lines of the Defense Department's Rand Corp.

Given the uncertainties facing our national space program, combined with the resurgence of interest in it, I feel we simply cannot move forward into space without a coherent policy directed by a group of individuals specifically dedicated to such a mission. Such a group would help insure that America moves into the 21st century with a bold space program that reflects all our national interests.

NEW HORIZONS FOR AMERICA'S YOUTH

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mrs. SCHNEIDER. Mr. Speaker, I would like to commend to my colleagues an upbeat essay written by a high school student in my district for the Veterans of Foreign Wars' annual essay contest. Anne Marie Roberti is a senior at Classical High School in Providence and the winner of the Voice of Democracy contest for the State of Rhode Island. Her optimistic outlook gives me great hope for the future of our Nation.

The essay follows:

NEW HORIZONS FOR AMERICA'S YOUTH

America's youth—what could be a more interesting topic than this one. The future of society—the future of the world, even, depends on America's youth. "You will be the leaders of tomorrow" we have all been told ever since we have been able to walk. I believe this. I believe that we can do anything we want, and we will. I'm sure of it!

Today's teenagers are very much aware of society and keep abreast of current events. No longer can we be sterotyped as the giddy, mini-skirted school girls and the no-minded jocks of previous generations. We fight and protest for what we believe in but usually in a civilized, nonviolent way. Recently, at Brown University, female students picketed against the sexual harassment that they felt they were getting from certain male students. No riots occurred, no one got hurt, and the females' cause was heard and helped.

I believe that today's youths are ready to love and accept each other; thus, establishing a receptive and open-minded nation. We know that society's norms are being broadened and that we aren't as restricted as our parents were when they were growing up. This knowledge gives us an incentive to achieve our goals, and it gives us the feeling of power, that tells us we can do whatever we want. "Do your own thing" sound the voices of the eighties.

Because we aren't sheltered, we can experience the evil of society as well as the good of it. We aren't shielded from death, wars, hostage crises, bombings, or airplane crashes. They are all too common for them not to be a part of our lives. The growing threat of nuclear war and of deteriorating foreign relations are talked about constantly; consequently, we don't enter adulthood with very many false expectations of life. We aren't as artless as the generations before us who were pushed out of their security into a cold hard world to fend for themselves. We are looking forward to the time, with increasing excitement, when we can make a difference. The youth of America is eager to jump into the middle of life and be counted. We want to do what people say can't be done and then rejoice in our accomplishment. We want world peace. We are striving for a world free of nuclear weapons. We want the South African nation freed from apartheid. We want our children to grow up in a safe and stable environment. America's youths' view of life is one with which Kyle Crishton would agree; for he states:

"Life's a pretty precious and wonderful thing. You can't sit down and let it lap around you. You have to plunge into it; you have to dive through it! You can't save it. You can't store it up; you can't board it in a vault. You've got to taste it; you've got to use it. The more you use, the more you have . . . that's the miracle of it."

We are ambitious. We desire to educate ourselves. We are excited about the future and our lives. We want to live, and we won't settle to just exist. Youth wants to be challenged. We are encouraged push ourselves harder and harder to learn. We can be doctors, astronauts, actors absolutely anything we want to be. There's no stopping us now; for, "we are what we risk—what we dare to tackle and attempt to solve."

A young girl from Maine at only twelve years of age, wrote to the Soviet Union about her fear of a nuclear war between the Soviet Union and the United States. She made world news and eased relations between the two great powers for a short period of time. She was tragically killed this year. She was a success, though, according to her classmates' definition of the word. She was always optimistic and cheerful. She truly lived! She enjoyed life and made a difference in the quality of it for others. She accomplished so much in her short lifetime.

Lately, I have become much more aware of myself than I have ever been before. I'm thrilled to experience life and to broaden my horizons. There's so much to learn, and I want to learn it all. I want to meet people and truly listen to them and have them truly listen to me. I want to encourage people to take advantage of the wondrous gift we have, called life. I want to give them the push that they may need to get involved and help the community. I've realized that today's youth can truly accomplish anything it wants, and I'm ecstatic about my realization.

We are ready to live, in the present, to explore, and to open our minds. We want to experience life without any boundaries or limits. We are free to do anything we want. Buckminster Fuller sums this philospohy up when he states, "I have great hope for tomorrow and my hope lies in the following three things—truth, youth, and love."

PRAIRIE STATE COLLEGE WEEK

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. O'BRIEN. Mr. Speaker, I'm pleased to announce that the week of May 1, 1986, has been designated as "Prairie State College Week" within the Fourth District of Illinois, a recognition well-deserved by this fine community college.

Located in Chicago Heights, IL, Prairie State College has remained a valued and respected place of learning in our community since its establishment in 1958. Nearly 5,000 residents representing 15 municipalities from the far southern suburbs of Cook County and eastern Will County are enrolled at Prairie State. The college offers more than 50 areas of study in the associate of arts degree program for the student seeking transfer to a 4-year college or university, 30 associate of applied science (2-year degree) programs in occupational and technical areas, and nearly 30 1-year certificate programs.

The college's philosophy of striving to provide educational opportunities to all who seek them in the community embodies what is surely the goal of community colleges across our Nation—the enhancement of the lives of its students through education, thereby enriching America itself. After all, bright and innovative individuals have and always will be the fabric of the progress for which our country is known.

"Prairie State College Week" will be highlighted by a "Special Event" fundraising dinner dance where the guest speaker will be Chicago television hostess and Academy Award nominee Oprah Winfrey with entertainment provided by the Dick Judson Orchestra. Proceeds from the event will benefit the Prairie State College Foundation's Permanent Scholarship Fund and Learning Center project.

I know my fellow colleagues in the House join me in wishing Prairie State College all the best for a successful future.

THE NASA FISCAL YEAR 1987 BUDGET

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. BROWN of California. Mr. Speaker, as the Subcommittee on Space Science and Applications of the House Science and Technology Committee prepares to mark up the fiscal year 1987 NASA authorization bill, I feel it appropriate to make a few remarks about the future of the American space program.

NASA is at a critical juncture of its existence. Several key developments are likely to result in fundamental changes. The most profound impact, of course, was the tragic loss of the Space Shuttle *Challenger*. The Gramm-Rudman-Hollings Emergency Deficit Control Act is also a dark cloud hanging over the

entire Federal budget this year, and NASA will be expected to do its share of trimming. On a more promising note is the soon-to-be-released report of the National Commission on Space, with its visionary blueprint for the next 50 years in space. After all is said and done, I hope we will see a stronger NASA, more capable of meeting the challenges of the new frontier, and I believe that a majority of the public and the U.S. Congress shares that hope.

On January 28, the Space Shuttle *Challenger* accident sent NASA's budgetary process into a tailspin from which it has yet to recover. Since that time, the administration and Congress have been closely examining numerous options about how to proceed. The process has been complex, and much credit must be given to those involved. The Senior Interagency Group for Space [Sig-Space] for weeks has been debating how to replace the lost launch capacity. The Rogers Commission's report on the shuttle accident is also nearing completion. Only after these executive groups arrive at a decision can Congress begin serious consideration of NASA's budget.

With so many uncertainties about NASA's future, the Space Science and Applications Subcommittee of the House Science and Technology Committee plans to markup an authorizing bill tomorrow. Clearly, my colleagues and I on the subcommittee have a particularly difficult job before us. We face this task knowing that any bill reported out of subcommittee may be irrelevent once the administration presents its revised NASA budget reflecting the full impact of the *Challenger* accident. The bill we report out of committee, to a large extent, will be a message to the administration, rather than a working budget.

I am confident that the President will come forth with a comprehensive proposal to replace the lost shuttle launch capacity. It is my hope the President's plan, once unveiled, will include a supplemental appropriations bill to fund a mix of at least one more shuttle orbiter and complimentary expendable launch vehicles [ELV's].

At markup, however, the Space Subcommittee will be forced to make some assumptions about expected launch capability. In my opinion, those assumptions should be as optimistic as possible, and include the launch vehicle mix mentioned above. If more restrictive budgetary realities present themselves later, then the authorized funds can be adjusted either in full committee, in the Appropriations Committee, or on the House floor.

Despite so many unknowns in the NASA budget, I am confident that under the leadership of Chairman NELSON, the Space Science and Applications Subcommittee will mark up the NASA authorizing bill to reflect what is best for the Nation's Space Program and our continued global leadership in space.

The President's proposed fiscal year 1987 NASA budget was, on the whole, a good program. Funding for the space station will allow the program to proceed to the development phase in early 1987. The development of the orbital maneuvering vehicle will continue on schedule. The ocean topography experiment [Topex], a new start in the NASA fiscal year 1987 request, is a joint United States-French initiative. Topex is an exciting experiment which will give a better understanding of the oceans' general circulation. Space exploration development is progressing on the Magellan Venus radar mapper and the Mars observer mission. I am also excited about funding for the transatmospheric vehicle research and technology development. I am pleased that these elements were included in the President's fiscal year 1987 budget, and I plan to support their full funding throughout this budget cycle.

Mr. Speaker, the heart of the space program is embodied in NASA's R&D function, and in particular the Office of Space Science and Application [OSSA]. The Associate Administrator of OSSA, Dr. Burton I. Edelson, heads the program, which, despite its critical importance, takes only 20 percent of the NASA budget. In Dr. Edelson's testimony to the House Subcommittee on Space Science and Applications he said, "The benefits we have realized from space science and applications in the past have been enormous. Mankind now has a new view of the Universe." The space scientists and engineers conduct basic research into the nature of the "entire universe, with efforts ranging from the most distant galaxies to the neighboring worlds of the solar system, and finally to the land, oceans, and atmosphere of the planet Earth."

Unfortunately, despite the achievements in space science and space applications, there has developed a feeling of frustration and disappointment in the scientific and technical community because many projects have been delayed or canceled due to congressional or executive shortsightedness. In 1981, for example, NASA was forced to make broad, sweeping cuts in the space science program to provide necessary funds for the space shuttle development. Clearly, as a matter of national security, the shuttle had to be completed, but it was counterproductive to force cuts in space R&D as a result. The Nation has consistently used the space science and applications program as the arena for cuts when budget tightening was required. The 1981 decision resulted in postponements and cancellations of dozens of programs. For example, the mission to encounter Comet Halley was dashed; the international Polar orbiter mission was postponed; the advanced communication technology satellite was postponed; and data reception from the Pioneer space probe was terminated—later rescinded.

We may see a similar series of cutbacks in space science and applications programs as a result of the *Challenger* explosion. The Congressional Budget Office, in a report on the impact of the shuttle accident, suggests that one "area in which to reduce NASA spending over the next 2 to 3 years is the research and development [R&D] function, since the loss of shuttle capacity will lead to a dramatic reduction in shuttle flights available to launch R&D payloads during this period." I strongly urge my colleagues not to be swayed by this argument. To significantly cut this critical Space Science Program would result in the discontinuation of vital research, disbanding of irreplaceable research teams, and a general weakening of America's lead in cutting-edge technology in the world market. We seriously run the risk of gutting the space science and application effort; the result will be inadequate programs to meet the science and applications needs in the 1990's.

Last week, Thomas Donahue, Chairman of the Space Science Board of the National Academy of Science, in testimony before the Senate Science, Technology, and Space Subcommittee, observed that:

> This nation has been trying to carry out a highly visible, prestigious national enterprise on the frontier of technology, with a resource level so meager that one tragic accident has crippled the entire program, civil and military * * * I would urge that you resolve to turn the space program around and to either carry on a space program at a level that makes sense for a flagship program for our nation or get out of it altogether and leave it to the Russians.

I think Mr. Donahue makes a convincing case for support for the space program, even in face of the shuttle disaster and Gramm-Rudman-Hollings. Now is the time when Congress and the administration must show greater support for NASA and fund it appropriately. Most importantly, we must begin building—or rebuilding—a program now which will lead toward "a flagship" program in the 1990's, as Mr. Donahue suggests.

I am concerned, for example, about those programs in the fiscal year 1987 NASA budget that have been unjustifiably canceled, postponed, or severely cut. In addition to the recommendations contained in the President's NASA budget request, I believe that there are other important areas of the budget that require funding. After consulting with individuals in the major national professional associations and reviewing their testimony before the Space Subcommittee, I have identified a number of programs which I believe require budget enhancement. I will outline those programs in brief below:

ADVANCED COMMUNICATION TECHNOLOGY SATELLITE [ACTS]

ACTS is the latest in a series of NASA experimental communications satellites. The decision to delete this program from the fiscal year 1987 request was irrational. ACTS represents the cutting edge capabilities that will revolutionize future satellite telecommunications. The investment necessary for the technology development of ACTS is not within the R&D means of the communication satellite industry. The payback in hardware sales alone from a $350 million investment by the United States in ACTS is expected to be over 100 to 1. If the United States doesn't follow through on its commitment to the ACTS Program, the private sector will be forced to continue the research at a greatly reduced pace, allowing foreign competitors such as Europe and Japan to develop the technology first.

SOLAR OPTICAL TELESCOPE [SOT]

SOT has been a priority mission of solar physics scientists for a number of years, but, due to congressional and other criticism, the program was dropped. Originally, the SOT proposal was a project requiring several trips on the shuttle and designed so that it would eventually be mounted to the space station. NASA, however, is working on an alternative proposal aimed at keeping the essence of the solar physics, but at much lower cost. I think it would be in the Nation's interest to help

NASA proceed with development of a modified SOT.

ORBITAL TRANSFER VEHICLE [OTV]

There is a clear need for a versatile, cost-effective OTV to exploit space orbits beyond those the shuttle and the space station will be able to reach. The planned OTV will be reusable, space-based, and able to deliver 15,000 pounds of payload to geosynchronous orbit. The OTV will contribute greatly to the efficiency of the space infrastructure, and more emphasis on the program at this time is justified.

MICROGRAVITY RESEARCH

In the rush to commercialize microgravity products, we have, to some extent, ignored basic research in microgravity. Instrumentation in many research labs is obsolete and no longer capable of reaching technology frontiers. Plans for anticipated activities aboard the space station should begin in fiscal year 1987 if the facilities are going to be ready for initial operation capability. Projects such as the automated protein crystal growth facility, the advanced levitation device and the high temperature directional solidification facility should be funded to proceed at a more vigorous pace.

INTERNATIONAL SOLAR-TERRESTIAL PHYSICS PROGRAM [ISTP]

ISTP is an effort to draw on the resources of a worldwide scientific community to make a concentrated and coordinated study of the interaction in the Sun-Earth system, and to extrapolate this knowledge to the other planets and to the universe beyond. The program would be a multinational effort, with participation from NASA (United States), ISA (Japan) and ESA (Europe). The President has only requested $5 million for ESA and ISAS instrumentation. This is an important program that is ready and should be allowed to begin as a new start. It would also demonstrate to our allies that the United States is a reliable space science partner.

COMET RENDEZVOUS AND ASTEROID FLYBY [CRAF]

CRAF is the first in a series of planetary explorers to be flown aboard Mariner Mark II spacecrafts. CRAF is a priority mission of NASA's Solar System Exploration Committee [SSEC]. The SSEC has outlined a series of low-cost planetary missions. CRAF will give us a better understanding of the nature of comets, a valuable followup mission to the Comet Halley rendezvous. If CRAF does not start in fiscal year 1987, the United States will miss the opportunity to study the comet Wild 2—a highly desirable comet because of its pristine qualities. CRAF is a window through which we can see the mysteries of the solar system.

LIFE SCIENCES

During the current fiscal year, the activities in life sciences were significantly cut back. In order to maintain ongoing activities related to near term space flight schedules, the cuts were made in life science research relating to the space station. Crucial work needs to begin in the space station's health care facilities; in bioregenerative life support systems; and in radiation protection for crew members.

I urge my colleagues not to be timid about supporting a more aggressive space program. Whether we have a barely viable American space program or a true "flagship program" depends on the decisions we make in this Congress.

THE COMPUTER FRAUD AND ABUSE ACT OF 1986 (H.R. 4562)

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. HUGHES. Mr. Speaker, on April 10, 1986, I introduced the Computer Fraud and Abuse Act of 1986 (H.R. 4562) along with Congressmen MCCOLLUM and NELSON in the House of Representatives. An identical bill was introduced by Senators TRIBLE and LAXALT in the Senate (S. 2281). This bill is the culmination of 3 years of hearings in the Congress and we believe it meets the problem created by the misuse of our rapidly expanding computer technology.

Our investigation in this area indicates that the computer has become an integral part of our everyday lives. Computers are critical to our national defense, financial institutions, and information transmission. By 1990, in addition to the vast commercial use of computers, it is projected that 80 million home computers will be in use.

Computer technology has brought us a long way in the past decade. However, computer technology—with all its gains—has left us with a new breed of criminal: the technologically sophisticated criminal who breaks into computerized data files. One element of this expanding group of electronic trespassers—the so-called "hacker"—is frequently glamorized by the media, perhaps because the image of the hacker is that of a bright, intellectually curious, and rebellious youth—a modern-day Huck Finn. The fact is these young thrill seekers are trespassers, just as much as if they broke a window and crawled into a home while the occupants were away. The hacker of today can become the white-collar crime superstar of tomorrow, and we must not glamorize our Huck Finns into John Dillingers.

While we need to be concerned about youthful hackers, they pale in significance in comparison to the computer sophisticated criminal who combines his technological skill with old-fashioned greed and criminal intent to rob banks or destroy business records or steal trade secrets. The tools of the trade are not Smith and Wesson, but IBM and Apple. However, in today's world of instant electronic transfer of funds, the result can be more far-reaching—and harder for law enforcement to reach.

What can be done about these crimes? We believe government and industry have a dual responsibility: industry must work to prevent such crimes, and government must be willing and able to prosecute when crimes occur.

The legislation we introduced will expand in an appropriate but limited manner the types of criminal misconduct involving computers that will be subject to Federal jurisdiction. However, we intend that the Federal role be expanded only to those areas where there is a compelling Federal interest in the prevention and punishment of computer crimes. To that end, this bill provides additional protection against computer crimes affecting the Federal Government itself and those activities in which there is a unique Federal interest.

AMENDMENTS TO PRESENT LAW

At present, 18 U.S.C. 1030(a)(1) provides for punishment of thefts by computer of national security-related information. This bill will alter that provision of law only to the extent necessary to simplify the language pertaining to those who "exceed authorized access" to a particular computer system.

The same clarification on "exceed authorized access" will be made in 18 U.S.C. 1030(a)(2) in regard trespass of financial institutions. In addition, 1030(a)(2) will be altered by changing the state of mind requirement from "knowingly" to "intentionally." We are concerned that a "knowingly" standard when applied to computer use and computer technology, might not be sufficient to preclude liability on the part of those who inadvertently "stumble into" someone else's computer file. This is particularly true with respect to those who are authorized to use a particular computer, but subsequently exceed their authorized access by entering another's computer file. It is not difficult to envision a situation in which an authorized computer user will mistakenly enter someone else's computer file because the user had "knowingly" signed onto the computer in the first place. The danger exists that he might incur liability for his mistaken access to another file. The substitution of an "intentional" standard is meant to focus Federal criminal prosecutions under this paragraph on those who evince a clear intent to enter, without authorization, computer files belonging to another.

The premise of 18 U.S.C. 1030(a) (2) in existing law remains the protection, for privacy purposes, of computerized information relating to a customer's relationships with a financial recordkeeper. We believe strongly that the protection offered consumer reporting agency's in the 1984 computer crime legislation must be preserved. This bill will also extend those privacy protections to information on any customer's (including corporations and small businesses) financial records.

This legislation will also clarify the present 18 U.S.C. 1030(a)(3), making clear that it applies to acts of simple computer trespass against computers belonging to, or being used by or for, the Federal Government. To alleviate those concerns, this legislation will make clear that 18 U.S.C. 1030(a)(3) is a trespass offense by "outsiders." "Authorized users" of Federal computers will no longer be covered under this subsection but such misconduct is presently covered by administrative sanction and such laws as the Privacy Act, trade secrets laws, 18 U.S.C. 1361, et cetera. This should also alleviate concerns that first arose in 1984 about disclosures of Government/related information by "whistleblowers" that was stored in a computer. The intentional modification or destruction of computerized information belonging to the Government by outsiders will be covered by a different felony provision of this proposal. As with 18 U.S.C. 1030(a)(2), the state of mind requirement in this paragraph will be changed from "knowingly" to "intentionally."

While the provision of present law relating to attempted offenses will remain unchanged, the provision relating to conspiracies (18 U.S.C. 1030(b) (2)) will be deleted. Conspiracies to commit computer crimes would be covered under the general Federal conspiracy statute, 18 U.S.C. 371.

NEW OFFENSES

The new paragraph section 1030(a) (4) to be created by this bill is aimed at penalizing thefts of property via computer trespass that occur as part of an intent to defraud. It will require a showing that the use of the computer or computers in question was directly related to the intended fraud, and was not merely incidental. To trigger this provision the property obtained by the offender in wrongfully accessing a particualr computer must further the intended fraud, and not be superfluous to it. The mere use of a computer, without obtaining property that furthers the fraud, is not meant to constitute an offense under this provision. This subsection is designed, in part, to help distinguish between acts of theft via computer and acts of computer trespass. In intentionally trespassing into someone else's computer files, the offender obtains at the very least information as to how to break into that computer system. If that is all he obtains, the offense should properly be treated as a simple trespass. But because the offender has obtained the small bit of information needed to get into the computer system, the danger exists that his and every other computer trespass could be treated as a theft, punishable as a felony. We do not believe this is a proper approach to this problem. There must be a clear distinction between computer theft, punishable as a felony, and computer trespass, punishable as a misdemeanor. The element in the new subsection 1030(a)(4), requiring a showing of an intent to defraud, is meant to preserve that distinction, as is the requirement that the property wrongfully obtained via computer furthers the intended fraud.

The new subsection 1030(a)(5) is a malicious mischief provision, and is designed to provide penalties for those who intentionally damage or destroy computerized data belonging to another. Such damage may include an act intended to alter another's computer password, thereby denying him access to his own computerized information. It will be necessary, in proving this offense, that the Government demonstrate that a loss has been incurred by the victim totaling at least $1,000 in a single year. This is necessary to prevent the bringing of felony-level malicious mischief charges against every individual who modifies another's computer data. Some modifications, while constituting "damage" in a sense, do not warrant felony-level punishment, particularly when they require almost no effort or expense to repair. The $1,000 valuation is reasonably calculated to facilitate felony punishment in cases involving more serious damage or destruction. In instances where the requisite dollar amount cannot be shown, misdemeanor-level penalties will remain available against the offender under the trespass subsection. Thus, the valuation will not exist for determining the presence or absence of Federal jurisdiction; it will serve instead to help determine whether the act constituting the offense is punishable as a felony or a misdemeanor.

In addition, the concept of "loss" embodied in this paragraph will not be limited solely to the cost of actual repairs. The Justice Department has suggested that other costs, including the cost of lost computer time necessitated while repairs are being made, be permitted to count toward the $1,000 valuation. I and the other sponsors of this bill agree.

Finally, in new subsection 1030(a)(6), this bill provides a misdemeanor penalty for those who, through what is called "pirate bulletin boards," knowingly and with an intent to defraud, traffic in computer passwords belonging to others. If those elements are present—and if the password in question would enable unauthorized access to a Government computer, or if the trafficking affects interstate or foreign commerce—this provision could be invoked.

Having worked with experts on computer crime over the past several years, we believe the legislation passed last year along with the bill now being considered by the Congress—combined with active efforts of industry to safeguard their property—will address the emergency of the computer criminal in our society.

Protections—both through law and technology—can and must be developed for the intangible property—information—which is the life blood of computer systems.

Unless we act now to secure the "locks" and provide the laws, computer crime will be the crime wave of the next decade.

THE MILLS OF GOD GRIND SLOWLY—BULGARIA AND ITS JEWISH CITIZENS DURING WORLD WAR II

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. LANTOS. Mr. Speaker, the roll of countries which, at great risk, helped their Jewish citizens during World War II is very small, but worthy of honor. Denmark has received fitting tribute for the successful rescue mission of the Danish Jews. But few people realize that Bulgaria, too, saved its large Jewish community consisting of 50,000 people from the horrors of deportation and murder at the hands of the Nazis.

On a recent private visit to Bulgaria, my wife and I had the opportuntity to check out at first hand the Bulgarian record of resistance to Nazi atrocities against the Jewish community. I spoke to members of the government ranging from Deputy Foreign Minister Lyuben Gotsev to Chairman of the Parliament Stanko Todorov, to officials in local governments, to the president of the Bulgarian Jewish community Josiff Levi, as well as to private citizens. They added details to the story and they all agreed that the moral courage manifested by the people of Bulgaria during the dark depraved days of Nazi power was truly extraordinary. Unfortunately, these deeds have been overlooked by the world community.

Although the Axis-allied government of Bulgaria, which was an ally of Hitler's Germany, acquiesced to some degree in the anti-Jewish policies of the Nazis, the Bulgarian people—partisans, representatives in parliament, members of municipal councils, union and church leaders—manifested their opposition to the Nazis. The first abortive attempt to deport Bulgarian Jews aroused a storm of protest. When finally, as a result of constant German pressure, the Bulgarian Government agreed to send the Jews to labor camps, the people sabotaged the effort. On the day the first group of Jews were to be sent away, the partisans crowded into the railroad station and interfered with the deportation.

Other rescue operations included the denial of Jewish origins of their neighbors suspected by the Nazis. One impressive woman I met, Margarita Delina, the vice chairwoman of the district of Plovdiv, told us that when she was a girl, her parents protected several Jews. When Nazi SS troops came to their house and asked the names of their neighbors, her mother changed the Jewish-sounding names to protect them. "I couldn't understand it at the time," she told us, "I asked my mother afterward why she gave the wrong name, but she didn't answer. I found out only after the war."

The efforts on behalf of the Bulgarian Jews took many and varied forms. Mass "mercy-baptisms" took place with both parties knowing that the "convert" would later renounce his vows. There were mixed marriages on a gigantic scale. Josiff Levi, the president of the Jewish community in Bulgaria, remembers Rabbi David Tsion, who organized large rallies at which Bulgarian Jews and non-Jews demonstrated against the transportation of Greek Jews through Bulgaria to "work camps."

In view of the fact that Hitler found eager collaborators in almost all countries allied with or occupied by the Nazis, it is indeed a miracle that in a few places he ran into unified and outraged resistance. Bulgaria was one of those countries. The Bulgarians chose not to become passive bystanders or depraved collaborators. Instead they decided, as a people, to come to the aid of their Jewish neighbors.

The mills of God may grind slowly but they do grind justly. Just as 40 years after the war we are still discovering Nazis who hid their disgraceful past, so we are also discovering, sometimes in the most unexpected places, compassion, sympathy, and bravery on the part of a whole nation who befriended the Jewish people in their moment of greatest danger and abandonment. This is a story that must be told to get a true picture of the nature of the Bulgarian people, in whose homeland the Nazis also tried to perform their infamous atrocities but failed.

Because the Bulgarian public wholeheartedly supported and cooperated with all rescue efforts, Bulgaria has a record second to none in its successful salvation of its entire Jewish population—45,000 of whom returned to Israel after the war, taking with them the warm friendship and farewell of the Bulgarian people among whom they were welcomed and respected during the many years of their exile.

Bulgaria's acts illustrate to me once more that Nazi Germany was not as powerful as the world tried to pretend and that moral courage and determination, whether from an individual

like Raoul Wallenberg, or from a small country like Denmark or Bulgaria, could successfully thwart "the final solution."

This is a story that must also be told. As Sholem Ash said:

It is of the highest importance not only to record and recount—both for ourselves and for the future—the evidences of human degradation, but side by side with them to set forth the evidences of human nobility and brotherhood. Let the epic of heroic deeds of courage and caring as opposed by those of hatred, of rescue as opposed to destruction bear equal witness to unborn generations.

PHIL PERLMUTTER ON ISRAEL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. FRANK. Mr. Speaker, one of the happier aspects of American politics, in my judgment, is the broad and deep support which exists in the electorate at large, and in our governmental institutions, for an American policy which is strongly supportive of the independence and integrity of the State of Israel.

I believe that this broad support is based essentially on the recognition in this country that the State of Israel is both the nation in the Middle East which most nearly carries out in its governance the ideals which Americans believe ought to be followed, and is also the nation in that area which has been most willing to ally itself with America on important strategic issues. Many people in our country make their foreign policy decisions based largely on moral grounds; others use strategic and geopolitical basis as the foundation of their foreign policy judgments. Given both its strong democratic system and its goal in the world, Israel stands out as a worthy friend of America on both counts.

There are some who try to explain away strong American support for Israel by claiming that a conspiracy of a small number of Jewish Americans somehow exerts a disproportionate financial and media influence, and that this results in American policy being as supportive as it is of Israel. Strangely, some Americans who are among Israel's strongest friends inadvertently give comfort to this argument by exaggerating the extent to which financial contributions must flow to Members of Congress to assure reasonable levels of American foreign assistance for Israel. America provides substantial foreign aid to Israel largely because it makes sense in terms of both America's interest and America's values. The support which many friends of Israel give in this country is helpful, but I do not believe that this support would stand for a great deal if the majority of Americans perceived Israel to be hostile to American interests, either in terms of values or its policies.

This debate is an important one, both with regard to American/Israel relations, and for those who would like to understand American foreign policy in general. For it is not only with regard to Israel that critics of a particular foreign policy relationship like to exaggerate the role played by domestic supporters of a particular country. And ethnic groups—Jewish Americans, black Americans, Greek Americans, Portuguese Americans, and so forth—are often singled out for unfair and inaccurate criticism for their role in foreign policy decisions.

An excellent article was recently published in Present Tense magazine by Philip Perlmutter, executive director of the Jewish Community Relations Council of Metropolitan Boston. Mr. Perlmutter is not only a leader in the Jewish community, he is also a scholar of American politics in general, and I believe his thoughtful, cogent, and well-documented essay makes a very important contribution to understanding how American foreign policy in general is formulated, and also why there has been and will continue to be such strong American support for a free and independent Israel.

[From Present Times, Winter 1985-86]

WHAT'S A SPECIAL INTEREST?

(By Philip Perlmutter)

Explaining why he was a nervous wreck, a patient told his psychiatrist he had been attending anti-Defamation League meetings where he had heard reports that anti-Semites were desecrating synagogues; American Jewish Committee meetings where he had learned that Jews were excluded from executive suites of corporations; American Jewish Congress meetings where it was predicted that the wall of church-state separation would be breached by people who wanted to Christianize America, and Jewish federation meetings where there were warnings of Israel's imminent economic collapse.

The psychiatrist urged him to change his way of life and report back in a few weeks. This time, the patient flowed with confidence, exclaiming: "I'm a different person! Now, I attend Ku Klux Klan meetings and hear that Jews control corporate America and the banks. At Christian fundamentalist meetings, I am told that Jerusalem will not fall again. At Arab meetings, I discover that Jews control not only the White House and Congress, but the press as well. And, at a new historical society, I learned that the Holocaust never took place."

"Power, power, who's got the power? One of the most intriguing questions about American minority groups—particularly Jews—has been: How much do they influence American foreign policy? For all the charges and accusations over the years, the historical facts are that ethnic, religious and racial groups never possessed either the political power or the unity ascribed to them, and that when their interests conflicted with those of government, they lost out. More precisely: though ethnic groups often claimed—or others alleged—they successfully influenced foreign policy, the truth was that the Government had decided on policies that generally corresponded with those supported by the ethnic groups—or public opinion. Without such similarities in views, the President or Congress or both have denied loans, grants, sales, agreements and treaties, no matter how strongly minority advocates supported them.

This is not to say that minority groups have little or no influence, because at times they do—particularly before an election, when they can usually have their concerns included in political platforms, and can obtain statements of support and praise. Also, they can trigger public debate and discussion, organize protests and demonstrations, attract media and public attention, and occasionally help achieve but not determine a candidate's election victory. They are weakest when they are the *sole* advocates of statewide, national or international causes.

Actually, ethnicity is only one factor in political behavior. Others, including age, education, socioeconomic position and—usually most important—issues of the day, also play a part. Moreover, there is a problem of members of ethnic groups differing on domestic and foreign policies.

The history of ethnic petitions, pressures and politics contains many examples of frustrations and failures. The Irish could not prevent an American-British rapprochement at the turn of the century. German-Americans could not keep this country out of World War I. In the early 1920s, Armenian-Americans and their non-Armenian supporters did not prevent the Allies and the United States from signing treaties with Turkey omitting a provision for an independent Armenia; nor could Korea-Americans convince President Wilson to support Korean independence or a League of Nations trusteeship for that country. During World War I and afterward. Ukrainian-Americans could not move the Government to support an independent Ukrainia; nor could Italian-Americans prevent President Roosevelt from stopping exports to Italy when that country invaded Ethiopia. German-Americans and Italian-Americans on the one hand, and Americans of English and French descent on the other, could not keep us out, or bring us into, World War II. Americans of Polish, Czech, Slovak, Lithuanian, Latvian, Slovene, Estonian and Finnish descent could not persuade the United States to liberate their homelands from Soviet influence or domination, nor could they keep America from signing the Helsinki agreements, which, in effect, legitmated post-World War II Soviet expansionism. Cuban-Americans did not succeed in getting President Kennedy to remain committed to unseating Fidel Castro or to maintain support of their secret military forces in Miami. Greek- and Armenian-Americans did not sway Presidents Ford, Carter and Reagan from opposing a Congressional arms embargo on Turkey. Similarly, neither Chinese, Turkish, Lebanese, African nor other groups of Americans could move the American Government to take actions that were not considered in this country's best interests.

In the case of American Jews, who are frequently credited with having the strongest ethnic lobby, Professor Nadav Safran of Harvard University has pointed out that while the United States Government has extended much economic and military aid to Israel, it has also denied aid on many occasions. Thus, before the 1967 Six-Day War, Jewish as well as public sympathy for Israel could not induce the Government to support an alliance guaranteeing Israel's security. Nor were American Jews able, for many years, to move the Government to pressure Arab countries to cease their economic boycott of Israel, and to stop barring Israeli shipping through the Suez Canal. They were unable to dissuade the Government from providing Arab countries with military and economic aid, and they could not get Secretary of State John Foster Dulles to support arms sales to Israel to counter Arab military threats.

Subsequently, increased American support for Israel was not, in Safran's words, "so much due to any reassertion of Jewish influence or changes of Administration as it was to changes of circumstances in the

Middle East which altered the conception of the United States' interest in the area and Israel's role in relation to it." This also helps explain the Carter Administration's massive sale of warplanes to Saudi Arabia and Egypt in 1978, ignoring Israeli and American Jewish opposition.

All the same during Congressional debate on the sale, charges of dual loyalty and ethnic politics were directed against Jews. (It is too early to tell whether the recent espionage cases involving ethnic Americans—Larry Wu-Tai Chin, a Chinese-American accused of spying for Communist China, and Jonathan Jay Pollard, an American Jew accused of passing secrets to Israel—will reignite such charges of dual loyalty.) Sensitive to the odious implications of these accusations, Republican Senator Robert Packwood of Oregan upheld the right of all citizens and members of Congress to oppose certain policies without being called "a Polish lobby or a Czechoslovakian lobby or a Bulgarian lobby . . ."

Moreover, he said, "I have not heard anyone in this country accusing the Americans of Greek ancestry in this country of being disloyal Americans because they are upset with the Turkish invasion of Cyprus. Nor has anyone accused the blacks in this country of disloyalty because of their natural affinity for the cause of human liberties in Africa. Nor did anyone criticize those of Hungarian extraction in this country who were quite upset about the return of the Crown of St. Stephen to Hungary. All of those groups are loyal Americans who put America first, but they have an understandable interest in the homeland of their forefathers."

Three years later, in a replay of the 1978 sale, the Reagan Administration decided to sell five AWACS radar planes and other sophisticated military equipment to Saudi Arabia. Again, Jewish organizations strongly opposed the sale and, again, some political leaders accused them of unfair lobbying, while remaining silent about strong pro-Saudi lobbying by military-industrial-oil pressure groups. "It is not the business of other nations to make American foreign policy," said President Reagan, alluding to Israel. Moved to anger, Democratic Senator Alan Cranston of California charged that Israel was being made a "scapegoat" for the Reagan Administration's mistakes in promoting the sale. "By accusing the Israeli Government of interfering in American politics, by raising the specter of domestic anti-Semitism, by impugning the motives and patriotism of members of the U.S. Senate, the Reagan Administration is doing a gross disservice to our democratic institutions, to the freedom of speech and debate, to our constitutional process—and to our country."

Former President Nixon also stirred up much comment when he asserted: "We know, the Saudis know and everyone in the Middle East knows that if it were not for the intense opposition by [Prime Minister Menachem] Begin and part of the American Jewish community, the sale would go through." American Jews and many others were outraged.

Though it supported the sale, The Washington Post editorialized that "Other nations make American foreign policy every day of the week, just as we, by our actions, make theirs . . . . Does anyone think the wishes of the People's Republic of China, the Government of Taiwan, the South Africans, the Japanese or—to take a not-so-random case—the Saudi Arabians have not, in some very important respects, 'made' American foreign policy?"

Months later, stung by Jewish and public criticism for having introduced ethnic prejudice in the AWACS debate, Reagan retreated, proclaiming every American's "full right and obligation to participate" in shaping Government policy. He added: "Every citizen and every citizen's group is guaranteed the right to speak out—and must be encouraged to do so without fear of reprisal or defamation. No group should be bullied into silence by racial or ethnic slurs, or the fear of them. The language of hate—the obscenity of anti-Semitism and racism—must have no part in our national dialogue."

Even so, innuendos and accusations of massive Jewish political influence persisted. Yet such influence was denied by various experts. Then Under Secretary of State Lawrence Eagleburger commented that it was "insane" to claim that a "pro-Israel lobby" in Washington is responsible for American support of Israel. Further, he explained, "There are many reasons why the United States has an interest in having the right kind of relationship with Israel . . . . Our strategic interest is well served by a strong, self-reliant Israel. It provides us with an anchor in the Middle East, which we would not otherwise have."

Even so vehement a critic of Israel as Professor Noam Chomsky of the Massachusetts Institute of Technology noted: "Had it not been for Israel's perceived geopolitical role—primarily in the Middle East, but elsewhere as well—it is doubtful that the various pro-Israeli lobbies in the U.S. would have had much influence."

And recently, Earl Raab, executive director of the Jewish Community Relations Council in San Francisco, and sociologist Seymour Martin Lipset of Stanford University argued in "The Political Future of American Jews" that, at best, "Jewish political influence is marginal" in affecting "the concordance of American values and Jewish values, despite Jewish political contributions and activism, strong voting patterns, and involvement in business and community life."

Whatever the ethnic group, it is not surprising that its leaders seek to influence American foreign policy, wrote the political scientist Louis Gerson in 1964 in his brilliant study. "The Hyphenate in Recent American Politics and Diplomacy," covering the years 1890 to 1956. What was astonishing, he added, was that they had not been "more effective, more active, and more decisive in their attempts to involve or implicate the United States in non-American affairs." As the political scientist G. Lowell Field described the situation in the introduction to Gerson's book: "When the chips are down, no President or Secretary of State will risk national survival in an effort to honor a campaign pledge to an ethnic minority. . . . No more than any other power do we involve ourselves in major conflicts on purely sentimental considerations. Thus appeals to ethnic groups are likely to turn out to be insincere. Not policy but the mere promise of policy was traded for votes. The ethnic whose effective weight in American politics seems to be assured by a success in influencing the phrasing of policy in favor of his foreign sympathies thus finds himself a dupe."

Three cases in recent years illustrate such behavior: In December 1978, many Chinese-Americans were disappointed when President Carter established diplomatic relations with the People's Republic of China, thereby weakening American ties with the Nationalist Chinese Government in Taiwan. In an open letter published in The New York Times, they reminded the President of his 1976 election campaign promise: "We are bound by a treaty to guarantee the freedom of Formosa, Taiwan, the Republic of China. I wouldn't go back on the commitment that we have had to assure that Taiwan is protected from military takeover."

In 1979, the Coalition of Mexican-Americans stated in a full-page ad in The Los Angeles Times: "We are Mexican-Americans to whom you made many promises when you were campaigning for the Presidency in 1976. In our view, you have kept none of those promises." And the same year, at the convention of the American Hellenic Educational Program Association, George Christopher, a prominent Greek-American and former Mayor of San Francisco, criticized President Carter for allegedly not living up to his preelection promises about Cyprus. Christopher said he had told the President that some people were questioning Greek-Americans' patriotism because they had criticized him, and that he had said: "Mr. President, perhaps you too are not a good American, because up until a few days ago you were with us."

There is no doubt that such ethnic group disenchantment with President Carter helped produce Ronald Reagan's landslide victory in 1980. The disenchantment involved foreign as well as domestic policy, and was even more evident in the 1984 election, when Reagan won a clear plurality of votes from all major ethnic groups except Jews, who were more concerned by Reagan's church-state views than his stand on Israel.

Yet, no matter how ethnic groups voted, each, invariably, will be disappointed should the Administration (and/or Congress) define the national interest in terms contrary to the interests of that particular group. And, as history has shown, that has often been the case, regardless of pressures from ethnic groups.

JASON MUSSER RECEIVES EAGLE SCOUT AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GEKAS. Mr. Speaker, I would like to take this time to express my congratulations to Jason Matthew Musser of Grantville, PA, who will receive the Boy Scout Eagle Award on Saturday, April 26, 1986. This event is always a special time for the family and friends of a man who receives such an award because it is a recognition of his dedication to his community and country.

Jason, a junior honor student at Lower Dauphin High, is a member of Boy Scout Troop 27. He began the scouting program as a Cub Scout and has worked his way through Webelos and Boy Scouts. At Lower Dauphin High School he is an active member of the track team. Jason also serves as the treasurer of the youth group at Grantville's Shell Lutheran Church, where he is also a lay reader and has been the church custodian since age 13.

Jason Musser has shown excellent service and leadership capabilities in his work with the Scouts and should be congratulated for earning this very distinguished achievement. I wish

him good luck and great success in his future endeavors.

ILLEGAL ALIENS CAN BE TERRORISTS OR SPIES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. BROOMFIELD. Mr. Speaker, all of us are aware of the massive influx of illegal aliens into this country. Few or us think of the alien community as a possible source of terrorists and spies. Obviously, we must act quickly before those who want to bring terrorism to our country succeed.

While much has been said about terrorism directed against Americans overseas, little has been said about the likelihood of terrorist acts here in the United States in retaliation for United States military operations against Libyan terrorist camps and military targets.

The huge illegal alien community undoubtedly has a number of foreign terrorists who have been sent to this country for reasons other than finding economic opportunity and escaping from political oppression. In the event of a clash between the United States and a terrorist-supporting state, instructions could be sent to these terrorists and they could be quickly mobilized to undertake domestic terrorist operations.

Spies masquerading as illegal aliens are an equal threat. They, too, could be called upon by their foreign masters to work against America's security interests.

While illegal immigration to this country is in itself a critical problem, the fact that this alien community probably contains spies and terrorists adds another dimension to the problem.

Fortunately, the administration has begun to focus on the possible threat of domestic terrorism. The FBI and other concerned agencies have mobilized resources and have undertaken appropriate contingency planning should this domestic terrorist threat materialize. Now is clearly the time to do something about illegal immigration to the United States.

With these concerns in mind, I commend the following Christian Science Monitor article to my colleagues in the Congress.

ILLEGAL ALIENS CAN BE TERRORISTS OR SPIES

(By John Dillin)

A number of US officials are quietly warning that America's porous borders have become an open invitation to world terrorists and spies.

Officials are particularly troubled by the growing number of aliens filtering illegally into the United States from radical or communist nations, including Iran, China, Cuba, and Poland.

"We are worried about the national-security aspects," particularly communist infiltration, a federal intelligence specialist says.

Officials also warn that radical nations that support terrorism could easily slip saboteurs and assassins past the thinly guarded borders with either Mexico or Canada.

Not all intelligence experts share these worries.

William E. Colby, former director of the Central Intelligence Agency, says America's very openness is a protection and a strength against spies. As for terrorism, he says, there is a basic rule: "If it gets serious, it gets suppressed—either decently, or indecently."

While terrorism could cause some disruption in the US, Mr. Colby says, he doubts that it poses a basic threat to the nature of American society.

Still, several developments have added to the anxiety being expressed here by some government sources:

"Thousands and thousands" of official American passports have been stolen over a period of months from US embassies in the Mideast, Africa, and East Asia. Presumably, most of these passports will be sold on the black market to people who wish to work in the US. But many could be used to smuggle terrorists and spies into this country. "It's frightening," a federal intelligence official says.

Illegal immigration from Mexico has surged by 50 percent in the past few months. Resources of the US Border Patrol are being severely strained.

"Narco-terrorism" is increasing. The recent assassination of a US drug informant in Baton Rouge, La., by a Colombian hit squad that entered this country illegally could signal stepped-up criminal terror. The killers slipped into the US at the Mexico-California border.

Document forgery has become more sophisticated. Recently, two heroin smugglers arrested in Miami were found to possess phony security badges, complete with photos and validation, for Miami International Airport.

Sen. Barry Goldwater (R) of Arizona, chairman of the Armed Services Committee, says the evidence causes him "concern." Sen. Alan K. Simpson (R) of Wyoming says: "You could take a crack outfit of 100 people, sprinkle them in through the borders . . . and they could meet at some predetermined point. [They could] pick up their equipment on this side of the border. . . . We wouldn't even know what was going on."

Amitai Etzioni, director of the Center for Policy Research at George Washington University, says Americans seem asleep to the threat that "able-bodied spies" can cross the Rio Grande as easily as maids seeking work in Texas border towns.

"We still haven't adapted from the 18th-century notion that we are safe, and nobody can lay a glove on us—that the oceans will protect us," says Dr. Etzioni.

US Customs Commissioner William von Raab warns that Mexican law-enforcement officials are being corrupted by drug smugglers. He adds that Mexican "law enforcement . . . can just as easily be bought by terrorists." He calls the breakdown of law enforcement a "serious national-security concern." And he observes: "This is a terrorist threat by every definition."

Sen. Malcolm Wallop (R) of Wyoming notes: "The border is indefensible against deliberate peasants who simply want a better life. . . . Think what happens when the PLO trains little teams to come into this country, like they have in Israel, and destroy a schoolbus full of children, or senior citizens on holiday, or blow up a bridge." He warns that eventually, terrorism could undermine "the freedoms that we take for granted."

There are no easy answers to all of this, the experts say. Dr. Etzioni says the immediate need is to educate the American public to the threats of the late 20th century, when jet travel and other modern devices shrink the time it takes to move around the world.

Senator Simpson, at a breakfast meeting with reporters, fretted that it may take some terrible terrorist attack to awaken the US.

Patrick Burns, a researcher for the Federation for American Immigration Reform, says the terrorist and spy problem defies easily solution. Immigration reform will help, but it's not the complete answer.

Alan Nelson, commissioner of the US Immigration and Naturalization Service (INS), says there has been some talk about "building a wall" along the 2,000-mile southern border with Mexico to counter terrorism. "I don't think that's very wise, or very practical," he says. But he considers the situation serious. US intelligence agents report that aliens from 82 nations have been detected crossing the Mexican border in the past year.

"We have been working closely with the other agencies in this whole antiterrorism campaign," Mr. Nelson says. "Clearly, the ability of terrorists to get through the southern border is a fact we have to be alert to."

Immigration officials say the Federal Bureau of Investigation, the Central Intelligence Agency, and Interpol issue alerts to INS border guards when it is known that specific terrorists are trying to slip into the country.

But a federal intelligence expert asks: "How many of them come in under their own names, with their own legitimate passports? It obviously doesn't always work."

The issue of spies and terrorism is complicated by the millions of people who attempt to enter the US illegally for jobs each year.

An immigration official in Los Angeles says federal agents are so busy (1.8 million arrests are predicted this year along the Mexican border) that "the chances of checking people out in any detail is almost impossible." The problem appears to be worsening. The smuggling of people into the US has become a booming business in Asia, Europe, and Latin America. For a charge of $4,000 to $5,000, smugglers arrange illegal visas and other documents necessary for entry.

A telegram sent last year from INS headquarters to its field offices around the world illustrates the sophistication of the smugglers. The telegram said a Philippine smuggling syndicate had begun to move Filipinos through Europe, and then into East Coast US cities, rather than the traditional West Coast entry points. It explained that the syndicate "is using East Coast ports of entry for its clients because INS on the East Coast, particularly New York, is allegedly less vigilant against fraudulent Philippine travel documents."

Gary Imhoff, who writes on immigration matters, cautions that the US displays an "arrogant assumption of our own invulnerability." He then adds: "Guarding a nation's border is a single, seamless job. The borders cannot remain open to illegal immigration and still be guarded against smuggling and terrorists."

PRISONER OF CONSCIENCE IOSIF BERENSHTEIN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. MANTON. Mr. Speaker, I rise today as part of the congressional call to conscience to again bring to the attention of my colleagues the plight of Iosif Berenshtein, who has been imprisoned in the Soviet Union for over 14 months. In fact, it is a little over 1 year ago today that I first adopted Iosif Berenshtein and sent a letter cosigned by 70 of my colleagues to Secretary Gorbachev asking that he and his family be allowed to emigrate to Israel and join their family there.

I would like to review Mr. Berenshtein's story for my colleagues. Iosif Berenshtein, his wife Fanya and their daughter Yanna, applied for an exit visa to Israel in 1979. After being subjected to a campaign of harassment, Mr. Berenshtein was arrested and sentenced to 4 years in a labor camp. Iosif was put into a prison cell with two hardened criminals and was attacked by them with a piece of broken glass. Mrs. Berenshtein believes this attack was encouraged by Soviet authorities.

As a result of the attack, and because the prison authorities refused Mr. Berenshtein to receive timely medical treatment, Iosif has totally lost his vision in one eye. At the beginning of 1985, Mr. Berenshtein was transferred to Zheltie Vody prison camp in Donetsk. Mr. Berenshtein's health is deteriorating. Fanya Berenshtein recently visited her husband in prison. This visit had finally occurred after months of broken promises. Although Mr. Berenshtein is a diabetic, the prison authorities did not allow his wife to bring him medication for his diabetes.

Mr. Berenshtein has now completed one-third of his sentence. After a prisoner has completed the first third of his or her sentence, it is common in the Soviet Union to allow the prisoner to work for the national economy. Usually this work is of a less physically demanding nature. However, the prison officials told Fanya that even if the courts were to approve such a transfer in Iosif's case, they would never allow it.

Mr. Speaker, Jewish people around the world will soon be celebrating Passover, a festival of freedom. It is traditional that the end of the seder all present say "Next Year in Jerusalem." But for the Jews in the Soviet Union, this is all but a hopeless prayer, if it can even be uttered at all. The Soviet Union's closed emigration policies and their harassment of human rights activists continue. The Congress must continue its vigilance and its commitment to work for freedom for Soviet Jews. We have had some important successes, but our job is far from over. I urge my colleagues to join me in pledging their time and their effort to securing freedom for Soviet Jewry and urging the leaders of the Soviet Union to honor the Universal Declaration on Human Rights to which they are a signatory.

ANOTHER HONOR FOR DESMOND TUTU

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. RANGEL. Mr. Speaker, the news we hear from South Africa is usually that of continuing strife, repression, and potential revolution. Young blacks have increased their demands for equality, and many segments of the white community have begun to accept the notion of reform to varying degrees. Unfortunately, the whites who hold real power have consistently refused to yield to internal or external pressures.

It was therefore with great pleasure that I became aware of the election of Bishop Desmond Tutu to the position of Archbishop of Cape Town. This office is one which gives him authority over the Anglican Church in all of southern Africa.

Bishop Tutu last year became Johannesburg's first black bishop, quite an honor in the world's most racist country. His investment was a signal to South African authorities that the influential Anglican Church would no longer remain neutral in the fight against apartheid. Clergy and lay members are now at the forefront of the freedom movement, laying the groundwork for a peaceful transfer of power.

Mr. Speaker, the new Archbishop will certainly be heard at the highest levels of the South African Government. His influence will be enhanced, and he will be more able to pursue his agenda of peaceful change in South Africa.

I commend him, and wish him Godspeed.

CONGRESSIONAL ARTS CAUCUS HONORS JACK LEMMON

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. DOWNEY of New York. Mr. Speaker, today the Congressional Arts Caucus paid tribute to Jack Lemmon. We honored him on a day we were debating the grave issues of war and peace, when we were surrounded by unsettling world events—and it was most appropriate.

We spend a lot of time here, worrying about the affairs of State and of Nations. Sometimes we get so buried in our rhetoric that we forget who we govern. All of us represent millions of American citizens, and all of them are Jack Lemmon. Jack Lemmon has made a career of portraying Everyman—the hilarious, yet determined, musician in "Some Like It Hot," the harassed, confused businessman in "Save the Tiger," the fastidious Felix in "The Odd Couple," the tormented advertising executive in "Days of Wine and Roses," and the brooding James Tyrone in "Long Day's Journey Into the Night."

Jack Lemmon has shown us the beauty and simple majesty that is inside every man and woman. For every dollar we spend on defense, there is an Ensign Pulver, with this own heroes and villains. For every speech we make about textile trade, there is a clothing merchant in Los Angeles who wonders whether to save his business or save the tiger. For every prisoner in a Soviet gulag, there is a prisoner on Second Avenue.

The point is, Jack Lemmon is all of us, and that makes him special. He is a gifted man, and a uniquely gifted actor. His film credits alone read like everybody's list of their favorite movies. He has received Academy Awards, Emmy Awards, The Broadway Drama Guild Award, and I think we can assume the only reason he never won the Heisman Trophy is because he decided not to. He is in Washington at the National Theatre doing Eugene O'Neill's "Long Day's Journey into the Night," an incredibly powerful drama, and, again, a story of a man and his family.

Jack Lemmon has held a mirror up in front of us and shown us what we look like with love and affection. It was only right that we took time from more weighty or pressing issues to honor the man who has shown us America and Americans, with all their fears and foibles, and their prides and passions. He has shown us that nobody's triumph is minor, and nobody's defeat is insignificant.

Thanks to Jack Lemmon we will never forget that America is made up of millions of people whose happiness depends on crosstown traffic and whose biggest victory is throwing a palm tree overboard. And therefore, we honored all of those characters as we honored Jack Lemmon, and thanked him for giving them to us.

CORRECTION OF THE RECORD

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. BURTON of Indiana. Mr. Speaker, I ask that a correction be made to my statement in the CONGRESSIONAL RECORD concerning the centennial year of the gasoline-powered automobile. I stated in error that a U.S. patent was issued which is incorrect, the patent was issued in Germany. Also, I would like to express my appreciation to UMI Productions of Santa Barbara, CA, for its help and special interest in this legislation.

BERT KAUFMAN: THE "PERSON OF THE YEAR"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of my colleagues one of our outstanding citizens of Westchester County, NY.

In fact, Bert Kaufman has become such a pillar of the community that this Friday night the Eastchester Chamber of Commerce is honoring him as "Person of the Year" at their 1986 dinner dance.

Bert Kaufman owns and operates "Mr. Burt's Cleaners" in Eastchester, and is affectionately known as "Mr. Burt" throughout the region.

"Mr. Burt" is the type of man who can be called upon in a moment's notice whenever a kind heart or busy hands are needed. For instance, he dropped everything to play Santa Claus for area children, without a word of complaint about how busy the Christmas season is for his business. His devotion to veteran's groups has become legendary. His employees are under orders to clean the flags of any veterans post that requests it, free of charge.

Burt Kaufman is active in the B'nai B'rith of Westchester County, and is the bulwark of their scholarship fund for deserving students.

Burt Kaufman is not any flamboyant character garnering a lot of headlines but accomplishes little. He is a quiet, determined community leader who works behind the scenes for a better community and a better world.

To Burt, his wife Sylvia, and his son, Steven and his many friends and admirers who will gather to honor him, I invite my colleagues to join me in extending our heartiest greetings and gratitude for a job well done.

TRIBUTE TO HAROLD HOLT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. GEKAS. Mr. Speaker, on April 19, 1986, the Snyder County Extension Service will pay tribute to a man who has served as director of the service for the past 18 years. Harold A. Holt began his career with the extension service in May 1959 as a county agent for Huntingdon County. In October 1968 Harold became the director of the Snyder County Extension Service where he specialized in dairy production. He served the dairymen of Snyder and Union Counties as the DHIA adviser, adviser to the Holstein Association, adviser to the 4-H Clubs in Snyder and Union Counties and conducted numerous classes and short courses for dairymen.

Mr. Holt was honored in 1982 by the National Association of County Agents with the Outstanding Service Award for his work in the service. Harold Holt has been a vital member of the extension service for more than 18 years and will be missed greatly by all those associated with the service. I would like to join with all those involved in the extension service in thanking Mr. Holt for his dedication and service to the people of Snyder and Union Counties and wishing him good health and happiness in his retirement.

NATIONAL FOOD BANK WEEK

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. HALL of Ohio. Mr. Speaker, I am pleased that the House of Representatives passed House Joint Resolution 234, a resolution I introduced designating the week of May 18 as National Food Bank Week.

This resolution, which commemorates food banks across the country, could not have been possible without the help of my distinguished colleagues on the House Post Office and Civil Service Committee: Chairman BILL FORD and Chairman ROBERT GARCIA as well as the distinguished Representatives, the Honorable GENE TAYLOR and the Honorable JAMES HANSEN. I would also like to point out that my office received countless hours of support and hard work from Mr. Scott Broock, during his service as a Washington Workshops student intern. Scott did an outstanding job in helping us sign up over 220 cosponsors of House Joint Resolution 234.

Mr. Speaker, House Joint Resolution 234 designates May 18 to 24, 1986 as "National Food Bank Week." These dates coincide with the National Conference to be held by Second Harvest, Inc., the largest food bank network in the country.

Food banks play an increasingly important role in our communities across the country. Food banks collect surplus food that would otherwise be wasted and distribute it to soup kitchens, day care centers, homes for the elderly, halfway houses, church-operated food programs, and needy individuals. These are nonprofit organizations who obtain their food primarily from private-sector sources.

In recent years, we have witnessed an appalling increase in poverty and hunger in this country. Over 35.5 million people are poor, and estimates are that over 20 million people in our country periodically go hungry.

Food banks work with private-sector companies, including our food and transportation industries, to respond to that need. In 1985, the Second Harvest network worked with over 250 private-sector companies to distribute over 100 million pounds of food products. This is an excellent example of private sector response to a serious need.

Mr. Speaker, I believe that these nonprofit food banks deserve to be commended. They work quietly in communities across the country to eradicate hunger and poverty. I am pleased that my colleagues in the House of Representatives joined me in passing National Food Bank Week.

THE LOSS OF CAPT. FERNANDO A. RIBAS

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. FUSTER. Mr. Speaker, on behalf of the 3.5 million citizens of Puerto Rico I represent, I would like to express our sorrow at the apparent loss of the airplane piloted by Capt. Fernando A. Ribas Dominicci, a native of Utuado, Puerto Rico in the incidents in Lybia on April 15.

Mr. Speaker, as we mourn for the loss of a fellow patriotic American citizen of Puerto Rico, we are justly proud of his service. Puerto Ricans, as always, since the days of World War II have been in the forefront of our national defense, giving their lives in disproportionate numbers to defend our democratic system.

The people of Puerto Rico, Mr. Speaker, offer their condolences to the bereaved family of our hero, Capt. Fernando A. Ribas, and share this sad loss with our fellow American citizens.

A CONGRESSIONAL SALUTE TO THE 15TH STREET ELEMENTARY SCHOOL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the 15th Street Elementary School in San Pedro, CA, which will be celebrating its 85th year of continuous service to the community at a luncheon on April 25, 1986. Coincidentally, the observance also falls during the Public School Month celebrations.

Built at a cost of just $25,000 on the original site of the San Pedro High School, the 15th Street Public School has achieved a number of tremendous successes in its 85 years. The San Pedro community is indebted to this great school for the fine work it has done in educating its children. The school, which is the second largest of the 13 elementary schools in San Pedro, however, has done more than merely educate our young people. The 15th Street Elementary School has the oldest existing parents-teachers association in California, which is the second oldest such organization in the entire country. Additionally, the school, through its various programs, brings about $500,000 in State and Federal funds into the community.

My wife, Lee, joins me in recognizing the achievements of the 15th Street Elementary School on its 85th anniversary, and in recognizing the many contributions that its students, staff and graduates have made to San Pedro and other southern California communities. I would also like to take a moment to recognize the staff and faculty of the 15th Street Elementary School on the fine work they are doing under the leadership of their principal, Stanley Bunyan.

BIOMEDICAL ENGINEERING

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. KINDNESS. Mr. Speaker, the miracles of modern medicine have advanced to a degree that many of us never expected in our lifetimes. There are medications to relieve pain and cure illness; vaccines have virtually eradicated most dangerous childhood diseases; healthy organs can be transplanted to replace certain diseased organs.

But for the thousands of Americans who are paralyzed as result of spinal chord injuries and who bravely face life confined to beds and wheelchairs, the outlook for walking again has never looked promising. Mr. Speaker, today there is hope that paralyzed individuals will someday be able to walk.

I am proud to bring to the attention of my colleagues the work of Dr. Chandler Phillips of Tipp City, OH. Dr. Phillips and his partner, Dr. Gerald Petrofsky of Dayton, OH, were recently nominated for the Nobel Peace Prize in medicine for their work in restoring ambulation to paralytics.

Dr. Phillips has worked for many years at Wright State University in Dayton to help develop a portable computerized walking system for the paralyzed. This effort has already yielded remarkable results.

Last summer, Wright State University student Nan Davis was able to walk a few steps toward her diploma aided by a portable computer unit which controlled electrical stimulation to her paralyzed legs muscles. Another student, Susan Steele, has become the first quadriplegic to walk with the Petrofsky-Phillips system.

Dr. Phillips and Dr. Petrofsky are continuing their work with unique forms of physical therapy designed to improve muscle size, strength, and endurance. This system, aided by continuing research into computer miniaturization and implants, is bringing the miracle of walking to those who are presently paralyzed.

I invite my colleagues to join me in congratulating Dr. Chandler Phillips and Dr. Gerald Petrofsky on their incredible breakthrough in the new field of biomedical engineering and wishing them continued success in their work.

UNITED STATES RESPONSE TO LIBYA WAS APPROPRIATE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. SHUMWAY. Mr. Speaker, the United States has made it clear that, as the leader of the free we will not tolerate outrageous terrorism. We cannot allow vicious and mindless terrorism to threaten American lives, nor can we allow a climate of fear to prevail at home or in free nations abroad. The administration has definite evidence that Libya is responsible for American deaths, and that numerous similar terrorist acts have been planned. In retaliating against Libya as we did last night, we have given fair warning that attacks against Americans will be met with strong, self-defensive action. There is no place for terrorism in today's civilized world. I regret that it was necessary for such serious steps to be taken, but it is obvious that Qadhafi will not respond to diplomatic negotiations. Under the circumstances, I believe that the United States response to Libya was entirely appropriate.

BUEFORD FOEGE RETIRES FROM ITHACA BOARD OF EDUCATION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. KASTENMEIER. Mr. Speaker, Bueford Foege, president of the Ithaca Board of Education of Richland Center, WI, and a school board member for the past 50 years, has announced his retirement with the expiration of his present term.

Mr. Foege began his school board tenure in 1936 as a member of the Smyth Hollow Board, serving the district continuously for the next 20 years. In 1956 he was named to the old Ithaca Union High School Board; and when the district disbanded and reorganized as a K–12 unit in 1965, Foege was elected president. Except for a 3-year period when he was slowed by a heart condition, he has been president ever since. Bueford Foege was the driving force in the reorganization of the Ithaca district as it presently stands.

Bueford Foege has served education in many capacities. He was elected to the Cesa 14—now Cesa 3—Board of Control in 1965, retiring from that position in 1985 after 20 years of service, several of which were spent as agency president. Foege also served a 3-year term on the district boundaries appeals board. Bueford Foege is highly recognized throughout the State of Wisconsin for his lifelong contribution to education and youth. He and his wife Helena will be feted at a retirement dinner at Arthur's in Spring Green on April 18.

We will all miss him but wish him the best in his retirement.

THE IMPORTANCE OF ADOPTION

HON. H. JAMES SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. SAXTON. Mr. Speaker, I would like to take this opportunity to discuss the importance of adoption.

It is an unfortunate fact that in today's society thousands of young women from all walks of life become unwillingly pregnant. Many of these women, because of economic, social, and emotional pressures, become desperate and unhappy, and grab the first solution that comes along.

However, there is another solution, which not only frees the mother from the responsibilities of parenting, but brings job to those who cannot have children of their own. This solution is adoption. There are a multitude of people in this country who ache to give one or more children a home and love.

Unfortunately for these people, the availability and advantages of adoption have not received the widespread attention they deserve. I myself have witnessed the roadblocks and lack of information in this area. My sister and her husband wanted to adopt a child badly. However, a host of questions awaited them once they reached their decision. Among these were: Who should they contact? How could they learn more about adoption? What were the laws? and Why were the waiting lists so long? All of these questions were hard to find the answers to, as there was such a dearth of helpful information.

It is my hope that through efforts by groups such as the Congressional Coalition on Adoption, of which I am a member, that the American public can become better informed about the advantages of adoption. Perhaps when prospective mothers learn more about adoption, and the happiness it brings, they will be more willing to choose this route instead of the tragedy of abortion. And, as prospective parents become better informed adoption, they will actively pursue this choice and homes will be found for many of the "special needs" children still waiting.

CONFERENCE ON HEALTH CARE AND CATASTROPHIC INSURANCE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. YATRON. Mr. Speaker, I would like to bring to the attention of my colleagues a forum being held in my congressional district on an important and timely national issue. On May 3, 1986, the United Labor Council of Reading and Berks County and the United Steelworkers of America will conduct an all-day conference on our health care system and the urgent need for a national catastrophic insurance plan. Cochairmen of the meeting will be Charles C. Husson, chairman of the Community Services Committee of the United Labor Council, and Jack R. Unangst, chairman of the Legislative Education Committee of the United Steelworkers Local 3733.

The issue of affordable health care is vital to Americans and I want to commend Mr. Husson and Mr. Unangst for their leadership in bringing together the knowledge and insight of their organizations to help formulate policy recommendations on a national catastrophic health insurance plan.

The need for catastrophic insurance is well-established. When a person's entire financial base and life savings, earned through hard work and sacrifice, can be destroyed because of a long hospital stay or a protracted illness, we can only conclude that an important component of our social insurance system is missing.

The President acknowledged this absence in his last State of the Union message when he called on Secretary of Health and Human Services, Dr. Otis R. Bowen, to determine by the end of this year "how the private sector and Government can work together to address the problems of affordable insurance for those whose life savings would otherwise be threatened when catastrophic illness strikes."

We in the Congress support the creation of catastrophic health insurance and several legislative proposals have been introduced. While there is bipartisan agreement on the need and merit for a catastrophic support system, we

are still debating how the system should be structured: Should it be a private sector initiative; should it be administered by the Federal Government, through Medicare; or should it be a joint Federal-State effort. These questions remain the basis of the public policy debate on this crucial issue.

I look forward to this conference. As the leadership and membership of these two important organizations discuss the details and the complexities of health care reform, I am certain many valuable recommendations and proposals will be forthcoming. I commend this forum and anticipate that it will make a valuable contribution to our ongoing effort to develop a comprehensive national catastrophic health insurance plan.

JOSEPH H. KANTER JOGGING AND FITNESS CENTER ON THE MALL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1986

Mr. LEHMAN of Florida. Mr. Speaker, for many decades my constituents have seen one of Miami's foremost businessmen pounding the pavement and the beaches. Long before it was fashionable, Joe Kanter was an exercise enthusiast and a jogger. In over 40 years, his cumulative mileage now totals the circumference of the Earth.

Joe Kanter is chairman of one of our local bank holding companies. He was one of the first major developers of the "new town" concept. More recently, he has become a film producer, and we are hopeful that some of the benefit that Miami has realized from television production will be mirrored in the movies.

He is also a respected philanthropist, and 2 years ago, he offered to donate a fitness facility, on the U.S. Mall, to the people of America. This exercise installation, with equipment manufactured by Parcourse, Ltd., has been specially designed and built to accommodate the handicapped.

The new fitness center will be dedicated at 11 a.m. on Wednesday, April 23, 1986, at the site, which is located at the intersection of Fourth Street and Independence Avenue, SW. Many of our colleagues are already using the facility, and I hope to see you there.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Wednesday, April 26, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 18

9:00 a.m.

Armed Services

Strategic and Theater Nuclear Forces Subcommittee

To resume open and closed hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on Navy nuclear and reactor programs.

SR-232A

9:30 a.m.

Commerce, Science, and Transportation

Business, Trade, and Tourism Subcommittee

To hold hearings on S. 2307, authorizing funds for fiscal years 1987-1989 for the U.S. Travel and Tourism Administration.

SR-253

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

2:00 p.m.

Finance

Business meeting, to continue markup of proposed legislation providing for revisions in Federal tax laws.

SD-215

APRIL 21

9:30 a.m.

Finance

To hold hearings on the federal excise tax provisions of H.R. 3838, proposed Tax Reform Act of 1985.

SD-215

Foreign Relations

To hold oversight hearings on activities of the Agency for International Development.

SD-419

10:00 a.m.

Judiciary

Immigration and Refugee Policy Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Immigration and Naturalization Service, Department of Justice.

SD-226

2:00 p.m.

Foreign Relations

Western Hemisphere Affairs Subcommittee

To resume hearings to review the situation in Panama.

SD-419

APRIL 22

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.

SR-332

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1987 for the Department of Agriculture, focusing on the Soil Conservation Service, Agricultural Stabilization and Conservation Service, Office of the General Sales Manager, Foreign Agricultural Service, Office of International Cooperation and Development, and the Food for Peace program (Pub. L. 480).

SD-138

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mediation and Conciliation Service, and the United States Institute of Peace.

SD-116

Finance

Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

SD-215

Foreign Relations

To continue oversight hearings on activities of the Agency for International Development.

SD-419

Judiciary

To hold hearings to examine the constitutionality of certain penalties imposed on individuals or companies which submit certain false claims to the government.

SD-226

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice, and the Equal Employment Opportunity Commission.

S-146, Capitol

Energy and Natural Resources

To hold hearings on S. 2073, to require the Nuclear Regulatory Commission to establish procedures, standards, and criteria for preapproved sites and standardized designs for nuclear powerplants and to revise the procedures for issuing construction and operating licenses.

SD-366

Select on Indian Affairs

To hold hearings on S. 1991, to authorize funds for fiscal years 1987-1990 for Native American programs.

SR-385

2:00 p.m.

Agriculture, Nutrition, and Forestry

To continue hearings on proposed legislation authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.

SR-332

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navajo-Hopi Indian Relocation Commission, and the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.
SD-192

Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 1696, to establish a federally declared floodway for the Colorado River.
SD-406

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Small Business
To hold oversight hearings on the implementation of Title XVIII, authorizing funds for the Small Business Administration, of the Reconciliation Act (P.L. 99-272).
SR-428A

3:00 p.m.
Rules and Administration
Business meeting, to consider the schedule for the receipt of vendor responses to the amended request for a proposal for the procurement of a new telephone system for the Senate, to review the status of the present procurement process, and to consider alternatives to a Congress-wide system, and other pending committee business.
SR-301

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, and the National Commission Libraries and Information Science
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space station program.
SR-253

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Labor and Human Resources
To hold hearings on S. 1815, to prohibit any employer from using any lie detector test or examination in the work place, either for preemployment testing or testing in the course of employment.
SD-430

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Federal Election Commission.
SR-301

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Navy aircraft procurement programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Railway Association and Conrail.
SD-138

Armed Services
Defense Acquisition Policy Subcommittee
Business meeting, to mark up S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contracts between senior officials of the Department of Defense and defense contractors, S. 2151, to establish within the Office of the Secretary of Defense an Office of Defense Acquisition for the centralized procurement of all property and services for the Department of Defense and to provide for an Under Secretary of Defense Acquisition, S. 2196, to improve procedures for the acquisition of spare and repair parts for the Department of Defense, and related proposals.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine legal mechanisms to combat terrorism.
SD-226

1:30 p.m.
Foreign Relations
To continue oversight hearings on activities of the Agency for International Development.
SD-419

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings to review atomic energy activities of the Department of Defense.
Room to be announced

Environment and Public Works
To hold hearings on the nomination of Frank H. Dunkle, of Montana, to be Director of the U.S. Fish and Wildlife Service, Department of the Interior.
SD-406

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

3:00 p.m.
Armed Services
Military Construction Subcommittee
Closed business meeting, to discuss the Navy's strategic homeporting initiative.
SR-222

APRIL 24

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold hearings on S. 1121, to encourage foreign agricultural trade by improving the quality of grain shipped from U.S. export elevator facilities.
SR-332

Appropriations
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Foreign Relations
To continue oversight hearings on activities on the Agency for International Development.
SD-419

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.
SD-430

10:00 a.m.
Appropriations
Business meeting, to mark up provisions of H.R. 4515, making urgent supplemental appropriations for the fiscal year ending September 30, 1986.
SD-192

Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for intellegence programs.
S-407, Capitol

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold hearings on S. 1322, proposed Geothermal Steam Act Amendments of 1985.
SD-366

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1662, proposed Training Technology Transfer Act of 1985.
SD-628

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

4:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

APRIL 25

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-342

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 28

10:30 a.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 29

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the Department of Agriculture, focusing on the Farmers Home Administration.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on proposed budget requests for fiscal year 1987 for the Department of Energy, focusing on nuclear activities.
SD-366

Select on Indian Affairs
To hold hearings on S. 2105, S. 2106, and S. 2107, bills to provide for the settlement of certain claims of the Papago Tribe of Arizona.
SR-385

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

Environment and Public Works
To hold hearings on domestic and international oil pollution issues.
SD-406

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2214, to prohibit criminal penalties for violations of the financial disclosure provisions of the Ethics in Government Act of 1978.
SD-342

APRIL 30

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the findings of the Presidential Commission on the Space Shuttle Challenger Accident.
SR-253

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Labor and Human Resources
To hold oversight hearings on the human resources impact of reentry of women into the labor force.
SD-430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.
SR-332

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on embassy security enhancement.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings on certain activities of the Federal Bureau of Investigation, Department of Justice.
SD-226

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.
SR-332

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Food and Drug Administration of the Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-138

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on employee benefit and pension policy implications contained in proposed tax reform legislation.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987, focusing on environmental implications of Multilateral Development Bank lending policies.
SD-124

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact of coal and electricity imports on the domestic coal industry.
SD-366

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 571, proposed Drug Money Seizure Act.
SD-538

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 2

9:30 a.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 5

1:30 p.m.
Finance
International Trade Subcommittee
To hold hearings on miscellaneous tariff bills.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to review the Department of Energy nuclear research and development program policy.
SD-366

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Air Force aircraft procurement programs.
SD-192

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on medical malpractice.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space transportation system.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for strategic systems.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Holocaust Memorial Council and the Smithsonian Institution.
SD-192

MAY 9

9:30 a.m.
Finance
Health Subcommittee
To hold hearings to examine the condition of rural hospitals under the Medicare program.
SD-215

MAY 13

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Admin-

istration, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 525, to provide for the transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of radiation effects.
SD-342

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2050, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-124

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the prospects for exporting American coal.
SD-366

1:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings in closed session on activities of the Drug Enforcement Administration, Department of Justice.
S-407, Capitol

2:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil and clean coal technology.
SD-192

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on strategies to reduce hunger in America.
SD-430

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 3

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcomittee
To hold hearings on statistical policy for an aging America.
SD-342

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings to review the imposition of user fees in FDA approval procedures for new drugs.
SD-430

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations to the National Advisory Council on Women's Educational Programs.
SD-430

JUNE 17

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2055, to establish the Columbia Gorge National Scenic Area.
SD-366

Labor and Human Resources
To resume oversight hearings on medical malpractice.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 25

9:30 a.m.
Labor and Human Resources
To hold hearings on the administration of the Mine Safety and Health Review Commission.
SD-430

JULY 16

9:30 a.m.
Labor and Human Resources
To hold hearings on measures to improve the health of children.
SD-430

JULY 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

AUGUST 13

9:30 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 17

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on information provided by NASA's 51-L Data and Design Analysis Task Force to the Presidential Commission on the Space Shuttle Challenger Accident.
SR-253

APRIL 18

10:00 a.m.
Judiciary
To hold hearings on attorney fees forfeiture.
SD-226

APRIL 23

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 2009, to require that Federal employees be paid by electronic funds transfer or any other economical or effective method.
SD-342

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on the impact of proposed budget estimates on health research programs.
SD-138

HOUSE OF REPRESENTATIVES—*Thursday, April 17, 1986*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray in the words of John Greenleaf Whittier:

"Dear Lord and Father of mankind,
Forgive our foolish ways;
Reclothe us in our rightful mind,
In purer lives Thy service find,
In deeper reverence praise.

"Drop Thy still dews of quietness,
Till all our strivings cease;
Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Thy peace."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CLAY. Mr. Speaker, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays, 116, answered "present" 3, not voting 33, as follows:

[Roll No. 82]

YEAS—281

Ackerman	Bevill	Carper
Akaka	Biaggi	Carr
Alexander	Boggs	Chapman
Anderson	Boland	Chappell
Andrews	Boner (TN)	Coelho
Annunzio	Bonior (MI)	Coleman (TX)
Anthony	Bonker	Collins
Applegate	Borski	Combest
Archer	Bosco	Conyers
Armey	Boucher	Cooper
Aspin	Boxer	Coyne
AuCoin	Breaux	Crockett
Badham	Brooks	Daniel
Barnard	Brown (CA)	Darden
Barnes	Broyhill	Daschle
Bateman	Bruce	de la Garza
Bates	Bryant	DeLay
Bedell	Burton (CA)	Dellums
Bellenson	Bustamante	Derrick
Bennett	Byron	Dicks
Berman	Callahan	DioGuardi
Donnelly	Kasich	Rogers
Dorgan (ND)	Kastenmeier	Rose
Dowdy	Kemp	Rostenkowski
Downey	Kennelly	Rowland (CT)
Durbin	Kleczka	Rowland (GA)
Dwyer	Kolter	Roybal
Dymally	Kostmayer	Rudd
Dyson	LaFalce	Russo
Early	Lantos	Sabo
Eckart (OH)	Lehman (CA)	Scheuer
Eckert (NY)	Lehman (FL)	Schneider
Edwards (CA)	Levin (MI)	Schulze
Edwards (OK)	Levine (CA)	Schumer
English	Lipinski	Seiberling
Erdreich	Long	Sharp
Evans (IL)	Lott	Shaw
Fascell	Lowry (WA)	Shelby
Fazio	Lundine	Shumway
Feighan	Manton	Sisisky
Fish	Martinez	Skelton
Flippo	Matsui	Slattery
Florio	Mavroules	Smith (FL)
Foglietta	Mazzoli	Smith (IA)
Foley	McCain	Smith (NE)
Ford (MI)	McCurdy	Smith (NJ)
Ford (TN)	McDade	Smith, Denny (OR)
Fowler	McEwen	Snyder
Frank	McHugh	Solarz
Franklin	Mica	Spratt
Frost	Michel	St Germain
Fuqua	Mikulski	Staggers
Garcia	Miller (CA)	Stallings
Gaydos	Miller (WA)	Stark
Gejdenson	Mineta	Stenholm
Gibbons	Moakley	Stokes
Gilman	Mollohan	Strang
Glickman	Montgomery	Stratton
Gonzalez	Moody	Studds
Gordon	Moore	Sweeney
Gradison	Morrison (CT)	Swift
Green	Morrison (WA)	Synar
Guarini	Murphy	Tallon
Hall (OH)	Murtha	Tauzin
Hall, Ralph	Myers	Taylor
Hamilton	Natcher	Thomas (GA)
Hammerschmidt	Neal	Torres
Hansen	Nelson	Torricelli
Hartnett	Nowak	Towns
Hatcher	Oakar	Traficant
Hayes	Oberstar	Traxler
Hefner	Obey	Udall
Henry	Olin	Valentine
Hertel	Ortiz	Visclosky
Hiler	Owens	Volkmer
Hillis	Packard	Walgren
Holt	Panetta	Waxman
Hopkins	Pease	Weaver
Horton	Pepper	Weiss
Howard	Perkins	Wheat
Hoyer	Petri	Whitley
Hubbard	Pickle	Whitten
Huckaby	Price	Williams
Hughes	Pursell	Wirth
Hutto	Quillen	Wise
Hyde	Rahall	Wolpe
Jeffords	Rangel	Wortley
Jenkins	Ray	Wright
Johnson	Regula	Wyden
Jones (NC)	Reid	Wylie
Jones (OK)	Richardson	Yates
Jones (TN)	Rinaldo	Yatron
Kanjorski	Robinson	Young (MO)
Kaptur	Roe	

NAYS—116

Bartlett	Campbell	Coleman (MO)
Barton	Carney	Conte
Bentley	Chandler	Coughlin
Bereuter	Chappie	Courter
Bilirakis	Cheney	Craig
Bliley	Clay	Crane
Boehlert	Clinger	Dannemeyer
Boulter	Coats	Daub
Brown (CO)	Cobey	Davis
Burton (IN)	Coble	DeWine
Dickinson	Lungren	Sikorski
Dornan (CA)	Mack	Siljander
Dreier	Madigan	Skeen
Emerson	Marlenee	Slaughter
Fawell	Martin (NY)	Smith, Robert (NH)
Fiedler	McCandless	Smith, Robert (OR)
Fields	McCollum	Snowe
Frenzel	McGrath	Solomon
Gallo	Meyers	Spence
Gekas	Miller (OH)	Stangeland
Goodling	Molinari	Stump
Gregg	Monson	Sundquist
Gunderson	Moorhead	Swindall
Hawkins	Nielson	Tauke
Hendon	Oxley	Thomas (CA)
Hunter	Parris	Vander Jagt
Ireland	Pashayan	Vucanovich
Jacobs	Penny	Walker
Kolbe	Porter	Watkins
Kramer	Ridge	Weber
Lagomarsino	Roberts	Whitehurst
Latta	Roemer	Whittaker
Leach (IA)	Roth	Wolf
Lent	Roukema	Young (AK)
Lewis (CA)	Saxton	Young (FL)
Lewis (FL)	Schaefer	Zschau
Lightfoot	Schroeder	
Livingston	Schuette	
Lloyd	Sensenbrenner	
Lowery (CA)	Shuster	

ANSWERED "PRESENT"—3

Kildee	Luken	McMillan

NOT VOTING—33

Atkins	Grotberg	McKernan
Broomfield	Heftel	McKinney
Dingell	Kindness	Mitchell
Dixon	Leath (TX)	Mrazek
Duncan	Leland	Nichols
Edgar	Loeffler	O'Brien
Evans (IA)	Lujan	Ritter
Gephardt	MacKay	Rodino
Gingrich	Markey	Savage
Gray (IL)	Martin (IL)	Vento
Gray (PA)	McCloskey	Wilson

□ 1110

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4551. An act to extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

□ 1125

BEN WEST

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, this week will mark the passing of an era in the Press Gallery as the House marks the retirement of Benjamin C. West as Superintendent of that office.

Ben came to work here as an electrician's helper at age 15 in 1942. For the past 44 years he has established a reputation for knowledge of the House, honesty, and dedication to excellence. Throughout a career of helping reporters understand and cover the House, he has never forgotten his loyalty to the House as an institution.

He has witnessed many notable events in his career, such as the Pumpkin Papers and Hollywood hearings of an Un-American Activities Committee in the 1940's; General MacArthur's farewell speech in 1951; the shooting in the House by Puerto Rican nationalists in 1954; and the impeachment hearings of 1974.

We in the House wish Ben well as he no doubt will go on to other achievements. According to rumor, if he can take time off from the golf course, he might write a book about the House. We hope he will stay on the fairways.

From the House to you, Ben, thanks for a long and dedicated career. We wish you the very best of retirement years.

INTRODUCTION OF HAZARDOUS MATERIALS TRANSPORTATION SAFETY AMENDMENTS OF 1986

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIRTH. Mr. Speaker, today I am introducing the Hazardous Materials Transportation Safety Amendments Act of 1986. This legislation is a comprehensive package of proposals designed to strengthen and coordinate hazardous materials transportation laws at the Federal, State, and local level.

Mr. Speaker, our current laws governing hazardous materials transportation are a mess. They are uncoordinated, confusing, and give little guidance in some areas to industry, States, and localities. Nearly every day we hear about a transportation accident involving hazardous materials somewhere in the country. Yet, we have not devoted necessary resources to ensuring the safe transportation of dangerous materials. Thus far, we have avoided a major mobile-Bhopal not because we have been smart, but because we have been lucky.

The bill I am introducing today will put some teeth into our truck safety laws. It will significantly beef up Federal and State safety inspection and audit capabilities. It will give guidance and incentives to States to designate routes and safe havens for trucks carrying hazardous materials. It will require drivers of dangerous materials to have proper training, to have only one license, and to maintain a safe driving record. It will provide critical emergency response training for local police and firefighters, who are often first on the scene of an accident.

Mr. Speaker, our Federal hazardous materials transportation laws are an accident waiting to happen. We cannot afford to wait any longer to give attention to this extremely important issue.

A MILD FORM OF LUNACY

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, John Sherman was among our ablest Secretaries of the Treasury. He was the author and architect of the 1879 resumption, following the greenback episode during the Civil War. He had also served long years in this House and in the Senate, before he served in the Cabinet. I wish to pay homage to this great statesman with the following quotation:

> There is a large class of people who believe that paper can be, and ought to be, made into money without any promise or hope of redemption; that is to say, a note should be printed: "This is a dollar", and be made into a legal tender.
>
> I regard this as a mild form of lunacy, and have no disposition to debate with men who indulge in such delusions, which have prevailed to some extent, at different times, in all countries, but whose life has been brief, and which have ever shared the fate of other popular delusions.
>
> I therefore dismiss such wild theories, and speak only to those who are willing to assume, as an axiom, that gold, or coined money, have been proven by all human experience to be the best possible standard of value, and that paper money is simply a promise to pay such coined money, and should be made and kept equal to coined money, by being convertible on demand. Why ought not anyone who issued a promise to pay on demand be made to pay it when demanded? (Recollections of Forty Years in the House, Senate, and Cabinet, by John Sherman, New York, 1895, pp. 589–591.)

A NEW DEFENSE FOR DRUG PUSHERS

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, by now we all know that the administration, in a three-page report to one of our colleagues, admits that the Contras have dealt in drugs as recently as 5 months ago when quote, and I am quoting from the report: "The rebel movement was particularly hard-pressed for financial support."

I ask you: Is this a new court defense for drug pushers? They could fight with "the Contra drug defense" every time: "I was financially desperate, so I had to push drugs on your children." This is a scandalous situation. The administration making excuses for drug dealers.

Today I invite my colleagues to join me in legislation prohibiting the sending of U.S. tax dollars to countries, groups, or organizations who are certified to be drug dealers.

Let us assure all Americans that their hard-earned tax dollars will be kept out of the hands of the drug underworld.

THE 25TH ANNIVERSARY OF BAY OF PIGS INVASION

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, today, our country and especially our Cuban-American citizens, will observe the 25th anniversary of the Bay of Pigs invasion. The failure of the U.S. Government to support the 1,453 men or Brigade 2506 who led the charge onto the swampy, southwestern coast of Cuba 25 years ago, signed the fate of the thousands of freedom loving Cubans and also had major U.S. foreign policy implications which are sadly, still very much alive today.

In remembering the Bay of Pigs, our initial thoughts are for those 274 men who gave their lives in battle with Castro's Communist forces. Their bravery was exemplary and their cause was worthy of the highest praise. These men and their surviving families represent the Cuban people's resolve against the Communist oppression Fidel Castro has brought to their proud island nation.

But we should also take this occasion, to review our Government's failure in the Bay of Pigs operation, not to find fault with those decisionmakers of 25 years ago, but to learn from it and not to make the same mistakes again.

On April 17, 1961, the United States had the opportunity to end a Communist presence in our backyard by simply giving minimal support to Cuban freedom fighters willing to give their lives to win freedom for their homeland. We had encouraged the Cuban Contras, but when the chips were down, we failed to give the promised support. Those who argued for appeasement and negotiation carried the day. Twenty-five years later, Fidel Castro and his Communist government remain a major threat to our national security and the people of Cuba are slaves to this totalitarian government. With assistance from the Soviet Union, Castro's Cuba not only survives but it trains and advises thousands of Communist revolutionaries in Latin America and Africa. Castro has never once been serious about negotiating any end to his tyranny or his activities to spread communism. Communists never give up their revolution.

71-059 O-87-16 (Pt. 6)

On April 17, 1986, do we have the will to stop the spread of communism which we did not have 25 years ago? This time will we support freedom fighters willing to give their lives for a free Nicaragua or will we yield once more to the voices of appeasement and negotiation? Will we let freedom fail once again or will America wake up and say "no more" to communism's cruel hoax on the people of our hemisphere? That is the message and the challenge of the Bay of Pigs.

ECONOMIC GROWTH POOR DURING REAGAN YEARS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, Commerce Department economic growth estimates issued today are lower than the level projected in the President's budget and if the growth does not improve over the next 12 months, we could end up with $13 billion less in Federal revenues than was projected in the President's fiscal 1987 budget.

I suppose this can be viewed as good news in one sense, because the 3.2 rate of growth is only the eighth time in the full 20 quarters since President Reagan became President that the economy has grown at a rate equaling or exceeding the historical average; but economic growth under this administration, is still averaging only 2.1 percent a year, one-third slower than normal. It is the weakest record for economic growth for any administration during the last quarter century.

Today's $4.1 trillion estimated by the Commerce Department for the current level of gross national product leaves the economy about $200 billion smaller than it would have been if we had seen the historical average for growth between 1981 and the present.

That adds up to more than $2,000 a year in lost income for the typical American family. The cumulative economic loss to the economy because of slow growth since 1981 is more than $850 billion, and that means that if we were to sustain the higher growth levels being predicted by the administration for the remainder of the President's term, it would still be doubtful that the economy at this point would be able to match the pre-Reagan average for growth in the postwar era.

TOURISTS: VISIT ENGLAND INSTEAD

(Mr. MOORE asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, the refusal of France and Spain to allow American F-111 fighter bombers to enter their airspace to retaliate against Libyan terrorism concerns me as to whether they are dependable allies. Great Britain stood tall when it was time to get tough with terrorism, but they didn't.

Because of the decision by France and Spain, our F-111 pilots had to fly an additional 2,400 miles and 8 hours to carry out their mission. Those air crews were subjected to unnecessary fatigue, discomfort and peril due to their lack of cooperation from our supposed allies. Well, I'm mad and I hope all Americans are, too. So let's do something about it.

Therefore, I urge American tourists making plans to travel in Europe to boycott France and Spain and thank Margaret Thatcher by spending time and money in England.

The battle against terrorism cannot be compromised by the availability of a nearby barrel of Libyan oil, or by selling goods to Libya.

The battle against terrorism cannot be won by looking the other way in fear.

The battle against terrorism will be won by the brave and courageous who are willing to confront the source of terrorism directly and to take whatever action is necessary to bring it to its knees.

Mr. Speaker, I urge any tourist now planning on a vacation in France or Spain to change plans. Visit England instead.

□ 1135

MR. PRESIDENT, MAKE THESE TWO PHONE CALLS, PLEASE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, conflict in this world seems inevitable, although regrettable. I would like to ask the President of the United States to make two phone calls today if he would. One, to follow up on my colleague, could be to the President of France, Mr. Mitterrand reminding him of 200 years of closeness between our two countries. The picture that hangs in this hall, General Lafayette, the Statue of Liberty, France has given us much and we have given in return; Argonne woods, Normandy, the Marshall Plan, forgiveness of war debts.

We ought to be closer, not further apart. The President ought to say that man to man. He should remind President Mitterrand that we expected more from France, and, frankly we deserved better.

The second call is tougher. It ought to be to Colonel Qadhafi. The President ought to call the colonel and say, "It breaks my heart to have killing on both sides, babies dead, men and women, innocent dead, American citizens dead."

He ought to make that call, and he ought to tell the colonel that "two men can stop it, you and me, and we ought to."

In a world grown smaller and tougher, the President ought to stand for peace, make the calls. Maybe they will not work, but why not try?

THE FREE TRADE AGREEMENT TALKS

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, last Friday the Trade Subcommittee of the other body announced that a majority of its members were willing to vote not to begin the Free Trade Agreement talks with our neighboring state of Canada. Again yesterday that subcommittee expressed its displeasure and it will vote on whether to go ahead with those talks or, rather, to stop them, on Tuesday next.

Understandably, there is frustration on the part of the members of that subcommittee. Some of their frustrations have, of course, no relation to trade with our neighbor to the north. I would urge caution on possible disruption of Canadian-United States relations. We have the longest unguarded border and the largest two-way trade between our nations. But that is really not important compared to the close relationship that we have achieved over the years. Killing this Free Trade Agreement aborning is not a way to call attention to the problem. That agreement may never be completed. It may not prevail, but we ought to try to complete it.

If we have to let it go, we can abandon it at any time. But we should not spoil our good relations with our neighbor to the north in a fit of pique.

ENCOURAGING DEVELOPMENTS SUPPORTIVE OF THE EFFORT TO END APARTHEID IN SOUTH AFRICA

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, in the face of the current violent and repressive realities in South Africa there emerged this week two developments which are both encouraging and supportive of the effort to end apartheid.

One action occurring here at home is the American Telephone and Telegraph Co.'s decision to terminate its investments, its sales and purchases, its long distance and data transmission services, and sever virtually all business ties in South Africa. This is the most comprehensive divestment movement of any American firm doing busi-

ness in South Africa and significantly increases the pressure on the South African Government to end apartheid.

The second positive development is the election of Bishop Desmond Tutu to be the archbishop of Cape Town, a post which elevates him to head the Anglican Church in all of southern Africa. This honor comes at a time when Bishop Desmond Tutu, at the risk of being sent to jail on a charge of treason, has called on the World community to enact punitive economic sanctions against South Africa. His election signals a growing unity of black and white churchgoers in the continuing struggle to end apartheid by peaceful means.

Mr. Speaker, let us hope now that the next positive news from South Africa will be the release of Nelson Mandela and the start of meaningful political negotiations with that country's black majority.

WE MUST KEEP THE PROCESS GOING ON THE FREE TRADE AGREEMENT

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, our Founding Fathers in their wisdom decided on a bicameral legislature with differing terms; short term for the House, the people's body so that we would be responsive to the issues of the day, and a longer term for our colleagues in the other body.

I think were the Founding Fathers here today, they would walk these Halls and shake their heads because it is not working. Our relationship with our neighbor to the north, Canada, is of vital importance. They are our largest single trading partner in all the world. What the other body is doing with the Free Trade Agreement is despicable. We must keep the process going. We must initiate this process and work it through to its resolution.

If we think, or anyone thinks that it would be easier for our trade relations in the long run to negotiate such a treaty with the European Community or with the Pacific nations, they are absolutely wrong. We must do everything in our power to start negotiations with our neighbor, Canada.

LET'S RESTORE CONSUMER CONFIDENCE IN PRESCRIPTION DRUGS

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, many Members have asked me about my bill H.R. 4428, which is a disclosure bill for health agencies such as nonprofit hospitals and other dispensers of prescription drugs. There is no doubt today that in our Nation's economy consumers have access to a variety of prescription drugs with proven safety and efficacy which is unmatched by any country in the world.

However, this is being undermined by a drug diversion market, a subtrade whereby inferior, ineffective, and contaminated pharmaceuticals make their way out of the pharmacy shelves and into the hands of consumers. These schemes have been uncovered by a series of undercover law enforcement operations and have been discussed in our Investigations Subcommittee.

They involve substandard, mislabled and counterfeit birth control pills, heart medications, ulcer drugs, among others. These are illegal drugs which have made their way into the legal marketplace. It appears that a great many of these potentially dangerous pharmaceuticals originate from health care institutions such as hospitals who purchase them because of their nonprofit exemption under the two-tier purchasing system of pharmaceuticals, purchase them at sometimes one-tenth of the cost which is charged to our pharmacies, to our retail or small pharmacies and also the chain store pharmacies. So because of this distribution system the nonprofits are unwitting accomplices, and this would require disclosure, what they buy and what they sell.

H.R. 281 INTERFERES WITH THE FUNDAMENTAL RIGHTS OF FREEDOM OF ASSOCIATION AND OF SPEECH OF THE AMERICAN WORKING MAN AND WOMAN

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, this body is an exciting place to work, and the excitement comes all so often in the passion that our Members express for things we believe in dearly. I do not believe the passion is ever greater nor more sincere than when we speak on behalf of the protection of fundamental human rights. I dare say there is not a Member here who does not feel that passion in his heart and work very hard to protect human rights. Yet we have to be wise and we have to be diligent because those who would violate human rights might do so under the guise of the least harmless of legislation.

Today we will entertain H.R. 281, the Construction Industry Labor Law Amendment Act. It seems to be a relatively harmless piece of legislation designed to do nothing but promote union membership. But if you look beneath the surface, if you look deep, you can see that it will do that if it passes by interfering with the fundamental rights of freedom of association and freedom of speech of the American working man and woman.

I do not believe this body is prepared to deny those basic rights to the working people of America in an effort to promote the lagging enrollment of union membership in the construction industry.

WE ARE VICTORIOUS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, many people are confused about yesterday's activity on the floor of the House. They want to know did the people, the Members who are in favor of ending the folly in Central America, win a defeat or did they lose a victory?

I think it is clear there is no doubt in my mind that those of us who want to stop the escalation toward a wider war in Central American won a victory for the taxpayers of America yesterday.

One hundred million dollars, it means, will not go immediately down the drain. It may be postponed but certainly we will bide our time and wait. It will not go down the drain into a bottomless pit, and it will not end up where the $27 million already has gone, $7 million of which is not accounted for at all.

It means $100 million we possibly could spend on Head Start Programs, $100 million we could possibly spend on community health clinics, $100 million that might go for the Job Corps.

We have won a victory and most of all I think it is important that we postpone that process which many unfortunately want to start which will probably escalate us into a war in Central America which might end with the deaths of large numbers of American boys.

It was clearly a victory yesterday.

THE ANTITERRORIST ACT OF 1986

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, today I, Congressmen DUNCAN HUNTER, and BOB LIVINGSTON, together are introducing in the House of Representatives the Antiterrorist Act of 1986. Senator DOLE and Senator DENTON are introducing identical legislation in the other body. This legislation is one part of a long-term strategy to deal with terrorism.

As signaled earlier this week, our President has decided to fight back against terrorists, and we need to give him the explicit authority to do so.

There is some question that under the existing War Powers Act our President may have to consult with Congress before he initiates any counterterrorism activities. Doing so may make it much more difficult to fight back against terrorism.

Our act does two things specifically. It redefines terrorism as an act of aggression against the United States of America, its citizens, and American corporations. Number two, it explicitly excludes antiterrorism activities from the jurisdiction of the War Powers Act.

Terrorists do not have to conduct committee meetings before they decide to strike; we should not require our President to do so either, as he attempts to fight back.

Every American citizen is a potential victim of terrorism. Let us give our President the authority to effectively fight back and prevent, if possible, any more Americans from becoming actual victims of terrorism.

IN SUPPORT OF H.R. 281

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, I rise to speak in support of H.R. 281, the so-called double-breasting legislation and in opposition to weakening amendments.

The opponents of H.R. 281 are using some unpoetic poetic license in their debate, and I would like to take this opportunity to set the record straight.

H.R. 281 does not expand labor law into new areas. It does not deny workers freedom of choice. It is not a power-grabbing attempt by unions to give them undue influence in the industry marketplace. Its only purpose is to define already existing provisions of labor law that deal with prehire agreements which have been subverted by antiworker members of the current National Labor Relations Board.

H.R. 281 is needed to end these abuses and to restore to labor relations the original intent of Congress when it passed the Landrum-Griffin Act in 1959.

□ 1150

THE FBI: FIDELITY, BRAVERY, AND INTEGRITY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I want to take this opportunity to express my deep sorrow to the families of the two FBI agents, Benjamin P. Grogan and Jerry Dove, who were killed in a bloody gun battle in Miami on April 11. In the same incident, five agents were wounded during an attempted arrest of suspected bank robbers. This is a great and tragic loss to the Bureau and to the entire law enforcement community.

These agents were performing routine surveillance when they spotted a stolen car with a license plate matching one suspected of being used in recent Miami-area holdups. Special Agent Joseph V. Corless, a former colleague and supervisor of the bank robbery squad when I was an agent in New York, stated that the agents radioed for backup and, when they had sufficient assistance, attempted to pull the car over. It was at that point that the agents were fired upon by machineguns from the suspects' vehicle.

These agents were professionals. They followed the proper procedures and reacted wisely and competently. They knew the risks, but they unfortunately lost their lives in the performance of their duty. As a former FBI special agent, I also am aware of the dangers involved in the line of duty, the risks that agents take everyday, and the selfless behavior they display when confronted with a life-or-death situation. While it is difficult to express the proper sentiments in a 1-minute statement, I again offer my condolences to the families of the two slain FBI agents and commend their bravery and that of their wounded colleagues.

Fidelity, bravery, integrity, that is what the FBI is all about.

LAFAYETTE, WHERE ARE YOU?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, in 1917, Gen. Blackjack Pershing arrived on the shores of France and told a war-torn Europe, "Lafayette, we are here."

Today America asks, "Lafayette, where are you?"

The American people are perplexed and vexed to see pictures nightly on their TV screens of Europeans demonstrating against the American action in Libya. Congress is concerned and confused when the foreign ministers of France and Germany and Italy condemn American actions, but give us no alternative in its place. After all, Kenneth Ford, the brave sergeant killed by Libyan terrorism a week ago, was not just defending American interests, he was defending European interests as well. And our European allies have told us we ought to resort to diplomacy.

It is their failure to join us in economic sanctions and in evicting the Libyan embassies from the face of Europe that forced upon America this action, the least desirable, but only available alternative.

To our European allies I say, we are ashamed of you. You should, at the very least, be quiet and, in fact, be doing more than that by backing up our action. Until you have a better way, please be silent.

In 1917, "Lafayette, we are here;" in 1986, "Lafayette, where are you?"

LIBYA-NICARAGUA CONNECTION IN CENTRAL AMERICA

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I would like to share with this House, Mr. Speaker, a news item on television this morning. Film reports from Managua showed Libyan soldiers marching in solidarity with their Nicaraguan counterparts and denouncing the United States.

I think it is important to note that this is the very first time that the presence of Libyan troops has been openly displayed by the Sandinista government.

This should be a lesson to those critics who misplace their naive faith in the empty words of good will from the Sandinistas. In this case, Mr. Speaker, actions speak much louder than words.

I find it hard to believe that these Libyan troops are emissaries of peace or are there to encourage the Contadora process. However, perhaps they are there to share their expertise in agriculture and irrigation with the agrarian reformers in Managua.

After all, the green revolution in Libya has made private ownership of land illegal, and the Sandinistas have demonstrated that they are eager to follow this same path.

I point this incident out, Mr. Speaker, even as we in this House continue to debate the true intentions of the Nicaraguan Government in Central America. As Managua echoes with the boots of Libya—a nation engaged in active terrorist warfare against the United States—let us fix in our minds the picture of those soldiers marching. Can a Libya-Nicaragua connection be the hope for the future of Central America? The hope for our hemisphere?

I say no, Mr. Speaker, and I say the best way to stop such a connection is to grant the freedom fighters the wherewithal to oppose this disturbing alliance. Thank you.

REPUBLICANS DUCK CONTRA VOTE

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, history gets rewritten very promptly these days. We are being told that the

reason the Republican Members of the House voted for the Hamilton substitute yesterday was because of their sense of outrage at a procedure which would have tied one piece of legislation to another. That is the least plausible explanation I have heard for anything in a long time.

They did that yesterday for one simple reason. They were going to lose on the McCurdy amendment. The American people will not support the President's right to wage war by proxy in an unlimited way down there. So they knocked over the table because they did not like the way the cards were being dealt.

Before anyone believes that they were upset at the notion of tying one thing to something not fully related, remember that this is the party which gave us this year with their overwhelming vote a new subsidy for tobacco farmers as part of the reconciliation bill. These are the people who gave us the Gramm-Rudman mistake as part of a bill to extend the debt limit. These are the people, many of them who were here then, who voted for Gramm-Latta, which took a whole range of unrelated things and made them into one very inconsistent whole. There has not been a time since I have been here that the Republican Party has objected to the tactic of tying one thing to another.

They were going to lose the vote yesterday, so they kicked over the table, and now they are pretending to be procedurally outraged. They are a very unlikely set of candidates for that particular vestment.

GREAT BRITAIN DESERVES OUR ENDURING GRATITUDE

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, my colleague from Missouri [Mr. SKELTON] and I have introduced a resolution today putting Congress on record as giving its highest praise and thanks to Great Britain and Prime Minister Margaret Thatcher for aiding the United States against Libyan terrorism.

When the time came to confront ruthless terrorists, Britain stood with us. No other ally wears that badge of courage.

Mrs. Thatcher took enormous personal political risks to do what was right. By taking a stand in support of free people everywhere, Mrs. Thatcher risked criticism from political opponents. She chose a courageous moral path rather than political expediency. Her actions will fortify and inspire us to continue our fight against terrorism.

The United States and the United Kingdom have long been allied in the great World Wars against tyranny and are joined in the North Atlantic alliance to deter aggression.

A loyal ally understands that countries have interests beyond their own borders, and our British friends recognize this. And for that, they have America's enduring gratitude.

Mr. Speaker, I urge all my colleagues to join us in cosponsoring this very important resolution.

AMERICA NEEDS A SENSIBLE OIL IMPORT POLICY

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, following the United States air strikes against Libya, Colonel Qadhafi sent his minister to the OPEC meeting in Geneva demanding an oil embargo against the United States of America.

It is, of course, history now that the Geneva meeting denied and, in fact, ignored that request We should not be surprised by that.

The fact is that the United States is only about 10-percent dependent upon OPEC oil today. We should, however, be reminded that in the late 1970's, when we were approximately 30-percent dependent upon OPEC oil, a similar request for a U.S. oil embargo was not only heeded, but adopted, with awful effects on this economy.

Now my father when I was very young gave me a good piece of advice. He assured me that through my life I would make a number of mistakes, but he cautioned me not to make the same mistake more than once. We in America ought to consider my father's good advice as we approach the end of this decade. Should we allow ourselves to become so dependent upon OPEC oil that the next request by the minister from Libya for an oil embargo against the United States would not only go unignored, but in fact heeded, and the United States might find itself in that same awful position

It is time now, America, to wake up, to guard against that type of dependence on foreign oil. It is time now to adopt a sensible oil import policy for America.

□ 1200

ELDERLY VETERANS CARE ACT OF 1986

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, ensuring adequate health care for our elderly veterans is fast becoming one of the most critical issues of the decade. With the average age of the veteran population steadily rising, steps must be taken now to prepare the VA health care delivery system for the increasing demand for services. Consequently, I am introducing the Elderly Veterans Care Act of 1986.

This legislation provides a tax credit to the families of elderly veterans who need home-based health care. The credit covers such expenses as home health aids, adult day care, respite care, nursing care, and medical or health-related equipment and supplies.

Credit amounts will be determined by a sliding scale based on annual income, similar to the dependent care tax adopted by Congress in the Economic Recovery Tax Act of 1981. Families with $10,000 or less in income will receive a credit for 30 percent of the home health care expenses they incur, up to a maximum credit of $1,050. Low-income families who do not pay enough taxes will have any unusable credit refunded directly to them. The maximum amount of credit would be gradually reduced based on income over $10,000, with families having $50,000 or more in adjusted gross income ineligible for credit. Consequently, the most needy families receive the greatest relief.

This legislation is important because it represents a practical solution to the VA health care problem without forsaking our longstanding commitment to the men and women who have served this country. This measure promotes a compassionate alternative to institutionalized medical services by providing for care in the most natural environment—the veteran's own home. Moreover, by granting the tax credit directly to the family, the proposal recognizes the temendous sacrifices they make as the primary caregiver to elderly veterans. It also recognizes the need for Congress to relieve the continuing financial pressure on the health care delivery system of Medicare and Medicaid.

The Veterans' Administration predicts that there will be more than 7 million veterans over the age of 65 by 1990. The VA itself has recommended the creative development of program initiatives to help meet the healthcare needs of our maturing veteran population. My bill meets this challenge by providing more flexible care for veterans, while making more hospital beds available for critically ill patients.

Mr. Speaker, I'm pleased to introduce this important legislation, and I invite my colleagues to join in support of the Elderly Veterans Care Act.

CONSTRUCTION INDUSTRY LABOR LAW AMENDMENTS OF 1985

(Mr. ACKERMAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, the right of employees to form and join labor organizations and to bargain collectively is a fundamental tenet of democratic society. Most of us rightly pointed to Poland's denial of workers' rights to form their own organizations, as an indication of the repressive and undemocratic nature of that government. That is why so many of us took hope in the solidarity labor movement.

In the United States, the National Labor Relations Board is charged with protecting the right of workers to engage in collective bargaining, usually by a representative election.

Because of the short-term nature of construction work, a different procedure was spelled out by the National Labor Relations Act, allowing prehire agreements in the industry. However, employers after signing prehire agreements are simply voiding them at will. Rulings by the NLRB and Federal courts have sanctioned a practice which, in essence, has denied employees the right to representation. We must restore to construction workers their basic rights under our Nation's labor laws. That would be done by H.R. 281, which we have before us today.

Either we believe in collective bargaining and employees' rights to union representation, or we don't. If we do believe in these principles, we need to do something about current practices in the construction industry which undermine free collective bargaining.

I, therefore, urge my colleagues to support H.R. 281, before we leave here this afternoon.

VICTIMS OF TERRORISTS

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, when a terrorist planted a bomb aboard a TWA airliner on a flight to Greece, the incident had a special impact on my district because three of the victims were members of my community. They were a mother, Demetra Stylian, 52; her daughter, Maria Klug, 24; and granddaughter, Demetra Kristina Klug, 8 months old.

As you know, the explosion blasted a hole in the side of the aircraft and the victims were blown out and fell to earth near the small Greek village of Argos, where their bodies were found by shepherds.

From this vile crime that showed a total disregard for humanity and international law has come a beautiful gesture of love and caring. Warren Klug, Jr., the husband of Maria and the father or the infant, Demetra Kristina, was so moved by the poverty and pitiful condition of the children of Argos that he established the Argos Fund, the name of the town upon which his loved ones fell from the heavens.

He said:

My daughter's life ended before it started and we wanted to direct your expressions of sympathy to the fund for needy children.

Mr. Klug also said that:

We recognize that our personal tragedy is also an American tragedy. We are grateful that more people were not hurt by this crime, and our love and prayers are with the family of Mr. Ospino (the fourth victim). We are weakened by the loss of our loved ones, but we remain strong in our belief in God and our country.

Andreas Stylian my father-in-law, emigrated to America, as so many before him, to build a better life for his family. He was proud that he and his family were Americans, and now our family has been murdered because they were American.

To those responsible for this cowardly act, you have succeeded in devastating our family, but you will never destroy the heart and spirit of America. We anxiously await your judgment day before Americans who are not defenseless and, more importantly, before God.

I pay tribute to this generous move.

AN ISSUE OF INTERNATIONAL SIGNIFICANCE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, for anyone who is uncertain as to who the winners and who the losers were yesterday, one only has to listen to some of the 1-minute speeches. Those who are protesting what happened yesterday seem to come all from one side of the aisle. That may suggest who won and who lost.

But beyond that, Mr. Speaker, I would say I was pained to hear some of the responses of leadership on the other side, to hear the majority leader on television talk about yesterday's action by the Republicans being cynical, to hear Mr. BARNES refer to it as cynicism on our side.

That is not cynicism. Cynicism is a stacked Rules Committee. Cynicism is an unfair rule. Cynicism is not allowing the President of the United States a free shot on his proposal on an issue of international significance. Let us have no more doses of cynicism. Let us have a fair up or down vote, then we will see who has the votes here, without all of this political jockeying.

MARINE SAFETY

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, later today, two of my constituents, Rosemary and Roderick Hofer of Brielle, NJ, will testify before two House subcommittees on marine safety.

Mr. Speaker, tragedy struck the Hofer family last summer when their youngest son, Christopher, was lost in a fishing boat accident off the coast of Marmot Bay, AK. As the Hofers will tell the subcommittees today, the craft which carried their son lacked basic survival equipment. In fact, it is quite apparent that the 48-foot vessel, a wood vessel, the *Western Sea*, should never have been allowed to leave port.

Christopher Hofer's loss on board the *Western Sea* was a tragic but not isolated incident. Coast Guard statistics indicate that an average of 250 fishing boats sank each year from 1981 to 1983. I find it disturbing and shocking that the death rate of fishermen is seven times the national average for all industry groups, and twice that of the next most hazardous profession, mining.

There is no doubt that many of the dangers stem from natural causes such as unpredictable winds and high seas, but it is also very clear to me that an industry that is riddled with natural hazards should be governed by strict safety regulations. Today's hearing, I am sure, will focus attention on this need for reform in this area.

SOCIAL SECURITY—A VESTED FUNDED SYSTEM

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, young people in America have no faith that Social Security will provide adequately for their retirement and unfortunately, they're probably right.

Seniors today are receiving back on average $3 for every $1 they and their employers paid in, and that's wonderful and has largely eliminated senior poverty. But demographics indicate that this will fall back to less than $1 for each dollar by the mid-2030's, although surpluses will occur in the meantime.

I don't want to see Social Security become a welfare program, Mr. Speaker, or have FICA taxes, already a large burden on productive workers and small business, go any higher.

Let's begin thinking now about how we can, over the next 50 years, move to a Social Security System that will be just as good to seniors then as this one is now. A vested, funded system where each worker owns his or her own individual retirement account and invests it and watches it grow is the ideal we should begin to work toward now. It's not too early to start thinking of the future, even one 50 years away.

TRADE UNIONS

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, the proponents of the so-called Construction Industry Labor Law Amendments of 1985 claim that the law as it stands inadequately protects the ability of trade-union officials to enforce collective bargaining contracts.

As a solution, they have proposed H.R. 281, which would virtually stamp out freedom of association by construction workers.

Before we discuss the sweeping new organizing powers for trade union officials, we must first consider the special powers enjoyed by these trade unions which no other unions in our society share.

I suggest that the answer to trade unions' problems with declining membership isn't to heap on more compulsory unionism powers.

The solution to their problem is to win the hearts and minds of construction workers by providing decent, professional representation at the bargaining table, rather than squandering the workers' dues on salaries and political schemes.

I urge my colleagues to do all in their power to defeat H.R. 281.

PROVIDING FOR REAPPOINTMENT OF CARLISLE H. HUMELSINE AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 214) to provide for the reappointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. FRANK). Is there objection to the request of the gentlewoman from Ohio?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the distinguished gentlewoman from Ohio [Ms. OAKAR] for an explanation of her bill.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, this resolution and the one which follows are reappointment resolutions for citizen regents serving on the Board of Regents of the Smithsonian Institution. Mr. Humelsine and Mr. Bowen have filled their appointments, to date, with professionalism, sincerity, and an unquestionable commitment to the Smithsonian Institution. Through my task force, I have dealt with both gentlemen on several occasions. They have always been responsive and helpful to my concerns. The Committee on House Administration's Task Force on Libraries and Memorials, which I chair, has reviewed and favorably recommends these reappointments.

If the gentleman will withdraw his reservation, I will offer a perfecting amendment in the nature of a substitute which will provide for continuity in the service of Mr. Humelsine's appointment. In other words, his term will be unquestionably continuous.

Mr. BOLAND. Mr. Speaker, I strongly support Senate Joint Resolution 214 and Senate Joint Resolution 215 and urge their adoption by the House.

These measures would reappoint Carlisle H. Humelsine and William G. Bowen as citizen regents of the Smithsonian Institution. Their current terms expired in March and, as the Board of Regents next meets in May, timely action on these measures is critical. I want to thank the chairwoman of the House Administration Committee's Task Force on Libraries and Memorials, Ms. OAKAR, and the ranking minority member, Mr. GINGRICH for insuring that these measures could be considered on the floor before the next Board meeting.

I have the privilege of serving as a congressional regent on the Smithsonian's Board of Regents. In that capacity I have had an opportunity to work closely with Mr. Humelsine and Dr. Bowen. I want my colleagues to know that through their exceptional abilities and uncommon dedication, they have made innumerable contributions to the work of the Smithsonian Institution. The Institution, and all whose lives it touches, are fortunate that Mr. Humelsine and Dr. Bowen are willing to serve another term as regents. I have no doubt that they will continue to discharge their responsibilities as regents in the exemplary manner which has characterized their past service, and in so doing, further enhance the reputation of the Smithsonian as one of the world's foremost educational institutions. I urge the House to give an overwhelming vote of approval to their reappointments.

Mr. FRENZEL. Mr. Speaker, because the minority on the committee is in full support of the gentlewoman's resolution and amendment, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 214

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Carlisle H. Humelsine of Virginia on March 13, 1986, be filled by the reappointment of the present incumbent. The appointment is for a term of six years and shall take effect on the day after the current term expires.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. OAKAR

Ms. OAKAR. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Ms. OAKAR: Strike out all after the resolving clause and insert in lieu thereof the following:

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Carlisle H. Humelsine of Virginia, is filled by reappointment of the incumbent for a term of six years, effective March 13, 1986.

Mr. FRENZEL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman from Ohio [Ms. OAKAR].

The amendment in the nature of a substitute was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MS. OAKAR

Ms. OAKAR. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Ms. OAKAR: Amend the title so as to read: "Joint resolution providing for reappointment of Carlisle H. Hummelsine as a citizen regent of the Board of Regents of the Smithsonian Institution.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR REAPPOINTMENT OF WILLIAM G. BOWEN AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 215) to provide for the reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the

distinguished gentlewoman from Ohio [Ms. OAKAR] for an explanation.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, this resolution, along with the previous one, is a reappointment resolution for a citizen regent currently serving on the board of Regents of the Smithsonian Institution. The Committee on House Administration's Task Force on Libraries and Memorials have reviewed and recommends favorably the reappointment of Mr. Bowen.

If the gentleman will withdraw his reservation, I will offer a perfecting amendment in the nature of a substitute which will provide for continuity in the service of Mr. Bowen's appointment.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, the minority believes that both of these regents are splendid ones, richly deserving reappointment. We support the gentlewoman's requests in all respects.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S. J. Res. 215

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of William G. Bowen of New Jersey on March 13, 1986, be filled by the reappointment of the present incumbent. The appointment is for a term of six years and shall take effect on the day after the current term expires.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. OAKAR

Ms. OAKAR. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Ms. OAKAR: Strike out all after the resolving clause and insert in lieu thereof the following:

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of William G. Bowen of New Jersey, is filled by reappointment of the incumbent for a term of six years, effective March 13, 1986.

Ms. OAKAR (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. OAKAR. Mr. Speaker, let me just comment on the amendment and the spirit of these appointments, just very briefly, for the benefit of the Members.

Mr. Speaker, I think the Members should know that Mr. Humelsine, in particular, and the Smithsonian Board of Trustees several months ago did decide to divest their holdings in South Africa. I thought that this was a very, very positive step. Besides all of the other reasons mentioned, I hope that we will approve these appointments. But I wanted, for those Members who had concerns about the Smithsonian and its investment practices, to know that they no longer have investments in the international portfolio that relate to South Africa investments.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman from Ohio [Ms. OAKAR].

The amendment in the nature of a substitute was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MS. OAKAR

Ms. OAKAR. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. OAKAR: Amend the title so as to read: "Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1215

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 214 and Senate Joint Resolution 215, the Senate joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

COMMEMORATING 25TH ANNIVERSARY OF BAY OF PIGS INVASION

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 599) commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I yield to the chairman of the committee, the distinguished gentleman from New York [Mr. GARCIA].

Mr. GARCIA. I thank my colleague for yielding.

Mr. Speaker, I would just like to state that this resolution has been introduced by one of the senior Members of this House, the gentleman from Florida, Senator PEPPER, and another good colleague of ours, the gentleman from Florida [Mr. FASCELL], as well.

Mr. Speaker, as you know, today is the 25th anniversary of the Bay of Pigs invasion, and both the gentleman from Florida [Mr. FASCELL] and the gentleman from Florida [Mr. PEPPER] have long been involved in this commemorative dealing with the Bay of Pigs, and I would just like to take this opportunity to commend both Congressman PEPPER and Congressman FASCELL on the work that they have done on this resolution.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 599

Whereas April 17, 1986, marks the twenty-fifth anniversary of the first day of the Bay of Pigs attempted liberation of Cuba by the heroic 2506 Brigade, a battle which entailed three days of fighting at a narrow strand of mangrove, bunch grass, coral head, and sand lying thirty miles from the towns of Giron and Playa Larga and bounded by the Bay of Pigs and the Cienaga de Zapata swamp;

Whereas on April 17, 1961, the fourteen hundred gallant and intrepid men who made up the brave 2506 Brigade were ill-equipped but possessing immeasurable spirit, courage, and determination, sought in the tradition of the great liberators Jose Marti and Simon Bolivar to liberate from Communist tyranny the beautiful isle of Cuba and reestablish freedom and democracy for the people of Cuba, that great island lying so close to the United States;

Whereas the patriotic, noble, and sacrificial effort of the 2506 Brigade to liberate Cuba as in the same patriotic spirit that prompted other courageous and intrepid men to liberate the American colonies from a foreign monarch and establish freedom and democracy in America; and

Whereas the people of the United States proudly commend those courageous warriors who fight for the cause of freedom and justice anywhere in the world and the Congress wishes to express the commendation of the American people to the gallant war-

riors of the 2506 Brigade who made such an historic effort to establish freedom and democracy in Cuba: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 17, 1986, be commemorated as the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAIR HOUSING MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 303) to designate April 1986, as "Fair Housing Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from New York [Mr. FISH] who is the chief sponsor of House Joint Resolution 561, to designate April 1986 as "Fair Housing Month."

Mr. FISH. I thank the gentleman for yielding to me.

Mr. Speaker, first I want to express my sincere appreciation and personal thanks to the subcommittee chairman, BOB GARCIA, and the ranking Republican, JIM HANSEN, for their assistance in promptly bringing this legislation to the House floor.

On March 11, I introduced House Joint Resolution 561 to designate this April as "Fair Housing Month." Since that time, 226 Members of this House—Republicans and Democrats alike—have joined as cosponsors of House Joint Resolution 561. This is a clear reflection of a bipartisan commitment to the principles embodied in the Federal fair housing law.

Mr. Speaker, April 1986 marks the 18th anniversary of the enactment of a Federal fair housing law, as title VIII of the Civil Rights Act of 1968. This landmark legislative action symbolized a legal and policy commitment on the part of the Federal Government to the goal of equal opportunity in housing for all Americans. It remains a cornerstone of our civil rights protection in this country.

Title VIII prohibits discrimination in the sale, rental, or financing of housing based upon race, color, religion, national origin, or sex. Since its enactment, the right of free choice in housing has undeniably expanded. However, despite these advances, discriminatory housing practices still remain an unfortunate fact of life for many Americans—racial and ethnic minorities, handicapped persons, and others. The fact is that the goal of equal opportunity in housing choice for all Americans has still yet to be fully realized.

Few can deny the central role housing plays in the quality of life of every American. It is commonly perceived that of all the services, facilities and other amenities a community provides, few matter more to the individual and his or her family than the kind of housing in which he or she lives—and the kind of neighborhood of which that housing is a part. But for some of our citizens, the dual barriers of prejudice and fear have, for too long, obstructed their fair chance to move into better housing.

The Department of Housing and Urban Development, which has the authority and responsibility to accept and investigate title VIII housing discrimination complaints, continues to receive thousands of such complaints each year. Census data tends to indicate that racial concentration in many of our communities is increasing. To the extent that this situation results from racial discrimination, rather than from free choices by members of all races, there is cause for alarm and remedial action.

Recently, Senator MATHIAS and I introduced our version of comprehensive legislation to amend and strengthen title VIII, H.R. 4119; S. 2040. My good friend, HUD Secretary Sam Pierce, is personally dedicated to a stronger and more effective title VIII, and has been an ardent advocate to that end on Capitol Hill. We in Congress are continuing to explore the possibility of obtaining a consensus on a compromise bill that can be enacted this year. I remain hopeful that substantive fair housing legislation can be passed this year.

Again, I am most appreciative of the assistance of my colleagues in this legislative commemoration of the 18th anniversary of the Federal Fair Housing Act. The other body has already passed this resolution as Senate Joint Resolution 303, and I urge my colleagues in the House to take the same favorable action. Dedication to providing equal opportunities for all and to the elimination of racial discrimination runs deep in the American spirit.

Mr. GILMAN. Mr. Speaker, I rise today in support of House Joint Resolution 561, to commemorate the 18th anniversary of the enactment of the Federal Fair Housing Act. I commend the gentleman from New York [Mr. FISH] for providing this opportunity to proclaim April 1986 as "Fair Housing Month," which comes in the wake of the steady, and praiseworthy advances that have been made in eliminating discriminatory housing practices.

In 1968, when Congress adopted the Federal Fair Housing Act as title VIII of the Civil Rights Act, we could not even begin to understand the multitude of ways in which the housing industry would be transformed so as to provide all Americans equal housing opportunities. When we consider the pervasiveness of housing discrimination in the 1950's and 1960's, it is not difficult to see how far we have come in providing all people, irrespective of their race, color, religion, or national origin, the house of their dreams.

If I may pause for a moment to comment on the admirable work being done in my own district, by the Rockland County Board of Realtors, you will recognize that we have entered an era where there is a high level of attention to ensuring fair housing oportunities for all Americans, regardless of their economic or racial status. I am pleased to say that the Rockland County Human Rights Commission recently commended the Rockland County Board of Realtors for its tireless efforts to fulfull the needs of Let us reinforce that dedication today. each and every client. I know that the other realtors throughout my district in Orange, Westchester, and Sullivan Counties work equally as diligently to uphold the Fair Housing Act to the letter of the law. Indeed, I believe that this award is symbolic of a greater trend in this country to enforce our fair housing laws.

As a cosponsor of House Joint Resolution 561, I am proud to say that we have come a long way in the struggle against discrimination in the housing industry and urge our continued vigilence in building upon this fine work. I feel strongly that we should all join in and support this measure, voicing our thanks to every man and woman who has worked, either as a concerned consumer, a realtor, or civil rights advocate, to make certain that each individual finds himself in the home, or office of his choice. Accordingly, I urge my colleagues to support House Joint Resolution 561, and to join in all of the events being sponsored in our communities celebrating this designation. By doing so, we will be enthusiastically voicing our continued dedication to ensuring fair housing oportunities for every American.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 303

Whereas the year 1986 marks the eighteenth anniversary of the passage of title VIII of the Civil Rights Act of 1968, commonly referred to as the "Federal Fair Housing Act", declaring a national policy to provide fair housing throughout the United States;

Whereas the Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin;

Whereas fairness is the foundation of our way of life and reflects the best of our traditional American values;

Whereas invidious discriminatory housing practices undermine the strength and vitality of America and the American people; and

Whereas in this eighteenth year since the passage of the Fair Housing Act, all Americans must work to continue to improve the Fair Housing Act by strengthening enforcement provisions, by extending the protections of the Act to all our citizens, by assuring there are no victims of discriminatory housing practices, and by making the ideal of fair housing a reality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April as "Fair Housing Month" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 410, CONSERVATION SERVICE REFORM ACT OF 1985

Mr. MARKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes, with the House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and, without objection, appoints the following conferees: Messrs. DINGELL, MARKEY, RALPH M. HALL, BROYHILL, and MOORHEAD.

There was no objection.

COMMEMORATING BICENTENNIAL OF AUSTRALIA AND HONORING VISIT OF AUSTRALIAN PRIME MINISTER ROBERT HAWKE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 128) to commemorate the bicentennial of Australia and to honor the April 1986 visit of Australian Prime Minister Robert Hawke to the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman from New York to explain this resolution.

Mr. SOLARZ. Mr. Speaker, I will be happy to explain it.

Mr. Speaker, the resolution before us offers Members of the House a unique opportunity to pay tribute to one of our staunchest allies, Australia, and to welcome an outstanding man, the Honorable Robert Hawke, the Prime Minister of Australiai who is now visiting the United States.

Australian and American military forces have fought together in defense of freedom in four wars. A mutual defense treaty has closely allied our two nations since 1954, and Australia has resolutely accepted the responsibilities and costs necessary to maintain this alliance.

The United States and Australia are linked with a common history, a common language and cultural background, and a common respect for international law and human rights. We have worked together in seeking to aid developing nations increase their economic growth and to foster the growth of democratic institutions that would ensure the stability of the region.

Both Australia and the United States have recognized the importance in recent years of keeping the doors open to those men, women, and children forced to flee persecution in their homelands and longing to rebuild their lives in freedom. Australia has resettled over 100,000 refugees from Indochina and thousands more who have fled the repression and brutal regimes in Poland and Eastern Europe.

About 15,000 Australians married American servicemen after World War II, and thus guaranteed that United States and Australian ties would grow even closer in the important years following World War II. Australian films, opera stars, and television programs have enjoyed wide audiences in the United States, though I must say that much as I enjoy the Quantas ads, we do intend to win the Americas Cup and bring it home to the New York Yacht Club in the not too distant future. Then Pan Am will be able to run ads on Australian TV inviting the residents of Sydney to come to New York, the Empire State, and the home of the Americas Cup.

But in all seriousness, the close and warm ties that mark United States-Australian relations are remarkable. We are Australia's second largest trading partner, and we now enjoy a 2-to-1 trading advantage with that nation. Recent changes in our agricultural and trading policies have led some Australians to wonder if our policymakers realized the possible adverse impact which these changes could have on our close friend in the South Pacific. I, for one, hope that the visit of Australia's most able and articulate Prime Minister will help to alleviate these problems and to strengthen the close ties between our two great nations.

Mr. Speaker, during our own bicentennial celebration, Australians contributed generously to the many cultural, civic, and educational programs mounted by our Government and private organizations to commemorate that historic event. Australia is now preparing for its own bicentennial celebration, a year-long observation in 1988. I sincerely hope that given the close people-to-people ties of friendship, shared commitment to democratic values, and our joint efforts to secure peace in the world, that our Government and the American people will accept Australia's invitation to participate in their 200 year celebration in a fitting and full manner.

Mr. Speaker, I urge the House to adopt this resolution commemorating the warm and close ties between the people of Australia and the people of the United States.

Mr. LEACH of Iowa. Mr. Speaker, further reserving the right to object, I share the assessment of the gentleman from New York [Mr. SOLARZ] both of the Prime Minister and the importance of Australian-American relations.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 128 to honor the visit to the United States this week of the Prime Minister of Australia, the Honorable Robert J.L. Hawke, and to express the sense of the Congress that the United States should join in celebrating the upcoming 1988 bicentennial of the founding of Australia with appropriate activities and ceremonies.

Over the last two centuries, our two pioneer-spirited peoples have developed strong ties of friendship and mutual respect, rooted in common historical experiences, shared democratic ideals, and shared culture.

The United States-Australian relationship began in the 1790's when American ships first began to dock at the port in Sydney and bilateral trade was initiated. Those ties continued to grow and flourish in the following years. At the time the Australian Constitution was being drafted, our American Constitution and Federal system of government was a model on which Australian leaders of the time drew. In the past half century our relations were cemented in the shared experiences of World War II, the Korean war, and the Vietnam conflict. As partners today in the ANZUS alliance, we continue to pledge our common com-

mitment to the protection and preservation of our shared democratic freedoms.

In the face of such strong and abiding ties the wide expanse of the blue Pacific has proven no barrier.

As we approach the 1988 Australian bicentennial, the President has noted the appropriateness of United States participation in the celebration and has expressed his hope that that can be done in essentially people-to-people ways.

On the occasion of the visit this week to the United States of Prime Minister Hawke, it is fitting for us to extend a warm personal welcome and to reflect on our relations with the people of Australia. As the 1988 bicentennial draws nearer, all Americans join in congratulating our Australian friends on 200 years of magnificent accomplishment.

I urge my colleagues to lend Senate Concurrent Resolution 128 their unanimous support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 128

Whereas the United States and Australia enjoy a special and close relationship based on our shared history, cultural heritage, similar political values, and mutual respect for individual liberties;

Whereas our two nations enjoy thriving trade and business relationships and a broad range of people-to-people programs;

Whereas that close relationship has assured an alliance between our two nations in defense of freedom during four wars;

Whereas Australia and the United States are linked in a mutual defense treaty and readily accept the costs involved in preserving international peace;

Whereas Australia participated in the celebration of the bicentennial anniversary of American independence in 1976;

Whereas the Prime Minister of Australia, the Honorable Robert J.L. Hawke, will be visiting the United States in April 1986;

Whereas the Government and people of Australia have invited the Government and people of the United States to join in celebrating the forthcoming 1988 bicentennial of Australia; and

Whereas it is most fitting that this historic event be recognized in a manner which will commemorate Australian-American friendship and strengthen the many ties which link our two great nations together: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress declares its deep and abiding respect and friendship for the people of Australia and salutes Australia in its preparations for the celebration of its bicentennial.

SEC. 2. It is the sense of the Congress that the United States Government should help Australia observe its bicentennial year with appropriate activities and ceremonies that would indicate the high regard and deep affection which the people of the United States hold toward the Government and people of Australia during their celebration.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTRUCTION INDUSTRY LABOR LAW AMENDMENTS OF 1985

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 324 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 324

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 281) to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1225

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], for the purposes of debate only, and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 324 is the rule providing for the consideration of the bill H.R. 281, the Construction Industry Labor Law Amendments of 1985.

Mr. Speaker, H.R. 324 is a completely open rule that provides 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Education and Labor. The rule also makes in order one motion to recommit.

Mr. Speaker, H.R. 281, the Construction Industry Labor Law Amendments of 1985, is a bill that would amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

The bill is basically limited to correcting two specific provisions in the National Labor Relations Act. The first provision in the bill would eliminate a practice known as double-breasted contracting. This practice is used by construction industry employers who wish to evade the obligations stated in collective bargaining agreements.

Under a typical arrangement a company which has negotiated an agreement with a construction union would establish a related company which is operated on a nonunion basis. The nonunion affiliate then would base its bids for construction jobs on low, nonunion wage levels and hire employees who would not be entitled to wages and benefits negotiated in the collective bargaining agreement of the original union shop company.

Mr. Speaker, House Resolution 281 is also intended to eliminate the problems which occur when employers attempt to negate commitments made under section 8(f) of the National Labor Relations Act, which allows construction unions to enter into prehire agreements. Currently, employers can place the burden on the unions to prove that their members favor a prehire agreement. Under this bill a company could only void its prehire agreement after the National Labor Relations Board conducts an election and certifies that a majority of the employees select another union or choose not to be represented by any labor organization at all.

Mr. Speaker, as I stated earlier in my statement, this is an open rule that allows all Members to offer their amendments to provisions of the bill that they may oppose. I urge my colleagues to vote for the adoption of the resolution.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, House Resolution 324 brings to the House floor legislation designed to change longstanding labor law and overturn recent Supreme Court decisions upholding the right of the National Labor Relations Board to apply a single employer test.

The rule itself is not so much the problem here today, but the bill it makes in order is highly controversial

among thousands of small and mid-sized construction firms in this Nation.

The rule is an open rule and the bill will be open to all germane amendments. The rule does not waive any points of order. It simply provides for 1 hour of general debate and for an open amendment process.

Mr. Speaker, at the very least, I am glad to report that this is an open rule, since the bill will need considerable work on the floor if it is to ever be put into any kind of shape for final passage.

As reported from the Committee on Education and Labor, the bill extends the terms and conditions of a collective-bargaining agreement, a labor union contract, that covers employees of one union shop to the nonunion employees of another shop, if there is direct or indirect ownership of the two unrelated shops.

The bill overrules the National Labor Relations Board doctrine and provides a new congressionally sanctioned test for determining single employer status. This is an attack upon the ability of the National Labor Relations Board and the courts to decide these matters of labor relations policy.

Mr. Speaker, the bill also includes a provision relating to prehire agreements, a provision which imposes by law a collective-bargaining agreement upon individuals who have not chosen such an agreement for themselves.

The prehire agreement provision of this bill also prevents these employees who would be forced to work under an agreement they did not vote upon to remove themselves except through a long and difficult formal proceeding.

Mr. Speaker, there are several substantial amendments to H.R. 281 that will be offered. It is an open rule. I do not believe that there is any controversy over the rule because it is open and provides an opportunity for the House to work its will; however, I do expect several amendments to be offered in order to try to clarify and to clear up some of the controversial provisions of this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I would like to thank the gentleman from Missouri for yielding to me. I suppose it seems a little strange that I would take the well to speak against an open rule. The point is that it is an open rule. It does give us a chance to air out the issue and debate the issue, but my objection to approving this rule is that the rule would allow us to use the time and the resources of this body to give even further consideration to a potential piece of legislation that should not be passed by this House.

H.R. 281, the Construction Industry Labor Law Amendments Act, is unnecessary legislation. It is unnecessary because the alleged grievances to which it is directed have ample provision to be compensated for or corrected within existing law.

This is a very difficult area I suppose for many of us, but I for one see no reason to extend the law and especially to extend the law where it threatens fundamental rights of individual men and women in America in order to deal with grievances that can be and should be corrected within existing law.

Part of the allegation is that the National Labor Relations Board does not properly enforce existing law. If that were the case, and I have my own doubts regarding that, but if it were the case, then it would seem to me the better alternative would be to go perhaps to a committee like the Government Operations Committee, ask that committee to investigate, bring a report to the House and take action to cause the Federal agency to do its job. After all, that is a consideration that the American people have, a doubt they have, a question they raise. Do the Federal agencies that do now exist and are paid for with their tax dollars perform their functions with diligence and thoroughness, fairness and equity, and if not, perhaps we could better spend the resources of this Nation's Government and this Nation's taxpayers' money seeing to it that they get fair value for their dollar.

The legislation, I fear, is flawed. The language in the legislation is not only ambiguous, but inconsistent. We will be discussing that as we go along.

The legislation is untimely. Not only do I have to ask myself the question, why would this body bring up this kind of legislation that does indeed threaten the basic rights of American men and women, but why now?

You may recall that it was scheduled last December to be on the calendar and was taken off. We wondered when it migth come to the calendar. I, for one, was surprised to find it coming up now.

I got the answer to my question, why now, when I got on the elevator last Tuesday. As I got on the elevator I saw some people joining me on the elevator who were very big in size and all wearing a little button that said, "Vote yes on H.R. 281."

One of my colleagues on the elevator looked at a mountain of a man and told me, "This guy isn't going to like you."

I want to tell you, it is hard to be trapped in the back of an elevator under those circumstances, but it brought it home to me that we put this bill on this calendar at this time because the interested parties, the unions who support and promote the bill, were in town to have their convention and it would be very convenient for them to drop by our elevators and our offices and persuade us to give consideration to their bill.

I understand the purpose of lobbying. I appreciate lobbying, but I really frankly do not think that we should adjust the calendar of the House to the lobbyists' convention schedules, and that is what was done in this case, I have no doubt.

So I am going to ask the Members of this body to vote no on the rule, not because it is a bad rule, but that would be the most efficient way for this body to dispatch with insidious legislation, unnecessary legislation, flawed legislation, and allow us to turn our time to more important things.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the open rule and the rule that is presented by the Rules Committee.

I take special note that the Rules Committee had been asked to provide a modified rule which would have limited the rule or amendments to only those amendments that have been printed in the RECORD. After extending this week, that has gotten perhaps more partisan than we all wish it had, I have to extend my appreciation to the Rules Committee for not adopting that and saying that only under extraordinary circumstances should we require that amendments be printed in the RECORD.

I also take this time to urge a no vote on a bad bill on the underlying bill itself, H.R. 281. It is a bad bill. It is an unfair bill. It is in fact unfair primarily to the workers themselves, both the union workers and the nonunion workers.

I also take a minute to make certain that my colleagues in the House understand that this is not an insignificant piece of legislation. This may well be the most unfair and significant labor law suggestion that has come before this House floor since common situs in the last decade.

It is unfair in a number of ways. First, let me recite what present law does. Under present law, if one employer or one company owns or is affiliated with two or more subsidiaries and if those subsidiaries are clearly separate, that is, they are at arm's length from one another, and one then can be union and one can be an open shop; in fact, others could have other union agreements and they could all operate in the marketplace.

Now, that adapts the law to the present marketplace in which in many geographical areas there is not just one, but two markets; one open shop construction and one union shop construction.

This bill represents a fundamental change, a change of some unfairness and some substantial significance in that it is very straightforward.

This bill would force that company that has two or more subsidiaries to choose between those subsidiaries. If he has a union subsidiary and a non-union subsidiary and an open-shop subsidiary, and if that union subsidiary has a prehire agreement with a union security clause, which most do, then he would be required to cover all his employees within his entire company with the terms and conditions of their union agreement, of which those employees have never had the opportunity to have any input whatsoever, much less a vote.

I will be offering two amendments today which would improve the bill, if adopted. The first would be to redefine the definition of a single employer so as to take substantially out of the committee report, so as to restore present law in that definition, to restore the concept of arm's-length transactions.

Second, an amendment that says that if H.R. 281 passes and if it were to force the employees of an open shop to be covered by the terms and conditions of a union agreement, that cannot happen unless they first have the opportunity for a secret ballot election.

Mr. Speaker, I again commend the Rules Committee for adopting an open rule, a fully open rule and giving the House the opportunity to work its way fully. I urge my colleagues to vote no on final passage, and I think more importantly to consider each amendment on its own merits and consider those amendments as ways to improve a bad piece of legislation.

□ 1240

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I urge my colleagues to support the rule we have before us which would allow for consideration of H.R. 281, the Construction Industry Labor Law Amendments. The rule is an open one, with 1 hour of general debate.

H.R. 281 is intended to restore fairness and stability to labor relations in the construction industy. It is needed because of the rapid spread of double-breasting throughout the construction industy. Double-breasting has stacked the deck against construction workers and their unions when it comes to collective bargaining.

The Subcommittee on Labor-Management Relations first began to study this problem more than 3 years ago. In March 1983, we held the first hearing on this important subject. In September 1983, a subsequent hearing was held. H.R. 281 was introduced at the beginning of this Congress. A hearing on the bill was held again last May. The bill cleared the subcommittee and full committee last summer. We have given all sides every opportunity to participate in the consideration of this bill. We have heard from experts on labor law in the construction industry, as well as from advocates on all sides of the issue. The process has been a fair one and a deliberative one.

Today, we are seeking a fully open rule so that again all sides will have a fair chance. Even those who might have problems with the bill, and I certainly hope there are not many, should vote for this rule, because the process of consideration has and continues to be open and fair I urge your support for the rule.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the ranking member on the Committee on Rules for yielding this time to me.

Mr. Speaker, I want to rise as the ranking member of the Labor-Management Relations Subcommittee in support of the rule. I think it is an eminently fair rule. As this body knows, I oppose the bill and will be prepared to speak against that bill today, but I do want this issue to have a full and complete airing.

If amendments cannot be passed to improve the bill, I shall unalterably oppose it, thinking that it would be better to go back to committee for a compromise. But this rule is fair and I think the committee should have an open hearing on the bill today, so I urge a "yes" vote.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 379, nays 38, not voting 16, as follows:

[Roll No. 83]

YEAS—379

Ackerman	Applegate	Bateman
Akaka	Aspin	Bates
Alexander	Atkins	Bedell
Anderson	AuCoin	Beilenson
Andrews	Barnard	Bennett
Annunzio	Barnes	Bentley
Anthony	Bartlett	Bereuter
Berman	Frank	McCurdy
Bevill	Franklin	McDade
Biaggi	Frenzel	McEwen
Billrakis	Frost	McGrath
Billey	Fuqua	McHugh
Boehlert	Gallo	McKinney
Boggs	Garcia	Meyers
Boland	Gaydos	Mica
Boner (TN)	Gejdenson	Michel
Bonior (MI)	Gekas	Mikulski
Bonker	Gibbons	Miller (CA)
Borski	Gilman	Miller (OH)
Bosco	Gingrich	Miller (WA)
Boucher	Glickman	Mineta
Boxer	Gonzalez	Mitchell
Breaux	Goodling	Moakley
Brooks	Gordon	Molinari
Brown (CA)	Gradison	Mollohan
Bruce	Gray (IL)	Montgomery
Bryant	Gray (PA)	Moody
Burton (CA)	Green	Moore
Byron	Gregg	Moorhead
Callahan	Guarini	Morrison (CT)
Carney	Gunderson	Morrison (WA)
Carper	Hall (OH)	Mrazek
Carr	Hamilton	Murphy
Chandler	Hammerschmidt	Murtha
Chapman	Hatcher	Myers
Chappell	Hawkins	Natcher
Chappie	Hayes	Nelson
Cheney	Hefner	Nielson
Clay	Heftel	Nowak
Clinger	Henry	Oakar
Coats	Hertel	Oberstar
Coelho	Hiler	Obey
Coleman (MO)	Holt	Olin
Coleman (TX)	Hopkins	Ortiz
Collins	Horton	Owens
Combest	Howard	Oxley
Conte	Hoyer	Packard
Conyers	Hubbard	Panetta
Cooper	Huckaby	Parris
Coughlin	Hughes	Pashayan
Courter	Hyde	Pease
Coyne	Jacobs	Penny
Craig	Jeffords	Pepper
Crane	Jenkins	Perkins
Crockett	Johnson	Petri
Daniel	Jones (NC)	Pickle
Dannemeyer	Jones (TN)	Porter
Darden	Kanjorski	Price
Daschle	Kaptur	Pursell
Daub	Kasich	Quillen
Davis	Kastenmeier	Rahall
de la Garza	Kemp	Rangel
Dellums	Kennelly	Ray
Derrick	Kildee	Regula
DeWine	Kleczka	Reid
Dicks	Kolbe	Richardson
Dingell	Kolter	Ridge
DioGuardi	Kostmayer	Rinaldo
Dixon	LaFalce	Ritter
Donnelly	Lagomarsino	Robinson
Dorgan (ND)	Lantos	Rodino
Dornan (CA)	Latta	Roe
Dowdy	Leach (IA)	Roemer
Downey	Lehman (CA)	Rogers
Duncan	Lehman (FL)	Rostenkowski
Durbin	Leland	Roth
Dwyer	Lent	Roukema
Dymally	Levin (MI)	Rowland (CT)
Dyson	Levine (CA)	Rowland (GA)
Early	Lewis (FL)	Roybal
Eckart (OH)	Lightfoot	Russo
Eckert (NY)	Lipinski	Sabo
Edgar	Livingston	Savage
Edwards (CA)	Lloyd	Saxton
Edwards (OK)	Long	Scheuer
Emerson	Lott	Schneider
English	Lowry (WA)	Schroeder
Erdreich	Luken	Schuette
Evans (IA)	Lundine	Schulze
Evans (IL)	Lungren	Schumer
Fascell	Mack	Seiberling
Fawell	MacKay	Sensenbrenner
Fazio	Madigan	Sharp
Feighan	Manton	Shaw
Fiedler	Markey	Shelby
Fish	Martin (IL)	Shumway
Flippo	Martin (NY)	Shuster
Florio	Martinez	Sikorski
Foglietta	Matsui	Siljander
Foley	Mavroules	Sisisky
Ford (MI)	Mazzoli	Skeen
Ford (TN)	McCain	Skelton
Fowler	McCloskey	Slattery

Slaughter	Sweeney	Waxman
Smith (FL)	Swift	Weaver
Smith (IA)	Swindall	Weiss
Smith (NE)	Synar	Wheat
Smith (NJ)	Tallon	Whitehurst
Smith, Denny (OR)	Tauke	Whitley
	Tauzin	Whitten
Smith, Robert (NH)	Taylor	Williams
	Thomas (CA)	Wilson
Smith, Robert (OR)	Thomas (GA)	Wirth
	Torres	Wise
Snowe	Torricelli	Wolf
Solarz	Towns	Wolpe
Solomon	Traficant	Wortley
Spence	Traxler	Wright
Spratt	Udall	Wyden
St Germain	Valentine	Wylie
Staggers	Vander Jagt	Yates
Stallings	Vento	Yatron
Stangeland	Visclosky	Young (AK)
Stokes	Volkmer	Young (FL)
Strang	Vucanovich	Young (MO)
Stratton	Walgren	Zschau
Studds	Walker	
Sundquist	Watkins	

NAYS—38

Archer	Fields	McCandless
Armey	Hall, Ralph	McCollum
Badham	Hansen	McMillan
Barton	Hartnett	Monson
Broomfield	Hendon	Roberts
Brown (CO)	Hillis	Rudd
Broyhill	Hunter	Schaefer
Burton (IN)	Hutto	Snyder
Campbell	Ireland	Stenholm
Cobey	Kramer	Stump
Coble	Leath (TX)	Weber
DeLay	Lewis (CA)	Whittaker
Dreier	Marlenee	

NOT VOTING—16

Boulter	Kindness	Nichols
Bustamante	Loeffler	O'Brien
Dickinson	Lowery (CA)	Rose
Gephardt	Lujan	Stark
Grotberg	McKernan	
Jones (OK)	Neal	

□ 1250

Mr. COBLE changed his vote from "yea" to "nay."

Mr. McEWEN and Mr. DORNAN of California changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 324 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 281.

□ 1302

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 281), to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry, with Mr. BONIOR of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Workers in the construction industry are being subjected to harsh and unfair treatment as the result of a recent turn of events in labor-management relations. Twenty-five years ago, the Congress enacted legislation promising them a fair opportunity to collective bargaining if that was their choice. What we see today is an ever increasing recital of broken promises. A fair chance at organizing for the purpose of protecting their job interests, does not exist. Agreements, which are voluntarily entered into by contractors, are routinely ignored. When workers turn to the Labor Board or the courts for relief, the problems are further exacerbated.

This bill before us today merely states that construction workers deserve the same protection under the law as other workers. It says that when a contractor and a union arrive at an agreement both sides are bound by the terms of that agreement. Congress thought it had resolved this problem in 1959 by enacting section 8(f) of the National Labor Relations Act which authorizes prehire agreements. This provision recognized the special characteristics of the construction industry and accommodated the longstanding practices of the industry. What we did in 1959 was sound policy that unfortunately has been undermined by decisions of the Labor Board and the courts. They have mistakenly overruled the intent of Congress. Enactment of H.R. 281 is necessary to restore to workers in that industry a meaningful right to collective bargaining and the protection of our labor laws.

Specifically, H.R. 281 will restrict "double-breasting" which is a legal loophole that has substantially undermined the right of construction workers to organize and bargain collectively. Decisions of the Labor Board and the courts allow a construction contractor who has signed a union agreement to establish a second operation that differs only from the original in the sense that it is not covered by a union contract. The employer then transfers work from its union company to its nonunion company. This unjust scheme of double-breasting flourishes because of the new interpretation of the law permitting employers to escape contractual obligations to their work force.

The sanctity of the bargaining agreement has been eroded in other ways as well. Section 8(f) authorizes a contractor and union to enter into a prehire agreement. A prehire agreement is one voluntarily reached by an employer and a union prior to the hiring of a full complement of employees. Such a provision is needed because employment in the construction industry is necessarily short term and transitory. In return for access to a pool of skilled employees, a contractor agrees that the work will be performed in accordance with a union contract. Today an employer can literally walk away from an otherwise legally binding contract unless the union can meet the impossible burden of proving majority support at all worksites, regardless of the duration of the projects. The very nature of construction work is one of brief, limited time spans. Three to 6 months is the average for work on a project. It is insane to require union members to vote every 3 months in order to prove they constitute a majority, as the Congress recognized in 1959.

H.R. 281 corrects these abuses by providing that prehire agreements are binding unless there is a vote by workers to decertify the union. It eliminates the use of double-breasting as a means of avoiding the requirements of collective bargaining agreements by making such agreements applicable to all businesses operated by a single employer within a specific geographical area. H.R. 281 seeks only to restore to construction workers the rights which Congress recognized and guaranteed in 1959.

Unique problems in the construction industry have not changed, neither should Congress' commitment to the collective bargaining rights of construction workers. H.R. 281 provides those workers with a fair chance to engage in collective bargaining. It does not force workers to join unions, it does not force contractors to sign prehire agreements, it does not affect State laws where union shop agreements are prohibited. This bill simply requires that parties live up to the commitments previously made in collective bargaining agreements. I urge you to vote for passasge of H.R. 281.

□ 1305

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] has consumed 5 of his 30 minutes.

Mrs. ROUKEMA. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member of the committee, the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. I rise in opposition to the bill.

Mr. Chairman, I could support this bill if it were limited simply to those provisions concerning prehire agreements with some modifications. However, I cannot support this bill because of its more far-reaching provisions regarding the practice of double-breasting.

Mr. Chairman, this bill is being offered today as a remedy to alleged

abuses in the construction industry. Let me read from a factsheet in support of the legislation:

Under "double-breasting", contractors with established collective bargaining agreements establish a second nonunion operation which is indistinguishable from the union shop except that it is not covered by a union contract. The employer then transfers work from its union alter ego to its nonunion half—hence, the term "double-breasted" contractor.

Mr. Chairman, such conduct is indeed an outrage and should most definitely be prohibited. The truth is that it already is. To prove this, I submit for the record the citations of 30 such cases where the National Labor Relations Board found a violation.

Let's take a look at the current law. Where double-breasting occurs, the NLRB currently finds an unfair labor practice if either of two situations exists.

First, a violation exists where a sham corporation is formed simply to avoid the union contract. The result is an unfair labor practice and the collective bargaining agreement still applies to the new company.

Second, where two viable enterprises exist with common ownership the NLRB examines a variety of factors to see whether the companies form a "single integrated enterprise." If so, the NLRB then determines whether the employees of the companies have a "community of interests"—a determination which is made in collective bargaining in every industry. If the answer to both these inquiries is "yes," the collective bargaining agreement applies to the employees of both companies.

Now let's consider two cases. First the case of Samuel Kosoff & Sons, Inc. Company A operated as a unionized general contractor employing unionized carpenters and subcontracting all other work to unionized firms.

In 1981, when business slowed, company B was formed as an open shop general contracting company by the same three owners along with an employee of company A. The owners of company A openly acknowledged that their purpose in establishing company B was to become more competitive in a market which they had been priced out of.

The operations of company B were maintained separately from those of company A. In addition, instead of being limited to carpentry, company B's employees were utilitymen engaged in whatever work was needed under the contract. Frequently, company B did perform subcontracting work for company A, which was what aroused the interest and concern of company A's unions.

Were company A and company B a single employer? Clearly, under H.R. 281 they would be and indeed the current NLRB—sometimes called the Reagan Board because of its alleged proemployer bias—determined that company B was an alter ego of company A and therefore bound by the agreement with the union. It based its finding upon the intent of the owners of company A to avoid their union contract obligations.

Now let's look at another case—the Central New Mexico Chapter case. Five years after company C—a union shop electrical company—was formed, its three owners formed company D and served in the same capacity as officers, directors and stockholders. However, company C's work was almost exclusively commercial and industrial electrical contracting. Company D was exclusively engaged in residential contracting work, an area which company C had abandoned, finding it impractical to compete with nonunion contractors.

The National Labor Relations Board found that company C and company D did constitute a "single employer" but refused to apply the collective bargaining agreement to both companies because of a lack of a "community of interest" among the employees of the two companies. In reaching this conclusion, the NLRB noted that the labor relations policies of the two companies were based on their entirely different markets—commercial/industrial as opposed to residential.

These decisions demonstrate the need for a case-by-case analysis of each stitution. The issue is not whether the two companies share the same ownership. The issue is whether an employer is simply using a device to evade collective bargaining obligations, with a loss of work for his unionized employees. If the latter is his purpose, the employer should be restricted under the law—and, indeed, he already is. The bill fails to make these distinctions.

I would be remiss if I did not discuss the prehire agreement aspect of the bill which I do generally support. Under current law, the construction industry is the only industry in which an employer can actually sit down with a union and strike a deal before anyone is hired. This is allowed in the construction industry because, in most instances, the employer hires different workers for each job and jobs last only a few weeks or months.

This situation makes a representation election, which can take several months, totally impractical. Moreover, prehire agreements provide the company with predictable labor costs and a source of skilled workers. It is for these practical reasons that the Congress amended the National Labor Relations Act in 1959 to permit prehire agreements in the construction industry.

However, the statute is silent as to whether an employer can sign such an agreement and then turn right around and ignore it. Fifteen years ago, the NLRB held that an employer can repudiate a prehire agreement at any time up until the union has the support of a majority of the workers. The Supreme Court upheld this interpretation in the Higdon case in 1978.

Obviously, the turning point under these cases is whether "majority status" has been achieved. This is dependent upon a variety of factors and a number of presumptions. Suffice it to say that, with most construction contractors, majority status is achieved very quickly.

However, there are some employers who are only bound on a project-by-project basis, depending upon whether majority status exists on each project. A prehire agreement almost always requires hiring through the union hiring hall. But an employer could avoid the agreement by simply hiring nonunion workers, and never have to worry about majority status being established at a particular site.

I believe that the law should ensure that parties are bound to their agreements. Given the rather limited number of situations where they are not, I fail to understand the hyperbole and controversy which has been generated over this issue. If that were all that were in this bill, it would certainly enjoy my support.

Let me emphasize that my opposition to this bill does not reflect a lack of support for union construction. Indeed, only this week, the Construction Labor Research Council predicted the development of a new stability in the market share between the open shop and the union shop companies. Union shop companies are becoming more competitive through stronger cooperation with their unions. Right here in the Washington, DC area, local union members are enjoying full employment as a result of this cooperative spirit.

This rebound occured in the District of Columbia without the help of this bill. And I believe it can happen elsewhere as well. Union shop construction does not need artificial devices like the "single employer" provisions of this bill to achieve what is already being achieved under current law. I urge defeat of the bill.

CONSTRUCTION INDUSTRY CASES FINDING SINGLE INTEGRATED EMPLOYER AND/OR ALTER EGO AND VIOLATIONS OF SECTION 8(a)(5)

1. *Advance Electric, Inc.*, 268 NLRB 1001, 1004 (1984).
2. *Samuel Kosott & Sons, Inc.*, 269 NLRB 424 (1984).
3. *Nabco Corp.*, 266 NLRB 687 (1983).
4. *NLRB v. Campbell-Harris Electric, Inc.*, 114 LRRM 2881 (8th Cir. 1983), *enforced*, 263 NLRB No. 167.
5. *American Pacific Concrete Pipe Co.*, 262 NLRB 1223, 1226 (1982).
6. *F & F Construction Co.*, 262 NLRB 735 (1982).

7. *J. M. Tanaka Construction, Inc. v. NLRB*, 675 F.2d 1029 (9th Cir. 1982).
8. *NLRB v. Blake Construction Co.*, 663 F.2d 272, 278, 285 (D.C. Cir. 1981).
9. *Soule Glass and Glazing Co. v. NLRB*, 652 F.2d 1055, 1075 (1st Cir. 1981).
10. *Angelus Block Co., Inc.*, 250 NLRB 868, 876 (1980.
11. *Farmingdale Iron Works, Inc.*, 249 NLRB 98, 106-07 (1980).
12. *Hageman Underground Construction*, 253 NLRB 60 (1980).
13. *NLRB v. Associated General Contractors*, 633 F.2d 766 (9th Cir. 1980), *cert. denied*, 452 U.S. 915 (1981).
14. *NLRB v. Michigan Drywall Corp.*, 616 F.2d 966 (6th Cir. 1980).
15. *SFS Painting and Drywall, Inc.*, 249 NLRB 111, 115 (1980).
16. *Ellsworth Sheet Metal, Inc.*, 235 NLRB 1273, *enforced*, 603 F.2d 214 (2d Cir. 1979).
17. *NLRB v. Don Burgess Construction Corp.*, 596 F.2d 378, 384 (9th Cir.). *cert. denied*, 444 U.S. 940 (1979).
18. *Shield-Pacific, Ltd.*, 245 NLRB 409 (1979).
19. *Appalachian Construction, Inc.*, 235 NLRB 685 (1978).
20. *Naccarato Construction Co.*, 233 NLRB 1394 (1977).
21. *The Bell Company*, 225 NLRB 474, 481 (1976).
22. *Crawford Door Sales Co.*, 226 NLRB 1144 (1976).
23. *H. S. Brooks, Inc.*, 233 NLRB 889 (1977).
24. *P. A. Hayes, Inc.*, 226 NLRB 230, 236 (1976).
25. *Wayne Electric Inc.*, 226 NLRB 409, 417 (1976).
26. *Local No. 627, International Union of Operating Engineers v. NLRB*, 518 F.2d 1040, 1047 (D.C. Cir. 1975).
27. *Rushton & Mercier Woodworking Co., Inc.*, 203 NLRB 123 (1973).
28. *Schultz Painting & Decorating Co.*, 202 NLRB 111, 115 (1973).
29. *Sakrete of Northern California, Inc. v. NLRB*, 332 F.2d 902 (9th Cir. 1964), *cert. denied*, 379 U.S. 961 (1965).
30. *Davis Industries, Inc.*, 232 NLRB 946 (1977).

□ 1315

The CHAIRMAN. The gentleman from Vermont [Mr. JEFFORDS] has consumed 10 minutes.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LUNDINE].

Mr. LUNDINE. Mr. Chairman, I am here today to express my strong support for H.R. 281, the Construction Industry Labor Law Amendments of 1985.

Congress passed the National Labor Relations Act in 1935 to protect the right of employees to bargain collectively. The act was amended in 1959 because Congress believed there was a need to accommodate the unique conditions in the construction industry. Today, we are debating H.R. 281, in order to restore the original intent of Congress when it enacted section 8(f) of the National Labor Relations Act [NLRA] in 1959.

As you know, the construction industry is characterized by a work force constantly in flux, changing from employer to employer and geographic area to geographic area, depending upon where work opportunities present themselves. Employment is often seasonal and intermittent.

Because the employment relationship in construction is transitory, representation elections are inappropriate if not impossible. Moreover contractors need to know labor costs when submitting a bid for a project—even though they may not have any employees at the time.

To address the unique characteristics of the construction industry, section 8(f) of the National Labor Relations Act allows contractors and unions to enter into prehire agreements before the contractor has hired a full complement of workers. These agreements generally provide that a contractor will hire its work force through a union hiring hall and pay agreed upon wages and benefits, while the union guarantees that the employer will have access to skilled workers when needed. Neither the contractor nor the union is obligated to sign such as agreement. Once a project is underway, the workers have the right to decertify a union by a simple majority.

Unfortunately, prehire agreements have been eroded substantially by the National Labor Relations Board and the courts, Today, under the Board's view of prehire agreements, an employer is, in many circumstances, free to repudiate a prehire agreement of any duration and the union is powerless to enforce the agreement unless it can prove that, at some previous time, it had established majority support among a stable complement of the employer's workers.

In addition, the NLRB has allowed employers to avoid these obligations by permitting them to establish double-breasted operations. A double-breated company is one which has two separate corporate identities—one will operate under a unon agreement, the other will be an open shop. Both companies will be owned, controlled, and/or managed by the same interests and the decision as to which company will bid on a project will be determined by whether the project will be union or not. A contractor who has signed a prehire agreement simply establishes a second operation to perform the same work under essentially the same management and control as the original operation.

H.R. 281 has a narrow and specific focus and is intended only to require contractors to live up to their agreements. To curtail the practice of double breasting, two or more related business entities in the construction industry under common control and performing the same or similar work would be considered a single employer for purposes of labor law. In addition a labor agreement entered into by such an employer would cover all operations of the employer within the geographic area specified in the agreement.

The legislation also would require that prehire agreements in the construction industry have the same binding effect as other collective-bargaining agreements. They would be enforceable for the period specified in the agreement and could be repudicated only if the affected workers voted to decertify.

In my view, H.R. 281 will restore basic fairness to labor relations in the construction industry and is necessary to reverse the erosion of the rights of construction workers that we have seen in recent years. We should no longer permit the NLRB to deprive workers in this industry of the rights which Congress expressly granted to them and I urge my colleages to join me in support of this important measure.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this bill. I know it is a complicated bill, one that many of my colleagues do not understand because of the complicated technical nature of the vocabulary, as well as the technicalities of the bill, but I will try to explain it as best I can and my reasons for opposition.

Mr. Chairman, first and foremost, these proposed changes to the National Labor Relations Act are totally inconsistent with the act's basic premise—that is, that there will only be union representation when a majority of the employees want it. Second, there are already mechanisms in the law that deal with employers who commit the type of abuses addressed by the bill. And third, in the long run, I believe these proposed changes would actually pressure more contractors to go totally non-union, thus denying them needed flexibility to employ both union and nonunion employees, as well as thwarting employee choice.

The bill address two issues affecting collective bargaining in the construction industry—dual shop operations—double breasting—and prehire agreements. Let me take each of these issues in turn.

Operating dual shops is the practice by some construction contractors who have a contract with a union of setting up a separate company to operate on a nonunion basis for some projects in order to successfully compete with nonunion companies. In the last few years, more and more employers have begun operating on a dual shop basis in response to the competition from nonunion contractors. The problem with H.R. 281 is that it would completely prohibit double breasting—dual shop—whenever an employer has even one small entity that is unionized. It would automatically impose

the union upon all of the companies performing the same or similar work in which a contractor has the least bit of common ownership, management, or control. Not only does this all-union requirement completely ignore employee choice—a choice which the statute has guaranteed for 50 years—but it would prevent many contractors from being able to compete in the open market.

Further, we do not need to amend the law in this sweeping manner because there are already legal mechanisms to prevent employer abuses. The National Labor Relations Board, with court approval, has fashioned two legal doctrines which prevent employers who set up separate operations from avoiding the contractual obligations they have with a union. Under the "alter ego" doctrine, an employer is required to apply the collective-bargaining agreement to all its operations if it transferred a substantial portion of its assets, customers, management, and/or employees for the purpose of avoiding its union contract. Under the single employer doctrine, there will be the same result if certain specific factors indicate that different operations are in fact run by a single employer as a single integrated enterprise and that the nonunion employees have interests sufficiently similar to the union employees.

In short, there is already a body of case law which deals with those employers whose purpose in setting up a doublebreasted operation is to shirk their obligations under a union contract. We should not enact amendments which would impose these same rules upon employers whose sole purpose in setting up such an operation is to remain competitive with open shop employers.

There is another important reason why we should not enact a blanket prohibition against dual shop operations. Completely prohibiting these operations will present employers with the choice of operating either all union shop or all open shop. Faced with such a choice, it would only be natural for most employers to go totally nonunion in response to their nonunion competition, because they know that if they sign a contract with a union, their entire business will have to be unionized. Thus, in the long run, these amendments would be harmful to employees' exercise of free choice regarding union representation because it encourages employers to operate completely on a nonunion basis. Again, the basic principle of the statute is violated.

Now I turn to the second important issue the bill addresses—prehire agreements. Prehire agreements are collective bargaining agreements entered into by a union and contractor before any employees have been hired. Although illegal in all other industries, due to the unique nature of the construction industry, such agreements are permitted as a special exception to the statute. But to protect employee free choice, they do not become binding until the union can show that it has the support of a majority of the employees.

The problem with H.R. 281 is that it would make these prehire agreements automatically and immediately enforceable without ever requiring any evidence of majority support. This imposition of union representation on the employees is totally contrary to the rest of the statute.

There is only one provision in the bill which at all takes into account employee choice. Employees could remove union representation or obtain representation by a different union only by petitioning the NLRB for an election—a decertification election. Unfortunately, this would operate more in theory than in reality. Because employees in the construction industry often work for a particular employer for very short time periods—as little as a few days or a few weeks—they are frequently gone before an election can be held. This unique feature of construction industry employment is one of the main reasons why prehire agreements were permitted in that industry in the first place. Thus, practically speaking, decertifying a union is usually an impossibility.

In sum, this bill is seriously flawed. It would enact far too sweeping changes in the National Labor Relations Act—changes which are not only inadvisable for practical reasons, but which reverse the act's basic goal of giving employees the decision whether or not to be represented by a union.

Finally, before closing I would like to mention that I would have preferred to introduce a compromise bill which would tighten up current law where necessary, avoid lengthy proceedings before the NLRB and courts, and adequately deal with the objections I have just mentioned. For example, I believe that the definition of "single employer" in current law could be made more clear to prevent abuse and unnecessary litigation. I believe that there could be an initial period in which an employer must adhere to a prehire agreement in order to allow the union a chance to secure majority support—by majority support I do not mean that an election must be conducted. Mr. JEFFORDS' amendments address the issue of enforcing prehire agreements. And I believe that a way could be found to provide employee choice. However, because of uncompromising positions on both sides and because of the complexity of these issues, I have concluded that the only course of action presently is to defeat this bill and send it back to committee to find a workable compromise that both prevents employer abuses and guarantees employee choice.

□ 1330

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BIAGGI] a member of the committee.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding me this time. I want to commend the gentleman for his efforts in this undertaking.

Mr. Chairman, I heard the gentleman from Vermont [Mr. JEFFORDS] state that there is no reason for this legislation, and I would be inclined to agree, but only under the supposition that the law that the Congress passed in 1959 still prevailed.

It is amazing how with the passage of time the congressional intent is eroded, the disregard for the clear concern of the Members of Congress at that time, in order to protect the laboring forces of our Nation, the passages of time the courts, as well as the NLRB, have eroded the intent of the Congress, clearly countermanding the impact of the law.

That is why this bill is necessary today. We are familiar with the repudiation of pre-hiring as well as the double-breasting. Those areas are an abrogation on the part of the management, on the part of industry, references made to the stability that exists in the building industry today. We know all of the problems, and we know how it was at another time: instability, labor strife, difficulties, unemployment, management losing money.

Stability came at a price. Congress recognized what was necessary in order to establish and preserve that stability, stability we have today.

But notwithstanding the stability, we are threatened with the spector of a continued effort on the part of industry to emasculate the provisions of law that have protected the interests of the working man.

This bill is necessary in order to reaffirm the congressional intent of 1959 and to maintain a moral commitment that was established in this period.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT], a member of the committee.

Mr. BARTLETT. Mr. Chairman, I thank the gentlewoman for yielding me this time. I commend the gentlewoman, the ranking member of the subcommittee, for her statement and her eloquence against this unfair legislation.

Mr. Chairman, I would like to take a minute to go through some of the terms of the bill to review what is wrong with it, and how it adversely affects the lives of very real people who live in your district and in mine.

First and most basically, the bill, this legislation, would deny freedom of choice to employees to decide whether or not they want to be represented by a union.

Now, reduced to its basics, the bill automatically applies the terms of a union contract to nonunion entities of a dual shop employer. In fact, it could well apply the terms and conditions of a union contract to other union employees of a dual shop employer. The employees of a nonunion entity would be required to pay union dues, abide by union work rules, and could be subject to fines without the opportunity to vote on whether or not they want to be subject to that contract.

If the contract has a union security clause and the employee refuses to pay union dues, the employee could be fired with no means of redress.

Second, and I think it was eloquently stated by the gentlewoman from New Jersey, the bill attempts to resolve a problem that does not exist, a so-called problem that has already been dealt with by present law. The fact is, there is no problem here that needs to be fixed. H.R. 281 would merely outlaw dual shop operations in the construction industry, based on the myth that somehow in dual shop operations, one subsidiary can take the contract of another subsidiary. In case after case after, the NLRB has ruled those operations to be illegal and cannot be operated and, in fact, the law says very, very clearly under the court decisions that dual shop operations have to be at arm's length.

The bill provides a windfall in dues to construction unions, who have been steadily losing market share over the past years. Maybe that is the real reason for this bill. I say that, understanding that what has happened in the marketplace is the marketplace has changed. In 1967, 44 percent of construction workers were unionized; by 1984, that percentage dropped to less than 25 percent.

In fact is we ought to allow the marketplace to set the marketplace conditions. In most markets today in construction, there is not one, but two markets. So, by adopting this legislation, it is not going to change that. It would just simply make many companies noncompetitive and drive many employees of open shops for the short term into a union contract; but for the long term, it would force those same employees to choose between the two markets and many of the employers will choose the open shop market and thus compound the problem of construction unions.

The bill forces construction companies, and the basis of it is, to operate either totally union or totally nonunion without regard to the market, without regard to freedom of choice.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. Chairman, I rise in support of H.R. 281, and in support of basic fairness to American workers. I am a free market proponent, and I believe in unfettered competition within the marketplace. It's the engine that drives our economy. If I felt this legislation would somehow inhibit the ability of employers to compete, I could not support it. If I thought the bill would harm the employees it is intended to protect, I would be equally moved to oppose it. The fact is, the bill neither hinders flexibility nor denies freedom of choice. It simply restores equity to employee relations in the construction industry, and brings stability to its rightful place in labor law.

All we are talking about here is fair treatment for employees who have bargained in good faith. We are talking about obligations on both sides to abide by contractural agreements. There is a unique employment situation in the construction industry. Employment is characterized by constantly shifting jobsites—it's transitory. Congress recognized this uniqueness in 1959. Prehire agreements between a union and a contractor may be entered into prior to the hiring of a full complement of employees. This ensures employers access to a supply of skilled workers. Neither the contractor or the union is obligated to sign such an agreement, but once it is done, both sides should remain committed to it.

However, in recent years, many employers, after agreeing to a contract, have simply ignored it. If for some reason, the terms of the agreement were no longer satisfactory, or other problems arose, the employer walks away from the contract. Instead of holding up to this commitment, and working with the union to overcome the problem, a contractor could merely establish a new, nonunion entity to perform the same work. This is what double breasting is all about. And this is the heart of the unfairness we are attempting to address.

Union employees, and all employees, are entitled to an opportunity to preserve their jobs through collectively bargained modifications. This is basic labor law. Unfortunately, administrative-agency rulings have created a double standard in this area. Contracting employers in the construction industry have been given the blessing to evade the obligations of collective-bargaining agreements by establishing double-breasted companies. These employers establish their own rules to fit their convenience and in so doing subvert the will of Congress in fundamental labor law.

Nobody wants to lose his job. No contractor wants to lose access to a skilled work force to complete a project. Union employees, like anyone else, will do what it takes to preserve their livelihood—they only want the chance to do this. They don't want to deny an employer his ability to remain competitive. Everyone loses in that scenario. H.R. 281 is intended solely to ensure that everyone has a fair opportunity to achieve their mutual goals. It's a policy that Congress should be promoting. I urge my colleagues' support for the bill.

□ 1340

Mrs. ROUKEMA. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentlewoman for yielding. I appreciate her courtesy and her consideration and leadership on the committee.

Mr. Chairman, we have a very complex piece of legislation here, and it is particularly important because it deals with what many of us consider to be fundamental human rights.

We cherish in our country the right to freedom of association. It is a rather interesting freedom to be cherished by Americans because a characteristic of the American spirit is a fierce sense of independence and autonomy. Yet even within the context of that fiercest realization that we have been given the right to be our own person by our Lord and Maker, and that right is honored by our Constitution and we cherish that right and will not give it up, we also recognize there are times when associations are important to us.

In labor law this right was honored. I quote from the National Labor Relations Act:

> Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their choosing.

Further quoting:

> They shall also have the right to refrain from any and all such activities.

We have to understand that there are people who would prefer either side of that coin in this country. In recent years, we have seen that that sense of fierce independence and self-autonomy has reflected itself in the choice made by worker after worker in this country, to say, "I choose not to associate, I choose to go it alone, based on my own merits, my own skills, my own abilities, and my own powers to negotiate for myself."

I think this body needs to respect that right to that choice and to do honor by not passing legislation that even would prevent the risk of having that right denied through the imposition of compulsory unionism.

Indeed, Samuel Gompers, a man whom I believe to have been one of the most important leaders of the early labor movement in America, made the point well when he said, "A

good union doesn't need compulsion, and a bad union doesn't deserve it."

Now, I do not mean to say that I believe we have here a bad union. We have a very special and difficult circumstance, a peculiar circumstance unique to the industry that makes the juggling of these balls of individuals versus associate liberties and rights on both the side of the employer and the employee and all of the complex issues that we must deal with very difficult because of the nature of the industry.

I will come back to that point later as I offer an amendment to this bill to protect that vital important right of the individual working man and woman in America to be free to not choose to associate.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. I thank the chairman for yielding time to me.

Mr. Chairman, H.R. 281, the Construction Industry Contract Security Act, introduced by the Honorable William Clay, is a very specific and, I feel, necessary piece of legislation.

Its goals are simple, and just. The bill seeks to curtail the ability of construction employers to evade their union contractual obligations; and it seeks to maintain the construction workers-rights under collective-bargaining agreements unless the work force freely, democratically, under an NLRB sanctioned election, chooses to no longer be represented by a union.

When you think about it, this is a very modest proposal. All it does is require employers in the construction industry to live by the same contract law that employers in every other industry must live by.

The construction industry is fluid and transient. By its very nature, collective-bargaining in the industry is difficult. Lacking a steady relationship with a single employer, the construction worker faces an uncertain future. The next job may come in a few days, or a few weeks. It may require traveling to a distant city.

With a collective-bargaining agreement, much of this uncertainty is eliminated. The wages are consistent, due to the collective-bargaining process. And perhaps more important, the health and pension benefits that American workers deserve and rightfully expect, can be maintained while the worker moves from employer to employer.

Workers in every industry must be free to choose—or to choose not—to be represented by a union. However, having established such a preference, and having the relationship bound in a collective-bargaining agreement, it is only fair to the workers that the labor agreement carry the force of law.

Unfortunately, in the construction industry today, that is often not the case. Signitory construction firms are free to form associate companies, and to use these associate companies to bid on work without regard to the provisions contained in their signed, freely negotiated, collective-bargaining agreement.

I fail to see how this body, steeped in the tradition of American contract law, can sanction such unproper behavior.

I urge passage of H.R. 281 so that American construction workers may share in the same legal protections afforded workers of other industries.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio [Ms. Oakar].

Mrs. BURTON of California. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentlewoman from California.

Mrs. BURTON of California. I thank the gentlewoman for yielding.

Mr. Chairman, I just want to ask my colleagues to vote for this bill. It is a good bill. The statements that the gentleman from Oregon [Mr. AuCoin] made are correct. I join him in his statement. I urge all of the Members to vote for H.R. 281.

Ms. OAKAR. Mr. Chairman, I want to first of all commend the gentleman from Missouri [Mr. Clay], and others, for this very important piece of legislation.

It is interesting to me that whenever you talk about fairness, there are usually statements made that will distort the truth. I wanted to just try to clarify a few things that I heard in the debate here that I thought were inaccurate.

First of all, H.R. 281 is necessary to reverse the erosion of construction workers' rights. These are the rights of people who are responsible for building our Nation. And it restores ability to labor relations in the construction industry.

Now, here is one distortion: I heard that it will supposedly force construction companies to be either completely union or completely nonunion. That is a distortion. Nothing in H.R. 281 will force such a choice. Construction firms would still be able to own dual shops if they choose to do so. But if they voluntarily sign a collective-bargaining agreement which requires it to operate a union in a particular area, a firm will not be able to dodge its obligations by setting up subsidiaries or related firms in that area. But they have the responsibility of deciding whether or not they want collective bargaining. So let us not distort that element.

Another distortion I heard was that it would supposedly prohibit a company which has a union contract at just one of its sites from operating nonunion anywhere else ever again.

First, H.R. 281 does not change the current law which says that any company, even a union company, is free to operate nonunion after its collective-bargaining agreement expires; and, second, if the union contract applies by its terms at only a single site, nothing, nothing, nothing in H.R. 281 would extend the contract to or impose the contract on any other site of that employer or any other employer however closely related.

Those are just two of the distortions I heard.

What we are talking about is treating workers fairly in adhering to the law, and this particular bill reinforces existing law no more, no less. So let us not deal with qualified untruths. Let us deal with the truth and say we are talking about fairness and we are talking about not being able to skirt the law, and we hope that we will be able to reverse this erosion of construction workers' rights.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. Brooks].

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, the need for this legislation has been well documented by the committee. In 1959, Congress granted construction industry unions and employers special rights, in order to tailor their collective-bargaining agreements to the unique characteristics of this industry. The National Labor Relations Board, however, has permitted employers, through a series of decisions over the last 10 or 15 years, to avoid those very agreements by the simple device of setting up a second company to do the same work, in the same area, but on a nonunion basis. This practice of contract avoidance by double breasting has become endemic in the construction industry and runs contrary to the most basic notions of good faith and fair dealing which are the cornerstone of our system of doing business.

In addition to being indefensible from a moral standpoint, this practice of double breasting has proven disruptive to the conduct of labor relations in this industry, and therefore runs directly counter to Congress' effort to stabilize labor relations in the industry through the 1959 amendments.

Sections 2(a) and 2(b) of this bill would reverse the erroneous line of NLRB decisions, misapplying the concept of "single employer" and using bargaining unit concepts which Congress recognized 25 years ago do not work in the construction industry.

I do not agree with some opponents of this bill that it would impose collective-bargaining agreements on independent or separate business entities in the construction industry. This bill is aimed specifically at related—and not independent—business entities. Nor is it true that purchasing a single share of stock in a company, or holding a position on the board of directors of a bank which provides construction loans to a company, would satisfiy the definition of single employer in section 2(a) of this bill.

In short, the reasons for supporting this bill are many, and the legitimate reasons for opposing it have yet to be advanced. Rhetorical arguments are not a good substitute for facts or reasoned argument. I urge my colleagues to join me in supporting H.R. 281.

Mr. BROOKS. Mr. Chairman, I rise in support of H.R. 281, the Construction Industry Labor Law Amendments of 1985. This bill will restore to the construction industry the treatment that Congress intended to accord that industry through enactment of section 8(f) of the Landrum-Griffin Act of 1959.

Decisions of the National Labor Relations Board and the courts have diluted the protections that the 1959 act was supposed to provide in the unique circumstances of the construction industry. These decisions permit employers to avoid bargaining agreements that they have entered into voluntarily and have led to an expansion of the practice of double breasting, in which a union construction company and a nonunion company, both of which are commonly owned and controlled, are established in an effort to avoid collective-bargaining agreements.

Mr. Chairman, H.R. 281 would ensure that construction industry collective-bargaining agreements—so-called prehire or 8(f) agreements—would have the binding effect of other collective-bargaining agreements. It would not impose collective-bargaining agreements on independent or separate business entities in that industry. Rather, it is clearly aimed at related business entities.

In summary, Mr. Chairman, H.R. 281 is a reasonable and logical means of clarifying congressional intent as to application of Federal labor statutes to the construction industry. I urge my colleagues to join me in supporting this measure.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES], a member of the committee.

Mr. HAYES. Mr. Chairman, I rise in support of H.R. 281. The bill serves two commendable purposes: To render effective prehire agreements, to resurrect something Congress thought it had accomplished 25 years ago, and to end the dishonest tactic of double breasting as a means of avoiding contractual obligations.

Double breasted operations were relatively unknown until the early 1970's. The beginning of the trend can be traced directly to the NLRB and its 1973 decision in the Peter Kiewit case. That case is discussed in detail in the committee report accompanying H.R. 281 and I will not burden the record by retracing its history. Essentially, however, Kiewit simply shifted the work which was previously performed by employees of its union company to its nonunion company. The nonunion company had become operational in the State for the first time for the specific purpose of avoiding the wages and working conditions required by the collective-bargaining agreement Kiewit had entered.

It is obvious to me that a system that permits an employer to evade its written agreement merely by setting up a new company in order to perform the same work in contravention of that agreement is just plain wrong. That is not what Congress had in mind in 1935 when it sought to promote and encourage the practice of collective bargaining and it is not what Congress had in mind in 1959 when it sought to strengthen and stablize collective bargaining in the construction industry.

Nor is double breasting a practice that is necessary in order for employers to remain competitive. It is vertually impossible to compel an employer in the construction industry to engage in collective bargaining. Even where it is possible, the law requires only that they bargain in good faith; it does not specify the terms or conditions of the contract to be reached or even that there eventually be an agreement. The contracts signed by contractors in the industry are contracts they have freely entered. If they wish to remain nonunion or seek to negotiate a contract covering only a part of their operations they are free to do so. Finally, construction industry unions have as strong commitment and interest in the ability of building construction trade employers to win jobs as the employers do. The ability of the union to provide work for its members is directly dependent upon the ability of contractors who have to recognize the union to win jobs. Where economic conditions render it more difficult for union employers to compete, our national labor policy and the unions' own self-interest require that the employer and the union sit down at the bargaining table to seek a mutually satisfactory solution.

In other words, double bresting is not necessary to the collective bargaining process, it is simply a means of destroying the process. So long as double breasting is permitted, an employer is free to unilaterally walk away from contractual commitments to its workers. Rather than adhering to its contract or negotiating with its workers, the employer simply establishes a second company to do the same work on a nonunion basis. Under such a system an employer may unilaterally determine on a job-by-job basis whether or not workers may enjoy the benefits of collective bargaining. If collective bargaining is to exist only when it is convenient to employers, it will not be long before workers find they have no rights at all. I cannot sanction a system so inherently unjust and I believe that H.R. 281 offers a fair and effective remedy to the problem. I am pleased, therefore, to support H.R. 281.

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Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY], a member of the committee.

Mr. HENRY. Mr. Chairman, I rise in opposition to the bill for a number of reasons. First of all, I fail to see the problem that has been described. To the extent that the abuses, the violation of the law of contract, do take place against existing law, the remedy should rest then not in new law, but in better enforcement, even-handed enforcement from the NLRB.

Second, the remedy proposed does not really address the problem which has been brought to the attention of this House.

I would suspect in those areas in which the preponderance of construction work takes place in open shops, contractors will simply go to a completely open shop methodology. For those in which most of the work is done in union shops, they will simply go that route.

It is like a little problem I have in my local supermarkets in west Michigan. West Michigan happens to be the apple juice concentrate capital of the Nation. In our supermarkets we are particularly sensitive to see that apple juice gets equal display with orange juice in the frozen fruit section or the fresh fruit section.

Now, what should happen if the orange juice growers coming from Florida should come to this body and ask for a law which suggests that if apple juice is given equal prominence or fair treatment with orange juice, then they will no longer allow the marketing of their goods into those supermarkets, or vice versa.

Well, what would happen is that in west Michigan we would pull out the orange juice and keep the apple juice. Perhaps down in Florida they would keep the orange juice and pull out the apple juice. I am not sure which way it would go, but quite frankly, I think that is what this bill does. It lessens the choice for the contractor. It lessens the choice for the consumer and really in no way gives true remedy to the problem we are seeking to address.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS], a member of the committee.

Mr. OWENS. Mr. Chairman, I rise in support of H.R. 281 and urge my colleagues to join me in voting to restore fairness and integrity to construction industry labor law.

Perhaps the best indication of the merit of H.R. 281 is the fact that throughout today's debate, the bill's opponents have steadfastly avoided debating its actual provisions, regaling us instead with a series of ominous and frequently contradictory prophecies that seem to have very little to do with the substance of H.R. 281 itself. From one set of opponents, we hear that this legislation would

impose unions on every construction contractor and worker in America; from another set, we hear that the enactment of H.R. 281 would in fact be a deadly blow to unions, setting off an explosion of new, nonunion construction shops. Still farther off the track, others have intoned darkly about inflation and recession, apparently proceeding from the peculiar idea that anything good for workers must somehow be bad for the economy.

All these prophecies have been very interesting, but they have also been completely beside the point.

There is nothing complicated about H.R. 281, nothing that is so terribly hard to understand. It is a simple piece of legislation, designed soley to shut down two glaring loopholes in American labor law. For more than 50 years, the Congress has sought to ensure that negotiations between labor and management in our economy take place on a level playing field, taking great care not to give either side an unfair advantage. Today, however, as a result of a series of ill-founded decisions by the National Labor Relations Board and the Federal courts, that level playing field has all but vanished in the construction industry, supplanted now by a new, much uglier game that is rigged from beginning to end to favor employers.

Across the country, construction workers have discovered to their dismay that the collective bargaining agreements they negotiated in good faith with their employers are no longer worth the paper they are printed on. Though the employees themselves remain bound by the terms of their contracts, their employers have been given free reign by the union-busters at the NLRB to unilaterally terminate bargaining agreements at any time they so desire. To worm out of an existing contract, an unscrupulous construction firm need do nothing more than set up a second, nonunion but otherwise identical firm and proceed to use it to usurp the work of the original union shop. Or, for those too greedy to spend a few dollars to file new incorporation papers, the NLRB has cooked up another recipe for breaking an agreement that is even less trouble: simply ignore the contract and walk away. Both maneuvers, insists the NLRB, are completely within the law, and with both, the results are always the same: once-binding legal commitments are evaded, unions are busted, and workers are tossed out on the street.

H.R. 281 would seal off the loopholes that have permitted these creative, union-busting schemes to proliferate and would restore the level playing field for labor-management relations that Congress has long sought in the construction industry. It would not compel construction firms to recognize unions; it would, however, compel them to fulfill their legal obligations to workers with whom they have signed collective bargaining agreements. It would not rewrite labor law to create any new rights for construction workers; it would, however, require that existing rights already in the law be adequately protected. H.R. 281 merely reestablishes evenhandedness in construction industry labor relations—nothing more and nothing less than that.

It is well understood by most Members of this body that American labor law is in a shambles. Ravaged by time, abused and manipulated by slick union-busting consultants, and maimed by a partisan NLRB, it is in urgent need of a dramatic overhaul. Since it now seems unlikely that we will be taking on that necessary but enormous task anytime soon, it is imperative that we at least move forward with those small, commonsense changes that will go a long way toward making current laws work as they were originally intended. By closing two outrageously unfair loopholes in construction industry labor law, H.R. 281 is one such small, effective change for the better and it deserves the full and enthusiastic support of the Congress.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 281, the Construction Industry Labor Law Amendments of 1985.

The question before us today is whether Congress is going to restrict the rights of workers in the construction industry. Because I believe individual workers have the right to choose whether or not to belong to a union, I am opposed to any action by Congress which will eliminate this freedom.

By forcing a construction company that has a unionized subsidiary to operate all of its nonunion operations according to the collective-bargaining agreement with that one subsidiary, the bill will bring all of the contractor's workers under that agreement. The only choice the workers will have at that point is to choose between the union or their job.

Present law provides protection against an employer who attempts to avoid obligations under a union operation to the nonunion operation, the collective-bargaining agreement of the union will be imposed on the nonunion operation. It is unnecessary to change this fair and balanced approach.

In addition, this legislation will effectively eliminate the choice of the owner of a construction business to invest in more than one construction firm. There is no other area of business where citizens are prohibited to invest and conduct business in this manner. Yet another problem with this bill is found in the prehire provisions. Under present law, prehire agreements—which would be illegal in other industries—are not binding on either party in absence of majority status by the union. Once the majority status has been established, the agreement is binding. This allows employees to make their own determination as to whether they will be represented and by whom.

H.R. 281 would make prehire agreements immediately binding. There simply is no reason to elevate a prehire agreement to the status of a formal collective bargaining agreement. This process once again bypasses the workers, forcing them to be bound to an agreement without the opportunity to approve it.

I urge my colleagues to support the rights of the workers and the rights of citizens to conduct business in a fair and reasonable manner. Vote against H.R. 281.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HAWKINS], the chairman of the full committee.

Mr. HAWKINS. Mr. Chairman, I rise in support of H.R. 281, the Construction Industry Labor Law Amendments of 1985, and as chairman of the committee, I wish to commend the gentleman from Missouri [Mr. CLAY] and Members on both sides for the manner in which this legislation was brought before the House. I think they have been very deliberate. I think they have been very fair.

Mr. Chairman, the National Labor Relations Act was originally enacted to ensure that our country's national labor policy not only fairly protected the rights of both employees and employers but also brought stability to an otherwise unstable and threatening labor-management relationship. The essence of why we have a national labor policy, and why it is worth reviewing, is best stated in the declaration of policy, accompanying the 1947 enactment and I quote:

> It is the purpose and policy of this act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights or individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

This statement of purpose talks about legitimate rights, orderly and peaceful procedures and reflects a desire for fairness, dependability and straightforwardness in the dealings be-

tween employers and employees; this too is what H.R. 281 is all about.

When the National Labor Relations Act was originally passed, however, it was procedurely designed to deal primarily with the process for establishing collective bargaining in industrial fixed site locations. The construction industry by its temporary and mobile nature is quite different than the typical fixed site industrial plant. Over those first years, we found that the act failed to adequately deal with this unique industry. Therefore, cognizant of these real structural differences, and faced with a miserable track record of applicability to the construction industry, and with the very real fear that construction workers would be left without a viable method of establishing union representation, the Congress in 1959, statutorily created and thereby sanctioned what are known as "prehire agreements" in the construction industry. A perhire agreement simply means, in return for access to a stable skilled work force, a contractor will commit to abide by negotiated wages and conditions on specific jobs for a specific period of time. It is the principal means by which construction workers establish and maintain their right to engage in collective bargaining.

No contractor is in any way forced to sign an agreement; it is a voluntary act by the contractor. However, having signed a labor agreement, decency, as well as common sense, argue that the parties abide by their agreement.

Two sets of decisions by the NLRB have worked to undermine the rights construction workers thought they had gained by the 1959 enactment. The first allows unilateral repudiation of prehire agreements, while the other allows the so-called practice of double breasting, the establishment of parallel companies who have common management or ownership but who operate separately so as to negate established collective-bargaining agreements.

These methods of contract avoidance would not be possible in other industries. That is why this legislation, specific to the construction industry, is sorely needed.

In the first line of cases, the NLRB has allowed construction contractors to abrogate their prehire agreements at will, unless the union can demonstrate that the contractor has a stable work force and majority support of that work force. Failing this, the union must demonstrate majority support on every separate job site.

A large contractor may be working on a dozen or more job sites at the same time. He may employ up to a dozen different trades. The different trades may work at different job sites, at different stages of the construction, and at different times. For these reasons, few contractors have "a stable and constant work force," not because of some evil but due to the characters of the industry itself. Just as the unique characteristics of the industry prevent a stable work force, they also, in practice, make the burden of establishing majority support on each job site unreasonable and practically impossible. As an example, a large project may have but a few carpenters employed at the outset. At peak employment, there may be scores of carpenters needed. Later, as the project progresses, the need for carpenters may decline, then increase again as the interior work begins.

I fail to see how, in all fairness, the union in this case could be told they must pursue an NLRB certification election, which can take months and even years. When is the election to take place? When there are a handful of carpenters on the job or at peak employment? I raise these questions only to illustrate, that maybe the real purpose of these decisions is to insure that no election can practically be held—and thus no uniop be recognized in spite of the clear wishes of the workers.

The prehire agreement brings stability to an industry that is highly unstable. Once signed, a labor agreement, as any other contract, must have the force of law. The parties must be able to rely on its binding nature and hence its dependability.

Imagine what would happen if a union had the same right to unilaterally abrogate a labor agreement. No-strike provisions, included in most contracts, would become meaningless. A union would be free to halt work at any time to pursue changes in wages and other conditions. Clearly, this would result in chaos.

The second method of trying to avoid labor contracts in the industry involves double breasting. A company establishes an alter ego, if you will, another construction arm which operates nonunion. Generally, the nonunion breast is in competition with the arm that is a signatory to the collective-bargaining agreement. There is no diminution of the company's role in the industry, only the unilateral termination of its employees rights to union representation.

In effect, these double-breasted firms want to have their cake and eat it too. It is similar to registering to vote as both a Democrat and a Republican so as to vote in both primaries.

Currently, workers are defenseless against this sort of corporate shell game, and when one employer succeeds in undermining wages by such a strategy, competitive pressures force other employers to follow suit.

The intent of Congress 25 years ago was to bring stability and fairness to labor relations in the construction industry. That intent has been frustrated both by the actions of certain members in the industry, and by the rulings of NLRB.

Legislative action is needed to restore the original congressional intent. H.R. 281 is a very simple and direct bill aimed at a very obvious problem. It would restore the enforceability of section 8(f) of the Wagner Act by elevating prehire agreements to the same status as other collective-bargaining agreements. Prehire agreements would be subject to the same provisions as labor agreements in other industries.

In addition, it would eliminate the sham of double breasting.

In sum, H.R. 281 would restore fair and reasonable rights to organize and collective bargain to construction workers.

It is necessary, specific, and well intended piece of legislation. I urge its passage.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make a point in concluding this debate that Secretary of Labor Brock has written a letter indicating his strong opposition to the legislation:

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, April 14, 1986.

Hon. ROBERT H. MICHEL,
U.S. House of Representatives,
Washington, DC.

DEAR BOB: This week the House will consider H.R. 281, the Construction Industry Labor Law Amendments of 1986 (the "double-breasting bill"). The Administration is strongly opposed to this bill, and I urge you to vote no.

We oppose the bill primarily because of its interference with employee free choice and the collective bargaining process. The National Labor Relations Act has established a precise method by which employees can decide their collective bargaining representation. This process contains safeguards for all parties to ensure that neither employers nor employees evade their statutory or contractual obligations under a collective bargaining agreement. This bill would alter this careful process. The bill would also fundamentally alter a central tenet of our labor laws—protecting an individual's right to choose whether one wishes to join a particular union or any union.

The bill consists of two provisions: the first would prevent a contractor from operating both a union and a nonunion operation; the second would broaden the existing pre-hire construction exemption now found in the National Labor Relations Act.

With respect to the first provision under H.R. 281, a union representing the employees of one company would be imposed on the employees of another company who will not have the opportunity to first decide whether they wish to be represented. The employees of this second company would be subject to this decision made by employees of the first company as well as to the decision to accept the work rules, wages and other conditions of employment in the union's collective bargaining agreement.

With respect to the second portion of H.R. 281, a union which has a pre-hire agreement with an employer (setting the terms of employment on a construction site) could

become the exclusive bargaining agent of the employees on that site, notwithstanding that a majority of workers may not want to be represented by that union or any union. This means a minority of workers would control the job conditions of a majority of workers.

Proponents of H.R. 281 assert that employers can evade their contractual obligations under a collective bargaining agreement by shifting work to a non-unionized entity. Our experience has shown this not to be the case. Current law sets a strict test in this regard, and National Labor Relations Board actions and court decisions protect workers against such an illegal practice. The balance struck by the Board and the courts under present law recognizes the basic principles of fairness while at the same time taking into account the transient nature of the construction industry.

The underlying principle of our labor laws, and which H.R. 281 would weaken, is grounded in respect for the decisions of individual workers and of assuring workers control over their own economic destinies through the collective bargaining process. Our labor laws guarantee that the choice of whether to join a union is the employee's, not the employer's and not the union's.

In recent years the construction industry has experienced rapid growth and with it, change. Response to that change needs to take the form of closer cooperation between labor and management. Our skilled trades are still the world's most productive. Industry and labor need to continue their dialogue to ensure that this productivity continues. We believe the Act *as is* provides a proper and adequate framework for that dialogue and therefore strongly oppose H.R. 281.

Enactment of H.R. 281 would mark a significant departure in labor-management relations policy. The ultimate question is whether the shorter term gains to one segment of the construction industry justify the consequences to employee protections under the National Labor Relations Act.

I urge you to oppose H.R. 281.

The Office of Management and Budget advises that there is no objection to submission of this report from the standpoint of the Administration's program.

Very truly yours,

WILLIAM E. BROCK.

I want to again stress that I am urging a no vote on this bill. I would admit that there is need for an improved definition on single employer. I would think this committee and this body could have come to some kind of compromise on that, but unfortunately, we were not able to. There was an uncompromising position by the interest groups on both sides of this issue. They would not agree to a compromise.

Second, regarding the union, I do think that there should be a revision in terms of how majority support is defined. I would be prepared to work with the chairman of the committee to that extent. That does not mean elections. I agree with the chairman and probably the labor unions who believe that the election route process is unfeasible, but there are several ways available under current law that allow a showing of majority support even without an election. I think we could have come to an agreement.

The absence of such an agreement and such compromise, I must strongly oppose this bill and urge my colleagues to vote against it, with the expectation that this committee can do better.

Mr. CLAY. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I have had a great deal of material on this. If I could just ask a couple questions.

First of all, would a typical contract between a general contractor and an independent subcontractor establish a single employer status as envisioned by section 2(A) of H.R. 281?

I yield to the gentleman from Missouri.

Mr. CLAY. The answer is no.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for that answer.

Mr. Chairman, therefore, this bill does not provide for common situs picketing; am I correct?

Mr. CLAY. That is correct.

Mr. COLEMAN of Texas. I thank the gentleman very much for answering these questions.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. MURPHY], a member of the committee.

Mr. MURPHY. Mr. Chairman, I thank the chairman of the subcommittee.

Mr. Chairman, I rise today in support of H.R. 281, the Construction Industry Contract Security Act.

Once again, the basic right of construction workers to gain collective bargaining protection is under attack. Specific construction industry provisions of the Federal labor law, intended to assure protection of these rights, are being ignored through decisions of the National Labor Relations Board.

As a result, contractors today can freely ignore prehire agreements which allow a union to negotiate proper wages and conditions of employment. In addition, the NLRB has given sanction to the practice of double breasting wherein a contractor who has signed a prehire agreement establishes a second operation to perform the same work under essentially the same management and control as the original operation. Through the Board's decisions, contractors are now legally protected when they decide to walk away from their collective bargaining obligations.

Under current law, a prehire agreement between union and contractor is a one-sided agreement. Even when the union has lived up to its side of the agreement the contractor can easily avoid its obligation through double breasting or by simply walking away from the agreement.

H.R. 281 restricts double breasting by preventing employers from establishing second companies and transferring work from their union half to their nonunion half in order to avoid their collective bargaining agreements and obligations. Moreover, this legislation will prevent employers from repudiating prehire agreements they have voluntarily entered.

Mr. Chairman, H.R. 281 will restore basic fairness to labor relations in the construction industry by requiring that collective bargaining agreements have a binding effect. And in fact, this was the original intent of Congress when the Landrum-Griffin Act was passed in 1959. H.R. 281 merely restores these rights.

Mr. Chairman, I urge the adoption of H.R. 281 to ensure stability in the construction industry, to reverse the erosion of construction worker's rights and to uphold the tradition of basic fairness in labor relations.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 281, the construction industry labor law amendments. This bill has been called a bill to prohibit double breasting in the construction industry, but what it's really about is double dealing.

The problem H.R. 281 would remedy is the destruction of collective bargaining in the construction industry. Collective bargaining cannot work if only one side is bound to keep its word. A system that depends on mutual respect cannot work if one party to the system is free to lie, free to renege on its promises, free to enjoy the benefits of collective bargaining without ever meeting its side of the bargain.

Sadly, that is what collective bargaining in the construction industry has come to. The unions keep their promises. They refer skilled trades people in a timely fashion, both union and nonunion. They abide by their no-strike pledges. And their members give a full day's work for a full day's pay.

But management, the contractors, have been given a license by the courts to renege on their end of the bargain. When they've gotten what they want from the unions and their members a great many firms simply turn their backs on them, repudiate the contracts they've given their word of honor to abide by, and leave the union's members jobless and bitter. It's double dealing, it's immoral, but through a perversion of the National Labor Relations Act, it's legal.

There are two ways this double dealing is accomplished—through the repudiation of prehire contracts and by the legal shell game called double breasting. For a quarter of a century since the Landrum-Griffin Act of 1959, the vast majority of construction industry contracts have been prehire agreements, where the union promises

to provide skilled workers to the employer and the employer agrees to pay union wages and benefits and to hire exclusively through the union hiring hall as long as qualified workers are referred in a timely way. Typically, such contracts are for a term of 3 years.

In section 8(f) of the act, Congress explicitly protected prehire contracts from attack on the grounds that no election had been conducted to determine majority support for the union. Representation elections take so long to conduct and to certify that in most cases a construction project and each craft's participation in the project would end before an election were held. Moreover, if the employer abides by its agreement to hire through the union hiring hall, most of the employees are likely to be union members satisfied with what their representation has won them. In the rare case where a majority didn't want the union or the obligation to pay dues, a decertification election or a deauthorization election could be conducted.

Section 8(f) was intended to legitimize and thereby encourage the adoption of prehire contracts. Congress was not so absurd and duplicitous as to make prehire agreements legal while simultaneously making them unenforceable. Nothing in section 8(f) says that such agreements are less binding than other labor agreements.

Nothing in section 8(f) says the courts should not enforce them.

The only provisos in section 8(f) concern discrimination and the contract bar rule regarding elections. Yet, first the NLRB and then the courts have perverted the intent of section 8(f) and robbed it of its force.

In R.J. Smith Construction Co. and Higdon Construction Co., the NLRB gave the employer the right to repudiate the prehire contract, to unilaterally stop abiding by the terms and conditions the employer agreed to, unless the union could show, at each new construction site, that it represented a majority of the employees.

An August 1984 decision of the NLRB in Acme Marble & Granite Co. shows just how unfair and pernicious this new rule is. The company signed an agreement with the Laborers Union in Western Missouri that within the union's geographic area, it would hire through the union's hiring hall and pay union wages and benefits. For 2 years, it did so. A majority of workers at the company's projects were union members.

In the third year of its contract, however, the company reneged on its agreement, bypassed the hiring hall, and deliberately hired all nonunion employees for its only project.

Naturally, the union could not show majority support since the company had deliberately hired a nonunion work force. When the union filed unfair labor practice charges, the NLRB dismissed them and rewarded the company for breaking its agreement. In a triumph of doubletalk and circular logic, the NLRB held that as long as the company breaks its word and refuses to use the hiring hall it has promised to use, thereby avoiding hiring union workers, it cannot be held to the terms of its contract.

Mr. Chairman, that is the kind of doubledealing H.R. 281 would make illegal.

The second technique the NLRB created to permit doubledealing in construction industry collective bargaining is double breasting. A unionized employer who has signed an agreement that specifies it will hire through the union hiring hall and pay union wages for all work done within the union's geographic and craft jurisdiction simply sets up a second company to do the same work in the same area in violation of the agreement. If the employer is careful to ensure that the companies have separate foremen, and its workers are hired off the street, rather than through the hiring hall, so there is no interchange of union and nonunion employees, it can completely escape its obligations to the union and its members.

The NLRB will say "Yes, obviously these two companies are a sham; they're really a single employer. But—because the employer violated its contract and bypassed the union hiring hall—all the workers at the second company are nonunion, so we won't apply the contract to them. They are nonunion employees and have no community of interest with union employees, so we'll deem the second company a separate bargaining unit."

Once again, the NLRB rewards doubledealing and duplicity. Once again the employer's violation of its agreement is used by the NLRB to justify its violation of the collective-bargaining agreement, regardless of the employees' wishes.

The Chamber of Commerce says that the unions' market share of construction has been cut in half during the last 25 years. Is it any wonder? When the Government treats union contracts with such contempt and disrepect and encourages employers to break their word and cheat union members of the jobs and benefits they have earned it's a wonder the unions have survived at all. The employer lobbyists say Congress should not intervene to upset the "delicate balance" of labor relations in the construction industry. The truth is that there's no balance at all—the NLRB has tipped the scales toward management and left the unions defenseless.

You'll hear speeches today that call these problems a matter of market economics, or something that should be worked out through collective bargaining rather than by legislation. But the law and its misinterpretation by the NLRB caused these problems, not the market, and no collective bargaining solution is possible.

Twisting its perverse logic even more, the NLRB has recently said it's illegal for a union even to try to protect itself against double breasting. The new general counsel has ruled that a union may not insist on contract clauses that require an employer to pay damages if it sets up subsidiaries or shell corporations to do work covered by its collective bargaining agreement with the union.

The NLRB has handcuffed the unions' hands behind their backs and given unethical employers a license to take advantage of them. H.R. 281 is designed to do no more than to remove those handcuffs and to give the unions a fair chance to protect themselves.

This bill has nothing to do with compulsory unionism or employee free choice. It has everything to do with doubledealing and vicious antiunionism. I urge my colleagues to vote against doubledealing and for H.R. 281. Let's make both parties to construction industry contracts as good as their word.

Mr. RINALDO. Mr. Chairman, I rise in strong support of this legislation, which would ensure the enforcement of collective-bargaining agreements in the construction industry.

This measure is absolutely necessary in order to close loopholes in Federal labor laws. Under the 1959 law, construction unions were allowed to enter into prehire agreements with an employer prior to the hiring of workers on a project. In return for the assurance of a skilled work force for the duration of the project, the employer agreed to working conditions set out in the contract. Employers now may repudiate these contracts once a full complement of workers has been hired, unless the union can prove majority status at all worksites.

Another loophole exists in decisions of the courts and the National Labor Relations Board which have allowed a construction contractor who has signed a collective-bargaining agreement with a union to establish a second, parallel company that is nonunion. This practice, known as double breasting, enables the employer to transfer work from the union operation to the nonunion company. The legislation now before us would eliminate this practice by making collective-bargaining agreements applicable to all businesses operated by a single employer within the geographic area covered by the agreement.

This bill does not expand the rights of organized labor under the Federal labor laws. It simply eliminates unfair labor practices that have been allowed to develop outside the scope of our existing laws. Our labor laws were established in order to ensure that employees who wish to organize and bargain collectively are able to do so without interference from an employer. Double breasting and the abrogation of prehire agreements unfairly penalize union workers and deny them working conditions for which they had bargained in good faith. These practices must be eliminated in order to ensure fair dealing between employers and workers in the construction industry. I therefore urge my colleagues to join me in passing this bill.

Mr. HOWARD. Mr. Chairman, H.R. 281 serves two commendable purposes: to render effective prehire agreements in the construction industry, which Congress sought to do a quarter of a century ago but has since been thwarted by rulings of the National Labor Relations Board; and to end the dishonest tactic of double breasting as a means of avoiding contractural obligations.

Double-breasted operations were relatively unknown until the early 1970's. The beginning of this trend toward contract evasion can be traced directly to the NLRB decision in the Peter Kiewit case of 1973, 206 NLRB 562. That case is described in the committee's report, and I will not burden the record by retracing its history. Essentially, however, Kiewit simply shifted the work which has previously been performed by employees of its union company to a nonunion company which became operational within the State for the first time expressly for that purpose. It is obvious to me that a system that permits an employer to evade his written agreement merely by setting up a new company to perform the same work outside the scope of that agreement is just plain wrong. That is not what Congress had in mind in 1935 when it guaranteed workers the right to bargain collectively, or in 1959 when it sought to strengthen and stabilize collective bargaining in the construction industry.

Nevertheless, the Labor Board allowed Kiewit to evade its collective bargaining agreement, primarily because the two companies separately controlled their day-to-day labor relations policy, and later because the Board determined that the employees of each company constituted a separate bargaining unit.

The Kiewit case has become a virtual roadmap for employers who seek to escape their collective bargaining agreements by setting up nonunion operations. The Board's 1973 decision contained a statement which has become a self-fulfiling prophecy. The Board said: "It is not uncommon in the construction industry for the same interests to have two separate organizations; one to handle contracts performed under union conditions, and other under nonunion conditions." Today, double breasting has become common and is openly acknowledged way of doing business. To permit this trend to continue would be injurious to the stability of labor relations in this vital industry and grossly unfair to the employees protected under the very collective bargaining agreements which Congress sanctioned in 1959.

Nor am I sympathetic to the argument that in many instances companies cannot remain competitive under a union agreement. Where economic conditions adversely affect the competitive position of a company with a collective bargaining agreement, our national labor policy requires that the union and employer sit down at the bargaining table to seek a mutually satisfactory solution. In other words, the problem is to be addressed through the collective bargaining process. Under the practice of double breasting, however, an employer decides on its own, unilaterally, if it is no longer competitive, and is free to walk away from its bargaining obligation simply by setting up another company which will do the same kind of work nonunion. I cannot sanction that practice, and I believe that H.R. 281 supplies an effective and just rememdy for it. I am pleased, therefore, to support H.R. 281.

Mr. EDWARDS of California. Mr. Chairman, I rise in strong support of the Construction Industry Labor Law Amendments of 1985. Critics of H.R. 281 also claim that they are concerned with the right of workers to choose whether or not they want to be represented by a union. This is simply not the case. More accurately, opponents of this legislation are not concerned with fairness and are not concerned with the rights of workers.

Congress had envisioned stability and fairness in the construction industry when it enacted the Landrum-Griffin Act in 1959. Today we face the practice of double breasting, which is nothing more than a means for unprincipled contractors to bypass contracts ratified through the collective-bargaining process. I call upon my colleageus to support H.R. 281 in order to eliminate this practice.

Mr. Speaker, for too long Federal labor law has allowed contractors to set up nonunion subsidiaries to evade their commitments to pay union wages and benefits. The point of H.R. 281 is to end these abuses and restore a fair set of guidelines for collective bargaining in the construction industry.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 281, the Construction Industry Labor Law Amendments of 1985.

H.R. 281 seeks to reverse the erosion of construction workers' rights as a result of recent hostile decisions by the National Labor Relations Board [NLRB] and restore stability to labor relations in the construction industry.

As my colleagues are aware, union certification election procedures, which are used in other industries covered by the NLRA, are usually impractical in the construction industry. They are impractical because the work is often completed before the representation question is settled. For this reason, current law permits employers and unions to enter into "prehire" agreements prior to construction and the hiring of workers.

Recent decisions by the courts and the NLRB have made it easier for some construction industry employers to aviod obligations contained in collective-bargaining agreements through the practice referred to as double breasting. Furthermore, the NLRB has ruled, and the Supreme Court has affirmed, that employers may repudiate prehire agreements with a union when a union does not represent a majority of the work force covered by the agreement on a particular project.

H.R. 281 does not call for a comprehensive overhaul of existing practice. It seeks to make the current situation more equitable and restore the original intent of Congress when, in 1959, it adopted the section 8(f) amendment of the National Labor Relations Act [NLRA]. For example, the measure would restrict the use of double breasting. H.R. 281 specifies that multiple firms should be considered a single employer if there is a direct or indirect common ownership, management, or control among the nominally separate businesses engaged in the same or similar work in the construction industry. Further, it requires such employers in the construction industry to apply the terms of a collective bargaining agreement to all their related entities within the geographical area covered by the agreement.

A second feature of H.R. 281 provides that a construction industry employer who has a prehire agreement will be obliged to comply with the terms of the agreement, regardless of whether the majority of workers on the specific job are represented by the union. The repudiation of such agreements would be allowed only after the NLRB conducts an election and determines that a majority of employees in an appropriate bargaining unit have selected another union to represent them or have chosen not to be represented by a union. Thus H.R. 281 would prevent employers from abrogating legitimate prehire agreements or setting up new companies for the specific purpose of evading the terms of existing collective-bargaining agreements.

This bill will not impose a union or a collective-bargaining agreement on employers against their will. And it will not impose a union contract on any of the genuinely independent and truly separate business entities in the construction industry.

H.R. 281 simply seeks to prevent the exploitation of workers and their unions by employers who voluntarily enter into contracts, obtain valuable services, and then evade their contractual obligations. This bill will help stem the bad-faith evasion of contracts and restore stability to collective bargaining in the construction trades.

I urge my colleagues to support the bill.

Mr. GUNDERSON. Mr. Chairman, today the House is considering H.R. 281, the construction industry labor law amendments. If enacted, this legislation would result in two basic outcomes: That of forcing construction companies to choose between operating as either all union or all nonunion, and denying construction workers the right to officially choose whether or not they want to be represented by a union. In my mind, this does not constitute either sound or fair public policy for workers.

Because the construction industry has become so competitive in recent years, many of its companies operate both union and open shops, where an employer with one or more union subsidiaries also operates one or more separate companies on a nonunion basis, the practice known as double breasting. Under current law, these dual shops are permitted under two conditions, first, if the two entities are operated independently of one another, and second, if they have not been created for the purpose of evading union contracts. At present, the NLRB determines whether or not such collective-bargaining agreements are binding on the nonunion firms on a case by case basis.

If enacted, H.R. 281 would require that the collective-bargaining agreement covering the employees of the unionized construction firm be imposed upon the employees of all other nonunion firms within the same geographical area covered by the agreement where there is "direct or indirect common ownership, management or control," and where the firms perform or otherwise conduct or supervise same or similar work, even if none of the employees of the nonunion subsidiary want to adhere to the decisions made by the union firm.

The second major provision of H.R. 281 would elevate prehire agreements to the same status as enforceable collective-bargaining agreements without regard to the majority status of the union. Generally, it is considered an unfair labor practice for an employer to recognize and enter into a collective-bargaining agreement with a union that does not represent a majority of the employees. However, in the construction industry, due to its temporary nature, the National Labor Relations Act

allows employers to enter into prehire agreements with a union notwithstanding the undetermined majority status of the union. This agreement, may require union membership as a condition of employment, where not prohibited by State law and may also provide for union hall referral. While the union could not discriminate against nonunion members in providing such referral, those employees may be required to become union members after 7 days of employment.

In 1978, however, the Supreme Court affirmed an NLRB ruling that prehire agreements are allowed, but not binding in the absence of a majority status by the union. H.R. 281 would overturn this ruling and could result in a union with which a construction company holds a prehire agreement becoming the exclusive bargaining agent of the employees on that site, notwithstanding that a majority of workers may not want to represented by that union. This means that a minority of workers could control the job conditions of a majority of workers.

Many of the proponents of the bill argue that employers can evade their contractual obligations under a collective bargaining agreement by shifting work to nonunionized entities. However, according to the Department of Labor, this has not been the case. In fact, according to the Department, current law sets a strict test in this regard, and the National Labor Relations Board actions in combination with court decisions protect workers against such illegal practices.

While I am a strong believer and supporter of the right of workers to organize and particularly their right to bargain collectively, I would be quite concerned over enactment of any legislation that would deny construction workers or any other workers for that matter, the freedom of choice to determine whether or not their majority want to be represented by a specific union. Further, this bill would overturn past court and NLRB decisions made over the past 10 years which reflect the needs and realities of the current labor marketplace. Probably the biggest concern that I have however over the possible enactment of H.R. 281 would be that the bill might actually backfire on union workers. With the open shop market at 60 to 70 percent of the labor market, and growing, this bill could actually result in reduced numbers of union workers being hired, due to the threat that employers would be forced to decide whether to become all union or all nonunion.

In summary, I feel that my voting record reflects my support for legislation that realistically benefits workers. I do not however, feel that H.R. 281 is a proworker bill. Quite the contrary, I feel that H.R. 281 would weaken the underlying principle of our labor laws, that of assuring workers the right to make individual decisions through the collective bargaining process. Therefore, I am opposed to the enactment of H.R. 281 and must vote against its passage.

Mr. MOORE. Mr. Chairman, the passage of H.R. 281, the construction industry labor law amendments, would not be in the best interest of workers, businesses, and Louisiana, and hence I am opposing the bill's passage. Louisiana is suffering with the highest unemployment rate in the Nation, and she vitally needs jobs to put her people back to work. She does not need legislation which would have the effect not only of discouraging future business investment that means more jobs but also of hampering the free choice of workers whether or not to be represented by a union.

I believe the bill would require essentially a choice between an entirely nonunion or entirely unionized shop which would be detrimental to both business and workers, resulting in questions as to the survival of union shops and in fewer jobs. If Louisiana employers under this bill, if it became law, chose to be entirely unionized, they would then lose contracts to out-of-State nonunion contractors and Louisiana workers would lose jobs. If Louisiana employers went the other direction and chose to be entirely nonunion, then union workers would lose their unions. That choice forced by the bill is unnecessary and harmful.

We should not impose on business legislation with which there are questions and concerns as to the impact and costs, and it is an inopportune time for Louisiana to be saddled with legislation which could cause the lose of jobs and business investment.

H.R. 281 would force union coverage on construction employees who do not have an opportunity to make their own decision whether they want to be represented by a union. Additionally, prehire agreements which set the terms of employment on a construction site would be immediately binding without employees having a say on the agreement or the union, and workers would be prevented from removing them except through a long proceeding.

Current law creates a balance which considers the shifting employment patterns in the construction industry and still preserves the basic right of workers to make their own choice on union representation.

Louisianians are as independent individuals as you will find—whether we are talking about an employee or a businessman—and they want to be free to make their own decisions and not be dictated to by the Federal Government through misguided legislation.

I cannot support legislation which is not good for the workers and businesses of Louisiana. Louisiana needs business dollars, construction dollars—dollars which would go for new jobs for Louisiana workers and for revenues to the cities and communities which know that Louisiana is fighting for her life.

I'll fight for economic development, business investment, and expansion and other positive approaches to ensure jobs rather than questionable labor reform legislation which could restrict job opportunities for Louisiana.

I'll fight for the freedom of choice—for workers and for business, but H.R. 281 does not do this.

For Louisiana's employment future, I cast my vote against H.R. 281.

Mr. DREIER of California. Mr. Chairman, our labor laws are grounded in respect for the decisions of the individual workers and we have worked hard to ensure that the choice of whether to join a union is the employee's, not the employer's, and not the union's. H.R. 281 denies this freedom of choice that we, as Americans, have prided ourselves on.

In 1959, Congress upheld the legality of prehire agreements to accommodate the unique characteristics of the construction industry. A union and a contractor can now set the terms of employment before any workers are hired. That agreement, however, is not—and should not be—binding until a majority of workers at the site support it. Until that time, a contractor can repudiate the agreement.

Under this bill, a prehire agreement would be binding; workers would not have the opportunity to choose their own representation or terms of employment. Clearly, this is compulsory unionism.

Furthermore, this bill would extend the collective bargaining contracts of a construction company's unionized subsidiary to all of its nonunion operations because the bill mandates that collective bargaining contracts made with a single employer be applied to all of the business entities of that single employer within the geographical area covered by the collective bargaining agreement. This too is compulsory unionism.

If this bill becomes law, a labor dispute with a general contractor could spread to all subcontractors on a job site who are subjected to a contractor's control. Or, a union could shut down an entire project because of a dispute with one subcontractor—forcing innocent workers out of work and subjecting neutral subcontractors to labor disputes over which they have no recourse. This is called common situs picketing and it is illegal. Congress—and the public—have repeatedly rejected this.

This bill is antibusiness and antiworker. It denies freedom of choice, threatens to send construction costs soaring, jeopardizes construction employment, and upsets the balance in labor-management relations. It is a dangerous precedent with far-reaching consequences.

Mr. FOGLIETTA. Mr. Chairman, I rise today in support of H.R. 281, the Construction Industry Labor Law Amendments of 1986.

We in the Congress have a responsibility to insure that workers' rights are adequately addressed. This legislation is but a simple tenent to protect those basic rights. The construction industry needs more clearly defined protection regulations due to the uniqueness of its business. Unlike industrial workers who report to a fixed site for several years, construction workers face shifting job sites and modified work periods. A prehire agreement insures the construction worker that he or she will work once a job is completed. This brings continuity and stability to their employment status. Unfortunately, through double-breasting employers have been able to renege on this commitment. Instead of giving the work to those it has been promised to under the prehire agreement, construction employers have been setting up related companies which operate on a nonunion basis and allow this second company to perform the work. This is in direct violation of section 8(f) of the 1959 National Labor Relations Act. H.R. 281 will prohibit this practice. The Federal labor laws in the 1930's gave workers the right to join a union and bargain with their employer. The special nature of the construction industry often abridges those rights. Through H.R. 281 we are reaffirming the commitment made through Federal labor

laws. I call upon the Members of this body to recognize the importance of this bill and support its passage.

Ms. MIKULSKI. Mr. Chairman, I rise in strong support of H.R. 281. This bill has my support because of what it does for the people who work in the construction trades. They aren't asking for the Sun, the Moon, and the stars. All they want is a fair deal when it comes to how our labor laws are being interpreted by the National Labor Relations Board.

Saying good things about the construction worker is the "in" thing to do these days. It should be. We now have television commercials that salute American workers "for all you do"; and others that want to reward the construction people "when the day is done."

Those are terrific images: The mighty building project being brought in on time by our workers. But there is something wrong with the picture. The employers on these construction projects have convinced the National Labor Board that they don't have to live up to the contracts they have signed with their employee representatives. Instead of salutes, the construction workers are getting a lot of fancy footwork from the Board.

We have had an excellent presentation of the provisions of this bill from the distinguished chairman of the Labor Management Subcommittee. Let me give you an example of how the construction workers are treated in the real world. Let us say two construction workers ride to work together, one works for the Sam Construction Co. and the other works for the Son of Sam Construction Co. Except for their names, there is no difference between these two companies. Same management; same offices; same everything. But one has signed a contract to build projects with union help—that is Tom—and the other—Tom, Jr., is nonunion.

The first worker is employed by Tom and is paid and works under a union contract. The second worker is not covered by the contract and is paid far less. How could this happen? It happened because the Labor Board said Tom, Jr., was "independent" of Tom. That is not fair.

We are not talking about a construction employer who is nonunion. We are talking about an employer who has signed a contract and has found a cute way to avoid it.

More to the point, this bill is not a extreme or even a mild change in congressional policies on labor management relations in the construction industry. It is a return to what we did in the 1959 amendments to the National Labor Relations Act. This bill stops the Labor Board from turning our policy on its head.

The employers are trying to scare us into believing that we are giving the workers a blank check at the bargaining table. Nothing could be further from the truth. Tom, Jr., can still come to the Labor Board and show that his company is truly independent of Tom, if it is. This bill provides a level playing field to do that on.

H.R. 281 is a good bill. It takes the "con" out of construction industry labor relations. It gives the workers and the employers an even chance to show that a contract has meaning. That is how this system is supposed to work.

Thank you.

Mr. FRENZEL. Mr. Chairman, I rise today in opposition to H.R. 281, the "Construction Industry Labor Law Amendments of 1985." H.R. 281 is a damaging piece of legislation which adversely impacts employees and employers alike. While the proponents of this bill say that its purpose is to increase the stability of collective bargaining in the building and construction industry, what I believe it represents is another effort to "reunionize" the construction industry without regard to the feelings of the employees.

If enacted, H.R. 281 would impose collective bargaining agreements on workers who have not been allowed the freedom to choose which union, if any, should represent them. This legislation would further restrict the freedom of employees by giving any prehire agreement, setting terms of employment, the same binding status as a collective bargaining agreement. Consequently, H.R. 281 does not promote stability, but instead encourages the destabilization of current labor relations.

The construction industry is now protected by fair procedures established by the National Labor Relations Board and court precedent, and understood by the industry. The sponsors of H.R. 281 may intend to give further protection to employees, but I would characterize the bill as an exercise in Government sponsored compulsory unionism.

What mystifies me is that the bill has been considered at all. It is not expected to be enacted even if the House should, in error, happen to pass it.

I urge my colleagues to vote against H.R. 281.

Mr. DAVIS. Mr. Chairman, because of a previous engagement, I will not be able to cast my vote on final passage of H.R. 281. I had hoped that consideration of this legislation would have been completed before I left the floor, however this was not the case. I have attempted to pair myself on the key amendment to this bill and on final passage. If this cannot be accomplished, I would like the RECORD to show that had I been present I would have voted no on the Jeffords substitute amendment and yes on final passage.

Thank you for this opportunity to make my position on this bill known.

Mr. DASCHLE. Mr. Chairman, I am prepared to vote in favor of the Construction Industry Labor Law Amendments of 1986 only after receiving the explicit assurances offered in the report on this legislation, in the statements of the floor manager and in the AuCoin amendment that legitimate subcontracting arrangements are in no way affected by this legislation.

I am proud to say that, in my own State of South Dakota, the practice of double breasting at which this legislation is properly aimed, is extremely rare. What is not rare, though, is the use of legitimate subcontracting arrangements between independent parties. Contractors in my State are extremely concerned that the provisions of this legislation not be extended to cover the legitimate, independent relationships upon which they depend.

Should the construction industry labor law amendment somehow clear the other body and the President's desk and become law, and should the very firm guarantees we have received concerning the nonapplicability of this law to business relationships between independent contractors and subcontractors be violated in any way, I would immediately author and would enthusiastically support legislation to repeal this amendment.

Mr. RODINO. Mr. Chairman, I rise in support of H.R. 281, the Construction Industry Labor Law Amendments of 1986. I have carefully weighed the arguments made for and against the bill, and I have endeavored to be particularly sensitive to the arguments made by employers to the effect that this legislation will somehow adversely affect their ability to compete. If I felt that this bill unfairly or unjustly limited the ability of employers to compete, I would not and could not support it. I am convinced, however, that H.R. 281 does not inhibit the ability of employers in the construction industry to compete. It simply requires employers to live up to contractual arrangements that the employers, themselves, have voluntarily entered.

The most serious argument that has been raised against the bill is that double breasting is necessary if a construction company is to maintain needed flexibility in the marketplace. Specifically, it is contended that union companies compete in different market segments and should not be deprived of the opportunity of also competing for open shop contracts. In fact, H.R. 281 does not impair the ability of a contractor to compete for open shop contracts in other market sectors. For example, under the provisions of H.R. 281 a contractor subject to a collective bargaining agreement covering industrial construction would be free to pursue residential construction on a nonunion basis; also, a contractor subject to a collective bargaining agreement covering carpentry work is free to pursue masonry work on a nonunion basis; and a contractor subject to an agreement covering the District of Columbia is free to pursue nonunion work in Virginia, Maryland, or anywhere outside the District of Columbia. The provisions of H.R. 281 are applicable only where a contractor seeks to avoid obligations he voluntarily incurred by performing work on a nonunion basis that is otherwise subject to a collective bargaining agreement.

Opponents of the bill have also contended that if we bind a construction company to contractual promises it has voluntarily made it will lose contracts if it has to depend exclusively on union labor. In point of fact, because of the nature of the industry the building trades unions are also directly subjected to the same market pressures. Very simply, if union contractors cannot win contracts, union workers do not work. Further, since the short-term nature of construction employment forces the unions to rely upon voluntary prehire agreements with employers, the building trades are also under long-term incentives to ensure that their contracts are competitive. Employers do not voluntarily commit themselves to contracts that are not competitive. Double breasting is not a necessary response to competitive pressures, it is simply a means of avoiding collective bargaining.

Finally, there is nothing in H.R. 281 that requires employers to enter into collective bargaining or prehire agreements with a union in the first place. If an employer decides that his

interests are better served by proceeding on a nonunion basis, there is nothing in the bill that would prevent the employer from refusing to enter such agreements. There is nothing in this measure that would unfairly inhibit an employer's ability to compete, nor does the legislation unduly mitigate the competitive pressures of the marketplace on construction unions.

Mr. Chairman, H.R. 281 is intended solely to ensure that employers live up to those contracts they have voluntarily entered. That, I submit, is good policy in any context and I urge you to vote for this bill.

Mr. BROWN of California. Mr. Chairman, we have before us today the Construction Industry Labor Law Amendments, H.R. 281, which will remedy certain adverse decisions of the National Labor Relations Board [NLRB] with regard to the construction industry. From the earliest days of the Wagner Act in 1935, it was recognized that union election procedures designed for the industrial workplace could not be directly transferred to the construction industry. A 1959 amendment to the act, the Landrum-Griffin Act, permitted prehire agreements and was intended to provide workers in the construction industry with an effective opportunity to secure union representation.

Union certification procedures, which are used in other industries covered by the National Labor Relations Act, are usually impractical in the construction industry because workers are constantly working at different job sites, and projects may be completed before a certification election can be held. For this reason, current law permits employers and unions to enter into "prehire" agreements prior to construction and the hiring of employees. Under these agreements, an employer and a union agree that work will be performed in accordance with a union contract.

In recent years, however, two separate sets of NLRB decisions have developed which erode the ability of construction workers to secure and retain the protections of collective bargaining. One set of cases has permitted the wholesale repudiation of lawful prehire collective bargaining agreements. The other set allows the avoidance of collective bargaining agreements through corporate shell games.

Under one set of cases, the Board held that employers may repudiate valid prehire agreements at will unless the union can prove that the employer has a stable work force in which it has established a majority support, or can demonstrate majority support on each separate job site. But stable work forces are a rarity in this industry, which was the reason for the original prehire amendment in 1959.

In the second set of cases, the Board permits the avoidance of lawful collective bargaining agreements through the use of double-breasted companies. A typical example is company A, which has a collective bargaining agreement with a union, sets up a related company—company B—which it operates on a nonunion basis. In some cases, most of the work formerly done by company A is now done by company B. In other situations, company A may go out of business altogether.

The Board placed its imprimatur on this double-breasting device, which then spawned an ever-growing use of this technique for avoiding lawful contracts. The structural characteristics of the construction industry leaves workers defenseless to such corporate manipulations. The project-by-project ebb and flow of the employment relationship allows for corporate restructuring schemes and disappearing acts with the greatest of ease.

To remedy these problems, the construction industry labor law amendments specify that multiple construction firms should be considered a single employer if there is a direct or indirect common ownership, management, or control among the nominally separate businesses engaged in the same or similar work. It requires such employers to apply the terms of a collective bargaining agreement to all of their related entities within the geographical area covered by the agreement.

Collective bargaining agreements will not be imposed on truly separate or independent companies. Instead, the bill requires that common ownership, management and control be considered in determining whether two or more companies should be considered a single employer. The bill would apply only to companies that perform similar work in the construction industry. The fact that one company has a small interest in another, or that an individual company has dealings with the other company would not be sufficient to declare two companies a single employer. The bill will, however, prevent a company with union workers from setting up another nonunion company to perform the same work.

The bill merely prohibits employers or unions from repudiating agreements, which both have agreed to, before their expiration. It does not expand the existing authority to make prehire agreements in the construction industry, and it does not impose a union on employees against their will. Employees would be allowed to decertify a union which represents them, but neither they nor the employer would be permitted to break an agreement into which both entered freely. The bill guarantees that after both parties have already reached agreement, a company cannot break prehire agreements at will, and force the unions to demonstrate majority support through a union certification election on every job site.

I believe this legislation addresses the unique collective bargaining complications inherent in the construction industry. The unusual nature of collective bargaining in the construction industry is no different today than it was 27 years ago. Yet, this bill does not grant new or expanded considerations to construction workers, but merely returns us—and the NRLB—to the original intent of Congress when it passed the Landrum-Griffin Act of 1959. I urge my colleagues to join me in support of this long overdue legislation.

Mr. FIELDS. Mr. Chairman, I rise in opposition to H.R. 281, the Construction Industry Labor Law Amendments of 1985.

Before I state my reason for opposing H.R. 281, I want to say that I am not antiunion, but I do support choice in the decision for union representation. Unions historically have played an important role throughout the world in improving working conditions. I do recognize the tremendous contributions the members of our skilled trades have made toward the high productivity and quality found in the construction industry in the United States. By my actions, I aim to ensure that the high productivity and quality continue unabated.

Supporters of H.R. 281 claim that employers can avoid contractual obligations under a collective bargaining agreement by establishing nonunion entities. This assertion is false. The record of cases heard before the National Labor Relations Board substantiates that current law already protects against such abuses. The delicate balance which has been achieved by the NLRB and the courts under current law accounts for fairness while simultaneously recognizing the transient and increasingly competitive nature of the construction industry.

I fear that enactment of H.R. 281 would seriously upset this delicate balance. The construction industry in recent years has grown and changed substantially due to natural responses to internal and external conditions. Instead of imposing further disorienting change, I believe the response should be greater cooperation within the framework of present law.

In Texas particularly, this is not the time to impose unsubstantiated changes with profound economic implications on a major industry. Present law allows for the optimum situation for both employers and employees. It should not be changed.

I received numerous letters from construction industry employees and employers alike urging me to vote against this bill. Employees said they did not want their right to choose whether to work union or nonunion to be taken away from them. Moreover, employers said enactment of H.R. 281 would increase their cost considerably and harm their competitiveness, undermining further productivity gains and development. These are more than adequate reasons for not making an unfounded, fundamental change in our labor laws.

Therefore, I must oppose H.R. 281 in the interests of ensuring the individual's right to choose his or her representation and of maintaining the delicate balance in construction industry labor relations which has facilitated growth and economic development. Both of these aspects I am striving to protect are fundamental to the continued individual and collective prosperity of the United States.

□ 1410

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, each section of the bill is considered as having been read under the 5-minute rule.

The Clerk will designate section 1.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of H.R. 281 is as follows:

H.R. 281

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be referred to as the "Construction Industry Labor Law Amendments of 1985".

SEC. 2. (a) Section 2(2) of the National Labor Relations Act (29 U.S.C. 151(2)) is amended by adding at the end thereof the following new sentence: "In the construction industry, any two or more business entities performing or otherwise conducting or supervising the same or similar work, in the same or in different geographical areas, and having any direct or indirect common ownership, management or control, shall be deemed a single employer.".

(b) Section 8(d) of such Act (29 U.S.C. 158(d)) is amended by adding at the end thereof the following new sentence:

"Whenever the collective bargaining involves employees of a business entity comprising part of a single employer in the construction industry, as defined in section 2(2) of this Act, the duty to bargain collectively, for the purposes of this section, shall include the duty to apply the terms of a collective bargaining agreement between such business entity and a labor organization to all other business entities comprising the single employer within the geographical area covered by the agreement.".

(c) Section 8(f) of such Act (29 U.S.C. 158(f)) is amended—

(1) by striking out "geographical area:" in clause (4) and inserting in lieu thereof the following: "geographic area. An agreement lawfully made pursuant to this subsection shall impose the same obligations under this Act as an agreement made with a majority representative pursuant to section 9(a):"; and

(2) by inserting before the period at the end of such section and the following new proviso: ": *Provided further,* That any agreement lawfully made pursuant to this subsection may be repudiated only after the Board certifies the results of an election conducted pursuant to section 9(c), in which a majority of employees in an appropriate bargaining unit selects a bargaining representative other than the labor organization with which such agreement was made or chooses not to be represented by a labor organization".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: page 2, line 6, strike out "151(2))" and insert in lieu thereof "152(2))".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer an amendment on behalf of myself and the gentleman from Oregon [Mr. AUCOIN].

The Clerk read as follows:

Amendment offered by Mr. CLAY: Page 3, strike out lines 1 and 2 and insert in lieu thereof the following:

having, directly or indirectly—

"(a) substantial common ownership,

"(b) common management, or

"(c) common control,

shall be deemed a single employer.".

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Chairman and colleagues, I join Mr. CLAY in offering this amendment because of concerns that have been expressed to me and to others over one particular aspect of this bill. I have heard it said that the present definition of "single employer" could lead to the result that the holding of a single share of stock in another construction company, or that a miniscule investment in that second company could in some way satisfy the "single employer" test.

Such contentions are in clear contradiction with legislative history. The committee report, I think, is explicit that it is not the intention or the effect of the bill, and with that in mind, I offer this amendment to insure that the statute language comports with the legislative history.

This amendment offered by the gentleman from Missouri [Mr. CLAY] and I would require a substantial degree of common ownership before two business entities may be considered a single employer for the purposes of H.R. 281.

My amendment should be adopted. It puts to rest any concern that H.R. 281 reaches beyond what we know to be double-breasting. No two separate business entities would be bound by an agreement signed by one if their only connection was some small degree of common ownership. The language of my amendment, instead, makes it very clear that to meet the ownership test the degree of common ownership must be substantial.

Mr. Chairman, in seeking to address this issue, I thought of a number of different alternatives, including requiring a specific percentage of ownership in a second company. However, I concluded after thinking that through, and other alternatives, that no one figure could be appropriate in all situations, and for that reason this test of substantiality will meet the concerns that have been expressed, while not binding the courts in any way to some arbitrary figure that may have no relevance to the specific facts of a case at hand.

It is clear what the intention of the amendment is. It should remove any ambiguity that any Member might think exists. It does comport, as I say, with the committee report language, and I hope the sponsors of the bill and Members of the House will join me in supporting this amendment.

I thank the chairman of the committee for joining me in sponsoring this amendment.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I think this is a good amendment as far as it goes. At least it is a step in the right direction.

I would just ask the gentleman if his definition of "single employer" could include the statement of the single employer being a single integrated enterprise, which I think is what (a), (b), and (c) here in the gentleman's amendment are directed at, but "single integrated enterprise", I think, would remove all ambiguity and correct the problems in the definition of the bill.

Mr. CLAY. I believe that the amendment does correct all ambiguities. As I interpret the amendment, it says it does not impose single employer status simply because the owner of a construction company also owns a small share of stock in some independent, nonunion construction company.

I do not see any ambiguity. Maybe we ought to refer it to the principal sponsor for his comment.

Mrs. ROUKEMA. If I could just respond to the gentleman, I think he has an "or" in there rather than "and".

Mr. CLAY. Yes. That is one of the components.

Mrs. ROUKEMA. Therefore, I think that the single integrated enterprise makes the point that we want to make.

Mr. CHAIRMAN. The time of the gentleman from Missouri [Mr. CLAY] has expired.

(On request of Mr. BARTLETT and by unanimous consent, Mr. CLAY was allowed to proceed for 5 additional minutes.)

□ 1420

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I have two questions about the gentleman's amendment. The first one, and I am trying to understand it, I am looking at the terms of the bill, the first one, and this is the bill itself, on page 2 of the committee print, line 10, as I see the committee print, it provides for any two or more business entities in the same or in different geographical areas would still be a single employer if it meets the other tests. Is the gentleman saying under this amendment, and I would ask both gentleman, under this amendment, it does not correct that in the sense that if there are still different geographic areas, that stays in the bill, the term 'different geographical areas"?

Mr. CLAY. Yes, that is correct.

Mr. BARTLETT. If the gentleman will yield further, is it the gentleman's intention that if there are two or more business entities that have met the

test under the gentleman's amendment, substantial common ownership or so forth, that are in two different geographical areas, that they would be deemed to be a single employer even though they are in different geographical areas? I am trying to understand the gentleman's intention.

Mr. CLAY. Yes, I would agree with the gentleman's interpretation.

Mr. BARTLETT. So if the gentleman will yield further, then the first part of my question is that different geographical areas, even though two entities are in different geographical areas, west coast, east coast, perhaps, they would still be a single employer in this amendment?

Mr. CLAY. No.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the gentleman's point really does not point to any substantive problem. In the contract and all of the contracts in this area cover a limited a specific geographic area, if identical ownership, identical management, but in a different geographical area not covered by that contract, for instance, not the District of Columbia metropolitan area, or not the six southern California counties, if the employer's other site is outside of that geographic area, he is not bound by the agreement. Nothing in this bill, before the amendment or after the amendment, would make him bound. So I think the gentleman's point, while technically correct, has no meaning as to the thrust of the legislation.

Mr. CLAY. I think the gentleman has explained it precisely. The terms of the contract will determine what the geographical area is, and the two parties have to agree on that. So you cannot leave that geographical area that is written into the contract and go someplace else with it.

Mr. BARTLETT. If the gentleman would yield further, I understand.

Mr. CLAY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I understand that the geographical area is not the difference of opinion, is not covered by this amendment to the committee bill.

Mr. CLAY. That is correct.

Mr. BARTLETT. My second question is this, and it revolves around one word in the gentleman's amendment, and that word is "or." As I understand, any of these three tests, substantial, common ownership, common management or common control, if any one of those three are met, then it would be termed to be a single employer; is that the gentleman's understanding?

Mr. CLAY. That is my interpretation.

Mr. BARTLETT. If the gentleman will yield further, I am reading from the committee report on page 7 which seems to indicate that the opposite is true, and I wonder if the gentleman would clarify it. Under section 1, under the section entitled "Summary: The Limited Scope of H.R. 281," and I apologize, but I had not seen the gentleman's amendment until just now when he offered it, about halfway down the paragraph, it states:

> The bill provides that several factors, such as common ownership, common management, and common control are to be viewed in the aggregate to determine single-employer status.

The gentleman intends to say it could be any one of the three and not all three, as the report would seem to indicate.

Mr. CLAY. I am not attempting to change any meaning that is in the report. It is precisely as it is presented in this amendment, and it is my feeling that if there is any disagreement, the courts are free to determine what this legislation does or does not say.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield to me?

Mr. CLAY. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding.

One of the reasons for this change in the use of the word "or," if you are looking at the text of the amendment, I say to the gentleman from Texas [Mr. BARTLETT] is that the purpose of the amendment is to make use of the term "substantial" in only one instance, and that is with regard to common ownership, and not with regard to common management or common control. Therefore, you see a slightly different construction and that is where that involves the use of the word "or." Substantial, if the gentleman would yield to me, pertains to common ownership.

Mr. BARTLETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do so having a great deal of respect for the two gentlemen who have offered it. I would comment that it is an improvement over the present bill.

However, the amendment still provides, as we have discussed, the terminology of different geographical areas. But more importantly, it still provides a single employer to be any employer, as I understand it, having directly or indirectly common ownership, common management, or common control. So therefore, I assume if someone had indirectly substantial ownership or indirectly, let us say, common management, then I would be afraid that the courts could interpret that indirect common management to say if two companies had one manager that worked sometimes for one and sometimes the other that was not involved in the bidding process, perhaps just in the construction process, perhaps just a foreman, then it would be regarded as a single employer. And my opposition is that that is still not fair to the employees who are employed by that other subsidiary and those employees have chosen not to be bound by the terms and conditions of a union prehire agreement.

All I am asking for essentially is fairness. My point is, and I will later have and have prepared and will share with the other side an amendment that I think does what the gentleman is attempting to do. But it does it much more tightly. That would be taking the language of the committee report which was offered by the majority and using that language to provide a requirement of an interrelationship of operations and common ownership, management or control, so it requires the interrelationship and to specify that it would be not found to be an arm's length relationship existing among integrated companies.

I supposed our difference is that it is my judgment that in the current marketplace that construction employees are better off if they are able to choose between an open shop and a union shop, and if indeed that employer or that entity is able to have two different kinds of companies, with some relationships, but they have to bid separately, they have to be at arm's length, they cannot take one contract and fulfill it with the other contract, as the NLRB has ruled from time to time, then my amendment, I think, which I will offer in a moment, would be much more clear in terms of accomplishing the gentleman's objective.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding. But I would have to say to the gentleman that I do not think there is any lack of clarity in the amendment that I offered. The bill, as written, does not refer to substantial common ownership.

My amendment inserts the term "substantial" which makes it very clear that we are talking about substantial common ownership. That is an improvement, and I appreciate the gentleman having recognized that.

With regard to common management or common control, the bill states that any direct, any direct or any indirect common management or common control shall be deemed a single employer. This amendment drops the word "any", and it clearly comports with what we were achieving by the insertion of the term "substantial" in the case of common ownership, making it clear that miniscule common management or a degree is not what we are trying to bar, but only a direct, very direct and clearly indi-

rect but still nevertheless clearly indirect common management of common control shall be deemed a single employer. It is an improvement over the bill. It does, I think, without impinging on the rights of workers, meet any concern one might have that the definition reaches too far.

So I would have to say to the gentleman I think my amendment should solve his concerns, and I think it is tightly drafted and very clear.

Mr. BARTLETT. I thank the gentleman for his comments. I do think the gentleman has made an improvement by removing the word "any" and including the word "substantial", at least with regard to substantial common ownership.

Mr. AUCOIN. Then I invite my friend's support for my amendment.

Mr. BARTLETT. However, the gentleman did not include the word "substantial" in management.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. CLAY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLAY: At the end of the bill, add the following new section:

SEC. 3. (a) Except as provided in subsection (b), the amendments made by section 2 shall take effect upon the date of the enactment of this Act.

(b) The requirement imposed by the amendment made by section 2(b) shall take effect—

(1) one year after such date of enactment with respect to any building and construction project for which the contract was entered into by an employer before the date of the enactment of this Act; and

(2) on the date on which the contract is entered into with respect to any new building or contruction project for which the contract is entered into by employer on or after the date of the enactment of this Act.

Mr. CLAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. JEFFORDS. Mr. Chairman, reserving the right to object, I do so for the purpose of inquiring of the Chair at this point, or perhaps the author, as to whether or not this is a new section 3, or whether this would preclude further amendments to section 2 of the bill if this amendment is adopted?

Mr. CHAIRMAN. The Chair would point out to the gentleman from Vermont that the bill is now open for amendment at any point, as was requested by the gentleman from Missouri [Mr. CLAY] a little while earlier.

Mr. JEFFORDS. I thank the Chair for that clarification.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Chairman, I yield to the gentleman from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. Chairman, I join with the chairman of the subcommittee, the gentleman from Missouri, in asking the Members to support this amendment that he is offering on behalf of himself and me.

Mr. Chairman, the amendment addresses a concern that enactment of H.R. 281 might be unfair to contractors with construction projects already underway. The amendment assures that contractors involved in ongoing projects have a year before the act takes effect.

H.R. 281 is basically a sound bill because it would put an end to the unfair practice of double-breasting that has plagued the construction industry. There is no reason that consenting parties to a contract should be allowed to wiggle out of their agreements. Nevertheless double-breasting has flourished and construction workers no longer have the assurance that contractors have to live by their agreements. It seems to me unfair that all other employers, once they sign a collective-bargaining agreement, are required by law to live up to it, while in the construction industry contractors can take advantage of a huge loophole in the law that lets them walk away from signed contracts to which they voluntarily agreed. When people voluntarily promise in writing to do something, the law shouldn't let them ignore the promise. H.R. 281 simply closes the loophole that has let double-breasting spread.

There has been a concern raised that the bill would unfairly catch unsuspecting contractors that are already at work on a project. I have sympathy with this concern and that is why I offer my amendment. The amendment gives everyone fair notice before the bill takes affect. If enacted H.R. 281 would apply to all projects not yet in progress. The effective date would be delayed however to accommodate already existing contractual obligations. If the construction has started and the contractors had relied on interpretations of the law in effect when the project began, it is only fair to allow sufficient time to adjust to the change in the law. One year from date of enactment gives everyone ample time to adjust.

I believe my amendment improves a good bill.

Mr. CLAY. I thank the gentleman and I support the amendment. I think his point is well made in that it is not my intention to entrap those who may be unable to make such adjustments as may be required by this bill.

The amendment is well crafted, and I think it protects the legitimate rights of workers as well as contractors, and certainly does not conflict with the intent of the legislation under consideration.

Therefore, I urge adoption of the amendment.

□ 1435

Mr. JEFFORDS. Will the gentleman yield?

Mr. CLAY. I yield to the gentleman.

Mr. JEFFORDS. I would say that I have reviewed the amendment and I would say at least personally, I have no objection to it, as I think it is an improvement in the bill; although it certainly has not removed my objections to the bill.

Mr. BARTLETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment, and I have commented to my good friend, the chairman of the subcommittee, the gentleman from Missouri, that he does appear to be making some progress which we were not able to make in committee, of cleaning up the bill, at least in piecemeal. I would comment that he has chosen, I think, some of the least offensive parts about the bill so far, but I do commend him for making progress.

I would comment that similar amendments and attempts to reach agreements on what should be in the bill were not able to be made in committee, and I regret that, and I know that the ranking member of the full committee and the ranking member of the subcommittee had tried at that time, and have tried diligently since to obtain some adjustment in the bill to cause him to be much more of a commonsense bill.

The bill, however, even with this rather marginal amendment which talks about date of enactment, still does not make any sense, because what is essentially wrong with the legislation is that it is unfair legislation both to union employees and to nonunion employees.

Let me go in for a minute as to why it is unfair to union employees. Because if we pass legislation as radical as this is, if we pass legislation such as this which in effect requires every contractor in America to choose between having a union shop subsidiary or an open shop subsidiary, then over a period of time the marketplace may well cause those contractors to close down their union shops. I think that would be a regrettable result of this legislation.

I think it would be an inevitable result of this legislation because the contractors will follow the marketplace. I think there is a clear and a good market today for union construction, and I think that if we pass this

legislation—whether we pass it today and make it effective 1 year from now or whether we make it effective immediately, it is still going to have the effect of putting a lot of people out of work.

Some of them are going to be your constituents. Some of them are going to be my constituents; and that is not fair to them.

I will be offering in a moment, Mr. Chairman, two amendments. The first one would be to I think meet the intent of a requirement of substantial common ownership and management and require interrelation between those before we define someone as a single employer.

After that I will be offering an amendment that I think will go to the heart of this bill, and that will be called the secret ballot amendment, which will provide that, regardless of anything else, that before a group of employees in an open shop subsidiary that have previously not been bound by a prehire agreement, before they can be bound by that prehire agreement, they will have the right, one time only—they will have the right prior to that requirement to have a secret ballot election to determine if they want to be bound by the terms and conditions of that agreement.

I think that is a fair amendment. I think that after all is said and done this afternoon, that requirement for a secret ballot will determine the outcome of this legislation, determine whether this Congress is willing to speak for the rights of employees.

So I will support the gentleman's amendment as drafted, but say that it is still only nibbling around the edges.

I yield to my colleague from Texas [Mr. ARMEY].

Mr. ARMEY. I would like to ask the gentleman a question to refresh my memory. Was the gentleman's amendment offered in the committee?

Mr. BARTLETT. The gentleman is correct. I offered not one, but I believe two different versions of a secret ballot amendment; they were broader amendments than will be offered today, and they were rejected or the chairman of the subcommittee correctly, I think, called a point of order in their rule to be nongermane.

In the meantime, I have narrowed the focus of the amendments to provide that they would only apply to this industry and to this section, and only to those employees that are thrown into a prehire agreement without their will under this bill.

So the amendment, as presently drafted, will be clearly germane.

Mr. ARMEY. I thank the gentleman. It is nice to see that we can get secret ballot elections germane to the labor law.

Mr. BARTLETT. I thank the gentleman for his comments and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. CLAY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 2, line 8, strike out "performing" and all that follows through line 2 on page 3 and insert in lieu thereof the following: that—

"(a) perform or otherwise conduct or supervise the same or similar work, in the same or in different geographical areas; and

"(b) upon viewing the totality of the relevant circumstances in the aggregate, have a substantial qualitative degree of interrelationship of operations and common ownership, management, or control which would not be found in an arm's length relationship existing among unintegarated companies,

shall be deemed single employer.".

Mr. BARTLETT. Mr. Chairman, the purpose of this amendment is to clarify the definition of a single employer that is contained in H.R. 281. I would comment that this amendment further improves on an amendment that had been made earlier by the gentleman from Missouri [Mr. CLAY] in combination with the gentleman from Oregon, but the amendment made earlier did not go far enough and did not completely clarify the situation.

I have drawn most of the text of the amendment from indeed the committee report, written by the majority. The report states that:

A single employer relationship will only be found when all of the relevant circumstances viewed in the aggregate show that the relationship between the entities is not an arm's length one.

I refer to both the bill and to the amended version of the bill and conclude that there is no comment about the aggregate or the arm's length.

It further states that:

The mere fact that one company may have a "miniscule investment" in a second company, will not be sufficient to make those entities a "single employer" within the meaning of the bill.

The test that would be applied in making such determinations under H.R. 281, according to the report, would be the: "Test for determining single employer status stated in the D.C. Circuit's Kiewit opinion."

The test as stated in that opinion is whether there is, "A substantial qualitative degree of interrelationship of operations and common management."

I will stop at that point. "* * * commented that the bill as drafted does not mention interrelationship of operations at all."

The D.C. Circuit's opinion goes on to say that "one that we are satisfied would not be found at arm's length or arm's length relationship existing among unintegrated companies."

That is from Operating Engineers Local 627 versus NLRB.

Any reading of the bill would indicate a substantial difference between the actual language of section 2(a) in the bill and the description of that language articulated in the committee report.

The bill states that business entities having any direct or indirect common ownership, management or control—and the gentleman has taken out the word any—shall be deemed a single employer; but the word "or" clearly bars a weighing of circumstances in the aggregate as an absolute test.

Indeed, no room whatsoever would be permitted for a flexible approach to making single employer determinations.

The amendment that I am offering would bring the language of section 2(a) in line with the description of that language contained in the committee report. A weighing of all the relevant circumstances would be permitted under my amendment. The very type of weighing that is contemplated in the D.C. circuit's Kiewit decision and the National Labor Relations Board would be given the flexibility that the sponsors want to be a part of H.R. 281.

To accomplish that end, the amendment directly incorporates key phrases from the committee report and from the Kiewit decision, sided with the approval in the committee report.

Adoption of the amendment will provide labor employees and management with a more consistent statement of the intent of section 2(a).

Does this make the bill perfect? No; it does not. It does at least make the bill do what the sponsors say they want it to do, and I would refer the House to page 5 of the committee report where they cite the Kiewit decision:

That court concluded that the proper test is whether there is "a substantial qualitative degree of interrelation of operations and common management—one that—would not be found in the arm's length relationship existing among unintegrated companies."

The committee bill, as amended, speaks nothing of that, but would say that if there is common ownership, substantial ownership, then those two companies can, even with an arm's length, nevertheless, would be deemed a single employer.

The committee report goes on to say on page 7 that the bill provides that several factors such as common ownership, common management and common control—I remind the House that the committee bill speaks of every one of those factors—are to be viewed in the aggregate to determine single employer status and with the totality of the relevant circumstances show that the relationship between two or more companies is not an arm's length one; the single factor of

common control of day-to-day labor relations is to be given weight.

The difference between this amendment and the committee bill, as amended, is this: This amendment would say that so long as those subsidiaries are at arm's length, independent companies, then they can operate in two different marketplaces and the employees can choose which one to work for.

□ 1445

The committee bill says no, that so long as the company has substantial common ownership it cannot operate two independent arms's-length companies as current law now provides and as the sponsors of the bill seem to have supported in the committee report.

So I urge adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CLAY. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, this is a codification of the existing standard applied by the NLRB to determine single employer status. And as experience has demonstrated, this standard is not sufficient to close the loopholes that permit employers to walk away from their contractual obligations. If the board had propely performed its duties in the first instance, this legislation would not be necessary.

Instead, the Board using the very standard we are being asked to adopt by the gentleman, has sanctioned the ability of an emloyer to unilaterally walk away from its commitments to workers. In the Kiewit case that the gentleman referred to, it was stipulated on the record that the Kiewit Co. was subject to a collective bargaining agreement and that it brought in a wholly owned, nonunion subsidiary for the express purpose of avoiding the requirements of the agreement.

There no question of common ownership or control. Despite this, the NLRB found that since the day-to-day labor relations of each company were handled separately, the contract did not apply.

Now the amendment before us does not ensure that the Board or the courts will make their determination of single employer status on the basis of all relevant facts. Rather, it permits the Board to apply the same reasoning it used previously. By so doing, it recreates a means by which employers will continue to escape the obligations of their agreements.

As I have stated in committee, in the report and on the floor, section 2(a) is intended to apply only to related businesses and not to truly independent businesses.

If the gentleman remains concerned that section 2(a) as reported may still apply too broadly, then I say to the gentleman that the amendment offered by the gentleman from Oregon [Mr. AUCOIN], should have addressed that concern. H.R. 281 is not intended and will not result in truly independent businesses being deemed to be single employers.

The amendment that is before us, however, poses the very real likelihood of undoing all this legislation seeks to accomplish by insuring the ability of employers to unilaterally abrogate collective bargaining agreements.

Mr. Chairman, I urge that the amendment be defeated.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. BERMAN. Mr. Chairman, if this amendment is adopted we are actually worse off than under existing law in the effort to try to deal with what I feel is the pernicious practice of double breasting, of allowing an employer to unilaterally abrogate a collective bargaining agreement by settling up a shell operation. If you examine the language of the amendment, two operations which have absolutely identical common ownership, common management and control but are not found to have a substantial qualitative degree of interelationship of operations because the common ownership has decided, looking at this amendment, that that is the way they avoid coming within the scope of this amendment, those are not found to be a single employer.

We are worse off than under existing law where at least the National Labor Relations Board and the courts in interpreting them can on a case-by-case basis look at the situation and all the facts surrounding it and determine whether in fact an effort to avoid the obligations of section 8f of the National Labor Relations Act are being complied with.

The amendment adopted earlier, by Mr. AUCOIN, deals with the problem of some identity of management or ownership which is not intended to be and is not in reality a double breasting situation.

This amendment adds a level of a test that provides simply a blueprint for the construction employer who wants to get out of a contract that he has signed before the term of that contract has expired; it just shows him the way.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. I thank the gentleman for yielding.

The gentleman from Texas seems to make a new definition of what a single employer is. Under the amendment that the Committee of the Whole just adopted we have accomplished the definition that mets many of the objections and concerns of the gentleman from Texas.

Under the terms of that adopted amendment, a substantial degree of common ownership would have to be in place before any two business entities could be considered a single entity. No two separate entities would be bound by an agreement signed by one if their only connection was some small degree of common ownership. So I think that the Committee has worked its will, it has defined what a single employer ought to be. It is not painted, this definition, with a large brush. It has been very refined. It has made clear what we intend.

Mr. Chairman, I appreciate the gentleman yielding, and I urge defeat of the Bartlett amendment.

Mr. BERMAN. I thank the gentleman for his comments. I agree with them completely. I only want to reiterate, under the gentleman's amendment, if it is adopted, you can have an absolute, complete and total common ownership, management and control, but if they have organized their operations to not have the substantial qualitative degree of interrelationship, which will be obviously their incentive to do under this provision, they are not a single employer.

So any of the criticisms of any other amendment that has been offered and accepted to this bill are not met by this amendment. This goes far beyond that.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. If I still have time, I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

The gentleman is saying what is in the committee report and I think what should be in the law. The only difficulty is the committee bill, even as amended, does not say that. The committee bill does not provide for, as the gentleman has stated, for several factors with an interrelationship. The committee bill as amended says you are a single employer if you are having directly or indirectly substantial common ownership, common management or common control. So if you do not have common ownership but you have common management, then therefore you are a single employer. If you are owned by two different companies but you have some common mangement, you are a single company, single employer.

Could the gentleman reconcile what he is saying and what the bill says?

Mr. BERMAN. Under the amendment that the gentleman from Texas is offering if company A, with owners and management, dissolves even though they are obilgated for several more years a under a collective bargaining agreement, and company B,

same ownership, same managment, takes over those operations, where is the substantial qualitative degree of interrelationship with the company that is dissolved and a company that is now starting operations? The gentleman is adding a test that I think goes far beyond his criticisms of the language of this bill.

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has expired.

(On request of Mr. BARTLETT and by unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman continue to yield?

Mr. BERMAN. I yield to the gentleman.

Mr. BARTLETT. I thank the gentleman for yielding further.

What this amendment says, and it says it directly, is that upon viewing the totality of the circumstances in the aggregate, have a substantial qualitative degree of interrelationship of operations and common ownership, management or control. This amendment says what the gentleman is saying. But as I understand the gentleman, and I respect him a great deal, he is knowledgeable in these areas. But the difficulty is, what the gentleman is saying is not what would result from the bill as it is currently drafted.

Mr. BERMAN. Not to beat this horse too much, if I may reclaim my time, but if the gentleman could answer one question: The NLRB or the circuit court reviewing an NLRB decision in this area, looking at the totality of the relevant circumstances, how could they possibly find that a company that has gone out of existence but has the exact same ownership and management as a company that has sprung up in order to avoid a collective bargaining contract, has a substantial qualitative degree of interrelationship of operations?

They cannot find it because a company that is no longer in existence has no interrelationship with the new company. Perhaps unintentionally the gentleman has drafted an amendment that I think creates an impossible situation and is truly worse than the existing laws in this area.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield on that point?

Mr. BERMAN. I yield to the gentleman.

Mr. BARTLETT. I suppose what I am saying is, if under current law or under my amendment, if a company shifted all of its control and all of its contracts over to another company simply to avoid, as an alter ego, to avoid its legitimate prehire agreement, that is already illegal, and we do not need a bill to solve that. My amendment continues that, that would be illegal. The committee bill, unamended, goes far beyond that and says that if a company has two independent subsidiaries at arm's length, it is, necessarily, nevertheless a single employer even though they are two completely separate entities, separate employees, separate management, separate contracts, but it would be deemed under labor law, but under no other law, under labor law to be a single employer.

My only purpose in offering this amendment is that the committee report says it should not be, current law says it should not be, the employees do not want it, only the sponsors of this legislation would want it to be.

I thank the gentleman.

Mr. BERMAN. I appreciate the comments of the gentleman.

I would just suggest that an examination of this language would indicate an effort to go far beyond the criticisms the gentleman has of the existing bill.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. STENHOLM. Mr. Chairman, I rise in support of the amendment.

This amendment should certainly be acceptable to the committee which reported H.R. 281, because it does no more than reconcile the rather vague and very broad language of one portion of the bill with what the authors have said they intended in the committee report.

I am referring, of course, to the provision that defines what constitutes a "single employer."

By its own terms, the bill would have the NLRB and the courts find single ownership when there is "any direct or indirect common ownership, management or control." I particularly note with concern the words "any"—which does not seem to establish any quantitative standard—and "indirect"—which leaves uncertain just how far apart two firms really have to be before they are considered separate businesses.

The amendment solves this significant problem by simply replacing the bill's overbroad definition with one right out of the committee report, one that very much reflects the commonsense approach that has developed under a good deal of case law.

Mr. Chairman, I have always believed it is the best policy not to explain what you mean to say but to simply say what you mean. That is the simple, but substantial, improvement the Bartlett amendment makes in this bill.

I support it and I hope everyone else will, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 247, not voting 21, as follows:

[Roll No. 84]

AYES—165

Archer	Hall, Ralph	Nielson
Armey	Hammerschmidt	Oxley
Badham	Hansen	Packard
Bartlett	Hartnett	Parris
Barton	Hatcher	Pashayan
Bateman	Hefner	Porter
Bereuter	Hendon	Pursell
Bilirakis	Henry	Quillen
Bliley	Hiler	Ray
Boulter	Hillis	Roberts
Broomfield	Holt	Rogers
Brown (CO)	Hopkins	Roth
Broyhill	Huckaby	Roukema
Burton (IN)	Hunter	Rowland (GA)
Byron	Hutto	Rudd
Callahan	Hyde	Schuette
Carney	Ireland	Schulze
Chandler	Jeffords	Sensenbrenner
Chappell	Jenkins	Shaw
Chappie	Kasich	Shumway
Cheney	Kemp	Shuster
Coats	Kindness	Siljander
Cobey	Kolbe	Skeen
Coble	Lagomarsino	Slaughter
Coleman (MO)	Latta	Smith (NE)
Combest	Leach (IA)	Smith, Denny (OR)
Cooper	Leath (TX)	Smith, Robert (NH)
Craig	Lewis (CA)	Smith, Robert (OR)
Crane	Lewis (FL)	Snowe
Daniel	Lightfoot	Snyder
Dannemeyer	Livingston	Solomon
Darden	Lott	Spence
Daub	Lungren	Stangeland
DeLay	Mack	Stenholm
DeWine	Marlenee	Strang
Dickinson	Martin (IL)	Stump
Dreier	Martin (NY)	Sundquist
Duncan	Mazzoli	Sweeney
Eckert (NY)	McCain	Tauke
Edwards (OK)	McCandless	Tauzin
Emerson	McCollum	Taylor
English	McCurdy	Thomas (CA)
Evans (IA)	McEwen	Valentine
Fawell	McKernan	Vander Jagt
Fiedler	McMillan	Vucanovich
Fields	Meyers	Walker
Franklin	Michel	Watkins
Frenzel	Miller (OH)	Weber
Gekas	Monson	Whitley
Gibbons	Montgomery	Whittaker
Gingrich	Moore	Whitten
Goodling	Moorhead	Wolf
Gradison	Morrison (WA)	Zschau
Green	Myers	
Gregg	Neal	
Gunderson	Nelson	

NOES—247

Ackerman	Bonior (MI)	Crockett
Akaka	Bonker	Daschle
Alexander	Borski	de la Garza
Anderson	Bosco	Dellums
Andrews	Boucher	Derrick
Annunzio	Boxer	Dicks
Anthony	Breaux	Dingell
Applegate	Brooks	DioGuardi
Aspin	Brown (CA)	Dixon
Atkins	Bruce	Donnelly
AuCoin	Bryant	Dorgan (ND)
Barnard	Burton (CA)	Dowdy
Barnes	Carper	Downey
Bates	Carr	Durbin
Bedell	Chapman	Dwyer
Beilenson	Clay	Dymally
Bennett	Clinger	Dyson
Bentley	Coelho	Early
Berman	Coleman (TX)	Eckart (OH)
Bevill	Collins	Edgar
Biaggi	Conte	Edwards (CA)
Boehlert	Conyers	Erdreich
Boggs	Coughlin	Evans (IL)
Boland	Courter	Fascell
Boner (TN)	Coyne	Fazio

Feighan	Manton	Savage
Fish	Markey	Saxton
Flippo	Martinez	Schaefer
Florio	Matsui	Scheuer
Foglietta	Mavroules	Schneider
Foley	McCloskey	Schroeder
Ford (MI)	McDade	Schumer
Fowler	McGrath	Seiberling
Frank	McHugh	Sharp
Frost	McKinney	Shelby
Fuqua	Mica	Sikorski
Gallo	Mikulski	Skelton
Garcia	Miller (CA)	Slattery
Gaydos	Miller (WA)	Smith (FL)
Gejdenson	Mineta	Smith (IA)
Gilman	Mitchell	Smith (NJ)
Glickman	Moakley	Solarz
Gonzalez	Molinari	Spratt
Gordon	Mollohan	St Germain
Gray (IL)	Moody	Staggers
Gray (PA)	Morrison (CT)	Stallings
Guarini	Mrazek	Stark
Hall (OH)	Murphy	Stokes
Hamilton	Murtha	Stratton
Hawkins	Natcher	Studds
Hayes	Nowak	Swift
Heftel	Oakar	Synar
Hertel	Oberstar	Tallon
Horton	Obey	Thomas (GA)
Howard	Olin	Torres
Hoyer	Ortiz	Torricelli
Hubbard	Owens	Towns
Hughes	Panetta	Traficant
Jacobs	Pease	Traxler
Johnson	Penny	Udall
Jones (NC)	Pepper	Vento
Kanjorski	Perkins	Visclosky
Kaptur	Petri	Volkmer
Kastenmeier	Pickle	Walgren
Kennelly	Price	Waxman
Kildee	Rahall	Weaver
Kleczka	Rangel	Weiss
Kolter	Regula	Wheat
Kostmayer	Reid	Williams
LaFalce	Richardson	Wilson
Lantos	Ridge	Wirth
Lehman (CA)	Rinaldo	Wise
Lehman (FL)	Ritter	Wolpe
Leland	Robinson	Wortley
Lent	Rodino	Wright
Levin (MI)	Roe	Wyden
Levine (CA)	Roemer	Wylie
Lipinski	Rose	Yates
Long	Rostenkowski	Yatron
Lowry (WA)	Rowland (CT)	Young (AK)
Luken	Roybal	Young (MO)
Lundine	Russo	
MacKay	Sabo	

NOT VOTING—21

Bustamante	Jones (OK)	Madigan
Campbell	Jones (TN)	Nichols
Davis	Kramer	O'Brien
Dornan (CA)	Lloyd	Sisisky
Ford (TN)	Loeffler	Swindall
Gephardt	Lowery (CA)	Whitehurst
Grotberg	Lujan	Young (FL)

□ 1510

The Clerk announced the following pair:

On this vote:

Mr. Campbell for, with Mr. Ford of Tennessee against.

Mr. BOLAND and Mr. THOMAS of Georgia changed their votes from "aye" to "no."

Mr. KASICH and Mr. WHITTEN changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SABO. Mr. Chairman, I move to strike the last word.

Mr. SABO. Mr. Chairman, I rise in strong support of H.R. 281, the Construction Industry Labor Law Amendments.

Labor-management relations in the construction industry are unique. Work sites shift, manpower requirements are continually in flux, and much of the labor force is transient. Contractors often do not hire a full complement of workers until their bid is accepted. Certifying a union is a long process. If traditional union election procedures were required for the construction industry, the work might well be completed before the election.

Congress recognized the unique nature of the construction industry when, in 1959, it added section 8(f) to the National Labor Relations Act. That important amendment permits contractors and unions in the construction industry to enter into prehire agreements wherein the contractor agrees to hire at the union hall at agreed wages and benefits and the union agrees to make skilled workers available. There is no obligation for either the contractor or the union to sign prehire agreements and workers have the right to decertify the union once work is under way.

Unfortunately, a recent line of National Labor Relations Board and court decisions have eroded the effect of prehire agreements. The Board and court decisions have given contractors two avenues to avoid the bargaining agreement. First, they can ignore the agreement when beginning a new project—even if the agreement is for a term of years—unless the union can prove that a majority of the contractor's stable work force or a majority of workers on each job site support the union. Shifting work sites and changing work forces make that difficult.

The other option available to contractors is double breasting. There, the contractor sets up a second, nonunion company which performs the same type of work in the same area under basically the same management and control. The effect is to defeat the terms of existing prehire agreements.

Mr. Chairman, H.R. 281 does not impose an unfair burden on the contractor. It does not expand the law passed 27 years ago—it only restores the intent of that law. Under this bill, prehire agreements would have the same binding effect as other collective-bargaining agreements for the period specified in the agreement. Workers would still be entitled to decertify the union. The bill also provides that related business entities in the construction industry under common control and performing the same or similar work would be considered a single employer for the purposes of labor law and would cover all operations of that employer within the geographic area specified in the agreement. It does not impose collective-bargaining agreements on companies that are truly independent.

This legislation is fair and reasonable and, once again, reasserts congressional intent. I believe that it deserves support.

Mr. JEFFORDS. Mr. Chairman, I move to strike the last word.

Mr. JEFFORDS. Mr. Chairman, I had originally intended to offer a substitute to this bill. But I have taken note of the vote on the last amendment, which I believe was a good amendment, because it would merely have clarified what the majority and the authors of this bill said they intended to do. It is obvious that I would be less than likely to succeed in an attempt to get an amendment which would take care of an even more egregious part of the bill dealing with appropriate bargaining units. Thus, I will not ask Members on this very divisive and difficult issue to again vote on something which I know will not prevail.

I would just point out that we do have some very difficult amendments, on philosophic issues, which we must deal with; and, therefore, I will not take the time of the committee to deal with the substitute, which I believe would have been excellent help and assistance to the people who desire to pass this legislation.

Meanwhile, unlike H.R. 281, my substitute would also have retained an additional protection under current law for the workers: For the collective bargaining agreement to apply to both companies, the NLRB would have to determine that the workers of the two companies have a "community of interests." This requirement applies to all collective-bargaining agreements in all industries and is based upon the fundamental premise that workers with different needs should not be bound together under collective-bargaining agreements.

In addition, my amendment would have strengthened the union's hand at the bargaining table by specifically permitting antidouble breasting clauses in collective bargaining agreements in the construction industry. Some agreements in the industry already include such clauses, but they are currently being challenged by the National Labor Relations Board as constituting unlawful activity against separate employers. In my view, if we are to retain the current definition of "single employer," we should at least give the unions the tools they need to acquire additional protection at the bargaining table.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 3, line 20, after the word "shall" insert a comma and the following new language: "upon ratification by a majority of the employees in the bargaining unit covered by the agreement (in a secret ballot election conducted under section 9(c)),".

□ 1525

Mr. BARTLETT. Mr. Chairman, I think this amendment is the key amendment to the bill. It is one that goes to the heart of the unfairness that is in the current bill.

This amendment, entitled "Secret Ballot Amendment," preserves the free choice of employees who have not been given the opportunity to decide if they want to be bound by the terms of a union contract, including paying

union dues and having to work by union work rules. It guarantees the right of these employees to vote by secret-ballot election, on whether or not they want to be represented by a labor union before they are automatically subject to the terms of a union agreement that was negotiated without their knowledge or without their consent or without their participation.

Mr. Chairman, under H.R. 281, the difficulty with the bill is that the union contract of a single employer would be automatically—automatically—applied to any nonunion entity of that employer if, under the definition we have previously adopted, the entity has any operations within the same geographical area.

It does not matter if the employees of the nonunion operation are perfectly happy with their current jobs and wages, and prefer to be working open shop. H.R. 281 arbitrarily requires that the collective-bargaining agreement of the unionized contractor would be extended to those nonunion employees. In other words, employees who may have willingly worked for years in a nonunion setting are going to suddenly find themselves bound by a union contract, and may have to pay dues to a union which they never got a chance to vote on.

This bill without this amendment would turn on its head the fundamental tenet of freedom of choice, which has been part of our national labor law since 1935. Instead of giving these employees the right to decide on whether or not they want to be represented by a union before they have to pay union dues and work according to the work rules and abide by the terms and conditions, the bill instead says that they must go through complicated NLRB procedures, so the employees themselves would have to go through a decertification process to repudiate the union contract after the fact. In so many words, they are being told without this amendment that they are going to work union, and if they do not like it, too bad; they will just have to quit.

Furthermore, if the contract has a union-security clause, the employees will have to pay union dues and abide by work conditions set by the union or they will lose their job with no right of appeal.

My amendment does not alter the basic purpose of H.R. 281. I think we have resolved that in the definition of "single employer." It will not prevent a union contract from being extended to all operations of a dual-shop employer. I wish it did, I wish it could, but the House has worked its will. It simply says that before the contract goes into effect on the employees of a company who have chosen to work nonunion, that they will have the opportunity through an NLRB-supervised secret-ballot election to decide whether they want to be represented by the union.

Mr. Chairman, we have in current law in section 9(c) of labor law a whole body of law regarding the conduct of secret-ballot elections. We also provide that the NLRB could set new rules and regulations for the conduct of elections within the context of a prehire agreement. This would be one election one time. It would not provide for a project-by-project or site-by-site kind of election. It merely says that the employees of that open shop would be given one opportunity to cast a vote. It does not preclude those employees from later coming back, if they vote no, indicating majority support and joining either that union or another union at a later time.

There is some comment that I have heard over the last 6 months that this—frankly, as we have tried different drafts to get to the purpose—somehow is not a perfect draft. I would suggest that the bill is so flawed, that the bill is so imperfect, that this draft is a perfect draft in the sense that it restores a fundamental right of employees to vote on whether or not they want to belong to a union and abide by the terms and conditions of a union contract.

H.R. 281 without this amendment takes that right away. Make no mistake about it—this vote will be purely a vote for democracy in unions. I understand that is what they want. I understand that is the goal. It merely says that, without regard to everything else, the employees themselves have a choice.

Amendments had previously been opposed by some organizations—the Department of Labor, the AGC, and others. I would report to the House that today, as of now, those organizations are supporting this amendment as a way to restore some degree of democracy and some degree of rights to employees from the results of an unfair bill.

I urge my colleagues to think fairness, to think about being fair to those individual men and women who are doing the work, who are paying the dues, and who are in the contracting and construction business and who are building this country.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

(On request of Mr. ROEMER, and by unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute).

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I did not support the past amendment of the gentleman from Texas, and I am questioning this one. If the gentleman would yield to me for that purpose, I would ask a question.

Mr. BARTLETT. I yield to the gentleman from Louisiana.

Mr. ROEMER. What is the current law? Is the gentleman correcting a wrong in the current law with this amendment, or does the bill address this issue at all?

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for his question.

The current law does not have an ill in it. The ill is created by the bill. So my amendment is related only to the difficulties that the bill would provide. The current law says that if you belong to a company and you indicate majority support, then you can get an election, or then you can have, with majority support, that union contract negotiated on your behalf.

This bill would turn that on its head and say that the employees of the previously open shop would have none of those rights. That would just restore current law, the rights to a vote.

Mr. ROEMER. If the gentleman would yield further, if you are employed and are nonunion under current law, and you would like to have an election to join a union, can you do that immediately?

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

(On request of Mr. ROEMER, and by unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, first let me say that yes, under current law if you are an employee and you want to organize or show some majority support to create a union, you can do that. My amendment would not affect that. You still could do that.

Mr. BERMAN. Mr. Chairman, will the gentleman yield further on that point?

Mr. BARTLETT. I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I believe the gentleman from Texas [Mr. BARTLETT] has inadvertently but inaccurately stated the situation. Current law has section 8(f) and other sections of the National Labor Relations Act which in the construction industry authorize prehiring collective-bargaining contracts between the employer and the union without that kind of an election. The gentleman's amendment seeks to fundamentally change the structure of existing law, and later on in the course of the debate on this amendment I will speak to it. There is a germ of logic in what the gentleman is saying. Unfortunately I do not think this amendment deals with the problem in anywhere near a correct fashion.

I think the question of the gentleman from Louisiana [Mr. ROEMER] is still before the House. This issue that

the gentleman from Texas [Mr. BARTLETT] is seeking to address is a problem that he has with existing law on collective bargaining and elections in the construction area; it is not a problem that the bill is creating.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would require a secret ballot vote for the selection of a bargaining representative. It goes well beyond the scope of H.R. 281, which addresses two narrow and specific problems with the current interpretation of the National Labor Relations Act as it applies to the construction industry to alter current practices of voluntary recognition in all industries. The amendment is totally unwarranted and deserves defeat.

Under the current law, as it applies outside the construction industry, unions can achieve the status of collective-bargaining representative in one of two ways: Either the employer recognizes the union as the representative of the majority of its employees or the union wins an election conducted by the National Labor Relations Board. This amendment would eliminate the first method. The amendment's sponsors have made no showing, nor could they, that employer recognition based on evidence of majority support is not a legitimate means for unions to achieve the status of bargaining representative. In fact, given all of the union-busting consultants and coercion which unscrupulous employees now use in NLRB election campaigns, a check of authorization cards may well result in a more accurate reflection of employee sentiment than the totals in a Board-run election. To do away with voluntary recognition would place an enormous administrative burden on the NLRB, as now all organizing campaigns would result in Board elections. It would also severely limit unions in their ability to organize and represent employees.

Certainly, in the construction industry, requiring representation elections is the surest way to assure that employees will never receive the benefits of union representation. Because of the peculiar nature of the construction industry, with jobs of short duration and employees working for many different employers, representation elections simply aren't feasible. This amendment would do away with prehire agreements completely and effectively preclude workers in the construction industry from ever being represented by a union.

□ 1535

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. CLAY. Yes.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding.

I think the gentleman is making an important point. On the surface the gentleman's amendment seems reasonable, but if Members will take just a moment to think about the nature of the construction industry and the workers who find their livelihood there, they will stop and pause and realize that imposing an election in each one of these cases for certification would mean that you would have an election process at each construction project and the practical effect of that by eliminating prehire agreements would be that an election would have to be held and the project would probably be completed before the election could be held; so that is even worse than current law. It imposes an industrial union model standard on the construction industry. I think history has shown that is simply inappropriate for the particular nature of the construction industry. Would the gentleman agree with that.

Mr. CLAY. I certainly agree with it. In fact, the history of representation elections now shows that some of them can take as long as 5 years to be completed. These projects usually average between 3 months and 6 months. You would never have an election within that time frame in order to determine who has a majority of the workers.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. CLAY. Yes; I certainly will.

Mr. BERMAN. Mr. Chairman, I think both the gentleman from Missouri and the gentleman from Oregon have put their finger on it; but I think the problem is much worse than has even been illustrated up to now.

Under existing labor law and if this amendment would apply this process to the construction industry, your typical scenario is that the employees, a majority of whom seek to be represented for purposes of collective bargaining, file a petition. The employer then has the right to challenge the bargaining unit that that election is supposed to take place in.

There is then an NLRB examiner's hearing on the issue of what is the appropriate bargaining unit, with evidence presented on both sides and hearings that have gone on for months and months in many cases, but certainly for at least a week. A transcript is printed.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(At the request of Mr. BARTLETT, and by unanimous consent, Mr. CLAY was allowed to proceed for an additional 5 minutes.)

Mr. CLAY. I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. After the hearing, briefs are filed. They go before the National Labor Relations Board. The Board considers them, makes a ruling on the appropriate bargaining unit, which the employer, if he does not like the result, or the union, can seek to have a review in the circuit court of appeals for the appropriate district, either the District of Columbia or the area of the construction site, and then with potential appeal to the Supreme Court. That is only one part of the problem.

You are now down the road a number of months and years from the time the petition is filed.

After the election, either party can file objections to who is voting, claiming that person was not entitled, was not a member of the bargaining unit, was not an employee at the appropriate time, and the objections to certain ballots are also litigated in a manner somewhat similar to the one for the bargaining unit.

Even at that point, either side can file unfair labor practices. First a charge is filed. The Board investigates. Their agent in that particular area investigates. Then a complaint, then litigation.

The problem, the fundamental problem of the National Labor Relations Act right now is the procedural obstacles thwart the will of the employees. To impose this on a seasonal industry of transitory nature with many different sites without protections for quick elections, for immediate certifications of the employees to vote that way or insuring that bargaining rights will be observed, ends up making a greater mockery of the process than the problem the gentleman is seeking to correct.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentlewoman.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman, the chairman of the committee.

Mr. Chairman, I rise to express my agreement with what the chairman of the committee has said.

I reluctantly must disagree with my friend and colleague, the gentleman from Texas, and let me tell you why. As this body knows, I am against this bill, but I am not intent on destroying the fundamental purpose of prehire agreements, which I am afraid would be the consequence of this well-intended, but I think ill-advised amendment.

I tussled with this problem of prehire agreements and the choice question myself in trying to devise a substitute. As you know, in the committee we tried to work on that.

We must not forget the history of prehire agreements and the fact that in the 1950's secret ballots did not work because of the peculiar and unique nature of the industry which made it necessary to permit prehire

agreements under section 8(f). That is why we have section 8(f).

Now, to propose a secret ballot would destroy prehire agreements, literally destroy them. There are other ways, I might say to the gentleman from Texas——

Mr. BARTLETT. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. No, I will yield in a moment, but I must get this point across.

There are other ways to show majority support and give employees a choice that do not involve secret ballots.

So if our concern is for employee choice, there are many ways recognized under existing case law and under NLRB decisions to do that. I will not go into that and take the time for it now, but believe me, there are at least three or four other ways that are feasible. Secret ballots are not feasible because of the length of time. They would literally destroy prehire agreements.

Now, there is a second reason why I cannot support my friend, the gentleman from Texas, and that is the whole question of mixing the choice of the bargaining unit with that of the negotiated contract.

Under the words of the gentleman's amendment, the two are confused. The gentleman makes almost synonymous the vote on majority support for the union with majority support for the contract. I suggest that that cannot be done. It should not be done. It is an administrative nightmare and it is totally impractical.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I respect the gentlewoman from New Jersey a great deal and the gentleman from Missouri, but I would just ask them to reread the amendment. The fact is what they have said all along is that they are in favor of showing majority support, but they do not want under this bill for the employees of an open shop to be able to demonstrate majority support, because they have not provided any procedure for majority support indications for those employees who would have the terms and conditions of a prehire agreement applied to them.

I would suggest that the secret ballot election, one ballot, one time, is the best way to demonstrate that.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

(At the request of Mr. BARTLETT, and by unanimous consent, Mr. CLAY was allowed to proceed for an additional 2 minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. CLAY. Yes.

Mr. BARTLETT. If the gentlewoman from New Jersey or the gentleman from Missouri would offer one of those attempts to allow majority support or any indication of that employee to have any voice at all in the process, than I would support it; but it is not in the bill and it is not in any of the amendments that have been proposed, except this one. This one says very clearly, and I just invite the Members to reread it, that the application of those terms and conditions, the union terms and conditions, only applies upon the ratification by a majority of the employees in the bargaining agreement. That is all it says.

It allows the NLRB to set up an election. An uncontested election in fact generally takes less than 30 days.

Is it a site-by-site election, as the gentleman from Oregon suggested? No, it is not. It is one election. It is one opportunity for the employees to indicate their will. In fact, other procedures allow those employees if they vote down a union one time, they can come back under the regular procedures. This would be a simple election, one election, that would be mandated by law.

Mr. CLAY. Let me reclaim my time. Mr. Chairman, just to answer briefly.

There is no need for us to put any stipulations into this, because existing law provides a mechanism for union members to decertify that union, so it would be redundant for us to put it back into this bill that we are now passing.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield briefly?

Mr. CLAY. Yes, I will.

Mr. BARTLETT. I agree that current law does provide for an indication of majority support, but H.R. 281 takes away that provision of majority support and would say that on day one the open shop employees would be bound by the terms and conditions of a prehire agreement that someone else negotiated.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

I guess I would like to make an announcement before I begin. I am a junior member of the committee and given the protocol and conventions of the House, the junior members of the committee must wait and then, of course, noncommittee members wait longer. That being the case and my having demonstrated all this patience, I will ask, please do not ask me to yield until I have given the statement that I have waited so long to give.

I want to make that point because I want to also recognize that there is something in the amendment of the gentleman from Texas [Mr. BARTLETT] that goes beyond the letter of the law, and that is the fact that all of our businesses are conducted not only within the terms of the letter of law, but in terms of the conventions and the practices of the environment in which we carry that out.

Now, I cannot help but also observe, you know, we live in a culture that has held out the hope for hundreds of years now that someday the lion will lay down with the lamb. I suppose we might get some very real evidence that that day is soon to be here when we find that the union member may be willing to go to work on the same site as the nonunion worker. I do not understand why that is so difficult. I have done that. I have worked right along side nonunion workers. We managed to get along fine; but that is so much a part of the problem.

Let me go to the issue that the gentleman from Texas [Mr. BARTLETT] is addressing here. Because of the nature of the business, the seasonal nature of it and the shortness of duration of many of the jobs, we cannot go through the normal process of certifying a union. The elections take too long and it is because of that that we developed the prehire arrangement.

Frankly, it has worked pretty well. The construction industry in America has done very well over the past 20 years. Construction workers have done very well, but within the context of this and given the geographic locations we move to and from, the different conventions in those different locations, the different natures of work forces, we have found in this industry that it has worked very well for those workers who chose not to be union members. There has been a decline in membership. It has not worked well for the union and its membership and I really fear that that is the big reason we have this impetus for this legislation. One reason I fear that is because I read about it in an AFL-CIO publication.

Certainly every organization wants to build its clientele and its constituency. We should not expect the union organizations to be any different; but looking then at this process, what we find here is a piece of legislation that would make the prehire agreement binding on those employees of the part of the firm or the firm or whatever that made the agreement; but then also binding on employees in another operation that is nonunion where the workers are happy to abide by them.

Now, what we find happening, given the condition that we could not go through the normal certification because of the nature of the employment, we provide for their right, the workers' right to express their will through the opportunity for a decertification election; that is to say, once we have got the unionization status, we are now saying that if there is time

within the context of this contract, you can decertify that.

□ 1550

If this is not time to certify, there is not time to decertify. That is part of the problem. But the gentleman from Texas [Mr. BARTLETT] is saying that workers in a plant in a community 30 miles away from those in a plant or on a job site that have negotiated and accepted the prehire agreement should not be bound by that without some opportunity to express their fundamental right.

It is an absolutely, totally accepted tenet of a democratic system that the people living under the jurisdiction of that system have the right to an election with a secret ballot. It is hard for me to imagine that anybody would want to deny anyone of the right to do that.

How much of the debate that we have had with respect to foreign policy has been centered around whether or not this country should deal in questions of the right of people to have free elections with secret ballots in other parts of the world, and yet we are talking about people here, with respect to that dimension of their lives that is so near and dear to their ability to provide.

I might also point out that part of the problem is complicated because of the question of free riders, and there is a question. Is it fair for the union to be compelled to exclusive representation, to give that representation to members who do not pay dues or join the union? I say no, it is not fair, and I would like to make a point at this time, for anybody here willing to join with me. I am perfectly willing to take legislation into this body that relieves that unfair burden of exclusive representation from the union. They should not be required to represent workers who do not pay dues.

The worker who decides he does not want to, declines membership, does not pay the dues, should not be required to live under the burden of the representation he said he did not want.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

I will take less than 5 minutes. I want to thank my colleague, the gentleman from Texas, for helping me there with the parliamentary procedure. Unlike him, however, I do not think I will yield at all because I want to get this over with.

First of all, I want to make a couple of points that are not technical in nature but have to do with general philosophy. I would also like to say to the gentlewoman from New Jersey, in her reference to the gentleman from Dallas, that he may be well intentioned but he is never ill-advised. He knows exactly what he is doing, and he always does, and he does it very well.

Everyone in here knows that his amendment is an amendment that basically is a union-busting amendment; that it provides for elections on construction sites that simply will not work; that we cannot apply the industrial norm to the construction norm. I think that is very important and I am firmly convinced that my good colleague from Dallas knows that exactly.

Finally, I would like to say that in relation to what was just said by my other colleague from north Texas, we do live in a multicultured society. One of the things that holds our society together is that we share power in this society. Everybody has something to say about the society.

During the last few years, I believe that the balance of power has shifted dramatically away from those who represent organized workers. I do not believe that is necessarily a healthy thing. I think this would be a trend ever further in that direction, which I do not think would be healthy for the United States.

I would like to remind all of my colleagues that in the United States we have only substantial trade union movement in the world that is not Socialist or worse, and I think we should try to keep it that way.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. STENHOLM. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. BARTLETT], and I am indeed considerably puzzled by particularly the last statement of my friend, the gentleman from Texas.

I would call the attention of each of my colleagues to the bill, page 3, starting at line 6 through line 14, and I would appreciate the chairman or any member of the committee to educate me if what I am about to say is wrong, because I believe by colleague from Texas was totally wrong in his interpretation to this House of what this bill says. If I am wrong, I want somebody to prove it to this House right now.

Mr. Chairman, this amendment, I believe, addresses one of the most glaring flaws in H.R. 281, that of depriving the workers in shop A of any say in whether they are represented and by whom, just because shop B is a union shop and there is some vague, tenuous relation between the two.

The Bartlett amendment reaffirms a central tenet of our labor laws; namely, that union representation should always be based on the consent of the majority of workers being represented. Simple fairness demands that the workers at shop A should not be subject to a given employment contract simply because another group of workers, somewhere, voted for that contract.

Besides protecting the right of workers to vote on the issues most intimately affecting their jobs and livelihood, this amendment includes the additional safeguard that any such vote is fully supervised by the NLRB.

A fundamental principle of our form of government has always been that the right to govern is derived from the consent of the people. This amendment simply continues the venerable tradition of applying that same principle to those who represent and negotiate for their fellow employees.

I urge adoption of the amendment.

This is not a "gutting" amendment, as my colleague from Texas said. Let us read the law in case we have not stopped to look at it:

> Whenever the collective bargaining involves employees of a business entity comprising part of a single employer in the construction, as defined in section 2(2) of this Act, the duty to bargain collectively, for the purposes of this section, shall include the duty to apply the terms of a collective bargaining agreement between such business entity and a labor organization to all other business entities comprising the single employer within the geographical area covered by the agreement.

That is very clear. That is why the amendment offered by the gentleman from Texas is very clear. We should not have shop A superseding or passing on their union contract to shop B without allowing the workers in shop B to vote. That is all this amendment says, and I urge the Members to read and not be deceived.

I am reminded of the late Will Rogers famous quote, and I think it is very apropos at this time:

> It ain't people's ignorance that bothers me so much. It's them knowing so much that ain't so is the problem.

I think we are arguing about some things here that just are not so. The amendment offered by the gentleman from Texas is trying to collect it in saying if this bill passes, if it passes in its current form, and if double breasting is in fact outlawed, then at least let those employees who will be covered have a vote in deciding the form and shape of that contract that will affect them. That is all it does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 286, not voting 24, as follows:

[Roll No. 85]

AYES—123

Anthony	Gingrich	Porter
Archer	Gradison	Quillen
Armey	Hall, Ralph	Roberts
Badham	Hammerschmidt	Roemer
Bartlett	Hansen	Rogers
Barton	Hartnett	Roth
Bateman	Hefner	Schaefer
Bereuter	Hendon	Schulze
Bilirakis	Hiler	Shaw
Bliley	Hillis	Shumway
Boulter	Holt	Shuster
Brown (CO)	Hopkins	Siljander
Broyhill	Huckaby	Skeen
Burton (IN)	Hunter	Slaughter
Byron	Hutto	Smith (NE)
Callahan	Hyde	Smith, Denny (OR)
Chandler	Ireland	Smith, Robert (NH)
Chappell	Kasich	Smith, Robert (OR)
Chappie	Kindness	Snyder
Cheney	Latta	Solomon
Coats	Leath (TX)	Spence
Cobey	Lewis (CA)	Stangeland
Coble	Lewis (FL)	Stenholm
Coleman (MO)	Lightfoot	Strang
Combest	Livingston	Stump
Craig	Lott	Sweeney
Daniel	Lungren	Swindall
Dannemeyer	Mack	Tauzin
DeLay	Marlenee	Taylor
DeWine	McCandless	Thomas (CA)
Dickinson	McCollum	Valentine
Dornan (CA)	McMillan	Vucanovich
Dreier	Meyers	Walker
Eckert (NY)	Michel	Weber
Edwards (OK)	Monson	Whitley
Emerson	Montgomery	Whittaker
Fawell	Moore	Whitten
Fiedler	Myers	Wolf
Fields	Nielson	Zschau
Franklin	Oxley	
Frenzel	Packard	
Gekas	Parris	

NOES—286

Ackerman	Cooper	Gibbons
Akaka	Coughlin	Gilman
Alexander	Courter	Glickman
Anderson	Coyne	Gonzalez
Andrews	Crockett	Goodling
Annunzio	Darden	Gordon
Applegate	Daschle	Gray (IL)
Aspin	Daub	Gray (PA)
Atkins	de la Garza	Green
AuCoin	Dellums	Gregg
Barnard	Derrick	Guarini
Barnes	Dicks	Gunderson
Bates	Dingell	Hall (OH)
Bedell	DioGuardi	Hamilton
Beilenson	Dixon	Hawkins
Bennett	Donnelly	Hayes
Berman	Dorgan (ND)	Heftel
Bevill	Dowdy	Henry
Biaggi	Downey	Hertel
Boehlert	Duncan	Horton
Boggs	Durbin	Howard
Boland	Dwyer	Hoyer
Boner (TN)	Dymally	Hubbard
Bonior (MI)	Dyson	Hughes
Bonker	Early	Jacobs
Borski	Eckart (OH)	Jeffords
Bosco	Edgar	Jenkins
Boucher	Edwards (CA)	Johnson
Boxer	English	Jones (NC)
Breaux	Erdreich	Kanjorski
Brooks	Evans (IL)	Kaptur
Broomfield	Fascell	Kastenmeier
Brown (CA)	Fazio	Kemp
Bruce	Feighan	Kennelly
Bryant	Fish	Kildee
Burton (CA)	Flippo	Kleczka
Bustamante	Florio	Kolbe
Carney	Foglietta	Kolter
Carper	Foley	Kostmayer
Carr	Ford (MI)	LaFalce
Chapman	Fowler	Lagomarsino
Clay	Frank	Lantos
Clinger	Frost	Leach (IA)
Coelho	Fuqua	Lehman (CA)
Coleman (TX)	Gallo	Lehman (FL)
Collins	Garcia	Leland
Conte	Gaydos	Lent
Conyers	Gejdenson	Levin (MI)
Levine (CA)	Olin	Smith (NJ)
Lipinski	Ortiz	Snowe
Long	Owens	Solarz
Lowry (WA)	Panetta	Spratt
Luken	Pease	St Germain
Lundine	Penny	Staggers
MacKay	Pepper	Stallings
Madigan	Perkins	Stark
Manton	Petri	Stokes
Markey	Pickle	Stratton
Martin (IL)	Price	Studds
Martin (NY)	Pursell	Sundquist
Martinez	Rahall	Swift
Matsui	Rangel	Synar
Mavroules	Ray	Tallon
Mazzoli	Regula	Tauke
McCain	Reid	Thomas (GA)
McCloskey	Richardson	Torres
McCurdy	Ridge	Torricelli
McDade	Rinaldo	Towns
McEwen	Ritter	Traficant
McGrath	Robinson	Traxler
McHugh	Rodino	Udall
McKinney	Roe	Vander Jagt
Mica	Rose	Vento
Mikulski	Rostenkowski	Visclosky
Miller (CA)	Roukema	Volkmer
Miller (OH)	Rowland (CT)	Walgren
Miller (WA)	Rowland (GA)	Watkins
Mineta	Roybal	Waxman
Mitchell	Russo	Weaver
Moakley	Sabo	Weiss
Molinari	Savage	Wheat
Mollohan	Saxton	Williams
Moody	Scheuer	Wilson
Moorhead	Schneider	Wirth
Morrison (CT)	Schroeder	Wise
Morrison (WA)	Schuette	Wolpe
Mrazek	Schumer	Wortley
Murphy	Seiberling	Wright
Murtha	Sensenbrenner	Wyden
Natcher	Sharp	Wylie
Neal	Shelby	Yates
Nelson	Sikorski	Yatron
Nowak	Skelton	Young (AK)
Oakar	Slattery	Young (MO)
Oberstar	Smith (FL)	
Obey	Smith (IA)	

NOT VOTING—24

Bentley	Hatcher	McKernan
Campbell	Jones (OK)	Nichols
Crane	Jones (TN)	O'Brien
Davis	Kramer	Pashayan
Evans (IA)	Lloyd	Rudd
Ford (TN)	Loeffler	Sisisky
Gephardt	Lowery (CA)	Whitehurst
Grotberg	Lujan	Young (FL)

□ 1615

Mr. SMITH of Iowa changed his vote from "aye" to "no."

Messrs. McCANDLESS, ROTH, HUCKABY, and SOLOMON changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WEISS. Mr. Chairman, I rise in strong support of H.R. 281, the construction industry labor law amendments.

American labor laws are designed to give workers the right to join a union and engage in collective bargaining when they want to. But because of the mushrooming practice of double breasting, workers in the building trades are being denied this fundamental right.

U.S. law has long recognized the unique position of workers in the construction industry by permitting prehire agreements—agreements which are entered into before an employer has hired all of its employees. Prehire agreements are necessary because the construction industry is characterized by constantly shifting worksites and a fluctuating level of employment.

The approval of prehire agreements made the basic right of union representation available to a group of employees who otherwise would not be able to share in its benefits.

It worked well—until recent decisions by the National Labor Relations Board began to undermine the law. The NLRB has held that employers may repudiate prehire agreements unless the union can demonstrate majority support at every worksite. The NLRB has also held that employers may avoid their prehire agreements by setting up a related company which is nonunion to accomplish the same work.

The result has been the birth of double breasting, which is nothing less than a modern and legal method of busting the union.

H.R. 281 is a simple measure to reassert the fundamental rights of workers in the building trades to union representation. The bill would accomplish three essential tasks. It stipulates that businesses with direct or indirect common ownership, management, or control will be treated as a single employer. It mandates that when an employer has a collective-bargaining agreement, that agreement will apply to all business entities that make up that single employer within the geographical area covered by the agreement. And it reestablishes the legality of prehire agreements between unions and management unless a majority of employees in the union elect another representative or choose not to be represented.

It is apparent that unions are under attack in this country from an administration that is openly hostile and from employers who are willing to use scurrilous tactics to undermine union activities. But it is difficult to imagine that the House of Representatives—the people's body—would stand idly by while an entire group of workers is denied the fundamental right of bargaining in good faith with their employers.

H.R. 281 will right this wrong. It is fair, it is simple, and it is just. I urge all my colleagues to join in approving this bill intact and without weakening amendments.

SUBCOMMITTEE RECOMMENDATION ON REVENUE SHARING—ANNOUNCEMENT OF DEATH OF THE LATE HONORABLE ROBERT R. (BOB) CASEY

(By unanimous consent, Mr. BROOKS was allowed to speak out of order.)

Mr. BROOKS. Mr. Chairman, I have two news items, both of which are bad.

First, Mr. Chairman, I have taken this time to advise the Members of the House of the status of one of our more controversial programs; general revenue sharing. As the Members know, the administration has recommended the elimination of this budget busting program when it expires this year. On the contrary, the Intergovernmental Relations and Human Resources Subcommittee of the Government Operations Committee has recommended that it be extended for an additional 3 years at its current level. They have agreed, however, to make it subject to appropriations rather than to continue the present entitlement status it now enjoys.

I, of course, am continuing the opposition I have had to this program since it was first enacted in 1972, but I want the Members to know that I have scheduled the bill for full committee action next Tuesday, April 22. I want you to be prepared for the barrage of lobbying activity you can probably expect to be generated by this announcement.

The second item of bad news is that our distinguished and beloved colleague, Bob Casey, who represented the 22d District in Houston has passed away. Many of you knew him and recall his wife, Hazel. He served here from 1959 to 1976 and was primarily on the Committee on Appropriations. Services will be held at the First Christian Church in Houston at 10:30 a.m. next Monday, and interment will be in Houston.

I wanted the House to know this, and I regret that I have to bring the Members that information.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On Page 4, after line 7, insert the following new section:

SEC. 2(d). It is the sense of the Congress that, under the requirements set forth in this bill, violence and coercion are inimicable to the collective bargaining process and that employers and labor organizations in the building and construction industry in fulfilling the objectives of this bill should never use or condone the use of violence.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this amendment deals with a real problem in a very modest way. It simply says that we believe that violence in the construction industry by either employers or unions is wrong and could never be condoned. One wishes that such a statement were not even necessary, but violence in this industry is an appalling reality, it has led to serious injuries and even deaths.

I urge the adoption of the amendment, and I would be glad to yield to the gentleman from Missouri [Mr. CLAY].

□ 1625

Mr. CLAY. Mr. Chairman, in accepting this amendment the Committee does so with the understanding that the amendment is intended to express our sense and in no way is intended to substantively amend either the National Labor Relations Act or any other statute. We recognize that a pervasive structure of State and Federal law presently regulates this area and that any modification of that structure should only be undertaken with great care and thorough deliberation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that debate on all remaining amendments be limited to 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. CLAY]?

There was no objection.

The CHAIRMAN. The Chair will divide the time, 10 minutes to be apportioned by the gentleman from Missouri [Mr. CLAY] and 10 minutes to be apportioned by the gentlewoman from New Jersey [Mrs. ROUKEMA].

AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMEY: Page 3, line 14, strike out "the agreement." and insert in lieu thereof the following: "the agreement, except that an agreement between an employer and a labor organization which would require compulsory employee support of a labor organization (including the irrevocable authorization of dues or fees to be withheld from wages and paid to a labor organization) shall be applicable only to the employees of the business entity which is the formal party to such agreement and not to the employees of any other business entity comprising such single employer.".

Mr. ARMEY (during the reading.) Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas, a member of the committee.

Mr. ARMEY. Mr. Chairman, I think it is fairly clear that prudence will dictate that I be brief at this point. It seems to me the will of the House is fairly evident. But I would like to discuss this amendment.

One of the things that I have been talking about today and indeed what everybody in this room has been talking about today has been the fundamental rights of the American working man and working woman. There seems to be, I think, a very clear and uniform devotion and concern by all parties regarding those rights. We have different ideas as to where the rights are best found, under what procedures, and so forth. I disagree with this legislation.

I feel as though it responds too much to the rights of the labor leaders and not enough to the rights and the preferences of the workers. There are many problems I have with the legislation. The biggest problem I have is the danger it poses to that worker in America who would have an honest preference and desire to not be a member of a union, to not be represented by a union. That is understandable to me, Mr. Chairman. I have worked on construction and I had good reasons for not wanting to be a member of a union.

I had good reasons to prefer not to have union membership. Certainly some of them just put down as a cussed orneriness, independent cuss, that is my nature. But there were practical reasons, too.

One, for example, was the safety rules of the union. I honestly believed that I was safer using my own judgment in all the circumstances one encounters out there in the field of work than I would if I abided by the strict rules of safety. One of the things that I experienced though, and I always enjoy remembering this, is that those members of my crew who preferred membership worked right alongside us, those of us who did not. We really had no problem. I was never called a scab, I was never insulted. We worked together. Sometimes they sat down for coffee and I kept right on working. They did call me a company man a time or two, but it was all in good kidding. I regret the fact that that cannot continue in the world of work today.

I have to tell you quite frankly I believe that one of the big reasons it cannot is the militant nature of many of our union leaders. I do not think that is found in the hearts of the workers. We have had a good debate here today. I think there has been fairness and respect on both sides of this issue. Only once did we find any harsh language. I recall the word unscrupulous being raised. Yes, we do have a problem sometimes of unscrupulous behavior by employers, and the National Labor Relations Board does respond. We do have provisions to respond to double breasting sham tactics. There is no agreement that the response has been adequate, but the response is there. I still believe the law is not necessary.

The fact of the matter is, Mr. Chairman, as I go back to the point I made earlier about the difference between the law and practices and conventions, there are practices on both sides of employment, both by the employer and by the union and "unscrupulous" may unfortunately be a word by which we could describe that.

When we move to this question of forced compulsory unionism, we take away the choice of the individual worker. In two regards: One, he may be mandated to associate with a union that he does not want to make an association with and, two, there is a cer-

tain abridgment by the practices of unions, of his freedom of expression.

I had a union worker talk to me in 1984, and he said that he was a devote supporter of President Reagan and he resented that part of his union dues went into a fund that supported the opposition point of view. He should not have had that trespass against his freedom of expression. He should not have been required by the membership to subscribe to that funding of the alternative point of view. He should have had the right to choose to disavow his membership and to continue working there, side by side with those who chose to stay. I do not think that is too much to ask in a common, civilized, democratic community like ours.

Why must the right of the person who prefers to be an independent agent be taken away?

My amendment asks for a redefinition of the language so that the union agreement, the prehire agreement will be binding only on those parties that sign the agreement so that workers in another work location who have not been a party to that agreement will not be brought under that agreement unless they should choose to do so.

I do this in regard to the rights of workers to be their own free, independent, perhaps ornery, autonomous people, subscribing to union membership or not based on their free will to do so and their decisions regarding what they believe is the best way to gain negotiation in the world of work, to make that deal that is most comfortable for them on the job and most rewarding to their families when they bring their paychecks home.

I ask that the Members of this body vote for that worker's right to be what he is guaranteed to be in this free land, his own man, associating only with those organizations to which he makes a choice for association.

Mrs. ROUKEMA. Would the gentleman yield?

Mr. ARMEY. I yield to the gentlelady from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I would like to ask the author of the amendment a question as to how far reaching his proposal is. The description refers only to compulsory union dues payment. However, the language is more open than that. Could the gentleman describe any other condition under which this language would be applicable?

Mr. ARMEY. No; I did try to relate to that. I think it is an important point. I had hoped I would infer that in giving the example of my own experience.

The amendment would cover the payment of union dues but also abiding by the union regulations. Obviously to some extent one has to conform to the pattern in the workplace but there should be some greater room for autonomy for the individual member.

Mrs. ROUKEMA. But the question of negotiation of contract, itself, is not in doubt.

Mr. ARMEY. No, not at all.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment. I have reviewed it. I think it is very definitely a positive amendment. As the gentleman knows, in our State of Texas we are a right-to-work State. We feel that it should not be required that those workers who do not officially choose to join a union or who work for affiliates of companies that are not unionized, that they should be required in any shape, form, or fashion to have part of their wages withheld in the form of an equivalent dues or anything like that, and I think this is an amendment that would go forward to prohibiting that event from ever taking place.

So I do support the gentleman in his amendment.

Mr. ARMEY. I thank the gentleman for his comments.

I again reiterate the offer I made earlier: I agree that exclusive representation is an unfair burden for us to impose on the unions of America. Insofar as anybody in the House, in a position of leadership, who would enable legislation to be moved swiftly, would like to sponsor or cosponsor with me legislation relieving the unions of that unnecessary burden so that they do not face the unfair free rider circumstance, I would be more than happy to cosponsor any legislation that would bring that freedom and autonomy to those members who choose to join the union.

Mrs. ROUKEMA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman has consumed 9 minutes.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. I thank the gentleman for yielding.

I compliment the gentleman on his legislation. My congressional district, the workers in my congressional district in Oregon badly need this legislation without crippling amendments. They need it in such places as Coos Bay, where other companies, subsidiaries are coming in and employing workers for as low as $4 and $5 per hour. A vicious cycle is setting in now that if we have minimum-wage workers on one hand, other workers are going to be driven down to the level of wage all throughout our Nation until the great work force of this Nation is reduced without purchasing power and without sufficient livelihood.

Even in the mills in my district this is occurring, when mills are being sold out to lessees or promoters who go nonunion, workers are deprived of their rights and reduced to levels of $4 and $5 an hour employment for prime manufacturing jobs.

We must stop this in this Nation, or we will not have the great work force that we have had in the past.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

This amendment is defective for several reasons. First and foremost, it injects a wholly new issue of union security which is in no way related to the scope of this bill. In the 20 existing right-to-work States the amendment is superfluous since collective-bargaining agreements may not contain union security agreements.

With respect to the rest of these States, Congress had the good sense 40 years ago in enacting Taft-Hartley Act to leave the subject to the informed judgment of individual States.

There is no reason now to depart from that course and to enact a national right-to-work law.

Therefore, the amendment is totally unacceptable on this side.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentlewoman from New Jersey [Mrs. ROUKEMA] has 1 minute left.

Mrs. ROUKEMA. Mr. Chairman, I yield the remainder of that time to the gentleman from Texas [Mr. ARMEY].

□ 1640

Mr. ARMEY. Mr. Chairman, I have a clear understanding we are reaching the end of the day. Earlier, I made the comment that we live in a community and a culture that lives with the abiding hope that the lion shall soon lay down with the lamb.

I certainly want to say that the congeniality of this House today has given us hope that we will reach that point some day. In this work world that has happened.

Mr. Chairman, I will be calling for a recorded vote on this measure. I want the Members of this House to know that. Then I suspect we will all be on our way before long.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 121, noes 283, not voting 29, as follows:

[Roll No. 86]

AYES—121

Archer	Hall, Ralph	Packard
Armey	Hammerschmidt	Parris
Badham	Hansen	Porter
Bartlett	Hartnett	Quillen
Barton	Hendon	Ray
Bateman	Hillis	Roberts
Bereuter	Holt	Rogers
Bilirakis	Hopkins	Schaefer
Blilley	Hunter	Schulze
Boulter	Hutto	Shaw
Broomfield	Hyde	Shumway
Brown (CO)	Ireland	Shuster
Broyhill	Jenkins	Siljander
Byron	Kindness	Skeen
Callahan	Kolbe	Slaughter
Chappell	Lagomarsino	Smith (NE)
Chappie	Leach (IA)	Smith, Robert (NH)
Cheney	Leath (TX)	
Cobey	Lewis (FL)	Smith, Robert (OR)
Coble	Lightfoot	
Coleman (MO)	Livingston	Snyder
Combest	Lott	Spence
Craig	Lungren	Stangeland
Daniel	Mack	Stenholm
Dannemeyer	MacKay	Strang
Daub	Madigan	Stump
DeLay	Marlenee	Sundquist
DeWine	Martin (IL)	Sweeney
Dreier	McCain	Swindall
Duncan	McCandless	Tauke
Eckert (NY)	McCollum	Taylor
Edwards (OK)	McEwen	Thomas (CA)
Emerson	McMillan	Valentine
English	Meyers	Vander Jagt
Fawell	Miller (OH)	Vucanovich
Fiedler	Monson	Walker
Fields	Montgomery	Weber
Franklin	Moore	Whitley
Frenzel	Moorhead	Whittaker
Gekas	Olin	Wolf
Gingrich	Oxley	Zschau

NOES—283

Ackerman	Conte	Gonzalez
Akaka	Conyers	Goodling
Alexander	Cooper	Gordon
Anderson	Coughlin	Gradison
Andrews	Courter	Gray (IL)
Annunzio	Coyne	Gray (PA)
Anthony	Crockett	Green
Applegate	Daschle	Gregg
Aspin	de la Garza	Guarini
Atkins	Dellums	Gunderson
AuCoin	Derrick	Hall (OH)
Barnard	Dicks	Hamilton
Barnes	Dingell	Hawkins
Bates	DioGuardi	Hayes
Bedell	Dixon	Hefner
Beilenson	Donnelly	Heftel
Bennett	Dorgan (ND)	Henry
Bentley	Dornan (CA)	Hertel
Berman	Dowdy	Hiler
Bevill	Downey	Horton
Biaggi	Durbin	Howard
Boehlert	Dwyer	Hoyer
Boggs	Dymally	Hubbard
Boland	Dyson	Huckaby
Boner (TN)	Early	Hughes
Bonior (MI)	Eckart (OH)	Jacobs
Bonker	Edgar	Jeffords
Borski	Edwards (CA)	Johnson
Boucher	Erdreich	Kanjorski
Boxer	Evans (IL)	Kaptur
Breaux	Fascell	Kasich
Brooks	Fazio	Kastenmeier
Brown (CA)	Feighan	Kemp
Bruce	Fish	Kennelly
Bryant	Flippo	Kildee
Burton (CA)	Foglietta	Kleczka
Burton (IN)	Foley	Kolter
Bustamante	Ford (MI)	Kostmayer
Carney	Fowler	LaFalce
Carper	Frank	Lantos
Carr	Frost	Latta
Chandler	Fuqua	Lehman (CA)
Chapman	Gallo	Lehman (FL)
Clay	Garcia	Leland
Clinger	Gaydos	Lent
Coats	Gejdenson	Levin (MI)
Coelho	Gibbons	Lewis (CA)
Coleman (TX)	Gilman	Lipinski
Collins	Glickman	Long
Lowry (WA)	Pease	Snowe
Luken	Penny	Solarz
Lundine	Pepper	Spratt
Manton	Perkins	St Germain
Markey	Petri	Staggers
Martin (NY)	Pickle	Stallings
Martinez	Price	Stark
Matsui	Pursell	Stokes
Mavroules	Rahall	Stratton
Mazzoli	Rangel	Studds
McCloskey	Regula	Swift
McCurdy	Reid	Synar
McDade	Richardson	Tallon
McGrath	Ridge	Tauzin
McHugh	Rinaldo	Thomas (GA)
McKernan	Ritter	Torres
McKinney	Robinson	Torricelli
Mica	Rodino	Towns
Michel	Roe	Traficant
Mikulski	Roemer	Traxler
Miller (CA)	Rose	Udall
Miller (WA)	Rostenkowski	Vento
Mineta	Roth	Visclosky
Mitchell	Roukema	Volkmer
Moakley	Rowland (CT)	Walgren
Molinari	Rowland (GA)	Watkins
Mollohan	Roybal	Waxman
Moody	Russo	Weaver
Morrison (CT)	Sabo	Weiss
Morrison (WA)	Savage	Wheat
Mrazek	Saxton	Whitten
Murphy	Scheuer	Williams
Murtha	Schneider	Wilson
Myers	Schroeder	Wirth
Natcher	Schuette	Wise
Neal	Schumer	Wolpe
Nelson	Seiberling	Wortley
Nielson	Sensenbrenner	Wright
Nowak	Sharp	Wyden
Oakar	Shelby	Wylie
Oberstar	Sikorski	Yates
Obey	Skelton	Yatron
Ortiz	Slattery	Young (AK)
Owens	Smith (FL)	Young (MO)
Panetta	Smith (IA)	
Pashayan	Smith (NJ)	

NOT VOTING—29

Bosco	Grotberg	Lujan
Campbell	Hatcher	Nichols
Crane	Jones (NC)	O'Brien
Darden	Jones (OK)	Rudd
Davis	Jones (TN)	Sisisky
Dickinson	Kramer	Smith, Denny (OR)
Evans (IA)	Levine (CA)	
Florio	Lloyd	Solomon
Ford (TN)	Loeffler	Whitehurst
Gephardt	Lowery (CA)	Young (FL)

□ 1650

Mr. UDALL and Mr. KASICH changed their votes from "aye" to "no."

Mr. EDWARDS of Oklahoma, Mr. TAUKE, Mrs. MARTIN of Illinois, and Mr. RAY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, most of us have heard the story about the company that offers prospective buyers an opportunity to purchase scenic waterfront vacation property at an incredibly low price. Based on the guarantees made by the company the buyer enters into an agreement with the company only to find afterward that the property doesn't even exist.

Now lets change this scenario a little: A construction company enters into a prehire agreement with the local union. Under the agreement both the construction company and the union agree that all work performed by the employees will be in accordance with a union contract. Based on the guarantees of the company the employees show up for work only to find the job doesn't really exist. The construction company has established a second company, operated on a nonunion basis, to perform the work of the first company.

While most of us would agree that the activities described in each case are basically illegal it is ironic that the latter situation, referred to as double breasting, has not only become general practice in the construction industry, but has the approval of the National Labor Relations Board.

Since passage of the 1959 Landrum-Griffin Act, Congress has recognized the unique nature of collective bargaining in the construction industry. Union certification procedures, used by other industries covered under the National Labor Relations Act, are virtually impossible to implement in the construction industry. Employees frequently change job sites and projects are usually completed before certification elections can be held. Landrum-Griffin took these special characteristics into account and provided that employers and unions could enter into prehire agreements prior to construction and the hiring of employees. Under these agreements, an employer and a union agree that the work will be performed in accordance with a union contract. Recent decisions by the National Labor Relations Board however, have enabled construction companies to circumvent these prehire arrangements and ignore their collective bargaining agreements through the use of double breasting.

Mr. Chairman, we have an opportunity today to rectify this situation. H.R. 281, the construction industry labor law amendments, requires employers to apply the terms of their collective bargaining agreements to all commonly owned businesses within the geographic area covered by the prehire agreement. This requirement will not impose collective bargaining agreements on separate or independent companies. It applies only to companies that perform similar work in the construction industry.

H.R. 281 also requires that prehire agreements will be binding in all cases except when a union has been decertified. The bill does not expand existing authority to make prehire agreements nor does it impose a union on employees against their will. It merely guarantees that a company cannot abrogate a legitimate prehire arrangement.

H.R. 281 seeks to protect the longstanding practice of prehire agreements and ensure the right of construction workers to have union representation. As a cosponsor of H.R 281, I urge my colleagues to support this legislation.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to H.R. 281.

The bill purports to address abuses already prohibited under current law, drastically restricts workers' rights to decide if, and by whom, they will be represented, and prevents employees and employers from reacting with flexibility to marketplace conditions.

Specifically, H.R. 281 prohibits the legal and reasonable operation of dual shop construction companies—also known as double breasting—and elevates prehire agreements

to the status of collective-bargaining contracts in a way that virtually denies workers the opportunity to ever even vote on their own representation by a union.

DOUBLE BREASTING

Supporters of H.R. 281 claim it is needed because of widespread abuses by employers seeking to evade obligations under a union shop contract or to siphon off business from a unionized subsidiary and transferring it to an open shop in which workers' rights are less protected.

In point of fact, current law already prohibits such unscrupulous practices. For 10 years, the NLRB and the courts have defined the limited conditions under which double breasting is permitted.

Dual shop firms are allowed only if their day-to-day operations, labor relations, and general management are separate. Even if two firms are found to be a single employer the union contract of one will not, and should not, be imposed on the other unless the second firm is a sham entity or the alter ego of the first, or the employees of both are found to have a community of interest.

Current law thus prevents employers from evading their labor contract obligations, while separate enterprises are allowed to operate separately and employee rights to select or reject union representation are recognized and preserved. Dual shop operations are expressly prohibited if they are set up for the purpose of evading union contracts. In fact, numerous NLRB and court cases have been decided in favor of unions when such abuses have been shown.

While seeking to treat a problem for which remedies are already available, H.R. 281 goes far beyond the fair, neutral approach taken under present law by forcing employers to decide whether to go all union or all open, regardless of market structure, employee preferences, substantial differences in the way each shop operates, and only tenuous common ownership.

PREHIRE AGREEMENTS

In any industry except construction, prehire agreements would be unlawful. However, this exception, in section 8(f) of the NLRA, recognizes the unique characteristics of the industry, such as seasonal work and transient job sites. These agreements allow both labor and employers flexibility in the hiring of workers and setting of labor standards. Thus, present law already treats construction unions more favorably then those in any other industry.

Currently, before a union may enforce a prehire agreement as a full-fledged collective-bargaining contract, it must demonstrate that it has the support of a majority of workers on that job site.

Proponents of H.R. 281 argue that, having taken advantage of the hiring hall to put a work force in place, an employer can literally walk away from an otherwise binding contract unless the union meets the difficult burden of proving its majority status. As a practical matter, however, since the union has obtained the jobs for these workers, proving majority support tends to be routine and swiftly achieved, sometimes within a matter of hours.

On the other hand, elevating a prehire agreement to the status of a collective-bargaining contract without any showing of majority support, as under H.R. 281, would summarily impose union membership, regardless of the wishes of the majority. The only way the workers could then reject or change their representation would be through a cumbersome, formal NLRB decertification election. Typically, such procedures election cannot be completed until near the expiration of the contract, which is often up to 3 years later.

In effect, under H.R. 281, most workers hired under a prehire agreement would never have the chance to vote on who, if anyone, should represent them, since their jobs would be completed before an NLRB election could be held.

SUMMARY

Current law fully and adequately protects the rights of construction workers to collectively bargain, while permitting both employees and employers to adapt to changing markets. It simplifies hiring and setting labor standards, while preserving the rights of the employer, the employees, and the union to disavow any arrangement that does not have the support of a majority of the employees.

This well-reasoned balance is gutted by H.R. 281, through a tail-that-wags-the-dog approach. The bill's real goal is to achieve by statutory fiat what has not been achieved in the competitive marketplace: A reversal of the precipitous decline in dues-paying union membership. While this might not be achieved even if H.R. 281 became law, one result would be certain: The economic options and opportunities now open to workers, employers, and customers of construction services, would be severely restricted.

For all the good reasons we are hearing here today, I urge my colleagues to defeat a bad bill.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word, and I rise in strong support of H.R. 281.

Mr. OBERSTAR. Mr. Chairman, the purpose of labor laws of this Nation is to ensure that the safety and fair treatment of each American worker are priorities of every employer. These laws did not arise arbitrarily, but were, rather, the result of decades of exposure of workers to hazardous workplace conditions, oppressive working hours and scant wages.

Many in my northeastern Minnesota congressional district can still remember the tales told by iron ore miners who placed their lives in jeopardy each day they entered the mines during the earlier decades of this century. Our region of the country faced the growing pains shared by every expanding region of the country; we recognized the need to develop our manufacturing and mining industries as quickly as possible, but in doing so, issues such as safety, compensation, and workcodes were given minimal consideration.

But, as this Nation became more developed, we learned to give higher priority to the rights of our workers, that fair treatment of the workforce is also good business.

It was a proud time in this Nation, and a good indication of our priorities, when the Congress adopted measures to regulate the treatment and compensation of labor. The Davis-Bacon Act, the Fair Labor Standards Act, and the National Labor Standards Act have become measuring sticks by which progress is judged, and constant reminders of how far we have come.

But when these laws were adopted, certain segments of the workforce and of industry were overlooked, which now deserve attention. I refer specifically to the construction industry.

The very nature of the construction industry makes its workers different from other types of labor. Construction workers generally move from job to job, and may not remain in one position long enough to fulfill a contractual agreement with any single employer. That, however, does not minimize the need for these individuals to be protected and given the same rights as other workers.

But that is not happening, and that is why it is so important that we pass H.R. 281, the Construction Industry Labor Law Amendments of 1986, to end the practice of double breasting, by which contractors can avoid union requirements in their labor contracts.

Under current law, a contractor who has signed a collective-bargaining agreement can establish a second, nonunion operation to perform work usually performed by the union operation. This has been occurring because the law has been interpreted to allow employers to escape contractual obligations to their workforce.

Employers are also able to circumvent the intent of prehire agreements, which contractors sign, promising to adhere to union contract guidelines in exchange for access to skilled workers. But, employers can walk away from these contracts unless the union can prove to have a majority at all worksites, regardless of the duration of the project.

This practice clearly undermines the integrity of the labor movement, while simultaneously denying nonunion workers the rights of union workers.

H.R. 281 addresses each of these issues in an appropriate manner. Employers would be required to apply the terms of collective-bargaining agreements to all employees performing the work described in the contract within the geographic area described in the contract.

The bill also prohibits double breasting, a practice which is an embarrassment to a nation which prides itself on fairness.

H.R. 281 embodies rights which should be integral to the construction industry in this Nation. It is an extension and a clarification of existing labor law, and deserves the support of this House.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 281, the Construction Industry Labor Law Amendments of 1985. This legislation is essential in assuring the stability of labor relations for the thousands of Americans who work in the construction trades.

In 1935, Congress passed the landmark legislation, known as the Wagner Act or National Labor Relations Act. This law is the "Magna Carta" for working Americans which promises collective bargaining to assure workers fair wages, safe working conditions, and job opportunities. The construction industry is not exempt from the provisions of the Wagner Act. Nevertheless, over the years between 1935 and 1947, the National Labor Relations

Board refused to assert its jurisdiction in cases involving the construction trades. In 1959, Congress enacted section 8(f) of the National Labor Relations Act in an effort to face the realities of the situation then existing in the construction industry.

Section 8(f) allows a union and contractor to enter into a prehire agreement before a contractor has hired a full complement of workers. Typically, the contractor agrees to hire his work force through a union hiring hall and pay agreed upon wages and benefits, while the union assures the contractor access to a pool of skilled, qualified workers. Neither the contractor nor the union is obligated to sign such an agreement and once a project is under way, the workers retain the right under the act to decertify a union by a simple majority vote.

But despite this attempt to balance the competing interests of workers and their employers, in recent years, the National Labor Relations Board [NLRB] and the courts have substantially eroded the effect of these section 8(f) prehire agreements. Indeed, many contractors simply walk away from these agreements as if they had never been negotiated and agreed upon. Such actions are antithetical to the entire intent and thrust of our basic labor law.

The only conditions under which prehire contracts are treated like other collective-bargaining agreements and endure for the specified period of the contract is where the union can affirmatively prove that a majority of workers support the union shop. The short duration of many construction projects and the often transient nature of such work creates an obstacle which many construction unions cannot possibily overcome, even when a clear majority of workers may in fact support representation.

Another option which some contractors have availed themselves of is the so-called double-breasted shop where a contractor who has already signed a prehire agreement establishes a second operation to perform the same work under the same management and control as the original operation. This is a clever way for contractors to avoid outright disavowal of a contract which has previously been agreed upon and which should have the full force of law behind it.

H.R. 281, the measure before us today, would curtail this practice of double-breasting and would strengthen the enforcement of prehire contracts for the duration of the period of time which the contractor and the union have agreed upon. This premise of this legislation is actually quite simple; it says that when you give your word to abide by a labor agreeement with particular terms, you must abide by it. In any other contractual arrangement, we would expect nothing less than full compliance with the letter of the contract once the deal is made. We should certainly expect no less of a negotiated labor contract.

Congress recognized in 1959 that certain protections were necessary to protect the legal rights of workers in the construction industry. This is not special legislation which establishes special privileges for those in the construction industry. Indeed, it is no less than an effort to ensure equal treatment for those thousands of Americans who work in the construction trades.

H.R. 281 would restrict double breasting by preventing employers from establishing a second company and transferring work from its union company to its nonunion company in order to avoid the mutual obligations under a collective-bargaining agreement. It would also prevent the unilateral repudiation by a contractor or employer of a prehire agreement which has been voluntarily entered into.

Mr. Chairman, unfortunately over the past 5 years, we have witnessed a massive, large-scale assault by this administration upon the most cherished and basic legal rights of all working Americans. The National Labor Relations Board [NLRB] has become a biased forum for undoing the legal protections which America's workers expect and deserve. Had there been some basic fairness in this administration's attitudes toward working Americans and had the performance of the NLRB and our courts been less partial toward employers and the business sector, it might not have been necessary for us to pursue this legislative remedy. Nevertheless, we are here today to deal with this legislation because those who work in the construction industry cannot afford to continue to allow their rights to be trampled on.

I hope that my colleagues will join me in passing this urgently needed legislation today so that we can get about restoring some fairness in the construction industry.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. BONIOR of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 281) to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry, pursuant to House Resolution 324, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore being in doubt, the House divided, and there were—ayes 187, noes 121.

Mrs. ROUKEMA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 173, not voting 31, as follows:

[Roll No. 87]

YEAS—229

Ackerman	Frost	Panetta
Akaka	Gallo	Pashayan
Alexander	Garcia	Pease
Anderson	Gaydos	Penny
Andrews	Gejdenson	Pepper
Annunzio	Gilman	Perkins
Applegate	Glickman	Pickle
Aspin	Gonzalez	Price
Atkins	Gordon	Rahall
AuCoin	Gray (IL)	Rangel
Barnes	Green	Regula
Bates	Guarini	Richardson
Bedell	Hall (OH)	Ridge
Beilenson	Hawkins	Rinaldo
Bennett	Hayes	Robinson
Berman	Heftel	Rodino
Bevill	Hertel	Roe
Biaggi	Horton	Rostenkowski
Boggs	Howard	Rowland (CT)
Boland	Hoyer	Roybal
Boner (TN)	Hubbard	Russo
Bonior (MI)	Hughes	Sabo
Bonker	Jacobs	Savage
Borski	Johnson	Saxton
Bosco	Jones (NC)	Scheuer
Boucher	Kanjorski	Schneider
Boxer	Kaptur	Schroeder
Breaux	Kastenmeier	Schumer
Brooks	Kemp	Seiberling
Brown (CA)	Kennelly	Sharp
Bruce	Kildee	Shelby
Bryant	Kleczka	Sikorski
Burton (CA)	Kolter	Skelton
Bustamante	Kostmayer	Slattery
Carper	LaFalce	Smith (FL)
Carr	Lantos	Smith (IA)
Chapman	Lehman (CA)	Smith (NJ)
Clay	Lehman (FL)	Solarz
Clinger	Leland	St Germain
Coelho	Lent	Staggers
Coleman (TX)	Levin (MI)	Stallings
Collins	Lipinski	Stark
Conte	Long	Stokes
Conyers	Lowry (WA)	Stratton
Courter	Luken	Studds
Coyne	Lundine	Swift
Crockett	Manton	Tallon
Daschle	Markey	Torres
de la Garza	Martin (NY)	Torricelli
Dellums	Martinez	Towns
Dicks	Matsui	Traficant
Dingell	Mavroules	Traxler
DioGuardi	McCloskey	Udall
Dixon	McDade	Vento
Donnelly	McGrath	Visclosky
Dorgan (ND)	McHugh	Volkmer
Dowdy	McKinney	Walgren
Downey	Mikulski	Waxman
Durbin	Miller (CA)	Weaver
Dwyer	Miller (WA)	Weiss
Dymally	Mineta	Wheat
Dyson	Mitchell	Whitten
Early	Moakley	Williams
Eckart (OH)	Molinari	Wilson
Edgar	Mollohan	Wirth
Edwards (CA)	Moody	Wise
Erdreich	Morrison (CT)	Wolpe
Evans (IL)	Mrazek	Wortley
Fascell	Murphy	Wright
Fazio	Murtha	Wyden
Feighan	Natcher	Wylie
Fish	Nowak	Yates
Flippo	Oakar	Yatron
Foglietta	Oberstar	Young (AK)
Foley	Obey	Young (MO)
Ford (MI)	Ortiz	
Frank	Owens	

NAYS—173

Anthony	Bilirakis	Callahan
Archer	Bliley	Carney
Armey	Boehlert	Chandler
Badham	Boulter	Chappell
Barnard	Broomfield	Chappie
Bartlett	Brown (CO)	Cheney
Barton	Broyhill	Coats
Bateman	Burton (IN)	Cobey
Bereuter	Byron	Coble

Coleman (MO)	Kasich	Roemer
Combest	Kindness	Rogers
Cooper	Kolbe	Rose
Coughlin	Lagomarsino	Roth
Craig	Latta	Roukema
Daniel	Leach (IA)	Rowland (GA)
Dannemeyer	Leath (TX)	Schuette
Daub	Lewis (CA)	Schulze
DeLay	Lewis (FL)	Sensenbrenner
Derrick	Lightfoot	Shaw
DeWine	Livingston	Shumway
Dornan (CA)	Lott	Shuster
Dreier	Lungren	Siljander
Duncan	Mack	Skeen
Eckert (NY)	MacKay	Slaughter
Edwards (OK)	Madigan	Smith (NE)
Emerson	Marlenee	Smith, Robert (NH)
English	Martin (IL)	
Fawell	Mazzoli	Smith, Robert (OR)
Fiedler	McCain	
Fields	McCandless	Snowe
Fowler	McCollum	Snyder
Franklin	McCurdy	Solomon
Frenzel	McEwen	Spence
Fuqua	McKernan	Spratt
Gekas	McMillan	Stangeland
Gibbons	Meyers	Stenholm
Gingrich	Mica	Strang
Goodling	Michel	Stump
Gradison	Miller (OH)	Sundquist
Gregg	Monson	Sweeney
Gunderson	Montgomery	Swindall
Hall, Ralph	Moore	Synar
Hamilton	Moorhead	Tauke
Hammerschmidt	Morrison (WA)	Tauzin
Hansen	Myers	Taylor
Hartnett	Neal	Thomas (CA)
Hefner	Nelson	Thomas (GA)
Hendon	Nielson	Valentine
Henry	Olin	Vander Jagt
Hiler	Oxley	Vucanovich
Hillis	Packard	Walker
Holt	Petri	Watkins
Hopkins	Porter	Weber
Huckaby	Pursell	Whitley
Hunter	Quillen	Whittaker
Hutto	Ray	Wolf
Ireland	Reid	Zschau
Jeffords	Ritter	
Jenkins	Roberts	

NOT VOTING—31

Bentley	Grotberg	Nichols
Campbell	Hatcher	O'Brien
Crane	Hyde	Parris
Darden	Jones (OK)	Rudd
Davis	Jones (TN)	Schaefer
Dickinson	Kramer	Sisisky
Evans (IA)	Levine (CA)	Smith, Denny (OR)
Florio	Lloyd	
Ford (TN)	Loeffler	Whitehurst
Gephardt	Lowery (CA)	Young (FL)
Gray (PA)	Lujan	

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Hatcher against.

Mr. Sisisky for, with Mr. Campbell against.

Mr. Ford of Tennessee for, Mr. Hyde against.

Mr. Davis for, with Mr. Loeffler against.

Mr. Florio for, with Mr. O'Brien against.

Mr. Levine of California for, with Mr. Rudd against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 994

Mr. STOKES. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 281, CONSTRUCTION INDUSTRY LABOR LAW AMENDMENTS OF 1985

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 281, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 281, the Construction Industry Labor Law Amendments of 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 281, the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 1116, GARRISON DIVERSION UNIT REFORMULATION ACT OF 1986

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1116) to implement certain recommendations made pursuant to Public Law 98-360, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GRAY].

PERSONAL EXPLANATION

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding time to me.

Mr. Speaker, I just arrived on the floor and, therefore, missed the final passage of H.R. 281.

Had I been present I would have voted in favor of H.R. 281.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. MICHEL. Mr. Speaker, will the gentleman yield so that I might speak out of order?

Mr. HALL of Ohio. I would be glad to yield to the gentleman from Illinois.

LEGISLATIVE PROGRAM

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I take this time for the purpose of inquiring of my distinguished friend, the gentleman from Washington [Mr. FOLEY], the majority whip, if he might elaborate on the program for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished gentleman from Illinois yield to me?

Mr. MICHEL. I am primed to do so.

Mr. FOLEY. Mr. Speaker, the business of the House will be concluded with the adoption of the rule now under consideration. It is then the intention to have a pro forma session tomorrow, and, at the conclusion of that pro forma session, to adjourn until Monday at noon, when we would consider nine bills under suspension of the rules. The suspensions to be considered are:

H.R. 2998, Victims of Crime Act amendments;

H.R. 3826, sexual molestation of minors on Indian reservations;

H.R. 4392, financial assistance for control of plague;

H.R. 44, Electric Consumers Protection Act;

H.R. 4600, Indian health bill;

H.R. 1920, Indian gaming;

H.R. 3247, amendments to Native American Programs Act;

S. 140, the Children's Justice Act; and

H.R. 4602, Federal Housing Administration and GNMA to make additional loans, and for other purposes.

We would also consider the general debate on the Garrison Diversion Unit Reformulation Act of 1986, with an open rule and 1 hour of debate, and the rule will have already been adopted. There will be general debate only on Monday.

The votes on the suspensions will be postponed until Tuesday.

On Tuesday, the House will meet at noon and, as I say, take up any recorded votes ordered on the suspensions debated on Monday.

We will then consider on Tuesday H.R. 4515, the supplemental appropriations for fiscal year 1986, subject to a rule being granted;

H.R. 4420, United States Code, title X amendments, to revise military retirement system for new members of the armed services, with an open rule and 2 hours to debate; and

H.R. 1116, the Garrison Diversion Unit Reformulation Act of 1986, to complete consideration.

At approximately 4 p.m. on Wednesday, April 23, the House will adjourn for Passover and will reconvene at noon on Monday, April 28.

Of course, conference reports may be brought up at any time and there is the usual reservation about later announcements of the program included in this announcement.

Mr. MICHEL. If I might inquire of the distinguished gentleman, I do not see anything here about a budget resolution. It would not miraculously appear, by any chance, would it, next week?

Mr. FOLEY. I do not see anything here either about a budget resolution, but there is going to be a meeting, which the gentleman may be aware of, of the joint leadership of both parties.

Mr. MICHEL. Hopefully Monday?

Mr. FOLEY. Yes, that will be on Monday, and it is hoped that from that meeting we can gain some additional guidance on the schedule for budget consideration.

Mr. MICHEL. I thank the gentleman.

Mr. FOLEY. I thank the gentleman from Ohio [Mr. HALL] for yielding and would ask him to yield further.

Mr. HALL of Ohio. I yield to the gentleman from Washington.

ADJOURNMENT FROM FRIDAY, APRIL 18, 1986, TO MONDAY, APRIL 21, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that business under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 23, 1986

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, it adjourn to meet at 10 a.m. on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, before us today is House Resolution 422. This is an open rule providing for the consideration of H.R. 1116, the Garrison Diversion Unit Reformulation Act of 1986.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

The rule makes in order the Interior and Insular Affairs Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment under the 5-minute rule. Each section of the substitute shall be considered as having been read.

It should be noted that the rule waives all points of order against the substitute for failure to comply with the provisions of clause 5(a) of rule XXI. This is the prohibition against appropriations in a legislative bill. A provision of section 8 of the substitute permits previously appropriated funds for the Garrison Diversion Unit to be expended to carry out any of the provisions of the act. This would technically be considered an appropriation in a legislative bill, so the waiver is necessary.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1116 is based upon the findings of the Garrison Diversion Unit Commission. It seeks to implement a series of delicate compromises negotiated by the State of North Dakota, the Garrison Water Conservation District, environmental organizations, the Interior Department, and other interested parties. The bill makes several important changes in the makeup, scope, and cost of this project.

I am not aware of any opposition to this open rule, and I urge my colleagues to adopt it.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

□ 1730

Mr. Speaker, the rule has been ably explained.

Members will recall that last year we agreed that further spending on the Garrison Diversion Unit project was contingent on achieving a settlement of the longstanding controversies that have surrounded the project since its inception in 1944. It has been kicking around a long time.

I feel that it is time now for action, and Mr. Speaker, I urge the adoption of the rule. Although we know this has been a controversial issue, this legislation will allow the House to finally settle the issue.

Mr. Speaker, I urge the adoption of the rule.

I have no requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4515, URGENT SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1986

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (99-546) on the resolution (H. Res. 425) waiving certain points of order against consideration of the bill (H.R. 4515) making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE HONORABLE WILLIAM HILL BONER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. WILLIAM HILL BONER:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Office of the Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50), cl. 2, that Howard "Butch" Eley, an employee of mine on the clerk-hire rolls of the House, has been subpoenaed to testify before a federal grand jury in Nashville, Tennessee. At this time, I have no reason to believe that the subpoena does not satisfy clause 3 of the rule. Of course, should a judicial determination be necessary I will so advise you.

Sincerely,

BILL BONER,
Member of Congress.

ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, and the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, April 17, 1986.)

ANNUAL REPORT ON THE STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

(For message, see proceedings of the Senate of today, April 17, 1986.)

CRACKING DOWN ON DRUGS

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, today I am introducing legislation to help rid our streets and neighborhoods of some of the most insidious and violent criminals—career drug offenders.

In 1984, Congress passed the Armed Career Criminal Act to allow Federal prosecution of persons who illegally possess firearms and who have three or more prior convictions for robbery or burglary. Conviction of the firearms offense carries with it a 15-year mandatory minimum sentence in a Federal penitentiary without probation or parole.

The Armed Career Criminal Act, of which I was the House sponsor, has worked very well. According to the Bureau of Alcohol, Tobacco and Firearms, there have been 90-some indictments nationwide since this law was enacted 1½ years ago.

But the Career Criminal Act might have even a greater impact on armed career criminals if it were expanded to include Federal drug felonies, BATF officials and law enforcement officials in my State say.

And for good reason. Statistics show that drugs and violence go hand in hand. According to BATF, nearly 30 percent of the persons apprehended by its agents for firearms violations during fiscal year 1985 were drug traffickers. In addition, more than 50 percent of those apprehended had prior felony convictions.

Statistics compiled by the National Institute of Justice support these findings. According to the institute, almost one-third of all inmates of State prisons were under the influence of an illegal drug or had drunk very heavily just before they committed the crimes for which they were incarcerated.

The National Institute of Justice report also indicated that:

One-quarter or more of homicides in several cities were related to drug-trafficking, and;

Seventy-five percent of all robberies reported by a national sample of juveniles and 50 percent of the felony assaults were committed by a small, but highly criminal group, comprising less than three percent of all youth who had committed three of more offenses and were pill or cocaine/heroin users.

The legislation I am introducing today, the Armed Career Criminal Act Amendments, will not singlehandedly solve all our drug trafficking problems. But by doing what BATF suggests would be helpful—extending the provisions and penalties of the Career Criminal Act to persons who have been convicted three or more times of serious drug offenses, crimes of violence or both—it should move us much further down that path. Like the Career Criminal Act it will not require local prosecutors to turn these criminals over to Federal authorities. It merely gives them one more tool with which to work.

Mr. Speaker, the U.S. attorney from Oregon, Charles Turner, and Multnomah County District Attorney Michael Schrunk, strongly support the legislation I am introducing today. The bill will give us another opportunity to zero in on the worst criminal offenders in our society, and I think law enforcement officials throughout the country will find it a valuable resource.

Mr. Speaker, my bill is a companion to legislation introduced yesterday in the other body by Senator SPECTER of Pennsylvania. I urge my colleagues to give this measure their support so that it can be passed by both bodies and enacted into law before the end of this Congress.

H.R. 4639

A bill to amend title VII of the Omnibus Crime Control and Safe Streets Act of 1968, relating to armed career criminals, to include a serious drug offense and any crime of violence as an offense subject to enhanced penalties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 1202(a) of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1202(a)) is amended by striking out "for robbery or burglary, or both," and inserting in lieu thereof "for a crime of violence or a serious drug offense, or both,".

(b) Subsection (c) of section 1202 of title VII of such Act is amended by striking out paragraphs (8) and (9) and inserting in lieu thereof the following:

"(8) 'serious drug offense' means an offense for which a maximum term of imprisonment of ten years or more is required by the Controlled Substances Act (21 U.S.C. 801 et seq.), or the first section of Public Law 96-350 (21 U.S.C. 955a); and

"(9) 'crime of violence' means—

"(A) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any felony which, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

AMERICANS UNDERSTAND OUR CENTRAL AMERICAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker, in yesterday's debate over our policy in Nicaragua, someone on the other side of the aisle made the comment that the American public does not understand what is happening in Central America. The comment was made in response to polls that show the majority of the American people oppose military aid to the Contras—sometimes by margins of greater than 2 to 1.

I believe the American people understand a great deal about what is happening in the debate over Central America:

They understand that this administration has shown little concern for the Central America between the Rockies and the Appalachians and the problems confronting our farm economy but instead focuses its attention on the Central America between North and South America where the President insists on spending millions to finance a war.

They understand that the administration wants to cut programs for education, health care, and housing in an attempt to reduce the budget deficit but easily finds $100 million to finance a flawed military policy in Central America.

They understand that our allies in the region and the people with the most at stake in the conflict—the people the administration claims it wants to protect—have asked us not to continue funding the Contras.

They understand that military aid is not a policy—it should be a last resort not our only resort. They object to the millions we are spending in an unproductive way and the negative impact this military approach has on negotiations for a peaceful settlement in the region.

Even if the American people do not understand the details of the debate over United States policy in Central America, they understand these basic principles. On that basis they believe that more military aid for the Contras is wrong.

MEDICARE QUALITY PROTECTION ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today, I am joining with Senator JOHN HEINZ to introduce the Medicare Quality Protection Act of 1986. In recent years, attention has focused on cost control. While these efforts are important, there's no excuse for compromising quality. The patient still comes first. The Medicare Quality Protection Act contains a number of important measures to assure quality of care and to ensure access to appropriate post hospital care.

The supporters of this legislation are an impressive bipartisan and bicameral combination. This support will ensure that the bill progresses rapidly through the legislative process. I plan to get the process started in a hearing that the Subcommittee on Health of the Committee on Ways and Means will hold next week.

I include the bill summary at this point:

THE MEDICARE QUALITY PROTECTION ACT OF 1986—BILL SUMMARY APRIL 17, 1986

Medicare has undergone a number of major changes over the past several years. Cost containment measures have intensified. While these efforts have been successful in budgetary terms, concern has arisen as to the possible effects of reimbursement policy on quality of care. Particular attention has focused on the problem of premature discharge of beneficiaries from hospitals. Concern has also arisen as to the adequacy and availability of appropriate post-hospital care in view of the earlier stage at which beneficiaries are now being discharged.

The Medicare Quality Protection Act of 1986 is intended as an effective and fiscally prudent response to these concerns. The major provisions of the bill are—

QUALITY ASSURANCE IN INPATIENT HOSPITAL SETTINGS

The Department of Health and Human Services ("HHS") would be required to develop a legislative recommendation by January 1, 1988 to refuse the prospective payment system for hospitals to better account for variations in severity of illness and case complexity.

Hospitals would be required to give a written statement of rights with regard to hospital and post-hospital care under Title XVIII soon after admission.

Beneficiaries would have a right to appeal a continued stay denial to a peer review organization ("PRO") if the hospital serves a notice that continued stay is no longer medically necessary. Under current regulations, there is a window of time during which a beneficiary who appeals a continued stay denial can be liable for hospital charges for continued stay. This window would be closed to remove any unfair barriers to appeals.

Hospital incentive plans that involve payment to physicians for meeting specific length-of-stay or per-case cost targets for individual patients would be prohibited subject to civil monetary penalties. HHS would be required to develop recommendations regarding other types of incentive plans by July 1, 1987.

HHS would be required to study the adequacy of quality assurance standards for hospitals in light of changes in reimbursement policy since 1982.

HHS would be required to study the need for a separate payment to hospitals (in addition to the basic prospective payment amount) for continued inpatient stay necessitated by delays in obtaining placement of beneficiaries in appropriate post-hospital extended care facilities.

ACCESS TO APPROPRIATE POST-HOSPITAL CARE

Discharge planning would be required as a condition of participation for hospitals.

The waiver of liability for home health services would be extended to coverage denials based on homebound or intermittent care requirements.

HHS would be required to develop a uniform needs assessment instrument that could be used to assist discharge planners, providers, and fiscal intermediaries in determining whether beneficiaries are eligible for post-hospital extended care and home health services.

HHS would be required to develop an expedited review process for initial claims submitted by skilled nursing facilities and home health agencies.

HHS would be required to respond within 24 hours to inquiries concerning whether an individual's entitlement to covered post-hospital extended care has been exhausted.

Providers would be allowed to bring appeals on behalf of beneficiaries. Appeals of "technical" denials would be allowed.

IMPROVED REVIEW OF QUALITY BY PEER REVIEW ORGANIZATIONS

Hospitals would be required to submit data directly to PROs to facilitate the performance of required utilization and quality of care reviews on a timely basis.

PRO review of early readmission cases would be expanded.

PROs would be required to appoint a consumer representative to their executive boards.

PROs would be required to investigate written complaints about quality of care filed by beneficiaries.

Subject to appropriate safeguards, confidential information obtained by PROs could be shared with national accreditation bodies and with long-term care ombudsman coordinators and state protection and advocacy officials.

STUDY TO ASSIST IN THE DEVELOPMENT OF A LONG-TERM STRATEGY FOR QUALITY ASSURANCE

A major study would be commissioned to assist in the development of a long-term strategy for quality assurance. The study would be submitted to Congress within 2 years of enactment.

CODIFICATION OF TITLE 25, UNITED STATES CODE, "INDIANS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. THE SPEAKER PRO TEMPORE. UNDER A PREVIOUS ORDER OF THE HOUSE, THE GENTLEMAN FROM NEW JERSEY [MR. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, the Office of the Law Revision Counsel of the House of Representatives has prepared a committee print of a draft bill to revise, codify, and enact without substantive change certain general and permanent laws, related to Indians, as title 25, United States Code. The Office has also prepared a committee print of a draft report explaining the bill.

This draft bill and report were prepared for the Committee on the Judiciary of the House of Representatives by the Office of the Law Revision Counsel under its statutory requirement (2 U.S.C. 285b) to prepare and submit to the committee, for enactment into positive law, all titles of the United States Code.

Anyone interested in obtaining a copy of the committee print of the bill and a copy of the committee print of the draft report should contact: Edward F. Willett, Jr., Law Revision Counsel, U.S. House of Representatives, Room H2-304, HOB Annex 2, Washington, DC 20515.

Persons wishing to comment on the draft bill and report should submit those comments to the Office of the Law Revision Counsel not later than August 1, 1986.

FARM CREDIT ASSISTANCE ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. JONES] is recognized for 5 minutes.

Mr. JONES of Oklahoma. Mr. Speaker, I am introducing today the Farm Credit Assistance Act of 1986. This bill is aimed at relieving some of the pressure put on debt-strapped farmers, not by offering them more credit and therefore increasing their debts, but by bringing interest farmers must pay more into line with the low interest rates the rest of our economy is enjoying.

Mr. Speaker, our bill and its Senate companion, introduced by Senators BOSCHWITZ and BOREN, provides for an interest rate buy down program, administered by the States, as well as a possible principal write down by participating agricultural lenders.

We must regrettably face up to the fact that until the current administration changes its policies, which have depressed farm prices and income to new lows, more and more American farmers are going to have problems servicing their debts.

Rather than stringing our farmers along by creating more debt for them, we need to guarantee them a higher price for their crops. Until the administration changes its policies, we can provide assistance to American farmers through an interest rate and principal buy down plan.

By bringing the debt service of our farmers to an affordable level, we ensure that productive farmers, many of them young men and women just starting out, who are facing foreclosure of their farms not because of their own mistakes but because of government advice and policies, will be given the chance to become profitable.

Unfortunately, Mr. Speaker, some of our farmers are beyond help, but others can and should be given the opportunity to bring their debt service to manageable levels.

The Department of Agriculture has not properly implemented the interest rate buy down provisions of the 1985 farm bill, and this bill is, in effect, a sort of perfecting amendment to the farm bill.

We must look at the farm situation in many ways. This credit plan is part, but not all, of the solution. We must continue to put pressure on the administration to implement the export enhancement provisions of the farm bill to restore to our farmers the foreign markets which have eroded from under them. We must take steps aimed at ensuring our farmers a fair price for their product, thus increasing their income.

Steps can be taken now toward easing the credit crunch facing our farmers, and the effects of this will be seen over the short term. The other steps which must be taken are more long term in nature, but we must begin somewhere. This is a good place to start.

Mr. Speaker, I encourage my colleagues who have not done so to join us as cosponsors of this legislation.

LYNDON LAROUCHE PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes.

Mr. DURBIN. Mr. Speaker, this evening, I have asked for 60 minutes for a special order which is of particular significance in this election year.

It is a special order which will attempt, through the testimony of my colleagues and statements that have been made on the record, to establish the basis for the LaRouche party in the United States of America.

I am hoping that those who read the RECORD and witness this special order will stop and reflect on what this party stands for. It is basic to our democratic form of government that diversity of opinion be allowed and encouraged. We believe in this United States of America, that political ideas must be subjected to the public marketplace.

As a Nation, we trust in the collective wisdom of the American people to consider political ideas proffered and to choose the right ideas and the right course for our Nation. This legislative body, the House of Representatives, meets on a regular basis, Democrats and Republicans, locked in debate, in bitter disagreement.

I am sure that America and those particularly who watch our proceedings, are well aware of the differences of opinion. But those ideas are brought forth in this Chamber for the consideration of the American people.

This American democratic process requires more than anything that the American people be informed. Apathy and ignorance are the Achilles' heel of Democracy.

On March 18, in my home State of Illinois, we had a primary election contest which has drawn a great deal of national attention. The reason for it, of course, is that two Statewide candidates were nominated in the Democratic primary who aspire to the beliefs of the LaRouche party. There have been many reasons offered as to why this took place. I would like to suggest my analysis of the facts indicate that the candidates who prospered in that primary under the LaRouche label were not known to the voters of Illinois as being disciples of Lyndon LaRouche.

In fact, both candidates, one for Lieutenant Governor and another for secretary of State, were running against first-time candidates in the Democratic primary. In addition, there was a factor, which is known in Illinois, I guess, as having the right name.

In our primary, in the Democratic primary, our candidate for Lieutenant Governor was a State senator by the name of George Sangmeister, an extraordinary individual, who has made a great contribution to the State of Illinois.

His opponent, a LaRouchean candidate, was named Mark Fairchild.

On the race for secretary of State, our candidate was the daughter of a former Member of the U.S. House of Representatives. Her name: Aurelia Marie Pucinski. Her opponent: Janice Hart.

When the votes were counted, the two candidates with the easier-sounding names were nominated. The LaRouchean party officials came forward and suggested it was a great victory for their party. But I can tell you as one who witnessed the Illinois primary election, that little or no attention was paid to the LaRouchean candidates, either by the Democratic political Party or by the media in the State of Illinois.

I can recall an incident in February when I went to the press room in the Illinois State capitol building and I followed some members of the LaRouchean party who had just had a press conference. Members of the press corps were standing around still laughing about the press release that they had left because they called for statewide testing of every individual in Illinois to determine whether or not they had AIDS.

Unfortunately, that laughter and mirth translated into very few of those reporteres writing stories. So the people of this State did not realize that the LaRouchean candidates stood for those ideas.

Because of this ignorance, because of their fair-sounding names and the fact that the Democratic candidates for all offices paid little or no money on their campaigns in the primary, the two LaRouchean candidates prevailed.

I believe that the Lyndon LaRouche party and their ideas are weeds that wither in sunlight. We have found in Illinois an overwhelming revulsion to the LaRouchean candidates and their platform. Unfortunately, we have found it after the fact.

Tonight we will address the LaRouche party platform and their candidates across this country.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California [Mr. FAZIO].

□ 1745

Mr. FAZIO. Mr. Speaker, I want to thank my friend and colleague from Illinois, Mr. DURBIN, who has taken valuable time, from a busy schedule, to organize this special order on the political cult of Lyndon LaRouche. Thank you Dick for giving us this opportunity to join you this evening.

It is well worth asking why any of us here should devote any time at all to discuss a fringe political movement which has at its core bizarre conspiracy theories of the strangest type.

We have seen by the events in Illinois what effect ignoring this cult can have. On March 18, LaRouche-backed candidates won the primaries for two statewide offices. The press and our party had worked on the assumption that the LaRouche cult was so far out of the mainstream that to provide them any attention would be to bestow on them needless publicity. And it is only Monday morning quarterbacking that found this to be wrong. Over the years, hundreds of LaRouche candidates, and LaRouche himself, have run for office with virtually no success. We have ignored them for years but now conditions have changed and we must expose them for the antidemocratic neo-Nazis that they are.

Some organisms grow better in the dark, and when the light is cast upon them they dry up and blow away. It is time to focus the lights on the LaRouche cult and bring them out of the dark corner of political action into the sunshine.

Their silly beliefs are the easiest to deal with. On repeated occasions LaRouche and his various publications have claimed that the Queen of England is the head of an international drug ring. As late as a week ago, two LaRouche spokesmen interviewed on national television did not deny, but actually attempted to defend this ludicrous charge. When pressed on the point the cult members sought to link 20th century problems with the opium war of the 19th century.

History and analysis are not their strong suite.

It should be noted, under the silly category, that defamation of character is not limited to the royal family but

heaped upon patriotic Americans of all stripes. Former Secretary of State Henry Kissinger is a favorite target of this cult. He is accused not only of being a KGB dupe but also of having engineered the terrible famine that has gripped Africa. As a member of the Select Committee on Hunger, I can recall at no time the former Secretary being mentioned at all, but then again the committee relied on facts rather than twisted imagination. Other Americans who have been accused of assisting the KGB are William F. Buckley and former Vice President Walter Mondale, both of whom would be intrigued to find themselves working for the same boss much less the Soviets.

Last week, LaRouche himself charged Chief of the White House Staff, Don Regan, with assisting the illicit drug traffic before becoming a public servant. While Regan has come in for a lot of abuse since he assumed his White House post he does not deserve this.

David Rockefeller is accused of having a program of world domination designed after the plans of Hitler's finance minister. What can one say?

As we move from the silly to the sick LaRouche's true colors come to the fore. As recently as this month, there was an article on the Justice Department Office of Special Investigations in a LaRouche paper. This office was set up to bring the criminals of Hitler's genocidal policies to justice. Rather than praise this effort, LaRouche's "New Solidarity" came to the aid of the accused Nazi's and stated as a matter of fact that this office was set up to assist the Soviet Union track down the enemies of Moscow.

If this smacks the listener of anti-Semitism, would be correct because the cult has often made anti-Semitic charges in its publications.

The Anti-Defamation League is referred to as the American drug lobby.

In his article in the "Campaigner", another cult publication, LaRouche puts forward a twisted theory which claims the British and Jews have developed into a seperate, nonhuman, species. We have seen this kind of thinking in Nazi Germany and I had hoped it had perished in the rubble of the Berlin bunker.

Some have said that LaRouche and his followers have toned down the anti-Semitism in their rhetoric but I do not believe that such hateful ideas are changed as one would change one's socks.

Not only have they advocated anti-Semitism in their writings but they have formed political alliances with the Ku Klux Klan and the Liberty Lobby, a group which claims the Holocaust was a hoax.

As we reveal the beliefs of this cult it becomes clear that the LaRouchers pose a threat not to the Democratic Party but to our political system. In my region of California, a LaRouche supported candidate is running in the Republican primary for a State assembly seat. Statewide, there are five LaRouche candidates running in Republican primaries. As the Democratic Party had done in Illinois the Republican Party in California has done: They have disowned these cult candidates.

LaRouche candidates are running under the Republican banner in Oregon and in Ohio, and as a Member of this Congress I sincerely hope the Republican Party is successful in defeating these cult members. It will provide no partisan joy to see honorable men of the other party soiled by this bizarre band.

I want to take a few moments to comment on the press coverage of the LaRouche organization. It takes a news organization with a strong committment to bringing the facts to the American people to risk the harassment law suits that the LaRouche organizations often resort to. Freelance journalist Dennis King has contributed a wealth of information on the arcane history of this cult. John Mintz, of the Washington Post, has maintained a steady flow of articles on the cult and its various operations. The "McNeil-Lehrer News hour" devoted a long segment exploring the ideology of this cult. And NBC, which is now referred to by the cult papers as the National Bolshevik Co., has done the Nation a great service by revealing the cult for what it is. Of particular note, NBC's recent series pointed out the illegal fund raising tactics, involving credit card fraud, the LaRouchers have resorted to.

We know that LaRouche has resorted to violence, as he did when he launched "Operation Mop Up", which resulted in street fighting between rival fringe groups. We know the cult is anti-Semitic by the countless writings and publications. We know LaRouche organizations have attempted to infiltrate both political parties. And we know he has supported such anti-democratic groups as the KKK.

And we know that once all this is revealed to the American people they will reject LaRouche and his followers. It is as simple as telling the truth.

Thank you, Mr. DURBIN, for seeing that the truth is told.

Mr. DURBIN. I thank my colleague from California for joining in this special order, and his remarks will be amplified during the course of our testimony this evening. I especially appreciate the contributions made.

At this time, Mr. Speaker, I yield to my colleague from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. I thank the gentleman for yielding, and I congratulate the gentleman from Illinois and also the gentleman from California, while he is on the floor, for his leadership in discussing this vital matter on television and otherwise.

Again, to my friend from Illinois, I want to say: You've taken a lead on many issues, and your leadership is important.

Some people think the best way to handle extremism is to forget it; to let it die of its own weight; but sometimes it is important to tell the public what is really involved here.

I first came across the supporters of Mr. LaRouche in the late sixties, when I was in the State Senate of Michigan and later on when I was running for Governor.

In those days, Mr. LaRouche was on the far, far left. The important point to remember is, wherever they are, it is an extreme. His supporters used to come in to the meetings and disrupt them and yell out: "It's Rockefeller." Regardless of what the issue was, "It was Rockefeller."

There is always a devil within their array, always a devil. In those days, the focus was on Rockefeller.

Mr. LaRouche, according to the article in the New Republic—Mr. LaRouche was known around that time as Lynn Marcus, after Lenin and Marks, and the group that he had formed, the New York Labor Committee, had become a faction of Students for a Democratic Society.

□ 1755

The Students for a Democratic Society, an extremist group that had engaged for a number of years, on many occasions, in violence, violence. He was later expelled, according to this article by SDS, but they stayed within the extremes, within the shadows of American political life. Well, he more or less remained there with his supporters until more recently when because of the results in Illinois they burst into public attention once again. It is important for us to recognize them as the extremists that they are.

Mr. DURBIN. I think the gentleman makes an excellent point about the political ideology we are dealing with here. When you consider an individual like Mr. LaRouche, who has moved so far across the political spectrum and always ends up, as the gentleman has said, at the extreme end, it raises some serious questions. I have had the opportunity in preparation for this special order to read some of the writings of the LaRouche party, and it is an item which I will go into in the special order a little later.

I can tell you they almost defy description. On the one hand he would take a position which sounds almost progressive and then follow it up very quickly with a very conservative position. People who have walked through airports and seen the posters are as puzzled as I am as to where he fits on

the political spectrum. But no matter where the issue is, you can find his interpretation of it moving him far off to the edge, far off on the corners of the marketplace where we exchange ideas in this political system.

Mr. LEVIN of Michigan. Absolutely. I think what is correct is, if there is any button of fear to push, they will push it. If there is any button of hate, they are likely to find it; if there is any button of bigotry, their hand is more likely than not to be on it.

You know, this Chamber some months ago, you and I debated Gramm-Rudman with all of our colleagues. There were some very acrimonious words. I do not quite remember if we voted the same way, but there were some deep differences. But they were differences with respect.

But here is a recent publication, undated but obviously recent. Here is a recent publication of the LaRouche forces within the State of Michigan. Let me just briefly refer to their description of Gramm-Rudman: It is an unconstitutional arrangement that, and now I quote, "that might suit a Benito Mussolini or a Lee Iacocca. There is nothing American about it."

Now within those 15 words or so, you can see what is being done here. There is an appeal to bigotry, lumping together Benito Mussolini and Lee Iacocca.

Then further on they say "Cheer up, SANDY and CARL." That is my brother, Senator LEVIN, and myself, "and you, too, Congressman HERTEL." That is DENNIS HERTEL of Michigan, "You can always tell the Nuremberg judges that you were 'only following orders.'"

The three of us voted for the Gramm-Rudman bill. Well, in our country we fortunately have the right to say anything at any time as long as it does not induce rioting, as long as it is not tied to violence. But people also have a right to say about expressions that they are extreme, they are filled with hatred, that they are the antithesis of what is best in the American tradition.

Mr. DURBIN. There was an analyst, I think, who captured the basis for the mentality that would follow the Lyndon LaRouche line. That mentality suggests that nothing happens in the world by random nature and nothing happens by chance; that whatever happens, if it is a negative or a positive result, that behind it is some conspiracy, some plot. There are people who are moving behind the scenes unknown to most people to cause these things to occur.

You and I in dealing with our constituency know that there is a mindset within every society that looks for that. I have farmers, for example, in downstate Illinois who are convinced that they can pinpoint the real problem of the farm crisis and usually can identify one business, one bank, one person. They have it all put together in their minds. It must be a comforting feeling, but we know how simplistic it is, with the complexity of the world as we face it day to day, the issues that we face. It is never simple that you can find one group behind it.

Mr. LaRouche and his followers are always quick with an answer, quick with a reason, and quick with a conspiracy.

That is the reason why they have managed to vilify so many different people in American society and across the world.

Mr. LEVIN of Michigan. The gentleman is so right. I am so proud and privileged to stand here today with the gentleman and others of my colleagues who will be joining with the gentleman to say to America that we are going to insist on appealing to the best of people, to their hopes, not their fears, to what they prize, not what might be hated.

This group deserves the rays of sunshine, of truth and good will, and that is what the gentleman is doing here today, and I am glad to be a small part of it.

Mr. DURBIN. I thank the gentleman from Michigan. At this point I would say many people do not understand the scope of the LaRouche party organization within the United States and around the world. As we stand and speak this evening, there are some 750 LaRouchian candidates running nationwide, mostly I am sorry to say as Democrats, in 29 different States.

The group that was formerly known as the U.S. Labor Party, the LaRouche operation is officially called the National Democratic Policy Committee.

I will tell those listening and for the record that many Democrats like myself have been tricked into believing that when someone knocks on your door and announces they are with the National Democratic Party that they share my same political beliefs or at least my same partisan line. In fact, I have been surprised to find, and so have my colleagues, that oftentimes the LaRouche candidates and supporters will elbow their way into your office claiming to be part of the National Democratic Committee.

Once they sit down and open their mouths and start speaking about the issues, you quickly realize that they are far from the mainstream.

Our friends in organized labor have also found that the LaRouche party has attempted to undermine their efforts.

In 1980 Al Barkan, who was head of the AFL–CIO COPE in Washington, identified and described the Lyndon LaRouche campaign for President, and I quote, "as antilabor, anti-Catholic, anti-Semitic, and antiminorities." He formally warned working families across America not to be duped by the LaRouche party claims that they speak for the working people. This organization has been denounced from right to left, including denunciations by the Heritage Foundation, the New York Times.

In a recent article in the New Republic quoted from earlier also. Overseas the Lyndon LaRouche operation is substantial. In 1971 Lyndon LaRouche and his followers began to establish offices around the world. Former LaRoucheans who have now defected and speak to the press claim there are about 6,000 followers of Lyndon LaRouche outside the United States. They have European headquarters in Wiesbaden, Germany, and other offices in Belgium, France, Italy, Denmark, Sweden, Latin America, and the Far East.

Mr. LaRouche claims all of his offices form a worldwide network that gathers secret information from foreign governments. I will address the publications of the LaRouche operation next, but at this time I would like to yield to my colleague and friend, a leader in the Democratic Party in the U.S. House of Representatives, the gentlewoman from Ohio, MARY ROSE OAKAR.

Ms. OAKAR. I want to thank the gentleman for taking up this special order. I think it is especially appropriate not only because it affects a number of States like my own, the gentleman's, which have undergone a primary election or will be in the process of having primaries; which is interesting is that the mainstream political parties, namely the Democratic Party and the Republican Party, have both denounced any association with the LaRouche candidates. Ironically, the LaRouche candidates, I guess what I think is most offensive, among other problems, is that they have chosen to run under the banner of the Democratic Party. They do not have the courage to let people know outwardly that they are LaRouche candidates. So in the first place they try to hide under the guise of our political party, the Democratic Party.

Now one of the values that the Democratic Party believes in, and I believe Franklin Roosevelt reiterated many, many times, was that the Democratic Party was the party that brought the greatest good to the greatest number of people. And it is interesting to me that the LaRouche party is the party of exclusion. The Democratic Party is the party of inclusion. It does not matter if you are rich or poor or middle class, white or black, male or female, anyone who wants to become a Democrat, who believes in the goodness of the American people and the values of our country certainly can become one.

So our party is the party of inclusion. But when you take a look, as the gentleman has mentioned in his lead-

ership in this area, take a look at what their values are, the party of exclusion, the party of exclusion is the party that has an anti-Catholic agenda, as witnessed by the type of violence where I believe the lieutenant governor-candidate, the LaRouche candidate in Illinois now being accused of throwing liver or something at one of the bishops of the Catholic Church, which in fact could have injured the bishop substantially.

We know that they are suspected of having possibly something to do with the distinguished dignitary from Sweden's assassination. There are some suspicions there. There are allegations, in any event.

We know beyond the anti-Catholic and anti-Christian motif there is certainly a very real agenda. All you have to do is read their material. Also, an anti-Semitic agenda, antiminority idelogy.

Interestingly enough, they are now being investigated for all the collections they have made at these airports. If you ever wonder who these people are who have banners talking about nuclear energy or nuclear warfare or nuclear weapons, they look like most people, mostly young people, kind of fresh looking, neat looking. They are trying to solicit some money from you for giving out their propagandist literature.

The fact is that they are now being investigated for this whole operation as well. No one knows where they get their money, no one knows how Lyndon LaRouche, himself, supports himself on this multiacreage in Virginia.

Mr. DURBIN. I think it is important to note Mr. LaRouche was recently queried by the press about his own source of income, and he disclosed that he does not file an income tax return in the United States because he has no source of income and no visible means of support. He says that his friends move him from one safe house to another. They take care of him and they provide for him.

That kind of mystery is surrounding a man who claims he is a viable candidate for President of the United States. It suggests to me that those again who get to know what is really behind the LaRouche party will have more questions than they have answers.

Ms. OAKAR. That is right. I would suggest to my colleague that Mr. LaRouche and many of his followers live substantially better in terms of monetary wealth than the average American does.

So I think my basic problem among other problems with the philosophy is that they tend to attempt to defraud the American people by running as members of the Democratic Party, the party of values. It is interesting when you take a look at many of the Ohio Democratic candidates running for Congress, and the so-called LaRouche candidates, they are not running on the LaRouche banner, they are running as Democrats in our Democratic Party. I suppose I would feel equally offended, I might add, if they were running as Republicans in a Republican primary because the Republicans do not share this philosphy either.

One of the things, if you look at the voter registration cards of the people running, very often they will have just moved into the community, and very often they have not voted in the United States of America, let alone in the district.

□ 1810

So the whole thing has a resemblance of trying to put one over on the American people.

My own feeling is they do have a right to run, even though the philosophy, in my judgment, is one of great hostility and hatred. But they have a right to run in this country. But if they want to run on the ballot, they ought to have the courage to run under their own banner, and I would suggest that it is very simple to run in this country as an independent, and then tell the American people that indeed they are followers of LaRouche, and spell out what this philosophy is. Then I think we would have more honesty, and intellectual honesty at that, in these kinds of races.

So I want to commend the gentleman.

I have several articles that I would submit with this special order that have appeared.

The articles follow:

[From the New York Times, Apr. 1, 1986]

THE LINKS BETWEEN LAROUCHE AND NEW YORK CORRUPTION

(By Daniel Patrick Moynihan)

WASHINGTON.—With a third of a century of political work behind me, I am presumably one of the senior Democrats in New York. It ought then to be expected that I should have something to say about two events that just now have our local and our national party reeling.

The events are the wrenching revelations of corruption in the Democratic administration of New York City, and the seemingly equally sudden emergence of the neo-fascist followers of Lyndon H. LaRouche in Democratic primary contests across the nation—dramatized most visibly by their victories in important primary races in Illinois.

To attempt to explain these events, and indeed to suggest some links between them, is in no way to excuse them. On March 12, I spoke to the annual dinner of the New York State Democratic Committee on the first matter—the matter of corruption. For those in attendance who might not have known what senators do, it was time to be a bit more explicit. For one thing, senators choose United States attorneys and district judges. One such prosecutor I had chosen had sent Joseph Margiotta of Nassau County, among the most powerful local Republican Party leaders of this century, to prison. It should be understood, I said, that "the same will be the fate of figures in our party if that is their due."

Indeed, I went on, "let the grifters and the boodlers and those who were merely playing a piano downstairs hear this: Pray God you do not appear before one of the judges I have chosen for the Federal bench, for almost the first of their convictions is that public corruption is more than crime, it is betrayal, and is contemptible and unforgivable.".

Then, on March 23, I spoke on the subject of the LaRouchites at the Jewish Community Council of Washington Heights and Inwood. In 1983, that community had faced a genuine assault by these totalitarian, anti-Semitic (and once Trotskyite) candidates in the school board elections. The community had fought back and won.

It was an honorable victory, I said, but not all that surprising. When it is made clear to the electorate who these people are, support for them becomes very thin. Not thin enough, but still. . . .

I was challenged in the 1982 Senate primary by a follower of Mr. LaRouche. He went on to win only 15 percent of the vote, but we worried about him, and ended up spending twice as much in the primary as in the general election.

However, neither event broke the LaRouche momentum, which began in New York City's 1981 Democratic mayoralty campaign, when the LaRouche candidate was not challenged. To the contrary, he was treated as a legitimate candidate in our party for one of the highest offices we customarily control. Soon the movement metastasized and spread coast-to-coast.

What is common to these events is a great weakening of the Democratic Party as a political institution, brought about by the rise of primary elections and the way we choose candidates for public office. (Republicans have been affected also, but they don't have our tasks such as governing cities the like of New York and Chicago.)

It comes to this. The only reason serious people will give serious time to work for a political party is that by doing so, they have some say as to whom their party nominates, and with luck, elects to office. Reduce that possibility—as the primary system does by rewarding candidates who have lots of cash, and thus exposure, or who have extremist views, and thus fanatically dedicated followers—and the uses of a political party are reduced to two: debating practice or plunder. New York City provides a mix of both.

Distrust of political parties is perhaps the oldest of our political traditions. Witness James Madison's doubts in The Federalist Papers. As an expression of that distrust, the direct primary emerged at the turn of the century as part of the Progressive assault on the Republican machines of the farm states.

But it has become a dominant political mode only in the past few decades, first as a means of choosing Presidential nominees, and thence down through the system. Mostly, television did this by making plebiscitary choices more interesting and feasible than organizational ones.

All to the good, it might seem. Until some of the bad appears.

The primary system makes money the primary arbiter of political outcomes. Not the only. But from a third of a century of encounters with both plebiscitary and organizational arrangements, I would say the main. A discernible advantage also goes to

fanatic, single-minded, single-issue campaigns.

In this setting, political organizations are easily ignored or readily penetrated. As a matter of principle, Richard J. Daley would never have allowed LaRouchites into his party councils. He avoided contests. As a matter of, well, policy, Carmine DeSapio would have been equally resistant. But no one fought them in the Chicago of 1986 or the New York of 1981. It was no one's duty and evidently no one's perceived interest. (Would you like a sample from the "humor" column of the LaRouche publication, New Soldiarity? Q.: What's the meaning of the "gay rights movement?" A.: A Nazi faggot dancing the hora.)

There will continue to be much talk of limiting the influence of money in politics, and this will come mostly from people who have lots of it. (By my calculation, more than half the Senate is now made up of millionaires.) I doubt that much will happen, not least because we are beginning to sense the class advantage that campaign laws confer on the already rich. But it is possible to hope that election laws can be changed to give party conventions more of a say in the effective choice of candidates, and to give parties powers to resist intrusion by elements wholly at odds with their own principles.

John LoCicero, a principal political strategist in the 1981 New York mayoral primary, has recently been quoted as saying that "we didn't challenge anyone's signatures" because "it's not part of the democratic process." That is a perfectly honorable statement but calamitously wrong. The democratic process is not abetted by admitting neo-fascists to the Democratic Party. Let them have their own party if they like, but keep them out of ours.

Nor is the interest in honest government served by allowing the Democratic Party in the city to lapse into desuetude save as an instrument of low-grade larceny that true buccaneers won't be bothered with and true citizens won't touch.

Something like the future of the oldest political party on earth is at stake in these matters and that has something to do with the future of this Republic.

[From the New York Times, Apr. 3, 1986]

HOW NEW YORKERS DEFEATED LAROUCHE

(By Stanley E. Michels and Franz S. Leichter)

The startling victory in the Illinois Democratic primary of candidates associated with Lyndon LaRouche's neo-Nazi organization has generated the question, "How could it have happened?" It would be a mistake to consider the victory a freak event that cannot be repeated. In fact, LaRouche adherents have won large vote totals in numerous races around the country since 1982.

Our northern Manhattan community, Washington Heights and Inwood, faced a determined effort in 1983 by LaRouche candidates to win control of the local school board, the local Democratic Party and the Area Policy Board (which recommends allocation of antipoverty monies). We resoundingly defeated them in all three elections within eight months.

Our experience is that Mr. LaRouche commands numerous volunteers who work with robot-like persistence in unswerving devotion to him and his conspiracy theories. His candidates are well-financed and will say and do almost anything to win, including smearing opponents with wild charges. On one occasion, LaRouche followers burst into our offices and abused staff workers. As the Democrats in Illinois learned, it is an extremely serious mistake to laugh off the group as right-wing nuts not worthy of campaigning against.

School board elections would seem easy to win because nine posts are available, the election is nonpartisan and by proportional representation, and it historically attracts very few voters. In 1983, the LaRouche organization was known because of a visible effort in the 1981 mayoralty primary and for having fielded a candidate who got 15 percent of the primary vote against Senator Daniel Patrick Moynihan in 1982. While a large number of LaRouche followers lived in our area, they had maintained a fairly low profile.

In 1983, the organization made an all-out effort to win control of the District 6 school board. It spent substantial sums promoting candidates and distributing campaign literature with facile slogans for "classical education," "Star Wars" weapons and saving the economy from depression. It was apparent to all who listened and read carefully that the real agenda was an anti-Semitic, anti-Catholic and anti-minority ideology designed to gain influence and ultimately political power for Mr. LaRouche.

With other elected officials from the area, especially Assemblymen Brian Murtaugh and Herman D. Farrell Jr., we mobilized virtually the entire community, not just the Democrats. We educated voters aobut what Mr. LaRouche really stands for. We identifed all the LaRouche candidates in order to steer voters away from them. We convinced voters who usually ignore school board elections that something crucial was at stake.

In short, we made Mr. LaRouche the issue. Using findings of the B'nai B'rith Anti-Defamation League, A.F.L.-C.I.O. and the writer Dennis King, an expert on Mr. LaRouche—that the LaRouche group is extremist and anti-Semitic—we challenged LaRouche candidates at meetings, outside subway stations and on the streets. With the support of District Council 37 (American Federation of State, County and Municipal Employees) and the United Federation of Teachers, which otherwise were backing opposing slates, we flooded the community with leaflets, held numerous public meetings and sent volunteers door-to-door. Parents groups, fraternal organizations and block associations organized. Priests, rabbis and Protestant ministers supported this effort.

On election day, almost 15,000 turned out—some voters in wheelchairs and with walkers. Volunteers and local elected officials competed outside every polling place with LaRouche minions that had been imported from around the country. The highest vote any LaRouche candidate received was a mere 340.

Bolstered by this victory, the community easily fended off LaRouche attempts to capture Democratic district leadership races and seats on the antipoverty board. In 1984, Mr. LaRouche began to move his followers out of our neighborhood, to try to fool voters elsewhere. Unfortunately, he succeeded in Illinois. As we learned in Washington Heights and Inwood, the only way to deal with Mr. LaRouche is to relentlessly expose him.

[From the Washington Post, Apr. 2, 1986]

LAROUCHE IS NOT A CONSERVATIVE

(By Richard A. Viguerie)

In the news coverage of the Illinois Democratic primary, in which supporters of Lyndon LaRouche were nominated for lieutenant governor and secretary of state, almost all reports identified LaRouche as "rightwing" or "ultraconservative." This makes no sense at all, except as evidence of media bias.

The LaRouche supporters call for the repeal of Gramm-Rudman-Hollings, claim that Ferdinand Marcos actually won the Philippine election and demand that farm foreclosures be prevented by having the government confiscate the property. They support government subsidies for nuclear power plants and seem to be saying that most bankers are involved in drug trafficking. They say they are fighting a worldwide conspiracy that includes Nobel Prize-winning economist Milton Friedman, the Jewish organization B'nai B'rith and the queen of England. Their nominee for secretary of state in Illinois has pledged to put Washington Post staffers "on trial for Nuremberg crimes."

The lead story on the front page of the latest issue of New Solidarity, the LaRouche newspaper, is an attack on Sen. Jesse Helms, R-N.C., accusing Helms of trying to install a Nazi as the ruler of Panama. On page two, a story about the nation's leading conservative broadcaster is headlined, "Pat Robertson Peddling Snake Oil for the KGB." Page six has a cartoon showing a demonic version of Sen. Phil Gramm, R-Texas, wielding an ax, and an article on page eight attacks Sen. Barry Goldwater, R-Ariz.

The anti-conservative tilt of the LaRouche organization is not surprising. Lyndon LaRouche first became well-known when he was associated with Students for a Democratic Society, the radical group founded by Tom Hayden and others. Under the name "Lyn Marcus" (taken from Lenin and Marx), LaRouche tried to take over the Socialist Workers Party; when he failed, he founded the U.S. Labor Party. LaRouche, who called himself "the American Lenin," was a Trotskyite—that is, his complaint with the Soviets was that they weren't Communist enough.

According to a 1974 FBI report, the LaRouche group known as the National Caucus for Labor Committees described itself as an "organization of revolutionary socialists." In a series of lectures published in 1976, LaRouche said his organization was "allied" with certain "Communist forces" that are "working overnight, constantly, to bring into being a new Marxist International throughout the capitalist sector."

And if the LaRouche followers are conservatives, why are almost all of the hundreds of them this year running in the primaries of the more liberal party, the Democratic Party?

LaRouche and his group are said by the media to have swung from the far left to the far right in recent years—mainly, it seems, because of their anti-Soviet position. But, in our view, this is fully consistent with his background as a Trotskyite (that is, anti-Soviet) Communist.

Despite the difficulty of pinning him somewhere on the political spectrum, the Chicago Tribune's stories on the Illinois election called the primary winners "right-wing extemists" and "ultraconservative." The Washington Post headline called them

"far-right." One USA Today headline referred to LaRouche as a "rightist," and the story called him "hard right" and "ultraconservative."

It's a pattern we've seen before. The New York Times recently listed a racist, anti-Semitic newspaper as one of the "organs of the conservative movement," and Newsweek described the newspaper's little-known publisher as one of the "apostles of conservatism." The characterizations are absurd, laughable, the stuff of which cocktail party conversation is made—so why did The Times and Newsweek sink so low?

Why do the media associate LaRouche and other bizarre-types with conservatism? Why do they lump together (as "conservatives," "ultraconservatives" or "the far-right") people who have nothing in common and whose philosophies are diametrically opposed? Why do they link libertarians like Milton Friedman, traditionalists like Pat Robertson, white supremacists like the Ku Klux Klan, anti-Communist socialists like Salvadoran President Jose Napoleon Duarte, cruel authoritarians like South Africa's P.W. Botha, totalitarians like Adolf Hitler, crooks like Ferdinand Marcos, aggressive Communists like the "hard-liners" in Moscow and weirdos like Lyndon LaRouche? All of them are referred to by the media as "conservatives," although in fact only Friedman and Robertson are conservatives.

Why do the media refer to them all the same way? What could they all possibly have in common—except that they are not liberals? Aha! That's the answer! Throughout history, many a primitive tribe has called itself by a name that means, simply, "human beings." In that view, the world is divdied into two groups: 1) "us" and 2) everybody else.

That's how the national news media classify people. A liberal is a person who agrees with them. And a conservative? A conservative is anybody else.

Ms. OAKAR. They have appeared not only in the New York City papers, but they have appeared indeed throughout the country.

Our country is a country that believes in basic ideas of freedom of expression and we believe in the values of human values toward one another. I for one really believe that if the LaRouche people who have changed their political philosophy apparently from the Marxist philosophy to the some other kinds of insidious views and want to run as candidates, they should have the courage to run under their own banner and not attempt to deceive the American people. That is really what it is all about.

I just want to close by saying that we ought not to call attention to them. I know in my own case and in some of the cases of my colleagues from Ohio, they say you will just bury that individual in terms of the election, and you will win by a landslide in the Democratic primary.

I do not believe we should take this lightly. I think that we have an obligation. If they do not want to tell the American people what they really stand for and who they really are, I think somebody should do that, because very often people are not as informed about political philosophies as we would like to see happen. They are certainly not going to get a handle on the LaRouche philosophy from those people running under the Democratic Party's banner.

So again, I want to commend the gentleman. I want to challenge the LaRouche candidates to in the next election, run under your own banner. Run as independents as LaRouche candidates. And then you lay it all out to the American people and tell them what you stand for. I really suspect, because of my great belief in the wisdom and the values of our American people, they will reject this kind of insidious philosophy soundly.

Mr. DURBIN. Mr. Speaker, I thank the gentlewoman from Ohio for joining. I know the gentlewoman has had firsthand experience with LaRouche candidates in the State of Ohio. Unfortunately, those of us in Illinois have learned the hard way that they cannot be ignored and written off as kooks. They must be taken seriously.

Mr. Speaker, one of the things that I was surprised to learn after the primary in the State of Illinois in attending a meeting with Democratic Party officials was that one of the leading labor leaders in my own congressional district had been receiving a LaRouche party publication for some months. He was not aware of the fact that it was a publication from the LaRouche party.

This evening I would like to comment, if I can, on the publications of the LaRouche party, so that those who will read these words and hear this statement may take a look in their own mailboxes, and many may be surprised.

The LaRouche party publishes a twice weekly newspaper entitled New Solidarity. They publish magazines entitled Campaigner, Fusion, the International Journal of Fusion Energy, War on Drugs, Young Scientist, the American Labor Beacon, which I understand they have discontinued recently.

They publish books through a company in New York known as the New Benjamin Franklin House Publishing Co. Two of their more popular titles are "Dope Incorporated," and the other is "The Power of Reason," which we may find hard to imagine is the Lyndon LaRouche autobiography.

But far and away the most lucrative publication of the LaRouche party is this weekly magazine known as the "Executive Intelligence Review." It is directed toward the security concerns of business and government. It claims 7,000 subscribers.

In Lyndon LaRouche's own words, "* * * chiefly those among political, financial, industrial, and trade association clients internationally."

To subscribe to this magazine that is published on a weekly basis, it costs $400 a year. Over-the-counter sales are estimated at between $600 and $1,000. If the figures are accurate that are provided by the LaRouche party, they generate about $3 million in annual revenues from this publication. They claim to have international bureaus in 16 cities in the United States and around the world.

Their articles in various publications, and particularly in this one, have included charges that former Ambassador Averell Harriman was a liberal fascist. I have a certain fixation with Mr. Harriman and his family, and I found throughout their publications continuing reference to him. In fact, when the senior Senator from the other body from New York recently ran against a LaRouche candidate in the primary, that candidate made a big controversy of the fact that the candidate he was opposing had a wife who formerly worked for Governor Harriman, as if this in and of itself was some condemnation.

They have also claimed in their publications that organized crime engineered the selection of Chuck Manatt as head of the Democratic National Committee. Keeping in mind that Chuck Manatt, originally an Iowa farm boy, went on to his fortune in business in California and eventually headed the Democratic National Committee, the real Democratic Party, it is hard for me to imagine that anyone who has met or worked with Mr. Manatt would fall for that type of a charge. But imagine, if you will, how few people actually meet him or work with him, and how many people, unfortunately, would be easy prey for this kind of hatred and vile comment.

This issue of the Executive Intelligence Review which I have in my hand is one of the most recent. I have to tell you that I did not subscribe to this. What I have here is a mailing label, "To Representative Richard Durbin from a Concerned Constituent." Someone, somewhere paid some money so that I might receive this magazine. I hope to use the magazine to let people around the Nation and those of my colleagues in Congress know what kind of hate-filled accusations are made by the LaRouche party. We have statements in here that are incredible in reference to the Illinois Democratic scene.

They have claimed, of course, a great victory in the March 18 primary. As I said in my opening remarks, I believe that victory was occasioned by the lack of information being given to voters rather than a conscious choice on behalf of the LaRouchians.

They seem to be able to tie everything together. They have said that the one reason why Adlai Stevenson, the Democratic nominee for Governor, does not choose to run with a LaRouche candidate, Mr. Mark Fair-

child, was that he is running the risk, Mr. Stevenson is running the risk, "of being driven out of the party by the elite crowd of Gold Coast," which is a reference to an area in Chicago, "cocaine-sniffing liberals."

This is not the only rash statement made by the LaRouchians in our area.

We, unfortunately, in the Democratic Party for the time being are saddled with a candidate whom we will have nothing to do with by the name of Janice Hart. She is our Democratic nominee for Secretary of State and a LaRouchian. I want to read some of the comment she made in a press conference after her nomination.

She said in the report that appeared in Newsweek magazine. "In the flat tones of a military commander at a press conference in Springfield, she said, 'We will roll our tanks down State Street in Chicago and make sure every citizen is armed with reason and beauty. We will hang traitors and hang people who are responsible for feeding our children drugs. He [Lyndon LaRouche] will put the fear of God in people like Henry Kissinger and the State Department.' "

And then she called our State Department "the biggest hot bed of treason in this Nation since Aaron Burr killed Alexander Hamilton."

I have been a member of the Democratic Party in the State of Illinois now for over 20 years. I have run as a candidate for Lieutenant Governor across the State of Illinois.

□ 1820

I am familiar with my colleagues who share that party label.

Ladies and gentleman and colleagues, I can tell you that none of them share any belief with Mrs. Hart in reference to what this Nation is made of and where it is going. We, unfortunately, in Illinois are saddled with the responsibility of ridding ourselves of what has become a very serious interloper on our ballot.

Reference was made earlier to some of the more outrageous charges made by the LaRouche party. The one that puzzles me the most, because I find it hard to believe that even the LaRouchians can take it seriously, is the suggestion that the Queen of England is a dope dealer.

I quote Mr. LaRouche, who appeared on NBC television on March 4, 1984, on a program known as "First Camera." When he was asked, "Do you really believe the Queen of England is a dope pusher?" he said, "Of course she's pushing drugs * * * that is in a sense of a responsibility: the head of a gang that is pushing drugs; she knows it's happening and she isn't stopping it."

They have also charged that the National Broadcasting Corp. [NBC] is infiltrated by agents of the Soviet security agency, the KGB.

References were made earlier to statements which have been made continually since 1978 by the LaRouche party, anti-Semitic statements. In fact, at one point, when Lyndon LaRouche was accused of being anti-Semitic, he sued the Anti-Defamation League for libel because they called him anti-Semitic. After the evidence was presented at his trial, the libel charges against the ADL by Mr. LaRouche were dismissed.

At this point I would like to read to you what the justice of the New York State Supreme Court said in October 1980, in dismissing Mr. LaRouche's charges. Supreme Court Justice Michael Dontzin held that the Anti-Defamation League's characterization of a LaRouche group as anti-Semitic constituted, in his words, "fair comment" and that the facts presented in the case "reasonably gave rise" to such characterization.

Lyndon LaRouche is the same individual who has dismissed the Holocaust which claimed the lives of 6 millions Jews as merely mythical, in his words.

And they have an unusual view of the Soviet Union. Here is a man who started off as a Marxist or a Trotskyite, came full circle through the left and over to the right. But if you read his publications, it is hard to escape and to miss the fact that within that publication he called the idea that the Soviets have ambition of world domination a delusion. He criticizes the Solidarity movement in Poland. And there are several articles that I have read where he has praised to the high heavens the Soviet educational system.

Statements have been made earlier by my colleagues about why the LaRouchians decided to pick on the Democratic Party. I do not know. When I read Mr. LaRouche's own comments and his newsletter of his organization of March 1982 he says:

The difference between Republican and Democratic kooks is that the Democrats are outright Fascists.

This is the party where he is trying to find a home.

I can recall at the convention which our party held during the last Presidential campaign that we were assaulted continually on the streets by those who wanted us to a sign petitions so Lyndon LaRouche could address the Democratic National Convention. He never received that opportunity. Although I would defend his right to speak to any group, he no more belongs with the Democratic Party than I belong with any other political party than the one I claim.

Mr. LaRouche has also some unusual phobias. One of them is the phobia of assassination. He believes that he is an assassination target. In fact, he believes the plot that is out to get him involves European Fascists, the British intelligence network, the Russian order spinoff of the Order of the Malta, Hinckley himself, the would-be assassin of President Reagan. And Mr. LaRouche goes on to say that he is not the only target, that this worldwide conspiracy has fingered not only him but President Reagan and Pope John Paul II.

Mr. LaRouche was asked what his four-point program was to revitalize the American economy. Here is what he said:

His first point was to restore the United States to the gold standard; second, federalize the Federal Reserve, making it the Third National Bank; and then he came in with a public works project; and he closed with one of his favorite topics, an energy policy based on nuclear power.

Another favorite target of the LaRouche operation is the National Education Association. Those of us who work with members of the National Education Association on a day-to-day basis know them to be dedicated teachers who work in our classrooms, working as hard as they can to educate our children, to make certain that the next generation of Americans has the skills to be able to compete.

Here is what Lyndon LaRouche says of the National Education Association:

If we were to ask what institution has been most responsible for the destruction of education in the United States, the answer unequivocably is the National Education Association.

And he goes on to say—and again here comes the conspiracy—that the NEA serves the interests of those who would allow the Soviets to achieve world hegemony.

Henry Kissinger has been a favorite target of the LaRouche party. They have called him one of the leading Soviet moles.

If you will take a look sometimes at the publications of the LaRouche party, you will find some outrageous comments in reference to former Secretary Kissinger. In fact, I will not submit this one for the record because the libelous and slanderous statements included in there about Mr. Kissinger do not deserve to be part of this CONGRESSIONAL RECORD.

But it is interesting, to me, within months after this publication from Mr. LaRouche, which I have in my mind, lambasting Kissinger, hit the stands, that an incident occurred. You may remember it. It was in 1982. At that time former Secretary of State Henry Kissinger and his wife Nancy were walking through the airport in Newark, and they chanced to pass by one of those ubiquitous card tables where the Fusion Energy Foundation had an information booth set up. It was manned by a 6-year LaRouche veteran and a colleague. As Mr. Kissinger and his wife passed by, one of them who recognized him jumped up and, despite the fact that Mr. Kissinger

was on his way to Boston, where 3 days later he was to undergo a triple bypass operation, this individual confronted Mr. Kissinger and asked him why he prolonged the Vietnam war. And then he made a comment to his wife, an insulting comment, and she stepped forward and grabbed the person. That LaRouchian then filed suit against Mrs. Kissinger. Sometime later, commenting on the obscene suggestion that was made by the LaRouchian, the interviewer was asking the person who assaulted them, "Why did you do it? Why did you grab him in the airport?" And he said, "Boy, these people, these Kissinger folks are really touchy people."

I would suggest that goes far beyond ordinary political comment. What we have here is not the statement of expression of an opinion but instead we have acts of violence engendered again by this conspiracy theory.

Another frequent target was our former candidate for President in the Democratic Party, Walter Mondale, who was claimed to be by the LaRouchians a Soviet agent of influence.

My colleagues, what I have found in Illinois since the election is that we have learned an awful lot about the LaRouchian party. In a recent poll in my own congressional district, fewer than 5 percent of the voters believed that the Illinois Democrats who voted for the LaRouchian candidate had any idea who they were voting for.

In fact, in one poll that was taken after the election by our gubernatorial candidate, Adlai Stevenson, they asked for a public-esteem rating, an approval rating. That is a common question in polls, where names are given of prominent public figures and, of course, the person queried is asked whether he holds him in high esteem or not. And those who are very popular score high. It may be of interest for those listening to know that Lyndon LaRouche scored 1 point below in public esteem an individual by the name of Mikhail Gorbachev, the General Secretary of the Soviet Union.

There are additional concerns which we have about the impact of the LaRouchian organization. A recent publication of the New Republic, in November 1984, contained an article written by Dennis King and Ronald Radosh, entitled "The LaRouche Connection." It raises serious questions about what the LaRouche party is up to in terms of providing information to elected officials. They turn up unannounced and uninvited many times to testify at hearings, oftentimes embarrassing candidates that they might come in to endorse for nomination to various Cabinet posts and high-level positions.

Dr. Norman Bailey had resigned in December 1983 from his posts as a special assistant to the President and as the National Security Council's senior Director of International Economic Affairs. The National Security Council is one of the most sensitive agencies of the Federal Government. It is empowered to consider highly classified information and make important decisions about the future national security needs of our Nation. He justified his meeting with the LaRouchian people, saying that they offered "one of the best private intelligence services in the world."

I find this incredible that a person who is rational, working for this administration or any administration, if they know even the very least about the LaRouchian party, what they stand for and what they have said, would claim that they have one of the best private intelligence services in the world.

There is also evidence of a gentleman by the name of Dr. Ray Pollock in this same article that is quoted, who works with the National Security Council, and one of the chief architects of President Reagan's star wars policy. Mr. Pollock, who resigned from the administration, has said that he met on several different occasions with the LaRouchian officials. He said that he was intrigued by LaRouche's talented followers, and he said that some of the statements they made spoke well for their intelligence network.

I think, with all the resources of the United States of America, we do not need to rely on Lyndon LaRouche for information. The kind of twist and bent that he gives to facts is something that our country certainly has no need of.

I would like to close this special order by commenting that there are many who have cautioned over the years that we should ignore people like Lyndon LaRouche and they will go away. We found on March 18 in the State of Illinois that ignoring Lyndon LaRouche ended in the nomination of two of his disciples on the Democratic Party ballot. It was a source of great embarrassment and humiliation to the Illinois Democratic Party. We are working hard now to clear up this problem so that the voters in November will not be faced with the choice of seeing only LaRouchian candidates holding the Democratic banners for Lieutenant Governor or secretary of state.

But in this process we have learned a lot. I hope it is a lesson that is shared with the rest of the Nation. I hope that those who are voters and who are interested in this process will take the time to ask important questions, to ask of candidates claiming to be part of one party or another what they really stand for. And if they identify themselves as followers of Mr. LaRouche, I hope that you will follow through with questions along the lines we suggested today.

As was stated earlier, the ideas of the LaRouchian party are like weeds that wither in sunlight. I hope during the course of this special order we have shed some light on those ideas and that my colleagues and those listening will take the time to inquire and become informed voters. When they do, if they choose the LaRouche party platform, that is part of being American, and I would of course defend their right to do so; but I hope that choice is an informed choice.

Mr. Speaker, I yield back the balance of my time.

JOSEPH AND RALPH BERNSTEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLARZ] is recognized for 60 minutes.

Mr. SOLARZ. Mr. Speaker, on February 26, as you may recall, the House voted in favor of two resolutions citing Joseph and Ralph Bernstein, the directors and managers of the New York Land Co. in New York, for contempt of Congress as a result of their refusal to cooperate with the Subcommittee on Asian and Pacific Affairs, which was then in the process of conducting an investigation into the hidden wealth of Ferdinand and Imelda Marcos, of the Philippines, here in the United States. Those resolutions were adopted, in the case of Ralph Bernstein, by a margin of 352 to 34 and, in the case of Joseph Bernstein, by a margin of 343 to 50.

The Bernstein brothers had refused to answer a whole series of questions put to them by myself and other members of the subcommittee on the grounds that it would require them to violate the attorney-client privilege if they were to divulge the information we were seeking.

It was the opinion of the House counsel and the minority counsel of the House, whose judgment we solicited, that in fact the attorney-client privilege was not being properly invoked.

For that reason, the subcommittee voted to cite the Bernstein brothers for contempt. The full Foreign Affairs Committee then voted overwhelmingly to cite them for contempt and, as I just indicated, the full House voted to cite them for contempt as well.

A few months later, after the restoration of democracy in the Philippines and the flight of Mr. Marcos and his wife, Imelda, from Manila to Honolulu, documents were discovered at Malacanang Palace clearly linking Joseph Bernstein, at least, to President Marcos and some of the real estate owned by the Marcoses in New York, which our subcommittee was investigating. A grand jury, under the direction of the U.S. attorney, began proceedings pursuant to the adoption of

the contempt of Congress citation. The Bernstein brothers, through their attorneys, contacted me as chairman of the Subcommittee on Asian and Pacific Affairs and indicated that they were now prepared to cooperate with our subcommittee and wanted to know, if they did cooperate with the subcommittee, whether we would be prepared to communicate that fact to the U.S. attorney.

□ 1835

We indicated that we would be. I met personally with the Bernstein brothers for several hours. Our subcommittee staff met with them for many more hours and the Bernsteins then appeared before the Subcommittee on Asian and Pacific Affairs a few weeks ago in public session and, testifying under oath, answered without exception all the questions we put to them. Their testimony was indeed very helpful. It demonstrated very clearly that the Marcoses were the owners of about $350 million of prime real estate in the New York area. They provided our subcommittee with a number of details and some very relevant information which we did not previously have.

In view of the fact, Mr. Speaker, that the primary interest all along was not in sending the Bernstein brothers to jail as a result of their contempt of Congress, but in obtaining the information which they alone had, which was directly relevant to the investigation of our subcommittee, I felt it was appropriate to seek the authority and the mandate of the Subcommittee on Asian and Pacific Affairs for a letter to be sent to the U.S. attorney indicating that the Bernstein brothers have now cooperated with the subcommittee.

That motion was adopted by a vote of 5 to 1 in the subcommittee earlier today, and pursuant to the motion, I am now bringing it to the attention of the House in order to give any of our colleagues who may have any questions or concerns about our intent to send such a letter, the opportunity to raise those questions or concerns with me or with my very good friend who is in the House at this point, the very distinguished ranking minority member, the gentleman from Iowa [Mr. LEACH].

In the absence of a direction from the House not to proceed with such a letter, inasmuch as it was the full House which voted to cite the Bernsteins for contempt, it would be our intention to send a letter to the U.S. attorney indicating that the Bernsteins have cooperated with us and have answered without exception all the questions we have put to them. Based on my discussion with the U.S. attorney, it is my impression that upon receiving such a letter, together with a transcript of the subcommittee hearing at which they testified, that the U.S. attorney will drop the grand jury proceedings against the Bernsteins.

Let me just say, Mr. Speaker, before yielding to my good friend, the gentleman from Iowa, that I genuinely regret the fact that the Bernsteins did not cooperate with us back in December when we originally called them before us. If they had been willing to do so, it would have saved the members of our subcommittee and the staff literally hundreds of hours of work. We would have been able to complete our investigations in a far more timely and expeditious action. They chose instead to stonewall the committee. As a consequence, we felt we had no alternative but to cite them for contempt; but I am pleased that the rights of our subcommittee and the Congress have ultimately been vindicated. We received at the end of the day the information we were seeking. We were able to demonstrate, with the help of the Bernstein brothers, that the Marcoses, as we suspected from the beginning, are, in fact, the owners of hundreds of millions of dollars worth of real estate in New York.

In view of the fact that we have obtained the information we were seeking at the time, I think it would be appropriate for us to send such a letter to the U.S. attorney.

I am now happy to yield to my very good friend, the gentleman from Iowa [Mr. LEACH], whose cooperation throughout the course of this investigation has made it possible for us to proceed in a genuine bipartisan fashion.

May I say here also that I have a particularly high regard and genuine appreciation for the extent to which the gentleman from Iowa throughout the course of our investigation consistently sought to protect the interests of the various witnesses and to make sure that the investigation was conducted in a way which would be compatible with the highest standards of due process and fairness for all of the individuals involved. I think the timely representations in that regard were without exception extraordinarily constructive and I think they were a critical factor in enabling our subcommittee to maintain the support not of other members of the committee, but the respect and confidence of the Congress as a whole and of the people of our country.

I think we can be proud not only of what we were able to uncover throughout the course of this investigation, but of the way in which the investigation itself was conducted. I truly believe it was a model for congressional investigations of this character and a larger part of the credit is due to the gentleman from Iowa, who played such a responsible role throughout the investigation.

I am now happy to yield to my good friend for whatever comments he would like to make.

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for his kind comments.

Mr. Speaker, as Members of this body will recall, the House voted on February 27, 1986, to approve House Resolution 384, calling for certification to the U.S. attorney for the District of Columbia of a report from the House Foreign Affairs Committee citing Joseph and Ralph Bernstein for refusing to answer certain questions of the Subcommittee on Asian and Pacific Affairs pertaining to allegations of Marcos family investments in the United States.

In concluding my remarks on the contempt resolution brought before the House, I noted that Joseph and Ralph Bernstein held in their own pockets the keys to their potential incarceration. I expressed, along with the gentleman from New York [Mr. SOLARZ] the continued hope that in the wake of House action, Joseph and Ralph Bernstein would reconsider cooperation with the subcommittee in its quest for the truth in this investigation.

Subsequent to House approval of House Resolution 384, Joseph and Ralph Bernstein came to the subcommittee and presented information and material which had every indication of being forthright and which provided a perspective to the committee which bore direct relevance to its investigation.

Precedents of the House in matters of contempt are important. While the model established of allowing a witness to be legally unaccountable for noncooperation with a committee investigation until the House itself acts and a court proceeding is instituted is imperfect, I nevertheless believe, as a general proposition, that the House should go to great lengths to accommodate witnesses who wish to cure, through voluntary cooperation, their prior intransigence.

The investigatory powers of the House are so extraordinary that committees of this body have an obligation to bend over backward not to be coercive. Congressional investigations should be governed by the desire for information, not retribution. A request from the House to the Justice Department to seek legal redress should only be made with the greatest reluctance. Punitive measures should always be the last resort after all means for obtaining desired information have been exhausted.

Mr. Speaker, contempt citations should be judged on a case-by-case basis. In the Bernsteins' case, little would appear to be served by pressing legal action at this point.

Accordingly, unless this notification to the House of intent to proceed produces substantial objections of a nature that this Member is not currently aware, I intend to join with the gentleman from Florida [Mr. FASCELL], the gentleman from New York [Mr. SOLARZ], and the gentleman from Michigan [Mr. BROOMFIELD] in writing the Justice Department pursuant to the direction of the Subcommittee on Asian and Pacific Affairs, urging that the record demonstrating cooperation by Joseph and Ralph Bernstein be provided to the U.S. attorney for the District of Columbia. In view of their belated cooperation with the committee of jurisdiction, I believe the legal proceedings against the Bernsteins should be dropped.

Finally, let me just conclude with a footnote that relates to the gentleman from New York [Mr. SOLARZ]. I know of no investigation from a committee of the Congress that reflected greater judgment of a committee chairman, nor greater personal courage, in the sense that it brought before this House legal proceedings for two individuals who reside in the same town as the gentleman from New York. That is a very difficult thing to consider doing. It implies taking on political and social liabilities of an extraordinary nature, but it became very clear to me that the gentleman from New York's desire to protect the Congress was more important than any political ramifications that might unfold in New York.

Mr. SOLARZ. Mr. Speaker, I want to thank the gentleman from Iowa [Mr. LEACH] for his remarks. I deeply appreciate them.

Mr. Speaker, I hope this brings to an end the episode of the Bernsteins and this Congress and that this will enable us to close the book on at least their role in this investigation. I have no further comments to make.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. FORD] is recognized for 5 minutes.

Mr. FORD of Tennessee. Mr. Speaker, I would like to express my regrets for missing an important vote before the House this afternoon. Due to death in my family, I was unavoidably absent.

Mr. Speaker, the vote I am referring to concerns H.R. 281—the double breasting bill. I am strongly in favor of this bill and had I been present for the vote I would have answered in the affirmative.

H.R. 281 will increase the stability of collective bargaining in the building and construction industry. This bill will tighten the standards limiting dual shop operations and will in effect bring about greater employee security.

The legislation is needed more than ever since the provisions of the National Labor Relations Act enacted by Congress in 1959 have been largely negated by recent decisions of the National Labor Relations Board.

Mr. Speaker, I feel H.R. 281 is necessary to reverse the effect of the Board's decisions and will achieve what Congress sought through its enactment of the National Labor Relations Act.

For these reasons Mr. Speaker, I lend my support to the passage of the bill.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLAZ) to revise and extend their remarks and include extraneous material:)

Mr. COBEY, for 60 minutes, on April 23.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BEREUTER, for 60 minutes, on April 22.

Mr. RITTER, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on April 18.

Mr. GINGRICH, for 60 minutes, on April 21.

(The following Members (at the request of Mr. PENNY) to revise and extend their remarks and include extraneous material:)

Mr. PENNY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on April 18.

Mr. COLEMAN of Texas, for 60 minutes, on May 14.

(The following Member (at the request of Mr. DURBIN) to revise and extend his remarks and include extraneous material:)

Mr. FORD of Tennessee, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FORD of Michigan, in support of H.R. 281, preceding consideration of the bill for amendment, in the Committee of the Whole, today.

Mr. RINALDO, on H.R. 281, in the Committee of the Whole, today.

Mr. FAZIO, on H.R. 281, in the Committee of the Whole, today.

Mr. EDWARDS of California, on H.R. 281, in the Committee of the Whole, today.

(The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. MCKERNAN in two instances.

Mrs. SMITH of Nebraska.

Mr. JEFFORDS.

Mr. FAWELL.

Mr. CHAPPIE in two instances.

Mrs. MARTIN of Illinois.

Mr. DEWINE.

Mr. KEMP in three instances.

Mr. DORNAN of California in two instances.

Mr. BEREUTER.

Mr. BROOMFIELD.

Mr. DREIER of California.

Mr. HYDE.

Mr. RITTER.

Mr. TAUKE.

Mr. GUNDERSON.

Mr. SENSENBRENNER.

Mr. DANNEMEYER.

Mr. SCHAEFER.

Mr. RUDD.

Mr. GILMAN in two instances.

Mr. BLILEY.

Mr. GEKAS.

Mr. MOORE in two instances.

Mr. SWINDALL in two instances.

Mr. DAUB.

Mr. FRENZEL.

(The following Members (at the request of Mr. PENNY) and to include extraneous matter:)

Mr. FLORIO.

Mr. ROSE in two instances.

Mr. RAHALL.

Mr. LAFALCE.

Mr. APPLEGATE in two instances.

Mr. MONTGOMERY.

Mr. TORRICELLI.

Ms. MIKULSKI in two instances.

Mr. KANJORSKI.

Mr. HERTEL of Michigan.

Mr. WALGREN.

Mr. LEHMAN of California.

Mr. GARCIA in two instances.

Mr. LANTOS.

Mr. RODINO.

Mr. ROYBAL.

Mr. MORRISON of Connecticut.

Mr. HOYER.

Mr. PENNY.

Mr. WIRTH.

Mr. RANGEL.

Mrs. COLLINS.

Mr. DONNELLY.

Mr. OBERSTAR.

Mr. FASCELL.

Mr. LOWRY of Washington.

Mr. BOLAND.

Mr. LELAND.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the

House of the following title, which was thereupon signed by the Speaker:

H.R. 4551. An act to extend for 3 months the emergence acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

ADJOURNMENT

Mr. SOLARZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Friday, April 18, 1986, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3324. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to reduce the cost and improve the administration of the Food Stamp Program and for other purposes; to the Committee on Agriculture.

3325. A letter from the Acting Comptroller General of the United States, transmitting a report of the status of budget authority made available to the Department of Housing and Urban Development for community development grants, reported as deferred in the President's third special message, February 5, 1986, pursuant to 2 U.S.C. 685 (H. Doc. No. 99-202); to the Committee on Appropriations and ordered to be printed.

3326. A letter from the Acting Comptroller General of the United States, transmitting a report of the status of budget authority made available to the Department of Energy for the development, operation and maintenance of the Strategic Petroleum Reserve [SPR] and deferred by the President in his third special message dated February 5, 1986, pursuant to 2 U.S.C. 685 (H. Doc. No. 99-203); to the Committee on Appropriations and ordered to be printed.

3327. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting its 1986 report on the U.S. Information Agency, pursuant to Reorganization Plan No. 2 of 1977, section 8(b); to the Committee on Foreign Affairs.

3328. A letter from the Acting Comptroller General, transmitting a list of all reports issued by GAO during the month of March 1986, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3329. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting the agency's annual report of its activities under the Government in the Sunshine Act during calendar year 1985, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3330. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Soldiers Meadow Dam, Lewiston Orchards Project, ID, pursuant to 43 U.S.C. 509; to the Committee on Interior and Insular Affairs.

3331. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a copy of the supplement to Special Analysis D, which provides projections of Federal investment spending and a review of recent public civilian investment needs assessments, pursuant to 31 U.S.C. 1105(a); jointly, to the Committees on Government Operations and Public Works and Transportation.

3332. A letter from the Comptroller General of the United States, transmitting a report entitled, "Improved Management Processes Would Enhance Justice's Operations" (GAO/GGD-86-12); jointly, to the Committees on Government Operations and the Judiciary.

3333. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report, covering fiscal year 1984, of actions taken to recruit and train Indians to qualify for positions which are subject to preference under Indian preference laws, pursuant to 25 U.S.C. 472a(d); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

3334. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Study of Registered Dietitians' Services in Home Care", pursuant to 42 U.S.C. 139511 nt.; jointly, to the Committees on Ways and Means and Energy and Commerce.

3335. A letter from the Secretary of Health and Human Services, transmitting the final report of the National Hospice Study and the evaluation of the Medicare hospice demonstration project, pursuant to 42 U.S.C. 1395f nt., 1395x nt.; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GLICKMAN: Committee on the Judiciary. H.R. 2987. A bill for the relief of Whiteworth Incorporated of Gardena, CA (Report No. 99-541). Referred to the Committee of the Whole House.

Mr. GLICKMAN: Committee on the Judiciary. H.R. 1389. A bill for the relief of Beulah C. Shifflett; with an amendment (Report No. 99-542). Referred to the Committee of the Whole House.

Mr. GLICKMAN: Committee on the Judiciary. H.R. 1260. A bill for the relief of Joe Herring; with an amendment (Report No. 99-543). Referred to the Committee of the Whole House.

Mr. GLICKMAN: Committee on the Judiciary. H.R. 529. A bill for the relief of the heirs of Master Sergeant Nathaniel Scott, United States Army, retired, deceased; with amendments (Report No. 99-544). Referred to the Committee of the Whole House.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4421. A bill to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes; with an amendment (Report No. 99-545). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. H. Res. 425. A resolution waving certain points of order against H.R. 4515, making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes (Report No. 99-546). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON of Texas (for himself, Mr. HUNTER, and Mr. LIVINGSTON):

H.R. 4611. A bill to protect United States citizens from terrorism; jointly, to the Committees on the Judiciary, and Foreign Affairs.

By Mr. WIRTH (for himself, Mrs. COLLINS, Mr. MARKEY, Mr. WAXMAN, Mr. SCHEUER, Mr. LELAND Mr. KLECZKA, Mr. SYNAR, Mr. BRYANT, and Mr. BATES):

H.R. 4612. A bill to amend title 49, United States Code, to centralize motor carrier safety responsibilities within the National Highway Traffic Safety Administration, to improve hazardous materials transportation enforcement, and for other purposes; jointly, to the Committees on Public Works, and Transportation, and Energy and Commerce.

By Mr. DE LA GARZA (for himself, Mr. MADIGAN, Mr. JONES of Tennessee, and Mr. COLEMAN of Missouri):

H.R. 4613. A bill to reauthorize appropriations to carry out the Commodity Exchange Act, and to make technical improvements to that act; to the Committee on Agriculture.

By Mr. AKAKA for himself and Mr. HEFTEL of Hawaii):

H.R. 4614. A bill to amend an act to add certain lands on the Island of Hawaii to Hawaii Volcanoes National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. AuCOIN (for himself and Mr. DURBIN):

H.R. 4615. A bill to prohibit the furnishing of Stinger air defense guided missiles to foreign paramilitary forces; to the Committee on Foreign Affairs.

By Mr. BATES:

H.R. 4616. A bill to amend title 10, United States Code, to authorize the inclusion of amounts for interport differential as an evaluation factor for award of contracts for the overhaul, repair, or maintenance of naval vessels; to the Committee on Armed Services.

By Mr. DAUB (for himself and Mr. DORGAN of North Dakota);

H.R. 4617. A bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Budget Reconciliation Act of 1985 with respect to insolvent farmers; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 4618. A bill to amend the Impoundment Control Act of 1974 to provide that any deferral of budget authority proposed by the President shall take effect unless within 45 legislative days Congress completes action on an impoundment bill disapproving such proposed deferral, and for other purposes; jointly, to the Committee on Government Operations, and Rules.

By Mr. DREIER of California:

H.R. 4619. A bill to establish a commission to study and report on the crisis in the availability and affordability of liability in-

surance; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.R. 4620. A bill to amend part A of title XVIII of the Social Security Act to limit the rate of increase in the inpatient hospital deductible and to change the extended care coinsurance amount; to the Committee on Ways and Means.

By Mr. DREIER of California (for himself, Mr. LOTT, Mr. CHAPPIE, Mr. ZSCHAU, Mr. MCCANDLESS, Mr. HUNTER, Mr. BARTON of Texas, Mr. LUNGREN, Mr. RUDD, Mr. LEWIS of California, Mr. HARTNETT, Mr. CRANE, Mr. BURTON of Indiana, Mr. COURTER, Mr. DELAY, Mr. ARMEY, Mr. NIELSON of Utah, and Mr. BADHAM):

H.R. 4621. A bill to establish within the Department of Commerce a Small Business Administration, to terminate certain functions of the present Small Business Administration, to transfer certain functions of the present Small Business Administration to the Secretaries of Commerce and the Treasury, and for other purposes; to the Committee on Small Business.

By Mr. EARLY:

H.R. 4622. A bill to establish the Blackstone River Valley National Heritage Corridor in the States of Massachusetts and Rhode Island; to the Committee on Interior and Insular Affairs.

By Mr. EDGAR (for himself, Mr. EDWARDS of California, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. FLORIO, and Mr. BONIOR of Michigan):

H.R. 4623. A bill to amend title 38, United States Code, to improve readjustment counseling for Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 4624. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1987, and for other purposes; to the Committee on the Judiciary.

By Mr. FOWLER:

H.R. 4625. A bill to amend the Federal Aviation Act of 1958 to authorize law enforcement officials to search passengers and property to be transported in commercial air transportation; to the Committee on Public Works and Transportation.

By Mr. JONES of Oklahoma (for himself, Mr. ENGLISH, Mr. EDWARDS of Oklahoma, Mr. WATKINS, Mr. SYNAR, Mr. MCCURDY, and Mr. WEBER):

H.R. 4626. A bill to provide credit assistance to borrowers of loans made by commercial lending institutions, Farm Credit System institutions, and the Farmers Home Administration, and for other purposes; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself and Mr. OBEY):

H.R. 4627. A bill to authorize the Secretary of Agriculture to issue a nationwide marketing order applicable to milk and milk products, and for other purposes; to the Committee on Agriculture.

By Mr. KEMP (for himself, Mr. FAUNTROY, Mr. COATS, Mr. SILJANDER, Mr. HILER, Mr. DORNAN of California, Mr. COURTER, and Mr. MCCAIN):

H.R. 4628. A bill to amend the United States Housing Act of 1937 to provide additional homeownership and resident management opportunities for families residing in public housing projects; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEHMAN of California (for himself, Mr. MILLER of California, Mr. COELHO, Mr. FAZIO, Mr. SEIBERLING, Mr. KILDEE, Mr. VISCLOSKY, Mr. WEAVER, Mr. RICHARDSON, Mr. FUSTER, Mr. RAHALL, Mr. SUNIA, Mr. LEVINE of California, Mr. MOODY, Mr. GEJDENSON, Mr. MURPHY, Mr. MOLLOHAN, Mr. MARKEY, Mr. SHARP, Mr. KOSTMAYER, Mr. EDWARDS of California, Mrs. BOXER, Mr. BROWN of California, Mr. BOSCO, Mrs. BURTON of California, Mr. BERMAN, Mr. TORRES, Mr. MATSUI, Mr. MARTINEZ, Mr. DYMALLY, Mr. SCHUMER, Mr. BATES, Mr. DOWNEY of New York, Mr. MRAZEK, Mr. SIKORSKI, Mr. RUSSO, Mr. DELLUMS, Mr. WAXMAN, Mr. HAWKINS, Mr. BEILENSON, Mr. ROYBAL, Mr. STARK, Mr. MINETA, Mr. PANETTA, Mr. SABO, Mr. LOWRY of Washington, Mr. BONIOR of Michigan, Mr. LEVIN of Michigan, Mr. CARPER, Mr. SMITH of Florida, Mr. WISE, Mr. DIXON, Mr. LANTOS, Mr. GORDON, Mr. WYDEN, Mr. STAGGERS, Mr. PERKINS, Mr. KLECZKA, Mr. WIRTH, Mr. MORRISON of Connecticut, Mr. AUCOIN, Mr. HOYER, Mr. JACOBS, Mr. ACKERMAN, Mr. COLEMAN of Texas, Mr. DURBIN, Mr. ERDREICH, Mr. FRANK, and Mr. STUDDS):

H.R. 4629. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Kings River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. LELAND (for himself, Mr. HYDE, Mr. WAXMAN, Mr. MILLER of California, Mr. COATS, Mr. BATES, Mr. BILIRAKIS, Mr. BLILEY, Mr. BROYHILL, Mr. CAMPBELL, Mrs. COLLINS, Mr. DERRICK, Mr. FORD of Tennessee, Mr. FLORIO, Mr. FROST, Mr. LUKEN, Mr. MACKAY, Ms. MIKULSKI, Mr. RICHARDSON, Mr. ROWLAND of Georgia, Mr. SCHEUER, Mr. SHELBY, Mr. SIKORSKI, Mr. SLATTERY, Mr. WALGREN, Mr. WIRTH, and Mr. WYDEN):

H.R. 4630. A bill to amend title XIX of the Social Security Act to permit States the option of providing under their medicaid plans prenatal, delivery, and postpartum care to low-income pregnant women and medical assistance to low-income infants under one year of age; to the Committee on Energy and Commerce.

By Mr. LIGHTFOOT (for himself, Mr. TOWNS, and Mrs. BENTLEY):

H.R. 4631. A bill to amend the Farm Credit Act of 1971 to provide additional protection to farmers participating in the Farm Credit System, and for other purposes; to the Committee on Agriculture.

By Mr. MITCHELL:

H.R. 4632. A bill to clarify and expand the functions of the Associate Administrator for Minority Small Business and Capital Ownership Development of the Small Business Administration, to transfer resources to the Administration to promote the execution of such functions and to eliminate duplicative functions of the Minority Business Development Agency; to the Committee on Small Business.

By Mr. PEPPER:

H.R. 4633. A bill to amend title II of the Social Security Act to eliminate the 3-percent trigger for cost-of-living increases in social security benefits; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 4634. A bill to authorize appropriations for environmental research, development, and demonstration activities at the Environmental Protection Agency for fiscal years 1987 and 1988, and for other purposes; to the Committee on Science and Technology.

By Mr. SHAW:

H.R. 4635. A bill to amend title 23, United States Code, relating to the control of outdoor advertising along the Federal-aid primary and Interstate Highway Systems; to the Committee on Public Works and Transportation.

H.R. 4636. A bill to provide for controlled substances testing programs for personnel of the United States having access to classified information, and for other purposes; jointly, to the Committees on Armed Services, Post Office and Civil Service, and House Administration.

By Mr. STANGELAND

H.R. 4637. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. STARK (for himself, Mr. GRADISON, Mr. WAXMAN, Mr. ROYBAL, Mr. PEPPER, Mr. JACOBS, Mr. RANGEL, Mr. DONNELLY, Mr. COYNE, Mr. PICKLE, Mr. DAUB, Mr. GREGG, Mr. RINALDO, and Mr. REGULA):

H.R. 4638. A bill to amend title XVIII of the Social Security Act to asssure the quality of inpatient hospital services and post-hospital services furnished under the medicare program, and for other purposes; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. WYDEN:

H.R. 4639. A bill to amend title VII of the Omnibus Crime Control and Safe Streets Act of 1968, relating to armed career criminals, to include a serious drug offense and any crime of violence as an offense subject to enhanced penalties; to the Committee on the Judiciary.

By Mr. ZSCHAU:

H.R. 4640. A bill to amend the Export Administraiton Act of 1979 with respect to exports to countries other than controlled countries; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H.J. Res. 603. Joint resolution proposing an amendment to the Constitution of the United States to repeal clause 11, of section 8, of article I of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MICHEL:

H. Con. Res. 320. Concurrent resolution establishing a temporary joint committee on the budget; to the Committee on Rules.

By Mr. SKELTON (for himself and Mr. ROWLAND of Connecticut):

H. Res. 424. Resolution to express the gratitude of the American people for the assistance provided by the government and people of the United Kingdom during defensive operations carried out against Libya on April 14, 1986; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DONNELLY introduced a bill (H.R. 4641) for the relief of Richard F. Walsh; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. BROWN of Colorado and Mr. RODINO.

H.R. 893: Mrs. SCHROEDER and Mr. BERMAN.

H.R. 979: Mr. GORDON, Mr. SCHEUER, Mr. KLECZKA, Mr. BRYANT, Mr. REID, Mr. HUTTO, Mr. NEAL, and Mr. SAXTON.

H.R. 1089: Mr. TALLON.

H.R. 1140: Mr. GEPHARDT.

H.R. 1479: Mr. YOUNG of Alaska.

H.R. 1950: Mr. SEIBERLING and Mr. KANJORSKI.

H.R. 2061: Mr. SMITH of New Hampshire.

H.R. 2361: Mr. WOLPE.

H.R. 2364: Mr. LAFALCE.

H.R. 2371: Mrs. JOHNSON.

H.R. 2451: Mr. FUQUA, Mr. JONES of North Carolina, Mr. HUCKABY, Mr. DICKINSON, Mr. CALLAHAN, and Mr. RAY.

H.R. 2543: Mr. LEWIS of Florida, Mr. UDALL, Mr. PENNY, Mr. ROBERTS, Mr. RAHALL, Mr. SMITH of Florida, Mr. MARTINEZ, Mr. SEIBERLING, Mrs. BOXER, and Mr. GEJDENSON.

H.R. 2793: Mr. HUTTO and Mr. HENRY.

H.R. 2852: Mr. BLAZ, Mr. GOODLING, Mr. EDWARDS of Oklahoma, Mr. TORRICELLI, Mr. MARTINEZ, Mr. PURSELL, Mr. TRAFICANT, and Mr. COBEY.

H.R. 2870: Mr. BREAUX.

H.R. 2897: Mr. BOULTER, Mr. KOLBE, Mr. STANGELAND, Mr. SHUMWAY, Mr. LAGOMARSINO, and Mr. EDWARDS of Oklahoma.

H.R. 2902: Mr. FOLEY, Mr. GUARINI, Mr. HOWARD, and Mr. MAVROULES.

H.R. 2977: Mr. DREIER of California, Mr. BARTLETT, Mr. GILMAN, Mr. PICKLE, and Mr. RANGEL.

H.R. 3042: Mr. HAWKINS, Mr. ROEMER, Mrs. BOXER, and Mr. MANTON.

H.R. 3048: Mr. MINETA.

H.R. 3136: Mr. LAGOMARSINO.

H.R. 3465: Mr. BOLAND, Mr. ROBINSON, Mr. PERKINS, Mr. MCHUGH, Mr. TORRICELLI, and Mr. LANTOS.

H.R. 3594: Mr. FORD of Michigan and Mr. RANGEL.

H.R. 3799: Mr. COOPER, Mr. EDWARDS of California, Mr. MORRISON of Connecticut, and Mr. WISE.

H.R. 3876: Mr. TOWNS.

H.R. 3968: Mr. CONYERS, Mr. HEFTEL of Hawaii, Mr. KILDEE, Mr. MCHUGH, Mr. MURPHY, Mr. SIKORSKI, Mr. OWENS, and Mr. WOLPE.

H.R. 3995: Mr. TORRICELLI, Mr. LOTT, and Mr. JACOBS.

H.R. 4068: Mr. GALLO and Mr. COBEY.

H.R. 4097: Mr. FRANK, Mr. ROYBAL, Mr. TOWNS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. HUGHES, Mr. BRUCE, Mr. FOGLIETTA, and Mr. WHITTAKER.

H.R. 4195: Mr. RANGEL.

H.R. 4197: Mr. FRANK, Mr. FUSTER, Mr. MANTON, Mr. ROEMER, Mr. NELSON of Florida, and Mr. FAUNTROY.

H.R. 4233: Mr. KRAMER, Mr. BROWN of Colorado, and Mr. SCHAEFER.

H.R. 4273: Mr. BOLAND, Mr. BRYANT, Mr. DORGAN of North Dakota, Mr. EDWARDS of Oklahoma, Mr. GILMAN, Mr. HAYES, Mr. HORTON, Mr. JACOBS, Mr. MANTON, Mr. MINETA, Mr. RITTER, Mr. SMITH of Florida, Mr. TAUKE, Mr. VALENTINE, Mr. WORTLEY, Mr. MCCLOSKEY, and Mr. DORNAN of California.

H.R. 4300: Mr. MANTON, Mr. RICHARDSON, Mr. SIKORSKI, and Mr. STARK.

H.R. 4325: Mr. AUCOIN, Mr. DE LUGO, Mr. FRANK, Mr. MRAZEK, Mr. CROCKETT, Mr. MITCHELL, Mr. TOWNS, Mr. HUGHES, Mr. FAZIO, Mrs. BOXER, and Ms. KAPTUR.

H.R. 4326: Mr. AUCOIN, Mr. DE LUGO, Mr. FRANK, Mr. CROCKETT, Mr. MITCHELL, Mr. TOWNS, Mr. HUGHES, Mr. FAZIO, Mrs. BOXER, and Ms. KAPTUR.

H.R. 4327: Mr. AUCOIN, Mr. DE LUGO, Mr. FRANK, Mr. MRAZEK, Mr. CROCKETT, Mr. MITCHELL, Mr. TOWNS, Mr. HUGHES, Mr. FAZIO, Mr. GINGRICH, Mrs. BOXER, Ms. KAPTUR.

H.R. 4333: Mr. OBEY.

H.R. 4344: Mr. SILJANDER, Mr. HORTON, Mrs. VUCANOVICH, Mr. PACKARD, Mr. JONES of North Carolina, Mr. GINGRICH, Mr. CHANDLER.

H.R. 4391: Mr. YOUNG of Florida.

H.R. 4412: Mr. MORRISON of Connecticut.

H.R. 4421: Ms. KAPTUR.

H.R. 4422: Mr. RANGEL and Mr. COATS.

H.R. 4462: Mr. VOLKMER.

H.R. 4463: Mr. RAHALL, Mr. EDWARDS of California, Mr. FAZIO, Mr. CHAPPIE, Mr. MINETA, Mrs. LLOYD, Mr. RODINO, Mr. SAVAGE, Mr. TORRES, Mr. SCHEUER, Mr. HORTON, Mr. LEHMAN of Florida, Mr. HOYER, Mr. LAGOMARSINO, Mr. COLEMAN of Missouri, and Mrs. JOHNSON.

H.R. 4482: Mr. DWYER of New Jersey, Mr. HUBBARD, and Mr. WEAVER.

H.R. 4528: Mr. GARCIA, Mr. FUSTER, Mr. FAUNTROY, Mrs. BURTON of California, Mr. REID, and Mr. DIXON.

H.R. 4545: Mr. PICKLE.

H.R. 4593: Mr. FUSTER, Mr. KOSTMAYER, Mr. NELSON of Florida, Mr. HUTTO, and Mr. MORRISON of Connecticut.

H.J. Res. 133: Mr. COBEY.

H.J. Res. 244: Mr. BRUCE, Mr. YATRON, Mr. MOORHEAD, Mr. ANTHONY, and Mr. COURTER.

H.J. Res. 266: Mr. NOWAK, Mr. YOUNG of Alaska, Mrs. BYRON, Mr. SYNAR, and Mr. ROTH.

H.J. Res. 297: Mr. MAVROULES and Mr. MURTHA.

H.J. Res. 316: Mr. MARTINEZ, Mr. KINDNESS, Mr. FASCELL, Mr. OLIN, Mr. DEWINE, Mr. JACOBS, Mr. WEAVER, and Mr. SHARP.

H.J. Res. 385: Mr. SHARP, Mr. ERDREICH, Mr. OLIN, Mr. SUNDQUIST, Mr. COURTER, Mr. QUILLEN, Mr. EDGAR, Mr. DEWINE, Mr. DUNCAN, Mr. BILIRAKIS, Mr. SLATTERY, Mr. MILLER of Washington, Mr. KANJORSKI, Mr. LOWRY of Washington, Mr. LAGOMARSINO, Mr. RAY, Mr. HATCHER, Mr. ORTIZ, Mr. DANNEMEYER, Mr. PURSELL, Mr. BROYHILL, Mr. CHAPPIE, Mr. CARR, Mr. HUBBARD, Mr. OBERSTAR, Mr. ROBERTS, Mr. WORTLEY, Mr. YOUNG of Florida, Mr. BOLAND, Mr. MOLLOHAN, and Mr. BONER of Tennessee.

H.J. Res. 427: Mr. FASCELL and Mr. LEVINE of California.

H.J. Res. 435: Mr. KASICH, Mrs. HOLT, Mr. ROE, and Mr. WEISS.

H.J. Res. 470: Mr. FUQUA, Mr. GONZALEZ, Mr. MORRISON of Washington, Mr. ROSE, Mr. PEPPER, Mr. IRELAND, Mr. SNYDER, Mr. COURTER, Mr. BOEHLERT, Mr. BOLAND, Mr. FRANKLIN, Mr. GEKAS, Mr. HAMMERSCHMIDT, Mr. MCCOLLUM, Mr. MOLLOHAN, Mr. DOWNEY of New York, Mr. LEVINE of California, Mr. DYSON, Mr. GILMAN, and Mr. PETRI.

H.J. Res. 480: Mr. DANIEL, Mr. BARNES, Mr. FAUNTROY, and Mr. MORRISON of Connecticut.

H.J. Res. 502: Mr. BLAZ, Mr. ANNUNZIO, Mrs. BOGGS, Mrs. BOXER, Mr. BROWN of Colorado, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMPBELL, Mr. CARNEY, Mr. CHAPPELL, Mr. CHAPMAN, Mr. CHAPPIE, Mr. CHENEY, Mr. CLAY, Mr. COBEY, Mrs. COLLINS, Mr. COURTER, Mr. DANIEL, Mr. DANNEMEYER, Mr. DARDEN, Mr. DOWDY of Mississippi, Mr. EDGAR, Mr. FRANKLIN, Mr. FRENZEL, Mr. GEKAS, Mr. HANSEN, Mr. HAWKINS, Mr. HERTEL of Michigan, Mr. JEFFORDS, Mr. KINDNESS, Mr. MAVROULES, Mr. MOLLOHAN, Mr. NOWAK, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. SABO, Mr. SHAW, Mr. SPRATT, Mr. STAGGERS, Mr. TRAFICANT, Mr. VOLKMER, Mr. WHITTEN, Mr. YOUNG of Florida, Mr. COOPER, Mr. HUTTO, Mr. MOLINARI, Mr. MORRISON of Connecticut, Mr. REGULA, Mr. RITTER, Mr. GONZALEZ, Mr. BEVILL, Mr. WYLIE, Mr. PORTER, Mr. DYSON, and Mr. BENNETT.

H.J. Res. 504: Mr. KRAMER, Mr. MCKERNAN, Mr. NIELSON of Utah, Mr. SHUMWAY, and Mr. ERDREICH.

H.J. Res. 516: Mr. BOEHLERT, and Mr. MONSON.

H.J. Res. 526: Mr. CROCKETT, Mr. TRAFICANT, Mr. CARPER, Mr. COUGHLIN, Mr. PASHAYAN, Mr. PEPPER, Mr. FAZIO, Mr. WYDEN, Mr. WEBER, Mr. MORRISON of Connecticut, Mr. HENRY, Mr. TAUKE, Mr. MANTON, Mr. WHEAT, Mr. DORNAN of California, Mr. BARNES, Mr. ROWLAND, of Georgia, Mr. BREAUX, Mr. WHITTAKER, Mr. MARKEY, Mr. BROWN of California, Mr. JONES of Tennessee, Mr. FISH, Mr. DIOGUARDI, Mr. SCHUETTE, Mr. HOYER, Mr. VALENTINE, Mr. REID, Mr. BIAGGI, Mr. MRAZEK, Mr. FUQUA, Mr. BONER of Tennessee, Mr. RITTER, Mr. MCCAIN, Mr. HORTON, Mr. ACKERMAN, Mr. ROSE, Mr. HILER, Mr. DIXON, and Mr. DOWDY of Mississippi.

H.J. Res. 531: Mr. BROOMFIELD, Mr. SUNDQUIST, Mr. JEFFORDS, Mr. FOGLIETTA, Mr. ROSE, Mrs. ROUKEMA, Mr. YOUNG of Florida, and Mrs. LONG.

H.J. Res. 544: Mr. ARMEY, Mr. SILJANDER, Mr. DELAY, Mr. DIOGUARDI, Mr. WALKER, Mr. SWINDALL, Mr. COBEY, Mr. SHAW, Mr. MOORHEAD, Mr. SPENCE, Mr. BROOMFIELD, Mr. GILMAN, Mr. STRANG, Mr. WEBER, Mr. CLINGER, Mr. HYDE, Mr. WISE, Mr. CHENEY, Mr. PEPPER, Mr. ROEMER, Mr. WHITTEN, Mr. DENNY SMITH, Mr. PARRIS, Mr. HENRY, Mr. TAYLOR, Mr. GEKAS, Mr. THOMAS of California, Mr. GREEN, Mr. TAUKE, Mr. PURSELL, Mr. COLEMAN of Missouri, Mr. IRELAND, Mr. RITTER, Mr. ROBERTS, Mr. COUGHLIN, Ms. SNOWE, Mr. MCKERNAN, Mr. GALLO, Mr. SAXTON, Mrs. JOHNSON, Mr. KINDNESS, Mr. KEMP, Mr. BILIRAKIS, Mr. ROTH, Mr. BOULTER, Mr. BROYHILL, Mrs. ROUKEMA, Mr. SWEENEY, Mr. RUDD, Ms. FIEDLER, Mr. FRENZEL, Mr. BURTON of Indiana, Mr. LEWIS of California, Mr. DREIER of California, Mr. SPRATT, Mr. MCCANDLESS, Mr. BLILEY, Mr. COBLE, Mr. VANDER JAGT, Mrs. MARTIN of Illinois, Mr. SMITH of New Hampshire, Mr. ROGERS, Mr. MILLER of Ohio, Mr. MOORE, Mr. CARNEY, Mr. DELLUMS, Mr. GREGG, Mr. EDWARDS of Oklahoma, Mr. FRANKLIN, Mr. WHITTAKER, Mr. JEFFORDS, Mr. COLEMAN of Texas, Mr. HOPKINS, Mr. RALPH M. HALL, Mr. JENKINS, Mr. BARNARD, Mr. MOODY, Mr. COATS, Mr. PACKARD, Mr. CARPER, Mr. LENT, Mrs. MEYERS of Kansas, Mr. SNYDER, Mr. MADIGAN, Mr. TAUZIN, Mr. STENHOLM, Mr. MICHEL, Mr. WIRTH, Mr. HENDON, Mr. KOLTER, Mr. MORRISON of Washington, Mr. FAWELL, Mr. CONTE, Mr. BIAGGI, Mr. DONNELLY, Mr. MOLINARI, Mr. REGULA, Mr. MAVROULES, Mr. GIBBONS, Mr. YOUNG of Alaska, Mr. HANSEN, Mr. SUNDQUIST, Mr. YOUNG of Florida, Mr. SLAUGHTER, Mr. LEACH of Iowa, Mr. FRANK, Mr. MARTIN, of New York, Mr.

OXLEY, Mr. ROBERT F. SMITH, Mr. COURTER, Mr. SOLOMON, and Mr. DUNCAN.

H.J. Res. 561: Mr. CONTE and Mr. DWYER of New Jersey.

H.J. Res. 562: Mr. ROE, Mr. MAVROULES, Mr. KOLBE, Mrs. BOXER, Mr. WOLF, Mr. FISH, Mr. LIGHTFOOT, Mr. BUSTAMANTE, Mr. EDWARDS of Oklahoma, Mr. DE LUGO, Mr. CONTE, Mr. WEISS, Mr. YOUNG of Florida, Mr. CROCKETT, Mr. FAZIO, Mr. SCHAEFER, Mr. DOWDY of Mississippi, Mr. DORNAN of California, Mr. HALL of Ohio, Mrs. VUCANOVICH, Mr. O'BRIEN, Mrs. LLOYD, Mr. BRYANT, Mr. KOLTER, Mr. MCDADE, Mr. MINETA, Mr. LUKEN, Mr. LAFALCE, Mr. BLAZ, Mr. COYNE, Mr. THOMAS of Georgia, Mr. SMITH of Florida, Mr. BONER of Tennessee, Mr. ROSE, Mr. COATS, Mr. TOWNS, Mr. QUILLEN, and Mr. FUQUA.

H.J. Res. 564: Mr. BROWN of California, Mr. HILER, Mr. ROE, Mr. MARTINEZ, Mr. MCCAIN, Mr. COBEY, Mr. WIRTH, Mr. MONSON, Mr. SHELBY, Mr. TORRES, Ms. KAPTUR, Mr. DORNAN of California, Mr. FUSTER, Mr. MCDADE, Mr. CHANDLER, Mr. EDWARDS of Oklahoma, Mr. FAZIO, Mr. LUNGREN, Mr. KINDNESS, Mr. O'BRIEN, Mr. COLEMAN of Missouri, Mrs. MEYERS of Kansas, Mr. MACK, Mr. LEWIS of Florida, Mr. SHUMWAY, Mr. BURTON of Indiana, Mr. CONTE, and Mr. TOWNS.

H.J. Res. 574: Mr. HUNTER, Mr. KINDNESS, Mr. MORRISON of Washington, Mrs. LONG, Mr. VALENTINE, Mrs. VUCANOVICH, Mr. THOMAS of Georgia, Mr. LANTOS, Mr. FROST, Mr. JEFFORDS, Mr. HATCHER, and Mr. STRANG.

H.J. Res. 580: Mr. MURPHY, Mr. WIRTH, and Mr. GUARINI.

H.J. Res. 600: Mr. CONTE, Mr. REID, and Mr. MOLLOHAN.

H. Con. Res. 221: Mr. SAXTON.

H. Con. Res. 299: Mr. RANGEL and Mr. NOWAK.

H. Con. Res. 307: Mr. RANGEL and Mr. NOWAK.

H. Con. Res. 308: Mr. ENGLISH, Mr. GUNDERSON, Mr. GRAY of Illinois, Mr. KASTENMEIER, Mr. SLATTERY, Mr. SYNAR, Mr. MARLENEE, Mr. RICHARDSON, Mr. YOUNG of Missouri, and Mr. MCCURDY.

H. Con. Res. 313: Mr. LOWERY of California, Mr. LIVINGSTON, Mr. WYLIE, Mr. SHAW, Mr. LANTOS, Mr. RUDD, Mr. ROTH, Mr. HARTNETT, Mrs. VUCANOVICH, Mr. MCMILLAN, Mr. LOTT, Mr. SUNDQUIST, Mr. RAY, Mr. YOUNG of Florida, Mr. COBEY, Mr. CHAPPIE, and Mrs. BENTLEY.

H. Con Res. 315: Mr. LEACH of Iowa, Mr. LEVINE of California, Mr. BEDELL, Mr. EVANS of Illinois, Mr. TOWNS, Mr. MANTON, Mr. JACOBS, Mr. MCEWEN, Mr. HUCKABY, Mr. LANTOS, and Mr. COLEMAN of Texas.

H. Con. Res. 319: Mr. MICA, and Mr. CROCKETT.

H. Res. 180: Mr. COURTER, Mr. KINDNESS, Mr. WOLF, Mr. ARCHER, Mr. ROBINSON, Mr. BROYHILL, Mr. FRANKLIN, and Mr. HANSEN.

H. Res. 340: Mr. GINGRICH and Mr. FEIGHAN.

H. Res. 365: Mr. GALLO, Mr. HOPKINS, and Mr. COBEY.

H. Res. 379: Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. COBEY, Mr. FROST, Mr. DIOGUARDI, Mr. MONSON, Mr. WALKER, Mr. BARTON of Texas, Mr. TAUKE, Mr. SILJANDER, Mrs. MARTIN of Illinois, and Mr. MARTINEZ.

H. Res. 404: Mr. LEVINE of California, Mr. HATCHER, Mr. SCHUMER, Mr. ORTIZ, Mr. DANNEMEYER, Mr. COELHO, Mr. MONTGOMERY, Mr. WILSON, and Mr. ASPIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 994: Mr. STOKES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

307. By the SPEAKER: Petition of the city council, Boston, MA, relative to South African slave labor camps; to the Committee on Foreign Affairs.

308. Also, petition of the mayor and council of the borough of Ocean Gate, NJ, relative to proposed legislation to license recreational salt water fishermen; to the Committee on Merchant Marine and Fisheries.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4515

By Mrs. SCHROEDER:

—Page 34, after line 18, insert the following new section:

SEC. 206. Funds appropriated by this or any other Act for the Department of Defense or the Department of Energy may not be obligated or expended before January 1, 1987, to carry out an explosive test of a nuclear device until the President certifies to Congress that he has reason to believe that the Soviet Union has conducted, after April 17, 1986, an explosive test of a nuclear device.

SENATE—*Thursday, April 17, 1986*

(Legislative day of Tuesday, April 8, 1986)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Righteous God, trouble comes in like a flood—like an avalanche threatening to bury us: Libya and the Middle East, Nicaragua and Central America—oil crisis and farm crisis, with chain reactions exploding in many different directions—budget deadline and deadlock like an irresistible force meeting an immovable object—an incomprehensible national debt—unfavorable balance of trade with potential trade wars seething—and a host of other intransigent domestic and international issues that challenge and provoke—and the Senate right in the middle of all of it. Help us to see, wise Father, that God alone is big enough to handle this cosmic mess and He is ready to enable those who bear the burden to find resolution. In His name Who is the way, the truth, the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader, Senator DOLE, is recognized.

Mr. DOLE. I thank the President pro tempore, Senator THURMOND.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, to be followed by special orders for not to exceed 5 minutes each for Senators HAWKINS, CRANSTON, WILSON, DIXON, ROCKEFELLER, BINGAMAN, CHILES, LEVIN, RIEGLE, BAUCUS, GORE, and PROXMIRE.

Mr. President, I would indicate that the list for special orders seems to be growing on a daily basis. I would hope sometime in the next few weeks we can reach some agreement for dividing special orders for the morning and afternoon, or limiting the amount of time for special orders. Special orders today will require 1 hour and 5 minutes.

Following the execution of the special orders, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 11:30 a.m.

Mr. President, we are hoping we can move the rollcall vote from 11:30 to 12 noon. I will make that request, if the minority leader has no objection.

Mr. President, I ask unanimous consent that the vote on the hydrorelicensing bill occur at 12 noon rather than 11:30 a.m.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. DOLE. Mr. President, as soon as we complete action on the hydrorelicensing bill, which will just be the vote, we will move to S. 1923, the bankruptcy judges bill. It is my understanding that that will not take more than a couple of hours.

We have completed action on the Federal Deposit Insurance Act. That will leave the technical amendments to the crime bill. I think I am in a position to say there will be no votes tomorrow. Maybe we will lay something down today and there might be some debate tomorrow, but I think this is a particularly bad week for Members on both sides who want to visit their home States.

Mr. President, I hope Members will cooperate and try to clean up these minor bills that are on the calendar.

I want to thank the Senator from Illinois [Mr. DIXON] for his cooperation on the Federal Deposit Insurance Act last night. That action will be helpful to Senator BOREN and others with particular problems in their States.

Mr. President, I see no reason why we could not complete our work fairly early this evening. However, there will be rollcall votes today.

S. 2335—ANTI-TERRORISM ACT OF 1986

Mr. DOLE. Mr. President, I will introduce later today a bill that will clarify Presidential authority and strengthen the President's hand in dealing with international terrorism directed at our country and our citizens. I am honored to be joined as an original cosponsor of this bill by the distinguished Senator from Alabama and chairman of the Judiciary's Subcommittee on Security and Terrorism, JEREMIAH DENTON. In addition to his work on this bill, Senator DENTON has a number of other important legislative initiatives on the matter of terrorism.

I would also note that I have worked closely in developing this legislation with three distinguished Members of the House of Representatives: Congressman JOE BARTON of Texas, who first suggested a bill and came up with the basic concepts we have included in it; and Congressmen DUNCAN HUNTER of California, and BOB LIVINGSTON of Louisiana, each of whom has made valuable contributions to the final product. Those three Congressmen will be introducing the bill in the House today.

NOT A "QUICK FIX"

In light of ongoing events involving Libya, this is obviously an appropriate time for the Senate to consider legislation related to terrorism. And, as my remarks will indicate, the substance of this bill will have direct bearing on situations such as the one we see unfolding in Libya.

But it is important to emphasize that this bill is not any kind of "quick fix" reaction of the Libyan situation. I and my cosponsors have been considering terrorism legislation for several months and have been working on this bill for several weeks. It deals with an issue broader than Libya and more enduring than Qadhafi. Terrorism is a long-term problem and requires a long-term solution. Passage of the bill will provide one more important tool to help find that solution.

REAFFIRMING THE PRESIDENT'S AUTHORITY

Let me briefly outline the contents of the bill. As I noted, its central purpose is clarifying the extent of the President's authority to deal with terrorism, thereby strengthening his hand as he copes with this problem.

Personally, I do not believe this bill gives the President any new authority. In my view, the President's constitutional role as Commander in Chief, his clear obligation and authority to defend the United States and its citizens and our country's right of self-defense embodied in the Constitution and specifically included in the United Nations Charter already endows the President with decisive, independent power to respond to terrorist acts and to the threat of terror against America and Americans.

But I am aware that some dispute that view. Certainly, our current debate—an unfortunate debate, in my opinion—over whether the President adequately consulted the Congress prior to the recent air strikes on Libya and whether and how the War Powers Resolution of 1973 applies to the current situation reflects the fact that

there is honest disagreement on this issue.

Harry Truman is famous for saying that the "buck stops" in the Oval Office. Maybe that was true in Truman's day. But today every Senator seemingly insists on putting in his 2 cents' worth on that buck. This is no way to make or implement policies on terrorism.

So it is very important to make clear in law—and equally important to make clear to the world, including the world's terrorists—that the President does have extensive, flexible authority to do what is necessary to strike back against terrorists and to preempt planned terrorist attacks against the United States and its citizens. By passing this legislation, we will cement the authority in law and send a strong message around the globe: The President has the power to act and has the political backing of the American Congress in doing what he must. And if that message is sent now, through passage of this bill, perhaps in the future, the President will not have to send as many of the kind of messages our F-111's delivered to Qadhafi this week.

DEFINITIONS OF "TERRORISM" AND "TERRORIST"

What, exactly, does the bill do? It defines terrorism as a "form of aggression" against the United States. As such, it broadens the conception of terrorism from being just another kind of criminal act and calls it what it is—an attack on our country and our national interests. In that way, the bill will underscore that the President's powers as Commander in Chief come directly and automatically into play when terrorism occurs or is being planned.

The bill defines "terrorist" and "terrorist organization" to include all of those people and groups which can be shown to be directly involved in the planning or conduct of terrorist acts or which directly support such planning or acts. It is not only the bomb-throwers we have to deal with; it is everyone in the network, up to and including governments like Libya's, which openly and aggressively espouse state-sponsored terrorism as an instrument of policy, and people like Qadhafi, who masquerade as legitimate national leaders.

USE OF ALL APPROPRIATE MEASURES

When such groups or people engage in specific acts of terror aimed at Americans, or when the President has clear evidence that they intend to, the bill reaffirms his authority, notwithstanding the provisions of any other law, to "use all such antiterrorism and counterterrorism measures as may be necessary to prevent the loss of lives of U.S. citizens," including use of "deadly force."

Should the President utilize the authority affirmed in the bill, he would be required to report to the Congress within 10 days, specifying "in detail the terrorist threat or terrorist act which justified" his action.

AUTHORITY LIMITED TO TERRORISM SITUATIONS

Perhaps the best summation of the bill is that it affirms the President's very broad authority but only in the relatively narrow—but, of course, critical—field of dealing with terrorism. The bill has no application—and makes no judgment, one way or the other—on the question of Presidential authority to deal with other threats to our Nation or other international situations. The bill does not seek to expand, or in fact expand, any Presidential authority in these broader national security or foreign policy fields.

I have my own views about what the President can do in those areas, and each Senator undoubtedly has his or her own views, too. But this bill purposely avoids those issues. The question of terrorism and our ability to deal with it is too urgent to get bogged down in an endless redebate of the War Powers Resolution of 1973.

PARTIALLY SUPERSEDES WAR POWERS RESOLUTION

Having said that, though, let me make clear that this bill would supersede the War Powers Resolution in those instances—but only in those instances—when the President might use, or contemplate the use of, American military forces to deal with terrorism.

NO SPECIFIC REQUIREMENT FOR CONSULTATIONS

In such circumstances, the bill would eliminate the near requirement—and I say "near requirement" because even the War Powers Resolution qualifies it by saying "in every possible instance"—for prior consultations with Congress before using American forces.

Let me also stress here that, in eliminating the legal requirement for the consultations, I am not suggesting there should be no consultations. On the contrary, such consultations are very desirable and helpful, to both the President and the Congress, whenever they are feasible and can be conducted in a manner consistent with the President's overriding need to avoid jeopardizing the safety of our armed forces.

But this is an age when madmen like Qadhafi have sophisticated weapons which can instantly annihilate large numbers of American military personnel and, regrettably, when almost every word uttered in the deepest secrecy on Capitol Hill ends up shortly thereafter on the evening news and in the morning paper. In this environment, like it or not, we simply cannot undermine the President's ability to act against terrorism by requiring him in every case to thrash out with some or all of 535 Congressmen the details of sensitive antiterrorist military operations before they are underway.

EXTENDS PERIOD FOR PRESIDENTIAL REPORT

The bill would also supersede the War Powers Resolution in a second way—but, again, only when the issue at hand is terrorism—by extending to 10 days—from the resolution's 48 hours—the time during which the President would have to report to Congress on action taken pursuant to the authority outlined in the bill. That additional time would provide the opportunity for a more comprehensive, useful report.

NO ARBITRARY TIME LIMITS

Finally, contrary to the 60- and 90-day limits of the War Powers Resolution, the bill would not put any time limit on the President's use of forces in a terrorist situation. It would be my presumption that use of this authority, in situations such as we have just seen in Libya, would almost always be for operations of very short duration, well under any 60- or 90-day timeframe. But prudence dictates, to me at least, that we not build in any artificial limits on the President's flexibility to do what is necessary, when it is necessary.

THE CHALLENGE OF TERRORISM

Mr. President, international terrorism is one of the most serious challenges which confronts our Nation and our President. To deal effectively with it, the President needs two things above all else. First, he needs the clear and indisputable authority to strike at terrorism and terrorists with his full powers as Commander in Chief. This bill will reaffirm unequivocally that he has that authority.

Second, he needs the political support of the Congress and the people of the United States in doing what must be done. Passage of this bill will make it clear to everyone, everywhere—friend and foe alike—that our President has that political support.

Mr. President, I urge all of my colleagues to join with Senator DENTON and me in passing this bill promptly and decisively.

Mr. President, as an original cosponsor of the War Powers Act of 1970, with Senator Javits, I ask my colleagues to take a look at the debates and report on the War Powers Act. I do not think we ever dealt with state international terrorism. In 1970 and 1973 when the War Powers Act was passed, that was not a matter of great concern. Terrorism had been around for a long time but it was not concentrated, widespread, or state sponsored.

Mr. President, in effect what we seek to do, is to clarify the President's authority to make certain the President will be able to respond to an act of terrorism without a long consultation with Members of Congress, and that it will not in any way compromise our efforts or compromise the security of the American forces.

Earlier in my statement, I outlined what I believe to be a number of areas of concern. We are not trying to give the President new authority. The authority is limited to acts of international terrorism. The bill will outline what an act of terrorism is. It defines who may be participating in terrorism, whether it is a group, whether it is an individual, or whether it may be a government that is involved.

So I hope my colleagues on both sides of the aisle will have an opportunity to take a look at this bill. It is not partisan. It is nonpartisan; and I hope that we could have a number of cosponsors, Republicans and Democrats. I will be joining Senator DENTON in writing my colleagues a note to outline the provisions.

I am hoping that later today the bill can be introduced and jointly referred to Foreign Relations and Judiciary but that has not been cleared by the distinguished minority leader. I will do that later.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point, followed by a fact sheet.

There being no objection, the bill and fact sheet were ordered to be printed in the RECORD, as follows:

S. 2335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Terrorism Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.— The Congress finds and declares that terrorsim is—

(1) a form of aggression which results in the killing of innocent persons, the loss of civil liberties through intimidation and coercion, or the loss of property;

(2) a form of aggression that has as its goal the furtherance of a political or ideological objective by violent means;

(3) directed against the orderly and democratic conduct and security of all people;

(4) a threat to the national security and national interests of the United States;

(5) a threat to the safety of all United States persons; and

(6) a threat to the continued and effective operation of the Government of the United States.

(b) PURPOSES.—It is the purpose of this Act—

(1) to protect United States persons from terrorism; and

(2) to grant the President under appropriate circumstances the authority to punish terrorists or terrorist organizations for acts committed against United States persons.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "terrorism" means activity, directed against United States persons, which—

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnaping;

(2) the terms "terrorist" and "terrorist organization" mean an individual, group, or any combination thereof which are involved in an act of terrorism;

(3) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or a natural person (other than an alien) who, though not a citizen of the United States, owes permanent allegiance to the United States; or

(B) a corporation or other entity which is organized under the laws of the United States, if natural persons (described in subparagraph (A)) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity;

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States; and

(5) the term "United States person" means any individual, organization, corporation, or entity which is either a permanent resident alien or national of the United States or subject to its domestic jurisdiction.

SEC. 4. OFFENSE OF TERORISM.

(a) OFFENSE.—Notwithstanding any other provision of law, whoever organizes, attempts, commits, procures, or supports the commission of an act of terrorism shall be considered to have committed an act of aggression against the United States and may be pursued with deadly force.

(b) AUTHORIZATION OF PRESIDENTIAL ACTION.—Notwithstanding any other provision of law and except as provided in subsection (d), the President is authorized to undertake actions to protect United States persons against terrorists and terrorist activity through the use of all such anti-terrorism and counter-terrorism measures as he deems necessary.

(c) DURATION OF AUTHORITY.—Notwithstanding any other provision of law, subsection (b) shall apply—

(1) to all terrorists wherever they may be; and

(2) until such time as the President determines that no terrorist poses a threat to United States persons.

(d) CONSTITUTIONAL LIMITATION.—The authority granted to the President under this Act may be exercised in the United States only in accordance with the provisions of the United States Constitution.

(e) INTERPRETATION.—Nothing in this Act may be construed as granting any authority to use deadly force within the United States which authority would not exist in the absence of this Act.

SEC. 5. REPORT.

The President shall submit a report to the Congress not later than 10 days after the President takes any action under section 4(b). The report shall describe in detail the terrorist threat or terrorist act which justified such action.

FACT SHEET ON TERRORISM BILL

ELEMENTS OF THE BILL

Defines terrorism as an act of aggression by a foreigner, aimed at U.S. citizens and corporations, with the purpose of influencing our policy.

Gives the President clear-cut authority to deal with specific acts of terrorism with all appropriate means, including deadly force.

Gives the President authority to act to preempt as well as respond to specific acts of terrorism.

Makes clear terrorists include not only actual "bomb throwers" but also those who organize, lead, fund and support terrorists.

Requires the President to report to Congress within ten days of utilizing his authority, specifying in detail the terrorist threat or terrorist act that justified his action.

Supercedes the War Powers Resolution by: (1) imposing no time limit, such as the 60 and 90 day time limits in the resolution, on the President's use of force in a terrorist situation; (2) requiring no prior consultation with Congress; (3) and extending the reporting period from 48 hours to 10 days.

PROTECTIONS IN THE BILL

Limits the authority to terrorist situations.

Insures, through the reporting requirement, that the authority will be used only to combat specific acts of terror.

Does not expand the President's traditional powers to conduct foreign policy—only to react to terrorism.

Applies only to acts by foreigners and has no impact on the rights of Americans.

Mr. DENTON. Mr. President, I rise today to voice my strong support for the "Anti-Terrorism Act of 1986," which I am pleased to cosponsor together with the distinguished majority leader from Kansas. I congratulate Senator DOLE for his leadership in introducing this important legislation, which I believe is an essential factor in the continuing development of a comprehensive U.S. policy to combat international terrorism.

Mr. President, a consistent thrust of mine as a Senator has been to develop improvements in the credibility of the United States ability to act promptly against terrorism with unity of resolve and proper regard for the separation of powers within our Government. Terrorism can be discouraged only if would-be terrorists believe that the President of the United States has the power to take appropriate action promptly, with the backing of the Congress, irrespective of the political party of the President or the party in majority in either House of Congress.

In this regard, I believe that this bill is one of the most important introduced since I have been in the Senate. The bill defines terrorism as an act of aggression against the United States, thereby triggering the President's authority as Commander in Chief of the Armed Forces, to pursue terrorists with deadly force, if necessary. As such, the bill does not create new authority for the President, but rather, as Senator DOLE has so eloquently stated, clarifies the extent of the President's authority to deal with terrorism.

Such clarification is absolutely necessary in view of the second guessing

frequently engaged in by some Members of Congress and the media which clouds the President's existing authority to order military strikes when necessary to prevent terrorist attacks on Americans. Even now, in the wake of the strike conducted against Libya this week, we hear expressions of doubt about the President's authority to take such action. The bill introduced today will ensure that the President does not speak with an empty voice in acting against terrorism. This unfortunately has been the practice in the past on occasion when 535 Secretaries of State undercut foreign policy decisions which the Chief Executive sought to implement.

I believe that prompt enactment of the "Anti-Terrorism Act of 1986" will demonstrate that we are finally on the road to developing an effective policy against terrorism. For far too long, United States policy toward terrorism has been fragmented, reactive, defensive and ad hoc, dealing with each incident as though it were an isolated occurrence, entirely unrelated to other terrorist acts. This approach has ignored the voluminous record developed by the Senate Judiciary Subcommittee on Security and Terrorism.

Over the past 5 years, the subcommittee has held numerous hearings on terrorism which have yielded abundant and conclusive evidence of a network, a global unity, in the sources of support, strategy, tactics, and goals of international terrorists. The thrust and power of this network amounts to a new, highly effective form of low intensity warfare which is being waged by various nation-states—including, particularly, Libya, Iran, Syria, North Korea, and Cuba—to erode the influence and strategic position of the United States and Western democracies, in general, and to enhance the power of the Soviet Union, its client states and allies, in particular.

This reservoir of information regarding the global and interrelated nature of terrorist activities has not been tapped sufficiently by the Congress, the public or the executive branch. Thus, our spasmodic and ad hoc policy toward international terrorism has persisted, despite the publicly declared policies and intentions of terrorist groups and the states, such as Libya, which support them.

However, the events of the last several weeks have focused American and European attention as never before on the strategic and operational coordination of international terrorists. Despite protestations to the contrary by Qadhafi, United States and European intelligence services were able to confirm that the terrorist attack on the West Berlin disco received support, encouragement, and direction from Libya and other sponsors of international terrorism outside Germany.

Presented with such intelligence, the President must be able to act quickly to prevent a terrorist attack, if possible. If prevention is not possible in a given case, the President must act to punish, while the gun is still smoking, the terrorist group or groups involved and the nation-states which have facilitated their criminal acts. The bill introduced today will make it clear that the President is authorized to take such actions, and that we in the Congress stand behind him.

In addition to defining terrorism and clarifying the President's powers to deal with terrorists, the bill's definition of "terrorists" and "terrorist organizations" would cover not only the individuals and groups who actually perpetrate an act of terrorism, but also the leaders of a state which organizes or supports the act. The bill makes any offense of terrorism committed against a U.S. person an act of aggression against the United States, itself, which may be pursued with deadly force.

Finally, in order to protect Congress' oversight responsibility, the bill requires the President to submit a report to the Congress within 10 days after the President takes any action under the bill against terrorists or terrorist activity.

The "Anti-Terrorism Act of 1986" is landmark legislation which could at least cause the tide of terrorism to ebb. Its enactment will demonstrate to terrorists that Congress and the American people are solidly united in supporting prompt action by the President to prevent terrorist acts and punish terrorists. The act will evidence, as well, the growing consensus in this country which is helping to develop a sound and consistent U.S. policy against terrorism.

I urge my colleagues to support prompt consideration and passage of this legislation.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, on this side we ran the hot line about changing the time for the vote and there were no responses. I took that to mean that there would not be any problems. I now learn that a Senator has called to say he can be here and vote at 11 or 1, but cannot be here at 12. Will the distinguished majority leader review this matter and see if that vote could be changed?

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. President, before the distinguished majority leader leaves the floor, I think his statement earlier was clear enough but I want to be sure that I understood it. I believe the distinguished majority leader indicated there definitely would not be any rollcall votes tomorrow. Am I correct?

Mr. DOLE. That is correct.

Mr. BYRD. Does the distinguished majority leader contemplate a session tomorrow?

Mr. DOLE. I am not certain of that, but I will give that information. I am certain there will be no rollcall votes tomorrow.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

ACTION ON THE BUDGET RESOLUTION

Mr. BYRD. On several occasions I have stated the feeling that the budget resolution should be called up and debated on this floor and that there should not be further delay.

There are many reasons, Mr. President, for avoiding further delay. One important consideration has been brought to my attention. I had the opportunity to meet on Tuesday with a group of presidents from colleges and universities around the country, including one or more in my own State. These were both large and small institutions. They warned me of the concerns which delay in acting on the budget will occasion.

Mr. Joseph Murphy of the City University of New York put it to me succinctly: "While nothing happens, something bad happens." That "something bad" is the uncertainty in which students all around the country are finding themselves because they do not know what to plan in terms of student aid.

This is the time of the year when students make decisions about attending colleges and universities next fall. Delay in making decisions about the level of Federal support for student aid programs could affect hundreds of thousands of students nationwide. Some students, faced with this uncertainty, may plan a course of part-time instruction rather than full time. Worst of all, some students may decide to forgo college entirely because of the lack of certainty that aid will even be available. And this is true for many students who will need to depend on a Pell grant.

It is not only the students who are put into this state of uncertainty by failure to produce a budget; counselors in high schools are also unable to advise students on the wise course of action concerning their college plans, and financial aid officers in the colleges and universities are unable to plan for the coming term.

We know that the President's draconian budget cuts in higher education

programs are dead. The President's budget was rejected in the House. In the Senate it was rejected in the committee. But what do we do? I was told in this meeting to which I have referred that 70 percent of the Pell grants in West Virginia, indeed a similar amount nationwide I was told, have been affected by the Gramm-Rudman legislation.

If the Senate does not get to work on a responsible budget, we may see even deeper cuts for next year. Students in West Virginia and around the country need to know what the Senate and the House will do about the student aid on which they desperately depend for their education.

The bipartisan budget reported by the Budget Committee is more responsible in the area of education than the President's budget—which has already been rejected—or the Gramm-Rudman language. But I believe even more can be done. I will support amendments to achieve a proper funding level because I believe that education is an integral component of our national defense. But until the Senate begins work on the budget, we cannot offer such amendments, and the students of West Virginia and the Nation will continue to be left in the dark.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BYRD. I thank the distinguished Presiding Officer.

Does the Senator from Illinois wish to have additional time?

Mr. DIXON. I thank the minority leader.

Mr. BYRD. Mr. President, I yield the remaining 4 minutes to Mr. DIXON which, if he does not use, if he would in turn yield it to another Senator. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois [Mr. DIXON] is recognized for not to exceed 9 minutes.

Mr. DIXON. Mr. President, I thank the distinguished minority leader for his generosity and hope to not use the entire amount of time allotted to me.

THE IMPENDING READINESS AND SUSTAINABILITY GAP

Mr. DIXON. Mr. President, the Preparedness Subcommittee of the Armed Services Committee has been holding hearings on the fiscal year 1987 Defense budget. As the ranking member of this subcommittee, I felt that certain information regarding the military services readiness and the effects of the administration's 1987 budget should be brought to the attention of my colleagues.

There is no doubt that we have significantly improved the readiness and sustainability of our military forces over the last 5 years. Flying hours and steaming days are up. Backlogs of equipment overdue for overhaul have shrunk. Ammunition stocks have increased. Perhaps most importantly, recruitment and retention of high quality personnel in the military services have reached extremely high levels.

Mr. President, these gains are being placed in jeopardy by this year's budget. My overall conclusion is that the fiscal year 1987 Defense budget submitted by the President is seriously out of balance. It disproportionately emphasizes procurement of new weapons systems and seriously underfunds the spare parts, repair parts, and munitions necessary to make these new weapons capable of sustained operations in time of war. No one wants to return to the days when a lack of spare parts and ammunition reduced our overall military capability, but that is where we are headed if we enact this budget.

Let me take a few moments to show why I think this is the case.

The fiscal year 1987 Defense budget before us today is $42.4 billion below the level anticipated for fiscal year 1987 last year when the President submitted his fiscal year 1986 budget. At the same time, however, we must remember that today the administration's fiscal year 1987 Defense budget still represents significant real growth over the fiscal year 1986 level enacted by Congress last year—4 percent growth over the fiscal year 1986 enacted level, and approximately 8 percent real growth over the fiscal year 1986 sequester level.

I think it is important to look at how the Pentagon cut this $42.4 billion from the fiscal year 1987 level projected in last year's fiscal year 1986 budget to the fiscal year 1987 budget we have before us today.

Almost two-thirds of this $42.4 billion—$26.6 billion, or 63 percent—came out of the procurement accounts. Some of us have been saying for a number of years that we have been spending too much on modernization in the procurement accounts and not enough on readiness and sustainability in the Operations and Maintenance accounts. But it is important to remember that the procurement accounts make a very critical contribution to readiness and sustainability through the funding of spare parts and ammunition.

Now, how did DOD cut the fiscal year 1987 procurement budget by $26.6 billion from what they were projecting last year? The answer, unfortunately, is by going right to those areas of the procurement budget that make a direct and immediate contribution to readiness and sustainability.

Major combat systems—combat aircraft, tanks, surface combatants, and submarines—were not cut from the fiscal year 1987 column of the fiscal year 1986 budget to the fiscal year 1987 budget request. For example, even with a $42.4 billion reduction from the projected fiscal year 1987 level last year to the fiscal year 1987 budget request this year, including a $26.6 billion or 22 percent reduction in the procurement accounts, DOD is still requesting 7 percent more combat aircraft in fiscal year 1987 than they projected for fiscal year 1987 last year. Comparing combat aircraft scheduled for procurement in 1986 and 1987, there is nearly a 11-percent increase over last year.

What was cut in this fiscal year 1987 budget from the fiscal year 1987 level projected last year were trainer aircraft, spare parts, repair parts, and munitions, both high technical "smart" munitions like air-to-air and air-to-ground missiles and conventional munitions like artillery rounds.

Almost $11 billion of the $26.6 billion cut in the fiscal year 1987 procurement accounts from last year's projected level to this year's budget request were in spare parts and support equipment and conventional ammunition. The result, Mr. Chairman, is that in many of the critical readiness and sustainability areas, the fiscal year 1987 budget request is below the fiscal year 1986 enacted level, despite the fact that the fiscal year 1987 defense budget represents 4 percent real growth, and 8 percent total growth, over the fiscal year 1986 enacted level.

Let me briefly focus on two areas.

SPARE PARTS

I have included a chart which shows three columns of spare parts funding in each of the military services: The fiscal year 1986 enacted level; the fiscal year 1987 level projected last year; and the current fiscal year 1987 request. I ask unanimous consent that this chart be printed in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

AIRCRAFT SPARE PARTS FUNDING

[In millions of dollars]

	Fiscal year 1986 enacted	Fiscal year 1987 column of fiscal year 1986 request	Fiscal year 1987 request
Army	814.3	1,198.3	710.5
Navy	1,259.1	2,273.3	1,856.1
Air Force	3,811.1	6,035.7	3,477.9

Mr. DIXON. Mr. President, in all three services there is a very substantial reduction from what they said last year they would need in fiscal year 1987, to what they are requesting this year for fiscal year 1987. The fiscal year 1987 spare parts budget requests for the Army and Air Force are actually below the fiscal year 1986 enacted level, despite the fact that aircraft flying hours in these two services are projected to increase from fiscal year 1986 to 1987.

Next, I want to discuss an Air Force funding chart for aircraft replenishment spare parts. According to this chart, which I ask unanimous consent be printed at this point in the RECORD, we funded 100 percent of the Air Force's replenishment spare parts requirements in fiscal year 1985, and 71 percent in fiscal year 1986. But the current budget request meets only 56 percent of the Air Force fiscal year 1987 replenishment spare parts requirement and 58 percent of the fiscal year 1988 requirement. The Air Force will never be able to sustain air combat operations in wartime if we keep this up.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

AIR FORCE REPLENISH SPARE PARTS

[Dollar amounts in millions]

	Fiscal year					
	1983	1984	1985	1986	1987	1988
Requirement	$5,215	$4,531	$3,907	$4,052	$4,542	$6,096
Program	$2,587	$3,304	$3,907			
1987 Parts budget				$2,873	$2,550	$3,547
Percent	50	73	100	71	56	58

MUNITIONS

Mr. DIXON. Mr. President, I also want to touch on ammunition, both conventional munitions and high-tech, "smart" munitions.

I have a chart showing trends in Army ammunition procurement. This chart compares the fiscal year 1986-90 and fiscal year 1987-91 5-year defense plan figures for the procurement of ammunition, Army account, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

PROCUREMENT OF AMMUNITION ARMY ACCOUNT

[In millions of dollars]

	Fiscal year—						
	1985	1986	1987	1988	1989	1990	1991
Fiscal year 1986-90: President's budget	2,646.3	2,635.0	3,051.1	4,483.3	4,772.5	5,457.9	
Fiscal year 1987-91: President's budget	2,500.3	2,497.2	2,254.0	2,424.0	2,289.9	2,337.4	2,398.7
Difference		−137.8	−797.1	−2,059.3	−2,482.6	−3,120.5	

Mr. DIXON. Mr. President, last year, the 5-year defense plan projected a steady growth in this account through fiscal year 1990. This year, however, the fiscal year 1987 request is $800 million below last year's fiscal year 1987 projection, and $243 million, or 10 percent, below the fiscal year 1986 enacted level. The current 5-year funding line is flat—we do not even get back to the fiscal year 1985 level by fiscal year 1991, despite the fact that the current 5-year defense plan includes an average of 3 percent real growth after inflation for each year of the next 5 years for the defense budget as a whole.

I have another chart which summarizes war reserve munitions funding in the military services from fiscal years 1984 to 1987, which I ask unanimous consent to have printed in the RECORD at this point. In two services, the Army and the Navy, the fiscal year 1987 budget requests less funding for war reserve munitions than was enacted in fiscal year 1986. We are buying more combat aircraft than we planned, and less munitions than we planned.

There being no objection, the chart is ordered to be printed in the RECORD, as follows:

FUNDING FOR WAR RESERVE MUNITIONS

[In millions of dollars]

	Fiscal year—			
	1984	1985	1986	1987
Army	1,198	1,702	1,376	1,313
Navy	2,770	3,507	3,622	2,982
Marine Corps	575	614	518	608
Air Force	1,423	1,771	2,172	3,320

Mr. DIXON. Mr. President, in our hearings with the commanders of the Unified and Specified Commands this year, all of the CINC's emphasized that improving their ammunition sustainability remains one of their top priorities. Mr. President, I was shocked last week to hear Army officials testify that under the current 5-year defense plan, the Army's days of supply of modern conventional ammunition would increase for the next 2 fiscal years and then drop by fiscal year 1991 almost back to where we are today.

The news in the area of sophisticated "smart" munitions is not much better. I ask unanimous consent that a table on funding for these munitions be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOPHISTICATED MUNITIONS

[Missiles, torpedoes, etc., comparison of procurement plans, last year's 5-year plan versus this year's 5-year plan, fiscal year 1987-90]

	Fiscal year—		Reduction	Percent reduction
	1986 plan	1987 plan		
Army	127,301	91,405	−35,896	−28
Navy	49,721	37,238	−12,483	−25
Air Force	54,715	42,681	−12,034	−22
Total	231,737	171,324	−60,413	−26

Mr. DIXON. Mr. President, comparing the fiscal year 1986 5-year defense plan submitted last year with the fiscal year 1987 plan before us this year, the number of smart munitions to be purchased over the 4 common years of the two plans has been cut by 28 percent in the Army, 25 percent in the Navy, and 22 percent in the Air Force. These are the munitions we are relying on to give our forces the qualitative edge to offset the numerical advantages the Soviet Union and Warsaw Pact nations have in areas such as tanks and aircraft. Stretchouts of this magnitude clearly increase the risk we face should war come anytime in the next 5 years.

Mr. President, funding for spare parts and for ammunition are two of the most critical areas of our readiness and sustainability. All of the material I have cited this afternoon comes from DOD's own budget justification materials.

There is no question in my mind that the fiscal year 1987 budget as

submitted has a strong bias against readiness and sustainability. If the imbalances in this budget are not corrected, we will soon begin to see readiness indicators turning down as a result of spare parts shortages.

In conclusion, the cold, hard reality is that Congress is not going to provide the full level of funding for the Defense Department that the President has requested in his fiscal year 1987 budget. Whatever level of funding for the Defense Department is provided in fiscal year 1987, it is absolutely critical that it maintain the appropriate balance between funding for new weapons and funding for readiness and sustainability. The challenge we face over the next several months in the Congress is to restore this balance, while still bringing down the overall level of defense spending in fiscal year 1987.

I thank the President and I yield the remainder of whatever time I have remaining to my distinguished friend from New Mexico.

How much time do we have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has no time remaining.

RECOGNITION OF SENATOR ROCKEFELLER

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia [Mr. ROCKEFELLER] is recognized for not to exceed 5 minutes.

Mr. ROCKEFELLER. I thank the Chair.

COMMISSION ON INDUSTRIAL COMPETITIVENESS REPORT

Mr. ROCKEFELLER. Mr. President, today, along with 30 Democratic and Republican cosponsors, I am introducing a joint resolution requiring the President to report to Congress on his response to the recommendations of his Commission on Industrial Competitiveness, sometimes known as the Young Commission.

We offer this vital resolution because the Young Commission did some vital work for this Nation of ours, the importance of which has been basically unrecognized by both the President and Congress. And we offer this resolution to help provide a catalyst for a serious national debate on the competitiveness of our economy, which is fundamental to our country's future economic prosperity.

President Reagan appointed the Young Commission in June 1983, calling attention to the new reality of global competition faced by American industry at home and abroad. He called for recommendations on ways to improve the Nation's ability to compete, and he selected a commission of 30 distinguished Americans from business, labor, government, academia, and the public. He selected John Young, chairman of Hewlett-Packard, one of our premier industrialists, to chair the Commission.

The Young Commission studied the global economy for 15 months and reported unanimously in January 1985, just over a year ago. The Commission has given us an unflinching picture of where we are and where we must go. Their report can be a focal point for a national debate and the foundation on which to build a new consensus for needed policies. The report is persuasive because it is the work of a blue-ribbon commission, representing a diversity of interests, with no partisan ax to grind. And it is persuasive because it irrefutably summarizes and reaffirms the evidence with which we are becoming so familiar:

The American economy has become fully integrated in a world economy. Fully 70 percent of the goods we produce compete with merchandise from abroad. We, however, have not adjusted to the new world economy as effectively as some of our competitors, most notably Japan and the other Pacific Rim nations.

Our problems are not confined to one region, or to only our basic industries. Our productivity growth has been outstripped by virtually all our competitors across the full board. Fully half the jobs in the U.S. steel industry have disappeared since 1979. People know that. But we also have lost market share in all the high technology or "sunrise" industries. Our electronics trade deficit with Japan approached the magnitude of our deficit in autos; we fell into deficit in telecommunications where we have always been the world's pacesetter.

While macroeconomic problems, notably an overvalued dollar, bear some of the blame for America's competitive problems, they don't explain everything. The dollar was lower valued in the 1970's, but our trade deficit increased. The value of the dollar cannot be blamed for our slow productivity growth, stagnant wages, or high capital costs.

Nor can the deterioration in American manufacturing be comfortably dismissed by the claim that we are becoming a service economy. Services and manufacturing are often inextricably linked. If the United States loses competitiveness in manufactured goods, it risks losing position in supporting services. If other companies, notably Japanese, dominate complex manufacturing, it is naive to believe that they will rely on our financial services, lawyers, or advertising agencies.

We have neglected investments in areas fundamental to our economic future: The education and training crucial for a skilled and adaptable work force, and the requisite level of science and technology needed to keep us at the cutting edge of competition.

In short, the Young Commission concluded:

> Our ability to compete internationally faces unprecedented challenge from abroad. Our world leadership is at stake, and so is our ability to provide for our people the standard of living and opportunities to which they aspire.

The Young Commission then offered a series of thoughtful proposals for government and private action: To better create, apply, and protect new technology; increase the supply of productive capital; develop a more skilled, flexible, and motivated work force and make trade a national priority.

In my view, meeting the challenge of a competitive world is the central economic issue of our time. The economic dominance that produced the prosperity of the 1950's and 1960's for our country is gone, and it will not be returning. We have to build our future prosperity in a world where many talented nations compete effectively. The old habits and old policies will not suffice for our new situation.

President Reagan points with understandable pride to the long-running recovery coupled with low inflation. But the fundamental measure of our economic condition in a world economy is our trade picture. Our trade deficit hit $148 billion last year. We can't go on like that. A nation that buys $3 billion more from abroad each week than it sells is draining its economic strength.

Some may argue that the recent run of economic good news—particularly the sharp decline in oil prices and the dollar—have made any competitiveness problems our country might have a thing of the past. They are wrong. I certainly agree that the drop in oil prices should have the effect of stimulating economic growth, and that the reduction of the value of the dollar is welcome—indeed, long overdue—and indispensable for our industries to compete at home and abroad. Treasury Secretary Baker deserves great credit for reversing the administration's policy of stunning indifference to the damage that the overvalued dollar was doing to our industries, and for taking the lead in international efforts to bring the dollar down to earth.

Since the overvalued dollar has been a major factor in driving American manufacturers offshore, keeping the dollar at a reasonable level should help keep American manufacturing and jobs here at home. If interest rates stay relatively low, it should provide an attractive incentive for investment in plant and equipment that will make our industries more productive. All of us hope that the good economic news can help produce what the U.S. News & World Report has euphorically described as "the brave new economy." My State of West Virginia, still

not recovered from the recession of 1981-82, desperately needs the economic recovery to continue, and extend its impact to some of our hard-hit basic industries.

But if our country is fortunate enough to be in a period where the macroeconomic news is good, we should be wise enough to make this a period of opportunity, not complacency. It is a period of time for recognizing the scope of the competitive challenge and for building consensus behind policies that will allow us to secure our competitive future. Lower interest rates, oil prices, and the price of the dollar do not make up for the way we have neglected crucial investments in education and training, research and development, science and technology.

The quality of our education system is fundamental to our economic destiny. We will not long sustain a world-class economy without a world-class education system, and at the elementary and secondary school levels, we have fallen behind, not only Japan, but many nations—friend and foe. In my State, there is a teacher shortage in math and science in 30 of the 55 counties.

Because of demographics, the next few years are the critical window of opportunity for revitalizing our education system. Within the next decade, nearly 800,000 new teachers will be needed. Will those retiring be replaced by the best and the brightest, drawn to an exciting and rewarding profession that our country esteems—and pays—the way it should? Many of our States and localities are making great efforts to lift their education systems. The policies we enact in Washington; the critical investments we make; and the message we are prepared to send about the importance of education—these can all play a fundamental part in determining if we have a surge of excellence in education, rather than succumbing to the "tide of mediocrity" which the President's Education Commission identified in 1982.

For years, we have led the world in science and technology, but fallen short in translating our breakthroughs into new products and advances in manufacturing. The VCR and robotics were invented in the United States; today not a single VCR is manufactured here, and we are far behind Japan in robotics. But even as we wrestle with that problem, which is fundamental to our industrial competitiveness, a National Science Board report recently noted that our leadership in science and technology was in severe jeopardy, owing to inadequate laboratory instruction and equipment, shortages of qualified faculty, and outdated curriculum.

Finally, we have to make a concerted effort to put in place the policies—tax, trade, investment—that can keep the United States a country where it is possible to manufacture competitively. The recent Business Week feature entitled, "The Hollow Corporation," paints a stunning picture of just how much of our manufacturing base has been liquidated in the past few years. In many cases, American companies have gone abroad in search of cheap labor to compete; in some cases, they have been in search of skilled labor no longer available here. To a shocking degree, many of our corporations—including names like RCA, Kodak, Caterpillar and Hewlett-Packard—have begun to operate, not by competing with Japan or Korea, but by distributing sophisticated products made in those countries.

It may be sound strategy for each of the corporations involved, but taken collectively, it risks disaster for our country's economic future. World economic leadership will reside in the countries that have the science and engineering, the technology, and the skilled and educated work force to make advances in manufacturing: new products and new processes. We are not going to be prosperous very long as the advertisers, retailers, and consumers of sophisticated products made overseas.

Mr. President, I am convinced that the people of our country understand the competitiveness challenge—and the stakes—far better than our political leadership does. State governments are working to improve schools; corporations are restructuring to compete; labor and management are pulling together to improve productivity. I find understanding, recognition, and deep concern whenever I speak about these issues—whether the audience is the successful entrepreneurs of the American Business Conference, or the cross section of interested West Virginians at one of my town meetings back home. We owe it to our people to level with them about the full nature of the challenge, the costs of meeting it, and the consequences of failing.

The resolution we offer today is intended to help spur the debate. Some have said that as a nation, we are incapable of acting in response to the competitiveness challenge until we hit a crisis. Frankly, I do not believe that is true. If the President, with his great communications skills and popularity, chose to speak to the Nation about the competitiveness challenge, he could make it a national priority overnight. Because he has not, the rest of us in leadership positions will have to work much harder to get the message out.

We should recognize that there will never be a day when the crisis arrives. It does not work that way. There was no one day when Great Britain awoke to discover that its competitiveness and its standard of living were declining. Rather, it was a gradual deterioration over many years, eventually resulting in second-rate economic status for the nation. Some of that deterioration has taken place here already; it will continue to take place unless we dedicate ourselves to reversing it. But we have great assets as a nation, and with a concerted effort, we can insure a bright economic future for our country and our people.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 327

To provide for the President to report on the status and implementation of the recommendations of the President's Commission on Industrial Competitiveness.

Whereas the President has relied upon nonpartisan commissions in an effort to inform or build a national consensus on such diverse issues as Central American policy, Social Security, strategic missile basing, waste and abuse in defense purchasing, and a host of other national priorities;

Whereas in June 1983, to help build public awareness and a consensus about the policies needed to secure the future economic prosperity of the Nation, the President appointed a Commission on Industrial Competitiveness, composed of distinguished representatives of business, labor, government, academia, and the public;

Whereas in January 1985, the Commission reported and unanimously found that the ability of the United States to compete internationally faces unprecedented challenge from abroad;

Whereas the Commission unanimously found that the United States productivity growth lags far behind that of foreign competitors, real hourly compensation of the national work force is no longer improving, United States leadership in world trade is declining, and pre-tax return on assets invested in manufacturing discourage investment in this vital core of the economy;

Whereas the Commission unanimously recommended an economic agenda for the Nation for this decade and beyond, including policies and practices that seek to strengthen the national competitive performance in the creation application and protection of technology, the reduction in the cost of capital to United States industry, the development of a more skilled, flexible, and motivated work force, and the better coordination of trade policy;

Whereas the Commission unanimously found that the United States must take on the challenge of competitiveness as the economic agenda for the next decade;

Whereas the Commission unanimously found that the government should take the lead in highlighting the importance of competitiveness and should nurture an effective consensus-building dialogue among leaders in industry, labor, government, and academia; and

Whereas the Commission unanimously found that the United States world leadership is at stake, including the ability to provide for the standard of living and opportunity which is aspired to by the people of the Nation: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President shall report to the Congress on

the status of the recommendations of the President's Commission on Industrial Competitiveness and future plans for implementation, no later than the later of August 1, 1986, or sixty days after the date of enactment of this joint resolution.

RECOGNITION OF SENATOR BINGAMAN

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico [Mr. BINGAMAN] is recognized for not to exceed 5 minutes.

Mr. BINGAMAN. Thank you, Mr. President.

COMMISSION ON INDUSTRIAL COMPETITIVENESS REPORT

Mr. BINGAMAN. Mr. President, I am happy to speak this morning in support of Senate Joint Resolution 327. And I commend the distinguished junior Senator from West Virginia for his leadership in introducing this joint resolution today.

At a time when we are especially concerned for our national military security, this legislation focuses on an equally important threat to our national economic security.

President Reagan's Commission on Industrial Competitiveness, which was chaired by John Young of Hewlett Packard and comprised of distinguished leaders from business, labor, education, and Government, reported over 15 months ago that "our world leadership is at stake, and so is our ability to provide for our people the standard of living and opportunity to which they aspire." The threat, according to the President's Commission, comes from the unprecedented emergence of strong foreign economic competition.

The President has done virtually nothing in the 15 months since the Commission unanimously called on America to grasp the challenge of this competition and to make it the primary economic agenda for the next decade. Despite a declining dollar, the United States has posted another world record annual trade deficit which continues to worsen month by month. To pay for these foreign made products, the United States has become a net debtor for the first time since we emerged as a major world power in 1914. Borrowing at a rate of over $120 billion year, the United States has already become the world's largest debtor. We have saddled ourselves and our children with enormous future obligations.

Wage rates and living standards are stagnant in real terms and we have 8 million people actively looking for work. U.S. productivity growth is only a fraction of that of our competitors. Business investment in new, commercially productive plant and equipment is extremely low, as 20 percent of our industrial capacity remains idle. Business Week magazine on March 3 issued a lengthy report, which the Senator from West Virginia referred to, entitled "The Hollow Corporation," detailing the long-term damage that is beng done to U.S. economic well-being in the face of the increasingly sophisticated foreign competition.

Clearly, we have a severe, national economic problem which we need to address in a responsible, bipartisan manner. This has been the message of the President's Commission on Industrial Competitiveness and at least 20 other recent, blue-ribbon panels of leaders from business, labor, academia, and Government. Just as clearly, however, President Reagan has not given us the national leadership this challenge requires. As Michael E. Porter of the Harvard Business School and member of the President's Commission, states in the current Fortune magazine, "The President received the Commission's report politely and turned to other business." I ask that a copy of this article be inserted in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, our resolution will help focus administration attention and lay the groundwork for a useful dialog with Congress. The resolution requires the President to report to the Congress on activities he has taken and intends to take on the recommendations of the Commission.

The resolution introduced here today is the first of what I hope will be many important initiatives growing out of the efforts of the recently created Senate Democratic Working Group on Economic Competitiveness. In late December last year, Senate Democratic Leader ROBERT BYRD appointed the working group, on which I am proud to serve as chairman. The other members of the group are Senators BAUCUS, BYRD, KERRY, LEVIN, MATSUNAGA, MOYNIHAN, RIEGLE, and ROCKEFELLER.

Over the past few months, in consultation with numerous outside experts, we have examined the competitiveness problem and the hundreds of recommendations that have been proposed by the President's Commission and the 20 other prestigious panels that have looked at this problem. The American character is ideally suited to meet the challenge these reports have spelled out for us. It is Government's unique capability and responsibility, however, to assure that American firms and workers have the tools of education, technology, and capital necessary to get the job done.

Our working group is developing consensus legislation and a leadership strategy which, hopefully with bipartisan and Presidential support, can assure increasing prosperity and economic security for all Americans. Today's legislation is an important step toward the goal.

EXHIBIT 1

(By Michael E. Porter)

WHY U.S. BUSINESS IS FALLING BEHIND

America's inability to compete in world markets, as President Reagan's Commission on Industrial Competitiveness reported just over a year ago, is the most serious challenge facing the U.S. The President received the commission's report politely and then turned to other business. Instead of making international competitiveness the new challenge for America, he has been celebrating the country's supposed comeback.

Yet much evidence leads to the disturbing conclusion that we are in a hollow recovery in which the foundation of future economic growth is being undermined instead of fortified. If one looks beyond the shortest run, the inescapable conclusion is that competitiveness may well be the pivotal economic issue for the rest of this century.

The sustained economic recovery, nine million new jobs, low inflation, and falling interest rates certainly seem encouraging. But a closer look at the performance of the economy suggests a strikingly different conclusion. Measures of underlying competitiveness are getting worse, not better, and the trend is not new.

The U.S. did not have a trade deficit in this century until 1972. The trade deficit has climbed with few interruptions ever since, even when the dollar was widely viewed as undervalued in the late Seventies. Low inflation is a symptom of the competitiveness problem, not a sign of success. Inflation is low because oil prices are falling and because of competitive pressure on U.S. industry. Price increases have become an endangered species.

Is job creation a good indicator of economic health? Some 168,000 jobs were lost in manufacturing last year. The vast majority of the new jobs in the U.S. have been in construction and in services such as retailing, wholesaling, finance, and government. These jobs, in areas not exposed to international competition, provide little comfort.

Interest rates have been cut in half since the recovery began, another contributor to the feeling of well-being. Falling interest rates have led to rising corporate indebtedness, but not to the sustained capital investment they were supposed to foster. Over 90% of the growth in capital spending since 1979 went for automobiles and office machinery, not production equipment. Orders for plants and equipment have been falling since last September.

Instead of investing at home, U.S. companies are stampeding offshore. Caterpillar, for example, now makes or buys well over 50% of its components and finished products abroad. U.S. companies are becoming second-class manufacturers and many are giving up instead of doing something about it.

Among the most straightforward measures of U.S. industrial competitiveness is inflation-adjusted wages. Real wages grew steadily from World War II until 1973. Since then they have fallen and the trend is still downward. In real terms average gross weekly earnings are at 1962 levels.

Most ominous of all, productivity growth has come to a halt. Productivity has risen less in this recovery than in any other since World War II, and it declined last year. Productivity growth is vital because it ultimately determines wages, profits, and living

standards. The U.S. no longer is the world's most productive nation in several industries, including autos and machine tools, and the productivity gap is widening rapidly.

Unfortunately, the competitiveness problem does not fit the President's economic vision. The Administration seems to believe that U.S. industry is still preeminent. It preaches that current difficulties will be solved simply by getting government off the back of business and making a few adjustments in interest rates and the exchange value of the dollar.

The Administration also seems to believe that the mere acknowledgement of a problem is the first step to greater government intervention in the economy, something it vehemently opposes. It seems convinced that even a discussion of the issue will open the door to an avalanche of wrong-headed policies.

Congress, meanwhile, votes for protectionist measures as the way to help businesses and workers that are losing out to foreign competitors. But Congress also has missed the point. The U.S. cannot solve its problems through protectionism or by opening up the Japanese market. Americans buy Japanese goods not just because they are cheap, but because many are more advanced and better made. The almost pathetic efforts of Japanese buying delegations to find U.S. products to take home illustrates the real problem. What did the Japanese come up with after scouring the U.S.? Oranges, wine, fondue sets, and air fresheners.

Timber, coal, and agricultural products may respond to the falling dollar. But important exports and imports such as machine tools, consumer electronics, and automobiles are much less price sensitive. A low dollar is not going to cover up lagging technology and inferior quality.

The U.S. will not solve the competitiveness problem until it again becomes the place where the most advanced, highest quality goods and services are produced by the most skilled workers using the most advanced methods. This is the reason the U.S. was the greatest economic power in the Forties, Fifties, and Sixties. The U.S. has no inherent right to the world's highest standard of living. A society must earn what it consumes. I believe that most American consumers, workers, and managers know in their guts that this is true.

Many of the remedies to these problems lie squarely in the private sector. U.S. companies have a lot of catching up to do in training, labor relations, quality control, and the introduction of new technology. Recent efforts are a start but are far from enough. Corporate research and development spending has risen, but spending by Japanese and German companies has risen more. Every manager, every employee, every trade association, and every labor union has a vital role in helping industry become preeminent again in productivity and technology. Business and labor have done themselves a disservice by blaming their troubles on outside forces and asking government to bail them out.

But government also has a role in solving the competitiveness problem. Getting off the back of business is not enough. Companies cannot succeed without the basic tools, the most educated work force, and the premier technological base. These require a social investment in the primary and secondary education system, in universities, in research institutes, and in the scientific establishment. No company or individual can afford to create these things. Government must do so.

The Reagan Administration's greatest failure has been in investing too little in America's future prosperity. It does not recognize that some parts of the social agenda are vital to the economic agenda, just as Democrats often forget that economic success is vital to achieving the social agenda.

Cutting back on education and training to reduce budget deficits is like tearing down the house for firewood. The result is that America does not make the first team compared with other countries in terms of math and science skills. The number of engineering graduates in the U.S. is inadequate. Even the facilities in U.S. schools and universities are subpar.

Federal civilian research has fallen in real terms since 1981, just as America has lost its technological lead in many areas. Total federal spending on research, including military outlays, was only 1.2% of GNP last year vs. 2.2% in 1964. Other nations spend a much higher percentage of GNP on civilian technology. We cannot forgo investment in human resources and technology in the name of budget cutting without sacrificing long-term economic growth.

The Federal Government also has lost its focus on capital investment, the third key ingredient of competitiveness. The tax reform legislation before the Senate will penalize investment when it is more vital than ever. Washington's ideas about tax reform seem to rest on the shaky hope that companies losing to foreign competitors can somehow pay a larger tax bill without slipping even further behind.

The Federal Government also has proved incapable of making real progress toward unsnarling the international trading system. Both Congress and the executive branch are plagued by overlapping authority and responsibilities in the trade area, the legacy of an era when trade was unimportant and U.S. companies had a commanding lead.

Finally, the U.S. must regain its will to be the best economically. The public and many corporations have developed a bunker mentality. The sense of economic opportunity has been lost, as if all the new products and services have already been invented and all human needs satisfied. Since the Japanese and Koreans make things cheaper, runs this despairing train of thought, America is doomed to a falling standard of living.

The truth is that the U.S. is in a period of unprecedented opportunity driven by technological change that is reshaping old industries and creating new ones. The long-term health of the U.S. economy depends on its ability to lead these developments instead of playing catch-up. The American dream will continue if the country equips itself with the skills and technology it needs and recaptures the will to achieve.

RECOGNITION OF SENATOR CHILES

The PRESIDING OFFICER. Under the previous order, the Senator from Florida Mr. [CHILES] is recognized for not to exceed 5 minutes.

ANNIVERSARY OF YOUNG COMMISSION REPORT

Mr. CHILES. Mr. President, I rise today to join with my distinguished colleagues from West Virginia and New Mexico, and others, in introducing what I think is an important initiative. I congratulate them for the work that they have done, the Senator from West Virginia, in being the prime sponsor of this, and the Senator from New Mexico, in the work that he is doing on productivity, with the task force that he chairs, with a number of important meetings, and the people that he has been bringing in to talk with a number of us in the Senate from business, from academia, and from many areas in trying to focus on this tremendously important problem.

Over a year has passed since the "Young Commission's Report on Industrial Competitiveness."

In that year, the administration has greeted the report with a resounding silence.

We have seen another passive response by this administration to what is becoming a national economic emergency.

I guess we are getting accustomed to this lack of leadership and action.

We see it in the administration's response to the International Trade Commission's unanimous rulings on our industries damaged by imports.

We see it when the administration fails to enforce existing trade laws against unfair foreign trade barriers.

And now we see it when the President's own blue ribbon panel issues a report which tells us that the very basis for our prosperity is at risk.

Let me remind you how severe our competitive problem has become.

In the first term of this administration, the United States experienced a 27-percent decline in its ability to compete in the world economy.

The fundamental causes of this decline are right here at home. Our productivity growth is lower than that of our trading partners. Our real interest rates are higher than abroad. We invest a smaller proportion of our resources in research and development than our trading partners.

And if anyone thinks things are getting better—just consider that U.S. productivity actually declined in 1985. This is not the path leading to a higher standard of living. This is the path toward the impoverishment of the American people.

Finally, consider that our apparent prosperity of the last few years has been brought with a mountain of debt. In the last 5 years we have gone from the world's largest creditor to its largest debtor. The bottom line is that we are losing our ability to earn our way in the world economy.

As this forum today indicates, we really cannot expect a passive administration to lead the way toward reversing our competitive decline. We in Congress must take the lead—and I am glad to see this is a bipartisan approach—and we know that we must go forward.

The President must be given less discretion to ignore our trade laws.

We must invest in economic growth. Senator HART, myself, and several other Senators will offer a growth and investment initiative as an amendment to the budget resolution.

We will not shirk our responsibility to invest in future economic growth. Unless we invest in basic science, technological development, education, training, and trade promotion—our prosperity will not endure.

With or without the President's leadership, it is time to act.

So I look forward to joining with my colleagues today. I feel this is an important first initiative and we will need to continue to work with that as we go forward.

Mr. BAUCUS. Mr. President, Senators ROCKEFELLER and BINGAMAN have spoken about the resolution that they are introducing calling for the President to respond to the Young Commission recommendations. I support their efforts. I join in their efforts because I think that the administration's failure to respond to the Young Commission's recommendations is a gross disservice to this country.

The resolution which I am cosponsoring along with Senators ROCKEFELLER and BINGAMAN serves two important purposes: First, it underscores that we need to focus increased attention on the problem underlying our declining international competitiveness.

For too long we have relied on quick fixes to shore up our industrial and technological strength, and quite frankly we are not succeeding.

Second, the resolution points to the bald fact that the administration's "good intentions" have been just that and no more.

The Young Commission—unquestionably a blue-ribbon panel—was assembled almost 3 years ago. In January 1985, the group submitted over 400 pages of recommendations and findings to the President.

And those 400 pages have been ignored by this administration.

OVERVIEW OF THE PROBLEMS

This resolution is valuable because it makes us focus on competitiveness. Because the first step in becoming more competitive is to change our attitude.

We still do not think internationally.

We will not forgo current consumption for long-term savings and investment.

We are not trying to learn from the Japanese.

We are not promoting our children's education, particularly in science and technology.

And our business leaders will not sacrifice short-term balance sheet profits for long-term productivity.

The results of this problem are showing.

Take trade, for example. Last year, our trade deficit with Japan alone was 50 percent higher than our 1980 deficit with the entire world.

We as a nation do not put a high priority on exports.

In 1985, U.S. exports accounted for a mere 5.3 percent of GNP. By contrast, Japanese exports accounted for over 10 percent of GNP and West Germany's exports for almost 30 percent of GNP.

Our productivity is slipping.

U.S. productivity grew by only 1.2 percent annually between 1960 and 1983, compared with the substantially better performances of Great Britain, 2.3 percent; Germany, 3.4 percent; and Japan, 5.9 percent.

Our savings rate is much lower than that of any other industrialized country, and this deprives our companies of a pool of cheap capital for investment.

We are not doing enough on education. The average American child watches over 1,000 hours of television a year. It is no wonder that the average 17-year-old American knows half as much math as the average 17-year-old Japanese student.

OUTLINE OF THE BILL

To address these problems, I will be introducing a bill that is designed to complement the Rockefeller-Bingaman resolution and take it one step further.

On trade, the bill instructs the Secretary of Commerce to develop a proposal to establish a semiprivate, nonprofit U.S. export promotion organization similar to those used successfully by Japan, Korea, and others.

It will also instruct our Ambassadors worldwide to prepare annual reports cataloging the measures they have taken to promote exports of U.S. goods and services and to eliminate trade barriers. We simply have to place a much higher priority on exporting.

On R&D the key to our ability to compete over the long run will be the development of a highly skilled, highly trained core of engineers and scientists. The first step will be to improve the quality of scientific and technological education offered by our colleges and universities.

My bill would provide corporations with a 20-percent nonincremental tax credit for the wage costs of loaning their scientists and engineers to colleges and universities, to teach or perform basic research in the sciences.

My bill also incorporates a proposal which passed this body last year which would make available to our companies and research institutions more translations of Japanese technical literature.

Finally, the bill would amend the FOIA to make it more difficult for competitors to secure proprietary information.

I do not pretend that these modest measures will restore us to our position as an unchallenged economic giant. But as Samuel Johnson said, "The future is purchased by the present." Quite simply, we have to act now.

RESTORING AMERICA'S COMPETITIVENESS

Mr. LEVIN. Mr. President, almost 3 years ago President Reagan and his advisers realized that the United States and his administration had a major problem. The American economy was in trouble. Our trade deficit was beginning to grow. We were only slowly climbing out of the worst recession in decades. Our most basic industries were closing factories as foreign producers captured growing shares of our markets with high quality, attractively priced goods. Our traditional edge in high technology was slipping away to countries on the rim of the Pacific Basin. The American standard of living was growing more slowly than all the Western industrialized states except Great Britain. All of these problems and trends were combining to present the administration with a political problem as well. Democrats in Congress and on the Presidential campaign trail were beginning to talk about the need for a new industrial strategy to restore lost vigor to the American economy. Something had to be done.

So what did the President do? He appointed a commission to study the problem. Now, Mr. President, there is nothing necessarily wrong with appointing a commission. It is a traditional Government response when national problems are so complicated or the suggested remedies so diverse that there is a need for creative research and coalition building. What is wrong with appointing a commission, if the problem they are directed to study is a serious one, is a failure to act in some way on the recommendations the commission develops.

That, unfortunately, is what has occurred in this case. The 30 members of the President's Commission on Industrial Competitiveness, chartered by President Reagan on June 28, 1983, spent 18 months documenting the problems confronting American industry in the face of new global pressures and released the traditional well-documented two volume report in January 1985. The Commission concluded the problem of declining American competitiveness was real and serious, and challenged the American Government to—

Recognize the challenge and its significance. We must equip ourselves with the skills required in the workplace of the future, adopt a flexible attitude toward changing markets and technology, and work together to strengthen the competitive performance of American industry.

The President's Commission crafted a series of recommended Government

actions that formed a program which the Commission proudly pointed out—

Does not require any major increases in Federal spending * * * (with) minimal outlays that represent a prudent investment in the future.

The final report said the challenge of competitiveness must be the economic agenda for the next decade.

But that report and that agenda are gathering dust. In contrast to Presidential Commissions that call for new spending on weapons programs the Competitiveness Commission prompted no response from the Reagan administration. There is no sense of urgency, no repeated Presidential press conference endorsements, no high-level interagency implementation procedure, no legislative strategy to address the critical problems the Commission identified.

That is why our colleague, the distinguished Senator from West Virginia [Mr. ROCKEFELLER], has introduced a resolution calling on the President to report to the Congress on what, if any, plans he has to implement the Commission's recommendations. I commend my colleague for this initiative, and I hope it helps to prod this administration into action.

THE PRESIDENT'S COMMISSION ON INDUSTRIAL COMPETITIVENESS

Mr. CHAFEE. Mr. President, I am pleased to cosponsor this joint resolution seeking implementation of the recommendations of the President's Commission on Industrial Competitiveness. Our ability to compete internationally faces, unprecedented challenge from abroad. To investigate this new reality of global competition, the President convened this blue ribbon Commission of 30 leaders from business, labor and academia. This resolution would urge the President to analyze these fine recommendations and to inform the Congress of the administration's plans for their implementation.

For the past two decades the United States has exhibited a declining ability to compete. Our productivity growth has been dismal—outstripped by almost all our trading partners. We are still the world's strongest economy. Yet, the question we must answer is where we will be tomorrow.

We cannot blame all our competitiveness problems on foreign trade and the dollar. The deterioration of our trade balance began more than a decade ago, when the dollar was widely thought to be weak. Some suggest that the best way to preserve American jobs is for Government to erect protectionist fences to limit foreign competition in the United States. I strongly disagree. A far better alternative to protectionism is a policy that encourages American workers and industries to rise up and meet the competitive challenge.

Our primary problem is not the surge of imports, which always rise with strong U.S. economic growth. It's a lack of growth in American exports. We must examine the ways in which the Government hampers competitiveness through unilateral impediments to growth—tax laws, securities laws, and other policies laws which inhibit research and development into new technologies and innovative areas. This is what we want to receive from the administration—it's overall strategy for reinstating the competitiveness of American industry, in order to increase jobs and exports.

Mr. KERRY. Mr. President, I am pleased to join Senator ROCKEFELLER and others in supporting this resolution requiring the President to report on the status and implementation of the recommendations of the President's Commission on Industrial Competitiveness. But I must emphasize that while I strongly support this resolution, I am extremely sorry that it is necessary—but unquestionably, it is.

Responding to the growing concern among economists in academia, industry, and in government that the United States was facing a growing competitiveness problem, almost 3 years ago, in June 1983, President Reagan appointed a distinguished panel of experts to study the problem and make recommendations. Headed by John Young, the distinguished leader of the Hewlett-Packard Co., and staffed with some of the very best talent available, the Commission worked for more than 1 year to study the problems of American business.

The panel considered the full range of factors affecting the American manufacturing economy: productivity; capital formation, management-labor relations, human resource development; international trade; and the industrial policies of other nations. The commissioners' work was bipartisan and nonpolitical. Its goal was simple—to give the President of the United States the very best advice available on the state of the American economy, and to determine whether problems existed which could be corrected with national policy measures.

The Commission issued a report in March 1985 which found that indeed, the American economy faced serious competitive problems; low productivity, high cost of capital, and the growing threat of international competition. The report received a quiet reception in the media and from business, Government, and academic economists not because it was not respected or well executed, but rather because it simply confirmed a basic consensus which had been palpable since the late 1970's.

To most analysts, the major significance of the report was simply that it had, in fact, taken so long for such a consensus to develop at the highest level of government in our country, and the fact that such a respected group of business leaders chosen by the President had acknowledged that our economic future was not unclouded.

Unfortunately, President Reagan has chosen to ignore the Young Commission report, and to ignore the fundamental and growing threat to America's economic future. Our trade deficit continues to grow month by month to a level unimaginable at the time the Young Commission began its work. Our technological lead is increasingly in danger, our labor market continues to be undertrained and underprepared for the demands of the modern workplace, and our corporations are responding to the new realities of the global marketplace not beyinvesting in new American facilities and production, but by becoming in Businessweek's words, "hollow corporations" which rearrange financial assets, market foreign goods, and ignore the fundamentals of production that is essential for continued increases in the American standard of living.

Mr. President, this problem is too big for any individual business, or any one trade organization, or any single congressional committee or executive agency to attack. No matter how patriotic, concerned, or aware of the problem any of us are, it is not enough. Without a national commitment to the problem, it cannot be solved. This is what the Young Commission recommended.

Unfortunately, the President has chosen not only to ignore the plea for a national commitment to the problem, he has chosen to ignore the advice of his own panel, and deny that a problem exists at all. By this resolution, we in Congress can make known our commitment to acknowledge the problem, and to get on with the difficult process of addressing it through national policy before it is too late.

Mr. BYRD. Mr. President, my colleague from West Virginia, Senator ROCKEFELLER, has proposed an excellent—and timely—resolution. The resolution simply calls on the President to provide Congress with a progress report on implementation of the recommendations of the President's own Commission on Industrial Competitiveness, the so-called Young Commission.

No one disputes the fact that this Nation must improve the competitiveness of its industries if it is going to prosper and raise its standard of living in the years ahead. In response to growing concerns about our competitiveness, President Reagan appointed this Commission in late 1983. The President handpicked each Commis-

sion member, primarily from the ranks of business.

The Commission labored for over 1 year and submitted its report in January 1985. While not perfect, the recommendations of this Commission provide a constructive starting point for changing U.S. policies to enhance the competitiveness of industry.

Soon after the Commission completed its report last year, I invited its Chairman, John Young, the chief executive of Hewlett-Packard, to attend a retreat of Democratic Senators in Shepherdstown, WV. There was a discussion of many of the proposals made by the Commission and many Senators expressed the hope that the President would act expeditiously upon them.

Unfortunately, more than 1 year has passed and there is precious little evidence that this administration has taken the recommendations of its own Commission to heart. The work of this Commission is too important to the Nation's future to allow its recommendations to go the way of those from many other commissions. The future of our Nation's competitiveness deserves better than that. For that reason, I urge that my colleagues join in supporting this resolution.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. WILSON] is recognized for not to exceed 5 minutes.

Mr. WILSON. Thank you, Mr. President.

SENATOR PAULA HAWKINS' SPECIAL ORDER

Mr. WILSON. Mr. President, I rise today on behalf of our distinguished colleague from the State of Florida, Senator PAULA HAWKINS, to insert into the RECORD a floor statement that Senator HAWKINS would make were she able to be present. She is, of course, convalescing from back surgery. We wish her well and a speedy recovery. In order to assist in the flow of business from her office during her involuntary absence. I am making the following statement for her. It is a statement which she has entitled "America's Drugs Problem: Fighting the Demand Side."

And I quote:

AMERICA'S DRUGS PROBLEM: FIGHTING THE DEMAND SIDE

Mrs. HAWKINS. Mr. President, it is now 374 days since one of the suspected murderers of DEA agent Enrique Camarena was indicted in a Mexican court. Another day has passed and still no word of action by the Mexican authorities. Mr. President, this lack of action is disturbing enough in-and-of itself. But it becomes even more glaring as part of a larger picture—a picture of corruption which allows drugs to flow across our borders and threaten our way of life.

The economic, social, and human costs of substance abuse are devastating to our society. We have all seen estimates of the dollar cost to our society, especially the cost of illegal drug abuse. Each year we lose millions of dollars in reduced productivity, health care, crime, and motor vehicle crashes.

But concerns over substance abuse cannot be easily reduced to dollars and cents. Think in human terms and the staggering effect of drug and alcohol abuse upon the emotional and physical health of our society as a whole becomes clear and frightening.

The illegal drug corporations fight for the control of our society through the most basic principle of economics—supply and demand. To be truly effective, the war on drugs must take the same approach. I have long fought for stiff penalties for drug pushers who would profit from destroying young minds. I have pushed for reduced aid for countries that permit the influx of drugs into America. That is the supply side.

But Mr. President, we must concentrate just as hard on the demand side. Fighting drug abuse here at home.

The Senate Subcommittee on Children, Family, Drugs and Alcoholism, which I chair, is responsible for authorizing the National Institute of Drug Abuse (NIDA). NIDA is the Federal government's strong right-arm in our demand side battle. Earlier this year, at the NIDA reauthorization hearing, I learned about one important piece of NIDA research on cocaine that is going on in Florida.

Dr. Jose Szapocznik (pronounced "Suppose-nick") testified at the hearing. He works out of the University of Miami with Hispanic adolescent drug abusers and their families.

Dr. Szapocznik testified that at his center, the family has always been the cornerstone of research.

While there are important moral reasons for maintaining the family as the essential building block of our social fabric, the doctor has also learned of compelling theoretical and scientific reasons for using the family strength in treatment and prevention of cocaine addiction.

Dr. Szapocznik uses the family to stop drug abuse. And it's working. His approach has been shown to eliminate drug abuse with incredible efficiency and in a remarkable short time. In Dr. Szapocznik's latest research group, of the teenagers who came to him for help, every-single-teenager . . . one hundred percent had given up all cocaine use at the time that they finished treatment. In an average of 12 outpatient sessions. These are mind-boggling statistics. Some of the first good news we have had in the drug war in years. And this is not just pie-in-the-sky. This remarkable success rate has been documented extensively.

And the price tag for this remarkable success? Dr. Szapocznik's receives a little over 200-thousand dollars in NIDA research money for this work. Clearly, this is tax money well spent.

Mr. WILSON. I thank the Chair, and I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. PRESSLER). Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

DON'T TAKE AWAY THE RIGHT OF SENATORS TO SPEAK FREELY ON THE SENATE FLOOR

Mr. PROXMIRE. Mr. President, as a Senator who has taken aggressive advantage of the opportunity to speak on the floor of this body every day the Senate has been in session for many years, I was concerned by the statement by the majority leader today that rank and file Members of the Senate are taking too much time in speaking daily in special orders during morning business. The leader indicated that the time for those of us who wish to speak on the floor may have to be aborted, denied, postponed until later in the day, or pushed aside in some other manner.

Now, keep in mind that only a few weeks ago the leadership slashed the time a Senator may speak during morning business from 15 to 5 minutes.

Mr. President, one of the most important distinctions of this body—the Senate of the United States—is that Senators will have a chance to speak their minds freely and fully. More than any parliamentary body in the world, that has been true for nearly 200 years of the U.S. Senate. In the past 60 years that distinction has gradually left this body.

After World War I, the Senate adopted a cloture rule that permitted, at that time, two-thirds of the Senate to cut off debate. Then, 20 years or so ago, Senator John Pastore, of Rhode Island, succeeded in winning adoption of the so-called Pastore rule that limited any one Senator to speak only on the subject before the Senate on any matter that had been pending before the Senate for less than 3 hours. Since most legislation before the Senate takes far less than 3 hours to debate and discuss, the Pastore rule effectively limited Senators who wished to speak on subjects that might have significant national or international import to periods when the Senate was not discussing legislation, and that generally meant during the so-called morning business.

Senators were, up until a few weeks ago, permitted to speak any morning on the floor of this body for 15 minutes. Then came the advent of radio broadcasts—gavel-to-gavel—of Senate proceedings. The leadership, as I have said, decided to slash the time of any Senator who wanted to speak during morning business to 5 minutes. Now we are being warned that 5 minutes may be too much. Senators may be permitted to speak some other time during the day, provided such time became available. Perhaps a time

would be reserved at the end of the day if the Senator could not come to the floor at a scheduled and prearranged time. With this unscheduled and unpredictable time, too bad and tough luck—no freedom to speak on that day.

Possibly Senators would be allowed to speak at a scheduled and prearranged time only twice a week or perhaps once a week or maybe once a month for 5 minutes.

Mr. President, this Senator is not being facetious. Television has not hit this body yet. It will in a relatively few days. In view of the rush to the floor by Members to take advantage of the radio exposure, we can expect an even greater surge when Senate proceedings go to a potential audience of millions on television.

Mr. President, this is one of the many reasons this Senator has consistently and strongly opposed putting this body's regular daily proceedings on television. It will sharply curtail the opportunity of Senators who wish to speak out on significant matters of national importance, to do so, unless that particular subject happened to be before the Senate in legislative form on that particular day.

So what should we do? How do we accommodate television and the desires of a very large proportion of the Members of this body to reach a television audience within the limited time available, without further restrictions on the freedom of Senators to speak their minds freely and fully on the floor of this body?

Mr. President, this Senator's suggestion is that all Senators be allowed to speak during morning business every day by coming in however early is necessary to accommodate this objective. That might be 9 o'clock or 8 o'clock or 7 o'clock or even earlier. This Senator will gladly come in at 5 o'clock in the morning if necessary. Obviously, those of us who are anxious to take advantage of the great tradition of this body to be allowed to speak fully and freely should be ready to make sacrifices, if it is necessary. We will get up early; we will come to work early. But do not take our right to speak our mind every day at a reasonably predictable time away from us.

Mr. President, I realize the convening of the Senate regularly at 8 o'clock or earlier would, under present practices, cruelly penalize the leadership. This is because the Senate leadership under present practice starts the Senate proceedings every day. But why is this necessary? Why could not the Senate convene at whatever time is necessary to accommodate Senators who wanted to speak? The leadership could come to the floor regularly at a later time—say 10 or 11 o'clock, or noon—to transact leadership business.

Mr. President, as I look at the distinguished and able people who do such a fine job of policing the Senate in so many ways, the Parliamentarian and his colleagues, I recognize that this would impose a sacrifice on them, too. I regret that. That is the price I guess we have to pay under the circumstances.

ADD QUALITY OF MILITARY PERSONNEL TO U.S. MILITARY EDGE OVER SOVIETS

Mr. PROXMIRE. Mr. President, in considering the U.S. military status versus the Soviets, what should we look for as the single most significant indicator of success or failure of either military capability? Is it military technology? Is it the economic strength that can produce the necessary military weapons? Is it the strength of the alliances the Nation may enjoy? All of these elements certainly contribute to military power and success. But, Mr. President, there is another frequently neglected element that is most important of all. It is the skill, the training, the morale, the discipline of the personnel that makes up the military forces. We learned that lesson in Vietnam. The Soviets are learing it in Afghanistan.

So how does the United States compare with our great superpower adversary in the quality of our personnel? First, there is no question the Soviets enjoy some advantages. Their population is larger. Their standing military forces are about twice as numerous. Their reserve military forces include every male citizen between the ages of 20 and 55 who is not on active duty. And virtually all the able-bodied Soviet population between 20 and 55 have served in the armed forces, a large proportion of them within the last 10 years. Soviet military personnel also showed impressive effectiveness in fighting Hitler's forces in World War II. The Soviets not only displayed great courage and endurance; they also demonstrated impressive military skill.

These are critical Soviet advantages, but today's Soviet military man also suffers some very serious weaknesses. In fact, the weaknesses are so severe compared to the military strength of American personnel that they constitute a serious Soviet disadvantage. A few weeks ago, the Secretaries of this Nation's Army, Navy, and Air Force testified over several days before the Defense Appropriations Subcommittee of the Senate. They were accompanied by the Chiefs of Staff of the three services and the Marine Corps.

As so often happens to good news in this country, the story did not get on the front page of the newspapers or in the big television network prime time evening news. But the news was not just good, it was terrific. Take the indicators of discipline in the U.S. Army. Violent crime by army personnel has been cut in half in the past 10 years. Since 1974, crimes against property have dropped to one-fifth of their rate 10 years ago. One-fifth, Mr. President. Desertion is down to a bare 25 percent of its level in 1974. How about absence without leave? That has dropped by a remarkable 80 percent.

Now, Mr. President, these are objective criteria. This is not hype. It is not self-praise. It is not rhetoric. These are cold, hard facts. This is the record. In every case, the objective measures of morale and discipline are by far the best of any time they have been in 10 years or more. The records of the Navy, the Air Force, and the Marine Corps show a similar astonishing improvement. Alcohol and drug abuse have both dropped spectacularly; and in all services. So our military personnel meets the first requirement of military behavior; that is, discipline far better than before and very possibly better than ever.

How about the capability of our military personnel as measured by their educational level? Mr. President, the educational level of U.S. soldiers, sailors, marines, and airmen has never been as high as it is today. Consider this: The total has risen from 61 percent with high school diplomas in 1980 to 93 percent today!

Compare this with the Soviet military personnel. Secretary Gorbachev, like his predecessors, has been trying to reduce the alcoholism problem in the Soviet society and, of course, in the Soviet military forces. He has a very formidable challenge. In a recent article in "Military Review," Prof. Richard Gabriel, who has been on duty with the Foreign Intelligence Directorate, has written that "Russian soldiers have at least the same high rates of alcoholism and alcohol-associated pathologies as the society at large and probably considerably higher." He quotes Victor Belenko, a recent Soviet Air Force defector, that his brother officers and his ground crew were drunk virtually all the time. Gabriel reports "a staggering number of assaults on officers by enlisted men who were drunk—a phenomenon virtually unknown in the American Army."

How about the training of Soviet military personnel? Joshua Epstein is a defense analyst at the Brookings Institution. He recently compared U.S. maintenance crews with their Soviet counterparts. He found that U.S. maintenance crews are 40 percent larger than similar Russian crews and receive twice the training time as their Soviet counterparts. A study of the Soviet Air Force prepared for the CIA in 1981 concluded training was "surprisingly 'pro forma' with little continuing effort to enhance skills under realistic conditions. Many of their sorties appear to be rather canned 'once around the flagpole and back' "

According to intelligence analysis, Soviet fighter pilots receive less than half the flying time that U.S. pilots do—7 hours per month compared with 19. Sally Stoeker, a Soviet specialist for the Rand Corp., reports that "many Soviet sailors are not trained to handle weapons or fight at night."

How about the awesome advantage for the Soviets in the size of the reserves compared to American reserves? Here is what Andrew Cockburn writes in his book, "The Threat Inside the Soviet Military Machine": "Soviet reservists, unlike those in Western armies, receive no training or weekend duty calls after they leave the active force. Furthermore, only about 1 percent of the U.S.S.R's active soldiers reenlist once their conscription ends." The actual de facto manning table for Soviet forces is even worse, according to the U.S. Defense Department. Fifty-five percent of the Soviet Army's estimated 190 divisions have less than half of their required personnel and equipment on hand: 20 percent have between half and three quarters. Rated by U.S. standards, this would mean that these Soviet divisions would be classified as not ready.

How do we explain this dramatic improvement in the morale and discipline of American military personnel? Two factors stand out. First, over the last 10 years, the pay of military personnel has consistently and sharply improved. As anyone who has ever hired employees to do a job in this American society can tell you, you get what you pay for. Higher pay has brought in personnel with better educational backgrounds. Recruiters can be choosers instead of beggars. They can take the pick of the litter, not the runt. In view of the supreme importance of personnel in military achievement, we should keep this firmly in mind while we determine our military priorities under the intense pressure of Gramm-Rudman.

Second, this remarkable 10-year improvement in morale and discipline of the American military dates roughly from the end of the draft and the beginning of the All-Volunteer Armed Forces. This Senator served in the peacetime draft Army for 9 months before Pearl Harbor in World War II. From that experience, I am positive that soldiers who are in the Army against their will may have talent but they do not have the motivation. They do not have the morale. They do not have the espirit de corps. They do not have the pride and enthusiasm in their unit. Volunteers are far more likely to have all of that. The Soviets have a drafted armed force. Ours is all volunteer. That is why AWOL, desertion, "gold-bricking" and low level of performance permeates the Soviet Armed Forces. It is why the U.S. Armed Forces have on the record improved so dramatically during the past 10 years.

Unquestionably the Soviets have an advantage over the American military force in sheer size. Just as the Chinese have a size advantage over the Soviet forces. But in the crucial military ingredients of morale, discipline, training, readiness, and the skills that come from actual flying time, sailing time, and maneuver time, the United States has a personnel advantage that ranks with U.S. superiority with respect to technology, economic strength, weapons superiority, the military strength of allies, and geographic position. The Russians certainly are not 10 feet tall. They are not 3 feet tall, either. But if ever it could be said that a great nation enjoyed the military power that permitted it to negotiate arms control from strength, it is the United States versus the Soviet Union in 1986.

Mr. President, some of the material in this speech came from an excellent article written by Fred Kaplan in the Boston Globe.

I yield the floor.

Mr. JOHNSTON. Mr. President, first of all, I congratulate and commend the distinguished Senator from Wisconsin for another one of his very thoughtful and very incisive statements on military power.

I think he contributes a great deal to the quality of the Senate's debate as well as the knowledge of the Senate and the country on matters involving the Armed Forces, our relative military posture as well as arms control.

I, for one, am very grateful to him for the thoughtful and in-depth research that he has provided for us in this and other speeches.

MYTH OF THE DAY: HIGHER SPENDING EQUALS HIGHER QUALITY SERVICES

Mr. PROXMIRE. Mr. President, the myth of the day is that higher spending equals higher quality services.

You would think that we had learned our lesson that throwing money at problems does not solve them. But this myth blooms like a hardy perennial every spring in Washington and State capitals across the country. Curiously, it blooms at budget season, fertilized by a host of lobbyists, special interest groups, and corporations who stand to benefit at the taxpayers' expense.

But we often find evidence that money, by itself, does not solve our social problems, nor our national security problems.

A case in point is a recent report by the Health Research Group here in Washington, a project affiliated with Ralph Nader's Public Citizen organization.

In a report entitled "Care of the Seriously Mentally Ill," Drs. Fuller Torrey and Sidney Wolfe, came to a heretical conclusion in their review of State programs dealing with the very serious and tragic problems of the seriously mentally ill.

What did they find? Drs. Torrey and Wolfe found no correlation between a State's wealth, its per capita mental health expenditures, or its Federal allocation of supplemental security income [SSI] funds or Social Security disability income [SSDI] funds and the quality of services provided to these deserving Americans.

That is right, Mr. President. No correlation between dollars and quality.

In fact, overall State expenditures averaged $30.27 per capita while Wisconsin, the State with the highest ranking for its quality programs, spent one-third less per capita—$20.32.

And what is more, the next highest four States similarly spent an average or less than average amount of funds per capita.

Mr. President, my point is simple. Money is vital to these programs. Many of these individuals are unintended victims of well-intentioned efforts to deinstitutionalize the mentally ill over the last two decades and they desperately deserve our full support. In fact, we may well not be doing enough.

But as Wisconsin, Rhode Island, Colorado, and other States have proven, money is not the sole answer. It is leadership. Creativity. An awareness of how to integrate incentives for efficient management into programs. And most of all, it is heart.

The badger State has proven that conclusively in this area. And we need to spend a little more time helping States to learn from successful examples and, thereby, increasing the efficiency of our programs. And we need to spend a little less time debating percentage increases in programs. It is clear that the answer does not lie with budgets alone.

Mr. President, I ask unanimous consent that an article from the American Psychiatric News summarizing this study be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY RATES MH CARE QUALITY BY STATE

The quality of state mental health services for the severely mentally ill is not determined by the amount of money poured into such services, according to a study released at a March press conference at the Health Research Group (HRG) in Washington, D.C. Internist Sidney M. Wolfe serves as director, and psychiatrist E. Fuller Torrey led the study. HRG is a component of the Public Citizen, a nonprofit organization founded by Ralph Nader.

Torrey and Wolfe described the study as the first state-by-state comparison of inpatient and outpatient programs for the approximately 2 million seriously mentally ill persons in the United States. Torrey told the press the study was designed to answer one major question—"If I had a mentally ill

relative, in which states would he or she be better off?"

The states emerging with the highest combined rating for inpatient and outpatient services were Wisconsin, Rhode Island, Colorado, Maine, Oregon, Iowa, and New Hampshire. The states with the lowest ratings were West Virginia, South Carolina, Montana, Texas, Delaware, Mississippi, New Mexico, and Hawaii.

Torrey and Wolfe found no correlation between the quality of services and the state's wealth, its per capita mental health expenditure, or its Federal allocation of SSI/SSDI funds. For instance, the study observed, states spend an average of $30.27 per capita on mental health programs for the seriously mentally ill; however, Wisconsin, the highest ranked state, spends only $20.32 per capita. The next four highest ranked states also spend "an average or below average amount of money" on mental health programs, Torrey said.

In contrast, the District of Columbia spends more than any state on mental health programs—$176.17 per capita—yet the study ranked the city 43rd.

After Washington, D.C., New York comes in as the second biggest spender, allocating $74 per capita. Despite this large expenditure, the study slated New York 26th among the states.

Arizona spends less than any other state—$9.51 per capita—and was ranked 33rd by the study.

The study also considered the progress states are making toward improving their programs. "The states moving ahead most strongly are Colorado, Florida, Maine, Ohio, Oregon, and Rhode Island," the study maintained. States beset by "major problems" that impede reform are Alaska, Arizona, Arkansas, Louisiana, Minnesota, South Dakota, and Wyoming.

Torrey and Wolfe conceded that their methodology was flawed by the subjective nature of some of their data and the varying amounts of information available for each state.

The ratings were based on surveys of state psychiatric hospitals conducted by HCFA, JCAH, and state departments of mental health, and on NIMH investigations of community mental health centers, states' handling of mental health block grants, and community support projects.

In addition, the authors interviewed about 20 mental health professionals who had extensive experience with several state delivery systems. They also asked each state affiliate of the National Alliance for the Mentally Ill (NAMI) and a network of expatient groups to assess state services.

Torrey and Wolfe concluded that "only a handful" of local and state programs are "providing high-quality services for the seriously mentally ill." Because mental health planners failed to assure that resources would follow patients into the community, deinstitutionalization was simply "put on automatic pilot," they wrote.

The authors further maintained there is no correlation between the quality of state programs and the per capita number of psychiatrists and psychologists practicing in the state. According to their study, programs in states with the highest number of psychiatrists and psychologists per capita (D.C., New York, Massachusetts, Maryland, and Connecticut) "are only slightly, but not significantly, better" than those states with the fewest psychiatrists and psychologists (Mississippi, Idaho, Arkansas, Alabama, and Louisiana).

Torrey and Wolfe criticized APA, the American Psychological Association, and the National Association of Social Workers, charging that the groups are not truly concerned with the needs of the seriously mentally ill. Torrey acknowledged John Talbott, M.D., immediate past president of APA, as "a rare exception" among mental health professionals because of his unflagging support for patients in the public sector.

CONSUMER GROUPS LAUDED

In contrast, the study saluted the work of religious groups, consumer groups such as NAIM, and expatient groups such as Maryland's On Our Own. Strong leadership and active consumer groups "are the two most important factors in improving services," the study said.

NAIM President Jim Howe told *Psychiatric News* that he would like to see state-by-state comparisons of mental health services become "an annual affair." When questioned about the study's assertion that consumer groups must bear the primary responsibility for public education and lobbying, Howe said he hoped the authors "don't mean to exclude providers, both profit and nonprofit, from acting as advocates for the mentally ill." He noted that many providers are already advocating "very successfully."

Among the study's specific recommendations were making block grants of SSI/SSDI funds to eliminate conflicts between Federal and state governments; decentralizing services to a regional or county level; and encouraging consumer groups to meet with HCFA and JCAH survey teams. (NAMI President Howe said NAMI has recently begun exploring this possibility with the JCAH Board in Chicago.)

"RIGHT DIRECTION"

"As painful as it might be for some states, I think it's a step in the right direction to force public mental health systems to consider how they provide services for the seriously mentally ill," said former APA president John Talbott, M.D., reacting to Torrey and Wolfe's analysis of mental health services by states.

Talbott added that he had some reservations about the study's methodology, which he believes may not have given enough weight to demographic and geographic differences between the states.

Talbott, who is professor and chair of the department of psychiatry at the University of Maryland School of Medicine in Baltimore, also discussed the problem of recruiting psychiatrists into the public sector. He pointed to the accomplishments of the Maryland Plan, which has recruited young pyschiatrists to the state's facilities and established strong links between state hospitals and the University of Maryland School of Medicine. "In 10 years, 155 university-trained psychiatrists have entered the public system," Talbott said. "It's terrific evidence that . . . you can attract top-flight professionals."

Torrey and Wolfe also praised the Maryland Plan in their report. They suggested that states with severe shortages of mental health professionals, such as Mississippi, Idaho, and Arkansas, might launch scholarship or loan programs requiring recipients to repay their debts by serving for a specified time in the state mental health system.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I would be delighted to yield 4 of my 5 minutes to the Senator from Wisconsin if he wishes to use it.

Mr. PROXMIRE. Mr. President, I appreciate very much the gracious and generous offer of my friend from Tennessee. But I am sure that what he has to say is at least or more valuable than what I have to say. I have spoken so many times that I like to listen to him.

Mr. GORE. I appreciate my colleague's warm words.

Mr. President, I would like to defer my remarks until the Senator from Washington arrives on the floor. I will take my 5 minutes after he presents his remarks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR GORE

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. GORE] is recognized for not to exceed 5 minutes.

Mr. GORE. I thank the Chair.

Mr. President, I ask unanimous consent that the remarks I am about to make appear in the RECORD after the remarks of the distinguished Senator from Washington [Mr. EVANS].

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2328—A BILL TO PREVENT PRIVATIZATION OF POWER MARKETING ADMINISTRATIONS AND TVA

Mr. EVANS. Mr. President, I am introducing a bill today to prevent the administration from carrying out a foolish and ill-conceived idea—the privatization of the power marketing administrations. In its fiscal year 1987 budget documents, the administration has proposed to initiate a process leading to the privatization of the five power marketing administrations by the end of 1991. The rationale and process for carrying out such a far-reaching proposal are not explained. It merely states that such a process will be guided by three very general principals, including "seeking a fair return to the Federal taxpayers" and "recognized the benefits currently enjoyed by existing customers." Nobody in the administration appears to know what these words actually mean and no administration official I have discussed this with so far has been able to explain and justify adequately this initi-

ative. They show a remarkable lack of knowledge about electric power systems and the regions that these PMA's serve, including the economy of the Pacific Northwest that the Bonneville Power Administration serves.

The administration seems to be confused between two different and competing motivations for such an initiative: budgetary and ideological. Do they expect to extract a huge amount of money out of the PMA's to reduce the Federal budget deficit over the next 5 years? If so, how do they intend to account for the forgone revenues, both from principal and interest, that the Federal Government is receiving from these very same PMA's? For example, Bonneville paid more than $670 million in principal and interest to the Federal Government in fiscal year 1985. Or, as it appears more likely, is the administration proceeding from primarily ideological reasons to get the Federal Government out of the business of producing and transmitting electricity? The indications thus far are that the administration is proceeding from the latter motivation. It is only in that context that we might understand the double whammy that the PMA's are receiving from the administration's fiscal year 1987 budget: A proposal to accelerate repayments of the Federal investment and, at the same time, a proposal to privatize that investment. In any case, most of the analysis and study behind the privatization proposals seems to be coming from think tanks such as the Heritage Foundation, which demonstrate a fundamental lack of knowledge and misunderstanding about the role the PMA's play in the economies of different regions of the country.

The reason I am introducing this bill now is that I believe the privatization proposal is causing substantial uncertainty among businesses and individuals in the Pacific Northwest and other areas of the country. The proposal has caused especially adverse results in the Pacific Northwest because the Bonneville Power Administration plays such a major role in our region's economy. Businesses and industries were built on the basis of cheap, reliable hydropower distributed uniformly to all entities in our region. Thus the Pacific Northwest is much more dependent on electric energy than other areas of the country. There are already clear signs of uncertainty in our region. New companies which may decide to invest in the region are expressing uncertainty about the future of electric power supply at reasonable rates. Existing companies delaying back from additional investments due to this uncertainty. For example, Alcoa Aluminum has announced publicly that it plans to shut down permanently 25 percent of its smelting capacity by the end of 1986. It has two large smelters that are at risk in my State. With that type of uncertainty in the Pacific Northwest now, corporate planners could easily decide to make those cuts in our area. Additional production capacity, when and if it occurs, will probably go overseas. This would undermine the genuine efforts that Bonneville has made over the last year to keep aluminum production operating within the region through short-term incentives rates and other proposals.

In any privatization scenario, rates will go up. Various groups have done preliminary studies on the rate impact, with differing results. Such estimates, of course, depend greatly on the assumptions on the sales prices, interest rates, ability to use tax-exempt financing, and so forth. I believe that it is unrealistic to assume a sales price less than the $8.9 billion for Bonneville that the administration has published as its starting point for privatization discussions. Anything less is dreaming, in my view. The Northwest Power Planning Council, of which I was formerly chairman, recently carried out a study of the rate impact of such a sales price, assuming a sale to a private corporation using taxable bonds with an AA rating. I believe that auctioning off to the highest bidder, with no preference for tax-exempt financing, is the likely scenario. The council found that such a sale would result in a 71-percent rate impact.

The administration somehow believes that ratepayers in the Pacific Northwest pay too little for electricity. However, the aluminum companies are already seeking rate relief and account for 20 percent of the region's load. The California utilities are refusing to buy surplus Northwest nonfirm power at current rates since oil-fired generation is now cheaper. British Columbia Hydo seeks to market hydropower to Northwest utilities at rates below some current charges.

It is obvious, therefore, that the administration cannot succeed in raising rates necessary to justify the sales price they suggest. They have proposed a classic catch-22 proposition. Sell at a high price, which would raise rates, which would reduce electric sales drastically, which would make a high sales price impossible.

My bill is short and quite simple:

First, it prevents the administration from the "sale, lease, transfer, or other disposition" of any of the multipurpose dams or transmission facilities for a period of 10 years upon the date of enactment;

Second, the prohibition covers all the essential activities of the PMA's—the generation and transmission of electric power. It does, however, allow the sale of property and assets under various statutes that are necessary in carrying out the normal business of operating a utility of the size and complexity of the PMA's;

Third, the bill applies to the Bonneville Power Administration, the Tennessee Valley Authority, the Western Power Administration, the Southeastern Power Administration, the Southwestern Power Administration. It, however, does not apply to the Alaska Power Administration since there are current discussions between the State of Alaska and the DOE over the transfer of these assets. It must be emphasized that the Alaska Power Administration's hydroelectric assets are very small and simple compared to the assets of the other PMA's.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD and that several articles and editorials attached be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2328

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That for a period of ten years from the date of enactment of this Act, no federal official may solicit proposals or accept offers for the sale, lease, transfer, or other disposition, either in whole or in part, of any power production or transmission facilities located in the conterminous forty-eight states which are owned or operated by any federal agency and whose electric energy is transmitted for sale by a federal power marketing administration or by the Tennessee Valley Authority; *Provided,* That this provision shall not apply to: (1) the authority granted under Section 2(e) of the Bonneville Project Act of 1937; (ii) to the authority of the Tennessee Valley Authority pursuant to any law under which it may dispose of property in the normal course of business in carrying out the purposes of the Tennessee Valley Authority Act of 1933, as amended; (iii) to any business transactions involving the production and transmission of electric power among federal officials that may occur in the normal course of business; (iv) to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administration Services Act of 1949, as amended, and the Surplus Property Act of 1944 to sell or otherwise dispose of surplus property.

STATEMENT OF RICHARD K. PELZ [1]

I have retired from government service at this time because I am opposed to the Administration proposal to sell the Bonneville Power Administration and the other power marketing administrations of the Department of Energy. I cannot in good conscience work to implement this proposal because I believe it is economically disruptive, fiscally

[1] Richard K. Pelz has been the senior power marketing attorney with the Department of Energy in Washington, D.C., and with the Department of the Interior before the power marketing program was transferred, for 19 years. He is the editor of a three-volume reference work on federal water and power law entitled "Federal Reclamation and Related Laws Annotated." He is Vice President of the Federal Executive and Professional Association. He has retired after 34 years of federal service.

irresponsible, administratively harmful, and intellectually dishonest.

The Bonneville Power Administration is the foundation of the bulk power supply arrangements in the Pacific Northwest. It supplies 65 percent of the power and has built and operates 80 percent of the high voltage transmission system. It has contracts for power or transmission services with all of the utilities and most of the heavy industry in the region, and with numerous utilities outside of the region. After raising rates more than 600 percent in six years, it has pledged a period of rate stability so the region can catch its economic breath. To help the aluminum industry through the serious economic difficulties it is facing and to keep it operating in the region, Bonneville has proposed a variable rate pegged to the world price of aluminum.

The Administration proposal fundamentally to alter the ownership and operations of Bonneville and to further raise its rates will seriously disrupt the business arrangements upon which the economic health of the region depends. Plans for power supply have to be made years in advance. The uncertainty created by the Administration proposal may well drive the aluminum industry to leave the region and certainly will cause other disorder in the industrial and commercial life systems of the Pacific Northwest.

The Administration proposal is fiscally irresponsible because fire sales of government assets do nothing to solve the underlying fiscal problems that are leading to steadily growing budget deficits. In fact, such sales will probably make the fiscal situation even worse in the years to come. Bonneville pays more money into the Treasury than it take out. Last year it made a payment of $600 million—$374 million for imputed interest on unamortized investment and $226 million to repay a portion of that investment. If Bonneville is sold, not only will this annual income stop, but there are at least four kinds of hidden costs that almost surely will not be fully passed on to the buyer. First, Bonneville performs a combination of proprietary functions—such as the sale and transmission of power—and governmental function—such as conservation, fisheries development, environmental protection, and negotiations with the Canadian and British Columbia governments. Today, revenues from the proprietary operations pay the cost of the governmental function. If the two are split, the taxpayers will have to start paying for the governmental operations. Second, the sale of Bonneville will engender litigation that will be costly to the United States. Third, the new buyer will insist on placing a limit on Bonneville's existing open-ended obligation to subsidize future irrigation development. Fourth, in order to obtain agreement from a reluctant Congress to pass legislation authorizing the sale, the Administration inevitably will be forced to make deals that will diminish the monetary returns to the Treasury initially and over time.

The Bonneville Power Administration is the finest federal agency that I have encountered in my 34 years in federal service. It is lean, productive, efficient; everybody works hard and morale is high. The Administration proposal will divert scarce resources of time and skill away from more constructive efforts to help the region and the Treasury. More importantly, it will seriously harm the organization. The committed people who work for Bonneville do so in significant part because of a conviction they are serving the public interest. To tell them their only motivation should be private gain will undermine morale, disillusion many of the best people and cause them to leave, and disrupt the smooth functioning of this outstanding agency.

It is intellectually dishonest for the Administration to submit a budget to Congress that shows any significant revenues from the sale of Bonneville and the other power marketing administrations (PMAs) in near future years. The legal, technical, financial, administrative, and political problems to be resolved before a transfer can be consummated are enormous. For example: What do you do with the federal dams, which are operated by the Army Corps of Engineers and the Bureau of Reclamation for many purposes besides power, such as navigation, flood control, municipal and industrial water supply, irrigation, fish and wildlife and recreation? Do you transfer just the right to the power output, the powerhouse, or the complete dam and reservoir including the powerhouse? How is the buyer going to finance the transaction? If the buyer is a public agency, will it be permitted to issue tax-exempt bonds, which will reduce the returns to the Treasury? To what extent will the buyer assume responsibility for fish end wildlife programs, for conservation programs, for compliance with the Columbia River Treaty with Canada, for reimbursing the Treasury for the costs of past and future irrigation projects, etc? On what basis will price be determined? What happens to the Pacific Northwest Planning Council? Will the buyer be bound by the long-standing federal principles of preference in the sale of power to public bodies and cooperatives and of rates based on the recovery of costs without making a profit? What happens to the employees of the PMAs and the other affected federal agencies?

These problems and many more would take years to resolve even if there were a consensus in favor of the transfer, which there is not. The Administration's proposal to sell the PMAs popped up a month or so ago as somebody's bright idea about how to temporarily reduce the budget embarrassment and meet the Gramm-Rudman-Hollings targets. No serious staff work had been done in the Department of Energy to analyze or support it. The Administration proposed last year in the FY 1986 Budget to raise the rates of the PMAs through measures labeled repayment reform. This proposal was stopped dead in its tracks by Congress. Yet the proposed sale of the power administrations would lead to much higher rates. The Administration also proposed last year that the Alaska Power Administration be sold. This is a far simpler and far less controversial transfer to accomplish than transferring any of the other PMAs—it involves only two small single-purpose power projects, each with a radial line serving only one isolated market area; and the Alaska Power Authority, a state agency newly entering the power industry, is a logical customer. Yet the Administration a year later still has not submitted a bill to Congress to implement the proposed transfer because of a lack of interest and a lack of agreement on details. In view of this record, no assumption as to an early sale of any PMA other than Alaska can possibly be justified.

I have focused on Bonneville because it is the largest power marketing administration, but the same analysis applies to the other PMAs as well. They have raised their rates substantially in recent years. They pay back to the Treasury each year more than they spend. They have entered into power supply arrangements that are important to the regions they serve and would be seriously disrupted by the sale of the agency. They perform governmental functions as well as proprietary ones. They sell power from multiple-purpose dams operated by other federal agencies, the best known of which is Hoover Dam on the Colorado River. They are staffed by competent people committed to serving the public interest. There are hidden costs that would not be covered in the transfer. There is no political support for selling them, and there is a great deal of political opposition to a sale. Congress should reject the proposal to sell them—as well as the proposal to sell Bonneville—out of hand.

[From the Seattle (WA) Times, Feb. 27, 1986]

I'd Buy It Myself and Turn Out Lights

(By David S. Broder)

Washington.—The word is an atrocity, but the most appealing notion in President Reagan's 1986 program is "privatization." Selling off some of the government's facilities or functions to private enterprise or individuals is a jimdandy idea.

I am attracted to it in part because one of the things Reagan has in mind selling soon is the Bonneville Power Administration on the Columbia River, and I have been a Bonneville freak since I was 16.

That summer, two buddies and I celebrated the end of the war and our escape from home by bumming around the West. Bonneville Dam was the biggest thing I'd ever seen—a marvel to behold.

In the summer of 1969, when my own family was on the mandatory Western trip, I dragged my four sons off to see the dam for themselves. They complained bitterly on the drive over that they hadn't had time enough to gallivant around on Mount Hood. But when we descended into the great dam and felt the pounding of its power-plant turbines, they were as awed as I had been almost a quarter-century before.

The sale, to be honest, does not come up at a convenient time. I have some unexpected expenses around the house, and the car has not been running smoothly. But if there is a chance to buy Bonneville, I'm going to buy it.

In megalomaniacal moments, I think what fun it would be just to stand there with my hand on the switch and say, "Goodnight, now, Portland," and turn out the lights.

But what I really covet is the fish ladder. It would be great to go down to the dam at the end of a trying day and just watch the salmon go by. My salmon climbing my fish ladder. Feel like some salmon for dinner? Well, sure. How about that one? Help yourself.

Sen. Mark Hatfield, R-Ore., was quoted as saying that Bonneville would be sold "over my dead body." But you know that in politics, money talks, and I figure Hatfield just wants to be sure Reagan gets a good price.

It did bother me some that Fortune magazine, which might have been thought likely to understand the attractiveness of privatization, had an article by Lee Smith saying, "The administration's plan to sell off the government is a political, not an economic, measure."

But as I thought about it, Smith's proposition became less offensive and more accurate.

Indeed, nothing so clarifies the question as to whether something should be done by

the government as to ask: Is it something you'd want if the government were offering it for sale?

There are many things beyond Bonneville I'd like to buy from the government, but "nonlethal aid" to the contras would not be among them. Far more appealing to me are a couple of lighthouses in northern Michigan or that underwater national park off St. John's in the Virgin Islands.

If the notion catches on, it could produce some healthy competition among Cabinet members. Suppose that Reagan establishes an incentive program in which the more a department sells, the more money it will have to buy some new things. Cap Weinberger would have funds for the Strategic Defense Initiative lasers only if he could peddle several hundred of his Bradley Fighting Vehicles as being for freeway and RV use in California.

Similarly, on the domestic side there is much to recommend the privatization strategy. If you were running the Department of Agriculture, would you give out food stamps to good customers? I suspect that in order to keep the farmers going in these tough times, I would, and not grudgingly, either.

I know it would be great to have clinics for expectant mothers and premature infants operting under my name, to say nothing of having an aircraft carrier or two at one's call. No mugger is going to give you any trouble when he understands you have your own aircraft carrier, just over the horizon.

If the Department of Transportation underwent privatization, there might still be subsidies for mass transit—but not for any city with so little pride that it tolerated graffiti on its subway cars or Mayor Koch at the controls.

The Treasury Department would give out toaster ovens to those patriotic enough to buy bonds, and if you made a really big purchase to help refinance the debt, you might get a compact-disc player.

The Department of Justice could sell its own brand of affirmative-action certificates, in gold or silver, reading: "I'm so sincere in my belief in equality, I don't have to prove it."

There really is no limit to the privatization strategy—except at the White House fence. I don't think we should sell the White House, no matter what complaints we may have about the way Donald Regan runs it. There has to be someone in America tough enough to fire Lee Iacocca, and Regan just proved he is the man.

Any week that liberates Ananoly Shcharansky from the Soviets' grip and the Statue of Liberty from Iacocca's embrace is a great week for privatization.

[From the Seattle Times/Seattle Post-Intelligencer, Feb. 16, 1986]

SALE OF BPA THREAT TO NW

The future of the federal Bonneville Power Administration is an issue of increasing concern in the Pacific Northwest as well as in Washington, D.C. It results from the Reagan administration's proposed sale of the agency within the next few years and, in the meantime, accelerated payments on the region's BPA debt to the U.S. Treasury.

Both of these proposals would be damaging, perhaps even devastating, to the Northwest economy which is so heavily dependent on relatively low electric-power rates.

One possible means of dealing with this threat, under discussion, is regional, four-state purchase of the BPA system and its hydro-electric power assets to enable the Northwest to gain control of its own economic destiny. That could be an ultimate answer, but it's far from a problem-free solution. The best outcome would be for the BPA's current status, including its regional debt repayment structure, to be maintained. It's to that end that the region's efforts in Congress must be addressed.

Sen. Dan Evans, R-Wash., former chairman of the Northwest Power Planning Council and member of the Senate Energy Committee, has become a leading spokesman on behalf of maintaining BPA's status quo.

In arguing against accelerated Northwest payments on the BPA debt, which would raise electric rates accordingly, Evans notes that higher rates would not necessarily produce more federal revenue because they would be accompanied by a decline in regional economic growth and stability.

As for sale to the highest bidder, the most likely prospect would be BPA's purchase by California utilities which drool at the thought of diverting Northwest power to the Southwest.

"This is clearly the option that we must fight most strongly," notes Evans.

As for a regional BPA buyout, problems would include the need to renegotiate some 10,000 existing BPA contracts, the fact that public utilities could lose their priority rights to regionally generated power, and the danger that a regional entity could have less authority to prevent a California power grab than the federal BPA.

A regional buyout remains a possible option worthy of further study, but maintenance of BPA's existing status clearly should be the Northwest's goal for now.

[From the Puget Sound Business Journal, Feb. 17, 1986]

SALE OF BPA SYSTEM WOULD CAUSE CHAOS

The only beneficiaries of the Reagan administration's proposal to sell the Bonneville Power Administration likely will be attorneys.

That's the only clear conclusion people can draw from the state of near chaos into which the Northwest's energy planning has been thrown by the administration's desire to "defederalize" the region's federally controlled power grid.

Before any sale takes place, a thicket of practical and legal questions needs to be addressed.

What, specifically, is for sale? The BPA owns the major electrical grids in Washington, Oregon, Idaho and western Montana and the huge intertie line connecting the region with California. But it doesn't own any of the 30 dams from which it obtains power—they're owned by the U.S. Army Corps of Engineers and the U.S. Bureau of Reclamation.

What happens to preference? Under current law, Bonneville must give first priority to power customers in the Northwest, especially municipal utilities or public utility districts. In any sale, if preference is maintained, investor-owned utilities likely will object in court. But if preference is eliminated, public utilities are bound to moan before the bench.

What happens to BPA's antitrust immunity? As a federal agency, Bonneville is exempt from provisions of the Sherman and Clayton Antitrust Acts. But that wouldn't be the case if a private entity took over the agency.

What happens to the separate contracts Bonneville has with some 10,000 parties? Those contracts can't be changed without the consent of both parties, so all likely would have to be renegotiated.

How will the sale affect Bonneville's WPPSS liabilities? Bonneville has acquired the power produced by WPPSS plants Nos. 1, 2 and 3. But if the federal agency is no longer a party to the power agreements, bondholders of those projects might fear that the security of their investment has been jeopardized. They could go to court arguing that the sale has brought their bonds into technical default and demand immediate payment of principal and accrued interest on their investment.

Only lawyers can get excited about these questions. But they should make the rest of us shudder.

During the 1980s, energy and securities attorneys have turned WPPSS litigation into a professional welfare trough. The Reagan administration's BPA proposal looks like it would perpetuate that welfare system well into the next decade.

[From the Idaho Statesman, Mar. 26, 1986]

SELLING BPA: IT AIN'T BROKE, SO WHY FIX IT?

For nearly 50 years, the Bonneville Power Administration has been as integral to the economy of the Pacific Northwest as the high-voltage power lines that crisscross the Cascades. Selling the BPA could unravel all that.

Born of the Reagan administration's philosophy that government shouldn't do what private industry can, the president has proposed selling the electrical giant. As a practical benefit, the $8.85 billion sale price would help reduce the federal deficit.

How deeply ingrained the BPA has become in the Northwest is measured by the nearly unanimous opposition of regional politicians to its sale. It's one issue on which Idaho's conservative Republican Sen. Steve Symms and moderate Democratic Gov. John Evans—who are running against each other for the Senate this year—agree.

First off, the $8.85 billion asking price is all wrong. The BPA values its worth at $22 billion. The Heritage Foundation think tank suggests $38.8 billion as a price tag. The president's figure would only dent the deficit.

Secondly, there's not evidence that the BPA could be better run by private enterprise. Its customers—about half the electricity users in the Northwest, including 200,000 Idahoans—seem happy with the service. A big reason is that its electric rates are the nation's lowest. Under Administrator Peter Johnson, a former Trust Joist Corp. president, the BPA's financial picture has stabilized and the utility is again paying back principal on its federal loans.

Most importantly, since its Depression-era creation in 1937, the BPA has become as essential to the Northwest economy as timber on the Cascade slopes. The BPA has 3.7 million customers, 14,000 miles of transmission lines and operating revenues of $2.6 billion; it is crucial to Northwest businesses employing 400,000 people.

Selling the BPA surely would mean higher power rates. One study predicted that rates would jump a third if the BPA were sold at the government's $8.85 billion price. If the BPA were sold for $22 billion, rates might skyrocket 218 percent. That could mean a loss of 100,000 Northwest jobs and cost the government more in lost taxes than it earned from the sale.

Even speculation about selling the BPA jeopardizes the economic health of a four-

state region. It's unthinkable to place the Pacific Northwest's future in the hands of a few profit-minded out-of-staters.

The BPA has worked well these 49 years, ain't broke, and needs no fixing. In Mr. Johnson's words: "Whatever we do, don't destroy what we have in search of something that is just a vision."

AN INTERNAL MEMORANDUM OF SEATTLE CITY LIGHT

In recent months, a number of proposals have surfaced in the Northwest and in Washington, D.C. relating to the possible sale of the Bonneville Power Administration (BPA or Bonneville) by the federal government.

Threshold questions which arise in this connection are as follows:

A. *What is to be sold?*

BPA itself owns and operates only the regional electric transmission system. By law, it markets the power from generating facilities at dams owned and operated by the Bureau of Reclamation and from the Army Corps of Engineers. By separate Acts of Congress it has also acquired through exchange and net billing arrangements, the project output of the Hanford Generating Project owned by the Washington Public Power Supply System together with the output of Supply System Plants 1, 2, and 3. (WNP 1/2/3). As a result of the default by the Supply System on revenue bonds issued to finance the construction of Supply System's plant 4 and 5, Bonneville is also still involved, despite a recent district court ruling favorable to it, in securities litigation relating to those plants. Thus, any such proposal must address in detail all the various facets of Bonneville's activity and make clear what it is that is being sold.

As a practical matter, it would seem likely that the obligation of BPA with respect to all the WPPSS plants would have to be assigned along with the transmission facilities of Bonneville itself. It might be possible, however, to separately dispose of the actual generating plants owned by the Corps and by the Bureau.

B. *Who will be the Buyer?*

It has been suggested on one hand that the sale should be to the highest bidder. In such case California entities, private power companies and/or Canadian interests would certainly be potential purchasers. On the other hand it has been suggested that the sale should be made to a consortium of public agencies or an interstate compact in the Northwest. The outcome of this basic question promises to be a heated policy struggle that would dramatically affect the nature and type of sale arrangements.

C. *What will be the price?*

Suggested Sale prices have ranged from a debt-based $3-5 billion to a value-based $25 billion. The answer to these questions lie primarily not with economic analyses, but with policy determinations.

This memorandum of course does not answer these ultimate questions of sales price, subject matter, or possible purchasers. Its purpose is to identify certain general factors which must be taken into account in any proposed arrangement.

1. Existing BPA Contracts:

Virtually all BPA contracts—about 10,000 in all—preclude assignment or amendment of the rights and obligations of Bonneville except to another government agency without the consent of the other parties. These agreements, in turn, refer to and are predicated upon the statutory and administrative structure of federal regulatory processes by which BPA rates and policies are established. This being the case, any disposition of Bonneville assets would have to satisfy all existing parties to Bonneville contracts. A unilateral assignment of Bonneville contracts detrimental to any nonfederal party would surely be the subject of serious challenge.

One example of the degree to which Bonneville's actions are tied to the federal regulatory process serves to illustrate the difficulty of disentangling these ties. FERC has recently held that, while under the Northwest Power Planning and Conservation Act it lacks authority to review and determine the reasonableness of rate design, it nevertheless has a statutory and contractual obligation to review cost based rate levels, predicated upon federal treasury repayment levels. Thus, any purchaser of Bonneville's rights and obligations could be limited to those rates now charged by Bonneville, absent clear Congressional action to the contrary, which itself would be subject to court challenge. The outcome of a dispute over rate flexibility by a purchaser is unpredictable, and contributes to the continuing uncertainty regarding what really would happen if Bonneville were sold.

2. The Pacific Northwest Preference Act (PL 88-552):

The Pacific Northwest Preference Act mandates that Bonneville must give first priority in the sale of electricity to Northwest entities. Any sale arrangements would have to take into account existing contract elements which have implemented terms and provisions of this regional preference. However, what Congress can do in one session it can undo in another. Any sale to the highest bidder could eliminate any future regional sale restrictions, especially if bids from California entities are invited. Thus, Pacific Northwest preference would be placed at high risk during any sale process. Any change in regional preference would likely result in a substantial transfer of economic benefits presently enjoyed by the Northwest to California entities.

3. Antitrust Provisions:

At present Bonneville, as an agency of the United States Government, enjoys immunity from the provisions of the Sherman and Clayton Antitrust Acts. Any sale of Bonneville assets, either to private parties or a regional consortium, could hardly be expected to carry with it such general or even limited immunity. It is, therefore, to be expected that future operations of any purchaser would be considerably more constrained by antitrust considerations than is Bonneville.

4. Intertie Access Policy:

Bonneville's intertie access policy which regulates access to the intertie in a manner favorable to the Northwest (and which has been recently upheld by the Ninth Circuit against a California challenge) would certainly be jeopardized. The Ninth Circuit decision focused primarily on the board, regulatory powers of Bonneville as a federal agency. Removing Bonneville's status as a federal agency removes the underpinning for the preservation of the intertie access policy. There is little question that in any sale, questions relating to intertie access from the Canadian Border to California would be the subject of both scrutiny and substantial pressures for change. As in the case of regional preference, any change in the intertie access policy would probably produce a transfer of economic benefits from the Northwest to California.

5. Washington Power Supply System Contract:

All contracts to which Bonneville is a party can not be unilaterally abrogated. Thus, the provisions of all exchange and net billing arrangements would have to be taken into account, as well as continuing contingent liabilities resulting from Projects 4 and 5. If BPA's obligations under the WNP 1, 2, and 3 net billing agreements are transferred, the bondholders and bond trustee could regard this as an impairment of underlying security, giving rise to an asserted event of default, which in turn could trigger the entire principal and accrued interest on the WNP 1, 2, and 3 bonds to become due and payable immediately.

6. Bonneville's Supply System Liabilities:

Any sale of BPA would still mean that BPA would remain liable for contingent Supply System liabilities for actions which had taken place prior to the sale. To meet this problem, the government could either eliminate such liability by settling the litigation, or indemnify the buyer from and against any such liability. The absence of federal indemnification could seriously inhibit a sale, however, since the potential buyer would have no way of knowing the extent of its exposure.

7. Pacific Northwest Power Planning and Conservation Act:

An elaborate administrative process has now been set in place dealing with regional power planning, conservation, and fish and wildlife matters. In the event of sale of the federal power system, there is little reason to believe that these matters would not again be the subject of renewed public inquiry and probable change. Thus, all existing arrangements relating to power planning, conservation, and fish and wildlife protection which are only now achieving some stability would again be thrown into flux.

8. Pacific Northwest Coordination Agreement of 1964:

The Coordination Agreement provides basic ground rules under which the coordinated hydroelectric and steam generating plants of the Pacific Northwest are operated. Bonneville is a party to this contract. Without question any sale arrangement would have to take this "charter-type" contract into consideration. No amendment of the Coordination Agreement is possible without the consent of all parties and any unilateral violation of its terms by Bonneville, would amount to an impairment of a contractual obligation and possible lawsuits in the Courts of Claims and lawsuits under the due process clause of the Fifth Amendment. In addition, the United States Constitution specifically prohibits states from acting to impair the obligation of contracts. Consequently, any interstate compact arrangement or any other type of sale based an individual state legislation could be challenged under the U.S. Constitution.

9. Public Agency Preference-And Beyond:

Finally, and perhaps most importantly, a basic and fundamental provision of the existing Bonneville Project Act and the Northwest Power Planning and Conservation Act is and has been the preference in power sales accorded to public agencies. We have recently seen, in the development of sweeping amendments to federal hydroelectric relicensing legislation, that Congressional support for public preference has weakened substantially. It is therefore reasonable to project that any legislation relating to the sale of Bonneville could result in the elimination or reduction of preference, all to the disadvantage of Seattle and every other public power system in the Northwest. The

results of such weakening of preference would become even more impalpable after expiration of the existing power sales contracts since contractual protection would then disappear.

TO PROHIBIT SALE OF PMA'S/ TVA/BPA

Mr. GORE. Mr. President, today I join my distinguished colleague from Washington, Senator EVANS, in introducing legislation to prohibit the selloff of the Federal power marketing administrations and the Tennessee Valley Authority.

The administration has been floating this idea for 5 years, so the current proposal to dump the power marketing agencies—part of the President's budget—is no surprise. But Mr. President, this is an idea whose time has still not yet come, and in my view, will never come. And I am confident that, for the foreseeable future, it is an idea that the Congress will forcefully reject. That is the intention of the bill we introduce today, and we urge our colleagues to join us in sending the administration that message loudly and clearly.

Let me take a moment to note some of the implications of such a fire sale of United States' assets.

Although the administration now says it does not intend to auction off the Tennessee Valley Authority, there is no secret that officials at OMB have been studying this idea. Without question, such a plan would devastate the entire Tennessee Valley region, wreak economic chaos, eliminate vital fertilizer research, demonstration, conservation, and environmental quality programs. A half century of success in one of this country's most important public programs would be tossed on the heap like surplus GSA office furniture.

Instead of producing an alleged windfall for the Treasury, the process of disposing of one of our most valuable public assets would carry enormous costs in itself, produce nominal Treasury revenues at best, yet drive up electricity rates for millions of Americans, all to satisfy the current obsession with the concept of "privatization."

If the news of the administration's early plan to sell off TVA was a trial balloon, then let us put the pin to it without delay. It deserves to burst before leaving the ground.

The proposal to sell off the power marketing administrations, on the other hand, is no trial balloon. The administration is deadly serious about this proposal and committed to what I believe is an equally flawed proposition.

The Department of Energy operates five PMA's which sell electric power produced from hydropower resources on public waterways. The five PMA's are Bonneville in the Northwest, and Western, Southeastern—which has corps dams on the Tennessee River—Southwestern, and Alaska. These facilities include dams built by the Corps of Engineers and the Bureau of Reclamation.

The PMA's wholesale this hydropower under contracts to utilities at cost of production and transmission. PMA's repay the Federal Treasury for the public investment in these facilities. It costs the taxpayers not one penny.

The President's fiscal year 1987 budget proposes to sell all PMA-operated transmission facilities. The selloff would occur by auction or direct negotiation with "regional and private interests." The administration claims a total deficit reduction of $12.7 billion over the next 5 years. Mr. President, I believe that savings is pure illusion. In fact, I believe it is not deficit reduction that the administration seeks in this fire sale but simple ideological purity in the pursuit of privatization for its own sake.

Let me take a moment to describe how the PMA fire sale would affect Tennessee.

TVA and other public and private utilities throughout the Southeast have long-term contracts to purchase hydropower from the Southeastern Power Administration [SEPA]. TVA then resells this hydropower to local distributors for their residential customers under provisions of the TVA Act restricting low-cost hydropower to residential users.

In 1984, TVA purchased from SEPA, and resold to valley distributors, approximately 3.2 billion kilowatt hours of electricity from SEPA dams, or 4.5 percent of all of TVA's sales. TVA paid SEPA approximately $14 million for that power.

If SEPA assets were sold to the highest bidder, its new charges for power would be, at minimum, the estimated market cost of replacement power. Even if the high bidder would agree to continue selling that power to TVA ratepayers, TVA would then be forced to pay approximately $125 million for power now costing $14 million.

A $110 million increase in TVA electricity costs would force an overnight rate increase for TVA ratepayers of about 7 percent. Those increases would be mirrored throughout the country as utilities face greatly increased costs for PMA-marketed hydropower. In addition to skyrocketing ratepayer increases, the administration's plan is flawed in other ways:

First, the purported Treasury windfall from a selloff of the PMA's is highly speculative. Not a single administration study has been presented to credibly support the revenue levels anticipated from such a sale. Whatever did come would be from the pockets of electricity ratepayers. There has never been a similar selloff from which to analyze transaction costs, market participation, and so forth. For example, the DOT's plan to sell Conrail, at $1.2 billion, is the largest such effort ever undertaken by the U.S. Government.

Second, even if these assets could be sold, the price would be so high as to force either a breakup of the systems involved, or such a degree of financial leverage as to endanger the very solvency of the power distribution systems.

For example, if unguaranteed bonds were issued to finance a purchase of Corps of Engineers or Bureau of Reclamation dams, billions of dollars of new capital would be needed, at interest rates sufficiently high to attract investors. Those costs would necessarily be passed on to utilities, who then might be forced to build new capacity from nuclear or coal-fired facilities. In any event, utility planning would be disrupted, directly affecting their customers.

Third, the administration has not taken into account the legal commitments that currently exist between the PMA's and the utilities. TVA's contract, for example, is in place through 1994.

Fourth, these corps and land reclamation dams were built to provide public benefits and produce economic growth for the regions they serve—not to create a corporate windfall opportunity for investors taking advantage of a Government fire sale.

Fifth, the public investment in PMA facilities is being paid back. Mr. President, it is being paid back with interest. There is no taxpayer subsidy involved. Yet, if private investors purchase these assets, it is certain that huge tax deductions or credits would subsidize the sale—in other words, the selloff itself would be subsidized by the taxpayer. That, in fact, has been one of the major criticisms of the Conrail sale, although there are many differences between the two cases.

Mr. President, the list of reasons to oppose the selloff of TVA and PMA goes on and on. In fact, there are simply no credible reasons to support the administration plan. The bill Senator EVANS and I and others will introduce today would foreclose the administration from advancing such a wrongheaded proposal disguised as a deficit reduction move. I urge my colleagues to support this legislation

PROHIBITING THE SALE OF POWER MARKETING ADMINISTRATIONS FOR A 10-YEAR PERIOD

Mr. BAUCUS. Mr. President, I am pleased to join my distinguished colleague from Washington [Mr. EVANS] and others in sponsoring legislation to prohibit the transfer or sale of Federal Power Marketing Administrations

[PMA's] or the Tennessee Valley Authority.

The Reagan administration has advocated the sale of a number of government assets including the five power marketing administrations. The administration has proposed the sale in order to get the Government out of activities that it believes the private sector could perform more efficiently. In addition, the administration argues that the sale of the PMA's will reduce the Federal budget deficit and contribute to fiscal restraint.

Selling the PMA's in the name of budget savings and deficit reduction is short-sighted at best. It is false and dishonest at worst.

Sale of the PMA's would be fiscally irresponsible, and would lead to a breakdown of the delicate but effective balance between public and private utilities.

A quick sale of the PMA's would do nothing to solve the underlying fiscal problems that have led to steadily growing budget deficits. Government asset sales generally result in only temporary reduction in the Federal budget deficit. In fact, such sales would probably make the situation worse in years to come.

Unfortunately, in its efforts to cut the deficit the Reagan administration has identified a target that pays more money into the Treasury than it takes out. For example, last year the Bonneville Power Administration made a payment of $600 million to the Treasury—$374 million for imputed interest on unamortized investment, and $226 million to repay a portion of that investment. This payment meets the repayment obligations to the Treasury under current law.

I question the validity of the Reagan administration's claim that privatizing government assets leads to an improvement in the quality of service at a lower cost in the case of PMA's.

If the Government sells an asset to the private sector, the sale should be arranged in a way that ensures the support of the employees, management, and customers alike. The goal should not be to squeeze every dime possible out of the sale. Unfortunately, the Reagan administration's proposal to privatize Federal Power Marketing Administrations is driven by ideology rather than by sound business judgment.

The effect of privatization would certainly be higher electric rates for millions of consumers. Refinancing costs would have to be passed on to consumers. This would be catastrophic for regions that receive a substantial portion of their electricity from a Federal power program.

In the Northwest, a significant increase in electric rates would send more of the struggling aluminum industry overseas, where foreign governments who believe in fostering industry would provide reasonably priced hydropower.

This would lead to an enormous power surplus. Homeowners and businesses would be forced to pick up the Bonneville Power Administration's operating costs abandoned by the aluminum industry.

In recent years, all five PMA's have raised their rates substantially. Each year they pay back to the Treasury more than they spend.

All five PMA's have entered into power supply agreements that are vitally important to the regions they serve. These agreements would be seriously disrupted by a sale.

The PMA's perform proprietary functions as well as government functions. A sale would force the transfer of governmental functions such as conservation, fisheries development, and environmental protection to another Federal agency. Today, revenues from the proprietary operations pay the costs of the governmental function. A sale would force taxpayers to pay for the governmental operations.

Privatizing the five Federal Power Marketing Administrations would penalize millions of consumers by unnecessarily driving up rates.

The American people should continue to benefit from the services provided by the five PMA's. Selling them would be a great disservice to all utility customers.

I urge my colleagues to support this crucial legislation.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for morning business.

OPPOSITION TO CERTAIN IMPORT RESTRICTIONS IMPOSED BY EUROPEAN COMMUNITY ADVERSELY AFFECTING U.S. AGRICULTURAL EXPORTS

Mr. DOLE. Mr. President, I send a concurrent resolution to the desk on behalf of Senator HELMS, Senator ZORINSKY, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 129) expressing the sense of Congress in opposition to certain import restrictions imposed by the European Community that adversely affect United States agricultural exports and urging the President to use to the fullest extent his authority to respond to these practices.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. BYRD. No objection.

There being no objection, the Senate proceeded to consider the concurrent resolution.

EUROPEAN COMMUNITY CONCURRENT RESOLUTION

Mr. HELMS. Mr. President, today I am joined by the majority leader, the distinguished ranking minority member of the Committee on Agriculture, Senator ZORINSKY, Senator WILSON, Senator BOREN, Senator BOSCHWITZ, and Senator DANFORTH, among others, in bringing to the Senate floor a concurrent resolution expressing the sense of Congress in opposition to the European Community's latest round of restrictions on U.S. agricultural exports and urging the President to use to the fullest extent his authority to respond to these practices.

When the European Community was expanded to include Spain and Portugal in January of this year, additional restrictions were placed on American agricultural exports that could affect as much as $1 billion in U.S. farm exports annually.

As the language of the resolution points out, the oilseed, oilseed product, and grain purchase quotas imposed by the EC, effective March 1, 1986, are in violation of the GATT. Moreover, the replacement of GATT-bound 20 percent tariffs on corn and grain sorghum imports entering Spain with the EC's variable levy system, which is currently equivalent to a tariff of more than 100 percent, is in violation of previous agreements and international trade rules.

On March 31, President Reagan announced his intention to use existing authority to retaliate against these illegal, trade-restrictive practices of the EC by imposing quotas and tariffs on an equivalent value of EC products entering the United States, including white wine, mineral water, fruit juices, vegetables, and cheese.

I fully endorse the action of the administration to get tough with the Europeans. It exemplifies the President's pronounced "free but fair" trade policy.

Mr. President, I have long urged a more aggressive policy in dealing with the predatory trading practices of our friends across the Atlantic, the European Community. The EC's Common Agricultural Policy has had an extremely detrimental effect on our agricultural exports—to the extent that many international agricultural experts suggest that much of the blame for our current surpluses can be laid at the feet of artificially induced overproduction in the EC.

I sponsored the inclusion of funds in the 1981 farm bill to provide targeted export assistance, expressedly to combat the unfair, predatory trading practices of the European Community. Funding for similar activities was included as part of the 1985 farm bill. In my opinion, this is money well-spent, to reopen international markets where

the EC has unfairly closed the door on our exports.

Some senators have noted concern that supporting this resolution would place one on record as opposed to the EC's accession of Spain and Portugal. This is not the case. This resolution is intended to clarify the position of the Congress in this matter and to strengthen the hand of the administration in negotiating a favorable resolution—including Secretary Lyng and Ambassador Yeutter, who will depart for negotiations in Europe tomorrow.

I urge the Senate's support of the resolution.

CONCURRENT RESOLUTION ON EEC TRADE PRACTICES

Mr. WILSON. Mr. President, I am pleased to cosponsor this resolution whose enactment is critical to all sectors of American agriculture, both now and in the future.

This resolution urges the President to use his full authority to retaliate against the new restrictions on grains and oilseeds in Spain and Portugal which adversely affect U.S. exports, unless the United States receives prompt and complete compensation for any loss of trade resulting from the enlargement of the European Community.

In addition, it expresses congressional opposition to the unjustified threat of the European Community to counterretaliate against additional American agricultural products. I applaud the President's courageous and proper decision to stand up for the rights of the American farmer. As noted in the resolution, the EC on March 1 put into place the first transition measures to bring Spanish and Portuguese agricultural policies in line with the Common Agricultural Policy. Some of you may recall the remarks I made on this subject 2 months ago before these new import restrictions went into effect. Many of us subsequently sent a letter to the President last month to urge him to pursue to the fullest extent the American right to compensation under the rules of international trade by preparing and using a comprehensive list of items for retaliation against the European Community.

I am encouraged that the Administration, by announcing possible retaliatory measures, has elected to demonstrate that we will no longer stand idly by and let the American farmer pay the price when the EC decides to add new members. When Secretary Lyng and United States Trade Representative Yeutter go to Brussels this week for 11 hour negotiations, I certainly hope that they will stand firm in their defense of American agriculture. I believe that the passage of this supportive resolution will assist them in their meetings.

No doubt some of my colleagues who are familiar with this issue may wonder why PETE WILSON, a Senator from California, is actively involved in the fight on a grain and soybean issue. There are a number of reasons why. We must support the resolution being offered today because the new EC restrictions immediately threaten $1 billion in American exports—not just grain and soybeans. Ultimately, because the enlargement of the community will affect all sectors of American agriculture, we must support this resolution as a matter of principle: for far too long the EC has abused international agricultural trade rules and American goodwill and gotten away with it.

California knows too well the wrath of EC unfair trade practices aimed at its citrus, canned fruit, and raisin exporters. California walnut and lemon producers were the most recent victims of unjustified EC trade retaliation during last year's pasta war.

Not surprisingly, the EC has again targeted many of California's lucrative products for counterretaliation. This time, wine, prunes, fruit juices, and California's $185 million worth of almond exports to Europe are on the EC's hit list. Although California producers ask nothing more than a fair market in which to compete, once again, they might be the victims of unfair agricultural trade practices by other governments.

In spite of today's resolution, the greatest danger posed to California by the accession of Spain and Portugal is not the quotas on soybeans and the variable levies on grain. California's danger is long-term. Thanks to the subsidies of the Common Agricultural Policy, Spain and Portugal will become the "Californias of Europe," producing and exporting abundant supplies of fruits, nuts and vegetables. But unlike California, Spain and Portugal do not seek a fair market in which to compete. They seek what other EC agricultural producers already receive: open-ended subsidies to grow, process, market and export their fruits, nuts, and vegetables. And as those subsidies flow, Spain and Portugal threaten to strip California exporters of their hard-earned markets in Europe and abroad.

That explains why I feel so strongly about this confrontation which, for now, harms our grain and soybean producers. But unless the EC knows that we do not intend to let our farmers pay the price for the enlargement of the community, our agricultural producers of numerous other commodities may lose many export markets forever.

For these reasons, I urge my colleagues in the Senate to cosponsor this resolution and to vote overwhelmingly for its prompt adoption.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 129) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 129

A concurrent resolution expressing the sense of Congress in opposition to certain import restrictions imposed by the European Community that adversely affect United States agricultural exports and urging the President to use to the fullest extent his authority to respond to these practices.

Whereas, as part of the terms under which Spain and Portugal joined the European Community in January of this year, the European Community has imposed quotas on oilseeds and oilseed products in Portugal, in violation of the General Agreement on Tariffs and Trade (GATT);

Whereas the European Community has imposed a quota requiring that Portugal purchase at least 15.5 percent of its grain from other European Community countries, in violation of the GATT;

Whereas the European Community has replaced GATT-bound 20 percent tariffs on corn and grain sorghum imports entering Spain with the European Community's variable levy system, which is currently equivalent to a tariff of more than 100 percent, before negotiating compensation as agreed to previously and directed by international trade rules;

Whereas the restrictions imposed by the European Community will impair access for a much as $1 billion worth of United States agricultural products to markets in Portugal and Spain and adversely affect the economic livelihood of United States farmers and related industries;

Whereas, despite Cabinet-level approaches to the European Community in recent months, the European Community has been unwilling to rescind the illegal quotas or to compensate the United States for the damage caused by the higher tariffs;

Whereas prior enlargements of the European Community in 1973 and 1981 have adversely affected United States agricultural exports to the Community;

Whereas the President on March 31 announced his intention to use existing authority to respond to the restrictions of the European Community by imposing quotas and tariff increases or by withdrawing tariff bindings to produce equivalent restrictive effects or comparable loss trade on European Community imports into the United States; and

Whereas the President's proposed actions to defend legitimate United States trade interests are consistent with his belief in a free but fair trade policy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Administration should continue to firmly oppose actions by the European Community to (A) impose quotas on oilseeds and oilseed products in Portugal, (B) impose a grain purchase requirement quota on Portugal, and (C) place variable levies on corn and grain sorghum entering Spain before negotiating compensation; and

(2) unless the European Community rescinds the trade-restrictive measures referred to in clause (1) or the United States receives prompt and complete compensation for any loss of trade resulting from the en-

largement of the European Community, the Administration should take actions, such as the President has announced, to impose trade restrictions on a sufficient value of exports of the European Community to the United States to reestablish the balance of concessions under the GATT and other international trade agreements.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President, the Secretary of State, the Secretary of agriculture, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, the Head of the Delegation of the European Community to the United States, and the Ambassdors to the United States for each of the member states of the European Community.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTRIC CONSUMER PROTECTION ACT

Mr. JOHNSTON. Mr. President, I am delighted that the Senate is about to pass S. 426. It has taken us a long time to get to this point—at times I wondered whether we ever would—and although the House of Representatives still must act on the bill reported by the House Committee on Energy and Commerce, and we will undoubtedly have a number of challenging issues to resolve in conference committee, Senate approval of the bill is a great big first step toward enactment this year.

Mr. President, I commend Senator MCCLURE, the distinguished chairman of the Energy and Natural Resources Committee, for his leadership, dedication, and unflagging patience, which have been essential to the success of this measure.

It has passed virtually unscathed in the form that it left the committee and, as I have stated here on the floor many times, I think it is a very excellent solution to a very difficult problem.

It is largely a Western problem, but it is a Western problem involving billions of dollars and hundreds of thousands of electric consumers. I think we resolved that in a way consistent with the national interest or, to be more precise, the public interest and those very words "public interest" are used as the principal measure of determining who gets the power from a hydroelectric dam when the license expires.

I think the key, the centerpiece of this legislation, is a very carefully drawn, fair, workable matrix of rules that settle who gets the power or gives a test by which you can measure who should get the power on the expiration of one of these hydroelectric licenses.

I also thank and commend the committee staff members who have worked so long and hard on this bill—Gary Ellsworth, Russ Brown, Jim Beirne of the majority staff, and Mike Harvey and Bill Conway of the minority staff. I point out that Bill Conway joined the minority staff almost exactly 1 year ago. Since that time, he has been "in charge" of S. 426.

I particularly commend Bill for an excellent job for his first time out on a major piece of legislation. I think it is remarkable the excellent job that he has done.

Mr. BAUCUS. Mr. President, I rise to support this legislation. I plan to vote for this bill because I believe this bill, with the addition of the wheeling amendment that has been agreed to, takes an important step to assure a fair balance between public and private power interests.

I continue to have reservations that the bill is an unwarranted departure from a public policy hammered out in the early 1900's after years of debate.

Then, President Theodore Roosevelt vetoed the companies' attempts to secure the benefits of our country's rivers solely for their own profit.

In 1920 the Congress agreed with this principle, passing the Federal Power Act.

That law, embraced by a bipartisan coalition of Democrats and Republicans, struck a balance between private and public interests.

It established a tie-breaker policy which favored public institutions in the utilization of our waterways. It set the stage for competition in the electric utility industry.

This tie-breaker, which some call hydrolicensing preference, stated that the Federal Government would favor licensing public institutions over private companies if their applications were otherwise equal.

At the time the Federal Power Act was passed, the investor-owned utilities agreed that upon relicensing, States and public institutions would have the opportunity to take over stewardship of these resources so long as their project applications were at least as good as the plans of the investor-owned utility.

Now we are about to undo a 65-year-old policy developed after years of debate.

The policy has not even been tested. To date the Federal Energy Regulatory Commission has relicensed something over 130 hydroelectric projects. Only 11 have been contested by public institutions; and those cases are still pending before FERC.

We do not even know if the preference tie-breaker will be used by FERC in deciding these cases.

The preference tie-breaker was established to ensure adequate competition in the electric utility industry. Then, the electric utility industry was in its infancy.

Large parts of the country had yet to enjoy the benefits of electricity.

Municipal electric systems and other public agencies had only begun to organize to provide electric power for their citizenry.

Rural electric cooperatives were not even in existence. It would be another 15 years before Congress created them.

The electric utility industry, by its nature, has an inherently monopolistic character. In passing the Federal Power Act, the Congress and the President wanted to ensure that there would be a hospitable climate for growth.

Our country has always prided itself on its diversity. Diversity is one of our greatest strengths.

It is a concept strongly embraced by the public. A recent poll showed that 59 percent of the public favored a mix of ownership of electric utilities—some public, some private.

The dynamic relationship between the two groups fostered competition. That competition, in turn, meant that consumers would be getting the best possible deal. No company could use its position in the marketplace to gouge consumers.

Now, at a time when we are in a position to see that competition works to benefit all consumers, we are about to dismantle it. Why?

Private owner companies will tell you that this preference tie-breaker in relicensing proceedings will mean a wholesale transfer of hydroelectric licenses from private utilities to municipalities.

The history of relicensing applications shows that simply isn't true.

This fact was recognized in an interview with the Wall Street Transcript. The chief executive officer of the company holding the largest number of private hydroelectric licenses stated as much. He stated that his company expected to prevail in their relicensing hearings.

Why? Because they would propose superior utilization of their hydroelectric sites. I applaud his commitment to providing the best possible use of our rivers' capabilities.

The preference tie-breaker has fostered competition which has benefited all consumers. It is a public policy we need to maintain, not destroy, if we wish to see a healthy electric utility industry.

Then, as now, we need to do everything we can to foster a competitive atmosphere in that sector of our economy.

If anything, the need for this competition is greater now than it was then. Over the last 65 years, there has been a dramatic decrease in the number of private companies serving the public.

There has been a decrease because there is increasing concentration of power among fewer and fewer companies.

Only a few companies control more and more of our country's generating capacity and transmission lines.

This concentration makes it harder for municipalities, public agencies, and rural electric cooperatives to find a competitive power supply and transmission market.

Now, we are about to turn over our Nation's private hydroelectric resources to one sector of the industry and virtually preclude municipalities and public agencies from competing for these resources.

The licensing provisions of the Federal Power Act are working. Both the public interest and the holders of FERC licenses are protected.

No one objected to the 30-year extension of more than 130 licenses.

Only 11 have been challenged and none have changed hands.

While I plan to vote for this legislation, I continue to be concerned about whether or not a fair balance overall is being maintained.

Mr. MITCHELL. Mr. President, I rise to support passage of S. 426, the Electric Consumers Protection Act of 1985.

At issue in S. 426 is the long-standing Federal policy of public preference. Under preference, when a public and private utility compete for a hydroelectric license, the license goes to the public utility if the applications are otherwise equal. The reason for the public policy is simple: Public resources should be reserved for the public good.

Public preference in licensing of new hydroelectric projects would not be changed under S. 426. When the Federal Power Act was passed in 1920, public preference applied to applications to build dams.

In 1980, FERC, in the Bountiful case, ruled that preference also should be taken into consideration upon the expiration of original licenses. In 1983, however, a new FERC overruled Bountiful and held that preference did not apply to relicensing in the Merwin case. Last October, the D.C. Court of Appeals overturned FERC's decision. The three-judge panel's Merwin decision has been vacated by the full court of appeals.

The bill, as reported by the Energy Committee, gives existing hydroelectric licensees a tie-breaking preference in Federal Energy Regulatory Commission [FERC] hydro relicensing decisions. Under the bill, FERC would be required to renew the expiring licenses unless the Commission determined that a competing application, including one from a public utility, would better serve the public interest.

I want to make it clear that I do not believe that passage of this legislation will prevent a large changeover of private hydro licenses to public utilities in Maine or nationally.

Preference applies only when two competing applications are otherwise equal. In other words, when a case cannot be made that one applicant will do a better job, or more deserves to retain the license than another.

That happens very rarely. As of last month, FERC had issued 96 relicenses, with 10 contested cases and 49 uncontested cases still pending.

Even without this legislation, it appears likely that private utilities will retain 145 of 155 hydro license renewals without a challenge from a private. It is the infrequent hydro license that will be affected by this legislation.

Nonetheless, it is the infrequent license transfer, with its associated costs to the overwhelming majority of electric consumers that concerns me.

Maine's three private utilities, which serve 95 percent of the State's electric consumers, have 32 licensed facilities due to come up for relicensing before 1994. Hydroelectric generation accounts for 20 percent of the State's need, which is about twice the national averge.

It's important to note that no one doubts that economic dislocation will occur from a license transfer; the argument is only over the size of the economic dislocation which will occur. A large percentage of electric consumers will pay; a small minority will benefit.

I do not think that good public policy benefits a small minority at the expense of a large majority in relicensing decisions when no clear benefit can be seen from a license transfer.

The standard that should be used to judge the issuing of hydro licenses is the determination of who will utilize the public resource in a manner that provides the greatest good to the public.

If a change in ownership of a licensed facility would increase the public benefit to be had from a site, that should be apparent before the preference consideration comes into play. If a clear determination cannot be made, it makes economic sense to leave the license in the hands of the original licensee.

The debate in the Senate on this legislation has centered, as it should, on the issue of public preference in relicensing cases. I think it's important to point out the significant improvements made by the committee in its deliberations.

Those include: the new environmental requirement for FERC to consider in all new license and relicensing applications and the requirements for FERC to examine how proposed hydroprojects would mesh with comprehensive river-basin plans drawn up by State and regional authorities. I have twice introduced legislation addressing FERC's present inadequate efforts in licensing projects according to comprehensive plans so that I believe this is a particularly good addition to the bill.

I am concerned, however, that amendments added to the legislation during floor debate last week have seriously undermined the bill's environmental requirements. I am hopeful that stronger language that clearly protects these valuable resources will be added in conference with the House.

I believe the leadership of the Energy Committee, Senator MCCLURE and Senator JOHNSTON, share that concern with me and other Senators. I look forward to seeing those improvements made in an otherwise very good piece of legislation.

Mr. DOLE. Mr. President, first of all I would like to thank the members of the Committee on Energy and Natural Resources for their hard work on S. 426, the Electric Consumers Protection Act of 1985. The distinguished chairman of the committee, Senator MCCLURE, and the ranking minority member, Senator JOHNSTON, are to be commended for their efforts in bringing this piece of legislation to the floor.

CLARIFYING THE AMBIGUITIES

The passage of this legislation helps put an end to the uncertainty that has existed as to the interpretation of the Federal Power Act of 1920. The ambiguity as to whether or not States and municipalities have a preference in the relicensing of hydroelectric facilities has created uncertainty, both in the minds of Board members of the Federal Energy Regulatory Commission and members of the judiciary. This bill will allow those who presently receive the benefits of low-cost hydropower to continue to receive those benefits unless a competing application is proven to be better. It will also give some consideration to the economic disruption that would occur should a license suddenly be transferred to a new entity.

INVESTOR-OWNED UTILITIES SERVE THE PUBLIC

I know there are some who claim that we are giving away public resources to the investor-owned utilities. However, Mr. President, let's not lose sight of the fact that the customers of these investor-owned utilities deserve the right to benefit from low electric rates just as much as those served by municipally owned utilities. These investor-owned utilities competed against the States and municipalities to attain their initial licenses. Yanking the licenses now, because of a legislatively mandated preference for the States and municipalities, would certainly result in higher rates being paid by those currently being served by the investor-owned utilities.

CONCLUSION

Mr. President, this is not an issue of municipalities versus those who receive their service from investor-owned facilities. This legislation simply gives investor-owned utilities the chance to compete in an open market without establishing any preference for either party. It gives those customers being served by investor-owned utilities a fair chance to keep their current utility rates.

Mr. President, I urge my colleagues to adopt S. 426 in an effort to clarify Federal policies governing the licensing of hydroelectric facilities.

Mr. EVANS. Mr. President, I would like to make a few closing remarks upon the passage of S. 426, as amended, by the Senate. In my opening remarks, I stated my belief that this bill should address the broader questions of the optimal use of a valuable public resource—water. I think that we have made some progress toward addressing such broader concerns, in both the amendments adopted in the Energy and Natural Resources Committee and on the floor. But we still have quite a way to go.

On the whole, I think this bill is the best package that we can get out of the Energy Committee and the Senate at this time. But the House has taken quite a different approach in its bill, H.R. 44, that was reported out of the Energy and Commerce Committee toward many key elements in hydro relicensing. We head into a difficult but important conference committee. I'm not going to predict how long such a conference will take and what the likely outcome will be. But I think it's fair to state that it will be a lively and contentious conference. I am supporting this bill based on the recognition of such a conference and the likelihood that key elements of the bill will probably be modified at that time. Thus I have refrained from offering several amendments that I had prepared for consideration on the floor.

Let me summarize what positive things I believe that S. 426 has accomplished:

Clarification of the contentious issue of municipal preference in relicensing proceedings in section 15 of the Federal Power Act, which is an issue that we, as responsible Members of Congress, have to address squarely and resolve;

Reduction of the statutory license term, in principle, from 50 to 30 years, allowing each generation the chance to review the project's use of water as a valuable public resource;

Explicit reference of adequate protection, mitigation, and enhancement of fish and wildlife in the section 10(a) public interest standard;

Obligation of FERC to consider seriously:

Consistency of the project with State or regional comprehensive plans, such as the Northwest Power Council's 20-Year Power Plan and the Columbia River Fish and Wildlife Program; recommendations of the relevant Federal and State agencies regarding the project, as well as those of the affected Indian tribes; the plans of a utility applicant for energy conservation programs.

On the other hand, I believe the bill has shortcomings in the following areas. These are subjects that I would hope the conference committee would seriously address and make improvements:

First, PURPA benefits: In general, I would have preferred stronger language that would have denied the generous PURPA 210 benefits to all new small hydro projects. I introduced an amendment to that effect on the floor, No. 1777, but withdrew it after consulting with Chairman McCLURE. I am concerned with both the environmental harm caused by the explosion of applications for licenses and preliminary permits in the Pacific Northwest, as well as the economic aspects of requiring utilities to purchase power from qualified small power producers under all circumstances.

More specifically, I am quite concerned that the PURPA grandfather clause that we adopted—amendment No. 1775—is too broad. This could exempt as many as 500 projects from the provisions of this legislation. I am sympathetic to the notion that the rules shouldn't be changed in midstream to investors who relied on them in developing certain projects. But, as I stated for the RECORD on April 11, I believe that providing an exception for preliminary permits allows many applicants who have spent next to nothing to escape the purview of the provisions in S. 426. Furthermore, it is important to keep in mind that S. 426 doesn't deny the PURPA 210 benefits to small hydro projects; it merely requires that applicants meet the terms and conditions established by fish and wildlife agencies. But I am satisfied with the assurances from Chairman McCLURE that we went too far with this grandfather amendment and that it will be resolved in the conference committee.

Second, regional nature of certain projects. Chairman McCLURE and I engaged in a colloquy on April 11, also, which stressed the need to consider the regional aspects of certain hydroelectric projects in the Pacific Northwest. Specifically, these refer to certain large hydroelectric dams on the mid-Columbia River that were developed in the 1950's with non-Federal financing when the Federal Government decided not to appropriate further moneys to build Columbia River dams. Certain public utilities, with the assistance long-term purchase contracts from private utilities, took great financial risks in developing these huge projects. They have become vital to the economic prosperity of the region they serve. Due to the reference to relative economic impact on each applicant in section 15(b) of the bill, I want to ensure that adequate protection is given to the region in which such projects are located by the FERC during a relicensing proceeding.

Third, fish and wildlife protection: Generally, I think we have made a good start with the provisions adopted in S. 426. Explicit reference of adequate protection, mitigation, and enhancement in section 10(a) was a good step forward. In some cases, however, the House has gone further and has differed in emphasis. This is one area where the conference committee will need to work hard to resolve the House and Senate differences.

Fourth, replacement power: This is a vague concept that can be subject to a great deal of misinterpretation. The larger issue of compensation to an existing licensee who loses its license in a relicensing proceeding is a very difficult one. I struggled with this issue for a long time before introducing one concept in my bill, S. 1260. We should keep in mind, however, that the issue of replacement power must be considered in the context of the overall bill. In this sense, S. 426, as amended, provides the incumbent licensee with a strong preference in relicensing but doesn't provide any level of compensation, in the event the incumbent loses its license, beyond the level of net depreciated investment plus severance damages. My concern here is that the existing licensee will try to raise its estimate of its replacement power to an artificially high level in order to protect its license.

In summary, I wish to thank the floor managers of the bill, Chairman McCLURE and Senator JOHNSTON, for their courtesies to me during consideration of this bill in committee and on the floor. I have taken a strong interest in this bill due to its enormous impact on the State of Washington. I look forward to working with them and their staffs as S. 426 and H.R. 44 now go to the conference committee.

Mr. WALLOP. Mr. President, last night the Senate agreed to an amendment offered by the Senator from Montana which would clarify that the provisions of section 211(c)(2)(B) do not prevent an applicant from filing for a wheeling order prior to the time at which a rate on file with the Commission actually terminates. Given the hour, I thought that I would not join in the discussion since all parties were in agreement as to the intent and effect of the amendment. As the sponsor of this legislation, I do want the record to reflect that I fully agree with the analysis given last night and especially with the comments of the Senator from Louisiana who also in-

troduced legislation on this subject and who I worked closely with to develop the particular approach which the committee brought to the floor.

I want the record to be absolutely clear that the only thing the amendment does is clarify that an application can be filed prior to the termination of a rate schedule pursuant to the term of the schedule and by order of the Commission. It only clarifies that an applicant does not have to go "cold turkey" before he can even file. The amendment does not, and I want to repeat, not, make any substantive change in the requirements of sections 211 or 212 which must be satisfied before a wheeling order can issue. It also does not in any way affect, lessen, or modify the standards, criteria, restrictions, requirements, procedures, or practices under sections 205 or 206 for modifications or termination of a rate schedule.

If a utility has a rate schedule on file, which would expire 10 years from now, the utility which is receiving energy can file for a wheeling order tomorrow which, if granted, would go into effect 10 years from now. Section 211(c)(2)(B) does not act as a bar to the filing of such a request. Section 211(c)(2)(B) does continue to act as a bar to such an order being issued and going into effect however prior to termination in 10 years in accordance with the terms of the rate and by order of the Commission. It seems to me that such a filing is premature and the Commission probably has better things to do than considering wheeling orders for 10 years from now, but I see no reason why a utility should not be able to simply file.

Such a filing does not in any way serve as a basis for contract abrogation, modification, cancellation, or termination. The provisions of sections 205 and 206 are unaffected by this amendment or any action taken pursuant to it. The timing of filing has absolutely nothing to do with whether an order will meet the requirements of the Federal Power Act.

Mr. McCLURE. Mr. President, before passage of S. 426, I wish to express my appreciation to those who are responsible for resolving this issue. Although I fully support this measure and am pleased to be able to manage it, this legislation is properly credited to both Senator WALLOP and Senator JOHNSTON. They began this process with two different approaches to the issue of relicensing, but they devoted the time and their considerable skills to develope this legislation.

I also wish to express my appreciation to Senator MURKOWSKI, the chairman of the Subcommittee on Water and Power, who brought the legislation to the full committee with an exceptional hearing record. Senator METZENBAUM has also been extremely cooperative. I still believe that his amendment is irrelevant to the issue at hand, but I am grateful for the time and effort which he and his staff, especially Doug Lowenstein and Eddie Correia, devoted to resolve their concerns in a way which would not impede passage of this legislation.

Finally, I thank the members of the staff who worked on this legislation; Mike Harvey, our committee's minority counsel; Bill Conway of the minority staff; Frank Cushing, Gary Ellsworth, Jim Beirne, Dave Doane, Howard Useem, and Russ Brown of the committee staff. Their time and effort greatly assisted the committee and the Senate in reaching this point. I also thank Lynn Monroe of Senator WALLOP's staff and Art Noonan of Senator MELCHER's staff for their valuable contributions.

ROLE OF STATE WATER LAW IN FERC LICENSES

Mr. BAUCUS. Mr. President, I was prepared to offer amendments to S. 426 to require FERC licensees to conform to State water law. My amendments would have provided that prospective water power projects must obtain water rights under State law before obtaining a FERC license; that FERC cannot authorize exercise of eminent domain powers to obtain water rights; and that FERC license terms cannot be inconsistent with terms of the State water use authorization.

I believe that section 27 of the original Federal Power Act articulated Congress' intent not to preempt State water law. Instead, under the Supreme Court's current interpretation of the law, FERC is only required to consider State resource plans and the recommendations of appropriate State agencies when evaluating license applications.

With the recent proliferation of applications for FERC licenses, there is growing concern about how new water projects could affect State resource plans and existing water rights. My amendments would require FERC licensees to obtain water rights under State laws and State procedures, and would prevent situations where FERC licensees might deprive a rancher or other water user, either upstream or downstream, of his established water rights.

For example, under current law FERC could grant a license to site a project on a river which has been fully adjudicated among current users. The FERC license would upset the State adjudication, and the licensee could force a rancher or other water user to sell his water right. In addition, it is unclear how interstate compacts and compacts with Indian tribes could be affected by FERC licensing decisions; based on Supreme Court interpretations of current law, it appears that a FERC licensing decision could affect such compact agreements. These possibilities are critically important to many States, tribes, and individual water users; they raise serious questions about States' rights and the appropriate role of FERC, and I think they warrant immediate investigations.

I am aware, Mr. President, of the controversial nature of these amendments. This is a complicated area of law. I have discussed my proposals with the distinguished chairman of the Energy Committee, and he has agreed to hold a hearing on this matter during this Congress so that the committee can consider the proper role of State water law in FERC licensing procedures.

Mr. McCLURE. Mr. President, the Senator from Montana is correct. I share his concerns about how these power projects affect State resource planning. I agree that the committee should examine his proposals and the effects of preemption on State resource planning and existing water compacts.

I appreciate the Senator's cooperation in not offering his amendments for full Senate consideration at this time, and I can assure him that I will work with him and schedule a hearing at an appropriate time during this Congress.

Mr. BAUCUS. I thank the Senator. With that understanding, I will not offer my amendments today to S. 426. I look forward to working with the chairman and with other members of the Energy Committee in exploring these important issues.

Mr. President, these amendments are supported by the Western States Water Council. I ask unanimous consent that a resolution adopted by the council appear in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

POSITION OF THE WESTERN STATES WATER COUNCIL CONCERNING AMENDMENT OF THE FEDERAL POWER ACT

Whereas, needless controversy has been caused by conflicts between the licensing procedures of the Federal Energy Regulatory Commission (FERC) and established principles of Western States water law; and

Whereas, FERC has been unwilling to modify its procedures to relieve these conflicts:

Now, therefore, be it resolved by the Western States Water Council that the Federal Power Act (16 U.S.C. 791(a) *et seq.*) be amended as follows:

1. Strike from subsection ((b) the following language ". . . and to the appropriation, diversion, and use of water for power purposes . . ." Add the following new subsection after subsection (c):

"(d) Notwithstanding any other provisions of law, the commission is prohibited from issuing an original or new license, amendment to license, or exemption from licensing under this Part, unless the applicant proves acquisition, in accordance with applicable substantive and procedural provisions of state law, of the necessary rights estab-

lished pursuant to state law to appropriate, divert, and use water for power purposes."

2. To Section 21 add the following new sentence:

"The commission is not empowered to authorize a licensee to exercise the right of eminent domain pursuant to this section for the purpose of acquiring water rights."

3. In Section 27 designate the existing sentence as subsection (a) and add the following additional subsections:

"(b) Nothing in this Part shall be construed as conferring upon the United States, its agents, permittees, or licensees any right to acquire rights to appropriate, divert, or use water.

(c) Appropriation of water for power purposes subject to this Part shall be pursuant to substantive and procedural provisions of State statutory law, decisional law, and regulations governing appropriation, diversion and use of water.

(d) Establishment of, and compliance with, pursuant to State law, terms or conditions, including licenses, or other entitlements for appropriation, diversion or use of water for power purposes, shall not be deemed to constitute a burden on interstate commerce.

(e) Nothing in this Part shall alter in any way any provision of State statutory law, decisional law, or regulation, or of any interstate compact, governing the appropriation, diversion, or use of water."

4. To Section 6 add the following provision after the second sentence:

"The commission is not empowered to impose any terms or conditions in any original or new license or amendment to license which are inconsistent with the terms and conditions established pursuant to State law in any permit, license, or other entitlement for appropriation, diversion, or use of water for the project authorized by the license or amendment."

Mr. JOHNSTON. Mr. President, I ask unanimous consent that any Senator may put a statement in the RECORD with respect to S. 426 during the balance of the day, and that it be entered in the RECORD immediately prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the Electric Consumers Protection Act presents problems for municipal and rural electric cooperative consumers in Pennsylvania. I support S. 426, but I do so with some wariness about the future effect of its passage.

I am concerned that the alteration of the relicensing preference may provide the impetus for the elimination of all preferencing, especially as it applies to the marketing of hydroelectric power under various statutes. This would not be in the best interests of Pennsylvania's electric consumers.

Since 1966, for instance, Pennsylvania's rural electric cooperatives have benefited from low-cost hydroelectic power generated by the Power Authority of New York under the Federal license granted to it in the Niagara Redevelopment Act, drafted among others by Pennsylvania Senator Joe Clark. That license provides that a percentage of the power generated at the project must be sold to out-of-State preference customers. Since 1966, this low-cost power has saved rural electric cooperative members $175 million over what they would otherwise have had to pay for power. This arrangement serves as a fine example of the preference clause in action, granting the public customer the first right of refusal.

I also have reservations about the anticompetitive aspects of this legislation. In a circumstance similar to this one, under the Atomic Energy Act, municipalities have a right to bring their antitrust concerns to the attention of the Federal Government. For this reason, I am today cosponsoring Senator METZENBAUM's amendment, which will provide for a review of the anticompetitive effects of an investor-owned utility's assumption of a hydroelectric license.

The impact of this legislation on the preference clause and the competitiveness of hydroelectric relicensing are two issues which will continue to command my attention. I am hopeful that my colleagues will share my concern, and I look forward to working with them to ensure that the interests of electric consumers continue to be protected.

Mr. LAUTENBERG. Mr. President, S. 426, the Electric Consumers Protection Act, clarifies Federal regulation of hydroelectric development. It also strengthens protection of fish and wildlife resources which can be adversely affected by hydroelectric development. I believe that these are valid reasons for passing this bill.

Last Friday, however, the Senate passed an amendment, with virtually no debate, which undermined one of the important improvements in the bill. Section 10 of the committee bill established a new requirement that power production facilities at new hydroelectric dams meet terms and conditions established by fish and wildlife agencies if they are to receive financial benefits under section 210 of the Public Utility Regulatory Policies Act. Section 10, then, would eliminate Federal incentives which have been resulting in an adverse impact on our Nation's rivers and the important fish and wildlife resources which utilize these rivers for habitat.

The Senate voted last Friday, however, to exempt projects from the requirement to comply with fish and wildlife agency conditions to protect fish and wildlife when an application for a hydroelectric facility had been filed prior to April 11, 1986. This amendment, which grandfathered numerous projects from the new section 10 requirement, significantly weakens the environmental protections contained in the bill.

I understand that both Senators EVANS and HATFIELD have received assurances from Senator MCCLURE, chairman of the Committee on Energy and Natural Resources, that he will work to narrow the scope of the grandfather provision during the conference committee deliberations on this bill. I am voting for S. 426 based on these assurances.

AMENDMENT NO. 1792, S. 426

Mr. MELCHER. Mr. President, last night, the Senate agree to my amendment No. 1792. As the author, I want to clearly state the purpose and intent of amendment No. 1792. The purpose of my amendment is to clarify the intent of a particularly ambiguous provision of PURPA. Section 211(c)(2)(B) of PURPA was confusing and in need of clarification. The amendment makes clear that a wheeling application may be filed prior to termination or modification of an existing rate schedule at the Federal Energy Regulatory Commission [FERC] and that wheeling under this section becomes effective at the time of the termination or modification of the rate schedule. The amendment permits FERC to issue a wheeling order which would become effective at the time of the modification or termination of a rate schedule. Thus, the fact that a rate schedule is on file at FERC would not preclude FERC action on a wheeling application. Moreover, nothing in this amendment or section is intended to alter in any way the existing law as to sections 205 and 206 of the Federal Power Act.

Mr. DOLE. Mr. President, we do have a vote set at noon. I know there is at least one Member on each side that would rather have it later, but I do not know what we can do about it because there is objection to doing it later.

I do wish to thank the managers of the bill and the committee staff who have worked so hard. I thank the distinguished chairman of the committee, Senator MCCLURE, and the distinguished manager on the Democratic side, Senator JOHNSTON, for their patience and their effort.

We had a number of votes yesterday which I believe strengthened their hand in conference. Not being an expert on this bill, I am not certain what the issue ever was, if there was an issue. I know there were votes.

It is good that we will finish the bill today because we are getting into sort of heavy water here in the Legislative Calendar. Had we not been able to conclude it today, it may have been some time before we would have been able to return to it.

But, in any event, I thank my colleagues for their patience. I believe they were able to satisfy, to some degree, the concerns expressed by the Senator from Montana, Senator MELCHER.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ELECTRIC CONSUMERS PROTECTION ACT

The PRESIDING OFFICER. The clerk will report the pending bill.

The assistant legislative clerk read as follows:

A bill (S. 426) to amend the Federal Power Act to provide for more protection to electric consumers.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. Announced that the Senator from South Dakota [Mr. ABDNOR] and the Senator from Florida [Mrs. HAWKINS] are necessarily absent.

I also announced that the Senator from Arizona [Mr. GOLDWATER] is absent due to illness.

On this vote, the Senator from Florida [Mrs. HAWKINS] is paired with the Senator from South Dakota [Mr. ABDNOR].

If present and voting, the Senator from Florida would vote "yea" and the Senator from South Dakota would vote "nay."

The PRESIDING OFFICER. (Mr. WILSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—83

Andrews	Dole	Johnston
Armstrong	Domenici	Kassebaum
Baucus	Durenberger	Kasten
Bentsen	Eagleton	Kennedy
Bingaman	East	Kerry
Boren	Evans	Lautenberg
Boschwitz	Ford	Laxalt
Bradley	Garn	Levin
Bumpers	Glenn	Long
Burdick	Gorton	Lugar
Byrd	Gramm	Mathias
Chafee	Grassley	Matsunaga
Chiles	Hatch	Mattingly
Cochran	Hatfield	McClure
Cohen	Hecht	McConnell
Cranston	Heflin	Melcher
D'Amato	Heinz	Mitchell
Danforth	Helms	Moynihan
Denton	Hollings	Murkowski
Dixon	Humphrey	Nickles
Dodd	Inouye	Nunn
Packwood	Roth	Thurmond
Pell	Rudman	Trible
Proxmire	Simpson	Wallop
Pryor	Specter	Warner
Quayle	Stennis	Weicker
Riegle	Stevens	Wilson
Rockefeller	Symms	

NAYS—14

Biden	Hart	Sasser
DeConcini	Leahy	Simon
Exon	Metzenbaum	Stafford
Gore	Pressler	Zorinsky
Harkin	Sarbanes	

NOT VOTING—3

Abdnor	Goldwater	Hawkins

So the bill (S. 426), as amended was passed, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Electric Consumers Protection Act of 1985".

SEC. 2. Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)), as amended, is further amended—

(a) by inserting "original" after "hereunder or"; and

(b) by striking "and in issuing licenses to new licensees under section 15 hereof".

SEC. 3. Section 10 of the Federal Power Act (16 U.S.C. 803), as amended, is further amended—

(a) in existing subsection (a) after "water power development,", by inserting "for the adequate protection, mitigation, and enhancement of fish and wildlife,";

(b) in existing subsection (a) after "including", by inserting "irrigation, flood control, water supply and"; and

(c) by redesignating existing subsection (a) as paragraph (a)(1) and by inserting the following new paragraphs:

"(2) In order to ensure that the project adopted will be best adapted to the comprehensive plan described in paragraph (a)(1), the Commission shall consider:

"(A) the extent to which the project is consistent with a comprehensive plan (where one exists) for improving, developing, or conserving a waterway or waterways affected by the project that is prepared by—

"(i) an agency established pursuant to Federal law that has the authority to prepare such a plan; and

"(ii) the State in which the facility is or will be located; and

"(B) the recommendations of Federal and State agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, and cultural resources of the State in which the project is located, and the recommendations of Indian tribes affected by the project; and

"(C) if the applicant is an electric utility, its plans for energy conservation through energy efficiency programs.

"(3)(A) Upon receipt of an application for a license, the Commission shall solicit recommendations from the agencies and Indian tribes identified in paragraph (a)(2) of this section for proposed terms and conditions for the Commission's consideration for inclusion in the license;

"(B) If any recommendation for a proposed term or condition is received by the Commission within one hundred and twenty days of the public notice of any license application under this section, the Commission shall explain in writing its reasons for adopting, rejecting or modifying any such proposed term or condition.".

SEC. 4. Section 15 of the Federal Power Act (16 U.S.C. 808), as amended, is further amended—

(a) by striking subsection (a) through "terms and conditions to a new licensee," and inserting in lieu thereof:

"SEC. 15(a). If the United States does not, at the expiration of the existing license, exercise its right to take over, maintain and operate any project or projects of the licensee, as provided in section 14 of this Act, the Commission may issue a new license to the existing licensee upon such terms and conditions, taking into account existing structures and facilities, as may be authorized or required under the then existing laws and regulations, or to another applicant under said terms and conditions. If the existing licensee applies for a new license, the Commission shall issue a new license to such existing licensee unless the Commission determines that the plans of another applicant are better adopted to serve the public interest. If the existing licensee does not apply for a new license, the Commission shall issue a new license to the applicant the plans of which are best adapted to serve the public interest. In either case, the Commission shall not issue a license unless it is satisfied that (1) the applicant is able to carry out such plans and (2) the plans represent a cost effective approach to achieving the benefits to be derived therefrom.

"(b) The Commission shall make its determination of which plans are best adopted to serve the public interest on the basis of—

"(1) how each plan would develop, conserve, and utilize the water resources of the region in accordance with the provisions of section 10(a) of this Act;

"(2) the relative economic impact upon customers served by each applicant upon the failure of such applicant to receive the license, including an assessment of the economic impact upon the customers of an applicant that is the existing licensee that would result from the difference between the compensation to be paid under subsection (c) of this section and the cost of replacement power;

"(3) the economic impact, in the case of a nonutility license holder, upon the operation and efficiency of the dependent industrial facility or related activity, its existing employees, and the surrounding community, if the existing licensee fails to receive the new license;

"(4) the ability of each applicant to operate and maintain the project in a manner most likely to provide efficient, reliable eletric service; and

"(5) the need of each applicant for the electricity generated by the project or projects to serve its existing customers including customers served by any electric utility which receives power from the existing licensee.";

(b) by redesignating the remainder of subsection (a) as subsection (c);

(c) by striking "which license" and inserting in lieu thereof "A license issued under this section";

(d) by redesignating existing subsection (b) as subsection (d);

(e) by adding a new subsection:

"(e) A new license may only be issued for a period not to exceed thirty years unless the Commission determines that a longer period is necessary due to substantial new construction or significant redevelopment of the project in question. In no case shall a new license be issued for a period of more than fifty years."; and

(f) by adding a new subsection:

"(f) Notwithstanding any other provision of this section, for projects using tribal lands embraced within Indian reservations, the original license for which was issued prior to October 1, 1985 and for which a new license has not yet become effective by such date, the Commission shall not consider the factors set forth in sections 15(b)(2) and 15(b)(5) in evaluating the plans of Indian tribes to which such lands belong that apply for a new license.".

SEC. 5. The amendments made by this Act shall not apply to any relicensing proceeding in which the Federal Energy Regulatory Commission has issued an order awarding a new license on or before July 31, 1985, regardless of whether such order is subject to judicial review, nor shall they operate to diminish the amount of the annual charge to be paid pursuant to section 10(e) of the Federal Power Act to Indian tribes for the use of their lands within Indian reservations.

SEC. 6. Section 30 of the Federal Power Act (16 U.S.C. 824), as amended, is further amended by striking subsection (b) and inserting in lieu thereof the following new subsection:

"(b) Exemptions granted under subsection (a) of this section shall be granted for a period not to exceed thirty years unless the Commission determines that a longer period is necessary due to substantial new construction or significant redevelopment of the project in questions. In no case shall an exemption be granted for a period of more than fifty years. The Commission may not grant any such exemption to any facility the installed capacity of which exceeds 15 megawatts.".

SEC. 7. Section 405 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705), as amended, is further amended in subsection (d) by inserting at the end thereof: "Exemptions shall be granted for a period not to exceed thirty years unless the Commission determines that a longer period is necessary due to substantial new construction or significant redevelopment of the project in question. In no case shall an exemption be issued for a period of more than fifty years."

SEC. 8. Section 6 of the Federal Power Act (16 U.S.C. 799), as amended, is further amended after "fifty years" by inserting "unless the Commission determines a shorter period is desirable".

SEC. 9. The amendments made by sections 6 and 7 of this Act shall apply only to exemptions granted after the date of enactment of this Act.

SEC. 10. Section 3(17) of the Federal Power Act (16 U.S.C. 796(17)), as amended, is further amended—

(a) by adding a new paragraph (B) as follows:

"(B) Notwithstanding paragraph (A), no hydroelectric project shall be considered a small power production facility (other than for purposes of section 210(e) of the Public Utility Regulatory Policies Act of 1978) if such project impounds or diverts the water of a natural watercourse other than by means of an existing dam or diversion, unless:

"(i) such project is located at a Government dam; or

"(ii) such project meets terms and conditions set by fish and wildlife agencies under the same procedure as provided for under section 30(c) of the Federal Power Act;

"(iii) for the purposes of this paragraph, the term 'existing dam or diversion' means any dam or diversion that is part of a project for which a license has been issued on or before the enactment of this paragraph, or which the Commission determines does not require any construction or enlargement of impound structures (other than repairs or reconstruction) except for the addition of flashboards (or similar adjustable devices);"; and

(b) by redesignating the existing paragraphs.

SEC. 11. The amendments made by section 10 of this Act shall not apply to any hydroelectric project for which an application for a license or preliminary permit was filed with the Federal Energy Regulatory Commission on or before April 11, 1986.

SEC. 12. Section 26 of the Federal Power Act (16 U.S.C. 820), as amended, is further amended—

(a) by redesignating existing section 26 as "section 26(a)"; and

(b) by adding the following new subsections:

"(b) The Commission may—

"(1) after opportunity for a hearing on the record revoke for significant violation of its terms any permit, license, or exemption issued pursuant to this Act, whether granted under this Act or another provision of law;

"(2) issue such other orders as it deems necessary to ensure compliance with the provisions of this part, or of any lawful regulation or order promulgated thereunder, or of any permit, license, or exemption issued pursuant to this Act, whether granted under this Act or another provision of law.

"(c) The Commission may institute proceedings in the district court of the United States in the district in which the project or part thereof is situated for the purpose of enforcing an order of the Commission under subsection (b) of this section. The court shall have the same powers as provided for under subsection (a) of this section.".

(c) Section 13 of the Federal Power Act, as amended, is further amended by striking the final sentence thereof.

(d) Section 26(a) of the Federal Power Act, as amended, is further amended—

(1) by striking the first sentence and inserting in lieu thereof the following sentence: "The Commission, or the Attorney General on request of the Commission or of the Secretary of the Army, may institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for significant violation of its terms any permit or license issued hereunder or any exemption from any requirement of this Act, whether granted under this Act or another provision of law, or for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this Act or of any lawful regulation or order promulgated hereunder."; and

(2) by adding at the end thereof the following new sentence: "In the case of revocation of an exemption from any requirement of this Act, whether granted under this Act or another provision of law, the courts may exercise the same powers as they have under this section with respect to revocation of a license.".

(e) Section 402(a)(2)(A) of the Department of Energy Organization Act, as amended, is further amended by inserting between "4," and "301" the following: "5, 13, 26, 30,".

(f) The amendments made by this section shall apply to licenses, permits, exemptions, rules, regulations, and orders issued before, on, or after the date of enactment of this Act.

SEC. 13. Nothing in this Act shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this Act—

(a) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any groundwater resource,

(b) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, or

(c) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

SEC. 14. Section 10(h) of the Federal Power Act (16 U.S.C. 803(h)) is amended by redesignating section 10(h) as 10(h)(1) and adding a new section 10(h)(2) as follows:

"(2) That conduct under the license that: A) results in the contravention of the policies expressed in the antitrust laws; and B) is not otherwise justified by the public interest considering regulatory policies expressed in other applicable law (including but not limited to those contained in Part II of this Act) shall be prevented or adequately minimized by means of conditions included in the license prior to its issuance. In the event it is impossible to prevent or adequately minimize the contravention, the Commission shall refuse to issue the license to the applicant."

SEC. 15. Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(a) by striking "And provided further" and inserting in lieu thereof "Provided further"; and

(b) by striking the final period "." and inserting in lieu thereof the following: ": And provided further, That upon the filing of any application for a license the Commission shall seek to notify by certified mail the owner or owners of the property within the bounds of the project, and any State, municipality or other local governmental entity likely to be interested in or affected by such application.".

SEC. 16. Section 211(c)(2)(B) of the Federal Power Act is amended by adding before the period the following: ": Provided, That nothing in this subparagraph shall prevent an application for an order hereunder to be filed prior to termination or modification of an existing rate schedule: Provided, That such order shall not become effective until termination of such rate schedule or the modification becomes effective".

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I think it is obvious from the nature of the controversy that surrounded this measure not only in committee but on the floor that staff has done an extraordinary job. That is true of staff on the minority side as well as the majority staff for the Committee on Energy and Natural Resources. I very much appreciate the cooperation particularly of both Senators WALLOP and the distinguished ranking minority Member, the Senator from Louisiana [Mr. JOHNSTON]. Both Senator WALLOP

and Senator JOHNSTON were principal sponsors of legislation that was merged to bring this bill to the floor at this time. I very much appreciate their cooperation.

Mr. DOLE. Mr. President, the distinguished Senator from South Dakota [Mr. ABDNOR] would have voted "no" had he been here, but his plane, as happens to some of us from time to time, was unable to land. He should have been here about 11:45, but bad weather is sometimes a nemesis. In this case it was for Senator ABDNOR. He will have a statement for the record.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it is my hope now that we can move to the consideration—I will not make that motion yet—of technical amendments to the crime bill. I have discussed this with the distinguished chairman of the Judiciary Committee. Senator HELMS has an interest in it also. He would like to offer one amendment. There is information on the way to the floor for certain principals involved in that particular action. So, as soon as the information is available and Senator THURMOND and Senator BIDEN are here, I would hope we might move to that bill. As I understand it, it will not take any length of time.

I am advised by the chairman of the Judiciary Committee that he is not prepared to move to the bankruptcy judges bill, which means that bill may not be seen again for 60 or 90 days. In any event, there are objections to bringing that bill up from at least two Senators on the committee.

Mr. BYRD. Mr. President, will the distinguished majority leader yield? I believe the majority leader indicated earlier this morning he was going to have a meeting on the other side of the Capitol around 1 o'clock. Will he be able to state upon his return as to whether or not the budget resolution will be laid down?

Mr. DOLE. That meeting is scheduled for tomorrow, Friday, at 12 o'clock.

Mr. BYRD. Could the distinguished majority leader indicate whether or not there is a good possibility that he will lay the budget resolution down tomorrow? He had indicated earlier that he might, and I hope he can do that.

Also, I will ask one further question: What does he see in store for Monday, if he is able to state it at this point? He indicated earlier that there would be no rollcall votes tomorrow. Senators may base their programming for the weekend in their home States according, therefore, and it would be helpful if we could be told whether or not there will be rollcall votes on Monday. So, would votes be before 3 o'clock or after 4 o'clock, or whatever?

Mr. DOLE. Mr. President, we are trying to put together a schedule for Monday that would not require rollcall votes. Obviously, we do not want a rollcall just to have a rollcall.

There are two or three minor bills we may be able to do early Monday, and I will contact the minority leader about those. I am not yet prepared to say that there will be no votes; but if there were votes, I assume they would come sometime after 2:30.

Mr. BYRD. Would the majority leader be in a better position to discuss this a little later today, so that those who may be making their reservations to leave this evening can take advantage of the opportunity to be in their States tomorrow, so that they could plan their Monday schedule?

Mr. DOLE. I do not know which Senators may be involved in the bills we are looking at. If they can help us, unless there is some strong reason why they cannot let it go by a voice vote, that would be helpful and would make our decision much easier.

Mr. BYRD. I thank the distinguished majority leader.

I will inquire further this afternoon as to the prospects for Monday, if the distinguished leader will be prepared to respond at that time.

MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

Mr. DOLE. Mr. President, it is my understanding that the bill extending the Martin Luther King Commission has been cleared on the other side, and it is now cleared on this side. On behalf of myself, and Senators KENNEDY, D'AMATO, MATHIAS, and HOLLINGS, I send the bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2319) to provide for the continuation of the Martin Luther King, Jr., Holiday Commission until 1989, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD. There is no objection, Mr. President.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I am pleased to join in cosponsoring this legislation which would extend the life of the Martin Luther King, Jr., Federal Holiday Commission for 3 years. I have been pleased to serve on this Commission over the past year during the historic first celebration of the King Federal holiday. The Commission has done much good work, but more can be done to promote the spirit of equality and justice which our new holiday represents.

It should be emphasized that no Federal money is appropriated for the Commission; rather, it operates entirely on donated funds. Over the past year, a number of businesses and organizations have contributed money to the work of the Commission and under the extension legislation, the Commission would continue to be funded from these sources.

In addition to extending the life of the Commission for 3 years, this bill would expand the number of Commission members to enable a broader range of the populace to be represented. Expanding the size of the Commission should also enhance its ability to raise private sector funds.

Mr. President, I have very much enjoyed working with Mrs. King and members of the King family on this worthwhile cause. I believe last January's celebration was a fine success and demonstrates that the Holiday Commission deserves to be continued.

Mr. KENNEDY. Mr. President, it is a privilege for me to introduce this legislation, cosponsored by Senators D'AMATO, DOLE, MATHIAS, and HOLLINGS, to extend the Martin Luther King, Jr. Federal Holiday Commission for 3 additional years.

We do so because, despite the extraordinary nationwide success of the first King celebration last January, there is still much to be done.

Let us remember again why we honor Dr. King. With this national holiday, he took his place as the founding father of the second American revolution, the revolution of civil rights.

At a time when our Nation was paying lipservice to liberty but ignoring ingrained generations of injustice—Martin Luther King's simple irresistible message of "Freedom Now" called America to witness the discrimination in our midst, and to embrace the enduring principle of equality—not just in the promise of the Constitution, but in the reality of our daily lives. He stripped the scales of racism from our eyes, and showed us the scales of justice.

The urgency and the power of his message of peaceful change could not be denied. He awakened the dormant conscience of our country. Now is the time, he said, for civil rights. Now is the time for the right to vote. Now is the time for human rights in this land—and in every place on Earth.

Because Martin Luther King lived, millions of Americans were set free at last from the cruel iron shackles of centuries of segregation. Because he dreamed, millions found that their own dream of a better life could be achieved.

He liberated whites as well as blacks—for in the end, racism always imprisons those on both sides of the color bar.

The meaning of the first Martin Luther King holiday is clear. The dream is still on the march. The faith of Dr. King is still moving the mountains of injustice and discrimination.

In celebrating his birthday as a national holiday, we are also mindful of the tragic circumstances that took Dr. King from us so young, when he still had so much to do. We are mindful of the difficulty of the journey that lies ahead—and the courage that each of us must summon anew, to put aside complacency and appeals to narrow interest, and complete for our time and for all time the pilgrimage that he began.

President Kennedy, in his inaugural address in 1961, proclaimed that the torch of leadership had passed to a new generation of Americans, unwilling to permit the slow undoing of those human rights to which this Nation has always been committed. And Martin Luther King, Jr. became America's greatest leader in that cause.

The Martin Luther King, Jr. Holiday Commission, created in 1983, performed a valuable service to the Nation in laying the groundwork for the first observance of the holiday this year. Its success can be measured in many ways: 37 States and 3 territories established their own holiday commissions to commemorate Dr. King in their jurisdictions; 40 States and 4 territories enacted an official State or territorial holiday, parallel to the Federal holiday; over 1 million Americans signed "I have a Dream" pledge cards, recommitting themselves to Dr. King's dream; and over 30 million Americans viewed the NBC entertainment tribute to Dr. King last January 20.

The Commission, so ably chaired by Coretta Scott King, who has done so much to keep Dr. King's dream alive, deserves great credit for the success of this year's celebration. But the larger work of the Commission is not yet finished. This legislation will permit the Commission to carry on its effective work for the next 3 years, and in doing so, we will enable the Commission to continue to spread Dr. King's message of justice and hope, and bring us all to a deeper understanding of his life and his remarkable contributions that made this a better land for all Americans. I urge the Senate approve this measure, so that the Commission may continue its essential work.

Mr. MATHIAS. Mr. President, I am pleased to join my colleagues, Senators D'AMATO, KENNEDY, DOLE, and HOLLINGS, in sponsoring legislation to change the termination date of the Martin Luther King, Jr. Federal Holiday Commission.

The Holiday Commission was established in August 1984 by Public Law 98-399 to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr. Under the able leadership of Coretta Scott King, and with no appropriation from the Federal Treasury, the Commission established the theme for the holiday, planned and coordinated ceremonies and activities in keeping with the observance, and generally set the tone which made the first holiday observance a success.

To build on this success, we introduce this legislation to extend the life of the Commission from April 1986 to April 1989. With the extension, the Commission can keep up the momentum established by the first observance and pay particular attention to institutionalizing the holiday and assuring its future success through guidance and assistance to the various State holiday commissions.

As we observe Dr. Martin Luther King, Jr.'s birth as a natonal holiday, we do more than simply honor Dr. King. We also promote the spirit of reconciliation and peacemaking that is Dr. King's legacy to us. The enactment of this bill will advance this broad concept of our new national holiday.

Mr. HOLLINGS. Mr. President, today, I join in cosponsoring legislation to extend the life of the Martin Luther King, Jr., Federal Holiday Commission for 3 additional years, and to increase the number of Commissioners from 14 to 23. No Federal funds would be required, and the activities of the Commission will continue to be supported by private donations.

Few people in our history have done more to change America than Martin Luther King, Jr. His vision for America—his dream—has come to symbolize the ideals of our most heralded forefathers. At a time when the soul of this great Nation was nearly torn apart by hate and fear, the perseverance and eloquence of this one great man inspired a people and a world to search souls and right civil wrongs.

And we, in Congress, had the knowledge and wisdom to recognize and commemorate this great man and his accomplishments by establishing a holiday—the Martin Luther King, Jr., Federal Holiday. It is a day set aside to reflect on the continuing struggle for a more perfect society where freedom, opportunity, and equal justice under the law are not just ideals but actualities for all.

To help our Nation celebrate this day in the appropriate spirit and manner, Congress also established the Martin Luther King, Jr., Federal Holiday Commission. The Commission was charged with the duty of coordinating efforts with Federal, State, and local governments to encourage appropriate ceremonies and activities, and to provide advice and assistance to both the public and private sectors for planning and participating the first celebration of this holiday.

For the first time in history, this country shared Martin Luther King's dream by celebrating his birthday on January 20, 1986. I had the opportunity to participate in some of the activities and ceremonies symbolic of Dr. King's dream, as did many other citizens across the Nation. The Martin Luther King, Jr., Federal Holiday was a success, and the Commission was, to a large degree, responsible for this great achievement.

Now, we must ask ourselves, "what next?" How should Americans celebrate this holiday for years to come? Will future generations associate Dr. King's birthday with long weekends and departments store sales? I would hope not. The great challenge facing this country is to ensure that our descendants honor Dr. King on his birthday by confronting their own consciences, reflecting on democratic ideals and the King legacy, and working to fulfill his dream.

The legislation before us today helps to achieve that very purpose. On April 20, the Martin Luther King, Jr., Federal Holiday Commission is scheduled to expire. By extending the life of the Commission for 3 additional years, more work can be done to bring individuals together from all races, religions, and stations in life, who can join in the spirit of togetherness as a family, a community, and a Nation on this holiday. To achieve a task so great also calls for the dedication and hard work of individuals representing a larger segment of our society, who can bring to the Commission new ideas and creative talents.

If we continue to strive toward this goal—if we are able to impart to our children the message that Dr. King brought us—then it is my belief that in days to come, all Americans will celebrate this holiday by commemorating not only the dream articulated, but the dream fulfilled.

Mr. D'AMATO. Mr. President, I rise today, with the distinguished Senator from Massachusetts, Mr. KENNEDY, and the distinguished majority leader, Senator DOLE, to introduce a bill to amend Public Law 98-399, which established the Martin Luther King, Jr., Federal Holiday Commission. The purpose of our bill is to enable this Commission to continue its work with respect to our annual celebration of Mr. King's birthday, to remind America and the world of those ideals for which Mr. King marched, preached, and finally died.

Since 1984, the Martin Luther King, Jr., Federal Holiday Commission, with great success, has encouraged and coordinated efforts with Americans from all walks of life in the observance of the first Federal legal holiday honoring Martin Luther King, Jr. The Com-

mission has assisted organizations and institutions from all segments of our society, from religious and educational to business, labor, and government.

The first observance, which took place this January, was a momentous success, but it was ony the first. We must make certain that this holiday will ignite Mr. King's spirit in all of us for years to come.

Unfortunately, the Martin Luther King, Jr., Federal Holiday Commission will expire on April 20, 1986, unless we act quickly. Our bill extends the mandate of this Commission through April 20, 1989. Passage of our bill does not cost the Federal Government a single penny, but gives this Commission new life and the opportunity to continue uninterrupted in its effort, indeed, our effort, to carry the legacy of Dr. King into the future.

The celebration of Martin Luther King's birthday is not just a celebration of a man and his life, or even of black people, but of a triumph of all people, black and white, over the chains of racial conflict that have bound the American people for years. It is a time for serious reflection on a dream for national unity. It is a day in which every American is involved in the celebration of Dr. King's life, legacy, and dream.

The Commission we established in 1984 assists us in this effort. This Commission has asked for, and received the cooperation of Governors and U.S. territories to establish their own holiday commissions. I know of 37 States and 3 territories which already have done so. Hopefully, this trend will continue. With passage of our bill, it will.

We must not stop now when we have just begun to make real, lasting progress. I believe there are many Members of this Congress who believe, as I do, in "bridge building," and that just as many realize that the bridge we have been building over the chasm of racial bigotry and conflict has taken the better part of our Nation's history. We must make certain that each celebration of Dr. King's birthday is a renewing of our commitment to make his dream come true.

I urge my colleagues to join us in a commitment we all share. I urge support and passage of this bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2319) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF COMMISSION.

(a) PURPOSE.—Section 3(1) of the Act of August 27, 1984 (98 Stat. 1473), is amended—

(1) by striking out "first"; and

(2) by inserting "first" before "occurs".

(b) ANNUAL REPORT.—Section 8 of the Act of August 27, 1984 (98 Stat. 1475), is amended by striking out ", 1986" and inserting in lieu thereof "of each year".

(c) TERMINATION.—Section 9 of the Act of August 27, 1984 (98 Stat. 1475), is amended by striking out "submitting its report under section 8" and inserting in lieu thereof "April 20, 1989".

SEC. 2. COMPOSITION OF COMMISSION.

Section 4(a)(6) of the Act of August 27, 1984 (98 Stat. 1473), is amended by striking out "fourteen" and inserting in lieu thereof "twenty-three".

Mr. HELMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRIME BILL

Mr. HELMS. Mr. President, I inquire of the two distinguished leaders if my understanding is correct that there will be no problem about calling up the crime bill if there is no amendment proposed. Is that the general situation?

Mr. DOLE. It is my understanding that if there is no amendment, there is no objection to calling up the bill. I am not certain, though, that those who may have objected understand precisely what the amendment might be.

Mr. HELMS. Let me say to my two very good friends that I do not believe any Senator will oppose this highly appropriate legislation contained in my amendment. It is to eliminate a moral scourge that is building in this country, and I do not say that lightly. It is this thing called "Dial-a-Porn," whereby children can dial a number, and it is charged to their parents' telephone bill, and then they listen for a few minutes, as I understand it, to the worst sort of garbage imaginable.

This amendment is very simple, and I will share copies of it with the leaders on both sides. I hope the Senate might agree to accept this amendment on a voice vote. I think that after the amendment is examined, there will be no problem about it. I understand that Senator BRADLEY, for example, is in favor of it, as are others. I will be glad to make a copy of the amendment and other documentation available to all Senators.

I did not know that the proposal to call up this amendment was going to be made today. The information is on the way over here. I ask both leaders if they will check and see if there is any objection to that amendment.

I might say that the Commission on Pornography will reportedly recommend this amendment. This was published in the paper yesterday. So I would appreciate the cooperation of both leaders on this, if possible. Otherwise, we could talk about freestanding consideration of the legislation, or whatever. But I do want the Senate to move on this piece of legislation.

Mr. DOLE. I certainly share the views just expressed by Senator HELMS. I do not know of any opposition to the particular amendment. I think the opposition was that if we start amendments, we may trigger a string of amendments. Maybe we could deal with it in a freestanding way or this way, if there is no objection.

On TV last week, they were giving some of the horror stories because of this kind of program and how it would expose very young children to a lot of, as the Senator from North Carolina has said, garbage; that they can just dial a number and someone there is willing to provide a service.

I have not looked at the amendment, but I hope we can deal directly with that kind of conduct. To shut it off would be the way to deal with it.

Mr. HELMS. That is precisely what the amendment would do—to put an end to this.

Mr. DECONCINI. Mr. President, I thank the Senator from North Carolina for trying to bring up that amendment at this time. I will support that amendment, and I hope he will continue to persist in bringing it up.

WHERE ARE OUR ALLIES?

Mr. DECONCINI. Mr. President, in 1962 when President Kennedy asked French President Charles De Gaulle to cooperate in the blockade of Cuba, the French leader replied with the loyalty of an ally; "If there is a war, I will be with you." He remembered that 4 million brave Americans served in World War I. He remembered that 116,708 Americans died in this defense of Europe. He remembered the dedication of 16 million Americans who served and the 407,298 who died in World War II. He had visited the American graves in Normandy. "Those Were the Days, My Friend," as the song goes.

The night before last, on the news, I watched as some European allies burned the American flag. As I painfully viewed the "Stars and Stripes" in flames, I thought about the missing F-111 and the French decision to deny overflight rights to these brave men. This only complicated the dangers of this rigorous mission, increasing the length by more than 1,200 miles. General De Gaulle would apologize for this cowardly abdication of responsibility and friendship by the French Government.

I am not proud of the conduct of the country of my ancestors in this affair. Italians as well as West Germans burned the American Flag that has twice liberated their peoples from a similar terror imposed by Adolph Hitler. Mr. Qadhafi utilizes the identical tactics and rhetoric that was used then. I feel a great sense of dismay, disappointment, and shame with this general practice of appeasement toward terrorists by our allies.

Mr. President, I looked up the word "alliance" and found as synonyms such words as "coalition," "union," "partnership," "cooperation," "affiliation." and "concern." I find these terms conspicuously absent in our alliance with France, Italy, and West Germany. I would like to thank Prime Minister Thatcher, who had carefully examined United States and British evidence against Libyan leader Qadhafi and found it conclusive, and supported the attack against Libya. She remembered. She remembered Churchill's words: "Never in the field of human conflict was so much owed by so many to so few."

After the fall of France in July of 1940, Charles De Gaulle broadcast from London to the French people the following message:

> Since those whose duty it was to hold the sword of France have let it fall, I have picked up its broken point.

Those were the days, my friends! Charles De Gaulle was a friend to the United States. He remembered. How quickly others have forgotten!

QADHAFI, TERRORISM, AND THE STINGER

Mr. DECONCINI. Mr. President, the previous sale of Stinger missiles to Saudi Arabia contained tight security measures that were conditional to the sale. We cannot guarantee that such safety measures can or even will be taken by the rebels fighting in Angola or Afghanistan. There is no need to give these freedom fighters the best that our military has to offer without full faith and knowledge that these missiles will be stored under the same conditions outlined for Saudi Arabia. I wish to reiterate what has been stated in the past: "Not a single airplane or airport in the civilized world will be safe if these weapons fall into the wrong hands."

Today, we are assaulted by a terrible war. Not a war of conventional means, however, but a subversive, insane war. A war that has no rules, no set battleground and no clear warriors. Terrorism, Mr. President, is a cancer—springing up in isolated incidences, killing without reason, direction or justice.

Recently, the United States has been under attack by this cowardly siege. A TWA airplane, flying over the Mediterranean, had a hole ripped through it in which four innocent victims plummeted to their death. All of these victims were Americans. One was a 4-month-old child. The bomb was allegedly planted by a known international terrorist who boarded in Cairo and debarked in Athens. This terrorist is associated with the Arab Revolutionary Brigades, which is linked with the Abu Nidal group, the group responsible for the Rome and Vienna airport bombings last December.

Recently, a bomb exploded in a Berlin discotheque killing 21-year-old Army sergeant Kenneth Terrance Ford and injuring 64 other GI's. There is no one in custody, but there is strong belief that Libyan leader Qadhafi is responsible for this brutal murder.

In addition to the terrorist threat, delivering the Stinger to Savimbi in Angola will escalate regional conflict and seriously impair United States efforts to negotiate a peaceful settlement between Angola, Namibia and South Africa. This will also increase the tension between the United States Government and the Soviet Union in the South African region and globally.

Providing these Stinger missiles to Mr. Savimbi raises many questions in this Senator's mind. He has claimed to have shot down commercial/civilian airliners on four occasions. The State Department verifies that at least twice he has successfully shot down Diamond Mine Co. commercial aircraft carrying employees.

The U.S. Department of State, in its publication "Patterns of Global Terrorism: 1984," described Savimbi's UNITA by stating that "* * * with increasing frequency in 1984 UNITA's tactics have verged on terrorism." In 1983 a UNITA spokesman claimed to have shot down a plane which carried 126 civilians. Do we want UNITA to have Stingers?

We have been slow reacting to terrorism in the past. I support the President's action to strike in preemptive fashion against Libya even though it certainly is not pleasant to have to do something like this. I have been critical of President Reagan and past Presidents when they have talked tough and not acted. I am glad that in this instance specific and strong action has been taken. This was a high risk response, but I see no alternative when faced with such a radical leader as Mr. Qadhafi.

Mr. Qadhafi, has virtually stated, "We have the right to fight America, and we have the right to export terrorism to them." From my training and experience as an attorney, statements such as this connected with the evidence in the Berlin disco and TWA bombing give the United States the right to use self-defense as justification for this action. The United Nations legally recognizes this right in article 51. Democracies have a right and duty to defend their citizens.

We also need to think long and hard about preventive actions before terrorists strike. The transfer of the Stinger missiles to rebel forces in Afghanistan and Angola is irresponsible and hasty. Having these weapons available in areas where we are unable to monitor them or ensure that regulations are adhered to appears to be inviting terrorist organizations to advance to a new level of terrorism. In 1985 we had 13 significant terrorist attacks involving U.S. citizens. It is difficult enough to combat these murders without the Stingers. The Stinger missile is the wild card in Colonel Qadhafi's deck of terrorist cards. In this volatile conflict with Libya we are virtually at war over terrorism. The "mad dog" of the Middle East does not need U.S. weapons to further escalate this battle.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

Mr. WILSON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes or a shorter period as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SOVIETS' SALT ADVANTAGE

Mr. WILSON. Mr. President, recently two of our colleagues, Senators QUAYLE and HOLLINGS, sent a Dear Colleague letter dated the 10th of April of this year, the subject of which was the SALT II agreement, and the decision as to whether or not we should continue to be bound or act as though we are bound by this agreement which was, of course, never ratified by the U.S. Senate.

Mr. President, one of the key arguments made by those who would have us continue to adhere to the SALT II limits is that without continued adherence, the Soviets would be free to build considerably more weapons than they now have. In an important Dear Colleague letter, I think that Senators QUAYLE and HOLLINGS have brought this argument before us, and challenged it in a way that deserves our attention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 10, 1986.

DEAR COLLEAGUE: Despite the Soviets' continued violation of the limits contained in the unratified, expired SALT II agreement,

Congressional appeals are being made to have the President uphold these limits this May by dismantling two operational Poseidon submarines. The dismantling of these submarines clearly raises the question of whether or not continued adherence to SALT II is in our best interest even if the Soviets do choose to fully comply.

Ironically, the key argument made in favor of continuing adherence to SALT II is that without it, the Soviets would be free to build considerably more weapons than they now have. Yet, as the attached sheets demonstrate, even under SALT II limits—which apply primarily to missile launchers, not their specific payloads—the Soviets could add over 6,400 ballistic missile warheads to their arsenal within the next 6 to 7 years. At the same time, because planned U.S. strategic modernization emphasizes the deployment of missiles with fewer warheads than existing systems, SALT during the same period will require that the U.S. reduce its strategic arsenal by between 211 and 736 warheads.

Whether or not the Soviets would actually choose to make such additions, of course, is open to question given that they already have more than enough prompt warheads to destroy virtually all fixed U.S. targets of interest. Still, if we continue to adhere to SALT II, it will only codify our acceptance of a worsening and already destabilizing asymmetry. Certainly, if we are serious at all about arms control, we can do much better than build on this.

Sincerely,

DAN QUAYLE,
ERNEST F. HOLLINGS,
U.S. Senators.

SOVIET ICBM RV INCREASES POSSIBLE UNDER SALT I AND II

[Next 6 to 7 years]

Missile	Carrying	Will replace	Missile	Carrying	For a net increase in the number of prompt warheads of
SS–24	[1] 10	150	SS–17's	[1] 4	900
SS–26 (follow-on to SS–24)	[1] 10	360	SS–19's	[1] 6	1,440
SS–25 [2]	([3])	500+	SS–11's	[1] 1	[5] 0 to 1,000
SS–27 [2] (follow-on to SS–18)S	([4])	308	SS–18's	[1] 10 to 12	616 to 1,232
Total					+2,956 to 4,072

[1] Warheads each.
[2] The size and payloads of these two missiles is a matter of dispute.
[3] With a potential to carry three warheads each.
[4] At least 14 warheads each.
[5] Potential.

SOVIET SLBM RV INCREASES POSSIBLE UNDER SALT I AND II LIMITS

[Next 6 to 7 years]

Missile	Carrying	Will replace	Missile	Carrying	For a net RV increase
SS–N–23	[1] 8 to 9	80	SS–N–6's & SS–N–17's	[1]	560 to 640
SS–N–23	[1] 8 to 9	240	SS–N–18's	[1] 3 to 7	480 to 1,200
Total					+1,040 to 1,840

[1] Warheads each.

U.S. SLBM RV REDUCTIONS REQUIRED UNDER SALT I AND II LIMITS

[Next 6 to 7 years]

Missile	Carrying	Will replace	Missile	Carrying	Net decrease in RV's
C–4	[1] 8	168	C–3	[1] 10	−336

[1] Warheads each.

[One Trident/year replaces 1.5 Poseidon/year]

U.S. POSEIDON OR MM III RV REDUCTIONS REQUIRED UNDER SALT I & II

(Next 6 to 7 years)

To compensate for the 75 ALCM bombers U.S. will deploy over 120 allowed under SALT II. (Each over 120 requires party to dismantle a MIRV'ed launcher [1]). 75 Poseidon equals −750 RV's; 75 MM III's equals −225 RV's.

Actual decrease likely to be between these 2 numbers.

U.S. RV INCREASES LIKELY UNDER SALT I & II LIMITS

(Next 6 to 7 years)

50 MX (500 RV's)—50 MM III (150 RV's) equals +350. If we deploy 50.

SICBM will have no impact on RV count since it will replace MM II's (450 of them) 1 for 1 several years into late 1990's.

(Tables reflect adjustments to correct SS–25 and SS–N–23 tabulation errors made in the original charts).

Mr. WILSON. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE BRITISH PARLIAMENT

Mr. PRESSLER. Mr. President, I wish to notify the Senate that a very distinguished group representing the Conservative Backbench Tourism Committee of the British Parliament is visiting the Senate at this moment, for the benefit of those Senators who may be listening. I have explained to my colleagues from Great Britain that many of my Senate colleagues are in committee meetings this Thursday afternoon preparing legislation that may come to the floor this evening.

We are indeed honored to have these distinguished guests with us today. They are here on a mission to look into the tourism questions, as well as foreign relations questions, that exist between our two nations. They are guests of mine, the Senate, and the Secretary of the Senate, Jo-Anne Coe. I am proud to note that one of the Members of Parliament, Simon Coombs, is the Secretary's son-in-law. They are meeting with Members of the House and Senate and the executive branch in an effort to promote tourism between our two countries.

I believe it is particularly appropriate at this time to extend our thanks to our guests, to their Prime Minister, and their Government, for the support that Great Britain has given to the United States on the current Libyan problem.

Mr. President, I would like to say that we are pleased that the chairman of the British Conservative Backbench Tourism Committee, David Gilroy Bevan, who represents Birmingham Yardley, is here and has spoken to a luncheon earlier, which was attended by Senator DOLE, Congressman BADHAM, and many leaders of the tourism industry in the United States.

I would like to take this opportunity to introduce the other members of the committee as well. John Butterfill, a Member of Parliament, is representing Bournemouth West, the vice chairman; Conal Gregory, a Member of Parliament representing York, is the joint vice chairman; Roger Gale representing Thanet North, a Member of Parliament, is the secretary; Roger King, a Member of Parliament representing Birmingham Northfield, is the joint secretary; Richard Alexander is a Member of Parliament representing Newark; Simon Coombs is a Member of Parliament representing Swindon, who has a special relation with our Secretary; and David Lightbown is a Member of Parliament representing Staffordshire.

Mr. President, the current situation with terrorism and tourism is something that has interested all of us. As chairman of the Business, Trade, and Tourism Subcommittee of the Senate Commerce, Science, and Transportation Committee, I have taken a particular interest. It has been said that the current round of terrorism may well result in less Americans traveling to Europe. I do not know if that is true, but I do think that we should all work together to end terrorism, and to carefully analyze our current situation because the shoe could be on the other foot in the future.

I think it is very appropriate that we are listening to our friends and colleagues, recognizing that problems with safe travel have not existed for the most part in Great Britain and, indeed, as I am quick to point out, that Great Britain has been the only country that has stood with us in our current difficult situation with Libya.

Mr. President, I am very proud to present these Members to the U.S. Senate.

[1] 99 ALCM bombers now deployed; 195 will be deployed by 1992.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. DOLE. Mr. President, I have had some inquiries from both sides on what we may do the remainder of the day.

One matter we thought we had before the Senate at this moment, the Bankruptcy Court Judges Act, has been delayed because of some area of dispute that we hope can be worked out and the bill taken up later.

I do believe that we will be able to complete action this afternoon on S. 1236, technical amendments to the crime bill. It is a matter that has been worked out on both sides. I have been advised that it took about 30 days to do that, so we hope we can dispose of that matter at 4 o'clock.

The Senator from North Carolina (Mr. HELMS) wants to propose an amendment to that bill, and it is now in the process of being circulated. It is called the antidial-a-porn amendment. In effect, it would prohibit that service being offered particularly to young people, who apparently dial a number and get a lot of garbage on the telephone. If that amendment can be offered to S. 1236, it is my hope that the Senator from North Carolina will let us proceed to the bill and perhaps bring up his proposal now or at a later time as a freestanding measure.

It is also my hope that this afternoon we can lay before the Senate a message from the House on S. 49, the gun control bill. I see no reason why we cannot dispose of that this afternoon. It is a major piece of legislation that passed the House with an overwhelming majority. It is my intention to do that.

I am also contemplating the drug export bill. There may be some difficulty in proceeding to that bill. I hope not. It came out of the committee, I think, with only two dissenting votes, one of those being a proxy. It is a matter of some importance, and I hope we can complete action on that bill this afternoon, though I doubt that is going to happen. If not, it is possible that we will move to proceed to the drug export bill within a day or so, file a cloture motion and have a cloture vote next week.

On Monday, also, we believe we can get a time agreement on the nomination of Donald M. Newman to be Under Secretary of the Department of Health and Human Services. There is some opposition to the nomination, but I hope we can work out a time agreement which may result in a vote, perhaps not a rollcall, on Monday.

So we have a number of items we can probably take care of today.

I alert my colleagues that if we do complete action on S. 1236 very quickly after 4—I urge those who are responsible for that proposal to be here at 4; we should have done this at 1, and it is now 10 after 3—then we would ask the Chair to lay before the Senate a message from the House on S. 49, the gun control bill, unless there is some reason not to do that. I hope we can dispose of that this afternoon and anything else that Members on either side would like to bring before the Senate.

There will be no rollcall votes tomorrow. It is possible that there will not be a session tomorrow, but I will be able to announce that later.

As to Monday, I am not yet prepared to indicate whether or not there will be rollcall votes; but, in any event, there will be no rollcall votes after 6 o'clock on Monday.

RECESS UNTIL 4 P.M.

Mr. DOLE. Mr. President, I have consulted indirectly with the distinguished minority leader, Senator BYRD. Since there are a number of conferences going on and since some of the Members who have these various bills will not be available until 4 o'clock, I move that the Senate stand in recess until 4 p.m.

The motion was agreed to, and at 3:12 p.m., the Senate recessed until 4 p.m.

Whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EVANS).

Mr. EXON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARINE SECURITY GUARD LETTER ON TERRORISM

Mr. DOLE. Mr. President, this morning, I announced I would join Senator DENTON in introducing a bill clarifying the President's authority and strengthening his hand in dealing with international terrorism, and I have already inserted that statement in the RECORD.

Quite by coincidence, when I returned to my office from the floor, I found on top of my mail a letter written to me by one of the U.S. marine security guards at our Embassy in Luxembourg.

The young man who wrote me, Sgt. Paul Duquette, a native of Lowell, MA, has a very personal connection to the terrorism problem. He was on duty at our Embassy in Beirut the first time it was attacked. He's also served in Damascus, Syria. And, of course, he remains very much on the firing line in his current duty station in Europe, protecting our personnel and facilities. This gives Sergeant Duquette credentials that almost none of the rest of us can match to comment on this issue.

Let me just quote one part of his letter:

> Like all marines I take pride in my duty serving my country but it isn't getting any easier. I feel that Congress hasn't been moving quickly enough on this problem area. Please let me know if I'm right or wrong. Please get Congress moving in the right direction.

Mr. President, Sergeant Duquette has the right—he has earned that right in Beirut and elsewhere—to make this request. In moving quickly and affirmatively to enact the bill I introduce today, we can help fulfill our responsibility to Sergeant Duquette, and to all his military and civilian colleagues, serving our country faithfully and courageously around the world.

Mr. President, I ask unanimous consent that the full text of Sergeant Duquette's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE
UNITED STATES OF AMERICA,
Luxembourg, April 11, 1986.

S. Sgt. PAUL A. DUQUETTE, USMC,
American Embassy, Luxembourg,
APO New York, NY 09132

To Hon. ROBERT J. DOLE:

DEAR SENATOR DOLE: I am writing you this letter in regard to the overwhelming number of terrorist attacks against our nation and its people, at home and abroad. In the last twelve months alone terrorist attacks against our beautiful country and its citizens have caused a lot (to many) of deaths and hardships for our country and it doesn't seem to be getting any better. I am in the military and serve in the world's finest fighting force, "The Marines". Although I am from Lowell, MA, I am writing you because you are the Majority Leader of the Senate, and one of the jobs of any leader is to influence his men to do the right thing and work together as a team. I have been in the Marines for five years now and have spent most of my time serving my country overseas. I was a victim of a terrorist attack, at which our Embassy in Beirut was blown up (first time). Needless to say we are all victims when something like this happens.

My last two duty assignments were in Beirut, Lebanon and Damascus, Syria guarding our Embassies against these barbaric acts. I am currently serving in Luxembourg now and like all Marines I take pride in my duty "serving my country" but it isn't getting any easier. To tell you the truth, just open a newspaper or turn on the radio.

The time is now to concentrate all our efforts to combat this problem (threat). I applaud the President (and so should everyone else) for putting the 6th fleet into action against a commonly known terrorist. But, I feel that Congress hasn't been moving quickly enough on this problem area, please let me know if I'm right or wrong. Please get Congress moving in the right direction.

In closing, I hope to hear from you in the near future informing me on what Congress is doing to assist in fighting terrorism. I would also like to take this time and personally "thank you" for the support you have given the military. All of us in the military especially the Marines appreciate it, and hope you continue to support us in every way possible.

Thank you for your time, a Marine "on duty."

S. Sgt. PAUL A. DUQUETTE, USMC,
American Embassy, Luxembourg.

SCHEDULE

Mr. CHILES. Mr. President, I wonder if the majority leader will yield?

Mr. DOLE. I am happy to yield the floor.

Mr. CHILES. I was going to ask him if he could tell us something about our schedule tomorrow. I am hoping we will get a chance to maybe take up the budget tomorrow or lay it down and start on that.

Mr. DOLE. There is a remote possibility, I say to my friend from Florida.

We had a meeting scheduled at noon tomorrow with the Speaker, myself, Congressman MICHEL, Senator DOMENICI, Senator HATFIELD, and Congressman LOTT. But I understand that Congressman MICHEL may not be available tomorrow.

I would hope to have had that meeting before making a final judgment, seeing if the House would cooperate, I guess may be the right words, so we could both commence work on the budget. They have not, as the Senator knows, marked up their bill yet.

But I would assume if the budget is laid down tomorrow it would be debate only. I would not think you would want to get into the amendment process. I have already indicated there would be no votes on tomorrow. But I am not trying to be evasive. I am just not certain whether it will happen tomorrow but it is going to happen quite soon.

I know the Senator from Florida really wants to get at it. So does my good friend from New Mexico, Senator DOMENICI, and, of course, as the chairman and ranking Democrat on the Budget Committee, he has a lot of time invested, a lot of work, and I am not trying to frustrate those good intentions.

Mr. CHILES. We understand that maybe if it is not total unanimity in the product that we produced so far that it may take us a little time on the floor. So, obviously, if we could lay it down tomorrow, even if there could not be any votes on amendments or anything, we would be starting the process and then I think Members would well know that that would be something that we would be dealing with next week.

Mr. DOLE. Right, and it would be my intention once we are on it we are on it, unless something happened and we got bogged down. I am not the expert on rules, as is my colleague, the Senator from West Virginia, Senator BYRD, but I understand the only way to get off would be either to recommit the budget or to move to some other privileged matter. As soon as we finish that we would be back on the budget, so I am trying to—I do not disagree with the Senator from Florida. I guess that is my point.

Mr. CHILES. Does the Senator know when we might have some reading as to whether we could start on it tomorrow or not?

Mr. DOLE. I guess it is fair to say I have a meeting at 4:30 p.m. with the Office of Management and Budget Director, Mr. Miller, and a bit later than that, with Mr. Miller, Mr. DOMENICI, and Mr. GRAMM. There seems to be a split on our side. It may not have been observed yet by the Senator from Florida.

Mr. CHILES. I have not observed it.

Mr. DOLE. But I think there is a split here. There are about 25 one way and 25 the other way and three are undecided. So we are working on it.

Mr. CHILES. Then would the majority leader think that maybe after those meetings we might have some word as to whether we could lay it down tomorrow?

Mr. DOLE. That is correct.

Mr. CHILES. I urge again the majority leader to try to get started on it tomorrow. I think it is very important that we lay it down.

MATERIALS PROCESSING IN SPACE—THE PROMISE AND THE CHALLENGE

Mr. HEFLIN. Mr. President, routine access to space creates great opportunity for the development and manufacture of materials of types and purities heretofore unavailable. Advanced high speed computers, lifesaving drugs, environment cleaning catalysts, new metals and glasses, and much more, are literally just beyond the horizon. This, largely, is made possible through the almost total escape from the Earth's gravitational forces into what is known as a microgravity environment. Here, warm air does not rise and liquids freeze uniformly instead of first from the surface. A constant and nearly perfect vacuum is readily available.

The potential of manufacturing materials in space is immense. Just as the rockets and spacecraft of the 1960's led to the multibillion-dollar telecommunications industry of today, manned space laboratories promise to engender an equally rewarding revolution in materials processing. The development of new materials in space will lead to an era of technological leadership for the Nation which opens this frontier. In fact, international competition has already begun. The United States, Japan, European nations and the Soviet Union have begun vigorous pursuit of these rewards. The challenge is there and we must meet it.

In pursuing this challenge there are several factors which must be examined including potential products, elements of the competition and the need.

POTENTIAL PRODUCTS

A. SEMICONDUCTORS

Semiconductor materials have been at the very heart of the many products which have driven the current technological revolution. They are used for computing and data processing applications, for telecommunications, for sensor materials for military and medical usage, and for a wide variety of other electronic applications. In fact, millions of new careers have resulted from our ability to produce better and better semiconductor materials for communications and data processing components. And many now believe that we are approaching a second revolution in information processing through the utilization of light rather than electrons to communicate and store data.

The ability of semiconductors to process and store this information is dependent on the quality of the crystals from which the semiconductors are made. Large, uniform crystals free of contaminates provide the best materials for electronic and optical use.

Although materials scientists have succeeded in producing very high quality silicon for current applications, the gravitational effect known as thermal convection has limited their ability to produce more advanced materials capable of faster switching over a wider temperature range and which allow optical rather than electronic processing. The microgravity environment of space with its absence of thermal convection is expected to effectively eliminate previous uncontrolled variations in crystals made from such advanced semiconductor materials as gallium arsenide, indium antimony and mercury caldium telluride. In turn, these tremendous improvements in crystal quality should lead to revolutionary new applications in advanced computers, optical microcircuits and in sensors capable of responding to a very broad spectrum of light, ranging from microwaves and heat to x-rays and gamma rays.

B. PHARMACEUTICALS

Pharmaceuticals already are being developed commercially in space. In

the last decade, biomedical researchers have uncovered a myriad of hormones, enzymes, and other substances which have had beneficial effects on people.

Because of sedimentation and buoyancy, both effects of Earth's gravity, many of these potentially lifesaving chemicals cannot be purified or produced in quantities allowing their routine use in the treatment of common illnesses. Other pharmaceuticals are totally impossible to formulate on Earth. However, all can become available in the microgravity of space laboratories.

Among the medical problems for which space-produced pharmaceuticals hold promise are cancer, diabetes, anemia, dwarfism, and hemophilia. Additionally, current research indicates the possibility of producing drugs which may reduce the need for blood transfusions during surgery.

C. NEW GLASSES

Escape from Earth's gravity also eliminates the need to process materials within a container. This freedom allows production of glasses that cannot be duplicated on Earth where materials first freeze at the points of contact with the walls of the vessels in which they are contained. Also, most glasses are cooled from a very molten state which readily dissolves the materials from which glass crucibles are made. This introduces impurities which compromise the clarity and uniformity of the glass produced.

Containerless processing in microgravity laboratories will allow purer, more uniform glasses of new materials. This should lead to new applications for optical fiber materials which need fewer repeated stations. These could be used, for example, for new laser host materials.

D. NEW METAL ALLOYS.

Microgravity processing of metals will enable metallurgists to develop new alloys and establish reference standards against which to apply Earth-based research and development. This may lead to new forms of lightweight structures for aircraft and rockets, to new high strength cast iron and steel, to new superconducting magnetic alloys and, indeed, to new understanding of fundamental metal properties.

Manufacturers of such traditional products as automobiles and farm implements already are conducting space-based research into new alloys

E. AND MORE

Additional products for which new applications are being investigated include uniform calibration standards, molecular sieves and new nylon-like polymers. The first commercial cell of a space-based material was of monodisperse latex spheres which are used as a calibration standard for filters.

Molecular sieves produced under microgravity conditions promise to open new applications of gas separations, membranes for medical uses and purification of environmental pollutants and radioactive waste. Ultra high strength nylon fibers produced in microgravity are now being investigated by American industry.

THE COMPETITORS

Materials processing in space is being vigorously pursued by many nations. The nation which opens this new frontier will be the leader of a new technological era. Those nations already active in this area are:

A. UNITED STATES

The United States performed a few simple experiments during the Skylab Program in 1973–74 and in the Apollo-Soyuz Text Program in 1975. This was followed by a long period of relative inactivity restricted to tests on a few very brief sounding rocket flights.

For the United States, the development of materials processing in space did not reach an appreciable level of activity until the introduction of the space shuttle in 1981. Since then, microgravity processing experiments have been carried aboard shuttle orbitors in almost every flight.

Several dozen American companies now have taken steps to secure a role in microgravity materials processing. Those which have invested their own resources to develop commercial opportunities in space range from some of the Nation's largest corporations to small entrepreneurs. They include industries involved in chemicals, metals, communications, aerospace and automotive products, farm machinery, and pharmaceuticals. Within the last year, a total of 24 companies and 12 universities have established 4 consortia to perform joint research in microgravity processing.

B. SOVIET UNION

The Russians flew their first microgravity processing experiment in 1975 during the Apollo-Soyuz Test Program. They then embarked on a long-range experimental development program aboard the SALYUT manned space stations, and have had materials processing equipment in space continuously since 1978.

In contrast to the American program of sporadic, independent experiments, the Soviets have demonstrated a remarkable capacity for performing extended, directed research. It has been estimated that the Russians, in total, have performed more than 1,600 materials processing experiments in the SALYUT space stations with international cosmonaut crews which have included East Germans, Poles, Hungarians, Cubans, Czechs, and Vietnamese.

Most of the Soviet Union's attention appears to have been directed at three semiconductor materials; gallium arsenide, indium antimonide and mercury cadmium telluride. Semiconductors using these materials are extremely valuable for military systems. They can be used for high speed computing and the development of radiation resistant signal processors and infrared sensors used for military applications. Any advantage that the Soviets gain in the ability to produce semiconductors of these high quality materials would readily translate to a strategic advantage in developing high speed, radiation resistant, high quality radars, sensors and missile guidance and navigation systems. The Soviets claim to have already manufactured and used for medical purposes infrared sensor devices which were made with mercury cadmium teluride produced aboard SALYUT.

In 1983 the Russians incorporated into the SALYUT system an unmanned re-entry module which can return up to 500 kilograms (1,100 pounds) of materials to Earth between crew visits to the station. Earlier this year, the Soviets stated that they will assemble and orbit large production complexes with semiconductor-materials production facilities, research laboratories and hothouses.

C. EUROPE AND JAPAN

The Europeans and Japanese are expected to fly repeated missions aboard the space shuttle. The Europeans have already carried out a number of materials processing experiments in the space shuttle's spacelab, operated by American and European scientists. West Germany flew a spacelab mission in 1985 which focused on microgravity processing. The crew included two scientists from West Germany and one from Holland.

Recently, West German companies have established a new consortium, named IntoSpace, chartered to market its space processing opportunities to European industry, particularly those currently not involved in aerospace activities. The Japanese are scheduled to fly a spacelab mission in 1988, focusing their attention on microgravity processing.

There seems little doubt as to the seriousness with which our allies—and others—intend to compete in this new commercial arena made possible by routine access to space.

THE NEED

Materials processing work will continue aboard the space shuttle once shuttle flights are restored. However, the shuttle will be flying only about once a month, and even then, it is in orbit for only about a week at a time. This is hardly long enough to perform the needed detailed development program. The key need is the permanently orbiting, manned space station now planned by NASA.

The space station will contain a laboratory for microgravity processing with the capability to perform the whole range of materials development necessary, from basic research

through process development, technology advancement, commercial process prototyping, and commercial production of materials. Once in orbit in the 1990's, the space station will provide American science and industry the opportunity to gain and maintain a position of technological leadership in the applications of advanced materials into the 21st century. This leadership will be manifested in new forms of life-saving drugs, in advanced computers, fluid processes, and in a new understanding of metals and glasses. It will lead to prosperity and to military strength and security.

Mr. President, just as the development of orbital satellites has led to new jobs and economic growth in the telecommunications industry and as improved processing of silicon materials has led to great gains in the computer industry, advanced materials processing in space will bring about economic growth, security and improved medical care to our generation and those to follow.

Thank you, Mr. President.

AUBURN SESQUICENTENNIAL ANNIVERSARY

Mr. HEFLIN. Mr. President, I am pleased to rise today to congratulate the citizens of Auburn, AL on their sesquicentennial anniversary. On the weekend of April 25, 1986, they will join together to celebrate their 150th anniversary with parades, dances, athletic events, and community gatherings. I am certain that it will be a weekend to remember.

Although the city was founded in 1836, settlers from Georgia actually colonized the town site between 1833 and 1835. They came with their families to build homes after having heard favorable accounts about the area from a Reverend Morgan Terertine, who was a missionary to the Indians. Indeed, that part of Alabama was still Indian country, and after a long journey on the night of their arrival, these brave new Alabamians were attacked by Indians who still inhabited the area. However, the settlers were stubborn in the face of adversity. With true Alabama spirit, great resolve, and determination, they worked together to transform this harsh wilderness into a flourishing town, a civilized community.

In 1836 it seems that the town leaders faced a dilemma of a different sort from the Indian attacks and the ravages of the frontier. In just a short period of time their town had prospered to the point that the settlers decided to find a name with which to grace this special place where they had made their homes. Yet, a consensus could not be reached—the perfect name could not be found. Finally, Tom Harper, the son of town father Judge Harper, returned to Georgia for supplies. There, his future bride, Miss Lizzie Taylor, a schoolgirl, had been reading Goldsmith's "Deserted Village." When she heard that the town needed a name, she promptly exclaimed, "Name it Auburn, Sweet Auburn, loveliest village of the plain!" It was, and has been, indeed, the perfect name for this wonderful city. It embodies the beautiful countryside, the handsome surroundings, the graceful homes and hospitality of its people that adorn the town.

Since its origins, the city of Auburn has always been closely linked with education. The town leaders had placed great emphasis on religion, education, and culture when settling their new town. The first school was built in 1838, and Simeon Yancey was recruited as the first instructor. In 1856, Auburn had two fine schools, William F. Slaton's Male Academy, and the Auburn Masonic Female College. By this time, Auburn was a bustling town, a cultural and social center for eastern Alabama and western Georgia as well as a commercial center. It was said that, "The social life of Auburn in those days was as fine as could be found in the whole land." One of three railroads in operation in Alabama passed through it, and there were numerous business and cultural advantages. The citizens took an active part in the arts and in political debates. It was the ideal environment for an institute of higher learning. After great efforts, Auburn town leaders were finally successful in their attempt to attract a college for their sons. On February 1, 1856, the legislature of Alabama passed an act incorporating the East Alabama Male College. Thus, the town of Auburn was inextricably linked with higher education. Without the founding of this small school Auburn University would not exist today, for in February 1872, this small college became the Agricultural and Mechanical College of Alabama, the precursor of Auburn University, the school we now treasure.

One cannot examine the accomplishments of the citizens of Auburn without also considering the contributions of Auburn University. Through the years, each has benefited the other in their great work together. The interests of town and college have been mutual. These joint efforts have benefited the State of Alabama and the people of this Nation as well as those in the city and the institution. The shared triumphs of the city and the university are of a greater magnitude than any singular advances could hope to be. Thus, greater goals are accomplished in this unique spirit of the Auburn community where citizens and school officials work together. Past achievements are indicative of the great aid that Auburn University has already provided to mankind. Advances in agriculture have helped farmers to increase crop yields. Veterinary research has helped both commercial livestock owners and small children who own pets. Furthermore, research into space power and laser technology helps to prepare America for the future. The strong commitment that Auburn town leaders made to education in 1838 has certainly paid off. These great accomplishments in education and technology have resulted in an improvement in the condition of life for countless Alabamians and Americans. I must stress that these gains would not be possible without the joint interaction and shared effort that exists in Auburn between the city and the university. Without the unique spirit of this great community we would all be at a loss.

For 150 years, Auburn has been devoted to the enrichment, and fulfillment of human life and society by encouraging culture, education, and religous worship. This sesquicentennial anniversary it not merely a birthday celebration. Rather, it offers the citizens of Auburn an opportunity to look into their past and to realize all that they have accomplished. Those successes and rewards which are reaching fruition today were actually initiated by the many great citizens who labored in the past to make Auburn a better place. Now is the time to remember those whose efforts have culminated in all that Auburn has to offer.

Now, also, is the time to think of the future. The ch,ldren of today will be planning for Auburn's bicentennial in just 50 short years. The dreams of today will grow, take shape and mature in time to benefit them. In the years to come, I am certain that Auburn will make even greater advances—that it will offer even more to its citizens, its State, and its country. I am delighted to congratulate Auburn on its sesquicentennial. I am very proud to represent the citizens of Auburn and am pleased to serve them in every way I can. Thank you Mr. President.

THE CRIME BILL

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. HELMS. Mr. President, I wonder if I could inquire of the distinguished majority leader and the distin-

guished chairman of the Judiciary Committee about what the plans are with respect to the crime bill.

Mr. DOLE. It would be my hope, if the Senator would yield, that we could take up S. 1236 and again I will indicate that it is a matter that I am not fully versed on, but I understand the committee has worked for about, they were telling me earlier, 30 days on a lot of very technical amendments—they are not major amendments, but they are technical amendments—to the major crime package we passed here about a year or two ago. The Justice Department is very anxious to have these amendments. They think they are necessary.

I happen to agree with the Senator from North Carolina that there is a good amendment floating around; it is called anti-Dial-a-Porn, and I support the Senator in that.

I have just discussed this matter with the chairman of the Constitution Subcommittee who also indicates his support. It is our hope that we can satisfy the Senator from North Carolina so it will not be necessary for him to offer the amendment to this bill.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HELMS. I yield to the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we are ready to go forward with these amendments to the omnibus crime bill, entitled Minor and Technical Amendments to the Comprehensive Crime Control Act of 1984. These are very important amendments. We have been working on them now for several months. The Justice Department is insisting we rush them, if at all possible, because it could affect some cases they are trying.

The able Senator from North Carolina spoke to us about a pornography amendment, which I favor and have no objection to it being added to this bill. But the distinguished Senator from Ohio [Mr. METZENBAUM,] indicated he will oppose it. The able Senator from North Carolina has talked with him and I have talked with him and he has told me, in the last 20 minutes, that he is opposed to these amendments and that he will filibuster them, if necessary. And he says there are others who will filibuster them.

In view of that, I hope that the distinguished Senator from North Carolina would not insist on offering them at this time. He has a bill in the Judiciary Committee now on which a hearing has been held in the Criminal Law Subcommittee. It is back to the full committee and it is ready to go on the agenda. I can assure him it will go on the agenda and will be reached as soon as we can get to it.

In view of that, I hope that he would be kind enough not to offer the amendment at this time.

Mr. HELMS. Mr. President, I thank the distinguished Senator from South Carolina. I assure him and the distinguished majority leader that it is not my intent to hold up the passage of the pending bill or the bill which will shortly be pending.

I am just mystified that any Senator would oppose doing away with the scourge in this country called Dial-a-Porn. I may be naive—I have been around this place about 14 years now—but this is one amendment which I felt that all Senators would welcome, because it will be recommended by the Commission on Pornography. It is sorely needed to put an end to children all over America using the long distance telephone service of their parents to dial a number—a 1-900 number; I understand many of the machines are in New York—for a fee. And, bear in mind, Mr. President, that the people—the entrepreneurs, if you want to call them that; that is too nice a word for me to use for them—but the people who are doing this dirty business are making millions out of it at 50 cents a clip off of parents whose telephone bills are charged with calls to New York City and elsewhere to listen to, as I understand it, 4 to 5 minutes of garbage, sewer talk.

I am perfectly willing not to offer the amendment to this legislation provided I can have some assurance from the distinguished chairman of the Judiciary Committee and the distinguished majority leader. As I understand it, I say to Senator THURMOND, he has said that, inasmuch as the bill has been the subject of a hearing by the Subcommittee of the Judiciary, the Criminal Law Subcommittee, it is now subject to be put on the agenda.

Mr. THURMOND. It is ready to be put on the agenda of the full committee, and it will be placed on that agenda and we will reach it in due time.

Mr. HELMS. Well, of course, nobody knows what "due time" is around this place, if you have a Senator who is going to filibuster, because it is possible to filibuster in committee, as well as on the floor.

Mr. THURMOND. If there are filibusters in the committee, I will get back in touch with the Senator. And if there is a filibuster and there is no way to get it out, then the Senator can place it on the calendar over here.

Mr. HELMS. I think I am going to do that, in any case.

I would ask the distinguished majority leader, If Senator THURMOND encounters a filibuster in his committee reporting the bill which would abolish "Dial-a-Porn," could I have the assurance of the majority leader that he would endeavor to call up the bill from the calendar?

Mr. DOLE. Yes; I can give the distinguished Senator that assurance. I do not understand why anybody would object to it, unless it be some big corporation that may be profiting from the telephone calls. I cannot believe anybody else would have any problem with a bill of that kind.

Mr. HELMS. With that assurance, I say to my friends, the distinguished majority leader and the distinguished chairman of the Judiciary Committee, I will withhold offering the amendment which, as I said earlier, I had anticipated that the entire Senate would be willing to approve forthwith on a voice vote. Because, if anything is clear in this world, it is that we have to stop stuff like this.

I thank the distinguished majority leader and I thank the distinguished chairman of the Judiciary Committee.

Mr. DOLE. Mr. President, first let me thank the distinguished Senator from North Carolina and the chairman of the Judiciary Committee, Senator THURMOND from South Carolina. It would be my hope that there would not be an effort to tie this bill up in the committee. But, if so, as I have indicated, we will try to work it out some other way.

I think additional hearings before the Subcommittee on the Constitution in the Judiciary Committee would be very helpful and if there are any problems they could be resolved.

Mr. THURMOND. Mr. President, hearings have already been held in the Criminal Law Subcommittee and it is now ready to be put on the agenda of the full committee. If the distinguished Senator from North Carolina wants to go to another subcommittee for another hearing, I have no objection, but that would just take more time.

Mr. HELMS. That is correct. I do not believe further hearings are needed.

Mr. DOLE. Yes, that would take more time.

Mr. President, I understand the distinguished minority leader would like to be present. We are ready to proceed.

REPORT TO THE SENATE CONCERNING THE STRIKE IN LIBYA

Mr. DOLE. Mr. President, while we are waiting for the distinguished minority leader, I would like to include in the RECORD at this point a letter addressed to the distinguished President pro tempore, Senator THURMOND, from the President, dated April 16, 1986. This letter is a report to the Senate concerning the strike in Libya.

Mr. THURMOND. Mr. President, I already put that in last night.

Mr. DOLE. Mr. President, I am advised by the distinguished President pro tempore it has been included in the RECORD, so I will not ask it be included again.

But I would state that the President has indicated in this letter, which is in the RECORD, that it does meet the requirements and is a precise summary of the events to date in Libya.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 4:45 p.m. with statements limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIAL-A-PORN AMENDMENT

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, while we have a few moments, if the distinguished minority leader will bear with me, let me discuss very briefly the amendment that I would have proposed to the crime bill. We call it the Dial-a-Porn amendment, and the purpose of it is to eliminate completely the "Dial-a-Porn" operations by repealing a few words in section 223(b) of the Communications Act of 1934. The amendment adds no substantive language of any kind to current law. It—purely and simply—removes a gaping loophole in existing law.

Mr. President, American parents have enough to contend with in 1986 without having to worry about whether their children will be able to pick up the phone, dial a number, and then hear an obscene recorded message. Yet since Congress first addressed the problem of dial-a-porn in December 1983, the dial-a-porn industry has flourished, and our children in particular and American society in general have been the losers.

The loophole in existing law is that it affirmatively authorizes dial-a-porn for consenting adults. Thus, dial-a-porn operators are given a green light to go into business, and then the practical problem arises—and it arises in thousands of cases every day—as to how to keep children from calling the dial-a-porn numbers. That practical problem, Mr. President, has proven to be totally insoluble. Moreover, there is no good reason for Congress to authorize our interstate telephone system to be used for the communication of pornographic messages—even to adults, for that matter. These are recorded messages. These are not conversations. These are recorded filth.

Mr. President, the prohibitions currently in place under section 223(b) of the Communications Act of 1934 are sufficient to shut down the dial-a-porn industry, if we simply eliminate the loophole. The loophole has two parts.

The first part of the loophole is that portion of section 223(b)(1)(A) which makes dial-a-porn criminal only if it goes to a person under 18 years of age or to a person who has not consented to receiving the message. My amendment eliminates this crippling qualification to the prohibition against dial-a-porn. Thus, the prohibition against dial-a-porn would apply to everyone—not just minors and nonconsenting adults, as is currently the case.

The second part of the loophole is all of section 223(b)(2) which provides: "It is a defense to a prosecution under this section that the defendant restricted access to the prohibited communication to persons 18 years of age or older in accordance with procedures which the Commission (the FCC) shall prescribe by regulation." My amendment—which I would have offered to this legislation I contend is the most appropriate vehicle for this—would remove this complete, affirmative defense to prosecution under section 223(b), and it would make the current penalties for dial-a-porn under section 223(b) meaningful for the first time.

Mr. President, I have heard from parents all over this country about this matter. Many constituents have contacted me time and time again on this problem of dial-a-porn. Most recently, I received a letter from the father of a 9-year-old boy. This is typical of what I am hearing. The father sent me a copy of his telephone bill and underlined three long distance calls to a "900" number. "While questioning my son about these calls," the father wrote, "I discovered that the long distance calls were placed to a service which provides sexually explicit messages. Apparently, some older children told my son that this number was the number of 'Teddy Ruxpin,' the talking teddy bear. The joke was not very funny when one considers the fact that the morals of young children are being corrupted in the process."

Mr. President, the need for this legislation, I believe, is completely evident in this father's letter. We, in Congress, owe the parents of America better than what they now have to contend with on this matter of dial-a-porn.

I urge that we move as quickly as possible and Senator THURMOND and Senator DOLE have assured me that they will cooperate fully. Therefore, I do not intend to offer the amendment.

I yield the floor. I thank the majority leader.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

COMPREHENSIVE CRIME CONTROL ACT AMENDMENTS

Mr. THURMOND. I would like to inquire of the distinguished Democratic leader if he has cleared Calendar 596, S. 1236, minor and technical amendments to the crime bill.

Mr. BYRD. Yes.

Mr. THURMOND. Senator BIDEN had a statement in favor of it, and Senator METZENBAUM does not oppose it. I have heard of no opposition on the part of anyone.

Mr. BYRD. It is my understanding that there will only be two amendments offered to the measure, and those two amendments will be offered by the distinguished Senator from South Carolina, Mr. THURMOND.

Mr. THURMOND. Mr. President, that is correct.

Mr. BYRD. There is no objection on this side.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate now turn to Calendar 596, S. 1236, minor and technical amendments to the crime bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill, (S. 1236), to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes.

The Senate proceeded to consider the bill (S. 1236) to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause, and insert the following:

BAIL (CHAPTER I)

SECTION 1. (a) Subparagraph (D) of section 3142(f)(1) of title 18 of the United States Code is amended by—

(1) striking out the words "any felony committed after the person had been convicted of two or more prior offenses" and inserting in lieu thereof "any felony if the person has been convicted of two or more offenses"; and

(2) inserting before the semicolon ", or a combination of such offenses".

(b) Subparagraph (A) of section 3142(f)(2) of title 18 of the United States Code is amended by inserting the word "or" after the semicolon.

(c) Subsection (f) of section 3142 of title 18 of the United States Code is amended by adding at the end thereof the following: "The hearing may be reopened, before or after a determination by the judicial officer, at any time prior to trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community.".

OTHER SENTENCING AMENDMENTS

SEC. 2. (a) Section 4216 of title 18 of the United States Code is repealed.

(b) The item relating to section 4216 in the sectional analysis of chapter 311 of title 18 of the United States Code is amended to read as follows:

"4216. Repealed."

SEC. 3. Section 992 of title 28 of the United States Code is amended—

(1) in subsection (c) by striking out "section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983" and inserting in lieu thereof "section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984"; and

(2) by adding at the end thereof the following new subsection:

"(d) The provisions of sections 44(c) and 134(b) of this title, regarding the residence of judges, shall not apply to any judge holding a full-time position on the Commission pursuant to subsection (c) of this section.".

SEC. 4. Section 994 of title 28 of the United States Code is amended—

(1) in subsection (a)(2)(C) by making it read as follows:

"(C) the sentence modification provisions set forth in sections 3563(c), 3564, 3573, 3582(c), and 3583(e) of title 18;";

(2) in subsection (a)(3) by making it read as follows:

"(3) guidelines or general policy statements regarding the appropriate use of the provisions for revocation of probation and supervised release set forth in sections 3565 and 3583(e) of title 18, and the provisions for modification of the term or conditions of probation and supervised release set forth in sections 3563(c), 3564, and 3583(e) of title 18.";

(3) in subsection (b) by inserting before the period in the second sentence ", except that if the maximum of the range is life imprisonment, the minimum shall not be less than thirty-years' imprisonment";

(4) in subsection (h) by striking out "by section 3581(b) of title 18, United States Code,"; and

(5) in subsection (t) by inserting the words "in what circumstances and" after the word "specify" and by deleting the words "that are outside the applicable guideline ranges".

SEC. 5. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (b) of section 3552 of title 18 of the United States Code by striking out the word "take" in the third sentence and inserting in lieu thereof the word "be";

(2) in subsection (b) of section 3552 of title 18 of the United States Code by inserting the words ", if the defendant is in custody," after the words "the United States Marshal shall" in the eighth sentence; and

(3) in subsection (c) of section 3552 of title 18 of the United States Code by striking out "4247" and inserting in lieu thereof "4244".

SEC. 6. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (a) section 3553 of title 18 of the United States Code by striking out the words "of this subsection" in the first sentence; and

(2) in subsection (b) of section 3553 of title 18 of the United States Code by adding the following sentence at the end thereof: "In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for its relationship to sentences prescribed by guidelines applicable to similar offenses and offenders and the purposes of sentencing set forth in subsection (a)(2).".

SEC. 7. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (c) of section 3553 of title 18 of the United States Code by inserting "or if it includes an order of only partial restitution," after "If the sentence does not include an order of restitution,".

SEC. 8. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (a) of section 3561 of title 18 of the United States Code by striking out the second sentence.

SEC. 9. Subsection (a) section 212 of the Comprehensive Crime Control Act of 1984 is amended in paragraph (11) of section 3563(b) of title 18 of the United States Code by striking out "in section 3581(b)".

SEC. 10. (a) Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (c) of section 3563 of title 18 of the United States Code by—

(1) striking out the phrase ", after a hearing,"; and

(2) inserting the phrase "the provisions of Rule 32.1 of the Federal Rules of Criminal Procedure and" after the words "pursuant to".

(b) Subdivision (b) of Rule 32.1 of the Federal Rules of Criminal Procedure is amended by—

(1) inserting the words "to be" after the word "relief"; and

(2) striking out the period at the end and inserting in lieu thereof ", and the attorney for the government, after having been given notice of the proposed relief and a reasonable opportunity to object, has not objected.".

SEC. 11. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (b) of section 3564 of title 18 of the United States Code by striking out the second sentence and inserting in lieu thereof the following: "A term of probation runs concurrently with any Federal, State, or local term of probation, supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation. A term of probation does not run while the defendant is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than thirty consecutive days.".

SEC. 12. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (f) of section 3603 of title 18 of the United States Code by striking out the word "supervise" and inserting in lieu thereof "assist in the supervision of," and by inserting a comma after the word "about".

SEC. 13. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (b) of section 3624 of title 18 of the United States Code by striking out "beginning after the first year of the term" in the first sentence and inserting in lieu thereof "beginning at the end of the first year of the term".

SEC. 14. Subsection (a) section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (e) of section 3624 of title 18 of the United States Code by striking out the third sentence and inserting in lieu thereof the following: "The term runs concurrently with any Federal, State, or local term of probation, supervised release, or parole for another offense to which the person is subject or becomes subject during the term of supervised release. A term of supervised release does not run while the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than thirty consecutive days.".

SEC. 15. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in section 3663 (formerly section 3579) of title 18 of the United States Code by—

(1) striking out "or in lieu of" in subsection (a)(1); and

(2) striking out "sections 3812 and 3813" in subsection (h) and inserting in lieu thereof "sections 3612 and 3613".

SEC. 16. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in section 3672 (formerly section 3656) of title 18 of the United States Code by adding at the end thereof:

"He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). This authority shall include, but not be limited to, providing equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence and his susceptibility to addiction. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

"He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under section 3552 (b) or (c) except for studies conducted by the Bureau of Prisons.".

SEC. 17. Section 214 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (a) of section 5037 of title 18 of the United States Code by striking out "(e)" and inserting in lieu thereof "(d)";

(2) in subparagraph (B) of section 5037(c)(1) of title 18 of the United States Code by striking out "by section 3581(b)";

(3) in subparagraph (B) of section 5037(c)(2) of title 18 of the United States Code by striking out "by section 3581(b)"; and

(4) in subsection (c) of section 5037 of title 18 of the United States Code by adding the following new paragraph at the end thereof:

"The provisions of section 3624 are applicable to an order placing a juvenile under detention.".

SEC. 18. Section 215(a)(5) of the Comprehensive Crime Control Act of 1984 is amended in subdivision (c)(2)(B) of Rule 32 of the Fedeal Rules of Criminal Procedure by striking out the word "than" and inserting in lieu thereof the word "from".

SEC. 19. Section 215(f) of the Comprehensive Crime Control Act of 1984 is amended in Rule 6 of the Federal Rules of Criminal Procedure by—

(1) striking out the word "or" in subdivision (e)(3)(C)(ii); and

(2) striking out the period at the end of subdivision (e)(3)(C)(iii) and inserting in lieu thereof "; or".

SEC. 20. (a) Subsection (a) of section 224 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in paragraph (1) to read, "in subsection (b)(1)(A), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(2) in paragraph (2) to read, "in subsection (b)(1)(B), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(3) by inserting the following new paragraph after paragraph (2):

"(3) in subsection (b)(1)(C), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(4) by adding the word "and" at the end of paragraph (4);

(5) by deleting paragraph (5); and

(6) by redesignating paragraphs (3) and (4) as (4) and (5), respectively.

(b) Section 224 of the Comprehensive Crime Control Act of 1984 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c) Section 405A (21 U.S.C. 845A) is amended—

"(1) in subsection (a) by deleting '(1)' after the word 'punishable', and by deleting the semicolon and all that follows and inserting in lieu thereof a period;

"(2) in subsection (b) by deleting '(1)' after the word 'punishable', and by deleting 'and (2) at least three times any special parole term' and all that follows and by inserting in lieu thereof a period; and

"(3) in subsection (c) by deleting the second sentence.".

SEC. 21. Subsection (a) of section 225 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in paragraph (1) to read, "in subsection (b)(1), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment';";

(2) in paragraph (2) to read, "in subsection (b)(2), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment';";

(3) by redesignating paragraph (3) as (4); and

(4) by inserting the following new paragraph after paragraph (2):

"(3) in subsection (b)(3), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment'; and".

SEC. 22. Subsection (a) of section 232 of the Comprehensive Crime Control Act of 1984 is amended by—

(1) striking out the word "and" the second time it appears and inserting in lieu thereof a comma; and

(2) inserting before the period ", and 'and who are not sentenced to treatment under the Narcotic Addict Rehabilitation Act of 1966' ".

SEC. 23. (a) Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "eighteen" and inserting "thirty" in lieu thereof.

(b) TECHNICAL AMENDMENT.—Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "to section" and inserting "under section" in lieu thereof.

(c) Section 994(q) of title 28, United States Code, is amended by striking out "within three years" and all that follows through "Act of 1983" and inserting in lieu thereof "not later than one year after the initial set of sentencing guidelines promulgated under subsection (a) goes into effect."

(d) Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "twenty-four" and inserting "thirty-six" in lieu thereof.

FORFEITURE (CHAPTERS III AND XXIII)

SEC. 24. Section 1963 of title 18 of the United States Code is amended—

(1) in subsection (c) by striking out "(m)" and inserting in lieu thereof "(l)";

(2) in subsection (j) by striking out "(m)" and inserting in lieu thereof "(l)"; and

(3) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m), as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively.

SEC. 25. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the sentence beginning "Upon the filing", by striking out "$2,500" and inserting in lieu thereof "$5,000".

SEC. 26. (a) Subsection (c) of section 616 of the Tariff Act of 1930 (19 U.S.C. 1616(c)) as enacted by Public Law 98-573 is amended by inserting "any other Federal agency or to" after "property forfeited under this Act to".

(b) Section 616 of the Tariff Act of 1930 (19 U.S.C. 1616) as enacted by Public Law 98-473 is repealed.

SEC. 27. Section 413 of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853) is amended—

(1) in subsection (c) by striking out "(o)" and inserting in lieu thereof "(n)";

(2) in subsection (f) by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)"; and

(3) in subsection (k) by striking out "(o)" and inserting in lieu thereof "(n)".

SEC. 28. (a) Subsection (b) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(b)) is amended—

(1) by striking out "or criminal" after "Any property subject to civil";

(2) in paragraph (4) by striking out "or criminal" after "is subject to civil"; and

(3) by adding the following at the end thereof:

"The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.".

(b) Subsection (i) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(i)) is amended by inserting ", or a violation of State or local law that could have been charged under this title or title III," after "title III".

SEC. 29. (a) Subparagraph (E) of section 524(c)(1) of title 28 of the United States Code is amended by inserting "the Federal Bureau of Investigation, the United States Marshals Service," after the words "for official use by", and by inserting a comma before the word "or".

(b) Paragraph (4) of section 524(c) of title 28 of the United States Code is amended by striking out "remaining after the payment of expenses for forfeiture and sale authorized by law" and inserting in lieu thereof ", except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))".

OFFENDERS WITH MENTAL DISEASE OR DEFECT

(CHAPTER IV)

SEC. 30. Subdivision (c) of Rule 12.2 of the Federal Rules of Criminal Procedure is amended by inserting "4241 or" before "4242".

DRUG ENFORCEMENT AMENDMENTS

(CHAPTER V)

SEC. 31. Paragraph (14) of section 102 of the Controlled Substances Act (21 U.S.C. 802(14)) is amended in the second and third sentences by striking out the word "the" after the words "the term 'isomer' means" and inserting in lieu thereof "any".

SEC. 32. Paragraph (4) of subsection (a) of schedule II of the Controlled Substances Act (21 U.S.C. 812) is amended to read as follows:

"(4) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.".

SEC. 33. (a) Subparagraph (A) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) in clause (i) to read as follows:

"(i) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

"(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);";

(2) in clause (ii) by adding "a mixture or substance containing a detectable amount of" after "a kilogram or more of";

(3) in clause (iii) by adding "a mixture or substance containing a detectable amount of" after "500 grams or more of";

(4) in clause (iv) by adding "a mixture or substance containing a detectable amount of" after "5 grams or more of"; and

(5) by adding at the end thereof, "Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 8 years in addition to such term of imprisonment.".

(b) Paragraph (5) of section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended by adding the words "the fines provided in" after the word "Notwithstanding".

SEC. 34. Subsection (b) of section 405A of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by inserting "parole" after "(2) at least three times any special".

SEC. 35. Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by—

(1) striking out "and" at the end of paragraph (5);

(2) striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

SEC. 36. Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) adding at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

SEC. 37. (a) Paragraph (1) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)) is amended—

(1) in subparagraph (A) by striking out clauses (i), (ii), and (iii) and inserting in lieu thereof the following:

"(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(ii) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);";

(2) in subparagraph (B) by inserting "a mixture or substance containing a detectable amount of" after "a kilogram or more of";

(3) in subparagraph (C) by inserting "a mixture or substance containing a detectable amount of" after "500 grams or more of";

(4) in subparagraph (D) by inserting "a mixture or substance containing a detectable amount of" after "5 grams or more of"; and

(5) by adding at the end thereof, "If a sentence under this paragraph provides for imprisonment, the sentence shall include a special parole term of not less than four years in addition to such term of imprisonment.".

(b) Paragraph (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended by striking out ", except as provided in paragraph (4)".

LABOR RACKETEERING AMENDMENT (CHAPTER VIII)

SEC. 38. Paragraph (2) of section 411(a) of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)(2)) is amended by striking out "entity" and inserting in lieu thereof "person".

CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS (CHAPTER IX)

SEC. 39. Paragraph (2) of section 5316(a) of title 31 of the United States Code is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

MISCELLANEOUS VIOLENT CRIME AMENDMENTS (CHAPTER X)

SEC. 40. Subsection (a) of section 373 of title 18 of the United States Code is amended by—

(1) inserting after the words "the person or property of another" the words ", or against such person's own property,"; and

(2) inserting before the word "death" the words "life imprisonment or".

SEC. 41. Subsection (c) of section 924 of title 18 of the United States Code is amended by—

(1) adding after the words "during and in relation to any" the words "felony described in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a) or any";

(2) adding after the words "in addition to the punishment provided for such" the words "felony or"; and

(3) adding after the words "term of imprisonment including that imposed for the" the words "felony or".

SEC. 42. Subsection (a) of section 929 of title 18 of the United States Code is amended by—

(1) adding after the words "during and in relation to the commission of a" the words "felony described in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 855a), or a";

(2) adding after the words "in addition to the punishment provided for the commission of such" the words "felony or"; and

(3) adding after the words "term of imprisonment including that imposed for the felony" the words "or crime of violence".

SEC. 43. (a) Subsection (d) of section 1201 of title 18 of the United States Code is amended by adding the words "or (a)(5)" after the words "subsection (a)(4)".

(b) Paragraph (2) of section 115(b) of title 18 of the United States Code is amended to read as follows:

"(2) A kidnaping or attempted kidnaping in violation of this section shall be punished as provided in section 1201 of this title for the kidnaping or attempted kidnaping of a person described in section 1201(a)(5) of this title.".

SEC. 44.(a) Chapter 65 of title 18 of the United States Code is amended by redesignating section 1365 as enacted by Public Law 98-473 as section 1366.

(b) The analysis at the beginning of chapter 65 of title 18 of the United States Code is amended by striking out "1365" the second time it appears and inserting in lieu thereof "1366".

SERIOUS NONVIOLENT OFFENSES (CHAPTER XI)

SEC. 45. Section 215 of title 18 of the United States Code is amended—

(1) in subsections (a) and (b) by inserting the words ", bank holding company, or savings and loan holding company" after the words "financial institution" the second and third place in which they appear;

(2) in subsection (c)(1)(D) by striking out "Administrator of the"; and

(3) in subsection (d) by inserting the words ", bank holding company, or savings and loan holding company" after the words "financial institution" each place in which they appear.

SEC. 46. Section 219 of title 18 of the United States Code is amended—

(1) in the first paragraph to read:

"Whoever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, shall be fined not more than $10,000 or imprisoned for not more than two years, or both."; and

(2) in the last paragraph by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "Delegate", and by striking out ", or a juror".

SEC. 47. (a) Chapter 25 of title 18 of the United States Code is amended by redesignating section 510 as enacted by Public Law 98-473 as section 513.

(b) The analysis at the beginning of chapter 25 of title 18 of the United States Code is amended by striking out "510. Securities of the State and private entities.", and by adding at the end thereof "513. Securities of the States and private entities.".

SEC. 48. (a) Sections 1791 and 1792 of title 18 of the United States Code are amended by striking out the phrase "Federal penal or correctional facility" each time it appears and inserting in lieu thereof "Federal penal, detention, or correctional facility".

(b) Section 1791 of title 18 of the United States Code is further amended—

(1) in subparagraph (a)(1)(B) by adding the words "ammunition or" before "any other weapon";

(2) in subparagraph (a)(1)(C) by adding before the semicolon the words ", lysergic acid diethylamide, or phencyclidine";

(3) in subparagraph (a)(1)(D) by striking out "other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)" and inserting in lieu thereof "other than a controlled substance described in subparagraph (C)"; and

(4) by making subsection (c) read as follows:

"(c) DEFINITIONS.—As used in this section, 'ammunition', 'firearm', and 'destructive device' have the meaning given those terms, respectively, in section 921 of title 18 the United States Code.".

PROCEDURAL AMENDMENTS (CHAPTER XII)

SEC. 49. Subsection (e) of section 1028 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

SEC. 50. Subsection (f) of section 1029 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

SEC. 51. Section 3076 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970" and inserting in lieu thereof "chapter 224 of this title".

SEC. 52. Section 3522 of title 18 of the United States Code is amended—

(1) in subsection (a) by striking out the word "parolees" in the second sentence and inserting in lieu thereof "probationers or parolees, as the case may be";

(2) in subsection (b)—

(A) by striking out "subsection (a)" and inserting in lieu thereof "probation or parole"; and

(B) by striking out the word "shall" and inserting in lieu thereof "may";

(3) by striking out subsection (c); and

(4) by redesignating subsection (d) as subsection (c).

SEC. 53. Section 1921 of title 28 of the United States Code is amended by adding the following new paragraph at the end thereof:

"Notwithstanding the provisions of section 3302 of title 31, the United States Marshals Service is authorized, to the extent provided in appropriations acts, to credit to its appropriation account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution,

by the United States Marshals Service and to use such credited amounts for the purpose of carrying out such activities.".

VICTIM COMPENSATION AND ASSISTANCE (CHAPTER XIV)

SEC. 54. Section 3013 of title 18 of the United States Code is amended by adding the following new subsection at the end thereof:

"(c) No assessment shall be imposed on any person convicted of an offense for which local rules of the district court, or other Federal law, establishes that collateral may be posted in lieu of appearance in court.".

SEC. 55. Subsection (a) of section 3671 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "chapter 227 or 231 of" after the words "an order of restitution under".

SEC. 56. (a) Sections 3671 and 3672 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, are redesignated as sections 3681 and 3682, respectively.

(b) The sectional analysis of chapter 232 of title 18 of the United States Code, as added by section 1406(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "3671" and "3672" and inserting in lieu thereof "3681" and "3682", respectively.

SEC. 57. (a) Chapter 232 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, is redesignated as chapter 232A.

(b) The chapter analysis of part II of title 18 of the United States Code is amended by striking out the item relating to chapter 232, as added by section 1406(b) of the Comprehensive Crime Control Act of 1984, and inserting in lieu thereof the following:

"232A. Special forfeiture of collateral profits of crime 3681".

SEC. 58. Subsection (e) of section 1402 of the Comprehensive Crime Control Act of 1984 is amended by—

(1) striking out "the next succeeding fiscal year" and inserting in lieu thereof "the next two succeeding fiscal years"; and

(2) striking out "year" after "at the end of which".

SEC. 59. Section 1407 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (h) by striking out "1302" and inserting in lieu thereof "1402"; and

(2) by redesignating subsection (h) as subsection (g).

SEC. 60. Chapter XIV of the Comprehensive Crime Control Act of 1984 is amended by striking out section 1410.

TRADEMARK COUNTERFEITING

(CHAPTER XV)

SEC. 61. (a) Chapter 113 of the title 18 of the United States Code is amended by redesignating section 2320 as enacted by Public Law 98-473 as section 2321.

(b) The analysis at the beginning of chapter 113 of title 18 of the United States Code is amended by striking out

"2320. Trafficking in counterfeit goods or services."

and by adding at the end thereof

"2321. Trafficking in counterfeit goods or services.".

ACCESS DEVICES AND COMPUTER

(CHAPTER XXI)

SEC. 62. (a) Section 1030 of title 18 of the United States Code is amended by adding the following new paragraph at the end thereof:

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.".

(b) Delete paragraph (3) of subsection (a) of section 1030 of title 18 of the United States Code.

(c) Delete "or" after the semicolon at the end of paragraph (2) of subsection (a) of section 1030 of title 18 of the United States Code, and insert "or" after the semicolon at the end of paragraph (1) of subsection (a) of section 1030 of title 18 of the United States Code.

MISCELLANEOUS AMENDMENTS

SEC. 63. Section 3 of title 18 of the United States Code is amended by inserting before the word "death" the words "life imprisonment or".

SEC. 64. (a) Chapter 1 of title 18 of the United States Code is amended by adding a new section 17 as follows:

"§ 17. Organization defined

"For purposes of this title, the term 'organization' means a person other than an individual.".

(b) The sectional analysis for chapter 1 of title 18 of the United States Code is amended by adding after the item relating to section 16 the following:

"17. Organization defined.".

SEC. 65. Subsection (a) of section 201 of title 18 of the United States Code is amended by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "Delegate".

SEC. 66. Paragraph (1) of section 203(a) of title 18 of the United States Code is amended by striking out "Delegate from the District of Columbia, Delegate Elect from the District of Columbia" and inserting in lieu thereof "Delegate, Delegate Elect".

SEC. 67. Subsection (h) of section 844 of title 18 of the United States Code is amended to read as follows:

"(h) Whoever uses fire or an explosive to commit, or carries an explosive during the commission of, any felony which may be prosecuted in a court of the United States, including a felony which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, shall, in addition to the punishment provided for such felony, be sentenced to imprisonment for five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the felony in which the fire or explosive was used or the explosive was carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

SEC. 68. Section 1961(a) of title 18 of the United States Code is amended by adding, after the words "section 1511 (relating to the obstruction of State or local law enforcement)," the words "section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant),".

SEC. 69. The first and second paragraphs of section 2315 of title 18 of the United States Code are amended by—

(1) inserting "possesses," after "receives,"; and

(2) striking out "moving as, or which are a part of, or which constitute interstate or foreign commerce," and inserting in lieu thereof "which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken,".

SEC. 70. Subsection (m) of section 223 of the Comprehensive Crime Control Act of 1984 is amended in paragraph (3)(B) to read as follows:

"(B) by amending subsection (b) to read as follows:

" '(b) An offender transferred to the United States to serve a sentence of imprisonment that is longer than the maximum period of time specified in the applicable sentencing guideline promulgated pursuant to section 994(a)(1) of title 28, United States Code, as determined by the Bureau of Prisons, shall serve in an official detention facility the maximum period of time specified in the applicable sentencing guideline and shall serve the remainder of the term imposed as a term of supervised release. To the extent permitted by the applicable treaty, a determination by the Bureau of Prisons as to whether the transferred offender shall serve a term of supervised release and the length of such term to be served may be appealed to the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States, and the court of appeals shall decide and dispose of the appeal in accordance with section 3742 as though the determination appealed had been imposed by the United States district court. A determination by the Bureau of Prisons shall be made only after affording the transferred offender an opportunity (1) to submit evidence or information as the applicable sentencing guideline, and (2) for an appeal within the Bureau of Prisons of such detemination by a reviewing authority established by the Director pursuant to regulations.'; and".

SEC. 71. Section 3142(c)(2)(J) of title 18 of the United States Code is amended by inserting ", psychological," after "medical".

SEC. 72. Paragraphs (3) of subsections (d), (g), and (h) of section 922 of title 18 of the United States Code are amended by deleting the words "marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954)" and inserting in lieu thereof the words "marihuana or any depressant or stimulant substance or narcotic drug (as those terms are defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802)".

SEC. 73. Section 875 of title 18 of the United States Code is amended by striking the phrase "transmits in interstate commerce" each place where it appears and inserting in lieu thereof the words, "transmits in interstate or foreign commerce".

SEC. 74. Section 351 of title 18 of the United States Code is amended—

(a) in subsection (a) by adding after "Deputy Director of Central Intelligence," the words "a major candidate for the office of President or Vice-President, as defined in subsection (a)(7) of section 3056 of this title", and

(b) in subsection (h) by deleting the words "an official" and inserting in lieu thereof "a person".

Mr. THURMOND. Mr. President, today, I rise in support of S. 1236—a bill that would make minor and technical corrections to the Comprehensive Crime Control Act of 1984.

As most of you are aware, the Comprehensive Crime Control Act of 1984 embodied the most significant series of changes in the Federal criminal justice system ever enacted at one time. I was

pleased to have been able to lead the effort, along with several of my distinguished colleagues, in securing passage of that legislation in the 98th Congress. The act was passed during the final weeks of the 98th Congress under demanding time constraints, and inevitably some ambiguities and technical defects found their way into the legislation.

On June 4, 1985, I introduced S. 1236, along with my colleagues Senator BIDEN, ranking minority member of the Judiciary Committee, Senator LAXALT, and Senator KENNEDY to correct those defects. This bill was referred to the Judiciary Committee, of which I am chairman. S. 1236, as originally introduced, included 85 provisions covering all areas of the Federal criminal law. To expedite consideration of this legislation, the committee formulated a compromise containing those sections of S. 1236 which the members of the Judiciary Committee unanimously supported and it was offered as an amendment in the nature of a substitute.

The committee unanimously approved this substitute at its executive committee meeting on December 12, 1985, and it was reported on April 4, 1986 (S. Rep. 99-278).

AMENDMENT NO. 1794

(Purpose: To clarify certain fine and sentencing guideline provisions)

Mr. THURMOND. Mr. President, I now send an amendment to the desk on behalf of myself, Senator BIDEN, Senator LAXALT, Senator KENNEDY, Senator HATCH, Senator GRASSLEY, Senator SPECTER, and Senator EAST, to the committee substitute, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, and Mr. BIDEN, Mr. LAXALT, Mr. KENNEDY, Mr. HATCH, Mr. GRASSLEY, Mr. SPECTER, and Mr. EAST, proposes an amendment numbered 1794.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 61, strike out lines 22 through 3 on page 62 and insert in lieu thereof the following:

(1) in subsection (a)(2) by—

(A) redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(B) amending subparagraph (C) to read as follows:

"(C) the sentence modification provisions set forth in sections 3563(c), 3564, 3573, 3582(c), and 3583(e) of title 18;"; and

(C) adding after subparagraph (C) the following new subparagraph:

"(D) the fine imposition provision set forth in section 3572 of title 18;";

On page 62, strike out lines 13 through 16 and insert in lieu thereof the following:

(3) in subsection (b) by—

(A) inserting "(1)" after "(b)"; and

(B) designating the second sentence as paragraph (2) and inserting before the period in such paragraph (2) the following: "except that—

"(A) if the maximum term of the range is life imprisonment, the minimum shall not be less than 25 years imprisonment; or

"(B) it the maximum term of the range is one year or less, the maximum shall not exceed the minimum of that range by more than 50 per centum or 60 days, whichever is greater.";

On page 68, between lines 4 and 5, insert the following:

SEC. 16A. Section 213 of the Comprehensive Crime Control Act of 1984 is amended in section 3742 of title 18, United States Code—

(1) in subsections (a)(2), (b)(2), (d)(2), and (e)(1) by striking out "an incorrect" and inserting in lieu thereof "a clearly erroneous construction or"; and

(2) in subsection (e) by—

(A) striking out subparagraph (B) of paragraph (1) and inserting in lieu thereof the following:

"(B) designate the appropriate guideline category and remand the case for imposition of a sentence consistent with its decision;"; and

(B) striking out subparagraphs (A) and (B) of paragraph (2) and inserting in lieu thereof the following:

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision; or".

Mr. THURMOND. Mr. President, today I am offering an amendment to S. 1236 to make several changes in the sentencing provisions of the Comprehensive Crime Control Act of 1984.

I am pleased to be joined in offering this legislation by several of my distinguished colleagues on the Judiciary Committee—Senator BIDEN of Delaware, ranking minority member, as well as Senators LAXALT, KENNEDY, HATCH, GRASSLEY, SPECTER, and EAST.

This amendment would make changes with regard to the duties of the U.S. Sentencing Commission and the appellate review of sentences imposed by district courts.

First, the Commission's authority would be expanded to authorize it to promulgate policy statements regarding the imposition of fines in accordance with the applicable provision of Title 18 of the United States Code. This change would be consistent with the Commission's present authority to issue policy statements with regard to matters such as the application of sentencing guidelines, the sanctions of forfeiture, and plea agreements. In addition, this change would enhance the usefulness of the Commission's work to the Federal judicial system.

Second, the amendment modifies the requirement for sentencing guidelines that provides for ranges in the term of imprisonment. Currently, the maximum of the range may not exceed the minimum of that range by more than 25 percent. S. 1236, as reported by the committee, provides that when the maximum of the range is life imprisonment, the minimum of that range would be 30 years. This amendment would change that number to 25 years and would also provide that when the maximum term of the range is 1 year or less, the maximum shall not exceed the minimum of that range by more than 50 percent, or 60 days, whichever is greater. When the maximum term of the range is 1 year or less, a 25-percent variance would not allow the Commission sufficient flexibility to develop meaningful guidelines for relatively minor crimes. In this instance, the difference in the range would only amount to a small number of days which could possibly encourage defendants to stand trial rather than plead guilty. This change would enable the commission to draft meaningful, realistic guidelines with regard to the lower end of the imprisonment sentencing scale.

The amendment would also amend certain provisions pertaining to the appellate review of sentences. Currently, an appellate court may overturn a sentence if it determines that the sentence was imposed as a result of an "incorrect application" of the sentencing guidelines. This amendment would change the standard of review to require the court to determine that the sentence was the result of a "clearly erroneous construction" of the sentencing guidelines. This modified standard, unlike the current standard, is well defined in current law, more familiar to potential appellate litigants, and gives more appropriate weight to the sentencing decisions of Federal district court judges.

Finally, this amendment would modify the current law which permits the appellate court to resentence a defendant. The responsibility for sentencing and resentencing has traditionally been reserved for the district court in that the presence of the defendant gives the sentencing judge the opportunity to observe the demeanor and attitude of the defendant. As well, the presence of the victim, prosecutor, and defense attorney, and any other relevant witnesses gives the district court insight into the sentencing process that an appellate judge could not realize from a record alone. This bill would, therefore, require an appellate court that finds in favor of the defendant, to remand the case with appropriate instruction to the district court for further sentencing procedures.

Judge William W. Wilkins, Jr., Chairman of the U.S. Sentencing

Commission, has indicated that these changes are necessary in order to ensure the meaningful development and implementation of the sentencing guidelines which the Commission will submit to Congress by April 13, 1987, and the Department of Justice concurs. I urge my colleagues to support this legislation. This legislation needs to be enacted as soon as possible because some of the provisions relate directly to the drafting of the sentencing guidelines. I strongly urge my colleagues to accept this amendment by unanimous consent.

Mr. BIDEN. Mr. President, as an original cosponsor of the Comprehensive Crime Control Act that was passed in 1984, I join with Senators THURMOND, KENNEDY, and LAXALT in moving these technical corrections and minor amendments. I introduced these changes in the same bipartisan spirit that carried through our efforts last Congress to pass the most encompassing changes to our Federal Criminal Code in decades.

In the wee hours of the morning when the comprehensive crime control bill passed the Senate, all of us most actively involved recognized that minor and technical amendments would be needed in the future. As my colleagues may recall, the components of the comprehensive crime bill were expanded by 11 titles and in the limited time available before the end of the 98th Congress, drafting and conforming changes in the legislation were extremely difficult.

As with past legislation I have introduced by request with the chairman, it was recognized that careful review and scrutiny of these changes would need to be done in committee.

In considering this bill in committee, the approach taken was reflective of how we all worked together on passing the original crime bill. In that spirit, we agreed to set aside any section of this bill that any Senator believed was expansive in scope and more than technical. For that reason, 21 sections of the original bill were removed and will be the subject of future hearings.

In the spirit of the cooperation shown in moving the original crime bill in 1984, I ask my colleagues to support final passage of this bill.

Mr. THURMOND. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1794) was agreed to.

AMENDMENT NO. 1795

(Purpose: To clarify the budget effect of the contract authority granted to the Director of Administrative Office of the United States Courts)

Mr. THURMOND. Mr. President, I now send to the desk another amendment to the committee substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 1795.

On page 67, line 8, after "contract" insert ", subject to appropriations,".

Mr. THURMOND. Mr. President, section 16 of S. 1236 would restore the authority of the Administrative Office of the U.S. courts to contract for the care of addicted or drug dependent offenders. Today, I am offering a technical amendment to this section which simply adds "subject to appropriation."

The Budget Committee advises us that this amendment is necessary in order to avoid a conflict with section 401 of the Congressional Budget Act of 1974.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1795) was agreed to.

Mr. METZENBAUM. Mr. President, would the chairman of the committee yield for a number of questions?

Mr. THURMOND. I would be pleased to yield.

Mr. METZENBAUM. S. 1236, as the Judiciary Committee reported it, does not include several changes proposed by the Department of Justice in S. 1236 as introduced. Now, it is my understanding the the committee intends to revisit these proposals. Its failure to adopt certain proposals should not necessarily be read as a rejection of those proposals. The committee simply has postponed consideration of them. Am I correct?

Mr. THURMOND. The Senator is correct.

Mr. METZENBAUM. As my colleague is aware, among the proposals not acted on was the proposal, in section 37 of S. 1236 as introduced, to amend section 235(b)(3) of the Sentencing Reform Act. Section 235(b)(3), as enacted addresses how the Parole Commission should deal with individuals who are slated to be in its jurisdiction 5 years after the new sentencing guidelines become effective. Section 235(b)(3) says the Commission must set release dates for each such person within the range of the applicable parole guideline.

The Sentencing Reform Act was intended to respond to the lack of predictability and the disparity of treatment that went with the parole system and the Parole Commission's decisionmaking. The Sentencing Reform Act limits the Commission's discretion before putting it out of business entirely.

As the statement accompanying the introduction of S. 1236 explained, section 37 was intended to let the Commission apply its guidelines with the discretion to go above or below them. Indeed, the explanation stated that under the current section 235(b)(3) "All release dates must be within the applicable guideline ranges" but this would not be the case if section 37 were adopted.

Is that the Senator's understanding of the proposed change?

Mr. THURMOND. Yes it is, however, I want to add that section 235(b)(3) as enacted provides an unjustified windfall to some of the most dangerous prisoners. The prisoners to whom this provision applies will be those who are serving the longest terms. This is the group most likely to have aggravating case factors warranting decisions above the applicable parole guideline range.

On the other hand, 235(b)(3) doesn't allow setting a release date below the guideline range in any circumstances.

Section 235(b), as enacted, establishes an absolute cut off of the administrative parole determination function. By contrast, under section 37 of S. 1236, as introduced, release dates and conditions of release are set by the Parole Commision and may be adjusted by the Bureau of Prisons after the demise of the Commission with the possibility that release could be ultimately set at an earlier date than the date set under section 235(b)(3), as enacted.

Mr. METZENBAUM. I disagree with your evaluation of this section. The Parole Commission guidelines already provide sufficient flexibility to address different degrees of seriousness in criminal offenses. The intent of this section is to reduce arbitrariness and inequities in setting release dates.

However, I do not want to imply that the committee has expressed a view on that proposal. I just want to be clear as to the issue the committee has decided to defer.

Under the Comprehensive Crime Control Act of 1984, the Parole Commission is required to set a "release date for an individual who will be in its jurisdiction the day before the expiration of 5 years after the effective date of this act that is within the range that applies to the prisoner under the applicable parole guidelines." This provision becomes effective on November 1, 1987. In addition, the Senate report accompanying the bill states that "the committee intends that, in the final setting of release dates under this provision, the Parole Commission give the prisoner the benefit of the applicable new sentencing guideline if it is lower than the minimum parole guideline."

Consequently, under current law, the Commission must stay within the guidelines for persons whose sentence extends beyond November 1, 1992, and who come before the Commission for a release date after the Sentencing Reform Act becomes effective on November 1, 1987. Consideration of amending this provision has been deferred.

Mr. THURMOND. Your statement of the committee's decision is correct.

Mr. METZENBAUM. I thank the chairman.

Mr. THURMOND. Mr. President, I now move adoption of the committee amendment in the nature of a substitute as amended.

The PRESIDING OFFICER. Without objection, the committee amendment in the nature of a substitute, as amended, is agreed to.

Mr. BUMPERS. Mr. President, I would like to commend the Judiciary Committee for reporting S. 1236, which would make several important technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984. The Judiciary Committee and the Justice Department have worked diligently to produce this legislation and as a strong supporter of the Comprehensive Crime Control Act, I am glad to support the amendments in S. 1236.

The Comprehensive Crime Control Act of 1984 was the product of long deliberation and effort by all three branches of Government, going back to the days when Senator John McClellan served as chairman of the Judiciary Committee. As finally passed, it included two tough provisions relating to bail reform and minimum mandatory sentencing for firearm crimes which I had sponsored in the Senate. In 1981, I introduced S. 494, which created a minimum 5-year sentence for the use of a firearm during the commission of a felonious Federal offense, to be imposed in addition to the penalty for the underlying felony. This bill increased the minimum penalty for first offenders from 2 to 5 years, and increased from 2 to 10 years the penalty for second and subsequent offenders. The bill also made such offenders ineligible for parole until that minimum sentence was served. It was a tough proposal. I am glad to say that language almost identical to S. 494 was included in the President's crime package 2 years later and eventually became part of Public Law 98-473, the Comprehensive Crime Control Act of 1984.

I also introduced in the Bail Reform Act Amendments of 1981, S. 482, which required judges making bail determinations to keep in jail until trial those persons who could not be released without endangering the safety of other citizens. Bail reform was long overdue. Reforms strikingly similar to mine were recommended in 1981 by Chief Justice Burger and were also included in the 1984 act, now codified in 18 U.S.C. 3142.

Last December, I wrote Attorney General Meese to inquire into the effectiveness and utilization of the bail and firearms provisions of the 1984 act. In his response, Assistant Attorney General Bolton explained that the Department of Justice believes the bail provisions are proving to be a very effective tool of Federal law enforcement and are already working to keep many dangerous defendants off the streets while awaiting trial. In regard to the firearms provisions, Assistant Attorney General Bolton told me that they would become an effective law enforcement tool. He said, however, that legislation was needed if the minimum mandatory penalty for firearms crimes was to be made applicable to felonies involving the sale and distribution of narcotics. A group of Federal court decisions handed down in 1985, ending with *United States* v. *Diaz*, No. 85-1276, slip op. (2d Cir. Nov. 21, 1985), has made it apparent that the courts will not rule that felonies involving the sale and distribution of narcotics are to be covered by this provision unless Congress amends it to include narcotics offenses. The court in Diaz pointed out that criminals involved in drug trafficking may often carry or use firearms during the commission of drug-related felonies, and the current language of the provision does not apply to that type of felony. Mr. President, I ask unanimous consent that the letter from the Attorney General's office be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, February 24, 1986.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: This letter is in response to your letter of December 20, 1985 to the Attorney General asking several questions about the utilization and efficaciousness of one of the bail provisions (18 U.S.C. § 3142), and one of the firearms provisions (18 U.S.C. § 924(c)) of the Comprehensive Crime Control Act of 1984. For the reasons stated below, the Department of Justice unequivocally believes that § 3142 and § 924(c) constitute sound public policy.

Since its enactment in October 1984, United States Attorneys have regularly utilized § 3142. As of January 10, 1986 Criminal Division statistics [1] show that 2,146 pretrial detention hearings have been held pursuant to § 3142. In 1,739 instances the courts ordered pretrial detention. In 1,303 of these instances the dangerousness of the defendant to others was an important consideration in the decision to order pretrial detention. These figures clearly indicate that § 3142 is regularly being utilized, and is proving to be an efficacious tool of federal criminal law enforcement. To the extent § 3142 denies pretrial release to those defendants who constitute a danger to others, the Department of Justice believes § 3142 will have a significant impact on criminal activity in that it will keep large numbers of judicially-determined dangerous defendants off the streets while they are awaiting trial on serious criminal charges.

With respect to § 924(c), it appears that United States Attorneys have been regularly utilizing this provision since its passage. While the Criminal Division has no statistics on the frequency of use of § 924(c), the Criminal Division has received numerous telephone calls from United States Attorneys seeking advice on whether to use § 924(c) in given fact situations. While it is too early to determine the efficacy of § 924(c), the Department of Justice has every reason to believe that § 924(c) will have a significant impact on criminal activity because it provides for longer periods of incarceration for those who use a firearm during the commission of a crime of violence. One problem that has arisen with respect to § 924(c) is that several district courts, and one court of appeals, have held that § 924(c) was not intended to apply to narcotics offenses. See *United States* v. *Diaz*, No. 85-1276, slip op. (2d Cir. Nov. 21, 1985). In Diaz the court of appeals stated that "narcotics offenses do not constitute crime of violence within the meaning of § 924(c). If felonies involving the sale and distribution of narcotics are to be deemed crimes of violence for the purpose of Section 924(c), we believe that this should be done by Congress amending the Comprehensive Crime Control Act of 1984." Id. at 367. The Department of Justice has asked the Congress to amend § 924(c) so as to make it applicable to the sale and distribution of narcotics.

We trust this reply addresses the concerns raised in your letter.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General, Office of Legislative and Intergovernmental Affairs.

[1] The Criminal Division's statistics on pretrial detention hearings and pretrial detention orders are derived from figures sent to the Criminal Division by United States Attorneys. A copy of the Criminal Division's compilation of these figures is attached.

PRETRIAL DETENTION HEARING REPORTS

[Cumulative fiscal year 1986 through January 10]

District	Initial motions		Results		Basis for rulings			Reviews (by government) results		Reviews (by defense) results	
	By gov't	Court	Granted	Denied	Flight	Dangerous	Both	Detained	Not detained	Released	Not released
Alabama, Northern	5	0	5	0	0	5	0	0	0	0	0
Alabama, Middle	0	0	0	0	0	0	0	0	0	0	0
Alabama, Southern	19	0	15	4	13	2	0	3	0	0	0
Alaska	2	0	2	0	0	0	2	0	0	0	0
Arizona											
Arkansas, Eastern	6	1	6	1	4	0	2	0	0	0	0
Arkansas, Western	1	0	1	0	0	0	1	0	0	0	0
California, Northern	51	0	33	18	19	4	10	0	0	1	1
California, Eastern											
California, Central	40	2	28	14	12	10	6	3	0	0	0
California, Southern	10	1	9	2	5	0	4	0	0	0	0
Colorado	5	1	4	2	1	0	3	0	0	0	0
Connecticut											
Deleware	5	1	6	0	2	2	2	0	0	1	1
District of Columbia											
Florida, Northern	12	0	10	2	1	1	8	0	0	1	1
Florida, Middle	20	0	17	3	5	1	11	0	0	0	0
Florida, Southern	6	0	2	4	1	0	1	0	0	0	0
Georgia, Northern	12	0	12	0	2	4	6	3	0	0	0
Georgia, Middle	0	0	0	0	0	0	0	0	0	0	0
Georgia, Southern	0	0	0	0	0	0	0	0			0
Guam											
Hawaii	8	0	7	1	2	0	5	0	0	0	1
Idaho	2	0	1	1	1	0	0	0	0	0	0
Illinois, Northern											
Illinois, Central	14	0	11	3	1	2	8	0	0	0	0
Illinois, Southern	5	0	4	1	2	1	1	0	0	0	0
Indiana, Northern	8	0	8	0	4	1	3	0	0	0	0
Indiana, Southern	5	0	4	1	0	1	3	0	0	0	0
Iowa, Northern	0	0	0	0	0	0	0	0	0	0	0
Iowa, Southern	1	0	1	0	1	0	0	0	0	0	0
Kansas	6	0	6	0	0	5	1	0	0	0	5
Kentucky, Eastern	2	0	1	1	0	0	1	0	0	0	0
Kentucky, Western	15	0	12	3	3	8	1	0	0	0	1
Louisiana	36	0	35	1	28	2	5	0	0	0	0
Louisiana, Middle	4	0	2	2	1	0	1	0	0	0	0
Louisiana, Western	5	0	5	0	4	0	1	0	0	0	0
Maine	3	0	2	1	2	0	0	0	0	0	0
Maryland											
Massachusetts	19	0	17	2	7	0	10	0	0	0	1
Michigan, Eastern	26	5	22	9	3	15	4	0	2	0	7
Michigan, Western											
Minnesota	0	0	0	0	0	0	0	0	0	0	0
Mississippi, Northern	3	1	3	1	2	0	1	0	0	0	0
Mississippi, Southern	3	0	2	1	0	0	2	0	0	0	0
Missouri, Eastern	30	1	23	8	9	3	11	4	3	3	4
Missouri, Western	13	0	10	3	5	0	5	0	2	1	6
Montana	0	0	0	0	0	0	0	0	0	0	0
Nebraska	1	0	0	1	0	0	0	0	0	0	0
Nevada											
New Hampshire											
New Jersey	32	0	23	9	13	0	10	2	2	2	2
New Mexico											
New York, Northern	3	0	2	1	0	1	1	0	0	0	0
New York, Southern											
New York, Eastern											
New York, Western											
North Carolina, Eastern											
North Carolina, Middle	10	0	10	0	9	1	0	2	1	0	0
North Carolina, Western	7	0	3	4	2	1	0	0	0	0	0
North Dakota	4	1	1	4	1	0	0	0	0	0	0
Ohio, Northern											
Ohio, Southern	7	0	5	2	4	1	0	0	0	0	0
Oklahoma, Northern											
Oklahoma, Eastern	4	0	1	3	0	0	1	0	0	0	0
Oklahoma, Western	18	0	10	8	0	0	10	0	0	0	0
Oregon	10	1	11	0	4	3	4	0	0	0	0
Pennsylvania, Eastern	11	0	9	2	3	0	6	1	1	0	0
Pennsylvania, Middle	1	0	0	1	0	0	0	0	0	0	0
Pennsylvania, Western	23	0	17	6	0	11	6	0	0	0	1
Puerto Rico											
Rhode Island	6	0	6	0	5	0	1	0	0	0	5
South Carolina	10	0	10	0	3	2	5	0	0	0	0
South Dakota	4	0	4	0	1	3	0	0	0	1	0
Tennessee, Eastern	3	0	3	0	3	0	0	0	0	0	0
Tennessee, Middle	0	0	7	1	3	1	3	0	0	0	0
Tennessee, Western	1	0	1	0	0	0	1	0	0	0	0
Texas, Northern	10	1	3	8	3	0	0	0	0	0	0
Texas, Southern	0	0	0	0	0	0	0	0	0	0	0
Texas, Eastern	0	0	0	0	0	0	0	0	0	0	0
Texas, Western	32	0	32	0	12	1	19	0	0	0	0
Utah											
Vermont											
Virgin Islands	2	0	1	1	0	0	1	1	1	1	1
Virginia, Eastern											
Virginia, Western	5	0	3	2	1	2	0	0	0	0	0
Washington, Eastern	14	0	13	1	8	0	5	0	0	0	0
Washington, Western	30	0	25	5	15	5	5	0	0	0	0
West Virginia, Northern											
West Virginia, Southern	1	0	1	0	0	0	1	0	0	0	
Wisconsin, Eastern	1	0	1	0	0	0	1	0	0	0	0
Wisconsin, Western	1	0	1	0	0	1	0	0	0	0	0
Wyoming	2	0	2	0	0	0	2	0	0	0	2
OCRS, Criminal division	4	0	4	0	0		4	0	0	6	0
Totals	667	16	535	148	230	100	205	19	12	24	48

PRETRIAL DETENTION HEARING REPORTS

[Cumulative Fiscal Year 1986 by month]

Month	Initial motions by		Results		Basis for rulings			Reviews by Government result		Reviews (by defense) result	
	Government	Court	Granted	Denied	Flight	Dangerous	Both	Detained	Not detained	Released	Not released
October 1985	188	5	154	39	64	24	66	5	2	2	7
November 1985	310	7	242	75	105	45	92	7	5	17	21
December 1985	169	4	139	34	61	31	47	7	5	5	20
January 1986											
February 1986											
March 1986											
April 1986											
May 1986											
June 1986											
July 1986											
August 1986											
September 1986											
Total	667	16	535	148	230	100	205	19	12	24	48

Mr. BUMPERS. Let me say, however, that I disagree with the court's failure to apply the minimum mandatory penalties of the 1984 act to narcotics offenses. As one of the chief sponsors of the 1984 minimum penalty provisions, I certainly intended that they apply to such offenses. In the event, because of adverse court opinions, congressional intent needs to be clarifed, and I had drafted legislation of my own to do so. I am very pleased to see that Senator THURMOND has included such an amendment in the bill we are passing today and also has made several necessary changes in the bail provisions.

I have long been an advocate of tough bail provisions which act to keep dangerous criminals off the streets, and minimum sentencing for drug-related crimes committed with a firearm appears to me to be absolutely necessary. I believe that there is not enough we can do in our efforts to deter violent crime and drug crime in this country. According to 1984 statistics, one violent crime occurs every 25 seconds in the United States. In Arkansas, violent crime including homicide, rape, robbery, and aggravated assault increased by 9 percent from 1984 to 1985. As the court in Diaz recognized, traffic in drugs is often accompanied by violence. Illicit drug use is spreading to persons of all walks of life and is victimizing children of all ages. I hope that applying a stiffer penalty to drug dealers who use firearms will establish a more effective deterrent to drug trafficking and bring us closer to a safe and civilized society for our children and future generations. I urge the immediate adoption of this legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1236), as amended, was passed as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

BAIL (CHAPTER I)

SECTION 1. (a) Subparagraph (D) of sectioin 3142(f)(1) of title 18 of the United States Code is amended by—

(1) striking out the words "any felony committed after the person had been convicted of two or more prior offenses" and inserting in lieu thereof "any felony if the person has been convicted of two or more offenses"; and

(2) inserting before the semicolon ", or a combination of such offenses".

(b) Subparagrph (A) of section 3142(f)(2) of title 18 of the United States Code is amended by inserting the word "or" after the semicolon.

(c) Subsection (f) of section 3142 of title 18 of the United States Code is amended by adding at the end thereof the following: "The hearing may be reopened, before or after a determination by the judicial officer, at any time prior to trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community.".

OTHER SENTENCING AMENDMENTS

SEC. 2. (a) Section 4216 of title 18 of the United States Code is repealed.

(b) The item relating to section 4216 in the sectional analysis of chapter 311 of title 18 of the United States Code is amended to read as follows:

"4216. Repealed."

SEC. 3. Section 992 of title 28 of the United States Code is amended—

(1) in subsection (c) by striking out "section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983" and inserting in lieu thereof "section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984"; and

(2) by adding at the end thereof the following new subsection:

"(d) The provisions of sections 44(c) and 134(b) of this title, regarding the residence of judges, shall not apply to any judge holding a full-time position on the Commission pursuant to subsection (c) of this section.".

SEC. 4. Section 994 of title 28 of the United States Code is amended—

(1) in subsection (a)(2) by—

(A) redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(B) amending subparagraph (C) to read as follows:

"(C) the sentence modification provisions set forth in sections 3563(c), 3564, 3573, 3582(c), and 3583(e) of title 18;"; and

(C) adding after subparagraph (C) the following new subparagraph:

"(D) the fine imposition provision set forth in section 3572 of title 18;";

(2) in subsection (a)(3) by making it read as follows:

"(3) guidelines or general policy statements regarding the appropriate use of the provisions for revocation of probation and supervised release set forth in sections 3656 and 3583(e) of title 18, and the provisions for modification of the term or conditions of probation and supervised release set forth in sections 3563(c), 3564, and 3583(e) of title 18.";

(3) in subsecton (b) by—

(A) inserting "(1)" after "(b)"; and

(B) designating the second sentence as paragraph (2) and inserting before the period in such paragraph (2) the following: "except that—

"(A) if the maximum term of the range is life imprisonment, the minimum shall not be less than 25 years imprisonment; or

"(B) if the maximum term of the range is one year or less, the maximum shall not exceed the minimum of that range by more than 50 per centum or 60 days, whichever is greater.";

(4) in subsection (h) by striking out "by section 3581(b) of title 18, United States Code,"; and

(5) in subsection (t) by inserting the words "in what circumstances and" after the word "specify" and by deleting the words "that are outside the applicable guideline ranges".

SEC. 5. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (b) of section 3552 of title 18 of the United States Code by striking out the word "take" in the third sentence and inserting in lieu thereof the word "be";

(2) in subsection (b) of section 3552 of title 18 of the United States Code by inserting the words ", if the defendant is in custody," after the words "the United States Marshal shall" in the eighth sentence; and

(3) in subsection (c) of section 3552 of title 18 of the United States Code by striking out "4247" and inserting in lieu thereof "4244".

SEC. 6. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (a) of section 3553 of title 18 of the United States Code by striking out the words "of this subsection" in the first sentence; and

(2) in subsection (b) of section 3553 of title 18 of the United States Code by adding the following sentence at the end thereof: "In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for its relationship to sentences prescribed by guidelines applicable to similar offenses and offenders and the purposes of sentencing set forth in subsection (a)(2).".

SEC. 7. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (c) of section 3553 of title 18 of the United States Code by inserting "or if it includes an order of only partial restitution," after "If the sentence does not include an order of restitution,".

SEC. 8. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (a) of section 3561 of title 18 of the United States Code by striking out the second sentence.

SEC. 9. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in paragraph (11) of section 3563(b) of title 18 of the United States Code by striking out "in section 3581(b)".

SEC. 10. (a) Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (c) of section 3563 of title 18 of the United States Code by—

(1) striking out the phrase ", after a hearing,"; and

(2) inserting the phrase "the provisions of Rule 32.1 of the Federal Rules of Criminal Procedure and" after the words "pursuant to".

(b) Subdivision (b) of Rule 32.1 of the Federal Rules of Criminal Procedure is amended by—

(1) inserting the words "to be" after the word "relief"; and

(2) striking out the period at the end and inserting in lieu thereof ", and the attorney for the government, after having been given notice of the proposed relief and a reasonable opportunity to object, has not objected.".

SEC. 11. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (b) of section 3564 of title 18 of the United States Code by striking out the second sentence and inserting in lieu thereof the following: "A term of probation runs concurrently with any Federal, State, or local term of probation, supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation. A term of probation does not run while the defendant is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than thirty consecutive days.".

SEC. 12. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (f) of section 3603 of title 18 of the United States Code by striking out the word "supervise" and inserting in lieu thereof "assist in the supervision of," and by inserting a comma after the word "about".

SEC. 13. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (b) of section 3624 of title 18 of the United States Code by striking out "beginning after the first year of the term" in the first sentence and inserting in lieu thereof "beginning at the end of the first year of the term".

SEC. 14. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in subsection (e) of section 3624 of title 18 of the United States Code by striking out the third sentence and inserting in lieu thereof the following: "The term runs concurrently with any Federal, State, or local term of probation, supervised release, or parole for another offense to which the person is subject or becomes subject during the term of supervised release. A term of supervised release does not run while the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than thirty consecutive days.".

SEC. 15. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in section 3663 (formerly section 3579) of title 18 of the United States Code by—

(1) striking out "or in lieu of" in subsection (a)(1); and

(2) striking out "sections 3812 and 3813" in subsection (h) and inserting in lieu thereof "sections 3612 and 3613".

SEC. 16. Subsection (a) of section 212 of the Comprehensive Crime Control Act of 1984 is amended in section 3672 (formerly section 3656) of title 18 of the United States Code by adding at the end thereof:

"He shall have the authority to contract, subject to appropriations, with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). This authority shall include, but not be limited to, providing equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence and his susceptibility to addiction. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

"He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under section 3552 (b) or (c) except for studies conducted by the Bureau of Prisons.".

SEC. 16A. Section 213 of the Comprehensive Crime Control Act of 1984 is amended in section 3742 of title 18, United States Code—

(1) in subsections (a)(2), (b)(2), (d)(2), and (e)(1) by striking out "an incorrect" and inserting in lieu thereof "a clearly erroneous construction or"; and

(2) in subsection (e) by—

(A) striking out subparagraph (B) of paragraph (1) and inserting in lieu thereof the following:

"(B) designate the appropriate guideline category and remand the case for imposition of a sentence consistent with its decision;"; and

(B) striking out subparagraphs (A) and (B) of paragraph (2) and inserting in lieu thereof the following:

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision; or".

SEC. 17. Section 214 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (a) of section 5037 of title 18 of the United States Code by striking out "(e)" and inserting in lieu thereof "(d)";

(2) in subparagraph (B) of section 5037(c)(1) of title 18 of the United States Code by striking out "by section 3581(b)";

(3) in subparagraph (B) of section 5037(c)(2) of title 18 of the United States Code by striking out "by section 3581(b)"; and

(4) in subsection (c) of section 5037 of title 18 of the United States Code by adding the following new paragraph at the end thereof:

"The provisions of section 3624 are applicable to an order placing a juvenile under detention.".

SEC. 18. Section 215(a)(5) of the Comprehensive Crime Control Act of 1984 is amended in subdivision (c)(2)(B) of Rule 32 of the Federal Rules of Criminal Procedure by striking out the word "than" and inserting in lieu thereof the word "from".

SEC. 19. Section 215(f) of the Comprehensive Crime Control Act of 1984 is amended in Rule 6 of the Federal Rules of Criminal Procedure by—

(1) striking out the word "or" in subdivision (e)(3)(C)(ii); and

(2) striking out the period at the end of subdivision (e)(3)(C)(iii) and inserting in lieu thereof "; or".

SEC. 20. (a) Subsection (a) of section 224 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in paragraph (1) to read, "in subsection (b)(1)(A), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(2) in paragraph (2) to read, "in subsection (b)(1)(B), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(3) by inserting the following new paragraph after paragraph (2):

"(3) in subsection (b)(1)(C), by deleting the sentence which begins 'Any sentence imposing a term of imprisonment under this paragraph';";

(4) by adding the word "and" at the end of paragraph (4);

(5) by deleting paragraph (5); and

(6) by redesignating paragraphs (3) and (4) as (4) and (5), respectively.

(b) Section 224 of the Comprehensive Crime Control Act of 1984 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c) Section 405A (21 U.S.C. 845A) is amended—

"(1) in subsection (a) by deleting '(1)' after the word 'punishable', and by deleting the semicolon and all that follows and inserting in lieu thereof a period;

"(2) in subsection (b) by deleting '(1)' after the word 'punishable', and by deleting 'and (2) at least three times any special parole term' and all that follows and by inserting in lieu thereof a period; and

"(3) in subsection (c) by deleting the second sentence.".

SEC. 21. Subsection (a) of section 225 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in paragraph (1) to read, "in subsection (b)(1), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment';";

(2) in paragraph (2) to read, "in subsection (b)(2), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment';";

(3) by redesignating paragraph (3) as (4); and

(4) by inserting the following new paragraph after paragraph (2):

"(3) in subsection (b)(3), by deleting the sentence which begins 'If a sentence under this paragraph provides for imprisonment'; and".

SEC. 22. Subsection (a) of section 232 of the Comprehensive Crime Control Act of 1984 is amended by—

(1) striking out the word "and" the second time it appears and inserting in lieu thereof a comma; and

(2) inserting before the period ", and 'and who are not sentenced to treatment under the Narcotic Addict Rehabilitation Act of 1966' ".

SEC. 23. (a) Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "eighteen" and inserting "thirty" in lieu thereof.

(b) TECHNICAL AMENDMENT.—Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "to section" and inserting "under section" in lieu thereof.

(c) Section 994(q) of title 28, United States Code, is amended by striking out "within three years" and all that follows through "Act of 1983" and inserting in lieu thereof "not later than one year after the initial set of sentencing guidelines promulgated under subsection (a) goes into effect."

(d) Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "twenty-four" and inserting "thirty-six" in lieu thereof.

FORFEITURE (CHAPTERS III AND XXIII)

SEC. 24. Section 1963 of title 18 of the United States Code is amended—

(1) in subsection (c) by striking out "(m)" and inserting in lieu thereof "(l)";

(2) in subsection (j) by striking out "(m)" and inserting in lieu thereof "(l)"; and

(3) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m), as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively.

SEC. 25. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the sentence beginning "Upon the filing", by striking out "$2,500" and inserting in lieu thereof "$5,000".

SEC. 26. (a) Subsection (c) of section 616 of the Tariff Act of 1930 (19 U.S.C. 1616(c)) as enacted by Public Law 98-573 is amended by inserting "any other Federal agency or to" after "property forfeited under this Act to".

(b) Section 616 of the Tariff Act of 1930 (19 U.S.C. 1616) as enacted by Public Law 98-473 is repealed.

SEC. 27. Section 413 of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853) is amended—

(1) in subsection (c) by striking out "(o)" and inserting in lieu thereof "(n)";

(2) in subsection (f) by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)"; and

(3) in subsection (k) by striking out "(o)" and inserting in lieu thereof "(n)".

SEC. 28. (a) Subsection (b) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(b)) is amended—

(1) by striking out "or criminal" after "Any property subject to civil";

(2) in paragraph (4) by striking out "or criminal" after "is subject to civil"; and

(3) by adding the following at the end thereof:

"The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.".

(b) Subsection (i) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(i)) is amended by inserting ", or a violation of State or local law that could have been charged under this title or title III," after "title III".

SEC. 29. (a) Subparagraph (E) of section 524(c)(1) of title 28 of the United States Code is amended by inserting "the Federal Bureau of Investigation, the United States Marshals Service," after the words "for official use by", and by inserting a comma before the word "or".

(b) Paragraph (4) of section 524(c) of title 28 of the United States Code is amended by striking out "remaining after the payment of expenses for forfeiture and sale authorized by law" and inserting in lieu thereof ", except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))".

OFFENDERS WITH MENTAL DISEASE OR DEFECT

(CHAPTER IV)

SEC. 30. Subdivision (c) of Rule 12.2 of the Federal Rules of Criminal Procedure is amended by inserting "4241 or" before "4242".

DRUG ENFORCEMENT AMENDMENTS

(CHAPTER V)

SEC. 31. Paragraph (14) of section 102 of the Controlled Substances Act (21 U.S.C. 802(14)) is amended in the second and third sentences by striking out the word "the" after the words "the term 'isomer' means" and inserting in lieu thereof "any".

SEC. 32. Paragraph (4) of subsection (a) of schedule II of the Controlled Substances Act (21 U.S.C. 812) is amended to read as follows:

"(4) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.".

SEC. 33. (a) Subparagraph (A) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) in clause (i) to read as follows:

"(i) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

"(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);";

(2) in clause (ii) by adding "a mixture or substance containing a detectable amount of" after "a kilogram or more of";

(3) in clause (iii) by adding "a mixture or substance containing a detectable amount of" after "500 grams or more of";

(4) in clause (iv) by adding "a mixture or substance containing a detectable amount of" after "5 grams or more of"; and

(5) by adding at the end thereof, "Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 8 years in addition to such term of imprisonment.".

(b) Paragraph (5) of section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended by adding the words "the fines provided in" after the word "Notwithstanding".

SEC. 34. Subsection (b) of section 405A of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by inserting "parole" after "(2) at least three times any special".

SEC. 35. Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended by—

(1) striking out "and" at the end of paragraph (5);

(2) striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

SEC. 36. Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) adding at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

SEC. 37. (a) Paragraph (1) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)) is amended—

(1) in subparagraph (A) by striking out clauses (i), (ii), and (iii) and inserting in lieu thereof the following:

"(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(ii) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);";

(2) in subparagraph (B) by inserting "a mixture or substance containing a detectable amount of" after "a kilogram or more of";

(3) in subparagraph (C) by inserting "a mixture or substance containing a detectable amount of" after "500 grams or more of";

(4) in subparagraph (D) by inserting "a mixture or substance containing a detectable amount of" after "5 grams or more of"; and

(5) by adding at the end thereof, "If a sentence under this paragraph provides for imprisonment, the sentence shall include a special parole term of not less than four years in addition to such term of imprisonment.".

(b) Paragraph (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended by striking out ", except as provided in paragraph (4)".

LABOR RACKETEERING AMENDMENT (CHAPTER VIII)

SEC. 38. Paragraph (2) of section 411(a) of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)(2)) is amended by striking out "entity" and inserting in lieu thereof "person".

CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS (CHAPTER IX)

SEC. 39. Paragraph (2) of section 5316(a) of title 31 of the United States Code is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

MISCELLANEOUS VIOLENT CRIME AMENDMENTS (CHAPTER X)

SEC. 40. Subsection (a) of section 373 of title 18 of the United States Code is amended by—

(1) inserting after the words "the person or property of another" the words ", or against such person's own property,"; and

(2) inserting before the word "death" the words "life imprisonment or".

SEC. 41. Subsection (c) of section 924 of title 18 of the United States Code is amended by—

(1) adding after the words "during and in relation to any" the words "felony described in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a) or any";

(2) adding after the words "in addition to the punishment provided for such" the words "felony or"; and

(3) adding after the words "term of imprisonment including that imposed for the" the words "felony or".

SEC. 42. Subsection (a) of section 929 of title 18 of the United States Code is amended by—

(1) adding after the words "during and in relation to the commission of a" the words "felony described in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 855a), or a";

(2) adding after the words "in addition to the punishment provided for the commission of such" the words "felony or"; and

(3) adding after the words "term of imprisonment including that imposed for the felony" the words "or crime of violence".

SEC. 43. (a) Subsection (d) of section 1201 of title 18 of the United States Code is amended by adding the words "or (a)(5)" after the words "subsection (a)(4)".

(b) Paragraph (2) of section 115(b) of title 18 of the United States Code is amended to read as follows:

"(2) A kidnaping or attempted kidnaping in violation of this section shall be punished as provided in section 1201 of this title for the kidnaping or attempted kidnaping of a person described in section 1201(a)(5) of this title.".

SEC. 44. (a) Chapter 65 of title 18 of the United States Code is amended by redesignating section 1365 as enacted by Public Law 98-473 as section 1366.

(b) The analysis at the beginning of chapter 65 of title 18 of the United States Code is amended by striking out "1365" the second time it appears and inserting in lieu thereof "1366".

SERIOUS NONVIOLENT OFFENSES (CHAPTER XI)

SEC. 45. Section 215 of title 18 of the United States Code is amended—

(1) in subsections (a) and (b) by inserting the words ", bank holding company, or savings and loan holding company" after the words "financial institution" the second and third place in which they appear;

(2) in subsection (c)(1)(D) by striking out "Administrator of the"; and

(3) in subsection (d) by inserting the words ", bank holding company, or savings and loan holding company" after the words "financial institution" each place in which they appear.

SEC. 46. Section 219 of title 18 of the United States Code is amended—

(1) in the first paragraph to read:

"Whoever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended, shall be fined not more than $10,000 or imprisoned for not more than two years, or both."; and

(2) in the last paragraph by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "Delegate", and by striking out ", or a juror".

SEC. 47. (a) Chapter 25 of title 18 of the United States Code is amended by redesignating section 510 as enacted by Public Law 98-473 as section 513.

(b) The analysis at the beginning of chapter 25 of title 18 of the United States Code is amended by striking out "510. Securities of the State and private entities.", and by adding at the end thereof "513. Securities of the States and private entities.".

SEC. 48. (a) Sections 1791 and 1792 of title 18 of the United States Code are amended by striking out the phrase "Federal penal or correctional facility" each time it appears and inserting in lieu thereof "Federal penal, detention, or correctional facility".

(b) Section 1791 of title 18 of the United States Code is further amended—

(1) in subparagraph (a)(1)(B) by adding the words "ammunition or" before "any other weapon";

(2) in subparagraph (a)(1)(C) by adding before the semicolon the words ", lysergic acid diethylamide, or phencyclidine";

(3) in subparagraph (a)(1)(D) by striking out "other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)" and inserting in lieu thereof "other than a controlled substance described in subparagraph (C)"; and

(4) by making subsection (c) read as follows:

"(c) DEFINITIONS.—As used in this section, 'ammunition', 'firearm', and 'destructive device' have the meaning given those terms, respectively, in section 921 of title 18 of the United States Code.".

PROCEDURAL AMENDMENTS (CHAPTER XII)

SEC. 49. Subsection (e) of section 1028 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

SEC. 50. Subsection (f) of section 1029 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)" and inserting in lieu thereof "chapter 224 of this title".

SEC. 51. Section 3076 of title 18 of the United States Code is amended by striking out "title V of the Organized Crime Control Act of 1970" and inserting in lieu thereof "chapter 224 of this title".

SEC. 52. Section 3522 of title 18 of the United States Code is amended—

(1) in subsection (a) by striking out the word "parolees" in the second sentence and inserting in lieu thereof "probationers or parolees, as the case may be";

(2) in subsection (b)—

(A) by striking out "subsection (a)" and inserting in lieu thereof "probation or parole"; and

(B) by striking out the word "shall" and inserting in lieu thereof "may";

(3) by striking out subsection (c); and

(4) by redesignating subsection (d) as subsection (c).

SEC. 53. Section 1921 of title 28 of the United States Code is amended by adding the following new paragraph at the end thereof:

"Notwithstanding the provisions of section 3302 of title 31, the United States Marshals Service is authorized, to the extent provided in appropriations acts, to credit to its appropriation account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution,

by the United States Marshals Service and to use such credited amounts for the purpose of carrying out such activities.".

VICTIM COMPENSATION AND ASSISTANCE (CHAPTER XIV)

SEC. 54. Section 3013 of title 18 of the United States Code is amended by adding the following new subsection at the end thereof:

"(c) No assessment shall be imposed on any person convicted of an offense for which local rules of the district court, or other Federal law, establishes that collateral may be posted in lieu of appearance in court.".

SEC. 55. Subsection (a) of section 3671 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "chapter 227 or 231 of" after the words "an order of restitution under".

SEC. 56. (a) Sections 3671 and 3672 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, are redesignated as sections 3681 and 3682, respectively.

(b) The sectional analysis of chapter 232 of title 18 of the United States Code, as added by section 1406(a) of the Comprehensive Crime Control Act of 1984, is amended by striking out "3671" and "3672" and inserting in lieu thereof "3681" and "3682", respectively.

SEC. 57. (a) Chapter 232 of title 18 of the United States Code, as enacted by section 1406(a) of the Comprehensive Crime Control Act of 1984, is redesignated as chapter 232A.

(b) The chapter analysis of part II of title 18 of the United States Code is amended by striking out the item relating to chapter 232, as added by section 1406(b) of the Comprehensive Crime Control Act of 1984, and inserting in lieu thereof the following:

"232A. Special forfeiture of collateral profits of crime..... 3681".

SEC. 58. Subsection (e) of section 1402 of the Comprehensive Crime Control Act of 1984 is amended by—

(1) striking out "the next succeeding fiscal year" and inserting in lieu thereof "the next two succeeding fiscal years"; and

(2) striking out "year" after "at the end of which".

SEC. 59. Section 1407 of the Comprehensive Crime Control Act of 1984 is amended—

(1) in subsection (h) by striking out "1302" and inserting in lieu thereof "1402"; and

(2) by redesignating subsection (h) as subsection (g).

SEC. 60. Chapter XIV of the Comprehensive Crime Control Act of 1984 is amended by striking out section 1410.

TRADEMARK COUNTERFEITING

(CHAPTER XV)

SEC. 61. (a) Chapter 113 of the title 18 of the United States Code is amended by redesignating section 2320 as enacted by Public Law 98-473 as section 2321.

(b) The analysis at the beginning of chapter 113 of title 18 of the United States Code is amended by striking out

"2320. Trafficking in counterfeit goods or services."

and by adding at the end thereof

"2321. Trafficking in counterfeit goods or services.".

ACCESS DEVICES AND COMPUTER

(CHAPTER XXI)

SEC. 62. (a) Section 1030 of title 18 of the United States Code is amended by adding the following new paragraph at the end thereof:

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.".

(b) Delete paragraph (3) of subsection (a) of section 1030 of title 18 of the United States Code.

(c) Delete "or" after the semicolon at the end of paragraph (2) of subsection (a) of section 1030 of title 18 of the United States Code, and insert "or" after the semicolon at the end of paragraph (1) of subsection (a) of section 1030 of title 18 of the United States Code.

MISCELLANEOUS AMENDMENTS

SEC. 63. Section 3 of title 18 of the United States Code is amended by inserting before the word "death" the words "life imprisonment or".

SEC. 64. (a) Chapter 1 of title 18 of the United States Code is amended by adding a new section 17 as follows:

"§ 17. Organization defined

"For purposes of this title, the term 'organization' means a person other than an individual.".

(b) The sectional analysis for chapter 1 of title 18 of the United States Code is amended by adding after the item relating to section 16 the following:

"17. Organization defined.".

SEC. 65. Subsection (a) of section 201 of title 18 of the United States Code is amended by striking out "the Delegate from the District of Columbia" and inserting in lieu thereof "Delegate".

SEC. 66. Paragraph (1) of section 203(a) of title 18 of the United States Code is amended by striking out "Delegate from the District of Columbia, Delegate Elect from the District of Columbia" and inserting in lieu thereof "Delegate, Delegate Elect".

SEC. 67. Subsection (h) of section 844 of title 18 of the United States Code is amended to read as follows:

"(h) Whoever uses fire or an explosive to commit, or carries an explosive during the commission of, any felony which may be prosecuted in a court of the United States, including a felony which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, shall, in addition to the punishment provided for such felony, be sentenced to imprisonment for five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the felony in which the fire or explosive was used or the explosive was carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

SEC. 68. Section 1961(a) of title 18 of the United States Code is amended by adding, after the words "section 1511 (relating to the obstruction of State or local law enforcement)," the words "section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant),".

SEC. 69. The first and second paragraphs of section 2315 of title 18 of the United States Code are amended by—

(1) inserting "possesses," after "receives,"; and

(2) striking out "moving as, or which are a part of, or which constitute interstate or foreign commerce," and inserting in lieu thereof "which have crossed a State or United States boundary after being stolen, unlawfully converted, or taken,".

SEC. 70. Subsection (m) of section 223 of the Comprehensive Crime Control Act of 1984 is amended in paragraph (3)(B) to read as follows:

"(B) by amending subsection (b) to read as follows:

" '(b) An offender transferred to the United States to serve a sentence of imprisonment that is longer than the maximum period of time specified in the applicable sentencing guideline promulgated pursuant to section 994(a)(1) of title 28, United States Code, as determined by the Bureau of Prisons, shall serve in an official detention facility the maximum period of time specified in the applicable sentencing guideline and shall serve the remainder of the term imposed as a term of supervised release. To the extent permitted by the applicable treaty, a determination by the Bureau of Prisons as to whether the transferred offender shall serve a term of supervised release and the length of such term to be served may be appealed to the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States, and the court of appeals shall decide and dispose of the appeal in accordance with section 3742 as though the determination appealed had been imposed by the United States district court. A determination by the Bureau of Prisons shall be made only after affording the transferred offender an opportunity (1) to submit evidence or information as the applicable sentencing guideline, and (2) for an appeal within the Bureau of Prisons of such determination by a reviewing authority established by the Director pursuant to regulations.'; and".

SEC. 71. Section 3142(c)(2)(J) of title 18 of the United States Code is amended by inserting ", psychological," after "medical".

SEC. 72. Paragraphs (3) of subsections (d), (g), and (h) of section 922 of title 18 of the United States Code are amended by deleting the words "marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954)" and inserting in lieu thereof the words "marihuana or any depressant or stimulant substance or narcotic drug (as those terms are defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802)".

SEC. 73. Section 875 of title 18 of the United States Code is amended by striking the phrase "transmits in interstate commerce" each place where it appears and inserting in lieu thereof the words, "transmits in interstate or foreign commerce".

SEC. 74. Section 351 of title 18 of the United States Code is amended—

(a) in subsection (a) by adding after "Deputy Director of Central Intelligence," the words "a major candidate for the office of President or Vice-President, as defined in subsection (a)(7) of section 3056 of this title", and

(b) in subsection (h) by deleting the words "an official" and inserting in lieu thereof "a person".

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I wish to thank the able majority leader and the able Democratic leader for their cooperation in this matter. This is a very important piece of legislation. I feel it is going to make benefical improvements to the criminal procedures in this Nation.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the committee (Mr. THURMOND).

Mr. EVANS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRESSLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

THE LIBYAN THREAT TO TUNISIA

Mr. THURMOND. Mr. President, in the last few days, Americans have closely followed events in Libya. I have previously stated my support for

the President, and wholeheartedly agree with our Commander in Chief, that repeated acts of Qadhafi-sponsored international terrorism ultimately forced our armed response.

Fortunately, the United States has the ability to organize and equip the type of self-defense mission which was launched on Monday. However, we have allies in that troubled region who are outmanned and outgunned by Colonel Qadhafi. I specifically refer to Tunisia and the threat Colonel Qadhafi poses to our friends in that country. Last June, Tunisian President Bourguiba visited the United States. I had the opportunity to meet with him. He is a fine man, and a true friend of our Nation. During that visit, President Reagan told President Bourguiba that the United States was committed to the sanctity of Tunisia's borders, and that Tunisia could rely on the continued support and friendship of our Nation. Based on present events in that region, the proximity of Tunisia to Libya, and recent history of aggressive acts Qadhafi has directed at Tunisia, I believe that we must now demonstrate strong support for our Tunisian ally. The basis for this view can be clearly shown by a brief overview of recent Tunisian-Libyan relations.

In 1976, Libya expelled almost 7,000 Tunisians. In 1978, it was strongly suspected that Qadhafi covertly organized riots in Tunis. In 1980, Libyan-trained commandos seized the town of Gafsa and unsuccessfully attempted to launch a coup against the Bourguiba government. Since 1976, 26,000 more Tunisians have been expelled from Libya. In the last year, Libya has violated Tunisian airspace on at least four occasions. Libyan military jets can fly from Libyan airfields, to the center of Tunisia and return to base in less than 10 minutes. Qadhafi has also attempted to discourage tourism in Tunisia, which is her second largest revenue producer. Qadhafi agents have attempted to smuggle letter bombs into Tunisia. He has tried to ruin the Tunisian economy by banning all imports from Tunisia and barring all Libyan travel to Tunisia. Libyan broadcasts into Tunisia have called on Tunisian soldiers to rebel against the Bourguiba government. In August 1985, relations between Libya and Tunisia further deteriorated when Qadhafi amassed 25,000 Libyan troops on the Tunisian border. Also that month, Tunisian Security Police intercepted a three-man Libyan hit-squad carrying explosives with the express intent of executing terrorist attacks against civilian targets in Tunisia. On September 1, 1985, Colonel Qadhafi clearly expressed Libya's position on the sanctity of the Tunisian border. He said:

We are one nation from the ocean to the Gulf and we do not at all recognize borders which the colonial powers have created in order to divide the Arab nation. From now on, we are going to support the achievement of Arab unity by force . . . . Arab unity can only be achieved either through revolution, something that we are promoting day and night, and by force, the use of which has become necessary. . . .

Because of numerous acts of Libyan aggression and threats, Tunisia broke all diplomatic relations with Libya on September 26, 1985.

Yesterday, Libyan radio once again appealed to Tunisians to overthrow the Bourguiba government. Libya claimed that President Bourguiba had allowed United States aircraft to fly over Tunisian airspace on Monday. Tunisia is the only Arab country that has failed to denounce our mission to Libya.

It is very clear that prior to this week Qadhafi's goals included either the overthrow of the present Tunisian government and the installation of pro-Qadhafi regime, or an invasion of Tunisia by Libya. Today Qadhafi is calling on all Arab nations to condemn the United States. Tunisia has already been the victim of Qadhafi's aggressions. It will certainly be even more vulnerable to Qadhafi-endorsed terror due to the friendship which exists between our Nations.

Libya has a 20 to 1 advantage over Tunisia in troops and in military equipment. This statistic is especially significant in terms of Libyan aircraft advantage. Last June, the President spoke of our commitment to Tunisia. Although it is my hope that the security of Tunisia will not be threatened in the coming weeks, I am not optimistic about the possibilities of such an outcome. Accordingly, we must be prepared to support our friends in Tunisia, and allow that nation the opportunity to defend herself against the Qadhafi menace.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TASK FORCE ON TERRORISM

Mr. THURMOND. Mr. President, last July, President Reagan directed the formation of a task force on terrorism. Its purpose was to study and analyze national priorities, policies, and programs to combat terrorism. Adm. James L. Holloway III, former Chief of Naval Operations, served as Chairman of the task force. Admiral Holloway recently wrote an interesting article for The Officer, a publication of the Reserve Officers Association of the United States, regarding the findings and recommendations of the task force.

Mr. President, I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEAR OF TERRORISM RANKS HIGH IN PUBLIC CONCERNS

In late July the president directed the formation of a governmentwide terrorism task force, chaired by Vice President Bush. Its purpose was to review the national priorities, policies and programs to combat terrorism. The President requested that a report with appropriate recommendations be forwarded to him by the end of 1985.

On December 20, a classified report was submitted to the President. President Reagan approved the task force recommendations on January 20 and directed their implementation. One of the recommendations included a report to the American people. The public report of the Vice President's Task Force on Combating Terrorism was presented to the President on March 6.

The Task Force was made up of 14 senior administration officials. As a result, the report reflects the considered position of the executive branch.

During our deliberations we reviewed the significant literature on the subject, consulted with more than 100 experts on terrorism, toured appropriate government facilities, and received briefings from all government agencies concerned with terrorism. Additionally, the Vice President met personally with members of Congress, airline and media executives, distinguished diplomats, and former cabinet officials. Representatives of the task force traveled to 12 foreign countries and conferred with officials from many others.

The facts show that most international terrorism occurs in the Middle East and Western Europe. However, more terrorist acts were directed at US citizens in Latin America last year than in any other region. Both Nicaragua and Cuba have been implicated in terrorist activity in Latin America.

The task force found that terrorism has a substantial public impact far disproportionate to the numbers of Americans killed or wounded by terrorists. For example, last year there were 23 Americans killed in terrorist incidents overseas, and two Americans killed by terrorists within the United States. This contrasts to approximately 40,000 highway deaths and 18,000 homicides nationwide in an average year.

Yet, terrorism emerges as one of the things that most deeply bothers Americans. Terrorism, according to public opinion surveys, ranks near the top of their concerns, along with strategic arms control, the federal deficit and unemployment.

The principal conclusion of the task force is that US policies and priorities for combating terrorism are sound, well-conceived, and properly organized. We did, however, make a series of recommendations designed to enhance our efforts to combat the terrorist threat.

These recommendations do not purport to be a cure-all, but do represent some pragmatic and prudent measures that we believe will improve the efficiency of our organization and the effectiveness of our efforts.

Here are some of our principal recommendations.

In the area of National Policy and Programs, we propose:

A national programming document, designed to collect the many elements of the program into an integrated management system.

A realistic policy framework for senior decisionmakers, designed to provide consistency when dealing with terrorist incidents.

A full-time National Security Council position and support staff to strengthen coordination of the national program.

In the area of International Cooperation, we concluded that agreements with like-minded governments are critical to long-term success and can be achieved through multilateral and bilateral cooperation. We recommended that the State Department continue to seek this coordination through:

General resolutions from the United Nations and other specialized organizations.

Binding conventions on subjects such as hijacking and hostage-taking.

Revision of extradition treaties to close existing loopholes and ensure that terrorists are brought to justice.

In the area of Intelligence, we recognized from the outset of the Task Force deliberations the critical role played by intelligence in the national effort to combat terrorism. We concluded that the current intelligence produced on terrorism should be more predictive, with greater emphasis on the type of information needed by senior decisionmakers. We have therefore recommended:

Formation of a consolidated intelligence center specialized in terrorism, where a cadre of experts from various government departments and agencies would routinely and continuously analyze and process intelligence related to the terrorist threat.

Expansion of our effort in the area of human intelligence collection, which is essential if we are to be successful in penetrating terrorist groups and their support systems.

Enhancement of intelligence exchanges with like-minded foreign governments, with international law enforcement agencies and national police organizations.

In the area of Legislation, the Task Force observed that terrorism is a bipartisan issue. As the threat has increased, so has the resolve of Congress and the executive branch to ensure appropriate punishment of terrorists. Our recommendations concentrated on closing existing statutory loopholes in our ability to prosecute terrorists and reduce their sources of support. Some of our specific recommendations included:

Expand federal criminal jurisdiciton to allow prosecution of terrorists involved in assault upon U.S. citizens overseas.

Pursue legislation making terrorists found guilty of murdering an American during a hostage-taking situation, subject to the death penalty.

Limit the scope of the political offense exception to our extradition treaties, beginning with the US-UK agreement currently pending in the Senate.

Support the formation of a Congressional Joint Committee on Intelligence to streamline notification procedures in time-sensitive terrorist situations and reduce access to highly classified information.

In the area of Communication, we found that terrorism deeply troubles the American people. Americans believe terrorism affects the credibility of the United States as a powerful country and world leader. Americans want their government to do more to combat terrorism. Task Force recommendations were:

Increase the existing efforts to inform the American people about terrorism, emphasizing constraints imposed by the sovereignty of foreign nations and our own concern for human lives and the role of law. We think it important to carefully explain that the United States is prepared to respond to terrorists or sponsors of terrorism with force in a manner consistent with our democratic principles.

Cooperate more closely with the media during terrorist incidents.

Finally, I would like to emphasize that the very nature of terrorism makes precise assessment difficult. While terrorism poses no serious challenge to the national will or national survival, it remains a complex, dangerous threat for which there is no quick or easy solution. As Vice President Bush stated in the introduction to the report: ". . . I believe that the recommendations of our Task Force will significantly improve America's capability for combating terrorism. As long as vicious attacks continue, terrorism will remain a top priority of this Administration."

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

EDUCATION DAY, USA

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 582, Education Day.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 582) to designate April 20, 1986, as "Education Day, USA."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

The preamble was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNIVERSARY OF BAY OF PIGS INVASION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 599, commemorating the 25th anniversary of the Bay of Pigs invasion, which has just been received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 599) commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. CHILES. Mr. President, House Joint Resolution 599, introduced by Senator PEPPER on the House side, is a companion bill to Senate Joint Resolution 319, a resolution I have introduced in the Senate. This resolution commemorates the 25th anniversary of the Bay of Pigs liberation effort. I am glad the House has acted to approve this resolution. Both Senator PEPPER and I intend this resolution to be a special and appropriate acknowledgement in honor of the men of the 2506 Brigade. Their bravery and unhesitating response to the call of duty is to be admired by all.

We must not allow time to dim our memory of the heroes of the 2506 Brigade. They stand as shining examples of the Cuban people's love for freedom, their willingness to fight for democratic principles, and their vow to restore liberty to their homeland. Twenty-five years after the Bay of Pigs attempted liberation, the desire is just as strong, the resolve as profound, the yearning as sincere that Cuba should be free.

As lovers of freedom, as defenders of democracy, we do not rest while liberty is denied in Cuba, in Nicaragua, in Afghanistan, and Angola. The fight will continue against injustice, against oppression and tyranny so long as freedom loving people remain in chains.

I share with my constituents in the Cuban-American community the pride in the heroes of Playa Giron. In commemorating this attempt to liberate Cuba from Communist tyranny, we remember the brave men who fought and died in the battle to preserve freedom.

● Mrs. HAWKINS. Mr. President, today marks the 25th anniversary of the Bay of Pigs operation. I believe that it is important that we remember the ill-fated Bay of Pigs operation because the lessons of the this episode are important for this country to understand.

Twenty-five years ago, over 1,400 Cuban exiles, known as the 2506 Brigade, landed on Cuba to overthrow the government of Fidel Castro. This force was sponsored and supported by the Central Intelligence Agency. Unfortunately, the Cuban Army successfully repelled the exiles in less than 72 hours. It has become clear that this exile force entered into the Bay of Pigs operation with the understanding that it would receive stronger military backing by the United States than it actually received. The effect of the weak backing by the United States was to leave a force of dedicated allies ex-

posed on a beachhead and vulnerable to devastating fire by Castro's forces; 107 members of the exile force were killed in the operation.

Mr. President, the failure of the Bay of Pigs operation has had a profound effect on the United States and the security of the Western Hemisphere. First, the United States' failure to provide stronger backing to the exile force undermined our credibility as a reliable ally. We should have provided the support for the operation that would have guaranteed its success. No allies of ours should be expected to risk their lives in operations that we support if we are not intent on seeing the operations successfully completed. Our failure to provide strong and unequivocal support for the Contras in Nicaragua will similarly undermine our position in Central America.

Second, the failure of the Bay of Pigs operation has left us with a Communist, totalitarian state just 90 miles off our coast. This presence has caused us serious complications in military planning and represents an ongoing threat to our security. This threat brought this country as close to a direct confrontation with the Soviet Union as we have experienced in postwar history. The Cuban missile crisis was a direct result of the failure at the Bay of Pigs.

Finally, Mr. President the failure at the Bay of Pigs resulted in the consolidation of power by a regime in Havana that is dedicated to the cause of destabilizing the entire Western Hemisphere, that rejects the basic observance of the human rights of its citizens, and serves Soviet interests around the world. The failure to stop the consolidation of power by Fidel Castro with the minimal investment required 25 years ago, has resulted in far more expensive efforts to restrict his freedom of action now.

Mr. President, I salute the bravery of the 2506 Brigade in their stand for the cause of freedom, democracy, and security in the Western Hemisphere. I can assure them that we will not forget the lessons of the tragic history of the Bay of Pigs. These lessons must be remembered and the mistakes not repeated because there is too much at stake in the battle for freedom and democracy in this dangerous world.●

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYANCE OF PROPERTY TO THE DISTRICT OF COLUMBIA

Mr. DOLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 2251, and I ask for its immediate consideration.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2251) to authorize the Administrator of General Services to convey property to the District of Columbia, and for other purposes.

Mr. METZENBAUM. Mr. President, I rise in support of S. 2251 to authorize the Administrator of General Services to convey to the District of Columbia all rights to the property at 425 Second Street NW.

I visited that property. It is a physically depressed property, desperately in need of rehabilitation. But it is shelter for 900 to 1,000 homeless persons.

Passage of the bill fulfills a promise made by the administration and gives at least a bed and warmth to 1,000. It is a promise we must keep.

Here in our Capital City, as elsewhere in our country, there has been an explosion in the number of homeless persons. Homelessness has assumed proportions of a scale and complexity not seen since the Great Depression. Growing numbers of families, children, and the recently unemployed have become part of the dispossessed. It is a nationwide crisis demanding Federal attention, for the magnitude of the problem has increased beyond the capacity of local efforts.

The U.S. Conference of Mayors surveyed 25 cities whose mayors are members of the Task Force on Hunger and Homelessness. Their survey shows that homelessness has increased by 25 percent. In 60 percent of those cities, emergency shelters cannot accommodate all the people seeking assistance, and shelters routinely turn away people in need. Some 90 percent of the cities indicated that problems of the "new poor" continue.

There is a severe shortage of housing for low-income persons—and yet we cut back on housing subsidies.

Persons with chronic mental illness are among the homeless, but we continue to discharge the mentally ill from institutions without adequate provisions for care and supervision.

Youths who have "aged out" of the foster care system are among the homeless.

Twenty-eight percent of the homeless are families with children.

I have seen estimates as high as 2 million to 3 million homeless persons.

Immediate Federal action is needed to provide a rational, comprehensive initiative. We cannot continue to ignore the ill-housed, ill-fed among us. We must not force our most vulnerable and destitute to bear the burden of deficit reduction.

I intend to look into remedies for this tragic, national scandal.

Over the last few weeks I have been examining how to develop a comprehensive Federal initiative to care for the homeless. I intend to offer legislation in this area shortly.

Meanwhile, this bill is a small step toward better care for the homeless in Washington. But its passage should be viewed as the beginning of a congressional commitment to the homeless across America.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read a third time, and passed, as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the District of Columbia, without cost, all rights, title, and interest in the property located at 425 Second Street, Northwest, in the District of Columbia.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUBSTITUTION OF CONFEREE ON H.R. 6, WATER RESOURCES BILL

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator of North Dakota [Mr. BURDICK] be substituted as a conferee on H.R. 6, water resources bill, in place of the Senator from Montana [Mr. BAUCUS].

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF SENATE JOINT RESOLUTION 313

Mr. BYRD. Mr. President, on behalf of Mr. HOLLINGS, I ask unanimous consent that Senate Joint Resolution 313 be star printed to reflect changes which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material is as follows:

S.J. RES. 313

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution.

"ARTICLE —

"SECTION 1. The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to Federal offices.".

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask the distinguished minority leader if he is in a position to consider the nomination of Richard T. McCormack to be a member of the Board of Directors of the Inter-American Foundation. If so, I ask unanimous consent that the Senate go into executive session to consider the nomination.

Mr. BYRD. Mr. President, in response to the inquiry of the distinguished majority leader, I can definitely state this nomination has been cleared on this side of the aisle. We are ready to proceed.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

INTER-AMERICAN FOUNDATION

The legislative clerk read the nomination of Richard Thomas McCormack, of Pennsylvania, to be a member of the Board of Directors of the Inter-American Foundation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTRIC CONSUMER PROTECTION ACT

Mr. ABDNOR. Mr. President, had I voted today on S. 426, I would have opposed final passage of the bill. I cannot, in good conscience, support this bill or any similar legislation until it can be demonstrated to me that the public will indeed be more efficiently served by such legislation.

Supporters of S. 426 have argued that under current law virtually every project currently held by investor-owned utilities will be turned over to municipal applicants. This is simply not true. The fact is that since 1970 there have been only 11 competitive cases out of more than 130 relicensing applications.

Recently, the CEO of Pacific Gas and Electric Co., acknowledged that, even if the law is not changed, "that doesn't mean ipso facto that municipals get to take over the project because * * * FERC applies the preference only if the two applicants are in equally good standing in what they propose to do with the project * * * We would expect to prevail on that basis by showing that our plans for the future development of these projects are superior to those of our competitors."

Although South Dakota currently is not directly impacted by the legislation, my principal concern is over precedents which may develop. I want to be certain that the implications of this legislation are carefully considered to see that they are in the best interests of the public.

Mr. President, I ask unanimous consent that my remarks be entered in the RECORD in connection with the vote on final passage of S. 426.

DEATH OF NORMAN L. CAHNERS

Mr. KENNEDY. Mr. President, many people in the Greater Boston area and elsewhere were saddened by the recent death of Norman L. Cahners. Norman Cahners was a creative and omnipresent force in the business, civic, and charitable worlds. His public spirit, generosity and concern for the enrichment of the cultural, intellectual and artistic dimensions of our society were demonstrated time and time again throughout over four decades of service to Greater Boston and New England. The vast diversity of his interests and his energies was reflected in the numerous prestigious awards he received throughout his lifetime.

To name but a few, he won acclaim for developing innovative procedures for materials handling in World War II; for his dedicated involvement with the Boy Scouts of America; and for his outstanding leadership, achievements and ethical standards in business and in the community.

I ask unanimous consent that the Boston Globe article about Mr. Norman L. Cahner be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORMAN L. CAHNERS

Although he knew he was battling a fatal illness, Norman L. Cahners had hoped to join a Museum of Science group now visiting the Amazon and viewing Halley's Comet. The indomitable drive of this business and community leader, who died last Friday, enabled him to live and travel well beyond the limits of most dreams.

Among the many Boston educational, medical and cultural institutions that Cahners served as a trustee, board member and worker, the Museum of Science was a special challenge, because he felt that he could make a contribution to integrating the work of the institution with community life.

Cahners' skill as a leader first became apparent when he was a top sprinter on the 1936 Harvard track team. During World War II, while serving in the Navy, he developed techniques for the rapid handling of war materiel and started a magazine on materiel-handling that dealt with the transport of all kinds of supplies and goods.

Based on that experience, Cahners began to publish industrial magazines in many technical fields. Today, the company has become the largest publisher of industrial magazines in the world.

In his private life, Cahners often counseled talented young people on career decisions, keeping track of them for years to see what turn their lives had taken.

His business success made possible major contributions to many schools and institutions. With his late father-in-law, Sidney Rabb, he established a professorship in psychology at the Harvard Business School.

Creation of a "climate of excellence" in industry, to enable persons to rise as high as their abilities can take them, was a special interest. Too often, Cahners felt, the human element was neglected by industry leaders.

In a lifetime of exploring how things work and ways to build an environment in which people can work better, Cahners set a path worth following.

UNITED STATES SHOULD SUPPORT AIRCRAFT SALES TO TAIWAN

Mr. WALLOP. Mr. President, Senator GOLDWATER is urging the sale of advanced interceptor aircraft to Taiwan. I agree with him on this issue. I believe the United States must develop a balanced and careful policy for dealing with arms sales to Asia and that the United States has both a legal and moral obligation to support Taiwan.

Mr. President, the administration has a policy of opposing continued Soviet encroachment in Asia. This policy is correct, as far as it goes. However, some factions in the administraton are under the futile illusion that this policy can be implemented by a United States buildup of the mainland Chinese military machine. Some are even attempting to create a strategic alliance with mainland China. This is the very China which just condemned

the United States for self-defense actions in Libya.

Mr. President, it is crucial that the United States protect and defend Taiwan. Building a mainland Chinese military machine with United States weapons and technology is not the way to do it. It makes no sense at all to attempt to build a military alliance with mainland China while neglecting Taiwan, a long-term ally and proven friend.

Mr. President, my colleague, Senator GOLDWATER, has made a cogent case for a United States sale of F-20 aircraft and modern equipment to Taiwan to enable that ally to patrol and defend the sealanes in the Pacific against a dramatic increase in Soviet air and naval activities in that area. I agree with him absolutely on this matter. Taiwan geographically is in a key position in the center of the sealanes and airlanes used by Soviet forces transiting to and from bases in the Soviet maritime provinces and Vietnam. A credible and coherent United States defense policy in Asia must include Taiwan. I believe that the U.S. Senate must devote careful and serious thought to this subject. For this reason, I ask unanimous consent that an article by Senator GOLDWATER be printed in the RECORD.

[From the Conservative Digest, May 1986]

SENATOR GOLDWATER URGES SALE OF NEW AIRCRAFT TO TAIWAN

(By Barry M. Goldwater)

The Republic of China, now on Taiwan, is one of our oldest and best friends. We fought side by side in China during World War II. After the war, this same Ally was literally forced off the mainland by a Communist regime to which our government, in a rather foolish and stupid move, acquiesced. In doing this, nonetheless, we promised the Taiwanese that we would guarantee their freedom and would keep them supplied with appropriate weapons so that they might defend themselves.

This understanding was in great shape until someone in the State Department started talking in China and in the United States about what amounted to a double-cross of Taivan, and this caught the ear of Henry Kissinger. Henry undoubtedly thought that would be a fine idea, and he convinced President Nixon to take steps to start the derecognition of the Republic of China on Taiwan and the recognition of the People's Republic as the only China by admitting the representatives of Peking to the United Nations.

President Carter carried this a step further by abrogating the mutual defense treaty with Taiwan and closing off our formal recognition. Small as it is, Taiwan has the tenth largest flow of exports in the world. It is an economic wonder, and has one of the most modern economies in all of Asia. Yet, incredibly, its representatives are not even allowed in official places in Washington. As shameful as this is, the worst point is that we, as a nation, broke our solemn word to this true and steadfast Ally.

To show how unpopular that betrayal was with the average American citizen, Congress was forced to pass the Taiwan Relations Act. The question now arises, are we living up to our side of this Act? In my humble opinion, being a frequent visitor to Taiwan, we are not.

For instance, we are not selling them the new aircraft they need and want to buy. True, we do supply them with the parts with which they can make a new version of an old airplane. But I have investigated this matter thoroughly, and I can tell you they need far more than old airplanes. We are not doing anything about that, and we should.

When President Reagan came to office, I thought, "Surely this danger to Taiwan will now vanish," because all through his 1980 campaign for President he kept professing his love for, and great loyalty to, the free Chinese people of Taiwan. It didn't take long, though, for even my friend Ronald Reagan to fall under the spell of whoever concocts that witch's brew in the State Department. He joined his predecessors in non-recognition of Taiwan; and, worse still, in not allowing the proper military assistance to that country.

In other words, we have double-crossed an old friend. This friend could make the difference between our maintaining our strong position in the far Pacific, or losing it altogether. The Russians are now making flights over the far Pacific. Not just once in a while, but in regular patterns. And these flights extend down as far as The Philippines. Indeed, the Soviets now occupy Cam Rahn Bay, a huge facility built with American money during the Vietnam War and now being rapidly improved by occupying Russian forces. All of this is very serious.

What, in effect, we have done by our failure to keep our word to the Republic of China on Taiwan is to allow a potential enemy open access to the far Pacific. And let us remember that the perimeter of the Pacific offers the only future for peace in this world. Not only that, but it holds the economic future of the world as well. Adding to the theat is the fact that if we lose the far Pacific we lose our access to the Indian Ocean through the Straits of Malacca. The Russians would then move to control every ocean strait in the world, assuring them of international economic superiority.

I don't like to make this kind of report, but I have been asked by Conservative Digest what I found on my last visit to Taiwan and that part of the world. I am just reporting it as I saw it. We have been derelict in our duties to an old and proven friend. I don't like it one bit, and I think I am joined in this by many Americans.

A TRIBUTE TO MARION EASTERLING

Mr. DENTON. Mr. President, I bring to the attention of my colleagues an article which appeared on March 5, 1986, in the Independent Advertiser in Clanton, AL, about Marion Wesley Easterling.

The article, written by Advertiser correspondent Madge Mullins Wilbanks, chronicles the life of one of Chilton County and Alabama's most outstanding citizens.

As most of my colleagues know, gospel music has held a special place in southern life for decades. The article titled, "Gospel Legend Lives in Clanton," pays tribute to one of America's most beloved gospel song writers.

The songs composed by Marion Easterling have been recorded by America's most famous gospel quartets and have been published in countless songbooks since 1937 when he composed his first gospel song, "Lord, Lead Me On."

Marion Easterling's contributions to America have contributed to our one nation under God concept.

I ask unanimous consent to insert in the RECORD this beautifully written salute to Marion Easterling.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Independent Advertiser (Clanton, AL), Mar. 5, 1986]

GOSPEL LEGEND LIVES IN CLANTON

(By Madge Wilbanks)

On October 25, 1973, the Chilton County Chamber of Commerce honored Marion Wesley Easterling "for his accomplishments in the field of gospel music and prestige and dignity brought to our county." The wooden plaque complete with gold mounting is in the home Marion W. Easterling shares with his wife, "Miss Agnes", in Clanton. It is a warm house filled with tributes momentoes of years, pictures of children and the four grandchildren and there is also golden records by the Thrasher Brothers singing songs written by this gospel giant of a song writer who has a part of the Chilton County scene since being born on March 12, 1910, on a farm near the Sunshine Community "Out Refuge Road" to General Francis and Dora Johnson Easterling.

In thinking back over the years, it seems Marion was simply born to gospel music. He attended the public schools in Chilton County and then attended various music schools including the Vaughan School of Music. He studied with a number of famed and excellent private teachers of gospel music schools as Adgar M. Pace, O.L. DeVaughan, W.B. Abert and "Dad Speer" (G.T. Speer) of the famed Speer Family. He also took correspondence courses from New York and Chicago to further his own musical education. With Marion W. Easterling, it was not hard work nor hard study, it was all part of his lifelong goal. . . . to bring gospel music through the media of radio to his beloved Chilton County and to his cherished homefolks . . . and he had done just that in a most exemplary fashion!

He has realized his goal to bring gospel music programming via radio to the people of his home county. He has realized his goal and yet he continues to write and dream . . . an ever-working mind of a composer whom gospel music ranks right up there at the top.

How does he write his songs? "Well, I get a melody or words . . . most often the words first . . . and it may be as long as two years before I write it down, have it copyrighted and send it to the publishers." He is represented by SESAC. Year and years ago he told me that he often sold his songs (all rights and everything!) for as little as $10. I reminded him of that the other day and he remembered. He sold two of his all time big hits for $10 "and I might not even get that" . . . songs like "Standing By the River and Rainbow of Love." Somehow you know however, without him even saying it, that he never has written a song with the hope of making money. He has written songs simply becaue he had the God-given talent to do

this. It is as much as a part of his life as life itself . . . and he, happily, has shared his amazing talent not only with hometown people but his songs are sung "All over the world wherever English is spoken" he says with much just pride all tinged with humility and reverance to the God that gave him the talent in the beginning from life's start on 1910.

Music? All part of life of this man with whom I have personally shared at WKLF Radio most of this time since 1947 when I was there because Joe Phillip Klinner, my best friend, was a disc jockey and since I was hanging around I got on the air playing on that rattling studio piano, "Because", "Ah! Sweet Mystery of Life" and Irving Berlin's beloved, "Always." I was in the ninth grade as was Joe . . . and my days of writing commercials for WKLF Radio was beginning . . . and had begun to continue until this day as has Marion W. Easterling's gospel program . . . how good and kind Marion always was to a little frightened girl who was new at the radio business . . . he was so helpful and I am ever grateful . . . as are many to whom has given so, so much.

His first song to become "a hit" was written in 1937, "Lord Lead Me On." It can be found in all the convention song books. Other "hits" included those especially dear to the heart of this amazing musician: "Standing By the River", "Rainbow of Love", "When He Reached Down His Hand For Me", "When I Wake Up To Sleep No More . . ." the number of songs he guesses he's written "Is around 300 or so I'd say," and he says this with a humbleness that is found in composers of songs that will long outlive their composers . . . songs that, in truth, are timeless and will never cease to be sung by lovers of gospel music, the gospel music of Marion W. Easterling of Clanton, Alabama.

While he was writing all the time, he was also teaching singing schools and doing evangelistic work in Florida as well as in Alabama. At Sunshine Church he had one of the largest Church he had one of the largest singing schools with over 200 students some of the time! The singing schools would be taught every day for seven days in the week. His work has been interdenominational. He has also done editorial work for some leading publishers and, in 1938, was the youngest composer to sign a five year contract with Stamps-Baxter Publishing Company.

Awards? A key to the city of Cleveland, Tennesee in 1969 . . . The Broadcast Media Gospel Award in Nashville in October, 1976. Awards in the hearts of his thousands upon thousands of listeners all these years at WVOK in and later in Clanton at WKLF Radio. For a while he had an early morning show/program of gospel music at WVOK and then would hurry home to do the 11:30 morning gospel show from WKLF Radio! He is in his 39th year of broadcasting with his first radio broadcast coming on WKLF RADIO on Tuesday morning, December 2, 1947 at 11:30 . . . a programming that has continued until the present time . . . unbroken . . . He has done nearly 20,000 radio programs when they are all put together . . . The Guinness Book of Records can find no one to top that number and, after consulting with Marion W. Easterling (upon his request) will wait until he closes out his program to put this verified fact into the Book of Records . . . but the truth is there! As Marion says, with a chuckle, "I'm the worlds oldest D.J.!"

Marion W. Easterling, the composer of gospel songs, shares another life as Marion W. Easterling, husband of Miss Agnes, who was a Hughes before her marriage to Marion. The couple has two sons, Lynn Wesley, a graduate of Samford University teaches in Oak Grove near Hueytown where he lives with his wife, Terry Lynn, and son, Michael Lynn, 15, and daughter Aeryn, 8. As Mrs, Easterling says, "It's a houseful of Lynn's!" And so it is! Lynn Wesley was born in the Chilton County Hospital but that was not the case with second son, Ray Mell, who was born at home and then rushed by the new Martin ambulance to the hospital along with his mother . . . thus the name "Mell" for J. Mell Martin who began Martin's in Clanton in 1921. Ray's wife is named Mary and their daughter, Kim, is a student at the University of Montevallo. She has only 40 percent hearing and was a poster child for the Hearing and Speech Therapy Program under Governor Albert Brewer while he was governor of Alabama. A second daughter, Beth, is 15 years old and a student at Pelham High. Ray went to Troy State and is now employed by Mid-South Company which deals with heavy equipment.

As we are winding down our talking and forth like good and long-time friends will tend to do and with "Miss Agnes" ever near to help take care of this most special composer and credit to Chilton County, he said, "Well I never made to much 'sign', I just wrote my songs." I asked him what he meant by the word 'sign'? He thought a moment and answered, "like making a big name for yourself. . . . I never thought about that. . . . I just wanted to go on writing my songs. . . ." And so he has, and so he has for the world of gospel music to know and cherish and for groups like the Thrasher Brothers, The Florida Boys, The Happy Goodman Family, The Conner Hall Group and Big Jim Waites (dean of bass singers) to make famous as is the name Marion W. Easterling wherever gospel songs are sung and known . . . Yesterday . . . today . . . and tomorrow . . . you know, he has made his very own personal 'sign' after all . . . and what a great, great legacy from "the little man with a million friends, Marion W. Easterling."

SAUDI ARMS SALE

Mr. CRANSTON. Mr. President, earlier today the Senate Foreign Relations Committee heard testimony on Senate Joint Resolution 316, disapproving the sales of arms to Saudi Arabia.

I ask unanimous consent that my statement from this morning's hearing be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATE FOREIGN RELATIONS COMMITTEE
HEARING ON SAUDI ARMS SALE

(Statement of Senator Alan Cranston)

Mr. Chairman, as the principal sponsor of the resolution against this sale—a resolution now co-sponsored by 63 of my colleagues—I want to outline briefly my reasons for pressing this issue.

I also want to state again, as I have on previous occasions, that my disagreement with the Administration is over means, not ends. Our dispute is not partisan. I opposed a President of my own party when he proposed an arms sale to the Saudis. Nor is our difference personal. We simply have a fundamental disagreement over how best to purse U.S. interests in our relationship with Saudi Arabia.

Senators oppose this arms sale because we do not believe it serves American national security interests to reward nations which consistently thwart American policies. We believe that the United States should demonstrate resolve and courage in standing up to third world dictators and potentates who scorn our interests. And we believe—given the lack of urgent need for this latest shipment of missiles to the Saudis—that this is a very appropriate time to send this strong signal to Riyadh.

The Administration arguments attempting to justify this sale have been very, very weak. They've asserted that it is needed to counter "the Iranian threat", they've argued that it will have favorable impact on our balance of trade, and they've maintained that we need to "get back to business as usual" in arms sales to the Saudi kingdom.

The one point proponents and opponents agree on is that the debate over this arms sale is, indeed, a signal-sending exercise. And a large number of Senators clearly wish to send a signal that the United States expects some minimal concern for our interests, too, as a condition of our friendship.

Over the past thirty-two years, the United States has sold to Saudi Arabia nearly $50 billion worth of arms and defense services. Each time the Saudis have made these sales a "test" of American friendship. Once again the pending sale of missiles is being characterized as a "test" of American friendship.

I want to ask you in all sincerity, Mr. Secretary; "when does America pass the test? When do we earn the right to ask from the Saudis sensitivity to America's basic concerns?"

The Saudis keep wanting us to prove our friendship.

When do they prove their friendship?

Is it impractical to ask that the Saudis stop funding terrorists and their supporters?

Is it unreasonable to ask that the Saudis stop their public support for Colonel Qadhafi?

Is it unrealistic to ask the Saudis to let up on their boycott of American firms and American workers who choose to do business with our ally Israel?

From the 1981 AWACS sale, to the Reagan Plan, to the Murphy shuttle, to the more recent Bush mission, Administration leaders have met with rejection when they sought Saudi cooperation in pursuing three crucial American interests in the Middle East. Republicans and Democrats, and the legislative and executive Branches are absolutely united on those objectives:

1. We seek to combat terrorism and deny terrorists any support or safe harbor;

2. We seek to expand the peace process begun at Camp David;

3. We seek to enhance the economic and military security of our key allies in the region, Egypt and Israel.

But the Saudis have failed to help us in any meaningful way. Worse yet, they have actively opposed us, they have bankrolled terrorists and their supporters including the PLO and Syria and publicly supported Colonel Qadhafi. They have undermined the peace process. They have expanded the Arab boycott of American firms and American workers who choose to do business with our ally Israel. They punish Egypt for making peace with Israel by refusing to restore diplomatic relations.

I know, Mr. Secretary, that the Administration asserts that the Saudis are doing a lot "in private." I've read the State Department's White Paper on how "the Saudis, *within the context of the Arab consensus,* have made constructive contributions to the search for peace" (emphasis my own).

That is not good enough. We have a right to expect from the Saudis more than the lowest common denominator of the "Arab consensus" of which you speak—which still calls for the isolation and annihilation of our allies.

Mr. Secretary, I have a number of questions this morning. But let me first add a personal word.

I do not relish the confrontation ahead.

The Administration's confrontation should be with Riyadh, not with American senators.

I am not happy about the necessity of sponsoring resolutions designed to bar an intended Presidential action.

I have urged for two years that the Administration not proceed with this sale—at least until we get some meaningful support from the Saudis on our anti-terrorism efforts or on the peace process (as the President pledged would be the case in his letter to Senator Baker at the time of the September 1981 AWACS debate).

I renew that suggestion once again. Now is not the time to ship lethal arms to those who stand with terrorists in the Middle East.

PROHIBITING SALE OF SOUTHWEST POWER AND OTHER FEDERAL MARKETING ADMINISTRATIONS

Mr. NICKLES. Mr. President, a move has been underway for some time now for the Federal Government to realize short-term financial gains and forsake future revenues by selling off Federal power agencies, including the Southwestern Power Administration headquartered in Tulsa, OK.

I must rise in opposition to proposals to sell off resources of the Southwestern Power Administration due to the impact such a move would have on Oklahoma industry, agriculture, and individual electric consumers.

With this in mind, I join my colleague from Washington, Senator EVANS, in introducing legislation which would, for a period of 10 years, prevent Federal actions aimed at disposing of power production facilities which generates electricity marketed by Federal Power Marketing Administrations.

Mr. President, the Southwestern Power Administration provides electricity generated from 23 dam sites to customers in 7 States, including Oklahoma. In Oklahoma, an estimated 1 million people, or nearly one-third of the population, receive some portion of their power through the Southwestern Power Administration. Twenty-five rural electric cooperative distribution systems market power obtained from the SWPA.

Rural electric utilities and municipalities that purchase SWPA power serve over 900 manufacturing firms with 56,000 employees which add more than $1.3 billion to the region's economy. Additionally, there are nearly half a million farms in counties served by rural electric cooperatives which purchase power from the SWPA and the production from these farms is estimated to reach $19 billion per year. Mr. President, I cite these figures to demonstrate how deep the power marketed by the SWPA cuts into the area economy.

The sale of Federal hydroelectric projects would result in the trading of lower interest rates that were in effect when the projects were built for higher rates that prevail today. Based on projections obtained from the Oklahoma Association of Electric Cooperatives, the refinancing costs associated with the sale of the SWPA would, over the next 5 years, result in a $272-million cost increase to the seven-State region served by the SWPA. The projections assume the SWPA purchase to be financed beginning at 10.5 percent in 1986 dropping to 6 percent in 1990. As my colleagues can see, relatively conservative assumptions were used to make these projections.

Mr. President, I mentioned electric customers in the seven-State region would be asked to bear an estimated $272 million in increased costs if the SWPA is sold. To bring things home for my colleagues, I would like to break this figure down on a State-by-State basis. Arkansas consumers would face a $48.96 million increase; Kansas, $21.76 million; Louisiana, $21.76 million; Missouri, $87.04 million; Texas, $38.08 million; and Oklahoma, a $54.4 million hike in power costs. Again, these figures are based on refinancing costs alone.

The electricity currently produced by Power Marketing Administrations is sold at rates based on cost, not profit. Under the law, agencies such as the Southwestern Power Administration are obligated to return all cost of construction, operation and maintenance for Federal power production and transmission, including principal and interest. Last year, the agencies returned to the Government more than $1 billion in principal and interest.

Mr. President, I urge my colleagues to support this legislation. The permanent loss of these productive assets would cost the Government billions of dollars in future revenues. I suggest we should not act in such a short-sighted manner.

NUCLEAR TEST MORATORIUM

Mr. LEAHY. Mr. President, on Thursday, April 10, the United States conducted its eighth nuclear underground test since Mikhail Gorbachev announced the Soviet Union's moratorium on all nuclear testing in August of 1985.

The significance of the U.S. test in Nevada is that it will trigger a resumption in Soviet nuclear weapons testing. In the process, the United States will have lost both an important opportunity to resume negotiations on achieving a comprehensive test ban and a valuable first step in concluding a mutual and verifiable arms-control treaty.

The administration's position on joining the Soviet moratorium has been clear. It has been willing to forgo its extensive nuclear weapons testing program to advance the cause of arms control. At the same time, the administration has clearly justified its opposition to a testing moratorium on the basis of inadequate verification and jeopardy to the reliability of the U.S. nuclear weapons stockpile.

Mr. President, let me take a moment to examine these arguments:

First, with regard to verification, the administration has long alleged, most recently in the President's February 1986 Soviet noncompliance report that "Soviet nuclear test activities for a number of tests constitute a likely violation of the Threshold Test Ban Treaty of 1974." As my colleagues will recall, the signed but unratified TTB Treaty prohibits underground explosions with yields exceeding 150 kilotons.

Therefore, the administration, according to the logic of its position, had no intention of rewarding Soviet noncompliance with an existing agreement by acquiescing in a nuclear test moratorium for a limited period of time.

Yet Mr. President, according to recent press reports, the Central Intelligence Agency has changed its procedures for estimating the yield of large nuclear tests because its previous estimates were too high. Seismological experts outside the government have long argued for just such a change. As a result, because of the significant ambiguities involved in seismic monitoring, the Soviet Union's likely violations may have never been violations at all. In fact, under the same methodology used to assess the size of Soviet tests, it is entirely possible that some United States nuclear weapons tests may have themselves appeared to the Soviets to exceed the imposed 150-kiloton limit.

There is no doubt that the huge uncertainties involved in seismic monitoring can today be reduced to acceptable levels with readily available technology for on-site monitoring at Soviet and U.S. test facilities. The question, then, is how to proceed to implement such a program of effective monitoring.

The approach I continue to favor is to simply join the Soviet Union in its

proposed moratorium for a limited period of time, or as long as the Soviet Union continued to refrain from testing in order to negotiate and implement more rigorous nuclear testing verification procedures.

Such procedures could set the stage for a comprehensive test ban and further limitations on testing which could be beneficial in negotiating a new strategic arms agreement. Yet it is clear that this administration has no intention of taking any action which would enhance verification at the expense of nuclear weapons development and deployment.

That is why I recently joined my distinguished colleagues, Senators CRANSTON and HATFIELD, in cosponsoring S. 2220, legislation which would prohibit the use of funds for the testing of United States nuclear warheads so long as the Soviet Union showed similar restraint. Our legislation would not prohibit use of funds for preparations for testing, including all necessary steps short of actual tests, so that we would be ready for an immediate resumption of tests if necessary. Funds would be available for the resumption of United States testing immediately upon evidence that the Soviets had violated the moratorium—a fact which could be verified by the United States intelligence community.

Unfortunately, the failure of this administration to join the Soviet Union in a moratorium has made the Soviet resumption of nuclear testing a self-fulfilling prophesy.

Mr. President, the second argument advanced by the administration in justifying opposition to the test moratorium revolves around the reliability of our nuclear weapons stockpile. It is argued that without testing, the United States could not diagnose and remedy serious shortfalls in the safety of our nuclear stockpile or the reliability of our nuclear weapons.

The fact is, few U.S. nuclear tests have ever been dedicated to specifically corrobrating design flaws discovered in the examination of the nonnuclear components of nuclear weapons. Rather, the overwhelming majority of tests are dedicated to validating nuclear weapons designs and testing new concepts for future weapons development. In short, testing for this administration is all about enhancing nuclear warfighting capability and developing nuclear powered star wars lasers and weapons.

Certainly, the safety and reliability of our nuclear stockpile cannot be ingored. However, this issue can be adequately addressed through an arms control agreement which establishes procedures through which specific very low-yield tests could be allowed for purposes of ensuring the safety and reliability of remaining weapons.

But the key again is the will to eliminate nuclear tests dedicated to the development of new weapons—and the existence of a regime of on-site inspection at respective United States and Soviet nuclear test facilities.

By failing to join the Soviets in a testing moratorium, the United States has closed the door on such possibilities and allowed the Soviets to score a huge propaganda gain.

Mr. President, let me close by reiterating that a huge opportunity has been lost to end the nuclear arms race. Our own security would have suffered minimally from taking the risk of joining the Soviets in their proposed moratorium. Many of our questions regarding the Soviets' real motivation in proposing a moratorium will remain unanswered. As a result, the cause of peace will suffer.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT—PM 133

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the requirements of Section 657 of the Department of Energy Organization Act (P.L. 95-91), I hereby transmit the Seventh Annual Report of the Department of Energy.

RONALD REAGAN.

THE WHITE HOUSE, *April 17, 1986.*

ANNUAL REPORT ON THE STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Wilderness Act of 1964 (Public Law 88-577), I herewith transmit the Twenty-first Annual Report on the status of the National Wilderness Preservation System for calendar year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *April 17, 1986.*

MESSAGES FROM THE HOUSE

At 10:48 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints Mr. HOWARD and Mr. SHUSTER as additional conferees on the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1128) to amend the Clean Water Act, and for other purposes.

ENROLLED BILL SIGNED

At 12:00 noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4551. An act to extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 1:49 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. MARKEY, Mr. HALL of Texas, Mr. BROYHILL, and Mr. MOORHEAD as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 303. Joint resolution to designate April 1986, as "Fair Housing Month".

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 128. Joint resolution to commemorate the bicentennial of Australia and to honor the April 1986 visit of Australian Prime Minister Robert Hawke to the United States.

At 4:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 599. Joint resolution commemorating the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and

documents, which were referred as indicated:

EC-2986. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-151 adopted by the Council on March 25, 1986; to the Committee on Governmental Affairs.

EC-2987. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-150 adopted by the Council on March 25, 1986; to the Committee on Governmental Affairs.

EC-2988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-155 adopted by the Council on March 25, 1986; to the Committee on Governmental Affairs.

EC-2989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-154 adopted by the Council on March 25, 1986; to the Committee on Governmental Affairs.

EC-2990. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-153 adopted by the Council on March 25, 1986; to the Committee on Governmental Affairs.

EC-2991. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-152 adopted by the Council on March 25, 1986; to the Committee on Governmental Affairs.

EC-2992. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements of the Office of the People's Counsel Agency Fund"; to the Committee on Governmental Affairs.

EC-2993. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Annual Audit of the Washington Convention Center for the Fiscal Years Ended September 30, 1985 and 1984"; to the Committee on Governmental Affairs.

EC-2994. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-2995. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for HIHR—Research and Demonstration Projects, Knowledge Dissemination and Utilization Projects; to the Committee on Labor and Human Resources.

EC-2996. A communication from the Executive Director of the Committee for Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the committee for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-2997. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for NIHR—Research and Demonstration Projects in Research Training; to the Committee on Labor and Human Resources.

EC-2998. A communication from the Secretary of Education, transmitting, pursuant to law, Final Regulations—College Housing Program; to the Committee on Labor and Human Resources.

EC-2999. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals Program; to the Committee on Labor and Human Resources.

EC-3000. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the implementation of the Age Discrimination Act for fiscal year 1985; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 280. Joint resolution designating the month of November 1986 as "National Alzheimer's Disease Month."

S.J. Res. 288. Joint resolution to designate the month of May 1986, as "National Birds of Prey Month."

S.J. Res. 289. Joint resolution to designate 1988 as the "Year of New Sweden" and to recognize the New Sweden '88 American Committee.

S.J. Res. 293. Joint resolution to designate the month of May 1986 as "National Child Safety Month."

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week."

S.J. Res. 310. Joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

S.J. Res. 312. Joint resolution designating the week beginning April 13, 1986, as "National Medical Laboratory Week."

S.J. Res. 317. Joint resolution to designate the month of November 1986 as "National Hospice Month."

S.J. Res. 318. Joint resolution designating November 1986 as "National Diabetes Month."

S.J. Res. 321. Joint resolution to designate October 1986 as "National Down Syndrome Month."

S.J. Res. 324. Joint resolution to designate the week beginning May 18, 1986, as "National Digestive Diseases Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida;

Joe D. Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 2318. A bill for the relief of William G. Riplinger; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. KENNEDY (for himself, Mr. D'AMATO, Mr. DOLE, Mr. MATHIAS, and Mr. HOLLINGS)):

S. 2319. A bill to provide for the continuation of the Martin Luther King, Jr. Federal Holiday Commission until 1989, and for other purposes; considered and passed.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2320. A bill to amend an Act to add certain lands on the Island of Hawaii to Hawaii Volcanoes National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ARMSTRONG:

S. 2321. A bill to suspend temporarily the duty on d-6-Methoxy-alpha-methyl-2-naphthaleneacetic and its sodium salt; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself, Mr. THURMOND, Mr. METZENBAUM, Mr. DENTON, Mr. DECONCINI, and Mr. HEFLIN):

S. 2322. A bill to provide for a study of television programming to consider the matter as to what impact, if any, violence on television has on the health of children and adults; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mr. THURMOND, Mr. METZENBAUM, Mr. DENTON, Mr. DECONCINI, and Mr. HEFLIN):

S. 2323. A bill to exempt certain activities from provisions of the antitrust laws; to the Committee on the Judiciary.

By Mr. HATCH (for Mrs. HAWKINS (for herself, Mr. HATCH, and Mr. QUAYLE)):

S. 2324. A bill to reauthorize programs under the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON:

S. 2325. A bill to permit a maximum speed limit of 70 miles per hour on any route within the National System of Interstate and Defense Highways; to the Committee on Commerce, Science, and Transportation.

By Mr. HEFLIN:

S. 2326. A bill to protect the name and marks of the Alabama Space Science Exhibit Commission; to the Committee on the Judiciary.

By Mr. GRAMM:

S. 2327. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to specify the method of determining State allotments; to the Committee on Labor and Human Resources.

By Mr. EVANS (for himself, Mr. GORE, Mr. ABDNOR, Mr. BAUCUS, Mr. BUMPERS, Mr. BURDICK, Mr. EAGLETON, Mr. FORD, Mr. GORTON, Mr. HARKIN, Mr. MELCHER, Mr. NICKLES, Mr. PRESSLER, Mr. SASSER, and Mr. ZORINSKY):

S. 2328. A bill to prohibit for a 10-year period the transfer or sale of Federal Power Marketing Administrations or the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. QUAYLE:

S. 2329. A bill to make technical corrections in the higher education title of the Consolidated Omnibus Budget Reconciliation Act of 1985; to the Committee on Labor and Human Resources.

By Mr. COCHRAN:

S. 2330. A bill to amend the copyright law regarding work made for hire; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. GLENN, Mr. DURENBERGER, Mr. BRADLEY, Mr. KENNEDY, Mr. CHAFEE, Mr. CHILES, Mr. MATSUNAGA, Mr. WILSON, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. DODD):

S. 2331. A bill to amend title XVIII of the Social Security Act to assure the quality of inpatient hospital services and post-hospital services furnished under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. BOSCHWITZ (for himself, Mr. BOREN, Mr. NICKLES, Mr. ABDNOR, and Mr. GRASSLEY):

S. 2332. A bill to provide credit assistance to borrowers of loans made by commercial lending institutions, Farm Credit System institutions, and the Farmers Home Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself, Mr. HOLLINGS, Mr. KENNEDY, Mr. THURMOND, Mr. CHAFEE, Mr. BENTSEN, Mr. BAUCUS, and Mr. MOYNIHAN):

S. 2333. A bill to amend title XIX of the Social Security Act to strengthen and improve medicaid services to low-income pregnant women and children; to the Committee on Finance.

By Mr. THURMOND:

S. 2334. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. DENTON):

S. 2335. A bill to protect U.S. citizens from terrorism; to the Committee on Foreign Relations.

By Mr. ABDNOR (for himself, Mr. BURDICK, and Mr. PRESSLER):

S. 2336. A bill to protect U.S. cattlemen from imports of live Canadian cattle, and to require the International Trade Commission to conduct a Section 201 investigation of such imports.

By Mr. BRADLEY:

S. 2337. A bill to extend duty-free treatment to certain chemicals; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. BINGAMAN, Mr. BYRD, Mr. RIEGLE, Mr. LEVIN, Mr. BAUCUS, Mr. CHILES, Mr. HEINZ, Mr. DECONCINI, Mr. HART, Mr. GORE, Mr. COHEN, Mr. DANFORTH, Mr. PRYOR, Mr. INOUYE, Mr. GORTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. BUMPERS, Mr. METZENBAUM, Mr. MITCHELL, Mr. EXON, Mr. CRANSTON, Mr. EAGLETON, Mr. DODD, Mr. DIXON, Mr. MATSUNAGA, Mr. KERRY, Mr. KENNEDY, Mr. CHAFEE, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. PELL, Mr. BRADLEY Mr. FORD, and Mr. PROXMIRE):

S.J. Res. 327. Joint resolution to provide for the President to report on the status and implementation of the recommendations of the President's Commission on Industrial Competitiveness; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. HELMS (for himself, Mr. DOLE, Mr. ZORINSKY, Mr. WILSON, Mr. BOREN, Mr. BOSCHWITZ, Mr. DANFORTH, Mr. ABDNOR, Mr. COCHRAN, Mr. EXON, Mr. GORE, Mr. HARKIN, Mr. RIEGLE, Mr. SYMMS, Mr. THURMOND, Mr. GRAMM, Mr. MATTINGLY, Mr. NICKLES, Mr. PRESSLER, Mr. DIXON, Mr. ANDREWS, and Mr. KASTEN)):

S. Con. Res. 129. Concurrent resolution expressing the sense of Congress in opposition to certain import restrictions imposed by the European Community that adversely affect U.S. agricultural exports and urging the President to use to the fullest extent his authority to respond to these practices; considered and agreed to.

By Mr. HOLLINGS:

S. Con. Res. 130. Concurrent resolution to recognize the visit by the descendants of the original settlers of Purrysburg, SC, to Neufchatel, Switzerland, in October 1986 as an international gesture of goodwill; to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. BOSCHWITZ, Mr. DECONCINI, Mr. GRASSLEY, Mr. MOYNIHAN, and Mr. MATHIAS):

S. Con. Res. 131. Concurrent resolution expressing the sense of the Congress that the Soviet Union should immediately provide for the release and safe passage of Naum Meiman and Inna Kitrosskaya-Meiman; to the Committee on Foreign Relations.

By Mr. COCHRAN:

S. Con. Res. 132. Concurrent resolution establishing a temporary joint committee on the budget; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2318. A bill for the relief of William G. Riplinger; to the Committee on the Judiciary.

RELIEF OF WILLIAM G. RIPLINGER

● Mr. GORTON. Mr. President, today I am reintroducing legislation I introduced last Congress for the relief of William G. Riplinger of Seattle, WA.

On November 22, 1977, William G. Riplinger was offered the position of contract price analyst, grade GS-11, step 10, with the U.S. Navy's Supervisor of Shipbuilding, Conversion and Repair (SubShips) in Seattle. He accepted, resigned from a position in private industry, and reported to his new job on December 3, 1977.

On reporting for work, Mr. Riplinger was informed that his actual appointment would be as a grade GS-11, step 1. The U.S. Government admits that, due to administrative error, the Consolidated Civilian Personnel Office [CCPO] of SubShips failed to request authorization to appoint Mr. Riplinger to the 10th step of GS-11. On December 16, 1977, the personnel director of CCPO requested approval from the Seattle regional office, but the request was denied.

On February 8, 1978, the commander of the Naval Sea Systems Command requested approval of the step increase from the Civil Service Commission, which granted approval on March 23, 1978. However, back pay for the period from December 3, 1977 to March 23, 1978 was denied. Mr. Riplinger seeks $1,641.12, which represents the difference between the pay he would have received had he been placed in step 10 of GS-11 as of December 5, 1977, instead of March 23, 1978, and the pay he actually received. He also seeks $182.35 in attorney fees.

Mr. Riplinger initiated litigation to recover this back pay, but was denied relief in Federal court. The Ninth Circuit Court of Appeals noted in its opinion that "all parties admit the correctness of Riplinger's factual recitals, and all should admit the equity of his claim, but it is well-settled that the law provides no relief."

A private relief bill is the only avenue available for Mr. Riplinger to receive the equitable relief he deserves. I therefore urge the prompt and favorable consideration of this legislation.●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2320. A bill to amend an act to add certain lands on the Island of Hawaii to Hawaii Volcanoes National Park, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL OF CERTAIN LANDS TO HAWAII VOLCANOES NATIONAL PARK

● Mr. INOUYE. Mr. President, my colleague, Senator SPARK MATSUNAGA and I are introducing today a bill that addresses the need to acquire a parcel of land immediately adjacent to Hawaii Volcanoes National Park. A parcel of land long listed as the National Park Service's highest acquisition priority in the Pacific area of the National Park System. The acquisition of this roadless, and presently unused, area of superb native ohia and treefern rain forest has been a priority because it has been identified by biologists as an ecosystem not now adequately encompassed and protected in the National Park System. Further, and equally important, it contains the habitat of the critically endangered Hawaiian Hawk and the Hawaiian O'u, as well as several other species indigenous to the Hawaiian Archipelago. Congress identified this same parcel as suitable for "potential wilderness" in 1978 when it was found to possess all the necessary attributes for wilderness designation excepting its non-Federal status.

While these considerations are enough to warrant the inclusion of the tract within the National Park, an-

other consideration germane to the merits of acquiring this tract is that the growing of marijuana on lands within this tract poses a serious threat to public safety. The need to keep this illegal activity undetected has motivated some growers to booby trap their patches and to physically intimidate anyone who inadvertently might come upon them. National Park Service vigilance has eradicated marijuana growing within the confines of Hawaii Volcanoes National Park and it is expected that the same vigilance will end marijuana growing in this contiguous land area once it is added to the park.

Over the past 5 years this important tract of land has been the focus of other activities which have led to this call for acquisition that Senator MATSUNAGA and I bring to you today. In early 1982, the owner of this tract of land revealed plans for large-scale geothermal development on the land. Approximately 50 geothermal wells were proposed to be sited 1,000 feet from the park boundary. Four proposed power plants were to be located within 4,000 feet of the park boundary. The State of Hawaii recognizes the need to develop alternatives to nonrenewable energy resources and has emphasized this need through State legislation, the State also recognizes the important of maintaining the integrity of Hawaii's largest national park. Adverse impacts resulting from geothermal emissions, surface disturbance, noise, odor, and vista impairment in such close proximity would include deterioration of native plant and animal communities, fragmentation of the ohia-fern forest essential for endangered native bird survival, degradation of the wilderness quality of the east rift and Kalapana extension areas, and degradation of present and future visitors perceptions of the national park.

At the recommendation of the State of Hawaii Board of Land and Natural Resources, the owner was encouraged to consider a land exchange with the State of Hawaii. At the same time, the State encouraged the National Park Service to find a way of acquiring the tract for inclusion into Hawaii Volcanoes National Park. At that time the tract in question was not considered part of the two-party land exchange proposal. As a logical extension of this type of low cost transaction, the State of Hawaii began to explore the possibility of a three-party land exchange with the Federal Government that would effectively allow the National Park Service to acquire this important parcel if the State and the landowner agreed to move forward with their two-party exchange inclusive of this important tract.

Mr. President, my colleague and I, come before the Senate to urge the Congress of the United States to enact legislation to allow the Department of the Interior to become a third party to this exchange initiative.

It is important to note for the purposes of this bill that Congress recognized the need to adjust the boundaries of Hawaii Volcanoes National Park through the addition of adjacent lands early in the park's history. In 1938 Congress passed legislation that allowed the Secretary of the Interior to add adjacent tracts to the park if, in the discretion of the Secretary, they are judged to be "necessary for the proper rounding out" of the boundaries. While the Secretary has had this discretionary power for close to 50 years, he has been restricted by the provision that allowed acquisition of certain tracts through donation only, including the tract that is the subject of this legislation.

The reasons for limiting the acquisition of this adjacent parcel to donation only have long been forgotten. The possibility that they cease to exist is supported by public acceptance of the acquisition proposal. There is consensus among the people of the State of Hawaii, the landowners, and the National Park Service that the time for acquisition is now at hand. Times have changed and it is incumbent upon us to recognize the need to change with the times. The proposed three-party land exchange is the type of change that is appropriate at this time. Further, Mr. President, in his testimony before the Senate Appropriations Committee in fiscal year 1986 budget hearings, the Secretary of the Interior stated the administration's support of exchanges, when he stated the Department's intent to emphasize the acquisition of lands through means other than Federal appropriations, further citing an example of land exchanges for park lands. In all candor, the time for low cost acquisition alternatives are needed in the context of the Federal deficit.

The benefits emanating from this legislative effort are self-evident. First, the 5,650-acre tract of virgin rain forest would become part of the national park, thus offering protection to endangered species and popular visitor attractions, allowing representation of this unique ecosystem in the National Park System, and facilitating national park administrative control over the land for purposes of public safety. Second, geothermal development could proceed in an area well removed from the presence of the park, thus allowing geothermal development to proceed immediately without the onus of continued hearings, protests, appeals, and threats of court actions which have held development to a standstill over the past 4 years. Most importantly, it eliminates the need to seek major appropriations from Congress for land acquisition of the land at a time when budget considerations are on the minds of all of the Members of this body.

Mr. President, the benefits of this piece of legislation are far beyond the normal scope of a bill of this nature. I urge the support and efficient passage of this bill by my colleagues.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO HAWAII VOLCANOES NATIONAL PARK.

The Act entitled "An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes" (52 Stat. 781; 16 U.S.C. 391b) is amended by adding at the end the following new section:

"SEC. 5. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior (hereinafter referred to as the 'Secretary') is authorized to acquire by purchase with donated or appropriated funds, donation, or exchange the land and interests therein comprising approximately 5,650 acres and identified as tract number 118/22 on the map entitled 'Recommended Land Acquisition', in the Hawaii Volcanoes National Park Land Protection Plan as recommended May 17, 1985, which plan shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, Washington, D.C. and the Office of the Superintendent, Hawaii Volcanoes National Park, Hawaii.

"(b) In exercising his authority to acquire the real property referred to in subsection (a) by exchange, the Secretary may accept title thereto and in exchange therefor he may convey to the grantor of such real property title to any United States Government real property under his administrative jurisdiction, other than real property within or administered as a part of the National Park System, in the State of Hawaii which he determines is suitable for such exchange. The values of the properties exchanged shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. In no circumstance shall an equalization payment exceed one-fourth (25 percent) the appraised value of the real property referred to in subsection (a). Any money paid to the Secretary shall be deposited as miscellaneous receipts in the Treasury of the United States.

"(c) Real property owned by the State of Hawaii or any political subdivision thereof may be acquired only by donation or exchange.

"(d)(1) In order to facilitate the acquisition of the real property referred to in subsection (a) by exchange, notwithstanding any other provision of law, upon request of the Secretary, the Administrator fo General Services shall transfer to the Secretary, without reimbursement, administrative jurisdiction over any excess or surplus United States Government real property in the State of Hawaii for purposes of such an exchange.

"(2) For purposes of a land exchange with the State of Hawaii, the Secretary shall consult with the State of Hawaii in the process of identifying suitable exchange lands belonging to the United States Government.

"(3) For the purposes of a land exchange with the State of Hawaii, real property owned by the United States Government and selected for use in a land exchange shall not be from among those lands ceded to the United States Government.

"(e) The real property acquired by the Secretary pursuant to this section shall be administered by the Secretary as part of Hawaii Volcanoes National Park, subject to the laws and regulations applicable to the Park.

"(f) There is hereby authorized to be appropriated such sums as may be necessary to carry out the acquisition of real property under this section.".●

Mr. MATSUNAGA. Mr. President, I am today joining my senior Senator from Hawaii, Mr. INOUYE, in introducing S. 2320, a bill providing for authority to exchange Federal lands for State and private lands. In doing so, I am reminded that the ancient Hawaiians were noted for the importance which they placed on working together, a practice called Laulima. The Hawaiian economy was comprised of small communities, each specializing in the cultivation or gathering of a few staple products. Thus, the communities were dependent upon one another for provisions which they did not produce but needed. This interdependence necessitated cooperation on the part of each community. Without it their survival was in jeopardy.

The bill which my distinguished colleague from Hawaii and I are introducing today is a modern example of the kind of cooperation which existed among the ancient Hawaiians. There are three parties involved in the proposed land exchange described in S. 2320, amending an act to add certain lands on the island of Hawaii to Hawaii Volcanoes National Park. These parties include the State of Hawaii, the James Campbell Estate, and the U.S. Government via the National Park Service. All parties involved are supportive of our proposal.

The parcels of land in question include: First, State-owned lands in the Kilauea East Rift Zone; second, James Campbell Estate-owned land at Kahauale'a adjacent to the Hawaii Volcanoes National Park; and third, excess or surplus U.S. Government real property in the State of Hawaii.

Each of the concerned parties in the proposed land exchange has a special interest in a particular parcel of land, but acquisition of that particular parcel is dependent upon the expressed agreement of the other two parties. Just as the ancient Hawaiians found themselves being dependent upon neighboring communities, the parties involved in S. 2320's proposed land exchange find themselves dependent upon the others in order to consummate the exchange—an exchange which should prove to be beneficial to all parties involved.

The State-owned lands in the Kilauea Middle East Rift Zone is of interest to the James Campbell Estate because they have been designated by the State's board of land and natural resources as a geothermal resource subzone and the estate would like to conduct some geothermal exploration and development there.

The Campbell Estate-owned land at Kahauale'a includes a parcel referred to as "tract 22." Tract 22 is a land parcel adjacent to the Hawaii Volcanoes National Park which has been of considerable interest to the National Park Service for some time. The Land is a virgin 'ohi'a and fern rainforest and has been identified by the Park Servie as its No. 1 acquisition priority for protection of the Thurston Lava Tube and Chain of Craters Area. Tract 22 also serves as the natural habitat of at least nine different endangered species, inlcuding the rare Hawaiian 'O'o bird.

The excess or surplus U.S. Government real property in the State of Hawaii which would be included in the proposed three-party exchange has yet to be identified—not because there is none available, but because the State hopes to be able to discuss and identify potential properties with the Federal Government and come to a mutual agreement on them.

To date, the State of Hawaii has consented to exchange its land from the Kilauea Middle East Rift Zone for the Campbell Estate-owned land at Kahauale'a including tract 22. However, this consent was given on the condition that the Federal Government enters into the exchange as a third party. Achieving this, tract 22 would then be transferred to the National Park Service.

The James Campbell Estate has consented to the exchange and has urged the inclusion of tract 22 in order to facilitate its acquisition by the National Park Service. It is important to note here that the enabling legislation for Hawaii Volcanoes National Park specifies that even though the tract is within the authorized boundaries of the park, the land can only be acquired by donation.

Furthermore, it should be understood that in 1983, the State of Hawaii conducted a statewide review of geothermal resource lands and in December of 1984 its board of land and natural resources rendered a decision and order [D/O] giving conditional approval for the designation of a portion of Kahauale'a as a geothermal resource subzone. The D/O also requested that the Campbell Estate investigate and consider a land exchange of State-owned lands to the north of Hawaii Volcanoes National Park and Kahauale'a, pending the outcome of the D/O conditions. Thus, whether or not the land exchange between the estate and the State of Hawaii takes place, a major portion of Kahauale'a will be designated a geothermal resource zone.

Of greater importance, since the State's consent for the land exchange is dependent on the participation of the Federal Government, the integrity of Hawaii Volcanoes National Park is dependent on legislative action that this Congress takes to involve the Federal Government in this land exchange process. Lacking this, the valuable tract 22 will remain in the possession of the Campbell Estate and potential development threats to Hawaii Volcanoes National Park will not have been effectively removed.

Mr. President, earlier I spoke of the virtues of the Hawaiian practice of Laulima, the spirit of cooperation and working together. It is on that note that I urge expeditious approval for Federal involvement in the proposed three-party land exchange. The other two parties are dependent on participation of the Federal Government. Federal law currently prohibits acquisition of certain parcels of land except by donation and all that is lacking here is congressional action to mandate Federal Government participation in what appears to be a mutually beneficial process for all concerned. As we say in Hawaii, "E ho'olaulima kakou"—Let's work together to make it a reality.

By Mr. ARMSTRONG:

S. 2321. A bill to suspend temporarily the duty on d-6-Methoxy-α-methyl-2-naphthaleneacetic acid and its sodium salt; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON NAPROXEN

● Mr. ARMSTRONG. Mr. President, today I am introducing legislation to temporarily suspend the duty on naproxen and naproxen sodium, chemicals used in prescription drugs here in the United States. The first stages of these chemicals are manufactured in the United States and are then shipped to the Bahamas and Ireland for the final stage of manufacture. The products are finally shipped back to the United States for distribution.

Current importations of these products are duty free under the Generalized System of Preferences and/or the Caribbean Basin Initiative or duty refundable under drawback. Duty paid in 1985 was reported as $1.55 million, however, net duty was less than $400,000 after drawbacks. Considering this fact, a temporary duty suspension will create no appreciable loss of revenue to the Treasury.

The manufacturing process as well as the products affected by this legislation are patented in the United States and the patent will not expire

until 1992. As drafted, the duty suspension will end in 1989. Therefore, temporarily suspending the duty will harm no other domestic producers since no others exist for these products.

The processes involved in the production of naproxen and naproxen sodium comply fully with all FDA regulations, requirements, and inspections. In addition, these products were granted eligibility for duty free status in the Bahamas in 1981. At the time of ITC's review, no controversy arose with respect to these chemicals.

Currently, duty drawback procedures are time consuming and costly. They necessitate extensive recordkeeping by the importer as well as a significant expenditure of time by U.S. Customs in entry processing and audit procedures. Due to the lack of audit staff at Customs, the backlog of unaudited drawback entries continues to grow. Therefore, the passage of this legislation to temporarily suspend the duty on these noncontroversial products would result in a savings of time and resources both to the Government and the importer without any detriment to domestic interests and little, if any, net loss of revenue.

I urge my colleagues to favorably review this legislation.●

By Mr. SIMON (for himself, Mr. THURMOND, Mr. METZENBAUM, Mr. DENTON, Mr. DECONCINI, and Mr. HEFLIN):

S. 2322. A bill to provide for a study of television programming to consider the matter as to what impact, if any, violence on television has on the health of children and adults; to the Committee on Commerce, Science, and Transportation.

S. 2323. A bill to exempt certain activities from provisions of the antitrust laws; to the Committee on the Judiciary.

TELEVISION VIOLENCE

Mr. SIMON. Mr. President, I am introducing today two bills cosponsored by Senators THURMOND, METZENBAUM, DENTON, DECONCINI, and HEFLIN, that deal with the problem that is a major problem in our country, and that is television violence. According to the Nielsen index, the average American child watches 18,000 television murders before he or she graduates from high school. We have reports from the Surgeon General of the United States, the National Institute of Mental Health, the American Psychological Association, and American Academy of Pediatrics, all saying we are doing harm to ourselves. Even the Screen Actors Guild has passed a resolution saying we have to do something about violence on television.

I got interested in this, frankly, back a couple of years ago. I checked in a motel—and all of us who are in the U.S. Senate spend more time in motels than we like to spend—I checked in and turned on the television and all of a sudden in front of me, in living color, someone was being sawed in half by a chain saw. And I have to tell you it bothered me that night. I could not help but think what happens to a 12-year-old, what happens to a 10-year-old.

It is clear that we have a problem. All of these studies all show the same thing. The only study that shows television violence does not do any harm is one authorized by NBC. It is a little bit like the Tobacco Institute research showing cigarettes do not do any harm. It is slightly suspect.

The American Academy of Pediatrics' Policy Statement on Children, Adolescents, and Television finds that:

Repeated exposure to televised violence promotes a proclivity to violence and a passive response to its practice.

In an article in the Pediatrics magazine, Dr. James Holroyd wrote:

In one study, children who had watched the violent television program were found to be more likely to hurt another child than were those who had watched a nonviolent program. In nonlaboratory settings, children have injured themselves by imitating behaviors viewed on TV. Another study suggested that children may learn to perceive aggressive behavior as normal and acceptable. Other studies have shown that these findings persist even when factors such as family background are taken into account. In a study of 158 elementary school children from a middle-class suburb, children who watched more violent television programs were rated by their teachers as less cooperative, less successful in interpersonal relationships and less happy; these findings were statistically significant regardless of the children's age, sex, social class, IQ or parents' television viewing habits.

In another article some months later in the same magazine, Drs. Robert Wharton and Frederick Mandell, among other things, point this out:

. . . 35 young men between the ages of 8 to 31 years have killed themselves playing Russian Roulette while imitating a scene from the movie, " 'The Deer Hunter,' which they had seen on television." "The pain of victims and anguish of relatives are rarely portrayed. Thus, the child learns that violence may be a quick and easy solution to conflicts while being deprived of any opportunity to feel empathy for the victim."

While these studies have primarily dealt with what happens to children, there have also been studies of what happens to adults. First of all, when you ask adults who watch television a great deal what they estimate as the incidence of crime, the estimates are way above the reality, so that adults who watch television a great deal end up with a great deal more fear of crime than reality suggests should be the case.

Television could appeal to either the best in us or the worst in us. And when we have too much violence on television, it appeals to the worst in us.

The bills that I have introduced basically permit an exemption from the antitrust laws so that the television networks and cable and the independents can get together to establish guidelines. It does not call for censorship. I am an old civil libertarian. I do not believe in moving in that direction. But I think we have to recognize that we have a serious problem.

What some people have suggested is, "Well, if violence is so bad, then we are going to have to also have some standards on the news." The reality is that violence on the news is a very different thing, because violence on the news shows reality and it shows the good guys as well as the bad guys suffering form violence. What happens on television entertainment is that the heroes and heroines, no matter what they do, they do not suffer greatly, while the villains are the people who suffer. And so, since we all identify ourselves as the good guys, we think, by example, the violence and the problems are going to be on the other side. The reality is if we reduce TV violence we are going to reduce crime in our country. I think that is the clear lesson from the studies that have been made.

I hope this body will consider this bill and move rapidly in this direction. I ask unanimous consent, Mr. President, to have printed into the RECORD articles from the New York Times and also the Chicago Sun Times on this subject.

There being no objection, the aticles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 5, 1985]

VIOLENCE ON TV SPURS INCREASED ADULT SUPERVISION

(By Nadine Brozan)

The show is violent but the children are determined to watch, so what is a parent to do? Turn off the televised beatings, murders, knives, guns, chains, fires, cars hurling off cliffs and victims being thrown out of airplanes, or simply turn away? Although definitive links are hard to establish, psychologists and other authorities in the field generally accept that watching violence on television can affect the way children view the world and the way they relate to others, that it can anesthetize their responses to cruelty and suffering or make them excessively fearful.

Indeed some experts feel the connection is so strong that, as Arnold Kahn, administrative officer for social and ethical responsibility at the American Psychological Association, put it: "The debate over the effects of violence on television watchers is like the debate over cigarette smoking and cancer."

The association is the latest organization to join the National Institute of Mental Health, the Surgeon General, the National Parent-Teacher Association and others in warning parents to monitor their children's viewing habits. Recently, the American Psychological Association issued a resolution asking parents to do just that and asking the broadcasting industry to reduce violence in programs.

Yesterday in Washington, Senators Paul Simon, Democrat of Illinois, and Arlen Specter, Republican of Pennsylvania, sug-

gested to a hearing held by the National Council of Churches several tactics that could be used to protect children from violence and sex in television and movies without abridging Americans' right to free speech. The council, with 31 member churches covering 40 million people, held earlier meetings in New York and Hollywood on the subject and said it will issue a report in the fall on its findings.

Senator Specter said boycotting products advertised on these shows would be a "traditional and nonobjectionable" way to bring about change. He also raised the possibility of improved "lock-boxes" to screen out certain television channels, and tax incentives for producers who design programs especially for children.

Senator Simon proposed that certain shows might carry a warning to steer parents away from programs. Peggy Charren, president of Action for Children's Television, a citizens' group working to improve children's television, said she favors legislation that would require each station to air five hours a week of programming designed to enhance children's education.

"ACT believes it is the responsibility of parents, not lawmakers, to keep their children away from adult programs they find inappropriate," she said. "But parents cannot guide their children to suitable alternatives if those alternatives do not exist."

Still, recognizing the potential harm in television violence is one thing; many parents have found that it is another matter altogether to keep children from watching the shows all their classmates discuss—"Miami Vice," "Airwolf," "A-Team," "Fall Guy," Magnum, P.I." and "Matt Houston," for example, as well as cartoons whose heroes battle and defeat all villains, and wrestling matches, which seem to be particularly popular among youngsters and many adults today.

According to an informal survey of parents in the metropolitan area, responses run the gamut from removing the set from the home to permitting children to be the sole arbiters of what they watch. Most parents seem to take a position somewhere between the two poles, and for each family the line of acceptable television fare falls in a different place.

Thomas Levy, for example, does not subscribe to cable television because it adds to the violence already on the screen. Diane Hockstader lets her 11-year-old daughter watch pretty much what she wants, as long as it does not exceed an hour a day during the week. Randy Gottesman-Smolian once taped a cartoon of "Garfield" the cat, after her 3-year-old son seemed scared of an animated panther, and decided that for him, the "Garfield" show was unsuitable. Meanwhile, Nancy Gallin worries about violence on news programs and in documentaries.

How a family can progress from total abstention from television to a fairly permissive stance is typified by the Reilly family of Manhattan. The parents, T. Gorman and Janice Reilly, did not own a set until their son Justin, now 12½ years old and a student at Hunter College High School, was in first grade. "Then he began to plague us for one because he found that he was literally a social outcast," Mrs. Reilly said. "He had no notion of what the other children were talking about. He could not carry on conversations with them about the 'heroes.' Superman, Batman and the like. He was so adamant that we gave in and got a set for Christmas."

Now, Mrs. Reilly says, she is concerned about the violence witnessed by Justin, and to a lesser degree, by her younger son, Gabriel, 3½. "So many of the programs that Justin likes are violent," she said. "He used to sleep late Saturday mornings, now he makes sure that he's had breakfast and is up in time to watch wrestling. It's a hot commodity at school." Why, she was asked, had she capitulated? "Because he took such a strong stand and because he's cooperative and reasonable," she said. "And, taking the bigger picture, he really doesn't have much time to watch." Still, the doubts linger. "Television hasn't affected his behavior," Mrs. Reilly said, "but sometimes he laughs hysterically at violent actions and that disturbs me."

All the parents interviewed agreed that it takes tenacity to enforce rules and resist imploring. "We've tried to impose a time limit of one hour a day," said Mr. Levy of Pleasantville, N.Y., "but that works better in theory than in practice." Although he does worry about violence on television and has noticed his sons, Arthur, 14, and Douglas, 12, imitating television programs and characters in their play, he said: "We are not all that careful. We don't do any precreening other than reading reviews. We don't censor what they watch, they do see 'A-Team' and Knight Rider,' but we don't have cable because we would lose control even more."

The choices are limited by the boys' bedtimes, 9 and 9:30 P.M. "Most of the worst shows tend to be on later," Mr. Levy said. "Still, we should probably be more assiduous, but there are so many things to get on them about. We do what we can in the context of our lives and our life styles."

Nancy Gallin, who has seven children ranging in age from 16 years to 2 months, said she is more concerned about the news. "The only one of my children who watches anything else objectionable is Joshua, who is almost 15, and he watches 'Miami Vice' as end-of-the week relaxation," she said. "But occasionally during the news, I say the little kids, the ones under 11, must leave the room. You see children dying in fires, and I find myself having to remind them that most people are good parents who love children."

Margaret Howard, mother of a 14-year-old daughter and twin sons, age 8, said: "My greatest claim to fame is that I've never let my younger children watch 'A-Team.' And 'Knight Rider' is their favorite show, but they've only seen it at a friend's house. I sometimes think that the reason they like violent programs is that it's something they don't have to share with adults, the way they do with 'The Cosby Show,' so they can have the programs all to themselves."

"The rule about excessively violent shows is 'In this house, you don't watch it,'" Mrs. Howard said. "I try not to have lots of nos, but the ones I do have are absolutes. I have no shred of doubt that I am doing the right thing."

And yet, even she has given in. "They do watch cartoons Saturday morning and I don't say no because I'm weak," Mrs. Howard said. "They don't watch TV during the week and I can't be totally rigid." She also follows a course advocated by many experts. "I make it clear," she said, "that there are alternatives, that they can watch other programs or rent video films."

Some parents use television violence as an opportunity for family discussions on human relationships, on sensitivity, on the distinctions between reality and fiction.

Rarely do Fred and Joan Bondy allow their 12½-year-old twins, Matthew and Jessica, to watch programs of which they disapprove. When permission is given, however, Mrs. Bondy said: "We say, 'If you must watch, then we'll watch with you,' and we point out the improbabilities. I have told them, for instance, that in the Miami Police Department, the police do not have yachts, sports cars, pet alligators, they do not enjoy the night life. I impress upon them that 'Miami Vice' is simply not reality."

Then there is the approach taken by a Manhattan mother of two children, ages 11½ and 8, who did not want her name divulged. "I figured that once they went to nursery school and found out there was something other than Channel 13 it was all over," she recalled. (Channel 13 is the local public television station in the New York area.) "And sure enough, the first day at nursery school, my daughter ran around screaming, 'Batman, Batman.' It didn't matter what I allowed because other influences would work their way in; I couldn't prevent exposure to nonpositive television."

"I took the tired way out," she said, "the single-parent way out, the path of least resistance."

But she also believes that viewing overt violence is not as harmful as more subtle forms of maltreatment. "How about Archie Bunker as a role model? Does an 8-year-old realize that he is satirical?" she asked. "I would rather have them watch James Bond than 'The Love Boat,' in which three different romances come out perfectly with no effort. I think that's more destructive."

[From the Chicago Sun-Times, Apr. 10, 1986]

PROGRAMMED TO KILL

(By Daniel Ruth)

Leslie Shearer and Richard Clark were buried the other day. They were two unwitting actors in a 36-hour, all-too-true drama starring John Pasch Jr. in the biggest role of his life.

For the last decade, police and neighbors note, the unemployed 57-year-old recluse has lived a lonely existence in his DePaul area apartment. He was a citizen of another world, another reality; a regular customer at the theater of the absurd—television.

One week ago, Pasch allegedly gunned down his landlord—the 45-year-old Shearer—and Chicago policeman Clark, 48, who had arrived to investigate reports of a shooting. Pasch then fled to the apartment of Jean Wiwatowski at 1427 W. Lill and barricaded himself inside with the elderly woman.

As police surrounded the building in what would become the longest hostage crisis Chicago history, the 300-pound Pasch calmly ensconced himself in an easy chair and proceeded to watch television, a friend to the friendless.

By all accounts, Pasch was "addicted" to television, his only source of solace and reality for the last 10 years. And several experts on the psychology of television overexposure, especially violent programming, suggest Pasch subconsciously viewed the Lill Street standoff as a possible extension of the vicarious life he lived through the screen.

"It looked like his whole life was around that TV," said Area 6 Cmdr. Edward Wodnicki.

"He was upset at being disturbed," Wodnicki said, adding Pasch seemed more composed and calm when police called only during commercials.

Indeed, Police Department negotiations timed their contacts with Pasch to commer-

cial breaks in programs he was watching, which included the movie "Battle of the Bulge" and the series "Miami Vice."

During the course of the 36-hour ordeal, the only demand Pasch made to police was to have the current edition of TV Guide sent into the house.

If not for the loss of life, the standoff with Pasch and his curious indifference to armed police circling the house would seem almost comical.

But the Pasch case sadly speaks to the potential volatile influence that excessive, long-term television viewing can exert on extremely lonely and depressed psyches.

"We're on real thin ice as to whether this guy had any vestige of sanity," said Ken Howard, a clinical psychology professor at Northwestern University. "I would imagine he had a sense of having killed someone in the [same] sense that Don Johnson kills anybody on 'Miami Vice.'

"I think he was honestly shocked [after the shootings of Shearer and Clark] that there wasn't a commercial.

"Obviously he's got serious emotional problems." Howard said, adding that the stability of characters Pasch viewed on television may have become reference points for his own stability. "That became his reality—the people he was watching. He knew what was there [on television] and he could depend upon it and it overwhelmed whatever sense he had," Howard said.

In 1972 and in an updated 1982 report, the U.S. surgeon general's office concluded there is a link between excessive exposure to television violence and aggressive behavior. The average viewer is exposed to 13 acts of violence and hour on television, ranging from murder and rape to pushing and shoving, said Thomas Radecki, a psychiatrist and chairman of the National Coalition On Television Violence, based in Champaign.

Radecki said a recent California study indicated that when normally aggressive adult males reduced their exposure to television violence to between 10 and 15 hours a week, they also experienced a 35 percent decline in the times they lose their tempers.

The average American child witnesses 18,000 television murders before he graduates from high school, said Sen. Paul Simon (D-Ill.), who next week will introduce a bill to reduce the level of violence on television.

"There's no question that we, through constantly watching violence on television, accept the fact of violence in our lives much more easily," Simon said.

"Television is a permit for murder," Radecki said. "It makes it look easy." At the same time, he said the profusion of violence on television "teaches us to deal with conflict—with violence," thus creating "a culture of violence" in American society.

In 1977, Miami attorney Ellis Rubin attempted to defend 15-year-old Ronnie Zamora against murder charges by arguing Zamora was induced to kill his next-door neighbor because the boy was addicted to television.

Called the "Kojak defense," Rubin argued that Zamora, a fan of "Kojak," saw himself as the TV detective when he fantasized his neighbor's house was being broken into. Zamora entered the house and when the neighbor unexpectedly returned, Rubin argued, Zamora then assumed the identity of the intruder and shot the neighbor. He stood over the body and told her it was all right to stand up, Rubin said.

Rubin lost the case and Zamora was sentenced to life imprisonment. But since then, the "Kojak defense" has become a more common legal tactic.

"My defense was a certain element of insanity can be induced by excessive viewing," Rubin said.

Simon's proposed legislation would attempt to reduce those excesses, by permitting a waiver in antitrust laws to allow the three television networks, cable networks and independent television stations to collaborate on a code of standards to regulate violence in programming.

"If the networks can get together and adopt a common code, then in fact we can reduce violence on our television screens and reduce the violence in our society," Simon said.

Radecki is not so sure. "Violence segregates the viewing public," he said, adding violence attracts predominantly male viewers, who then can be targeted for specific advertising messages. "We've taught the males in our society to be violent so we can sell them beer and automobiles."

At the time of the Zamora trial, Miami psychologist Arthur Stillman was hired by the state to refute Rubin's defense. But now, Stillman believes excessive television viewing can influence behavior.

"If a person sits that way [watching television for long periods of time], his whole life becomes what he sees on television," Stillman said. "I'm sure what he [Pasch] went through, he saw [on television].

"They've lost the ability to discern between fantasy and reality," he said.

Excessive exposure to anything, including watching television, ultimately will affect a person's perception of reality, said George Gerbner, a nationally recognized expert on the influence of television on American society.

But Gerbner was less inclined than his colleagues to suggest that excessive viewing of violence can directly beget violence.

Instead, Gerbner argued that people who isolate themselves through their televisions tend to grow more insecure and distrustful of others.

And when that insecurity is threatened, the person may lash out because of fear, he said.

During the Lill Street siege, a neighbor from the same apartment building told Sun-Times columnist Tom Fitzpatrick that Pasch "almost panicked when I tried to build a darkroom in the other half of the basement. He was afraid I was going to cut off his escape route in case of a fire. I don't know what the technical term is for being afraid to go outside, but that's what is wrong with him."

For 36 hours Pasch sat and watched television, while the police outside sat and watched Pasch. The screen "Kept his [Pasch's] mind off what was going on," Cmdr. Wodnicki said.

At last, after a lonely existence in a filthy apartment, John Pasch was a leading man as local television news accounts chronicled the standoff. "He loved every minute of it." Wodnicki said. "He got attention. He got something he never got for a long, long time.

"We were giving him exactly what he wanted," Wodnicki said.

The irony of the Pasch case is that he likely will spend the rest of life in a mental institution or a prison cell, places where days turn into nights with unending monotony. Places were there is little to do, except watch television.

Mr. SIMON. Mr. President, I also urge my colleagues in this body to take a look at these bills to see if they would maybe want to add their names as cosponsors. I am pleased the Presiding Officer, Senator DENTON, is one of the sponsors, along with Senators THURMOND, METZENBAUM, HEFLIN, and DECONCINI. I think we show a broad spectrum of interest in this problem.

Mr. President, I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Communications Commission shall conduct a study for the purpose of determining the impact, if any, that violence on television, including cable, has on the mental or physical health, or both, of children and adults. The Commission shall report the results of such study, together with its comments and recommendations, to the Congress prior to the expiration of the twelve-month period following the date of this resolution becomes law.

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) actions specified in section 2 shall be exempt from certain provisions of the antitrust laws of the United States.

(b) FOR PURPOSES OF THIS ACT—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act, and the Federal Trade Commission Act;

(2) "broadcast station" means a television broadcast station or a cable system.

(3) "person in the television broadcasting industry" means a person who is the chief executive officer of a television network, and the presidents of the National Cable Television Association and the Association of Independent Television Stations, Inc., or their designees; and

(4) "television broadcast" means any program broadcast by a broadcast station.

SEC. 2. The antitrust laws shall not apply to any joint agreement by or among persons in the television broadcasting industry, or to any joint action in reviewing, considering, evaluating, or taking action with respect to any television broadcast or any material intended for any television broadcast if the purpose of such agreement or action is to determine or alleviate the negative impact, if any, of violence in such television broadcast material.

SEC. 3. The exemption provided in section 2 shall not apply to any joint agreement, understanding, or action which is intended to result in a boycott of any other person in such industry.

Mr. DENTON. Mr. President, I rise in support of the legislation introduced by my distinguished colleague from Illinois [Mr. SIMON], to address the serious problem of television violence. I commend the good Senator for his leadership in this area and am pleased to join as an original cosponsor of this effort.

Mr. President, the National Institute of Mental Health, the Surgeon General of the United States, the American Psychological Association, the Ameri-

can College of Pediatrics, as well as other groups, have all demonstrated a causal connection between violence on television and an increase in behavior disorder and greater violence on the part of the viewers. The problem is particularly troublesome in the case of juveniles.

In fact, in a hearing conducted by the Senate Judiciary Subcommittee on Juvenile Justice in 1983, testimony was received from the juvenile leader of the Guardian Angels, a New York City youth gang, that the increase in youth crime was directly related to the lack of role models or to the presence of negative role models on television and the movies. The juveniles found themselves emulating the antisocial and violent behavior of the television characters. They also found themselves becoming desensitized to violence.

Mr. President, while the legislation offered by Senator SIMON will not be a cure-all for the complex problem of television violence, it does represent a very important positive step in the right direction. The legislation will permit the television networks, the independents, and cable television companies to meet and take action to determine and alleviate the negative impact of violence in television broadcast, without violating Federal antitrust laws. Federal antitrust laws will remain in effect for all other activity.

The legislation also provides that the Federal Communications Commission shall conduct a study of television programming to consider as to what impact, if any, violence on television has on the health of children and adults. I fully expect that this study could collect, review, and update past studies which attempted to address this complex issue.

Mr. President, this legislation represents a reasonable approach toward addressing the serious problem of television violence. I urge my colleagues to support the legislation.

Mr. HATCH for Mrs. HAWKINS (for herself, Mr. HATCH, and Mr. QUAYLE):

S. 2324. A bill to reauthorize programs under the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS

● Mrs. HAWKINS. Mr. President, I rise today to introduce legislation that will reauthorize an agency that is in the forefront of tapping the vast resources of our Nation's volunteers.

ACTION is the Federal agency charged with the mission of fostering and expanding voluntary citizen service and public and private organizations in solving vital problems confronting the poor, the disabled, the elderly and young with special needs. The most widely known of ACTION's programs are VISTA, Volunteers in Service to America, and the Foster Grandparent Program.

Since its inception in 1973, more than 80,000 VISTA volunteers have aided in the solution of poverty-related problems through helping low-income individuals achieve self-sufficiency through meaningful and constructive volunteer service. In Florida, VISTA volunteers work in food banks, with drug abuse prevention programs, and with child abuse programs. In the early part of this decade, in the midst of the Marielito boat lift, VISTA volunteers provided invaluable assistance to Cuban and Haitian refugees by soliciting donations, placing refugees in jobs, attracting community volunteers and producing a Creole-English handbook for Haitian refugees.

VISTA's programming efforts have focused on the problems of hunger, homelessness, illiteracy, unemployment, drug and alcohol abuse, domestic violence, child abuse, the special needs of low-income seniors, the handicapped, migrant farm workers, and native Americans.

Foster Grandparents are low-income seniors who serve 20 hours per week working with children who have mental, physical, and emotional handicaps. Daisy Martin, a foster grandparent from Fort Lauderdale, FL testified before my Subcommittee on Children, Family, Drugs, and Alcoholism in behalf of the reauthorization of this program. Mrs. Martin spoke for all foster grandparents when she described the special importance that this program serves in her life.

> We like to be useful. We like to feel needed. We like to go out and share our love with humans, mankind. And that is the total source of the Foster Grandparent program—helping themselves and helping others to help themselves. We have Foster Grandparents working in child abuse shelters, drug abuse shelters, daycare nurseries, and women in distress shelters. We have Foster Grandparents working in all those shelters, giving themselves and giving their time and their love, sharing their love and their time and their energy with mankind.

Senior Companion and Retired Senior Volunteer Program [RSVP] are the other two older American volunteer programs. While they are perhaps not as well known as the Foster Grandparent Program, they provide equally important services to those in need. Senior Companions are also low-income individuals who serve 20 hours a week providing assistance to elderly persons in order to prevent or delay their institutionalization. Senior Companions play a crucial role in assisting the frail elderly to overcome mental, emotional, and physical impairments to achieve their fullest potential, to maintain their health and independence.

Retired Senior Volunteers are composed of elderly volunteers from all income levels who serve without stipend to address a variety of community needs such as youth services, literacy enhancement, in-home care, crime prevention, housing rehabilitation, as well as offering their years of vast experience to nonprofit service organizations to improve the organization's management and operational practices.

Other ACTION volunteer programs include the Service Learning Program, whose purpose is to link the needs of the poor with the students interest in community service, citizen participation and volunteer demonstration programs which are designed to mobilize citizens for voluntary action to change the conditions that deny fulfillment of human potential and to demonstrate and replicate innovative volunteer efforts.

Testimony presented to my Subcommittee on Children, Family, Drugs and Alcoholism on February 6 clearly demonstrated the worth and value of the Federal funds expended to foster these volunteer activities. Therefore, today I am introducing legislation to reauthorize this program for an additional 3 years at a level of authorized appropriations which will permit this program to expend its efforts to reach those in need.

I am recommending authorization of appropriations for fiscal year 1987 at or near the level of authorized for the previous fiscal year. In most cases this is close to the appropriated levels. The two exceptions are VISTA and Senior Companion Program which have never been appropriated at their full authorized levels, I believe that programs are cost-effective methods of reducing poverty and assisting our frail elderly. I hope that the Budget and Appropriations Committee will consider funding all of the ACTION programs at their authorized levels.

The modifications contained in this reauthorization legislation are designed to improve the agencies ability to foster and expand voluntary citizen service, utilizing public and private sector resources and coordinate this effort with other Federal agencies.

The provisions include a statement of volunteerism policy which is intended to tie together the specific statements of purpose for individual programs already contained in the act and create a general mission statement. This volunteerism policy reiterates ACTION's goal of stimulating the tremendous potential of Americans to volunteer and the agency's role in directing these volunteer efforts to activities designed to serve the poor, the disadvantaged and the vulnerable.

The reauthorization legislation contains several modifications designed to enhance the ability of ACTION to utilize the generosity and resources of public and private sector resources.

The National Voluntary Service Advisory Council is reestablished, with a mandate for a smaller more manageable membership, the Director's authority to accept and distribute private sector contributions is expanded to specifically authorize the Director to conduct fundraising in behalf of ACTION programs.

In addition, the Director is authorized to develop regulations to provide an opportunity for senior citizens who are anxious to volunteer, but are currently ineligible to become foster grandparents or senior companions because of their incomes. Provisions in the reauthorization legislation would permit the enrollment of elderly volunteers who don't meet the income eligibility standards, but only if they serve without stipend, do not utilize federal financial resources meant for low-income stipended volunteers and under no circumstances substitute or supplant the low income stipend volunteer.

Mr. President, this legislation was developed with the cooperation and input of other members of the Subcommittee on Children, Family, Drugs and Alcoholism. It is my understanding that some of my colleagues on the full Committee have proposals that they wish considered. Senator SIMON in particular has informed me of his desire to expand VISTA's literacy initiatives and Senator METZENBAUM has indicated his interest in the subject of the National Voluntary Service Advisory Council. I plan to consider this legislative proposal at the full committee.

Mr. President, I ask unanimous consent that a copy of the reauthorization legislation and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1986".

VOLUNTEERISM POLICY

SEC. 2. (a) The Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is amended by inserting immediately after the table of contents the following new section:

"VOLUNTEERISM POLICY

"SEC. 2. (a) Because of the long-standing importance of volunteerism throughout American history, it is the policy of the Congress to foster the tradition of volunteerism through greater involvement on the part of both young and older citizens.

"(b) It is the intention of the Congress, through ACTION, the Federal domestic volunteer agency, to foster and expand voluntary citizen service, and coordinate its efforts with other Federal agencies. The ACTION Agency shall utilize to the fullest extent the energy, innovative spirit, experience, and skills of all Americans to serve local communities designed to help the poor, the disadvantaged, and the vulnerable through the application of volunteer service.".

(b) The table of contents of the Act is amended by inserting before title I the following new item:

"Sec. 2. Volunteerism policy.".

FOSTER GRANDPARENT PROGRAMS

SEC. 3. Section 211 of the Act is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e)(1) Pursuant to regulations which the Director may prescribe, individuals may serve as foster grandparents under this part who are not low-income persons if the individuals serve without stipend or reimbursement for expenses other than transportation, meals, and out-of-pocket expenses incident to the provision of services under this part.

"(2)(A) Each nonstipend volunteer shall comply with requirements of this part, including the 20-hour-per-week service schedule.

"(B) No appropriated funds may be diverted from direct volunteer benefits for low-income stipend volunteers to direct volunteer benefits for nonstipend volunteers under this part.

"(C) Volunteers not in the low-income category serving without stipend under this part shall not replace low-income volunteers serving with stipend.".

SENIOR COMPANION PROGRAM

SEC. 4. Section 213 of the Act is amended by adding at the end thereof the following new subsection:

"(d)(1) Pursuant to regulations which the Director may prescribe, individuals may serve as senior companions under this part who are not low-income persons if such individuals serve without stipend or reimbursement of expenses other than for transportation, meals, and out-of-pocket expenses incident to the provision of services under this part.

"(2)(A) Each nonstipend volunteer shall comply with requirements of this part, including the 20-hour-per-week service schedule.

"(B) No appropriated funds may be diverted from direct volunteer benefits for low-income stipend volunteers to direct volunteer benefits for nonstipend volunteers under this part.

"(C) Volunteers not in the low-income category serving without stipend under this part shall not replace low-income volunteers serving with stipend.".

AUTHORITY OF THE DIRECTOR

SEC. 5. Section 402 of the Act is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b)(1) The Director is authorized to accept in the name of the ACTION Agency funds received through solicitation of profit and nonprofit entities and to employ or dispose of the funds in furtherance of the purposes of this Act, or of any title thereof. Consistent with the provisions of clause (5) of subsection (a) of this section, all funds so received shall become part of the gift fund account of the ACTION Agency and shall remain available until expended.

"(2) The Director shall assure that a majority of the aggregate amount in each fiscal year of all unrestricted gifts to the ACTION Agency will be spent to support volunteer projects carried out at the community level.".

ADMINISTRATION AND COORDINATION; ADVISORY COUNCIL

SEC. 6. (a) Title IV of the Act is amended by inserting after section 404 the following new section:

"NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

"SEC. 405. (a) There is hereby established in the ACTION Agency a National Voluntary Service Advisory Council (hereinafter referred to as the 'Council') to be composed of not more than 25 members appointed, not later than ninety days after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1986, by and serving at the pleasure of the President. Such members shall be representative of public and private organizations, groups and individuals interested in serving programs and benefited by programs carried out under this Act. The President shall designate a temporary chairperson from such members and shall call the initial meeting of the Council within thirty days after appointment of such Council. Members of the Council shall designate a permanent chairperson from such members and shall meet at the call of such chairperson. The Director and Deputy Director of the ACTION Agency shall be ex officio members of the Council.

"(b) The Council shall—

"(1) advise the Director with respect to policy matters arising in the administration of this Act; and

"(2) upon the request of the Director, review and effectiveness and the operation of programs under this Act and make recommendations (including such proposals for changes in this Act as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort, and (C) the coordination of such programs with other Federal programs designed to assist the beneficiaries of this Act.

"(c) Members of the Council, other than individuals regularly employed by the Federal Government shall, while away from their homes or regular places of business, be paid travel expenses (including per diem in lieu of subsistance) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(d) Not later than January 1 of each calendar year, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President to the Congress, together with his comments and recommendations.".

(b) Title IV of the table of contents of the Act is amended by inserting after item "Sec. 404." the following new item:

"Sec. 405. National Voluntary Service Advisory Council.".

EVALUATION

SEC. 7. Section 416(a) of the Act is amended to read as follows:

"(a) The Director shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals, in general, and in relation to their cost, their impact on related programs, and their structure and mechanism for delivery of services. Each program shall be evaluated at least once every four years. Evaluations shall be conducted by persons not immediately involved in the ad-

ministration of the program or project evaluated.".

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

SEC. 8. Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

"SEC. 501. (a) There is authorized to be appropriated to carry out part A of title I of this Act $25,000,000 for fiscal year 1987, $25,750,000 for fiscal year 1988, and $26,522,500 for fiscal year 1989.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for each of the fiscal years 1987, 1988, and 1989.

"(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,984,000 for each of the fiscal years 1987, 1988, and 1989.".

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS AUTHORIZATION

SEC. 9. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS AUTHORIZATION

"SEC. 502. (a) There is authorized to be appropriated to carry out programs under part A of title II of this Act $31,100,000 for fiscal year 1987, $32,033,000 for fiscal year 1988, and $32,990,000 for fiscal year 1989.

"(b) There is authorized to be appropriated to carry out programs under part B of title II of this Act $58,700,000 for fiscal year 1987, $60,461,000 for fiscal year 1988, and $62,274,830 for fiscal year 1989.

"(c) There is authorized to be appropriated to carry out programs under part C of title II of this Act $28,600,000 for fiscal year 1987, $29,458,000 for fiscal year 1988, and $30,341,740 for fiscal year 1989.".

ADMINISTRATION AND COORDINATION

SEC. 10. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $25,312,000 for fiscal year 1987 and for each fiscal year ending prior to October 1, 1989.".

TECHNICAL AMENDMENTS

SEC. 11. (a)(1) The heading of part C of title II of the Act is amended to read as follows:

"PART C—SENIOR COMPANION PROGRAM"

(2) The item for part C of title II in the table of contents of the Act is amended to read as follows:

"PART C—SENIOR COMPANION PROGRAM".

(b)(1) Secton 16(a) of the Domestic Volunteer Service Act Amendments of 1984 is amended by striking out "Part C" and inserting in lieu thereof "Part D".

(2) Section 16(b) of such Act is amended by striking out "part C" and inserting in lieu thereof "part D".

(c)(1) The heading of section 213 of the Act is amended by striking out "THE PROGRAM" and inserting in lieu thereof "VOLUNTEER SERVICE PROJECTS".

(2) The item for section 213 in the table of contents of the Act is amended by striking out "the program" and inserting in lieu thereof "volunteer service projects".

(d) Section 122(a)(1) of the Act is amended by striking out a semicolon each place it appears and inserting in lieu thereof a comma.

(e) The fifth sentence of section 401 of the Act is amended by striking out "level 5" and inserting in lieu thereof "level V".

(f) Section 402(a)(1) of the Act (as redesignated by section 5(1) of this Act) is amended by inserting a comma immediately before "except" the second time it appears.

(g) Section 419 of the Act is amended by striking out "to this Act" and inserting in lieu thereof "to this Act)".

(h) Section 421(1) of the Act is amended by striking out "agency" and inserting in lieu thereof "Agency".

(i)(1) Section 105(b) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(2) Section 112 of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(3) Section 114(c) of the Act is amended by striking out "he" each time it appears and inserting in lieu thereof "the Director".

(4) Section 122(b) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(5)(A) Section 402(a) of the Act (as redesignating by section 5(1) of this Act) is amended by striking out "him" and inserting in lieu thereof "the Director".

(B) Section 402(a)(3) of the Act is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Director".

(C) Section 402(a)(7) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(D) Section 402(a)(8) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(E) Section 402(a)(10) of the Act is amended by striking out "him" each time it appears and inserting in lieu thereof "the Director".

(F)(i) Section 402(a)(11)(B) of the Act is amended by striking out "him" and inserting in lieu thereof "the Director".

(ii) Section 402(a)(11(B)(ii) of the Act is amended by striking out "his intention" and inserting in lieu thereof "the intention of the Director".

(G) Section 402(a)(14) is amended by striking out "he" and inserting in lieu thereof "the Director".

(6) Section 403(a) of the Act is amended by striking out "his official capacity" and inserting in lieu thereof "an official capacity".

(7) Section 404(e) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(8) Section 412(a) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(9) Section 415(d) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(10)(A) Section 601(c) of the Act is amended by striking out "his designee" and inserting in lieu thereof "the designee of the Director".

(B) Section 601(e) of the Act is amended by striking out "his official capacity" and inserting in lieu thereof "an official capacity".

SECTION-BY-SECTION ANALYSIS OF THE DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1986

Section 1 of the bill cites the Act as the "Domestic Volunteer Service Act of 1986."

Section 2 of the bill adds a new section immediately after the table of contents stating that the policy of the Congress is to foster the tradition of volunteerism through greater involvement of both young and elder citizens. The section also states that it is the intention of Congress, through the ACTION agency to foster and expand voluntary citizen services and coordinate efforts within other Federal agencies. ACTION is required to utilize the energy, innovative spirit, experience, and skills of all Americans to serve local communities in activities designed to help the poor, disadvantaged, and vulnerable through volunteer service.

Section 3 of the bill amends section 211 of the Act regarding the foster grandparent program to add a new subsection authorizing the Director to develop regulations permitting the enrollment of individuals who do not meet the low-income criteria if such individuals are willing to serve without a stipend or reimbursement for expenses other than for transportation, meals, and out-of-pocket expenses incident to providing foster grandparent services. Non-stipend volunteers must work 20 hours a week and comply with other foster grandparent requirements. The section further prohibits appropriated funds from being diverted from direct volunteer benefits for low-income stipend volunteers to non-stipend volunteers. It also prohibits non-stipend volunteers from replacing low-income volunteers serving with stipend.

Section 4 of the bill amends section 213 of the Act regarding the Senior Companion program by adding a new subsection authorizing the Director to develop regulations permitting the enrollment of volunteers who do not meet the low-income criteria if such volunteers are willing to serve without stipend or reimbursement for expenses other than for transportation, meals, or out-of-pocket expenses incident to providing senior companion services. Non-stipend volunteers must work 20 hours a week and comply with other senior companion requirements. The section further prohibits appropriated funds from being diverted from direct volunteer benefits for low-income stipend volunteers to non-stipend volunteers serving without stipend.

Section 5 of the bill amends section 402 of the Act to add a new subsection regarding authorized duties of the Director. It authorizes the Director to accept solicited funds from profit and non-profit entities, and to use the funds in accordance with the purposes and the activities authorized by the Act. The bill requires, consistent with section 402(5) of the Act, that all funds shall become part of the gift fund account of ACTION and shall remain available until expended. The subsection also requires the Director to assure that a majority of the amount of all unrestricted gifts to ACTION each fiscal year will be spent to support volunteer projects at the community level.

Section 6 of the bill amends Title IV of the Act by inserting a new section 405 to establish a National Voluntary Service Advisory Council. The Council is to be composed of not more than twelve members appointed by and serving at the pleasure of the President, and appointed no later than 90 days after enactment of this bill. The members are to be representative of public and private organizations, and groups and individuals interested in serving programs and benefited by programs carried out under this Act. Designation of chairpersons, ex-officio members, and the initial meeting date are also set forth. The Council shall advise the Director on policy matters arising in the administration of the Act. Upon the request of the Director, the Council shall review the effectiveness and the operation of programs

under the Act and make recommendations concerning the improvement of such programs, the elimination of duplication of effort, and the coordination of such program with other Federal programs designed to assist the beneficiaries of this Act. Council members, other than Federal employees, are to have their travel and per diem expenses reimbursed for the time they serve on the Council. The Council shall make annual reports of its fundings and recommendations by January 1st of each year. The reports are to be sent to the President who is required to send them to Congress with his comments and recommendations.

Section 7 of the bill restates and also amends part of section 416(a) of the Act regarding evaluations. It specifies that the Director shall measure and evaluate the impact of all programs authorized by this Act in terms of their effectiveness in achieving stated goals, and in relation to their cost, their impact on related programs, and their structure and mechanism for delivery of services. Each program shall be evaluated at least once every four years. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

Section 8 of the bill amends section 501(a) of the Act to authorize the following appropriations for fiscal years 1987, 1988, and 1989:

	Fiscal year—		
	1987	1988	1989
Volunteers in Service to America (VISTA)	$25,000,000	$25,750,000	$26,522,500
Service-learning programs	1,800,000	1,800,000	1,800,000
Special volunteer projects	1,984,000	1,984,000	1,984,000

Section 9 of the bill amends section 502(a) of the Act to authorize the following appropriations for fiscal years 1987, 1988, and 1989:

	Fiscal year—		
	1987	1988	1989
Retired Senior Volunteer Program	$31,100,000	$32,033,000	$32,990,000
Foster Grandparent Program	58,700,000	60,461,000	62,274,830
Senior Companion Program	28,600,000	29,458,000	30,341,740

Section 10 of the bill amends section 504 of the Act to authorize for title IV program administration $25,312,000 for each of fiscal years 1987, 1988, and 1989.

Section 11 of the bill makes various technical amendments, including the following. Section 11(b) corrects an amendment in the "domestic Volunteer Service Act Amendments of 1984" which refers to "Part C" instead of "Part D, General Provisions."

Section 11(c) changes the heading for section 213 of the Act (containing provisions for the Senior Companion Program) to "Grants and Contracts for Volunteer Service Projects." This subsection also makes the change in the Table of Contents.

The remaining subsections eliminate references to the gender of the Director of the ACTION agency, or make punctuation changes in the Act.

By Mr. EXON:

S. 2325. A bill to permit a maximum speed limit of 70 miles per hour on any route within the National System of Interstate and Defense Highways; to the Committee on Commerce, Science, and Transportation.

SEVENTY-MILE-PER-HOUR SPEED LIMIT

Mr. EXON. Mr. President, I am introducing legislation which will give the States the authority to increase the maximum speed on interstate highways to 70 miles per hour.

It is very important to note that this bill applies to the Interstate Highway System only. This legislation in no way will allow States to increase the speed limits on primary or secondary roadways over the current limit of 55 miles per hour.

It has become increasingly apparent that the motoring public is systemically ignoring the current national requirement of a 55-miles-per-hour maximum on the interstate.

When this law was enacted in 1974, it was done so in response to an energy crisis. Today, we have a different situation. If we subsequently encounter energy shortage problems we may have to cut back again as a result of falling energy costs, our motorists, on the whole, are ignoring the 55-miles-per-hour limit on the Interstate System as are most of the enforcement agencies. This is especially true in States, like Nebraska, which have large sparsely populated geographical areas of limited congestion. In addition, State enforcement of the 55-miles-per-hour limit on the Interstate System is lax. I need only cite Nebraska's law regarding interstate speed in which one can drive up to 65 miles per hour and, if ticketed, will only pay a maximum fine of $10 and lose no points off of one's driver license. As a result of this law, enforcement of 55 miles per hour on the interstate actually begins at 65 miles per hour. I know that other States also are experiencing lax enforcement of the 55-mile-per-hour speed similar to that in Nebraska.

Mr. President, a recent review of Nebraska's accident statistics show that of the 207 fatal accidents which occurred in Nebraska in 1985, only 7 took place on the Interstate System. That is only 3.4 percent. It is also interesting to note that not one of these seven fatal accidents cited excessive speed as the cause.

Nationally, of the 39,622 fatal accidents occurring during 1984, only 3,749 or 9.4 percent occurred on the Nation's Interstate System. While contributing factor statistics are not available on these accidents obtained from the National Highway Traffic Safety Administration. I would not hesitate to assume that the large majority of these accidents were also caused by factors other than excessive speeds.

Mr. President, I want to stress that this legislation will only apply to the Interstate System. In addition, the States will continue to have broad authority to set lower speed limits on any portion of or all of an interstate they believe unsuitable for a 70-mile-per-hour maximum. The States set whatever limit they want under 70-mile-per-hour maximum.

Finally, during my years as Governor of Nebraska I was deeply involved in highway safety and established a sound record. I do not believe the measure I am introducing today is contrary to or inconsistent with that record.

Mr. President, I have always believed that an unenforceable law is a bad law. I truly believe this applies to the 55-mile-per-hour speed limit on our Nation's Interstate Highway System under today's circumstances.

During the 1980 President campaign, President Reagan expressed his opposition to the current 55-mile-per-hour speed limit. Knowing of his feelings on this matter, I have written the President requesting his support for this legislation. In my letter, I requested suggestions for any improvements or amendments which he may require for his support. I ask unanimous consent that the bill and a copy of my letter to President Reagan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 154 of title 23, United States Code, is amended by adding at the end thereof the following:

"(i) Notwithstanding any other provision of law, the maximum speed limit permitted on any route within the Interstate System shall be seventy miles per hour.".

UNITED STATES SENATE,
Washington, DC, April 17, 1986.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Public compliance with the current federal law regarding the 55 mph speed limit on our nation's highways has been decreasing steadily since its enactment during the energy crisis in 1974. This is particularly true on our interstate system which was designed for higher speeds without compromising safety.

Today, more and more of our nation's motorists are traveling on our interstate system at speeds considerably over the 55 mph limit. They do so with full knowledge of the law but also with full knowledge that the enforcement of this limit has also become increasingly lax.

During the 1980 presidential campaign, you opposed the 55 mph speed limit. The 1980 Republican Platform, which you also embraced, stated; "We believe the federal 55 mile per hour speed limit is counterproductive and contributes to higher costs of goods and services to all communities, particularly in rural America. The most effective, no-cost federal assistance program available would be for each state to set its own speed limit."

I have introduced legislation which would follow exactly your stated opinion and allow states to set the speed limit on their interstate systems up to a top limit of 70 mph. This bill will not change the current maxi-

mum federal speed limit on primary and secondary highways nor will it change the states' authority to set lower limits on certain segments of interstate highway not suitable for the 70 mph limit.

Mr. President, I believe this legislation is a positive step toward giving the states more flexibility in setting speed limits on their interstate systems without compromising the overall issue of safety. I also believe this legislation is consistent with your philosophy on this matter. I would, therefore, ask for your support of this legislation.

If there are any adjustments that you believe may improve this legislation, I would be pleased to consider any amendment you believe would be required for your support.

Sincerely,

J. JAMES EXON,
U.S. Senator.

By Mr. HEFLIN:

S. 2326. A bill to protect the name and marks of the Alabama Space Science Exhibit Commission; to the Committee on the Judiciary.

ALABAMA SPACE SCIENCE EXHIBIT COMMISSION

● Mr. HEFLIN. Mr. President, in 1965 the Alabama Legislature established the Alabama Space Science Exhibit Commission as a nonprofit educational agency to operate a space and rocket museum in Huntsville, AL. In 1982, this commission began the Youth Camp Science Program in Huntsville to stimulate young people's interest in space, science, and math through extensive hands-on experience with the space program. The huge success of the space camp program has been the subject of numerous articles in national magazines and newspapers as well as network news programs.

Space camp is the only supplemental educational program in the Nation specifically intended to motivate youngsters to prepare for high technology and scientific careers. The space camp program influences its young participants to study science and technology so they will be adequately qualified to become the scientists and engineers of tomorrow.

The youngsters, ranging from ages 11 t0 16, spend 5 days at the Space and Rocket Center's museum complex in closely structured programs involving rocketry, equipment design, astronaut training, computers and career guidance. They work with sophisticated equipment and converse with engineers and scientists involved in aerospace technology. Children from varied ethic and social backgrounds work side-by-side each day.

At the request of the program's graduates for continuing studies between trips to Huntsville, a package of home study material is being developed for distribution by its Space Camp Club. Also, youngsters' education will be carried to higher levels with the creation of the Space Academy Science Program.

This season, some 4,000 boys and girls from all 50 States and at least 18 foreign countries will participate in this remarkable educational program. This will raise the 5-year total to more than 12,000 participants.

Inspired by the late Dr. Wernher von Braun, the space camp is self-supported and depends on its funding from a number of sources including the Huntsville, AL aerospace community, the U.S. Army Missile Command, and the Marshall Space Flight Center of the National Aeronautics and Space Administration. Just as Dr. Von Braun founded the Space and Rocket Museum on a self-funded basis, so have the educational programs continued on that philosophy.

Financial support from the Nation's high technology industry is growing each year. Funds for construction of permanent facilities are being raised from a number of leading corporations. Among them are Coca-Cola, McDonnell Douglas, Rockwell International, Morton Thiokol, IBM, Teledyne, Eastern Airlines, United Technologies, Lockheed, Boeing, Texas Instruments, Essex Corp., Controlled Data Corp., TRW, South Central Bell, Martin Marietta, Goldstar, Owens-Corning, Raytheon, PPG Industries, Polaroid, Chesebrough Ponds, 3M, First Alabama Bank, J.T. Schrimsher Co., Hercules, Wyle, Proctor and Gamble, Atlanta Research, Colonial Bank of North Alabama, GTE, Bendix, and Finalco.

In my many trips to the Space and Rocket Museum I have been impressed with the enthusiasm and interest demonstrated by the fine young people that participate in this program as well as its highly qualified staff. I firmly believe that this young generation being trained to staff our aerospace and other high tech programs in the 21st century will be able to accomplish even greater successes than we have to date.

Today I am introducing legislation which would protect the use of the official names which have been created by the Alabama Space Science Exhibit Commission. Through its unique and excellent educational programs the space camp is now recognized the world over. My bill would simply give the Commission the exclusive rights to the continued use of the names it created, such as space camp and space academy, and which have become synonymous with these programs. I urge my colleagues to support me in this effort.●

By Mr. EVANS (for himself, Mr. GORE, Mr. ABDNOR, Mr. BAUCUS, Mr. BUMPERS, Mr. BURDICK, Mr. EAGLETON, Mr. FORD, Mr. GORTON, Mr. HARKIN, Mr. MELCHER, Mr. NICKLES, Mr. PRESSLER, Mr. SASSER, and Mr. ZORINSKY):

S. 2328. A bill to prohibit for a ten-year period the transfer or sale of Federal Power Marketing Administrations or the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

(The remarks of Mr. EVANS and others, and the text of the legislation appear earlier in today's RECORD.)

By Mr. COCHRAN:

S. 2330. A bill to amend the copyright law regarding work made for hire; to the Committee on the Judiciary.

TO AMEND THE COPYRIGHT LAW REGARDING WORK FOR HIRE

Mr. COCHRAN. Mr. President, today I am introducing legislation to amend the copyright laws to protect more effectively the work product of writers, artists, photographers, composers, and other such creators of works of art.

During the 97th and 98th Congresses, I introduced similar legislation after learning that some artists in my State of Mississippi had found themselves to be the victims of work-for-hire laws that were unfair to them.

The Senate Judiciary Committee held hearings in 1982 to review this legislation and to examine industry practices. Representatives of the Graphic Artists Guild, the Authors League of America, and the American Society of Journalists and Authors testified, as did representatives of the publishing industry.

Since that time, I have continued to work with members of the Graphic Artists Guild, the American Society of Magazine Photographers, and others to develop a better proposal for consideration by the Congress. Supporting the reform effort is a coalition of over 40 artist and writer groups representing more than 40,000 creators. I ask unanimous consent that a list of those organizations be printed in the RECORD at the conclusion of my remarks.

Under present law, a work may be deemed a work made for hire if it is first, a work prepared by an employee within the scope of his or her employment; or second, a certain type of work specially commissioned if the parties expressly agree in a written instrument signed by them that the work will be considered a work made for hire. Specially commissioned works are limited to those enumerated in the definition which includes contributions to collective works, parts of motion pictures and audiovisuals, instructional texts, and others.

If a creator prepares a work made for hire, he or she is no longer the author for copyright purposes; rather, the employer or the commissioning party is the author and receives all future income that may be derived from any use of the work in any medium.

This presents less of a problem for employees who may lose authorship of their work but are deemed to be rewarded by the terms of their employment, which may include a salary and fringe benefits, or provision of a workplace, and tools and materials.

Freelance creators enjoy none of the security and benefits associated with employee status, are compensated only for the intended use of the copyrighted work, and are further cut off from any other income generated by the subsequent use of their work. Because publishes enjoy a superior bargaining position, they are able to demand a work-for-hire contract as a condition of publication.

The theory of the work-for-hire doctrine is that the employer or commissioning party is entitled to authorship of the work because he conceives, directs, and controls the production of the work and bears the financial risks of development. While this argument is a strong one for works prepared by an employee in the course of his employment, it is not always applicable to freelancers who often conceive and develop a work in their own studios.

Yet, artists, writers, and others complain that work-for-hire contracts are forced upon them even when the publisher exercises little or no control over the production of the work. And, in many instances, work-for-hire agreements are demanded after a work has already been created, sometimes by use of a restrictive endorsement on a payment check, a practice clearly outside the intent of the work-for-hire laws.

Conflicting court decisions have also undermined the clear intent of Congress that commissioned work be considered work-for-hire only if a written contract so provides. In *Aldon Accessories* v. *Spiegel Ltd.*, 738 F. 2nd 548 (2nd Cir.), cert. denied, 105 S. Ct. 387 (1984), the Second Circuit Court of Appeals used a "control and supervision" test in finding that freelance artists working on commission are employees under the work-for-hire definition.

The legislation I am introducing attempts to address these inequities. Under my bill, the copyright law's definition of employee is changed to exclude freelancers. The bill deletes from current law all types of works which may be subject to work-for-hire contracts, except motion pictures. Most categories of works would be subject to standard all rights contracts.

Other categories, including contributions to collective works, parts of audiovisuals, other than motion pictures, supplementary works, and instructional texts, would be subject to the section of the copyright law providing for the transfer of limited rights to reproduce or distribute an author's work. Rights which are granted but are not exercised within 3 years would be subject to termination by the artist.

In order to close another potential loophole in the work-for-hire laws, the bill clarifies the definition of joint work by requiring that, for a specially ordered or commissioned work to be considered a joint work, the parties must expressly so agree in a written instrument prior to commencement of the work.

Additionally, the bill provides that ownership of original art is deemed to remain with the creator unless transferred by a written instrument. Aside from the value of copyright, a photograph, illustration, manuscript, or other creation may be valuable in itself and may represent another source of income for its creator.

Mr. President, there is considerable support throughout the country for Congress to address the rights of artists and the inequities of work-for-hire. The States of New York and California have enacted moral rights legislation, designed to prohibit the alteration or mutilation of artwork and to recognize the artist's interest in his work after its sale. Fair practices legislation enacted in New York, California, and Oregon involves the transfer of ownership in the physical object, and, like my bill, requires a written instrument to effect such a transfer.

The State of California has also enacted work-for-hire legislation that entitles a creator working under a work-for-hire agreement to employee benefits.

Despite the States attempts to deal with the problem, the Federal copyright law is preemptive. True reform requires Federal legislation. Resolutions adopted by the New York City Council and the Detroit and Providence, RI, city councils have called upon the U.S. Congress to take action on the issue.

Mr. President, our copyright laws were enacted to promote and protect the creation of literary, artistic, musical and other works. Yet, our work-for-hire laws are depriving all artists, not only the new, young creators, of much of the income generated by their work. In many cases, they are being forced to abandon their careers.

I hope my friends on the Judiciary Committee will give prompt consideration to this bill and recommend its passage to the Senate at an early date.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of title 17, United States Code, is amended—

(1) by amending the definition of "work made for hire"—

(A) in clause (1) by inserting before the semicolon the following: "if the employee receives all employment benefits due under applicable State and Federal law and the employer withholds taxes from such payments to the employee and remits such taxes to the Internal Revenue Service";

(B) by amending clause (2) to read as follows:

"(2) a work specially ordered or commissioned for use as a part of a motion picture, if for each such work the parties expressly agree in a separate written instrument signed by them prior to the commencement of any work pursuant to such an order or commission that the work shall be considered a work made for hire."; and

(C) by adding at the end thereof the following: "Unless the work falls within either clause (1) or clause (2), it cannot be work made for hire.";

(2) by adding at the end of the definition of "joint work" the following: "For a specially ordered or commissioned work to be a joint work, the work must meet the foregoing definition and for each such work the parties must expressly agree in a separate written instrument signed by them prior to the commencement of any work that the work shall be considered a joint work.".

SEC. 2. Section 201 of title 17, United States Code, is amended by amending subsection (c) to read as follows:

"(c) CONTRIBUTIONS TO COLLECTIVE WORKS, CONTRIBUTIONS TO COMPILATIONS, SUPPLEMENTARY WORKS, INSTRUCTIONAL TEXTS, AND PARTS OF AUDIOVISUAL WORKS OTHER THAN MOTION PICTURES.—Copyright in each separate contribution to a collective work, in any supplementary work, in any instructional text, and in any part of an audiovisual work other than a motion picture, is distinct from the copyright in the larger or revised work as a whole, and vests initially with the author who created the work which is to be incorporated into the larger or revised work. In the absence of an express transfer of the copyright or of any rights under it, the owner of the copyright in such larger or revised work is pressure to have acquired only the privilege of reproducing and distributing the author's work as part of such particular larger or revised work, any revision of such larger or revised work, and any later larger or revised work in the same series. If an express transfer is made with respect to an author's work in one of these categories, such transfer shall not exceed the rights which the transferee reasonably anticipates exercising. For purposes of this subsection—

"(1) an 'instructional text' means a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities; and

"(2) a 'supplementary work' is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forwards, afterwords, pictorial illustrations, or appendixes.".

SEC. 3. Section 202 of title 17, United States Code, is amended by striking out all after the semicolon in the second sentence and inserting in lieu thereof the following: "nor, in the absence of a written agreement expressly conveying property rights in a material object, does transfer of ownership of a copyright or of any exclusive rights under a copyright or the entering into a work made for hire definition convey property rights in any material object.".

SEC. 4. Section 203 of title 17, United States Code, is amended by inserting at the end of subsection (a)(3) the following: "As to categories of works covered by section 201(c), a partial termination may be effected at any time during a period of five years beginning at the end of the period of three years after the date of the execution of the grant. The termination shall apply to any usage permitted under the grant which has not been exercised by publication, except that any title published within such three-year period may be republished in its original form or in a revised version of that particular title. For purposes of the foregoing sentence, a title shall be deemed revised if in its new form two-thirds of the content is retained from the original version. Neither the effectuation of such a partial termination nor the failure to effect such a partial termination shall in any way restrict the effectuation of a complete termination of any grant pursuant to this clause.".

ORGANIZATIONS SUPPORTING THE WORK-FOR-HIRE BILL

Advertising Photographers Association.
American Federation of Television and Radio Artists.
American Society of Magazine Photographers
Art Directors Club of New York.
Art Directors Club of Salt Lake City.
Artists Equity Association of New York.
Artists in Print.
Association of American Editorial Cartoonists.
Association of Medical Illustrators.
Association of Science Fiction Artists.
Boston Visual Artists Union.
Cartoonists Guild.
Comic Book Creators Guild.
Council of Writers Organizations.
American Society of Journalists and Authors.
Aviation/Space Writers Association.
Eastern Ski Writers.
Editorial Freelancers Association.
Garden Writers Association of America.
The I.B.W.
International Motor Press Association.
Media Alliance.
National Association of Science Writers.
National Book Critics Circle.
Outdoor Writers Association of America.
Science Fiction Writers of America.
Society of American Travel Writers.
Travel Journalists Guild.
Washington Independent Writers.
Foundation for the Community of Artists.
Graphic Artists Guild.
Association of Children's Book Artists and Authors.
Illustrators Discipline.
Graphic Designers Discipline.
Needleart Designers Discipline.
Independent Literary Agents Association.
Joint Ethics Committee.
National Artists Equity Association.
National Cartoonists Society.
National Writers Union.
PEN.
Screen Actors Guild.
Society of Authors Representatives.
Society of Illustrators of Los Angeles.
Society of Illustrators of New York.
Society of Illustrators of San Francisco.
Society of Photographers and Artists Representatives.

Mr. HEINZ (for himself, Mr. GLENN, Mr. DURENBERGER, Mr. BRADLEY, Mr. KENNEDY, Mr. CHAFEE, Mr. CHILES, Mr. MATSUNAGA, Mr. WILSON, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. DODD):

S. 2331. A bill to amend title XVIII of the Social Security Act to assure the quality of inpatient hospital services and posthospital services furnished under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE QUALITY PROTECTION ACT

● Mr. HEINZ. Mr. President, today I am introducing along with my colleagues, Senators GLENN, DURENBERGER, KENNEDY, BRADLEY, CHAFEE, MATSUNAGA, CHILES, WILSON, RIEGLE, MOYNIHAN, and DODD, the Medicare Quality Protection Act of 1986, to improve quality and access to care under the Medicare Program. I am extremely pleased that Representative PETE STARK, chairman of the Ways and Means Committee's Subcommittee on Health, and Representative BILL GRADISON, the ranking minority member, are introducing the identical bill today in the House. They are joined by the chairman of the Energy and Commerce Committee Subcommittee on Health and the Environment, Representative WAXMAN, and Representatives ROYBAL, RINALDO, PEPPER, and REGULA.

The legislation I am introducing today is aimed largely at improving quality in hospital and posthospital settings and ensuring greater access to posthospital services. Shortly, I will be introducing a second bill which will focus on quality of care and patients' rights in nursing homes.

The Medicare Quality Protection Act responds to the many problems uncovered during the Senate Aging Committee's yearlong investigation into quality of care under Medicare's prospective payment system [PPS]. The bill does not seek to dismantle PPS; nor does it impose a new layer of redtape and burdensome regulation on providers. On the contrary, it darns holes and repairs flaws in existing Medicare and Medicaid laws, strengthening quality and access to care while continuing to provide for effective Medicare cost containment.

WHY IS THE MEDICARE QUALITY PROTECTION ACT NECESSARY?

In 1983, Congress acted to save a financially strapped Medicare Program with the prospective payment system. We had confidence that this new reimbursement method could halt spiralling hospital costs and restore solvency. The good news is that our confidence has been rewarded. Hospital costs in 1985 increased by only 6 percent—the lowest rate of increase in the past 20 years.

But Congress also recognized that PPS contained certain inherent incentives to cut back on the level and quality of care provided patients. So Congress charged the peer review organizations with the responsibility of monitoring for quality and sanctioning those providers who would place high profits above good medical practice.

The bad news is that within 1 year of implementation, many physicians and consumers expressed concern that PPS did indeed pose a serious threat to quality of care for Medicare beneficiaries, and might be eroding access to care for the sickest and oldest beneficiaries.

In early December 1984, the American Medical Association published the results of an informal survey of its members. A large majority of those responding said quality of care had already deteriorated, or would deteriorate as a result of PPS. Hospital administrators were reportedly pressuring doctors to violate their own medical judgment in treating patients by discharging patients for a primary conditon and readmitting them for a second, releasing patients prematurely, and taking a more critical look at tests and procedures they ordered.

This AMA study sketched only the basic outlines of what has become a widespread national dilemma of care.

In February 1985, the General Accounting Office released preliminary findings of a study it was conducting at my request on the impact of PPS on posthospital care. Summarizing testimony from hospital, nursing home, and home health agency representatives from six communities around the Nation, the GAO concluded patients were being discharged from hospitals "sicker and quicker" than before PPS and that in too many cases, were being discharged to inappropriate levels of care or no care at all. These findings were echoed in a joint hearing of the House Select Committee on Aging and the Task Force on Rural Elderly on February 26, 1985.

From the beginning, the administration, through the Health Care Financing Administration, chose to deny any deep flaws in the DRG system. I quote from HCFA Administrator Carolyne Davis' own testimony before Congress that "while there have been isolated instances of premature discharge and inappropriate transfer, there has been no evidence of systemic abuse." HCFA argued that the watchdogs of quality, the PRO's, were doing their jobs and that no major problems were developing.

As the agency with administrative and rulemaking responsibility for Medicare, HCFA is critical to the success or failure of the PRO program, the collection of data on quality and access under PPS and the overall operation of prospective reimbursement. But despite well-documented evidence of program abuse, HCFA repeatedly referred to "anecdotal episodes" and failed to make necessary reforms.

In February 1985, the Senate Special Committee on Aging launched its own

investigation into quality of care under PPS. Committee staff visited and collected data from five peer review organizations, and several community and university hospitals. The inquiry involved scores of interviews with Medicare beneficiaries, practicing physicians and nurses, university researchers, personnel from the Health Care Financing Administration, and the Department of Health and Human Services Office of Inspector General. In addition, committee staff gathered and analyzed volumes of records obtained from these organizations and individuals.

The committee's investigation led to three hearings in the fall of 1985: September 26, October 24, and November 12. The committee looked at quality of care issues in hospital and posthospital settings and heard witnesses from 14 States detail a large variety of problems with quality and access. We also heard from a wide-ranging set of experts on ways to respond to the various problems developing under PPS.

The committee found that quality of care problems are widespread. Our most disturbing evidence showed:

Hospitals are pressuring doctors to keep ill people out of the hospital and to discharge others in an unstable condition;

Patients and their families often receive false and incomplete information regarding their rights under the new payment system;

PRO's have only a snapshot picture of quality and feel hamstrung by a "restrictive, underfunded, inflexible, and narrowly focused" review program; and

Too often, patients are discharged to an inappropriate setting for followup care.

The Aging Committee's findings have since been reinforced by the Inspector General of the Department of Health and Human Services. In a new study of premature discharges and inappropriate transfers, Inspector General Richard Kusserow found substantial evidence of premature discharges and inappropriate transfers. He also found that the PRO's had not been effectively using their enforcement powers to address instances of poor quality care. During the period reviewed, October 1, 1983 through May 5, 1985, 14 of the PRO's studied were not reporting premature discharges or inappropriate transfers. The IG concluded that, "therefore, the overall extent of the problem is still not fully known." Quality issues ranged from minor to gross and flagrant violations. Further, Mr. Kusserow placed blame for this problem on the doorstep of HCFA for failing to give clear and consistent guidance to the PRO's as to their quality assurance responsibilities.

The quality abuses documented under the DRG system cannot be halted without a comprehensive strategy for reform. We in the Congress have but one priority in this effort: To restore public confidence in the system and assure quality health care. The Medicare Quality Protection Act is designed with this priority in mind.

The Congressional Budget Office has put a preliminary price tag of $200 million over 3 years on this legislation. Over that same time period we're likely to spend over $200 billion on the Medicare Program. Especially since the prospective payment system is saving the Medicare Program between $3 billion and $4 billion every year, we think less than $70 million a year is a small price to pay for protecting the quality of care under that system.

We introduce the Medicare Quality Protection Act today with the full support of the American Association of Retired Persons, the American Society of Internal Medicine, the National Association of Home Care, the National Council of Senior Citizens, and the American Nurses Association.

A summary of the major findings of the committee and the key provisions of the Medicare Quality Protection Act follow:

I. PROTECTING QUALITY IN ACUTE CARE SETTINGS

(1) Refining the DRGs: Under PPS, patients deemed "DRG losers" by doctors and hospitals—patients with multiple serious conditions—are being prematurely discharged, inappropriately transferred, or refused admission for care. The problem is that DRGs reimburse based on average cost for a principle diagnosis, with no flexibility in payment to account for so-called differences in "severity of illness" among patients with the same diagnosis. Such an inequitable standard for payemnt encourages treatment of the straightforward case and the younger patient over treatment of the heavy care and older patient.

The Heinz-Stark bill requires HHS by January 1, 1988, to develop a PPS patient classification system that reflects variations in severity of illness and case complexity among patients within each diagnosis related group (DRG). HHS would also be required to consider possible changes in outlier policy as an alternative method of accounting for variations in severity and complexity.

2. Inadequate Rights of Appeal: The Aging Committee's investigation revealed that many patients who may wish to present evidence of substandard care or challenge a hospital discharge decision are unaware of their right of appeal, or are given false or incomplete information regarding this right. ProPAC also identified this as a problem in its 1986 Report to HHS and Congress.

At a hearing last fall of the Committee, one witness spoke of the anguish of having to watch her 85-year-old mother be discharged to a substandard nursing home against the doctor's orders and the family's wishes after a 12-day stay in the hospital for two heart attacks and a stroke. Carol Mahla's mother died within a day of being transferred. Two days later, the family received a letter informing them of their rights to appeal the discharge.

Mrs. Mahla' story is not unique. Under pressure from the Senate Aging Committee and consumer organizations, HHS recently improved patient notification procedures by requiring hospitals to provide notice of rights upon admission. But this notice stops short of ensuring that patients will be informed of their rights in a way that is clear and understandable. Current regulations, moreover, give hospitalized patients 48 hours to appeal a discharge before they can be held legally liable for any additional billings. Yet the PROs have three working days to respond to the appeal. This leaves the beneficiary at financial risk of having to pay out-of-pocket for one or more days of hospital care while awaiting a decision from the PRO.

The Medicare Quality Protection Act both improves patient notification and reduces the risk of accumulating out-of-pocket costs for hospital care while awaiting a decision from the PRO. First, HCFA would be required to grant beneficiaries 3 calendar days for appeal after receiving written notification of discharge before they begin to incur liability for a continued stay. Second, PROs would be required to decide appeals of continued stay denials within the same timeframe—3 calendar days.

Finally, in cases where the hospital serves a written notice of discharge but does not express intent to bill for a continued stay, the patient will be granted this same right to appeal. This extension of the appeal right plugs a loophole in the law which often results in the hospital telling patients to leave without informing them they can appeal the discharge decision.

3. Prohibit Incentives or "Kickbacks" that Potentially Lead to Reduced Care: At seven hospitals operated by the Paracelsus Health Care Corporation of Pasadena, California, doctors receive bonuses if costs are kept within DRG range. Similar programs elsewhere in the country also provide a one-to-one compensation of the physician for discharging a patient early. By creating a direct monetary incentive to reduce care, this new form of kickback threatens the well-being of Medicare patients. Current Medicare fraud and abuse law does not address this problem.

The Heinz-Stark bill specifically prohibits physician incentive plans that involve a payment for meeting specific per-case length-of-stay or cost targets. Violators of this provision would be subject to a civil monetary penalty. Additionally, the bill requires HHS to develop legislative recommendations by July 1, 1987 to prohibit or regulate other plans that have the effect of pressuring physicians to discharge patients prematurely or to reduce medically appropriate services.

4. Preserving Existing Quality Protections: The Aging Committee's investigation revealed substantial shortcomings in the existing quality assurance standards under both the Joint Commission for Accreditation of Hospitals and the Medicare Conditions of Participation. Yet even these limited protections face dilution by HHS' proposed revisions of the hospital "Conditions of Participation."

This bill requires that within two years of its enactment, HHS must submit to Congress a study concerning the adequacy of existing quality assurance standards for participating hospitals, including but not limited to consideration of the effect of changes in reimbursement policy since 1982. This provision would send a strong signal to HHS to hold off any regulations that might significantly weaken quality assurance requirements, while the Department examines

ways to improve these requirements in the future.

II. IMPROVING ACCESS TO POST-HOSPITAL CARE

DRGs drive patients out of hospitals quicker and sicker. This finding is not dangerous in and of itself, since days-of-stay often exceeded what was medically necessary under the old system. But sicker and quicker can be hazardous when combined with the fact that post-hospital services are strained by the burden of more patients needing greater levels of care. For some Medicare beneficiaries, post-hospital care is unavailable or substandard.

The fact that the stress on post-hospital services is substantially increasing was confirmed by the General Accounting Office and by dozens of post-hospital care providers interviewed by the Senate Aging Committee's staff. These witnesses testified that more and sicker patients are being released into the community, often to the care of families who are not prepared or able to adequately care for them. One 65-year-old woman, a bilateral amputee with renal failure, with a colostomy, was sent home to an apartment with no running water, to the care of an unreliable 19-year-old grandchild. A 79-year-old woman hospitalized for a complete hip replacement, unable to walk or feed herself, was sent home alone where she was found several days later by a family member.

The Committee also learned that given the shorter length of stay and reduced staff in many hospitals, patients often are too sick to respond positively to educational efforts and nurses are too shorthanded to spend the extra time needed to train the patient or family for home care.

Shortages in home health and nursing home care are aggravated by widespread illegal discrimination against Medicare and Medicaid eligible patients, witnesses told the Committee. Nursing homes prefer the more profitable private-pay patients and those for whom care is less costly.

HCFA has denied that demand for home health and skilled nursing care has significantly increased under PPS. Nevertheless, the Aging Committee's investigation confirmed with data from HCFA internal reports a nearly 40 percent increase in discharges to skilled-nursing and home health care since October 1983.

Options for community services narrow further when quality becomes part of the supply equation. HCFA cites more than 970 nursing homes as chronically substandard. Mrs. Mahla's mother was forced into such a home, where she died after 14 hours. For too many it is a choice of no bed, or a substandard one.

Access to home health and skilled nursing care is also restricted through the administration of the Medicare home health and SNF benefit. William Dombi, attorney from Legal Assistance for Medicare Patients in Connecticut, testified at the Committee's October, 1985 hearing that HCFA has "circumvented the law and subverted the intent of Congress. . . . through oral and written policy directives, all designed to curtail home health and skilled nursing facility coverage." Mr. Dombi went further to assert that "there are two Medicare programs, the one that is on the books under 42 USC Section 1395 [and the one based upon the] directives of the Health Care Financing Administration." Other witnesses from the long-term-care provider community confirmed that "patients cannot be admitted for care because of restrictive HCFA guidelines".

All of these factors contribute to reduced access to post-hospital care for Medicare patients. While some of these problems existed prior to the implementation of PPS, they clearly are magnified by the increased numbers of sicker patients being discharged from our Nation's hospitals. The Medicare Quality Protection Act addresses this problem in the following ways:

1. Require Discharge Planning: Under current law, only hospitals that voluntarily choose to have a Department of Social Work are required to meet Federal rules for discharge planning (and these rules have been criticized as inadequate by health care professionals). HCFA plans to do away with even these lax rules. Existing hospital discharge planning programs—important mechanisms for assuring that patients are placed in appropriate community settings—are seriously overtaxed under PPS, with the result that Medicare patients often receive inadequate post-hospital care.

Take the case of Mrs. S, a 71-year-old woman who was sent home after a six-day hospitalization. She is legally blind, wears a pacemaker, is a diabetic, and has had a stroke and kidney failure. A home health nurse was not called by the discharge planner for four days. When the nurse arrived, she found the patient alone, with no food, taking the wrong medication dosage. This kind of tragedy should not happen.

The Medicare Quality Protection Act would make discharge planning a condition of participation for hospitals in the Medicare program, and for those hospitals deemed "certified" as a result of JCAH accreditation. Hospitals would also be required to have an effective discharge planning process. The bill spells out procedures to be followed when discharging a patient that were recommended by the American Association for Continuity of Care. Upon request of the patient, the attending physician, or someone acting on the patient's behalf, the hospital would be required to provide an initial discharge planning evaluation. Implementation of a final discharge plan would require approval of the attending physician.

2. Require HHS to study the need for Administratively Necessary Days: Many communities have a severe shortage of skilled nursing beds. Hospital patients in need of skilled nursing care in such a community are placed in a life threatening state of limbo. The hospital that keeps the patient ends up either absorbing the cost for the patient's sub-acute days of stay (Medicare covers only acute days of hospital care) or attempting to recover the loss from the patient. Alternatively, the hospital will send the patient home, with or without the necessary medical and social support services. Too often the latter scenario prevails. And as Medicare continues to ratchet down DRG payments to hospitals, making losses on sub-acute patients even less attractive, the number of elderly being discharged to inappropriate settings will rise.

Prior to PPS, Medicare paid for sub-acute care at a reduced rate until the patient could be transferred to a skilled nursing facility. These were referred to as payments for "administratively necessary days." Given the circumstances outlined above, it may be necessary to reinstate these payments. Under the Heinz-Stark bill, HHS is required to conduct a study to determine whether a separate payment should again be made to a hospital for "administratively necessary days," or days of care provided for skilled nursing patients who cannot be promptly discharged to skilled nursing care. The Secretary is required to report back to Congress not later than January 1, 1988.

3. Eliminate Unpredictable Retrospective Denials of Payment for Post-Hospital Care: Currently, there is a great deal of ambiguity and uncertainty about what Medicare covers for home health or skilled nursing care. This uncertainty is the result of unclear guidelines and vague definitions by HCFA and wide variations in decisions by the fiscal intermediaries (FIs) regarding payment for services needed.

Since the FI makes the coverage decision *after* services have begun, providers can be left without payment for care already delivered. If a potential patient's coverage under Medicare is in doubt, the facility may decide against providing that patient with services.

The Medicare waiver of liability was designed to give limited financial protection to health care providers who accept patients they have good reason to believe are eligible for coverage, but whose claims are denied after care has begun.

Obviously, elimination of this waiver might discourage health care providers from participating in the Medicare home health and skilled nursing program. But just last year, HCFA proposed that Congress do just that. Strong opposition by Members of Congress, providers, and beneficiaries resulted in Senate language in the Reconciliation Bill to extend the waivers. These provisions were agreed to by both Houses in conference on the Consolidated Omnibus Budget Reconciliation Act, and are now part of P.L. 99-272.

The Medicare Quality Protection Act would make permanent the waiver of liability for SNFs and HHAs. In addition, the waiver of liability would be extended to include denials made because it was determined that the patient failed to meet the homebound or intermittency requirements for home health coverage under Medicare. The bill also provides for an expedited retrospective review process, ensuring that the waiver will continue until the review determination is made by the fiscal intermediary. Finally, the bill enables providers to appeal denials of home health and SNF coverage on behalf of beneficiaries.

4. HHS to develop a Uniform Needs Assessment Instrument:

Currently, there is no basis for judging how effectively health care services meet the needs of long term care patients or of ensuring that long term care patients are given the appropriate types or levels of care. A needs assessment tool can help providers to: 1) objectively and consistently evaluate the health care needs of long term care patients and 2) match those needs with appropriate available long term care services. In this way, we can ensure that long term care patients have access to needed health care services and that the long term care system can be wisely developed based on actual patient needs.

The Medicare Quality Protection Act requires HHS to develop, within one year of enactment, a uniform needs assessment instrument that evaluates: 1) the functional capacity of an individual; 2) the nursing and other care requirements of the individual to meet health care needs and to assist with functional incapacities; and 3) the social and familial resources available to the individual to meet those requirements. This instrument shall be developed for the use of discharge planners, hospital and post-hospital providers, and fiscal intermediaries in evaluating an individual's need for post-hospital

extended care, home health, and other long-term care services.

III. IMPROVING FOR QUALITY ASSURANCE

HCFA has focused the PROs on a very narrow and incomplete set of quality issues; therefore HCFA's assessment of quality of care is grossly deficient. When the Aging Committee began its investigation in February, 1985, the quality assurance activities of the PROs were extremely limited. Hampered by HCFA's inconsistent and often unreasonable instructions, the PROs were only identifying the tip of the iceberg of quality problems developing under PPS. I am pleased to report that progress has been made in improving the ability of the PROs to monitor quality of care, and to exclude unfit providers and hospitals from delivering care to Medicare beneficiaries. But there are miles to go before the PROs are able to fully and effectively carry out their mandate as the watchdogs of quality under the Medicare program.

Under the new round of PRO contracts, now being negotiated with HCFA, the PROs' scope of review for premature discharges will be limited to those cases where the patient is readmitted to a hospital within fifteen days, and to those instances of possible substandard care that can be detected from using generic quality screens. This means that cases of readmission after fifteen days or to hospitals outside the PRO area, deaths after premature or inappropriate discharge, denials of admission, inappropriate placement out of the hospital and lack of adequate care in the community will still not be reviewed by a PRO.

Thomas Dehn, M.D., President of the American Medical Peer Review Association, testified to the Aging Committee that HCFA primarily wants data from the PROs on utilization of stay—i.e., number of admissions, costs per admission etc.—and is less concerned with quality review. AMPRA's report, "PROs: The Future Agenda", dated September 1985 and prepared by their Task Force on PRO Implementation, states that "The present quality assurance system required under PRO contracts is limited, restrictive, and lacks the innovation needed at a time when the incentives of PPS raise the potential for compromised care. The imposition of quality objectives presupposes baseline data that can validate the existence of quality problems. Given the advent of prospective payment, no such data is available across a wide spectrum of in-patient care to the elderly. Only now are quality care concerns surfacing."

The PROs would thus like to broaden their quality review activities, and to review on a sample basis, quality problems beyond the hospital door. They can only do this, however, if they are given adequate funding and consistent guidelines from HCFA. In reviewing PRO performance, HCFA should give at least equal weight to quality assurance activities as is given to utilization review. In addition, HCFA must establish workable data transfers from the hospital to the PROs that will facilitate timely and efficient quality review.

The Aging Committee also heard from Medicare beneficiaries that PROs often are slow or completely fail to respond to their complaints about quality problems. Nor is there a mechanism to provide for beneficiary participation in decisions affecting PRO activity.

The Medicare Quality Protection Act takes a number of steps to address these problems:

1. Expand PRO Review of Quality of Care: Under the Heinz-Stark bill, PROs will be required to review selected samples of readmissions to hospitals within 30 days. They will also be required to review quality of care in selected home health, nursing, board and care homes, and outpatient hospital settings where they have identified potential quality problems. Finally, the bill requires hospitals to submit monthly data to enable PROs to perform reviews on a timely basis.

2. Allocate PRO Funds to Ensure Increased Quality Care Review: The Medicare Quality Protection Act requires that each PRO provide that a reasonable proportion of its activities are involved with reviewing the quality of services provided in cases and settings for which potential problems of quality have been identified.

3. Improve PRO Accountability to Medicare Beneficiaries: The Heinz-Stark bill would require each PRO to appoint a consumer representative to its board. In addition, PROs would be required to investigate all written complaints about quality of care filed by a beneficiary (or a person acting on behalf of a beneficiary). HHS would develop appropriate procedures for investigating and responding to these complaints. These procedures would provide protection of the confidentiality of the complainant and provide that the PRO's report their findings to the complainant.

IV. IMPROVING DATA ON QUALITY OF CARE UNDER PPS

According to the GAO, HHS lacks any statistically valid basis to confirm or deny the effect of DRGs on the quality of health care older Americans need or receive upon discharge from the hospital. According to GAO testimony, HHS does not have the necessary data to evaluate whether PPS has either increased or decreased the quality, access, demand, use or cost of post-hospital care for Medicare beneficiaries. Furthermore, HHS is not planning to do the types of evaluations that are necessary to determine whether PPS is the cause of changes in these five areas.

1. HHS to Develop a Long-Term Quality Assurance and Review Strategy: The Heinz-Stark bill requires HHS to provide for a study to serve as the basis for establishing a strategy for reviewing and assuring the quality of care under Medicare. In developing this study, HHS shall consult with consumer groups, PROs, the Joint Commission on Accreditation of Hospitals, professional societies and private purchasers of health care with experience and expertise in monitoring the quality of care.

2. Extend HHS reporting requirements on quality in post-hospital settings: HHS is currently required to report on an annual basis on the impact of PPS. For these reports to be useful, they need to cover PPS effects on both hospital and post-hospital care. Under the Quality Assurance Act, HHS would be required to provide three annual impact reports providing (1) an evaluation of quality assessment and assurance is the "continuum of care"; (2) an assessment of access problems of special beneficiary populations; and (3) data on Part A and Part B beneficiary appeals.

3. Sharing of Confidential Information Regarding Quality of Care: There is a woeful lack of information exchanged about problem health care facilities. Thus, hospital discharge planners are sometimes unaware that they are sending a patient to a substandard nursing home. Under the Medicare Quality Protection Act, instances of gross and flagrant patient neglect as well as patterns of poor quality care, could be shared with selected federally-funded quality assurance officials, provided that adequate assurance of confidentiality can be provided.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Quality Protection Act of 1986".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—QUALITY ASSURANCE IN INPATIENT HOSPITAL SETTINGS

Sec. 101. Refinement of prospective payment system.
Sec. 102. Requiring notice of hospital discharge rights.
Sec. 103. PRO review of hospital denial notices.
Sec. 104. Prohibition of certain physician incentive plans.
Sec. 105. Review of standards for medicare conditions of participation for assuring quality of inpatient hospital services.
Sec. 106. Study of payment for administratively necessary days.

TITLE II—ACCESS TO APPROPRIATE POST-HOSPITAL CARE

Sec. 201. Requiring hospitals to provide discharge planning process.
Sec. 202. Extension of waiver of liability provisions to certain coverage denials for home health services.
Sec. 203. Continuing favorable presumption of waiver of liability for skilled nursing facilities and home health agencies.
Sec. 204. Development of uniform needs assessment instrument.
Sec. 205. Expedited review by fiscal intermediaries.
Sec. 206. Prompt response to inquiries concerning exhaustion of medicare skilled nursing facility benefit.
Sec. 207. Provider representation of beneficiaries on appeals and permitting appeal of certain technical denials.
Sec. 208. Including in annual reports on prospective payment system information on quality of post-hospital care.

TITLE III—IMPROVED REVIEW OF QUALITY BY PEER REVIEW ORGANIZATIONS

Sec. 301. PRO review of inpatient hospital services and early readmission cases.
Sec. 302. Requiring PRO review of quality of care.
Sec. 303. Requiring consumer representative on peer review boards.
Sec. 304. Improving peer review responsiveness to beneficiary complaints.
Sec. 305. Sharing of information by peer review organizations.

TITLE IV—STUDY TO DEVELOP A STRATEGY FOR QUALITY REVIEW AND ASSURANCE

Sec. 401. Study to develop a strategy for quality review and assurance.

TITLE I—QUALITY ASSURANCE IN INPATIENT HOSPITAL SETTINGS

SEC. 101. REFINEMENT OF PROSPECTIVE PAYMENT SYSTEM.

(a) DEVELOPMENT OF LEGISLATIVE PROPOSAL.—The Secretary of Health and Human Services shall develop and submit to Congress a specific legislative proposal to improve the classification and payment system under section 1886(d) of the Social Security Act (and, as appropriate, the system for payment of outliers under section 1886(d)(5)(A) of such Act) in order to assure that the amount of payment per discharge approximates the cost of medically necessary care provided in an efficient manner for individual patients or classes of patients with similar conditions.

(b) ACCOUNTING FOR SEVERITY OF ILLNESS.—In developing the proposal, the Secretary shall account for variations in severity of illness and case complexity which are not adequately accounted for by the current classification and payment system.

(c) DEADLINE.—The proposal shall be submitted to Congress by not later than January 1, 1988.

SEC. 102. REQUIRING NOTICE OF HOSPITAL DISCHARGE RIGHTS.

(a) REQUIREMENT FOR HOSPITALS TO PROVIDE STATEMENT.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)), as amended by sections 9121(a), 9122(a), and 9403(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985, is amended—

(1) by striking "and" at the end of the subparagraph (I) inserted by section 9121(a) of such Act,

(2) by striking the period at the end of subparagraph (J) and inserting a comma,

(3) by redesignating the subparagraph (I) inserted by section 9403(b) of such Act as subparagraph (K) and by inserting it after subparagraph (J), and

(4) by inserting after subparagraph (K) the following new subparagraph:

"(L) in the case of hospitals, to provide to each individual who is entitled to benefits under part A (or to a legally responsible person or persons acting on the individual's behalf), at or about the time of the individual's admission as an inpatient to the hospital, a written statement (containing such language as the Secretary prescribes consistent with this paragraph) which explains—

"(i) the individual's rights to benefits for inpatient hospital services and for post-hospital services under this title,

"(ii) the circumstances under which such an individual will and will not be liable for charges for continued stay in the hospital,

"(iii) the individual's right to appeal denials of benefits for continued inpatient hospital services, including the practical steps to initiate such an appeal, and

"(iv) the individual's liability for payment for services if such a denial of benefits is upheld on appeal."

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall first prescribe the language required under section 1866(a)(1)(L) of the Social Security Act not later than six months after the date of the enactment of this Act. The requirement of such section shall apply to admissions to hospitals occurring on such date (not later than 60 days after the date such language is first prescribed) as the Secretary shall provide.

SEC. 103. PRO REVIEW OF HOSPITAL DENIAL OVER NOTICES.

(a) IN GENERAL.—Section 1154 of the Social Security Act (42 U.S.C. 1320c-3) is amended by adding at the end the following new subsection:

"(d)(1) If—

"(A) a hospital has determined that a patient no longer requires inpatient hospital care, and

"(B) the attending physician has agreed with the hospital's determination,

the hospital may provide the patient (or the patient's representative) with a notice (meeting conditions prescribed by the Secretary under section 1879) of the determination.

"(2) If—

"(A) a hospital has determined that a patient no longer requires inpatient hospital care, but

"(B) the attending physician has not agreed with the hospital's determination,

the hospital may request the appropriate peer review organization to review under subsection (a) the validity of the hospital's determination.

"(3) If a patient (or a patient's representative)—

"(A) has received a notice under paragraph (1), and

"(B) while the patient is still an inpatient in the hospital, requests the appropriate peer review organization to review the determination,

then, the organization shall conduct a review under subsection (a) of the validity of the hospital's determination and shall provide notice (by telephone and in writing) to the patient or representative of the results of the review not later than 2 calendar days after the date the organization receives the request. Such review shall be conducted regardless of whether or not the hospital will charge for continued hospital care or the patient will be liable for payment for such continued care.

"(4) If—

"(A) a request is made under paragraph (3) not later than 1 day after the date the patient (or patient's representative) receives the notice under paragraph (1), and

"(B) the conditions described in section 1879(a)(2) with respect to the patient or representative are met,

the hospital may not charge the patient for inpatient hospital services furnished on a day before the fourth day that begins after the date of receipt of the notice under paragraph (1).

"(5) In any review conducted under paragraph (2) or (3), the organization shall solicit the views of the patient involved (or the patient's representative)."

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to denial notices furnished by hospitals to individuals on and after the first day of the first month that begins more than 30 days after the date of the enactment of this Act.

(2) Section 1154(d)(4) of the Social Security Act (as added by the amendment made by subsection (a)) shall take effect on the date of the enactment of this Act.

SEC. 104. PROHIBITION OF CERTAIN PHYSICIAN INCENTIVE PLANS.

(a) MAKING CERTAIN PLANS SUBJECT TO CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) is amended—

(1) by striking "subsection (a)" each place it appears and inserting "subsection (a) or (b)",

(2) in subsection (f), by striking "subsection (d)" and inserting "subsection (e)",

(3) by redesignating subsections (b) through (h) as subsection (c) through (i), respectively, and

(4) by inserting after subsection (a) the following new subsection:

"(b)(1) If—

"(A) a hospital makes a payment, directly or indirectly, to a physician as an inducement to reduce the length of stay or services provided with respect to an identifiable patient (who is entitled to benefits under part A of title XVIII), and

"(B) the payment is based on a specific length of stay or targeted amount of services with respect to the patient,

the hospital shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of twice the amount of the payment plus an amount of not more than $2,000 for each patient with respect to which the payment is made.

"(2) Any physician who knowingly accepts receipt of a payment described in paragraph (1) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of twice the amount of the payment plus an amount of not more than $2,000 for each patient with respect to which the payment is made."

(b) STUDY OF ADDITIONAL SANCTIONS.—The Secretary of Health and Human Services shall develop and report to Congress, not later than July 1, 1987, on specific legislative changes that should be made to prohibit other physician incentive plans that have the effect of pressuring physicians improperly to discharge patients from hospitals before their discharge is medically appropriate or to reduce medically appropriate services.

SEC. 105. REVIEW OF STANDARDS FOR MEDICARE CONDITIONS OF PARTICIPATION FOR ASSURING QUALITY OF INPATIENT HOSPITAL SERVICES.

The Secretary of Health and Human Services shall arrange for a study the adequacy of the standards used for hospitals, for purposes of meeting the conditions of participation under title XVIII of the Social Security Act, in assuring the quality of services furnished in the hospitals. The Secretary shall report to Congress on the results of the study by not later than 2 years after the date of the enactment of this Act.

SEC. 106. STUDY OF PAYMENT FOR ADMINISTRATIVELY NECESSARY DAYS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study—

(1) to determine—

(A) the extent to which costs of hospitals attributable to administratively necessary days have been incorporated into payments under section 1886(d) of the Social Security Act, and

(B) to the extent they have been, the extent to which the distribution among hospitals of payments under such section relating to such costs actually reflects such hospitals' costs for administratively necessary days; and

(2) to determine whether a payment should be made (in a budget-neutral manner under title XVIII of such Act to hospitals receiving payments under section 1886(d) of such Act) to a hospital for administratively necessary days, separate from the per-discharge and outlier payments made under such section.

(b) ADMINISTRATIVELY NECESSARY DAYS DEFINED.—In this section, an "administratively necessary day" is a day of continued inpatient hospital stay, for an individual entitled to benefits under part A of title XVIII of the Social Security Act, necessitated by a delay in obtaining placement for the individual in a skilled nursing facility.

(c) CONSIDERATIONS IN CONDUCTING STUDY.—In conducting the study, the Secretary shall consider—

(1) the need for such a payment in order to minimize—

(A) the disproportionate financial impact of current law on certain hospitals (or hospitals in certain locations) due to difficulties in arranging for appropriate post-hospital care, such as difficulties resulting from a shortage of beds in skilled nursing facilities where those hospitals are located and from the source of payment for such care, and

(B) the risk of inappropriate discharge to a non-institutional or inappropriate institutional setting of individuals who need post-hospital services in a skilled nursing facility, and

(2) the administrative mechanisms that can be used to prevent inappropriate payments for administratively necessary days.

(d) REPORT ON STUDY.—The Secretary shall report to Congress on the results of the study not later than January 1, 1988.

TITLE II—ACCESS TO APPROPRIATE POST-HOSPITAL CARE

SEC. 201. REQUIRING HOSPITALS TO PROVIDE DISCHARGE PLANNING PROCESS.

(a) REQUIREMENT AS CONDITION OF PARTICIPATION.—Section 1861(e)(6) of the Social Security Act (42 U.S.C. 1395x(e)(6)) is amended—

(1) by inserting "(A)" after "(6)", and

(2) by inserting before the semicolon at the end the following: "and (B) has in place a discharge planning process that meets the requirements of subsection (ee)".

(b) DISCHARGE PLANNING PROCESS.—Section 1861 of such Act is further amended by adding at the end the following new subsection:

"Discharge Planning Process

"(ee)(1) A discharge planning process of a hospital shall be considered sufficient if it is applicable to services furnished by the hospital to individuals entitled to insurance benefits under this title and if it meets the guidelines and standards established by the Secretary under paragraph (2).

"(2) The Secretary shall develop guidelines and standards for the discharge planning process in order to ensure a timely and smooth transition to the most appropriate type of and setting for post-hospital or rehabilitative care. The guidelines and standards shall include the following:

"(A) The hospital must identify, at an early stage of hospitalization, those patients who are likely to suffer adverse health consequences upon discharge in the absence of adequate discharge planning.

"(B) Hospitals must provide a discharge planning evaluation for patients identified under subparagraph (A) and for other patients upon the request of the patient, patient's representative, or patient's physician.

"(C) Any discharge planning evaluation must be made on a timely basis to ensure that appropriate arrangements for post-hospital care will be made before discharge and to avoid unnecessary delays in discharge.

"(D) A discharge planning evaluation must include an evaluation of a patient's likely need for appropriate post-hospital services and the availability of those services.

"(E) The results of a discharge planning evaluation must be made available to the patient (or the patient's representative) and the patient's physician for use in establishing an appropriate discharge plan.

"(F) Upon the request of a patient's physician, the hospital must arrange for the development and initial implementation of a discharge plan for the patient.

"(G) Any discharge planning evaluation or discharge plan required under this paragraph must be developed by, or under the supervision of, a registered professional nurse, social worker, or other appropriately qualified personnel."

(c) EFFECT OF ACCREDITATION.—The second sentence of section 1865(a) of such Act (42 U.S.C. 1395bb(a)) is amended—

(1) by inserting ", requires a discharge planning process (or imposes another requirement which services substantially the same purpose)," after "the same purpose)", and

(2) by inserting "clause (A) or (B) of" after "comply also with".

(d) EFFECTIVE DATE.—The requirements of section 1861(ee) of the Social Security Act shall apply to agreements entered into with hospitals, under section 1866 of the Social Security Act, on or after one year after the date of the enactment of this Act.

SEC. 202. EXTENSION OF WAIVER OF LIABILITY PROVISIONS TO CERTAIN COVERAGE DENIALS FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp) is amended—

(1) in subsection (a)(1), by inserting "or by reason of a coverage denial described in subsection (f)" after "section 1862(a)(1) or (9)";

(2) in the first sentence of subsection (a), by inserting "and as though the coverage denial described in subsection (f) had not occurred" before the period at the end;

(3) in the third sentence, by inserting "or by reason of a coverage denial described in subsection (f)" after "section 1862(a)(1) or (9)";

(4) in subsection (c), by inserting "or by reason of a coverage denial described in subsection (f)" after "section 1862(a)(1) or (9)"; and

(5) by adding at the end the following new subsection:

"(f) The coverage denial described in this subsection is, with respect to the provision of home health services to an individual, a failure to meet the requirements of section 1814(a)(2)(C) or 1835(a)(2)(A) in that the individual—

"(1) is or was not confined to his home, or

"(2) does or did not need skilled nursing care on an intermittent basis or physical, speech, or occupational therapy."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to coverage denials occurring on or after the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 203. CONTINUING OF FAVORABLE PRESUMPTION OF WAIVER OF LIABILITY FOR SKILLED NURSING FACILITIES AND HOME HEALTH AGENCIES.

(a) IN GENERAL.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp), as amended by section 202, is further amended by adding at the end the following new subsection:

"(g)(1)(A) A skilled nursing facility which meets the applicable requirements of paragraphs (3) and (4) shall be presumed to meet the requirement of subsection (a)(2) with respect to denials of coverage by reason of section 1862(a)(1) or (9).

"(B) A home health agency which meets the applicable requirements—

"(i) of paragraphs (3) and (4) shall be presumed to meet the requirement of subsection (a)(2) with respect to denials of coverage by reason of section 1862(a)(1) or (9), and

"(ii) of paragraphs (3) and (5) shall be presumed to meet the requirement of subsection (a)(2) with respect to any coverage denial described in subsection (f).

"(2) The presumption of paragraph (1) with respect to specific services may be rebutted by actual or imputed knowledge of the facts described in subsection (a)(2), including any of the following:

"(A) Notice by the fiscal intermediary of the fact that payment may not be made under this title with respect to the services.

"(B) In the case of a skilled nursing facility, the committee or group responsible for the conduct of utilization review for the facility has informed the facility that payment may not be made under this title with respect to the services.

"(C) It is clear and obvious that the provider should have known at the time the services were furnished that they were excluded from coverage.

"(3) The requirements of this paragraph are as follows:

"(A) The facility or agency complies with requirements of the Secretary under this title respecting timely submittal of bills for payment and medical documentation.

"(B) The facility or agency has reasonable procedures to notify promptly each patient (and the patient's physician) where it is determined that a patient is being or will be furnished items or services which are excluded from coverage under this title.

"(4) The requirement of this paragraph is that, on the basis of bills submitted by the facility or agency during the previous quarter, the rate of denial of bills by reason of section 1862(a)(1) or (9) for the facility or agency does not exceed—

"(A) 5 percent, in the case of skilled nursing facilities computed based on days of post-hospital extended care services care covered, or

"(B) 2.5 percent, in the case of home health agencies computed based on visits for home health services covered.

"(5) The requirement of this paragraph is that, on the basis of bills submitted by a home health agency during the previous quarter, the rate of denial of bills for the agency by reason of a coverage denial described in subsection (f) does not exceed 2.5 percent, computed based on visits for home health services covered.

"(6) The Secretary, annually, shall report to Congress—

"(A) information on the frequency and distribution (by types of providers) of denials referred to in paragraphs (4) and (5), including—

"(i) the reasons for such denials,

"(ii) the extent to which payments were nonetheless made because of this section, and

"(iii) the rate of reversals of such denials, and

"(B) such other information as may be appropriate to evaluate the appropriateness of the percentage standards established under such paragraphs (4) and (5).

"(7) In this subsection, the term 'fiscal intermediary' means, with respect to a skilled nursing facility or home health agency, an agency or organization with an agreement

under section 1816 with respect to the facility or agency and includes, with respect to a home health agency, a carrier with a contract under section 1842 with respect to the agency."

(b) REPEALING DUPLICATIVE PROVISIONS.—Section 9205 of the Consolidated Omnibus Budget Reconciliation Act of 1985, and subsection (c) of section 9126 of such Act, are repealed.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to services for which a notice of coverage denial (described in section 1879(f) of the Social Security Act) is made on or after the first day of the first calendar quarter that begins at least 90 days after the date of the enactment of this Act.

SEC. 204. DEVELOPMENT OF UNIFORM NEEDS ASSESSMENT INSTRUMENT.

(a) DEVELOPMENT.—The Secretary of Health and Human Services shall develop a uniform needs assessment instrument that—

(1) evaluates—

(A) the functional capacity of an individual,

(B) the nursing and other care requirements of the individual to meet health care needs and to assist with functional incapacities, and

(C) the social and familial resources available to the individual to meet those requirements; and

(2) can be used by discharge planners, hospitals, nursing facilities, other health care providers, and fiscal intermediaries in evaluating an individual's need for post-hospital extended care services, home health services, and long-term care services of a health-related or supportive nature.

(b) ADVISORY PANEL.—The Secretary shall develop the instrument in consultation with an advisory panel, appointed by the Secretary, that includes experts in the delivery of post-hospital extended care services, home health services, and long-term care services and representatives of skilled nursing facilities, of home health agencies, of long-term care providers, of fiscal intermediaries, and of medicare beneficiaries.

(c) REPORT ON INSTRUMENT.—The Secretary shall report to Congress, not later than 1 year after the date of the enactment of this Act, on the instrument developed under this section. The report shall include an evaluation of the advantages and disadvantages of using the instrument as the basis for determining whether payment should be made for post-hospital extended care services and home health services provided to individuals entitled to benefits under part A of title XVIII of the Social Security Act.

SEC. 205. EXPEDITED REVIEW BY FISCAL INTERMEDIARIES.

(a) IN GENERAL.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp), as amended by sections 202 and 203 of this title, is further amended by adding at the end the following new subsection:

"(h) The Secretary shall develop procedures to expedite the determination of whether initial claims submitted for post-hospital extended care services and home health services provided (or to be provided) to an individual may be reimbursed under this title, so as to minimize the time between (1) when the provider first provides the services to the individual, and (2) when the provider first receives notice of an initial determination on whether or not payment may be made under this title for some or all of the services provided the individual."

(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall provide for the expedited procedures described in section 1879(h) of the Social Security Act not later than one year after the date of the enactment of this Act.

SEC. 206. PROMPT RESPONSE TO INQUIRIES CONCERNING EXHAUSTION OF MEDICARE SKILLED NURSING FACILITY BENEFIT.

The Secretary of Health and Human Services shall provide, in the administration of part A of title XVIII of the Social Security Act and by not later than 9 months after the date of the enactment of this Act, for a response within 24 hours to any inquiry by a beneficiary (and to any inquiry by a hospital or skilled nursing facility with the beneficiary's consent) to the Secretary concerning whether the beneficiary's benefits under section 1812(a)(2) of such Act (relating to post-hospital extended care services) have been exhausted.

SEC. 207. PROVIDER REPRESENTATION OF BENEFICIARIES ON APPEALS AND PERMITTING APPEAL OF CERTAIN TECHNICAL DENIALS.

(a) PERMITTING PROVIDER REPRESENTATION OF BENEFICIARIES.—Section 1869(b)(1) of the Social Security Act (42 U.S.C. 1395ff(b)(1)) is amended by adding at the end the following new sentence: "Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this subsection by a person that furnishes or supplies the individual, directly or indirectly, with services or items solely on the basis that the person furnishes or supplies the individual with such a service or item.".

(b) PERMITTING REVIEW OF TECHNICAL DENIALS.—Section 1869 of such Act is further amended—

(1) in subsection (a), by inserting ", the amount of benefits with respect to home health services under part B, and any other determination with respect to a claim for benefits under part A" after "part A,", and

(2) in subsection (b)(1)—

(A) by striking "or" at the end of subparagraph (B),

(B) by inserting ", or" at the end of subparagraph (C), and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) any other denial (other than under part B of title XI) of a claim for benefits under part A or a claim for benefits with respect to home health services under part B,".

(c) EFFECTIVE DATE.—The amendment made by this section take effect on the date of the enactment of this Act.

SEC. 208. INCLUDING IN ANNUAL REPORTS ON PROSPECTIVE PAYMENT SYSTEM INFORMATION ON QUALITY OF POST-HOSPITAL CARE.

(a) IN GENERAL.—Section 603(a)(2) of the Social Security Amendments of 1983 is amended—

(1) by striking "1987" in subparagraph (A) and inserting "1989", and

(2) by adding at the end the following new subparagraph:

"(E) In each annual report to Congress under subparagraph (A), the Secretary shall include—

"(i) an evaluation of the adequacy of the procedures for assuring quality of post-hospital services furnished under title XVIII of the Social Security Act,

"(ii) an assessment of problems that have prevented groups of medicare beneficiaries (including those eligible for medical assistance under title XIX of such Act) from receiving appropriate post-hospital services covered under such title, and

"(iii) information on reconsiderations and appeals taken under title XVIII of such Act with respect to payment for post-hospital services."

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply to reports for years beginning with 1986.

TITLE III—IMPROVED REVIEW OF QUALITY BY PEER REVIEW ORGANIZATIONS

SEC. 301. PRO REVIEW OF INPATIENT HOSPITAL SERVICES AND EARLY READMISSION CASES.

(a) TIMELY PROVISION OF HOSPITAL INFORMATION.—Section 1153 of the Social Security Act (42 U.S.C. 1320c-2) is amended by adding at the end the following new subsection:

"(g) The Secretary shall provide that peer review organizations receive, each month on a timely basis, data from hospitals necessary to initiate the review process under section 1154(a) on a timely basis."

(b) REQUIRING REVIEW OF EARLY READMISSION CASES.—Section 1154(a) of such Act (42 U.S.C. 1320c-3(a)), as amended by section 9401(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, is amended by adding at the end the following new paragraph:

"(13) Notwithstanding paragraph (4), the organization shall perform the review described in paragraph (1) with respect to early readmission cases to determine if the previous inpatient hospital services and the post-hospital services met professionally recognized standards of health care. Such reviews may be performed on a sample basis if the organization and the Secretary determine it to be appropriate. In this paragraph, an 'early readmission case' is a case in which an individual, after discharge from a hospital, is readmitted to a hospital less than 31 days after the date of the most recent previous discharge."

(c) EFFECTIVE DATES.—(1) The Secretary shall implement the amendment made by subsection (a) not later than 6 months after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply to contracts entered into or renewed on or after January 1, 1987.

SEC. 302. REQUIRING PRO REVIEW OF QUALITY OF CARE.

(a) ALLOCATION OF FUNDS FOR QUALITY CARE REVIEW.—Section 1154(a)(4) of the Social Security Act (42 U.S.C. 1320c-3(a)(4)) is amended by adding at the end the following: "Each peer review organization shall provide that a reasonable proportion of its activities are involved with reviewing, under paragraph (1)(B), the quality of services and that a reasonable allocation of such activities is made among the different cases and settings (including post-acute-care settings, ambulatory settings, and health maintenance organizations) for which potential problems of quality have been identified.".

(b) IDENTIFICATION OF METHODS FOR IDENTIFYING CASES OF SUBSTANDARD CARE.—Section 1154 of such Act (42 U.S.C. 1320c-3), as amended by section 103(a) of this Act is amended by adding at the end the following new subsection:

"(e) The Secretary, in consultation with appropriate experts, shall identify methods that would be available to assist peer review organizations (under subsection (a)(4)) in identifying those cases which are more likely than others to be associated with a quality of services which does not meet pro-

fessionally recognized standards of health care."

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply to contracts entered into or renewed on or after January 1, 1987.

(2) The amendment made by the subsection (b) becomes effective on the date of the enactment of this Act.

SEC. 303. REQUIRING CONSUMER REPRESENTATIVE ON PEER REVIEW BOARDS.

(a) IN GENERAL.—Section 1152 of the Social Security Act (42 U.S.C. 1320c-1) is amended—

(1) by striking "and" at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting "; and", and

(3) by adding at the end the following new paragraph:

"(3) has at least one individual who is a representative of consumers on its board of directors."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts entered into or renewed on or after January 1, 1987.

SEC. 304. IMPROVING PEER REVIEW RESPONSIVENESS TO BENEFICIARY COMPLAINTS.

(a) APPROPRIATE INVESTIGATION OF COMPLAINTS REQUIRED.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c-3(a)), as amended by section 301(a) of this title, is further amended by adding at the end the following new paragraph:

"(14) The organization shall conduct an appropriate investigation of all written complaints about the quality of services (for which payment may otherwise be made under title XVIII) not meeting professionally recognized standards of health care, if the complaint is filed with the organization by a individual entitled to benefits for such services under such title (or a person acting on the individual's behalf). The fact that such a complaint is made and the name of the complainant shall be treated as confidential. The organization shall inform the individual (or representative) of the organization's findings respecting the complaint."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to complaints received on or after the first day of the first month that begins at least 9 months after the date of the enactment of this Act.

SEC. 305. SHARING OF INFORMATION BY PEER REVIEW ORGANIZATIONS.

(a) IN GENERAL.—Section 1160(b)(1) of the Social Security Act (42 U.S.C. 1320c-9(b)(1)) is amended—

(1) in subparagraph (C), by striking "is required" and inserting "are required",

(2) by striking "and" at the end of subparagraph (B), and

(3) by adding at the end the following new subparagraph:

"(D) to assist—

"(i) national accreditation bodies which are acting, pursuant to section 1865, in accrediting providers for purposes of meeting the conditions described in provisions in title XVIII, and

"(ii) State ombudsmen and State protection and advocacy officials who the Secretary identifies as having responsibility for assuring the quality of care furnished by providers or practitioners,

which data and information shall be provided by the peer review organization to any such body, ombudsman, or official upon request relating to a specific provider or practitioner, but only to the extent that such data and information are related to the quality of care furnished by a provider or practitioner and only if the peer review organization determines that the data and information may reflect a failure in a substantial number of cases or a gross and flagrant failure in one or more instances to provide services of a quality which meets professionally recognized standards of health care, and that the data and information are needed by the body, ombudsman, or official in carrying out official duties;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests for data and information made on and after the end of the 6-month period beginning on the date of the enactment of this Act.

TITLE IV—STUDY TO DEVELOP A STRATEGY FOR QUALITY REVIEW AND ASSURANCE

SEC. 401. STUDY TO DEVELOP A STRATEGY FOR QUALITY REVIEW AND ASSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall arrange for a study to serve as the basis for establishing a strategy for reviewing and assuring the quality of care for which payment may be made under title XVIII of the Social Security Act (the medicare program).

(b) ITEMS INCLUDED IN STUDY.—Among other items, the study shall—

(1) identify the appropriate considerations which should be used in defining "quality of care";

(2) evaluate the relative roles of structure, process, and outcome standards in assuring quality of care;

(3) consider whether criteria and standards for defining and measuring quality of care should be developed and, if so, how this should be done;

(4) evaluate the adequacy and focus of the current methods for measuring, reviewing, and assuring quality of care;

(5) evaluate the current research on methodologies for measuring quality of care, and suggest areas of research needed for further progress;

(6) evaluate the adequacy and range of methods available to correct or prevent identified problems with quality of care;

(7) review mechanisms available for coordinating and supervising at the national level quality review and assurance activities; and

(8) develop general criteria which may be used in establishing priorities in the allocation of funds and personnel in reviewing and assuring quality of care.

(c) REPORT.—The Secretary shall submit to Congress, not later than 2 years after the date of the enactment of this Act, a report on the study. Such report shall address the items described in subsection (b) and shall include recommendations with respect to strengthening quality assurance and review activities for services furnished under the medicare program.

(d) CONSULTATION IN STUDY.—In developing plans for the conduct of the study, the Secretary shall assure that consumer and provider groups, peer review organizations, the Joint Commission on Accreditation of Hospitals, professional societies, and private purchasers of care with experience and expertise in the monitoring of the quality of care are consulted.●

● Mr. GLENN. Mr. President, as ranking Democratic member of the Senate Special Committee on Aging, I am pleased to be an original cosponsor of the Medicare Quality Protection Act of 1986—a major Aging Committee initiative.

With the enactment of the prospective payment system [PPS] based on diagnosis-related groups [DRG's], we dramatically changed the nature of Medicare reimbursement to hospitals. We knew then that with these major changes, we would need to guard against new forms of program abuse and/or misunderstandings that might crop up, in addition to shortcomings of the payment system itself. This past fall, the Aging Committee held three hearings to examine the Medicare program, in terms of quality and access to care in the hospital setting and following discharge from a hospital. The legislation which we are introducing today reflects the findings of that series of hearings.

The Medicare Quality Protection Act includes many desirable and good policy objectives that should result in fairer reimbursement rates to hospitals and better patient care. Under current law, DRG payments are packaged by the average cost of a single diagnosis, with "outlier" payments for exceptional cases. However, as our hearings pointed out, this arrangement is biased against recognizing the cost of caring for patients with multiple conditions and diagnoses. The legislation would require the Department of Health and Human Services [DHHS] to work to refine the prospective payment system to better account for variations in the severity of illness and case mix complexity within each DRG. In addition to developing a legislative proposal on this kind of adjustment, DHHS would be required to consider possible changes in current outlier policy as an alternative method of accounting for differences in severity.

The Aging Committee's hearings highlighted circumstances of Medicare beneficiaries leaving hospitals still in need of serious medical care and attention. The Medicare Quality Protection Act would require DHHS to provide Medicare patients with more explicit notice of their rights to hospital care under DRG's including their right to appeal denials of continued hospitalization. It would also provide for expedited review of these appeals. This legislation would mandate a discharge planning service as a condition for participation for hospitals under Medicare. Finally, it would prohibit hospitals from offering "kickbacks" or other incentives to physicians for reducing hospital days of care for Medicare patients, and would provide for penalties for physicians who accepted such "kickbacks."

Our hearings underscored the fact that access to skilled nursing benefits and home health services is essential when Medicare patients are leaving hospitals quicker and sicker under DRG's. "Quicker and sicker" in and of itself is not a problem if acute hospital

care is no longer needed. However, alternative forms of appropriate posthospital care must be available to Medicare beneficiaries. The committee's hearings demonstrated that when quality postacute services are available, too often Medicare will not pay for them as a result of administration-initiated changes in skilled nursing and home health benefits and coverage criteria. Moreover, in some communities, suitable postacute care is in short supply and has long waiting lines.

The Medicare Quality Protection Act would help maintain beneficiary access to postacute nursing home and home health care by making the Medicare waiver of liability permanent and by broadening its applicability. Through regulation, the administration attempted to eliminate the waiver of liability, which provides limited financial protection to skilled nursing and home health providers who accept patients whom they have good reason to believe are eligible for Medicare coverage, but whose claims are subsequently denied. Fortunately, the recently enacted reconciliation bill blunted the administration's efforts by extending the waiver and today's legislation will make it permanent. The applicability of the waiver would be broadened to include denials related to the homebound and intermittency requirements, which have created major difficulties for beneficiaries and providers.

This legislation would require the Secretary of DHHS to develop a uniform needs assessment instrument to assist in evaluating the individual beneficiary's need for posthospital nursing home, home health, and other long-term care services. The instrument would be used by discharge planners, health care providers and the fiscal intermediaries to identify the appropriate services needed by individuals after their period of acute hospitalization.

The Medicare Quality Protection Act would expand the responsibilities of the peer review organizations [PRO's] to strengthen quality of care review within the hospital setting and then extend it, for the first time, beyond the hospital doors. Witness after witness testified before the committee that skilled nursing homes and home health agencies are seeing a significant increase in Medicare patients who require more intensive care, thus straining the ability of these facilities to provide adequate services. Under the bill, PRO's would begin evaluating care in selected home health, nursing, board and care homes, health maintenance organizations [HMO's], and other outpatient hospital settings where they have identified potential problems. They would also be required to investigate all written beneficiary complaints regarding substandard medical care, and to do sample quality of care assessments of Medicare hospital readmissions within 30 days of discharge.

When the Congress enacted the prospective payment system, it intended for the peer review organizations to be the quality of care "watch dogs" under DRG's. Clearly, however, as our hearings highlighted, the PRO's have not been given the budget or directives to do this job. We are saving billions of dollars annually with the new prospective payment system and if we want PPS to keep on working and saving us this money, we must commit some Federal dollars to quality assessment and assurances. The Congressional Budget Office estimates that this legislation will cost $200 million over the next 3 years. I believe that this is a modest cost to pay to make the system work better and more fairly than it has been working.

As my colleagues well know, ultimately, the Medicare program's success is only as good as the quality of care it delivers. I hope that others will join us in cosponsoring this measure.●

● Mr. BRADLEY. Mr. President, I rise to join my colleagues from Pennsylvania [Mr. HEINZ] and Ohio [Mr. GLENN] in introducing the Medicare Quality Protection Act. This bill is aimed at ensuring that the elderly receive the quality health services to which they are entitled.

Mr. President, in an attempt to control rapidly increasing hospital costs, in 1983 the Congress enacted a new prospective method for reimbursing hospitals for their Medicare patients utilizing diagnosis related groupings, or DRG's. The DRG system has helped to contain hospital costs, but with unintended consequences; there is growing evidence that, in some cases, Medicare patients are being turned away from hospitals, sent home too soon, or released needing home care that is often unavailable. This problem, which is national in scope, needs to be addressed.

The DRG system provides an incentive for hospitals to reduce the length of a hospital stay to only that period of time where acute care is absolutely required for a patient. This means that some people leave the hospital "sicker and quicker." And as Gramm-Rudman puts further limits on inhospital reimbursement rates, it is natural to assume that hospitals will be under increasing pressure to reduce hospital costs, thereby discharging patients earlier and earlier. If Medicare continues to be cut back, as projected under Gramm-Rudman, we must question whether traditional standards of quality care can be maintained.

Mr. President, when services in hospitals are cut back, there is an obvious need to increase the availability of home care services to fill the gap; and that is what we have seen over the past few years. But what we are witnessing in New Jersey is an actual reduction in the number of patients being admitted to home care and a significant increase in the number of patients being denied Medicare coverage for home care services. Why? This administration, through massive bureaucratic redtape and ambiguous rulings, is doing everything in its power to cut home care for people discharged from the hospital.

We need to act—today—before this problem worsens. This legislation is aimed at ensuring that the elderly receive quality health care services—both in the hospital and after they are discharged from the hospital. The three central provisions of the bill are as follows:

First, hospitals would be required to develop a "discharge plan" for each Medicare recipient prior to release from a hospital. The discharge plan allows for proper planning for the care of patients in their home following a hospital stay. I am pleased to report that New Jersey already requires its hospitals to establish discharge plans; I believe that this is one reason there is little evidence that New Jersey patients are being sent home too soon.

Second, the bill expands peer review. The primary role of peer review organizations currently is to police overutilizations of services. The bill requires that peer review organizations also sanction health care providers for a failure to provide medically necessary services. In addition, peer review organizations, which now review hospital admissions for their medical necessity, would also be required to review home care cases as well.

Third, the bill allows health care providers to appeal HCFA's decision to deny benefits to patients.

Mr. President, these are not the only steps that are needed to ensure that the elderly receive the services that they need. Indeed, I am working on legislation to establish standards to guide decisions about eligibility to home care services. But this legislation is a good step. I believe it will help to ensure that the elderly receive quality medical care—both in hospitals and, where required, in their homes after they are discharged.●

● Mr. CHILES. Mr. President, I am pleased to join the distinguished chairman of the Senate Aging Committee, and others in introducing the Medicare Quality Protection Act.

This is much needed legislation. Almost not a day goes by that my office doesn't receive a plea for help from one or more Floridians who have been affected by the impact of DRG's on the Medicare Program. Additionally, I was privileged to participate in a series of hearings over the last few months by the Aging Committee that documented clearly that while we

have been successful in lowering the rapidly escalating costs of Medicare, we may have done this at the expense of quality health care.

The issues addressed in this legislation, in some cases, are not new to Members. About 2 months ago, a number of us sent a letter to Secretary of Health and Human Services Bowen requesting that he move immediately to ensure that beneficiaries of Medicare were informed of their rights. He took action and has assured us that this information is not routinely being made available. But more needs to be done, and this bill would move toward further correction of these problems.

I am particularly incensed that certain providers are giving "kickbacks' and pressuring doctors to discharge patients early, many times against their better medical judgment. This legislation would provide civil penalties for such practices.

In many instances it may be permissible to discharge patients in order that they can recuperate at home, or in other more appropriate levels of care. But such discharges, however medically appropriate, should not be forced on individuals who have nowhere to turn, and no one at home to look after them. This legislation would make the provision of discharge planning a condition of participation for hospitals in the Medicare Program. Hopefully, this would assure that we would not hear more stories of tragedies caused by inappropriate discharges.

While I am in no way spelling out all the provisions in this legislation that are important, I do want to say one more thing to my colleagues. Over the years, I have been more and more concerned about the amount of money being spent by the Federal Government that we did not have. I have supported different measures to make our Government programs more cost efficient, but never did I do so with the intent of providing substandard care for those whom the programs were designed to serve. In this instance, the DRG system may have been a step in the right direction, and it has produced measurable results. But the time has come to make crucial improvements to the program, before the "solution" tears down the program it was supposed to rescue. We need to enact the Medicare Quality Protection Act and restore the confidence of the public in our Medicare Program. I hope that others will join us in this endeavor.●

● Mr. RIEGLE. Mr. President, I am pleased to join with Senator HEINZ, Senator GLENN and several other of my colleagues in being an original cosponsor of S. 2331, the Medicare Quality Protection Act of 1986. It is absolutely essential, during this transitional period in the health care field, that we work to maintain and improve the quality of health care for all Americans.

Over the past several years, we have instituted major changes in the Medicare Program. Most of those changes were motivated by our desire to control the rapidly spiraling cost of providing care for the 37 million Americans eligible to receive benefits under the Medicare Program. Medicare spending has been cut every year over the last 6, contributing more than $30 billion to deficit reduction. As part of those reductions and modifications in health care payments, reimbursement for inpatient hospital services is now made prospectively according to diagnoses; a system of payments known as DRG's. Hospitals and other health care providers have been forced to undertake cost containment measures, and a significant amount of waste has been trimmed from the health care system. Length of hospital stays have been reduced and admissions have not increased. In addition to the Federal Government saving billions of dollars, the forced increase in efficiency has resulted in record profits for a majority of hospitals across the country.

However, Mr. President, this is only part of the story. While the Federal Government and many hospitals might be benefiting under our new Medicare Program, it is unclear that the experience of our Nation's elderly and disabled persons has been as positive. The House Select Committee on Aging has recently completed an analysis of the dollars America's senior citizens pay for health care and concluded that they are significantly worse off in terms of health care costs than they were in the late seventies. During the earlier period, health care consumed about 12 percent of senior citizens' income. In 1986, this had jumped to just over 16 percent or an average of $1,850 per person. What's worse is that this figure is anticipated to climb to 18.5 percent of income by 1991, or $2,633 per person. This compares to only $712 in 1977, $966 in 1980, and $1,526 in 1984. In fact, it was recently announced that the Medicare hospital deductible will increase a whopping $80 in 1987, after jumping $92 this year—the biggest increase in the history of the program. What is ironic is that these recent increases in the hospital deductible are directly related to the reduction in the average Medicare length of stay and per admissions costs.

Unfortunately, the increase in costs for seniors and disabled beneficiaries has not resulted in an increase in quality of care. I am increasingly alarmed by suggestions that hospitals and physicians may be sacrificing patient care in an effort to contain costs under this new system. It is appalling that we are hearing reports of such unethical practices as prematurely discharging patients and reedmitting them later, and failing to hospitalize patients with complex medical problems. Actions like these, in an attempt to squeeze a few extra dollars out of the DRG system are disgraceful and must be stopped. I believe S. 2331 is an important step in our efforts to assure that our Nation's strong tradition of providing quality health services to our Medicare beneficiaries will not be jeopardized.

I hope all of my colleagues will join with us in supporting S. 2331 and in other efforts to guarantee that our Nation's Medicare beneficiaries receive the best possible care that is available.●

Mr. DURENBERGER. Mr. President, I am pleased to join my distinguished colleague, Senator HEINZ, and several other Members from both sides of the aisle in introducing the "Medicare Quality Protection Act of 1986." Just as prospective payment was a critical safeguard for the fiscal integrity of the Medicare Program, the bill we are introducing today will be an important step toward improving safeguards of the quality of care that is delivered under that program.

The aspect of the bill that I am most pleased with is that it mandates explicity that the Secretary of Health and Human Services thoroughly assess the effects of PPS on access and quality of care for Medicare beneficiaries.

It's time to stop talking about "anecdotal evidence" of problems under PPS and get the data. The General Accounting Office reported a lack of data on quality and access under PPS that cannot be ignored. This bill sets up the mechanisms we need to find out what is really happening.

Every new payment reform may have side effects. Retrospective cost-based reimbursement had inherent incentives to provide more and more services, perhaps even to the detriment of patients. Prospective payment has the opposite incentive—it may lead to underservice if not appropriately administered.

In order to set up quality safeguards which are tailored for a changing payment environment, I led a push to restructure the PSRO program to create Peer Review Organizations, or PRO's. This program has more flexibility to respond to the monitoring needs that arise under PPS.

PRO's are trying, but they're going to need help. We will have to go further than to call for expansions in their contractual responsibilities in S. 2331. We also must see that they get more timely cooperation from the Department of Health and Human Services in issuing regulations and sharing nationwide data essential to PRO operations. And we must see that they get sufficient funding to meet their scope of work. The PRO contract must be reasonable, not HCFA's wish list.

Those are concerns that I will be pursuing in the coming months.

What else can we do to assure that quality care is provided under PPS? Set appropriate payment rates. The bill we are introducing will require the HHS Secretary to report to Congress with a severity-of-illness adjustment. This will improve the accuracy and adequacy of DRG payments to hospitals, and this is essential.

But the most important piece of this bill is its plan for providing beneficiaries with better information about rights under PPS and easier access to PRO's when they feel those rights have been violated.

I am concerned with the reports we've received of hospital administrators telling beneficiaries that after so many days per DRG, their Medicare coverage is up. Hospitals have a responsibility to provide appropriate treatment whether that takes the average length of stay per DRG or 10 days longer. The best way to protect beneficiaries from this kind of abuse of the system is to arm them with the facts about their Medicare coverage. This bill will do that.

I am also concerned, however, with all the negative, dramatic press which characterizes PPS as a social experiment that is hurting the seniors. PPS has contributed to the solvency of the health insurance trust fund, it has encouraged better management, and that is no experiment. It is characterizations like that which do a real disservice to Medicare beneficiaries. The best protection a Medicare beneficiary—or any health care consumer—can have is full information about his health care program and his rights under that program.

The goal of the prospective payment system, and of the health care reform still to come, is to introduce competition and consumer choice into the health care market, to have providers compete for patients by offering economical, quality care.

This will require health care consumers to get involved, to become fully informed about their options for health care, and to take responsibility for demanding value at a fair price. This is the only way to make sure they get both economy and quality.

Medicare beneficiaries do not have to feel helpless and victimized. If they have the information, they can make decisions.

I believe this bill is a step toward halting that counterproductive hysteria. It is a step toward recognizing that well-informed health care consumers are the best police of the quality of care provided. For that reason, I have given it my support.

By Mr. BOSCHWITZ (for himself, Mr. BOREN, Mr. NICKLES, Mr. ABDNOR, and Mr. GRASSLEY):

S. 2332. A bill to provide credit assistance to borrowers of loans made by commercial lending institutions, and the Farmers Home Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM CREDIT ASSISTANCE ACT

● Mr. BOREN. Mr. President, I am pleased to join the distinguished Senator from Minnesota [Mr. BOSCHWITZ], in introducing today the Farm Credit Assistance Act of 1986. This legislation is a revised version of a bill Senator BOSCHWITZ and I introduced last fall and attempted to include in the Farm Credit Act Amendments of 1985. Since December, we have been working on our bill in an attempt to make it more acceptable to all parties concerned.

In addition to making the interest rate buy-down provisions of the bill more palatable, we have also incorporated provisions of a bill introduced by Senator NICKLES which requires the Farm Credit System to restructure loans when it is cheaper to restructure than to foreclose.

There is no question that the farmers and ranchers of this country are facing difficult times. During 1985, farm income fell approximately 20 percent. After adjusting for inflation, net farm income in 1985 was $11 billion. Ten years ago, net farm income was over $20 billion. Net farm income is expected to decline again this year by about 8 percent in 1986, bringing the 1981–86 decline in inflation-adjusted net farm income to about 33 percent. On average, Oklahoma farmers did not generate enough income from the farm in the past 2 years to cover operating expenses.

Nominal land values fell an unprecedented 13 percent in 1984 and approximately 8 percent in 1985, the fourth consecutive year of declining land values. From 1981 to 1986, farm real estate values, in real terms, will have dropped by approximately 34 percent. In some counties, land values have fallen more than 50 percent in the past 3 or 4 years. By the end of 1986, it is estimated that cumulative farm sector equity losses since 1981 could exceed $250 billion—more than a fourth of peak values.

Low income combined with falling land values have placed many farmers in a difficult financial position; 20 percent of all farms are experiencing financial stress and an additional 10 percent are considered potentially at risk because of high debt loads; 123,000 farms are highly leveraged and technically insolvent and 51,000 operators had debt-to-asset ratios over 100 percent. Approximately 62 percent of all farm debt, amounting to $123 billion, is held by borrowers with debt-to-asset ratios over 40 percent.

The farm situation has deteriorated to the point that the survival of many banks in the Nation is being questioned. Agricultural banks accounted for more than one-half of the 118 commercial banks that failed in 1985. The percentage of bank failures that are agricultural increased dramatically from 15.9 percent in 1983 to 59.5 percent in the first 10 months of 1985. The number of potentially vulnerable commercial agricultural banks rose from 96 to 302 during the past 3 years. In June 1983, there were 106 problem agricultural banks; by October 1985, there were 413.

Mr. President, the condition of the agricultural economy does not merely affect farmers and their lenders. Agriculture is the largest sector of the American economy. Agriculture accounts for 20 percent of the Nation's gross national product, with $610 billion of business activity yearly. Each additional $1 billion of farm demand creates 35,000 jobs and adds a total of $2 billion to the Nation's gross national product.

In 1981, there were 1.1 million full-time jobs in the United States related to agricultural exports alone; 151,680 jobs in the printing and publishing industry is dependent upon agriculture; 543,480 jobs in the transportation and warehousing industry are dependent upon agriculture. The meat and poultry industry, alone, employs 347,000 people. Farmers annually spend $10 billion for tractors and other equipment; $7 billion for fuel and oil; and $9 billion for fertilizer and lime. In iron and steel manufacturing 93,176 jobs are dependent upon agriculture; 37 percent of all jobs in the glass and glass products industry are dependent upon agriculture; and 69 percent of all jobs the metal containers industry are dependent upon agriculture.

As should be obvious, everyone in this country has a stake in agriculture and retaining its viability. The legislation we are introducing today is not going to save every American farmer. It is not a complete solution by any means. Yet, it does take a step in the right direction.

Our legislation establishes an interest rate buy-down program that will help many American farmers by reducing their interest cost. Interest payments, alone, make up approximately 20 percent of farmers total production cost. The Agricultural Loan Interest Subsidy Program [AGLIS] will reduce the interest rate on agricultural loans by 3 to 5 percent; 2 percentage points will be paid by the Federal Government; an optional 1 to 2 percentage points may be paid by the States; and 1 percentage point by the lender. The lender can write off 15 percent of the principal of the loan in lieu of paying 1 percent of the interest.

In addition to establishing an interest rate buy-down program, the Farm Credit Assistance Act requires the

Farm Credit System and the Farmers Home Admninistration to restructure loans instead of foreclosing on them in instances where it is actually cheaper to restructure than to foreclose. I want to point out that this will not mean that everyone who has a Farm Credit System [FCS] or FmHA loan will be able to avoid foreclosure. Restructuring is required only when it is actually cheaper for the FCS or the FmHA. In this way, losses for the FCS and the FmHA will be minimized. For the FCS, this should result in lower interest cost for all borrowers of the system.

Our legislation also encourages the Farm Credit System to allow borrowers who will be foreclosed on to retain possession and occupancy of the principal residence of the borrower. Presently, the FCS has not been very willing at all to allow a borrower to continue to reside, even on a temporary basis, in the borrower's residence.

At the present time, there are no regulations for the disposition of property acquired by the Farm Credit System. The FCS, in essence, can do about anything with the land. In fact, a current policy of the Wichita Farm Credit district is to not allow a previous owner of the land to purchase his homestead. A couple of months ago, a farmer in Oklahoma was foreclosed on by the Farm Credit System. The Farm Credit System held an auction of the farmer's land. The farmer was able to raise enough money from his friends and neighbors to make a bid to purchase his homestead. While the bid was higher than the actual market value of the land and was the only bid, the Farm Credit System would not permit the farmer to pay cash for the land. I enquired of the officials of the Wichita Farm Credit banks about this matter. I was informed that the bank had a policy of not permitting a previous owner to purchase the land. I was shocked. The legislation we are introducing today will change this policy and will require the Farm Credit System to give special consideration to previous owners in the selling or leasing of land acquired by the System.

Another problem we have encountered in the past couple of years is the Farm Credit System's refusal to provide borrowers copies of the appraisals of the assets of the borrowers. In one case, a farmer was told that the System had cut the value of his assets in half but would not provide him with a copy of the appraisals. It is certainly hard to argue that the appraisals were too low or inaccurate if one does not have a copy of the appraisal. Our legislation requires the Farm Credit System to provide copies of the appraisals to the borrowers.

The Farm Credit Assistance Act also prevents the Farm Credit System from requiring additional collateral or foreclosing on a borrower for failure to provide additional collateral if the borrower is current in the payment of interest or principal. Right now, the Farm Credit System is foreclosing on borrowers who are completely current on their payments. Though it seems ridiculous, the FCS is doing this. A couple of months ago, the FCS called an Oklahoma farmer and told him he would have to provide additional collateral for his loan or else the system would initiate foreclosure proceedings. As with many farmers, this particular farmer did not have any additional collateral to give the FCS. Consequently, even though he was completely current on his payments. The FCS foreclosed on him a couple of weeks ago.

The legislation we are introducing today will also prohibit the Farm Credit System from increasing the interest rate on a loan that has been classified. An anomaly of current FCS policy is to increase the interest rate for a borrower the more he has difficulty meeting his payments. A couple of weeks ago, a farmer called my office to report what had happened to him in this regard. First, he was 10 days late in making his payment to the Federal Land Bank. He made his payment, in full, but because he was 10 days late the Federal Land Bank raised his interest rate by 2 percentage points. When the System raised his interest rate, it resulted in a substantial increase in his payment, to the point that the farmer would barely be able to make his next payment. Because he would now be using a larger percentage of his cashflow for his payment, the System classified his loan as a problem loan and raised his interest rate an additional 2 percent. With the additional 2 percent increase in interest costs, the borrower is completely unable to have full payment and is now being threatened with foreclosure by the System. It does seem illogical, Mr. President, but this is the way the FCS is operating.

Mr. President, we must change the current policies of the Farm Credit System. The current policies are driving down land values and jeopardizing the economic position of every farmer and rancher in this country. In turn, as more and more farmers are going out of business, more banks are going down. The entire economy is beginning to feel the effects of the problems confronting our Nation's farmers and ranchers.

As I have said, this legislation is not going to keep every farmer in business, but it is a beginning. I urge my colleagues to support the timely passage of this legislation.

I ask unanimous consent that an explanation and the text of the Farm Credit Assistance Act of 1986 be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Farm Credit Assistance Act of 1986".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Page

Sec. 1. Short title and table of contents.
Sec. 2. General definitions.

TITLE I—AGRICULTURAL LOAN INTEREST SUBSIDY PROGRAM

Sec. 101. Definitions.
Sec. 102. Establishment of program.
Sec. 103. Eligibility for assistance.
Sec. 104. Interest subsidies.
Sec. 105. Payments to states.
Sec. 106. State plans.
Sec. 107. Review by Secretary and State agencies.
Sec. 108. Notice and determinations of assistance.
Sec. 109. Assistance of Federal and State agencies.
Sec. 110. Program ineligibility for production on highly erodible land or converted wetland.

TITLE II—FARM CREDIT SYSTEM INSTITUTION BORROWERS

Subtitle A—Farm Credit System Loan Restructuring Program

Sec. 201. Definitions.
Sec. 202. Eligibility for assistance.
Sec. 203. Loan determinations.
Sec. 204. Loan foreclosure and restructuring.
Sec. 205. Additional collateral.
Sec. 206. Appeals.
Sec. 207. Reimbursement for principal reduction.
Sec. 208. Report.

Subtitle B—Farm Credit System Reform

Sec. 211. Access to appraisals.
Sec. 212. Homestead protection.
Sec. 213. Interest rates on classified loans.
Sec. 214. Certification of need for financial assistance.
Sec. 215. Operating expenses of institutions.
Sec. 216. Disposition and leasing of farmland.
Sec. 217. Stock purchase requirements.

TITLE III—FARMERS HOME ADMINISTRATION BORROWERS

Sec. 301. Definitions.
Sec. 302. Eligibility for assistance.
Sec. 303. Loan determinations.
Sec. 304. Loan foreclosure and restructuring.
Sec. 305. Additional collateral.
Sec. 306. Appeals.
Sec. 307. Report.
Sec. 308. Alternative crop loan program.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Inter-Agency Agricultural Task Force.
Sec. 402. Regulations.
Sec. 403. Authorization for appropriations.
Sec. 404. Termination date.

SEC. 2. GENERAL DEFINITIONS.

As used in this Act:

(1) INSTITUTION.—The term "institution" means an institution of the Farm Credit

System described in section 1.2 of the Farm Credit Act of 1971 (12 U.S.C. 2002).

(2) INTEREST SUBSIDY PROGRAM.—The term "interest subsidy program" means the Federal-State-Lender cooperative agricultural loan interest subsidy program established under title I.

(3) FCS LOAN RESTRUCTURING PROGRAM.—The term "FCS loan restructuring program" means the restructuring program established under subtitle A of title II for loans made by institutions of the Farm Credit System.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or (to extent the Secretary determines it is feasible and appropriate) the Trust Territory of the Pacific Islands.

(6) STATE AGENCY.—The term "State agency" means the agency designated by a State under section 106(b)(1) to carry out the interest subsidy program in the State.

TITLE I—AGRICULTURAL LOAN INTEREST SUBSIDY PROGRAM

SEC. 101. DEFINITIONS.

As used in this title:

(1) BORROWER.—The term "borrower" means a person who meets the eligibility criteria prescribed in section 103.

(2) LENDER.—The term "lender" means a commercial bank, savings and loan association, credit union, insurance company, or institution, including a subsidiary or affiliate thereof, that—

(A) has agreed to participate in the interest subsidy program; and

(B) has been approved for participation in the interest subsidy program by the appropriate State agency.

SEC. 102. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Subject to subsection (b) and the availability of funds provided pursuant to section 403, the Secretary shall establish a Federal-State-Lender cooperative agricultural loan interest subsidy program under which, at the request of a State, borrowers and lenders within the State may participate in the interest subsidy program in accordance with this title.

(b) CONSULTATION.—The Secretary shall establish the interest subsidy program in consultation and cooperation with the Secretary of the Treasury, the Comptroller of the Currency, the Chairman of the Federal Reserve Board, the Chairman of the Farm Credit Administration, the Chairman of the Federal Deposit Insurance Corporation, and each State agency.

SEC. 103. ELIGIBILITY FOR ASSISTANCE.

To be eligible to receive assistance under this title, a person must—

(1) be an individual, family corporation, or family partnership;

(2) be a borrower of a loan made by a lender for agricultural purposes that is outstanding on April 1, 1986;

(3) during the period beginning on the date of the approval of a State plan under section 106 and ending September 30, 1987—

(A) be delinquent in the payment of principal or interest, or both, on the loan; or

(B) demonstrate to the lender that, due to circumstances beyond the control of the borrower (including depressed land values, high interest rates, and low prices for agricultural commodities), the borrower will be temporarily unable, without assistance provided under this Act, to continue making payments of the principal and interest when due without unduly impairing the standard of living of the borrower;

(4) have derived at least 50 percent of the gross annual income of the borrower from the production of raw agricultural products, including livestock, poultry, or the products of aquaculture, during at least 3 of the 5 preceding taxable years;

(5) have had gross annual sales of agricultural commodities of at least $30,000 during at least 3 of the 5 preceding taxable years;

(6) have a debt to asset ratio of at least 40 percent;

(7) have an ability to repay the loan, based on past performance as a capable producer and assistance to be provided under this Act; and

(8) not produce an agricultural commodity on highly erodible land or converted wetland in violation of section 1211 or 1221 of the Food Security Act of 1985 (16 U.S.C. 3811 or 3821).

SEC. 104. INTEREST SUBSIDIES.

(a) APPLICATIONS.—During the period beginning on the date of the approval of a State plan by the Secretary under section 106 and ending September 30, 1987, a borrower may apply to a lender for an interest subsidy for any agricultural loan made by the lender to the borrower that is outstanding on April 1, 1986.

(b) INTEREST SUBSIDIES.—If a borrower of a loan applies to a lender for an interest subsidy in accordance with subsection (a), the lender determines that the borrower meets the eligibility criteria prescribed in section 103, and the lender agrees to participate in the interest subsidy program, subject to this section, not later than 90 days after receipt of the application, the loan shall be restructured in such a manner that the interest rate payable by the borrower shall be fixed for a period of 3 years or the remaining term of the loan, whichever is less, at a rate equal to the interest rate of the loan on April 1, 1986, less up to 5 percentage points.

(c) PAYMENT OF SUBSIDIES.—If an interest subsidy is provided for a loan made by a lender to a borrower in a State—

(1) the Secretary shall pay 2 percentage points of the subsidy by making payments through the State agency to the lender;

(2) if the State elects to make such payments, the State may pay not less than 1 percentage point and not more than 2 percentage points of the subsidy by making payments to the lender; and

(3) the lender shall—

(A) pay 1 percentage point of the subsidy; or

(B) cancel at least 15 percent of the principal due on the loan.

(d) TERM OF LOAN.—The term of any loan for which an interest subsidy is provided under this section shall not be less than the term of the loan outstanding before the subsidy is provided.

(e) SCHEDULE OF PAYMENTS.—The schedule of payments on a restructured loan shall be established in accordance with the ability of the borrower to repay the loan.

(f) ACCRUED INTEREST.—Interest accrued on a restructured loan prior to restructuring shall not be capitalized but shall be paid by the borrower to the lender prior to any retirement of principal under the loan as restructured in accordance with this title.

(g) REPAYMENT.—Any balance of principal and interest outstanding on any restructured loan shall be repaid at a rate that is agreed on by the lender and borrower, except that the rate of interest on the loan may not exceed the standard rate charged by the lender on loans with comparable maturities for similar purposes at the time the loan is restructured.

(h) MAXIMUM AMOUNT OF ASSISTANCE.—The aggregate outstanding amount of loan principal for which an interest subsidy may be provided under this title may not exceed—

(1) in the case of a loan made to an individual, $400,000; and

(2) in the case of a loan made to a family corporation or family partnership, $600,000.

SEC. 105. PAYMENTS TO STATES.

(a) IN GENERAL.—From sums available pursuant to section 403 and subject to subsection (b) and section 106, the Secretary shall pay to each State for each of the fiscal years ending September 30, 1986, through September 30, 1989, an amount equal to the sum of—

(1) the amount necessary to finance the share of interest subsidies provided to borrowers residing in the State that is required to be paid by the Secretary under section 104(c)(1); and

(2) 100 percent of the administrative expenses that are incurred by the State agency in carrying out this title and are approved by the Secretary.

(b) MAXIMUM AMOUNT OF PAYMENTS.—The aggregate amount of payments paid by the Secretary to States under subsection (a) for a fiscal year may not exceed $600,000,000.

SEC. 106. STATE PLANS.

(a) IN GENERAL.—To be eligible to participate in the interest subsidy program during a fiscal year, a State must—

(1) submit a plan to the Secretary for the fiscal year; and

(2) receive the approval of the Secretary for the plan.

(b) PLAN REQUIREMENTS.—To receive the approval of the Secretary for a plan, a State must submit a plan that—

(1) designates a single agency that shall be responsible for the administration, or the supervision of the administration, of the interest subsidy program in the State;

(2) assesses the interest subsidy needs of borrowers residing in the State;

(3) describes the interest subsidy program established in the State (including any agencies designated to provide a subsidy under such program), which program must meet such requirements as the Secretary may prescribe;

(4) estimates the amount of funds necessary to provide interest subsidies under the program and related administrative expenses, except that such amount may not exceed the amount allocated by the Secretary for payment to the State out of the total amount available for payment under section 105;

(5) requires any lender participating in the interest subsidy program to provide to any borrower who is delinquent in the payment of principal or interest, or both, due on a loan during the period referred to in section 104(a) prompt written notice that describes the assistance available under this title and any deadlines for application for the assistance; and

(6) includes such other information as the Secretary may require.

(c) APPROVAL OF PLANS.—(1) The Secretary shall approve or disapprove a plan submitted by a State under subsection (b) not later than 45 days after the State submits the plan.

(2) The Secretary shall approve any plan that complies with subsection (b).

(d) AUDITS.—(1) Each State agency shall—

(A) provide for an annual audit of expenditures made by the State agency in carrying out the interest subsidy program, not later than 60 days after the end of each year in which the program is conducted; and

(B) promptly report to the Secretary the findings of such audit.

(2) Not later than 60 days after the end of each year in which a State agency participates in the interest subsidy program, a State agency shall provide the Secretary with a statement that provides—

(A) a description of whether (and, if so, by how much) the payments received under section 105 for such year exceeded the expenditures by the State agency during such year; and

(B) such other information as the Secretary may require.

(e) DENIAL OR WITHHOLDING OF PAYMENTS.—(1) If the Secretary finds that a State has failed to comply with subsection (b) or (d) during a fiscal year, except as provided in paragraph (2), the Secretary shall—

(A) notify the appropriate State agency that payments will not be made to the State agency under section 105 for the year until the Secretary is satisfied that the State is complying with such subsection; and

(B) make no payments under section 105 until the Secretary is satisfied that the State is complying with such subsection.

(2) If the Secretary finds that a State has failed to comply with subsection (b) or (d) during a fiscal year, the Secretary may—

(A) suspend the denial of payments under paragraph (1) for such period as the Secretary determines is appropriate; and

(B) withhold payments of approved State administrative expenses incurred in providing assistance under the plan, in whole or in part, for the year,

until the Secretary is satisfied that the State is complying with such subsection, at which time such withheld payments shall be paid.

(3) If the Secretary finds that a State has substantially failed to comply with subsection (b) or (d), the Secretary may, in addition to or in lieu of any action taken under paragraph (1) or (2), refer the matter to the Attorney General with a request that the Attorney General seek injunctive relief to require compliance by the State. If the Attorney General brings a suit in an appropriate district court of the United States and makes a showing of substantial noncompliance, appropriate injunctive relief shall issue.

SEC. 107. REVIEW BY SECRETARY AND STATE AGENCIES.

(a) REVIEW AND TECHNICAL ASSISTANCE BY SECRETARY.—The Secretary—

(1) shall provide for review, and may provide for an audit, of the manner in which the interest subsidy program is carried out in a State; and

(2) may provide to States technical assistance in carrying out the program.

(b) REVIEW BY STATE AGENCIES.—A State agency may monitor the compliance of a lender with this title. Any lender that violates this title shall be ineligible to receive further payments under this title.

SEC. 108. NOTICE AND DETERMINATIONS OF ASSISTANCE.

A lender in a State participating in the interest subsidy program may not take any action as the result of a borrower defaulting on an outstanding loan made by such lender to a borrower unless the lender has—

(1) provided the borrower with the notice required under section 106(b)(5); and

(2) in the case of a borrower who has applied for assistance under this title, determined that the borrower does not meet the eligibility criteria prescribed in section 103.

SEC. 109. ASSISTANCE OF FEDERAL AND STATE AGENCIES.

(a) IN GENERAL.—To make assistance under this title available expeditiously and in a consistent and uninterrupted manner, the Secretary shall—

(1) use such funds, personnel, and facilities of the Department of Agriculture (including the Commodity Credit Corporation) as the Secretary considers necessary to carry out this title; and

(2) request other Federal or State agency to provide such funds, personnel, and facilities as the Secretary considers necessary to carry out this title.

(b) REIMBURSEMENT.—Any agency that provides advanced funds, personnel, or facilities under subsection (a) shall be fully reimbursed for such assistance as soon as is practicable from subsequent appropriations.

SEC. 110. PROGRAM INELIGIBILITY FOR PRODUCTION ON HIGHLY ERODIBLE LAND OR CONVERTED WETLAND.

(a) HIGHLY ERODIBLE LAND CONSERVATION.—Section 1211 of the Food Security Act of 1985 (16 U.S.C. 3811) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(3) an interest subsidy during such crop year under the interest subsidy program established under title I of the Farm Credit Assistance Act of 1986.".

(b) WETLAND CONSERVATION.—Section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(3) an interest subsidy during such crop year under the interest subsidy program established under title I of the Farm Credit Assistance Act of 1986.".

TITLE II—FARM CREDIT SYSTEM INSTITUTION BORROWERS

Subtitle A—Farm Credit System Loan Restructuring Program

SEC. 201. DEFINITIONS.

As used in this subtitle:

(1) BORROWER.—The term "borrower" means a borrower of a loan made by an institution.

(2) CAPITAL CORPORATION.—The term "Capital Corporation" means the Farm Credit System Capital Corporation established under section 4.28A of the Farm Credit Act of 1971 (12 U.S.C. 2216).

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Farm Credit Administration Board designated under section 5.8(a) of the Farm Credit Act of 1971 (12 U.S.C. 2242(a)).

(4) COMMITTEE.—The term "committee" means a credit review committee selected from and by—

(A) the local board of directors of the institution from which a loan originated; or

(B) in the case of consolidated or merged institutions, members of a local advisory board elected by the stockholders served by the merged or consolidated institutions from which a loan originated.

(5) COST OF FORECLOSURE.—The term "cost of foreclosure" includes—

(A) the difference between the outstanding amount of principal due on a loan made by an institution and the value of collateral used to secure the loan, taking into consideration the lien position of the institution;

(B) the estimated cost of maintaining a loan as a nonperforming asset;

(C) the estimated cost of administrative and legal actions necessary to foreclose a loan and dispose of property acquired as the result of the foreclosure;

(D) the estimated, adverse impact of the sale of property acquired as the result of a loan foreclosure on the value of property held by other borrowers of institutions;

(E) the estimated cost of changes in the value of collateral used to secure a loan during the period beginning on the date of the initiation of action to foreclose or liquidate the loan and ending on the date of the disposition of the collateral; and

(F) all other costs incurred as the result of the foreclosure or liquidation of a loan.

(6) LOAN.—The term "loan" means a loan made by an institution under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

SEC. 202. ELIGIBILITY FOR ASSISTANCE.

To be eligible to receive assistance under this subtitle, a person must—

(1) be an individual, family corporation, or family partnership;

(2) be a borrower of a loan made by, and a stockholder of, an institution who is delinquent in the payment of principal or interest, or both, on the loan on the date of enactment of this Act or during the 3-year period beginning on such date;

(3) demonstrate to the institution that, due to circumstances beyond the control of the borrower (including depressed land values, high interest rates, and low prices for agricultural commodities), the borrower is temporarily unable to continue making payments of the principal and interest when due without unduly impairing the standard of living of the borrower;

(4) have derived at least 50 percent of the gross annual income of the borrower from the production of raw agricultural products, including livestock, poultry, or the products of aquaculture, during at least 3 of the 5 preceding taxable years;

(5) have had gross annual sales of agricultural commodities of at least $30,000 during at least 3 of the 5 preceding taxable years; and

(6) have an ability to repay the loan, based on past performance as a capable producer and assistance provided under this Act.

SEC. 203. LOAN DETERMINATIONS.

Before instituting a proceeding to foreclose a loan made to a borrower, an institution must determine—

(1) the cost of foreclosure; and

(2) the cost of restructuring the loan in accordance with this subtitle.

SEC. 204. LOAN FORECLOSURE AND RESTRUCTURING.

If an institution determines that the cost of foreclosure of a loan made to a borrower is equal to or exceeds the cost of restructuring the loan in accordance with this subtitle, in lieu of foreclosure, the institution shall reduce the principal or interest, or both, due on the loan, or otherwise restructure the loan, in a manner that would enable the borrower to make payments of principal and interest due on the loan without unduly impairing the standard of living of the borrower.

SEC. 205. ADDITIONAL COLLATERAL.

An institution may not—

(1) require any borrower to provide additional collateral to secure a loan if the borrower is current in the payment of principal or interest on the loan; or

(2) bring any action to foreclose on, or otherwise liquidate, any loan as the result of the failure of a borrower to provide additional collateral to secure a loan if the borrower was current in the payment of principal or interest on the loan at the time the additional collateral was required.

SEC. 206. APPEALS.

(a) DETERMINATION OF INELIGIBILITY.—(1) If an institution determines that a person does not meet the eligibility criteria prescribed in section 202, not later than 15 days after such determination, the institution shall provide the person with a written notice of—

(A) the determination and the reasons for the determination; and

(B) the right of the person to appeal the determination before a committee.

(2) If a person makes a written request to a committee not later than 30 days after receipt of a notice to contest a determination referred to in paragraph (1), the person shall have the right to appear before the committee to contest the determination.

(b) DETERMINATION TO NOT RESTRUCTURE.—(1) If an institution determines that the cost of restructuring a loan in accordance with this subtitle exceeds the cost of foreclosure of the loan, not later than 15 days after such determination, the institution shall provide the borrower of the loan with a written notice of—

(A) the determination and the reasons for the determination;

(B) the computations used by the institution to make the determination, including the estimate of the collateral value of the land used to secure the loan; and

(C) the right of the borrower to appeal the determination before a committee.

(2) If a borrower of a loan made by an institution makes a written request to a committee not later than 30 days after receipt of a notice to contest a determination referred to in paragraph (1), the borrower shall have the right to—

(A) request the committee to arrange an independent appraisal of the cost of foreclosure of the loan and the cost of restructuring the loan in accordance with this subtitle; and

(B) appear before the committee to contest the determination.

(3) If a borrower requests a committee to arrange an independent appraisal made under paragraph (2)(A), the committee shall—

(A) arrange the independent appraisal, in accordance with regulations issued by the Farm Credit Administration; and

(B) consider such appraisal when reviewing the determination of the committee.

(4) If an independent appraisal is conducted under this subsection of the cost of foreclosure of a loan made by an institution to a borrower and the cost of restructuring the loan in accordance with this subtitle, the cost of the appraisal shall be borne by—

(A) the institution if the appraised cost of restructuring the loan in accordance with this subtitle is equal to or less than the appraised cost of the foreclosure of the loan; or

(B) the borrower if the appraised cost of restructuring the loan in accordance with this subtitle is greater than the appraised cost of the foreclosure of the loan.

(c) DETERMINATION TO RESTRUCTURE.—(1) If an institution determines that a borrower of a loan meets the eligibility criteria prescribed in section 202 and that the cost of restructuring the loan in accordance with this subtitle is less than or equal to the cost of foreclosure of the loan, not later than 15 days after such determination, the institution shall provide the borrower with a written notice of—

(A) the determination and the reasons for the determination;

(B) the amount of the reduction in principal or interest, or both, or method of restructuring, the institution determines is adequate to enable the borrower to make payments in accordance with section 204; and

(C) the right of the borrower to contest the amount of the reduction, or method of restructuring, before a committee.

(2) If a borrower makes a written request to a committee not later than 30 days after receipt of a notice to contest the amount of the reduction, or method of restructuring, referred to in paragraph (1), the borrower shall have the right to appear before the committee to contest the amount of the reduction or method of restructuring.

(d) VOLUNTARY AGREEMENTS.—A borrower of a loan made by an institution shall have the right to appear before a committee to contest a determination, amount, or action under this subtitle if—

(1) the institution and the borrower enter into an agreement under which the institution agrees to restructure the loan in accordance with this subtitle and the borrower agrees not to contest the determination, amount, or action, as the case may be;

(2) the institution does not restructure the loan in accordance with this subtitle; and

(3) the borrower makes a written request to the committee to contest the determination, amount, or action, as the case may be, not later than 30 days after the date by which the institution agreed to restructure the loan in accordance with this subtitle.

(e) NOTICE OF DECISIONS.—Not later than 15 days after any review conducted by a committee, the committee shall provide the aggrieved person or borrower with written notice of the decision of the committee and the reasons for the decision.

SEC. 207. REIMBURSEMENT FOR PRINCIPAL REDUCTION.

The Capital Corporation shall reimburse an institution for the amount of principal due on loans that is reduced by the institution under section 204 if the Chairman determines that such action is necessary to avoid the liquidation or insolvency of the institution.

SEC. 208. REPORT.

Not later than 270 days after the date of enactment of this Act, the Chairman shall submit a report to Congress on the operation of this subtitle, including—

(1) an analysis of the impact of actions taken under this subtitle on losses suffered by institutions;

(2) an analysis of the impact of the actions on property values;

(3) an analysis of the accuracy of the cost of foreclosure determined by institutions under this subtitle;

(4) the number and amount of loans restructured in accordance with this subtitle;

(5) the number of current and estimated future delinquencies before and after the expiration of this subtitle on loans made to borrowers; and

(6) the recommendations of the Chairman concerning reauthorization of this subtitle.

Subtitle B—Farm Credit System Reform

SEC. 211. ACCESS TO APPRAISALS.

Section 4.13A of the Farm Credit Act of 1971 (12 U.S.C. 2200) is amended to read as follows:

"SEC. 4.13A. ACCESS TO DOCUMENTS AND INFORMATION.—In accordance with regulations of the Farm Credit Administration, a System institution shall provide to each borrower of such institution—

"(1) at the time of execution of a loan, a copy of each document signed by the borrower;

"(2) at any time thereafter, on request, a copy of each document signed or delivered by the borrower;

"(3) at any time, on request, a copy of the articles of incorporation or charter and bylaws of the institution; and

"(4) at the time of execution of a loan and at any time thereafter, on request, a copy of each appraisal of the assets of the borrower.".

SEC. 212. HOMESTEAD PROTECTION.

Part C of title IV of the Farm Credit Act of 1971 is amended by adding after section 4.20 (12 U.S.C. 2208) the following new section:

"SEC. 4.21. HOMESTEAD PROTECTION.—If an institution forecloses a loan made by the institution or a borrower of a loan made by the institution declares bankruptcy or goes into voluntary liquidation to avoid foreclosure or bankruptcy, the institution is encouraged to permit the borrower to retain possession and occupancy of the principal residence of the borrower, and a reasonable amount of adjoining land, to maintain the family of the borrower.".

SEC. 213. INTEREST RATES ON CLASSIFIED LOANS.

Part C of title IV of the Farm Credit Act of 1971 is amended by adding after section 4.22 (as added by section 212) the following new section:

"SEC. 4.22. An institution of the Farm Credit System may not increase the interest rate on a loan made to a borrower that is outstanding on the date of enactment of the Farm Credit Assistance Act of 1986 as the result of the loan been classified as a risk or problem loan.".

SEC. 214. CERTIFICATION OF NEED FOR FINANCIAL ASSISTANCE.

Section 4.28J of the Farm Credit Act of 1971 (12 U.S.C. 2216i) is amended by inserting after "TREASURY.—" the following new sentence: "Not later than 60 days after the date of enactment of the Farm Credit Assistance Act of 1986, and each 90 days thereafter, the Farm Credit Administration shall determine whether the Farm Credit System is in need of financial assistance to address financial stress of System institutions.".

SEC. 215. OPERATING EXPENSES OF INSTITUTIONS.

Part D1 of title IV of the Farm Credit Act of 1971 is amended by adding after section 4.28L (12 U.S.C. 2216k) the following new section:

"SEC. 4.28M. OPERATING EXPENSES OF INSTITUTIONS.—During the period beginning on date of enactment of the the Farm Credit Assistance Act of 1986 and ending the later of September 30, 1990, or such time as the Secretary of the Treasury no longer holds any obligations issued by the Capital Corporation, the operating expenses of an institution of the Farm Credit System may not exceed the average cost of bonds issued by the System, plus 1 percent.".

SEC. 216. DISPOSITION AND LEASING OF FARMLAND.

Part F of title IV of the Farm Credit Act of 1971 is amended by adding after section 4.36 (12 U.S.C. 2219a) the following new section:

"SEC. 4.37. DISPOSITION AND LEASING OF FARMLAND.—(a) The Farm Credit Administration shall issue regulations for the disposition and leasing of farmland acquired by any institution of the Farm Credit System, including the Capital Corporation, (hereafter in this section referred to as an 'institution') in accordance with this section.

"(b) An institution shall to the extent practicable sell or lease farmland acquired under this Act in the following order of priority:

"(1) Sale of such farmland to operators (as of the time immediately before such sale) of not larger than family-size farms.

"(2) Lease of such farmland to operators (as of the time immediately before such lease is entered into) of not larger than family-size farms.

"(c)(1) An institution shall not offer for sale or sell any such farmland if the placing of such farmland on the market will have a detrimental effect on the value of farmland in the area.

"(2) In selling such land, the institution shall give special consideration to a previous owner or operator of such land.

"(d)(1) An institution shall consider granting, and may grant, to an operator of not larger than a family-size farm, in conjunction with subsection (e), a lease with an option to purchase farmland acquired under this Act.

"(2) The Farm Credit Administration shall issue regulations providing for leasing such land, or leasing such land with an option to purchase, on a fair and equitable basis.

"(3) In leasing such land, the institution shall give special consideration to a previous owner or operator of such land if such owner or operator has financial resources, and farm management skills and experience, that the institution determines are sufficient to assure a reasonable prospect of success in the proposed farming operation.

"(4) To the extent an institution may lease or operate real property under this section, the institution shall, if the institution determines to administer such property through management contracts, offer the contracts on a competitive bid basis, giving preference to persons who will live in, and own and operate qualified small businesses in, the area where the property is located.

"(e)(1) An institution shall offer such land for sale to operators of not larger than family-size farms at a price that reflects the average annual income that may be reasonably anticipated to be generated from farming such land.

"(2) If two or more qualified operators of not larger than family-size farms desire to purchase, or lease with an option to purchase, such land, the local board of the institution shall, by majority vote, select the operator who may purchase such land.

"(f) If farmland is available for disposition under this section, the institution shall—

"(1) publish an announcement of the availability of such farmland in at least one newspaper that is widely circulated in the county in which the farmland is located; and

"(2) post an announcement of the availability of such farmland in a prominent place in the local office of the institution that serves the county in which the farmland is located.".

SEC. 217. STOCK PURCHASE REQUIREMENT.

Part F of title IV of the Farm Credit Act of 1971 is amended by adding after section 4.37 (as added by section 216) the following new section:

"SEC. 4.38. STOCK PURCHASE REQUIREMENT.—A borrower must purchase stock in the Farm Credit System, in accordance with regulations issued by the Farm Credit Administration, to be eligible—

"(1) to obtain a loan from an institution of the Farm Credit System; or

"(2) to enter into an installment contract for the purchase of farmland acquired by the Farm Credit System.".

TITLE III—FARMERS HOME ADMINISTRATION BORROWERS

SEC. 301. DEFINITIONS.

As used in this title

(1) BORROWER.—The term "borrower" means a borrower of a loan who meets the eligibility criteria prescribed in section 302.

(2) COMMITTEE.—The term "committee" means the appropriate county committee established under section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982).

(3) COST OF FORECLOSURE.—The term "cost of foreclosure" includes—

(A) the difference between the outstanding amount of principal due on a loan and the value of collateral used to secure the loan, taking into consideration the lien position of the Secretary;

(B) the estimated cost of maintaining a loan as a nonperforming asset;

(C) the estimated cost of administrative and legal actions necessary to foreclose a loan and dispose of property acquired as the result of the foreclosure;

(D) the estimated, adverse impact of the sale of property acquired as the result of a loan foreclosure on the value of property held by other borrowers of the Secretary;

(E) the estimated cost of changes in the value of collateral used to secure a loan during the period beginning on the date of the initiation of action to foreclose or liquidate the loan and the ending on the date of the disposition of the collateral; and

(F) all other costs incurred as the result of the foreclosure or liquidation of a loan.

(4) LOAN.—The term "loan" means a loan made by the Secretary under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

SEC. 302. ELIGIBILITY FOR ASSISTANCE.

To be eligible to receive assistance under this title, a person must—

(1) be an individual, family corporation, or family partnership;

(2) be a borrower of a loan who is delinquent in the payment of principal or interest, or both, on the loan on the date of enactment of this Act or during the 3-year period beginning on such date;

(3) demonstrate to the Secretary that, due to circumstances beyond the control of the borrower (including depressed land values, high interest rates, and low prices for agricultural commodities), the borrower is temporarily unable to continue making payments of the principal and interest when due without unduly impairing the standard of living of the borrower;

(4) have derived at least 50 percent of the gross annual income of the borrower from the production of raw agricultural products, including livestock, poultry, or the products of aquaculture, during at least 3 of the 5 preceding taxable years;

(5) have had gross annual sales of agricultural commodities of at least $30,000 during at least 3 of the 5 preceding taxable years; and

(6) have an ability to repay the loan, based on past performance as a capable producer and assistance provided under this Act.

SEC. 303. LOAN DETERMINATIONS.

Before instituting a proceeding to foreclose a loan made to a borrower, the Secretary must determine—

(1) the cost of foreclosure; and

(2) the cost of restructuring the loan in accordance with this title.

SEC. 304. LOAN FORECLOSURE AND RESTRUCTURING.

If the Secretary determines that the cost of foreclosure of a loan made to a borrower is equal to or exceeds the cost of restructuring the loan in accordance with this title, in lieu of foreclosure, the Secretary shall reduce the principal or interest, or both, due on the loan, or otherwise restructure the loan, in a manner that would enable the borrower to make payments of principal and interest due on the loan without unduly impairing the standard of living of the borrower.

SEC. 305. ADDITIONAL COLLATERAL.

The Secretary may not—

(1) require any borrower to provide additional collateral to secure a loan if the borrower is current in the payment of interest on the loan; or

(2) bring any action to foreclose on, or otherwise liquidate, any loan as the result of the failure of a borrower to provide additional collateral to secure a loan if the borrower was current in the payment of interest on the loan at the time the additional collateral was required.

SEC. 306. APPEALS.

(a) DETERMINATION OF INELIGIBILITY.—(1) If the Secretary determines that a person does not meet the eligibility criteria prescribed in section 302, not later than 15 days after such determination, the Secretary shall provide the person with a written notice of—

(A) the determination and the reasons for the determination; and

(B) the right of the person to appeal the determination before a committee.

(2) If a person makes a written request to a committee not later than 30 days after receipt of a notice to contest a determination referred to in paragraph (1), the person shall have the right to appear before the committee to contest the determination.

(b) DETERMINATION TO NOT RESTRUCTURE.—(1) If the Secretary determines that the cost of restructuring a loan in accordance with this title exceeds the cost of foreclosure of the loan, not later than 15 days after such determination, the Secretary shall provide the borrower of the loan with a written notice of—

(A) the determination and the reasons for the determination;

(B) the computations used by the Secretary to make the determination, including the estimate of the collateral value of the land used to secure the loan; and

(C) the right of the borrower to appeal the determination before a committee.

(2) If a borrower of a loan made by the Secretary makes a written request to a committee not later than 30 days after receipt of a notice to contest a determination referred to in paragraph (1), the borrower shall have the right to—

(A) request the committee to arrange an independent appraisal of the cost of foreclosure of the loan and the cost of restructur-

ing the loan in accordance with this title; and

(B) appear before the committee to contest the determination.

(3) If a borrower requests a committee to arrange an independent appraisal made under paragraph (2)(A), the committee shall—

(A) arrange the independent appraisal, in accordance with regulations issued by the Farm Credit Administration; and

(B) consider such appraisal when reviewing the determination of the committee.

(4) If an independent appraisal is conducted under this subsection of the cost of foreclosure of a loan made by the Secretary to a borrower and the cost of restructuring the loan in accordance with this title, the cost of the appraisal shall be borne by—

(A) the Secretary if the appraised cost of restructuring the loan in accordance with this title is equal to or less than the appraised cost of the foreclosure of the loan; or

(B) the borrower if the appraised cost of restructuring the loan in accordance with this title is greater than the appraised cost of the foreclosure of the loan.

(c) DETERMINATION TO RESTRUCTURE.—(1) If the Secretary determines that a borrower of a loan meets the eligibility criteria prescribed in section 302 and that the cost of restructuring the loan in accordance with this title is less than or equal to the cost of foreclosure of the loan, not later than 15 days after such determination, the Secretary shall provide the borrower with a written notice of—

(A) the determination and the reasons for the determination;

(B) the amount of the reduction in principal or interest, or both, or method of restructuring, the Secretary determines is adequate to enable the borrower to make payments in accordance with section 304; and

(C) the right of the borrower to contest the amount of the reduction, or method of restructuring, before a committee.

(2) If a borrower makes a written request to a committee not later than 30 days after receipt of a notice to contest the amount of the reduction, or the method of restructuring, referred to in paragraph (1), the borrower shall have the right to appear before the committee to contest the amount of the reduction or method of restructuring.

(d) VOLUNTARY AGREEMENTS.—A borrower of a loan made by the Secretary shall have the right to appear before a committee to contest a determination, amount, or action under this title if—

(1) the Secretary and the borrower enter into an agreement under which the Secretary agrees to restructure the loan in accordance with this title and the borrower agrees not to contest the determination, amount, or action, as the case may be;

(2) the Secretary does not restructure the loan in accordance with this title; and

(3) the borrower makes a written request to the committee to contest the determination, amount, or action, as the case may be, not later than 30 days after the date by which the Secretary agreed to restructure the loan in accordance with this title.

(e) NOTICE OF DECISIONS.—Not later than 15 days after any review conducted by a committee, the committee shall provide the aggrieved person or borrower with written notice of the decision of the committee and the reasons for the decision.

SEC. 307. REPORT.

Not later than 270 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the operation of this title, including—

(1) an analysis of the impact of actions taken under this title on losses suffered by the Secretary;

(2) an analysis of the impact of the actions on property values;

(3) an analysis of the accuracy of the cost of foreclosure determined by the Secretary under this title;

(4) the number and amount of loans restructured in accordance with this title;

(5) the number of current and estimated future delinquencies before and after the expiration of this title on loans made to borrowers; and

(6) the recommendations of the Secretary concerning reauthorization of this title.

SEC. 308. ALTERNATIVE CROP LOAN PROGRAM.

The Consolidated Farm and Rural Development Act is amended by inserting after section 352 (7 U.S.C. 2000) the following new section:

"SEC. 353. (a) For purposes of this section, the term 'alternative crop' means any agricultural operation (including acquaculture and livestock production) conducted by an applicant if—

"(1) there is no substantial history of such operation in the area in which the applicant resides; and

"(2) the applicant has derived from such operation not more than 20 percent of the gross annual income of the applicant during any of the 5 preceding taxable years.

"(b) In addition to the purposes prescribed in sections 303 and 312, the Secretary may make and insure, or guarantee, real estate and operating loans under subtitles A and B, respectively, to farmers and ranchers in the United States for the production of alternative crops.

"(c)(1) Subject to paragraph (2), to be eligible to obtain a loan or loan guarantee for a real estate or operating loan for the production of an alternative crop, a person must—

"(A) meet the eligibility requirements prescribed for a real estate loan under section 302 or an operating loan under section 311, respectively; and

"(B) submit to, and receive the approval of, the Secretary for a 5-year plan of projected production and income from the proposed alternative crop.

"(2) In determining eligibility for a loan or loan guarantee under this section, the Secretary shall consider training or farming experience that the Secretary determines is sufficient to assure reasonable prospects of success in the proposed farming operation, whether or not such training or experience is in the production of an alternative crop.

"(d) The Secretary may enter into a multiyear commitment to provide a loan or loan guarantee under this section for a term, of not to exceed 3 years, that is consistent with the nature of the alternative crop operation.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. INTER-AGENCY AGRICULTURAL TASK FORCE.

(a) ESTABLISHMENT.—In light of the severe economic problems confronted by many agricultural banks and the regulatory responsibilities of bank regulatory agencies, not later than 30 days after the date of enactment of this Act, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Federal Reserve System shall develop an Inter-Agency Agricultural Task Force to assist commercial agricultural banks and the borrowers of the banks to resolve present economic problems and to facilitate commercial bank lending to agriculture in the future.

(b) DUTIES.—The Inter-Agency Task Force shall—

(1) review existing regulations and policies to facilitate agricultural lending;

(2) cooperate with field office personnel to avoid conflicts and inconsistencies between the agencies; and

(3) consider meaningful alternatives to assist commercial banks in providing agricultural financing through regulatory or statutory changes, including accounting changes, interest rate buy-downs, or other similar methods for assisting banks.

(c) REPORTS.—Not later than 6 months after the date of enactment of this Act, and semiannually thereafter, the Inter-Agency Task Force shall report its findings and recommendations in carrying out this section to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Banking, Finance and Urban Affairs of the House of Representatives; and

(4) the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 402. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Secretary and the Farm Credit Administration shall issue such regulations as are necessary to carry out provisions of this Act under their jurisdiction.

SEC. 403. AUTHORIZATION FOR APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) USE OF INTEREST RATE REDUCTION PROGRAM FUNDS.—Notwithstanding the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), of the amount of funds used by the Secretary to carry out the interest rate reduction program under section 351(e) of such Act (7 U.S.C. 1999(e)) during the fiscal year ending September 30, 1986, the Secretary shall use not less than $30,000,000, and not more than $35,000,000, to carry out the interest subsidy program established under title I during such fiscal year.

SEC. 404. TERMINATION DATE.

Except as otherwise provided in this Act, the authority granted by this Act shall terminate 3 years after the date of enactment of this Act.

FARM CREDIT ASSISTANCE ACT OF 1986
EXPLANATION

TITLE I. INTEREST RATE BUY-DOWN PROGRAM.

1. Each state would have the option of participating in the program. If a State opted into the program, the state would designate an agency to operate the program. 100 percent of the administrative costs would be reimbursed to the states by U.S.D.A. Each state would be required to develop a plan whereby eligible borrowers and lenders would be determined. The plan must be approved by U.S.D.A.

2. Eligible borrowers are those who:

(a) have an outstanding loan on April 1, 1986;

(b)(1) be delinquent in the payment of principal or interest, or both, or (2) demon-

strate that the borrower will be unable to make payments of principal or interest;

(c) had gross agricultural sales in excess of $30,000 for three of the past five years;

(d) have derived at least 50 percent of their gross annual income from agriculture in at least 3 of the past 5 taxable years;

(e) have a debt-to-asset ratio in excess of 40 percent;

(f) have repayment ability; and

(g) do not produce an agricultural commodity on highly erodible land or converted wetlands in violation of the sodbuster and swampbuster provisions of the Food Security Act of 1985.

3. Assistance under this program shall be limited to an aggregate amount of principal of not more than $400,000 in the case of an individual, and $600,000 in the case of a family corporation or family partnership.

4. Under the program, for eligible borrowers, the interest rate (or principal as the case may be) will be written down for 3 years as follows:

(a) 2 percentage points will be paid by the federal government;

(b) 1-2 percentage points may be paid by the state; and

(c) 1 percentage point of interest or at least 15 percent of principal by the lender.

5. Eligible lenders under this title are defined as commercial banks and institutions of the farm credit system that have been designated as eligible by the state agency operating the program.

6. Appropriations to carry out the act are authorized as necessary. The CCC can be utilized for carrying out the program.

7. Applications for the interest rate buy-down program will be accepted beginning on the date the U.S.D.A. approves the state plan and ending September 30, 1987.

8. Borrowers who produce on highly erodible land or converted wetlands would be ineligible for benefits under this program.

TITLE II: FARM CREDIT SYSTEM

1. For the period beginning on the date the U.S.D.A. approves a state plan for the interest rate buy-down program and ending September 30, 1987, the Farm Credit System cannot foreclose on a borrower unless the borrower has been determined to be ineligible for the interest rate buy-down program, if one is operational in the state in which the institution or association is located.

2. For the period beginning on the date of enactment of this title and ending three years from the date of enactment, the Farm Credit System cannot foreclose on a borrower—

(a) unless the borrower has been determined to be ineligible for the interest rate buy-down program during the year in which the program is operational in the state; and

(b) unless the borrower has been determined to be ineligible for the principal/interest restructuring program described below.

3. Principal/Interest Restructuring Program:

(a) If the costs associated with foreclosure equal or exceed the cost of restructuring a loan in an amount which will enable the borrower to make payments, the Farm Credit System will be required to restructure the loan in lieu of foreclosing.

(b) Eligible borrowers are those who:

(1) are delinquent in payments of principal or interest during the period beginning on the date of enactment and ending 3 years after such date;

(2) demonstrate that the delinquency is beyond the control of the borrower;

(3) derived not less than 50 percent of their gross annual income for three of the past five years from agriculture; and

(4) had gross agricultural sales in excess of $30,000 for 3 of the past 5 years.

(c) Requires the Capital Corporation to reimburse an institution for the amount of principal due on loans that is reduced by the institution if the chairman determines that such action is necessary to avoid the liquidation or insolvency of the institution.

4. Encourages the Farm Credit System to allow borrowers who will be foreclosed on to retain possession and occupancy of any principal residence of the borrower and a reasonable amount of adjoining land.

5. Disposition of Acquired Property:

(a) Requires the F.C.A. to issue regulations identifying the proper handling of acquired farmland.

(b) Requires the F.C.S. to the extent practicable to sell or lease farmland in the following order of priority—

(1) sale to operators of not larger than family-size farms, and

(2) lease to operators of not larger than family-size farms.

(c) Prohibits the selling of farmland if it will have a detrimental effect on the value of farmland in the area.

(d) Special consideration in the sale or leasing of farmland must would be given to previous owners if such owner has financial resources, and farm management skills and experience sufficient to assure a reasonable prospect of success. Leasing would be based on a competitive bid basis.

6. Requires the Farm Credit System to provide a borrower with copies of the appraisals of the assets of the borrower.

7. Prohibits the Farm Credit System from requiring additional collateral on a loan if the borrower is current in the payment of principal or interest.

8. Prohibits the Farm Credit System from foreclosing on a borrower for failure to provide additional collateral if the borrower is current in the payment of principal or interest.

9. Before providing a new loan to a borrower or entering into an installment contract for the purchase of farmland acquired by the Farm Credit System, the borrower must purchase stock in the farm credit system.

10. Prohibits the Farm Credit System from raising the interest rate on a loan that has been classified.

11. Limits operating expenses of FCS institutions to 1 percent above the average cost of bonds issued by the System.

12. Requires the Farm Credit Administration, within 60 days from the date of enactment and every 90 days thereafter, to determine whether the Farm Credit System is in need of financial assistance.

TITLE III: FARMERS HOME ADMINISTRATION

1. Principal/Interest Restructuring Program:

(a) If the costs associated with foreclosure equal or exceed the cost of restructuring a loan in an amount which will enable the borrower to make payments, the FmHA will be required to restructure the loan in lieu of foreclosing; and

(b) Eligible borrowers are those who:

(1) are delinquent in payments of principal or interest during the period beginning on the date of enactment and ending 3 years after such date;

(2) demonstrate that the delinquency is beyond the control of the borrower;

(3) derived not less than 50 percent of their gross annual income for three of the past five years from agriculture; and

(4) had gross agricultural sales in excess of $30,000 for 3 of the past 5 years.

2. Prohibits the FmHA from requiring additional collateral on a loan if the borrower is current in the payment of principal or interest.

3. Prohibits the FmHA from foreclosing on a borrower for failure to provide additional collateral if borrower is current in the payment of principal or interest.

4. Authorizes the FmHA to make loans to farmers and ranchers for the purpose of producing alternative crops. Alternative crops are those not traditionally produced in the area.

TITLE IV. MISCELLANEOUS PROVISIONS.

1. Establishes an InterAgency Agricultural Task Force to assist commercial agricultural banks and the borrowers of the banks to resolve present economic problems and to facilitate commercial bank lending to agriculture in the future.

2. Requires regulations to be issued within 90 days from the date of enactment.

3. (a) Authorizes appropriations as necessary; and

(b) Requires that no less than $30 million nor more than $35 million of the funds appropriated for the Interest Rate Reduction Program authorized by the 1985 farm bill be used to fund the Interest Rate Buy-Down program authorized by this Act in Fiscal Year 1986.

By Mr. DURENBERGER (for himself, Mr. HOLLINGS, Mr. KENNEDY, Mr. THURMOND, Mr. CHAFEE, Mr. BENTSEN, Mr. BAUCUS, and Mr. MOYNIHAN):

S. 2333. A bill to amend title XIX of the Social Security Act to strengthen and improve medicaid services to low-income pregnant women and children; to the Committee on Finance.

MEDICAID MATERNAL AND INFANT AMENDMENTS

● Mr. DURENBERGER. Mr. President, I am proud to introduce the Medicaid Maternal and Infant Amendments of 1986 today along with my distinguished colleagues from both sides of the aisle. This bill would enable States to expand and target Medicaid prenatal, delivery, and postpartum services to mothers, and medical care to their infants up to age 1.

Health care in America must be judged not only on its ability to cure sickness, but also on its capacity to keep people well. Nowhere is this more important than in the health of mothers and children. Preventive services for them will not only alleviate many deaths and much suffering, but more than pay for itself by giving these babies a fighting chance to grow up healthy and become productive citizens.

LEGISLATIVE HISTORY

In 1985, I sponsored S. 505, the Maternal and Child Health Preventive Care Amendments of 1985, with my colleague from Texas, Senator BENTSEN. It is gratifying to me that our colleagues in Congress agreed that by

spending a few cents now so that States can target expanded Medicaid prenatal services, we can save lots of dollars down the road. And at the same time improve the lives of so many Americans. S. 505 was included in the fiscal year 1986 budget reconciliation package that was signed into law by the President last week.

Today's proposal is the next logical step after S. 505 in providing needed health services to pregnant women and their infants.

Also last fall, as chairman of the Intergovernmental Relations Subcommittee of the Governmental Affairs Committee, I conducted a hearing on S. 1209, the National Commission on Infant Mortality which I cosponsored with the ranking minority member of the subcommittee, Senator CHILES. We held the hearing at Providence Hospital here in Washington to focus attention on an institution that has made a commitment to affordable maternity care for poor women. Through its Center for Life, Providence Hospital subsidizes maternity care for about 300 low-income pregnant women each year.

At the hearing, we heard from Sarah Brown of the Institute of Medicine who described IOM's landmark study on infant mortality. She and the others who testified added fuel to the hearing's fire. Infant mortality is a nationwide problem that needs Federal attention, now.

I should add that last week I also cosponsored comparable legislation, S. 2288, the Infant Mortality Prevention Act, along with my colleagues, Senators CHILES and BENTSEN. Today's bill goes further than S. 2288. While S. 2288 moves in the right direction, we are taking a bolder leap today.

I endorsed both measures because I will support any and all proposals that would move the Congress in the direction of preventing death or disability for this Nation's infants. As I have said so many times, the best incubator of all is the mother's womb, not the machinery of the neonatal intensive care unit. If we are going to make better lives for our children, we have to assure they have every chance when they enter this world, whether they are rich or poor.

Today's legislation is a logical next step to reduce infant mortality and morbidity in this country.

NEED FOR THIS LEGISLATION

While many States are probably going as far as they can on income security programs like AFDC, this proposal would enable States that choose to expand their Medicaid coverage, to target this high risk group who would otherwise not qualify for Medicaid. This is essential if Government-sponsored health programs are going to make a meaningful contribution to preserving the health of our Nation's children, rather than financing sick care once they become categorically indigent.

The Medicaid Maternal and Infant Amendments of 1986 also has roots in the work of the Southern Governors' Task Force on Infant Mortality, chaired by the Governor of South Carolina, Richard Riley. This able group offered a number of legislative recommendations designed to enable States to expand and target programs aimed at reducing infant deaths and disabilities. Its work has also been endorsed by the National Governors' Association.

This Nation has come a long way in improving the health of infants and children. Since the enactment of Medicaid in 1965, we have reduced the U.S. infant mortality rate by over 50 percent. This is impressive, but a little explanation of how we did this will show that more work needs to be done. The credit for these achievements' survival is due in large part to advances in technology—neonatal intensive care units, NICU's. And the reason why so many infants spend their first few weeks of life in NICU's? Because their birthweight was too low to allow them to survive on their own without the support of fancy and expensive technology—expensive to the tune of about $1,250 a day in a typical NICU in Minneapolis or St. Paul.

These low birthweight babies are 40 times more likely to die during their first month of life and five times more likely to die within their first year of life than plump, normal weight newborns. They are also at a much higher risk of disabilities such as cerebral palsy, mental retardation, and learning disabilities. And the tragedy is that many of these destinies are often preventable for these little babies.

Although we've done a very good job of keeping low birthweight babies alive in NICU's, we have a poor record as a nation in preventing low birthweights in the first place. As a matter of fact, between 1971 and 1981, we reduced the incidence of babies being born at low birthweights by less than 1 percent.

What all this means is that we must write out a check today as an investment in our future. There is little question that this approach not only improves maternal and child health, but it also saves our health care system a substantial amount of money. In the recent study by the Institute of Medicine, it was shown that every $1 spent on prenatal care saved $3.38 in the first year of a child's life.

The Medicaid Maternal and Infant Amendments of 1986 reflects an important national purpose—doing all we can to help moms save healthy babies. My colleagues on the Budget Committee, Senators DOMENICI, CHILES, and HOLLINGS, set aside $100 million in additional Medicaid spending for a new infant mortality initiative. Today's legislation offers us a wise and prudent way to allocate those funds.

Our bill is another step on the road to prevention and to cost-effective health care spending. I will soon be introducing another bill with Senator KENNEDY which will take us even further down that road. I urge my colleagues, when considering these proposals, not to be victimized by those who espouse short-sighted budgeteering. These proposals represent the responsible way to deliver valuable services while containing costs—through far-sighted, humane, and cost-effective health policy. It's not often that a bill is presented which provides health care services to those in need while at the same time saving society the emotional and financial costs of death and disability. This is just such a bill and I urge all my colleagues to support it.

EXPLANATION OF THE BILL

Under current law, States that want to provide essential health care under Medicaid to poor women and infants, generally cannot do so without also providing cash welfare. Our legislation would allow States, at their option, to offer Medicaid to poor pregnant women and their infants whose family income is above the Aid to Families With Dependent Children [AFDC] standards, but below 100 percent of the Federal poverty line. There are currently 3.4 million women of childbearing age living in households below the Federal poverty line who are not covered by Medicaid. These women have little of any access to prenatal services. It is time to make early prenatal care more widely available.

States could not reduce their AFDC levels in order to expand the Medicaid Program. The existing resources requirements of Medicaid law would still apply. States could set their income threshold at any point up to 100 percent of the Federal poverty level.

The establishment of this new optional categorically needy group would give States the flexibility to target their Medicaid coverage of poor pregnant women and infants who are now ineligible for AFDC due to income or family status without raising the AFDC eligibility levels.

Mr. President, I ask unanimous consent that the bill and the text of my statement from this morning's press conference be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medicaid Maternal and Infant Amendments of 1986"

SEC. 2. MEDICAID ELIGIBILITY OF LOW-INCOME INFANTS AND PREGNANT WOMEN.

(a) IN GENERAL.—

(1) Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396(a)(10)(A) is amended by adding at the end thereof the following new clause:

"(iii) at the option of the State, as provided in subsection (1), to—

"(I) any pregnant woman during the period consisting of her pregnancy and the 60-day period following the last day of the pregnancy, if such woman's resources, including the resources of her family, meet the resources test of eligibility for medical assistance under the State plan approved under this title applicable to a family with dependent children, and such woman's income, including the income of her family, (determined in accordance with subsection (m)) does not exceed the higher of the income test of eligibility for medical assistance under such plan applicable to a family with dependent children or 100 percent of the official poverty line for an individual or for a family of the same size, as appropriate, established and adjusted under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

"(II) any individual who has not attained one year of age without limitation as to amount, duration, or scope, if such individual's resources, including the resources of his or her family, are such that the individual meets the resources test of eligibility for medical assistance under the state plan approved under this title applicable to a family with dependent children, and such individual's income, including the income of his or her family (determined in accordance with subsection (m)) does not exceed the higher of the income test of eligibility for medical assistance under such plan applicable to a family with dependent children or 100 percent of the official poverty line for an individual or for a family of the same size, as appropriate, established and adjusted under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

"(II) any individual who has not attained one year of age without limitation as to amount, duration, or scope, if such individual's resources, including the higher of the income test of eligibility for medical assistance under such plan applicable to a family with dependent children or 100 percent of the official poverty line for an individual or for a family of the same size, as appropriate, established and adjusted under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).".

(2) Section 1902 of such Act is further amended by adding at the end thereof the following new subsections:

"(l) A State plan may not elect the option of furnishing medical assistance to individuals described in subsection (a)(10)(A)(iii) unless the State has in effect, under its State plan approved under part A of title IV, income and resource tests for eligibility that are no stricter than those in effect on the date of the enactment of this subsection and payment levels that are not less than the payment levels in effect under such plan on such date.

"(m) In applying the income standards established under subsection (a)(10)(A)(iii), each State shall take into consideration the same income and expense (including work-related expenses) and disregard the same items of income in the same manner as they would be taken into account or disregarded under the State's plan under part A of title IV.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1902(a)(17) of such Act is amended by inserting ", except as provided in paragraph (10)(A)(iii)," after "which" the first place it appears.

(2) Section 1903(f) of such Act (42 U.S.C. 1396(f)) is amended—

(A) in paragraph (1) by striking out "paragraph (4)" and inserting in lieu thereof "paragraphs (4) and (5)"; and

(B) by adding at the end thereof the following new paragraph:

"(5) The limitations on payment imposed by paragraphs (1), (2), and (3) of this subsection shall not apply with respect to any amount expended by a State as medical assistance for any individual eligible for such assistance by reason of section 1902(a)(10)(A)(iii).".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 2 of this Act shall apply to medical assistance, provided under a State plan approved under title XIX of the Social Security Act, for calendar quarters beginning more than six months after the date of the enactment of this Act.

REMARKS OF SENATOR DURENBERGER—MATERNAL AND CHILD HEALTH PRESS CONFERENCE, APRIL 17, 1986

Some of you may have been to John Heinz' press conference earlier this morning about preserving the quality of health care for Medicare recipients—an effort that Ted and I and many of our colleagues have been very involved in. And here we are looking at the other end of the spectrum—protecting the health of the unborn and the newborn.

Last week I joined my colleagues Lawton Chiles and Lloyd Bentsen in introducing S. 2288, the Infant Mortality Prevention Act or IMPACT. The bill we are introducing today goes a step further in protecting maternal and child health.

The late Hubert Humphrey once said the moral test of government is how it treats those in the dawn of life, the children; those in the twilight of life, the elderly; and those in the shadows of life—the sick, the needy and the handicapped.

Those words have, in a sense, taken on added meaning in these days of scarce federal resources. The uncontrolled increase in hospital and other acute care services sapped the financial strength of wellness-care and health promotion.

We have made great progress in the past several years in slowing the increase in the cost of health care. But the deficit crunch has led some people to believe there still isn't enough money to go around—that to do all we need to do, we need to "ration" our health care dollars, making decisions on who deserves care and how much. That's baloney.

The health care message for the 80s is not to ration health care, but to improve both the quality and the availability of health care by setting priorities. That is what we are doing today with this legislation. Because there is no greater priority than a newborn life.

This bill will help ensure a healthy entry into this world for millions of American children, by allowing states to offer prenatal, delivery and post-delivery medical care to all women and their infants living at or below the federal poverty level.

What do I mean by priority-setting in health care spending? I mean, for example, stopping our policy of subsidizing some people's unhealthy choices at the expense of those whose health problems are not of their own making. Hundreds of thousands of Americans are smoking themselves into coronaries and lung cancer. The total economic cost of smoking is $41 billion a year, including $4 billion to Medicare and Medicaid.

And yet, some people will tell you we don't have enough money to pay for effective, comprehensive medical care for low-income pregnant women, to give our children a strong fighting chance at a healthy life. That's what I call misplaced priorities.

We're not here this morning to talk about some research program or grand experiment. In large part, it's just plain old common sense in about 10 one-hour doses over a 9-month pregnancy. We know that prenatal care significantly increases the chances of producing a healthy child. For example, prenatal services can drastically reduce the frequency of low-birthweight babies, who are 40 times more likely than other infants to die within the first year, and who tend to suffer a wide range of long-term health problems.

We also know who we need to reach. Women who are poor . . . who are black or Native American . . . who have no health insurance . . . who live in inner-cities or rural areas . . . who live in the southern United States—These women are much more likely to give birth to unhealthy children, simply because they are denied access to proper health care or to the information telling them how to get it.

The Medicaid program can offer these women the help they need—especially now, under a recent change in the program, initiated in my Health Subcommittee, which allows more comprehensive prenatal care services under Medicaid. But as many as 3.4 million women of child-bearing age do not have access to Medicaid because they don't fit the qualifications for AFDC welfare—even though they are living below the poverty line. Our legislation allows states to offer their Medicaid coverage to those women, and it is our sincere hope that the states will do so.

The cost of the loss of newborn life is immeasurable. The cost of caring for infants with permanent disabilities is massive. The annual cost of neonatal intensive care alone exceeds $1.5 billion. And the price of special education and long-term care for the life of each child with chronic disabilities can easily reach $400,000. Compare that figure with the projected cost of the first phase of this program: $100 million. In sheer economic terms, it will pay for itself with the first 250 healthy children it produces.

Of course, we must guarantee all children adequate care after they're born. But it's just good sense to put our money up-front in preventive care to give our kids a healthy start from the moment of birth.

● Mr. HOLLINGS. Mr. President, today we initiate an attack on one of the most challenging problems our Nation faces today: Infant mortality and low birthweight babies. The future of any nation depends on the well-being of its children. Yet, the rate of low birthweight deliveries is higher in the United States than in 12 other developed countries. The legislation we are introducing signals a partnership between the Federal Government and the States to get at the root of these life-threatening problems. Our bill, Mr. President, implements the solution that all studies and our own

common sense tells us is the easiest, least costly, most appropriate response to reducing infant mortality and low birthweight; that is, providing adequate prenatal care for women and comprehensive care for the infant. The Federal Government has long supported prenatal care and counseled all women to secure such care early in pregnancy. We are, therefore, uniquely positioned to play an important role in the effort to ensure ready access to these vital services.

To assume this role, we must first remove some existing barriers. Under current legislation, States cannot provide essential health care services to poor women and infants without first raising the cash welfare level to include them. This is a barrier to provision of these services because many States cannot afford to provide both the health services needed and the additional welfare benefits. Also, Medicaid regulations, do not routinely permit States to target only these particular health services. Our bill makes an important change by amending the Medicaid statute to permit States to provide Medicaid coverage for pregnant women and infants whose incomes are above the State AFDC standard of need but within the Federal poverty level without requiring the prior incurrence of medical expenses. Our bill maintains the State's current AFDC match rate and resource requirements and contains a hold-harmless provision requiring States to maintain their current AFDC eligibility level to participate in this option. A minimum benefit period equal to the duration of pregnancy plus 60 days would be established in order to prevent loss of coverage in mid-pregnancy.

Mr. President, as a former Governor of South Carolina, I can say with some authority that no matter what your agenda is, when you take office, the fact of infant mortality and low birthweight demands your attention. When I was Governor, several of my friends insisted that I tour the State to see children with swollen bellies, with worms, with all forms of birth defects; people who were continually hungry; people who had no decent place to live and were literally drinking their own sewage. Since I had jobs and economic development as a priority and was working to convince industry that South Carolina was the ideal place for them to locate, it was not exactly the kind of public relations campaign I was seeking. But mothers and children who were malnourished and had virtually no access to health care of any kind were a fact of life in the State of which I was Governor, and I did see these people and their condition demanded action on my part. There is probably not a Member of this body who has not heard me quote the figures that each dollar spent to provide prenatal care and food supplements to pregnant women through WIC can save $3 by reducing the incidence of high-risk births. This is largely due to the fact that, working with my friend, Hubert Humphrey, WIC was the action I took in response to the hunger I saw as Governor of South Carolina.

It came as no surprise to me that, in 1984, the Southern Governors' Association established the Regional Task Force on Infant Mortality, or to learn that my own Governor, Richard W. Riley, was to be its chairman. The seven States with the highest infant mortality rates were in the South, and South Carolina was the worst. The task force not only did a superb job of bringing national attention to our problems in the South, but it also let the Nation know what we are doing about them and what remains to be done. In July 1985, the task force issued three reports which make realistic, pragmatic recommendations and outline action plans for comprehensive solutions to the problems of infant mortality and low birthweight. Among the recommendations for Federal action was amendment of the Medicaid law to permit States to provide assistance to poor families whose incomes are over the State's AFDC standard of need but below the Federal poverty level. This proposal was subsequently endorsed unanimously by the National Governors' Association in its February 1986 meeting.

Medicaid is the Nation's primary financing source for the health care of poor mothers and children, but current Medicaid criteria have produced obstacles to provision of preventive care in too many instances. It has been suggested by some that the Medically Needy Program could provide these services, but this important program is a catastrophic health program that is not oriented to providing preventive and primary care services. Eligibility for benefits is based on a spend-down feature which requires the incurrence of expenses prior to receiving assistance. The catastrophic design means the program pays for services such as hospitalization, when lower cost treatments, had they been accessible, could have prevented the need for more expensive care. It is in the long-term interest to provide preventive care to childbearing women and young children with incomes below the Federal poverty level—to prevent incidence of costly conditions that may last a lifetime.

Historically, Congress has not done as well as it might in funding preventive care. This has happened, I believe, because of the pressure we are under to be accountable for the expenditure of tax dollars; and, of course, this is proper. But what has evolved is a system of paying for illness instead of wellness. In our efforts to be accountable, it is much easier to prove that we have provided hospitalization for a specific number of patients with heart attacks over a given period, for example, than that expenditure of tax dollars prevented a certain number of heart attacks. We feel much more comfortable quoting the number of neonatal intensive care days paid for with Federal funds than saying how many low-weight births we prevented. Only recently have we paid serious attention to health promotion and disease prevention, and the data is now available which provides us sufficient statistical evidence in aggregate figures to support more preventive measures, such as reduction in infant mortality and low birthweight. The figures prove preventive services are cost-effective.

In 1982, the Institute of Medicine convened a planning group to explore how the Nation might best invest its resources to promote child health and development. The report of the resulting Committee to Study the Prevention of Low Birthweight was reviewed by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine. After extensive study, the report recommends expansion of prenatal services to the existing Medicaid population. The report states:

> Although the neonatal mortality rate in the United States has improved over the past 15 years, there has not been a comparable decrease in low-weight births. Instead, the mortality decline has been accomplished primarily by improving the survival of low birthweight infants through very costly neonatal intensive care. The association of neurodevelopmental handicaps and congenital anomalies with low birthweight has been well established; low birthweight infants also are susceptible to a wide range of other conditions, such as lower respiratory tract infections, learning disorders, behavior problems, and complications of neonatal intensive care interventions.

The Nation is currently spending about $700 million per year just on hospital care for high-risk infants; this does not include the cost of Medicaid of long-term institutionalization of children left permanently disabled by preventable causes or the cost of outpatient care resulting from the chronic problems to which low birthweight babies are prone. It is estimated that for the population currently eligible for Medicaid, each dollar spent to provide comprehensive maternity care could save nearly $2 by reducing prematurity and low birthweight.

Mr. President, I ask unanimous consent to include in the RECORD a statistical information table from "Preventing Low Birthweight" at the end of my remarks.

The study referenced in this table includes only the population currently Medicaid eligible and reflects only savings from providing more comprehensive prenatal care. Reason dictates

that if the savings projected here would be realized for a population that is already eligible for and receiving some prenatal services, even larger savings could be expected by providing services for the populations covered by this bill.

Cost comparisons developed by the Southern Regional Task Force on Infant Mortality state the cost of prenatal care, hospital costs for mother and baby, rehospitalization, pediatric health care, and rehabilitative costs for a normal baby are about $2,000 per year. The same costs for a low birthweight baby of 4 pounds is about $54,800 per year. For a low birthweight baby requiring institutionalization, the costs can go as high as $389,800 per child.

Mr. President, I ask unanimous consent to include a table in the RECORD, at the conclusion of my remarks that shows these costs.

Mr. President, we have been losing the battle in the last few years. According to data submitted by the Children's Defense Fund in support of additional funding in the fiscal year 1987 budget, key material and child health indicators are eroding.

Between 1982 and 1983, postneonatal mortality—deaths of infants ages 28 days to 1 year—rose 3 percent nationwide and 5 percent nationwide for black infants. The mortality increase among black babies was the first such recorded increase in 18 years.

In 1983, the percentage of women receiving late or no prenatal care rose for the third consecutive year. The percentage of premature and low-birthweight births also rose in 1983.

Over half of all black preschool children are inadequately immunized against childhood diseases. Between 1983 and 1984, there was a 69-percent increase in measles cases nationwide.

One-third of poor children with family incomes below the Federal poverty level are either completely uninsured or are insured for only a portion of the year. One-third of all poor women of childbearing age are uninsured. Medicaid reached only 46 percent of the poor and near-poor population in 1985, down from 65 percent in 1969. Title V Maternal and Child Health Clinics serve only a fraction of all uninsured mothers and children; clinics throughout the country report enormous waiting lists. In 1985, WIC reached fewer than half the women, infants, and children eligible; 10 States served 30 percent or fewer of their WIC-eligible populations.

Mr. President, the problem we face is well-defined. We know what to do. Study after study has shown that more than any other factor, adequate prenatal and post partum care reduces infant mortality and low birthweight. It is time to act, and the bill we introduce today is a very significant step in the right direction. I urge my colleagues to join with us in cosponsoring this important bill and working for its quick passage.

There being no objection, the material mentioned earlier was ordered to be printed in the RECORD, as follows:

The birth of infants weighing less than 2,500 grams, and particularly those of 1,500 grams or less, imposes a large economic burden on our nation by contributing substantially to neonatal mortality, to disability among surviving infants, and to the cost of health care.

The provision of adequate prenatal services, as currently practiced, to all pregnant women who receive public assistance and who have attained less than a high school education would require increased expenditures, but would decrease the overall fiscal outlays of governmental agencies for the care of the low birthweight infants born to these high-risk women. Savings in the cost of care of low birthweight children would probably more than offset the additional cost for the prenatal services. Similarly, further net savings in overall fiscal outlays for the care of low birthweight children would be likely to result from the provision of appropriate prenatal services to other groups of women who are at high risk of delivering low birthweight infants.

TABLE 10.10.—COST SAVINGS AT DIFFERENT LOW BIRTHWEIGHT [LBW] RATES

LBW rate (percent)	Total LBW infant costs (TC_0)	Reduction in cost of LBW infant care (TC_0)	Outlays for additional prenatal care (TC_1)	Net cost savings (TC_0-TC_1)
11.5	$188,231,351			
10	163,682,681	$24,548,670	$12,107,200	$12,439,470
9	147,318,844	40,912,507	12,107,200	28,805,307

Note.—See Table 10.1 for definitions and formulas.
Source: Preventing Low Birthweight, National Academy Press, 1985.

INFANT MORTALITY RATES IN THE UNITED STATES, 1983
FINAL DATA

	Rank and State	Number of live births	Number of infant deaths	Infant mortality rate
1	New Hampshire	13,799	119	8.6
2	Vermont	7,954	69	8.7
3	Maine	16,666	145	8.7
4	Utah	39,474	346	8.8
5	North Dakota	12,380	110	8.9
6	Iowa	43,262	386	8.9
7	Montana	14,063	126	9.0
8	Massachusetts	76,081	690	9.1
9	Hawaii	19,123	180	9.4
10	Arizona	53,785	511	9.5
11	Washington	68,680	653	9.5
12	Oregon	39,977	385	9.6
13	Wisconsin	72,558	698	9.6
14	California	436,143	4,233	9.7
15	Wyoming	10,268	101	9.8
16	New York	248,617	2,872	11.6
17	Minnesota	65,563	644	9.8
18	Nebraska	26,232	259	9.9
19	Delaware	9,230	92	10.0
20	New Mexico	27,617	277	10.0
21	Colorado	54,662	548	10.0
22	Connecticut	41,097	416	10.1
23	Kansas	40,399	416	10.3
24	Nevada	14,312	153	10.7
25	Arkansas	34,996	373	10.7
26	Missouri	75,599	810	10.7
27	South Dakota	12,526	135	10.8
28	Idaho	18,748	203	10.8
29	West Virginia	25,882	283	10.9
30	Oklahoma	56,902	618	10.9
31	Texas	295,249	3,265	11.1
32	Ohio	158,769	1,775	11.2
33	Pennsylvania	158,201	1,784	11.3
34	Indiana	80,814	923	11.4
35	New Jersey	99,194	1,137	11.5
36	Kentucky	54,701	632	11.6
37	Rhode Island	12,595	147	11.7
38	Maryland	63,944	752	11.8
39	Michigan	133,118	1,569	11.8
40	Virginia	80,732	962	11.9
41	Florida	149,078	1,816	12.2
42	Alaska	11,998	149	12.4
43	Illinois	178,885	2,224	12.4
44	Tennessee	65,481	836	12.8
45	Alabama	59,061	774	13.1
46	North Carolina	83,884	1,106	13.2
47	Georgia	90,032	1,205	13.4
48	Louisiana	82,514	1,115	13.5
49	South Carolina	50,755	760	15.0
50	Mississippi	44,000	665	15.1
51	District of Columbia	9,333	180	19.3
	U.S. total	3,638,933	40,627	11.2
	White	2,904,250	28,301	9.7
	Nonwhite	1,320,710	23,568	17.8
	South	1,331,373	16,244	12.2
	Non-South	2,307,560	24,383	10.6

Note.—All data is 1983 final data from the National Center for Health Statistics.

SOUTHERN REGIONAL TASK FORCE ON INFANT MORTALITY

[Cost comparisons for low-birthweight infants]

	Normal weight baby (8 pounds)	Low birth weight baby (4 pounds)	Low birth weight baby requiring institutionalization
Prenatal care	$400	0	0
Hospital costs (mother)	800	$800	$800
Hospital costs (baby)	400	[1] 20,000	20,000
Re-hospitalization (first year)	0	[2] 10,000	10,000
Institutional costs (over 20 years)	0	0	359,000
Pediatric health care	[4] 400	[4] 4,000	
Rehabilitative costs	0	[3] [4] 20,000	
Total	[4] 2,000	[4] 54,800	[5] 389,800

[1] Approximately 30 percent of babies born to women with no prenatal care require hospitalization.
[2] Approximately 16 percent of low birth babies require re-hospitalization.
[3] Approximately 20 percent of low birth weight babies incur rehabilitative costs.
[4] Per year.
[5] Per child.

● Mr. KENNEDY. Mr. President, this year, 287,000 babies will be born with low birthweight causing two-thirds of all infant mortality. A low-birthweight infant is 40 times more likely to die in the first month of life, 5 times more likely in the first year. Over the last decade, there have been solid gains in reducing the number of low-birthweight births. While there are many causes of low birthweight, there is one simple and effective solution: medical care during pregnancy.

Today, I am introducing with my colleagues in both the Senate and the House of Representatives a bill to make medical care more available to women and children. This measure will allow States to extend the Medicaid program to pregnant women and their infants who have poverty-level incomes but who are above the AFDC level for their State. This measure was recommended by the Southern Governors' Task Force on Infant Mortality and unanimously endorsed by the National Governors' Association.

There are 3.4 million women of child-bearing age who may benefit from this step. Medicaid coverage will give them access to prenatal care

which has been shown to bring down the rate of low birthweight by one-half to two-thirds. If we can reduce this rate by even 1 percent, we can save $42.5 million.

Countless families will be saved the anxiety of having a hospitalized infant. Thousands of babies will be saved from a lifetime of disability. And many infant lives will be saved. In addition, this measure may allow women who are trying to get off welfare to do so without sacrificing access to health care for themselves when they are pregnant or for their infants.

I believe the step we are taking today is a rational one. Universal access to health care for pregnant women and children should be our goal. This expansion of the Medicaid Program will take us one step closer to it.●

● Mr. BENTSEN. Mr. President, S. 2333 is an important bill, a bill that will take us a long way toward improving access to health services for women and infants at risk. For several years, I and a number of my colleagues have worked to improve targeting of Medicaid services for this population.

I am pleased today to be a part of yet another step in our effort to extend needed care to a vulnerable and often overlooked population. Governor Riley of South Carolina and the Southern Governors Task Force on Infant Mortality are to be congratulated both for developing a set of policy goals and for the educational campaign which they undertook in an effort to improve public understanding of the need for these changes.

It is now general knowledge that significant savings—financial as well as social—are associated with early intervention through good prenatal programs and preventive care for infants. As most of my colleagues are already aware, numerous studies have shown that an expenditure of $1 in prenatal services can yield as much as $12 in savings through reduced costs of intensive neonatal care and the long-term institutional expenditures that often accompany the handicaps associated with premature birth and low birthweight.

As Governor Riley's task force has shown, 10 of the 11 States with the most severe infant mortality rates are in the Southern region of the United States. In the South, it is estimated that 1 of every 15 mothers is likely to have a child with a discernible mental or physical handicap. While the national average is 6.8 percent, 7.6 percent of all babies born in the Southern States are low in birthweight—which is, of course, closely correlated with high rates of infant mortality, and the incidence of lifelong handicapping conditions.

Technically, S. 2333 assumes that States will be offered the option of extending coverage to those women and infants whose incomes exceed the current eligibility threshold for Medicaid, but who, nevertheless, are below 100 percent of the poverty level. While I am hopeful that we will be able to provide services to this entire population on enactment, it may be necessary to adjust eligibility to comply with final Congressional Budget Office cost estimates. However, if such a change is needed, I hope that members of the Finance Committee will join me in support of implementing this change as quickly as costs allow.

In sum, Mr. President, passage of S. 2333 will permit States to improve access to health care by restructuring eligibility and benefits under the Medicaid Program according to local priorities. I invite my colleagues to join with us in support of that goal.●

Mr. THURMOND. Mr. President, today my colleagues and I are introducing legislation which represents a major initiative toward reducing the high infant mortality rate of this Nation.

The United States has a higher infant mortality rate than many other developed countries such as Sweden, Japan, Denmark, Norway, France, Spain, Canada, East Germany, and the United Kingdom. Recent statistics indicate that for every 1,000 live births, approximately 11 babies will die before the age of 1 year. In my home State of South Carolina the problem is greater, with 15 deaths for every 1,000 live births.

Mr. President, two-thirds of infant deaths occur in the neonatal period—the first month of life. The factor most commonly associated with these newborn deaths is low birthweight. The smaller the baby, the poorer the chances of healthy survival. A low-birthweight baby is more likely to need costly special care. In addition, low-birthweight babies also have significantly higher rates of rehospitalization. To address the problem of low-birthweight infants, the Medicaid system needs to be improved. This legislation is designed to accomplish that goal.

Mr. President, Medicaid plays a critical role as the Nation's principal financing source for the health care of mothers and children who are financially unable to help themselves. However, as many as 3.4 million poor pregnant women a year are denied vital prenatal care because they are ineligible for Medicaid. Without proper prenatal care, many unnecessary low-birthweight babies are born who need significant ongoing medical attention. This, of course, means additional medical expenses. In many cases, the high medical expenses associated with low-birthweight babies drain the financial resources of the mother until she then becomes eligible for Medicaid. Medicaid then must pick up the tab for the expensive institutional medical treatment.

Mr. President, what is needed, and what this legislation provides, is an approach geared toward preventative medicine. Under this legislation, the Medicaid law would be amended to allow States, with an Aid to Families With Dependent Children [AFDC] standard of need above 50 percent of the Federal poverty level, to target Medicaid assistance to pregnant women and infants, without the State also being required to raise AFDC payments to this group. This action would be completely optional with the States. The idea behind this change is to remove a financial obstacle for many States that want to provide a compenhensive maternity and infant health-care package to indigent women, but have not done so because of the high cost of State matching requirements for AFDC payments.

Mr. President, the cost of this bill will be $100 million to the Federal Government. This amount has already been added to the Domenici-Chiles budget plan to cover the cost of the expansion, after the Budget Committee gave it careful consideration.

Mr. President, I want to emphasize that these moneys spent now will prove cost-effective over the long run. The American Academy of Pediatrics reported in 1984 that for every dollar spent on prenatal care, $2 to $10 can be saved down the road. "An ounce of prevention is worth a pound of cure." This is the approach of this legislation, and I urge my colleagues to support this bill.

By Mr. THURMOND:

S. 2334. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes; to the Committee on the Judiciary.

INTEGRITY IN POSTEMPLOYMENT ACT

Mr. THURMOND. Mr. President, today, I am introducing tough, new legislation that will restrict all Federal employees from lobbying the Federal Government for 1 year, and from working for a foreign entity for 2 years, after they leave Government service.

This legislation also mandates a complete prohibition on certain high-level Federal officials from ever representing, assisting, advising, or lobbying in behalf of a foreign government or entity.

Mr. President, the potency of this legislation is that it applies to all Federal employees, regardless of rank,

grade, or status, and that it mandates criminal penalties for violations—including fines of up to $250,000 and prison terms of up to 2 years.

It is a proposal whose time has come, and one which seeks to maintain public confidence and integrity in Federal Government service. In its simplest form, it provides a uniform, straightforward, and enforceable way to prevent those who are employed by the Federal Government from leaving public service and marketing their access and influence for private gain. It will also terminate violations of public trust by halting very high-ranking Federal officials, who by the nature of their jobs are privy to some of our Government's most sensitive information about national security and trade, from vending that information to a foreign entity.

There is something very disquieting to me, and I suspect the great majority of Americans, about high-level officials leaving the service of the Federal Government and going to work assisting, advising, lobbying, or in any way representing a foreign power for compensation. The absolute prohibition against this practice would help end the problem of foreign entities gaining knowledge and information, in any way, about such things as our Nation's international trade strategy or defense posture from former officials whose knowledge of those issues could do harm to this country if it is conveyed to others.

The officials affected by a lifelong prohibition would include, among others: Cabinet Secretaries; Director of Central Intelligence Agency; Secretaries of the armed services; U.S. Trade Representative; Director of the Federal Bureau of Investigation; and high-ranking White House officials.

Mr. President, this legislation is a starting place for the Congress to consider much-needed changes to the confusing and oftentimes conflicting laws and regulations now governing former Federal officials who lobby the Federal Government or work for a foreign entity. It is an attempt to restore rationality and effectiveness to the ethics provisions applying to the Federal Government. Toward that end, my bill would apply equally to all branches of the Federal Government and to all Federal employees—including Members of Congress, Government-established corporations, and the military.

The Judiciary Committee has tentatively set a hearing on this bill and other lobbying-related issues on April 29. I look forward to hearing testimony on this issue and to working with my colleagues on this important legislation.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Integrity in Post Employment Act of 1986".

SEC. 2. DISQUALIFICATION OF FORMER MEMBERS, OFFICERS, AND EMPLOYEES FROM ATTEMPTING TO INFLUENCE THE UNITED STATES GOVERNMENT OR REPRESENTING OR ADVISING A FOREIGN ENTITY.

(a) PROHIBITION.—(1) Section 207 of title 18, United States Code, is amended by striking out subsections (b) through (e) and inserting in lieu thereof the following:

"(b) Whoever, having been a Member of Congress, an officer or employee of the United States, including a special Government employee who has served in excess of sixty days during any period of three hundred and sixty-five consecutive days, in the executive, legislative, or judicial branch of the Government, or in any independent agency of the United States, or an officer or employee of a Government corporation, Government controlled corporation, or an independent establishment as defined in section 104 of title 5—

"(1) Within one year after termination of employment with the intent to influence makes any oral or written communication to any Member of Congress, officer or employee of the United States, including a special Government employee, in the executive, legislative, or judicial branch of the Government, or in any independent agency of the United States on behalf of another person (other than the United States) for compensation, financial gain, or other remuneration; or

"(2) within two years after termination of employment—

"(A) is employed by, or advises, represents, or assists any foreign entity for compensation, financial gain, or other remuneration; or

"(B) with intent to influence makes any oral or written communication to any Member of Congress, officer or employee of the United States, including a special Government employee, in the executive, legislative, or judicial branch of the Government, or in any independent agency of the United States on behalf of any foreign entity for compensation, financial gain, or other remuneration,

shall be fined not more than $250,000 or imprisoned not more than two years, or both.

"(c) Whoever, having been employed in a position listed in section 5312 or 5313 of title 5 or under section 105(a)(2)(A) of title 3, at any time after termination of employment—

"(1) is employed by, or advises, represents, or assists in any way, directly or indirectly, a foreign entity; or

"(2) with intent to influence makes any oral or written communication to any Member of Congress, officer, or employee of the United States, including a special Government employee, in the executive, legislative, or judicial branch of the Government, or in any independent agency of the United States on behalf of any foreign entity,

shall be fined not more than $250,000 or imprisoned not more than two years, or both.

"(d)(1) The prohibitions of subsections (a) through (c) shall not apply to a former Member, officer, or employee who is acting in his official capacity as an elected official of a Federal, State, or local government.

"(2) The prohibition of subsection (b)(1) shall not apply to an attorney appearing in a judicial proceeding before a court of the United States.".

(2) Section 207 of title 18, United States Code, is further amended—

(A) by striking out subsections (h) and (i);

(B) in subsection (f) by designating such subsection as subsection (e) and striking out "subsections (a), (b), and (c)" and inserting in lieu thereof "subsection (a)";

(C) by redesignating subsection (g) as subsection (f);

(D) in subsection (j) by redesignating such subsection as subsection (g) and striking out "subsection (a), (b), or (c)" in the first sentence and inserting in lieu thereof "subsection (a)"; and

(E) by inserting at the end thereof the following:

"(h) For purposes of this section the term 'foreign entity' means—

"(1) a foreign country;

"(2) a foreign political party;

"(3) a person outside of the United States, unless it is established that such person is an individual and a citizen of the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; or

"(4) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.".

(3) Subsection (a) of section 207 of title 18, United States Code, is amended by striking out "; or" at the end thereof and inserting in lieu thereof a comma and the following: "shall be fined not more than $250,000 or imprisoned not more than two years, or both.".

(b) AMENDMENT TO CAPTION.—(1) Section 207 of title 18, United States Code, is further amended by striking out the caption for such section and inserting in lieu thereof the following:

"§ 207. Disqualification of former Members and employees and officers of any branch of Government from attempting to influence the United States Government or representing or advising a foreign entity".

(2) The table of sections for chapter 11 of title 18, United States Code, is amended by striking out the item relating to section 207 and inserting in lieu thereof the following:

"207. Disqualification of former Members and employees and officers of any branch of Government from attempting to influence the United States Government or representing or advising a foreign entity.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 of this Act shall be effective upon the date of enactment of this Act.

By Mr. ABDNOR (for himself, Mr. BURDICK, and Mr. PRESSLER):

S. 2336. A bill to protect United States cattlemen from imports of live Canadian cattle, and to require the International Trade Commission to conduct a section 201 investigation of

such imports; to the Committee on Finance.

MORATORIUM ON BEEF IMPORTS FROM CANADA

● Mr. ABDNOR. Mr. President, cattlemen in my home State of South Dakota and all across the United States have been suffering from years of economic stress. High interest rates, natural disasters, and imports of live cattle have left cattlemen without a profit and many are on the verge of bankruptcy.

Let me remind my colleagues that the American cowboy is a noble man who generally believes that little or no Government involvement in his industry is good. Ranchers do not derive any benefits from Federal farm programs and they don't want any. They haven't asked for handouts; instead, they are just asking for a fair shake.

Unfortunately, cattlemen haven't been getting a fair shake. Imports of live cattle have been streaming across our borders. Some of this beef is subsidized and unfairly undercuts in price the healthy, wholesome beef produced by American cattlemen. And while all beef entering the American market possibly isn't subsidized, this beef enjoys a de facto subsidy due to the high value of the U.S. dollar which allows foreign beef to be priced 20 to 30 percent below U.S. beef.

Of major concern to America's cattle industry is beef being imported from Canada. Canadian cattle have been pouring across our northern border. In my home State of South Dakota, semitruck loads of live cattle arrive every day. The reason for this glut of Canadian cattle on United States markets is threefold. First, it is the result of an over-valued U.S. dollar. Canadian beef producers enjoy an effective 20 percent or more subsidy in today's market. Second, imports of Canadian cattle are the result of provincial and national beef stabilization programs which give Canadian producers an unfair competitive advantage. Canada's National Beef Stabilization Program as well as provincial programs injure United States producers since our cattlemen do not benefit from such programs. Third, the herds of Canadian cattle on United States markets are the result of Canada's import policies which result in backdoor brokering. Backdoor brokering results when domestic beef in Canada is displaced by imports and when that domestically produced Canadian beef spills into the United States to make way for the imports. In essence, the United States beef market serves as a safety valve for anything Canada cannot consume.

At the present time Canada is importing subsidized beef from the European Community [EC]. Subsidized beef imports from the European Economic Community to Canada may be displacing domestically-produced Canadian beef to such an extent that Canadian cattle are being imported into the United States in increased quantities. This subsection or backdoor brokering needs immediate attention.

In 1983, Canada imported around 13 to 14 million pounds of beef products from the EC. In 1984, this rose to almost 50 million pounds.

Today I am introducing legislation to stop backdoor brokering from Canada. The legislation places a moratorium on the importation of live Canadian cattle.

The moratorium would remain in place while the International Trade Commission [ITC] undertakes and completes within 6 months a study under section 201 of the Trade Act of 1974 to determine if live cattle from Canada are being imported in such increased quantities as to be a substantial cause of serious injury to the beef industry in those States which serve as the major market areas for Canadian cattle. These States include Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, and Minnesota.

Upon completion of the study, the moratorium would be lifted if the ITC did not find serious injury to the livestock industry. If, however, serious injury was found, the moratorium would remain in effect. The ITC would periodically update the study, not less than twice each year. If, as a result of any study update, the ITC found that the injury is no longer serious, the moratorium would be lifted.

Unless Congress takes action to stop backdoor brokering from Canada and protect United States cattlemen from unfair imports, the demise of the cattle industry and small ranchers and feeders will continue. Cattlemen aren't looking for a handout. They are only asking for a fair shake.●

By Mr. ROCKEFELLER (for himself, Mr. BINGAMAN, Mr. BYRD, Mr. RIEGLE, Mr. LEVIN, Mr. BAUCUS, Mr. CHILES, Mr. HEINZ, Mr. DECONCINI, Mr. HART, Mr. GORE, Mr. COHEN, Mr. DANFORTH, Mr. PRYOR, Mr. INOUYE, Mr. GORTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. BUMPERS, Mr. METZENBAUM, Mr. MITCHELL, Mr. EXON, Mr. CRANSTON, Mr. EAGLETON, Mr. DODD, Mr. DIXON, Mr. MATSUNAGA, Mr. KERRY, Mr. KENNEDY, Mr. CHAFEE, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. FORD, Mr. PROXMIRE, Mr. PELL, and Mr. BRADLEY.

S.J. Res. 327. Joint resolution to provide for the President to report on the status and implementation of the recommendations of the President's Commission on Industrial Competitiveness; to the Committee on Finance.

(The remarks of Mr. ROCKEFELLER and others, and the text of the legislation appear earlier in today's RECORD.)

ADDITIONAL COSPONSORS

S. 377

At the request of Mr. DECONCINI, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 377, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 1736

At the request of Mr. PRESSLER, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1736, a bill to amend the Public Health Service Act to provide assistance for education, research, and treatment programs for Alzheimer's disease and related disorders, and for other purposes.

S. 1806

At the request of Mr. BOREN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1806, a bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections and to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

S. 2030

At the request of Mr. PRYOR, the names of the Senator from Illinois [Mr. SIMON], the Senator from Vermont [Mr. LEAHY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 2030, a bill to establish an alternative procedure for the review of bid protests under the Competition in Contracting Act, and for other purposes.

S. 2103

At the request of Mr. MCCLURE, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 2103, a bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed with State insurance departments or agencies.

S. 2176

At the request of Mr. BOREN, the names of the Senator from Tennessee [Mr. GORE], the Senator from Colorado [Mr. HART], the Senator from Vermont [Mr. LEAHY], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 2176, a bill to amend chapter 11 of title 18, United States Code, to prohibit any former high-level Federal civilian officer or employee or high-ranking officer of a uniformed service from representing or advising a foreign principal for a

period of at least 5 years after leaving Government service.

S. 2187

At the request of Mr. DECONCINI, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 2187, a bill to amend title 38, United States Code, to exempt from sequestration certain benefits for veterans and dependents and survivors of certain veterans which are paid based on the service-connected disability or death of veterans.

S. 2209

At the request of Mr. DOLE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2209, a bill to make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued payment of SSI benefits to individuals who work despite severe medical impairment; to amend such act to require concurrent notification of eligibility for SSI and Medicaid benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions; and for other purposes.

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2261, a bill to amend the Service Contract Act of 1965 to reform the administration of such act, and for other purposes.

S. 2273

At the request of Mr. KASTEN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2273, a bill to amend the Internal Revenue Code of 1954 to deny the tax exemption for interest on industrial development bonds used to finance acquisition of farm property by foreign persons.

S. 2288

At the request of Mr. CHILES, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 2288, a bill to amend title XIX of the Social Security Act to permit States the option of providing prenatal, delivery, and postpartum care to low income pregnant women and of providing medical assistance to low-income infants under 1 year of age.

S. 2295

At the request of Mr. GOLDWATER, the name of the Senator from Missouri [Mr. EAGLETON] was added as a cosponsor of S. 2295, an original bill to amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operation, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, and for other purposes.

S. 2300

At the request of Mr. STAFFORD, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 2300, a bill to amend the Toxic Substances Control Act so as to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in Federal and other buildings, and for other purposes.

SENATE JOINT RESOLUTION 264

At the request of Mr. PRYOR, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 264, a joint resolution designating April 28, 1986, as "National Nursing Home Residents Day."

SENATE JOINT RESOLUTION 271

At the request of Mr. RIEGLE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 271, a joint resolution designating "Baltic Freedom Day."

SENATE JOINT RESOLUTION 318

At the request of Mr. ABDNOR, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Arizona [Mr. DECONCINI], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 318, a joint resolution designating November 1986 as "National Diabetes Month."

SENATE RESOLUTION 369

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 369, a resolution relating to trade between the United States and the Republic of Korea.

SENATE CONCURRENT RESOLUTION 129—EXPRESSING OPPOSITION TO EUROPEAN ECONOMIC COMMUNITY RESTRICTIONS ADVERSELY AFFECTING UNITED STATES AGRICULTURAL EXPORTS

Mr. DOLE (for Mr. HELMS, for himself, Mr. DOLE, Mr. ZORINSKY, Mr. WILSON, Mr. BOREN, Mr. BOSCHWITZ, Mr. DANFORTH, Mr. ABDNOR, Mr. COCHRAN, Mr. EXON, Mr. GORE, Mr. HARKIN, Mr. RIEGLE, Mr. SYMMS, Mr. THURMOND, Mr. GRAMM, Mr. MATTINGLY, Mr. NICKLES, Mr. PRESSLER, Mr. DIXON, and Mr. ANDREWS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 129

Whereas, as part of the terms under which Spain and Portugal joined the European Community in January of this year, the European Community has imposed quotas on oilseeds and oilseed products in Portugal, in violation of the General Agreement on Tariffs and Trade (GATT);

Whereas the European Community has imposed a quota requiring that Portugal purchase at least 15.5 percent of its grain from other European Community countries, in violation of the GATT;

Whereas the European Community has replaced GATT-bound 20 percent tariffs on corn and grain sorghum imports entering Spain with the European Community's variable levy system, which is currently equivalent to a tariff of more than 100 percent, before negotiating compensation as agreed to previously and directed by international trade rules;

Whereas the restrictions imposed by the European Community will impair access for as much as $1 billion worth of United States agricultural products to markets in Portugal and Spain and adversely affect the economic livelihood of United States farmers and related industries;

Whereas, despite Cabinet-level approaches to the European Community in recent months, the European Community has been unwilling to rescind the illegal quotas or to compensate the United States for the damage caused by the higher tariffs;

Whereas prior enlargements of the European Community in 1973 and 1981 have adversely affected United States agricultural exports to the Community;

Whereas the President on March 31 announced his intention to use existing authority to respond to the restrictions of the European Community by imposing quotas and tariff increases or by withdrawing tariff bindings to produce equivalent restrictive effects or comparable loss of trade on European Community imports into the United States; and

Whereas the President's proposed actions to defend legitimate United States trade interests are consistent with his belief in a free but fair trade policy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Administration should continue to firmly oppose actions by the European Community to (A) impose quotas on oilseeds and oilseed products in Portugal, (B) impose a grain purchase requirement quota on Portugal, and (C) place variable levies on corn and grain sorghum entering Spain before negotiating compensation; and

(2) Unless the European Community rescinds the trade-restrictive measures referred to in clause (1) or the United States receives prompt and complete compensation for any loss of trade resulting from the enlargement of the European Community, the Administration should take actions, such as the President has announced, to impose trade restrictions on a sufficient value of exports of the European Community to the United States to reestablish the balance of concessions under the GATT and other international trade agreements.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of Com-

merce, the Secretary of the Treasury, the United States Trade Representative, the Head of the Delegation of the European Community to the United States, and the Ambassadors to the United States for each of the member states of the European Community.

SENATE CONCURRENT RESOLUTION 130—RECOGNIZING A VISIT BY DESCENDANTS OF CERTAIN SETTLERS OF SOUTH CAROLINA TO SWITZERLAND AS AN INTERNATIONAL GESTURE OF GOODWILL

Mr. HOLLINGS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 130

Whereas in 1732 Jean Pierre Purry, under the auspices of the British authorities, founded the town of Purrysburg in the lower south eastern portion of South Carolina, on the Savannah River;

Whereas Colonel Purry, a native of Neufchatel, Switzerland, had promoted the colonization of Carolina and gathered a group of settlers from among the industrious and diligent Swiss;

Whereas the town of Purrysburg, South Carolina, was originally chartered as Swiss Quarter and prospered during its early years, boasting strong commercial, civil, religious, and military activities;

Whereas during the Revolutionary War, Purrysburg served as a headquarters for General Benjamin Lincoln;

Whereas President George Washington shared the Huguenot descent of the Purrysburg settlers and visited the town during a tour of the Southern States;

Whereas Purrysburg was abandoned after the Revolutionary War as the result of the growth of coastal cities such as Charleston; and

Whereas the descendents of the original settlers of Purrysburg, South Carolina, are visiting Neufchatel, Switzerland in October of 1986: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes the visit by the descendants of the original settlers of Purrysburg, South Carolina, to Neufchatel, Switzerland in October of 1986 as an international gesture of goodwill.

SENATE CONCURRENT RESOLUTION 131—RELATING TO THE RELEASE AND SAFE PASSAGE OF NAUM MEIMAN AND INNA KITROSSKAYA-MEIMAN

Mr. HART (for himself, Mr. BOSCHWITZ, Mr. DECONCINI, Mr. GRASSLEY, Mr. MOYNIHAN, and Mr. MATHIAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 131

Whereas the Helsinki Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the signatory countries to the Final Act have declared their responsibility to "deal in a positive and humanitarian spirit with applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character such as requests submitted by persons who are ill and old";

Whereas the Concluding Document of the Madrid meeting of the Conference on Security and Cooperation in Europe provides for the signatories to "favorably deal with" and "decide upon" applications for family reunification and to decide on such applications "within six months";

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the Declaration also affirms that "the family is the natural and fundamental group unit in society";

Whereas the International Covenant on Civil and Political Rights guarantees that "everyone shall be free to leave any country, including his own";

Whereas the Soviet Union signed the Helsinki Final Act and the Concluding Document of the Madrid Conference, is obligated to respect the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Naum Meiman and Inna Kitrosskaya-Meiman have applied for emigration visas for reasons of conscience and family reunification;

Whereas Dr. Meiman's application for emigration has been pending since 1974 and Mrs. Kitrosskaya-Meiman's application has been pending since 1979;

Whereas Dr. Meiman and Mrs Kitrosskaya-Meiman seek to join their daughter, Mrs. Olga Plam, who currently resides in Boulder, Colorado;

Whereas both Dr. Meiman and his wife have been subjected to continual harassment and are in urgent need of medical treatment unavailable in the Soviet Union;

Whereas the departure of Dr. Meiman with his background in advanced science and mathematics would pose no threat to Soviet national security, a fact confirmed by the signed statement of I.V. Chuvilo, director of the Soviet Institute of Theoretical and Experimental Physics, who stated that none of Dr. Meiman's work has been classified; and

Whereas the Soviet Union has shown little willingness to abide by its international obligations to expedite emigration cases which would promote family reunification and the resolution of the urgent medical cases of Dr. Meiman and his wife: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in view of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Concluding Document of the Madrid meeting of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Soviet Union—

(1) should immediately approve the exit visa applications of Dr. Naum Meiman and his wife, Mrs. Inna Kitrosskaya-Meiman; and

(2) should, upon approval of their visas, arrange for Dr. Meiman and his wife the appropriate means to facilitate their trip to the country of their choice.

SEC. 2. The Congress urges the President—

(1) to protest the Soviet Government's refusal to consider expeditiously the exit visa applications of Dr. Meiman and his wife;

(2) to call upon all other signatory nations of the Helsinki Final Act of the Conference on Security and Cooperation in Europe to join in such protests; and

(3) to instruct the United States delegation to the meeting of experts on human contacts organized under the auspices of the Conference on Security and Cooperation in Europe in Bern, Switzerland to pursue vigorously the case of Dr. Meiman and his wife.

SEC. 3. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit a copy of such resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

● Mr. HART. Mr. President, once again, on behalf of our good friends Naum and Inna Meiman, my colleagues and I are calling on the Soviet Union to adhere to the principles set forth in the conventions on human and political rights to which that nation is a signatory. Today, however, time has become a crucial factor.

Dr. Naum Meiman and his wife, Inna, have been trying for years to emigrate from the Soviet Union and join their daughter, Olga Plam, who is a constituent of mine in Colorado. Inna Meiman is now critically ill from cancer. But it has become clear that new technology exists in the West which would offer Inna Meiman some hope in curing her cancer. Dr. Douglas Zipes, of the University of Indiana, has offered to treat Inna Meiman and to cover the costs of her travel and medical care.

Yet Inna Meiman is still denied an exist visa. It is beyond my understanding what the Soviet authorities have to gain by continuing to deny exit visas to the Meimans. Last year, I raised the Meimans' case directly with then-Foreign Minister Andrei Gromyko and other Soviet officials when I visited Moscow. My colleagues and I have pursued the case with Ambassador Dobrynin and have written to General Secretary Mikhail Gorbachev asking for his help and intervention.

I am pleased to join colleagues from around the country in offering a concurrent resolution to express the sense of the Congress that the Soviet authorities provide for the release and safe passage of Naum and Inna Meiman. I hope that our colleagues will join with us in using this and every other available opportunity and channel of communication to raise the Meimans' case with Soviet officials and diplomats before it is too late.

Mr. President, when I was in the Soviet Union last year, I visited the war memorials and cemeteries which stand as grim reminders of the price paid by the Soviet Union in World War II. I visited the museums and in-

stitutions which are the sources of so many of the cultural gifts the Russian people have given the world. Yet the single most emotional and moving experience of my visit was the evening I spent with Naum and Inna Meiman—living examples of the triumph of the human spirit. I will never forget the evening I spent with the Meimans, and I hope they will never forget that they are not alone. The Meimans and other Soviet Jews who wish to emigrate have friends and supporters around the world.

Forty years after the holocaust, 40 years after Leningrad, the world is both a vastly different place and a not-so-different place. A generation which knew the horrors of World War II has been succeeded by a generation which must never know the horrors of nuclear war. Acting in good faith, representatives of the United States and the Soviet Union can take tangible steps to lessen the threat of nuclear war. Permission to let Naum and Inna Meiman—brave people who are threats to no one—leave the Soviet Union would be a small but tangible demonstration of Soviet good faith.

Last week, I joined several of my Senate colleagues in calling on the Reagan administration to consider steps to restrict nuclear testing and to demonstrate leadership in accepting the challenge of negotiations devoted to completing a nuclear test ban. Today, I call on the General Secretary of the Soviet Union to demonstrate leadership and accept a challenge of humanitarianism and hope. I join Dr. Zipes in sending this message: Inna Meiman is dying of cancer. Please expedite visas for Naum and Inna Meiman before it is too late. The world watches and awaits your humane response.●

SENATE CONCURRENT RESOLUTION 132—ESTABLISHING A TEMPORARY JOINT COMMITTEE ON THE BUDGET

Mr. COCHRAN submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring),

SECTION. 1. TEMPORARY JOINT COMMITTEE ON THE BUDGET.

(a) ESTABLISHMENT.—There is established a Temporary Joint Committee on the Budget (hereafter in this concurrent resolution referred to as the "Joint Committee").

(b) COMPOSITION.—

(1) The Joint Committee shall be composed of the entire membership of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate.

(2) The chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall serve as cochairmen of the Joint Committee.

(3) A majority vote of the members of the Joint Committee from each House shall be necessary for the Joint Committee to act.

(4) Vacancies in the membership of the Joint Committee shall not affect the power of the ramaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection.

(5)(A) There is established within the Joint Committee an executive committee, to be composed of—

(i) 6 members of the Committee on the Budget of the House of Representatives designated by the chairman of such committee;

(ii) 5 members of the Committee on the Budget of the House of Representatives designated by the ranking minority member of such Committee;

(iii) 5 members of the Committee on the Budget of the Senate designated by the chairman of such Committee; and

(iv) 4 members of the Committee on the Budget of the Senate designated by the ranking minority member of such Committee.

(B) A majority of the members of the Executive Committee from each House shall be necessary for the executive committee to act.

(c) DUTIES.—Notwithstanding any other provision of law, or any provision of the Standing Rules of the Senate or the rules of the House of Representatives, the Joint Committee shall have the duty to report concurrent resolutions on the budget required to be reported under title III of the Congressional Budget and Impoundment Control Act of 1974. It shall do so only after considering the recommendations of the executive committee.

(d) CONCURRENT RESOLUTIONS REPORTED BY THE JOINT COMMITTEE.—Any concurrent resolution reported by the Joint Committee shall be reported to each House of the Congress at the same time, in the same form, and with the same contents.

(e) DUTIES OF THE EXISTING BUDGET COMMITTEES.—Except as provided in subsection (c), the Committees on the Budget of the House of Representatives and the Senate shall have the duties assigned to them by the Congressional Budget and Impoundment Control Act of 1974, by part C of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Standing Rules of the Senate and the Rules of the House of Representatives.

(f) HEARINGS AND TESTIMONY.—The Joint Committee and any subcommittee thereof is authorized to sit and act at such times and places within the United States (whether the Congress is in session, has recessed, or has adjourned) to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, documents, or vouchers by subpoena or otherwise, and to take such testimony, as it deems advisable. A subpoena may be issued over the signatures of either of the co-chairmen of the Joint Committee, or a designee of either, and may be served by any person designated by the person signing it. An oath may be administered by either the co-chairmen of the Joint Committee, or a designee of either.

(g) STAFFING.—The staffs of the Committees on the Budget of the House of Representatives and the Senate shall serve as the staff of the Joint Committee.

(h) RECORDS.—The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded.

(i) TREATMENT OF MEMBERSHIP UNDER SENATE RULES.—For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the Joint Committee, or as a co-chairman of the Joint Committee, shall not be taken into account.

(j) The Joint Committee shall cease to exist at the close of the second session of the 99th Congress.

(k) EXERCISE OF RULEMAKING POWER.—The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

Mr. COCHRAN. Mr. President, today I am introducing legislation which I feel will assist the Congress in dealing with the budget mandates we face in a more expeditious and effective manner.

This is a concurrent resolution calling for the temporary establishment of a Joint Budget Committee. Congressman BOB MICHEL, the Republican leader in the House of Representatives has introduced identical legislation today in the House.

As we all know, congressional budget deadlines have been difficult to meet in the past, and may be even more difficult this year under the new Gramm-Rudman-Hollings timetables. We have already missed the April 15 deadline for completing action on a concurrent budget resolution for fiscal year 1987. Clearly, without joint congressional action, it may be impossible to meet other deadlines this year.

The Gramm-Rudman-Hollings law provides that, in the event that the reporting procedures now before the Supreme Court are invalidated, there will be established a "Joint Committee on Deficit Reduction," made up of the entire membership of the Budget Committees of the House of Representatives and the Senate. The purpose of this joint committee is to report and pass a joint resolution requiring the President's signature in order to implement any sequestration.

We believe that Congress should not wait until the Supreme Court rules in this case to establish such a Joint Budget Committee. The immediate establishment of a Joint Committee, and commencement of deliberations on a budget resolution for fiscal year 1987, would ensure the best and most efficient implementation of Gramm-Rudman-Hollings and the congressional budget process.

The temporary joint committee we are proposing would have the duty of

reporting a concurrent budget resolution for fiscal year 1987. It would be composed of the entire membership of the Budget Committees of both Houses. The existing Budget Committee Chairmen would serve as cochairmen of the new Joint Committee.

An executive committee made up of one-third of the membership of each Budget Committee would be established to facilitate the proceedings of the much larger joint committee. The executive committee would make recommendations to the full joint committee for its approval or modification.

Establishment of a Joint Budget Committee on a temporary basis would also provide a trial period for determining the feasibility of a permanent Joint Budget Committee, as well as other needed reforms of our budget process.

I hope my colleagues will be able to support this legislation, which I'm convinced, would allow a reasonable and more efficient alternative for achieving our budget goals.

AMENDMENTS SUBMITTED

FEDERAL FIRE PREVENTION AND CONTROL ACT AUTHORIZATION

GORTON AMENDMENT NO. 1793

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill S. 2180) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; as follows:

At the end of the bill, add the following:

SEC. 2. (a) The Congress finds—

(1) that various studies of governmental and non-governmental agencies indicate that daylight saving time over an expanded period would produce a significant energy savings in electrical power consumption;

(2) that daylight saving time may yield energy savings in other areas besides electrical power consumption;

(3) that daylight saving time over an expanded period could serve as an incentive for further energy conservation by individuals, companies, and the various governmental entities at all levels of government, and that such energy conservation efforts could lead to greatly expanded energy savings; and

(4) that the use of daylight saving time over an expanded period could have other beneficial effects on the public interest, including the reduction of crime, improved traffic safety, more daylight outdoor playtime for the children and youth of our Nation, greater utilization of parks and recreation areas, expanded economic opportunity through extension of daylight hours to peak shopping hours and through extension of domestic office hours to periods of greater overlap with the European Economic Community.

(b) Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking "last Sunday of April" and inserting in lieu thereof "first Sunday of April".

(c) Any law in effect on the date of the enactment of this Act—

(1) adopted pursuant to section 3(a)(2) of the Uniform Time Act of 1966 by a State with parts thereof in more than one time zone, or

(2) adopted pursuant to section 3(a)(1) of such Act by a State that lies entirely within one time zone,

shall be held and considered to remain in effect as the exercise by that State of the exemption permitted by such Act unless that State, by law, provides that such exemption shall not apply.

(d)(1) Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service.

(2) Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics.

(3) Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

(e) This section shall take effect 60 days after the date of enactment of this Act, except that if such effective date occurs in any calendar year after March 1, this section shall take effect on the first day of the following calendar year.

COMPREHENSIVE CRIME CONTROL ACT AMENDMENTS

THURMOND (AND OTHERS) AMENDMENT NO. 1794

Mr. THURMOND (for himself, Mr. BIDEN, Mr. LAXALT, Mr. KENNEDY, Mr. HATCH, Mr. GRASSLEY, Mr. SPECTER, and Mr. EAST) proposed an amendment to the bill (S. 1236) to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes; as follows:

On page 61, strike out lines 22 through 3 on page 62 and insert in lieu thereof the following:

(1) In subsection (a)(2) by—

(A) redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(B) amending subparagraph (C) to read as follows:

"(C) the sentence modification provisions set forth in sections 3563(c), 3564, 3573, 3582(c), and 3583(e) of title 18;"; and

(C) adding after subparagraph (C) the following new subparagraph:

"(D) the fine imposition. provision set forth in section 3572 of title 18:";

On page 62, strike out lines 13 through 16 and insert in lieu thereof the following:

(3) in subsection (b) by—

(A) inserting "(1)" after "(b)"; and

(B) designating the second sentence as paragraph (2) and inserting before the period in such paragraph (2) the following: "except that—

"(A) if the maximum term of the range is life imprisonment, the minimum shall not be less than 25 years imprisonment; or

"(B) if the maximum term of the range is one year or less, the maximum shall not exceed the minimum of that range by more than 50 per centum or 60 days, whichever is greater.";

On page 68, between lines 4 and 5, insert the following:

SEC. 16A. Section 213 of the Comprehensive Crime Control Act of 1984 is amended in section 3742 of title 18, United States Code—

(1) in subsections (a)(2), (b)(2), (d)(2), and (e)(1) by striking out "an incorrect" and inserting in lieu thereof "a clearly erroneous construction or"; and

(2) in subsection (e) by—

(A) striking out subparagraph (B) of paragraph (1) and inserting in lieu thereof the following:

"(B) designate the appropriate guideline category and remand the case for imposition of a sentence consistent with its decision;"; and

(B) striking out subparagraphs (A) and (B) of paragraph (2) and inserting in lieu thereof the following:

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision;

"(B) if it determines that the sentences is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for imposition of a sentence consistent with its decision; or".

THURMOND AMENDMENT NO. 1795

Mr. THURMOND proposed an amendment to the bill S. 1236, supra; as follows:

On page 67, line 8, after "contract" insert ", subject to appropriations,".

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President I would like to announce, for the information of the Senate and the public, that the Committee on Energy and Natural Resources will hold an oversight hearing on the implementation of the Public Utility Regulatory Policies Act of 1978. The hearing will focus on the growth of cogeneration and small power production since passage of the act, and on the need for any modifications to the act. Testimony will be received on the price paid by utilities for power from qualifying facilities, the effect of such purchases on the operation and reliability of utility systems, and the environmental impacts of construction and operation of qualifying hydroelectric facilities. The committee also invites testimony on other relevant issues.

The hearing will be held on June 3, 1986 beginning at 10 a.m. in room SD-366 in the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or to submit written statements should contact the Committee on Energy and Natural Resources, room SD-358 Dirksen Senate Office Building, Washington, DC, 20510. Witnesses may be placed on panels, and are requested to submit 150 copies of their testimony 24 hours in advance of the hearing.

For further information, please contact David Doane or Gerry Hardy at (202) 224-5304.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 17, 1986, in order to conduct a hearing on the issue of white-collar crime, specifically the E.F. Hutton matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 17, 1986, until 4 p.m. in order to markup H.R. 3838, the tax reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 17, to receive testimony on the posture of the U.S. Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 17, 1986, in closed executive session in order to conduct a hearing on special operations airlift forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED STATES BUILDUP OF MAINLAND CHINA'S MILITARY MACHINE

● Mr. WALLOP. Mr. President, I wish to commend Senator GOLDWATER for two recent statements in the RECORD on the policy problems we face with the administration's decision to sell sophisticated arms to the People's Republic of China. (See the RECORD for March 18, 1986 and for April 19, 1986. Senator GOLDWATER has flagged this important problem for us and has been keeping a watchful eye on a development which should give us all pause.

Mr. President, I am concerned about the turn that our China policy is taking. There is a disturbing trend here and the congressional oversight functions are not being exercised. Before we know it, we will have a brandnew China policy with very little input from the full U.S. Senate or from the responsible Senate committees. The American public has the right to know that there is an apparent trend in our China policy which has not been explained to them. Its implications are far reaching and must be aired properly and not conducted sub rosa behind closed doors at the Pentagon and the State Department and presented to the U.S. Senate as a fait accompli.

Mr. President, last fall we had the United States-China Peaceful Uses Nuclear Cooperation Agreement, which slipped past with barely a ripple. That agreement failed to include sufficient safeguards on United States origin nuclear material to be sold to China despite the fact that the Chinese might be able to reprocess that material and use the resultant plutonium to make bombs and weapons and to enhance the capacity of its nuclear navy. The agreement was full of holes and side promises which failed to comply with the letter of the law and the relevant provisions of the Atomic Energy Act and later legislation governing the sale of U.S. nuclear material abroad. We were told that the agreement complied with the spirit of the law, if not the letter, and that this would suffice. That assumption has yet to be tested.

Mr. President, now we have two proposals for big ticket arms transfers to the People's Republic of China, one a giant avionics sale and the other a sale of advanced naval systems. These planes and naval systems are items which the mainland Chinese could use against Taiwan and we have not assured ourselves against that. Selling $500 million worth of upgraded F-8 jet fighters to mainland China has policy implications which must be examined, especially when it follows on the heels of $98 million worth of munition, artillery, plant, equipment, and technology sales to China.

Mr. President, now we read in the press that there will be transfers of sophisticated naval systems to mainland China. We also hear that the Koreans, Japanese, and the ASEAN nations, close allies of ours in Asia, are very worried indeed about the implications of these sales for mainland China's military buildup. And so is Taiwan, which would be the most likely victim of mainland Chinese aggression. The Taiwan issue burns under the surface of current arms transfers to mainland China. And the administration has not come to grips with it. What does leak out of the China policymaking establishment in the administration is that the President supports these big and potentially dangerous arms sales to mainland China but we are not told why nor does anyone ask where this might lead us.

Mr. President, I urge the Senate to focus on these arms transfers to mainland China so that we are not surprised by any fait accompli. We don't want to wake up one day to find that mainland China has the most powerful nuclear navy in the world, the best military-industrial complex and air fighting force in Asia (all built with our help and technology), and then has turned this against Taiwan or some other of our close Asian allies. I urge the responsible committees of the Senate to examine carefully the path we are on and to ask whether or not we should be headed in that direction.

Please keep in mind that we still have solemn obligations to join in the defense of Taiwan. Are we funding the future confrontation between our ally Taiwan and the People's Republic of China? Will Americans be asked to fight and die confronting sophisticated weapons of American design and manufacture? Surely not if we maintain collateral strength in the Republic of China, but also surely so if we do not.

For these reason, Mr. President, I ask that the following article by Martin Lasater of the Heritage Foundation be printed in the RECORD.

The article follows:

WANTED: A U.S. POLICY FOR SELLING ARMS TO CHINA

The United States and the People's Republic of China (PRC) appear to be ready to agree on a $500 million arms sale package that would upgrade significantly by the F-8 jet fighter recently developed by Beijing. This pending Foreign Military Sales (FMS) deal may include such advanced avionics as heads-up display targeting panels, navigational instruments, and weapons fire-control systems. Together, the avionics package will give the F-8 the ability to fight in all types of weather. Under the agreement, the advanced U.S. electronic equipment would be sold to the PRC and then integrated and put together in the Chinese fighters by American defense contractors under U.S. Air Force supervision. While there may be good reasons for this sale, it highlights the troubling fact that the U.S. seems to have no guidelines for arms transfers to Beijing. Troubling too is that policymakers seem to be ignoring how the transfers will affect the security of the Republic of China on Taiwan.

The pending avionics sale would come close on the heels of the first FMS transfer to China, a $98 million deal announced last September including plans for an artillery munitions factory and technical specifications for 155mm projectiles. The U.S. al-

ready has sold the PRC civilian versions of the Sikorsky Black Hawk helicopter, General Electric LM2500 gas turbine engines for warships, Raytheon DE1167 towed sonar, and Mk 46 Mod 2 torpedoes. Currently under discussion are sales of General Electric F404 jet engines, Light Airborne Multipurpose System (LAMPS) MK-I anti-submarine warfare equipment, Improved Hawk and Standard surface-to-air missiles, and E-2C Hawkeye airborne early warning aircraft.

Strong resistance to the avionics package has come from some within the Administration because the PRC has refused to give assurances that it would not resell the acquired technology to third countries. The main advocates of the avionics sale are Pentagon aides. They argue correctly that the U.S. must help upgrade the equipment of China's People's Liberation Army (PLA) because the gap between China's military capabilities and those of Moscow's Asia-based forces is widening rapidly in the Soviets' favor. Because of this strong feeling in the Pentagon, the U.S. has been taking the lead in arms sales to Beijing. The Chinese apparently are not making weapons transfers fundamental to Sino-American relations.

Thus far, Washington policymakers have not set clear limits on what can be sold to the PRC. As a result, rivalry inside the Pentagon between the Army, Navy, and Air Force over establishing links with the PLA is pushing the quality and quantity of U.S. arms sales to China ever higher. This overlooks key developments. Among them:

(1) China is distancing itself from the U.S. strategically while improving relations with the Soviet Union.

(2) U.S. arms sales to China are opposed by China's noncommunist neighbors such as Japan, South Korea, and the Association of Southeast Asian Nations (ASEAN). These countries fear that the weapons will be used to intimidate them rather than against the Soviet Union.

(3) The avionics sale would upset the delicate military balance in the Tawian Strait, which the U.S. is committed to preserve under the 1979 Taiwan Relations Act. Taiwan's defense depends solely on maintaining qualitative air superiority over the Strait. This would be threatened if China's F-8 fighters gain, as they would under the proposed sale, all-weather capability. Taipei has no modern all-weather fighters.

(4) The sale could threaten Taiwan's security in the long term. For one thing, it would give Beijing greater confidence that it could use military force to "resolve" the Taiwan issue. For another, it would weaken domestic investor confidence in Taiwan's future.

It is time for the Reagan Administration—or Congress—to set some sort of guidelines on arms transfers to the PRC. At the core of these guidelines must be the principle embodied by the Taiwan Relations Act: that the U.S. ensures that the Republic of China on Taiwan has the weapons to protect itself from military attack. This means that if the U.S. upgrades Beijing's offensive capabilities in a way posing a potential threat to Tawian, then Taipei's capabilities similarly must be upgraded. If the U.S. feels that because of China's confrontation with the USSR, it will be necessary to make the pending avionics deal, then Washington should also agree to sell Taipei a modern jet fighter such as the F-20 Tigershark or the F-16. Taipei has been trying to purchase such planes since 1978. Roughly half of Taiwan's fighter inventory are aging F-104's and early model F-5's slated for retirement.

Washington must define more clearly its arms sales policy towards the PRC; parameters, guidelines and ceilings must be set. In this, it would be appropriate for Congress to hold hearings. Without a clearer sense of direction coming from Washington, this issue could undermine the healthy consensus on U.S. China policy that the Administration has built.

MARTIN L. LASATER,
Director, Asian Studies Center.●

USTTA REAUTHORIZATION BILL

● Mr. PRESSLER. Mr. President, earlier this week I introduced S. 2307, a bill to reauthorize the U.S. Travel and Tourism Administration. Although a description of the bill and USTTA's functions appears on page S4291 of Tuesday's RECORD, the text of the bill was not printed. Because the text of the bill is both brief and informative, I ask that it be printed in the RECORD.

The bill follows:

S. 2307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that—

(1) the travel and tourism industry in the United States is vital to the economy of the Nation, and accounts for more than $240 billion in annual revenues, employs more than 5 million persons, and contributes to the international balance of payments by generating nearly $15 billion as an export; and

(2) the United States Travel and Tourism Administration serves a unique and vital role in the promotion of travel and tourism in the United States, by—

(A) coordinating travel and tourism activities of the Federal Government, State and local governments, and the private sector in order to optimize their contributions to economic prosperity, employment, and the international balance of payments;

(B) ensuring the compatibility of travel and tourism with other national interests, including historical and cultural preservation, energy development and conservation, environmental protection, and the judicious use of natural resources.

(C) eliminating unnecessary trade barriers to international operations of the United States travel and tourism industry;

(D) encouraging the free entry of individuals traveling to the United States in order to enhance international understanding and good will, consistent with immigration laws, laws protecting the public health, and laws governing the importation of goods into the United States;

(E) assisting in the collection, analysis, and dissemination of data which accurately measure the economic and social impacts of travel and tourism to and within the United States, in order to maximize the efficacy of planning in, and cooperative activities between, the public and private sectors; and

(F) harmonizing, to the maximum extent possible, all Federal activities in support of travel and tourism with the needs of the general public, the States, territories, local governments, and the travel and tourism industry, and providing leadership in the areas of travel, tourism, and national heritage preservation within the United States.

(b) It is therefore the purpose of this Act to provide authorization of appropriations for the United States Travel and Tourism Administration, in order that the Administration may continue its activities to promote travel and tourism in and to the United States.

SEC. 2. Section 304 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended by inserting immediately after "1982" the following: ", not to exceed $13,000,000 for the fiscal year ending September 30, 1987, not to exceed $14,000,000 for the fiscal year ending September 30, 1988, and not to exceed $15,000,000 for the fiscal year ending September 30, 1989".●

THE LIABILITY INSURANCE CRISIS

● Mr. MCCONNELL. Mr. President, the Kentucky Derby is a grand old event dear to the hearts of people across the United States as well as natives of Kentucky. This year the Kentucky Derby Festival, which celebrates this event in Louisville, found its liability insurance yanked away. The director of the festival said, "We had a good claims record, but we were just a victim of what's happening everywhere."

However, at the 11th hour, the festival's long-time insurer reconsidered and agreed to provide coverage for the festival once again. But what will happen next year is anybody's guess.

Mr. President, the problems of the Kentucky Derby Festival are not unique. Festivals and similar special events across the country are scrambling to find insurers. Some are running "bare," that is, without any insurance, or are facing premiums which have jumped up by as much as 1,000 percent in some cases. This year, the lowest bid to provide insurance for Fiesta San Antonio was $85,000. Some festivals even face the prospect of cancellation. A single large civil award could bankrupt a festival.

Another difficulty festival organizers face is finding insurance for their officers and directors. Such coverage is disappearing and people are becoming reluctant to volunteer for positions on civic boards.

These problems are well presented in an article in the publication Business First of Louisville for the week of March 31 through April 6. The article, titled "Kentucky Derby Festival Dodges Bullet," provides the viewpoints of festival officials and insurance industry representatives on this situation.

Mr. President, an article in another publication reminds us that one private civil lawsuit was filed for every 15 Americans last year. Professionals such as pharmicists are feeling the bite of increasing liability rates and even cancellations of coverage despite their excellent insurance history.

People are pointing fingers of blame at excessive litigation, exorbitant judgments against too many individuals and mismanagement by insurance companies. The Small Business Legis-

lative Council has made liability insurance its top priority. Members of that group recently told a congressional subcommittee, "We believe tort reform is necessary. The size of awards, the contingency fee arrangement, the methodology of class action suits, and probably most important, the causes of action available to plaintiffs, all add to the problem."

This situation is described in the March 1986 issue of NARD Journal, a magazine for independent pharmicists. The article is titled, "The crisis in liability insurance." It helps illustrate the reforms needed in our tort system, reforms which would bring relief to the problems Americans are facing in liability insurance.

These articles explain some of the problems I am attempting to solve in Senate bill 2046, the Litigation Abuse Reform Act of 1986, which I recently introduced. The bill is aimed at reforming our tort system, which directly affects liability insurance. The bill also seeks to bring damage awards back to the point of reason. As the first article points out, a single large award against a festival could wipe out the event forever.

Therefore, Mr. President, I ask that these articles be printed in the RECORD.

The articles follows.

KENTUCKY DERBY FESTIVAL DODGES BULLET

(By Connie Dorval)

The good news: The Kentucky Derby Festival got 11th-hour liability insurance, so the show will go on.

The bad news: Its future hangs by a thread that insurers could yank, unraveling Louisville's popular festival and other special events across the country.

"What happens next year depends on what happens in the insurance industry," said Dan Mangeot, executive director of the Kentucky Derby Festival.

And it's anybody's guess what will happen in that volatile marketplace.

The rug was pulled out from under the Festival earlier this year when its insurer for 25 years canceled coverage. Louisville insurance brokers spent months scouring the country with no success looking for companies that would write the special-events coverage.

Then the Festival's long-time insurer had a change of heart and agreed to underwrite the events—this year.

"We had a good claims record, but we were just a victim of what's happening everywhere," Mangeot said. Although he is optimistic that the insurance will be renewed next year, he conceded that there are no guarantees.

Festivals across the country, unable to get liability protection, are running "bare"—without coverage—or are canceling their programs altogether. Skyrocketing rates—which have jumped as much as 1,000 percent—have eaten away at already-strapped budgets.

Also difficult is procuring insurance for officers and directors of special events, coverage that protects them from suits against their organizations. That coverage is rapidly disappearing, as underwriters refuse to renew policies or write new ones. Board members, understandably reluctant to bear the risks themselves, are forsaking corporate and civic rosters.

"The picture is pretty bleak," said Herb Melleny, executive vice president and managing director of the International Festivals association in St. Petersburg, Fla.

"Rates have absolutely gone out of sight," he said, and that puts another heavy burden on civic events whose budgets have already been trimmed. Insurance premiums have increased from 50 percent to 1,000 percent, he added.

At least one fair in Florida couldn't afford insurance this year and was canceled, and festivals in many other states have done the same, Melleny said.

Mangeot said the Derby Festival's premium this year is "nowhere near what we thought it would be." He expects it to be only about 30 percent higher than last year's—far less than the 500 percent to 600 percent increase he had been told to expect.

Mangeot refused to disclose the festival's premium.

But giant increases have become usual, said Melleny, who gave Fiesta San Antonio as an example. Last month, that festival's lowest bid was $85,000. "Events are having to look to corporate sponsors—any money, in fact, that they can beg, borrow or steal."

Liability affects every aspect of an event, he said, pointing to items such as the Cadillac Sevilles lent as official Derby Festival cars.

"Something has to happen," Melleny said, "the pendulum has to swing the other way if civic events are to survive."

What will happen if the Kentucky Derby Festival can't get insurance for next year?

Mangeot said that it may be possible to get coverage for certain events only, which would mean that some activities would run "bare" or be canceled.

Another lurking possibility is losing all insurance coverage—and that could halt all festivities.

A single large award would bankrupt the festival, said Mangeot. "We're a nonprofit organization and raise our own money." And without general liability insurance, he added, the festival's directors could be sued for any damages arising out of festival events.

The 62-member festival board has directors and officers (D and O) liability coverage through this year that protects them, but Mangeot said he doesn't know if the policy will be renewed next year.

Should both the festival and its directors fail to get insurance, it could signal the demise of the entire Kentucky Derby Festival.

The International Festivals Association, which has about 200 members in the United States, Canada, Australia and England, recently polled members about the liability problem. "All of them say D and O coverage is a problem. Nobody wants to serve without it," said Melleny.

But D and O coverage is scarce, says C.A. Lyles, director of excess and surplus lines at Alexander & Alexander of Kentucky Inc., which writes coverage for the Derby Festival.

Only about a dozen companies write D and O now, he said, compared with about three dozen a year ago. "Two-thirds of them just stopped writing it." Those who remain are so deluged with applications that "anyone with the slightest risk just won't get coverage."

"A director simply shouldn't serve on a board without D and O insurance," said Bill Pryor, vice president of marketing for K&K Insurance in Fort Wayne, Ind.

K&K, a Lloyd's of London correspondent that writes only special-events coverage, declined to insure the Kentucky Derby Festival or Churchill Downs.

"Frankly, underwriters are only interested in the very best risks. Someone who has had an unfortunate loss history won't get insurance," he said:

Underwriters look at the size of a group's losses as well as their frequency. In evaluating the risk, Pryor said, the underwriter throws out the largest loss—"shock loss"—in the last three years. If the loss history has been "clean" for two years, the underwriter is willing to discount the shock loss.

Underwriters look for a loss ratio of under 75 percent, he said, excluding the shock loss. If, for every premium dollar, more than 75 cents is paid out, the loss is considered too high.

Still, there are ways to improve chances of getting liability coverage, said Robert Collins, vice president of Johnson & Higgins of Kentucky Inc.

Groups can demonstrate improved controls to underwriters by identifying where losses have come from, making changes to prevent similar losses, and closely monitoring those changes to ensure against future losses.

"The problem with something like the Kentucky Derby Festival is that it isn't held at the Convention Center. It's held all over town," he said, noting that that makes control far more difficult. "It's going to be tough, real tough," Collins said.

"We go out of our way to make things safe," Mangeot said. "In a way, it's a good thing, because we're all becoming better risk managers. We've always been careful, but now we're even more careful."

Pryor said the insurance industry is cyclical, and he predicts the liability crunch will ease. However, he cautioned that insurance is a lot like mortgage rates.

"Mortgage rates are good now, a whole lot better than they were two years ago. But we'll never see 3½ percent interest rates like our parents did."

THE CRISIS IN LIABILITY INSURANCE

Physicians in some areas of the country are refusing to deliver babies. The reason? They can't get liability insurance. In New York state, a small town that has never been sued had its insurance cancelled. Why? Statistics convinced the insurance company municipalities are bad risks. The town found a new policy—at a 400 percent increase. The Southern California Rapid Transit District had no accidents last year, yet its insurance premium leaped from $67,000 to $3.2 million—a 4,700 percent increase in just one year.

CLOSED DUE TO NO INSURANCE

The United States faces a crisis that is having a devastating impact on businesses and individuals alike. Businesses both large and small, state and local governments, nonprofit organizations, professionals, and others are experiencing skyrocketing liability insurance rates or outright cancellations of coverage even for those with excellent insurance records.

The impact is widespread.

Although the federal government is largely self-insured, the National Park Service has closed down nearly a quarter of Yellowstone Park fearing that people will be mauled by bears. In Denver, sledding has been banned in city parks because the city

cannot obtain liability insurance. Many municipalities are considering cancelling fireworks demonstrations this Fourth of July because liability insurance costs have become prohibitive.

Professionals like pharmacists are also feeling the crunch of increased professional liability rates and even cancellations of coverage. All this comes in spite of the fact that pharmacists overall have an excellent insurance history. The situation is worse for other professionals, notably physicians, who may spend weeks searching for insurance to cover them for only the next few months or pay astronomical premiums for limited protection. Retail pharmacists also face similar problems in obtaining commercial liability insurance for their stores.

The liability insurance crisis is even affecting some insurance agents who find it difficult to obtain "errors and omissions" coverage for their work.

ECONOMIC THREAT

As with most hotly political issues, the finger of blame points in many directions. But the key causes boil down to too much litigation and excessive judgments against too many individuals, and mismanagement by insurance companies.

The crisis has drawn the attention of the House Energy and Commerce Committee's Subcommittee on Commerce, Transportation, and Tourism, chaired by Rep. James Florio (D-NJ), as well as numerous groups representing a broad spectrum of businesses and professionals.

"Insurance is a cost of doing business," the Small Business Legislative Council testified in a recent hearing held by the Commerce and Transportation Subcommittee. "When the cost of insurance doubles, triples, or quadruples, it takes a substantial bite out of the thin layer of income we call profit." The testimony by SBLC, of which NARD is an active member, noted that liability insurance is rapidly rising to the top of the list as a concern for all small firms.

"Premiums are increasing at exponential rates," SBLC testified. "Fifty, 70, and 150 percent increases are not unusual. Of greater concern, many firms are electing to go 'bare' and forgo any coverage. It is difficult to guess how long such a strategy will work."

In December, the SBLC and the Greater Washington Society of Association Executives held a meeting to discuss the issue with legal experts. The meeting underscores the fact that, when an issue touches all trade associations, they turn to the SBLC to help solve the problem. Member associations of the SBLC have contributed data on how the insurance crisis is affecting their respective industries.

"We believe tort reform is necessary," the SBLC told the subcommittee. "The size of the awards, the contingency fee arrangement, the methodology of class action suits, and probably most important, the causes of action available to plaintiffs, all add to the problem. A plaintiff can sue just about anybody remotely involved in a 'negligence' situation in search of a deep pocket."

The SBLC testimony acknowledged that "there are plenty of examples of wrongs made right only because of the system we have in place," but stressed that "the process has outpaced the 'economics' of justice. Society has to balance out individual protection against the need for a working economy." In its recent annual meeting, SBLC made liability insurance its top priority.

DEEP POCKETS

"The tort system is not a comprehensive social insurance plan." said Rep. John Porter (R-IL), testifying before Florio's subcommittee. "Not all wrongs can be righted through the tort system, and certainly not by dragging 'deep pocket' defendants with minimal fault into suits in hopes of large settlements." Porter, who was a key NARD ally in the recent Medicaid earned discounts fight, called for a cap on awards for noneconomic losses such as pain and suffering.

"Without a cap," said Porter, "and without a reasonable relationship between culpability and financial liability, we will soon be living in a world without insurance and full of bankruptcy and taxpayer revolts."

Porter, who is on the House appropriations subcommittee that provides funding for the Department of Health and Human Services, told the subcommittee that "We in Congress are being sought out at every turn by people at home who are shocked and bewildered by the sudden high cost or complete lack of liability coverage. This crisis touches every business, every professional person, every local government official, every consumer, and every taxpayer."

He noted that some small businesses face the Catch-22 of being required by law to carry insurance to operate and yet are unable to afford it.

Excessive litigation isn't the only source of the problem; the insurance industry is also being held accountable.

"We feel the insurance industry has played a role in the current crisis as well," SBLC testified. "Much of our concern is rooted in the belief that the insurance industry might have taken its eye off the ball—the *insurance* business. Mergers, acquisitions, and investments have stretched some companies further than they would like to admit. These problems, coupled with an overreaction to isolated incidents, have pushed premiums to their current level. We do not believe our claims record justifies the current premiums."

HEALTHY COMPETITION

In a recent statement, Senate Small Business Committee member Jim Sasser (D-TN) said that 10 percent of Tennessee businesses responding to a recent survey said they were closing their doors as a result of the liability insurance crisis. Some 50 percent of Sasser's survey respondents said the federal government should undertake "an immediate investigation of increases in commercial liability insurance to determine whether increases in rates have violated federal antitrust laws."

In 1945 Congress passed an amendment that exempted insurance companies from certain antitrust laws. In part, the exemption allows them to share claims data that may be used appropriately to help them determine insurance rates. But some in Congress believe these antitrust exemptions have allowed the insurance industry to operate without the same kind of competitive pressure that keeps other industries healthy.

"It may well be that we will have to reexamine many of the antitrust exemptions currently allowed in the property and casualty insurance industry," said Sasser.

COVERING BAD BETS

The insurance industry counters that part of the large rate increases they are passing along now are the result of strong competition and a bad bet on their part. They had expected that investments they made using insurance premiums during six years of high interest rates would allow them to lower rates to compete for policyholders. But the companies say they underpriced their policies, and now must make up for their losses by raising rates.

Harleyville Mutual Insurance Company President Bradford Mitchell, testifying before Senator John Danforth's (R-MO) Committee on Commerce, Science, and Transportation, argued that net operating losses in the insurance business require rate increases and pointed to abuses of the tort system as the root of the problem. He echoed his industry's assertion that its financial problems are in part caused by "a fiercely competitive marketplace, contrary to our critics who claim there is no competition in the insurance industry."

Mitchell testified that last year there was one private civil lawsuit filed for every 15 Americans, and that inconsistencies in court decisions had destroyed the insurance industry's faith in the legal process. He also criticized current attempts to change tax laws that allow insurance companies to avoid paying taxes on revenues placed into reserve pools.

Trial lawyers, criticized for their role in the tort side of the crisis, in turn accuse the insurance industry of trying to gouge the public with big rate increases and compel legislators to pass laws beneficial to the insurance companies.

SEEKING SOLUTIONS

Senator Mitch McConnell (R-KY) has introduced legislation that, among other provisions, restricts damages that may be awarded in federal courts, requires periodic payments of awards of more than $100,000, and clarifies the standard used for the award of punitive damages.

McConnell, a former Judiciary Committee counsel, Department of Justice assistant attorney general, and county judge, noted that "we are all suffering from a progressively debilitating disease, the disease of hyperlexis—too much litigation. The result of all this litigation is predictable enough: higher prices for insurance, for goods and services, for medical care, and just about everything imaginable."

McConnell described cases where remotely involved individuals were forced to pay legal settlements, and where companies were held liable for unreasonable and unforseeable accidents. Corning Glass, for example, was forced to pay a man injured by a shard of glass $804,892 because a dish broke, said McConnell because the company failed to warn the owner that dishes might fall and shatter if stacked five deep with their lids inverted.

LIMITS ON LIABILITY

The legislation introduced by McConnell, the Litigation Abuse Reform Act of 1986 (S. 2046), is designed to open the debate on tort reform, he says. "The bill seeks to impose rational restrictions on the award of damages by federal courts," says McConnell, "and to impart a significant degree of predictability to the potential liability a defendant faces."

The legislation would accomplish this by capping pain and suffering awards at $100,000. Actual damages are not limited by legislation, but damages in excess of $100,000 would be paid on a periodic schedule determined by the court. The bill would also eliminate the "collateral source rule," which requires that damage awards be reduced by the amount of any other payments, such as insurance or workers compensation.

The legislation would also clarify the standard used for the award of punitive damages. "Punitive damages were never intended to compensate the plaintiff," said McConnell, "and their effect will be just as great if paid to the court, while removing the incentive for lawyers to pursue large punitive awards."

Two other important provisions of the legislation would limit the amount of contingency fees an attorney may obtain and create sanctions against lawyers who initiate a civil action either without a reasonable belief that there is good grounds for recovery or solely in anticipation of a monetary settlement. "This is perhaps the most egregious abuse of the civil justice system," said McConnell.

Other legislative remedies being discussed include establishing a federal presence in insurance regulation, proscribing mid-term cancellations of coverage except for good cause, determining what constitutes a reasonable limit on total awards for a single occurrence, and specifying that an insuror's total liability cannot extend beyond the limits of coverage for a particular occurrence.

Additional legislation addressing reforms in product liability insurance, including federal involvement, has been introduced by Senator Danforth, Christopher Dodd (D-CT), Bob Kasten (R-WI), and others. Enormous product liability awards are considered an important part of the larger crisis.

The SBLC's House testimony noted that most small business owners shudder at the thought of more federal regulation, and that the tort system and insurance regulation have traditionally been areas of state activity. As such, it pointed to action on the state level to address the crisis. SBLC has urged the president and Congress to establish a commission to develop recommendations for action.

In the meantime, rising liability insurance costs and cancelled or limited coverage will be borne on the shoulders of businesses and consumers in the form of higher prices, the chilling of the entrepreneurial spirit—and even the elimination of certain activities, goods, and services we all take for granted, but that are now too risky to provide.●

1986 CONGRESSIONAL CALL TO CONSCIENCE

Mr. LAUTENBERG. Mr. President, I am pleased to join my colleagues in the 1986 Congressional Call to Conscience. I commend my colleague, Senator MITCHELL, for his leadership role in chairing this year's Congressional Call to Conscience.

Edmund Burke, the 18th century British statesman and philosopher once said, "The only thing necessary for the triumph of evil is for good men to do nothing."

We in Congress have a special obligation to act on the truth of Burke's words and speak out on behalf of the plight of Soviet Jews. Because the Soviet treatment of its Jewish population is evil. And it will not change unless we continue to insist that it must.

We must commit ourselves to continue this fight until every Soviet Jew who wants to leave has gone. We must make it a priority. Because as long as human rights are denied to the citizens of other countries, our freedom is in jeopardy.

By now many are aware of the grim fate the Soviet Union has mapped out for Soviet Jews. The plight of one of my adopted refuseniks, Yuli Edelshtein, is an all too familiar tale of persecution and harassment.

Yuli, as a 27-year-old resident of Moscow, was denied a visa because his father allegedly had access to secret materials. But Yuli had not seen his father in 20 years. To the Soviets, no pretext is too flimsy to be used to deny Jewish emigration.

After his application was denied, the KGB began to harass him, forcing him to leave his job as an English teacher. Yuli refused to be cowed by the KGB. He became an observant Jew, and began to teach Hebrew. The KGB could not tolerate Yuli's Jewish activism. He was convicted on trumped-up drug charges, and sentenced to 3 years at an especially harsh labor camp. Yuli's wife, Tatyana, reports that he is beaten continually, and prohibited from returning to his room to rest after work.

His real crime? The desire to live as a Jew, and to pass his heritage on to others.

Yuli Edelshtein is not an isolated case. My two other adopted refusenik families, the Ostrirovs and the Khassins, have also continually been denied permission to emigrate. Unfortunately, their plights are typical of countless thousands of other Soviet Jews. Forced to remain in the Soviet Union against their will, they cannot celebrate the holidays central to their faith without harassment. They cannot study Hebrew, learn Jewish history, or pass their heritage on to their children without great risk. The struggle to maintain any semblance of Jewish life requires extraordinary courage. And because Jews are prevented from passing along their Jewish traditions to their children, Judiasm risks extinction in the Soviet Union.

Even for nonobservant Jews, hostility and harassment are the daily fare. Many are arrested or imprisoned simply for trying to emigrate. Some lose their jobs, and are then arrested for not working. The doors of higher education are increasingly closed to Soviet Jews. And a quota system has resulted in a dwindling number of Jewish professionals.

But in this grim scenario, there is hope. We can make a difference. We already have. On February 11, Anatoly Shcharansky walked to freedom across the snowy Glienicke Bridge. The efforts of those around the world are partly responsible for his freedom.

But there is so much more to do. So many left to fight for. For Soviet Jews, there is nowhere to turn but to us.

Shcharansky left the Soviet Union not merely alive but free. His spirit was always free, even as the Soviets physically enslaved him. His heroic triumph in the face of incredible adversity should make us proud. It can inspire us to work even harder for those that remain.

This week, I introduced a bill to grant a Congressional Gold Medal to Anatoly "Natan" Shcharansky and his wife, Avital, for their courage and dedication to the cause of human rights. For Anatoly, because he acted to further the cause of Soviet Jews at great risk to himself. And for Avital, because of her tireless efforts to free her husband, and to elevate the cause of Soviet Jewry and human rights to a global concern.

Shcharansky is unusual. He will spend this year in Jerusalem without bitterness. Others may not be so lucky. For every Shcharansky who escapes, a Sakharov, an Edelshstein, an Orlov, remain. And there are thousands more whose names we do not know. Their names form a litany of sorrow. They are a testament to wasted lives, stolen dreams of freedom.

Those brave refuseniks and dissidents—condemned to live at the edge of society, fated to undergo ordeals we can barely imagine, rely on us. They rely on us to be their voice, to plead their case. To remember them. So that some day, some year, they can say, this year in Jerusalem, and really mean it.

Without our support, without our solidarity, that would never come to pass. They could not carry on. They would have no hope. As Elie Wiesel has written, What hurts the victim most is not the cruelty of the oppressor but the silence of the bystander.

We cannot be silent bystanders in this fight for basic human rights. We must speak out at every opportunity, protest the status quo in every forum. We must join Shcharansky, who, on his arrival at the Israeli airport, pledged "I am not going to forget those who I left in the camps, in the prisons, * * * who still continue their struggle for their right to emigrate, for their human rights.

We must raise our voices against Soviet tyranny along with Shcharansky. We must make it clear that continuing Soviet abuse will be met by a continuing outcry in the West.

The pressure must continue. Because Shcharansky's release is only that. The release of one heroic Jew who became more trouble than he was worth to the Soviets.

Some suggest that Shcharansky's release signals a relaxation of the Soviet policy on Jewish emigration. But I'll believe the Soviets have changed their emigration policy when they do. So far, the numbers speak for themselves. Only 1,140 Jews left the Soviet Union

in 1985, compared to an average of 4,250 a month in 1979. And only 79 left in January.

But we can learn something from Shcharansky's release.

We pulled out all the stops for him. The efforts on his behalf were unprecedented in scope and intensity. No stone was left unturned, no argument unuttered. The fuss generated on his behalf indicated to the Soviets he was important to the West. And when they wanted to make a gesture, they chose him.

Shcharansky's case teaches us that we can make a difference. Our vigorous refusal to accept the situation as it is, can pay off. Those released are often people whose cases have been championed most diligently in the West.

The Soviet Union hears us. Would that we could generate an equal effort for every Soviet Jew who yearns to be free. We must keep the plight of Soviet Jewry on the superpower agenda for the next summit. Because as the summit gets closer, other issues may crowd out the human rights agenda. We must continue to make our voices heard in this vein. Early. And often.

I and 54 of my colleagues wrote to the President asking him to continue to put a high priority on raising Soviet Jewry at the summit. We have asked him to raise this issue not only at the next summit, but at the Helsinki Conference on Freedom of Human Contact this April, at the Helsinki Review Conference next November, and in every private forum possible.

We have a responsibility to ourselves and to this country to defy Edmund Burke's prophecy. Good people will not do nothing. We will not let evil triumph. We will overcome it together. For the Nudels, the Orlovs, and the Edelshsteins. For the others, less well known, who are counting on our efforts to bring them to freedom. And for ourselves.

I look forward to the time when we can do nothing, secure in the knowledge that freedom will prevail for Soviet Jews. But until that time, we will return, year after year, to plead the case. We can do no less.

I ask that a copy of the letter to the President be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, March 4, 1986.

President RONALD REAGAN,
The White House
Washington, DC.

DEAR MR. PRESIDENT: We applaud your efforts on behalf of Soviet Jewry, and are especially pleased at your success in helping to free Anatoly Shcharansky. We are writing to urge you to continue your efforts to bring freedom to the long suffering Jews of the Soviet Union.

With the Geneva summit behind us, it is not clear that any real change has occurred in the Soviet Union's emigration policy. Despite the release of a few prominent refuseniks, the hopes and prayers of people of good will everywhere for a reversal in that policy have thus far been unfulfilled.

In 1985, only 1,140 Jews were allowed to emigrate, while thousands still wait for permission. Only 79 Jews were allowed to leave the Soviet Union in January, compared to an average of 4,250 a month in 1979.

Forced to remain in the Soviet Union against their will, Soviet Jews face a grim fate. Many lose their jobs and are harassed or imprisoned simply as a result of attempting to leave. The doors of higher education are closed to many of them. Anti-semitism is part of the military indoctrination program in the Soviet Union, and anti-semitic programs have been shown on prime-time television.

Beatings, arrests, and jailings of Jews for attempting to practice their religion continue unabated. Persecution of unofficial Hebrew teachers continues. For example, on January 17, 1986, Leonid and Golda Rochlin of Leningrad, both Jewish teachers, were threatened by the KGB. On that evening, when seven of their pupils gathered to celebrate the Sabbath, the KGB interrupted their meal and two of the young men were beaten by the police. One woman was held overnight in prison. Only one of these seven could be called an activist. This incident, by no means atypical, illustrates that the struggle to maintain any semblance of Jewish social, religious or cultural life in the Soviet Union requires extraordinary courage.

We urge you to continue your efforts to seek freedom for all refuseniks and prisoners of conscience who desire to emigrate, and to seek freedom of cultural and religious expression for Jews and others who remain. We ask you to keep pursuing this goal in every international and private forum possible, including the Helsinki Conference on Freedom of Human Contacts, beginning April 15, the Helsinki Review Conference next November in Vienna, and of course, your next meeting with General Secretary Mikhail Gorbachev.

We believe it is critical that the United States, which has long cherished liberty, continue to reach out to those who remain enslaved.

Sincerely,

FRANK LAUTENBERG,
(With 54 Cosponsoring Senators on this letter)

ANDREI SAKHAROV HONOR AND FREEDOM DAY

● Mr. WALLOP. Mr. President, last night, I introduced legislation to proclaim May 21, 1986, as Andrei Sakharov Honor and Freedom Day. My resolution is Senate Joint Resolution 326. Its intent is to bring to the attention of the entire world the plight of Dr. Sakharov and, more importantly, to take meaningful steps which will register with the Soviet leadership the fact that the United States means business about Dr. Sakharov.

Mr. President, we have had resolutions on Dr. Sakharov for years and years now, all to no avail. My colleague, the distinguished Senator from New York, Mr. D'AMATO, the Chairman of the Helsinki Commission, introduced another such resolution this week. But without teeth. Mr. President, unless we clearly show the Soviets that there will be consequences for their noncompliance with the written promises they made to the world in the Helsinki Final Act which they signed in August 1975, there will be no action. There has been none for 11 years.

Mr. President, my resolution seeks to promote Dr. Sakharov's release from Gorky with a clear signal to Mr. Gorbachev of the areas we are looking at. I want him and the Soviet leadership to know that there will be consequences for their disdain and disregard of the agreements they sign. For that reason, Mr. President, I ask that the text of Senate Joint Resolution 326 be printed in the RECORD.

The text follows:

S.J. RES. 326

Whereas Dr. Andrei Sakharov is a world-reknowned brilliant Soviet physicist, father of Soviet magnetic nuclear fusion research, and winner of the Nobel Prize for Peace;

Whereas Dr. Sakharov is being detained by the KGB under house arrest in Gorky for his activities under legitimate provisions of the Helsinki Final Act and in violation of basic human rights and against all principles which govern civilized man;

Whereas Dr. Sakharov will attain his 65th birthday on May 21, 1986;

Whereas Dr. Sakharov is in need of immediate medical attention and his detention in Gorky has become a threat to his very survival;

Whereas Dr. Sakharov's imprisonment is contrary to the Helsinki Final Act, the Human Rights Convention of the United States, and all generally accepted principles of human rights;

Whereas by continuing Dr. Sakharov's imprisonment the Soviets demonstrate disdain and disregard for agreements they signed, for the opinion of the entire world and for the basic dignity of mankind;

Whereas Soviet willingness to cooperate with the West only in areas of their choosing such as cultural, literary or scientific exchanges does not acquaint them of their immoral failing to keep promises on human rights;

Whereas Dr. Sakharov's release is an objective to be earnestly sought and actively pursued by free men everywhere: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

1. May 21, 1986, be officially proclaimed Andrei Sakharov Honor and Freedom Day;

2. the President of the United States mark this day with an appeal to the First Secretary of the Communist Party of the Soviet Union, Mikhail Gorbachev, to grant Dr. Sakharov's release;

3. hereinafter all official correspondence with the Soviet embassy in Washington, D.C. be properly addressed to "No. 1, Andrei Sakharov Plaza" in accordance with U.S. law;

4. the Department of State request that the Mayor of the District of Columbia move the "Andrei Sakharov Plaza" street sign from its current location 100 feet from the 1125 16th Street address to the city property located adjacent to that address, in compliance with the intent of Congress;

5. May 21, 1986, be recognized in the United States as a day to honor Dr. Sak-

harov by appropriate ceremonies in the Congress, the White House, and throughout our free land.●

DEDICATION OF THE PORTRAIT BUST OF CARL HAYDEN

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. GOLDWATER. Mr. President, a unique ceremony in the history of the U.S. Congress is taking place today in the Russell Senate Office Building adjacent to the room where the late Carl T. Hayden once had his office. At 4 p.m. today, a ceremony will be held by the Joint Congressional Committee on the Library to dedicate the portrait bust of Carl Hayden which was commissioned pursuant to Senate Concurrent Resolution 7 of the 98th Congress. I had the distinct privilege of authoring that resolution and seeing its approval by passage in the Senate on May 23, 1983, and passage in the House of Representatives on August 1, 1983.

Mr. President, the bust being unveiled today commemorates the truly unique service in the Senate and the Congress and the Nation by the man who for so many years was my senior colleague, Carl Hayden. Carl served in Congress from Arizona for a total of 57 years.

Carl Hayden became the first elected Member of the U.S. House of Representatives from Arizona in 1912 and he served there for the next 15 years. In 1926 he was elected to the Senate and served consecutive terms here for a total of 42 years until he retired in 1968. In fact, Carl Hayden served in the U.S. Congress longer than any other person in history.

Mr. President, the contributions and achievements of Carl Hayden are virtually unparalleled in history, although they are not well known because he always shared the credit and worked for results, not for the publicity. His legislative accomplishments included a joint authorship of the 19th amendment giving women the right to vote and a major role in setting up the original Interstate Highway System.

Carl Hayden's work was done for all practical purposes before legislation ever reached the Senate floor. He did not go in for flowery speeches aimed at the Press Gallery or the evening television news. He accomplished what he set out to accomplish for his State and the Nation and he did his real work in committee and behind the scenes.

Carl Hayden's family was among one of the original settlers who entered the Salt River Valley of Arizona, and he was born in the territory of Arizona 35 years before it became a State. There is no one more qualified to receive this honor than the late Senator Hayden.

Mr. President, I ask that the official program of the ceremonies may appear in the RECORD.

The program follows:

[The dedication of the portrait bust of The Honorable Carl Trumbull Hayden, United States Representative, 1912 to 1927, United States Senator, 1957 to 1969, President Pro Tempore of the Senate, 1957 to 1969, on Thursday, April 17, 1986, at 4:00 p.m., elevator lobby, Northwest Corner, first floor, Russell Senate Office Building]

PROGRAM

INVOCATION

The Rev. Dr. James D. Ford, Chaplain of the House of Representatives.

INTRODUCTION

The Honorable Charles McC. Mathias, Jr., chairman, Committee on Rules and Administration, vice chairman, Joint Committee on the Library, accompanied by The Honorable Frank Annunzio, chairman, Committee on House Administration, chairman, Joint Committee on the Library.

DISTINGUISHED GUESTS

The Honorable Strom Thurmond, President Pro Tempore of the Senate; The Honorable Robert Dole, Republican Leader of the Senate; The Honorable Robert C. Byrd, Democratic Leader of the Senate; The Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives; The Honorable James C. Wright, Jr., Democratic leader of the House of Representatives; The Honorable John J. Rhodes, former minority leader, U.S. House of Representatives.

UNVEILING

Mr. Hayden C. Hayden, nephew of the late Senator Hayden and Mr. Larry Hayden nephew of the late Senator Hayden assisted by The Honorable George M. White, FAIA, Architect of the Capitol and by the sculptor, Stafford Rolph.

REMARKS

The Honorable Barry Goldwater, U.S. Senate; The Honorable Dennis DeConcini, U.S. Senate; The Honorable Morris Udall, U.S. House of Representatives; The Honorable Bob Stump, U.S. House of Representatives.

BENEDICTION

The Rev. Dr. Richard C. Halverson, Chaplain of the Senate.●

ACCOMPLISHMENTS OF RITA STEINBERG

● Mr. McCONNELL. Mr. President, when Rita Steinberg of Louisville, KY, joined the National Council of Jewish Women 20 years ago, she began an impressive record of accomplishments and community service.

As a local council officer, she initiated an annual sale of donated used clothing which grossed $7,500 its first year, 1976. Last year, the event garnered nearly $159,000. When she later became president of the Louisville section of the NCJW, she made membership a priority for the organization. The NCJW consequently saw its ranks jump from 860 members to more than 1,000. Mrs. Steinberg then became a national board member of the NCJW and helped a section in Chicago start its own clothing sale. That section's first sale took in $40,000 its first year.

Mrs. Steinberg has also served her community as commissioner of the Louisville and Jefferson County Human Relations Commission and as a board member of Kentucky Youth Advocates.

Now she works full time as executive director of the Kentucky Art and Craft Foundation, a nonprofit organization providing educational and promotional opportunities for the State's artisans.

Mrs. Steinberg's contributions to her community have not gone unnoticed. Sunday, April 20, I will have the honor of presenting, on behalf of the Louisville section, the Hannah G. Solomon Award to Mrs. Steinberg for her endeavors.

A recent column by Joan Kay of the Louisville Courier-Journal describes Mrs. Steinberg's accomplishments and captures her spirit of service. Mrs. Steinberg says in the article that through her work in NCJW, "I've had a feeling all the time that my life had meaning—that what I was doing was making a difference in the world."

Mr. President, I ask that this article, which tells the story of Mrs. Steinberg's work so well, be printed in its entirety.

The article follows:

[From the Louisville Courier-Journal, Apr. 17, 1986]

COMMITMENT PAYS OFF FOR RITA STEINBERG AND WOMEN'S COUNCIL

(By Joan Kay)

Twenty years ago, nudged by her family, Rita Steinberg joined the National Council of Jewish Women, Louisville Section.

Her aunt, Sylvia Goldstein, was very active in the group and "probably paid for my first membership," said Mrs. Steinberg. "My husband's aunt in St. Louis was a national board member at the time so I was bombarded from all sides."

Mrs. Steinberg had hoped to make new friends. She found those all right and much more. Through working on NCJW projects that benefited the community, "I've had a feeling all the time that my life had meaning—that what I was doing was making a difference in the world."

Sunday the Louisville Section will recognize Mrs. Steinberg's contributions by presenting her with the Hannah G. Solomon Award.

The award is given "to someone who has shown dedication to improving the lives of children, the aging and women," says Renee Loeb, president of the Louisville Section.

Mrs. Steinberg's "devotion to community causes is just incredible. She was able to set a vision and was able to convince people they wanted to be part of it. She strives for the best and lets people know that is the standard."

Mrs. Steinberg remembers that her first volunteer assignment was helping a fifth-grade class put on its first play. At the time the organization sponsored many enrichment programs in public schools.

"It was a lot of fun. That's really what turned me on."

She soon moved to more of an administrative role as assistant treasurer and then treasurer of the section. "You really learn about an organization when you are treasurer because you know everything they are doing. You write all the checks."

One name she wrote on checks was the California Day Care Center, now called the California Area Family Development Center. The section covered the center's operating deficit and in 1971 put up $4,000 as seed money for a federal grant.

"I was impressed because I saw something really great we were doing," said Mrs. Steinberg.

As vice president of ways and means 10 years age, she started what would become a very profitable fund-raising event: Fashion Encore, an annual sale of donated used clothing.

Similar sales had been held with great success by NCJW sections in other cities.

Some Louisville members were leery of the idea, fearing that the sale would compete with the section's Nearly New Shop, a used-clothing store operated year round at 815 E. Market St.

They were also apprehensive that the Louisville group might not have enough members to handle the sale.

It took a year to convince the leadership that the project had promise, and the cash registers first rang in 1978. That sale grossed $7,500. Last fall's Fashion Encore grossed nearly $159,000.

Several years ago operation of the shop and the sale were merged, and nowadays the Louisville Section disburses more than $100,000 a year to community agencies and organizations.

The section's newest commitment to elderly people is NCJW ParkSide, a non-sectarian, adult day center that offers activities from 8 a.m. to 5 p.m. weekdays. It opened in January at 2101 Ellerbe Ave.

The section is the major supporter, but grants have been received from other sources.

As president of the organization in 1979-81. Mrs. Steinberg set a goal of increasing membership. "We were so into public affairs and community services that we had neglected membership.

"I wrote letters to everyone I knew who wasn't a member. People said they hated to see me coming at a party."

During her term, membership jumped from about 860 to more than 1,000. "Now we have over 1,100."

While she was a NCJW national board member, Mrs. Steinberg was sometimes a thrift-shop trouble-shooter and she helped a section in Chicago start a clothing sale, which took in $40,000 its first year.

In community posts outside the section, she has been a commissioner of the Louisville and Jefferson County Human Relations Commission and a board member of Kentucky Youth Advocates.

A native of Louisville, Mrs. Steinberg is the daughter of Mr. and Mrs. Mace Hymson. She and her husband, Larry, a partner in Touche Ross & Co., have a son, Scott, 19, a sophomore at Yale University, and a daughter, Laura, 16, a sophomore at Ballard High School.

Mrs. Steinberg now works full time as executive director of the Kentucky Art and Craft Foundation, a non-profit organization that provides education and promotional opportunities for the state's craftsmen.

At its base at 609 W. Main St., the foundation stages exhibitions and operates a crafts shop.

Mrs. Steinberg's main job is raising money for the foundation from memberships, corporate donations and grants. And she loves her plunge into the creative outpourings of Kentucky's artists, surrounded in her office by pottery, a carved rooster and a fabric hanging.

"It's a whole new world for me. I buy things all the time, particularly jewelry."

The Solomon award will be presented at the Louisville Section's annual meeting at 7:30 p.m. Sunday at The Temple, 5101 Brownsboro Road. The gathering is open to the public, and the presentation will be made by U.S. Sen. Mitch McConnell, R-Ky., a friend of the Steinbergs.

It seems a little strange to Mrs. Steinberg to be receiving as award from an organization "that has done so much for me. I can't imagine any course, any college, where I could have learned what I learned working in the section."

She credits the NCJW for the skills she acquired in management, public relations, dealing with people and budgeting.

"I never loved anything like I loved the section. It's wonderful to be honored by people you love and respect the most."●

TERRORISM

● Mr. WALLOP. Mr. President, in the past few weeks, this Nation's attention has been focused on international terrorism: What it consists of, who is behind it, and what can be done about it.

This week the United States responded forcefully to Libyan terrorism by staging a limited air assault on Libyan facilities that support international terrorism. This, I believe, is the beginning of a policy that will deal effectively with the threat of terrorism. The war on terrorism is not over with this one raid. It has just begun. We as leaders of this Nation must realize from the start that this policy, of not giving in to terrorists and of punishing them for their gratuitous acts of violence, must be sustained over a long period of time if it is to have any chance for success. We are dealing with a determined adversary, one that possesses great resources. But this Nation, and the entire Western World, has greater resources and, I believe, a greater capacity for moral courage than our enemies.

While we are all reflecting on this problem, let me commend to you a superb article on terrorism and how the West can beat it by Israeli Ambassador to the United Nations, Benjamin Netanyahu. He writes from the special perspective not only of an Israeli citizen, whose country has been all too often the victim of terrorist attacks, but with the personal experience of having lost a loved one in the execution of a sound antiterrorist policy that he knows to be right: Ambassador Netanyahu's brother, Jonathan, was the leader and only casualty of the daring Israeli commando force that rescued all but 3 of the more than 100 hostages held captive aboard a hijacked airliner at Entebbe.

This article is full of penetrating insights into the nature of terrorism and compelling arguments, both moral and practical, for continuing the policy that this Government has undertaken in its response to Colonel Gadhafi's murderous attack on a Berlin discotheque.

Mr. President, I ask that this article, from the April 14, 1986, edition of Time magazine, be printed in the RECORD.

The article follows:

TERRORISM: HOW THE WEST CAN WIN

(By Benjamin Netanyahu)

The realization that wild beasts prowl our airways and waterways, that they can escape retribution by fleeing to countries that respect, indeed worship, the law of the jungle, has steadily been replacing our older conception of justice, order and accountability in international affairs.

So writes Benjamin Netanyahu, Israel's Ambassador to the United Nations, in a forthcoming book whose assertive title sums up its argument—Terrorism: How the West Can Win (Farrar, Straus & Giroux; $18.95). The book grew out of a 1984 meeting of international officials and experts in Washington that explored the question: Just what can be done to stop terrorism?

The West's failure to answer the question was underscored once again last week when a terrorist bomb tore a hole in the fuselage of a TWA 727 en route from Rome to Athens. The explosion killed four American passengers, who were sucked out of the plane and fell 15,000 ft. to their death. Libya's Muammar Gadhafi disclaimed responsibility, but concern remained high that he would attempt to exact revenge—sometime, somewhere—for the U.S. Sixth Fleet's bloodying of his forces.

Netanyahu, a former soldier, businessman and the editor of Terrorism, has a strong personal reason for his concern with the subject. He is the younger brother of Lieut. Colonel Jonathan Netanyahu, leader of the daring Israeli commando force that rescued all but three of the more than 100 hostages held captive aboard a skyjacked airliner at Entabbe, Uganda, in 1976. The Israelis lost only one of their men during the raid, but that was Jonathan Netanyahu, shot dead at the age of 30 by an airport guard. Ambassador Netanyahu, who organized the Jonathan Institute to fight terrorism, sees in the overall results of Entebbe a lesson to be widely applied today. Though some will surely find his prescriptions too tough and will quarrel with his refusal to give undue weight to the root causes of terrorism, the fact remains that no Israeli plane has been seized in the ten years since Entebbe. What follows is excerpts from his introduction and essay, along with a selection of brief quotes from other contributors to the book.

International terrorism is not a sporadic phenomenon born of social misery and frustration. It is rooted in the political ambitions and designs of expansionist states and the groups that serve them. Without the support of such states, international terrorism would be impossible.

Access to the media is also indispensable. First the terrorists seize our attention by committing a brutal act. Only then does the real performance begin: the communiqués, the parading of dazed hostages before the cameras, the endless interviews in which the terrorists are respectfully asked to explain

their demands and conditions. Slowly, imperceptibly, the initial horror recedes, and in its place comes a readiness to accept the terrorist point of view.

We are asked to shed our normal revulsion for murderous acts and accept the notion, endlessly repeated, that "one man's terrorist is another man's freedom fighter." This is precisely what the terrorist would like us to believe. It is completely untrue. At the risk of belaboring the point, I offer a formal definition: Terrorism is the deliberate and systematic murder, maiming and menacing of the innocent to inspire fear for political ends. This distinction lies at the heart of the matter. For without a clear understanding of terrorism, the problem cannot be tackled.

Terrorists habitually describe themselves as "guerrillas," but guerrillas are not terrorists. They are irregular soldiers who wage war on regular *Military* forces. Terrorists choose to attack weak and defenseless civilians: old men, women and children—anyone in fact *except* soldiers if terrorists can avoid it.

This indeed is one of terrorism's most pernicious effects: it blurs the distinction between combatants and noncombatants, the central tenet of the laws of war. It is not only that the terrorist breaks down this standard but that we begin to accept his standards. With each fresh attack, the public is conditioned—first by the terrorists, then by their complaint interpreters in the press—to equate innocent hostages with jailed terrorists and to accept the notion that the murder of children is a regrettable but understandable expression of the terrorists' purported grievances.

There are those who say that war is war and that any attempt to define ethical limits is futile. But short of the rare and difficult case of total war, such as during World War II, most people would agree that there is a significant difference between waging war on armed combatants and attacking defenseless civilians. None of the resistance movements in Nazi-occupied Europe conducted or even condoned, terrorist attacks against German noncombatants, such as officers' wives or children. Without such distinctions, the concept of war crimes loses any meaning. For if everything is permissible, why not gas innocent people or machine-gun children?

It is here that the terrorist parts company with humanity. He declares a total war on the society he attacks. For him everyone is a legitimate target. A baby is fair game, he may, after all, grow up to be a soldier. So is the baby's mother, she gave birth to this future soldier. No one is spared, ordinary citizens and leaders alike.

Having defined all of society as a field of combat, the terrorist demands that his activity, which would ordinarily be viewed as gangsterism, be treated with the respect given to legitimate warfare. That is why he often takes on all the trappings of a soldier; that is why he issues "communiques" instead of simple statements and why he insists that his jailed accomplices, who are in fact dangerous criminals, be accorded the status of prisoners of war.

Though terrorism as such is not new in history, or even in this century, today's terrorism differs in its extent and its violence; it now attacks the territory and citizens of nearly all the democracies. It began its rapid growth in the 1960s. It was sparked by the early success of two groups of terrorists: the P.L.O., which introduced airline hijackings as an international weapon, and European radical factions, which carried out increasingly bold bombings, kidnapings and assassinations throughout the Continent. Terrorist groups, seemingly independent from one another, soon proliferated throughout Europe, Japan, North and South America and the Middle East. But as the evidence piled up, the Arab P.L.O., the Iranian *mujahedin*, the Armenian A.S.A.L.A., the German Baader-Meinhof gang, the Italian Red Brigades, the Japanese Red Army and others were often found to be linked not only to one another but to the Soviet Union and radical Arab regimes. Only after the P.L.O.'s expulsion from Beirut did captured P.L.O. documents reveal the role of its terrorist ministate in Lebanon as a training center and launching ground for what had become a kind of terrorist international.

This collaboration between Marxist and Muslim radicals is not accidental. Modern terrorism has its roots in two movements that have assumed international prominence in the second half of the 20th century: Communist totalitarianism and Islamic (and Arab) radicalism. These forces have given terrorism its ideological impetus and much of its material support. Both legitimize unbridled violence in the name of a higher cause, both are profoundly hostile to democracy, and both have found in terrorism an ideal weapon for waging war against democracy.

Indeed, international terrorism is overwhelmingly an extension of warfare sustained and supported by the states built on the foundations of Marxism and radical Islam. The Soviet Union, several of its East European satellites, Cuba and North Korea, and Middle Eastern states such as Libya, Iran, Syria, Iraq and South Yemen have given terrorists weapons, training and money. They have also provided sanctuary, safe passage and safe houses—often their very embassies. And they have supported terrorism on the crucial political level, legitimizing it and blocking international measures against it.

Why have certain radical states begun to resort to terrorism? Since the end of World War II and the dawn of the nuclear age, the waging of war has become increasingly expensive and risky. For a superpower like the Soviet Union a direct confrontation with the West entails the unacceptable risks of atomic war. For smaller states, conventional war can also escalate into intolerable conflict or outright defeat. Terrorism is part of the broader trend toward waging war by proxy. It permits regimes to engage in aggression while evading responsibility or retaliation.

As the number of attacks has increased tenfold in the past decade alone, a clear pattern has emerged. The targets of terrorism have been, more and more, Britain and Germany, Spain and Portugal, France and Italy, Israel and Japan, and, above all, the U.S. (whose nation accounted for roughly a third of terrorism's victims since 1968)—in short, the West. A network of professional terrorists seeks to weaken and demoralize democratic societies by attacking their citizens, their leaders, their institutions, thereby disrupting their way of life and sapping their political will. And it is a growing threat. Terrorist attacks now kill and injure not one or two but hundreds at a time. Few doubt that other, more lethal, weapons may be employed in the future.

The terrorist's strategy is premised on the ability to deliver future blows, no matter what. The fear and intimidation that terrorism thrives on are totally dependent on this threat. The primary task in fighting terrorism, then, is to weaken and ultimately destroy the terrorist's ability to launch attacks. This is often presented as a difficult or even impossible task. It is asserted that the clandestine nature of terrorism and the openness of Western societies make terrorism against the West nearly impossible to root out. I would argue the exact opposite. Terrorism can be stopped. The minute you weaken its ability to deliver repeated blows, you have broken its back, and it is well within the means of the West to achieve this.

Condiser, for example, the classic terrorist act, the taking of hostages. More than any other act of terrorist violence, it reveals two underlying characteristics of terrorism. First, it is an unmistakably deliberate assault on the people who are seized, precisely because they are noncombatants. Second, it affords a stage for dramatization and distortion. Hostages taking places a government in a terrible delimma: if it use force to release the hostages, it might end up with more people killed than if it gives in. If it yields, the terrorists emerge victorious. Sometimes the terrorists resolve this delemma by killing a few hostages and threatening to murder the rest if their demands are not met. The government can then argue that since more hostages are about to be killed, it must take action immediately.

But suppose the terrorists have not started killing hostages. Should they not fear a forceable response? The more terrorists believe that military intervention is likely, the less prone they will be to continue their seige. In the hijacking of both the TWA airliner out of Athens last summer and the cruise ship Achille Lauro last fall, a principal reason that the terrorists released their hostages was their belief in imminent intervention—retaliation afterward in the case of the airline and military rescue of the *Achille Lauro* (both American and Italian forces were poised to storm the ship on the day the pirates surrendered).

Terrorists have often escaped because of the sloppiness of the West's thinking about the use of force. America's loss of clarity in the wake of Viet Nam has become a general Western malaise. The rules of engagement have become so rigid that governments often straitjacket themselves in the face of unambiguous aggression. But a fundamental principle must be recognized under no circumstances should a government categorically rule out a military response simply because of the risk of civilian casualties. There is a practical and a moral basis for this position. In practical terms, an inflexible rule against risking civilian casualties would make any military action virtually impossible. In moral terms, an absolute prohibition on civilian casualties today condemns to death or injury many future victims. Terrorism, undeterred, will inevitably increase.

Responsible governments seek to minimize civilian casualties. But they do not grant immunity to an aggressor simply because their response might endanger civilians. If this is true in normal combat, it is truer still in the case of terrorism. An absolute prohibition on civilian casualties provides the terrorist with an invincible shield. This is not only true in cases which he fears retaliation following his attacks (for example, when the terrorist seeks immunity by planting his bases among civilians). It is also true during the taking of hostages, when the terrorist even more brazenly seeks the

authorities to risk the lives of innocent victims by taking action.

Terrorists generally do fear military intervention, and that fear has a tremendous inhibiting effect on hostage taking. This is best demonstrated in the case of Israel. No other nation suffered more from this form of attack. In the 1970s Israel experienced a large number of hostage takings, including the hijacking of planes and the seizing of schools, apartments, hotels and buses. In all these cases, the government refused to capitulate to the terrorists' demands. Soldiers overcame the terrorists and liberated the hostages. This was by no means an easy course to follow. The government painfully recognized that its policy made some civilian casualties unavoidable; in 1974 at Ma'alot, 21 schoolchildren were massacred by the P.L.O. before the terrorists were themselves killed.

But the result of this determined refusal to yield was that hostage taking gradually became a rarity inside Israel. This was not because the P.L.O. was unable to stage such incidents but because it finally realized that there would be no surrender and that the terrorists would fail and probably be killed. Contrary to popular myth, cases of suicidal terrorism are rare; overwhelmingly, terrorists want to live, to escape unpunished.

The P.L.O. sought to overcome Israel's resolve by seizing Israeli planes or hostages outside Israel. But these attempts were defeated as well. In the most celebrated example, the case of Entebbe, Israeli troops flew more than 2,000 miles, liberated the hostages and killed their captors. For a decade afterward, not a single Israeli or Israel-bound plane was hijacked, and virtually no attempts were made to seize Israeli hostages abroad.

The refusal to capitulate and the decision to apply force were adopted in several important instances by other governments. The German government forcibly liberated German hostages on the hijacked Lufthansa airplane in Mogadishu in 1977, the Dutch successfully stormed a train hijacked by the South Moluccans (1977), and the British freed the occupied Iranian embassy in London (1980). For some time afterward, these countries experienced no further hostage takings. Far from endangering a cycle of increased violence, the application of military force or the prospect of such application inhibits terrorist violence.

The only sensible policy for attacked governments, then, is a refusal to yield and a readiness to apply force. This is a policy that says to the terrorist, I will not accept your demands. I demand that you release the hostages. If you do not do so peacefully, I am prepared to use force. I am proposing a simple exchange your life for the lives of the hostages. The only "deal" I am willing to make with you is that if you surrender peacefully, I will not kill you.

Obviously, there can be complicating circumstances. What if military intervention truly does endanger the lives of most or all of the hostages? Ths is not quite as frequent as might at first appear. Many governments have specialized forces trained to overcome terrorists before they kill most of their hostages.

Rescuing hostages requires impressing on military forces the importance of minimizing firepower. In storming a building, the normal military procedure is to shoot first and look later. But in rescuing hostages, the soldiers' job is exactly the opposite: they must look first and shoot later, and even then only when it is absolutely necessary. Sometimes they fail, as in last year's attempt in Malta. But as the experience of Israel, West Germany, Britain and Holland shows, more often than not such specially trained units succeed.

Suppose the terrorists have not merely seized hostages but have hidden them? Perhaps the most celebrated case is the kidnaping of Italy's former Prime Minister Aldo Moro by the Red Brigades. Italy refused to capitulate, and Aldo Moro was murdered. As tragic and painful as the decision was, it was the right one, as was the firm Italian policy in the immediate aftermath of the Moro kidnaping. Unlike the weakness it later showed during the *Achille Lauro* affair, the Italian government mounted a vigorous effort to hunt down the Red Brigades and improve the effectiveness of its security forces. By the time of the next major kidnaping, that of General James Dozier, it was able to apprehend the terrorists and liberate their hostage. Whether or not such rescue is possible governments must persist in refusing to capitulate.

Perhaps the most complicated case of hostage taking is that in which the terrorists find refuge in the territory of a country hostile to the West. Short of declaring war, what can be done? It is often difficult, though by no means impossible, to launch a limited military operation to rescue the hostages. In any case, the principle remains the same—the refusal to yield and the threat of intervention or retaliation. Retaliation can take several forms, against the terrorists themselves and the governments that shelter them. The main point is that both the terrorists and their governmental patrons must believe that they will eventually be punished (preferably sooner rather than later).

What is true of hostage taking is true of other forms of terrorism. The terrorist always considers, and fears, a forceful response from his victims' government. To the extent that he believes he will be tracked down and punished, he will curb them. Deterrence works on terrorists just as it does on anyone else.

Terrorists may at first respond to a government's policy of firmness with an acceleration of violence, but they usually cannot withstand a sustained and resolute policy of resistance and active pursuit. Retaliation and pre-emption against terrorism are thus acts of self-defense. Denying the necessity for such self-defense, and blurring the moral basis for it, is dangerous. It undermines a basic principle on which government authority is based. A government's first obligation is to protect its citizens. Confusion or vacillation fools no one, least of all terrorists.

One point is central: international terrorism as we know it would simply not be possible without the collaboration of governments that have used terrorism to wage hidden war against their adversaries, especially the West. After the *Achille Lauro* piracy, Abul Abbas, its mastermind, skittered from Egypt to Italy to Yugoslavia to Iraq to South Yemen, where he finally found his most suitable haven. Without the collusion or acquiescence of friendly or passive governments, he would have been caught and brought to trial. The support of friendly regimes and the passivity of others are the crucial assumptions under which international terrorism operates.

Just as hostile governments have caused the internationalization of terror, they are also the key to its end. For states are no less susceptible than the terrorists they support to a sober calculation of costs and benefits. The very reason certain regimes rely on terrorists is to be able to wage war without the risks that war entails. As long as they are successful in denying complicity or involvement, they will easily escape retribution.

Once this is understood, the democracies can begin to act effectively in three broad areas against offending states.

POLITICAL PRESSURES

These could range from international condemnation to cutting off diplomatic relations (as the U.S. and Britain did with Libya). Political pressures signal to the terrorist state that the victim not only is unwilling to yield but is prepared to expose the offender to public censure. This could force other states to take a position against the offender, or at least to curb their support for it. Since many states sponsoring terrorism depend on the ability to deny complicity in terrorist crimes, this is not a minor threat. In the severance of diplomatic relations, an added penalty is the shutting down of embassies. Terrorists simply cannot sustain a concerted campaign of attacks in most Western countries without sanctuary or inviolable means of passing funds, arms and intelligence.

The embassies and diplomatic pouches of Syria, Iraq, Iran, Libya, South Yemen and other Middle Eastern states, as well as Soviet bloc embassies, have turned parts of Western Europe into a veritable playground of terrorists. Weapons, passports, money, safe houses have all been made available to terrorists by people hiding behind diplomatic immunity. Without embassies, the effectiveness of terrorism in the West would be sharply diminished.

ECONOMIC PRESSURE

Most of these countries desperately need Western goods, weapons or credit. There are certain sophisticated products, including advanced weapons, that only the West can supply. If the democracies used but a fraction of their enormous economic clout, they could cause regimes supporting terrorism to rethink some of their activities.

Economic pressure could be a combination of boycott and embargo. In the case of Libya, a prime offender, the U.S. has willingly forfeited hundreds of millions of dollars of trade to send an unmistakable and economically painful message to that regime. Another potent sanction that can be readily applied is the denial of landing rights in major Western capitals to the commercial planes of terrorist states. The same could apply to docking rights for the ships of offending states.

MILITARY ACTION

This cannot be ruled out, nor should we be bashful about discussing it. When we talk about using military force, we must first consider unilateral action, one state's taking action against terrorists or a state that shelters them. Obviously, if a terrorist action occurs on a government's own soil, it will take action to protect its own citizens and foil the terrorists.

But what about a terrorist attack on a country's citizens abroad, in embassies, businesses or airlines? In the case of a hijacking, piracy or other hostage taking, the responsibility of securing the release of the hostages is that of the government on whose soil (or ship or plane) the incident takes place. One would hope such governments would adopt a firm policy against the terrorists, but if a government cannot or will not undertake forcibly to end a hostage crisis, it forfeits a

certain measure of jurisdiction. The country whose nationals (or plane or ship) are held hostage has the right to act when the host country refuses to do so. Take the cae of Entebbe. Uganda had an obligation to intervene and end the hijacking. When it refused to do so, the right to act passed to Israel and France (most of the passengers were Israeli; the plane was French). Since France was not considering any military move (although it helped in gathering intelligence), Israel had a perfect right to act.

This is at odds with a widely held view that national sovereignty is absolute and cannot be violated. But of course it is not absolute. Countries do not have the right to do anything within their borders. They risk the intervention of other states if they fail to live up to elementary international obligations.

Sovereignty does not in any way preclude a government from allowing another government to assist in or carry out a rescue operation, as, for example, the Somalis did when they approved the intervention of West Germany's antiterrorist unit in the Mogadishu incident. In most cases, therefore, even weak or hesitant governments have a choice. Bluntly put, they can either do it themselves or let someone else do it.

What about the use of force in circumstances other than hostage taking? Western governments already possess ample intelligence evidence (such as satellite photos of training camps, interception of communications, reports from agents in the field) of continuous support for terrorists from certain governments. Such a record of complicity is more than strong enough to justify punitive action against these criminal states. Plenty of military or strategic targets can be struck to inflict severe damage, while avoiding excessive, if any, civilian casualties.

Two objections are frequently raised. First, the prospect of reprisals. Libya's Muammar Gaddafi, who clearly harbored the Palestinian terrorist Abu Nidal prior to his attacks on Americans and others in European airports last December, promised to retaliate if the U.S. took any action against him. He went so far as to promise to set the Mediterranean ablaze and even to precipitate global war. Such bluster should be viewed realistically. It emanates from fear. It also at times may be partly realized. We should recognize that a successful war on terrorists will involve a succession of blows and counterblows, and some unavoidable casualties along the way. What is required is a commitment to a continuous campaign against its sponsors, not just erratic responses to individual terrorist acts. There are no "one-shot" solutions. A forceful response against aggression may very well elicit reprisals initially. But over the long run, it is the only way to make governments stop launching terrorist killers. They need to know, they must know, that the West will not sit back and take it.

The second objection raised to military action against states sponsoring terrorism is that it will induce political consequences unfavorable to the West, such as the weakening or collapse of friendly regimes in the Middle East. Actually, these very regimes, despite their public pronouncements, would secretly welcome such action; after all, they too are frequently victims of the terrorist war. Still, what about unfavorable political developments? In many regions of the world, especially the Middle East, anger precedes respect. There may be a lashing out at Western or pro-Western targets following a military action, but there is a concomitant, if grudging, assessment by the terrorists of new limits. A posture of weakness, a repeated refusal to confront and punish the regimes behind the terrorists, not only invites further aggression but ultimately weakens the West's position, and consequently the position of its allies, in these regions and throughout the world.

Terrorists and the states that support them are serious adversaries. They are devious, ruthless and persistent. But the West has worsened the problem by its own disunity. For too long terrorists have succeeded in the strategy of divide and conquer. Governments have made separate deals with terrorists, allowing them, for example, freedom of movement in exchange for promises of immunity. But terrorists, who by their very nature ridicule the notion of law and treaties, always violate their agreements. The Western countries must face up to a simple truth: no deals are possible with terrorists. The success of terrorism in one part of the world encourages terrorists everywhere. Terrorism is an indivisible problem, and the fight against terrorism must be indivisible as well.

This means that you cannot "understand" terrorism when directed against someone else while opposing it when directed against yourself. Terrorism threatens the foundation of lawful and humane existence everywhere. And it thrives on weakness. It is naive to think that the I.R.A. does not take note of periodic British courting of the P.L.O. The same applies to the Red Brigades vis-a-vis the Italian government's dealings with Arab terrorists, and so on.

What is required is a basic realignment of international attitudes toward terrorism. While all governments offer rhetorical opposition to terrorism, including the adoption of a U.N. resolution condemning terrorism in 1985, in practice they fall into one of three categories: a few governments actually oppose terrorism, and do so consistently; others actively support terrorists; but most fall into a third broad category, the neutrals. They either acquiesce in terrorism or refuse to actively oppose it.

The measures against states that support terrorism are essential, but we must also do away with the middle ground of neutrality. Governments must be made to understand that if they acquiesce in terrorism, they are in practice supporting it. The provision of safe passage to foreign terrorists, such as Egypt offered to the hijackers of the *Achille Lauro*, should be considered an act of simple collusion. It is tantamount to offering a foreign army passage through your territory in time of war. Similarly, accepting a hijacked airplane or ship without accepting the concomitant responsibilities of preventing the escape of the terrorists is also an act of collusion; so is the refusal to extradite or punish terrorists.

The provision of sanctuary for terrorists is also an act of collusion. I am not talking about taking in war refugees who have laid down their arms (as France did after the Spanish Civil War). I am talking about permitting armed bands to wage terrorist war against a neighboring state from one's own territory. This is not one of the privileges of sovereignty. It is a clear act of aggression. It can and should be treated as such by the attacked state, which has every right to take action against the terrorists or the government that shelters them. It may do so either in hot pursuit, in retaliation or even in pre-emptive action. The right of self-defense takes precedence over sovereignty.

When a state deliberately employs terrorists, the distinction between striking back at the terrorists themselves or at the governments that shelter them is one of practical consideration, not of principle. There is certainly no moral imperative to confine the retaliation to the actual perpetrators; the terrorists, after all, are merely servants of the government. In war, limiting a counterattack to exactly those soldiers who fired at you would be absurd.

Lesser forms of tolerating terrorism, like lax security safeguards in airports, should be considered a tacit form of collusion with terrorists. It allows them to penetrate air routes and attack civilians from all countries. Offending governments should be told that their airports will be cut off from the international aviation system until they improve security.

The broad assortment of "neutral" states that repeatedly, or as a matter of policy, facilitate the operations of terrorists must be told that they risk being subjected to some or all of the sanctions that outright supporters of terrorists invite upon themselves.

A policy of firmness will make it clear that individual terrorists will be pursued, caught and punished; that the organizations that launch them will be subject to attack; that the governments that shelter them will face political, economic and, ultimately, military retaliation; that other governments that collude less brazenly will also be held accountable.

What, then, has inhibited the widespread adoption of this policy by the West? I believe it is the persistent effects of three vices. One is greed, or heedless promotion of economic self-interest, whatever the political or moral consequences. A second is political cowardice, which means sitting it out while your ally is attacked, or responds to an attack, so as not to invoke the wrath of the terrorists. Both factors played a part in the immediate rejection by several governments of the American initiative for sanctions against Libya following the attacks on the Rome and Vienna airports. Neither cowardice nor greed will easily disappear. If, however, the U.S. persists in its firm stance, I believe that it will eventually succeed in pressuring, even shaming, other Western states into compliance.

But there is a third, even more pernicious impediment that needs to be overcome: a confusion that is both moral and intellectual. We in the West believe in the capacity of politics to mitigate, and resolve, all conflict. We automatically tend to endow an adversary with the same assumptions. These could not be more misplaced than in the case of terrorists, who use political language to destroy the concept of politics altogether. And even when we catch a glimpse of this truth, we fail to grasp its essence. For the West is in awe of fanaticism. It is confused before a supposed willingness to die for a cause, believing that such readiness must be based on a cause that is at least partially just. Even a cursory reading of history tells us how dangerous a notion that is. No people were more prepared to sacrifice their lives for a cause than the Hitler Youth.

But our present notions of terrorism are informed not by history but in large measure by the media. This is why terrorists, in their war against the West, devote so much of their strategy and their effort to capturing the Western press and using it for their own purposes. But this need not succeed. Terrorism's reliance on the press and television of the democracies gives the media tremendous power not only to amplify terrorism's message but also to snuff it out. They can and should refuse to broadcast indis-

criminately interviews with terrorists. They can and should expose their grisly acts for what they are.

What the public has a right to demand of journalists is the same scrupulousness and professionalism, no more and no less, that they would show in the case of covering organized crime and its bosses. The proven power of a thorough press investigation to expose and to repudiate such corruption—indeed, to galvanize public opposition against it—is exactly the power that can be harnessed against terrorism. A thoughtful press can turn terrorism's greatest weapon against the terrorists themselves.

This is the responsibility of the West's press. It is second only to the responsibility of its political leadership. For only a determined leadership can make the West overcome the impediments of greed, cowardice and moral confusion.

Which leadership? It can come only from the U.S., which alone has the capacity to align the West's resistance, alone can credibly threaten the offenders and alone can impel the neutrals to shed their neutrality. The U.S. appears to be moving in this direction, albeit sometimes at an uncertain pace. The more the U.S. resorts to action, like punishing terrorists and their backers, the greater the number of states that will join the American efforts to combat terrorism. Allies and adversaries alike, the entire world is waiting to see the depth of the American resolve.

The West can win the war against terrorism, and fairly rapidly. But it must first win the war against its own inner weakness. That will require courage. First, government leaders must have the political courage to present the truth, however unpleasant, to their people. They must be prepared to make difficult decisions, to take measures that may involve great risks, they may even end in failure and subject them to public criticism.

Second, the soldiers who may actually be called upon to combat terrorists will need to show military courage. It will be up to them to decide whether they can or cannot undertake a particular operation that a government is considering. In the special units of the Israeli army, for example, no one has ever simply been told by the political leadership that he must accept a perilous assignment. The commanders are always asked: Is it possible? Do you think you can do it? And if they ever said it could not be done, or even if they expressed doubts, that would have been the end of the matter.

But there is also a third kind of courage: the civic valor that must be shown by an entire people. All citizens in a democracy threatened by terrorism must see themselves, in a certain sense, as soldiers in a common battle. They must not pressure their government to capitulate or to surrender to terrorism. This is especially true of public pressure on government by families of hostages. Such pressure can only be called a dereliction of civic duty. If we seriously want to win the war against terrorism, we must be prepared to endure sacrifice and even, should there be the loss of loved ones, immeasurable pain.

Terrorism is a phenomenon that tries to evoke one feeling: fear. It is understandable that the one virtue most necessary to defeat terrorism is therefore the antithesis of fear: courage.

Courage, said the Romans, is not the only virtue, but it is the single virtue without which all the others are meaningless. The terrorist challenge must be answered. The choice is between a free society based on law and compassion and a rampant barbarism in the service of brute force and tyranny. Confusion and vacillation facilitated the rise of terrorism. Clarity and courage will ensure its defeat.●

NATIONAL MATHEMATICS AWARENESS WEEK

● Mr. RIEGLE. Mr. President, Congress has designated this week of April 14 to 20, 1986, as "National Mathematics Awareness Week." I strongly support this effort to increase public understanding and appreciation of the important role mathematics plays in our lives and which encourages our young people to develop skills in this area.

Without a strong mathematics foundation in the United States, we as a world leader suffer. Mathematics is essential for the economic security and defense of our country. Math skills are fundamental to all aspects of science, ranging from physics and chemistry to behavioral science. Our young scientists today will be developing the technological breakthroughs of tomorrow.

Recent findings have shown that American students are scoring lower in mathematics than those from a dozen other industrial nations. Enrollment in mathematics programs has been declining at all levels. In 1984 only 55 percent of mathematics doctoral graduates from U.S. institutions were U.S. citizens.

America must gain back its competitive edge. For several years we have confronted a severe trade crisis which presses the deficit upward. While the reasons for our decline in competitiveness are varied, part of the problem lies in the need to better educate our labor force in new technologies. Since the 1983 National Commission on Excellence in Education composed its report, "A Nation at Risk" there have been numerous studies that sadly display a declining trend in our Nation's academic performance.

We must take action now to help our children prepare for the job markets of the future. Our ability to maintain and improve our competitiveness in the world economy depends upon the strength of our training in increasingly technical areas requiring strong math skills.

"National Mathematics Awareness Week" must provide an impetus for further scholastic improvements in the field of mathematics and draw attention to the vital role this area of study plays in our country's future and well-being.●

THE BUDGET

● Mr. QUAYLE. Mr. President, I ask that an interesting Wall Street Journal article about Congress appear in the RECORD.

The article follows:

[From the Wall Street Journal, Apr. 16, 1986]

DEMOCRATS ARE THE BUDGET CULPRITS

(By James L. Payne)

There's no doubt that a crime has been committed. We can all see the evidence: Federal spending has increased more than eightfold in the past 20 years, outstripping revenues and leaving us with a staggering deficit. The problem does not stem from increased defense spending. These outlays have increased only modestly overall (thus shrinking defense's share of the budget from about half to one-quarter). Skyrocketing domestic spending is the heart of the problem.

But who did it? Who is to blame for all this increased spending?

The popular view, echoed most recently by David Stockman, is that Republicans are about as much to blame as Democrats. Having spent four years trying to persuade fellow Republicans to vote against spending, Mr. Stockman concludes that "a large share of the problem is us."

The popular theory goes that each party has an ideological commitment to a particular segment of society. The Democrats favor the lower classes, and have therefore pushed for more spending in the welfare-related areas, while the Republicans, representing upper-income groups, have sought higher spending for business and wealthy interests. In this same theory, each party has tended to oppose the spending measures favoring the pet groups of the other. Hence, each party can claim an alibi when it comes to the deficit and point an accusing finger at the other.

Unlike a drawing-room mystery, the crime of runaway federal spending is easy to solve. An extensive public record exists in congressional votes on spending bills. These are the deeds that create the higher spending. By tabulating these votes, we can discover who is to blame.

In selecting spending bills for analysis, certain rules must be observed to avoid misleading results. One avoids using bills with other issues piggybacked on them—called "riders"—because the votes on these bills represent a confusing mixture of motivations. One also avoids using the final votes on spending measures (which embody prior compromises), votes on frivolous proposals, highly lopsided votes, votes with low attendance, and votes on parliamentary issues.

Working within these guidelines, I studied House of Representatives voting patterns on domestic spending during 1984—David Stockman's last full year as budget director. Twelve key votes were selected for analysts, with three votes each in the areas of welfare, agriculture, science and culture, and business.

VOTING ON DOMESTIC SPENDING MEASURES

[House of Representatives, 1984]

	Percentage voting for higher spending	
	Democrat	Republican
Welfare measures:		
Weatherization for low-income homeowners	53	13
Child nutrition	92	28
Grace Commission savings	76	22
Average	73.7	21
Agriculture measures:		
Organic farming/crop rotation subsidies	81	10
Grace Commission savings	78	33

VOTING ON DOMESTIC SPENDING MEASURES—Continued

[House of Representatives, 1984]

	Percentage voting for higher spending	
	Democrat	Republican
1 percent reduction in Department of Agriculture	58	15
Average	72.3	19.3
Science/culture measures:		
Water resources research (veto override)	99	46
Funding for advanced computers	83	7
Public broadcasting	78	20
Average	86.7	24.3
Business/commercial measures:		
Loans to "non-disadvantaged" businesses	99	56
Deauthorize Cross-Florida Barge Canal	60	35
Synthetic fuels spending	67	42
Average	75.3	44.3
Grand average, all 12 issues	77.0	27.2

Source: Congressional Quarterly Weekly Reports.

The accompanying table shows the results. Looking at the welfare spending votes first, the "ideological" theory seems to hold up. The Democrats are clearly for higher spending, while the Republicans are predominantly opposed. As we turn to agriculture, however, the ideological theory starts to look shaky, for the Democrats are pushing for higher spending in this area—most of which goes to wealthy farmers and agribusiness corporations.

In spending on science and culture we find the contradiction deepens. The Democrats are overwhelmingly in favor of higher spending, even though these funds go to well-heeled scientists, educators and administrators. One bill, for example, allocated $180 million to water research institutes in each of the 50 states. After taking their cut, the managers of these institutes would in turn spread the money around to university personnel. The Republicans differ from the Democrats even more sharply on these issues than on welfare spending.

The biggest surprise, however, comes when we look at the votes on pro-business spending. In direct contradiction to the ideological theory, it is the Democrats who are plunking for spending in this area. On the proposal to eliminate Small Business Administration direct loans, for example, the Democrats voted 242-2 against elimination (for higher spending). Exempted from this proposed elimination were minority, handicapped, and other "economically disadvantaged" groups. So the Democrats were lining up, almost unanimously, to save a federal program of loans to ordinary businessmen. The Florida Barge Canal was opposed not only by the economy-minded but by certain environmentalist groups; nevertheless, most Democrats, including scores of liberals, voted to retain the project. This vote typifies the recent voting pattern on public works: Democrats are almost always more in favor of these projects than are Republicans.

We have to conclude, then, that the ideological theory about federal domestic spending is way off the mark. It is not true that all congressmen are equally in favor of higher spending. The Republicans tend to oppose spending in all domestic categories, including pro-business spending. Tabulations done by the National Taxpayers Union further confirm that Democrats are bigger spenders than Republicans. In the House in 1984, the average Republican pro-savings score was 50% while the average Democratic score was 26%. Of the top 50 penny-pinching members, 49 were Republicans. All 50 of the worst spenders were Democrats. The NTU study, by the way, is based on all 207 House spending roll-call votes in 1984, and includes votes on Pentagon spending.

One might wonder whether my finding is the result of the particular votes selected. These votes were chosen, however, because they seemed most satisfactory for answering my question: Turnout was high, the spending issues was important and clearly drawn, the vote was close, and so on. But even when one goes beyond this collection of particularly suitable votes, the pattern does not change. Democrats are more in favor of higher spending—even on trivial issues that have no ideological or policy importance.

For example, one bill proposed that the 500th anniversary of the discovery of America be celebrated at federal expense through the creation of a $2 million commission whose 20 staffers (not likely to be drawn from the ranks of the poor) would labor for five years tooting the horn of Christopher Columbus. This measure was approved by 83% of the Democrats; only 44% of the Republicans voted for it.

Even the rhetoric reflects the gap between the parties. Consider the following statement made on the floor of the House in 1982. In contention was an item in the NASA budget, a $35 million add-on in the funds for aeronautical research. The speaker urged the increase on the ground that it "may be in some respects the life or death of companies like Boeing, United Technologies, Pratt & Whitney, Rockwell, General Dynamics. . . ." This defender of subsidies for the Fortune 500 was Democrat Dan Glickman of Kansas. His party followed his lead: 83% of the Democrats voted for the expenditure, vs. only 20% of the Republicans.

Is perhaps my analysis faulty because it is based on a special period when it was a Republican president who sought to restrain spending?

If we go back in time we find the same pattern. Although little noticed, it was Democrats, not Republicans, who provided the major support for the 1979 Chrysler loan guarantees—a bailout that favored not only the company's investors but also highly paid auto workers. In the House, 81% of the Democrats voted for the bailout, as opposed to only 41% of the Republicans; in the Senate, 71% of the Democrats supported it while only 31% of the Republicans did.

Another revealing vote occurred when the Carter administration attempted to kill some especially wasteful water projects in 1980. The array of political and ideological interests pressuring Democratic congressmen not to spend the money was unprecedented. President Carter was joined by Interior Secretary Cecil D. Andrus, Common Cause, Americans for Democratic Action and a bevy of environmental groups—including the Sierra Club and the National Wildlife Federation. Nevertheless, when the House vote was taken 71% of the Democrats voted for retaining the questionable projects. The Republicans, with many more members from Western, water-thirsty states, were slightly more willing to save money, even though it meant siding with President Carter and the ADA: 66% voted for the projects.

NOT A CLASSICAL DIVISION

A more contemporary example of this behavior can be found in the congressional vote on the Gramm-Rudman-Hollings budget-balancing measure. By protecting welfare spending from cuts and mandating dramatic reductions in defense spending, G-R-H's effort to trim the size of government was a pill specifically sugarcoated for liberals. Yet it was not Democrats but Republicans who swallowed it. In the House, only 48% of the Democrats voted for Gramm-Rudman, compared with 86% of the Republicans; in the Senate, the corresponding figures were 50% and 81%.

We do not have a classical left-right division in our politics, with one party generally representing the downtrodden and the other representing the well-to-do. The axis of division today is over the size of the state. Democrats in Congress favor a larger role for government in most things, from broadcasting to barge canals, from child nutrition to Christopher Columbus. Mr. Stockman may have been too close to see it, too frustrated by losing budget battles on the margin, but overall, his former GOP colleagues in Congress are less in favor of this trend, and tend to resist the growth of government across the board.●

NAUM AND INNA MEIMAN: THE RIGHT TO CHOOSE

● Mr. SIMON. Mr. President, we, as Americans, are able to choose where we wish to live. Many of us take this right for granted. Naum and Inna Meiman, a couple living in the Soviet Union, have been denied this right.

For over 10 years, the Meimans have been refused permission to emigrate. They are an elderly, ailing couple. They would like to spend their remaining time in Israel, but the Soviet Government continues to deny this right. The Meimans pose no threat to the Soviet Government, and should be allowed to choose their home.

I implore the officials in the Soviet Union to let the Meimans emigrate to Israel.●

THE BUDGET RESOLUTION

● Mr. KERRY. Mr. President, I rise to speak in support of the immediate movement of the budget resolution to the floor of the Senate for debate and subsequent action. This resolution, which is the result of a strong bipartisan effort within the Budget Committee, provides a responsible base upon which a final budget can be constructed.

During the final days of the 1st session of the 99th Congress we passed the Balanced Budget and Emergency Deficit Control Act of 1985 by an overwhelming margin in both Houses of Congress. By passing this legislation we were stating, out loud, that our previous methods of constructing a budget were not working. No one really disagreed with this since the evidence was clear: runaway deficits, a Federal debt that exceeded $2 trillion and had doubled over the past 5 years, and debt service payments that were consuming almost 15 percent of our total outlays. We were moving in the

wrong direction and very rapidly. By passing this legislation we were also stating that we had a new and better method constructing the budget, Gramm-Rudman-Hollings.

Gramm-Rudman-Hollings set forth a series of requirements in order to accomplish our objective of reversing the negative effects of prior budget decisions. In addition to mandating maximum deficit levels and an across-the-board sequestering mechanism, the act established a timetable to provide for the orderly and comprehensive consideration of budget issues. April 15 was designated as the deadline for passage of the budget resolution by both the Senate and the House of Representatives. This date has passed and the resolution has not been brought to the floor of the Senate even though the committee completed its work and reported out a budget resolution over a month ago. Our vote for Gramm-Rudman-Hollings and its requirements represented a commitment to the American people that we would deal with the budget in a different and more responsible manner. By not acting within the established timetable, we are reneging on that commitment.

I have heard that some of my colleagues in the Senate are not satisfied with this resolution and this has caused the delay. If this is true, I suggest that those Members should propose to change it by offering amendments during the 50 hours scheduled on this issue. I look forward to the opportunity to make these hard choices and I plan to play an active role during this time since I believe that certain changes are necessary.

Mr. President, today in his opening statement the distinguished minority leader commented on the Senate's delay in its consideration of this matter. He stated, "While nothing happens, something bad happens." Senator BYRD was correct in his assessment of the effect of delaying action on this crucial issue. We are at a critical point in the development and implementation of a responsible system of determining the Federal budget. It is irresponsible on our part to continue to delay action on the resolution when we agreed to follow a designated timetable for its consideration.

Our constituents have elected us to generate, and hopefully abide by, responsible legislation, not to avoid making difficult decisions. Consequently, I ask that the budget resolution be brought to the floor as expeditiously as possible for our consideration.●

TRANSITION TO DEMOCRACY IN THE PHILIPPINES

● Mr. DURENBERGER. Mr. President, the recent peaceful transfer of power in the Philippines is an event which Americans can reflect on with pride. With the support of a unified U.S. Government and citizenry, the Philippine people have made a strong and very effective statement about the value of democracy.

And, yet, the new opportunities now available to Filipino people are tempered by the realities of a country which has suffered too long under economic, social, and political neglect. Americans, with their short attention spans on matters of this complexity, must realize that the long struggle toward economic prosperity and political and social justice for all Philippine people has just begun.

Through this struggle, it will be important for the United States to continue to play a supportive and positive role. And it will remain essential that Americans continue to be exposed to the evolution of change, and difficult challenges, facing this valued U.S. ally.

Because of the important record that it provides of the continuing struggle for economic and social justice at this time in the Philippines, I ask that the following two-part series of articles by Frank Wright, foreign correspondent for the Minneapolis Star and Tribune, be printed at this point in the RECORD.

The articles referred to follow:

[From the Minneapolis Star and Tribune, Mar. 30, 1986]

EXPECTATIONS RUN HIGH AS AQUINO DEALS WITH THE RICH AND THE POOR

(By Frank Wright)

MANILA, PHILIPPINES.—Serapio Gabriel and Emil Ong were in the streets as part of the Manila people power that helped lift Corazon Aquino to the presidency of the Philippines.

Now they are part of the revamped—but once again elite—establishment that is helping her run the country, Gabriel as an influential businessman and Ong as a ranking government official.

Many others, most of them poor and oppressed, did not celebrate in the streets of Manilia. Fisherman Boy Cuenco, farmer Warlito Gadia, street vendor and mother Juliette Miguel, factory worker Naz Espiriau and 2-year-old Rodolfo Sarsaba are not part of the new establishment.

The challenge for Aquino is how well, and how soon, she can bring them all together, the rich who once again are in control and the poor who once again are not.

A sharp look at the Philippines and the feelings expressed by its people reveals expectations are high:

Economically, a hunger to close the gap between the fewer than 20 percent of the people who receive more than half the income and the 70 percent who live in poverty.

Politically, a growing demand by the underclasses for a share of the government power that always has been reserved for their alleged betters.

Socially, a strong desire for more independence, personally in terms of human rights guarantees and nationally in terms of freedom from overseas influence.

A thoughtful look at the Philippines also raises the questions of what the United States learned from the recent Philippine experience, and of how the United States, which has been the dominant foreign influence in the islands for practically all of this century, will continue its major presence.

By most standards Aquino has made a promising start toward cleaning up the mess left by Ferdinand Marcos, her deposed predecessor.

She has consolidated her power by deft selection of coalition Cabinet ministers; kept the Marcos faction at bay by disbanding the Marcos-controlled National Assembly until a new constitution is implemented and elections held; put the government bureaucracy on notice that corruption no longer will be tolerated; won early tests to bring the military under her civilian control, and at least temporarily blunted the Communist-led insurgency by releasing several of its former leaders and hundreds of other political prisoners.

But in the long run she will be measured by how well she does in solving the basic economic, political and social problems that existed under Marcos and that still exist today.

It will be a difficult task because the leaders, including Aquino, may well not want to go as far as the people want to go.

Aquino is just beginning. If she succeeds in bringing the establishment and the rest of the country together, a truly unified Philippines may emerge. If she doesn't, signs point to renewed unrest.

The new leadership, while avoiding overoptimism, sees a glimmering future.

Gabriel, executive vice president of Philippine Commercial Credit Card, Inc., the biggest plastic money company in the islands, opposed Marcos for a long time. He had said he considered Marcos a crook and despot who was destroying the economy and the country. Gabriel supported Aquino and protected the ballot boxes as a poll watcher on election day.

When the final uprising started Feb. 22, he said, "I got all the kids together and took them out there to see history in the making. Suddenly, you were proud to be a Filipino again."

As a former president of Manila Rotary, a potent organization in the Philippines, and as a prominent corporation executive, Gabriel will be influential in winning support from the business community.

The problems are complex, and solutions will take time, he said. But, he added, business confidence has been restored, prospects are good and "the people will be patient."

Ong, who managed Aquino's campaign on the islands of Leyte and Samar, also was in the Manila crowd during that climactic weekend. He said he spent three nights outside gate 4 at Camp Aguinaldo, one of the two camps where the military defectors barricaded themselves.

"It was really something to see the people protecting (them)," he said. "The people were crying. The soldiers inside the gate were crying. It was really a miracle."

Now Ong, an attorney and senior member of the family's farming and building supply businesses, is a deputy minister of agriculture. He also has been appointed administrator of the National Food Authority.

His primary tasks are to stabilize prices of cereal grains, particularly rice and sweet corn, and equalize their distribution throughout the islands.

His biggest shock, he said, was discovering that his agency's treasury is virtually bare, allegedly stripped by Marcos to help pay for his reelection campaign. That could cause

serious difficulties, Ong said, because Filipino farmers depend on his agency to buy portions of their crops. He said the government may need additional short-term assistance from lenders such as the International Monetary Fund.

He said he has requested an audit and will tour agency facilities, which include more than 300 offices and warehouses across the country, to assure farmers that the government wants to do well by them. "We need to reach out," he said.

Reaching out will not be simple. Government television recently reported that 23 people were killed in a rebel attack on one of the warehouses in Allacapan, about 250 miles north of Manila. The report said 15 of the dead were guerillas. It was the bloodiest insurgent raid since Aquino took office.

To the Cuencos and others among the poor, most of whom live in the provinces, government changes in Manila can seem far away and of little immediate effect.

Rural and small town people, who comprise almost three-fourths of the population, often are victims of long-standing conditions they did not create, and they are skeptical about improvement even when proposed by people of good will.

Cuenco, 28, an unemployed fisherman in Bula with a wife and two children, remains blacklisted as a troublemaker. He said he was fired last year when he refused his employer's order to charge a fishing crew rent for equipment they had not used.

He and his family live in a shack in a squatters' village next to the shore in southern Mindanao, surviving mostly on rare odd jobs and donations from friends.

"It is hard," he said. "We eat much salted fish. We do not often have delicious food."

Gadia, 24, a farmer driven off his land by fighting between the government and the rebels, still lives in the mud and slop of Alegria Evacuation Center, his family and two others crowded into the same house. About 1,000 families live at the center, a sorry collection of temporary huts near the Mindanao village of Alabel.

Most have come since November, after being ordered from their farms by government soldiers who designated vast areas in the hills as official no-man's lands in order to clear them of suspected rebel supporters.

The farmers now must walk to their farms each day, a trek of two hours each way for some. Time in the fields is shortened because farmers can be out only in daylight lest they be shot as curfew violators and suspected rebels. And they are required to work alone. Crops suffer accordingly. Farmers also sometimes discover that their chickens and hogs have been "liberated" by armed fighters on one side or the other.

Gadia said he came to the center "for the security of my family" after his village suffered two massacres. The residents, he said, "say it was the Marcos military. The military says it was the rebels."

Even at the center, he said, "it is not really safe." Squads of local militia from the Civilian Home Defense Force "prowl at night," Gadia said, and the New Peoples' Army, the Communist-led rebels, once sent in a hit team that shot and killed a "notorious person" suspected of being a government informer.

In addition to security problems, he said, illness is common, health care is virtually nonexistent and the number of children in school is dwindling because fewer parents can afford books and supplies.

Gadia said he had little faith that a change in government will help him, and he has "no idea" when conditions will allow his family to return home.

The nightmares have gone away for Miguel, 45, a mother of nine who was arrested and tortured for three days and nights in 1983 by authorities seeking information about the rebels in central Luzon.

But she still suffers harsh headaches and recurring pain in her neck and shoulders from the blows.

And she has not forgotten, she says, how the military men beat her breasts, battered her knees with rifle butts and three times pointed a gun at her heart and pulled the trigger trying to frighten her into talking.

Or how they strung up her husband with his belt until his tongue hung out and he gasped for air. Because of the torture, Miguel said, he no longer is able to farm. The best he can get is occasional work on a fishing boat.

Espiriau, in his 20s, a factory worker fired for union activities, still lives in Mariveles on the Bataan peninsula, near a memorial garden that marks the starting point of the World War II Death March.

He continues trying to organize fellow workers, three-fourths of them young women in a huge industrial complex where most earn less than the government says they need to feed their families and where employment has dropped 50 percent.

Sarsaba, according to the New York Times, died of malnutrition three weeks ago in the hospital in Bacolod on the island of Negros at the age of 2.

She was the fouth child to die from malnutrition in three weeks in her neighborhood of 350 people. Two others were in the hospital and 23 more were identified by health workers as substantially deficient.

Sometimes as many as 10 children a day die at the hospital for lack of food, doctors said.

Close to 80 percent of school age Filipino children are considered undernourished in a country that has ranked among the top 20 food producing nations in the world.

The important thing to keep in mind about the Philippines is that the real revolution, if there is one, is yet to come.

Getting rid of Marcos was only the first step—and perhaps the easiest—in the transition to the future.

As Aquino and her new government look ahead, they face more questions than answers.

Does she have the will and the vision necessary to reshape the country's foundations, or will she prefer to revise around the margins and retain much of the semi-feudal society that has so bountifully benefitted her family and others among the rich for so long?

If she chooses to make major changes, does she have the skill, perseverance and political support required to succeed?

How long will the people wait before they turn again to the streets in renewed protest over the condition of their lives or turn to the violent solutions offered by the rebel army and the Communists?

The United States also has some sorting out to do:

How much was the U.S. government a part of the problem in the Philippines, which it colonized for the first 40 years of the century and where it either stood by or assisted indirectly as Marcos spent most of the past 20 years ruling and abusing the people with authoritarian power, robbing the economy of estimated billions and helping run what remained into the ground?

What does an analysis of the past say about future military and economic assistance to the Aquino administration, U.S. attitudes toward the large American military bases in the Philippines and other bilateral issues?

What new guidelines for U.S. relations with other developing nations can be drawn from the Philippines, where the United States stayed with a fading ruler unwilling to change and abandoned him only as his own people were pushing him out the door?

The discussion is just starting.

POLICY LESSONS FOR UNITED STATES REMAIN UNCLEAR

(By Frank Wright)

The Philippine episode has reopened an old debate about U.S. foreign policy.

The issue can be put simply: How and when should the United States, as a democratic world power, intervene in the affairs of smaller and less powerful nations, especially those ruled by despots?

Numerous scholars, policymakers, would-be policymakers and advocates with and without portfolio are searching for the broad lessons of those emotional days in which the people of the Philippines, with some help from their church, military defectors and a U.S. president who stayed out of the way, dumped President Ferdinand Marcos and replaced him with Carazon Aquino.

But examination of the post-up-heaval rhetoric makes it clear there is little consensus on what is to be learned from the experience and how it can be applied to other situations.

One sentiment that does come through is that the United States should be more alert to spotting moderate opposition in such countries and more eager to provide early encouragement in the interests of spreading freedom and deterring dictatorships of whatever stripe.

To some extent, that is the message behind President Reagan's post-Haiti and Post-Philippine declaration that the United States henceforth will oppose tyrants of the political right as well as those of the left. Reagan's previous orientation was to destabilize governments on the left while supporting those on the right in the interests of anti-Communism.

Beyond that, however, divergence reigns about the lessons from the Philippines. Some analysts and activists, usually those toward one end of the political spectrum or the other, say it would be good for the sake of consistency to take a single approach to all situations. They seem inclined toward more intervention in despotic countries rather than less.

Others, usually in the middle, are more cautious about interventionist solutions and say the best that can be hoped for is to understand our own interests and to be pragmatic, innovative and knowledgeable about the details of every situation because each will be different.

One of the few underlying themes in the discussion is that the future will be increasingly complicated because the United States probably is going to face the intervention issue with increasing frequency if only because the Third World—and its myriad countries struggling under various forms of government—is forcing its way more and more into the American consciousness.

Individually, these countries become centers of extraordinary attention and significance whenever the United States or the Soviet Union, or both, turn one of them into an East-West battle ground—politically,

militarily or economically. As in Angola. Or Nicaragua.

Collectively, they also are hard to ignore, as in the often anti-U.S. majority their growing number sometimes creates at the United Nations.

Lack of consensus about what has happened in the past, in this case in the Philippines, contributes to the lack of consensus about a future course. One's perception of that history depends in part on one's vantage point.

The prevailing American view of the U.S. presence in the Philippines for most of this century is that it was very much a good thing for the Philippines. Emphasis in this version is on a strong education system and high literacy levels, improved health care, the introduction of democratic governmental institutions, economic cooperation and a people-to-people friendship that saw Americans and Filipinos fight side-by-side against the Japanese invaders in World War II and that since has seen about 2 million Filipinos emigrate to the United States.

But there are many Filipinos and some Americans who hold a different view. They accuse the United States of suffering from historical amnesia, contending that most history of the Philippines is written by Americans from a Western view and that it plays down the negative aspects of the U.S. role.

For example, American students often are taught little about the U.S. acquisition of the Philippines other than that the country was ceded to the United States as a result of the U.S. victory in the Spanish-American War. Spain had colonized the Philippines in the 16th century.

All but overlooked is the fact that the United States at the time refused to recognize a Filipino rebellion that virtually had driven the Spaniards out. Instead, the United States spent four years conquering the Philippines. The war killed tens of thousands of U.S. soldiers, killed many times more Filipinos and prompted a Vietnam-like protest in the United States led by the likes of William Jennings Bryan. This view of the history sees the Spanish-American influence as robbing the Filipinos of their Asian heritage and identity and forcing them into a dependency that has left them poor economically and otherwise.

A similar difference in vantage point seems to contribute to the varying views of just who was responsible for what in the recent overthrow.

Reagan, official Washington and journalists in Washington tend to give the United States more credit for engineering Marcos' downfall than it gets from people in the Philippines, including foreign journalists and other foreign observers.

Washington contends that Marcos, in the early days of his 20-year regime, was well-liked by the people and was something of a reformer, remained popular for a time even after declaring martial law in 1972 and had lost support only in the past few years, at which point the United States pressured him to reform and, finally, turned its back on him when he refused.

Many Filipinos and some U.S. experts acknowledge Marcos' early popularity but argue that the United States, by continuing its economic, military and psychological support for Marcos for years after he declared martial law, contributed to the subjugation of the Philippine people, failed to encourage the moderate opposition at crucial early moments and stood by the despot far too long.

Those who hold this view give virtually all of the credit for the overthrow to the throngs that faced down divided and shaky military forces when Marcos ordered them to attack, an event that has to be one of the greatest victories in history for nonviolence. Some credit, especially for critical timing, is given to the military leaders who defected. Some is given to the Roman Catholic church hierarchy for its support of Aquino as the crisis approached. Little credit is given to the United States.

Those who minimize Reagan's role in deposing Marcos tend to doubt his enthusiasm for rocking right-wing boats in the future. They describe his declaration as simply an opportunistic political move to attract support from congressional liberals for his proposal to send $100 million in new aid to the anti-Sandinista rebels in Nicaragua.

Reagan spokesmen acknowledge a certain political motive, but they also say the declaration is sincere.

A key test will come in South Korea, a long-time and heavily supported U.S. ally in Asia run in autocratic fashion similar to the Marcos Philippines. The military has even greater control of the society in South Korea.

Human rights groups have registered protests. A newly developing political opposition that professes to seek greater democracy is taking heart from the Marcos-Aquino episode. The Catholic hierarchy is beginning to speak up. The South Korean government, apparently nervous about what happened in the Philippines, has loosened slightly its restrictions on dissidents.

For some time the United States has been prodding here and there for more democracy but has been unwilling to take drastic actions that might seriously erode the anti-Communist regime of President Chun Doo Hwan.

Elections are scheduled for early 1988.●

DR. JAMES I. McCORD

● Mr. BRADLEY. Mr. President, I am pleased to offer my congratulations to Dr. James I. McCord, who was recently awarded the prestigious Templeton Prize for Progress in Religion for his work as an educator. The prize carries with it a cash award of $250,000, which Dr. McCord has announced will substantially be used to endow the Center of Theological Inquiry at Princeton.

Dr. McCord, who served as president of the Princeton Theological Seminary in New Jersey from 1959–82, is now the chancellor of the Center of Theological Inquiry, a religious advanced research center modeled after Princeton's Institute for Advanced Studies. The center, founded by Dr. McCord in 1982, offers scholars an opportunity to do theological research on a full-time basis.

Dr. McCord has also devoted part of his career toward finding agreement among different religious denominations. He has headed the World Alliance of Reformed Churches and the Consultation on Church Union, whose goal was to merge 10 Protestant denominations.

The award will be presented formally to Dr. McCord on May 13 by Princess Alexandra of Great Britain. The award has been presented to 13 recipients in the past, including Mother Teresa, Reverend Billy Graham, and Alexander Solzhenitsyn.

I extend my very best wishes to Dr. McCord on this special occasion and wish him much continued success in the future. His efforts to establish a dialogue between scientists and theologians is particularly timely.●

ORDERS FOR FRIDAY

RECESS UNTIL 11 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today it stand in recess until the hour of 11 a.m. on Friday, April 18, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 5 minutes each:

Senators HAWKINS, PROXMIRE, CRANSTON, and DURENBERGER.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, at 12 noon, the Senate may be asked to turn to the consideration of any of the following items:

S. 49, the gun control bill; Senate Concurrent Resolution 120, the budget resolution; the motion to proceed to S. 1848, the drug export bill; and the executive nomination of Donald M. Newman, and possibly the daylight savings time amendment to the fire protection bill, S. 2180.

The RECORD is already clear: there will be no votes tomorrow. If anything is brought up it will be for debate only.

I would not expect we would be in session very long tomorrow.

Mr. BYRD. Mr. President, if I may, if the majority leader will yield, is the distinguished majority leader in a position to say what the Senate might expect or what our colleagues might expect with respect to rollcall votes on Monday?

Mr. DOLE. I think they can expect, in fact, there will be no rollcall votes on Monday. Again, if it is the budget we are on, we will have a lot of debate up front. If it is the gun control bill we are on, I understand we will have a lot of debate up front. I think I indicated earlier to the distinguished minority leader that there would be no votes on Monday.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until the hour of 11 a.m. on Friday, April 18, 1986.

The motion was agreed to; and, at 6:46 p.m., the Senate recessed until Friday, April 18, 1986, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 17, 1986:

INTER-AMERICAN FOUNDATION

Richard Thomas McCormack, of Pennsylvania, to be a member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1988.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

ADDITION OF THE KINGS RIVER TO THE NATIONAL WILD AND SCENIC RIVER SYSTEM

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. LEHMAN of California. Mr. Speaker, today I am introducing legislation to add 92.5 miles of the Kings River to the National Wild and Scenic River System. Named the "Holy River of Kings" by early explorers, the Kings River continues to live up to its name beginning at its headwaters in Kings Canyon National Park and flowing unimpeded to Pine Flat Reservoir in Fresno County, CA. The Kings River today is still a majestic Sierra Nevada waterway. In the spring, the canyon slopes are blanketed with purple wildflowers, and against this backdrop the Kings River sweeps down through the Sierra. The Kings River, however, is in danger of losing its natural character unless Congress adds it to the National Wild and Scenic River System.

The river is threatened with a dam at Rodgers Crossing above Pine Flat Reservoir If the Kings River is dammed at this point, from 9 to 13 miles of the main fork of the river will be inundated destroying its scenic beauty, diminishing its natural wildlife and devastating its current recreational uses for wild trout fishing, whitewater rafting, and camping. For me, protecting the Kings River is a personal commitment. I have simply walked alongside the Kings for too many years to let her go without a fight—I know her splendor firsthand—the rough and the smooth places alike.

Portions of this mighty river have already been recognized for their special characteristics. The California Department of Fish and Game designated the main and the South Forks of the Kings River as wild trout streams. A designated national recreation trail runs along the Kings from Garnet Dike to Spring Creek, and Kings Canyon National Park takes its name from the river. The California Wilderness Act of 1984 placed the land alongside the Kings River from the confluence of the Middle and South Fork Kings into wilderness and land on both sides of the main fork of the Kings River is being studied for wilderness designation.

In 1985, the Sequoia National Forest as part of its land and resource management plan found that the South Fork of the Kings River was suitable for status as wild in some segments and recreational in other portions. The Sequoia plan then looked at 18 miles of the main fork of the Kings and determined that 5 miles could be classified as wild. On the 13 miles of the Kings directly above Pine Flat Reservoir, the Forest Service simply declined to take a position. The Forest Service did not find this portion of the Kings unsuitable for national designation by virtue of natural characteristrics; rather, it deferred its professional judgment until economic and political decisions are made about the Rodgers Crossing Dam.

The Kings River Conservation District [KRCD] is the primary proponent of a hydroelectric project at Rodgers Crossing and is a group I have great respect for in its sincere and legitimate efforts to secure additional water for agriculture. Currently, a 300,000 acre-feet overdraft exists in the Kings River service area. I agree with KRCD on the problem; I disagree with KRCD only with regard to the solution. If built at its most economical height of 420 feet, the Rodgers Crossing Dam would generate only about 33,000 acre-feet of yield for irrigation. Rodgers Crossing is a hydroelctric generating facility, not a water project. This project was studied in 1972 by the Army Corps of Engineers and determined unsuitable for Federal development because of a negative benefit-cost ratio. Although it can be argued that a more favorable benefit-cost ratio could occur with declining interest rates and more emphasis on electric generation over irrigation, it is also true that the falling prices of oil in today's market act as a counterbalance to decrease the benefit-to-cost ratio.

There are alternatives for water development for the Kings River Conservation District, and I stand ready to work with KRCD to support other options. I have already introduced H.R. 3182 which would authorize the Mid-Valley Canal System to deliver approximately 650,000 acre-feet of additional surface water to the Central San Joaquin Valley. In addition, I am willing to take a hard look at whatever legislation would be necessary to authorize the raising of the existing Pine Flat Dam.

As a longtime proponent of numerous California water projects from New Melones to Auburn Dam, I firmly believe the Kings River provides us with an opportunity to both protect the river and allow new water development. Alternative water development projects are far preferable to damming the Kings River above the Pine Flat Reservoir.

The Kings River stands on its own merits as deserving Federal protection, and I urge my colleagues to join with me in designating the main fork of the Kings River above Pine Flat Reservoir, the Middle Fork and the South Fork of the Kings as part of the national wild and scenic river system.

BREWERY WORKERS WEEK

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. MOODY. Mr. Speaker, this year, the Brewery Workers Union Local 9 U.A.W. in Milwaukee is celebrating its 100th year of service to the workers and families in our community. The week of April 20 through April 26 has been designated "Brewery Workers Week" in Wisconsin.

Today, I would liked my colleagues to join me in extending our own congratulations to local 9 and its 5,000 active and retired members in this special centennial year.

Although there had been sporadic efforts to organize brewery workers in the 1850's, the first genuine brewery union was founded in Cincinnati in 1879. It, and a similar New York City union formed in 1881, however, were shortlived.

The organization that would come to represent workers in the brewing industry was founded at a Baltimore convention in 1886. Originally called the Brewery Workers National Union, it grew to more than 4,000 members during its first 4 months. On March 4, 1887, an American Federation of Labor charter authorized the new group to "proceed with the organization of the trade."

Over the last century, local 9 has grown larger and stronger. It has always been an effective and important voice for its members. Today, under the leadership of President Ted Witkowski, local 9 members can be proud of their record of service to the brewing industry, to the Milwaukee community, and to the Nation. They have given the city and its people a strong sense of pride.

Because of local 9, Milwaukee and fine beer are synonymous in the minds of all Americans. Today, I am pleased to salute the brewery workers who've made Milwaukee famous.

BOMBING LIBYA WON'T STOP TERRORISM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. BROWN of California. Mr. Speaker, Monday's military strike against Libya may have provided emotional satisfaction for those who felt it was time for the United States to retaliate against the wave of terrorism that has occurred over the past few years. But retaliation is not a policy against terrorism. This attack against Libya will not end terrorism; it will not even diminish it. Indeed, I think we all sense that terrorist incidents are likely to increase during the weeks and months ahead and, indeed, we already have evidence of that increase. The military strike showed the Libyans that the United States could respond to violence with violence, but where will this process take us? Where will the spiral end? It will not end, in my view, unless the United States pursues a policy aimed at the roots of terrorism.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I am convinced that our only viable long-term policy to combat terrorism is one that involves diplomatic—and not military—actions. Specifically, I feel we must strike at the root causes of terrorism in the Middle East by redoubling our efforts aimed at reaching a just and lasting settlement between Israel and the Arab nations. Only when such a peace accord is reached will we begin to gain the relief from terrorism that we so desire.

We are mistaken if we think that a single bombing raid on Libya will have a deterrent effect on terrorists. We can already see that radical Palestinian groups throughout the Middle East have been called to arms by our action. We know that Libya's terrorist activites increased after the Gulf of Sidra enagements in late March, and administration officials have already confirmed that Libya is stepping up its planning for attacks in the Middle East and Europe. This morning alone, we have heard of a bombing attempt at Heathrow Airport and the killing of three British citizens in the hills of Lebanon.

In his defense of the Libyan strike, the President said, "We have done what we had to do. If necessary, we shall do it again." Do we really mean this? Are we ready to commit ourselves to repeated bombings? Future retaliatory strikes are likely to be far more difficult and more likely to result in civilian casualties.

This week's attack was against easy targets. Our intelligence services were fortunate to intercept communications between Tripoli and the Libyan People's Bureau in East Berlin, enabling the administration to implicate Qadhafi in the recent nightclub bombing there. A similar mistake by terrorists is unlikely to be repeated. Of greater concern, however, is the likelihood that terrorists will now move their headquarters and training bases closer to populated regions, thus increasing the prospects of heavy civilian casualties in the event of retaliation. If this occurs, how many civilian lives will we be willing to take in connection with our military strikes?

The administration's attitude throughout this episode has been that Qadhafi is the root cause of terrorism in the world. The impression that has been created is that the removal of Qadhafi would bring about an end to terrorist attacks against Americans abroad. This is simply not true. Qadhafi happens to be a convenient target for our outrage, since he is such a brazen supporter of attacks against the United States; but major hotbeds of terrorism exist far beyond Libya's borders. Syria and Iran, for instance, have been actively involved in funding, training and promoting terrorism. If Qadhafi were removed and terrorism continued none the less, would the United States proceed with attacks against President Assad of Syria, the Soviet Union's principal ally in the region, or Ayatollah Khomeini, backed by Islamic fundamentalists ready and willing to become martyrs in the name of their religious fervor and allegiance to their leader?

Having unleashed violence as a means of dealing with terrorism, it may become difficult to turn this violence off. One need only look at the ongoing war between Israel and the Arab World—principally the Palestinian Liberation Organization [PLO] and other Palestinian factions—to see how entrenched the cycle of retaliation can become.

Israelis and Palestinians exchange military reprisals on a continual basis, at a rate difficult to even document. Daily incursions occur of Palestinians into Israeli-occupied territory. There have been bus bombings, air raids, kidnappings and five full-scale wars between Israel and its Arab neighbors over the past four decades, yet none of these actions have brought these parties any closer to a resolution of their conflict. On the contrary, each bombing against the other, each raid resulting in civilian casualties, each and every act of retaliation becomes justified as a response to the previous attack.

The administration has declared that its raid on Libya was an unqualified success. But what standard is appropriate for such a determination? If it is simply that the targets were destroyed, then I am sure that both the PLO and the Israelis have had dozens, perhaps hundreds of such successes. But the outcome has simply been a growing interchange of increasingly violent acts of vengeance. And now the United States, and Britain, have become active participants in this battle.

Many Americans seem to have no idea why the United States has become a target for terrorism. They simply do not realize that the primary target for a large portion of Middle East terrorism is Israel, with the United States being a secondary and sometimes only incidental target because of America's heavy financial and political support for Israel.

Recall that the Rome and Vienna airport bombings occurred simultaneously at the Israeli Airline [El Al] ticket counters. The *Achille Lauro* hijacking was perpetrated by a radical Palestinian group demanding the release of 50 Palestinians held in Israeli jails. This morning, a bomb was intercepted at the El Al ticket counters at Heathrow Airport in Britain. While 23 Americans lost their lives as the result of terrorist incidents overseas last year, the Israelis suffered far greater casualties. Of course, Israel considers itself in a state of war against terrorist attacks. The United States, however, could soon be a party to this war if our military actions continue to escalate.

Despite our preoccupation with Libyan-backed terrorist activity, the real wellspring of terrorism in the Middle East can be found in the Palestinian refugee camps of Lebanon, Syria, Jordan, the West Bank and the Gaza Strip. Nearly 2 million Palestinians reside in these camps in conditions of poverty, despair, and burning resentment against Israel. The only life that many of these Palestinians have ever known has been one of isolation, frustration, and a sense of abandonment. The refugee camps offer no prospect of liberation, except through enlistment in the terrorist ranks that are training themselves to attack Israel and its principal ally, the United States.

As long as the Palestinian refugee camps provide fertile ground for breeding terrorists, attacks against Americans and America will continue. Removing Qadhafi will not diminish the emnity held by Palestinians toward the Israelis, and destroying the refugee camps is obviously out of the question. We are left with little choice but to focus on a resolution of the Palestinian-Israeli problem. In this regard, the attack on Libya was counterproductive.

The Unified Arab condemnation for our strike this week demonstrated that attacks against Libya are viewed by the Arabs as attacks against all Moslems and the Islamic world as a whole. The moderate Arab nations have been forced to distance themselves from the Reagan administration, and the more radical Arab factions have rallied in opposition to the United States. This is not a constructive development in the context of reaching a Middle East peace accord; further American strikes will only make matters worse.

If our objective is to reduce terrorism emanating from the Middle East, and I trust this is our goal, then it is vital that the United States maintain its influence in the region. Military strikes will only further destabilize the area and make it more difficult for moderate Arab nations to participate in the peace process in cooperation with the United States.

The strike against Libya was an expression of rage, it was a statement of revenge. I hope we have now gotten that out of our system and are ready to resume the dialogue aimed at a peaceful settlement of some of the problems which lie at the root of terrorism. This will not be easy; diplomacy is never as easy as military actions. But we are fooling ourselves if we think continued escalation of the violence will make us safer from terrorist attacks.

I urge my colleagues to call for a resumption of the Middle East peace process and dedicate themselves to this vital approach to reducing terrorism.

IMPORTANCE OF MATHEMATICS RESEARCH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. WALGREN. Mr. Speaker, Congress has sent to President Reagan House Joint Resolution 519, a bill designating the current week as National Mathematics Awareness Week. As an original cosponsor of this measure and as chairman of the Science Research and Technology Subcommittee, I would like to comment on the importance of mathematics research.

Each field of science is in a continual state of expansion, as our innate curiosity and the demands of technology push foward the frontiers of knowledge. The process of creating or discovering the new ideas and methods is called research. Scientific research is vital to our Nation's progress. This is especially so of mathematics research, because mathematics is a foundation discipline, on which progress in all the other technical disciplines depends.

The Federal Government contributes to the support of basic scientific research for the simple reason that our continued well-being depends on it and other sectors of society cannot fully support the most fundamental parts of research—those with long-term payoffs. Our Government spends about $6.5 billion annually for basic scientific research. The total Federal expenditure on basic mathematics research is about $100 million annually, less than 1.5 percent of our basic research investment.

In 1984, the National Research Council published a report, "Renewing U.S. Mathematics: Critical Resource for the Future" presenting the findings of a panel of distinguished scientists and engineers chaired by Dr. Edward E. David, Jr., former Science Adviser to the President and former president of Exxon research and engineering. The major conclusions of their 3-year study were as follows:

Federal support for mathematics research is, indeed, out of balance with support for related fields of science and engineerng.

Over the 1968–82, span constant dollar support for mathematics has declined by 33 percent.

In the same time period, the field has doubled in size, as have most fields of science.

An additional investment of at least $100 million annually is needed bring things back into balance and provide for the future health of the field, the group recommended.

The National Science Foundation has begun an effort to restore balance; that is, to ensure that sufficient resources are provided to allow mathematics to develop at a pace commensurate with the other branches of science and engineering, which depend so heavily on mathematics.

All concerned should work to assure that the imbalance in allocation for basic mathematics research is not allowed to futher deteriorate.

RODINO OPPOSES AID TO CONTRAS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. RODINO. Mr. Speaker, I am strongly opposed to the President's request for $100 million for the Contras who seek to overthrow the Sandinista government in Nicaragua. This is a huge, nearly fourfold increase in funding for the Contras since the first request 5 years ago for $19 million. If this request is granted, it will surely not be the last. It will be a downpayment of hundreds on millions more.

There is no doubt that the Sandinista government is repressive and has a dismal record of human rights violations, and I certainly do not want continuation and strengthening of a Marxist-Leninist regime in Central America But the Contras have also committed brutal atrocities and do not represent a viable or acceptable alternative to the Sandinistas. Just yesterday we saw reports on dissension among the top civilian leaders of the Contras amid charges of mishandling of funds, criminal activity, and human rights abuses. They do not inspire a popular, democratic movement inside Nicaragua but instead spread terror and hatred among the innocent campesinos.

I firmly believe that the only effective and realistic solution is through negotiation. Despite the recent setback, the Contadora process is the policy we should pursue. It has not really had a chance to succeed since the administration has given only lip service to supporting it. It is time that we wholeheartedly support it. We would have the support of the rest of Central America to vigorously pressure Nicaragua to reduce its armed forces, expel its foreign advisers, honor its borders and cease support for insurgencies in neighboring countries.

Apart from the need to cease aid to an ineffective group of men who spread violence and terror, it is appalling that aid should be sought at a time when the President is proposing deep cuts in vital programs providing nutrition, health, education, job training and other vital services to our disadvantaged and vulnerable citizens. It is inconceivable to me that we can consider sending funds to support a suspect, no-win terrorist group while contemplating budget reductions that would endanger the health and welfare of so many of our own citizens. Continued funding of the Contras would be counterproductive both to our national security and to the domestic stability of our country.

CONGRATULATIONS CARROLL BEAVER

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. CHAPPIE. Mr. Speaker, I'd like to take this opportunity to recognize Mr. Carroll Beaver who will be retiring from the California Department of Forestry. Throughout Carroll's 35 years of service in northern California, he is best known for his leadership as captain of the air attack base in Grass Valley. Due to his spirit of compromise and adaptability, Carroll successfully engineered the merging of the California Department of Forestry with the Grass Valley Fire Attack Base. In doing so, he helped to provide the most effective air attack fire protection service in the State.

In addition to Carroll's active duty with the forestry, he is respected in his community as a model citizen and as a supportive father who has reared 10 children.

As Carroll approaches retirement this May, I congratulate him on his many contributions to northern California and wish him the happiest of years to come.

THE TIDE OF FREEDOM RELIES ON AMERICA'S STRENGTH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. KEMP. Mr. Speaker, America's historic destiny has been to raise freedom to its fullest expression not just in the United States but throughout the world. This is the greatest hope of oppressed peoples throughout the world. Thankfully, since 1981, America has experienced a resurgence of confidence in its ideals, and not surprisingly, the tide of freedom is now just beginning to overwhelm and overcome the forces of tyranny and repression in many areas throughout the world.

Yet we are in danger of undercutting the military strength that strengthens and emboldens the new march of freedom. Some are even suggesting that the defense budget experience another famine cycle in the years ahead, threatening, once again, the deterioration of America's defenses and all that means for the cause of freedom-fighters and democracy throughout the world.

The following article warns that America's defense preparedness and combat readiness efforts are beginning to be sacrificed in some significant ways as a short-term expedient to reduce the deficit. I commend the following article to my colleagues, and earnestly urge that this year and beyond Congress provide a defense budget adequate to our weighty responsibilities and historic destiny.

[From the Wall Street Journal, Apr. 8, 1986]

LOGISTICS OFFICERS FRET THAT GRAMM-RUDMAN MAY HINDER U.S. MILITARY COMBAT READINESS

(By Tim Carrington)

TINKER AIR FORCE BASE, OKLA.—This sprawling archipelago of parts warehouses and aircraft workshops is the military's biggest logistics center, keeping thousands of warplanes and related systems ready for combat. But officers here are fretting that Washington will scrimp on the funds needed for military readiness.

The source of apprehension is the Gramm-Rudman deficit-reduction law. The fear is that the Pentagon, as it did during past budget crunches, will squeeze funding for maintenance, repair, training and transportation in order to insulate big-dollar weapons programs from cuts. Already there are some early signs that today's budget pressures will hurt military readiness. Moreover, the threat that the U.S. arsenal will be less ready comes at a time when the president is using the military more often as a diplomatic and political tool around the world.

The fears appear to be well-grounded: Although the overall Air Force budget would grow by 7% under the Reagan administration's request for fiscal 1987, proposed funding for Air Force spare parts would drop 40% from the levels planned a year ago. Lloyd Mosemann, Air Force deputy assistant secretary for logistics, says, "I anticipate that we won't fund spares as completely as we did."

ENGINE EXHAUSTION

"When you have a reduction in logistics money, you can't buy the spare parts to replace fuel controls, etc.," says Maj. Gen. William Bowden, commander of the Tinker logistics operation. "At some point, you end up with engine exhaustion."

Others offer more dire prognoses. "The U.S. faces the real prospect of entering the 1990s with shiny, new, high-technology forces that look impressive but cannot roll or sail or fly to where they might be needed," says the Committee for National Security, an independent research group, in a recent budget study.

Because it takes about two years for parts to be delivered, funding shortfalls today won't create noticeable readiness problems until about 1989. Nonetheless, here are early signs that such problems may be brewing:

The B-1, the Air Force's newest bomber, already faces parts shortages here at Tinker, where the planes will be maintained and overhauled. According to Gen. Bowden, this year's Gramm-Rudman cuts dipped into dollars earmarked for stocking up parts for

the aircraft. "Gramm-Rudman will have an impact on the B-1," he says. "We still have a lot of parts to buy for it." It's uncertain whether future appropriations will allow the Air Force to catch up on the parts purchases.

At Fort Bragg, N.C., the 82nd Airborne Division absorbed a $10 million cut as a result of the Gramm-Rudman automatic reductions that took effect March 1. The bulk of this came from training for the paratroopers.

According to Air Force Gen. Lawrence Skantze, "Some of the spares have been hit in the Air National Guard and the Air Force Reserve, and they've cut their flying hours."

There is strong congressional pressure to cut or even eliminate the funding program for the C-17, considered to be the primary cargo plane for the 1990s. Although this new aircraft is central to current plans for carrying U.S. troops and equipment to battle, airlift programs have perennially been more vulnerable to budget cuts than submarines and jet fighters.

Funding for the millions of widgets and wrenches that keep the military arsenal running has long followed a cicle of feast and famine. During the slow-growth 1970s, hundreds of planes and ships were essentially out of commission because the Pentagon hadn't bought the parts needed to keep them combat-ready. The Reagan administration then poured money into spare-parts purchases, raising the levels of combat-ready equipment and "mission-capable" aircraft. However, the Reagan administration's parts-buying blitz spawned so-called horror stories of grossly overpriced wrenches and hammers, which in turn helped undermine public support for defense spending. Now, the military appears to be back on the brink of the famine side of the cycle.

CALCULATED GAMBLE

Past compromises of readiness didn't occur inadvertently. Pentagon officials describe high-level meetings in the 1970s in which senior officials called for "rubber on the ramp," a code word for finished weapon systems, rather than the parts and training needed to support them. One Pentagon official characterizes that trade-off as a "calculated gamble" that was premised on an assumption that U.S. troops wouldn't soon be called into action.

Gen. Skantze insists that the Pentagon won't sell readiness short as it did in the 1970s. "Rather than field 40 or 44 wings that aren't fully equipped to do combat missions, we would field 38 that are fully equipped." he says. "The leadership philosophically is committed."

Whether that commitment holds up as program managers begin competing for limited funds remains to be seen, however. Cuts in the Air Force requests for spare-parts funding in fiscal 1987 call it into question already. Moreover, pressure will be particularly acute in coming years with the Air Force planning to move the costly Stealth bomber into full production and to begin building the next generation of jet fighters, known as the advanced tactical fighter.

Some of the funding cuts in readiness actually cost money in the end. For example, cutbacks in spare parts in the 1970s meant the Air Force repair centers had to fly parts in from remote points just to carry out their maintenance work. "In the 1970s, we had accelerated transportation for one out of every two parts," says Gen. Bowden. Moreover, faced with pinched budgets, military buyers end up ordering parts in small quantities, thereby driving up units costs.

Pinched budgets for readiness may also choke off needed improvements in how parts and repairs are managed. Gen. Bowden plans to add a new computer system in a vast workroom where Tinker employees manually record the comings and goings of thousands of aircraft parts that cycle through the facility. Funding for the computer project appears shaky, however. And at the Pentagon, budget planners working on the administration's request for fiscal 1988 have already halved the Air Force's early request for logistics research and development, which involves work on ways to modernize the spare-parts and repair process.

SALE OF CONRAIL

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. APPLEGATE. Mr. Speaker, a constituent of mine, Mr. Wade S. McGuire, a widely respected retired railroader from Uhrichsville, OH, has written to me about the proposed sale of Conrail to Norfolk-Southern Railroad Co. There are few who know as much about railroads and the importance of rail service, as Mr. McGuire. Even though, I am not in full agreement with his conclusions that Norfolk-Southern's bid is in the best interest of Conrail and those that are dependent on Conrail, I nevertheless, believe that he deserves to have his point heard, and that is why I request that the text of his letter be printed in the CONGRESSIONAL RECORD.

Following is the text of Mr. McGuire's letter:

Congress created Conrail from parts of seven debt-ridden and worn out railroads in the Midwest and Northeast which were the victims of an ongoing "national unbalanced transportation policy", i.e., in order to avoid an economic and industrial catastrophe within the region.

As of January 1, 1976, the projected net liquidation value of all assets transferred to Conrail by the affected railroads was $422 million. (Sources: Final System Plan, dated 7-26-75, prepared by the U.S. Railway Association (Pages 126 and 144—Volume 1).

On February 6, 1984, the U.S. General Accounting Office advised me that at the end of 1983, the federal government had invested $6.955 billion in Conrail. A large part of these tax dollars was spent for labor protection, reconstruction of routes and feeder lines identified in the Final System Plan and to settle mammoth claims of the seven carriers which contributed to the formation of the Corporation on April 1, 1976. Contrary to popular belief, all physical assets of the "seven railroads" were not conveyed to Conrail.

Subsequently, Conrail management proceeded to undermine the intent of the Final System Plan, ostensibly to cut operating costs and the size of the workforce, the latter having been reduced by over 59,000 since 4-1-76. From 1976 through 1985, Conrail's annual freight tonnage had dropped by approximately 115 millions of tons. During this time the Corporation initiated a program of railroad destruction unparalleled in the history of American railroads. To speed up the demolition process, Conrail prevailed upon Congress to enact the Northeast Rail Service Act of 1981, a law that handed management arbitrary authority to destroy or eliminate priceless automatic signals, control towers, transmission lines, yards and thousands of miles of track. Between 1976 and 1984, Conrail had removed 3,754 miles of track while their mentor, Morgan Stanley, proposes to reduce the present 14,000 miles of track to 9,000 or less. Conrail's tear-outs are equivalent to a rail line extending from Washington, D.C. to London, England. In 1985, this Corporation laid off 3,200 employees, nearly 10 percent of its personnel. Conrail also proposes to eliminate 1500 jobs per year through 1989. (Source: Congressional Record—Senate, 99th Congress, dated 1-26-86.) These are some of major factors which brought about a sizeable reduction in the value of Conrail's physical assets as well as a loss of revenue traffic.

For instance, at Cadiz, O., a village and the county seat of Harrison County within the Appalachia Region—the poorhouse of America, was a 1.4-mile industrial track serving two small companies. From 1976 through 1981, these two little industries received 723 long-haul carloads of revenue freight and paid Conrail over $2,513,000 in transportation costs. On November 13, 1981, Conrail served notice that the Corporation intended to destroy the line under the authority vested in the Northeast Rail Service Act. NERSA stripped these small enterprises and county officials of any semblance to the right of due process. This 1.4-mile track, which had been upgraded to meet Federal Railroad Administration standards, was subsequently scrapped and another spike was driven into one more coffin in the Appalachia Region.

Another classic example of Conrail management's lack of sound judgment was the 192-mile Panhandle trunkline which extends from Pittsburgh, Pa. to Columbus, O. This double-track, high speed, automated mainline, the shortest connecting link to the South and Southwest from Pittsburgh, was rebuilt after 1976 at a cost of tens of millions of tax dollars. Prior to 1984, following the reconstruction involving new welded rail, switches, signals, wayside poles, train loads of ballast and tens of thousands of new cross ties, Conrail proceeded to destroy the authomatic signal systems and eliminate one main track, together with most of the passing sidings.

Congressman Douglas Applegate (18th District) became appalled after learning of the unjustified destruction and waste of tax dollars that had taken place on the Panhandle, as well as on other segments of this federally-owned railroad, and he introduced H.R. 3332 (98th Congress—1st Session) into Congress, a Bill having for its purpose to prohibit Conrail from destroying any of its public-owned rail facilities, i.e., until a final disposition of the Corporation was made. H.R. 3332 was blocked in committee with Conrail leading the opposition. Why? Had Congressman Applegate's Bill prevailed, the savings to the U.S. taxpayers would have been measured in hundreds of millions of dollars (based on the Panhandle experience) and today Conrail's physical assets would have been far more valuable on the taxpayers' auction block.

In 1975, a railroads for National Defense Program was initiated whereby a 37,500-mile network of Class A mainlines of the nation's railroads was identified as the Strategic Rail Corridor Network (STRACNET) for national defense.

On January 26, 1982, Major General John D. Bruen, Department of the Army, Mili-

tary Traffic Management Command, addressed a letter to the writer wherein it was revealed that the Panhandle was a part of STRACNET, and important to national defense by tying Ohio, West Virginia and Pennsylvania into this military railroad network. On June 1, 1982, Anne Higgins, Special Assistant to President Reagan, advised in writing that the Panhandle would remain available to handle defense shipments. On August 19, 1982, Conrail management issued a memorandum wherein the carrier proposed to scrap key sections of the Panhandle, which would have rendered the route useless as a connecting freight and/or defense corridor. In other words, to hell with the national defense—full speed ahead for the Conrail wrecking ball.

On May 20, 1983, the U.S. General Accounting Office issued a "Report To The Secretaries of Defense and Transportation" dealing with "Federal Actions Needed To Retain Essential Defense Rail Service" for national defense. This alarming report, describing the Strategic Rail Corridor Network and the Panhandle connection, disclosed that from 1979 through 1982, there were 453 railroad abandonment application filed with the Interstate Commerce Commission and many of these petitions affected defense installations that required rail service. In fiscal years 1980 and 1981, there were 94 military installations with a maintenance backlog of $11.4 million. In September 1981, the U.S. Army revised its estimate to the effect that it would cost $30.1 million to upgrade rail facilities at only 23 military installations, i.e., at a time when Congress is spending hundreds of billions of dollars to upgrade U.S. defenses.

While this G.A.O. report was being prepared, Conrail was busy tearing out millions of dollars worth of good rails, tieplates, angle bars, cross ties and other railroad material, i.e., at a time when rail lines leading to defense installations were deteriorating. There was no mention made in the G.A.O. report that Conrail had offered to provide the U.S. Defense Department any surplus, government-owned track material for use on deteriorated rail lines leading to these defense installations.

It is ironic that certain members of Congress, after the federal government had invested hundreds of billions of tax dollars east of the Mississippi River since World War II to construct and maintain the heaviest concentration of interstate highway and waterway systems within the United States, would oppose the Norfolk Southern's bid to establish for the first time a single-delivery rail network in this same region for the purpose of providing an efficient, cost-competitive, tax-paying rail transportation system. The weighty subsidized interstate highway and waterway systems east of the Mississippi River were a major factor in the railroad bankruptcies which contributed to the birth of Conrail. This railroad has paid no federal income taxes since it was created, and will not do so under Morgan Stanley, i.e., as opposed to Norfolk Southern who paid over $150 million in federal taxes for 1984. (Source: Congressional Record—Senate, 99th Congress, dated 1-22-86).

Perhaps never in the history of modern railroading has an occasion presented itself, in the form of a NS-Conrail merger, for a railroad to challenge the tax-supported competition of the highway carriers, the inland and coastal waterway bargelines and the airlines.

Therefore, under the "equal protection of law doctrine" of the U.S. Constitution, the proposed Norfolk Southern acquisition of Conrail should be approved by the U.S. House of Representatives. This would give NS a clear block to move freight trains to and from the ports on the Great Lakes, the Atlantic Seaboard and the Gulf of Mexico, i.e., to service points east of the Mississippi River just as the trucks and barge operators are now freely able to do. For the first time, the nation would have a single-delivery railroad complex that could make a tremendous contribution to the rebirth of the depressed industrial and economic bases east of the Mississippi River, i.e., whether or not it involves the movement of freight to the North, East, South or West therein. Contrary to the P.D. editorial, which never mentioned the subsidized competitors who are killing off the Iron Horse, the Norfolk Southern proposal doesn't smell, it portends nothing but good for the public, the shippers and the affected employees located east of the Mississippi River.

THE REVEREND DR. CLYDE J. BOWMAN HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, on April 26, 1986 St. Paul's Union American Methodist Episcopal Church [UAME] in New Haven, CN will host a luncheon in honor of the Reverend Dr. Clyde J. "Bobo" Bowman. Dr. Bowman is retiring from the active ministry in May of this year after 42 years of service, the last 15 years as the minister at St. Paul's.

A pastor in the UAME church for 39 years, Dr. Bowman has distinguished himself with his dedicated community service. In 1960 he was appointed to the position of pastoral supervisor for the five boroughs of New York City by the late Bishop David Mr. Harmon. Dr. Bowman has also served as district superintendent of the northern New Jersey, New England, and central New York State areas. In 1982 he was elected to the positions of general secretary of the book stores and general secretary of education by the UAME General Conference. In addition, Dr. Bowman has been a member of the faculty at Boulden Academy and Seminary since 1947.

Since coming to New Haven in 1971, Dr. Bowman has been highly active in community work and the city government. He is the Protestant chaplain for the New Haven city Police Department and the former chairman of the city of New Haven's Board of Ethics. In addition, Dr. Bowman is a former member of the Greater New Haven YMCA's Board of Directors and a current member of Chapter 346 of the International Rotary Club. A theologian and teacher of high distinction, he has been a pastor of 10 churches within the United States and has developed 23 ministers, eight while in New Haven.

Mr. Speaker, I am proud to have Dr. Bowman as a constituent and join with his many friends, associates, and loved ones in honoring him for his many accomplishments and thanking him for his long commitment to the people of Connecticut's Third Congressional District.

A CALL TO CONSCIENCE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. PICKLE. Mr. Speaker, on Monday, a special emergency Leadership Conference on Higher Education was held in Washington, DC, to address the current proposals being made by the administration with regard to funding for educational programs.

Present at this meeting were more than 55 university presidents and chancellors from all around the country. The following statement was introduced by Robert L. Hardesty, the president of Southwest Texas State University, in my district. The statement was unanimously adopted as the position of this very representative group of higher education in this country.

In the statement, these educators point out that education is essential in building an economic base to compete in the future international marketplace. In the high-technology, information-oriented world of the future, the most educated nations will come out ahead in every area of endeavor.

I applaud the efforts of Robert L. Hardesty, and the rest of the education leaders who came to Washington to communicate their strong feelings on this subject, and I call on the Congress and the President to continue the commitment we have made to make sure all members of our society have the opportunity to receive a good education. While we all know that we face budgetary restraints, let us hope we can fashion a budget that will recognize the great importance of education.

I am submitting, for the RECORD, a copy of the statement, "A Call to Conscience":

A CALL TO CONSCIENCE

Proposed reductions in federal support seriously threaten American higher education. Its future for decades to come will be affected by the decisions Congress makes in this budget and appropriations cycle. But the issue is greater than the future of higher education; the issue is the future of the nation.

America's best hope for economic prosperity is education. Growing competition in the international market place can only be met through more—not less—educational opportunity. Research and technological developments are needed to produce the jobs of the future, and quality education is needed to develop the talents of all our young people to meet the challenges of the future.

And yet, education is being held accountable for deficits which it did not create. From 1980 to 1986 the federal deficit doubled in constant dollars while education expenditures declined by 16 percent. Reductions in student aid include the elimination of social security education benefits, and the decline of veterans' educational benefits.

We are troubled by the notion that the national defense can be strengthened while weakening education. We remind the nation that education is an essential component of the national defense: there would be no military force without educated manpower, no technical military superiority without engineers and scientists trained on the nation's campuses.

Proposed federal cutbacks would affect an estimated 3 million out of 5 million students presently receiving aid, forcing them to drop out or change their college plans. Such cuts strike particularly hard at minority enrollments, which already have been losing ground: while more blacks and hispanics are completing high school, fewer are attending college.

Such losses are unacceptable to a nation committed for the last thirty years to making higher education available to every young person who has the ability and desire to pursue it. Such losses are unconscionable for a nation committed to racial equality and equal opportunity. Educational excellence is not possible without equal access: the federal role in guaranteeing that access is paramount, representing 75 percent of total national expenditures for student aid.

As college and university presidents and leaders of higher education, we represent millions of American students whose futures hang in the balance of federal budget and appropriations decisions. It is time we spoke out for them—clearly and forcefully.

It is time, too, that we remind the nation that education is fundamental to the quality of life in our democratic society, as well as to our economic security and our national defense. It is time to bring education back to the forefront of our national priorities.

We call for a reordering of federal responsibilities to recognize education as our best hope for the future.

This is nothing less than a call to conscience.

FLORIO PRAISES SENIOR MEALS PROGRAM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues the efforts of an outstanding services organization in my congressional district, the Senior Citizen Holiday Meal Program, Inc.

The Senior Citizen Holiday Meal Program is an all-volunteer program devoted to serving elderly shutins and the homeless. The organization prepares and delivers more than 3,500 meals on Thanksgiving, Christmas, and Easter to seniors who might otherwise be deprived of food and companionship on these important occasions. Ironically, this program was established in 1981 in response to cutbacks in Federal funding for a country meals program.

Unfortunately, the need for the services of the Senior Citizen Holiday Meal Program continues to grow in south Jersey, as does the need of the program for additional resources and funding. In order to encourage private sector support for its efforts, the Holiday Meal Program has organized a 250-mile, eight-county walk through southern New Jersey. The walk, conducted by Steven DiOrio, executive director of the program, will take place between April 14 and 20, 1986, and is intended to highlight the plight of the elderly, as well as generate funding and volunteers for the program.

PRAISE FOR JOHN McCLELLAND

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. CHAPPIE. Mr. Speaker, I'd like to take this opportunity to recognize John McClelland for his dedication to the California Department of Forestry. John will be retiring as fire captain of the El Dorado Fire Station after more than 34 years of service in northern California.

Besides John's involvement with the forestry, he has been instrumental in the Pioneer Fire Protection District, the largest all-volunteer fire protection district in California, functioning as the fire chief. Futhermore, he is an active member of the El Dorado Fire Chiefs Association, as well as the California Conference of Arson Investigations.

Within the community, John has continually volunteered his time. He served two terms on the Pioneer Union School District's Board of Trustees and he is currently a member of the Air Pollution Appeals Board.

John's commitment to fire protection, and to the betterment of his community, have earned him the praise and respect of his peers. I too, join in admiration of his contributions and wish him a happy and healthy retirement.

INCREASED EXCISE TAXES SHOULD BE DELETED FROM TAX REFORM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. KEMP. Mr. Speaker, tax reform is supposed to create a level playing field for all industries. Yet increasing discriminatory and deleterious excise taxes only riddle the playing field with large tax differentials that hurt certain industries, their employees, and their customers. I will work to delete these regressive excise tax changes from any final tax reform plan, and I hope my colleagues will join me in this effort. The testimony below by the president of the New York State Wine Grape Growers, John H. Martini, shows that the excise tax increase is a matter of fairness, growth, and jobs. I commend this testimony to my colleagues.

TESTIMONY OF JOHN H. MARTINI, PRESIDENT, NEW YORK STATE WINE GRAPE GROWERS, INC.

I am a farmer. A simple statement but one that I feel has to be made. Together with my wife, Ann, and our four children, I grow grapes in a small vineyard in the Finger Lakes Region of New York. In the national view of things we are certainly small potatoes; but we are real and struggling. I am not here to bemoan the plight of agriculture, either my own or others, but I am here to express our concern that a further burden might be placed on the shoulders of grape growers everywhere.

There is in this Capitol city a perception that, to raise necessary funds and at the same time reduce personal taxes, it would be a good idea to raise the excise tax on wines. It is not to be a nominal increase, mind you, but a whopping 400% increase. The rationale eludes me but I feel it is based on some weak premises. A.—Only the rich drink wine and they'll never notice. and B.—all the increase can be passed through to the consumer with no loss in sales. I will try to address the fallacy of these premises in giving a brief sketch of what such a tax will mean to the grape growers of New York and their communities.

Wine is grapes—directly and succinctly. Juice from grapes natually ferments to produce a like amount of wine. Wine, therefore, is an agricultural crop and was recognized as such before Jesus Christ turned water into wine at Cana. Wine is food and a beverage of moderation that belongs on the dinner table of the American family. It is part of the heritage our ancestors brought with them when they came to these shores in search of the future. I recall Thomas Jefferson's words, "No nation is drunken where wine is cheap; and none sober where the dearness of wine substitutes ardent spirits as the common beverage. It is, in truth, the only antidote to the bane of whiskey."

To be part of that heritage I grow grapes, specifically I grow wine grapes, along with hundreds of other farmers in New York. These grapes we grow have no value other than that which they find in wine. They include American varieties such as Catawba, hybrids such as Seyval Blanc and vinifera such as Chardonnay. The vineyards dot the beautiful scenery of the Finger Lakes, the shores of Lake Erie, along the history rich Hudson Valley and most recently the fertile and gentle tip of Long Island. New York State is grape country. Those grapes produce many and varied wines rich in style and differences. We growers can be and are proud of them.

So how are things down on the farm? As with all agriculture it has not been rosy. The domestic grape and wine industry has been experiencing hard times in recent years. Average returns for grapes in New York have declined for the past five years. In New York we have seen our market share fall from roughly 12% in 1970 to 4% in 1985. Dessert wines, which historically have been a good outlet for our grapes, have gone from a 28% share in 1970 to a 6.8% share in 1984.

In New York alone wine grapes accounted for just shy of 20 million dollars of farm income annually. That income was primarily spent on labor. Grapes are a labor intensive crop, each vine, there are 600-700 per acre, must be touched 3-5 times every year. Cornell University estimates that each 20 acres of vineyard requires a one man-year equivalent. In the Finger Lakes we have lost 1000 acres in the last several years. That's fifty people not earning income dollars. Those dollars once found their way into refrigerators, stoves, clothing and food. The communities in the grape growing regions suffer reduced revenues as vineyard acreage declines. Not only in fewer dollars spent but also in reduced property tax income (vineyards are taxed at a higher rate than is bare farmland).

The factors that affect our livelihood are complex but we are making efforts to surmount them. The State of New York has put up $2,000,000 to fund the New York Wine/Grape Foundation. The State sees the value in retaining an industry that ranks second to California in grape production and that has within its borders the oldest winery in the United States. We have a proud tradition and we want to preserve it. An increase in excise tax will strike an-

other blow at our already wobbly segment of agriculture.

Small estate wineries have blossomed recently in New York and manage to survive but I feel it important to point out that they do not support the grape industry. My "bread and butter" as a grape grower is the Taylor Wine Co. and their Lake Country Series of wines. These wines are called non-premium or popular-priced. Such wines and their counterparts from California and other states account for 79% of domestic production. Call them jug, call them cheap, call them what you want; but do not call for an additional tax on them. They are sold to a very price sensitive segment of our population. Any decline in sales will result in a direct reduction in grapes needed by the vintners. That will mean more vineyards abandoned, bankrupted or foreclosed.

If we assumed that the proposed excise tax will decrease the sales of non-premium wines by 20%, even only briefly, there will be, in New York, no need for approximately 14,000 tons of grapes. That translates into over 3,000 acres, 150 people and 50-75 farms. Grapes are perennial and capital intensive. One does not get in and get out. If the vineyards are abandoned or lost one year they can not be resurrected the next without great financial inputs.

Some will say that rather than increase the retail price the industry should and can absorb the tax and not pass it on to the consumer. As growers we suspect that an attempt will be made to pass part of the tax in our direction. We can not absorb a further decline in the prices we receive for our grapes. The expenses for cultural inputs have increased to the point where it costs over $1100.00 an acre to operate a vineyard in New York. The 5 ton per acre average yield does not cover those costs with $139.00 per ton grapes. (1985 estimate). There is no more blood in this stone; ask our bankers, they may well be the grape farmers of the future.

It seems that the federal government, in its collective wisdom, wishes to sacrifice part of its agricultural heritage in some type of Peter to Paul exchange that they can call tax reform. There will still be wine here, it will pour in from Europe, Argentina, Chile and from nearly everywhere else in the world that grapes are grown. Dollars will pour out into foreign treasuries. Wine imports have already risen to 30% of the domestic market. The juice and wine industry of this country imported 7,512,982 gallons of grape concentrate in 1985. As grape growers we will see more and more of cheap, imported concentrate go into domestic wines at our expense.

Perhaps with the hoped for increase in revenues the federal government might consider a whole vineyard buy out plan and save us all some agony. This tax will be regressive in it's effect on the New York grape industry.

It will cause:

Continued loss of jobs, farms and livelihoods.

A serious erosion of local community tax base.

Increased imports of wines and juices.

It will not cause:

A reduction in the national debt.

Moderation in alcohol consumption.

An improvement in the balance of trade.

Thank you for your time and concern.

PETER BROWN RUFFIN

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. ROSE. Mr. Speaker, the North Carolina World Trade Association will hold its 22d annual conference beginning April 30, in Wilmington, DC, with serious issues on its agenda, and I want to call those issues to the attention of the Members. They have been outlined by Robert J. Mack, a Wilmington businessman and president of the North Carolina World Trade Association, in an article in Carolina Cargo, which I am including with my remarks. The article also mentions a distinguished group of Wilmington business people who will make the meeting a success, including Peter Brown Ruffin, the honorary chairman, who is called, accurately, "one of North Carolina's most distinguished shipping executives."

The article follows:

NORTH CAROLINA WORLD TRADE ASSOCIATION 22D ANNUAL CONFERENCE

WILMINGTON, NC.—Peter B. Ruffin, one of North Carolina's most distinguished shipping executives, will serve as Honorary Chairman of the 1986 Annual North Carolina World Trade Association Conference beginning April 30th in Wilmington, N.C.

The announcement was made on Feb. 10, 1986 by Robert J. Mack, president of the NCWTA, who stated that Mr. Ruffin's acceptance of this role in this year's conference was the "cornerstone to a truly successful meeting here in the Port City."

The N.C. World Trade Association's annual meeting will be held at the Wilmington Hilton Inn, April 30-May 1, 2. This year's theme is "Global Trade—The Hard Choices." Early reservations for the conference can be made by calling Marcy Hege at Associated Services in Raleigh, N.C., (919) 851-2901.

"Since Mr. Ruffin has spent most of his adult life in Wilmington as part of the shipping and maritime community, it is only appropriate that he be the honorary chairman of the 1986 world trade meeting," Mr. Mack said.

Mr. Ruffin serves as chairman of the board of Wilmington Shipping Company. He served as chief executive officer of the company from the time of its founding in 1945, to October 1983.

Wilmington Shipping Company operates a branch in Morehead City, N.C. under the name of Morehead City Shipping Company. Its subsidiary, Southern Overseas Corporation, is a custom house broker and foreign freight forwarder with offices in Wilmington, Morehead City, Charlotte, and Norfolk, Va., Charleston, S.C., and Savannah, Ga.

Other key committees and chair persons were also named by Mr. Mack for this year's conference. They include:

Tim B. Malaney (Lavino Shipping Co., Wilmington) general chairman; Mrs. Marcy Hege (Associated Services, Raleigh) general administrative; William Lassiter (NCWTA, Cape Fear Chapter, Wilmington) programs; Ms. Barbara Blanton (Sea-Land Services, Inc., Wilmington) entertainment/recreation; Mrs. Tim Malaney, spouses' programs; Joseph Augustine (Greater Wilmington Chamber of Commerce) finance; Bill Stover (N.C. State Ports Authority) and Gayle Johnson (Merrill Lynch) publicity and public affairs; John Bauer (City of Wilmington) and Mrs. Fran Willard (Southern Overseas Corporation) logistics and coordination; Mrs. Mary Bruce (L. C. Bruce and Associates, Raleigh) and Mrs. Bonnie Helms (Bonnie Helms, Ltd., Monroe) awards.

"These key individuals will supply the force behind our conference this year," Mr. Mack said.

In explaining this year's conference theme, the NCWTA president noted:

"The character of today's economy dictates a re-evaluation of thinking by the entire international shipping community in regards to global trading. Protectionism, the fluctuation of the dollar, overseas crises, the cost of marketing, the price of 'not' marketing are all issues facing each and every one involved in international commerce.

"Whether it be a custom house broker, a freight forwarder, a steamship agent or a port official, problems arise daily which have to be addressed . . . and sometimes the solutions are not always evident," he said.

"The same is even more true for the shippers themselves or the manufacturer contemplating shipping. It is no longer easy for these companies to compete internationally.

"North Carolina's traditional industries have suffered the consequences more than most in this country. Textile firms are closing and tobacco farmers are having to diversify their crops to survive.

"These are just some of the many issues we hope to cover at this year's North Carolina World Trade Association conference. Our speakers are being asked to address the 'hard choices' facing us and offer some concrete answers as to how to make the 'right' choices when they encounter them," Mr. Mack said.

BLAME FOR THE LIABILITY INSURANCE CRISIS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. LAFALCE. Mr. Speaker, the crisis in the liability insurance industry has exploded beyond the ability of States to effectively regulate it. Insurance regulation, traditionally relegated to the States, needs to be critically and objectively examined by this body.

It is imperative that this inquiry be conducted in an objective manner. I fear, however, that the predetermined conclusions of the media and the Reagan administration's own task force on tort reform have prevented this necessary objectivity. Serious investigation into the practices of the insurance industry is essential, and we must not blindly accept the assertions and anecdotes of those who blame the tort system as the lone culprit in creating and proliferating the liability insurance crisis. Many factors have created this crisis, not the least of which is the insurance industry itself.

Congress must not fall into the same trap as have the media and the administration. We cannot abdicate our responsibilities as fact finders, and succumb to the insurance industry's highly effective media campaigns.

Bob Hunter, the widely respected Federal Insurance Administrator under Presidents Ford and Carter, is also deeply concerned about the reluctance of the media and others to look

beyond the hype and into the facts. Mr. Hunter expresses these views very cogently in a Washington Post article which appeared on April 13. I am inserting this incisive article into the CONGRESSIONAL RECORD for the benefit of my colleagues.

The article appears below:

THE INSURANCE INDUSTRY IS TO BLAME: SO WHY CHANGE THE LEGAL SYSTEM?

As a Republican and as federal insurance administrator under President Ford, I am appalled that the Reagan administration has proposed limiting compensation to severely injured people as a "solution" to the insurance crisis.

I am even more appalled that the administration has refused even to consider the possibility that insurance mismanagement and the McCarran-Ferguson Act, which allows insurance companies to fix prices, may be at least partly responsible for skyrocketing insurance rates.

But I am most appalled at the Post's endorsement of the administration's approach [editorial, April 1] and particularly at its lack of analysis in making that endorsement.

For example, the Post calls the following recommendations by the administration "sensible":

Limiting damages for pain and suffering to $100,000. This means that a 17-year-old girl who contracted vaginal cancer and had to undergo a total hysterectomy and vaginectomy because her mother took the cancer-causing drug DES could recover no more than $100,000 for her inability to have children or have normal sexual relations.

Limiting punitive damages to $100,000. (Actually, the administration recommends limiting punitive damages plus damages for pain and suffering to a total of $100,000.) In the Ford Pinto case, Ford deliberately did not make an $11 improvement in the Pinto gas tank because it calculated that the cost of the improvement was greater than the benefit of avoiding the 180 deaths and 180 burns it estimated would occur without the improvement. Ford was held liable for millions in punitive damages, and it fixed the Pinto gas tank. Under the administration's proposal the maximum Ford would have to pay in punitive damages would have been $100,000—less than half what Ford calculated a human life to be worth in doing its cost-benefit analysis.

Eliminating joint and several liability. Under current law, if an asbestos worker dying of mesothelioma (asbestos-caused cancer) worked with asbestos made by more than one manufacturer, he can recover his damages from any of those manufactures, and it is then up to the asbestos makers to settle among themselves. Under the administration's proposal, if the mesothelioma victim cannot establish the degree to which each asbestos manufacturer contributed to his injury, he recovers nothing from any manufacturer.

Limiting contingency fees. Plaintiff's lawyers, who today typically get one-third of the total recovery if they win and nothing if they lose, could receive no more than 10 percent of any verdict above $3,000. Defense lawyers, on the other hand, who are paid by the hour and thus have an incentive to keep their meter running, would not have their fees limited.

Perhaps even more unusual than the Post's conception of what is sensible is the reasoning it uses to conclude that compensation to severely injured people should be limited. Because nurse-midwives can't get insurance, The Post asserts, there must be something wrong with the legal system. Yet only 3 percent of nurse-midwives have ever been sued—exactly what one would expect, because nurse-midwives do only low-risk deliveries. Insurance companies are refusing to insure nurse-midwives not because they are paying out claims against nurse-midwives but because they are trying to "change the widely held perception that there is an insurance crisis to a perception of a lawsuit crisis," as the Insurance Information Institute has candidly put it.

Former GEICO chairman John Byrne has put it even more candidly. "Is it right for the industry to withdraw and let the pressures for reform build in the courts and in the state legislatures," Byrne told an audience of insurance company actuaries last summer, just before insurers stopped writing certain lines and rates began skyrocketing.

The most candid insurance executive of all, however, may be American International Group President Maurice Greenburg, who recently admitted that it was price cutting in the early 1980s "to the point of absurdity"—and not the tort system—that is responsible for the industry's current problems. Greenburg told an industry conference that if insurers had not cut prices but had merely held them constant there would not be "all this hullabaloo" about the tort system.

In creating still more hullabaloo about the tort system, The Post cites a Philadelphia case in which a woman supposedly recovered money for loss of her psychic powers, and a study by the Rand Institute that found that punitive damage awards had risen dramatically. Had The Post bothered to read the case and the study, however, rather than rely on what insurers and the administration say they say, it would have found that the judge in the Philadelphia case specifically prohibited any award for loss of psychic powers, and that the Rand study found that the median jury award, when adjusted for inflation, has remained constant since 1960. The Post might also have found that the punitive awards it criticized were well deserved—particularly in view of the lack of any criminal penalties to deter reckless corporate behavior.

As federal insurance administrator, I was able to persuade both President Ford and President Carter—this time with The Post's editorial support—to support no-fault auto insurance, which was very substantial tort reform. Before deciding to limit the amount people can recover in certain auto-accident cases, however, we got the data, and we provided an alternative compensation system for injured people whose recovery would be limited.

We did this because we found that severely injured people received only about half their out-of-pocket loss under the tort system, while those with relatively slight injuries received five times their out-of-pocket loss. Our recommendation to eliminate the right of people with limited damages to sue but in exchange to guarantee them prompt payment of their economic damages made sense; capping awards, which would limit the amount recoverable by the severely injured—who were already being undercompensated—would have been cruel and nonsensical.

To what extent are victims of business, professional and medical negligence being compensated under the present system? We don't know because the insurance industry has continually refused to disclose how victims fare under the present system and how proposed reforms would affect system costs and victim welfare. The disclosure of such data would allow legislators to decide intelligently what, if any, reforms in the legal system were needed.

Isn't The Post even a little curious about what the data would show?

THE COLQUITT COUNTY ARTS CENTER

HON. CHARLES HATCHER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. HATCHER. Mr. Speaker, on Sunday, April 13, I had the privilege to participate in the dedication ceremony for the Colquitt County Arts Center in Moultrie, GA. I mention this today, because the men and women who worked to establish the center deserve special credit for raising over $1 million without the help of local, State, or Federal Government funds. The fund-raising effort was successful because so many citizens and businesses of Colquitt County donated to a cause they felt would bring great benefits to all of the people of Colquitt County. They have set an example for other rural areas throughout our Nation and are to be commended.

I am proud to be a supporter of the arts. Through my work on the congressional arts caucus, I am given the honor of boosting the arts throughout our great Nation. It is especially thrilling to witness accomplishments of the private sector on behalf of the arts in my own district, especially during a time in our Nation when we must reduce Government involvement in our lives in order to sustain financial solvency.

I am hopeful that word of the success of the Colquitt County Arts Center will spread throughout Georgia and our great Nation, and that it will provide inspiration for countless other communities to bring together businesses and families in an effort to promote the arts in rural areas. That goal, I am proud to say, has been realized in Moultrie, GA, and the quality of life there has certainly been enhanced. Thank you.

INTRODUCTION OF FARM CREDIT SYSTEM BORROWERS RIGHTS ACT

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. LIGHTFOOT. Mr. Speaker, enough time has now elapsed for us to see inadequacies in the Farm Credit System restructuring legislation we passed late last year. In the haste to preserve the Farm Credit System [FCS], I'm afraid Congress may have been more worried about saving the system than about saving the borrowers, even though the legislation was passed with the best of intentions.

The time has come to make some adjustments in that legislation, for the sake of the borrowers who depend on the Farm Credit

System. For that reason, I'm introducing legislation today to better protect FCS borrowers' rights.

The measure will protect borrowers in several ways. It ensures that borrowers have access to information affecting them. Although the Farm Credit System restructuring legislation we passed provided some assurances in this regard, better guidelines are needed.

The bill will also prevent the FCS from foreclosing or accelerating loans if borrowers are able to become current on their loans. I've heard repeated accounts of noncooperative behavior on the part of Farm Credit System institutions in such matters. There is no reason that the Farm Credit System cannot sit down and negotiate with borrowers.

Furthermore, my legislation will guarantee a farm family's right to retain their home and up to 10 adjoining acres for at least 3 years, providing reasonable rent is paid and the farmland remains in operation.

Finally, I've discovered a problem with the use and disposal of FCS-owned land. To ensure fairness, the legislation will require FCS to offer any land they intend to sell through local realtors on a competitive listing basis. It will also require leases to be accepted on a competitive basis. In light of plummeting land values in the Midwest, the bill would also prevent FCS from selling land it holds if those sales would further depress local land values.

Although it is tempting for Congress to view the issue of Farm Credit System legislation as closed, I urge your consideration and cosponsorship of this relatively simple, yet important measure. Farm borrowers of the Farm Credit System still need our help.

THE URBAN HOMESTEAD ACT OF 1986 AND PUBLIC HOUSING RESIDENT MANAGEMENT ACT OF 1986

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. KEMP. Mr. Speaker, the chance to own a home has long been considered one of the underpinnings in the stability of the democratic system, causing families to aspire and save, and providing equity and new faith in free enterprise.

Today, I am joining together with Congressman FAUNTROY and a group of my colleages to sponsor two bills to extend the dream of homeownership to thousands, perhaps millions, of low-income familites in public housing projects. We share a strong belief that homeownership is not just for higher income Americans. It's a dream shared by all Americans, regardless of income and background. And we believe government should do all it can to facilitate broad ownership of housing to as many Americans as possible, especially low-income families. These families face large financial barriers to owning their home, not the least of which is their inability to deduct mortgage interest and property taxes.

First, Congressman FAUNTROY and I are cosponsoring the Public Housing Resident Management Act of 1986. This bill, which was developed with the guidance of hundreds of tenants and community leaders, gives public housing residents greater control over the management of public housing communities and allows them to set up resident management groups.

Our bill trims regulations, streamlines resident management certification and bonding procedures, and allows public housing resident groups to retain any savings they make in operating and maintaining their communities. This creates a new and powerful incentive for public housing communities to become more efficient, better managed, and more responsive to the needs of the residents themselves.

We know that resident management works because we have seen many examples of how residents reduced costs, improved maintenance and the quality of life, created new jobs and opportunities, and even ameliorated difficult problems such as drug abuse and teenage pregnancy levels.

Once public housing residents have taken control over their communities, perhaps reducing high operating costs and making their communities more desirable, many residents will want to own their homes. Our second bill, the Urban Homestead Act of 1986, lays the foundation for resident management groups who want to own their homes.

Our legislation would give every resident group the guaranteed opportunity to purchase their homes at a 75 percent discount and with no money down. But we also provide assurances and protection for non-buying residents. Our legislation guarantees that no public housing resident may be evicted if he or she does not want to purchase their home. Resident management groups will also be provided with training, and with technical and management assistance, to prepare them for assuming the responsibilities of homeownership.

Both the Urban Homestead Act and the Public Housing Resident Management Act of 1986 are integral parts of one strategy: To empower public housing residents with greater control over their lives, their homes, and their neighborhoods. Both bills could strengthen the ability of millions of renters to become successful homeowners.

But the core purpose of this legislation concerns more than just buildings and homes. Homeownership means bringing some tangible results of the economic recovery to people of modest means. It means giving low-income Americans some hope and a sense of accomplishment. It means fostering the spirit of community in troubled neighborhoods by multiplying those invisible bonds of respect, companionship, and caring among men and women. It means greater stability in home life. It means civic pride, greater security, and a real stake in the free enterprise economy.

This is not the last word in housing policy, and we remain ready and willing to improve and adapt our legislation as necessary. But we have broad, bipartisan support for the goals of this legislation. Liberal and conservative, Democrats and Republicans and Independents, blacks, minorities, and whites alike, Congress and the administration—all can join enthusiastically in extending the dream of homeownership to more Americans.

John F. Kennedy was right when he said that:

One of the greatest challenges of the next decade is the challenge to provide a decent home in a decent neighborhood for every American.

If we pass this legislation, we can begin to meet that challenge and turn some troubled housing communities into pictures of working and living and hope.

A TRIBUTE TO DR. KENNETH B. CLARK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Dr. Kenneth B. Clark, a truly great educator who has retired from the New York State Board of Regents.

Dr. Clark is best known for his research in 1954 on the damaging psychological effects of the "separate but equal" doctrine. He presented evidence that racially segregated education in and of itself inhibits the intellectual growth of black children. The myth that quality education could be provided in separate facilities was exploded by Dr. Clark. It was his report that was instrumental in persuading the Supreme Court to end racial segregation in the classrooms.

Kenneth Clark later served the New York Board of Regents for 20 years, strengthening education standards for children in New York. He never compromised his belief in academic excellence. His most fundamental belief was that all students, regardless of race or class, should be given an equal chance to achieve. This was his ideal, and this was his goal.

Mr. Speaker, New Yorkers will miss Dr. Clark. I wish him the very best in the future. I submit the following article for inclusion in the CONGRESSIONAL RECORD.

[From the New York Times, Mar. 24, 1986]

A CONSCIENCE OF EDUCATION

Dr. Kenneth B. Clark, the educator, is perhaps best known for a study of the damaging psychological consequences of "separate but equal" schooling, a study that in 1954 helped persuade the Supreme Court to outlaw racial segregation in public schools.

But over the years, New York has benefited mightily from Dr. Clark's 20 years of service on its state Board of Regents. His retirement from the board last week marks the departure of a soft-spoken but effective advocate of quality education for all students.

In debates of educational standards, he never pleaded for relaxing them for the sake of the disadvantaged. Keep standards high, he said, but make sure the underprivileged get the opportunity to achieve them. He is therefore satisfied that the Regents Action Plan, which stiffened high school graduation requirements, puts the state on the right track for educational reform. Disappointed that local school boards have not met the needs of disadvantaged students, he now proposes that "chronically underachieving" schools be placed under the Regent's direct authority.

71-059 O-87-22 (Pt. 6)

Dr. Clark's combination of compassion and unflagging devotion to educational quality led his colleagues to describe him as the "conscience" of the board. He will, no doubt, continue to espouse provocative, controversial and sensible ideas. But his day-to-day involvement in efforts to improve education's equality will be widely missed.

MEDICARE PART A DEDUCTIBLE TO RISE—HERE WE GO AGAIN!

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging, I am outraged over preliminary reports from the Department of Health and Human Services which indicate that the Medicare part A deductible may jump to $572 from the current $492 on January 1, 1987.

This dramatic increase of almost 17 percent comes as millions of senior citizens are reeling from the effects of the 23-percent increase in the deductible which took effect on January 1 of this year. When you consider the past 2 years and the expected increase for next year, the increase is in excess of 50 percent.

Meanwhile the main source of income for many of these seniors, Social Security, has seen its benefits increase by just over 7 percent. Expectations about the 1987 COLA do not indicate that the rate will be much above 3 to 4 percent based on inflation.

The fact is, we must take steps now to avert a catastrophe which will affect millions of seniors on January 1 if this increase is allowed to take effect. It is time to put a cap on the part A deductible increase—a cap which is based on the comparable percentage of the Social Security COLA for a given year. Last year I cosponsored legislation authored by the distinguished chairman of the House Select Committee on Aging, Mr. ROYBAL, to impose such a limit. Next week I intend to introduce an identical bill to limit the increase to the Social Security COLA. In order to offset the lost revenues, my bill will propose an increase in the Federal cigarette tax with all revenues earmarked to the Medicare hospital trust funds.

According to the Washington Post, one of the reasons given for this projected increase relates to the prospective payment system adopted for Medicare in 1983. As the article states:

Ironically, the prospective increase results from success in holding down Medicare's preadmission costs and reducing average lengths of stay. Increases in the first day payment are based on the average Medicare costs per hospital stay. A new Medicare system for paying hospitals gives them a flat fee for each stay, providing an incentive to discharge patients quickly. With length of stays declining, but payment per stay remaining constant the first day is now a larger proportion of the total payment. The average hospital stay is under 9 days.

This represents but another in a steady number of examples of how the DRG system has worked to partially solve one problem but create others. Clearly, DRG's have worked to lower costs to the Medicare system which was essential to avert the imminent bankruptcy of the Medicare trust funds which loomed so ominously several years ago. However it is interesting to note the fact that the latest projections of the trustees of the Medicare funds indicate that the date of bankruptcy has suddenly moved forward to 1996 perhaps indicating that the impact of DRG's have run their course.

Meanwhile fundamental issues related to quality of care for seniors continue to be raised. Our Aging Committee has documented a number of cases involving the premature discharge of seniors from hospitals. The so-called quicker and sicker problem appears to be a growing one across the Nation and must be addressed. Now we learn that another quality of care issue, higher out-of-pocket costs to elderly Medicare recipients, may be another outgrowth of DRG's which must be addressed.

I hope on a bipartisan fashion we can work to avert an increase of this type from occurring several months from now. HHS has done its job by warning us about the possibility. Let us do our job for the seniors of our Nation and pass appropriate legislation to protect them from continued financial abuse associated with never ending increases in out-of-pocket costs to participate in Medicare.

LEGISLATION TO PROTECT HAWAII VOLCANOES NATIONAL PARK

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. AKAKA. Mr. Speaker, today I am introducing legislation to enhance and protect one of the Nation's most unique national treasures and one of my State's greatest visitor attractions—Hawaii Volcanoes National Park. This measure will enable the Hawaii Volcanoes National Park to acquire a 5,650-acre tract adjacent to its present boundaries.

The parcel of land, which is presently unused, has been the National Park Service's acquisition priority in the Pacific area for more than a decade. This tree-fern rainforest, populated with native ohia, contains the habitat of the endangered Hawaiian Hawk and Hawaiian Ou as well as several other species found only in the Hawaiian archipelago. Congress identified the parcel as suitable for "potential wilderness" in 1978. Except for its non-Federal status, the tract possesses all the necessary attributes for wilderness designation.

While these considerations are enough to warrant the inclusion of this tract within the national park, there is a different but equally important concern which should be known. The growing of marijuana on this tract poses a serious threat to public safety. Marijuana growers often booby trap their patches to intimidate anyone who might inadvertently come upon their illegal activity. Park Service vigilance has eradicated marijuana growing within the confines of the Hawaii Volcanoes National Park and that same vigilance will also end marijuana growing on the contiguous land area once it is added to the park.

Over the past 5 years, this important tract of land has also been the focus of other activities. In early 1982, its owner revealed plans for large-scale geothermal development on the land. Approximately 50 geothermal wells were proposed as close as 1,000 feet from the park boundary. Four proposed powerplants were to be located within 4,000 feet of the park. While the State of Hawaii recognizes the need to develop alternatives to nonrenewable energy resources and has emphasized this need through State legislation, we also recognize the importance of maintaining the integrity of Hawaii's largest national park. The adverse effects of geothermal emissions, surface disturbance, noise, odor, and vista impairment in close proximity to the park would have serious consequences. Such development would cause the deterioration of native plant and animal communities, fragmentation of the ohia fern forest essential for endangered native bird survival, degradation of the wilderness quality of the east rift and Kalapana extension areas, and destruction of present and future visitors' perceptions of the park.

After 2 years of searching for a means to satisfy these competing interests, a solution has been found that will allow geothermal development while removing its adverse effects from the immediate vicinity of the park. In December 1984, on the recommendation of the State board of land and natural resources, the owner of this tract was encouraged to consider a land exchange with the State of Hawaii. At the same time, the State encouraged the National Park Service to find a way of acquiring the tract for inclusion into Hawaii Volcanoes National Park. The State of Hawaii then began to consider the possibility of a three-party land exchange with the Federal Government that would allow the National Park Service to acquire this important parcel contingent upon the State and the landowner moving forward with their two-party exchange.

After several meetings among the State, the National Park Service, and the landowner, I come to you today to tell you that such an agreement can be achieved. However, Congress must enact legislation to allow the Department of the Interior to become a third party to this exchange agreement.

We should remember that Congress recognized the need to adjust the boundaries of the Hawaii Volcanoes National Park through the addition of adjacent lands early in the park's history. In 1938, Congress passed legislation that allowed the Secretary of the Interior to add adjacent tracts to the park if, in the discretion of the Secretary, they are judged to be "necessary for the proper rounding out" of the boundaries. While the Secretary has had this discretionary power for nearly 50 years, he has been restricted by the provision that allowed acquisition of certain tracts through donation only.

The reasons for limiting the acquisition of adjacent parcels to donated land have long been forgotten. The public accepts and supports this acquisition proposal. The people of Hawaii, the landowner, and the National Park Service agree that the time for acquisition is

now at hand. Times have changed and we must change with the times. The three party land transfer is the type of change that is appropriate at this time; a time when no or low cost acquisition alternatives are needed in the context of the Federal deficit.

The benefits of this legislation are self-evident. First, the 5,650-acre tract of virgin rainforest would become part of the Hawaii Volcanoes National Park, offering protection to endangered species and popular visitor attractions, allowing representation of this unique ecosystem in the National Park System, and facilitating National Park Service administrative control over the land for the purposes of public safety. Second, and equally important, geothermal development could proceed in an area well removed from the park. Furthermore, geothermal development could proceed immediately without the burden of continued hearings, protests, appeals, and threats of court actions which have held development to a standstill over the past 4 years. Third, there would be no need to seek major appropriations from Congress for the acquisition of the land at a time when budget considerations are on the minds of every Member of Congress. Finally, the more than 2½ million visitors that come to the Hawaii Volcanoes National Park from all parts of our Nation each year will enjoy the benefit of an appropriate expansion of the State's natural treasures.

Mr. Speaker, I hope my colleagues will join me in this effort to preserve the pristine beauty of this wilderness area. With this legislation, we will ensure that future generations can continue to enjoy the splendor of the Hawaii Volcanoes National Park.

SPIRIT OF GIVING?

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. GARCIA. Mr. Speaker, in the next several days, the House will consider the supplemental appropriations for fiscal year 1987. One of the topics to be discussed is the Combined Federal Campaign [CFC] which has proven over the years to be highly effective in collecting large amount of contributions from Federal workers for charitable organizations. The Office of Personnel Management has fought to change the regulations governing the Combined Federal Campaign to drastically limit the number of charitable organizations which would be allowed to participate in the CFC.

The CFC has experienced a 50-percent increase in total donations since it opened up to a broader cross section of charities in the early 1980's. The OPM's new regulations would drastically decrease the amount of contributions from the Federal workers. Moreover, the regulations would discriminate against the many organizations that would be excluded. The attached commentary from April 17 issue of the New York Times aptly describes the dilemma CFC is currently facing.

[From the New York Times, Apr. 17, 1986]

GENEROSITY WASHINGTON CAN AFFORD

Armed with a favorable Supreme Court ruling, the Reagan Administration has finally succeeded in removing groups it doesn't like from the roster of charitable organizations that benefit from annual fund drives among Federal workers. Congress should reverse this narrow-minded policy.

In the annual campaign, Federal employees authorize payroll deductions for charities listed by the Government or written in by themselves. Last year the drive raised $130 million for more than 150 national and many more local charities. About $6 million went to groups serving minority, women's, environmental and other interests that were added to the Government list in 1980 and 1981 at the initiative of the Carter Administration.

The Reagan Administration began at once to try to roll back that policy and limit Federal employees' giving to organizations managing health and welfare programs. In 1983 it ordered the exclusion of organizations that engage in any "advocacy, lobbying or litigation," a ruling promptly challenged on First Amendment grounds. Last July the Supreme Court ruled that the order was constitutional but sent the case back to a lower court to decide whether the executive order excluded groups solely because of their political views.

Meanwhile, the Office of Personnel Management has issued new rules to eliminate all advocacy groups from this fall's campaign and to prohibit write-ins. A measure before the House would restore all charities that participated in the last campaign. Such looser rules would express Government's generosity of spirit at a time when it has chosen not to be particularly generous in spending.

HOUSE CALL TO CONSCIENCE VIGIL: IOSIF BEGUN

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. WIRTH. Mr. Speaker, I welcome this opportunity to light once again the tragic yet heroic case of Soviet prisoner-of-conscience Iosif Begun. To some, such repetitive appeals to the Soviet Government may seem futile. However, the recent release of prisoner-of-conscience Anatoly Shcharansky is evidence that public outcry and political pressure can be effective in forcing the Soviet Union to live up to its obligations under the Helsinki human rights accords.

Mr. Begun has spent 8 of the last 14 years of his life in internal exile and in labor camps, all of this for the crime of applying to emigrate to Israel in 1971. Subsequent to his visa application, Mr. Begun was stripped of his job. The Soviet Government refused to hire him and he was effectively barred from working except in a nongovernment, and thus unofficial, capacity. Mr. Begun gave Hebrew and Jewish culture lessons, an occupation for which he was vilified in the Soviet media. In 1977, he was arrested for being unemployed, a situation which the Soviet Government had made unavoidable. Mr. Begun served 2 years of exile in Siberia. After his release he was arrested again for returning to his home without a residence permit. This time, he was sentenced to 3 years of internal exile. Following a brief period of freedom, Iosif Begun was charged with anti-Soviet agitation and propaganda, and sentenced to 7 years in a labor camp.

Given the number of Soviet Jews who have received similar treatment at the hands of the Soviet Government, it has become obvious that it is the intention of that Government to stamp out Jewish cultural identification. By arresting those who teach Hebrew and Jewish culture to young Jews in the Soviet Union, the Government seeks to prevent the continuation of the Jewish heritage through another generation. The seriousness with which the Soviet Government has sought to suppress Jewish culture is obvious in both its brutal treatment of Soviet Jews—especially those who preserve and teach the proud Jewish tradition—and in the existence of such organizations as the Anti-Zionist Committee of the Soviet Public, which directs the official anti-Jewish propaganda compaign. It is essential for those of us who are in a position to speak out against such a compaign to do so loudly, clearly, and as frequently as possible so that the Soviet Government is aware that its activities are not something which they can hide from the rest of the world.

Last October, I wrote a letter to President Reagan urging him to bring up the case of Mr. Begun in his conversations with General Secretary Gorbachev during their summit in Geneva. My wife, Wren, helped to form the Congressional Spouses Committee of 21 along with the spouses of 20 other U.S. Representatives. As part of her committee work, Wren adopted Mr. Begun and has corresponded regularly with both him and his family for the past year. She has also written to both President Reagan and General Secretary Gorbachev about the plight of Mr. Begun and his family. These efforts have not yet resulted in success. However, given the recent release of Anatoly Shcharansky, I am encouraged about the potential for gaining Iosif's freedom if we continue to pressure the Soviet Government to respect its citizens' basic human rights.

Mr. Speaker, it is imperative that we convince the Soviet Union that we are serious when we speak about the basic rights of human beings. They must realize that whether we express our concern in terms of appeals to their sense of humanity or in concrete diplomatic, political, and economic policies, their harsh treatment of Soviet Jews will continue to color our perceptions of every activity that they undertake.

SALUTE TO PAST PRESIDENTS OF THE ECONOMIC DEVELOPMENT COUNCIL OF NORTHEASTERN PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. KANJORSKI. Mr. Speaker, the Economic Development Council of Northeastern Pennsylvania (EDCNP) is a regional research, plan-

ning, and development organization serving the seven counties of Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, and Wayne in northeastern Pennsylvania. The council has served the region since 1964, as a nonprofit corporation representing the public and private sectors. Its board of directors includes a wide range of dedicated volunteers incluidng elected and appointed officials and private sector representatives who contribute time, energy, advice, technical assistance, and financial resources to help promote and improve the quality of life and sound economic growth within this 4,500-square-mile region of the Commonwealth of Pennsylvania and its 266 local governments, 7 county governments, and 907,000 residents.

The year 1986 marks the 21st anniversary of the Appalachian Regional Commission, an organization representing 13 States of this great Nation who have joined together in an intergovernmental partnership designed to establish a basis for positive economic change. Since the commission's inception in 1965, through the designation of local development districts representing a sound public/private sector partnership of local officials in common unity to achieve economic growth, much has occurred to label the Appalachian Regional Development Program (ARDP) as one of the outstanding intergovernmental and public/private sector programs. The EDCNP has been a designated local development district under the ARDP since the inception of the commission. Through the years, each of the presidents of the EDCNP has contributed greatly to the ability of northeastern Pennsylvania to not only effectively utilize the ARDP, but to constructively integrate the Appalachian Program with other Federal, State, and local incentives to encourage better economic activity, through an innovative grant and loan program which has been the lifeblood of a part of the United States which, for many years, was left behind the rest of the country. The EDCNP has been in the forefront and a leader in the ARDP, and its presidents have strongly helped to direct the way in which these funds have been effectively utilized for the benefit of the region's citizenry.

The EDCNP has successfully utilized some $80 million in ARC funds to leverage $291 million of other financing, thereby creating over 12,000 new jobs in our region. This is truly an outstanding accomplishment and a tribute to the leadership demonstrated by the nine past presidents of the EDCNP.

The EDCNP presidents are being honored tonight, April 17, 1986, at an EDCNP board of directors meeting being held at Pocono Manor, in Monroe County. The presidents have represented the region at Federal and State levels and have managed a staff devoted to providing professional and technical advice to the local public and private sectors, resulting in a wide range of projects and programs crucial to the region's economic stability and growth.

The presidents being honored and their terms of office, include:

Louis G. Feldmann	1964–67
John S. Davidson	1967–70
John B. Hibbard	1970–73
Ernest D. Preate, Sr	1973–76
Thomas P. Shelburne, Sr	1976–78
Paul R. Stewart	1978–79
Vivian P. Edwards, Jr	1979–81
Roy E. Morgan	1981–83
Sandurn Sutherland (present)	1983–86

The uniqueness of the EDCNP partnership is the combined role of the public and private sectors. The EDCNP has the largest local membership participation program in the Nation with respect to the 600 regional councils serving the United States. Each year, it raises close to $240,000 with a membership which exceeds 450.

It is with great pleasure and honor that I bring the achievements of these people and the Economic Development Council to the attention of my distinguished colleagues. The EDCNP has exempified the outstanding contributions possible from working together in a truly public/private partnership. The presidents of the EDCNP are to be commended and honored for their hard work, dedication, and commitment to improving the economic and social well-being for thousands of residents in northeastern Pennsylvania.

TRIBUTE TO WILLIAM CROSKEY

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. APPLEGATE. Mr. Speaker, I rise today on behalf of Mr. William Croskey, a distinguished constituent and personal friend of mine who will be retiring from 36 years of service in the teaching profession at Steubenville High School.

Mr. Croskey is a life-long resident of Steubenville and has been educated in the Steubenville public school system. Ever since a very young age, Mr. Croskey has been an active member of his community—his debut beginning at age 7, when he traveled to and entertained in most of the States on the east coast as a member of the Singing Boys of America. During World War II, when he was a high school youth, he participated in a musical group which entertained in the local area U.S.O.'s.

Following Mr. Croskey's graduation from Steubenville High School in 1947, he went on to Kent State University where he pursued his undergraduate and, later, his graduate degree in education, having been inspired from his work as a counselor for the Los Angeles Crippled Children's Society. He subsequently went back to his former high school, Steubenville High School, to begin his first teaching job.

During his 36 years at Steubenville High School, Mr. Croskey has been an extremely active faculty member, serving as an adviser to the Hi-Y Club for 14 years, as chairman of the Bicentennial celebration in 1976, as chairman of the social department, in addition to his most recent position as community arts chairman. He has also been instrumental in instilling the spirit of our Government to groups of students which he has been bringing to visit Washington for many years. Needless to say, his presence will be sorely missed at Steubenville High School.

Mr. Croskey has also been actively involved in community service organizations in and around the Steubenville area including: the local Kiwanis Club, the Elks, the Mason's, the Scottish Rite, and the Knight Templar.

Mr. Croskey is also a world traveler, having visited not only the majority of States in the United States, but also making voyages to Europe, the Middle East, Africa, the Caribbean, and South America. In addition, he is an avid swimmer and he enjoys boating.

Mr. Speaker, Mr Croskey's commitment to education and dedication to civic organizations within his community are truly an inspiration to all who know him. To mark his departure from Steubenville High School, I ask that my colleagues join me in wishing him the best of luck in all of his future endeavors.

LET US RECOGNIZE THE HUMAN SUFFERING CAUSED BY OUR TRADE POLICIES

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. RAHALL. Mr. Speaker, As the House continues its consideration of trade reform legislation, I would like to share with my colleagues several thoughts as expressed by two members of the United Mine Workers of America yesterday before the Subcommittee on Mining and Natural Resources' hearing on imported coal.

I believe these excerpts from their testimony are worth reading and contemplating upon because they emphasize the human factor in the debate on trade. All too often we get bogged down in technical minutia when we discuss foreign trade and fail to recognize the harsh toll being extracted on domestic workers due to unfair foreign trading practices.

As I noted yesterday at the subcommittee hearing, coal imports are on the rise and this trend is attributable primarily due to the lack of health, safety, and environmental requlation and costs in the countries responsible for exporting coal to this Nation—Colombia and South Africa. I do not believe the coal miners of the Appalachian region should have to mortgage their, and their children's future to Colombia and South Africa. I also do not believe the United States should be taking a step backward from its efforts toward more fully utilizing its domestic energy resources.

For these reasons, I have asked the Subcommittee on Trade to approve H.R. 1905, legislation to impose an $8 per ton duty on imported coal and to amend our trade remedy laws so they give consideration to the difference in the cost of complying with Federal health, safety, and environmental standards imposed on the coal industry in this country compared to complying with like standards in a competing country.

Mr. Speaker, the excerpts from the testimony of Mr. Mike Browning, vice president, UMWA District 17, and of Mr. Donald McCamey, vice president, UMWA District 28, follows:

Mr. Browning:

In the past the Government of the United States has never hesitated to call upon their working people to protect them. Yet, when those same workers and their families are in

need of protection our cries are often ignored or even worse, belittled.

The American workers and the American workers loved ones have never failed to protect our Nation and the values it represents. Now we call upon America to protect its workers and our values, indeed our way of life. We think its about time that the act of protection became a two-way street.

It is likely that our concerns will not be heard by the current administration. It appears to the working person as though the United States is doing everything it can to assist multinational corporations to the continued detriment of the people it supposedly represents. It is obvious to say that the administration supports free trade rather than fair trade.

Aided by that policy, the American corporations as in the Exxon Colombian case are permitted to move more of our jobs overseas. We therefore plead with you today to take immediate action to protect the jobs of the patriotic working men and women of our country.

Mr. McCamey:

America, you are a giant among Nations and I thank God I have been permitted to live in this land. You are as varied as the fingerprints of the hands of your citizens. And to you, our representatives, who are our leaders at this critical time in our history, I call upon you to not permit this giant to sleep as Gulliver did in Jonathan Swift's novel. I ask you to make this Nation arise to the task of survival, lest we be ensured with the greed of men and multinational corporations.

"Daily I see the hopelessness in the eyes of coal miners in my district, men who once were proud citizens contributing to the Nation's economy and providing for the needs of their families. In 1982, we had 11,000 active union miners in my district. Today there are only 5,300. These miners have cleaned up their act. They have reduced their lost time accidents. The wildcat strike is almost a thing of the past. The production per employee is up about double what it was in 1982. But over half are now unemployed while this Nation and multinational corporations use their tax dollars and the profits from their labor to export their jobs to foreign shores.

I want to leave you with one quote. It is found in I Timothy, the fifth chapter and the eighth verse of the Holy Bible and it reads thus:

"But if any provide not for his own, and specially for those of his own house, he hath denied the faith and is worse than an infidel."

ARTISTS' SPACE CRISIS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. WEISS. Mr. Speaker, I would like to bring to the attention of my colleagues a serious crisis currently facing New York City: the lack of space for our artists and arts organizations. I recently testified at a hearing called by New York State Assemblyman Jerrold Nadler on the issue of artists' space. The text of my statement follows:

I wish to commend Assemblyman Nadler for calling this hearing to focus attention on what is fast becoming a major crisis in New York City: lack of space for one of its foremost industries, the arts. For us in New York City, the arts are not only a source of pride and cultural enrichment—they are big business. The arts contribute over $5.6 billion to the economy of the region, generating over 117,000 jobs, enriching hotels, restaurants, real estate, utilities, transportation, medical and education services, and the finance and insurance industries.

I have the good fortune to represent, in the 17th Congressional District, a large number of musicians, writers, painters, dancers, actors and artists of all disciplines who reside and work there. Hardly a week goes by when we do not receive a call from an individual artist or arts organization in desperate need to living, rehearsal, exhibition, or performance space. The problem is compounded by the fact that these artists and arts organizations lack the expertise to enter the world of finance and real estate, which the space chase requires of them.

New York City acts as a magnet to artists from all over the globe. In 1984, of the 4,000 awards made nationwide by the National Endowment for the Arts, 1,000, or 25 percent, went to New York City artists and arts organizations. We are the crucible for new talent and new theatre, music, dance and visual arts. In the past, low rents and an abundance of space enabled us to extend this hospitality to aspiring young artists and struggling arts organizations. Landlords in transitional neighborhoods welcomed them to the frontier areas of Manhattan. But the artists became the victims when the economy boomed, rents escalated, and real estate speculators and developers moved in.

Theatre groups and dance companies have the most serious difficulties because they need large spaces for rehearsal and performance. My office has been in contact with the New York City Department of Cultural Affairs and the Office of Economic Development in behalf of the Dance Artists Nationwide Space Emergency to underscore their need for advice and technical assistance. I find disheartening the results of a national survey of non-profit theaters showing that in spite of improved fund-raising efforts, rising deficits threaten their continued development. What is most distressing is the fact that while corporate and business support grew by 11 percent in 1985, federal support, once the leading source of theatre funding—has grown by less than one percent since 1981.

Visual artists face similar problems because diminishing exhibition space has drastically limited opportunities for them to present their work. In an effort to assist with this problem, my office has contacted a number of corporations and government officials encouraging them to provide wall space for exhibiting arts organizations. This effort resulted in the Regional Administrator of the United States General Services Administration offering exhibition space to the Contemporary Artists Guild for an exhibition at the federal office building at 201 Varick Street.

The Committee for Cultural Facilities, an unusual and exciting consortium of arts groups, has the strong backing of our office in their efforts to lease three floors of the Old United States Custom House. We hope that the Reagan administration will not torpedo these plans by turning over the Customs House to the Indian Museum.

In Clinton, we continue to ask the city to abandon its plans for the Urban Renewal Area Sites 7, 8 and 9C and go back to the drawing boards. The plans do not adequately protect the non-profit groups now on the sites. We are particularly disappointed that the city has not followed the original concept to sell the building on Site 7 to the Women's Interact Center.

The arts are not self-supporting. They cannot live on what they earn. They depend on government and the private sector for support. If they boost prices, they limit their audience; if they minimize risk, they limit their creativity. Government must support the arts and respond to its needs. We must explore ways to shield the arts community from the ravashes of the marketplace. If we care about encouraging our nation's artistic and cultural life, if we care about the economic vitality of our city, we must act quickly or face the irreversible erosion of our priceless cultural resources.

A STATEMENT IN SUPPORT OF REVENUE FOREGONE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. GARCIA. Mr. Speaker, at the request of the chairman of the House Committee on Post Office and Civil Service and the chairman of the Senate Subcommittee on Civil Service, Post Office and General Services, the Postal Rate Commission will be undertaking a study to examine the use of most categories of "preferred rate" mail. The study will be reviewed by the House and the Senate for uses in the fiscal year 1987 budget process. The Postal Rate Commission is currently receiving comments on the subject of preferred rate mail and is holding public hearings across the country to enable interested persons to discuss indepth all of the matters under consideration. Attached are my written comments which I submitted to the Postal Rate Commission for their consideration.

In providing revenue foregone appropriations each year, the Congress has played an important role in allowing the Postal Service to establish a preferred rate mail system for nonprofit organization across the country. Many of our national goals are met because of the diligence of these organizations. Because of the budget cutbacks in many of our domestic programs, our Nation must rely on these nonprofit organizations more than ever to have many of our people's needs addressed.

For several years now the current administration has proposed to eliminate the revenue foregone appropriations thereby threatening the livelihood of many nonprofit organizations. Notwithstanding, we in Congress has successfully fought back to maintain certain levels of the revenue foregone appropriations.

I have been deeply concerned about the cuts in revenue foregone appropriations, and am hoping that the study the Postal Rate Commission will be undertaking will show Congress that truly legitimate organizations must continue to receive their well-deserved subsidy.

STATEMENT SUBMITTED TO THE POSTAL RATE COMMISSION ON PREFERRED POSTAL RATES

I commend the Postal Rate Commission for agreeing to undertake a study on "preferred rate" mail which will greatly assist

those of us in Congress to make fair and just decisions on FY'87 appropriations for revenue foregone.

I have been a member of the House Committee on Post Office and Civil Service for eight years, and throughout my term with the committee, I have supported revenue foregone appropriations.

What is revenue foregone? To me it is a special partnership between the government and nonprofit organizations that was established even from the beginnings of the American Postal Service to carry out important national goals. There are organizations such as the American Cancer Society, the March of Dimes, the American Heart Association, and so many more who rely on contributions from the American people to carry out critically important missions for our nation. A key function of many of the nonprofit organizations is to keep Americans informed of pertinent issues that affect them and our country. But even more important function is to raise needed funds for just causes. The organizations rely greatly on our nation's mail system to carry out these functions. Our government has provided revenue foregone appropriations which have allowed the Postal Service to provide the nonprofit organizations lower postal rates in order to assist them in carrying out their special missions.

I am baffled by this Administration's insistence for the past six years to eliminate revenue foregone appropriations. It is this same Administration that has been promoting the idea of getting the government off the backs of American people. Subsequently, funds for social welfare and educational programs have been cut. If the American government chooses to take on the burden of addressing problems of the needy, who takes on that burden? It is the multitude of nonprofit organizations across America. By eliminating revenue foregone appropriations, the Administration is proposing to forego the welfare of our American people. I hope that through the study on preferred postal rates, we would be more certain of the absolute necessity of maintaining that special partnership between the government and the nonprofit organizations.

Today, I would like to speak on behalf of the public libraries, the unions, and the minority nonprofit organizations that would be severely impacted by any further reductions in revenue foregone appropriations. Basically, the greatest threat of eliminating or further reducing revenue foregone appropriations is to the freedom of the press. Libraries, unions, and minority nonprofit organization rely much on revenue foregone because a mission of paramount importance to these organizations is distributing information. Libraries send braille and recorded books to users; unions send out important news that affects their members; minority nonprofit organizations keep the minority communities up-to-date with issues that affect them. Certainly, these organizations are not receiving revenue subsidy unnecessarily. We live in a democratic country that places much importance in making sure the citizens are aware of issues that impact them. These nonprofit organizations would not be able to sustain themselves properly if revenue foregone subsidy is eliminated or reduced such that they are forced to keep up with the first class postal rates. Now, if we eliminate or reduce revenue foregone appropriations, are we not restricting distribution of information to the American public?

In light of the fact that Gramm-Rudman-Hollings has already taken effect, it appears that the entire population is currently facing some of the ill-consequences of fiscal restraint. But the Postal Rate Commission's study is timely and absolutely necessary. In midst of fiscal contraint, the study will assist us in making sure that legitimate organizations would continue to receive their well deserved revenue foregone subsidy.

THE FIFTH PILLAR OF SOUND MONEY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DANNEMEYER. Mr. Speaker, the fifth pillar of sound money is the principle of fiscal policy. It asserts that the credit of the government must be maintained at the highest possible level, and then all other problems will take care of themselves. Just how far the credit of this Government has deteriorated over the years can be measured by the high rate of interest and the shrinking maturity structure of the public debt.

However, the credit of the Federal Government can be restored to its former high level, if we refinance the public debt at 2½ percent interest, by issuing gold bonds with 25 years maturity, as my bill, H.R. 4401, proposes.

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THE FIFTH PILLAR OF SOUND MONEY AND CREDIT: THE PRINCIPLE OF FISCAL POLICY

(Antal E. Fekete)

A Chinese Tale

Once upon a time there were, in China, two great cities: Chin and Chan. They were connected by a magnificent canal. One day the Emperor sent for his chief mandarin, Ching, and said: "Look yonder". Ching opened his eyes and looked. And he saw scores of barges laden with cargo, plying between the ports of Chin and Chan. The Emperor then commanded: "We must stop that traffic, in order to increase employment in the Celestial Empire. You will have huge blocks of stone thrown into the canal to put it out of service." At first Ching did not see the point, and said: "Son of Heaven, you are making a mistake." However, the Emperor's mind was made up, and he said: "Ching, do as you are bid. We are going to stimulate the economy. You come back after three moons have passed, and take another look."

When he came back, the Emperor said: "Look yonder." As he looked, Ching saw thousands of carts and innumerable pedestrians carrying heavy burden on their shoulders, as they were making their way from Chin to Chan, and from Chan to Chin. They looked like a swarm of migrating ants. The Emperor declared: "It was the destruction of the canal that provided jobs for these poor people. We shall make it public policy to stimulate the economy by all available means." Ching remarked in admiration: "I should have never thought that the government could create so many jobs so quickly and so easily."

When the Emperor died, his successor sent for Ching and ordered him to have the canal reopened. Ching prostrated himself nine times and said to the new Emperor: "Son of Heaven, you are making a mistake." But the Emperor was adamant: "Do as you are bid. We must facilitate the movement of people and goods between Chin and Chan, by making transportation less expensive. Then the people may have rice, tea, and silk at a lower cost." Ching thought he was ready with the answer: "But what is the use of lower prices, if no one can pay them, because everyone is unemployed?" The Emperor was losing this patience: "Ching, you are talking like a fool. Come back after three moons have passed, and take another look."

When Ching came back, the Emperor said: "Look yonder". Ching looked and saw more traffic in the canal than anybody had ever seen before. The barges were moving day and night, bumper to bumper. There was no hint of unemployment. The Emperor dismissed Ching with these words: "You can divert and displace labor, but you can never create new employment by erecting obstacles. Remember the wisdom of the old sages, that the secret of good government is to leave people alone." (Adapted from Frederic Bastiat's "Sophismes économiques," Paris, 1845.)

Quality of Credit

The sole aim of fiscal policy is to keep the credit of the government at the highest possible level and above all suspicion. This principle implies that the government borrows only if it can see the revenues which, in the years coming, will be available to retire the debt. If this principle is respected, then the rate of interest will be stable, and it will be the lowest possible rate consistent with economic conditions. Otherwise, the rate of interest will be higher and unstable, moreover, the rise and instability will be commensurate with the extent to which this principle has been compromised. This will make it difficult for some, and impossible for other private producers of wealth, to reinforce their enterprise by borrowing.

The quality of credit in a country cannot be higher than that of the government. Therefore, the deterioration of the government's credit adversely affects every single producer in the country.

The canal carrying the trade between Chin and Chan symbolizes a national economy that respects the principle of fiscal policy. By deviating from this principle, the government puts the canal out of service. The blocks of stone symbolize the higher rate of interest which private producers of wealth pay after all the borrowing needs of the government are satisfied. This would not stifle the national economy, but would certainly render it more inefficient.

A dilution of the principle of fiscal policy is usually couched in a language which would appeal to those susceptible to demagogy. Deficit spending is called "priming the pump", "an essential stimulus to the economy", indispensable to the maintenance of full employment. Yet it is clear that the stimulus of deficit spending is at best dubious in the short run, and completely absent in the long run. The short-term effects have the nature of prestidigitation, as government spending can be targeted to pockets of slow economic activity, in order to produce spectacular results. It is the long run effects where the damage to the economy becomes visible.

Accumulation of Public Debt versus Accumulation of Capital

The accumulation of public debt is a convenient trick through which a temporary

semblance of prosperity may be achieved. In the long run, however, this policy will only aggravate the situation, as it harms the economy by weakening productive capacity. The longer the government succeeds in maintaining false prosperity by increasing public debt, the greater the ultimate damage.

Mainstream economists ridicule this concern about the negative effects of the rising public debt on future economic growth. There is no way—so the argument goes—to shift the economic burden to future generations. You can only consume what has been produced. Under these circumstances, how can a nation live beyond its means? This argument is designed to appeal to simpletons. The basis for all economic growth, rising real per capita income, increased production and consumption, is the result of entrepreneurs investing their own and other people's funds in more and better tools, which permits a steady increase in man-hour productivity. Economic growth, and a rising standard of living, are ultimately dependent upon uninhibited capital accumulation.

Capital accumulation, however, is not an automatic process regulated by mother nature. To produce capital goods—factories and machinery—a corresponding amount of productive facilities must be released from other employment. It is not enough that technology and know-how is available to create new factories and modern machinery. Investors and businessmen must be willing to accumulate capital by doing the necessary investing. Furthermore, the creation of credit must not be confused with capital accumulation. People see idle factories and wonder why they cannot be used to produce the much-needed goods, with the aid of easier credit, if necessary. They fail to understand that the plants have become obsolete because adequate reserves were not set aside for depreciation and replacement. Or, if it is a new plant, people fail to understand that its construction in the first place was based on a miscalculation due to the false signal of easy credit. Rising costs have made a profitable operation impossible. People find it hard to see the thin edge of the wedge between capital accumulation and capital decumulation.

Capital decumulation, therefore, is the result of government action, such as the departure from the principle of fiscal policy. As the government creates more money and credit through deficit spending, prices and wages rise. Operating costs tend to rise faster than revenues, thus reducing profits. The result is idle factories and idle men. In short, the effect of deficit spending is more of the same condition that it was supposed to eliminate in the first place, Thus a vicious circle is put into place: deficit spending creates idle capacity and unemployment, when then call for more deficit spending, to create still more idle capacity and more unemployment.

Kick the Garbage Upstairs

There are those economists who suggest that the process of deficit spending can continue indefinitely. According to them, the public debt need never be repaid. It can go on growing indefinitely, as long as a stable relation between the debt and the gross national product is maintained. In the Ninth Pillar, we shall see why this is a fallacy. Here we may content ourselves with the observation that accumulating debt at the expense of accumulating capital is like dumping garbage in the attic. At one point, the attic is bound to give way, and all the garbage will come crashing down.

THE HUNGER TELECONFERENCE REPORT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. GILMAN. Mr. Speaker, I would like to bring to my colleagues' attention an excellent report on the world hunger problem, the Executive Summary of the Hunger Teleconference Report. This report offers important information to Members of Congress who wish to better understand the hunger issue and draft legislation to alleviate this problem.

Mr. Speaker, I request that at this point in the RECORD the full text of the Executive Summary of the 1985 Hunger Teleconference Report be inserted:

EXECUTIVE SUMMARY OF THE 1985 HUNGER TELECONFERENCE REPORT

On World Food Day, October 16, over 200 colleges, universities and other institutions participated in the 1985 World Food Day Teleconference. A "North American Town Meeting" on food, hunger and agricultural issues, the three-hour event linked thousands of participants in the U.S. and Canada with a panel of international experts at the studios of George Washington University Television (GWTV) in Washington, DC. While the live, interactive sites were the primary teleconference audience, several million additional viewers saw the program on cable, Educational Television, The Learning Channel and Public Broadcasting Service (PBS) stations.

On the local level, the teleconference linked campus and community; on the national level, participants who might never meet face to face joined one another in a simultaneous exchange through the use of satellite technology to discuss policies and action against hunger. The event's most important results were the following: (1) Citizens from local communities participated in the formulation of local, national and international policies. (2) Participants' recommendations indicated that there is wide consensus on the elements of those policies.

The second annual WFD Teleconference was designed to give sites a hands-on experience in participatory democracy through interaction with local, national and international leaders. Expanding the scope and impact of a prototype teleconference, the sites' recommendations and questions to the panel included in the full Report continued the interaction. The full Report has been circulated to the expert panelists, the United Nations Food and Agriculture Organization (FAO), the U.S. Agency for International Development (AID), members of Congress and to the teleconference sites and other WFD planners in the U.S. and Canada.

Based on the local site reports, the on-air proceedings of the telecast and the panelists' written responses to summary questions, the Report is the final component in the 1985 WFD Teleconference Cycle. This Cycle, funded by AID through a Biden-Pell development education grant, included preparation of the background Study/Action Packet and the teleconference program itself, in addition to assisting local organizers in their plans for activities surrounding the teleconference.

BACKGROUND

World Food Day marks the anniversary of FAO and is observed worldwide to focus attention and action on international food security. 1985 was the 40th anniversary of FAO, the fifth World Food Day and the second WFD Teleconference.

In the U.S., the National Committee for World Food Day is comprised of over 350 member organizations including the major American food, farm, education, religious, nutrition, and relief and development organizations. The National Committee Office, a small resource center in Washington, DC, facilitates WFD planning in the U.S. The Office plays a unique role as a clearinghouse on food/farm/hunger issues by helping to disseminate the collective resoruces and expertise of member groups and local WFD planners to the public at large.

THE STUDY/ACTION PACKET

The WFD Study/Action Packet was compiled by the University of Illinois with assistance from a panel of hunger experts and academicians from 1984 teleconference sites. As an adaptable resource, the Packet contained fact sheets, annotated bibliographies and inserts from National Committee members, AID and the World Bank.

The Packet served as an aid to curriculum building on agricultural development, and as a backgrounder for the issues of WFD 1985. These included:

The relationship between poverty and hunger.

The impact of environmental degradation and resource depletion on food security.

The means to achieving long-term, sustainable agricultural development.

In addition to the teleconference sites, hundreds of other colleges nationwide received the Packet. Numerous community and professional groups as the USDA Extension Service also used this resource for information and training. Based on site reports, the Packet saw wide interdisciplinary use, and strengthened the role of the campus as a community resource center. At the University of Missouri-Columbia, for example, 800 copies of the document were reproduced and distributed to college departments ranging from English to Agriculture, as well as to Extension professionals throughout the state.

PLANNING THE TELECONFERENCE PROGRAM

Planning for the teleconference began in February 1985 and continued throughout the year with assistance from the National University Teleconference Network (NUTN), GWTV, PBS and others. The program format included: live presentations by four international experts in the first hour (one-way audio/one-way video); interruption of the broadcast in the middle hour to permit sites to conduct their own discussions, debates, etc.; return to the satellite broadcast in the third hour for an interactive question and answer period between the sites and panel (two-way audio/one-way video).

The teleconference program, hosted by TV/film star Eddie Albert, featured:

M. Peter McPherson, Administrator of AID.

Senator Paul Sarbanes (D-MD), member of the Senate Foreign Relations Committee.

Barbara Huddleston, Chief of the Food Security and Information Service of FAO.

Marie Savane, President of the Association of African Women for Research on Development in Dakar, Senegal.

Renee Poussaint (moderator), Emmy award-winning news anchorwoman of WJLA-TV, the ABC-TV affiliate in Washington.

LOCAL SITE PROGRAMS

Teleconference sites applied the event for their own institutional and community goals. However, they were encouraged to include local and domestic hunger issues in their mid-hour discussions, as these topics were not a primary focus of the national program. The range of activities at many sites required day-long, week-long, and even month-long programs. Several colleges reported plans to institutionalize WFD activities and curriculum building on a year-round basis.

The diversity of site programs received extensive coverage in the full Report, with particular emphasis on joint planning between campus and community groups to use the event as a community-wide resource; curriculum integration; involvement of off-campus groups; and local media outreach.

The WFD "North American Town Meeting" saw parallels at the local level; some site programs were individual town meetings involving mayors, state and national Representatives and other officials in discussion of local food issues, and several participating institutions broadcast their own mid-hour programs regionally, in at least one case with a local call-in. Sites emphasized the theme of "local-global links" in their activities, and sought to inform participants on similarities among local, domestic and international food issues.

The Teleconference Cycle made significant progress in assisting college faculty with interdisciplinary curriculum development. Although the teleconference remained a "special event" on campus, it was also a component of course work or an extra credit activity at most college sites. Beyond use of the teleconference and Packet as a pedagogic tool, the event provided many students with an opportunity to organize symposia, work with local media and establish contacts with local and national organizations—valuable educational experiences in themselves. In addition, many foreign students served as local panelists at their host institutions, sharing first-hand accounts of conditions and agricultural policies in their own countries.

Non-academic groups frequently provided local program panelists, discussion leaders, and participants to the sites, who responded generously with fundraisers, hunger walks, food drives, and other activities in support of domestic and international hunger organizations. Through off-campus participation and the caliber of local program activities, the teleconference sites themselves ensured wide media coverage of the event, and worked with local stations to carry excerpts of the national program. Many sites invited local television journalists to serve as their mid-hour program moderators, increasing local coverage.

PROGRAM SUMMARY

After a brief introduction by Eddie Albert, the national broadcast began with a videotaped message from the Director-General of FAO, Edouard Saouma, who encouraged participants to renew their efforts against hunger, whether as governments, non-governmental organizations or individuals. Then, throughout the first hour, the moderator questioned each panelist, and invited them to express disagreement with one another or to expand upon points being raised. The following is a summary of the discussion:

M. Peter McPherson: a description of U.S. emergency assistance to Africa in the past year, and ongoing AID development programs undertaken in the Third World with assistance from the Private Voluntary Organizations. Mr. McPherson explained a policy error common in many developing countries of providing cheap food to politicized and potentially volatile urban populations at the expense of poor farmers in the countryside. He emphasized the importance of producer incentives, and the role of AID in providing intermediate-term support to countries undergoing a transition in policy towards pricing reforms. Regarding American public opinion on continuing foreign asssistance during a period of domestic cut-backs, Mr. McPherson stated that the U.S. Government and AID must be more aggressive in promoting foreign assistance as something the American public can buy into, but that African governments must also assume more responsibility for their future.

Paul Sarbanes: a summary of Congressional action on foreign assistance, particularly to Africa, and discussion of the important role of the American public in influencing policy on both domestic and international hunger. Sen. Sarbanes made note of the fact that many problems confronting the American farmer are not due to development programs abroad, but to causes such as the overvalued dollar and competition from other developed countries. Instead, he pointed out that international development has been proven to increase foreign markets for American goods, including foodstuffs, because as countries develop, they are able to finance imports. Mr. Sarbanes also discussed the role of multilateral agencies such as FAO in finding joint solutions to international hunger and agricultural crises, and encouraged participants to observe World Food Day as one means of involving citizens in this process.

Barbara Huddleston: discussion of the importance of policy formulation to ensure proper production, marketing, transport and distribution of food within developing countries. Ms. Huddleston reminded participants of competing interests within all nations, and the difficulty of Third World governments to reconcile these interests within their own often fragile democracies. She explained that in many cases, policies held over from colonial times still direct these young governments, without sufficient flexibility by donors to help beneficiaries undergo the necessary adjustment process. Ms. Huddleston stated that from the standpoint of FAO, more belt-tightening must occur at all levels to make sure that development assistance gets "more mileage for the buck."

Marie Savane: discussion of the fame and conditions in Africa from the African perspective, including observations on often unsuccessful policies and methodologies imposed on beneficiary governments by donors. Mme. Savane was particularly concerned about the Western propensity to "compartmentalize" approaches to development, rather than involving beneficiaries themselves in a wider range of needs assessment and program design, implementation and evaluation. She also discussed the impact of the famine in compelling both Africans and Westerns to recognize global interdependence, and to improve long-range planning. Mme. Savane acknowledged that mismanagement has been a problem in Africa, but that African governments are making positive changes.

RECOMMENDATIONS FOR ACTION

Teleconference sites were asked to share recommendations for action in the following areas: U.S. Government, International Community, Food Crisis Governments, Colleges and Universities and Local Community Action. The following themes recurred:

Criticism of military spending over support for hunger-related programs.

Criticism of politicized aid/development programs and use of food as a "weapon."

The need for increased education and training.

The need for improved food distribution.

The efficiency of small farmers, and the need for technologically and culturally appropriate agricultural programs.

As in 1984, sites charged the U.S. with setting an international example against hunger, but this year, they were much more outspoken in addressing domestic hunger, as well. Sites criticized U.S. Government policies of military expenditures rather than support for domestic and international agriculture and development programs, and condemned politicization of food aid. They voiced strong support for American farmers, and urged the Government to prevent the further demise of the American family farm. Finally, sites urged policy-makers in the U.S. to reorient their planning to the long-term, placing greater emphasis on education and training in development programs more sensitive to appropriate technologies and cultural norms.

Regarding the International Community, the major concern of sites was improved cooperative efforts. Recommendations called for more support of, and involvement in, multilateral agencies by the nations of the world and for a more equitable distribution of resources within the international community. Sites also suggested that a clearinghouse of international proportions be established to coordinate and disseminate agricultural technologies. Other suggestions entailed upgrading international oversight of emergency food distribution and the establishment of international reserves.

For Food Crisis Governments, sites urged the adoption of "food first" policies and a reevaluation of export cropping in nations faced with domestic food shortages. These governments should, in the view of teleconference participants, assume greater responsibility for their own future, and were repeatedly criticized for allowing military/strategic considerations to predominate over feeding their starving populations. Thus, improved distribution of both domestically produced and donated foods was a major theme in this recommendations category, with related discussion of the need to upgrade infrastructure for storing and transporting food in assistance with donors.

Colleges and Universities received the most recommendations, including calls for increased overseas experiences for students and faculty; more appropriate research, greater involvement in local domestic food issues; and the responsibility of higher education to emphasize global interdependence. Many sites indicated that as a result of World Food Day planning, they are already beginning to implement these strategies.

Recommendations for local community action included the following suggestions: increased awareness and involvement; establish links among local/national/international hunger issues; coordinate local action to prevent redundancy of efforts; decrease consumption and waste, and support local food banks; and exercise democratic rights to in-

fluence food and hunger policies through correspondence with legislators and policymakers and judicious use of the vote. Again in this category, and often as a result of campus-community contacts through the teleconference, many respondents stated that these recommendations are already guiding their local outreach activities.

THE MEDICAID INFANT MORTALITY AMENDMENTS OF 1986

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. LELAND. Mr. Speaker, today I am introducing the Medicaid Infant Mortality Amendments of 1986. I feel strongly that this bill will help to alleviate the tragedy of infant mortality in this prosperous Nation. The Congress is long overdue in taking on this challenge of rising infant mortality rates with the necessary and deliberate action that it deserves. Now is the time for us to act, as a body, on our commitment to the survival of our children.

Infant mortality rates are commonly used as indicators of a population's health status. Overall infant mortality rates in this country are on the decline. Since 1981, however, the decline is slowing and we are in fact able to note a rise in post-neonatal mortality. From 1982 to 1983 the rate of infant death rose by 3 percent, and again by 6 percent in 1984. The Children's Defense Fund, a widely accepted authority on the problem, estimates that rates rose about 9 percent in 1985. Obviously the problem is growing at a phenomenal rate. Our immediate attention to this matter must be mandated by our moral sense as well as our responsibility to our constituents.

For black Americans the reality of infant death is even more devastating. Infant mortality rates for blacks are twice as high as those of whites, and blacks are twice as likely to produce low birth weight babies. Low birth weight accounts for two-thirds of all infant deaths.

Too many women today are facing the hardship of bearing children in the context of unretractable poverty. Women aged 18 to 24 give birth to some 40 percent of all babies born in the United States in a given year. Yet, in 1984, more than 25 percent of these women had no private health insurance or public health coverage such as Medicaid or Medicare. This statistic is particularly disturbing because a high percentage of working women aged 18 to 24 earn less than $10,000 annually. This group of working poor women are simply unable to afford the cost of prenatal care and delivery, especially if they must meet that cost in the absence of public health coverage.

The Health Insurance Association of America estimates that the cost for an uncomplicated pregnancy is at least $5,000, while Federal programs such as Medicaid cover only about 43 percent of women of reproductive age who earn less than $5,000 per year. In all States, Medicaid is tied closely to AFDC payment levels and most payment levels are set at less than 50 percent of the Federal poverty level. In Texas, AFDC payment levels are at 27 percent of the Federal poverty level; this means that presently, only those Texas women with incomes no greater than 27 percent of the poverty level are eligible to receive maternity care at the expense of Medicaid. Those who have incomes which are 28 percent of the poverty level must find their own ways to pay for needed care. As you might imagine, these women simply do without needed care and consequently, many do not give birth to healthy babies.

Currently, Medicaid offers no coverage for postpartum care of complications during pregnancy, in spite of the fact that in more than 56 percent of all pregnancies there is at least one complication. Few States even cover diagnostic services and screening so necessary in cases of suspected high risk. Furthermore, reimbursement policy under Medicaid makes it difficult for covered women to find good health-care providers. Poor women, most likely to lack any insurance coverage, public or private, are faced with an enormous dilemma.

Some of us may argue that infant mortality is a problem, but that we have not yet determined the best way to combat it. But the evidence suggests and the medical community agrees, that the upward trend in infant mortality can be curbed with increased access to prenatal care for pregnant women. This reality is unavoidable. However, receiving this care means having the ability to pay for services. Lack of maternity care, frequently a result of poverty, is the greatest contributor to infant death in this country.

The purpose of the Infant Mortality Reduction Amendments of 1986, is to allow States to exercise an option to provide prenatal care, delivery, and post-partum care to women who survive at or below 100 percent of the Federal poverty level. The bill also provides well-child care for the infant involved up to 1 year of age, without regard to State income eligibility thresholds. This bill also allows States to target Medicaid dollars on care for high-risk pregnant women and infants without regard to family structure and without regard to cash assistance the family may already be receiving under the AFDC Program. This is the logical next step in reforming Medicaid eligibility policy so that Federal funds are invested where they will save the most lives and the most money.

Another admirable quality of this bill is that it is cost-effective, and in the long run will save the Government millions of dollars. The cost of providing the services authorized under this legislation, approximately $125 million for the first year, is far less than the cost of maintaining babies who are born sick and underweight. Poor nutrition and little, late or no prenatal care is typical of the mothers of these children and contributes significantly to the problem. And I might add that this lack of proper nutrition and prenatal care is a direct result of poverty.

Sick and underweight newborns are extremely costly because they require extended hospital stays and continued medical services outside of the hospital, in order to maintain the fragile life. Presently, hospitals have to absorb the costs of care for uninsured mothers and babies. If the baby is sick the cost can be astronomical. The Allan Guttmacher Institute has determined that newborns who are sick and underweight can require massive and expensive treatment, and they account for 27 percent of all uncompensated costs to hospitals. In fact, almost half of all unpaid hospital bills of $25,000 and more, are the result of caring for sick newborns. This a growing problem, especially among public and teaching hospitals which invariably shoulder much of the burden.

This is a problem of national significance. The problem is widespread in this country and affects every State, but impacts most heavily in the poorer Southern and Southwestern States. It is our moral obligation to stop the backward trend that less enlightened policy has created in the American health-care system. The administration has been extremely instrumental in ignoring these frightening trends, diverting attention instead to budget deficits and rising health care costs. By providing access to early prenatal care, we can not only save money, but we can also reduce the incidence of morbidity and mortality among America's children.

For many years I have worked to reduce the suffering of people who live in poverty. The Southern Governors' Association Task Force on Infant Mortality, chaired by Governor Riley of South Carolina, and the National Governors' Association as well as the Children's Defense Fund have worked diligently with the subcommittee staff to come up with a remedy for some of the short-comings in the Nation's welfare system. And I firmly believe the Medicaid Infant Mortality Amendments of 1986 is a good first step in the right direction.

NEW HORIZONS FOR AMERICA'S YOUTH

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. OBERSTAR. Mr. Speaker, each year, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy essay-writing contests. This year more than 250,000 secondary school students competed for six national scholarship prizes. While each participant can be commended for his effort, I would like to bring your attention to one particular script.

The winning script for the State of Minnesota was written by Mr. Robert Carlson of Duluth. Robert is in the 11th grade at Duluth Cathedral High School and hopes to pursue a career in either writing or photography. As the youngest of eight children, it is obvious from Robert's essay that his parents, Charles and Gene Carlson, instilled tremendous virtues of patriotism in their children. I am proud of Robert's accomplishments as I am certain his entire family is.

I want to share "New Horizons for America's Youth" with my colleagues. I urge each Member of Congress to read it, and I hope you will remember the young author's message that the American democracy must be protected and built upon for future generations to enjoy.

The article follows:

NEW HORIZONS FOR AMERICA'S YOUTH

On the fourth day of July, in the year seventeen hundred and seventy-six, the founding fathers of America shocked and amazed the world with their historic document, the Declaration of Independence. Never before had any group of people so emphatically expressed their need to break away from a government that failed to support the fundamental rights and freedoms of its citizens. Every one of the men who signed the Declaration knew that by doing so he was putting his life in great jeopardy. King George of England had already ruthlessly put down protests of the stamp and tea taxes, and it seemed certain that he would respond to the Declaration of Independence in the same manner. The valor of the original signers in the face of such danger can best be seen in the courage of just one man, Johnathan Hancock. Knowing that his cause was right, Hancock did not care if the whole world was against him in his efforts to gain liberty. In expression of his dedication to his belief in freedom, he boldly penned what has become the most well known signature in the world today. It is fitting that we hold Hancock in as much esteem as we do; he stands as a reminder of our country's original patriotic courage, and of our bold defiance of injustice and oppression. The sculptors of our nation were not afraid to take risks, no matter how enormous, for they were truly guided by the maxim, "One man, in harmony with God, is a majority". With that in mind, how can anyone compromise his values and not stand up for what he knows is right? Those first patriots who gave their lives to win the freedom of this land would never have done so and we, as the youth of America and trustees of our country's future, must never do so either.

Nothing can weaken a nation more effectively than the apathy of its citizens. At one time, the mighty Roman Empire commanded the tribute and respect of all the civilizations that were then known. Rome encompassed all the best ideas and discoveries of the world and molded them together into one great nation—a nation that many people thought would last forever. But it didn't. The Roman people became overconfident, overindulgent, apathetic. And as the people of Rome weakened, so did the structure and might of the Roman Empire itself. The army that had once been the most powerful force on earth began to lose battles . . . the Italian peninsula was invaded . . . the Empire crumbled. The ruins of the Colosseum stand as a silent witness to the fate of a great nation whose people failed to care enough about it to preserve its ideals.

Many years into the future, will people look back upon America as we now look back upon the Roman Empire, and say what a shame it is that such a great civilization ever had to fall from glory? Nowhere else in the world do the citizens of a land have as many opportunities to participate in the democratic process as we do here in America—and nowhere else in the world would it be more tragic for such freedoms to be left unused. Past generations have faithfully preserved the ideals of democracy in our country, but soon it will be time for the torch to be passed down, and the youth of America will be given their chance to prove themselves equal to the spirit of the founding fathers. We are at the threshold of a great decision; in the distance can be seen the horizon of our future. With it come new challenges, new problems, and new goals that even the founding fathers could never have foreseen. Just beyond the horizon, there is a sun, the most brilliant sun that ever shined. Whether that sun is rising or setting upon America depends entirely upon our efforts. If we truly want it, and if we truly work for it, America can outshine even the hopes and dreams of our nation's founders.

THE CALIFORNIA COAST MUST BE PRESERVED FROM OFFSHORE DRILLING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. LANTOS. Mr. Speaker, once again we are facing a concerted effort by the oil industry and its allies at the Department of the Interior to open up the magnificent California coast to offshore drilling. The new draft leasing program put forth by the Interior Department opens up vast stretches of our fragile coast—despite the fact that an overwhelming majority of the people in our coastal communities strongly object to this policy.

Today, at a hearing of the Interior Subcommittee of the Committee on Appropriations, I requested that the moratorium on offshore leasing along the California coast be imposed again. Mr. Speaker, I would like to place the testimony I presented to the committee in the RECORD. This is an important issue and my colleagues will hear more about it in the upcoming weeks:

STATEMENT OF THE HONORABLE TOM LANTOS

Mr. Chairman, I regret that I must appear before you today to urge action again on the controversial issue of drilling off the California coast. Your subcommittee—and you personally, Mr. Chairman—have been most supportive in the past of the legitimate concerns of Californians to protect the unparalleled natural beauty of our magnificent coast from uncontrolled exploitation through oil and gas drilling.

Mr. Chairman, today I most emphatically and urgently request that you again impose a moratorium on oil and gas leasing by the Department of Interior along the California coast. In submitting this request, I know that you are already familiar with my reasons for opposing uncontrolled OCS leasing. Today, however, I would like to acquaint you with the recurrent problems experienced by the California congressional delegation as we have attempted to reach a negotiated solution with the Administration.

When Secretary Watt set about carving up the coastline with a recklessness that could not be curbed, talks were rejected and we resorted to moratoria to protect the coast. That recklessness, it now transpires, cost the government several billion dollars. As you are aware, a recent report from the General Accounting Office states that in Secretary Watt's headlong rush to auction off coastal waters, he sold the leases at bargain prices.

Last year, members of the California congressional delegation and Interior Secretary Donald P. Hodel entered into what we considered to be good-faith negotiations to meet both the needs of the oil industry and environmental concerns. After extensive discussions, we reached a historic agreement that satisfied the concerns to protect certain areas of the coast, but at the same time permitted limited drilling in less sensitive areas. At a public press conference last July, Secretary Hodel stated "I am pleased that our intensive good faith efforts to negotiate with the States on this difficult issue have created the environment in which the Congress has now acted fairly and equitably."

I regret to say, however, that Secretary Watt went back on his word. While we held fast to our side of the bargain, the Secretary has claimed that our agreement is no longer valid.

Although I and many of my colleagues questioned how we could continue to negotiate with an Administration that had so clearly compromised its integrity, we continued—and indeed are still attempting—to reach an agreement following the new leasing proposals released earlier this year. The Department of the Interior, however, has consistently failed to negotiate in good faith. No agreement has been reached and none appears likely.

Time is running out. While making no serious effort to negotiate with the Congress, the Interior Department has issued a new draft leasing program which opens to leasing many sensitive areas of the California coast.

Mr. Chairman, the situation has assumed unprecedented gravity. We are engaged in negotiations with a Secretary who will not negotiate; the Administration is determined to push through its leasing plans in the face of clear opposition from virtually every coastal community in California. We are not engaged in an equal fight—the odds are stacked against us by an Administration that is clearly ignoring the wishes of the people most directly involved. The only way to insure serious negotiations with the Department is to reimpose a one-year moratorium. I respectfully request your support.

MARKET ACCESS PROBLEMS WITH REPUBLIC OF KOREA

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. FRENZEL. Mr. Speaker, business and Government leaders have recently been engaged in discussions designed to ease some of the market access problems we have with the Republic of Korea. I am pleased that the Koreans are willing to discuss our concerns before they become major ones, and have cooperated with our Government in solving the 301 unfair trade practice eases.

There has been a lot of talk about the likelihood of Korea becoming the next Japan as far as a potential closed market for U.S. exports and an aggressive export policy are concerned. While it is true that Korea, as a developing country, has restricted its home market to imports to encourage local industries, there does seem to be an awareness that it must start playing by the same rules as industrialized nations as a major exporter.

It is my hope that Korea will be less interested in achieving industrial self-sufficiency, and home market protection than some of its neighbors. Progress has been made recently and I believe that prospects are better for U.S. exporters. I do not expect that Korea will become "the next Japan," because it is not in its interest to do so. Certainly, the United

States, its largest market, will not tolerate such conduct.

The history of the long, close relationship between the United States and Korea gives me hope that the bilateral discussions will continue to show progress in easing some of the market access problems we now have with Korea.

AN EDITORIAL VIEWPOINT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. BEREUTER. Mr. Speaker, I would like to bring to the attention of my colleagues a recent editorial that appeared in the Omaha World Herald on the American attack on Libyan military installations.

The article brilliantly points out that in an age of cultural tolerance, we cannot allow a desert dictator to attack our culture and civilization with violent impunity. Defending ourselves was as the World Herald said, "a moral imperative." I ask permission to have the text of the editorial reprinted in full.

Also, Mr. Speaker, the European Community is engaged in an elaborate con game. Menacing threats of EC retaliation, should the United States restrict several products of importance to the Community, have become standard fare. Yes, it is true that we are considering trade sanctions on several of their products. But this is not some unilateral action on our part.

It is in retaliation for their longstanding practice of agricultural subsidies and for their recent, blatant attempt to use Spanish/Portuguese accession to the Common Market to restrict our sales even further. It is not they, but we, who are the aggrieved party. A recent World Herald editorial, which I commend to my colleagues, put the issue in correct perspective when it urged that we give the European Community a taste of its own medicine.

Again, I request permission to have the text of this editorial reprinted in the RECORD:

THE ACTION AGAINST LIBYA IN STEP WITH U.S. HERITAGE

In circles where appeasement is considered chic, the U.S. bombing attacks against military targets near Tripoli and Benghazi are receiving the predictable condemnation. The truth is, however, that the United States has few practical alternatives except to respond to Libyan-sponsored terrorist attacks with limited force.

Negotiations, the 1980s cure-all, would be inappropriate. The behavior of Libyan leader Moammar Khadafy reflects a fanatic's hatred for the United States—and Western civilization in general—that leaves no room for considering him to be a potentially reliable partner in diplomacy. Khadafy has expansionist goals in northern Africa and a commitment to the destruction of Israel, neither of which is a negotiable item. Finally, the United States has a policy of refusing to negotiate with terrorists.

Support for economic and political isolation of Khadafy has been lacking among the nation's European allies. The European Common Market this week seemed to be striving to distance itself from the fray when it adopted a resolution urging "restraint on both sides"—as if it were intellectually possible to take a neutral position between terrorism and anti-terrorism. France even refused to let American warplanes enter French airspace during their Britain-to-Libya flight.

The potential costs of turning the other cheek are unacceptably high. To let terrorism go unchallenged is to condone it. Western Europe might prefer not to confront the problem on Libya sponsored violence, but no evidence suggests that ignoring Khadafy's activities would lead to less terrorism.

Bombing Libya, to be sure, carries a risk for the United States. Nobody wants a general war. European nations that are friendly to the United States have property and people in Libya. The Soviet Union maintains technicians and equipment there. Moderate Arab nations, while wary of Khadafy, often tend to view the confrontation from a Third World perspective. Finally, Khadafy's potential reactions are difficult to predict.

The United States has reduced the risks, however, with its careful selection of targets, its efforts to keep other nations informed and the documentation it has provided for its actions. Evidence linking Libya with the bombing of a West Berlin nightclub in which an American serviceman died strengthened the case for action. So did evidence indicating that Libya had planned to massacre people waiting outside the American consulate in Paris to obtain visas.

The United States can do no less for people such as 11-year-old Natasha Simpson, who was one of the victims gunned down in the Rome airport last December, or 8-month-old Demetra Klug, who fell to her death with her mother and grandmother after a terrorist's bomb blasted a hole in the side of their plane.

Taking a stand against international terrorism is a moral imperative for any nation that is dedicated to freedom and human dignity. The refusal to be intimidated by tyrants and international thugs is an inseparable part of the American character dating from the earliest days of the republic. To continue to sit by while Khadafy runs unchallenged would be contradictory to the kind of nation America has been—and the kind it ought to be.

A TRADE THREAT FROM EUROPE

Ella Krucoff, a representative of the European Economic Community, made it sound as if she believes that the EEC, or Common Market, is about to become an innocent victim of a trade war. If the United States imposes certain trade sanctions, she said, "It is likely that the EEC will be ready to respond in kind."

But the Common Market has used subsidies, tariffs and other protectionist measures for years. Its protectionist policies, particularly in agriculture, are the reason that the United States is considering taking action in an attempt to restore free trade.

Each year, the Common Market fixes prices above market levels for European farm products. The high prices encourage European farmers to overproduce. The surplus grain is dumped on the international market at prices below the cost of production. The policies cost the Common Market about $4.6 billion in 1985.

The European subsidies hurt American farmers. While Common Market food exports have increased in recent years, U.S. agricultural exports have declined from $43.8 billion in 1981 to an estimated $28 billion this year.

American efforts to complete without resorting to protectionist measures have been unsuccessful. The Reagan administration recently suggested that it might be ready to give the Common Market a taste of its own medicine. The United States said it will place quotas and tariffs on products such as European wine, canned hams, cookies and olives unless the Common Market reduces its agricultural subsidies.

The American commitment to free trade shouldn't be abandoned, even temporarily, without serious provocation. But U.S. trade officials have a point when they say that free trade is unlikely to occur with Common Market policies as they are. The decision to give the Common Market additional perspective on protectionism could, if Europe reacts the way Washington hopes it will, lead to a more reasonable trading relationship.

HAZARDOUS MATERIALS TRANSPORTATION SAFETY AMENDMENTS OF 1986

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mrs. COLLINS. Mr. Speaker, I am pleased to joint with Mr. WIRTH in cosponsoring the Hazardous Materials Transportation Safety Amendments of 1986. The importance of the legislation is clear to those who understand the challenges facing us in the transportation of hazardous materials today.

Our bill would:

Unify the motor vehicle transportation safety agencies within the Department of Transportation;

Commit additional resources and staffing to Federal truck safety enforcement;

Require the registration of hazardous material shippers;

Improve Federal standards for training drivers, dockworkers, police, and firemen;

Create a special State drivers license for drivers of chemical and other highly hazardous cargo; and

Require the designation of truck routes for the safest movement of dangerous loads.

Much care has been taken to craft this bill. Let me elaborate on a few of its provisions for a moment.

In 1974, Congress passed the Hazardous Materials Transportation Act. This act was a beginning. Since then, regulations have multiplied to cover all aspects of moving dangerous cargoes. All aspects, that is, except the most important, the human elements. We have regulations on containerization, placarding, equipment, and shipping papers, but regulation covering driver qualifications is vague. Regulations addressing the baseline level of knowledge for dockworkers, loaders, packers, and others associated with the processes of interstate commerce, are so weak as to be unenforceable.

I have three recent studies to support my contention. First, the Congressional Research Service reported in an April 4, 1986, study that 65 percent of all hazardous materials transportation accidents were caused by human failure, not package failure, vehicle accidents, or equipment malfunction. CRS's

study evaluated DOT regulations and concluded that DOT trucking regulations for dockworkers, warehousemen, and shipping workers are inadequate and have an adverse impact on safe transportation.

A second study is a recent analysis performed for the Federal Highway Administration. The Mandex, Inc., consulting firm reported that 67 percent of all reported truck accidents in 1983 were preventable and 94.5 percent of those accidents were caused by driver failures. Again, this is the human element to which I referred.

The last study is an Office of Technology Assessment report which will be published shortly. It reports that 75 percent of all emergency first-responders such as police, firemen, and first-aid crews, do not have basic training for responding to hazardous materials transportation accidents. This astonishing figure represents the weak link in our Nation's protection of public safety.

The three studies to which I have just referred confirm what my subcommittee's investigative study had discovered earlier: We haven't put a significant amount of attention to the human side of the safety equation. The legislation I am cosponsoring today addresses this issue in three ways: higher licensing requirements for high-level hazard drivers, incentive funding for emergency responder training and improved regulations for worker safety training. These are commonsense provisions.

Mr. Speaker, by emphasizing improved training standards, I don't mean to downplay other provisions of our bill. Shipper registration, mandated in our bill, is long overdue. Improved routing of dangerous cargo, publication of DOT carrier safety ratings, and unification of truck safety enforcement within DOT, all these provisions are also badly needed and widely supported by industry and labor.

Mr. Speaker, I urge speedy consideration of this bill.

IN RECOGNITION OF DAVID LAWRENCE, JR.

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. HERTEL of Michigan. Mr. Speaker, this past Tuesday, Mr. David Lawrence, Jr., was honored with the Human Rights Award of the American Jewish Committee's Institute of Human Rights.

Mr. Lawrence is well known to people across the country through past accomplishments, and particularly to us in Detroit for his work at the Detroit Free Press. Recently, he has begun his own weekly column which helps put into perspective the events of the previous week. It enables him to communicate with the public and stay in touch with the problems of the community.

Mr. Lawrence began his career in journalism in 1963 with the St. Petersburg Times. He subsequently worked with the Washington Post, the Palm Beach Post, the Philadelphia Daily News, and was editor of the Charlotte Observer. In 1978 he joined the Detroit Free Press as executive editor, and last year became publisher and chairman of this fine publication.

David Lawrence's illustrious career is complemented by an admirable record of public service.

He is a director of the American Society of Newspaper Editors and serves as chair of its Credibility Committee. He is also director of the Journalism Institute for Minorities at Wayne State University and is a member of the board of directors of Detroit Renaissance, the Greater Detroit Chamber of Commerce, the United Foundation, the Michigan Council for the Arts, the Economic Club of Detroit, and the Michigan Thanksgiving Parade Foundation.

In addition, he is on the advisory committee of the Institute for Journalism Education, and is a trustee of the Foundation for American Communications, the Detroit Institute for Children, Grosse Pointe Academy, Children's Hospital, and is on the board of trustees of the Founders Society/Detroit Institute of Arts.

This incredible list is only the tangible product of David Lawrence's dedication to his cause. The fact that Mr. Lawrence, a Roman Catholic, is receiving this award illustrates his successful attempts at bridging the cross-cultural roadblocks that are often factors in the fight against repression of the human spirit.

In these times of international and intercultural friction, David Lawrence has emerged as a concerned human being who truly cares about human rights. He inspires us all to follow his lead and I ask that my colleagues join me in commending David Lawrence and encourage him to continue his pursuit of these high ideals.

SOVIET JEWRY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DORNAN of California. Mr. Chairman, I rise today to express my continuing outrage about the Soviet authorities gross mistreatment of the Jewish community within the U.S.S.R. The persecution of Soviet Jews is pervasive, systematic and insidious. Having been to the Soviet Union some five times, I am very familiar with the hardships endured by the Soviet Jewish community. Throughout my travels I was able to meet with both Jewish and Christian refusniks in Moscow, Lenigrad and Kiev. The very fact that I even met with these individuals earned me the dubious distinction of "Congressman Dracula"—a comment made by the official communist propaganda organ, Tass. My heart goes out to these courageous people.

Mr. Speaker, most of us agree that the Soviet state is physically strong but morally corrupt. Evidence of this is manifested by the fact that the Soviet Union is a nation which denies blatant anti-Semitism yet continues to implement a harsh policy of state-sponsored intimidation of Jews—a community whose only crime is desire to pursue conscientiously their religion. Given these circumstances, it is no wonder that the world fears the Soviet Union—a nation whose legal system is respected no further than its reach.

Most of us are aware that once a Jewish family applies for an exit visa, one hardship after another predictably follows. Throughout the years the Jewish community in the Soviet Union has courageously confronted rampant anti-Semitism with little hope of ever living freely. The Soviet Jews are the only national group in the Soviet Union which systematically suffers from mass humiliation, the only one whose national language—Hebrew—is forbidden: whose history, religion, national identity are effectively silenced. Reminiscent of the Nazi persecution of the Jews under Hitler, the Jews in the Soviet Union must be identified as Jewish on their identification cards, and are regularly excluded jobs of significant responsibility.

As Moscow continues its campaign to deprive Jews of their past, and their links with Jews throughout the world, a flood of anti-Semitic and racist propaganda has inundated every corner of the Soviet Union. Seeds of hate and distrust have been cultivated by authorities via the press and media. Anti-Semitism continues to be thinly masked as anti-Zionism, and remains directed against Judaism. Never-the-less anti-Semitic articles, books, and phamplets have invaded nearly all segments of Soviet society.

Their courage of Jewish refusniks in the Soviet Union in the face of despair: their determination in the face of fear, their hope in the face of punishment must compel us to demonstrate our solidarity with them until every Jew who wants to leave the Soviet Union can emigrate freely. We cannot remain silent, nor do we have the right to remain silent. Organizations such as the National Council of Jewish Women is characteristic of international human rights and support groups who will not let this issue die. Through the efforts of many organizations like the National Council, over 275,000 Jews have been able to leave the U.S.S.R.

The fact that pressure has been successfully brought to bear on the Soviets tells us that Russia is not totally impervious to international opinion. For this reason we should be spurred to action now, more than ever. Soviet officials would no doubt prefer to that we forget the refusniks, to become discouraged and to ignore the issue. This would plunge Soviet Jewry into immobilizing darkness and the Soviets would then be completely undeterred in their objectives of cultural genocide. These modern Jewish refusniks are heroes who deserve more than a policy of benign neglect. If we do not remember them, fight for them, and rally for them, who will?

In conclusion, Mr. Chairman, I would like to point out that American interests are best served by ensuring the protection of human rights of people currently living under authoritarian and totalitarian governments. To achieve this goal a internationally coordinated, and strategic approach to human rights is absolutely critical to its effectiveness. Toward this end, I would like to recognize and commend the efforts of the National Council of Jewish Women—an organization committed to this approach.

FORMER DEFENSE SECRETARY HAROLD BROWN SAYS SALT AGREEMENTS SHOULD BE PRESERVED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. FASCELL. Mr. Speaker, on April 15, 1986, the Subcommittee on Arms Control, International Security and Science conducted an important hearing on "The Implications of Abandoning SALT." The purpose of the hearing was to examine the current debate in the administration on whether to continue complying with the SALT agreements.

Of particular note were the comments made by Dr. Harold Brown, the former Secretary of Defense. Dr. Brown informed the members of the subcommittee that it would be in the best interests of the United States to continue abiding by the SALT agreements.

Among the several options being considered by the administration at this time is the drydocking rather than dismantling of two Poseidon submarines, an action that would put the United States over the SALT numerical limit for MIRV'd, ICBM's and SLBM's. Responding to the drydocking of the submarines, Secretary Brown said that such a move would be detrimental to United States interests since the Soviets are currently better positioned to exploit a "breakout" of the treaty. He said the Soviets have more "hot production" lines for strategic weapons than the United States, more heavy missiles ready to take thousands of additional warheads, and no Gramm-Rudman.

The Secretary said undercutting SALT will also:

Undercut the survivability of two of the three components of the U.S. strategic triad—land-based ICBM's and bombers.

Enable the Soviets to deploy 500 more launchers and approximately 4,000 more warheads.

Fail to constrain Soviet modernization efforts.

Make the Midgetman missile less survivable.

Have a chilling effect on the Geneva arms talks.

And place the onus of blame for the demise of SALT on the United States.

While describing Soviet noncompliance as "troubling" but of marginal military importance, Secretary Brown argues that the United States should not respond "proportionately" but instead "effectively" to Soviet noncompliance. The drydocking of two Poseidon submarines, Brown said, would by no means constitute an effective response. Secretary Brown said he favored moving more quickly on the Midgetman ICBM as part of an effective response rather than taking any action at this time that would breach the treaty limits.

Mr. Speaker, Secretary Brown has succinctly outlined in his testimony why it would be fundamentally contrary to our interests to undercut SALT at this time. I hope that all the President's arms control advisers will find the time to reflect on Secretary Brown's reasoned explanation before making a decision that could possibly determine the path arms control will follow for the remainder of this century.

DuPAGE COUNTY SUPPORTS TERMINATION OF REVENUE SHARING

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. FAWELL. Mr. Speaker, I recently received a letter from the DuPage County board chairman, Jack Knuepfer, regarding the General Revenue Sharing Program.

Jack Knuepfer's letter was most welcomed because it expressed the DuPage County government's support for allowing the Revenue Sharing Program to terminate. In fact, DuPage County has planned its budget for next year under the assumption that these funds will not be available.

At a time when most of us are being swamped with correspondence in support of the program's continuation, DuPage County has taken a position on the program with which I identify: if the Federal Government had the revenue to share, the program should be continued. Otherwise, it makes little sense to send borrowed Federal dollars to State and local governments operating with surpluses.

Jack Knuepfer's letter follows:

DUPAGE COUNTY,
April 3, 1986.

Hon. HARRIS FAWELL,
U.S. Representative,
Washington, DC.

DEAR HARRIS: This is the time of year when the National Association of Counties urges us to write you in support of revenue sharing. If you had revenue to share, we would be asking you to do it. Since there is only a deficit at the Federal level, we are not eager to share that.

Again this year DuPage County takes the position that the fiscal solvency of the Federal government is more important than any program or revenue source we can think of. We urge you not to continue our subsidies, but rather to continue your efforts to balance the budget.

Sincerely yours,

JACK T. KNUEPFER,
County Board Chairman.

WINNERS OF 1986 WESTCHESTER VOLUNTEER OF THE YEAR AWARD

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DioGUARDI. Mr. Speaker, one of the facets of American culture that makes this Nation the best and most caring on Earth is our endless spirit of volunteerism. Throughout our Nation's history, millions of people have given their time, energy, and individual talents to help better the lives of others.

Individuals, churches, businesses, schools, and other organizations have made special contributions to this spirit. Sponsoring activities and other initiatives to promote the welfare of the whole community is to be commended. All too often, many people are unwilling to participate in philanthropic endeavors unless there exists some form of material benefit. This is unfortunate because the sense of helping others and knowing that you have made a contribution to the betterment of society is the greatest award any individual can achieve.

The spirit of volunteerism is especially important today. At a time when we see the Federal Government moving away from many social responsibilities and placing these tasks upon the private sector and the American people, we must make every effort to promote individual initiative on the behalf of others.

Again this year, the Volunteer Services Bureau of Westchester, Inc., an organization which has an outstanding record of community service, honors those individuals and groups that have displayed extraordinary dedication and commitment to the volunteer spirit.

Mr. Speaker, I rise to recognize those special winners of the 1986 Westchester Volunteer of the Year Awards. They are:

Volunteer of the Year, Mrs. Betsy June Bennett;

Group Award, Respite Care Co-op;

Student Award, Jennie Pidel;

R.S.V.P. Award, Mrs. Dorothy Garber;

Corporate Award, "St-Att-Us" Volunteers; and

Agency Award, Children's Village.

I submit for inclusion in the RECORD, statements which detail the accomplishments of these groups and individuals.

1986 WESTCHESTER VOLUNTEER OF THE YEAR

Mrs. Betsy June Bennett was chosen as the 1986 Westchester Volunteer of the Year because of her dedicated service for many agencies in Yonkers and, in particular, her efforts toward the revitalization of abandoned properties for lower income families.

Although Betsy is a full-time employee at Ciba-Geigy, she is reliable, flexible, and multitalented in her volunteer services. Betsy has been involved in numerous volunteer activities in the Yonkers community such as the Salvation Army South Yonkers Youth Council, Y.W.C.A., Yonkers Employment for Seniors, Bryn Mawr Park Presbyterian Church and its Caring Committee. Mrs. Bennett's commitment and indispensability grew during the S.W.A.P. project. She took part in all the tasks necessary to revitalize abandoned buildings in Yonkers. The S.W.A.P. project has been a marvelous success largely due to her hard work.

Betsy Bennett's volunteer service has made a difference to everyone in the Yonkers community. She approaches each task with dedication that makes her certainly deserving of the 1986

WESTCHESTER VOLUNTEER OF THE YEAR AWARD

GROUP VOLUNTEER OF THE YEAR

The founders of the Respite Care Co-op are the award recipients in the Group category for 1986 Westchester Volunteer of the Year. They are: Donna Cofer, Cheryl Baskin, Sue Meyer, Anne Nichols, and Joanne LoPresti.

These women and their families joined together out of their common concern for the needs of preschool mentally retarded children.

The commonsense solution was to co-op their families.

The co-op currently provides child care services to mentally retarded children who might otherwise not receive proper care. The staff consists of a manager and four adult aides. Families can select from a variety of worry-free and cost-free babysitting services.

The founders of the Respite Care Co-op are to be commended for identifying a problem, finding a solution and seeing it through. Over the years, they have donated their own special talents and have been responsible for providing quality service not offered by other programs. Their involvement has made a real and positive difference in the lives of Yorktown families with mentally retarded children.

STUDENT VOLUNTEER OF THE YEAR

The 1986 Student Volunteer of the Year is Ms. Jennie Pidel, a student at Saunders Trades and Technical High School. Her volunteer activities cover a broad spectrum of interests ranging from a rape crisis counselor to a Little Sister in the Yonkers Big Sister/Big Brother program. Her first volunteer experience was when she served at Montifiori and North Central Hospitals.

I commend Ms. Pidel for sacrificing her spare time to better the Yonkers community. She is a model for all American youths.

RSVP VOLUNTEER OF THE YEAR

The Retired Senior Volunteer Program's (RSVP) Volunteer of the Year is Mrs. Dorothy Garber. RSVP is part of a nationwide network designed for persons 60 years of age and older who wish to use their skills, life experiences, time and energy in serving community needs.

As a volunteer, one of Mrs. Garber's primary interests is the Home for the Aged and Blind in Yonkers, NY. She contributes over 3 days a week to helping individuals in this Yonkers institution. Her warmth and companionship are always welcomed by the residents of the Home for the Aged and Blind.

Mrs. Garber is invaluable as she assists residents with their mail correspondence. She takes residents on walks and helps them with their shopping. She, also, is an assistant in the craft classes held at the home. Mrs. Garber is truly a lady to be admired.

CORPORATE AWARD

The 1986 Corporate Award winner is the "St-Att-Us" Volunteers. "The St-Att-Us" is a volunteer program composed of AT&T employees. These volunteers tutor students from White Plains Middle School, with a particular emphasis on Math and English.

AT&T volunteers, through their tutoring efforts, encourage and motivate these youngsters. AT&T grants these volunteers one hour off a day to tutor these While Plains students. The joint effort of AT&T and its selected employees have proven very effective and has deservedly been awarded this year's Corporate Award.

AGENCY AWARD

The Children's Village is the first recipient of Westchester's Corporate Volunteer Council Award. This award is given to highlight nonprofit agency programs that demonstrate the most creative use of corporate volunteers. The corporate volunteers serve as tutors, consultants, and friends. I congratulate the Children's Village on being the first to receive the Agency Award.

Mr. Speaker, in closing, I would like to say that it gives me great pleasure to know that the spirit of volunteerism is still thriving in America today. The American people are truly this Nation's most valuable asset and I am proud to present the Westchester Volunteer Award winners to my colleagues.

VERMONT'S VOICE OF DEMOCRACY WINNER

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. JEFFORDS. Mr. Speaker, more than 250,000 secondary students participated in the "Voice of Democracy" scriptwriting contest, an annual program conducted by the Veterans of Foreign Wars. The theme this year was "New Horizons for America's Youth."

Amy Lynn Shepard is the State winner from Vermont. She is a high school senior at Spaulding High School in Barre, VT. Upon graduation she hopes to attend an institution of higher education in Vermont and pursue a career in the theater.

Amy's winning statement speaks to the "agelessness" of youth, the attitude one has toward life which conveys a hope for the future. I am pleased to have this opportunity to share Amy's statement with all of you. A copy of the text follows:

I had walked that way to school every morning for three years, but this day was different. as I lifted my eyes from the wet pavement, my gaze fell first on the familiar, red building and then above it between two great mountains out from which the bright, orange morning sun was peeking through. In all its newborn glory, it opened the door of morning, and set a warm glow on my path and the large brick school I was approaching. I stopped and stood for a moment and watched. My mind and my heart and my attitude felt different that morning. Through the early mist I saw not only the sun rise, but opportunity rise, strength rise, truth rise, freedom rise; America rise. I witnessed the beginning of a new day, a day in which anything was possible. But I also realized that as an American youth, I had a responsiblity to take part in this new day, to take hold of it and use it. I must make this new day my horizon.

Yes, I am an American youth. But youth is not a stage in one's life or a physical appearance. Youth does not exclude the aged nor only address the young. For youth is an idea—an attitude. Youth is the willingness in our hearts to better ourselves. Youth is exuberance and hard work. Youth is not satisfied with mediocrity, but strives for the best.

Our country was founded on youth. The dreams and aspirations of those first settlers are the cornerstone of this country. Such far strength in those from home, eager to form a community in which men could truly live free, could only have come from the vitality of youth. Those who expanded our country, bringing it west in search of gold, followed their youthful dreams. A young Martin Luther King, Jr., exhausted all of his youthful energies into his cause abolishing racial discrimination and protecting the rights of black Americans everywhere.

Finally, and perhaps most importantly, are those men filled with youth pride and courage, who fought and died for the name of their country in times of war.

American stands for Democracy, and through this democracy, every citizen has the right to take part in his country, to contribute what he has to give.

But, standing right along side America's beautiful freedoms, are America's serious problems. We do have our poor, our illiterate, and our homeless. America has its farmers who raise food for thousands of American families, but cannot make enough money to fee their own.

Like every other country, America has made its mistakes. But the one thing about the United States of America that is unlike any other country in the world is that we, the Youth of America, young or old, black or white, rich or poor have the opportunity, the ability, the freedom and the right to change. Our horizon is clearly in sight. We will resolve these problems, thereby making America the best it can possibly be. And with every new day, every new sunrise we must stop to look, as youthful Americans, to the point where our great land touches the vastness of the sky; our horizon.

IRS REVERSES POLICY ON INDIANS' SALMON-FISHING INCOME

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. LOWRY of Washington. Mr. Speaker, I am submitting an article that appeared in the Washington Post last month entitled "IRS, Reversing Policy, Tries to Net Indians' Salmon-Fishing Income." This informative article discusses recent actions by the Internal Revenue Service that could abrogate the 1855 treaty between the United States and the Lummi Tribal Nation, which is located in Washington State. In a misguided reversal of policy, the IRS has determined that the Lummi Tribe must pay Federal taxes on income from salmon fishing. The action, which could affect all Indian resources, will be decided in court.

The IRS position is a clear violation of the 1855 treaty and a abdication of our Nation's special fiduciary responsibility to American Indian tribes. Moreover, because the Interior Department opposes the IRS position and the Treasury Department supports it, the Justice Department cannot represent either agency. The Lummis must therefore fight this battle in the courts alone.

In making treaties with the United States, American Indian tribes gave away incalculable wealth in land and natural resources. In exchange, they were guaranteed certain rights and were promised protection from non-Indian encroachment. These rights and protections are the cornerstones of the tribes' efforts to become economically independent, a goal supported by the current administration's 1983 Indian Policy Statement. Our Nation has broken faith on Indian treaties far too many times. Action by the IRS must not add to this shameful legacy.

This administration's economic policies have been marked by lavish tax cuts for large corporations and the well-to-do, lower funding for vital domestic programs, and massive increases in military spending. It is no wonder that the administration is looking for new sources of revenue. However, instead of trying to raise revenue by taxing Indian resources that are protected by law, the administration should develop economic policies that make sense.

I urge my colleagues to review the Washington Post article closely and work to oppose the IRS position.

[From the Washington Post, Mar. 16, 1986]

IRS, REVERSING POLICY, TRIES TO NET INDIANS' SALMON-FISHING INCOME

(By Cass Peterson)

From a spit of a reservation in the extreme northwest tip of Washington state, members of the Lummi Indian tribe set out each summer to dip their salmon nets into the blue waters of Puget Sound.

They go to fish, perchance to catch and then to sell. It is a right reserved to the Lummi by the Treaty of Point Elliott 131 years ago and confirmed by the Supreme Court as recently as 1979.

The historic arrangement is occasionally tested by non-Indian commercial and sports fishermen who covet Lummi salmon and steelhead, but the tribe now faces a different and potentially more threatening adversary: the great white taxman.

In a reversal of policy, the Internal Revenue Service has decided that the Lummi must pay federal taxes on salmon income, which the Lummis contend would effectively abrogate their 1855 treaty and could lead to the loss of their tiny 12,500-acre reservation.

The IRS argues that Lummis must be treated like other American citizens, and that treaties were never intended to let Indians "take advantage" of the U.S. tax code. The Lummis respond that their members are not like any other American citizen and they have a 131-year-old document to prove it.

The spat has attracted the attention of tribes nationwide because while the potential tax take from salmon is small fry, financially speaking, tribal leaders are concerned that it could open the way for the IRS to lay claim to millions of dollars in tax revenue from Indian-owned oil, natural gas, minerals and timber.

"This has nothing to do with salmon," said Jewell James, head of the Lummi Treaty Rights Task Force. "It's a test case to get at the coal, oil and uranium. We're being set up for a domino effect."

"The IRS could use it, and they would," said Suzan Harjo, a lawyer and executive director of the National Congress of American Indians. "There has never been a tax on a reservation-derived resource."

The battle between the Internal Revenue Code and the Treaty of Point Elliott has sharply divided the Reagan administration.

Interior Secretary Donald Hodel, like former secretary James G. Watt before him, backs the Lummis. In letters last year to Attorney General Edwin Meese III and Treasury Secretary James A. Baker III, Hodel warned that IRS pursuit of the Lummis is not only an "attack" on treaty law but an "abrupt departure" from President Reagan's 1983 policy statement confirming the government's trust responsibility toward Indians.

Meese, however, has sided with the IRS. Because the Justice Department cannot represent both agencies, the Lummis must defend themselves.

"I have great sympathy for the tribe's position," said Ross O. Swimmer, assistant Interior secretary for Indian affairs. "I think the tribe has a good argument."

It is also, to hear the Indians tell it, a very well-used argument.

"Every time there's an economic crunch in the government, Treasury tries to tax some Indian resources," Said Joe DeLaCruz, chairman of the Quinault Indian Nation, another Washington state tribe that relies on salmon income. "They're looking around and saying, 'Geez, where can we get some more revenue?' "

Indians, like other Americans, pay federal and state taxes on income earned off the reservation. On-reservation income is taxed if it derives from sources not connected to the land—such as sales of tobacco, gas, groceries or clothing.

But because reservations are sovereign nations—Indians hold dual citizenship, in their nations and in the United States—income derived from their natural resources has long been held exempt from state and federal taxes.

"You must remember that these were nation-to-nation-treaties," said Raymond Field, director of the National Tribal Chairmen's Association.

The exemption makes Indian resources particularly attractive to developers, who can, through joint ventures on reservation land, skirt the oil-windfall tax, coal-severance tax and other brambles of the tax code.

Until a few years ago, the Lummis' salmon, while not technically attached to the land, enjoyed the same exemption. "In the past, some Indians have received forms and filled them out and paid the tax, and, lo and behold, the IRS refunded the tax," tribal official Samuel Cagey said.

In 1982, however, the IRS dunned Roy D. Earl, a Puyallup Indian from Washington state, for nonpayment of taxes on fishing income. IRS lawyers argued that Indians must pay the same taxes as other American citizens "unless an exemption from taxation can be found in the language of a treaty."

Earl argued in vain that Northwest fishing treaties, which predated the federal income tax by more than half a century, could not be expected to contain such language. The Tax Court decided for the IRS.

Since then, the IRS has filed more than 60 identical cases against members of the Lummi tribe, the largest fishing tribe with about $11 million in salmon and steelhead sales each year.

The Interior Department and Indian lawyers argue that the IRS is relying on what they politely term a lousy precedent. Earl was not enrolled in the Puyallup tribe, was not fishing in reserved Indian areas and was not represented by a lawyer who might have pointed out those discrepancies and led the court through the intricacies of treaty law.

The decision also runs contrary to most federal court decisions, which have held that Indian treaties must be interpreted as the Indians understood them when they were signed. Under that rationale, the courts have tossed out most attempts to assess Indians for state taxes, licensing fees and whatnot.

"It is no more likely that the Indians understood that the federal government would tax their fishing right than that they understood that future states would be able to impose a charge upon it," former Interior solicitor William Coldiron wrote in an opinion to Watt two years ago.

The IRS, however, has quite another view.

Treaties or no treaties, the agency told Interior, "as Indians individually attain an economic level comparable to that of other Americans, then it is to be expected that they will be taxed accordingly."

To allow otherwise, the IRS said, would leave the tax code at the mercy of Indians with "business expertise advanced well beyond the more primitive, land-oriented cultural stages."

Indians read that as a broad attack on all treaties and tribal resources, despite assurances to the contrary from Interior officials, "This would never result in Indians losing the fish," Swimmer said. "It's a very pure legal argument."

But on the Lummi reservation, the pure legal argument has a decidedly monetary edge. Unemployment on the reservation runs 85 percent most of the year, dropping to 40 percent during the four-month salmon season.

According to tribal secretary Cagey, one-third of the tribe's 3,000 members are registered to fish. Those who have boats, usually small skiffs, average $6,000 a year in sales. Those who crew on larger boats average $5,600.

Spread over more than 1,000 Lummi members, the $11 million in fishing income for the tribe would bring the treasury about $70,000 a year in tax payments, according to Interior estimates. Together with all the other fishing tribes, the IRS is looking at a potential tax take of $120,000.

"When Justice came in on this, they said, 'We side with the IRS on tribal resources,' " Cagey said. "They didn't say fishing resources. They can only get $70,000 from salmon, but they can get billions out of the natural resources of other tribes."

The IRS has suggested that the Lummis ask Congress for a specific exemption from the law, a move that Harjo and other Indian lawyers contend amounts to an admission that an exemption is needed and could prejudice cases involving other tribes and other resources.

"It doesn't make sense to go to Congress and clarify this because it's clear," she said.

But the Lummis acknowledge concern about what might happen if the tribe members lose. The IRS is seeking back taxes to 1978, and few of the members have cash to satisfy the debt. The taxman may have no recourse but to confiscate the Lummis' fishing boats, which the government helped buy in an effort to strengthen the reservation economy, and their homes on the reservation.

"That's probably the way it will happen," Cagey said glumly.

TERRORISM

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mrs. MARTIN of Illinois. Mr. Speaker, on April 6, I was privileged to address that annual Legislative Policy Conference of the American Israel Political Affairs Committee. At the same session the Ambassador from Israel, Meir Rosenne, addressed the conference on the topic of terrorism. I think his remarks are especially

timely and wish to include in the RECORD the text of his speech.

ADDRESS BY AMBASSADOR MEIR ROSENNE AT AIPAC CONFERENCE

TERRORISM: WHO IS RESPONSIBLE, WHAT CAN BE DONE

I will speak today on the problem of terrorism—who is responsible for it, and what can be done to combat it.

Whenever I address the problem of terrorism, my mind is assailed by searing images which I cannot escape:

The slaughter of the Israeli athletes at the 1972 Munich Olympics.

The execution of Leon Klinghoffer, shot and pushed into the sea.

The killing of the 11-year-old daughter of the American journalist at Rome airport.

The standing ovation given to Yasser Arafat by the United Nations in 1974, when Secretary General Waldheim greeted him, and he sat with his gun in the chair reserved for Presidents.

The standing ovation at the 1980 World Conference on Women in Copehagen, afforded to the PLO terrorist Leila Haled, who hijacked a plane.

The terrorist holding his hand over the mouth of the pilot of TWA Flight 874 at Beirut airport last year.

The decapitated body of a five-year-old girl in Nahariya, in 1981.

The body of the American (woman) photographer on the beach at Herzlia, when Arafat's men killed a bus-load of 80 Israelis on the road to Haifa.

The freeing of the Entebbe hostages by the Israeli commandos in 1976.

These are the images. Those were the victims. Anyone sitting in this room could have been one of those victims. We have short memories, but the survivors—the sons and daughters, husbands and wives and parents—will live with the trauma for the rest of their lives.

We have become so used to terrorism that we tend to forget that anyone under 20 doesn't even know that there were times when you could board a plane without X-ray screening. Life will soon become unbearable unless we decide immediately to take the steps necessary to put an end to this disease.

Two things are required—political wisdom and moral will.

First comes a proper understanding of terrorism. Then it is a question of the will to act. So we must ask two questions: Who is responsible for the persistence of terrorism, and what can be done to combat it?

(1) The responsibility lies with those democratic states that thought that Israel would be the only victim. Now they see their own innocent citizens victimized.

(2) The responsibility lies with those who make a distinction between terrorists, saying that Abu Nidal is a "bad" terrorist but Arafat is a "good" terrorist.

My friends, there is no such thing as a good terrorist, and anyone who makes such a distinction in effect condones and encourages terrorism. Indeed, such distinctions inevitably paralyze action whenever terrorism rears it ugly head.

(3) The responsibility lies with the West European states of the European Economic Community that, because of oil, adopted a resolution in November 1973, following the invasion of Israel by Syria and Egypt, condemning the victim rather than the aggressors.

(4) The responsibility lies with those who for years refused the extradition of terrorists, but instead let them go free.

I shall never forget that, when I served as Legal Advisor to Israel's Foreign Ministry, Israel requested, jointly with West Germany and in conformity with our extradition treaty, the extradition of Abu Daoud, the terrorist conspirator who organized the Munich killings; he was set free because there was fear of retaliation by the PLO and Arafat.

(5) The responsibility lies with all those Western states that have accorded virtual diplomatic status to the PLO and have permitted PLO offices to function, with respectability and legitimacy, as bases from which to launch their terrorist murder.

(6) The responsibility lies with all those states, in all corners of the world, whose ambassadors accorded a standing ovation to Arafat after he addressed the UN General Assembly.

Let's face it: The hands that applauded there were condoning the atrocities committed by the terrorists before and after that dark day in 1974.

(7) The responsibility lies with those states that regard the terrorist gangs as comradely anti-Western and anti-democratic forces, and permit them to be trained on their territories, and provide them with weapons and ammunition, funds, diplomatic, political, economic, and intelligence and moral support.

It has long since been amply demonstrated—especially in the vast amount of PLO documents captured in the 1982 Lebanon war—that the Soviet Union is at the heart of this enterprise, in league with its East German and other allies. These states are accomplices in the commission of terrorist atrocities.

(8) The responsibility lies with the United Nations which only this year, for the first time in its history, adopted a resolution, in the Security Council, condemning terrorism. But this ignoble, decades-long delay should come as no surprise: This was the same UN that refused to condemn anti-semitism in 1964, and that equated Zionism with Nazism in 1975.

(9) The responsibility lies with states like Syria, Libya, Iraq, Iran, that organize, direct and support proxy terrorist forces, and provide every kind of practical assistance to the terrorists. These are lawless states engaged in lawless actions—they are guilty of state terrorism.

(10) The responsibility lies with those who seek the "root causes" of terrorism, and who seek to "explain" or "understand" the terrorists and their motivations and aspirations. Such explanations function in effect to justify terrorist acts.

This fashionable "understanding" is a form of moral confusion. All over the world there are all sorts of groups with all sorts of grievances. If "understanding" were to be extended to their "root causes," they would have carte blanche to murder, in order to gain "redress". Should they be permitted to run amok with their Kalashnikovs?

Mass murder is mass murder, and no grievance can justify it, nor will "understanding" avert or eliminate terrorism.

(11) The responsibility lies with the countries that condemned Israel for having taken action, at great risk to itself, against PLO headquarters outside Tunis. The UN Security Council resolution condemning the raid was an encouragement to even more terrorism. Instead of punishing the aggressor, the victim was indicted. And now the PLO fighters boast publicly of being back in Beirut, in force.

(12) The responsibility lies with the oil-producing states that exploited their extortionate "oil weapon" to try to impose solutions that would have brought about the end of the State of Israel. And it was a sad moment in European history to see how democratic states were ready to accept the diktat of hoodlums in place of the principles of enlightened diplomacy.

Even though this problem no longer exists, it is worth remembering, for the future . . .

* * * * *

What can be done?

First, we have to realize that terrorism did not begin with the problem of the Palestinian Arabs, and it will not end if and when that problem is resolved.

Terrorism is rooted in the culture of violence in some countries. Internecine Arab terrorism, for example, is a natural part of Mideast politics, and this atmosphere is hospitable to the extension of terrorism beyond the Arab world itself—against Israel, against France, against Britain, etc. It is in the context of that traditional culture of violence that the terrorism perpetrated against Israel by the Arab world is to be understood.

Second, we have to realize that there is no appeasing terrorists, who threaten not only Israel but Western democratic society. Those nations, especially in Western Europe, that have appeased the PLO should have learned from their own bitter historical experience that appeasement only inspires contempt, scorn, and further aggression.

Acting on these basic principles, democratic states have an array of weapons to use against terrorism.

(1) There are enough legal tools available—international conventions against terrorism, hijacking, extradition. Unfortunately, these legal instruments are rarely if ever enforced. All civilized nations must adhere to and implement them.

(2) All offices of terrorist organizations, such as those of the PLO, should be closed and their operations banned.

(3) It should be made clear by the political decisions of democratic governments that there can be no bonus for terrorism. No one should try to pacify a terrorist organization such as the PLO by granting it the privilege of being a party to any political or diplomatic negotiation. Any attempt to compromise, in any shape, manner or form, with terrorist gangs will only encourage terrorism.

(4) There must be a total ban on landing rights in the democratic countries for the airplanes of states—like Libya, Syria, Iran, Iraq—that encourage terrorism.

(5) No commercial exchanges, no economic relations, should be established with countries that provide assistance to terrorist organizations, and sanctions should be taken against such states.

We do not think there is any justification for considering Saudi Arabia a peace-loving country so long as it provides—as it has been doing for years—$250 million a year to the PLO—funds that are used for killing Americans, Israelis, and other innocents.

(6) There must be closer cooperation in the exchange of intelligence information among democratic governments. Fortunately, the framework for a system for such exchange already exists; it should be broadened and strengthened.

(7) The role of the mass media, especially television, in providing instant, intense and wide-ranging attention to acts of international terrorism must be very carefully evaluated. On the one hand, there are the fundamental freedoms of press and speech to be zealously protected. On the other hand, we must recognize that those very freedoms are abused and exploited by the terrorists—for what they seek, above all, is publicity.

The tension between freedom and the requirements of security is not new, nor is it restricted to the area of terrorism. Very possibly, this is a tension that will never be fully resolved, and will always remain a dilemma for democratic societies to grapple with, especially in emergency situations. But in doing so, we should always be keenly aware of the dangers to our freedoms posed by those who would curtail or destroy them.

(8) Finally, a profoundly important moral/intellectual dimension. All too often, people in democratic societies praise, or at least condone, so-called national liberation movements for using terrorist means to gain their ends.

A legitimate movement of freedom fighters for national liberation does not, like the PLO, use violence as a first resort—does not target innocent civilians—does not, like the PLO, aim to annihilate its adversary.

Acceptance of such behavior reflects not only a debasement of language, but a deep moral and intellectual confusion, which must be rigorously clairfied and rejected if we are to be able to act decisively against terrorism.

* * * * *

It has become fashionable to include something on terrorism at every conference on the Middle East. But I did not come here this afternoon to add my bit to this fad.

I came to express my solidarity, and the solidarity of the State of Israel—and, if I may say so, of the Jewish people—with all the victims of terrorism and their families:

With all those who lost their dear ones at airports in Paris, Vienna, Rome, Munich.

With the members of the various diplomatic corps still held in captivity.

With the American Ambassador to the Sudan who was murdered by Arafat's men in 1972.

With Bar Simantov, my Counselor of the Embassy in Paris, who was shot down on Saturday, April 3, 1982, in front of his wife and his eight-year-old daughter.

With the innocent civilian patrons of department stores and cafes in Rome and Paris.

With my dear friend and close colleagues of 30 years—Shlomo Argov—a man of great humanity and a diplomat of unequalled talent and skill who in the 1960s and 1970s served Israel in this city of Washington with distinction, devotion and pride—and subsequently our Ambassador in England, who was gunned down in the streets of London four years ago—and who, now paralyzed, is doomed to spend the rest of his life in a wheel chair in Jerusalem.

We who meet here, at an AIPAC conference, have a solemn moral obligation to remember the fate of Shlomo Argov and all the other victims, to let that memory and those images spur us on to determined and vigorous efforts to battle terrorism to the end.

Thank you very much.

LET'S RENEW OUR COMMITMENT TO MARITIME EDUCATION

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Ms. MIKULSKI. Mr. Speaker, the House Merchant Marine and Fisheries Committee, on which I serve, recently approved H.R. 4175, the MarAd Authorization for fiscal year 1987.

Contained in this legislation is badly needed funding for the U.S. Merchant Marine Academy in King's Point, NY. In addition, the bill includes assistance for the State maritime academies in California, Maine, Massachusetts, Michigan, New York and Texas.

Many of us were disappointed by the administration's request to eliminate funding for the State maritime academies, and ultimately to force the committee to take some funds for King's Point to offset this shortfall.

We hear frequently about the demise of the U.S. merchant marine. We are told that the administration believes that a strong merchant marine is vital for our Nation's defense. Yet we see administration policies which undermine building a future for this industry by eliminating funds to train young men and women in the maritime profession.

Many of us know graduates from King's Point or the State academies. They serve as senior executives for many maritime companies. They are the officers and mates on ships which sail from Baltimore, New York, Long Beach and New Orleans. They are the men and women whom we call upon first in a national crisis to serve on the ships which carry supplies to our troops in hostile parts of the world.

The schools which trained these individuals serve as the foundation for the U.S. merchant marine of tomorrow. The money we give to these institutions is not just a current expense, but a valuable investment in the future of our merchant fleet.

Even though our U.S.-flag fleet has sunk to historically low levels, I believe that shipping is a business which runs in cycles. The slump of the late 1970's and the 1980's will reverse itself, provided we promote the industry, and train the people necessary to help put it back on its feet.

In fact, a recently completed defense study indicated we will need the equivalent of 75 new handy-size tankers by 1990 if we are to have sufficient sealift capacity. This alone suggests that cutting maritime education is penny-wise today and pound-foolish for tomorrow.

The Merchant Marine and Fisheries Committee has strongly supported maritime education in the past and has taken steps to protect it in the era of Gramm-Rudman. I suggest that the House take seriously the principle that the next generation is our brightest hope for the future and continue to fight the loss of funds for maritime education during the debate on the fiscal year 1987 budget.

MATH EDUCATION IN UNITED STATES IS BOTH SUPERB AND MEDIOCRE

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. PENNY. Mr. Speaker, as you are aware, the week of April 14 through April 20, 1986, has been designated as "National Mathematics Awareness Week."

The purpose of the designation is to bring about an increased public awareness of the vital importance of mathematics education in America. As the author of the following article recently stated in his testimony before the National Science Board:

The mathematics community itself has recognized the need for coordinated action to address the basic facts of mathematics and mathematics education: that mathematics is fundamental to science, that it is changing rapidly, and that it is a seamless fabric from grade school to graduate school.

Lynn Arthur Steen, a professor of mathematics at St. Olaf College in Minnesota, also serves as the President of the Mathematical Association of America. In an article which recently appeared in the Minneapolis Star and Tribune, Mr. Steen uses the Minnesota example to point out the inconsistency of mathematics education today. He stresses that the policy that must be followed is one of commitment to excellence. I agree.

Mr. Speaker, I am pleased to share Mr. Steen's fine commentary with my colleagues.

[From the Minneapolis Star and Tribune, Mar. 31, 1986]

MATH EDUCATION IN U.S. IS BOTH SUPERB AND MEDIOCRE

(By Lynn Arthur Steen)

NORTHFIELD, MN.—There are two sides to every story, but frequently only one makes headlines. "U.S. students near bottom in 18-nation math study" was on the front page of the Star and Tribune March 12. "U.S. students near top in International Mathematical Olympiad" was not on the front page—or on any page—of the Star and Tribune last summer.

Such are the vagaries of journalism—bad news captures headlines, good news doesn't. Nevertheless, the headline that was printed and the one that wasn't are both true. That's a paradox worth exploring: How can U.S. students be near both the bottom and the top of international comparisons of mathematical achievement?

Other paradoxes arise when one looks closely at mathematics education in Minnesota. On the one hand, we read regularly about our state's high standing in the SAT scores. On the other hand, Minnesota regularly performs near the bottom of the American High School Mathematics Examination that screens U.S. students for the International Mathematical Olympiad.

One lesson from this is that averages of test scores reflect quality about as reliably as do pronouncements by the proverbial used-car salesman. So many factors can influence average scores—such as which students take the exam or how well the exam matches the curriculum—that one should never jump to conclusions.

The truth is that U.S. mathematics education is both superb and mediocre. At every educational level, from primary school through graduate school, certain institutions provide mathematics education at a quality unmatched anywhere in the world. But the diversity of education in the United States is greater than in any other industrialized nation. We have the best of schools and the worst of schools.

Many attribute our educational problems to the stress caused by great cultural diversity. Compared with the rest of the United States, Minnesota is relatively homogenous. For this reason, Minneapolis was selected as a comparison city for a recent cross-cultural study of mathematics achievement with young children in China and Japan—to test the hypothesis that the educational strengths of other cultures are due to a more homogenous society with common goals and social climate. This study, reported last month in Science, indicates that Minneapolis children lag behind their peers in Japan and China as early as kindergarten.

Americans want to be internationally competitive, to prepare students for a technological world society. Some academic indicators suggest that we are competitive, others that we are not. Each year the United States regularly places in the top five on the International Mathematical Olympiad. Yet we rank near the bottom on the International Assessment at grades 8 and 12, and U.S. students applying for graduate school in mathematics score 100 points lower than do students from other nations on the Graduate Record Examination in mathematics.

During the past decade, as the need for mathematical methods has increased in various fields, undergraduate mathematics enrollments have doubled. Yet the number who are willing to dig deeply—to major in mathematics—is now less than half what it was 15 years ago. What's worse, nearly three-fourths of post-secondary credits in mathematics are now awarded for courses universally considered to be part of the secondary curriculum.

We should draw from the mixed headlines a very simple conclusion: that we do have the ability and talent to be internationally competitive, but we are not currently achieving that goal. We lack not talent but determination—a commitment to insist on strong mathematical preparation at every step in the educational process.

We live in a world of mathematical models in which robotic control and computer simulation are the keys to industrial productivity. Mathematics is the foundation discipline for this new world: It provides necessary tools for many other disciplines and at the same time helps develop patterns of analytical thinking.

Minnesota has several distinctive resources for mathematics and mathematics education that we should use as a basis for future strength:

The University of Minnesota is host to one of only three advanced mathematics research institutes in the United States. At this institute, researchers from around the world create the new mathematics needed for diverse applications, from economics to medicine, from computer engineering to atmospheric dynamics.

Minnesota has many strong private liberal-arts colleges that as a group have traditionally been unusually productive of science and mathematics graduates. Carleton College, for example, ranked near the top in a recent national survey of undergraduate origins of Ph.D. scientists, while St. Olaf College will graduate nearly 100 mathematics majors this year—about 1 percent of the total national pool.

With support from the National Science Foundation, the University of Minnesota and St. Olaf College have just launched the Minnesota Mathematics Mobilization (M3 for short), a statewide network destined to provide a common forum for education, industry and government leaders to work together to improve mathematics education at all levels. M3 will be one of the first state-level nodes in a national network being established by a new Mathematics Sciences Education Board of the National Research Council.

Children now in school will be our grandchildren's teachers at the beginning of the 21st century. The mathematics they need to learn is not just the mathematics our grandparents learned. The computer revolution is, at its heart, a revolution in applied mathematics. A lot of important new mathematics is developed every year to fuel our nation's scientific and economic progress. Sound educational practice requires that we make this new mathematics visible both in the curriculum (where policy is made) and in the classroom (where students are taught).

The headlines currently reveal that the quality of U.S. mathematics education is uneven. That's true of Minnesota as well as of the nation. In Minnesota at least we have the resources to correct this: good schools, outstanding colleges and universities, strong public support for education, technologically oriented industries. What we need is commitment to the principle that in education we cannot afford any policy that falls short of excellence.

RESPECTED BROOKINGS ECONOMISTS SAY GRAMM-RUDMAN-HOLLINGS GOALS ARE ATTAINABLE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. RITTER. Mr. Speaker, as I pointed out last year during the debate on the Gramm-Rudman-Hollings bill, "for the first time, the consensus is there to accomplish a sound fiscal footing for this country, and we intend to take full advantage of it." With a bipartisan effort, we passed the bill.

Now, I was pleased to read in the Washington Post of Friday, April 11, 1986 an article by John Berry concerning the new review by the Brookings Institution," Economic Choices of 1987."

Berry reports that the targets we set "appear to be both politically attainable and economically sound, given the current state of the economy."

We all know that legislation to balance the budget can always run afoul of the spending needs of one group or another. However, if we remain united in our commitment to achieve a common national goal—balancing the budget and keeping it balanced—we can work out the difficult situations without capricious cuts in civilian programs.

Under unanimous consent, I include John Berry's article:

GRAMM-RUDMAN GOALS SAID TO BE ATTAINABLE

BROOKINGS ECONOMISTS CALL TARGETS SOUND

(By John M. Berry)

The federal budget deficit targets set by the Gramm-Rudman-Hollings law over the next three years "appear to be both politically attainable and economically sound, given the current state of the economy," according to a group of prominent Brookings Institution economists.

"The specified downward path of deficits is not likely to be so steep as to precipitate a recession," the economists wrote in a review of the federal budget, which is scheduled for release today. "Indeed, the fall in oil prices and further declines in the value of the dollar and interest rates can be expected to stimulate the economy and offset the restrictive effect of deficit reduction."

Authors of the review, "Economic Choices 1987," include Alice Rivlin, former head of the Congressional Budget Office, and Charles L. Schultze, chairman of the Council of Economic Advisers in the Carter administration. The others are Henry J. Aaron, Harvey Galper, Joseph A. Pechman and George L. Perry. Rivlin is director of economic studies at Brookings and the others are senior fellows there.

Even after the first round of mandatory spending cuts under Gramm-Rudman-Hollings, the deficit for the current fiscal year is forecast to be $200 billion or more, an amount equal to about 5 percent of the gross national product. Gramm-Rudman-Hollings sets a target of $144 billion for the fiscal 1987 deficit, with each succeeding year's target lowered by $36 billion and the budget balanced in 1991.

While the authors endorsed the deficit targets through 1989, they urge that they not be achieved just by spending cuts concentrated in a limited number of nondefense programs, as recommended by President Reagan in his 1987 budget. They also rejected the process of automatic cuts in defense and some nondefense programs required by Gramm-Rudman-Hollings if the targets are missed by more than $10 billion.

Instead, the authors proposed a set of smaller spending cuts supplemented by a tax increase that would raise about $50 billion in fiscal 1989. Whether the deficit should be eliminated after the following two years would depend upon economic developments between now and 1989, they said.

The Gramm-Rudman-Hollings process of automatic cuts is a sort of "doomsday machine" that everyone wants to avoid at all costs, they said, "Slashing defense spending as much as would be required under the package that preserves Gramm-Rudman-Hollings priorities would be risky to national security," they argued.

Similarly, they added, under Gramm-Rudman-Hollings "deep cuts in civilian programs would curtail important government services. Programs that hardly anyone regards as wasteful—scientific research, medical care for low-income people, job training, and maintenance of the nation's highways and bridges—would be cut."

The president has proposed "some sensible cuts and reforms in various programs," the authors said, but "his continued commitment to defense growth and opposition to a tax increase force him to subject social programs to cuts that are both excessive and politically unacceptable."

The economists listed several options for tax increases to raise $50 billion in 1989, including higher excise taxes on gasoline, al-

cohol and tobacco and a new tax on domestic and imported crude oil, a 4 percent value added tax and higher income taxes.

They said they prefer an increase in corporate and personal income tax rates once this year's tax code overhaul is completed. Either a 2 percentage point increase in personal and corporate rates or a 9 percent surcharge would raise the required amount, they estimated.

The authors also urge consideration of changes in the current budget process, which they said has been severely strained by the impasse on how to deal with the deficit.

Gramm-Rudman-Hollings ought to be repealed and the rest of the budget process greatly simplified, they said, with budgets adopted for two years and the authorization and appropriation functions handled by only one committee.

WHITEVILLE-BEST BASEBALL TOWN IN U.S.A.

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. ROSE. Mr. Speaker, the May issue of Sport magazine has a section called "Sports Towns U.S.A." that features, as the city where baseball is THE GAME, Whiteville, in North Carolina. Mr. Speaker, I can attest to the accuracy of the selection of Whiteville, the county seat of Columbus County, as the city where baseball is baseball. I have the good fortune to represent the citizens of that good community, and I would like to include the article with my remarks, so that the Members of the House can read about real baseball people and a real baseball town. I know that some members represent cities with big league teams, but so often that kind of baseball is as artificial as the grass it is played on. Real baseball can be found at Legion Field in Whiteville, where the infield is dirt, and where Coach Linwood Hedgpath—only Coach Hedgpath—is authorized to rake the infield.

SONS OF THE BASEBALL SOIL

(By David Whitford)

Can't afford to miss a day in February, warm as it is. When we get a pretty one like this we jump on it." Linwood Hedgpeth is standing in front of the grandstand at Legion Field in Whiteville, North Carolina. Whiteville (population 5,565) is on the coastal plain, 50 miles as the alligator swims (through Green Swamp) from Cape Fear. It is sometimes cold in February; folks know what snow is. But there are lots of days like this one, when the clouds bust open, the old Carolina sun burns through and (sigh) it smells like baseball.

Hedgpeth is 46 years old, gray-haired but boyish. He is wearing a blue-satin North Carolina 2A State Championship jacket, one of four he owns for championships won here ('83, '85) and at nearby Hallsboro High ('75, '78). Hedgpeth has another blue-satin jacket for the state American Legion championship Whiteville won last summer.

Over 30 of his former players have gone on to Division I college baseball. Twelve have signed professionally, including the Nixon brothers, Otis (Cleveland Indians) and Donell (Seattle Mariners), and Tommy Greene, the 1985 first-round draft choice of the Atlanta Braves. Patrick Lennon, a senior at Whiteville High, has already been tabbed by pro scouts as a certain first-round pick in the June draft.

They are only the most recent expressions of a proud baseball past. At one time there were more than 40 professional teams in North Carolina. In the golden age after the war, scores of local boys left Whiteville and surrounding parts of Columbus County to play pro ball, but few ever made it out of the low minors. With expansion, minor league baseball faded here and everywhere else. Today there are just 8 teams left in the state. Folks found other distractions; television, stock-car racing and (gasp) softball.

But in Whiteville something endures, a baseball myth. It has to do with long summers and mild winters, with smooth clay infields, with tobacco. It lingers in the living memory of boys who never made it, who came home, who went ahead with their lives, but who still come out to the ballpark to watch the kids. In Whiteville, scouts know they still play country hardball.

Rudy Williams is one of the boys who never made it. He was a 19-year-old right-hander with a 95-mph fastball and home-run power when the Pirates called him to a tryout in Pittsburgh. Thirty-five years later, Williams remembers: "I walked into Branch Rickey's office under the stands there in Forbes Field. He reminded me of old John L. Lewis—big bushy eyebrows. His desk was probably about 10 feet long, loaded with stuff. It was up on a little platform, sort of like in a courtroom.

"So he looked at me under those eyebrows and he says, 'Son,' he says, 'let me say this.' He says, 'You come with the Pirate organization and I think you can come as an outfielder just as easily as a pitcher. But we need pitchers in this organization.'

"I signed with 'em, signed a two-year, no-cut, major-league contract. Then I called Dad. He says, 'Hey.' He says, 'Folks here'd rather you be a water boy with the Yankees than a regular with anybody else. Boy, I want you to catch the next plane.' "

Williams played at Wake Forest and later did sign with the Yankees. He made it as high as Birmingham in Double A before he threw his arm out and came home. "I often think, if I had gone with the Pirates, maybe I'd have never been injured," Williams says. "Hindsight's not worth a damn. But I feel like at that point, had I gone ahead and gotten involved in major league baseball, I'd have been there for 20 years. I really do. I do."

By 4:00, the Whiteville junior varsity is on the field and Hedgpeth is sitting cross-legged in the dugout, holding a cigarette between thumb and forefinger, like a nail. Hedgpeth is married to baseball, that and trout lines. Closest he ever came to getting hitched was right after college. Missed the wedding, though; at the appointed hour he was standing in a third-base coaching box.

Nearby, packing their gear in bags that carry big-league insignia, are the Nixon brothers and Tommy Greene. Donell is coming back from a broken leg suffered last year in the final week of spring training. Otis is working at being more aggressive at the plate. "You can't be a Punch-and-Judy act all your life," Hedgpeth tells him.

This spring, all of Whiteville will be following senior Patrick Lennon, a 6-2, 195-pound speedster who pitches, plays shortstop and hits with power. Lennon, like the Nixons, is black. Before 1969, Whiteville had separate school systems. Today, unlike some other southern towns where all-white academies perpetuate segregation, children in Whiteville—which is about 35 percent black—attend public schools together. "If Patrick had come around 20 years ago," says Tom Lewis, principal of Whiteville High, "he might never have had a chance."

Already, Lennon is being hailed as "the best all-around athlete in Columbus County history." He has major-college or professional opportunities in all three sports, yet his mind is made up. "When I was a little kid, I used to sit and watch baseball games with my father," Lennon says. "There's nothing like it, watching them boys hit the ball out of the park. I would always say, 'That's what I want to do someday.' " No one doubts that, come June, Lennon will be chosen early in the baseball draft, and he will sign.

The greatest game ever played at Legion Field—"The best game I ever saw and I have seen a World Series or two," says Jiggs Powers, semiretired sports editor of the biweekly News Reporter—is still talked about in Whiteville as if it were yesterday. Principal Lewis was there, a boy then, chasing foul balls behind the grandstand. Rudy Williams was on the bench, a 15-year-old hotshot who gave way to the veteran because this game "was the highest of magnitude."

In the home dugout were the Whiteville Leafs (Or were they still the Red Comets then?), a fast semi-pro team started by Rudy's dad, Clyde R. Williams.

The visitors were a college team from Wake Forest, 20 victories and no losses and on their way to the national championship tournament. "We were fortunate," says Powers. "We had a fellow, local man named Charlie Ripple, pitched for Sacramento in the Pacific Coast League. He had been released and came home the night before the ballgame. Whiteville got their run in the first inning"—single to right, triple to left-center—"and Ripple handled it the rest of the way."

That was 1949. The Leafs hung on another twenty years. Mr. Clyde was manager and played in his last game when he was past 60, even got two hits. He died last June on his way to watch Whiteville in the state finals.

Past 7:00 now, the moon is up, the lights are on and the varsity is still practicing. On this particular patch of burnt-orange Carolina clay, before there was a ballpark, there was a camp for German prisoners from World War II. Today all that remains are some unmarked graves out beyond the rightfield fense, near where the trees begin and the land falls off into swamp. "The graveyard's in the corner of that property," says Lewis. "I don't know whe'er, uh, they bumped off some of those German prisoner-of-war guys and buried them or not."

The frogs are whistling in the swamp. A fog swirls in over the old graveyard, through the chain-link fence, and settles in the outfield, mingling with the breath of the ballplayers running their sprints.

TRIBUTE TO THE LATE TOM HALL

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. JONES of Tennessee. Mr. Speaker, I rise today to pay tribute to the late Tom Hall,

a native of Millington, TN, and the mayor of that city for 24 years. Tom Hall represented all of the best that we strive to be.

He was a small businessman whose interest in his community led him to serve one term as an alderman and then six terms as its mayor. In all of those years, he epitomized what community service ought to be. During his time as mayor, Millington grew from a city of 5,500 people to a city of 22,000. He led the city's effort to cope with that growth without plunging it into debt. In fact, he made sure that the city did not enter into obligations unless it could pay for them first.

Tom Hall earned many accolades and honors as a result of his many years of service. I consider it a privilege to be counted among his many friends. He was a man of great integrity and honesty on whom the people of Millington, placed many responsibilities. He is going to be greatly missed by his community but not nearly so much as by his family and his many friends who held him in such high regard.

In closing, let me just say that I have never known anyone with more knowledge or ability to handle the affairs of municipality, large or small. As one of the men who served as a city alderman during Mr. Hall's 24 years as mayor said, "He was a mayor of a small town, but he was not a small town mayor."

HMO'S

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging I have a strong interest in the rapid growth of health maintenance organizations in our Nation. HMO's are groups of health care facilities and personnel who provide a comprehensive range of health services to members who enroll voluntarily and pay a fixed prepaid fee.

Consider in the United States today there are now almost 400 HMO's operating in the United States. A 67-percent increase from 1980. The total number of persons enrolled in HMO's now totals 18.9 million—a 100-percent increase since 1980.

Of special interest to me is the fact that of the total number of HMO's in the Nation almost two-thirds are receiving Medicare funds largely aided by recent regulations permitting Medicare coverage for HMO services. A developing trend in the HMO field is new competition between the nonprofit and for profit sectors. The responsibility which we have in Congress is to make sure that the constant that is not varied in this competition is quality of care for the elderly participant.

On February 24 I conducted a hearing of my Subcommittee on Human Services in New York on HMO's. One of the most disturbing information I learned from this hearing were reports that certain HMO's were already engaged in a process of "creaming" those older people seeking to enroll. This involves approval applications of those with fewer problems and more resources. We must continue to monitor all developments with HMO's to make sure that this boon does not become a boondoggle to the taxpayers of our Nation.

EMPLOYMENT DISCRIMINATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. BIAGGI. Mr. Speaker, today I am introducing legislation, along with 42 of my colleagues, recognizing that employment discrimination against persons who have, or have had, cancer does exist and expressing the sense of Congress in opposition to this terrible injustice. This resolution, House Concurrent Resolution —, expresses the sense of Congress in opposition to this discrimination and urges that these Americans receive fair and equal treatment in our Nation's workplace.

Employment discrimination against cancer survivors is not an isolated or hypothetical problem. It is, in fact, an outrage which victimizes 1 out of every 5 persons with a cancer history—over 1 million Americans. It is a terrible injustice reaching epidemic proportions across our Nation's workplace. Many blame the "death-sentence" myth attached to cancer for employment discrimination. But the death sentence is indeed a myth. We have spent fortunes on cancer research, and it is paying off. In fact, by the year 1990, one out of every 1,000 people will be childhood survivors of this disease. As medical research continues to provide extraordinary breakthroughs in the treatment of cancer—the number of survivors—and job discrimination victims—will continue to dramatically increase. It is imperative that we recognize and address this violation of rights before we have millions of new victims of cancer-based employment discrimination.

Often, when a person hears the words "It's malignant," the fight to conquer cancer begins. But many who have waged that war admit they face an equally tough battle—the fight to receive fair treatment at work. For these people having won the battle against cancer is not enough. They must then fight job denial, wage reduction, exclusion from and reduction in benefits, promotion denial, and in some cases, outright dismissal. We, as a society, must stop this grievous violation of rights and ensure equal protection under the law.

I have long been involved in the fight to eliminate this terrible injustice. I first authored legislation during the 98th session of Congress to outlaw employment discrimination against cancer survivors. At this time, I have a bill, H.R. 1294, to eliminate employment discrimination against persons on the basis of cancer history by amending title VII of the Civil Rights Act of 1964. This bill enjoys the strong, bipartisan support of over 80 House Members. Yet it is obvious that we must continue the fight against this discrimination.

It is my hope that this resolution will increase public awareness and understanding of cancer. Through this public education process, the myths, prejudice, and misconceptions surrounding persons with a cancer history can be shattered—the same myths that often foster cancer-based employment discrimination. Hopefully, this awareness will ultimately increase the employability of cancer survivors.

Equality is the principle upon which this great Nation was founded. We pride ourselves on affording equal opportunity for all Americans. Such opportunity must be extended to the millions of cancer survivors so that we permit, and encourage, these people to remain fully integrated and productive members of society and our workplace. Let us never forget what we are opposing—employment discriminaton against cancer survivors, persons who have endured so much, triumphed over many obstacles, but who continue to be victimized and stigmatized.

For the benefit of my colleagues, I have inserted the full text of the resolution into the RECORD.

Whereas there are more than five million Americans in our nation with a cancer history and an estimated one million of these persons face the terrible injustice of employment discrimination;

Whereas 66 million Americans—one out of every four—will eventually develop cancer in their lifetime;

Whereas one out of every two persons now diagnosed as having cancer is cured, and as a result, the number of survivors will continue to dramatically increase;

Whereas employment discrimination against persons on the basis of cancer history ranges from job denial to wage reduction, exclusion from and reduction in benefits, promotion denial, and in some cases, outright dismissal; and

Whereas we must permit, and encourage, these people to remain fully integrated and productive members of society: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), Expressing the sense of Congress in opposition to employment discrimination against persons who have, or have had, cancer based on such individual's cancer history and urges the Congress that these Americans receive fair and equal treatment in the workplace.

NATIONAL COMMITTEE FOR ADOPTION

HON. THOMAS J. BLILEY JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. BLILEY. Mr. Speaker, as a cochairman of the Congressional Coalition on Adoption, I would like to commend one organization in particular for its efforts on behalf of children, adoptive parents, and birth-parents.

Yesterday began the National Committee on Adoption's Sixth Annual Maternity Services and Pregnancy Counseling Conference. With a membership of more than 120 voluntary, private adoption agencies, NCFA is dedicated to improving adoption services in this country. The committee keeps its members informed about developments and changes in State and Federal programs and laws, as well as relevant court decisions.

One of NCFA's missions is to ensure that accurate information on adoption exists and is made available. Toward this end, the commit-

tee publishes newsletters and holds these annual conferences. Moreover, NCFA has published the "Adoption Factbook," filling a need in the public and private sectors for data and materials relating to adoption.

I wish the National Committee for Adoption success at its annual meeting and thank its members for their efforts on behalf of children and parents.

INTRODUCTION OF H.R. 4617, A BILL TO PROVIDE FOR AN EXTENSION OF TIME FOR FILING CLAIMS FOR CREDITS OR REFUND OF FEDERAL INCOME TAXES WITH RESPECT TO CERTAIN CHANGES INVOLVING INSOLVENT FARMERS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DAUB. Mr. Speaker, the Consolidated Omnibus Budget Reconciliation Act of 1985 was signed into law by the President on April 7, 1986, after considerable delay in the House and in the other body. Section 13208 of that act generally provides that the transfer of farmland by an insolvent farmer to a creditor in cancellation of indebtedness, or to a third party under threat of foreclosure, will not give rise to alternative minimum tax liability. The amendment is effective for transfers of farmland after December 31, 1981.

The normal 3-year statute of limitations for timely filed 1982 calendar year returns expired on April 15, 1986. Insolvent farmers seeking the protection of the new amendment with respect to calendar year 1982 were required, therefore, to file an amended 1982 return on or before April 15, 1986, just 8 days after the Budget Reconciliation Act was signed into law. This obviously was not enough time for those insolvent farmers seeking the protection of the amendment to react to the new law. The repeated delays in passing the Budget Reconciliation Act has, practically speaking, undermined the clear intent of the act to assist insolvent farmers beginning with calendar year 1982 transfers of farmland.

In order to more fully carry out the original intent of the Budget Reconciliation Act, I am introducing a bill that would extend the statute of limitations for a short period for purposes of taking advantage of the insolvent farmer provision in the Budget Reconciliation Act. The bill provides that if a taxpayer is prevented from claiming a refund or credit resulting from the insolvent farmer provision in the Budget Reconciliation Act at any time before October 16, 1986, then the refund or credit will nevertheless be allowed if claim therefor is filed within 6 months of the date of enactment of the bill.

I would urge my colleagues to join with me in supporting this small but important change to the Budget Reconciliation Act. Thank you.

INTERNATIONAL COOPERATION NEEDED TO COMBAT TERRORIST THREAT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. BROOMFIELD. Mr. Speaker, it is truly regrettable that the French Government refused to allow United States aircraft to overfly that country.

Margaret Thatcher of Britain, however, stood firm. She is to be commended for taking a brave stand. She held out her hand when America needed her help.

In this age of terrorism, international cooperation is needed to combat the terrorist threat. The free world cannot afford to turn and run from terrorist dictators.

Although the French Government had recently indicated a growing resolve to confront terrorism, that Government refused a request for overflight rights for the U.S. bombers. When they were put on the spot, the French blinked.

Their ambiguous attitude caused our pilots to fly an extra 2,500 miles to skirt the coast of Europe on their way to Libya. They were exposed to possible detection by being in the air that long. They arrived on target fatigued and stressed.

No wonder the Libyan Ambassador in Paris congratulated the French Government for turning down America's request. Fortunately, America does have a friend over there.

When the going got tough, Prime Minister Thatcher stood firm. She defended our decision and said that those bombers were needed for the task at hand. Among our European allies, she kept the course.

In the fight against terrorism, there can be no weak hearts or partial commitments. Either we confront this problem together, or we will all pay the price of not acting against a growing threat. We must all shoulder the heavy burden of fighting terrorism.

BUSINESS LIABILITY INSURANCE CRISIS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DREIER. Mr. Speaker, today there exists an acute crisis in the availability and affordability of liability insurance for businesses and municipalities throughout the country. In fact, most of the State conferences leading to the 1986 White House Conference on Small Business cited the liability insurance crisis as the most threatening to the continued well-being of our economy. The crisis is so encompassing that it has been the focus of major media coverage in recent months.

The extent to which the lack of available and affordable liability insurance has damaged the economy underlies the need for immediate Government action, both at the State and Federal level. In the last 2 years alone, liability insurance premiums have increased by 50 to 900 percent. Between 1974 and 1984, the number of product liability suits filed in U.S. district courts increased from under 2 million to almost 11 million. The number of million dollar awards for compensatory and punitive damages in liability suits increased from under 50 in 1977 to over 400 in 1984.

As a result, thousands of companies are abandoning their lines of business, operating without insurance, or increasing the prices of their products to cover insurance premium costs. Municipalities fare no better. Many competent and effective city officials are second-guessing their decisions to seek municipal positions out of fear of being sued. In California alone, as many as half of the cities will function without liability insurance coverage should nothing be done to address the current crisis.

Unfortunately, the origin of the current liability insurance crisis is undetermined. Some critics blame the tort justice system, particularly the principle of joint and several liability and the increase, during the last 10 years, in the number of negligence lawsuits and the amount of the awards made in connection with those lawsuits. Others view the accounting and management decisions of insurance companies over the past decade, and the unstable cyclical nature of the industry, as being responsible for the crisis.

In response, Mr. Speaker, to this uncertainty, I am today introducing legislation to establish a commission on the liability insurance crisis. As you know, the collection of data to determine the cause of, and suggest a solution to, the liability insurance dilemma poses significant difficulties. The Commission I am proposing would examine the system of tort law in the United States, and the financial structure of the insurance industry. The commission would consist of representatives of industry, Government, and consumer groups, who would be appointed jointly by the President, the Speaker of the House, and the majority leader of the Senate.

The commission would provide Congress, the President, and State governments with a list of recommendations for resolving the crisis in the availability and affordability of liability insurance. Such a commission would not require any appropriated money from the taxpayers. It would draw upon the existing resources of the Federal Government.

Mr. Speaker, the current liability insurance crisis warrants immediate action. I believe my proposal offers the best vehicle to determine what legitimate actions can be taken at all levels of government to address this crisis. I urge my colleagues to consider the merits of this legislation, and join me in moving forward to solve what is potentially one of the most critical dilemmas to face business and municipalities nationwide.

TRIBUTE TO J. ELLIS WOOD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. Congress the outstanding achievements of Mr. J. Ellis Wood, who is being honored on June 25, 1986, at a surprise testimonial dinner hosted by his family and friends for his service to the Sunbury Community Hospital and his lifetime of accomplishments.

J. Ellis Wood will soon retire from the Sunbury Community Hospital where he has served as its administrator for more than three decades. Mr. Wood began his hospital service in 1950 on the administrative staff at Good Samaritan Hospital in Lebanon, PA. It was only 2 years later than he came to the Sunbury community to assume the position of hospital administrator; a position he has held to this day.

He has been associated with a number of organizations including the American Hospital Association, the Hospital Association of Pennsylvania, the Central Pennsylvania Health Systems Agency, Blue Cross of Pennsylvania and is a life member of the American College of Hospital Administrators. Mr. Wood has also devoted his time to the SUN Home Health Services, the United Methodist Homes and Danville Area School District School of Practical Nursing.

Accomplishing all of these activities would seem to be enough to satisfy most of us in a lifetime, but for J. Ellis Wood the list of involvement goes beyond his service to the Sunbury Community Hospital. He is also a member of the Sunbury Rotary Club and St. John's Methodist Church.

The Sunbury community has experienced great progress over the years under Mr. Wood's leadership. Aside from keeping Sunbury Community Hospital financially sound during his entire tenure, which he would attribute to Sunbury's strong community support, he has maintained the hospital's accreditation from the Joint Commission on Accreditation of Hospitals since 1954. He also oversaw a $1.3 million expansion of the emergency department and a new three story wing in 1968.

I wish to extend my congratulations to Mr. Wood for his remarkable efforts to the Sunbury Community Hospital and his community. He has truly enriched the lives of all who have been privileged to know him and work with him over the years.

A BILL FOR THE RELIEF OF RICHARD F. WALSH OF QUINCY, MA

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DONNELLY. Mr. Speaker, I am introducing relief legislation today for a constituent, Richard F. Walsh of Quincy, MA. The bill seeks to remedy an unintended injustice which has prevented Mr. Walsh from receiving military decorations due him for heroic actions in the Army Air Force during World War II. The bill would allow the President to award Mr. Walsh the Distinguished Flying Cross and the Purple Heart. Through no fault of my constituent, records that existed during the war which provided evidence of Mr. Walsh's extraordinary heroism in midair on April 30, 1944, and his combat injury sustained on July 4, 1944, were lost, probably during transport back to the States, Mr. Walsh has exhausted every available procedural avenue to seek redress in this matter. I have been honored to assist Mr. Walsh over the last several years in his communications with various Defense Department and record archive officials and offices. While Mr. Walsh's military personnel files were almost completely lost, he has tirelessly compiled pertinent letters from former crewmates and from the Veterans Administration which corroborate his claims. I know Richard F. Walsh to be an honorable and civic minded citizen. I hope the introduction of this relief legislation will begin the process of gaining for him the World War II medals he sincerely deserves. I urge swift consideraton of this legislation.

MR. AND MRS. HILUTE ERSKINE McKINNEY CELEBRATE THEIR 66TH WEDDING ANNIVERSARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. HOYER. Mr. Speaker, in these days so much of the news we hear is bad, it is sometimes wise to take time to recognize a happy event. One such event will be taking place next Friday, April 25, when Ellen Everette McKinney and Hilute Erskine McKinney of St. Louis, MO, will celebrate their 66th wedding anniversary. One of Mr. and Mrs. McKinney's 34 granchildren, Sarah McKinney-Ludd, lives in my congressional district. She tells me that Mr. and Mrs. McKinney say they are more in love than they were on the day they were married. What's more, Mr. and Mrs. McKinney have known each other since they were 8 years old.

What is the secret to this long friendship and happy marriage? Not only have the McKinneys raised a famly of 8 children, 34 grandchildren, 46 great-grandchildren and 7 great-great-grandchildren, but they have been very active in their community as well. Both still teach Sunday school regularly. Mr. McKinney has been a Sunday school superintendent and choir director for most of his adult life. Mrs. McKinney is a former public school teacher.

The McKinney's accomplishments have not gone unheralded. They have received recognitions from our colleague, Congressman BILL CLAY, from the Missouri House of Delegates, from Mayor Vincent C. Schoemel, and from numerous papers in St. Louis. Mrs. McKinney has been named "Outstanding Mother of the Year." Mr. McKinney has been named "Outstanding Role Model." Jointly they have received the Grandmother and Grandfather of the Year Award.

Mr. Speaker, I know that my colleagues will want to join me in sending our congratulations and best wishes to two fine citizens on this special anniversary.

COMMENDING CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS, UPON ITS 25TH ANNIVERSARY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DYMALLY. Mr. Speaker, I am submitting for the RECORD a resolution.

COMMENDING CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS UPON ITS 25TH ANNIVERSARY.

Whereas, in 1960 the California State College, Dominguez Hills was authorized; and

Whereas, in 1977 the name of California State College, Dominguez Hills was changed to California State University, Dominguez Hills; and

Whereas, through the years California State, Dominguez Hills has served the needs of the South Bay area, one of the Nation's most diverse socioeconomic and cultural communities; and

Whereas, 1986 marks the 25th Anniversary of California State University, Dominiguez Hills, and so it is appropriate that it receives special congratulations and commendations: Now, therefore, be it

Resolved on this day, April 19, 1986, that California State University, Dominguez Hills receive special congratulations and commendations on such 25th Anniversary.

THE VIETNAM VETERANS READJUSTMENT COUNSELING AMENDMENTS OF 1986

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. EDGAR. Mr. Speaker, I am introducing today a bill with two provisions which would have the effect of improving the Vietnam veteran readjustment counseling program.

The first provision would delete the requirement that, by October 1, 1988, readjustment counseling services be provided in VA medical facilities. As you know, readjustment counseling services are currently being provided in facilities that are separate from other VA medical facilities.

What does this provision really mean? It does not mean that vet centers at separate locations will be permanent. If that were the intent, I would not have acted at this time. What this provision means is that the VA will not have to devote time and energy to planning and executing the closure of all vet centers. It means that the VA can selectively keep open those vet centers that are located in areas of need. It means that the VA can manage more flexibly.

I should note here, Mr. Speaker, that last year the Congress removed the arbitrary limit on when veterans could request counseling. It only makes sense that flexibility should be given the VA to fulfill that mandate.

The recent recommendation by the chief medical director's vet center planning committee has recommended this provision and has also recommended a gradual decline in the number of vet centers. In addition, representatives from the major veterans organizations who serve on the agency's advisory committee on Vietnam veterans have voted support for this proposal and there is no opposition among them.

Let me stress that this provision is only intended as a management tool for the VA to make rational decisions based on needs of the readjustment counseling program and the location of counseling services delivery and in order to avoid arbitrary legislative restrictions.

The second provision related to Vietnam veterans is the establishment of a readjustment counseling professional fellowship program. Eligibility for this program would be for Vietnam era veterans who are accepted for study in a post-baccalaureate program in an accredited educational institution and in a field related to the provision of readjustment counseling services.

In exchange for payment of fellowship support, the veterans would sign a written agreement to accept a position as a readjustment counselor with the Veterans Administration for 2 years after completion of the course of training.

There are several advantages to this program:

First, it would allow current vet center counselors to obtain academic training to augment their experience.

Second, for veterans who have not been directly involved in readjustment counseling, it would be an opportunity to gain knowledge and training.

Third, the "payback" provision would ensure an adequate number of trained Vietnam Veterans to provide readjustment counseling and to reinforce the successes that have been produced by the vet center program in treating readjustment problems.

I am pleased to introduce this legislation and encourage all of my colleagues in this body, especially the members of the veterans' affairs subcommittee on hospitals and health care, which I chair, to support it.

FUTURES TRADING ACT OF 1986

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. DE LA GARZA. Mr. Speaker, today, I along with Mr. MADIGAN, Mr. JONES of Tennessee, and Mr. COLEMAN of Missouri introduced the Futures Trading Act of 1986. This bill will reauthorize appropriations to carry out the regulatory program under the Commodity Exchange Act, and make several technical improvements to that act. The text of the bill follows:

H.R. 4613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Futures Trading Act of 1986".

FRAUDULENT PRACTICES

SEC. 2. Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by—

(1) striking out "on or subject to the rules of any contract market," in the first sentence;

(2) designating the first sentence as subsection (a) and the second sentence as subsection (b); and

(3) adding, at the end thereof, the following:

"(c) Nothing in this section shall apply to any activity that occurs on a board of trade, exchange, market, or clearinghouse for such board of trade, exchange, or market located outside the United States, its territories, or its possessions involving any contract of sale of a commodity for future delivery that is made, or to be made, on or subject to the rules of such board of trade, exchange, or market.".

EXTRATERRITORIAL SERVICE OF SUBPENAS

SEC. 3. Section 6(b) of the Commodity Exchange Act (7 U.S.C. 15) is amended by—

(1) inserting "(except as provided in the proviso of the following sentence)" immediately before "may administer oaths and affirmations, subpena witnesses" in the third sentence;

(2) striking out "or any State" in the fourth sentence and inserting in lieu thereof ", any State, or any foreign country or jurisdiction"; and

(3) inserting, immediately before the period at the end of the fourth sentence, a semicolon and "and a subpena issued under this subsection may be served on any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country: *Provided,* That a subpena to be served on a person outside the territorial jurisdiction of any court of the United States may be issued only on the prior approval of the Commission".

EX PARTE APPOINTMENTS OF TEMPORARY RECEIVERS

SEC. 4. The proviso of the first sentence of section 6c of the Commodity Exchange Act (7 U.S.C. 13a-1) is amended by inserting, within the parenthetical phrase immediately before the close parenthesis, a comma and "and other than an order appointing a temporary receiver to administer such restraining order and perform such other duties as the court may consider appropriate".

CERTAIN PROHIBITED TRANSACTIONS

SEC. 5. Section 9(d) of the Commodity Exchange Act (7 U.S.C. 13(d)) is amended by—

(1) inserting, immediately before the period at the end of the first sentence, the following: "if nonpublic information is used in the investment transaction, if the investment transaction is prohibited by rule or regulation of the Commission, or if the investment transaction is effected by means of any instrument regulated by the Commission"; and

(2) striking out the second and third sentences and inserting in lieu thereof the following: "The foregoing prohibitions shall not apply to any transaction or class of transactions that the Commission, by rule or regulation, has determined would not be contrary to the public interest or otherwise inconsistent with the purposes of this section.".

REAUTHORIZATION

SEC. 6. Effective October 1, 1986, Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There hereby are authorized to be appropriated to carry out the provisions of this Act such sums as may be required for each of the fiscal years during the period beginning October 1, 1986, and ending September 30, 1989.".

REGISTERED FUTURES ASSOCIATION DISCLIPLINARY ACTIONS AND MEMBERSHIP RESTRICTIONS

SEC. 7. Subsections (h) and (i) of section 17 of the Commodity Exchange Act (7 U.S.C. 21 (h) and (i)) are amended to read as follows:

"(h)(1) If any registered futures association takes any final disciplinary action against a member thereof or a person associated with a member, or denies admission to any person seeking membership therein or bars any person from being associated with a member, the association promptly shall file notice thereof with the Commission. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this Act.

"(2) Any action with respect to which a registered futures association is required by paragraph (1) of this subsection to file notice shall be subject to review by the Commission on its motion, or on application by any person aggrieved thereby. Such application must be filed within thirty days after the date such notice was filed with the Commission and received by the aggrieved person, or within such longer period as the Commission may determine.

"(3) Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of such action unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments). The Commission shall establish standards for an expedited procedure for consideration and determination of the question of a stay.

"(i)(1) In a proceeding to review a final disciplinary action taken by a registered futures association against a member thereof or a person associated with a member, after appropriate notice and opportunity for a hearing (which hearing may consist solely of consideration of the record before the association and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction imposed by the association)—

"(A) if the Commission finds that (i) such member or person associated with a member has engaged in the acts or practices, or has omitted the acts, that the association has found the member or person to have engaged in or omitted; (ii) the acts or practices, or omissions to act, are in violation of the rules of the association specified in the determination of the association; and (iii)

such rules are, and were applied in a manner, consistent with the purposes of this Act, the Commission, by order, shall so declare and, as appropirate, affirm the sanction imposed by the association, modify the sanction in accordance with paragraph (2) of this subsection, or remand the case to the association for further proceedings; or

"(B) if the Commission does not make any such finding, it shall set aside, by order, the sanction imposed by the association and, if appropriate, remand the case to the association for further proceedings.

"(2) If after a proceeding in accordance with paragraph (1) of this subsection, the Commission finds that any penalty imposed on a member or person associated with a member is excessive or oppressive, having due regard for the public interest, the Commission, by order, shall cancel, reduce, or require the remission of the penalty.

"(3) In any proceeding to review the denial of membership in a registered futures association or the barring of any person from being associated with a member, after appropriate notice and hearing (which hearing may consist solely of consideration of the record before the association and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction imposed by association)—

"(A) if the Commission finds that (i) the specific grounds on which the denial or bar is based exist in fact, (ii) the denial or bar is in accordance with the rules of the association, and (iii) such rules are, and were applied in a manner, consistent with the purposes of this Act, the Commission, by order, shall dismiss the proceeding; or

"(B) if the Commission does not make any such finding, it shall set aside, by order, the sanction imposed by the association and require it to admit the applicant to membership therein, or permit the person to be associated with a member.

"(4) Any person (other than a registered futures association) aggrieved by a final order of the Commission entered under the provisions of this subsection may file a petition for review with a United States court of appeals in accordance with section 6(b) of this Act.".

REGISTERED FUTURES ASSOCIATION RULES

SEC. 8. (a) Section 17(j) of the Commodity Exchange Act (7 U.S.C. 21(j)) is amended by striking out the third sentences.

(b) Section 17(k) of the Commodity Exchange Act (7 U.S.C. 21(k)) is amended by—

(1) striking out "title" in paragraph (1) and inserting in lieu thereof "section"; and

(2) striking out the second sentence of paragraph (2) and inserting in lieu thereof the following: "If such association fails to adopt such alteration or supplement within a reasonable time, the Commission, by order, may alter or supplement the rules of such association in the manner theretofore requested, or with such modification of such alteration or supplement as it deems necessary, if, after appropriate notice and opportunity for hearing, it appears to the Commission that such alteration or supplement is necessary or appropriate in the public interest to ensure fair dealing by the members of such association or to ensure a fair representation of its members in the administration of its affairs, or to effectuate the purposes of this section. Such alterations or supplements may specify changes with respect to such matters as—

"(A) the basis for, and procedure in connection with, the denial of membership or the barring from being associated with a member or the disciplining of members or persons associated with members, or the qualifications required for members or individuals associated with members or any class thereof;

"(B) the method of adoption of any change in or addition to the rules of the association;

"(C) the method of choosing officers and directors;

"(D) safeguards with respect to the financial responsibility of members;

"(E) the manner, method, and place of soliciting business by members, including the content of such solicitations; and

"(F) the form and manner of handling, recording, and accounting for customer orders, transactions, and accounts by members.".

WINNING ESSAYS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. HYDE. Mr. Speaker, I recently conducted my annual Sixth District Congressional Essay Contest for junior and senior high school students in my district, and I am very pleased to announce the winners today.

The first place winner in the senior high category is Michael Lubelfeld, a resident of Des Plaines, who attends Maine Township High School East in Park Ridge.

The first place winner in the junior high category is Mary Ellen Ford, a resident of Park Ridge who attends Mary, Seat of Wisdom School in Park Ridge.

I congratulate both Mr. Lubelfeld and Miss Ford for their outstanding essays, which are included in the RECORD following my statement. I also want to thank the hundreds of other students who submitted entries; I wish that I could publish them all as there were so many excellent submissions.

I'm most pleased to share the winning essays with my colleagues:

THE EUROPEANIZATION OF AMERICA

(By Michael Lubelfeld)

Our world is diverse in many ways, especially the way in which we govern ourselves. The government of the United States of America has grown and changed throughout the years in many different areas, but its basic foundation has stayed the same: the United States Constitution. The United States, with its republican form of government, has been governed by that document for over two hundred years. Other countries, for example, the democratic countries of Israel, Canada, Japan and those in western Europe, also have constitutions, but they have parliamentary governments. This paper will focus on the differences in democracy between the parliamentary system and the United States system.

Parliamentary government is set up somewhat like the United States government. Both types of government consist of three branches of government; the executive, legislative and judicial. The difference between the two types of government is in how each branch carries out its various duties. Although both types of government are structurally similar, theoretical differences do exist.

In the parliamentary system, the executive branch of government consists of the Prime Minister and the cabinet. The Prime Minister is the head of government and also head of the political party that he belongs to. The head of state is a largely ceremonial position. The head of state in the parliamentary system is comparable to the Vice-President in the United States.

In many of these countries, the Prime Minister is chosen by the head of state. The Prime Minister is not directly elected by the people. The person holding that honored position is selected by the political party in control of the government. The Legislative branch of a Parliamentary government, also similar to the United States, usually has a bicameral legislature. In England, the upper house is not elected by the people, but rather is controlled by families that have had ancestors who made a notable contribution to Britain. Knighthood and feudal tradition still provide a basis of operation among the members of the upperhouse. Our upper house, somewhat more aloof than the House politically, still is based on popular government rather than heriditary rule. However, in almost all of these governments, the lower house members are elected directly by the people.

One exception to a bicameral legislature is Israel. In Israel, its Legislative body, the Knesset, is unicameral. The Knesset is directly elected by secret ballot by the people of Israel.

The Judicial systems in these governments are also similar. Both Parliamentary and United States Judicial systems consist of inferior and superior courts. A significant difference, though, is that the United States Supreme Court has the power of judicial review. This means that the Supreme Court can determine that actions by the other branches of government officials are unconstitutional, thereby null and void. The House of Lords in Britain serves as the equivalent to our Supreme Court.

In the United States, the President and Vice-President are elected indirectly by the Electoral College. The legislative branch, which consists of two houses, is elected directly by the people.

A unique quality of the United States government is its system of checks and balances. This system allows all three branches to work separately, but always able to check one of the others' work and therefore maintain a balance of power within the government. This system is not used in the Parliamentary governments.

The United States government is much more stable than the parliamentary form. Prime Ministers may lose control of the government should parliament fail to provide a vote of confidence in their leadership during a national crisis. A prime minister may hold power for twenty-four hours, twenty-four days or, after several elections, twenty-four years. In other words, a Prime Minister's power to rule depends on constant approval of their policies by Parliament. On the other hand, in the United States, regardless of crisis, the President is in control, still able to exercise his constitutional duties. This system provides stability, greater flexibility, and a more secure government. Just prior to World War II, the government of Neville Chamberlain (in Britain) had a policy of appeasement towards Hitler. Soon after, Hitler was dominating all of Europe, German bombs fell on Britain and so did Chamberlain's government. Chamberlain failed to obtain a vote of confidence from Parliament and he was out of office. Whereas, if President Roosevelt made a questionable decision, there would not have been a

new government, but the President would have had a chance to correct his mistake. Recently in England, Prime Minister Thatcher's government was faced with a very major problem, the nation's coal miners were on strike. Mrs. Thatcher, had she not received support of parliament, could have lost her power from something as mundane as a coal miners' strike. In the United States, with our more stable system, if there is a strike that shuts down a significant supply of important resources to the American people, the government could not collapse—no matter how serious the problem.

Another interesting difference between these two governments, is the role of political parties. Political parties play key roles in government. In the United States, there are two major parties, with many other minor parties. The citizens of the United States elect the people running for office directly, regardless of what party affiliation they have. Whereas in a parliamentary system, the party plays a much larger role. In effect, with the parliament system, political parties, not people, are what is being elected. The people elect a party in the lower house (of Legislature) and whichever party receives the majority of votes, is called the majority party. The prime minister is then selected by the majority party. When the prime minister's party loses majority, the government is dissolved.

A very common question is this: should the United States of America adopt a parliamentary form of government? The United States government is entirely elected by the people, to govern for the people, so the people's directly wishes can and will be carried out at every level of government. The parliamentary government evolved from the old fashioned ideas of monarchy. A parliamentary system would contradict the principles of the United States' constitutional government. The American people pride themselves in the form of government that they have. In the parliamentary form the upper house is made up of elite appointed or hereditary officials who can do whatever they wish and whatever their parties wish. However, in this country, the legislators of both houses represent all of the wishes and ideas of the people who they represent.

Parliamentary government in the United States would be detrimental and contradictory to the principles of the Constitution. The Constitution was set up so that the government would always have to respond to the peoples' needs through the check and balance system. The citizens of the United States of America are very unique and diverse and they have learned to accept and respect this form of government that has been around since the independence of the country. Freedom to elect all public officials, to question policies and to change the policies is every American's right. American people would not accept the idea of the Parliamentary government.

HOW DEMANDING IS LIBERTY?

Is it any more demanding to be a citizen of a country that follows the form of government called Democracy than to be a citizen in a Totalitarian State?

Democracy is a form of government that gains its power directly and indirectly from the people through a system of representation. It is a system that operates "through the consent of the governed".[1]

Totalitarianism is a political concept whereby the citizens of a state are totally subjected to an absolute authority. The rulers have unlimited power.

To be a citizen of a country advocating either democracy or totalitarianism usually means you are a person who resides or inhabits that country and is one who gives allegiance to that country. However, being a good citizen doesn't stop there. Citizenship also brings along responsibilities.

Let's compare a citizen of the Soviet Union who lives with totalitarianism with a citizen of the United States of America who experiences democracy. Both would give allegiance to the country they reside in and would be able to demand protection from their country.

The citizen of the Soviet Union is answerable to someone in higher authority in every aspect of his life. He is dependent on the wishes and whims of the political party and its leaders. His life is determined for him as far as his occupation, his education, and his social affairs. All are coordinated to serve the purpose of the "party".

There is no friendly competition. Everything done is done "for the good of the party".

The Soviet citizen is manipulated through the government's absolute control of mass communication, the secret-police, a monopoly of all weapons, and a certainly controlled economy. This citizen is not asked to question anything. He is praised if he turns in a neighbor, parent, child, or co-worker if he witnesses them acting independently.

Work permits are issued to citizens who behave. If the worker would complain of foul working conditions, the permit would be taken away and that would mean virtual death for the worker and his family.

The responsibility of this citizen of totalitarianism is to obey without question for the sake of the state. The citizen may be compared to a child who is taken care of by a parent. If the child-citizen asks "why", he is told "because I say so". If he would ask "why" too often, the punishment gets to be so severe that he no longer wants to question. It must be a very difficult life to want to ask questions and get no answers.

A citizen of the United States of America is free because many years ago people were told to obey and dared to ask "why". They did something about it. The Constitution of the United States guarantees this citizen freedom to choose. This citizen has rights that the government declares and enforces:

The right to worship as he chooses;

The right to express opinions through voice and media;

The right to live and work where he wishes;

The right to urge the government to correct injustices;

The right to a speedy trial if necessary;

The right to assemble peaceably;

The right to bear arms to protect his belongings;

The right to be free from unlawful searches of his property.

Every American citizen has these rights and the responsibility to be aware and informed of the kind of people he or she elects into government. Every person has the right to choose how they will live as long as they respect the rights of others.

The government of the United States gets its power from the people. The leaders are answerable to the citizens.

The people keep the elected officials honest. Three branches of the government insure that no one person or group has absolute power through a special system of checks and balances.

Obedience through fear as with totalitarianism is not obedience. It is intimidation. Citizens must become very undemanding if they wish to survive in such a place.

Citizens of a totalitarian state must meet the demands of the government.

The government of a democracy must meet the demands of the citizens.

Is it, then, any more demanding to be a citizen of totalitarianism than it is to be a citizen of democracy? I feel this way: No matter which country you live in, no matter which policy you live with, if you are a person of conscience both citizenships can be most demanding.

The United States citizen will try to maintain freedom through being a responsible citizen. The Soviet citizen who has a conscience and wants a better life must live with the demanding pressure of loyalty to his country while maintaining integrity.

However, if you take a person in America who doen't take his civic responsibility to heart and walks through life as a zombie . . . his life is an undemanding as the totalitarian citizen who chooses to walk through life as a zombie.

The answer to the question is as different as each person is different—as each person's conscience is different.

[1] Constitution of the United States of America.

TRIBUTE TO GEORGE W. STRICK

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. KOSTMAYER. Mr. Speaker, next week, a very good friend of mine and of working men and women from all over America, George Strick, will retire from his position on the executive board of the Communications Workers of America. He will be ending over a quarter-century of service to the CWA, half of which has been spent as vice president of district 2 in Washington, DC.

George has been a progressive pioneer and union builder for the Communications Workers since serving as CWA representative in Kansas City, his hometown, beginning in 1960.

Before joining the CWA, George wcrked for Southwestern Bell beginning in 1946 after distinguished service in the U.S. Army during the Second World War.

Since coming to Washington, DC, in 1965, George has been very active in local charities and community activities including service on the board of directors of the United Way.

I first got to know George as a freshman Member of Congress in 1977 and he was kind enough to help guide me around and through the ways of Capitol Hill. Since that time he has been a great friend and a man on whom I could always rely.

Mr. Speaker, on behalf of all my colleagues who know and admire George Strick as I do, I wish him a happy, healthy and well-deserved retirement. The Communications Workers of America, the American labor movement, and the U.S. Congress are all very grateful to George Strick for a job well done.

CONGRESS MUST KEEP ORIGINAL GOALS IN MIND

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. McKERNAN. Mr. Speaker, how can it be that over 4 months have passed since the endorsement and approval of the Gramm-Rudman-Hollings legislation to eliminate Federal deficit spending, and yet the development of the fiscal year 1987 budget remains in its most preliminary stages? The passage of the April 15 deadline for final congressional action of a budget resolution has not gone unnoticed and, in fact, is a warning sign, and a cause for great concern.

As a nation, we carry a tremendous budget deficit and an overwhelming collective debt. Our interest payments alone speak to the magnitude of the problem; we are currently servicing our debt at a rate which consumes 15 percent of our budget. Last December 11, we admitted this problem, and put into place a mechanism to force Congress into making the decisions necessary to reduce deficit spending. And yet, here we are, without a budget plan for next year, despite the threat of automatic spending cuts. I am hearing from many Mainers who rely upon such programs as Meals-on-Wheels, who are struggling to obtain a higher education, who do not have an income sufficient to afford home heating; the message which they send me is that a 4.3-percent cut was quite a burden to bear, but the devastation which deeper, indiscriminate cuts would cause is unthinkable.

With the passage of Tuesday's deadline, I am concerned that we have forgotten the implications of our inaction. I am concerned that we are not making the decisions that we were sent here to make. I urge my colleagues to keep our original goals in mind, and to not lose sight of the consequences which will be set into motion should we fail to meet our responsibilities.

CONGRESS MUST ACT TO INCREASE LIMIT ON FHA AND VA MORTGAGES

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. MANTON. Mr. Speaker, the recent decline in home mortgage rates is a welcome development. Mortgage rates are at their lowest levels since the late seventies. More and more Americans are finding it possible to afford a new home. Furthermore, millions of existing homeowners are rushing to refinance double-digit mortgages at today's lower rates.

This rush of activity has pushed the Government National Mortgage Association [GNMA] to the limit on the volume of mortgage-backed securities it can guarantee. In addition, FHA is nearing the limit on the volume of mortgages it can insure.

Mr. Speaker, FHA and VA mortgages are commonly sold on the secondary mortgage market. In order to generate new mortgage funds, GNMA, created by the Federal Government to facilitate the growth of the secondary market, guarantees privately issued securities backed by pools of FHA and VA loans. However, Ginnie Mae is limited on the volume of securities it can insure. On April 7, Ginnie Mae reached its 1986 limit of $65.3 billion.

Congress must act p omptly to extend this limit. In addition, action must be taken to prevent an interruption in FHA mortgage insurance operations. I have cosponsored legislation, H.R. 4602, that increases the limitation on the amount loans FHA can insure from $57.4 billion to $95 billion and increases the limitation on the amount of mortgage-backed securities GNMA can guarantee.

Without action, FHA- and VA-insured mortgages will either disappear or prove too costly for most buyers. Congress must not allow that to happen at a time when millions of young families are finding homeownership affordable for the first time in many years.

Mr. Speaker, I am hopeful that Congress will act soon to resolve this pending crisis. We must make certain all Americans are given an opportunity to reap the benefit of today's falling mortgage rates.

CONGRESSIONAL SALUTE TO JIM NELSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. MATSUI. Mr. Speaker, today I have the distinct honor of congratulating Jim Nelson, the creator and director of Operation Santa Claus in my Sacramento, CA, congressional district. Mr. Nelson's dedicated volunteer service has come to the aid of thousands of needy people in Sacramento and worldwide. For his efforts and profound accomplishments, Mr. Nelson will receive the distinguished President's Volunteer Action Award on April 21, 1986.

Jim Nelson's altruistic Operation Santa Claus began in 1948 when, joined by a few civilian employees at the Sacramento Army Depot, he provided a Christmas dinner for two military families who otherwise would have gone hungry. For 29 years this noble holiday tradition continued and flourished.

Realizing that for some people hunger is a year round condition, Mr. Nelson has expanded his philanthropic organization. For the past 8 years, Operation Santa Claus has served the needy throughout the year by donating over 7,000 boxes of food to the poor each year.

In addition to food, Operation Santa Claus has donated 84 dental units to 22 Arizona Indian reservations, equipment for a community medical center in rural northern California, refurbished bicycles for disadvantaged Sacramento news carriers and provided additional bikes to a southern California orphanage. Their range of services and accomplishments are ever increasing.

Jim Nelson's exemplary organization is not only prepared for day-to-day crisis, but also for unexpected emergencies. For example, when California flood and Mexico earthquake victims needed assistance, Operation Santa Claus was on the spot.

The illustrious achievements of Jim Nelson and his fleet of dedicated volunteers are worthy of praise and admiration. On behalf of the Sacramento community, I commend the dedication and concern of Jim Nelson and his entire staff. Their sincere efforts to aid the needy have earned my highest respect and gratitude.

TRIBUTE TO KYLE "BUCK" MORRIS

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. MOORE. Mr. Speaker, I would like to take this opportunity to call to your attention a story that not many hear of these days: A story of heroism, a story of a man who gave his own life for the sake and safety of another. This is a story of a private citizen who witnessed a crime and was not going to stand by and let an offender get away. Mr. Kyle "Buck" Morris of Baton Rouge, LA, after witnessing a 14-year-old snatch a purse, chased the youth through the streets of Baton Rouge until the boy stopped, pulled a gun, shot and killed him.

Our President on the occasion of his first inauguration on January 20, 1981, spoke of heroes. He said:

> Those who say we are in a time where there are no heroes: They just don't know where to look . . . they are individuals and families whose taxes support the Government and whose voluntary gifts support church, charity, culture, art and education. Their patriotism is quiet but deep. Their values sustain our national life.

Buck Morris was such a hero as he gave the greatest gift of all because he felt deeply and his values are the highest of our national life.

Mr. Morris leaves a wife, two very young children and an entire city where there is nothing but admiration felt for him. Friends and relatives all remember him as a loyal and honest person who would not tolerate injustice. I admire and commend him for these traits and am heartfully sorry for his death and the loss to his family, friends, and neighbors have endured.

I bring this story to your attention because such extraordinary acts of bravery and our heroes should not go unnoticed. I am certain that the citizens of Baton Rouge will never forget Buck Morris, nor should we.

NEW GI BILL IMPORTANT TO STRONG NATIONAL DEFENSE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. MONTGOMERY. Mr. Speaker, the Director of the Air National Guard, Maj. Gen.

John B. Conaway, is a strong supporter of the new GI bill. He states in the following letter that 75 percent—4,651—of the Air Guardsmen who enlisted or reenlisted for 6 years during the first 5 months of the new GI bill did so because of this education program.

This phenomenal statistic clearly illustrates the power of the new GI bill as a recruitment and retention tool. The new educational assistance program is already an important component of our national defense, and, contrary to the President's recommendation, it must not be terminated. Guard and Reserve representatives have told me that the termination of this education program will have a widespread negative impact on their recruiting and retention efforts thereby making it far more difficult for the Guard and Reserves to meet end strength in future years.

I ask my colleagues to carefully review General Conaway's remarks and remember them if they are asked to support the President's recommendation to terminate the new GI bill:

DEPARTMENTS OF THE
ARMY AND THE AIR FORCE,
NATIONAL GUARD BUREAU,
Washington, DC, February 7, 1986.

Congressman G. V. (SONNY) MONTGOMERY,
Federal Building,
Meridian, MS.

DEAR CONGRESSMAN MONTGOMERY: In responding to your inquiry concerning the Report to the House and Senate Committees on Armed Services, I again appreciate the opportunity to convey my sincere appreciation for the excellent support you are providing the Air National Guard through your staunch promotion of recruiting and retention incentives. One of these incentives, the New GI Bill (NGIB), is serving us well in attracting and retaining the men and women we need to maintain a strong force. Unfortunately, when the initial input for the Report to the House and Senate Committee on Armed Services was made, we didn't have sufficient data or experience to attribute the NGIB with the credit it deserves.

As of 30 November 1985, the ANG identified 4,651 members who had either enlisted or reenlisted for six years to become eligible for the NGIB entitlements. This represents 75 percent of the total enlistments/reenlistments during the first five months of the program's existence. The NGIB has become one of the most critical force management tools in light of the projected ANG end strength increase of 4,000 personnel each year for FYs 87 and 88.

Unlike the active forces, the ANG does not have a Veterans Educational Assistance Program to fall back on. Since the Educational Assistance bonus was eliminated with the advent of the NGIB, should we lose the NGIB, the end result would be a major force without one of its largest retention/enlistment inducements. If given the time to mature to its full potential, the NGIB could very well surprise us all. Therefore, I strongly support continuation of the NGIB until at least the previously announced termination date of 30 June 1988. Again, thank you for all you've done.

Sincerely,

JOHN B. CONAWAY,
Major General, USAF,
Director, Air National Guard.

THE MEDICARE FAIR HOSPITAL DEDUCTIBLE ACT OF 1986

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. ROYBAL. Mr. Speaker, today, I rise to introduce the Medicare Fair Hospital Deductible Act of 1986. This bill will limit increases in the hospital deductible and nursing home coinsurance to no more than the increase in Social Security's COLA—an indicator of the elderly's ability to pay for health care. Nursing home coinsurance will be reduced from one-eighth of the hospital deductible to one-twelfth. Finally, full nursing home coverage will be extended by 5 days to give seniors some relief from the "sooner and sicker" problem of early hospital discharges.

Why is this legislation so critical? Today we were all shocked by the upcoming increase in Medicare's hospital deductible and nursing home coinsurance for 1987. While the increase for 1985 was already an unacceptable 12 percent, no one was prepared for the unreasonable increase of 23 percent that was imposed on the elderly in 1986. Now, as reported in today's Washington Post, this deductible will be increased another 16 percent for 1987. This 16-percent increase is even more excessive when you consider that the Social Security COLA for 1987 may be less than 3 percent. This 1987 increase along with the 1986 increase represents a 43-percent jump in 2 years—seven times higher than the increases in elderly income. This situation is intolerable and requires immediate remedy.

Already many congressional offices are receiving mail from senior citizens who are angry about the massive increase that went into effect January 1 of this year. Soon they will realize that this is only the beginning. If Congress does not act soon, senior citizens entering hospitals after january 1 of next year will face a $572 deductible—$80 higher than it is now. As we all know, the mail will begin to flow and with good reason.

In an April study conducted by the Committee on Aging, we documented that the elderly are already spending more of their income today for health care than when Medicare and Medicaid began nearly 20 years ago. Even without this massive increase in the hospital deductible, the situation was going to get much worse. With a hospital deductible of $572, the elderly are projected to spend $2,633 for health care in 1991—about 18.5 percent of their income. This is substantially higher than the already excessive 16 percent they are paying today.

I believe that the vast majority of my colleagues agree that the elderly are already paying too much out of pocket for health care and that these increases in the hospital deductible and nursing home coinsurance are too much for the elderly to absorb. For this reason, I urge my colleagues to throw their support behind the Medicare Fair Hospital Deductible Act of 1986. Only if this legislation is passed quickly can the Congress protect America's elderly and disabled from being hit with the $80 increase starting in January.

The "Medicare Fair Hospital Deductible Act of 1986" follows:

H.R. 4620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Fair Hospital Deductible Act".

SEC. 2. LIMITING RATE OF INCREASE OF PART A INPATIENT HOSPITAL DEDUCTIBLE AND NURSING HOME COINSURANCE.

(a) INPATIENT HOSPITAL DEDUCTIBLE.—Section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)) is amended—

(1) in the first sentence, by striking "between July 1 and September 15 of 1968, and of each year thereafter" and inserting "not later than November 15 of each year", and

(2) by amending the second sentence to read as follows:

"Such inpatient hospital deductible shall be equal to the lesser of the following:

(A) $45 multiplied by the ratio of (i) the current average per diem rate for inpatient hospital services for the calendar year preceding the promulgation, to (ii) the current average per diem rate for such services for 1966.

(B) The inpatient hospital deductible for services furnished in the preceding year increased by the applicable increase percentage (relating to the annual cost-of-living increase in OASDI benefit payments) determined under section 215(i) in the year of promulgation.".

(b) EXTENDED CARE COINSURANCE AMOUNT.—

(1) APPLICATION BEGINNING ON 25TH DAY OF EXTENDED CARE SERVICES.—Section 1813(a)(3) of the Social Security Act (42 U.S.C. 1395e(a)(3)) is amended by striking "20" and inserting "25".

(2) REDUCTION TO 1/12TH OF HOSPITAL INSURANCE DEDUCTIBLE.—Such section is further amended—

(A) by striking "one-eighth" and inserting "1/12th", and

(B) by adding at the end the following new sentence: "any amount determined under preceding sentence which is not a multiple of $1 shall be rounded to the nearnest multiple of $1 (or, if it is midway between two multiples of $1, to the next higher multiple of $1).".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to—

(A) inpatient hospital services furnished during a spell of illness beginning on or after January 1, 1987,

(B) extended care services furnished on or after January 1, 1987, and

(C) monthly premiums under section 1818 of the Social Security Act for months beginning with January 1987.

(2) NEW DETERMINATION OF INPATIENT HOSPITAL DEDUCTIBLE AND EXTENDED CARE COINSURANCE AMOUNTS.—If this Act is enacted after the date the Secretary of Health and Human Services promulgates, under section 1813(b)(2) of the Social Security Act, an inpatient hospital deductible for 1987, then within 15 days after the date of the enactment of this Act and taking into account the amendments made by this section, the Secretary of Health and Human Services shall redetermine and repromulgate the inpatient hospital deductible (and the extended care coinsurance amount) which will apply for purposes of section 1813(a) of the Social Security Act for inpatient hospital

services and extended care services furnished during 1986 and the monthly premium that will apply for purposes of section 1818 of the Social Security Act for months in 1986.

SUPPORT FOR PRESIDENT REAGAN

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. RUDD. Mr. Speaker, according to the polls reported on television most Americans support President Reagan in his military strike against Libyan terrorists.

Apparently the pollsters asked respondents a number of questions and the television anchors somewhat gleefully report that most Americans do not believe this one strike will end terrorist activities.

Of course no one in the administration, certainly not the President, has ever suggested that this first response to Libyan terrorists would immediately stop all terrorist activities,

The public response seems to indicate the American people are sufficiently sophisticated to recognize that, in the President's words, "We may have to do it again and again."

We all understand that terrorism will not be ended until those who sponsor terrorism are made to understand they will be required to pay a high price for their terrorist activities. This first strike against Libyan terrorist training camps is, in my opinion, a good beginning.

The military operation was a long range, sophisticated, highly technical undertaking. We can all feel proud of our ability to neutralize the Russian missiles which Libya had installed to protect their bases against an aerial attack.

We should also make a point to remember that France refused us permission to fly across their air space and thus extended the length of this operation by perhaps as much as 1,800 miles.

Apparently the French would rather appease the terrorists. When I recall what we did in 1917 and 1918 and again in 1941 to 1945 to protect the French and rescue them from the German Imperialist government and second from Hitler's Nazi government, I am offended by the refusal of the present rulers of France to grant us permission to overfly their air space.

I would suggest to my fellow Members of Congress that the next time France comes to us for help, military or economic, we remember their refusal to join with us in this world struggle against terrorism.

This French refusal to cooperate and permit us to shorten the flying route placed a very heavy burden on our pilots and crews, and may have contributed to the failure of our one F-111 to return safely.

We can expect there will be more terrorist attacks on Americans and American interests.

President Reagan has served notice that the sponsors of terrorism can expect an immediate response from the United States and we can believe that the next time more targets will be hit, destruction will be greater.

We have sent a clear message to all our allies that the United States will not appease the terrorists.

APRIL 15 WAS A DAY OF DEADLINES

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. SCHAEFER. Mr. Speaker, we in Congress are indeed privileged. Last December, with passage of Gramm-Rudman, we established a series of deadlines for all of America to live by. OMB, CBO, and GAO were forced to abide by the provisions of the law. The President of the United States met his deadline. The American people accepted their March 1 sequestration. Yet Congress, the very body that formulated this timetable, has determined that it is above compliance with the law. The April 15 deadline for a Congressional budget resolution has come and gone without even a proposal from the majority party in the House.

And yes, we'll hear excuses from the other side of the aisle, claiming that the Gramm-Rudman timetable is not realistic. Yet there was more than enough time to criticize the President's budget—both here on the floor and across the country. In fact, there was so much time that the majority party deemed it necessary that the House meet only 27 of the 68 days since the President submitted his budget. But somehow, all this time suddenly ran out. And with it is running the patience of our constituents.

April 15 was a day of deadlines. The vast majority of the American people met theirs—Congress did not. But then, we in this body play by different rules. We make the laws, we don't have to abide by them. Thank you Mr. Speaker.

GO SOUTH YOUNG MAN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mrs. SCHROEDER. Mr. Speaker, Argentine President Raul Alfonsin delivered a major televised address last night calling for constitutional changes in order to establish a more parliamentary form of government and proposing to move the Nation's capitol from Buenos Aires to northern Patagonia.

While moving the capitol might strike some as needlessly symbolic, I think it would have a positive, catalytic effect on the Argentine people.

The country has suffered from a frontier, Patagonia without a frontier spirit. Moving the capitol south into Patagonia would promote that spirit.

The move of Brazil's capitol from Rio de Janeiro to Brasilia sparked a renewal of frontier spirit in that country.

Likewise with our young country when Congress voted in 1790 to move the capitol to the banks of the Potomac.

I commend President Alfonsin for his vision.

[From the Washington Post, Apr. 16, 1986]

ARGENTINE LEADER PROPOSES MOVING CAPITAL TO PATAGONIA—ALFONSIN ALSO URGES CONSTITUTIONAL REFORMS

(By Bradley Graham)

BUENOS AIRES.—In his most ambitious initiative since leading Argentina's return to democracy more than two years ago, President Raul Alfonsin has proposed moving the nation's capital from Buenos Aires to the vast, sparsely settled region of Patagonia to serve as both symbol and impetus for the creation of "a second republic."

The Argentine leader coupled this startling proposal, delivered in a nationally televised address last night, with a call for constitutional reform that would strenghten congressional powers and establish a new balance between president and parliament patterned more after European models than the U.S. one.

He also spoke of the need to modernize public administration and perfect the judicial system to make it "more efficient, agile and accessible to all sectors of society."

The speech was praised here today as bold and imaginative. But many Argentines also said they doubted the transfer plan ever would take place.

Opposition leaders said the presidential project was meant as a political diversion and called it inopportune given Argentina's weak economic condition and other more urgent concerns.

Alfonsin offered no timetable for the move, which requires congressional approval, nor any suggestion of how Argentina, already struggling to cover a $50 billion foreign debt, would pay for it.

Past Argentine governments have studied the feasibility of relocating the capital to decentralize the nation's political structure and reduce the influence of Buenos Aires. The metropolitan area has a population of more than 10 million and today contains 35 percent of the country's population, consumes 39 percent of its energy and employs 48 percent of all industrial workers and 45 percent of all commerce and service workers.

Nothing came of the earlier studies, the last one of which was commissioned in 1972 under military rule.

Alfonsin said the growth of Buenos Aires into "an excessive megalopolis" has paralyzed and distorted the strength of the whole nation, "destroying the foundations of federalism."

He suggested that a new capital be built at the northern edge of Patagonia in an area currently encompassing two towns—Viedma in the province of Rio Negro and Carmen de Patagones in the province of Buenos Aires.

The two towns, which lie opposite each other across the Rio Negro, have a combined population of about 50,000 and are located about 500 miles south of Buenos Aires.

As for what would become of Buenos Aires, Alfonsin pointed to the example of Rio de Janeiro, which has remained a commercial, cultural and tourist hub of Brazil despite the construction of Brasilia, which became the capital in 1960.

THE COOPERATIVE EXTENSION SERVICE AND THE FUTURE OF AMERICAN FARMING

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. SCHUETTE. Mr. Speaker, I wish to commend to my colleagues, and to all those interested in the future of American agriculture, an article by Mr. Dan Rossman which appeared in the March 26, 1986, issue of the Gratiot County, MI, Herald.

Mr. Rossman, the Gratiot County agriculture agent, reviews some of the factors that have led to the present-day farm crisis—inflation, the grain embargo, the high U.S. dollar, increased interest rates—factors for which the American farmer cannot be blamed.

But more important than Mr. Rossman's review of how American farming arrived at its current crisis situation is his outlook for the future: Efforts to bring down the deficit, falling interest rates, declining oil prices, and a dollar whose value makes U.S. products once again competitive on world markets. All these are good signs for the American farmer. I urge my colleagues to give special attention to Mr. Rossman's discussion of the often vital assistance the Cooperative Extension Service provides to the American farmer in helping him, both financially and emotionally, through the current farming crisis. The Cooperative Extension Service has been helping American farmers and their families and today its services are needed more than ever. I am currently cosponsoring a resolution calling on the administration to give a higher priority in its budget considerations to the Cooperative Extension Service. I ask my colleagues to read Mr. Rossman's article, and join me in supporting the continued funding of the Cooperative Extension Service. The article follows:

[From The Gratiot County (MI) Herald, Mar. 26, 1986]

I BELIEVE IN THE FUTURE OF FARMING . . . OR DO I?

(By Dan Rossman, Gratiot Ag. Agent)

DEVELOPMENT OF A CRISIS

The farm situation is dismal.

Negative attitudes are expressed everywhere. The coffee shops, farm magazines, local newspapers, 6 o'clock news and even the theatres are portraying farm families as down and out, about ready to lose their farms.

Just six years ago argiculture was booming. Farm land was considered to be an excellent investment. Parents could hardly expand their operations fast enough to "make room" for their children to join them. Young people looked forward to prosperous careers in agriculture.

The situation has changed. Farming no longer looks profitable. Both parents and children are questioning whether they really believe in the future of farming. Thorough review of the key events which set the stage for today's farming crisis is needed to accurately assess whether there is a future in farming.

Major changes will take place in agriculture. The Cooperative Extension Serivce will play an increasingly more vital role in helping the farm community and families through the transition. The value of the U.S. dollar, export levels, real interest rates, oil prices, the farm policy, U.S. deficit spending and other administration decision have affected the course of American agriculture.

The value of the U.S. dollar dropped at a steady pace throughout the 1970's. Each year American agricultural commodities cost foreign buyers less; consequently, the volume of United States exports rose from about 63 million metric tons per year to a high of 165 million metric tons in 1980. The world demand for U.S. food seemed endless. Some predicted that production would have a hard time keeping pace with the growing demands of a hungry world.

Real interest rates (interest on borrowed money minus inflation) were between 2 percent and 4 percent throughout the 1950's, 1960's, and early 1970's. In the early 1970's oil prices rose substantially. The U.S. money supply was increased. Inflation sky-rocketed. Real interest rates dropped to zero and even lower levels. During the mid 1970's a farmer could buy a tractor and sell it 4 years later for more than be paid for it. Land was appreciating in value, doubling and even tripling in price in some areas. Net farm income rose steadily in the 1970's to an all time high in 1979.

By 1980 farmers had enjoyed unprecedented borrowing power through their inflated land prices. Many had an excellent cash flow due to their high net incomes. The world was demanding their commodities. Prosperity was at the farm. Farmers responded by going all out. Hills and pastures were torn up and planted. Equipment was traded off and replaced with the biggest and the best. Land was bid up even higher. All the farmer had to do was sign his name, and the debt was his.

However, 1980 was also the turning point. The grain embargo with Russia combined with earlier embargo's in 1973, 1974, and 1975 gave foreign countries the sign that the United States was not a reliable food supplier. Foreign countries took steps to become more self-sufficient. Others invested in and began to buy from new agricultural production areas, such as Brazil. The Reagan administration took measures to tighten the monetary policy to control inflation. Inflation slowed, and the U.S. dollar rose. It was no longer as good a deal for foreign countries to buy U.S. agricultural commodites. Exports dropped 30 million metric tons in the next five years. Production continued at record breaking levels. Surplus and carryover mounted up. Commodity prices fell. High oil prices led to increased manufacturing costs and, in turn, higher costs to the farmers for fertilizer, chemicals, and fuel. High expenses and low prices resulted in a depressed net farm income. The U.S. accumulated an ever increasing trade deficit. Interest rates rose. High interest rates and a low inflation rate added up to a high real interest rate. At a high real interest rate, buying land with borrowed money was no longer appealing. Land prices fell. Lower land values reduced farmers net worth and borrowing power. On paper, debt to asset rates rose to unacceptable (to lenders) levels.

Each year in the 1980's the situation worsened for the farm families. Those with large debt found that with their reduced incomes they could not even pay the interest on their notes. What were wise decisions to expand and produce in the 1970's turned into nightmares in the 1980's.

CRISIS SITUATION

Today the situation many farm families find themselves in is dismal. No longer do they have the net worth they once enjoyed. Projected cash flows for their operation are negative, or at best, close to break even.

Gratiot County Extension Agents estimate that 25 percent of their farm families have negative cash flow projections. 12 percent of the families have serious problems, and it is questionable whether they can endure another year. Some 15-18 percent of the families must make some major changes in their operations and in their lives.

Any change causes a certain amount of stress. The changes that these families will face are among the most stressful. Farm foreclosures lead the list.

The loss of a farm can create an emotional situation very much like the death of a close relative. The stress may be so hard to cope with that marriages and families break up because of it. Career changes will take place. Some, who have never worked anywhere but the farm, face major transitions in their lives. It's this emotional aspect of the current farm situation that too often is left unaddressed. Farm families are left to deal with it on their own.

COOPERATIVE EXTENSION'S CURRENT ROLE

The Cooperative Extension Service is playing an especially critical role in the current agricultural crisis. Agents provide assistance for both the financial and emotional problems farmers face. Farm families can have an individual or a team analysis of their operation. Individual agents in Michigan are currently spending long hours helping farm families develop positive cash flow projections for the coming year. Teams of agents are providing in-depth farm analysis for families.

The teams are called Extension Management Assistance Teams (EMAT). Fourteen teams are currently in operation in the state. Team members are county and regional extension agents. Each team can be tailored to fit the particular situation of the farm families. Agents are available with specialization in farm management, dairy, livestock, crops, and human development. Families who use EMAT teams will get a second view of their farms. They can get a complete financial check up and several possible changes or alternatives. The family can evaluate the options, chose the ones best for them, and take action to make the changes that will improve their situation. One team is made up of M.S.U. specialists and works closely with agricultural related business.

The team also provides the farm family assurance that others do care and they are not alone. Help to get through the situation emotionally is just as important as the financial help. Extension agents are providing additional programs to help the farm families cope with the situation. Networking with rural churches, mental health departments, and social services is taking place throughout the state.

Some farm family members will be forced to seek off farm employment. Several extension agents are offering workshops to give these displaced people the skills and directions they need to find employment. These programs are jointly sponsored with community education departments and community colleges. A state-wide effort is in progress to assist in training and placing these farm family members also.

The farm families are not the only ones affected by the farm situation. Small rural villages are feeling the pinch too. Equip-

ment dealers and other agri-businesses are also economically troubled. An understanding of how the situation came about is needed by everyone. Nothing is achieved by blaming each other or oneself. Everyone must support and care for one another as rural communities work through their problems.

AGRICULTURE FUTURE

The future of agriculture is beginning to look a little brighter. The trends are turning. The major world factors that affect agriculture are changing direction.

For the last two months the value of the U.S. dollar had been dropping. This means exports could once again pick up. Inflation is predicated to increase. Assets will increase in value, and debt can be paid off with cheaper dollars. Measures are being taken to cut the deficit. Interest rates are slowly coming down.

Oil prices have fallen. Agricultural expenses should, in turn decrease. The new farm bill will keep the gross farm income fairly constant over the next 2-3 years by keeping production down. With a constant gross income and lower expenses, net farm income once again may begin to rise.

Profitability could slowly return to agriculture if these turnarounds continue. The return to profitability will be too slow for a number of farm families, and many will lose their farms. The farmers remaining will see an easy return to prosperity. The early 80's have taken its toll. The farmers that do remain must develop more sophisticated financial skills and must become wiser managers.

Changes and adjustments will have to be made. Over time, agriculture will continue to experience good and bad cycles. As sure as the human race will continue to need food to survive, there is a future in farming.

FINANCIAL STATEMENT OF F. JAMES SENSENBRENNER, JR.

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1986, a matter of public record. I have filed similar statements for each of the 7 preceding years I have served in Congress.

Assets

Real property

	Value
Single family residence at 609 Fort Williams Parkway, Alexandria, Virginia, at assessed valuation. (Assessed at $397,600.00 Ratio of assessed to market value—100%). (Encumbered)	$397,600.00
Condominium at N76 W14726 North Point Drive, Village of Menomenee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	70,775.00
Undivided 1/11ths interest in residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 1/11ths of assessor's estimated fair market value of $213,500.00 (Unencumbered)	77,636.36
Total real property	546,011.36

PERSONAL PROPERTY

No. of shares	Common stocks	Value
450	First Interstate Bancorp. at $64.625	$29,081.25
48	Cyprus Minerals Corp. at $23.625	1,134.00
382.405	American Telephone & Telegraph at $22.125	8,460.71
508	Idaho Power Co. at $26.125	13,271.50
37.371	American Information Technologies at $119.50	4,465.83
37.374	Bell Atlantic at $124.25	4,463.72
111.396	Bell South at $55.875	6,224.25
37.683	NYNEX, Inc. at $118.125	4,451.30
36.793	Pacific Telesis, Inc. at $94.50	3,476.94
37.828	Southwest Bell, Inc. at $92.875	3,513.28
37.538	US West, Inc. at $100.375	3,767.88
476.858	Tenneco Corp. at $38.75	18,478.25
284	Nevada Power Co. at $39.25	11,147.00
300	Anchor Hocking Corp. at $29.00	8,700.00
360	General Mills, Inc. at $74.25	26,730.00
800	Kellogg Corp. at $42.75	34,200.00
1,000	Dunn & Bradstreet, Inc. at $105.25	105,250.00
1,000	Halliburton Co. at $22.625	22,625.00
3016	Kimberly-Clark Corp. at $86.00	259,376.00
445	Insilco Corp. at $23.875	10,624.38
200	Minnesota Mining & Manufacturing at $105.25	21,050.00
100	Rank Organization, Ltd. ADR at $8.1875	818.75
616	Exxon Corp. at $55.75	34,342.00
480	Amoco Corp. at $58.625	28,140.00
510	Dart & Kraft, Inc. at $51.50	26,265.00
720	Eastman Kodak Co. at $62.50	45,000.00
200	General Electric Co. at $78.50	15,700.00
204	General Motors Corp. at $86.25	17,595.00
10	General Motors Corp. Series H at $47.625	476.25
600	Merck & Co. Inc. at $174.25	104,550.00
200	Warner Lambert Co. at $55.75	11,150.00
100	Continental Corp. at $52.375	5,237.50
200	Sears Roebuck & Co. at $49.50	9,900.00
232.265	Sperry Corp. at $51.50	11,961.65
455	Ogden Corp. at $31.875	14,503.00
455	OMI Corp. at $4.1875	1,905.31
287	International Business Machines Co. at $151.50	43,480.50
900	Inland Steel Co. at $26.75	24,075.00
108	Kenner Parker Toys, Inc. at $22.375	2,416.50
72	Crystal Brands, Inc. at $23.375	1,683.00
504	Monsanto Corp. at $62.60	31,500.00
26	Wisconsin Securities Corp. of Delaware at $220.00	5,720.00
333	Benton County Mining Co. at no value	nil.
	Total common stocks	1,037,090.75

Face amount	Life insurance policies	Cash surrender value
$12,000	Northwestern Mutual #4378000	$12,099.63
$30,000	Northwestern Mutual #4574061	28,750.31
$10,000	Massachusetts Mutual #4116575	2,896.77
$100,000	Massachusetts Mutual #4228344	47,685.28
$25,000	Old Line Life Insurance Co. #515950	15,263.14
	Total life insurance policies	106,695.13

Bank and savings and loan accounts

Marine Bank, N.A. of Milwaukee; Checking account no. 4000-9368	$77.98
Marine Bank, N.A. of Milwaukee; Checking account no. 0046-2366	277.96
Marine Bank, N.A. of Milwaukee; Money market account no. 4011-5247	107,319.36
Marine Bank, N.A. of Milwaukee; Savings account no. 497-525	498.86
Freedom Savings & Loan of Menomonee Falls, Wis.; Savings account no. 2-0033206	3,928.80
Sergeant at Arms, U.S. House of Representatives; Checking account no. 748	111.69
Burke & Herbert Bank of Alexandria, VA.; Checking account no. 601-301-5	796.44
Freedom Savings & Loan of Menomonee Falls, Wis.; Individual retirement account	12,408.88
Total bank and savings and loan accounts	125,419.67

Miscellaneous

1985 Pontiac 6000 automobile (at Blue Book wholesale value)	$7,775.00
Office furniture and equipment	1,000.00
Furniture, clothing, and personal property (estimated)	45,000.00
Stamp collection (estimated)	16,000.00
Interest in Wisconsin Retirement Fund	20,955.01
Deposits in Congressional Retirement Fund	37,624.39
Total miscellaneous	128,354.40
Total assets	1,943,571.31

Liabilities

Sovran Mortgage Company of Richmond, VA. (Amount due on mortgage on Alexandria, VA. residence) #564377	187,463.10
Miscellaneous 30 day charge account (estimated)	1,000.00
Total liabilities	188,463.10
Net worth	1,755,108.21

Statement of 1985 taxes paid

Federal income tax	$30,812.00
Wisconsin income tax	10,253.00
Menomonee Falls, Wis. property tax	1,719.63
Alexandria, Va. property tax	2,062.77

I further declare that I am the direct beneficiary of one trust and a contingent beneficiary of one trust. I have no control over the assets of the trust of which I am a direct beneficiary and am a co-trustee of the other trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of our minor sons, F. James Sensenbrenner III and Robert Alan Sensenbrenner and are also custodians of accounts established for the benefit of each son under the Uniform Gifts to Minors Act.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

JAMES SENSENBRENNER, Jr.

MATT SNYDER, NEBRASKA WINNER 1985-86 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mrs. SMITH of Nebraska. Mr. Speaker, I would like to share with my colleagues the

winning entry in the Nebraska Voice of Democracy contest, sponsored by the Veterans of Foreign Wars and its ladies auxiliary.

The author is Matthew Snyder of Broken Bow, NE, and I am extremely proud of his inspirational thoughts about the future of America. I hope my colleagues will find his essay of interest:

NEW HORIZONS FOR AMERICA'S YOUTH

(By Matt Snyder)

We stand right at the mid-point of the decade. In only fifteen years we will be welcoming a new millennium—the year 2000. As we look toward that horizon—toward the twenty-first century—we realize that it is today's American youth who will determine our nation's course.

How will we do? It is appropriate and timely for use to begin now, preparing for the challenges America and our generation will face.

First, let me backtrack a little to consider how earlier generations of Americans prepared themselves for the coming of a new century. From our nation's very birth, Americans have accepted challenges which seemed to threaten our future. As we approached the nineteenth century, colonial farmers and merchants, trappers and bookkeepers, formed hometown militias and risked their lives in battle against those who would deny basic human rights in this new land.

Midway through that century, Americans again were called to take up arms to preserve the unity of our young country, and our nation came out of this internal struggle a freer and stronger country.

Barely into the twentieth century Americans were called to battle twice, joining free forces all over the world—forces determined that mankind would not be ruled by fascist tyrants. Once again we proved to ourselves and to others, that America was strong and more than willing to protect that invaluable freedom with the strength that is America.

I think it is appropriate, as we consider the new millennium on our horizon, that we remember the lessons yesterday—that they might guide us tomorrow. Consider, for a moment, one of those lessons as described by an American poet, Douglas Mallach, in the first stanza of this poem. He creates an imagery which seems very appropriate here.

The tree that never had to fight
For sun and sky and air and light;
That stood out in the open plain
And always got its share of rain,
Never became a forest king,
But lived and died a shrubby thing.

Facing challenges with optimism and courage has become an American tradition—a tradition we must carry with us into the twenty-first century. If we see a better life on the horizon, we must not be blind to the challenges which lie between us and that dream.

We know that if we are to conquer disease, we must begin our preparation today. If our horizon holds dreams of energy independence, it is today's graduates who will have to find new ways to tap new deposits of oil and coal below the earth's surface. If the very spirit of America is to serve us well into the new era, we must accept the challenge of instilling American values in the next generation.

America is rich in resources—resources beyond minerals and food, beyond medical advances and education. And we are at this moment at the brink of discovering and developing that which I am convinced is our greatest resource of all, our generosity and pride of nation.

It is a unique opportunity for America's youth to lead this exploration and development. And when today's youth reach those horizons which they explored and then developed, they can say.

America fought.
And America will be that forest king.

When we meet those horizons we have set, we must not stop. We must expand them. We must not only find ways to reach below the earth's surface, but we must put our energy resources to work to keep America the industrial giant of the world. We must not only prepare to conquer disease, but we must continue to improve the quality of life. We should not stop at instilling American values in the next generation, but must live so that each new generation has cause to be proud of their country. And after we have expanded and passed those horizons we set, we can say with pride in our voice,

American grew,
America is the forest king,
And America will never die a shrubby thing.

PERSONAL EXPLANATION

HON. PAT SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. SWINDALL. Mr. Speaker, due to a mechanical malfunction with the electronic voting device, my vote on rollcall No. 84 was, unfortunately, not recorded. Were my vote recorded on this amendment offered by Congressman BARTLETT, it would have been "Yea."

NEW HORIZONS FOR AMERICA'S YOUTH

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. TAUKE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct the Voice of Democracy scriptwriting contest. Winners from each State were chosen from more than 250,000 secondary school students who participated in the 1986 contest.

I am pleased to offer to my colleagues the winning script from the State of Iowa. John Hedgecoth, a junior from Cedar Rapids, won the recognition with a thoughful dessertation on the immense challenges facing U.S. youth stemming from rapid growth of knowledge and technology. John, son of Dale and Beverly Hedgecoth, attends College Community School in Cedar Rapids.

NEW HORIZONS FOR AMERICA'S YOUTH

(By John Hedgecoth)

As I awoke in the chilly Colorado air, the song of a bird informed me that the morning had begun without me. As I stepped outside, though, I noticed something missing. There were only red streaks across the sky, no other light.

Eventfully I figured out that because we were located in a valley, the sun had to rise above a mountain to reach us. In so many ways, this is an accurate representation of the situation of America's youth today. Because of the nation's social, political, and economic problems, our horizon lies beyond a peak that we must first attain before reaching it. We can rise above the valley that our nation has slipped into if we understand what's happening in the present and work to correct our problems in the future.

Arguably the most threatening development in the world community in recent years for the United States has been the drastic increase in the amount of knowledge and technology in the world. It will ultimately be the responsibility of my generation to deal with this high-tech revolution and this nation must take control of it if we are to remain a world power. With the advent of the computer age and the development of lasers, robots, and the like, knowledge is exploding, increasing at unbelievable rates.

For most American's, much of the new technology is out of reach, not understood. This new knowledge must be brought under control and grasped by America's youth if we are to move on up the mountain. Gaining control, though, is not the only objective in tackling the high-tech revolution. After grasping it, we must put it to practical use here in America.

During the industrial revolution, thousands of inventions were created in the United States, along with new production methods, and even new marketing strategies. Today, we see the same phenomena, ideas springing up all over the country. But unlike the industrial revolution, many of these ideas are not being kept in the United States. Up and coming nations such as Japan take technology developed here in the United States and harness it for practical use, then market it back here. It seems that everywhere you turn the newest high-tech ideas are foreign made. The best televisions, the most advanced cars, are made outside the United States. It is the responsibility of my generation in the coming years to harness new ideas and produce them here. For the first time the United States is a debtor nation in trade. We have the technology, and the leaders, businessmen, investors, executives, and workers of tomorrow must work to keep American technology harnessed and used at home.

Gaining control of and harnessing technology and knowledge, however, are both relatively easy concepts to visualize, but may be more difficult to implement.

With knowledge and technology comes man's natural drive to try and make life easier. Today the newest inventions make middle class life more plush than it has even been before. More computerized household items and a more automated workplace means life can become very easy for America but—with automation comes what appears to be less of a need for manpower, when in reality, manpower needs to be and must be present in order for our society to function. This is the largest portion of the challenge, the strongest part of the peak.

With more and more jobs becoming automated and those jobs that remain becoming more highly skilled, where is the place for the worker in future society? It is inconceivable that all workers could be employed in service occupations, so the challenge is to improve the quality, but at the same time hang on to the old patterns of American life.

If my generation can gain control of and harness this new influx of knowledge and technology, and at the same time keep a

stable society, we will have come to the top of the peak, to find the sun shining bright on the new horizon.

POLITICAL DEVELOPMENT IN TAIWAN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. TORRICELLI. Mr. Speaker, I commend to the attention of my colleagues an address given before the Formosan Association for Public Affairs by a distinguished member of the other body, Senator HART of Colorado.

ADDRESS OF SENATOR GARY HART, FORMOSAN ASSOCIATION FOR PUBLIC AFFAIRS, FEBRUARY 27, 1986

It's a pleasure for me to be here today to address this gathering sponsored by the Formosan Association for Public Affairs. Since 1982, FAPA has established itself as a leading organization speaking out on behalf of human rights for the people of Taiwan. The activities of FAPA have been widely recognized within the Congress and among Americans who concern themselves with peace and justice in Asia and beyond.

This day has an historic significance for US-Asian relations; indeed, for relations between East and West as a whole. The signing of the Shanghai Communique fourteen years ago began a transformation of the foundations of the world order, marked by the opening of a relationship with the People's Republic. The so-called normalization of relations between the United States and the People's Republic was widely heralded, bringing forward the possibility of reduced international tensions and a new partnership in Asia.

For the people of Taiwan, however, this new era has been especially challenging, marked by the rupture of diplomatic relations with the United States and an increasingly difficult and hazardous international status.

But the United States has a long historic relationship with the people of Taiwan. Taiwan is clearly recognized as one of Asia's economic miracles, sustaining annual growth rates of ten percent or more in recent years. Taiwan has developed at an unprecedented pace from an agricultural to an industrial economy, an economy in which the United States has invested over $1 billion over the years. Visitors to Taiwan return with deep impressions of the cultural vibrancy, the high rate of literacy and the overall sophistication of Taiwanese society. It is a fact that Taiwan, in spite of the severe adversities it has faced in its recent history, enjoys some of the highest living and educational standards in Asia.

For most Americans, however, there is a cloud which hangs over our relations with the people of Taiwan. The issues are fundamentally political. The perception is widespread that Taiwan's political development has not kept pace with its economic progress. Despite the near universal *economic* enfranchisement of the Taiwanese population, the perception is strong in the United States that the people on Taiwan have not had access to adequate political participation. Thirty seven years of martial law, even during times of challenge to external security, cannot be sanctioned by Americans.

For many in Taiwan, the threat of external invasion is sufficient reason to restrict political activity and free expression. It is understandable, they argue, that a society which lives in a constant state of fear for its survival cannot possibly afford the luxury of domestic political liberties.

These political conditions are not accepted by an American public which equates modernity with freedom. As we have seen in many areas of the world—from Central America, to Haiti, to the Philippines—the American public does not countenance political repression. Some call this view naive. In my judgment, it is both a practical policy and a moral imperative.

Our nation believes from experience that democracy is not only the preferred path to moderization, but a prerequisite for stability and the long-term viability of governments.

The United States policy will continue to be conditioned by what we call "linkage"—the inherent relationship between U.S. involvement in a country and the pattern of its political behavior. If we have linkage in our relations with the Soviet Union—where arms control agreements are impeded by Soviet human rights violations, even when the Soviets have the power to annihilate us—one can be sure this will be the case with other states which hold fewer cards.

I believe Americans and the people of Taiwan share a common vision which enables them to increase their prosperity under genuine democratic rule. We differ not in goals, but in means. I and most Americans strongly support the efforts of those in Taiwan working through legal channels to increase political participation, respect for human rights and freedom of expression. I and most Americans are opposed to martial law—not just for its pernicious effect on individuals, but because of our conviction that this kind of repression ultimately leads to instability.

I applaud the progress that has been made recently in incorporating more native Taiwanese in the political process, including the growth in the number of native Taiwanese in the parliament. I would hope and encourage my Taiwanese friends to continue this progress, and to permit formally constituted opposition parties to participate in a pluralistic system. But it must be recognized that the threat to Taiwan's interests do not reside with its own people—unless they are denied basic human freedoms. Enfranchised, they will work for the common good, united behind the common goals of prosperity and security. Disenfranchised, they may try to express political grievances through insurgency or violence. This is the imperative of political modernization.

It is not for me to spell out the details of Taiwan's future. The United States has pledged under the Taiwan Relations Act to (quote) "make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means." This is a fundamental commitment. And for now, all indications from the PRC are encouraging. Tensions in the Taiwan Strait are at an historic low. And the government of the PRC continues to pledge for its part that it has no intention of resorting to violence to resolve the disputes over Taiwan's destiny.

It has been my privilege to work with the leaders of FAPA for democracy and human rights on Taiwan since this young organization was formed four years ago. They've fought effectively for Congressional resolutions which focus attention on martial law, and made personal pleas on the behalf of individuals whose human rights have been violated. With your help, we've been able to make a difference in the lives of people whose anguish and repression would not otherwise be known.

ARTS APPROPRIATIONS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. WEISS. Mr. Speaker, today, artists across this country are fighting for their lives. In spite of their best efforts to become financially sound, these efforts are being cruely and unnecessarily undermined. Federal funding of our Nation's cultural programs is the cornerstone of a complex and interdependent system of arts fundraising. In order to keep our Nation's cultural activity thriving, this Federal money must continue to be available.

This morning I testified at a hearing of the House Appropriations Committee, Subcommittee on the Interior, in support of funding for the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum Services, and the Historic Preservation Fund. I urge all of my colleagues to weigh the true value of the arts and humanities to our society and to treat those programs fairly when considering the Nation's budget for the coming year. The text of my statement follows:

Mr. Chairman. Thank you for this opportunity to present my views before the distinguished members of the subcommittee regarding President Reagan's fiscal year 1987 budget proposal for the National Endowments for the Arts and Humanities, the Institute of Museum Services, and the Historic Preservation Fund. As an Executive Board member of the Congressional Arts Caucus and representative of a district in which perhaps the greatest number of artists work and reside, I commend the Chairman and Subcommittee for your diligent work and consistent support of our nation's cultural programs.

It is unfortunate that we must meet this year under circumstances no better than those under which we have been meeting for the last five years. The President has again proposed a budget for the arts and humanities that is both inadequate and unjust.

Under the President's latest plan, which is nearly identical to that which we rejected last year, the budget of the National Endowment for the Arts would be reduced by 12.5 percent, from $165.6 million to $144.9 million. Humanities funding would suffer a 9.3 percent cut, from $139.4 million to $126.4 million. And the IMS would be cut by 98 percent, leaving just enough to close down shop.

Special attention must be paid to the plight of the Institute of Museum Services. This is the fourth time Mr. Reagan has proposed the elimination of this program, which provides the only outside operating support available to museums. To annually subject the museum community to a life or death fight for survival is both cruel and unnecessary.

The Congress, with your strong leadership, has steadfastly overcome past administration proposals to gut funding for the arts and humanities. This year, unfortunately, the prospects for similar victories have worsened. Something new has happened in Washington in the past year: adoption of the Gramm-Rudman budget balancing act.

Mr. Reagan claims that programs such as the arts must be sacrificed to ease the deficit crisis. True, our budget is out of balance, but clearly it is not the fault of spending for the arts or any other domestic program. It is the result of an inequitable tax policy and an unprecedented peace-time military buildup. With proposed outlays for cultural programs totaling five one-hundredths of one percent of the total federal budget, how much savings through cuts to these programs can Mr. Reagan possibly hope to achieve?

The government's support of cultural excellence has benefitted the general welfare of this nation far beyond the miniscule financial investment. For us in New York City, the arts are not only a source of pride and cultural enrichment, they are big business. The arts contribute over $5.6 billion to the economy of the region, generating over 117,000 jobs, enriching hotels, restaurants, real estate, utilities, transportation, medical and educational services and the finance and insurance businesses.

While the arts are an economic boon to us, they are not self-supporting. In spite of the efforts of cultural organizations to take on a larger part of the financial burden, their efforts are continually being undermined. The administration's persistent efforts to eliminate postal subsidies for nonprofit organizations have resulted in a 45 percent increase in mailing costs since January 1st, denying many arts organizations one of the most crucial instruments for fundraising. Spiraling real estate costs, especially in New York City, are squeezing artists out of necessary rehearsal and performance space. Insurance costs have become prohibitive, corporate mergers are eliminating corporate arts programs, and proposed changes in the tax code may limit charitable contributions. And with the prospect of Gramm-Rudman taking huge amounts of money from state and local governments, their funding programs will focus more acutely on the needs of the hungry, the homeless, and the unemployed.

It has been the President's intention all along to shift the burden of the arts to private rather than public funding. But the President must realize that even if the private sector could assume all the financial responsibility for the arts, it would not resolve all the problems created by federal cutbacks. Private donors usually avoid supporting unusual or controversial efforts. Corporations risk the least and gain the most by contributing to established cultural institutions and to projects that are likely to have widespread popular support. We risk choking off spontaneity and innovation, which are the lifeblood of artistic creativity, when we depend too heavily on private funding. Our artists on the vanguard of creative development would be hardest hit of all.

Federal support is an essential part of our nation's network of cultural support which includes all levels of government, corporations, foundations, and individuals. Arts organizations, large and small, will attest that when the federal funds come in, other funders show up. We cannot support the administration's attempt to destroy this interdependent system.

Mr. Chairman, your task this year is especially difficult. The pressures under which you are working are tremendous. But I urge the subcommittee to weigh the true value of the arts and treat these programs fairly. If we are going to continue our efforts to encourage and strengthen our nation's artistic and cultural life, then we absolutely must continue our support for these modestly priced federal programs. Funding for the arts is one of the best investments we can make for the future of this nation.

INTRODUCTION OF THE HAZARDOUS MATERIALS TRANSPORTATION SAFETY AMENDMENTS OF 1986

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 17, 1986

Mr. WIRTH. Mr. Speaker, today I am introducing the Hazardous Materials Transportation Safety Amendments of 1986. This legislation is a comprehensive package of proposals which, I believe, will go a long way toward making some sense out of our hazardous materials transportation laws.

Over the past several months I have been pleased to work with many of our colleagues including Representative CARDISS COLLINS on this legislation. Last October, I formed an informal task force in my own State of Colorado comprised of a bipartisan group of State legislators, State and local officials, and community groups to help me draft this bill. We have received input on the legislation from all over the country—from as many as 30 States.

According to the Department of Transportation, in 1984 there were 37,800 accidents involving trucks which resulted in 2,700 fatalities, 2,800 injuries, and $390 million in property damage. As more and more hazardous material is being transported, the risks to all of us increase substantially. Yet, our Federal truck safety and hazardous materials transportation laws are so weak, confusing, and often conflicting that it is no wonder they are rarely enforced.

The Federal Truck Safety and Hazardous Materials Programs are adminstered through at least three different agencies in the Department of Transportation alone. They are rarely coordinated and extremely underfunded in proportion to their public health and safety missions. Because data collection is virtually nonexistent, Federal authorities don't even know who or what they are overseeing. This confusion hampers State enforcement efforts and makes our safety laws an accident waiting to happen.

Federal rules on routing, which require trucks carrying hazardous materials to go around populous areas, have rarely been enforced, and sometimes conflict with local rules. Regulations requiring that trucks carrying explosives are attended at all times by a driver or a qualified representative are unenforceable. Why? Because there are no Federal standards for these parking places, called safe havens. Most States, have not designated special places for the safe parking of hazardous materials. Drivers of trucks with dangerous materials sleep somewhere, but in which neighborhood?

Federal laws governing drivers of trucks carrying hazardous and nuclear materials are extremely weak. In most cases, a driver carrying bombs has no greater experience or qualifications than a driver carrying a load of vegetables. In fact, Federal regulations merely require that a driver of a truck carrying hazardous materials take a general, open-book test that contains only a couple of questions on hazardous materials. Incredibly, the driver only has to take the test, not pass it. Drivers carrying hazardous materials are not required to be familiar with any other aspects of driving—such as how to negotiate a Colorado mountain pass—which obviously could affect safety. This is an intolerable situation.

I was amazed to learn that 64 percent of hazardous materials incidents which occurred in the last 4 years were caused by human error. The National Transportation Safety Board has investigated numerous accidents that may have been prevented by better training of those who load, unload, and handle hazardous materials. Clearly, safety must start at the loading dock.

An Office of Technology Assessment [OTA] report released 2 weeks ago dramatically highlighted serious deficiencies in our emergency response capabilities. In its press statement, OTA concluded that 75 precent of local police and firefighters, often the first to respond to an accident, are unprepared to deal with a hazardous materials disaster. Surely, we can not afford to leave our public safety officials unprepared to deal with hazardous materials incidents.

Nuclear transportation is a critical issue that is becoming more serious with the passage of time. When permanent nuclear waste repositories are finally designated—most likely in the West—Colorado may be seriously affected. Yet, in designating these sites the Department of Energy has given short shift to the impact on the country of transporting nuclear materials.

So what can we do about these problems? As many State legislators know too well, the answers are neither easy nor clear cut. Protecting our citizens involves a partnership of Federal, State, and local governments. Shippers and carriers benefit from the safe transportation of hazardous materials because a good safety record is good business. Everyone must work together toward protecting the public.

The Hazardous Materials Transportation Safety Amendments legislation seeks to foster a constructive partnership between all interested parties. It strives to recognize Federal, State, and local responsibilities. It encourages national standards in some areas to end confusion, while at the same time, it urges States and localities to deal with transportation problems within their jurisdictions.

Let me summarize the major provisions of this legislation:

COORDINATION OF SAFETY PROGRAMS

First, this legislation moves the motor carrier safety functions from the Federal Highway Administration [FHWA], and hazardous materials transportation functions from the Research and Special Programs Administration [RSPA]

to the National Highway Traffic Safety Administration [NHTSA]. This is more than a shift of acronyms. These changes provide a focal point for truck safety and hazardous materials in the Department of Transportation by combining agencies that issue vehicle standards, enforce in-use regulations, inspect and audit carriers and shippers and set standards for routing, emergency response training, packaging, and placarding. We are creating a sort of one-stop-shopping for hazardous materials transportation which should be of tremendous help to States and localities and will help facilitate better congressional oversight.

INCREASED RESOURCES

Second, the legislation authorizes increased funding for motor carrier safety and for hazardous materials programs conducted by the Federal Government. Currently, there is only one Federal inspector for every 40,000 trucks. In my own State of Colorado, there are only two part-time inspectors and one trainee to audit the 2,600 motor carriers domiciled there. Clearly this is an impossible workload. Thus, this legislation requires the Bureau of Motor Carrier Safety to hire 150 new Federal safety inspectors and auditors over the next 2 years—more than double the current Federal force. I am pleased to see that the Department of Transportation has also recognized this severe problem and has proposed an increase in inspectors.

The legislation also authorizes increased funding for the Motor Carrier Safety Assistance Program [MCSAP], and extends the program through 1989. NCSAP provides grants to States to hire truck safety inspectors and funds other motor carrier safety efforts. This additional funding will come from the Highway Trust Fund which is projected to have a $9 billion balance at the beginning of fiscal year 1987. Thus, increased funding will not result in additional costs to the taxpayers.

ROUTES AND SAFE HAVENS

The legislation provides grants from MCSAP to States and localities to determine the safest routes for transportation to designated routes within and between their jurisdictions. This is a State and local function, as these entities are best able to develop safest route scenarios. What we are providing here are incentive grants to get States and localities talking with industry and neighboring States and jurisdictions to designate sensible routes that provide the greatest protection for citizens. DOT is charged with developing the technical guidelines to help aid this process and to settle disputes, should they arise between States.

DOT is also required to set minimum standards for safe havens for hazardous materials, including explosives and nuclear materials, and to give guidance to States in designating these protected parking spots. A directory of routes and safe havens must also be published so that motor carriers have a directory of where they may travel.

REGISTRATION

This bill requires DOT to annually register shippers, carriers, manufacturers, and others connected with hazardous materials transportation. This provision is extremely important because DOT does not now have accurate data on who or what it is regulating. How can we target enforcement if we do not know what is out there on the roads?

EMERGENCY RESPONSE

Emergency response is primarily a local issue, but, as OTA recently concluded, there is a pressing national need to train first responders—police and firefighters who are often the first on the scene of an accident. Many different training programs exist, but they are not reaching sufficient numbers of first responders. A particularly severe need for training exists in the smaller urban and rural areas of the country. These smaller localities are often those places least able to afford training for their personnel. Moreover, some training programs are simply inadequate.

This section of my legislation requires the Secretary of Transportation to make grants to States and localities to train personnel to make emergency responses. The bill authorities grants from the Highway Trust Fund at $5 million for fiscal year 1987, $10 million for fiscal year 1988, and $15 million for fiscal years 1989, 1990, and 1991 respectively. Any State or locality can apply for a grant to cover up to 75 percent of the cost of a training program. Additionally, DOT is required to establish guidelines for training programs used under the grant. Thus, we're helping to pay the cost of training personnel and ensuring that training is adequate.

DRIVER QUALIFICATIONS

While licensing drivers is, and should remain a function of each individual State, there is a tremendous Federal interest in ensuring that drivers of trucks carrying hazardous materials in interstate commerce have the necessary experience and qualifications to do so. We are only too aware in Colorado that truck drivers are unfamiliar with our mountainous terrain. The very frequent use of runaway truck ramps in our mountains highlights this point. The torpedo accident illustrated how easy it is for a person with little previous experience to drive legally a vehicle carrying explosives.

This legislation requires DOT to conduct a rulemaking to beef up qualifications for drivers of trucks carrying hazardous materials. DOT is required to consult with and take recommendations of States, motor vehicle administrators, carriers, shippers, insurers and drivers of hazardous materials in setting standards. In order to drive a truck carrying hazardous materials, the driver must have successfully completed a written examination, have experience in driving trucks with nonhazardous materials first, have experience in driving over different terrains—the mountains, for example—be familiar with motor carrier safety regulations and hazardous materials transportation regulations and have knowledge of emergency response equipment and procedures.

States would be required to implement these new procedures for licensing drivers of hazardous materials in 2 years' time. If a State has a better idea or additional requirements, we allow that flexibility. If some States do not adopt these new driver qualifications they would be subject to losing 15 percent of their MCSAP grant in each year in which the State does not comply with these standards. While I don't often advocate this type of penalty, the need for uniformity in licensing drivers who transport dangerous materials is clear: Unless all States have similar laws, there will be the tendency for drivers to get licensed in the State with the easiest qualifications. This would clearly undermine the benefits of the program.

This section also requires those who handle hazardous materials in the loading and unloading stages to know how to do so.

NUCLEAR TRANSPORTATION

This section requires the Secretary of Transportation to conduct an analysis of the risks to health, safety, and the environment associated with the transportation of high-level nuclear waste and spent fuel to the five potential geologic repository sites to be nominated under the Nuclear Waste Policy Act, and to and from any monitored retrievable storage site authorized under that Act.

This is an important section for many areas of the country. Although the Secretary of Energy is supposed to be considering transportation of nuclear wastes, this issue has not been addressed with sufficient vigor. For example, it is vitally important to us in Colorado—as we look at the prospect of nearly 6,000 shipments of nuclear waste through our State—that the transportation impact be considered. I believe that DOT, with its expertise in this area, can provide valuable input into this process.

TRUCK BRAKES

When my subcommittee held hearings on truck safety enforcement last summer in Denver, Colorado's Governor Lamm testified that 21 percent of the violations found in recent state truck inspections were brake violations. Obviously, proper maintenance of truck brakes is critical in a State with such mountainous terrain. Yet, I discovered that Federal rules allow front brakes on trucks to be disconnected. In fact, some operators believe that disconnecting truck brakes helps the driver to maneuver their vehicles better. This is absurd. Thus, this legislation abolishes the regulation allowing brakes disconnection and requires DOT to take steps to eduate drivers on the need for front brakes.

Mr. Speaker, I would like to invite our colleagues in the House to cosponsor this legislation and to join me in working to see that it is passed.

The bill follows:

H.R. 4612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous Materials Transportation Safety Amendments of 1986".

SEC. 2. FINDINGS.

The Congress finds that—

(1) according to data of the Department of Transportation there were 37,800 accidents in 1984 involving regulated motor carriers, which resulted in 2,700 fatalities, 28,000 injuries, and $390,000,000 in property damage;

(2) the ratio of Federal safety inspectors to carriers has worsened substantially, as demonstrated by the fact that in 1975 there was 1 safety inspector for every 1,300 carriers, and in 1984 there was 1 for every 2,200 carriers or approximately 1 inspector for every 40,000 trucks;

(3) motor carrier safety functions of the Department of Transportation have not been carried out efficiently and effectively;

(4) the responsibility for hazardous materials transportation safety and enforcement in the Department of Transportation is not coordinated;

(5) there exists within the Federal Highway Administration the conflicting roles of promoting and regulating the highway transportation industry which have directly affected the ability of the United States Government to protect its citizens and ensure the safety of its system of interstate highway transportation;

(6) the Office of Technology Assessment has concluded that 75 percent of firefighters and police in the United States are inadequately prepared to respond to a hazardous materials transportation accident;

(7) the lack of designated routes for the motor carrier transportation of hazardous materials has hampered enforcement of Federal routing regulations and caused confusion among carriers and shippers;

(8) the Department of Transportation guidance to States and localities has lacked clear and concise methodology of the designation of routes for motor carriers transporting hazardous materials;

(9) since guidelines for the temporary storage of class A and B explosives and highway route controlled quantity radioactive materials are vague, few safe haven sites have been designated, and there is no official inventory of such sites, carriers are induced to improperly store such explosives and materials while they are in transit;

(10) the lack of an effective hazardous materials registration program for shippers and carriers has left the Department of Transportation with an incomplete inventory of those subject to its enforcement and has hampered effective targeting of enforcement;

(11) the Federal Government has not yet adequately assessed either the health, safety, or environmental risks of transporting high level radioactive waste and spent nuclear fuels or the transportation modes or routes that minimize such risks; and

(12) the training regulations of the Secretary of Transportation covering drivers and workers involved in the transportation of hazardous materials are vague and inadequate.

SEC. 3. COORDINATION OF RESPONSIBILITY.

(a) CENTRALIZATION AND COORDINATION.—Section 105(c) of title 49, United States Code, is amended by striking out "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (10), and by inserting after paragraph (1) the following:

"(2) duties and powers vested in the Secretary by chapters 5 and 31 (except those related to rail carriers);

"(3) duties and powers vested in the Secretary by sections 206, 210, and 212 of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2505, 2509, and 2511);

"(4) duties and powers vested in the Secretary under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 and following) to inspect and examine records and properties of persons and enforce regulations with respect to motor vehicles and the transportation or shipment of hazardous materials by motor vehicle;

"(5) duties and powers vested in the Secretary under section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917);

"(6) duties and powers vested in the Secretary under section 30 of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note);

"(7) duties and powers vested in the Secretary under section 18 of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10927 note);

"(8) duties and powers vested in the Secretary under sections 401 through 404, and section 414, of the Surface Transportation Act of 1982 (49 U.S.C. 2301-2304 and 2314);

"(9) duties and powers vested in the Secretary under the Act of February 23, 1905 (49 U.S.C. App. 1201 and following); and".

(b) BUREAU OF MOTOR CARRIER SAFETY.—Section 105 of title 49, United States Code, is amended by inserting after subsection (e) the following:

"(f)(1) There is established in the Administration a bureau to be known as the Bureau of Motor Carrier Safety (hereinafter in this subsection referred to as the 'Bureau').

"(2) The Bureau shall be headed by an Associate Deputy Administrator for Motor Carrier Safety who shall be appointed by the Secretary.

"(3) The Associate Deputy Administrator shall have direct control over employees of the Bureau, and the employees of the Bureau shall report directly to the Associate Deputy Administrator.

"(4) The Administrator shall carry out the following duties and powers through the Associate Deputy Administrator for Motor Carrier Safety:

"(A) Duties and powers vested in or assigned to the Administrator to the extent they pertain to (i) investigations and enforcement operations regarding motor carrier safety conducted by offices and other units which are not located at the site of the principal office of the Administration and (ii) coordination of such operations and those conducted by State and local law enforcement offices.

"(B) Duties and powers under sections 401 through 404, and section 414, of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2301-2304).

"(C) Such additional duties and powers as may be prescribed by the Administrator.

"(5) Subject to the approval of the administrator, the Associate Deputy Administrator may issue rules and regulations to carry out powers and duties under this subsection.

"(6) The head of the other organizational units within the Administration shall consult with the Associate Deputy Administrator regarding any matters within their organizational units regarding motor carrier safety.

"(7) Notwithstanding any other provision of law, the position held by a motor carrier safety inspector employed by the Administration shall be classified in accordance with chapter 51 of title 5, but at not lower than the grade of the General Schedule at which it was classified on January 1, 1982.".

(c) OFFICE OF HAZARDOUS MATERIALS TRANSPORTATION.—Section 105 of title 49, United States Code (as amended by subsection (b)), is amended by inserting after subsection (f) the following:

"(g)(1) There is established in the Administration an office to be known as the Office of Hazardous Materials Transportation (hereinafter in this subsection referred to as the 'Office').

"(2) The Office shall be headed by an Associate Administrator for Hazardous Materials Transportation who shall be appointed by the Secretary from persons who are technically qualified in hazardous materials transportation.

"(3) The Associate Administrator shall have direct control over employees of the Office, and the employees of the Office shall report directly to the Associate Administrator.

"(4) The Administrator shall carry out the following duties and powers through the Associate Administrator for Hazardous Materials Transportation:

"(A) The duties and powers of the Secretary of Transportation under the Hazardous Materials Transportation Act other than the duties and powers delegated to the Coast Guard (49 C.F.R.§ 1.46(t)), to the Federal Aviation Administration (49 C.F.R.§ 1.47(j)), to the Federal Highway Administration (49 C.F.R.§ 1.48(u)), and to the Federal Railroad Administration (49 C.F.R.§ 1.49(s)).

"(B) The duties and powers of the Secretary of Transportation under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act.

"(C) The duties and powers of the Secretary of Transportation under section 137 of the Nuclear Waste Policy Act of 1982.

(d) MOTOR CARRIER SAFETY RATINGS.—Section 105 of title 49, United States Code (as amended by subsection (c)), is amended by inserting after subsection (g) the following:

"(h) The Associate Deputy Administrator for Motor Carrier Safety shall notify each motor carrier of the safety rating established for the carrier under subsection (f)(4)(A). The carrier shall be notified of such rating upon completion of the investigation or audit conducted to establish such rating. Effective one year after the date of the enactment of this subsection, the Associate Deputy Administrator shall publish annually such safety ratings. The Government Printing Office shall make the publication of such rating available to the public at reasonable cost.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) MOTOR CARRIER SAFETY.—There is authorized to be appropriated to the Administrator of the National Highway Traffic Safety Administration not to exceed $19,600,000 for fiscal year 1987 and $21,000,000 for fiscal year 1988 to carry out functions relating to motor carrier safety. The Administrator of the National Highway Traffic Safety Administration shall obligate funds appropriated under this subsection to increase by 150 the number of motor carrier safety inspectors employed by the Administration.

(b) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 404 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2304) is amended—

(1) by striking "$40,000,000" and inserting in lieu thereof "$50,000,000";

(2) by striking "and" after "1987";

(3) by striking "$50,000,000" and inserting in lieu thereof "$60,000,000"; and

(4) by striking "1988." and inserting in lieu thereof "1988; not to exceed $70,000,000 in the fiscal year ending September 30, 1989; and not to exceed $80,000,000 in the fiscal year ending September 30, 1990.".

(c) HAZARDOUS MATERIALS TRANSPORTATION ACT.—Section 115 of the Hazardous Materials Transportation Act is amended by striking out "and" after "1985," and by inserting before the period a comma and the following: "$6,750,000 for fiscal year 1987, and $7,000,000 for fiscal year 1988".

SEC. 5. TRANSPORTATION ROUTES AND PARKING SITES.

(a) GRANT PROGRAM.—Title IV of the Surface Transportation Act of 1982 is amended by adding at the end the following:

"GRANTS FOR TRANSPORTATION ROUTES AND PARKING SITES

"SEC. 407. (a) The Secretary shall make grants to States and political subdivisions for—

"(1)(A) the designation of routes within and between the States for the safe transportation of hazardous materials,

"(B) determining the relative safety of each of the routes proposed to be designated, and

"(C) enforcement of the use of the designated routes by motor carriers transporting hazardous materials, and

"(2) the designation of sites for the parking of motor vehicles transporting hazardous materials in accordance with regulations established by the Secretary for the designation of such sites.

A State which receives a grant under this subsection shall carry out the designations described in paragraphs (1) and (2) after consultations with the political subdivisions within the State, motor carriers which transport hazardous materials through the State, and adjacent States. Designations by States and political subdivisions shall be completed within 2 years of receiving a grant under this subsection.

"(b) The Secretary shall establish guidelines to assist States and political subdivisions of States in the designation of—

"(1) routes for the safe transportation within and between their jurisdictions of hazardous materials, and

"(2) site for the parking of motor vehicles transporting hazardous materials.

Guidelines under paragraph (2) shall include minimum safety criteria to be taken into account in the designation of parking sites.

"(c) The Secretary shall publish routes and parking sites which are designated by States and political subdivisions under grants under subsection (a) and ensure that such publication is available to motor carriers engaged in the transportation of hazardous materials.

"(d) For purposes of this section, the term 'hazardous materials' means hazardous materials designated under section 104 of the Hazardous Materials Transportation Act.".

(b) PUBLICATION OF GUIDELINES.—The Secretary of Transportation shall publish guidelines under sections 407(a)(2) and 407(b) of the Surface Transportation Act of 1982 (as added by subsection (a)) within 180 days of the date of the enactment of this Act.

(c) AUTHORIZATION.—The first sentence of section 404 of the Surface Transportation Assistance Act of 1982 is amended by striking out "section 402" and inserting in lieu thereof "sections 402 and 407".

SEC. 6. RECORD RETENTION FOR ENFORCEMENT OF ROUTES.

Section 106 of the Hazardous Materials Transportation Act is amended by adding at the end the following:

"(d) RECORD RETENTION.—Each person who is registered under subsection (b) shall maintain a description of the routes followed by such person in the transportation of class A or B explosives (as defined by the Secretary), hazardous materials designated under section 104, and highway route control radioactive materials. Each person required to maintain a description shall maintain it at the person's principal place of business for at least 6 months after the completion of the transportation to which the description relates.".

SEC. 7. ANNUAL MANDATORY REGISTRATION.

(a) ANNUAL REGISTRATION.—Section 106(b) of the Hazardous Materials Transportation Act is amended—

(1) by striking out "may be required by the Secretary to prepare" and inserting in lieu thereof "shall be required by the Secretary to annually prepare", and

(2) by striking out "not more often than once every 2 years".

(b) REGISTRATION FEE.—Section 106(b) of the Hazardous Materials Transportation Act is amended by adding at the end the following: "The Secretary may establish a fee for the annual registration required by this subsection to cover the cost of such registration.

(c) EFFECTIVE DATE.—The Secretary of Transportation shall establish a timetable (not to exceed 3 years from the date of the enactment of this Act) for the registration of persons under section 106(b) of the Hazardous Materials Transportation Act. The timetable shall establish a priority for the registration of persons under such section.

SEC. 8. EMERGENCY RESPONSE.

(a) TRAINING GRANTS.—Section 116 of the Hazardous Materials Transportation Act is amended to read as follows:

GRANTS FOR EMERGENCY RESPONSE TRAINING

"SEC. 116. (a) GRANTS.—The Secretary shall make grants in fiscal years 1987 through 1991 to States and political subdivisions to assist in the training of personnel to make such responses. No grant may be made for more than 75 percent of the cost of any training program.

"(b) APPLICATIONS.—No grant may be made under subsection (a) unless an application therefor is submitted to and approved by the Secretary.

"(c) GUIDELINES.—the Secretary shall, in consulation with the Federal Emergency Management Agency, establish guidelines for training programs used under a grant under subsection (a).

"(d) THE AUTHORIZATION.—To make grants under subsection (a) there are authorized to be appropriated out of the Highway Trust Fund $5,000,000 for fiscal year 1987, $10,000,000 for fiscal year 1988, $15,000,000 for fiscal year 1989, $15,000,000 for fiscal year 1990, and $15,000,000 for fiscal year 1991.".

(b) PUBLICATION OF GUIDELINES.—The Secretary of Transportation shall publish guidelines under section 116(c) of the Hazardous Materials Transportation Act (as added by subsection (a)) within 180 days of the date of the enactment of this Act.

(c) EMERGENCY RESPONSE INFORMATION REGULATIONS.—Within one year of the date of enactment of this Act the Secretary of Transportation shall by rule require—

(1) the listing of relevant emergency response telephone numbers on all shipping papers required by the Secretary in connection with the transportation of hazardous materials,

(2) that motor carriers transporting hazardous materials carry the most current publication of the Secretary prescribing emergency response procedures, and

(3) that such publication be located at facilities involved in the transportation of hazardous materials.

SEC. 9. LICENSING AND TRAINING OF DRIVERS.

(a) QUALIFICATIONS AND GUIDELINES.—Section 106 of the Hazardous Materials Transportation Act, as amended by section 6, is amended by adding at the end the following:

"(e) QUALIFICATIONS FOR LICENSING.—(1) The Secretary shall by rule establish minimum qualifications for the licensing by the States of drivers of motor vehicles transporting hazardous materials designated under section 104. In establishing such qualifications the Secretary shall consult with and take into account the recommendations of States, administrators of State motor vehicle administrations, carriers and shippers of such materials, insurers, and representatives of drivers.

"(2) Qualifications established under paragraph (1) shall require—

"(A) that a driver be licensed by only one State to transport hazardous materials,

"(B) successful completion of written examinations to test the qualifications of license applicants to drive motor vehicles used for the transportation of such materials and to retest applicants to determine the retention of such qualifications,

"(C) experience in transporting non hazardous materials,

"(D) experience in driving over different terrains,

"(E) experience in the handling of hazardous materials,

"(F) knowledge of the operation of emergency equipment used in responses to emergencies arising out of the transportation of such materials,

"(G) knowledge of the response procedures followed in such emergencies,

"(H) familiarity with Federal motor carrier safety regulations and Federal safety regulations respecting the transportation of such materials, and

"(I) a safe driving record.

"(f) TRAINING PROGRAM GUIDELINES.—The Secretary shall establish guidelines for training and retraining programs for drivers of motor vehicles transporting hazardous materials designated under section 104 and for other personnel, including loaders and handlers of such explosives and materials. The guidelines shall include provisions that require knowledge of—

"(1) the handling of such materials,

"(2) the operation of emergency equipment used in responses to emergencies arising out of the transportation of such materials,

"(3) the appropriate response procedures followed in such emergencies, and

"(4) familiarity with Federal motor carrier safety regulations and Federal safety regulations respecting the transportation of such materials.

"(g) REQUIREMENT.—Effective two years after the date of the enactment of this subsection, no person required under subsection (e) to be licensed by a State to transport hazardous materials may transport hazardous materials designated under section 104 or cause to be transported or shipped such materials unless such person has in effect a valid license issued under qualifications established under such subsection.".

(b) PUBLICATION OF QUALIFICATIONS AND GUIDELINES.—The Secretary of Transportation shall publish qualifications and guidelines under subsections (e) and (f) of section 106 of the Hazardous Materials Transportation Act (as added by subsection (a)) within 180 days of the date of the enactment of this Act.

(c) EFFECTIVE DATE.—(1) The requirement of section 106(e) of the Hazardous Materials Transportation Act (as added by subsection (a)) respecting the licensing of drivers of motor vehicles transporting hazardous materials designated under section 104 of the Hazardous Materials Transportation Act shall apply in a State upon the expiration of 2 years after the date of the enactment of

this subsection unless the State has in effect alternate licensing requirements approved by the Secretary. The Secretary may promulgate regulations establishing procedures for the consideration and approval of such alternate requirements.

(2) The Secretary shall approve alternate licensing requirements submitted by a State unless the Secretary determines that such requirements are not consistent with the purpose of the licensing requirements of section 106(e) of the Hazardous Materials Transportation Act.

(3) In any fiscal year in which a State is not in compliance with paragraph (1), the amount available to the State under appropriations made under section 404 of the Surface Transportation Assistance Act of 1982 shall be reduced by 15 percent.

SEC. 10. HAZARDOUS MATERIALS FLOW STUDY.

(a) CONTINUING STUDY.—The Secretary of Transportation shall conduct a continuing study of the flow of hazardous materials in the United States which under regulations of the Secretary are required to bear at least two placards (49 C.F.R. Part 172, Subpart F). Such study shall be conducted—

(1) to improve the targeting of Federal enforcement of Department of Transportation requirements respecting the transportation of hazardous materials,

(2) to improve the enforcement by States and localities of their requirements respecting such transportation, and

(3) to assist in the development of emergency response capabilities by States and localities.

The study shall identify the routes followed in the shipment of such materials and the types of accidents and incidents involving the shipment of such materials which have required Federal, State, or local emergency response services. The Secretary shall make a report to the Congress on the results of the study within one year of the date of the enactment of this Act and therafter shall periodically report to the Congress any changes in the flow of hazardous materials identified by the study.

(b) HAZARDOUS MATERIALS DEFINED.—For purposes of subsection (a), the term "hazardous materials" means a hazardous material designated under section 104 of the Hazardous Materials Transportation Act.

SEC. 11. SHIPMENT OF NUCLEAR MATERIALS.

(a) ANALYSIS.—The Secretary of Transportation, in consultation with the Department of Energy, shall complete an analysis of the risks to health, safety, and the environment associated with transportation of high-level nuclear waste and spent nuclear fuel to (1) the five potential geologic repository sites to be nominated by the Secretary of Energy as suitable for site characterization pursuant to section 112(b) of the Nuclear Waste Policy Act, and (2) to and from any monitored retrievable storage site authorized pursuant to section 141 ot the Nuclear Waste Policy Act. In addition, the Secretary of Transportation shall evaluate and compare routes and transportation modes that entail the least risk to human health, safety, and the environment. In completing such analysis, the Secretary shall provide appropriate opportunity for public comment.

(b) REPORT.—The Secretary shall complete the analysis within one year of the date of the enactment of this Act and shall report the results of the analysis to the Congress and the Secretary of Energy.

SEC. 12. TRUCK BRAKES.

The regulations of the Administrator of the Federal Highway Administration published as section 393.42 of title 49 of the Code of Federal Regulations shall, effective 90 days after the date of enactment of this Act, be of no force or effect and the Administrator may not issue an regulation having the same effect as such regulation. The Secretary of Transportation shall conduct such public information program as may be necessary to publicize the safety benefits of this section.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 104(c) of title 49, United States Code, is amended by inserting "and" at the end of paragraph (1), by striking out paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(b) Section 104 of such title is amended by striking out subsection (d).

(c) Section 105(c) of title 49, United States Code, as amended by section 3, is further amended by adding after and below paragraph (10) the following:

"A decision of the Administrator in carrying out a duty or power specified in paragraphs (1) through (10) and involving notice and hearing required by law is administratively final.".

(d) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Associate Deputy Administrator for Motor Carrier Safety, National Highway Traffic Safety Administration.

"Associate Administrator for Hazardous Materials Transportation.".

HOUSE OF REPRESENTATIVES—*Friday, April 18, 1986*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 17, 1986.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Friday, April 18, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our thoughts and prayers, gracious God, are with the victims of the strife of our world. May Your comfort be with those who are captives and know not the freedoms that we enjoy. May Your spirit be with the families whose anxiety is overwhelming. May the hope and peace that we know in Your Word give comfort, strength, and assurance to all those whose joy is turned to mourning. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 582. Joint resolution to designate April 20, 1986, as "Education Day U.S.A."; and

H.J. Res. 599. Joint resolution commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.

The message also announced that Mr. BURDICK be a conferee, on the part of the Senate, on the bill (H.R. 6), "An act to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure," vice Mr. BAUCUS, excused.

SAN JOSE MERCURY-NEWS HONORED WITH PULITZER

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr EDWARDS of California. Mr. Speaker, I was delighted to learn that the Pulitzer Prize for international reporting has been awarded to the San José Mercury-News. It was the paper's outstanding series on the hidden wealth of ex-Philippine President Marcos that garnered the award for the paper. The work of series authors Pete Carey, Katherine Ellison, and Lewis M. Simons in investigating and documenting Marcos' vast financial interests around the world played a key role in the ousting of Marcos by the Philippine people.

As one of the representatives here in Congress of the city of San José, I must say it is nice to see the Pulitzer judges recognize what those of us from the city of San José have long known—that the Mercury-News is one of our Nation's finest papers. Its reporting and editorial writing are consistently of the highest caliber.

I know my colleagues join me in offering hearty congratulations to reporters Carey, Ellison, and Simons, Mercury News Executive Editor Robert Ingle, and all of the talented people at the San José Mercury-News.

ALLIES' RESPONSE TO UNITED STATES ANTITERRORISM IS THOUGHT-PROVOKING

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, I want to express my admiration and heartfelt thanks to the people and Governments of Great Britain, Israel, and Canada for their support of United States actions to combat terrorism by the Government of Libya. It is heartwarming to have friends of courage when difficult decisions must be made and sparks fly.

I am equally appalled by the actions of other so-called allies, particularly France, who caused our pilots an unduly grueling and difficult mission. I am sending a copy of these remarks to the President of France.

Does France make dark deals to ignore the presence of terrorists on her territory in exchange for protection from terrorist attack? Does she hide behind the defensive shield that American taxpayers and servicemen help provide and at the same time look the other way when American citizens are the targets of terrorist attack?

President Reagan approved a measured, calculated response to dastardly, irrefutable Libyan terrorist actions directed against Americans, but threatening the free world as well. There were extensive warnings to Mr. Qadhafi. Our allies, the Soviets, and the Congress were all notified of the President's view—a correct one—that terrorism must carry with it a heavy price.

Indeed, it is fair to say that our military action might not have been necessary at all if our allies had been more forthcoming in supporting economic sanctions against Libya, which we have long and actively sought to impose.

France had quite a different view when, on November 17, 1983, their Navy jets struck terrorist sites in Lebanon's Bekaa Valley following the bombing of French peacekeeping forces in Lebanon.

We are now being treated to pictures of bandaged children in Libya. The jury is still out on whether those casualties were the result of America's actions, or whether they were brought about by Libyan antiaircraft missiles that missed their mark and plummeted to earth. What is clear, however, is that specific instructions were given to our pilots to avoid damaging collateral targets or injuring civilians, and I am certain every effort was made to avoid doing so.

There appears to be more graphic attention to damage in Libya than there was to the fate of four Americans, including a baby, sucked out of a TWA jet at 15,000 feet 2 weeks ago following the explosion of a randomly placed bomb.

And where are the photos of the dead and hundreds of bandaged Americans and other injured when Libya's bomb devastated a West Berlin nightclub? These were deliberate acts intended to maim and kill Americans.

The facts may be that only the United States and a select few friends have the courage to stand up to terrorist kingpins like Mu'ammar Qadhafi. Given the experiences of so many of our friends, especially France, this is truly sad, if true. But not standing up against the reprehensible terrorist regimes that we condemn, some friends may be, in a sense, abetting them.

I urge those of our allies who have hesitated or failed to support America's response to Libyan terror to re-

consider both America's reasons for conducting this raid and their own need to join in a united effort to defeat world terrorism. I urge them, too, to remember the major commitment America makes to world security through the United Nations and to their security every day through our participation in NATO, especially in light of the needs of our citizens here at home.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHUETTE) to revise and extend their remarks and include extraneous material:)

Mr. SLAUGHTER, for 45 minutes, on April 22, 1986.

(The following Members (at the request of Mr. EDWARDS of California) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCHUETTE) and to include extraneous matter:)

Mr. MCCOLLUM.

Mr. KEMP.

(The following Members (at the request of Mr. EDWARDS of California) and to include extraneous matter:)

Mr. AUCOIN.

Mr. LANTOS in two instances.

ADJOURNMENT

Mr. EDWARDS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes a.m.) under its previous order, the House adjourned until Monday, April 21, 1986, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1985, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

GENERAL SERVICES ADMINISTRATION,
Washington, DC, April 8, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with the requirements of Public Law 85-804 as amended by Public Law 93-155 (50 U.S.C. 1431-1435) and Executive Order 10789, the General Services Administration reports that it did not receive any requests for relief under the extraordinary emergency authority provided by 50 U.S.C. 1431-1435 during calendar year 1985.

Sincerely,

TERENCE C. GOLDEN,
Administrator.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3336. A letter from the Assistant Secretary of Defense for Acquisition and Logistics, transmitting a report on DOD's efforts to increase defense contract awards to Indian-owned businesses during fiscal years 1984 and 1985, pursuant to Public Law 99-145, section 956(a) (99 Stat. 702); to the Committee on Armed Services.

3337. A letter from the Deputy Secretary, Department of Defense, transmitting a report of the salaries paid from Federal funds to officers and employees of Federal contract research centers which exceeded that for Level II of the Executive schedule, pursuant to 10 U.S.C. 2359; to the Committee on Armed Services.

3338. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions for Warren Zimmermann, of Virginia, a nominee for the rank of Ambassador in his capacity as Chief of the United States Delegation to the Vienna Conference on Security and Cooperation in Europe Follow-up Meeting, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3339. A letter from the Administrator, General Services Administration, transmitting notification that the agency did not receive any requests for relief under the extraordinary emergency authority provided by 50 U.S.C. 1431-1435 during calendar year 1985, pursuant to 50 U.S.C. 1434; to the Committee on Government Operations.

3340. A letter from the Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, transmitting a report on the Committee's operations during fiscal year 1985, pursuant to the act of June 25, 1938, chapter 697, section 1(i) (85 Stat. 77); to the Committee on Government Operations.

3341. A letter from the Secretary of the Interior, transmitting the 1985 annual report of the National Park Foundation, pursuant to Public Law 90-209, section 10; to the Committee on Interior and Insular Affairs.

3342. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to repeal section 10 of the Fishermen's Protective Act of 1967, as amended and for other purposes; to the Committee on Merchant Marine and Fisheries.

3343. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a report dated March 1, 1986, from the Chief of Engineers, Department of the Army, on Black Warrior and Tombigbee Rivers, Alabama, together with other pertinent reports (H. Doc. No. 99-205); to the Committee on Public Works and Transportation and ordered to be printed.

3344. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a report dated August 16, 1984, from the Chief of Engineers, Department of the Army, on Duluth-Superior Harbor, Minnesota and Wisconsin, together with other pertinent reports. These reports are in final response to a resolution adopted December 11, 1969, by the Committee on Public Works of the United States House of Representatives (H. Doc. No. 99-204); to the Committee on Public Works and Transportation and ordered to be printed.

3345. A letter from the Assistant Secretary of Labor, transmitting comments of the advisory committee to the Department of Short-Time Compensation with respect to the Department's recently submitted report entitled, "An Evaluation of Short-Time Compensation Programs" (Executive Communications Nos. 2539 and 2540), pursuant to Public Law 97-248, section 194(g)(2); to the Committee on Ways and Means.

3346. A letter from the Assistant Secretary of Defense for Acquisition and Logistics, transmitting a report on DoD's experience with conversion to contractor operation of commercial functions previously performed by DoD personnel, pursuant to the 1986 Department of Defense Appropriations Act; jointly to the Committees on Armed Services and Appropriations.

3347. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the fourth annual report evaluating whether the revenues collected from waste disposal fees established under the Nuclear Waste Policy Act of 1982 are sufficient to offset program costs, pursuant to Public Law 97-425, section 302(a) (4); jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

3348. A letter from the Administrator, Agency for International Development, transmitting the Agency's annual report on its activities and progress to foster and implement the representation of minority group members and women in the Foreign Service, pursuant to 22 U.S.C. 3905(d); jointly to the Committees on Foreign Affairs and Post Office and Civil Service.

3349. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1987 and for other purposes; jointly to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 2110. A bill to make technical corrections related to the Retirement Equity Act of 1984; with an amendment (Rept. 99-526, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4208. A bill to authorize appropriations for the Coast Guard for fiscal years 1987 and 1988, and for other purposes; with amendment (Rept. 99-547). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mrs. BOXER introduced a resolution (H. Res. 426), expressing the sense of the House of Representatives that Federal aid and assistance to drug traffickers should be eliminated, jointly, to the Committees on Government Operations, and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of the rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 442: Mr. STAGGERS and Mr. MCHUGH.

H.R. 711: Mr. MACK.

H.R. 4267: Mr. SEIBERLING and Mr. WOLPE.

H.R. 4602: Mr. BONER of Tennessee, Mrs. BOGGS, Mr. KLECZKA, Mr. DICKS, Mr. WORTLEY, Mr. CHANDLER, Mr. REID, Mr. ERDREICH, Mr. MADIGAN, Mr. CHAPPELL, Mr. DUNCAN, Mr. MCCOLLUM, Mr. ROTH, Mr. COELHO, Mr. MANTON, Mr. KANJORSKI, Mr. STALLINGS, Mr. MORRISON of Connecticut, Mr. ANDERSON, Mr. HENRY, and Mr. VENTO.

H.J. Res. 544: Mr. DANIEL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

309. By the SPEAKER: Petition of the Council of the County of Maui, HI, relative to the funding levels of the Community Development Block Grant Program; to the Committee on Appropriations.

310. Also, petition of the Township Council of Stafford, NJ, relative to requiring a license for recreational salt water fishermen; to the Committee on Merchant Marine and Fisheries.

311. Also, petition of the Borough Council of Stone Harbor, NJ, relative to research burn of toxic chemicals in the ocean; to the Committee on Merchant Marine and Fisheries.

SENATE—*Friday, April 18, 1986*

(Legislative day of Tuesday, April 8, 1986)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable TED STEVENS, a Senator from the State of Alaska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our loving Father in Heaven, we feel a strange ambivalence this morning. We are experiencing elation and joy with this beautiful day. We are unspeakably grateful for life and breath and all the gracious gifts You so lavishly bestow upon us. But our hearts are heavy in the tragic loss of Sally Heet. We pray for Senator EVANS and those on his staff who have been traumatized by this tragedy. It troubles us, Father in Heaven, to think that such evil can lurk in the shadow of this center of great political power and justice. Comfort all of Sally's loved ones who mourn her loss and remove from the hearts of her peers any apprehension they may feel. We pray in His name Whose love transcends all things. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 18, 1986.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TED STEVENS, a Senator from the State of Alaska, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. STEVENS, thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders in favor of Senators HAWKINS, PROXMIRE, and CRANSTON for not to exceed 5 minutes each.

Mr. President, I ask unanimous consent that the special order in favor of Senator DURENBERGER be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. There will be routine morning business not to extend beyond the hour of 12 noon with statements limited therein to 5 minutes each.

Following morning business, the Senate may be asked to turn to any of the following items: S. 49, the gun control bill. But in this case, about three of the principals are not available today. It is going to be difficult to do that. The motion to proceed to S. 1848, the drug export bill, is a possibility; and the executive nomination of Donald M. Newman. It is my understanding that we can do that perhaps on Monday without a rollcall vote. So that may be disposed of. Also S. 2180, the fire prevention bill, to which a daylight saving time amendment will be offered. However, that is not likely a good candidate today because some of the principals are not available.

I will say that Senate Concurrent Resolution 120, the budget resolution, will not be laid down today.

No votes will occur during today's session or on Monday's session.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

THE BUDGET RESOLUTION

Mr. BYRD. Mr. President, if I can inquire of the distinguished majority leader, yesterday, as he will recall, we again discussed the possibility of laying down the budget resolution. I believe he indicated that he was going to have a meeting about the matter.

Is there anything that he can now state as to what the prospects are for getting started on the budget debate the first of next week?

Mr. DOLE. It also had been my hope after that meeting to meet with the Speaker, and the Republican House leader, Congressman MICHEL. We requested to meet with the Speaker in a letter.

We have postponed that meeting until Monday or Tuesday.

I think after that meeting we may be able to move forward. I do not anticipate any further—I do not want to use the word "delay" because I hope I am not delayed. We will however certainly continue to meet after the budget is brought up.

One thing I hope we might be able to do is reduce that 50-hour period by some mutual agreement once we start on the budget. But I think until we have been on it a while, I will not make that request.

But to respond to the distinguished minority leader I think we have had meetings with about everyone who might be involved, and as soon as we can touch base with the Speaker—and maybe even before that—I am trying to have that meeting now on Monday. Hopefully we can start on that Monday.

I cannot make an absolute commitment. But I think that would be the case.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. President, I ask unanimous consent that I may reserve the balance of my time for later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent also that any statement I may wish to have appear at this point in the RECORD so appear.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

THE ZOOMING, BOOMING COST OF STAR WARS MAINTENANCE AND MODERNIZATION

Mr. PROXMIRE. Mr. President, star wars may cost $1 trillion or more for research, development, production and deployment. Will that be it? Once the star wars antimissile defense is in place, will that be the end of the im-

mense burden? No, sir. And no way. Why? Why will not the major cost be behind us once we get this impenetrable defense in the sky in place? The surging trillion-dollar cost will go on and on because the star wars deployment will be just the starter. The deployed system will require constant, immensely expensive maintenance. Every day of every year in perpetuity we will have to lift huge payloads into space, manned with highly skilled experts to keep our legions of satellites and battle stations in reliable working order. Why can we not simply lift this complex hardware into space and forget it, until and unless someone mounts a nuclear attack? Here is why: the deployed system will have to be constantly renewed, refurbished, repaired. And how do we renew, refurbish and repair a galaxy of complex hardware deployed hundreds of miles above the Earth's surface and orbiting out in space? We have to lift in a long journey through space the new parts and new equipment to replace any defective, worn out, or otherwise malfunctioning equipment. We also will have to lift our maintenance experts into the far reaches of space. We have to provide them with the support facilities to keep them alive and functioning for weeks or months. We will have to do much more than that. We will have to lift repair shops, repair garages, in some cases actual factories into space. How much will that cost? Well, just sit down with a pencil and a sheet of paper and figure out the cost at a couple of thousands of dollars per pound to lift something like Andrews Air Force Base or a Boeing factory or a garage big enough to repair a battle station into space. Keep in mind, star wars will require hundreds of battle stations. Keeping these battle stations in top shape will be like maintaining an aircraft carrier at sea, but infinitely more difficult. The oceans are a relatively relaxed, easy, familiar environment. Moving vast cargoes into space shoots up the cost geometrically. The star wars battle stations will require a support fleet much like an aircraft carrier. The support fleet will require its own steady, unremitting stream of maintenance personnel and facilities. What will be the cost of maintaining the whole star wars array of hundreds of battle stations, thousands of satellites and an infinity of other complicated paraphernalia? Certainly hundreds of billions of dollars, perhaps trillions. And I am talking about the annual cost, year after year, every year. Will that cost of maintenance diminish? No. The technology of star wars missile defense is sure to race ahead. With it the complexity will surely increase and the cost of maintenance of the delicate, complex defense weapons will zoom ever upward.

Will maintenance be the biggest annual, continuing cost? No. Not by a long shot. For the biggest continuing cost consider modernization. Let us face it. The Soviet Union is not going to take a challenge to their superpower status without fighting back with an all-out effort to overwhelm it.

Certainly they will multiply the offensive nuclear missiles available to challenge star wars. They will refine and improve decoys designed to fool star wars. They will develop penetrators using much of the same technology star wars uses: x-ray lasers, chemical lasers, and a variety of as yet undreamed of new nuclear advances.

Perhaps in 10 or 20 years, they will perfect an antimatter technology that will make nuclear weapons appear as weak and trivial as bows and arrows are today. No one knows how the offensive nuclear and super nuclear technology will change over the next 25 years before star wars can be fully deployed, but we do know that, absent comprehensive arms control, it will progress, advance probably at breathtaking speed. What the Soviet Union can do in 1986 with their nuclear arsenal to penetrate a star wars fully deployed in 2010 will be as nothing compared to what the Soviet Union of 2010 will be able to use to challenge star wars.

What does that mean? It means that star wars will be pathetically feeble and useless unless we constantly modernize it. We will have to continually modify and change our battle stations and satellites and other deployments to have any chance against the predictable improvement of the Soviet nuclear offense.

Will that be costly? Consider: It will mean continued billions of dollars poured into star wars research every year. It will require a huge cost to produce the new and constantly changing star wars technology. The battle stations and satellites we deploy in 2010 may swiftly become obsolete and useless. All the beautiful and bright new star wars technology of the 1980's and 1990's will swiftly become horse-and-buggy stuff. We will have to lift off into space what is likely to be a much heavier, vaster array of space defenders.

What will the cost of the new hardware be? Will it be even greater than the original star wars? Almost certainly. Will its transportation into space cost more? Very likely. Will its maintenance cost more? Very likely. Will its modernization cost more? Almost certainly.

Mr. President, if Congress continues to insist on pursuing star wars, this ghost of invulnerability, by relying on military technology instead of arms control as our salvation, we will never achieve that invulnerability. Ah, but one end we will achieve for sure: A huge Federal Government burden of debt and taxes that will eventually choke off even our marvelous economy.

MYTH OF THE DAY: WORLD COURT RESERVATION IMPROVES AMERICAN SOVEREIGNTY

Mr. PROXMIRE. Mr. President, the myth of the day is that the World Court reservation to the Genocide Convention will strengthen America's position in ratifying this treaty.

Nothing could be further from the truth.

In many ways it is the ultimate irony of a debate heavy on the evils of Communist despots that those decrying these evils would tie America's hands behind our back in attempting to bring these despots before the bar of justice.

Of course, the reservation was presented as a way of protecting America from the evils of international bullies who might attempt to embarrass and intimidate us with propaganda charges of genocide.

Unfortunately, they were not willing to look at the brave and courageous example of Israel. If ever a state has suffered from political intimidation and harassment it is the State of Israel; yet they have been a party to the Genocide Convention for over three decades without such a cowardly reservation.

Has any such propaganda charge been raised by the enemies of Israel in the World Court? No. Not once.

Is America to act more defensively and timidly than Israel? This reservation puts us in that position.

Curiously, there was a time when the United States stood for the exposure to international scrutiny, a sharp and compelling contrast to the fear of such scrutiny by Communist and totalitarian regimes. A contrast that we should maintain, not blur.

After all, what do we have to fear from the World Court?

Some opponents of the Genocide Convention tried to confuse the American public by implying that the Court hears cases between individuals. That is simply untrue. The Court only hears cases between nations.

And what has been our track record before the Court? Until the Nicaragua case, the United States had prevailed repeatedly before the Court; in fact, we won the Iranian hostage case unanimously. I wonder how we did that if the Court is such a hostile place.

But the reason not to fear decisions by the Court does not rest in past history, the nature of the judges or pie-in-the-sky support for international law. The reason we need not fear the Court is far more concrete. The Court has no enforcement authority for its decisions except to appeal to the U.N.

Security Council, where we possess a permanent veto. Thus, the Court can never enforce an order against us if we choose to exercise our veto.

The saddest aspect of this reservation is that any time that the United States attempts to take a future Pol Pot, Idi Amin, or similar despot before the World Court, we will not be able to do it. Under the "doctrine of reciprocity," which the architects of this reservation knew all too well, they can invoke our reservation against us.

And while the Soviets and other Communist nations have such a cowardly reservation as well, our adoption of a reservation like this lets them off the hook scot-free. We will put them in a position where they can simply argue that we have no legal basis to ask them to go to the Court to defend their actions in Afghanistan.

Why should we do that? If we feel they are violating this treaty, we should force them to invoke their own reservation and embarrass them repeatedly at it. We should not hand them an American reservation as a legal way out of their dilemma. It simply makes no sense.

Billed as one part of a so-called "sovereignty package," it is difficult to see how this reservation protects anyone but the Communist and totalitarian despots who are committing genocide and will do so again in the future. We should untie the bonds of this reservation and come out fighting with all of our diplomatic and political and economic clout to stop them.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

SENATOR HAWKINS' SPECIAL ORDER

Mr. ABDNOR. Mr. President, we all know my colleague and very good friend, Senator PAULA HAWKINS, is unable to be with us at this time. We also all know that she is certainly the leader in fighting drugs in this Nation and around the world by the work and time she has put into it. Had she been here today, she would have made for the RECORD a statement that I am going to read for her at this time.

TERRORISTS AND DRUG SMUGGLERS TAKE NOTE: WE'VE HAD ENOUGH

Mrs. HAWKINS. Mr. President, as any person who watches television, listens to radio, or reads newspapers must know by this time, our war of words with Libyan strongman, Muammar Qadhafi, has escalated to something considerably stronger than that. President Reagan has told Americans that the U.S. has irrefutable evidence that Libya was responsible for the recent terrorist bombing of a West Berlin discotheque. One American serviceman was killed and 50 injured in the blast. A Turkish woman was also killed, and 180 persons of various nationalities were injured. Despite the fact that more non-Americans were victims of the explosion than Americans, there is little doubt that American citizens, particularly our off-duty military personnel, were the primary targets of the terrorists. Our intelligence network intercepted messages indicating that an attack would take place in West Berlin on the date involved, April 5, but was unable to pinpoint the exact location of the expected assault. Tragically, as luck would have it, we did receive information about where the bomb might explode, but only minutes before the explosion took place, and there was not enough time to flash a warning.

Qadhafi's brand of terrorism is financed by oil money. Libya is blessed with large quantities of high grade oil, widely sought after on the world market. Qadhafi has been called the Lloyds of London of terrorism. Libya exports terrorism, and terrorism has many tentacles. It is just a hop and skip between terrorism and narcotics trafficking, and down the road lie arms smuggling and subversion. Michael Ledeen, of the Georgetown Center for Strategic and International Studies, a recognized expert on terrorism, once observed: "Running drugs is one sure way to make big money in a hurry. Moreover, the directions of the flow are ideologically attractive. Drugs go to the bourgeois countries, where they corrupt and where they kill, while the arms go to pro-Communist terrorist groups in the Third World."

Americans have learned, in recent months, that terrorism is not something that happens over there to someone else. It is happening to us; Americans are the primary target of terrorist attacks. In 1982, terrorist activity against the U.S. took a sharp upturn. In that year, there were 385 recorded acts of terror against the U.S., including 7 assassinations, 6 kidnappings, and 160 bombings of U.S.-owned property. There was a firebomb attack against an American soft drink plant in Colombia, and an attempted bombing of the U.S. Embassy in the Dominican Republic.

In 1983, the upward trend continued with 500 terrorist attacks worldwide, with Americans being the direct target of 200. Then, in April, there was the bombing of our Embassy in Beirut, in which 49 people died, and in October the horrifying incident where a suicide squad of terrorists rammed through the gates of the Marine compound at Beirut Airport and killed more than 200 American servicemen as they slept. Numerous random terrorist attacks have occurred since that tragic event, capped by the West Berlin bombing earlier this month.

One could fall into the trap of saying these are isolated, individual acts, largely unplanned. But the fact of the matter is, they are meticulously planned, carefully orchestrated, and well-financed. The finances spew from a variety of sources—national governments, organizations, and individuals motivated by a sense of mistaken righteousness, lust for power, or thirst for what they perceive as revenge. Narcotics trafficking swirls around and around inside the vortex of terrorism. Drugs are a ready source of hard cash. A drug network can be used to channel weapons into the hands of terrorists and troublemaking insurgent groups. The end result is corruption in high and low places, economic instability, and wrecked health from the drug traffic and social turbulence, personal horror and suffering from terrorism.

President Reagan has served notice on Qadhafi that terrorism against America and Americans is not going to be tolerated. I hope that in the coming months we send just as clear a signal to the drug runners that narcotics trafficking is just as unacceptable.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WE WILL ALWAYS REMEMBER SALLY HEET

Mr. EVANS. Mr. President, our Senate office deeply mourns today. Yesterday in a mindless act of violence, my press secretary, Sally Heet, was brutally murdered. We all feel that something precious has been stolen from our lives. Sally was one of the first staff members I hired after being appointed as U.S. Senator. Immediately before that she had served as vice president for Corporate Communications at Rainier Bank in Seattle. She played a crucial role in establishing our transition office, and I was delighted when she agreed to become my press secretary.

During the past 3 years she has built a broad circle of friends and has earned the growing respect of the political press corps. She was a self-possessed, confident professional whose competence gave all of us an unusual opportunity to communicate our actions to the people of our State.

Far more than that, Sally was an integral part of the closely knit family of our senatorial staff and a personal friend and confidant. We worked together, played together, sang together, and reveled in the demanding and challenging life at Capitol Hill.

Life is made up largely of memories. Some are vague; some can be recalled in vivid detail; some guide us in our future actions; and some act as inspiration for our own lives.

Someone has taken Sally's physical presence from us but no one can steal our memories of her. I know her friends and colleagues will be comforted by their memories of shared experiences. Sally in that way will remain with us, still giving inspiration, advice and a happy chuckle over a funny incident.

Today is not a farewell but a celebration of a short but rich life. We know Sally continues to live for us through our respect, our love, and our memories.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements limited therein to 5 minutes each.

COMBINED FEDERAL CAMPAIGN PARTICIPATION

Mr. STEVENS. Mr. President, recently the Washington Post editorialized on the need for proper regulations governing charitable fund drives. Specifically, the editorial pointed out the desirability of establishing regulations on the kinds of organizations eligible to participate in the organized charitable collection effort among Federal employees through the Combined Federal Campaign. I applaud the editorial and this administration in their efforts to try to bring some common sense and fairness to the most important fundraising effort for a majority of this Nation's health and welfare charitable groups.

The comments contained in the editorial bear close attention and I recommend that all my friends read it closely. Mr. President, I ask unanimous consent to enclose at the end of my remarks the complete text of the April 14 editorial printed in the Washington Post entitled "Charities, Lobbies, and the CFC."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1986]

CHARITIES, LOBBIES AND THE CFC

After years of litigation and plenty of acrimony, the Office of Personnel Management has now issued final regulations concerning the federal government's charity fund drive. The Combined Federal Campaign, begun 25 years ago to regularize charitable collections in federal work places, now raises well over $100 million a year. Every federal installation, civil and military, all over the world is involved, and the government subsidizes the effort with personnel, publicity, paper work and payroll deductions.

Traditionally, the beneficiaries of the drive were charitable organizations working in health and welfare areas. But in 1980, advocacy groups—lobbyists and litigators who were nonprofit and tax exempt—were added to the list of participants. That's when the trouble started, for the people who would be happy to give to the Puerto Rican Legal Defense Fund and the Sierra Club, for example, were not as pleased to share the pot with the National Right to Work folks and the NRA's offshoot, the Firearms Civil Rights Legal Defense Fund. The feeling, of course, was mutual. By 1983, unions with more than a third of a million members were boycotting the drive and employee participation had fallen from 70.6 percent to 54.5 percent. President Reagan issued an executive order that year directing OPM to limit participation to health and welfare groups, and that order was contested until the Supreme Court upheld it last July.

The new regulations, which go into effect next month, are fair and make sense. Federal employees, like all citizens, retain the right to contribute to whatever charity they choose, and many excellent advocacy groups deserve their support. The government, however, will only subsidize solicitation and collection at the office or duty station for those charities providing direct assistance to the needy in this country and abroad. Such assistance includes health care and research, aid to the handicapped, rehabilitation services to delinquents, released convicts and addicts, services to victims of crime and abuse, famine and disaster relief, legal aid to the poor and general relief to children, the elderly and those in need. No organization that spends over 15 percent of its funds on lobbying or litigation can participate.

The regulations treat all organizations objectively whether they advocate liberal or conservative causes. They should put an end to resentment over the distribution of funds to controversial groups and benefit those organizations whose work directly benefits the sick, the poor and other afflicted persons. That is what the charity fund drive should be about.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following joint resolutions:

On April 9, 1986:

S.J. Res. 52, Joint resolution to designate the month of April 1986 as "National School Library Month".

On April 17, 1986:

S.J. Res. 261, Joint resolution to designate the week of April 14, 1986 through April 20, 1986, as "National Mathematics Awareness Week".

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, each with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 214. Joint resolution to provide for the reappointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 215. Joint resolution to provide for the reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution.

ENROLLED JOINT RESOLUTIONS SIGNED

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 303. Joint resolution to designate April 1986, as "Fair Housing Month";

H.J. Res. 582. Joint resolution to designate April 20, 1986, as "Education Day U.S.A."; and

H.J. Res. 599. Joint resolution commemorating the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.

The enrolled joint resolutions were subsequently signed by the Acting President pro tempore (Mr. STEVENS).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for Mr. THURMOND):

S. 2338. A bill to amend the Tariff Schedules of the United States to reclassify extracorporeal shock wave lithotripters; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. BYRD, Mr. WILSON and Mr. GRAMM):

S. 2339. A bill to provide for the appointment of Serrandito Ribas-Dominicci and Peter Lorence to the service academy of their choice at the time that they satisfy the requirements for admission to such academy; to the Committee on Armed Services.

By Mr. STAFFORD (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. BENTSEN, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. BAUCUS, Mr. MOYNIHAN and Mr. HUMPHREY):

S. 2340. A bill entitled the "Oil Pollution Liability and Compensation Act of 1986"; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for Mr. THURMOND)

S. 2338. A bill to amend the tariff schedules of the United States to reclassify extracorporeal shock wave lithotripters; to the Committee on Finance.

RECLASSIFICATION OF EXTRACORPOREAL SHOCK WAVE LITHOTRIPTERS

● Mr. THURMOND. Mr. President, today I am introducing legislation to remedy an existing inequity in the

tariff schedules of the United States [TSUS] concerning the classsification of extracorporeal shock wave lithotripters.

The extracorporeal shock wave lithotripter is a new invention which generates a shock wave to disintegrate kidney stones without invasive surgery. At present, the only lithotripter manufacturer which has received Food and Drug Administration approval for use in the United States is Dornier Medical Systems, Inc., which is based in West Germany. There are no domestic manufacturers presently producing a lithotripter approved by our Government.

The lithotripter enables patients to avoid surgery and thus relieves pain and suffering, reduces the cost of kidney stone treatment, significantly reduces the length of the hospital stay and reduces the recuperation time dramatically. Many lithotripter procedures are performed on an out-patient basis, compared to the major surgery often associated with kidney stone removal.

There are really only two practical areas under the tariff schedule to place new devices like the lithotripter. These two choices would fall under the category of electro-medical apparatus, and parts thereof:

(A) Electro-surgical apparatus, and parts there of (9.2 percent duty);

(B) Other (4 percent duty).

The tariff duty with respect to "electro-surgical apparatus, and parts thereof" is approximately twice as high as that for "other." At present, the differences between the two categories when applied to the present price of the lithotripter is approximately $100,000. Thus, whether the procedure is "surgical" or "nonsurgical" is crucial.

In 1983, the Customs Service made a determination that the lithotripter should be treated as a surgical apparatus. The decision is surprising since, in fact, no surgery is actually performed with the lithotripter. Indeed, the whole utility of the machine lies in the fact that its use avoids invasion of the body or other surgical techniques. By contrast the Customs Service reasoned that a surgical device is one used by surgeons. Since urologists are surgeons, and since urologists are expected to operate these machines, the Customs Service ruled that the device was a surgical device.

This decision seems to contradict an equally important decision taken by another Federal agency on the same question.

For purposes of Medicare reimbursement, the Federal Government assigns diagnostic related groups [DRG] classifications to each surgical procedure and pays accordingly. The choice for most lithotripter applications is either medical treatment of kidney stones (DRG 324) or surgical treatment of kidney stones (DRG 305).

Presently, Medicare is reimbursing the lithotripter treatment under the medical treatment DRG and not the surgical DRG. The reimbursement is substantially lower than if the surgical DRG was used.

Thus, the Federal Government determines that this is a surgical procedure for customs purposes, and a medical procedure for reimbursement purposes. These inconsistent determinations are neither logical nor fair and make the lithotripter providers financially the least favorable. This is inconsistent with good government policy.

Mr. President, my bill would correct this inequity by reclassifying lithotripters entered, or withdrawn from warehouse for consumption, on or after April 30, 1986 at the 4.4 percent duty rate. A companion bill, H.R. 4533, has been introduced in the House of Representatives by Representative RICHARD A. GEPHARDT, and my colleague from South Carolina, CARROLL A. CAMPBELL, JR.

I strongly encourage my colleagues to favorably support this bill and help patients avoid surgery by making these machines available to them at reasonable costs.

Mr. President, I ask unanimous consent that the text of this bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTRACORPOREAL SHOCK WAVE LITHOTRIPTERS.

Item 709.15 of the Tariff Schedules of the United States is amended by inserting "(other than extracorporeal shock wave lithotripters)" after "Electro-surgical apparatus".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of enactment of this Act, any entry of extracorporeal shock wave lithotripters that was made—

(1) after April 30, 1986, and

(2) on or before the date that is 15 days after the date of enactment of this Act.

shall be liquidated or reliquidated as though such entry occurred on the day after the date that is 15 days after the date of enactment of this Act.●

By Mr. DOLE (for himself, Mr. BYRD, Mr. WILSON, and Mr. GRAMM):

S. 2339. A bill to provide for the appointment of Serrnandito Ribas-Dominicci and Peter Lorence to the service academy of their choice at the time that they satisfy the requirements for admission to such academy; to the Committee on Armed Services.

APPOINTMENT TO SERVICE ACADEMY OF THEIR CHOICE FOR SERRNANDITO RIBAS-DOMINICCI AND PETER LORENCE

Mr. DOLE. Mr. President, I am pleased to introduce a bill which provides for the appointment of Serrnandito Ribas-Dominicci and Peter Lorence to the service academy of their choice when they come of age.

Serrnandito Ribas-Dominicci is the 4-year-old son of Capt. Fernando Ribas-Dominicci, the pilot whose plane did not return from the U.S. military action taken over Libya. When President Reagan called Fernando's widow, Blanca, to extend his condolences, he asked her whether there was anything the country could do to help repay the enormous debt we own her husband for the ultimate sacrifice he made for our self-defense. She asked for only one thing: That the captain's son be assured an appointment at the Air Force Military Academy when he grows up, for he had already decided that, like his father, he wanted to be a pilot.

Peter Lorence is the 8-month-old son of Capt. Paul F. Lorence, who was the bombardier and navigator on Captain Ribas-Dominicci's plane. Captain Lorence enlisted in the Air Force when he graduated from high school and was well known for his passion for flying, a trait he inherited from his maternal grandfather who was a pilot in Britain's Royal Flying Corps during World War I. This bill will also secure an academy appointment for young Peter, should he decide as he gets older to follow in his family's proud military tradition.

In 1941, President Roosevelt led an effort to secure a military academy appointment for the infant son of Colin P. Kelly, who was the first military pilot to be killed in action in World War II. Republicans don't often quote FDR, but his eloquent letter "To the President of the United States in 1956" in young Colin's behalf I think bears repeating now. Specifically, he said:

I am writing this letter as an act of faith in the destiny of our country. I desire to make a request which I make in full confidence that we shall achieve a glorious victory in the war we now are waging to preserve our democratic way of life.

My request is that you consider the merits of a young American youth of goodly heritage—Colin P. Kelly III—for appointment as a cadet in the U.S. Military Academy at West Point. I make this appeal in behalf of this youth as a token of the Nation's appreciation of the herioc services of his father, who met death in the line of duty at the very outset of the struggle which was thrust upon us by the perfidy of a professed friend.

In the conviction that the service and example of Capt. Colin P. Kelly, Jr., will be

long remembered, I ask for this consideration in behalf of Colin P. Kelly III.

Mr. President, Serrnandito and Peter are innocent victims; fatherless because our country was forced to respond to a crazed petty dictator in a far away country who could not resist tormenting this country and other nations with violence, threatened and real. Hopefully, by the time these two boys come of age, the nightmare of terrorism will be no more. But history has taught that violence and aggression cannot be overcome by looking the other way; it must be met head on. Their fathers met the challenge, giving their lives for our peace and safety. For that, this legislation is truly, as FDR said, a mere token of our appreciation.

Mr. President, by proposing this legislation, I do not mean to set a precedent whereby legislation to set aside appointments to military academies would become common place. But this is an extraordinary situation which merits extraordinary legislation—the morally required response to a mother's unique request. To view it otherwise would denigrate its meaning and importance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to appoint Serrnandito Ribas-Dominicci and Peter Lorence to the service academy of their choice at such time as each of them respectively satifies the requirements established for admission to such academy.

ADDITIONAL COSPONSORS

S. 1654

At the request of Mr. STEVENS, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 1654, a bill to amend title 18, United States Code, to provide for criminal forfeiture of proceeds derived from espionage activities and rewards for informants providing information leading to arrests in espionage cases.

S. 2134

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2134, a bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are to Federal employees under title 5, United States Code.

S. 2144

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2144, a bill to amend the Farm Credit Act of 1971 to provide credit assistance to certain borrowers of loans by institutions of the Farm Credit System, and for other purposes.

S. 2165

At the request of Mr. GORTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2165, a bill to authorize States to determine the level of funds allotted to a State under the Low-Income Home Energy Assistance Act of 1981 to be available for low-cost residential weatherization and other energy-related home repair projects for low-income households.

S. CON. RES. 122

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Conference Resolution 122, a concurrent resolution to express the sense of Congress with respect to agricultural loan restructuring.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Friday, April 18, 1986, in open, later to become closed executive session, in order to conduct a hearing on Navy nuclear programs, and Navy reactor programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COPYRIGHTS AND THE MUSIC INDUSTRY

● Mr. HECHT. Mr. President, the Wednesday, April 9, 1986, edition of the Washington Times contained an article featuring artist Donny Osmond and discussing Senate bill 1980. If passed, S. 1980 would change the way in which music creators and local television stations negotiate payment under copyright law. I ask that this article be included in the RECORD, for I consider it an excellent account of S. 1980, as told from the artist's perspective.

The article follows:

DONNY JOINS SONGWRITER HILL RALLY

(By Lou Fournier)

Donny Osmond is your basic optimist, sure his career is really just getting off the ground. But the pop star, late of Utah and teen godhood, now living in Southern California, sees a dark threat facing American creativity, and he's here to do something about it.

"When I heard about the whole issue," he says, "I said, 'Yo, babe! I gotta get involved with this!' "

"The whole issue" "is a bill pending in Congress that has most major songwriters in the country hopping-mad. The bill, brainchild of pennywatching broadcasters, would set compensation for composers of music written for broadcast media at a high, single, flat-rate, one-time fee, rather than paying royalty residuals over long periods of time.

"This is not even a legal issue," Mr. Osmond says, echoing similar sentiments of composer Paul Williams and country writer/performer T.G. Shephard, milling in a room at the Madison Hotel with Mr. Osmond. "This is a moral issue. The thing is, in the long run it would even hurt the producers who are trying to save money with it."

"I'm here because music is essentially property," Mr. Williams says. "When I write a piece of music, it's mine to sell, lease or rent as I choose. This bill is an attempt by the government to assume those rights for itself. It's grossly unfair and morally wrong for the government to tell us how to do our business. This would be a very dangerous precedent if it passed."

"This is wrong," Mr. Shephard agrees. "There's always some greed where money is concerned, and this bill is just trying to save some broadcasters some long-range money. What they don't see is how it'll hurt us all. It'll kill off a lot of creativity."

"The bill would make the one-time fee so expensive," Mr. Osmond says, "that producers would eventually end up having to use public-domain music, or even foreign music. That would hurt their own product. But it would mostly hurt the American songwriter; he's going to have no incentive to write anymore. And I believe that the greatest American product is music.

"I'm an established artist, and I can still make a living. But new artists would have a very tough time if this bill goes through. I'm working with a guy now who's a real genius, he just writes incredible stuff. But I don't know if he could make it if this bill were law."

Mr. Osmond offers a stark illustration of what he sees as another danger of the bill, that of assigning a monetary value to a musical composition that would be far below its true artistic worth. "Imagine," he says, "if Irving Berlin had only been paid once for 'White Christmas.'

"I actually worry about the broadcasters who want this bill. They don't see the long-range situation here; they don't realize this would actually hurt them. They have to realize that it's the artists who keep them in business."

Mr. Osmond is part of a high-visibility team of musicians which spent yesterday going door-to-door through the congressional office buildings trying to convince legislators of the folly of the bill. Other artists included Mr. Williams, Mr. Shephard, Mike Post, Marilyn Bergman, Wayland Holyfield, Richard Leigh and Peter McCaan.

This morning the group will hold a press conference to voice further opposition before a scheduled 9:30 a.m. hearing on the bill by the Senate Subcommittee on Patents, Copyrights and Trademarks. This morning's conference will feature appearances via specially made videos by Quincy Jones, Henry Mancini, Dolly Parton, Lionel Richie, Smoky Robinson, and Stevie Wonder. Two performance-rights organizations, the American Society of Composers,

Authors and Publishers (ASCAP) and Broadcast Music Inc. (BMI), were also involved in the lobbying effort.

Mr. Osmond is chiefly remembered for his popular TV series with his sister, "The Donny and Marie Show," and a series of wildly successful, youth-oriented recordings by the pair.

Last year he took his own production company public, moved with his wife and three children out of Utah, where he had maintained strong ties with the Mormon community, changed his management company and started recording a new album.

"Everybody wants to be a legend," Mr. Osmond says, when asked how he would like to be remembered in, say, another 50 years. "Certainly I've made a dent in the music industry; that's my dream. My best music is yet to be realized."●

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER OF PROCEDURE

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DOLE. Mr. President, I will not move to proceed to the drug export bill, and file cloture on the motion to proceed. I just had a discussion with the distinguished Senator from Ohio, Senator METZENBAUM. He has indicated that he has no objection to going to the bill. He will have a number of amendments, and extensive debate on the bill itself if we bring it up after we dispose of the budget resolution.

On that basis, I see no reason to move to that and file cloture, if we do not need do it. It will take some time to be on the bill itself.

I guess with that understanding when we dispose of the budget resolution, at least as far as Senator METZENBAUM is concerned—somebody else might object—there will be no objection to proceeding to S. 1848. It may not come up right after the budget resolution. It may come up later. But that is no problem to Senator METZENBAUM; if it never comes up, it will be soon enough as I understand it.

So I guess we will be able to leave here fairly quickly. Let me check a couple of those items.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, April 21, 1986, the reading of the Journal be dispensed with; that no resolution come over under the rule; that the call of the Calendar be dispensed with; that following the recognition of the two leaders under the standing order, there be special orders in favor of Senators HAWKINS, PROXMIRE, and CRANSTON for not to exceed 5 minutes each, to be followed by a period for the transaction of routine morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each; provided, further, that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, APRIL 21, 1986

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, April 21, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON MONDAY

Mr. DOLE. Mr. President, I ask unanimous consent that on Monday, following the recognition of the two leaders under the standing order, there be a special order in favor of Senators HAWKINS, PROXMIRE, and CRANSTON for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON MONDAY

Mr. DOLE. Mr. President, I ask unanimous consent that on Monday, following the special orders just identified, there be a period for the transaction of routine morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, I indicated earlier that there might be a possibility on Monday of calling up S. 49, the gun control bill. I am advised by the distinguished Senator from Idaho [Mr. MCCLURE], who is the manager of that bill, that he would prefer not to try to do that on Monday; but he is working with Members who have some questions about the bill, and maybe they can work it out later in the week.

There is still a possibility of bringing up the budget resolution on Monday.

I have also indicated that we might move to proceed to the drug export bill, S. 1848. But I have had a discussion with the distinguished Senator from Ohio [Mr. METZENBAUM], and he indicates that he would be willing to let that bill come up after we dispose of the budget resolution, without going through cloture on the motion to proceed.

It is my hope that we can clear the nomination of Donald Newman, and I indicate for the RECORD that there is no objection on the Democratic side. The objection is coming from this side, the Republican side. I hope that Senator HUMPHREY and Senator HELMS will be able on Monday to let us dispose of that nomination. It is a very important nomination.

It is also my hope that on Monday we can take care of this little concurrent resolution that has been floating around for a couple of weeks. There are 38 cosponsors. In effect, it is a sense of the Senate to indicate that the Farm Credit System should use certain practices to protect American farmers. We believe it is important. We obviously have faith in the regulatory agency, but we believe that by passing this legislation it would underscore the concern Congress has when we are dealing with farmers and credit policies that affect farmers. So I hope that on Monday, without a record vote, we might be able to pass that.

Mr. President, I indicate for the RECORD that there will be no votes on Monday, as was announced previously. We will do our best to protect some of our colleagues on Wednesday, which is the beginning of Passover, with no votes after a certain hour that afternoon—4 o'clock or 6 o'clock. We will work that out to their satisfaction.

I indicate that there could be late nights on other days, particularly if we get into the budget, because it is a 50-hour process; and I assume that unless there is some agreement to reduce the time, we would need to stay in late, at least to run the clock.

Friday session next week? Again I am not in position to say there will not be one. I guess I just assume that there would be a Friday session next week with votes but if something develops between now and hopefully Tuesday when we have our policy luncheons I will convey that to the distinguished leaders.

ADJOURNMENT TO MONDAY, APRIL 21, 1986

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in adjournment until the hour of 12 noon, Monday, April 21, 1986.

The motion was agreed to, and, at 12:54 p.m., the Senate adjourned until Monday, April 21, 1986, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 18, 1986:

IN THE COAST GUARD

Rear Adm. James C. Irwin, U.S. Coast Guard, to be the vice commandant, U.S. Coast Guard with the grade of vice admiral while so serving.

The following officers of the U.S. Coast Guard for promotion to rear admiral (lower half):

Capt. George D. Passmore, Jr., USCG.
Capt. Ernest B. Acklin, Jr., USCG.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Donald S. Jones, xxx-xx-xxxx, 1310, U.S. Navy.

IN THE AIR FORCE

The following officer for appointment in the Regular Air Force under the provision of section 531, title 10, United States Code, with a view to designation under the provision of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall he be appointed in a grade higher than lieutenant colonel:

CHAPLAIN

Stanley E. White, xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

JUDGE ADVOCATE

To be major

Fredric L. Bauer, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Stanley E. White, xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provision of section 531, title 10, United States Code, provided that in no case shall any of the following officers be appointed in a grade higher than major:

LINE OF THE AIR FORCE

Aguillard, Loren G., xxx-xx-xxxx
Andermann, Brian E., xxx-xx-xxxx
Beauregard, Rene J., xxx-xx-xxxx
Black, Donald C., Jr., xxx-xx-xxxx
Bodenheimer, Michael W., xxx-xx-xxxx
Bodin, James P., xxx-xx-xxxx
Boyd, Jimmie V., xxx-xx-xxxx
Brenckman, Emil III., xxx-xx-xxxx
Broner, Johnny R., xxx-xx-xxxx
Brooks, Robert M., xxx-xx-xxxx
Brown, Jeffrey R., xxx-xx-xxxx
Bryant, Otis R., xxx-xx-xxxx
Carkeet, John L., III, xxx-xx-xxxx
Carr, Nathaniel L., xxx-xx-xxxx
Chamness, Allen W., xxx-xx-xxxx
Cheeseman, Robert J., xxx-xx-xxxx
Coleman, Donald C., xxx-xx-xxxx
Colliander, Richard J., xxx-xx-xxxx
Costa, Nicholas S., xxx-xx-xxxx
Daneker, Paul R., Jr., xxx-xx-xxxx
Davis, Harold L., xxx-xx-xxxx
Davis, Richard D., xxx-xx-xxxx
Dodds, Dale I., Jr., xxx-xx-xxxx
Doelp, Jonathan E., xxx-xx-xxxx
Donahue, Charles F., Jr., xxx-xx-xxxx
Durham, Willie E., Jr., xxx-xx-xxxx
Flatt, Kevin P., xxx-xx-xxxx
Fuzzell, Steven L., xxx-xx-xxxx
Gibbs, Curtis R., xxx-xx-xxxx
Givens, Darryl A., xxx-xx-xxxx
Gladden, Willie J., xxx-xx-xxxx
Gonzalez, Rafael., xxx-xx-xxxx
Haulman, Larry H., xxx-xx-xxxx
Hess, David B., xxx-xx-xxxx
Hibbard, Willard J., III, xxx-xx-xxxx
Higbee, Terry A., xxx-xx-xxxx
Jacobs, Paul P., Jr., xxx-xx-xxxx
Keown, Royce E., xxx-xx-xxxx
King, Cleo., xxx-xx-xxxx
Kokoszki, Joseph J., xxx-xx-xxxx
Krehbiel, John S., xxx-xx-xxxx
Kupec, John A., xxx-xx-xxxx
Lanphear, George W., xxx-xx-xxxx
Laurin, Gerald D., xxx-xx-xxxx
Leach, Stuart W., xxx-xx-xxxx
Lee, Lawrence E., xxx-xx-xxxx
Leon, John C., xxx-xx-xxxx
Lively, Alvin L., xxx-xx-xxxx
Martin, Dennis C., xxx-xx-xxxx
Mason, Michael D., xxx-xx-xxxx
McCloghry, Thomas M., xxx-xx-xxxx
Melton, Joecephus R., Jr., xxx-xx-xxxx
Mowrer, Rickey L., xxx-xx-xxxx
Payne David W., xxx-xx-xxxx
Phillips, William G., xxx-xx-xxxx
Procknow, Errin L., xxx-xx-xxxx
Robertson, John M., xxx-xx-xxxx
Rucker, Raymond I., Jr., xxx-xx-xxxx
Skowronski, Raymond, xxx-xx-xxxx
Smith, James F., xxx-xx-xxxx
Smith, John J., Jr., xxx-xx-xxxx
Stevens, John G., xxx-xx-xxxx
Sullivan, Timothy L., xxx-xx-xxxx
Tricca, Ronald J., xxx-xx-xxxx
Tyler, Charles L., Jr., xxx-xx-xxxx
Undem, Halvor A., xxx-xx-xxxx
Walter, Robert W., xxx-xx-xxxx
Ward, Nedwin R., xxx-xx-xxxx
Ware, Robert M., xxx-xx-xxxx
Wenzel, Nancy J., xxx-xx-xxxx
Werremeyer, Kenneth R., xxx-xx-xxxx
Wilkes, Jimmy L., xxx-xx-xxxx
Williams, Tommie L., Jr., xxx-xx-xxxx
Wilson, Thomas E., xxx-xx-xxxx
Wright, Sammie L., xxx-xx-xxxx
Wrobel, Gary D., xxx-xx-xxxx
Young, Jerry M., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall any of the following officers be appointed in a grade higher than major:

CHAPLAINS

Brown, Ross C., xxx-xx-xxxx
Brown, Thomas O., xxx-xx-xxxx
Christenson, Don J., xxx-xx-xxxx
Daniels, James W., xxx-xx-xxxx
Davenport, Richard B., xxx-xx-xxxx
Eason, Louis H., III, xxx-xx-xxxx
Flake Layne E., xxx-xx-xxxx
Foust, Edward A., xxx-xx-xxxx
Funkhouser, Morton L., Jr., xxx-xx-xxxx
Geller, Charles A., xxx-xx-xxxx
Hanna, Joseph E., xxx-xx-xxxx
Hartsfield, Wayland M., xxx-xx-xxxx
Hesgard, Randon N., xxx-xx-xxxx
Johnson, Dwight D., xxx-xx-xxxx
Malinsky, Gregory J., xxx-xx-xxxx
Odonnell, Michael R., xxx-xx-xxxx
Peterson, Don E., xxx-xx-xxxx
Preston, Jerold L., xxx-xx-xxxx
Ray, Samuel A., xxx-xx-xxxx
Russell, Donald L., xxx-xx-xxxx
Saunders, James D., xxx-xx-xxxx
Schiffer, James A., xxx-xx-xxxx
Stefero, John W., xxx-xx-xxxx
Thompson, Lee M., xxx-xx-xxxx
Vella, Joseph C., xxx-xx-xxxx
Wagner, Joseph R., xxx-xx-xxxx
Westall, Thomas G., xxx-xx-xxxx
Whitley, John G., xxx-xx-xxxx
Wilder, Lewis A., xxx-xx-xxxx

JUDGE ADVOCATES

Acklin, Douglas E., xxx-xx-xxxx
Arrigo, John A., xxx-xx-xxxx
Chostner, Jeffrey E., xxx-xx-xxxx
Deavel, Richard P., xxx-xx-xxxx
Demaree, Dartt J., xxx-xx-xxxx
Duke, Judith Ann, xxx-xx-xxxx
Flanagan, Jean M., xxx-xx-xxxx
Hanson, Carole W., xxx-xx-xxxx
Harding, Richard C., xxx-xx-xxxx
Hasskamp, Charles W., xxx-xx-xxxx
Heinz, John H., xxx-xx-xxxx
Hoard, E. David, xxx-xx-xxxx
Hudspeth, Deborah J., xxx-xx-xxxx
Jones, Fraser B., Jr., xxx-xx-xxxx
Kaszuba, Karl A., xxx-xx-xxxx
Kennedy, Katherine M., xxx-xx-xxxx
Kistler, Joseph S., xxx-xx-xxxx
Kitzmiller, Kenneth C., xxx-xx-xxxx
Lauer, Jay A., xxx-xx-xxxx
Malloy, Timothy J., xxx-xx-xxxx
Mark, Michael I., xxx-xx-xxxx
Monahan, Edward J., xxx-xx-xxxx
Northup, David A., xxx-xx-xxxx
Olsen, Sverre M., Jr., xxx-xx-xxxx
Rada, Esther A., xxx-xx-xxxx
Rowell, Gary L., xxx-xx-xxxx
Stansellliming, Martha, xxx-xx-xxxx
Sutton, James O., III., xxx-xx-xxxx
Taylor, Kathryn I., xxx-xx-xxxx
Vonwald, Conrad M., xxx-xx-xxxx

NURSE CORPS

Abalos, Rudolpho E., xxx-xx-xxxx
Alger, Constance Marion, xxx-xx-xxxx
Anderson, Laurel M., xxx-xx-xxxx
Bakasallen, Loretta M., xxx-xx-xxxx
Baker, Jill V., xxx-xx-xxxx
Ball, Mildred A., xxx-xx-xxxx
Barrientez, Rose M., xxx-xx-xxxx
Black, Jacqueline D., xxx-xx-xxxx
Blackwell, Robert B., xxx-xx-xxxx
Carson, Ellen J., xxx-xx-xxxx
Cassagnol, Kathy A., xxx-xx-xxxx
Collins, Kathleen P., xxx-xx-xxxx
Cox, Alice N., xxx-xx-xxxx
Cygan, Pamela A., xxx-xx-xxxx
Davidsonwhite, Thora S., xxx-xx-xxxx
Decker, Kristine Case, xxx-xx-xxxx
Diaz, Delizabeth, xxx-xx-xxxx
Distel, Mary J., xxx-xx-xxxx
Doherty, Janella G., xxx-xx-xxxx
Dokes, Fred D., III., xxx-xx-xxxx
Draculan, Margarita, xxx-xx-xxxx
Ebelacker, Cynthia A., xxx-xx-xxxx
Ericksonowens, Debra A., xxx-xx-xxxx
Fagerland, Kathleen J., xxx-xx-xxxx
Fesel, Frederick, xxx-xx-xxxx
Flournoy, Janet C., xxx-xx-xxxx
Fogt, Linda L., xxx-xx-xxxx
Gamett, William F., xxx-xx-xxxx
Garvin, Dennis J., xxx-xx-xxxx
Gentry, Nancy O., xxx-xx-xxxx
Gerdes, Peggy J., xxx-xx-xxxx
Gorniak, Mary R., xxx-xx-xxxx
Haines, Kenneth R., xxx-xx-xxxx
Hale, Brenda S., xxx-xx-xxxx
Hall, Paul P., Jr., xxx-xx-xxxx

Halstead, Charles A., xxx-xx-xxxx
Hensen, Pamela S., xxx-xx-xxxx
Hardesty, Glenn A., xxx-xx-xxxx
Harris, Patricia A., xxx-xx-xxxx
Harrison, Maryeileen, xxx-xx-xxxx
Hayden, Thomas F., xxx-xx-xxxx
Hennessy, Mary M., xxx-xx-xxxx
Herrera, Paula A., xxx-xx-xxxx
Holtz, Jane M., xxx-xx-xxxx
Jarmon, Mary L., xxx-xx-xxxx
Jones, Wanda P., xxx-xx-xxxx
Karbousky, Virginia L., xxx-xx-xxxx
Katz, Susan R., xxx-xx-xxxx
Kerrigan, Karen G., xxx-xx-xxxx
Kizis, Karen A., xxx-xx-xxxx
Knight, Thomas F., xxx-xx-xxxx
Krolikoski, Richard M., xxx-xx-xxxx
Legro, Danny G., xxx-xx-xxxx
Liebermann, Mary E., xxx-xx-xxxx
Little, Bennie D., xxx-xx-xxxx
Lyden, Lorna F., xxx-xx-xxxx
Maier, Mary A., xxx-xx-xxxx
McCarter, Colleen A., xxx-xx-xxxx
McClure, Gwenda A., xxx-xx-xxxx
McKeny, Lynda M., xxx-xx-xxxx
Miller, Dennis W., xxx-xx-xxxx
Montory, Daniel A., Jr., xxx-xx-xxxx
Morrill, Dana R., xxx-xx-xxxx
Morris, Dorothea L., xxx-xx-xxxx
Moss, Deborah J., xxx-xx-xxxx
Nelson, Edgar L., III, xxx-xx-xxxx
Nemeth, Brian M., xxx-xx-xxxx
Novak, Mary E., xxx-xx-xxxx
Osano, Dennis, xxx-xx-xxxx
Perry, Glen D., xxx-xx-xxxx
Pysher, Alan G., xxx-xx-xxxx
Rampy, Thomas L., xxx-xx-xxxx
Read, Karen A., xxx-xx-xxxx
Red, Wanda L., xxx-xx-xxxx
Risberg, Janet C., xxx-xx-xxxx
Robinson, Lester R., xxx-xx-xxxx
Rogers, Rogin E., xxx-xx-xxxx
Robers, Shirley A., xxx-xx-xxxx
Rosser, Judith M., xxx-xx-xxxx
Ryan, Marygene, xxx-xx-xxxx
Splonskowski, Janette M., xxx-xx-xxxx
Squadrito, Deborah A., xxx-xx-xxxx
Stamler, Larry F., xxx-xx-xxxx
Stephens, Brian N., xxx-xx-xxxx
Swinson, Jacqueline W., xxx-xx-xxxx
Thorn, Thelma E., xxx-xx-xxxx
Toth, Greta D., xxx-xx-xxxx
Weston, Gretchen, xxx-xx-xxxx
Wilson, Karen V., xxx-xx-xxxx
Wolfe, Gilbert W., xxx-xx-xxxx
Wright, Sarah A., xxx-xx-xxxx
Wrightsims, Jean M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Bucceri, Paul A., xxx-xx-xxxx
Cable, Gary A., xxx-xx-xxxx
Carroll, William M., xxx-xx-xxxx
Edgell, Donald C., xxx-xx-xxxx
Fitzwater, Michael J., xxx-xx-xxxx
Griggs, Robert D., xxx-xx-xxxx
Heseltine, Bruce P., xxx-xx-xxxx
Hoover, James H., xxx-xx-xxxx
Kopp, Rainer, xxx-xx-xxxx
McGowan, William D., xxx-xx-xxxx
Mouse, Raymond L., xxx-xx-xxxx
Nice, Paul W., xxx-xx-xxxx
Noblett, Allan J., xxx-xx-xxxx
Park, Joe H., xxx-xx-xxxx
Perry, Robert W., xxx-xx-xxxx
Richter, Harry P.R., Jr., xxx-xx-xxxx
Rubino, Frank L., xxx-xx-xxxx
Scalzi, Carmelo F., xxx-xx-xxxx
Sears, Leroy, xxx-xx-xxxx
Taylor, Leonard, xxx-xx-xxxx
Tedford, Thomas F., xxx-xx-xxxx
Underwood, Barbara B., xxx-xx-xxxx
Vance, Douglas J., xxx-xx-xxxx
Vroom, Peter D., xxx-xx-xxxx
Wildman, Ronald E., xxx-xx-xxxx
Wilson, Theotis, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Block, Michael G., xxx-xx-xxxx
Boyd, David A., xxx-xx-xxxx
Bryan, Robert W., xxx-xx-xxxx
Bryars, Warren C., xxx-xx-xxxx
Butler, James S., xxx-xx-xxxx
Cain, Cynthia, xxx-xx-xxxx
Campbell, John C., xxx-xx-xxxx
Cyr, Kenneth A., xxx-xx-xxxx
Donnelly, Joseph J., xxx-xx-xxxx
Erhard, David R., xxx-xx-xxxx
Garrett, Deborah M., xxx-xx-xxxx
Gradwell, William A., xxx-xx-xxxx
Greenwell, Mark D., xxx-xx-xxxx
Gregoire, Jeanine C., xxx-xx-xxxx
Hallmark, William R., xxx-xx-xxxx
Hayes, Chester O., Jr., xxx-xx-xxxx
Haynes, Michael E., xxx-xx-xxxx
Hossain, Mohammad A., xxx-xx-xxxx
Hough, Stephen H., xxx-xx-xxxx
Johnson, James W., xxx-xx-xxxx
Katilus, Bennie C., xxx-xx-xxxx
Kent, John F., xxx-xx-xxxx
Kent, Theresa S., xxx-xx-xxxx
Kuhn, Steven R., xxx-xx-xxxx
Lemoine, Donald W., II, xxx-xx-xxxx
Lewin, Michael J., xxx-xx-xxxx
Licht, Edward T., xxx-xx-xxxx
Liscombe, Edward R., xxx-xx-xxxx
Mathis, Robert E., xxx-xx-xxxx
Mattern, Russell H., xxx-xx-xxxx
McLin, Leon N., Jr., xxx-xx-xxxx
Miles, John S., xxx-xx-xxxx
Mocabee, Richard D., xxx-xx-xxxx
Mollerstrom, Willard W., xxx-xx-xxxx
Page, James E., xxx-xx-xxxx
Pulcifer, Donald E., xxx-xx-xxxx
Rath, Dale H., xxx-xx-xxxx
Rooney, Michael J., xxx-xx-xxxx
Savory, Barry L., xxx-xx-xxxx
Savoy, Ronald J., xxx-xx-xxxx
Scott, Randall E., xxx-xx-xxxx
Shelton, Lorraine, xxx-xx-xxxx
Shively, Storne L., xxx-xx-xxxx
Sindelar, Paul J., xxx-xx-xxxx
Slusher, Byron C., xxx-xx-xxxx
Snitchler, Lowell L., xxx-xx-xxxx
Teters, Joyce E., xxx-xx-xxxx
Thomas, James E., xxx-xx-xxxx
Thomas, William E., xxx-xx-xxxx
Thorn, Dale L., xxx-xx-xxxx
Wallis, Steven B., xxx-xx-xxxx
Ware, Kathy L., xxx-xx-xxxx
Wetzel, Karen, C., xxx-xx-xxxx
Winchester, Curtis W., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be major

Aavang, Glennis L., xxx-xx-xxxx
Abbott, Barry S., xxx-xx-xxxx
Abbott, Dwayne E., xxx-xx-xxxx
Abel, James M., Jr., xxx-xx-xxxx
Acevedo, Patricia K., xxx-xx-xxxx
Acosta, Jose R., xxx-xx-xxxx
Acosta, Roberto, xxx-xx-xxxx
Adamcik, Anthony J., xxx-xx-xxxx
Adams, Emil J., Jr., xxx-xx-xxxx
Adams, Gerald M., Jr., xxx-xx-xxxx
Aeillo, Michael P., xxx-xx-xxxx
Aguillard, Loren G., xxx-xx-xxxx
Ainsworth, Jon D., xxx-xx-xxxx
Aksomitas, Allyn, xxx-xx-xxxx
Albano, Anthony W., xxx-xx-xxxx
Albritton, Jerry L., xxx-xx-xxxx
Alexander, Bing C., xxx-xx-xxxx
Alexander, Jimmy H., xxx-xx-xxxx
Alfier, John, xxx-xx-xxxx
Allen, Craig R., xxx-xx-xxxx
Allen, Jimmy R., xxx-xx-xxxx
Allen, Randolph P., xxx-xx-xxxx
Alley, Anthony D., xxx-xx-xxxx
Ally, Lem J., Jr., xxx-xx-xxxx
Allison, Brian D., xxx-xx-xxxx
Allison, Robert D., xxx-xx-xxxx
Almer, Dennis A., xxx-xx-xxxx
Alonis, Jay J., xxx-xx-xxxx
Alston, Gregory A., xxx-xx-xxxx
Alston, Warner L., xxx-xx-xxxx
Altstock, Robert R., xxx-xx-xxxx
Amason, Robert F., Jr., xxx-xx-xxxx
Ames, Charles L., xxx-xx-xxxx
Andermann, Brian E., xxx-xx-xxxx
Anderson, Clyde T., xxx-xx-xxxx
Anderson, Herman S., xxx-xx-xxxx
Anderson, James L., Jr., xxx-xx-xxxx
Anderson, Wayne W., xxx-xx-xxxx
Andreas, Stephan C., xxx-xx-xxxx
Andrews, Charles L., xxx-xx-xxxx
Andrews, Edward Jr., xxx-xx-xxxx
Andrews, Wayne L., Jr., xxx-xx-xxxx
Andrus, Howard P., Jr., xxx-xx-xxxx
Anhalt, David A., xxx-xx-xxxx
Anthony, Roland C., Jr., xxx-xx-xxxx
Anzalone, Chris T., xxx-xx-xxxx
Apel, William A., xxx-xx-xxxx
Ardern, Thomas D., xxx-xx-xxxx
Armour, Robert L., Jr., xxx-xx-xxxx
Arnott, Winfield S., xxx-xx-xxxx
Artery, Jenny L., xxx-xx-xxxx
Ash, Patrick J., xxx-xx-xxxx
Ashford, William M., xxx-xx-xxxx
Atchison, Walter L., xxx-xx-xxxx
Athey, Michael W., xxx-xx-xxxx
Atkinson, Calvin S., Jr., xxx-xx-xxxx
Atkinson, Frank B., xxx-xx-xxxx
Atwater, Richard M., xxx-xx-xxxx
Au, Willis W., xxx-xx-xxxx
Auclair, Paul F., xxx-xx-xxxx
Austin, Jeffery S., xxx-xx-xxxx
Ayers, James F., xxx-xx-xxxx
Baer, Arthur E., Jr., xxx-xx-xxxx
Bailey, Gordon G., xxx-xx-xxxx
Bailey, Michael A., xxx-xx-xxxx
Baird, Douglas P., xxx-xx-xxxx
Baity, Richard B., II., xxx-xx-xxxx
Baker, Bradley S., xxx-xx-xxxx
Ballew, Dennis E., xxx-xx-xxxx
Balven, Carolyn M., xxx-xx-xxxx
Banker, Michael R., xxx-xx-xxxx
Bannister, Stratford C., IV., xxx-xx-xxxx
Barach, Steven E., xxx-xx-xxxx
Barattino, William J., xxx-xx-xxxx
Bardsdale, Harry H., Jr., xxx-xx-xxxx
Barnes, Boone A., xxx-xx-xxxx
Barnes, Kenneth F., xxx-xx-xxxx
Barnett, John S., Jr., xxx-xx-xxxx
Barnett, Larry W., xxx-xx-xxxx
Barrentine, Gary E., xxx-xx-xxxx
Barrett, Charles L., III., xxx-xx-xxxx
Barrowclough, John D., xxx-xx-xxxx
Barton, John A., xxx-xx-xxxx
Bass, Carla D., xxx-xx-xxxx
Bauman, Wendell D., xxx-xx-xxxx
Baumann, Charles M., xxx-xx-xxxx
Baxter, William D., xxx-xx-xxxx
Beach, Richard G., xxx-xx-xxxx
Bean, Ronald L., xxx-xx-xxxx
Beard, Dwight D., xxx-xx-xxxx
Beatty, David B., xxx-xx-xxxx
Beaty, Frank E., xxx-xx-xxxx
Beauregard, Rene J., xxx-xx-xxxx
Beaver, Larry D., xxx-xx-xxxx
Beavers, Willard, xxx-xx-xxxx
Bebel, Joseph C., xxx-xx-xxxx
Beckman, Paul A., xxx-xx-xxxx
Bedke, Curtis M., xxx-xx-xxxx
Beesley, Mark G., xxx-xx-xxxx
Befi, Vincent P., xxx-xx-xxxx
Beil, David L., xxx-xx-xxxx
Belanger, John H., xxx-xx-xxxx
Bell, Gus Jr., xxx-xx-xxxx

Bell, Oscar C. Jr., xxx-xx-xxxx
Bell, Richard A., xxx-xx-xxxx
Bell, Thurman A., xxx-xx-xxxx
Belt, Kenneth W., xxx-xx-xxxx
Benell, Roger D., xxx-xx-xxxx
Benner, Joseph C., xxx-xx-xxxx
Bennett, Dennis R., xxx-xx-xxxx
Benninger, Roger H., xxx-xx-xxxx
Benson, Errol xxx-xx-xxxx
Beran, Ernest K., xxx-xx-xxxx
Berg, George C., xxx-xx-xxxx
Bergan, Donald E., xxx-xx-xxxx
Berger, Wilfred E., xxx-xx-xxxx
Berlan, Gregory J., xxx-xx-xxxx
Berry, Scott W., xxx-xx-xxxx
Bertram, John M., xxx-xx-xxxx
Betebenner, Curtis L., xxx-xx-xxxx
Bialas, Howard S. Jr., xxx-xx-xxxx
Bible, Dale F., xxx-xx-xxxx
Biedermann, Michael H., xxx-xx-xxxx
Biggs, Rufus N., xxx-xx-xxxx
Bilger, William W. III, xxx-xx-xxxx
Billard, Guy M., xxx-xx-xxxx
Billingsley, Veron H. Jr., xxx-xx-xxxx
Bilotta, Frank G., xxx-xx-xxxx
Binder, Roger A., xxx-xx-xxxx
Birkhead, John A., xxx-xx-xxxx
Bishop, Kelley B., xxx-xx-xxxx
Bitler, Steven A., xxx-xx-xxxx
Bitton, Dennis F., xxx-xx-xxxx
Black, Donald C. Jr., xxx-xx-xxxx
Black, Gregory D., xxx-xx-xxxx
Black, Roy H., xxx-xx-xxxx
Blackburn, Stephen M., xxx-xx-xxxx
Blaise,Peter J., xxx-xx-xxxx
Bland, Tony L., xxx-xx-xxxx
Blanken, John D., xxx-xx-xxxx
Blankenbiller, Thomas R., xxx-xx-xxxx
Blatchley, Peter A., xxx-xx-xxxx
Bledsoe, Gary L., xxx-xx-xxxx
Blessinger, David, xxx-xx-xxxx
Blissit, James A., Jr., xxx-xx-xxxx
Blockwood, James V., xxx-xx-xxxx
Blume, Thomas J., xxx-xx-xxxx
Bodenhamer, Todd A., xxx-xx-xxxx
Bodenheimer, Michael W., xxx-xx-xxxx
Bodin, James P., xxx-xx-xxxx
Bohm, Gregory F., xxx-xx-xxxx
Bohn, Lynn B., xxx-xx-xxxx
Bolen, Samuel J., xxx-xx-xxxx
Boma, Thomas V., xxx-xx-xxxx
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Davis, David P., xxx-xx-xxxx
Dillon, John J., Jr., xxx-xx-xxxx
Donnelly, Joseph J., xxx-xx-xxxx
Durio, Joseph R., xxx-xx-xxxx
Eckburg, Eva M., xxx-xx-xxxx
Edwards, Lance H., xxx-xx-xxxx
Erhard, David R., xxx-xx-xxxx
Fifer, Robert C., xxx-xx-xxxx
Foulks, Robert W., xxx-xx-xxxx
Gackstetter, Gary D., xxx-xx-xxxx
Garrett, Deborah M., xxx-xx-xxxx
Gradwell, William A., xxx-xx-xxxx
Graf, Frank E., xxx-xx-xxxx
Greenwell, Mark D., xxx-xx-xxxx
Gregoire, Jeanine C., xxx-xx-xxxx
Guritz, Gary A., xxx-xx-xxxx
Hallmark, William R., xxx-xx-xxxx
Hamilton, Mark A., xxx-xx-xxxx
Hartzell, Albert A., xxx-xx-xxxx
Hayes, Chester O., Jr., xxx-xx-xxxx
Haynes, Michael E., xxx-xx-xxxx
Henning, Nelson L., xxx-xx-xxxx
Holt, Danny L., xxx-xx-xxxx
Hossain, Mohammad A., xxx-xx-xxxx
Hough, Stephen H., xxx-xx-xxxx
Howitt, Harry P., xxx-xx-xxxx
Ihry, Timothy C., xxx-xx-xxxx
Jackson, Deneice L., xxx-xx-xxxx
Jenkins, Linda D., xxx-xx-xxxx
Jessen, John B., xxx-xx-xxxx
Johnson, James W., xxx-xx-xxxx
Katilus, Bennie C., xxx-xx-xxxx
Kemp, Candace, xxx-xx-xxxx
Kent, John F., xxx-xx-xxxx
Kent, Theresa S., xxx-xx-xxxx
Kerch, Paul E., xxx-xx-xxxx
Konze, Gregory B., xxx-xx-xxxx
Kuhn, Steven R., xxx-xx-xxxx
Lackie, Steven L., xxx-xx-xxxx
Lemley, Thomas J., xxx-xx-xxxx
Lemoine, Donald W., II, xxx-xx-xxxx
Lewin, Michael J., xxx-xx-xxxx
Licht, Edward T., xxx-xx-xxxx
Liscombe, Edward R., xxx-xx-xxxx
Mathis, Robert E., xxx-xx-xxxx
Mattern, Russell H., xxx-xx-xxxx
McDougal, James N., xxx-xx-xxxx
McLin, Leon N., Jr., xxx-xx-xxxx
Meyer, Frederick M., xxx-xx-xxxx
Miles, John S., xxx-xx-xxxx
Mocabee, Richard D., xxx-xx-xxxx
Mollerstrom, Willard W., xxx-xx-xxxx
Morris, James L., xxx-xx-xxxx
Mutschler, Gary G., xxx-xx-xxxx
Myers, Esther F., xxx-xx-xxxx
Newsome, Richard D., xxx-xx-xxxx
Nielsen, Steven K., xxx-xx-xxxx
Page, James E., xxx-xx-xxxx
Palmer, Ronald J., xxx-xx-xxxx
Parnell, Michael J., xxx-xx-xxxx
Pulcifer, Donald E., xxx-xx-xxxx
Rath, Dale H., xxx-xx-xxxx
Ray, Dennis L., xxx-xx-xxxx
Riggs, Ernest L., III, xxx-xx-xxxx
Rooney, Michael J., xxx-xx-xxxx
Sallstrom, John F., xxx-xx-xxxx
Sarvaideo, Robert J., xxx-xx-xxxx
Savory, Barry L., xxx-xx-xxxx
Savoy, Ronald J., xxx-xx-xxxx
Schutte, Richard J., xxx-xx-xxxx
Scott, Randall E., xxx-xx-xxxx
Shelley, Michael L., xxx-xx-xxxx
Shelton, Lorraine, xxx-xx-xxxx
Shively, Storne L., xxx-xx-xxxx
Shonebarger, Paul J., xxx-xx-xxxx
Sindelar, Paul J., xxx-xx-xxxx
Slusher, Byron C., xxx-xx-xxxx

Snitchler, Lowell L., xxx-xx-xxxx
Stoddart, Terry L., xxx-xx-xxxx
Strongin, Timothy S., xxx-xx-xxxx
Sutay, Rebecca J., xxx-xx-xxxx
Tallant, Steven H., xxx-xx-xxxx
Tarpley, Alice A., xxx-xx-xxxx
Teters, Joyce C., xxx-xx-xxxx
Thomas, James E., xxx-xx-xxxx
Thomas, William E., xxx-xx-xxxx
Thorn, Dale L., xxx-xx-xxxx
Thornton, Philip F., xxx-xx-xxxx
Trahan, Donald E., xxx-xx-xxxx
Utech, Marlon R., xxx-xx-xxxx
Wallis, Steven B., xxx-xx-xxxx
Ward, Lero J., Jr., xxx-xx-xxxx
Ware, Kathy L., xxx-xx-xxxx
Werkley, Christopher J., xxx-xx-xxxx
Wetzel, Karen C., xxx-xx-xxxx
Wiggins, Gayle C., xxx-xx-xxxx
Williams, Richard L., xxx-xx-xxxx
Winchester, Curtis W., xxx-xx-xxxx
Wolf, Randolph S., xxx-xx-xxxx
Wolpert, David S., xxx-xx-xxxx
Yarwood, John A.N., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

ARMY

To be colonel

Robert H. Johns, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Fred Valenti, xxx-xx-xxxx

ARMY

To be lieutenant colonel

Carla K. Fisher, xxx-xx-xxxx
Joel M. Sauer, xxx-xx-xxxx

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

Philip F. Koren, xxx-xx-xxxx
Linus Johnson, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Sang C. Kim, xxx-xx-xxxx
William C. Kirby, xxx-xx-xxxx
Romeo P. Perez, xxx-xx-xxxx
John W. Uribe, xxx-xx-xxxx

CHAPLAIN CORPS

To be major

Joab H. Patton, xxx-xx-xxxx
Hillel Smulowitz, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Ronald M. Rosenberg, xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of colonel, under title 10, United States Code, section 624:

Admire, John H., xxx-...
Alonzo, Jose G., xxx-...
Armstrong, William D., xxx-...
Bailes, Russell F., Jr., xxx-...
Bassett, Delbert M., xxx-...
Berkheiser, Stephen R., xxx-...
Bettis, Lee H., xxx-...
Bicknas, John A., xxx-...
Black, Jerry C., xxx-...
Blair, Gary A., xxx-...
Blanchfield, Richard J., xxx-...
Blenkle, Andrew J., xxx-...
Brinkley, Randolph H., xxx-...
Brown, Ross A., xxx-...
Burns, Kenneth R., xxx-...
Campbell, Donna M., xxx-...
Canada, Ray G., xxx-...
Carlucci, Nicholas F., Jr., xxx-...
Carr, John D., xxx-...
Carr, William D., Jr., xxx-...
Carter, Thomas C., xxx-...
Church, John C., xxx-...
Cisneros, Philip C., xxx-...
Cole, Brascal B., Jr., xxx-...
Cummings, John D., xxx-...
Dale, William M., xxx-...
Dennis, John F., xxx-...
Dewey, Kenneth W., xxx-...
Dibello, William J., xxx-...
Doyle, James J., Jr., xxx-...
Early, Thomas M., xxx-...
Edwards, Larry M., xxx-...
Fitch, Augustus, III, xxx-...
Fite, William C., III, xxx-...
Fox, Wesley L., xxx-...
Gibbons, Wayne M., xxx-...
Goodrich, Jerome E., xxx-...
Goody, John B., xxx-...
Habermacher, David I., Jr., xxx-...
Harke, Dennis M., xxx-...
Harris, William H., xxx-...
Hayes, James M., xxx-...
Hellbusch, Ronald A., xxx-...
Hester, Milton J., xxx-...
Holder, Franklin D., xxx-...
Hooton, Richard J., Jr., xxx-...
Ingraham, Charles, H., Jr., xxx-...
Jenson, Gerald O., xxx-...
Johnson, Kenneth W., xxx-...
Jones, David A., xxx-...
Jones, Thomas L., xxx-...
Jowers, Harry K., Jr., xxx-...
Juarez, Luis A., xxx-...
Karch, Lawrence G., xxx-...
Kay, William M., xxx-...
Kelly, Cary, xxx-...
Kelly, Michael S., xxx-...
Lange, Robert K., xxx-...
Larkin, Robert L., xxx-...
Lawrence, William S., xxx-...
Leach, Sean K., xxx-...
Lillie, Jay C., xxx-...
Lilly, Jasper C., Jr., xxx-...
Lind, Achim W., xxx-...
Luckie, Freddie M., xxx-...
McBride, Robert M., xxx-...
McClenahan, James E., Jr., xxx-...
McComb, Stephen R., xxx-...
McKenney, James B., xxx-...
McKissock, Gary S., xxx-...
Moffett, John W., xxx-...
Mohr, John W., xxx-...
Moos, Walter H., xxx-...
Moss, Michael J., xxx-...
Myers, Lonnie M., xxx-...
Nunnally, Robert G., xxx-...
O'Connor, Mark D., xxx-...
Pankey, Paul A., xxx-...
Perkins, Peter L., Jr., xxx-...
Polyascko, Gerald J., xxx-...
Rapp, James M., xxx-...
Reed, Henry L., xxx-...
Rensch, Ronald W., xxx-...
Richards, Larry D., xxx-...
Riner, Clarence C., III, xxx-...
Rippy, Jack W., xxx-...
Rusthoven, Bernard R., xxx-...
Schriber, Edward C., xxx-...
Schumacher, Russell W., Jr., xxx-...
Schwanda, Bruce A., xxx-...
Sexton, Merlyn A., xxx-...
Smith, Alexander G., III, xxx-...
Staley, Roger F., xxx-...
Stankosky, Michael A., xxx-...
Stouffer, Thomas D., xxx-...
Sullivan, Robert J., xxx-...
Swarens, William G., xxx-...
Tomlin, Richard D., xxx-...
Turner, Frank L., xxx-...
Vacca, William P., xxx-...
Vogel, Richard L., xxx-...
Welch, Edwin, W., xxx-...
Wickersham, Frank G., III, xxx-...
Willis, David J., xxx-...
Wilson, Jeffrey A., xxx-...
Wilson, Lynn W., xxx-...
Wischmeyer, William D., xxx-...
Yeend, Robert E., xxx-...

IN THE NAVY

The following-named commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the line, in the competitive category as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

To be captain

Abel, Arthur P.
Abele, Robert Taylor
Alonge, Sam Joseph, Jr.
Anderson, Rodney Charles
Anderson, Ross Kay, Jr.
Anderson, Walter Eugene, Jr.
Andrews, John Bruce
Anson, Bert, III
Ashworth, David Bliss
Austraw, James D.
Avera, William Edward
Bankerd, John Peter
Barnette, Richard Thomas
Baskerville, James Jay
Beal, James Arthur
Beck, Robert Lee
Becknel, Gerald Paul
Benator, Barry Ivan
Benn, James Joseph, III.
Bernard, Gilbert Cress, Jr.
Berry, Robert Crist
Best, William Eugene
Blake, Robert Dana
Blansit, Griffin Clay, Jr.
Blanton, James Howard
Block, Martin Joel
Bomgaars, David Alan
Boothe, Paul Nicholson
Boyce, Allen Whitney
Boyd, Cecil Archibald K., II
Boyd, Larry Lee
Brady, Joseph Francis
Brennan, James Patrick, Jr.
Bried, Robert Allan
Brooks, Richard Edwin
Brown, David Alan
Brown, John Ollie
Brown, Roy Bernard
Bryan, John Harold
Burnett, Dana Dunning
Burr, David Shepherd
Canavan, Kenneth
Cannon, Thomas Markwood
Carvelli, Albert Bernard, Jr.
Chronic, Joseph Alan
Chubb, Stephen Darrow
Clark, Thomas Francis, Jr.
Closson, Spencer Wayman
Copeland, Larry Mack
Cottrell, Davie Stewart
Crull, Thomas William
Cunningham, Paul Joseph
Curland, James William
Curran, John Patrick
Custodi, George Louis
Darby, Philip Alan
Davis, Frank Lawson, Jr.
Davis, Robert Willard
Degiorgio, Jerry Robert
Delpizzo, Charles William, Jr.
Denninghoff, James Phillip
Depompei, Daniel Albert
Despres, Joseph Atchez
Devine, John Joseph, Jr.
Dixon, Donald Lee
Dodge, Stephen A.

Dostal, Donald Louis
Dovener, Joseph John
Doyle, Thomas E.
Drozdz, Theodore Vincent
Drummer, Jesse Fulton
Dubas, Lawrence Theodore
Dube, George
Dunlap, Steven James
Dunn, Paul Henry
Durham, John Lewis, III
Eastman, Kenneth O., Jr.
Eaves, Beuford Allyn
Edwards, James Thurmon, Jr.
Elzie, Johnny Lee
Engstrom, John Timothy
Fanning, Timothy Oneil, Jr.
Farkas, Daniel Paul
Fehrenbacher, Michael Robert
Felger, Thomas Robert
Fennell, Gerald Francis
Ferguson, James Thomas, III
Field, Lawrence Herzog
Fischer, Paul Marshall, Jr.
Fitch, David Atwood
Fitzgerald, Edward Warren
Flaherty, Walter Peter
Flora, Brian Gregory
Foley, Dennis J.
Folgate, Julius Martin
Forbes, Jon Ervin
Fox, James Charles, Jr.
Freitas, John Neil
Fulton, David Samuel
Gaffney, William Thomas
Gardea, David Luis, Jr.
Garmon, Gerald Sutherland
Gervais, Kenneth A.
Gibfried, Carolyn Jean
Gordon, James W.
Gray, Douglas Charles
Greenberg, Samuel Jay
Gregg, Frederick Marion, III
Griffin, Richard Nathan
Grutzius, Charles R.
Guerin, Charles Leo, III
Haberzetle, James Duane
Haller, Robert Kenneth
Halter, Leroy William, II
Hammond, Weldon Woolf, Jr.
Hampton, James Franklin
Harbrecht, Daniel Francis
Hardy, Randall Webster
Hartnett, Timothy Joseph
Haskell, Edwin Richard
Haughney, Charles Joseph
Hawes, Stephen Paul
Heidt, Edward Alan
Herrmann, Dan Richard
Heselton, Leslie Richmond
Higgins, Walter M., III
Hlopak, Edward Jay
Hodge, Walter Oscar
Holler, Eugene Joseph, Jr.
Holmes, John M.
Holmes, Sidney Lawrence, Jr.
Holst, Robert Weigel
Hopkins, John Dickinson
Hubbard, Allan Campbell
Huie, Charles Austin
Hulme, Woodrow Wilson, II
Humphrey, Keith David
Ingwersen, John Lorenz
Ives, Charles Luther, III
Jackson, John Dwight
Jacobsen, Orval Ernest, Jr.
Johnson, Curtiss Dean
Johnson, Pierce Jarvis
Johnston, Robert Milton
Jones, Earl Franklin, Jr.
Jorgensen, William Frits
Kammer, William Nolan
Kavulia, John Michael
Keitel, Gunther Paul
Keysor, Allan Lawrence
Kilgore, Sidney J., III
Kish, John David
Klaviter, Elroy Clarence
Kokoruda, David Joseph
Kopplin, John Fredrick
Kral, Jeffrey Craig
Krup, Leonard Gary
Lah, Raymon Glenn
Lamm, Williams Davis
Lanotot, Roy Charles, Jr.
Lang, William Aloysius, II
Larson, Dean Roy
Lecours, Thomas Edward
Leder, John Edward
Lee, Richard Donald
Leever, George Robert
Lewis, Jeffrey Lee
Libbey, Miles Augustus, III
Lomacchio, Thomas D., Jr.
Lundblad, Kurt D.
Maginn, James Joseph
Maki, Kenneth Harold
Mandich, Joseph
Margeson, Walter Leverne, Jr.
Marshall, Paul Eugene
Martin, Port Robert
Marx, Theodore Raymond
Matt, Harold Alfred, Jr.
Mattson, Donald R.
Maultsby, James Alton
Maurc, Robert David
McCamish, Mickey Leroy
McCleary, Raymond Eugene
McDermott, Richard Allan
McGee, Terry Randall
McGuiness, Brian Michael
McNeill, Michael Francis
Meador, Malvin E.
Mercer, William Edward
Merkel, Daniel George
Merrill, George Dunne, Jr.
Mildfelt, William James
Minton, Tom Lee
Mitchell, Russell John
Montgomery, George Cranwell
Montgomery, Michael Ron
Moore, George Malcolm
Moore, James W., III
Moore, Michael David
Morgenfeld, Thomas Albert
Morrison, Evelyn Maude
Moseir, David Willis, Jr.
Nahr, Ernest Vincent, Jr.
Neal, Joseph Francis
Nettles, James Stevens
Newell, James K., III
Newell, Thomas Lee
Newton, Otto Allen
Nichols, Peter David
Nurko, William Michael
Catley, Donald Francis
O'Brien, Kiap, III
O'Brien, Stephen Paul
O'Brien, William Melvin, Jr.
O'Connor, Jeremiah Patrick
Olsen, Jack Arden
O'Neil, Haines Andrews
O'Reilly, James Arthur, Jr.
Paddock, John Francis, Jr.
Palm, Steven Banker
Parker, Henry Seabury, III
Paschall, Robert Lawrence
Paulson, Duane Leon
Payne, John Thomas
Pearce, Robert William
Peck, Edward Robert, Jr.
Peoples, Philip Murray
Piazza, Robert William
Pickett, Robert David, Jr.
Powers, Michael Eugene
Prettyman, George Daniel
Prickett, Jerry Leroy
Putt, Kenneth Franklin
Randall, Jeffrey Wayne
Regan, Robert Thomas
Renella, Marco S.
Rodriguez, Antonio Jose
Rogers, James Lerocy, Jr.
Rchrkemper, Stephen F.
Rooney, Daniel James
Rousselo, Gary Joseph
Rumbaugh, Richard Lee
Russell, David George
Sand, Lawrence Stuart
Sanderberg, Nils Stephen
Sawyer, William A.
Scholl, John Peter
Sharp, Jane Elizabeth
Shelar, Eugene, Jr.
Shorr, Harold
Shultz, Richard Allard
Siebert, Douglas Allan
Sledd, Melvin Frederick
Smisek, Thomas Joseph
Smith, Franklin Pickard
Smith, James Leonard
Sonksen, John Ray
Soraghan, Thomas Casey
Spangler, Henry Julius, Jr.
Spurck, Danial Noral
Stanfield, Robert Alan
Stella, Joseph W., Jr.
Stoeltzing, Richard Huston
Stone, Gary Nat
Strebel, John Philip
Svalya, Phillip Gordon
Swanberg, John William
Taylor, Anthony Roger
Tersteeg, Douglas John
Therict, Glenn Joseph
Thompson, Joseph R.
Titus, Dale Noel
Toriello, Andrew Norman, Jr.
Tourigny, Clement Gerard
Trautwein, Tom Allen
Tudor, Frederick, Jr.
Vanderhoek, James Storey
Vandriel, James Lercy
Wallschlaeger, Michael John
Walsh, Michael Gifford
Ward, Edward Wesley
Ward, Wayne Lee
Warlick, Thomas Andrew
Waylett, William James, Jr.
Webster, Edward H., III
Wendt, Donald Edward
Whitmore, Robert Camper
Whittaker, Ronald G.
Williams, Herbert Bateman
Winfree, James Robert
Wolff, Leonard Stanley
Wood, Robert Clayton
Wood, Robert Murray, Jr.
Wright, Bruce Curtiss
Wright, Francis D., III
Yap, Melvyn Mei Loong

UNRESTRICTED LINE OFFICERS (TAR)

To be captain

Batwinis, James Edward
Beaty, Robert Allen, Jr.
Book, James Lincoln
Bockelmann, Peter E.
Frunelli, John Francis
Carbary, Forrest R.
Chilton, Robert Eugene
Difilippo, William James
Elliott, Paul Brittain
Fitzgerald, John William
Goff, Robert Arthur
Greathouse, Robert R.
Harris, Joseph W.
Holty, Robert M.
Hunt, Peter C.
James, James Edward
Jewell, Richard Francis

Kearley, Richard Carlisle
Kiral, Robert Holland
Koster, William Henry
Krouch, Carl Walter
Kuchinski, John G., Jr.
Lyons, Kenneth Glenn
Marsyla, Edward Gene
McGrath, Martin Edward, Jr.
Palmer, Timothy Gale
Ralston, Norman J.
Richardson, Roger Allen
Schultz, Arthur Victor, Jr.
Silk, Brian Alan
Sneath, William E.
Torok, Helmut Alexander
Vincent, Nelson L.
White, Michael C.
Wilson, Earl R., Jr.
Woodfield, Jeffrey R.
Woodrum, Thomas Ray

ENGINEERING DUTY OFFICERS

To be captain

Allman, Stephen Baines
Bitten, Ernest John
Cammill, Jerry Van Dyke,
Daniels, Gerald Everett
Elkhart, Alan Douglas
Hansborough, Lash Devcus
Johnson, Charles Edmund
Kidd, Delbert Ray
Krell, Ronald Matthew
Leonhardt, Richard John
Link, Robert William, Jr.
Metz, Hermann Arnold
Monson, Arthur Carl
Morrill, Philip John
Olshinski, John Albert
Owens, James Thomas, III
Patterson, William James
Peters, Geoffrey Wendell
Rhodes John Mark
Sager, Harlan Raymond
Sibold, Brian Branch
Walker, Niles A.
Walsh, Bartholomew John, Jr.

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

To be captain

Bain, Jerry Wayne
Keyes, Jesse Hamilton, III
Leboeuf, Herve Joseph, III
Richter, Thomas Anthony

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be captain

Banvard, James Henry
Myles, Wendell Kenneth

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

Eurneskis, James Steven
Erbetta, Robert A.
Everson, Robert John
Gibbons, Joseph Melvin
Greenan, Edward Joseph
Hall, Clarence Chilis, Jr.
Ping, Dale Lee
Lamb, George Edwin
Levine, Emil Hillel
Lewallen, Richard Austin
Lindell, John Eric
Long, Raymond A.
Millikin, Charles W., III
Rieber, Christopher
Stocrza, Edwin Lawrence, Jr.
Taylor, Royce Donald
Vinton, Carl Phelps, Jr.

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be captain

Bright, Richard G., Jr.
Brocco, William Joseph
McCaffrey, Thomas E.
O'Connor, Joseph Owen, Jr.
Paynter, Ivan Wainscott
Russell, Robert James
Sie, Anthony Ki
Vandergrinten, Helwig Frank

SPECIAL DUTY OFFICERS (INTELLIGENCE)

Alvarez, David Crosby
Anderson, William Andrew
Asrael, Aaron Robert
Baier, Robert Edward
Bledsoe, Charles Felix
Blemaster, Norman Lee
Boyd, Larry Ray
Clarke, Jon Bruce
Connors, William Joseph Jr.,
Conroy, John Patrick
Cowen, Joseph Hamilton
Dauwalder, Robert Hawthorne
Geist, John Michael
Gillenwaters, William E.
Guilfoyle, Joseph Charles
Haakon, Christopher Paul
Hurwitch, John Edward
Johnson, Marion Jack
Jones, Douglas Wayne
Kopper, William Alan
Lattimore, Bertram Gresh, Jr.,
Lerner, Julian
Lininger, Murt K.,
Maguire Jean Frances
Merriman, Edwin, Lawrence
Monroe, Michael Craig
Moore, Merlyn, Douglas
Ota, Roy Tsuneo
Payne, Tommy Everett
Price, Marion Shelly
Purcell, John Barry, Jr.
Redington, Michael Patrick
Runkle, William Auburn Jr.
Sand, Wayne Russell
Shoop, Thomas Victor
Smith, Daryl Kent
Spicer, Kenneth Jerome
Thorneloe, Keith C., II
Timm, Edward
Waldron, James Francis
Weissbach, Albert F., Jr.
Wilson, James Melvin, Jr.
Yates, William Atwood

SPECIAL DUTY OFFICER INTELLIGENCE (TAR)

To be captain

Abel, Joseph Anthony
McClain, Charles Michael

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

Jones, Jeanne Renee
Kishiyama, David Nobuyuki
Mancias, Joe, Jr.
McAllister, William H., III
Rosen, Robert Arnold
Thompson, James Edwin, Jr.
Valitchka, Joseph J.

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be captain

Collins, Curtis Allan

IN THE NAVY

The following-named Navy enlisted candidates to be appointed permanent ensign in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Elmer J. Aguigam
Gracito P. Alegado
Raymond P. Anderson
Fred J. Ashworth
David M. Balmforth
Lynne A. Barber
Edward Boddie
Scott C. Bonning
Victor P. Bosteels
Randal A. Carr
Susan M. Cason
Douglas L. Crispell
Terri J. Davis
Robert A. Edgar
Richard P. Franco
Jack A. Frost
Stephen A. Gregerson
Richard M. Guzman
Curtis G. Hankammer
Brent A. Haynie
Francis L. Held
Randall L. Jacobs
Johnnie F. Johnson
David W. Kern
John R. Knotts
John D. Larnerd, Jr.
Angela M. Muir
Glenn F. Nicholson
Alberto F. Panado, Jr.
Dorka M. Picard
Wayne F. Prescott
Joel D. Rastello
Richard Reed
Joseph M. Richter
Walter P. Ruggles
Wilfredo A. Sarthou
Carl E. Schauppner
Wade R. Wessels
William J. Whoolery
Douglas A. Zaren

EXTENSIONS OF REMARKS

PETER RODINO AND THE ISSUE OF IMMIGRATION

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. McCOLLUM. Mr. Speaker, recently I had the privilege of being on a panel with the distinguished chairman of the Judiciary Committee, the Honorable PETER W. RODINO at Seton Hall University. The panel covered the issue of immigration and while there are many disagreements between myself and the chairman on this issue, I feel that my colleagues will find his remarks illuminating:

REMARKS OF THE HONORABLE PETER W. RODINO, JR.

I am delighted to be here with you today, and I welcome this opportunity to participate in your Liberty Centennial Project.

I am particularly pleased that you have asked me to speak at this National Forum on Immigration and to discuss my immigration legislation that is currently being considered by the Congress.

I especially want to commend three of this University's distinguished alumni—Tom Giblin and Adrian (Bud) Foley for their excellent work in organizing this Forum—and Mary Jo McDonough for her tireless efforts in putting together this entire Centennial Project.

I have always felt a special attachment to Seton Hall. I am very proud that my son is an alumnus of your Law School and I will always treasure the Honorary Doctorate I received from this University in 1976.

Immigration has been a matter of deep personal interest to me ever since I first came to Congress in 1948. I truly enjoyed my years of service on the Immigration Subcommittee, and I especially value the two years in the early 70's when I served as Chairman of that Subcommittee.

It is safe to say that, other than civil rights matters no issue has occupied my attention more, during my many years in the Congress.

I find particularly appropriate the theme of your two-year project honoring the Statue of Liberty centennial—Education: The Second Passage to Liberty.

The contributions of immigrants of all nationalities to this great country are legion, and I do not intend to recite an endless litany of immigrant heroes.

Their accomplishments—whether in government, business, the arts, the sciences, or even in sports—were rendered possible by the importance they and their parents attached to education.

The millions of immigrants—the huddled masses—who poured into New York in the late 19th Century were not content with their lot in life in the Old World.

Some sought religious and political freedom. Some fled the pogroms in Russia and Eastern Europe. Others simply wanted a better life for themselves and their children.

All sought new challenges and opportunities and a future for their children, which would include liberty, economic advancement and social enrichment.

In pursuing these objectives, education always played a predominant role.

Education has provided—and continues to provide—the cornerstone in building a strong future not only for immigrants, but for all Americans.

To millions of immigrants, Freedom's Lamp held high by Miss Liberty in New York Harbor meant the end of a long voyage of suffering and hardship and the start of a new life offering freedom of thought and worship and opportunity.

Divine providence must have interceded, along with Emma Lazarus' moving poetry, to transform the Statue of Liberty—originally intended as an expression of "sympathy and affection" between France and the United States—into a beacon of hope and liberty to the new arrivals.

From 1892 to 1954, more than 17 million immigrants—including my own father—passed by the Statue and were later processed through the Great Hall at Ellis Island. Today, 40 percent of all Americans can trace their ancestry through Ellis Island.

The young immigrants who went through Ellis Island, were filled with hopes and dreams of being able to determine their own destinies in a land free of rigid social structures and economic barriers.

How many of us, first generation Americans, remember the constant prodding and almost fanatical determination of our parents in stressing the importance of education. Most of these parents who believed so strongly in educating their children has no more than two or three years of elementary school education themselves.

I am convinced that the United States has become the most educated country in the world because these early immigrants planted the education seed in the hearts and minds of their children and nurtured it so carefully.

For this reason, I am most gratified that the Ellis Island project may be oriented toward training and education, with possible plans for museums, as well as educational and conference facilities. By adopting these uses, the Statue of Liberty/Ellis Island Centennial Commission truly honors those immigrants who came through the "golden door" of Ellis Island dedicated to the work ethic and devoted to education.

[Pause]

Immigration has gone through many changes since Ellis Island. There have been many legal reforms and policy revisions.

Many of our earlier policies, I regret to say, were based on paranoia, xenophobia, and yes, even bigotry.

From 1882 through the middle of World War II, for examaple, federal statutes barred all natives of China from ever becoming U.S. citizens. In 1917, in an effort to exclude Hindus, legislation was enacted declaring inadmissible to the United States all natives of India and Thailand.

And then, of course, came the enactment in 1924 of the infamous National Origins Quota Law—the sole purpose of which, to quote one supporter, was to "keep American stock up to the highest standards."

These "high standards" were to be maintained by encouraging immigration from Northern European countries and by bringing to a virtual halt immigration from Italy, Greece, Russia, Poland, Bulgaria, Armenia, Turkey, Yugoslavia, and Czechoslovakia.

Incredibly, the National Origins Quota Law remained in effect until 1975. For my part, I will always remain proud of the role I played in striking that racist program from our statute books.

I have related these historical facts to demonstrate that American immigration policy has reflected, at different times, the best—and the worst—of human nature. It has been, at various times—open and generous—and—discriminatory and inhumane.

Indeed, no other topic of national debate has that propensity to elicit both our finest and our most vile sentiments toward our fellow man.

Unfortunately, that continues to be the case today.

The restrictionist sentiment now prevalent in the United States is engendered, to a large degree, by the magnitude of illegal migration. And make no mistake about it, illegal immigration into this country is out of control.

Border apprehensions this year will approach two million. Innumerable others will slip through undetected. The undocumented population in the United States is in the millions and growing at the rate of 500,000 per year.

Clearly, this cannot continue. No nation committed to the principles of human dignity, freedom and equality can countenance within its borders the existence of an underground population; a population unable to defend itself against vicious exploitation for fear of being discovered and deported; a population with no legal rights or privileges; in short, a population of second class citizens.

It is precisely for this reason that, for over a decade, I have supported legislation to legalize undocumented aliens already in the United States and to prevent, through employer sanctions, the reemergence of a new undocumented population once that legalization takes place.

Am I calling for a restrictionist policy? Not at all. In fact, I am calling for precisely the opposite. If anything, the number of legal immigrants to the United States should be increased.

I say that because domestic fertility rates have now reached an all-time low in our country. In fact, without immigration, the United States will begin losing population in about 35 years.

Concern in Canada about declining fertility rates and an increasing aged population has caused that country to recently increase its immigration ceiling.

Moreover, there is no empirical evidence that we have reached our immigrant absorption limit. The population density of the United States is only one-tenth that of Great Britain, for example, and only one-fifth that of Italy and France. In my mind,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that creates a presumption that we can accommodate more immigrants.

To understand the emotionalism, the acrimony and the myths that continuously surround the debate on immigration policy, I would like to quote the remarks of a Member of Congress on the House floor. He said:

"While a liberal immigration policy was suited to the needs of the country when it was new and unsettled, now that the United States has reached maturity and is fully populated, all immigration should be stopped."

Believe it not, that comment was made on the House Floor in the year 1797. I suspect nativist comments like this have been made each year since then and likely will continue to be made into the indefinite future.

Too often, advocates of a restrictive immigration policy are prone to blame all of the social and economic ills of this Nation on the newly-arrived immigrant or refuge.

It was exactly this type of attitude that enabled this country to retain the national origins system for almost a half century. And it is this same attitude that is now pressuring some political leaders to call for reduced immigration levels, a moratorium or immigration, or limiting family reunification—long the basic goal of our immigration policy. These pressures must be resisted.

Certainly, Congress should reexamine our system of legal immigration, to evaluate how well it has served us in recent years, but the immediate problem—and therefore the problem my bill addressed—is illegal immigration.

Virtually every industrialized nation of the Western World has enacted legislation penalizing employers who hire undocumented aliens. The notable exception to this rule is the United States.

For fifteen years I have been working for such legislation, and in 1972 and again in 1973 the House of Representatives overwhemingly passed my employer sanctions bills, only to see them die in the Senate. Presidents Ford, Carter and Reagan have all supported employer sanctions, as did a bipartisan "blue ribbon" Commission established by Congress in 1978.

Nonetheless, the concept has remained controversial. Some argue that sanctions will increase paperwork burdens on American employers. Some argue that sanctions will "lead to" a national identity card, with all its Orwellian implications. Some argue that sanctions will result in discrimination against those who "look or sound foreign." Some argue that sanctions will deprive farmers of needed foreign workers. And still others argue that employer sanctions simply will not work.

I have listened to these arguments for well over a decade and I remain convinced that—although they are made with complete sincerity—they are all without merit.

First, with regard to paperwork burdens, my bill merely requires an employer to ask a job applicant for some identifying documentation, such as a social security card or driver's license. When the employer is shown the document, he would check the appropriate box in a form supplied by the Government. He would then sign the form, as would the job applicant, and place it in his files. He is not required to determine the authenticity of the documents. If he has any question about them, he can call the Immigration Service to check them out.

Clearly, this is not the onerous and expensive burden that some members of the business community would have us believe is in this bill.

Does the bill call for a national identity card? No. In fact the bill specifically prohibits the issuance or use of a national identity card.

Will sanctions result in discrimination against minorities? I have always believed that they will not. Yet, I recognize that many individuals in good faith believe they will. Accordingly, it is essential that any sanctions legislation also create some mechanism by which individuals who feel they have been discriminated against can seek redress. My bill does just that by creating a Special Counsel in the Department of Justice to investigate and prosecute discrimination cases.

Will sanctions deprive farm owners of needed workers? I have no reason to believe they will. For years many growers have received a de facto subsidy in that they have had access to a large pool of cheap, foreign undocumented labor. This has kept farm worker wages artificially low and has also resulted in an unemployment rate among domestic migrant farm workers of almost 20 percent.

For this reason, I strongly believe a guestworker program for agriculture should not be adopted.

Will sanctions work? I'm positive they will. In a recent report, the General Accounting Office found that a majority of countries surveyed perceived sanctions as a useful tool in combatting illegal immigration.

We must close off the magnet of jobs which encourages aliens to illegally enter this country in search of employment. Certainly, it is our sovereign duty to control our borders and we must do so by enacting employer sanctions.

I do not pretend that unilateral solutions of this nature will totally solve the problem. I fully believe that bilateral approaches, including not only Mexico but other sending countries, must also be considered. I have continuously stated that we must be prepared to provide the necessary financial assistance to sending countries in order to alleviate the economic "push factors" there.

In addition to sanctions, we must have a generous and humane legalization program. Many Americans instinctively oppose this idea because, in their view, it "rewards law breakers and penalizes those who have waited patiently in line for visas."

While I understand these sentiments, they ignore the practical aspects of the problem. First, we cannot support a policy that allows millions of vulnerable people to reside in this country without the protection of our laws. Second, we cannot round up and deport millions of people, and even if it could be done, it would entail wholesale violations of the civil liberties of aliens and citizens alike. It would also require the expenditure of substantial enforcement resources—which are simply not available during these budget-cutting days.

I am fearful that unless the problem of illegal immigration is addressed by Congress now, in a courageous and straightforward fashion, the restrictionist sentiment in this country will continue to grow.

In the long run, this may have dire consequences for our legal immigration program and for our humanitarian refugee program.

We must remember that as President Kennedy once said "we are a nation of immigrants" and that these immigrants have played an important role in building this great country and in protecting our freedom.

As we celebrate the centennial of the Statue of Liberty, we must ensure that immigrants continue to pursue the American dream and that our country continues to be revitalized and renewed by the admission of immigrants and refugees.

We must continue to welcome people of all races, religions and backgrounds from all parts of the world.

And, we must ensure that the Statue of Liberty remains a monument to our freedom and a symbol of our deep-seated faith in, and commitment to, a just and generous immigration policy.

THE POPE AND ISRAEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. LANTOS. Mr. Speaker, the visit of Pope John Paul II to the main synagogue of Rome earlier this week was indeed a historic event. His call for brotherhood and his denunciation of anti-Semitism, were both welcomed and long overdue.

But the key step has yet to be taken. Justice, integrity, and decency call for full diplomatic recognition of the State of Israel by the Vatican. Pope John Paul II is a man of integrity and a man of courage. One hopes that he will not hesitate or delay in taking the only moral and right decision that can be taken in this matter.

I want to call the attention of my colleagues of an important contribution on this issue in a recent article written by Charles Krauthammer:

[From the Washington Post, Apr. 18, 1986]

THE POPE AND THE JEWS

(By Charles Krauthammer)

When Pope John Paul went to the main synagogue in Rome last week, it was the first time in 2,000 years that a Pope had set foot in a synagogue. The visit was a gracious—one might even say a tender—gesture of reconciliation and friendship. The pope spoke of common bonds and mutual respect. He called Jews "our dearly beloved brothers." And he gave a most strenuous denunciation of anti-Semitism.

But something was missing from his speech, something very large. There was not a word about the central reality of Jewish life today: not a single mention of Israel. It is as if an Anglican leader came to a great meeting of reconciliation at the Vatican, spoke at length, and failed to acknowledge the existence of the spiritual focus of the Catholic world, the pope.

John Paul's speech, and particularly its denunciation of anti-Semitism, was timeless. But that is one way of saying that it was anachronistic. Such a speech could have been given, say, in 1936.

In fact, such a speech would have done much good in 1936. But in 1986 it sadly misses the point. The pope's address was fighting what, for Jews, was the last war. Up to World War II, and for a millennium, the threat to Jewish existence did indeed come from religiously borne anti-Semitism in the heart of Christian Europe. After World War II, this is no longer true.

After Auschwitz, the Jewish civilization of Christian Europe is no more. The center of that civilization has moved—once again and for the last time—to its place of origin, Israel. Today, the great threat to Jewish existence is the threat to Israel.

The war against the Jews no longer takes the form of anti-Semitic pogroms in Europe. It takes the form of the vast campaign—led by the Arab world, supported by the Soviet bloc, orchestrated by the United Nations and (apart from the United States) tolerated by the West—to delegitimize and ultimately abolish Israel.

The pope did not mention Israel because it is a touchy subject for the Vatican. It does not recognize Israel, ostensibly because the Vatican wants Jerusalem internationalized and because Israel's borders are not internationally recognized.

But of the 90 countries the Vatican fully recognizes (including, for example, Taiwan), many have disputed borders. And the West, which also has problems with Jerusalem and with Israel's borders, takes the logical position of recognizing Israel within its 1967 frontiers, and declaring the disputed territories subject to negotiation. Alone among West European states, the Vatican rejects this approach and refuses to recognize Israel.

Why? For the Vatican, the existence of a reborn Jewish state is perhaps theologically and certainly politically problematic. In part it is a question of numbers; there are a hundred million Arabs and only 4 million Israelis. The Vatican, to which the practice of *Realpolitik* has never been very foreign, can count. There are 21 Arab states, some with sizable Christian minorities. The Jews have one state only.

That state did not merit a mention at the Rome synagogue. (There is a precedent here, Pope Paul VI visited Israel in 1964, and not once during his stay in the country did he ever pronounce the name Israel.) It was right and good of the pope to denounce anti-Semitism. But anti-Semitism is the "Jewish problem" of yesterday. Anti-Zionism—the threat to the safety and legitimacy of Israel—is the Jewish problem of today.

The pope addressed the wrong Jewish problem because he implicitly took the view in his synagogue speech that Jews are exclusively a religious community. Jews have never thought so. They have always considered themselves a people.

To address Jews purely as a religious community is to deny their peoplehood. The pope obviously does so without malice. But others do so with malice. The charter of the PLO calls for the eradication of Israel and presents (Article 20) as a justification the claim that Jews belong to a religion, not a people. And religions have no claim to territory. (An awkward proposition, by the way, when applied to Vatican City.)

In 1982 the pope received the guardian of that charter, Yasser Arafat, which is bad enough. But ignoring Israel rhetorically and refusing to recognize Israel diplomatically compounds the injury. It gives unfortunate, if inadvertent, reinforcement to the premise that Jewish peoplehood is a fiction and thus Jewish statehood an error or worse.

After nearly 2,000 years of Christian anti-Semitism—the "discrimination, unjustified limitation of religious freedom, oppression" which the pope deplored in his Rome speech—something more is needed than a call for mutual tolerance between Catholic and Jew. That something is recognition of Israel, now the hinge of Jewish life and hope. The least one can do for a "dearly beloved brother" is recognize what is most dear to him.

LEGISLATION PROHIBITING THE TRANSFER OF STINGERS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. AuCOIN. Mr. Speaker, Late last month, Congress learned that the Reagan administration had reversed longstanding policy by deciding to furnish highly sophisticated U.S. military equipment as part of covert operations overseas. According to recent news reports, the administration plans to include Stinger missiles in this new "arsenal for democracy."

I adamantly oppose this plan and along with my colleague, Congressman DICK DURBIN, have introduced legislation to prohibit the sale or transfer of Stinger missiles to foreign paramilitary forces.

At a time when the United States is fighting an undeclared war against terrorism, worldwide, we simply cannot afford to embark on a policy that carries a risk that Stinger missiles will fall into the hands of terrorists.

The Stinger is not some outdated weapon cluttering up Pentagon warehouses. It is state-of-the-art U.S. technology, and what's more, it's a valuable weapon our own soldiers could use more of.

The Stinger works so well that when the United States supplies this weapon to Saudi Arabia in 1984, we insisted on setting strict conditions for its use. Yet, with no conditions, news reports indicate that the White House has apparently approved shipment of Stingers to guerrilla groups in Angola and Afghanistan, even though they have concluded that Stingers are too sophisticated for use by the Contras in Nicaragua.

If Congress worried about sending Stingers to a sovereign government, we should be doubly worried about supplying this weapon to guerrilla groups with shifting alliances—and shifting fortunes.

Stingers are small, they're effective and they don't require maintenance. They're a top-flight military weapon—and a perfect tool for terrorists. A Stinger would be worth its weight in gold to a madman like Mu'ammar Qadhafi.

And that's the problem. The new administration policy includes no guarantee that Stingers won't be transferred or taken from a guerrilla group our Government is supporting and given to a terrorist group we abhor. In fact, we doubt that there's any way to guarantee against it, and that's why the administration's plan is so dangerous.

In the past 12 months, we have seen terrorists pick airports, airline offices, and commercial jetliners as targets. Hundreds of people have been killed in these attacks, scores more wounded. With Stingers as part of the equation, we might as well forget about ever being able to protect the freedom of air travel.

Stingers could be easily concealed in urban areas, and because of their long range, used there against commercial airliners. Forget efforts to upgrade airport security. Metal detectors and baggage checks will offer no protection against a terrorist attack with a Stinger.

As a member of the Appropriations Committee, I have heard time and again from administration witnesses about the need to keep U.S. military technology from falling into the wrong hands. I have heard time and again of the need to fund and initiate a more aggressive policy to combat terrorism.

Supplying Stingers to paramilitary groups that could be easily penetrated by agents of the Soviets or of Qadhafi, does not make sense. Sale or transfer of Stingers should only be approved to meet the most vital national security needs of the United States.

By supplying Stingers as part of covert operations, the administration is increasing the chances that the Soviets, or some terrorist group, will steal one of our most effective military weapons.

I am not quarreling, in this bill, with the merits of current United States policy in Angola and Afghanistan. That's a separate issue. My sole concern is that supplying Stingers as part and parcel of these operations poses a terrorist threat to commercial air safety.

To guard against this threat, my legislation prohibits the transfer of Stingers to guerrilla or paramilitary groups. It does not impinge on the authority of the administration to conduct intelligence or military operations overseas. It does not affect current law regarding U.S. arms sales or transfers to sovereign governments. The sole purpose of the bill is to restrict the transfer of Stingers to guerrilla or paramilitary operations where we have no control over who might ultimately gain control of them, and to thwart even more ruthless attacks on passenger airlines than anything we've seen to date.

COOLING ON CHILE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. BARNES. Mr. Speaker, the recent change in attitude of the Reagan Administration toward the dictatorship of General Augusto Pinochet in Chile is a welcome and refreshing one. The administration's policy, until recently, has been one of quiet diplomacy, trying to persuade General Pinochet to relinquish power after 13 years with an occasional gentle nudge. As we are all painfully aware, General Pinochet has not only ignored our nudges, but more importantly, he has ignored the cries of his own people for an early return to democratic rule.

Lately, however, the administration has taken some bold steps to illustrate U.S. frustration with the Government of Chile. It introduced a resolution in the United Nations condemning the violation of human rights in Chile, and it listed Chile as one of the few remaining dictatorships in a largely democratic hemisphere. These are clearly signals that General Pinochet can no longer ignore.

I would like to congratulate the administration for its recent moves in Chile, and to encourage it to take this policy even further. The most powerful leverage that we have over General Pinochet is the millions of dollars in loans to his government pending this year in the multilateral development banks. Let's make it clear—with deeds as well as with

words—that the United States stands with the democrats in Chile, not with the dictatorship.

The Washington Post editorial of April 2, the full text of which follows, makes the most cogent argument for an active U.S. policy in support of a return to democracy in Chile: "It is the smart way to fight communism, too."

[From the Washington Post, Apr. 2, 1986]

COOLING ON CHILE

The Secretary of State now puts Chile on the list of "odd men out," the surviving dictatorships—Paraguay, Cuba and Nicaragua are the others on his list—in a hemisphere otherwise moving briskly toward democracy. It is the latest in a nearly three-year series of nudges meant to convey official American displeasure with President Augusto Pinochet's style of military rule.

Unfortunately, the nudges are necessary. In 1973 Gen. Pinochet ousted an elected president who had brought Chile to civil war by attempting to push a radical program far beyond the bounds that his narrow mandate (36 percent) could sustain. Gen. Pinochet fashioned a system that now bids to keep him in power for almost a full quarter-century. Under his painfully undemocratic constitution of 1980, the 69-year-old ramrod can have himself elected, in a plebiscite without party competition, for a term that would last, if he did, until 1997.

This prospect stirs two different groups of Chileans. Leftists see a continuing dictatorship as an opportunity to get back into revolutionary struggle. Centrists see it as a deadly obstacle to Chile's return to democracy. President Pinochet, in the name of resisting the violent communist left, restrains and oppresses the center. The left profits.

For a while after taking office, President Reagan experimented with soft gestures and quiet persuasion. The results were disappointing, and he has turned to public criticism of the regime's continuing abuses and open encouragement of an accelerated return to democracy. In practical terms, that means legalizing the nonviolent parties and holding real elections under a formula other than the one by which President Pinochet flouts Chile's established democratic traditions now.

The administration had this policy in train well before the changes in Haiti and the Philippines made people aware of the possibilities and benefits of a conservative administration's efforts to democratize right-wing regimes. Recently the administration added a rhetorical flourish to this policy with a brief but eye-catching pledge to "oppose tyranny in whatever form, whether of the left or the right," in a pronouncement on regional security.

Chile is the right country for careful American concern. The United States had at least an indirect hand in the tragedy that befell it in the 1970s; it still enjoys an influence in the 1980s. American favor and acceptance can be put to good use as inducements for Chile's return to the democratic path. It is the smart way to fight communism too.

LAKESHORE RESIDENTS NEED RELIEF NOW FROM HIGH LAKE LEVELS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. KEMP. Mr. Speaker, I am sure that we are all aware of the devastation and hardships which have been imposed on residents living near the Great Lakes as a result of the high lake levels. Because every forecast points to continued high levels at least through the summer, with no real relief in sight, our constituents will continue to wonder and worry about when the next storm or strong winds will hit, eating away at their property or destroying their homes and belongings.

My own constituents, living on the shores of Lake Erie, have been trying to cope with rising lake levels for the last several years. Many have seen their yards, piers, and stately old trees slowly, but inexorably, disappear. Then, a storm last December devastated the area. While Lake Erie dropped by eight feet at Toledo, OH, my constituents bore the brunt of an 8-foot rise in the lake at Buffalo.

The December storm caused massive amounts of damage. Homes were destroyed or severely damaged, personal belongings were lost, breakwalls were demolished, and the lake continued to lap ominously close to the peoples' homes. And, perhaps worst of all, is the knowledge that this kind of storm, with the accompanying devastation, could easily strike again. Unless you have lived through such an experience, I am sure most people can only guess at the heartbreak and trauma of such a disaster.

It has been frustrating to all of us to realize that there are few Federal or State programs established to deal with shoreline erosion and the potential flooding caused by high lake levels, combined with these storms. It also has been frustrating to realize that there is no quick, easy solution to the problem of high lake levels. There is no plug at the bottom of the lakes that we can pull so that the lake levels will subside overnight.

But, I am proud of the spirit that the millions of homeowners who live along the lakes have shown in fighting back at the lake level problem. I am also encouraged by the degree of cooperation shown among my colleagues, the U.S. Government, the Canadian Government, and the International Joint Commission in tackling this problem.

Obviously, it is not always easy to move ideas and solutions through so many different governments and agencies. But, I am confident that we have been successful in focusing everyone's attention on coming up with a long-term, permanent solution to the problem of high lake levels.

I have joined with my colleagues in pushing our Government and the Canadian Government to work for a solution to this problem. I intend to continue to work closely with the International Joint Commission in expeditiously finding a plan that will enable us to better control the levels of the Great Lakes. We cannot wait three years for another study that offers no plan of attack in dealing with this problem. Lake levels are an emergency, and the problem demands the energy, persistence, and drive that Americans have always shown in these situations.

We also must focus on developing a response to the immediate problems caused by high lake levels. I intend to continue to work with the local communities, the New York State government, and Federal agencies in helping to repair the damage caused by the December storm and in lessening the potential damage that could be caused by future storms. I have been impressed with the initiative shown by other Great Lakes States in responding to their residents' needs, and I will continue to press for similar action by our officials in the State of New York.

I am confident that by working together we can develop better control over the levels of the Great Lakes. This is a problem that affects millions of Americans who live near the lakes and the millions more who benefit from this country's greatest natural resource. These people deserve immediate action in working to solve the problem of high lake levels.

HONORING A CHAMPION ELLWOOD CITY TEAM

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. KOLTER. Mr. Speaker, today I rise to honor the champion Lincoln High School basketball team for both the achievements it and its individual players made this past season.

The team, coached by Al Campman with assistance from varsity coaches Anthony Pietrcollo and Jeffery Meehan, had a record of 25 wins and five losses. This was the best record of any basketball team in the history of the school. The team, in addition, advanced the farthest it ever has in the State western regionals.

Led by players who broke scoring records and personal scoring records, and backed by unselfish players who contributed to the scoring leaders, the team—the entire team—made the community quite proud, both on the court and in the classroom. As a former teacher, I can greatly appreciate the program at Ellwood City's Lincoln High.

For all these reasons—for the outstanding individual accomplishments of some members of this team—and for the outstanding teamwork of others, for the grace and the glory, I stand before the full House of Representatives today to commend Lincoln High School's basketball team and program for its outstanding accomplishments on its road to victory. The team players are: Dan Aloi, Frank Aloi, John Calabria, Nick Carusone, Brian Esoldo, Mile Esoldo, Paul Fec, Larry Keller, Jim Kosior, John Roth, Doug Tammaro, and Scot Timmerman.

VETERANS WHEELCHAIR GAMES

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. MOODY. Mr. Speaker, on June 24 through 28 approximately 325 athletes, including 20 from the State of Wisconsin, will compete in the Sixth Annual National Veterans Wheelchair Games at the University of Texas at Arlington.

This event is open to all veterans with spinal cord injuries, certain neurological injuries, some orthopedic amputations and other disabilities which necessitate the use of a wheelchair for athletic competition.

During the games, the athletes will compete in track and field events, slalom, archery, bowling, billiards, table tennis, swimming, weightlifting, basketball, and other specialized events.

I would like to commend the Veterans' Administration and the Paralyzed Veterans of America for their hard work in organizing and sponsoring this opportunity for handicapped athletes to compete.

I would also like to encourage my fellow Members to join with me and follow the accomplishments of their local teams. I know that the team from Wisconsin, led by captains Donald Schmidt and Phil Rosenberg, will provide stiff competition to other entrants. I would like to draw particular attention to one Wisconsin entrant, Phil Lindsey, who in the past has qualified for the Boston Marathon.

Mr. Speaker, I ask my colleagues in the House to join with me in congratulating the Paralyzed Veterans of America and the Veterans' Administration for putting on these 1986 games and express our best wishes and good luck to those athletes who will participate.

MEMORY AND IMAGE—AN EXHIBIT IN HONOR OF THE DAY OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. LANTOS. Mr. Speaker, May 6 is the "Day of Remembrance"—the time when we in the Congress of the United States and when people throughout our Nation and the world pause to remind ourselves of the potential for destruction and degradation of which humans are capable. On that day we will recall the Holocaust and recommit ourselves to be ever vigilant to insure that this darkest, most horrible tragedy is never repeated.

Many individuals have attempted to convey the unspeakable tragedy of the Holocaust in prose, in poetry, in music, in painting, and in sculpture. Mr. Speaker, we in Congress will be privileged to have available for us a unique collection of contemporary interpretive photography on the Holocaust in the Cannon Rotunda from May 6–16.

I would like to call the attention of my colleagues to this outstanding exhibit, which is being sponsored by the Human Rights Caucus. The exhibit in the Cannon Rotunda will formally be opened on May 6, at 11 a.m. Elie Wiesel, the conscience of the Holocaust, will participate in that opening ceremony.

These striking and memorable images, created by Philadelphia photographer Alvin Gilens, convey a remarkable sense of beauty—as well as the stark drama of the tragedy that has left us all as survivors. This work came to my attention when it was displayed in Jerusalem at Yad Vashem, Israel's museum of the Holocaust. It has become part of their archives, making Mr. Gilens the only American photographer to be so recognized by the museum. Mr. Gilens has reproduced the exhibit for display in our Halls.

This collection of black and white photographs was taken of Holocaust sites and monuments throughout Europe, as they appear today. Mr. Gilens mastery of light and shadow, symbolism, and subject matter makes this exhibit something more than documentation. After all, so many pictures have already been taken of the events and the people, the oppressed and the oppressors, you might ask, what more could be done? Well, I urge my colleagues to see this work to understand how even such sights and objects can be interpreted so as to convey new insights, new understandings, new ways of seeing and meaning.

The exhibit is entitled "Memory and Image." We must approach these photographs with our own memories, study the images, and reenforce our resolve. It is our responsibility to safeguard our Nation and our world to be certain that there is never a repetition of this horror.

BERN EXPERTS MEETING ON HUMAN CONTACTS OPENS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. PORTER. Mr. Speaker, earlier this week the Experts Meeting on Human Contacts convened in Bern, Switzerland, and for the next 6 weeks delegations from the 35 nations, who signed the Helsinki Final Act, will be discussing how closely nations have upheld their international commitments relating to human contacts.

This meeting is one of several meetings that was mandated by the 1980–83 Madrid Conference on Security and Cooperation in Europe [CSCE], which reviewed implementation of the 1975 Helsinki Final Act and it is the last of the Madrid-mandated subsidiary meetings before the next CSCE review conference convenes next November in Vienna.

The Soviet Union and its allies clearly opposed a meeting on human contacts, when it was first discussed in Madrid, and only agreed to a human contacts meeting if it was to be held at the end of the scheduled meeting. The West, however, stressed the importance of maintaining balance between the humanitarian and security aspects of the CSCE process.

The agenda at Bern will focus on the specific human contacts commitments that are outlined in the Madrid Concluding Document and the Helsinki Final Act, including the resolution of individual cases of East-West family reunification and binational marriages, and the allowance for individuals to travel freely between nations.

We, in the Congress are all too familiar with the plight of Jews living in the Soviet Union and the struggle that they are faced with when they express the desire to emigrate, a right they are guaranteed by various international human rights agreements.

I would like to submit to the RECORD four cases that illustrate that the Soviets are not adhering to their international commitments and should be raised by the United States delegation at Bern.

Vladimir and Lifshitz: First applied to emigrate to Israel in 1981. In November 1983, Vladimir was denied work because of his application to emigrate. In January 1986, Vladimir was arrested at work, his home was searched and many items were confiscated, including correspondences from the West. He was charged with "anti-Soviet slander: for letters he wrote to Soviet authorities and to the Israeli Government. Vladimir's trial was held last month. Anna's request to appear as her husband's attorney was refused, but she was told by the judge that she would have to testify against her husband, although this request was later removed. Vladimir was sentenced to 3 years in prison, the maximum sentence for the charges against him.

Tamara Tretyekova and son, Mark Levin: Tamara is married to Mr. Simon Levin of Deerfield, IL. Tamara first applied to emigrate in February 1979 and has since been refused 14 times. Their son, Mark, who is now 7 years old, has never seen his father.

Roald Zelichonek: Roald was sentenced to 3 years in prison in August 1985, under article 190/1 (anti-Soviet slander) for letters that were confiscated from his apartment. He is now hospitalized at the camp at Komi, A.S.S.R. In January, his request for medication and a salt-free diet were denied, there have also been reports that he has been suffering from internal bleeding. Roald and his wife, Galina first applied to emigrate to Israel in 1978.

Zachar and Tatiana Zunshine: The Zunshines first applied to emigrate from the U.S.S.R. in 1981. Zachar was imprisoned on March 6, 1984, although his only crime is that he and his wife want to live in Israel. Zachar's health has been deteriorating since he has been in prison and he has been receiving insufficient medical care. Tatiana is regularly harassed and threatened by the KGB, and earlier this year she was isolated for a period of time from her Western contacts, her travel within the Soviet Union has been restricted and she has also had difficulty obtaining permission to visit her husband in the Bazoi camp.

Mr. Speaker, the Human Contacts Meeting in Bern is a forum, where we can address the flagrant violations of human rights agreements. Hopefully, we will see improved attitudes in Bern when the U.S. delegation addresses individual cases that have violated the human contacts guidelines set forth by international agreements and hopefully, these new attitudes will lead to the resolution of

many of the cases of individuals who desire to emigrate.

THE COLLEEN GIBLIN FOUNDATION

HON. ROBERT G. TORRICELLI
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Friday, April 18, 1986

Mr. TORRICELLI. Mr. Speaker, our Nation has long been proud of the capabiltiy of our citizens to overcome personal adversity and triumph with an idea which ultimately benefits humanity. Many of our greatest accomplishments have begun by taking a tragic situation and channeling creative energy into achieving a positive result.

A vivid example of this type of spirit has become evident in my district with the creation of the Colleen Giblin Foundation, an organization dedicated to funding research into neurological illnesses suffered by children. The Giblin family has bravely sought to overcome a personal loss by dedicating there energies to raising money in the hope that other families will be spared the grief which they have suffered.

On Sunday, April 13, a very special fundraising event is being held, with all proceeds going to the Colleen Giblin Foundation. Intending to prove that laughter is indeed the best medicine, a "Toast and Roast" of New York Giant football star George Martin will be the highlight of the evening. Mr. Martin, the popular defensive end, will be toasted and roasted by his teammates, many of whom will take time out of their busy schedules to lend a hand to a most worthwhile cause.

I am honored to pay tribute to the Giblin family, George Martin, the New York Giants, and all of the people dedicated to this important organization. Their selfless devotion to making a difference is truly inspiring. I am proud to bring their efforts to the attention of my colleagues and I wish them overwhelming success in all of their endeavors.

SENATE—*Monday, April 21, 1986*

The Senate met at 12 noon and was called to order by the Honorable LARRY PRESSLER, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I will praise thee, O Lord, with my whole heart; I will shew forth all thy marvellous works. I will be glad and rejoice in thee: I will sing praise to thy name, O thou most High.—Psalm 9:1–2.

God of grace and glory, we praise You—we adore You. We add nothing to You when we worship You for You are infinitely and eternally self-sufficient. But we add to ourselves: we deepen our dignity—we enlarge our horizons—we expand our vision—we nourish our souls—we purify our imagination—we heighten our perspective—we increase our hope—we celebrate our humanness—we edify our whole being. Worthy are You to receive all glory and honor and praise. Hallelujah. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 21, 1986.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LARRY PRESSLER, a Senator from the State of South Dakota, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. PRESSLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, to be followed by special orders not to exceed 5 minutes each for Senator HAWKINS—her statement will be read by Senator COCHRAN today—Senator PROXMIRE, and Senator CRANSTON, and then routine morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for not more than 5 minutes each.

Following morning business, the Senate could be asked to turn to any of the following items:

The executive nomination of Donald Newman. It is my understanding there are still some responses that have not been received from a couple of Senators who have concerns with that nomination. It would be my hope that we could pass the sense-of-the-Senate concurrent resolution on farm credit. I think it would be helpful and it would underscore some of the actions already taken by the regulatory agencies. I cannot believe there would be any opposition to that. Also, any other Legislative or Executive Calendar items cleared for action.

I have indicated earlier, there would be no votes today, but it does not mean we cannot proceed with these matters. There is some likelihood we could begin work on the budget resolution today. If that were the case, that would take several hours.

If we do proceed on the budget, by law there are 50 hours for debate. It would be my hope that, if we do start on it this week, after we are into it for a few days, we could have an agreement to reduce the time. I hope we would not need 50 hours. But, if not, it would be my hope that we could go fairly late in the evenings, except for Wednesday evening, and we would count on a full day on Friday. But I will have additional information on that before the day is out.

THE ROAR OF EUROPEAN HYPOCRISY

Mr. DOLE. Mr. President, I want to call to the attention of the Senate an excellent column by Richard Cohen which appeared in yesterday's Washington Post. I would ask unanimous consent that it be printed in the RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, the column, entitled, "The Roar of European Hypocrisy," expresses the deep disappointment and exasperation being felt by many Americans at anti-American demonstrations and marches in several European countries in the aftermath of the Libyan bombing. While acknowledging that Europeans do have a legitimately different perspective on the Libyan question, Cohen also notes:

. . . (The demonstrators) cannot treat the bombing as if it were an unprovoked, irrational act—as if it had not been preceded by many bombings, years of carnage, and a constant plea from the United States to the European nations to punish Libya economically. . . . European anti-Americanism is plain to the ear. The sound of silence has been replaced by the roar of hypocrisy.

Mr. President, our alliance with the nations of Western Europe is of fundamental importance to us and to our security. But an alliance is a two-way street. And it should be an alliance against all forms of aggression which threaten us—including international terrorism.

Prime Minister Thatcher's government understands that. Hopefully, the other governments of Western Europe, and those Europeans who have participated in these anti-American demonstrations, will soon open their eyes and realize it, too.

And let them realize this, as well. We hope the risk and sacrifice we have unilaterally undertaken this time will spur them to join us in an effective common front against terrorism. But if it does not, if they continue to close their eyes to the real threat from Qadhafi and others of his ilk, then we are prepared to act again. With as many as will join us. Alone if necessary. That is our right. And that is a responsibility—to our own people and to civilized people everywhere—that we intend to fulfill.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the Washington Post, Apr. 20, 1986]

THE ROAR OF EUROPEAN HYPOCRISY

(By Richard Cohen)

On July 10, 1985, the Greenpeace ship Rainbow Warrior threatened to sail into the South Pacific to thwart a French nuclear test. While the ship was in New Zealand waters, France responded. Government agents blew up the ship, killing one person on board.

For this act of murder, the appropriate French officials have been reprimanded and those without high rank or political protection prosecuted. For a more cynical use of state power you would have to look pretty hard. But the Champs Elysées did not swell with roaring chants of indignation, and nowhere else in Europe did people take to the streets. No, Europe saves that for the United States.

Now Europe is in a snit about the U.S. bombing of Libya. President Reagan is once again being caricatured as a shoot-from-the-hip cowboy who, in true Western fashion, reached for his six-shooter when the time came to parley. You would think that

Reagan had chosen his target by throwing a dart at a map: Bingo! Hit Libya.

The Europeans have their concerns. One of them is economic. Italy, the former colonial power in Libya, does a fair amount of business with it. All the major European countries have citizens who work in Libya, and some of them have substantial construction projects under way. Reagan made sure to warn Americans to get out of Libya; the European countries have issued no such warning to their own citizens.

But the major European concern is terrorism itself. Many Europeans are afraid that retaliating against Mu'ammar Qadhafi is like poking a snake with a stick. This is hardly an irrational fear. In the last year alone, there have been two terrorist incidents in Spain, six in France, three in Greece, four in Germany, three in Italy and one in Austria. Whatever the eventual result of the U.S. bombing might be, in the short term there will be an upsurge of terrorism. Many Americans, quick to condemn European timidity, have themselves canceled plans to travel abroad this summer. For Europeans, things are not so simple. They are already abroad.

Still, those Europeans who are so quick to demonstrate against the United States ought to ask themselves why they did not do the same when the Rome and Vienna airports were littered with the bodies of 16 persons killed by terrorists. Where were they when three members of one American family were blown out of a plane over Greece? Why no widespread European indignation when 18 Spaniards were killed in the Madrid bombing of a restaurant frequented by U.S. servicemen?

Where was the march for the bombing last month that killed two persons in Paris, the one Feb. 5 in a Parisian shopping mall, the bomb that exploded in a crowded Latin Quarter bookstore the day before or the one that exploded Feb. 3 on the Champs Elysées, wounding eight persons? Who marched for the Achillo Lauro and Leon Klinghoffer, for the TWA hijacking and Navy diver Robert Stethem or for the 57 who died when commandos botched an attempt to free the passengers on an Egyptair plane forced to land on Malta? No one, that's who.

It's true that not all these terrorist incidents can be traced to Libya—not even most of them—and it's true also that in both France and Italy there were public protests against terrorism directed against Jewish targets. But by and large those Europeans who are inclined to exhibit their political opinions by marching did not hit the road until U.S. bombs hit Tripoli. Then, as if the event took place in a vacuum, a roar came up from the pavement.

You can argue over the wisdom of the bombing. You can argue over the manner of its execution. You can fear for American standing in the Middle East, for whether the lessons of Libya will be misapplied to Nicaragua. But you cannot treat the bombing as if it were an unprovoked, irrational act—as if it had not been preceded by many bombings, years of carnage and a constant plea from the United States to the European nations to punish Libya economically. The response was a cynical shrug of the shoulders by those same European nations.

There are a thousand concerns to be voiced. But you cannot voice an outrage that does not take into account all that went before—terrorist acts all over the world and, finally, the one that took the life of an American soldier April 5 in West Berlin. European anti-Americanism is plain to the ear. The sound of silence has been replaced by the roar of hypocrisy.

UNITED STATES-EUROPEAN ECONOMIC COMMUNITY AGRICULTURAL TRADE DISPUTE

Mr. DOLE. Mr. President, speaking of some of the European countries, I would only indicate that we have another matter involving the European community, and that is the agricultural trade dispute.

Mr. President, I have not yet had a report on the United States-European Economic Community talks on agricultural trade over the weekend from either Secretary Lyng or Ambassador Yeutter. From the press accounts, however, it looks like little progress was made in defusing tensions over the EEC's announced restrictions on imports of United States soybean products and grain sorghum by Spain and Portugal. Under the circumstances, the administration has stated its intention to impose restrictions on a similar value of EEC farm exports, beginning on or about May 1.

Last week, the Senate passed a resolution fully supporting the administration's position on United States-European Economic Community agricultural trade, and endorsing retaliatory action if the EEC refuses to negotiate compensation prior to imposing these controls. I hope our friends in Western Europe appreciate the great sensitivity of this issue for U.S. farmers and others dependent on farm exports—a concern which has only been heightened by our longstanding dispute over the EEC's uncontrolled use of export subsidies in agricultural trade.

Descending into a trade war at this time of extreme protectionist pressure would undermine our otherwise cordial relations with the EEC. It would also throw another obstacle in front of our efforts to initiate a new round of multilateral trade negotiations under the General Agreement on Tariffs and Trade.

Mr. President, having said that, it is my hope that we will for once demonstrate to our friends in the EEC that we also are plagued by farm problems. We also have great distress in the Farm Belt of this country, and I hope Ambassador Yeutter and Secretary Lyng will stand firm in an effort to protect the American farmer.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

TERRORISM IS NOT AN AMERICAN PROBLEM ALONE

Mr. BYRD. Mr. President, I believe that most Americans have reached a point of outrage over the terrorist acts sponsored or supported by Mr. Qadhafi, the Libyan leader.

We all recognize and acknowledge the debt that we owe to members of our Armed Forces who carried out the President's command, and to the families of the two airmen who sacrificed their lives on that mission.

In talking to West Virginians, I see a strong crosscurrent of concern about the aftermath of our response. We have seen a predictable rise in terrorist incidents against Americans, and against our British allies.

As the President and his advisers have noted, one action will not end the war on terrorism. In the aftermath of our action with Libya, we have to be certain that we have a policy that will serve us for over time. I was concerned at the time of the briefing of the leadership in the old Executive Office Building that the administration consider carefully its plans for the future in regard to acts of terrorism.

I have written to the President to urge that terrorism be given a high priority at the economic summit in May. This is a rare occasion for the leaders of the great industrial democracies to meet, and to take action in areas of shared interest. We should not pass up this opportunity to try to rebuild a consensus on terrorism. The fact that France and Spain barred American aircraft from their air space is, of course, a disappointment. And it is confusing, given that France itself has taken direct military action against Libya.

Last week, German Prime Minister Kohl reversed himself and announced that he agreed with American evidence linking Libya to the bombing in Berlin that killed two persons, one an American serviceman. It is obvious that terrorism is not an American problem alone.

Our European allies were right to be concerned about Libyan and Libyan-provoked retaliation for our raid. They are closer to the threat, and much more likely to be its victims. But I cannot understand how our allies can reject both our military and our nonmilitary forms of actions against the Libyan Government. I am sure that many Americans have been disappointed that our European allies have refused to participate in any meaningful economic sanctions thus far against Libya, and then they decried the military action that the United States was forced to resort to. I say "forced to resort to" because I think the time had come when the President had to take some kind of action. Not to have done so, I think, would have undermined the President's credibility.

I must say, however, that I think there was entirely too much talk, and there is still too much talk by our own leaders about the use of military force. I think it becomes a kind of self-fulfilling prophecy. It would seem to me that, if indications are that military actions should be taken, it might be best and in the interests of minimizing our own losses, if we did not telegraph ahead of time what we intend to do.

Mr. Qadhafi had ample time to make some preparations against the strike even though he did not know precisely when it would occur or precisely how it would unfold. Yet, I think that we came perhaps dangerously close to making it possible for Mr. Qadhafi to take actions not only to reduce his losses but also that would put American lives in particular jeopardy.

In the future, I hope that we can cool a little of the bellicose rhetoric, and do what we have to do—do it and talk about it afterward.

The events of last week may have angered some in Europe but I am hopeful that America's reactions to Libyan terror will inspire some serious rethinking of options in allied capitals.

If our policy is to be effective, we need the support of our allies in isolating Libya.

I hope and trust that the President and the other Tokyo summit participants will reopen the question of how such a policy can best succeed.

Mr. President, I have some suggestions for joint action.

Libya—or any nation which serves as a breeding ground for terrorists—must be convinced that such support has a price in the international community. Thus far, nations that become international outlaws are secure in the belief that Europe and America will not react with joint economic sanctions. In 1978, participants at the Bonn economic summit declared their opposition to terrorism and committed themselves to cooperation, including the cessation of civilian airline traffic to countries where terrorists are given refuge. That declaration was aimed at countries that refuse extradition of hijackers. Why not move at the Tokyo summit to extend this response to nations which sponsor terrorism? If every European airline refused to fly to Libya and Libyan aircraft were denied landing rights in Europe, it would significantly hobble Libyan commerce, and may make the passage of terrorists more difficult.

The same course could be followed in telecommunications and postal cooperation. If Western Europeans refused to transmit telephone messages or handle mail from Libya, the Qadhafi regime would face a significant new isolation, and perhaps an additional barrier in its efforts to coordinate its network of terror. Libya's telecommunications are tied to those of Italy. Is a Libyan missile attack on an Italian island enough to provoke interest in a cutoff of telecommunications privileges?

Beyond these initial steps, the United States should renew efforts to achieve meaningful economic sanctions. We should assure that Europeans hold to their commitment not to "fill in" behind American firms that have left Libya. But beyond that, we need to convince our allies that joint action is not only possible, but necessary. We should work to halt Libyan benefit from its European connections and from the trappings of legitimacy which they confer.

I am not blind to the real economic costs to Europe of a total boycott of Libya. But the economic relationship cannot take place in a moral and political vacuum. Moreover, it must be weighed against the cost of decreased American tourism, increased costs to Europeans in antiterrorism measures, and the incalculable price in human life and suffering—and the quality of life in Europe—that terrorism exacts. Oil remains cheaper now than in the past, so the time is ripe for Europeans to look elsewhere to replace Libyan oil.

If we hope to win against terrorism, we must be prepared to keep up the pressure. Showing resolve is important, but maintaining it even more so. The President has cautioned that there is no quick fix in our war against terrorism, and he is right. We must be prepared to build a convincing policy, and push those who share our values—and benefit from our protection—to join in making it work.

I have written to U.N. Ambassador Vernon Walters to ask that he review Libyan participation in the United Nations and other international organizations to examine the benefits that country receives with a view to action to isolate Libya and deny it those benefits, so long as the Libyan leadership engages in policies that support international terrorism. Libya should be denied the benefits of the international regimes which regulate or establish procedures for airline traffic, post and telecommunications cooperation, health, agriculture, and the concerns of civilized countries. I hope that our Government will work with likeminded nations to achieve that end.

RUSSELL LONG CONSIDERED

Mr. BYRD. Mr. President, for almost 38 years, Senator RUSSELL LONG has represented Louisiana in the U.S. Senate. To the regret of his many friends and admirers here on Capitol Hill and across the country, Senator LONG has announced that he will not seek reelection to the Senate for another term. His retirement will be a loss to the Senate and to America.

Senator LONG's contributions to the Senate throughout his tenure have been many. His greatest contributions, of course, have been in the Senate Finance Committee, of which he was chairman for 15 years, and of which he continues as the respected ranking minority member. As a result of his expertise and skill on the Finance Committee, tribute has often been paid Senator LONG, on both sides of the aisle in this Chamber, and by a wide array of economists and tax authorities as being perhaps the single most knowledgeable man in the country on the subject of taxes.

A recent issue of Congressional Quarterly carried an insightful article on the distinguished senior Senator from Louisiana, entitled, "Russell Long: Tax Master and Senate Mentor." I ask unanimous consent that that article on Senator LONG be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Congressional Quarterly, Apr. 12, 1986]

RUSSELL LONG: TAX MASTER AND SENATE MENTOR

(By Pamela Fessler)

Over the past few years, no one fought harder than Russell Long to prevent television coverage of the U.S. Senate. But on Feb. 27, members finally agreed to let the cameras in for a test run that is likely to turn permanent.

The vote heralded one more transformation in the way the Senate does business, one more change in an institution that is becoming barely recognizable to veterans like the 67-year-old Louisiana Democrat, who was first elected in 1948.

Russell B. Long is infinitely more comfortable whispering into a colleague's ear than speaking before TV cameras. He has seldom felt the need to talk to more than one person at a time, and during his lengthy Senate career, he has exerted extraordinary influence through those one-on-one dealings.

Long plans to retire at the end of this year. He will have served longer than all but three past and present members of the Senate, and many of his colleagues lament that when he leaves he will take a unique part of the institution and its history with him.

"We're going to lose a big, big reservoir of knowledge," said Majority Leader Robert Dole, R-Kan. "A lot of people walk over to Russell just to get advice. . . . He knows how this place works as well as anyone."

"I guess what makes me sad is that I don't think there's anyone who's ever going to replace Russell Long," said David L. Boren, D-Okla. "He has the kind of institutional memory and perspective that's in very short supply around here."

Long's influence stems from far more than mere longevity. Like the layers of bark on a tree, it has grown slowly and intricately over time he has built up a virtually inexahaustible store of good will through personal and legislative favors, and a loyalty to the Senate and his colleageus that few can visal.

More often than not, this good will translated into favorable votes on issues crucial to Long.

HIS MONUMENT: THE TAX CODE

What Long has cared about most is the Internal Revenue Code. A member of the Finance Committee since 1953, he was its chairman from 1965 until Republicans took control of the Senate in 1981.

Some have criticized Long for favoring big business in general, and Louisiana's oil and gas industry in particular. But even his critics conceded that no one in Congress today can match his mastery of the tax code.

For better or worse, Long probably has done more to shape the current tax system than any other past or present member of Congress, with the possible exception of former House Ways and Means Committee Chairman Wilbur D. Mills, D-Ark. (1939-77).

And as the Finance Committee labors this month to "reform" the tax system, the hand of Russell Long will be ever present. In fact, he already has made his mark on the measure likely to emerge from committee.

Even before the panel cast its first vote, Chairman Bob Packwood, R-Ore., produced a working draft that left unscathed just about every tax break Long really cares about. It contained no restrictions on tax advantages enjoyed by the oil and gas industries—Louisiana's economic mainstay—and it retained generous incentives for business investment. Two pet tax code provisions authored by Long, to encourage employee stock ownership plans and individual contributions for presidential campaigns, also remained untouched.

Packwood, well aware that he needs Democratic support to get the controversial bill out of committee and through the Senate, makes no bones about indulging his predecessor.

"I cannot think of anybody I've learned as much from as Long," he said. "There's almost nothing I wouldn't do for him."

LONG AS MENTOR

Packwood is not the only senator who feels that way. If Long is best known outside the Senate for his influence over the tax code, he seems to be most appreciated within it for his role as mentor.

He has earned not only the respect but the affection of his colleagues, often in seemingly little ways that have had a lasting impact in an institution where relationships increasingly tend to be superficial.

One of his aides recalled several occasions when senators came to Long asking for advice on how to vote on a particular issue. Long told them he planned to vote one way, but suggested they might be well advised politically to vote the other way.

"He looked at long-term relations," said the aide. And in the long run, that policy paid off.

Packwood, for example, recalls that when he joined the Finance Committee in 1973 as its most junior minority member, he wanted to draft a major health insurance bill.

The committee had only a small staff, which had to be shared by members of both parties. But Long told two staffers to give Packwood as much time as he needed, even though the legislation had no chance of enactment, and in fact was never adopted.

"They must have spent 50 hours apiece with me," recalls Packwood, adding it was favor he will never forget.

And then there is Spark M. Matsunaga, D-Hawaii. A senior member of Finance, Matsunaga almost always support Long in committee, on the floor and in conference with the House.

The reason is simple. Without Long, Matsunaga says, he might not be in the U.S. Senate.

Matsunaga recalls that his first contact with the Louisiana legislator was in 1950, when he came as a Harvard law student to the senator's office to lobby for Hawaiian statehood. At the time, the movement was blocked by a group of Southern members. Matsunaga says that after he made his pitch, Long put an arm around him and said:

" 'Young man [Matsunaga notes that he is a year older than Long], you must remember that a U.S. senator is primarily interested in two things—one, to be elected, and the other, to be re-elected. Go to my constituents. If my constituents tell me I can support Hawaiian statehood, I will.' "

Matsunaga followed Long's advice and found they had a mutual business friend in Louisiana. The two convinced Long he should visit Hawaii and see for himself if the islands were ready for statehood.

Upon his return, Long broke with other Southern senators to argue in favor of statehood for Hawaii, which finally was granted in 1959.

Hawaii might have become the 50th state anyway, but for Matsuaga, Long made the difference. "I, for one, feel indebter to him, and I have always looked to him, well, as a patron," he said.

Boren is another unabashed admirer. He first met Long as a child, when his father, Lyle H. Boren, D-Okla., was in the House (1937-47).

When the younger Boren was elected to the Senate in 1978, Long took him under his wing. He pushed for expansion of the Finance Committee's membership so that Boren could be given a seat.

"He's certainly the closest thing I have to a mentor in the Senate," says the Oklahoma Democrat.

Boren notes that fo the help Long has given him over the years, the older senator has never once asked for a favor in return.

"But what matters is that I want to help him," Boren said. "He doesn't call his chits in because he doesn't have to. He's just so good to people, they don't forget what he's done."

BANKROLLING FAVORS

During the 15 years he chaired the Finance Committee, Long was in a position to do quite a lot for his fellow senators. Year after year, he doled out goodies, not only in tax bills but also in spending programs. Finance has jurisdiction over Social Security, trade, health, welfare and several other social programs—about half of all government spending.

In one of the last big tax bills managed by Long—the Windfall Profit Tax Act of 1980 (PL 96-223)—committee members had a host of special provisions added for their constituents, ranging from a tax exemption for Alaskan oil requested by Mike Gravel, D-Alaska (1969-81), to a credit for woodburning stoves sought by John H. Chafee, R-R.I.

Not the least of the provisions adopted were those protecting Louisiana's oil interests—a limited windfall tax for newly discovered oil and preferential treatment for independent oil producers.

Long's strategy as chairman was to help all of his colleagues as much as possible, so he could win broad, bipartisan support for his bill in committee and on the floor. Even if their pet provisions ultimately were dropped in conference with the House, senators could boast that their amendments were adopted for a while.

"As chairman, Long tried to accommodate everyone's interests as much as he could," said Gene E. Godley, assistant secretary of the Treasury for legislative affairs during the Carter administration and now a tax lobbyist. "He protected the members of his committee, then he let the votes fall where they would. As a result, if you had a free vote, you tended to vote with him."

Former Sen. Walter F. Mondale, D-Minn. (1964-76), who served on the Finance Committee under Long, admitted once that he did not fight the chairman on tax issues dear to other liberals so he could get his way on social programs he cared most about.

"I have to live in the real world, and I don't want to get isolated on the committee as a lone squeaking mouse," he told a reporter.

CAMPAIGN CLOUT

Long also has been good to Democratic colleagues who sought his help in raising money for their re-election campaigns.

He has held numerous fund-raisers for incumbents, and he has taken the potentially more important step of introducing colleagues to those in the business community whose tax problems he has helped alleviate.

Last November, for example, Long held a weekend fund-raiser in New Orleans for five Democratic senators—Alan J. Dixon, Ill.; Christopher J. Dodd, Conn.; John Glenn, Ohio; Wendell H. Ford, Ky.; and Ernest F. Hollings, S.C. He raised $100,000 for their 1986 campaigns from local contributors and Washington lobbyists.

In 1983, Long raised $1 million in one night for the democratic Senatorial Campaign Committee with a $1,000-a-plate "tribute to Russell Long" dinner in Washington.

"Even those who have philosophical differences of opinion and those who view him as too conservative or have different regional outlooks, they still have to remember that Russell Long time and time again went to bat for them and raised money for them," says Boren.

One former Democratic senator recalls that he was often at odds with Long on tax issues. "But when it was my time to run for re-election, he'd get people who would have liked to slit my throat to give me contributions."

MASTERY AND MYSTIQUE

Part of Long's mystique stems from a combination of charm and inscrutability. Son of the "Kingfish," the fiery Huey P. Long, who served as governor of Louisiana from 1928-32 and senator from 1932-35, Russell Long has a deceptively folksy, chummy manner.

He can regale colleagues for hours with "down-home" stories, then sidle up to someone for a more cozy chat.

"I'll tell you the way he wins your vote," said Matsunaga. "He comes right up and whispers in your ear as if it's just between you and him, and makes you feel that what he's saying is something special and is only for you and your ears."

But colleagues say that behind the humor and the endearing manner is a keen, calculating mind. And Long rarely reveals to anyone what he has on that mind.

Bill Bradley, D-N.J., considers Long "the best legislator in the Senate," even though Bradley's tax philosophy is the antithesis of Long's.

Bradley recounts that in 1979, the year he came to the Senate, he was presiding over floor debate on the windfall-profits tax bill. Long offered an amendment that obviously had little chance of adoption.

"I remember wondering why he was doing it, and why he was not debating it very enthusiastically," says Bradley, adding that the amendment lost by an overwhelming vote.

He said it later dawned on him that Long was trying to discover "his base support, to find out his baseline. It was not to win.

"He understands the different levels of the legislative process, where to make your effort, how to ascertain your strengths, better than anyone. But because he's so creative, it's not easy for the uninitiated to follow what he's doing," he said.

Both Bradley and Boren recall an occasion when Long was chairman of the Finance Committee and the committee was expected to vote on a controversial amendment.

"Russell was presiding and he just kept getting off the subject," said Boren. "He told some of his wonderful Uncle Earl stories, and he just kept rambling about things that had nothing to do with the agenda. [Earl K. Long served as governor of Louisiana from 1939-40, 1948-52 and 1956-60.]

"One by one, members decided they would go off and do something else. It looked like the committee wasn't going to do anything."

But all of a sudden, after four or five members had left, Long banged down the gavel and said, "Well, let's get down to business and vote." The roll was called and Long's side carried.

"He knew exactly who had walked out of the room and which side of the issue they were on, and he knew exactly when to call for the vote," said Boren.

FEW GRUDGES

Perhaps surprisingly, few on the losing side of Long's "creative" legislative techniques hold their defeats against him. Members say he is true to his word, sincere in his beliefs and holds no grudges, qualities highly valued among Senate colleagues.

"He fights his legislative battles hard, but there's never any sense of personal animosity," says John C. Danforth, R-Mo. "I have never seen anything that approaches meanspiritedness."

Danforth had his first run-in with Long on the windfall-profits tax bill in 1979, when he made an unsuccessful proposal to tax state oil royalties. He fought vehemently, despite Long's opposition. "I kept pushing it," Danforth said. "Of course, it was going nowhere—I mean *nowhere*."

During one closed-door meeting, Danforth recalls, he refused any compromise on his amendment. "At the end of the meeting, Russell came up to me and put his arm on my shoulder and said, kind of chortling, 'You know, sometime, maybe in about 15 years, I think you're going to be a really great senator. As for now, I think you're about the most obnoxious person I've ever seen in the Senate.'"

At the time, says Danforth, he didn't know if that was an insult or a compliment. But he says that he gained from that fight, and from other experiences with Long, some useful lessons about being a senator:

"I've learned that in a body of 100 diverse individuals, you don't accomplish much by just trying to bowl everybody over; that government is a process, and that it is very seldom at the end of any day that you can say, 'Ah, we have finally accomplished this objective.'"

Long has often likened passing a piece of legislation to cooking a stew, something that requires time and patience before all the ingredients come together in the proper mix.

"He's, by example, taught many of us to be patient and let people have their say and try to work something out," said Dole.

NOT EVERYONE ENCHANTED

For all the respect he commands, Long has his critics.

While it is difficult to find anyone now serving in the Senate who speaks ill of him, one former member, who asked not to be named, says Long could get slick at times.

This individual recalls that during one tax debate in the mid 1970s, the only senator with a copy of the bill was Russell Long.

"He was at a great advantage," this source said. "If you didn't know something was in the bill, or the staff didn't know, it just slipped by."

Tax provisions just "slipping by" under Long is one big reason there is a need today to rewrite federal tax law, according to proponents of "reform."

"Long was at the forefront of developments in the late '70s, when inflation pushed taxpayers into higher brackets and Congress used the money to give out special tax breaks," said Robert S. McIntyre, director of federal tax policy for Citizens for Tax Justice, a labor-backed research and lobby group.

"It's fair to say that Russell Long as much as anyone undercut the Democratic Party and set the stage for Ronald Reagan," he added, noting that middle-class Americans eventually realized that their taxes had soared while loopholes for the wealthy and for corporations mulitplied.

Some in Congress, and many outside it, still harbor resentment at Long's resistance earlier in this decade to legislation aimed at stopping the Reagan administration from throwing thousands of people off the Social Security disability rolls.

From 1982-84, Louisiana Democrat almost single-handely blocked the bill, arguing that the program was plagued by deadbeats.

Only when the House passed the legislation 410-1 did Long ease his opposition and begin to work out a compromise.

But to the end, his critics say, he seemed almost oblivious to overwhelming evidence that many genuinely disabled citizens were being strippled of their benefits and left in desperate financial straits. Long, they say, seemed unable to look beyond decade-old stories of program abuses.

INFLUENCE WANING?

Some say that Long's influence has waned since he lost his chairmanship in 1981 and has had less legislative currency with which to deal.

"He's the odd man out on the committee," said one Democratic senator. "I think a lot of the influence has passed on to [Lloyd] Bentsen [D-Texas], Boren, [George J.] Mitchell [D-Maine] and Bradley. They're all independent thinkers."

A Democratic tax staffer agrees that Long has provided little leadership for the panel's nine Democrats: "He really hasn't tried to shape the Democrats into a cohesive minority," the aide said.

But while Long has kept a relatively low profile, when he has felt strongly about an issue, his clout has been unmistakable.

One of the first signs that Long had not retired came in 1983. The year before, the Finance Committee put together a tax bill designed to raise $99 billion over three years to help reduce the federal deficit.

Since it was an election year, few members were eager to work on the legislation, and Dole—who was then chairman—decided the only way he could get a bill through the committee was to have GOP members craft one behind closed doors.

They did so, and after just 17 hours of committee deliberation, the measure was approved by a straight party-line vote of 11-9.

Democrats charged that they had been shut out, and they noted that when Long was chairman, members of both parties always had a say about tax changes.

The bill narrowly passed the Senate and was enacted (PL 97-248), but Dole paid dearly the following year.

One of the provisions in the 1982 law called for the withholding of taxes from interest and dividend income. That met with a storm of protest from banks and other financial institutions around the country. Over the opposition of Dole and the Reagan administration, they mounted a drive to repeal the law with one of the biggest, most intense lobbying campaigns in congressional history. One of their key allies turned out to be Long.

While the fight for repeal was led in the Senate by freshman Bob Kasten, R-Wis., Long helped direct the show, offering parliamentary advice and sitting on the Senate floor through much of the debate.

Long also encouraged the bankers. "My advice was that if they continued to fight, they'd eventually be winners," he said in a recent interview.

He was right. The withholding provision was repealed by overwhelming margins in both chambers.

Long denies he was trying to get back at Dole for the 1982 tax bill markup. He says that he opposed withholding because it was unpopular and had been enacted in such a rush "the opposition never had a chance to organize. . . . I know how that's done; I've been involved in things like that in my life.

"I consider Bob Dole a very good friend," he said, adding with a smile, "but that doesn't mean that just in terms of friendly competition that we can't have a difference of opinion and go to the mat on something once in a while just to see where we stand."

In 1984, when the committee had to put together a deficit-reduction bill, "Dole could not have been nicer to Long," said a former committee aide. The bill was reported unanimously from committee after a month of debate and passed the Senate floor by a vote of 76-5.

RETIREMENT PLANS

As Long prepares to leave the Senate, he says he wants to "see what else life holds." He notes that when he retires, he will have served longer than all but John C., Stennis, D-Miss., who was first elected in 1947, a year before Long; and former Sens. Carl Hayden, D-Ariz. (1927-69), and Richard Russell, D-Ga. (1933-71).

"That's an awfully long time to serve," Long said.

He recalls that a number of his colleagues and other politicians he has known, including his father and uncle, "went out in a casket. . . . So I thought it would be good to walk out of here in good health."

Long will not say what he plans to do next, but there is growing talk in Louisiana about trying to draft him to run for governor in 1987, to replace Democrat Edwin W. Edwards, who faces retrial on racketeering charges.

Recent polls show that Long could win with a substantial majority, and the senator says he might consider running if he thought he could help his troubled state. Currently, Louisiana has the nation's second-highest unemployment rate, largely because hard times have hit its oil and timber industries.

"The people may need me and if they do, I'd be willing to consider it on that basis, because at this point in life I don't really need that job," he says.

"Understand," he adds with a laugh, "in the event I run, that's not the way I'm going to make my pitch."

But many colleagues find it hard to believe that Long would quit the U.S. Senate to take on the grueling job of governor. They note that Long enjoys his relaxation. He and his second wife, Carolyn, have a mountaintop home in Front Royal, Va., where they like to rest, secluded from the hustle and bustle of politics.

Based on his own conversations with Long, Boren believes the senator has decided to retire in part because he does not "like the kind of campaigns you have to run any more, where you have to sell yourself like a bar of soap, instead of really discussing the substance of government."

In fact, Long had his toughest campaign in his last election in 1980. After winning with 100 percent of the vote in 1974 and 1968, he received only 58 percent amid complaints he had lost touch with the state.

Boren also feels Long is "troubled by what the Senate has become. I don't think he likes to see one-issue people who don't really know how to operate for the good of the country or who don't understand the history of the institution."

He and others note that the Senate has become increasingly partisan and fragmented.

"It seems to me," said Boren, "that the greatest need is for consensus-builders who can overcome this fragmentation . . . all the qualities that Russell Long has. He's been a consensus-builder, the kind of person who can put together bipartisan coalitions. I'm worried about the void I think he will leave."

THE LONG VIEW ON TAX "REFORM"

During almost 38 years in the Senate, Russell B. Long has seen a lot of tax legislation come and go.

"Russell's heard so many things labeled 'reform' that that word doesn't impress him much any more," said Lloyd Bentsen, D-Texas, one of the Louisiana Democrat's colleagues on the Senate Finance Committee.

What impressed Long even less is the underlying premise of the tax-overhaul drive now under way on Capitol Hill. That effort, precipitated by President Reagan, is grounded in a conviction that tax rates should be as low as possible and that tax law should not be used to distort the economy by encouraging one activity over another.

But Long argues that the tax system is a tool of government just like spending and should be used as such.

He says that any bill the Finance Committee reports should remove the poorest taxpayers from the rolls and ensure that the very wealthy "pay a reasonable amount of taxes."

"Those two things are necessary to be there. But the rest of it, we should be careful that we're not doing more harm to the economy than we're doing good," Long said in an interview.

The veteran senator has something close to disdain for "tax purists" who think the tax code can be made simple and can treat everyone equally across the board. He notes that Congress has tried to "reform" the federal tax system several times before, but members always have found reasons to keep some special tax incentives.

"Private industry has 50,000 lawyers out there trying to reduce taxes for their clients, while we're trying to find ways to offset the ways they're trying to avoid taxes. So we'll be confronted with inequities no matter what we do," he said.

This year, as in the past, one person's inequity is another's just desserts. Every lobbyist is crying some version of the most famous line ever attributed to Russell Long: "Don't tax you, don't tax me—tax the fellow behind that tree!"

VOTING RECORD OF SENATOR PROXMIRE

Mr. BYRD. Mr. President, 9 years ago, on May 2, 1977, I rose in this Chamber to announce that Senator PROXMIRE had cast his 5,000th consecutive vote in the Senate. This voting record, I said then, was "sui generis—one of its kind— * * * and unmatched in the history of this body." I went on to say, "I will be looking forward to the 6,000th consecutive vote, which I am sure he fully intends to cast."

I knew that I could count on the senior Senator from Wisconsin to make my words prophetic.

It is with great pleasure that I call the attention of my colleagues to the fact that yesterday was a monumental day in the history of the U.S. Senate and the Senatorial career of our distinguished colleague, the senior Senator from Wisconsin. Yesterday, April 20, 1986, marked 20 years in which Senator PROXMIRE has not missed a rollcall vote.

During the two decades which began on April 20, 1966, there have been 9,178 votes, and Senator PROXMIRE has voted on every one—9,178 consecutive rollcall votes.

The tenacity and dedication that Senator PROXMIRE has applied to the causes in which he believes has made him somewhat of an institution within this institution. His "Golden Fleece Award" and now his "Myth of the Day" have become as much a part of this institution as quorum calls and filibusters.

His tenacity and dedication were also witnessed by his statements over a very long period of time with respect to the Genocide Treaty. On January 11, 1967, Senator PROXMIRE announced that he would speak every day that the Senate was in session urging this body to ratify the Genocide Treaty until it did. It took 19 years and over 3,000 speeches, but he did it. On the day that this quest became reality, February 19, 1986, the junior Senator from Arkansas [Mr. PRYOR] pointed out that, "Morning business will never be the same again," adding: "The treaty will forever be the legacy of the patience, passion, persistence, and persuasion of the Senator from Wisconsin."

For 8 years, he pushed and fought for the passage of the truth-in-lending bill. In 1968, this quest became reality, and he was invited to the White House for the ceremony during which President Johnson would sign the measure into law before the news photographers and television cameras. Senator PROXMIRE did not make it to that ceremony—a measure had come up to the floor and he remained in his seat to make sure he was there to vote.

Mr. President, what an outstanding feat, 20 years without missing a rollcall vote. There is no more appropriate way to conclude than to say congratulations. I congratulate Senator PROXMIRE and commend him for his service to the people of Wisconsin and the people of the United States.

Mr. President, I join my colleagues on both sides of the aisle in congratulating Senator PROXMIRE on this outstanding, unique record which I dare say will not soon be improved upon, not by anyone other than Senator PROXMIRE himself.

SENATOR HAWKINS' SPECIAL ORDER

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may be permitted to read a statement to the Senate in behalf of Senator PAULA HAWKINS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Before I begin, let me say that the majority leader has advised me, and asked me to inform the Senate, that the distinguished Senator from Florida [Mrs. HAWKINS] underwent additional back surgery this morning and has made it through the surgical procedure well. It is hoped that this surgical procedure will help alleviate some of the distress, discomfort, and pain she has been experiencing.

The majority leader has talked with the family and wanted me to pass on to the Senate that news of Senator HAWKINS.

Mr. President, the statement of Senator HAWKINS this morning is on the subject of Inter-American Specialized Conference on Drug Trafficking.

INTER-AMERICAN SPECIALIZED CONFERENCE ON DRUG TRAFFICKING

Mrs. HAWKINS. Mr. President, each day that passes we await some tangible sign that the Mexican Government is serious about bringing to justice the murderers of DEA Special Agent Enrique Camarena. Still there is no sign. Still we wait.

Mr. President, although we are frustrated and disappointed about the unwillingness of the Mexican authorities to tackle the problems of drug trafficking, there are rays of

hope in the war on drugs. One such bright spot is the upcoming Inter-American Specialized Conference on Drug Trafficking being sponsored by the Organization of American States [OAS] in Rio de Janeiro from April 22-26, 1986.

To put this conference in perspective it is necessary to realize that the OAS has never had a conference dedicated solely to the issue of narcotics trafficking. No previous drug conferences have been held in spite of the fact that certain of its member nations are among the largest producers and consumers of illegal narcotics in the world.

Fortunately this is not the only sign of increasing international awareness of the seriousness of the illegal narcotics business, but it is one of the most recent. The United Nations has been working on a new draft convention on narcotics and a ministerial level international conference on illegal narcotics is being scheduled for next year in Vienna. There is no doubt—there is growing momentum in the war on drugs at the international level, and it's about time.

I do not favor conferences simply for the sake of having conferences. Diplomats tend to talk and talk and talk. What we need now is action. There are some positive signs that this OAS conference may start the ball rolling on a series of initiatives that will culminate in a hemispherewide antinarcotics effort.

One of those positive signs is the fact that the conference has not shied away from the politically difficult issues involved in drug trafficking. The agenda reflects a desire to examine the entire aspect of the problem—everything from demand reduction to eradication to money laundering.

Another positive sign is the fact that Brazil, one of the leaders in Latin America, expressed an interest in hosting a conference such as this.

It is too early to tell whether these hopes will be fulfilled or whether they will be dashed amid high-sounding words and deadly inaction. There are pitfalls, to be sure. I am one of the strongest advocates of a demand-oriented strategy to attack the drug problem. As I have said here on the floor before, I fully support domestic efforts in the United States to deal directly with the problem of demand for illicit drugs. And I believe that that issue is a legitimate concern for international fora. I am concerned, however, that some of the major producing or transit countries may use the issue of demand reduction as an excuse to avoid their own actions to deal with the drug trafficking problem. This would be an illegitimate and irresponsible use of the issue. It is something, should it occur, that should be loudly condemned and exposed as a fraud and an effort to avoid responsibility.

I am encouraged that such a conference as the one in Rio is taking place, but I will reserve my judgment until it is over. Conferences such as this should be judged not by their intentions, but by their results. I assure my colleagues that I will be following what goes on in Rio and will provide the Senate will a full report.

Let us hope this will mark an unprecedented effort at hemispheric cooperation on this vital issue.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

Mr. PROXMIRE. I thank the Chair.

VULNERABILITY OF SDI HARDWARE MAKES IT A TRILLION DOLLAR LOSER

Mr. PROXMIRE. Mr. President, before the Senate votes 1 additional dollar for the strategic defense initiative [SDI] or star wars, Senators should read a brief analysis prepared by the Union of Concerned Scientists. This study considers the vulnerability of the space-based hardware that would constitute the heart of star wars. Even expert supporters of star wars have admitted that this vulnerability is a serious problem that the strategic defense initiative office must solve if star wars is to work.

The newly appointed head of NASA is Mr. James Fletcher. That is the National Aeronautics and Space Administration and, of course, Mr. Fletcher is an expert in this area. Mr. Fletcher previously served as chairman of the defense technologies study team. In that capacity he stated:

> Survivability is an especially crucial issue whose resolution requires a combination of technologies and tactics that remain to be worked out.

What does this mean? In plain English, it means that one of this country's most respected experts on space technologies believes that as of now we simply do not know whether we can ever develop and deploy the star wars hardware in space that can survive against an adversary attack. There is a very strong case that we cannot. Here is why:

The irony of star wars is that virtually every technological advance for its ballistic missile defense weapons provides a breakthrough that can be applied with equal force for the offense to attack the very star wars defense for which the technology has been developed. Think of it: if both superpowers should deploy star wars systems, the systems could attach each other. Consider the many advantages for the nuclear offense against any star wars defense. First, there is the timing advantage. What does the timing advantage mean? It means the offense can select the time to attack. This is always an advantage for the offense in any kind of a military confrontation.

But in the case of SDI, the advantage is specially crucial because of a second factor. That is position. How will the space-based SDI hardware be deployed? Answer: In a regular, constant, virtually perpetual and unvarying orbit. The adversary will know at all times what position the SDI satellite or battle station will be in at any particular time. It will be sure and predictable. So how could the vulnerability be greater? The offense will know exactly where it has to deliver its attack and precisely when. And the star wars defense? The star wars defense cannot know when the attack will come or where.

It is worse. The SDI battle station will be deployed for years. Its designers must anticipate in advance what kind of attack the offense can launch against it. Whenever in the future star wars designers determine that the offense has developed the capability to penetrate or destroy the deployed battle stations, what alternative do the star wars defenders have? They have to develop, produce, and deploy improved and advanced battle stations that can defeat the offensive threat.

How practical is such a replacement? Just consider the cost. The battle stations will cost hundreds of millions of dollars each. Assume $500 million per copy. The system will require literally thousands of these stations. The initial cost could easily be a trillion dollars for production alone. The replacements would, almost certainly, cost more, far more if it is to withstand the potential offensive attack. To replace all the battle stations would take hundreds of billions of dollars more because of the cost of lifting this mammoth cargo into space and into the proper orbit in space. The cost is now $3,000 a pound to lift it into space and these would weight many many thousands of tons. And, once again the battle station would only survive until the offense developed a new capability to penetrate, spoof, or destroy it.

Here is why star wars is almost certainly a loser for the United States. The SDI proponents basically rely on the consistent technological advantage the United States has enjoyed throughout the nuclear age over the Soviet Union in military weapons. Let us make the optimistic assumption that our country could be sure that we could continue to maintain that superiority in our star wars capability.

Will that be enough for SDI hardware survival in space? No. Why not? Because the Soviets could use the established SDI technology, the very weapons star wars is perfecting to destroy it. The Soviets could pick the time to attack. They could select the position to attack. The U.S.S.R. could destroy our star wars system even though the Soviets had a technologically inferior capability. They could destroy it at far less cost than the cost to the United States of building it.

We should ask ourselves over and over again: What is the formula that has kept the superpower nuclear peace for the full 40 years of the nuclear age? The answer: A credible nuclear deterrent. What does that mean? That means our offensive nuclear deterrent can survive any conceivable preemptive attack by the Soviet Union with far more nuclear capability than nec-

essary to destroy the Soviet Union utterly.

What is the basis for that survivability? Answer: The fact that half of our mammoth deterrent is deployed in a mobile and invisible mode. It is deployed in submarines that move under the ocean, swiftly and quietly. Another 25 percent of the American deterrent is deployed in bombers that move with close to the speed of sound throughout the world's vast air envelope. We can and should deploy the remaining 25 percent of our nuclear deterrent in land-based mobile—and I stress mobile, not stationary—missile launchers.

What additional survivability would star wars, this trillion dollar floating duck, bring? Remember, if only 1 percent of the United States nuclear arsenal reaches Russian cities, the immediate dead would range from 35 million to 50 million people and the Soviet Union would be a radioactive graveyard. What could star wars add to that deterrent? Answer: Nothing.

Mr. President, I ask unanimous consent that the conclusion to the article to which I referred by the Union of Concerned Scientists, entitled "Satellite Vulnerability," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SATELLITE VULNERABILITY

CONCLUSIONS

1The satellite vulnerability problem has been widely recognized by SDI proponents and critics alike as fundamental to space-based BMD prospects. Indeed, such a stalwart SDI enthusiast as Edward Teller has repeatedly debunked space-based weapons as unworthy of serious consideration. James Fletcher, speaking for the Defense Technologies Study Team he chaired, has stated: "Survivability is an especially crucial issue whose resolution requires a combination of technologies and tactics that remain to be worked out." A workshop of technical experts, some of whom are pro-SDI, concluded that chemical IR lasers are vulnerable to direct attack by a number of means at highly favorable cost-exchange ratios. We believe that these factors make such laser battle stations in space completely impractical. General Abrahamson has also acknowledged that survivability is a key issue.[18]

Such cautionary statements from SDI supporters are worth noting because they indicate the tip of a very deep vulnerability iceberg. For every survivability action undertaken, there is an equal and opposite reaction available to the offense, usually one that is cheaper. Each layer of countermeasure upon countermeasure merely complicates the task of boost-phase, and midcourse, defense. It is important to note, too, that with every advance in BMD weapons techniques, the countermeasures are bound to improve apace, because those techniques can also be developed as anti-BMD ASAT's.[19] The BMD systems themselves, once deployed bilaterally, can attack each other as well.

In the face of these vulnerabilities—and when coupled with the enormous array of other countermeasures—the hope for high standards of BMD performance diminish to the point of vanishing. The prospects for boost-phase defense degrade quickly in the face of devastating attacks on the space-based assets of even a sophisticated BMD. It is important to note, too, that an early result of the SDI be increased vulnerability of existing U.S. warning, communication, and intelligence satellites.

As this paper has shown, moreover, the advantages of the offense are intrinsic. Technological advances in BMD and survivability are bound to be—at best—transitory, and the current ledger indicates that countermeasures are the more mature. Technological superiority, moreover, is not in itself sufficient to protect BMD satellites, given the offense's advantages in timing, position, singularity of mission, relative imperviousness of components to attack, and other factors. An additional, little-discussed factor is that defense satellites will be orbiting for years; thus, all the possible countermeasures available to the offense must be anticipated well in advance, at the time the BMD system is deployed, with the only alternative being replacement of BMD space assets at enormous cost, especially for those in high orbits.

These inherent advantages will tend to mitigate technical superiority, however lasting, and confer upon the offense the ability to defeat a boost-phase layer, which, given our understanding of ballistic missile defense, would be decisive in defeating an entire multilayered system.

Satellite vulnerability, therefore, is one of several intrinsic problems of space-based ballistic missile defense that render it an imprudent option for the United States and Western military security.

[18] Fletcher: Statement before the Subcommittee on Research and Development, Committee on Armed Services, House of Representatives, 98th Congress, 2nd session, March 1, 1984 (typescript), p. 3. The comment reflects the conclusions of the DTST report of October 1983. Workshop: Drell, op. cit., p. 12. Abrahamson: Speech, Conference on World Affairs, University of Colorado, April 8, 1985. Another revealing statement of Gen. Abrahamson: "if there is an easy way of spoofing, destroying, or reducing the effectiveness of the system, you would have a real problem." Air Force Magazine (September 1984). See also Defense/84, p. 8.

[19] A. Carter makes the point well in his OTA paper: "Vulnerability of these [BMD] satellites is a cardinal concern because their orbits are completely predictable (they are in effect fixed targets), they are impractical to harden, conceal, or proliferate to any significant degree, and because successful development of effective directed-energy BMD weapons virtually presupposes development of potent anti-satellite (ASAT) weapons." Directed Energy Missile Defense (Washington, DC: Office of Technology Assessment, 1984), p. 46.

MYTH OF THE DAY: MISSIONARIES WORK WILL BE AFFECTED BY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the myth of the day is that Senate ratification of the Genocide Convention affects in any way the work of religious missionaries.

The opponents of the Genocide Convention have left no stone unturned in their efforts to misrepresent the Genocide Convention. But one of their sorriest steps was to mislead many religious Americans into believing that the work of missionaries in proselytizing for their faith might be construed as genocide because one religious group was somehow being eliminated.

Such a misrepresentation is nothing short of grotesque and shameful. The fact that even today I hear from individuals on this topic is a sad commentary on how far they went to spread this nonsense.

The simple fact is that this treaty is dedicated completely and exclusively to physical genocide: the attempt to exterminate a group by killing them, preventing them from reproducing or turning them into barely living vegetable through mental torture or forcible application of drugs. None of these heinous crimes has anything to do with the work of missionaries.

And it cannot be twisted around, by anyone, to affect the work of missionaries.

How can I be so sure? The reason is that one of the earliest drafts of the Genocide Convention embodied two concepts: physical genocide, which I have just outlined, and cultural genocide. Cultural genocide is characterized by efforts to forcibly eliminate a group's identity by refusing to permit them to speak or write their native language, observe their own customs, traditions and folkways or forbid them to practice their own religion, such as the Soviets have repeatedly done to Ukranian Catholics or some Soviet Jews.

If properly drafted, the concept of cultural genocide would not affect the work of missionaries either; their work does not involve coercion but persuasion. But the delegates drafting the Genocide Convention were concerned that the concept of cultural genocide had not been thoroughly thought out and each and every line relating to cultural genocide was struck from this treaty early in the drafting process.

Thus, the treaty only relates to the attempt to physically annihilate a group and missionaries of all faiths have nothing to fear from such an affirmation of the right of all peoples to live free of fear of annihilation.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

RHODE ISLAND: THE UNITED STATES' HIGH SCHOOL HOCKEY KING

Mr. CHAFEE. Mr. President, Rhode Island may be the smallest State in

the Union, but it will take a back seat to no other State in the caliber of play and achievements of its schoolboy athletic teams. I rise today to pay tribute to the remarkable accomplishments of one such team, the Mount St. Charles Academy hockey team.

Founded by the Brothers of the Sacred Heart and located in the city of Woonsocket, Mount St. Charles recently won its ninth straight State hockey championship. This represents the longest run of championships in Rhode Island sports history and is believed by knowledgeable sports writers to be one of the longest of any sport in the Nation.

As impressive as this streak is, Mr. President, it doesn't tell half the story, because Mount St. Charles is the preeminent national hockey powerhouse as well. In fact, according to the National Sports News Service, the organization responsible for determining the national high school hockey champ, Mount St. Charles has been the best in the country for the last 6 years.

No other school in the United States has been named No. 1 nationally for even 2 consecutive years. Clearly, this record speaks for itself.

Mr. President, by dispatching archrival Bishop Hendricken High School in the State hockey finals this year, two games to one, the Mounties capped a 27-2 season, numbers that have become routine under the guidance of Coach Bill Belisle. Since taking the reins of the Mount hockey program in 1975, Bill has perpetuated a dynasty and forged records which will very likely never be broken. Coach Belisle's overall mark in his 11 years behind the bench is an astounding 327-19-5, including a string of 94 consecutive Metropolitan "A" victories from 1978 to 1982.

Mount's redoubtable record over the years has not come against powderpuff opponents either, Mr. President, a claim amply supported by the ratings. Both its losses this year came at the sticks of Bishop Hendricken, a top 10 team nationally and a State sports power in its own right.

Moreover, last year Rhode Island placed 3 teams in the top 10 high school programs in the country, and a fourth squad was rated 11th. Mount St. Charles was in its customary niche at No. 1; Hendricken was 5th; LaSalle Academy, 9th; and Cranston East High School, 11th.

Although the News Service's ratings have not yet been released for this hockey season, Rhode Islanders have every reason to believe that the Mounties will once again be crowned the national champion.

Mr. President, none of Mount St. Charles' hockey success would have been conceiveable, let alone possible, were it not for the efforts of Brother Adelard Beaudet, the founder of the program and the man for whom the academy's arena is named.

Born in Canada, Brother Adelard came to Sacred Heart Academy in Central Falls, RI, in 1911. Theretofore, the State had no interscholastic hockey program of which to speak. Assigned to Mount St. Charles some years later, Brother Adelard took on the challenge of building such a program, and thus became the principal architect of one of the best State interscholastic leagues in the country.

Now 102 years old, Brother Adelard may very well be the senior-most leader of any Christian denomination in the world. Yet, as the following anecdote illustrates, he remains spry as ever.

A press luncheon was held at the outset of the Providence Journal-Bulletin Hockey Invitational, at Brown University last year. At the luncheon, Brother Adelard, who was to drop the ceremonial first puck, discussed the upcoming tournament with Dick Reynolds, a retired sports writer for the Journal, generally acknowledged in his tenure there as the dean of Rhode Island sports journalists. Dick was to accompany Brother Adelard on the treacherous walk out to center ice.

"Brother," said Reynolds, "I'm getting up in years. I'm worried that once you drop the puck and the sticks start flying, I might not be quick enough to get enough out of the way."

"You're right to worry, Dick," Brother Adelard said. "I'm still fast, but they will get you."

I might add that in recognition of his lifelong contributions to Rhode Island athletics, Brother Adelard will be inducted to the Rhode Island Heritage Hall of Fame on May 18, 1986. I am sure my Senate colleagues will join me in congratulating Brother Adelard for his tremendous achievements and wishing him well for the future.

On a related sports note, Mr. President, I would also like to recognize today Burriville High School's Tom Eccleston, a State coaching legend in his own right. The oldest high school hockey coach in the Nation, Tom may be one of the best, too. In his 45 years of coaching, Tom's teams have piled up more than 500 wins. This past season—after a 10-year respite from the bench—Tom led Burriville to the State Metropolitan "B" title, an exploit which should place the Broncos in the Nation's top 20 or 30 teams.

In summary, Mr. President, I may hear differently from my colleagues in neighboring Massachusetts, and from those in Minnesota, but there's no doubt in my mind that because of such highly rated teams as Mount St. Charles, Bishop Hendricken, and Burriville; and such outstanding past and present coaches as Brother Adelard, Bill Belisle, and Tom Eccleston, Rhode Island is the Nation's high school hockey king.

Mr. President, I ask unanimous consent that a January 21, 1985, article from Sports Illustrated and a March 28, 1986, piece from USA Today, on the exploits of Mount St. Charles, be inserted into the RECORD at the conclusion of my remarks.

And I ask unanimous consent that an article written by Dick Reynolds for the Providence Journal-Bulletin Hockey Invitational be inserted as if read.

There being no objection, the ordered to be printed in the RECORD, as follows:

ON THE SCENE

(By Robert Sullivan)

Half a century apart, two very different coaches have been instrumental in making the hockey team of a New England parochial school the national high school champion. The first, a whimsical little brother of the Sacred Heart, did it in 1935. The second, a hard-bitten rink rat from just across town, has done it five time in the last five years.

The school is Mount Saint Charles Academy, situated high on a hill in Woonsocket, Rhode Island. Down the road a ways is the rink, a structure that had been an airplane hanger in World War II. When it opened for hockey in 1962, it was the first enclosed rink at any New England high school.

What has gone on recently at that rink has drawn hosannas and cries of *"Mon Dieu!"* for in the area are 16,254 citizens of French-Canadian descent. In 1975 one of that number, Bill Belisle, who had played on Mount Saint Charles's 1947 state championship team, became the coach. Belisle had been a truck driver, construction worker, player for the semi-pro Worcester Warriors and Springfield Indians and finally assistant coach at his alma mater. "When I started coaching, the team was in last place," he says. "It was fortunate for me to take it at the bottom of the heap. Goodness sakes—there was no pressure at all!"

Belisle responded well to no pressure. The Mounties were 29-8-1 in his first season, and from 1976 through '82 they won 94 straight Metropolitan A Division games en route to seven conference titles. Mount Saint Charles has been state champ since 1978 and, according to a poll by the National Sports News Service in Edina, Minn., national champion since 1980. While outscoring opponents 2,037 to 540, Belisle's teams have won 272 games, lost 18 and tied five in nine seasons. Eighteen of his players have made first-team all-state. Five have been drafted by National Hockey League teams in the past two years, including Minnesota North Star Brian Lawton, who in '83 became the first American in NHL history to be picked No. 1 in the draft.

That's the latest news—that's what everyone's talking about. But there's more, and better. Behind the discernible, provable facts of the country's best high school hockey team lies the legend. For this, one has to go way back to 1911. Brother Adelard Beaudet travels south from Quebec. He arrives in Rhode Island with a cross on his chest and a hockey stick over his shoulder. He is a missionary of dual purpose, coming to teach the children the way of the Lord and of the slap shot. Eventually he organizes the country's first interscholastic hockey league, then coaches his youthful Mount Saint Charles team to national championships. Or so the legend goes.

But as with most legends, only some of it is fact: Adelard did help form one of the nation's first youth leagues. Yes, his Mount Saint Charles teams were as good as any in the country, but they weren't as youthful as you might imagine. The truth is, Brother Adelard was importing Canadian talent to Woonsocket. Adelard will tell you so, and he's still around to do so. Last Feb. 5, his 100th birthday, was Brother Adelard Day throughout Rhode Island, and he received letters from President Reagan and Bobby Orr as well as plaques from Pope John Paul II and Jean Beliveau, patron saint of the Montreal Canadiens.

As a 10-year-old, Adelard had learned to skate on the frozen Saint Lawrence River near his home in Saint Jean Deschaillons, Quebec. In 1904, at 20, he took his vows and seven years later was sent to Sacred Heart Academy in Central Falls, R.I., to spread the Word, not start the Hockey. Nevertheless, "Right away I started it," he says. "They didn't have any sticks. We had to go to woods and get some branches and flatten them. Then we went to a pond near the city. We used rocks on the ice for goals and school books for shin pads. We played one hour without time-outs or penalties, and we had no zones."

Adelard spent 13 years shaping sticks for the boys of Sacred Heart before he was transferred to Mount Saint Charles in neighboring Woonsocket. Switching from the classroom to the front office, Adelard would serve 30 years at the school, most of them as "a treasurer without money, because of the Depression."

When he wasn't balancing the books, Adelard could be found playing hockey with the boys on a rink he'd designed. As Adelard recalls, "We started a little league with La Salle Academy of Providence and Mount Saint Charles and Classical and Central High in Providence. Then hockey took a big growth and there were teams all over."

When the competition stiffened. Adelard expanded his efforts. "So I imported some players from Canada. I had scouts up there," he says. His agents were fellow brethren in Quebec, who told skaters of the wonderful experienece a few years in the U.S. would provide. "Goodness sakes!" says Belisle admiringly. "Those players he brought in—they were pros!"

They even looked like pros:

Their uniforms resembled those worn by the Canadiens. Adelard's first heavily recruited team won the conference title and reached the state finals in 1930-31. From 1932 through '40 his teams won 160 games, tied 15 and lost only seven. In 1934-35 the Flying Frenchmen, as they were unofficially known, went undefeated in 27 games and won the New England and national titles. The Mount was again the national champ in '39. Adelard's teams were indomitable: His '35 squad had 12 straight shutouts; all the starters on his '39 team made the first-team all-state lineup. Mount Saint Charles won 10 straight conference championships.

Problem was, it was evident that the youth of Rhode Island couldn't be rolling up records like that. Three of Adelard's starting five skaters in '35 were from Canada. Even though everyone else in Woonsocket spoke with the same Quebecois lilt as the Mount's players, there was no disguising origin once they laced up their skates.

"They found out [about the imports]—the officials at other schools—and one year they said, 'You are banned from the league,'" Adelard recalls. "That's when I stopped the coaching." He adds with a hint of pride, "A lot of high school regulations pertaining to the hockey were made because of Mount Saint Charles." Those rules, effectively shutting down the Quebec-Woonsocket pipeline, signaled the end of an era.

Brother Adelard faded as a public figure on campus. He continued quietly as treasurer of the school, then in 1954 assumed the same role at Notre Dame High School in Fitchburg, Mass. On the ice of Woonsocket, hockey slid. There were a few good teams in the '40s, including that '47 state championship team, but little that was the stuff of legend.

Then, a decade ago, Bill Belisle reappeared on the scene. Five national championships have made him a larger-than-life figure, but it was something else that conferred near-mythic stature on him. "It was February 21st in 1983, the first practice right after the league playoffs and just before the states," Belisle says. "One of the younger players had borrowed skates and was getting used to them. I was yelling instructions, and from behind the kid knocked me right off my feet. I went six feet up and landed on my head. My skull was cracked open from the top down to the neck. I was pronounced dead at Woonsocket Hospital. But God gave me a second chance."

While Mount Saint Charles skated gamely to its usual championships, Belisle, 53 at the time, slowly mended in the hospital and at home. "For seven months I didn't know who I was, where I was. I was so ashamed," he says. For a person self-described as "not an easy fellow," the instruments of rehabilitation—eyeglasses, hearing aids, CAT scanners—were not easy to take. There was frustration even in life's small pleasures: "The doctor said the only thing that could cause a seizure is alcohol. Now I like a beer, goodness sakes! That night I think, 'Screw him, I'll test myself.' I had two beers, and I was all red and flushed. Unbelievable!"

Eventually Belisle came around to accepting his condition. But he refused to accept the doctors' early prognosis that he was through with coaching. "In September I came back to school. Every day I thought, 'Will I be the same Bill Belisle I was?" Goodness sakes, hockey season was two months away!"

During the first week of November that year, the coach had a private tryout. "Dr. John Guay came with me to the rink. He said, 'I know you hate helmets, but suit up with a helmet.' Now I don't want to brag, but I'm a decent skater. So I'm out there, and I skate two or three times backwards and I'm off balance. The doc says, 'That's your middle ear. Skate in a crouch.' I didn't get dizzy in a crouch." A week later Belisle, hunched over and wearing a helmet, his right leg still paralyzed from knee to ankle, skated to center ice and called his team around him. "You will get sharper day after day," he told them. "And I will get sharper day after day."

But it was difficult for him to be as confident as he tried to appear. The team had lost seven seniors, including Lawton, and Belisle himself was still having fits of forgetfulness. Yet his words were borne out. Fourteen hundred fans a game watched an amazing season unfold at Adelard Arena. A 14-2-2 record wasn't quite good enough to win another Metropolitan championship, but it proved to Belisle that his team could skate with tough schools. "In the playoffs we were the Mount of old," he says. With Adelard, just turned 100, watching from the press box, Mount Saint Charles swept La Salle and Cranston East in three games each and won the state title. In March the national rankings came out, and Mount Saint Charles had edged Matignon of Cambridge, Mass. for the No. 1 spot.

This season the team is continuing its indomitable ways. As the calendar turned, Saint Charles was 5-0 in the conference and had just won its own Christmas tournament. The playoffs start in early March, and the Mount will surely be there. It is hoped Adelard will, too. He's recovering from a hernia operation but is expected to return soon to the rink that bears his name. He'll sit contentedly in the press box, puffing on one of his beloved Dutch Masters cigars as he watches Belisle's team below.

[From USA Today, Mar. 28, 1986]

TITLES ON THE ICE

Year-by-year records of the Mount St. Charles Academy hockey team since Bill Belisle became coach in 1975 (past players include Minnesota North Star Brian Lawton and 1984 Olympian Paul Guay, who has played for the Los Angeles Kings).

Season, Record, Finish:

1975-76, 29-8-1, state semifinalist.

1976-77, 33-4-0, state runner-up.

1977-78, 35-1-0, state New England champion.

1978-79, 30-0-0, state champion.

1979-80, 29-0-0, state N.E., national champion.

1980-81, 30-0-1, state national champion.

1981-82, 32-0-0, state national champion.

1982-83, 31-1-1, state national champion.

1983-84, 24-2-2, state national champion.

1984-85, 27-1-0, state national champion.

1985-86, 27-2-0, state——champion.

RHODE ISLAND POWER EYES ANOTHER CROWN

(By Martin Zabell)

The top high school hockey powerhouse in the USA is not located in the hotbed of Minnesota. It's in Rhode Island.

Mount St. Charles Academy won six consecutive national titles from 1980-1985, beating out Minnesota and Massachusetts teams for the honor.

In May, the Woonsocket team finds out whether its streak continues when the National Sports News Service picks its No. 1 team.

"Too bad I can't tell you they're No. 1 yet," said Art Johlfs, who determines the hockey champion. "It looks like they'll be a top candidate for the top spot this year."

Mount St. Charles won its ninth consecutive state title this season, finishing with a 27-2 record. Both losses were to state finalist Bishop Hendricken of Warwick.

A Rhode Island-Connecticut all-star team with six Mount St. Charles players won last week-end's Hockey Night tournament in Boston. Mounties Dave Capuano, a senior and the state's leading scorer this season with 41 goals and 39 assists, and Matt Schneider, a junior, were named the tournament's offensive and defensive most valuable players.

During the season, Mount St. Charles beat Massachusetts Division I champion Boston Catholic Memorial and Maine champion Lewiston St. Dominic's.

Coach Bill Belisle, 57, literally has picked himself off the ice in order to perpetuate the dynasty. His record: 327-19-5.

The team continued winning after Belisle fractured his skull in a practice accident in 1982. That year his son, Dave, the assistant coach, guided the team to a national title.

Belisle, a former semi-pro player, believes strongly in discipline and the team concept. This season, he benched leading scorer Capuano for not hustling in the first game of the best-of-three state final.

"I don't build around a star," Belisle said. "I emphasize skating."

Belisle concentrates so much on his team he doesn't bother to find out how the USA's top teams have fared. He leaves that to Johlfs.

Johlfs, a 79-year-old Minnesota native who recently moved to Arizona, said he picks the No. 1 team based on reports from teams in 17 states and the analysis of sportswriters, scouts and recruiters.

"I don't bother calling Art Johlfs," said Belisle. "I send my report in and wait to hear from him. That week's the longest week of the year."

HOCKEY THROUGH THE HOCKEY YEARS

(Two Greats of the Game: Brother Adelard and Tom Eccleston)

There will be plenty of young celebrities on Meehan rink throughout the Providence Journal-Bulletin Hockey Invitational December 21 and 22.

There will also be plenty of older celebrities in the stands, including two of the most famous personalities in the history of Rhode Island hockey. So be sure and take a look at who is sitting next to you. Your neighbor may be Brother Adelard or Tom Eccleston unless both decide to exercise their privilege as tournament committee members and park in the press box.

Climbing to the press booth may seem too much for a man in his 102nd year. But not for Brother Adelard who does not even break his stride in mounting to the coop at the Mount Saint Charles arena bearing his name.

For Tom Eccleston, ascending to any press box is a piece of cake. The oldest high school coach in the nation scrimmages every day of his 76th year with his Burrillville bladesmen and he participates in a weekly hockey match with other elder athletes. Eccleston's chief concern is that he does not have sufficient snap in his passes because of an old injury to his right hand. So he is seriously considering an operation which most septugenarians would find entirely unessential.

When invited to be honorary chairman of the Providence Journal-Bulletin Invitational, Brother Adelard responded just as readily as he did to the challenge of building Rhode Island schoolboy hockey when he came from Canada to Sacred Heart Academy, Central Falls, 74 years ago.

Through the years, Brother Adelard has fulfilled both a spiritual and temporal mission by teaching thousands of youngsters the principles of a Christian education and hockey techniques. But in which order? When asked the question, Brother Adelard smiles as enigmatically as Mona Lisa.

On arriving from Canada in 1911, Brother Adelard was surprised to find there was no school hockey hereabouts. As a native of Canada, he had assumed everybody played hockey.

But always resourceful and a make-do marvel, he found a pond near the school, gathered the most suitably shaped tree branches for sticks, selected a few round stones for pucks and larger rocks for goal markers. He even linked athletics and academics by showing his pupils how to use their school books as shin guards.

As equipment improved and interest increased, Brother Adelard spread the gospel of hockey so successfully that his missionary efforts produced a four-team league, soon followed by an explosive expansion of ice activity.

Assigned to Mount Saint Charles just as high school hockey went indoors at the Rhode Island Auditorium, Brother Adelard added a zesty flavor to the Rhode Island skating circuit by annually importing a few crack Canadians to beef up his home forces. Although other members of the local league reluctantly accepted the invasion by their neighbors from the north, the Canadians were credited with raising the level of Rhode Island hockey by compelling local lads to extend extra efforts to meet the competition.

In the meantime, Brother Adelard's super sextets won national and New England titles, captured ten state crowns and all six positions on the 1939 All-State team until he relinquished the rink rein in order to concentrate completely on the duties as treasurer of Mount Saint Charles.

But he has always retained his keen interest in hockey. Not only does he regularly attend Mount Saint Charles matches but he still corresponds with many of his former players, even those who starred for his teams a half century ago. When asked recently about Henri Gauron, one of his celeb skaters in the 1930s, Brother Adelard immediately answered: "I had a letter from him just last week. He always says, 'I'm like you, Brother. I never got married either'."

Not long before Brother Adelard stepped down from the bench, Tom Eccleston launched his equally extraordinary career. Same as Brother Adelard, Eccleston also started from scratch.

When he introduced hockey in Burrillville in 1939, there was not even a hockey stick in town. The first year, his Burrillville team did not win a game. But thereafter the Broncos were the best on Rhode Island rinks with six straight state championships and three berths in the New England finals.

Eccleston, recognized as the most successful three-sport coach in Rhode Island annals, ran up a record of 211-77-12 as Burrillville hockey boss. Not bad for a guy who has always considered himself primarily a football coach. His grid stats certainly do not negate that claim. A glimpse at his grid record shows 11 championships, seven undefeated seasons and 26 straight victories for 149-36-11 overall. His several semipro elevens were 102-16-2 for a grand grid total of 251-52-13.

The story in baseball is the same as his high school nines captured three state titles for an unprecedented run. His baseball coaching extended to several semipro and junior championships. He once coached a Providence Journal team which featured on first base Lou Gorman, general manager of the Boston Red Sox.

Tapped by Providence College, he coached the Friars to the NCAA hockey semifinals in 1964 when he was named national hockey coach of the year.

After retiring as Burrillville superintendent, he coached Hill prep hockey for 12 seasons with a 185-54-5 slate.

Now he is resuming where he started 45 years ago as Burrillville hockey coach, a post he has accepted with one condition—no salary.

He admits being impelled by a selfish motive because he is happiest when he is coaching and that is all there is to it.

His hockey teams have won more than 500 games and yet, for him, the most memorable match was a 1-0 loss to West Haven, Conn. in the New Englands. That night, his Burrillville skaters had 52 shots on goal while West Haven had one which produced the only goal of the game in sudden death.

That amazing outcome made news across the nation and was even featured in Robert Ripley's syndicated cartoons.

The Providence Journal-Bulletin High School Hockey Invitational at Meehan Auditorium, Dec. 21 and 22, will feature not only four top schoolboy sextets but will also revive the once razor-sharp rink rivalry between Massachusetts and Rhode Island.

During the decades when the New England championships provided an exciting and colorful climax to each schoolboy season, Massachusetts and Rhode Island frequently dominated the sectional tourney, played before thousands in Boston, Lewiston and Providence.

Mere mention of the New Englands reawakens memories of Bay State skating sovereigns, such as Arlington, Malden Catholic, Melrose and Walpole locked in stirring struggles with Rhode Island rink rulers, such as Burrillville, La Salle, Cranston or Mount Saint Charles.

With the disappearance of the New Englands, Massachusetts and Rhode Island hockey forces withdrew within their respective borders and thus disappeared the keen, competitive contact between two neighboring states.

But many of the dramatic duels produced by Massachusetts-Rhode Island rivalry are still conversation pieces. Burrillville, for example, has a bittersweet recollection of the 1958 finals when the Broncos held a one-goal margin over Walpole with just 30 seconds remaining. But Walpole made the most of that half minute by tying the score and winning the New England crown in sudden death.

Babe Mousseau, who coached Burrillville to five New England titles, remains everlastingly grateful to Len Ceglarski, Walpole 1958 pilot, for removing some sting from that stunning setback. So impressed was the present Boston College coach with Burrillville superb sportsmanship throughout the tourney that the runners-up were honored guests at the Walpole banquet.

According to Art Johlfs, executive director of The National News Sports Service, Massachusetts is the No. 1 high school hockey state in the nation with more than 200 teams and 7,000 players.

Rhody rooters counter this by stressing Mount Saint Charles' remarkable record of No. 1 national ranking by the National Sports News Service for six straight years. To underline how remarkable the Mount Saint Charles record really is, Rhode Islanders add that no other school in the U.S. has been named No. 1 nationally for even two consecutive years.

For additional evidence on their behalf, Rhode Islanders note that three of their teams were among the top ten last season and fourth among the first 11 in the National Sports News Service ratings. As Mount Saint Charles retained the first rung, Bishop Hendricken was fifth, La Salle, ninth and Cranston East, 11th.

Massachusetts was also well represented in the same rankings with St. John's of Danvers only a notch below Mount Saint Charles.

Johlfs, a retired sportswriter, who now gives full-time to compiling national rankings, contends that no high school hockey is better than the New England brand. Conceding Massachusetts to be the strongest hockey state overall, he adds: "But for such

a small state, Rhode Island is surprisingly strong as Mount Saint Charles and Bishop Hendricken exemplify with their excellent programs."

Massachusetts and Rhode Island adherents have obviously long been eager for the showdown to be provided by the Providence Journal-Bulletin Invitational with Bishop Hendricken-Catholic Memorial and Mount Saint Charles-Archbishop Williams, pairings Dec. 21.

Bill Belisle, who has coached Mount Saint Charles to eight straight state championships, has not hesitated to put his national rating on the line against formidable Archbishop Williams. Belisle welcomes the interstate test and he has tried in the past to schedule Massachusetts' top teams whose chances of qualifying for the Bay State playoffs may be diminished by a loss to an out-of-state opponent.

Rhode Island teams run no such risk since only interscholastic league records determine playoff qualifers.

CHEMICAL WEAPONS

Mr. WARNER. Mr. President, on April 10, the Committee on Armed Services' Subcommittee on Strategic and Theater Nuclear Forces conducted a hearing on the U.S. chemical deterrent program in review of the fiscal year 1987 defense authorization bill. One focus of this hearing was the relationship between the binary chemical modernization program and U.S. arms control policies and objectives.

Mr. David Emery, the Deputy Director of the U.S. Arms Control and Disarmament Agency, explained that as a result of the congressional action last year providing for the production of modern and safe binary chemical weapons, there has been a perceptible change in the Soviet attitude toward chemical arms control. While he cautioned that we are a long way away from reaching an agreement of any kind, Mr. Emery told the subcommittee that the Soviets are addressing the issue of chemical weapons arms control in a more serious manner than they have in the past. Mr. Emery warned, however, that any indication of reduced support for the binary chemical modernization program in the Congress would undermine U.S. negotiating efforts at this important juncture.

One particularly troubling aspect of this issue is the problem of chemical weapons proliferation. Today, some 15 nations are known to possess chemical weapons and others are known to be seeking these deadly weapons. In addition, the use of chemical weapons is becoming more frequent and the taboo against their use is therefore being eroded. This has been the result of the Soviet use of chemical weapons in Afghanistan, and their sponsorship of their use in Southeast Asia—both in violation of international agreements. In addition, the use of chemical weapons in the war between Iran and Iraq has contributed to a climate more accepting of the use of chemical weapons.

The United States is trying to address these problems through a two track policy of deterrence and arms control. The negotiation of a comprehensive and effectively verifiable multilateral chemical weapons ban remains our ultimate objective. Central to our two track policy is the modernization of the aging and increasingly ineffective U.S. chemical deterrent. A modern and safe retaliatory capability consisting of binary munitions will serve as a deterrent to chemical war—as was the case during World War II—and as an incentive for the Soviets to negotiate seriously.

Mr. President, at this time I would like to ask unanimous consent that an article that appeared in the Christian Science Monitor on March 19, 1986, be included in the RECORD. This article was written by Ambassador Kenneth Adelman, the Director of the U.S. Arms Control and Disarmament Agency. His article focuses on the problems of chemical weapons proliferation and use, and U.S. efforts to address these problems. I would commend this thoughtful piece to the attention of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 19, 1986]

CHEMICAL WEAPONS: RESTORING A CLIMATE OF CONTROL

(By Kenneth L. Adelman)

Recent reports of renewed use of lethal gas by Iraq in the interminable Iran-Iraq war reinforce efforts to clamp down on the use and spread of chemical weapons. Only a decade ago the control of biological and chemical weapons represented an arms-control success story. Now, however, the once seemingly firm taboos against the use of lethal agents appear to be eroding before our eyes.

How has this come about? The problem is twofold: On the one hand, controlling the spread of chemical weaponry has proved difficult technologically; on the other hand, the dangers posed by chemical weaponry have been magnified by a gradual weakening of the international regime prohibiting their use.

Curbing proliferation is complicated by the fact that lethal chemical agents are, by comparison with nuclear armaments, cheap and easy to make. They are in danger of becoming the less developed world's weapon of mass destruction. Technologies for producing less-sophisticated agents like mustard gas are well known among chemists. And the ingredients for many chemical weapons are available in Europe and Asia, as is equipment for their manufacture.

The possession of chemical weaponry has risen from about five nations in 1963 to more than 15 today. More important has been the decline of international norms and standards conducive to stopping their proliferation.

The recent Iraqi actions are but the latest in a series of violations of chemical-weapons prohibitions, beginning in the late 1970s with Vietnam's employment of the deadly agent trichothecene mycotoxin ("yellow rain") against innocent Hmong peoples in Laos and Kampuchea. Doubts about these weapons' use are understandable until one visits Hmong refugee camps in Laos and listens to reports from the relatives of victims. In 1980 Soviet troops used yellow rain in Afghanistan.

Yellow rain incidents almost certainly contributed to an international climate more tolerant of violations.

What can we do about this growing problem?

At the Geneva summit, President Reagan and General Secretary Mikhail Gorbachev agreed to embark on a US-USSR dialogue regarding the spread and use of chemical weapons.

While the Soviets balked at including the "use" question in the joint statement itself, they understood our view that the spread and use are parts of the same problem. We hope these discussions, now under way in Geneva, will reverse the odious trend toward increased use and proliferation.

However, if these discussions—especially those in the Committee on Disarmament where the US proposes banning chemical weapons altogether—are to succeed, we must not forget the lessons of chemical-weapons control. Control of chemical weaponry depends on the combination of arms control and deterrence by the major powers. This combination prevented chemical-weapons use during World War II. While the 1925 Geneva Protocol forbade use of lethal gases, the major belligerents in World War II nonetheless possessed chemical weapons. The understanding that employment of lethal gas would provoke retaliation in kind guaranteed its prohibition. In a war hardly free from atrocities and indiscriminate violence, the taboo against chemical weapons held fast. Arms control alone could not guarantee its nonuse in the 1930s. Despite the Geneva Protocal, Mussolini's troops in Abyssinia and Japanese forces in Manchuria used lethal gases.

These lessons were neglected in the late 1970s. When the Biological and Toxin Weapons Convention was signed in 1972, there was widespread hope that biological and chemical warfare was on the road to extinction. Certainly, American policymakers proceeded on this assumption and ordered the destruction of our stocks of biological weapons. We stopped manufacturing chemical weaponry entirely in 1969 and have added no new chemical weapons to our arsenal since.

The Soviet Union, unfortunately, has done the opposite. Production of chemical weaponry has continued apace. Storage space for lethal chemical agents has steadily expanded. Secret activities on biological weapons also persisted in violation of the 1972 convention. As many American chemical stocks assigned to NATO have grown obsolete, Soviet chemical warfare capabilities have grown, with 80,000 specially trained Warsaw Pact personnel assigned to chemical warfare functions. All this has become especially disturbing given demonstrated Soviet willingness to make battlefield use of lethal gases and even to supply them for use by a client state. Vietnam.

The negotiations hold out hope that these trends might be reversed. But success on banning chemical weapons will depend on the strength of the American bargaining position. This will depend on congressional willingness to approve the administration's request for new binary chemical weapons. These weapons are not intended to match

Soviet capabilities, but they will provide a hedge against the massive and growing Soviet chemical threat to Europe as well as an incentive to the Soviet Union to bargain seriously over the comprehensive and verifiable ban we have proposed. They will strengthen our security and improve our ability to deter chemical attacks. The US will do all it can acting unilaterally, on concert with our allies, and in the coming discussions with the Soviets, to institute and enforce export controls designed to prevent the further spread, and especially the use, of these barbaric weapons.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAST). Without objection, it is so ordered.

AMBASSADOR JOHN ANTHONY GAVIN, U.S. AMBASSADOR TO MEXICO

Mr. PRESSLER. Mr. President, John Anthony Gavin will be leaving his post as United States Ambassador to Mexico on May 15, 1986, and I use this opportunity to honor his achievements. I also thank his fine wife, Constance Mary Towers, and his four children, Christina, Maureen, Maria, and Michael, for their support and encouragement in his role.

Mr. President, I had the great privilege to be a guest in his official residence in Mexico City, and I have had the honor of seeing this fine U.S. Ambassador in action. He speaks fluent Spanish and has, thus, been unusually effective in promoting American concerns in Mexico during a most difficult tenure.

Mr. Gavin's success in Mexico should not come as a surprise because he is uniquely qualified for his role. Ambassador Gavin was born in Los Angeles, CA, attended St. Johns Military Academy and Villanova Preparatory, and Stanford University, where he received senior honors in economics and in the history of Latin America.

Ambassador Gavin served in the Navy during the Korean conflict as an air intelligence officer, in Latin America as a flag lieutenant, and as Pan American affairs officer to the commandant of the 15th Naval District. During his Navy service he received four battle commendations, and two decorations by foreign governments.

Ambassador Gavin's public service career has been in the fields of entertainment and business. From 1961 to 1973, he was special adviser to the Secretary General of the Organization of American States. He also pursued liaison work with the U.S. Department of State while serving in the Executive Office of the President. Mr. Gavin also served as a member of the board of the Screen Actors Guild, and was its president for two terms.

After 1973, Ambassador Gavin resumed his business activities.

Ambassador Gavin was nominated for the post of the Ambassador to Mexico in March 1981, and was confirmed by the Senate in April. He is currently the longest serving U.S. Ambassador in Latin America. He is also chief of one of the largest American delegations abroad, with over 1,000 Americans and Mexican employees representing more than a dozen United States Government agencies.

I am personally regretful that such a fine Ambassador will be leaving such an important post, but I know that Ambassador Gavin has other responsibilities also. I know that many other Senators also wish him well in his new career.

HUNGER IN SOUTH DAKOTA?

Mr. PRESSLER. Mr. President, as one who holds two Harvard graduate degrees, I have the utmost respect for the Harvard faculty. As my colleagues well know, studies conducted by Harvard scientists and researchers are among the best in the Nation. However, as a South Dakotan, I find it necessary to respond to one of Harvard's recent studies which involved South Dakotans.

Harvard's School of Public Health and the "Physician's Task Force on Hunger in America" identified 150 "hunger counties" in the United States which have a high rate of poverty but low rates of food stamp participation. My home State of South Dakota was found to have 28 of the hungriest counties in the Nation. This is quite shocking for a State which produces food for the rest of the Nation and the world.

The results of the study illustrate the severe financial problems in the farm community. The depressed farm prices and continually rising costs of production have put many farmers' and ranchers' incomes below the poverty level. Farm prices are at the lowest level in decades. This depressed farm income also translates into hard times for main street businesses. While food stamps provide greatly needed assistance for many South Dakotans, higher farm prices would help South Dakota residents much more in the long term.

I point out a few factors which apparently were not taken into consideration by the visiting researchers. One indication of nutritional deprivation in infants and children is the infant mortality rate. According to a letter I received from the South Dakota Secretary of Health, South Dakota's 1984 white infant mortality rate was the second lowest in the Nation. South Dakota has already met the Surgeon General's 1990 goal for low birthweight births and infant mortality for whites.

While the Indian population in South Dakota has a considerably higher infant mortality rate, only two of the so-called hunger counties have a significant Indian population. American Indian reservation lands were not included in the study because various commodity programs are available there. Thus, over 60 percent of our Indian population live in counties not designated as hungry.

Another health indicator is longevity. Longevity for South Dakota's men and women is above the national average. In fact, we rank 12th in the Nation. South Dakota women have one of the longest life expectancy rates in the Nation. Here in Washington, DC, life expectancy for women is 73.7, compared to South Dakota's 79.2. Men living in the Nation's Capital can expect to live only 64.6 years, compared to 72.1 in South Dakota. Agricultural accidents in South Dakota contribute to the lower expectancy for men.

South Dakotans are a hard-working and proud people. They take great pride in their livelihood and their families. In South Dakota, there is a strong sense of community. People pull together and help each other through hard times, rather than depending on Government handouts. The Food Stamp Program is a valuable Federal program that assists many South Dakotans. But, a low participation rate does not mean vast numbers of people are hungry or starving. South Dakota farmers have the capability to produce a large share of their own food needs. Large vegetable gardens are often maintained and farm animals are butchered for meat. With hard work, many farm families may enjoy a more nutritional diet than the average American, at a much lower cost to the Government. Therefore, South Dakotans should be commended for effectively using, but not abusing, the Food Stamp Program.

Mr. President, I ask unanimous consent that an editorial on this subject from the March 9, 1986, Aberdeen American News be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WE AWAIT WITH SOME TREPIDATION THE STUDY ON HUNGER

It was, indeed, something of a shock when it was announced in January that South Dakota has 28 counties where people were going hungry.

It seemed incredible then and it still does.

But a report compiled by the School of Public Health at Harvard University and the Physicians Task Force on Hunger not only listed 28 South Dakota counties on the hunger list but listed South Dakota second

in the nation, behind only Texas on that hunger list.

The report ranked counties where more than 20 percent of the people live below the federal poverty level of $10,609 a year for a family of four and where fewer than one-third of eligible residents actually get food stamps.

That must account for it, we thought, this business of food stamps. Folks in South Dakota are too proud to accept food stamps if they don't need them. Sure there may be people below the poverty level; but hunger? That's for Ethiopia. That's not Harding County (which was No. 4 in the nation). That's not Campbell County (No. 10 in the nation). There must be some mistake. How can you have hungry people among you and not know about it?

Oh, sure, we know there are poor people among us who need help. We see people using food stamps and we know there is a need for the Salvation Army pantry to provide food help to people. But hunger, the kind of hunger we see on TV, the kind of hunger that never goes away, the kind that haunts the eyes of babies? There must be some mistake. We take care of ourselves and our own don't we?

So we have been waiting with some trepidation as a group, part of the Physicians Task Force on Hunger, came to South Dakota to examine the situation. And we are still waiting, still with some trepidation.

There has been considerable speculation that the combination of poverty-level income and food stamp use, on which the original rankings were made, may be a faulty yardstick in a place like South Dakota where a $10,000 annual income goes farther than it might go elsewhere and where, as we said, people are less apt to apply for food stamps if they don't really need them.

And the task force confirmed some of that along with unique local problems and embarrassment of those applying for food stamps.

A staff member said the task force wants to know why there are so many people who are eligible but are not participating in the food stamp programs. So do we.

She said the task force wants to find out if people's basic nutritional needs are being met. So do we.

We are, most of us, exceedingly uncomfortable being labeled as the kind of folks who would let people go hungry.

If the study is right and something has gone wrong, we want to fix it. After years and years of feeding a large part of the country—of the world—we ought to know something in South Dakota about feeding the hungry.

THE BATTLE AGAINST TERRORISM

Mr. PRESSLER. Mr. President, I call the Senate's attention to the need for a better definition, or perhaps a study or recommendation, on the part of the White House regarding Executive Order 12333 which prohibits any member of the U.S. Government from being involved in assassinations.

Mr. President, in the battle against terrorism, many options must be considered, including the kind of direct military actions we took against Libyan targets last week.

Another option which is prohibited to our Government is the assassination of individual terrorists. That option is precluded by section 2.11 of Executive Order 12333, which reads:

Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

This order has been in effect since December 4, 1981, but the prohibition against assassination has been in existence since Executive Order 12036 was issued on January 24, 1978.

Although I am not advocating a change in this policy, it is clear that Executive Order 12333 effectively requires military operations against larger targets whenever we decide to use force to combat terrorism. It is virtually impossible for us to single out individual terrorists for extermination or elimination. We could bomb cities or neighborhoods known to harbor specific terrorists, but in the process of doing that there is a risk of killing or injuring other people, too.

An unstated justification for the U.S. prohibition on the use of assassination as an instrument of national policy is that it protects our own leaders from assassination. In the aftermath of alleged assassination attempts against Fidel Castro, and subsequent Cuban plots against high American officials, it was assumed that the renunciation of assassination as a foreign policy tool would reduce possibility of physical violence against U.S. officials.

Mr. President, I do not propose that we revert to the age of Machiavelli, when assassination was a common instrument of state policy. But I do believe we should broaden the President's options for coping with terrorism. The military option, as demonstrated in the Libyan case last week, is a massive tool with which to pursue terrorists. I do not question the propriety of utilizing that option in this case, and I do support the President's action. But we should be considering whether there are other ways to combat terrorists than by aerial or missile bombardment of cities.

We may be in a new era in which warfare is conducted by terrorism. If that is the case, the President and Congress should consider whether new retaliatory options should be developed. If he feels they are necessary, Congress should welcome any Presidential legislative proposals which could broaden the opportunities for effective action against the terrorist menace.

Mr. President, let me cite an example. As I understand our current law, if the President of the United States were to know of one specific terrorist who had murdered several Americans, had documentation on tape of the murders, and knew that the terrorist was living in a country that did not permit extradition, then there would be a justification for bombing a military compound or a village in which that person lived. If our objective were to retaliate, which might endanger many other innocent people, then we could act in that manner. But if this person were living alone in a house, in an open area, it would violate our Executive order to go after him specifically.

I do not know what the future holds in terms of terrorist activities. I hope this dies down, and I do not know if this is an appropriate response.

There was some speculation that part of our objective in Libya was to kill Qadhafi, but we ended up killing his daughter and several other people, which perhaps set our own foreign policy back a bit in terms of our ultimate objective. I do support what the President did.

The point I am making is that this Senator would welcome any legislative proposals which would broaden the opportunities for effective action against the terrorist menace, and the Office of the President, the National Security Council, the Secretary of Defense, State, and the CIA could well make such recommendations.

I know that it is repugnant to our thinking and repugnant in a democracy to even talk of such things, but we may be living in an era in which, to protect the lives of American citizens, we might need to consider changing that Executive order.

Mr. President, I yield back the balance of my time.

LEAVE OF ABSENCE

Mr. MATHIAS. Mr. President, pursuant to the provisions of rule VI of the Senate, I request the consent of the Senate to be absent from April 24 through April 30 for the purpose of discharging the duties of the president of the North Atlantic Assembly, for attending a conference, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR PROXMIRE'S ATTENDANCE RECORD

Mr. DANFORTH. Mr. President, on this day 20 years ago, Lyndon Johnson of Texas occupied the White House. I was a young lawyer in private practice.

My regard for the feelings of my colleagues prevents me from recalling just how young I was in 1966. But my years were few. My esteemed senior colleague, Senator EAGLETON, was the Lieutenant Governor of Missouri and well launched on his illustrious career.

I rise today to honor a Senator who was completing a decade of distinguished service to the State of Wisconsin and to the Nation on April 20, 1966. I refer to our colleague Senator WILLIAM PROXMIRE.

The date April 20, 1966, is significant, Mr. President, because it is the last time that Senator PROXMIRE was absent for a rollcall vote in the Senate. The vote he missed was a rollcall of 63 to 21 in favor of adopting a resolution to authorize the Finance Committee to increase its permanent professional staff by six and to hire six clerical employees on a temporary basis.

I am confident that he still rues having missed a chance to vote against more congressional staff. Since missing that vote, Senator PROXMIRE has cast 9,178 consecutive rollcall votes.

Since 1973, Senator PROXMIRE has held the record for consecutive rollcall votes. Since 1978, he has held the record for consecutive years without a miss. He has cast more votes in the Senate than any other Member, past or present. Truly, he is an amazing person.

To serve for 20 years without missing a rollcall vote is an awesome accomplishment. I consider it a privilege to serve with Senator PROXMIRE and to join in honoring him on this day.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET

Mr. DOLE. Mr. President, there has just been a meeting with the Speaker of the House, Mr. O'NEILL; myself; the distinguished minority leader; Senator CHILES; Senator DOMENICI; the Republican leader in the House, Representative MICHEL; Representative FOLEY; the majority whip in the House, Representative WRIGHT; and Representative GRAY, to determine whether or not we could work out a timetable for consideration of the budget.

The House has not even had a budget markup. The Senate has been prepared, I think, for 7, 8, or 9 legislative days. It was reported right before the Easter recess.

This Senator, working with the chairman of the Budget Committee, Senator DOMENICI, has been trying to determine which course to follow. As I have indicated to the chairman of the Budget Committee, I think he did an outstanding job. We now have a budget ready for consideration.

I have also indicated to the Senator from New Mexico [Mr. DOMENICI] that at this point I could not support the budget resolution.

In my view, we need to take a look at the revenues, which in my view are too high. I think we can do better in the spending reductions, and I think we do need to add some for defense. I think in some of the areas there is no disagreement. The question is whether or not we have the votes.

Based on the meeting we just attended, it was clear to us—in fact, we were just flat-out told—that the House would not consider the budget until about 72 hours after it passes the Senate.

So now the choice is either do nothing or to proceed and hope that we can work out some bipartisan resolution on this side before sending it to the House.

The complicating factor is the fact, of course, the President leaves Friday for Tokyo and he will be gone for 13 days.

So it would be my hope that we would have some general framework of an agreement with the President or his associates prior to their departure.

Some will say it does not make any difference, the President does not sign the budget resolution, but it does make a difference. The President is a key player, whether he is Ronald Reagan or some other President. Because if the budget resolution passes, that will be followed by reconciliation. And reconciliation will depend on what we had in the budget resolution. So the President is indirectly a very key player and should be.

The President has indicated he will not support the tax increase in the budget resolution reported by the Senate Budget Committee on a bipartisan basis, seven Republicans and six Democrats.

About 25 Republicans have indicated in a letter to me that they will not support the Senate Budget Committee's efforts because of the defense numbers, the revenue numbers, and the fact that the spending reductions are not large enough.

So, it is my opinion, having stated this, that we should move ahead with the budget process. We have 50 hours of debate. Hopefully, we will not use all that time. But hopefully in the interim, there will be amendments that will improve upon the product that is now pending. And I say that without any criticism of anyone in the Budget Committee, particularly the chairman and the ranking minority member, Senator CHILES.

I believe the meeting with the Speaker was helpful. They made it very clear they had no intention of proceeding with the budget until the Senate had completed its action.

The President has said, as recently as his latest press conference, that we ought to proceed with the budget resolution. I do not believe any of us want to see Gramm-Rudman triggered again. It does not make any difference what the Supreme Court may say.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there be no further morning business, morning business is closed.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

Mr. DOLE. Mr. President, it is my understanding that this is a privileged matter, and I ask the Senate to proceed to the consideration of Senate Concurrent Resolution 120.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the United States Government for the fiscal years 1987, 1988, and 1989.

The Senate proceeded to the consideration of the concurrent resolution, which had been reported from the Committee on the Budget; as follows:

S. CON. RES. 120

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1987 is established and the appropriate budgetary levels for fiscal years 1988 and 1989 are set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1986, October 1, 1987, and October 1, 1988:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1987: $647,700,000,000.
Fiscal year 1988: $703,900,000,000.
Fiscal year 1989: $754,400,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1987: $18,700,000,000.
Fiscal year 1988: $26,800,000,000.
Fiscal year 1989: $28,800,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1987: $55,500,000,000.
Fiscal year 1988: $59,800,000,000.
Fiscal year 1989: $63,800,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1987: $882,900,000,000.
Fiscal year 1988: $927,000,000,000.
Fiscal year 1989: $956,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1987: $809,000,000,000.
Fiscal year 1988: $847,300,000,000.
Fiscal year 1989: $869,200,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1987: $161,300,000,000.
Fiscal year 1988: $143,400,000,000.
Fiscal year 1989: $114,800,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1987: $2,323,100,000,000.
Fiscal year 1988: $2,523,000,000,000.
Fiscal year 1989: $2,697,700,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1987: $216,900,000,000.
Fiscal year 1988: $199,900,000,000.
Fiscal year 1989: $174,700,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1986, October 1, 1987, and October 1, 1988, are as follows:

Fiscal year 1987:
(A) New direct loan obligations, $34,700,000,000.
(B) New primary loan guarantee commitments, $86,400,000,000.
(C) New secondary loan guarantee commitments, $55,200,000,000.

Fiscal year 1988:
(A) New direct loan obligations, $32,300,000,000.
(B) New primary loan guarantee commitments, $88,500,000,000.
(C) New secondary loan guarantee commitments, $55,200,000,000.

Fiscal year 1989:
(A) New direct loan obligations, $30,200,000,000.
(B) New primary loan guarantee commitments, $89,000,000,000.
(C) New secondary loan guarantee commitments, $55,200,000,000.

(b) The following levels and amounts are set forth for purposes of determining, in accordance with the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution, as reported, shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution, as reported:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1987: $862,700,000,000.
Fiscal year 1988: $947,800,000,000.
Fiscal year 1989: $1,020,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1987: $1,097,300,000,000.
Fiscal year 1988: $1,169,500,000,000.
Fiscal year 1989: $1,220,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1987: $1,006,600,000,000.
Fiscal year 1988: $1,055,700,000,000.
Fiscal year 1989: $1,088,700,000,000.

(4) The amounts by which the levels of total budget outlays set forth in paragraph (3) exceed the corresponding levels of Federal revenues set forth in paragraph (1) are as follows:

Fiscal year 1987: $143,900,000,000.
Fiscal year 1988: $107,900,000,000.
Fiscal year 1989: $68,600,000,000.

(c) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1987 through 1989 for each major functional category are:

(1) National Defense (050):

Fiscal year 1987:
(A) New budget authority, $295,100,000,000.
(B) Outlays, $280,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $309,000,000,000.
(B) Outlays, $290,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:
(A) New budget authority, $323,600,000,000.
(B) Outlays, $303,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1987:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $14,400,000,000.
(C) New direct loan obligations, $7,400,000,000.
(D) New primary loan guarantee commitments, $11,700,000,000.
(E) New secondary loan guarantee commitments, $200,000,000.

Fiscal year 1988:
(A) New budget authority, $18,100,000,000.
(B) Outlays, $14,200,000,000.
(C) New direct loan obligations, $7,500,000,000.
(D) New primary loan guarantee commitments, $11,700,000,000.
(E) New secondary loan guarantee commitments, $200,000,000.

Fiscal year 1989:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $13,600,000,000.
(C) New direct loan obligations, $7,700,000,000.
(D) New primary loan guarantee commitments, $11,700,000,000.
(E) New secondary loan guarantee commitments, $200,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1987:
(A) New budget authority, $10,000,000,000.
(B) Outlays, $9,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $10,100,000,000.
(B) Outlays, $9,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $10,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1987:
(A) New budget authority, $4,900,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $4,900,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1987:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1987:
(A) New budget authority, $23,800,000,000.
(B) Outlays, $23,500,000,000.
(C) New direct loan obligations, $14,300,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1988:
(A) New budget authority, $26,100,000,000.
(B) Outlays, $24,900,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $8,500,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1989:
(A) New budget authority, $25,300,000,000.
(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $11,300,000,000.
(D) New primary loan guarantee commitments, $8,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1987:
(A) New budget authority, $10,000,000,000.
(B) Outlays, $4,300,000,000.
(C) New direct loan obligations, $4,500,000,000.
(D) New primary loan guarantee commitments, $39,400,000,000.
(E) New secondary loan guarantee commitments, $55,000,000,000.
Fiscal year 1988:
(A) New budget authority, $10,500,000,000.
(B) Outlays, $6,300,000,000.
(C) New direct loan obligations, $4,300,000,000.
(D) New primary loan guarantee commitments, $40,000,000,000.
(E) New secondary loan guarantee commitments, $55,000,000,000.
Fiscal year 1989:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $1,400,000,000.
(C) New direct loan obligations, $4,500,000,000.
(D) New primary loan guarantee commitments, $39,500,000,000.
(E) New secondary loan guarantee commitments, $55,000,000,000.
(8) Transportation (400):
Fiscal year 1987:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $27,800,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $26,500,000,000.
(B) Outlays, $26,700,000,000.
(C) New direct loan obligations, $400,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $26,600,000,000.
(B) Outlays, $26,800,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1987:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $7,200,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1987:
(A) New budget authority, $30,600,000,000.
(B) Outlays, $30,200,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $30,300,000,000.
(B) Outlays, $30,500,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $10,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $30,200,000,000.
(B) Outlays, $30,200,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $11,000,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1987:
(A) New budget authority, $37,900,000,000.
(B) Outlays, $37,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $40,000,000,000.
(B) Outlays, $40,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $42,000,000,000.
(B) Outlays, $41,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medicare (570):
Fiscal year 1987:
(A) New budget authority, $82,900,000,000.
(B) Outlays, $72,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $90,900,000,000.
(B) Outlays, $80,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $100,800,000,000.
(B) Outlays, $88,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1987:
(A) New budget authority, $160,900,000,000.
(B) Outlays, $121,500,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $169,200,000,000.
(B) Outlays, $128,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $173,200,000,000.
(B) Outlays, $133,100,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1987:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $6,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1987:
(A) New budget authority, $27,300,000,000.
(B) Outlays, $26,600,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $16,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $27,500,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $16,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $27,600,000,000.
(B) Outlays, $27,300,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $17,600,000,000.

(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1987:
(A) New budget authority, $7,000,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $7,000,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1987:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1987:
(A) New budget authority, $2,000,000,000.
(B) Outlays, $2,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $2,000,000,000.
(B) Outlays, $2,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $2,100,000,000.
(B) Outlays, $2,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1987:
(A) New budget authority, $149,300,000,000.
(B) Outlays, $149,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $158,100,000,000.
(B) Outlays, $158,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $158,500,000,000.
(B) Outlays, $158,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1987:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $1,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, $4,400,000,000.
(B) Outlays, $4,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $6,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1987:
(A) New budget authority, −$36,500,000,000.
(B) Outlays, −$36,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1988:
(A) New budget authority, −$40,500,000,000.
(B) Outlays, −$40,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1989:
(A) New budget authority, −$40,000,000,000.
(B) Outlays, −$40,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) Not later than May 15, 1986, the committees named in subsections (b) through (y) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $135,000,000 in budget authority and $135,000,000 in outlays in fiscal year 1987, $291,000,000 in budget authority and $291,000,000 in outlays in fiscal year 1988, and $350,000,000 in budget authority and $350,000,000 in outlays in fiscal year 1989.

(c) The Senate Committee on Armed Services shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $16,000,000 in budget authority and $16,000,000 in outlays in fiscal year 1987, $1,696,000,000 in budget authority and $1,652,000,000 in outlays in fiscal year 1988, and $123,000,000 in budget authority and $123,000,000 in outlays in fiscal year 1989.

(d) The Senate Committee on Banking, Housing, and Urban Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $852,000,000 in budget authority and $740,000,000 in outlays in fiscal year 1987, $826,000,000 in budget authority and $1,177,000,000 in outlays in fiscal year 1988, and $765,000,000 in budget authority and $617,000,000 in outlays in fiscal year 1989.

(e) The Senate Committee on Commerce, Science, and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $58,000,000 in budget authority and $63,000,000 in outlays in fiscal year 1987, $68,000,000 in budget authority and $71,000,000 in outlays in fiscal year 1988, and $68,000,000 in budget authority and $69,000,000 in outlays in fiscal year 1989.

(f) The Senate Committee on Energy and Natural Resources shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section

401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, or (3) any combination thereof, sufficient to increase contributions and reduce budget authority and outlays as follows: $943,000,000 in contributions, $424,000,000 in budget authority and $424,000,000 in outlays in fiscal year 1987, $858,000,000 in contributions, $65,000,000 in budget authority and $86,000,000 in outlays in fiscal year 1988, and $664,000,000 in contributions, $80,000,000 in budget authority and $116,000,000 in outlays in fiscal year 1989.

(g) The Senate Committee on Environment and Public Works shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $2,611,000,000 in budget authority and $81,000,000 in outlays in fiscal year 1987, $3,077,000,000 in budget authority and $862,000,000 in outlays in fiscal year 1988, and $3,562,000,000 in budget authority and $1,242,000,000 in outlays in fiscal year 1989.

(h)(1) The Senate Committee on Finance shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $0 in budget authority and $7,041,000,000 in outlays in fiscal year 1987, $0 in budget authority and $10,248,000,000 in outlays in fiscal year 1988, and $0 in budget authority and $12,393,000,000 in outlays in fiscal year 1989.

(2) The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $19,300,000,000 in fiscal year 1987; $27,600,000,000 in fiscal year 1988; and $29,800,000,000 in fiscal year 1989.

(i) The Senate Committee on Governmental Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $0 in budget authority and $2,603,000,000 in outlays in fiscal year 1987, $0 in budget authority and $3,771,000,000 in outlays in fiscal year 1988, and $0 in budget authority and $4,375,000,000 in outlays in fiscal year 1989.

(j)(1) The Senate Committee on Labor and Human Resources shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $230,000,000, in budget authority and $205,000,000 in outlays in fiscal year 1987, $480,000,000, in budget authority and $457,000,000 in outlays in fiscal year 1988, and $612,000,000, in budget authority and $611,000,000 in outlays in fiscal year 1989.

(2) The Senate Committee on Labor and Human Resources shall report changes in the laws within its jurisdiction which provide spending authority as defined in section 3(10) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce direct loan obligations by $41,000,000 in fiscal year 1987, $60,000,000 in fiscal year 1988, and $139,000,000 in fiscal year 1989, and sufficient to reduce primary loan guarantee commitments by $235,000,000 in fiscal year 1987, $15,000,000 in fiscal year 1988, and $0 in fiscal year 1989.

(k)(1) The Senate Committee on Small Business shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $735,000,000 in budget authority and $848,000,000 in outlays in fiscal year 1987, $1,066,000,000 in budget authority and $1,131,000,000 in outlays in fiscal year 1988, and $1,328,000,000 in budget authority and $1,474,000,000 in outlays in fiscal year 1989.

(2) The Senate Committee on Small Business shall report changes in the laws within its jurisdiction which provide credit authority as defined in section 3(10) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce direct loan obligations by $1,005,000,000 in fiscal year 1987, $1,491,000,000 in fiscal year 1988, and $1,555,000,000 in fiscal year 1989.

(l) The Senate Committee on Veterans' Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $356,000,000 in budget authority and $356,000,000 in outlays in fiscal year 1987, $473,000,000 in budget authority and $473,000,000 in outlays in fiscal year 1988, and $512,000,000 in budget authority and $512,000,000 in outlays in fiscal year 1989.

HOUSE COMMITTEES

(m) The House Committee on Agriculture shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $135,000,000 in budget authority and $135,000,000 in outlays in fiscal year 1987, $291,000,000 in budget authority and $291,000,000 in outlays in fiscal year 1988, and $350,000,000 in budget authority and $350,000,000 in outlays in fiscal year 1989.

(n) The House Committee on Armed Services shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $16,000,000, in budget authority and $16,000,000 in outlays in fiscal year 1987, $1,696,000,000 in budget authority and $1,652,000,000 in outlays in fiscal year 1988, and $123,000,000 in budget authority and $123,000,000 in outlays in fiscal year 1989.

(o) The House Committee on Banking, Finance and Urban Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $852,000,000 in budget authority and $740,000,000 in outlays in fiscal year 1987, $826,000,000 in budget authority and $1,177,000,000 in outlays in fiscal year 1988, and $765,000,000 in budget authority and $617,000,000 in outlays in fiscal year 1989.

(p)(1) The House Committee on Education and Labor shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $230,000,000 in budget authority and $205,000,000 in outlays in fiscal year 1987, $480,000,000 in budget authority and $457,000,000 in outlays in fiscal year 1988, and $612,000,000 in budget authority and $611,000,000 in outlays in fiscal year 1989.

(2) The House Committee on Education and Labor shall report changes in laws within its jurisdiction which provide credit authority as defined in section 3(10) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce direct loan obligations by $41,000,000 in fiscal year 1987, $60,000,000 in fiscal year 1988, and $139,000,000 in fiscal year 1989, and sufficient to reduce primary loan guarantee commitments by $235,000,000 in fiscal year 1987, $15,000,000 in fiscal year 1988, and $0 in fiscal year 1989.

(q) The House Committee on Energy and Commerce shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, (2) changes in laws within its jurisdiction which

provide spending authority other than as defined in section 401(c)(2)(C) of the Act, or (3) any combination thereof, sufficient to increase contributions and reduce budget authority and outlays as follows: $943,000,000 in contributions, $139,000,000 in budget authority and $2,781,000,000 in outlays in fiscal year 1987, $858,000,000 in contributions, $155,000,000 in budget authority and $4,888,000,000 in outlays in fiscal year 1988, and $664,000,000 in contributions, $160,000,000 in budget authority and $7,128,000,000 in outlays in fiscal year 1989.

(r) The House Committee on Government Operations shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $0 in budget authority and $3,654,000,000 in outlays in fiscal year 1987, $0 in budget authority and $4,572,000,000 in outlays in fiscal year 1988, and $0 in budget authority and $4,667,000,000 in outlays in fiscal year 1989.

(s) The House Committee on Interior and Insular Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $424,000,000 in budget authority and $424,000,000 in outlays in fiscal year 1987, $65,000,000 in budget authority and $65,000,000 in outlays in fiscal year 1988, and $80,000,000 in budget authority and $80,000,000 in outlays in fiscal year 1989.

(t) The House Committee on Merchant Marine and Fisheries shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $0 in budget authority and $5,000,000 in outlays in fiscal year 1987, $0 in budget authority and $3,000,000 in outlays in fiscal year 1988, and $0 in budget authority and $1,000,000 in outlays in fiscal year 1989.

(u) The House Committee on Post Office and Civil Service shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $0 in budget authority and $2,321,000,000 in outlays in fiscal year 1987, $0 in budget authority and $3,766,000,000 in outlays in fiscal year 1988, and $0 in budget authority and $4,275,000,000 in outlays in fiscal year 1989.

(v) The House Committee on Public Works and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $2,538,000,000 in budget authority and $8,000,000 in outlays in fiscal year 1987, $2,998,000,000 in budget authority and $783,000,000 in outlays in fiscal year 1988, and $3,479,000,000 in budget authority and $1,159,000,000 in outlays in fiscal year 1989.

(w)(1) The House Committee on Small Business shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $735,000,000 in budget authority and $848,000,000 in outlays in fiscal year 1987, $1,066,000,000 in budget authority and $1,131,000,000 in outlays in fiscal year 1988, and $1,328,000,000 in budget authority and $1,474,000,000 in outlays in fiscal year 1989.

(2) The House Committee on Small Business shall report changes in laws within its jurisdiction which provide credit authority as defined in section 3(10) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce direct loan obligations by $1,005,000,000 in fiscal year 1987, $1,491,000,000 in fiscal year 1988, and $1,555,000,000 in fiscal year 1989.

(x) The House Committee on Veterans' Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $356,000,000 in budget authority and $356,000,000 in outlays in fiscal year 1987, $473,000,000 in budget authority and $473,000,000 in outlays in fiscal year 1988, and $512,000,000 in budget authority and $512,000,000 in outlays in fiscal year 1989.

(y)(1) The House Committee on Ways and Means shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $0 in budget authority and $3,409,000,000 in outlays in fiscal year 1987, $0 in budget authority and $5,019,000,000 in outlays in fiscal year 1988, and $0 in budget authority and $6,644,000,000 in outlays in fiscal year 1989.

(2) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $19,300,000 in fiscal year 1987, $27,600,000 in fiscal year 1988, and $29,800,000 in fiscal year 1989.

GENERAL REVENUE SHARING

SEC. 3. Upon the enactment of legislation authorizing up to $1,800,000,000 for the purpose of funding an extension for General Revenue Sharing in fiscal year 1987, and upon the enactment of legislation increasing revenues in an amount equal to the amount authorized and in addition to amounts of increased revenues required to be reported pursuant to section 2 of this concurrent resolution, the authorized amount of budget authority and outlays shall be allocated to the Senate Committees on Appropriations and Finance, as appropriate, and that same amount will be added to the total amounts of budget authority and outlays provided for in this concurrent resolution.

Mr. BYRD. Mr. President, I compliment the distinguished majority leader on his decision to proceed now with the budget resolution.

I think our manager on this side is in the neighborhood. He was at the meeting with the House leadership to which Mr. DOLE has just referred. I suggest that we have a quorum call so as to allow him and his staff to come to the Senate floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator wish the quorum call to be equally divided?

Mr. BYRD. I ask unanimous consent that the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am advised that both the distinguished chairman of the committee, Senator DOMENICI, and the ranking Democrat, Senator CHILES, would like to speak on the budget and they would like to do that at about 4:10 p.m.

RECESS UNTIL 4:10 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 4:10 p.m. today.

There being no objection, the Senate at 3:27 p.m. recessed until 4:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WARNER].

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself as much time as I need at this point.

Mr. President, I am pleased to begin consideration of Senate Concurrent Resolution 120, the concurrent resolution of the budget for 1987. I should like to begin by complimenting the members of the Budget Committee for their work in reporting a budget resolution in a prompt and expeditious manner. I am also grateful to the majority leader for his continual efforts to see that alternative views had an opportunity to be presented before we began consideration of this resolution.

Mr. President, in my office I have an old print depicting the ancient Greek, Sisyphus, who was destined to spend his afterlife pushing a rock up a mountain, only in this print he is pushing a budget instead of a giant rock. One will recall that every time he reached the top of the mountain, the rock came rolling down over him. I hope we are able to complete the 1987 budget and get it over the mountain, and I hope we will do it in such a way that it will not come rolling back down in August and September. I am very hopeful that it will not come rolling back down next year or in the years to come.

Senate Concurrent Resolution 120 is the first attempt by either House to meet the official goals adopted under the new Gramm-Rudman-Hollings budget procedures just 4 months ago. This resolution meets the targets required under this new budget law not only for 1987 but for the next 3 fiscal years. It meets these targets in a balanced way, a way which requires tremendous compromise and tremendous political courage among the individual members of the Budget Committee who voted for it. This resolution will get that budget rock up and over the mountain for the next 3 years if things go well for America, if the economy continues its robust recovery. If for the next 3 to 5 years, the U.S. economy can grow an average 3.4 to 3.7 percent per year. Even though that is optimistic but from everything we can find out about the American economy today it is credible. And, that is my only caveat in terms of whether the rock will come tumbling back down, indeed, we need to sustain the optimistic outlook for the economy for the next 3 to 5 years.

I should also add that whether we are able to keep that giant budget rock from coming back down upon us, defense will clearly have to be restrained. It certainly will have to go up a little bit but not nearly as much as the President asked for. Modernization and restraint in defense alone will contribute substantially to whether we can make those targets in the out years.

Ultimately, I believe that something very close to this budget will be found to reflect the political consensus of the full Senate.

Now, understand that I have said "very close." Obviously, very few budgets save and except perhaps the very first one under my chairmanship in 1981, have gone all the way through Senate floor consideration without some changes.

The full Senate, with its majority vote, has tremendous latitude to change it in any way it wishes. But as the Senate works its will on this budget there are some important changes to keep in mind under Gramm-Rudman-Hollings.

I am sure there will be some who will say we want more money in this function or that function or more for defense. I think everyone should know the ground rules are substantially different. You cannot just come in and add more money anymore. An amendment is out of order unless in adding more money for one area you subtract an equal amount somewhere else or you add more to the revenue side. Those are the ground rules under Gramm-Rudman-Hollings.

Senate Concurrent Resolution 120 proposes $173 billion in total deficit reduction over the years 1987, 1988, and 1989. That is using the same baseline, for Senators who are wondering, what the President used for his domestic spending, that is current policy as defined by the Congressional Budget Office. The baseline in this budget assumes automatic cost-of-living allowances for all veterans and a full inflation adjustment for most discretionary programs.

This estimate of total budget saving, $173 billion, is not based on the President's baseline on defense, however. In his fiscal year 1987 budget request, the President used last year's congressional budget resolution for defense as the baseline. The CBO baseline for defense, which is the basis for this budget resolution, begins from CBO's current level for defense for fiscal year 1986, $291 billion, and adjusts fiscal year 1987 and the out years fully for inflation. This means that the CBO baseline assumes a full inflation adjustment for defense, similar to its contention for nondefense programs, but no real growth. This is in contrast to the President's baseline that already includes substantial real growth.

What makes up the $173 billion in budget saving? More than half, 57 percent, come from the spending side of the budget. And a vast majority of those spending savings come from nondefense programs. Over the 3-year period, less than 20 percent of the savings come from defense off the baseline which I have just described. The budget does call for new revenues which account for just over 40 percent of the total reductions in this budget.

This is in my opinion a balanced approach. I am quick to say, as I said when I opened the budget markup with the 22 Senators, 12 Republicans and 10 Democrats, it takes a majority of Senators, Republicans and Democrats, to vote out a budget resolution. If this were my budget and mine alone, it would be different than the one we have before us today. But, I am not a dictator in the U.S. Senate, nor even in committee. I do my share of leading. I do my share of proposing. But ultimately, a majority of Senators elected by the American people will vote for this, or a substantially altered budget. The full Senate will work its will on this budget over the next 6 or 7 days. This is the way our political system works and I am glad of that.

This budget is a balanced plan. It seems to me that everyone shares the burden, and yet, most important, national priorities ranging from national defense to programs for the elderly and needy are protected.

I might say right up front, for those who are wondering about the senior citizens of our country, obviously the message has come across loud and clear that Social Security shall not be touched. Social Security recipients shall be entitled to their automatic cost-of-living increase. I might add, however, that, in addition to Social Security, there are two other major pension programs, military retirees and civilian retirees, that receive full COLA's. This year, under the sequester the COLA's in these programs were frozen for a year. I did not support this but it was required by Gramm-Rudman-Hollings. I thought it should be all pension programs or hone. That did not prevail, and we selectively froze the pensions I have just described and some minor ones. This budget resolution provides full COLA's for all our retirees.

Furthering, this budget provides full funding for nutrition programs and other programs for the poor. It also provides the full inflation increase for basic research and other high priority programs.

There are some programs which were reduced under Gramm-Rudman, arbitrarily and indiscriminately, that now need add-ons. The NASA program clearly cries out for some additional resources. This resolution adds funding for airport safety; drug enforcement; Embassy security around the world—not as much as was requested, but an increase; and a small amount for a new farm credit program—a total of $100 million, it is my recollection, to start such a credit program, in outlays. The money for NASA is fenced, permitting a new budget authority for related matters if, and only if, Congress votes that program in. Many of these increases I have just stated and a few others, as I have said, were requested by the President.

From the perspective of this Senator, it is precisely because this budget is a consensus budget that colleagues

have expressed some dissatisfaction with one or another part of it. For some, the defense number is too low, especially on top of last year's sequester. For others, the defense number is still too high, particularly when domestic programs have to be cut or frozen. Still others object to the mix of domestic spending and revenues. Others would say, "We must get where we ought to go without 1 cent of new revenues or new taxes."

Frankly I understand each and every one of those views. I trust that those Senators who feel particularly motivated by any one of these approaches will understand that many of the 13 who voted for this budget resolution would prefer that they had had it totally their way. Some certainly would agree with those who think there should not be any tax increases over that which the President has already requested.

For my part, I have concluded that there is no way to get where we ought to be, where we have committed ourselves to be when we voted overwhelmingly for Gramm-Rudman-Hollings, without some revenues. From the perspective of this Senator, there is no question in my mind that we cannot get where we have to be, where we ordered ourselves to be, where we voted ourselves to be, without some additional revenues over those which the President has asked of us.

Obviously, there are some who, in addition to what I have just said by way of a general description, have other things on their minds. Some would say: "We don't have to do anything. Let's set the budget aside, perhaps getting no appropriation bills, and deal with everything at the end. Let's take a big chance that we can predict what things will look like in August and September, when the triggering mechanism of Gramm-Rudman-Hollings comes into effect." I do not think we voted for Gramm-Rudman-Hollings in order to engage in that kind of legislative draft.

There may even be some who are saying: "We voted for Gramm-Rudman-Hollings. But we don't think the Supreme Court is going to let us enforce it. We think the Court will find some aspect of it unconstitutional, Congress would never vote in the triggering mechanism under Gramm-Rudman-Hollings and we will have avoided all of the difficult choices.

I do not happen to be of that persuasion. First, I think there is better than a 50-50 chance that the Supreme Court will reverse the first court. We here will wait around until August to find that there is a major sequester ordered in by bureaucrats we have given direction to, who will do their job.

I even believe that if one part, say the GAO triggers were held unconstitutional, Congress would not dare go home without voting in that sequester by way of that simple resolution prescribed in the law. I believe, as my good friend from Florida has said, that would be a pox on all of our houses, for us to go home and seek reelection—the entire House and one-third of the Senate—saying that we voted for Gramm-Rudman, we sent all these messages across the country that it was going to fix our national policy, we let the first round of cuts be put in place, but we could not find the courage to vote for a budget resolution this year.

I, for one, believe it is better to do something, even if it is not exactly what you want, than to do nothing and take the chance that I have just described.

To my friends in the Senate, we do not have the luxury of holding fast to our individual preferences as we may have had in past years. Under the backup procedures in Gramm-Rudman-Hollings which now appear to be the likely vehicle for a sequester, we will have to face a budget vote, whether we like it or not. We can either vote now on a balanced plan that has broad-based bipartisan support, a balanced set of priorities, and a good chance for implementation; or we can gamble, as I have just described. Incidentally, if we do that, I am absolutely convinced we will gut national defense, we will freeze civil service and retirement COLA's for the second year running, I might add, and seriously impair a broad range of domestic programs.

In this sense then, the sequester budget is really the appropriate standard against which to gauge a congressional budget. I say that because it is a probable reality and because I believe that the Gramm-Rudman-Hollings sequester should for each and every one of the 5 years of this emergency bill be used as the ultimate standard against which we measure what we ought to do.

I personally would have liked to have set the defense numbers higher than the level contained in this resolution. But I voted for this budget because I wanted to vote for a defense level that is $20 billion above the funding ceiling under a sequester. Might I repeat that. I voted for this budget because I wanted to vote for a defense level that is at least $20 billion above funding ceilings under a sequester.

I believe the $295 billion in defense authority in Senate Concurrent Resolution 120 will turn out in the end to be the best we can get. Indeed, against the prospective $20 billion increase in defense relative to the sequester level, the $18.5 billion in new revenues does not appear very large.

Granted that is my way of measuring it and my way of looking at it, but it had a lot to do with my ultimate conclusion.

If I were writing my own budget, as I said before, I personally could have cut more domestic spending, I could have added to defense, and I would have voted for that. As a matter of fact, I produced such a budget for the consideration of the committee.

While we did not vote on that up-and-down in each respect, it was obvious that I did not have support by way of a majority for those budgets. As a matter of fact, I did not have even a significant majority of the Republicans on my side of the aisle in committee for that kind of budget.

We are not now writing our own budget, although anyone who has a budget that he considers his or her own, may offer it. That is what we are here for. We have plenty of time.

For anyone who has a comprehensive proposal that needs even a little more time than that prescribed in the Budget Act, I will yield time off the resolution to enable them to describe it thoroughly and for us to discuss it thoroughly. I do not know of any such budgets yet. Frankly, I hope for the good of the process and the good of the Senate that there are full substitutes. I hope someone comes up with one that we can debate in its entirety that perhaps moves substantially in a different direction on all fronts, that perhaps provides higher defense, significantly more in domestic cuts and perhaps less in the way of new revenues.

Let me review for a moment the effect of a sequester. I stated in general terms, under CBO February economic assumptions, defense would be cut 8.6 percent in outlays from where they are this year, the CBO current policy base or 4.8 percent from the current post-1986 sequester of $289.2 billion. Nondefense would have to be cut 10 percent from current policy or 6.2 percent from the current post-sequester level in each and every program and activity not exempt in the budget.

I have ask unanimous consent that a table presenting the comparison versus the sequester for 1987 be printed in the RECORD today.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF BUDGET PLANS—FISCAL YEAR 1987
CHANGE FROM CBO BASELINE

[Outlays in billions of dollars]

Function	Sequester outlays	SBC budget resolution outlays
050: National defense	−15.8	−4.0
150: International affairs	−.8	−.9
250: General science, space, and technology	−.6	+.5
270: Energy	+.5	−.3
300: National resources and environment	−1.0	−.5
350: Agriculture	−.9	−.2
370: Commerce and housing credit	−1.3	−.4
400: Transportation	−.4	+.4
450: Commerce and regional development	−.8	−.5

COMPARISON OF BUDGET PLANS FISCAL YEAR 1987
CHANGE FROM CBO BASELINE—Continued

[Outlays in billions of dollars]

Function	Sequester outlays	SBC budget resolution outlays
500: Education, training, employment and social services	−1.0	−.8
550: Health	−.9	−.6
570: Medicare	−3.0	−2.5
600: Income security	−3.1	−2.6
650: Social Security	−.2	−.1
700: Vets benefits and services	−1.0	−.4
750: Administration of justice	−.7	(1)
800: General government	−.4	−.1
850: General purpose fiscal assistance	−3.5	−3.4
900: Net interest	−.2	−.4
920: Allowances	−.4	+.8
950: Undisclosed offsetting receipts	−.2	−4.4
Total spending:	−35.7	−20.2
Defense	−15.8	−4.0
Nondefense	−19.9	−16.2
Total revenues	+3.1	+18.7
Total deficit	−38.8	−38.9

[1] CBO estimates. Sequester incorporates enactment of COBRA.

Mr. DOMENICI. Mr. President, the comparison is dramatic. In the event of a sequester outlays for defense would be $15.8 billion lower in 1987 than the $269.5 billion projected for this year. This would be the first year-to-year outlay reduction in defense since 1973. Let me also point out that under Gramm-Rudman-Hollings there is no flexibility for manpower or high priority strategic or conventional programs as was permitted in the fiscal year 1986 sequester.

There are few in this body who believe that this is a wise national defense policy or even implementable.

I have the same kind of comparison for nondefense programs. Let me just give you a couple observations. Our civilian and military retirees would be forced to wait 36 months for a cost-of-living adjustment. That is not fair, particularly when you understand that Social Security recipents would receive their cost-of-living adjustment. It would work a real hardship on this particular group of senior citizens.

A veteran GI bill check would be cut by $42 a month. Medicare would pay just 98 cents on the dollar for hospital and physicians' medical bills regardless of the economic status of the recipient.

IRS would be cut by more than 10 percent from this year's level rather than an increase of 12 as contemplated in this budget.

The Social Security Administration would need to reduce its staff by as many as 6,100 workers. I am not sure we would be able to get all the Social Security checks out on time.

There are many more of these. We will debate them at length as we proceed through this process, but this is the kind of devastating action that is clearly not the consensus of Congress. Everyone should know that most of these are what we are voting for if we do nothing.

Let us compare the effect of a sequester to Senate Concurrent Resolution 120 in one important area in which I know there is substantial bipartisan agreement—the FAA. Most in Congress agree that we need to provide adequate resources to improve air safety and security at our Nation's airports. The reported resolution provides the FAA in fiscal year 1987 with $500 million in additional budgetary resources above a freeze to hire additional air traffic controllers and aviation security personnel, and to continue with the planned upgrading of our Air Traffic Control System. In comparison, a sequester would reduce FAA's budget by 6 percent or nearly $300 million below the fiscal year 1986 level, which many feel is substantially low already. A cut of this magnitude would almost surely lead to furloughs of FAA personnel, needlessly imperiling the safety of our Nation's air travelers.

This is just one example. Every Member knows of similar situations in their own State or in their own committee's jurisdiction. Gramm-Rudman-Hollings should not be budgeting by a formula that cuts all programs the same, regardless of their relative importance, it should lead to budgeting by consensus, by policymakers voting to change policy one way or another, picking and choosing as much as a budget resolution permits such to be the case.

There may be some who believe, as I said, that a better economy, lower inflation, and the recently enacted reconciliation bill will do our job for us and that we can achieve the $144 billion without congressional action.

Aside from the fact that in the U.S. Senate and thus in Congress this is a formula for legislative chaos, this would mean that the Congress would defeat by attrition the real intent of Gramm-Rudman-Hollings which was to prompt action and promote us to act rather than create gridlock and inaction.

Moreover, any strategy that depends on the economy making the budget numbers where they want them to be or making them look much, much better, as I indicated a while ago, is a very high risk strategy, at best.

The 1985 "fourth quarter" growth rate and Thursday's report of the first quarter GNP growth for 1986 was well below our current assumption, and the economy currently seems to be either stabilizing or slightly weakening, not strengthening. Housing is strong, but the consumer sector certainly is not. Auto inventories are at historically high levels and the auto companies are announcing progressively larger production cuts. And, as one of many Members who represents an oil producing State, I can tell you that the economy in my State is getting rapidly worse, not better, and such is the case for about 20 percent of the population in States of the Union.

Therefore, I say to my colleagues let us debate the issues. If there is a better mix of policies, let's work to find it. If there are changes we can make to this budget which better reflect the priorities of the Senate, let's make them. But, Mr. President, after we have gone through this debate and have a budget, a budget that undoubtedly will represent compromise among many Members, let us join together to approve a budget resolution here in the Senate this year, and then let's get on quickly with its implementation.

It is my fervent hope that following upon our discussions with the House today, perhaps this action today will cause the House to quickly move their own budget proposal.

I yield the floor at this time.

Mr. CHILES. Mr. President, I want to join the chairman of the Budget Committee in saying I am delighted we are finally starting on the budget resolution. Getting this budget resolution to the floor has been like trying to jump start your car on a winter day. But now that we have got it started, I hope we can keep the engine warm and running until we can pass a budget here.

Without a budget, we have three options: automatic sequester, a congressional sequester, or the ultimate sequester on November 4, with the potential for across-the-board cuts in membership of Congress the people might impose unless we do our work.

The budget we have before us is a bipartisan mix of spending cuts and revenues to achieve the Gramm-Rudman-Hollings target, and avoid a $39 billion sequester.

Now, this, as the chairman has said, is not the budget he would have proposed had the choice been his alone. It is certainly not the budget that I would have proposed had I been able to write the budget on my own. And yet it is one that won a majority of the Republicans on the committee and a majority of the Democratic Members because we realized we did need to meet the targets of Gramm-Rudman-Hollings. We did need to have Congress do its work, and avoid subjecting the budget to the possibility of a sequester.

For fiscal year 1987, military spending is curbed by $4 billion. It adds revenues to reduce the deficit total $18.7 billion. And domestic spending cuts are $14.6 billion. The debt service yields $1.8 billion in savings because of those reduced cuts.

Over 3 years our domestic spending cuts would total $62.1 billion. Defense spending during those same 3 years would decline by $17.8 billion. The deficit reduction included total $73.9 billion over the 3 years.

It is interesting to note that in 1984, President Reagan proposed a contingency tax that would have raised $63 billion in 1986 alone. Our Domenici-Chiles plan puts revenues at 19.6 percent of GNP. President Reagan's 1984 contingency plan would have put revenues at 19.9 percent of GNP.

Democrats would have preferred to see a budget with more emphasis on investments in the future. We talked about that in the committee. That is something we believe is the long-sighted policy. Even in a time of budget constraints we should be protecting our seed corn. We should be investing in those items that are going to bring us back a return many fold in the future. We are talking about items like investments for research and development; we are talking about job training; we are talking about trade promotion; items with a future return. But we were not able to include that in the budget package we have before us.

Let me compare the reported resolution with the impact of sequester. If you look at defense outlays in 1987, there is a reduction of $4 billion. In the Budget Committee resolution, the sequester would be $15.8 billion if that takes place in defense outlays.

If we look at domestic outlays, the resolution cuts them $14.4 billion. The sequester would cut them $18.5 billion. Mr. President, there is a much larger defense hit, many times larger, $4 billion as opposed to $15.8 billion, than there is in domestic spending where the difference in the sequester is only $4 billion.

If you look at the total outlays, a sequester would take $36.5 billion in total outlays and the Senate budget resolution, $20.1 billion.

If we want to compare our budget to the President's budget our Senate Budget Committee proposal over the 3-year total gives us a $64.8 billion greater deficit reduction than the President's budget. If we compare that to the President's request in total outlays we would be $12.1 billion lower than the President's. I think it is interesting to note, Mr. President, that in the President's budget he missed the Gramm-Rudman-Hollings mark by $16 billion in the first year.

So our budget makes that mark in the first year, and in each one of the years to follow.

The bipartisan budget is not a 1-year effort. It recognizes that Gramm-Rudman-Hollings is a 5-year effort to reduce spending and to reach a balanced budget in 5 years. In Committee discussions we decided not to just propose an election year budget, one that would carry us by the election, but would mean massive cutting next year. So we structured our cuts, and we structured this budget to put us on the glide path to make those Gramm-Rudman-Hollings cuts across each of the next years. It reduces the spending burden by 2.5 percent over 3 years, while it raises the tax burden by only 1 percent. So it puts us on that multiyear approach, and I think that is tremendously important.

Four years ago Milton Friedman said that a deficit is a hidden tax. It is a tax in the form of money borrowed from the public, and he is right. The interest on the national debt this year is going to be approximately $148 billion. We see that is roughly the same level as the budget target we are trying to get to.

In parts of the country we have been predicting a major earthquake for a long time. Since it has not happened, a lot of people are betting that it never will. That is the game same we have been playing with the budget, and these tremendous deficits. The difference is we in the Senate, in the Congress, and the administration have an opportunity to do something and prevent that earthquake from happening.

The problem that we have now is not a partisan problem. The solution therefore has to be a bipartisan solution. And the chairman and I have found there is no single part of the budget you can blame for the deficit. It has been caused by defense spending, by domestic spending, and certainly by the reduction of revenues. Everyone has participated in that. Certainly, the Congress has, and certainly the President has. And everyone needs to participate in the solution.

Mr. President, we have to start some place. Today a meeting was held with the leadership of the Senate and the House. We sat down and talked about the budget and where we are going. There were statements like, "Why are you waiting," and "Why don't you go first; we are waiting on you," "Why don't you go first; we can't move because the President has not done this." Somebody has to start. Thank goodness, Mr. President, that now in the Senate as we lay down the budget today, we are beginning that process.

It is just too important for the country to sit back and let things languish. I hope we will work deligently, in a spirit of bipartisanship knowing we have a job to do. Everyone faces these huge deficits, and the threat of a Gramm-Rudman-Hollings sequester. It will be inevitable unless we act. I agree with the statements and figures the chairman of the Budget Committee has given. We must put aside a little bit of our personal preference, and do what is best for the country as a whole, what is best for the Senate as a whole, and I think that is what we embark upon today.

I am glad to see us start. I join with the chairman in trying to put this together. And I ask anybody with amendments or a plan to come to the floor, and let us not wait until the last minute even in this process. We have 50 hours. We should not need 50 hours to have the Senate work its will, but we are going to need to start rather quickly on assessing what amendments there are, and whether there are additional plans. I hope Members on both sides will recognize it is very important that we begin the process and pass a budget.

I challenge the House, now that we are starting the process, for them to begin their process as well. I challenge the President. He needs to participate. He has a responsibility. He has a share of the blame with the rest of us for the size of these deficits. And we need to go forward from there.

Let me characterize the Senate budget resolution in additional detail.

This budget is a reasonable bipartisan compromise. It is a fair and realistic mix of restraint on both domestic and defense spending, matched with revenues to be applied to deficit reduction.

It does not reflect the individual views of each Member of the Senate, or even each member of the Budget Committee. Few measures ever do. Yet, it achieves the Gramm/Rudman/Hollings deficit target of $144 billion for fiscal 1987, and, if approved by the Congress, will avoid the unthinkable imposition of a $39 billion sequester this summer.

This budget gets the job done on the deficit this year and sets us on the path for what must be done in the next 4 years to achieve a balanced budget.

In fiscal year 1987, the budget plan will accomplish the following:

Reduce the deficit to $144 billion as required by Gramm/Rudman/Hollings.

It will restrain military spending $4 billion, acquire $18.7 billion in deficit reduction revenues, and cut domestic spending $14.6 billion after meeting top priority needs for increases.

These changes, matched to $1.8 billion in debt service savings, amount to an overall fiscal year 1987 reduction in the deficit of $39 billion.

A survey of the compromise budget numbers demonstrates the plan's balance.

DOMESTIC SPENDING

Over the 3-year period fiscal year 1987–89, nondefense spending would be reduced $62.1 billion. Yet even with these sharp cuts, full cost-of-living adjustments [COLA] are allowed for Social Security, Federal civilian and military pensions and other indexed programs.

Full funding is restored for strategic petroleum reserve construction, while cuts are scaled-back in SPR funding.

Superfund is increased consistent with the reauthorization legislation.

Rural housing and postal subsidies remain intact.

Money is added for FAA flight safety and Coast Guard drug interdic-

tion efforts, while transit operating grants are reduced 20 percent rather than the 60 percent planned.

Community development block grants are maintained, while urban development action grants are cut 10 percent rather than terminated.

There are no cuts in student loans below the Senate legislation; funding for Job Corps is restored, and community service block grants are cut 10 percent rather than cancelled.

The budget contains $100 million for an infant mortality initiative, and flexibility to allow increases for NIH research grants.

Cuts proposed in Medicare are restrained by $1.5 billion to prevent increased beneficiary costs.

No rent increases are prescribed for low-income housing, while the 50-percent cut proposed in housing units other than for the elderly and handicapped are scaled back to 25-percent.

There are no cuts in veteran's medical care and no increases in VA mortgage loan fees.

Revenue sharing could be continued for 6 months, subject to enactment of authorizing legislation.

And a 3-percent pay raise is allowed for civilian and military employees.

DEFENSE SPENDING

Military spending would decline $17.8 billion over 3 years, recognizing that while our defenses must not be impaired, spending restraint throughout the budget is essential to genuine deficit reduction.

We have rebuilt the Nation's defenses. In 4 years we have doubled the Department of Defense's investment base. During this period we have purchased almost 3,000 combat aircraft, 45 major warships, 201,000 missiles, and 5,200 tanks.

We have created a funding base which allows us to buy five times as many missiles, and twice as many major warships and tanks as we purchased in 1980.

The funding for advanced technical development is 400 percent higher now than it was in 1980, and the funding for strategic programs and intelligence communications has more than doubled.

Nor have we neglected the operations and maintenance accounts. During the past 6 years we have logged more than 45,000 flying hours and almost 9,000 steaming hours.

These are substantial and necessary gains. The spending restraint in this budget will in no way compromise these gains.

REVENUES

The $73.9 billion increase in revenues over the next 3 years reflects the committee's belief that the size of the deficit means we must do all we can to safeguard national prosperity.

For fiscal 1984 the President had proposed a contingency tax plan to bring revenues to 19.9 percent of GNP. Under that plan, taxes would have been increased $63 billion in fiscal 1986 alone. By contrast, the 3-year revenue increase of $73.9 billion included in this compromise will put revenues at 19.6 percent of GNP.

If we hold to the committment made in this budget, we will have embarked on three of the five annual steps mandated in Gramm-Rudman-Hollings plan. We will have staked out a position that shows we can, must, and will meet the deficit targets in each of the next 3 years.

If the Senate approves this budget, it will have kept the pledge made last year to systematically reduce the deficit as the economy's single biggest threat.

As the Senate starts debate on this budget, Senators may find certain elements at variance with their separate preferences. This plan does not ask Senators to abandon their beliefs. What it does ask—indeed, what the Congress asked of itself when it approved the Gramm-Rudman-Hollings plan—is to focus on the overriding goal. And the goal is a growing, deficit-free economy in 5 years.

Republicans on the committee temporarily set aside worthwhile and dearly held affections for certain economic goals. So did the Democrats. But in each case, we acted because whatever we hope to achieve as a Nation in the future depends on how wise and willing we are to make short-term concessions for long-range improvement.

Democrats are troubled that the budget falls short of the ideal investments we believe critical to our future in a competitive world. It does not include the level of investment in science, education, research, medicine, and trade expansion we believe appropriate to a Nation determined to compete.

Democrats see the need for a comprehensive program that matches deficit reduction with a dynamic investment package. Throughout our history, the generations that prospered were preceded by generations that put something aside for the future.

If Democrats alone made the final decisions on this budget, the deficit would still be smaller, but the investments would be there as well.

It is not ours alone to make the choices. But if we fail to adopt a realistic budget, we could face a sequester that gives away all chances to choose.

I hope the Senate will endorse this budget compromise. It is the best hope we have to apply a firm hand to our economic future.

Mr. President, I yield the floor.

USE OF ELECTRONIC CALCULATORS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor during the Senate debate on this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered,.

Mr. DOMENICI. I further ask unanimous consent to obtain floor privileges for the Senate Budget Committee staff, the majority and minority, those members stated on the list which I submit to the Chair for inclusion in the RECORD.

The list of staff members is as follows:

REGULAR FLOOR PRIVILEGES FOR SENATE BUDGET COMMITTEE STAFF

MAJORITY STAFF

Bruce Blanton, Gabriella Carducci, Michael Carozza, Elizabeth Cusick, Charles Flickner,[1] Gail Fosler,[1] Tom Foxwell, Carol Hartwell, Paul Heilig, G. William Hoagland,[1] Bill Hughes, Chuck Konigsberg, Jan Lilja, Deborah Lipman, David Malpass, Carol Baker McGuire,[1] Anne Miller, Margo Miller, Michelle Mrdeza, Sue Nelson,[1] Mary Nell Payne,[1] Virginia Pounds, Cheri Reidy, Austin Smythe, Karla Trujillo, Carolyn Willis, C.G. Nuckols, and Paul Van de Water.

MINORITY STAFF

Dennis Beal, Rick Brandon,[1] James Carr, Barbara Chow, Alan Cohen, Doug Cook, H. Van Daly, Kathy Deignan, Lisa Faulkner, John Hilley, Janet Holtzblatt, Bentley Lipscomb, and Douglas Olin.

FIFTEEN-MINUTE FLOOR PRIVILEGES FOR BUDGET COMMITTEE STAFF

MAJORITY STAFF

Elizabeth Beall, Tyrone Cole, Peggy Conrad, Kathryn Hamilton Cummings, Mary Jo Gillen, Stefanie Holmberg, Noreen Kelly, Brain Langdon, Laura O'Shea, Debbie Paul, Elizabeth Strader, Tod Tappert, Laura White, Catherine Woods, and Lynne Zeeger.

MINORITY STAFF

Michelle Adams, Janet Blair-Bourbeau, Sharon Jennings, John Moore, and Vanessa Palmer.

REGULAR FLOOR PRIVILEGES FOR STAFF OF MAJORITY MEMBERS

Tony Coppolino on behalf of Senator Armstrong.

Brian Waidman on behalf of Senator Armstrong.

Guy Clough on behalf of Senator Kassebaum.

Dave Bartel on behalf of Senator Kassebaum.

Dan Meyer on behalf of Senator Boschwitz.

Julie Hasbargen on behalf of Senator Boschwitz.

Monica McGuire on behalf of Senator Hatch.

Hayden Bryan on behalf of Senator Hatch.

David Mehl on behalf of Senator Andrews.

Deanna Marlow on behalf of Senator Andrews.

Grant Loebs on behalf of Senator Symms.

David Sullivan on behalf of Senator Symms.

Kris Kolesnik on behalf of Senator Grassley.

Ken Cunningham on behalf of Senator Grassley.

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[1] Admit without a pass.

Alex Echols on behalf of Senator Kasten.
Dawn Gifford-Martinez on behalf of Senator Kasten.
Dave Juday on behalf of Senator Quayle.
Robert Guttman on behalf of Senator Quayle.
John Wills on behalf of Senator Gorton.
Gwendolyn Van Paasschen on behalf of Senator Gorton.
Reid Detchon on behalf of Senator Danforth.
Susan Schwab on behalf of Senator Danforth.

REGULAR FLOOR PRIVILEGES FOR STAFF OF MINORITY MEMBERS

Barry Strumpf on behalf of Senator Hollings.
Laura Hudson on behalf of Senator Johnston.
Lance Simmens on behalf of Senator Sasser.
Mark Steitz on behalf of Senator Hart.
James Wagoner on behalf of Senator Metzenbaum.
David Krawitz on behalf of Senator Riegle.
Marc Litt on behalf of Senator Moynihan.
Chris McLean on behalf of Senator Exon.
Mitchel Ostrer on behalf of Senator Lautenberg.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. I yield such time to the distinguished Senator from Washington off the majority leader's time.

The PRESIDING OFFICER. Without objection, the Senator from Washington is recognized.

Mr. GORTON. Mr. President, I thank my friend, the Senator from Florida.

At this point, Mr. President, I would simply like to applaud the thoughtful introductory statements of the chairman of the Senate Budget Committee, and of the distinguished ranking minority member of that committee.

Mr. President, I am pleased that the majority leader has called up Senate Concurrent Resolution 120, the budget resolution for fiscal year 1987. I understand he has undertaken arduous and not entirely fruitful discussions both with the administration and Members of this body in search of broader consensus, and I greatly appreciate his tenacity and commitment.

The Senate Budget Committee, under the astute leadership of my good friend, the Senator from New Mexico, worked hard to pass a budget resolution and did so on March 19. The delay in bring it up for consideration has been far too long, and as a consequence, we have already missed the deadline for final congressional action on the 1987 budget resolution, as specified in the Budget Act.

The causes for this delay are many, some more justifiable than others. But there is no cause sufficient to warrant our reneging on our duty to pass a fair and effective budget resolution which meets the Gramm-Rudman-Hollings deficit targets.

Mr. President, I have served as a Member of the Senate Budget Committee for each of the past 5 years. Each year the debate over budget priorities and the need to reduce Federal budget deficits has been more heated and more difficult than the year preceeding it. Each year we assure our constituents that the deficit is the No. 1 priority before Congress. Each year we make promises about the next year's process.

Last year was no different. Although the Senate got off to a constructive and promising start, thanks to the leadership of the distinguished chairman of the Budget Committee and the majority leader, our efforts were ultimately thwarted under the White House oak tree. In the wake of that defeat, and our profound discomfort over increasing the debt limit yet again, we began making our promises for this year—and as a result, Gramm-Rudman-Hollings became the law of the land. Once again we could go home and tell our constituents that we were let down for such-and-such a reason this year—but wait until next year.

Mr. President, this is next year. We have a responsibility to make good last year's promises, and most importantly of all, this is what our constituents demand.

Passing a budget resolution is essential to avoiding a sequester this year. If we do not pass our budget resolution it will be very difficult to take up appropriations bills. It will be very difficult to take up any reconciliation-type package of spending cuts and tax increases. Does any one of us believe that we will be able to avoid a sequester if we don't pass our appropriations bills and a reconciliation measure? Frankly, Mr. President, I believe that it is already too late to avoid at least a preliminary sequester order, and we in this body ought right now to begin thinking of what we will have to do to vitiate such an order in late September of this year. Does any Member really believe that we will be able to avoid sequester because of favorable performance of the economy? To answer either of these questions "yes," Mr. Chairman, is wishful thinking. No deus ex machina is going to save us from the consequences of our inaction—consequences we ourselves put into law—and no deus ex machina is going to save us from the inevitable effects our failures will have on the budget process itself.

The value of the budget process itself is another reason to pull together and carry out our fiscal responsibility. To fail at the task we have before us now will bring into question whether the Congress of the United States can formulate fiscal policy in a coherent fashion. If we fail, our ability to address the central policy problem of our time will be cast in doubt, and this can only have extremely negative effects on the domestic and international economy.

Mr. President, the vast majority of this body and the other body voted for Gramm-Rudman-Hollings. We all had our own reasons. Now we must live with it. Now it is time to follow through and to vote for the budget cuts and tax increases that will lead us to the limits we ourselves supported. This is our primary obligation—and there will be no excuses.

The budget resolution that is not before us is the result of the hard work, commitment, and resolve of the chairman of the Budget Committee, as well as that of the distinguished ranking member. The budget resolution is as fair as it can be, and addresses the concerns of many of us on both sides of the aisle. It is an impressive achievement and a good starting point for the debate which we now undertake. It by far surpasses the budget originally submitted by the Office of Management and Budget. I have heard a lot of criticism of the Budget Committee's proposal, but it takes a plan to beat a plan, Mr. President, and one thing I have not seen is a superior alternative.

Mr. President, none of us wants to take money away from programs we support, nor does any of us want to raise taxes. I myself have some serious reservations about the implications of this budget resolution for programs such as SBA and WIN, both of which are heavily relied upon in the State of Washington. I hope that these will be addressed during the course of the debate. I am certain my colleagues have similar types of concerns. But we are long on concerns and short of options today, and one option we don't have is to delay the debate any longer.

I urge my colleagues, therefore, to prioritize their concerns and to work together to achieve a budget resolution that reaches the goals we have committed ourselves to in the fairest, most effective, and most expeditious manner; and I commend the resolution reported by the Senate Budget Committee as my guess of where we will end up.

In summary, Mr. President, we are in 1986 on different ground than we have been on the last 5 years for two reasons. The first, is that we are operating pursuant to the Gramm-Rudman-Hollings Balanced Budget Act of 1985. That act restricts the nature of this debate, makes it more wholesome, and more pointed.

We are going to finish with a policy relating to the budget which will result in a deficit of $144 billion for fiscal year 1987, and there are several ways we might do so.

We can do that, in theory at least, by adopting the budget which is proposed by the President but which has

been vigorously and overwhelmingly rejected by most Members of both parties of this body and in the House of Representatives.

We can do it by doing nothing at all, and allowing the automatic sequestration provisions of Gramm-Rudman-Hollings to take effect in the fall of this year. That would be a dereliction of duty on the part of the President, and the Congress of the United States.

Finally, we can come up with a more balanced and more thoughtful proposal than would result from either the passage of the President's proposed budget or the automatic sequestration which is the penalty for failure. Just such a proposal is the resolution of the Senate Budget Committee.

The second way in which this year's debate differs from those of prior years is that this is truly a bipartisan approach to the challenge presented to us by Gramm-Rudman-Hollings, and by the need to reduce budget deficits. The 7 to 5 favorable vote of the majority party and the 6 to 4 favorable vote of the minority party indicate an extremely carefully crafted bipartisan approach to the challenges with which we are faced.

This resolution is both bipartisan and controversial for three fundamental reasons:

The first is that it does include revenues in a greater amount than those recommended by the President.

The second is that it reduces rather significantly the amount of budget authority requested for the Department of Defense and for related programs by the President. Those programs are still more generously treated than all but a tiny handful of domestic programs by this budget resolution.

Third, it falls into this category of both showing bipartisanship and being controversial because, while it reduces a wide range of domestic spending programs rather significantly, in an equally wide range of domestic spending programs, it is more generous than the proposals of the President.

It is, therefore, truly a balanced approach. It is also an effective approach, as it will meet the strictures of the Balanced Budget Act of 1985.

It is a fair approach in that it asks as widely as possibly can be asked all Americans to bear their fair share in meeting the goal of deficit reduction, doing so by asking something from taxpayers, something from those who are primarily concerned with national defense, and something from a wide range of nondefense discretionary and entitlement programs as well.

This proposal has not met, Mr. President, with overwhelming enthusiasm or approbation in the 4 or 5 weeks since it was reported by the Senate Budget Committee. I repeat that many Members and outside commentators have criticized the efforts of the distinguished Senators from New Mexico and from Florida. Remarkably, however, very few have come up with alternative proposals which are effective in reducing budget deficits, and none has come up with alternative proposals which are as thoughtful, as fair, or as balanced in reaching those budget deficit reduction goals.

As a consequence, Mr. President, this is one proposal which looks better as time passes. I wish it could have been debated at an earlier date, that we could have met the requirements of the law that the process be completed by the 15th of April. Meeting that deadline, however, Mr. President, is not as important as doing the job in a responsible fashion.

This budget resolution proposal is responsible, it is effective, it is fair, and it is more and more attractive as we look at the potential alternatives. Mr. President, I commend it to the Members of this body. I hope fervently that it will be adopted and that it will lead to some action in the House of Representatives, which has been notable thus far by its inaction, and that it will thereafter lead to meaningful negotiations with the President resulting in action on the part of the Congress in the spirit and in the letter of the Gramm-Rudman-Hollings Deficit Reduction Act of 1985.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. MCCONNELL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I first want to thank my friend from Washington not only for his statement before the Senate, which, in his usual manner, is very thoughtful and very provocative. I also want to thank him for his excellent work on the committee, for the diligence that he exercises in matters budgetary and for the knowledge that he has. I suggest that over the next few days, I say to my friend the senior Senator from Washington, it will be up to people like him and many others here who are so concerned about doing nothing to help see to it that we do the right thing for the country here on the Senate floor.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLS PLACED ON CALENDAR

S. 2301

Mr. GORTON. Mr. President, I now ask for the second reading of S. 2301.

The PRESIDING OFFICER. The bill will be read the second time by title.

The legislative clerk read as follows:

A bill (S. 2301) to reform procedures for collateral review of criminal judgments, and for other purposes.

Mr. GORTON. Mr. President, I object to further consideration of S. 2301.

The PRESIDING OFFICER. The objection to further consideration at this time has been heard.

The bill will be placed on the calendar.

S. 2302

Mr. GORTON. Mr. President, I ask for the second reading of S. 2302.

The PRESIDING OFFICER. The bill will be read the second time by title.

The legislative clerk read as follows:

A bill (S. 2302) to amend title 18 to limit the application of the exclusionary rule.

Mr. GORTON. Mr. President, I object to further consideration of S. 2302.

The PRESIDING OFFICER. Objection to further consideration at this time has been heard.

The bill will be placed on the calendar.

COLLECTIVE BARGAINING

Mr. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask unanimous consent that a message from the House on H.R. 281 be read for the first time.

The PRESIDING OFFICER. The bill will be read the first time by title.

The legislative clerk read as follows:

A bill (H.R. 281) to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

Mr. BYRD. Mr. President, I ask that the bill be read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, I respectfully object.

The PRESIDING OFFICER. Objection is heard. The bill will be held at the desk pending the second reading on the next legislative day.

MESSAGES FROM THE HOUSE

At 4:47 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 281. An act to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

The message further announced that pursuant to section 11 of Public Law 99-158, the Speaker appoints as members of the Biomedical Ethics Board the following Members on the part of the House: Mr. WAXMAN, Mr. LUKEN, Mr. ROWLAND of Georgia, Mr. GRADISON, Mr. TAUKE, and Mr. BLILEY.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 281. An act to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2301. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; and

S. 2302. A bill to amend title 18 to limit the application of the exclusionary rule.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 3773. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes (Rept. No. 99-283).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ (for himself and Mr. KENNEDY):

S. 2341. A bill to amend part A of title XVIII of the Social Security Act to freeze the inpatient hospital deductible and to require the Secretary of Health and Human Services to propose a more equitable method of adjusting such deductible; to the Committee on Finance.

By Mr. KASTEN:

S. 2342. A bill to authorize the Secretary of Agriculture to issue a nationwide marketing order applicable to milk and milk products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself and Mr. BRADLEY):

S. 2343. A bill to authorize the provision of foreign assistance for agricultural activities in Nicaragua; to the Committee on Foreign Relations.

By Mr. EXON:

S. 2344. A bill to amend title 10, United States Code, to authorize limited use of commissary stores by members of the Selected Reserve; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. MOYNIHAN, Mr. KERRY, Mr. SIMON, Mr. DODD, Mr. MATSUNAGA, and Mr. METZENBAUM):

S. 2345. A bill to improve counseling, education, and services relating to acquired immune deficiency syndrome; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S. 2346. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure safer pesticides and to better protect the public and the environment, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SASSER (for himself, Mr. GORE, Mr. SARBANES, Mr. KENNEDY, Mr. BUMPERS, and Mr. ROCKEFELLER):

S. Res. 385. A resolution to express the sense of the Senate that certain action be taken to end hunger in the United States by 1990; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ (for himself and Mr. KENNEDY):

S. 2341. A bill to amend part A of title XVIII of the Social Security Act to freeze the inpatient hospital deductible and to require the Secretary of Health and Human Services to propose a more equitable method of adjusting such deductible; to the Committee on Finance.

MEDICARE DEDUCTIBLE AND COPAYMENT REFORM ACT

● Mr. HEINZ. Mr. President, the Health Care Financing Administration has once again sent a shock to this Nation's 31 million aged and disabled Medicare beneficiaries. HCFA now estimates that on January 1, 1987, the part A deductible—the fee paid out of pocket by Medicare beneficiaries for their first day of hospitalization—will rise an estimated $80, from $492 to $572. This is another whopping 16-percent increase, coming on the back of last year's unprecedented 23-percent jump. While Medicare is saving billions of dollars with each successive year that hospitals are under the prospective payment system, Medicare beneficiaries are being asked to dig ever deeper into their wallets to pay for needed health care.

Today I am introducing, along with my colleague, Senator KENNEDY, legislation that will freeze the part A deductible until Congress can enact a change in the outdated formula which drives these enormous annual increases. In addition, the Secretary of HHS will be required to submit to Congress no later than September 15, 1986 one or more legislative proposals for modifying the way in which the part A deductible is calculated so that the adjustment is more nearly comparable to the annual adjustment made to the DRG payments to hospitals. The intent of my bill is to prevent any further increases in the part A deductible until HHS has had an opportunity to advise Congress on ways to replace the existing outmoded formula with one that is more appropriate for calculating first day hospital costs under the prospective payment system. However, no increase will be possible until Congress has enacted such a reform.

Mr. President, there is mounting evidence that Medicare's prospective payment system is resulting in substantial cost shifting onto beneficiaries. In its February, 1986 report to Congress, the Prospective Payment Assessment Commission [ProPAC], indicated that over half of last year's increase in the part A deductible was due to decreases in the average length-of-stay attributed to prospective payment. It also estimated that this factor alone shifted $550 million onto Medicare beneficiaries. In its April 1, 1986 report to the Secretary of HHS, ProPAC concluded that the current formula used to calculate the deductible should be revised so that "it is more consistent with the annual per-case [DRG] increase in Medicare payments to hospitals."

This new wave of cost shifting is especially painful for older Americans living on the margin. The Congressional Budget Office has estimated that about one-fifth of elderly individuals have no protection other than Medicare against health care costs. Nearly 30 percent of the elderly with family incomes under $9,000 have neither private coverage nor Medicaid eligibility. How can we expect these low-income Americans to shoulder another $80 in out-of-pocket costs each time they are hospitalized?

Unfortunately, the added beneficiary cost-sharing that results from increases in the part A deductible does not stop at the hospital door. This is because the copayment for skilled nursing care is directly linked to the part A deductible. This year older Americans needing extended skilled nursing care—21 days or more—will pay $61.50 per day. This amount exceeds the private pay costs for nursing home care in many areas of the country. If the deductible is allowed to go up another 16 percent, beneficiaries

will have to pay $71.50 for every day beyond 20 that they require skilled nursing care. We are placing beneficiaries in an ever-squeezing vise of higher costs on the front end of a hospital stay and higher out-of-pocket costs for post-hospital care.

Mr. President, I urge my colleagues to join us in cosponsoring this important protection against rising costs for this Nation's elderly and disabled populations. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREEZE IN INPATIENT HOSPITAL DEDUCTIBLE AND COPAYMENTS FOR EXTENDED CARE SERVICES.

Section 1813(b) of the Social Security Act (42 U.S.C. 1395e(b)) is amended to read as follows:

"(b) The inpatient hospital deductible which shall be applicable for purposes of subsection (a) shall be $492 in the case of any spell of illness beginning after 1985.".

SEC. 2 SUBMISSION OF LEGISLATIVE PROPOSALS.

Not later than September 15, 1986, the Secretary of Health and Human Services shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives one or more legislative proposals for modifying the manner in the annual adjustment made in the inpatient hospital deductible imposed by section 1813(b) of the Social Security Act in order to make such adjustment more nearly comparable to the annual adjustment made with respect to DRG prospective payment rates under section 1886 of such Act.●

● Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HEINZ, in introducing this bill to bring fairer treatment to our senior citizens.

Last year senior citizens were shocked to learn that the Medicare hospital deductible—the amount Medicare beneficiaries must pay out of their own pocket every time they enter the hospital—would increase $92 on January 1, 1986. This whopping 23-percent increase—the largest dollar increase in the history of the Medicare Program—pushed the total deductible to $492 dollars, an amount far in excess of the deductibles typical of private insurance policies.

Now insult has been added to injury. In the last few days, HHS has announced that the deductible for 1987 is likely to rise an additional $80, to a staggering $572. This adds up to a 43-percent increase over the 2 years 1986-87. If the projected 1987 increase is put into effect, the deductible will have grown more over this 2-year period than it did in the first 15 years of the Medicare Program's existence.

The exorbitant increase in the hospital deductible was not intended by anyone. It is an unintended consequence of the new Medicare prospective payment system and of Congress' failure to modify the method of calculating the deductible to reflect the new payment system.

Since the beginning of the Medicare Program, the deductible has been calculated on the basis of the cost of an average day of care.

Increases in the deductible were supposed to reflect increases in the cost to Medicare of a typical hospitalization, and as long as Medicare paid hospitals for services to Medicare beneficiaries on a daily cost basis, the annual increases in the deductible were reasonably fair.

But, today Medicare no longer pays for hospital care on a daily cost basis. Beginning with legislation enacted in 1982, Medicare began to pay a fixed price—set in advance—for each Medicare admission. The fixed price varied depending on the diagnosis that was treated, but the key feature of this prospective payment system was that the price was set in advance and was based on admissions and diagnosis, not days of care.

The prospective payment system has reaped enormous savings for the Federal budget and has had a major impact in slowing the growth in health care costs. In the next 5 years alone, propsective payment will reduce the deficit in excess of $40 billion.

But, while prospective payment has brought relief to the Federal budget, it has created heavy additional costs for senior citizens already burdened with high health care expenses. Prospective payment encourages hospitals to economize by reducing length of stay. Between 1982 and 1985, average hospitalization for Medicare beneficiaries dropped from 10.24 days to a projected 8.75 days. Between 1983 and 1984 alone, length of stay dropped almost a full day, from 9.84 to 9.05.

The result of this drop in length of stay—combined with the fact that hospital occupancy rates are now at historic lows—has been that hospitals' costs are concentrated in fewer days of care. The rate of increase in total costs and costs per admission has slowed dramatically, while the costs of care per day have soared.

Senator HEINZ and I introduced an amendment to the continuing resolution last year that was unanimously approved on a voice vote. That amendment expressed the sense of the Senate that the Committee on Finance shall report legislation no later than April 15, 1986, which will reform the calculation of the annual increase of such deductible so that it is more consistent with annual increases in Medicare payments to hospitals. It is further the sense of the Senate that any reforms shall be retroactive to January 1, 1986.

April 15 has now come and gone, and our senior citizens have received no relief. I believe it is the responsibility of the Congress to act now before further damage is done.

The legislation I am introducing today will freeze the hospital deductible at its current level. If the legislation is enacted, no further increases in the hospital deductible could go into effect until the administration has recommended and the Congress has approved legislation reforming the calculation of the deductible so that it is more consistent with actual increases in per admission payments under Medicare.

Our senior citizens deserve to have a fairly calculated deductible. Congress' failure to act when the prospective payment system was first put into law can be excused on the grounds of ignorance; no such excuse is possible now.

I urge prompt passage of this legislation.●

By Mr. DURENBERGER (for himself and Mr. BRADLEY):

S. 2343. A bill to authorize the provision of foreign assistance for agricultural activities in Nicaragua; to the Committee on Foreign Relations.

AGRICULTURAL ACTIVITIES IN NICARAGUA

Mr. DURENBERGER. Mr. President, I rise today with my colleague from New Jersey [Senator BRADLEY] to propose legislation which would seek to support Nicaragua's embattled Catholic Church. To those who have closely followed events in Nicaragua, it is clear that the Sandinista regime regards the Nicaraguan Catholic Church as an adversary and as its most import competitor for the support fo the Nicaraguan people.

The Episcopal Conference of Nicaraguan Bishops, under the courageous leadership of Cardinal Miguel Obando y Bravo, has consistently sought to protect the religious rights and personal freedoms of all Nicaraguans. The policies of the Sandinista regime, on the other hand, have been designed to undermine the Catholic Church's traditional influence in Nicaraguan society. As with the other remaining democratic elements in Nicaragua, Sandinista policy has sought to divide and weaken the Catholic Church. These antichurch policies have intensified since the declaration of a state of emergency by the Sandinista government on October 15 of last year. Examples of these policies are numerous and varied:

The seizure of COPROSA, the church's social services agency; the expulsion of foreign priests and nuns; the conscription of seminarians; the banning of the church newspaper, Iglesia; the censorship of Radio Catolica's programs, including masses and other religious events, and its closure on January 1, 1986; numerous instances of harassment, arrest, and mis-

treatment of Catholic clergymen, including Cardinal Obando.

Despite the hostility of the Sandinista regime, the Nicaraguan Catholic Church has consistently urged peace, national reconciliation, and internal dialog among all of the parties to the Nicaraguan civil conflict.

The issuance of a pastoral letter on April 6 by the Nicaraguan Catholic bishops is only the most recent instance of efforts by the Catholic Church to end the bloodletting in Nicaragua and to act as an agent of peace and reconciliation within Nicaragua. This letter reiterates the themes which were stressed in an earlier Easter pastoral letter on reconciliation issued by the Nicaraguan bishops in 1984.

I believe that it is important that Americans recognize that the Nicaragaun Catholic Church is attempting to play a constructive role to resolve the conflict in Nicaragua peacefully and to establish the bases for a more just and democratic society in Nicaragua. The April 6 pastoral letter stresses three themes: First, the Catholic Church is the agent of peace in Nicaragua; second, the church seeks ecclesiastical reconciliation, particularly among those elements who have affiliated themselves with the so-called Popular Church; the third, the church seeks political reconciliation of all Nicaraguans through dialog. Several passages of this letter are especially worth noting:

Why is the church, tested from within, also being tested from without? It is sought to muzzle it and hobble it in order to subjugate it in the midst of applause that the institutionalized lie and half-truths evoke from the unwary. It is accused of remaining silent while it is silenced . . . . It is asked to raise its voice in favor of peace, but when it seeks it via reconciliation and dialogue, it is slandered and fought, since what is sought is not a moral orientation, but the manipulation of a pronouncement. When it does make itself heard, those who would like to dictate its words criticize it, not for what it said but for what it supposedly should have said. It is accused of making politics, while simultaneously it is demanded that it pronounce upon the most delicate matters of national and international politics. In this situation, we insist that our Church opt only for man himself, for all Nicaraguans.

And, on the issues of national reconciliation and dialog, the pastoral letter states:

The church in Nicaragua wants to be the symbol and witness that unity among Nicaraguans is possible and wants, besides, to be an efficacious instrument to achieve it . . . . We are conscious that in order to achieve national reconciliation it will not be enough to have simple arrangements . . . . We are convinced, likewise, that reconciliation will only be possible through dialogue. This dialogue of which we speak is not a truce tactic in order to strengthen positions necessary to the prosecution of the fight, but the sincere effort to respond to anguish, pain, exhaustion, the fatigue of so many who long for peace. So many who want to live, to rise from the ashes, to seek the warmth of children's smiles, far from violence and in a climate of democratic life together.

This letter should serve as a challenge to all of us, Democrats and Republicans, conservatives and liberals, that we can do something positive and constructive to strengthen democracy inside Nicaragua and to assist the Nicaraguan campesino who simply wants to see an end to a seemingly endless war. It also challenges the Sandinista leadership, which has been so resistant to honest dialog with the Catholic Church and with the other elements of the internal democratic opposition.

Senator BRADLEY and I have therefore chosen to propose legislation which would authorize the provision of up to $10 million in foreign assistance for agricultural activities in Nicaragua. This money would be specifically channeled to the Episcopal Conference of the Roman Catholic Bishops of Nicaragua. Some Members of this body may recall a similar proposal which was offered by Senators PERCY and PELL during the 98th Congress to assist agricultural development in Poland. This Polish proposal, of which I was a cosponsor, was the product of lengthy negotiations between the Polish Government and the Polish Catholic Church. These negotiations now appear to be on the verge of success and reflect the willingness of both parties to consider the best interests of the Polish people.

It is with this precedent in mind that Senator BRADLEY and I have drafted this legislation. This approach is certainly unorthdox, and an internal negotiation process with the Nicaraguan Catholic Church may be rejected out-of-hand by the Sandinista government. But I see no reason why we should not put the Sandinistas to the test.

Briefly, the purpose of this expenditure would be to strengthen private agriculture in Nicaragua, enhance the church's role in the countryside, and increase food supplies. The program would not supplant current Nicaraguan Government domestic or foreign expenditures on agriculture. As with the Polish proposal, a private, multinational foundation could be established to administer the management of the funds. Pilot projects developed in cooperation with the governments and the churches of the United States, Western Europe and Latin America would test the effectiveness and the autonomy of this proposed foundation.

Several safeguards could be established to maintain the autonomy of the foundation. First, the foundation would control the rate at which goods purchased in the West would enter Nicaragua. Second, all imported goods would remain solely the property of the foundation until sold. Third, the foundation alone would determine to whom it sold the goods. Fourth, monitoring units would be established on the level of local communes and cooperatives, utilizing local parish structures, to ensure effective church oversight at the local level. The church could terminate or suspend the program at any time that it deemed such action necessary because of interference by the Sandinista government.

Mr. President, it is my hope that this proposal can attract wide bipartisan support as well as that of the Reagan administration. It is my view that it presents an opportunity to strengthen democratic and private sector elements within Nicaragua at a relatively low cost. At the same time, it offers a positive alternative which can attract the financial and political support of our democratic allies in Europe and Latin America and of the international religious community.

Mr. President, I ask unanimous consent that a copy of this legislation appear in the RECORD along with two unclassified cables from the U.S. Embassy in Managua, Nicaragua. The first of these cables is a summary of the Nicaraguan Catholic Bishops' Pastoral Letter of April 6, while the second cable offers the Embassy's assessment of the Sandinista government's agricultural policies.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, up to $10,000,000 of the amount made available to carry out the purposes of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for agricultural activities in Nicaragua which are managed by the Episcopal Conference of the Roman Catholic Bishops of Nicaragua.

DEPARTMENT OF STATE

Subject: Nicaraguan Catholic Bishops Issued Pastoral Letter on National Reconciliation.

1. On April 6, the Nicaraguan Catholic Bishops issued a pastoral letter "on the eucharist, source of unity and reconciliation". Addressed to priests, deacons, monks, nuns, Catholics and "men of good will", the letter urged both spiritual reconciliation of religious in Nicaragua and political reconciliation of all Nicaraguans through dialogue. It strongly denounced the "popular church" and opined that "all forms" of foreign aid "that lead to destruction, pain and the death of our families . . . are condemnable".

2. There follows an informal translation of excerpts from the pastoral letter, the Spanish text of which will be sent to ARA/CEN and S/LPD by Septel:

(Begin translation:)

THE CHURCH, SYMBOL AND INSTRUMENT OF UNITY AND RECONCILIATION

The church in Nicaragua wants to be the symbol and witness that unity among Nicaraguans is possible and wants, besides, to be an efficacious instrument to achieve it. We

know that throughout history the church has encountered obstacles in the realization of this mission which are useless to avoid. His Holiness John Paul II, on the occasion of the last Purisima celebration, told us: "You know well, beloved bishops, that specifically to you has been given the ministry and the word of reconciliation (2 Cor. 5, 18 and 19). You, beloved brothers, are particularly conscious of this duty as you have demonstrated, sending to the Catholics of Nicaragua, on April 22, 1984, at Easter, a pastoral letter on reconciliation. I am sure that you will continue undertaking with confident perseverance the mission that Christ has given you."

We are conscious that in order to achieve national reconciliation, it will not be enough to have "simple arrangements—rather, authentic transformations that integrate all the people in the management of their own destiny" are necessary—and that "those rights and aspirations that we want to defend or exalt are of no political group, but of all men and specifically of our Nicaraguan brothers. . . . It is that specific man, our Nicaraguan brother, who is the object of our concern" (see pastoral letter of the Nicaraguan episcopate: "on the principles that direct the political activity of all the church as such." March 19, 1972).

We are convinced, likewise, that reconciliation will only be possible through dialogue. This dialogue of which we speak "is not a truce tactic in order to strengthen positions necessary to the prosecution of the fight, but the sincere effort to respond to anguish, pain, exhaustion, the fatigue of so many who long for peace. So many who want to live, to rise from ashes, to seek the warmth of children's smiles, far from terror and in a climate of democratic life together. . . . It is urgent to bury the violence—enough of violence!—which has cost so many victims in this and other nations" (see John Paul II, visit to San Salvador, Central America, March 6, 1983).

Today we want to inspire Nicaraguans to assume the responsibility which each one has to make possible reconciliation, unity and peace in Nicaragua.

SPIRITUAL UNITY AND RECONCILIATION

A church lives

We recognize with joy the firmness and depth of the faith of our people in general, who remain faithful to their beliefs and religious traditions, who cultivate the love of the eucharist and the Holy Virgin, who acknowledge and accept their legitimate pastors with proven loyalty toward them and toward the person of the Holy Father, in spite of institutionalized ideological attacks and of the scandalous disobedience of some ecclesiastics.

We live in a privileged time in which the Holy Spirit is renewing the church; it strengthens and prepares it for the fulfillment of its universal mission. We verify an increase in priestly and religious vocations, and the existence of a laity which seeks to live its Christianity with greater fullness and responsibility. We recognize an intense life of prayer and the strengthening of many Catholics who testify to their faith and are even disposed to give their lives for Christ and for their church.

For the love and compassion that the Lord has shed on Nicaragua, we raise our thanksgiving to God, and we encourage the faithful to remain strong in the faith.

There coexists, together with this reality nevertheless, a sector of the church, object of our pastoral concern, to which we also direct our call to reconciliation and unity.

A church put to the test

A belligerent group, priests, monks, nuns, and laymen of diverse nationalities, insisting on belonging to the Catholic Church, in reality work actively with their deeds to undermine the same church, collaborating in the destruction of the foundations on which are founded unity in the faith and in the body of Christ.

To this group is added a nucleus of persons, frequently sincere and well-intentioned, but no less mistaken. Together they are known as the "popular church." The Holy Father has pronounced repeatedly concerning its nature and function, pointing out its errors and condemning its positions.

Who makes up this so-called "popular church"

(A) They manipulate the fundamental truths of our faith, arrogating the right to reinterpret and even rewrite the word of God to conform it to their own ideology and use it for their own ends. But, as the Document of Puebla says: "All ideology is partial since no particular group can claim to identify its aspirations with those of the global society" (535). "Ideologies themselves have the tendency to absolutize the interests that they defend, the vision that they propose, and the strategy that they promote. In such case, they are transformed into true 'lay religions.' They are presented as an ultimate explanation sufficient to all, and so is constructed a new idol, from which is accepted, at times without realizing, a totalitarian and obligatory character. In this perspective it should not be strange that ideologies try to use people and institutions to serve the efficacious achievement of their ends. This is the ambiguous and negative side of ideologies" (536).

(B) They try to undermine the unity in the body (of the church), challenging the constituted authorities of the church with acts and postures of frank rebellion, and they protest against the most elemental measures of ecclesiastical discipline.

(C) They try to diminish or remove the confidence and loyalty of the people toward their priests and bishops, toward the church as an institution, and toward the person of the Holy Father, asserting or spreading by various media strongly financed by anti-church groups, or by media which the state itself puts at their disposition, accusations and calumnies of all kinds. With special persistence, they try to present the bishops as persecutors of ecclesiastics and as allies, followers, and supporters of imperialist plans of the United States, and the Holy Father as executor of said plans.

(D) They try to divide the church, its bosom the "class warfare" of Marxist ideology. Therefore, they try to identify the church with the interests of the powerful, while they reserve for themselves the title of "church of the poor." Nevertheless, we note that they applauded the expulsion of priests who gave great parts of their lives to the service and direct coexistence with the most poor and dispossessed.

Ecclesiastical reconciliation

Without any exclusion, we invite these brothers to reconsider their errors and postures, to revise their loyalties and to mend their ways, so that that which today is fragmentation and alienation avoids becoming, one day, total division and schism.

Likewise, we urge all the people of God, priests, monks, nuns, and laymen to congregate in unity with their pastors to celebrate the eucharist and express their communion and love, abhorring negative or indifferent postures that strike at the unity of the church of Christ.

NATIONAL UNITY AND RECONCILIATION

The church opts for man

Why is the church, tested from within, also being tested from without? It is sought to muzzle it and hobble it in order to subjugate it in the midst of the applause that the institutionalized lie and half truths evoke from the unwary. It is accused of remaining silent while it is silenced, depriving it of its only radio station, and all news of aggressions suffered and all words of defense are censored from the communications media. It is asked to raise its voice in favor of peace, but when it seeks it via reconciliation and dialogue it is slandered and fought, since what is sought is not a moral orientation, but the manipulation of a pronouncement. When it does make itself heard, those who would like to dictate its words criticize it, not for what it said but for what it supposedly should have said. It is accused of making politics, while simultaneously it is demanded that it pronounce upon the most delicate matters of national and international politics. In this situation, we insist that our church opt only for man himself, for all Nicaraguans.

The church, agent of peace

It is in favor of this man, and because "we cannot hush that which we have seen and heard" (Acts 3.20), that we lift up our voice to say: enough now, the blood and the death! The blood spilled of so many Nicaraguans shouts to Heaven!

It is urgent and final that Nicaraguans, free of foreign meddling or ideologies, find a way out of the conflictive situation that our fatherland lives.

Today, we reaffirm with renewed emphasis that which already in 1984 we said in our pastoral letter of April 22, Easter. "Foreign powers take advantage of our situation to foment economic exploitation and ideological exploitation. They look at us as objects of support to their power without respect to our person, to our history, to our culture and our right to decide our own destiny. Consequently, the majority of the Nicaraguan people live fearful of the present and insecure in their future, experience deep frustration, cry for peace and liberty; but their voices are not heard, extinguished by the bellicose propaganda of one or another party."

We judge that all forms of aid, what ever be their source, that lead to destruction, pain and the death of our families, or to hate and division among Nicaraguans are condemnable. To opt for the annihilation of the enemy as the only road to peace is to opt inevitably for war. The church is the first to want peace and seeks to build it by means of conversion and penitence.

TELEGRAM

1. Summary and introduction: The GON reports that Nicaraguan peasants are "clamoring" for land. Pictures of noisy peasant rallies appear on the front page of pro-government newspapers. Private landholders are called in for conferences and, in some cases, actually confiscated. But how much land is really changing hands? Are there peasants who are getting new titles? Are peasants really demanding land? The answers to these and other questions are found in a study of the GON's own agrarian reform statistics, such as they are. The final conclusions about how much land is available depend largely upon how hard you

think people ought to work. The revelation that the GON is not doing what it says it is doing will not come as much of a surprise to anyone. However, the twist in the plot is that 1986 may be a year of real agrarian reform with big confiscations and big land giveways as the GON faces some new challenges and uses agrarian reform as the solution. End summary and introduction.

2. The opposition organization Cosep? (Superior Council of Private Enterprise) has issued an analysis of land use in Nicaragua based on the GON's official figures. (Comment: any figures issued by the GON are naturally suspect, but Econoff has confirmed the consistency if not the validity of these figures by reviewing numerous government publications, by talking to GON and opposition figures, and by going back and adding up numbers from countless newspaper clippings on agrarian reform. End comment) Using these official statistics, Cosep concludes that the GON does not have to confiscate private land in order to supply its Campesino allies.

3. Nicaragua has a total of 16.8 million manzanas of land (1 manzana equals 1.7 acres; that figure includes land of all types not covered by water or occupied by cities. About 10.0 million manzanas are covered by forests, 3.5 million manzanas are devoted to cattle raising, 1.0 manzanas are under cultivation with traditional and export crops, 284,198 manzanas are used to grow other crops such as coconut and palm oil trees, and 1.67 million manzanas are unusable. Therefore, of the 16.8 million manzanas total which make up the territory of Nicaragua, only about 4.7 million are actually in use for productive activities. Ownership of the land is broken down as follows: 52 percent is considered in the "public domain", 38 percent is in private hands, 9 percent is organized into cooperatives, and 9 percent is owned directly by the state. Cosep groups the public lands and the state-owned lands together and asserts that the GON controls 61 percent of the total land area in Nicaragua.

4. The following table shows how the ownership of the land has changed between 1978 and 1985.

[All figures are in thousands of manzanas]

Sector	1978	1983	1984	1985
Individuals	8,073.0	5,232.0	5,125.2	4,983.2
More than 500 mzs	2,920.0	1,132.5	1,025.7	883.7
200 to 500 mzs	1,311.0	1,021.0	1,021.0	1,021.0
50 to 200 mzs	2,431.0	2,391.0	2,391.0	2,391.0
10 to 50 mzs	1,241.0	560.5	560.5	560.5
Less than 10 mzs	170.0	127.0	127.0	127.0
Cooperatives		1,183.5	1,430.9	1,540.4
Credit and service (CCS)		804.3	804.3	804.3
Production co-ops (CAPS)		379.3	626.6	736.1
State owned lands (APP)		1,657.4	1,516.9	1,549.4
Subtotal	8,073.0	8,073.0	8,073.0	8,073.0
Public lands	8,758.7	8,758.7	8,758.7	8,758.7
Total	16,831.7	16,831.7	16,831.7	16,831.7

Source: Midinra.

Thus, in seven years, 18 percent of Nicaragua's total territory has gone from private to public ownership. Individuals now own 29.5 percent of the land as opposed to the 48 percent owned in 1975. Owners of the very smallest farms lost 25 percent of their land: Owners of 10–50 manzana farms lost 55 percent of their land: Owners of the largest farms and ranches (over 500 manzanas) were the biggest losers. The Government taking 70 percent of their total pre-revolution holdings. The GON has opened no new territory as part of its Agrarian reform program. The 8.76 million acres untouched before 1979, mostly tropical forest, remain part of the public domain. Of the 3 million manzanas "lost" by individuals, 50 percent is in the hands of the state and 50 percent now belongs to cooperatives. (Comment: CCS cooperatives did exist before the revolution under the auspices of such groups as the Nicaraguan Development Foundation—FUNDE. Cosep and Midinra both note this fact and state that no figures about the total acreage devoted to these cooperatives is available for the years before 1979. The CCS cooperatives are otherwise private landholders who have joined together for purposes of obtaining credit and for ease of cultivation. Theirs is an economic, rather than a political association. Almost all of the 1.5 million manzanas owned by the GON was seized from the Somoza family and its allies in the immediate post-triumph period. End comment)

5. Cosep maintains that the GON could and should make better use of the land already opened to civilization and could and should open "public" territory to land hungry campesinos. The Cosep study does not discuss the issue of the fertility of these virgin lands or their accessibility. The implication is that anyone who really wants land should be willing to work for it and work hard to farm it. Some of these forest lands no doubt could be cleared and farmed without too much difficulty, especially if the GON made the initial investments. The GON will contend, however, that the population pressures are in other areas of the country. The government has actually offered large landholders in the Carazo area south of Managua huge tracts of land in the north as compensation for property confiscated in the more populous—and fertile—regions. These large landholders, for a variety of political and economic reasons, have turned down the offers.

6. The study does point up the fact that the GON has taken land from the small farmer as well as the large. Despite the limitations imposed by the Agrarian reform law of 1981—protecting farms under 500 manzanas on the west coast and under 1,000 manzanas in the rest of the country—the GON has apparently felt free to take well over 30 percent of the land lost by individuals between 1978 and 1985 from the small landholders, those owning fewer than 500 manzanas. Although the GON would claim that these were lands managed inefficiently or abandoned entirely and therefore subject to confiscation, the statistics rub some of the shine off the "take from the rich to give to the poor" policy.

7. The GON says that it has redistributed a total of 4.0 million manzanas since 1979; in 1985 alone it claims to have given away 646 thousand manzanas. Midinra figures show that in 1985 the land was given away as follows:

Recipient	*Manzanas*
Cooperatives	164,000
Individuals	62,000
Indigenous communities	70,000
"Precaristas"	350,000
Total	646,000

(Comment: "Precaristas" are individual farmers who receive titles to land they already occupy. In most cases, they are people who live in more remote regions and who have farmed the land for many years and consider themselves the owners of the land, without ever having clear legal title to it. End comment). Of the 4.0 million manzanas the GON claimed to have distributed by the end of 1985, 1.5 million manzanas are owned by the government. 1.5 million manzanas have been formed into cooperatives and 1.0 million manzanas have been given to individuals. The midinra figures cited in the table in paragraph 4 show that individuals overall lost only about 3.0 million manzanas. Therefore roughly 1.0 million manzanas appears to have just changed hands—passed from one individual farmer to another.

8. However, the table also shows a very interesting phenomenon: There was no variation in total acreage held by individuals with farms of 500 manzanas or less between 1983 and 1985. That is, after the initial spate of confiscations, holdings by small farmers have not decreased. Nor have they increased or varied in size. Every 10 manzana farm confiscated must have been given as a 10 manzana unit. Every 50 manzana farm confiscated must have been given as a 50 manzana unit. Distributing land in such a manner would seem to defeat the whole purpose of land reform. Thus, the table's figures seem to support the conclusion that most of the land is going to those campesinos who already possess it "precaristas". The data in paragraph seven also confirm that assumption; 54 percent of the land the GON claims to have distributed in 1985 went to "precaristas".

9. The table also shows that CAP cooperatives received all of the land taken from individuals between 1983 and 1985 along with some land originally included in state-owned APPS. The CAP cooperatives are formed by and closely affiliated politically with the GON. Even when it hands out titles under individual names, the agrarian reform law allows the GON to require farmers to participate in a particular cooperative and cultivate certain crops in order to retain title. Cooperatives get credit preference at the National Development Bank and first claim after the APPS on scarce resources like seed, insecticides, and fertilizers. Cooperative members usually are also required to participate in rural political activities. The CAP cooperative structure is regarded by the private sector as another manifestation of government land ownership and is a potent political playing card in the GON hand. The CCS cooperatives, which tend to be less closely connected to the GON, received no new lands after 1983.

10. GON publicity surrounding the agrarian reform issue has taken on a sort of pattern. Peasants are said to be "clamoring" for land in one region or another, new reports appear about the crowding in certain areas, and then the announcement comes that 10 thousand manzanas or so have been distributed, "benefiting" a certain number of families. Chontales (region V) is the area most often in the news in recent months. On February 26, FSLN Daily Barricada reported that over 9 thousand manzanas had been given to 100 families in the Boaco area as part of the "ongoing response to the urgent demands of the thousands of campesinos who have no land to produce." The article went on to add that another 12,000 peasants in the region are still without land. Region V is a strategically important zone (REF. A), perhaps for military, as much as economic reasons, the GON has chosen to concentrate its agrarian reform attentions there. In recent giveaways, campesinos in region V have received AK-47s along with their property titles (REF. B). Many of the clamoring peasants shown in the news have waved placards bearing the GON's own slogan—"Land and a Rifle". Land to "pre-

caristas" may also be considered part of a strategic policy as many of these remote tracts are in the war zones and any move to consolidate pro-government feelings in these regions makes good military sense. Whether these peasants are actually pressuring for land or not does not matter to the GON; security is the issue. There is no doubt that some clamoring is going on in the heavily populated region of Carazo. Although when cosep leader Enrique Bolanos had his cotton farm and gin confiscated in June 1985, there were rumors that the GON had had trouble finding enough names for all the titles it wanted to hand out. The biggest noise makers are probably the peasants who have left the fields and come to Managua. Some displaced by the war, some forcibly removed by the GON from the "Free-Fire" Zones it created in the north, and some simply unable to make ends meet farming, these people have all flocked to the capital and are creating serious strain on the city's resources (REF. C).

11. "Benefit" is a favorite GON term that is used whenever there is a discussion of land reform. However, families that "benefit" do not necessarily receive titles to land. When the GON says that 23 thousand families have benefited under the agrarian reform plan of 1985, it does not mean to say—and it never does clearly say—that 23 thousand titles have been distributed for 23 manzanas each. These benefiting families are not even necessarily members of cooperatives. In 1984, Midinra figures showed a total of 899 CAP cooperatives in Nicaragua, with 18,253 members. However, Midinra also claimed that 38,000 families had benefited from the formation of those cooperatives. The GON says that, as of the end of 1985, it has distributed 1.0 million manzanas to individual title holders, benefiting 49,000 families. In the five years of agrarian reform since 1981, it says it has distributed a total of 2.5 million manzanas (4.0 million minus the 1.5 million in APP) to benefit 86,565 families. Dividing the families into the land yields an average of between 20 and 30 manzanas per family. Using the 1984 figures cited above and the 626.6 thousand manzanas in CAP cooperatives given in the table for 1984, yields an average of 35 manzanas per cooperative family. Yet private sector sources, together with the few titles emboffs have had the opportunity to examine, indicate that the average individual title recipient is getting three to ten manzanas. Therefore, the cooperative average should be much larger than the overall norm. This confusing data makes it difficult to determine just how many families have "benefited" by actually receiving titles.

12. Thus, despite the extensive propaganda surrounding the agrarian reform program, the GON is not telling the whole story. Most of the land confiscated since 1979 has gone to the state or to cooperatives which are essentially state-controlled. Furthermore, the much-touted program of distributing titles to individuals does not represent a major restructuring of the landholding system. The small farmers who supposedly benefit most from a land reform program have not made any net gais in acreage. In fact, it would appear that these individual titles are given almost exclusively to persons who already occupy and work the land. Finally, it must be concluded that the "benefits" of agrarian reform are very loosely defined and do not necessarily represent titles. It is true that the war and economic hardships have increased the rural noise level and there is some amount of "clamoring" as peasants move to cities and are shifted around the country to avoid the war. The GON would like to see these people go back to productive work and it would like to use the opportunity to settle them in strategic areas to form a buffer zone—what one rancher called "a band of land" filled with armed and loyal Campesinos. The recently announced amendments to the agrarian reform law of 1981 (REF. A) indicate that the GON expects to use agrarian reform in a bigger way in 1986. The latest challenges will meet a newly streamlined set of solutions. The GON could make 1986 the year of real distribution.

13. A final note: The recently enacted amendments to the agrarian reform law now allow the GON to confiscate, at will, landholding of any size. The revised law removes any barriers, however fragile they may have been, to arbitrary confiscation. Although the concept of private property still exists in the Sandinista lexicon, in today's Nicaragua there is no guarantee—the GON can use the agrarian reform law to work its will with friends as well as enemies. Statements made publicly and privately by senior GON officials over the years support the contention of the opposition that in revolutionary Nicaragua no one "owns" his property; he is merely a "custodian" for whatever period of time suits the government and the FSLN.

By Mr. EXON:

S. 2344. A bill to amend title 10, United States Code, to authorize limited use of commissary stores by members of the Selected Reserve; to the Committee on Armed Services.

LIMITED USE OF COMMISSARY STORES BY MEMBERS OF THE SELECTED

Mr. EXXON. Mr. President, today I offer a bill to provide members of the National Guard and Reserve components a more meaningful military commissary benefit.

The Congress has been instrumental in supporting the Guard and Reserves. Building upon the Defense Department's total force approach of managing the Active and Reserve components as one combined military force, the Congress has provided considerable amounts of new equipment and encouraged a greater reliance upon the Reserve Forces. Much remains to be done in the areas of equipment, training, and overall readiness but great progress has been made in integrating the Reserve Forces into our Nation's defense plans.

My bill would focus on the all-important task of recruiting and, more importantly, retaining the qualified and experienced men and women that are the foundation of a sound military structure. Today, that foundation is being challenged by Gramm-Rudman-Hollings reductions and probable reductions in future retirement benefits. Whereas over the past few years we have witnessed record recruiting and retention figures, the signs point to a less bright future.

What my bill would do is to expand the military commissary benefit already available to members of the Reserve components and make it a more tangible and meaningful one. At the present time, the men and women of our Reserve components are eligible to use commissaries only during their annual 2 weeks of active duty training. A significant portion, if not most, of these individuals perform this active duty training overseas or at distant locations away from home and do not truly get the opportunity to personally exercise the benefit. The Defense Department has taken steps to encourage the members' spouses to shop at the commissary during the members absence. But it appears that many spouses, particularly those who are unfamiliar with the active duty military society, are reluctant to venture on their own to the commissary. Dependents who do use the commissary would probably make only one or two visits to do their weekly shopping during that time. This is somewhat helpful to a family's budget but hardly a very meaningful benefit.

I am proposing instead that members of the Reserve components and their dependents be authorized to use military commissaries a number of days each year equal to the number of days the member performs active duty for training as member of the Selected Reserve in a year, or 14 days, whichever is less. The use of the earned privilege would be good for 1 year after the date of the active duty training performed.

This is not the first time that this expanded benefit has been looked at by the Congress. As a result of an earlier amendment I offered, the Defense Department conducted a test of this expanded benefit in three parts of the country from January 1, 1984 to March 1, 1985. The test revealed several things that support the proposed expanded benefit. First, based upon a questionnaire completed during the commissary visit by the member or their authorized dependent, Reserve personnel in the hard-to-retain intermediate enlisted pay grades of E–4 to E–7 and officer pay grades of 0–2 to 0–4 were more likely to take advantage of the commissary benefit than others. Although they constitute 70 percent of the Selected Reserve population, this intermediate pay group made over 83 percent of the commissary visits. Families of Guard and Reserve members participated in over 70 percent of the commissary visits made as part of this test. For many, it may have been their first opportunity to experience a tangible benefit of Reserve service.

Also noteworthy is the fact that the test revealed the commissaries were not overrun by reservists and were not adversely affected in their ability to serve the active duty and retired communities who are the primary users of the commissaries. The reservists did, on the average, spend $140 per visit as opposed to an average of $40 per trip

by a full-time patron. Obviously, the benefit was seen as a meaningful one to pursue.

In recognition of this, I was successful in amending the Senate version of the 1986 defense authorization bill to make this test permanent for all members of our Reserve components. Unfortunately, the provision was dropped in the Senate-House conference on the bill. Opposition to the provision was partly centered on the belief that somehow it detracted from the benefits received by the active duty community. However, I do not see this as a legitimate complaint because the expanded benefit is, and should remain, considerably less than that received by the active duty community.

Grocers also strongly opposed the provision because they perceived a loss of business. In reality, very little business would be lost as the benefit really equates to about one shopping trip per month. Furthermore, the test results reveal that those Guard and Reserve families that live more than 50 miles away from a commissary are far less likely to use it for shopping. The 1984 National Guard and Reserve Survey reported that 50 percent of all Selected Reserve members live more than 46 miles from a commissary. Only 10 percent of the Reserve shoppers in the test came from more than 50 miles away. Additionally, only 2 percent of the test participants traveled more than 100 miles. One-fourth of the Selected Reserve population lives that distance from the nearest commissary.

Mr. President, in this time of budget reductions we must look squarely at what the expanded commissary benefit will cost. On April 16, 1985, the Congressional Budget Office reported that it concurred with earlier Defense Department estimates of a similar, but not identical bill, H.R. 1577. That report said unlimited use of commissaries by members of the Selected Reserve "would not result in an increase in sales volume large enough to necessitate an increase in personnel. Based on these findings no significant increase in cost is expected due to this provision of the bill." My bill does not include the second provision of H.R. 1577 which would allow retired reservists who have not reached age 60, the age at which they become eligible to draw retirement pay and benefits, the same unlimited use of commissary and exchange stores as those reservists who have reached age 60. This provision, which I emphasize that I have not included, would cost up to $15 million annually.

According to a recent study by the Rand Corp., over 31 percent of those members of the Guard and Reserves cited "family and leisure time demands" as the reason they decided to leave the service. Clearly, Guard and Reserve duty makes great demands upon the serving members as well as that member's family. Indeed, the weekend warrior is becoming a creature of the past as we place more and more time demands upon the Reserve components. My bill would do something highly visible and meaningful for members of the Selected Reserve and their families. It would especially benefit those members in the experienced but hard to retain category and encourage more members to continue their Reserve affiliation, thereby ensuring higher levels or readiness and easing the high cost of training replacements. And it would do so at no cost to the taxpayer. I urger Senate to support this bill and will pursue it as part of the fiscal year 1987 Defense Authorization Act.

By Mr. KENNEDY (for himself, Mr. MOYNIHAN, Mr. KERRY, Mr. SIMON, Mr. DODD, Mr. MATSUNAGA, and Mr. METZENBAUM):

S. 2345. A bill to improve counseling, education, and services relating to acquired immune deficiency syndrome; to the Committee on Labor and Human Resources.

ACQUIRED IMMUNE DEFICIENCY SYNDROME COUNSELING, EDUCATION, AND SERVICE ACT

● Mr. KENNEDY. Mr. President, I rise to introduce the Acquired Immune Deficiency Syndrome Education, Counseling, and Services Act of 1986. This legislation which I am introducing with Senators MOYNIHAN, KERRY, SIMON, DODD, MATSUNAGA, and METZENBAUM will provide additional Federal support to meet this most dreadful challenge that confronts us.

Mr. President, in a few more years, the acquired immune deficiency syndrome will claim more American lives than the war in Vietnam. It is projected that 76,000 Americans will have this disease by the year 1990. There are now 23 American cities, each of which has over 100 cases of AIDS and over 1,000 cases of AIDS related complex.

Beyond these cases which are already identified, somewhere between 1 and 2 million people carry the AIDS antibody and are infected with the AIDS virus. Conservative estimates are that 25 percent of this group will eventually become ill. This terrible disease could easily become the most awful experience faced by our country since the last world war.

As a great nation with tremendous resources, we must rise to meet this crisis with intelligence and determination. The Foundation in Biomedical Research in which the Government has invested over the years has given us a great advantage in confronting this national tragedy. Without the many advances of the last decade, especially recombinant DNA technology, there would be far less hope than we have that we may yet find a cure for AIDS and stop its spread.

But there is reason to hope. Efforts to find an effective vaccine are well under way. Testing on new therapies is being greatly expanded. These efforts must continue to move full spead ahead.

Until we have a vaccine and a cure, a great deal remains to be done. We must prevent further spread by educating those who are at risk. We must inform the public about how the disease is transmitted and allay widespread fears. We must counsel those who are infected whose future is uncertain. And we must treat those who are ill with humaneness and compassion. We must do so rationally and effectively while making the most efficient use of our health dollars and resources.

Mr. President, the bill I am introducing is intended to address these tasks. First it will support counseling of individuals who are found to be antibody positive to the AIDS virus. It will support education and information dissemination amongst high-risk groups about how to prevent further spread of infection. And it will provide education to workers who are in occupations which bring them into contact with people who have AIDS.

Second, this bill will support the establishment of cost-effective networks of coordinated outpatient medical services for AIDS patients. This will provide more rational and humane services to victims of the disease. It will also develop alternatives to long-term hospital inpatient services which are proving inefficient and cost ineffective as an approach to providing medical services for AIDS patients.

Last, this bill will establish in law a coordinating committee at the National Institutes of Health to guide the crucial biomedical research effort.

Mr. President, some will criticize this measure as duplicative of efforts already under way. These critics have little comprehension of the enormity of the problem we face. In recent months I have been visited by city councilmen from around the country. I have received letters from our Nations mayors and from my colleagues in the Congress. All have been unanimous in their alarm about the difficulties presented by the rising number of American citizens suffering with this syndrome. All have been clear about the need for expanded education and counseling and accessible medical services to rationally meet the needs of the population which is ill. With this measure we hope to provide assistance to the cities represented by these figures. We seek to serve notice that the Congress is attentive to the growing danger presented by this epidemic.

My colleague, Senator HATCH, the chairman of the Labor and Human Resources Committee has recently held a hearing on AIDS. Witnesses at

this hearing similarly attested to the importance of education for prevention, and cost effective services. I look forward to working with Senator HATCH and the other members of our committee to report out a bill this year that will contribute to the effort that is needed to face this epidemic. It is my hope that this bill will win broad bipartisan support. I urge my colleagues to join me in rising to the challenge before us.●

● Mr. MOYNIHAN. Mr. President, I rise today to become an original cosponsor of legislation introduced by my distinguished colleague from Massachusetts [Mr. KENNEDY] to support efforts to control one of the most virulent diseases of modern times—acquired immune deficiency syndrome, better known by its acronym AIDS. This is a matter of genuine urgency.

Since first identified in this country 7 years ago, the incidence of AIDS has grown at a startling rate. AIDS afflicts men and women, homosexuals and heterosexuals, adults and children. According to the Centers for Disease Control [CDC], as of April 7, 1986, 19,181 Americans had been infected with the virus, and of that number 10,152 have died. The CDC estimates that the number of AIDS cases will double every 13 months.

In New York, the news is particularly troubling. As of April 7, the CDC reports that New York City has 5,946 cases and 3,239 reported deaths. Of these cases at least 1,758 are found among intravenous [IV] drug users.

More than 270 pediatric cases have been reported, with 108 of them in New York City alone.

There is yet no cure for the disease, no proven effective form of treatment. The only way to control this lethal disease is to prevent its further spread, and one way to do that is through public education.

Medical evidence strongly suggests that a person can reduce the risk of contracting AIDS by avoiding certain behavior. Moreover, greater public understanding of this mysterious disease can correct misconceptions and allay public fears.

This legislation would amend the Public Health Service Act to establish a grant program under the Secretary of Health and Human Services to expand existing AIDS public education programs and create new ones.

In addition, the bill would make available grants to public and private organizations for the establishment or expansion of counseling programs serving individuals who have tested positively for the AIDS virus, including medical, mental health, and legal counseling.

The education and counseling programs are authorized for $10 million annually for fiscal years 1987-89, with the Federal share of any program to be 50 percent. A single grant could not exceed $50,000.

It is becoming apparent that the deadly AIDS virus, in addition to attacking the immune system, invades the brain and central nervous system of many of its victims. It is precisely because many AIDS patients suffer demential loss of memory and certain neurological impairments, that there is often a need for long-term care and home care services.

The CDC estimates that the average cost of treating an AIDS patient, from diagnosis until death, is $140,000.

The legislation addresses the cost of treating victims. By creating a program to make grants to public and nonprofit private organizations for the development and establishment of comprehensive outpatient services for AIDS victims, the bill can place individuals in their homes and intermediate facilities instead of keeping them in more expensive hospital settings. The grant program, under the auspices of the Secretary of Health and Human Services, would feature a broad spectrum of services, including the provision of multidisciplinary teams of physicians and nurses with AIDS-related training, ambulatory care services, counseling and psychosocial support services, home healthcare services, and hospice and skilled nursing care.

The 23 metropolitan areas with the highest incidences of AIDS will be eligible to apply for such grants.

In order to be eligible for a grant, an applicant would have to establish a network advisory committee to assist it in developing or expanding the resources of local care providers involved in treating AIDS victims.

The legislation stipulates that projects demonstrating the ability to serve the largest number of persons will receive preference. Applicants that can serve a large number of children with AIDS will also receive preference.

In addition, at least two of the grants for each fiscal year will be reserved for networks which make available comprehensive services to individuals who have AIDS or AIDS-related complex and who are intravenous drug users.

This part of the program is authorized for $15 million for each fiscal year 1987-89, with no grant to exceed $2 million in a single fiscal year.

Finally, the legislation would create within the National Institutes of Health [NIH] a 13-member AIDS Research Coordinating Committee to coordinate research conducted or supported by the NIH, and identify further research needs. Members of the committee would include the directors of the National Institutes involved in AIDS research; three persons conducting NIH-supported AIDS research but who are not affiliated with the NIH; the director of the Centers for Disease Control; a researcher of outstanding ability who is qualified to evaluate such research; and the Assistant Secretary of Health.

Mr. President, this Nation is approaching an unhappy milestone: very shortly, we will see our 20,000th case of AIDS. Every one of those AIDS victims may eventually die from the disease, at unprecedented costs to the Nation and our healthcare systems. We cannot classify it as an affliction affecting only a limited group. It affects all of society, and it must be confronted. I urge all my colleagues to support this important legislation.●

● Mr. DODD. Mr. President, since acquired immune deficiency syndrome was initially recognized by health officials in 1981, hysteria concerning the disease has been fueled by the release of inaccurate and incomplete information concerning its cause and transmission. In the midst of this often confused arena, however, several facts are, unfortunately, quite clear: over 19,000 cases of AIDS have been reported to date and the disease has claimed over 10,000 deaths. In addition, it is estimated that between 500,000 to 1 million Americans have been infected with the AIDS virus and that one-third of those exposed to the virus may eventually develop the disease.

This is a national health problem of enormous magnitude. The disease has afflicted most severely the gay community, whose male members account for 73 percent of AIDS victims. The disease has also been transmitted among heterosexual individuals. It continues to strike intravenous drug users, recipients of blood transfusions, and hemophiliacs. While most AIDS victims are adults, over 240 cases of AIDS in children have been reported. Almost half of those children have now died from the disease.

The maintenance and establishment of health policy in this area, it seems to me, must be guided by several basic objectives. First, we must ensure that comprehensive outpatient services are available to treat, quickly and compassionately, the physical and psychological needs of AIDS victims and individuals who have been tested HTLV-3 antibody positive. Second, we must ensure that facts regarding the disease and its transmission are communicated quickly and accurately to high risk groups and the public at large to prevent further spread of the disease. And, finally, we must continue to fund and coordinate research on AIDS to ensure that a cure and the most effective AIDS test and treatment are developed quickly and efficiently.

I am pleased to be an original cosponsor of a bill, being introduced

today by my colleague from Massachusetts, Senator KENNEDY, which carries out these objectives. The bill authorizes grants for the establishment of outpatient networks to provide, among other things, comprehensive ambulatory care services, physical and mental health counseling, and a full range of psychosocial support services for AIDS and AIDS-related complex victims. The bill also provides grants for full-scale educational programs and establishes a research coordinating committee to guide and coordinate the research efforts at the National Institutes of Health.

Developing and maintaining a rational and compassionate health policy on AIDS treatment, education, and research today undoubtedly presents a challenge to ensure both public health and individual liberty. Irrational proposals abound. This January, William F. Buckley reportedly advocated tattooing AIDS patients with identifying marks. One Harvard Medical School professor recommended that drug addicts who have AIDS be shipped to a former leper colony on an island off the coast of Massachusetts. A proposal revealed in a report by a University of California professor of law would include quarantining all people who have been exposed to AIDS. Getting the health threat posed by AIDS under control is vital; but doing so within the framework of our Constitution and civil rights laws is mandatory. It is my hope that the bill being introduced today goes a long way toward meeting this challenge.●

By Mr. HELMS:

S. 2346. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure safer pesticides and to better protect the public and the environment, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE REFORM ACT

● Mr. HELMS. Mr. President, I am introducing a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], the basic statute governing the production and use of pesticides for agricultural purposes and for many general household purposes. This act is administered by the Environmental Protection Agency, which is charged with responsibility for ensuring that pesticides do not cause unreasonable adverse effects on the environment, taking into account particular costs and benefits associated with the use of each pesticide.

The Pesticide Reform Act of 1986 is the product of months of hard work and compromise by the Chemical Specialty Manufacturers Association and agricultural commodity user groups. In forging this compromise, each participant recognized the need to protect the environment, users, and consumers of pesticide products from unnecessary harm. Everyone involved has had the goal of assuring only safe and effective chemical products make their way into the marketplace, while at the same time balancing these important concerns with the need to maintain the effectiveness of the free enterprise system in a growing economy.

The bill I introduce today is similar in some respects to S. 2215, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1986, introduced by my distinguished colleague, Senator LUGAR. S. 2215 was developed in cooperation with the National Agricultural Chemicals Association and a coalition of environmental groups. However, there are significant differences in approach between the two bills. For example, the bill I am introducing would not require the payment of any reregistration fees as would be required by the NACA proposal. In addition, my bill would generally extend the reregistration timetables beyond those established in the NACA bill and would increase the flexibility granted to EPA for administering FIFRA.

Mr. President, in introducing this legislation I do not necessarily endorse every provision. I am well aware that some whose expertise I respect, including the Environmental Protection Agency, have reservations concerning certain aspects of the bill. However, the bill is a framework for working out differences in perspective. I am certainly prepared to evaluate arguments made by all sides as we proceed through the legislative process. I have every expectation that the Committee on Agriculture, Nutrition, and Forestry will reach an agreement on FIFRA legislation and move it forward expeditiously.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at this time, along with a brief summary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pesticide Reform Act of 1986".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Page

Sec. 1. Short title and table of contents.
Sec. 2. References to the Federal Insecticide, Fungicide, and Rodenticide Act.

TITLE I—DEFINITIONS

Sec. 101. Certified applicator.
Sec. 102. Ingredient statement.
Sec. 103. Misbranded.
Sec. 104. Pesticide.
Sec. 105. State.
Sec. 106. Use of any registered pesticide in a manner inconsistent with its labeling.
Sec. 107. Additional definitions.

TITLE II—REGISTRATION OF PESTICIDES

Sec. 201. Data in support of registration.
Sec. 202. Compensation for data on inert ingredients.
Sec. 203. Time for acting with respect to application.
Sec. 204. Notice of application.
Sec. 205. Approval of registration for substituted inert ingredients.
Sec. 206. Conditional registration.
Sec. 207. Interim administrative review.
Sec. 208. Preregistration access to data.
Sec. 209. Material safety data sheets.
Sec. 210. Classification for restricted use.
Sec. 211. Reregistration of pesticides.
Sec. 212. Priority list for inert ingredients.
Sec. 213. Substitution of inert ingredients.
Sec. 214. Labeling of inert ingredients.
Sec. 215. Formula statements.

TITLE III—CERTIFIED APPLICATORS

Sec. 301. State certification.
Sec. 302. Applicator training.

TITLE IV—ADMINISTRATIVE REVIEW; SUSPENSION

Sec. 401. Public hearings and scientific review.
Sec. 402. Cancellation of registration based on false or invalid data.
Sec. 403. Compensation for data.
Sec. 404. Voluntary cancellation.

TITLE V—REGISTRATION OF ESTABLISHMENTS

Sec. 501. Confidential records and information.
Sec. 502. Material safety data sheets.
Sec. 503. Confidentiality.
Sec. 504. Information requested.

TITLE VI—BOOKS AND RECORDS

Sec. 601. Books and records.

TITLE VII—INSPECTION OF ESTABLISHMENTS

Sec. 701. Authority to enter, inspect, and copy.
Sec. 702. Warrants.
Sec. 703. Procedure.
Sec. 704. Coordination.

TITLE VIII—PROTECTION OF TRADE SECRETS AND OTHER INFORMATION

Sec. 801. Disclosure of inert ingredients permitted.
Sec. 802. Disclosure of intent to market pesticides.
Sec. 803. Methods of disclosing inert ingredients.
Sec. 804. Delay in public notification.
Sec. 805. Data disclosure to contractors.
Sec. 806. Data disclosure to States.
Sec. 807. Notice of request for data disclosure.

TITLE IX—STANDARDS APPLICABLE TO PESTICIDE APPLICATORS

Sec. 901. Standards applicable to pesticide applicators.

TITLE X—UNLAWFUL ACTS

Sec. 1001. Distribution or sale of certain pesticides.
Sec. 1002. Other unlawful acts.

Sec. 1003. Liability for pesticide use damage.
Sec. 1004. Acts of agents.
TITLE XI—PENALTIES
Sec. 1101. Civil penalties.
Sec. 1102. Criminal penalties.
Sec. 1103. Subpoenas.
TITLE XII—ADMINISTRATIVE PROCEDURE; JUDICIAL REVIEW
Sec. 1201. Review of regulations.
TITLE XIII—IMPORTS AND EXPORTS
Sec. 1301. Pesticides and devices intended for export.
Sec. 1302. Cancellation notices furnished to foreign governments.
Sec. 1303. Cooperation in international efforts.
TITLE XIV—RESEARCH AND MONITORING
Sec. 1401. Research.
TITLE XV—DELEGATION AND COOPERATION
Sec. 1501. Effect on certain other laws.
TITLE XVI—STATE COOPERATION, AID, AND TRAINING
Sec. 1601. Authorization for appropriations.
TITLE XVII—AUTHORITY OF STATES
Sec. 1701. Pesticide sale or use.
Sec. 1702. Additional uses.
Sec. 1703. Differences in usage and risk.
Sec. 1704. Low volume nonfood pesticide use.
TITLE XVIII—AUTHORITY OF ADMINISTRATOR
Sec. 1801. Congressional review of rules and regulations.
Sec. 1802. Scientific advisory panel.
TITLE XIX—STATE PRIMARY ENFORCEMENT RESPONSIBILITY
Sec. 1901. State primary enforcement responsibility.
Sec. 1902. Certification in pesticide use applications.
Sec. 1903. Political subdivisions.
TITLE XX—FAILURE BY THE STATE TO ASSURE ENFORCEMENT OF STATE PESTICIDE USE REGULATIONS
Sec. 2001. State enforcement actions.
TITLE XXI—DATA COLLECTION AND RETRIEVAL SYSTEMS
Sec. 2101. Data collection and retrieval systems.
TITLE XXII—AUTHORIZATION OF APPROPRIATIONS
Sec. 2201. Authorization of appropriations.
TITLE XXIII—TECHNICAL AMENDMENTS
Sec. 2301. Table of contents.
TITLE XIV—EFFECTIVE DATE
Sec. 2401. Effective date.

SEC. 2. REFERENCES TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

TITLE I—DEFINITIONS

SEC. 101. CERTIFIED APPLICATOR.

Section 2(e) (7 U.S.C. 136(e)) is amended—

(1) in paragraph (3), by striking out "which is classified for restricted use" and inserting in lieu thereof "for compensation or hire"; and

(2) by adding at the end the following new paragraphs:

"(5) NONCERTIFIED COMMERCIAL APPLICATOR.—Unless otherwise prescribed by the labeling of a pesticide, a pesticide shall be considered to be applied under the direct supervision of a commercial applicator if the pesticide is applied by a person trained and registered under section 4 acting under the instructions and control of a commercial applicator who is available if and when needed, even though such commercial applicator is not physically present at the time and place the pesticide is applied.

"(6) COMPETENT PERSON.—For purposes of paragraph (4), a person shall not be considered 'competent' unless the person—

"(A) has successfully completed the training required under paragraph (7), as verified by the State regulatory authority; and

"(B) is a certified applicator or works under the supervision of a certified applicator.".

SEC. 102. INGREDIENT STATEMENT.

Subsection (n) of section 2 (7 U.S.C. 136(n)) is amended to read as follows:

"(n) INGREDIENT STATEMENT.—

"(1) IN GENERAL.—The term 'ingredient statement' means a statement that contains—

"(A) the name and percentage of each active ingredient, the name of each inert ingredient listed under section 3(h)(1), and the total percentage of all inert ingredients, in the pesticide; and

"(B) if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic.

"(2) COMMON NAME.—An inert ingredient listed under section 3(h)(1) shall be identified by its most common name, instead of its chemical name."

SEC. 103. MISBRANDED.

Section 2(q)(1) (7 U.S.C. 136(q)(1)) is amended—

(1) by striking out "or" at the end of subparagraph (G);

(2) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(I) in the case of a pesticide intended for export that is substantially similar in composition and use pattern to a pesticide registered under section 3, the label does not contain the same health, safety, and hazard precautions as a pesticide registered under section 3, unless such precautions on the label are in conflict with the law of the importing country.".

SEC. 104. PESTICIDE.

Section 2(u) (7 U.S.C. 136(u)) is amended—

(1) by striking out "and" at the end of clause (1); and

(2) by inserting after "desiccant" the following: ", (3) any substance or mixture of substances intended for use as an antimicrobial, and (4) any pesticide product, unless the context otherwise requires".

SEC. 105. STATE.

Section 2(aa) (7 U.S.C. 136(aa)) is amended by adding at the end thereof the following new sentence: "The term 'State' means a State administered as a whole and not a political subdivision of a State.".

SEC. 106. USE OF ANY REGISTERED PESTICIDE IN A MANNER INCONSISTENT WITH ITS LABELING.

The first proviso of section 2(ee) (7 U.S.C. 136(ee)) is amended—

(1) in clause (1), by inserting "rate" after "dosage"; and

(2) by striking out "or (4)" and all that follows through "by the labeling" and inserting in lieu thereof the following: "(4) mixing a pesticide with a fertilizer or another pesticide if such mixture is not prohibited by the labeling, (5) using a registered pesticide for the formulation of an end use product or repackaging a pesticide that is an end use product, or (6) applying a household cleaning product containing an antimicrobial active ingredient in household or institutional cleaning uses".

SEC. 107. ADDITIONAL DEFINITIONS.

Section 2 (7 U.S.C. 136) is amended by adding at the end the following new subsection:

"(s) ANTIMICROBIAL.—The term 'antimicrobial' means—

"(1) disinfectants intended to destroy or irreversibly inactivate bacteria, fungi, or viruses on surfaces or inanimate objects;

"(2) sanitizers intended to reduce the number of living bacteria or viable virus particles on inanimate surfaces or in water or air;

"(3) bacteriostats intended to inhibit the growth of bacteria in the presence of moisture;

"(4) sterilizers intended to destroy viruses and all living bacteria, fungi, and their spores on inanimate surfaces;

"(5) fungicides and fungistats intended to inhibit the growth of, or destroy, fungi (including yeasts) on inanimate surfaces; or

"(6) commodity preservatives and protectants intended to inhibit the growth of, or destroy, bacteria in or on raw materials (such as adhesives and plastics) used in manufacturing or manufactured products (such as fuel, textiles, lubricants, wood products, and paints).

"(gg) IMPORTING COUNTRY.—The term 'importing country' means the first country to which a pesticide, device, or active ingredient, subject to the notification requirement of section 17(a), is exported from the United States.

"(hh) LOW VOLUME NONFOOD PESTICIDE USE.—A pesticide use shall be considered a low volume nonfood use if the quantity of potential sales are too small to warrant the cost of complying with a regulation necessary to make such use legal.

"(ii) MATERIAL SAFETY DATA SHEETS.—The term 'material safety data sheet' means a sheet required under section 3(c)(10).

"(jj) OUTSTANDING DATA REQUIREMENT.—

"(1) IN GENERAL.—The term 'outstanding data requirement' means any study, required information, or data necessary to make a determination under section 3(c)(5) that—

"(A) has not been submitted to the Administrator; or

"(B) has been submitted to the Administrator but which the Administrator determines are not valid, complete, or adequate to make a determination under section 3 and the regulations and guidelines issued thereunder.

"(2) FACTORS.—In making a determination under paragraph (1)(B), the Administrator shall examine, at a minimum, relevant protocols, documentation of the conduct and analysis of the study, and the results of the study to determine whether the study and the results of the study fulfill the data requirement for which the study was submitted to the Administrator.

"(kk) PESTICIDE DEALER.—The term 'pesticide dealer' means any person who sells a pesticide to a commercial or private applicator, except that such term shall not include

a retail vendor of an antimicrobial or household nonrestricted use pesticide.

"(ll) PESTICIDE PRODUCT.—The term 'pesticide product' means a pesticide in the particular form (including composition, labeling, and packaging) in which the product is (or is proposed to be) distributed or sold.

"(mm) PESTICIDE TESTING FACILITY.—The term 'pesticide testing facility' means any person that conducts any test, study, survey, or investigation of the properties, effects, or behavior of any pesticide (or any ingredient, metabolite, or degradation product thereof) for or on behalf of any registrant, applicant for registration, or other person who sells or distributes the pesticide (or contemplates selling or distributing the pesticide), except that such term does not include any person solely on account of the participation of such person as a cooperator in field testing of a pesticide in compliance with an experimental use permit issued under section 5.

"(nn) POLITICAL SUBDIVISION OF A STATE.—The term 'political subdivision of a State' means any geographical area within a State over which authority is exercised by an elected or appointed official, including a county, township, city, or town.

"(oo) TERMS OF REGISTRATION.—The term 'terms of registration' means the requirements imposed on a pesticide product under this Act concerning the composition, labeling, packaging, and restrictions on the distribution, sale, and use of the product.

"(pp) TO DISTRIBUTE OR SELL.—The term 'to distribute or sell' means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver, except that such term shall not include the holding or application of a registered pesticide product or use dilution thereof by any applicator who provides a service of controlling pests without delivering any unapplied pesticide to any person so served.".

TITLE II—REGISTRATION OF PESTICIDES

SEC. 201. DATA IN SUPPORT OF REGISTRATION.

Subparagraph (A) of section 3(c)(2) is amended to read as follows:

"(A) DATA IN SUPPORT OF REGISTRATION.—

"(i) The Administrator shall publish guidelines specifying the kinds of information that would usually be required to support the registration of a pesticide and shall revise such guidelines from time to time.

"(ii) If after such publication the Administrator requires any additional kind of information under subparagraph (B), the Administrator shall permit sufficient time for applicants to obtain such additional information.

"(iii) Any Federal agency may proceed with the use of such pesticide unless the Administrator determines that missing or deficient data is sufficiently important to warrant a suspension or cancellation.

"(iv) The Administrator, in establishing guidelines for data requirements for the registration of pesticides with respect to minor uses and with respect to various types and classes of pesticides, shall make such guidelines commensurate with the anticipated extent of use, pattern of use, and the level and degree of potential exposure of man and the environment to the pesticide. In the development of such guidelines, the Administrator shall consider the economic factors of potential national volume of use, extent of distribution, and the impact of the cost of meeting the guidelines on the incentives for any potential registrant to undertake the development of the required data.

"(v) Analyses in support of registration are equivalent to an environmental impact statement and may be incorporated by reference and relied on in any other Federal or cooperative document developed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(vi) Such guidelines may not contain a requirement for applicants to perform human epidemiological studies to obtain or support registrations.

"(vii) Guidelines, and modifications thereof, shall be published in the Federal Register. The Administrator shall provide for public comment for guidance in development of such guidelines or modifications.";

SEC. 202. COMPENSATION FOR DATA ON INERT INGREDIENTS.

Subparagraph (D) of section 3(c)(2) (7 U.S.C. 136a(c)(2)(D)) is amended to read as follows:

"(D) EXEMPTION.—

"(i) No applicant for registration of a pesticide who proposes to purchase a registered pesticide or an inert ingredient from another producer in order to formulate such purchased pesticide or an inert ingredient into an end use product shall be required to—

"(I) submit or cite data pertaining to the safety of such purchased product; or

"(II) offer to pay reasonable compensation otherwise required by paragraph (1)(D) for the use of any such data or reregistration fees.

"(ii) No applicant for registration of a pesticide who proposes to purchase an inert ingredient from another producer in order to formulate the pesticide shall be required to offer to pay reasonable compensation otherwise required by paragraph (1)(D) for a study required to be cited or submitted that was generated pursuant to subsection (h)(7) using authority available to the Administrator."

SEC. 203. TIME FOR ACTING WITH RESPECT TO APPLICATION.

Paragraph (3) of section 3(c) is amended to read as follows:

"(3) TIME FOR ACTING WITH RESPECT TO APPLICATION.—

"(A) The Administrator shall review the application on receipt and provide notification of any deficiencies of content or form within 90 days of receipt.

"(B) If a registrant receives such a notification, the registrant shall provide the additional information or may elect to withdraw the application.

"(C) On review without such notification (or, in the case of a subsequent submission adequate to satisfy a deficiency of information noted by the Administrator, on the receipt of such submission), the Administrator shall act on the application within 180 days of such receipt, unless the Administrator notifies the registrant in writing, specifying the reason for the delay in the registration process.

"(D) If the Administrator fails to act within 360 days of such receipt—

"(i) the application is deemed to be acted on and approved; and

"(ii) the Administrator shall promptly take all actions resulting from such approval under this Act.".

SEC. 204. NOTICE OF APPLICATION.

Section 3(c)(4) (7 U.S.C. 136a(c)(4)) is amended—

(1) in the first sentence, by striking out "promptly" and inserting in lieu thereof "not later than 30 days"; and

(2) in the second sentence, by striking out "30" and inserting in lieu thereof "60".

SEC. 205. APPROVAL OF REGISTRATION FOR SUBSTITUTED INERT INGREDIENTS.

Paragraph (5) of section 3(c) (7 U.S.C. 136a(c)(5)) is amended to read as follows—

"(5) APPROVAL OF REGISTRATION.—

"(A) The Administrator shall register a pesticide if the Administrator determines that, when considered with any restrictions imposed under subsection (d)—

"(i) its composition is such as to warrant the proposed claims for it;

"(ii) its labeling and other material required to be submitted comply with this Act;

"(iii) it will perform its intended function without unreasonable adverse effects on the environment;

"(iv) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment; and

"(v) in the case of an application to amend a registration to substitute an inert ingredient for an inert ingredient listed under subsection (h)(1), that subsection (i)(1) is satisfied.

"(B) The Administrator or any State or State agency shall not make any lack of essentiality a criterion for denying registration of any pesticide.

"(C) If two pesticides meet the requirements of this paragraph, one pesticide shall not be registered in preference to the other pesticide.

"(D) In considering an application for the registration of a pesticide, the Administrator may waive data requirements pertaining to efficacy. If a waiver is granted, the Administrator may register the pesticide without determining that the composition of the pesticide is such as to warrant proposed claims of efficacy.

"(E) If a pesticide is found to be efficacious by any State under section 24(c), a presumption is established that the Administrator shall waive data requirements pertaining to efficacy for use of the pesticide in such State.

"(F) On or after the date specified for submission of a study in subsection (h), an application to register or to amend the registration of an application to register or to amend the registration of a pesticide containing a listed inert ingredient shall be deemed not to satisfy the requirements of this paragraph, unless the application is supported by the study required under paragraph (1)(D).".

SEC. 206. CONDITIONAL REGISTRATION.

Subparagraphs (B) and (C) of section 3(c)(7) (7 U.S.C. 136a(c)(7) (B) and (C)) are amended to read as follows:

"(B)(i) The Administrator may conditionally amend the registration of a pesticide to permit additional uses of such pesticide notwithstanding that data concerning the pesticide may be insufficient to support an unconditional amendment, if the Administrator determines that—

"(I) the applicant has submitted satisfactory data pertaining to the proposed additional use;

"(II) amending the registration in the manner proposed by the applicant would not materially increase the risk of any unreasonable adverse effect on the environment; and

"(III) the additional use is in the public interest.

"(ii) The Administrator or State or State agency shall not make any lack of essential-

ity a criterion for denying conditional registration of any pesticide.

"(iii) Notwithstanding clause (i), no registration of a pesticide may be amended to permit an additional use of such pesticide if the Administrator has issued a notice stating that such pesticide, or any ingredient thereof, meets or exceeds risk criteria associated in whole or in part with human dietary exposure specified in regulations issued under this Act, and during the pendency of any risk benefit evaluation initiated by such notice, if—

"(I) the additional use of such pesticide involves a major food or feed crop; or

"(II) the additional use of such pesticide involves a minor food or feed crop and the Administrator determines, with the concurrence of the Secretary of Agriculture, that there is available an effective alternative pesticide that does not meet or exceed such risk criteria.

"(iv) An applicant seeking amended registration under this subparagraph shall submit such data as would be required to obtain registration of a similar pesticide under paragraph (5).

"(v) If the applicant is unable to submit an item of data (other than data pertaining to the proposed additional use) because it has not yet been generated, the Administrator may amend the registration of a pesticide under such conditions as will require the submission of such data not later than the time such data are required to be submitted with respect to similar pesticides already registered under this Act.

"(vi) If data concerning chronic toxicity (oncogenicity, reproductive effects, and mutagenicity), neurotoxicity, or teratogenicity are required for registration of an additional use of a pesticide that is not a minor use, and such a data requirement was in effect at the time the studies to obtain the data commenced, a conditional registration for such use shall not be granted under this subparagraph unless such data have been submitted.

"(vii) An amendment to an existing conditional registration may be issued if the registrant has initiated necessary tests to secure such data, even though the data have not been submitted.

"(C)(i) Except as provided in clauses (ii) and (iii), the Administrator may conditionally register a pesticide containing an active ingredient not contained in any registered pesticide for a period reasonably sufficient for generation and submission of required data (that are lacking because a period reasonably sufficient for generation of the data has not elapsed since the Administrator first imposed the data requirement) if—

"(I) by the end of such period the Administrator receives such data;

"(II) such data do not meet or exceed the risk criteria specified in regulations issued under this Act; and

"(III) such other conditions as the Administrator may prescribe are met.

"(ii) A conditional registration under this subparagraph shall be granted only if the Administrator determines that—

"(I) use of the pesticide during such period will not cause any unreasonable adverse effect on the environment; and

"(II) use of the pesticide is in the public interest.

"(iii) If data concerning chronic toxicity (oncogenicity, reproductive effects, and mutagenicity), neurotoxicity, or teratogenicity are required for registration of the pesticide that is not a minor use, and such a data requirement was in effect at the time the studies to obtain the data commenced, a conditional registration shall not be granted under this subparagraph unless such data have been submitted.".

SEC. 207. INTERIM ADMINISTRATIVE REVIEW.

(a) INTERIM ADMINISTRATIVE REVIEW.—Paragraph (8) of section 3(c) (7 U.S.C. 136a(c)(8)) is amended to read as follows:

"(8) INTERIM ADMINISTRATIVE REVIEW.—

"(A)(i) Notwithstanding any other provision of this Act, the Administrator may not initiate a public interim administrative review process to develop a risk-benefit evaluation of the ingredients of a pesticide or any of its uses prior to initiating a formal action to cancel, suspend, or deny registration of such pesticide under this Act, unless such interim administrative process is based on a validated test or other significant evidence raising prudent concerns of an unreasonable adverse risk to man or to the environment.

"(ii) The Administrator shall publish in the Federal Register notice of the definition of the terms 'validated test' and 'other significant evidence' as used in this subparagraph.

"(B)(i) The Administrator may conduct a special review of a pesticide use if the Administrator determines, based on a validated test or other significant evidence, that the use of the pesticide (taking into account the ingredients, impurities, metabolites, and degradation products of the pesticide)—

"(I) may pose a risk of serious acute injury to humans or domestic animals;

"(II) may pose a risk of inducing in humans an oncogenic, heritable genetic, teratogenic, fetotoxic, reproductive effect, or a chronic or delayed toxic effect, which risk is of concern in terms of either the degree of risk to individual humans or the number of humans at some risk, based on effects demonstrated in humans or experimental animals, known or predicted levels of exposure of various groups of humans, and the use of appropriate methods of evaluating data and relating such data to human risk;

"(III) may result in residues in the environment of nontarget organisms at levels that equal or exceed concentrations acutely or chronically toxic to such organisms or at levels that produce adverse reproductive effects in such organisms, as determined on the basis of tests conducted on representative species or from other appropriate data;

"(IV) may pose a risk to the continued existence of any endangered or threatened species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(V) may result in the destruction or other adverse modification of any habitat designated by the Secretary of the Interior or the Secretary of Commerce under such Act as a critical habitat for any endangered or threatened species; or

"(VI) may otherwise pose a risk to humans or to the environment that is of sufficient magnitude to merit a determination as to whether the use of the pesticide product offers offsetting social, economic, and environmental benefits that justify initial or continued registration.

"(ii) In making a determination that a pesticide use satisfies one of the criteria for issuance of a special review required under clause (i), the Administrator shall consider available evidence concerning both the adverse effect in question and the magnitude and scope of exposure of humans and nontarget organisms associated with use of the pesticide.

"(iii) The Administrator shall—

"(I) provide for preliminary notification of registrants and applicants if the Administrator has determined that the criteria for issuance of a special review may have been met; and

"(II) afford registrants and applicants an opportunity to respond to the notification prior to issuance of a special review.

"(iv)(I) Before initiating an interim administrative review, the Administrator shall notify all registrants, users of the pesticide, and the public of the intent of the Administrator to initiate a public interim administrative review by publishing such notice in the Federal Register.

"(II) The registrants and users of the pesticide shall have 60 days after receipt of the notice in which to respond.

"(III) Within 60 days after the response period, the Administrator shall determine whether an interim administrative review of the pesticide shall be initiated.

"(C)(i) Notice of an interim administrative review shall be provided to all registrants, pesticide users, and interested members of the public and shall be published in the Federal Register.

"(ii) The notice shall state the basis for the review, indicate the availability of all data on which the position of the Administrator is based, and include a request for any additional data needed for the review.

"(iii) Not later than 90 days after publication of a notice of such review, comments may be submitted on such review.

"(iv) Not later than 90 days after the close of the comment period, the Administrator shall review all comments and additional data submitted and shall publish a proposed regulatory position.

"(v) Not later than 45 days after the close of the initial comment period, additional comments may be submitted to the Administrator to address comments filed by other parties.

"(vi)(I) The proposed regulatory position of the Administrator shall be submitted to the Scientific Advisory Panel established under section 25(d) at the next scheduled meeting of the panel for comment solely on relevant scientific issues. Relevant scientific data also may be submitted to the Scientific Advisory Panel concerning such position.

"(II) Not later than 60 days after such meeting, the Scientific Advisory Panel shall issue a report on such position.

"(III) The Administrator shall review and consider the report of the Scientific Advisory Panel.

"(IV) Not later than 60 days after receipt of such report, the Administrator shall issue a final regulatory decision whether to retain, restrict, or cancel the uses of the pesticide.

"(vii) Not later than 2 years after the initiation of a review, the Administrator shall make such decision.

"(viii) The time limits specified in this subparagraph may not be extended, except in exceptional circumstances in which—

"(I) additional data critical to a fair and accurate determination of risks posed by the pesticide are required; and

"(II) the extension is for a period limited to the time required to obtain and review such data on an expedited basis."

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply to interim administrative reviews under section 3(c)(8) initiated after the effective date of this Act.

SEC. 208. PREREGISTRATION ACCESS TO DATA.

Section 3(c) (7 U.S.C. 136a(c)) is amended by adding at the end thereof the following new paragraph:

"(9) PREREGISTRATION ACCESS TO DATA.—

"(A) Prior to the registration of a pesticide, the Administrator shall provide, in accordance with this paragraph, public access to health and safety data that are submitted in support of an initial application for the registration of a new active ingredient or initial food use of a previously registered active ingredient.

"(B) The Administrator shall publish in the Federal Register a notice of such application in accordance with paragraph (4).

"(C) Not later than 30 days after the publication of such notice, to obtain access to the data referred to in subparagraph (A), a person must send by certified mail a request for such access and the affirmation referred to in subparagraph (E) simultaneously to the Administrator and to the applicant for the registration of the pesticide.

"(D) Not later than 15 days after receipt of a request for access to such data and affirmation, the Administrator shall grant or deny such request. The Administrator may not extend the 15-day period for acting on such request.

"(E)(i) Notwithstanding any other provision of law, data referred to in subparagraph (A) may be made available only to a person who provides an affirmation (and such supporting evidence as the Administrator considers necessary) that the person is neither employed by nor acting directly or indirectly on behalf of a person or entity engaged or affiliated with a person engaged in the production, sale, or distribution of a pesticide.

"(ii) For purposes of this subparagraph, an affiliate is a person who directly or indirectly, through one or more intermediates, controls or is controlled by or is under common control with the person specified.

"(iii) The affirmation required under clause (i) shall—

"(I) state that the person is neither employed by nor acting on behalf of any business or entity, or affiliate thereof, engaged in the production, sale, or distribution of a pesticide;

"(II) identify any business, employer, or other entity, if any, on whose behalf the person is requesting access to the data; and

"(III) affirm that the person will not intentionally or recklessly violate this paragraph.

"(iv) Section 1001 of title 18, United States Code, shall apply to an affirmation made under this subparagraph.

"(F)(i) Data relating to a pesticide shall be made available to a person only for the purpose of permitting the person to comment to the Administrator on the application for registration of the pesticide.

"(ii) Except as provided in clauses (iii) and (iv), data obtained under clause (i) may not be—

"(I) published, copied, or transferred to any other individual or entity for use in any manner to obtain approval to sell, manufacture, or distribute a pesticide anywhere in the world; and

"(II) may not be used for any purpose in any court or agency of the United States or any State or political subdivision thereof prior to the decision of the Administrator on the registration of the pesticide or after such decision if the application for registration is denied.

"(iii) Data relating to a pesticide may be reasonably quoted in comments submitted to the Administrator. Such comments may not be made public prior to the decision of the Administrator on the registration of the pesticide or after such decision if the application for registration is denied.

"(iv) Such data and comments may be disclosed consistent with section 10 after registration of the pesticide.

"(G)(i) Data relating to a pesticide may be examined at an office of the Environmental Protection Agency, in accordance with this section, and may not be removed from such office.

"(ii) The Administrator shall maintain a record of the persons who inspect data. A copy of the record entry shall be sent to the data submitter.

"(iii) Once access to the data is granted, the data may be examined and comments on the application shall be filed within 60 days, unless extended an additional 30 days for good cause.

"(iv) If access to the data is denied, comments on the application shall be filed within 60 days from the determination of the Administrator denying access.".

SEC. 209. MATERIAL SAFETY DATA SHEETS.

Section 3(c) (7 U.S.C. 136a(c)) (as amended by section 208 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(10) MATERIAL SAFETY DATA SHEETS.—

"(A) Each pesticide manufacturer or importer shall obtain or develop a material safety data sheet for each pesticide produced or imported. Each affected employee shall have available a material safety data sheet for each pesticide used.

"(B) Each material safety data sheet shall be in English and shall contain at least the following information:

"(i) Except as provided for in clause (vi), the identity used on the label and—

"(I) if the pesticide is a single substance, its chemical and common name;

"(II) if the pesticide is a mixture that has been tested as a whole to determine the hazards of the pesticide, the chemical and common name of the ingredients that contribute to these known hazards, and the common name of the mixture itself; or

"(III) if the pesticide is a mixture that has not been tested as a whole, the chemical and common name of all ingredients that have been determined to be health hazards, and that comprise at least 1 percent of the composition, except that chemicals identified as carcinogens shall be listed in the concentrations that are at least 0.1 percent, and the chemical and common name of all ingredients that have been determined to present a physical hazard when present in the mixture.

"(ii) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure and flash point).

"(iii) The physical hazards of the pesticide, including the potential for fire, explosion, and reactivity.

"(iv) The health hazards of the pesticide, including signs and symptoms of exposure and any medical conditions that are generally recognized as being aggravated by exposure to the chemical.

"(v) The primary route of entry.

"(vi) The permissible exposure limit established by the Secretary of Labor under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), ACGIH Threshold Limit Value, and any other exposure limit used or recommended by the pesticide manufacturer, importer, or employer preparing the material safety data sheet, where available.

"(vii) Whether the pesticide is listed in the National Toxicology Program Annual Report on Carcinogens or has been found to be a potential carcinogen in the International Agency for Research on Cancer Monographs, or by the Secretary of Labor.

"(viii) Any generally applicable precautions for safe handling and use that are known to the pesticide manufacturer, importer, or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean up of spills and leaks.

"(ix) Any generally applicable control measures that are known to the pesticide manufacturer, importer, or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment.

"(x) Emergency and first aid procedures.

"(xi) The date of preparation of the material safety data sheet or the last change to the sheet.

"(xii) The name, address, and telephone number of the pesticide manufacturer, importer, employer, or other responsible party preparing or distributing the material safety data sheet who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

"(C) If no relevant information is found for any given category on the material safety data sheet, the pesticide manufacturer, importer, or employer preparing the material safety data sheet shall mark the sheet to indicate that no applicable information was found.

"(D) Where complex mixtures have similar hazards and contents (that is, the pesticide ingredients are essentially the same but the specific composition varies from mixture to mixture) the pesticide manufacturer, importer, or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

"(E) The pesticide manufacturer, importer, or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the pesticide manufacturer, importer, or employer becomes newly aware of any significant information regarding the hazards of a pesticide, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within 3 months. If the pesticide is not currently being produced or imported, the pesticide manufacturers or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

"(F) Pesticide manufacturers or importers shall ensure that distributors and manufacturing purchasers of pesticides are provided an appropriate material safety data sheet with the initial shipment, and with the first shipment after a material safety data sheet is updated. The pesticide manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the manufacturing purchaser prior to or at the time of the shipment. If the material safety data sheet is not provided with the shipment, the manufacturing purchaser shall obtain one from the pesticide manufacturer, importer, or distributor as soon as possible.

"(G) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors

and manufacturing purchasers of hazardous chemicals.

"(H) Each employer shall maintain copies of the required material safety data sheets for each pesticide in the workplace and shall ensure that the sheets are readily accessible during each work shift to employees when the employees are in their work area.

"(I) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of pesticides in a work area where it may be more appropriate to address the hazards of a process rather than individual pesticides, except that each employer shall ensure that the required information is provided for each pesticide and is readily accessible during each work shift to employees when the employees are in their work area.

"(J) On approval of the registration of a pesticide, a material safety data sheet shall be maintained and kept current by the registrant and made available to the public by the State or designated State agency and the registrants upon request.

"(K) Within 120 days of the effective date of the Pesticide Reform Act of 1986, each registrant or producer of a currently registered pesticide active ingredient or pesticide containing an inert ingredient listed under subsection (h)(1) shall submit a material safety data sheet to the appropriate each State or designated State agency.

"(L) Such material safety data sheets shall be—

"(i) maintained and kept current by the registrants; and

"(ii) made available to the public by the State or designated State agency and the registrants on request.

"(M) The State or designated State agency may provide this information to the public, including but not limited to local police, fire, and health authorities, local officials, pesticide users, pesticide applicators, persons at manufacturing and use localities, and other members of the public.

"(N) On approval of the registration of a pesticide, a list of locations where the pesticide active ingredient will be produced in the United States shall be—

"(i) maintained and kept current by the registrant; and

"(ii) made available to the public by the State or designated agency and the registrants on request."

SEC. 210. CLASSIFICATION FOR RESTRICTED USE.

Subparagaph (C) of section 3(d)(1) (7 U.S.C. 136a(d)(1)(C)) is amended to read as follows:

"(C) The Administrator shall classify a pesticide, or the particular use or uses to which the determination applies, for restricted use if the Administrator determines that—

"(i) the pesticide when applied in accordance with—

"(I) its directions for use, warnings, and cautions for the uses for which it is registered or for one or more of such uses; or

"(II) widespread and commonly recognized practices,

may generally cause unreasonable adverse effects on the environment, including injury to the applicator; and

"(ii) such unreasonable adverse effects cannot be adequately addressed by revised or additional warnings and directions for use in the labeling or other regulatory restrictions.".

SEC. 211. REREGISTRATION OF PESTICIDES.

Subsection (g) of section 3 (7 U.S.C. 136a(g)) is amended to read as follows:

"(g) REREGISTRATION OF PESTICIDES.—

"(1) IN GENERAL.—The Administrator shall reregister each pesticide in accordance with this subsection.

"(2) LISTS OF PESTICIDE ACTIVE INGREDIENTS.—

"(A) Not later than 90 days after the effective date of the Pesticide Reform Act of 1986, the Administrator shall publish in the Federal Register a list of 300 pesticide active ingredients not reregistered since September 30, 1978, in the order of their priority, for reregistration under this Act.

"(B) Not later than 180 days after the effective date of the Pesticide Reform Act of 1986, the Administrator shall publish in the Federal Register a list of all pesticide active ingredients remaining after subparagraph (A) that have not been reregistered since September 30, 1978, in the order of their priority, for reregistration under this Act.

"(3) PRIORITY.—In establishing the lists required under paragraph (2), the Administrator shall give the highest priority to pesticides that—

"(A) are in use on or in food or feed;

"(B) will result in detectable residues of verifiable toxicological concern in potable ground water, edible fish, or shellfish; or

"(C) have previously been determined by the Administrator to have the most significant outstanding data requirements.

"(4) REMOVAL.—Not later than 90 days after the publication of a list containing an active ingredient of a pesticide under paragraph (2), the Administrator shall remove such ingredient from the reregistration list if the Administrator is requested by each registrant of each pesticide containing such ingredient that the registration of such pesticide be canceled. Prior to such cancellation, the Administrator shall publish in the Federal Register a notice of intent to cancel to allow public comment within 60 days of the notice.

"(5) NOTIFICATION.—For each pesticide active ingredient listed pursuant to paragraphs (2)(A) and (2)(B), the registrant shall provide written notification to the Administrator of the intent of the registrant to seek reregistration of the pesticide active ingredient. If the registrant or interested parties fails to respond to the Federal Register notice published under paragraph (2)(A) or (2)(B) within 180 days of such notice, the Administrator may issue a notice of intent to cancel such registration and allow 60 days for public comment on the notice.

"(6) JUDICIAL REVIEW.—The establishment of a list by the Administrator under this subsection shall not be subject to judicial review.

"(7) DATA REQUIREMENTS.—

"(A)(i) For each pesticide active ingredient listed in the notice required pursuant to paragraph (2)(A), the Administrator shall request that the registrant submit a list of all outstanding data requirements within 180 days of such notice in the Federal Register.

"(ii) Not later than the end of the 12th, 24th, and 36th month following the effective date of the Pesticide Reform Act of 1986, the Administrator shall—

"(I) identify and publish in the Federal Register a list of all outstanding data requirements based on the priorities of the Administrator; and

"(II) simultaneously notify existing registrants of each pesticide active ingredient pursuant to subsection (c)(2)(B) that, in order to maintain the registration of such pesticide under this Act, such registrants must complete studies to fill such outstanding data requirements within a reasonable time, but not to exceed 4 years, after such notice.

"(iii) The Administrator may extend the period by no more than 3 years if extraordinary circumstances beyond the control of the registrant prevent submission of necessary studies, including nonnegligent loss of laboratory results, destruction of laboratory, unavailability of laboratory facilities, major animal loss, or similar unanticipated catastrophes.

"(B)(i) For each pesticide active ingredient listed in the notice required pursuant to paragraph (2)(B), the Administrator shall request that the registrant submit a list of all outstanding data requirements within 180 days of such notice in the Federal Register.

"(ii) Not later than the end of the 36th month following the effective date of the Pesticide Reform Act of 1986, the Administrator shall—

"(I) identify and publish in the Federal Register a list of all outstanding data requirements; and

"(II) simultaneously notify existing registrants of each pesticide active ingredient pursuant to subsection (c)(2)(B) that, in order to maintain the registration of such pesticide under this Act, such registrants must complete studies to fill such outstanding data requirements within a reasonable time, but not to exceed 4 years, after such notice.

"(iii) The Administrator may extend the period by no more than 3 years if extraordinary circumstances beyond the control of the registrant prevent submission of necessary studies, including nonnegligent loss of laboratory results, destruction of laboratory, unavailability of laboratory facilities, major animal loss, or similar unanticipated catastrophes.

"(iv) If a registrant fails to comply with the requirements of subsection (c)(2)(B) within the required times, the Administrator shall issue a notice of intent to suspend such registration pursuant to subsection (c)(2)(B)(iv).

"(v) If a hearing is requested following such a suspension notice, the registrant may appeal in such hearing whether the Administrator properly classified a study as an outstanding data requirement and other matters identified for resolution in such subsection.

"(8) FILLING DATA REQUIREMENTS.—

"(A) Not later than 6 months after issuance of a notice required under paragraph (7) with respect to a pesticide active ingredient, the Administrator shall determine whether appropriate tests have been committed or contracted to fill the identified outstanding data requirements for such pesticide active ingredient.

"(B) A registrant shall submit annual progress reports to the Administrator that indicate the status of such testing and report interim results.

"(9) SUSPENSION.—

"(A) The Administrator shall provide written notice to a registrant of findings under this subparagraph and allow the registrant to respond within 60 days if the Administrator determines that—

"(i) important tests essential to a determination of whether or not the pesticide may cause unreasonable adverse effects on the environment have not been committed or contracted for within 1 year of the notice required under paragraph (7);

"(ii) progress is insufficient to ensure completion of such tests within the deadlines established in such notice; or

"(iii) the required test data have not been submitted within the specified deadline.

"(B) Within 30 days of receiving the written comments of a registrant, the Administrator may immediately issue a notice of intent to suspend such registration pursuant to subsection (c)(2)(B)(iv).

"(10) REREGISTRATION.—

"(A) Not later than 2 years after receipt of the data required by this subsection with respect to a pesticide, the Administrator shall complete reregistration of such pesticide by determining whether such pesticide fulfills the requirements of subsection (c)(5). In extraordinary circumstances, the Administrator may extend the limit prescribed by this subparagraph after notifying Congress and publishing such notice in the Federal Register at least 60 days prior to the required deadline.

"(B) Reregistration shall be accomplished by a thorough examination of all health and safety data required by the regulations and guidelines issued pursuant to section 3 or taking other action necessary to make such determination.

"(11) COMPENSATION.—

"(A) On submission of data as required under this subsection, the data submitter shall be entitled to be compensated pursuant to subsection (c)(1)(D).

"(B) If there are two or more registrants for an active ingredient registered under this Act, the compensation shall be apportioned on the basis of the market share of a registrant.

"(12) LACK OF ESSENTIALITY.—The Administrator shall not make any lack of essentiality a criterion for denying the reregistration of any pesticide.".

SEC. 212. PRIORITY LIST FOR INERT INGREDIENTS.

Section 3 (7 U.S.C. 136a) is amended by adding at the end thereof the following new subsection:

"(h) PRIORITY LIST FOR INERT INGREDIENTS.—

"(1) ESTABLISHMENT.—

"(A) The Administrator shall establish a priority list of not more than 50 inert ingredients consisting of—

"(i) inert ingredients that appear to cause a pesticide to meet or exceed a criterion for initiating an interim administrative review established under subsection (c)(8); and

"(ii) inert ingredients for which additional data are reasonably necessary to evaluate whether the inert ingredient may result in a pesticide causing an unreasonable adverse effect on the environment—

"(I) that are similar in molecular structure to a chemical that is oncogenic, mutagenic, teratogenic, or causes another significant adverse effect; and

"(II) from which a significant hazard may exist from use in pesticides and exposure to the pesticide containing the inert ingredient, based on a risk assessment.

"(B) In establishing the priority list, the Administrator shall take into account—

"(i) the differences in concept, usage, and environmental risk between various classes of pesticides; and

"(ii) data for evaluating such risk between agricultural and nonagricultural pesticides.

"(C) The Administrator shall not place on the priority list inert ingredients that are incidental contaminants formed during the production process and that are inextricably linked to the technical grade product.

"(2) PUBLICATION OF LIST.—Not later than 90 days after the effective date of the Pesticide Reform Act of 1986, the Administrator shall publish the priority list required under paragraph (1). The Administrator shall publish revisions to such list at least annually.

"(3) JUDICIAL REVIEW.—The priority list and any revisions to the priority list shall be subject to judicial review under section 16 at the time an initial or revised priority list is published.

"(4) REMOVAL OF INGREDIENTS INVOLVING ADMINISTRATIVE REVIEWS.—An inert ingredient listed on the priority list pursuant to paragraph (1)(A)(i) shall be removed from the priority list on—

"(A) a final decision by the Administrator not to initiate an interim administrative review with respect to any pesticide containing the inert ingredient, or final action by the Administrator concluding interim administrative review, and all actions under section 6 resulting therefrom; or

"(B) a final decision by the Administrator under paragraph (6)(E) not to require additional data to be generated, or the receipt and evaluation by the Administrator of all data required to be submitted under paragraph (6), and all actions under section 6 resulting therefrom.

"(5) REMOVAL OF INGREDIENTS INVOLVING ADDITIONAL DATA.—An inert ingredient listed on the priority list pursuant to paragraph (1)(A)(ii) shall be removed from the priority list on—

"(A) a final decision by the Administrator under paragraph (6)(E) not to require additional data to be generated; or

"(B) the receipt and evaluation by the Administrator of all data required to be generated under this subsection and all actions under section 6 resulting therefrom.

"(6) ADDITIONAL DATA.—

"(A) For each inert ingredient in an end use pesticide listed pursuant to paragraph (1), if the Administrator determines that additional data are required under subsection (c)(2)(A), the Administrator shall provide notice of such requirement to all registrants of an end use pesticide containing inert ingredient under subsection (c)(2)(B) and producers of the inert ingredient.

"(B) If the Administrator determines that additional data are required, the Administrator shall consider the following:

"(i) A discussion of the risks and benefits raised by the inert ingredient in the pesticide, the anticipated exposures to man and the environment from the use of the ingredient in pesticides, and the reasoning supporting the need for further testing.

"(ii) In the case of an inert ingredient listed under paragraph (1)(A)(i), the studies that the Administrator proposes to require to address the concerns identified pursuant to clause (i), or, if the Administrator proposes not to require additional studies, a discussion of the reasons for not requiring any additional studies.

"(iii) In the case of an inert ingredient listed under paragraph (1)(A)(ii), the studies that the Administrator proposes to require to address the concerns identified pursuant to clause (i) or, if the Administrator proposes not to require additional studies, a discussion of the reasons for not requiring any additional studies.

"(iv) The regulatory mechanisms or other procedures the Administrator proposes to use to generate the studies.

"(v) The dates for submission of the studies, which shall provide for submission of the studies within a reasonable time, not to exceed 5 years from the promulgation of the final notice under subsection (c)(2). The Administrator may extend this period by no more than 2 years if extraordinary circumstances beyond the control of the registrant prevent submission of necessary studies.

"(C) In preparing a requirement for additional data under subsection (c)(2)(B), the Administrator shall consider—

"(i) the minor use factors specified in subsection (c)(2)(A);

"(ii) the guidelines published pursuant to subsection (c)(2)(A);

"(iii) the use of a tiered testing program, under which the need for long-term studies would be evaluated after receipt of short-term studies;

"(iv) the use of other statutory authorities of the Administrator to require the generation of the identified studies considering nonpesticide uses; and

"(v) data generated or scheduled for generation.

"(D) The Administrator shall allow 90 days for the registrants, inert ingredient producers, pesticide users, and the public to comment on the data requirements.

"(E)(i) Within 180 days after notification, the Administrator shall publish a list of data requirements or make a final decision to require no additional data or studies.

"(ii) The list of data requirements and label requirements shall be subject to judicial review under section 16 at the time of publication. The omission of an inert ingredient from the priority list established under paragraph (1) shall not be subject to judicial review under section 16.

"(iii) If a hearing is requested by a registrant, the registrant may contest whether the Administrator properly considered the factors described in subparagraphs (B) and (C).

"(F) On receipt of the additional data for each inert ingredient submitted pursuant to subparagraph (E), the Administrator shall, within 2 years, evaluate the data and take such steps as are appropriate to prevent unreasonable adverse effects on the environment of pesticides containing such inert ingredient, unless additional time is needed.

"(G) Any study submitted under subsection (c)(2)(B) that was conducted with funds that are not public funds, using another statutory authority of the Administrator, shall be treated, for purposes of subsection (c)(1)(D), as having been submitted in support of registration. The person who submitted the study shall be treated as an original data submitter."

SEC. 213. SUBSTITUTION OF INERT INGREDIENTS.

Section 3 (7 U.S.C. 136a) (as amended by section 212 of this Act) is further amended by adding at the end thereof the following new subsection:

"(i) SUBSTITUTION OF INERT INGREDIENTS.—The Administrator shall approve an application to amend the registration of a pesticide to substitute an inert ingredient for an inert ingredient listed under subsection (h)(1), if the Administrator finds, on the basis of similarity in molecular structure to a chemical known to cause significant adverse effects, existing data, or such short-term tests as the Administrator determines are necessary, that the substitute inert ingredient does not pose the same or similar concerns about unreasonable adverse effects on the environment that resulted in the listing of the listed inert ingredient.".

SEC. 214. LABELING OF INERT INGREDIENTS.

Section 3 (7 U.S.C. 136a) (as amended by section 213 of this Act) is further amended by adding at the end thereof the following new subsection:

"(j) LABELING OF INERT INGREDIENTS.—

"(1) AMENDED LABEL.—

"(A) A risk assessment, based on data required under subsection (c)(2) and other au-

thority of the Administrator, shall be performed to determine whether an end use pesticide presents a potential significant hazard from the use of the inert ingredient in question.

"(B) If the risk assessment shows that a significant hazard may result from the use of the inert ingredient in question, the registrant of end use pesticides containing the listed ingredient, at a level that presents the hazard, shall apply, within 90 days of publication of such hazard finding in the Federal Register, for amended registration to change the label of the pesticide to conform with sections 2(n), 2(p), and 2(q).

"(C) Risk assessments shall be subject to review by a scientific review panel to be established by the Administrator for such purpose.

"(2) MISBRANDING.—A pesticide, the ingredient statement of which does not satisfy section 2(n) with respect to a listed inert ingredient, shall not be considered misbranded until a date of manufacture that is 360 days after the publication of the risk assessment indicating a significant hazard may exist for the pesticide containing the inert ingredient, or the date on which the Administrator approves a registration amendment providing for a change in the label of the pesticide to satisfy section 2(n), whichever occurs later.".

SEC. 215. FORMULA STATEMENTS.

Section 3 (7 U.S.C. 136a) (as amended by section 214 of this Act) is further amended by adding at the end thereof the following new subsection:

"(k) FORMULA STATEMENTS.—

"(1) LISTED INERT INGREDIENTS.—Within 120 days of the initial publication of the risk assessment conclusions pursuant to subsection (j)(1), each registrant of a pesticide containing such inert ingredient or ingredients that contributes to a significant hazard from use of the end use pesticide shall make any necessary modifications to the formula statement submitted pursuant to subsection 3(c)(1)(E) to satisfy the requirements of the Administrator with respect to such ingredient or ingredients.

"(2) ALL INERT INGREDIENTS.—Within 240 days of the initial publication of the risk assessment conclusions pursuant to subsection (j)(1), each registrant of a pesticide containing such inert ingredient or ingredients shall apply for amended registration, to make any necessary modifications to the formula statement submitted pursuant to subsection (c)(1)(E) to satisfy the requirements of the Administrator with respect to such ingredient or ingredients."

TITLE III—CERTIFIED APPLICATORS

SEC. 301. STATE CERTIFICATION.

Section 4(a)(2)(B) (7 U.S.C. 136b(a)(2)(B)) is amended by inserting after "plan" the following: ", including requirements for State enforcement personnel to be certified in the restricted and nonrestricted use pesticide application categories for which the personnel are assigned enforcement responsibility".

SEC. 302. APPLICATOR TRAINING.

Section 4 (7 U.S.C. 136b) is amended by adding at the end thereof the following new subsections:

"(d) COMMERCIAL APPLICATOR CERTIFICATION.—

"(1) CRITERIA.—Notwithstanding subsection (a), in order to be certified as a commercial applicator, an applicant must, at a minimum—

"(A) have undergone training prescribed and administered by the Administrator and the delegate State agency (including training with the use of updated national core material issued within 9 months after the effective date of the Pesticide Reform Act of 1986) on the use of appropriate application and safety procedures, clothing, and protective equipment, the detection of common symptoms of pesticide poisoning, the means of obtaining emergency medical treatment, and the requirements of laws, regulations, and labeling (including training in hazards posed by pesticides to workers, the public health, and the environment) that is conducted by trainers whose minimum competency requirements and range of expertise shall be prescribed by the Administrator or the delegate State agency; and

"(B) have field or industrial plant experience in pesticide use and application.

"(2) EXPERIENCE.—The Administrator or the State lead agency shall establish the specific category of use and related minimum length of experience commensurate with potential risks and exposure to the applicator and the environment, except that such minimum length of service requirement may not exceed 2 years.

"(3) ADDITIONAL TEST.—To receive certification as a commercial applicator, an applicant must, in addition to the requirements of paragraph (1), pass (with at least 70 percent correct) an exam prescribed by the State delegate agency, including topics addressed in the national core material training.

"(e) NONCERTIFIED COMMERCIAL APPLICATOR TRAINING AND REGISTRATION.—To operate as a noncertified commercial applicator working under the direct supervision of a commercial applicator, a person must—

"(1) have undergone basic training prescribed and administered by the Administrator or the delegate State agency (including training with the use of updated national core material issued within 12 months after the effective date of the Pesticide Reform Act of 1986) on the use of appropriate application and safety procedures, clothing, and protective equipment, the detection of common symptoms of pesticide poisoning, the means of obtaining emergency medical treatment, and the requirements of laws, regulations, and labeling (including training in hazards posed by pesticides to workers, the public health, and the environment) that is conducted by trainers whose competency requirements and range of expertise shall be prescribed by the Administrator or the State lead agency; and

"(2) register with the delegate State agency responsible for certifying pesticide applicators by providing to the State agency a signed statement from the trainer and operator stating that the prescribed minimum training standards have been provided to the applicant and received by the operator.

"(f) CERTIFIED AND NONCERTIFIED PRIVATE APPLICATOR TRAINING.—To qualify as a certified or noncertified private applicator, other than as an applicator of antimicrobial or nonrestricted use pesticides to their own or rented property, an applicant must, at a minimum—

"(1) have undergone training based on updated national core material and conducted by trainers whose minimum competency requirement and range of expertise are prescribed by the State lead agency; and

"(2) register with the delegate State agency as required by subsection (e)(2).

"(g) RETRAINING AND RECERTIFICATION.—All applicators, certified or noncertified, must—

"(1) undergo retraining (to be prescribed by the delegate State agency in accordance with updated national core material) on an ongoing basis over a 5-year period; and

"(2) be reaffirmed at the end of the period based on compliance with competency requirements established for each category of applicator in this section.

"(h) UNIFORM TRAINING.—A person shall be considered to have satisfied this section if the person has completed a uniform nationwide course of training for workers that is approved by the Administrator, applies to more than one State, issues credentials to workers on completion, and is subject to verification.

"(i) TRAINING FOR PESTICIDE APPLICATORS AND TRAINERS.—

"(1) IN GENERAL.—The Administrator, in consultation with interested States, shall prescribe minimum requirements for training programs for pesticide applicators and application trainers.

"(2) STATE PROGRAM.—The Administrator shall delegate authority to prescribe and administer a training program under this subsection to any State that has established a program that meets such requirements.

"(3) PRIVATE PROGRAM.—The Administrator or delegate State agency shall approve any privately administered training program under this subsection that the Administrator determines meets such requirements.

"(j) WORKER TRAINING.—Each employee who mixes, loads, or applies a pesticide shall be required to receive training in—

"(1) safety and application procedures to be followed;

"(2) worker, public health, and environmental hazards involved;

"(3) clothing and protective equipment to be used;

"(4) common symptoms of pesticide poisoning;

"(5) the location of emergency medical treatment; and

"(6) applicable laws, regulations, and label requirements pertaining to the pesticide uses.".

TITLE IV—ADMINISTRATIVE REVIEW; SUSPENSION

SEC. 401. PUBLIC HEARINGS AND SCIENTIFIC REVIEW.

The tenth sentence of section 6(d) (7 U.S.C. 136d(d)) is amended by striking out "90 days thereafter" and inserting in lieu thereof "18 months after issuance of the notice that gave rise to the hearing, or such shorter time specified in subsection (e)(2),".

SEC. 402. CANCELLATION OF REGISTRATION BASED ON FALSE OR INVALID DATA.

Section 6 (7 U.S.C. 136d) is amended by adding at the end thereof the following new subsection:

"(g) CANCELLATION OF REGISTRATION BASED ON FALSE OR INVALID DATA.—

"(1) PREVIOUSLY DETERMINED INVALID DATA.—

"(A) The Administrator shall immediately issue a notice of intent to suspend and to cancel the registration of a pesticide if—

"(i) prior to the effective date of the Pesticide Reform Act of 1986, the Administrator has previously determined that data submitted by a registrant to the Administrator in support of an existing registration were invalid;

"(ii) the data have not been replaced; and

"(iii) the data are important data essential to the determination of the Administrator of whether or not the pesticide may cause unreasonable adverse effects to the environment.

"(B) The Administrator shall not issue a notice of intent to suspend and to cancel the registration of a pesticide if the Administrator and registrant have agreed on a plan for replacement studies under paragraph (2).

"(2) NEW INVALID DATA.—

"(A) If, after the effective date of the Pesticide Reform Act of 1986, the Administrator determines that invalid data have been submitted by a registrant to the Administrator in support of a registration of a pesticide, the Administrator may require either the active ingredient registrant or end use pesticide registrant to submit replacement studies or data on an expedited schedule and with interim progress reports.

"(B) The Administrator shall permit pesticide users to submit replacement studies or data on an expedited schedule and with interim progress reports.

"(C) If no commitment to submit replacement studies or data is forthcoming and the Administrator determines that such action would be in the public interest, taking into account the scope of the invalid data, the Administrator may issue a notice of intent to cancel such registration.

"(3) FALSE DATA.—If a registrant willfully submits material data known to be false in support of the registration of a pesticide, the Administrator shall immediately issue a notice of intent to suspend and cancel such registration.

"(4) HEARING.—

"(A) Any suspension or cancellation under this subsection shall become final and effective at the end of the 30-day period beginning on receipt by the registrant of a notice issued under this section unless during such period a request for a hearing is made by a person adversely affected.

"(B) A hearing under this paragraph shall be conducted in accordance with subparagraph (C), (D), or (E), as appropriate.

"(C) The only matters for resolution at a hearing conducted with respect to action taken under paragraph (1) shall be whether—

"(i) in response to a notice of the Administrator issued under section 3(c)(2)(B) or other formal notice, data previously determined by the Administrator to be invalid—

"(I) have not been replaced by the registrant on the effective date of the Pesticide Reform Act of 1986; or

"(II) are in the process of being replaced on the effective date of such Act but have not been submitted to the Administrator; and

"(ii) the data are important to the registration.

"(D) The only matters for resolution at a hearing conducted with respect to action taken under paragraph (2) shall be whether data are invalid, important, and necessary to adequately determine whether a pesticide may cause unreasonable adverse effects on the environment.

"(E) The only matters for resolution at a hearing conducted with respect to action taken under paragraph (3) shall be whether a registrant willfully submitted important data known to be false.

"(F) A decision after completion of a hearing conducted under this paragraph shall be final.

"(G) Notwithstanding any other provision of this Act, a hearing shall be held, and a determination made, under this subsection within 75 days after the receipt of a request for such hearing.".

SEC. 403. COMPENSATION FOR DATA.

Section 6 (7 U.S.C. 136d) (as amended by section 402 of this Act) is further amended by adding at the end the following new subsection:

"(h) COMPENSATION FOR DATA.—On submission of data as required under this section, the data submitter shall be entitled to be compensated in accordance with section 3(c)(1)(D).".

SEC. 404. VOLUNTARY CANCELLATION.

Section 6 (7 U.S.C. 136d) (as amended by section 403 of this Act) is further amended by adding at the end thereof the following new subsection:

"(i) VOLUNTARY CANCELLATION.—

"(1) REQUESTS.—A registrant may at any time request that any of the product registrations of the registration be canceled or be amended to delete one or more uses.

"(2) NOTICE.—Prior to such cancellation, the Administrator shall publish in the Federal Register a notice of intent to cancel and allow public comment within 60 days of notice.

"(3) CANCELLATION.—The Administrator shall approve such a request unless—

"(A) the product is the subject of a cancellation proceeding under section 6; and

"(B) the Administrator determines that the public interest would be served by disapproving the request and continuing such cancellation proceeding."

TITLE V—REGISTRATION OF ESTABLISHMENTS

SEC. 501. CONFIDENTIAL RECORDS AND INFORMATION.

Section 7(d) (7 U.S.C. 136e(d)) is amended by inserting "and production locations" after "names".

SEC. 502. MATERIAL SAFETY DATA SHEETS.

Section 7 (7 U.S.C. 136e) is amended by adding at the end the following:

"(e) MATERIAL SAFETY DATA SHEETS.—Any producer operating a registered establishment shall obtain and make available to the public, on request, a material safety data sheet developed under section 3(c)(10) for each active ingredient and listed inert ingredient used in the establishment.".

SEC. 503. CONFIDENTIALITY.

Section 7 (7 U.S.C. 136e) (as amended by section 502 of this Act) is further amended by adding at the end thereof the following new subsection:

"(f) CONFIDENTIALITY.—Other than the name of a pesticide or active ingredient used in producing a pesticide or active ingredient used in producing a pesticide produced, sold or distributed at an establishment, any information submitted to the Administrator, State, or designated State agency pursuant to subsection (c) shall be considered confidential and subject to section 10.".

SEC. 504. INFORMATION REQUESTED.

Section 7 (7 U.S.C. 136e) (as amended by section 503 of this Act) is further amended by adding at the end the following:

"(g) INFORMATION REQUESTED.—Consistent with section 3507(a)(1) of title 44, United States Code, the Administrator shall make efforts to catalog and retrieve data in a manner that eliminates or reduces additional information requests from registrants, particularly requests that require the submission of duplicate confidential data.".

TITLE VI—BOOKS AND RECORDS

SEC. 601. BOOKS AND RECORDS.

The first sentence of section 8(a) (7 U.S.C. 136f(a)) is amended by inserting ", exporters, and pesticide testing facilities" after "producers".

TITLE VII—INSPECTION OF ESTABLISHMENTS

SEC. 701. AUTHORITY TO ENTER, INSPECT, AND COPY.

Subsection (a) of section 9 (7 U.S.C. 136g(a)) is amended to read as follows:

"(a) AUTHORITY TO ENTER, INSPECT, AND COPY.—An officer or employee of the United States or of any State, designated by the Administrator, is authorized at reasonable times, as provided by this section—

"(1) to enter any place where any pesticide, active ingredient, or device is distributed or sold, in order to inspect and obtain samples of any pesticide, active ingredient, or device being distributed or sold at such place or of any packaging or labeling of any such pesticide, active ingredient, or device;

"(2) to enter any place where there are located any records required by or under this Act, or any place reported pursuant to section 8(a) as a location where such records are maintained, in order to inspect and obtain copies of such records;

"(3) to enter any pesticide testing facility, in order—

"(A) to inspect the facility and the testing being conducted at the facility; and

"(B) to inspect and obtain copies of any records required by or under the authority of this Act to be maintained by the pesticide testing facility; and

"(4) to enter any place where such officer or employee has probable cause to believe that the Act has been or is being violated by any person other than a person acting in the capacity of a private applicator, in order to inspect such place to obtain evidence of such violation.".

SEC. 702. WARRANTS.

Subsection (b) of section 9 (7 U.S.C. 136g(b)) is amended to read as follows:

"(b) WARRANTS.—An officer or employee of the United States or of any State, designated by the Administrator, is empowered to obtain and to execute warrants authorizing—

"(1) entry for the purposes of this section;

"(2) inspection and copying of all records required under this Act; and

"(3) seizure of any pesticide or device that is in violation of this Act.".

SEC. 703. PROCEDURE.

Section 9 (7 U.S.C. 136g) is amended by adding at the end the following new subsection:

"(d) PROCEDURE.—

"(1) CREDENTIALS AND STATEMENTS.—Before any entry or inspection of any premises not open to the general public is made under this section, the person conducting the inspection shall present to the person in charge of the premises appropriate credentials and a written statement of the reason for the inspection and whether a violation of the law is suspected.

"(2) PROMPTNESS.—Each inspection shall be commenced and completed with reasonable promptness.

"(3) SAMPLES.—If the person conducting the inspection obtains any samples of pesticides or devices, prior to leaving the premises, the inspector shall give to the person in charge of the premises a receipt describing the samples and, if requested and practicable, a portion of each such sample equal in volume or weight to the portion retained. If an analysis of any such sample is made, a copy of the results of such analysis shall be furnished to the person in charge of the premises.".

SEC. 704. COORDINATION.

Section 9 (7 U.S.C. 136g) (as amended by section 703 of this Act) is further amended by adding at the end the following new subsection:

"(e) COORDINATION.—The Administrator shall coordinate actions taken under this section with actions taken under other Federal laws, including the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), for the purpose of avoiding duplication of inspections.".

TITLE VIII—PROTECTION OF TRADE SECRETS AND OTHER INFORMATION

SEC. 801. DISCLOSURE OF INERT INGREDIENTS PERMITTED.

Section 10(d)(1)(C) (7 U.S.C. 136h(d)(1)(C)) is amended by inserting before the period the following: ", except that the identity of an inert ingredient listed under section 3(h)(1) shall be disclosed in accordance with paragraph (4)".

SEC. 802. DISCLOSURE OF INTENT TO MARKET PESTICIDES.

Section 10(d)(1) (7 U.S.C. 136h(d)(1)) is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) discloses any information regarding an intent to market a pesticide prior to the start of sales of the pesticide, unless such disclosure is necessary to protect against a suspected unreasonable risk to health or the environment.".

SEC. 803. METHODS OF DISCLOSING INERT INGREDIENTS.

Section 10(d) (7 U.S.C. 136h(d)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) The identity of an inert ingredient may be disclosed by means of—

"(i) the listing of the ingredient on the priority list required by section 3(h)(1); or

"(ii) release of product labels disclosing the identity of an inert ingredient on the priority list.

"(B) The Administrator may continue to require identification of an inert ingredient on a product label pursuant to section 2(n) after the removal of the ingredient from the priority list pursuant to paragraph (4) or (5) of section 3(h) if the Administrator has issued a notice under section 3(c)(6) or (8)."

SEC. 804. DELAY IN PUBLIC NOTIFICATION.

Section 10(d) (7 U.S.C. 136h(d)) (as amended by section 803 of this Act) is further amended by adding at the end the following new paragraph:

"(5)(A) If a registrant demonstrates a future intention to market a registered product and the intention is not a matter of public record, the Administrator may grant a delay in public notification of a registered label, and documents relating to such registration, until the first date of the commercial disclosure of the product by or on behalf of the registrant.

"(B) The registrant shall provide adequate notice in advance of the commercial disclosure of the product so that the Administrator may thereafter disclose the available data subject to this section.

"(C) This paragraph shall not limit the ability of the Administrator to disclose such information if the Administrator determines that disclosure is necessary to protect against an unreasonable adverse effect on health or the environment.".

SEC. 805. DATA DISCLOSURE TO CONTRACTORS.

Subsection (e) of section 10 (7 U.S.C. 136h(e)) is amended to read as follows:

"(e) DISCLOSURE TO CONTRACTORS.—

"(1) Information otherwise protected from disclosure to the public in subsection (b) may be disclosed to a contractor with the United States, a State or State agency, or an employee of the contractor, under such conditions as the Administrator may specify, if, in the opinion of the Administrator, such disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States or a State or State agency for the performance of work in connection with this Act.

"(2) The Administrator shall require as a condition of the disclosure of information under this subsection that the person receiving the information take such security precautions respecting the information as the Administrator shall by regulation prescribe.".

SEC. 806. DATA DISCLOSURE TO STATES.

Section 10 (7 U.S.C. 136h) is amended by adding at the end thereof the following new subsection:

"(h) DATA DISCLOSURE TO STATES.—

"(1) Notwithstanding any limitation contained in this section or any other provision of law, information reported to or otherwise obtained by the Administrator under this Act shall be made available to any State or State agency that enters into a cooperative agreement with the Administrator in accordance with this subsection.

"(2) At any time, the Governor of a State or the duly authorized head of a State agency may submit a written request to enter into a cooperative agreement with the Administrator for access to specified information obtained under this Act. Such request shall include—

"(A) a description of the types of information for which access is sought;

"(B) an explanation of how the availability of such information relates to protection of health and the environment; and

"(C) proof that no laws or regulations of the State require disclosure of the data to any person, organization, or entity who would not be entitled to obtain the data from the Administrator under this Act.

"(3)(A) Within 90 days of receiving the request, the Administrator shall grant the request if the Administrator determines that the requestor has complied with paragraph (2).

"(B) A denial of a request by the Administrator shall include a written explanation stating the specific reasons for such denial.

"(C) On the granting of a request and the execution or modification of an agreement, the Administrator shall publish a notice in the Federal Register identifying the requestor and the nature of the information sought.

"(D) The agreement shall become effective 30 days after publication in the Federal Register.

"(4)(A) A cooperative agreement under this subsection may be in effect for up to 3 years.

"(B) Not less than 90 days before the expiration of an agreement, a requestor seeking renewal of an agreement shall provide a written certification that reaffirms that the requestor has complied with paragraph (2).

"(C) If a requestor acts in a timely manner, the agreement shall remain in effect until the Administrator renews the agreement.

"(D) Not less than 90 days before the expiration of an agreement, a requestor seeking modification of an agreement must comply with paragraph (2) to modify the agreement.

"(E) The Administrator shall act on a request for modification in accordance with paragraph (3).

"(5)(A)(i) Any current or former officer or employee of the United States or any State or State agency who—

"(I) by virtue of such employment or official position has obtained possession of, or has access to, material the disclosure of which is prohibited by this subsection;

"(II) knowing that disclosure of such material is prohibited by this subsection, willfully discloses the material in any manner to any person not entitled to receive such material; and

"(III) solicits such disclosure or obtains such material knowing that the release is unlawful,

shall be guilty of a misdemeanor and fined not more than $25,000 or imprisoned for not more than 1 year, or both.

"(ii) Section 1905 of title 18, United States Code, shall not apply with respect to the publishing, divulging, disclosure, or making known, or making available, information reported or otherwise obtained under this subsection.

"(B) For purposes of this paragraph—

"(i) any contractor with the United States or State or State agencies who is furnished information as authorized by subsection (a)(2), and any employee of any such contractor, shall be considered to be an employee of the United States; and

"(ii) any employee or any contractor or any employee of any such contractor of any State or State agency who is furnished information under a cooperative agreement with the Administrator, shall be considered to be an employee of the United States.".

SEC. 807. NOTICE OF REQUEST FOR DATA DISCLOSURE.

Section 10 (7 U.S.C. 136h) (as amended by section 806 of this Act) is further amended by adding at the end thereof the following new subsection:

"(i) NOTICE.—If the Administrator receives a request for data required or submitted under this Act, the Administrator shall provide the data submitter with notice of the request within 7 working days after receipt of the request.".

TITLE IX—STANDARDS APPLICABLE TO PESTICIDE APPLICATORS

SEC. 901. STANDARDS APPLICABLE TO PESTICIDE APPLICATORS.

Section 11 (7 U.S.C. 136i) is amended by adding at the end thereof the following new subsections:

"(c) RECORDS OF COMMERCIAL APPLICATORS.—

"(1) PESTICIDE APPLICATIONS.—A commercial applicator shall maintain a record of each pesticide application, including the identify and amount of the pesticides applied and the date and location of the application.

"(2) DURATION.—A commercial applicator shall maintain a record required under this subsection for a period of 2 years after the application.

"(d) RECORDS OF PESTICIDE DEALERS.—

"(1) PESTICIDE SALES.—A pesticide dealer shall maintain a record of each pesticide sale, other than the sale of an antimicrobial or nonrestricted use pesticide, to a private

or commercial applicator. Such record shall include the identity of the pesticide, to whom the pesticide was distributed or sold, the date of the distribution or sale, and the amount of distribution or sale.

"(2) DURATION.—A pesticide dealer shall maintain the records required under this subsection for a period of 3 years after the sale.

"(e) INSPECTION OF RECORDS.—For purposes of enforcing this Act, on request of the Administrator or an officer or employee of a State, a commercial applicator and a pesticide dealer shall furnish or permit the Administrator, officer, or employee at all reasonable times to have access to, and to copy, records maintained in accordance with subsections (c) and (d).

"(f) ACCESS TO RECORDS.—

"(1) IN GENERAL.—The records required to be kept under subsections (c) and (d) shall be accessible within 30 days after an application or sale.

"(2) CONFIDENTIAL BUSINESS INFORMATION.—Information obtained that identifies the location of application sites, customers, types of pesticides used or sold, amounts used or sold, dates and locations of sales, or other information that may provide a competitive advantage if disclosed shall be considered confidential business information under this Act.

"(3) EMPLOYEE ACCESS.—An employee shall have access to information records maintained under this section that directly relate to the employment duties of the employee.

"(4) CUSTOMER ACCESS.—A customer shall have access to information records maintained under this section that directly relate to pesticide applications for which the customer has contracted.".

TITLE X—UNLAWFUL ACTS

SEC. 1001. DISTRIBUTION OR SALE OF CERTAIN PESTICIDES.

Section 12(a)(1) (7 U.S.C. 136j(a)(1)) is amended—

(1) in the matter preceding clause (A), by striking out "distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person" and inserting in lieu thereof "to distribute or sell to any person"; and

(2) by striking out clause (A) and inserting in lieu thereof the following new clause:

"(A) any pesticide product that is not registered under section 3 or whose registration has been canceled or suspended, except to the extent that distribution or sale otherwise has been authorized by the Administrator under this Act;".

SEC. 1002. OTHER UNLAWFUL ACTS.

Section 12(a)(2) (7 U.S.C. 136j(a)(2)) is amended—

(1) by striking out clause (B) and inserting in lieu thereof the following new clause:

"(B) to refuse to—

"(i) prepare, maintain, or submit any records required under this Act;

"(ii) submit any reports required by this Act; or

"(iii) allow any inspection, copying of records, or sampling authorized by this Act;";

(2) in clause (F), by striking out "to make" and inserting in lieu thereof "to distribute, sell, or make";

(3) in clause (J), by striking out "section 6" and inserting in lieu thereof "this Act";

(4) by striking out clause (K) and inserting in lieu thereof the following new clause:

"(K) to violate any cancellation order issued under this Act;";

(5) in clause (M), by striking out "section 8" and inserting in lieu thereof "this Act";

(6) by striking out "or" at the end of clause (O);

(7) by striking out the period at the end of clause (P) and inserting in lieu thereof a semicolon; and

(8) by adding at the end thereof the following new clauses:

"(Q) to willfully falsify all or part of any data submitted pursuant to this Act, or to willfully submit such false data knowing it to be false;

"(R) to violate any regulation prescribed by the Administrator to carry out good laboratory practice standards;

"(S) to distribute or sell, to make available for use, or to use any pesticide product that is the subject of an exemption under section 18 in violation of the terms of the exemption;

"(T) who is a registrant, an applicant for registration, or a pesticide testing facility, to falsify or misrepresent any information relating to the testing of any pesticide (or any ingredient, metabolite, or degradation product thereof), including the nature of any protocol, procedure, substance, organism, or equipment used, observation made, or conclusion, or opinion formed if such representation is made to the Administration, or is made in any document or record that the person making the representation knows will be furnished to the Administrator or will become a part of any records required to be maintained under this Act;

"(U) who is a registrant, an applicant for registration, a pesticide testing facility, a distributor or seller of any pesticide, a commercial applicator, or a hired applicator of any pesticide, to violate any regulation issued under this Act; or

"(V) to apply a pesticide as a commercial or private applicator, certified or uncertified, without receiving training required under this Act.".

SEC. 1003. LIABILITY FOR PESTICIDE USE DAMAGE.

Section 12 (7 U.S.C. 136j) is amended by adding at the end thereof the following new subsection:

"(c) LIABILITY FOR PESTICIDE USE DAMAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, an agricultural producer or applicator shall not be liable in any action brought under this Act or for damages caused by pesticide use unless the producer or applicator acted unreasonably with regard to such pesticide use or application.

"(2) LABEL APPLICATION.—Proof that a pesticide application was made in accordance with the label of the pesticide shall be presumptive evidence that the applicator acted reasonably.".

SEC. 1004. ACTS OF AGENTS.

Section 12 (7 U.S.C. 136j) (as amended by section 1003 of this Act) is further amended by adding at the end the following:

"(d) ACTS OF AGENTS.—When construing and enforcing this Act, the act, omission, or failure of any officer, employee, agent, or other person acting for or employed by any person shall be considered the act, omission, or failure of such person as well as that of the person employed.".

TITLE XI—PENALTIES

SEC. 1101. CIVIL PENALTIES.

Section 14(a) (7 U.S.C. 136l(a)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commercial applicator," the following: "applicant for restricted use pesticide registration, pesticide testing facility,";

(B) by striking out "distributor" and inserting in lieu thereof "person who distributes or sells any pesticide or device";

(C) by striking out "$5,000" and inserting in lieu thereof "$10,000"; and

(D) by adding at the end thereof "For purposes of this subsection, each day after citation for such a violation that a pesticide registrant or distributor continues to commit such a violation shall constitute a separate offense.";

(2) in paragraph (2)—

(A) by striking out "$1,000" each place it appears and inserting in lieu thereof "$2,000"; and

(B) by striking out "$500" and inserting in lieu thereof "$1,000";

(3) in paragraph (3), by adding at the end thereof the following new sentence: "If the person neither resides nor has a principal place of business in the United States, the Administrator may designate a site for the hearing in the United States that is reasonably convenient for the parties."; and

(4) in the first sentence of paragraph (4), by inserting "any economic benefit resulting from the violation," after "to continue in business,".

SEC. 1102. CRIMINAL PENALTIES.

Section 14(b) (7 U.S.C. 136l(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commercial applicator," the following: "applicant for restricted use pesticide registration, pesticide testing facility,";

(B) by striking out "distributor" and inserting in lieu thereof "person who distributes or sells any pesticide or device,"; and

(C) by striking out "one year" and inserting in lieu thereof "2 years";

(2) in paragraph (2)—

(A) by striking out "$1,000" and inserting in lieu thereof "$2,000"; and

(B) by striking out "30 days" and inserting in lieu thereof "1 year";

(3) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) DISCLOSURE OF INFORMATION.—

"(A) Any person who uses or reveals information relative to the formula of a product acquired under section 3, shall be fined not more than $25,000 or imprisoned for not more than 3 years, or both.

"(B) Any person, including any officer, contractor, contractor employee, or employee of the United States or a State or State agency who—

"(i) is granted access to data under section 3(c)(9) or (10); and

"(ii) in furtherance of a commercial purpose involving the production, registration, distribution, or sale of a pesticide—

"(I) knowingly violates such section; or

"(II) knowingly allows data to be made available in violation of such section,

shall be fined not more than $100,000 or imprisoned for not more than 3 years, or both."; and

(4) by striking out paragraph (4).

SEC. 1103. SUBPOENAS.

Section 14 (7 U.S.C. 136l) is amended by adding at the end thereof the following new subsection:

"(c) SUBPOENAS.—

"(1) ISSUANCE.—The Administrator may—

"(A) in connection with an administrative proceeding under subsection (a), issue a subpoena to compel the attendance and testimony of a witness or a subpoena duces tecum; and

"(B) request the Attorney General to bring an action to enforce any subpoena issued under this subsection.

"(2) JURISDICTION.—A district court of the United States shall have jurisdiction to enforce such subpoena and impose a sanction.".

TITLE XII—ADMINISTRATIVE PROCEDURE; JUDICIAL REVIEW

SEC. 1201. REVIEW OF REGULATIONS.

Section 16 (7 U.S.C. 136n) is amended by adding at the end thereof the following new subsection:

"(e) REVIEW OF REGULATIONS.—

"(1) IN GENERAL.—Any regulation issued under this Act and first published in the Federal Register in final form after the effective date of the Pesticide Reform Act of 1986, or any refusal to modify or rescind such a regulation, shall be reviewable only as provided by this subsection.

"(2) COURT.—Any person may obtain judicial review of such a regulation or refusal by filing a petition for review in the United States court of appeals for the circuit in which the person resides or has its principal place of business or in the United States Court of Appeals for the District of Columbia.

"(3) REVIEW OF ISSUED REGULATIONS.—Any petition under this subsection for review of a regulation shall be filed within 90 days from the date of promulgation of the regulation as determined by the Administrator in the Federal Register.

"(4) REVIEW OF REFUSAL TO MODIFY OR RESCIND.—Any petition under this subsection for review of a refusal to modify or rescind a regulation shall be filed within 90 days after such refusal.

"(5) SCOPE OF REVIEW.—The scope of review shall be as specified in section 706 of title 5, United States Code.

"(6) STAYS.—The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court to the contrary, operate as a stay of the regulation.

"(7) JUDICIAL REVIEW.—Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any suspension, cancellation, or denial proceeding under this Act, or any appeal therefrom, nor in any proceeding under section 13, 14, or 16(c) or any appeal therefrom.".

TITLE XIII—IMPORTS AND EXPORTS

SEC. 1301. PESTICIDES AND DEVICES INTENDED FOR EXPORT.

(a) IN GENERAL.—Subsection (a) of section 17 (7 U.S.C. 136o(a)) is amended to read as follows:

"(a) PESTICIDES AND DEVICES INTENDED FOR EXPORT.—

"(1) VIOLATIONS.—Notwithstanding any other provision of this Act, no pesticide or device or active ingredient used in producing a pesticide intended solely for export to any foreign country shall be considered in violation of this Act when prepared or packed according to the specifications or directions of the foreign purchaser, except that producers of such pesticides and devices and active ingredients used in producing pesticides shall be subject to sections 2(p), subparagraphs (A), (C), (D), (E), (G), (H), and (I) of section 2(q)(1), subparagraphs (A), (B), (C)(i), (C)(iii), and (D) of section 2(q)(2), sections 7 and 8, and paragraphs (2), (3), (4), (5), and (6) of section 17(a).

"(2) EXPORTS.—

"(A) This paragraph applies to a pesticide, device, or active ingredient—

"(i) for which a restricted use classification has become effective under section 3;

"(ii) for which a cancellation or suspension has become effective under section 6;

"(iii) the registration of which has been voluntarily withdrawn by the registrant, if such withdrawal was associated with concern over potential adverse public health or environmental effects; or

"(iv) that is not registered under section 3 for any use.

"(B) No pesticide, device, or active ingredient described in subparagraph (A) may be exported to any foreign country by any person unless, at least 30 days prior to the first shipment each year of such pesticide to such country, such person has—

"(i) notified, pursuant to paragraph (3), the person importing the pesticide and the appropriate government regulatory office in the importing country;

"(ii) received written evidence that the notification was delivered to the appropriate government regulatory office; and

"(iii) submitted a copy of the notification in English and evidence of delivery to the Administrator.

"(C) Documents referred to in subparagraph (B) shall be made available to the public, on request.

"(3) NOTIFICATION.—The notification required pursuant to paragraph (2) shall be made in an appropriate language and shall contain the following information:

"(A) The name of the pesticide and the common and chemical names of the active ingredient.

"(B) The name and address of the person exporting the pesticide.

"(C) The name and address of the person importing the pesticide.

"(D) The name and address of the appropriate government regulatory office in the importing country.

"(E) A statement of the reasons why the pesticide was canceled, suspended, voluntarily withdrawn, is not registered in the United States, or has been classified for restricted use, and the list of restrictions.

"(F) The name and address of the office of the United States Environmental Protection Agency that, on request by the importer or official of the importing country, can provide additional information on the pesticide.

"(4) LABELS.—

"(A) The label of pesticides intended for export from the United States shall be written in an appropriate language.

"(B) Except as provided in section 2(q)(1)(H), such label may not refer to compliance with the laws of the United States unless the label also contains or is accompanied by a description of the relevant requirements of such laws.".

(b) EFFECTIVE DATES.—

(1) Paragraphs (2) and (3) of section 17(a) (as amended by subsection (a) of this section) shall become effective 90 days after the date of enactment of this Act.

(2) Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall publish in the Federal Register a list of the names, addresses, and international telecommunications codes of appropriate regulatory offices required to receive notices under section 17(a)(2)(B).

(3) Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall revise the list required under paragraph (2).

(4) Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register preliminary guidelines regarding—

(A) the form of the notification required under section 17(a)(2);

(B) translation of the notification and labels required under such section into the appropriate language;

(C) retention of shipping documents and other pertinent records by exporters under such section; and

(D) procedures for public access to documents submitted by exporters under such section.

(5) Not later than 1 year after the date of enactment of this Act, the Administrator shall issue such regulations as are necessary to carry out section 17(a) (2) and (3) and this subsection.

SEC. 1302. CANCELLATION NOTICES FURNISHED TO FOREIGN GOVERNMENTS.

Subsection (b) of section 17 (7 U.S.C. 136o(b)) is amended to read as follows:

"(b) CANCELLATION NOTICES FURNISHED TO FOREIGN GOVERNMENT.—

"(1) ISSUANCE.—If a registration, or a cancellation or suspension of the registration, of a pesticide becomes effective, or ceases to be effective, or a pesticide is classified for restricted use, the Administrator shall transmit through the State Department notification thereof to the governments of other countries and to appropriate international agencies.

"(2) CONTENTS.—Such notification shall, on request, include the reasons for the cancellation, suspension, or restriction and information concerning other pesticides that are registered under section 3 and that could be used in lieu of such pesticide.".

SEC. 1303. COOPERATION IN INTERNATIONAL EFFORTS.

Subsection (d) of section 17 (7 U.S.C. 136o(d)) is amended to read as follows:

"(d) COOPERATION IN INTERNATIONAL EFFORTS.—The Administrator shall—

"(1) in cooperation with the Department of State, other appropriate Federal agencies, and nongovernmental and international organizations, actively participate in international efforts to develop improved pesticide research; and

"(2) report to Congress annually on the activities conducted to comply with this subsection and the results thereof.".

TITLE XIV—RESEARCH AND MONITORING

SEC. 1401. RESEARCH.

Subsection (a) of section 20 (7 U.S.C. 136r(a)) is amended to read as follows:

"(a) RESEARCH.—

"(1) IN GENERAL.—The Administrator shall undertake such research as may be necessary to carry out this Act, including research by grant or contract with other Federal agencies, universities, or other entities or persons.

"(2) INTEGRATED PEST MANAGEMENT.—The Administrator shall conduct research into integrated pest management in cooperation with the Secretary of Agriculture.

"(3) DUPLICATION.—The Administrator shall ensure that research conducted under this subsection does not duplicate research being undertaken by any other Federal agency. Such agency may not be required to duplicate or supplement research already reviewed and accepted by the Administrator in the course of registration and the finding of no unreasonable adverse impact resulting from the use of registered material.".

TITLE XV—DELEGATION AND COOPERATION

SEC. 1501. EFFECT ON CERTAIN OTHER LAWS.

Section 22 (7 U.S.C. 136t) is amended by adding at the end the following new subsection:

"(c) EFFECT ON CERTAIN OTHER LAWS.—

"(1) IN GENERAL.—In exercising any authority under this Act, the Administrator shall not, for the purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

"(2) COORDINATION.—The Administrator and the Secretary of Labor shall coordinate efforts to regulate pesticide use in the workplace so as to minimize burdens on regulated persons.".

TITLE XVI—STATE COOPERATION, AID, AND TRAINING

SEC. 1601. AUTHORIZATION FOR APPROPRIATIONS.

(a) IN GENERAL.—Section 23 (7 U.S.C. 136u) is amended—

(1) in subsection (a), by striking out the second and third sentences; and

(2) by adding at the end thereof the following new subsection:

"(d) AUTHORIZATION FOR APPROPRIATIONS.—

"(1) CERTIFIED APPLICATOR TRAINING.—

"(A) There are authorized to be appropriated for the fiscal year ending September 30, 1987, and each fiscal year thereafter, such sums as may be necessary for the Administrator to provide through cooperative agreements an amount equal to 50 percent of the anticipated cost to each State or Indian tribe, as agreed to under cooperative agreements, of conducting training programs for certification of applicators during such fiscal year.

"(B) Funds shall be distributed among States and Indian tribes on a formula basis, as determined by the Secretary of Agriculture and the Administrator.

"(2) PESTICIDE CERTIFICATION AND LICENSING PROGRAMS.—

"(A) There are authorized to be appropriated for the fiscal year ending September 30, 1987, and each fiscal year thereafter, such sums as may be necessary—

"(i) for the Administrator to provide through cooperative agreements an amount equal to 50 percent of the anticipated cost to each State or Indian tribe, as agreed to under cooperative agreements, of conducting pesticide certification and licensing programs during such fiscal year; and

"(ii) in the case of a State, for administering the State plan of each State approved under section 4(a)(2).

"(B) Funds shall be distributed among the States and Indian tribes on a formula basis as determined by the Administrator.

"(3) APPROPRIATED AMOUNTS.—

"(A) The total amount authorized to be appropriated under paragraphs (1) and (2) may not be less than $5,000,000 for each fiscal year.

"(B) If funds sufficient to pay 50 percent of the costs under paragraphs (1) and (2) for any year are not appropriated, the share of each State or Indian tribe shall be reduced in a like proportion in allocating available funds.

"(4) COORDINATION.—States conducting training and certification programs under State plans shall coordinate such programs to assure that standards for certification of applicators of pesticides are attained and maintained and prescribed by the Administrator under section 4.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1986.

TITLE XVII—AUTHORITY OF STATES

SEC. 1701. PESTICIDE SALE OR USE.

(a) IN GENERAL.—Subsection (a) of section 24 (7 U.S.C. 136v(a)) is amended to read as follows:

"(a) SALE OR USE.—A State, but not a political subdivision of a State, may regulate the sale or use of any federally registered pesticide or device in the State, but only if and to the extent that the regulation does not permit any sale or use prohibited by this Act, except that—

"(1) a State shall not make any lack of essentiality a criterion for regulating the sale or use of a pesticide; and

"(2) a State shall not establish any tolerance for a pesticide residue that is different from, or in addition to, a tolerance for the residue established under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

(b) CLERICAL AMENDMENT.—Section 24(b) is amended by inserting after the subsection designation the following: "LABELING OR PACKAGING.—".

SEC. 1702. ADDITIONAL USES.

(a) IN GENERAL.—Section 24(c) (7 U.S.C. 136c(v)) is amended by striking out "(c) and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

"(c) ADDITIONAL USES.—

"(1) SPECIAL LOCAL NEEDS.—

"(A) In addition to regulating the sale or use of federally registered pesticides pursuant to subsection (a), a State may provide registration for additional uses of federally registered pesticides formulated for distribution and use within the State to meet special local needs.

"(B) Such registration shall be considered registration under section 3 for all purposes under this Act, but shall authorize distribution and use only within such State.

"(C) Such registration shall terminate, without further action by the Administrator, on the earlier of—

"(i) the end of any period established by the State for the registration of the use; or

"(ii) 10 days after the date the Administrator publishes in the Federal Register a notice stating that the State that issued the registration has informed the Administrator that the State no longer desires the registration to continue in effect.".

(b) CLERICAL AMENDMENTS.—Section 24(c) is amended—

(1) by making the margins for paragraphs (2) through (4) the same as the margin for paragraph (1) (as amended by subsection (a));

(2) in paragraph (2), by inserting "DISAPPROVAL.—" after the paragraph designation;

(3) in paragraph (3), by inserting "TOLERANCES OR EXEMPTIONS.—" after the paragraph designation; and

(4) in paragraph (4), by inserting "CONTROLS.—" after the paragraph designation.

SEC. 1703. DIFFERENCES IN USAGE AND RISK.

Section 24 (7 U.S.C. 136v) is amended by adding at the end the following new subsection:

"(d) DIFFERENCES IN USAGE AND RISK.—In promulgating any regulations, policies, or protocols pertaining to the sale or use of pesticides within a State, the State shall take into account the difference in concept and usage between various classes of pesticides and the differences in environmental risk and the appropriate data for evaluating such risk between agricultural and nonagricultural pesticides.".

SEC. 1704. LOW VOLUME NONFOOD PESTICIDE USE.

Section 24 (7 U.S.C. 136v) (as amended by section 1703 of this Act) is further amended by adding at the end the following new subsection:

"(e) LOW VOLUME NONFOOD PESTICIDE USE.—

"(1) IN GENERAL.—

"(A) Any person may petition the Administrator to conduct a rule making on the record after an opportunity for a hearing in accordance with subchapter II of chapter 5 of title 5, United States Code, to amend requirements, regulations, or policies established under this Act governing low volume nonfood pesticide uses.

"(B) The Administrator shall publish notice of the petition in the Federal Register, and conduct a rule making, on a showing by the petitioner that the potential market for the low volume nonfood pesticide use in question is too small to warrant the cost of complying with the regulation.

"(2) INFORMAL RULE MAKING.—Notwithstanding paragraph (1), the Administrator may conduct rule making under paragraph (1) in accordance with the first two sentences of section 553 of title 5, United States Code.

"(3) CRITERIA.—

"(A) The criteria for granting or denying a request of a petitioner shall be whether or not the proposed amendment will cause an unreasonable risk to man or the environment.

"(B) The Administrator and the petitioner, in consultation with other interested parties, may establish an innovative solution to the problems raised in a petition filed under this subsection (including the amendment or exemption from certain requirements or policies) that is consistent with subparagraph (A).

"(4) DURATION.—Unless specified as part of the outcome of the rule making, an amendment to a low volume nonfood use granted under this subsection shall terminate after 2 years. After such termination, the petitioner may re-petition the Administrator in accordance with this subsection.

"(5) DESCRIPTION.—

"(A) If the Administrator decides that an amended use may be permitted under this subsection, the Administrator shall publish a notice of the decision in the Federal Register.

"(B) The Administrator shall prepare a one-page description of the amended use and provide notice of the availability of the description in the notice published under subparagraph (A).

"(C) To maintain an amended use under this subsection, the applicator must make available the description and post a copy of the description at the site of each application of the amended use.".

TITLE XVIII—AUTHORITY OF ADMINISTRATOR

SEC. 1801. CONGRESSIONAL REVIEW OF RULES AND REGULATIONS.

Section 25(a)(4) (7 U.S.C. 136w(a)(4)) is amended—

(1) in the second sentence of subparagraph (A)—

(A) by striking out "both Houses of Congress adopt a concurrent resolution" and inserting in lieu thereof "a joint resolution is enacted";

(B) by striking out "That Congress disapproves the" and inserting in lieu thereof "The"; and

(C) by inserting "is disapproved" before the closed quotation marks; and

(2) in the first sentence of subparagraph (B), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution".

SEC. 1802. SCIENTIFIC ADVISORY PANEL.

Section 25(d) (7 U.S.C. 136w(d)) is amended—

(1) in the first sentence, by striking out "The" and inserting in lieu thereof "Except when a referral is made pursuant to an interim administrative review in section 3(c)(8)(C) to the Scientific Advisory Panel established by this subsection, the"; and

(2) in the eighteenth sentence, by striking out "1987" and inserting in lieu thereof "1991".

TITLE XIX—STATE PRIMARY ENFORCEMENT RESPONSIBILITY

SEC. 1901. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.

(a) IN GENERAL.—Subsection (a) of section 26 (7 U.S.C. 136w-1(a)) is amended to read as follows:

"(a) STATE RESPONSIBILITY.—

"(1) CRITERIA.—For purposes of this Act, a State shall have primary enforcement responsibility for pesticide use violations during any period for which the Administrator determines that such State—

"(A) has adopted adequate pesticide use laws and regulations, except that the Administrator may not require a State to have pesticide use laws that are more stringent than this Act;

"(B) has adopted and is implementing adequate procedures for the enforcement of such State laws and regulations;

"(C) will keep records necessary to provide an annual programmatic review showing compliance with clauses (A) and (B);

"(D) will report emergency conditions to the Administrator at the earliest practical date.

"(2) COORDINATION.—For purposes of this section, the term 'primary enforcement responsibility' shall include primary enforcement responsibility over an action that has been proposed by a State and approved by the Administrator, including the banning, seizure and cancellation of a registered product. The Administrator and the State shall coordinate actions affecting registered products.".

(b) CLERICAL AMENDMENTS.—Section 26 is amended—

(1) in subsection (b), by inserting "STATE PLANS.—" after the subsection designation; and

(2) in subsection (c), by striking out "the" after the subsection designation and inserting in lieu thereof "ADMINISTRATOR RESPONSIBILITY.—The".

SEC. 1902. CERTIFICATION IN PESTICIDE USE APPLICATIONS.

Section 26 (7 U.S.C. 136w-1) is amended by adding at the end the following new subsection:

"(d) CERTIFICATION IN PESTICIDE USE APPLICATIONS.—To enforce requirements of this Act with respect to restricted and nonrestricted use pesticide applications, an employee of the Environmental Protection Agency must be certified in the State for the category of such applications for which the employee is assigned enforcement responsibility.".

SEC. 1903. POLITICAL SUBDIVISIONS.

Section 26 (7 U.S.C. 136w-1) (as amended by section 1902 of this Act) is amended by adding at the end the following new subsection:

"(e) POLITICAL SUBDIVISIONS.—This section does not extend enforcement authority or responsibility to any political subdivision of a State."

TITLE XX—FAILURE BY THE STATE TO ASSURE ENFORCEMENT OF STATE PESTICIDE USE REGULATIONS

SEC. 2001. STATE ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 27 (7 U.S.C. 136w-2) is amended to read as follows:

"(a) COMPLAINTS.—

"(1) REFERRAL.—On receipt of any complaint or other information alleging or indicating a significant violation of the pesticide use provisions of this Act, the Administrator shall refer the matter to the appropriate State officials for investigation of the matter consistent with this Act.

"(2) INVESTIGATION.—As soon as practicable after a complaint is filed and in no event later than 30 days after the filing of the complaint, the State shall commence appropriate investigative action.

"(3) ACTION BY ADMINISTRATOR.—If the State has not commenced appropriate enforcement action within 120 days of the filing of the complaint, the Administrator may act on the complaint or information to the extent authorized under this Act.".

(b) CLERICAL AMENDMENTS.—Section 27 is amended—

(1) in subsection (b), by inserting "RESCISSION.—" after the subsection designation; and

(2) in subsection (c), by inserting "EMERGENCIES.—" after the subsection designation.

TITLE XXI—DATA COLLECTION AND RETRIEVAL SYSTEMS

SEC. 2101. DATA COLLECTION AND RETRIEVAL SYSTEMS.

The Act is amended—

(1) by redesignating section 31 (7 U.S.C. 136y) as section 32; and

(2) by inserting after section 30 the following new section:

"SEC. 31. DATA COLLECTION AND RETRIEVAL SYSTEMS.

"(a) DATA COLLECTION SYSTEM.—

"(1) IN GENERAL.—In consultation with a committee established by the Administrator within the Environmental Protection Agency, the Administrator shall design and implement an efficient system within the Agency for the collection, dissemination (to other Federal and State departments and agencies), and use of data submitted to the Administrator under this Act.

"(2) ADVISORY COMMITTEE.—The Administrator and the committee established under paragraph (1) shall solicit advice from data users outside the Federal Government by means of an advisory committee that shall consist of representatives from private groups, State governments and organizations, industry, and other appropriate representatives.

"(b) DATA RETRIEVAL SYSTEM.—

"(1) IN GENERAL.—In consultation and cooperation with the Secretary of Agriculture and the heads of other appropriate Federal and State departments and agencies design, the Administrator shall design and implement an efficient and effective system for the retrieval of pesticidal, toxicological, and other scientific data that could be useful to the Administrator in carrying out this Act.

"(2) AVAILABILITY.—The Administrator shall make the system available to all Federal and State departments and agencies with responsibilities in the area of regulation or study of pesticides and the effect of pesticides on man and the environment.

"(c) INDEXING.—In designing and implementing the systems required by subsections (a) and (b), the Administrator shall ensure that information submitted before or after the effective date of the Pesticide Reform Act of 1986 is indexed by pesticide name, Chemical Abstracts Service registry number, plant sites by State, and submitter, so that such information may be retrieved in a timely and useful manner.

"(d) CONFIDENTIALITY.—Dissemination of information and data collected under this section to any State or State agencies shall be subject to section 10.

"(e) REPORT.—Not later than 24 months after the effective date of the Pesticide Reform Act of 1986, the Administrator shall submit a report to Congress on—

"(1) progress in designing and implementing the systems required by subsections (a) and (b); and

"(2) the indexing of information in accordance with subsection (c).

"(f) COMPLETION.—Not later than 36 months after the effective date of the Pesticide Reform Act of 1986, the Administrator shall complete the design and implementation of the system required by this section.".

TITLE XXII—AUTHORIZATION OF APPROPRIATIONS

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 32 (as redesignated by section 2101 of this Act) is amended to read as follows:

"SEC. 32. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act $69,433,100 for the fiscal year ending September 30, 1987, and such sums as may be necessary for each of the fiscal years September 30, 1988, through September 30, 1991.".

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on October 1, 1986.

TITLE XXIII—TECHNICAL AMENDMENTS

SEC. 2301. TABLE OF CONTENTS.

The table of contents contained in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by adding at the end of the items relating to section 2(e) the following:

"(5) Noncertified commercial applicator.
"(6) Competent person.";

(2) by striking out the item relating to section 2(n) and inserting in lieu thereof the following:

"(n) Ingredient statement.
"(1) In general.
"(2) Common name.";

(3) by adding at the end of the items relating to section 2 the following:

"(ff) Antimicrobial.
"(gg) Importing country.
"(hh) Low volume nonfood pesticide use.
"(ii) Material safety data sheets.
"(jj) Outstanding data requirement.
"(1) In general.
"(2) Factors.
"(kk) Pesticide dealer.
"(ll) Pesticide product.
"(mm) Pesticide testing facility.
"(nn) Political subdivision of a State.
"(oo) Terms of registration.
"(pp) To distribute or sell.";

(4) by adding at the end of the items relating to section 3(c) the following:

"(9) Preregistration access to data.
"(10) Material safety data sheets.";

(5) by striking out the item relating to section 3(g) and inserting in lieu thereof the following:

"(g) Reregistration of pesticides.
"(1) In general.
"(2) Lists of pesticide active ingredients.
"(3) Priority.
"(4) Removal.
"(5) Notification.
"(6) Judicial review.
"(7) Data requirements.
"(8) Filling data requirements.
"(9) Suspension.
"(10) Reregistration.
"(11) Compensation.
"(12) Lack of essentiality.";

(6) by adding at the end of the items relating to section 3 the following:

"(h) Priority list for inert ingredients.
"(1) Establishment.
"(2) Publication of list.
"(3) Judicial review.
"(4) Removal of ingredients involving administrative reviews.
"(5) Removal of ingredients involving additional data.
"(6) Additional data.
"(i) Substitution of inert ingredients.
"(j) Labeling of inert ingredients.
"(1) Amended label.
"(2) Misbranding.
"(k) Formula statements.
"(1) Listed inert ingredients.
"(2) All inert ingredients.";

(7) by adding at the end of the items relating to section 4 the following:

"(d) Commercial applicator certification.
"(1) Criteria.
"(2) Experience.
"(3) Additional test.
"(e) Noncertified commercial applicator training and registration.
"(f) Certified and noncertified private applicator training.
"(g) Retraining and recertification.
"(h) Uniform training.
"(i) Training for pesticide applicators and trainers.
"(1) In general.
"(2) State program.
"(3) Private program.
"(j) Worker training.";

(8) by adding at the end of the items relating to section 6 the following:

"(g) Cancellation of registration based on false or invalid data.
"(1) Previously determined invalid data.
"(2) New invalid data.
"(3) False data.
"(4) Hearing.
"(h) Compensation for data.
"(i) Voluntary cancellation.
"(1) Requests.
"(2) Notice.
"(3) Cancellation.";

(9) by adding at the end of the items relating to section 7 the following:

"(e) Material safety data sheets.
"(f) Confidentiality.
"(g) Information requested.";

(10) by striking out the item relating to section 9(a) and inserting in lieu thereof the following:

"(a) Authority to enter, inspect, and copy.";

(11) by adding at the end of the items relating to section 9 the following:

"(d) Procedure.
"(1) Credentials and statements.
"(2) Promptness.
"(3) Samples.
"(e) Coordination.";

(12) by adding at the end of the items relating to section 10 the following:

"(h) Data disclosure to States.
"(i) Notice.";

(13) by adding at the end of the items relating to section 11 the following:

"(c) Records of commercial applicators.
"(1) Pesticide applications.
"(2) Duration.
"(d) Records of pesticide dealers.
"(1) Pesticide sales.
"(2) Duration.
"(e) Inspection of records.
"(f) Access to records.
"(1) In general.
"(2) Confidential business information.
"(3) Employee access.
"(4) Customer access.";

(14) by adding at the end of the items relating to section 12 the following:

"(c) Liability for pesticide use damage.
"(1) In general.
"(2) Label application.
"(d) Acts of agents.";

(15) by striking out the item relating to section 14(b)(4);

(16) by adding at the end of the items relating to section 14 the following:

"(c) Subpoenas.
"(1) Issuance.
"(2) Jurisdiction.";

(17) by adding at the end of the items relating to section 16 the following:

"(e) Review of regulations.
"(1) In general.
"(2) Court.
"(3) Review of issued regulations.
"(4) Review of refusal to modify or rescind.
"(5) Scope of review.
"(6) Stays.
"(7) Judicial review.";

(18) by striking out the items relating to subsections (a) and (b) of section 17 and inserting in lieu thereof the following:

"(a) Pesticides and devices intended for export.
"(1) Violations.
"(2) Exports.
"(3) Notification.
"(4) Labels.
"(b) Cancellation notices furnished to foreign government.
"(1) Issuance.
"(2) Contents.";

(19) by striking out the item relating to section 20(a) and inserting in lieu thereof the following:

"(a) Research.
"(1) In general.
"(2) Integrated pest management.
"(3) Duplication.";

(20) by adding at the end of the items relating to section 22 the following:

"(c) Effect on certain other laws.
"(1) In general.
"(2) Coordination.";

(21) by adding at the end of the items relating to section 23 the following:

"(d) Authorization for appropriations.
"(1) Certified applicator training.
"(2) Pesticide certification and licensing programs.
"(3) Appropriated amounts.
"(4) Coordination.";

(22) by striking out the item relating to section 24 and inserting in lieu thereof the following:

"Sec. 24. Authority of States.
"(a) Sale or use.
"(b) Labeling or packaging.
"(c) Additional uses.
"(1) Special local needs.
"(2) Disapproval.
"(3) Tolerances or exemptions.
"(4) Controls.
"(d) Differences in usage and risk.
"(e) Low volume nonfood pesticide use.
"(1) In general.
"(2) Informal rule making.
"(3) Criteria.
"(4) Duration.
"(5) Description.";

(23) by striking out the item relating to sections 26 and 27 inserting in lieu thereof the following:

"Sec. 26. State primary enforcement responsibility.
"(a) State responsibility.
"(1) Criteria.
"(2) Coordination.
"(b) State plans.
"(c) Administrator responsibility.
"(d) Certification in pesticide use applications.
"(e) Political subdivisions.
"Sec. 27. Failure by the State to assure enforcement of State pesticide use regulations.
"(a) Complaints.
"(1) Referral.
"(2) Investigation.
"(3) Action by Administrator.
"(b) Rescission.
"(c) Emergencies."; and

(24) by adding at the end thereof the following:

"Sec. 31. Data collection and retrieval systems.
"(a) Data collection system.
"(1) In general.
"(2) Advisory committee.
"(b) Data retrieval system.
"(1) In general.
"(2) Availability.
"(c) Indexing.
"(d) Confidentiality.
"(e) Report.
"(f) Completion.".

TITLE XIV—EFFECTIVE DATE

SEC. 2401. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b) and other provisions of this Act, this Act and the amendments made by this Act shall become effective 60 days after the date of enactment of this Act.

(b) CERTIFICATION, TRAINING, AND RECORDKEEPING.—The amendments made by sections 101, 107 (only with respect to the definition of "pesticide dealer"), 301, 302, 901, and 1902 shall become effective 120 days after the date of enactment of this Act.

SUMMARY OF THE PESTICIDE REFORM ACT OF 1986

REREGISTRATION

Reregistration of pesticides would be required under the bill. The Environmental Protection Agency (EPA) would be required to publish in the Federal Register, within 90 days of enactment, a priority list of 300 pesticide active ingredients not reregistered since September 30, 1978. A second list would be required to be published 90 days later containing the remaining pesticide active ingredients not reregistered. The reregistration process would take approximately 10 to 12 years to complete. Registrants would be required to assist EPA by identifying data gaps and to commit to rere-

gister a pesticide ingredient or face cancellation of the registration.

CANCELLATION

Detailed, scientific criteria would be required for cancellation of a registration. This criteria would be based on a validated test or other significant evidence that use of the pesticide posed risks to man, animals, or the environment. The cancellation process for a registration could take up to 18 months.

CONDITIONAL REGISTRATION

The bill basically restates current law by providing flexibility to EPA in determining when the applicant for an additional use has submitted satisfactory data pertaining to the proposed additional uses of the registered pesticide. This flexibility is particularly important in connection with study requirements and timetables for the registration of small-volume, minor use pesticides. In addition, EPA or a State or State agency may not make lack of essentiality a criterion for denying conditional registration of any pesticide. The bill would also provide for a risk-benefit evaluation, include reference to pesticides for minor food or feed crops, and require consultation with the Secretary of Agriculture.

INERT INGREDIENTS

The bill would increase the authority of EPA to regulate inert ingredients by establishing for EPA review a priority list of inerts which might present a hazard to man or the environment. A maximum of 50 inerts could be placed on the priority list. A risk assessment indicating that a significant hazard may exist from use of the pesticide would be required prior to an inert being placed on the priority list. The bill also would take into account the differences between agricultural and nonagricultural products, would authorize EPA to request additional data when necessary which would be subject to a risk-benefit assessment, and would require specific label warnings for inerts which may be a significant hazard to man or the environment.

PREREGISTRATION ACCESS TO DATA

The bill increases the preregistration access to data over current law by allowing public access to health and safety data submitted in support of an initial application for the registration of a new active ingredient or initial food use of a previously registered active ingredient. The bill would also provide for fines of up to $25,000 and imprisonment for up to 3 years or both for the improper disclosure of the released data.

STATE ISSUES

The bill would provide that State governments—but not local political subdivisions of a State—may regulate the sale and use of pesticides; and would provide that States may not (1) make any lack of essentiality a criterion for regulating the sale or use of a pesticide; or (2) establish tolerances for pesticide residues different from or in addition to the tolerances established by the Food and Drug Administration.

PUBLIC RIGHT-TO-KNOW

States or designated State agencies would be required to make available to the public Material Safety Data Sheets, already required under OSHA rules, containing pesticide information.

FALSE OR INVALID DATA

The bill would require EPA to issue a notice of intent to suspend or cancel a registration of a pesticide if, prior to enactment of the Pesticide Reform Act of 1986, EPA had determined that invalid data in support of an existing registration have not been replaced and are important data essential to EPA's determination of whether the pesticide may cause unreasonable adverse effects on the environment. In addition, EPA may not issue a notice of intent to suspend and to cancel the registration of a pesticide if EPA and the registrant have agreed on a plan for replacement studies.

INSPECTION OF LABORATORIES

The bill would authorize EPA to inspect places where there is probable cause to believe the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is being violated. The bill would authorize EPA to obtain warrants for inspection and seizure of pesticides and would allow designated State officers or employees as well as Federal officers or employees to conduct inspections.

EXPORT OF PESTICIDES

The bill would expand current FIFRA notice requirements by requiring registrants exporting pesticide products to inform foreign importers and the appropriate government regulatory office in the importing country concerning pesticide products exported by the registrants whose registrations are cancelled, suspended, restricted, are not registered for any U.S. use, or have been voluntarily withdrawn for health or environmental reasons. Export could not proceed until written notice and evidence of its delivery were made available to EPA. EPA would be required to provide similar notices to foreign governments and appropriate international agencies. In addition, exported pesticides that are substantially similar in composition and use to pesticides registered in the United States must have labels containing the same health, safety, and hazard precautions as on U.S. labels, unless precautions on the label are in conflict with the law in the importing country.

HIGHLIGHTS OF ADDITIONAL PROVISIONS

The bill contains additional provisions including provisions regulating the submission of EPA regulations to Congress for review, EPA administrative procedure and judicial review of EPA action, and EPA coordination with the Department of Labor in connection with the regulation of pesticide use.

The bill also addresses some specific users' concerns. For example, the bill provides that by proving compliance with the pesticide label, the applicator would be deemed to have exercised the proper standard of care in using the pesticide. In addition, the bill requires that not less than $5,000,000 be made available each fiscal year through fiscal year 1991 to fund, through State cooperative agreements, 50 percent of the cost of conducting training programs for the certification of applicators during each fiscal year.

The bill would also require EPA to review an application for registration and to provide notice of any deficiencies within 90 days of receipts of the application. Once all required submissions had been made, EPA would have 1 year within which to act on the application or the application would be deemed approved.

ADDITIONAL CONSPONSORS

S. 237

At the request of Mr. THURMOND the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 237, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 238

At the request of Mr. THURMOND, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 238, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 419

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 419, a bill to amend the Internal Revenue Code of 1954 to allow a deduction for one-half of the expenses paid by a self-employed taxpayer for individual health insurance premiums.

S. 1107

At the request of Mr. NUNN, the names of the Senator from Arizona [Mr. GOLDWATER], the Senator from Nevada [Mr. LAXALT], the Senator from Arkansas [Mr. PRYOR], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1107, a bill to authorize the Society of the Third Infantry Division to erect a Memorial in the District of Columbia or its environs.

S. 1494

At the request of Mr. GORTON, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 1494, a bill to amend title 23, United States Code, to limit outdoor advertising adjacent to Interstate and Federal-aid primary highways.

S. 1640

At the request of Mr. GRASSLEY, the names of the Senator from Utah [Mr. HATCH], the Senator from Arizona [Mr. DECONCINI], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1640, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of services performed by a physician assistant.

S. 1736

At the request of Mr. PRESSLER, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1736, a bill to amend the Public Health Service Act to provide assistance for education, research, and treatment programs for Alzheimer's disease and related disorders, and for other purposes.

S. 1747

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1747, a bill to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries.

S. 1793

At the request of Mr. KENNEDY, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Pennsylvania [Mr. HEINZ]

were added as cosponsors of S. 1793, a bill to amend the Public Health Service Act to establish a grant program to develop improved systems of caring for medical technology dependent children in the home, and for other purposes.

S. 1847

At the request of Mr. MITCHELL, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Mr. MATHIAS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1847, a bill to provide for a Samantha Smith Memorial Exchange Program to promote youth exchanges between the United States and the Soviet Union, and for other purposes.

S. 1923

At the request of Mr. THURMOND, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 1923, a bill to provide for additional bankruptcy judges.

S. 1980

At the request of Mr. THURMOND, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1980, a bill to amend title 17, United States Code, regarding the conveyance of audiovisual work, and for other purposes.

S. 2081

At the request of Mr. STAFFORD, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2081, a bill to reauthorize the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, the Community Services Block Grant Act, for deferred cost care programs, and for other purposes.

S. 2180

At the request of Mr. GORTON, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2180, a bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

S. 2198

At the request of Mr. TRIBLE, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 2198, a bill to provide that the full cost-of-living adjustment in benefits payable under certain Federal programs shall be made for 1987.

S. 2271

At the request of Mr. DENTON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2271, a bill for the relief of Jens-Peter Berndt.

S. 2288

At the request of Mr. CHILES, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 2288, a bill to amend title XIX of the Social Security Act to permit States the option of providing prenatal, delivery, and postpartum care to low-income pregnant women and of providing medical assistance to low-income infants under 1 year of age.

S. 2301

At the request of Mr. THURMOND, the names of the Senator from Florida [Mrs. HAWKINS] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 2301, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 2302

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 2302, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 2308

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2308, a bill to authorize the President of the United States to award congressional gold medals to Anatoly and Avital Shcharansky in recognition of their dedication to human rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals.

SENATE JOINT RESOLUTION 241

At the request of Mr. DOLE, the names of the Senator from California [Mr. WILSON], the Senator from Michigan [Mr. LEVIN], the Senator from Nebraska [Mr. EXON], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 241, a joint resolution designating the week beginning on May 11, 1986, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 292

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of Senate Joint Resolution 292, a joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life.

SENATE JOINT RESOLUTION 297

At the request of Mr. THURMOND, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Joint Resolution 297, a joint resolution to designate the week of April 20, 1986, as "Crime Victims Week."

SENATE JOINT RESOLUTION 309

At the request of Mr. DURENBERGER, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Missouri [Mr. EAGLETON], the Senator from Utah [Mr. GARN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 309, a joint resolution to designate the week of June 1, 1986, through June 7, 1986, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 310

At the request of Mr. HELMS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 310, a joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

SENATE JOINT RESOLUTION 318

At the request of Mr. ABDNOR, the names of the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. BOREN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 318, a joint resolution designating November 1986 as "National Diabetes Month."

SENATE JOINT RESOLUTION 321

At the request of Mr. LUGAR, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from Missouri [Mr. EAGLETON], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 321, a joint resolution to designate October 1986 as "National Down Syndrome Month."

SENATE JOINT RESOLUTION 323

At the request of Mr. D'AMATO, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nebraska [Mr. EXON], the Senator from Virginia [Mr. TRIBLE], the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from California [Mr. WILSON], the Senator from Idaho [Mr. SYMMS], the Senator from Mississippi [Mr. STENNIS], the Senator from Michigan [Mr. LEVIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. ZORINSKY], the Senator from South Carolina [Mr. THURMOND], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 323, a joint resolution to designate May 21, 1986, as "National Andrei Sakharov Day."

SENATE RESOLUTION 385—RELATING TO HUNGER IN AMERICA

Mr. SASSER (for himself, Mr. GORE, Mr. SARBANES, Mr. KENNEDY, Mr. BUMPERS, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 385

Whereas millions of Americans face hunger each month;

Whereas the incidence of hunger and malnutrition, among American citizens is on the rise;

Whereas hunger and malnutrition increase susceptibility to disease, anemia, and vitamin deficiencies and are leading causes of infant mortality and disease;

Whereas malnourished individuals have a greater need for health care services;

Whereas the cost of health care services is borne by all Americans through State and Federal taxes;

Whereas our Nation pays a great price as a result of the loss of productivity of persons suffering from hunger and malnutrition;

Whereas federally funded nutrition assistance programs were designed and implemented to eliminate the presence of malnutrition and hunger in America; and

Whereas the presence of hunger in America suggests the need for improvement in Federal nutrition programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) hunger in America is a cause for concern because it is preventable;

(2) constructive measures should be implemented to improve the effectiveness of Federal nutrition programs; and

(3) a commitment be made to end hunger in the United States by the year 1990.

● Mr. SASSER. Mr. President, today I am submitting a resolution focusing on a persistent domestic problem, hunger in America. It is time for the Senate to take constructive steps toward ending hunger in America by the year 1990, and this resolution is a beginning toward that ultimate goal.

We have seen many changes in nutrition programs over the past 5 years. We have seen greater reliance on the States to combat domestic hunger. We have modified and restricted eligibility standards for nutrition programs. We are moving in the direction of providing Federal nutrition only to the "poorest of the poor," a step which ignores the need of many deserving Americans. These factors and others have combined to undermine the effectiveness of Federal nutrition programs.

One important factor which has served to stymie efforts to better our nutrition programs is the fact that we have no hard numbers indicating the extent of hunger in this country. The Federal Government does not obtain or interpret statistics which directly state the number of hungry or malnourished persons in America. Unfortunately, this means that nutrition programs are exceptionally vulnerable to the budget-cutting knife. However, whether there are 5 million or 20 million hungry people in our States, the number is simply too high.

I held a field hearing in my State of Tennessee during February of this year, and was told in no uncertain terms by doctors, nutritionists, and needy families themselves that people are going hungry. It may be that Federal programs only help a family for a portion of each month. Or that they do not know that they may be eligible for assistance. For mothers and children on WIC, the vouchers only go so far. In every case made known to me, it was clear that not enough food was getting to families, and it is the children who suffer the greatest.

The director of nutrition services for the State of Tennessee wrote me recently informing me that only 46 percent of eligible mothers and children receive the benefits of the Special Feeding Program for Woman, Infants, and Children [WIC]. I have also been told by other sources that food stamp use is at the 50-percent level.

Hunger in America often goes unnoticed, Mr. President. It is a silent disease targeting the weakest and the poorest members of our society—our elderly and our children and mothers. Yet, this is not an irremediable situation. We can combat this disease by moving in a direction which will curb the incidence of hunger, and not exacerbate it.

It is easy to walk away from this serious problem while simply laying blame on poor people themselves, or on the States, or on economic trends. But I believe that it is time for us to take a stand against hunger by first acknowledging its existence, and then by agreeing to take constructive steps to end it. We must work together to combat this problem, pulling together all elements of our society, as we did as a nation when we sent men to the Moon. It is time for cooperative dialogue and constructive measures.

It is my hope that my colleagues will see through the various rationales given for abandoning our responsibility to feed this Nation's hungry people. Federal nutrition programs have already been cut until they are inadequate to meet the need. Ending hunger should become a priority of this body. Cosponsoring my resolution to end hunger in America is a way to rekindle this worthy process.●

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's April 22, 1986, hearing on the implementation of title XVIII of Public Law 99-272, the Reconciliation Act, has been postponed until the week of April 28, 1986. The exact date and time will be announced early next week. For further information, please call Bob Wilson, chief counsel of the committee at 224-5175.

ADDITIONAL STATEMENTS

AMBASSADOR JOSEPH VERNER REED SPEAKS ON TERRORISM

● Mr. MATHIAS. Mr. President, I would like to submit for the RECORD a statement by Ambassador Joseph Verner Reed which offers an account of the terrorism of Libyan agents in dozens of cities throughout the world. These actions, often against the officials of governments, often against innocent civilians, often against Libyans who disagreed with Qadhafi, were the basis for travel and residence restrictions which were placed on Libyan diplomats at the United Nations.

As Ambassador Reed commented at the time, the restrictions were entirely reasonable, given the trail of murder and violent assaults carried out—and openly acknowledged—by the regime. The restrictions may well have prevented other attacks.

The statement follows:

STATEMENT BY AMBASSADOR JOSEPH V. REED

Mr. Chairman, to take this floor to reply to the words of the delegate of Libya is a necessary but sad occasion. There are few matters in which Americans have taken more pride than their commitment to plain, direct speech. We Americans, are a down-to-earth, plain-spoken people; we abhor evasion, cant or a sham. Today, is Friday, November 29, 1985 and the Host Country Committee, which is so ably led by the distinguished chairman, the Ambassador of Cyprus, has just heard one, two or all of the above.

Before I reply, Mr. Chairman, may I say as the envoy of the Host Country, the United States of America, that it is our pleasure to have been able to welcome you and our freedom loving friends to our land of plenty on our special and great national holiday—that of Thanksgiving, which we have been celebrating since 1621. This celebration of the bounty of America is open to our friends, and to our friends we extend our nation's good wishes. Today, however, in the midst of our good wishes, we must speak with the directness with which we have taken pride in time past.

Libya's acts in the international arena have been and are an atrocity. Libya's leader is a dictator—an agent of hateful and evil acts. Libya's strongman is a modern day Barbary pirate.

In the view of the Government of the United States, the restrictions imposed on the members of the Libyan Mission by our Note Verbale of August 31, 1984, do not contravene international treaty or laws. Restriction to the five boroughs of New York City does not interfere with transit to the Headquarters District nor with the accordance of such facilities as can reasonably be considered necessary to the transaction of the business of Libya with the United Nations. Travel and residence restrictions have from time to time been placed on the representatives of countries accredited to the United Nations when those countries and individuals pose a security risk to the United States of America. With regard to Libya, the United States has taken the necessary restrictions against its delegation in New York based on numerous deplorable acts and rhetoric that has taken place both

in and outside the United States attributed to the Libyan government.

Terrorism continues to be seen by the strongman of Libya as an effective and legitimate means of pursuing foreign policy goals. Libya has repeatedly employed tactics of assassination and violence. There are established terrorist training facilities on Libyan soil, and Libya has financed and armed known terrorists and murdered opponents. These terrorist operations are now reported to be active in 50 countries.

The litany of Libya's involvement in terrorist activities is unbelievably long, yet it continues to grow. Libya provided sanctuary to the perpetrators of the murders at the Olympics in Munich. Earlier this year, the strongman called for the cutting off of our President's nose. That's quite a span of time from 1972 to the present in acts and words of hate.

London, April 11, 1980: A freelance Libyan journalist was assassinated by two gunmen outside the Islamic center Mosque. The gunmen were arrested by Scotland Yard. Two additional suspects who were characterized as Libyans were detained the following day.

Rome, April 19, 1980: A Libyan businessman was assassinated in a cafe. The assailant was apprehended a short distance away—a Libyan. Why had the businessman been killed? The assassin said the victim had been murdered because he was "an enemy of Colonel Qadhafi."

London, April 25, 1980: A Libyan lawyer was shot and killed at an Arab legal center. The gunman and another man asked for their victim by name, walked into his office and fired several shots killing him as other employees watched. The assassins were believed to be members of Libyan death squads who are assassinating opponents of the Libyan strongman.

Rome, May 10, 1980: A Libyan businessman was assassinated. The victim was lured to a hotel for an appointment and following a few minutes of talk with two men was shot twice in the head by one of them. The pair disappeared in a crowd at a nearly railroad station. Police arrested a Libyan suspected of being involved in the assassination.

Bonn, May 10, 1980: A Libyan businessman was shot dead in Bonn's city center. The former diplomat had received death threats prior to his assassination by a Libyan who had arrived in West Germany at the end of April.

Rome, May 20, 1980: A Libyan businessman from Tripoli was found stabbed and strangled to death in a boarding house.

Athens, May 21, 1980: A young Libyan was found dead in his apartment. Local authorities said the victim was known as an outspoken critic of the Libyan strongman.

The United States of America, Fort Collins, Colorado, October 14, 1980: A Libyan graduate student was shot and wounded by an individual who had come to his home. The victim was known as an opponent of the present regime.

The United States of America, Ogden, Utah, July 17, 1981: A body believed to be that of a Libyan student was found in the trunk of his car. A Libyan national, also a student, suspected of the murder was arrested at O'Hare International Airport in Chicago as he was deplaning from a flight from Utah. He was carrying a large amount of cash and tickets for onward travel to where? Tripoli.

Lebanon, December, 1982: Libya sent armed contingents to North Lebanon to carry out attacks against the multinational forces in an effort to increase unrest in the zone.

Tripoli, February, 1983: In a series of resolutions adopted in the Tripoli Peoples Congress, Libya's charlatan body politic called for spending part of Libya's oil wealth on arms for "all the revolutionary forces in the Arab and Islamic worlds." The resolution called for "suicide squads" to be formed to press attacks inside Arab territory occupied by Israel and against the symbols of treason in the Arab arena who "follow the imperialist camp headed by the United States, the leader of world terrorism."

Switzerland, April 1983: The Swiss government expelled the Libyan Charge d'affaires for supplying weapons to two convicted Swiss terrorists.

Germany, April 1983: Libya took eight German technicians hostage in order to blackmail West Germany into releasing Libyans charged with violent crimes.

Jordan, June 1983: The Libyan envoy to Hashemite Kingdom defected. The Ambassador revealed the Libya strongman's plan to use missiles to destroy the aircraft carrying King Hussein.

Sudan, March 1984: A Libyan bomber invaded Sudanese airspace and attacked a radio and television station.

Chad, February, 1985: The government lodged a complaint in this House of Peace, the United Nations, claiming Libya had attempted to assassinate President Habre in September, 1984. Photographs of the attache case bomb that was to be used in the attack were provided as evidence.

The United States of America, Chicago, February, 1985: At a convention of members of the Nation of Islam headed by Minister Farrakhan, the Libyan strongman, speaking over closed circuit television, called for Black Americans "to immediately leave the military and fight with his support for an independent Black state. "We are ready to give you arms," he proclaimed.

The United States of America, May, 1985: Our government uncovered a Libyan plot to assassinate anti-Qadhafi Libyans in the United States. As a result, a Libyan diplomat at the United Nations was declared persona non grata.

Bangladesh, June, 1985: A Libyan-trained Bangladeshi national who had received Libyan support in an earlier coup attempt was arrested for plotting to kill President Ershad.

The plotting to assassinate modern Arab leaders has been going on since the seventies. Libya's plans to kill American ambassadors in several Middle Eastern countries and at least one European capital have been uncovered. What does the world think? Libyan "hit squads" have been sent throughout the world to murder exiled Libyans in an overall effort to intimidate dissidents. Libyan "hit squads" have reached out and attacked exiled Libyans in Italy, England, West Germany, Lebanon, Greece and the United States. Where next? The dictator's efforts to use terrorism to eliminate dissidents whom he regards as a danger is constant. The regime and its representatives is and are terrorists.

May, 1985: The Libyan strongman threatened a terrorist campaign against "his enemies" by stating, "I am a terrorist. I would, if I could, behead the rulers of other Arab nations that oppose me."

November, 1985: A group of armed Libyans were arrested by Egyptian authorities for again attempting the assassination of former Prime Minister Bakoush.

The Libyan strongman's personal verbal attacks and actions against world leaders including President Reagan manifests his desire to disrupt the ordinary functions of governments that he opposes through subversion and terror tactics.

November, 1985: The Libyan strongman threatened and I quote "to fight and subvert America from the inside by using all means available." The Libyan strongman likened President Reagan, the leader of the Free World, to Adolph Hitler and was quoted as vowing to "export terrorism to the heart of America." The Libyan strongman boasted that quote "Libya was capable of physical liquidation, destruction and arson inside America". That same year the Libyan strongman spoke of exiled Libyans as "those stray dogs abroad who should not think their families or their children will escape punishment."

When Libyan officials at the People's Bureau in London opened fire on peaceful demonstrators, killing a British police woman assigned to protect that diplomatic establishment, it graphically pointed out the fact that the present Libyan regime and its diplomatic representatives have rejected all, I repeat all, international treaties and laws. Libya has in effect left the family of nations and has set itself apart from civilized governments. As a result of this position taken by the Libyan strongman, governments throughout the world are taking necessary precautions to protect their citizens and their overall national security against this band of thugs masquerading as diplomats.

We can rely on the public record, a record which is long enough to convince any reasonable man that the Libyan regime has chosen to exist beyond the pale of acceptable international behavior. We are talking here about open violence against persons on foreign soil—many of them freely and openly acknowledged by the Libyan regime.

For these reasons, the careful travel controls on Libyan officials in the United States are entirely reasonable. Libyan diplomats representing their country to the United States have been sent home. The Libyans presently serving at the Libyan Mission to the United Nations have been permitted to stay in conjunction with our obligations under the Headquarters Agreement. These obligations, however, which are being fully met, do not in any way require the United States government to make itself and its citizens vulnerable to terrorist activities. America and Americans will not tolerate the use or attempted use of these United States for terrorist activities.●

TRIBUTE TO CHAD COLLEY

● Mr. PRYOR. Mr. President, the President's Committee on Employment of the Handicapped recently announced the 1986 Handicapped American of the Year. On April 30 that celebrated award will be presented to Mr. Ralph "Chad" Colley of Barling, AR, who lost both legs and an arm while serving in Vietnam.

While Americans all over this great country have joined in honoring the accomplishments of Mr. Colley, I cannot help but add that the people of Arkansas take special pride in the inspiring achievements of one of our most distinguished citizens.

For Chad has proven that you don't need legs to chase your dreams. What you do need is boundless energy, enthusiasm, and determination to overcome even the greatest of obstacles. As the possessor of these admirable qualities, Chad has been singled out as the Handicapped American of the Year.

In 1966, after graduating with honors from North Georgia College, Chad Colley received a commission in the U.S. Army. On July 21, 1968, Colley, then an officer with the Army's 101st Airborne Division, was leading a company of men on a combat mission some 45 miles northwest of Saigon when a land mine exploded, throwing him into the air and resulting in the amputation of three limbs.

Remarkably, just 3 days after he was wounded Chad wrote a letter to his wife, Betty Ann, saying, "Even though I'm banged up pretty bad, I'm still me. I can put my loss of limbs into an asset. I have a big challenge to undertake now."

Chad Colley wasted no time facing his new challenge. Within a year after sustaining his injuries, he was already working as a real estate broker. Since then, he has held positions as sales manager for the largest homebuilder in western Arkansas and as a loan manager for a Federal savings and loan association. Today Chad is president of Colley Home Center in Barling, AR.

Apart from his business activities, Chad invests much of his time working with issues affecting the handicapped. He has been an active member of the Disabled American Veterans [DAV] Organization for several years, and in 1984 he was elected to serve a 1-year term as national commander of the DAV—that organization's highest office.

The list of accolades this man has received over the years is long indeed. He is a special human being with special inner strength. His unflappable determination to overcome life's setbacks and give whatever it takes to reach his goals is truly inspirational.

I congratulate Chad Colley on being selected the 1986 Handicapped American of the Year.●

LIBYA AND THE WAR POWERS RESOLUTION

● Mr. GOLDWATER. Mr. President, most Members of Congress approved the recent United States air strikes against Libya or at least did not criticize these clearly self-defense actions, but some Members have complained that they were not consulted adequately or early enough. Some have suggested that the war powers resolution be strengthened by expanding the consultation requirement and adding detailed and specific consultative procedures.

Mr. President, expanding the war powers resolution would be the biggest mistake we in Congress could make. The statute could not and did not bind President Reagan from acting to defend American citizens against terrorist attacks originating in Libya. Or from rescuing, 1,000 American students and other citizens in Grenada.

It could not and did not prevent President Ford in 1975 from rescuing the American merchant vessel *Mayaguez* and freeing its 39 American crew members after they were seized by Cambodian Communist military forces. Nor could it or did it stop President Ford from evacuating Americans and others from South Vietnam and Cambodia in 1975 before the capture of Saigon and Phnom Penh by enemy troops.

In fact, Congress' failure to act on President Ford's request for legislation authorizing the evacuation of United States citizens and Allied people from Indochina is one of the sorriest episodes in American history. Weeks after his request, while a confused Congress was still debating the issue, President Ford announced that he had completed the rescue missions on his own constitutional authority.

The point is that the President of the United States cannot under our Constitution be hamstrung by legislative restrictions that attempt to regulate foreign policy with narrow specificity. Congress cannot and should not tie the President's hands in taking actions which he decides are needed in the national safety.

War in this world cannot be ended by legislation. Foreign policy cannot be conducted by amendments. I should like to think that we will see a day when the moral forces of the world might prevail and when all nations can understand the stupidity of war. History instructs, however, that until that day arrives, the only means of our security is to maintain a proper defense for the country, its people and their freedoms.

A credible defense requires the coherent and uniform direction of the national forces, something which is not to be found in a legislative Chamber of 535 Members, many of whom are often more occupied with questions of political opportunism and their own reelection than they are with the Nation's real interests.

Mr. President, the framers of the constitution knew the legislative branch could not be depended upon for prompt and effective action in every emergency. They remembered that the Continental Congress had interfered with General Washington's plans time after time with disastrous results. The framers wanted to correct this defect. Thus, they provided Congress with power to raise and support the Armed Forces, but they left the direction of those forces, once established, with the President, whom they designated as the Commander-in-Chief and to whom they gave all the executive power.

During its formative years, the United States was concerned primarily with securing its borders against foreign powers whose possessions encircled our Nation and most Americans were concerned with developing their country's great potential for growh and economic progress. Today, the United States stretches across a continent and beyond and stands as the largest, most powerful source of freedom and liberty in the world.

With this new status has come the unavoidable realization that in a world of instant communications, modern technology and interrelated economies, the United States cannot protect its own citizens and liberties unless it carries a major role in preventing aggression and acts of terrorism against our people and our vital interests.

In order to conduct a serious and responsible foreign policy, the President has a duty to recognize and meet challenges to our Nation and citizens in the early stages of any impending danger. If the war powers resolution or any other legislative impediment should compel him to wait or incapacitate him from action until everyone agrees the threat is clear beyond any controversy, the cost of resistance may become prohibitive with no choice left other than submission to aggression or all out war.

To sum it up, Mr. President, the survival of the American experiment in freedom under representative government may depend upon the recognition by Congress of the simple fact that the President needs and was given some flexibility in deciding when to act in the safety of the Nation and its people.

The war powers resolution may be an unconstitutional invasion of Presidential prerogative, as I believe. Or, it may be an abuse of power by Congress in a fuzzy zone of constitutional law. Whatever its legality, it should be seen for what it really is, a dangerous barrier to American security. We can amend it, as the majority leader and the junior Senator from Alabama [Mr. DENTON] have proposed in S. 2335 to specifically authorize counterterrorist initiatives by the President, or we can repeal the entire statute, as I have proposed in S. 305. I prefer to repeal it outright now before it causes a grave constitutional crisis that may endanger the Nation at a time when immediate, decisive action is demanded.●

ADOPTEES, WITHOUT STIGMAS

● Mr. HUMPHREY. Mr. President, as cochairman of the Congressional Coalition on Adoption, I bring to the attention of my colleagues an excellent

article about adoption which appeared in the New York Times on April 19, 1986.

The article, entitled "Adoptees, Without Stigmas," and written by William L. Pierce, Ph.D., the president of the National Committee for Adoption, describes the results of two recent research studies on adoptees which dispel a popular myth about the mental health of adoptees.

Too little information about adoption is available and too little attention is paid to the benefits of adoption for all concerned—the child, the biological parents, and the adoptive parents. Talk shows feature the few unhappy adoptees on crusades to locate their biological parents. The emotional dilemmas of adoption are a fashionable story line on soap operas and TV movies. But the much more common experience of adoption is a positive, loving one for all involved.

I have dedicated myself to spreading the word about the positive aspects of adoption and exposing the false myths which have developed about adoption. Dr. Pierce's article is a much-needed dissemination of recent research findings on adoption and I applaud his efforts.

I ask that Dr. Pierce's article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 19, 1986]

ADOPTEES, WITHOUT STIGMAS

(By William L. Pierce)

WASHINGTON.—In recent years, adopted persons, especially adolescents, have increasingly been described as dependent, fearful, hostile, insecure and abnormal. The popular myth has it that adopted children have more mental health problems than the nonadopted, simply because they are adopted.

There are two main reasons why the myth was created and kept alive. First, research studies of the early 1960's, which claimed to find the problem, were based on small samples taken from mental health clinics or psychiatric case studies. By definition, the samples were loaded in favor of finding mental health problems. Second, groups and individuals, often motivated by personal unhappiness, sought radical changes in standard adoption practices and used those studies and their own first-person stories to gain attention and popularize the misconception with the general public.

But those early and inadequate research studies have long been open to question. And now, on the basis of two recent, superior studies of nonclinical populations, we can lay to rest the myth that adopted persons have more mental problems than nonadopted.

One study, by Leslie Stein and Janet Hoopes, published by the Child Welfare League of America in 1985, was part of a project that tracked adoptive families for nearly 25 years. It concluded in part, "Evidence suggesting that the adoptee has greater or more sustained difficulty with the tasks of adolescence was not found, indicating that adoptive status, in and of itself, is not predictive of heightened stress among adolescents." It said that "as a group, the adolescent adoptees interviewed were doing quite well."

A second study, published in 1985 by Kathlyn Marquis and Richard Detweiler, was also based on a study of subjects drawn from a nonclinical—that is, "normal"—population. It found that "contrary to expectations, adopted persons are significantly more confident and view others more positively than their nonadopted peers," that they have a "more internal locus of control than their nonadopted peers" and that adoptive parents were "significantly" more "comforting, predictable, protectively concerned and helpful" than nonadoptive parents.

Leslie Stein and Janet Hoopes hoped their results would dispel some of the "dire myths" about the "identity problems in adolescent adoptees." Kathlyn Marquis and Richard Detweiler, found no evidence of the "negative characteristics of dependency, fearfulness, tenseness, hostility, loneliness, insecurity, abnormality, inferiority, poor self-image, or lack of confidence." Even a recent study of adopted persons drawn from a mental health setting, by Paul and Evelin Brinich, asserts that "the majority of adoptions can justly be characterized as successes."

The finding that adopted persons are not at risk simply because they are adopted should set the stage for a reaffirmation of the value of adoption in our society.

First, all of those most directly affected by adoption—adopted people, birth parents and adoptive parents—can be confident that adoption works well.

Second, the data should reinforce the commitment of the adoption field to a continuation of sound, traditional practice. After all, the primary client of the adoption service, the child, has been shown by research to be doing fine.

Third, the research should be helpful to the media, in that the adopted person will no longer be stigmatized as pathological—or inferior—simply because she or he is adopted. One hopes that in time we'll see fewer sensational, negative stories. One can even hope that the soap operas will stop using adoption as an elixir whenever the plot lags.

Finally, the public may come to realize that adopted people are generally like everyone else—individuals who are successes or failures largely on the basis of their own efforts. Adopted people are neither strange nor special. They are simply individuals who have joined families in a different way than most people. They want neither pity nor praise. They just want to be able to live their lives with the families that are very real and very permanent to them, without stigma or headlines.●

CAMPAIGN FINANCE REFORM

● Mr. BOREN. Mr. President, the cries for reform of our congressional campaign finance laws are loud and clear. The public is increasingly aware of the critical growth of special interest influence in our Congress. Because of this understanding of the problems which at least, indirectly contribute to the current, legislative stalemate in Congress, we can hope to see substantial reform in this session of Congress.

In October of last year, when I announced I would attempt to bring my proposal to limit the influence of political action committees and modify our campaign finance laws, it was with the intention of putting this vital issue squarely on the national agenda for action. It is my hope that with the agreements made by the distinguished majority leader and the leadership of the chairman of the Rules and Administration Committee, we can address this issue on the floor very soon in the next couple of months.

My proposal, which is pending as an amendment to S. 655 on the Senate Calendar, has a broad base of support. I am very pleased that this week, my distinguished colleague from Delaware, Senator BIDEN, has joined as a cosponsor of S. 1806. Mr. President, now 11 Members of this body have joined in putting forth this legislation as an attempt to put confidence back in our congressional elections.

An example of the kind of questions that can be raised by our current campaign financing methods can be found in a recent newspaper article. I ask that this article from the Wall Street Journal, entitled "Some Ways and Means Members Saw a Surge in Contributions During Tax-Overhaul Battle," be printed in the RECORD at the conclusion of my remarks.

I wish to remind my colleagues that I will be anxiously awaiting a committee proposal on campaign finance reform. In the absence of such a proposal, I will work with the leadership to secure a timeframe and agreement to have S. 1806 brought directly back to the floor.

Mr. President, I invite my colleagues to again review the provisions of S. 1806 and join in this effort which should not and will not go away. I firmly believe the flaws in the direction of congressional campaign finance are in direct relation with the current inability of Congress to act on the many budget, tax, and trade challenges we face.

The article follows:

[From the Wall Street Journal, Feb. 11, 1986]

SOME WAYS AND MEANS MEMBERS SAW A SURGE IN CONTRIBUTIONS DURING TAX-OVERHAUL BATTLE

(By Brooks Jackson and Jeffrey H. Birnhaum)

WASHINGTON.—It came as a surprise when Rep. Wyche Fowler (D., Ga.) voted with House Republicans last year to kill the tax bill fashioned by the Ways and Means Committee on which he sits.

The bill would have removed from the tax rolls thousands of his constituents, 65% of whom are black and nearly 24% of whom live below the poverty level.

But a report filed last week at the Federal Election Commission shows that Mr. Fowler, a liberal Democrat, is courting another constituency these days as he tunes up to run for the Senate. While the committee was wrestling with the tax bill. Mr. Fowler was raising campaign contributions from a host of special interest groups and wealthy donors, including tax-shelter pro-

moters in New York and oil drillers and real estate developers in Texas.

Executives of Integrated Resources Inc., which sells tax shelters, contributed $10,500 last October, $1,000 of which came from Selig Zises, its chairman and chief executive officer. Mr. Zises is a Democrat, but at about the same time—and while the committee was writing the tax bill—Rep. Fowler got at least $6,500 in contributions from conservative Republican Trammel Crow, a Dallas real estate developer, and from other executives of his company and its political action committee.

Mr. Zises, who is an ardent supporter of aid to Israel, said he supported Rep. Fowler both for his concern for the plight of Soviet Jews and because Rep. Fowler opposed ending federal income-tax deductions for state and local taxes, an important issue in New York. Mr. Crow couldn't be reached for comment.

Messrs. Zises and Crow, despite their differing political affiliations, have something in common. They are board members of the National Realty Committee, which lobbied to kill the tax bill.

Mr. Fowler's efforts were just part of a $7 million fund-raising spree by the 36 Ways and Means Committee members last year as they considered a tax-overhaul plan that threatened almost every special credit and deduction in the tax system. More than half of the nearly $3.6 million that Ways and Means members got in 1985 from political action committees came in the second half of the year, when the panel was engrossed in the writing of the tax-revision bill that the House subsequently passed.

SURPRISING SOURCE

But Rep. Fowler's support from business groups is surprising. His voting record in 1984 rated only a 27% approval score from the U.S. Chamber of Commerce, compared with 67% from the AFL-CIO labor federation. In 1985, however, his financial support included $75,800 from wealthy Texans in the last six months of the year, which was 23% of all donations from individuals during that period.

Most of the Texas money came in on a single day. Sept. 30. Oil-industry sources said it was raised on a trip of Dallas and Houston arranged with the help of Carl Arnold, Washington lobbyist for Quintana Petroleum Corp., Houston.

Rep. Fowler couldn't be reached for comment on his campaign finances; an aide said the lawmaker's vote to prevent consideration of the tax bill was procedural and didn't indicate opposition to it. That procedural vote would have killed the tax bill had it not been for an extraordinary effort by President Reagan to rally GOP support for tax overhaul; the vote was reversed the following week, with Rep. Fowler supporting the measure this time.

Mr. Arnold couldn't be reached either. But the list of donors includes Mr. Arnold (whose occupation is listed on Rep. Fowler's campaign contributions reports as "consultant") and his clients Corbin Robertson Jr., and Corbin Robertson Sr., (who are top executives of Quintana but are listed on Rep. Fowler's reports as self-employed investors). Independent oilmen such as the Robertsons lobbied vigorously to retain special tax provisions that the House-passed bill would cut.

PACS PROVIDED 41 PERCENT

Altogether, Rep. Fowler has put aside $767,665 for his campaign against Republican Sen. Mack Mattingly. In all, 41% of the money Mr. Fowler raised last year came from PACs, including those of business groups that opposed the tax bill. The biggest sum from such groups was $10,000 from Alignpac, a group of insurance salesmen who fought hard—with some success—to prevent taxation of the tax-sheltered insurance policies they market.

Ways and Means members acknowledge that raising money comes more easily for lawmakers who write tax bills. Rep. Judd Gregg (R., N.H.) says. "It was like night and day, being on the Science Committee before and being on Ways and Means now."

"That's just the way the world works in terms of politics." says Rep. Henson Moore (R., La.)

In fact, the $539,575 that Rep. Fowler raised last year was only the third-highest total among Ways and Means Committee members. Rep. Moore, who also is running for the Senate, raised $1.4 million in 1985, of which 23% came from PACs. Democratic Rep. James Jones of Oklahoma, currently running an undeclared Senate campaign, raised $616,624, of which 56% came from PACs.

"I explained to them that it wasn't going to fly—what they wanted wasn't going to happen." Rep. Moore says. "I'm not there to do what they like, but to do what's right."

Rep. Jones held a $500-a-person reception at a Washington hotel Nov. 19, in the midst of the tax-bill drafting sessions. Ways and Means Committee Chairman Dan Rostenkowski left the hearing room to attend Mr. Jones's fund-raising event briefly.

TAX-BILL WORK A "DAMPER"

But Mr. Jones insists that working on the tax bill actually was a "damper" on his fund-raising efforts. "We had to cancel stuff right and left" he says.

Some tax-writers did avoid asking for money while they were working on the tax bill. Rep. Willis Gradison (R., Ohio) says he didn't hold any fund-raising events last year. Mr. Gradison who has won reelection regularly by wide margins, says he also avoids taking PAC funds. "That's one less thing for people to criticize me for," he says.

Still, campaign-finance reports of Ways and Means members show that they raised just over $7 million in campaign contributions during 1985, more than 50% of it from PACs and much of the rest from Washington lobbyists and out-of-state businessmen interested in their votes on the tax bill.

Common Cause, the self-styled citizens lobby, released a study yesterday that says PACs also gave $3 million last year to members of the Senate Finance Committee, which is currently considering the tax bill.

The organization's president, Fred Wertheimer, charged that "PAC money is being given by special-interest groups in order to assure that they get special advantages in our tax system."

FIVE SEEK NEW POSTS

Although some critics of the campaign finance system complain that it helps cement incumbents in office, at least five Ways and Means members are believed to be leaving the House to run for other elective posts. In addition to Messrs. Fowler, Moore and Jones, Reps. Cecil Heftel (D., Hawaii) and Carroll Campbell (R., S.C.) are running for governor of their home states.

Rep. Moore says he regrets having to raise money while working on the tax bill but says, "I couldn't afford the luxury of worrying about what some people think." He received $296,870 from PACs during the last half of the year but says the money "dern sure" didn't buy any influence with him.

Rep. Moore, who tried hard to kill the tax bill, was a key figure in drafting proposals to change taxation of insurance companies and their products. On Oct. 28 two weeks before a panel on which Mr. Moore served issued its recommendations on insurance taxation, he flew to New York City to dine with executives of insurance companies whose PACs had given or pledged at least $2,500 to his campaign.●

SAM WALTON, CHIEF EXECUTIVE OFFICER OF THE YEAR

● Mr. PRYOR. Mr. President, the cover of the April 15, 1986, issue of Financial World has a picture of Mr. Sam M. Walton of Bentonville, AR. Recently, he was named "Chief Executive Officer of the Year."

Starting from scratch, Sam Walton built Wal-Mart Stores, Inc., into one of the Nation's most profitable retailers. His leadership has boosted Wal-Mart Stores, Inc., to a whopping $8.4 billion industry. There is no question that Sam is one of the most innovative and successful businessmen in America today.

I congratulate Sam and his team of over 110,000 loyal employees for working together to make Wal-Mart Stores, Inc., a giant in today's business world.

It is my pleasure to submit for the RECORD the Financial World article on Sam being named "Chief Executive Officer of the Year."

The article follows:

GOLD WINNER—SAM M. WALTON OF WAL-MART STORES TAKES THE TOP PRIZE

(By Stephen Taub)

Sam Walton's savvy, homespun success probably hasn't fazed his old Zeta Phi brothers at the University of Missouri. In a 1940 profile entitled "Hustler Walton," a fraternity newspaper cited the year's Big Beta on Campus for numerous club memberships, athletic prowess and a knack for recruiting top-notch frat leaders. For good measure, the story hailed his friendliness in knowing virtually every janitor by name and his community spirit in passing the collection at church services. "There is little limit to the number of things Sam has done," added the bedazzled writer.

More than four decades later, it is obvious that "Hustler" Walton's fans were selling him short. The 68-year-old chairman and chief executive has parlayed that energy "and those human skills" into something unique: Wal-Mart Stores, now the nation's second largest mass merchandiser and one of corporate America's greatest successes. Today, the company boasts sales that exceed $8.4 billion and a staff of more than 110,000 employees. It is one of the nation's most profitable retailers.

Perhaps inevitably, such accomplishments inspired a panel of judges to elect Walton FW's 1985 CEO of the Year. The recognition stems not from a single year's achievements, but from his company's long, uninterrupted, dizzying growth rate, particularly in view of the economic problems afflicting the farm belt and oil patch served by the bulk of his stores. Over the past 10 years, Wal-Mart's compounded annual revenue growth has been 37.5%, and its compounded earnings growth has been 39.8% per year.

"I would have assumed he was CEO of the Year many years ago," asserts Donald Clifford Jr., president of Threshold Management, a management consulting firm. Adds Clifford, an FW judge, "The most important single job of the CEO is to build an organization so strong that it hardly needs him at all. If he has a terrific group of people who are highly motivated and highly talented, they will figure out the strategies and how to get out of trouble."

Walton agrees. He is a humble, sincere Southern gentleman who seems to feel most comfortable in hometown Bentonville, Ark., a city of fewer than 10,000 residents. Characteristically, Walton is a mite sensitive, even sheepish, about receiving much credit for his company's record. And he's downright infuriated by published reports that claim to gauge his personal fortune at about $2.8 billion. That would make him the wealthiest American alive, but Walton—who shuns publicity more than ever these days—denounces the figure as irresponsible guesswork.

Instead, the merchandising magnate unrelentingly diverts most personal praise to his management team and to Mal-Mart's salespeople, whom he respectfully labels "associates." Says Walton again and again: "I wouldn't have gotten here without these people." He does accept some credit, however, for having judged them worthy and for developing the Wal-Mart approach.

Walton's strategy took root in the 1940s, shortly after he graduated from college. He had originally planned to attend graduate school, then to sell insurance. But the impatient young man instead joined J.C. Penny as a trainee in 1940 for $85 a month. Five years later, he opened his first Walton's Ben Franklin store; eventually, he moved to Bentonville to open a Walton 5 & 10 as a Ben Franklin franchise. By 1960, he had created 15 Ben Franklin outlets, all in towns of fewer than 5,000 souls. Walton recalls shaping his simple, rural strategy with considerable satisfaction: "At the time, people thought that it wouldn't work."

They were even further from the mark in 1962, when Walton broadened his formula to launch the first Wal-Mart Discount City in adjacent Rogers, Ark. By 1970, the entrepreneur was taking 28 thriving stores into the public capital market; six years later, he phased out the Ben Franklin store network to concentrate on the Wal-Mart chain.

Wal-Mart's growth recipe is already legendary. The company now owns 876 stores in 22 states, where consumers can select among 70,000 disparate items. Many of these are discounted brandname products, reflecting Walton's zeal for selling quality merchandise at bargain rates. In line with the company's tradition, most of the outlets dominate cities with populations of 5,000 to 25,000 in the South and Southwest.

Lately, though, the company has opened stores in bigger locales. "When they come to town, get ready, because they will cut the edge out from under you, even if you are J.C. Penny and K Mart," asserts George Billingsley, a local real estate and travel executive who has known Walton for more than 24 years.

"Walton had the insight to recognize that rural areas can make good markets, while others viewed them as bad markets," notes Terrence Foran, national director of retail consulting for Touche Ross & Co.

CORPORATE CULTURE

But that's only part of Wal-Mart's mystique. Walton's corporate culture is imbued with hard work, satisfaction and dedication. His own days begin at 6 a.m. and stretch well into the evening, though he often drops into a Wal-Mart distribution center at 4 a.m. to sip coffee with his employees.

"You couldn't spend more than a day with him because he's too energetic," says Edward Weller, who covers Wal-Mart for E.F. Hutton & Co. In fact, Billingsley recollects that Walton nearly succumbed to claustrophobia while cruising near Alaska with his grandchildren last year because he couldn't leave the vessel.

But Walton's work habits and enthusiasm are contagious: However preposterous it may sound to urban folks, Wal-Mart's associates seem to love their work. "In rural areas, people regard their job as more important, since jobs are not as numerous," explains Foran.

Other admirers of Walton attribute the fervor of Wal-Mart's employees to the CEO's own work ethic and sincerity. And there's a touch of messianic inspiration, too. The atmosphere at his speeches and annual meetings is said to suggest a revival meeting.

"His most outstanding assets are his integrity and feel for people," asserts Charles Lazarus, chairman of Toys R Us and a Wal-Mart board member. "He makes everyone feel good after he talks. I don't know of a rabbi or priest who can do that." At store openings, Walton has been known to lead pep cheers from atop a table. "Give me a 'W,' give me an 'A,'" he exhorts, spelling out the name of his chosen corporate kingdom.

Walton still ventures out to his stores four days a week; until the company grew too large, he used to greet the entire staff at least once a year. Beyond the glad-handing, though, Walton's associates are encouraged to participate in managerial decisions. Store managers, for example, can choose which products to stock and can devise merchandising campaigns, closely watched by higher-ups who have learned to respect grass-roots marketing inspiration.

Walton stages regional sessions every year, when small employee groups cannot only discuss ways to raise sales and cut costs, but also vent complaints and suggestions for improvement. Last year, a "Dear Mr. Glass" program that asked all employees to call or write to Wal-Mart president David Glass generated 18,000 responses. "Every single one is followed up," insists Donald Soderquist, head of administration and distribution. "Then we try to correct the problem."

The camaraderie can be bizarre, and it is manifested not only on the home front. Not long ago, Walton donned a grass skirt and danced a hula on Wall Street to honor a pledge to do so if his employees could push pretax profits past 8%.

Walton has also kept promises to share the company's proceeds: Wal-Mart splits the benefits from pilferage reduction with associates. More lucrative, though, is the company's profit-sharing arrangement. Linked to the fulfillment of corporate profit goals, the plan injects an amount that equals from 6½% to 8% of a worker's salary into a trust fund that invests in Wal-Mart stock and other securities. The fund's value has grown by an annual average of more than 40% for each of the past three years. And the company's stock purchase plan grants any employee who buys up to $1,500 of Wal-Mart shares an additional 15% stock bonus.

That stock's performance has been splendid, of course. The initial offering price for 100 shares in 1970 was $1,650. After seven splits, those shares are now worth about $464,000. "We have many hourly workers who made more money from their stock than from their wages last year," Walton likes to boast. Adds vice chairman and chief financial officer Jack Shewmaker: "We have hourly associates who are millionaires, or very close to it." Not surprisingly, Wal-Mart workers can read the company's closing price every day in every store, as well as at corporate headquarters.

Walton is also a quiet, generous philanthropist. He has created a scholarship program for employees' children and has set up disaster-relief funds to rebuild their homes after fires, floods or tornadoes. Hitting a pair of targets at once, he's also bringing 20 to 30 Central and South American students to local Christian colleges to study business; Billingsley notes that they might someday help Wal-Mart expand overseas.

The boss' benevolence is echoed in Wal-Mart's outlets. Last Christmas, associates at a South Carolina store helped fund a wedding and honeymoon for a homeless, unemployed couple discovered dwelling in a car.

On the other hand, Walton is scarcely profligate. He's a notorious penny-pincher who is clearly proud that his company enjoys the highest return on equity of any retailer—and the greatest margins among variety stores. Wal-Mart's managerial ranks are strikingly trim, and its small, rather tacky lobby features neat rows of plastic seats like those in bus stations. Walton's own office is modestly sized and decorated. And he predictably cringes at the sight of excessive inventories during unannounced store visits. "He'll raise holy hell," observes Billingsley.

Walton's personal life, too, reflects more than a touch of the miser: He really does drive that legendary, battered pickup truck. And, according to longtime friend and travel agent Billingsley, Walton has flown first-class on only one occasion, and then grudgingly. This was one and a half years ago on an arduous fight from Rio de Janeiro to Johannesburg. Billingsley, who joins Walton twice a week to play tennis at the latter's court, muses that when a ball flies into a neighboring briar patch, his partner would rather search for it than open a new can. "This attitude is not a disguise, either. He believes in it."

His eccentric image, humble manner and placid voice notwithstanding, Walt-Mart's CEO is heartily opinionated, possessed of a staunch, personal sense of right and wrong in his business dealings, attests Hutton's Weller. "He's also tough as nails," Billingsley adds. "Just ask any vendor. He's as cold as a Sunday night supper."

Indeed, Billingsley warns that suppliers seeking to negotiate sales must be prepared to cut their prices by 5%. And should their products be petroleum-based, Walton will expect to pocket any cost savings that stem from oil price decrease.

Finally, Walton favors domestic products. Amid a personal crusade to encourage businesses to "Buy American," he was recently spotted admonishing a vendor for obtaining Sri Lankan goods. "How about making them in Eupora, Miss.?" Walton urged.

Patriotism, in fact, is another of Walton's themes. Wal-Mart's regional and annual meetings, generally start with "The Star Spangled Banner," frequently in conjunction with nationalist slide shows narrated by the likes of the late John Wayne.

As it happens, Walton's quirks reflect a reluctance to change his ways merely because he has a certain gift for business. He

seems never to tire of a passion for hunting quail. And Walton, a devoted fan of the University of Arkansas' football and basketball teams, becomes a trifle fed up when strangers make any fuss about him when he attends Razorbacks' games, "He's not a public person," Billingsley explains.

Walton has scarcely become a hermit, though: "If I didn't enjoy working, I'd fade off to Florida or Australia."

STILL BUSY

Wal-Mart's myriad shareholders, customers and even competitors need not fret that retirement impends for "Hustler" Walton. The company's own growth promises that plenty of tasks await resolution. This CEO must ensure that each outlet sustains or surpasses its traditional rate of expansion, not to mention the need to launch 110 fresh stores this year.

Then there's Sam's Wholesale Club, Wal-Mart's most ambitious diversification in years. Begun in 1983 as a big city, membership-only, deep-discount chain, the venture already encompasses 23 cities, including Houston, Dallas, St. Louis and Kansas City. That figure should reach 41 by the end of this year, at which time Walton's latest venture will be threatening to overtake Price Co., the pioneering, No. 1 membership discounter.

This year, Sam's Clubs are expected to generate $1.8 billion in sales; as of 1986, predicts J.D. Simpson, who follows Wal-Mart for Stephens Inc., that figure will virtually double to at least $3.4 billion. "This has given us a great, new, unlimited way of getting into urban markets," proclaims Walton. It may seem sometimes that there's little that he hasn't done. But Sam "Hustler" Walton has not forgotten that he has yet to conquer America's cities.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act, as amended.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through April 18, 1986. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

No changes have occurred since my last report.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF APRIL 18, 1986

[Fiscal year 1986—in billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Current level [1]	1,057.1	980.7	778.6	1,986.4
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by		13.1		
Under resolution by	12.6		17.1	92.3

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,078.7 billion.

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF APR. 18,1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			777,794
Permanent appropriations and trust funds.	723,461	629,772	
Other appropriations	525,778	544,947	
Offsetting receipts	−188,561	−188,561	
Total enacted in previous sessions.	1,060,679	986,159	777,794
II. Enacted this session:			
Commodity Credit Corporation urgent supplemental appropriation, 1986 (Public Law 99–243).			
Federal Employees Benefits Improvement Act of 1986 (Public Law 99–251).		4	
VA home loan guarantee amendments (Public Law 99–255).		−51	
Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272).	−4,259	−6,001	765
Department of Agriculture urgent supplemental, 1986 (Public Law 99–263).			
Advance to Hazardous Substance Response Trust Fund (Public Law 99–270).			
Total	−4,259	−6,048	765
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses.			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Veterans compensation	272	185	
Veterans readjustment benefits.	91	91	
Compact of free association	205	205	
Special benefits (Federal employees).	14	14	
Family social services	100	75	
Guaranteed student loans	6		
Payment to civil service retirement. [1]	(37)	(37)	
Total entitlements	688	570	
Total current level as of April 18, 1986.	1,057,108	980,681	778,559
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution.		13,081	
Under budget resolution.	12,592		17,141

[1] Interfund transactions do not add to budget totals.

Note: Numbers may not add due to rounding.

WNBG RADIO WINS CRAFTED WITH PRIDE CONTEST

● Mr. GORE. Mr. President, I am proud to announce to my colleagues that WNBG radio 14 of Waynesboro, TN, has just won a nationwide contest for its campaign to persuade people to buy American products.

WNBG outperformed 735 radio stations across the country to win the "Crafted With Pride in the USA competition." For its remarkable efforts, the station will receive a prize of $25,000.

Over the course of 2½ months, WNBG sponsored a number of projects to raise public awareness of the need to buy American. The winning event honored 14 plants in Wayne and Hardin Counties with a 4½-hour show highlighting American products.

I want to commend WNBG Station Manager Lisa Nutt, Ed Plunk, and Station President O.H. (Shorty) Freeland for their originality and patriotism. In a public service announcement for the salute to workers in Wayne and Hardin Counties, I said that "by taking pride in your work, you have given us plenty to be proud of." Lisa Nutt, Shorty Freeland, and Ed Plunk and all the folks at WNBG have done just that. Their prize and the hard work that went into it make everyone of us grateful and proud.●

MEDICAID MATERNAL AND INFANT AMENDMENTS OF 1986

● Mr. BAUCUS. Mr. President, I am pleased to join with seven of my distinguished colleagues in sponsoring the Medicaid Maternal and Infant Amendments of 1986. This legislation, which is based on the bipartisan recommendations of the Southern Governor's Task Force on Infant Mortality, will allow States to expand Medicaid coverage for low-income pregnant women and children to combat infant mortality.

Infant mortality is a serious nationwide problem that needs immediate attention. We have made great strides in battling infant mortality in some parts of the country. In my own State of Montana, for example, the rate of infant deaths has been cut in half in the last 15 years. But even Montana, where the infant mortality rate is below our national average, ranks considerably lower than many developed countries such as Finland, Japan, and Switzerland. That proves that in my State and as a whole we could do much better. In 1984, the United States was ranked only 16th among developed countries in terms of infant mortality rates.

Two-thirds of infant deaths occur in the first month of life. The factor most commonly associated with these newborn deaths is low birth weight.

The smaller the baby, the poorer the chances of healthy survival. A low birth weight baby is more likely to need costly special care. Low birth weight babies also have significantly higher rates of rehospitalization.

Prenatal care is the single most significant determinant of a newborn's health. Research has shown that preventive measures such as adequate prenatal care, nutrition, and postpartum care are much more cost-effective than treatment of low birthweight infants in neonatal intensive care units.

The Medicaid Program is the Nation's principal financing source for the health care of poor mothers and children. The States and the Federal Government have a responsibility to ensure the availability of high quality, comprehensive preventive maternal and infant care for all citizens needing these services.

In the long run it is in the Nation's best interest to finance preventive care to childbearing women and young children with incomes below the poverty level. Preventive maternity and child health care services can reduce the need for costly treatment later. The importance of providing comprehensive health care services for needy pregnant women and children through the Medicaid Program is underscored by the significant cost savings which result from the provision of preventive health care services to this population.

As many as 3.4 million women of child-bearing age living in households below the Federal poverty line are not covered by Medicaid. These women have little access to prenatal care services. It is time to make prenatal care more widely available.

We are already paying on the most expensive side of the health cost equation—the hospital costs for the sick. A reorganization of health care expenditures by putting resources into the preventive side of health care in the long run will result in significant savings in both dollars and human potential.

The cost effectiveness of this proposal is clear. The American Academy of Pediatrics reported in 1984 that savings estimates range from $2 to $10 for every dollar spent on prenatal care.

This bill gives States the option of extending Medicaid coverage to pregnant women and infants up to a year old whose family income is above the AFDC standards for the State but below the Federal poverty line. The National Governors Association estimates the cost of this plan at only $100 million to the Federal Government. This amount has already been included in the Senate Budget Committee's budget resolution.

Mr. President, I am also pleased to be an original cosponsor of a bill that was introduced recently by my distinguished colleagues from Florida [Mr. CHILES], Minnesota [Mr. DURENBERGER], Texas [Mr. BENTSEN], and West Virginia [Mr. ROCKEFELLER], called the Infant Mortality Prevention Act (Impact) of 1986.

The Infant Mortality Prevention Act, S. 2288, is slightly different from the Medicaid Maternal and Infant Amendments of 1986 in that S. 2288 calls for a gradual increase in the family income threshold. It provides Medicaid coverage for women who fall below 65 percent of the Federal poverty level in the first year, below 80 percent in the second year, and below 100 percent in the third year.

The bipartisan coalition supporting both of these bills is committed to getting this initiative underway as soon as possible. We all agree on that goal.

However, almost all efforts to provide better preventive health services have initial front-end costs before we begin to see the proven, long-term savings. Even the most worthwhile investments cost something to accomplish.

How much Congress decides to invest and how quickly the investment is made depends upon many factors that are impossible to predict at this time. I join with these Senators and Governors who will be working hard in the months ahead to fulfill our obligations to the health of our children and at the same time meet our responsibilities to limit additional costs to State and Federal budgets.●

THE BENEFITS OF LOWERING MARGINAL TAX RATES

● Mr. BOSCHWITZ. Mr. President, in last Thursday's Washington Times, there was an article written by Warren Brookes and titled "The Benefits of Cutting Top Tax Rates." In his article, Mr. Brookes describes the findings of Prof. Lawrence Lindsey of Harvard University regarding the distributional effect of the individual tax cuts enacted in 1981 as part of the Economic Recovery Tax Act.

In short, Professor Lindsey found that—as was the case with previous tax cuts in 1921–25 and 1963–66—revenue collections from the wealthiest taxpayers actually increased as a result of a reduction in marginal tax rates, so that the wealthiest taxpayers actually paid an increased share of the individual tax burden. This was true even though marginal tax rates were reduced by a greater percentage for the wealthy in 1981 than for other taxpayers.

Like the President and many of my colleagues, I am a strong believer that we should lower marginal tax rates. Lower rates will encourage decisionmaking based on economic, as opposed to tax, considerations. Incentives to work and save will be increased. Lower rates will help eliminate the incentive for entering into abusive tax transactions and will go a long way toward making sure that all taxpayers pay their fair share.

Toward that end, I have developed a proposal to provide for lower marginal rates. Under my proposal, we do not amend over 4,000 different sections of the Internal Revenue Code and produce a bill that is almost 1,500 pages of new law. Instead, my proposal accomplishes lower marginal tax rates—both individual and corporate—by making only a few changes to the current tax laws. I have previously discussed my proposal on March 4 here in the Senate, and invite my colleagues to review it and discuss it with me.

Mr. President, I ask that the April 17 article describing the benefits of cutting top tax rates be included in the RECORD. I also want to compliment Professor Lindsey on his fine work on this subject, as well as thank him for his valuable assistance in helping me develop my tax rate reduction proposal:

The article follows:

THE BENEFITS OF CUTTING TOP TAX RATES

One of President Reagan's "conditions" for accepting tax reform was a top rate of 35 percent—compared with the 38 percent top rate in the House bill (H.R. 3838).

Republican Sen. Robert Packwood of Oregon has "met" that condition by a ruse. Although he did cut the statutory top rate to 35 percent, he phases out the $2,000 personal exemption altogether for top brackets.

This means the real top marginal rate under Mr. Packwood's reform ranges from 37 percent to as much as 43 percent.

Nevertheless, it is a measure of how far we have come from the 1981 "politics of envy" that one of the big debates in "tax reform" is whether the top tax rate should be 38 or 35 percent.

Just five years ago, the liberal media and politicians were bashing President Reagan for cutting the top rate from 70 to 50 percent as a "bonanza for the rich."

Now, these same media are applauding liberal "reformers" for "populist" plans that cut top rates another 10–12 points.

What happened, of course, was the reality of the IRS's 1982–83 tax collections which showed that cutting the top brackets actually produced more revenues from them and resulted in shifting the tax burden toward the rich, just the opposite of predictions.

Of course, the same effect had followed the 1921–25 tax cuts, in which the top rate went from 73 to 25 percent while the share of taxes paid by the top 1 percent went from 44 to 69 percent.

And in 1963–66, under the John F. Kennedy tax cuts, the top rates fell from 91 to 70 percent, while the share of taxes paid by the top brackets shot up 36 percent, and revenues 57 percent.

In short, the nation has proved again and again that when tax rates get too high, they become counterproductive, and cutting them produces more revenues from the top brackets.

These "Lafferist" ideas have now been adopted by the economic establishment. As Harvard's Professor Lawrence Lindsey points out in two recent working papers for the National Bureau of Economic Research (NBER 1760–1761):

"The idea that marginal tax rates and tax revenue may be inversely related is at least as old as Adam Smith's "Wealth of Nations." Smith argued: 'High taxes . . . frequently afford a smaller revenue to government than what might be drawn from more modest taxes.' "

Mr. Lindsey subjects the actual 1982 tax-return experience to the most rigorous statistical analysis yet, to determine the degree to which this "Laffer Curve" effect showed up in the first full year of the 1981 Reagan tax cut, when the top rates were cut from 70 to 50 percent, while the rest of the rates dropped only 10 percent.

Mr. Lindsey found that "in spite of a bias in the tax schedule [cutting top rates much more than average marginal rates], the tax share paid by the top 5 percent of taxpayers rose . . ." (see table.)

In order to factor out all extraneous influences on income and tax share (such as inflation, economic growth or decline, changing rates of capital and payroll income, etc.), Mr. Lindsey simply took the 1982 actual "baseline" income, calculated the revenues it would have delivered under the pre-1982 law, then compared them with actual 1982 collections.

First, he found that the taxable income reported by the income groups from $200,000 up (the top 0.2 percent of taxpayers) rose 12 to 34 percent over the "baseline," while that reported by the income groups below $15,000 (the bottom 52 percent) fell 3 to 5 percent from under pre-1982 law.

As Mr. Lindsey points out, "the behavioral response [to the tax reductions] was largest among upper income groups. . . ." As a result, taxes paid by the top 0.2 percent group rose 17 percent over what the tax-cut "baseline" would have forecast, and 3 percent over what it would have paid with no tax cut at all. And its share of the tax burden rose from 8.5 to 9.7 percent.

Mr. Lindsey found that while the tax cut, viewed in "static" terms, should have cost $46.7 billion in lost revenues ($33.3 in rate reductions and $13.4 billion in expanded IRA account provisions and the ending of the "marriage tax"), it actually cost $31.2 billion.

This means, Mr. Lindsey argues, that "47 percent of the $33.3 billion estimated cost of rate reductions was recaptured" because of the "behavioral response" to the tax cut itself—and among the highest groups the "recovery" rate was 103 percent.

Mr. Lindsey concludes that "there is no conflict between revenue needs and a further reduction of the top marginal personal income tax rate." And he suggests that the "revenue maximizing" top rate on income is below 43 percent—and on capital gains, 14 percent.●

JOSH HOWARD'S JUDGMENT OF IRS IS: PHOOEY

● Mr. HELMS. Mr. President, I feel obliged to share with my colleagues a letter I received this past week from Josh Howard's father in Greenville, NC.

Josh is 12 years old. I have known him for most of those 12 years—a delightful red-headed, freckle-faced youngster who is the very epitome of an all-American boy. Back to Josh in just a moment.

Josh's parents are splendid citizens of North Carolina, both of them interested in government and dedicated to the preservation of the fundamental principles of America. Josh's father is a respected attorney in Greenville. His name is Malcolm J. Howard, but everybody knows him as Mack Howard.

Now, Mr. President, back to Josh Howard, the 12 year old. He is an industrious, active youngster. He enjoys earning money, and he is very prudent in saving what he earns. And therein lies the story of Josh Howard's first encounter with the Internal Revenue Service. In short, he has discovered the sad story of paying income taxes.

That story can best be told by reading the letter I received from Josh's dad, and I ask that it be printed in the RECORD.

The letter follows:

APRIL 9, 1986.

Re Josh Howard's 1985 Federal Tax Payment.

Senator JESSE HELMS:
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: On February 19, 1986, Josh Howard turned 12 years old. As had been the case with his sister before him, his parents authorized the opening of a "supervised" checking account.

Josh Howard has $97.20 with which to open his account. This money represented several months of earnings including grass mowing, leaf raking, taking care of his father's bird dog and birthday gifts from his grandmother and godfather, Frank Rouse.

Because of an "education savings account," Josh Howard had interest earnings (which he did not see) sufficient to necessitate a tax return. His father's accountant prepared the return, and the net result was "Balanced Due IRS . . . $75.00."

This tax return was presented to Josh Howard on April 7 for his review and signature. After much consternation, exclamations, and generally mad-as-heck, Josh Howard subscribed his name to his tax return. The onerous task of then writing a check to the Internal Revenue Service for the grand sum of $75.00 (which was his first check ever) took much of the wind out of his sail.

Josh Howard realizes of his original $97.20, to him his life's saving, he has to pay $75.00 to the Internal Revenue Service, leaving him a grand total of $22.50 for his future expenses for health and the pursuit of happiness.

Josh Howard has had an enormous amount of questions as to what is going to happen to his $75.00. The best response that his mother and I could proffer was that it was going to Washington, DC, and President Reagan and Senator Helms would "watch over" its use and disbursement. Josh Howard understands that a great percentage of his tax money goes for national defense, aid to the underprivileged, foreign aid, federal employee salaries and benefits, and the like.

Needless to say, Josh Howard is in favor of a reduction in all of these areas and has, accordingly, requested of his father to bring his "plight" to the attention of those with authority to oversee his money.

Josh Howard is having difficulty understanding why it is important to accumulate any money if he has to send more than three-fourths of it to Washington City.

Josh Howard thanks you for your consideration of these issues.

Sincerely,

MACK HOWARD,
His Father.●

STATE AND LOCAL TAX DEDUCTIBILITY

● Mr. HUMPHREY. Mr. President, today I would like to call to the attention of my colleagues an article concerning a necessary provision of any real tax reform proposal: repealing the deductibility of State and local taxes. This article, written by Mr. Bruce Bartlett, former executive director of the Joint Economic Committee here in Congress, appeared in the July/August issue of Dollars & Sense, a publication of the National Taxpayers Union. This article is entitled, "Why Local/State Deduction Should Go."

Aside from the fact that this deduction benefits a relatively small number of taxpayers in a small number of States, Mr. Bartlett points out the fact that deductibility discourages more efficient methods of financing and delivering State and local services. Mr. Bartlett goes on to state that elimination of deductibility is central to the attempt to lower tax rates and make the U.S. tax system fairer and simpler. I couldn't agree more.

Mr. Bartlett also addresses the issue of State and local spending. While eliminating deductibility will have an impact on State and local spending, the primary effect will be to slow the rate of growth, not to force cuts in spending absolutely. States would be forced to make decisions regarding what programs are the most worthy of funding. As Mr. Bartlett put it:

It would thus become more difficult for States to finance programs of doubtful benefit to their taxpayers by "hiding" the full cost within the Federal tax system.

Is there anything wrong with that? When government is no longer completely accountable to the citizens whom they are supposed to serve, that is when there is something wrong.

Mr. President, in conclusion, Mr. Bartlett makes a very good point concerning deductibility:

Without its elimination, there simply will not be enough revenue to offset more than a modest reduction in tax rates—perhaps too little to make the exercise worthwhile.

This is a question we must all ask ourselves—will it be worthwhile?

Mr. President, the points raised by Mr. Bartlett certainly warrant the consideration of the Senate as the process of tax reform progresses. If we are to have real progress, we must eliminate the unfair deduction for State and local taxes. I would urge my colleagues to keep this article in mind during the next few months.

Mr. President, I ask that the article referred to above appear in the RECORD.

The article follows:

WHY LOCAL/STATE DEDUCTION SHOULD GO

(By Bruce Bartlett)

Ronald Reagan's proposal to eliminate the deductibility of state and local nonbusiness taxes from the federal tax base is among the most controverisal provisions in this tax reform plan. This deduction has existed since the creation of the federal income tax in 1913. Yet there is a strong case for eliminating it as an integral part of an overall tax reform which reduces tax rates. Today's deduction for state and local taxes favors and it discourages more efficient methods of financing and delivering state and local services. As such, its elimination is one of the most important provisions in the Reagan tax plan and is central to the attempt to lower tax rates and make the U.S. tax system fairer and simpler.

THE INEQUALITIES OF THE DEDUCTION

Under current law a taxpayer who itemizes is allowed to deduct from his adjusted gross income all income, sales, and property taxes paid to state and local governments. On the other hand, those who do not itemize—approximately two-thirds of all taxpayers—receive no advantage from this deduction.

The benefits of this tax break accrue largely to more wealthy taxpayers, partly because they tend to pay more state and local taxes and partly because each dollar of the deduction is worth more for those in the higher marginal tax brackets. Those with economic incomes above $50,000 account for two-thirds of the deduction for state and local taxes.

The value of deductibility for taxpayers varies widely between states. It predictably is greatest in those states where taxes are the highest. The Advisory Commission in Intergovernmental Relations (ACIR) estimates the tax savings from deductibility at $263 per capita for a New York resident, but only $33 per capita for a Tennessee resident. Because the benefits of deductibilty vary so widely, the state and local tax deduction in effect forces lower-taxed states to subsidize higher-taxed states.

THE IMPACT ON STATE AND LOCAL SPENDING

Deductibility of state and local taxes is estimated to increase overall state and local government spending by as much as 20.5 percent, according to the Congressional Research Service. The ACIR puts it at only 7 percent—which would still be about $30 billion in 1983. Most other estimates put the figure at 13 to 14 percent. This means that, without federal deductibility for state and local taxes, state and local spending would be about 14 percent less than it now is and would fall by this amount in the absence of deductibility. It is unlikely, of course, that it would fall immediately, but the relative pressure to raise spending would.

Deductibility makes state and local taxes politically easier to impose. As such, it encourages state any local governments to establish progressive income taxes in contrast to flat-rate income taxes. The advantages, notes economist Edward Moscovitch, are: "the ability to shift a much greater share of the state income tax burden onto the federal government, and the ability to increase state income tax revenues . . . without increasing taxes on low- and moderate-income families. . . . By shifting state taxes onto those taxpayers in the highest federal tax brackets, the adoption of graduated rates increases the total amount of federal tax savings, and thereby reduces the total burden of a state income tax. In effect, adoption of graduated rates offers an opportunity for the state to participate in a form of state-initiated revenue sharing."

Marginal tax rates vary a great deal between states and localities. Several states have no income taxes whatsoever, while rates rise to over 18 percent elsewhere. Deductibility of such taxes from federal taxable income, however, cushions the impact of such tax rates, making it easier for states to impose taxes on those who are politically active but itemize their tax returns. In short, deductibility reduces the progressivity of tax rates—but again, only for those who itemize. The table in this article illustrates the impact of deductibility and how the President's proposal will affect taxpayers in the top tax bracket among the different states.

Naturally, those states with tax rates Substantially above the national average will worry that loss of federal tax deductibility will sharpen the differences in tax rates among the states. They know full well from past experience that taxpayers "vote with their feet" and move to states with less tax bite. It thus would become more difficult for states to finance programs of doubtful benefit to their taxpayers by "hiding" the full cost within the federal tax system.

It should be no surprise that state governments protesting the proposed tax loss of tax deductibility most loudly are mainly those, such as New York, that are high taxers and big spenders. Many of these states have offset the recent decrease in federal subsidies with increased state spending, cushioned by the deductibility of state taxes, which has meant that the increased taxes have been borne partially by Uncle Sam. Now they fear that they will have to cut back on the spending that is currently subsidized by the federal tax code. And well they may. Loss of deductibility of state and local taxes could trigger the most powerful tax revolt since 1978, the days of Proposition 13 in California. It threatens the political livelihood of spendthrift lawmakers across the nation.

THE PRIVATIZATION OPTION

Despite the loud complaints of many state and local politicians, making it more difficult for them to raise taxes does not mean that government cannot carry out obligations it has undertaken. The main activity of state and local governments, in contrast to the federal government, is to deliver goods and services—police and fire protection, trash collection, education, parks, and similar services. In 1983, for example, 95.8 percent of all state and local spending went to providing goods and services, according to the Department of Commerce, compared with only 32.9 percent of federal spending. Numerous studies show, however, that it is far less expensive to provide most of these goods and services through the private sector. Municipal and state governments therefore could cut costs dramatically by contracting with private firms to provide a broad array of services. Even now, condominium residents and other citizens' groups shop around for such services as garbage pickup and security and end up paying less for them than if they paid local taxes for the services. But since such private fees are not deductible from federal taxable income, while payments of local taxes are, after-tax cost of private services is often higher to the taxpayer than such services funded by taxes. With the loss of deductibility, therefore, privatization and contracting out of state and local government services are no longer at a disadvantage.

CONCLUSION

Without the elimination of the deduction for state and local taxes, tax reform is essentially impossible. Without its elimination, there simply will not be enough revenue to offset more than a modest reduction in tax rates—perhaps too little to make the exercise worthwhile. Since the state and local deduction mainly benefits Americans with upper incomes, its elimination restores balance among the various income sectors. This balance disappears if state and local deductibility is kept in the tax code.

To be sure, means may be devised to make the end of the deduction less painful for state and local governments. It might be phased out over a few years to ease the fiscal impact. Or an additional tax bracket could be added between 25 and 35 percent; this would ease the loss of deductibility for the vast majority of itemizers.

Whatever is done to buffer the transition, Congress must remember that deductibility benefits only a relatively small number of taxpayers in a small number of states. Congress must also recognize that the U.S. pays a heavy price in terms of economic efficiency for a tax system riddled with deductions like that for state and local taxes. There is no question that the nation as a whole would be better off without it even if federal tax rates were not reduced. When coupled with rate reductions, the nation gains a cleaner, fairer, more efficient tax system.●

SUPPORT FOR NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

● Mr. GORTON. Mr. President, yesterday marked the start of National Organ and Tissue Donor Awareness Week. Throughout this week, the attention of the Nation will be focused on the urgent need for organ and tissue donors.

The science of human organ and tissue transplantation has revolutionized medical science and human existence. According to the National Kidney Foundation and the American Council on Transplantation, in 1984 alone, our medical community used organ transplants to bring sight to over 24,000 citizens. During the same period of time, 346 Americans were saved from heart disease by transplants. Doctors were able to help almost 7,000 citizens avoid the need for dialysis through kidney transplants in 1984. Organ and tissue transplant technology has alleviated the suffering of Americans afflicted with bone cancer, severe burns, liver disease, and pancreatic disorders. Recent breakthroughs in medical science have improved the 1-year success rate for transplant operations to between 70 and 99 percent, depending upon the type of operation.

A necessary ingredient for these modern miracles, however, is a pledge by organ donors. In a recent article in the Journal of the American Medical Association, researchers at the Seattle-based Battelle Human Affairs Research Center noted the severe shortage of one type of organ—human

hearts. The research team found that an estimated 15,000 Americans need heart transplants, and that transplant facilities are now located in over 70 medical centers. In part because of the failure of most Americans to take steps to provide for the donation of organs, however, the Battelle research team estimates that only 400 to 1,100 donor hearts will be available annually in the foreseeable future.

Similar shortages exist for other organs and tissues. The National Kidney Foundation estimates that there are over 25,000 Americans that would benefit from kidney transplant operations—8,500 of them are in critical need of transplant surgery. Today there are almost 200 people in the Pacific Northwest alone that are waiting in critical need of a kidney transplant. Another 200 citizens in my home State of Washington presently are hoping that the generosity of others will allow cornea transplants before they permanently lose their sight.

I would remind my colleagues of how simple it is to share the gift of life with our friends and neighbors. All it takes is signing an organ donor card, telling your next of kin that you have made that decision, and carrying the donor card with you at all times. My home State of Washington and many other States allow you to signify that you want to be an organ donor on your driver's license. Donor cards also are available from the Red Cross, local kidney foundations, and Lions Eye Bank facilities. Some States have established toll-free numbers at organ donor centers where citizens can call to obtain a donor card.

Mr. President, the vast majority of Americans support organ donation. Yet less than 20 percent of those who might act on their convictions do so. The problem has been a lack of awareness by Americans over the critical need for organ and tissue donations. I hope that the many activities planned for National Organ and Tissue Donor Awareness Week will make us all more familiar with how easy it is to create the miracle of giving life to others.

SURVIVORS OF ABORTION: THE DREADED COMPLICATION

● Mr. HUMPHREY. Mr. President, today, and on the average every day, a very small baby will survive a saline or prostaglandin abortion. He or she will probably weigh between 1½ and 2½ pounds, and be about 12 inches long. Little infants who have been born prematurely and are smaller than this have survived with good neonatal care. If the notion of viability is to maintain any integrity, we must protect these abortion survivors by law. We must not allow them to be stuck in a storage room and left to die. This cowardly and barbaric "treatment" must end.

I ask that the second half of an article which appeared in the Philadelphia Inquirer in 1981, be printed in the CONGRESSIONAL RECORD. The article, which won a Pulitzer Prize, follows:

[From the Philadelphia Inquirer, Aug. 2, 1981]

Not every doctor who performs a late abortion has to confront an aggressive prosecutor like Anders. But even those abortion live births that escape public notice raise deeply troubling emotions for the medical personnel involved. "Our training disciplines you to follow the doctor's orders," explained a California maternity nurse. "If you do something on your own for the baby that the doctor has not ordered and that may not meet with his commitment to his patient, the mother can sue you. A nurse runs a grave risk if she acts on her own. Not only her immediate job but her license may be threatened."

Nonetheless, nursing staffs have led a number of quiet revolts against late abortions. Two major hospitals in the Fort Lauderdale area, for instance, stopped offering abortions in the late 1970s after protests from nurses who felt uncomfortable handling the lifelike fetuses.

A Grand Rapids, Mich., hospital stopped late-term abortions in 1977 after nurses made good on their threat not to handle the fetuses. One night they left a stillborn fetus lying in its mother's bed for an hour and a half, despite angry calls from the attending physician, who finally went in and removed it himself.

In addition, a number of hospital administrators have reported problems in mixing maternity and abortion patients—the latter must listen to the cries of newborn infants while waiting for the abortion to work. And it has proved difficult in general hospitals to provide round-the-clock staffing of obstetrical nurses willing to assist with the procedure.

One young nurse in the Midwest, who quit to go into teaching, remembers "a happy group of nurses" turning nasty to each other and the physicians because of conflicts over abortion. One day, she recalled, a woman physician "walked out of the operating room after doing six abortions. She smeared her hand [which was covered with blood] on mine and said, 'Go wash it off. That's the hand that did it.'"

Several studies have documented the distress that late abortion causes many nurses. Dr. Warren M. Hern, chief physician, and Billie Corrigan, head nurse, of the Boulder (Colo.) Abortion Clinic, presented a paper to a 1978 Planned Parenthood convention entitled "What About Us? Staff Reactions. . . ."

The clinic, one of the largest in the Rocky Mountain states, specializes in the D&E (dilatation and evacuation) method of second-trimester abortion, a procedure in which the fetus is cut from the womb in pieces. Hern and Corrigan reported that eight of the 15 staff members surveyed reported emotional problems. Two said they worried about the physician's psychological well-being. Two reported horrifying dreams about fetuses, one of which involved the hiding of fetal parts so that other people would not see them.

"We have produced an unusual dilemma," Hern and Corrigan concluded. "A procedure is rapidly becoming recognized as the procedure of choice in late abortion, but those capable of performing or assisting with the procedure are having strong personal reservations about participating in an operation which they view as destructive and violent."

Dr. Julius Butler, a professor of obstetrics and gynecology at the University of Minnesota Medical School, is concerned about studies suggesting that D&E is the safest method and should be used more widely. "Remember," he said, "there is a human being at the other end of the table taking that kid apart.

"We've had guys drinking too much, taking drugs, even a suicide or two. There have been no studies I know of of the problem, but the unwritten kind of statistics we see are alarming."

"You are doing a destructive process," said Dr. William Benbow Thompson of the University of California at Irvine. "Arms, legs, chests come out in the forceps. It's not a sight for everybody."

Not all doctors think the stressfulness is overwhelming. The procedure "is a little bit unpleasant for the physician," concedes Dr. Mildred Hanson, a petite woman in her early 50s who does eight to 10 abortions a day in a clinic in Minneapolis, just a few miles across town from where Butler works. "It's easier to . . . leave someone else—namely a nurse—to be with the patient and do the dirty work.

"There is a lot in medicine that is unpleasant" but necessary—like amputating a leg—she argues, and doctors shouldn't let their own squeamishness deprive patients of a procedure that's cheaper and less traumatic.

However, Dr. Nancy Kaltreider, an academic psychiatrist at the University of San Francisco, has found in several studies "an unexpectedly strong reaction" by the assisting staff to late-abortion procedures. For nurses, she hypothesizes, handling tissues that resemble a fully formed baby "runs directly against the medical emphasis on preserving life."

The psychological wear-and-tear from doing late abortions is obvious. Philadelphia's Dr. Bolognese, who seven years ago was recommending wrapping abortion liveborns in a towel, has stopped doing late abortions.

"You get burned out," he said. Noting that his main research interest is in the management of complicated obstetrical cases, he observed: "It seemed kind of schizophrenic, to be doing that on the one hand (helping women with problem pregnancies to have babies) and do abortions."

Dr. John Franklin, medical director of Planned Parenthood of Southeastern Pennsylvania, was the plaintiff in a 1979 Supreme Court case liberalizing the limits on late abortions. He does not do such procedures himself. "I find them pretty heavy weather both for myself and for my patients," he said in an interview.

Dr. Kerenyi, the New York abortion expert, who is at Mt. Sinai Hospital, has similar feelings but reaches a different conclusion. "I first of all take pride in my deliveries. But I've seen a lot of bad outcomes in women who did not want their babies—so I think we should help women who want to get rid of them. I find I can live with this dual role."

The legal jeopardy, the emotional strain, the winking neglect with which "signs of life" must be met—all these things nurture secrecy. Late abortions take place "behind a white curtain," as one prosecutor put it, well sheltered from public view.

Only one large-scale study has been done of live births after abortions—by George Stroh and Dr. Alan Hinman in upstate New York from July 1970 through December

1972 (a period during which abortion was legal in New York alone). It turned up 38 cases of live births in a sample of 150,000 abortions.

Other studies, including one that found signs of life in about 10 percent of the prostaglandin abortions at a Hartford, Conn., hospital, date from the mid-1970s. No one is so naive as to think there is reliable voluntary reporting of live births in the present climate, according to Dr. Cates of the Center for Disease Control.

Evidence gathered during research for this story suggests, without proving definitively, that much of the traffic in late abortions now flows to the New York and Los Angeles metropolitan areas, where loose practice more easily escapes notice.

"The word has spread," the Daily Breeze, a small Los Angeles suburban paper, said in July 1980, "that facilities in greater Los Angeles will do late abortions. How late only the woman and the doctor who performs them know."

This kind of thing is disturbing even to some people with a strong orientation in favor of legal abortion. For instance, the Philadelphia office of CHOICE, which describes itself as "a reproductive health advocacy agency," will recommend only Dr. Kerenyi's service at Mt. Sinai among the half-dozen in New York offering abortion up to 24 weeks. The others have shortcomings in safety, sanitation or professional standards in the agency's view.

An internal investigation of the abortion unit at Jewish Memorial Hospital in Manhattan showed that six fetuses aborted there in the summer of 1979 weighed more than 1⅓ pounds. The babies were not alive, but were large enough to be potentially viable. A state health inspector found in June 1979 that the unit had successfully aborted a fetus that was well over a foot long and appeared to be of 32 weeks gestation. Hospital officials confirmed in an interview that later in 1979 a fetus weighing more than four pounds had been aborted.

"It's disconcerting," Iona Siegel, administrator of the Women's Health Center at Kingsbrook Jewish Medical Center in Brooklyn, said of abortions performed so late that the infant is viable. When Ms. Siegel hears, as she says she often does, that a patient turned away by Kingsbrook because she was past 24 weeks of pregnancy had an abortion somewhere else, "that makes me angry. Number one, it's against the law. Number two, it's dangerous to the health of the mother."

Though one might expect organized medicine to take a hand in bringing some order to the practice of late abortions, that is not happening.

"We're not really very pro-abortion," said Dr. Ervin Nichols, director of practice activities for the American College of Obstetrics and Gynecology. "As a matter of fact, anything beyond 20 weeks, we're kind of upset about it."

If abortions after 20 weeks are a dubious practice, how does that square with abortion up to 24 weeks being offered openly in Los Angeles and new York and advertised in newspapers and the Yellow Pages there and elsewhere?

"That's not medicine." Nichols replied. "That's hucksterism."

Cates, of the Center for Disease Control, concedes that he has ambivalent feelings about those who do the very late procedures. There is obviously some profiteering and some bending of state laws forbidding abortions in the third trimester. But since late abortions are hard to get legally in many places, Cates puts a low priority on trying to policy such practices. Medical authorities leave the late abortion practioners to do what they will. And so, too, by necessity, do the legal authorities.

The Supreme Court framed its January 1973 opinion legalizing abortion around the slippery concept of viability. As defined by Justice Harry Blackmun in the landmark *Roe* vs. *Wade* case, viability occurs when the fetus is "potentially able to live outside the mother's womb albeit with artificial aid."

The court granted women an unrestricted right to abortions, as an extension to their right of privacy, in the first trimester of pregnancy. From that point to viability, the state can regulate abortions only to make sure they are safe. And only after a fetus reaches viability can state law limit abortion and protect the "rights" of the fetus.

"Viability," Blackmun wrote, after a summer spent researching the matter in the library of the Mayo Clinic, "is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks."

The standard was meant to be elastic, changing in time with medical advances. Blackmun took no particular account, though, of the possibility of abortion live births, or of errors in estimating gestational age.

In subsequent cases, the high court ruled that:

A Missouri law was too specific in forbidding abortion after 24 weeks. "It is not the proper function of the legislature or the court," Blackmun wrote, "to place viability, which essentially is a medical concept, as a specific point in the gestational period."

A Pennsylvania law was too vague. The law banned abortions "if there is sufficient reason to believe that the fetus may be viable." The court said it was wrong to put doctors in jeopardy without giving them clearer notice of what they must do.

State laws could not interfere with a doctor's professional judgment by dictating the choice of procedure for late abortions or by requiring aggressive care of abortion live births.

According to a 1979 survey by Jeanie Rosoff of Planned Parenthood's Alan Guttmacher Institute, 30 states have laws regulating third-trimester abortions. Some of these laws prohibit or strictly limit abortions after the fetus has reached viability. Some require doctors to try to save abortion live-born babies. Only a few states have both types of laws.

In addition, a number of these laws have been found unconstitutional. Others obviously would be, in light of Supreme Court rulings. Virtually all the state laws would be subject to constitutional challenge if used as the basis of prosecution against an individual doctor.

New York and California, ironically, have among the strongest, most detailed laws mandating care for survivors of abortions. But these laws have proved only a negligible check on the abortion of viable babies.

"We've had a number of claims come up that a baby was born live and full effort was not given to saving it," said Dr. Michael Baden, former chief medical examiner of New York City. "We've not had cases of alleged strangulation [as with Dr. Waddill in California] and that surely must be rare. All [the doctor] has to do is nothing and the result is the same."

Alan Marrus, a Bronx county assistant district attorney, has investigated several live-birth cases and the applicable New York law. He has yet to find "a case that presented us with facts that warranted prosecution. You need an expert opinion that in fact there was life and that the fetus would have survived. Often the fetus has been destroyed—so there is nothing for your expert witness to examine."

The incidents only come to light at all, Baden and Marrus noted, if some whistleblower inside the hospital or clinic brings them to the attention of the legal authorities. The credibility of that sort of witness may be subject to attack. And even if the facts do weigh against a doctor, he has some resources left. Almost always he can claim to have made no more than a good-faith error in medical judgment.

"This is happening all over the place," said a California prosecutor. "Babies that should live are dying because callous physicians let them die." But he despairs of winning any convictions. "Nobody's as dumb as Waddill. They're smarter today. They know how to cover themselves."

Unfortunately, advances in medical technique may only aggravate the overall problem. Fetuses are becoming viable earlier and earlier, while the demand for later abortions shows no signs of abating. Some argue that Justice Blackmun's definition of viability as "usually seven months" was obsolete the day it was published. It clearly is now.

A decade ago, survival of an infant less than 3 pounds or 30 weeks gestation was indeed rare, principally because the lungs of smaller infants, unaided, are too undeveloped and fragile to sustain life. Now, infants with birth weights of about 1⅔ pounds routinely survive with the best of care, according to Dr. Richard Behrman, chief of neonatology at Rainbow Babies and Childrens Hospital in Cleveland and chairman of a national commission that studied viability in the mid-1970s.

Sometimes even smaller babies make it, and the idea that most of them will be retarded or disabled is out-of-date, Behrman said, "Most . . . survive intact."

Even with the medical advances though, some live-born infants are simply too small and undeveloped to have a realistic chance to survive. A survey last year of specialists in neonatal care found that 90 percent would not order life-support by machine for babies smaller than 1 pound 2 ounces or less than 24 weeks gestation. And on occasion, a newborn may manifest muscular twitches or gasping movements without ever "being alive" according to the usual legal test of drawing a breath that fills the lungs.

Still, it is no longer a miracle for an infant of 24 weeks development (which can be legally aborted) to be saved if born prematurely.

"It is frightening," said Dr. Roger K. Freeman, medical director of Women's Hospital at the Long Beach Memorial Medical Center in Long Beach, Calif. "Medical advances in the treatment of premature babies enable us to save younger fetuses than ever before. When a fetus survives an abortion, however, there may be a collision of tragic proportions between medicine and maternity. Medicine is now able to give the premature a chance that may be rejected by the mother."

In 1970, Freeman developed the fetal stress test, a widely used technique for monitoring the heart rate of unborn fetuses. Also, he and a colleague at Long Beach, Dr. Houchang D. Mondalou, have developed a drug, betamethzene, that matures lungs within days instead of weeks. The hospital

claims a 90 percent success rate with infants weighing as little as 1 pound 11 ounces.

At the University of California at Irvine, work is under way on an "artificial placenta" that doctors there say could, within five years, push the threshold of viability back even further.

The life-saving techniques are not exclusive to top academic hospitals, either. Good neonatal care is now broadly available across the United States. In fact, the lively issue in medical circles these days is not whether tiny premature babies can be saved, but whether it is affordable. Bills for the full course of treatment of a two-pound infant typically run between $25,000 and $100,000. To some that seems a lot to pay, especially in the case of an abortion baby that was not wanted in the first place.

The only way out of the dilemma, it would seem, would be for fewer women to seek late abortions. Though some optimists argue that this is happening, there is evidence that it is not.

Studies show that women seeking abortions late in the second trimester are often young, poor and sexually ignorant. Many either fail to realize they are pregnant or delay telling their families out of fear at the reaction. The patients also include those who have had a change of circumstance or a change of heart after deciding initially to carry through a pregnancy; some of these women are disturbed.

As first-trimester abortion and sex education become more widely available, the optimists' argument goes, nearly all women who choose abortion will get an early abortion. But in fact a new class of older, well-educated, affluent women has now joined the hardship cases in seeking late abortions.

This is because a recently developed technique, amniocentesis, allows genetic screening of the unborn fetus for various hereditary disease. Through this screening, a woman can learn whether the child she is carrying is free of such dreaded conditions as Downs syndrome (mongolism) or Tay-Sachs disease, a genetic disorder that is always fatal, early in childhood.

The test involves drawing off a sample of amniotic fluid, in which the fetus is immersed in the womb. This cannot be done until the 15th of 16th week. Test cultures for the various potential problems take several weeks to grow. Sometimes the result is inconclusive and the test must be repeated. The testing also reveals the unborn child's sex and can be used to detect minor genetic imperfections.

To many women, particularly those over 35, amniocentesis seems a rational approach to minimizing the chances of bearing a defective child. A few, according to published reports, go a step further and make sure the baby is the sex they want before deciding to bear the child.

In any case, it is late in the second trimester—within weeks of the current threshold of visability—before the information becomes available on which a decision is made to abort or not abort. The squeeze will intensify as amniocentesis becomes more widely available and as smaller and smaller infants are able to survive.

The abortion live-birth dilemma has caught the attention of several experts on medical ethics, and they have proposed two possible solutions.

The simplest, advocated by Dr. Sissela Bok of the Harvard Medical School among others, is just to prohibit late abortions. Taking into account the possible errors in estimating gestational age, she argues, the cutoff should be set well before the earliest gestational age at which infants are surviving.

Using exactly this reasoning, several European countries—France and Sweden, for example—have made abortions readily available in the first three months of pregnancy but very difficult to get thereafter. The British, at the urging of Sir John Peel, an influential physician-statesman, have considered in each of the last three years moving the cutoff date from 28 weeks to 20 weeks, but so far have not done so.

But in this country, the Supreme Court has applied a different logic in defining the abortion right, and the groups that won that right would not cheerfully accept a retreat now.

A second approach, advocated by Mrs. Bok and others, is to define the woman's abortion right as being only a right to terminate the pregnancy, and to have the fetus dead. Then if the fetus is born live, it is viewed as a person in its own right, entitled to care appropriate to its condition.

This "progressive" principle is encoded in the policies of many hospitals and the laws of some states, including New York and California. As the record shows, though, in the alarming event of an actual live birth, doctors on the scene may either observe the principle or ignore it.

And the concept even strikes some who do abortions as misguided idealism.

"You have to have a feticidal dose" of saline solution, said Dr. Kerenyi of Mt. Sinai in New York. "It's almost a breach of contract not to. Otherwise, what are you going to do—hand her back a baby having done it questionable damage? I say, if you can't do it, don't do it."

The scenario Kerenyi describes did in fact happen, in March 1978 in Cleveland. A young woman entered Mt. Sinai Hospital there for an abortion. The baby was born live and, after several weeks of intensive care at Rainbow Babies and Childrens Hospital, the child went home—with its mother.

The circumstances were so extraordinary that medical personnel broke the code of confidentiality and discussed the case with friends. Spokeswomen for the two hospitals confirmed the sequence of events. Mother and child returned to Rainbow for checkup when the child was 14 months old, the spokeswoman there said, and both were doing fine.

The mother could not be reached for comment. But a source familiar with the case remembered one detail: "The doctors had a very hard time making her realize she had a child. She kept saying, 'But I had an abortion.' "

CONGRESSIONAL GOLD MEDAL FOR NATAN AND AVITAL SHCHARANSKY

● Mr. D'AMATO. Mr. President, as Chairman of the Commission on Security and Cooperation in Europe, I am pleased to join as a cosponsor of S. 2308, legislation which would authorize the awarding of the Congressional Gold Medal to Natan and Avital Shcharansky in recognition of their dedication to human rights.

Natan and Avital Shcharansky have displayed a unique sense of determination and commitment with respect to the preservation of individual human rights. They have paid dearly for their stance. It is only fitting that the United States formally recognize their tireless efforts to promote human rights and freedom by awarding them the Congressional Gold Medal.

Natan was a founding member of the Moscow Helsinki Monitoring Group, a voluntary, unofficial organization established by Soviet human rights advocates to monitor and improve Soviet compliance with the Helsinki Final Act. These accords, signed by 35 nations, including the United States and the Soviet Union, contain a number of key human rights provisions. In addition to his work with the monitoring group, Shcharansky has been a vocal spokesman for members of the Jewish community in the U.S.S.R.

On March 4, 1977, the Soviet Government newspaper Izvestia published an open letter accusing Shcharansky of espionage. The following week, he was picked up by the Soviet secret police and taken to Moscow's Lefortovo Prison where he spent the next 16 months. Suddenly, at 29, Scharansky found himself charged as a spy under article 64 of the criminal code and facing a possible death sentence.

Pressed by his jailers to "account for his criminal activity." Natan repeatedly denied any wrongdoing. During the course of his confinement at Lefortovo he was subjected to 110 interrogation sessions, each lasting from 2 to 10 hours. He was denied any communication with his family. Despite attempts by the KGB to convince him that his friends in the human rights movement and the West had abandoned him, Shcharansky continued to refuse to cooperate with his captors and to profess his innocence.

After months of isolation in Lefortovo, Natan was granted an open trial and the right to defend himself. At the conclusion of the 5-day trial, sentence was pronounced—13 years in prison and labor camp for treason, espionage, and anti-Soviet agitation. His final words in the Moscow courtroom were directed to his wife Avital, "Next year in Jerusalem."

Avital, the sister of a fellow Soviet dissident, had been granted permission to emigrate to Israel the day after their marriage in 1974. The state, however, refused to permit Shcharansky to join her. Separated from her husband, Avital began a heroic campaign to win Natan's release.

Following the trial, Shcharansky was transferred to Chistopol Prison located 500 miles from Moscow. After 2 years of imprisonment, he was sent to Perm Camp No. 35, a special labor camp for political prisoners near Vsesvyatskaya. Rejecting attempts by the KGB to coopt him, Shcharansky was the subject of increasingly harsh treatment by KGB thugs who served as his jailers.

In 1981, they forced him to turn over his prayer book, a gift from his beloved Avital. The authorities insisted that "religion is a bad influence, so we will save you from it." Shcharansky began a hunger strike in protest. As a result, he was given 130 days in solitary confinement, fed only every other day, and exposed to extreme cold temperatures. On the 92d day of his confinement, Shcharansky collapsed.

The following year he conducted a 110-day-long hunger strike until Soviet authorities allowed him to resume correspondence with this family. During 1985, he engaged in another hunger strike over mail priviledges.

Although he remained mentally alert, each hunger strike took its toll. In total, Shcharansky spent 400 days in solitary confinement. During his 8 years of imprisonment, he was permitted only six visits from his mother, Ida Milgrom.

Meanwhile, Avital persisted in her efforts to secure freedom for Anatoly. I had the privilege to meet with her on a number of occasions to discuss her husband's plight.

Finally, after years of sustained effort to secure his release, Natan Shcharansky crossed Berlin's Glienicke Bridge to freedom last February and realized his dream of being reunited with Avital in Jersusalem. But the struggle is not over.

An estimated 400,000 Soviet Jews have indicated their desire to leave the Soviet Union; hundreds of thousands of others would do so if they could without facing severe persecution. Yet, Jewish emigration has fallen to a mere trickle; only 1,139 Jews were granted permission to emigrate from the U.S.S.R. last year.

The situation remains bleak. Thus far, in 1986, 210 Soviet Jews have been issued exit visas; 79 in January, 84 in February, and 47 in March. At the same time, Soviet authorities continue their campaign of harassment against those who speak out in defense of human rights. Today, Nobel Peace Prize laureate Andrei Sakharov and the distinguished physicist, Yuri Orlov, languish in internal exile.

Upon his arrival in Israel, Shcharansky vowed that, "I am not going to forget those who I left in the camps, in the prisons, who are still in exile or who still continue their struggle for their right to emigrate, for their human rights. And I hope that that enthusiasm, that energy, that joy which fills our hearts today, Avital's and mine, will help us to continue the struggle for the freedom and the rights of our brothers in Russia."

The Soviet authorities failed to break the free spirit of Natan and Avital Shcharansky. I call upon my colleagues in the U.S. Senate and all Americans to recognize this brave couple for their steadfast dedication to freedom and promotion of human rights.●

STOPPING THE SALE OF THE FEDERAL POWER MARKETING ADMINISTRATIONS

● Mr. ABDNOR. Mr. President, I am joining my good friend from Washington, Mr. EVANS, in introducing legislation prohibiting the transfer or sale of the Federal Power Marketing Administrations for a 10-year period. This legislation would terminate the ludicrous proposal to sell off our power-generating systems.

The "privatization" of the power marketing agencies is a costly proposal to the American consumer. According to the American Public Power Association, the proposal would increase consumers costs by 68 to 390 percent. This is definitely not in the best interest of the American people.

In South Dakota, it is estimated that consumer electrical costs would rise by as much as $600 a year. No one needs to be reminded of the farm problem, and we do not need to push the farm State citizens into worse economic conditions. The administration proposal to sell the power marketing agencies must be stopped, and this legislation would bury that proposal for a long, long time.

Mr. President, I submit the following letter to the editor, which appeared in the Woonsocket News, for the CONGRESSIONAL RECORD. I believe Mr. Vernon Berg summarizes how the people of South Dakota feel toward this proposal.

Mr. President, I thank my colleague, Mr. EVANS, for his hard work on this legislation, and I look forward to, once and for all, putting this administration proposal to rest.

The letter follows:

LETTERS TO EDITOR

Dear Editor: The Reagan Administration is proposing the sale of federal hydroelectric facilities to private interests.

The President's budget for fiscal year 1987, sent to Congress early in February, proposes the 'privatization' of all five federal power marketing administrations including the Western Area Power Administration which markets Missouri River hydropower in this region.

I believe the President's proposal to help balance the budget with a 'one time' sale of our hydroelectric dams is short-sighted and ill advised. It puts additional costs upon rural people while claiming to authorize no new taxes.

Your readers deserve to know that the federal investment in the hydroelectric facilities is being repaid to the U.S. Treasury, with interest, and the sale of these facilities would eliminate a reliable source of revenue to the Treasury.

If because of the sale of those facilities the rural electric cooperatives and municipal systems of South Dakota lose their share of federal hydropower, electric rates could increase by $70 million or as much as $600 a year for each consumer of these systems.

As concerned citizens, we want a fair national budget. We want to send a clear message to Congress that we say "no sale" of our federal power system.

VERNON BERG,
Director, Intercounty REA,
Woonsocket, So. Dak.●

THE SALT II DECISION

● Mr. CHAFEE. Mr. President, news reports today indicate that President Reagan has made a tentative decision to order the dismantling of two Poseidon submarines before the U.S.S. *Nevada*, the newest Trident submarine, begins sea trials on May 20. If these reports are accurate, this news means that the President has once again decided not to break out of the SALT II arms limits which both the United States and the Soviet Union have been observing ever since the treaty was signed.

I certainly hope that the reports are correct, and if they are, I applaud the President for his wisdom in recognizing the great value of the mutual restraint policy. A decision not to undercut the SALT limitations will keep us on the road to another United States-Soviet summit and a new arms control treaty.

The SALT II treaty was never ratified by the Senate. In fact, if it had been ratified it would have expired on December 31, 1985. But both the United States and the Soviet Union have pursued a policy of observing the treaty's limits, an arrangement which has, decidedly, worked to the benefit of the United States. Since 1973 the Soviets have dismantled 539 operational missile launchers in order to stay within SALT limits, while the United States has dismantled only 16. The 16 launchers on the U.S. side were dismantled last June when the President was first faced with a decision of this kind. At that time, he wisely decided to hold the course on arms control and continue with mutual restraint.

Were we to break out of the SALT limits, we would gain nothing and lose a great deal. The two Poseidons which will be dismantled if the President makes a final decison to adhere to SALT are old submarines which soon would have to undergo significant overhaul to remain functional. In dismantling them we do not create any military risk, especially since they will be replaced by a Trident with far superior capabilities. Discarding SALT, however, would mean taking the lid off the arms race, and allowing the Soviets to race ahead in arms production.

The fact is that the Soviets have the ability to exceed the SALT limitations much faster than the United States. They have more "hot" production lines poised to build up their nuclear arsenal, and have weapons—such as the SS-18—to which they could add many warheads very quickly. With

mutual observance of SALT, we would most likely see a new, costly arms race in which the Soviets would race out to an early and dangerous lead.

Some have urged the President to let SALT II fall by the wayside because of possible Soviet violations of the treaty's provisions. I believe that these possible violations, including encryption of test data and possible deployment of two new ICBM's, must be treated seriously. In my view, however, they do not justify scrapping the entire arrangement. The Standing Consultative Commission was established to address exactly these kinds of issues, and I believe we should use it, in addition to regular diplomatic channels, to resolve disputes over violations.

If the President has indeed decided to order the dismantling of two Poseidons, he has made exactly the right decision, and all of America should be pleased with the decision. In holding to the SALT II arrangement, the United States moves closer to a Reagan-Gorbachev summit and reaffirms its belief in true arms control.●

ORDERS FOR TUESDAY, APRIL 22, 1986

RECESS UNITL 11 A.M.

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Tuesday, April 22, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. GORTON. I ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 5 minutes each: HAWKINS, CRANSTON, LEVIN, RIEGLE, and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. GORTON. I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business not to exceed beyond the hour of 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12 NOON TO 2 P.M.

Mr. GORTON. I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m. tomorrow in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, when the Senate reconvenes at 2 p.m., it will be the intention of the majority leader to turn to any of the following items:

House message to accompany S. 49, the gun bill; resume consideration of the budget resolution, Senate Concurrent Resolution 120 at 2 p.m.; Executive nomination of Donald Newman.

Therefore, rollcall votes may be expected throughout the day.

Mr. President, to clarify, it will be the intention of the majority leader to resume consideration of Senate Concurrent Resolution 120 at 2 p.m. and it is possible that he may attempt to bring up the nomination of Donald Newman in the latter part of the morning tomorrow.

RECESS UNTIL 11 A.M. TOMORROW

Mr. GORTON. Mr. President, does the Democratic leader have anything further?

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader. I have nothing further from this side of the aisle.

Mr. GORTON. Mr. President, I therefore ask unanimous consent that the Senate stand in recess until 11 a.m. tomorrow.

There being no objection, the Senate, at 5:16 p.m., recessed until tomorrow, Tuesday, April 22, 1986, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Monday, April 21, 1986*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the spirit of reconciliation and peace be upon us, O God, that our actions will bear the marks of concern, understanding, and graciousness. Even as we speak for which we believe, may we seek to hear Your voice, the voice that transcends all the differences of the peoples of our world and points us in the way of truth. Hear our prayer, O God, as we pray in Your name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 426. An act to amend the Federal Power Act to provide for more protection to electric consumers;

S. 2251. An act to authorize the Administrator of General Services to convey property to the District of Columbia, and for other purposes;

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes; and

S. Con. Res. 129. Concurrent resolution expressing the sense of Congress in opposition to certain import restrictions imposed by the European Community that adversely affect U.S. agricultural exports and urging the President to use to the fullest extent his authority to respond to these practices.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Friday, April 18, 1986:

H.J. Res. 582. Joint resolution to designate April 20, 1986, as "Education Day U.S.A.";

H.J. Res. 599. Joint resolution commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny; and

S.J. Res. 303. Joint resolution to designate April 1986, as "Fair Housing Month."

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

DECLARING THAT THE UNITED STATES HOLDS CERTAIN LANDS IN TRUST FOR CERTAIN INDIAN TRIBES OF OKLAHOMA

The Clerk called the Senate bill (S. 1684) to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma.

There being no objection, the Clerk read the Senate bill as follows:

S. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Except as provided in section 2 of this Act, the Secretary of the Interior shall partition the interests of the United States in the approximately 5,824 acres of land in Oklahoma known as the Chilocco Indian School Reserve among the Cherokee Nation of Oklahoma, and the Pawnee, Ponca, Otoe-Missouria, Kaw, and Tonkawa Tribes of Oklahoma in line with the agreement of August 30, 1985, among those six tribes. The interests which are partitioned to the last five named tribes jointly shall be further partitioned by the Secretary in line with an agreement among those tribes.

(b) The interests partitioned to a tribe under this section are declared to be held in trust by the United States for that tribe.

(c) The Secretary shall publish in the Federal Register a description of the interests in land partitioned and held in trust under this section.

SEC. 2. The interest of the United States in the minerals in the approximately 5,824 acres of land identified in section 1 of this Act are declared to be held in trust jointly for the Cherokee Nation of Oklahoma, and the Pawnee, Ponca, Otoe-Missouria, Kaw, and Tonkawa Tribes of Oklahoma. The Cherokee Nation of Oklahoma shall act for all six tribes in decisions involving those mineral interests. The Secretary shall hold 50 percent of the income from those mineral interests in trust for the Cherokee Nation of Oklahoma and 10 percent of that income in trust for each of the other five tribes.

SEC. 3. Nothing in this Act shall deprive any person of any right or interest in the land identified in section 1.

SEC. 4. The unobligated balance of the income (after provision for payment of maintenance and other costs incurred before the enactment of this Act) derived by the Secretary from the interests in the land identified in section 1 of this Act shall be used in accordance with the provision from the Act of September 10, 1982 (96 Stat. at 839) codified in section 155b of title 25, United States Code (1982 edition) and divided as follows:

(1) of the part of the balance that the Secretary decides is attributed to income from other than mineral interests—

(A) 75 percent shall be used as jointly requested by the governing bodies of the Pawnee, Ponca, Otoe-Missouria, Kaw, and Tonkawa Tribes of Oklahoma; and

(B) 25 percent shall be used as requested by the governing body of the Cherokee Nation of Oklahoma;

(2) of the part of the balance that the Secretary decides is attributed to income from mineral interests—

(A) 50 percent shall be used as jointly requested by the governing bodies of the Pawnee, Ponca, Otoe-Missouria, Kaw, and Tonkawa Tribes of Oklahoma; and

(B) 50 percent shall be used as requested by the governing body of the Cherokee Nation of Oklahoma.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECLARING THAT THE UNITED STATES HOLDS CERTAIN LANDS IN TRUST FOR RENO SPARKS INDIAN COLONY

The Clerk called the bill (H.R. 3212) to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony.

There being no objection, the Clerk read the bill as follows:

H.R. 3212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Except as otherwise provided in section 2, all right, title, and interest of the United States in the lands described in subsection (b) of this section are hereby declared to be held by the United States in trust for the benefit and use of the Reno Sparks Indian Colony and are hereby declared to be part of the Reno Sparks Indian Colony.

(b) The lands referred to in subsection (a) comprise approximately 1,948.38 acres of public land within Hungry Valley, Washoe County, Nevada, and are described as follows:

Township 21 north, range 20 east, Mount Diablo baseline and meridian, section 4, 640 acres more or less, reservations, restrictions, and conditions, if any, rights-of-way and assessors either of record or actually existing on said premises.

Township 21 north, range 20 east, Mount Diablo baseline and meridian, section 9, 640 acres more or less, reservations, restrictions, and conditions, if any, rights-of-way and assessors either of record or actually existing on said premises.

Township 21 north, range 20 east, Mount Diablo baseline and meridian, section 16, 640 acres more or less, reservations, restrictions, and conditions, if any, rights-of-way

and assessors either of record or actually existing on said premises.

Township 19 north, range 20 east, Mount Diablo baseline and meridian, beginning at a point on the north county road right-of-way fenceline described as being 1,268 feet east and 30 feet north of the west quarter corner of section 7 said point being at the intersection of the boundary fence between L.M. Christianson and A.L. Jensen, with said north country road right-of-way line;

thence north 0 degrees 18 minutes west 490.30 feet;

thence west 787.74 feet;

thence south 0 degrees 12 minutes west 490.30 feet to north county road right-of-way fence;

thence along said fenceline 373.16 feet;

thence north 104.35 feet to the north county road right-of-way fenceline 208.71 feet to the place of beginning, containing 8.38 acres more or less, beginning reservations, restrictions, and conditions, if any, rights-of-way and assessors either of record or actually existing on said premises.

Township 19 north, range 20 east, Mount Diablo baseline and meridian, beginning at the intersection of the east boundaryline of the west half of the southwest quarter of section 7 with the southline of Scott Street Road, said point being 30 feet south of the northeast corner of said west half of the southwest quarter;

thence south 89 degrees 35 minutes west and along the southline of said Scott Street Road 361.2 feet;

thence south and a parallel with the east boundaryline of said west half of southwest quarter of section 7, 2,326.18 feet south to northline of Glendale Road;

thence south 64 degrees 30 minutes east along the northline of said Glendale Road 400 feet to the eastline of Glendale Road west half of southwest quarter of section 7;

thence north along east boundary line 2,501 feet to the place of beginning containing 20 acres more or less, reservations, restrictions, and conditions, if any, rights-of-way and assessors either of record or actually existing on said premises.

SEC. 2. (a)(1) Except as otherwise provided in this section, nothing in this Act shall deprive any person of any right-of-way, mining claim, grazing permit, water right, or other right or interest which such person may have in the land described in the first section on the date preceding the date of enactment of this Act.

(2) Notwithstanding the last sentence of section 402(g) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2774, 43 U.S.C. 1752(g)), within thirty days after the date of enactment of this Act, the Secretary of the Interior shall cancel all grazing permits and leases on the following described land:

Township 21 north, range 20 east, Mount Diablo Meridian, section 4 comprising 640 acres more or less in Washoe County, Nevada.

(b) Within one hundred and twenty days after the date of enactment of this Act, the Secretary of the Interior, in acordance with section 402(g) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2774, 43 U.S.C. 1752(g)), shall pay to the holder of any lease or permit canceled under subsection (a) of this section reasonable compensation, to be determined by the Secretary, for the adjusted value of any improvements which said holder constructed or placed on the land described in subsection (a)(2) of this section and cannot be removed. Such payment shall not exceed the fair market value of the terminated portion of the holder's interest therein.

(c) The Secretary of the Treasury is authorized and directed to pay to the Secretary of the Interior, out of funds in the Treasury of the United States not otherwise appropriated, such sums as the Secretary of the Interior may require to make the payments required under subsection (b) of this section.

(d) The grazing privileges exercised under any grazing permit or lease issued by the Secretary of the Interior on any of the following described lands located within the grazing unit known as Paiute Canyon Grazing Allotment Range, Washoe County, Nevada, prior to the date of enactment of this Act shall not be affected by this Act, and shall continue to be subject to the terms and conditions of such permit or lease, and to the applicable rules, and regulations of the Secretary of the Interior:

Township 21 north, range 20 east, Mount Diablo baseline and meridian, section 9, 640 acres more or less.

Township 21 north, range 20 east, Mount Diablo baseline and meridian, section 16, 640 acres more or less.

(e) The grazing privileges exercised under any grazing permit or lease on the lands described in subsection (d) of this section shall continue to be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the rules and regulations governing grazing permits and leases on the public lands. Such grazing permits or leases may be canceled or modified by the Secretary of the Interior for failure to meet the terms and conditions of such permits or leases or for failure to abide by the applicable rules and regulations of the Secretary of the Interior. If a grazing permit or lease is so canceled, the Secretary of the Interior shall not issue a new grazing permit or lease covering the lands described in subsection (d) of this section.

(f) Grazing fees for the grazing permits and leases on the lands described in subsection (d) of this section shall continue to be payable by the holder of such permit or lease to the Secretary of the Interior at the prevailing rates. Notwithstanding any other provision of law, such fees shall be remitted by the Secretary of the Interior to the Reno Sparks Indian Colony within thirty days after the date on which such fees are paid to the Secretary of the Interior.

(g) The grazing permits and leases on the lands described in subsection (d) of this section shall not be assigned or transferred to any person or organization other than the Reno Sparks Indian Colony.

SEC. 3. (a) Section 1 of the Act of August 9, 1955 (69 Stat. 539, as amended; 25 U.S.C. 415), is amended by inserting ", and lands held in trust for the Reno Sparks Indian Colony," immediately after "Twenty-nine Palms Band of Luiseno Mission Indians,".

(b) Section 164 of the Act of July 14, 1955 (42 U.S.C. 7474), shall be applied without regard to the provisions of the first section of this Act.

With the following committee amendments:

Page 2, line 6, change "1,948.38" to "1,949.39".

Page 4, after line 16, insert the following:

Township 19 north, range 20 east, Mount Diablo baseline and meridian, Section 7, lots 13 through 18, lock D, Granata, Cafferata Subdivision, 1.002 acres, more or less, reservations, restrictions, and conditions, if any, rights-of-way and assessors either of record or existing on said premises.

Page 4, line 25, strike out "grazing permit,".

Page 5, strike out line 11 and insert in lieu thereof the following:

Meridian, section 4, 9, and 16 comprising 1,920 acres more or less

Page 6, beginning on line 7, through page 7, line 21, strike out paragraphs (d), (e), (f) and (g) in their entirety.

Page 8, line 2, strike out the comma inside the quotation mark.

The Committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

GENERAL LEAVE

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT AS MEMBERS OF BIOMEDICAL ETHICS BOARD

The SPEAKER. Pursuant to section 11 of Public Law 99-158, the Chair appoints as members of the Biomedical Ethics Board the following Members on the part of the House:

Mr. WAXMAN of California;
Mr. LUKEN of Ohio;
Mr. ROWLAND of Georgia;
Mr. GRADISON of Ohio;
Mr. TAUKE of Iowa; and
Mr. BLILEY of Virginia.

AID FOR THE CONTRAS HELD HOSTAGE BY REPUBLICANS

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, today is day 5 of the new hostage crisis. Last Wednesday, the Republican Party took hostage one of its own pieces of legislation, the bill to provide aid for the Contras.

They told us they were doing this because of the urgency of the issue. Today is 5 days after we could have voted on that issue, and we are no further toward resolving it.

I think it will become clearer as we proceed that the reason the Republicans scored in their own end zone last Wednesday, taking us admittedly by surprise, is that they knew they were going to be defeated. They knew that the amendment to be sponsored by the gentleman from Oklahoma would have been passed.

The argument that they had to kill their own bill because of some procedural purity about linkage comes with ill grace from the party that has given us a new tobacco subsidy as part of reconciliation and which, like every other body in the House, uses the tactic of legislative linkage whenever they have the votes for it.

The country does not believe that Nicaragua is a threat to the security of the United States and the hypocrisy of Ronald Reagan appearing to be ready to make war to defend civil liberties is too large also to be believed. So the Republican Party did the only thing they could come last Wednesday. They punted.

Unfortunately, they punted toward their own end zone and the ball is not likely to be recovered.

DEALING WITH TERRORISM

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the attack on Libya was an administrative, Ronald Reagan, White House, American response to the problem of terrorism. It was almost unanimously endorsed by the people of the United States as a necessary retaliation for all of the acts of madness perpetrated by Qadhafi and his people over a course of decades.

Mr. Speaker, however, the Congress has not done enough to address the issue of terrorism and we owe it to ourselves and to the American people to hone out most of the issues that remain on terrorism.

For instance, before the Judiciary Committee is now pending a piece of legislation that would apply the death penalty to any terrorist anywhere in the world who would kill an American citizen. Through the extradition treaties and through self-help on the part of our own Government, we have the right to try terrorists in our country for killing an American citizen.

I urge every Member to urge the Judiciary Committee to act expeditiously on this, another method that we need to deal with the scourge of terrorism.

OIL IMPORT FEE

(Mr. WEAVER asked and was given permission to address the House for 1 minute.)

Mr. WEAVER. Mr. Speaker, last year, I introduced a bill, H.R. 1396, that would have levied an import fee on imported oil. I did so for two reasons: One, to raise money to reduce the deficit, and two, as a conservation measure.

Now, because of the convulsions in the oil markets, I believe that such an oil import fee would not be timely. I also fear that it might be used not to reduce the deficit, but to accommodate other spending or tax loopholes, and therefore, I withdraw my support of this bill and ask my cosponsors to find another vehicle to show their support for the bill because I no longer support it.

MR. ORTEGA'S BAILOUT

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, last week, week before last, we had an opportunity to note that this body was unable to come to its collective mind about the actual menace of a Communist military dictatorship in Central America.

We also noted that Mr. Ortega has bailed us out twice now by showing us what he was; once by going to Moscow, and then by invading Honduras. I am reassured that in the absence of this body being able to come to grips with this situation, Mr. Ortega has once again come to the rescue and sent out his deep and abiding commitment of faith and solidarity to Mr. Mu'ammar Qadhafi.

We thank you, Mr. Ortega.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FRANK). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, April 22, 1986.

FINANCIAL ASSISTANCE FOR CONTROL OF PLAGUE

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4392), to amend the Public Health Service Act to provide Federal financial assistance for the control of plague.

The Clerk read as follows:

H.R. 4392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLAGUE.

Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end the following:

"(k) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to and enter into contracts and cooperative agreements with States for the control of plague. For grants, cooperative agreements, and contracts under this subsection there are authorized to be appropriated $1,000,000 for each of the fiscal years 1987 and 1988.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on October 1, 1986.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Colorado [Mr. STRANG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the purpose of this bill is simply to authorize $1 million a year for the next 2 fiscal years for the control of bubonic plague. Although this deadly disease is rare in the United States, the Centers for Disease Control are now reporting an increase in the number of cases. Animal cases have been reported in 10 States and human cases in 7.

The effects of this disease can be devastating both in human terms and in economic terms. Plague kills, and it is expensive to treat. But with appropriate educational programs and better diagnostic techniques, the Centers for Disease Control believe the disease can be made even rarer to find.

H.R. 4392 provides the CDC and the States with the opportunity to make these needed improvements. Funding for the CDC would allow continued research, evaluation, and implementation of plague control strategies, including the development of improved laboratory testing.

H.R. 4392 is a reasonable and responsible approach to help solve a difficult and deadly problem that many of our Western States are now facing. I urge my colleagues to support the bill and to vote for its passage.

Mr. STRANG. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I rise in opposition to H.R. 4392, legislation that authorizes appropriations for grants to States to eradicate the plague.

My opposition is not based on the dismissal of plague as a legitimate problem, but rather a recognition that the Department of Health and Human Services already has authority to make the grants authorized by this legislation. The Centers for Disease Control at HHS establish priorities for those public health problems which require Federal assistance. Congress has already authorized appropriations for the Centers for Disease Control activities.

It is inappropriate for Congress to be authorizing a million dollars for one particular public health problem, when the experts at the Centers for Disease Control have not even request-

ed it. Further, no hearings were held by the Health and the Environment Subcommittee to determine whether grants to States were the most effective means of addressing the problem of plague.

I urge my colleagues to defeat this measure. It is an ill-advised piece of legislation.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

This amendment was offered in the House of Representatives on an additional occasion and passed this House in the last Congress as part of another bill which did not make it all the way to enactment.

The part of that bill that was introduced at that time and the legislation that is before us today was introduced by our colleague, Congressman RICHARDSON, from the State of New Mexico.

He introduced it because there was a very real problem with this problem of plague in a number of States, including his own. I would take great pleasure in yielding to him at this time to give a further explanation of why this bill is needed, why the funds should be expended at this time for this very specific purpose in order to combat bubonic plague.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I urge my colleagues to joint with me in support of H.R. 4392, a bill to provide financial assistance for the control of the plague.

This legislation has attracted a great deal of interest; most people simply do not believe we have plague in this country. While plague is a relatively rare disease, it is a growing problem. At the turn of the century, there was no plague in this country. By 1986, the Colorado State Health Department has termed plague, and I quote, "the most hazardous infectious environmental disease in Colorado."

At this time, wild rodent plague has been documented in 15 Western States including California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, Kansas, Texas, and Oklahoma. While human cases of plague are more geographically clustered in New Mexico, Arizona, California, Colorado, Oregon, Utah, Nevada, and Wyoming, all States with infected rodent populations are at risk of human plague.

The 1983-84 plague surveillance report from the Center for Disease control says there has been "a dramatic increase in the incidence of human plague in the United States between the years 1949-84 and also, 7 of the 71 cases in the 1983-84 period developed secondary plague pneumonia." Plague, in its pneumonic form, is a highly contagious disease—it is spread simply by breathing the same air as an infected person. A young girl, who died from the plague in New Mexico, was in the hospital emergency room waiting for treatment. While she was waiting, she infected 500 people who had to then be treated for plague exposure. The CDC 1983-84 report estimates that 1,263 additional people were exposed to plague by coming into contact with individuals who actually had the disease.

Administration officials contend that grant moneys are available for plague research and prevention—this however, is simply not the case. The New Mexico State Epidemiologist recently wrote me that—

The State Health and Environment Department has written letters of inquiry to the National Science Foundation, the Rockefeller Foundation, and the National Institutes of Health regarding the feasibility of obtaining grants for plague research. Negative responses were received from all the institutions contacted. We support the additional plan of funding allocation to the Center for Disease Control, to be used to initiate active plague surveillance and to study human risk factors for acquiring the disease * * *.

These rejections were given to a State that reports 60 percent of all plague cases each year; the contention that Federal grant funds are already available for plague research ring a bit hollow when you consider these recent denials to the State with the worst plague problems in the country.

CDC projects increasing problems with the plague as Western populations expand and as rural areas are developed. Yet plague can be controlled. In counties where active control methods were employed by CDC, no cases of human plague were reported; however, human plague cases increased dramatically in surrounding counties where no flea and rodent controls were available.

My bill, which would authorize $1 million per year for 2 years to fund grants for plague research, will go a long way toward controlling, and hopefully, eradicating plague. I urge my colleagues to support this much-needed legislation.

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Once again, as Chairman WAXMAN mentioned, this bill has been approved in two other vehicles that have passed the House, and it was taken out in a previous bill, to take some of the disease-related issues out of the legislation.

It is a serious problem; it is getting worse; regrettably because of the availability of funds, we have to target this money. If the money is not targeted, this plague research will not take place.

Very simply, I think it is something that, if we can nip in the bud right now, we will all be better off. So I respectfully ask my colleagues on the other side to accept this legislation. I expecially want to commend and thank the gentleman from Colorado [Mr. STRANG] for his efforts.

Mr. Speaker, I am submitting the following factsheet for the RECORD:

FACTSHEET ON THE PLAGUE

Acting Chief of Colorado Department of Health states that "the plague is the most hazardous infectious environmental disease in Colorado."

At this time, wild rodent plague has been documented in 15 western states (California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, Kansas, Texas and Oklahoma).

From 1983-84 New Mexico had 42 cases, Arizona 12, California 7, Colorado 4, Utah 3, Oregon 1, Texas 1, Washington 1.

In New Mexico, where 60% of the plague cases are reported, the Director of the Environmental Improvement Division wrote: "Recently, the staff wrote letters of inquiry to the National Science Foundation, the Rockefeller Foundation and the National Institute of Health regarding the feasibility of obtaining a grant for plague research. Negative responses were received from all the institutions contacted. We support the original plan of funding allocation to the Center for Disease Control, to be used to initiate active plague surveillance and to study human risk factors for acquiring the disease, among other things."

The increase in reported plague cases in Colorado will most likely increase due to the high rate growth and the increase in recreational activities in plague-endemic areas.

At least 1,263 persons were considered at risk of infection following known or presumed exposure to patients with the plague from 1983-84.

No human cases have occurred in the treated areas since the control program began in 1979, while human cases increased substantially in surrounding counties.

The first cases of the plague in the United States occurred in 1899 in San Francisco.

Plague is dramatically increasing in the United States. From 1927-1969 there were an average of 3 cases a year. Since 1970 there has been an average of 10 cases a year. In the last six years there have been 137 cases of the plague.

Mr. STRANG. Mr. Speaker, I have no additional requests for time and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, we have no further requests for time, and, therefore, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 4392.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELECTRIC CONSUMERS PROTECTION ACT OF 1985

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 44) to amend the Federal Power Act to provide for more protection to electric consumers, as amended.

The Clerk read as follows:

H.R. 44

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric Consumers Protection Act of 1985".

SEC. 2. AMENDMENTS TO SECTION 7.

Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended as follows—

(1) Insert "original" after "hereunder or".

(2) Strike out "and in issuing licenses to new licensees under section 15 hereof" and substitute a comma.

SEC. 3. ENVIRONMENTAL CONSIDERATION IN LICENSING.

(a) PURPOSES OF LICENSE.—Section 4(e) of the Federal Power Act is amended by adding the following at the end thereof: "In issuing any license under this Part for any project, the Commission shall give equitable treatment with the development purposes for which the license is issued to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality.".

(b) CONFORMING AMENDMENT.—Section 10(a) of such Act is amended by striking "purposes; and" and inserting after "recreational" the following: "and other purposes referred to in section 4(e)".

(c) FISH AND WILDLIFE PROTECTION, MITIGATION, AND ENHANCEMENT.—Section 10 of the Federal Power Act (16 U.S.C. 803) is amended by adding at the end the following:

"(j)(1) That in order to adequately protect, mitigate damages to, and enhance, fish and wildlife (including related spawning grounds and habitat) affected by the development, operation, and management of the project, in a manner that provides equitable treatment for such fish and wildlife with the other purposes for which the license is issued, each license, exemption, or permit issued under this Part shall include conditions for such protection, mitigation, and enhancement. Subject to paragraph (3) and section 30, such conditions shall be based on recommendations received pursuant to the Fish and Wildlife Coordination Act from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"(2) The requirements of section 4(h)(11) of the Pacific Northwest Electric Power Planning and Conservation Act shall apply as provided in that Act to any license, exemption, or permit issued under this Part for a project within the area subject to that Act.

"(3) Whenever the Commission believes that any recommendation referred to in paragraph (1) may be inconsistent with the purposes and requirements of this part or other applicable law, the Commission and the agencies referred to in paragraph (1) shall attempt to resolve any such inconsistency, giving due weight to the recommendations, expertise, and statutory responsibilities of such agencies. If, after such attempt, the Commission does not adopt in whole or in part a recommendation of any such agency, the Commission shall publish each of the following findings (together with a statement of the basis for each of the findings):

"(A) A finding that adoption of such recommendation is inconsistent with the purposes and requirements of this Part or with other provisions of law applicable to the project.

"(B) A finding that the conditions selected by the Commission comply with the requirements of paragraph (1).

Subsection (i) shall not apply to the conditions required under this subsection.".

SEC. 4. RELICENSING PROCEDURES.

(a) CONFORMING AMENDMENT.—Section 15(a) of the Federal Power Act is amended by striking out "original" in each place it appears and substituting "existing".

(b) RELICENSING PROCESS.—Section 15 of the Federal Power Act is amended by inserting "(1)" after "(a)" and by adding the following at the end of subsection (a):

"(2) Any new license issued under this section shall be issued to the applicant having the final proposal which the Commission determines is best adapted to serve the public interest. In making this determination under this section (whether or not more than one application is submitted for the project), the Commission shall consider and make findings respecting each of the following:

"(A) The abilities of each applicant to comply with (i) the articles, terms, and conditions of any license issued to it as a result of the application and (ii) other applicable provisions of this Part.

"(B) The plans of each applicant to manage, operate, and maintain the project safely and in accordance with this Act and the terms and conditions of the license.

"(C) The need of each applicant for the electric power generated by the project or projects. In the case of an applicant that is an Indian tribe applying for a license for a project located on the tribal reservation, a statement of the need of such tribe for electricity generated by the project to foster the purposes of the reservation may be included.

"(D) The plans of each applicant for the improvement and broad, efficient, and reliable utilization of the power potential of the waterway or waterways to which the project is related, together with other beneficial uses, including navigation, flood control, irrigation, recreation, water quality, and fish and wildlife.

"(E) The existing and planned transmission services of each applicant, taking into consideration system reliability, costs, and other applicable economic and technical factors.

"(F) In the case of a State or municipal applicant, or an applicant which is primarily engaged in the generation or sale of electric power (other than electric power solely from cogeneration facilities or small power production facilities), the electricity consumption efficiency improvement program of the applicant, including its plans, performance and capabilities for encouraging or assisting its customers to conserve electricity cost-effectively, taking into account the published policies, restrictions, and requirements of relevant State regulatory authorities applicable to such applicant.

"(G) The plans of each applicant to protect, mitigate damage to, and enhance fish and wildlife resources (including related spawning grounds and habitat) and to protect and enhance recreational and other environmental values (including providing recreational access).

"(H) The identity of any Federal or Indian lands included in the project boundary and a statement of the annual fees paid for such lands.

"(I) Plans of each applicant to adapt the project to any applicable State or Federal comprehensive plan (or plan issued pursuant to the Pacific Northwest Electric Power Planning and Conservation Act of 1980) for improving, developing, or conserving the waterway or waterways related to the project.

"(J) Such other information as the Commission may require.

"(3) In the case of an application by the existing licensee, the Commission shall also take into consideration each of the following:

"(A) The existing licensee's record of compliance with the terms and conditions of the existing license.

"(B) The actions taken by the existing licensee related to the project which affect the public.

"(b)(1) Each existing licensee shall notify the Commission whether the licensee intends to file an application for a new license or not. Such notice shall be submitted at least 5 years before the expiration of the existing license.

"(2) At the time notice is provided under paragraph (1), the existing licensee shall make each of the following reasonably available to the public for inspection at the offices of such licensee: current maps, drawings, data, and other information that the Commission shall, by rule, require regarding the construction and operation of the licensed project. Such information shall include, to the greatest extent practicable, pertinent energy conservation, recreation, fish and wildlife, and other environmental information. Copies of the information shall be made available at reasonable costs of reproduction. Within 180 days after the enactment of the Electric Consumers Protection Act of 1985, the Commission shall promulgate regulations regarding the information to be provided under this paragraph.

"(3) Promptly following receipt of notice under paragraph (1), the Commission shall provide public notice of whether an existing licensee intends to file or not to file an application for a new license. The Commission shall also promptly notify the National Marine Fisheries Service and the United States Fish and Wildlife Service, and the appropriate State fish and wildlife agencies.

"(c)(1) Each application for a new license pursuant to this section shall be filed with the Commission at least 24 months before the expiration of the term of the existing license. Each applicant shall consult with the fish and wildlife agencies referred to in subsection (b) and, as appropriate, conduct studies with such agencies. Within 60 days after the statutory deadline for the submission of applications, the Commission shall issue a notice establishing expeditious procedures for relicensing and a deadline for submission of final amendments, if any, to the application.

"(2) The time periods specified in this subsection and in subsection (b) shall be adjusted, in a manner to achieve the objectives of this section, by the Commission by rule or order with respect to existing licensees who, by reason of the expiration dates of their licenses, are unable to comply with a specified time period.

"(d)(1) In evaluating applications for new licenses pursuant to this section, the Commission shall not consider whether an applicant has, or has access to, adequate transmission facilities.

"(2) When the Commission issues a new license (pursuant to this section) to an applicant which is not the existing licensee of the project and finds that it is not feasible for the new licensee to utilize the energy from such project without provision by the existing licensee of reasonable services, including transmission services, the Commission shall give notice to the existing licensee and the new licensee to immediately enter into negotiations for such services and the costs demonstrated by the existing licensee as being related to the provision of such services. It is the intent of the Congress that such negotiations be carried out in good faith and that a timely agreement be reached between the parties in order to facilitate the transfer of the license by the date established when the Commission issued the new license. If such parties do not notify the Commission that within the time established by the Commission in such notice (and if appropriate, in the judgment of the Commission, one 45-day extension thereof), a mutually satisfactory arrangement for such services that is consistent with the provisions of this Act has been executed, the Commission shall order the existing licensee to file (pursuant to section 205 of this Act) with the Commission a tariff, subject to refund, ensuring such services beginning on the date of transfer of the project and including just and reasonable rates and reasonable terms and conditions. After notice and opportunity for a hearing, the Commission shall issue a final order adopting or modifying such tariff for such services at just and reasonable rates in accordance with section 205 of this Act and in accordance with reasonable terms and conditions. The Commission, in issuing such order, shall ensure the access necessary for the full and efficient utilization and benefits for the license term of the electric energy from the project by the new licensee in accordance with the license and this Part, except that in issuing such order the Commission:

"(A) shall not compel the existing licensee to enlarge generating facilities, transmit electric energy other than to the distribution system (providing service to customers) of the new licensee identified as of the date one day preceding the date of license award, or require the construction of new facilities, including the upgrading of existing facilities other than any reasonable enhancement or improvement of existing facilities necessary to carry out the purposes of this paragraph;

"(B) shall not adversely affect the continuity and reliability of service to the customers of the existing licensee;

"(C) shall not adversely affect the operational integrity of the transmission and electric systems of the existing licensee; and

"(D) shall not cause an increase (other than a possible de minimus increase) in the jurisdictional rates of the existing licensee.

Such order shall be for such period as the Commission deems appropriate, not to exceed the term of the license. At any time, the Commission, upon its own motion or upon a petition by the existing or new licensee and after notice and opportunity for a hearing, may modify, extend, or terminate such order.

"(e)(1) When a license is issued pursuant to this section to an applicant other than the existing licensee, the Commission may require the new licensee to provide reasonable compensation to the existing licensee in addition to the amount required to be paid pursuant to subsection (a)(1). All of such compensation may be in money or electric power, or both.

"(2) In providing any compensation under this section, the Commission shall take each of the following into consideration:

"(A) The fact that upon expiration of its license under this Part, the prior licensee has no cognizable legal right to compensation for the license.

"(B) The extent to which the costs of the project have been amortized by the existing licensee.

"(C) The costs to the new licensee of duplicating the hydroelectric facility which is the subject of the license (including all power facilities, dams, and appurtenant structures and equipment), taking into account the remaining useful life of the facility.

"(3) The Commission shall promulgate regulations to implement this subsection. The regulations shall provide guidance for the Commission and applicants to follow in determining reasonable compensation in appropriate cases. Such regulations may provide for such compensation as the Commission finds to be appropriate toward the mitigation of any demonstrated economic loss to the customers of the existing licensee. The regulations shall not establish compensation which discourages competition for a project or provides a windfall for current ratepayers or to the existing or new licensee. The regulations shall be promulgated within 180 days after enactment of the Electric Consumers Protection Act of 1985.".

(c) CONFORMING AMENDMENTS.—(1) Section 15(b) of the Federal Power Act is redesignated as subsection (f).

(2) Section 14(b) of such Act is amended by striking out the first sentence.

SEC. 5. COMMISSION AUTHORITY.

Part I of the Federal Power Act is amended by adding the following new section at the end thereof:

"SEC. 31. ENFORCEMENT.

"(a) The Commission shall monitor and investigate compliance with each license and permit issued under this part and with each exemption granted from any requirement of this Part. The Commission shall conduct such investigations as may be necessary and proper in accordance with this Act. After notice and opportunity for hearing, the Commission may issue such orders as necessary to require compliance with the terms and conditions of licenses and permits issued under this Part and with the terms and conditions of exemptions granted from any requirement of this Part.

"(b) After notice and opportunity for an evidentiary hearing, the Commission may also issue an order revoking any license or permit issued under this part or any exemption granted from any requirement of this Part where any licensee, permittee, or exemptee is found by the Commission:

"(1) to have knowingly violated a final order issued under subsection (a) after completion of judicial review (or the opportunity for judicial review); and

"(2) to have been given reasonable time to comply fully with such order prior to commencing any revocation proceeding.

In any such proceeding, the order issued under subsection (a) shall be subject to de novo review by the Commission. No order shall be issued under this subsection until after the Commission has taken into consideration the nature and seriousness of the violation and the efforts of the licensee to remedy the violation.

"(c) Any licensee, permittee, or exemptee who violates or fails or refuses to comply with any requirement, rule, regulation, term, or condition referred to in subsection (a) or any order issued under subsection (a) shall be subject to a civil penalty in an amount not to exceed $10,000 for each day that such violation or failure or refusal continues. Such penalty shall be assessed by the Commission after notice and opportunity for public hearing. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under this subsection, taking into consideration the nature and seriousness of the violation and the efforts of the licensee to remedy the violation in a timely manner. No civil penalty shall be assessed where revocation is ordered.".

SEC. 6. AMENDMENTS CONCERNING CONDUITS AND CERTAIN SMALL POWER PRODUCTION FACILITIES SUBJECT TO PURPA BENEFITS.

(a) NMFS.—Section 30(c) of the Federal Power Act (16 U.S.C. 823a) is amended by inserting "National Marine Fisheries Service" after "the Fish and Wildlife Service" in both places such term appears.

(b) STATE OR LOCAL CONDUITS.—Section 30(b) of the Federal Power Act is amended by inserting after "15 megawatts" the following: "(40 megawatts in the case of a facility constructed, operated, and maintained by an agency or instrumentality of a State or local government solely for water supply for municipal purposes)".

(c) DEFINITIONS.—Section 3(17) of the Federal Power Act is amended as follows:

(A) Insert "and" at the end of clause (ii) of subparagraph (C).

(B) Add the following at the end of subparagraph (C):

"(iii) which complies with the applicable provisions of section 30(e) of this Act in the case of a hydroelectric generating facility involving the impoundment or diversion of the water of a natural watercourse by means of a new dam or diversion;".

(C) Add the following after subparagraph (D):

"(E) 'new' when used with respect to a dam or diversion refers to a dam or diversion which—

"(i) is used in connection with any small power production facility; and

"(ii) requires any construction, or enlargement of any impoundment or diversion structure (other than repairs or reconstruction or the addition of flashboards or similar adjustable devices);".

(d) REQUIREMENTS FOR QUALIFICATION OF NEW DAMS AND DIVERSIONS, ETC. FOR PURPA BENEFITS.—Section 30 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(e) No small power production facility which requires the impoundment or diversion of the water of a natural watercourse by means of a new dam or diversion may be treated as a qualifying small power production facility unless each of the following requirements are met:

"(1) At the time of issuance of the license or exemption for the facility, the Commission includes in such license or exemption terms and conditions in accordance with subsection (c) to protect, mitigate damages to, and enhance fish and wildlife, including related spawning grounds and habitat and finds that the facility, after taking into consideration such terms and conditions and compliance with other environmental re-

quirements of law applicable to such facility and the effects of such combination with other facilities on the same watercourse, will not have substantial adverse effects on the environment, including recreation or water quality. The Commission shall publish the basis for such finding. Such terms and conditions shall be established and enforced in accordance with the same procedures as provided in subsections (c) and (d).

"(2) The Commission determines, at the time of issuance of the license or exemption, that the facility is not located on any segment of a natural watercourse which is included (or is designated by law for potential inclusion) in a State or national wild and scenic river system or which the State has determined, in accordance with applicable State law and prior to issuance of the license or exemption, to possess unique natural, recreational, cultural, or scenic attributes.

This subsection shall not apply for purposes of section 210 of this Act (relating to interconnection authority).".

(e) FEES FOR STUDIES.—Section 30 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(f) The Commission, in addition to the requirements of section 10(e), shall establish fees which shall be paid by an applicant for a license or exemption for a facility referred to in subsection (a) or (e) of this section. Such fees shall be adequate to reimburse the fish and wildlife agencies referred to in subsection (c) for any reasonable costs incurred in connection with any studies or other reviews carried out by such agencies for purposes of compliance with this section. The fees shall, subject to annual appropriations Acts, be transferred to such agencies by the Commission for use solely for purposes of carrying out such studies and remain available until expended.".

(f) UNAUTHORIZED CONSTRUCTION ACTIVITIES.—Section 30 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(g) The Commission shall promulgate such rules as may be necessary to prohibit the commencement of any significant modification of any project licensed under, or exempted from, this Act unless such modification is in accordance with the terms and conditions of such license or exemption and the applicable requirements of this Part. As used in this subsection, the term 'commencement' refers to the beginning of physical onsite activity other than surveys or testing."

(g) EFFECTIVE DATES.—(1) The amendments made by subsections (d) and (e) of this section shall not apply to any project the license or exemption application for which was filed and accepted for filing by the Commission before the date of enactment of this Act, but section 10(j) of the Federal Power Act, as added by this Act, shall apply to such project unless the license or exemption was issued on or before the enactment of this Act.

(2) Section 30(e)(2) of the Federal Power Act, as added by this Act, shall not apply to any project for which the environmental consultation (in accordance with applicable regulations of the Federal Energy Regulatory Commission) was initiated on or before the enactment of this Act.

(3) The amendments made by subsection (f) of this section shall apply to all projects licensed, exempted, or permitted under the Federal Power Act without regard to when such license, exception, or permit was issued.

(h) STUDY.—(1)(A) The Commission shall conduct a study (in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969) of whether the benefits of section 210 of the Public Utility Regulatory Policies Act of 1978 and section 210 of the Federal Power Act should be applied to small power production facilities utilizing new dams or diversions (within the meaning of section 3(17) of the Federal Power Act).

(B) The study under this paragraph shall take into consideration the need for such new dams or diversions for power purposes, the environmental impacts of such new dams and diversions (both with and without the application of the amendments made by this Act to sections 4, 10, and 30 of the Federal Power Act), the environmental effects of such facilities alone and in combination with other existing or proposed dams or diversions on the same waterway, the intent of Congress to encourage and give priority to the application of section 210 of Public Utility Regulatory Policies Act of 1978 to existing dams and diversions rather than such new dams or diversions, and the impact of such section 210 on the rates paid by electric power consumers.

(C) The study under this paragraph shall be initiated within 3 months after enactment of this Act and completed as promptly as practicable.

(D) A report containing the results of the study conducted under this paragraph shall be submitted to the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate while both Houses are in session.

(E) The report submitted under subparagraph (D) shall include a determination (and the basis thereof) by the Commission, based on the study and a public hearing and subject to review under section 313(b) of the Federal Power Act, whether any of the benefits referred to in subparagraph (A) should be available for such facilities and whether applications for preliminary permits (or licenses where no preliminary permit has been issued) for such small power production facilities utilizing new dams or diversions should be accepted by the Commission after the period specified in paragraph (2). The report shall include such other administrative and legislative recommendations as the Commission deems appropriate.

(F) If the study under this paragraph has not been completed within 18 months after its initiation, the Commission shall notify the Committees referred to in subparagraph (D) of the reasons for the delay and specify a date when it will be completed and a report submitted.

(2)(A) The Federal Energy Regulatory Commission shall not accept any application filed under the Federal Power Act after December 31, 1985 for a preliminary permit (or for a license where no preliminary permit has been issued) for a small power production facility utilizing a new dam or diversion (as defined in section 3(17) of the Federal Power Act) until not earlier than 180 consecutive legislative days (during which both Houses of Congress are in session) have elapsed after—

(i) the submittal of such report to Congress, and

(ii) the regulations of the Commission have been revised based on the determination under paragraph (1) and the requirements of sections 4, 10, and 30 of the Federal Power Act, as amended by this Act.

(B) Notwithstanding the expiration of the 180-day period referred to in subparagraph (A), if—

(i) the Commission has determined under paragraph (1)(E) that any small power production facility utilizing a new dam or diversion (as defined in section 3(17) of the Federal Power Act) should be treated as a qualifying small power production facility within the meaning of section 3(17) of such Act, and

(ii) a joint resolution of disapproval of such determination is introduced in both Houses,

such determination shall not be effective until after the adjournment sine die of the Congress in which such resolution was introduced.

(C) In the case of an application for a license for a project (where no preliminary permit has been issued) this paragraph shall not apply to such project if the required environmental consultation (in accordance with applicable regulations of the Federal Energy Regulatory Commission), was initiated before December 31, 1985.

(3)(A) In the case of any preliminary permit referred to in paragraph (1) issued on or before December 31, 1985, such permit shall be suspended temporarily for the period referred to in paragraph (2) if the required environmental consultations (in accordance with the Commission's regulations for such projects) have not been initiated before the enactment of this Act.

(B) The suspensions under subparagraph (A) shall not apply if the Commission, in its discretion, issues a notice within 180 days after such enactment exempting all or some of such permits from such suspension on the grounds that each permittee covered by such notice has proceeded diligently under the permit and has committed substantial resources toward completion of all requirements under the permit.

(C) The suspension under subparagraph (A) shall terminate at the expiration of the period referred to in paragraph (2).

(i) APPLICATION OF CERTAIN SUBSECTIONS.—The provisions of subsections (d), (e), (g), and (h) of this section are applicable only to small power producers and small power production facilities using new dams or diversion (all as defined in section 3(17) of the Federal Power Act) to the extent such producers and facilities obtain the benefits of section 210 of the Federal Power Act and section 210 of the Public Utility Regulatory Policies Act of 1978.

SEC. 7. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect with respect to each license, permit, or exemption issued under the Federal Power Act after the enactment of this Act. The amendments made by section 5 of this Act shall apply to licenses, permits, and exemptions without regard to when issued.

SEC. 8. COMPLIANCE WITH BUDGET ACT

Any provision of this Act (or any amendment made by this Act) which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1986.

SEC. 9. PROVISION OF INFORMATION TO CONGRESS.

The Federal Energy Regulatory Commission shall keep the Committees of Congress which exercise legislative jurisdiction over the Federal Power Act fully and currently informed regarding actions of the Commission with respect to the provisions of part 1 of the Federal Power Act.

SEC. 10. ELECTION AND NEGOTIATIONS CONCERNING OTHER CONTESTED PROJECTS SUBJECT TO LITIGATION

(a) APPLICATION OF SECTION.—This section applies to any relicensing proceeding initiated prior to October 1983 at the Federal Energy Regulation Commission involving the following projects: Mokelumne (No. 137), California; Phoenix (No. 1061), California; Rock Creek/Cresta (No. 1962), California; Haas-King (No. 1988), California; Poole (No. 1388), California; Olmsted (No. 596), Utah; Weber (No. 1744), Utah; Rush Creek (No. 1389), California; and Shawano (No. 710), Wisconsin. The numbers in this subsection refer to Federal Energy Regulatory Commission project identification numbers for the existing licensee. This subsection shall also apply to any subsequent relicensing proceeding for any such project involving the same parties which results from the rejection, without prejudice, of an application in any of the proceedings specified in this subsection.

(b) PROVISIONS NOT APPLICABLE IF ELECTION MADE.—If, in the case of each project named in subsection (a), the existing licensee fails to make an election under subsection (c) within 90 days after the enactment of this Act for negotiations under subsection (e), the provisions of the Federal Power Act in effect one day prior to enactment of this Act (and the amendments made by sections 3, 5, and 6(f) of this Act to the Federal Power Act) shall apply to the relicensing proceeding referred to in subsection (a).

(c) ELECTION PROCEDURES.—An existing licensee for any project named in subsection (a) may file an election with the Commission under this subsection. The election shall be filed in the manner required by the Commission. The election, subject to subsection (d), shall consist of an agreement that, in the case of the project concerned, the licensee will—

(1) enter into good faith negotiations under subsection (e) with each person (or group of persons) who filed a competing application for a new license for the project before October 7, 1983, and

(2) be subject to the provisions of this section.

Notice of the election to negotiate or the refusal thereof shall be filed with the Commission within the 90-day period.

(d) ACCEPTANCE OR REFUSAL TO ACCEPT ELECTION.—Within 45 days after receiving notice from the Commission of an election to negotiate made by the existing licensee under subsection (c) for an applicable project, each competing license applicant (or group of applicants) referred to in subsection (a) may—

(1) accept the election, withdraw the competing application, enter into good faith negotiations in accordance with this section, and agree to be subject to the provisions of this section, or

(2) refuse to accept such election.

If the election to negotiate is not accepted by the competing applicant (or group) within the 45-day period, the relicensing proceeding for such project shall be continued and a new license issued solely in accordance with the Federal Power Act, as amended by this Act (including the amendments made by this Act to section 7 of the Federal Power Act). Notice of an election to negotiate or refusal must be filed with the Commission within the 45-day period.

(e) NEGOTIATIONS.—If an election to negotiate is made pursuant to subsections (c) and (d) for any project, the existing licensee and the competing applicant shall commence negotiations for each of the following:

(1) Compensation to be provided by the existing licensee for the reasonable costs incurred by the competing applicant which are related to pursuing—

(A) the application in the applicable relicensing proceeding, including the costs of preparing, filing, and maintaining such application for the period ending December 31, 1985, and

(B) the litigation in the courts involving the application of section 7 of the Federal Power Act to the applicable relicensing proceeding.

(2) Compensation in an additional sum (which may be in money or electric power or both) representing a reasonable percentage of the net investment of the existing licensee in the project, as of October 22, 1985 (as determined by the Commission, prior to the initiation of such negotiations, in accordance with section 14(a) of the Federal Power Act). In making the determination of net investment, the Commission shall utilize all relevant records and data (which the existing licensee shall provide to the Commission) applicable to the project for the term of the existing license through October 22, 1985.

The parties to the negotiations shall establish the method, period, and manner of providing all such compensation.

(f) COMMISSION ORDER.—If an election is made and accepted but negotiations under subsection (e) are not commenced by the parties within the time established by the Commission (or, if appropriate, in the judgment of the Commission, one 45-day extension thereof) or if a mutually satisfactory compensation arrangement that is consistent with the provisions of the Federal Power Act has not been executed within such time, the Commission, after notice and opportunity for a hearing, shall issue an order establishing compensation in accordance with paragraphs (1) and (2) of subsection (e). In determining the amount of compensation, the Commission may accept any stipulations agreed to by the parties as a result of the negotiations. The Commission shall also take into consideration all of the following:

(1) The quality of the relicensing proposals of the existing licensee and the competing applicant.

(2) The net benefits to both parties and their customers of obtaining the new license.

(3) The extent to which the applications filed by both parties were actively pursued (subject the effect thereon of any action by the Commission or the applicable litigation) and filed with the Commission in good faith.

(4) The extent of reliance by the competing applicant on the provisions of the Federal Power Act in effect prior to enactment of this Act and the detrimental impact of such reliance on the operations and on the service area of the applicant.

(g) COMPENSATION.—The order of the Commission under this section shall establish the method, period, and manner of providing compensation under subsection (f), and such other reasonable terms and conditions concerning such compensation, consistent with the Federal Power Act, as the Commission deems appropriate. Any payment over a period of time shall include interest compounded at a rate based upon outstanding obligations of the United States of comparable maturity. The payment period shall not exceed one-third of the new license term for the project. The order shall state the basis for the Commission's determination. The provisions of section 313 of the Federal Power Act shall apply to such order and determinations. The order (or any agreement reached by the parties by negotiation) shall be a condition of any annual license or new license (depending when the order is issued or agreement reached) issued to the existing licensee for this project. Nothing in this section shall be construed to affect the treatment, by a State regulatory authority for ratemaking purposes, of any compensation paid under this section.

(h) COMMISSION PROCEEDINGS.—Upon mutual request of the parties to any negotiation under this section, the Commission may defer any determination of net investment for the applicable project until whenever it is required to issue an order under this section for such project. No new license shall be issued under the Federal Power Act for the projects referenced in this section until there is full compliance, to the extent applicable, with this section. The Commission shall ensure that negotiations and any determinations and orders required by this section shall be conducted, made, and issued expeditiously and shall ensure that the parties do not delay.

SEC. 11. CHARGES FOR USE OF DAMS AND STRUCTURES.

Section 10(e) of the Federal Power Act is amended as follows:

(1) Insert "(1)" after "(e)".

(2) Add the following at the end thereof:

"(2) In the case of licenses involving the use of Government dams or other structures owned by the United States, the charges fixed (or readjusted) by the Commission under paragraph (1) for the use of such dams or structures shall not exceed 1 mill per kilowatt-hour for the first 40 gigawatt-hours of energy a project produces, 1½ mills per kilowatt-hour for over 40 up to and including 80 gigawatt-hours, and 2 mills per kilowatt-hour for any energy the project produces over 80 gigawatt-hours. Except as provided in subsection (f), such charge shall be the only charge assessed by any agency of the United States for the use of such dams or structures.

"(3) The provisions of paragraph (2) shall apply with respect to—

"(A) all licenses issued after the date of the enactment of this paragraph; and

"(B) all licenses issued before such date which—

"(i) did not fix a specific charge for the use of the Government dam or structure involved; and

"(ii) did not specify that no charge would be fixed for the use of such dam or structure.

"(4) Every 5 years, the Commission shall review the appropriateness of the annual charge limitations provided for in this subsection and report to Congress concerning its recommendations thereon.".

SEC. 12. MERWIN PROJECT GRANDFATHER.

The amendments made by this Act, except for the amendments made by sections 5 and 6(f), shall not apply to the Federal Energy Regulatory Commission proceeding involving FERC Project Number 935 (FERC Project Number 2791), relating to the Merwin Dam in Washington State.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of this important legislation, which makes urgently needed reforms in the procedures used by the Federal Energy Regulatory Commission to relicense hydroelectric facilities. The bill before the House today is a consensus bill, unanimously supported by members of the Energy and Commerce Committee. Months of effort went into developing this bill and I would like to thank my colleagues, the gentleman from Michigan and the chairman of the Energy and Commerce Committee [Mr. DINGELL], the ranking minority member of my subcommittee, the gentleman from California [Mr. MOORHEAD], the gentleman from Alabama [Mr. SHELBY], the gentleman from Washington State [Mr. SWIFT], the gentleman from Oregon [Mr. WYDEN], the gentleman from Texas [Mr. HALL], the gentleman from Utah [Mr. NIELSON] and the gentlemen from California [Mr. MILLER, Mr. MATSUI, and Mr. DANNEMEYER], for their hard work and cooperative spirit. Their efforts have resulted in the carefully balanced compromise we bring before you today.

This consensus legislation embodies three key principles: Protection of the ratepayer; concern for the environment; and equity between investor-owned and public utilities. Hydroelectric power is of enormous importance to consumers. With zero fuel charges and minimal operating cost, hyropower is our lowest cost source of power and helps to keep down consumer rates. The bill we bring before the House today maximizes the benefit this resource provides to consumers by establishing a fair competitive process that will encourage the optimal development of hydropower consistent with our environmental and energy values.

The legislative debate over this issue was initiated by my colleague from Alabama [Mr. SHELBY]. His bill, H.R. 44, sought to accomplish two basic policy objectives: First, to ensure that municipal preference did not apply in proceedings to issue a new license after an existing license expired; and, second, to increase the amount of compensation paid in the event a license is transferred. The bill before the House today accepts both of these changes.

The legislation eliminates the possibility that a preference for municipalities will apply in proceedings after the expiration of a license to determine a new licensee. At the same time, the preference for municipalities in original licensing is retained. The legislation does not address the applicability of preference in licensing proceedings involving an abandoned project. It does establish a competitive process that will permit municipalities, private utilities, and others to compete for a new license on a fair and equal footing. Competition will stimulate ideas for the best development and uses of these projects. Consequently, the public interest in these projects will be served.

The legislation also authorizes FERC, in the event a license is transferred, to award compensation to the existing licensee in an amount greater than what is required under current law. This greater amount, to be awarded at FERC's discretion, is intended to offset demonstrated economic harm to the customers of the existing licensee that could result fromt the loss of the low-cost hydroelectric resource. FERC is required to implement this provision in each case in a manner that is consistent with the overall competitive thrust of the bill.

Municipal preference and compensation, however, are only two of the important issues addressed by this bill. Other crucial provisions are included to harmonize the Federal Power Act with the energy needs and the environmental values which have evolved over the past 66 years.

The most important of these reforms requires FERC to provide equitable treatment with the developmental purposes of the act to various nonpower amenities, including the protection, mitigation of damage to, and enhancement of fish and wildlife, the preservation of recreational opportunities, and the purpose of energy conservation. This language requires FERC, on a case-by-case basis, to evaluate all of the aspects of a proposed project, giving serious consideration to power and nonpower values.

The legislation limits FERC's ability to reject the advice of the expert Federal and State agencies concerning fish and wildlife. Hydropower has had severe impacts on fish runs and habitat across this Nation. FERC has not adequately addressed this issue, particularly because of its historic bias in favor of power development. By correcting this bias, and limiting the unfettered exercise of discretion by FERC, hydro development and operation can become consistent with our environmental values.

The bill addresses other important concerns. It assures that a new licensee will be able to get needed coordination services, including transmission services, in the event a license is transferred. The bill also establishes a fair and voluntary process for resolution of nine of the pending cases involving challenges filed by municipalities. The 10th case, the Merwin case, is specifically exempted from the major provisions of the bill owing to the advanced procedural posture of the case.

Unfortunately, the legislation has rekindled the emotional battles between public and private power. This bill does not represent a choice between the two. We considered and rejected an explicit preference for private power, for existing licensees, or for public power. We created a truly competitive process in which the applicants will compete on their merits. We expect FERC to implement this bill in such a manner. All of those involved in developing this bill share the view that it is unrelated to and does not serve in any way as a precedent regarding other preferences, such as the Federal power marketing preferences.

The bill is fair and in the public interest. I urge my colleagues to support this needed legislation.

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Again in this opening statement I would like to make particular reference to the work of the ranking minority member, Mr. CARLOS MOORHEAD from the State of California. We have tried to work on this issue on a nonideological basis to come to a commonsense, pragmatic compromise piece of legislation that I think has the broad-based support of all those who have been involved in it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all of my colleagues to support H.R. 44, the Electric Consumer Protection Act. My constituents in California and consumers nationwide have waited for this legislation for over 2 years. I want to thank all of the Members who have involved themselves in this legislation for their spirit and cooperation. The chairman of the full committee, Mr. DINGELL of Michigan, the chairman of our subcommittee, Mr. ED MARKEY of Massachusetts, Congressman NIELSON of Utah, Congressman SWIFT from Washington, the gentleman from California, Mr. DANNEMEYER, the gentleman from Ohio, Mr. OXLEY, the gentleman from California, Mr. MATSUI, the gentleman from Alabama, Mr. SHELBY, who introduced the legislation, and the gentleman from Texas, Mr. RALPH M. HALL. Without their help, this bill may not have been able to move forward today.

Mr. Speaker, over a year ago, I was pleased to join with my friend and colleague, the gentleman from Alabama, Mr. RICHARD SHELBY, as a cosponsor of the Electric Consumers Protection Act. Over the last year, H.R. 44 has attracted over 180 cosponsors. The reasons are clear. It corrects two simple wrongs in the relicensing of existing hydroelectric projects.

First, we wanted to eliminate any claim that an applicant should be extended a preference in relicensing proceedings based solely on the applicant's Government status. The public is your and my constituents, Mr. Speaker, regardless of what utility happens to serve them. My own con-

stituents are served by both privately and publicly owned utilities. But nothing I have learned over the last 2 years has convinced me that these projects should change hands to serve another segment of the public simply because those people happen to be served by utilities that are Government owned.

Second, we wanted to ensure that if a hydroelectric project is taken away, the consumers it served should be justly compensated.

The legislation before us today is very different from H.R. 44 as originally introduced. Several concerns about H.R. 44 were raised before the Energy and Commerce Committee. To resolve these concerns, the Subcommittee on Energy Conservation and Power developed a consensus compromise. It was this consensus package that was unanimously approved by the Energy and Commerce Committee for consideration today by the House.

The package before us eliminates all possibility of preference in relicensing proceedings. We took this action because it is inconceivable that there can be a tie between applicants for the same hydroelectric project. Instead, licenses will be issued to applicants whose plans are best adapted to serve the public interest taking into account several factors. In this regard, the physical and financial needs of each applicant's customers and consumers will be examined. This legislation recognizes utilities' mandatory duty to serve their customers at the lowest possible cost. For nonutility applicants, the needs of their business, the needs of the communities where they are located, and the needs of the customers who ultimately pay for their products are all taken into account. The right of last amendment was eliminated to ensure that each applicant will have the opportunity to prove its superiority without prejudice or favor.

The Federal Energy Regulatory Commission will be expected to evaluate each applicant's capability to satisfy license conditions. Of course, the existing licensee's operating record will also be taken into account. Each applicant's personnel, facilities, accomplishments, capabilities, and actual experience will be examined. This should guarantee that the applicant's real ability to do the best job will be an important part of the basis for awarding a license.

The package also ensures that consumers served by a hydroelectric project are fairly compensated in the event that the right to operate that project is transferred. In the event a license is transferred, FERC must order payment of at least net investment, and may order payment of additional compensation to mitigate demonstrated economic loss to the former licensee's ratepayers.

We have also included in the consensus package a provision on coordination services. This provision is designed to enable new licensees to benefit from dams they have taken away from prior licensees. We spent a great deal of time on this provision when we developed this legislation. We recognized the controversial nature of transmission access. I am now confident that this provision is narrow enough to prevent a practice that has become known as cherry picking. Under section 4(d)(2), new licensees will not be able to use the prior licensees' transmission systems to deliver power to prior licensees' customers. Further, this provision does not assume that transmission is always technically feasible. In cases where transmission is not technically feasible, FERC would have the authority to order such reasonable coordination services as are necessary to effectuate the license transfer. This of course would have to be determined on a case-by-case basis.

Also section 4(d)(2) ensures prior licensees will be able to recover costs demonstrated by the prior licensees as being related to the provision of project specific coordination services, including transmission services. It is intended that prior and new licensees will negotiate the appropriate compensation. In the event the parties are unable to reach an agreement, however, FERC will set the rate of compensation. Of course, should FERC have to set the rate of compensation, the new licensee will have the opportunity at FERC to challenge any such costs.

Importantly, this bill will cover the 10 contested relicensing cases pending before FERC. Some suggested that these cases by excluded. I could not agree. It made no sense to exclude these cases, since it was the threat to consumers in these cases that gave rise to this legislation. The Energy and Commerce Committee agreed with this and this package will put into a place a process that will essentially force the parties in these cases to enter into settlement negotiations.

Finally, this bill includes provisions that, while not directly related to relicensing, address our Nation's need to efficiently utilize hydroelectric resources. I am particularly pleased with one of these provisions—section 6(b). This provision will enable State and local governments to avoid FERC redtape whenever they install turbines of 40 megawatts capacity or less on conduits that are used solely for municipal water supply purposes. In the region of the country which I represent, section 6(b) will allow power to be generated on conduits whose power potential has been wasted for years.

Mr. Speaker, the legislation before us today represents a lot of hard work by a number of colleagues on both sides of the aisle who represent very diverse interests. The need for the legislation is clear. The legislation in fair. It represents sound policy. And, most importantly, it will protect the millions of consumers who currently benefit from cheap hydroelectric power. I urge my colleagues to support this legislation, and vote "aye" on H.R. 44.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I must first commend my distinguished colleague, Mr. MARKEY, and the esteemed chairman of the Energy and Commerce Committee, Mr. DINGELL, for their efforts to reach a fair compromise concerning the pending relicensing proceedings. I would like to thank these gentlemen for allowing me to actively participate in drafting the compromise provision for handling these cases, section 10.

Since time is limited, I would like to highlight one area of the bill which is of particular interest to me and to my constituents. Section 10(e)(2) specifies that the compensation shall include "a reasonable percentage of the net investment of the existing licensee in the project."

As an active participant in the negotiations concerning this provision, I would like to stress that this term does not impose a cap of 100 percent on the percentage of net investment that can be negotiated by the parties or awarded by FERC. Rather, the provision would allow compensation well in excess of the net investment of the project in appropriate circumstances.

Where a competing applicant has submitted a proposal of quality, pursued it actively, and will lose significant benefits by withdrawing its application, FERC should award substantial compensation. In such circumstances, FERC would be fully justified in ordering compensation in excess of the net investment value of the project.

Mr. Speaker, I would like to express my gratitude to my esteemed colleagues Mr. DINGELL and Mr. MARKEY for their great efforts to resolve the difficult and complicated issues encompassed by this legislation. I am particularly grateful for the time and energy they have expended in crafting a compromise provision for handling the relicensing applications currently pending at the Federal Energy Regulatory Commission.

Having said this, I still find much to criticize in this bill. Since the House began examining this issue in 1984, I have firmly believed that it should focus on maintaining competition in the electric utility industry. The strength of our utility industry today is its diversity. This mix of systems allows a measure of competition in an otherwise monopoly industry. In my view, Congress' goal in reexamining

the relicensing of hydroelectric facilities and in examining other aspects of the utility industry should be to foster this competition which brings real benefits to consumers. Indeed, I introduced an alternative to H.R. 44 which was intended to reform the licensing process while preserving its beneficial aspects.

Unfortunately, H.R. 44 takes a different approach. It strikes a blow at competiton by removing the public preference in relicensing of hydroelectric facilities. Under current law, if both a municipal and a private company's application are equally well adapted to the public interest, the municipal will receive the license. This preference promotes competition in an increasingly concentrated industry by helping small systems compete against their much larger investor-owned rivals.

As the GAO has documented, competition between public and private utilities over existing hydroprojects has resulted in significant improvements in the use of the resources. For example, competing applicants have proposed improvements in power production potential at existing projects, new fish and wildlife mitigation measures and new or improved recreational facilities.

The proponents of this legislation contend that it is needed to clarify uncertainty concerning the extent of the preference. Any doubt about the existence of a public preference in relicensing proceedings is due to FERC's unlawful "flip-flop" on the preference issue, and not to uncertainty in the existing preference provision. FERC found in its 1980 Bountiful decision that the Federal Power Act provides a clear preference for public applicants in hydrorelicensing. That decision was unanimously affirmed by a panel for the 11th circuit and the Supreme Court denied certiorari. Last year, a unanimous panel of the District of Columbia circuit found FERC's 1983 flip-flop in the Merwin case to be a "determined, covert, and almost deceitful" attack on the public preference. In sum, every court which has considered the issue has found a public preference in hydrorelicensing.

The reasons for the preference have been found valid and persuasive by the Congress on more than 30 occasions over the past 75 years. They are still valid today. In my bill, H.R. 1815, I suggested an approach which I thought would preserve the concept of the preference while still addressing the concerns expressed by the private utilities. However, H.R. 44 would remove the preference in relicensing.

Although I am disappointed that H.R. 44 eliminates the public preference in relicensing, I am pleased that a compromise was reached to provide adequate compensation to those few utilities whose license applications are pending at FERC and who have relied in good faith on current law.

Nine public utilities have filed competing applications for existing hydro projects. These applications have been pending at FERC for as long as 12 years. The public applicants have expended substantial public moneys for the engineering fees, environmental studies and legal fees required to file and process a relicensing application. They invested these funds in good faith reliance on a law that has existed for more than 65 years.

I was a principal author of a compromise provision, section 10 of H.R. 44, which acknowledges the basic unfairness that would result from applying changes in the law retroactively without compensating the competing applicants who relied in good faith on existing law. The provision establishes a procedure whereby existing licensees will retain their licenses in return for compensating the competing applicants for their out-of-pocket costs incurred in pursuing the license applications and for the valuable opportunity that would be taken away by this legislation.

To compensate for the valuable lost opportunity, the provision specifies that the compensation shall include payment of "a reasonable percentage of the net investment of the existing licensee in the project. The authors discussed at great length whether to place a floor and a ceiling on the percentage of net investment which could be awarded. We concluded that no limits should be specified so that FERC could award payment of a very small percentage of net investment or payment of a percentage greater than 100 percent.

For example, in determining the appropriate amount of compensation, we instructed FERC to consider the quality of the applications. In two of the cases pending in California, the Rock Creek-Cresta and Haas-Kings River projects, the municipal applicants have developed and proposed methods to substantially improve the power capabilities and environmental and recreational facilities of the projects. These applications are an excellent example of cases in which FERC would be justified in awarding greater than 100 percent of net investment.

Under section 10 of H.R. 44, the existing licensee would keep the license and the tremendous economic benefits associated with this highly valuable public resource. The compensation to be paid by the existing licensee would be modest in comparison; it is the very least to which the competing public applicants are entitled.

I would also like to commend the committee for the excellent provisions concerning fish and wildlife. H.R. 44 strengthens and increases fish and wildlife protection and enhancement under the Federal Power Act. I am also pleased that the committee, in its report on H.R. 44, has stressed that elimination of the public preference in relicensing is not in any way a precedent for tampering with other preferences in the Federal Power Act. These provisions, including the Federal power marketing preference, are critical elements of the act and should be carefully preserved.

I am disappointed, however, that H.R. 44 does not address the anticompetitive activities which plague the electric utility industry and threaten the viability of smaller public power systems. In particular, smaller public utilities face tremendous problems today in obtaining access to transmission lines controlled by privately owned utilities. With the passage of H.R. 44, it becomes even more critical that we address such problems since the bill makes it less likely that public utilities will obtain additional access to hydropower through licenses.

Competition in the electric utility industry is of critical importance to American consumers. It encourages technological advancement and provides an important check on the ever-increasing rates of private monopoly utilities. To protect a balance in the industry, it is essential to preserve and enhance the viability of smaller utilities which will provide the much needed diversity in this monopoly industry.

Mr. MOORHEAD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 44, the Electric Consumers Protection Act, and urge my colleagues also to support this important legislation.

Mr. Speaker, I, too, want to congratulate the chairman of the subcommittee, Mr. MARKEY, as well as the ranking Republican, Mr. MOORHEAD, for the work that they have done in this very complicated and difficult issue.

Mr. Speaker, the Electric Consumers Protection Act is the product of months of intense negotiations to develop a consensus bill to address the concerns of electric consumers nationwide, the environmental community, and especially both public and private power alike regarding the hydroelectric relicensing process. Mr. Speaker, as a member of the subcommittee and a cosponsor of H.R. 44, I believe we have succeeded in reaching that goal.

As I have stated on several occasions throughout the consideration of H.R. 44, there are some people in the public power field who feel that the bill is the first wave of an outright assault on the power marketing preference. Again, I do not believe that this was anyone's intent, and indeed the bill in no way alters the power marketing preference that grants municipal utilities advantages in purchasing low-cost hydroelectric power for their customers. A number of communities in my district currently enjoy this low-cost power, and I intend to see that they continue to do so. I believe that language in the committee report clarifies this matter.

Mr. Speaker, the complex and controversial nature of the hydroelectric relicensing process in general and H.R. 44 in specific obviously reflects the value of these power resources. It also seems to me, however, that this complex and controversial nature reflects to financial risks of utilities building new capacity to meet future demands.

It's the old story that if the pie stops growing, everyone will start fighting over the size of his or her piece. Since utilities are unwilling to build new capacity in light of financial and regulatory hurdles, they will struggle over control of existing capacity.

I would hope that the spirit of compromise that enabled H.R. 44 to be

unanimously reported from the Energy and Commerce Committee will also be applied to the problems that have resulted in the excessive lead times and expense of building new generating capacity and transmission facilities. For example, we have several legislative proposals for nuclear regulatory and licensing reform before our committee. This is just one of a number of electricity issues that the committee will discuss during the remainder of this session and in future sessions. It is my hope that we will be able to develop consensus legislation on these issues as well.

Mr. Speaker, H.R. creates sound public policy for hydroelectric relicensing. However, any effort to link this legislation with the many other electricity issues would be inconsistent with both the purpose and intent of this legislation. I urge my colleagues to support H.R. 44.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. I thank the subcommittee chairman.

Mr. Speaker, in particular I want to commend the gentleman, the chairman of our subcommittee, who has just poured the hours and effort into putting together an excellent bill. I think he has done a tremendous job, and I want him to know, on an issue that is of such great importance to the people in the Northwest, how much I appreciate it. I also want to commend the gentleman from California [Mr. MOORHEAD] for his work. He has worked very, very hard at trying to steer this bill to passage. I would like to compliment my other colleagues as well.

Mr. Speaker, I am happy to rise today to speak in favor of H.R. 44.

The potential hydropower surging through our Nation's rivers is one of our most valuable resources, and this bill will help ensure that that potential is developed wisely and fairly.

Ambiguities in the present authority of the Federal Energy Regulatory Commission have led to lawsuits and uncertainty in energy planning. A case in point concerns the Merwin Dam in the Northwest, where uncertainties about the role of public preference in relicensing have mired the proceeding in the courts. The controversy has placed a cloud over the ability of the present dam operator to hold the line on rate increases for its consumers. Although this bill is not intended to affect the outcome of the Merwin dispute it will establish clear policies on relicensing that will avoid such disputes in the future.

Also, this bill goes a long way toward ensuring that hydropower development will be in harmony with the environment. It makes preservation of environmental quality a consideration coequal with energy development in licensing, and it requires FERC to include provisions in licenses to protect, mitigate, and enhance fish and wildlife resources.

In so doing, this bill will eliminate artificial incentives for dam building that have caused particular concern in the Pacific Northwest. Under section 210 of the Public Utility Regulatory Policies Act of 1978, or PURPA, small generators of electricity were guaranteed buyers for their power, regardless of whether their generating project was in the public interest. Congress expected the section to promote installation of generating facilities at existing dams and other potential power sources. However, the section, as interpreted by FERC, has triggered what many Oregonians consider a hydrogold rush—a wave of proposals to build new dams.

In many cases in the Northwest, these dams would have serious impacts on fish and wildlife, recreation, or water quality, while the benefits they would produce would be small. Because of the region's rate structure, new projects could actually drive up the cost of electricity to the consumer. In fact, in light of the present electrical power surplus in the region, many of these proposals are counterproductive, and would never get off the drawing board without an artificial, Government-ordered, guaranteed market.

H.R. 44 goes a long way toward fixing this undesirable side effect of PURPA.

First, as I've already noted, the bill establishes environmental requirements for projects hoping to take advantage of PURPA. By making developers responsible for environmental degradation their dams may cause, the bill will eliminate artificial incentives for dam building that exist under the present scheme.

Second, the bill establishes a moratorium on the licensing of new projects while FERC prepares a study on their overall environmental effects.

And third, although the bill does not expressly deny PURPA benefits to developers that fail to prove a need for their power, it does make energy conservation a coequal consideration with energy development in FERC licensing proceedings. The bill gives FERC the authority and, in fact, the mandate to deny licenses to projects that would aggravate the regional power surplus, raise consumer rates by generating unneeded power, or degrade the environment.

□ 1240

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I represent a district in the State of Utah that places me in a very difficult position with regards to issues that affect both public and private utilities. My district is split fairly evenly between the two, and one of the pending cases for relicensing involves my major city. However, in this particular piece of legislation I feel that the Energy and Commerce Committee has done an excellent job in structuring this legislation in a manner that is fair and equitable to both sides. I am sure that those who have spoken before me and those that will speak after me will talk in further detail so I will take just a moment to cover three items of particular concern to me. First, the access provision: There is a provision in this legislation that requires a private utility, if they should lose in the relicensing process a hydroelectric facility, to provide the new licensee with access to the hydroelectric facility in question, thus allowing the new licensee the opportunity to use that power generated by the hydroelectric facility. I feel this provision is critical to the legislation. Without this provision we severely handicap the ability of the new licensee to ever realize any benefit from that facility. This, however, does not imply that so-called long wheeling is contemplated by the legislation.

Second, preference in relicensing: It is my opinion that neither the public or the private utilities need a preference in the relicensing process. Both should present the best possible case before the Federal Energy Regulatory Commission. They should rely on the completeness and merits of their application and not some provision in public law or regulation that allows either an unfair advantage to either have the last right of submittal or to be granted the license in case of a tie.

Third, as in the case of the access provision nothing in this legislation in any way affects or alters the preference that public utilities, municipalities, and cooperatives have in regards to the initial preference of hydroelectric facilities and preference for Federal marketed power. These two issues stand on their own merits.

In conclusion, I want to say that I fully support this legislation and I would like to commend Mr. SHELBY, Mr. DINGELL, Mr. MARKEY, Mr. MOORHEAD, Mr. SWIFT, Mr. WYDEN, Mr. DANNEMEYER, Mr. MILLER, and Mr. MATSUI for their efforts. I think this is a good bill and I would encourage Members to support it.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding me this time, and I join my colleagues in commending the gentleman and the ranking minority member of the subcommittee for helping us work through what otherwise could have been an ex-

traordinarily controversial piece of legislation.

Mr. Speaker, the Committee on Energy and Commerce worked on this legislation for nearly 3 years, and we have developed a compromise bill that was able to pass the committee by a unanimous voice vote.

I would like to bring to my colleagues' attention two features of this bill that distinguish it from the Senate bill which the Senate adopted last week. There are many important differences between the two bills, but I believe these two are of particular significance.

First, the House bill establishes that neither side shall have a preference at the time a dam is relicensed. This legislation owes its existence to the fact that a majority of Members of Congress do not believe that municipalities should have a tie-breaking preference in the relicensing of hydroelectric dams; there is a concern that that may create an unfair advantage for one side that is unrelated to the public interest. So when the committee developed its bill, we made sure that neither side would have a preference at relicensing. The bill would require FERC to determine which applicant would best serve the public interest, and award the license to that applicant.

On the other hand, the Senate bill expressly provides a preference to the existing licensee. Since almost all existing licensees are investor-owned utilities, that is virtually tantamount to a preference for investor-owned utilities. I would point out to my colleagues that the Committee on Energy and Commerce intentionally did not take the approach of the Senate bill. We did not believe that Congress should respond to a perceived inequity on one side by creating a new inequity on the other side.

Significantly, the chairman of PG&E, Mr. Frederick Mielke, who is also the chairman of Edison Electric Institute's hydro relicensing committee, testified in favor of this position in a hearing before the Energy Conservation and Power Subcommittee 2 years ago. Mr. Mielke testified: "You will never have a tie without a preference. There should be no tiebreaker. You must force on the FERC, one way or another."

The second issue that I would like to direct the House's attention to is somewhat more subtle. The investor-owned utilities very much wanted to have included in this legislation an "economic impact test" required as part of FERC's determination of which applicant would best serve the public interest.

The committee labored for months in an effort to arrive at an economic impact test that would not, in essence, merely create a preference for large, investor-owned utilities. In other words, we were concerned that we not produce a bill which would purport to say that neither side has a preference in hydro relicensing cases, and then turn around and create a de facto preference for investor-owned utilities through a so-called economic impact test. We were unable, however, to develop an economic impact test that would not end up favoring one side or the other—and given the thrust of this legislation, that side would have been the investor-owned utilities.

The Senate bill, on the other hand, does include an economic impact test. This is a critical issue, Mr. Speaker. The absence of an economic impact test in the House bill is, I believe, a key reason why we are on the Suspension Calendar today, instead of engaging in 4 days of debate as occurred in the Senate. The balance achieved in the House bill would be the standard by which the two bills are resolved. There can be no justification for slanting this legislation even further in the direction of the investor-owned utilities.

While I cannot claim that the Edison Electric Institute agrees with my specific views on the merits of an economic impact test, with regard to the balance established by the House bill, I would like to note in this regard their statement in an April 18, 1986, letter to Members of Congress. EEI says: "The Energy and Commerce Committee has fashioned a fair approach to the relicensing of these valuable projects under which all applicants * * * can compete on an equal basis."

Finally, Mr. Speaker, this legislation includes a grandfather clause to protect the applicants competing for the Merwin Dam in southwest Washington from the application of any of the requirements of this bill, except for the amendments made by sections 5 and 6(f). This grandfather clause was made at the specific request of both the Clark/Cowlitz Joint Operating Agency and the Pacific Power and Light Co., the two applicants in that proceeding. This grandfather was included because of the advanced state of the Merwin proceeding, and requires that all present and future proceedings related to this case should continue to be governed by the provisions of current law.

Mr. MOORHEAD. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] has 2½ minutes remaining and the gentleman from California [Mr. MOORHEAD] has 4 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon [Mr. WEAVER].

□ 1250

Mr. WEAVER. Mr. Speaker, under section 14(a) of the Federal Power Act, the United States now has the right upon or after the expiration of any license to take over and thereafter to maintain and operate any hydroelectric project licensed by FERC, upon the condition that before taking possession it shall pay the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus such reasonable damages, if any, to property of the licensee * * * caused by the severance therefrom of property taken. Is it correct that H.R. 44 does not affect this authority of the United States to take over FERC-licensed hydroelectric projects?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield, H.R. 44 does not change existing law concerning the authority of the United States under section 14(a).

Mr. WEAVER. Section 4(e) of the Federal Power Act authorizes the Secretary of the Interior to impose conditions upon the license for a hydroelectric or transmission facility located on an Indian reservation as he shall deem necessary for the adequate protection and utilitization of such reservation. Is it correct that H.R. 44 does not affect this authority of the Secretary of the Interior to impose license conditions on facilities located wholly or partially on Indian reservations?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield, H.R. 44 does not change the existing authority of the Secretary under section 4.

Mr. WEAVER. Section 4(e) of the Federal Power Act also conditions the licensing of facilities located on Indian reservations upon a finding by FERC "that the license will not interfere with or be inconsistent with the purpose for which such reservation was created or acquired." Is it correct that, under H.R. 44, FERC would be required to make such a finding before issuing a new license for an existing facility or for a new facility located wholly or partially on an Indian reservation?

Mr. MARKEY. If the gentleman will yield, Mr. Speaker, H.R. 44 does not change existing law concerning FERC's obligation to make such a finding.

Mr. WEAVER. The U.S. Supreme Court has adopted a rule of construction with respect to rights of Indian tribes deriving from treaties or acts of Congress that such rights are not impaired or abrogated by subsequents acts of Congress unless such acts specifically and directly do so. Is it the gentleman's understanding that, unless some provision of H.R. 44 specifically and directly modifies Indian treaty or statutory rights, the bill is not intended to have that effect?

Mr. MARKEY. If the gentleman will yield, it is my understanding that H.R. 44 does not specifically and directly change such laws.

Mr. WEAVER. I thank the gentleman very much for his cooperation. I believe that his answers are very satifactory.

Mr. Speaker, section 4 of this bill authorizes FERC to require a "new licensee to provide reasonable compensation to the existing licensee in addition to the amount required to be paid pursuant to" existing law, which is essentially the existing licensee's "net investment" in the project plus severance damages. Section 4 states that this additional compensation is intended as "mitigation of any demonstrated economic loss to the customers of the existing licensee." In order to provide such mitigation for economic losses to utility customers, any compensation in excess of the existing licensee's net investment (capital expenditure minus depreciation) in the project should be credited to the utility's ratepayers. They will have already paid most if not all of the capital cost of the dam through depreciation payments during the initial 50-year license term. If the utility receives compensation in excess of its net investment in the project, the additional compensation should be credited to the utility's ratepayers, not to its stockholders.

Under typical accounting and ratemaking treatment, investor-owned utilities are allowed to collect annual revenue sufficient to earn an authorized rate of return on their ratebases plus cover depreciation on their capital investments, such as hydroelectric projects. Thus, if a project is amortized over 50 years, the ratepayers at the end of the 50-year period will have paid all of the original capital cost in the form of depreciation, plus paying a rate of return during the entire period. The project may still have a positive book value, however, if the utility has later invested additional sums in capital improvements to the facilities.

If an existing licensee is to receive compensation from a new licensee in excess of its net investment in the project (capital cost minus depreciation), that additional compensation should rightfully be credited to ratepayers, who have already paid all of the capital cost of the project except for the remaining net investment of the utility. This additional compensation should not be credited to stockholders, because they have already been compensated by the ratepayers for that portion of their investment.

In addition, neither existing law nor H.R. 44 forbids an investor-owned utility from selling a licensed project to another utility or other buyer. The selling utility might legitimately claim for its stockholders a portion of the sales proceeds equal to its remaining net investment in the project, but all additional proceeds should be credited to the utility's ratepayers, because the ratepayers have already absorbed the remaining cost of the project through depreciation payments.

This is an important issue. I note that the utilities in Oregon are now selling properties and claiming most or all of the proceeds for stockholders.

In order to achieve the H.R. 44's purpose of protecting the ratepayers of utilities with licensed hydroelectric projects, we must not allow rate regulators to circumvent the intent of the bill by allowing investor-owned utilities to sell licensed projects and pocket for stockholders the sale proceeds in excess of their net investment.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 44 which amends the Federal Power Act to resolve a very thorny and contentious issue concerning the relicensing of hydroelectric power facilities. It is a fair bill. It is a reasonable bill. It is proconsumer. It is pro-environment. Just as important, it retains the expressed statutory preference for States and municipalities in original licensing, while making it inapplicable in proceedings following expiration of an existing license. I stress this, because I believe it is important for all to know that we have not undone the longstanding preference provisions of this law or those of other laws involving power marketing. We have set no precedents in this regard. Indeed, I could not support this bill if we did, as I believe such preference in these laws must be preserved. I would undoubtedly oppose future efforts to abandon or even erode such preference provisions.

I particularly want to stress the environmental features of the bill worked out cooperatively with all my colleagues on the committee, but particularly the bill's chief sponsor, Mr. SHELBY, the subcommittee chairman, Mr. MARKEY, and the ranking minority member, Mr. MOORHEAD. They are discussed in great detail in the March 25, 1986, committee report on the bill, particularly pages 30–32 and 39–41.

The fish and wildlife and related environmental provisions of this bill are long overdue. To me, they are the backbone of the bill. As the electric utility industry knows, they are one of the principal reasons for my supporting the bill with great enthusiasm.

For too many years, the Federal Energy Regulatory Commission and its predecessor, the Federal Power Commission, treated these important natural resources, including the pristine waterways to which they depend, with disdain and indifference. These resources have been relegated to a mere nuisance, rather than treated as a valuable and irreplaceable national treasure. Too often, while I chaired the Fisheries and Wildlife Subcommittee of the Merchant Marine and Fisheries Committee, the Federal Power Commission would devise, with apparent relish, schemes to circumvent or render ineffective the Fish and Wildlife Coordination Act.

Recently, under former Chairman O'Connor, FERC showed some indication that this attitude might be on the wane. But he is gone and now some of the new Commissioners seem ready to revert back to the "good old days." This must not happen. I believe that this bill, along with some vigilant oversight by the Energy and Commerce Committee's Subcommittee on Oversight and Investigations, which I chair, will help to assure that it does not.

The bill, which applies to original licensing and relicensing, provides an effective mechanism and procedure for the Federal and State fish and wildlife agencies to prepare and have adopted meaningful provisions not only to mitigate damage to fish and wildlife, but also to protect the resource from such damage and to enhance both fish and wildlife and their habitat and spawning areas. In doing this, these agencies are bound not only to look at the project in question but also to look at the cumulative imports the project may have in conjunction with other projects already on a waterway or planned. Most importantly, these agencies no longer must go "hat-in-hand" to FERC to try to gain small crumbs for this resource. They can, in fact, decide to recommend against a project and if FERC wants to reject that recommendation, FERC must fully justify that rejection and have it subject to judicial challenge. Indeed, the bill is intended to put fish and wildlife resources on a par with hydro development. It requires a greater public process in licensing of any kind, including enforcement of the act and conditions of any license, permit, and so forth. No longer can FERC and its staff operate in a closed-door fashion. Public scrutiny is to be a part of the processes of hydroelectric licensing and enforcement.

At this point, I insert in the CONGRESSIONAL RECORD communications I received in support of H.R. 44:

NATIONAL AUDUBON SOCIETY,
Washington, DC, April 16, 1986.

Dear Representative:

H.R. 44, the Electric Consumer Protection Act of 1985, is scheduled for House floor consideration next week. On behalf of the National Audubon Society and its half-million members nationwide, I am writing to urge your support for this legislation.

The main purpose of this legislation is to deal with the issue of preference for states and municipalities when hydropower projects are considered for licensing and relicensing by the Federal Energy Regulatory Commission (FERC). However, H.R. 44 contains very important provisions for ensuring that fish, wildlife, and environmental considerations become an integral part of the FERC hydropower licensing process.

As the federal agency responsible for licensing most non-federal hydropower projects, FERC exercises enormous control over the use of this country's water resources. By granting permission to build or operate a hydropower facility, FERC determines who may use a public resource—the nation's rivers and waterways—and in what manner. FERC's decisions have substantial impacts on fish, wildlife, recreation, and all of the other non-power-related uses of rivers and waterways.

FERC has made little substantive effort to determine the environmental impacts of its decisions or to balance the competing uses of a river in its decision-making processes. Rather, it has taken the attitude that the development of power is the most important use of any waterway; protection of

non-development values has been a secondary concern. As a result, major fisheries (particularly anadromous fish) have seriously declined, wildlife habitat and parklands have been degraded, recreational opportunities lost, and free flowing streams dammed and dewatered. FERC's compliance with the National Environmental Policy Act has been poor; federal and state natural resource agaencies have complained that too often, FERC has not adequately considered their advice and recommendations.

The National Audubon Society has been concerned that the problems with FERC could become even more acute absent a legislative remedy. The number of pending hydropower projects has rapidly escalated—from a dozen per year in the mid-1970's to over 6,000 between 1978 and 1984. In addition, a number of the nearly 900 presently licensed projects are coming up for relicensing. The present proliferation of projects is caused in part by the Public Utility Regulatory Policies Act (PURPA), which requires utilities—whether they need the power or not—to buy power from qualifying private hydropower facilities. As a result, private developers and speculators have staked claims on rivers and streams all over the country. This rush to claim hydro sites was exacerbated by FERC's interpretation of PURPA, extending its benefits to new dams as well as to power development at existing dams. This extension to new dams, in our opinion, goes beyond the congressional intent of PURPA.

The National Audubon Society recognizes hydropower as an important source of power, but the development of water projects must be controlled before the proliferation of dams chokes our rivers. Further development of hydropower must be balanced with the many other uses of the waterways. We have been troubled that FERC, without strong and explicit guidance from the Congress, would not be able to achieve these objectives.

H.R. 44 is a major step forward in redressing the present imbalance in the FERC hydropower program. Under this legislation, fish, wildlife, and other non-development amenities of a waterway will be given equitable treatment with power development. The natural resource agencies, which have the knowledge and expertise to advise FERC on the environmental impacts of hydropower projects, will play a larger role in the licensing decisions. And, while PURPA benefits to new dams will not be eliminated, some limitations will be placed on these financial incentives and a major review of the PURPA/hydropower issue will be undertaken.

We urge you to support H.R. 44. In our view, it will provide much needed protection to our rivers and streams.

Sincerely,

CHARLENE DOUGHERTY,
Director of Legislation.

FRIENDS OF THE EARTH,
Washington, DC, April 16, 1986.

Dear Representative:

On Monday April 21st, the House of Representatives will take up floor consideration of H.R. 44, the "Electric Protection Act of 1985." The bill would amend the 1920 Federal Power Act with regard to several issues surrounding the licensing and "relicensing" of hydroelectric power facilities by the Federal Energy Regulatory Commission. We are writing in support of the bill's passage, in particular, because it will help improve FERC's handling of environmental matters with respect to hydroelectric dams.

This bill has gone through a number of key modifications since it first introduction. While H.R. 44 does not resolve all of the serious evironmental protection issues surrounding FERC's handling of hydro licensing, it does make important steps with regard to the protection of fish and wildlife and other environment amenities and it places certain needed limitations on speculative developments on virgin streams now being promoted by the Public Utility Regulatory Policies Act. In recent years, dozens of river basins in several regions, supporting some of the nation's most prized fisheries and other river values, have been overwhelmed with speculative small hydropower development proposals brought on by the PURPA. In some circumstances, the rash of proposals threatens major cumulative damage to streams. H.R. 44, as reported by the House Energy and Commerce Committee, attempts to provide a higher degree of assurance that such damage will not occur.

The bill establishes important new environmental "purposes" for FERC's hydrolicensing program and sets out procedures for negotiating disputes over licensing conditions between fish and wildlife agencies and developers. The bill also institutes improved FERC license enforcement procedures, restores conditioning authority to the National Marine Fisheries Service for exempted projects and makes energy efficiency a criteria for consideration in FERC license application reviews.

While H.R. 44 is a complicated bill which has been subject to considerable negotiation and compromise, we feel the special environmental improvements the bill includes for FERC's programs are of high importance at this time and strongly deserve the support of House members.

Thank you for considering our views.

Sincerely yours,

DAVID R. CONRAD,
Washington Representative.

APRIL 18, 1986.

Hon. JOHN DINGELL,
U.S. House of Representatives, Washington, DC.

We, the undersigned, urge your support of the compromise bill, H.R. 44—the Electric Consumers Protection Act of 1985—this morning under suspension of the rules.

International Brotherhood of Electrical Workers; National Association of Regulatory Utility Commissioners; American Paper Institute; Edison Electric Institute; U.S. Chamber of Commerce; New England Council; National Conference of State Legislatures.

Before closing, I want to particularly commend the chief sponsor of this bill, my good friend Congressman SHELBY from Alabama. From the very beginning in the last Congress when he introduced an earlier version of the legislation we are considering here today, Mr. SHELBY and I talked about the need for improved fish and wildlife provisions in the Federal Power Act. He has worked diligently with Chairman MARKEY and myself to develop these provisions because he shares our concern for this valuable and irreplaceable resource. He, along with Congressman MILLER of California, has been the chief proponent of the PURPA provisions of this bill. Indeed, both gentlemen wanted to go even further toward eliminating PURPA benefits for new dams and diversions—a view I believe is shared by our distinguished friend from Oregon, Congressman WYDEN. I feel certain that they will not look with kindness at the "PURPA" provisions of S. 426, as passed by the other body last week. I fear that those provisions, particularly a "PURPA grandfather clause" in that bill that could exempt hundreds of projects, may delay our resolution of this issue in any future conference.

I also want to commend Chairman MARKEY in working many long days and hours to resolve this difficult bill. It is a tribute to his leadership that this bill is now so free of controversy that it could be considered on the Suspension Calendar.

Mr. MARKEY was particularly supported in this effort by the ranking minority member, Mr. MOORHEAD, who also worked diligently to fashion a fair and reasonable compromise. I am particularly thankful for his generous support for the fish and wildlife provisions.

The others who were instrumental in developing this version of this bill were the able Congressman HALL of Texas, the patient and thoughtful gentleman from Washington, Congressman SWIFT, the distinguished Congressman from Utah, Mr. NIELSON, my tireless and able colleague from Oregon, Mr. WYDEN, and the distinguished Congressman from California, Mr. DANNEMEYER. Also to be commended is the able ranking minority member of the full committee, Mr. BROYHILL.

Mr. Speaker, the Shelby bill is, as I have already said, a fair bill, a consumer bill, a timely bill, an environmental bill, and one that deserves broad support today. I urge my colleagues to vote for the Shelby bill, H.R. 44.

Mr. Speaker, I also insert at this point communications with the chairman of the House Committee on Merchant Marine and Fisheries and myself concerning this bill. The letters follow:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, March 24, 1986.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC

DEAR JOHN: As you know, the staff of this Committee has been working with the staff of the Committee on Energy and Commerce concerning those provisions of H.R. 44, the Electric Consumers Protection Act of 1985, which pertain to the conservation responsibilities of the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), two agencies under the jurisdiction of this Committee. In particular, our staff has been interested in Sections 3(c) and 6(a) of H.R. 44 which involve FWS and NMFS responsibilities under the Fish and Wildlife Coordination Act (FWCA) for the protection, mitigation, and enhancement of fish and wildlife. House Rule X(1)(n)(4) states that this Committee has jurisdiction over "Fisheries and wildlife, including research, restoration, refuges, and conservation." Given your many years of service with this Committee, we certainly need not spend any time making the case that an alteration or clarification of the responsibilities of FWS and NMFS under the FWCA would be under the jurisdiction of this Committee.

It is our understanding that your staff was most cooperative and helpful during these discussions and that negotiations have resulted in a product acceptable to both Committees. Given your Committee's recog-

nition of our jurisdiction over issues arising under the FWCA, the satisfactory outcome of the staff discussions, and the need for speedy consideration of this important legislation, the Committee on Merchant Marine and Fisheries will not seek sequential referral of that part of H.R. 44 which we believe could affect the FWCA. We would take this course of action with the understanding that it would be nonprejudicial to this Committee's jurisdiction as set forth in Rule X(1)(n) of the Rules of the House of Representatives. We understand that you agree that sections 3(c) and 6(a) of H.R. 44 relate to the fish and wildlife subject matter within our Committee's jurisdiction and will so indicate in a letter which could be made a part of the record during consideration of the measure in the House.

Once again, it has been a pleasure to work with you and your staff to assure that proper consideration is given to the conservation of our nation's fisheries and wildlife.

With best regards, I am,

Sincerely,

WALTER B. JONES,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 25, 1986.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your Committee's letter concerning H.R. 44. As you observe, our staff and yours have been working together, cooperatively, concerning matters of mutal interest.

H.R. 44, as reported by this Committee, amends the Federal Power Act. The primary purpose of the bill is to provide a fair, reasonable, and competitive procedure, with adequate standards and safeguards, for the relicensing of hydro power projects. The bill does not amend the Fish and Wildlife Coordination Act, which is within the jurisdiction of your Committee. Further, it does not limit or expand the authorities or duties of the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), which are within the jurisdiction of your Committee.

I am aware that your Committee has particular interest in sections 3(c) and 6(a) of the bill. These provisions address only how FERC will act upon recommendations made by the Federal and State fish and wildlife agencies under the Coordination Act. Section 3(c) amends the Federal Power Act to place substantive and procedural restrictions on FERC's ability to reject or modify recommendations made by the FWS or NMFS to FERC concerning fish and wildlife matters under the Coordination Act. Section 6(a) requires FERC to extend to NMFS the same authority as is currently provided to FWS with respect to establishing terms and conditions for certain conduit hydroelectric projects exempted from the licensing requirements of the Federal Power Act. As you know, this provision is the same as H.R. 2605, which wa referred exclusively to the Energy and Commerce Committee, and which was reported by this Committee in the 98th Congress as part of S. 1132 (H.Rept. 98-1052).

Your Committee has jurisdiction, under the House Rules, over "Fisheries and wildlife, including research, restoration, refuges, and conservation" and this Committee has jurisdiction over "all functions" of FERC, including hydropower relicensing. I am aware that sections 3(c) and 6(a) of H.R. 44 relate to the fish and wildlife subject matter within you Committee's jurisdiction. As you know, hydro projects affect such resources, as well as water quality, recreation, safety and other such non-power values. Although these sections relate solely to FERC's licensing functions and are not intended to change or affect any matters under your jurisdiction, I can understand your concern.

Because you share our interpretation of the Coordination Act that FWS and NMFS should be accorded equal status, and because of your support in the last Congress for the provision in S. 1132 which would have accorded these agencies equal status under section 30(c) of the Federal Power Act, I applaud your decision not to ask for sequential referral to consider these provisions. I assure you that this Committee is not interested in taking any legislative action that would affect fish and wildlife matters within your Committee's jurisdiction. I reiterate that H.R. 44 provides only how FERC will act upon recommendations made by Federal and State fish and wildlife agencies under the Fish and Wildlife Coordination Act.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Chairman.

Mr. CHANDLER. Mr. Speaker, between now and 1990, over 170 hydroelectric projects will come up for relicensing. I have a deep concern that the relicensing process be conducted in a fair and responsible manner, and I have joined with over 180 of our colleagues who share this concern in cosponsoring H.R. 44, the Electric Consumers Protection Act.

This legislation provides a simple solution to the dilemma caused by conflicting Federal Regulatory Commission decisions handed down on the question of preference on relicensing. H.R. 44 would assure that any utility which has properly built and operated a hydroelectric project in the public interest and demonstrates that it will continue to do so, will be able to keep running it in the future.

H.R. 44 clarifies how relicensing questions should be fairly decided. This legislation makes the all important distinction between a utility which is applying for a license and the original licensee. During the relicensing process under H.R. 44, if FERC concludes that both applicants will do an equal job of using the public water resource, simply fairness would dictate that FERC break the tie in favor of the original licensee who built the generating project and its customers who have paid for it.

I believe H.R. 44 keeps the consumer's best interest in mind, by allowing the electric customers who have paid in their rates over the years for construction, financing, operation and maintenance of the project to continue in the future to receive the low-cost electricity which is generated.

I strongly urge my colleagues to support this vital, pro-consumer bill.

Mr. LEHMAN of California, Mr. Speaker, this week the House will consider H.R. 44, the Electric Consumers Protection Act of 1985, legislation clarifying discrepancies regarding the relicensing of hydroelectric power projects by the Federal Energy Regulatory Commission.

As a Member whose district includes both public and privately-owned utilities, I applaud the efforts of the House Energy and Commerce Committee, my California colleagues who were a part of the compromise efforts, and the representatives of the utility industry for this important consensus legislation. I am pleased to join a majority of my colleagues in supporting H.R. 44 on the floor of the House.

While H.R. 44 clarifies FERC's role in the relicensing process, includes a number of important environmental safeguards, and addresses the role of the Public Utility Regulatory Policies Act [PURPA] in hydroelectric development, I would like to bring to the attention of the House my continuing concern regarding the issue of small hydro development.

In response to the energy crisis of the late 1970's, Congress passed legislation to foster the development of renewable and alternative energy sources. With regard to small hydro development, Congress intended that these incentives were to apply only to existing facilities or on facilities that would not have a negative impact on the natural qualities of a resource.

However, the subsequent implementation by FERC broadened the definition to include new facilities and the number of small hydro applications which were filed with FERC increased dramatically. The most dramatic increase occurred in the West where literally thousands of small, free-running mountain streams became the target for energy development.

Though many of the projects were for retrofitting existing dams or on streams which posed only marginal threat to fish and wildlife, a large majority were proposed on scenic or environmetally sensitive streams. At these sites, speculators were taking advantage of both tax incentives and law requiring utilities to pay for the power at "avoided costs" of generating electricity with oil. Furthermore, many of these projects were clustered in one area or in a watershed region which already had serveral large hydroelectric projects. If allowed to be constructed, many of these small hydro projects would provide further deterioration of the natural resources and aesthetic values of a watershed region.

Unfortunately, FERC has been consistent in its role in facilitating the development of new small hydro projects by providing little, if any administrative relief in meeting the environmental concerns relating to the proliferation of small hydro development. Only court actions and intense congressional pressure has forced either delays of comprehensive studies of cumulative impacts on watershed regions.

H.R. 44 does provide some relief in this regard by requiring FERC to prepare a study analyzing the need for PURPA and other benefits on new facilities, as well as the environmental impacts of both new and existing facilities on watersheds.

However, the legislation grandfathers certain projects that have "committed substantial resources" during the licensing proceeding. I would like to remind my colleagues that the problems associated with small hydro development have been the result of the blatant disregard for congressional intent by FERC and further exacerbated by FERC's steadfast unwillingness to address this problem in an early and equitable manner. To leave this in

the hands of FERC invites further difficulties. The small hydro provisions of H.R. 44 do not go far enough in resolving this issue and I would urge the conference committee on this legislation to take another look at providing more remedial relief and uphold the original intent of Congress.

I am a strong advocate of energy conservation and alternate energy development, including reasonable small hydro development. However, there continues to be need to address the incentives provided for this type of development. The need for this relief is especially true with regard to a stream which flows through Madera County, located in my congressional district, and which is typical of the streams targeted for development. I would like to take the liberty of enclosing a copy of a Fresno Bee editorial written almost exactly a year ago by Mr. Gene Grigg which clearly describes the issue as it relates to Whisky Creek.

[From the Fresno Bee, Apr. 29, 1985]

DON'T KILL THIS SIERRA STREAM

(By Gene Grigg)

According to Charles W. Clough's history of Madera County, Whisky Creek used to be called Alder Creek, but in 1877 a store was opened near what is now the subdivision of Cascadel, four miles from North Fork. The store had the reputation for selling "a few groceries, cheap callco and lots of whiskey." It was then, writes Clough, that the Indians changed the name of Alder Creek to Whiskey Creek.

Clough spells Whiskey with an "e," but U.S. Geological Survey maps show it with that letter, so I guess the second spelling is about as official as you can get. It's whisky Creek as far as I am concerned, and others can differ if they want. Whatever the spelling, it's one of the prettiest streams in the Sierra.

It starts as a trickle 7,000 feet above North Folk, plunges across hillsides, cuts through forests, churns into a white-water frenzy over shallow rocks, and finally glides into a quiet confluence with Willow Creek, 11 miles downstream.

Trails along it are favorites for hiking and camping, and local people and those from Fresno go there every summer to swim in its pools. The fishing in Whisky Creek also is excellent, even though it is unplanted with trout.

As you can see, Whisky Creek has a personality, a self. To many people who know it, it seems alive. It is the kind of natural wonder that you hope will never be changed.

Whisky Creek will be changed beyond recognition, though, if the state Water Resources Control Board allows three hydro projects to be built on it. These would be small projects, producing just a few kilowatts. They would each consist of a low dam diverting part of the creek flow into penstocks of from 10 to 30 inches in diameter.

The water would go through the penstocks into turbines and then back into the creek. Five miles of the 11-mile-long creek would be piped this way. A rivulet would be left with enough water to sustain fish, but Whisky Creek's boisterous, varied personality would be gone.

The saddest part of this story is that Whisky Creek isn't the only Sierra stream threatened by small hydro projects. Just about every stream, public or private, that has the slightest possibility of generating electricity runs the same risk.

The situation results from the 1978 oil crisis. To wean the United States from its dependence on foreign oil, Congress passed legislation requiring utilities to buy power from any source that could provide it. The utilities were required to pay for the power at the "avoided costs" of generating electricity with expensive oil.

That made almost any kind of hydro project highly profitable. Businessmen were spurred into action. They searched maps for any stream with water that could be piped into a generator. The best finds in California are on previously undammed creeks, like Whisky Creek, on federal lands in the Sierra.

Developers have filed hundreds of applications for new projects with the Federal Energy Regulatory Commission. FERC's processes are badly flawed. It handles each application by itself and doesn't normally consider the cumulative environmental damage a number of projects would have on specific watersheds. Only because of pressure from Rep. Tony Coelho, D-Merced, did FERC finally agree to conduct a cumulative study in the Central Sierra.

The state Water Resources Control Board also is part of the approval process, for it must issue water division permits for small hydro projects. Since the 1978 legislation, the board has granted permits to 88 small hydro projects and is processing 275 additional small hydro applications. According to Save Our Streams (SOS), a North Fork organization working to keep small hydro off Whisky Creek, the state board has never turned down an application for environmental reasons.

This makes one wonder what the board's criteria are. It is an inescapable conclusion that many of the approved projects will do environmental damage. It ought to be emphasized, however, that the small hydro opponents are not against all water development. They have supported new projects on irrigation canals and improvements at existing facilities, it's the rush for new small projects on pristine streams that arouses their ire.

Environmentalists have been getting support from other quarters also. Recently a spokesman for the California Energy Commission, which makes recommendations on what state energy policy should be, said the commission prefers those small hydro projects "which are proposed for man-made waterways, canals and existing impoundments." That would rule out projects like those on Whisky Creek.

Another recruit on the opponents side is Ray Walsh, chief of the division of water rights for the state Water Resources Control Board, which will hold hearings on the Whisky Creek permits in June.

In a four-page memorandum to the energy commission, Walsh points out that power from small hydro projects would be produced in greatest quantities during the spring. That's when large hydropower dams owned by utilities are operating at peak capacity and additional power is not needed. In fact, that's the very time the utilities in the Northwest are dumping excess power and selling it to California utilities at bargain rates. During summer, when power demand is highest, the creeks would be mostly dried up and small hydro projects wouldn't be operating, Walsh says.

Whisky Creek runs all year round, but still it would be most productive in power in spring, when power isn't really needed. That, besides the environmental arguments, is another powerful reason against clogging that beautiful stream with small hydro projects. Why kill a stream when its death will only help a group of businessmen with dollars in their eyes?

Mr. FUQUA. Mr. Speaker, I rise today in support of H.R. 44, the Electric Consumers Protection Act of 1985. This legislation addresses a basic question of fairness and equity in the relicensing of existing hydroelectric projects around the country; it is designed to protect the interests of millions of America's electricity customers who have paid for the development and operation of hundreds of hydro projects at the very time when these projects are proving their great value in providing low-cost, reliable and renewable energy.

Opponents of this bill would have us believe that it is in the "public interest" to hand these projects to government-run entities through the exercise of a claimed "municipal preference." In fact, this preference does not exist in the law, nor has it ever existed, for the relicensing of these projects. Public power proponents would also have us believe that the passage of this legislation would ultimately result in the death of public power in this country—that this is just the beginning of an effort to strip government-run utilities of all their existing power marketing preferences. That, too, is incorrect. What we are doing with this legislation is simply protecting innocent consumers who have paid for an investment for the future—low-cost electricity from fuel-free hydroelectric projects—from unwarranted loss. Why, after 50 years or more of paying for these projects, should these consumers be denied the low-cost benefits of hydroelectric power simply because their electric utility happens to be a private company? There is absolutely no reason.

The Electric Consumers Protection Act is simple, fair legislation that sets the record straight regarding a single, precise point in the Federal Power Act of 1920: Municipal preference does not apply to the relicensing of existing hydroelectric projects licensed by the Federal Energy Regulatory Commission. This point has, over the past 6 years, been the subject of strenuous debate and litigation—all of which has failed to finally resolve the question. Congress must resolve it once and for all.

Public power advocates have alleged on many occasions that Congress, back in the deliberations leading to the enactment of the 1920 law, never intended private companies to retain the licenses for hydroelectric projects after the expiration of their initial term. I disagree with the implication that our predecessors intended, consequently, that these valuable energy assets be automatically turned over to government-owned utilities. But what matters in 1986 is what Congress intends today. We have an opportunity here to correct both an ambiguity in the law regarding the operation of municipal preference and the apparent misperception in the minds of some that the 76 percent of Americans served by our investor-owned electric utility industry does not constitute a substantial portion of "the public." In fact, they are the public.

Although consumers in the State of Florida benefit only indirectly from low cost hydro power to the extent it makes up some of the

power transmitted into the State from our northern neighbors, what is at stake here are important principles of fairness and equity. By enacting H.R. 44 we are confirming the public policy in favor of widespread enjoyment of hydroelectric power. We are rejecting the notion that those who paid for its development and operation over 50 or more years can be deprived of the benefits by operation of a congressionally sanctioned preference for a privileged few. I urge my colleagues, whether from States blessed with hydro resources or not, to vote for enactment of this carefully crafted bipartisan compromise legislation that so properly reflects the public interest today.

H.R. 44 also contains important environmental provisions and is endorsed by major environmental organizations.

This vital legislation deserves the support of all Members and I urge you to join me in voting for H.R. 44.

Mr. BEVILL. Mr. Speaker, I rise today in support of H.R. 44, sponsored by my good friend and colleague, RICHARD SHELBY. I am proud to have cosponsored this bill because it represents sound legislative policy.

H.R. 44 would achieve two things: It would provide a fair and orderly method for relicensing hydroelectric plants and would provide for the payment of just compensation to the existing licensee if its project is licensed to another applicant.

H.R. 44 would affect only those hydro facilities licensed by the Federal Energy Regulatory Commission under the Federal Power Act. It would amend the act to make clear that the preference in favor of municipal and other State agencies in the initial licensing of hydroelectric projects does not work against existing licensees when their licenses expire.

I don't think it is fair that a licensee should be ousted from a project which it has built and operated for many years, unless it is shown that the licensee has failed to live up to the conditions of the license or that a new applicant has a better plan for the development and use of the project in the future.

In order for there to be fair competition for the relicensing of these projects, I believe there should be no preference. Let all compete on an equal basis and select the best proposal.

If an existing licensee loses its license to operate a hydro plant, then the project owner should be fairly compensated. H.R. 44 provides for the payment of just compensation.

I urge my colleagues to support this bill.

Mr. MILLER of California. Mr. Speaker, I am pleased to support H.R. 44, the Electric Consumers Protection Act. Mr. Speaker, without the dedication of the chairman of the House Energy and Commerce Committee, JOHN DINGELL, and Subcommittee Chairman ED MARKEY, we wouldn't be considering this bill. Their hard work, and that of Congressmen RICHARD SHELBY and CARLOS MOORHEAD, among others, were responsible for this historic legislation.

H.R. 44 contains many compromises. The shifting circumstances surrounding the relicensing issue and the remarkable accommodation of conflicting views that was required to bring this bill forward made it necessary for everyone to accept something short of their strongest position. But the end result is sound—H.R. 44's relicensing reforms are fair, workable, and in the public interest.

Hydroelectric facility relicensing is an issue of enormous importance to consumers throughout the country. In California, 10 million people have benefited from licensed hydroelectric facilities. The fear of losing these benefits have been reduced by the outright rejection of the public power preference in H.R. 44.

Hydro relicensing is not a private versus public power or even a utility issue. Hydro benefits are passed directly through to the consumers, and utility company consumers are every bit as much the "public" as those served by other kinds of systems. By recognizing this essential equality, H.R. 44 ultimately protects all electric consumers.

The environmental provisions in H.R. 44 are also of great importance to California, where we have seen an explosion in attempted "small hydro" development on our rivers and streams. I want to express my special appreciation to Chairman DINGELL for his continuing effort to make the consumer and the environment equal partners in the search for sound hydroelectric development. H.R. 44's express direction that fish and wildlife concerns are to be given full equity with other purposes of the act is an important clarification.

The small hydro elements in H.R. 44 address a particular environmental concern of mine. The mandatory-avoided cost provisions in the Public Utilities Regulatory Policy Act have encouraged the indiscriminate development of small hydro facilities on our rivers and streams. It was the threat to our remaining free-flowing rivers and streams posed by indiscriminate small hydro development which led me to introduce H.R. 1959 as a logical extension of H.R. 44. The number of new developments currently qualifying for PURPA benefits is not justified. When PURPA was passed in 1978, the Congress said that PURPA benefits were to go to facilities built at existing dam sites only—not to facilities at new dam sites.

H.R. 44 prohibits FERC from accepting any applications for a small hydroelectric facility license until a study of the need for an environmental impacts of these new dams has been completed. In addition, H.R. 44 prohibits the issuance of a license for facilities on a watercourse which possesses unique natural, recreational, cultural, or scenic values.

I also am pleased that H.R. 44 will leave ample room for competition in the public interest. The legislation requires the Federal Energy Regulatory Commission to license facilities which meet genuine consumer needs, sound conservation principles, comprehensive environmental protection and the broad, efficient and reliable utilization of hydropower benefits.

H.R. 44's relicensing reforms and its environmental provisions represent the legislative process at its best. I strongly support its passage.

Mr. SHELBY. Mr. Speaker, as the lead sponsor of H.R. 44, the Electric Consumers Protection Act, I urge this body to act favorably on this landmark piece of legislation which would benefit a majority of consumers nationwide.

I first took up this battle more than 2 years ago because of the potential rate impact, without corrective legislation, on the electric consumers in my home State of Alabama. Without this legislation, over 60 percent of Alabama consumers, who are served by a regulated utility there, would risk losing the benefit of inexpensive, clean hydroelectric power. In addition, many Alabamians, who are indirect customers through wholesale arrangements, would be adversely affected.

The Alabama Power Co. holds operating licenses for 14 dams along the State's waterways. As of December 1, 1984, these projects had a value, based on 1985 equivalent fossil replacement cost, of approximately $2.7 billion. Because of the many conflicting decisions at the Federal Energy Regulatory Commission and in the courts over the issue of preference at relicensing, I am convinced that without this legislation, all of the licenses would be at risk of being transferred. The cost to the Alabama consumer would be extremely burdensome as these projects will have an equivalent fossil replacement cost at the time of license expiration of more than $18 billion. Most of the cost of constructing these dams has already been passed on to the customers through their electric bills, so the power they get from the dams is now very cheap. This is particularly important in a period when building any new generating capacity is extremely difficult and expensive.

In response to the uncertainty surrounding relicensing and the inequities resulting without corrective legislation, the Energy and Commerce Committee has unanimously presented H.R. 44 for this Chamber's approval. The bill before us now contains a much-improved relicensing procedure. At relicensing, the FERC would grant a license based on the best plan presented by the applicants, rather than on the arbitrary basis of the applicant's form of ownership. Further, the customers of the original licensee could be compensated for the adverse impact on their electric rates caused by the transfer.

I want to emphasize that this legislation does not in any way affect the preference to municipalities when the FERC issues a first and original license for a hydroelectric project. Just as I think it is crucial for the customers of an existing licensee to be protected by H.R. 44, it is important to maintain local control at the original licensing. Further, this legislation does not in any way affect the Federal power marketing preference which enables municipal systems to provide cheap power to their customers.

Mr. Speaker, I am very thankful for the support and encouragement I have received throughout this effort. All my colleagues in the Alabama delegation cosponsored this legislation, and it has attracted broad bipartisan support from Members across the Nation. In all, 184 House colleagues are cosponsors. Scores of editorials in major news publications and organizations representing business, labor, farm, utility regulator and environmental groups have endorsed H.R. 44's goal of consumer protection.

While H.R. 44 was a simple bill as introduced, bringing it through the legislative process has been a great test of our legislative skills and willingness to compromise. I am proud of all who have taken part in this proc-

ess, and today, Mr. Speaker, we present to the House of Representatives and the Nation a fine product of diligent work.

H.R. 44 is an equitable and balanced bill. It establishes a fair process for the relicensing of hydroelectric facilities which is long overdue. It strengthens actual FERC procedure and requires a more thorough review of several important factors, including the impact on fish and wildlife and plans to promote energy conservation. The bill also addresses concerns of many of our colleagues over the licensing of hydro dams under PURPA.

One of the more difficult issues raised in our discussions was to address the situation of an actual license transfer from one party to another. How would the second party be guaranteed that it would receive the benefits of the project after a takeover? After long negotiations, we arrived at a provision that arranges for coordination services between the old and new licensee. This provision is delicately crafted and is one of which I am particularly proud.

H.R. 44 contains numerous other provisions which strengthened its level of support. It is an end product of many hours of negotiations between staff, interested outside parties and Members both on and off the Energy and Commerce Committee. H.R. 4 presents a true national consensus.

Mr. Speaker, I commend my friend and colleague, Mr. MARKEY of Massachusetts for his skill and patience in dealing with this issue as our new chairman of the Energy Conservation and Power Subcommittee. It was not long ago when moving legislation through the subcommittee appeared to be a rare occurrence. H.R. 44 is one of a number of landmark pieces of legislation that the subcommittee has successfully brought to the floor under the leadership of Chairman MARKEY, and I hope we will be able to continue this record of effectiveness and cooperation throughout this session of Congress. Relating to H.R. 44, his participation on behalf of promoting energy conservation was most appreciated.

I also thank my dear friend and colleague, Mr. DINGELL, the chairman of the full Energy and Commerce Committee, who actively participated in this process from the beginning and whose guidance at key junctures was vital. I also want to commend him for his help in addressing concerns of the environmental community, particularly with respect to fish and wildlife.

Mr. Speaker, I would like to thank my Republican colleagues on the subcommittee for their support and help in this bipartisan effort. I particularly appreciate the leadership shown by the subcommittee's ranking minority member, Mr. MOORHEAD, and his able staff on behalf of consumers from California to Alabama.

My good friend on the subcommittee, Mr. HALL, has also been instrumental in his steadfast support throughout this entire process. My deep appreciation also goes out to Mr. SIKORSKI and to Mr. WYDEN and Mr. SWIFT who were placed in a difficult position concerning their own constituencies and how they were affected by the relicensing process. I compliment them both for their gentlemanly manner.

There were several House colleagues who played major roles in crafting this legislation, even though they are not members of the Energy and Commerce Committee. A number of them actively participated in subcommittee member meetings to iron out various differences between the interested parties. Mr. BEVILL, an institution in my State of Alabama, has been a tower of strength behind this effort, Mr. Speaker, as well as my good friend, Mr. MILLER of California. Mr. MATSUI is also to be commended for his help and participation, as well as my good friend, Mr. COELHO of California.

I think we would be remiss, Mr. Speaker, if we did not call the attention of the House to the long months of hard work put forth by our committee and personal staffs. Surely they deserve our thanks and praise for a job well done.

Mr. Speaker, I am sure I have left out others who deserve our appreciation for what we have led for the past 2½ years has been a genuine national movement involving the tireless efforts of many, many individuals. And that effort has been well worth it for the benefit of electric consumers nationwide.

Mr. Speaker, the Electric Consumers Protection Act is a consensus bill forged by hard work and a commitment to do the right thing for our constituents. I urge all my colleagues in the House to place their enthusiastic stamp of approval on H.R. 44 and to join me in moving this bill through the remainder of the legislative process so that it can be signed into law this year. Thank you, Mr. Speaker.

Mr. COELHO. Mr. Speaker, I would like to voice my support for the hydro relicensing reform embodied in H.R. 44. It has long been clear to those of us who've seen hydro relicensing cases up close, that a preference for outsiders simply makes no public interest sense. The uncertainty that has surrounded the preference question has already gone on far too long.

This bill leaves plenty of room for anyone who really has proof that they can do a better job. The municipal utilities of California have always maintained that they offered a better alternative, so these changes should leave them unaffected. All in all, I believe the committee members have done a fine job of grappling with the problem posed by the judicial confusion over relicensing preference.

I am troubled by the features in H.R. 44 that require consumers involved in pending cases to make retribution to their opponents, just to assure the act's protection. But that issue will be taken up in conference and I am confident that a sound result can be reached there.

It's rare to see a truly bipartisan resolution of a hotly contested issue. H.R. 44 represents such a resolution and should go a long way toward restoring calm and careful consideration in this area of such vital importance to America's electric consumers. My congratulations to Chairman DINGELL, Chairman MARKEY and to all of H.R. 44's cosponsors for a job well done.

Mr. PASHAYAN. Mr. Speaker, I should like to congratulate our distinguished colleagues on the Committee on Energy and Commerce for bringing the Electric Consumers Protection Act of 1985 to the floor. For those of us who first recognized the need for legislation clarifying the relicensing provisions of the Federal Power Act in the previous Congress, this day has been a long time coming.

As an original cosponsor of the bill on the floor today as well as the effort in the last Congress, I have held that the relicensing of hydroelectric projects is a consumer issue, that the benefits flow directly to the people who pay the bills each month.

A relicensing preference favoring municipally run operators over the private companies that many years ago built the dams and installed the generators is unfair and unjust. Nowhere was that potential injustice more apparent than in my own congressional district in California where the view that preference should apply against existing licensees and their customers threatened consumers with rate increases mounting in the hundreds of millions of dollars.

The controversy regarding hydroelectric relicensing and the preference clause has established a great deal of wasteful and unnecessary tension between the regulated investor-owned utility companies and the municipally run systems. With the cooperation and leadership of Chairman ED MARKEY of the Subcommittee on Energy Conservation and Power, I participated in the hearings on H.R. 44 and I was most impressed then and now with the fact established there—and now restated in the Energy and Commerce Committee report—that both investor-owned and municipal license holders generally agreed "that licenses should not be transferred upon the expiration of an existing license unless another applicant submits a better proposal for the project." H.R. 44 does no more than recognize the commonsense fairness in that mutually held position.

H.R. 44 certainly has grown longer on its road to becoming concensus legislation. For my part, I am concerned with that part of the bill that would require consumers threatened in pending litigation to pay money to secure the protection we have taken so long to bring them. As the committee report so aptly states:

The judicial controversy over whether, in the case of a tie, this tie-breaker applies is still not ended, and no end is expect soon.

Indeed, I can see no justification for requiring payments from the people we seek to protect.

Nonetheless I am aware of the effort that has gone into bringing H.R. 44 this far and I am not going to press today for changes that would in any way thwart or slow the progress of that which has been achieved. H.R. 44 does attain our primary consumer protection goals. Further, it brings forth the action demanded by the consumer.

Final resolution to this issue of relicensing will dispell the cloud now hanging over every hydroelectric relicensing application pending before the Federal Energy Regulatory Commission and it will do so in a way that poses no threat whatever to public power or to preferences not related to hydroelectric relicensing. H.R. 44 is sound, needed legislation and I urge all those who believe in fairness and in consumer protection to join with me in voting in support of H.R. 44.

This effort does eliminate the confusion and does restore consumers' confidence in a utility's ability to secure and provide hydroelectric

power. It does quash the potential of raising rates and forcing construction of alternative sources for existing consumers.

The bill today does not alter nor do its authors intend to alter in any way the existing preference for municipal and State preferences in original license applications. Nor does the legislation deal with municipal and State preference for power from federally built facilities.

In my State of California 85 percent of the consumers of electric power are served by investor-owned utilities. To turn over the facilities built by those utilities would enrich only one in nine consumers. That is neither fair nor equitable.

Commissioner A.G. Sousa of the Federal Energy Regulatory Commission, during in hearings in May 1984, expressed the matter thus:

Admittedly, if I had been given an opportunity to write on a clean slate, I would have preferred a statute which would have given the original licensee a first option for a license renewal, provided that licensee met strict public interest criteria. Since the original licensee has little to gain, but its ratepayers have much to lose, that approach would be the fairest, the least disruptive, and the most likely to advance the public interest.

Mr. Speaker, Commissioner Souza's principle would be accomplished with passage of H.R. 44.

Mr. MILLER of California. Mr. Speaker, I am pleased to support H.R. 44, the Electric Consumers Protection Act. Mr. Speaker, without the dedication of the chairman of the House Energy and Commerce Committee, JOHN DINGELL, and Subcommittee Chairman ED MARKEY, we wouldn't be considering this bill. Their hard work, and that of Congressmen RICHARD SHELBY and CARLOS MOORHEAD among others were responsible for this historic legislation.

H.R. 44 contains many compromises. The remarkable accommodation of conflicting views that was required to bring this bill forward made compromise inevitable. But the basic result is sound—H.R. 44's relicensing reforms are fair, workable and in the public interest.

Hydroelectric facility relicensing is an issue of enormous importance to consumers throughout the country. In California, 10 million people have benefited from licensed hydroelectric plants. The fear of losing those benefits has been reduced by the outright rejection of any municipal relicensing preference contained in H.R. 44.

Hydro relicensing is not a private versus public power issue. Hydro benefits are passed directly through to the consumers, and utility company consumers are every bit as much the "public" as those served by other kinds of systems. By recognizing this essential equality, H.R. 44 ultimately protects all electric consumers.

We have been advised by our distinguished colleagues Mr. MATSUI that he intends to discuss H.R. 44's "grandfathering" payment provisions. These provisions force consumers seeking protection in pending cases to pay all their opponents application and litigration expenses and to make an additional payment equal to a reasonable percentage of the entire net investment in the project. Mr. MATSUI now wants to argue that the words "a reasonable percentage of net investment" should somehow be read as meaning more than net investment.

These pending cases were all begun with no assurance that the courts and Congress would ultimately permit a preference for municipal outsiders. Each of the municipal challengers claims to have a better application. If that's so, H.R. 44 will give them every opportunity to win. Under these circumstances neither side should be required to subsidize the other's expenses. The additional requirement for payment over expenses was summed up by a newspaper serving one of these municipal applicants: "Some might call it a payoff. Some might call it blackmail * * *. What about us, the people who make up the water district? Should we be pleased at the prospect of being enriched by a shakedown?" (Sonora Union-Democrat, Feb. 27, 1986.)

Mr. MATSUI says that a reasonable percentage of net investment should be read to mean more than net investment. But desire can change plain language. A reasonable percentage of something has a fixed common sense meaning. When I offer someone a reasonable percentage of my sandwich, I'm certainly not offering him two sandwiches.

These provisions were put into H.R. 44 when the court of appeals first issued its decision favoring municipal applicants of the Merwin Dam case. But that decision is now vacated. The uncertainty of any given result is now reaffirmed. As the committee report declares: "The judicial controversy over whether, in the case of a tie, this tie breaker applies is still not ended and no end is expected soon." Hopefully, the conference will fairly resolve this controversy.

The environmental provisions in H.R. 44 are of great importance in California—where we have seen an explosion in attempted "small hydro" development on our rivers and streams. I want to express my special appreciation to Chairman DINGELL for his continuing effort to make the consumer and the environment equal partners in the search for sound hydroelectric development. H.R. 44's express direction that fish and wildlife concerns are to be given full equity with other purposes of the act is an important clarification.

The small hydro elements in H.R. 44 address a particular environmental concern of mine. The mandatory avoided cost provisions in the Public Utilities Regulatory Policy Act have encouraged the indiscriminate development of small hydro facilities on our rivers and streams. It was the threat to our remaining free-flowing rivers and streams posed by the scramble for small hydro development which led me to introduce H.R. 1959 as a logical extension of H.R. 44. The number of new developments currently qualifying for PURPA benefits is not justified. When PURPA was passed in 1978, the Congress said that PURPA benefits were to go to facilities built at existing dam sites only—not to facilities at new damsites.

H.R. 44 prohibits FERC from accepting any applications for a small hydroelectric facility license until a study of the need for and environmental impacts of these new dams has been completed. In addition, H.R. 44 prohibits the issuance of a license for facilities on a watercourse which possesses unique natural, recreational, cultural, or scenic values.

H.R. 44's direct relicensing reforms and its environmental provisions represent the legislative process at its best. I strongly support its passage.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 44, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. MARKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 426) to amend the Federal Power Act to provide for more protection to electric consumers, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Electric Consumers Protection Act of 1985".

SEC. 2. Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)), as amended, is further amended—

(a) by inserting "original" after "hereunder or"; and

(b) by striking "and in issuing licenses to new licensees under section 15 hereof".

SEC. 3. Section 10 of the Federal Power Act (16 U.S.C. 803), as amended, is further amended—

(a) in existing subsection (a) after "water power development,", by inserting "for the adequate protection, mitigation, and enhancement of fish and wildlife,";

(b) in existing subsection (a) after "including", by inserting "irrigation, flood control, water supply and"; and

(c) by redesignating existing subsection (a) as paragraph (a)(1) and by inserting the following new paragraphs:

"(2) In order to ensure that the project adopted will be best adapted to the comprehensive plan described in paragraph (a)(1), the Commission shall consider:

"(A) the extent to which the project is consistent with a comprehensive plan (where one exists) for improving, developing, or conserving a waterway or waterways affected by the project that is prepared by—

"(i) an agency established pursuant to Federal law that has the authority to prepare such a plan; and

"(ii) the State in which the facility is or will be located; and

"(B) the recommendations of Federal and State agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, and cultural re-

sources of the State in which the project is located, and the recommendations of Indian tribes affected by the project; and

"(C) if the applicant is an electric utility, its plans for energy conservation through energy efficiency programs.

"(3)(A) Upon receipt of an application for a license, the Commission shall solicit recommendations from the agencies and Indian tribes identified in paragraph (a)(2) of this section for proposed terms and conditions for the Commission's consideration for inclusion in the license.

"(B) If any recommendation for a proposed term or condition is received by the Commission within one hundred and twenty days of the public notice of any license application under this section, the Commission shall explain in writing its reasons for adopting, rejecting or modifying any such proposed term or condition.".

SEC. 4. Section 15 of the Federal Power Act (16 U.S.C. 808), as amended, is further amended—

(a) by striking subsection (a) through "terms and conditions to a new licensee," and inserting in lieu thereof:

"SEC. 15(a). If the United States does not, at the expiration of the existing license, exercise its right to take over, maintain and operate any project or projects of the licensee, as provided in section 14 of this Act, the Commission may issue a new license to the existing licensee upon such terms and conditions, taking into account existing structures and facilities, as may be authorized or required under the then existing laws and regulations, or to another applicant under said terms and conditions. If the existing licensee applies for a new license, the Commission shall issue a new license to such existing licensee unless the Commission determines that the plans of another applicant are better adapted to serve the public interest. If the existing licensee does not apply for a new license, the Commission shall issue a new license to the applicant the plans of which are best adapted to serve the public interest. In either case, the Commission shall not issue a license unless it is satisfied that (1) the applicant is able to carry out such plans and (2) the plans represent a cost effective approach to achieving the benefits to be derived therefrom.

"(b) The Commission shall make its determination of which plans are best adapted to serve the public interest on the basis of—

"(1) how each plan would develop, conserve, and utilize the water resources of the region in accordance with the provisions of section 10(a) of this Act;

"(2) the relative economic impact upon customers served by each applicant upon the failure of such applicant to receive the license, including an assessment of the economic impact upon the customers of an applicant that is the existing licensee that would result from the difference between the compensation to be paid under subsection (c) of this section and the cost of replacement power;

"(3) the economic impact, in the case of nonutility license holder, upon the operation and efficiency of the dependent industrial facility or related activity, its existing employees, and the surrounding community, if the existing licensee fails to receive the new license;

"(4) the ability of each applicant to operate and maintain the project in a manner most likely to provide efficient, reliable electric service; and

"(5) the need of each applicant for the electricity generated by the project or projects to serve its existing customers including customers served by any electric utility which receives power from the existing licensee.";

(b) by redesignating the remainder of subsection (a) as subsection (c);

(c) by striking "which license" and inserting in lieu thereof "A license issued under this section";

(d) by redesignating existing subsection (b) as subsection (d);

(e) by adding a new subsection:

"(e) A new license may only be issued for a period not to exceed thirty years unless the Commission determines that a longer period is necessary due to substantial new construction or significant redevelopment of the project in question. In no case shall a new license be issued for a period of more than fifty years. "; and

(f) by adding a new subsection:

"(f) Notwithstanding any other provision of this section, for projects using tribal lands embraced within Indian reservations, the original license for which was issued prior to October 1, 1985 and for which a new license has not yet become effective by such date, the Commission shall not consider the factors set forth in sections 15(b)(2) and 15(b)(5) in evaluating the plans of Indian tribes to which such lands belong that apply for a new license.".

SEC. 5. The amendments made by this Act shall not apply to any relicensing proceeding in which the Federal Energy Regulatory Commission has issued an order awarding a new license on or before July 31, 1985, regardless of whether such order is subject to judicial review, nor shall they operate to diminish the amount of the annual charge to be paid pursuant to section 10(e) of the Federal Power Act to Indian tribes for the use of their lands within Indian reservations.

SEC. 6. Section 30 of the Federal Power Act (16 U.S.C. 824), as amended, is further amended by striking subsection (b) and inserting in lieu thereof the following new subsection:

"(b) Exemptions granted under subsection (a) of this section shall be granted for a period not to exceed thirty years unless the Commission determines that a longer period is necessary due to substantial new construction or significant redevelopment of the project in question. In no case shall an exemption be granted for a period of more than fifty years. The Commission may not grant any such exemption to any facility the installed capacity of which exceeds 15 megawatts.".

SEC. 7. Section 405 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705), as amended, is further amended in subsection (d) by inserting at the end thereof: "Exemptions shall be granted for a period not to exceed thirty years unles the Commission determines that a longer period is necessary due to substantial new construction or significant redevelopment of the project in question. In no case shall an exemption be issued for a period of more than fifty years."

SEC. 8. Section 6 of the Federal Power Act (16 U.S.C. 799), as amended, is further amended after "fifty years" by inserting "unless the Commission determines a shorter period is desirable".

SEC. 9. The amendments made by sections 6 and 7 of this Act shall apply only to exemptions granted after the date of enactment of this Act.

SEC. 10. Section 3(17) of the Federal Power Act (16 U.S.C. 796(17)), as amended, is further amended—

(a) by adding a new paragraph (B) as follows:

"(B) Notwithstanding paragraph (A), no hydroelectric project shall be considered a small power production facility (other than for purposes of section 210(e) of the Public Utility Regulatory Policies Act of 1978) if such project impounds or diverts the water of a natural watercourse other than by means of an existing dam or diversion, unless:

"(i) such project is located at a Government dam; or

"(ii) such project meets terms and conditions set by fish and wildlife agencies under the same procedure as provided for under section 30(c) of the Federal Power Act;

"(iii) for the purposes of this paragraph, the term 'existing dam or diversion' means any dam or diversion that is part of a project for which a license has been issued on or before the enactment of this paragraph, or which the Commission determines does not require any construction or enlargement of impoundment structures (other than repairs or reconstruction) except for the addition of flashboards (or similar adjustable devices);"; and

(b) by redesignating the existing paragraphs.

SEC. 11. The amendments made by section 10 of this Act shall not apply to any hydroelectric project for which an application for a license or preliminary permit was filed with the Federal Energy Regulatory Commission on or before April 11, 1986.

SEC. 12. Section 26 of the Federal Power Act (16 U.S.C. 820), as amended, is further amended—

(a) by redesignating existing section 26 as "section 26(a)"; and

(b) by adding the following new subsections:

"(b) The Commission may—

"(1) after opportunity for a hearing on the record revoke for significant violation of its terms any permit, license, or exemption issued pursuant to this Act, whether granted under this Act or another provision of law;

"(2) issue such other orders as it deems necessary to ensure compliance with the provisions of this part, or of any lawful regulation or order promulgated thereunder, or of any permit, license, or exemption issued pursuant to this Act, whether granted under this Act or another provision of law.

"(c) The Commission may institute proceedings in the district court of the United States in the district in which the project or part thereof is situated for the purpose of enforcing an order of the Commission under subsection (b) of this section. The court shall have the same powers as provided for under subsection (a) of this section.".

(c) Section 13 of the Federal Power Act, as amended, is further amended by striking the final sentence thereof.

(d) Section 26(a) of the Federal Power Act, as amended, is further amended—

(1) by striking the first sentence and inserting in lieu thereof the following sentence: "The Commission, or the Attorney General on request of the Commission, or of the Secretary of the Army, may institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for significant violation of its terms any permit or license issued hereunder or any exemption from any requirement of this Act, whether granted under this Act or another provision of law, or for the purpose of remedying or cor-

recting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this Act or of any lawful regulation or order promulgated hereunder."; and

(2) by adding at the end thereof the following new sentence: "In the case of revocation of an exemption from any requirement of this Act, whether granted under this Act or another provision of law, the courts may exercise the same powers as they have under this section with respect to revocation of a license.".

(e) Section 402(a)(2)(A) of the Department of Energy Organization Act, as amended, is further amended by inserting between "4," and "301" the following: "5, 13, 26, 30,".

(f) The amendments made by this section shall apply to licenses, permits exemptions, rules, regulations, and others issued before, on, or after the date of enactment of this Act.

SEC. 13. Nothing in this Act shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this Act—

(a) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any groundwater resource.

(b) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, or

(c) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

SEC. 14. Section 10(h) of the Federal Power Act (16 U.S.C. 803(h)) is amended by redesignating section 10(h) as 10(h)(1) and adding a new section 10(h)(2) as follows:

"(2) That conduct under the license that: (A) results in the contravention of the policies expressed in the antitrust laws; and (B) is not othewise justified by the public interest considering regulatory policies expressed in other applicable law (including but not limited to those contained in Part II of this Act) shall be prevented or adequately minimized by means of conditions included in the license prior to its issuance. In the event it is impossible to prevent or adequately minimize the contravention, the Commission shall refuse to issue the license to the applicant.".

SEC. 15. Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(a) by striking *"And provided further"* and inserting in lieu thereof *"Provided further"*; and

(b) by striking the final period "." and inserting in lieu thereof the following: ": *And provided further,* That upon the filing of any application for a license the Commission shall seek to notify by certified mail the owner or owners of the property within the bounds of the project, and any State, municipality or other local governmental entity likely to be interested in or affected by such application.".

SEC. 16. Section 211(c)(2)(B) of the Federal Power Act is amended by adding before the period the following: ": *Provided,* That nothing in this subparagraph shall prevent an application for an order hereunder to be filed prior to termination of modification of an existing rate schedule: *Provided,* That such order shall not become effective until termination of such rate schedule or the modification becomes effective".

MOTION OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MARKEY moves to strike out all after the enacting clause of the Senate bill, S. 426, and to insert in lieu thereof the provisions of H.R. 44, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 44) was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INDIAN GAMING REGULATORY ACT

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1920) to establish Federal standards and regulations for the conduct of gaming activities on Indian reservations and lands, and for other purposes, as amended.

The Clerk read as follows:

That this Act may be cited as the "Indian Gaming Regulatory Act".

SEC. 2. (a) The Congress finds that—

(1) numerous Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal governmental revenue;

(2) Indian tribes have the exclusive right to regulate gaming activity on Indian lands which is not specifically prohibited by Federal law and which is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity;

(3) there are no existing statutes which require approval of management contracts dealing with Indian gaming;

(4) existing Federal law does not provide clear standards or regulations necessary to insure the orderly conduct of gaming activities on Indian lands;

(5) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong tribal government; and

(6) tribal operation and licensing of gaming activities is a legitimate means of generating revenues.

(b) The Congress declares that the establishment of Federal standards for gaming activity on Indian lands and a National Indian Gaming Commission are necessary to meet the concerns regarding gaming activities and to protect such activities as a means of generating tribal revenue.

SEC. 3. (a) Except as provided in subsection (b), Class II and III gaming regulated by this Act shall be unlawful on any lands acquired by the Secretary, under any existing authority, in trust for the benefit of any Indian tribe after December 4, 1985, if such lands are located outside the boundaries of such tribe's reservation.

(b) Subsection (a) shall not apply if the Indian tribe requesting the acquisition of such lands in trust obtains the concurrence of the Governor of the State, the State legislature, and the governing bodies of the county and municipality in which such lands are located.

(c)(1) Except as provided in paragraph (2) of this subsection, during the four-year period beginning on the date of enactment of this Act, Class III gaming shall be unlawful on any Indian lands.

(2) Within sixty days of the date of enactment of this Act, the Secretary shall identify and prepare a list of each separate Class III gaming activity actually operated on Indian lands as of January 1, 1986, and shall publish such list in the Federal Register. Such Class III gaming activities, if otherwise legal under existing law and so long as they remain within the same nature and scope, shall not be subject to the provisions of paragraph (1) of this subsection.

(3) During the four-year period established by paragraph (1) of this subsection, the Commission shall—

(A) apply to the Class III gaming activities identified in paragraph (2) of this subsection the appropriate Class II provisions of section 11, 12, and 13, and

(B) within one hundred and twenty days after enactment of this Act, adopt and apply to such Class III gaming activities a regulatory scheme which is substantially equivalent to those of the State within whose boundaries such gaming occurs and shall require that such Class III gaming activities be brought into compliance with such regulations within sixty days after publication of such regulatory scheme in the Federal Register.

The provisions of this Act relating to the levy and collection of civil fines and temporary and permanent closures shall be applicable to such Class III gaming activities during the four-year period.

SEC. 4. Provisions of the Internal Revenue Code of 1954, as amended, concerning the taxation and the reporting and withholding of taxes pursuant to the operation of a gambling or wagering operation shall apply to the operations in accord with the Indian Gaming Regulatory Act the same as they apply to State operations.

SEC. 5. (a) There is established within the Department of the Interior an independent commission to be known as the National Indian Gaming Commission.

(b)(1) The Commission shall be composed of eight members as follows:

(A) a Chairman who shall serve full-time and who shall be appointed by, and serve at the pleasure of, the Secretary;

(B) a member to be selected by the Attorney General and appointed by the Secretary;

(C) five members, at least three of whom shall be enrolled members of federally recognized tribes, to be appointed by the Secretary from a list of not less than ten nor more than twenty candidates submitted and approved by a majority of the tribes then engaged in or regulating gaming activities; and

(D) one member appointed by the Secretary after consultation with appropriate organizations or entities, who shall represent the interest of the States;

(2) Not more than four members of the Commission shall be of the same political party.

(3)(A) Except for the Chairman and except as otherwise provided in this paragraph, members shall be appointed for terms of three years.

(B) Of the members first appointed—

(i) the member appointed pursuant to paragraph

(1)(B) and two of the members appointed pursuant to paragraph (1)(C) shall be appointed for a term of two years; and

(ii) the remaining members appointed pursuant to paragraphs (1)(C) and (1)(D) shall be appointed for a term of three years.

(4) Any individual who—

(A) has been convicted of a felony or gaming offense;

(B) has any management responsibility in any gaming activity regulated pursuant to this Act; or

(C) has a financial interest in, or management responsibility for, any management contract approved pursuant to section 12 of this Act

shall not be eligible for appointment to, or to continue service on, the Commission.

(5) except for the Chairman, a member of the Commission may be removed for good cause by a majority vote of the remaining members subject to the approval of the Secretary or, in the case of a member appointed pursuant to paragraph (1)(B), the Attorney General.

(c)(1) Vacancies occurring on the Commission as a result of the expiration of the terms of appointment shall be filled in the same manner as the original appointment. A member may serve after the expiration of his term until his successor has been appointed.

(2) Other vacancies occurring on the Commission shall be filled by a majority vote of the Commission and members so appointed shall serve the remainder of the terms for which his predecessor was appointed.

(d) Five members of the Commission shall constitute a quorum.

(e) The Commission shall select, by majority vote, one of the members to serve as Vice-Chairman who shall serve as Chairman during meetings of the Commission in the absence of the Chairman.

(f) The Commission shall meet at the call of the Chairman or a majority of its members.

(g)(1) The Chairman of the Commission shall be paid at a rate equal to that of level V of the Executive Schedule (5 U.S.C. 5316).

(2) Except as provided in paragraph (3), the other members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Service (5 U.S.C. 5332) for each day, including travel time, during which they are engaged in the actual performance of duties vested in the Commission.

(3) Members of the Commission who are full-time Officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(4) All members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 6. (a) The Chairman of the Commission shall have the exclusive power—

(1) to approve tribal ordinances or resolutions regulating Class II gaming as provided in section 11(b);

(2) to approve management contracts for Class II gaming as provided in section 12; and

(3) to select, appoint, and supervise the staff of the Commission as provided in section 8.

(b) The Chairman shall have power, subject to the approval of the Commission—

(1) to appoint a General Counsel of the Commission; and

(2) to issue orders of temporary closure of gaming activities as provided in section 14(b).

(c) The Chairman shall have power, subject to an appeal to the Commission to levy and collect civil fines as provided in section 14(a).

(d) The Chairman shall have such other powers as may be delegated by the Commission.

SEC. 7. (a) The Commission shall have specific power, not subject to delegation—

(1) upon the recommendation of the Chairman, to approve the annual budget of the Commission as provided in section 17;

(2) to adopt regulations for the assessment and collection of civil fines as provided in section 14(a);

(3) by a vote of not less than five members, to adopt the annual assessments as provided in section 17;

(4) by a vote of not less than five members, to authorize the Chairman to issue subpoenas as provided in section 15; and

(5) by a vote of not less than five members and after a full hearing, to make permanent a temporary order of the Chairman closing a gaming activity as provided in section 14(b).

(b) The Commission shall have power—

(1) to monitor Indian gaming activities on a continuing basis;

(2) to inspect and examine all premises where Indian gaming is conducted;

(3) to conduct or cause to be conducted such background investigations as may be necessary;

(4) to demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross income of a gaming activity and all other matters necessary to the enforcement of this Act;

(5) to use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States;

(6) to procure supplies, services, and property by contract in accordance with applicable Federal laws and regulations;

(7) to enter into contracts with Federal, State, tribal and private entities for activities necessary to the discharge of the duties of the Commission;

(8) to hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems appropriate;

(9) to administer oaths or affirmations to witnesses appearing before the Commission; and

(10) to establish and implement such other standards, guidelines, and regulations as it deems appropriate not inconsistent with this Act and other applicable law.

SEC. 8. (a) The Chairman, with the approval of the Commission, shall appoint a General Counsel to the Commission who shall have a background in Indian affairs. The General Counsel shall be paid at the annual rate of basic pay payable for GS-18 of the General Schedule (5 U.S.C. 5332).

(b) The Chairman shall appoint other staff of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such staff shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-17 of in General Schedule under section 5332 of that title.

(c) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(d) Upon the request of the Chairman, the head of any Federal agency is authorized to detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act, unless otherwise prohibited by law.

(e) The Secretary or Administrator of General Services shall provide to the Commission on a reimburseable basis such administrative support services as the Commission may request.

SEC. 9. The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairman the head of such department or agency shall furnish such information to the Commission, unless otherwise prohibited by law.

SEC. 10. The Secretary shall promptly appoint the members of the Commission, as provided in section 5 of this Act, and shall provide staff and support assistance to enable the Commission to meet and organize as soon as practicable thereafter.

SEC. 11. (a)(1) Class I gaming shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.

(2)(A) Except as provided in subparagraph (B) and (C), Indian tribes may engage in, or license and regulate, Class II gaming activity on Indian lands if the governing body of the Indian tribe adopts an ordinance or resolution to that effect which is approved by the Commission pursuant to subsection (b) or (c) of this section. Licenses are required for each place, facility, or location of Class II gaming activities.

(B) Subparagraph (A) shall not apply with respect to an Indian tribe if—

(i) a gaming activity is specifically prohibited on Indian lands by Federal law; or

(ii) such gaming activity is prohibited by the State within which such tribe is located as a matter of State public policy and criminal law.

(b)(1) An Indian tribe may engage in, or license and regulate, Class II gaming activity on the Indian lands of such tribe if the governing body of the tribe adopts an ordinance or resolution which is approved by the Chairman.

(2) The Chairman shall approve any tribal ordinance or resolution concerning the conduct, licensing, or regulation of Class II gaming activity on the Indian lands of such tribe if such ordinance or resolution provides that—

(A) except as provided in paragraph (3), the Indian tribe itself shall have the sole proprietary interest and responsibility for the conduct of any gaming activity;

(B) net revenues from any tribal gaming activity are not to be used for purposes other than—

(i) to fund tribal government operations or programs;

(ii) to provide for the general welfare of the Indian tribe and its members;

(iii) to promote tribal economic development;

(iv) to donate to chartiable organizations; or

(v) to help fund operations of local government agencies:

Provided, That, if such net revenues are directly or indirectly used for per capita payments to tribal members, those payments are subject to Federal tax.

(C) annual outside indpendent audits of the gaming activity will be obtained by the Indian tribe and made available to the Commission;

(D) all contracts for supplies, services, or concessions for a contract amount in excess of $25,000 annually, except contracts for professional legal or accounting services, relating to such gaming activity shall be subject to such independent audits; and

(E) the construction and maintenance of the gaming facility, and the operation of that gaming activity, is conducted in a manner which adequately protects the environment and the public health and safety.

(3) A tribal ordinance or resolution may provide for the licensing or regulation of Class II gaming activities owned by individuals or entities other than the Indian tribe, except that the tribal licensing requirements shall be at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State within which such tribe is located. No individual or entity, other than the tribe, shall be eligible to receive a tribal license to own a Class II gaming activity within the tribe's jurisdiction if such individual or entity would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State.

(4) Not later than one hundred and sixty days after the submission of any tribal gaming ordinance or resolution, the Chairman shall approve such ordinance or resolution if it meets the requirements of this subsection. Any such ordinance or resolution not acted upon at the end of that one hundred and sixty day period shall be deemed to have been approved by the Chairman.

SEC. 12. (a) Subject to the approval of the Chairman, an Indian tribe may enter into a management contract for the operation and management of a Class II gaming activity, except that, before approving such contract, the Chairman shall require and obtain the following information:

(1) the name, address, and other additional pertinent background information on each person or entity (including individuals comprising such entity) having a financial interest in, or management responsibility for, such contract, or, in the case of a corporation, those individuals who serve on the Board of Directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 per centum or more of its issued and outstanding stock;

(2) a description of any previous experience which each person listed pursuant to paragraph (1) has had with other gaming contracts with Indian tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had contact relating to gaming; and

(3) a complete financial statement of each person listed pursuant to paragraph (1).

(b) Any management contract entered into pursuant to this section shall specifically provide—

(1) that adequate accounting procedures are maintained and that verifiable financial reports are prepared by or provided to the tribal governing body on a monthly basis;

(2) that appropriate tribal officials shall have reasonable access to the daily operations of the gaming activity and shall have the right to verify the daily income made from any such tribal gaming activity;

(3) for a minimum guaranteed payment to the Indian tribe that has preference over the retirement of development and construction costs;

(4) for an agreed ceiling for the repayment of development and construction costs;

(5) that the term of the contract shall not exceed five years; and

(6) for grounds and mechanisms for terminating such contract: Provided, That contract termination shall not require the approval of the Commission.

(c) The Chairman may approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity if he determines that such percentage fee is reasonable in light of surrounding circumstances, but in no event shall such fee exceed 40 per centum of the net revenues.

(d) Not later than one hundred and twenty days after the submission of a contract, the Chairman shall approve or disapprove such contract on its merits. Any such contract not acted upon at the end of such time shall be deemed to have been approved by the Chairman.

(e) The Chairman shall not approve any contract where he determines that:

(1) any person listed pursuant to paragraph (a)(1) of this section—

(A) is an elected member of the governing body of the Indian tribe which is the party to the management contract;

(B) has been or subsequently is convicted of any felony or gaming offense;

(C) has knowingly and willfully provided materially important false statements or information to the Commission or the tribe pursuant to this Act; or

(D) has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

(2) the management contractor has, or has attempted to, unduly interfere or influence for its gain or advantage any decision or process of tribal government relating to the gaming activity;

(3) the management contractor has deliberately or substantially failed to comply with the terms of the management contract or the tribal gaming ordinance or resolution adopted and approved pursuant to this Act, or

(4) a trustee exercising the skill and diligence that a trustee is commonly held to would not approve the contract.

(f) The Chairman, after notice and hearing, shall have the authority to require appropriate contract modifications or may void any contract if he subsequently determines that any of the provisions of this section have been violated.

(g) No management contract for the operation and management of a Class II gaming activity shall transfer or, in any other manner, convey any interest in land or other real property unless clearly specified in writing in said contract.

SEC. 13. (a) As soon as practicable after the organization of the Commission, the Chairman shall notify each Indian tribe or management contractor who, prior to the enactment of this Act, adopted an ordinance or resolution authorizing Class II gaming or entered into a management contract, that such ordinance, resolution, or contract must be submitted for his review within sixty days of such notification.

(b)(1) Within ninety days after the submission of an ordinance or resolution authorizing Class II gaming pursuant to subsection (a), the Chairman shall review such ordinance to determine if it conforms to the requirements of section 11(b) of this Act.

(2) If he determines that such ordinance or resolution conforms to section 11(b), he shall approve it.

(3) If he determines that such ordinance or resolution does not conform to the requirements of section 11(b), he shall provide written notification of necessary modifications to the Indian tribe which shall have not more than one hundred and twenty days to come into compliance.

(c)(1) Within one hundred and eighty days after the submission of a management contract pursuant to subsection (a), the Chairman shall subject such contract to the requirements and process of section 12 of this Act.

(2) If he determines, at the end of such period, that such contract and the management contractor meet the requirements of section 12, he shall approve it.

(3) If he determines, at the end of such period, that such contract and the management contractor do not meet the requirements of section 12, he shall provide written notification to the parties to such contract of modifications necessary to come into compliance and the parties shall have not more than one hundred and twenty days to come into compliance.

(4) Where a management contract submitted pursuant to subsection (a) has been previously approved by the Secretary or his representative, said contract shall be deemed in compliance hereof and no further action shall be required.

SEC. 14. (a)(1) The Commission shall have authority to authorize the Chairman to levy and collect appropriate civil fines, not to exceed $10,000 per violation, against an Indian gaming activity or a management contractor engaged in gaming activities regulated by this Act or by regulations adopted by the Commission pursuant to this Act.

(2) The Commission shall, by regulation, provide an opportunity for an appeal and hearing before the Commission on fines levied and collected by the Chairman.

(b)(1) The Chairman shall have power to order temporary closure of Indian gaming activities for substantial violation of the provisions of this Act or regulations adopted by the Commission pursuant to this Act.

(2) Not later than thirty days after the issuance by the Chairman of an order of temporary closure, the Indian tribe or management contractor involved shall have a right to a hearing before the Commission to determine whether such order should be made permanent or dissolved. The Commission may, by a vote of not less than five of its members, order a permanent closure of the gaming operation after such hearing.

(c) A decision of the Commission to give final approval of a fine levied by the Chairman or to order a permanent closure pursuant to this section shall be appealable to the appropriate Federal district court pursuant

to the Administrative Procedures Act, title 5, United States Code.

SEC. 15. (a)(1) The Commission may authorize the Chairman to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by this Act.

(2) Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(3) If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may, upon application of the Commission, order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(4) The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(5) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(b) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forefeiture by reason of any transaction, matter, or thing commencing which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committted in so testifying.

SEC. 16. (a) Except as provided in subsection (b), the Commission shall preserve any and all information received pursuant to this Act as confidential pursuant to the provisions of paragraphs (4) and (7) of section 552(b) of title 5, United States Code.

(b) The Commission may, when such information indicates a violation of Federal, State, or tribal criminal statutes or ordinances, provide such information to the appropriate law enforcement officials.

(c) The Attorney General of the United States is authorized to investigate activities associated with gaming authorized by this Act which may be a violation of Federal law, including but not limited to the Major Crimes Act (18 U.S.C. 1153), the Assimilative Crimes Act (18 U.S.C. 13), and 18 U.S.C. 1163. The Attorney General is authorized to enforce such laws, or assist in the enforcement of such laws, upon evidence of violation as a matter of Federal law, or upon the referral of information by the Commission pursuant to section 16(b) of this Act.

SEC. 17. (a)(1) Not less than three-quarters of the annual budget of the Commission shall be derived from an assessment of not to exceed 2½ per centum of the gross revenues from each Indian gaming activity regulated pursuant to this Act.

(2) The Commission, by a vote of not less than five of its members, shall annually adopt the rate of assessment authorized by this section which shall be uniformly applied to all gaming activities and which shall be payable on a quarterly basis.

(3) Failure to pay the assessment shall, subject to the regulations of the Commission, be grounds for revocation of any approval or license of the Commission required under this Act for the operation of tribal gaming.

(4) To the extent that funds derived from such assessments are not expended or committed at the end of the budget year, such surplus funds shall be credited to each gaming activity on a pro rata basis against the assessment for the succeeding year.

(5) For purposes of this section, gross revenues shall constitute the total wagered monies less any amounts paid out as prizes or paid for prizes awarded.

(b)(1) The Commission, in coordination with the Secretary and in conjunction with the fiscal cycle of the United States, shall adopt an annual budget for the expenses and operation of the Commission.

(2) The budget of the Commission may include a request for appropriations, as authorized by section 18, in an amount not to exceed one-third the amount of funds derived from assessments authorized by subsection (a) for the fiscal year preceding the fiscal year for which the appropriation request is made.

(3) The request for appropriations pursuant to section 16 shall be subject to the approval of the Secretary and shall be included as a part of the budget request of the Department of the Interior.

SEC. 18. (a) Subject to the provisions of section 17, there is hereby authorized to be appropriated such sums as may be necessary for the operation of the Commission.

(b) Notwithstanding the provisions of section 17, there is hereby authorized to be appropriated not to exceed $2,000,000 to fund the operation of the Commission for the first fiscal year after the date of enactment of this Act.

SEC. 19. For the purposes of this Act—

(1) "Attorney General" means the Attorney General of the United States;

(2) "Commission" means the National Indian Gaming Commission established pursuant to section 5 of this Act;

(3) "Indian lands" means—

(i) all lands within the limits of any Indian reservation; and

(ii) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or which is held by any Indian tribe or individual subject to a restriction by the United States against alienation over which an Indian tribe exercises governmental power;

(4) "Indian Tribe" means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government;

(5) "gaming" means to deal, operate, carry on, conduct, or maintain for play any banking or percentage game of chance played for money, property, credit, or any representative value, and shall consist of—

(A) "Class I gaming" which shall include social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with tribal ceremonies or celebrations;

(B) "Class II gaming" which shall include the game of chance commonly known as bingo or lotto and which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, the holder covering such numbers or designations as objects similarly numbered or designated, are drawn or electronically determined from a receptacle and the game being won by the person first covering a previousy designated arrangement of numbers or designations on such card, and shall also include pull-tabs, punch boards, and other games similar to bingo; and

(C) "Class III gaming" which shall include all other forms of gaming not defined in subparagraphs (A) and (B) of this paragraph.

(6) "net revenues" means gross revenues of an Indian gaming activity less amounts paid out as, or paid for, prizes and total operating expenses including management fees; and

(7) "Secretary" means the Secretary of the Interior.

SEC. 20. Consistent with the requirements of this Act, section 1307 of title 18, United States Code, shall apply to any gaming activity conducted by a tribe pursuant to this Act.

SEC. 21. (a) Not later than two years after the date of enactment of this Act, the Comptroller General shall conduct a study of Class III gaming on Indian lands and submit a report of that study to Congress. The study shall include—

(1) an assessment of whether the tribes, the states, or the United States is the best regulator of Class III gaming on Indian lands;

(2) an assessment of the benefits and problems which could arise if Class III gaming on Indian lands is regulated by the tribes, the states, or the United States;

(3) an analysis of the activities of the Commission, including whether the personnel and budget of the Commission is adequate to regulate Class II gaming under this Act; and

(4) an analysis of the regulatory alternatives which the Comptroller General determines are appropriate for regulating Class III gaming on Indian lands, including a recommendation of the best alternative, its costs, and the number of personnel required for its implementation.

(b) In conducting the study under subsection (a), the Comptroller General shall consult with the Indian tribes, appropriate agencies of the United States, each State gaming control board or regulatory body, and the chief law enforcement official and other law enforcement authorities of each of the several States.

SEC. 21. In the event that any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act shall continue in full force and effect.

The SPEAKER pro tempore. Is a second demanded?

Mr. STRANG. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Colorado [Mr.

STRANG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, I yield myself 5 minutes.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1920, presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, H.R. 1920, the Indian Gaming Regulatory Act, is designed to deal with problems arising out of the growing phenomenon of gambling enterprises on Indian reservations. In general, H.R. 1920 meets the various concerns in this area by establishing Federal standards or regulations for gaming activities on Indian reservations.

It should clearly be understood that H.R. 1920 does not make gambling on Indian reservations legal. The Federal courts have held that gambling on Indian reservations is legal and not subject to State licensing and regulations where the State makes that gambling activity legal under its laws. H.R. 1920 accepts the state of the law.

What it does is to impose Federal standards on those activities which are otherwise determined to be legal under existing Federal-Indian law.

Mr. Speaker, for some tribes, gaming enterprises has become an important source of tribal revenue. These commercial enterprises have provided employment for the Indian people. In some cases, tribal unemployment has been reduced from 50 percent or more to less than 10 percent. Tribes are using revenue from gaming for health clinics, roads, scholarships, and numerous other economic, governmental, and social efforts.

We should not be surprised that they have done so. Federal programs to aid Indian tribes and people have never been adequate to meet the need. With the severe budget cuts of the last 5 years and with the further threat of Gramm-Rudman cuts, the economic and social life on Indian reservations have been devastated. Just as there are many States turning to lotteries and other gaming activity to fill the gap left by Federal cutbacks, so too are the Indian tribes.

The bill, as reported from the committee, establishes a National Indian Gaming Commission to implement and administer the provisions of the act. Gaming is divided into three classes: class I defined as social and traditional Indian gaming which is left to the tribes exclusively; class II which is defined as bingo and related games which must be authorized by a tribal ordinance subject to the approval of the Chairman of the Commission; and class III defined as all other forms of gambling.

Under the bill, class III not only must meet the standards applicable to class II, but would be subject to a regulatory scheme adopted by the Commission identical to that of the State involved.

The treatment of class III gaming became a matter of dispute in the committee. This matter has been resolved in the bill which is under consideration today. A compromise was developed by Congressman RICHARDSON and Congressman COELHO which I believe is a satisfactory resolution of the problem. I want to commend these two gentlemen for their understanding and hard work in crafting a resolution to the impasse which had developed.

Under the compromise, all class III provisions of the bill would be dropped. A 4-year moratorium would be placed on any further class III gaming on Indian reservations. Within 2 years after enactment, GAO would be required to study the issue of class III regulations and submit a report to the Congress. Congress would have 2 years within which to enact further legislation. At the end of the 4-year period, if Congress had not made other disposition, class III gaming on Indian reservations would revert to the status quo ante and would be governed by whatever existing law provided. The compromise also provides that class III operations, if otherwise legal, existing on January 1, 1986, would be grandfathered in under certain circumstances.

Mr. Speaker, with the Coelho-Richardson compromise, I believe H.R. 1920 is acceptable legislation and deserves the support of the House and I urge its passage.

Mr. STRANG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1920, the Indian Gaming Regulatory Act. H.R. 1920 represents a compromise of the various interests surrounding Indian bingo. It balances the concerns of the State for proper supervision of the games to prevent criminal activity against the rights of sovereign tribes to regulate activities on their Indian reservation.

The law is generally settled in the courts with regard to Indian bingo—that of the civil/regulatory versus criminal/prohibitory reasoning used by the courts. If a State regulates the activity and that activity has not been preempted by Federal law, a tribe may also regulate the activity without regard to State law. However, if an activity is strictly and criminally prohibited by the State, the tribe within that State may not regulate that activity.

The major issues during the committee markup did not pertain to Indian bingo, but instead concerned what we refer to as class III gaming—parimutuels, lotteries, card rooms and casinos. The courts have not definitively ruled on these forms of gaming. The administration and the States have argued that class III gaming should be regulated by the States—the tribes and those familiar with the history of tribal/State relations argued for a Federal Commission to oversee the gaming activities, regardless of the form.

The compromise in H.R. 1920 in regard to class III activities demonstrates that we in Congress still need further information and study before we can define the law.

Under the compromise, Congress declares a 4-year moratorium on class III gaming in Indian country and directs that the General Accounting Office [GAO] conduct a study of the issue and report back to Congress within 2 years. States and tribes will be important participants of this study.

The passage of H.R. 1920 will provide those tribes conducting bingo and like games the assurance that their right to regulate activity on Indian lands is confirmed; and will provide the States the assurance that their concerns about criminal activity will be fully considered.

Congress should intrude upon sovereign rights only when it is absolutely necessary, especially, in the context of deviating from the government-to-government relationship between the United States and tribes. I believe the compromise to H.R. 1920 represents a true effort on Congress' part to fully examine the issues surrounding class III gaming before rashly acting.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1920, the Indian Gaming Regulatory Act, as amended. This bill, as amended, represents a successful compromise between two extreme positions on the regulation of Indian gaming. I am proud to have been able to work at bridging the differences, in order to reach a compromise which is acceptable to all of the people involved in this issue.

My personal preference, however, would place all class III operations or high-stakes gambling under State control, with bingo supervised by the Federal Commission. While the compromise is not perfect, it is better than the alternative, and that is, the status quo. The confusion and uncertainty resulting from the status quo is the worst scenario.

I regret that the makeup of the Commission could not be changed to give a more Indian and non-Indian balanced membership.

Interest in Indian gaming has been growing over the past few years. As Federal resources are declining, Indian tribes are searching for ways to replace Federal sources of funding in order to meet their needs. In New Mexico, the Sandia, Acoma, and Tesueque Pueblos have turned to bingo as a source of tribal revenue to support their tribal governments and tribal programs. On the Sandia Pueblo, for example, "Sandia Indian bingo" has been responsible for reducing reservation unemployment to about 3 percent.

Congressional debate on Indian gaming started in order to ensure that organized crime was not able to infiltrate Indian gaming operations. Other concerns have since entered the debate. It is necessary, for example, to ensure the general public that they are participating in a fair and honest game. And, there is also a movement to see that State interests are accommodated by requiring tribes to comply with existing State gaming laws in the States where they are located. This issue is further complicated by issues of tribal sovereignty and Federal trust responsiblity. The bill as amended, before us, is a compromise which allows for the resolution of regulatory disputes over class I and class II gaming. It also provides for further consideration of all of the complex problems associated with the regulation of class III gaming, prior to further congressional action.

H.R. 1920 will establish an eight-member National Indian Gaming Commission to regulate and monitor gaming operations on Indian reservations. The Commission shall, among its other duties, approve any management contract entered into by the tribes for gaming operations. It may also inspect and examine all premises where Indian gaming is conducted, as well as inspect, examine and audit all papers, books and records of the gaming operations. Seventy-five percent of the funds for the Commission will come from assessments on Indian gaming activities—the remaining 25 percent will come from congressional appropriations.

The bill establishes three classes of gaming activity:

Class I—defined as social or traditional Indian gaming, which would be left solely to the jurisdiction of the tribes.

Class II—defined as bingo and similarly related games, which would be required to meet standards set by the Commission; and

Class III—defined as all other forms of gaming, including casinos and horse and dog racing.

Under this bill as amended, class III gaming would be placed under a 4-year moratorium. No new class III gaming would be allowed during this 4-year period—the Secretary of the Interior is directed to identify and prepare a list of each separate class III gaming activity actually operated on Indian lands as of January 1, 1986. No further class III gaming operations will be allowed, and the existing operations will not be permitted to expand to other forms of gaming. Existing operations will be subject to a regulatory scheme substantially equivalent to those of the State within whose boundaries such gaming occurs.

During the 4-year moratorium, the Comptroller General would conduct a study of class III gaming on Indian lands, and submit that study to Congress. This study will include an assessment of whether the tribes, the States, or the United States is the best regulator of class III gaming on Indian lands; an assessment of the benefits and problems arising out of regulation by each of these three entities; an analysis of the activities of the Commission and, an analysis of the regulatory alternatives which the Comptroller General determines are appropriate for regulating class III gaming on Indian lands, including a recommendation of the best alternative. This study would then give the Congress some concrete information upon which to base further regulatory action.

I urge my colleagues to support this bill. It is the outcome of a complex set of negotiations aimed at this kind of compromise. I believe that H.R. 1920, as amended, addresses many of the concerns inherent in discussions of Indian gaming. It sets up a Commission which will allow tribes to operate class II gaming operations, such as bingo, free of organized crime. It ensures that the general public participating in class II games are participating in fair and honest activities. It also suspends further regulatory action on class III gaming until the Congress has had an opportunity to seriously consider all of the aspects of this kind of gaming activity. H.R. 1920 does not allow the tribes to enter into gaming operations with no regard to the concerns of local communities and States in which their reservations are located. I firmly believe that H.R. 1920, as amended, presents a balanced and fair approach to the complex problems of Indian gaming, and I urge my colleagues to vote for it.

Analysis of Indian gambling bills:

Why the bill is needed:

A number of Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal governmental revenue.

Indian tribes have the exclusive right to regulate gaming activities on Indian lands which is not specifically prohibited by Federal law and which is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity.

There are no existing statutes which require approval of management contracts dealing with Indian gaming. So that even though Interior Department recently started reviewing bingo management contracts there is no existing statute which requires their approval.

Existing Federal law does not provide clear standards or regulations necessary to insure the orderly conduct of gaming activities on Indian lands.

A principal goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency and a strong tribal government. The tribal operation and licensing of gaming activities is a legitimate means of generating revenues.

The establishment of Federal standards for gaming activities on Indian lands and the establishment of a National Indian Gaming Commission are necessary to: First, accommodate State interests in requiring the tribes by law to comply with existing State gaming laws in which they are located; second, protect the tribes against the possible infiltration of organized crime; and third, ensure the general public that they are participating in a fair and honest game.

Congress needs to take a stand to clarify all the confusion and uncertainty that surrounds this issue. In aiming at a satisfactory solution, it is clear that one must protect the Federal Indian relationship as well as State prerogatives—H.R. 1920 goes a long way to keep those assurances in mind. Including the development and resolution of what to do with class III gaming—which includes all forms of gaming other than bingo or ceremonial types.

What the bill does:

Establishes an eigth-member National Indian Gaming Commission to regulate and monitor gaming operations on Indian reservations.

Eight members of the Commission: Chairman who shall serve full time, shall be appointed by the Secretary of the Interior. A member to be selected by the Attorney General, and appointed by the Secretary. Five members, at least three of whom shall be enrolled members of federally recognized tribes, to be appointed by the Secretary from list not less than 10 nor more than 20 candidates submitted and approved by a majority of the tribes then engaged in or regulating gaming activities. One member appointed by the Secretary who shall represent the interests of the States.

Duties of the Commission:

Among other duties, it shall approve any management contract entered into by the tribes for gaming operations.

May inspect and examine all premises where Indian gaming is conducted.

May inspect, examine and audit all papers, books, and records of the gaming operations.

This bill also establishes three classes of gaming activities:

Definition of gaming activities:

Class I—social or traditional Indian gaming, which would be left solely to the jurisdiction of the tribes.

Class II—bingo and similarly related games, which would be required to meet standards set by the Commission; and

Class III—Defined as all other forms of gaming, including casinos and horse and dog racing.

What is the compromise on class III gaming:

Class III gaming would be placed under a 4-year moratorium. No new class III gaming allowed during this 4-year period—the Secretary of the Interior is directed to identify and prepare a list of each separate class III gaming activity actually operated on Indian lands as of January 1, 1986. No further class III gaming operations allowed, and existing operations will not be permitted to expand to other forms of gaming. Existing operations will be subject to regulation substantially equivalent to those of the State within whose boundaries such gaming occurs.

During 4-year moratorium: Comptroller General [GAO] would conduct a study of class III gaming on Indian lands, and submit that report to Congress.

That report will include:

First, an assessment of whether the tribes, the States, or the Federal Government is the best regulator of class III gaming on Indian lands.

Second, an assessment of the benefits and problems which could arise if class III gaming on Indian lands is regulated by the tribes, the States, or the Federal Government

Third, an analysis of the activities of the National Indian Gaming Commission established by this bill—including whether the personnel and budget of the Commission is adequate to regulate class II gaming under this act.

Fourth, an analysis of the regulatory alternatives which the Comptroller General determines are appropriate for regulating class III gaming on Indian lands—including a recommendation of the best alternative—its costs—and the number of people required to implement it.

In writing the study on how best to regulate class III gaming activities the Comptroller General shall:

First, consult with Indian tribes;

Second, appropriate agencies of the United States;

Third, each State gaming control board or regulatory body; and

Fourth, the chief law enforcement official and other law enforcement authorities of each of the several States.

Funds for Commission:

Seventy-five percent will come from assessments on Indian gaming activities.

Twenty-five percent will come from congressional appropriations.

Indian assessment:

Not more than 2½ percent of the gross revenues from each Indian gaming activity. The Commission, by a vote of not less than five of its members, shall annually adopt the rate of assessment, which shall be uniformly applied to all gaming activities, and which shall be payable on a quarterly basis.

The bill authorizes $2 million for first year of the Commission's operation, $500,000 to come from appropriations. Thereafter, the bill authorizes such sums as may be necessary to fund 25 percent of the cost of the Commission.

Mr. STRANG. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, the bill before us, H.R. 1920, is a compromise. It places a 4-year moratorium on class III gaming on Indian reservations while the General Accounting Office conducts a study to determine whether class III gaming can legitimately be regulated by a seven-member Indian gaming commission throughout the 50 States. Class III gaming includes all forms of gaming except bingo.

For most of you, this bill is not important and will not affect your State. Only two States include casino gaming—New Jersey and Nevada. Nevada is the only State with casino gaming and Indian reservations. Gaming is Nevada's No. 1 industry yielding approximately $148 million in annual revenues or 51 percent of the State's total revenues. Nevada's economy has the highest tourism dependency of any State, and more than 80 percent of Nevada's tourist spending is attributable to the presence of gaming. Nevada's gaming industry is strictly regulated by the State gaming commission, making Nevada gaming the most closely scrutinized private industry in the country.

My point, Mr. Speaker, is that Nevada is unique. We depend on the gaming industry as a major contributor to our economy, and we have several Indian reservations which should have the opportunity to better their economic status through commercial gaming. However, I am a firm believer that any gaming activity by anyone, including Indians, should be subject to strict licensing and regulatory procedures by the State where the gaming activity is taking place. I am strongly against Federal involvement in State-operated and State-controlled gambling industries.

Just to give my colleagues an idea of what goes into regulating gaming activities in Nevada, I would like to share some Nevada statistics with you. The budget for the Nevada State Gaming Control Board is approximately $13 million. This does not include investigative costs which are paid by the applicant for a license. The Nevada Gaming Control Board employs 352 people with 74 for investigations, 99 for audit, and 89 for enforcement. This is still not enough to patrol every casino. It is my understanding that the New Jersey budget is four times greater than Nevada's and it only has 10 casinos.

My point, Mr. Speaker, is: How can an Indian gaming commission made up of seven people regulate class III gaming activities on Indian reservations throughout the United States? Who will pay for investigative costs, auditing, and enforcement? How much will it cost to regulate and patrol these gaming establishments? Will the commission have the manpower to monitor potentially 50 different sets of regulations for each type of gaming activity? These questions need to be answered.

That is why I am reluctantly supporting this compromise bill. The General Accounting Office will have 2 years to answer these questions and determine whether a seven-member commission can regulate class III gaming. The GAO will be able to consult with States that have some form of class III gaming and the GAO will be able to consult with States that have gaming control boards to determine what exactly is involved in regulating class III gaming. After the study is completed, Congress will then have to decide if class III gaming on Indian reservations should be regulated by strict State regulations where these regulations are already in place or by a 7-member Federal commission who will have to adopt new regulations for class III gaming in potentially 50 different States.

It is my hope that the GAO will confirm my belief: Class III gaming, especially casino gaming, must be strictly regulated by the State.

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Mr. GONZALEZ. Mr. Speaker, will the gentlewoman yield for a question?

Mrs. VUCANOVICH. I am very happy to yield to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I am somewhat confused. Maybe it is because of my ignorance as to the definition of class III gambling or gaming. Did I understand the gentlewoman to say that bingo is exempted?

Mrs. VUCANOVICH. Mr. Speaker, bingo is not considered class III gaming.

Mr. GONZALEZ. So that under this legislation it is exempted from regulation?

Mrs. VUCANOVICH. Yes, it is.

Mr. GONZALEZ. I see. Over in my part of the woods, down in Texas, we do not have reservations, but they have them up in Oklahoma. They have been giving some mighty big prizes away in the bingo games in the Oklahoma Indian reservations. I had the great risk of my wife being invited by a fellow parishioner to go up there where the winnings would be big. I did not know if this was going to affect that kind of activity or not.

Mrs. VUCANOVICH. It will not affect bingo.

Mr. GONZALEZ. Apparently the Oklahoma reservations have about a thousand-percent bigger winnings than the parish bingo games over in my district.

Mrs. VUCANOVICH. Well, I think it is a concern, and I think that perhaps the study that GAO will do will maybe turn up some information about that.

Mr. GONZALEZ. I thank the gentlewoman.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I want to commend the gentleman from Arizona [Mr. UDALL] for bringing up this bill. There are no Indian reservations in Ohio, and yet this bill is of interest to every single Member from every single State in the Union.

I discovered somewhat to my surprise a few years ago that it is possible for an Indian tribe to buy land in another State far from their normal geographic location and establish a bingo operation on that land. It can be very small, but it is still considered a reservation that is held in trust for the tribe. It is exempt under present law from local ordinances and State laws that regulate gambling throughout the rest of the State or in the particular local jurisdiction.

So, having found that, it seemed to me that this bill presented a very excellent opportunity to make it clear that on that type of operation where the Indian land is remote or separate from an actual Indian reservation, it cannot supersede State and local law. Accordingly, the bill provides that class II and class III gaming shall be unlawful on lands acquired by the Secretary after December 4, 1985, if the lands are located outside the boundaries of such tribe's reservation, but that this prohibition shall not apply if the Governor of the State, the State legislature, and the governing bodies of the county and municipality in which such lands are located approve the operation. So this retains State and local control over nonreservation Indian gambling, and I think that is very important to every single State, not only because it is important from the standpoint of preserving the opportunity of a State to regulate gambling activities within its own borders on lands which are not on an Indian reservation, but it is important because certain elements that are undesirable otherwise could take over and you would in fact have a gambling operation where Indians were getting some benefits, but since there was no State or Federal regulation, there could be organized crime or some other group skimming off the majority of the benefits, and also bringing undesirable activities into your State.

This bill is extremely important to every single State in the Union that feels that it is desirable to maintain State and local control over gambling operations. I again want to commend the chairman and the other members of the committee for the hard work they have done on this legislation.

Mr. UDALL. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I begin by thanking and commending my colleague, the very distinguished and able chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL], and all the members of the committee that have worked to bring us this compromise legislation. I think it is very necessary and important legislation.

Accordingly, therefore, Mr. Speaker, today I rise in support of H.R. 1920, the Indian Gaming Control Act, and to address two specific matters regarding the legislation.

To begin, this Member wishes to bring to the attention of the House a provision in the legislation that came about because of a plan developed by an Indian tribe in my district in Nebraska. Briefly, this tribe intended to purchase a piece of property some 75 miles from the reservation, within the city limits of a medium-size town also in my district. The tribe then intended to request that the Secretary of the Interior grant this 22-acre parcel trust status, for the purpose of establishing an Indian bingo operation.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to my colleague, the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, in the case that brought this to my attention, which was a proposal to establish a similar operation in the county adjoining my own, the land was 1,200 miles from the reservation of the tribe, and the acreage that they were going to acquire was only 8 acres and was purely for a gambling operation, and that really got my attention in a hurry.

□ 1315

Mr. BEREUTER. Mr. Speaker, I thank my colleague for that example. I became aware of that example, too, and I believe it set the long-distance record. We are indeed a creative people—all of us.

This Member was very opposed to such a plan to create lands by acquisition strictly for the purpose of gambling activities. While this Member recognizes that economic development is one of the reasons used to justify the addition of new trust lands by the Secretary of the Interior, I most emphatically believe that gambling should not be considered an appropriate activity to justify an extension of trust status to land outside the reservation area. Not only would such an extension have to be considered bad public policy, but the potential law enforcement problems and demonstrated opposition were both considerable. Therefore, this Member introduced legislation which was then considered by the committee during their hearings on Indian gaming. My legislation prohibits any tribe from acquiring land that is not contiguous to the reservation for the specific purpose of establishing a gaming operation. Our distinguished colleague from Ohio, Mr. SEIBERLING, offered the provision in committee, and it is included in the legislation before us today. It is an important protection, this Member believes, for the practice would create practical problems that could not, in the long run, be easily addressed. This Member wishes to make it clear, however, that he does not oppose the creation of gaming operations on the reservation under proper regulations and management.

This raises another matter, Mr. Speaker, which I will take only a minute to discuss. While this Member recognizes that there is a legitimate need to address the issues associated with nonregulated gaming activities, including those that are operated by Indian business persons on the reservation, there are some concerns about tribal sovereignty that must be addressed.

Mr. Speaker, while this Member does not believe that the legislation which will emerge from the other body on Indian gaming will necessarily be less restrictive than on legitimate matters of Indian sovereignty, it is my hope that there will be an opportunity in the conference to look again at the impact of House actions on the rights of tribal governments.

Thank you.

Our distinguished colleague, the gentleman from Ohio [Mr. SEIBERLING] offered the provision in the committee. It is included here today.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, I thank the distinguished chairman of the committee for yielding time to me.

Mr. Speaker, I am pleased to be among those who are supporting the

bill that is before the House today. We have come a long way from the bill that was originally reported from the House Interior Committee last December and I appreciate the efforts made by the chairman of the committee to work with me in resolving my concerns.

There is no doubt that something needs to be done to regulate gaming activities that take place on Indian lands. To allow unrestricted Indian gambling to continue would be an injustice to the tribes, to the States, and to the citizens of this Nation. We have to balance competing rights, duties, and responsibilities, and come up with a fair solution which protects everyone.

I believe this bill accomplishes the objective of providing some regulation for bingo, which is now taking place on Indian lands. It also gives us an opportunity to look at the proper method for regulating other forms of gambling, which for the most part are not found on Indian lands today.

When H.R. 1920 was reported from the Interior Committee, all class III gaming would have been under the regulation of the National Indian Gaming Commission. I had serious doubts about the ability of the Commission to regulate class III gaming with the current budget situation, and with the potential size of the job facing them. I felt the States would have been the more appropriate entity to regulate any class III gaming operations since they are doing so currently in each State.

However, in an effort to give everyone additional time to explore the issue of regulating class III operations, I offered a compromise to place a 4-year moratorium on class III gaming on Indian lands. During the moratorium, a study will be undertaken by the General Accounting Office to determine who might be the best regulator of class III gaming—the tribes, the States, or the United States.

The study will consider the benefits and problems from such regulation, and will also look at how successful the Commission is in regulating class II bingo. Additionally, we have asked for possible alternatives that exist for regulating class III operations, and a recommendation on the best alternative including the cost involved, and the staffing requirements.

In doing the study, GAO will be required to consult with the tribes, appropriate Federal agencies, State gaming control boards and regulatory bodies, and appropriate law enforcement officials. The study must be submitted to Congress within 2 years of the date of enactment, which will permit 2 additional years for Congress to take action on the recommendations.

Because there are a few existing games on Indian lands that could be considered class III operations, we have agreed to grandfather these operations in solely for the period of the moratorium. During the period of the moratorium, these operations will be subject to regulation by the national commission and will be forbidden from expanding into other forms of class III gaming than those they were operating as of January 1 this year. I will engage the chairman of the full committee in a colloquy to ensure that everyone understands the intent of the grandfathering provisions.

This compromise on class III gaming has been endorsed by the American Greyhound Track Operators Association as well as the American Horse Council.

I would like to express my appreciation to the chairman of the full Interior Committee for his efforts in forging a workable compromise. I also would like to thank the gentlewoman from Nevada [Mrs. VUCANOVICH]; the gentleman from New Mexico [Mr. RICHARDSON]; and the chairman of the Rules Committee, Mr. PEPPER, for their support in putting together a bill that would be acceptable to the House.

I would now like to ask a couple of questions of the chairman of the committee.

Mr. UDALL. I would be pleased to answer.

Mr. COELHO. Mr. Speaker, under the compromise that I and the gentleman from Arizona worked out on class III gaming, class III gaming in existence on January 1, 1986, would be grandfathered in under the 4-year moratorium if otherwise legal under existing law. Is it the understanding of the gentleman from Arizona that the protection afforded by the "grandfather" provision would not be available to a class III activity in operation prior to January 1, 1986, if that activity was subsequently determined by a final decision of a court to be illegal?

Mr. UDALL. If the gentleman will yield, that is my understanding.

Mr. COELHO. The compromise also contains language which provides that any class III activity which is grandfathered in retains that protection only to the extent that the activity keeps within the nature and scope that it had prior to January 1, 1986. It is my understanding that, under this language, any grandfathered activity will be limited to the number of separate operations which were in existence on January 1, 1986, and only that kind of gaming which was in existence on that date. In addition, this language would prevent any attempt to convert a class I activity in existence before January 1, 1986 to a class III operation. Is that the understanding of the gentleman from Arizona?

Mr. UDALL. If the gentleman will yield, that is my understanding.

Mr. STRANG. Mr. Speaker, I am pleased to yield 4 minutes to my colleague, the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, over the last several months, I have had a particular interest in the subject of Indian gambling. It was initially brought to my attention, sparked by my concern, when some of my constituents expressed their concern about the construction and operation of a high-stakes bingo parlor on a small Indian rancheria in northern California. The opposition ranged from traffic and sewage concerns—that is, the application of county ordinances, which were created by the construction of this bingo hall, some 1,200 seats in size—to claims of unfair competition with charitable organizations, and to one Indian woman's opposition to the "white man's" intrusion, as she described it, onto the reservation for profit.

As I investigated these concerns, however, I realized that they were but the tip of the iceberg and that nationwide there have been numerous efforts, some successful, by organized crime to gain a foothold in the potential lucrative Indian gaming business. Above and beyond my strong belief that gambling is not an appropriate revenue-raising activity, as it preys on those least able to afford it and it does give rise to the false impression, and indeed the immoral idea, that wealth can somehow be created without a commensurate degree of productive effort, I am persuaded that neither the Bureau of Indian Affairs nor Indian tribes themselves are able to adequately police the gaming operations and to prevent the subtle infiltration of organized crime. As the gentlewoman from Nevada has testified and indeed it came to light during the hearings on H.R. 1920, the participation of organized crime in gaming is a very sophisticated business. Nevada alone spends nearly $13 million a year just to enforce, investigate and audit its statewide gaming operations.

The authority to regulate non-Indian gambling is reserved for States, which I believe are best qualified to establish gambling regulations to meet the particular needs of their citizens. It is for this reason that I introduced legislation which would have required Indian tribes conducting gaming to comply with the same regulations that have already been established in the States in which they reside. I believe that particularly in the area of gambling the Federal Government would be wise to defer to the experience and the judgment of the States in which our native Americans live.

It seems to me, Mr. Speaker, that if indeed there is reason to regulate gambling because of the nature of the activity, then there is nonetheless reason to regulate it because it happens to be

conducted by Indians, rather than non-Indian Americans.

Without question, there is no doubt that Indians need an economic boost to their tribal economies and even more desperately need to be independent of Federal subsidies. I applaud the tribes' innovative efforts to do so by way of gambling; however, I cannot support this bill, nor any attempt to give the Federal Government the decisionmaking authority for gambling, which is I believe a major purpose of H.R. 1920. Gambling in Indian country impacts Indians and non-Indians alike. Congress should therefore give the authority to regulate such activity to the division of Government best qualified to do so, and that is each individual State.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. SHUMWAY. If I have time, I am happy to yield.

Mr. SEIBERLING. Mr. Speaker, is the gentleman aware that without legislation at the present time an Indian tribe can buy land in his State or any other State and set up a gambling operation which will be totally exempt from any State or local control?

Mr. SHUMWAY. I am well aware of that problem. I heard the gentleman's testimony regarding that and I did introduce a bill to address that very problem.

I am not happy with the status quo, either, but I simply believe that H.R. 1920 falls short in addressing the entire range of problems, not just that one, but all the problems by the Secretary.

Mr. SEIBERLING. Well, it takes care of all the problems except those of new gambling on Indian reservations, which it seems to me shrinks it down to a very small area indeed. I think on the whole it is a great step forward.

Mr. McCAIN. Mr. Speaker, I rise in support of H.R. 1920, the Indian Gaming Regulatory Act. Since the fifth circuit judicial decision in Seminole versus Butterworth, Indian tribes have engaged in gaming operations, primarily bingo. In Seminole, the court ruled in keeping the general government-to-government relationship between tribes and the Federal Government, that Indian tribes could regulate gaming operations free of State licensing and State regulation. It formulated a civil/regulatory versus criminal/prohibitory reasoning. Simply stated, if a State regulates an activity a sovereign Indian tribe can also regulate that activity; but if the activity is strictly prohibited within the boundaries of the State that prohibition also applies to the Indian tribe.

H.R. 1920 is an honest attempt to join the conflicting interests of the State and the Indian tribes, with a goal of preventing unwanted criminal intrusion into any gaming operation. The Udall substitute before us today adopts a fine line between the conflicting interests in the case of bingo and bingo-type games—class II in the bill. However, because of the controversy surrounding the regulation of class III—parimutuels, lotteries, and so forth, H.R. 1920 now provides for a study of the issue. I believe this is the best compromise that tribes or the States can ask at this time. The GAO study will provide Congress with a fuller understanding of State concerns and of tribal rights. And, the 4-year moratorium of class III gaming in Indian country will help satisfy the Justice Department fears of rampant intrusion on the part of organized crime in Indian games.

I fully agree with the Justice Department concerns, however, I wholeheartedly disagree with their solution. The protections of all citizens must be balanced with tribal sovereign rights. I do not personally believe that gaming is the best economic solution to tribal problems, but in some instances it may be the only one. The protection of all citizens participating in Indian games is a Federal responsibility, that must not be pawned off to the States.

Traditionally, States, and Indian tribes have been adversaries, as our committee hearings clearly demonstrated. State witnesses wanted State jurisdiction, regulation, enforcement, and taxation. However, no State witness testified that the State had a responsibility to Indian tribes for their health, welfare, or economic development. The Justice Department would like to abrogate their responsibility for law enforcement in Indian country and hand it over to the States for class III gaming operations. Logically, it follows that the Justice Department does not believe it has a responsibility in Indian country; which by many reports seems to be the actual case today. Many tribes have complained to me that even when they have caught criminals redhanded, the U.S. attorney has refused to prosecute. I hope that my colleagues will join me in the future in addressing the real issues about law enforcement responsibilities on Indian reservations.

Sovereign Indian tribes currently have the right to regulate activities within their boundaries, irrespective of State regulations except where Congress has expressly granted jurisdiction to the tribes. It is my belief that the GAO study will also reflect this understanding and will be the basis for new legislation 4 years hence. With some reluctance, I urge my colleagues to support the compromise H.R. 1920.

Mr. STRANG. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Bosco). The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 1920, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDMENTS TO NATIVE AMERICAN PROGRAMS ACT

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3247) to amend the Native American Programs Act of 1974 to authorize appropriations for fiscal years 1987 through 1990, as amended.

The Clerk reads as follows:

H.R. 3247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Programs Admendments of 1986".

SEC. 2. REVIEW OF APPLICATIONS FOR ASSISTANCE.

The Native American Programs Act of 1974 (42 U.S.C. 2991-2992d) is amended—

(1) in the first sentence of section 803(a) by inserting ", on a single year or multiyear basis," after "financial assistance",

(2) by redesignating sections 813 and 814 as sections 815 and 816, respectively,

(3) by redesignating sections 806 through 812, as sections 807 through 813, respectively, and

(4) by inserting after section 805 the following new section:

"PEER REVIEW OF APPLICATIONS FOR ASSISTANCE

"SEC. 806. (a)(1) The Secretary shall establish a formal peer review process for purposes of evaluating applications for financial assistance under sections 803 and 805 and of determining the relative merits of the projects for which such assistance is requested.

"(2) Members of peer review panels shall be appointed by the Secretary from among individuals who are not officers or employees of the Administration for Native Americans. In making appointments to such panels, the Secretary shall give preference to American Indians, Hawaiian Natives, and Alaskan Natives.

"(b) Each peer review panel established under subsection (a)(2) that reviews any application for financial assistance shall—

"(1) determine the merit of each project described in such application;

"(2) rank such application with respect to all other applications it reviews for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested; and

"(3) submit to the Secretary a list that identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2).

"(c) Whenever the Secretary approves an application for financial assistance under section 803 or 805, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the President pro tempore of the Senate written notice—

"(1) identifying such application;

"(2) containing a copy of the list submitted to the Secretary under subsection (b)(3) in which such application is ranked;

"(3) specifying which other applications ranked in such list have been approved by the Secretary under sections 803 and 805; and

"(4) if the Secretary has not approved each application superior in merit, as indicated on such list, to the application with

respect to which such notice is transmitted, containing a statement of the reasons relied upon by the Secretary for—

"(A) approving the application with respect to which such notice is transmitted; and

"(B) failing to approve each pending application that is superior in merit, as indicated on such list, to the application described in subparagraph (A).".

SEC. 3. PROCEDURAL REQUIREMENTS.

(a) RULE MAKING.—The Native American Programs Act of 1974 (42 U.S.C. 2991-2992d) is amended by inserting after section 813, as so redesignated by section 2, the following new section:

"ADDITIONAL REQUIREMENTS APPLICABLE TO RULE MAKING

"SEC. 814. (a) Notwithstanding subsection (a) of section 553 of title 5, United States Code, and except as otherwise provided in this section, such section 553 shall apply with respect to the establishment and general operation of any program that provides loans, grants, benefits, or contracts authorized by this title.

"(b) The last sentence of section 553(b) of title 5, United States Code, shall not apply with respect to any rule (including any general statement of policy) that is—

"(1) proposed under this title;

"(2) applicable to any program, project, or activity authorized by, or carried out under, this title; or

"(3) applicable to the organization, procedure, or practice of an agency (as defined in section 551(1) of title 5, United States Code) and that would affect the administration of this title.

"(c) Notwithstanding section 553(d) of title 5, United States Code, no rule (or general statement of policy) that—

"(1) is issued to carry out this title;

"(2) applies to any program, project, or activity authorized by, or carried out under, this title; or

"(3) is applicable to the organization, procedure, or practice of an agency (as defined in section 551(1) of title 5, United States Code) and that will affect the administration of this title;

may take effect until 30 days after the publication required under the first 2 sentences of section 553(b) of title 5, United States Code.

"(d) Each rule to which this section applies shall contain after each of its sections, paragraphs, or similar textual units a citation to the particular provision of statutory or other law that is the legal authority for such section, paragraph, or unit.

"(e) Except as provided in subsection (c), if as a result of the enactment of any law affecting the administration of this title it is necessary or appropriate for the Secretary to issue any rule, the Secretary shall issue such rule not later than 180 days after the date of the enactment of such law.

"(f) Whenever an agency publishes in the Federal Register a rule (including a general statement of policy) to which subsection (c) applies, such agency shall transmit a copy of such rule to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

(b) DEFINITION OF RULE.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c), as so redesignated by section 2, is amended—

(1) in paragraph (3) by striking out "and" at the end thereof,

(2) by redesignating paragraph (4) as paragraph (5), and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'rule' has the meaning given it in section 551(4) of title 5, United States Code, as amended from time to time; and".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 816(a) of the Native American Programs Act of 1974 (42 U.S.C. 2992d(a)), as so redesignated by section 2 of this Act, is amended by striking out "1986" and inserting in lieu thereof "1990".

The SPEAKER pro tempore. Is a second demanded?

Mr. TAUKE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes and the gentleman from Iowa [Mr. TAUKE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume. Throughout its history, the Native American Programs Act has traditionally enjoyed strong support from native Americans, the administration, and from both sides of the aisle here in Congress. It is unique among those programs available to native Americans since it provides grants to Indian tribes and organizations, Native Alaskan villages and corporations, and native Hawaiian communities and organizations to support local strategies aimed at creating social and economic self-sufficiency. No other Federal program provides this type of assistance to all of these native populations. Although modestly funded, this program has produced very positive results in many native communities including:

The creation of thousands of jobs for native Americans;

The initiation or expansion of Indian, Alaskan Native and native Hawaiian businesses;

The strengthening of the governmental functions of many tribes through the enactment of codes and management improvements, and;

The construction or renovation of housing units on reservations and in urban areas.

The bill strengthens the Native American Program in three ways. First, it authorizes the Administrator to award multiyear grants. Second, it reinforces and strengthens the current application review process. Finally, it enhances native American input into decisions affecting their projects. This program has long enjoyed strong bipartisan support within the Congress. The administration also supports reauthorization of this program and I urge its immediate adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3247 reauthorizes the Native American Programs Act for 4 years, through fiscal year 1990. I support this reauthorization, and I applaud the work of the chairman of the Subcommittee on Human Resources, the gentleman from Michigan, for his efforts to extend and strenghten this act.

The bill authorizes the Native American Programs at the level of such sums as may be necessary for each of the 4 years, which has been traditional for this program. While supporting adequate appropriations for this program, we recognize the budget restraints under which we are working. The "such sums" authorization will provide flexibility, therefore, in the process of setting the appropriations for the Native American Programs.

Additional changes made by the bill will: First, permit multiyear grants to be awarded under this program; second, amend the rulemaking procedures of the Administration for Native Americans, increasing the opportunities for public comment on policy decisions of the Administration; and third, codify the existing grant review process and improve the flow of information about the grant awards to Congress. In general, these changes improve and strengthen the act.

It is important to note that congressional intent in codifying the application review process is not to require the routine submission to Congress of all grant application information or to restrict, in any way, the Commissioner's discretionary authority in awarding grants. The purpose is to improve the information available to Congress on the grant procedure and on awards. Under no circumstances would the Congress, peer reviewers or applicants be able to overrule the award decisions made by the Commissioner.

Again, I support this measure and commend the subcommittee chairman for his efforts.

Mr. HEFTEL of Hawaii. Mr. Speaker, I rise today in strong support of H.R. 3247, to extend the Native American Programs Act of 1974. The Administration for Native Americans [ANA], which administers this program, has been highly successful in its efforts to create social and economic self-sufficiency among native Americans.

In my State of Hawaii, we have a nonprofit community based organization, Alu Like, which was organized to serve native Hawaiians. A substantial source of Alu Like's funding has been through economic development funds from the ANA. Since 1978, Alu Like has assisted in the training and employment of approximately 9,000 of the State's 179,000 Hawaiians, and has worked with over 700 public and private agencies statewide in facilitating projects and activities aimed at creating social and economic self-sufficiency among native Hawaiians. The Native American Programs

Act, through the successes of such agencies as Alu Like, has proven itself to be a worthy program which deserves reauthorization.

I commend Mr. KILDEE for his efforts on behalf of the Native American Programs Act and urge support of H.R. 3247.

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Mr. TAUKE. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 3247, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3247, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FHA AND GNMA CREDIT COMMITMENT ASSISTANCE ACT OF 1986

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4602) to authorize the Federal Housing Administration and the Government National Mortgage Association to enter into additional commitments to ensure loans and guarantee mortgage-backed securities during fiscal year 1986, and for other purposes.

The Clerk read as follows:

H.R. 4602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FHA and GNMA Credit Commitment Assistance Act of 1986".

SEC. 2. FEDERAL HOUSING ADMINISTRATION COMMITMENTS.

Notwithstanding any other provision of law, the Federal Housing Administration may enter into commitments during fiscal year 1986 to insure loans under the National Housing Act in an aggregate principal amount that does not exceed $95,000,000,000.

SEC. 3. GOVERNMENT NATIONAL MORTGAGE ASSOCIATION COMMITMENTS.

Notwithstanding any other provision of law, the Government National Mortgage Association may enter into commitments during fiscal year 1986 issue guarantees under section 306(g) of the National Housing Act in an aggregate principal amount that does not exceed $100,000,000,000.

SEC. 4. NOTIFICATION OF CONGRESS REGARDING HOUSING CREDIT BUDGET.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall notify the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives if the cumulative commitments issued through the end of any month of a fiscal year by the Federal Housing Administration to insure loans under the National Housing Act, or by the Government National Mortgage Association to issue guarantees under section 306(g) of the National Housing Act, exceed the pro rata share of the aggregate commitment authority available to such Administration or Association that is applicable to the expired portion of the fiscal year. Such notification shall be made not later than 30 days after the end of the month involved.

(b) RULE OF CONSTRUCTION.—No provision of this section may be construed to establish any limitation on the cumulative commitments that may be issued during or through any month by the Federal Housing Administration or the Government National Mortgage Association.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this bill essentially and really, the main thrust of it, is to raise the credit limits for FHA and what we call Ginnie Mae, the Government National Mortgage Association, and their mortgage-backed security programs. This bill is critical to the Nation's home buyers as the ceiling on the GNMA Program has been reached and I understand that the credit limit on FHA will soon be reached.

H.R. 4602 increases the credit limit for the FHA program from $57.4 billion up to $95 billion and the limitation on commitments to guarantee Ginnie Mae mortgage-backed securities from $65.3 billion to $100 billion. It is important to point out that these figures represent credit limits and are not disbursements from the U.S. Treasury.

The Government National Mortgage Association Mortgage-Backed Securities Program was created by Congress in 1970 and has been one of the most critically needed segments of the secondary mortgage market in attracting additional mortgage credit into the mortgage market. This program has enabled thousands of FHA and VA mortgages to be pooled and sold to investors who are nontraditional sources of mortgage funds, which in turn has enabled many American families to purchase a home.

Unfortunately, the GNMA Mortgage-Backed Securities Program has come to a sudden halt because the ceiling for guarantee authority that is set by law was reached recently. This ceiling which was set at $68.25 billion for 1986 was reduced to $65.3 billion by the Gramm-Rudman on March 1.

The demand for GNMA commitments has been so strong that Ginnie Mae received applications for $11 billion in commitments in the first 4 days of April. While many lenders may have outstanding commitments which will enable them to continue to place FHA and VA mortgages into GNMA mortgage-backed securities, other lenders, simply do not. These lenders will be forced to find other secondary outlets for their FHA-VA mortgages, which will result in much higher housing costs.

The sudden explosion in the mortgage market has come about because of the unpredicted and unprecedented drop in mortgage interest rates. This drop has enabled thousands of families who had been priced out of the market to finally qualify for a mortgage. Thus, the FHA and GNMA programs have been in great demand.

However, with the GNMA Program closed and the credit limit for FHA soon to be reached, we must take immediate action to ensure that all families have the opportunity to become homeowners, and I urge all Members to support this bill.

Home ownership is an important part of the American dream and FHA and GNMA have helped this dream come true for many families. Let us raise these credit ceilings and continue to turn these dreams into realities.

This is a bipartisan effort. We want to recognize the leadership exerted by our ranking minority member of the committee.

Mr. Speaker, I reserve the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is important that the House pass H.R. 4602, the FHA and GNMA Credit Commitment Assistance Act of 1986. This legislation, which I introduced last Tuesday, along with Chairman ST GERMAIN, Chairman GONZALEZ, and the gentleman from Connecticut [Mr. MCKINNEY], is critical to the Nation's home buyers. Chairman GONZALEZ has done an excellent job in explaining the bill and I do not mean to be repetitious, but I think it is important to understand why we have this legislation here today, and the need for its passage.

We need this legislation because the Government National Mortgage Association, which is popularly known as Ginnie Mae, has reached the legal

limit on the amount of the mortgage-backed securities it can guarantee in this fiscal year. Ginnie Mae has a statutorily established credit limit of $65.3 billion. On April 7 the Association notified all the participants in their mortgage-backed securities program that they would accept no further commitments to guarantee securities effective at the close of business on Friday, April 4.

Unless Ginnie Mae is in a position to guarantee securities backed by FHA and VA mortgages, lenders will be reluctant to utilize these Government programs. Industry sources indicate that if the Ginnie Mae limit is not increased in the very near future, as many as 225,000 homebuyers would have their home-buying plans disrupted. To avoid such a predicament this bill would raise the Ginnie Mae commitment level to $100 billion.

H.R. 4602 also increases the limitation on the level of FHA commitments to insure mortgages and loans from $57.4 billion to $95 billion. Although the FHA limit has not yet been reached, it is clear it soon will be due to the unprecedented heavy activity in FHA mortgages, which Chairman GONZALEZ referred to.

Finally, our legislation directs the Department of Housing and Urban Development to develop a tracking system that will allow HUD to notify Congress whenever it appears that commitments for either program are being utilized at such a rate as to pose the possibility of running out of commitment authority before the end of the fiscal year.

I think this is an important addition to the bill, also. Prompt notification will enable Congress to react and to avoid the possibility of program moratoria without facing an emergency situation as we are today.

Mr. Speaker, may I provide a little background information as to why we are faced with the necessity of raising these limits at this time. It all goes back to the high interest rates our country suffered under for several years and the subsequent economic recovery we are now enjoying.

Since the latter part of 1984 the housing industry has experienced a spectacular and unprecedented surge in home sales activity. This substantial increase in housing sales has been largely attributable to a steady decline in long-term interest rates. As long-term interest rates have declined, home ownership opportunities have increased dramatically. For example, since the fourth quarter of calendar year 1984—when the current surge began—interest rates have dropped by approximately 3.5 percent and now are under 10 percent for the first time in almost 8 years.

□ 1340

At these current low rates, the number of households which would qualify to purchase the median-priced home has increased by approximately 8.1 million. Just last week the Commerce Department reported that the decline in mortgage interest rates helped boost housing starts in the first quarter of the year to the highest level since 1978. The success of this administration's efforts to foster a healthy rate of economic growth with reduced rates of unemployment and a largely inflation free environment is clearly in evidence in the housing sector of the American economy.

All this has had a proportionate impact on the FHA program. The Department of Housing and Urban Development reports that FHA single family unit applications at the end of February totaled 547,740 and are double last year's activity for the comparable period. At the current pace, HUD conservatively estimates that single family unit applications could exceed 1.5 million compared with the 1986 budget projections for 900,000 units. These statistics, although staggering, are wonderful news and are a tribute to the economic recovery in the housing industry. It now appears virtually certain that demand for FHA mortgage insurance this year will be the highest in the FHA's 52-year existence.

FHA and VA mortgages represent approximately only 20 percent of the mortgage finance market. Individuals using FHA are generally moderate- and middle-income borrowers who cannot qualify for a loan without utilizing the low down payment feature of an FHA loan. There are literally thousands of potential homebuyers who fit that description. Most of them are first-time home buyers. These families have been waiting patiently for mortgage rates to fall to a level that would allow them to fulfill their dream of purchasing an affordable home. It would be more than unfair to freeze them out of the home buying market at this time.

What we are talking about here is credit limits—the authority of the Federal Government to guarantee a debt. As I mentioned, both the unsubsidized FHA program and Ginnie Mae are actuarially sound so the increases will cost the Federal Government nothing.

Mr. Speaker, I would like to take this opportunity to express my gratitude to the gentleman from Massachusetts [Mr. BOLAND], chairman of the HUD Independent Agencies Subcommittee of the Committee on Appropriations for his cooperation in allowing us to bring this bill to the floor in this fashion, without referral to the full Appropriations Committee. I would also like to thank the gentleman from Mississippi, Chairman WHITTEN, the gentleman from Massachusetts [Mr. CONTE], and the gentleman from New York [Mr. GREEN] who also deserve expressions of appreciation for allowing this bill to come to the floor in this way, and for recognizing the need for expeditious treatment.

In that regard I would like to call the Members' attention to a letter supporting this action that was signed by the Mortgage Bankers Association, the Multi-Housing Council, the National Apartment Association, the National Association of Homebuilders, the National Association of Realtors, the National Council of Savings Institutions, and the Public Securities Association. After outlining the reasons for increasing the limits they concluded "the undersigned organizations are urging prompt action to remedy this situation."

Finally, Mr. Speaker, I want to publically thank Mr. ST GERMAIN, Congressman MCKINNEY, and especially Chairman GONZALEZ and call attention to the yeoman service the gentleman from Texas has performed not only today but for years in promoting the cause of housing. I know that he had to postpone an important engagement back in his district to be here today. It is indicative of his dedication toward housing American families that he was willing to do so. I appreciate his cooperation and I am looking forward to working with him to bring to the floor and pass the omnibus housing legislation in a timely fashion.

I urge passage of H.R. 4602.

Mr. GONZALEZ. Mr. Speaker, I in turn wish to repeat what I said earlier and thank and compliment the distinguished gentleman from Ohio [Mr. WYLIE], the ranking minority members of the Committee on Banking, Finance and Urban Affairs, for his leadership and for his having put things together.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this legislation to raise the commitment limits for FHA and GMA.

I want to commend my colleague, the gentleman from Ohio [Mr. WYLIE], who we are all so very proud of for his leadership in introducing this legislation and for the fine job that he is doing. I also want to thank the gentleman from Texas [Mr. GONZALEZ], our chairman, who I think everybody in the House agrees puts in more hours than anyone else in the body. So we appreciate his work.

Mr. Speaker, our declining interest rates and favorable economic climate

have combined to stimulate a housing boom in this country. The beneficiaries of this strong economy have notably been first time home buyers recognizing the dream of homeownership. And those who bought homes several years ago at higher interest rates who are discovering the advantages of refinancing.

We must beware that today, this rush of housing activity is threatened. The Government National Mortgage Authority, Ginnie Mae, has already reached its 1986 volume cap of $65.3 billion.

FHA is facing a staggering volume of single-family mortgage applications. At current rates, 1986 applications will reach 1.5 million. This will outrun the FHA's initial projections for 1986 by two-thirds. The FHA's loan commitment authority needs to be increased substantially to meet this demand.

Ginnie Mae serves as a secondary mortgage market by guaranteeing securities backed by mortgages underwritten by the FHA and VA. This secondary market has served to increase the amount of credit available for housing. It has also served another purpose by helping to keep interest rates down.

Unless we raise the Ginnie Mae commitment limit almost immediately, low-cost financing for first-time home buyers through the FHA and VA will cease to be available.

A letter we all have received from a group of housing finance organizations warns that a Ginnie Mae shutdown as well as the exhaustion of FHA authority would affect 225,000 borrowers per month. Even if loans can be delivered to a different investor than Ginnie Mae, borrowers will pay up to 1½ discount points more. And, once the FHA limit is reached, that option will be closed to borrowers.

I want to stress to my colleagues that increasing the Ginnie Mae limit to $100 billion and FHA's to $95 billion does not represent new Government spending. Rather, it represents a renewed commitment to the dream of home ownership and economic growth. Passage of this legislation is the least we can do to keep the housing recovery alive.

We have had a number of economic turndowns since the Second World War, but now our economy is coming down the track like a roaring train, and nothing can revitalize our economy more than construction and housing. This legislation goes in that direction, so this legislation is not only going to help our first-time home buyers, those people who are refinancing, people in construction, but it is going to help our entire economy. That is why this legislation is so important, and why I hope everyone will vote for it.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for his outstanding statement and appreciate his excellent work in our committee for the cause of housing.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I rise in support of this legislation and I rise to commend my colleague, the gentleman from Texas [Mr. GONZALEZ], chairman of the Housing Subcommittee, and to commend the sponsor of the legislation, the gentleman from Ohio [Mr. WYLIE], for his leadership and for their work in this timely legislation to expand the FHA and GNMA credit limitations.

I have a few comments about the legislation itself as I commend these gentlemen for their leadership. First, I would note that we are at this point, acting to provide for sufficient loan limits in both of these programs for the balance of this year, and that is absolutely necessary. We are acting on credit limitations in advance of the shutoff of FHA commitments, although when we granted an extension of FHA authority last month, FHA had been closed down for approximately 10 days. At this point, GNMA is closed down and has been since April 4.

It is the on-again, off-again nature of FHA and GNMA that adds to the inefficiency, and it becomes very disruptive and costly in the marketplace. So I compliment the chairman and the sponsor for acting at this point to provide for increases in the loan guarantee authority necessary for the balance of the year. I think it has been a valid criticism of Congress that we have not acted to provide full loan guarantee authority for these programs in the past.

Second, FHA itself is a win-win situation, as we all know, as is GNMA. It provides, on the one hand, the opportunity for homeownership for millions of American home buyers. We are now issuing FHA commitments at the rate of 1.7 million commitments per year. We expect approximately 1.5 million commitments to be made for this current year, and yet it is at no net cost to the Government.

FHA and GNMA are not only entirely self-supporting, the premiums that are paid into the plan, in fact, provide mortgage insurance for what is paid out.

There have been a number of proposals over the last several years for a user fee and cap and means test. I think that none of those proposals either will be or should be adopted by this Congress. In fact, we ought to be going in exactly the opposite direction for more deregulation of FHA and GNMA.

Third, I would note, as we all know here today, that the record requests and the record demand for FHA is due to the reduction of interest rates. Perhaps the reduction of interest rates in home mortgages has been the single most significant and compassionate item that has occurred for home buyers in this country in the last several years.

It is estimated that in 1985, even before the interest rates dropped, as much as they have now, the percentage of home buyers whose housing costs exceeded 25 percent of their income was down to 33 percent of those home buyers, a reduction from 40 percent in 1984. I would suggest that that reduction will continue.

The single most compassionate thing we can do for young families in this country is to act to bring interest rates down so that they can buy a home, and act to make FHA and GNMA efficient so that they can obtain mortgage insurance to obtain that access to mortgage money.

In January, we had approximately 130,000 applications for FHA loans. That is up 63 percent from December, and it is double what it was in January of 1985. I talked with two mortgage companies this morning in the Dallas-Fort Worth area who are active in the FHA market. One told me that his FHA applications were up by some 30 percent just from February to March, and the other told me that they had closed 344 FHA loans in the first 3 months of 1986, and that is compared to 83 loans in the first 3 months of 1985. They estimate they have approximately $100 million of FHA loans in the pipeline and will close half of those in the next 60 days, thus benefiting and providing home ownership for 769 families.

An extension of FHA credit and the use of FHA to provide that opportunity for homeownership is the single most important thing that we can do for families in this country. In conclusion, it seems to me that what we are doing here today, and what we ought to be doing more of, is to focus on the residents and the home buyers, and on the customers and on the borrowers themslves and to find ways to give those home buyers that opportunity to purchase homes. It had become fashionable in recent years, I am afraid, in some circles to somehow think that homeownership was no longer the in thing over the coming decades in this country. I think that is not true. I think that it is homeownership and that prospect for universal home ownership at all income levels that is in fact and continues to be the goal of American families throughout this country, and it ought to be the No. 1 goal of Federal housing policy. We have a tendency in Washington to think in terms of institutions, of FHA, of Congress, of HUD, of OMB, of the Housing Committee, and I think what we are doing with this legislation is to reverse that and to think beginning

with the families that will be benefiting and buying those homes.

I thank the gentleman for yielding me this time.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for his excellent statement and his outstanding work on the committee. He has developed a real expertise in housing and we look to him for suggestions.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 4602.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1355

RELEASING RESTRICTIONS ON USE OR CONVEYANCE OF REAL PROPERTY LOCATED IN CALCASIEU, LA.

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the (H.R. 4022) to direct release of restrictions, conditions, and limitations on the use or conveyance of certain real property located in Calcasieu Parish, LA.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. STRANG. Mr. Speaker, reserving the right to object, I do not necessarily object, but I take this time to ask the gentleman from Ohio to explain the request.

Mr. SEIBERLING. If the gentleman would yield, I will be happy to do that.

MR. STRANG. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, this is a noncontroversial bill reported by the Committee on Interior and Insular Affairs on April 16. It involves lands which formerly comprised the Chenault Air Force Base near Lake Charles, LA.

Most of these lands were acquired by the local authorities and then donated to the United States for the purposes of the Air Force base.

Some years ago, the base was closed. Subsequently, portions of the lands were transferred from Federal ownership into the hands of various local bodies, but these transfers were made subject to certain limitations or restrictions on the use, encumbrance, or conveyance of the transferred lands.

The local authorities now wish to reunite the old Air Force base property, and put it to use as an "air industrial park." The hope is that this will give an economic boost to a region hard hit by the decline in the oil and gas industry.

But to do this, the local authorities need to obtain the removal of the various Federal restrictions on the use, encumbrance, or conveyance of the lands. That removal would be accomplished by this bill.

As I mentioned, this is a noncontroversial proposal. The Congressional Budget Office has reported that it will involve no costs to the Federal Government. It is a meritorious bill and deserves enactment.

Mr. STRANG. Further reserving the right to object, Mr. Speaker, I thank my friend for his statement, and I would ask my friend if he has had an opportunity to relay the fact that this bill is being brought up to Mr. SENSENBRENNER.

Mr. SEIBERLING. I have checked with Mr. MOORE and Mr. BREAUX, the two Members the most interested in this legislation, and neither have any objection to bringing it up at this time.

I was not aware that Mr. SENSENBRENNER was concerned about this legislation.

Mr. STRANG. I thank my friend. We have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF RESTRICTIONS, CONDITIONS, AND LIMITATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services or the Secretary of the Interior, as the case may be, shall execute such instruments as may be necessary to release all restrictions, conditions, and limitations on the use or conveyance of the real property described in section 2, to the extent such restrictions, conditions, and limitations are enforceable by the United States.

(b) EXCEPTION.—Subsection (a) shall not apply to any restrictions, conditions, and limitations that relate to a right of access to, or use of, any real property by the United States for national defense purposes in time of war or national emergency.

SEC. 2. REAL PROPERTY DESCRIBED

The real property referred to in section 1 is the real property described in the deeds of conveyance which are contained in the records of the Office of the Clerk of Court for Calcasieu Parish, Louisiana, and which bear the following file numbers:

1315177	1419321	1564169
1315199	1464428	1564208.
1317259	1493946	
1340444		
1358693		

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute offered by Mr. SEIBERLING: Strike all after the enacting clause and insert in lieu thereof the following:

(a) The United States hereby releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain lands located in Calcasieu Parish, Louisiana, as identified as Item Numbers, 2, 4, 5, 6, 7-B, 8, 9, X, Y, Z, and Tract 7 on the map entitled "Plat of Restricted Properties/Former Chenault Airbase, Lake Charles, Louisiana", dated December 6, 1985, to the extent such restrictions, conditions and limitations are enforceable by the United States: *Provided,* That the United States shall have the right of access to, or use of, those lands identified on said map for national defense purposes in time of war or national emergency.

(b) Nothing in this Act shall affect the disposition or ownership of oil, gas, or other mineral resources associated with lands identified on the map referenced in subsection (a).

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. SEIBERLING].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4022, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GARRISON DIVERSION UNIT REFORMULATION ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1116.

□ 1358

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1116), to implement certain recommendations made pursuant to Public Law 98-360, with Mr. Bosco in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the rule, the first reading of the bill is dispensed with.

Pursuant to the rule, the gentleman from California [Mr. COELHO] will be recognized for 30 minutes and the gentleman from Colorado [Mr. STRANG] will be recongized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1116 would reauthorize the Garrison Division Unit in North Dakota. This bill includes a series of compromises on many issues which have been debated in Congress for years.

Mr. Chairman, I support enactment of H.R. 1116. It is a fair compromise, and it enjoys wide support. This support includes the Governor of the State of North Dakota, major environmental organizations, and many Members of Congress who have historically opposed construction of this project.

The chairman of the Subcommittee on Water and Power Resources, Mr. MILLER of California, is not able to be here today. He has prepared a statement in support of H.R. 1116 which details the events leading to this important compromise, and which outlines the provisions of the bill.

Mr. MILLER of California, Mr. Chairman, H.R. 1116 represents a new beginning for one of the Nation's most troubled water resource development projects. The Garrison diversion unit has been dreamed of and fought over since the turn of the century. The last 15 years have been most troublesome for the project, especially here in Congress. Anyone who has ever heard of this project can probably tell you more about it than you every cared to know.

As originally conceived early in the 1900's, and as authorized by Congress in 1944, Garrison was a massive engineering undertaking designed to irrigate vast amounts of prairie farmland in North Dakota. The project was seen by its boosters as just compensation for the losses suffered by North Dakota when the Garrison and Oahe Dams were built on the Missouri River to provide flood control, power, and navigation benefits, mostly for downstream States. A Federal investment in pumping plants, reservoirs, and canals to irrigate 1 million acres of land seemed reasonable a that time. But appropriations and construction of this large project never materialized, as attentions focused on building the mainstem dams.

Twenty-one years after the Pick-Sloan authorization, Congress reconsidered the need to construct such a large irrigation project. The "initial stage" of the project—sized at 250,000 acres of irrigation—was authorized for construction in 1965. This scaling back of the rather ambitious 1944 plan was the first of many attempts to redesign the project to make it more economical; and less damaging to the enviroment.

The somewhat tortuous history of the Garrison project is detailed in the committee report for H.R. 1116, and I will not dwell on it here. What is important today is that we are acting on legislation which will replace Garrison as it has been known for more than 40 years with a project which is leaner and more responsive to the contemporary water needs of North Dakota.

H.R. 1116 is a compromise bill. It is the result of almost 2 years of hard work and cooperation from groups and individuals who had never before been able to agree on much of anything. In particular, I would like to recongize the hard work and cooperation of all the members and staff of the Garrison Diversion Unit Commission ; North Dakota Gov. George Sinner; the Garrison Diversion Conservancy District; Congressman DORGAN; Senators BURDICK, and ANDREWS; the National Audubon Society; the National Willife Federation; and the North Dakota Chapter of the Wildlife Society.

When Congress created the Garrison Diversion Unit Commission in 1984, it was greeted with skepticism. But the commission succeeded where other attempts to redesign the prouject had failed. Perhaps most importantly, the Commission process resulted in a new atmosphere of change for Garrison. The old notion that irrigation on a massive scale would be the highest and best use of the Missouri River in North Dakota was definitively put to rest by the Commission. Instead, a project emerged which will better meets the needs of many more people throughout the State. Instead of restricting the benefits of a Missouri River diversion to a limited number of farms in the State, the Commission plan—and H.R. 1116—spreads the benefits to towns, farms, rural communities, and Indian reservations across the State.

Few things in this world are more highly charged than the politics of western water development, and Garrison must be one of the best examples of this phenomenon. On more than one occasion, committee markups of H.R. 1116 were canceled because fundamental disagreements about the bill had still not been resolved. At my request, project supporters and opponents began a lengthy negotiation process almost 1 year ago which has brought this compromise bill to the floor of the House of Representatives. Negotiations were given impetus by a provision added to the Fiscal Year 1986 Energy and Water Development Appropriations Act—Public Law 99-141. This provision stated no funds could be expended for construction or land acquisition on Garrison after March 31, 1986, unless legislation reformulating the unit was enacted.

It is important to note that if no legislation reformulating the unit is enacted, it does not necessarily mean that construction of Garrison will come to a halt. The 250,000-acre plan would still be authorized and future appropriations could be made available for that project. Thus, H.R. 1116 should be enacted to reduce the size and environmental impact of the Garrison diversion unit, deauthorize obsolete and impracticable irrigation areas, and resolve a major international environmental controversy.

PURPOSE

The purpose of H.R. 1116 is to authorize the construction of the Garrison diversion unit, North Dakota, substantially in accordance with the recommendations of the Garrison Diversion Unit Commission. The project authorized by H.R. 1116 is intended to meet the contemporary water needs of the State of North Dakota, including municipal, rural, and industrial water needs, while specifically preserving any existing rights of the State to use water from the Missouri River. Specific provisions are included in the bill to minimize the environmental impacts of constructing and operating the Garrison diversion unit, especially impacts to fish and wildlife resources.

H.R. 1116 sets forth specific requirements which are intended to assist the United States in meeting its responsibilities under the Boundary Waters Treaty of 1909.

H.R. 1116 includes measures which will improve the repayment provisions of the Garrison project by requiring the execution of new contracts, executed in confromance with the Reclamation Reform Act of 1982, for the repayment of costs allocated to irrigation before construction can begin on irrigation facilities. H.R. 1116 also authorizes the use of power revenues as a means of repaying the capital costs attributable to irrigation.

Finally, it is a purpose of H.R. 1116 to offset the loss of farmland within North Dakota resulting from the construction of major features of the Pick-Sloan Missouri Basin Program, by means of a federally assisted water resource development project providing irrigation for 130,940 acres of land.

HIGHLIGHTS OF H.R. 1116

Section 1 deletes portions of the 1965 authorization and substitutes new purposes and authorizations for the project. Specific language is included so that future water resource development opportunities for North Dakota will not be precluded. This section also provides for the preservation of North Dakota's water rights claims, and terminates portions of the 1944 and 1965 acts and the irrigation acreage authorization in those acts. This section provides that all facilities authorized by H.R. 1116 are to be sized to serve only the 130,940-acre irrigation plan and North Dakota's plan for providing municipal and industrial water service to cities and rural communities—facilities are not to be made

large enough to serve the old 1,007,000-acre or 250,000-acre projects. Finally, the bill makes nonreimbursable the costs of facilities already built which won't be used in the 130,940-acre plan.

As a result of this section, the authority of the Secretary to plan and construct 922,910 acres of irrigation in several parts of the State has been terminated. In addition, the supply works, canals, laterals, and drainage facilities necessary to serve these areas have been terminated as well. The specific areas authorized by H.R. 1116, the 1944 act, and the acreage terminated by H.R. 1116 are detailed in table 1, included in the committee report accompanying H.R. 1116. I ask that this table be included in my statement at this point. There should be no question that H.R. 1116 represents a complete reformulation of the Garrison project, and that all previously authorized irrigation not included in H.R. 1116 will be deauthorized when this bill is enacted. It is especially instructive to note that approximately $543 million in irrigation features in the Hudson Bay drainage authorized in 1965 are deauthorized in H.R. 1116.

TABLE 1.—IRRIGATION AREAS TERMINATED BY H.R. 1116

Irrigation areas	Areas authorized by 1944 act (acres)	Authorized by H.R. 1116 (acres)	Terminated, by H.R. 1116 (acres)
Souris Loop area	327,670	0	327,670
East Souris area	151,950	0	151,950
Coleharbor section	39,820	[1] 13,700	26,120
Harvey pumping area	10,310	2,000	8,310
New Rockford area	67,190	[2] 22,135	45,055
Sykeston area	37,000	0	37,000
Berlin area	12,740	0	12,740
Harvey-Maddock area	86,260	0	86,260
Warwick-McVille area	42,380	0	41,380
Baldhill area	96,810	0	96,810
LaMoure section	12,200	13,350	−1,150
Oakes section	108,000	23,660	84,340
McClusky Canal area	10,790	[3] 10,515	275
Velva Canal area	5,00	0	5,000
Undersignated	0	28,000	−28,000
Indian irrigation	0	17,580	−17,580
Total	1,007,120	130,940	876,180

[1] Includes the Turtle Lake area.
[2] Includes New Rockford area (20,935 acres) and New Rockford Canalside (1,200 acres).
[3] Includes McClusky Canal (4,000 acres) and Lincoln Valley (6,515 acres).

This section also places strict limitations on the size of some of the project supply facilities. Specifically, the Sykeston Canal and the James River Feeder Canal are to be built only to the size needed to serve the authorized purposes identified in H.R. 1116.

Section 2 generally adopts the Commission recommendations on fish and wildlife mitigation and enhancement, including the policy that mitigation is to be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction. Three exceptions to the Commission fish and wildlife recommendations are made regarding the status of Sheyenne Lake National Wildlife Refuge, the costs of developing and implementing fish and wildlife plans, and the use of reservoir sites as credit toward mitigation.

H.R. 1116 in many ways represents a new partnership between development and conservationist interests in North Dakota. The provisions for fish and wildlife developed by the Commission and included in H.R. 1116 represent innovative approaches to problems which have plagued the Garrison project for years. This bill offers the Bureau of Reclamation and the Fish and Wildlife Service a new opportunity to put aside their differences and cooperate in the implementation of the fish and wildlife provisions included in H.R. 1116.

Section 3 authorizes construction of the non-Indian irrigation areas totaling 85,360 acres in nine specified areas after September 30, 1990, and after completion of a comprehensive study of the impact of such development on the James River; 28,000 additional acres of non-Indian irrigation development outside the Hudson Bay, Devils Lake, and James River basins are also authorized. During the study period, construction may continue on the New Rockford Canal and the Oakes Test Area, and work may begin on the M&I water systems, but no work may take place on the Sykeston Canal or the James River Feeder Canal, or on the James River channelization until the report on the James River has been completed and submitted to the Congress. A new repayment contract(s) must be executed before development of the non-Indian irrigation areas begins. This section also authorizes the development of 17,580 acres of Indian irrigation in three specific locations, and prohibits the use of project facilities for nonproject drainage of wetlands.

I consider the requirement for the James River study to be one of the most important provisions of H.R. 1116. It is somewhat ironic that, despite the tremendous amount of irrigated acreage which is deauthorized by H.R. 1116, the amount of irrigation in the James River drainage basin is dramatically increased in this bill. This means that the James River will receive both the water supply for much of the irrigated lands, and the drainage return flows from those lands.

This study of the James River is intended to accomplish more than simply documenting the damage which will be done to a prairie river. The results of this study should guide the Secretary of the Interior in decisions made on how Garrison should be constructed and operated, so that impacts on the river are minimized. Special attention should be given to river flows and the effects on Arrowwood and Sand Lake National Wildlife Refuges. Every effort should be made to limit damage to the refuges and other parts of the river in both North Dakota and South Dakota. Finally, it is important that this study be conducted in an open and forthright manner, with the cooperation of any interested groups, agencies, and individuals.

Section 4 authorizes the use of Pick-Sloan power for State MR&I water supply facilities. The section requires repayment of irrigation costs by power revenues to be made over 40 years on a regular basis, and states that any power rate increases resulting from changes made by this reformulation of Garrison would be phased in over a 10-year period.

Section 5 authorizes the $200 million State of North Dakota's MR&I water development plan. An additional $40.5 million is made available to construct, operate, and maintain a water release and treatment facility to deliver 100 cubic feet per second of Missouri River water to Fargo, Grand Forks, and surrounding communities. All MR&I water diverted into the Hudson Bay drainage must be treated and must comply with the Boundary Waters Treaty of 1909. The construction of MR&I water systems for the Fort Berthold, Standing Rock, and Fort Totten Indian Reservations is also authorized.

The MR&I systems authorized in H.R. 1116 are designed to serve domestic water needs in many parts of the State, including areas which drain into Canadian waters. This would not be possible without the cooperation of the Government of Canada, which indicated to the Garrison Commission its willingness to accept the transfer of water which has been treated to ensure the removal of foreign biota. This was a critical step in development of the Commission plan, and H.R. 1116.

I want to give special emphasis to the critical rural domestic water supply needs of the Indian reservations. H.R. 1116 authorizes appropriations of $20.5 million for Indian MR&I development. This authorization was based on very preliminary information available to the committee and the Bureau of Reclamation. As more details regarding the Indian MR&I needs and water systems become available, it is quite possible that additional spending authority may be needed. The Secretary of the Interior should keep Congress advised of this situation, and there should be no hesitation in returning to Congress if additional authorization of appropriations for these water systems is needed.

Section 6 authorizes the Sykeston Canal as a replacement for Lonetree Dam and Reservoir. The size of Sykeston is limited to that needed to meet the water delivery requirements of the authorized irrigation service areas and the M&I water needs. Lonetree remains an authorized project feature, but couldn't be built unless: (1) the Secretary has determined there is a need for the dam; (2) consultations with Canada are completed; (3) Secretaries of the Interior and State certify that both actions (1) and (2) above have been completed, submitted the determinations to Congress, and 90 days have elapsed. This section also deauthorizes Taayer Reservoir as recommended by the Commission.

The Lonetree Reservoir/Sykeston Canal issue was by far the most important problem addressed by the Garrison Commission, and Lonetree remains a very sensitive issue to the State of North Dakota. It is my sincere hope that the Bureau of Reclamation, the State, and others will cooperate so that this issue may finally be put to rest in the manner contemplated by H.R. 1116.

The location of the Sykeston Canal could present problems in the future. The committee originally had the clear understanding that the canal would be located well away from the Lonetree Valley in order to avoid possible biota transfer into Canada via the Sheyenne River, and to minimize effects on wildlife. However, the Bureau of Reclamation's draft environmental impact statement on the Commission plan, released just days before the committee marked up H.R. 1116, indicates a preferred location for the Sykeston Canal right smack in the bottom of the Lonetree Valley. Special restrictive language had to be included in the bill to ensure that the U.S. obligations under the Boundary Waters Treaty would be met if this alternative routing for the canal is finally selected. I strongly urge the Bureau of Reclamation to avoid a routing for the Sy-

keston Canal which could cause almost as many problems as Lonetree Reservoir.

Finally, this section specifically deauthorizes the construction of Taayer Reservoir, which would have destroyed Kraft Slough in southeastern North Dakota. The Garrison Commission specifically determined that Kraft Slough was a "unique" environmental feature which should be preserved and used only for wildlife habitat. This determination to deauthorize taayer Reservoir as a project feature was a turning point in the work of the Commission, and H.R. 1116 contains specific language to implement this important recommendation of the Commission. It is the clear intent of the committee that Kraft Slough be designated as a national wildlife refuge so that the maximum amount of protection for this area is provided.

Section 7 requires the Secretary to charge 10 percent of full cost for water used to grow crops in excess supply until the project repayment obligations have been satisfied.

Section 8 authorizes appropriations for the project. The appropriation authorization for development of non-Indian irrigation is limited to $100 million

Table 2 of the committee report displays a summary of the costs of the Garrison diversion unit and the appropriations authorized by H.R. 1116. I ask that this table be included at this point in my statement. It is especially important to note that the authorization of appropriations for non-Indian irrigation is specifically limited in H.R. 1116. Additional authority will be required in the future if these systems are to be completed.

TABLE 2.—GARRISON DIVERSION UNIT REFORMULATION COST SUMMARY

Category	Total cost to complete	Appropriations authorized
Section 10(a):		
Non-Indian irrigation areas	$322,400,000	[1] $100,000,000
Indian irrigation	67,910,000	67,910,000
Supply works	170,395,000	[2] 170,395,000
Subtotal section 10(a)	560,705,000	338,305,000
Section 10(b):		
M&I water supply	200,000,000	200,000,000
Sheyenne River facility	40,500,000	40,500,000
Indian MR&I	20,500,000	20,500,000
Subtotal section 10(b)	261,000,000	261,000,000
Section 10(c)	80,535,000	80,535,000
Total authorized by sections 10(a)–(c)	902,240,000	679,840,000
Sunk costs to date	275,250,900	
Total project cost	1,177,480,910	

[1] Funds cannot be obligated until 1990.
[2] Funds for Sykeston, James River Feeder Canal, and James River channel improvements cannot be obligated until the study required by section 5(c) is completed.

Section 9 authorizes Federal participation in a North Dakota wetlands trust. The trust will be established in North Dakota to preserve and enhance wetlands and wildlife habitat.

The establishment of this wetlands trust is a clear indication of the cooperative attitude which resulted in the compromise bill now before us. The wetlands resources of North Dakota are of tremendous national and international significance. Establishment of the trust is a clear indication that a comprehensive approach can now be taken in North Dakota for protecting flyway resources.

Section 10 requires soil surveys for irrigation to include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows.

Section 11 designates the short title of this act as the "Garrison Diversion Reformulation Act of 1986."

Section 12 states that this act meets the time and substance requirements for a Garrison reformulation which are set forth in the Fiscal Year 1986 Energy and Water Development Act.

Mr. Chairman, H.R. 1116 represents a positive step forward for water resource development in North Dakota. This bill will provide many people in North Dakota with direct benefits from the Missouri River, and will resolve a number of controversies which have prevented the development of resources in the State for years. A vote against H.R. 1116 means a vote to possibly reinstate the old Garrison project with noe of the reforms. I strongly urge my colleagues to support H.R. 1116.

Mr. COELHO. Mr. Chairman, I would like to thank all the groups and individuals who participated in the development of this compromise.

I urge my colleagues to join me and Chairman MILLER in support of H.R. 1116.

Mr. STRANG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the compromise which has been reached on the Garrison project in H.R. 1116 is a fair and equitable compromise and has brought into it many of the additional opponents of this proposal. When you have the recognition that the State of North Dakota, when Governor Sinner, Senators ANDREWS and BURDICK, the Garrison Conservancy District, the Audobon Society, and the National Wildlife Federation have pulled together to support this compromise, when you realize, Mr. Chairman, that certain long-standing opponents of this proposal including my distinguished colleague from Massachusetts, Mr. CONTE, have now said that they can support this, my distinguished colleague from Michigan, Mr. DINGELL, will support this, my distinguished colleague from California, Mr. MILLER, it should tell us that when people come before the Congress and receive assurances that if they will compromise and refine and do their homework and pull together, they can then rely on their Government to do its part, that should tell us that we have an obligation to listen to this compromise and to react favorably in this body.

This bill is consistent with that process, and I for one feel that we have a deep obligation when we tell people to go back out, do their homework, put their activities together, and we will respond on our side that we should do so.

I urge the passage of this compromise proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. COELHO. Mr. Chairman, I yield 2 minutes to our distinguished committee chairman, the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I rise in support of H.R. 1116, the Garrison Diversion Unit Reformulation Act of 1986.

This legislation embodies a series of carefully crafted compromises which, if enacted, will bring to an end years of bitter controversy over water resource development in North Dakota.

As reported by the Interior Committee, H.R. 1116 would implement the recommendations of a congressional commission that was established in 1984 to review the water needs of North Dakota.

It would deauthorize over 900,000 acres of previously authorized irrigation which, according to CBO, would ultimately save the taxpayers of this Nation $2.6 billion.

It would establish an innovative municpal, rural, and industrial water supply grant program to meet the water needs of more than a third of North Dakota's population.

It would provide for water development on two Indian reservations that were severely impacted by the project.

It would resolve longstanding environmental concerns of the Government of Canada.

It would establish an innovative wetlands trust to meet a variety of concerns involving wetland protection and enhancement.

Lastly, the bill includes important reforms designed to ensure that funds owed to the Federal Government for project construction are repaid in a more timely manner.

Mr. Chairman, I am very pleased to say that this legislation is supported by nearly all interests in North Dakota, as well as the National Wildlife Federation and the National Audubon Society.

It is extremely important legislation that is in the national interest as well as in the interest of the people of the Missouri River basin and Canada.

I strongly urge its passage by the House.

Mr. STRANG. Mr. Chairman, I have at this time no additional requests for time, and I reserve the balance of my time.

Mr. COELHO. Mr. Chairman, I yield 11 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I know that when some in this body saw the posting of the Garrison Diversion Unit Reformulation Act on the calendar today, the reaction might have been, "Oh, no, here's Garrison again"—because Garrison has been a very tough issue for a number of people in the House of Representatives.

This is not the same old Garrison project that we have been discussing in the past years. Months and months amd months of compromise, with a lot of very hard, difficult meetings and with tough choices have been made by supporters and opponents of this project has now resulted in a compromise project, a reformulation of the Garrison Diversion Unit in North Dakota.

I would like to describe this new project, briefly, for the House today. First of all, this compromise proposal rather sharply reduces the cost and the size of the contemplated Garrison project in North Dakota. In fact, irrigation is cut to nearly one-eighth the original size; costs are cut by $2.6 billion from the 1944 Pick-Sloan Act and costs are cut by $809 million under authorization from current law. So, voting "yes" on this compromise ensures that the above reductions, that I have just described, will take place.

□ 1405

Voting "no" would mean we would be left with the old project, which is substantially more costly; and, of course, different in many other ways as well.

The Chairman indicated that some of the previous opponents to this project are now supporting it. Let me amplify on that to say that those who in the past have opposed this project, my distinguished colleague, Congressman CONTE, Congressman DINGELL, Congressman FASCELL, and others; groups such as the National Audubon Society, National Wildlife Federation, and others, have now, as a result of participation in this process leading to a reformulation of this project, indicated that they supported this reformulated Garrison plan. So I think we have made major progress, and I salute all of those project opponents and supporters who participated in the process which has resulted now in this compromise proposal.

Now, Mr. Chairman, for many, many years in the first part of this century and long before that, I suppose, the Missouri River, was a sort of a strange river. In the spring it would result in terrorizing floods, cause enormous damage in property, lives lost, then through the rest of the year, it became just sort of a lazy, shallow, muddy river. The result was in one part of the year you had this raging river that caused enormous problems for a major part of this country, and the rest of the year you could not use if for much. Essentially no navigation was undertaken on the Missouri River because that navigation was completely unreliable due to the nature of the river.

So, back in the 1940's, actually the late 1930's and the 1940's, the proposal was "Let us harness that river and get from it what we can for the downstream States, get some good things from it. The result is that the costs of harnessing that river, will be borne by the upstream States and we will reimburse them for those costs." Now, I was 2 years old at the time the Federal Government said to North Dakota, "We are going to embark on the Pick-Sloan plan which is going to result in main stem dams up north, and when we put those dams up north then we are going to harness the river and we are going to be able to have reliable navigation down south, we are going to be able to produce electric power and generate it all around the region, we are going to have irrigation capabilities." They said "We are going to do a lot of good things by harnessing this river. And especially, most especially, we are also going to prevent hundreds of millions of dollars, yes even billions of dollars of flood damage that now occur that won't occur when we harness that river.

So North Dakota, quite appropriately back in 1944 said, "Well, we understand that. What you are saying is you want to create a flood up here forever in order to control the flooding downstream that happens each spring. What do we get for that? What is the exchange for our saying, 'Yes, we will host the flood forever, every single year, all year long, we will host the flood that is 850 square miles, three-fourths the size of the entire State of Rhode Island,' yes, we will play host to that flood forever—but what do we get in return for that?" The Federal Government says, "If you will agree to that forever-flood, then we will allow you to divert those waters from behind that dam from that flood all around the State because a semiarid State with 15 or 18 inches of rainfall per year obviously needs the capability for long-term economic health to move those waters around for municipal, industrial purposes, irrigation purposes, and others."

So back in the 1940's we said, "Well, that sounds like a decent bargain, a good deal." So, we contracted with the Federal Government, or they with us. We did not come to them, they came to us.

We said, "That is fine." So they built the dam. We have the flood, the flood came and stayed. We now lose $130 million a year every year from what would have been generated in our economy as a result of the loss of that rich bottomland. But the flood is there every year. States downstream get enormous benefits. The States, that benefited, for example, if I might describe a few of the benefits to you:

Iowa gets $324 million worth of power, $94 million in flood damages which have been prevented, Minnesota gets $610 million worth of power which has been generated, Nebraska $412 million of power from this project, $353 million in flood damages prevented in Missouri.

Those are all the benefits that accrue to all of those folks downstream. For years we have been debating about the benefits that ought to occur for us, the benefits that we were promised, the second half of the bargain.

What does North Dakota get for its economic future as a result of the bargain it made with the Federal Government? We have had difficulty getting the Garrison Diversion project built because it was controversial.

Now a lot of very serious-minded people have sat down together and said, "All right, let's reformulate this in a way that works so that we can get it built." That is what has resulted in this Garrison Diversion project which is now before you.

Ater 40-some years, we hope we are going to see the fruition of a Garrison project that can help North Dakota's future. Ninety percent of the power that is produced has gone out of the State. Ninety-eight percent of the flood control that has been prevented has been prevented for the benefit of the downstream States. And 100 percent of the navigational benefits that accrued from this project accrued to someone else.

The Garrison project, as it is now reformulated, will represent the benefits that are the other half of the bargain North Dakota and the Federal Government made over 40-some years ago.

Other speakers have mentioned that there are supporters for this reformulation that were previously opponents, and I alluded to that as well.

Let me show my colleagues a "Dear Colleague" letter that went out to every Member of the House, signed by Congressman UDALL, the distinguished chairman, SILVIO CONTE, DON YOUNG, JOHN DINGELL, TOM PETRI, DANTE FASCELL, BOB EDGAR, myself, and others.

These are supporters and opponents joining in the same letter, saying, "We support this compromise."

Here is a letter from the National Wildlife Federation saying, "We support this compromise." An organization that previously had been opposed.

The National Audubon Society is saying, "We support this compromise."

Again, Members of Congress, this compromise was not easy to achieve. It was literally months and months and months of meetings; it represents a very delicate compromise, but one that we think represents the best interests of this country and one that I think represents the best interests of North Dakota. I would hope that, as you consider your support for this project, you will understand that these things are very difficult to put together and can unravel very easily and quickly. We think it is a good compromise on irrigation issues, a good compromise

on power issues, a good compromise on conservation issues, and I urge my colleagues to support this legislation.

Mr. STRANG. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I would be happy to yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman for yielding.

I am very interested in my friend's comments as to commitments made on these upper and lower projects on the Missouri because my friend is probably aware of commitments made by this Congress in 1968 with regard to construction of the Central Arizona project. The other side of that was upper basin projects, particularly in the Animas-La Plata, which was supposed to have been built and in operation before any waters went to the Central Arizona project. We all know that there has been a good deal of delay on that, but we think the same principle applies.

We thank the gentleman for bringing up the point of commitments made and kept.

Mr. DORGAN of North Dakota. I think the gentleman from Colorado makes an important point, and it buttresses the point that I have been making.

Now let me make one final point, Mr. Chairman: Because this project became the subject of great controversy, a special commission was created in previous legislation that was an attempt to investigate, evaluate and review this project in some detail.

That commission met and issued certain recommendations. It studied this project in great detail. Then it issued a set of recommendations that it felt was necessary for reformulation of this project. This compromise represents the interpretation of that Garrison Commission Report on how to reformulate this project in the interests of everyone; in the interest of the taxpayers, in the interest of North Dakota, in the interest of this country, in the interest of those who are concerned about the environment. This reformulation represents the embodiment of what that Commission, which studied this project in detail, recommended to this country.

For that reason I would urge my colleagues in the strongest terms possible to accept this very delicate compromise and move ahead to complete what had been a promise and a hope and a dream for North Dakota's future and what, we've felt, was a bargain with the Federal Government that we could count on.

Mr. COELHO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to compliment the gentleman from North Dakota for his diligence on this particular piece of legislation. He has worked very hard and deserves a great deal of credit for that from his constituents and from the people in that general area. But he also deserves a vote of thanks from his colleagues for his efforts to put this together and take out the controversy that did exist in this legislation.

Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. First of all, I would like to echo the remarks made by my good friend from North Dakota; indeed he has put a great deal of work into this effort trying to get a project that would be acceptable all the way around.

I will have an amendment to this bill, and I wanted to explain my amendment and why I am bringing that amendment forward.

My amendment, pure and simple, will simply say that for those farmers who are growing crops that are in surplus and for which we are paying other farmers not to grow such crops, that they will have to pay the full cost of the water if they decide that they are going to grow crops that are in surplus. This bill does say that they will pay 10 percent of the cost, of the interest cost of delivering the water to those crops that are in surplus. I think the gentleman is right, indeed North Dakota did give up land in order for this project. Indeed, at that time there were commitments made that somehow they would be repaid in some manner. However, I think we are responsible for water policy. my concern is what sort of water policy are we going to establish in this country of ours?

At least as a member of the Committee on Agriculture, for us to take taxpayers' dollars every year to pay to deliver water to farmers so they can grow more crops which at the same time we are turning around and paying either those farmers or other farmers not to grow seems to me to be about as bad a fiscal policy as we could possibly adopt.

For your information, the total cost of delivery of water every year to those farmers who are using this water, if you include the interest on investment cost, is roughly $500 per acre per year. It is estimated farmers can pay up to $70 per year. Which is to say that continuing on every year taxpayers will be paying $400 per acre per year to furnish water to these people who are irrigating and to pay that kind of money to subsidize crops at the same time they are turning right around and paying other farmers not to grow crops seems to me to be about as bad a policy as we could have. So that at least the effort that I will have will be to establish water policy that seems to me to make some sense.

Mr. STRANG. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I will be glad to yield to my friend.

Mr. STRANG. I thank the gentleman for yielding.

It is my understanding that the makeup of the slack in costs has not in fact come from the taxpayers but in fact from power revenues. Is that the understanding of the gentleman?

Mr. BEDELL. No, it is my understanding it comes from both.

Mr. STRANG. I see. Well, my understanding has been that the Pick-Sloan funds would pay for the difference between agricultural costs and the other costs of the water delivery. Does the gentleman dispute that?

Mr. BEDELL. Wait. I do not know what the gentleman is saying.

Mr. STRANG. If I could read from the provisions of the bill, if the gentleman will further yield:

"(B) Notwithstanding the provisions of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)), any portion of the costs properly chargeable to irrigation for the Garrison Diversion Unit which are beyond the ability of water users to repay as authorized by Reclamation law may be repaid from power revenues, except repayment of investment in irrigation for the Garrison Diversion Unit made after the date of enactment of this Act may not exceed forty years from the year in which irrigation water is first delivered for use by the contracting party and shall be made in equal annual installments."

That is my understanding.

Mr. BEDELL. But that says may be, may be paid by them, if the gentleman read it correctly. Is that correct?

Mr. STRANG. Well, I thank the gentleman for yielding.

Mr. BEDELL. Well, is that what the bill said?

Mr. STRANG. My understanding is that it will be paid by power revenues.

□ 1420

Mr. BEDELL. But how are they going to do that to the tune of $400 per acre per year?

Mr. STRANG. If the gentleman will continue to yield, the same way we do on other projects, as is contemplated, for example, in the Colorado River Basin projects both above and below Lees Ferry, upper basin and lower basin.

Mr. BEDELL. No. The issue has to do with the interest cost of the value of the project. I hope the gentleman understands that.

Mr. Speaker, does the gentleman think that on other projects the people are paying the full cost of the water, or that if they are not paying the full cost, it is recovered in electricity?

Mr. STRANG. If the gentleman will continue to yield, my understanding is that, yes, indeed that is the purpose of having the power revenues on these projects, in order to makeup costs between what the agriculture operator is able to pay or not able to pay, and that is where the slack comes from. That has certainly always been the

intent on western reclamation and power projects.

Mr. BEDELL. The gentleman believes that in most of our water projects, indeed the users are paying full cost of the water unless it is taken up by other private industry in some manner, including the interest cost on the investment; is that correct?

Mr. STRANG. Mr. Chairman, if the gentleman will yield, I would say yes, and there is an evolution in western water projects in which, as in the Garrison proposal, there is a repayment for what is called M&I waters, municipal and industrial waters, which make the project even more feasible.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, my understanding on that point, incidentally, is that 85 percent of the cost would be borne from revenues that come from the power that is generated. I cited on the floor the power that Iowa has received, about $324 million according to the Army Corps of Engineers, from that Garrison Dam that was built in North Dakota yields benefits to others including Iowa.

But I asked the gentleman to yield for two particular purposes. One is to see if the gentleman will acknowledge that what the gentleman is proposing for this project will mean that the acres irrigated under this project will be the only acres in America that will be subject to the kind of surcharge that the gentleman is proposing. Would that not be the case?

Mr. BEDELL. I think that is very likely. I think the question is whether we should start to have some sense in the policies we have or whether we should continue with policies, what we are going to do is we are going to subsidize people to grow crops and, regardless of how it is paid, the more crops they grow, the more the Government is going to have to pay out to other farmers not to grow crops. So, either way, it is going to increase the cost to the Government.

Mr. DORGAN of North Dakota. Mr. Chairman, if the gentleman will yield further, I understand that.

I believe then the answer is "yes," that the irrigated land in North Dakota will be the only land out of the over 10 million acres of irrigated land under the reclamation projects that will be subject to this kind of a charge.

In fact, in this compromise itself, we agree to a 10-percent surcharge, and the 10-percent surcharge, which will represent about $50 an acre, will be the only surcharge borne by any of the reclamation land that is irrigated in the United States. We agreed to that.

The difference between what we are suggesting is not a difference in whether we should do something. The difference is in magnitude.

The gentleman is suggesting something that I think, in my judgment, is unreasonable. We suggested something that philosophically is in tune with what the gentleman is trying to do, but that we think makes more sense.

Mr. Chairman, if I might make one more final point, I do not know whether the gentleman is aware of it, but at the present time on those acres in North Dakota that are privately irrigated, about 90 percent of what is growing on those acres are not excess or surplus crops. In fact, most estimates are that we are not going to be putting this kind of land into the production of wheat or corn. It is more likely to be forage crops, alfalfa, dry edible beans, and other things.

But it seems to me that the difference between 10 percent and 100 percent is the difference between first unraveling a compromise that has been very delicately woven, and then, second, is probably preventing some very critical flexibility in the short term on a small marginal amount of land by some irrigators.

But I understand what the gentleman is trying to do. Those of us who sat around a table and hammered out a very difficult compromise not only understood what the gentleman was trying to do, but put it in the compromise with a 10-percent surcharge so that it represents the only irrigated acreage in America that will bear that surcharge.

Mr. Chairman, I submit to the gentleman and I submit to the rest of the House that what we did was responsible and solves the same kind of problem the gentleman is trying to solve—but does it in a way that retains a compromise that we think is very important for our State and for this Congress and for this Nation.

Mr. BEDELL. Mr. Chairman, I want to give the gentleman more time.

Mr. Chairman, will the minority yield time if we need time to complete our debate?

Mr. STRANG. Mr. Chairman, we will be happy to yield 3 additional minutes to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I do not want to take more time than need be.

Mr. Chairman, let me read from the previous legislation, Public Law 89-108, the 1965 Garrison authorization legislation. It included a section which reads as follows, section 5. I read this so we do not think this is something new that is being done:

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, as any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act * * *.

This was passed in 1965. This did not just say that you have to pay the full cost of water. This says that you cannot even grow those crops on this project.

So I think for the gentleman to say this is something new that we are doing is a little unfair. But the issue is pure and simple. The issue is that we have had water policy that said, go ahead, we are going to go ahead and subsidize farmers to grow crops that are in surplus.

Some of us feel that that is wrong, and I am one of those. If it is wrong, then we have to correct it.

Mr. Chairman, it is too bad that the gentleman is first as we come forth to that position. But I do not think I would be serving the taxpayers properly if I said that since we have already been doing it, and since I fought this before in a similar manner, that now I am going to stop just because—the truth of the matter is I am a very good friend of the gentleman from North Dakota, or I consider myself to be a friend of the gentleman from North Dakota. But I think that if we have bad policy, that policy should be corrected, and we have to correct it when we can.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman.

Mr. DORGAN of North Dakota. Mr. Chairman, I understand what the gentleman is trying to do. All I am trying to suggest to the gentleman, and it is very important, is that we did consider exactly those arguments in the forging of this compromise.

I think the gentleman will acknowledge that we attempted to describe these acres, as acres that will have a surcharge if those acres produce a crop that is declared in excess or surplus. It is important to understand that they will represent the only acres in America under these Bureau of Reclamation irrigation projects that will have a surcharge imposed with them.

I think that the gentleman is suggesting something that will unravel this compromise completely; and yet, what we have done in the compromise, I think, solves most of the gentleman's problems, at least I think it could solve most of the gentleman's problems.

Mr. BEDELL. Does the gentleman think the 10 percent will be enough so that it will not be economical for farmers to grow surplus crops?

Mr. DORGAN of North Dakota. Generally, I believe that will be the case.

Mr. BEDELL. I guess the concern I have is that I think this is an important issue. I think it needs to be debated. And if there are other Members waiting to speak, I can understand our not having an opportunity to debate it; but if there are not, it seems to me we should have a chance to talk it out.

If the gentleman does feel that the 10 percent is sufficient so that it would prevent people from planting surplus crops, then the 100 percent will do nothing more than what the 10 percent does and we will have good, sensible water policy established from now on into the future as has been indicated in some previous legislation.

Mr. DORGAN of North Dakota. The reverse side of that is if the 10 percent will do it, why is 100 percent important?

Mr. BEDELL. Pure and simple, because that is sensible water policy. Sensible water policy is that we do not subsidize farmers to grow crops at the same time we are paying other farmers not to grow those same crops.

□ 1430

That is sensible water policy, I would think we would agree.

Mr. STRANG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to point out to my friend, the gentleman from Iowa, three things: One is that the 1965 provisions to which he refers, which I find very interesting, obviously do not apply here because they expired in 1975.

Additionally, current policy is that these projects will be paid back their original cost 100 percent, and the thing that is tighter in this particular one is that it is limited to 40 years, which is a tighter provision than past history shows us. It makes it a more difficult part.

Additionally, this compromise is composed of so many sensitive elements. We sent the people out of here last year. They came before us. We said, "You go back. This is not going to work. It is not going to work with Canada, it is not going to work with many people in the Congress, it is not going to work with the conservation groups." And we said, "If you can work that out, we will work with you, the Governor and the whole crew." And they did work together and they did come back, and they came back with a proposal considerably more refined and narrowed down than we ever dreamed they would. And they came back in reliance that we would say, "By golly, you have done your part, we in the Congress will now do our part." And I share the gentleman's fear about using project water to grow surplus crops, but I would ask the gentleman to understand that the sensitivity of this compromise is such that if we can possibly get this project moving forward out of this body, without derailing it over that type of an issue, it would be a recognition to those people that we sent back out there saying, "Yes, you did your work, and we are going to meet you on this, we got some reservations, but you came up with something that is better for the American taxpayer than anything we have ever seen." And I would urge the gentleman to recognize that.

I yield to the gentleman from Iowa.

Mr. BEDELL. You are right, except my point was that in 1965 they acknowledged that this was sensible water policy. The time has expired. But in 1965, when they passed the law, it was acknowledged, that went even further than this, that says you cannot even use surplus water for such crops. But further than that, it seems to me that the people who were negotiating this compromise—and I agree it is better than what we have had, sure—but it seems to me that they were not the ones who have the proper concern as to what is done as far as the taxpayers are concerned. It seems to me that it is our responsibility, and it seems to me, therefore, that for us to just say carte blanche, "You go ahead and work out a compromise and then we will accept it, regardless of whether it makes economic sense to the taxpayers or not," does not seem—and I am not trying to derail the project. I am just saying that from the taxpayers' standpoint, the more crops we raise, the more it is going to cost us.

Mr. STRANG. Reclaiming my time, I thank the gentleman for those comments.

Mr. FASCELL. Mr. Chairman, I would like to commend those responsible for crafting this legislation—the chairman of the Committee on Interior and Insular Affairs, Mr. UDALL; the chairman of the subcommittee, Mr. MILLER; and Mr. DORGAN—for finding an acceptable resolution that will finally take this perennial problem off the congressional agenda.

H.R. 1116 was jointly referred to the Committee on Interior and Insular Affairs and the Committee on Foreign Affairs. The latter committee received referral because of its jurisdiction over boundary and water matters and because the Garrison Diversion has been a major issue in relations with Canada. However, the Interior Committee did such an excellent job in resolving the differences, including Canadian concerns over potential environmental effects on Canadian waters, that the Committee on Foreign Affairs found it unnecessary to take formal action on the bill.

The Garrison Diversion Unit has been discussed at the annual meetings of the Canada-United States Interparliamentary Group for each of the last 10 years. It will be a pleasure to inform my Canadian colleagues that the matter will probably not have to be included on the agenda for next year's meeting.

Mr. Chairman, I congratulate and thank the members of the Interior Committee for resolving this matter and urge the House to pass the bill.

Mr. STRANG. Mr. Chairman, I reserve the balance of my time.

Mr. COELHO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DORGAN of North Dakota) having assumed the chair, Mr. Bosco, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1116) to implement certain recommendations made pursuant to Public Law 98-360, had come to no resolution thereon.

GENERAL LEAVE

Mr. COELHO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1116, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. COELHO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. WRIGHT] be permitted to take his special order immediately after the gentleman from Wisconsin [Mr. ROTH].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NUCLEAR SAFETY BOARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today I am introducing a bill to provide for establishment of a Nuclear Safety Board [NSB]. Identical legislation has been introduced in the Senate by Mr. BIDEN. The proposed new agency would be organized along the line of the National Transportation Safety Board [NTSB]. The NSB would conduct inquiries into reactor malfunctions or accidents in the same way the NTSB looks into transportation accidents.

The idea for an NSB surfaced in 1977, and interest in the concept was renewed in 1979 in the aftermath of the accident at Three Mile Island when investigations into that unfortunate event uncovered disturbing facts. The investigations showed that prior to March 28, 1979, a series of seemingly modest mishaps at TMI and other Babcock & Wilcox [B&W] reactors had resulted from significant weaknesses in the B&W design. Had these events been properly investigated and if the lessons learned had been acted upon, the March 28 accident would not have occurred. TMI had thus demonstrated the need to assure com-

prehensive inquiries into relatively innocuous reactor malfunctions.

Hal Lewis, a physics professor at the University of California, Santa Barbara and an early and articulate supporter of the NSB concept, proposed that an NSB be established to fulfill the need for improved investigations. Our colleague MICKEY EDWARDS, saw the merits of the concept and he enlisted Professor Lewis to work with him in converting it into a legislative proposal. The result was Mr. EDWARDS' bill, H.R. 5775 in the 96th Congress which I cosponsored.

The underlying rationale for setting up an independent agency was that the NRC, the agency responsible for licensing nuclear facilities and assuring compliance with regulations, could not be fully objective in assessing the causes of reactor malfunctions and accidents. At the same time it seemed to many of our colleagues that the argument for an NSB was not so overwhelming as to warrant setting up a separate agency.

As a compromise between a fully independent agency and reliance for investigations upon NRC line staff, the Commission established the Office for Analysis and Evaluation of Operational Data [OAEOD] within the NRC.

Although the OAEOD has served a useful purpose, potentially dangerous events have continued to occur at operating reactors. In 1985 alone three significant reactor malfunctions occurred. In addition to raising doubt as to the reliability of nuclear powerplant safety systems, these and other post-TMI events have caused concern about the adequacy of the process for extracting and applying the appropriate lessons from them.

Recently in fact the NRC has taken an important step to enhance its scrutiny of reactor incidents. In 1985 the Commission developed an Incident Investigation Program providing for incident investigation teams [IIT's] to investigate important events. IIT's conducted inquiries into the three most serious reactor incidents that occurred last year: Davis Besse in June, San Onofre 1 in November, and Rancho Seco in December.

The IIT inquiries in many respects did a good job of analyzing the 1985 events. The IIT reports, however, left unanswered the important question as to why neither utilities nor the NRC had detected and corrected beforehand the weak links in the safety chain that caused the accidents. The failure to look into such questions suggests a possible conflict of interest: the IIT's, composed of NRC staff members and concerned for the NRC's reputation, might consciously or unconsciously steer their inquiries away from matters indicative of shortcomings in NRC procedures.

The agency envisioned by our bill would be headed by a three person board appointed by the President with advice and consent of the Senate. The Board, as we envision it, would be assisted by a 40 person staff. The agency's annual budget of approximately $5 million, in large measure, would be offset by a reduction in the NRC's appropriation for accident investigation activities.

In sum, I believe that the benefit that would be derived from an independent safety board could well be a significantly decreased likelihood of a serious reactor accident. This benefit would outweigh the modest new costs that might result from setting up a new organizational entity.

Mr. Speaker, the Nuclear Safety Board is a concept deserving serious consideration along with other proposals aimed at increasing the safety and viability of nuclear power.

LIABILITY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH], is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, this is a copy of the Philadelphia Inquirer from Friday, March 20, of this year. The headline reads, "$988,000 is awarded in suit over lost psychic power."

The case involves a woman who claims that a CAT scan performed at a university hospital caused her to lose her psychic powers. That is almost $1 million for something she could not even prove she had, in the first place. If she were really psychic, why could she not predict that she would lose her powers before she took the test? Think about it. This is a glaring example of a justice system gone berserk.

Now, let me say, from the start, that I can sympathize with this woman. She underwent this test, allegedly, against her wishes, and she has suffered from headaches and nausea ever since. Maybe she does deserve some compensation. But $1 million?

Is the court system supposed to be John Beresford Tipton? Has a trip to the hospital become equivalent to a trip to the corner grocery store for a lottery ticket?

I requested a special order today to give my colleagues an opportunity to discuss the liability crisis. My interest was drawn to this problem first because of individuals I heard from in my district whom I knew to be very fine businessmen, but were having problems getting insurance. Since those initial contacts with these people in the district, the problem has snowballed until we have a full-fledged crisis affecting almost every working man and women in America. The issue of liability insurance has become the most pressing problem for the American economy today.

Hearings have been held. The problem has been analyzed. But we need action now, before America is sued right out of business.

This is a complex. issue. Blame has been allotted all around. Some critics charge that the liability crisis is a conspiracy cooked up by the insurance industry to gouge the public. The insurance industy responds with charges of greed by fee-hungry trial lawyers whose number has tripled since 1970. Still others feel that it is the result of judges and juries who award large damages to a litigation-crazed American public.

I think it is important to take a look at this question realistically and try to addres it, because we do have a crisis here. Even the U.S. Supreme Court Chief Justice Warren Burger has said there is much too much litigation in America.

None of the charges that we have referred to today help the individuals or the companies that can be forced into bankruptcy by one massive liability suit, nor does the system help the consumer it is supposed to protect. Instead it is the consumer who must indirectly or directly pay for the rise in insurance rates whenever he or she purchases a service or a product.

More and more as the insurance crisis grows you will see "thou shalt not" etched across things we once took for granted. You cannot use a sled in Denver city parks because the parks are uninsured. You cannot have a baby in Monroe County, AL. None of the local obstetricians can get malpractice coverage. You can no longer buy the classic jeep sedan, an automotive best seller for four decades. Again, no insurance.

We have all heard the horror stories. The burglar who fell through a skylight, while robbing a public school, recovered $260,000 in damages plus a continuing income. A man who attempted suicide by throwing himself in front of a New York subway was injured but not killed, and he collected $650,000 from the New York Transit Authority. Does that make sense?

A woman in a phone booth was hit by a drunken driver and received court-ordered compensation not from the drunken driver but from the phone booth manufacturer.

The list reads like Ripley's "Believe It or Not."

In his classic work of 150 years ago, "Democracy in America," Alexis de Tocqueville, stated that almost every argument in the United States ends up in court. I shudder to think what he would say of us today. Alone in the developed world, the United States faces an excess of business, governmental and personal liability and an acute shortage of insurance to cover it.

Is it possible to live in a nation where doctors are expected to be as perfect as God, where children are raised in a perfect society, playing with perfect toys, being educated in perfect schools, and participating in injury-free sports? Of course not.

There is, maybe, no easy solution to this problem, but one thing is sure. With the best of intentions, the scales of a system designed to render justice have been tipped. The balance has moved so far toward the desire to compensate all injuries and all losses that the overall cost to society has become too much. We have reached a point where exposure to liability is becoming almost limitless and incalculable,

making everyone, governments, businesses, and individuals, a victim.

There have been a number of solutions offered. The administration is carefully considering the problem and possible legislative recommendations, and we all welcome that and applaud that. I have discussed this plan with the Secretary of Commerce, the Justice Department and with OMB. I look forward to administration efforts in the form of a legislative initiative.

I say we must enact something before the Congress adjourns this year. We have only so many days left. It is paramount that we act and act swiftly. We will be negligent if we fail to act.

I suggest we start in the field of product liability. This is the grandaddy of all liability issues. It and medical malpractice have been major problems for over a decade, long before the liability crisis became an intopic. Manufacturers are suffering the worst. The product liability problem has become a definite drain on our economy.

The U.S. manufacturing community cannot continue to function with a hodge-podge of irrational laws as its governing standard. The courts are clogged with cases. Insurance has become astoundingly expensive. Businesses are shutting their doors. Soon we will find that some necessary products and services are no longer available at any price.

In the last few years, seven companies have withdrawn from the business of making anaesthesia equipment. Only two remain, because the threat of product liability suits has become so overwhelming. Likewise, there is only one maker of pertussis or whooping cough vaccine in the United States. And even the two remaining are talking about getting out of the business. The vaccine saves thousands of lives every year, but it is not perfectly safe. As a result, the manufacturer has attracted more than 100 lawsuits in the last 3 years amounting to almost $2 billion in claims. And yet the entire U.S. market for vaccine amounts to only $250 million. Can we blame the producers for going out of business?

Let me share with you a notice that is circulating around my home State of Wisconsin. It says:

> Forced out of business. The inability of Federal and State governments to pass legislation to limit liability in product liability claims has made product liability insurance unaffordable. Therefore, after 66 years and 3 generations of serving Wisconsin industries, we are forced to close our doors.

This is the type of scenario that is being repeated throughout the country. The extent of the crisis cannot be measured just in individual anecdotes. Let us talk about some real statistics.

The number of product liability cases filed in Federal courts rose from 1,579 in 1975 to over 10,000 in just last year. The first million-dollar tort verdict was awarded in 1961. By last year, there were over 360 cases settled for $1 million or more. We cannot continue in this direction. Today the cost of our tort system is put at 37 times more than it was in 1950. Have manufactured products become that much more unsafe? No. The American public has become the victim of a system run amuck.

It is no easy matter to conjure up a sensible Federal solution. Product liability cases traditionally have been covered by state laws. A Federal bill must not unduly intrude on the right of State authorities to fashion tort remedies. Also, complex legislation must be resisted. That is what has slowed things down in the other body.

When you try to rewrite 200 years of tort law, you come up with too many new definitions. There is no doubt that interpretation of these concepts will tie up the courts for years. With a solid body of law already fashioned, there is no need to wait for decades to get a clear meaning.

In researching the problem, I have come upon the work of a noted law scholar from Hofstra University, Aaron Twerski. His proposals make good sense and strike a correct balance, in my opinion. It is these concepts that I have incorporated into my bill, H.R. 4425, the Product Liability Uniform Standards Act or, as we call it, PLUS.

The U.S. Supreme Court Justice Oliver Wendell Holmes wrote, "The tendency of the law must always be to narrow the field of uncertainty." That tendency has not been apparent lately. Without certainty and predictability, plaintiffs sue, defendants do not know how to protect themselves, and insurance companies cannot reasonably assess risks and price. My bill is designed to go back to the basics. The system was working reasonably well, not perfectly, but reasonably well, up until a decade ago. It would seem reasonable to enact and moderate and restrained reform, and to wait to see if radical solutions prove necessary. H.R. 4425 follows Justice Holmes' advice, that is, it narrows the field of uncertainty. That is what we want to get at.

My PLUS plan targets the four crises in product liability. First, it would make negligence the sole test for any defective design and failure to warn cases.

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It is only logical that the burden of proof should be with the plaintiff. After all, he is the one that is bringing the action. In this way we can narrow the expansion of the law of the past few decades that was typified in such cases as Campbell versus General Motors and Carter versus Johns Manville.

In the first case the California Supreme Court expanded the consumer expectation test so that plaintiffs do not have to prove a product was truly defectively designed. Instead, all they have to do to get standing to sue is to declare the product did not perform as they expected it to perform.

For example, if this podium falls over and injures my foot, I can sue the manufacturer. I do not have to prove that the podium was manufactured without regard to balance. All I have to say is that I did not expect it to injure me.

In Carter versus Johns Manville, the Texas District Court ruled on the issue of using a state of the art defense in failure to warn cases. It said a manufacturer could not argue that it provided no warning because it had not known of the danger at the time of production. Instead, the manufacturer would have to prove that it was not feasible to include a warning on the product. In other words, a manufacturer would have to be a prophet, a soothsayer.

For example, let me take my watch, which is an American-made watch, incidentally. If 20 years from now it is discovered it contains a metal that causes arthritis, I can sue that manufacturer. The manufacturer cannot use as a defense that it was not known and had no scientific evidence at the time that the watch was made that it would cause arthritis. The only argument that he would be allowed to make is that there was no way that he could put an appropriate warning on the directions that such problems might exist in the future—totally unreasonable. I am sure that you will agree that this is absurd.

Right now most State courts hold manufacturers strictly liable, even if, think about it, those manufacturers acted reasonably in designing and marketing their products. Is this fair?

No one should be held liable for failing to design or market products to meet technological or popular standards that evolved after the product was sold.

It is my contention that if all manufacturers were held to a standard of reasonable care, society would be adequately protected. Manufacturers would no longer be held to standards which are impossible to meet.

The second crisis is the rising amount of punitive damage awards. We call them "punies," and they have become the real surprise element in product liability cases. Just when a defendant thinks he has paid all the costs involved with a case, he is hit with an additional cost, because he did not pay fast enough.

A single error in designing and marketing can result in hundreds, if not thousands, of lawsuits against one company. To bring stability, predict-

ability and fairness to punitive damages, we need clearly articulated standards that set forth the kind of irresponsible conduct for which courts will impose punitive damages. In other words, give manufacturers some rules of the road.

Thus, in my legislation, plaintiffs would have to prove by clear and convincing evidence that the defendant was reckless. This is a standard higher than the current preponderance of evidence. It allows punitives to be awarded only when truly deserved.

We must cap the amount of these rising costs, pain and suffering payments, punitive damages, contingency fees. It may be necessary to set specific dollar amounts to stop these runaway costs.

The third issue to address is the overlap in workers' compensation and tort systems. Currently a manufacturer is held liable when a defective product causes injury in the work place and must bear the full cost of the injury. The workers' compensation system which dispenses money for workplace injuries is entitled to recoup any funds it paid out from the ultimate recovery against the manufacturer.

The long and short of this is that manufacturers bear the full brunt of workplace injuries, even though the employer may have contributed to the injury by negligence in the workplace.

To resolve this problem and still limit the liability of the employer, one need only allow the workers' compensation award to be set off against the ultimate judgment.

This solution permits the plaintiff to retain the very same benefits he now enjoys. By shifting part of the cost back to the employer, we encourage safety in the workplace and alleviate the crushing burden on manufacturers.

The fourth crisis is that of the innocent defendant being dragged into suits unnecessarily. Under the present system, in most States wholesalers and retailers are held strictly liable for the sale of defective products, even though there is nothing they can do to discover the defect. In most instances they are in no position to control the product quality. This is not only liability without fault, it is liability without reason.

My solution is that if the manufacturer is sued, the wholesaler and the retailer who have no chance to discover the product defect should be exonerated from liability. This will unclog the courts of unnecessary suits.

My bill provides also for a comprehensive study of the facts concerning damages in product liability litigation.

The fairness and efficiency of our tort system depends upon appropriate damage awards; yet we have no useful damage award data on which to evaluate the efficacy of our legal rules.

If it becomes necessary to cap costs down the line, this study will allow us to make informed decisions. It is time to debunk the myth that any Federal product liability legislation will be anticonsumer. Just the opposite.

Most consumers do not file liability suits, but they pay through the nose for the people who sue and win outlandish awards. Substantial reform can be accomplished without trampling on consumer rights. It is time for even-handed and highly focused legislation favoring no particular industry.

Certainly if I were a trial lawyer I would favor the current system, but I do not shed any tears for attorneys who might lose the advantages of the tort system which operates under the law of the jungle.

Each manufacturer now lives in almost mortal fear of being sued. He can no longer count on being protected by the law. He is now attacked by the law.

The current system has grown expensive and unpredictable. We must send a clear message to the courts that this current madness will end. My legislation does not attempt to rewrite 200 years of tort law. It is designed not to further complicate the system or interfere with the rights of States unduly. It will not confuse judges or juries.

My PLUS plan fairly addresses both the concerns of the injured party and the rights of the manufacturers.

The bill I have introduced speaks with fairness, common sense, and with moderation to the consumer and to the business community alike. A tort system with clearly defined standards will enhance individual responsibility and end the punitive damage sweepstakes.

SAM HOUSTON AND THE LEGACY OF SAN JACINTO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. WRIGHT] is recognized for 60 minutes.

Mr. WRIGHT. Mr. Speaker, this is a day of significant commemoration.

One hundred and fifty years ago today—April 21, 1836—one of history's most decisive and most fateful military engagements occurred at a place called San Jacinto in Texas.

Because of that stunning victory by a contingent of civilian volunteers under the command of Sam Houston against the army of General Santa Anna, a notorious military despot, Texas won its independence from Mexico and set in motion a train of events which united the western and eastern halves of our Nation into one seemless web of destiny.

It seems appropriate, therefore, that we spend these minutes in the House of Representatives Chamber today thinking of that significant occurrence and of the man who, more than any other, set these events in motion.

Sam Houston, hero of Texas independence, was as unorthodox as a beer party in the church.

He also could be as unexpectedly devout as a prayer in a saloon.

His bold and strangely mottled life is worth reviewing as we celebrate the sesquicentennial year.

The conventional moralist can find a lot wrong in the life of Sam Houston. Like everything else about this remarkable giant, his behavioral shortcomings were king-sized.

He swore profanely. He drank copiously, seemed at one point on the verge of drowning his future in alcohol. The Cherokees had a name for him. They called him "Big Drunk."

Mentioned prominently in his mid-30's as a possible candidate for the Presidency of the United States, Houston threw away a promising political career and resigned the Governorship of Tennessee under a cloud of suspicion which to this day has never been cleared up.

He married three times, once without the benefit of clergy unless you count the Cherokee tribal customs.

He fought duels in violation of the law, and on one occasion was officially censured by the United States House of Respresentatives for thrashing a member on a public street.

But Sam Houston had one redeeming virtue: If his faults were bigger than lifesize, so was his faith.

If his crudeness was colossal, so was his basic integrity.

The structure of his life could withstand numerous flaws in exterior design because it was upheld by two steel girders: An unswerving faith in God and a deep sense of personal honor.

Sam Houston strode into the pages of enduring history on April 21, 1836. He was 43 years of age, and at that point in life a celebrated failure.

On that day, under Houston's command a hastily assembled and only partially trained civilian contingent of fewer than 800 volunteers routed and put to flight the flower and elite of a military empire led by a self-confessed military genius named Antonio Lopez de Santa Anna, who called himself "the Napoleon of the West."

Rarely has a military engagement been so fatefully significant. Because of that triumph at San Jacinto and the events which followed it, the United States was to stretch across the broad expanse of the continent to the Pacific Ocean.

It is worthy of our observance today, not alone because of its historic consequence, but because its lesson is as timely as tomorrow's headline. It is an impelling chapter in the timeless and ever timely story of freedom.

The early Texans, lured by the promise of a new frontier and the pledged faith of a written constitution, had come to establish peaceful colonies in what was then northern Mexico. Yet the pledge of civil liberties and representative government was cynically betrayed by the dictator, Santa Anna. When the colonists sent the mild and genteel Stephen F. Austin to Mexico City to lodge a peaceful complaint, he was seized and thrown in prison where he was forced to languish for months.

So certain was their determination for liberty that the Texans, though they were only a handful, met in a crude, unfinished building at a place called Washington on the Brazos and formally declared their independence on March 2. So uncompromising was their hostility to enslavement that the entire complement of 182 men defending the Alamo under Travis against a siege of perhaps 3,000 troops openly rejected surrender and knowingly elected to die on their feet rather than live on their knees—a dramatic choice without parallel in the history of heroism.

So complete was the duplicity of their oppressor that under a flag of truce he lured another group of the Texans into an open meadow at Goliad and callously slaughtered them in a withering crossfire.

It was against this backdrop that Sam Houston's little band, the last ragged remnant of the army of the infant Republic of Texas, crossed Buffalo Bayou into the San Jacinto prairie over which was to hang the acrid smell of gunpowder and the stench of death.

General Houston did a significant and remarkable thing. He paused before entering the battleground and spoke briefly and simply to his followers. Perhaps not wholly unprecedented, but surely highly unusual in the history of battle, he offered them a choice:

> If there are any here who shrink from the issue, they need not cross the bayou. Some must perish, but victory is as certain as God reigns. Trust in the God of the just and fear not.

They crossed. Houston ordered the bridge behind them burned to seal off escape, and the unequal contest began. The odds seemed insuperable.

But the God of the just was worthy of their trust. The signal results of that direct onslaught reveal the presence of something more than human will. Against the Texas casualties of 8 dead and 27 wounded, the elite corps of the Mexican Army lost 630 killed and 730 prisoners. Santa Anna was among the captured.

The legacy of San Jacinto is the story of the invincible spirit of free men and women when finally aroused to righteous rage by the inevitable excesses of despotism.

San Jacinto does not belong to Texans alone. Present on that day, in Sam Houston's army were men from 14 States and the Territory of Arkansas.

Nor could it be said that Sam Houston belongs to Texas alone.

He was born in Virginia.

He left home at 15 and lived for 3 years with the Cherokees in part of what is now North Carolina.

He achieved his first military recognition against the Creeks under Andrew Jackson in what now is Alabama.

He began and for a time ended his political career in Tennessee.

Thereafter he wandered aimlessly for many months and was reported drunk on a Mississippi River boat.

Finally he turned up in the Oklahoma Indian Territory living again with the Cherokees.

He was sent to Texas on a special mission by President Jackson, one of the few people who never lost faith in him and the one man whom Sam Houston almost idolized. If Sam Houston is the hero of many of us in Texas today, Andrew Jackson was his hero.

When Jackson lay dying at the Hermitage, Houston took his wife and small son in a red horse-drawn coach over the primitive roads and trackless prairies from Austin to Nashville, TN, in a sleepless, headlong race against death. He wanted to be at the bedside of his mentor.

He arrived, only hours too late, to learn that some of the last words his hero had spoken were of him and of his efforts in bringing Texas into the Union.

And Houston whispered to his child:

> Always try to remember, my son, that you have looked upon the face of Andrew Jackson.

Such was his devotion.

Houston was, in fact, during his life a citizen of four nations:

The United States;

The Cherokee Nation which he served for a time as its Ambassador in Washington;

The Republic of Mexico, of which he became a citizen upon going to Texas; and the Republic of Texas which he served as President.

Through it all, strangely enough, his undivided loyalty was to the United States, and statehood the dynamic dream he shared all along with Andrew Jackson.

Interestingly enough, Sam Houston was never a citizen of the Confederacy. With all his heart, he believed slavery to be wrong and secession to be treason. He vacated the Governorship of Texas rather than swear allegiance to an entity which made war upon his country.

Of one State legislator who pressed both for secession and for impeachment proceedings against him, Houston said: "He has every attribute of a dog, except loyalty."

Ironically in light of his posthumous popularity, Sam Houston died reviled and rejected by many in the State which claims him as its patron saint.

So unpopular were his views against secession that city councils passed ordinances denying him the right to speak. On at least one occasion when he attempted to do so, a rock thrown by a faceless member of an unreasoning mob struck the old man in the face.

Twice Governor—of two different States—he twice relinquished the position rather than compromise a conviction.

He was no more daunted by public disfavor than he was by physical danger. Sam Houston held personal honor more valuable than public office.

The decision which caused him to leave the Tennessee Governor's chair, and the State itself, involved his young first wife, Eliza Allen, his bride of only a few weeks, and her inability—for whatever reason—to live with him.

Therein lies a mystery which has never been unriddled. Nor will it be. The nearest thing to an explanation appears in a personal note which Houston wrote, not for publication, but to the young lady's father. It reads in part as follows:

> I have been satisfied and believe her virtuous, as I have assured her. If mortal man had dared to charge my wife, or say ought against her virtue, I would have slain him. That I have and do love Eliza, none can doubt, and that I have ever treated her with affection, she will admit. That she is the only earthy object dear to me God will bear me witness—

And then, only this:

> * * * she was cold to me, and I thought she did not love me * * *.

To the public, not even that much. Ugly rumors grew. While his political well-wishers pleaded with him to make a statement—some kind of statement—Houston steadfastly refused. He would say only these three words: "She is blameless."

Importuned to consider his own reputation and his future, Houston replied with steely firmness: "Whatever the price of silence, I will pay it."

Rather than discuss the matter, he tendered his resignation as Governor.

As Houston prepared to leave Tennessee and the Governor's office—still without any explanation—a noisy rabble gathered outside his hotel. Someone posted a ribald placard, unsigned, challenging his honor.

Upon learning of this, Houston put on his coat and hat, walked out onto the porch and faced the mob.

Speaking slowly and very deliberately, he said:

> I am given to understand that someone has taken it upon himself to placard me. . . I

invite him—or them—who are responsible for this denunciation to come forward to me now and make it good.

Dead silence. Long minutes ticked by as he stood there, his eyes going over the crowd face by face. He spoke once more:

I give notice, to each and every one of you, that though I am leaving this city, if any wretch utters so much as a whisper against Mrs. Houston, I will return and write the libel in his heart's blood!

He let that sink in . . . descended the stairs, and walked unhurriedly toward the steamboat landing, as men hastened to get out of his way.

This story has a sequel, for which I am indebted to a former congressional colleague, the late Percy Priest of Nashville.

Upon leaving Tennessee, Sam Houston left a letter with a close and trusted friend. His clear instruction was that the seal on the letter was never to be broken unless it should be necessary to defend the honor of his young wife.

Apparently that was never necessary. Nobody spoke blame against Eliza. Only against Sam.

The letter was passed down through at least three generations, the seal still unbroken.

Finally, in the 1930's—more than a full century having passed—it was formally agreed by the then possessor that, in the interest of history, the seal at last should be broken and the letter read.

A date was set for a public opening of the document. Historical societies and the State of Tennessee were to be represented. It was to be an official ceremony. Percy Priest, then a newspaper reporter, was to cover it for the Nashville Banner.

But the ceremony never took place. Three days before the date agreed upon, lightning struck the house in which the still-sealed letter was encased. The house, and everything in it, burned to the ground.

One other little-remembered episode in the life of Sam Houston seems worthy of a fleeting comment.

After he left Tennessee and before he went to Texas—during the period when he represented the Cherokee Nation in Washington as its Ambassador—a Representative from Ohio named William Stanberry, in the course of an attack upon the Jackson administration on the floor of the House, implied that Houston and Jackson were involved in some underhanded conflict of interest over contracts to supply Indian nations.

Jackson took it in stride, but Houston was outraged. He called at the door of the House Chamber for Stanberry, who declined to accept his note and refused to see him.

Some days later, Houston encountered the Congressman on Pennsylvania Avenue and demanded satisfaction. Stanberry pulled a pistol, but it misfired. Houston manhandled him rather brutally.

Stanberry, invoking the law of congressional immunity, demanded that Houston be tried and punished by the House. Houston appeared in his own defense. He was both humble and contrite. Here is part of what he said:

If, when deeply wronged, I have on impulse violated one of the laws of my country or trespassed the prerogatives of the House, I am willing to be held to my responsibility * * *.

I stand before this House, branded as a man of broken fortune and blasted reputation. Never can I forget that reputation, however limited, is the high boon of heaven. Though the plowshare of ruin has been driven over me and laid waste my brightest hopes, I have only to say, with the poet Byron:

"I seek no sympathies, nor need;
The thorns which I have reaped are of the tree
I planted; they have torn me and I bleed."

And so, Sam Houston—former Congressman and former Governor, once mentioned as a bright prospect for the Presidency, on May 9, 1832 was officially censured by the U.S. House of Representatives.

But you can go back in the forerunner of the CONGRESSIONAL RECORD and read the official reprimand spoken by Speaker Andrew Stevenson. It reads more like a commendation.

The "reprimand" contains 123 words of undiluted praise for Houston, followed by a single sentence, 30 words of censure, in which the Speaker simply said:

I forebear to say more, General Houston, than to pronounce the judgment of this House, which is that you be reprimanded by the Speaker—and I do reprimand you accordingly.

All this happended before Texas, before San Jacinto, before his Presidency of the Republic, before his brilliant battle for Statehood, his later service in the U.S. Senate and his politically courageous though unavailing fight to help save the Union. These things came later, catapulting this strange, hot-blooded giant into a sort of immortality.

A motto for his life might well be the words he spoke on the eve of the battle of San Jacinto: "Trust in the God of the just, and fear not."

His faults were big, but his faith was bigger.

And perhaps in that there's hope for lesser mortals, even for you and me.

□ 1500

Mr. Speaker, I should like to yield, if I may, to my distinguished colleague, the gentleman from San Antonio, HENRY GONZALEZ.

Mr. GONZALEZ. I thank the distinguished majority leader and fellow Texan, and in our State well known as a historian and orator and leading political figure, and thank him for invoking on this very significant day in Texas, April 21, which we know as San Jacinto Day, because it was there at that place that is designated as the San Jacinto battlefield that Sam Houston and the forces with him successfully defeated the rather larger or the host of Santa Anna's army.

I rise because I think that all through my childhood and emergence into college and young manhood, I was aware of another aspect, another interpretation of this historical development, in which a substantial contingent of Tejanos or, in the case of San Antonio, Bexarenos, were involved in this struggle.

□ 1510

But in teaching the history to us in the public school, we learned it as a fight between what we call today the Anglo and the Mexican. The truth is that the struggle was more complex, and it involved a cross-sectional participation on the part of many longtime and native Texas citizens who happened to be of what we call today Hispanic extraction.

For example, in the charge at the Bayou against Santa Anna, one of those leading the charge alongside of Sam Houston was Juan Nepumecendo Sequin who very successfully had been involved in the initial struggles against the Government of Mexico. The battle flag over the Alamo was a red, white, and green flag with the numerals 1824 in the white middle. 1824 meant the Constitution of Mexico of 1824, which had granted quite a bit of autonomy to the legislatures of Coahuila in Texas which also included rather liberal clauses for the first time, particularly for the colonists that had come from the States of Missouri, Alabama, Tennessee, Virginia, and the United States then. But we must evoke that period of time by recalling that Mexico had an official State religion which was the Catholic Church. It was also a time in which any person wanting to have title or ownership of land, whether they were colonists from outside of the Mexican territory or Mexican citizens, they had to do two things. They had to proclaim their citizenship to Mexico and the Catholic faith. Otherwise, they were denied title to real property. So naturally, with the influx of the colonists from the English-speaking section of the United States, where this was an abhorrent tradition, where it was taken for granted that one of the basic liberties was separation of church and State, this was a natural ground for immediate contention.

The Constitution of 1824 was suspended by General Santa Anna, so that General Santa Anna faced three simultaneous revolutionary movements, the first two having originated in the center of Mexico, the second one in northern Mexico in which my

great grandfather was the leader in revolting against General Santa Anna's suspension of the Constitution of 1824, because members of the family had been at various times members of the legislature of Coahuila in Texas. So that Santa Anna put down those two movements and he was able to regroup, and then emerge into Texas and take on what we call the Texans today.

But I think we ought to know that in the roles of those fallen at the Alamo, of those who fought and fell at San Jacinto, you have quite a good sprinkling of Hispanic names. You have the Garzas, you have the Menas, you have the Gutierrez and names such as those who were identified in that struggle, just like my great grandfather was identified in northern Mexico in the northern Mexican revolution against Santa Anna.

In Mexican history, Santa Anna is looked upon as a most unpopular ruler. In fact, for years and years, he was called the Great Betrayer in Mexico. And I think that we should never forget that there was this admixture or joinder of peoples that made it possible for Texas to first throw off a tyrannical yoke, and second, gain its independence, exist as a republic for 10 years, and coexist as such with such names as Jose Antonio Navarro, for example, who was inextricably linked with the Texas independence decade, and with Gen. Sam Houston.

So I would just add this bit because I think that as we go into the future, this portion of the whole story of the history of that struggle will emerge more and more into sight, and I want to thank my highly esteemed and most-loved leader from Texas, Mr. WRIGHT, for taking time to bring to the attention of the Nation that April 21 is not only a Texas holiday, but it is indeed a national holiday.

Mr. WRIGHT. I thank the distinguished gentleman from San Antonio, TX, such a scholar on Texas history, and on history itself, for his truly significant contribution to this discussion today. I think it is worth observing that there are many parallel currents that have run through the course of the lives of our two nations, so close, so near neighbors, with different traditions and cultural backgrounds, but yet seeking so many of the same fundamental objectives.

If you were to read the statements of Padre Miguel Hidalgo, you will find him influenced to a degree by George Washington and Thomas Jefferson. If you were to read the statements of either Abraham Lincoln or Benito Juarez, who were contemporaries, you will find that they fought the same fights, opposed the same foes, and suffered many of the same difficulties, communicated with one another and were friends together. Francisco Manero believed in many of the same things Franklin Roosevelt believed, and so in these two countries they have moved together, side by side, and we have a true comraderie and friendship that I think really needs to be observed today, because what we commemorate today was not a struggle of Anglos against Hispanics, but this survival of freedom.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my friend, the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding. I think all Texans everywhere are grateful to the majority leader for taking out this time on this day of some significance for freedom everywhere. I know that many of my Texas colleagues will have a lot to say, as has already been said, about the significance of today.

I would take 1 minute just to make three observations. First as my good friend from San Antonio, Mr. GONZALEZ, said that the Texans that fought for freedom on this day came from everywhere, all over the world, including a large contingent of tejanos from Mexico. They were all at the time Mexican citizens. They came from all over Mexico, all over the United States, and from countries all over the world.

But what they had in common was a yen for freedom, for independence, for being able to live their own lives.

The gentleman from San Antonio has discussed Mr. Sequin, Vice President of the Republic of Texas. Newly, the interim Vice President, newly declared was Lorenzo de la Savalas, the Vice President. Indeed, the tejanos had perhaps more to risk than the Anglos in the Army, because shortly before the battle, General Santa Anna had pledged to hang Lorenzo de la Savalas, and presumably the other tejanoes in the Army, but as the other heroes of the day, they came from all over the world.

One hero stands out, a man named Erastis Smith, also known as "Deaf Smith." Deaf Smith reminds us, and he was called "Deaf Smith" because he was deaf, a hero of the Texas Revolution, quite a significant figure in that day, and elsewhere in the frontier, he reminds us that when you are going to commit yourself, commit yourself all the way, because under an order of General Houston, Deaf Smith went out that day and cut the bridge over Vinces Bayou, and then came back waving his rifle and announced to the advancing Texas Army that the bridge over Vinces Bayou had been cut and Santa Anna's retreat had been cut off. But it also cut off the retreat of the Texas Army and the Texas Army at that time was outnumbered approximately 2 to 1, and the Texans knew that. So we began the battle with an all-out commitment to win it.

Third, it seems to me as we look at all of the correct military and all of the military and political decisions that Sam Houston made leading up to the Battle of San Jacinto, one stands out, and that was Gen. Sam Houston, keeping his own counsel, directing the course of that war for independence chose the time of the battle at a time of his own choosing. Regardless of the President of Texas sending messages to please take the battle now, and others were giving different advice, but Sam Houston waited until the time was precisely right and then he attacked. He attacked at a time in which he was outnumbered 2 to 1, but he knew that reinforcements were on the way. He chose the time that was in his own best interest, and he did not wait.

It is said that during the course of the retreat across Texas, where he engaged and unengaged from Santa Anna's army all the way across Texas that many would urge him to make the showdown right then, and Sam Houston would not make that showdown until the time was correct. He would not do anything precipitously. He did retreat across Texas, many of his army being disgruntled. The legend has it, and it is true, the legend has it that shortly after the battle of San Jacinto, across this retreat, several of General Houston's officers became so disgruntled that they began to sort of organize their own little miniarmy in which they were going to stand and fight as they put it. Gen. Sam Houston dug two graves and announced that the first of the two graves was for the first officer that recruited a soldier, and the second grave was for the first soldier that chose to mutiny. Thus, there was no mutiny within the ranks of Gen. Sam Houston who chose the time that was in his best interest, and the best interests of his army. He surprised the army of Santa Anna. He attacked at the right time.

The rest is written in the history of free men, and I thank the gentleman for taking the time, and for yielding this time to me.

Mr. WRIGHT. I thank the gentleman from Texas [Mr. BARTLETT] for that really interesting contribution to our discussion today. I think he has made a significant addition.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to my distinguished friend, the gentleman from Texas, the city of Houston, Mr. PICKLE.

Mr. PICKLE. Mr. Speaker, the battle of San Jacinto is often referred to as one of the decisive battles of the world.

That is not just "big Texas talk," either.

There is reason behind this claim. Because for Texas to win its independence from Mexico meant that the United States would someday be able to fulfill its dream of expansion to the west coast.

In addition, this established the Rio Grande River as the Nation's southern boundary and ended any expansionist dreams of other nations to move into the southwest and beyond.

If there was one historic development that allowed the United States to fulfill the manifest destiny that President James Polk spoke of, it was the victory of Sam Houston over General Santa Anna.

It was a case of democracy over dictatorship, but it also opened the door to the continued westward expansion by the United States.

I don't think there has been a victory on the American Continent that required more bravery by a group of people who endured great hardships and deprivation—with the possible exception of Washington's troops at Valley Forge.

These people were independent minded and fiercely patriotic citizens who dedicated themselves to forming an independent government. And they succeeded against unbelievable odds. Perhaps this is the source of that famous Texas can do attitude.

I don't know of any other State that fought a nation to gain its independence. It was a home grown revolution by men and women who pledged to establish their own free government. They did and the Republic of Texas was born. Texas is one of the few States that was an independent nation prior to entering the Union.

When our fight was going on against Mexico, the Texans were also joined by a few native Texans—persons of Mexican descent. Two of them were signers of the Declaration of Independence and several of them were at the battle of San Jacinto and later helped to form our Government.

And, now, 150 years later, a large portion of our population are of Mexican lineage. They represent a most progressive and enlightened segment of our State. Today, we have several Members of this Congress, such as the great HENRY B. GONZALEZ, who have Hispanic blood in their veins.

And, so, Mr. Chairman, on this San Jacinto Day, I hope all Americans will join with we Texans in this historic celebration, for while it is primarily a Texas celebration, it is an event in history that changed the course of the history of the entire country.

□ 1525

Thank you, Mr. Leader, for yielding me the time.

Mr. WRIGHT. As always, the contribution by the distinguished gentleman from Texas has been enlightening and delightful. I thank the gentleman for his contribution.

I would like to yield at this time to our distinguished colleague from west Texas, Mr. COMBEST.

Mr. COMBEST. Mr. Speaker, 150 years ago today, on a strip of land 21 miles east of the city that now bears his name, Gen. Sam Houston led approximately 900 soldiers to victory over Mexican forces led by General Antonio Lopez de Santa Anna.

In less than 20 minutes—with outraged cries of "Remember the Alamo" and "Remember Goliad"—the Battle of San Jacinto was over and Texas became a free, sovereign, and independent republic.

Today we celebrate the 150th anniversary of this historic battle and our independence from Mexico and remember the 927 farmers and shopkeepers who, although outnumbered, stood together to defend their land, their families, and their future.

Historians note that the Battle of San Jacinto not only won the people of Texas their independence, but changed the face of America. The significance of the historic event is best stated by the engraved words of the masonry monument at the San Jacinto Battleground State Historical Park:

> The freedom of Texas from Mexico won here led to annexation and to the Mexican War, resulting in the acquisition by the United States of Texas, New Mexico, Arizona, Nevada, California, Utah, and parts of Colorado, Wyoming, Kansas, and Oklahoma. Almost one-third of the present area of the American Nation, nearly a million square miles of territory, changed sovereignty.

Today, Mr. Speaker, we Texans celebrate our independence and reaffirm our commitment to the ideals of freedom and democracy.

As we look to the next 150 years, we set the vision of the future before us as a goal to be met with the same courage and determination as evidence by the brave Texans we remember today.

Again, I thank the majority leader, and I consider it an honor to be able to participate with other Texans this very historical day in our history.

Mr. WRIGHT. I thank the gentleman from Lubbock for his great contribution.

I yield to my very good friend, whose district adjoins mine on the west, the gentleman from Stamford, TX, [Mr. STENHOLM.]

Mr. STENHOLM. Mr. Speaker, it is with great pride that I rise today as an American, but particularly as a Texan, to pay tribute to a great occasion that took place 150 years ago today in Texas.

It was on April 21, 1836, that Texas won its independence at the Battle of San Jacinto. The battle lasted only 18 minutes, but in that time, the history of the world was changed forever.

For the past century and a half, Texas has drawn the awe, amazement, and admiration of people around the world. Why? Because it has been at the forefront of events that molded our lives. From the discovery of great oil fields to the exploration of space, Texas has played an integral part in the development of our Nation and the modern world. The past 150 years of Texas history could even fill the Texas-sized Library of Congress with facts, figures, and folk tales. It is a colorful and historical past that any State, even nation, would envy.

And it all began 150 years ago today in a marshy area near modern day Houston. The Battle of San Jacinto was the final push by the charging Texans, who had been inspired by the cry, "Remember the Alamo." When the skirmish was over, those brave pioneers had won independence from Mexico.

When Texas established itself as the Republic of Texas it was a huge nation. It stretched into territories which are now New Mexico, Oklahoma, Kansas, Colorado, and Wyoming. For 10 years it existed as an independent country, one which fulfilled the many dreams of people who came from other parts of the United States and the world, hoping to build a bigger and better place to live.

They colonized the wilderness, established huge ranches and built new cities. They brought new meaning to the word pioneers. In time, all of America would benefit from Texas' greatness as it officially joined the Union on December 29, 1845.

It is easy for me to expound on the greatness of the Lone Star State. As a native, I was indoctrinated into the bigness and boldness of it as a child. Not everyone has the same ideas about our State. For some strange reason, non-Texans think we brag and boast. Can this be so? I don't think it possible for anyone to say too much about Texas.

But Willie Nelson probably hit the nail on the head when he once said, "If you're from Texas, you can't explain it. And if you're not from Texas, you can't understand it."

What other State in the continental United States—Texans still don't recognize Alaska—can boast of its immense size of 275,416 square miles. Texas extends 801 miles from north to south and another 773 miles from east to west. It is not only big in size, but it is big in spirit.

It is a well-known fact that 15 of the 50 States can fit inside Texas, and we'd still have an extra 1,000 square miles left over to throw a barbecue.

What other State has, in its statehood agreement, the right to break up into five States and remain in the

United States. Such a move would give Texas 10 seats in the Senate. That annexation agreement also gave Texas other special treatment. It made Texas the only State with no public lands within its boundary. It also granted that the mighty Texas flag could be flown at the same level as Old Glory. Seeing both banners side by side is a beautiful sight to behold.

Few States can claim mountains, beaches, deserts, forests, plains, and coastal lands all within a single boundary.

I will close this homage to Texas by a story that might help some of you understand how we feel about our State. It has to do with the creation of Texas.

On the third day when He was creating the Earth, it is said that He used most of the day trying to beautify the other sections of America. He spent so much time in those areas, that by the time He came to what would be known as Texas, it was sunset. He then decided He had done enough for the day and would finish later.

When He came back the next morning, He saw the land had hardened and dried. He decided that instead of creating land that people would love, He would create people who would love the land.

We Texans do love our land. We love our State and our country. Texas is a microcosm of America. It is a place where, with some work and a lot of desire, you can make your dream come true.

Thank you, Mr. Speaker, for allowing us this opportunity to share the Texas experience with the rest of America. Long live Texas.

Mr. WRIGHT. I thank the gentleman for that stirring bit of homage to our native State, and I know all Texans everywhere will appreciate it, and others may enjoy it.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today with pride to salute the Texas sesquecentennial, the 150th anniversary of the independence of Texas. It was on this day in 1836 that the decisive battle was won for our independence, which in turn started us on the long road that has led us to becoming the great State we are today.

Texas, joined the United States of America while a free and sovereign nation itself. Unlike many others, we joined this great Union out of choice, not by force, and I for one believe that these circumstances have made us stronger as a State and more determined as a nation.

Although the victory at San Jacinto was a great victory for freedom, the battle was not between two peoples, but rather between one people—the Texans—and a dictator, Santa Anna. It is interesting to note that the Mexican people themselves later overthrew the same dictator, taking another step in their own quest for democracy and independence as a people that culminated in their great revolution earlier in this century.

Mr. Speaker, the great victory at San Jacinto serves as a symbol of what Texas is all about: perseverence against great odds that ultimately leads to triumph; the courage to stand up for what we believe in; to not back down in the face of opposition; and the determination to do what is right regardless of the consequences.

Mr. Speaker, today is not just a celebration of Texas by Texans. It is a reaffirmation of the desires of freedom-loving and independent-seeking people everywhere all over the world. It symbolizes the continual theme of Western civilization since the Renaissance and the Reformation, which is the ongoing struggle of the ordinary man and woman against the forces of dictatorship and oppression. The American victory at Yorktown institutionalized, for the first time, the revolutionary concept that the modern state could be run by democracy. The brave men and women at the Alamo and then at San Jacinto helped extend that spirit of democracy and independence to Texas, and I join my colleagues in this most fitting tribute to those first original Texans who fought, died and triumphed at San Jancinto.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1535

DON'T GIVE UP ON AG EXPORTS YET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 60 minutes.

Mr. BEREUTER. Mr. Speaker, before I begin, I not only appreciate the comments of the gentleman from Texas [Mr. STENHOLM], I enjoyed them also, and the comments of all of our Texas colleagues concerning the important day which they are commemorating today. I would say that it is probably fortunate that Nebraska was split up into other States, or Texas would not be second in size but third.

But they have a heart that is as big as the rest of the country combined, at times it is very apparent, and we join them in the special celebrations under way now in their State.

The subject of my special order today is agriculture exports.

Mr. Speaker, as I travel around my district speaking with farmers and other members of the agricultural community, I hear many questions concerning the American agricultural export sector. Of the many questions put to me by these constituents, there is one recurring theme concerning agricultural exports: specifically, what we can do to make exports the engine of growth for American agriculture they were in the 1970's? With fully 40 percent of our agricultural production devoted to export markets, the kind of substantial decline in exports we have experienced in recent years has a major impact on farm communities.

Because of numerous negative developments in agricultural exports in recent years, some members of the agricultural community believe that the game is up, that we should forget about exports, cut back production, and concern ourselves only with the domestic market. I respect the people with these opinions, and, given the hard knocks they have experienced lately, can understand how tempting it is for farmers to want to turn inward, to produce only for the domestic market. But I don't believe this is the way to go. In fact, it would be disastrous. World trade is growing and agriculture will be no exception. The world's foremost agricultural producer, the United States, cannot simply opt out of this part of the global economy. More to the point, I believe that for American farmers truly to prosper they must also export. Having said this, I concede that talking about increasing exports is a good deal easier than doing something about it. My comments here today are meant to be the information base and stimulus to do something positive to sustain and increase our agricultural exports.

Looking back at the 1970's, it is hard to resist describing them as the "golden age of American agricultural exports." Rapid world economic growth, easy credit, relatively, a much lower dollar, and food and agricultural policies in developing countries, and centrally planned economies operating together had the effect of emphasizing imports combined to strengthen demand for U.S. agricultural products. Exports continued to grow through the 1970's, apparently with no end in sight.

But there was an end to these good times, and it came as an abrupt shock. After peaking in 1981 at $44 billion, U.S. agricultural exports began to fall and have fallen every year since, to $31 billion last year. In a bewildering about-face from the 1970's, the 1980's brought global recession in place of growth; easy credit gave way to soaring interest rates. Lesser developed countries, wracked by debt problems, simply stopped buying. In Latin America alone, United States agricultural exports dropped by nearly $2 billion from 1981 to 1982, with Mexico by itself accounting for more than half the drop. An overly strong dollar, in tandem with high domestic support prices, established commodity floor prices which enabled competitors to undercut us in world markets. Spurred by need and enabled by technology, developing countries increased production to undreamed of levels. Policy in

the European Economic Community, Canada, Brazil, Argentina, and Australia emphasized exports. The technological advantage we had assumed was ours, almost by divine right, began to shrink, as other nations' yields began to approach and—in some cases—to surpass our own. Typically, exports did not rate very high on our national agenda, especially if they came into conflict with so-called national security interests. The best example of this was the Carter grain embargo of the Soviet Union; its only dubious "accomplishment" was to cast great doubt about the United States as a reliable supplier.

With hindsight it is easy to see what went wrong. Some of the macroeconomic factors which triggered this setback were beyond our control. Others represent the kind of convergence of things which escape detection at the time but later can be determined to have together constituted a watershed occurrence. Errors of judgment also play a role in the problems that occurred. It is clear in retrospect, too, that some mistakes were made at the individual farm level. Farmers became convinced that export growth would continue on an uninterrupted basis. Encouraged by governments and lenders, they borrowed heavily to buy overpriced land. As a nation we concluded that overpopulation in the Third World or bad weather in the Soviet Union or some other phenomenon would always conveniently occur to take our production surpluses, and gratefully take them at that. Well now we know differently, and now we have learned some bitter lessons. The question is, What happens next?

At least theoretically, there is some cause for optimism. Some of the factors which led to the export downturn are being mitigated. The dollar has weakened considerably and apparently may slide further. Lower price supports mandated by the 1985 farm bill will make U.S. commodities more competitive abroad. Growth in real per capita GNP in developing countries will be about one-half of 1 percent this year, marked improvement over the stagnant or even negative growth experienced earlier this decade. Lower interest rates will ease the financial crunch felt by many importing nations. And lower oil prices hurt some but help others and, on balance, should be a net stimulant to demand.

Unfortunately this is not going to be enough. Overhanging these developments which normally would work to stimulate our exports is an increase in world food production which in retrospect can only be called astounding. Amazingly, world food production is now growing faster than population. Last year was the fourth year out of the last 5 in which world food production outstripped consumption. In the opinion of some experts, we have entered an era of permanent grain surpluses, a buyers' market for grain. The headline of a recent Washington Post article on this subject was, "The World Doesn't Need Our Farmers." I don't agree, but there is some rhetorical impact in that statement which makes a few valid related points. The phrase which probably best sums up this new reality was the title of a Foreign Affairs article by Barbara Insel last year, "A World Awash in Grain".

Let us examine some of the facts. World production of wheat and feed grains has grown 20 percent since 1974 and 100 percent since 1964. There are two principal driving forces behind these developments. First and most important is technology, which has led to a 60-percent increase in average yields. Second, governments apparently have decided they can no longer afford—either strategically or economically—to depend on imported food and have instituted policy reforms designed to increase agricultural output. A few examples will illustrate this new reality:

In the People's Republic of China [PRC], introduction of market incentives has produced a 15-percent expansion in rice production and a 40 percent expansion in wheat production just since 1982. Wheat production grew from 41 million metric tons [mmt] in 1977 to 85 mmt in 1984 and last year China's wheat crop was projected to be the world's largest. Befiting its new status as an exporter, the People's Republic of China has opened farm sales offices in Tokyo and other Asian capitals.

India is now effectively self-sufficient, thanks largely to the Green Revolution, and Pakistan nearly so.

Argentine wheat production has nearly doubled; Thailand's feed grain production has nearly tripled; and both Canada and Australia have had major output increases.

Indonesia has become self-sufficient in rice, from its role as a major importer, while Japan, Taiwan, and the Philippines have rice surpluses. It has been envisioned that within 5 to 10 years the entire East Asian market will be served primarily by exports from Asian producers.

I need mention only briefly the European Economic Community, whose dramatic reversal from net importer to net exporter for a whole range of agricultural commodities has been well documented.

As the number of exporting nations has grown, the grain importing market has become increasingly concentrated. In this regard it is also noteworthy that not only have we been passed in total output in some crops but in yield per hectare as well. U.S. wheat production in 1984 was 70 mmt, with an average yield of 2.57 tons per hectare. China produced 85 mmt, with a yield of 2.90 tons and the EEC produced 75 mmt, with a yield of 5.52 tons. European feed grain production has reached 5.24 tons per hectare, which approaches U.S. levels. Brazilian yields in soybeans and corn often exceed those in the United States.

High technology agriculture is producing more food per capita nearly everywhere in the world. Technology, in the words of one expert, makes it possible to grow two stalks of grain where only one grew before. Irrigation; new seeds, hybrids and plant varieties; and more and better use of fertilizers and insecticides have all played a role. This technology is only going to get better. The system of agricultural research institutions for and also in the Third World, which produced "miracle wheat and rice" hold great promise for further breakthroughs in crops and areas which so far have eluded success. These crops include sorghum and casava in Africa. Finally, it must be emphasized, biotechnology may ultimately add more to farm productivity than any other development.

As if all these technology-fired developments weren't enough, there is yet another important factor, and that is the vast expanses of land which await the plow. The nations of Canada, Brazil, Australia, and, especially, Argentina, which is said to have the equivalent of five Nebraskas ready for conversion from rangeland to cropland if needed, part of it some of the very richest soil in the world, stand out in this regard. Technology also means that previously unused soils can now be cultivated. Brazil is opening up 50 million hectares of acid soils through use of lime and phosphate. New ways are being found to farm the world's 300 million hectares of vertisol soils. Much of this wasn't cropped at all in the past; some is now being triple-cropped. Australia has developed the ley system, which increases the productivity of drylands 30 to 40 percent and is being tried in the millions of semi-arid hectares of Spain, Portugal, and North Africa as well. Throughout the world short-season hybrids are pushing the Corn Belt 250 miles further North.

Taken as a whole, these facts, even discounted for the almost inevitably built-in optimism, have got to be pretty sobering for American farmers who had looked for their salvation to increased exports. Now before going any further, I want to make clear that we as a nation—the American people generally and the American farmer specifically—do not consider this increased global production to be a negative development, only a condition causing immediate and detrimental consequences for our agricultural and export sectors. There is no doubt that its consequences for our farm sector are negative, sometimes profoundly so. But I think most U.S. farmers, if given

the opportunity to reverse all these gains in world food production so as to increase our exports, would solidly decline. There is no moral way we can be in the position of wishing for calamity or chronic underproduction so as to maximize our sales abroad. In the medium and long-run American prosperity certainly cannot be founded on the misfortune of others.

It seems, then, that we are faced with a body of expert opinion which tells us to forget it regarding increased agricultural exports. A phrase often used to describe a situation in which expert opinion becomes widely accepted is conventional wisdom. Is there any alternative to simply accepting this conventional wisdom? Well I am not going to say these experts are all wrong, because I do not believe it. But before all of us from the agricultural community decide simply to throw in the towel, I think we owe it to ourselves to take another hard look at the situation.

The best single, commonsense reason I can think of for being skeptical of a conventional wisdom which says that export markets are gone forever is that the conventional wisdom is often proven to be wrong. There are many examples, but the most appropriate to cite here is the conventional wisdom of the late 1970's which was that the world could not feed itself and would be dependent on American surpluses into the distant future. I can remember, as I'm sure you can, the debates in this country about 10 years ago over green power—that is to say, over the morality of using our surplus food as a weapon. There was just no doubt in our minds that we had the food and that most of the rest of the world did not. Even as late as 1980, in its report "Global 2000," the U.S. Government predicted vast increases in world food demand, which could only be supplied by the developed countries. And now look, only a relatively very short time later, how drastically things have changed. The error in predictions would be humorous if the consequences weren't so grave for American agriculture.

I for one, however, do not believe the situation is hopeless. For one thing, despite a drop of more than 25 percent, we still export more than $30 billion worth of farm commodities a year. Comparatively this total is down, but by any objective reckoning, it is still of enormous magnitude. Economic developments already well underway, such as a falling dollar, lower oil prices, and the implementation of lower price supports, in combination with an improving world economy, will make us more competitive than we recently have been, even if we do nothing else. But this is a passive approach and will help only marginally. What we must do is go on the offensive. For too long we have given our export customers the impression that they could buy our commodities or not—that it was pretty much all the same to us either way they decided. We were giving the impression that we weren't really too serious in competing for markets. We have not always aggressively promoted and marketed our goods. While markets are not as strong as they once were, there is still additional potential for us if we act and become more competitive. We can no longer in effect, wait for customers to come to us. We must go to them. We must compete aggressively. In the past agriculture has carried us. Now the U.S. Government must do more to help export our agricultural commodities, and by all means, stop damaging our export potential by its policies, actions, or inaction.

Agricultural trade, and indeed all trade, must be given more prominence in the formulation of national economic policy. For starters, we may need an integrated agricultural trade policy coordinating mechanism at the highest level of our Government, or at a minimum, cooperation and coordination that gives such a result. Beyond that, I have in mind attitudinal changes which would mean no more unilateral and selective embargoes; exemptions of agricultural exports from cargo preference requirements; expansion of export credit programs; changing International Trade Commission requirements to reflect the special needs of agriculture, which are different from industry; and aggressive countering of unfair trade practices. Above all, we must make better use of the tools already at our disposal, for example, Export-PIK and GSM 102, and Section 301 actions. We need to get these programs working as Congress intended and then to improve them, by first, making repayment terms more flexible, by second, expanding the commodities sold under Export-PIK and by third, making all possible nations eligible for such export enhancement programs. Another step which undoubtedly would improve our competitive position would be to deliver the best quality grain abroad for the price paid. If all the parties that have an interest in improving the quality of delivered grain don't give the Congress their best advice soon—I would say by the end of 1986—then the Congress should, in my judgment, proceed to make any necessary changes with the best information available.

Now let's turn to the subject of GATT and the next round of multilateral trade negotiations which begin later this year. For 40 years the Federal Government of this country has, it often seemed, acted as though agriculture should take a back seat to other industries when it comes to the drafting of the international rules governing trade. One high USDA official has characterized this as benign neglect. It may have seemed benign in the past, but its effects on the American farm community clearly no longer are benign. No more neglect. We must improve our ability to monitor unfair trade practices, to undertake periodic reviews of our competitors' policies—especially unfair or illegal subsidies. We need to go into the GATT negotiations determined to demand better rules for controlling unfair agricultural trade practices and determined to fight for improved access to foreign markets. If other nations won't play by the rules, mandatory retaliation must answer flagrant abuse. Immediately, we need to jolt the EEC into awareness that its denial of market access to us in connection with Spanish/Portuguese accession will not be accepted. Let's get this message across, whatever it takes. The administration seems to be doing just that on the damage we have been threatened with by the EEC changes on the Spanish/Portuguese accession. At the same time we must emphatically continue the dialog aimed at convincing the EEC that lower subsidies are in the Community's interest as well as ours.

We must be more innovative; that really is just another facet of being more aggressive. I have, for example, been promoting a bill to lower tariffs for the Eastern European nations having a negative trade balance with the United States so as to allow them to earn more trade dollars with which to buy U.S. farm goods. I haven't made as much headway with this legislation as I would have liked due to foreign policy considerations. This is exactly the kind of sacrificing of our own best economic interests and ideological inertia which has predominated in the past and which must be stopped. In the past we were wealthy enough to ignore trade considerations. We aren't any longer. Another possibility is to barter surplus commodities to Mexico for low-priced oil for the strategic petroleum reserve. It would save storage costs on surplus commodities. Since we will have decided to stop filling our strategic petroleum reserve in May of this year for budgetary reasons, at half the authorized level, these would be sales the Mexicans would not otherwise make and thus would be doubly welcome. It would also provide them with agricultural commodities they currently cannot afford and which would only match the reductions they have already made.

It seems to me that there are other possibilities. We have seen that as nations move up the economic scale, and here I have in mind, for example, South Korea, meat consumption follows. The market for food grains, primarily wheat, which are important for low-income diets, may increase only as fast as population. But the market for

feed grains, on which meat production depends, increases as income increases. Surely this offers us some additional export opportunities. I can't help wondering, too, about all this proclaimed self-sufficiency. It may be that compared with starvation or subsistence levels of food intake, there has been great improvement. But if self-sufficiency means the provision of no more than the minimum daily requirement, then there certainly is room for vast improvement and greater export potential than estimated. Certainly the diet of most of the world does not approach our own, and while reaching those minimum levels is indeed a big step forward, there remains a vast amount of improvement that could be made above those minimum daily requirement levels.

Another possibility is that some marginal production might in the future come to be considered too expensive. Just as the economics of high-priced oil are called into sharp question by falling oil prices I wonder if a similar shakeout might not occur in grain production. According to one article, high wheat prices have turned the Saudi desert green. The Saudis produced 2.3 mmt of wheat last year, but I wonder what it cost them. The uncertain amount is at least rather astronomical in comparison to our costs.

We can also expect new products to appear. A few years ago the soybean was hardly known; today it is profitably raised on 50 million hectares. Export of agricultural services and inputs can be expected to grow. Despite the increased production, natural disasters, such as the Sahelian drought, will continue to occur and we must be in a position to cope with such disastrous events or conditions. New uses of agricultural products will also emerge, many of them perhaps for nonfood uses. Ethanol would have been a good current example until falling oil prices made the economics of the proposition somewhat more questionable. There will undoubtedly be many others which we have not even considered.

Despite the many difficulties facing us, I am confident that we can compete successfully for many export markets. It won't be easy and we can't expect miracles. The first goal is to make enough gains to stabilize and reverse the downward trend in export value and quantities. Perhaps one of the hardest things to accomplish will be achieving the proper mind set. Not so long ago Americans thought that everything we produced was the biggest, the best, the shiniest. Then doubts set in. It is probably good for us to approach the American condition with some humility, but we must take care not to be so negative or pessimistic as to be defeatist.

It may be, as I have said, that yield levels for some crops in a few countries have surpassed our own. So be it. We aren't logically going to be first in production and efficiency in everything. But overall we can and will be very competitive, easily the best overall for the foreseeable future. Our farmers are better educated and trained than those of any other nation. They are, as a result, extraordinarily efficient. They are supported by a scientific, industrial, and logistical infrastructure second to none. It may be that other nations are closing the technological gap with the United States, but the outstanding research institutions we have in the United States ensure that our agriculture will remain at the cutting edge of production and progressive agriculture. Our cropland and climate overall continue to be the envy of much of the world.

With all that we have going for us in the United States, the only logical conclusion is that America has a bright future in agriculture—if we put forth our best national effort. With respect to agricultural exports, the U.S. Government and the agribusiness sector must work together and with greater energy. In short, it is time to roll up the sleeves and get on with the job.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROTH) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 60 minutes, today.

Mr. BEREUTER, for 60 minutes, today.

(The following Members (at the request of Mr. COELHO) to revise and extend their remarks and include extraneous material:)

Mr. UDALL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 5 minutes, on April 22.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 30 minutes, on April 23.

Mr. RAY, for 5 minutes, on April 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. COURTER.

Mr. CLINGER.

Mr. GEKAS.

Mr. OXLEY.

Mr. GILMAN in two instances.

Mr. CHANDLER.

Mr. COLEMAN of Missouri.

Mr. SCHUETTE in two instances.

Mr. TAUKE.

Mr. PORTER.

Mr. RITTER in three instances.

(The following Members (at the request of Mr. COELHO) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. BARNES.

Mr. STARK.

Mr. MONTGOMERY.

Mr. JENKINS.

Mr. FRANK.

Mr. BENNETT.

Mr. LEHMAN of California.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2251. An act to authorize the Administrator of General Services to convey property to the District of Columbia, and for other purposes; to the Committee on Government Operations.

S. Con. Res. 129. Concurrent resolution expressing the sense of Congress in opposition to certain import restrictions imposed by the European Community that adversely affect U.S. agricultural exports and urging the President to use to the fullest extent his authority to respond to these practices; to the Committee on Ways and Means.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee has examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore.

H.J. Res. 582. Joint resolution to designate April 20, 1986, as "Education Day U.S.A.", and

H.J. Res. 599. Joint resolution commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 303. Joint resolution to designate April 1986, as "Fair Housing Month."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, a bill and joint resolutions of the House of the following title

On April 17, 1986:

H.R. 4551. An act to extend for 3 months the emergency acquisition and net worth guarantee provisions for the Garn-St Germain Depository Institutions Act of 1982.

On April 18, 1986:

H.J. Res. 599. Joint resolution commemorating the 25th anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny, and

H.J. Res. 582. Joint resolution to designate April 20, 1986, as "Education Day U.S.A."

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 4 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 22, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3350. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3351. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's "Annual Report to the President FY 1985"; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. Supplemental report on H.R. 3302 (Rept. 99-427, Pt. 2). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3617. A bill to exempt rural water systems facilities assisted under the Consolidated Farm and Rural Development Act as amended from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976; with an amendment (Rept. 99-548). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. REID:

H.R. 4642. A bill to designate certain lands in the State of Nevada as wilderness, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. BOULTER (for himself, Mr. ARMEY, Mr. ARCHER, Mr. BARTON of Texas, Mr. BREAUX, Mr. MOORE, Mr. HUNTER, Mr. WILSON, Mr. DORNAN of California, and Mr. LAGOMARSINO):

H.R. 4643. A bill to amend the Internal Revenue Code of 1954 to repeal certain restrictions on oil and gas tax benefits after transfer of property; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 4644. A bill to suspend temporarily the duty on 3-nitro phenyl-4-beta-hydroxy sulfone (also known as nitro sulfon B); to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 4645. A bill to modify the boundaries of the Cuyahoga Valley National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. STARK:

H.R. 4646. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on passenger automobiles not containing qualified passive restraint systems and to provide for a system of returning the revenues raised by such tax on a pro rate basis to those who purchase passenger automobiles with qualified passive restraint systems; to the Committee on Ways and Means.

By Mr. TAUKE:

H.R. 4647. A bill to establish a Social Security Administration as an independent agency, to establish a Social Security Court to review decisions relating to entitlement to benefits under the Social Security Act, and to improve procedures for administrative review of disability determinations under such act; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 4648. A bill to amend the Energy Reorganization Act of 1974 to create an independent Nuclear Safety Board; to the Committee on Interior and Insular Affairs.

By Mr. WRIGHT (for himself, Mr. MICHEL, Mr. FOLEY, and Mr. LOTT):

H.J. Res. 604. Joint resolution providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.J. Res. 605. Joint resolution designating February 11, 1987, as "National Inventors' Day"; to the Committee on Post Office and Civil Service.

By Mr. SCHEUER (for himself, Mr. BATEMAN, Mr. HARTNETT, Mr. UDALL, Mrs. BURTON of California, Mr. FUSTER, Mr. GRAY of Pennsylvania, Mr. MCDADE, Mr. VANDER JAGT, Mr. MOORE, Mr. MCCLOSKEY, Mr. BURTON of Indiana, Mr. STRATTON, Mr. TRAFICANT, Mr. GONZALEZ, Mr. BILIRAKIS, Mr. OBERSTAR, Mr. MOLINARI, Mr. THOMAS of Georgia, Mr. CONYERS, Mr. MURPHY, Mr. SUNDQUIST, Mr. KILDEE, Mr. BROOMFIELD, Mr. DYMALLY, Mr. TALLON, Mr. MARTIN of New York, Mr. EDWARDS of Oklahoma, Mr. HENRY, Mr. BATES, Mr. MCEWEN, Mr. SAXTON, Mr. MACKAY, Mr. HOWARD, Mr. TAUZIN, Mrs. HOLT, Mr. LUNGREN, Mr. BLILEY, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. WAXMAN, Mr. AKAKA, Mr. FROST, Mr. GALLO, Mr. KOLTER, Mr. MCKINNEY, Mr. MOAKLEY, Mr. KASICH, Mr. ORTIZ, Mr. LIGHTFOOT, Mr. MILLER of California, Mr. DASCHLE, Mr. HAYES, Mr. FIELDS, Mr. LAFALCE, Mr. LEWIS of Florida, Mr. VOLKMER, Mrs. LONG, Mr. BENNETT, Mrs. KENNELLY, Mr. DAUB, Mr. WEAVER, Mr. WYDEN, Mr. ARCHER, Mrs. BENTLEY, Mr. WOLPE, Ms. KAPTUR, Mr. BEDELL, Mr. SPRATT, Mr. ROSE, Mr. TORRICELLI, Mr. MILLER of Washington, and Mr. GORDON):

H.J. Res. 606. Joint resolution to authorize and request the President to issue a proclamation designating May 11 through May 18, 1986, as "Jewish Heritage Week", to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. MURPHY, Mr. SAVAGE, Mr. TRAFICANT, Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. HEFTEL of Hawaii, Mr. YOUNG of Alaska, Mr. GALLO, Mr. ST GERMAIN, Mr. TALLON, Mr. EDGAR, Mr. SUNIA, Mr. WISE, Mr. RICHARDSON, Mr. SCHUMER, Mr. HOYER, Mr. FAZIO, Mr. FRANK, Mr. CONYERS, Mr. TOWNS, Mr. LEHMAN of Florida, Mr. MATSUI, Mr. WALGREN, Mr. NOWAK, Mr. OWENS, Mr. MORRISON of Connecticut, Mr. WOLF, Mr. MINETA, Mr. HAYES, Mr. PURSELL, Mr. HORTON, Mr. RANGEL, Mr. WILSON, Mr. WORTLEY, Mr. YOUNG of Missouri, Mr. SMITH of Florida, Mr. YATRON, Mr. RAHALL, Mr. LIPINSKI, Mrs. HOLT, Mr. DURBIN, and Mrs. BOXER):

H. Con. Res. 321. Concurrent resolution expressing the sense of Congress in opposition to employment discrimination against persons who have, or have had, cancer based on such individual's cancer history; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHUMWAY Introduced a bill (H.R. 4649) to confer jurisdiction upon the U.S. Claims Court to render judgment upon the claim of John King, and for other purposes; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. BURTON of Indiana, Mr. HALL of Ohio, Mr. LUKEN, and Mr. MCCLOSKEY.

H.R. 70: Mr. WEBER.

H.R. 77: Mr. YOUNG of Florida and Mr. MRAZEK.

H.R. 604: Mr. KEMP.

H.R. 979: Mr. HORTON, Mrs. JOHNSON, Mr. LAFALCE, and Mr. LIPINSKI.

H.R. 1398: Mr. GONZALEZ.

H.R. 1507: Mr. STAGGERS.

H.R. 1840: Mr. DOWDY of Mississippi, Mr. PEPPER, Mr. PACKARD, Mr. NEAL, and Mr. BREAUX.

H.R. 2439: Mr. MCMILLAN.
H.R. 2583: Mr. COBEY.
H.R. 2701: Mr. MCCLOSKEY.
H.R. 2867: Mr. RICHARDSON, Mr. TALLON, Mr. FLORIO, and Mr. YATES.
H.R. 3006: Mr. PASHAYAN.
H.R. 3032: Mr. RAHALL.
H.R. 3121: Mr. MCCLOSKEY.
H.R. 3767: Mr. VISCLOSKY and Mr. APPLEGATE.
H.R. 3817: Mr. DIOGUARDI, Mr. BOEHLERT, Mr. DARDEN, Mr. MCKINNEY, Ms. KAPTUR, Mr. FORD of Tennessee, Mr. MCKERNAN, Mr. KANJORSKI, Mr. GRAY of Illinois, Mr. RIDGE, Mr. MOLINARI, Mr. ACKERMAN, Mr. WILSON, Mr. MORRISON of Connecticut, Mr. TORRES, and Mr. WEAVER.
H.R. 4003: Mr. DURBIN, Mr. BORSKI, and Mr. KLECZKA.
H.R. 4096: Mr. GUNDERSON, Mr. CHAPPELL, Mr. FASCELL, Mr. JEFFORDS, Mr. WISE, Mr. CHAPPIE, Mr. YOUNG of Florida, Mr. LIPINSKI, Mr. SHAW, Mr. HORTON, Mr. MARTINEZ, Mr. HAWKINS, Mr. NELSON of Florida, Mr. BERMAN, Mr. MICA, and Mr. HAYES.
H.R. 4194: Mr. LANTOS, Mr. COURTER, Mr. MITCHELL, Mr. HERTEL of Michigan, Mr. STOKES, Mrs. SCHNEIDER, Mr. BATES, and Mr. TORRES.
H.R. 4204: Mr. CHAPPIE.
H.R. 4393: Mr. BARNARD, Mr. BEVILL, Mr. BROWN of California, Mr. DORGAN of North Dakota, Mr. DREIER of California, Mr. FAUNTROY, Mr. FRANKLIN, Mr. HAYES, Mr. HORTON, Mr. KLECZKA, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mrs. LLOYD, Mr. MILLER of Washington, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. TOWNS, Mr. WHITEHURST, and Mr. WORTLEY.
H.R. 4488: Mrs. BURTON of California, Mr. MRAZEK, Ms. KAPTUR, Mr. FUSTER, Mr. OWENS, and Mr. SCHUMER.
H.R. 4546: Mr. WILSON, Mr. MRAZEK, and Mr. DELLUMS.
H.R. 4567: Mr. WILSON, Mr. ROTH, and Mr. CARNEY.
H.R. 4593: Mr. SMITH of New Jersey and Mr. KASTENMEIER.
H.R. 4602: Mr. DE LA GARZA, Mr. TORRES, Mr. DELLUMS, Mrs. BURTON of California, Mr. MCCANDLESS, Mr. FRANK, Mr. PARRIS, Mr. WYDEN, Mr. BARTLETT, Mrs. KENNELLY, Mr. SMITH of Florida, Mr. MCMILLAN, Mr. MRAZEK, Ms. KAPTUR, Mr. HUBBARD, and Mrs. ROUKEMA.
H.R. 4604: Mr. NIELSON of Utah, Mr. CHAPPIE, Mr. STENHOLM, and Mr. LEWIS of California.
H.J. Res. 502: Mr. DURBIN, Mr. STANGELAND, Mr. GRAY of Illinois, Mr. LEWIS of California, Mr. MILLER of Washington, Mr. ST GERMAIN, Mr. WATKINS, Mr. GINGRICH, Mr. CARPER, Mr. GILMAN, Mr. FORD of Tennessee, and Mr. FASCELL.
H.J. Res. 529: Mr. FLORIO, Mr. DOWDY of Mississippi, and Mr. MCGRATH.
H.J. Res. 567: Mr. MARTINEZ and Mr. SMITH of Florida.
H.J. Res. 594: Mr. GRAY of Illinois, Mr. MANTON, Mr. WILSON, Mr. BONER of Tennessee, Mr. SMITH of Florida, Mr. HOWARD, Mr. ROBERTS, Mr. RODINO, Mr. ROE, Mr. SABO, Mr. BEVILL, Mr. SCHEUER, Mr. TOWNS, Mr. FUQUA, Mrs. BOXER, Mr. DIXON, Mr. SNYDER, Mr. TALLON, Mr. VANDER JAGT, Mr. WAXMAN, Mr. DWYER of New Jersey, Mr. WOLPE, Mr. WORTLEY, Mr. CONTE, Mr. EMERSON, Mr. HATCHER, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. JONES of North Carolina, Mr. KASTENMEIER, Mr. DOWDY of Mississippi, Mr. ROWLAND of Georgia, Mr. LUKEN, Mr. FOWLER, Mr. YOUNG of Florida, Mr. LAGOMARSINO, Mr. CONYERS, Mr. FROST, Mr. BONIOR of Michigan, Mr. LEVIN of Michigan, Mr. HORTON, Mr. DEWINE, and Mr. DYMALLY.
H. Res. 408: Mr. TOWNS, Mr. LEVINE of California, Mr. DORNAN of California, Mr. WORTLEY, and Mr. HEFTEL of Hawaii.
H. Res. 424: Mr. GREGG, Mr. STRATTON, Mr. RUSSO, Mr. GARCIA, Mr. BARNARD, Mr. HUTTO, Mr. STENHOLM, Mr. ENGLISH, Mr. WATKINS, Mr. MONTGOMERY, Mr. FROST, Mr. TRAXLER, Mr. PICKLE, Mr. BRYANT, Mr. WALGREN, Mr. HOYER, Mr. MOLLOHAN, Mr. SCHUMER, Mr. WISE, Mr. ROEMER, Mr. COLEMAN of Texas, Mr. BRUCE, Mr. FORD of Michigan, Mr. CHAPMAN, Mr. LUKEN, Mr. BENNETT, Mr. SOLARZ, Mr. DICKS, Mr. HATCHER, Mr. COBEY, Mr. DREIER of California, Mr. RIDGE, Mr. HILER, Mr. BILIRAKIS, Mr. OXLEY, Mr. BARTON of Texas, Mr. ARMEY, Mr. KOLBE, Mr. FRANKLIN, Mr. BROYHILL, Mrs. ROUKEMA, Mr. BROOMFIELD, Mr. HENRY, Mr. BOEHLERT, Mr. KANJORSKI, Mr. MCKINNEY, Mr. RALPH M. HALL, Mr. BADHAM, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. HILLIS, Mr. DYSON, Mr. STUMP, Mr. HOPKINS, Mr. CHAPPELL, Mr. WHITTAKER, Mr. HENDON, Mr. HUBBARD, Mr. WOLF, Mrs. HOLT, Mr. TAUZIN, Mr. HALL of Ohio, Mr. GLICKMAN, Mr. BREAUX, Mr. ROBINSON, Mr. DANIEL, Mr. ROWLAND of Georgia, Mr. VALENTINE, Mr. LEVIN of Michigan, Mr. ERDREICH, Mr. NEAL, Mr. LEATH of Texas, Mr. YOUNG of Missouri, Mr. VOLKMER, Mr. DURBIN, Mr. HEFNER, Mr. EDWARDS of Oklahoma, Mr. WHITLEY, Mr. ROSE, Mr. MCCLOSKEY, Mr. BONER of Tennessee, Mr. DOWDY of Mississippi, Mr. ANTHONY, Mr. MAVROULES, Mrs. BYRON, Mr. SHELBY, Mr. CARPER, Mr. ANDREWS, Mr. SWEENEY, Mr. WORTLEY, Mr. RAY, Mr. JENKINS, Mr. THOMAS of Georgia, Mr. FOWLER, Mr. GALLO, Mr. WALKER, Mr. HUNTER, Mr. MCEWEN, Mr. LUNGREN, Mr. CRAIG, Mr. HARTNETT, Mr. SOLOMON, Mr. MOORE, Mr. HYDE, Mr. SENSENBRENNER, Mr. EMERSON, Mr. BURTON of Indiana, Mr. BATEMAN, Mr. MCDADE, Mr. ARCHER, Mr. RINALDO, Mrs. MARTIN of Illinois, Mr. NIELSON of Utah, Mr. STRANG, Mr. SLAUGHTER, Mr. MCMILLAN, Mr. SYNAR, Mr. LEWIS of California, Mr. MOORHEAD, Mr. LIGHTFOOT, Mr. COURTER, Mr. BOUCHER, and Mr. ACKERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 283

By Mr. MICHEL:

—Strike out all after the resolving clause and insert in lieu thereof the following:

PURPOSES

SECTION 1. The purposes of this joint resolution are to promote peace, stability, and democracy in Central America, to encourage a negotiated resolution of the conflict in the region and, towards these ends, to enable the President to provide additional assistance for the Nicaraguan democratic resistance, as requested by the President on February 25, 1986, pursuant to the provisions of section 722(p) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) and section 106(a) of the Supplemental Appropriations Act, 1985 (Public Law 99-88), subject to the terms and conditions of this joint resolution.

POLICY TOWARD CENTRAL AMERICA

SEC. 2. (a) It is the policy of the United States that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States;

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America; and

(3) the September 1983 Contadora Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, is to be encouraged and supported.

(b) The United States strongly supports as essential to the objectives set forth in subsection (a)—

(1) national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful, democratic settlement to the Nicaraguan conflict; and

(2) efforts to reach a comprehensive and verifiable final agreement based on the Contadora Document of Objectives, including efforts to encourage the Government of Nicaragua to pursue a dialogue with the representatives of all elements of the Nicaraguan democratic opposition for the purposes of achieving a democratic political settlement of the conflict, including free and fair elections.

POLICY TOWARD THE GOVERNMENT OF NICARAGUA

SEC. 3. (a) United States policy toward Nicaragua shall be based upon Nicaragua's responsiveness to continuing concerns affecting the national security of the United States and Nicaragua's neighbors about—

(1) Nicaragua's close military and security ties to Cuba and the Soviet Union and its Warsaw Pact allies, including the presence in Nicaragua of military and security personnel from those countries and allies;

(2) Nicaragua's buildup of military forces in numbers disproportionate to those of its neighbors and equipped with sophisticated weapons systems and facilities designed to accommodate even more advanced equipment;

(3) Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries;

(4) Nicaragua's internal repression and lack of opportunity for the exercise of civil and political rights which would allow the people of Nicaragua to have a meaningful voice in determining the policies of their government through participation in regularly scheduled free and fair elections and the establishment of democratic institutions; and

(5) Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to engage in a serious national dialogue with all elements of the Nicaraguan democratic opposition.

(b) The United States will address the concerns described in subsection (a) through economic, political, and diplomatic measures, as well as through support for the Nicaraguan democratic resistance. In order to assure every opportunity for a peaceful resolution of the conflict in Central America, the United States will—

(1) engage in bilateral discussions with the Government of Nicaragua with a view toward facilitating progress in achieving a peaceful resolution of the conflict, if the

Government of Nicaragua simultaneouly engages in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition; and

(2) limit the types and amounts of assistance provided to the Nicaraguan democratic resistance and take other positive action in response to steps taken by the Government of Nicaragua toward meeting the concerns described in subsection (a).

(c) The duration of bilateral discussions with the Government of Nicaragua and the implementation of additional measures under subsection (b) shall be determined, after consultation with the Congress, by reference to Nicaragua's actions in response to the concerns described in subsection (a). Particular regard will be paid to whether—

(1) freedom of speech, assembly, religion, and political activity are being respected in Nicaragua and progress is being made toward the holding of regularly scheduled free and fair elections;

(2) there has been a halt to the flow of arms and the introduction of foreign military personnel into Nicaragua, and a withdrawal of all foreign military personnel has begun;

(3) a cease-fire with the Nicaraguan democratic resistance is being respected; and

(4) Nicaragua is refraining from acts of aggression, including support for insurgency and terrorism in other countries.

(d) The actions by the United States under this joint resolution in response to the concerns described in subsection (a) are consistent witht he right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed, not to determine the form or composition of any government of Nicaragua, but to achieve a comprehensive and verifiable agreement among Central American countries, based upon the 1983 Contadora Document of Objectives, including internal reconciliation within Nicaragua, based upon democratic principles, without the use of force by the United States. Nothing in this joint resolution shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua.

POLICY TOWARD THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 4. (a) It is the policy of the United States to assist all groups within the Nicaraguan democratic resistance which—

(1) are committed to work together for democratic national reconciliation in Nicaragua based on the document issued by the six Nicaraguan opposition parties on February 7, 1986, entitled "Proposal to the Nicaraguan Government for a Solution to the Crisis in Our Country"; and

(2) respect international standards of conduct and refrain from violations of human rights or from other criminal acts.

(b) No assistance under this joint resolution may be provided to any group that retains in its ranks any individual who has been found to engage in—

(1) gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961); or

(2) drug smuggling or significant misuse of public or private funds.

(c)(1) The Congress finds that the Nicaraguan democratic resistance has been broadening its representative base, through the forging of cooperative relationships between the United Nicaraguan Opposition (UNO) and other democratic resistance elements, and has been increasing the responsiveness of military forces to civilian leadership.

(2) The President shall use the authority provided by this joint resolution to further the developments described in paragraph (1) and to encourage the Nicaraguan democratic resistance to take additional steps to strengthen its unity, pursue a defined and coordinated program for representative democracy in Nicaragua, and otherwise increase its appeal to the Nicaraguan people.

(d) In furtherance of the policy set out in this section, not less than $10,000,000 of the funds transferred under section 5(a) shall be available only for assistance to resistance forces otherwise eligible and not currently included within UNO, of which amount $5,000,000 shall be available only for the Southern Opposition Bloc (BOS) and $5,000,000 shall be available only for the Indian resistance force known as Misurasata.

(e) Notwithstanding any other provision of this joint resolution, no member of the United States Armed Forces, or employee of any department, agency, or other component of the United States Government may enter Nicaragua to provide military advice, training, or logistical support to paramilitary groups operating inside that country.

TRANSFER OF FUNDS

SEC. 5. (a)(1) The Congress hereby approves the provision of assistance for the Nicaraguan democratic resistance in accordance with the provisions of this joint resolution.

(2) There are transferred to the President for use in carrying out the provisions of this joint resolution $100,000,000 of unobligated funds from such accounts for which appropriations were made by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), as the President shall designate. No limitation or restriction contained in section 10 of Public Law 91-672, section 8109 of the Department of Defense Appropriations Act, 1986, section 502 of the National Security Act of 1947, or any other provision of law shall apply to the transfer or use of such funds.

(b) Notwithstanding the Impoundment Control Act of 1974, not more than 23 percent of the funds transferred under subsection (a) may be available for obligation or expenditure in accordance with this joint resolution upon the date of enactment of this joint resolution, and not more than an additional 15 percent of such funds may be so available upon the transmittal of each report required by section 12.

(c) Funds transferred under subsection (a) shall remain available for the same periods of time, but not to exceed September 30, 1987, as such funds would have been available under the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), but for the enactment of this joint resolution.

(d)(1) There are transferred to the President out of funds appropriated by the Supplemental Appropriations Act, 1985 (Public Law 99-88), under the heading "Assistance For Implementation of a Contadora Agreement" such sums as the President may require, but not more than $2,000,000, to facilitate the participation of Costa Rica, El Salvador, Guatemala, and Honduras in regional meetings and negotiations to promote peace, stability, and security in Central America. No limitation or restriction contained in section 15 of the State Department Basic Authorities Act of 1956, section 10 of Public Law 91-672, or any other provision of law shall apply to the transfer or use of such funds.

(2) Funds transferred under paragraph (1) shall remain available for the same period of time as such funds would have been available under the Supplemental Appropriations Act, 1985 (Public Law 99-88), but for the enactment of this joint resolution.

FUNDS FOR HUMANITARIAN ASSISTANCE

SEC. 6. (a) Of the amounts transferred under section 5(a), $30,000,000 shall be available only for the provision of humanitarian assistance to the Nicaraguan democratic resistance by the Nicaraguan Humanitarian Assistance Office (established by Executive Order 12530).

(b) Of the $30,000,000 made available only for purposes of subsection (a), $3,000,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

APPLICATION OF EXISTING LAWS

SEC. 7. (a) Except as otherwise provided in this joint resolution, funds transferred under section 5(a) shall be available for the purposes described in section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986, and all the requirements, terms, and conditions of such section and sections 101 and 102 of such Act, section 502 of the National Security Act of 1947, and section 106 of the Supplemental Appropriations Act, 1985 (Public Law 99-88), shall be deemed to have been met for such use of such funds.

(b) The use of funds made available under this joint resolution is subject to all applicable provisions of law and established procedures relating to the oversight by the Congress of operations of departments and agencies.

(c) Nothing in this joint resolution shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 5(a) or otherwise specifically authorized by the Congress for assistance to the Nicaraguan democratic resistance.

USE OF FUNDS AFTER A PEACEFUL SETTLEMENT

SEC. 8. If the President determines and so reports to the Congress that a peaceful settlement of the conflict in Central America has been reached, then the unobligated balance, if any, of funds transferred under section 5(a) shall be available for the purposes of relief, rehabilitation, and reconstruction in Central American countries in accordance with the authorities contained in chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund assistance).

INCENTIVES FOR A NEGOTIATED SETTLEMENT

SEC. 9. (a) Assistance under this joint resolution shall be provided in a manner designed to encourage the Govenment of Nicaragua to respond favorably to the many opportunities available for achieving a negotiated settlement of the conflict in Central America. These opportunities include the following proposals:

(1) Six opposition Nicaraguan political parties on February 7, 1986, called for an immediate cease-fire, an effective general amnesty, abolition of the state of emergency, agreement on new electoral process and general elections, effective fulfillment of international commitments for democratization, and observance of implementation of these actions and commitments by appropriate international groups and organizations;

(2) President Reagan on February 10, 1986, offered simultaneous talks between the Government of Nicaragua and all elements of the Nicaraguan democratic opposition in Nicaragua and between the Government of Nicaragua and the United States Government;

(3) President Jose Napoleon Duarte of El Salvador on March 5, 1986, offered an additional dialogue between the Government of El Salvador and the insurgents in El Salvador if the Government of Nicaragua would simultaneously engage in a dialogue with all elements of the Nicaraguan democratic opposition; and

(4) President Reagan's Message to the Congress of March 19, 1986, proposed a mission to Latin America by his special envoy to encourage the Contadora and Support Group countries to join in urging the Government of Nicaragua to initiate a national dialogue with representatives of all elements of the Nicaraguan democratic opposition.

(b) In furtherance of the objectives set forth in subsection (a), and except as provided in subsection (c), assistance to the Nicaraguan democratic resistance under this joint resolution shall be limited to the following:

(1) humanitarian assistance (as defined in section 722(g)(5) of the International Security and Development Cooperation Act of 1985);

(2) logistics advice and assistance;

(3) support for democratic political and diplomatic activities;

(4) training in radio communications, collection, and utilization of intelligence, logistics, and small-unit skills and tactics; and

(5) equipment and supplies necessary for defense against air attacks.

(c) On and after July 1, 1986, the restrictions in subsection (b) shall cease to apply beginning 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contadora Document of Objectives,

(2) the Government of Nicaragua is not engaged in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity, leading to regularly scheduled free and fair elections and the establishment of democratic institutions, and

(3) there is no reasonable prospect of achieving such agreement, dialogue, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance,

unless the Congress has enacted a joint resolution under section 10 disapproving the provision of additional assistance (other than assistance described in subsection (b)).

(d)(1) Notwithstanding subsection (c), no assistance (other than the assistance described in paragraphs (1) through (4) of subsection (b)) shall be provided at any time to the Nicaraguan democratic resistance under this joint resolution if—

(A) the President determines that—

(i) the Central American countries have concluded a comprehensive and effective agreement based on the Contadora Document of Objectives; or

(ii) the Government of Nicaragua is engaging in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity leading to regularly scheduled free and fair elections and the establishment of democratic institutions; or

(B) the Congress enacts a joint resolution under section 10 disapproving the provision of additional assistance (other than assistance described in paragraphs (1) through (4) of subsection (b)).

(2) The prohibition contained in paragraph (1) shall not apply with respect to assistance described in paragraph (5) of subsection (b) if the Government of Nicaragua acquires additional equipment or materiel to carry out air attacks.

(e) The limitations on assistance that may be furnished to the Nicaraguan democratic resistance which are contained in subsections (b) and (d) shall cease to apply if the Congress enacts a joint resolution, in accordance with section 10, stating that the Government of Nicaragua has failed to accept or observe a cease-fire with the Nicaraguan democratic resistance.

(f)(1) Notwithstanding any other provision of this joint resolution, on or after July 1, 1986, funds may be obligated or expended under this joint resolution only if the President determines and reports to the Congress that the Nicaraguan democratic resistance groups receiving assistance under this joint resolution have agreed to and are beginning to implement—

(A) confederation and reform measures to broaden their leadership base;

(B) the coordination of their efforts;

(C) the elimination of human rights abuses;

(D) the pursuit of a defined and coordinated program for achieving representative democracy in Nicaragua; and

(E) the subordination of military forces to civilian leadership.

(2) In making his determination under paragraph (1), the President shall take into account the effectiveness and legitimacy of the political leadership of those Nicaraguan democratic resistance groups receiving assistance under this joint resolution, including the ability of that political leadership—

(A) to reflect the views and objectives of the internal and external Nicaraguan democratic opposition;

(B) to function as the spokesman for the Nicaraguan democratic opposition with Central Americans, international organizations, and the United States Government;

(C) to represent the Nicaraguan democratic opposition in dealing with the Government of Nicaragua;

(D) to provide command and control for the military forces of all resistance groups receiving assistance under this joint resolution and to establish the goals for their military operations;

(E) to determine the distribution of assistance provided under this joint resolution; and

(F) to provide the legal mechanisms necessary for the enforcement of standards of conduct applicable to all members of the resistance groups receiving assistance under this joint resolution.

CONGRESSIONAL PRIORITY PROCEDURES

SEC. 10. (a)(1) A joint resolution described in subsection (c) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to the joint resolution entitled 'Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985', except as provided in section 9(b) thereof.".

(2) A joint resolution described in subsection (d)(1)(B) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to the joint resolution entitled 'Joint resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985', except as provided in paragraphs (1) through (4) of section 9(b) and paragraph (2) of subsection (d) thereof.".

(3) A joint resolution described in subsection (e) of section 9 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress finds that the Government of Nicaragua has failed to accept or observe a cease-fire and hereby approves the provision of assistance to the Nicaraguan democratic resistance pursuant to the joint resolution entitled 'Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.', notwithstanding subsection (b) or (d) of section 5 thereof".

(b) A joint resolution described in subsection (a)(1), (a)(2), or (a)(3) shall be considered in the House of Representatives and in the Senate in accordance with the provisions of paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to a joint resolution shall be deemed to be references to the respective joint resolution set forth in subsection (a)(1), subsection (a)(2), or subsection (a)(3);

(2) references in such paragraphs to the Committee on Appropriations shall be deemed to be references to the appropriate committee or committees of the respective House of Congress;

(3) references in such paragraphs to the eighth day and to fifteen calendar days shall be deemed to be references to the fifth day and to five calendar days, respectively; and

(4) amendments may be in order but only if the amendments are germane.

(c) The provisions of this section are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under section 9, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

71-059 O-87-28 (Pt. 6)

COMMISSION ON CENTRAL AMERICAN NEGOTIATIONS

SEC. 11. (a)(1) There is established the Commission on Central American Negotiations (hereafter in this section referred to as the "Commission"), which shall be composed of five members appointed as follows:

(A) One individual appointed by the Speaker of the House of Representatives;

(B) One individual appointed by the Minority Leader of the House of Representatives;

(C) One individual appointed by the Majority Leader of the Senate;

(D) One individual appointed by the Minority Leader of the Senate; and

(E)One individual, who shall serve as Chairman of the Commission, selected by unanimous vote of the other members of the Commission.

(2) No officer or employee of the United States may be appointed as a member of the Commission.

(b) The purpose of the Commission is to monitor and report on the efforts of the Nicaraguan democratic resistance to coordinate and reform and on the status of any negotiations on the peace, stability, and security of Central America, including negotiations conducted between or among—

(1) the Government of Nicaragua and all elements of the Nicaraguan democratic opposition, including the Nicaraguan democratic resistance;

(2) the governments of Central American countries;

(3) the Government of the United States and the Government of Nicaragua;

(4) the governments of the Contadora and Support Group countries and the government of the Central American countries; and

(5) the Government of El Salvador and the insurgents in El Salvador.

(c)(1) The Commission may appoint and fix the pay of not more than seven staff personnel, but at such rates not in excess of the rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2)(A) Each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the performance of duties as a member of the Commission.

(B) While away from his home or regular place of business in the performance of duties for the Commission, a member or staff personnel of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(3) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(d)(1) A majority of the members of the Commission shall constitute a quorum.

(2) All decisions of the Commission, except as otherwise provided in this section, shall be by majority vote.

(e) The Commission may make such reports in connection with its duties as it deems necessary to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, except that—

(1) not later than 5 days after receipt by the Congress of a report by the President under section 9(c), the Commission shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report addressing all the matters which are required to be included in reports of the President by paragraphs (1), (3), and (4) of section 12; and

(2) not later than June 30, 1986, the Commission shall prepare and transmit to the Congress a report on whether the Nicaraguan democratic resistance groups receiving assistance under this joint resolution have agreed to and are beginning to implement measures described in subparagraphs (A) through (E) of section 9(f)(1) and an evaluation of the factors described in section 9(f)(2).

(f)(1) Salaries and expenses of the Commission, but not more than $400,000, shall be paid from the contingent fund of the Senate out of the Account for Miscellaneous Items, in accordance with the provisions of this section.

(2) Funds made available to the Commission by paragraph (1) shall be disbursed on vouchers approved by the Chairman, except that no voucher shall be required for the disbursement of the salary of an individual appointed under subsection (c).

(3) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to use of funds in accordance with such section.

(g) The Commission shall terminate not later than 30 days after transmittal of the reports required by subsections (e) and (f).

PRESIDENTIAL REPORTING REQUIREMENT

SEC. 12. Not later than 90 days after the date of enactment of this joint resolution, and every 90 days thereafter, the President shall prepare and transmit to the Congress a report on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in section 3(a). Each such report shall include—

(1) a detailed statement of any progress made in reaching a negotiated settlement, including the willingness of the Nicaragauan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide assistance with the funds transferred under section 5(a);

(3) a discussion of alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) an evaluation of the progress made by the Nicaraguan democratic resistance in broadening its political base and defining a unified and coordinated program for achieving representative democracy in Nicaragua.

REQUESTS FOR ADDITIONAL ASSISTANCE

SEC. 13. The provisions of subsections (s) and (t) of section 722 of the International Security and Development Cooperation Act of 1985 shall apply with respect to any request described in section 722(p) of such Act submitted by the President to the Congress on or after the date of enactment of this resolution, except that, for purposes of consideration in a House of Congress of a joint resolution under subsection (s) or (t) of such section, amendments to such a joint resolution may be in order but only if such amendments are germane.

H.R. 4420,

By Mr. MONTGOMERY:

—Page 51, line 11, insert "(1)" before "Of the".

Page 51, after line 17, insert the following:

(2) Of the amount described in section 401(b) which was appropriatated for procurement of National Guard and Reserve equipment, $285,000,000 may be obligated or expended. The authority provided in the preceding sentence is in addition to the authority provided in paragraph (1).

Page 56, strike out lines 22 and 23 and insert in lieu thereof the following:

(1) National Guard and Reserve Equipment Procurement, $941,130,000, as follows:

Army Reserve, $100,000,000.

Army National Guard, $312,450,000.

Naval Reserve, $67,790,000.

Marine Corps Reserve, $67,060,000.

Air Force Reserve, $154,120,000.

Air National Guard, $239,710,000.

Page 57, line 18, insert "(a) IN GENERAL.—" before " Programs".

Page 59, strike out line 18 and all that follows through page 60, line 9 (and redesignate the following paragraphs accordingly).

Page 61, after line 1, insert the following:

(b) RESERVE COMPONENT EQUIPMENT PROCUREMENT.— Section 401 applies with respect to fiscal year 1986 defense appropriations for procurement of equipment for the reserve components only to the extent that amounts appropriated for such purposes exceed the amounts specified in section 402(e)(1). Programs, projects, and activities for which amounts provided in fiscal year 1986 defense appropriations for procurement of equipment for the reserve components are subject to section 401 (except to the extent to which funds are available to be obligated or expended as provided in section 402) are the following:

(1) ARMY RESERVE.—

Miscellaneous equipment.

Truck SLEP.

(2) NAVAL RESERVE.— Miscellaneous equipment.

(3) MARINE CORPS RESERVE.— Miscellaneous equipmoent.

(4) AIR FORCE RESERVE.— Miscellaneous equipment.

(5) ARMY NATIONAL GUARD.—

Miscellaneous equipment.

Improved TOW vehicle.

M198 howitzer.

Truck SLEP.

(6) AIR NATIONAL GUARD.—Miscellaneous equipment.

H.R. 4515

By Mr. BOSCO:

—Add the following new section at the end of the bill:

SEC. USE OF AMERICAN-BUILT RIGS FOR OCS DRILLING.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following new subsection:

"(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

"(A) in the United States; and

"(B) from articles, materials, or supplies at least 50 percent of which, by cost, shall

have been mined, produced, or manufactured, as the case may be, in the United States.

"(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, which is being built, or for which a building contract has been executed, on or before October 1, 1985.

"(3) The Secretary may waive—

"(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 percent of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be mined, produced, or manufactured, as the case may be, in the United States, and

"(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 percent of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).".

By Mr. FAZIO:

—On page 34, after line 20, add the following new section:

SEC. . No funds appropriated, or made available, under this or any other act shall be used for soliciting proposals, preparing or reviewing studies or drafting proposals designed to transfer out of federal or public ownership, management or control in whole or in part the facilities and functions of the Federal Power Marketing Administrations located within the contiguous 48 states, and the Tennessee Valley Authority, until such activities have been specifically authorized and in accordance with terms and conditions established by an Act of Congress hereafter enacted; *Provided*, That this provision shall not apply to the authority granted under section 2(e) of the Bonneville Project Act of 1937; or to the authority of the Tennessee Valley Authority pursuant to any law under which it may dispose of property in the normal course of business in carrying out the purposes of the Tennessee Valley Authority Act of 1933, as amended; or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1949, as amended and the Surplus Property Act of 1944 to sell or otherwise dispose of surplus property.

By Mr. HAMMERSCHMIDT:

—Page 3, after line 14, insert the following:

DAIRY INDEMNITY PROGRAM

For an additional amount, for "Dairy Indemnity Program", authorized by the Act of August 13, 1968 (82 Stat. 750), the Act of August 10, 1973 (87 Stat. 223), and the Act of December 23, 1985 (99 Stat. 1377) $10,000,000 to remain available until expended.

By Mr. FAUNTROY:

—Page 16, after line 11, insert the following:

ASSISTANCE FOR HAITI

Of the funds made available for the "Economic Support Fund" in Public Law 99-190, up to $21,700,000 shall be made available for assistance to Haiti. Of this amount, $1,700,000 shall be transferred to the Inter-American Foundation for use by the Foundation for programs for Haiti. The assistance made available pursuant to this paragraph shall be used to promote the transition to democracy by means such as generating local currency for use for literacy projects, rural development, and job creation.

Of the funds made available in Public Law 99-190 to carry out sections 503 and 541 of the Foreign Assistance Act of 1961, up to $4,000,000 shall be made available to provide training and other nonlethal assistance (such as transportation equipment, communications equipment, and uniforms) for Haiti. The purposes of this assistance shall be to promote the immediate goal of disarming, and otherwise completing the dismantling of, the Volunteers for National Security (VSN) and also to promote the goal of increasing the ability of the Haitian armed forces to protect Haiti against external threat and to assist in the transition to democracy. Assistance pursuant to this paragraph may be provided notwithstanding the limitation on assistance to Haiti contained in section 705(e) of the International Security and Development Cooperation Act of 1985. The funds made available pursuant to this paragraph may be obligated only if the President certifies to the Congress that the Government of Haiti has provided written assurances that it—

(1) will not use the assistance provided with those funds to suppress legitimate protests;

(2) will act to end the involvement of the Haitian armed forces in human rights abuses and corruption by removing from the armed forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;

(3) will provide education and training to the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable them to function consistentwith those rights;

(4) will investigate the killings of unarmed civilians in Martissant and Gonaives and prosecute, in accordance with due process, those responsible for those killings, and will act to prevent amy similar occurences in the near future; and

(5) will officially require former members of the Volunteers for National Security (VSN) to turn in their weapons and will take the necessary actions to enforce this requirement.

Four months after the date of enactment of this Act and every four months thereafter, the President shall submit a report to the Congress which details the extent to which the Government of Haiti is acting consistent with each of paragraphs (1) through (5) of the preceding paragraph. Half of the assistance provided pursuant to the preceding paragraph shall be withheld from delivery until the President submits the first such report.

The assistance provided for Haiti pursuant to this chapter shall be in addition to the assistance previously allocated for Haiti.

It is the sense of the Congress that the United States Government should cooperate with the Government of Haiti in recovering for the Haitian people the wealth that was illegally obtained by former president Jean-Claude Duvalier and his former government ministers and associates through diversions of funds and property, regardless of whether that wealth is located in the United States or abroad.

By Mr. MICA:

—Page 11, after line 12, insert the following:

GENERAL PROVISION—DIPLOMATIC SECURITY PROGRAM

The funds made available by this chapter under the headings "SALARIES AND EXPENSES", "ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD", and COUNTERTERRORISM RESEARCH AND DEVELOPMENT" shall be used in accordance with those provisions applicable to the diplomatic security program that are contained in H.R. 4151 (the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986") as passed the House of Representatives on March 18, 1986, except that this paragraph shall cease to apply upon the enactment for authorizing legislation (either H.R. 4151 or similar legislation) providing for enhanced diplomatic security.

By Mr. MICHEL:

—Page 33, beginning on line 19, strike out section 201 and insert in lieu thereof the following:

SEC. 201. (a)(1) Paragraph (4) of section 1011 of the Impoundment Control Act of 1974 (hereinafter in this section referred to as "the Act") is amended to read as follows:

"(4) 'deferral resolution' means a joint resolution of the Congress which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 1013; and"

(2) Subsection (b) of section 1013 of the Act is amended to read as follows:

"(b) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be deferred in any fiscal year (as set forth in a special message under subsection (a)) shall be made available for obligation if a deferral resolution is enacted disapproving such proposed deferral.".

(3) Section 1017 of the Act is amended by striking out "impoundment resolution" each place it appears and inserting in lieu thereof "deferral resolution".

(b)(1) Section 1013 of the Act is further amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) in subsection (a), by striking out the matter following paragraph (6) and inserting in lieu thereof the following:

"(b) LIMITATIONS ON DEFERRAL MESSAGES.—

"(1) A special message may include one or more proposed deferrals of budget authority, but the total amount of budget authority that may be deferred in any fiscal year shall not exceed $5,000,000,000.

"(2) Deferrals of budget authority shall be counted for purposes of paragraph (1) in the order in which submitted, except that if a message under section 1013 and a report under section 1015 are submitted on the same day, the deferral of budget authority described in such report shall be counted first. Once the limit contained in paragraph (1) has been reached for any fiscal year, any additional deferral of budget authority for such fiscal year shall be invalid, and the budget authority that is the subject of such deferral shall be made available for obligation.

"(3) Amounts which have been deferred but which are required to be made available by reason of the enactment of a deferral resolution or other provision of law shall not, after such enactment, be counted for purposes of paragraph (1).

"(4) Except to the extent that paragraph (3) applies following the enactment of a deferral resolution or other provision of law, amounts as to which the Comptroller General has made a finding under section 1015 (that the President has failed to transmit a deferral message) shall be counted for purposes of such limitation.

"(5) A deferral may not be proposed for any period of time extending beyond the

end of the fiscal year in which the special message proposing the deferral is transmitted to the House of Representatives and the Senate.".

(2) Section 1015(c) of the Act is amended by adding at the end thereof the following:

"(C) EXCEEDING LIMITATION ON DEFERRAL AUTHORITY.—If the Comptroller General finds that the total of—

"(1) the budget authority proposed to be deferred and the President under section 1013(a), plus

"(2) the budget authority with respect to which a finding has been made under subsection (a) that the President has failed to transmit a deferral message,

equals or exceeds the total amount that may be deferred in such fiscal year under section 1013(b), the Comptroller General shall make a report to both Houses of Congress setting forth his reasons.".

(3) Section 1016 of the Act is amended by striking out "or 1013(b)" and insertiong ", 1013(b), or 1013(c)".

(c)(1) Section 1011 of the Act is amended—

(A) In paragraph (1)—

(i) by striking out "includes—" and inserting in lieu thereof "does not include a reservation of budget authority but includes—"; and

(ii) by striking out "(whether by establishing reserves or otherwise)";

(B) by striking out "and" at the end of paragraph (4);

(C) by redesignating paragraph (5) as paragraph (6); and

(D) by inserting after paragraph (4) the following new paragraph:

"(5) 'reservation of budget authority' means withholding or delaying the obligation or expenditure of budget authority by the establishment of a reserve in accordance with section 1512(c) of title 31, United States Code, and with paragraphs (1) and (2) of section 1018(c) of this Act; and".

(2) Part B of the Act is amended by adding at the end thereof the following new subsection:

"REPORTING AND RECLASSIFICATION OF RESERVATIONS

"SEC. 1018. (a) TRANSMITTAL OF SPECIAL MESSAGE.—Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to establish a reservation of budget authority, the President shall transmit to the House of Representatives and the Senate a special message specifying, with respect to the budget authority proposed to be reserved, the same information as is required with respect to a deferral of budget authority under paragraphs (1) through (6) of section 1013(a).

"(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review each special message transmitted under subsection (a) to determine whether the proposed reservation of budget authority complies with the standards prescribed under subsection (c) of this section. If the Comptroller General determines that the proposed reservation does not comply with such standards—

"(1) the Comptroller General shall make a report to both Houses of Congress setting forth his reasons, and

"(2) the special message transmitted under subsection (a) shall be treated as if transmitted under section 1013(a).

"(c) STANDARDS TO ENSURE USE OF RESERVATIONS FOR ROUTINE MANAGEMENT PURPOSES AND NOT FOR PROPOSAL OF POLICY CHANGES.—The Comptroller General shall prescribe standards for determining whether a special message transmitted under this section proposes to withhold or delay the obligation or expenditure of budget authority—

"(1) exclusively for a purpose authorized by section 1512(c)(1) of title 31, United States Code; and

"(2) in a manner which improves the management and administration of the budget authority without diverging from the policies, purposes, and objectives of the Congress in making such budget authority available.".

(d)(1) The amendments made by this section shall be effective on the date of enactment of this Act, but shall not apply with respect any deferral of budget authority—

(A) for which the special message was submitted by the President under section 1013(a) of the Act before such date, or

(B) for which a report was made by the Comptroller General under section 1015 of the Act before such date.

(2) For purposes of applying section 1013(b) of the Act (as amended by this section) during fiscal year 1986, any deferral of budget authority—

(A) for which the special message was submitted by the President under section 1013(a) of the Act before such date, or

(B) for which a report was made by the Comptroller General under section 1015 of the Act before such date,

shall excluded from the total budget authority counted for purposes of paragraph (1) of section 1013(b) of the Act.

(3) The terms used in this subsection have the same meaning as such terms had under the Act as in effect prior to the enactment of this section.

By Mr. ROSTENKOWSKI:

—Page 34, after line 18, inset the following new section:

SEC. 206. Subsections (a)(4) and (g)(l) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) are amended by striking "1986" each place it appears and inserting "1987".

By Mrs. SCHROEDER:

—Page 34, after line 18, insert the following new section:

SEC. 206. Funds appropriated by this or any other Act for the Department of Defense or the Department of Energy may not be obligated or expended before January 1, 1987, to carry out an explosive test of a nuclear device until the President certifies to Congress that he has reason to believe that the Soviet Union has conducted, after April 17, 1986, and explosive test of a nuclear device.

EXTENSIONS OF REMARKS

IT'S TIME FOR SOCIAL SECURITY REFORM

HON. THOMAS J. TAUKE
OF IOWA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. TAUKE. Mr. Speaker, today I am introducing a bill that depoliticizes our Nation's largest entitlement program and establishes a system of claims adjudication that guarantees the independence of SSA decision makers. It also establishes an appeals process that is equitable, balanced, and much more cost effective than the current chaotic and complex system. The new appeals process will do what it should do: resolve controversies instead of creating them.

My bill is not designed to be a quick fix; it was not developed within an environment of crisis caused by reaction to any one of SSA's claims evaluation policies. Rather, my bill is the result of an exhaustive, in-depth analysis of the entire process of deciding Social Security benefit claims. In conducting this analysis, I began with certain principles regarding how an equitable and efficient appeals process should work, taking into account the enormous number of benefit claims generated under Social Security and the issues these cases present.

I think it is important to state those principles for the record:

First. The purpose of the appeals/review process is twofold: To provide claimants who are dissatisfied with an initial decision the opportunity to present, in a meaningful way, their reasons for disagreement; and to provide the agency with a meaningful oversight mechanism to ensure that adjudicators are following the policies of the agency which have been promulgated through rule making.

Second. The appeals process should be designed to allow deserving cases at the earliest possible step.

Third, Because of the 12-month duration requirement and the 5-month waiting period requirement contained in the statutory definition of disability, many cases present issues that cannot be correctly resolved at the time the initial determination is made.

Fourth. No step in the appeals process should duplicate another. Each step should have a separate and distinct function.

Fifth. As the appeals process progresses, the issues should be more narrow, albeit more complex. The issues should relate less to questions of fact and more to questions of interpretation of law and regulations. The process should replicate a pyramid; that is, start with a large base of initial claims and proceed upward with progressively fewer cases at each level of appeal.

Sixth. The issues for judicial review should essentially be confined to questions of law and agency practice.

Seventh. No issue should be the subject of judicial review that has not been addressed by the agency in the final decision.

Eighth. The appeals process should be designed to resolve controversies. Higher level decisions should be binding on lower levels unless appealed.

Ninth. When a case presents a major policy issue, for example, a challenge to a statutory or regulatory provision, the issue should be properly framed for judicial review to ensure that first, the legal question will be decided and second, there is no doubt that the decision will be precedential and binding unless appealed.

Tenth. When there is disagreement about a decision, the party that disagrees should not have the authority to unilaterally change the decision. Rather, both sides to the dispute should have the right to appeal to an independent, knowledgeable third party.

Eleventh. The appeals process should be as efficient and cost effective as possible while ensuring due process.

Mr. Speaker, I doubt that there would be much disagreement with these principles. Yet, even a cursory examination of the current appeals process for Social Security disability claims reveals that the system violates each and every one of these basic, commonsense principles. To illustrate, taking each of the principles mentioned in order:

First. In two major lawsuits, one in Minnesota and the other in New York, it was revealed that SSA was not following its own regulations in evaluating mental impairment cases.

Second. There was a steady decline in the percentage of case paid at the initial and reconsideration level and a steady increase in the percentage of case paid by ALJ's from 1976 until 1984 when the Disability Reform Act was enacted.

Third. A claimant must file for reconsideration within 60 days of the initial denial. Reconsideration has become a rubber stamp of the initial determination because it is frequently based on essentially the same evidence and must be done in many instances before it can be determined if the statutory duration requirement will be met. Also, for initial application cases, it is just another paper review and relevant evidence that can only be elicited at a face-to-face hearing cannot be considered.

Fourth. In addition to the essentially duplicative nature of the initial and reconsideration levels for initial application cases, there is also an evidentiary hearing at both the reconsideration and ALJ levels for continuing disability review cases. SSA's Appeals Council upholds the ALJ decision 90 percent of the time and its standard for review is essentially the same as the one for judicial review.

Fifth. The initial, reconsideration and ALJ levels each independently evaluate the evidence and determine the facts in the case. This is essentially nothing more than having the same question decided by three different individuals. Moreover, the evidence and issues increase as the case progresses to the ALJ level. The result: In 1983 there were 366,691 fewer initial claims than there were in 1976 but 203,805 more requests for ALJ hearings.

Sixth. Although the statutory standard for judicial review is a quite narrow appellate one, in practice the hundreds of judges in the 94 Federal district courts conduct their own independent evalution of the evidence and decide cases under their own standard instead of the regulatory standard that appears to be required by the statute.

Seventh. Plaintiffs routinely introduce issues before the courts that were not presented to the SSA during the administrative appeals process. This is a standard operating procedure for class action suits and makes a mockery of the well-established principle that before a claim is presented to a court, administrative remedies must have been exhausted.

Eighth. At the height of the continuing disability review controversy, SSA data showed that 98 percent of the disability cessation determinations issued by the State agencies were correct; yet when these cases were appealed to ALJ's, more than two-thirds were reversed. Obviously, something was wrong with the way State agencies were deciding these cases, but the ALJ decisions had no discernible effect on the evaluation practices of the State agency. Currently, there are more than 70 class actions relating to Social Security claims pending before the courts. They involve virtually every SSA policy for evaluating disability. Under court orders SSA must readjudicate hundreds of thousands of claims and apply the standard(s) imposed by the courts for pending and future cases. Cases presenting the same issue and similar facts are decided differently depending on where the claimant happens to reside. It is important to note that funds have never been budgeted to handle the enormously increased workload created by class actions.

Despite the utter chaos no resolution is in sight within the existing judicial appeals process. Even though the class action phenomenon has been extremely active for at least the past 5 years, very few cases have been ultimately decided by the Supreme Court. I am aware of three: Campbell, Ringer, and Day, all of which have been decided in favor of SSA. In view of this, it is difficult to understand the Department of Justice's reluctance to quickly and aggressively appeal these class actions. Nevertheless, the fact remains that SSA is complying with all of the court orders and thus applying different evaluation standards for different regions of the country. It is interesting to note that HHS has changed its policy on nonacquiescence. Under the new policy SSA examined more than 800 circuit court decisions to identify cases where circuit law was in conflict with SSA policy or regulations. In those instances, SSA would publish a ruling of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

acquiescence. The circuit law will be followed except in a rare case that is chosen as a vehicle for litigation. The problem with this is that SSA cannot initiate judicial review. SSA has not been able to identify any major disability evaluation policy that significantly varies from circuit court law. The situation is so confusing that even though SSA apparently is desperate to acquiesce, it is not able to find anything in which to acquiesce.

Ninth. Court decisions should not create chaos, they should end it. Congress has made it clear that the courts are bound by the regulations. Moreover, under the statute the standard for judicial review by the Federal district courts is an appellate one. All too frequently, district court judges review Social Security cases in their more accustomed role as fact finders that receive evidence and create a record that is a basis for appeal to a circuit court. In effect, they function as an original decisionmaker without giving deference to the agency's findings of fact or applying the legal standard, that is, the regulations, that the agency decisionmaker must follow. The evidentiary preference of the judge and not the regulations becomes the legal standard the agency should have followed in deciding the case. In the vast majority of class actions, no regulation has been ruled invalid. When a regulation is, in fact, ruled invalid, appeal is virtually automatic. This is perhaps why SSA has been unable to find significant conflicts between regulation policy and circuit court law. I think it is fair to say that in practice the legal standard for evaluating and reviewing Social Security claims is not being consistently followed by the courts. Section 205(a) of the Social Security Act gives exclusive rulemaking authority to the agency "to establish procedures, not inconsistent with the provisions of this title,* * * and to adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs of evidence and the method and taking and furnishing the same in order to establish the right to benefits hereunder." It is clear, then, that Congress intended to regulations to be followed as the legal standard in the adjudication of Social Security claims. Clearly, the courts should not originate the legal and evidentiary standards. As stated in section 205(g), when a claim is denied "because of failure of the claimant * * * to submit proof in conformity with any regulations prescribed under subsection (a) hereof, the Court shall review only the question of conformity with such regulations and the validity of such regulations."

It should also be clear that a court may not invalidate a regulation on first impression and/or because the judge disagrees with the regulation. There should be a colorable claim, the regulation must be the only bar to a favorable decision and the regulation, in accordance with section 205(a), must be inconsistent with the statute.

If the courts would more closely follow the statute, the litigation process would certainly be considerably less chaotic.

Tenth. All determinations by State agencies on initial application claims are subject to review and reversal, without notice to the claimant, by SSA and all ALJ decisions are subject to own motion review and reversal, after notice to the claimant, by SSA's Appeals Council. Thus, throughout the first three steps of the process, the agency can second guess decisionmakers who are operating under duly delegated authority. Of course, there must be oversight authority for the agency to ensure that its regulations are being correctly applied but this is a cumbersome way of achieving that purpose.

Eleventh. I think the above illustrates that the current system is inordinately costly, time consuming and inefficient.

Mr. Speaker, it is obvious that we have a system that is in need of comprehensive reform. The problem cannot be solved by making a change or adjustment at one level of the process. We have learned the painful lesson that if one part of the process does not function properly, then the whole structure will eventually break down. We must have an appeals process in which each component is interrelated with the others, a process that is synergistic with built-in checks and balances that will ensure that the system will do what it is designed to do.

The bill I have introduced encompasses all of the above-stated principles which are essential for a well-functioning appeals process and it completely depoliticizes the process. My proposal will:

First. Establish the Social Security Administration as an independent agency. An independent agency is desirable in and of itself but it fits hand-in-glove with legislation that reforms and depoliticizes the appeals process for social security claims. A particularly important feature is the establishment of the position of beneficiary ombudsman. It is simply impossible to eliminate red tape in a system as large as Social Security. Problems will occur and the public must have an authorative spokesperson within SSA to represent public interest, especially in the area of developing rules and procedures. Another major responsibility of the ombudsman will be to ensure that SSA is following its rules in the evaluation of benefit claims. Problems such as the incorrect evaluation of mental impairments would have been identified and corrected quickly if there had been an ombudsman, and protracted and costly litigation would have been avoided.

Second. Reform the appeals process:

First. Replace the reconsideration level with a full evidentiary hearing conducted by a Federal employee for both initial and continuing disability claims. For initial application cases, allow 6 months for a request for this hearing to be filed. For continuing disability review cases, allow 60 days.

These evidentiary hearings will be conducted by a corps of highly trained, specialized Federal hearing officers to ensure the consistency of decisions. There will be equal compensation of hearing officers among the States.

The hearings will be nonadversarial in nature. SSA will not have a representative present. Favorable decisions will not be subject to review and reversal by the SSA before the payment of benefits. SSA will be able to appeal decisions with which it disagrees to administrative law judges, as can claimants who are dissatisfied with the hearing officer's decision.

Second. Change the function of the ALJ level to that of deciding first, did the claimant have a full opportunity to present his claim? Second, was the record adequate for a proper decision? and third, did the hearing officer correctly apply the statute and regulations to the facts presented by the case? Deference will be given to the judgment of the hearing officer as the fact finder.

ALJ's are particularly well-qualified to perform this function. They will primarily decide questions of law after the submission of arguments by the claimant and agency—that is, the ALJ will decide issues relating to due process and conformity with statutory and regulatory provisions.

Third. Eliminate the administrative review by the appeals council. With the change in the function of the ALJ level, the appeals council's administrative review will be unnecessary.

Fourth. Establish a Social Security court.

Like the Tax Court, the Social Security court will be a specialized court separate from the judicial branch. SSA law and regulations will be binding on the court, and therefore the court will not have jurisdiction to rule on constitutional matters or the validity of regulation issues.

The Federal district courts will retain jurisdiction over issues relating to constitutional questions or validity of regulations issues. In order to properly frame issues for district court rulings, the claimant and the SSA will stipulate that first, there is no dispute as to the facts of the case; and second, the only bar to a favorable decision is a provision of the SSA law or regulations. The court's ruling will be binding unless appealed to the court of appeals for the Federal circuit, but will have prospective effect only. This will end the nonacquiescence controversy.

All other issues arising from disability claims, including the adjudicative practices and policies of SSA, will be under the sole jurisdiction of the Social Security court.

As with the tax court, qualified nonattorneys may represent claimants upon certification by the Social Security court, or the claimants may represent themselves.

The decisions of the court will be precedential and binding on SSA unless appealed. Claimants and the SSA may appeal court decisions to the court of appeals for the Federal circuit.

Third. Allow a claimant to have only one claim pending before SSA at a time. Under current law, claimants may allege the same onset of disability continuously, even though prior applications covering the period of alleged disability have been finally decided. Also claimants may file subsequent applications before the original one has been finally decided.

My bill will limit the retroactive date for the establishment of a period of disability to the later of first, the first day of the 17th month prior to the month the application is filed. or second, the first day of the month following the month of a final decision on a prior application. The bill will also preclude the reopening of final decisions unless they were procured by fraud or similar fault.

Fourth. Eliminate own motion review by SSA of favorable decisions issued by hearing

officers or ALJ's and replace it with a mechanism for agency appeal. If the Agency believes that a hearing officer has not correctly applied the law and regulations to a case, they may appeal to an ALJ. This independent third party will decide whether or not the hearing officer's decision was legally sufficient. Similarly, if the agency believes the ALJ erred, it will have the right to appeal to the Social Security court. This will ensure that the necessary oversight authority of the Agency continues and at the same time allow disputes to be quickly and authoritatively settled by highly qualified third parties. Also, for the first time, a court will review allowances as well as denials which will provide a more balanced perspective.

Although the appeals council's administrative review will be eliminated, they will review ALJ decisions for possible appeal to the Social Security court.

Fifth. Provide interim benefit payments to claimants if SSA appeals a decision of a hearing officer or ALJ. These payments would begin 60 days after the date of the appeal of a decision and would continue until a final decision was issued either by the ALJ or the Social Security court. Those payments would not be considered an overpayment and would not be subject to recovery.

Mr. Speaker, I believe that these provisions completely conform to the above-stated principles. The claimant and the Agency have the same appeal rights. The initial level of adjudication will continue to perform its function of paying obvious allowances quickly. In this regard, it is important to note that the vast majority of claims that will be allowed at the initial decision level—historically, at least 75 percent. The more complex cases will be decided at the second stage with the claimant being able to fully present his claim in a nonadversary hearing. Beyond the hearing level the issues will be primarily legal rather than factual. Major policy and legal controversies will be resolved in a speedy, orderly and binding manner. The Social Security court will operate under the same legal standards as the agency, and the Federal judiciary will retain its jurisdiction to decide constitutional questions and issues relating to regulatory conformity with the statute but only within the pure context of the legal question presented. The reformed process will be much less time consuming and more cost effective.

I am convinced that this comprehensive legislation is the most viable approach to depoliticizing the Social Security program and making it more equitable and efficient. Band-aid, piecemeal solutions in reaction to crises have not worked in the past.

The adjudicative/appeals process is the key to a long-lasting solution. If the process has as its cornerstone a system of checks and balances where disputes are settled by independent and knowledgeable third parties, the pendulum swing from loosely applying the definition of "disability," which culminated in the 1980 amendments by requiring the periodic review of those on the disability rolls, to strictly applying the definition, which culminated in the Disability Benefits Reform Act of 1984, will stop close to an ideal balance. At the same time, especially in this time of budgetary constraints, the process must be timely, efficient, and cost-effective.

IMMIGRATION REFORM URGENTLY NEEDED

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. FISH. Mr. Speaker, on Tuesday, March 11, 1986, the chairman of the Judiciary Committee, PETER RODINO, and I, along with Senator ALAN SIMPSON, Congressman MAZZOLI, and Congressman LUNGREN, met with the President at the White House on the subject of immigration reform. It was a very fruitful meeting and the President unequivocably lent his support to the adoption of immigration reform legislation. On the next day, March 12, the Attorney General of the United States echoed this position when he appeared before the full Judiciary Committee.

Many of us who have worked long and hard to enact comprehensive immigration reform legislation, welcome the President's endorsement and applaud him and the Attorney General for assuming a leadership role.

Time is of the essence. Apprehension on our Sourthern borders have shot up dramatically in the first 3 months of 1986, as compared to 1985. We are seeing aliens from many countries, including Mexico. Violence is also on the upswing.

I wish to insert for the RECORD a copy of an article which appeared in the March 12, 1986 issue of Christian Science Monitor, and which underscores the level of violence which is fast becoming commonplace along Southern portions of our border.

VIOLENCE SURGES WITH ALIEN INFLUX

(By Scott Armstrong)

SAN YSIDRO, CA.—Violence along the border is surging as the number of illegal immigrants entering the United States from Mexico hits new highs.

It comes in two forms: attacks against the aliens, mainly by bandits, and assaults against Border Patrol agents themselves, usually by "illegals" resisting arrest.

"It is a very serious problem," says Alan Eliason, chief United States Border Patrol agent in the San Diego sector.

Criminal activity is increasing at many points along the border, from Texas to California. But the violence is most pronounced south of San Diego, a region one agent calls the "Russian front" of the US-Mexican border. This area is the main thoroughfare for illegal aliens heading north. Last year, the San Diego sector accounted for 36 percent of all illegals arrested along the US-Mexican border.

All this means more work for the Border Crimes Prevention Unit, a joint task force formed two years ago by the Border Patrol and the San Diego Police Department.

Antonio Ruiz, a member of the unit, has his bulletproof vest on and .38 pistol at his hip. He is ready for another night of trying to stop violence along this porous section of the border. The short, sturdily built Ruiz will spend the night with nine other officers walking a series of jojoba-studded canyons that separate Tijuana, Mexico, from this southern California town.

Ironically, their mission of thwarting border crime includes protecting illegal aliens slipping into the US from bandits seeking to rob them. But the agents themselves are often attacked by "illegals" resisting arrest.

In the first four months of fiscal 1986 (Oct. 1–Jan. 31), 43 assaults were reported against Border Patrol agents in the San Diego sector—almost double the number in the same period a year ago. Throughout the Border Patrol's western sector, stretching from California through Arizona, 60 attacks have been recorded against agents in the first quarter of fiscal 1986, a 66 percent increase over last year.

Agents in Texas have been involved in three shooting incidents with aliens in the past year. The encounters underscore a disturbing trend: A growing number of immigrants being arrested along the border are armed with guns and knives.

"In the past, we would never arrest an alien [and find that he or she was carrying a firearm," says an agent at the US Border Patrol's southern regional office in Dallas. "Now it is quite common."

Immigration officials attribute part of the increased violence to the sheer volume of illegals now entering the US. The Immigration and Naturalization Service estimates that as many as 1.8 million aliens will be arrested during 1986—a 50-percent jump over last year's record pace. Most of them will be unemployed Mexicans, driven to the US by economic woes at home.

Another contributing factor, officials say, is the increase in drug smuggling across the border, which has brought a corresponding increase in crime of all kinds.

A more frequent source of violence along the border, however, is the attacks by bandits against immigrants. Most of this activity occurs in a 10-square-mile area straddling San Ysidro and Tijuana. The area, a favortie route of illegals, is laced with grassy canyons that make good cover for the bandits. Typically, they work in groups of three or more and jump the aliens at night. The bandits, usually from the Mexican side, then scamper back across the border with their loot.

"The criminals now tend to be a little more vicious," says Mr. Eliason. He notes that some bandits, when attacking a group, will shoot one alien to let the rest know they mean business. There has also been a recent upswing in assaults against illegals by US residents in the streets of San Ysidro.

Last year, 176 robberies, 8 murders, and 15 rapes were recorded against aliens, mostly in the San Diego sector. But police say the numbers don't reflect the extent of the problem, because the illegals, fearful of being sent back across the border, often don't report crimes.

One factor contributing to the high number of assaults lately, some officers suggest, is the changing mix of aliens flooding across the border. In recent months, more families have been trying to enter the US. They make tempting targets for bandits, who like to prey on the most vulnerable groups.

Moreover, there has also been a surge in the number non-Mexican illegals crossing the border. Since many travel great distances, such as from El Salvador, they usually carry along many possessions.

"They tend to be a little bit better targets," says Arthur Palmer, a sergeant with the San Diego Police Department.

Nevertheless, the Border Crimes Prevention Unit, formed two years ago, seems to

have put a dent in the problem. Local officials credit the 12-member force with holding down the number of attacks by bandits.

TERRORISM AND A FREE PRESS

HON. ROBERT GARCIA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. GARCIA. Mr. Speaker, Katherine Graham, chairman of the board of the Washington Post, wrote a very insightful essay on the role of a free press in covering acts of terrorism published in yesterday's Post.

The importance of the press in reporting such acts to the public cannot be minimized. Ms. Graham has, however, drawn a fine but distinct line between maintaining the freedom of the press in covering these acts and the way in which a responsible media ought to behave under such conditions. Her essay can serve as food for thought for all of us as we begin to grapple with the problems that terrorism inflicts on our society and its institutions. I urge my colleagues to read her essay.

The essay follows:

[From the Washington Post, Apr. 20, 1986]

SAFEGUARDING OUR FREEDOMS AS WE COVER TERRORIST ACTS

(By Katharine Graham)

Picture a warm and sunny day, not in Athens or Cairo, but in Washington. The Israeli prime minister is in town and is scheduled to meet the president.

At 11 a.m. the leader of an obscure Muslim sect and several accomplices armed wth guns and machetes storm the headquarters of B'nai B'rith. Three other members of the group seize the city's Islamic Center and two more fanatics invade City Hall, killing a radio reporter in the process. Altogether, the terrorists take 134 hostages in three buildings by gunpoint, force them to the floor and threaten to kill them unless their demands are met.

The news media, as one might expect, descend on the scene en masse. Live television pictures carrying the group's warnings and demands soon go forth over the airwaves. One hundred and thirty-four lives hang in the balance, as reporters compete to get exclusive interviews with the terrorists.

This crisis actually happened, on March 9, 1977, when the Hanafi Muslims staged a terrorist attack on the very day Prime Minister Yitzhak Rabin was meeting with President Jimmy Carter. Happily, it ended with the surrender of the terrorist and no further loss of life.

The Hanafi incident illustrated a troubling fact about modern terrorism: It requires an audience. The terrorist has to communicate his own ruthlessness—his "stop-at-nothing" mentality—in order to achieve his goals. Media coverage is essential to his purpose. If terrorsim is a form of warfare, as many observers now believe, it is a form in which media exposure is a powerful weapon.

As terrorism increases, we in the news media are being encouraged to restrict our coverage of terrorist actions. British Prime Minister Margaret Thatcher, for example, has proclaimed: "We must try to find ways to starve the terrorist and the hijacker of the oxygen of publicity on which they depend." Many people, including some reporters in the United States, share her view. Most of these observers call for voluntary restraint by the media in covering terrorist actions. But some go so far as to sanction government control—censorship, in fact—should the media fail to respond.

I disagree. I am against any government-imposed restrictions on the free flow of information about terrorist acts. Instead, I am in favor of as full and complete coverage of terrorism by the media as is possible. Here are my reasons:

Terrorist acts are impossible to ignore. They are simply too big a story to pass unobserved. If the media did not report them, rumor would abound. And rumors can do much to inflame and worsen a crisis.

There is no compelling evidence that terrorist attacks would cease if the media stopped covering them. On the contrary, terrorism specialists I have consulted believe the terrorists would only increase the number, scope and intensity of their attacks if we tried to ignore them.

Our citizens have a right to know what the government is doing to resolve crises and curb terrorist attacks. Some of the proposed solutions raise disturbing questions about how and when the United States should use military force.

In covering terrorism, however, we must also recognize that we face very real and exceedingly complex challenges. There are limits to what the media can and should do. Three critical issues, in particular, must be addressed. All touch the central question of how the press can minimize its role as a participant in the crisis and maximize its role as a provider of information.

RESPONSIBLE BEHAVIOR

The first issue involves knowing how to gather and reveal information without making things worse, without endangering the lives of hostages or jeopardizing national security. One television news executive bluntly explained to me: "Errors that threaten loss of life are permanent; others are temporary. If we have to make mistakes, we want to make the temporary kind."

In the early days of covering urban violence and the first terrorist attacks, the media would descend on the scene—lights ablaze and cameras rolling—in hot pursuit of the news. Sometimes we didn't know what could put lives at risk. And we were often less than cooperative with the police attempting to resolve the crisis.

During the Hanafi Muslim attack that I described earlier there were live television reports that the police were storming a building when, in fact, they were merely bringing in food. Some reporters called in on public phone lines to interview the terrorists inside the building. One interview rekindled the rage of the terrorist leader, who had been on the point of surrender.

These potential disasters led to discussions between the police and the media, and to a more professional approach and mutual trust on both sides. For example, most authorities now know that at the beginning of a crisis, it is best to establish a central point where reliable information can be disseminated quickly and efficiently. And the media, knowing that the authorities intend to help them obtain the information they need, are much more willing to cooperate.

I want to emphasize that the media are willing to—and do—withhold information that is likely to endanger human life or jeopardize national security. During the American embassy crisis in Iran, for example, one of our Newsweek reporters became aware that six Americans known to have been in the embassy were not being held by the Iranians. He concluded that these men must have escaped to the Swedish or Canadian embassies. This in fact had occurred. However, we (and some others who also knew) did not report the information because we knew it would put lives in jeopardy. Similarly, when a group of Lebanese Shiites hijacked TWA Flight 847 with 153 hostages aboard last year, the media learned—but did not report—that one hostage was a member of the U.S. National Security Agency.

Tragically, however, we in the media have made mistakes. You may recall that in April 1983, some 60 people were killed in a bomb attack on the U.S. embassy in Beirut. At the time, there was coded radio traffic between Syria, where the operation was being run, and Iran, which was supporting it. Alas, one television network and a newspaper columnist reported that the U.S. government had intercepted the traffic. Shortly thereafter the traffic ceased. This undermined efforts to capture the terrorist leaders and eliminated a source of information about future attacks. Five months later, apparently they same terrorists struck again at the Marine barracks in Beirut; 241 servicemen were killed.

This kind of result, albeit unintentional, points up the necessity for full cooperation wherever possible between the media and the authorities. When the media obtains especially sensitive information, we are willing to tell the authorities what we have learned and what we plan to report. And while reserving the right to make the final decision ourselves, we are anxious to listen to arguments about why information should not be aired.

THE DANGER OF MANIPULATION

A second challenge facing the media is how to prevent terrorists from using the media as a platform for their views.

I think we have to admit that terrorist groups receive more attention and make their positions better known because of their acts. Few people had even heard of groups like the Hanafi Muslims or Basque Separatists before they carried out terrorist attacks.

The media must make every attempt, however, to minimize the propaganda value of terrorist incidents and put the actions of terrorists into perspective. We have an obligation to inform our readers and viewers of their backgrounds, their demands and what they hope to accomplish. But we must not forget that terrorists are criminals. We must make sure we do not glorify them, or give unwarranted exposure to their point of view.

We often think of terrorists as unsophisticated. But many are media savvy. They can and do arrange their activities to maximize media exposure and ensure that the story is presented their way. As one terrorist is supposed to have said to his companion: "Don't shoot now. We're not in prime time."

Terrorists have taken the following steps to influence media coverage: arrange for press pools; grant exclusive interviews during which favored reporters are given carefully selected information; hold press conferences in which hostages and others are made available to the press under conditions imposed by the captors; provide videotapes that portray events as the terrorists wish them to be portrayed, and schedule the release of news and other events so that television deadlines can be met.

There is a real danger, in short, that terrorists hijack not only airplanes and hostages, but the media as well.

To guard against this, the television networks in our country rarely—almost never—allow terrorists to appear live. They also resist using videotape provided by terrorists. If there is no alternative, our commentators continually report that the material is "terrorist-supplied" so that viewers can evaluate its veracity and meaning. Likewise, when terrorists make hostages available for interviews, our commentators repeatedly indicate—or they should—that the captives are speaking under duress.

When one network reporter interviewed the hostages in the recent TWA hijacking by telephone, he said: "Walk away from the phone if you're under duress, or if you don't want to talk." One of them did walk away. Even when there is no evident coercion, the networks repeat that terrorists are standing by, although they are not visible on the screen. We also try to identify carefully and repeatedly the backgrounds and biases of the people we interview, including the hostages themselves.

Forbidding terrorists their platform goes beyond using specific techniques. It is more an issue of exercising sound editorial judgment.

Over the years, the media constantly have been confronted with attempts at manipulation. In the days of the Vietnam war, for example, we would get calls from protest groups saying "We're going to pour chicken blood all over the entrance to Dow Chemical Company. Come cover this event." We didn't. But we did cover a Buddhist monk who wished to be filmed setting fire to himself.

How did we make the distinction? Here it was a question of trivial versus serious intent and result, of low versus high stakes. Clearly, the suicide was of cataclysmic importance to the monk.

The point is that we generally know when we are being manipulated, and we've learned better how and where to draw the line, though the decisions are often difficult.

A few years ago, for example, a Croatian terrorist group in a plane demanded that its statement be printed in several newspapers, including The Washington Post, before it would release 50 hostages. In the end, we printed the statement in agate, the smallest type size we have, in 37 copies of the paper at the end of our press run. Now I'm not so sure we would accede to this demand in any form.

THE HEAT OF COVERAGE

That brings me to a third issue challenging the media: How can we avoid bringing undue pressure on the government to settle terrorist crises by whatever means, including acceding to the terrorist's demands?

State Department officials tell me that media coverage does indeed bring pressure on the government. But not undue pressure. However, I believe there are pitfalls of which the media should be exceedingly careful.

One is the amount of coverage devoted to a terrorist incident. During a crisis, we all want to know what is happening. But constant coverage can blow a terrorist incident far out of proportion to its real importance. Overexposure can preoccupy the public and the government to the exclusion of other issues.

During the TWA crisis, our networks constantly interrupted regularly scheduled programming with news flashes of dubious importance. And one network devoted its entire 22-minute evening newscast to the crisis. Many important topics were ignored.

The media have become aware of these dangers. The network coverage of the Achille Lauro incident was much more restrained. Some say it was only because it was difficult to cover and the crisis ended quickly. But the networks got better notices from the critics and the public.

Interviewing the families of hostages is another pitfall. There is a natural curiosity about how those near and dear to the captured are reacting to the life-or-death event. And the hostage families themselves often are anxious to receive media attention and present their views to the public.

But there is a fine line between legitimate inquiry and exploitation of human sentiment. The media can go too far. Tasteless invasion of privacy can result. The ultimate horror is the camera that awaits in ambush to record the family's reaction to the news of some personal tragedy.

There is also a real danger that public opinion can be unjustifiably influenced by exposure to the hostage relatives and their wives. The nationwide television audience becomes, in a sense, an extended family. We get to know these people intimately. Our natural sympathies go out to them. We often come to share their understandable desire to have their loved ones back at any cost.

This can force a government's hand. Last May, Israel released more than 1,000 Arab prisoners in exchange for three Israelis being held in Lebanon. It was an action that ran counter to Israeli policy. But the appearances of the families of the Israeli prisoners on television apparently made the Israeli government think it was a necessity.

I believe the media must be exceedingly careful with the questions they ask the relatives and, of course, the hostages themselves. When we ask if they agree with the government's policy or its handling of the incident, what they would do if they were in charge, or if they have messages for the president, we are setting up a predictable tension: Hostages and their families are, understandably, the most biased of witnesses. The media must exercise the same standards with them as they would with any other news source.

A final pitfall for the media is becoming, even inadvertently, a negotiator during a crisis. But it's tough to avoid. Simply by asking legitimate questions—such as "What are your demands?"—the media can become part of the negotiating process. Questions that ask "What would you do if . . ." are particularly dangerous. The question put to Nabih Berri, the Amal Shiite leader, during the TWA crisis by the host of one of our morning news shows was completely out of line and is so acknowledged. He asked: "Do you have a message for the president?"

As much as we abhor terrorism, the media cannot be diplomats, negotiators or agents for the government. If terrorists or urban rioters believe we are—if they believe, for example, that we will turn over our unused tapes, or pictures, or notes to the police—they will not give us information. They may even attack us.

Technology intensifies our problems. Before the advent of satellites, there was usually a 24-hour delay between the moment news was gathered overseas and the moment it was broadcast. Indeed, what appeared on the nightly news often had been in the morning paper. This meant that television news executives had at least some amount of time in which to reflect, discuss and decide on whether a story should be broadcast and how it should be presented.

Today our networks have the technological capability to present events live—any time, any place. As a result, the decisions about what to cover and how to cover are tougher. And they must be made faster, sometimes on the spot. The risks of making a mistake rise accordingly.

Intense competition in the news business raises the stakes even more. The electronic media in the United States live or die by their ratings, the number of viewers they attract. As a result, each network wants to be the first with the most on any big story. It's hard to stay cool in the face of this pressure.

This has created some unseemly spectacles and poor news decisions. During the TWA crisis, for example, the U.S. networks ran promotion campaigns on the air and in print touting the scoops and exclusive that each had obtained. This commercialized and trivialized a dangerous and important event.

The most dangerous potential result of unbridled competition is what we have come to call the lowest-common-denominator factor. I believe that all of the serious, professional media—print and electronic—are anxious to be as responsible as possible. We want to do nothing that would endanger human life or national security. But, unfortunately, high standards of professionalism do not guide every media organization and reporter. And I regret to say that once one of these less scrupulous or less careful people reports some piece of information, all the media feel compelled to follow. Thus it is true: The least responsible person involved in the process could determine the level of coverage.

These problems of covering terrorism are serious. But in spite of them, I believe the benefits of full disclosure far outweight any possible adverse consequences. I believe the harm of restricting coverage far surpasses the evils of broadcasting even erroneous or damaging information.

American democracy rests on the belief, which the centuries have proven true, that people can and do make intelligent decisions about great issues if they have the facts.

But to hear some politicians talk, you wouldn't think they believed it, They appear to be afraid that people will believe the terrorist's message and agree, not only to his demands, but to his beliefs. And so they seek to muzzle the media or enlist their support in the government's cause.

I think this is a fatal mistake. It is a slippery slope when the media start to act on behalf of any interest, no matter how worthy—when editors decide what to print on the basis of what they believe is good for people to know, It's dangerous if we are asked to become a kind of super-political agency.

I believe that terrorism is untimately a self-defeating platform from which to present a case. Terrorists, in effect, hang themselves whenever they act. They convey hatred, violence, terror itself. There was no clearer image of what a terrorist really is than the unforgettable picture of that crazed man holding a gun to the head of the pilot aboard the TWA jet. That said it all to me—and I, believe, to the world.

Publicity may be the oxygen of terrorists. But I say this; News is the lifeblood of liberty. If the terrorists succeed in depriving us of freedom, their victory will be far greater then they ever hoped and far worse than we ever feared. Let it never come to pass.

ESCAPE TO FREEDOM

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. RITTER. Mr. Speaker, the enclosed April 10, 1986 article which appeared in the Morning Call—by Patt Morrison of the Los Angeles Times—is a chilling reminder of the reality life behind the Iron Curtain. Vladas Sakalys' 350 mile trek from Lithuanian to freedom im Sweden portrays not only the valient effort of one man, but burns a desire in our hearts to work toward freeing these captive nations.

The article follows:

ESCAPE TO FREEDOM—LITHUANIAN TREKKED 350 MILES TO FLEE SOVIET GULAG

(By Patt Morrison)

LOS ANGELES.—It was May 1980, and the KGB was looking for Vladas Sakalys.

The KGB, it seemed, was always looking for Vladas Sakalys, except for the 15 years when it had him in prison camps in Siberia, near Moscow or in his Lithuanian homeland.

Sakalys, who now works at a Los Angeles electronics company, said his run-ins with the KGB began when he was 13. His father had been a Soviet Army "collaborator", and Sakaly's schoolmates dared him to prove his Lithuanian loyalty.

He did, helping to print "Soviets Go Home!" pamphlets, a prank that earned him three days of questioning and beatings in a KGB jail, and another thrashing by his mother when he got home.

More of the same followed: at age 19, sentenced to six years; at age 26, sentenced to four years; at age 31, sentenced to five years. During his rare years of freedom—fewer than five out of 20—he was a "usual suspect," an uncooperative Lithuanian rounded up when "anti-Soviet activity" cropped up in the region.

But this, in 1980, was big trouble. Sakalys was one of 45 dissidents who signed the "Baltic Declaration," endorsed by physicist Andrei Sakharov, demanding an end to the Soviet occupation of the Baltic countries—a touchy topic in the Soviet Union, even 40 years after it began.

The KGB picked him up on a Friday, questioned him, let him go to "think about" the 10 or 15 years in prison he faced, and said he would be brought back on Monday to swear that his signature was a forgery—or be charged.

On Sunday, Sakalys slipped from surveillance and went into hiding to plan his escape, in Vilnius, a city soon plastered with "wanted" posters calling him a "dangerous criminal."

Two months later, Sakalys had left the Soviet Union the hard way: he walked.

For three weeks and more than 350 miles, he trekked across the electric-fenced, dog-patrolled forests marking the Soviet border, and through the icy marshes of Finland, whose police hand escapees back to the Soviets.

Feverish and barefoot, he stumbled into Sweden on July 19, opening day of the Moscow Olympic Games, to the bemusement of Swedish police.

That was 1980, Sakalys is 44 now, living in a Los Angeles beach community apartment. He came to the United States through an aunt in New Jersey and moved to Los Angeles two years ago, following a Lithuanian friend, defector Simas Kudirka, the sailor who jumped ship off Martha's Vineyard in 1970 and who later befriended Sakalys in New York.

Sakalys reminisced recently about his walk to freedom—something no more than a dozen people have been known to do. He said he felt free to speak fully, now that he has learned his companion-in-escape, who changed his mind and turned back at the Soviet border, was later arrested for trying the same thing and is now serving a 15-year sentence.

It was with this friend from prison that Sakalys lay low during June 1980, then slipped onto a train in Jura headed for the northwestern border, a train loaded with drunk, rowdy soldiers. Sakalys pretended to be sleeping off a bender, too.

"We knew it was practically impossible to escape. I wasn't really planning to escape to the West, but it was a really desperate situation."

When the train halted for a momment in the "white night" of an Arctic summer, they jumped and ran.

They walked 127 miles in 10 days, sometimes waist-deep in icy water. Then, at the first electric sensor fence, they waited for the dog patrol to pass. "I said, 'Let's go.' He said 'No, I'm afraid.' It was maybe the worst moment of my life," but he understood his friend's reluctance. "I was in a desperate situation and he wasn't."

After extracting a promise of three days' silence if his friend were caught, Sakalys, propped by a tree branch, stood on his friend's shoulders and vaulted the fence. His friend tossed the backpack; it caught on barbed wire. Sakalys screamed, "Be careful!" The friend lobbed it again, and it cleared the fence.

They waved and parted. Before moving on, Sakalys carefully sprinkled the ground with naphthalene, mothball flakes, to throw the dogs off his scent, 15 minutes of caution that "felt like years and years."

It was a trick, he learned in Vladimir Prison for political prisoners, where he had glimpsed captured U-2 pilot Francis Gary Powers. It had been Josef Stalin's prison for hand-picked enemies, Sakalys said. The prison library was still full of forbidden books that no one had dared to remove: philosophy by Emmanuel Kant, politics by Niccolo Machiavelli. "It was my real university," Sakalys said.

But it was the naphthalene lesson that saved him.

After hours of walking he came to a peninsula: more fences to one side, military barracks on the other, a vast lake around—a lake deliberately not shown on his Soviet-made map. Sakalys waited until 5 a.m. and walked "like in some trance" through the barracks yard. The soldiers slept; no one noticed him as he crept through the garrison, erasing his footprints from the raked dirt as he went.

For days more, he ran, walked and swam—sometimes five miles in freezing water. Once, spotting a soldier, he waited until the sun was in the man's eyes before running.

On one lake, as he lay exhausted, naked and "white as cheese" among the reeds, his clothes bundled on his head, he saw a cutter flying the Russian naval flag, and submerged briefly, breathing through a reed.

There was no naphthalene left when he "decided just to run, because it was my last hope." For two hours, through high grass and hilly marshes, he ran—the last half-hour with barking dogs on his trail—and vaulted the two last barbed-wire fences.

And then, 10 days after he began, he saw firewood, "not stacked Russian-style, but with accuracy." He found a blue ice cream wrapper marked "Helsinki Finland." It was "the best moment of my life."

But it was Finland and he would be sent back if caught. He trudged on, staring at the "nice, painted" houses and tended gardens. "I thought I must see everything to tell in the camps. It must be enough to last me for a lifetime of talks."

Then he took a chance. At an isolated farmhouse, an old man—"old enough to remember the wars"—fed him, gave him a cigarette, packed three pounds of rye bread and gave him a map to Sweden, to freedom.

Sakalys gave the man his last possession of value—his watch—and kept walking. For 10 days more he tramped, leaping off the highway whenever a car drove by. At last, on July 19, a day after his tennis shoes gave out, he swam across "scary" rapids and stumbled up to a young boy—about the age Sakalys was when he was first arrested—and gasped out, "Is this Finland or Sweden?"

The boy looked at the apparition. "Sweden," he said in English. "Telephone police," Sakalys pleaded. (He had arrived in Tornio.)

From a Swedish jail so luxurious that Sakalys thought it was a hotel, he was finally identified by Soviet emigres who recognized him from labor camps, and freed.

He rested for six weeks there, and one day he saw his picture on a large sheet of paper, hanging on a wall. The photo, so much like the "wanted" posters, startled him "Was it telling the people to watch out for me?" he wondered.

He nervously asked a passer-by what they meant, the words beneath the newspaper picture. "He said it means, 'I am free.'"

A SPECIAL WAY TO HONOR OUR VETERANS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. SCHUETTE. Mr. Speaker, my good friend Harold Steinke has brought to my attention the fact that the Veterans of Foreign Wars from Gladwin County, Post 7303 in Michigan's 10th District have developed a way to honor their deceased companions that I wish to commend to my colleagues in Congress and to the American people.

On all holidays, the interment flags of deceased Veterans are proudly displayed along the roads outside the VFW post. The sight of our flag always serves to remind us of how precious our American way of life and our freedoms are and this awareness is heightened by knowing these flags sonce honored the remains of those who fought to protect those freedoms.

Mr. Speaker, I commend this practice of Gladwin County's Veterans of Foreign Wars, a practice which honors our country and those who have fought to protect her.

WHY ARE KIDS KILLING THEMSELVES?

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. BENNETT. Mr. Speaker, I read the following editorial from the Detroit News which succinctly says that evidence indicates that there is no substitute for old fashioned parenting and that "somebody has to be crazy about the kid" as an antidote for teenage suicide. There is great common wisdom in that editorial, but even more important is the early conviction by young people, from whatever source, that no one has the right to take his own life and no one is an island to himself, and that the people who are most hurt in teenage suicide are people who are most caring, affectionate, and loving toward the people who take their own lives. If a person can see that his body, his life, and even his mere existence are things that are disposable without thought of others, this can be a tragedy not only to the person who takes his or her life but to people who are indeed loving and concerned and trying to the best of their ability to be good parents or friends. This sort of knowledge needs to be deep in the heart of all young people, and similarly, they must feel the same about the partial suicides that are occurring throughout the country by the taking of dangerous drugs and addictions therefrom. The article follows:

[From the Detroit News, Thursday, Mar. 13, 1986]

WHY ARE KIDS KILLING THEMSELVES?

Last month, Omaha was shocked by three suicides in a single week involving apparently well-adjusted teen-agers from solid homes. Exactly why they did so is still a mystery. Yet Omaha is merely the latest city to experience what has become a two-decade long, 140-percent spiral in the rate of teen-age suicide. This sad trend suggests we may need to rethink how we as a society raise our children.

Some of that rethinking already has begun. In an important article in the winter issue of Public Interest titled The Declining Well-Being of American Adolescents, sociologists Peter Uhlenberg and David Eggebeen of the University of North Carolina, question the conventional wisdom that life would improve for kids as their "environment" improved.

"The 1960s and 1970s should have been a golden era for the development of American youth," they write. "After all, indicators of what mainstream social scienstists and policy-makers regard as the important determinants of child welfare (smaller family size, rising parental education levels, and higher family income) were all going in the 'right' direction. . . . However, comparison of youth in 1980 with youth in 1960 reveals that what 'should' have happended, did not happen. Indeed most indicators of well-being show a marked deterioration."

White teen-agers aged 16 and 17, the most advantaged group, saw their family poverty rate reduced from 25 percent in 1960 to less than 10 percent in 1980, for example, while the number of children in large families (four or more siblings) fell from 21 to 14 percent. The poverty rate for those with fathers and mothers without high school educations fell from about 60 percent to about 25 percent. Overall. the researchers found that the percentage of white teen-agers with none of these "disadvantages" soared from 32 percent of their population group to 63 percent.

They also found that the per-pupil expenditures on public education had doubled, after inflation was taken into account, as had the percentage of teachers with advanced degrees. Class size, meanwhile, had actually fallen by nearly 18 percent.

Yet all this "good news" produced only "bad news." Standardized test scores fell by about 10 percent. Juvenile delinquency rates rose by 131 percent, and illegitimate birth rates jumped 141 percent. Drug and alcohol use exploded, and white teen-age violence soared, with homicide up 232 percent and suicide up 140 percent.

Messrs. Uhlenberg and Eggebeen argue that we must now question the traditional social science view that "environment" is at the root of youth problems, a view they say has "diverted attention from what may be the most critical determinant of all; the bond between child and parent."

In this area, we have seen a disturbing breakdown as evidenced by the 140-percent rise in divorce rates and the increasingly self-centered attitudes of parents. As Daniel Yankelovich found in a 1981 poll, "nearly two-thirds of all American parents reject the idea that parents should stay together for the children's sake." A similar majority feel that "parents should be free to live their own lives even if it means spending less time with their children."

Ultimately, the only solution to troubled teen-agers may well lie in what Cornell psychologist Urie Bronfenbrenner calls the "essential prerequisite" for healthy human development: "Somebody has to be crazy about the kid. . . ." Crazy enough to supervise and nourish his or her development, and to demand higher standards.

We don't suggest that the clock can be turned back, or that "a woman's place is in the home." Teen suicide no doubt has deeper and more complex roots than we can suggest here. But the evidence does indicate there's no substitute for old-fashioned parenting. How we come to grips with that in our modern, two-wage-earner economy, should be a priority issue.

BEST WISHES, FRANK YANKOVIC

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. CLINGER. Mr. Speaker, Frank Yankovic, a nationally known polka music legend and master accordion player, recently became the first person to win a Grammy Award for his polka-playing abilities.

For over 35 years, Frank Yankovic has been America's undisputed king of polka music, bringing joy and happiness to thousands of people in dozens of American cities from coast to coast.

His "Just Because Polka" became the first to sell 1 million copies.

The son of Slovenian immigrants, Frank Yankovic almost lost his hands, and his career as an accordion player, to frostbite while serving his country as an infantryman in Germany during World War II.

He makes frequent appearances on network TV talk-variety programs, and being from Cleveland, I'm proud to say he plays frequently throughout Pennsylvania, including my hometown of Warren, PA, where he has entertained area audiences for over 30 years.

I know I am joined by all of my colleagues in wishing Frank Yankovic best wishes and continued success as he approaches his 71st birthday in July and his sixth decade of making people happy with the polka.

WISHFUL THINKING ON TEST BAN MORATORIUM

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. COLEMAN of Missouri. Mr. Speaker, in the next few days we will consider an amendment by Congresswoman SCHROEDER to the urgent supplemental appropriations which would cut off all funds for the U.S. nuclear testing program unless the President joins the Soviet moratorium on nuclear testing. For a variety of very compelling reasons, I intend to oppose this measure.

In this regard, I recommend to all of my colleagues the following op-ed piece, written by our colleague, HENRY HYDE of Illinois, on the United States past experience with a testing moratorium—a moratorium which the Soviets broke unilaterally in 1961.

There are many lessons to be learned from this experience. I believe Congressman HYDE's article is well worth reading on the eve of our consideration of a nuclear testing moratorium amendment.

[From the Washington Times, Feb. 26, 1986]

WISHFUL TEST-BAN THINKING

(By Henry Hyde)

In the past year the banning of nuclear tests has become the new darling of some of my liberal colleagues in Congress.

Identified by the freeze movement as a priority arms control issue in 1986, this infatuation has resulted in a proliferation of bills and resolutions in both the House and Senate calling for everything from the immediate negotiation of a Comprehensive Test Ban Treaty (CTBT) to instant participation in a nuclear-testing moratorium with the Soviet Union.

Perhaps sensing that arms control—an issue jealously guarded by the Democratic Party as "its own"—was slipping through its fingers and gradually becoming the property of President Ronald Reagan, some Democrats have been scrambling to devise a new Democratic arms control strategy. As a result, nuclear strategy and the Strategic Defense Initiative have emerged as the major targets of the Democratic arms control arsenal.

The Democratic leadership in the House, urged on by liberal activists, is once again considering bringing legislation to the floor of the House of Representatives that will direct the president to begin immediate negotiations with the Soviet Union on a Comprehensive Test Ban Treaty.

In the quixotic hope that some of my liberal colleagues may recall Sen. Henry Jackson's advice that in matters of national se-

curity, "the best politics is no politics," I feel obligated to urge those attracted to the test-ban idea to be very cautious in their commitment. CTBT negotiations and nuclear testing moratoria are not new ideas, and judging from past experience, not even good ideas. In fact, both ideas have many historical antecedents.

An interestingly enough, the lessons learned from past experience are most relevant to Democrats, not Republicans.

Yet I suspect that most of my liberal Democratic colleagues are no different than most other members of Congress; we prefer to ignore the lessons of history unless, of course, they suit our own purposes. Nevertheless, I feel obliged to refresh the memories of my Democratic colleagues about the pitfalls of a well-intentioned, yet naive, pursuit of a nuclear test ban at any cost.

The test-ban saga really began in the late 1950s when the Soviet Union, the United States, and Great Britain agreed to sit down in Geneva and thrash out a comprehensive nuclear test-ban treaty. This was followed in 1958 by the United States's decision to honor a self-imposed, uninspected nuclear testing moratorium if the Soviet Union would do the same. Shortly thereafter, the Soviets agreed to such a moratorium.

The tripartite CTBT talks dragged on for three years while both the United States and the Soviet Union continued to honor the test-ban moratorium, despite the fact that more than a few Americans seriously questioned the Soviet Union's motives and intentions in both areas. But even after 338 meetings of Soviet, British, and American CTBT negotiators, the Kennedy administration was not willing to throw in the towel and concede that the basic problems preventing a CTBT agreement with the Soviet Union were unresolvable.

Unfortunately, this perseverance was not rewarded. On Aug. 31, 1961, after three years, the Soviet Union shocked the world by announcing that it was unilaterally withdrawing from the testing moratorium and that it intended to test a 100-megaton "superbomb" in the very near future. Within two days, the Soviet Union did in fact conduct an atmospheric nuclear test over Soviet Asia.

The Kennedy administration reacted strongly, voicing outrage over the Soviet action, and President Kennedy expressed his deep dismay at what he considered to be an astounding display of Soviet duplicity. Later President Kennedy was to say:

"We know now enough about broken negotiations, secret preparations, and the advantages from a long test series never to offer again an uninspected moratorium."

This sense of betrayal was not limited to the president. In a speech given only a day after the Soviet announcement, Sen Hubert Humphrey asserted:

"The Soviet Union's decision to resume nuclear testing is a cruel and vicious blow to the cause of peace. It represents a cynical disregard for the well-being of humanity. It demonstrates the hypocrisy of the Soviet Union and its so-called peace program.

"The entire world now knows that the men in the Kremlin are consumed with ambition and power, without any regard for justice and peace."

But perhaps more relevant for today's Democrats, who justifiably consider him a hero, are Sen. Humphrey's remarks in this same speech about the Soviet Union's use of the ongoing CTBT negotiations as a charade to further their own nuclear research and development program.

"In recent days, Arthur Dean, our chief negotiator, returned to Geneva with further concessions to meet the objections of the Soviet Union. Every effort on our part has been rebuked or rebuffed by the Soviets. It has become crystal clear that the Soviet Union sought to renew tests and was doing everything possible to break up the conference at Geneva. The Soviets hoped to drive the United States into renewing tests first, thus giving them a propaganda victory and an excuse to resume Soviet tests."

Even the media were completely taken aback and appalled by the Soviet announcement. For example, The New York Times, hardly a voice of ultraconservatism, ran an editorial on Sept. 1, 1961, entitled "Soviet Policy of Terror" which observed:

"In an action that shocks the world and edges it closer to the brink of atomic holocaust, Premier [Nikita] Khrushchev announces that the Soviets are resuming nuclear testing to produce monstrous superbombs capable of being dropped at any point on the globe from space.

"To achieve this goal, for which he evidently deems the time to be ripe, the Soviet Caesar displays the utmost contempt for world opinion. His attempt to shift the blame for his own action on those who would resist his efforts to 'bury' them is so ludicrous and hypocritical that it is repudiated everywhere outside of the Communist-dominated world."

But perhaps the most telling portion of the editorial dealt with the CTBT negotiations themselves. Once again, present-day proponents of nuclear testing moratoria and test-ban negotiations should note these words well, for they sound all too familiar.

". . . the Soviets have sabotaged everything, denouncing controls as espionage, walking out of or demanding constant changes in the disarmament forums, offering sweeping propaganda proposals they have no intention of honoring . . .

". . . Beyond that, Premier Khrushchev's action again demonstrates that the whole Soviet propaganda for both a nuclear test ban and total disarmament is only a gigantic hoax perpetrated on the world."

Even more interesting was Congress's reaction to this event. In this regard, there are some striking present-day ironies. For while the Democratic Party of the 1980s is currently throwing its weight behind a resolution which demands that President Reagan enter into CTBT negotiations to ban nuclear tests, it was the Democratic Party of the 1960s which sponsored legislation in 1969 demanding that the President of the United States resume nuclear testing. The day after the Soviet breakout, the then Democratic Senator from Connecticut, Thomas Dodd, offered a resolution on the floor of the Senate (including as co-sponsors Sens. Jackson, Herman Talmadge, and Strom Thurmond among others) which called for the immediate resumption of nuclear testing by the Kennedy administration. Sen. Dodd's accompanying statement in the Congressional Record leaves little question about his feelings on the advisability of test-ban moratoria:

"We must take the Soviet announcement as an indication that our worst misgivings about the test moratorium have been justified. During all the time that we have been crippling our own development of those vital offensive and defensive weapons that depend upon testing, the Soviets have been perfecting their nuclear technology to the point where they are now ready for a series of tests which may mark staggering advances in their effort to subjugate the world . . .

". . . Let us not delude ourselves with talk about a propaganda victory. At best, it is a cheap and transitory thing that will be forgotten in a month. What we have here is a crushing defeat. In abandoning our nuclear weaons development for three years, we have gambled our national defense and our survival on the fatuous hope that the Russians were sincere in desiring a test ban."

These concerns were also reflected in the statements of other Senate Democrats, including a Democratic senator from Tennessee who accused the Soviet Union of trying to "blackmail" the U.S. allies in Europe into surrendering to the Soviet Union. His name was Albert Gore.

Obviously, the 1961 Soviet renunciation of the test-ban moratorium left deeply felt wounds in the United States, particularly in the Democratic Party. But least my Democratic colleagues rush to say that these are merely historical footnotes from days gone by, let's not forget that this was not the last time the CTBT negotiations or arms control in general fell victim to unacceptable Soviet behavior.

In many respects, one would expect the Democratic Party to be the most hard-nosed in its policy toward the Soviet Union, since it has been Democratic presidents who have been most rudely treated by the Soviet Union in the arms-control area.

Have my Democratic colleagues of the '80s forgotten that it was the Soviet invasion of Afghanistan which struck down both the SALT II agreement and the CTBT negotiations undertaken by President Jimmy Carter? Who can forget his statement in late 1979?

"This action of the Soviets has made a more dramatic change in my own opinion of what the Soviets' ultimate goals are than anything they've done in the previous time I've been in office."

And not even President Lyndon Johnson was spared such an experience, although it was not in the CTBT area. Many people have forgotten that the Johnson administration aggressively pursued a SALT I agreement with the Soviet Union in 1968.

Indeed, after extensive meetings in Washington, on Aug. 19, 1968, Soviet Ambassador Anatoly Dobrynin (the current dean of the Washington diplomatic corps) informed the Johnson White House that he had received word from Moscow that the Soviet government had agreed to a SALT summit at the end of September.

Unfortunately, the excitement at the White House was short-lived, for the very next day, Aug. 20, Soviet troops invaded Czechoslovakia. President Johnson canceled the 1968 SALT summit.

I don't wish to be misunderstood. I am not demanding that Democrats use these historical experiences as an absolute guide for their actions today. On the other hand, how can they afford to ignore these lessons? Yet, in their eagerness to garner an arms-control issue they can call their own, that's exactly what they are doing. If this is so, then I suggest the test-ban issue is the wrong issue. It attempts to substitute good intentions for negotiations, and it undermines an arms-control process that is already under way:

The following haunting comment from the late Sen. Dodd in 1961 deserves to be pondered:

"What was obvious to some is now clear to all. The proof is now in that the protracted negotiations at Geneva (CTBT) were part of the conflict strategy of the Soviet Union.

Through these negotiations they were able to inactivate our nuclear weapons technology; to greatly reduce the credibility of our nuclear deterrent; to foster the illusion of coexistence to carry on their own nuclear weapons program in secret, in preparation for a political showdown at a point of their own choosing.

"Now we can only hope that the incredible, wishful thinking that permitted our one-sided test ban to drag on for three years is so thoroughly discredited that we may resume, with realism and sanity, our struggle for survival against an enemy that continues to fatten on our mistakes."

AMERICA IS NOW ENGAGED IN A NEW KIND OF WAR

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. COUGHLIN. Mr. Speaker, repeated acts of terrorism directed by Libyan dictator Mu'ammar Qadhafi and others against women, children, and the handicapped have apparently reawakened the realistic understanding that the world can be a hostile place and that America must be prepared to act in defense of its strategic interests, its values and its citizens.

Proof of this can be found in an April 18, 1986, editorial of the Philadelphia Inquirer, which has more often opposed than supported the Reagan administration in its conduct of foreign affairs and national defense.

While reminding its readers of the importance of the lessons of the past as they were learned in the crucible of conflicts ranging from World War I to Vietnam, the Inquirer editorial stated, "* * * the time has come to move beyond paralysis inspired by fear of the past."

The Reagan administration's argument on behalf of responding to terrorism with carefully applied military force is clear and coherent, the editorial states. "The essential concept is recognition of terrorism 'as a modern tool of warfare.' From that premise all else follows," the editorial reasons.

"Terrorism is the handmaiden of Soviet totalitarianism. Both threaten all Western democracies. Division among the allies over how to wage counterterrorism weakens the alliance overall. Had the European allies joined America in enforcing economic sanctions against Libya, force might have been avoided. Instead all but Britain's Margaret Thatcher preferred appeasing Colonel Qadhafi to isolating him," the editorial states.

The editorial follows:

[From the Philadelphia Inquirer, Apr. 18, 1986]

AMERICA IS NOW ENGAGED IN A NEW KIND OF WAR

In the aftermath of the U.S. airstrike against Libya, events and political dynamics are following thick and fast. Harsh words are being exchanged among members of the Atlantic alliance. Demonstrators condemning American violence surge into streets in cities around the world. The Soviets canceled a pre-summit parley and are predictably exploiting this turn of events to posture as the Third World's friend and the foe of aggressive American power. And in Washington, senior Reagan administration officials announce that from now on the United States will not confine its military strikes against terrorists to retaliation, but intends to mount pre-emptive strikes at times and places of its choosing.

This flood of events signals the arrival of a new and dangerous era for this nation and the world. It rings with frightening echoes from the past—World War I, World War II, Vietnam—but it holds no exact parallels to any of them. The lessons from each of those watersheds of history must guide thinking and conduct in this new era, but the time has come to move beyond paralysis inspired by fear of the past.

The Reagan administration's anti-terrorism policies in this respect are consummately clear and coherent—so far. They were articulated in depth by Secretary of State George P. Shultz in a speech on terrorism given Oct. 25, 1984. Intra-administration debate retarded translation of Mr. Shultz's ideas into action until last Monday, when the U.S. air strike announced that Mr. Shultz's views prevailed. His concepts now guide the conduct of the United States.

The essential concept is recognition of terrorism "as a modern tool of warfare." From that premise all else flows. The terrorist bombing of the West Berlin discotheque constituted an act of war, as did the U.S. air strike at Libya in reprisal. Since then the anti-terrorism policy being enunciated daily in Washington constitutes the evolution of a policy of war.

This war is unlike any in U.S. history—a low-level, sporadic war of surprise attacks that recognize no borders. Last year 25 Americans were killed in 28 terrorist assaults. Since 1973 terrorists have launched 157 "lethal attacks" killing 417 Americans—including the 241 soldiers killed in 1983 by a car bomb in Beirut, 27 other military personnel, 28 diplomats, five federal employees and 116 private U.S. citizens, according to the State Department.

Like all wars, this one is ugly and explosive, but the United States has no choice but to fight it because Americans are under attack. In this war terrorists are the aggressors, not the United States.

Recognition that America is now engaged in a strange new kind of war should clear heads everywhere to enhance the careful thinking that must be done to ensure that the inherent dangers are minimized and contained. Considered responses to these disquieting facts are required from throughout the executive branch's national-security team, from Capitol Hill and from all allied governments.

The first and most obvious danger to be avoided is indiscriminate lashing out at political foes whom some might find tempting to define as terrorists—such as, say, Nicaragua's Sandinistas. It should be emphasized that—so far—the administration has not employed force blindly or zealously under the rubric of counterterrorism, but rather chose force only as a least resort, and then only after steady deliberation.

In explaining his doctrine in 1984 Secretary Shultz clearly recognized the limits within which active counterterrorism must be waged. "We will need the flexibility to respond to terrorist attacks in a variety of ways, at times and places of our own choosing," he said. "Clearly we will not respond in the same manner to every terrorist act. Indeed, we will want to avoid engaging in a policy of automatic retaliation which might create a cycle of violence beyond our control."

No matter how careful, deliberate and restrained the executive branch intends to be, however, the Constitution reserves to Congress the power to declare war. The reality of this low, level, terrorist war has existed for years against Americans. Now that reality necessarily involves Americans hitting back.

It is therefore time for Congress to assert itself as an active partner with the executive branch. The Vietnam-era War Powers Act needs refinement, in practice if not actual amendment, to ensure that Congress enjoys full authority to consult, advise and if need be restrain the executive branch.

No less an effort is required from America's allies. Terrorism is the handmaiden of Soviet totalitarianism. Both threaten all Western democracies. Division among the allies over how to wage counterterrorism weakens the alliance overall. Had the European allies joined America in enforcing economic sanctions against Libya, force might have been avoided. Instead all but Britain's Margaret Thatcher preferred appeasing Col. Khadafy to isolating him.

If terrorism is to be contained and defeated, it will require collective resolve and carefully calibrated action by the united powers of the West. Division and confusion play into the hands of many enemies and enhance the danger that events might spiral out of control.

ACCOMPLISHMENTS OF A NATIVE WASHINGTONIAN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. FAUNTROY. Mr. Speaker, I am pleased to recognize the accomplishments of a native Washingtonian and one of my constituents, Ms. Desiree Keating.

The writer Wilcox on one occasion stated, "It is the set of the sails and not the gales that tell us the way to go." Ms. Keating has set her sites on the Miss U.S.A. title for 1986, and it is her grim determination to succeed that makes her a formidable candidate for that plateau.

She was Miss District of Columbia in 1984's D.C. competition for the Miss American pageant, the first Miss D.C. in the Miss America competition in 21 years. Now, selected on March 16 from among 14 contestants, she is Miss District of Columbia in the 1986 competition for the title of Miss U.S.A. to be decided May 20 in Miami, FL. Within the history of either pageant, no one contender has ever represented her State in both pageants.

This two-time winner is a 24-year-old undergraduate student in dance therapy at George Washington University. She has been involved in pageants since the age of 12, when she entered the Miss Takoma Park pageant at her school. She won that pageant and then went on to crown her younger sister, Tanya, the following year. Her talent in the 1984 Miss D.C. competition was a crowd-pleasing dance with a ladder to the beat of a revamped spiritual, "Goin' Up Yonder," depicting a Christian's ascedance into heaven.

Over the years, Ms. Keating's contributions in the Washington Metropolitan area in the

fields of entertainment, the arts, charitable causes benefiting the "handi-equipped," and development of youth programs have been numerable.

During her reign, she has been involved in numerous Washington area activities, including the Easter Seal Society dance-a-thon and telethon, and the March of Dimes walk-a-thon. She is a recipient of the Congressional Black Caucus Avon Youth-Leadership Roundtable Award, as well as D.C. Mayor Marion Barry's Youth Leadership Outstanding Achievement and Contributions Award for 1985. One of her most memorable accomplishments of that year was receiving the Council of the District of Columbia's resolution citing April 30, 1984, as the Desiree Keating Recognition Resolution of 1984, in honor of her representation of the District of Columbia in the Miss America Pageant.

In the Miss America pageant Ms. Keating learned to "take the loss with the grace as you would take the gain." In the Miss U.S.A. pageant, all of us in the District of Columbia are hoping for a different result.

MRS. ESTHER MALLACH HONORED FOR 25 YEARS WITH MENTAL HEALTH ASSOCIATION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. FISH. Mr. Speaker, I rise today in recognition of the dedication shown by Mrs. Esther Mallach, who for the last 25 years has served as the executive director of the Mental Health Association of Westchester, NY. The MHA is a vital force for the promotion of good mental health in the area, and its success can be directly attributed to the leadership of Mrs. Mallach.

Mrs. Mallach joined the MHA as a field consultant in 1960, then was appointed executive director in 1962. Under her astute and insightful administration, the association evolved from a little known organization into one of the Nation's most respected contributing mental health resource centers.

In the last 25 years, under Mrs. Mallach's direction, new programs and services, such as a day program, community residences, and social clubs for mentally ill patients, the Suicide Prevention Service, the Abused Spouse Assistance Service, and the Child Abuse Prevention Program were introduced.

Gov. Mario Cuomo appointed Mrs. Mallach a member of the Harlem Valley Psychiatric Center Board of Visitors in 1979. Currently she is president of the board. Her other affiliations include membership on the Westchester Community Mental Health Services Board, the Department of Social Services Advisory Board, the Westchester Health Planning Council, and the executive committee of the Mental Health Association in New York State. She also serves as chairman of the advisory board of the Westchester Community College Human Resources Department.

Mrs. Esther Mallach is a leader in every sense of the word, whose community service has improved innumerable lives. Her work is an inspiration to us all. I join my colleagues and constituents in thanking her for the years of hard work she has given us.

MEDIA TO BLAME FOR RISE OF SANDINISTAS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. RITTER. Mr. Speaker, continuing in my effort to bring pertinent information on the issue of Contra funding to the attention of my colleagues, I trust they will find this March 29, 1986, article from Human Events of interest.

MEDIA TO BLAME FOR RISE OF SANDINISTAS

Who is responsible for the rise of the Sandinistas? The Sandinista regime in Nicaragua, which has so convulsed this hemisphere, can be blamed to a large extent on the media, which portrayed the Sandinista movement as heroic "freedom fighters" battling the corrupt Somoza dictatorship.

But conservatives and anti-Communists knew better. And 20 months before the Sandinistas conquered Managua, this publication (see story below) warned about the danger of this Cuban-assisted organization and chastized the press for not revealing more about it.

If the major media had done their job more thoroughly, the Sandinistas, in fact, may never have seized control of Nicaragua, or, at the very least, would have lost popular support within this country at a much earlier stage.

Information about who the Sandinistas really were, however, was readily available, as the following article from our Nov. 12, 1977, issue suggests:

"The tiny country of Nicaragua, with only 2.3 million people, has been getting an astonishing amount of media attention in the last few months, especially from the Washington Post, Jack Anderson and the New York Times. The major effort of the media has been to injure Anastasio Somoza, Nicaragua's very pro-American president.

"While the left is assailing Nicaragua for supposed violations of human rights, the truth is that this Central American nation gives far more freedom to its citizens than other Latin countries championed by the left, such as Panama and Cuba, give to theirs. Aside from permitting opposition parties, freedom of religion, freedom to own property and the like, Nicaragua also allows a fair amount of freedom of the press. The nation's largest newspaper is controlled by Somoza's leading foe, Dr. Pedro Joachim Chamorro.

"Whether the media know it or not, their assaults against Nicaragua—which many believe have been stimulated by Marxist and revolutionary elements in this country—are giving moral support to a group of Nicaraguan guerrilla terrorists known as the Sandinist Liberation Front of Nicaragua (FSLN). It was the terrorist actions of this group which compelled Somoza to impose on his country a temporary state of siege, which he only recently lifted.

"While this group is frequently painted in heroic terms, the truth is that the FSLN is Marxist-Leninist in orientation and has had its life prolonged by the totalitarian regime of Fidel Castro. The recent FSLN chief, Pedro Arauz, who was killed by Nicaraguan forces in late October, told of his admiration for the Cuban revolution in an interview with Honduran newsmen.

"Asked about the relationship between Havana and the FSLN's attitude toward the Cuban people is one of respect, admiration and solidarity with the glorious Cuban revolution, which is an example and stimulus for the liberation struggle of all people of the world and mainly for Latin America. The unconquerable Cuban people struggle to the death against the general and universal enemy of all peoples of the world: U.S. imperialism.'

"On Nov. 4, 1969, according to the Nicaraguan government, Arauz, using the name Rene Lugo Valencia, participated in the hijacking of a Nicaraguan airplane. Along with Juan Jose Quezada Maldonado, he forced the plane to fly to Cuba where they both received military training. On May 4, 1970 Arauz left Cuba for Europe, then headed for Arab countries where he received further military training in the Al-Fatah guerrilla camps.

"In a letter to Rep. Ed Koch (D.-N.Y.) earlier this year, the State Department elaborated on the FSLN's Cuban connection. The FSLN, noted the department, 'grew out of a number of scattered revolutionary groups that existed in Nicaragua in the late 1950s whose common intention was to overthrow the Somoza government. Their unification into the FSLN appears to have been precipitated by twin catalysts of the Cuban revolution and the violent antipathy that early sprang up between the Castro and Somoza regimes. . . .

" 'The Nicaraguan Liberation Front (FLN) was founded in Havana in September 1962 by a group of leftist extremists who had been active for some years in revolutionary causes in Nicaragua. Carlos Fonseca Amador, perhaps their most significant leader, was a proponent of Marxist-Leninist theory who had closely followed the Castro revolution in Cuba and whose attachment to the Cuba revolutionary model strongly influenced the FLN's early strategy and tactics. . . .

" 'By 1964, the FLN had added the name of Sandino to its title, in honor of Gen. Augusto Sandino, the Nicaraguan guerrilla leader who had battled U.S. Marines in Nicaragua from 1928 until shortly before his death. . . .

" 'The FSLN's support appears to have come largely, but not solely, from within Nicaragua, and the FSLN itself has attempted to forge links with anti-Somoza elements of various political persuasions. . . .

" 'External support has also come from Nicaraguans living abroad, but probably the most important source of external support has been Cuba.'

" 'Cuba support appears to have been greatest during the early 1960s when the Castro regime provided the FSLN with: guerrilla warfare training in Cuba; money for the purchase of arms, munitions, food and clothing; and payment for propaganda material.

" 'By the early 1970s, partly as a result of changes in Cuban policy and partly because the FSLN had not been able to consolidate its position, Cuban support diminished. Nevertheless, the Cubans continued to provide a safehaven for FSLN members, some training for recruits and contacts for the FSLN with extremist groups in other parts of Latin America and elsewhere. Perhaps not least among Cuba's contributions was the psychological boost to FSLN morale.

" 'That some revolutionary guerrilla organizations or organizations akin to the FSLN

would have existed in Nicaragua during this period, even without Cuban support, seems certain . . . . Whether they would have remained as active, long-lived or determined as the FSLN over its 15-year history without Cuba's material and moral support is doubtful.'

"Whatever Somoza's faults, then, he is to be greatly preferred to the terrorist crowd that forms the FSLN. But the media, apparently, are going to continue to give aid and comfort to Somoza's ferocious enemies."

COLOMBIAN CONGRESSIONAL ELECTIONS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. GARCIA. Mr. Speaker, Mike Apel and H. Lawrence Boudon, research associates at the Council of Hemispheric Affairs [COHA], recently sent to my office a very interesting analysis of the Colombian congressional elections.

I am submitting their article for the RECORD, and I urge my colleagues to take a moment to read it.

The article follows:

LIBERALS TRIUMPH IN COLOMBIA VOTE

(By Mike Apel and H. Lawrence Boudon)

With the extension of its truce with the Colombian Revolutionary Armed Forces (FARC) on March 1, the Colombian government was able peacefully to conclude congressional elections on March 9 in which Virgilio Barco's Liberal Party scored a substantial victory, winning 49 percent of the vote. Despite the low turnout—only 6.5 million voters out of an electorate of some 20 million showed up at the polls—the Liberal victory put Barco in the driver seat for the final leg to Presidential elections on May 25.

Barco—whose presidential rival, Conservative Alvaro Gomez, had previously led in public opinion polls—was clearly elated by the election results. "I would like to express my profound satisfaction," boomed the 66 year old veteran politician in front of cheering supporters in Bogota the day after the elections, "for the Liberal triumph and for the consolidation of democracy." President Betancur, an admirable leader whose tenure of office expires in August, had urged Colombians to "turn out en masse" in an appeal to reject the violence which has recently plagued the country.

PRESIDENTIAL PROSPECTS

Despite their poor showing, the Conservatives still hope to rally enough support to win the May presidential elections. Observers were quick to point out that the Liberals won the Congressional elections in 1982, yet Belisario Betancur, a Conservative, emerged victorious from the subsequent presidential election. While Gomez does not possess Betancur's populist appeal, his hard line towards the leftist guerrillas has gained considerable support in a country torn by 40 years of violence.

Some view the elections as a referendum on Betancur's performance. The President's faltering peace initiative with the guerrillas and his controversial handling of the Palace of Justice siege last November have soured the once immensely positive image that Betancur enjoyed. A vote for the Liberals may have been as much against the President as it was in favor of Barco's party.

The most immediate impact of the voting was that presidential hopeful Luis Carlos Galan, whose leftist New Liberal Party lost popular support (in 1982 it had received 750,000 votes) was forced to withdraw from the upcoming presidential race and has vowed to remain neutral. Galan's political failure signals the end, for now, of a viable third party to challenge the traditional Liberal-Conservative hegemony, created through the National Front in 1958. The departure of the New Liberals may also strengthen Barco's chances of winning in May. In 1982, the Liberal split was thought to have aided Betancur's Conservative victory.

UP LOSES

A somewhat surprising result was the lack of support for the Patriotic Union (UP) which garnered only 1 percent of the votes. The new party, an alliance of the established Communist Party (CPC) and the FARC guerrillas created in 1985, had pinned its political hopes on a good showing by having extended its truce with the Colombian Government just seven days earlier. In the accord, the FARC pledged to integrate its members into the political process and has already demobilized 2,500 fighters. In 1982 the CPC, running alone, received 120,000 votes.

In a more general sense, the election results demonstrated that, despite Betancur's promises to open the political system, the Liberal-Conservative juggernaut continues to dominate. The fact that Betancur passed a law in January, allowing direct election of municipal mayors for the first time in Colombian history, does not take into account the frustration that third parties have experienced over the years, particularly since the end of the National Front in 1974. The presidential elections of May 25 will again be contested by only two viable candidates.

INSURGENT VOTE

The elections were not marred by leftist violence, however, as the National Guerrilla Coordinating Board (CNG)—a loose confederation of the M-19, the Popular Liberation Army (EPL), the Army of National Liberation (ELN), and the Quintin Lame group—was thwarted in its pre-election attempts to disrupt the voting. Quintin Lame, in particular, had tried to seize identification documents so that people could not vote. On election day, only one ambush was reported in the department of Cordoba, where six policemen were killed while escorting election officials. In addition, an electric pylon was downed in the Department of Valle.

The April 19 Movement (M-19), nevertheless, was able to interrupt election newscasts five times from their clandestine radio transmitter. Each time the message stated that, "Colombia knows very well that the election is not going to resolve the country's problems." Prior to the vote, the M-19 had promised government Minister Jaime Castro that it would not interfere with the voting. On March 13, M-19 leader Alvaro Fayad Delgado was killed in a shootout in Bogota. He was the third chief of that highly active guerrilla organization which dates back to 1970.

CAUCA CAMPAIGN

The guerrillas of the CNG have been faced with increasing Army offensive since the Palace of Justice battle. In a sweep operation in the Department of Cauca on March 5-6, security forces reportedly killed forty guerrillas and uncovered plans to take over six towns in Cauca and Valle, including a community 20 kilometers outside of Cali, the country's third largest city.

On March 6, "men in military uniforms" killed six peasants in the Department of Santander, forcing other peasants to abandon their land and seek refuge in neighboring Barracabermeja. Analysts fear that if Alvaro Gomez wins the May elections, the military may be given free rein in the countryside, such as happened under the rule of the Conservative candidate's father Laureano Gomez, in 1950.

THE 1985 CONTRIBUTIONS TO THE UNITED NATIONS FUND FOR DRUG ABUSE CONTROL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. GILMAN. Mr. Speaker, I regret to report to you once again that the global epidemic of narcotics trafficking and drug abuse continues unabated. There is virtually no region of the world that has managed to escape the effects of this epidemic. Here, in the United States, recent massive seizures of cocaine give credence to the view of some who describe cocaine as virtually "falling out of the sky." The continuing influx of heroin, marijuana, and other dangerous drugs simply serve to make what is a very bad situation even worse. It is clear that all nations must join together in an all-out assault on this plague before the very fabric of society is destroyed, and with it our only hope for the future—our youth. The 1985 report of the U.N. International Narcotics Control Board states the problem quite clearly:

Drug abuse causes such great damage to individuals and their families on the one hand, and to the social fabric of countries on the other, that sustained and determined counteraction must be regarded as an absolute necessity. Illicit drug use and trafficking not only detract from economic development in many countries, but, as previously stressed, also contribute to the spread of crime, violence, and corruption. Addiction strikes at random, but when it ensnares young people, it affects countries' futures.

The world community must join together and chart a cooperative course of action to end this worldwide epidemic. We must do so by forging a new spirit of bilateral and mutilateral cooperation that will address reductions in both the supply of and demand for illicit narcotics.

The U.N. Fund for Drug Abuse Control [UNFDAC], established in 1971, and funded by voluntary contributions of nations of the international community, provides a framwork to financially support drug control programs around the world. Under the capable and dedicated leadership of its executive director, Dr. Guiseppe di Gennaro, the Fund has worked to increase its resources and subsequent support for drug control programs, including measures to fight illicit drug production and trafficking in many developing countries.

I recently received a communication from Dr. di Gennaro in which he reports on the 1985 contributions to UNFDAC, and I am happy to say that his response is most prom-

ising. While in 1984, only 39 of the 159 member nations of the United Nations contributed a mere $12 million to the Fund, 1985 contributions more than doubled to $24.4 million, and participation increased to 53 nations, or one-third of the U.N. membership. In addition, it is important to note that a first time contribution of $20,000 was received from the People's Republic of China; and significantly increased support was received from Finland, $66,049; Malaysia, $17,000; Portugal, $10,000; Senegal, $5,000; Spain, $61,728; Switzerland, $93,458. Prior strong supporters also increased their contributions significantly: Italy, $10,280,899; Norway, $2,468,417; the United Kingdom, $5,289,876; and the Federal Republic of Germany, $1,615,384.

While this news is most encouraging, still it must be noted that only 10 nations have accounted for 96.3 percent of UNFDAC contributions since 1971, and the United States and Italy alone have accounted for more than 65 percent of those contributions.

This encouraging news comes at a most important and crucial time. Quite simply the problems of drug trafficking and drug abuse are not abetting, they are intensifying. Our only hope in the fight against drug production, trafficking, and abuse is for the nations of the international community to join together and intensify their efforts by pooling their resources and personnel, with the goal of implementing a global strategy against drug trafficking and abuse. I believe that we are beginning to see signs that this is a goal which can and will be realized. I urge your strong support in this effort.

Mr. Speaker, in an effort to share this information with my colleagues, I am inserting at this point in the RECORD the following two documents: A status of the contributions pledged or received by the U.N. Drug Fund as of December 31, 1985; and a list of the 10 major donor countries to the Fund as of December 31, 1985.

SEC. V.—U.N. FUND FOR DRUG ABUSE CONTROL—STATUS OF CASH CONTRIBUTIONS PLEDGED OR RECEIVED AS OF DEC. 31, 1985

	Total contributions pledged or received during		Total
	1971–84	1985	
1. Algeria	$7,995		$7,995
2. Argentina	98,000	$12,000	110,000
3. Australia	2,309,781	139,860	2,449,641
4. Austria	582,106	80,645	662,751
5. Bahamas	6,000	1,000	7,000
6. Barbados	2,000	500	2,500
7. Belgium	181,960	35,420	217,380
8. Benin	1,667		1,667
9. Bolivia	6,000		6,000
10. Brazil	48,000	5,000	53,000
11. Canada	2,356,871	243,066	2,599,937
12. Chile	32,500	4,000	36,500
13. China, People's Republic of		20,000	20,000
14. Cyprus	6,882	1,000	7,882
15. Denmark	434,095	15,789	449,884
16. Ecuador	2,500	2,500	5,000
17. Egypt	4,993	2,000	6,993
18. Finland	156,075	66,049	222,124
19. France	1,545,777	187,500	1,733,277
20. Germany, Federal Republic of	10,204,641	1,615,384	11,820,025
21. Greece	25,799	7,000	32,799
22. Guyana	487		487
23. Holy See	1,000		1,000
24. Hong Kong	185,698	12,858	198,556
25. Iceland	25,900	2,000	27,900
26. India	52,000	15,000	67,000
27. Indonesia	10,000	2,000	12,000
28. Iran	43,715	2,000	45,715
29. Iraq	20,032		20,032
30. Ireland	30,000		30,000
31. Israel	9,264	5,000	14,264
32. Italy	42,073,216	10,280,899	52,354,115
33. Ivory Coast	1,036		1,036
34. Jamaica	7,740		7,740
35. Japan	3,111,685	400,000	3,511,685
36. Kenya	28,116	3,315	31,431
37. Kuwait	26,000		26,000
38. Libyan Arab Republic	16,460		16,460
39. Liechtenstein	6,000		6,000
40. Luxembourg	1,000		1,000
41. Madagascar	8,400	2,000	10,400
42. Malawi	1,014		1,014
43. Malaysia	30,000	17,000	47,000
44. Malta	2,795	193	2,988
45. Mauritius	3,338		3,338
46. Mexico	10,659	292	10,951
47. Morocco	29,275		29,275
48. New Zealand	334,875	20,680	355,555
49. Nigeria	14,778		14,778
50. Norway	8,580,491	2,468,417	11,048,908
51. Oman	997		997
52. Pakistan	6,716	620	7,336
53. Panama	4,940	2,470	7,410
54. Philippines	18,180	2,000	20,180
55. Portugal	19,000	10,000	29,000
56. Qatar	62,000		62,000
57. Republic of Korea	13,500	4,000	17,500
58. Rwanda	1,066		1,066
59. San Marino	1,500		1,500
60. Saudi Arabia	1,957,000	50,000	2,007,000
61. Senegal	6,204	5,000	11,204
62. Singapore	3,000		3,000
63. South Africa	52,474	4,758	57,232
64. Spain	55,386	61,728	117,114
65. Sri Lanka	500		500
66. Sudan	1,000		1,000
67. Suriname	2,000	2,825	4,825
68. Sweden	4,728,388	442,600	5,170,988
69. Switzerland	385,117	93,458	478,575
70. Thailand	9,000	5,000	14,000
71. Togo	652		652
72. Trinidad and Tobago	1,000		1,000
73. Tunisia	17,342		17,342
74. Turkey	55,274	17,500	72,774
75. United Arab Emirates	12,000		12,000
76. United Kingdom	2,407,371	5,289,876	7,697,247
77. United Republic of Cameroon	8,760	2,500	11,260
78. United States of America	42,770,000	2,732,000	45,502,000
79. Uruguay	1,000		1,000
80. Venezuela	18,000	8,879	26,879
81. Vietnam	1,000		1,000
82. Yugoslavia	75,288	12,000	87,288
83. Zaire	500	500	1,000
Total [1]	125,374,771	24,418,081	49,792,852

[1] Figures include total unpaid pledges of US $65,230,180 of which US $15,868,892 represent unpaid pledges due and US $49,361,288 future-year pledges or future-year portions of pledges.

UNITED NATIONS FUND FOR DRUG ABUSE CONTROL

[10 major-donor countries as at December 31, 1985; amounts in U.S. dollars]

Country	1971–84	Contributions 1985	Total	Due pledges unpaid and future-year pledges	Percent of the total contribution in relation to the grand total
1. Italy	$42,073,216	$10,280,899	$52,354,115	$42,240,420	35.0
2. USA	42,770,000	2,732,000	45,502,000	10,832,000	30.4
3. Germany, Federal Republic	10,204,641	1,615,384	11,820,025	1,692,490	7.9
4. Norway	8,580,491	2,468,417	11,048,908	1,660,927	7.4
5. United Kingdom	2,407,371	5,289,876	7,697,247	5,934,719	5.1
6. Sweden	4,728,388	442,600	5,170,988	1,045,752	3.5
7. Japan	3,111,685	400,000	3,511,685		2.4
8. Canada	2,356,871	243,066	2,599,937		1.7
9. Australia	2,309,781	139,860	2,449,641	137,931	1.6
10. Saudi Arabia	1,957,000	50,000	2,007,000	1,010,000	1.3
Totals	120,499,444	23,662,102	144,161,546	64,554,239	96.3
Total other countries			5,631,306		3.7
Grand total			149,792,852		100.0

THE TORT LAW CRISIS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. RITTER. Mr. Speaker, continuing in my effort to bring pertinent information on the tort law crisis to the attention of my colleagues, I trust they will find this April 10, 1986, editorial by James J. Kilpatrick taken from the Allentown Morning Call of interest.

The editorial follows:

"CRISIS" ACCURATE LABEL FOR INSURANCE MESS

(By James J. Kilpatrick)

WASHINGTON.—"Crisis" is one of the garlic words of commentary: It has to be used sparingly. Late in February a presidential task force filed its report on "The Crisis in Insurance Availability and Affordability." The word was properly employed.

It is indeed a crisis. If significant steps are not taken soon, the fabric of American public and private life could be gravely damaged. For the moment, let us put questions of blame to one side. A part of the blame plainly lies with the insurance industry: When interest rates were high, it greedily wrote bad policies at unjustifiably low rates. A part may lie with lawyers who are skilled at playing upon the emotions of jurors. A part may lie with the medical profession for not policing its own incompetent practitioners. There is plenty of blame to go around.

The realities cannot wait upon exercises in finger pointing. The task force spelled out the facts.

Hundreds of American industries either use or manufacture chemical products capable of causing both accidental and gradual pollution. Such companies are highly vulnerable to suits for damages. Last year two major companies dropped out of the market in environmentally liability insurance. Only two companies still offer this coverage. Rates are exorbitant.

Many corporations are having trouble retaining experienced directors. Premiums on insurance for officers and directors last year rose from 50 percent to 500 percent.

Bus and trucking companies, said the commission, "are having severe difficulties obtaining the insurance coverage required by federal law."

Nurses, midwives, obstetricians, gynecologists, pediatricians, dentists, and many other medical specialists are finding it almost impossible to obtain malpractice insurance at any price. St. Paul's Insurance Co., the largest medical malpractice insurer, has ceased writing new policies.

Municipalities, both large and small, are in deep trouble. Some cities are facing premium increases up to 1,000 percent. Rather than renew, many cities have decided to "go bare"—that is, to take a chance that they can insure themselves against awards of heavy damages. "A number of city and county officials have resigned, fearing personal exposure to lawsuits stemming from their official duties."

Premiums for transportation companies in the past year has soared. In Los Angeles, the transit district's premium leaped from $67,000 to $1.7 million, while coverage was reduced.

So it goes across a wide spectrum of business, professional and public activity. Grocers, architects, engineers, newspapers, day-care centers, toy manufacturers, auto repair shops, makers of medical equipment—in all these areas, costs of liability insurance have climbed out of sight. In 1972, builders of private aircraft had an expense of $211 per plane for liability coverage. Last year the cost per plane was $70,000.

The insurance industry has much to answer for. Between 1977 and 1984, when interest rates were high, many companies wrote policies at less than cost. They wanted the premium income for investment. Then interest rates began to fall and average jury awards begin to climb. Last year the property-casualty insurers reported an estimated net underwriting loss of $25.2 billion. The figure has to be accepted with some degree of skepticism—the industry as a whole is profitable, and property-casualty lines account for only one-third of the overall insurance market.

Nevertheless, in areas of high vulnerability, such as medical malpractice, the situation has become critical. The average medical malpractice jury verdict increased from $220,000 in 1975 to $1 million in 1985. The average award in cases of product liability soared in this same period from $394,000 to $1.8 million.

The presidential commission made eight recommendations for relieving the crisis. The president has endorsed these proposals, and hearings in the House have begun. I will be reviewing these recommendations in a subsequent column. Meanwhile, reluctant as I am to use that word "crisis," its seems plain to me that in these important areas a true crisis has to be faced.

GARY AND MARTA CARMICHAEL, 1986 OUTSTANDING YOUNG DAIRY COUPLE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. SCHUETTE. Mr. Speaker, I would like to take this opportunity to congratulate Gary and Marta Carmichael of Evart, MI, for being chosen Michigan Milk Producers Association's 1986 Outstanding Young Dairy Couple. Marta and Gary have distinguished themselves through their excellent farming operation, involvement in numerous community and farm-related activities, and their demonstrated leadership abilities.

I congratulate Marta and Gary for receiving this award, and I wish them the best in their continued goal of agricultural excellence.

The following article appeared in the March 1986 volume of the Michigan Milk Messenger:

GARY AND MARTA TAKE OYDC TOP HONOR

Gary and Marta Carmichael of Evart and MMPA's 1986 Outstanding Young Dairy Couple. They were picked in mid-February from among finalist-couples narrowed from a field of contestants representing MMPA's 11 districts.

Carmichaels officially received the award at the MMPA annual delegate meeting in East Lansing in mid-March. They will represent MMPA and the state at various dairy industry functions during the year.

They farm about 1,400 acres and milk some 200 cows in partnership with Gary's parents, Dale and Marge Carmichael, and Gary's brother and wife, Doug and Sandy Carmichael.

Gary and Marta have four children: Chris, 12; Jeff, 10; Katie, 8; and Kevin, 6.

The OYDC represents MMPA District 5 and they belong to the MMPA Evart Local. Three-times-a-day milking is done in a 15-stall trigon parlor; milk's stored in a 3,000-gallon tank. Cows are fitted with electronic milk-meters that feed data to a production summary computer.

Gary and Marta have dairy farmed since 1975. They began a program of irrigating their land three years later. Right now, they irrigate with 10 million gallons of manure a year, pumping it as far away from the barns as 2½ miles.

Crops include 300 acres of high-moisture corn, 300 acres of high-moisture barley, and 600 acres of alfalfa. The rest is pasture and woodlot. They feed on a total mixed ration.

The couple is active in Farm Bureau and church. In 1978, at age 25, Gary was elected Osceola County commissioner, the youngest person to be elected to the panel.

"We have faced two challenges of extreme magnitude during our years as a dairy farmer," the couple said. "The first was the expansion and organization of our farm from 140 to 200 cows. This management challenge is still in progress and goals are being reached. The second challenge is of even greater importance—the oversupply of milk products nationally and internationally, and the continuing erosion of prices paid to the dairy farmer. It is an area of concern that spills beyond the boundaries of just our farm, but also into the times and lives of other grain and dairy farms, out into the public markets of food, and down the halls of Congress. The answer is neither simple nor magical. The repercussions of improperly meeting this challenge could be the demise, not just of a few farms here and there, but of an industry, a way of life and perhaps the economy of a nation.

"As was stated so well many years ago, 'As agriculture goes, so goes a nation.' This is a challenge that every member of every agriculture organization must share. There is no time left to set the responsibility of action on a back shelf; we must address it now."

Contestants were judged on their farming operations, community and farm-related activities and demonstrated leadership abilities.

MORRISTOWN (NJ) DAILY RECORD SAYS "NYET" TO NUCLEAR TEST BANS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. COURTER. Mr. Speaker, as the following editorial from the Morristown, NJ, Daily Record states so eloquently, the Soviet nuclear testing moratorium proposal is simply the latest thrust in the Soviet arms control public relations offensive. The Soviet Union exploits our open society to advance seductive but patently inequitable arms control proposals, forcing the Reagan administration to waste valuable effort refuting their proposals. The memory of the last nuclear testing moratorium, and the 50 nuclear tests that the Soviet conducted in the fall of 1961, argue strongly against falling into the trap again. I commend the following editorial to your attention.

NYET TO TEST BANS

It is not a little amusing to watch the Soviet regime adopt tactics they once criticized in Americans. When President Carter, only four months into office, dispatched his secretary of state to Moscow to offer well-publicized nuclear arms reductions proposals, the Kremlin responded with a curt "nyet." Professional critics chided Carter for his naivete in conducting public diplomacy with the Russians over something as sensitive and complicated as arms control.

Now, the Soviets whose past public relations offensives have failed to dissuade the Europeans from accepting American missiles on their territory, are trumpeting a ban on underground nuclear testing as the surest path toward arms control.

Two weeks ago, Soviet premier Gorbachev offered Reagan a "last chance" to join the seven-month Soviet unilateral testing moratorium.

And he wants to have a summit in Europe devoted exclusively to beginning negotiations for a full treaty ban.

The Soviets are taking advantage of America's open society to wage a propaganda assault upon the Reagan administration to prove the latter's disinclination toward peace. At the cost of some domestic and international support, the administration is resisting this public pressure, and for good reason.

Already in place since 1963 is a ban on explosions in the atmosphere, in space and underwater. For reasons of stability, administrations from Kennedy's to Carter's have insisted on the necessity to test some new weapons like the Midgetman that can remove existing arsenals from a hair trigger.

President Reagan has made reduction of existing weapons the centerpiece of his negotiating stance, but he has wisely refused to adopt a ban on testing that would head off new weapons.

It is the United States' technological and economic superiority that has roused the Soviets to press for a total test ban. Specifically, the Kremlin hopes a ban would put the brakes on the Strategic Defense Initiative. Thus far, they have failed to pry loose the administration's commitment to SDI, which represents an opportunity for the world to escape the treadmill of mutually assured destruction.

Another reason to treat the Kremlin's test-ban proposal with skepticism is the issue of verification, where Moscow does not have a strong track record.

But putting problems with Moscow's intentions aside, is a total test ban a prudent course to follow? When one considers that testing helps assure that stockpiled weapons—which are in abundant supply on both sides—work and will not accidentally detonate, one sees the foolishness and danger of agreeing to such a ban. Big arsenals on hair triggers are the threats to stability. Reagan has logic, if not public opinion, on his side when he argues that testing is the best safeguard against the hair trigger, and reductions the best solution to the big arsenals.

The Kremlin public relations apparatus will no doubt inveigh against the United States for not going along with its latest proposal. But we think the Reagan administration is right to stick with the two-tiered approach—arms reduction and strategic defense—that brought the Soviets back to Geneva in the first place.

AIRPORT SECURITY CONCERNS HEIGHTENED WITH INCREASED TERRORISM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. FLORIO. Mr. Speaker, for months, travelers around the world have been threatened by incomprehensible and inhumane terrorist incidents that have claimed a large number of lives. The increase in incidents has racked the tourism industry by producing large numbers of trip cancellations. Americans are becoming increasingly uncomfortable about traveling abroad and are choosing to spend their vacations closer to home.

As chairman of the House Subcommittee on Commerce, Transportation, and Tourism, I have explored the impact that terrorism has had on the domestic and international tourism industry through a hearing and through a visit to the Mediterranean and the Middle East this past January. I remain convinced that this increased fear of traveling can be countered by two approaches. As a long-term solution, the most important goal would be the need to address the root of terrorism and play a constructive role in resolving the political conflicts that have spawned tension and terror. In the short-term, however, it is necessary that we continue to take steps to guard travelers from future incidents and ensure that it will once again be safe to fulfill our needs to visit other countries and experience different cultures and widen our horizons.

Since the TWA hijacking last summer, airport security has been the focus of concern for travelers, airline workers, travel agents and tour operators, governments and security forces. A number of airports have taken a series of steps to increase security and protect passengers and airport employees. On my recent visit to the airports of Athens, Greece, Larnaca, Cyprus, and Tel Aviv, Israel, I was impressed by the commitment shown by these governments to cooperate with U.S. and international authorities in implementing and maintaining effective security standards.

The following New York Times article details the security steps taken by officials at Athens airport. I wanted to share this with my colleagues and to take this opportunity to urge other international airports to ensure that security will not be compromised and that traveling will once again be safe.

[From the New York Times, Apr. 15, 1986]

ATHENS AIRPORT SPINS A HIGH-TECH SECURITY WEB

(By Ralph Blumenthal)

ATHENS, April 12.—From a cafe deck of Hellenikon Airport, Greece's top security official was pointing out some of the Government's latest anti-terrorism measures when a visitor noticed that the roof, a public area, freely overlooked a restricted zone. Could not some weapon or other contraband be dropped to a confederate below? the guest asked.

The official, Kostas D. Tsimas, considered the question for a moment, then with a snap of his fingers summoned a cluster of hovering assistants. "Put in a glass or a grate here," he ordered. "Anything could be dropped down to someone below."

Responding to acute concern over airport security and smarting from a large decline in the number of American tourists, Greece is zealously seeking to satisfy foreign critics while protesting that it is unjustly being held a scapegoat.

With some qualifications, it has succeeded. Western diplomats and airline officials agree that many security gaps have been plugged since the hijacking last year of a Trans World Airlines plane out of Athens and other terrorist attacks focused attention on the Athens airport.

"THE HUMAN FACTOR" IN SECURITY

On the other hand, the officials note that 90 percent of proper security is not technology but what they call "the human factor"—the alertness and motivation of the staff—and that lapses still occur. Armored police cars, for example, guard the airport entrance and tarmac, but the militiamen inside are sometimes lounging half asleep.

Officials who led a tour of the airport security system described some of the new security measures:

A recent increase in the total security force from 1,000 to 1,500, including members of an elite commando unit called T.A.E.

A better perimeter fence, new X-ray equipment and metal detectors, closed-circuit cameras and improved training and scheduling for operators.

Additional identity checks, both of passengers and airport workers.

Efforts to gain the cooperation of Arab nations such as Syria, Libya and Lebanon, whose airlines fly regularly through Athens.

A RENEWED SENSE OF URGENCY

The measures have taken on special urgency since a bomb exploded on a T.W.A. jet over Greece on April 2, killing four Americans.

Security in Athens was in no way responsible for the blast; the plane had not yet landed there. But Greek investigators, cooperating with the American specialists sent by the F.B.I., have found no identifiable residue of explosives in the blast area—indicating the probable use of a plastic explosive virtually impossible to detect by modern airport security devices.

"We have to change our approach," said Mr. Tsimas, Greece's Secretary General of Public Order. "Until now, we were worried mainly about hijacking. Now it's bombs and suicide attacks."

As deterrents, he cited the commandos in black uniforms carrying submachine guns and pistols stationed around the arrival area, including the T.W.A. counters. Regular blue-uniformed police officers, some with machine pistols, and plainclothes guards also patrolled the airport, he noted.

Security procedures were recently endorsed by the United States Federal Aviation Administration and the International Airline Transport Association, officials reported.

At the Kuwait Airlines counter, private guards made passengers open their bags for inspection even before check-in.

Of the 65 airlines at Hellenikon Airport, 45 now conduct their own security checks in addition to the airport's. Before the recent uproar over terrorism, Greece sought to discourage the airlines from performing private security checks, saying its own were sufficient. Now it has relented. Thus, T.W.A. puts all baggage through its own X-ray machine, as do some other airlines.

After check-in, passengers go through passport control, where they must also show their tickets and boarding passes. They walk through a Metor metal detection machine made in Finland and pass their hand baggage through one of the new Heimann Hi-Scan X-ray machines made by a subsidiary of the Siemens Corporation of West Germany.

INDEPENDENT CHECKS

The carry-on bags are then searched again by hand. In addition, T.W.A. and El Al Israel Airlines, among other carriers, put the carry-on items through another X-ray check in the departure area.

To keep its X-ray operators more alert, the Government recently created five-man teams of guards who each work 25-minute tours, then take a break.

Among other precautions is a new fence, which will make a 6-mile ring around the airport perimeter when the final 500 yards of fencing is completed. The project was hastened by a terrorist's near-disastrous bazooka attack on a Jordanian airliner through a hole in the fence last year.

Internal security measures have also been stepped up.

Officials acknowledge that intelligence agents sometimes surreptitiously open passengers' baggage after it has been checked in.

At night, guards sometimes conduct security sweeps, spot-checking passengers.

Airport employees with access to the planes are also investigated, their family backgrounds and sometimes political leanings examined. Employees are not allowed on aircraft unsupervised, officials said, and several armored police cars patrolled near parked planes.

Yet the system does not always perform as planned.

A visitor who arrived early one morning this week from Israel was discomfited to find the terminal seemingly deserted, with little visible security present.

One American official said some businessmen recently told him of a man in a wheelchair, carrying a package, who was generously allowed to bypass airport security by guards who apparently did not even determine whether the man was actually an invalid.

NEIGHBORHOOD WATCH

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. FORD of Tennessee. Mr. Speaker, on April 19, I had the opportunity to speak before over 800 people involved with Neighborhood Watch activities throughout Memphis, TN. I would like to insert my brief statement as a way of promoting Neighborhood Watch programs across the country. It is cost effective, assists in safeguarding residential areas, and gives the participants a unique perspective on crime prevention techniques.

STATEMENT OF CONGRESSMAN FORD ON NEIGHBORHOOD WATCH, APRIL 19, 1986

Let me first thank Councilman Bill Gibbons for inviting me to this morning's breakfast. As evidenced by the turnout today, the concept of Neighborhood Watch is one that obviously has extensive support throughout the city of Memphis. A great many groups have been formally trained in Neighborhood Watch and security related activities. This can only assist in crime prevention. You can be assured that Neighborhood Watch has my full and undivided support.

I only wish that the Congress kept crime prevention more in mind when it recently considered the McClure-Volkmer gun bill, legislation that weakens the Gun Control Act of 1968. That law came into being after the slayings of Martin Luther King and Robert Kennedy some 18 years ago.

It concerns me that it will soon become much easier for criminals to obtain handguns—weapons that are often easy to conceal. This will make it more difficult for the local police departments to enforce the law, and more hazardous for the law-abiding citizen who unknowingly comes across an individual involved in a crime.

For this reason, I strongly urge that the numerous watch groups represented today not take the law into their own hands. It is a dangerous enough job for the police, who themselves are trained for such situations. With the help of groups like your own, working in conjunction with the police department, the goals of crime awareness and deterrence can be more readily achieved. I speak for every Memphian when I say—thanks for all your efforts.

Councilman Gibbons has played a strong role in promoting the education and training of citizens in crime prevention. I hope that as the organization strengthens in the weeks ahead, it will work alongside the Memphis Police Department. After all, they are the crime prevention professionals. With this type of involvement and shared responsibilities, the city of Memphis and its residents will undoubtedly take a bite out of crime.

DESERVED HONOR FOR JACK McCARTHY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. FRANK. Mr. Speaker, sometimes our duties as Members of Congress require us to attend events that, to be honest, are a little tedious. But on other occasions, we are privileged to be able to participate in genuine inspiring events which make us proud to represent our districts.

Last month, I was proud to be included in the program in which the people of the town of Swansea honored their superintendent of schools, John E. McCarthy, for his courageous and farsighted educational leadership. Jack McCarthy is an example of the teaching profession at its best: He is a dedicated, hardworking, intelligent man who has worked his way through the Swansea School System to the post of superintendent. As superintendent, he has done an excellent job of guiding the educational system of the town.

Last year, Jack McCarthy was confronted with a situation which has, sadly, confronted a number of school systems. Few have met that challenge as well as Jack McCarthy. A young student in the Swansea School System has AIDS. It fell to Jack McCarthy to decide how the school system would respond. In a manner that shows executive leadership at its best, Jack McCarthy calmed the understandable fears of many of the parents. Consulted medical experts to get the best possible advice, considered the health and safety of all the children of Swansea as well as the rights of the young man with AIDS, and decided—correctly on the evidence—to allow him to continue to attend school. I was proud to be part of the evening in Swansea in which representatives of the entire town turned out to honor Jack McCarthy for his leadership in general, and for the wisdom, courage, and compassion he showed in this instance. Among the most inspiring moments that evening was the showing of a videotape of interviews with students who attended the school where the student with AIDS was enrolled. The unanimously positive attitude which these young people showed toward their classmate made a positive emotional impact on all of the adults in that room.

It was an honor for me to join the people of Swansea in honoring Jack McCarthy. In doing so, they not only paid tribute to an outstanding man; they reaffirmed their belief in the importance of public education for the achievement of many of our social goals. A good deal of attention has properly been paid to the need to improve public education in America in recent years, not enough attention has been paid to the valuable and important work done by so many teachers and administrators in the public schools system, nor to the interest and support which so many parents have given to their work.

I include the following newspaper article about Swansea's honoring of Jack McCarthy as their "Man of the Year," and the various citations and letters presented to Jack on that occasion.

JACK MCCARTHY, SWANSEA'S CITIZEN OF THE YEAR RECEIVES NUMEROUS AWARDS, OVATIONS

(By Barbara Davies)

"It is very difficult to sit and listen to all these positive things people are saying," Jack McCarthy, Swansea Citizen of the Year said in his response to "all these positive things" said about him at the dinner dance held to honor him. The event was held last Saturday night by the Swansea American Legion Post 303, in their hall on Ocean Grove Avenue. "Sometimes it is easier when I'm under attack; the response is quicker coming to me. This has been a very, very pleasant experience for me. Last week was a long week, as superintendent of the school system, meeting with the Selectmen and the Finance and Advisory Board on the school budget. I cannot remember negotiations ever getting along so well," he stated, and, holding up his key to Swansea, "I assume this is the key to the War Chest buried in back of Town Hall? The key to get the money for the schools?"

"I shall not forget for the rest of my life the event which led up to this occasion. That was the most important thing," he referred to his decision and stand to include the Swansea child afflicted with AIDS in school education, after research both medical and with the state department of education. "It was many issues, the effects on the child, the impact on the children, the impact on the staff and community. One thing about Swansea; you and I know each other. I felt that, if we got the information out, the people, as they usually do, would do the right thing.

"The reaction of the children in the junior high was beautiful. They have values clarification in their curriculum; their values were clear. The staff was outstanding. The school committee outstanding; we agreed that the superintendent would carry the ball and the committee stood firm, solid in support, as did the people of the community.

"When I talk in other places about the people of Swansea, their response, how our people are different, I think back about our Citizens of the Year. Their key ingredient is volunteerism. Look at our Little League, Swansea Independent Baseball League, Friends of the Band, Friends of the Cardinals, people working in organizations to make this a better community, caring, desiring to make a better community. I am very proud of and appreciate the kind things you have said, but it's 'we'. I look forward to working for a better school system, a better community, with you."

He had started out saying that same thing, in different words, "It is not what I did. I did what I had to do."

He had been greeted, when he stood to receive his plaque as Citizen of the Year, with a standing ovation. He was again given the tribute of a standing ovation when he closed his responding speech.

Besides the award plaque, many other commendations were presented, marking respect for both his decisions this year and throughout the many years he has worked for the children of Swansea.

The school committee, Robert Paquette, James Carvalho, Russell Howarth, Eugene Rutkowski, Steve Dzalio, and long term past member Joseph Arruda, presented a silver Revere bowl to mark this proud moment. This noted Jack's career in education, "hired as a teacher and assistant football coach in 1956; baseball coach in 1958, head

football coach from 1960 to 1967; in 1968, assistant principal at Brown School; in 1969, principal of the junior high; in 1975, assistant to the superintendent; in July of 1977, superintendent, 30 long years of hard, dedicated work."

Congressman Barney Frank presented his congratulations to the Town and the Post for honoring Jack McCarthy, "as an individual and for his role in education. There is no more important job than to educate our children and at this time particularly, to teach them how to deal with the new technology." He said that he is very proud that, in his district, the AIDS problem was handled with compassion and intelligence. "His example, this town's example is outstanding. This town is doing the right thing for a man who has been doing the right thing for a long time."

Congressman Frank is mailing a citation and said he will be entering this experience in the Congressional Record.

Senator John Parker brought the Golden Dome citation and his best wishes. "I am proud to be a part of those people honoring one who stood up for what he thought the right thing to do, a man who didn't go with the tide. That is a man." Senator Parker also brought for Barbara McCarthy a citation for "an honorary distinguished citizen in recognition of your example of affectionate sharing, good citizenship, humanitarianism, and a productive life which has made many contributions to your fellow citizens," noting that "the little woman is the comforting last stop of the day, closing the day with a wonderful feeling."

Representatives Philip Travis and Joan Menard jointly presented the citation from the House, giving their personal congratulations and best wishes. Travis noted that "as a coach, teacher, super-superintendent you have done more for the town, consistently . . . a pride for the town . . . an outstanding person, working dilingently, particularly for the children." Menard, present also as a friend of the family, as a former educator, spoke of "how proud we are of him. Swansea is very, very lucky to have him."

Selectman Chairman Donald Hyland presented Swansea's citation and proclamation of this week as "Jack McCarthy Week." Hyland recalled one example not previously noted during the program: how Jack, then swimming director for Swansea at the lessons at The Bluffs' beach in the mid-60's, had saved the life of a boy who dove and broke his neck, "and the boy is still living today." Hyland, as chairman of the Town Democratic Committee, also presented Senator Ted Kennedy's congratulations and admiration.

Selectman Clerk Donald Lesage presented the key to Swansea, referring to Jack's career in Swansea education and stating that "it is amazing that this was not done years ago."

Sue Travers, representing The Friends of Mark, presented a citation in recognition of Jack's compassion to Mark, reporting that Mark would have come but he has a fever and is hospitalized as of Wednesday.

Roger Gibeau presented a plaque for the Friends of the Cardinals, expressing their pride and appreciation of Jack McCarthy.

Gene Rutkowski presented a plaque for the Little League, for Jack's contributions as "teacher, coach, superintendent."

Lionel A. Morais, chairman of the Awards Committee and master of ceremonies, reported letters of congratulations from Selectman Jack Heywood, working; from Betty and Abe White of Fall River; and from the School Committee Association.

Morais also reminded those celebrating this year's awardee that the choice is not made by the Post "but by a committee of heads of all local departments and services and organizations, and Barbara Davies of the news media."

He recalled past citizens, Helen Reagan, present; Robert Eddy, present; Judge Tony Aguiar; Roger Gibeau; Judy Cabral, hospitalized; Ray Eddy, represented by Fire Chief James Eddy; and "those who are not now with us, Doc Compton and John Borden."

The kitchen crew, headed by Chef Sid Boutin were thanked for the delicious roast beef dinner. Leo Bernier, State Vice Commander of the Legion, was thanked for assisting in the ceremonies.

After the reception line of more than 200 persons (limited by the building capacity and tickets on a first come, first served basis) offering personal congratulations, dancing was enjoyed at this Ninth Annual Citizen of the Year ceremony.

SUPT. MCCARTHY HONORED FOR STAND ON AIDS

(By John Castellucci)

SWANSEA, MASS.—Elsewhere in the country, the question of whether to allow an AIDS victim to attend school has become engulfed in hysteria. Parents have picketed, officials have vacillated and children with AIDS have been shunned by their classmates and friends.

But in Swansea, where a teenager afflicted with AIDS has been attending classes since autumn, the community has been united in sympathy for the victim—instead of divided by controversy over whether it is safe to allow him in school.

On Saturday night, the man whose firm stand helped stem the tide of controversy was honored.

School Supt. John E. McCarthy was named Citizen of the Year by American Legion Post No. 303, and a crowd of 215 well-wishers gave him two standing ovations at a roast-beef dinner in his honor. A procession of politicans praised his courage in allowing Mark, a 13-year-old boy who acquired AIDS while undergoing treatment for hemophilia, to attend school.

And three mothers whose group, Friends of Mark, raised $10,000 to help meet Mark's medical expenses, made it clear that it was thanks to McCarthy that what happened in Queens, N.Y., where parents picketed to keep a child with AIDS out of classes, and Kokomo, Ind., where school officials barred an AIDS victim from school, has not happened here.

"In talking to school systems all over the country, we realized that the biggest difference was that Mr. McCarthy took his stand and didn't back down from it," said Susan C. Travers, a member of Friends of Mark. She said that McCarthy "made it very easy for us to say, 'OK we're going to take the ball and carry it.' "0

Linda M. Nahas and Robin A. Sherman are also members of the group.

Friends of Mark was just one of many groups that paid tribute to McCarthy, presenting him with a plaque for "the courage and compassion (he) showed during the most difficult of times."

There was an award from the Board of Selectmen, which gave McCarthy the key to Swansea. There was a letter of congratulation from Sen. Edward M. Kennedy and a silver bowl from the Swansea School Committee.

Sen John F. Parker, minority leader of the Massachusetts Senate, gave McCarthy its Golden Dome award. And Rep. Philip Travis, D-Rehoboth, gave him a citation from the Massachusetts House, noting his status as 1986 Citizen of the Year.

"People forget sometimes that the public schools have a special role in our society," Rep. Barney Frank, D-Mass, said in a brief speech. "They can't say no. They can't turn anybody away."

But misunderstanding about AIDS and the misapprehension that victims might spread it through casual contact have become widespread. Frank said that he felt proud to represent a town that had overcome its fear and done "the right thing."

McCarthy was modest about his decision. Looking dapper in a pin-stripe three-piece suit, the 55-year-old superintendent said simply, "I just did what I had to do." Then he went into detail.

"We spent a great deal of time researching the problem" of AIDS, and whether a student afflicted with the disease could transmit it to other students, McCarthy told the audience. When all the research was done, he said—when doctors and experts had been consulted—"there was no doubt in my mind" that Mark should be allowed to attend school.

Neither Mark, who made the honor roll this year, nor his parents attended the dinner. He was running a fever and had been admitted to the hospital for observation, Susan Travers said.

If there was any doubt that Swansea was united in sympathy for the AIDS victim, it was dispelled by a videotape of his classmates discussing how they felt.

The videotape was presented by Lionel A. Morais, town moderator and head of the Citizen of the Year selection committee. The lights were dimmed and the crowd watched quietly.

"There's nobody here that doesn't want him back; he belongs here," one eighth-grader said on the video.

"He deserves exactly what we should get, because he's part of the school," another said.

TOWN OF SWANSEA, MA,
OFFICE OF SELECTMEN.

PROCLAMATION

Whereas, John E. McCarthy has served his community with distinction and honor as an educator and leader for thirty years in the Swansea School System, and

Whereas, John E. McCarthy has given generously of his time and energy for our most important resource, our children, and

Whereas, John E. McCarthy exemplifies the two most important qualities that one can attain in any profession, that is respect and reputation, both of which are openly expressed throughout our community, and

Whereas, the friends of John E. McCarthy are doing him honor as "Citizen of the Year" at a dinner hosted by the American Legion Post 303 in the Town of Swansea and therefore be it.

Resolved, The Board of Selectmen take this means of expressing their appreciation and admiration to John E. McCarthy for his dedicated and inspirational service to his community and do hereby proclaim John E. McCarthy as Citizen of the Year.

In testimony whereof, We hereunto sign our names and cause the seal of the Town of Swansea to be affixed this 29th day of March in the year of our Lord, Nineteen Hundred and Eighty-Six.

DONALD F. HYLAND,
Chairman.

DONALD F. LESAGE,
Clerk.
JOHN B. HEYWOOD.
MICHAEL W. FINGLAS,
Executive Secretary.
U.S. SENATE,
Washington, DC, March 29, 1986.

JOHN E. MCCARTHY
Superintendent of Schools, Swanesa, MA

DEAR JACK: Many others have added their comments on the conduct and the courage you demonstated with the very sensitive issue of that afflicted junior high school student.

But I would like to express my congratulations and gratitude to you for setting an extroardinary example of judgment and caring for both the community and those young people whose education is entrusted to your administration.

Few can envy the responsibility of a school superintendent no matter the size of the city or town or school system. Few positions have more need for the ability to make difficult decisions on behalf of both the students and the parents, as well as those who govern the community.

It takes, I believe, a blend of wisdom, fortitude, and street sense to make the job one that has respect of all of the above.

Your commitment and dedication certainly have done just that, and I want to join with your many friends and supporters in congratulating you on the well-deserved award of Citizen of the Year by the Swansea American Legion Post No. 303.

With my very best wishes to you.

Sincerly,

EDWARD M. KENNEDY.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT,
Boston, MA; March 4, 1986.

LIONEL A. MORAIS,
Veterans' Benefits Department, Town Hall, Main Street, Swansea, MA

DEAR MR. MORAIS: Thank you so much for offering me the opportunity to participate in the Swansea American Legion's Citizen of the Year Award.

I wish I could be with you on this important occasion, as I can think of no one more worthy of this award than John McCarthy. However, on March 29th I will be on vacation with my family.

Although I cannot accept your kind invitation, I have sent, under separate cover, a Governor's Citation honoring John McMarthy that can be read during the evening. I hope you will extend my warm personal best wishes, and the greetings of the commonwealth to Superintendent McCarthy. He has proven himself to be not only a superb educator but a man of intelligence and compassion.

I hope the evening will be an outstanding success, and I thank you again for thinking of me.

Sincerely,

MICHAEL S. DUKAKIS,
Governor.

LIST OF AWARDS

Presented to Jack McCarthy, In Recognition of the Courage and Compassion You Showed During the Most Difficult of Times With Much Affection and Deepest Respect—Friends of Mark.

John E. McCarthy, Swansea Citizen Of The Year, Congratulations, Swansea Little League.

John E. McCarthy, Swansea Citizen Of The Year, Congratulations, Friends of the Cardinals.

Commonwealth of Massachusetts, State Senate Golden Dome Citation.

The Commonwealth of Massachusetts, Michael S. Dukakis, Governor—To John E. McCarthy on the occasion of your Ninth annual Civic Awards Night better known as Citizen of the Year Award.

The Commonwealth of Massachusetts, The House of Representatives Citation—Be it hereby known to all that: The Massachusetts House of Representatives hereby offers its sincerest congratulations to: John E. McCarthy, Superintendent of Schools, Swansea Citizen of the Year—1985 in recognition of his commitment to excellence in education for all the young people of the Community.

John E. McCarthy, Swansea Post 303, Citizen of the Year 1985, in recognition of years of dedicated service.

WILSON WALKIES—A BIT OF WATSONTOWN HISTORY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. GEKAS. Mr. Speaker, in 1930 no one could have guessed that spending a quarter to buy a wooden toy called a Wilson Walkie would also get you one slice, albeit a small one, of American history.

The Wilson Walkie is a toy some of my colleagues here in the House may very well remember as a youngster. It is a small walking figure made from discarded thread spools, wooden heads, and curved pine feet. These figures, which included: Cartoon characters such as Donald Duck, Popeye and Olive Oyl, Santa Claus, clowns, and even the Democratic donkey and the Republican elephant, were created from wood by John Wilson—a master carpenter, inventor, and toymaker from Watsontown, PA.

In the 1930's John Wilson held the position of superintendent of the Watsontown Door and Sash Co. When the door and sash company closed due to financial difficulties, Wilson decided to open the Wilson Novelty Co., where he manufactured the Wilson Walkie and other toys and novelties. As the company grew, the company moved from the original factory site in an old garage to the old shoe factory. There were 80 full-time and 20 part-time employees as well as many others who did piecework out of their homes. The Walkies were distributed through the F.W. Woolworth Co., as well as to countries around the world. The company was run by John Wilson until his death in 1948. Shortly after his death, the company was sold to a Canadian-based firm who continued to make the Wilson Walkies for a few more years.

The Wilson Walkie is considered a collector's item today. A few manage to turn up every so often at public sales. The Wilson Walkie and the work of John Wilson will long be remembered not only for the work it brought to the Watsontown area during the trying 1930's and 1940's but also for the joy and fun it brought to young and old alike.

EXECUTIVE DIRECTOR OF UNFDAC ADDRESSES U.N. DRUG COMMISSION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. GILMAN. Mr. Speaker, I have recently received a communication from Dr. Giuseppe di Gennaro, executive director of the United Nations Fund for Drug Abuse Control [UNFDAC] in which he enclosed a copy of his statement to the ninth special session of the United Nations Commission on Narcotic Drugs. Dr. Di Gennaro's address contains significant information on recent developments in the worldwide fight against drug trafficking and drug abuse which I believe my colleagues will find worthy of their attention. Dr. di Gennaro's statement is as follows:

STATEMENT BY MR. GIUSEPPE DI GENNARO

Mr. Chairman, distinguished Delegates, Colleagues, in recent years, the role of the United Nations Fund for Drug Abuse Control has gained world-wide recognition while multilateral assistance in the strategy against drug abuse has received increasing consensus. The substantial growth in UNFDAC resources, the numerous requests for assistance and the continuous expansion of UNFDAC activities are concrete and visible demonstrations of this trend. UNFDAC operations which, only a few years ago, were calculated in terms of thousands of dollars now reach levels of millions. However, the present financial dimension of UNFDAC is still disproportionate to respond adequately to the enormous needs in the different geographical areas and sectors hit by the drug phenomena.

As in the past, I wish to take this opportunity to update the information provided in UNFDAC's 1985 reports to the Commission. In the present and perspective financial situation, there are some elements which are most indicative of positive changes: Indications have been received from the Government of the United States of its intention to provide an additional amount of 5 million US dollars for programmes in Pakistan. The Government of the United Kingdom in turn has also pledged an additional 2.4 million Pounds Sterling for activities in Pakistan as well as 1 million Pounds Sterling for programmes in Latin America. Two new contributions have been announced at the end of last year by the Italian Government which pledged 2.0 million US dollars for activities in Thailand and 3.0 million U.S. dollars for treatment and rehabilitation programmes in the Andean Subregion. Furthermore, I am pleased to report that the Government of Canada has recently pledged 1.0 million Canadian dollars for activities in Pakistan and is also considering an additional contribution of 1 million Canadian dollars for the Masterplan in Thailand. The Government of Sweden has pledged 8 million Swedish Kroner in 1985, which is twice as much as that pledged in 1984. In December 1985, the Government of the Federal Republic of Germany has pledged an amount of 3 million Deutsch Mark for a rural development/coca substitution project in Colombia.

Other important developments in the fund-raising operations are in sight: UNFDAC has received encouraging indications from the Governments of the Netherlands and Norway that they are considering major contributions to important segments of UNFDAC programmes. The positive attitude of the Dutch authorities was already manifested by that Government's recent decision to make available to UNFDAC the services of a Junior Professional Officer who will join our forces in Latin America. By the same token, I would also like to thank the Governments of the Federal Republic of Germany, Finland and Italy for having provided similar personnel resources for UNFDAC field operations. I am also pleased to report that UNFDAC expects a strong involvement of the European Economic Community in the UNFDAC programmes for Pakistan and Thailand.

Another demonstration of the growing support of Member States is the increase in the number of contributing countries. The People's Republic of China has joined them, for the first time, on the occasion of the last Pledging Conference.

In some cases, when the contributions were of a considerable amount, the donor countries have collaborated directly with UNFDAC staff, seconding their experts in project identification missions. This was the case of missions to Latin America, Burma and Thailand during November and December 1985. I wish to express my satisfaction with this type of co-operation which contributes greatly to an immediate and direct appraisal of the political, social, economic and organizational problems encountered by UNFDAC in the execution of its mandate.

In order to respond to the new programme requirements, special attention has been given to the distribution of the staff resources. UNFDAC has lived up to its commitment of keeping the Headquarters staff at a minimum level in spite of the remarkable extension of its work. Preference has been given to the offices in the field. At present, there are Field Advisers in Bolivia, Burma, Colombia, Pakistan, Peru and Thailand. While increasing the number of Field Advisers, UNFDAC has taken action to review and systematize some basic issues relating to their functions and to their working relationships with local authorities, the executing agencies, the Resident Representatives of UNDP and with UNFDAC Headquarters. An important step in this direction has been a seminar of Field Advisers which UNFDAC convened, here in Vienna, two weeks ago. The seminar has contributed to a more precise design of the profile of the Field Adviser profession. An important by-product of this meeting was the clarification of some questions concerning programme execution procedures. It was considered that the presence of UNFDAC, through its Field Advisers, in the main threatres of operation is greater than that of the representatives from the executing agencies, and therefore, UNFDAC is in a position to follow more closely the various segments of drug control activities under way. This fact suggests that the functions of the Field Advisers can go beyond the supervisory, monitoring and co-ordinating tasks, so that the traditional execution moda operandi could be reconsidered.

As outlined in UNFDAC 1985 reports, the Masterplan approach which the Commission is familiar with, has proven to be a valuable working instrument strongly supported by recipient and donor countries. Preparatory work is in progress for responding to requests for the formulation and implementation of Masterplans for Argentina, Brazil and Peru. UNFDAC is currently discussing with these three countries the activities to be undertaken.

The Masterplans for Burma and Ecuador are in a more advanced stage. I wish to take this opportunity to express my deep appreciation to the Governments of these countries. The former engaged itself in the preparatory activities with such a determination that it was possible within a very short time, to compile all the information and findings on the local drug abuse problems and related needs, and to structure these data in the frame of an articulated plan which was adopted at the end of 1985 by the Government. The plan covers multi-sectoral activities requiring an investment of 10.7 million US dollars over five-years. The Burmese authorities have committed themselves to eliminate each year some 90 tons of the illicit opium production during the implementation period of the Masterplan. This will result in the complete elimination of opium poppy cultivation in Burma.

Ecuador has been faced recently by the manifestation of rising drug abuse, as well as a large expansion of illegal coca bush cultivation in rugged and nearly inaccessible areas. During a UNFDAC mission to Quito in March 1985, a formal political commitment for a global fight against drugs and the adoption of a coca control Masterplan were considered for the first time. Only four months later, the Government adopted a National Plan for the Control of Illicit Traffic and the Prevention of Drug Abuse, on the basis of which an operational Masterplan of 10 million US dollars was elaborated. During a second UNFDAC field mission in October 1985, the document was reviewed. The Masterplan is now finalized and each project included therein contains provisions on the Government's commitment to eliminate illicit coca cultivation within a period of five years.

During the last three years, UNFDAC expanded its programmes both in Asia and in Latin America. Now the time has come for other important geographical areas to be included in UNFDAC's operative scenario. These would be Africa and the Caribbean. As indicated in UNFDAC's reports, preparatory activities are underway for the identification of some priorital needs of these regions and for the design of drug control programmes.

We have learned that the day-to-day critical appraisal of the implementation of our projects is important in identifying in a timely fashion additional needs and the changes occuring in the already identified ones. UNFDAC has the duty to signal these data to the international community. In this regard, mention should be made of some perverse side effects of the anti-narcotic programmes. UNFDAC is aware that in view of the links among the various drug phenomena and, in particular, the readjustments of the strategy of crime syndicates involved in drug trafficking, success in one area tends to generate problems elsewhere. These coming problems are often timely foreseen by us but this does not help us to prevent and control them because of lack of resources. A recurrent perverse effect is the displacement of illicit cultivation to neighbouring countries and the redirection of trafficking routes. I hope that appropriate consideration be given by the international community to this issue, knowing that the impact of side-effects can counteract and even negate the positive results of our work.

Mr. Chairman, the recognition that UNFDAC is receiving is manifested by the repeated appeals from qualified bodies that its role be strengthened. The General Assembly, in its resolution 40/122, included the increasing support for UNFDAC among the issues to be covered by the forthcoming International Conference on Drug Abuse and Illicit Traffic. It also referred in resolution 40/121 to the vital role played by UNFDAC. The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders which unanimously adopted resolution 3 on "international co-operation in drug abuse control" invited Member States to take full advantage of UNFDAC services in order to achieve greater impact on drug control through improved co-ordination and united programming. Last September the European Parliament adopted five resolutions on drug abuse control emphasizing the need for strengthening international co-operation through, inter alia increased financial contributions to UNFDAC and through the participation of the European Commission in the implementation of the Masterplan in Thailand. Reference can also be made to the statement on the international drug problem, issued in July 1985 by the Foreign Ministers of the member countries of the Association of South East Asian Nations, as well as to the resolution adopted by the Organization of American States which will soon convene a Specialized Conference on Drug Traffic. Additional recognition of UNFDAC's role stems from the document which emerged from the Bonn Summit of May 1985 entitled "options for individual and collective action to intensify the fight against drug abuse" which will be considered by the next Summit Meeting in Tokyo, as well as the recent decision of the Development Assistance Committee on the OECD to organize a meeting in order to identify and understand the concrete linkages between development and drug abuse control. This meeting will help raise the awareness of Governments of ths new dimension and its negative impact on the economic and social conditions in many countries.

Mr. Chairman, in concluding, I wish to stress that the gravity of the drug phenomena, their close connection with organized crime, their impact on the social and economic development processes in many countries and the awareness of the necessity to counteract them effectively through a multilateral strategy are all factors which have contributed to a new momentum in the growth of UNFDAC's financial resources and to the enhancement of its activities.

While this growth of UNFDAC is encouraging, it should not lessen the conviction that the dimension of the phenomena with which we are confronted requires a hundredfold increase in the resources available at present.

Mr. Chairman, the crowded and heavy agenda of this special session will probably prevent the Commission from holding an exhaustive discussion on UNFDAC's programmes. Should there be any need for further information or clarification, the UNFDAC staff remains at the disposal of the distinguished delegates at all times.

NEWARK CELEBRATES ITS 150TH ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. RODINO. Mr. Speaker, 1986 is a very special year for the city of Newark, which is celebrating its 150th anniversary of incorporation. In honor of this special anniversary, the Newark Museum has planned a series of exhibits, cultural tours, and educational programs. The focus of these events is the evolution of Newark—the Nation's third oldest major city—from a rural town to a center of industry, commerce, finance, and art. Among the Newark Museum events planned are:

Made in Newark. Decorative area, 1836-1986. From the mid-19th century on, Newark's factories produced many types of decorative and useful household objects. Featured in this exhibition are examples by such celebrated Newark firms as Tiffany & Co., Unger Brothers, William B. Kerr Co., and John Jelliff and Company.

A Newark Sampler. Works from the Collection of the Newark Museum, 1836-1986. This exhibition features paintings, watercolors, drawings and sculptures that give an historical overview of artistic activity in the City of Newark over the last 150 years.

Money & Medals of Newark. More than 250 items from The Newark Museum's fine and extensive collection illustrate details of Newark history, including the official City Seal, created by Act of Council in 1836.

Noontime Tours of Newark. Renaissance and Restoration. A series of Tuesday noontime tours organized by the Museum will visit such sites as Penn Station, the Cathedral of the Sacred Heart, the Ironbound and St. Joseph's Plaza.

Group Tours. For children and adults. The Newark Museum Education Office will offer tours of the 1985 Ballantine House restoration, cultural bus tours of Newark and a special slide show.

Mr. Speaker, I join in the salute to this great city and its people, and I commend to you the following article on Newark's history, which was published in Metro Newark magazine:

A PORTRAIT OF A GROWING CITY

[NOTE.—The following is a thumbnail sketch of Newark's history, compiled by members of the New Jersey Historical Society.]

Four barrels of beer and 10 kettles. A hundred bars of lead and a load of wampum. To say nothing of troopers' coats, swords, axes and blankets. These European imports were the bargain price of Newark in 1666, when Robert Treat and four other settlers from the New Haven colony in Connecticut bought it from the local Lenape (or Delaware) Indians. The settlers named the town for Newark-On-Trent in England, where the Rev. Abraham Pierson, one of their leaders, was born. The original Newarkers were Congregationalists, with their own religious and political ideas. They established a New England-style town-meeting form of government and set themselves to farming some of the best land in eastern New Jersey. For a century they grew grain, raised livestock, kept orchards and perhaps never dreamed that Newark would be more than a sleepy provincial village.

The Puritan village of Newark grew slowly during colonial times, boasting only 1,000 souls on the eve of the American Revolution. Among Newark's contributions to the Revolutionary Era were Alexander MacWhorter, pastor of Old First Church, and Aaron Burr, a native son who served with distinction in the war and later achieved political prominence—followed by infamy—when he mortally wounded Alexander Hamilton in a duel. The crowds of Newarkers who greeted Gen. George Washington in November 1776, after a five-day British occupation and plundering of the town, could not have imagined Newark's bright future.

While Newark had been little more than a farming village and an emporium for produce from the Passaic Valley, the slow process of industrialization was beginning. Shoemaking was the industry most closely associated with the city's early history. In fact, Charles Basham's 1806 map of Newark featured a shoemaker, hard at work, as the town's symbol. Other important local crafts included the making of furniture, carriages, and coach lace. Crafts gradually became industries in the first half of the century, as Newark grew into one of the nation's chief inland manufacturing centers. Transportation highlighted the 1830s as railroads came to Newark, the Morris Canal was opened and the city became an official port of entry.

Newark was incorporated as a city on March 18, 1836 by an overwhelming vote of the public. And in April of that year, the city's first mayor took office.

Soon, the inventiveness and industry of its rapidly growing population, coupled with a rapidly expanding transportation system, opened the vast markets and business opportunities of New York City to Newark, establishing it as the undisputed economic capital of New Jersey. The city's expansion was continually bolstered by waves of immigrants—in the first half of the century, Irish and German, and in the second half, Italian and Eastern European. In fact, the story of Newark's industrial growth can actually be read in the individual success stories of its residents—inventors, salesmen, bankers and others. In fact, Newark's technological pioneers—Seth Boyden, John Wesley Hyatt, Edward Weston, Hannibal Goodwin and Thomas Alva Edison—actually propelled the city into one of America's top 10 industrial centers by the second half of the century.

Others helped to build economic vitality. John F. Dryden, founder of The Prudential Insurance Co. of America, also helped to found the Fidelity Trust Co. (now First Fidelity Bank). The bank helped to supply the capital to fuel Newark's expansion, including much of the financing of the Public Service corporation founded in 1903.

In 1864, George A. Clark arrived in Newark from Scotland to found the Clark Thread Works. By 1866, he employed more than 1,000 persons in his new plant on the north end of the city, and Clark's "O.N.T" thread was found in virtually every sewing basket in America.

Hahne's, the city's oldest department store, was founded in 1858 as a bird cage store. By 1870, it had expanded to include general merchandise, opening its present building on Broad Street in 1901. Louis Bamberger founded his store in 1892 by purchasing the bankrupt stock of Hill & Craig. By 1898, Bambergers covered six floors. The sales ladies, dressed in long black aprons, sold a wide variety of merchandise to the city's increasingly affluent population.

By 1884, Newark had 10 banks and five savings institutions. As a result of their conservative policies, they had survived the panic of 1873 in such good shape that several New York banks actually came to Newark to borrow money to keep afloat. And by 1895, Newark's growing insurance companies were so successful that the city ranked fourth in insurance assets. Only New York, Philadelphia and Hartford outranked Newark in this regard.

As in other American cities, unfortunately, the Great Depression dissipated much of the enthusiasm that had developed in the late 19th and early 20th centuries. But today, Newark can take pride in an extraordinary rebirth, reflected in exciting center city development projects and state-of-the art transportation facilities, with the promise of renewed momentum in the commercial and manufacturing sectors and a new era of cultural, educational and community vitality.

LEGISLATION TO SUSPEND DUTY ON IMPORTATION ON CHEMICALS USED IN PRODUCTION OF PRINTING INK

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. JENKINS. Mr. Speaker, today I am introducing two bills that suspend the duty on the importation of two chemicals that are precursors used in the production of printing ink and dies for textiles. These two chemicals are not produced in the United States. The suspension of the duty on these two chemicals will act to lower the overall costs of producing textiles in this country. As we are all aware, the textile industry has been hit especially hard by imports. I am doing everything I can to keep our industries on a fair competitive footing with their foreign competition. When our foreign competitors can print and die their textiles free of this duty, we are placing our domestic industry at a competitive disadvantage. Since there is no domestic production of these chemicals to be concerned about, it is senseless to continue this duty. My bills suspend the duties on these two chemicals, 3-nitro phenyl-4-beta-hydroxy sulfone (also known as nitro sulfon B) and 4-chloro-2,5-dimethoxy aniline (also known as chlor amino base), through December 31, 1990. This will give us time to study the effect of the duty suspension on the chemical industry to determine if we should then repeal the duty outright or continue the suspension for another period.

WILKES-BARRE—A CITY ON THE GROW

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. KANJORSKI. Mr. Speaker, less than 15 years ago many so-called economic experts said that the city of Wilkes-Barre, and all of northeastern Pennsylvania were done for. We were told our region could never survive the

double whammy of Hurricane Agnes and the decline of the anthracite coal industry.

As the following article from yesterday's New York Times demonstrates, the experts underestimated the courage and determination of the people of northeastern Pennsylvania. Today the city of Wilkes-Barre and other Wyoming Valley communities have rebuilt the areas ravaged by the flood and are stronger and more vital than ever before.

Rebuilding, and diversifying the local economy has not been easy. It has taken a concerted effort by thousands of individuals, businesses and civic groups, as well as a helping hand from the Federal and State governments.

It is worth noting that the reconstruction and revitalization of the Wyoming Valley was made possible, in part, by the very economic programs this administration is determined to slash or eliminate: EDA, UDAG, CDBG, SBA, FmHA, and EPA.

That the Wyoming Valley has come so far is a tribute to the industiousness and spirit of the people who live there. That work ethic is only one of the major economic factors which is attracting astute businessmen to locate their new plants in northeastern Pennsylvania.

We also offer a first-rate transportation system with easy access to all the major east coast markets, a plentiful supply of skilled labor, ample water, and reasonably priced energy. Our labor, construction and land costs are well below those of most competitors, and our many recreation areas and peaceful surroundings make northeastern Pennsylvania an attractive home for those of us who have had enough of the grime and crime of our major cities.

Lindsey Gruson's article documents the revival of the city of Wilkes-Barre, and why so many businessmen are finding the Wyoming Valley an attractive place to do business.

[From the New York Times Apr. 20, 1986]

REBORN WILKES-BARRE COUNTS FLOOD AS BLESSING

(By Lindsey Gruson)

WILKES-BARRE, PA.—Like a bowling ball jumping lanes, the swollen Susquehanna River crushed through its banks here in 1972, carving a channel through the narrow Wyoming Valley and crushing this low-lying town.

As church bells pealed and the roaring waters settled back behind their dikes, many residents said the flood had hammered the final nail into the coffin of this grimy, decaying coal city.

But now the flood is viewed as something of savior, an accelerated form of urban renewal. The city has been rebuilt, from sewers to skyscrapers. The omnipresent black stains that once branded it as a coal center have been washed away. Wilkes-Barre is now so new, so modern, that grains of sand in its smooth white sidewalks shimmer in the spring sun.

After four decades of steep and painful decline, the city's reconstruction is only the most obvious illustration of the area's economic rejuvenation. signs of the long-awaited revival now sprout like the pink blossoms of the cherry trees that were planted after the flood.

FORCED MARCH OF DEVELOPMENT

"In the long run, the flood was the best thing that ever happened to the city," Mayor Thomas V. McLaughlin said. "Everybody thought we were a dying town. But the flood brought us together and gave us a completely new downtown. It pushed development here that nobody even dreamed about 10 years ago. Things are really looking up."

Trouble spots remain, of course, and the area, which fueled the country's 19th-century growth into an economic colossus, is unlikely to regain its former prominence. Many of the region's longtime industries, like coal, steel and textiles, remain depressed.

Like much of the Northeast, this region was victimized by foreign competition and economic trends that turned it into a distress zone. Workers are still being laid off in northeastern Pennsylvania. Unemployment remains high at 9.1 percent, 2.4 points higher than the national average. Taxes, although declining, are still higher than in many competing states, and after years in which many young people left, the population in the greater Wilkes-Barre area, about 250,000, remains older than the nation's average, with one in five residents collecting Social Security.

But bit by bit, investment is flowing back to the area, raising spirits and hope. Young people are returning, construction is booming and real estate prices are climbing. For the first time in recent memory, some officials openly dream of new municipal projects.

Barely a week passes without some company announcing a new project, another plant expansion or some other program. Most of the new companies are small, primarily in printing, data processing, snack-foods and leisure industries rather than the industrial giants of the past.

Taken together, many executives and economists say, that shows the area has not only weathered the crisis but begun to rebound.

"We've turned the corner in the last five or six years," said James H. Ryan, president of the Wilkes-Barre campus of Pennsylvania State University. "And in the last two years things have been very upbeat. There's a renewal going on."

In many ways the area's revival springs from factors that have lifted the country's economy as a whole, like cheaper oil, lower inflation and reduced interest rates. But economists say the reasons go deeper, paralleling those that are not helping the Northeast in an economic tug-of-war that was once widely considered lost.

"We like to feel the North is rising again," said John H. Ruehlman, a regional labor analyst for the state.

This success grows out of an interlocking web of advantages, state officials, business executives and economists say, including the region's strong universities, which have produced a steady supply of ambitious graduates, its well-developed transportation system and its proximity to major markets. These factors combined to reverse migration to the Sun Belt and to propel the Northeast, especially the corridor between New York and Boston, into the forefront of the nation's economy.

That revival is now moving west, spilling into northeastern Pennsylvania, executives and economists said.

Unlike Massachusetts, which has the nation's lowest unemployment rate, northesst Pennsylvania still has a vast pool of skilled, unemployed workers. Unlike New York or Connecticut, it still has affordable real estate and one of the nation's lowest crime rates.

"I like to think of us as an underutilized area," said Richard M. Ross Jr., president and chairman of the First Eastern Bank, which is building a new seven-story headquarters in downtown Wilkes-Barre. "A lot of back-office and first home development is moving west. It's pure economics. You can't pay the rents of New York, or even New Jersey, indefinitely without looking around for places to do it cheaper."

In addition, executives and regional officials say, the area has some singular advantages. The Wyoming Valley is within five hours' driving time of a third of the country's population and 46 percent of its buying power. It has some of the country's cheapest electricity and a vast amount of water. A virtually inexhaustible supply of culm, a by-product of coal mining, gives it plenty of low-cost steam, a vital ingredient in many industrial processes.

Residents and economic development officials also point to the leisurely pace of life in the area and its abundant recreation facilities. What it lacks in culture, it makes up in the outdoors, they say. Cascading trout streams, rolling hills and deep lakes make the area something of a sportsman's paradise, they say.

"The Endless Mountains of Pennsylvania are one of the country's best-kept secrets," said Andrew J. Sordoni 3d, chairman of Commonwealth Telephone Enterprises.

'TRUCK CAPITAL' WITHSTANDS BLOW

The area's growing strength was illustrated in a paradoxical way in January when Mack Trucks announced it would lay off 2,000 workers and move its main assembly line out of nearby Allentown, which over the years had come to identify itself as the Truck Capital of the World. But the area has gained enough that the decision was more a psychological blow than an economic setback.

In the last decade, the number of workers holding nonmanufacturing jobs in the five-county area around Wilkes-Barre has jumped to 201,500 from 169,600, more than offsetting the decline of 10,800 jobs in manufacturing.

The Wyoming Valley has not attracted any industrial giants, but it has benefited from incremental progress and recruited small entrepreneurs.

"It's the niche players, the entrepreneurs and not the institutions," Mr. Sordoni said. "A place like this offers you a chance to make a mistake. It's far easier to bring Mohammed to the mountain than Mohammed and his foothills. It's far easier to bring people, than people and their widget-making machines."

A TRIBUTE TO MR. VICTOR LECCESE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. LENT. Mr. Speaker, it is my distinct pleasure at this time to recognize an individual who has made a significant contribution to excellence in the field of education. This individual is Mr. Victor Leccese, superintendent of schools in Oceanside, NY. After 30 years of distinguished and dedicated service to the schools, the students and the community, Mr. Leccese will be retiring from the Oceanside

School District. On May 8, Mr. Leccese's family, friends, and colleagues will hold a testimonial dinner in his honor. In recognition of this memorable occasion, I'd like to take this opportunity to recognize Mr. Leccese's many outstanding accomplishments and his vaulable contributions to education and the Oceanside community.

Mr. Leccese began his professional career in 1956 as a guidance counselor with the school district. Since that time he has served in many capacities, as director of pupil personnel, principal of the Boardman Junior High School, coordinator of secondary education, and as assistant superintendent, before assuming the position as superintendent of Oceanside schools. In his various positions, he has been responsible for nearly every facet of management, including curriculum, personnel, budget development, and administration.

Mr. Leccese has been an effective leader in the field of education who is well-respected by his colleagues. This past summer, I met with Mr. Leccese and representatives of the Oceanside PTA Council and Board of Education to discuss the impact of tax reform on our local schools and education. I was presented with petitions signed by over 7,500 Oceanside residents protesting an end to the State and local tax deduction so important to New York taxpayers. This deduction is critically important to preserving the high standard of education in Long Island's public schools. Their help was essential in winning the fight in the House to retain this important deduction, and I am grateful for their support.

Admired by many for his dedication to meeting the educational needs of our young people, Mr. Leccese has worked hard so that our children could have the best possible education. His guidance and sound judgment have been a source of inspiration for many, and he will be sorely missed.

I'd like to extend my deepest appreciation to Mr. Leccese for his 30 years of dedicated service and valuable contributions to education and to the Oceanside community, and I wish him much health and happiness in the years head.

JOHN PAUL HAMMERSCHMIDT RECEIVES AMVETS SILVER HELMET AWARD

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. MONTGOMERY. Mr. Speaker, it was my privilege, during ceremonies this past weekend, to present to our good friend and distinguished colleague JOHN PAUL HAMMERSCHMIDT the prestigious Amvets Silver Helmet Congressional Award.

American veterans of World War II, Korea, and Vietnam [AMVETS], a 200,000-member veterans' service organization, recognizes excellence and significant accomplishments in the areas of congressional service, Americanism, defense, rehabilitation, civil service, and peace through the annual presentation of the coveted award, a silver replica of the World War II GI helmet.

Mr. Speaker, over the 19 years that have passed since we first came to Capitol Hill together, JOHN PAUL and I have developed a close and lasting friendship. I have had the honor of working side by side with him on the Veterans' Affairs Committee and in other matters, and I've seen his dedication and his hard work firsthand. He has been a vocal and effective Member of this great body. It is a pleasure to serve with a gentleman of such integrity and ability.

The veterans of this Nation are fortunate to have JOHN PAUL looking out for them in Washington. As ranking minority member of the House Veterans' Affairs Committee and as a highly decorated veteran of World War II, he has been sensitive to the needs and concerns of all veterans and their families. He is largely responsible for many of the benefits and services now administered by the Veterans' Administration.

JOHN PAUL was honored, as the inscription on the award reads, for "His unparalleled efforts within the Congress of the United States to ensure that all American veterans receive the utmost respect and the full range of entitlements they earned through service to their country."

Mr. Speaker, I would also like to share with my colleagues the words inscribed on the plaque that accompanied JOHN PAUL'S silver helmet:

"JOHN PAUL HAMMERSCHMIDT has distinguished himself for the Amvets Silver Helmet Congressional Award by his unparalleled efforts in the development and support of quality legislation for veterans.

"Congressman HAMMERSCHMIDT, a native of Harrison, AR, has promoted such legislation staunchly and steadily ever since his election to the House of Representatives in 1966, and has intensified this course of action in his current position as ranking minority member of the House Veterans' Affairs Committee.

"He has made special contributions in the areas of service-connected disability benefits and Veterans' Administration health care services.

"As an Army Air Corps pilot in the China-Burma-India theater in World War II, Congressman HAMMERSCHMIDT earned the distinguished flying cross with three oak leaf clusters and the air medal with four oak leaf clusters.

"For his status as both a wartime hero and peacetime friend, AMVETS is pleased to honor JOHN PAUL HAMMERSCHMIDT.

"Presented April 19, 1986. Robert A. Medairos, national commander."

Mr. Speaker, I know my colleagues will want to join with me in applauding JOHN PAUL HAMMERSCHMIDT for his commitment to the Nation's veterans and their families. We also offer our congratulations upon this latest recognition of that commitment.

THE ROAR OF EUROPEAN HYPOCRISY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. OXLEY. Mr. Speaker, it is rare that two political commentators from opposite poles on the spectrum write so effectively and so poignantly on an issue that affects all of us. I am presenting for my colleagues' attention the following columns by R. Emmett Tyrrell, Jr., and Richard Cohen about the war on terrorism and its effects on all of us.

[From the Washington Post, Apr. 20, 1986]

IN DEFENSE OF OUR CIVILIZATION

(By R. Emmett Tyrrell, Jr.)

In the end, political resolve comes down to a question of character. When the leaders of the French government flinched from allowing American warplanes to fly over French territory en route to Libya, thus condemning American airmen to all the dangers attendant with a military mission made 2,400 miles more arduous, they showed their smallness. In the pinch, Prime Minister Margaret Thatcher displayed nobility; these Frenchmen revealed flawed character.

I wonder if they would have allowed our planes to fly over a more precisely designated route, leapfrogging such places as Ardennes, Suresnes, Rhone, the Lorraine Valley, St. James, St. Laurent and Epinal. All contain military cemeteries where American men lie face up, forever gazing into the skies of France. Surely these men would not object if they were to see once more the underbelly of an American bomber flying far from home to defend the values of the West.

These values will always offend dictators, whether they are the authors of "Mein Kampf," the "Green Book" or whatever other collection of claptrap esotery they compose to warrant their lusts. Against savagery civilization will always need leaders who stand ready.

There have been times when French leaders have shown the requisite readiness. In October 1962, when the United States squared off against the Soviet Union and risked nuclear war over Soviet missiles in Cuba, Britain's Prime Minister Harold Macmillan wavered upon receiving President Kennedy's call. President Charles de Gaulle did not. When Kennedy's emissary, Dean Acheson, sought his cooperation, the Frenchman replied, "If there is a war, France will be with you"; and when Soviet Ambassador Serge Vinogradov belabored him with warnings that he risked the nuclear destruction of France, de Gaulle broke a stony silence, rose from behind his desk, extended a hand in farewell, and said, *"Helas, Monsieur l' Ambassadeur, nous mourirons ensemble! Au revoir, Monsieur l'Ambassadeur."* (Alas, Mr. Ambassador, we'll die together! Goodbye, Mr. Ambassador.)

The regime of Col. Muammar Qaddafi has been an outlaw regime. It might have carried on commerce with Western Europe and other civilized countries, but in the more important province of moral values, it has been hostile to all that they stand for and have stood for during the better part of modern times. Qaddafi's kind of far-flung violence is a threat to the moral order estab-

lished by the West over decades. Qaddafi and like-minded Middle Eastern dictators have made it a matter of policy to murder innocents, even those who have had nothing to do with government or politics.

All the arguments for avoiding our military action against Qaddafi have been heard before. We recognize that some Europeans have profited in commerce with him. It is apparent that some were more exposed to his cowardly terrorists than were most Americans. But the fact remains that he has been a firebrand whose record is one of everygrowing belligerency, violence and cruelty. As Westerners grew more "reasonable," Qaddafi grew more horrible.

The Europeans who expressed disapproval of Washington's strike against Qaddafi must face the grisly fact that as they prospered in commerce with him they contributed to the destruction of the humane values of their civilization. If they are in fact more exposed to terrorists today, experience shows they will be still more exposed tomorrow. Reason conduces to the conclusion that it is both moral and prudent to do today what will with greater difficulty have to be done tomorrow.

Our attack on Libya was but another chapter in the defense of our civilization. It will not be the last. It should have been made by an international force composed of the major victims of Middle Eastern terror. In French Prime Minister Jacques Chirac's remarks after the attack there was just a hint that he recognized this. That would be a good omen.

In this country those of us who defend NATO are sorely pressed by others. They cite frequent European abandonment of us when we needed them and call for an end to our participation in NATO. Then we shall simply bury our dead under American skies.

THE ROAR OF EUROPEAN HYPOCRISY

(By Richard Cohen)

On July 10, 1985, the Greenpeace ship Rainbow Warrior threatened to sail into the South Pacific to thwart a French nuclear test. While the ship was in New Zeland waters, France responded. Government agents blew up the ship, killing one person on board.

For this act of murder, the appropriate French officials have been reprimanded and those without high rank or political protection prosecuted. For a more cynical use of state power you would have to look pretty hard. But the Champs Elysées did not swell with roaring chants of indignation, and nowhere else in Europe did people take to the streets. No, Europe saves that for the United States.

Now Europe is in a snit about the U.S. bombing of Libya. President Reagan is once again being caricatured as a shoot-from-the-hip cowboy who, in true Western fashion, reached for his six-shooter when the time came to parley. You would think that Reagan had chosen his target by throwing a dart at a map: Bingo! Hit Libya.

The Europeans have their concerns. One of them is economic. Italy, the former colonial power in Libya, does a fair amount of business with it. All the major European countries have citizens who work in Libya, and some of them have substantial construction projects under way. Reagan made sure to warn Americans to get out of Libya; the European countries have issued no such warning to their own citizens.

But the major European concern is terrorism itself. Many Europeans are afraid that retaliating against Muammar Qaddafi is like poking a snake with a stick. This is hardy an irrational fear. In the last year alone, there have been two terrorist incidents in Spain, six in France, three in Greece, four in Germany, three in Italy and one in Austria. Whatever the eventual result of the U.S. bombing might be, in the short term there will be an upsurge of terrorism. Many Americans, quick to condemn European timidity, have themselves canceled plans to travel abroad this summer. For Europeans, things are not so simple. They are already abroad.

Still, those Europeans who are so quick to demonstrate against the United States ought to ask themselves why they did not do the same when the Rome and Vienna airports were littered with the bodies of 16 persons killed by terrorists. Where were they when three members of one American family were blown out of a plane over Greece? Why no widespread European indignation when 18 Spaniards were killed in the Madrid bombing of a restaurant frequented by U.S. servicemen?

Where was the march for the bombing last month that killed two persons in Paris, the one Feb. 5 in a Parisian shopping mall, the bomb that exploded in a crowded Latin Quarter bookstore the day before or the one that exploded Feb. 3 on the Champs Elysées, wounding eight persons? Who marched for the Achille Lauro and Leon Klinghoffer, for the TWA hijacking and Navy diver Robert Stethem or for the 57 who died when commandos botched an attempt to free the passengers on an Egyptair plane forced to land on Malta? No one, that's who.

It's true that not all these terrorist incidents can be traced to Libya—not even most of them—and it's true also that in both France and Italy there were public protests against terrorism directed against Jewish targets. But by and large, those Europeans who are inclined to exhibit their political opinions by marching did not hit the road until U.S. bombs hit Tripoli. Then, as if the event took place in a vacuum, a roar came up from the pavement.

You can argue over the wisdom of the bombing. You can argue over the manner of its execution. You can fear for American standing in the Middle East, for whether the lessons of Libya will be misapplied to Nicaragua. But you cannot treat the bombing as if it were an unprovoked, irrational act—as if it had not been preceded by many bombings, years of carnage and a constant plea from the United States to the European nations to punish Libya economically. The response was a cynical shrug of the shoulders by those same European nations.

There are a thousand concerns to be voiced. But you cannot voice an outrage that does not take into account all that went before—terrorist acts all over the world and, finally, the one that took the life of an American soldier April 5 in West Berlin. European anti-Americanism is plain to the ear. The sound of silence has been replaced by the roar of hypocrisy.

1986 CALL TO CONSCIENCE VIGIL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. PORTER. Mr. Speaker, it is an honor for me to participate in this year's call to conscience vigil. This annual event reinforces the congressional commitment to working on behalf of the hundreds of thousands of Soviet Jews who desire to emigrate to Israel but cannot. However, despite the optimism that surrounded the atmosphere in Geneva and the symbolic presummit gestures, and even despite the recent release of Anatoly Shcharansky, the overall situation for Jews living in the Soviet Union remains dismal. Monthly emigration levels are very bleak and harassment of people expressing their religious beliefs is a constant occurrence.

I would like to, once again, call my colleagues' attention to the problems facing Tatiana and Zachar Zunshine. The Zunshines first applied to emigrate to Israel in 1981. Their nightmare began on March 6, 1984, when Zachar began serving his 3 year sentence for alleged crimes committed against the Soviet state. Mr. Speaker, the only crime Zachar committed was that he expressed a desire to leave the Soviet Union and go with his wife to live in Israel.

Since Zachar's imprisonment, he has been subject to efforts by Soviet authorities to break his spirit. His physical health has been worsening steadily. Unsterile procedures and unsanitary practices of the camp medical staff have contributed to Zachar's deteriorating health. But in turn, as Zachar's condition weakens, Tatiana has gained strength in the struggle that she is waging on her husband's behalf.

Recently Tatiana requested that bars of soap be sent to Zachar in prison since he is only allowed to have soap to wash his hands once every few weeks. Due to these unsanitary conditions, he contracted a case of infectious B hepatitis in December. He is now susceptible to any bacterial illness because of his low resistance. According to information I have received, thousands of bars of soap were sent to Zachar at the Bazoi camp signifying that people around the world rallied behind the single voice of Tatiana Zunshine. Tatiana's courage and determination should be inspiration to all of us to continue the fight, as she had decided to stand up and take on the people who are so determined to break her. She will not be broken.

Tatiana is also regularly harassed and threatened by the Soviet authorities. Earlier this year, she was isolated from her Western contacts and her travel within the Soviet Union was restricted. Later this week Tatiana will attempt to visit Zachar, on his birthday, but this simple request will no doubt cause the officials of the camp some problems.

The situation facing Tatiana and Zachar Zunshine reminds us that we must continue to join in efforts with the brave individuals of the Soviet Union, who are fighting for their freedom and survival every day. Mr. Speaker, as Jews around the world sit down to their Passover seders this week, let us pray that the Zunshines might celebrate Passover "next year in Jerusalem" with the many other Soviet Jews, yearning to be free.

DON'T LET THE AMERICAN PEOPLE FALL THROUGH THE TRAPDOOR: INTRODUCTION OF AUTO SAFETY LEGISLATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. STARK. Mr. Speaker, today, I am introducing legislation that will close a trapdoor devised by the Department of Transportation which would prevent the American people from benefiting from passive restraint systems in motor vehicles.

I am proposing that we tax cars that do not have passive restraints and return that money to those who purchase vehicles with passive restraints.

Since 1969, the Department of Transportation [DOT] has made multiple regulatory proposals which would have required the installation of automatic restraint devices in passenger cars. After many delays, and about 200,000 preventable auto passenger deaths, we currently have a regulation which may result in no requirement for the installation of automatic restraints.

The current DOT regulation, FMVSS 208, calls for the installation of automatic restraints in 10 percent of new vehicles starting in September 1986. All new vehicles would be required to have automatic restraints by September 1989. However, if two-thirds of the U.S. population is covered by State mandatory seatbelts by April 1989, then the trapdoor will open and the requirement for passive restraints will be dropped.

A poll of the American people indicates that they want passive restraints in addition to mandatory seatbelt use laws. By their actions, the members of State legislatures around the country have also indicated that they want passive restraints and mandatory seatbelt use laws. All of the State laws passed to date have been out of compliance that DOT set up in July 1984 for mandatory seatbelt use laws. In fact, several of the mandatory seatbelt use laws have sunset provisions which revoke them if they are counted toward the DOT goal of two-thirds of the U.S. population.

We need better safety devices because motor vehicle collisions are one of the leading causes of death and injury in the Nation. For children and young adults, motor vehicle collisions are the leading cause of death and injury; and they are the fourth most common cause of death for all age groups. Nationally, over 27,000 people die each year as occupants of passenger cars.

The numbers of nonfatally injured motor vehicle occupants are even more staggering: about 13,000 people are injured each day, more than 4.5 million each year.

Motor vehicle related trauma is second only to cancer in economic cost to the country. Motor vehicle collisions produce more paraplegics and quadraplegics each year than all other causes combined and are a leading cause of new cases of epilepsy. The direct costs, which amount to nearly $40 billion per year, include the direct costs of emergency care, acute care and rehabilitative care. Governments at all levels must bear increased costs of welfare, Social Security and other programs. As Ways and Means Health Subcommittee chairman, I believe increased auto safety can help reduce some of the staggering costs of the Social Security Disability/Medicare Programs. Industry also bears the costs of lost time and increased insurance expenses.

There is scientific information which indicates that mandatory seatbelt laws, even if they covered the whole population would not be as effective in protecting life and limb as the installation of passive restraints would eventually become. Massive police enforcement activities—which would not be acceptable to most Americans—are required in order to obtain seatbelt utilization rates over 70 percent. Uniform enforcement would be difficult to achieve because of the thousands of police departments in our country. On the other hand, passive restraints require nothing on the part of the individual to be protected in the event of a collision. Even with a mandatory seatbelt law, the individuals most likely to be in motor vehicle collisions are the ones least likely to wear their belts. This includes young male drivers and others who are more likely to drive at high speed or to drive while introxicated. In these situations, passive restraints should be present and protective.

All of the issues noted above must be taken into consideration in a legislative proposal. I want to ensure that all Americans eventually become protected by the best that our technology has to offer: passive restraints. Therefore, I have drafted a bill that will allow the genius of our engineers to develop a variety of passive restraint devices and a bill that will provide a marketplace incentive for the installation of those devices.

The bill will initially require only the protection of front seat occupants in collisions at 30 miles per hour or less. Eventually, it will require protection of rear seat occupants and the protection of passengers in higher speed collisions. The only limitation on the type of restraint is that the device cannot be detached or deactivated by the vehicle owner. Vehicles manufactured on or after September 1, 1989, which do not meet these criteria will have an excise tax placed on them. The tax is set so that the increased price of the unsafe vehicle will be approximately equal to the cost of purchasing a vehicle with the best currently available passive restraint. In addition, the bill requires the Secretary of the Treasury to return the money collected from those purchasing unsafe vehicles to those purchasing safe vehicles by establishing a payment from the Treasury to the purchasers of such vehicles.

There is nothing in my proposal which will preclude State legislatures from continuing to pass mandatory seatbelt use laws.

Nearly 20 States have these laws at the current time. Such laws, to the extent that they are effective, are to be encouraged. Mandatory use laws and passive restraint systems are compatible.

The system which the DOT will use for judging the acceptability of the mandatory seatbelt use laws for the purposes of FMVSS 208 are another point of contention and another reason for my proposal. In July 1984, DOT announced that it would rule on each mandatory seatbelt use law as it was passed. It subsequently announced that it would "make that determination probably some time before April 1989." In November 1985, the Secretary of Transportation announced that she would rule on mandatory seatbelt use laws very shortly. The current DOT position seems to be to await the outcome of the pending case in the District of Columbia Circuit Court of Appeals on the passive restraint regulation (FMVSS 208). In other words, I do not think that we have any idea what the Department of Transportation will do in regard to this issue. We need this bill so that the DOT knows that the American people are serious in their quest for motor vehicle safety, and we should have this in place if the DOT decides to spring its trapdoor.

My proposal will protect the lives and health of Americans. It will also result in a savings to insurance companies, local, and State governments, and the Federal Government.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 22, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 23

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and the National Center for the Study of Afro-American History and Culture.

SD-116.

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space station program.
SR-253

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Labor and Human Resources
To hold hearings on S. 1815, to prohibit any employer from using any lie detector test or examination in the work place, either for pre-employment testing or testing in the course of employment.
SD-430

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Navy aircraft procurement programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Railway Association and Conrail.
SD-138

Armed Services
Defense Acquisition Policy Subcommittee
Business meeting, to mark up S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contracts between senior officials of the Department of Defense and defense contractors, S. 2151, to establish within the Office of the Secretary of Defense an Office of Defense Acquisition for the centralized procurement of all property and services for the Department of Defense and to provide for an Under Secretary of Defense Acquisition, S. 2196, to improve procedures for the acquisition of spare and repair parts for the Department of Defense, and related proposals.
SR-222

Energy and Natural Resources
Business meeting, to resume markup of S. 1225, to compensate the public for injuries or damages suffered in the event of an accident involving nuclear activities undertaken by the Nuclear Regulatory Commission licensees or Department of Energy contractors, and other pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine legal mechanisms to combat terrorism.
SD-226

Joint Economic
Monetary and Fiscal Policy Subcommittee
To hold hearings to review European agricultural trade practice.
SD-106

Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To hold hearings on the impact and efficiency of Federal welfare policies.
2359 Rayburn Building

1:30 p.m.
Foreign Relations
To continue oversight hearings on activities of the Agency for International Development.
SD-419

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings to review atomic energy activities of the Department of Defense.
S-126, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of James C. Fletcher, of Virginia, to be Administrator of the National Aeronautics and Space Administration.
SR-253

Environment and Public Works
To hold hearings on the nomination of Frank H. Dunkle, of Montana, to be Director of the U.S. Fish and Wildlife Service, Department of the Interior.
SD-406

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Armed Services
Military Construction Subcommittee
Closed business meeting, to discuss the Navy's strategic homeporting initiative.
SR-222

APRIL 24

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To hold open and closed hearings on anti-tactical ballistic missile activities.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Rural Development, Oversight, and Investigations Subcommittee
To hold hearings on S. 1121, to encourage foreign agricultural trade by improving the quality of grain shipped from U.S. export elevator facilities.
SR-332

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Foreign Relations
To continue oversight hearings on activities of the Agency for International Development.
SD-419

Labor and Human Resources
Labor Subcommittee
To hold hearings of S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.
SD-430

10:00 a.m.
Appropriations
Business meeting, to mark up provisions of H.R. 4515, making urgent supplemental appropriations for the fiscal year ending September 30, 1986.
SD-192

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold hearings on S. 1322, proposed Geothermal Steam Act Amendments of 1985.
SD-366

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1662, proposed Training Technology Transfer Act of 1985.
SD-628

Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To hold hearings on U.S./Japanese trade policy regarding auto parts.
SR-385

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.

APRIL 25

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on proposals to modify the Medicare physicians payment system.
SD-215

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-342

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Immigration and Naturalization Service, Department of Justice.
SD-226

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 28

9:30 a.m.
Judiciary
To hold hearings on S. 2163, to make necessary and appropriate amendments to the antitrust laws governing service by any person as a director of two or more competing corporations engaged in interstate commerce.
SD-226

10:30 a.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 29

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the Department of Agriculture, focusing on the Farmers Home Administration.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on proposed budget requests for fiscal year 1987 for the Department of Energy, focusing on nuclear activities.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

Environment and Public Works
To hold hearings on domestic and international oil pollution issues.
SD-406

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 2214, to prohibit criminal penalties for violations of the financial disclosure provisons of the Ethics in Government Act of 1978.
SD-342

APRIL 30

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.
SD-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the findings of the Presidential Commission on the Space Shuttle Challenger Accident.
SR-253

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Labor and Human Resources
To hold oversight hearings on the human resources impact of reentry of women into education and the labor force.
SD-430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.
SR-332

Appropriations
HUD-Independent Agency Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on embassy security enhancement.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings on certain activities of the Federal Bureau of Investigation, Department of Justice.
SD-226

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.
SR-332

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Food and Drug Administration of the Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-138

Armed Services
Preparedness Subcommittee
To resume open and closed hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on the National Strategic Stockpile; and to mark up S. 2102, to prescribe the method for determining the quantity and classification of any materials to be stockpiled under the Strategic and Critical Materials Stock Piling Revision Act (P.L. 96-41).
SR-222

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987, focusing on environmental implications of Multilateral Development Bank lending policies.
SD-124
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact of coal and electricity imports on the domestic coal industry.
SD-366

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 571, proposed Drug Money Seizure Act.
SD-538

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 2

9:30 a.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 5

1:30 p.m.
Finance
International Trade Subcommittee
To hold hearings on miscellaneous tariff bills.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to review the Department of Energy nuclear research and development program policy.
SD-366

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Air Force aircraft procurement programs.
SD-192

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.
S-146, Capitol
Labor and Human Resources
To hold oversight hearings on medical malpractice.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space transportation system.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for strategic systems.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Holocaust Memorial Council and the Smithsonian Institution.
SD-192
Judiciary
To resume hearings on white collar crime in the United States, focusing on the E.F. Hutton investigation.
SD-226

MAY 9

9:30 a.m.
Finance
Health Subcommittee
To hold hearings to examine the condition of rural hospitals under the Medicare program.
SD-215

MAY 13

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Coast Guard, and H.R. 1362, to revise, consolidate, and enact certain laws related to load lines and measurement of vessels as parts C and J of subtitle II of title 46, U.S. Code.
SR-253

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 525, to provide for the transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of radiation effects.
SD-342

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2050, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-124

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the prospects for exporting American coal.
SD-366

1:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings in closed session on activities of the Drug Enforcement Administration, Department of Justice.
S-407, Capitol

2:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 16

10:15 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation, and proposed legislation authorizing funds for the Federal Maritime Commission.
SR-253

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on strategies to reduce hunger in America.
SD-430

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 3

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act (P.L. 95-617).
SD-366

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on statistical policy for an aging America.
SD-342

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings to review the imposition of user fees in FDA approval procedures for new drugs.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1935, to provide for certain vessels to be documented under the laws of the United States to entitle them to engage in domestic coastwide trade.
SR-253

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations to the National Advisory Council on Women's Educational Programs.
SD-430

JUNE 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint oversight hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary and Vocational Education on illiteracy in America.
2175 Rayburn Building

JUNE 17

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2055, to establish the Columbia Gorge National Scenic Area.
SD-366

Labor and Human Resources
To resume oversight hearings on medical malpractice.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 25

9:30 a.m.
Labor and Human Resources
To hold hearings on the administration of the Mine Safety and Health Review Commission.
SD-430

JULY 16

9:30 a.m.
Labor and Human Resources
To hold hearings on measures to improve the health of children.
SD-430

JULY 17

9:30 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and

Productivity on work and welfare issues.
SD-430

Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 22

9:30 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on work and welfare issues.
SD-430

Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

AUGUST 13

9:30 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 22

9:30 a.m.
Judiciary
To hold hearings to examine the constitutionality of certain penalties imposed on individuals or companies which submit certain false claims to the government.
SD-226

APRIL 23

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 2009, to require that Federal employees be paid by electronic funds transfer or any other economical or effective method.
SD-342

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for intelligence programs.
S-407, Capitol

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on the impact of proposed budget estimates on health research programs.
SD-138

APRIL 29

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 2105, S. 2106, and S. 2107, bills to provide for the settlement of certain claims of the Papago Tribe of Arizona.
SR-385

MAY 1

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on employee benefit and pension policy implications contained in proposed tax reform legislation.
SD-430

SENATE—*Tuesday, April 22, 1986*

(Legislative day of Monday, April 21, 1986)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of all comfort, we want to express our gratitude for the successful surgery for Senator HAWKINS and Senator GOLDWATER. Help them to be patient in their recuperation and may recovery be rapid and total. We thank You for their faithful staffs who cared for office routine and constituent needs as they monitored the progress of the Senators.

Father in Heaven, as folk gather for the memorial service for Sally Heet, we pray Your grace, comfort, and encouragement upon family and friends. In this large Senate family, it is possible for some to be hurting unknowingly by others. Aware of this possibility, help us to love one another and serve one another. In Your loving compassion, we ask You to touch with grace any person or family who suffers today. In His name Who is love incarnate. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished assistant majority leader is recognized.

THE WORDS OF OUR CHAPLAIN

Mr. SIMPSON. Mr. President, as always, we again admire and appreciate the words of our Chaplain and the way he addresses our needs, our interests, and our concerns. He shares one special concern: We all wish full healing and restoration to Senator GOLDWATER and to Senator HAWKINS. They are indispensable and delightful Members of our body. We wish them well. And, again, our sympathies to the family of Sally Heet.

SCHEDULE

Mr. SIMPSON. Mr. President, with the convening of the Senate, we will have the two leaders under the standing order for 10 minutes each, special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, which I will display in the RECORD, Senator CRANSTON, Senator LEVIN, Senator RIEGLE, and Senator PROXMIRE; and routine morning business not to extend beyond 12 noon with Senators permitted to speak therein for not more than 5 minutes each.

The Senate then will stand in recess between the hours of 12 noon and 2 p.m. in order for the weekly party caucuses to meet. At 2 p.m. the Senate will resume consideration of Senate Concurrent Resolution 120, the budget resolution. It will also be the intention of the majority leader to consider the nomination of Donald Newman to be Under Secretary of Health and Human Services sometime during today's session. Also, the Senate may consider the House message to accompany S. 49, which is the gun bill. Rollcall votes can be expected throughout the day today.

SENATOR HAWKINS' SPECIAL ORDER

Mr. SIMPSON. Mr. President, in using a portion of the leader's time, let me again speak for the entire Senate when we extend to Senator HAWKINS our heartfelt wishes for a very speedy recovery and continued good progress in her recuperation. We look forward to her return.

I will at this time enter into the RECORD a statement by Senator PAULA HAWKINS under the special order previously announced.

YET ANOTHER SOUTH AMERICAN DRUG CONNECTION

Mrs. HAWKINS. Mr. President, recently another drug trafficking scheme, involving high officials of a leftist military junta in South America, has surfaced in my home State of Florida. This time, it involved the country of Surinam. News accounts described the arrest in Miami late last month of Capt. Etienne Boerenveen, one of the top five leaders of Surinam's military, on charges of offering safe passage and military protection to drug smugglers bound for Florida for $1 million a trip.

Captain Boerenveen has been held without bond because of his membership in the leading circle of Surinam's authorities. It is apparently feared that these authorities would never agree to extradite him to the United States, when requested to do so.

Their arrest was arranged by an undercover agent of our Drug Enforcement Agency, who posed as an importer and distributor of cocaine. This incident reminds us of the courageous and valuable work being done every day, in the trenches of our society's war on drugs, by agents of the DEA. They routinely risk their lives, that our society might rid itself of this insidious drug menace.

Captain Boerenveen was arrested with two other Surinamese, Ricardo Heymans, the Miami sales manager for Surinam Airways, and his father, Cilvion Heymans. According to an Associated Press account, the Surinamese Foreign Ministry in Paramaribo issued a warning that these arrests could "seriously impair" relations between Surinam and the United States, and talks of "an attempt by the United States Government to destabilize the regime in Surinam and isolate it internationally."

This outrageous statement was later repudiated by the Surinamese Government. But I dare say that if the charges against Captain Boerenveen are proven to be true, it would appear more like the Surinamese were attempting to destabilize our society through the very effective means of aiding and abetting the flow of illegal drugs to the United States.

While Captain Boerenveen has claimed diplomatic immunity, this claim must be evaluted in the light of the Vienna Convention concerning this subject. According to the Vienna Convention, immunity is granted to accredited diplomats to the country of arrest, to accredited diplomats to some other country who were in transit, or, as a courtesy, to the highest officials of a foreign government, which Captain Boerenveen does not appear to be.

The surprise appearance of a new country, Surinam, on the list of South American drug connections reminds us once again of how difficult it is to staunch the flow of drugs into the United States. If the authorities crack down in one producing area, like Colombia, production picks up elsewhere. If a transiting network in the Bahamas is unearthed, another pops up in Surinam.

This is not at all to argue for the futility of our efforts against the flow of illegal drugs. We must continue to fight on all fronts against not only the supply but also the domestic demand for drugs. That is where promising new initiatives like drug testing in the workplace can be of special help.

Once we are able to cut the huge market for illegal drugs in the United States down to manageable size, the Surinams of the world will no longer hold their attraction as a yet unthought of transit area for drug traffickers.

Mr. SIMPSON. Mr. President, I will reserve the remainder of the leader's time and yield to my friend from California, the Democratic whip.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. (Mr. STAFFORD). The Chair recognizes the acting minority leader.

Mr. CRANSTON. Mr. President, I reserve the time of the minority leader. I will speak in a moment on my own order but I suggest the absence of

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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a quorum for a moment so I can confer with the acting majority leader.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS IN MOROCCO

Mr. CRANSTON. Mr. President, of all the values that America stands for, respect for the rights of the individual is one of the most significant. U.S. foreign policy cannot disassociate itself from the values we as a nation uphold. We must continue to reaffirm this most basic American value and make it a cornerstone of our foreign policy.

In 1975, I joined with the late Senator Hubert Humphrey to author and gain enactment of legislation that linked continued U.S. military and economic assistance to a foreign government's human rights record. Since 1975, Congress has taken many important initiatives in the area of human rights which have improved countless lives abroad. We should continue our efforts on behalf of individuals who are denied these basic rights.

Most fundamental among these basic human rights is freedom from the cruel, inhuman, and degrading practice of torture. This year, Amnesty International USA has chosen Morocco as the focus of its campaign to abolish torture. Since the 1970's, Amnesty International has received widespread reports about the systematic use of torture by Moroccan authorities to extract information and forced confessions from prisoners. These reports come from former political prisoners and their relatives and human rights organizations.

One such case is that of Mohammed Amin Mechbal. Mr. Mechbal was arrested in 1975 or 1976—the time is unclear because he was held in incommunicado detention for an indefinite period. According to the Moroccan Code of Criminal Procedure, detainees can be held for limited periods of incommunicado detention following arrest. In reality, this pretrial period is often repeatedly extended without legal justification or hearing, and it is during this period that most instances of torture reportedly have taken place. The police have sole custody of citizens held in incommunicado detention, and no authority monitors the behavior of the police.

In 1977 Mr. Mechbal was tried with 100 other Moroccans for antistate activities for his involvement in a leftist student organization. The proceedings were marred by many irregularities—the defense counsel received death threats, files were stolen, and testimony in Mr. Mechbal's defense was suppressed. Mechbal was sentenced to 20 years in prison. He was 21 at the time.

During the past 9 years Mr. Mechbal has been incarcerated in Kenitra Prison—a prison known for its overcrowding and harsh conditions. Amnesty International reports that he has been physically mistreated and tortured by police and security guards, both in the pretrial period and since he was sentenced.

Despite these hardships, Mr. Mechbal has managed to earn a degree in sociology while in prison, and has taught himself English and Spanish. Subsequently, the authorities have revoked his correspondance course study privileges.

Father Timothy S. Healy, president of Georgetown University, has informed the Moroccan Ambassador that Mr. Mechbal would be granted a full scholarship at Georgetown if released from prison. Father Healy has repeated his appeal directly to Moroccan authorities and through State Department contacts. There has been no response from the Moroccan Government.

There have been other documented cases of abuse. Many detainees have died as a result of torture and mistreatment. In November 1985, Tahane Amine, a 29-year-old engineer, died of heart failure after suffering torture during incommunicado detention. A number of the 36 other people who were arrested by the Moroccan Government along with Tahane alleged that they had been tortured during the pretrial period. The charges levied against Tahane and his codefendants by the public prosecutor were membership in an illegal organization, threatening public order, and distribution of illegal tracts.

In another instance, over 2,000 people were arrested in late 1983 and 1984 during a series of strikes and demonstrations. Many claimed they were subjected to torture. These numerous allegations of torture have apparently never been investigated by Moroccan courts. Moroccan Government officials have also failed to respond adequately to questioning by the U.N. Human Rights Committee and Amnesty International about specific reports of torture.

The United States and Morocco share a long history. In 1777, Morocco became the first nation to recognize the independence of the United States, and our two nations have enjoyed friendly relations over the intervening decades. Despite this long friendship, however, we cannot ignore and must protest the consistent reports of human rights abuses in that country.

Last month marked the 25th anniversary of the enthronement of King Hassan II in Morocco. The United States has extended its help and support throughout the King's reign and the Moroccan-American relationship in these years has been marked by cooperation and friendship. His Majesty's support in investigating these reports of abuse and torture, and his assistance in resolving the case of Mohammed Mechbal would be a most welcome step in reaffirming Morocco's commitment to our common goals of justice, democracy, and human rights.

Mr. President, I hope that the United States Government will do what it can to cope with these very unfortunate events in Morocco, and I hope that Morocco will respond with recognition of human rights and what they truly mean.

RECOGNITION OF SENATOR LEVIN

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized for not to exceed 5 minutes.

COMMEMORATION OF ARMENIAN MARTYRS' DAY

Mr. LEVIN. Mr. President, I am pleased to once again participate in the Senate's commemoration of Armenian Martyrs' Day.

Every April 24, Armenians all over the world pause to honor the memory of the 1.5 million Armenians massacred between 1915 and 1923 in the Turkish Ottoman Empire. This tragic event is recorded by eyewitness accounts in historical archives throughout the world. The historical record documents the crime perpetrated against the Armenian nation and people by the Ottoman Government as the first genocide of the 20th century.

This year's commemoration of the Armenian genocide is particularly significant in light of the Senate's ratification earlier this year of the International Convention on the Prevention and Punishment of the Crime of Genocide. The Armenian-American community strongly supported U.S. ratification of the Genocide Convention as a statement of purpose—a statement of our country's commitment to combat genocide directed against any people. Armenians realize that future genocides can only be prevented if we recognize that genocide is a crime against all of humanity, not just against the national, ethnic, racial, or religious group directly affected. And Armenians also realize that the prevention of future genocides will only be possible if we remember the genocides of the past. Adolf Hitler recognized this fact when, on the eve of his invasion of Poland, as he plotted the destruction of what he called the "subhuman" peoples of Europe, he remarked, "Who, after all,

speaks today of the annihilation of the Armenians?"

Sadly, the world did not learn a lesson from the Armenian genocide. By honoring the memory of the victims of that genocide, we can try to prevent history from again repeating itself.

Mr. President, I want to take this opportunity to once again express my profound disappointment at the continuing effort by the Government of Turkey to rewrite history by denying that the Armenian genocide ever took place. A similar effort has been made in recent years by those who would deny the attempted destruction of European Jewry during World War II. They speak of "the hoax of the 6 million," and claim that documentary evidence of the Holocaust was doctored or fabricated. These historical revisionists claim that Jews have exaggerated the extent of their suffering in order to gain the world's sympathy.

I am afraid that I hear echoes of these arguments in the campaign of denial being waged by the Turkish Government. They, too, claim that the historical record is ambiguous, that the Armenians were not singled out for persecution, that the extent of Armenian suffering has been exaggerated, and that the Armenian people was merely one of many peoples who suffered as a result of wartime conditions.

The difference between the two campaigns of denial is that those who deny the Jewish genocide are widely viewed as part of the lunatic fringe—charlatans from the academic world or members of political groups on the extreme edges of the political spectrum. The campaign to deny the Armenian genocide, on the other hand, is encouraged and actively participated in by the government of a sovereign state and one of our NATO allies, the Government of Turkey. Unfortunately, this unprecedented situation has made it difficult for Congress to consider this issue, even in the context of resolutions recognizing the victims of all genocides.

The current Turkish Government should acknowledge the role of its predecessor government—the Ottoman Turkish Government—in the Armenian genocide, just as the present West German Government has acknowledged the crimes perpetrated by the Nazis. Has the West German Government's acknowledgment of the Holocaust strained its relations with the United States or diminished West Germany's role as a vital strategic ally? To the contrary, our country's relationship with the Germans remains warm and close, and West Germany remains an integral part of our NATO alliance. The argument that recognizing and commemorating the Armenian genocide endangers our strategic interests is a specious one, and should be rejected by this body.

The historical evidence that the Armenian people were the victims of a genocide is unambiguous. Indeed, the founder of modern Turkey, Kemal Ataturk, recognized the crimes committed by his predecessor regime, the Ottoman Empire. In a 1926 interview, he stated that his party "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred."

Let those who deny this genocide tell the men and women who survived—people in their seventies, eighties, nineties, and even one-hundreds—that there was no genocide. The survivors should not have to respond to such a charge and to such a shameful campaign of denial.

We owe it to the victims of the Armenian genocide to perpetuate the story of what happened to them and to share its lessons with all the people of the world. Only in that way can some of the suffering of the genocide be redeemed, and future genocides avoided.

Mr. President, I ask unamimous consent to have printed in the RECORD a fact sheet regarding the recognition of the Armenian genocide by various U.S. Presidents and by the Congress. This fact sheet was prepared by the Armenian Assembly, a national nonprofit organization representing the Armenian-American community.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

[Fact Sheet No. 2—Armenian Assembly of America]

U.S. RECOGNITION OF THE ARMENIAN GENOCIDE

During the second half of the nineteenth century, the Armenian population of the Ottoman Turkish Empire became the target of heightened persecution by the Ottoman government. These persecutions culminated in a three-decade period during which the Armenians were systematically uprooted from their homeland of 3,000 years and eliminated through massacres or exile.

Few events have evoked American sympathy and concern as did the Armenian Genocide in Ottoman Turkey. Eight U.S. Presidents spoke out against the treatment of the Armenians, and the 54th and 66th Congresses adopted resolutions deploring the massacres. In recent years, President Reagan, President Carter, the House of Representatives, and other officials reaffirmed American recognition of this tragedy.

U.S. REAFFIRMATION

President Ronald Reagan:

Days of Remembrance of Victims of the Holocaust;

Proclamation 4838;

April 22, 1981: "Like the Genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten."

President Jimmy Carter:

White House Ceremony;

May 16, 1987: ". . . it is generally not known in the world that in the years preceding 1916, there was a concerted effort made to eliminate all the Armenian people, probably one of the greatest tragedies that ever befell any group. And there weren't Nuremberg trials."

President Herbert Hoover:

The Memoirs of Herbert Hoover, 1952: "The association of Mount Ararat and Noah, the staunch Christians who were massacred periodically by the Mohammedan Turks, and the Sunday collections over fifty years for alleviating their miseries—all cumulate to impress the name Armenia on the front of the American mind."

President Warren G. Harding:

Letter to Secretary of State Charles Evans Hughes;

November 22, 1921:

"If it is believed that a warship can be sent to an Armenian port on the Mediterranean I should have very little hesitancy in making such a suggestion on behalf of these stricken people. Surely there must be some way in which to utter the admonition of the five great powers to restrain the hands of assassins in that unfortunate land."

President Woodrow Wilson:

Letter to Acting Secretary of State William Phillips;

September 18, 1919: ". . . get into communication with . . . the appropriate committees of Congress with regard to our being authorized to send troops to Armenia. I am heartily in favor of such a course if the Congress will authorize it . . ."

President William Howard Taft:

Taft Papers on the League of Nations, 1920: "On the whole, it is not too much to say that the people of the Jewish race have suffered more in this war, as noncombatants, than any other people, unless it be the Serbians and the Armenians."

President Theodore Roosevelt:

Letter to Cleveland Hoadley Dodge;

May 11, 1918: ". . . the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it . . . the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense . . . "

Annual Message of the President:

December 6, 1904: ". . . it is inevitable that [the United States] should desire eagerly to give expression to its horror on an occasion like . . . such systematic and long-extended cruelty and oppression as the cruelty and oppression of which the Armenians have been the victims, and which have won for them the indignant pity of the civilized world."

President William McKinley:

Annual Message of the President;

December 5, 1898: ". . . press for a just settlement of our claims . . . during the Armenian troubles of 1895 . . ."

President Grover Cleveland:

Annual Message of the President;

December 7, 1896: ". . . it would afford me satisfaction if I could assure the Congress that the disturbed condition in Asiatic Turkey had during the past year assumed a less hideous and bloody aspect and that . . . as a consequence of the awakening of the Turkish Government to the demands of humane civilization . . . the shocking features of the situation had been mitigated. Instead, however . . . we have been inflicted by continued and not unfrequent reports of the wanton destruction of homes and the bloody butchery of men, women, and chil-

dren, made martyrs to their profession of Christian faith."

Annual Message of the President:

December 2, 1895: "Occurrences in Turkey have continued to excite concern. The reported massacres of Christians in Armenia and the development there and in other districts of a spirit of fanatic hostility to Christian influences naturally excited apprehension. . . ."

President Benjamin Harrison:

Letter to Robert J. Thompson, Esquire;

December 14, 1894: "My indignation and sympathy have been greatly roused by the press reports of the fearful outrages practised on the Armenians."

House Joint Resolution 247:

September 10, 1984: ". . . April 24, 1985 is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man' . . . for all victims of genocide, especially the one and one-half million people of Armenian ancestry who were victims of the genocide perpetrated in Turkey between 1915 and 1923 . . ."

House Resolution 148:

April 8, 1975: ". . . April 24, 1975 is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man' . . . for all victims of genocide, especially the one and one-half million people of Armenian ancestry who succumbed to the genocide perpetrated in 1915 . . ."

Senate Resolution 359:

May 13, 1920: ". . . the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered."

Concurrent Resolution of Congress: "Armenian Outrages":

January 27, 1896: "Whereas the American people, in common with all Christian people everywhere, have beheld with horror the recent appalling outrages and massacres of which the Christian population of Turkey have been made the victims . . ."

U.S. Holocaust Memorial Council Chairman Elie Wiesel:

Days of Remembrance Commemoration, Capitol Rotunda;

April 30, 1981: "Before the planning of the final solution, Hitler asked, 'Who remembered the Armenians?' He was right. No one remembered them, as no one remembers the Jews. Rejected by everyone, they felt expelled from history."

U.S. Ambassador to the Ottoman Empire Henry Morgenthau:

Telegram to the Secretary of State;

July 16, 1915: "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

ARMENIAN MARTYRS DAY

Mr. WILSON. Mr. President, I stand before this body to give recognition to April 24 as Armenian Martyrs Day.

April 24 is a significant day for all Armenians and those of Armenian descent. Each year, this community remembers and mourns the loss of more than 1.5 million men, women, and children slaughtered by the Ottoman Turks in the early 1900's. You will not meet an Armenian today who has not lost at least one close relative in this genocide. In addition, Armenians throughout the world also remember the half million survivors, many of whom came to this country to seek refuge and to build a better life. Yet it is through these people that this significant act of history is remembered. We are fortunate that there are still survivors of this ordeal living today and it is through their personal experiences that this event is remembered and preserved.

While the magnitude of the pain and suffering that occurred is real, what has been equally as disturbing are the attempts to simply rewrite this history. Even though this was the first mass organized slaughter in this century, this atrocity has been largely ignored in history books. This is a great danger and we must make every effort to ensure that we learn and remember the Armenian massacre.

This year, the United States has made a great stride by ratifying the Genocide Convention. This action puts the United States on record as opposing genocide and ensures that this country will take the necessary steps to ensure that all acts of genocide will be remembered. For many years, the United States refused to ratify this convention due to the legal ambiguities that are encompassed in such a treaty. However, after clarifying the intentions of the convention, I, along with 84 of my colleagues, voted to ratify the convention. This is a demonstration of United States resolve to learn from the past to ensure that such actions will never happen again.

Mr. President, Armenians today have set aside April 24 as a day of remembrance. The world would do well to follow the example of their devotion. We must pledge the United States to remembrance of the Armenian genocide. We must do this for the sake of their victims and survivors; for their counterparts in Nazi Germany, Southeast Asia, and elsewhere. And for ourselves.

ARMENIAN GENOCIDE DAY

Mr. SIMON. Mr. President, on April 3, we celebrated Armenian Appreciation Day, a day to commemorate the Armenian people who have struggled for freedom throughout their history. Today, April 22, we pay tribute to the estimated 1.5 million Armenians who were massacred at the hands of the Ottoman Turkish troops. The Armenian people were virtually eliminated from their homeland as a result of a carefully planned act of genocide by the Ottoman Turks.

Today, on this 71st anniversary of this tragedy, it is important to call this massacre what it was—genocide. By publicly acknowledging this, we Americans can hope to prevent any future attempts of annihilation of a people on the basis of their race or beliefs.

In February, the Senate ratified the Genocide Treaty, a vote that was long overdue. With passage of the treaty, I believe we have demonstrated our desire to prevent any further acts of genocide upon an innocent group of people. The Armenians have suffered greatly because of this brutal series of massacres.

The sons and daughters and grandchildren of the victims of this genocide have gone on to contribute much to those societies in which they now live, including our own country. We can only hope that the international community has learned from this experience and will come together to prevent such tragedies from ever happening again.

ARMENIAN GENOCIDE

Mr. BRADLEY. Mr. President, I join my colleagues in honoring Armenian-Americans as they mourn the genocide of their ancestors. Between 1915 and 1923, over 1.5 million Armenians were slaughtered by the Turkish Ottoman Empire and 500,000 survivors were forced from their homeland. There are some who ignore extensive historical documentation and insist that these events never occurred. Others argue that tragedies are best forgotten. I disagree. We need to remember these events so that history does not repeat itself.

There is a great need to educate Americans and the rest of the world about the horrors of genocide. During this century alone we have witnessed the massacre of the Armenians, the Holocaust of the Jewish people in World War II, and the mass murders in Cambodia. Even today, Soviet forces in Afghanistan are attempting to systematically annihilate the Afghan people and their culture.

Today, as we acknowledge the 70th anniversary of the Armenian genocide, many Armenian-Americans are haunted by the memory of their own experiences or the suffering inflicted upon their families. At this time of sorrow we can all be proud that the U.S. Senate recently ended nearly four decades of delay and ratified the U.N. Genocide Convention. I was pleased to vote for ratification. Our action sends a clear message to all nations of the world that the United States is willing to take action on the matter of genocide.

Americans must never forget the Armenian martyrs. I am pleased to join my colleagues today to pay tribute to those who died and those who survived this tragic event.

Mr. RIEGLE. Mr. President, I am pleased today to join with my colleague from Michigan [Mr. LEVIN] in paying tribute to the 1.5 million Armenian men, women, and children who were the victims of the first genocide of the 20th century.

Just 2 months ago, the Senate voted overwhelmingly to ratify the Genocide Treaty, thus ending a 38-year effort to place the United States on record with

96 other nations of the world in declaring the use of genocide as an instrument of national policy—against any people, by any nation, at any time—a crime against all of humanity.

Despite the Senate's condemnation of the crime of genocide, and the specific citing, during Senate floor debate, of the Armenian tragedy, the world has still not fully acknowledged the suffering inflicted on the Armenians by the Turkish Ottoman Empire 71 years ago.

And so, we are here today to retell the story and to recount the facts relating to the Armenian genocide. We do so in order to make the historical record clear and to challenge the claim that this genocide never occurred.

The Government of the Republic of Turkey today continues to deny the facts in this case. In a letter to me dated February 28, 1986, the Turkish Ambassador to the United States stated that "no reliable evidence exists to justify the allegation that the Ottoman Empire either planned or carried out a systematic massacre of its Armenian population."

Our own Government has recently cautioned the Congress against making too big an issue out of the fact that millions of Armenians were murdered or forced to leave their homeland because of the brutal policies of the Turkish Ottoman Empire. To do so, it is argued, risks harming U.S. relations with an important ally, Turkey.

What we are being asked to do, it seems to me, is close our eyes to a genocide because of other policy considerations; to, basically, set new conditions which tell us when it is acceptable to acknowledge that a genocide occurred and when it is not.

This is intolerable. Not to fully acknowledge the full extent of the suffering of the Armenian people is an offense not only to the victims of that genocide, but also to those who survived and the generations of Armenians that follow.

It also raises a question as to how committed our Nation is to fulfilling the mandate of the recently approved Genocide Treaty, to tell the story of man's inhumanity to man so that future generations might learn from past mistakes.

And so we must restate the facts as we know them.

First, we know that 1.5 million Armenians perished following systematic persecution and massacre by the Ottoman Turkish Government during 1915–23.

The full horror of the massacres began on the night of April 14, 1915, when the Turkish police rounded up all of the Armenian intellectuals from their homes in Constantinople, effectively silencing the voice of a generation. In the villages, Turkish soldiers gathered the unarmed Armenian men into the village square, and executed them.

The approximately 250,000 Armenians serving in the Ottoman Army during World War I were disarmed and placed in forced labor battalions where they were either starved or executed. The Armenian people, deprived of their leadership and young able-bodied men, were disarmed under threat of severe punishment, and then deported from every city, town and village of Asia minor and Turkish minor. The majority of the deportees died on the marches from starvation, disease, and massacre. Some 500,000 refugees escaped to the north across the Russian border, south into Arab countries, or to Europe and the United States.

Second, we know that our own State Department and the United States Ambassador to Ottoman, Turkey, Henry Morgenthau, led the outcry against the atrocities at the time.

For years, Morgenthau tried to alert our Government to the tragedy. In one message he wrote:

> When the Turkish authorities gave the orders for these deportations they were merely giving the death warrant to a whole race.
>
> I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication . . . I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

On several other occasions, Ambassador Morgenthau wired the U.S. State Department with the facts. In a "confidential" telegram of July 16, 1915, he stated:

> Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion. . . . Protests as well as threats are unavailing . . .

Morgenthau, in his published memoirs, tells of these confrontations with Talaat Pasha, the Ottoman Minister of the Interior. One was as follows:

> Americans are outraged by your persecutions of the Armenians. You must base your principles on humanitarianism, not on racial discrimination, or the United States will not regard you as a friend and an equal. You say that, if victorious, you can defy the world, but you are wrong. You will have to meet public opinion everywhere, especially in the United States. Our people will never forget these massacres.

Third, we know that Kemal Ataturk, founder of modern Turkey, condemned the genocide. In a 1926 article, he wrote of those turkish rulers "Who should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred."

Fourth, we know that American newspapers printed hundreds of articles about the massacres. Stories of the suffering of the Armenians appeared in the New York Times, the Christian Science Monitor and dozens of American newspapers. The American public was alerted to the tragedy through coverage provided in literary journals and magazines, and through sermons which were delivered in Protestant and Catholic churches as well as Jewish synagogues at the time.

The terrible suffering of the Armenians during the period 1915–23 must not be denied.

To believe the Turkish claim that the world is misinformed and that the genocide never really occurred flies in the face of the facts as recounted by American missionaries, the American consular officials, the American Ambassador, past American Presidents, and the American people.

Beyond all of the Turkish and foreign witnesses to the Armenians' genocide—which include Americans, Russians, Germans, Austrians, Frenchmen, Englishmen, Italians, Greeks, and Arabs—we have the testimony of the Armenian eyewitnesses survivors themselves. The facts, as recounted by the survivors, provide the most compelling evidence of the tragedy which occurred.

To the Armenians who survived and their families, the facts are indisputable. For they still carry with them the painful memories of this tragedy. Indeed, every Armenian family has been scarred by the events of the past about which we speak today.

The few survivors and their descendants have been struggling with this memory for too long. The world has refused to recognize the Ottoman action as genocide. Turkey has orchestrated a vocal, bitter campaign to deny these million and a half murders, and has gone to great lengths to muzzle any recognition or criticism of the Armenian genocide in this country.

We owe it to every victim of genocide to remember the horrible events of the past, to better understand and appreciate the magnitude of suffering involved, and to educate our children so that these terrible acts will not be repeated.

The Armenian-American community is recognizing the importance of public education to their struggle to achieve world recognition of the atrocities that befell 1.5 million of their people.

With the hope that a better understanding of the Armenians will ultimately result in a more positive, sympathetic acceptance of the Armenian tragedy, efforts to share the riches of the Armenian civilization and the tragedies of the Armenian experience are moving ahead.

The opening of the Armenian Research Center at the University of

Michigan-Dearborn next month will facilitate important research and study into the Armenian question and the history of the Armenian people.

Central to the operation of the research center is the establishment of a computer data base which will enable the center to store in the computer all the relevant information contained in print on Armenian history and culture as well as the Armenian genocide. The center can then be a major resource center for schools, colleges, and organizations interested in the story of the Armenians. It can also help to balance, with objective scholarship, the efforts of those who seek to alter history by denying the significance of the Armenian genocide.

Another critically important project undertaken in conjunction with the center for Armenian research at the University of Michigan-Dearborn, is the production of the film "The Witnesses." This film, which records the accounts of 28 eyewitness survivors of the Armenian genocide provides important insights into this chapter of history.

Mr. President, nothing so clearly threatens our future than the refusal to recognize the mistakes of the past. The stories of the survivors can help us come to terms with those facts, and, in so doing, bring justice to the Armenian people.

We still do not have justice. We still have a situation in which an accounting has not been made, and we must maintain the pressure until it is made.

Until justice is done, neither the victims of genocide nor the conscience of our Nation can rest.

When it was suggested to Hitler that world public opinion would be hostile if he proceeded with his so-called final solution of the Jewish problem, he retorted: "Who remembers the Armenians?"

Perhaps he thought no one would remember his crimes. We must show that we do remember, and that we do care. For ignorance of history is an invitation to repeat it.

And so today we pledge to work with Armenian-Americans and other concerned citizens to illuminate this issue, to remind ourselves about it, to dedicate ourselves to making sure not only that history is clear about what has happened, but also to put ourselves in a stronger position to resist the evil forces that bring about events such as this.

Mr. DECONCINI. Mr. President, today we commemorate the 71st anniversary of the beginning of the Armenian genocide in the Ottoman empire. It is a day set aside for remembrance of the victims of all genocides, but especially for those 1.5 million Armenians who were brutally persecuted from 1915 to 1923. The senseless persecution and slaughter of Armenians during the outbreak of World War I resulted in the banishment of Armenians into a fragmented and scattered people.

The displacement and death that resulted from this persecution have left thousands without a homeland. It is the responsibility of everyone in the world community never to forget these horrible atrocities. This genocide was the first of a long line of sadistic attempts to annihilate an entire race due to prejudice and unfounded hatred.

As Americans, it is important to recognize the moral obligation we have to aid any group of peoples who are being persecuted and to defend them against any further attempt of genocide. We have learned that evil does not stop its terrible yet persistent spread when ignored, and that its reassuring lies are able to lull nations into ignoring the plights of unprotected peoples. We can only look back now at the undeniable truth of the attempted genocides of other peoples: Jews, Russians, and Cambodians. To remember these victims is to ensure that history will not repeat itself and that men will never again stand idly by to watch the decimation of fellow humans.

The approval of the Genocide Convention this year by this esteemed body represents the commitment Americans have to recognizing and ending past and present genocides. While I commend and applaud this success, I am concerned with the future. We must periodicially pause and reflect to move toward a better future for the generations to come. We recognize Armenian Martyrs' Day in somber salute to persecuted peoples everywhere. And, to answer Hitler when he asked, "Who remembers the Armenians?" Today, we remember them. I pledge that we will never forget.

THE ARMENIAN GENOCIDE

Mr. LAUTENBERG. Mr. President, on this 71st anniversary of the Armenian genocide, we recall with sorrow the 1.5 million men, women, and children who died in the first genocide of the 20th century.

Between 1915 and 1918, over 1½ million Armenians perished of starvation and butchery at the hands of the Ottoman Turks. The genocide involved not only the killing of innocents but their forcible deportation across Asia Minor. They were persecuted, banished, and slaughtered while much of Europe was engaged in World War I.

Acknowledgment of the Armenian genocide is particularly fitting since this year the Senate at long last has ratified the Genocide Treaty. It was Prof. Raphael Lemkin, a lawyer who escaped Poland during the Nazi invasion of 1939, who first coined the world genocide in 1944. After designating the term "genocide" to describe the deliberate destruction of a people, Lemkin became the first person to characterize the atrocities of 1915–23 as the "Armenian genocide." In his tireless work for the ratification of the Genocide Convention, he repeatedly referred to the Armenian genocide, together with Holocaust, as a prototype of the crime of genocide.

We must be ever vigilant against those who would deny the truth or downgrade the horror of the Armenian genocide. It is our responsibility to help keep its memory alive for future generations. So, for the past 16 years, on or around April 22, Members of Congress have set aside a day to commemorate and reflect upon this timeless tragedy.

Remembering is a way to serve notice on those who would perpetrate future genocides that we will not forget, nor permit it to happen again. Who still talks nowadays of the extermination of the Armenians? Hitler asked his top commanders on August 22, 1939, as they prepared for the invasion of Poland. Let us make sure he would not ask such a question today.

THE 71ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. MOYNIHAN. Mr. President, the passing of seven decades has not lessened the tragedy of the Armenian genocide. The death of over 1½ million Armenians at the hands of the Ottoman empire is a crime of such magnitude, and of such profound historical significance, that the commemoration of this event is essential. Genocide was unheard of until the suffering of the Armenian people helped force the coining of that term. To remain vigilant against the recurrence of such a crime, we must never lose sight of the events 71 years past.

THE 71ST ANNIVERSARY OF THE GENOCIDE AGAINST THE ARMENIAN PEOPLE

Mr. DODD. Mr. President, I rise to join my colleagues in this special order to commemorate one of the darkest events in 20th century history, the genocide against the Armenian people that started 71 years ago.

The fact that after 37 years of unnecessary delay the Senate in February gave its advice and consent to the ratification of the Genocide Convention gives a particular poignancy to this commemoration. Many of us, who consistently supported the convention throughout the years had used the example of the Armenian genocide over and over to warn about the consequences of indifference to and ignorance about such horrible crimes against humanity.

Remembering the Armenian genocide does not mean engaging in pointless recriminations or rekindling ancient hatreds. It means setting the historical record straight and learning from that record. The massacre of the Armenians was followed by the Nazi Holocaust against the Jewish people.

More recently genocide was arguably committed in Cambodia and is being committed in Iran against the adherents of the Baha'i faith. The historical lesson of the Armenian genocide, if recognized and utilized in time, could have prevented or at least mitigated these later tragedies. As it were, the lesson was ignored the world remained indifferent and silent to the plight of the Armenians and, as a consequence, other millions paid with their lives.

Today, when we remember the 1.5 million Armenian victims, we have to rededicate ourselves to assuring that genocide will disappear as a tool of statecraft even for the most extreme regimes. Let us remember, for instance, that our responsibility with respect to the Genocide Convention has not been discharged yet. The enacting of the implementing legislation is still ahead of us. To go ahead speedily with that task would pay a more meaningful tribute to the memory of the victims of past genocides than the most eloquent speeches we may deliver here today.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

WHY THE COST OF BUILDING STAR WARS WILL EXCEED A TRILLION—TOTAL COST TWO TRILLION, PLUS

Mr. PROXMIRE. Mr. President, what will it cost the United States to build the strategic defense initiative [SDI] or star wars? Now, notice Mr. President, I do not ask how much this country must spend to transport this hardware into space. I do not include in this speech the cost of maintaining the star wars system once we have it fully deployed. In this speech I include nothing for modernizing star wars to keep it ahead of the inevitable advance of Soviet offensive nuclear weapons. I include nothing for the cost of research on star wars.

That research is just beginning. It is expanding very rapidly. It has, in fact, tripled in the last 3 years. It will quadruple in 1987 if the administration has its way. It is expected to reach $50 billion before deployment gets underway, And, of course, it must go on, probably at an increasing pace even after the system is deployed, if we are to keep star wars modernized and effective. But for the purposes of this speech I am ignoring the cost of research, the cost of transporting the hardware into space, the cost of maintenance of the system in space, and the cost of modernizing and constantly improving the star wars deployment. For purposes of this speech I am talking only and exclusively about the cost of building the hardware.

In this speech, of course, I am not using classified material. My estimates are strictly estimates, not official data. They are based on common sense, educated guesses. I have discussed these costs with highly competent and informed persons. These persons disagree among themselves about the precise cost of each of these weapons or sensors. In each case I have tried to arrive at reasonable estimates by approximating a median or consensus among the differing experts. The estimates are strictly unofficial, and unclassified. They are probably at least as accurate as classified estimates because they come from independent scientists who have no ax to grind, and no special contract interest to serve.

Of all the weapons we need for star wars, the space-based kinetic kill vehicle will be the most costly. These vehicles provide the firepower heart of the antimissile defense. They are not uniform. They vary in size and capability. They also vary in cost. In general the cost would average about $500 million more or less per vehicle; that is, for each of them. How many do we need? Probably thousands. Two thousand would cost $1 trillion. Why do we need so many. We need them because each vehicle can only fire during a very limited fraction of its Earth orbit. That orbit must be relatively low so that it can be near enough to its target to initiate an effective strike. Because each vehicle has such a limited effective firing period and because the system must maintain the capacity to strike the adversary targets at all times we will need 2,000, 3,000, or 4,000. Why the huge cost? Because each must be hardened—able to stand a hit from the adversary. They must be maneuverable to avoid hostile fire. They should be capable of firing back to fend off concentrated attack.

While the space-based kinetic kill vehicle is the fundamental crux of the system, it cannot function effectively without the following supplementary weapons or sensors: First, ground-based lasers; cost per sensor, $2.5 billion; estimated number required, 15; aggregate cost, $37.5 billion. Second, boost surveillance and tracking systems; cost per sensor, $750 million; number required, 10; aggregate cost, $7.5 billion. Third, interactive discrimination lasers or particle beams; cost per weapon, $1 billion; number required, 10; aggregate cost, $10 billion. Fourth, space surveillance and tracking system; cost per sensor, $750 million; aggregate cost, $56¼ billion. Fifth, endo- and exo-atmospheric interceptor missiles; cost per weapon, $5 million; number required, 7,500; aggregate cost, $37.5 billion. Sixth, ground-based terminal imaging radar; cost per sensor, $250 million; number needed, 12; aggregate cost, $3 billion. Seventh, airborne optical adjunct planes; cost per weapon, $200 million; number needed, 12; aggregate cost, $2.5 billion. Eighth, battle management center, $1 billion; number needed, three; aggregate cost, $3 billion.

Mr. President, that means the total cost of building the hardware excluding, omitting, leaving out research cost, transportation into space cost, maintenance cost and modernization cost will very likely exceed $1 trillion. The space-based kinetic kill vehicle alone will cost a trillion or more by itself. Additional essential weapons would add, on the basis of the calculations I have made in this speech, an additional $156.75 billion.

Physics Today has estimated the cost of star wars at roughly $2 trillion. As I have indicated in other speeches, because of the grossly underestimated cost of transporting this hardware into space and of maintaining and modernizing it, this $2 trillion estimate is more likely to be an underestimate rather than an overestimate.

Maintaining and modernizing the star wars system once it is in space will, in my judgment, cost between $200 billion and $300 billion a year. In other words, it will come close to doubling the cost of our defense.

TRIBUTE TO ARMENIAN GENOCIDE VICTIMS

Mr. PROXMIRE. Mr. President today we pay tribute to the 1.5 million Armenians who perished after a systematic persecution and massacre during the period of 1915–23. This year being the 71st anniversary of the Armenian genocide, we recognize this tragedy as one of the darkest episodes in recorded history.

The Armenian persecution began in 1894, when, in the 2-year period leading up to 1896, 300,000 were killed under the reign of the Ottoman Sultan Abdul Hamid II. Thirteen years later, another 21,000 Armenians were massacred in Cilicia, Turkey.

While the preceding events seemed horrendous in themselves, the most brutal physical destruction of Armenians began in 1915.

Many of the victims were put into labor camps and worked to their death during the Turkish preparation for World War I. The majority, however, died while marching across the Syrian

Desert after being denied food and water for days at a time.

Apart from the 1.5 million who perished between 1915 and 1923, another 500,000 refugees escaped north to Russia or fled elsewhere in Europe, the United States, and the Arab countries. The Armenians were, therefore, essentially eliminated from their native homeland.

Many would like to forget that such atrocities ever occurred. We must, however, remember them to deter men such as Hitler, who scoffed at the idea that the extermination of the Armenians would be remembered for what it was—a mass annihilation of innocent people. We can thankfully now hold our heads higher knowing that acts such as these will never be accepted nor forgotten while observing our recent ratification of the Genocide Convention.

Mr. President, although I condemn the atrocities that were perpetrated on the Armenian people, I do not endorse or condone any terrorist action against Turkish nationals by Armenian terrorists. Such acts of violence are unacceptable and do nothing to help the cause of the Armenian people.

MYTH OF THE DAY: TERRORISM IS NOT A THREAT TO EUROPE

Mr. PROXMIRE. Mr. President, the myth of the day, and this one comes from overseas with many of our allies, is that terrorism is not a threat that warrants military action like what the United States just took against Libya.

Now the European governments, Mr. President, have given us enough excuses to fill up the Mediterranean on why they will not act against Colonal Qadhafi. And when I speak of European governments, I am exempting Prime Minister Thatcher's government in Great Britain, which stood tall with us in fighting Qadhafi.

As I said, Mr. President, the European excuses run all over the map for not striking back at Qadhafi's terrorism. There is the excuse that we have to solve the underlying causes of Middle East discord before we attack terrorism. There is the excuse that fighting the terrorism only breeds more terrorism. There is the excuse that innocent civilians get hurt when you attack terrorists.

Now there is some merit to these excuses and the countless others the Europeans have offered for not striking back at terrorism.

But let us lay it on the line, Mr. President. The real reason European nations like France, Italy, and Germany have so far refused to take military action against Libya and other states that sponsor terrorism is that they do not see this terrorism as being a significant threat to them yet.

Sure, the Italian Government does not like to see passengers in its Rome airport attacked. Sure, the West German Government is not thrilled about Berlin discotheques being blown to bits. And, sure, the French Government is upset over all the car bombings in Paris.

But these governments still do not perceive the terrorist attacks as a significant threat to their security. In other words, it is not a problem as bad as the problem they see in a cutoff of Libyan oil to them or a break in the trade they conduct with Libya. That is the bottom line, Mr. President. The terrorist attacks are not considered enough of a threat to warrant breaking off lucrative economic ties with Libya.

But that bottom line, Mr. President, is a myth.

Terrorism has now become a significant military threat to Europe, and it is time for the European governments to stop operating under the myth that it is not.

It is time for them to realize that any cutoff in Libyan oil would cripple Qadhafi more than it would hurt Europe.

It is time for them to realize that the loss in trade with Libya may well be far outweighed by the loss in tourism to their countries. Just call up any travel agent and you will find out how popular a European vacation or a Mediterranean cruise is at the moment.

It is time for them to realize that the terrorism nations like Libya, Syria, and Iran sponsor does not represent an airport security problem for them. It is not an Interpol problem. It is not an intelligence problem.

It is a military threat. It is a threat to their national security.

And it is a myth to believe otherwise.

NUCLEAR WASTE POLICY ACT AMENDMENTS

Mr. PROXMIRE. Mr. President, I am pleased to join with Senator MITCHELL in introducing amendments to the Nuclear Waste Policy Act, terminating the search for a second nuclear waste repository.

Why are we offering this bill? The answer is simple. We do not need a second repository and we never did. No scientific or technical reasons compel the current repository site limit of 70,000 metric tons. Congress enacted this capacity requirement solely for political reasons in order to speed passage of the Nuclear Waste Policy Act in 1982.

The Department of Energy's own most recent projections of the total volume of nuclear waste needing disposal show a steady decline since 1979. Instead of their 1979 projections of 220,000 metric tons of civilian waste by 2020, by 1985, this figure had declined to just 75,000 metric tons using DOE's own "no new orders" option. Defense waste adds just another 10,000 metric tons to the total. This reduction in waste is due to cancellation of large numbers of nuclear powerplants after the accident at Three Mile Island.

Limitations on site capacity are based on the thermal loading qualities of each site. What this means in laymens terms is that the cooler the waste, the more that can be placed underground in a given area. Heat content of nuclear waste declines rapidly over time so that 10-year-old spent fuel has lost 80 to 90 percent of its heat, with a loss of 30 percent more in the following 30 years. Therefore, any method which allows further cooling increases the capacity of the storage facility.

The Department of Energy has produced no evidence that any of the sites nominated as potential first repositories cannot safely accommodate at least 100,000 metric tons of nuclear waste.

Equally important, techniques now exist which can significantly reduce the amount of existing nuclear waste. Even if large numbers of new reactors come into service in the next 20 years, these new techniques would still eliminate the need for a second site.

For example, extended burnup of spent fuel, which increases the efficiency of reactor fuel use, can mean waste reductions of between 15 percent and 40 percent depending on the type of nuclear reactor.

Increasing utilities on-site storage facilities through reracking, dry cask storage or building new facilities would reduce storage demands still more.

Unfortunately, under current law, there is no incentive for utilities to spend money on waste reduction. But if we allow DOE to spend its waste funds on demonstrations of new waste-reduction technology, the waste program will save money in the long run by eliminating the second site.

Utilities should also be offered incentives to reduce waste on their own.

Monitored retrievable storage facilities, already authorized under the Nuclear Waste Policy Act, should be used to buy time, extending the life of the first waste facility even further.

Mr. President, obviously if the DOE implements all or even some of these techniques there will be no need for a second site. With cost estimates pegged at $10 billion and counting, there is no reason to squander further billions on an unnecessary search for an unneeded second site.

DEDICATION OF THE NATIONAL FITNESS AND JOGGING CENTER

Mr. PROXMIRE. Mr. President, I would like to call your attention to the National Fitness and Jogging Center

at Fourth Street and Independence Avenue, SW., which is to be dedicated tomorrow at 11 a.m.

This new facility was donated to the people of the United States by Joseph H. Kanter, a Florida-based banker and jogging enthusiast. On a recent visit to the Capital, Mr. Kanter noticed all the Government workers and visitors jogging on the Mall and wanted to provide a public facility for warm-up, strengthening, and cool-down exercises.

The result is a fully accessible fitness course with twenty pieces of "Parcourse" fitness equipment for stretching, leg lifts, vaulting, et cetera. It will be a welcome addition for Members, staff, and all the others who jog or walk on the Mall each day.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements limited therein to 5 minutes each.

SENATOR QUENTIN BURDICK

Mr. BYRD. Mr. President, I have recently read a fascinating article about our distinguished colleague, the senior Senator from North Dakota, QUENTIN BURDICK. Published in the February 17 edition of the Bismarck Tribune, the article accurately portrays QUENTIN BURDICK as we all know him. He is a man of singular ability. He is a resolute, independent-thinking, determined Senator. No one pushes him around. He knows his own beliefs on every issue, and he is fully attuned to the needs and desires of his constituents.

And, Mr. President, I do not know anyone who does not like QUENTIN BURDICK. He is not given to overblown rhetoric or windy speeches that do not say very much; to the contrary, he is self-effacing with a dry wit that wins him friends and allies in every pursuit. He is a stalwart and a workhorse in this Chamber who has capably served the people of North Dakota and our Nation as a whole.

I ask unanimous consent that the article I have referenced be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bismarck Tribune, Feb. 17, 1986]

BURDICK: I'M FIT IN POLITICS AND GYM

GRAND FORKS (AP)—Although Sen. Quentin Burdick concedes his age will be an issue in the 1988 elections, he said he felt more than vigorous enough for a run at another six-year term.

And, Burdick said Sunday, he will not suffer gladly any opposition gibes about his fitness.

"I'm willing to challenge any (political opponent) in a gym who thinks I'm not fit," the 77-year-old senator said. "I've taken good care of myself . . . I've had a pretty active life."

Burdick will be 80 on June 18, the year his current six-year Senate term expires. Talk of a possible primary challenge for his seat from Rep. Byron Dorgan, D-N.D., does not deter him in his determination to make the race.

"If I'm able to stagger around from town to town, I'm running (and) I'm not going to be staggering," Burdick said. "I'll run if I don't have a vote."

He intends to run even if he fails to win the endorsement of state Democrats in the primary, the senator said.

Burdick was elected to the Senate in 1960, after the death of William Langer, one of the most colorful figures in North Dakota political history. He stands to reap significant gains from his seniority if the Democrats regain Senate control, Burdick said.

For example, he will be entitled to be chairman of a Senate committee on public works and a subcommittee on appropriations for agriculture if the Democrats wrest Senate control from the Republicans.

Even if the Senate remains in Republican hands, he stands to be the ranking Democrat in that chamber, Burdick said.

"I'll be in a position of importance. I'll be in a position of power after all these years, and I'm not going to give it up," he said.

Dorgan, who is running for re-election to his U.S. House seat, has declined to speculate on his plans for 1988. Burdick said, however, that he looks upon Dorgan as a potential opponent.

"I'll be able to do more for the state in my position than (Dorgan will) be able to do in 15 or 20 years," Burdick said.

His age will be an issue in the campaign, Burdick said. The senator is a karate enthusiast who prides himself on his physical fitness, and he said he was ready to "take a crack" at any political challenger who disputes his ability to serve.

"It'll be a factor," Burdick said of his age. "It could be the only factor."

But he dismissed concerns that he is too old to serve, saying that he was only two years older than President Ronald Reagan, who turned 75 on February 6. Burdick will be 78 on June 18.

"I feel I'd be a deserter if I didn't run," he said.

CANADIAN RELATIVES

Mr. HATCH. Mr. President, it is of vital importance that we continue to have close, friendly relations with the people and government of our northern neighbor, Canada. In so many areas our interests overlap, and we can truly say our fates are inextricably linked. On national security issues, business and economic issues, environmental issues, natural resource issues, water rights issues, and more, we must continue to work together in a spirit of dialog and compromise to insure that Americans and Canadians are able to carry on our partnership well into the future.

Six years ago, Mr. President, I had printed in the RECORD a paper written by Mr. J. Duncan Edmonds which outlined the many benefits which would accrue to Americans and Canadians by the passage of a Treaty of North America. Mr. Edmonds' insightful comments were, and still are, I believe, worthy of consideration. Recently, Edmonds spoke before a roundtable urging that the United States and Canada sign a trade agreement in order to boost the economies of both nations. Mr. Edmonds is now director of several Canadian companies and a former member of the Mulroney government, and operates his own international public affairs consulting firm with offices in Ottawa and Boca Raton, FL.

I commend his remarks to my colleagues, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CANADA/UNITED STATES RELATIONSHIP TODAY: A CRUCIAL MOMENT OF OPPORTUNITY

ANNUAL VISITING ASSOCIATE'S LECTURE TO THE AMERICAS SOCIETY

(J. Duncan Edmonds)

These are interesting times for those of us involved in the study of Canada-United States relations. Sometime in the next few months formal negotiations between Canada and the United States will commence with the objective of concluding a signficant new comprehensive trading agreement. Whatever the outcome of the talks and whatever the nature and scope of the actual agreement negotiated, historians in the future will undoubtedly focus on this period as a "crucial moment of opportunity" [1] in the long evolution of this unique relationship between these two North American allies and friends who already share the world's largest and richest bilateral trade relationship, which will exceed 120 billion dollars this year. What may be described in a rather low key manner by some Canadian politicians as merely a possible trade deal concerned with defining and negotiating a number of complicated details regarding tariff and non tariff barriers in order to strengthen the Canadian economy may, in truth, be something much more.

If the talks are successful the agreement will signal the beginning of another, and perhaps even the final, stage in the process of economic integration which has been steadily evolving between Canada and the U.S. over many decades. This reality will raise fundamental historic political issues in Canada related to sovereignty, independence and identity, the role of market forces as opposed to government intervention and a series of fundamental questions regarding the ratification and implementation process as well as the institutional basis for managing the new relationship in both countries. If on the other hand a trade agreement is not effectively put in place with the U.S., while Canada will undoubtedly continue to pursue multilateral negotiations through the GATT, these are unlikely to solve the continuing problems of Canada's economic vulnerability vis-a-vis the U.S., and serious negative implications for the Canadian standard of living will become apparent. Strong pressures will develop for a new industrial strategy with the inevitability of increased governmental intervention in planning and directing the economy with less reliance on market driven economics. Thus, whatever the outcome of the talks, the proc-

ess which we observe over the next few years will significantly shape the agenda for Canadian politics for the next decade. In fact, one might go even farther and suggest that we are about to view the architectural drawings for the next stage of the Canadian destiny.

Some people would say that this statement is ridiculous, too grandiose and exaggerated. I don't agree. However, it may well be true that the vision of the political architects and the quality of their handiwork will be inferior and not meet the test of time. Perspective is the indispensible requirement for the architect. Everything is related to everything else and it is only the perspectives that clarify the relationships and give meaning and direction to the outcome. The problem today is that we are far too immersed in the present short-term optic. Conspicuously absent from much of the current discussion is a sense of perspective, both in the historical dimension of looking back and in the conceptual dimension of looking forward to contemplate where we might be heading.

Seventy-five years ago this week, in mid January 1911, the Hon. W.S. Fielding, Minister of Finance in the government of Sir Wilfrid Laurier, concluded an agreement in Washington providing for reciprocity between Canada and the United States. Thus an issue which had significantly influenced Canadian politics for most of the preceding 50 years was finally joined and in the general election a few months later the Laurier government went down to a crashing defeat at the hands of Mr. Borden and the Conservatives.

The overall relationship with the U.S. focussed chiefly on the trade and general economic dimension has been, throughout Canadian history, a dominant issue and a continuing preoccupation of the Canadian political leadership and has been closely related to the ongoing struggle for a Canadian identity. Indeed, every Canadian prime minister from Macdonald to Mulroney has had to face this reality as a central challenge of the times in which he governed. As Bruch Hutchison put it in his study of Canadian Prime Ministers—

"All these men, so different as private persons and public figures, have confronted, but seldom dared to utter, the same question that none knew how to answer.

"Could a nation conceived in vague compromise and dedicated to the defiance of continental logic long endure? Would Canadians permanently pay the price set by nature for their endurance? Or, rejecting the price—especially the price of biracial toleration between themselves—would they admit defeat, accept the logic, liquidate the national experiment and fall piecemeal into the embrace of their rich American neighbours?" [2]

The manner in which each prime minister faced the American issue reflected his vision or dream for Canada and in large measure dominated his period in office. Sir John A. Macdonald, immediately after Confederation in 1867, faced the reality of the Americans terminating the reciprocity agreement of 1854 which had brought significant benefits to Canada. Perhaps symbolized by the conspicuous absence of even an acknowledgement, let alone a message of congratulations, from the American President, the new Canadian Conferation began life preoccupied with its relationship with the U.S., a situation which continues to the present day. Indeed, the strong presence of the U.S. with its tumultuous civil war behind it and with a "manifest destiny" ahead of it, had provided a significant impetus for Confederation in the 1860's.

Macdonald made some efforts in 1869 and again in 1871 to reopen discussions with the Americans essentially to put back in place the agreement of 1854. There was very little interest on the American side. Indeed, this whole experience with the United States during his first few years in office had a very negative impact on Macdonald and provided a key impetus to the development of his national policy which he unveiled in 1879. This important policy with its highly protective tariffs in many ways laid the foundation for the Canadian industrial system we have today. As Macdonald developed his policy, while at the same time building a railroad and developing a sense of Canadian nationhood, he created the framework for the Canadian nation.

Macdonald was out of office for a few years in the 1870's. Alexander Mackenzie, the first Liberal Prime Minister, appointed George Brown, the founder and publisher of "The Globe", then and now Canada's most significant newspaper, to negotiate a reciprocity treaty with the United States. Brown was successful in negotiating quite a comprehensive agreement in 1874 but the treaty failed to obtain the necessary approval of the U.S. Senate. In his biography of Brown, the historian J.M.S. Careless, [3] in analyzing the reasons for this failure, notes that "A Canadian agreement was not a vital matter to the United States." A rather significant sentence which we may see again in our own time! 1874 clearly represented a moment of opportunity which was lost for both sides. Indeed, it is interesting to speculate today as to what the effect would have been in Canadian economic development had that initiative gone forward.

Macdonald fought his last great campaign in 1891, accusing the new Liberal leader, Laurier, and his party of "veiled treason" because of their willingness, as perceived by Macdonald, to sell out to the United States. Interestingly and amusingly, as a result of a secret pamphlet he had written for some Americans providing advice on how to negotiate with Canada, an editor of The Globe, Mr. Edward Farrer, was cast by Macdonald and the Tories as a great villain conspiring with the Americans and the opposition against Canadian interests. Shades of John Diefenbaker 70 years later! Laurier, the first French Canadian Prime Minister, was finally victorious in 1896. His positive attitude towards the U.S., combined with the traditional Liberal policy of free trade, led to the reciprocity agreement of 1911 and contributed significantly to his subsequent defeat in the election held in the summer of that year. That election, which has been well studied by Canadian historians, is still remembered today as one of the most significant in Canadian history. The Liberal Party split badly over reciprocity, particularly in Ontario and Quebec. Most historians are agreed that the economic aspects of the issue were transcended by political and cultural and other fears of Canadians regarding the implications for Canadian sovereignty of any closer association with the U.S.

Fifty years ago, coming out of the depths of the depression of 1935, there was a successful bilateral trade agreement between Canada and the United States. This agreement is repeatedly mentioned in very positive terms now by Canadian leaders as they prepare for the current negotiations. Curiously none of the politicians refer to any other aspects of the history of Canada-U.S. trade discussions.

In the early months of 1948 William Lyon Mackenzie King gave authority to his officials to negotiate another reciprocity treaty with the United States. This time the initiative came from the U.S. side and a treaty was actually drafted. [4] While the Canadian side proceeded in secrecy, the U.S. side wanted to get the treaty through Congress in the spring, in time for the forthcoming presidential elections that fall. The matter became public in the U.S. in March and this led to a vigorous and negative reaction in Canada, perhaps best exemplified by The Globe and Mail which harshly proclaimed "Not on your life".

Mr. King, obviously affected by the reaction and concerned by the American haste, never proceeded and the whole matter was simply buried. This curious and significant event in Canadian history has not received much comment or analysis over the years, although Ted English, [5] a well respected senior Canadian economist, has referred to this failure as "probably Canada's most regrettable missed opportunity." King must have recalled the lessons from his mentor Laurier in 1911. Perhaps the best clue came from King himself, in one of his last entries to his life-long diary, a few weeks before his death in 1950, he wrote, "The more I think over the whole situation, the more I believe . . . that the U.S. foreign policy at bottom is to bring Canada into as many situations affecting themselves as possible with a view to leading ultimately to the annexation of our two countries." [6] Mr. Pearson, who at the time was Undersecretary of State for External Affairs, deals with this subject very briefly in the first volume of his memoirs and observes that he wan't surprised that the matter never proceeded and offers the opinion, although he doesn't develop it, that had it gone forward it would not likely have succeeded in any event. [7]

One of the principal Canadian negotiators of the 1948 plan, John Deutsch, noted in a memorandum at the time that the plan would undoubtedly lead to further integration with the U.S. He offered the perceptive observation that this integration would be forced upon Canada anyway by the inexorable pressures of the world economy and that Canada's real choice was whether to negotiate from strength or to delay and eventually negotiate as supplicant. [8]

Through the 1950's American investment in Canada expanded enormously and the Canadian standard of living rose dramatically. This was presided over aggressively by C.D. Howe and, somewhat benignly, by the successor to Laurier and King, Louis St. Laurent. Donald Creighton, one of Canada's foremost historians, the biographer of Macdonald, saw this period as a tragic turning point for Canada. In his work The Forked Road, Canada 1938–1957, [9] Creighton argued that Canada in those years abandoned the vision of Macdonald and, under both military and economic pressures, succumbed to a far too dangerous reliance on the United States and, in effect, finalized the evolution into North American continentalism. A few storm signals arose in the late 50's when, in his Royal Commission Report, Walter Gordon who was to play a significant role as one of the great figures of Canadian nationalism, warned of the dangerous implications of increasing American equity investment and ownership in Canada. [10] Then there were the convolutions of John Diefenbaker between 1958 and 1963 when once again the Americans, particularly John F. Kennedy, became the villains. Diefenbaker talked of diverting fifteen per-

cent of Canadian trade from the U.S. to the United Kingdom. The U.K. responded somewhat subtly with a proposal for a Canada-U.K. free trade deal and the matter was stillborn. [11] Pearson and Kennedy had a wonderful relationship in those few precious months in 1963 until the shattering of dreams that November.

In 1965, as evidence of the improved relationship came the Auto Pact, a remarkable agreement representing a classic illustration of a highly sensible rationalization of the auto industry which has been of enormous benefit to Canada and which, let it be said, has always caused some disquiet on the American side. With the Trudeau era through the 70's and early 80's we experienced a number of bilateral problems, notably FIRA and the NEP, some confusion in the consultative arrangements between Canada and U.S. and considerable American frustration. This contemporary period with its problems and turmoils has been thoroughly analyzed in a number of books and articles, perhaps most notably by one of my predecessors as Visiting Associate with the Americas Society, Mr. Tony Westell, whose work is referred to in the Report of the Macdonald Royal Commission as a "seminal contribution". [12]

So we arrive at 1986 where a great many factors have converged to once again place the American issue squarely on the Canadian political agenda. In recent years we have had reports from the Economic Council of Canada, the C.D. Howe Institute, the Senate Committee on Foreign Affairs, and a number of significant business organizations suggesting that Canada should attempt to negotiate some sort of trade agreement with the U.S. The Macdonald Royal Commission, coming a quarter of a century after Walter Gordon's Commission, recommends with considerable authority that Canada enter negotiations with the U.S. for a free trade agreement. Mr. Macdonald, in a very apt phrase, refers to his Commission's fundamental recommendation as a "leap of faith". Thus we have this long historical evolution with certain dates standing out like beacons—1874, 1911, 1948, 1985. If one is looking for curious historical patterns it may be noted that 37 years elapsed between 1874 and 1911, another 37 years between 1911 and 1948 and still another 37 years between 1948 and 1985. Perhaps we should consult the oracles to discover the mystical significance of the number 37. Such an exploration might be at least as revealing as some of the current discussions!

The lessons from history seem very clear and may be summarized as follows: Free trade and closer economic integration with the United States has been a recurring issue throughout Canadian history. It ebbs and flows but it never goes away. The matter goes far beyond economics and trade in the Canadian psyche and raises profound questions of sovereignty, identity, survival and national purpose. It is far more important to Canadians, who have much more to gain and much more to lose, than to the Americans. Indeed, the U.S. has never exhibited great interest in trade negotiations with Canada. When the U.S. interest has been aroused it has been in areas such as defence, or the possibility of unlimited access to Canadian resources, or boundary considerations, which have excited U.S. attention. Finally, whatever the difficulties in negotiating a trade agreement between Canada and the U.S., the process of ratification and implementation of the agreement raises fundamental problems in both countries.

Over the years Canada has developed various policy initiatives to expand its small domestic market and diversify its trade. Diefenbaker's U.K. diversion scheme, the Third Option, interest in the Pacific Rim and other efforts have all been announced with great rhetoric and after a few years have all yielded very modest results. The overwhelming dominance and magnetic attraction of the huge, wealthy, U.S. market with its geographic proximity, common culture, and the extensive linkages through the private sectors, always returns to centre stage.

The trade issue closely related as it is to Canada's most basic and all embracing reality, the overall relationship with the United States, goes to the very soul of the nation. As the governmental teams negotiate their important specific trade matters, the myriad of interrelationships with virtually every aspect of the Canadian policy will stimulate widespread political debate across Canada. Among the issues causing concern will be the overall implications for Canadian sovereignty, focused in part on the rather vague and unsatisfactory concept of cultural sovereignty about which we have been hearing so much in recent months.

Because of the very structure of Canada, significant possibilities for conflict in federal-provincial relations which will arise out of the trade negotiations, are a particular problem. Many students of Canadian government have expressed concern in recent years about the steady revolutionary trend in Canadian federalism. Indeed, Canada has reached a situation where the federal or central government has less overall authority and power than virtually any of the other major federal states in the world today. The increasingly powerful provincial governments will tend understandably to look primarily at their own interests and it will be a significant challenge for the federal authority to assert the overall national interest. Provincial regulations have emerged affecting industry, agriculture, trade, investment, employment and immigration. Many of the non-tariff barriers which will be involved in the negotiations with the U.S. can only be altered with the direct consent of the Canadian provinces. This situation is bound to cause severe difficulties for the federal negotiators in discussions with the U.S., both at the level of ultimate authority and also in the whole area of the various trade-offs which will always be a central aspect of any negotiation. The provincial premiers of Ontario and Quebec in particular will both raise complex objections. Negotiations with the United States are difficult enough without constantly having to look back over your shoulder at an ongoing process of negotiations with the Canadian provinces at the same time. This reality, early signs of which are already apparent, is likely to haunt the federal government throughout the entire process.

Transcending all of these matters is, of course, a difference in overall perspective between Canada and the U.S. Canada, as a significant middle power while it has global interests, is often preoccupied with its overall relationship with the U.S., and intensely concerned with the management of that relationship, particularly with regard to safeguarding Canadian interests and preserving some degree of autonomy for Canadian foreign policy. The United States as a superpower tends to look upon Canada more in an international context and is concerned with a wide range of world issues to a greater degree than the Canadians. While both countries view their bilateral trade negotiations in the context of the forthcoming GATT round, the broader American perspective will be something of a double-edged sword for Canada. The United States will certainly be motivated to conclude an arrangement with its largest trading partner and closest ally. On the other hand the United States will be somewhat constrained in the negotiations with Canada not to set precedents which could have potentially negative effects for other U.S. negotiations. Thus Canada, whether it likes it or not, will be under considerable pressure to broaden its perspective. In an essay for the Macdonald Commission, William Diebold sets the current situation in both its historic and global perspectives and stresses the reality that what we really must consider are "the whole range of economic relations". He queries whether Canadians are really prepared for this discussion. Indeed, Diebold may have already written the epitaph for the forthcoming negotiations—

"An historical look at U.S.-Canadian free trade issues reveals that every time there is a new expression of interest in them the same pattern develops. The subject is taken seriously by many people, in Canada very seriously by quite a few. Some good work is done about it. Sometimes nothing happens politically; sometimes some political movement begins. But then, for one reason or another, a strong political reaction cuts off whatever process had begun."[13]

Against this background it is appropriate to pose a rather basic question regarding the overall political strategy and objectives of the Mulroney Government. It would appear evident that for Canadians to proceed with comprehensive trade negotiations with the U.S. without an overall plan to deal with the larger implications of increased integration will almost certainly lead to a major political uproar in Canada not likely to benefit the government or to provide the necessary political and public support for its initiative.

Up to this point the governement has given little public indication of its overall strategy. The government's objective seems to be to avoid the difficult questions of linkage to other basic issues related to integration and to attempt to keep the debate focussed solely on economic development, job creative and access to markets while, at the same time, continually emphasizing Canadian sovereignty and downplaying any analysis of future evolution or any grand design. The Prime Minister states that if the negotiations aren't successful and his govenment can't conclude a deal, so be it—we'll just carry on. There appears to be a lack of a fundamental and total commitment for the trade initiative. While this may be understandable given all the historical and political circumstances, it is nonetheless, a very dangerous omen.

If this indeed is the strategy, one wonders whether it will be successful. The combination of cynicism, short-sightedness and the absence of wise strategic thinking, generally leads to failure. Both the opposition parties will undoubtedly raise the large system-related issues. The NDP and the Canadian Labour Congress and other elements on the political left will be negative and very vocal. Implicit in a comprehensive trading arrangement with the United States is a major tilt to reliance on market forces and a diminished role for state intervention which is, of course, the sacred remedy favored by the political left. The Liberals are unlikely to take a firm stand on such a divisive issue but will find unity in capitalizing on the ap-

parent incompetence of the government to manage such a complex initiative. [14] The Canadian nationalists, including a number of academics and several well-known media groups, will campaign vigorously against a free trade agreement. Specific business interests who perceive themselves threatened will mount vigorous opposition which will cause real problems for many of the government's supporters, most notably the back bench M.P.'s. The opinion polls which currently reflect a somewhat ambiguous support for a free trade agreement with the United States will be increasingly linked to the overall credibility of the Prime Minister.

If one were to hazard a political prognostication today it would appear that the government had led with its chin and is quite likely to suffer the consequences. By failing to address the larger questions the Canadian government is running very serious risks in its strategy. The most basic risks is that others will raise the questions and then arrive at negative conclusions which will in turn reduce the government's capacity and creditibility. Without articulating a stronger commitment and a larger vision and purpose, the Mulroney Government ultimately risks a major political disaster with potentially severe consequences for itself, but far more importantly and tragically for the Canadian nation as a whole.

What does it really mean to state that Canada and the United States are becoming increasingly integrated [15] and what are the requirements for protecting and enhancing the viability of the Canadian future within the context of a comprehensive trade agreement with the United States? Whatever may be the limitations of any analysis or the qualifications which may surround any prescriptions, this is surely the basic question which must be addressed today.

Integration is already an accepted way of life for a great many Canadians. The great increase in Canadian investment both personal and corporate in the U.S. during the past 20 years is only the most visible manifestation of this continental perspective. The financial markets are essentially integrated. Acid rain, satellites and the communication frequencies do not seem to recognize the border. A striking example of integration into the American political arena has been the policy in recent years of the Canadian government to engage professional lobbyists to represent Canadian governmental interests to the U.S. Congress. While it is true that in the past Canada has often allied itself with particular interests in U.S. politics to advance Canadian objectives, the idea of the Canadian government actually engaging lobbyists in Washington strikes some Canadians as somewhat incongruous and, one might observe, the implications have raised some eyebrows in the State Department. While one could go on indefinitely providing illustrations and effects of North American integration, it is pertinent to observe that a substantial majority of the Canadian public is ahead of the structures and the politicians in living with reality. Indeed this dangerous situation is a major cause of disquietude and uncertainty in Canada today. As we are told by the Macdonald Commission and others, Canada has developed into a mature, vigorous nation and occupies a secure position in the world community. It is surely time now to come to grips with Canada's North American destiny and systematically develop the framework and the machinery for the long term Canadian-American partnership.

A review of the academic literature on the general subject of integration and the related matters of conflict avoidance and dispute resolution, has not yet provided the policy makers with any clear overall concensus upon which to develop concrete proposals for public discussion and debate. [16] In these circumstances one is bound to have considerable sympathy with the politicians who are grappling with the trade issue today. The basic problem is in its essence quite simple; on the one hand a process of free trade discussions is underway which will, if successful, inevitably lead to significantly increased economic integration with social, cultural and political implications which can generally be recognized even if the Canadian Government prefers not to discuss them; on the other hand we simply do not possess a widely held larger vision of the North American future and there is a conspicuous absence of effort being applied to working out the goals and objectives and the requisite institutional and management systems for that future.

President Reagan came the closest to expressing a broad vision for the future in his suggestion in 1980 for a North American Accord when he spoke about—

"A developing closeness among Canada, Mexico and the United States—a North American Accord—would permit achievement of that potential in each country beyond that which I believe any of them—strong as they are—could accomplish in the absence of such cooperation. In fact, the key to our own future security may lie in both Mexico and Canada becoming much stronger than they are today * * *

"We will also put to rest any doubts of those cynical enough to believe that the United States would seek to dominate any relationship among our three countries, or foolish enough to think that the governments and peoples of Canada and Mexico would ever permit such domination to occur." [17]

While there has been no specific follow up to the President's initiative, perhaps in part because of the very muted response of the Trudeau Government at the time nonetheless the spirit of his vision is reflected in the Administration's current positive approach to proceeding with trade negotiations and the cordial relationship which has developed between President Reagan and Prime Minister Mulroney. As we approach the trade discussions which are likely to last several years, perhaps this would be an appropriate time for the Canadian government to give serious consideration to taking an initiative to revive the President's North American Accord idea. Vague and general though the words may be they still provide an appropriate perspective from which to begin discussions about the North American future.

While the history of Canada-U.S. relations is replete with formal treaties, notes and a variety of other forms of governmental agreements covering literally hundreds of specific subject [18] there has never been a comprehensive accord or treaty which established an overall framework for the relationship to provide direction, purpose and, above all, a symbolic focal point for the citizens and the political leaders of both countries. The absence of such a basic document—perhaps a Treaty of North America—may explain better than anything else the lack of a broadly held concept and vision for our North American partnership. One hardly needs to remind an American audience of the supreme importance of great documents and declarations which serve as living, dynamic symbols, capable of inspiring and uniting millions of citizens with a vibrant sense of their own destiny.

As one examines the future of Canada-U.S. relations, particularly in the context of the trades negotiations, an obvious and compelling need to review and assess the overall management and institutional foundation of the relationship becomes urgently apparent. [19] If the trade talks succeed there will be a need to create and establish new bilateral institutions to interpret and manage the agreement and to adjudicate differences. These institutions will be required to develop machinery and procedures for joint fact finding and decision making. While the Macdonald Commission does make some recommendations regarding the machinery which will be required to administer a trade agreement, [20] the Commission stops short of addressing any broader aspects of the overall Canada-U.S. relationship. The new machinery and institutions which will need to be established with great care and attention to their capacity for evolution, should not be established on an ad hoc basis and in isolation from other aspects of the overall management of Canada-U.S. relations.

Successful trade talks will inevitably provide considerable impetus for exploring more cooperative arrangements in areas already apparent on the horizon, such as joint water developments, environmental matters—particularly acid rain—and very likely broader scale defense arrangements, an area where there is much fertile ground to explore. As well, it can be predicted that increased trade will give rise to the need for further agreements in such areas as tax treatment, flows of investment, labor and immigration and perhaps even currency fluctuations. There will be an inevitable requirement for more coordination, cooperation and consultation in the development of economic policy and an impetus to establish some mechanism, perhaps a Joint Economic Commission, to make this possible. Several suggestions in this regard have been offered in recent years, notably in a significant article in Foreign Affairs, by Drouin and Malmgren in 1982. [21]

The concept of a Joint Economic Commission has been strongly endorsed by an outstanding former American Ambassador to Canada, Ken Curtis. In a recent book with John Carroll the authors express their conclusion that "because our economic interdependence is so vital to the welfare of both countries, so potentially disruptive to the relationship, and so tied to future opportunities that we believe the uncoordinated ad hoc approach should be replaced." [22] Curtis and Carroll go on to offer several imaginative recommendations for other joint institutions between Canada and the U.S.

Maxwell Cohen, a distinguished Canadian, former co-chairman of the I.J.C. and long time student of Canada-U.S. relations, has also offered some very useful suggestions regarding the new political and administrative machinery and institutions which will be required as a result of successful trade negotiations. Cohen has emphasized the importance of both governments fully appreciating the specific requirements for each of these three stages of negotiation, ratification and implementation, and the on-going administration of a comprehensive trade agreement between Canada and the U.S. He warns that "It may be a serious misjudgment of both the opportunities and the perils ahead . . . . . not to prepare for the effective administration of the process toward economic 'integration', whatever the

degree, that now seems inexorably underway." [23]

Twenty years ago Prime Minister Pearson and President Johnson jointly asked two distinguished former ambassadors to each country, Arnold Heeney and Livingston Merchant, to develop the principles which should guide the overall Canada-United States relationship. Their report, Principles for Partnership, [24] was presented in a very low key manner and deserved much more public attention than it ever received. These principles, which essentially recognized the constraints and obligations upon each government in the management of their increasingly interdependent relationship, also reflected the basic national interests and different scale of global responsibilities, of Canada and the U.S. With a few notable exceptions, these principles have been followed in practice by succeeding administrations in both countries.

The day to day management of Canada-U.S. relations has evolved into quite a sophisticated system, presided over by very able officials in the Canadian Department of External Affairs and the U.S. State Department, with the two embassies playing crucial day to day roles. Because of the myriad of interests and issues in the bilateral relationship, many other departments and agencies of both governments are continuously interacting in the process and External and State are constantly engaged in a frantic and frustrating role of coordination and consultation. The fact that this extraordinarily complex and dynamic system works at all is a great tribute to the highly qualified professional officers in the public service of both governments. [25] Quarterly ministerial meetings between the Canadian External Affairs Minister and the American Secretary of State, which have been institutionalized in recent years, provide the necessary high level focus for the bureaucracies and various parliamentary and congressional groups meet regularly. Understandably, the system has a short term focus, the actors—both politicians and officials—come and go, with significant implications for the corporate memory on both sides, and an atmosphere of crisis management, sometimes cleverly downplayed by the officials, is often apparent.

A major weakness in the current system has been the unwillingness of either government to provide the necessary commitment to the further development of semi-autonomous transnational institutions to assist in the overall management process. While this is partially explainable due to the natural human disinclination of the officials, already overwhelmed as they are with the current demands, to give up any power or authority to other institutions, it means that a significant impetus to creative institutional evolution has been absent and the most significant existing institutions have been allowed to become increasingly atrophied.

In the field of defence and security affairs the Permanent Joint Board of Defence, which has existed since the 1940's, has become largely ceremonial and, while it does provide a modest forum for discussions between the Canadian and the American defence establishments, there is a gap in the overall coordination and forward planning of Canada-U.S. defence relations. A very significant degree of integration has already taken place under the North American Aerospace Defence Agreement (NORAD), the defence sharing agreement and many other agreements and understandings. It is generally recognized in the defence establishments of both countries that vitally important requirements and very significant opportunities for further integration require urgent attention.

The International Joint Commission, which has existed since 1909 and which has often been regarded as a model for further cooperation, requires a major infusion of government commitment on both sides of the border. It is revealing and symptomatic of the present underutilization of the I.J.C. that in their report on Acid Rain in January 1986 [26] the two envoys, Mr. Davis and Mr. Lewis, recommend that "Our two governments should establish a bilateral advisory and consultative group on transboundary air pollution." Without commenting on its merit, this recommendation ignores the I.J.C. which could have provided the most natural and logical institution to deal with the acid rain issue. Indeed, some observers [27] have felt for several years now that an appropriate reference to the I.J.C. when the acid rain issue first became evident about a decade ago, might have prevented a good deal of the confusion and lack of a clear and agreed definition of the problem between Canada and the United States which has been so apparent and divisive in recent years. This, of course, has been reflected in the politics of the Davis-Lewis report and their efforts to recommend appropriate joint mechanisms and programmes to effectively deal with the issue.

In the context of the historical background and the comments upon the present scene provided in this paper, when one turns to prescription two general recommendations and one central observation may now be offered.

First, the Canadian Government should consider taking an initiative with the United States to establish a Canada-U.S. joint working group which perhaps, building on the basic principles of the Heeney-Merchant report, should conduct an overall review and assessment of the operation and the management of Canada-U.S. relations today with regard to the basic interests of both governments and orientated to the future, provide some broad recommendations for the institutional framework and machinery which will be required to operate the increasingly complex Canada-U.S. partnership into the next century. This working group should be a 'blue ribbon' body comprised of several outstanding citizens from each country. It should have a small but effective staff and operate in some substantial relationship to Parliament and Congress in order to ensure a significant public dimension to its work. The forthcoming second "Shamrock Summit" between Reagan and Mulroney in mid March could provide an excellent opportunity to launch this initiative.

Second, both the Canadian and American trade negotiating teams, apart from their specific detailed trade negotiations, will need to give the fullest possible consideration to the ratification and implementation process as well as to the development of the specific institutional machinery which will be required to administer the on-going agreement. The two negotiating teams may increasingly come to dominate the overall direction of the Canada-U.S. relationship in both countries over the next few years. The implications of this situation for the overall management of Canada-U.S. relations may require further attention in both countries, otherwise the negotiating teams may find themselves in the position of lacking the necessary overall authority to be effective and continually creating conflicts and tensions with the existing bureaucratic machinery and policy processes in both governments.

I would be redundant here to delineate any further detailed terms of reference for either of these recommendations. Any individual with the termerity to even offer advice in public to such masssive structures as the Canadian and the American Governments on such a fundamental requirement should at least possess sufficient wisdom, if not humility, to go no farther than suggesting general directions for the many participants actually engaged in the process to ponder and massage as they will.

It is abundantly clear that many Canadians have a deep feeling of concern and apprehension about the prospects for Canada's future autonomy vis-a-vis the United States. As the Canadian Government moves into significant trade negotiations with the U.S. this general uneasiness and sense of uncertainty will intensify. The paramount challenge facing Prime Minister Mulroney is not with the trade policy direction which is courageous, inevitable and right, but is rather to provide and inspire Canada with the necessary national sense of purpose and with the confidence and security with regard to maintaining a separate identity and culture in North America, as Canada moves into an even more integrated relationship with the United States.

In an attempt to come to grips with this fundamental reality, several years ago I developed a proposal for a framework document, a Treaty of North America, [28] which was subsequently made public and received considerable attention and support. The concept has not yet found its political champions to move it forward. The general response at the time might be summarized as "Someday maybe—but it is too big and complicated and the time isn't right." Timing, of course, is everything, and the time is now. The current Canadian Government has challenged history with their trade policy; whether with sufficient perspective, wisdom and political courage remains to be determined. For Prime Minister Mulroney himself, already facing some concerns about his basic credibility and who is receiving significant advice and exhortations concerning the need to articulate and manifest a clear sense of national purpose for Canada, the Canada-U.S. issue, as it has for all his predecessors, will present the fundamental test and anguish for his leadership.

The negotiators and the officials will do their work in the great tradition of public servants in both countries. Will the politicians—the architects of the future—do theirs?

Studying the memoirs of Jean Monnet and his critical role in the evolution of Europe, one cannot fail to be impressed with his preoccupation with the need for institutions and structures and then for great patience in allowing the understanding and perception of mutual interests to grow and evolve amongst peoples. Monnet was an optimist but he did not believe in miracles. Rather, he understood that "crucial moments of opportunity must never be lost". Towards the end of his memoirs he writes—

"A very wise man whom I knew in the United States used to say: 'There are two kinds of people—those who want to be someone, and those who want to do something.' I have seen the truth of that saying verified over and over again. The main con-

cern of many very remarkable people is to cut a figure and play a role. They are useful to society . . . But, in general, it is the other kind of people who get things moving—those who spend their time looking for places and opportunities to influence the course of events. The places are not always the most obvious ones, nor do the opportunities occur when many people expect them . . . Life is full of opportunities to act, but one has to be prepared, by long reflection, to recognize them and exploit them when they occur. Life is made up of nothing but events: what matters is to use them for a given purpose." [29]

History is unforgiving. Those who have not learned its lessons are almost certainly bound at some point to pay the penalty of planning inadequately for the future. While Canada and the U.S. negotiate a new trade agreement often in the most minute detail over the next few years, we should not overlook the importance of seizing this "crucial moment of opportunity" to give consideration to the broader framework and the overall purpose and objectives of the Canada-United States relationship and the development of the institutions to carry them out. We have the opportunity to manage the process where history is inexorably taking us anyway. Only rarely in their evolution to nations have such an opportunity and Canada and the United States should waste no more time in confronting this great challenge.

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KEEP THAT SATELLITE UP

Mr. HATCH. Mr. President, the overwhelming complexity of today's international problems clearly illustrates the urgency to strengthen foreign understanding and support for U.S. policies and actions abroad. We must continue to search for new and better ways to promote foreign awareness and knowledge of American society, culture, and values so that other nations can hopefully better understand our policies and objectives.

Thus, the need for constructive dialog is one such area that holds out great hopes for developinig new ways to help solve social, economic, and political conflicts in the international community. Former United Nations Ambassador Jeane Kirkpatrick once stated:

> I believe that information is quite simply the most important instrument of American foreign policy.

In this regard, the power of television has become a potent tool in shaping world events. The advent of satellite broadcasting has proven to be a valuable new method in presenting and exchanging views on critical and timely international issues. Certainly, American audiences have benefited from this technology. Examples such as coverage of the famine in Africa, the Geneva summit, and the Philippines elections demonstrated that we are not isolated from the world's events but part of them.

Mr. President, the Reagan administration has taken great steps to open doors for foreign journalists and opinion leaders for access to information and important U.S. officials not readily available to them in the past. A dramatic new advance in public diplomacy has been developed within the United States Information Agency and is appropriately known as "Worldnet." Worldnet is an interactive, state-of-the-art television network designed to link Washington via satellite with U.S. Embassies and posts overseas. Millions of viewers in over 50 countries have heard and seen Worldnet broadcasts since its inaugural program.

USIA Director Charles Wick initiated this remarkable system just days after the successful United States rescue mission on the Caribbean Island nation of Grenada. Worldnet used its live satellite television system to link the U.S. Ambassador in New York, two Caribbean Prime Ministers in Barbados, and two Assistant Secretaries of State, with over 40 journalists in eight European countries who were anxious to hear how events unfolded. Because of the impact and immediacy of satellite communication, Worldnet played a significant role to counter some attempts to distort what our objectives were in Grenada.

Mr. President, the Washington Post reported in a March 21, 1986, article about this fascinating new development in U.S. public diplomacy. I encourage my colleagues to review this excellent article, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 31, 1986]

TALK NOT CHEAP AT WICK'S USIA

(By John M. Goshko)

A few days after the Oct. 25, 1983, invasion of Grenada, U.S. Information Agency Director Charles Z. Wick returned from Europe and told Alvin Snyder, head of his

television and film service: "We're getting clobbered in Western Europe. Our best allies are really down on us about Grenada. We've got to do something fast to get our message across."

Eight days later, U.N. Ambassador Jeane J. Kirkpatrick and the leaders of two Caribbean countries that supported the U.S. intervention held a satellite news conference with European journalists in five major West European capitals.

It was a major step in the evolution of a little-noticed aspect of President Reagan's approach to dealing with other countries. Over the past five years, the former actor who built a political reputation as "the great communicator" has transformed the government's lackluster foreign information activities into the largest and most technologically adroit propaganda apparatus in the world.

"We were gambling on an experiment that we'd talked about a lot, but we had no real idea of how it would work," Snyder said of the hastily arranged Kirkpatrick news conference. "After we were only a few minutes into it, though, you could sense we had something. I remember Wick leaning over to me in the control booth and saying, 'Al, we're on a roll. Keep that satellite up.'"

The two-hour, trans-Atlantic exchange resulted in front-page headlines throughout Europe and was widely credited by U.S. diplomats with helping to blunt criticism of the Grenada incursion. It also marked the debut of the globe-girdling satellite television network, WORLDNET.

WORLDNET has become what some USIA officials privately call "the jewel in the crown" of the administration's fascination with the aggressive propaganda techniques that the administration calls "public diplomacy" and that Reagan describes as "telling the message of American democracy to the world." Reaganomics has meant shrinking budgets for most of the federal bureaucracy, but USIA's funds have almost doubled.

When Reagan took office in 1981, the annual USIA budget was slightly less than $458 million. This year the agency's budget is $837 million. The White House, in contrast to its proposed cuts of most other agencies, has asked Congress to boost USIA's fiscal 1987 funding to $959 million.

These hefty increases have stirred concern about whether the administration is using the money to promote its hard-line, anticommunist views or to create a propaganda ministry.

Many of the Wick-era initiatives clearly have had rightist overtones, including Project Truth, a campaign to counter Soviet disinformation; a companion "semantic corruption" drive against communist misuses of such words as "liberation" and "peace"; the production of "Let Poland be Poland," an expensive television attempt to focus attention on the Polish people's plight under the communist crackdown, and pursuit of Reagan's Project Democracy to give financial aid to groups seeking to foster democracy in other countries.

But while these undertakings have attracted a lot of publicity, they are only a small part of what has been happening at USIA under Wick's stewardship.

By far the largest share of the money that the administration has pumped into public diplomacy has gone for technological improvements, bolstering of long-standing programs and experimentation with new ways of communicating ideas.

Most of the funds have gone into a $1.3 billion to $1.8 billion multiyear modernization of the Voice of America to replace antiquated equipment and build new transmission and relay sites. This program is aimed at expanding the VOA's ability to reach areas such as central Russia and to avoid jamming behind the Iron Curtain.

Large sums also have gone to such ventures as the creation of Radio Marti, a separate radio network under VOA direction that beams daily broadcasts to Cuba; increasing by 200,000 a year the number of American books put into foreign circulation; a new system to teach English to foreigners, and an Artistic Ambassadors program that selects a number of talented young American musicians to tour other countries, giving concerts and conducting classes.

But of all these projects, WORLDNET perhaps best illustrates the mix of "global village" technology, glossy packaging and sky's-the-limit thinking that Wick and other savvy media operators have brought to the task of putting the administration into the forefront of international propaganda efforts.

During the past 2½ years, through WORLDNET the U.S. government has been able to reach 30 countries to stage news conferences with such top officials as Secretary of State George P. Shultz and Defense Secretary Caspar W. Weinberger, to show foreign audiences live coverage of a congressional hearing, and to help American scientists and scholars talk with their colleagues in other lands.

When the leaders of several African countries threatened to boycott the 1984 Olympic Games in Los Angeles, some were induced to change their minds after WORLDNET let them exchange views with Peter Ueberroth, organizer of the games, and Tom Bradley, the black mayor of Los Angeles.

Since last April, WORLDNET also has been transmitting two hours of regular programming each weekday to Western Europe, where cable TV systems make it available to more than 3.2 million European households and hotels. Viewers get a half-hour of news and a variety of other fare ranging from cultural programs to Washington sportscaster George Michael's "Sports Machine."

Similar daily programming in Spanish and Portuguese is scheduled to begin this spring to Latin America. And by late this year, USIA says it hopes to begin additional regional WORLDNET services to the Middle East, East Asia and Africa.

"The only problem with WORLD-NET is that it's ahead of its time. The facilities don't yet exist in other countries to make full use of its potential," said Leonard Marks, who headed USIA under President Lyndon B. Johnson in the 1960s. "But it's the wave of the future. It's what all major countries someday will be using to tell their stories, and it's the United States that's showing them the way."

In addition to USIA, the administration's propaganda weapons include the Board for International Broadcasting, which since 1974 has administered the two "surrogate" radio operations established by the Central Intelligence Agency in the early 1950s: Radio Liberty, which broadcasts to the Soviet Union, and Radio Free Europe, aimed at Moscow's East European satellites.

But it is USIA, with its more wide-ranging functions, that is the center of the administration's web of propaganda activities. That has made Wick the most influential USIA director since the late Edward R. Murrow during the Kennedy administration.

Unlike the suave and sophisticated Murrow, Wick—a former lawyer, nursing home owner, band leader, movie producer and real estate investor—has the personal style of a rough-edged, lone-wolf Hollywood deal maker. He begins a newspaper interview by telling the reporter, "I have to say that a lot of the stuff that's been written about me in the press was pretty scurrilous." Then he adds deadpan: "Why, some of it wasn't even true."

His fondness for one-liners has not interferred with his ability to translate his friendship with the first family into funding support once undreamed of in his traditionally cash-starved agency. Moreover, even people who disagree with his politics or dislike him personally concede that Wick understands the art of communication and has a natural instinct for innovation.

House Foreign Affairs Committee Chairman Dante B. Fascell (D-Fla.), who has watched the USIA closely over the years, says: "Despite some overzealous rhetoric and some mistakes in his method of operation, Wick has done an extremely effective job of modernizing the agency. . . . No one has been more innovative and imaginative in waging the war of ideas."

Such praise hasn't been heard too often at an agency that long was scorned by the professional diplomats of the State Department and kept on a tight leash by Congress. Its charter, which stresses that the agency's mission is to inform people in other countries about the United States, has created innumerable internal conflicts over the years about what USIA could or couldn't do in furthering that goal.

"Under the Carter administration, for example, there was a tendency to deny the idea that USIA should advocate anything at all," recalled Stanton H. Burnett, a career officer who now oversees USIA programs as counselor of the agency. "The feeling was that we should function as a semi-news agency and a semi-entertainment agency but that in the realm of ideas we should be no more than a conveyor belt for every stripe of opinion."

Wick, while conceding there has been "something of a pendulum swing" away from that approach, insisted that his guiding principle at USIA "is to tell the world about America in all its diversity. It's simply not true that I came aboard as the chief apostle of a right-wing takeover and the chief subverting agent of a conspiracy to bend USIA and the Voice of America to our philosophy. There may be people who wanted to do that, but Congress had made it very clear that that's against the rules."

But he added, "Telling about America means telling people about America's foreign policy. Right now that policy is set by Ronald Reagan and if we're going to tell the story accurately, we have to make clear what President Reagan believes in and what his policies stand for. There may be people who don't like those policies, but that doesn't lessen our responsibility to explain them with forthright journalistic accuracy."

At the moment, Wick's attention is focused primarily on following up his January trip to Moscow, where he discussed plans for the cultural exchanges agreed to by Reagan and Soviet leader Mikhail Gorbachev at the Geneva summit last November.

The agreements, the only concrete result of the summit, call for reviving a series of U.S.-Soviet exchanges that were suspended after the 1979 Soviet invasion of Afghanistan. Reagan also proposed a new program of people-to-people exchanges financed on the U.S. side by private sector contributions.

At present, they are the only initiatives showing promise of progress in the drive to improve U.S.-Soviet relations, and USIA has the responsibility for implementing them.

DEATH OF CHIEF JUDGE H. CARL MOULTRIE

Mr. SPECTER. Mr. President, I wish to pay tribute to a truly outstanding jurist, Chief Judge H. Carl Moultrie of the District of Columbia Superior Court, who recently died.

Judge Moultrie set an example of hard work and thoughtful deliberation in carrying out his duties. He maintained a full-bench schedule even after becoming chief judge in 1978. I know that his colleagues will miss his leadership and direction, and his city will miss his tireless devotion to home rule, but both his bench and his city are stronger for his work.

Mr. President, Judge Moultrie was appointed an associate judge of the superior court in 1972. Prior to that he had been a newspaper columnist, a probation officer, a business executive, and then a practicing lawyer for over 15 years. His activity in community service is unparalleled in the District of Columbia. He was active in church, fraternal, neighborhood, social, and criminal justice groups throughout the community and the Nation, was known to almost every citizen of the District of Columbia and has been honored by scores of local and national organizations. He was a past president of the D.C. branch of the NAACP, a board member of the American Lung Association and the D.C. Heart Association, and an active member of literally dozens of community groups.

He was a graduate of Lincoln University (1936) and Lincoln University Theological Seminary (1938). He earned an M.A. from New York University (1952) and a law degree from Georgetown University Law School (1956), numerous postgraduate certificates in the fields of business and law and an honorary doctor of laws from Lincoln University (1979).

Mr. President, I want to extend my sympathy to his widow, Sara, and his son, H. Carl II, as well as Judge Moultrie's two grandchildren, and to thank them for sharing this remarkable man with the community he loved.

STINGER POLICY IMPLICATIONS

Mr. DECONCINI. Mr. President, I have introduced a bill, S. 2286, which would simply require democratic resistance forces in Angola and Afghanistan to agree to the same security controls for Stinger missiles as we have with friendly NATO allies. Let me emphasize that this should not and cannot be construed as a vote for or against democratic resistance forces but for safeguards and security controls in a world increasingly threatened by terrorism. When Colonel Qadhafi says that he will export terrorism to America and "pursue U.S. citizens in their country and streets," we must protect ourselves.

I would like to bring to the attention of my colleagues two recent articles concerning topics of interest to all Americans. The first article is an editorial that appeared in the April 3, 1986, edition of the Los Angeles Times. It is titled "Stinging Peace Prospects" and is a very thoughtful analysis of the chilling considerations that the Stinger missile has when introduced into a specific region of conflict. This article also discusses the millions of dollars in weapons intended for the democratic resistance that have fallen into the hands of a vast black market.

The second article appeared in the April 16, 1986, edition of the Washington Post. This is titled "Truck Explodes Near AF Base West of Tokyo." It is likely that terrorist groups parked this truck outside the U.S. Air Force base to further export violence and destruction against U.S. targets. The article states that "The truck contained rocket launchers which detonated before launching. The quantity of launchers is presently unknown." What if these had been confiscated Stinger missiles, Mr. President?

Mr. President, I urge all of my colleagues to read these articles, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 3, 1986]

STINGING PEACE PROSPECTS

The next step in implementing the Reagan Doctrine apparently will be to place more sophisticated American weapons in the hands of the guerrillas around the world whom the President insists on calling "freedom fighters." That would be a terrible mistake.

Initial reports have suggested that the mujahideen fighting the Soviet invaders in Afghanistan, and Jonas Savimbi's UNITA guerrilla force fighting to overthrow the Marxist government of Angola in Southern Africa, would be the first beneficiaries of the new policy. Then, it is suggested, more such weapons would make their way to the contras seeking to overthrow the Marxist Sandinista regime in Nicaragua.

Among the top-line weapons under consideration for export to these groups is the Stinger surface-to-air missile, an anti-aircraft weapon that can seek out a target five miles away and up to an altitude of 4,500 feet. It would be particularly effective in downing helicopter gunships pursuing the guerrillas.

Advocates of the exports are convinced that the weapons would tilt the balance of war to the guerrillas. Perhaps. But even more certain would be an escalation of the wars. The Soviet Union, which supplies the governments in each of these nations, would have no choice but to send in deadlier weapons. However dim the prospect for negotiated settlements may be in these complex wars, that prospect would be all the dimmer with the introduction of these lethal missiles.

There is another chilling consideration. Especially in Afghanistan and at the bases in Pakistan that supply the guerrillas fighting the Soviet invaders in Afghanistan, there is slack security. Millions of dollars in weapons, intended for the resistance, already have fallen into the hands of a vast black market. Protection of a weapon of the value of a Stinger would be impossible. A great risk would arise that at least some of them would make their way into the hands of international terrorists. The Stinger is, as a recent report in the Christian Science Monitor pointed out, "the ultimate terrorist weapon." They are easily hidden, easily transported, fired by a single person. No civil aircraft in the free world would be safe from them. And it is no comfort to say that it really doesn't matter because the Soviet version of the weapon, the SA-7B, already is widely available.

There has always been a need for caution by Washington in the support that it has given to the resistance in Afghanistan. Afghanistan lies along the Soviet border, and Moscow can always outmatch and outsupply more distant nations. The level of arms there should be appropriate to the maintaining of pressure for a settlement, not to the triggering of a further terrible escalation of that brutal invasion.

Angola is an entirely different matter. Washington tends to forget that the Cuban troops and advisers that are based in Angola are in large measure in response to the guerrilla war that has been mounted against the government. This is not a case of a nation held hostage by an invading force. The only invading force in Angola has been the army of South Africa, arrayed in support of Savimbi's guerrillas. There has been a commitment to a negotiated settlement breached not by Angola but by South Africa. The good faith of the Angolan government has been evident in its commercial ties to the United States that have assured the flow of its petroleum to the free world. Washington only squanders its power and corrupts its commitment to freedom in giving arms and comfort to the Savimbi guerrillas.

Introduction of the Stinger in the war in Nicaragua would risk even more serious consequences. The Sandinista regime in Managua has resisted activating the advanced fighter aircraft offered by its Soviet and Cuban allies, and a tacit weapons-technology lid has been placed on the war until now. But if the most advanced portable anti-aircraft missiles are handed over to the contras, an escalation of unpredictable consequences would be inevitable. The careful efforts of the Contadora nations to produce a permanent peace would be undermined, if not destroyed.

All three insurrections—in Afghanistan, in Angola and in Nicaragua—have in these days a new prospect for peaceful settlement. The impatience of those who somehow think that they can impose their will and their solutions should not be allowed, through the triggering of a new escalation, to shatter that prospect and to deepen the death and devastation of these wars.

[From the Washington Post, Apr. 16, 1986]

TRUCK EXPLODES NEAR AF BASE WEST OF TOKYO

TOKYO, April 15.—A truck with a five-tube rocket-launching device exploded in flames tonight near a U.S. Air Force base west of Tokyo, police and base officials said,

and the fins of one projectile were found inside the base.

No injuries or damage to the base were reported.

A police official, speaking on condition of anonymity, said the explosion occurred at about 8:40 p.m. about a mile northeast of the base at Yokota, 21 miles from Tokyo.

He said it was not known if any rockets were launched from the truck.

Lt. Jim Reagan, a public affairs officer at Yokota, said security police found the fins of one rocket in an open area inside the base.

He said Japanese police reported that the vehicle, parked in a tea field, contained five rocket-launching tubes that were empty. He said base and Japanese police were investigating.

In Washington, Pentagon officials released a statement saying the truck that exploded had forged license plates. "The truck contained rocket launchers which detonated before launching. The quantity of launchers in the vehicle is presently unknown," the statement said.

No person or group asserted responsibility for the attack. Missile attacks last month were aimed at the U.S. Embassy in Tokyo and other buildings, including the main site of the summit meeting of industrial nations planned for Tokyo in May. Responsibility for those attacks was claimed by leftist radical groups opposed to the summit and to celebrations of the 60th anniversary of Emperor Hirohito's reign.

White House spokesman Larry Speakes said, "It's too early" to connect Libyan leader Col. Muammar Qadhafi with the Yokota attack.

The United States and Libya are in a military confrontation arising from terrorist attacks which Washington says were linked with the Qadhafi government.

MITTS ACROSS THE SEA

Mr. LEVIN. Mr. President, I rise to pay tribute to a sensitive and resourceful editor in my State, and to thousands of other generous Michiganites who recently showed America at its best. These folks reached across thousands of miles and put into the outstretched hands of poor children in a faraway land the prized possessions of their own childhood, so that those youngsters might have the stuff to make a dream come true. With their generous action, these Michiganites demonstrated beautifully how a caring spirit can transcend national divisions and ideological differences.

This spirit was demonstrated in a dusty city of 125,000 in the Dominican Republic named San Pedro de Macoris. The city has achieved considerable attention among sports fans in the United States because it has produced a remarkable—for its size—number of baseball players for the U.S. major leagues, more than a dozen. Last February, a story in the Detroit Free Press noted that those well-paid athletes come home to San Pedro in the off-season, some of them to fine homes they have built with their earnings. The story told how the big leaguers are heroes to the poor kids of San Pedro, and how their homes are symbols of what can be achieved with disciplined skill. So those kids play a lot of baseball, too—with a passion, with a fire to get good enough to become another Pedro Guerrero or Joaquin Andujar or Pedro Gonzalez. But they have little more than passion—no mitts, no real bats, no horsehide balls. They protect their catching hands with cardboard and cans, swing away with tree limbs and table legs at rubber balls bound with rubber bands. It's enough to make even a tough editor in Detroit blink in sympathy.

And, back in Detroit, in February, such an editor did blink, and think. Neal Shine, the managing editor of The Detroit Free Press, thought back to his own childhood, when he and his friends played baseball on the street or in a vacant lot, and dreamed of major-league uniforms and cheering crowds—when money was tight but there were always at least enough gloves to share during a game.

And Neal Shine thought there must still be a lot of those mitts—and those of later decades—tucked away on closet shelves or in basement boxes in homes across Michigan. So he wrote a column in the Free Press that appealed to the owners of the unused gloves to give them up, so today's kids in a poor town 2,000 miles away could make use of them. He told his readers:

Look at it this way: The old glove never got you a tryout with the Tigers or Browns. Why not give it another chance?

Some of Neal's colleagues were skeptical that there would not be much of a response. Who would part with material so rich with personal memory, they wondered. Well, Michiganites did respond, in numbers and ways which showed that their heartstrings had been touched. Byron Pilbeam of Dundee sent a whole collection of gloves used over the years by him and his six kids—"a box of dreams to be recirculated," he called the parcel. Karl Dalligan of Detroit personally brought to Neal Shine's office a mitt autographed by pitcher "Spittin' Bill" Doak, who started in the majors in 1912. Dalligan had had the heirloom for 40 years or more. Ron Barber of Berkley sent the glove that his son David had used, but not for long: The boy had died at the age of 14, from cancer. Ron Barber wrote:

I hope some young man from San Pedro will enjoy the mitt as much as (David) did.

Altogether, 1,062 gloves were donated—30 big cartons of them. And a few weeks ago, Neal Shine flew with them to San Pedro de Macoris. He spent hours giving out some of the mitts at sandlots around the city. The remainder were distributed in a ceremony in a local stadium to representatives of San Pedro's 21 baseball leagues, which have a total of 107 teams. Neal Shine told the group that the children of Michigan love baseball and the children of San Pedro love baseball, and that when "people care so much about the same thing, it brings them very close together." In Spanish, the local sports commissioner repeated that for the crowd. Then he told Neal that the people of San Pedro loved the people of Detroit and Michigan.

Mr. President, there's not a lot of love for Americans in many parts of the world. We've sometimes sent troops into other countries in support of unpopular causes and refused to respond sometimes to pleas for help that we should have given. This time, nobody asked us to do anything. But a wise and caring editor saw a need, focused attention on it in his paper and got a response from his readers which showed the generous heart of America to a grateful community abroad.

I'm proud of Neal Shine, of the Free-Press, and of the Michiganites who gave of themselves so that the little ballplayers of San Pedro could be equipped for a better shot at the dream they have had so long in their hearts.

I ask unanimous consent that Neal Shine's column of February 6, 1986, which started the ball rolling, be made part of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERE'S A CHANCE TO USE THAT OLD BASEBALL GLOVE

(By Neal Shine)

The kid in the middle of the picture was holding up the ball.

It looked like a baseball without its cover, with just the string wrapped tightly around the core.

And I remembered the kind of buzzing sound these uncovered baseballs used to make as they sailed past you on a line trailing two feet of string.

One day last summer, my friend Tom Houston reduced the age-old question of "What's the matter with kids today?" to a very basic notion:

"They don't know what the inside of a baseball looks like."

Well, at least, I thought, the smiling, brown-skinned kid and his pals in the picture know.

San Pedro de Macoris, the Dominican Republic, where the picture was taken, is a long way from the alleys and vacant lots of Detroit, but there's a world-shrinking sameness to the sight of kids playing baseball with a coverless ball.

Actually, Glen Macnow told me, it wasn't a baseball at all.

"It was a woman's nylon stocking sewn into a ball and wound with rubber bands."

It was a story by Macnow, a Free Press sports writer, that accompanied the picture. The story was part of a series on winter baseball in the Dominican Republic that appeared in the sports section this week.

Macnow also wrote that, among the kids in San Pedro de Macoris, baseball is one of the things that dominates their lives. Another is poverty.

He talked about watching 20 shoeless kids play ball on a mud street called *Calle de Restoracion.*

"The ball was this old nylon stocking and the bat was a broken table leg that still had

nails in it and the bases were paint can lids," he said.

"None of them had gloves. They tied pieces of cardboard on their hands and shaped them so they could catch the ball. One kid used a milk carton that slipped over his hand; another had a coffee can tied to his hand. I heard that some of them use Cracker Jack boxes."

Pedro Gonzalez, an Atlanta Braves coach and former infielder for the Cleveland Indians and the New York Yankees, lives in San Pedro de Macoris.

"American parents want their children to become doctors or lawyers to get rich," he told Macnow. "But here, the way to get rich is to be a baseball player. The parents see Pedro Guerrero's cars or Joaquin Andujar's house and they say, 'That's for my son. That's the way out.' "

So I find myself thinking about all the major league dreams in my old neighborhood.

Regardless of how farfetched those dreams were, they were an important part of growing up. And regardless of how tight the money was in those years, if there wasn't a glove for everybody, there were always enough to share.

So here's my plan. In a box in every basement or tucked away on a closet shelf somewhere is a baseball glove, its days of glory behind it.

Get them down, dust them off and send them to me at the Free Press, 321 W. Lafayette, Detroit, MI 48231. Or bring them down and drop them in the big box in my office.

Glen Macnow will arrange to have them shipped to San Pedro de Macoris and distributed to the kids there.

Last year, 14 men from San Pedro de Macoris, which calls itself the Baseball Capital of the World, played in the American major leagues.

So look at it this way: The old glove never got you a tryout with the Tigers or the Browns.

Why not give it another chance?

IT IS "TIME TO AGREE"

Mr. MATHIAS. Mr. President, the reaction of both Americans and Europeans toward one another since the raid on Libya has been of great concern to many of us. Our alliance with our NATO partners in Western Europe is vital to our security as well as to theirs. There is no reason for the bond to weaken now. Indeed, we should be strengthening our ties rather than loosening them.

But some in the United States argue that many European countries have not cooperated fully with efforts to identify and deport terrorists. And many Europeans counter that NATO is set up for the purpose of defending the Atlantic community against Soviet aggression, not to conduct activities "out of area."

The time has obviously come for all of us to sit down and iron out our differences and reaffirm our close friendship. In an excellent article in the New York Times of April 20, 1986, Flora Lewis outlines the problem and warns of the consequences if the allies fail to resolve their differences.

I ask unanimous consent that "Time to Agree," the column by Flora Lewis, be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME TO AGREE

(By Flora Lewis)

MILAN, ITALY.—Sitting in the T.W.A. lounge at Kennedy Airport waiting for the overnight flight to Italy induced a dull fatalism. Passengers watched the news in silence while Dan Rather told about the warnings, the fears, the precautions being taken by the U.S. Government.

When the newscast was over, one young woman blurted out, "If my livelihood didn't depend on it, I wouldn't take this trip." Later another said with a nervous giggle: "There's always been terrorism in Italy, hasn't there? We'll keep a low profile, not let on that we're Americans."

The night before, skimming the intensity of American reaction, television had shown a schoolchild grinning, no doubt because of the camera trained on him, and asking, "Are we going to have a nuclear war now because Russia is a part of Libya?" And then it showed a parent, an earnest, heavy-set woman with short brown hair, saying gravely, "The kids are worried, really worried that there's going to be a war."

Then there was a psychiatrist in a white smock, identified as a stress expert, explaining that people with high blood pressure, or ulcers, or bad backs, were likely to feel a lot worse in this period because they'd be tightening up under the tension and that would aggravate their maladies.

I wondered what we were doing to ourselves. One day Americans were puffed-up supermen, proudly telling each other that nobody can push them around. The next day people were quivering, not at terrorism but in self-induced terror, to a degree no Libyan leader could possibly achieve.

The flight was uneventful and the arrival tiring but routine. The conference here is about East-West relations, attended mostly by Europeans from both sides but also a number of prominent Americans and a couple of Soviet officials. The atmosphere is cordial, as usual, but there is an undercurrent of serious disturbance among the Westerners.

Italian Labor Minister Gianni de Michelis noted unhappily that thousands of students were demonstrating against the U.S. in the middle of Milan, the first big anti-American demonstration since the period of the Vietnam War. "We're all against terrorism, certainly in Italy," he said, "but bombing that kills women and children . . ."

Another Italian said that may be the expression of youth, but older people were getting fed up and were wondering why this country, which finally took very stern measures to defeat its own decade of terrorism, hadn't been readier to cooperate in isolating Libya. A senior German expert on international affairs said he was personally embarrassed at the allied refusal to show more solidarity with the United States.

There was clearly concern that the depth of angry feeling on both sides would do serious damage to the alliance, far beyond what Moscow, let alone Tripoli, could possibly have provoked. That is the real issue now, much more important to the future of all in the West than the random, occasional incidents of terrorism. It is harder to dramatize, but it is a far greater danger.

The recriminations and the analysis of who should have done what at which step have to be set aside. The spilt milk must be cleaned up. The urgent need now is for clear, public show of allied solidarity so that the peoples of the West and the opposing regimes can see that the dispute has been a limited one about methods, not about purpose and determination.

The deadline for action is probably the Tokyo summit in a fortnight. Otherwise, the wounds will fester and take a long time to heal. It shouldn't really be so difficult for the major Western states to agree on some political and economic sanctions against Libya to show they can and do take a common stand.

If the measures go further than Europeans might really wish and not quite so far as Washington would like, that won't matter. That is the meaning of friendship and accommodation. The point is to show that there really is basic agreement.

The immediate problem is weak governments in Europe. France, is virtually paralyzed by its internal politics, and Germany's Chancellor Helmut Kohl, normally indecisive, is in added personal trouble. The French-German axis which underpins the European Community probably isn't up to an initiative. Britain's Margaret Thatcher is out on a shaky limb. Italy and Spain are talking about taking a lead together, but they're afraid of seeming inconsequential.

Leaders must stop dithering. The passions they have stirred can fracture the bulwark of the West on which they all rely.

SOUTH AFRICA AND ETHIOPIA

Mr. HECHT. Mr. President, the Monday, April 7, 1986 edition of the Las Vegas Review-Journal contained one of the most interesting and thought-provoking editorials on the situation in South Africa and Ethiopia. This excellent editorial was written by Mr. Rafael Tammariello and I ask unanimous consent that it be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Las Vegas Review, Apr. 7, 1986]

SOUTH AFRICA'S BAD BUT ETHIOPIA'S WORSE

Officials at the University of California at Berkeley last week were calling it the most violent confrontation since protests against the Vietnam War erupted on campus in the 1960s and 70s.

Bottle- and rock-throwing students clashed with police over the issue of the university's estimated $2.4 billion in investments with firms that do business in racially segregated South Africa. The protesters demand the university dump these investments. More than two dozen people were injured during the fray, and 91 were arrested, two for possession of Molotov cocktails.

The Berkeley protest was one many staged in the United States to protest South African apartheid. Entertainers, priests, politicians and even former president Jimmy Carter's progeny, Amy, have arranged their own arrests for acts of civil disobedience related to South Africa.

Black South African Bishop Desmond Tutu has been ubiquitous—appearing on American television, making headlines, giving lectures. Tutu denounces the white South African government in the harshest

terms, calling it genocidal, and advocating black majority rule.

Meanwhile, black South Africans step up their own protests against apartheid. Black protesters and South African people clash, and people die regularly. The U.S. press continues to focus intense attention on South Africa. South Africa preoccupies many liberals in Congress.

The protesters, Tutu and the congressional left are correct in condemning the South African regime. Apartheid is a hateful institution. The elimination of the nation's racist infrastructure is the only acceptable, just, long-term solution for South Africa.

However, there is something deeply disturbing about the anti-apartheid protests. What is disturbing is the tunnel vision exhibited by the activists in this country—a willful myopia.

The middle-class white kids who are the vanguard of the anti-South African movement in this country find the oppression of blacks by the South African government unacceptable. They like—as does Tutu—to characterize the South African government as the most oppressive, most despicable on earth, certainly in Africa. Police and demonstrators clash in Cape Town. Several demonstrators are killed. "Genocide!" cry the Tutus and the American students.

Why is it that the American students are so concerned about blacks in South Africa but exhibit strict indifference to the plight of blacks elsewhere in Africa—blacks whose governments are murdering them wholesale, starving them to death, destroying their homes and multilating their families?

If the students want a real, clear-cut example of premeditated genocide, they ought to take a gander at Ethiopia. Lt. Col. Mengistu Haile Mariam, communist leader of Ethiopia, has engineered the slaughter of tens of thousands of Ethiopian peasants in his grand scheme to collectivize the country's agricultural economy and move 1.5 million people from the famine stricken northern reaches of the country to uninhabited areas in the southwest.

Theoretically, the plan is aimed at boosting agricultural production, although many suspect the real reason is to move people away from areas where they provide a base of support for anti-government guerrillas.

The resettlement plan is characterized by gross brutality and criminal inefficiency. The peasants' homes and property are being confiscated and the people herded—on foot and in over-crowded trucks—to the new villages in the southwest. According to thousands of Ethiopian refugees who have fled the tyranny and to the few independent observers who have managed to make their way to the new villages, people are dying in droves. Those who are not murdered en route by their communist overseers face an often-brief life of misery in the new villages. Typhoid and other diseases are rampant. Despite massive Western relief efforts—including millions of dollars raised through rock concerts—famine beshadows the land. The new settlers can look forward to 12 hours a day, 6½ days a week of forced labor in the fields. Families are torn asunder. The lowest estimates of death rates in the villages is 33 per thousand per day. Refugees from one village told refugee workers in the Sudan that, in 75 days time, 1,500 of the village's 7,000 residents died—worked to death, starved or smitten by disease.

Even the lowest estimates indicate that the relocation and attendant brutality by government troops killed 100,000 Ethiopians in the first six months of 1985.

A French physician—who, along with his colleagues, was thrown out of Ethiopia after criticizing government policies—compares Ethiopia to Nazi Germany in 1938 or Pol Pot's Cambodia in 1977.

True, South African apartheid is abhorrent. But the abuses of the South African regime pale in comparison to the genocide in Ethiopia. Yet the western press does not file daily dispatches depicting the horrors of Mengistu's Ethiopia, and college kids don't set up shanty towns to protest the Ethiopian slaughter.

Why is it that the middle class white kids at Berkeley and on college campuses across the U.S. get so outraged about the treatment of black people they don't know in South Africa and yet give not a hoot about black people they don't know in Ethiopia?

The answer, of course, is that the anti-South Africa movement is political and left-oriented, and tyrant regimes of the left are unfortunately immune from criticism by those who choose not to acknowledge their existence.

FARM CREDIT ASSISTANCE ACT OF 1986

Mr. ABDNOR. Mr. President, I am pleased to join my distinguished colleagues, Senators BOREN, BOSCHWITZ, and NICKLES in introducing the Farm Credit Assistance Act of 1986, S. 2332.

Mr. President, this legislation is a package bill which incorporates the concepts in other farm credit bills previously introduced in the Senate. It's a broad-based and comprehensive approach to dealing with the many financial problems being encountered by both lenders and borrowers in the farm sector. Mr. President, I believe this bill, if adopted, would make important improvements in S. 2231, the Agricultural and Energy Bank Incentive Act recently reported by the Senate Banking Committee.

Mr. President, I commend the distinguished chairman of the Banking Committee, Mr. GARN, and his colleagues for their prompt action in reporting legislation targeted toward assisting troubled agricultural and energy banks. While I have consistently supported their efforts and am pleased to be a cosponsor of their legislation, I'm hopeful the chairman will be receptive to our proposed amendment to his bill.

Although I believe the committee bill addresses the issue of stabilizing bank capital, in my opinion, it didn't go far enough toward an equally important objective—that of stabilizing agricultural debt. The Farm Credit Assistance Act deals directly with that objective, thereby bringing the borrower to the bargaining table.

Any complete assistance package must be two pronged. It must be a marriage of both borrower and lender interests. S. 2232 effectively deals with one party to this marriage—the lender. The Farm Credit Assistance Act focuses on the other party—the borrower.

Mr. President, the viability of any lending institution is based on the ability of its borrowers to cash-flow on their debt—not on the institution's ability to dispose of assets after foreclosure. For that reason, I believe it imperative that any farm credit proposal be borrower oriented and borrower driven. I stressed that fact just recently when testifying before the Senate Banking Committee upon their consideration of this issue.

Mr. President, the bank capital difficulties facing agricultural lenders are merely symptoms of a more fundamental problem with the lender's asset base. That problem stems from the income generating capacity of the assets. Low commodity prices and high interest rates have severely cripped the ability of ag borrowers to generate an income stream sufficient to stay current on their loans. Low commodity prices reduce revenues, and high interest rates drive up fixed costs. The ripple effect of reduced earnings for the borrower is that the ag lender, whose asset base is composed largely of farm loans, not only fails to generate income through the loan but must classify that loan, depleting his capital position.

Mr. President, for many banks in my State, diversification is not an option. The asset base which generates South Dakota's GNP is highly concentrated. Without a diversified asset base, and in many cases, without ready access to the capital markets, farm banks in South Dakota have no alternative but to grit their teeth and hope that next year will be better. I hope next year will be better too, but in the meantime, I feel it is incumbent upon Congress to act toward easing the stress for lenders and borrowers in the real Central America, and that's this Nation's Farm Belt.

Mr. President, the Food and Security Improvements Act of 1985 addresses the revenue side of the farm income problem in its efforts to shore up farm commodity prices. My hope is that this body will pass legislation which brings meaningful relief to the cost side of the income problem—high interest rates.

While S. 2232 encourages banks to restructure by adjusting the accounting treatment of such loans and by lowering capital requirements over a 7-year time period, the real issue on the cost side is interest rates. In my estimation, the interest rate buydown provision of the Farm Credit Assistance Act is an essential ingredient in meaningfully restructuring farm debt.

Moreover, the Farm Credit Assistance Act of 1986 addresses inequities which currently exist in the treatment of Farm Credit System and Farmers Home Administration borrowers. The concept behind remedying these inequities is simple. If it costs less for

either the Farm Credit System or the Farmers Home Administration to restructure the current borrower's debt than it does to foreclose, the lender is required to restructure the debt. This benefits not only PCA, Federal land bank, and Farmers Home Administration borrowers, but also Farm Credit System bondholders, and ultimately the American taxpayer.

Mr. President, I look forward to working with this body in enacting legislation which will ease the stress not only for troubled lenders, but also for debt-strapped borrowers of farm credit. The farm credit crunch is coming to a head, and without immediate assistance, tens of thousands of overextended farmers are likely to be swept off the land, the greatest exodus since the Dust Bowl days of the 1930's.

The need for action is clearer than ever. Farm banks have accounted for over 50 percent of the bank failures in the last 14 months, a glaring example of the need for Congress, the regulators, and lenders and borrowers alike to work together to secure a stable future for both lenders and borrowers of agricultural credit.

Still, only by getting to the guts of the credit crunch can we stem the tide. Mr. President, as I see it, the guts of this problem is the borrower who needs to cash flow on his debt. For that reason, any meaningful credit solution must have a borrower orientation, an orientation clearly evident in the Farm Credit Assistance Act of 1986.

COAL HAULAGE RATES

Mr. JOHNSTON. Mr. President, I want to address an issue of grave importance to this country's electric consumers and to those of us who are concerned about our country's trade imbalance: The coal haulage rates of our Nation's railroads. These ever-increasing rates are resulting in unnecessarily high electric utility bills for our constituents and contributing to our relentless foreign trade deficits.

In 1979, when the Senate considered the Staggers Rail Act, I was concerned about any deregulation of the railroads without providing viable competition for the haulage of commodities that are "captive" to the railroads. Thus, I cosponsored Senator BUMPERS' amendment that would have granted Federal eminent domain authority for interstate coal pipelines. Unfortunately, our proposed amendment was ruled nongermane. I supported, however, the "captive shipper" amendment by my colleague, Senator LONG. Many of us believed this amendment would provide effective protection for captive shippers, such as many of our Nation's electric utilities. I began immediately to work for the enactment of coal pipeline legislation, which I have again introduced this Congress as S. 994, "The Coal Distribution and Utilization Act of 1985."

Mr. President, the actions of both the railroads and of the ICC during the last 6 years have confirmed my worst fears during consideration of the Staggers Act. These same vents have made clear our Nation's need for the coal haulage competition that will be provided by coal pipelines.

Testimony at Senator WARNER's coal export hearings over the years has indicated that our European and Pacific rim customers are extremely concerned about the effects of the Staggers Rail Act upon the price of U.S. coal. For years, the export market was the bright spot for American coal. But unfortunately, our hopes have failed to materialize. In fact, since 1981, the United States has lost 10 percent of its world market share. This is an estimated loss of $3.9 billion in business and 18,000 jobs in mining and transportation.

There are several reasons for this decline in coal export market share, but foremost among them are our excessive transportation costs. Our coal companies in most instances are competitive at the mine mouth, but our inland transportation costs are threatening to run us out of the market.

Mr. President, the consistent message received from foreign coal buyers is that they want to buy American coal. Due to the high quality of our coal, our reliability, and their interest in maintaining good relations with the United States, foreign countries are willing to pay a premium for American coal. But the transportation costs are pricing America out of the market, setting us above the premium price they are willing to pay.

It is perfectly true that we, as a Nation, have hindered the development and utilization of America's vast coal reserves by protecting the railroads' near monopoly on coal haulage from any degree of competition. This protectionism of the railroad industry has not been healthy for the railroads or the country. It has led to foreign coal imports, huge trade imbalances, high utility rates, and a deteriorating coal export market.

For example, Florida utilities have found it cheaper to import coal from Colombia, South America, rather than to bring it by rail from Appalachia. And they are doing it. Virginia Power recently purchased 30,000 tons of colombian coal for a test burn. A spokesman for the utility said that the delivered price of the Colombian coal was less than the price of coal coming via rail from Virginia Power's traditional suppliers in West Virginia, western Virginia, and eastern Kentucky. The utility spokesman was quoted as saying, "It is incredible when you consider it may cost less to move coal from Colombia to our power stations than to move it from the western part of the State." Most recently, the Jacksonville Electric Authority in Florida signed a long-term contract with Colombia to supply 800,000 tons of coal a year for 12 years to its utility.

Even more remarkable, it was cheaper for New England Electric to bring a coal shipment from British Colombia all the way down and through the Panama Canal, through the Caribbean and up the Atlantic Coast, than to ship it by rail from Appalachia.

This is absurd, but we have permitted such absurdities by not allowing the forces of free market competition to operate. We have failed to permit coal slurry pipelines the same Federal right of eminent domain as has been granted to oil pipelines, gas pipelines, railroads, and certain electric transmission lines.

Recently, the New York Times published a thought-provoking editorial on the need to "protect shippers from being gouged by rail monopolies." The Times suggested "the long-term goal of reform should be to keep easing off regulation by making the shipping industry ever more competitive." The first step toward that end, states the New York Times, is that:

> Congress should authorize construction of pipelines to carry mixtures of pulverized coal and water from mines to power plants. Such coal slurry pipelines have been blocked at state level by railroad lobbying. If Congress pre-empts authority over pipelines, the mere threat of their construction would discourage rail overcharges.

I am inserting in the RECORD the entire New York Times editorial of December 23, 1985. I urge my colleagues to take a moment to read the editorial.

Clearly, we must take action now. Only through competition and reduced coal haulage rates can we hope to put coal miners back to work, create jobs for thousands of unemployed workers in the construction and related fields, reduce utility bills and increase U.S. coal exports.

I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 23, 1985]

NEXT STEPS IN RAIL DEREGULATION

When Congress relaxed price controls for freight railroads in 1980, it sought an artful balance. It wanted to give railroads incentives to rebuild their collapsing systems. But it wanted also to protect shippers from being gouged by rail monopolies. Some of these shippers now complain that the balance has tilted in favor of railroads, and they make a good case. If deregulation is to work for everyone, the reforms of 1980 need fine tuning.

Most cargo shipping is vigorously competitive. In setting prices, truckers and airlines must keep a close eye on the competition. Railroads, too, are held in check for some products in some regions. If they try to

overcharge the large manufacturers of high-value products like machinery or auto parts, they risk losing the business to another railroad or an enterprising trucker.

But railroads exert great market power in carrying bulk commodities on underserved routes. So Congress put some limits on the railroads' freedom to set their own rates. Where a shipper can show that a rail company dominates a transportation market, the Interstate Commerce Commission is empowered to intervene. And if the commission finds a railroad's total revenues to be adequate and its prices unreasonable, the shipper can be granted rate relief.

By and large, this partial deregulation has worked well. Railroads are posting good profits. More important, they are investing billions to modernize their systems. And many shippers are getting better service for the same old rates. But some shippers, notably power companies buying coal from Western Mines, have been seriously overcharged. And the I.C. has so far denied them relief. The commission, it appears, clings to the outdated rationale that the railroads need every last penny to stay in business.

A coalition of commodity shippers, electric utilities, labor unions and consumer groups urges legislation, to reduce the I.C.C.'s discretion, forcing it to come down-harder on strong railroads. Things may have to come to that if the commission refuses to tighten its guidelines for rate relief. But the dreary history of price regulation makes very clear that prices set by regulators can never by entirely fair or efficient.

The long-term goal of reform should be to keep easing off regulation by making the shipping industry ever more competitive. At least three steps could be taken toward that end:

Congress should authorize construction of pipelines to carry mixtures of pulverized coal and water from mines to power plants. Such coal slurry pipelines have been blocked at state level by railroad lobbying. If Congress pre-empts authority over pipelines, the mere threat of their construction would discourage rail overcharges.

The I.C.C. or Congress, if necessary, should halt rail mergers that reduce the number of carriers serving shippers of bulk commodities.

Congress should explore ways to stimulate more competition among existing rail systems. For example, it might require rail companies to lease their tracks and terminals to competitors at reasonable rates.

The first goal of rail deregulation—a more productive, financially stable system—has been achieved. The next goal should be ensuring that railroads share the benefits with consumers.

DEAN OF WISCONSIN TV EDITORIALISTS TO RETIRE

Mr. KASTEN. Mr. President, at the end of this month, in just a few short days, my hometown of Milwaukee, WI, will bid farewell to a man who for almost a quarter of a century has echoed the public conscience.

Carl Zimmermann, the sometimes brash, sometimes alarming, sometimes funny, but always thought-provoking and responsible editorialist for WITI-TV in Milwaukee, is retiring.

His relinquishing of nightly on-screen duties marks a passage, not only for him but for those of us for whom he was a source of commentary about events unfolding in Milwaukee, WI, the Nation, and the world.

Carl Zimmermann is the undisputed dean of Wisconsin broadcast editorialists, having introduced that style of journalistic expression to Wisconsin television viewers in 1962.

Over the past 24 years no subject or event was spared his razor-fine analysis. Listing the topics that sparked his editorial fire would be like outlining recent history.

Education, the State budget, the Federal deficit, war, environmental protection of the Great Lakes, community building projects, the growth of new businesses and job creation, successes and failures in professional sports, successes and failures in local, State, and national politics—he poured his insight and wit over these topics and much, much more, making otherwise complex subjects understandable to shop owners in Brookfield, farmers in Waterford, and longshoremen in Racine.

But, Mr. President, Carl Zimmermann's distinguished voice and commanding demeanor affected far more than television audiences.

A native Milwaukeean, he has throughout his career shared his energy, his industry, and his heart with the community. A firm believer in community service, Mr. Zimmermann has served on such varied organizations as the Governor's Council on the Developmentally Disabled, on the boards of the Salvation Army, United Way, NAACP, Milwaukee Symphony, and Wisconsin Coalition for the Arts and Human Needs, and numerous other service societies.

Mr. Zimmermann has been recognized for his service, and for his journalistic talent, with many local, State, and national awards. To mention just a few, he has won the President's Award from the Association for Children with Learning Disabilities, the Alfred P. Sloan Award for Creative Writing, the Signam Delta Chi Award for Excellence in Journalism, the Milwaukee Civic Alliance Distinguished Service Award, the Exemplory Award for Chairmanship of Milwaukee County's International Year of Disabled Persons, and the Citizen of the Year Award from UNICO.

Carl Zimmermann has been my friend for years. Although I have not had the opportunity to regularly watch his nightly news editorials for some years now, my feelings of respect and admiration are undiminished.

I will miss the Voice of Channel 6 news, as will the countless Wisconsinites for whom he was a regular and welcome evening visitor. We all wish him well in his future endeavors.

Mr. President, I ask unanimous consent that a copy of a recent Milwaukee Journal article announcing Mr. Zimmermann's retirement be printed in the RECORD as a tribute to his conscientious service as a member of the fourth estate and to his far-reaching and exemplary influence in Wisconsin.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ZIMMERMANN WILL RETIRE AT WITI

(By Mike Drew)

On April 30, Carl Zimmermann will end 24 years of patting backs and kicking butts as editorialist for WITI-TV (Channel 6).

That also will put at least a semicolon on half a century in Milwaukee broadcasting. Zimmermann's is probably the longest on-air career in local history.

Zimmermann started in radio in 1936 as a South Division High School sophomore. Since then, he's worked in various announcing, newscasting and management positions at WEMP, the old WFOX, Racine's former WRAC and WISN radio and TV.

In World War II he assisted network correspondents in Europe, including Edward R. Murrow and Eric Sevareid, and was heard regularly on NBC's weekly "Army Hour."

Recalled by the Army Reserve in the Korean War, Zimmermann produced, wrote and narrated the syndicated "Big Picture" TV series.

At WITI since 1959, he's been anchor, reporter, news director and director of communications. Since September, he's continued to write and deliver editorials on a part-time basis.

Station manager Andrew J. Potos, who handles editorials when Zimmermann is away, will add their delivery to his other duties.

Zimmermann plans to continue in broadcasting, doing free-lance announcing, including some commercials.

He'll also do considerable traveling with Doree, his wife of 43 years. The Zimmermanns have five children, ages 19 to 40, and four grandchildren. Zimmermann won't reveal his age.

The dean of Milwaukee broadcasters also will continue his wide-ranging volunteer work, including duties at the St. Francis Children's Center, where he's on the board of directors. His retirement dinner May 8 at the Pfister Hotel will benefit the center.

Among Zimmermann's national honors are an Alfred P. Sloan writing award and the Abe Lincoln award of the Southern Baptist Church. Last year he won the annual Excellence in Journalism Award from the Milwaukee Chapter of the Society of Professional Journalists, Sigma Delta Chi.

Zimmermann said, "This business has been very good to me. I've thoroughly enjoyed working with all kinds of people, presidents to average folks."

His proudest moment, he said, was, "beating Channel 4 in the ratings for the first time."

AMERICAN LATVIAN ASSOCIATION'S 35TH ANNUAL CONGRESS

Mr. ZORINSKY. Mr. President, in a few days, leaders of Latvian American organizations throughout the country, including some from my own State of Nebraska, will gather in Washington for the annual Congress of the Ameri-

can Latvian Association. The meeting marks the 35th anniversary of the association's founding by those dedicated to restoring self-determination to Soviet-occupied Latvia and to teaching the Latvian language and culture.

Among the association's achievements over the years have been establishment of the Latvian Studies Center at Western Michigan University and creation of the Latvian Museum at association headquarters in Rockville, MD. The Latvian Studies Center houses the largest Latvian-language library in the United States and the association is the second largest publisher of Latvian-language books in this country.

The ALA also publishes the English-language Latvian News Digest and co-founded the Joint Baltic American National Committee to serve as a liaison between Baltic-American organizations and the United States Government.

Mr. President, the ALA today includes more than 200 secular and religious organizations. Its steady growth over more than three decades exemplifies Latvian American unity and the strong desire of Latvian Americans to see Latvia someday take its rightful place among the free nations of the world. As association leaders gather for their annual congress May 2-4, I know my colleagues join me in sending them a warm message of greeting and congratulations. Their commitment is strong and their love of freedom supreme. They are a credit to Latvian people everywhere.

THE PLIGHT OF SOVIET JEWRY

Mr. TRIBLE. Mr. President, I rise today to underscore my concern about the Soviet Union's continuing attack on the Jewish people.

For decades, the gulag has been a way of life for Soviet Jews. Countless Jews have been imprisoned on trumped up charges. In fact, their only offense has been to defy Soviet prohibitions on the practice and teaching of religious faith. And yet, they are imprisoned today in jails and psychiatric hospitals throughout the Soviet Union.

For those Jews who have escaped imprisonment, the Soviet gulag remains a constant threat. With each candle he lights, the Jew in the Soviet Union increases the risk that he will be harassed by Soviet authorities. With each celebration of Passover, the Soviet Jew raises the chances that he will be the next Jew to be locked away in a Soviet prison or labor camp.

For many years, for example, Vladimir Brodsky served with the unofficial Moscow peace group. His requests for exit visas for himself and his family have been repeatedly turned down. In August 1984, he was arrested for "hooliganism," a catchall offense used by the Soviets to punish religious and political dissidents. Brodsky served a 15-day jail term, and was beaten so badly that he had to be hospitalized. Today, he faces the prospect of 3 years hard labor in a Soviet prison camp.

Mr. President, this is not an isolated incident. Every Jew in the Soviet Union is at risk of imprisonment and brutal beatings by Soviet officials. Despite being signatories to numerous international human rights agreements, the Soviets have made clear they will tolerate no religious expression.

But neither will they grant permission to the many Jews who want to leave the Soviet Union. Last year, barely more than 1,000 Jews were permitted to leave the U.S.S.R. More than 400,000 still await permission to emigrate. What does it say about a country that has to keep nearly one-half million Jews walled within its borders?

The unrelenting persecution of Soviet Jews must remain a priority for the West. The efforts by the United States remain the last, best hope for those Jews imprisoned in the gulags of the Soviet Union. I am pleased to take part in the call to conscience, and I urge my colleagues to do the same.

NATIONAL ORGAN DONOR AND TISSUE AWARENESS WEEK

Mr. ANDREWS. Mr. President, this is National Organ Donor and Tissue Awareness Week and, as such, we not only enourage the donation of organs, but we also honor those who have given of themselves so that others might share in the most precious gift of all: life. There is a Chinese proverb that goes "it is better to light a candle than to curse the darkness." There are thousands of giving Americans who have done just that—opened the door of life for another in the face of their own death. This is the true spirit of giving.

Through the miraculous advances of modern medicine and the development of immunosuppressant drugs, organ transplants have now become a reliable and viable option in many cases—giving hope where none existed 25 years ago. In 1984, 24,000 citizens received their sight from cornea transplants and the like; 346 Americans were saved from heart disease with transplants; 6,968 people were also freed from dialysis machines via kidney transplants.

Those nearly 7,000 individuals who received a second chance for life through their new kidneys have a great deal to be thankful for, as many of these operations were done with one organ being removed from a living donor, who is healthy, and has need of only one kidney. However, this is only a beginning. The National Kidney Foundation estimates that there are currently 25,000 Americans who would benefit from transplant—8,500 of them are in critical need of surgery.

With new technologies and the resulting dramatic increase in survivability rates, the number of hospitals and clinics performing such operations has expanded as well. These increases all reflect a growing demand for organ and tissue donations. That is why I cosponsored legislation, approved during the 98th Congress, to set up a task force to evaluate possible avenues to alleviate the great need for donations and particularly to evaluate the need for a national organ donor registry. As an organ donor myself, I know that while we have achieved some success in providing more and more opportunities for those in need—much more remains to be done.

Millions of Americans possess the ability to give life. I only hope that this week will let more of them know just how much they can help. There is another old sayings, "When God closes one door, another one is always opened for us." This is the hope and the challenge of National Organ Donor and Tissue Awareness Week.

UNDER SECRETARY GENERAL BRIAN URQUHART

Mr. MOYNIHAN. Mr. President, the recent retirement of Mr. Brian Urquhart from the United Nations calls to mind the good that body can accomplish under brave and enlightened leadership.

Mr. Urquhart has been both a warrior and a man of peace. Joining the British Army the day after war was declared in 1939, he broke every bone in his body during a 1,200-foot paratroop training jump when his parachute failed to open. Nevertheless, after 7 months of hospitalization, he went overseas and served with distinction as an intelligence officer in North Africa, Sicily and Europe, beginning with the D-Day invasion.

At the end of the war, Mr. Urquhart became the second person ever to be hired by the United Nations. During his 41 years of service to that organization, he took on great responsibilities, including that of being the Deputy Executive Secretary of the Preparatory Commission of the International Atomic Energy Commission.

But he made his greatest contribution to peacekeeping. When the United Nations set up its first peacekeeping force during the 1956 Suez crisis, Brian Urquhart helped establish that force's operating principles, and managed the practical tasks involved in obtaining and equipping the necessary troops. He even designed the blue helmets that have since come to symbolize U.N. peacekeeping efforts.

After Suez, Mr. Urquhart continued to help direct such actions in the

Congo, the Middle East, Cyprus and elsewhere. Many of these operations subjected him to personal risks; during the Congo action, he was kidnaped and savagely beaten by secessionist soldiers. Yet his commitment to peacekeeping endured. Thanks to the operations he led, a great deal of bloodshed was averted. As he rose to the position of Under Secretary General, he epitomized the professionalism and sense of responsibility so important to the United Nations Secretariat.

Of course, not every U.N. official has matched the standard set by Mr. Urquhart. Nor has every resolution adopted by the General Assembly done credit to the organization's founding principles. But this must not blind us to the good that he and others have accomplished, or drive us to abandon our efforts at reorienting and reforming the United Nations. We should do whatever we can to help bring about such change, rather than taking hasty, unilateral steps which would further diminish our influence in that body. We should be reminded every time we see a blue helmet of what the United Nations—when led by men such as Brian Urquhart—can accomplish.

ORDER OF PROCEDURE

Mr. DANFORTH. Mr. President, on March 19, 1986, I introduced S. 2207, the "Tax Carryover Limitation Act of 1986." It has just come to my attention that a page of my statement accompanying the bill was inadvertently omitted from the RECORD. Accordingly, I ask unanimous consent that the entire text of my statement be printed in today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2207—TAX CARRYOVER LIMITATIONS ACT OF 1986

Mr. DANFORTH. Mr. President, Senator CHAFEE and I are pleased to be introducing legislation to address a problem in the Internal Revenue Code that Congress has grappled with since 1976. Specifically, I am referring to code sections 382 and 383 which limit the use of a corporation's net operating loss and other carryovers following a substantial change in the stock ownership of the corporation.

The need to revise section 382 to curb abuses and eliminate discontinuities and uncertainties under current law has been apparent for many years. It is the solution that has eluded us. In the last few years, however, a growing consensus has emerged on an approach to the carry over of net operating losses. This approach first surfaced in a 1982 study by the American Law Institute entitled Federal Income Tax Project: Subchapter C. Subsequently, a task force composed of tax practitioners, academicians, and professional staff from the Joint Committee on Taxation and the Department of the Treasury joined together with the staff of the Senate Finance Committee to prepare a report on proposals to revise the taxation of corporations and shareholders. Last year, the staff of the Senate Finance Committee released its final report of subchapter C, including specific suggestions for the revision of sections 382 and 383 based on substantial refinements and modifications to the American Law Institute's 1982 study.

The bill I am introducing draws heavily from the Senate Finance Committee's subchapter C report for new principles and guidelines to govern the carryover of net operating losses. I note that the tax reform bill recently passed by the House of Representatives also adopts the general principles proposed in the subchapter C report for dealing with such operating losses. In addition, the tax reform proposals just releasd by Senator PACKWOOD include revisions to sections 382 and 383 that are substantially the same as those embodied in my bill.

Mr. President, before turning to a discussion of the provisions in my bill, I would like to publicly thank all of the people—both in government and from the private sector—who contributed so much time and effort to the Senate Finance Committee's subchapter C report. A complete list of these people can be found in Senator CHAFEE's opening remarks at the September 30, 1985, hearing on the subchapter C report held by the Subcommittee on Taxation and Debt Management of the Committee on Finance. In recent months, many of these people contributed to the development of my bill and deserve particular recognition. These people are George Yin and Lindy Paull from the Finance Committee; LaBrenda Stodghill, Laurie Mathews, and Paul Jacokes from the Joint Committee on Taxation; Jim Fransen and Mark Mathiesen from the Office of Legislative Counsel; and Rick D'Avino from the Department of the Treasury.

Normally, when describing proposed legislation, I would start with a description of current law. Unfortunately, it is extremely difficult to identify "current law" under the circumstances presently surrounding sections 382 and 383. As part of the Tax Reform Act of 1976, Congress completely rewrote sections 382 and 383. Since then, we have postponed, time and again, the effective dates of the 1976 amendments because they suffer from the same basic flaws as pre-1976 sections 382 and 383 as well as a host of additional inadequacies. The latest postponement of the effective dates expired on December 31, 1985. As a result, the 1976 amendments to sections 382 and 383 are technically the law today.

This problem is further compounded by the tax reform bill passed by the House of Representatives in December. As mentioned earlier, that bill contains new rules governing the carryover of corporate tax attributes following certain changes in stock ownership. These rules are embodied in amendments to sections 382 and 383, and are effective to changes in corporate ownership that occurred on or after January 1, 1986.

Mr. President, the situation I have just described is an excellent example of the type of confusion created by the effective dates in the House tax reform bill. In planning for a transaction, should a taxpayer rely on the 1976 amendments which are technically the law, but which almost everyone agrees should never take effect? If not, should the taxpayer rely on the provisions of the House bill which represent a sound policy improvement over the 1976 amendments and pre-1976 law, but which have not yet been acted upon by the Senate? Or perhaps the taxpayer should rely on pre-1976 law which, in fact, has been the law through December 31, 1985, notwithstanding the 1976 amendments? In my opinion, we can surely provide taxpayers with a modicum of certainty better than this.

For purposes of my statement, I will refer to pre-1976 law as current law. Under current law, a corporation that incurs a net operating loss in 1 year generally is permitted to use the loss to offset income earned in the 3 taxable years prior to and the 15 years after the year in which the loss is incurred. The underlying policy for this treatment is to ameliorate the otherwise harsh consequences of a strict annual accounting system. In 1954, section 382 was added to the Internal Revenue Code to curb "trafficking" in corporations with unused net operating losses following certain changes in the ownership of the corporation. One set of rules applies in cases of ownership changes by taxable stock purchase or redemption, and the other set of rules applies to acquisitions by tax-free reorganization.

The purchase rule provides that no carryover of net operating losses is permitted if—(1) the 10 largest shareholders of a loss corporation own a percentage of stock in the corporation which is at least 50 percentage points more than they owned at any time within the 2 preceding taxable years, and second, the loss corporation does not continue to carry on substantially the same trade or business after the change in stock ownership. Absent either of these conditions, the net operating loss carryovers of a corporation are unaffected by a change in ownership resulting from a purchase or redemption of stock. In contrast, the reorganization rule limits the

carry over of net operating losses following certain tax-free reorganizations if the stock in the acquiring corporation that is received by shareholders of the loss corporation represents less than 20 percent of the stock of the surviving corporation. In such a case, the net operating loss carryovers of the loss corporation are reduced by 5 percent for each percentage point below 20 percent of the stock of the surviving corporation received by loss corporation shareholders.

In addition to these specific rules, net operating loss and other carryovers can be subject to limitations following changes in stock ownership under a variety of additional rules. First, section 269 authorizes the Secretary of the Treasury to disallow carryovers if the principle purpose of an acquisition of a corporation is tax avoidance by securing the benefit of the losses or excess credits. Limitations may also be imposed under the so-called "Libson Shops" doctrine, based on a 1957 Supreme Court decision [*(Libson Shop, Inc.* v. *Kehler,* 353 U.S. 382 1957)] which held that, under pre-1954 law, net operating losses would not survive a statutory merger unless the losses were offset against income earned after the merger that was attributable to the same business that produced the loss. Subsequent court decisions are divided over the continuing validity of the Libson Shops case in light of the statutory changes made in 1954. Finally, the consolidated return regulations restrict the use of net operating loss and other carryovers where a loss corporation is acquired by a consolidated group of corporations (the "separate return limitation year" rules) and where there is a change in the ownership of a consolidated group of corporations that has net operating loss carryovers (the "consolidated return change of ownership" rules).

Critics of the current rules have argued that the law encourages trafficking in net operating loss and other carryovers. In addition, current law places a substantial premium on tax planning, discriminates between different types of acquisitions without fundamental policy reasons for such discriminations, distorts investments devisions, and creates undue bias between diversified and nondiversified entities and between old and new businesses. Finally, current law fails to provide certainty in determining the extent to which tax attributes, such as net operating loss carryovers, will survive an acquisition.

In light of these criticisms, Congress, tax professionals, and tax academicians have been struggling for years to find a new approach to this problem. Thanks in large part to the work of the American Law Institute and the task force behind the Senate Finance Committee's subchapter C report, a consensus has developed in recent years in support of an approach limiting the use of net operating loss and other carryovers following significant corporate changes in ownership.

This new approach, as set forth in my bill, provides that the deductibility of net operating loss carryovers following a substantial ownership change would be limited in each year to an amount equal to the Federal midterm rate multiplied by the value of the loss corporation at the time of the ownership change. A parallel limitation would apply to the utilization of other carryovers. In general, a substantial change of ownership would be defined as any change, however accomplished, resulting in a greater than 50-percent shift in the ownership of the corporation's equity.

The theoretical underpinning for this limitation on the use of net operating losses is the idea that the loss corporation should be permitted to continue to utilize its net operating loss carryovers following the change in a manner approximating the potential use of such carryovers had no change in ownership occurred. Admittedly, this is rough justice at best. On the one hand, this approach requires the making of certain assumptions which are unlikely to be a reflection of actual experience for a specific corporation. On the other hand, the approach provides reasonable limitations for the utilization of carryovers following ownership changes, creates an increased level of certainty for transactions covered by its provisions, and should substantially cut down on the trafficking in loss corporations.

A number of additional provisions in my bill ensure the smooth approach of the new rules. The bill includes a rule designed to prevent the value of the loss corporation from being inflated in anticipation of an ownership change. In particular, any capital contribution made at any time as part of a plan the principle purpose of which is to avoid the limitation would not be taken into account in determining the value of the loss corporation. In implementing this rule, the bill provides that any capital contribution made during the 2-year period ending on the date of the ownership change would be treated as such a plan. Regulations would ameliorate this 2-year rule in appropriate circumstances such as capital contributions made upon formation of the corporation.

Other provisions of the bill include special rules governing (1) loss corporations which are investment companies; (2) increases or decreases in investment companies; (3) the limitation on utilization or carryovers for built-in gains and losses; (4) bankruptcy proceedings; and (5) the repeal of the Libson Shops doctrine. I do not feel it is necessary to examine all of provisions of the bill in detail. Rather, I wish to make a few remarks on several specific provisions.

First, my bill does not include built-in depreciation deductions as built-in losses for purposes of calculating the limitations on use of carryovers. The reason for this is quite simple—use of depreciation deductions is already spread over a period of years under the provisions of the tax laws governing depreciation deductions.

Second, my bill contains a special rule exempting certain reorganizations of failing thrifts and savings and loans from the new limits on the use of carryovers. This exemption applies only to reorganizations described in section 368(a)(3)(D)(ii), and only if the reorganization is completed before January 1, 1991. I have included this provision because a similar exception applies under current law. I am not entirely convinced that this exception is warranted, but I do believe we should address the issue specifically in the Senate Finance Committee. At the present time, the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation rely heavily on the existing exception in making failing thrifts attractive investments to prospective purchasers. It is not a great secret that the FSLIC is experiencing severe financial problems. Before exacerbating its problems with a change in the tax laws, we should at a minimum have a lively debate on this issue. Finally, if it is determined to retain this type of exception, we should also examine whether a similar rule should apply to reorganizations of financially troubled banks insured by the Federal Deposit Insurance Corporation.

Third, unlike the provisions of the House tax reform bill, my bill would eliminate the continuity of business requirement as a prerequisite to the carryover of net operating losses following a change in ownership.

Fourth, my bill resolves specifically the confusion over what laws are currently applicable to net operating loss carryovers by providing an effective date of January 1, 1987. At the same time, the 1976 amendments would be repealed. The result is that pre-1976 law would be applicable through December 31, 1986, and thereafter the provisions of my bill would apply. I do note that we may wish to consider a transition rule permitting taxpayers to elect to have the 1976 amendments apply to transactions occurring in 1986 prior to the date of enactment of my bill.

In conclusion, I believe my bill represents a significant improvement over current law, over the 1976 amendments, and over the applicable provisions of the House tax reform bill. I am hopeful that we will enact my bill quickly and finally put to rest the question of the treatment of net oper-

ating loss carryovers following substantial changes in the ownership of a corporation.

ARMENIAN GENOCIDE

Mr. BOSCHWITZ. Mr. President, I rise today, April 22, 1986, to commemorate the 71st anniversary of a genocide that resulted in the death of 1.5 million Armenians in the years 1915–23. That tragedy was the first in a series of holocausts that have marred the 20th century and that continue to this very day.

There are those who wish to explain away the suffering of the Armenian people as a part of the general conflagration of World War I. There are also those who seek to forget the particular suffering of the Armenian people on the grounds that to remember is to give justification to terrorist acts committed by so-called "Armenian terrorists." Mr. President, I reject both assertions. Yes, others did suffer in World War I, but recognition of that fact ought not forbid us from paying special tribute to a people who suffered death and suffering in unspeakable numbers.

Mr. President, there are few who oppose terrorism as strongly as I do, and I forthrightly condemn acts committed by a very small number of Armenians. But those acts cannot permit us to forget the events of 1915–23. To forget to remain silent, is perhaps to permit those horrors to repeat themselves.

As one of the leaders in the recently successful effort to ratify the Genocide Convention, I strongly believe that we have an absolute obligation to remember the evils committed against the people of Armenia. I do so in recognition of a universal principal that every people has the right to be protected from the sin of genocide.

71ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. D'AMATO. Mr. President, I rise today to speak on an incident that occurred over 70 years ago, but that has endured in our memories throughout this century as one of the most heinous acts man could perpetrate against man: the Armenian Genocide.

As a sponsor of Senate Joint Resolution 101, a bill to designate a "National Day of Remembrance of Man's Inhumanity to Man," I continue to be outraged over the considerable ignorance that surrounds the Armenian Genocide. Under Turkish Ottoman rule, one-and-a-half million Armenians perished between the years 1915 to 1923. Even though the Turkish attempt to systematically eliminate the Armenian race is well documented, the United States Government still does not officially recognize this tragic incident.

Mr. President, after far too many years, the Senate finally passed the Genocide Convention. But, signing a treaty is not enough. It is equally important to appropriately remember acts of genocide. Regardless of the relations we have with a particular nation, the Armenian Genocide must never be forgotten.

The decision to undertake this genocide of Armenians was a conscious one. In their policy of genocide, the Turks gathered entire communities aboard sea vessels, and then drowned them. Live babies were thrown into pits and then covered with stones. Confronted with the threat of death, more than 1 million Armenians were forced to leave their homes and march hundreds of miles, while being denied food and water for the duration of their journey; Hundreds of thousands died from the exhaustion, and hundreds of thousands more from starvation. In all, more than 2 million Armenians were affected by the deportation policy.

Those who survived the genocide fled throughout the world. Many emigrated to other parts of the Middle East, to Western Europe, and to the United States. Others joined Armenians in the Soviet Union, where they founded an independent Armenian Republic in 1918. Unfortunately, the Armenian people were soon subjected to the tyranny of the Soviet regime, as well. Today, there are more than 675,000 Armenian-Americans living in the United States, many of whom had family members perish in the Armenian Genocide. For the over 1 million innocent men, women, and children who were exterminated by the Turks from 1915–17, we owe a special day of rememberance of this shameful event. The book is not yet closed on the Armenian Genocide, one of the greatest crimes against humanity in the history of civilization.

Thank you, Mr. President.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. GLENN. Mr. President, I rise today to join my colleagues in pausing to remember the first but sadly not the last genocide of the 20th century. On April 24, 1915 some 200 Armenian religious, political and intellectual leaders were arrested in Constantinople, and exiled or taken to the interior and killed. Over the next 8 years a million-and-a-half Armenians perished and another half million fled their homeland. On July 16, in a cable to the Secretary of State, the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, stated:

> Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

It is said that Adolph Hitler, when contemplating the final solution asked "Who remembers the Armenians?" Thus our purpose here today is much more than to simply recall a tragic fact of history; it is to renew our resolve to do everything we can to insure that such a tragedy is never again visited upon any people anywhere on this Earth. The world is, regrettably, not yet rid of the scourge of genocide. The Armenian tragedy was followed by the horrors of the Holocaust, and then much more recently by the massacre of Cambodians. Because our century has seen such horrors is, to me, not an argument for trying to forget, rather it impels us to remember. And in remembering we vow to be vigilant against any further repetitions of such horrendous examples of man's inhumanity to man.

In the words of Edmund Burke:

> The only thing necessary for the triumph of evil is for good men to do nothing.

In memory of all victims of genocide, let us reaffirm our commitment, as individuals and as a nation, never to allow, through indifference or inaction, any future repetitions of the tragic legacy of genocide in the 20th century.

ARMENIAN GENOCIDE

Mr. PELL. Mr. President, this week marks the 71st anniversary of the genocide perpetrated against the Armenian people by the Ottoman Empire during World War I. Today, I am pleased to join Armenians throughout the world in paying tribute to the victims and survivors of this evil crime.

Before World War I, Armenians, a gentle and highly cultured people, demanded only tolerance and freedom from the rulers of the Ottoman Empire. In response, Ottoman rulers launched a coordinated drive to round up and eliminate every Armenian man, woman, and child. In 1915, the empire began deporting Armenians and from that time until the empire collapsed, an estimated 1.5 million Armenians—some 60 percent of the Armenian population—were killed or died of disease or exposure. Today, we honor those courageous individuals who were exterminated for no other reason than that their national heritage was considered alien by those who ruled the Ottoman Empire.

The modern state of Turkey bears no responsibility for the tragic acts committed by the Ottoman Empire against the Armenian people. It should, however, acknowledge that these events took place. Kemal Atataurk did so many years ago when he condemned the massacres of millions by his Ottoman predecessors. The present government should do no less.

The Armenian genocide reminds us that man possesses the pernicious quality of bigotry and the capacity to be cruel. We must never forget the despicable, inhuman treatment suffered by the Armenians at the hands of their fellow men. To do so, as the tragedy of the Holocaust shows, is to invite a repetition of what may be man's most reprehensible crime, genocide.

The way to commemorate the suffering of the Armenian people is to keep the memory of the Armenian genocide alive and to reaffirm our commitment to human life and dignity. The Senate recently took an important and in my view much delayed step toward reaffirming this commitment by approving the Genocide Convention. Now we must eliminate the evil of genocide from the heart of mankind so that the victims of the Armenian genocide did not die in vain.

ARMENIAN GENOCIDE

Mr. METZENBAUM. Mr. President, I rise today to recall the systematic execution of more than 1½ million Armenians at the hands of the Ottoman Turks. This first act of genocide in the twentieth century has too often been relegated to the footnotes of history and conveniently forgotten. It is our duty to recognize this horrific act of man's inhumanity to man and once again pledge our Nation's commitment to prevent future crimes of genocide.

On February 19 of this year, the Senate finally voted to ratify the Genocide Convention. In the humane spirit of this action, I believe it is fitting to remember the suffering of the Armenian people.

Between 1915 and 1923, the Ottoman Government sanctioned the murder of over 1.5 million Armenian Christians and drove hundreds of thousands more permanently away from their ancestral homeland under the guise of Pan-Turkism. Entire villages of Armenians were forcibly deported, thousands more peasants were kidnaped and exiled. Many or most of the deportees died of starvation, disease, or exposure. Large portions of the Armenian intelligensia and professional classes were abducted and simply slaughtered.

After the First World War, the Armenians sent a delegation seeking justice to the peace conference at Versailles. However, the great powers gathered there failed to act against those responsible for the Armenian genocide. One hundred and fifty Turks who were among those allegedly involved in the genocide were released unpunished from British jails. No war crimes trials followed World War I. There were no opportunities for the victims of the Armenian genocide to gain some semblance of legal retribution. There was no Nuremburg.

Fortunately, one man, Prof. Raphael Lemkin, championed the cause of the Armenian people. At the International Conference on the Unification of Criminal Law, held in Madrid in 1933, Lemkin proposed "to declare the destruction of racial, religious, or social collectivities" a crime under international law. Raphael Lemkin coined the word "genocide" in 1944 to describe the Nazi Holocaust of World War II. He ceaselessly fought to instill in the human conscience an abhorrence of genocide calling for international participation in the Genocide Convention.

Turkey today, unlike Germany, refuses to admit responsibility for its act of genocide. The Turkish denial needlessly perpetuates bitter animosity on the part of Armenians in the United States and elsewhere. It is time for the Government of Turkey to officially acknowledge its responsibility for its crimes of 1915 to 1923 and publicly apologize to the Armenian people.

We cannot purge history of its ugly chapters. Lessons of terror are just as important as lessons of compassion and valor. An enlightened knowledge of our barbaric past is the only weapon we may bear to prevent future acts of genocide. Should another mad man ask the question, as Hitler did—"who remembers the Armenians?"—we must all be able to answer—"I do."

ARMENIAN GENOCIDE

Mr. SARBANES. Mr. President, 2 months ago the Senate of the United States gave its advice and consent to the International Convention on the Prevention and Punishment of the Crime of Genocide, a document signed by the United States in 1948 and submitted to the Senate the following year. Ratification of the convention after nearly 37 years is a symbol of our commitment to the future; it is also a remembrance of the past, our commemoration of genocide's tragic victims.

Our century, so notable for progress in other ways, has been profoundly scarred by genocide, a crime of such magnitude that it is difficult to grasp its dimensions or determine precisely the number of its victims. Indeed, the word genocide is itself a mid-twentieth-century word, coined in an effort to come to terms with the tragedy of deliberate mass extermination.

We do not live in the past, but we cannot live without it. To ignore or forget the past is to remain its captive; remembrance and understanding are the means of coming to grips with its legacy.

That is why we take time today to mark the appalling, systematic assault committed 71 years ago against the Armenian people. The Armenian massacres, as they were called, uprooted an entire nation, deliberately eliminated its leaders and intellectuals and left the survivors homeless, scattering them around the world. One and one-half million persons are estimated to have perished in a train of events of which the then-U.S. Ambassador, Henry Morgenthau, wrote:

> I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

This day has special meaning for Armenians everywhere. Having lived with tragedy—few families were unaffected by it—they are committed to the proposition that their experience has meaning for all of us. And indeed, in the face of such tragedy remembrance and understanding are universal imperatives, essential to decent people and decent societies; they cannot be the special province only of the survivors.

Americans of Armenian descent, who have distinguished themselves in every aspect of our national life, have at the same time kept alive the rich traditions of their unique heritage. Consider the story of Dr. Vartan Gregorian, President of the New York Public Library, who came to this country in 1956 in search of an education because, in the words of a recent profile by Philip Hamburger:

> Some instinct told him that America was the place for him.

In my own State of Maryland, Armenian Americans play a vital role in our pluralistic and democratic society, and their contributions to our cultural, social political and economic life are varied and unique.

We join our Armenian American friends, neighbors and colleagues in marking this day. The Armenian tragedy has meaning for all of us. As citizens of a free nation, founded on the ideals of human dignity and freedom, we commemorate the Armenian genocide to pay tribute to the memory of its victims, and above all to reaffirm our own determination to see that so terrible a crime shall never be repeated.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, acting in his capacity as the Senator from Vermont, rescinds the order for the calling of the quorum.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The hour of 12 o'clock having been reached, under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, the Senate, at 12 noon, recessed until 1:59 p.m. whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HECHT].

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The PRESIDING OFFICER. The clerk will report Senate Concurrent Resolution 120.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the United States Government for the fiscal years 1987, 1988, and 1989.

The Senate resumed consideration of the concurrent resolution.

Mr. DOMENICI. Mr. President, how much time remains on the resolution, and how is it divided?

The PRESIDING OFFICER. The Senator from New Mexico has 24 hours and 9 minutes. The Senator from Florida has 24 hours and 41 minutes.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield myself 10 minutes off the resolution.

Mr. President, we have had a lot of inquiries from Senators as to how the United States budget has changed since 1981, during the 5 years that I have been chairman of the Budget Committee and the Republicans have been in control of the U.S. Senate and President Reagan has been in the White House. Obviously, during that same period of time the House has been controlled by the Democratic Party.

I hope that some of the Senators and their staff that are concerned with fiscal problems and philosophies of government would review a summary table that I will put in the RECORD today. The table covers four 5-year periods of time, 1965 to 1970, 1970 to 1975, 1975 to 1980, and 1980 to 1985.

I think there is some extremely relevant information and some interesting food for thought for those who wonder whether we have been doing an adequate job of containing the Federal Government's expenditures; in particular, in those areas that are called discretionary appropriations. If you look at what is proposed by way of additional cuts by the President of the United States in his budget, I think it is fair to say that an overwhelming portion of those savings would come out of what we would call discretionary appropriations.

So I would like to share with the Members of the Senate the following: I would like to look at what we spent for the National Defense for the years 1965 to 1970. I would then like to take the three 5-year periods thereafter; and, since it is rather relevant to an adequate defense and to what we are doing toward a defense buildup to consider how much the defense budget grew or did not grow during each of these time intervals. Let me start with this:

For the timeframe 1965 to 1970 national defense spending grew annually in real terms 4.9 percent. Now, I stress "in real terms." To get nominal growth, you would have to add inflation to this 4.9 average. But let us repeat that number. Defense grew 4.9 percent in real terms for each of those 5 years.

It has been said many times that the decade of the seventies was a rather bad decade for defense. It has been said that we cut defense substantially during that decade and those reductions led to the decade of the 1980's when we had to rebuild defense. Our research would indicate that this statement is indeed true. As a matter of fact, in the 5 years from 1970 to 1975, defense declined by 5.5 percent in real terms. So, instead of more money and growth in defense for that decade, a defense spending declined by 5.2 percent in real terms.

The next 5 years, 1975 to 1980, saw a slight rekindling of concern for defense, and defense experienced real increases of 1.2 percent. And now we get to 1980 to 1985 and we find that the defense buildup of these United States grew on average, in real terms, by 6.3 percent.

If inflation in any of those years was 8 or 9 percent—and my recollection is that clearly it was that high, if not higher for a couple of those years—then the nominal growth would be the 6.3 plus that inflation.

Let me say, before I leave the defense issue, that I give these summaries in no way saying that we have to dramatically reduce defense now, nor am I saying that it must continue to grow at 6.3 percent for the next 5 years. I am merely making the case for those who are concerned as to whether we really did as much as we set out to do in 1981.

Now we move to entitlements—and everyone knows that the principal entitlements, are Social Security, Medicare, the two major pension plans and a couple of other programs.

Let me do the same 5-year cycles. Between 1965 and 1970, entitlements increased by 9.1 percent real growth. In the next 5-year cycle, 1970 to 1975, entitlements increased by 11.1 percent real growth. Again, I repeat, real growth means you do not count inflation.

In the 5-year period of 1975 to 1980, entitlements grew by 3.9 percent in real terms. For 1980 to 1985, entitlements grew 3.4 percent in real terms.

So while entitlements make up perhaps as much as 46 percent of the national budget, they too have declined from 11.1 percent real growth in 1970 to 1975, to 3.4 percent real growth in 1980 through 1985. Some of the declines is due to reform, obviously. Some of the declines is the result of COLA adjustments. Some of that, or the biggest part, is because inflation came down and had a major effect on the entitlement programs. Some of the fast-growing entitlements have been reformed in that period of time and that also is a major reason.

So now we have reviewed a 20-year summary of defense and entitlements in four 5-year intervals.

Now we get to that part of the national Government's budget least understood, because it is sort of what is left over. What is not defense and what is not entitlements and what is not interest on the national debt is, for the most part, called discretionary appropriations. Another way of saying it is that this category includes programs like the Economic Development Administration, water and sewer grant programs, the National Institutes of Health, the National Science Foundation, parts of Agriculture, and others that Congress must appropriate funds for in appropriation bills every year. Appropriation bills set the level of budget authority. These are programmatic authority, and must be signed annually by the President of the United States.

Now this is the category of spending that I urge my fellow Senators to review carefully as they are making their decisions on what we ought to do with the national budget. Should we cut substantially more on the domestic side, should we increase defense somewhat more, should we consider new

revenues, or not? Let us look at discretionary appropriations for a moment.

Again, 20 years ago, during the 5-year cycle of 1965 to 1970, discretionary programs grew at 2.5 percent in real terms. They experienced a dramatic spurt during the decade of the seventies. There are many who speak of that decade and its programs in various ways, either as the Great Society or whatever definition one wants to use. The period of 1970 to 1975 saw 6.5 percent real growth on average for those programs.

Then we get to 1975 to 1980, and those programs have slowed down in terms of added costs, but for each of those years they grew at 4.5 percent in real terms.

As I indicated, this is that part of the budget that the appropriators have to control each year. I gave you some examples. There are hundreds more—UDAG, community development block grants, perhaps as many as 2,500 programs of varying sizes and dimensions doing things that Congress and the American people have grown to expect and that Congress refuses to change. In most cases we cut around the edges of these programs. In past budgets, we have tried to eliminate some of these programs.

The Budget Committee is being criticized this year because we have not eliminated a number of those programs that the President proposed be eliminated, or because for programs like Amtrak we have not cut some as much as the President would like.

There are some who would contend that we have not done very much to reduce these programs, and that if these were reduced or eliminated we would really have this budget under control. For the years 1980 through 1985 that particular series of programs did not grow 1 percent, and they did not grow 2 percent. As a matter of fact, Mr. President, these programs did not grow at all. They declined in real terms by 3.4 percent per year to be compared with just 10 years before when they were increasing by 6.5 percent.

I do not think that this is an insignificant achievement. I do not think as some might assume that here is where we really ought to cut this budget more. Clearly the Senator from New Mexico might support that. But I understand that you have to have a majority of Senators, and U.S. Representatives voting for things. Some people would think that the cuts we have proposed are adequate. I think over time they are the best we can do. Over a long span of time you can pretty well get a sense of what the American people will support if you look at the actions of the Congress with reference to these kind of programs.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. DOMENICI. I yield myself an additional 5 minutes.

I would close with just one last comment. As I indicated, this national budget is complex, but to get it into its simplest form, I started with defense and I told the Senate about it. I then took entitlements, and clearly if someone was here they might ask what are the entitlements included in your assumptions? What I will do, for the record, is clarify the entitlements by inserting in the RECORD in due course a list of what are the entitlements that I have just described as going from a 1970 to 1975 high of 11.1 percent real growth down to 3.4 in real growth for 1980–85.

As I have just indicated, that is the second major component. There seems to be little or no desire on the part of the Congress and the President of the United States to change that very much. Yes, they might whittle around the edges, but the largest entitlement programs are for the seniors of our country. There is no desire on the part of Congress to significantly change these programs, and I do not believe they are going to get smaller over the years. I assume they will continue to grow at 3.5 or 4 percent as I have indicated they have for the last 5 years.

The one remaining part of this budget that is clearly a must—and there is not much Congress can do about it except to pay the bill—is interest on the national debt. That is the fourth part. Clearly, the role we have in that as a Congress is twofold. One is how much we want to spend in excess of what we have coming in each year. We have spent more than we take in for most of the post-World-War years. Of late, we have been doing it at a rather dramatic level, almost doubling the debt in the 5 years over the previous debt in all American history.

For these who would like to change the budget, clearly nobody intends to change the real interest that we have to pay. We must pay interest to American individuals who bought our bonds and T-bills, to our own banks, to insurance companies, the pension funds, and in a growing quantity, to foreign countries who are investing in this debt because the interest rates were so good that they did better buying our securities than investing in their own country. That is one of the hidden reasons that we have gotten by with $180 to $210 billion deficits over the last 3 or 4 years. But let us talk about that account quickly, and then we will review the relationship of total outlays to total revenues in a similar fashion.

Let me take interest. For 5 years—1965 to 1970—interest on the national debt in real terms was growing at 6.3 percent a year. For the next 5 years, up to 1975, it grew by 3.1 percent a year. For 1975 to 1980, it grew by 9.0 percent a year, and then in 1980 to 1985, it passed any of the other categories that we have just described and grew by 13.2 percent in real terms. Recall that the highest increase for defense was 6.3 percent for 1980–85 and the highest we have ever had in entitlements was 11.1 percent in the years 1970 to 1975.

We cannot do much but pay that debt, and that is a substantial portion of the budget. There is good news. Interest rates are down. When interest rates are down for everyone else, it reduces the amount we will have to pay to others for the money they lend our Government to pay the $2.1 trillion deficit that we have incurred.

One last summary that is indeed interesting, and then I will yield the floor to my friend from Florida if he so desires, or put in a quorum call. I might mention at this point, for Senators who have amendments, that time is running out the budget. On the other hand, I cannot say anything very startling to them. We have 48 hours left. We will be here 3, 4, or 5 more days. But the floor managers are ready to debate the amendments if they have them. We would be glad to consider them, debate them, and perhaps even let the U.S. Senate vote to see what they want to do about them.

Total outlays and total revenues is another interesting and rather revealing comparison.

I might say, Mr. President, to the Members of the Senate the table that I am reading from is in summary form. When I am finished I will insert it in the RECORD. I think it might make more interesting quick reading, and quick observation by those who are concerned about where we have been, where we might go, and what we perhaps ought to do.

From 1965 to 1970, the real percentage rate of growth of the outlays of our Government, the annual expenditures for Government for that 5-year period of time for all Government, the actual annual payment of bills in outlays for which we would have to borrow if we spent more than we took in, was 6.1 percent growth per year. In that 1965–1970 cycle the annual growth in revenue was 6.0

As you can see, 6.1 and 6.0, while the GNP is very, very big, are percentages that were very close together. That accounts for the relatively small total incurred new debt in that 5-year span. Indeed, it is small.

From 1970 to 1975, an interesting thing happened. Outlays per year were going up at 4.1 percent and revenues were going up at only 0.9. There was a nice spurt there, if you look at the deficit flow chart from the last 20 years when, indeed, deficits grew rather substantially.

From 1975 to 1980, a reversal occurred. I understand we had no index-

ation of the tax code during that period of time. It is something we now do have. This is not necessarily something we should be very proud of. But during that 5-year period, outlays went up at 3.8 percent and revenues were growing at 4.7 percent.

What happened during 1979 to 1980, in my opinion, was that we were not able to spend money fast enough because taxes were going up so high due to the so-called bracket creep that people used to speak of. There was 4.7 percent in revenue growth during 1975 to 1980.

Now we get to 1980–1985. I am sure that things are getting better, but, nonetheless, these are the revealing facts. The expenditures were going up across the board at 3.9 percent real, and the revenues were coming in at an annual rate of 1.4 percent.

Mr. President, I ask unanimous consent that the summary table, annualized rates of change by categories of Federal outlays, total outlays, and revenues, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ANNUALIZED RATES OF CHANGE BY CATEGORIES OF FEDERAL OUTLAYS, TOTAL OUTLAYS, AND REVENUES [1]

	Fiscal years—			
	1965–70	1970–75	1975–80	1980–85
Defense	+4.9	−5.5	+1.2	+6.3
Entitlements	+9.1	+11.1	+3.9	+3.4
Discretionary	+2.5	+6.5	+4.5	−3.4
Interest	+6.3	+3.1	+9.0	+13.2
Total outlays	+6.1	+4.1	−3.8	+3.9
Total revenues	+6.0	+0.9	+4.7	+1.4

[1] Calculation of annualized real rate of change based on actual GNP price deflators except for defense, which is based on the DOD deflator.

Mr. DOMENICI. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the statement I am going to make not interrupt the debate on the budget.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. DOLE's statement relating to the status of the bipartisan farm credit resolution is printed later in the RECORD.)

Mr. DOLE. That is hard to do, since we have not had any debate on the budget. I assume I should start wearing my button tomorrow: "Where Are the Amendments?", now that the "Where's the Budget?" buttons have been successful.

But I assume there will be amendments tomorrow. I know the managers are here. They are not holding it up. They are ready for amendments. We just need Senators to come to the floor with amendments. I understand that there are fewer amendments than in the past by a considerable amount, so that, in itself, is progress of a sort.

But I hope that perhaps, since there are no amendments that are going to be offered, we might be able to agree to take 4 hours off the 50-hour limit and move on to something else this evening. I know that some Senators, particularly Senators on the other side of the aisle, have major commitments this evening.

Mr. MOYNIHAN. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. MOYNIHAN. I believe I am the only Democrat on the floor just now. Is that a formal request to take 4 hours off?

Mr. DOLE. No; just a hint.

Mr. President, I discussed the pending business, and the probability of reducing the time with the distinguished minority leader, the distinguished chairman of the Budget Committee, who in turn has discussed it with the distinguished ranking member, Senator CHILES. They are in agreement that we can reduce that time by 3 hours. So I, therefore, ask unanimous consent that when the Senate resumes consideration of the budget resolution on tomorrow, 3 additional hours be considered as having been used from the total of 50 hours allotted to the budget resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. As I understand, that would still leave somewhere in the neighborhood of 44 hours.

The PRESIDING OFFICER. The result of the unanimous-consent agreement is that there will be 42 hours and 38 minutes remaining.

Mr. DOLE. Forty-two hours and thirty-eight minutes. I thank the Chair.

Again, I know the managers are here prepared to do business. No one is holding up the works. We will hope to be on the resolution by 10:30 in the morning. There may be amendments that can be considered at that time. I know there are two or three major amendments that we may be able to dispose of tomorrow.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond the hour of 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF BIPARTISAN FARM CREDIT RESOLUTION

Mr. DOLE. Mr. President, as most of my colleagues know, we have been trying for several weeks now to clear a bipartisan concurrent resolution to encourage greater flexibility in the lending activities and regulation of the cooperative Farm Credit System [FCS].

This nonbinding measure asks FCS member institutions to take specific actions in order to continue to provide financing to their farmer/borrowers during the current financial difficulties in rural America. It also calls on the Farm Credit Administration to endorse the policies of increased forebearance announced last month by the regulators of commercial lenders—the Federal Reserve Board, the FDIC, and the Comptroller of the Currency.

THE NEED TO SEND A CLEAR SIGNAL

It was my hope, Mr. President, that we could consider this resolution this week to send a clear signal to the Farm Credit System and the Farm Credit Administration that Congress expects all rural lenders as well as their regulators to do their part in seeing farmers through the present credit crunch. The farm credit legislation passed last December put in place a mechanism for restoring full financial integrity and soundness to the FCS.

The administration is due to announce the three members of the Farm Credit Administration Board, which will oversee efforts by the System and the new Capital Corporation to bring the resources of member institutions to bear on its problems in a coordinated and unified fashion. It is my intention to ask the nominees to endorse the regulatory policies contained in this resolution, as agreed to by the other Federal regulators. In the interim, we hoped to underscore support for this approach in the Congress by passing a resolution that is nonbinding, but which has strong bipartisan support.

STRONG BIPARTISAN SUPPORT

To date, this resolution has attracted a total of 42 original Senate cosponsors, including 28 Republicans and 14 Democrats. I understand that a companion measure in the House now has well over 100 bipartisan cosponsors. There is also significant support for its passage among farm groups, which want some assurance that the pending reform of the Farm Credit System will proceed in a reasonable and timely manner.

OPPOSITION BY A SMALL MINORITY

Unfortunately, Mr. President, our efforts to bring this bipartisan and noncontroversial resolution before the Senate this week are being blocked by

a small minority of Senators, who want to first receive an ironclad guarantee that legislation they introduced only last Thursday will be considered by the full Senate by a date certain. This omnibus proposal includes an interest buydown provision and major changes in the regulatory and lending practices of the Farm Credit System, the Farm Credit Administration, and the Farmers Home Administration. As such, it will attract significant controversy and possible opposition from regulators, lenders and, to the extent there is an impact on Federal outlays and lending policies, from the administration and Congress. I have already received an indication that the Department of Agriculture strongly opposes certain features of this bill.

I certainly acknowledge and support the right of any Senator or group of Senators to prevent legislation from being cleared and brought up for floor consideration. That is how the system operates. What I do not accept, however, is that a nonbinding concurrent resolution on a timely issue, with significant bipartisan support, should be held hostage in an effort to get far more controversial and binding legislation considered. The two measures simply do not equate in terms of their relative legislative impact.

REFUSAL TO ACCEDE TO TACTICS

If we were to accede to these tactics and guarantee a date certain for consideration of this omnibus credit legislation, it would not be long before every other Senator with some favorite piece of major legislation would do the same: find some minor resolution that someone wants to pass by unanimous consent and hold it up until floor consideration is scheduled. I am simply not going to do business that way. And if the end result is to thwart the benefits which passage of this resolution would have for the U.S. farmer, let it be clear who is responsible.

THE NEED FOR COORDINATED ACTION

There is great confusion in the countryside right now over contradictory policies being followed by the regional Farm Credit System districts and by their member land banks, PCA's and Federal intermediate credit banks. A greater degree of centralized direction and control is sorely needed. This is to be the responsibility of the new Farm Credit Administration Board and Capital Corporation once they are appointed and can get organized. Unfortunately, these efforts are taking more time than anticipated when the legislation was enacted in December.

THE NEED FOR A SYSTEM—GENERATED SOLUTION

Until the FCA Board and Capital Corporation can provide some guidance and structure, the system will probably continue to send confusing and contradictory signals to its farm borrowers. It is for this reason that the resolution was drafted—not to force the system and the FCA to follow certain practices, but to lay out specific guidelines and encourage that they be followed.

It was drafted several weeks ago with strong bipartisan support but, as too often happens in this body, somebody sees something he likes and says, "even though it is good, I am going to hold it up until I can extract the promise that I can bring up some far-reaching legislation that may deal directly or indirectly with the general problem."

So I would hope that we can still clear action on this nonbinding resolution this week.

If we are concerned about farmers, the Farm Credit System, uniform policies, and how we can have some impact on those policies for the benefit of the American farmer, I believe that this resolution sends the appropriate signal.

The object all along has been to create conditions that will result in the system undertaking a full and honest appraisal of its problems and to begin to correct them. I, for one, want this plan to work. I do not want the Federal Government to interfere at every step of the process, which will only ensure that Washington will be blamed for any failure of the System to correct its internal problems.

NO DISAGREEMENT ON OBJECTIVES

For these reasons, it should be clearly understood that our failure to pass this resolution this week in no way reflects a disagreement over congressional intent to assist farmers in obtaining operating credit at reasonable cost. We all want to do so. That is why we convinced the Federal regulators to announce major forbearance measures. That is why we passed the farm credit bill back in December.

What is in disagreement here is whether this effort to provide some guidance to the System and its regulator should be held up by the desire of a few Senators to throw a new aid and reform package into the mix—a package that will totally confuse both lenders and regulators as to whether Congress really intends to keep its fingers out of their affairs or whether we will again resort to political meddling and mess things up.

It is my decision, Mr. President, not to attempt to bring this resolution before the Senate until it can be cleared.

Obviously, to do otherwise would take a considerable amount of time. If that means we are not going to bring it up, so be it. I just want farmers and other borrowers as well as their lenders to understand that the intent of the legislation passed in December is clear, and remains the same today.

The Farm Credit System is responsible for cleaning of its own house. And only when this effort has been clearly made—and found inadequate—will the Government consider further financial involvement.

Mr. President, I also can understand the concern that other Senators have. I can understand that the interest buy down proposal has a certain amount of attraction, and a certain amount of cost, I might also add, to the Federal Government, to the State government, and to the bank itself. But interest rates are falling. It would seem to me that they are falling for the right reasons, and in some degree are responsible in reducing Federal spending in trying to get a handle on the deficit. But I hope we can clear this resolution sometime before the week is out. If those who are now holding it up will just identify themselves, we would know who to negotiate with and talk with. It would be very helpful.

MEASURE HELD AT DESK

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate receives from the House H.R. 4602 dealing with the FHA and National Mortgage Association, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. DOLE. Mr. President, I ask the distinguished minority leader if he is in a position to pass the following calendar items: Calendar 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, and 623.

Mr. BYRD. Mr. President, the items identified by the distinguished majority leader have all been cleared on this side.

Mr. DOLE. I thank the distinguished minority leader.

I ask unanimous consent, therefore, that the calendar items just identified be considered en bloc and passed en bloc, and that all committee reported amendments, preambles, and title amendments be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ALZHEIMER'S DISEASE MONTH

The joint resolution (S.J. Res. 280) designating the month of November 1986 as "National Alzheimer's Disease Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 280

Whereas more than two and a half million Americans are affected by Alzheimer's disease, which is a surprisingly common disor-

der that destroys certain vital cells of the brain;

Whereas Alzheimer's disease is the fourth leading cause of death among older Americans;

Whereas Alzheimer's disease is responsible for 50 per centum of all nursing home admissions, at an annual cost of more than $25,000,000;

Whereas in one-third of all American families one parent will succumb to this disease;

Whereas Alzheimer's disease is not a normal consequence of aging; and

Whereas an increase in the national awareness of the problem of Alzheimer's disease may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1986 is designated as "National Alzheimer's Disease Month". The President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

NATIONAL BIRDS OF PREY MONTH

The joint resolution (S.J. Res. 288) to designate the month of May 1986 as "National Birds of Prey Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

Whereas hawks, owls, and other birds of prey are important ecological components of the ecosystem and contribute to the quality of the wildlife communities in which they live;

Whereas birds of prey represent the highest ideals of humanity, inspiring Americans and all people who value freedom;

Whereas a substantial number of species of birds of prey that occur regularly in the United States have been listed by one or more State or Federal conservation agencies as endangered, extirpated, threatened, or of concern;

Whereas millions of Americans from coast to coast and border to border regularly gain pleasure by observing birds of prey throughout our country; and

Whereas a World Center for Birds of Prey has been established at Boise, Idaho, adjacent to the Snake River Birds of Prey Area, an international treasure, and where public activities are being scheduled for the month of May 1986, to better acquaint the public with birds of prey: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1986 is designated as "National Birds of Prey Month", and the President of the United States is authorized and requested to issue a proclamation calling upon individuals to observe such month by recognizing the importance of birds of prey in our environment.

YEAR OF NEW SWEDEN

The joint resolution (S.J. Res. 289) to designate 1988 as the "Year of New Sweden" and to recognize the New Sweden 1988 American Committee, was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 289

Whereas on or about March 29, 1638, the Kalmar Nyckel and Fogel Grip, ships sent by Sweden to establish a colony in the Delaware River Valley, anchored off the "Rocks" on the Christina River in what is now the State of Delaware;

Whereas the colony which they established—New Sweden—was the first permanent settlement of Swedes in North America;

Whereas Swedish settlers were instrumental in the founding of our Nation; John Morton of Pennsylvania, a signer of the Declaration of Indpendence, was of Swedish descent, as was John Hanson of Maryland, who presided over the Continental Congress from 1781 through 1782;

Whereas Swedish immigration to the United States consisted of one million two hundred thousand people between the late 1840's and the late 1920's, who came here to seek a better life; these settlers dispersed to all regions of the United States;

Whereas the contributions of Swedish-Americans to our way of life and our culture have been varied and many; their pioneering nature made them leaders in many fields including politics, business, education and the arts;

Whereas it is estimated that today there are four million two hundred thousand United States citizens of Swedish descent living in every State and involved in every walk of life;

Whereas 1988 marks the three hundred and fiftieth anniversary of the arrival of the Kalmar Nyckel and Fogel Grip in North America;

Whereas a United States committee—New Sweden 1988—is planning a series of events and celebrations throughout our Nation to commemorate this anniversary; and

Whereas at the present time, the following American cities and States have New Sweden 1988 committees and chairs planning local activities: Washington, District of Columbia, Wilmington, Philadelphia, New York City, Detroit, Chicago, Minneapolis, Houston, Dallas, Los Angles, San Francisco, Seattle, St. Louis, New Jersey, Nebraska, North Dakota, South Dakota, and western Illinois: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1988 is hereby designated as the "Year of New Sweden" in the United States. The President is authorized and requested to issue a proclamation designating 1988 as the "Year of New Sweden" and to invite and encourage the Governors of the several States, the chief officials of local governments and the people of the United States to participate in the events and activities that the New Sweden 1988 American Committee has planned for 1987 and 1988.

NATIONAL CHILD SAFETY MONTH

The joint resolution (S.J. Res. 293) to designate the month of May 1986 as "National Child Safety Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 293

Whereas every year untold numbers of children throughout the United States disappear from home;

Whereas children who are missing from home are frequently victims of sexual and physical exploitation;

Whereas many local volunteer groups are working enthusiastically to promote child safety, but much remains to be done in the effort to fully protect children;

Whereas the safety of children should be one of the highest national priorities; and

Whereas the designation of a month to commemorate child safety will draw needed attention to the dangers threatening children and will help educate communities throughout the country about the problem and what can be done to help solve it: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1986 is designated as "National Child Safety Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

MENTAL ILLNESS AWARENESS WEEK

The joint resolution (S.J. Res. 298) to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time and passed

The preamble was agreed to.

The joint resolution and the preamble, are as follows:

S.J. RES. 298

Whereas mental illness is a problem of grave concern and consequence in American society, though one widely but unnecessarily feared and misunderstood;

Whereas thirty-one to forty-one million Americans annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living;

Whereas more than ten million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas between 30 and 50 per centum of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 19 per centum of American adults in any six-month period;

Whereas mental illness in at least twelve million children interferes with vital development and maturational processes;

Whereas mental disorder-related deaths are estimated to be thirty-three thousand, with suicide accounting for at least twenty-nine thousand, although the real number is thought to be at least three times higher;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas mental disorders result in staggering costs to society, totalling an estimated $106,200,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;

Whereas families of mentally ill citizens and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate for an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness (including schizophrenia, major affective disorders, phobias, and phobic disorders);

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on October 5, 1986, is designated as "Mental Illness Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL AGRICULTURAL EXPORT WEEK

The joint resolution (S.J. Res. 310) to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 310

Whereas agriculture comprises the Nation's largest single industry;

Whereas the economic well-being of the Nation's agricultural industry is directly related to its ability to export and to compete in world markets;

Whereas earnings from agricultural exports have contributed $333,000,000,000 to our Nation's balance of payments in the past decade;

Whereas these earnings have stimulated nearly $1,000,000,000,000 in total national economic activity and provided millions of man years of total national employment; and

Whereas it is the policy of the United States to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 15, 1986, through June 21, 1986, is hereby proclaimed "National Agricultural Export Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe this week with appropriate ceremonies and activities.

NATIONAL MEDICAL LABORATORY WEEK

The joint resolution (S.J. Res. 312) designating the week beginning April 13, 1986, as "National Medical Laboratory Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 312

Whereas the practice of modern medicine at the life-conserving levels we now enjoy would be impossible without the scientific tests performed daily in medical laboratories;

Whereas maintenance of, and improvement in, the quality of laboratory services depends on the dedicated efforts of clinical laboratory professionals;

Whereas through such dedication, clinical laboratory professionals in the United States have made vital contributions to improving the quality of patient care;

Whereas the laboratories where these dedicated professionals work bring quality health care services to rural and poverty-level communities and are found in hospitals, clinics, research centers, universities, doctors' offices, and private, independent laboratories; and

Whereas it is fitting that the people of the United States recognize the dedication of the people who commit their expertise and energy to enhancing the health and well-being of all people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 13, 1986, is designated as "National Medical Laboratory Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL HOSPICE MONTH

The joint resolution (S.J. Res. 317) to designate the month of November 1986 as "National Hospice Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 317

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care of the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and other community volunteers trained in the hospice concept of care;

Whereas hospice is rapidly becoming a full partner in the Nation's health care system;

Whereas the recent enactment of the medicare hospice benefit makes it possible for many more elderly Americans to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1986 is designated "National Hospice Month". The President is requested to issue a proclamation calling upon all Government agencies, the health care community, appropriate private organizations, and people of the United States to observe that month with appropriate forums, programs, and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and a viable component of the health care system in this country.

NATIONAL DIABETES MONTH

The joint resolution (S.J. Res. 318) designating November 1986 as "National Diabetes Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 318

Whereas diabetes with its complications kills more than any other disease except cancer and cardiovascular diseases;

Whereas diabetes afflicts eleven million Americans and five million of these Americans are not aware of their illness;

Whereas more than $14,000,000,000 annually is used for health care costs, disability payments, and premature mortality costs due to diabetes;

Whereas up to 85 per centum of all cases of noninsulin dependent diabetes may be preventable through greater public understanding, awareness, and education;

Whereas diabetes is particularly prevalent among black Americans, Hispanic Americans, Native Americans, and women; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1986 is designated as "National Diabetes Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

NATIONAL DOWN SYNDROME MONTH

The joint resolution (S.J. Res. 321) to designate October 1986 as "National Down Syndrome Month," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 321

Whereas the past decade has brought a greater and more enlightened attitude in the care and training of the developmentally disabled;

Whereas one such condition which has undergone considerable reevaluation is that of Down's syndrome—a problem which, just a short time ago, was often stigmatized as a mentally retarded condition which relegated its victims to lives of passivity in institutions and back rooms;

Whereas, through the efforts of concerned physicians, teachers and parent groups such as the National Down's Syndrome Congress, programs are being put in place to educate new parents of babies with Down's syndrome; to develop special education classes within mainstreamed programs in schools; the provisions for vocational training in preparation for competitive employment in the work force and to prepare young adults with Down's syndrome for independent living in the community;

Whereas the cost of such services designed to help individuals with Down's syndrome move into their rightful place in our society is but a tiny fraction of the cost of institutionalization;

Whereas along with this improvement in educational opportunities for those with Down's syndrome is the advancement in medical science which is adding to a more brightened outlook for individuals born with this chromosomal configuration; and

Whereas public awareness and acceptance of the capabilities of children with Down's syndrome can greatly facilitate their being mainstreamed in our society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1986 is designated as "National Down's Syndrome Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated month with appropriate programs, ceremonies, and activities.

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

The joint resolution (S.J. Res. 324) to designate the week beginning May 18, 1986, as "National Digestive Diseases Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 324

Whereas digestive diseases rank third among illnesses in total economic cost in the United States;

Whereas digestive diseases represent one of the Nation's most serious health problems in terms of discomfort and pain, mortality, personal expenditures for treatment, and working hours lost;

Whereas twenty million Americans suffer from chronic digestive disease;

Whereas more than fourteen million cases of acute digestive diseases are treated in this country each year, including one-third of all malignancies and some of the most common acute infections;

Whereas more Americans are hospitalized by digestive diseases than by any other diseases, necessitating 25 percent of all surgical operations;

Whereas digestive diseases are one of the most prevalent causes of disability in the work force;

Whereas digestive diseases cause yearly expenditure of over $17,000,000,000 in direct health care costs, and a total annual economic burden of nearly $50,000,000,000;

Whereas at least one hundred different digestive diseases, in addition to other disorders of the gastrointestinal tract, cause more than two hundred thousand deaths every year;

Whereas reasearch into the causes, cures prevention, and clinical treatment of digestive disease and related nutrition problems has become a national concern, and the people of the United States should recognize digestive diseases as a major health priority;

Whereas national organizations such as the Digestive Disease National Coalition are committed to increasing awareness and understanding of digestive diseases among members of the general public and the health care community;

Whereas the National Institutes of Health, through its National Digestive Diseases Education and Information Clearinghouse, and the National Digestive Diseases Advisory Board are committed to encouraging and coordinating such educational efforts; and

Whereas the week beginning May 18, marks the third anniversary of the National Digestive Disease Education Program, a coordinated effort to educate the public and the health care community regarding the seriousness of digestive diseases, and to provide information relative to their treatment, prevention, and control: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 18, 1986, is designated as "National Digestive Diseases Awareness Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolutions were passed.

Mr. BYRD. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

COMMENDATION OF JOHN N. McMAHON

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of Senator DURENBERGER, Senator LEAHY, and others and ask for its immediate consideration. It is a commendation resolution, I might add.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 133) to commend Deputy Director of Central Intelligence John N. McMahon for exceptionally distinguished service to the United States of America.

There being no objection, the concurrent resolution was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 133

Whereas, John McMahon has devoted his entire professional career to the intelligence service of his nation, performing with dedication, honor and distinction for nearly 35 years since his graduation from the College of the Holy Cross in 1951;

Whereas, John McMahon's career has been one of outstanding accomplishment in diverse intelligence duties spanning the full range of technical, operational and analytical intelligence activities;

Whereas, John McMahon has an unparalled record of service in key Central Intelligence Agency positions, including Executive Director, Deputy Director for Intelligence and Deputy Director for Operations, and also has had key management responsibilities for Intelligence Community affairs;

Whereas, John McMahon's career progression from communications clerk to Deputy Director of Central Intelligence personifies the finest traditions of our nation's professional intelligence officers;

Whereas, John McMahon's many commendations and awards, including two Distinguished Intelligence Medals, testify to his extraordinary skill and outstanding leadership;

Whereas, during a period of increasingly varied and complex international developments of concern to the United States, in which demands for timely, accurate intelligence information to support national policymakers are becoming simultaneously more intense and diverse, John McMahon has been instrumental in preparing the Intelligence Community for the challenges of the future and has thus made a major and lasting contribution to the national security of the United States;

Whereas, John McMahon has earned the respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former Members of the Intelligence Committees of the Senate and House of Representatives for his integrity and positive spproach to Congressional oversight of our nation's intelligence activities; Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring) That on the occasion of his retirement from an extraordinary career of public service, the Senate and House of Representatives of the United States of America express and record on behalf of the American people, their deep appreciation to John N. McMahon for his exceptionally distinguished service to the United States.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CARLISLE H. HUMMELSINE AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 214.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 214) entitled "Joint resolution to provide for the reappointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution", do pass with the following amendments:

Strike out all after the resolving clause and insert: That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Carlisle H. Hummelsine of Virginia, is filled by reappointment of the incumbent for a term of six years, effective March 13, 1986.

Amend the title so as to read: "Joint resolution providing for reappointment of Carlisle H. Hummelsine as a citizen regent of the Board of Regents of the Smithsonian Institution.".

Mr. DOLE. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF WILLIAM G. BOWEN AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 215.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 215) entitled "Joint resolution to provide for the reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution", do pass with the following amendments:

Strike out all after the resolving clause and insert: That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of William G. Bowen of New Jersey, is filled by reappointment of the incumbent for a term of six years, effective March 13, 1986.

Amend the title so as to read: "Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution".

Mr. DOLE. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE BUSINESS OF PRESERVING SOCIAL SECURITY AND MEDICARE

Mr. WALLOP. Mr. President, I rise today to engage in what has, unfortunately, become a periodic exercise in the Congress of late. It is unfortunate for it is no pleasure to call to task a national organization which has a worthwhile goal, but has consistently employed questionable and self-promoting tactics. The organization is the National Committee to Preserve Social Security and Medicare which is chaired by James Roosevelt. The issue involved is evident from the group's title—Social Security.

During the Reagan administration, this country, to use a somewhat worn campaign phrase, has truely been put back on its feet. Inflation has virtually vanished, the economy is experiencing strong growth. We have begun the process to balance the budget. Tax reductions have been enacted. And, America has been rearmed. The President's critics are dismayed. They cannot attack his program. They are at a lost on how to raise money. They have found one issue which is guaranteed to arouse people and solve any organization's cash-flow problem. That issue is Social Security. One group which has attached itself to this issue is the National Committee to Preserve Social Security and Medicare.

What is the national committee? According to the Encyclopedia of Associations, the committee researches and reviews Social Security and Medicare. It seeks to educate the public and conducts grassroots lobbying activities. Last, it submits petitions to Congress. According to the committee's own literature, they appear to be the guardian of Social Security, preserving the retirement and health benefits of our Nation's elderly.

All Members of Congress are by now familiar with the national committee. It is not because we have found this organization to be an effective advocate for our senior citizens on Social Security. I have never been visited by representatives of the committee. I have not received position papers espousing the group's point of view on any issue. What has happened is that my offices in Wyoming have periodically received frantic calls and visits from extremely upset senior citizens worried that they are going to lose their Social Security benefits. The cause of this crisis can be traced directly to the latest mass mailing by the national committee.

The National Committee to Preserve Social Security and Medicare has put out another slick letter describing the pending collapse of Social Security, and asking for a $10 donation from our senior citizens to enable the committee to preserve their retirement benefits. The seniors then call my office asking what can be done to protect their retirement income and whether they can pay their $10 at my office. We never hear from their self-appointed guardians, but we do hear from worried elderly Americans. I do not believe there is one Member of this body who has not had this experience. The disturbing fact of this situation is not that Social Security is going broke—the program is solvent—but that elderly citizens are being unnecessarily upset by an organization's fund raising activities.

To date, it has been the House of Representatives which has performed the watchdog function over the National Committee to Preserve Social Security and Medicare. The House Aging Committee and the Social Security Subcommittee have maintained constant surveillance of the national committee. These watchdogs have strongly criticized both the form and content of the letters sent by the national committee. They have received pledges that the transgressions would not be repeated. However, it is obvious that once absolved, the national committee has gone on to sin again. Totally exasperated, Congressman BOEHLERT reserved a special order to discuss the antics of the national committee.

Despite being chastised by various House committees and by the extraordinary action of a special order, despite requests from the U.S. Department of Justice, the Social Security Administration, and the Postal Service to improve their mass mailing, the national committee has continued to send out fright letters to solicit contributions from seniors in order to, quote, "save Social Security and Medicare".

I recently received one of these letters. It was replete with misleading statements. I do have to give the national committee credit. They are no longer making the exaggerated and false claims of past mailings. Instead, they have jumbled together comments and facts on Social Security in a fashion to create the impression that the program is once again threatened. After reading one of these letters, it is no wonder that any elderly person is afraid of the future. However, to paraphrase another Roosevelt, the only thing Social Security has to fear is organizations such as the national committee. It does not reflect well on the memory of Franklin Roosevelt, the author of Social Security, for his son to associate himself with a group such as the national committee which is exploiting our senior citizens.

Furthermore, one has to wonder whether this organization would receive even 1 cent in contributions if it were not able to successfully exploit the Roosevelt name. It is a somewhat tawdry tactic. I was especially struck by the fact that the committee mailings liberally use the title "Congressman Roosevelt". It is no wonder that our congressional offices are deluged with calls due to this slick confusion of public and private organizations. It is no surprise that the major umbrella group representating organizations concerned about Social Security have kept the national committee at arms length.

The national committee has been very active at the grassroots, soliciting funds from the elderly. However, the committee's impact with the Congress has been virtually nil. Though they claim credit for many congressional decisions, their legislative accomplishments have been meager. I do not know of one Member of the Congress who has debated any issue or voted on any bill or amendment who has based his or her actions on the counsel of the national committee.

In 1983, Congress passed the Social Security financing amendments. I cosponsored this legislation because I felt it was the necessary action we had to take to protect Social Security. The 1983 amendments ensure the financial solvency of the Social Security retirement fund for the next 75 years. This is not something the national committee would write to the seniors about—there would be no incentive for the seniors to send their $10 to an organization which tells them that Social Security is solvent at least until the year 2055. It is interesting to note that during the year in which the Congress passed the Social Security financing amendments with no help from the national committee, the committee raised $1.73 million from senior citizens. One-fourth of the funds were spent on administration, including salaries, and on solicitation. More money was spent on solicitation than on legislative and research efforts. This is a sorry record.

Let me close by citing a quote from Congressman JAKE PICKLE, one of our real guardians of Social Security. In commenting on the national committee, he said, "It is irresponsible to use scare tactics to arouse concern and mobilize the public to defend our Social Security system against a false threat." The National Committee to Preserve Social Security and Medicare may have a role to play in the ongoing debate on national policies affecting senior citizens, but they still have a long way to go before they will be viewed as legitimate, responsible actors in this debate.

And the way they can achieve that, Mr. President, is to stop terrorizing the senior citizens of America just for a $10 donation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings).

FISCAL YEAR 1987 BUDGET OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying documents; which was referred to the Committee on Appropriations:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the fiscal year 1987 Budget of the District of Columbia.

The proposals for Federal payments to the District of Columbia reflected in this document are consistent with those in the amended 1987 Federal Budget submitted to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *April 22, 1986.*

CONTINUATION OF EMERGENCY WITH RESPECT TO NICARAGUA—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Nicaraguan emergency is to continue in effect beyond May 1, 1986, to the *Federal Register* for publication.

The emergency situation created by the Nicaraguan Government's aggressive activities in Central America has not eased since the declaration of the Nicaraguan emergency on May 1, 1985, nor has the Government of Nicaragua responded to my call for actions appropriate to achieving peace in Central America as contained in my message to the Congress accompanying that declaration. In these circumstances, I have determined that it is necessary to continue in effect the national emergency with respect to Nicaragua after May 1, 1986, in order to deal with this unusual and extraordinary threat to the national security and foreign policy of the United States.

RONALD REAGAN.

THE WHITE HOUSE, *April 22, 1986.*

NOTICE—CONTINUATION OF NICARAGUAN EMERGENCY

On May 1, 1985, by Executive Order No. 12513, I declared a national emergency to deal with the threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Nicaragua. Because those actions and policies continue to pose a national and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 1, 1985, must continue in effect beyond

May 1, 1986. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Nicaragua. This notice shall be published in the *Federal Register* and transmitted to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *April 22, 1986.*

ANALYSIS OF JUVENILE JUSTICE PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 137

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on the Judiciary:

To the Congress of the United States:

The Administrator of the Office of Juvenile Justice and Delinquency Prevention has recently submitted to me a copy of the *Ninth Analysis and Evaluation of Federal Juvenile Delinquency Programs* as required by Section 204(b)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415), as amended. This letter fulfills the statutory requirement to respond to the Congress concerning this document and its recommendations.

The Office of Juvenile Justice and Delinquency Prevention has always been a catalyst for new ideas in the juvenile justice area. As a result, many of its original goals, such as deinstitutionalization of status offenders and the separation of juvenile and adult offenders, have been accomplished. Accordingly, I have proposed that the Juvenile Justice and Delinquency Prevention Program be eliminated at the conclusion of fiscal year 1986.

The report sets forth nine recommendations for improving Federal juvenile delinquency prevention policy. I can assure you that each of the recommendations will be implemented to the extent possible with respect to funds appropriated in fiscal year 1986 and before.

RONALD REAGAN.

THE WHITE HOUSE, *April 22, 1986.*

MESSAGE FROM THE HOUSE

At 2:43 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 426. An act to amend the Federal Power Act to provide for more protection to electric consumers.

The message also announced that the House has passed the following bill and joint resolutions, without amendment:

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr. Federal Holiday Commission until 1989, and for other purposes;

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week".

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day".

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1920. An act to establish Federal standards and regulations for the conduct of gaming activities on Indian reservations and lands, and for other purposes;

H.R. 3212. An act to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony;

H.R. 3247. An act to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1987 through 1990;

H.R. 4602. An act to authorize the Federal Housing Administration and the Government National Mortgage Association to enter into additional commitments to insure loans and guarantee mortgage-backed securities during fiscal year 1986, and for other purposes; and

H.J. Res. 470. Joint resolution to designate the week of April 27, 1986, through May 3, 1986, as "National Arts in the Schools Week".

ENROLLED BILLS SIGNED

At 6:06 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma; and

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr. Federal Holiday Commission until 1989, and for other purposes.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1920. An act to establish Federal standards and regulations for the conduct of gaming activities on Indian reservations and lands, and for other purposes: to the Select Committee on Indian Affairs.

H.R. 3212. An act to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony; to the Committee on Energy and Natural Resources.

H.R. 3247. An act to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1987 through 1990; to the Select Committee on Indian Affairs.

H.J. Res. 470. Joint resolution to designate the week of April 27, 1986, through May 3, 1986, as "National Arts in the Schools Week"; to the Committee on the Judiciary.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent pending further disposition:

H.R. 4602. An act to authorize the Federal Housing Administration and the Government National Mortgage Association to enter into additional commitments to ensure loans and guarantee mortgage-backed securities during fiscal year 1986, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3001. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to reduce the cost and improve the effectiveness of the Food Stamp Program and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3002. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the status of certain Department of Housing and Urban Development budget authority; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs.

EC-3003. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the status of certain Department of Energy funds; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget, the Committee on Appropriations, and the Committee on Energy and Natural Resources.

EC-3004. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a listing of contract award dates for the period May 1 to June 30, 1986; to the Committee on Armed Services.

EC-3005. A communication from the Director of the National Security and International Affairs Division, General Accounting Office, transmitting, pursuant to law, a report entitled "DOD Revolving Door—Many Former Personnel Not Reporting Defense-Related Employment"; to the Committee on Armed Services.

EC-3006. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Revenue Estimate—Panama Canal Commission Estimated Revenue for Fiscal Year 1987"; to the Committee on Armed Services.

EC-3007. A communication from the Assistant Secretary of Defense (Acquisition and Logistics), transmitting, pursuant to law, a report on the Department of Defense Commercial Activities Program since October 1, 1983; to the Committee on Armed Services.

EC-3008. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on real and personal property of the Department of Defense as of September 30, 1985; to the Committee on Armed Services.

EC-3009. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual report on compensation of officers and employees of Federal Contract Research Centers for calendar year 1985; to the Committee on Armed Services.

EC-3010. A communication from the President and chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during March 1986 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-3011. A communication from the chairman and vice chairman of the National Energy Extension Service Advisory Board, transmitting, pursuant to law, the seventh annual report of the Board on the Nationwide Energy Extension Service Program, dated April 1986; to the Committee on Energy and Natural Resources.

EC-3012. A communication from the Secretary of the Interior, transmitting, pursuant to law, the financial statements of the Colorado River Basin Project for fiscal year 1985; to the Committee on Energy and Natural Resources.

EC-3013. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on findings for the necessity for modifications to the Soldiers Meadow Dam, Lewiston, Idaho; to the Committee on Energy and Natural Resources.

EC-3014. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the fourth annual report entitled "Nuclear Waste Fund Fee Adequacy: An Assessment"; to the Committee on Energy and Natural Resources.

EC-3015. A communication from the chairman of the U.S. Advisory Commission on Public Diplomacy, transmitting, pursuant to law, the annual report of the Commission on the United States Information Agency for 1986; to the Committee on Foreign Relations.

EC-3016. A communication from the chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the authority under the Government in the Sunshine Act for calendar year 1985; to the Committee on Governmental Affairs.

EC-3017. A communication from the chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1985; to the Committee on Governmental Affairs.

EC-3018. A communication from the Director of the Information Security Oversight Office, transmitting, pursuant to law, the annual report of the Office for fiscal year 1985; to the Committee on Governmental Affairs.

EC-3019. A communication from the Executive Director/Administrator of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report of the authority under the Government in the Sunshine Act for calendar year 1985; to the Committee on Governmental Affairs.

EC-3020. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during March 1986; to the Committee on Governmental Affairs.

EC-3021. A communication from the Assistant Attorney General (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to amend the interest provisions of the Declaration of Taking Act; to the Committee on the Judiciary.

EC-3022. A communication from the Assistant Attorney General (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1987, and for other purposes; to the Committee on the Judiciary.

EC-3023. A communication from the acting chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-3024. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department of Housing and Urban Development under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-3025. A communication from the President of the United States, transmitting, pursuant to law, a report on United States military action in Libya on April 14, 1986; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-624. A resolution adopted by the Council of the County of Maui, Hawaii, favoring continuation at present levels of the Community Development Block Grant Program; to the Committee on Appropriations.

POM-625. A resolution adopted by the Eighteenth Guam Legislature; to the Committee on Commerce, Science, and Transportation.

"RESOLUTION NO. 277 (LS), SUBSTITUTE

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the members of the Eighteenth Guam Legislature, along with the rest of our nation, are deeply saddened at the loss of seven crew members of the Space Shuttle Challenger when, on January 29, 1986 (Guam Time) the Space Shuttle Challenger exploded into flames shortly after take off at Cape Canaveral, Florida; and

"Whereas, the crew members of Space Shuttle Challenger included three trained pilots, an expert on lasers, the second American woman to fly in space, a Hughes Aircraft Corporation engineer and a Concord, New Hampshire school teacher flying as the first citizen-in-space, all of whom were the "select few" and were immensely talented and gifted professionals in their respective fields; and

"Whereas, the crew members of Space Shuttle Challenger were Flight Commander Francis R. Scobee; Pilot Mike Smith; Researcher Ronald E. McNair; Air Force Lt. Col. Ellison S. Onizuka; Astronaut Judy Resnik; Engineer Gregory Jarvis; and Sharon "Christa" McAullife, the first citizen-in-space; and

"Whereas, each and every individual aboard the Challenger at the time of the tragedy exemplified the courageous and undaunted spirit of human discovery and progress, looking above and beyond human frailties to give their best in the quest to explore the boundless mysteries of the last frontier in the name of advancement of science and mankind; and

"Whereas, the territory of Guam supports NASA's space shuttle program, having had two volunteer teachers selected as nomineess for the Teacher in Space Project; and

"Whereas, the people of Guam are deeply saddened because of our close relationship with the space program wherein Lt. Col. Ellison S. Onizuka visited Guam in 1980 to explain the Shuttle Mission to the people; and

"Whereas, the crew members dedicated their lives to their profession in the utmost professional manner: Now, therefore, be it

"Resolved, That the Eighteenth Guam Legislature, on behalf of the people of Guam, hereby express its condolences to the families of the crew members of the Space Shuttle Challenger; and be it further

"Resolved, That the Eighteenth Guam Legislature will always remember the crew members of Space Shuttle Challenger; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Mrs. June Kent Scobee and family; to Mrs. Jane Jarrell Smith and family; to Mrs. Cheryl Moor McNair and family; to Mrs. Irna Leiko Yoshida Onizuka and family; to the family of Ms. Judy Resnik; to Mrs. Marcia Jarboe Jarvis and family; to Mr. Steven J. McAuliffe and family; to the Administrator, National Aeronautics and Space Administration (NASA); to the President of the United States of America; to the President of the Senate and the Speaker of the House, Congress of the United States; to Congressman Ben G. Blaz and to the Governor of Guam."

POM-626. Joint resolutions adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works:

"HOUSE JOINT MEMORIAL NO. 15

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the State of Idaho has a vital interest in the costs of natural gas supply and transmission for the state regulated public utilities and its citizenry; and

"Whereas, Kern River Gas Transmission Company has applied to the Federal Energy Regulatory Commission for approval to construct an interstate pipeline in the State of Wyoming, delivery to various points within or adjacent to Kern County in the State of California as more particularly described in the application filed with the Federal Energy Regulatory Commission as Docket No. CP85-552-000; and

"Whereas, operation of the Kern River Pipeline Project would have substantial economic benefits to the State of Idaho, its natural gas distribution utilities and its citizens in the form of a reduction in gas supply costs and transportation costs to those utilities served by Northwest Pipeline Corporation: Now, therefore, be it

"Resolved by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Federal Regulatory Commission is requested and encouraged to grant a certificate of public convenience and necessity to facili-

tate the construction and operation of the Kern River Pipeline Project; and be it further

"Resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the Federal Energy Regulatory Commission, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

"HOUSE JOINT MEMORIAL No. 16

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the transportation network is the most important component in the infrastructure of the United States; and

"Whereas, the Interstate Highways and other Federal-Aid Highway Systems are the very sinews of that transportation network; and

Whereas, construction of the Interstate Highway System has been the focus for massive funding for thirty years, during which time the Primary Highway System has been underfunded; and

"Whereas, it is essential to the Nation's mobility to preserve the investment of the past fifty years in the Primary Highway System: Now, therefore, be it

"Resolved by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urge that, during forthcoming Congressional deliberations on the future of the Federal-Aid Highway Program, greater flexibility be developed for transferring apportioned funds from the Interstate Resurfacing (4R) Program to the Primary Highway System; and be it further

"Resolved, That the Idaho Legislature petition Congress to eliminate federal statutory mandates upon which regulations in 23 CFR 625 are based that require the blanket application of rigid safety standards to all Federal-Aid Interstate 4R Projects; and that the petition also require that all specified safety features be cost-justified in the case of each individual project; and be it further

"Resolved, That due to the economic restraints imposed upon the Federal-Aid Highway Program by the Gramm-Rudman-Hollings Amendment, roadway standards should be made more flexible in order to give the states greater discretion in their application; be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to President Ronald Reagan, Secretary of Transportation Elizabeth Hanford Dole, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-627. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance;

ASSEMBLY JOINT RESOLUTION No. 55

"Whereas, Technological leadership is one of this nation's most important resources; and

"Whereas, Governmental policies that encourage the expansion of industrial research and development in the United States are appropriate and necessary; and

"Whereas, The federal government enacted the research and development tax credit in 1981 to stimulate the essential investment by private industry in research and development; and

"Whereas, Foreign governments frequently provide tax incentives, special allowances, export subsidies, and government sponsorship of collaborative research efforts in key technological fields; and

"Whereas, An analysis conducted by the Congressional Research Service, dated January 1985, and a study conducted by the Brookings Institution, dated February 1985, confirm that the research and development federal income tax credit has produced tangible increases in research and development spending; and

"Whereas, Research and development helps drive this nation's economy and is essential to the United States remaining competitive in international marketplaces; and

"Whereas, It is in the national interest to promote the research and development federal income tax credit because it directly benefits the American consumer by reducing the cost of goods and creating jobs; and

"Whereas, The existing research and development federal income tax credit is due to expire in 1985: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation to make permanent the research and development federal income tax credit; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-628. A resolution adopted by School District No. 143 of Cook County, Illinois opposing certain provisions of the Tax Reform Act, H.R. 3838; to the Committee on Finance.

POM-629. A resolution adopted by the Texas Society Sons of the American Revolution, Inc. favoring the imposition of tariffs and duties on imported oil and petroleum products; to the Committee on Finance.

POM-630. A resolution adopted by the Council of the Borough of Ringwood, New Jersey, favoring the calling of a constitutional convention for the purpose of amending the sixteenth amendment to the Constitution; to the Committee on the Judiciary.

POM-631. A joint resolution adopted by the Legislature of the State of Indiana; to the Committee on the Judiciary.

"ENROLLED HOUSE JOINT RESOLUTION No. 3

"A Joint Resolution providing for the ratification of the proposed amendment to the Constitution of the United States relative to the compensation of Senators and Representatives.

"Whereas, in the city of New York, both Houses of the First Congress of the United States of America, during the first session of that Congress, which session began on March 4, 1789, resolved that the following Article, among others, be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States in the following words, to wit:

"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution:

"Resolved by the Senators and Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz

"Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second. . . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Be it resolved by the General Assembly of the State of Indiana:

"SECTION 1. That this proposed amendment of the Constitution of the United States of America is hereby ratified by the General Assembly of the State of Indiana.

"SECTION 2. That certified copies of this joint resolution be forwarded by the Governor of Indiana to the Administrator of General Services, as required by Section 106(b) Title 1, United States Code, as well as to the Secretary of State of the United States and the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, and to all other federal officials as may be required by federal law."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 739. An act relating to the documentation of the vessel Marilyn to be employed in the coastwise trade (Rept. No. 99-284).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 2347. A bill to authorize the Corps of Engineers to issue permits under the Clean Water Act and the River and Harbor Act for construction of a water resource project in the State of Texas; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 2348. A bill to authorize the procurement and installation of cryptographic equipment at satellite communications facilities within the United States, and for other purposes; to the Committee on Armed Services.

By Mr. RIEGLE:

S. 2349. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

By Mr. ABDNOR (for himself, Mr. ANDREWS, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. ZORINSKY, and Mrs. KASSEBAUM):

S. 2350. A bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Reconciliation Act of 1985 with respect to insolvent farmers; to the Committee on Finance.

By Mr. EVANS (for himself and Mr. GORTON):

S. 2351. A bill to revise the boundaries of Olympic National Park and Olympic National Forest in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHILES (for himself, Mr. EVANS, Mr. WILSON, Mr. BOREN, Mr. MOYNIHAN, Mr. NUNN, Mr. GORTON, Mr. HOLLINGS, and Mr. DECONCINI):

S. 2352. A bill to amend the Internal Revenue Code of 1954 to provide for the reimbursement to State and local law enforcement agencies for costs incurred in investigations which substantially contribute to the recovery of Federal taxes; to the Committee on Finance.

By Mr. CHILES:

S. 2353. A bill to direct the Attorney General to develop a model statute for States to prohibit the establishment and use of freebase houses; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mr. PROXMIRE, Mr. HUMPHREY, Mr. RUDMAN, Mr. DURENBERGER, Mr. WARNER, Mr. TRIBLE, and Mr. KASTEN):

S. 2354. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2355. A bill to amend title 10, United States Code, to require operational testing and evaluation before low-rate initial production, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2356. A bill to offset the competitive advantage which foreign coal producers have as a result of not having to meet environmental, health, welfare, and safety requirements of the kinds imposed on U.S. coal producers, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 2357. A bill to direct the Secretary of the Army to lease certain lands at Fort Chaffee, AR, to the city of Barling for use by the city for the construction of a waste treatment facility; to the Committee on Armed Services.

By Mr. RIEGLE:

S.J. Res. 328. A joint resolution to designate the week beginning May 4, 1986, as "National Correctional Officers Week"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. ROTH):

S.J. Res. 329. A joint resolution to designate the period of December 1, 1986, through December 7, 1986, as "National Aplastic Anemia Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read and referred (or acted upon), as indicated:

By Mr. BRADLEY (for himself, Mr. MCCLURE, Mr. JOHNSTON, Mr. FORD, Mr. METZENBAUM, and Mr. WARNER):

S. Res. 386. A resolution to express the sense of the Senate that strategic petroleum reserve purchases and construction should be accelerated and that all funds deferred by the President should be immediately obligated; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for Mr. DURENBERGER) (for himself, Mr. LEAHY, Mr. ROTH, Mr. COHEN, Mr. HATCH, Mr. MURKOWSKI, Mr. SPECTER, Mr. HECHT, Mr. MCCONNELL, Mr. BENTSEN, Mr. NUNN, Mr. EAGLETON, Mr. HOLLINGS, Mr. BOREN, and Mr. BRADLEY):

S. Con. Res. 133. A concurrent resolution to commend Deputy Director of Central Intelligence John N. McMahon for exceptionally distinguished service to the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2347. A bill to authorize the Corps of Engineers to issue permits under the Clean Water Act and the River and Harbor Act for construction of a water resources project in the State of Texas; to the Committee on Environment and Public Works.

CONSTRUCTION OF THE STACY DAM PROJECT IN TEXAS

● Mr. BENTSEN. Mr. President, I am today introducing a bill to assist in the construction of the Stacy Dam, reservoir, and pipeline in Texas.

This is a project of the Colorado River Municipal Water District, and it is an excellent example of local governmental bodies planning for the future. The Federal Government always urges local government to plan ahead, to conserve, and to do these things with their own local funds, and the Stacy Dam project fits this criteria perfectly.

In Texas, especially west Texas, the need now, and in the past, and in the future, is water. Contrary to popular opinion, water—not only oil prices—is a major key in determining the progress and destiny of Texas.

The Colorado River Authority came up with an excellent plan to construct a reservoir on the Colorado River in Coleman, Concho, and Runnels Counties, for the purpose of supplying municipal water to the cities of Midland, Odessa, Big Spring, Snyder, San Angelo, and Abilene. It is expected to extend an adequate water supply to these cities well into the 21st century.

The authority, in an orderly and constructive manner, first applied to the Corps of Engineers for a 404 permit in 1979. In 1982, it was decided that it would be in the best interests of all to suspend the efforts of preparing an environment impact statement until the district had in hand an unencumbered permit from the State of Texas authorizing the project.

In May 1985—after a lengthy and expensive effort—the authority received State approval and went back to the corps for action on the environmental impact statement which had been set aside since 1982.

Back on schedule, the authority plans to begin construction next year so that the dam can be ready for use in early 1990. This is a $66 million project financed solely through the issuance of revenue bonds—no Federal, State, or local tax funds are involved. This should be the end of it—and an example of what our localities should be doing to keep us with future growth.

But as we in this body know, nothing is ever simple when dealing with the Federal Government. The U.S. Fish and Wildlife Service is threatening to hold up construction because it says the project may—and I repeat, may—jeopardize the Concho River water snake.

This is because the dam would be located on the mainstem of the Colorado about 16 miles downstream from the confluence of the Colorado and Concho Rivers, creating a pool of about 19,200 acres of needed water in Concho, Coleman, and Runnels Counties. In this area is found the Concho River water snake, a reptile discovered in 1944 which grows to about 35 inches long. The Wildlife Service says the Concho water snake is a relative of the Brazos water snake, and that the Brazos snake is currently found in two reservoirs. The Concho snake has not been located in Colorado Basin reservoirs, according to Fish and Wildlife, and therefore they question the creation of Stacy Reservoir.

There is apparently a great number of these snakes. The Wildlife Service says they live along 200 miles of the Concho and Colorado. But because they say most of them live along a 105-mile stretch of river, the area affected by the Stacy Dam is proposed to be designated as a critical habitat.

The way the Wildlife Service sees it, Stacy would inundate about 48 miles of that 105-mile stretch where many, but not all, of the snakes live. Depending on circumstances, they say, Stacy Dam could eliminate them all. Frankly, they don't know. They do admit there are many Concho River snakes scattered along hundreds of miles. In fact, they say that through planned discharges the dam could actually "maintain or enhance" the downstream habitat.

Because of this speculation, the real or imagined threat to some unknown

percentage of snakes in the water, the Stacy project is threatened, and more than a snake is jeopardized. In this entire issue, the only certainties are that water is a critical necessity to people in the area, and that delays are penalties in the form of extra expenditures of local funds.

The Colorado Water District has already offered to spend $225,000 to study the snake and its problems while the dam is being built, but Fish and Wildlife has found this unacceptable. It is possible that the Service might accept some plan to physically move some of the snakes elsewhere, but at this point the Service has been unwilling to discuss such an option. Nor has the Service been willing to consider structural modifications to the reservoir that might make it more like the Brazos River reservoirs where the Concho River water snake's relatives have been able to live without difficulty. Regardless, if any option were to be acceptable, the cost would be high and it would be a cost that would ultimately be passed along to the consumer, not the government, the Fish and Wildlife Service, or advocates of the river snake. They could try to move the entire project, but that would entail the expenditure of many millions more, and is all but impossible.

Mr. President, the people of west Texas consider a threat against this important project by speculation over the effect on a specie of water snake as a serious case of misplaced priorities, and I agree with them. I don't think there is any evidence that the snake would be made extinct, or even any hard evidence that they don't exist outside the large, 200-mile range. I believe that reasonable efforts to mitigate the effects of the dam on the snake habitat should be undertaken.

This legislation is simple. It authorizes the Secretary of the Army to issue a permit under section 404 of the Clean Water Act and section 10 of the River and Harbor Act. It also directs the Secretary of the Army to issue the permit not later than November 30.

Mr. President, this is an important project that will benefit people for many years to come. I think we have a responsibility to act, and act promptly.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Secretary of the Army is authorized to issue a permit under section 404 of the Clean Water Act and section 10 of the River and Harbor Act of 1899 for the Stacy Dam, Reservoir, and Pipeline Project of the Colorado River Municipal Water District, Texas, notwithstanding the pendency of any proposal by the Secretary of the Interior regarding the listing of a threatened species or the designation of critical habitat of a proposed threatened species under the provisions of the Endangered Species Act, and notwithstanding any listing of a threatened species promulgated after the date of enactment of this section.

(b) The Secretary of the Army shall act to issue the permit for the Stacy Dam, Reservoir, and Pipeline Project, Texas, not later than November 30, 1986.●

By Mr. MOYNIHAN:

S. 2348. A bill to authorize the procurement and installation of cryptographic equipment at satellite communications facilities within the United States, and for other purposes; to the Committee on Armed Services.

SATELLITE COMMUNICATIONS SECURITY

Mr. MOYNIHAN. Mr. President, the Soviet intelligence collection facility at Lourdes, Cuba, enables the Soviets to monitor sensitive U.S. maritime, military, and space communications, as well as telephone conversations in the United States. So says a joint State and Defense Department publication, "The Soviet-Cuban Connection." The publication does not indicate how effective the facility is—our intelligence agencies can tell you a bit about that—but we do know that the facility is the largest of its kind in the world, and the most sophisticated Soviet listening facility outside of its national territory. Moreover, this facility continues to grow in size and capability—by 60 percent during the past decade. Today, approximately 2,100 Soviet technicians man the antennae and dishes which are spread over 28 square miles. That the satellite ground station at Lourdes allows instant communications with Moscow tells us a bit about the value of the information the Soviets are intercepting.

In 1977, and twice since, I have introduced legislation, the Foreign Surveillance Prevention Act, to curtail Soviet eavesdropping from their diplomatic establishments in Washington, San Francisco, and New York. Nelson Rockefeller reported this intelligence breach to the President in 1975, and Arkady Shevchenko, the highest ranking Soviet diplomat ever to defect to the West, detailed it in 1978. This legislation would deal with this eavesdropping simply and firmly. If a Soviet diplomat were suspected of eavesdropping, we would declare that individual persona non grata and expel him from the country. And mind you, the FBI estimates that 30 to 40 percent of the Soviet diplomatic personnel are engaged in espionage. The facility at Lourdes, however, is outside our territorial and legal jurisdiction. It must be neutralized by other—technical—means.

Mr. President, today I introduce legislation to put the multibillion-dollar facility at Lourdes out of business, as well as limit the damage from Soviet trawlers and other AGI's [auxiliary gathering intelligence]. This legislation will also provide for the protection of Government communications from interception by foreign governments and other unauthorized parties, and protect the privacy of Americans—you, me, our children.

I recall a comment Walter Deeley, formerly Deputy Director of Communications Security at the NSA, made to David Burnham of the New York Times. "They are having us for breakfast," he said "We are hemorrhaging. Your progeny may not enjoy the same rights we do today if we don't do something." Well, Mr. President, today I propose to take some of our communications off the breakfast table.

As you know, when you place a telephone call from point A to point B, there are three communications paths—or circuits—on which your call might travel: microwave, cable, and satellite. The telephone company will route your call to a switching station where computers will select the first available means of establishing a circuit. If it is a local call, the path will probably be made over cable. If your call is long distance, chances are it will be transmitted as a radiowave from a switching station and relayed via microwave or satellite. These radio waves follow prescribed routes through the sky. They are available for interception, just as a private dish satellite in the backyard can pull in cable television signals—and telephone signals. And yes, the Soviets have the range at Lourdes to grasp our satellite transmissions as they travel from New York to Los Angeles, or Washington to Omaha.

This legislation will provide for the procurement and installation of cryptographic hardware at satellite communications facilities within the United States. This hardware will encrypt telephonic signals before they are transmitted as radio waves from ground station to satellite to ground station, a technique analogous to the cable networks scrambling their signals. This would protect the domestic satellite transmissions of both the Federal Government and private citizens. Commercial interests utilizing direct satellite communications which are not switched through the common carrier system would not be covered under the provisions of this legislation. But, I might add, secure, dedicated satellite communication is already offered by some common carriers for commercial use.

This legislation will authorize $943 million in funding for the Department of Defense for use by the National Security Agency. A relative bargain, but still not cheap in this year of Gramm-Rudman-Hollings. But I voted against that legislation, and I am not ashamed to stand up today and discuss funding to meet a vital national security need.

In fact, I think it my duty. And, It would cost us a lot more not to do it.

Mr. President, we have an opportunity to stop Soviet eavesdropping from their facility at Lourdes. In so doing, we will suture a wound from which bleeds vital intelligence material, industrial secrets, and the private conversations of American citizens. And while only some of this material is classified, it all provides intelligence information to Soviets when pieced together. Just as importantly, by countering the facility at Lourdes we will protect American citizens from egregious violations of their privacy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the purpose of this Act is to provide further for the security of satellite communications transmissions between facilities within the United States and to prevent the interception of, or access to, such transmissions by foreign governments or other unauthorized parties.

(b)(1) To carry out the purposes of subsection (a), the Secretary of Defense, acting through the National Security Agency and acting in cooperation with private enterprises engaged in satellite communications within the United States, is authorized to procure and install cryptographic equipment at satellite communications facilities within the United States.

(2) Any private enterprise owning a satellite communications facility at which equipment was installed under paragraph (1) shall be reimbursed by the Secretary of Defense for the costs incurred in operating and maintaining such equipment.

(c) The provisions of subsection (b) shall not apply to any communications system utilizing direct satellite transmissions which, on reception, are not switched through a common carrier system.

(d)(1) There are authorized to be appropriated to the Secretary of Defense for use by the National Security Agency such sums as may be necessary to carry out the provisions of this Act.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(e) For purposes of this Act—

(1) the term "common carrier" has the same meaning as such term is defined in section 3(h) of the Communications Act of 1933 (47 U.S.C. 153(h)); and

(2) the term "United States" refers to the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

By Mr. RIEGLE:

S. 2349. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

ENTERPRISE ZONE ACT

● Mr. RIEGLE. Mr. President, I am introducing today the Enterprise Zone Act of 1986 to stimulate the economic development of our Nation's most distressed communities.

This legislation will help attract private investment to economically hard-pressed areas. It can create jobs and aid industrial development. It could provide an important tool for cities like Detroit, Flint, Muskegon, Jackson, Benton Harbor, and many other localities across the Nation that want to revitalize areas of high unemployment and pervasive poverty within their communities.

In August of 1980, President Reagan set enterprise zones as one of the administration's legislative priorities. On numerous occasions since then he has challenged Congress to enact precisely the legislation I am introducing today. Together with a number of my colleagues, I have consistently suported the President in this initiative. In January of 1985 I wrote to President Reagan to express my willingness to work with him on this proposal. I am restating that commitment now.

Unfortunately, we are nearly a year and a half into the 99th Congress, and the administration has not yet submitted an enterprise zone bill. The Department of Housing and Urban Development seems incapable of bringing enterprise zone legislation to Congress. I see no reason why Members of Congress should continue waiting in frustration. That is why I take this action today.

Enterprise zone legislation is needed perhaps now more than ever. Although the recovery has been underway for 40 months, many communities have been left behind. Virtually every State has communities that are still in the throes of a deep recession. In fact, this is precisely the stage of the business cycle when an enterprise zone program would be most effective. The general climate for private investment is at its most favorable, and it is now that enterprise zone incentives would be most able to attract private investment to areas where it is most needed.

The enterprise zone program would help fill a large vacuum in distressed areas that has been created by sharp cutbacks in Federal economic development assistance. Federal budget cuts have undermined hundreds of efforts across the country in which local governments, banks, and private industry were cooperating to create stable jobs in depressed areas.

Enterprise zone legislation is not new to the Senate. In 1981 I joined Senator HEINZ to introduce the first enterprise zone bill in the Senate—the Urban and Rural Revitalization Act of 1981. Since then, enterprise zone legislation has been introduced in every session of Congress and has been the subject of extensive hearings in both the Senate and the House. The Senate has passed such legislation twice—most recently in 1984. There is no reason for further delay in enacting it into law.

The legislation I am introducing today is similar to legislation which passed the Senate during the 98th Congress and was later reintroduced as S. 2914. The bill has been modified only to reflect changes proposed by the Department of Housing and Urban Development [HUD] and the Department of the Treasury.

The Enterprise Zone Act would authorize the Secretary of HUD to designate up to 25 zones a year for 3 years. State and local governments would nominate areas from communities that meet certain criteria. The area would have to be in a jurisdiction or "pocket of poverty" that is eligible for the Urban Development Action Grant Program [UDAG]. It would also need a continuous boundary, and it would have to show signs of pervasive poverty and unemployment, such as an unemployment rate of at least 1.5 times that of the national rate and a poverty rate of at least 20 percent or more.

Once an area is designated, job creating economic activity in that area would receive various forms of targetted Federal tax relief. This would include: Eliminating capital gains taxes within zone; providing an additional investment tax credit; providing a 5-percent credit to zone employees for income earned in the zone; and crediting employers for wages paid to disadvantaged zone employees.

Mr. President, I ask unanimous consent that a short description of the bill be printed in the RECORD at the conclusion of my remarks.

In closing, I want to stress that this legislation has been carefully considered and developed in the Congress. This bill incorporates refinements suggested by the administration. It had the bipartisan support of 38 Senators in the last Congress. I believe that this is the time to enact enterprise zone legislation and that this bill gives the Senate a proven vehicle and a clear opportunity to take favorable action again this year.

I remain a strong supporter of enterprise zones and will continue to work to see that this valuable tool is available to our Nation's cities. I urge my colleagues in the Senate to join me as cosponsors and to insure prompt passage.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

ENTERPRISE ZONE ACT OF 1986

The proposal authorizes the Secretary of HUD to designate up to 25 enterprise zones a year for 3 years—a total of 75 zones. Areas would be nominated by State and local governments and would have to meet certain criteria of economic distress and population, have a continuous boundary, and receive a

commitment from the State and locality to take a course of action designed to remove impediments to economic development in the area.

Once designated zones, they would receive the following Federal tax relief:

Additional investment credit of 3 to 5 percent for personal property and 10 percent for real property for capital investment in the zone.

10 percent credit to employers for increases paid to zone employees over the previous year, at a maximum of 2.5 times the employer's Federal Unemployment Tax Act (FUTA) wage base.

Credit to employers for wages paid to disadvantaged zone employees, equal to 50 percent of wages paid to such employees (not counting Federal subsidies for job training). This credit would be available for 7 years and drop 10 percent per year beginning in the fourth year.

5 percent credit to zone employees for income earned in zone employment, maximum $450 per employee.

Capital gains tax would not be imposed on the gain from sale of any interest in a zone business or any property used in the conduct of zone business.

Restrictions on the use of Accelerated Cost Recovery System (ACRS) for industrial development bond (IDB) financed property, and the 1987 sunset of the small issue exemption, would not apply with respect to IDB's used to finance zone small business.

Zones would be given preference in establishing Foreign Trade Zones, and could qualify for limited Federal regulatory relief. Federal contributions would last 20 years with a 4 year phaseout.●

By Mr. ABDNOR (for himself, Mr. ANDREWS, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. ZORINSKY, and Mrs. KASSEBAUM):

S. 2350. A bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Budget Reconciliation Act of 1985 with respect to insolvent farmers; to the Committee on Finance.

TAX FILING EXTENSION FOR INSOLVENT FARMERS

Mr. ABDNOR. Mr. President, the Budget Reconciliation Act of 1985 made an essential change in our Tax Code as it affects the alternative minimum tax liability of insolvent farmers. The change provides that in the cases of first, the transfer of farmland by an insolvent farmer to a creditor in cancellation of indebtedness, or second, the sale of farmland by an insolvent farmer under threat of foreclosure, the capital gain realized as a result of such transfer or sale will not be included as an item of tax preference in the computation of the alternative minimum tax. The intent of the language in Budget Reconciliation was to make this change applicable going back to the 1982 tax year.

Unfortunately for many farm taxpayers, the normal 3-year statute of limitations for calendar year 1982 returns expired on April 15, 1986. Insolvent farmers seeking protection under the new law with respect to calendar year 1982 were required, therefore, to file an amended 1982 return on or before April 15, 1986, a mere 8 days after the tax changes were signed into law by President Reagan.

Further delays by the IRS in getting the word out to their local offices reduced that leadtime to 1 or 2 days. In my State of South Dakota, many tax lawyers and CPA's are still unaware of any changes. For that reason, I find it unconscionable to expect the farmers themselves to have been alerted soon enough to file before the April 15, 1986 deadline in order to qualify for a refund for the 1982 tax year.

Mr. President, numerous delays in passage of the Budget Reconciliation Act may have unnecessarily precluded many farmers from filing for a refund to which they clearly are entitled. The intent of the reconciliation language was to include transfers of farmland which occurred in 1982, and I believe it is incumbent upon Congress to insure that individuals engaged in transactions for that tax year are not disallowed the opportunity to file an amended form.

Mr. President, the legislation we are introducing here today would extend the statute of limitations for a period of 6 months thereby allowing deserving farmers an opportunity to take advantage of any credits or refunds to which they are entitled as a result of the changes made in Budget Reconciliation. This bill provides that if a taxpayer is prevented from claiming a refund or credit resulting from the insolvent farmer provision in the Budget Reconciliation Act anytime before October 15, 1986, then the refund or credit will nevertheless be allowed if claim therefore is filed within 6 months of the date of enactment of the bill.

I trust this body will work quickly toward passage of this measure.

By Mr. EVANS (for himself and Mr. GORTON):

S. 2351. A bill to revise the boundaries of Olympic National Park and Olympic National Forest in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

REVISION OF BOUNDARIES OF OLYMPIC NATIONAL PARK AND OLYMPIC NATIONAL FOREST

Mr. EVANS. Mr. President, today I am introducing with Senator GORTON a bill to revise the boundaries of the Olympic National Park in Washington State. The bill incorporates the recommendations of the National Park Service and the National Forest Service for modification of their common boundaries. The bill also authorizes two minor additions to the park as recommended by the National Park Service.

The Olympic National Forest and the Olympic National Park share many common boundaries. A high degree of cooperation has existed between these Federal land management jurisdictions on a variety of programs. But some of the existing boundaries separating park and forest have created problems for both agencies in fulfilling their respective missions. These are found in selected areas where existing boundaries do not follow natural topographic features and hydrographic divides.

Established earlier in the century, many of the boundaries are drawn on township and section lines which do not always meet logical resource management needs or serve the best interests of the public. Existing straight line boundaries do not protect complete watersheds. The upper portions of some park watersheds lie outside park boundaries thus allowing land uses that could affect the visual integrity within drainages. In other places, the existing park boundary effectively blocks access to portions of the Olympic National Forest since logging roads cannot be built through the park.

Mr. President, the bill we are introducing today incorporates the joint recommendations of the National Park Service and the U.S. Forest Service to modify further their common boundaries. The boundary adjustments would transfer 1,954 acres from the Olympic National Forest to the Olympic National Park and 1,236 acres from the Olympic National Park to the Olympic National Forest. The bill would also authorize the addition to the Olympic National Park of 263 acres of private land on the shore of Lake Crescent and along the Soleduck Road. The additions to the park were recommended by the National Park Service. These private lands were identified as critical acquisitions in the park's land protection plan.

Senator GORTON and I enthusiastically support this boundary adjustment proposal. Furthermore, we intend to examine carefully other proposals to modify the boundaries of the Olympic National Park. Finally, we will request that the Energy and Natural Resources Committee examine through congressional oversight other issues of concern to the Olympic National Park. These include the management by the State of Washington of tidelands adjacent to the coastal strip and the relicensing and operation of the Glines Canyon hydroelectric facility on the Elwha River just inside the National Park.

Mr. President, I have visited scores of the ocean beaches, hiked virtually every river valley, and climbed most of the Olympic Moutains during the last 45 years. Each visit is a return pilgrimage to a mountain paradise only gently touched by human hands. Vivid technicolor memories recall, instantly, the serenity and savagery of wilderness mountains.

The National Park which dominates the Olympic Peninsula has preserved a wilderness land virtually untouched by human habitation. In an increasingly technological and crowded world it is essential that we preserve these windows to the past. Our great grandchildren who may explore the stars must know their heritage and what their world was like before humans came.

Our responsibility to future generations requires our continued vigilance on issues of management of our national parks. This bill will help resolve some of these issues for the Olympic National Park. I hope that the Senate will respond favorably to our initiative.

● Mr. GORTON. Mr. President, today I am pleased to join my colleague from Washington, Senator DAN EVANS, in introducing legislation that would revise the boundaries of the Olympic National Park and the Olympic National Forest in the State of Washington. The bill implements the recommendations of both the National Park Service and the U.S. Forest Service which resulted from a detailed boundary study conducted by both agencies.

Located on the Olympic Peninsula in Washington, both the Olympic National Park and the Olympic National Forest contain a vast abundance of natural resources within the more than 1.5 million acres that are administered by both agencies. The Olympic National Park comprises over 900,000 acres and includes within its borders Mount Olympus, the highest peak on the peninsula, at 7,965 feet as well as steep, snow capped peaks and precipitous slopes falling away to the lush, verdant rain-forested valleys. President Grover Cleveland launched the effort to preserve this unique ecosystem in 1897. The most recent addition to the park came in 1976, when President Gerald Ford expanded the park boundaries to include lands along the northwestern coast of the peninsula.

The Olympic National Forest surrounds a majority of the National Park. Contained in the forest are lower elevation, densely forested mountain slopes. According to the National Forest Management Act and numerous other legal mandates, the National Forest is managed for a variety of multiple uses, including timber production, recreation, and wildlife.

Both the National Park and the National Forest share miles of common borders. As a result of this close juxtaposition, the two agencies work very closely and cooperatively. Both are to be commended for their efforts in developing the legislative proposal introduced today by Senator EVANS and me.

When boundaries were established years ago, much of the land was inadequately surveyed and boundaries, for want of a better alternative, were frequently drawn along township and section lines. Many of these boundary lines do not correspond with the natural topographic and hydrographic features of the land itself. Redrawing boundary lines along these natural features is far more logical in terms of enabling both these agencies to fully manage and protect their resources.

Mr. President, the bill we are introducing today will remedy many of the land management problems that both agencies face as a result of these illogical boundaries. These boundary adjustments will better enable the Park Service to protect entire watersheds and ecosystems. The adjustments will also allow the Forest Service to reach timber management sites that have had blocked access because park land separates the forest land. I fully support the effort of these agencies to revise boundaries along the land distinctions occurring in nature to better facilitate each agency's land management objectives. I hope that our colleagues on the Energy and Natural Resources Committee and in the full Senate will examine this proposal and concur with Senator EVANS and me.●

By Mr. CHILES (for himself, Mr. EVANS, Mr. WILSON, Mr. BOREN, Mr. MOYNIHAN, Mr. NUNN, Mr. GORTON, Mr. HOLLINGS, and Mr. DECONCINI):

S. 2352. A bill to amend the Internal Revenue Code of 1954 to provide for the reimbursement to State and local law enforcement agencies for costs incurred in investigations which substantially contribute to the recovery of Federal taxes; to the Committee on Finance.

By Mr. CHILES:

S. 2353. A bill to direct the Attorney General to develop a model statute for States to prohibit the establishment and use of freebase houses; to the Committee on the Judiciary.

AID IN FIGHTING ILLEGAL DRUGS

● Mr. CHILES. Mr. President, in this "era of the terrorist," drugs are the most pervasive form of terrorism facing the United States.

Illegal narcotics are insidious invaders chewing the fabric of our society. Underworld drug traffic yields enormous wealth to people, who, while they may claim American citizenship, are nothing more than mercenaries without either country or conscience.

Throughout the United States, the fight against drugs falls squarely on the shoulders of State and local law enforcement authorities. They devote both time and resources—often at great risk and always at substantial cost—in their effort to stem the tide of drugs.

The President's Commission on Organized Crime has documented the size of the threat. The Congress must respond to this assessment and provide law enforcement with the necessary tools. I am introducing two bills today which will benefit law enforcement in their war on drugs.

These bills are the result of a series of meetings I have had with law enforcement officials on ways to assist their efforts. The bills are designed to beat back the criminal forces and assist authorities in their fights against new drug threats in Florida, and around the country.

The aim of the first bill is very basic. It would amend the Internal Revenue Code to allow reimbursement to State and local law enforcement authorities for the costs they incur while investigating drug offenses which contribute to the recovery of Federal taxes.

In my own State, the Florida Department of Law Enforcement has been a willing—and successful—ally of the Federal Government. They have pursued drug traffickers, tracked them down, exposed them for prosecution, and, at the same, time, made it possible for the IRS to recoup substantial sources of revenue for the Federal treasury.

But while States like Florida do so much of the field work, they do not even get back their investigative costs. As a result, the financial benefits accrue to the Federal Government, but the States suffer from a drain on their resources.

My proposal amends the Internal Revenue Code to provide for the recoupment of investigative expenses incurred by local law enforcement agencies when those agencies provide information to the IRS which substantially contributes to the recovery of Federal taxes. The amount reimbursed shall not exceed 10 percent of the sum ultimately recovered.

Reimbursement of investigative expenses as provided for in this bill in no way reduces IRS recoveries since such expenses would be paid from revenues not otherwise forthcoming without local law enforcement assistance. In fact, IRS recoveries are likely to increase since reimbursement would result in an increase in resources available to continue and perhaps expand the scope of these complex investigations.

State and local law enforcement departments routinely work in conjunction with Federal agencies such as the Bureau of Alcohol, Tobacco and Firearms, the Drug Enforcement Administration, and the IRS. These cooperative efforts range from the informal sharing of intelligence or investigative information to formal task force agreements.

Because targeted crime organizations often purchase property or other assets, or attempt to disguise profits and income from illegal sources, the IRS is frequently interested in information developed during the course of local or State investigations. In many instances, the major investigative ex-

penses are borne by State agencies while the large money settlements belong to the Federal Government.

Often the greatest value of additional investigative effort is in the area of the tax impact for criminal activity. Understandably, local and State law enforcement agents are reluctant to devote their time and effort in developing information for the IRS since they will receive no compensation from the collected taxes to reimburse the expenses incurred.

Investigating the financial or economic aspect of criminal activity is time-consuming, expensive, and is a task requring investigative expertise. State and local agencies often leave such investigations undone. Frequently, the information obtained does not result in additional criminal charges or does not result in increased incarceration time for the subject, so local interest is limited. Therefore, to agencies with limited personnel and finances, the investigation of the financial dimension of a criminal operation is not worth the effort.

In States such as Florida or Washington, for example, where there is no income tax, the local interest in developing a tax evasion dimension of a case is limited. In California, where designer drug labs have flourished in recent years, efforts to investigate their financial illegalities have received little attention. These labs have no tangible assets to seize and interest in pursuing a possible tax case is minimal. Financial dimension investigations may develop significant information regarding Federal tax evasion or fraud charges but do not develop corresponding State charges. As a result, financial investigative efforts by local investigators may frequently be cut short because the end result is not worth the additional local effort.

There remains a desire, however, to "hit the criminal where it hurts"—in the pocketbook. The proposed legislation provides a guarantee to local and State law enforcement agencies of reimbursement for the expenses incurred in developing the financial dimension of criminal activity. If implemented, the proposal will allow local and State law enforcement agencies to devote efforts to trace funds and build the case—for local or Federal prosecution and for IRS collection activity. The additional effort would be valuable to local law enforcement because additional State charges might develop and in the least there would be a good chance of IRS investigation.

At a time when Federal revenues are falling short of needs, such a proposal could help generate additional revenue because it would provide the needed incentive to identify unreported or underreported revenues and allow the IRS to collect the funds. Since reimbursement to State and local agencies is paid only from that which is collected, and is capped at 10 percent of the collected tax amounts, the proposal has the dual effect of helping to deny criminals the benefits of their activity and to provide Federal revenues. The proposal provides a guarantee of reimbursement. This will serve as an incentive to local and State law enforcement agencies to expand their investigative efforts to include the financial dimension. The only loser in the proposal is the criminal.

Mr. President, the other bill I am introducing today addresses a new drug craze that has swept our Nation. "Rock" or "crack" cocaine is more dangerous and widespread than other drug forms because it is cheaper and available to a whole new class of people who cannot afford other drugs, including our young people.

The availability of rock or crack cocaine has increased tremendously over the past few years. Crack cocaine is cocaine in crystal or nugget form which is made by "cooking" powdered cocaine over a kitchen stove or a Bunsen burner. The base of the cocaine, hydrochloride is released. This purified cocaine is then mixed with common baking soda and water to form nuggets or crack cocaine. This crystal cocaine is then mixed often with marijuana or tobacco and smoked in a water pipe. Rock cocaine is absorbed into the body's system faster than powdered cocaine and has a more potent psychological impact.

Much of the activity around crack cocaine takes place in what is commonly called a "rockhouse" or "freebase house." The bill I am introducing today would call the Attorney General to develop a model statute for States to outlaw these houses and the various activities that take place inside.

Over the past few months, I have had numerous conversations with State and local law enforcement officials who are very frustrated about their inability to clamp down on freebase houses. They are frustrated because unless they apprehend persons inside of the house with drugs in their possession, they cannot arrest these persons.

Managers and operators who run freebase houses are currently safe from arrest and prosecution unless they have illegal drugs on them.

Salaried employees who takes admission fees, sell drugs, and process powdered cocaine into crack cocaine cannot be arrested unless they have drugs on their person.

Persons who frequent such houses with only one intent in mind—to smoke crack cocaine—are not apprehendable unless they have drugs in their possession.

Narcotics officers tell me that usually "we get the dope. But, its on a table or in a water pipe." Therefore, the drugs are confiscated but often no one is arrested.

I think this is a gross loophole in our laws. The owners and operators of these freebase houses have nothing to fear as they are usually not on the premises, or, if they are, they know better than to have drugs on them. So, they keep getting off scot-free.

People who frequent these houses are there for only one reason and know it is relatively safe because they usually never have drugs on them—they smoke the crack cocaine in a water pipe. Even if the drugs are confiscated, the customers are left untouched to find another freebase house.

My bill directs the Attorney General as Chairman of the National Drug Enforcement Policy Board to work with State and local law enforcement agencies in developing a model statute for States to use in prohibiting freebase houses. I believe the unique characteristics of crack cocaine and its epidemic potential warrants special attention and uniform standards from Federal drug enforcement authorities, similar to the model developed for drug paraphernalia. Included in such a statute should be prohibitions against owning, operating and/or managing a freebase house. It should also be illegal to work in such freebase houses and to frequent such houses. My bill also directs the Attorney General to make recommendations on procedures for allowing law enforcement officials to notify owners and managers of buildings where freebasing enterprises are taking place.

I want to put a stop to these insidious dens of dope. Freebase houses are attracting more and more of our youth because the price is cheap—only $5 or $10 a hit or puff. Young people are introduced to a whole array of drugs by this most addictive form of crack cocaine. It is a lethal drug. Drug experts say the health hazards of crack cocaine are the most destructive seen in years. Users rapidly lose interest in their school or work, eating, and friends. Use of crack cocaine has been associated with lung damage, epilepsy-like seizures, strokes and heart attacks.

I am hopeful that my colleagues will join with me in urging the Attorney General to recognize the need to outlaw freebase houses and work expeditiously to develop a model statute that will help States to prohibit these dangerous drug havens. The emergence of freebase houses is expanding—we must give law enforcement more authority to stop them.

Mr. President, the two bills I am introducing today will go far in helping our law enforcement authorities crack down on these in the drug trades. These officials deserve our help. I ask unanimous consent that the text of my bills be included at this point in the RECORD.

I also ask unanimous consent that an excellent series Cocaine Rocks: The New Epidemic published by the Palm Beach Post & Evening Times be printed in the RECORD. This series is a provocative account of the rock cocaine industry and those responsible for investigating, reporting and publishing this series should be commended.

There being no objection, the bills and articles were ordered to be printed in the RECORD, as follows:

S. 2352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOVERY OF COSTS INCURRED BY STATE AND LOCAL LAW ENFORCE MENT AGENCIES.

(a) IN GENERAL.—Subchapter B of chapter 78 of the Internal Revenue Code of 1954 (relating to general powers and duties) is amended by adding at the end thereof the following new section:

"SEC. 7624. REIMBURSEMENTS TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

"(a) AUTHORIZATION OF REIMBURSEMENT.—Whenever a State on local law enforcement agency provides information to the Internal Revenue Service that substantially contributes to the recovery of federal taxes, such agency shall be reimbursed by the Internal Revenue Service for costs incurred in the investigation (including but not limited to reasonable expenses, per diem, salary and overtime) not to exceed 10 percent of the sum ultimately recovered. The Internal Revenue Service shall maintain records reflecting the receipt of information from the contributing agency, and shall notify the agency when a recovery has been effected. Following such notification, the agency shall submit a statement detailing the investigative costs incurred. Where more than 1 State or local agency has given information that substantially contributes to the recovery of federal taxes, the Internal Revenue Service shall equitably distribute the costs reimbursements among those agencies up to an aggregate sum of 10 percent of the taxes recovered.

"(b) REIMBURSEMENT.—Reimbursements under subsection (a) shall be made directly from the recovered funds prior to the deposit of such funds into the United States Treasury."

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter B is amended by adding at the end thereof the following new item:

"Sec. 7624. Reimbursements to State and local law enforcement agencies."

S. 2353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ATTORNEY GENERAL TO DEVELOP MODEL STATUTE.

The Attorney General as Chairman of the National Drug Enforcement Policy Board, in consultation with State and local law enforcement agencies, shall develop a model statute for States to prohibit the establishment and use of freebase houses.

SEC. 2. GOALS AND CONTENT OF MODEL STATUTE.

(a) GOALS OF MODEL STATUTE.—The model statute developed pursuant to section 1 shall—

(1) address the need to prohibit the use of houses, buildings, rooms, or apartments as places where manufacturing, processing, distributing, purchasing, and using illegal drugs takes place; and

(2) encourage coordination with the Controlled Substances Act, statutes on drug paraphernalia, and other relevant drug law enforcement statutes.

(b) CONTENT.—(1) The model statute shall clearly—

(A) define a freebase house and activities which take place in such dwellings;

(B) define the offenses which take place in such freebase houses;

(C) define penalties for such offenses; and

(D) allow for civil seizure and forefeiture of property confiscated in such offenses.

(2) The model statute shall include prohibitions—

(A) making it illegal for a person to own or operate a freebase house;

(B) making it illegal for a person to work in a freebase house which includes managing, selling drugs, collecting fees and admission, processing or preparing drugs, distributing drugs, or contributing to the overall drug enterprises in the dwelling with a knowledge of or having reason to believe that illegal drugs are present on the premises;

(C) making it illegal for a person to frequent a freebase house with knowledge or reason to believe that illegal drugs are present on the premises; and

(D) making it illegal for employers, employees, and customers to be present in freebase houses when they have knowledge or have reason to believe that drugs are on the premises.

(c) RECOMMENDATIONS.—The Attorney General shall include with the model statute recommendations for procedures to allow law enforcement officials to notify owners and managers of dwellings where freebasing and drug distribution is taking place.

SEC. 3. REPORT TO CONGRESS AND STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES.

The Attorney General shall—

(1) develop the model statute and recommendations required by this Act within six months after the date of enactment of this Act; and

(2) make the report and recommendations available to the appropriate committee of Congress and to State and local law enforcement authorities in his capacity as Chairman of the National Drug Enforcement Policy Board.

SEC. 4. DEFINITION OF FREEBASING.

For purposes of this Act, the term "freebasing" is the conversion of cocaine crystals into a smokable base form of the drug.

IT'S CHEAP, IT'S AVAILABLE AND IT'S RAVAGING SOCIETY

(By Paul Blythe)

Men have given up their paychecks. Women have prostituted themselves. Children have stolen from their parents. Men and women have stolen appliances, jewelry and televisions from their families and friends.

Why? Over the past year in South Florida, a new marketing form for cocaine, packaged to give the drug its most seductive and addictive punch, has appeared in—and in some cases taken over—quiet residential neighborhoods of Palm Beach County and the Treasure Coast.

Cocaine rocks have turned thousands of Floridians into addicts whose cravings are so strong that, for some, crime becomes the only way to support their habit. Misery has always been a byproduct of drug abuse. But the ease with which cocaine rocks can be bought, combined with their grip on users, are causing new and severe problems.

In its more familiar powdered form, cocaine has been an expensive, fashionable drug of the rich. But cocaine rocks, a dirty-white crystal roughly the size of a pea, are relatively cheap at $20. Young people can afford the rocks hawked on street corners like so many flowers. It is a drug epidemic that law enforcement officials say they cannot cure.

"It's eating up my residential neighborhoods . . ." said Riviera Beach Police Chief Frank Walker, echoing the frustration of his counterparts in other cities. "You run to the neighborhood grocery store and have to run a gantlet of neighborhood pushers to get a carton of milk.

Addiction to the rocks is flooding treatment centers with more users than the centers can hold. Residents of West Palm Beach, Stuart and other cities are furious over increasing crime in their neighborhoods. Yet because the rocks are sold in such small quantities, law enforcement agencies are hard pressed to get court convictions and long sentences for sale of cocaine against the sellers.

Even though sellers usually set up shop in predominately black neighborhoods, their customers tend to be white. The ability to sell cocaine in rock form has lowered the price to a point where it is affordable to the middle class. And the market is there.

HOOK IS POTENT HIGH

Cocaine rock, also known as crack, is a type of free-base cocaine consumed by smoking in a pipe or a soft-drink can converted into a pipe. Cocaine hydrochloride, the powder form of the drug, usually is inhaled through the nose but can be taken orally or dissolved in a drink. Both are stimulants of the central nervous system.

Free-basing, or smoking, cocaine causes a quicker, more potent high than either snorting or injecting it. But that high also is followed by a deeper depression.

That is the hook of cocaine rock.

The low makes the user crave the high of another rock—and do anything to get it. Martin County sheriff's Lt. Jay King said one man hauled his family's refrigerator on his car hood to a dealer at 3 a.m.—for two rocks.

"The cocaine smoker will attempt to overcome that despair by returning to the pipe as long as his supply is available, or the money runs out, or the user collapses from exhaustion," said Jim Hall, executive director of the Up Front Drug Information Center, a statewide drug information center in Miami.

The immediate, intense impact and the initial cheapness of the cocaine rock makes it attractive to younger and less sophisticated users, treatment experts said. Thus, it expands the drug's market and almost guarantees regular customers.

"I've never seen anything like it," Palm Beach County sheriff's Capt. James Kersey said. "This is my third time around (in the unit that handles drug crimes). I've seen heroin, marijuana, acid (LSD), Quaaludes, barbs (barbiturates), amphetamines, and I've never seen anything like this. Never."

The problem is as bad in Palm Beach County as it is anywhere in the country. More than 70 percent of the cocaine users in Palm Beach County who have called the 1-

800-COCAINE Hot Line since it opened in November said they regularly smoked cocaine as opposed to snorting or injecting it, said Peter Gold, director of the hot line in Florida. (Not enough users in Martin, St. Lucie and Okeechobee counties have called for officials to record data.) And 51 percent of the Florida callers said they regularly smoked cocaine, as compared with only 20 percent of the callers in the rest of the country.

'ROCK' ARRESTS SURGE

As recently as a year ago, a lot of police officials in South Florida had never heard of cocaine rocks. The first arrests involving the rocks in Palm Beach, Martin and St. Lucie counties occurred around March 1985, police officers said. The surge of cocaine rocks onto the streets came in the late summer and hasn't stopped.

For example, charges involving cocaine rocks outnumbered all other types of drug charges in Lake Worth in the second half of 1985. A study of the Lake Worth Police Department's records showed 55 cocaine-rock charges filed in the last six months of the year compared with 43 marijuana charges, while marijuana charges outnumbered cocaine-rock charges 59-36 in the first six months. Only 35 charges involving cocaine powder and six charges involving other drugs were filed in the entire year.

Other departments do not note in their statistics whether an arrest involved cocaine rock or cocaine powder. Police said, however, that cocaine arrests overall have increased dramatically since last year.

West Palm Beach police filed 46 cocaine-related charges in January, compared with 27 such charges in January 1985. Cocaine-related charges in Riviera Beach increased from 13 in January 1985 to 35 this January.

According to Hall, reasons for the popularity of smoking cocaine rocks in Florida include:

Trafficking patterns that have introduced coca paste directly into the United States because of a shortage of ether in South American nations, where the coca paste previously was converted into cocaine powder. Cocaine must be in paste form before rocks can be made, though it is possible to return cocaine powder to paste.

Transfer of rock use from Caribbean island nations, such as the Bahamas and Jamaica, where it has been a problem for several years. These islands are steppingstones on the smuggling routes from South America to the United States.

The belief that smoking is safer than other uses, especially intravenous injection, because of the fear of AIDS, which can be spread by contaminated needles. Some authorities said there also is less chance of an overdose.

The marketing of cocaine in a rock form.

"Previously, free-base cocaine was made, whereas now the base rock is made by the seller and sold in the convenient packaging of the rock to the buyer/user," Hall said. "The rock is a handier product to dispense openly. There was no way to dispense free-base, but the rock is easy to market by counting pieces."

The marketing strategy appears to be the invention of the "midlevel user/dealer," Hall said. That's a person who buys an ounce of cocaine, uses part of it himself and sells the rest of it in diluted form to cover his costs.

One-eighth of an ounce of cocaine powder, costing about $240, can make 100-150 rocks, Hall said. At $20 each, they will make a dealer $2,000-$3,000. That's enough profit to pay for a whole ounce of the cocaine powder.

BUYING ROCKS EASY

Business seems to be booming.

Palm Beach County sheriff's undercover agents counted 150 sales in 90 minutes in December in the parking lot of Fred's Motel on Lantana Road west of Lantana, said Kersey, head of the sheriff's Organized Crime Bureau.

" 'Buy from me. My rocks are bigger and better,' " the dealers yell to passing drivers on West Eighth and West 31st streets in Riviera Beach, police Lt. Jerry Pareba said.

Such open solicitation was apparent to reporters from *The Post* and *Evening Times* who, in an effort to determine how easily cocaine-rock sellers can be found, drove West Eighth Street in Riviera Beach and in the Fred's Motel area. Men offering rocks approached the reporters' car as it made its first pass through those areas, and also neighborhoods of West Palm Beach and Lake Worth.

Tucker of the Palm Beach County Sheriff's Office said that dealers, young men in their 20s, have told him they are making $1,000 a day. But because the quantities of cocaine rocks that they carry are small, the dealers who are caught by police do not risk the long prison sentence that major traffickers in drugs risk.

Most of the dealers, as with past drug trends, are black or Hispanic, police said. Haitians also comprise a large number of those selling cocaine rocks, authorities said. That's new and disconcerting, police said, because they previously had not seen Haitians selling drugs. Whites rarely sell the cocaine rocks.

Street sales of cocaine rocks have occurred in the same neighborhoods where other drugs were sold in the past: run-down, black neighborhoods from Delray Beach to Fort Pierce. But the drug market also is creeping into other neighborhoods.

An interracial neighborhood east of Howard Park has become one of West Palm Beach's most highly visible cocaine rock areas. Less than a block from where unsuspecting white retirees play tennis, bands of young black men) push their rocks on passing motorists, interested or not.

"Rock houses," where the drug is sold but not smoked, also are appearing in all kinds of neighborhoods. Police said such operations are so numerous and so mobile that offices cannot estimate their numbers.

Whether cocaine rocks are sold by a dealer on a street corner or in a rock house, it usually is "a quick exchange," Tucker said. "You're there. You give them a twenty. Bam, they drop a rock in your hand. You're gone."

ADDICTION QUICKER

Good business for the drug dealer means bad news for the user as well as the community. Drug treatment experts find the cocaine-smoking trend to be alarming because it seems to cause addiction to the drug faster than other methods of use.

Hot line directors said callers who smoke cocaine have reported becoming dependent on the drug within five to six weeks. Experts said a person who regularly snorts the drug usually develops a dependency only after four to five years of use.

The reason is that the cocaine rock is a "more compulsive drug than cocaine hydrochloride," Hall said.

By smoking cocaine, the effect on the central nervous system is delivered in five to eight seconds, treatment experts said. Cocaine affects the nervous system in about eight to 14 seconds when it is used intravenously, 30 to 60 seconds when snorted, and about five minutes when swallowed.

The period of the high also is described by users as shorter, with a more concentrated jolt, Hall said. Each rock provides a two- to five-minute sensation, compared with the 20- to 30-minute high received from snorting the powder.

"It has a lower starting price, but once they (the dealers) get somebody hooked, it's just steady business," said an experienced undercover agent for the Palm Beach County Sheriff's Office. "(Sellers) know the customer is bound to be back soon to buy more."

The availability and initial cheapness has caused cocaine use to spread to all levels of society.

According to Gold's 1-800-COCAINE Hot Line statistics, 52.3 percent of the cocaine users who called the Florida number in January earned $10,000-$25,000 a year, and 35.3 percent made less than $10,000 a year. Less than 10 percent made $25,000-$50,000 a year.

But the average user in Florida spent about $403 a week on cocaine, according to Gold's statistics. That's nearly $21,000 a year—as much or more money than 80 percent of the users earn in a year.

Those numbers would seem to indicate that some users must resort to crime to buy the drug. Indeed, 31.4 percent of the hot line callers in Florida reported dealing cocaine, and 22.8 percent said they had committed other crimes.

Police admit they have no statistics to show that the rise in cocaine use is related to a rise in the crime rate. But they said they base their belief of a connection on confessions in which suspects arrested in burglary and robbery cases admitted that they stole to support a cocaine rock habit.

Police said they also frequently find stolen goods at houses where the rocks are sold.

"Most of them (arrested burglars) said they immediately barter the stolen items for cocaine rock," Lake Worth Police Capt. Marty Kerner said. "For that reason, they mostly want to steal money and jewelry, followed by TV's, stereos and VCR's, because they are movable."

The drug-buying situation itself often leads to crimes other than the drug transaction.

Police said dealers have told them that women freely will trade intercourse or oral sex for a single rock. Or dealers offer buyers the services of a prostitute at the same time they sell them rocks.

Dealers often sell buyers "rip"—a piece of gravel, wood, wax or any other substance that looks like the rock cocaine. Street dealers also have reached into passing cars to grab motorists' money and jewelry, police said. Often the driver is a drug buyer. Sometimes they are not.

Some buyers are prepared for trouble. Kersey of the Sheriff's Office said his agents often arrest buyers with guns or clubs on the front seats of their cars.

"Asked why, they say it's in case they get ripped off," Kersey said. "Yet, to me, the mere possibility of being ripped off, or the fear factor, would tell you don't go to someplace like that. I can conclude only one thing—that their addiction is so tremendous that they just throw caution to the wind."

THE LURE OF THE ROCK

Smoking cocaine rock is a different high from snorting cocaine powder, according to a 25-year-old man who said he formerly dealt and used both forms of the drug.

"When you snort, you get a shaky, wiry high," he said. "But when you're smoking it, you're more or less laid back, relaxed, mellow like you're in an oblivion. You get real friendly. That's why guys like to do it with girls."

After the high, though a deep depression sets in.

"You lose all good feeling about yourself, you get real depressed," he continued. "You get mean. I got very mean. My temper would flare. If someone said something to me at the wrong time, I'd snap.

"I wouldn't hit them, but I'd get to the point where I was on edge and wanted to get that good feeling back again."

He went on binges in pursuit of that good feeling.

"Sometimes I'd go eight or nine days without sleep," he said. "After I came down, I'd sleep maybe 48-72 hours, just straight through. I'd wake up three or four days later, and think 'Like wow, what happened to me?' "

POLICE FAST BEING EDUCATED ABOUT DRUG

(By Paul Blythe)

A South Carolina police officer called the Palm Beach County Sheriff's Office recently. He needed some information.

"What's this rock stuff?" he asked Sgt. Michael Tucker. "I never heard of it."

Tucker says, "I told him, 'You better gear up buddy, because it's coming.' "

Cocaine rock—already an epidemic some say, in South Florida—is an unknown commodity in some parts of the United States.

"It seems South Florida, being the gateway for drug importation, sees these problems first," Fort Pierce Police Chief James "Bo" Powell said.

But the cocaine rock problem, according to law enforcement officials, has spread faster than previous drug trends. Tucker, head of the sheriff's unit that concentrates on stopping street drug sales, admitted that even he didn't know much about cocaine rock a year ago. Now he knows only too well. It is the only drug he needs to worry about because it is fast becoming the only drug sold in the streets.

"The same places where you used to be able to go buy coke powder or reefer (Marijuana), now you can't buy nothing but rock," Tucker said.

Those are places like Fred's Motel, a rundown tenement for farm laborers on West Lantana Road until it closed last week, or what used to be The Tree bar on Indiantown Road west of Jupiter—places where in the last three months Tucker and his squad of several men have arrested more than 200 people trying to sell cocaine rock or buy it. He expects the total arrests of Operation Rock 'n' Roll to reach 500 before the next three months are up.

Dealers have continued to sell cocaine rocks in those two areas despite the frequent arrests, the closing of Fred's Motel and the demolition of The Tree, police said.

Other areas in unincorporated Palm Beach County for repeated cocaine-rock arrests have been the Tradewind Apartments at Southern Boulevard and Congress Avenue in suburban West Palm Beach, outside Sam's Grocery on Boynton Road at SR 441, and a pocket on Germantown Road near Swinton Avenue in Delray Beach, police said.

Other law enforcement agencies in Palm Beach County and on the Treasure Coast have noted that the sale of other drugs has decreased with the rise of cocaine rock. Marijuana arrests once far outnumbered arrests for possession or sale of cocaine. But police said that is starting to change.

Riviera Beach, for example, recorded 151 cocaine-related charges in 1985 compared with 67 that were marijuana-related. Cocaine-related charges also outnumbered marijuana charges in Boca Raton. West Palm Beach led municipalities in cocaine-related charges with 486 last year.

In Stuart, a one-day drug sweep netted nearly as many cocaine-related arrests as the Police Department made in all of 1985. Police Chief Charles White said. Sixty people were arrested Feb. 8; 77 were arrested last year. Furthermore, all of the arrests made in the sweep involved cocaine rock. White said.

Fort Pierce Police Chief Powell said his department made 254 drug arrests in 1985, compared with a total of 592 drug arrests in the previous five years. Attributing the increased arrests to the rise of cocaine rock, Powell estimated that at least half of last year's arrests involved the new form of cocaine.

Yet whatever tactics the police use, sales still increase.

Lake Worth police Sgt. Brad Cummings had undercover officers on bicycles and in taxicabs ride up to dealers to buy drugs and make arrests. He said he "used any excuse," like noting a traffic violation, to stop a car carrying whites out of the black neighborhood where cocaine rock was sold. Then he would check the car for drugs.

All it did, Cummings admitted, was cause some of the drug sellers to move from the Washington Avenue and Wingfield Street area that they had frequented to neighborhoods farther north.

A dealer on M Street near Howard Park in West Palm Beach stuck what appeared to to be a cocaine rock beneath the nose of reporters from the Palm Beach Post and the Evening Times who drove through some of the reputed drug areas one afternoon last week. "Taste it," he said, offering to prove it was cocaine.

Men also offered the reporters what they said were cocaine rocks at West Ninth Street and Avenue H in Riviera Beach and along Wingfield Street in Lake Worth. The men were loud and conspicuos, yelling and sometimes rushing at the car.

Other trouble areas reported by police are:

The area north of Avenue D and west of North Seventh Street in Fort Pierce

East Seventh Street and Tarpon Avenue in Stuart.

The Booker Park area of Indiantown.

The Dunbar area of Hobe Sound.

Fifth Street and B Place in Belle Glade.

West Eighth and West 31st streets west of Old Dixie Highway and the intersection of West 29th Street and Avenue S in Riviera Beach.

Broadway from 45th Street to Northwood Road, 10th Street and Tamarind Avenue, 19th Street and Tamarind Avenue, and the streets between Lake Avenue and Alabama Avenue south of Okeechobee Boulevard for about three blocks in West Palm Beach.

Dixie Highway from Fifth Street south to the city line in Lake Worth.

Marthin Luther King Boulevard between Northwest Fourth Avenue and Northwest 12th Avenue in Boynton Beach.

West Atlantic Avenue between Fifth Avenue and 12th Avenue in Delray Beach.

Such areas are where police concentrate their efforts. But there are other less obvious places where people buy cocaine rocks, such as bars.

LIVES ON THE ROCKS: "I JUST STARTED SCREAMING"

Jack, 37, once a successful financial adviser with a master's degree in psychology, had snorted cocaine for 15 years before he smoked his first rock. "I was using it socially," he said, "and I thought I could control it."

But the rock put him over the edge.

Jack's memory is not clear about when he first smoked his cocaine. That first experiment with the rocks left him in a coma after a brutal automobile accident. He was in and out of the hospital for a year after that.

Eager to celebrate after that year and 28 operations were behind him, Jack turned to something familiar—cocaine.

"I bought some rocks. It gave me a feeling of euphoria."

Before cocaine rocks, 15 years of casual cocaine abuse already had scarred Jack's life. His wife had left him, and a profitable clothing store had gone bankrupt. But the rocks made things even worse.

A $50,000 inheritance went up in smoke. Jack pawned his jewelry, then his furniture, his paintings and his clothes. "I wrote Publix one bad check for $100," he recalled. "Once I saw how simple it was, I proceeded to write bad checks at every Publix in Palm Beach County."

Jack and a drug-using friend started rolling pennies. With the electricity cut off and the bank about to foreclose on his home, the only thing Jack had left to see was his car—a Cadillac worth $6,000. He settled for $2,000.

Jack made one stop on the way home. He spent $100 on four rocks—a little boost to help him through the hard times. He still had $1,900 to apease his creditors.

"I smoked those four rocks at 6 p.m. At 4 a.m. I looked (for) the stack of $100 bills I had brought home, and they were gone." Jack had spent the money on cocaine, running out to his supplier, smoking and then making another run, over and over again.

"I just started screaming. I had lost everything I had worked a whole life to get."

That was the point when Jack found his way to treatment. He has been clean for six months and has a somber warning for others.

"I've done just about every drug in every way," Jack said. "Cocaine (rocks) are the most dangerous thing out there today. You get hooked faster.

"Only when I was free-basing did I get rid of everything and start lying and stealing. My whole value system broke down. It's deadly."

It started last summer, said the 17-year-old who says she's a senior at John I. Leonard High School in suburban Lake Worth. Her boyfriend got her to try cocaine rock one night.

"It was super," she recalled. "I mean, you can't imagine how good you feel. I loved it right away—what a high."

So it began. Mostly on weekends, but sometimes during the week. Never on campus, she said. They'd go off by themselves, sometimes to his apartment, sometimes to the beach . . . They'd free-base the rock—smoke it by heating the rock, melting it down in a soft-drink can and inhaling the fumes . . .

"I wasn't really addicted. Well, yeah, I guess I was. I started wanting it all the time. I'd beg my boyfriend to get me some. He thought I was getting carried away so he started backing off—wouldn't bring me any. God, I used to get so mad at him . . . Sometimes I hated him. Sometimes I thought I'd die without him and without (cocaine) rock."

So the pretty young girl with dirty-blonde hair, deep blue eyes and a model's figure says she started stealing. She needed money to buy the rock. She'd help herself to money from her mother's purse. She'd buy three or four a week, at $20 a rock. When her boyfriend left for college, it got worse. It was harder to buy, more difficult to get the money. Drug treatment came after she stole an heirloom from her mother. And she got caught.

"It was my great-great-grandmother's wedding ring, really beautiful. My mom never wore it, just kept it in her jewelry box. I didn't think she'd miss it—not right away at least . . .

"But my mom and dad had been watching me. They knew I was up to something. They finally cornered me about it, blasted me like you wouldn't believe. They got the ring back. Cost 'em $100. God, I thought my mom was going to kill me at first."

Robert tried to escape from heroin by moving to Palm Beach County and opening a newspaper stand.

But he also discovered cocaine. A friend showed him how to make free-base rock. Six months later, Robert had spent more than $50,000 on the drug and lost his newspaper stand.

"My free-basing period was very short compared to my 20 years out there (with other drugs)," he said. "It brought me to my knees very fast. I found it mentally more addictive than any drug I've ever used, heroin included."

During the first few months, he would count the minutes to the end of the business day. He would then rush home to make and smoke cocaine rock. He said he would smoke the cocaine until 7 a.m. the next day and then get too sick to go to work until noon.

"I mean, I got deathly sick," he said. "I would throw up after every puff and I still went back and smoked some more. I would lay down on my bed, and I couldn't sleep. It would call me back into the other room to light up again."

If it was paranoia about going to work that Robert suffered, he found a solution by taking his pipe to the newspaper stand.

"I was financially almost in ruin, was certainly physically in ruin and was an emotional vegetable," he said. "I was so sick of being sick all the time."

He told a customer he had a friend who needed help. The customer referred Robert, 40, to a treatment center.

"It's a little hazy as to how I got there, but I got there."

At age 14, the Joe his mother knew was his troop's Boy Scout of the Year for the second year in a row.

Three years later, the Joe his friends knew was a tall, wiry blond who on trips to buy cocaine rocks at Fred's Motel west of Lantana would pack a .357 Magnum handgun in the wasitband of his pants.

"He told me that when he was on the drug, he would do anything for more," his mother Roberta said. "He didn't care if he died. He didn't care if he got caught stealing. He had no conscience, I guess."

Joe started drugs shortly after his second Boy Scout award. A friend turned him on to marijuana at the bus stop one morning. From there it was alcohol and cocaine powder and several arrests for theft and minor crime. He dropped out of high school.

His mother and stepfather finally persuaded a judge to commit him to a drug treatment program last year. One week after completing the program, a friend at work introduced Joe to cocaine rock.

"The first time I tried it, I thought, 'Like, this is great. We got to get more,' " Joe said. "It was an instant high. It was the ultimate."

At work, where Joe drove a forklift, he and his friends smoked cocaine rocks and marijuana at lunch each day.

He was fired, and he hadn't been home for two days when Roberta received a phone call from a woman at a check-cashing business. She wanted to know if a check written by Joe was good. "I said it was, but I had to her give him a message. I said, 'Tell him to come home.' "

Joe returned home that night, had a talk with his parents and decided to return to treatment.

"I know if I don't make it this time, I'll just sink to a lower bottom," Joe now says.

His mother says: "the first time he learned all the right things to say to convince everyone he got the training. But now he's sharing his gut feelings with me . . .

"I've never felt closer to my son."—Compiled by Paul Blythe, Linda Lyon and Carol Smelser Perry.

ROCK SELLERS NEITHER SHY NOR UNAVAILABLE

(By Paul Blythe)

Two o'clock on a weekday afternoon. Retirees in white trunks and polo shirts play tennis at Howard Park in West Palm Beach.

Half a block away, eight men stand in the middle of M street. A sports car, carrying two reporters for The Post and The Evening Times, slowly cruises by. The men chase it and shout for it to stop.

It does. Two of them go to the driver's window, one to the passenger's.

"You want some rock, man? Buy my rock. I got the biggest rocks," says a man at the driver's window as he pulls a two-by-two-inch plastic sack from his pants pocket. It is full of off-white pebbles.

The driver asks if the cocaine is any good.

"Taste it," say another seller, holding out a square rock about four inches from the passenger's nose.

LIKE ASKING DIRECTIONS

Buying a cocaine rock can be as easy as asking for directions on the city street.

Snaggle, one of the eight men encountered by the reporters on M Street, was helpful when he heard the potential customers had never tried the drug. He leaned through the car window.

"I got some ear ring. You know, make yo' ears ring, it so good.

"See these right here. We goin' to smoke 'em good. Get you high. Show you how to do it. Can I tell you what to do? I'm goin' to leave the car and I'm goin' to meet you in the alley with my can (to smoke the rocks)."

He turns to leave, but whips back around to face the car. "Hey, you want girls? I'll get you girls, black girls. I can get 'em . . . I swear. I ain't jivin' you."

For the growing numbers of the white middle class who have become hooked on cocaine rock, buying the drug can be like stepping into a foreign culture.

The experience of a street buy is foreign enough. "When you like it, you treat me right. Don't need to go to nobody but me," Snaggle said.

Police have encountered several houses where Hispanics and Haitians sold cocaine rocks while surrounded by icons of Santeria, a Caribbean folk religion that mixes Catholicism and traditional African beliefs.

Lighted candles and red Christmas lights adorned the floor-to-ceiling Santieri altar that sheriff's officers discovered in a "rock house" in Westgate, a neighborhood just west of West Palm Beach. The statues were of Mary and Jesus, but Mary carried a sword and Jesus a club. Another statue, of a saint shriveled in pain, was at the foot of the altar.

"It's voodoo. They're supposed to keep cops away," a Palm Beach County sheriff's undercover agent said.

Sheriff's detectives have made arrests involving cocaine rocks at the Westgate house and another in suburban Lantana after searching each of them more than once. For each search warrant obtained, an undercover agent or confidential informant first must go into the house and buy a cocaine rock.

The Westgate house is down the street from a nursery school. The suburban Lantana house is less than a block from the home of a Lantana police officer.

In West Palm Beach, people are starting to sell rocks from behind doors opened only as much as safety chains will allow, police Lt. William McGinley said. Or they exchange rocks for dollars through an L-shaped slit in a screen door, he said.

In some alleys, these doorways are close enough to the street that a person can consummate a deal from his car seat.

Police breaking into these units recently have been finding mostly Haitian women with a roomful of children. That's bad for police, McGinley said.

"You can't go running over little kids," he said, "and it gives mom time to flush the drugs."

IT TAKES ALL TYPES

Although police said most dealers are black, cocaine rocks are sold in all types of neighborhoods by all types of people.

An ex-Marine, 25 and white, said he sold cocaine rocks out of his trendy townhouse in West Palm Beach for about six months before he got out of the business six months ago.

"People used to give me VCRs and TVs . . . One guy even brought me his mother's wedding ring and I told him, 'No. I can't do it.'

"But when it came to VCRs and things like that, sure. Easy money. I never even asked where they came from. I never wanted to know."

For each piece of electronic equipment, he gave the buyer an inch-long rock for which he usually charged $40. Then he sold the TVs and VCRs for $150 to $300 each.

"You'd be surprised when people get hooked on that stuff, what they'll do. They'll sell their wives. I had girls come up to me and give me (sex) just for a rock. No big deal."

Waitresses and topless dancers were his biggest customers, he said.

But he usually didn't allow them to come to his apartment. Instead, he paid a few other users to deliver the drugs to his other customers.

"A rule I made was there was no one at the house that I didn't know. If someone came to the house that I didn't know, I told them I didn't have anything."

SCHOOL OFFICIALS AMASS WEAPONS IN WAR ON DRUGS

(Carol Smelser Perry)

Thanks to drug-sniffing dog patrols on campus and intensive drug-education programs, Palm Beach County school officials are confident the rampant sale and consumption of cocaine rocks is largely an off-campus problem.

And they want to keep it that way. But they know if there is a trend out in the community, chances are it quickly will find its way into the schools.

I wouldn't say there's a problem, but we are very much concerned about cocaine and its availability on campuses," Johnny McKenzie, director of school security, said. "The school campus is just a small community. Whatever goes on in the community, whatever problems there are in the community, are reflected on school campuses."

In its most recent survey, conducted in November 1985, the University of Michigan's Institute for Social Research reported the five-year decline in drug use among high school seniors has stalled and that use of cocaine is increasing. The survey, conducted in 132 high schools around the nation, indicated the use of marijuana, tranquilizers, barbiburates, alcohol and cigarettes are no longer declining and the use of some drugs, including cocaine and opiates other than heroin, is increasing.

While the survey concludes marijuana still is the drug most abused by students around the nation, the availability of cocaine powder and rocks in Florida has local school officials worried.

"We know the drugs are out there and we know some of it finds its way onto school campuses," McKenzie said. "But it's ludicrous for them to take the risks they take when they carry drugs, buy or sell them on campus. That's why we're worried about this coke rock thing. It is so available out there. It doesn't identify any race, creed or economic background."

Last year at Suncoast High School in Riviera Beach, an undercover policeman posed as a student and arrested 10 students for selling marijuana on campus. Last month at Lake Worth High School, five students with failing grades and files filled with notations of disciplinary problems were arrested by another undercover policeman who posed as a student for a month and bought cocaine five separate times on campus. Two weeks ago, a Jupiter High School girl was carried out of her physical education class because of what police say were seizures caused by withdrawal from a drug they believe was cocaine. She is now in a treatment program.

For that reason, school security officials are boning up on the facts about the latest drug fad, cocaine rocks. In February, local School Board security officers attended a daylong workshop presented by agent Frank Torres of the Riviera Beach Police Department.

"Frankly," McKenzie says, "we don't know whether we've got a problem with cocaine rock or not. But we're hoping to forestall one by knowing what it's all about, what to look for."

The drug threat has school officials in nearby counties studying the problem too.

"We know we'll probably never completely eliminate all drugs on campus, but youngsters are aware of the penalty," says V. James Navitsky, Martin County schools superintendent. "The majority of the drugs we find are marijuana, a few pills, but not a lot. No cocaine or cocaine rock yet."

Five years ago, Navitsky said, stringent guidelines were established for students who are caught with drugs on campus.

"They get expelled, for at least a semester. It's as simple as that," Navitsky says. "There is no warning, there is no second chance. We don't bend."

As a result, about 350 students from Martin County's two high schools have been expelled over the past five years. This year, Navitsky says, there have been between 35 and 40 students who've been caught and expelled.

St. Lucie County school officials say they rely on on-campus security and student informers to stem the flow of drugs on their two high school campuses. Chuck Garrett, director of security for St. Lucie schools, said there are no other formal drug-control programs in effect in this district.

Two years ago, according to McKenzie, Palm Beach County school officials believed the drug problem on campus was getting out of hand. Some students, less than 2 percent McKenzie said, were smoking marijuana or talking pills on campus and going to classes high.

Last year, school officials hired an independent agency, D-Tek Enterprises of Boca Raton, to bring dogs onto campuses to sniff out drugs, alcohol and even firearms. Officials have been encouraged by the results. Although he doesn't have specific statistics, McKenzie says the number of drug-related campus incidents have been reduced to such a degree that he fears there could be a tendency to become complacent. But the new threat of cocaine rocks has dispelled that complacency.

"What we have tried to do is to make it very costly to buy, sell or use drugs on our campuses. We want the kids to know the risk they are taking once they do bring the drugs on campus," McKenzie said. "Our message: You do it at your own risk and the penalty is very severe if you get caught. We're injecting the fear factor: the fear of getting caught. With our sniffer-dog program, kids are thinking twice before bringing drugs or other substances on campus."

McKenzie refers to the recent Lake Worth High School drug bust as an example of the effectiveness of the sniffer-dog program.

"Our agent called and said, 'Take the dogs off campus. As long as the dogs are here, I can't buy anything.' "

When McKenzie removed the drug-sniffing dogs, he says, the agent had no problem buying the drugs.

McKenzie says surveys the district has conducted in the past indicate less than 2 percent of all the county's students use drugs on a regular basis, although they admit many more may have tried them. And while state law requires "a free and appropriate" education for all children, the school district's first responsibility, officials contend, is to the other 98 percent of students who are going to school to learn. Palm Beach County Schools Superintendent Tom Mills says students deserve a drug-free environment in which to learn.

"Our obligation is to keep the schools free of drugs and provide an environment conducive to learning," Mills said.

"I really don't think there's much on campus, but if a kid wants to buy a rock, I can't think of any school that the kids don't know where to go to buy drugs," McKenzie said.

Mills said the matter of open campuses and a uniform locker assignment system must be addressed before the drug problem is fully under control in the district.

Of the 14 high schools in Palm Beach County, 10 have closed campuses, meaning students are confined to school grounds for the entire school day. Only four, Twin Lakes, Forest Hill, Suncoast and North Shore, allow students to leave campus during lunch breaks. At Forest Hill, only juniors and seniors may leave campus. At Suncoast, only seniors have that privilege.

And there's the problem of lockers. Many of the high schools do not have a uniform system for assigning lockers.

"A dog can alert (signaling drugs) on a locker and we won't be able to find out who the locker belongs to," McKenzie said. "We need to have a uniform system for all the high schools where each child is assigned a locker and the administration has a master key to get into it."

School officials realize they have a long way to go to completely prevent the flow of drugs onto the campuses of Palm Beach County. But they're pinning their hopes on widespread, intensive drug-education programs, the sniffer dogs and their other beefed-up security measures.

McKenzie summarizes, "We know it's out there. We're realistic. All we're hoping to do is keep it out of the schools."

MANY STUDENTS IN PB COUNTY ARE WORLDLY WISE ABOUT DRUGS

(By Carol Smelser Perry)

Kids in Palm Beach County know a lot about drugs.

Sophisticated in ways that might amaze even their parents and teachers, these kids know where to buy drugs, how much they cost, how to use them and what kind of high to expect.

Nearly 300 students, ages 11-19, were interviewed at two public middle schools and eight public high schools from Boca Raton to Jupiter, as well as at some of their favorite hangouts.

Of them, 227 said they knew where they could buy drugs. Most refused to say whether they had ever tried marijuana, cocaine or cocaine rock. Many, when asked about drug use by themselves and their classmates shrugged and walked away without answering. Some stood and listened as friends talked. Others talked about what they believe is becoming a problem and possibly even a serious threat to their generation.

It's lunchtime at Twin Lakes High School in West Palm Beach. The campus is open, which means students can leave the school grounds during lunch breaks. Across the street, the Campus Shop is doing a brisk business selling fast foods and school supplies. The grounds in front of the school are covered with clusters of students sprawled out on the grass eating sandwiches, chatting with classmates or digging into textbooks.

A young sophomore girl sits with her friends on the grass. She's studying the Florida Driver License manual, preparing for a test.

"Cocaine rock? No way. I don't take any drugs," she said. "Man, you gotta be crazy to get messed up in that."

About 30 feet away is another group of students, clean-cut and well scrubbed in their blue jeans and crisp oxford cloth shirts.

"I'll tell you," said a baby-faced white senior boy, "you won't find much drugs on campus anyway. Off campus, that's another story. But most of the kids that are into drugs quit school. They don't belong here anyway, they aren't here to learn, they're here to make a buck. It burns me up."

"You wanna know about coke? Go over there. Ask the 'rockers'—the ones with the punk clothes and punk hair. They'll tell you about coke rock," said a student at Atlantic High School in Delray Beach.

The "rockers" were seated in a circle on the grass, hair sticking up in spikes around their heads and hanging scraggly down their backs. The kids don't want to talk. But they smirk when cocaine is mentioned.

"Wanna see my tracks?" jeers one boy. Injecting drugs into veins leaves marks called tracks. He pulls up the sleeve on his shirt.

It's the end of the day at Lake Worth High School. Students are streaming out of buildings, heading for the parking lot. Four black youths stand near the gym, waiting for basketball practice.

Yeah, they say. They know about coke rock. They haven't tried it, but they know where to get it. They know students who use drugs. But they do it at parties, not at school.

"Man," one boy says, "school is hard enough without that . . . Who needs it?"

DRUG OF FRUSTRATION CREATES "REVOLVING-DOOR JOKE"

(By Paul Blythe)

Men trying to sell cocaine rocks have gone door-to-door at the apartment house John Justiss owns in West Palm Beach. One tenant was startled when a dealer climbed into the cab of his pickup.

Potential tenants calling about his ads hang up the phone when Justiss tells them the eight-unit apartment house is on N Street. Less than two years ago, he could honestly tell them the drug problem was three blocks away. No more.

"I'm frustrated," Justiss said, "It's open, very open. Talking to the police, I sense they have a feeling that they can't contain it.

"But I don't buy that nothing can be done . . . as a property owner I feel I have a right to have the streets safe."

Cocaine rock is a drug of frustration, even for those who do not use it. The man in the street, the police, prosecutors and judges all are feeling it. They all know how to answer criticism for their failure in stopping the drug's spread. But most, like Justiss, admit thay don't know how to solve the problem.

"We, the authorities, the entire judicial system have failed in our efforts to combat the cocaine rock problem," Riviera Beach Police Chief Frank Walker said.

Justiss and other landlords in the neighborhood east of Howard Park have met to discuss measures such as hiring security guards and blacklisting suspected drug dealers from their rental apartments.

Residents of the northeastern section of West Palm Beach have formed the Northwood Citizens Association to apply pressure to politicians and police to clean up their area.

The police, in turn, say they are arresting as many cocaine-rock dealers as possible.

Ten men of the West Palm Beach police unit that concentrates on street drug sales filed 1,302 drug charges against 784 people from the time of the unit's May 1 creation until Jan. 31, said Lt. William McGinley, head of the unit.

The Palm Beach County Sheriff's Office has used fewer undercover agents in its Operation Rock 'n' Roll, which has resulted in more than 200 arrests in five target areas since it began Dec. 10.

"It has slowed down, but buyers are still coming to the areas despite heavy media coverage of the arrests," Palm Beach County Sheriff's Capt. James Kersey said.

Law enforcement frustration centers on what police say is a lack of public perception of the danger and complications peculiar to fighting the cocaine rock problem.

"I think it's probably the most dangerous situation of buying narcotics that I've ever seen," said a veteran undercover agent.

Cocaine users also are more dangerous than users of other drugs because cocaine is a stimulant that usually causes paranoia, police said.

"Heroin addicts used to stop and give up easy if you got them shoplifting, but catch a guy on cocaine rocks and you're apt to get in one hellacious fight," Belle Glade police Sgt. Dan Crist said.

The rocks themselves provide other difficulties for police. They are so small and so similar in appearance to real pebbles that they are easily hidden, police said.

Dealers on the street and in houses usually carry only a few rocks, police said. That way they can avoid arrest by dropping them to the ground.

If they are caught holding the rocks, they can be charged only with possession instead of the more severe charge of trafficking, which requires possession of a large amount of cocaine.

Suppliers circulate regularly to deliver more rocks and collect the drug money.

"The money don't stay there long, and the rock don't stay there long. There's never massive quantities, and it makes it very difficult" said Palm Beach County Sheriff's Sgt. Michael Tucker, head of the unit that concentrates on street sales.

For example, undercover sheriff's agents twice bought cocaine rocks at 130 Plum Tree Drive in suburban Lantana to obtain two search warrants within one week in March. Yet, when they served the warrants they found no rocks the first time and one rock the second time.

"But more than the arrest aspect of it," Kersey said, "the problem is the lack of recognition in the judicial system as to the severity of the drug."

The sentiment was echoed by police throughout Palm Beach County and the Treasure Coast.

"The judicial system doesn't seem to place much interest in the drug problem unless it is the massive big loads," Riviera Beach Chief Walker said. "We should concentrate on putting street-level people out of business and have the courts put them away so it's no longer a revolving-door joke."

Nearly one-fifth of the street dealers arrested by the West Palm Beach police tactical unit have been arrested before on drug charges, McGinley said.

The reasons, police said, are low bail bonds, light sentences and cases dropped by prosecutors or thrown out by judges.

Defendants in street-level drug cases often are released on low bail bonds or their own recognizance because the jails are overcrowded, spokesmen for judges and state attorney's offices said.

Moreover, there is a fundamental difference of opinion between police and judges about the role of the courts.

"We understand that the jails are overcrowded, but we kind of get the feeling that the courts just don't support us," Tucker of the Palm Beach County Sheriff's Office said. "We go out there and stick our necks out and the courts just don't back us up by giving these people some serious jail time."

Palm Beach County Circuit Judge Edward Rodgers said, "They're right about that. It has always been my feeling about our relationship with police officers that we're not on the same side."

Rodgers has devoted special attention to how the criminal justice system handles the cocaine-rock epidemic. As the circuit's probate judge, he handles the non-criminal cases in which a person is ordered to undergo drug treatment as an alternative to jail.

"You see, that is a fallacy that (police) believe that they think we ought to be on the same side . . . Besides, if they make an arrest it may or may not be a legal one. . . ."

Palm Beach County Assistant State Attorney Jerry Mendelsberg said the state usually reduces charges and offers light sentences—60-90 days in the county jail for possession of cocaine and six to seven months for selling cocaine—if a person agrees to plead guilty immediately.

To deter cocaine use, Mendelsberg said he believes the state needs mandatory minimum sentences for sale of cocaine, stronger sentences for defendants convicted of repeated burglaries and mandatory drug counseling for defendants convicted of possession of cocaine.

"Eventually I think the judges will get the message that we are asking for more jail time and that the public demands it."

Rodgers disagreed.

"I don't think the solution is to give everybody more time and put people in jail. I believe Florida puts more people in jail than 47 of the other states and yet our crime rate is no lower than anybody else's.

"For me, the real answer is to increase treatment, increase public funding of treatment and increase education to try to defuse this thing."

He proposed that police agencies contribute a portion of the money they derive from confiscated contraband to public drug treatment programs. Police agencies are permitted to keep the cash and property, such as boats, airplanes and motor vehicles that they confiscate in major drug arrests.

"My feeling is that the addict, untreated, provides the criminal the police are going to be looking for tomorrow," Rodgers said. "They have a vested interest in doing as much as possible to get these people treated . . ."

DRUG TREATMENT IS NOT EASY ROAD

(By Linda Lyon)

The scenario is all too familiar: They hear the ads on television first.

"You don't have to live like this. There is a solution."

Their lives devastated by cocaine, they want to believe in solutions. So they call.

The first question—Do you have insurance?

Too often the answer is no.

Private treatment for drug abuse can cost from $7,000 to $20,000. Most people don't have insurance to cover that. Even those who once had the resources are usually broke by the time they seek treatment. It is often the depletion of their own resources that has triggered the drug abuser's plea for help.

"They listen to the ads on TV promising help and then they call," said Eric Pidrman, director of admissions for the non-profit Comprehensive Alcohol Rehabilitation Programs Inc. based in West Palm Beach. They are told if they have $15,000 or a nice fat insurance policy, they're eligible."

Turned away by the private treatment centers, the addicts look to public clinics.

"Then we get a call from an irate person who wants instant help for free," said David Cueny, clinical director at the Drug Abuse Treatment Association in North Palm Beach.

There just aren't enough beds or therapists to respond to those calls. In District 9 of Florida's Department of Health and Rehabilitative Services, an area encompassing Palm Beach, Martin, St. Lucie, Okeechobee and Indian River counties, the state subsidizes only 50 beds for the treatment of drug abuse patients. Other non-profit treatment centers offer a low-cost alternative, but most have waiting list of as many as 200 people.

The need for treatment facilities in the midst of what experts describe as a cocaine rock "epidemic" is clear. The solution is not.

The debate seems to center on whose problem this is—the addict's or the public's. Some say the addict who has squandered thousands, sometimes even hundreds of thousands of dollars, on his habit should foot the bill. Others say taxpayers will pay eventually anyway, as addicts resort to crime and end up in the criminal justice system. Why not pull the addict in off the streets before that happens, treat him and save money in the long run?

The critical first step for many is often that first call to a crisis or information hot line. Peter Gold, administrator of the 1-800 COCAINE hot line, said he receives about 100 calls a day from addicts in Florida. The Florida headquarters for the national hot line was established in November at Fair Oaks Hospital in Delray Beach.

The hot line responds to a critical need, Gold said. "People on the street don't know where to go to get help when the crisis comes," he said. "All they're thinking about is where they will get their next high."

Gold tries to answer their questions about cocaine, then refers them to an agency or support group that can help. Other hot lines are involved in crisis intervention. They attempt to counsel callers and then refer them to someone who can help.

The help is not always there.

"One mother has been calling for two weeks," Cueny said. "In three to four weeks her 17-year-old son sold two televisions, a stereo, a home computer, all of his mother's jewelry and his brother's bike. He needed money to buy cocaine rocks."

Cueny, flooded with calls from equally desperate people, had to tell the woman to wait two weeks until they could schedule an appointment with her son.

That's a long wait for a family in "chaos."

"You need motivation to wait," said Margaret Mitchell, adult program director for the non-profit South County Drug Abuse Foundation.

"With cocaine addiction, the need for immediate response is so great and our ability to respond is so inadequate," Pidrman said.

According to Diane Spero, a former cocaine addict, the addict's own family can undermine the addict's willpower when it comes to waiting. The families of drug users sometimes want to keep the problem quiet, said Spero, founder of Prevention Connection, a local drug education and support group affiliated with the National Federation of Parents for Drug Free Youth. "If they go for help, word will get out," she said.

Even families who do want to respond to the problem often fail. When this happens, they face a tough decision as to how far to go to force treatment.

The option of last resort is the "drug act." In 1980, the Florida Legislature gave family members the option of filing a request for court-ordered treatment for drug abuse. One addict was treated under the drug act that year. Last year, 284 petitions were filed in Palm Beach County, Pidrman said, and at the current rate the number of petitions could jump to almost 900 this year. In Martin, St. Lucie, Indian River and Okeechobee counties, there have been 39 drug act petitions in the past 14 months.

Sometimes families misinterpret what they are seeing. "We get a lot of people with drug and alcohol problems whose families think they have mental disorders," said John Murphy, who screens patients for admission to the 45th Street Community Mental Health Center in West Palm Beach. "They are often just unhappy. People mistake self-pity for depression, but there is no pill for self-pity."

The center refers drug abuse clients to other agencies for treatment. If cocaine is the primary addiction with no alcoholic implications, users may have to wait three to four months for treatment with CARP, Pidrman said. Most of CARP's beds are set aside for alcoholics. But because most cocaine addicts also have a problem with alcohol, many of CARP's beds that have been designated for alcoholics now are occupied by cocaine addicts.

Since late last year, all of the non-profit drug treatment centers have had to put people on waiting lists. These centers offer treatment at lower prices generally established on a sliding scale. Treatment in a non-profit center can cost from nothing to $55 per day.

But waiting lists for all kinds of treatment are becoming "bigger than all of us," said Richard Mills, executive director of the Indian River Community Health Center.

"If someone comes in with a cocaine problem, the response is 'You've been doing cocaine rocks for the last two to three months. Who hasn't?' " Pidrman said.

Experts disagree on how best to respond to the problem. There are residential treatment programs, outpatient treatment programs and private counseling.

Some treatment programs start off with "detoxification," where the abuser is isolated and monitored medically for a few days as the drug wears off. But medical experts say the side effects of cocaine withdrawal are less dangerous and less dramatic (though no less uncomfortable) than withdrawal from other drugs. As a result, there are not many treatment beds set aside for detoxification.

In many programs, detoxification is less formal. Tranquilizers may be administered for a few days to ease the addict's hyperactive state. Whatever the detoxification procedure, it is only the first step in a residential treatment program. And most experts believe some kind of cloistered, inpatient treatment is essential. Cocaine is too seductive for drug abusers to withdraw in an unprotected environment.

Patients usually spend a minimum of four weeks in residential treatment. Some stay as long as 18 months. There they face a mix of therapy and education.

One common denominator is family therapy. "Family therapy is mandatory at DATA," Cueny said. "We try to give them examples of how a family can work and teach families how to operate better."

Ironically, cocaine addiction creates a crisis that brings a family together, with everyone trying to solve their mutual problem. Solving that problem can create new problems Cueny said. "Once the focus is off the kids, the parents resume their day-to-day battles."

That gives the child an incentive to go back to using cocaine.

The therapist tries to anticipate that problem and help the family prepare for it. There are religious treatment centers that utilize the "step" method pioneered by Alcoholics Anonymous. It is a self-awareness program that leads the drug abuser to believe that he can get help from "a higher power."

And there are alternatives to residential treatment. Most treatment centers also offer outpatient treatment—basically smaller doses of the inpatient routine. Robert Duncan, executive director of the New Horizons Specialized Cocaine Dependency Treatment program in Delray Beach, claims that the outpatient program there, "which costs about as much as it would to support the average cocaine habit for a week," works.

The key to that success is the emphasis on training drug abusers to stay clean at home. "Restructuring the environment works, but what happens when you get out?" he said.

New Horizons does not ask abusers to avoid situations where they have traditionally used cocaine, he said.

Duncan's program is also atypical in that it does not use group therapy. One of the symptoms of cocaine addiction is paranoia, Duncan said. Individual therapy preserves the patient's privacy and neutralizes the power of that paranoia.

Jerry Singleton, program director for Palm Beach Institute, a private treatment facility in West Palm Beach, questions the effectiveness of that approach to cocaine abuse. "The cocaine addict loves outpatient treatment," he said. "(The addict) says, 'I'm not that bad. I can handle it myself once a week.' "

With cocaine, ineffective treatment is worse than no treatment, said Ronald Catanzaro, chief medical officer for Palm Beach Institute.

Follow-up is critical in all treatment programs. It also is the weakest link in the low-cost non-profit care. Some patients go to halfway houses following intensive inpatient treatment. Others rely on support groups, such as Narcotics Anonymous, to get back on their feet.

Those for whom cocaine was just the last drug taken up after years of abusing other substances often find that they have to learn or relearn basic survival skills.

Most cocaine users before the inexpensive rocks came on the scene were affluent. They had the discretionary income to squander on drugs. Now most of the patients CARP sees are younger and poorer.

Therapists do what they can, but the first month of treatment is often unsuccessful. "We tend to get them on the rebound. Maybe they haven't hurt enough."

When they have hurt enough, the troubling question becomes, "Who is going to pay?"

Statistics compiled by Gold indicate that users who called the hot line in January had spent over $15,000 to support their habit. Most had depleted all their resources.

But there is some resistance to the notion that the taxpayers should foot the bill for helping the addict overcome that habit.

Carlton Turner, director of the White House Office on Drug Policy, puts it bluntly. "I resent my money going to some guy who has been making more than I do. I don't think the government is responsible for not letting you destroy yourself."

But according to Catanzaro, chairman of the board of the Palm Beach Institute Foundation, that argument misses the point.

"If you took the money it costs to lock people up and put those dollars into treatment, you would have a much greater impact on the cocaine problem," Catanzaro said.

Florida's Cocaine Task Force, which issued a report in January, found that it cost $23,000 to lock up a user for a year, he said.

"For half that, you could put a person into . . . treatment for four weeks and a halfway house for a few months," Catanzaro said.

It's "misguided and insane" to use what resources we have to build more prisons, he said. Most cocaine users are "rehabilitatable," said Catanzaro, who was chairman of the state task force. The alternative is to put users in prison and make criminals of them, he said.

DISASTROUS ADDICTION FOLLOWS COCAINE'S SEDUCTIVE ALLURE

(By Linda Lyon)

Once the balm of the chic and elegant, cocaine has turned on the well-heeled sophisticates who discovered it in the 1970s, stripping them of their resources and self-esteem.

All that's left is the myth that cocain is not addictive. It is, by all expert accounts, one of the most addictive of all known drugs. Yet the aura of respectability lingers. Women tip their hair stylists with a gram of cocaine. Businessmen excuse themselves to "free-base" before that first lunchtime martini. Teenagers exchange cocaine rocks in the gymnasium.

"There is a myth in the community that this is a very sexy, attractive drug—a champagne of drugs with no consequences," said Robert Duncan, excutive director of New Horizons Specialized Cocaine Dependency Treatment program in Delray Beach.

Cocaine once seemed harmless enough. Medical experts warned of the danger of psychological addiction, but they had no evidence to challenge the denial of physical addiction. Users at first reported few side effects, no obvious physical deterioration and no pain on withdrawal—the perfect recreational drug.

"It has taken 10 years for us to understand that cocaine is addictive, and only in the last year have researchers defined addiction and understood the chemical process," said Erl Exstein, medical director at Fair Oaks Hospital in Delray Beach.

Fair Oaks here and the sister hospital in New Jersey have pioneered in the treatment of cocaine addiction.

Cocaine is "an extremely seductive drug." Exstein said.

"One of the effects of cocaine is a tremendous feeling of well-being, great confidence," said Joseph Amato, director of the Western Palm Beach County Mental Health Center in Belle Glade. "For people concerned about their competence, there is a lot of motivation to use."

Eric Pidrman, director of admissions for the Comprehensive Alcohol Rehabilitation Programs Inc., said the high is "so pleasurable the response has been described as an orgasmic high."

The drug, whether snorted, smoked or injected, stimulates what Exstein describes as the brain's "pleasure centers." The brain releases a chemical called dopamine, which transmits electrical responses between nerve endings. Stimulated by cocaine, the brain produces extra dopamine, which lingers a little longer in the brain, enhancing the response.

How fast the chemical reaches the brain depends on how it is taken—five to eight seconds when smoked, eight to 14 seconds when injected, two to four minutes when snorted, and five minutes when swallowed.

How long the high lasts also depends on how it is taken. When cocaine is snorted, the high can last from 20 to 30 minutes. Smoking a cocaine rock—a purified version of the drug—triggers a more intense, shorter-lived high of two to five minutes.

Addiction also strikes much more quickly with the rocks. "If a user is snorting every two weeks, the decline into addiction is much less rapid," said Peter Gold, administrative coordinator of the 1-800-COCAINE hot line based at Fair Oaks Hospital in Delray Beach.

That kind of casual abuse may not become compulsive for several years. * * * body's system with cocaine," Gold said. As a result, the addiction strikes in a matter of months. "It is absolutely insidious," Pidrman said. Most people we see have been using for three to six months. They're already into behavior they couldn't have imagined six months ago.

Hot line volunteers report that some callers say they are addicted after using it for only five to six weeks.

"The tailspin into addiction is faster and reinstatement of normal life is much more difficult with cocaine than with other drugs," said Ronald Catanzaro, medical director for the Palm Beach Institute in West Palm Beach.

Research into that addiction has identified some frightening patterns. Rats, exposed to other addictive drugs, including heroin, take them for a time and then stop, to eat or rest. Rats afforded free access to cocaine take it over and over again without sleeping or eating until they die.

"Cocaine is probably the most addictive substance known to mankind," Duncan said.

Cocaine users often take the drug to counter negative feelings they have about themselves and their lives. "The common denominator with all drug users is low self-esteem," said Charles Hamilton, director of marketing for the Palm Beach Institute.

"Even people who are feeling fairly good about themselves can go from no contact at all with the drug to daily contact," Hamilton said. "That's how serious it can get very fast."

The chemical provides instant gratification, but when the effect wears off, the user falls into a depression that takes him a little lower than where he started out. The next high is lower and the next low is deeper than the last. "You never quite get back that first good euphoric high," Hamilton said.

This "elevator syndrome" drives the user to counteract the lows with another drug—usually alcohol. "Every cocaine user we treat also has a problem with alcohol," Hamilton said.

Researchers now know that cocaine does tremendous damage to the body. It is "a powerful nervous system stimulant," according to "800-Cocaine," a book written by Mark S. Gold, founder of the national hot line for cocaine users and abusers.

Chronic use can lead to nasal bleeding, perpetual coldlike symptoms, erosion of nasal cartilage, damage to the vocal cords and blurred vision. Cocaine is an appetite suppressant, and addicts often lose huge amounts of weight. Eventually, cocaine can stop respiration, trigger high temperatures and lead to seizures. Ultimately, it will kill.

Of 695 deaths investigated by Palm Beach County in 1985, 65 involved cocaine in the victim's system. There were 10 where cocaine could be said to contribute to death.

The rocks are dangerous, but less likely to cause an overdose than is the powder, which can be taken in larger doses, according to Tom Carroll, chief toxicologist for the Palm Beach County Sheriff's Office. "(Smoking) is preferred by the connoisseurs to be a better, a faster high—probably less chance of an overdose."

An inadvertent overdose is easier with cocaine than with heroin, but a cocaine overdose is less likely with the rocks than with the power.

There is also, according to David Cueny, clinical director at the Drug Abuse Treatment Association in North Palm Beach, a connection to the AIDS virus. Drug usage lowers the body's immunity, he said.

Smoking is the most dangerous method of use, with potential to damage the lungs and throat. The cocaine, when it is smoked, gets into the system so fast that it can pose a risk of overstimulation to the heart.

Experts report an unusual number of deaths when users have been picked up and arrested by police. "Cocaine and excitement just overload their hearts," Cueny said.

Unlike the alcoholic, the cocaine user faces no great physical danger in withdrawal, no shakes or dramatic symptoms. But the cocain tends to deplete the supply of dopamine in the brain. On withdrawal, users experience low energy, depression and an extreme craving for cocaine. Withdrawal also often triggers extreme paranoia.

Medical experts have only recently begun to use drugs to ease the withdrawal of cocaine abusers. They were driven to that not by any physical risk to the users, but, rather, by the sheer hopelessness of getting anyone to give up cocaine without that extra help.

A TWO-PRONGED STRATEGY

We must convince people who do not use cocaine rocks not to start, and help people who do use them to stop.

That may sound utopian, but there is no other answer. As long as there is demand there will be people willing to satisfy that demand, no matter how many penalties we enact or how many law officers we put into the field.

The drug problem has been with us for a long time, but cocaine rocks introduce a disturbing new aspect, as explored by The Post in a series of articles by Staff Writers Paul Blythe, Carol Smelser Perry, and Linda Lyon.

Rocks are cheap enough to be within the reach of thousands of people, including children, who could not afford powdered cocaine. And rocks produce addiction much more quickly, subjecting the users to depressions in which they will do just about anything to get the money for their next rock.

Remedies fall generally into two categories, designed to cut off supply or halt demand. Police and prosecutors fall generally into the former camp; a complaint voiced repeatedly to the Post writers was that the judicial system is too soft on concaine dealers. Assistant State Attorney Jerry Mendelsberg wants to see mandatory minimum sentences for sellers and stronger sentences in other cases.

There are a couple of problems here. For one, Florida's jails and prisons already are at or over capacity. More importantly, as long as people can make $1,000 a day peddling cocaine rocks, they are going to do it, no matter how severe the penalties.

This is not to suggest that enforcement should cease. If periodic sweeps do nothing except make the dealers move on, that at least provides some respite for the people who live in "hot spot" neighborhoods, 21 of which were identified by police in Palm Beach, Martin and St. Lucie counties.

Further, such tactics as the use of drug-sniffing dogs and undercover agents seem to have minimized the trafficking on school campuses, thus improving the climate for learning.

All of this, however, is no substitute for increased education about the dangers of drug use and more facilities for the treatment of users. We must reach those who have too little of anything to be able to build self-esteem, and those who have too much in a material sense and too little otherwise. We must get them to understand that the instant gratification of drug use comes at too high a price.

As for those who didn't learn in time, we have to help them. Mendelsberg's suggestion for mandatory drug counseling is a good one, but only if enough counselors are provided to make the programs meaningful.

A lot of people believe that only inpatient treatment will work, but facilities are hopelessly inadequate to the task. Private nonprofit centers have long waiting lists and the state subsidizes only 50 beds in the five counties (Palm Beach, Martin, St. Lucie, Indian River and Okeechobee) of District 9.

Education and treatment cost money, but so does confinement and the crimes that addicts commit to get drug money. Yet while the state is going to spend $347.6 million this year on corrections, it is spending only $147.3 million on alcohol, drug abuse and mental health services.

Ronald Catanzaro, chief medical officer for Palm Beach Institute, notes that it costs $23,000 a year to lock up an addict whereas he could be treated for half that much. That makes treatment a good deal all around for those who have slipped through the net of prevention.●

● Mr. MOYNIHAN. Mr. President, I rise today to cosponsor legislation, S. 2352, introduced today by my distinguished colleague from Florida, Mr. CHILES, to enhance State and local drug enforcement efforts.

The provisions of this bill are really quite simple: Whenever a State or local law enforcement agency provides information to the Internal Revenue Service that substantially contributes to the recovery of Federal taxes, that agency will be reimbursed by the IRS for costs incurred in the course of the investigation. Reimbursement would not exceed 10 percent of the recovered amount.

When more than one State or local agency supplies information that leads to the recovery of Federal revenues, then the IRS would divide up to 10 percent of the money among the various organizations.

The problem this legislation addresses is most serious. The most recent study on the loss of Federal tax dollars caused by illegal drug traffic appear in a 1983 Internal Revenue Service report, "Income Tax Compliance Research," which notes that for 1981 illegal narcotics sales in the United States generated approximately $23.4 billion in unreported income, and a resulting tax gap of approximately $6.1 billion. A 1984 report by the President's Commission on Organized Crime entitled "The Cash Connection: Organized Crime, Financial Institutions, and Money Laundering" noted that the annual revenue form illegal drug trafficking in the United States is between $50–$75 billion.

Under current law, in many instances, the major expenses of such investigations must be borne by the States and localities undertaking them. Partial reimbursement of these expenses will increase the capacity to undertake such investigations. This legislation, which has been endorsed by Governor Cuomo of New York, will create additional incentives to undertake them, and generate additional revenues in time of dire need.

Mr. President, I do ask my colleagues to give this important legislation the serious consideration that it merits.●

● Mr. EVANS. Mr. President, I join the distinguished Senator from Florida, Senator CHILES, in searching for more effective ways to combat the growing problem of drug smuggling.

The legislation we are offering today, S. 2352, takes a step in the right direction. It adds one more weapon to the Federal, State, and local arsenal of programs to stop the spreading concern of drug smuggling.

This legislation amends the Internal Revenue Code to provide for the partial reimbursement to State and local law enforcement agencies, of the costs incurred in investigation that substantially contribute to the recovery of Federal taxes.

At the outset, Mr. President, it should be understood that the partial recoupment of investigative expenses would be paid from revenues not otherwise collected without the assistance and initiation of local law enforcement agencies—making this legislation at a minimum revenue neutral, or more accurately termed "revenue positive."

This amendment provides for the recoupment of investigative expenses incurred by local law enforcement agencies when those agencies provide information to the IRS which substantially contributes to the recovery of Federal taxes. The amount reimbursed shall not exceed 10 percent of the sum ultimately recovered.

This bill is a companion bill to H.R. 3136 introduced last session by Representative SAM GIBBONS. The idea for this legislation was initially developed by the Florida Department of Law Enforcement.

Mr. President, my interest in this type of legislation stems from the increasing levels of drug smuggling in the State of Washington. While it is difficult to measure illegal drug activity, Seattle and its surrounding area are commonly referred to as a "substantial growth area."

Recent incidences support these concerns. In January of this year, the Coast Guard's seizure of a small Honduran coastal freighter with 447 pounds of cocaine hidden aboard has helped to confirm some officials' suspicions that the Puget Sound is a new, major entry point for drugs.

In a concealed space that had been welded closed, searchers from the Customs Service, the DEA, and the local police found 205 plastic bags filled with pure cocaine. The officials' estimates of the value of the cargo ranged from $14 million wholesale to $100 million retail.

In another local occurrence last fall, ice buckets brought through Seattle-Tacoma International Airport by a Hong Kong businessman were found to be insulated with heroin, and 212 pounds was seized.

The regional Customs Service Commissioner, Quintin Villanueva, has indicated that he believed that increased pressure by law enforcement agencies in the Southeast has caused drug and smuggling rings to shift operations to the Pacific Northwest. The Commissioner has also indicated that the areas on the West Coast are becoming a smuggler's paradise.

Mr. President, we should be promoting this type of legislation which encourages stronger partnerships between all levels of government.

Currently, State and local law enforcement departments routinely work in conjunction with Federal agencies such as the Alcohol, Tobacco, and Firearms Bureau, the Drug Enforcement Administration, and the IRS. These cooperative efforts range from the informal sharing of intelligence or investigative information to formal task force agreements.

Beyond the development of drug smuggling evidence, investigating the financial or economic aspect of criminal activity is time consuming, expensive, and is a task requiring investigative expertise. State and local agencies often leave such investigations undone. Frequently the information obtained does not result in additional criminal charges or does not result in increased incarceration time for the subject, so local interest is limited. Therefore, to agencies with limited personnel and finances, the investigation of the financial dimension of a criminal operation is not worth the effort.

Particularly in a State such as Washington, where there is no State income tax, the local interest in developing a tax evasion dimension of a case is limited. Financial dimension in-

vestigations may develop significant information regarding Federal tax evasion or fraud charges but do not develop corresponding State charges. As a result, financial investigative efforts by local investigators may frequently be cut short because the end local result is not worth the additional local effort.

Under current law, the Comprehensive Forfeiture Act of 1984 provides that the Attorney General shall ensure the equitable transfer of any forfeited property to the appropriate State or local enforcement agency to reflect generally the contribution of any such agency participating directly in any of the acts which lead to the seizure or forfeiture of such property. While this does much to compensate State and local law enforcement agencies for their contributions in joint investigations with Federal agencies, it does not cover those investigations conducted by State and local agencies that are referred to the IRS and subsequently result in large tax assessments. The proposed amendment corrects this situation and enhances the current forfeiture act, particularly from the State and local perspective.

Mr. President, in my home State of Washington, I compliment the efforts of the State patrol and county and city law enforcement agencies in their exemplary efforts declaring war against illegal drugs. Hopefully, this legislation will help.●

● Mr. WILSON. Mr. President, today I join the Senator from Florida, Mr. CHILES, in introducing a bill that will grant State and local law enforcement agencies compensation when they help the IRS find tax evaders.

The bill, S. 2352, will require reimbursement to State and local tax enforcement agencies for costs incurred in investigations that substantially contribute to the recovery of Federal taxes. This bill, already introduced in the other body as H.R. 3136, will provide a well deserved reward to the State or local authorities of no more than 10 percent of the sum ultimately recovered. These funds would help the numerous local law enforcement authorities financially, especially during these belt-tightening times—all in recognition of the fact that their work made a recovery possible.

Mr. President, when a State or local law enforcement agency makes a narcotics arrest, Federal authorities invariably initiate a tax investigation. Such investigations have led to the discovery of large sums of unreported income, which in turn have led to the assessment and collection of large tax deficiencies.

And, Mr. President, while payments made to State and local officials in recognition of their assistance may be called a reward, in many ways such payments constitute simple compensation for their assistance.

Current law, Mr. President, authorizes the IRS to pay up to 10 percent of the amount recovered in back taxes to any person that assists in uncovering a tax evader. The amount of the individual reward depends upon the extent of the information provided. However, there is no authorization to provide such payments to State or local law enforcement agencies. Since they are not considered persons, present regulations do not allow them to be rewarded. Our bill will change this.

Mr. President, enactment of this legislation will provide additional incentives for State and local police officials, for they will know that the costs of successfully pursuing an investigation—particularly the high costs of uncovering the illegal activities of organized crime—will be partially defrayed. For example, in my State of California, where illegal narcotic sales and designer drug labs are a growing problem, this bill will have a major impact and encourage State and local authorities to redouble their efforts against the drug trade.

Mr. President, this legislation would not be necessary if the IRS would adopt a new regulation making State and local law enforcement agencies eligible for a 10-percent recovery reward. However, it is my understanding that the IRS has rejected previous requests to make such a change. I hope that the Service will reconsider its position in light of the bill we are introducing today. However, should the IRS maintain its position, I urge the Finance Committee to carefully review this bill so that it might be considered by the full Senate this year. In either case, a change is long overdue.

Mr. President, I ask unanimous consent that a letter that I received from California Governor Deukmejian in support of this legislation be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, January 29, 1986.

Hon. PETE WILSON,
U.S. Senator,
Washington, DC.

DEAR PETE: I am writing to express my support for H.R. 3136, which would authorize the Internal Revenue Service to reimburse state and local governments for a portion of the cost of drug enforcement efforts.

When drug trafficking investigations by state and local law enforcement agencies result in the collection of additional federal tax dollars, I believe it is appropriate to share a portion of this new revenue to help offset the costs of law enforcement.

Such a policy would put additional funding into the fight against drug abuse and provide an incentive for increased enforcement which can result in the collection of more revenue for the federal treasury.

As you may know, I strongly support the efforts of law enforcement agencies in combatting drug trafficking. On behalf of the State of California, I urge your support of H.R. 3136.

Most cordially,

GEORGE DEUKMEJIAN.●

By Mr. MITCHELL (for himself, Mr. PROXMIRE, Mr. HUMPHREY, Mr. RUDMAN, Mr. DURENBERGER, Mr. WARNER, Mr. TRIBLE, and Mr. KASTEN):

S. 2354. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; to the Committee on Energy and Natural Resources.

NUCLEAR WASTE POLICY REFORM AMENDMENTS ACT

● Mr. MITCHELL. Mr. President, today I am introducing legislation to amend the Nuclear Waste Policy Act of 1982. I am pleased that Senator PROXMIRE, Senator HUMPHREY, Senator RUDMAN, Senator DURENBERGER, Senator WARNER, Senator TRIBLE, and Senator KASTEN are joining me in this effort.

For four decades, the United States produced nuclear wastes as a byproduct of the generation of electricity and the maintenance of a defense capability, without adequate consideration of the need to properly and safely dispose of this waste. Gradually, the need for comprehensive disposal legislation became more apparent.

Among the most important milestones in the act are those which require the DOR, first, to sign contracts with waste generators by June 30, 1983, to take title to the waste and, second, to begin disposal of the waste in the first repository by January 31, 1998. The first requirement has been met, because a standard contract has been promulgated by DOE and signed by many, if not all, waste generators.

Progress toward siting the repository in the Western part of the United States is being made. In the near future, DOE will nominate three potentially acceptable sites for characterization to determine their suitability to host a repository. These three sites are expected to be in the States of Nevada, Texas, and Washington.

After characterization is completed, DOE will nominate a site to the President, who may accept or reject it. If he rejects it, DOE must go back and select another site. If he accepts it, he must submit the recommended site to Congress by March 31, 1987, with a possible 1-year extension.

DOE now estimates that the President will make this recommendation in 1991. Within 90 days of the President's submission to Congress, DOE is required to submit a construction authorization application to NRC, which must make a final decision on the application within 3 years. DOE anticipates that NRC licensing will be complete by 1994, that construction of the

repository will occur between 1994 and 1998 and the repository will begin operation in 1998.

The 1982 act also requires DOE to search for a site for second repository. DOE is considering crystalline rock—granite—formations for a possible second repository. In January of this year, DOE published a draft area recommendation report [ARR] which identified 12 areas—including two in Maine—that DOE considered potentially acceptable sites for a second repository.

The other 10 sites under review by DOE are in granite formations located in New Hampshire, Virginia, North Carolina, Georgia, Wisconsin, and Minnesota.

Those State governments and their citizens were able to submit comments on the site selection until April 16. DOE will review the comments for 90 more days, or longer, depending on the number and detail included in the comments, before issuing a final ARR later this year.

At that time, DOE will begin to make onsite field assessments of each potentially acceptable site listed in the final ARR. That area phase is expected to take until 1991. DOE will then nominate five areas, and recommend three for site characterization.

Characterization of those potential sites for a possible repository would take at least 5 years. At this point, now estimated to be 1996, the process will stop until Congress acts to authorize construction of a second site, because DOE has no such authority under current law.

As can be seen, the process involving a possible second repository differs from the first in two major respects:

First. Under current law a first repository must be built, but a second repository cannot be built.

Second. The selection process for a second repository is about 6 years behind the first.

An analysis of the act, including a history of its adoption and a review of the Department of Energy's compliance, present and anticipated, with the act have led me to conclude that the construction of more than one repository would be unnecessary and unwise.

The legislation I am introducing today terminates the crystalline repository project through which DOE is currently undertaking its search for acceptable sites for a second deep geological repository.

In addition, it would remove the volume limitation of the repository authorized in the Nuclear Waste Policy Act; limit the geologic medium in which a repository could be built and operated by DOE; impose a moratorium on all high-level waste disposal activities if DOE does not meet its January 1998 deadline for the acceptance of high-level waste; and establish an independent scientific commission to report to Congress upon deep geologic disposal and available alternatives.

There is widespread concern in Maine about the possibility that a national high-level waste repository could be located in Maine. After careful review of the available information, I believe Maine is not suitable as a site for such a repository. The general geology, geography, and hydrology of the State are such that the people of Maine cannot be assured that any repository constructed in the State would sufficiently protect the public and the environment from radioactive contamination. Whatever the conditions in Maine, a second repository is not needed.

A second repository cannot be operational in time for this country to begin disposing of high-level nuclear waste by the 1998 deadline for DOE to take title to the waste. The necessary scientific research on the sites for a potential repository are several years behind the search for the first repository. It is impossible to accelerate that research to a degree which would allow crystalline site to be the site for a repository. Therefore, construction of a second repository as a backup to a first repository would not allow the waste disposal program to meet the underlying deadline of the Waste Policy Act, which is disposal of waste beginning January 31, 1998.

But, more importantly, a second repository is not needed to dispose of the country's high-level waste and spent reactor fuel.

Current law limits the maximum amount of waste that can be stored in the repository to 70,000-metric tons. There is no technical or scientific basis for this limit. Its purpose was to assure the State selected for the first repository that it would not be the only State having a high-level waste repository.

Without this limit there would be no need for a second repository. And it was based on estimates of the total amount of high-level waste that are proving to be exaggerated.

DOE's latest estimate, included in the December 1985 document, "Spent Fuel and Radioactive Waste Inventories, Projections, and Characteristics" is that 126,000-metric tons of high-level radioactive commercial spent fuel will need to be disposed of in a high-level waste repository. This estimate is lower than previous estimates.

It is likely that the actual amount of high-level waste will be even lower for several reasons.

First, it is probable that no new commercial nuclear power plants will be ordered in this century. Many utilities are extending the useful life of their powerplants in order to avoid having to make capital investment in a new facility.

Second, utilities are choosing to use the fuel rods which make up a major portion of the high-level waste for a longer time, thus producing less spent fuel. The DOE estimates that spent fuel burnup will increase at about 3.5 percent each year for the next several years.

Finally, some of the sites currently under consideration by DOE for the first repository may safely accommodate all the high-level waste expected to be generated through the first quarter of the next century.

There is no compelling technical reason for having two repositories. If a second repository is not technically necessary, there is no benefit to constructing one. In contrast, there are compelling fiscal reasons for constructing only one.

While waste estimates have been declining, the program's cost estimates have been increasing at a rate of $400 million per month.

As of January 1985, total program costs, including total costs for two repositories, one monitored retrievable storage facility, and transportation, were estimated at about $26.7 billion. In July 1983, just 1½ years earlier, DOE had estimated these costs to be $19.6 billion.

Thus the estimated cost of the program increased by a third in less than 2 years. Each of these estimates is in constant dollars, not taking into account inflation. If inflation and other contingencies are factored in, the total program could cost up to $150 billion, according to the Director of the DOE high-level waste program.

The crystalline project still faces the most expensive part of the siting process, the so-called characterization of three sites nominated in 1991. Characterization is an expensive, time-consuming, detailed analysis of each site.

It is expected to cost between $500 million and $1 billion for each site. It will take 5 years, from 1991 to 1995.

Under this bill, the U.S. Department of Energy is required to proceed in its process to select a site for and to construct and operate one high-level nuclear waste repository. But it would be prohibited from proceeding with its present consideration of sites for a possible second repository.

And if the Department is unable to meet the 1998 deadline for operation of a repository to accept the high-level waste it has agreed to take title to, this bill would halt all activity under the Nuclear Waste Policy Act until Congress has had an opportunity to review the recommendations of an independent scientific commission on the available options for safe, permanent disposal of the waste.

Does it make sense to spend tens of billions of taxpayers' dollars for the siting and characterization of crystalline sites when it is not necessary to do so? The answer is clearly no.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Waste Policy Reform Amendments Act of 1986".

SEC. 2. LIMITATION ON FEDERAL ACTIVITIES WITH RESPECT TO GEOLOGICAL REPOSITORIES.

(a) IN GENERAL.—Subtitle A of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.) is amended by adding at the end thereof the following new sections:

"TERMINATION OF FEDERAL ACTIVITIES WITH RESPECT TO SECOND REPOSITORY

SEC. 126. (a) Department of Energy.—The Secretary may not carry out any activity under this Act with respect to more than 1 repository. Any activity commenced or decision made by the Secretary with respect to a second or subsequent respository before the date of the enactment of the Nuclear Waste Policy Reform Amendments Act of 1986 shall be terminated or rescinded.

"(b) NUCLEAR REGULATORY COMMISSION.—The Commission may not authorize the construction of more than 1 repository under this act.

"IMPOSITION OF MORATORIUM ON REPOSITORY DEVELOPMENT

"Sec. 127. If the Secretary has not commenced the disposal of high-level radioactive waste and spent nuclear fuel under this Act by January 31, 1998, as provided in section 302(a)(5)(B), the Secretary shall cease all activities under this Act with respect to any repository until—

"(1) the Nuclear Waste Repository Review Commission submits to the Congress the report required in section 307(f); and

"(2) the Congress by law, after review of such report, specifically authorizes the continuation of such activities.".

(b) CONFORMING AMENDMENT.—Section 1 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 prec.) is amended by inserting after the item relating to section 125 in the table of contents the following new items:

"Sec. 126. Termination of Federal activities with respect to second repository.

"Sec. 127. Imposition of moratorium on repository program.".

SEC. 3. REMOVAL OF DEADLINES FOR SECOND REPOSITORY.

(a) RECOMMENDATION OF CANDIDATE SITES FOR SITE CHARACTERIZATION.—Section 112(b)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)) is amended—

(1) by striking out subparagraph (C); and

(2) in subparagraph (D), by striking out "subparagraphs (B) and (C)" and inserting in lieu thereof "subparagraph (B)".

(b) RECOMMENDATION OF SITE APPROVAL.—Section 114(a)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(2)) is amended—

(1) in subparagraph (A), by striking out the second and fourth sentences; and

(2) in subparagraph (B)—

(A) by striking out "deadlines" and inserting in lieu thereof "deadline"; and

(B) by striking out the following: "for the first site, and March 31, 1989, for the second site,".

(c) APPROVAL OF CONSTRUCTION AUTHORIZATION.—Section 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)(1)) is amended by striking out the following: ", for the first such application, and January 1, 1992, for the second such application".

(d) ENVIRONMENTAL IMPACT STATEMENT.—Section 114(f) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)) is amended in the fifth sentence by striking out "and by July 1, 1989,".

SEC. 4. LIMITATION ON GEOLOGIC MEDIUM OF REPOSITORY.

Section 112 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132) is amended by adding at the end thereof the following new subsection:

"(g) LIMITATION ON GEOLOGIC MEDIUM OF REPOSITORY.—The Secretary may not nominate or recommend any crystalline rock site for site characterization under this section for the repository to be developed under this Act.".

SEC. 5. REMOVAL OF VOLUME LIMITATION ON REPOSITORY

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking out the last two sentences.

SEC. 6. NUCLEAR WASTE REPOSITORY REVIEW COMMISSION

(a) ESTABLISHMENT.—Title III of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10221 et seq.) is amended by adding at the end thereof the following new section:

NUCLEAR WASTE REPOSITORY REVIEW COMMISSION

"SEC. 307. (a) ESTABLISHMENT.—If a moratorium on repository development takes effect under section 127, there shall be established a commission to be known as the Nuclear Waste Repository Review Commission.

"(b) FUNCTION.—The function of the Review Commission shall be—

"(1) to review the available scientific information on the suitability of repositories for the disposal of high-level radioactive waste and spent nuclear fuel; and

"(2) to compare such disposal with alternative means and technologies for the permanent isolation of such waste and spent fuel.

"(c) MEMBERSHIP.—The Review Commission shall be composed of 7 members appointed by the President, by and with the advice and consent of the Senate, from among individuals recommended for appointment to the Review Commission by the President pro tempore of the Senate or the Speaker of the House of Representatives—

"(A) 1 of whom shall be knowledgeable in civil and mining engineering;

"(B) 1 of whom shall be knowledgeable in hydrogeology;

"(C) 1 of whom shall be knowledgeable in geology and geophysics;

"(D) 1 of whom shall be knowledgeable in public health;

"(E) 1 of whom shall be knowledgeable in meteorology; and

"(F) 1 of whom shall be knowledgeable in nuclear physics.

"(2) No present or past employee of the Department of Energy may serve as a member of the Review Commission.

"(3) The members of the Review Commission shall receive a per diem compensation for each day spent in meetings or other work of the Review Commission, and shall be compensated for their necessary travel and other expenses while engaged in the work of the Review Commission.

"(4) 4 members shall constitute a quorum of the Review Commission.

"(5) The Review Commission shall designate 1 of its members as chairperson, who shall serve in such capacity through the remainder of the term of such member.

"(6) The Review Commission shall meet at the call of its chairperson or a majority of its members.

"(d) STAFF.—(1) Subject to such rules as may be prescribed by the Review Commission, and without regard to section 5311(b) of title 5, United States Code, the Review Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(2) The staff of the Review Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(3) Subject to such rule as may be prescribed by the Review Commission, the Review Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(4) Upon request of the Review Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Review Commission to assist the Review Commission in carrying out its duties under this section.

"(e) POWERS.—(1) The Review Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Review Commission considers appropriate. The Review Commission may administer oaths or affirmations to witnesses appearing before it.

"(2) Any member or agent of the Review Commission may, if so authorized by the Review Commission, take any action the Review Commission is authorized to take in this section.

"(3) The Review Commission may secure directly from the Department of Energy, or from any other Federal agency, information necessary to enable it to carry out this section. Upon request of the chairperson of the Review Commission, the Secretary, or the head of such other agency, shall furnish such information to the Review Commission.

"(4) The Review Commission may accept, use, and dispose of gifts or donations or services of property.

"(5) The Review Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

"(6) The Administrator of General Services shall provide to the Review Commission on a reimbursable basis such administrative support services as the Review Commission may request.

"(f) REPORT.—The Review Commission shall prepare and submit to the Congress, by not later than January 31, 1999, a report setting forth the findings of the Review Commission as a result of its activities under subsection (b). Such report shall include any recommendations of the Review Commission for legislation or agency action

relating to the matters considered by the Review Commission under such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for expenditure from amounts in the Waste Fund such sums as may be necessary to carry out the provisions of this section.

"(h) TERMINATION.—The Review Commission shall terminate upon the submission of its report under subsection (f).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 prec.) is amended by inserting after the item relating to section 306 in the table of contents the following new item:

"Sec. 307. Nuclear Waste Repository Review Commission.".

(2) Section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101) is amended—

(A) by redesignating paragraphs (20) through (29) as paragraphs (21) through (30); and

(B) by inserting after paragraph (19) the following new paragraph:

"(20) The term 'Review Commission' means the Nuclear Waste Repository Review Commission established in section 307.".

SEC. 7. REVISION OF MISSION PLAN.

Section 301 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10221) is amended by adding at the end thereof the following new subsection:

"(c) REVISION OF MISSION PLAN.—The Secretary shall make such revisions in the mission plan as may be necessary to carry out the amendments made to this Act by the Nuclear Waste Policy Reform Amendments Act of 1986. In making such revisions, the Secretary shall comply with the procedures established in subsection (b), except that—

"(1) the draft of the revisions shall be submitted in accordance with subsection (b)(1) not later than 6 months after the date of the enactment of the Nuclear Waste Policy Reform Amendments Act of 1986; and

"(2) the revisions shall be submitted in accordance with subsection (b)(3) not later than 8 months after the date of the enactment of the Nuclear Waste Policy Reform Amendments Act of 1986.".●

● Mr. RUDMAN. Mr. President, I rise today to join with my colleagues Senator MITCHELL, Senator PROXMIRE, and Senator HUMPHREY in support of legislation which would amend Public Law 97-425, the Nuclear Waste Policy Act of 1982.

The act instructed the Department of Energy to develop guidelines and an agenda by which the Federal Government would study, select, construct, and operate a high level nuclear waste repository that will safely hold radioactive waste for 10,000 years or more.

Congress deliberated for 5 years on this critical issue before passage of the Nuclear Waste Policy Act. The law authorized the Department of Energy to build a first repository site in either salt basalt or tuff medium with a capacity for holding up to 70,000 metric tons of radioactive waste. While the law instructs DOE to recommend a second repository to be located in crystalline rock, Congress did not authorize the construction of a second repository site.

The bill I have cosponsored today would require DOE to proceed with the selection of one repository site, removes the 70,000-metric-ton cap on the first repository sites storage capacity, and prohibits DOE from considering a second unauthorized repository site. In addition, the current law requires the Federal Government to take title to all commercial spent fuel by 1998. If the DOE is unable to meet the 1998 operational deadline for the first repository site, all DOE activity under the Nuclear Waste Policy Act would stop until an independent scientific commission reviewed available options for the safe permanent disposal of high level waste.

In 1982 the Department of Energy projected that the accumulated amount of spent fuel from commercial nuclear powerplants would total 146,000 metric tons by the year 2020. DOE's latest estimate, included in the December 1985 document, "Spent Fuel and Radioactive Waste Inventories, Projections, and Characteristics," concludes that the amount of commercial spent fuel would be 126,000 metric tons by the year 2020. We can already see a substantial reduction in the estimated amount of nuclear waste to be generated in the next 35 years.

I believe we will see lower projections in the years to come for several reasons. First, it seems highly unlikely that new commercial nuclear powerplants will be ordered in this century due to their expense and the availability of other energy resources. In 1985, 16 percent of electricity used in the United States was generated by nuclear powerplants. Second, utilities are extending the use of their fuel rods, thus producing less spent fuel. Current law limits the first repository's storage capacity to 70,000 metric tons. I believe technology can be developed to safely store an increased capacity in one repository with an increased capacity, while saving billions of tax dollars.

The future will demonstrate no need for construction of a second repository site. However, while our waste projections are declining, DOE expense for the repository program is escalating dramatically. The current projected costs for developing two repositories is approximately $26.7 billion, up 36 percent from the July 1983, cost estimate of $19.6 billion.

DOE's schedule for the crystalline project, the siting of a second repository in granite, would cost in the range of $500 million to $1 billion for each of 5 sites DOE will characterize in detail between the years 1991-95. Before five sites are selected, DOE will spend up to $1 million on each of the 12 sites DOE is considering as potential candidates. It is quite illogical for billions of taxpayers' dollars to be invested in the analysis of a second repository site when current data demonstrates that one repository may be sufficient to hold all of the Nation's nuclear waste projected at this time.

Mr. Chairman, I have serious doubts about DOE's interpretation and implementation of the Nuclear Waste Policy Act. I believe DOE has deprived the State of New Hampshire of a meaningful role in the siting process, and has acted contrary to congressional intent as expressed in the Nuclear Waste Policy Act. DOE's arbitrary decision to choose 12 potentially acceptable sites for a second repository site when by its own analysis the top 9 sites are clearly superior to the next 3 is an abuse of the agency discretion. We are all very aware that the act required that the Federal Government consult with affected States during the siting process. This requirement is supported by a rich legislative history which make it abundantly clear that Congress intended that the opportunity for public and State participation in the siting process must be meaningful, not merely theoretical. Because DOE has failed to properly consider many important factors in evaluating the acceptability of a second repository site, the agency has cast doubt on the credibility of the entire site selection process.

The only way DOE can restore public confidence in this process is for Congress to swiftly put a halt to the waste of millions of tax dollars in siting a second repository. We should instruct DOE to focus its energy and personnel on one repository site, expand the capacity of that site, and have an independent scientific commission evaluate DOE's implementation of the guidelines set forth under the Nuclear Waste Policy Act.

This legislation is not intended to remove one State from the selection process. It is to get the DOE program back on track and within the intent of Congress. We must be fiscally prudent and careful to ensure the public's confidence with DOE's repository program. I believe it is in the best interest of the American public to revisit this issue to ensure the safest and most cost-effective disposal of our Nation's high level radioactive waste.●

● Mr. HUMPHREY. Mr. President, I am pleased to join Senator MITCHELL and others in the introduction of legislation that would make important amendments to the Nuclear Waste Policy Act of 1982.

The Nuclear Waste Policy Act authorized the construction of one geologic repository for the disposal of nuclear waste to be built in this country as well as the study and activities leading up to construction for a second repository. Actual construction of a second repository, however, is not authorized under present law. At present, five sites in the West and South are under consideration for lo-

cations of the first repository. Twelve sites in seven Northeastern and North Central States with crystalline rock formations are under consideration for the location of the second repository.

The purpose of the Nuclear Waste Policy Act was to provide a permanent solution to a longstanding and unresolved policy dilemma: What to do with ever-growing inventories of high level nuclear waste. Inventories of waste were, as they are today, scattered at all of the Nation's operating nuclear reactors, and they promised to grow as existing facilities continued to operate and as more facilities came on line. But several important parts of that picture have changed, and they have changed to such an extent that I believe we need to reevaluate fundamentally where we are going with this program.

First, the scope of the problem of nuclear waste has changed. In March 1982, shortly before the full Senate considered the Nuclear Waste Policy Act, utilities were planning to construct 159 nuclear reactors. Since then, 32 of those reactors have been cancelled. In 1982, it was thought that by the year 2000 there would be 56,000 metric tons of spent fuel. Today, the estimate is considerably lower, 41,600 metric tons. Overall, it was estimated in 1982 that there would be an inventory of 140,000 metric tons to be emplaced in the repositories. Today, that figure is considerably smaller. Indeed, a recent Department of Energy estimate put the figure as low as 87,449 metric tons. Further, improvements in fuel-burning technologies, such as extended burn, the improvement of fuel storage capabilities, and the likelihood that no additional nuclear generating capacity will come on line before the end of the century, suggest that we will have less and not more nuclear waste in the coming years than was originally anticipated.

Second, the process of selecting a repository is both timely and enormously expensive. The Department of Energy has missed every major milestone date in the repository program, and now the Department is more than 4 years behind schedule. And, latest estimates by the Department of Energy indicate that constructing the first repository alone will cost between $6 and $11.3 billion. It was less than 4 years ago that the Department of Energy estimated that the total cost of siting and constructing the first repository would be between $3 and $3.4 billion. At that time, CBO said:

> It is not unusual for major government capital projects—defense systems, dams, rail systems, space programs, etc.—to cost substantially more than originally estimated, due to delays, overruns, changes in specifications, higher than anticipated inflation and other factors.

Indeed, cost estimates for what would become the Nation's single largest public works project have increased substantially over the years. In July 1983, the total cost of constructing both repositories was estimated to be $19.6 billion. Last year, DOE estimated that figure to be $28.3 billion. Now, the same estimate is $33.4 billion.

Do we have to spend this much money? Why, after having spent more than $10 billion, will the Department of Energy turn around and spend at least as much, and probably more, again? It is because the existing statute mandates the construction of two repositories. Specifically, section 114 of the act, sets an overall limit of 70,000 metric tons on the amount of nuclear waste that can be emplaced in the first repository. This is not a figure based on any technical or scientific information. In fact, the Department of Energy admits that there is no technical reason prohibiting the design and construction of the first repository large enough to accommodate waste volumes of up to 140,000 metric tons.

If the construction of a second repository makes little fiscal or technical sense, are there any other goals which would be served by having one rather than two facilities? It seems unlikely. Will protection of the public's health and safety be enhanced with the construction of one rather than two repositories? Will there be greater protection of the natural environment?

The answers are "No." It is time to stop the wasteful and senseless pursuit of a repository which we do not need, and cannot afford. This legislation proposes to do just that. In addition to lifting the overall cap of 70,000 metric tons, the bill will suspend all activities relating to the second repository program. In addition, the bill proposes to establish a commission to report to the Congress on the Deep Geological Disposal Program and the alternatives available.

Mr. President, I am pleased to join in support of this legislation. I am hopeful that the important changes to the Nuclear Waste Policy Act proposed in the legislation will receive thorough and expeditious consideration in the Senate.●

● Mr. DURENBERGER. Mr. President, I join with my good friend and colleague, Senator MITCHELL, in introducing this legislation to amend the Nuclear Waste Policy Act.

In passing the Nuclear Waste Policy Act of 1982 it was Congress' intent to dispose of high level nuclear waste in a manner which assures public health and safety for many generations to come. The Nuclear Waste Policy Act authorizes the selection and construction of one disposal site, but requires that the Department of Energy study and select a second site, whether or not the second site will be needed. Congress then must approve the site and authorize construction funds.

The Nuclear Waste Policy Act required that at least three of the potential sites for the second repository not be included in the selection process for the first repository. And that they come from a different geological formation. Since the rock formations being considered for the first site were basalt, volcanic tuff and different salt formations, the Department established the Crystalline Rock Program.

In January the Department of Energy announced the selection of 20 areas from the Crystalline Rock Program to be advanced to the next stage of the siting process for the second high level waste repository. We in Minnesota were astounded to learn that we had eight areas under consideration as potentially acceptable sites.

In determining that Minnesota's crystalline rock formations were suitable for long-term storage of nuclear waste, the Department failed to take into account the vast quantities of water resources which make Minnesota the land of 10,000 lakes.

Minnesota's water resources are of national and international significance. It is the source of three major continental drainage basins and contains the headwaters of the Mississippi River, the Great Lakes, and the Red River which flows through Canada to Hudson's Bay. Not only does Minnesota contain great amounts of surface water in its 15,000 lakes and 90,000 miles of rivers, but it enjoys plentiful and clean ground water Minnesotans depend on for domestic, agricultural, and commercial use.

Not only do I have great difficulty believing that Minnesota is a suitable location but I am very doubtful as to whether or not the Department is capable of developing technology which will protect, beyond the shadow of a doubt, Minnesota's water resources.

The Department's January announcement has caused a great deal of anxiety among Minnesotans and at eight area hearings they have appeared in the thousands to let the Department know that they are overwhelmingly opposed to a nuclear waste site in Minnesota.

Yesterday I received drawings from schoolchildren in Crookston, MN. These drawings revealed a group of children who are terrified of a nuclear waste future. Fear of this type and the anxiety felt by all may be unnecessary since the need for a second site is questionable. And now is the time to stop it.

There has never been a clear need for two repositories because the projected amounts of waste could be accommodated in a single repository. Annual estimates of the spent fuel generation through the year 2020 show a sharp decline since the passage

of the Nuclear Waste Policy Act in 1982. If a second repository is unnecessary, expenditures on the second repository siting program are wasteful. Funding for the second repository is at a watershed—it will more than double with the initiation of field investigations in 1987—and cost estimates are in the billion dollar range. If we do not need a second one, now is the time to bring it to a halt.

That is why the legislation being introduced today is so important. It would terminate the second repository program, remove the volume limitation on the first repository, limit the geological medium of the repository and impose a 1-year moratorium on high level waste disposal if DOE does not meet its 1998 disposal deadline to allow an independent scientific commission to review the whole nuclear waste program.

Mr. President, we do not need a second nuclear waste repository. I urge my colleagues to support this effort and save billions of rare Federal tax dollars.●

By Mr. ROTH:

S. 2355. A bill to amend title 10, United States Code, to require operational testing and evaluation before low-rate initial production, and for other purposes; to the Committee on Armed Services.

OPERATIONAL TESTING OF MAJOR WEAPONS SYSTEMS

● Mr. ROTH. Mr. President, today I am introducing a bill to require operational testing of major weapons systems before they can be considered for production and to expand the role of the independent Office of Test and Evaluation [OT&E].

Mr. President, my bill will not allow the Department of Defense [DOD] to begin low-rate initial production of a major weapons system until the Director of Operational Test and Evaluation has submitted to the Secretary of Defense and Congress an analysis of the results of operational test and evaluation on the weapon.

Mr. President, the independent Office of Test and Evaluation [OT&E] was created by law in 1983. One significant reason for the creation of the office was to guarantee better quality control and safety in the weapons issued to American troops. Then, and still true today, the purpose of operational testing is to make certain that weapons systems do what they were intended to do. It is not only important that they operate effectively under combat conditions, but it is also critically important that they can be operated and maintained by the typical GI. After all, the bottom line is the protection and assurance to our GI's in the field that they have weapons that are operational.

Mr. President, this bill would strengthen the OT&E by requiring their review of operational test and evaluation results on weapon systems before the decision on the weapon's production. Current law states that a final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director of OT&E submits to the Defense Secretary and Congress a report with the Director's analysis of the Operational Test and Evaluation results.

This bill would leave that requirement intact and further require the Director of OT&E to analyze operational tests and evaluations on weapons, key components, equipment, or munitions before their consideration for production in order to decide whether the test and evaluation results substantially justify and determination that production items or components will be effective and suitable in the field. What could be the most important part of the bill is the requirement that the Director's report be submitted to the appropriate congressional committees.

Mr. President, the President's blue ribbon Commission on Defense Management, otherwise known as the Packard Commission, issued their report on the defense acquisition process. Part of the report analyzed successful programs to identify what the report explained to be "management features that they had in common and that could be incorporated in the defense acquisition system."

One management feature identified was prototyping and testing. The Commission's report had this to say about prototyping and testing:

> Prototyping and testing. In commercial programs, a system (or critical subsystem) involving unproven technology is realized in prototype hardware and tested under simulated operational conditions before final design approval or authorization for production. In many cases, a program manager establishes a "red team", or devil's advocate, within the program office to seek out pitfalls—particularly those that might arise from operational problems, or from an unexpected response by a competitor. Prototyping, early operational testing, and red teaming are used in concert for the timely identification and correction of problems unforeseen at a program's start.

Mr. President, I believe we can take a page from commercial practice and make significant progress to end the "buy it now, fix it later" approach to weapons purchases. It is my hope that this bill will lead to greater use of production representative prototypes for operational testing. It is critical to uncover the high risks in weapons systems before production, particularly when the weapons involve state-of-the art hardware.

If operational testing if found important on systems or subsystems in the commercial sector, it certainly should be important for weapons on which lives of soldiers depend.

Mr. President, let me emphasize again that this legislation is designed to improve and ensure the reliability of the operational testing conducted on weapons systems and other highly technical military hardware before production. Such tests are designed to determine exactly how well a given system would perform in actual combat, usually by testing the system in simulated but realistic combat conditions. Other tests are conducted on the system to determine whether it meets the specifications and tolerances it was designed to meet and are called developmental tests. Together, developmental and operational tests, done separately, correctly and thoroughly, can tell the Defense Department and the Congress whether or not what we plan to buy will work as advertised, both in battle and as measured by the specifications it was designed to meet.

Developmental tests are begun from the very moment a system is conceived. They are used to help define the concept of a weapons system and they establish how the weapon will have to be designed to meet the board specifications set for it when it was initially approved for development. Engineering tests are conducted to determine what materials and system configurations will need to be built to ensure that a weapons system will satisfy its design requirements. At some point in the development process, a complete prototype is usually built and tested.

Mr. President, accurate and realistic operational tests are crucial to the ultimate success of a weapons program. In most cases, these tests are conducted too late in the process of acquiring the weapon. Operational tests are not done in time to determine whether to build a weapon and, consequently, many concepts for new weapons are approved before it is actually determined whether a proposed system could realistically work on the battlefield as well as it works on paper. Unfortunately, paper cannot stop bullets and a weapon which passes the grade as an idea may never be able to meet the true test in actual use.

This lack of adequate forethought with respect to operational testing is aggravated by pressure from defense contractors, project managers, and service chiefs to push ahead with a new program. Decisions are often made years in advance by Pentagon planners on what weapons system they want to have in their arsenal. The pressure on the program manager to ensure that a particular weapon is developed and built to fill the niche left for it is so intense that making sure a weapon works may lose out to making sure it is built.

Such pressure not only affects the effectiveness of weapons systems, it also affects their costs. It is much more efficient to build it right the first time than it is to build it any way you can and be forced to come back later to fix up your mistakes. Effective operational tests can indicate whether it is realistic to expect a new weapon to be capable of performing in a certain way under battlefield conditions and can indicate where changes should be made before the concrete has set. The efficiency which results from effective operational tests can save taxpayer dollars from being spent on costly, unnecessary repairs.

Mr. Chairman, the General Accounting Office [GAO] recently issued a report I requested on the Army's highly mobile multipurpose wheeled vehicle [HMMWV]. Their report and findings show that the HMMWV is a good example how ineffective operational testing is costing the vehicle important reliability and could cost the taxpayer millions of dollars in cost overruns.

The GAO findings revealed several problems with the vehicle, including:

The vehicles are too heavy to be airlifted by helicopter in certain environmental conditions.

While the HMMWV has met the Army requirement to run on two flat tires for 30 miles, the metal device which enables the tires to run flat shortens the life of the tire. As a result, it is necessary to change a tire an average of about every 3,600 miles.

The weapons carrier version of the HMMWV is equipped with a gun turret which did not fully rotate consistently in the 1984 tests. After some modification by the contractor and a retesting in May 1985, the turret still did not work properly. The Army has decided to field the vehicle despite the problem.

Mr. President, there are numerous cases in which ineffective operational testing has cost weapons important reliability and millions of taxpayer dollars in cost overruns to fix weapons after their production. It is time to put an end to this costliness.

Mr. President, I would ask unanimous consent to insert for the RECORD at this point a letter I received from Hon. John E. Krings, Director of OT&E, that refers specifically to the matters I just mentioned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, April 14, 1986.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have recently met with Secretary Weinberger and David Packard to identify the role of test and evaluation in DoD reorganization efforts. Secretary Weinberger, Mr. Packard, and I strongly support continued independence in T&E reporting as currently embodied in the provision of law which established this office and which you worked as hard and effectively to enact.

Recent DoD directives and Packard Commission recommendations specify mission performance, operational effectiveness, and operational suitability as the basis for procurement decisions. These directives and recommendations further specify that operational testing begin early in advanced development and continue through full-scale development. They strongly endorse your efforts in this critical area.

Although most think it best to complete developmental testing first and then conduct operational testing on more mature items, this is not always possible or desirable in rapidly advancing technology areas. In such cases, combined developmental and operational testing—"independent procurement testing"—must be conducted. Moreover, to insure candid, independent reporting as well as adequate planning for meaningful, challenging testing focused on the true goal of operational effectiveness and suitability, I believe responsibility for oversight of all such test and evaluation should be placed under the only legislatively established independent OSD test and evaluation oversight organization, DOT&E.

I respectfully urge you to make every effort to insure that DOT&E's critical independency is maintained and give consideration to extending the office's purview to all combined test and evaluation planned, executed, and reported in support of procurement decisions.

I am enclosing a short paper I have written on streamlined independent test and evaluation, a recent memo of mine to Dave Packard regarding his commission's recommendations on the DoD acquisition system, and a letter I sent to Senator Goldwater concerning the importance of maintaining DOT&E's independency. Together they make a package elaborating the issues I have summarized here. I hope you find them informative and useful.

Sincerely,

JOHN E. KRINGS, *Director.*

STREAMLINED INDEPENDENT TEST & EVALUATION—STREAMLINED ACQUISITION REQUIRES STREAMLINED INDEPENDENT TEST & EVALUATION

TRADITIONAL TESTING

Traditional phased testing, where dedicated, single-purpose, serial, phased acquisition activity is scheduled, allows clearly delineated test and evaluation responsibility. This approach dictates that developmental testing is completed prior to operational testing and that operational testing is done in isolation with a mature, fieldable production article in a near-real-world realistic field environment. The result of this OT is a pass/fail grade leading to full-rate production or program termination.

STREAMLINED TESTING

The decision to fund long-lead efforts for full-rate production expresses a commitment to enter a full-rate production contract. In concurrent programs, where operational testing is combined with developmental testing and operational effectiveness is required, the operational tester must have the dominant role in the evaluation process.

Streamlined testing is necessary to support streamlined acquisition. Independence must be present throughout the entire process. To insure discipline in the current direction of acquistion, and to facilitate consolidated testing to candidly answer both technical compliance and operational effectiveness questions, a single independent organization must be responsible for all T&E policy and oversight. I propose an independent Executive for Test and Evaluation having responsibility for all acquisition-decision T&E. The current legally prescribed independence of DOT&E creates the necessary atmosphere and basis for this role. All interested parties—Congress, SecDef, Service Secretaries, Acquisition Executive—would thus have an independent evaluation of all acquisition-decision test results.

A note of caution; the acquisition-decision T&E must in no way interfere with the freedom of the engineering development community. Both contractor and government developers must be free to test the progress and success of their efforts, separate from the acquisition-decision T&E observed or accomplished by the government. Engineering development and test must be vigorously protected. This iterative process, usually dominated by the contractor-engineering side of the development team, must be given the time and freedom necessary to accomplish its difficult task. Acquisition-decision T&E (technical or operational) monitored or performed by the government must be done in a manner that will not adversely interrupt, delay or prejudge the engineering process.

Technical progress and achievement is measurable by either the contractor or the government. It is verifiable by the government. Operational effectiveness is only measurable by the government user/tester and is the singular final acquisition-decision output of the T&E process. Current trends toward contractor assumption of risk during development are very positive. Engineering development and the iterative process of engineering testing should be carried out by the contractor whenever possible. Of course, the government must monitor this activity closely to insure the product will meet the operational requirements through both specification compliance and operational effectiveness.

Contractor organizations have always had separate independent testing organizations. Engineering is separate from and balanced by independent testing. Production is separate from and balanced by independent quality assurance. The Acquisition Executive should be separated from and balanced by an equivalent independent Testing Executive.

Now is the time. Concurrency is proliferating. Congress is moving forward with DoD reorganization proposals that, with the impetus of the Packard Commission report, will certainly be enacted in some form. This is an ideal opportunity to create the independent, combined T&E authority needed to balance sound acquisition decision-making.

Coordination of test resources, support and facilities would be consolidated and multi-use would be a primary consideration in future test investments. The expressed congressional, Packard Commission, and DoD goal of operational test enhancement so vitally necessary would now be possible. Enough testing is the goal. Duplication of effort and investment in testing activity and facilities would be reduced. The DoD T&E investment and overhead is gigantic. These valuable assets and capabilities in and out of the government could be optimized to productively support the goal of making the earliest most confident decision based on an independent evaluation of meaningful tests.

Significant opportunities are available to reduce cost while improving the quality of the answers. My lifetime of involvement to government and industry weapon system testing makes me confident these efficiencies can be achieved.—John E. Krings.

Mr. ROTH. Mr. President, this bill would also redefine the meaning of operational test and evaluation in an effort to expand the role of the independent Office of Test and Evaluation [OT&E].

There are very few word changes to the original definition, Mr. President, but the redefinition would give OT&E additional roles that I believe are very important to the office's successful operation.

The first change in the definition would allow OT&E to play a role in a weapon's acquisition beginning with the concept exploration phase where justification is provided for initiating development of a new weapon system. In many cases, it is important to involve OT&E at the beginning of a weapon's acquisition because this is where a program management office establishes, among other things, the technical specifications and economic basis for the proposed weapon and develops a statement of the objectives, responsibilities, resources, and schedule for all test and evaluation efforts.

Having OT&E involved in the early acquisition stages of a weapon can provide the office with invaluable experience and data when it comes time to conduct separate operational tests on the weapon before the weapon is considered for production, and when it comes time for operational tests after low-rate initial production of a weapon.

Another change in the definition would expand operational tests to military equipment not just used by military but by civilian operators.

Diagnostic equipment, support equipment, simulators, and trainers, and other military equipment are in some cases used today solely by civilians. This equipment should not be excluded from operational tests and this redefinition allows OT&E to analyze operational tests and evaluations on these types of equipment in order to assess their suitability and effectiveness for combat use and other use.

Mr. President, I urge my colleagues to support this bill that could greatly improve the reliability and quality control of U.S. weapons before the weapons are built, and enhance the important role of OT&E.●

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2356. A bill to offset the competitive advantage which foreign coal producers have as a result of not having to meet environmental, health, welfare, and safety requirements of the kinds imposed on U.S. coal producers, and for other purposes; to the Committee on Finance.

COAL TRADE EQUALIZATION ACT

Mr. ROCKEFELLER. Mr. President, today I am introducing, along with the distinguished senior Senator from West Virginia, a bill that would establish a national policy on coal imports. Although it contains a few minor modifications, this bill is a Senate companion to H.R. 1905, the Coal Trade Equalization Act, as reported by the House Interior and Insular Affairs Committee. I commend the House Interior Committee for exercising their foresight in this proposal and I congratulate Mr. RAHALL from West Virginia for his fine work in moving it through the committee.

Mr. President, over the last 2 years the perspective on coal imports has drastically changed. The combination of an intensely competitive marketplace and a new source of coal in this hemisphere has caused serious concern about coal imports into the United States. Two Government studies have concluded that coal imports will continue to grow and electric utilities have shown increasing interest in foreign supplies.

Now is the time to stop imported coal dead in its tracks, not 10 years from now, not 20 years from now. We must all learn from our recent history in other industries and rally the political forces to recognize this problem for the potential threat that it is.

Thirty years ago, when imports of steel amounted to a mere 1 percent of the market, I am sure that few saw the coming onslaught. Today, with steel imports running about 25 percent in the U.S. market, most people in the steel industry are still looking for the truck that hit them. The impact on the domestic steel economy and the States that produce steel has been devastating, and the ripple effects on the coal industry have hit more like a tidal wave.

Coal imports won't ever reach 25 percent, or even 10 percent. But at levels that other industries might call insignificant, the domestic coal industry could be badly hurt. In today's intensely competitive coal market, the line between profitability and bankruptcy is razor thin; and for the coal miner the difference between jobs and the unemployment lines could be a contract with a utility tempted by cheap foreign coal.

Mr. President, some of the most promising new and expanding markets for West Virginia and Appalachian coal, and markets we badly need to capture—Florida, the Gulf Coast, and areas up and down the East Coast—are those targeted for foreign coal. Jacksonville Electric and Florida Power, New England Electric, even Virginia Power in the heart of coal country, either have test burned or have written contracts for foreign coal.

It is almost inconceivable that the United States, possessing fully 25 percent of the world's coal reserves, would consider importing coal. It is absolutely appalling that the greatest threat would come from a mine operation run by America's largest corporation. In search of profits, Exxon abandoned its commitment to American coal miners at their Wayne County, WV mine in 1983 and went south to Colombia to produce coal of virtually identical quality.

Mr. President, I doubt that any legislation can completely stop coal imports. But I do think we have to send a strong and clear message—that we will not allow the foundation underlying America's most abundant natural resource to be shaken. I have already cosponsored with Senator FORD from Kentucky a bill that would deny future Federal coal leases to any company that develops foreign coal for import into the United States. Today I am introducing the Coal Trade Equalization Act, to impose an $8 per ton duty on imported coal.

Mr. President, as we all know, there are many problems that beset the coal industry—excessive rail rates, considerable regulatory pressures, a hostile political environment and much, much more. The coal industry in West Virginia and throughout Appalachia has been under intense competitive pressures. And the industry is responding, adjusting, and modernizing. The improvement in labor-management relations in the coal fields has been nothing short of remarkable. There has been extensive mechanization of the mines—at great cost and loss of jobs—because it was necessary to compete. Everybody involved in the coal industry is doing their share to meet the challenge.

Mr. President, in my view, coal imports are primarily a symptom of excessive railroad rates which have already hurt our coal export business. Now the situation has lead our domestic utilities to consider imports of sizeable quantities of foreign coal. Congress must amend the Staggers Rail Act to bring coal shipping rates down and make Appalachian coal again competitive. I have been working hard in the Senate Commerce Committee toward that end, and I know the chairman has done the same on this side.

Coal imports were at 1.2 million tons in 1984 and rose to 2 million tons in 1985. The Energy Information Administration predicts they might rise to 5 million tons; the Commerce Department has said they might be as high as 17 million tons. With all due respect to some of the experts, we must continue to press forward with our concern on this issue and not be lulled to sleep by one snap-shot statistical prediction of imports. Producers of foreign coal have unmistakably targeted some of our coal markets. We cannot be indecisive for very long, allowing

our coal industry to sit in the crosshairs—we must react now.

Mr. President, this legislation would accomplish this task and I commend it to my colleagues for consideration. The coal industry in the United States is absolutely vital to our country, to our industrial infrastructure and to our electric utility industry. We cannot allow the threat of foreign coal to undermine our ability to produce this vital national resource.

Mr. BYRD. Mr. President, last year the Congress enacted amendments to the Energy Policy and Conservation Act. They included a provision which I authored directing the Energy Information Administration to conduct an analysis of the potential markets for foreign coal in the United States. The EIA was directed to report its findings to the Congress.

That report has been completed, and it indicates that by 1995, foreign coal imports into the United States could more than double from the current level of about 2 million tons per year to at least 4.8 million tons per year, and, if world demand for coal is low, could be as high as 7.7 million tons. The report also indicates that coal from Colombia will dominate U.S. coal imports. For example, if U.S. coal imports in 1995 are 4.8 million tons, Colombia will supply 2.9 million tons, 60 percent of total imports. If coal imports reach 7.7 million tons, Colombian coal will account for 5.8 million tons, over 75 percent of the total.

Even more disturbing, last year the International Trade Administration of the Department of Commerce estimated that the potential market for imported coal could be as high as 17.7 million tons by 1990. This is significantly higher than the EIA estimate, and I am inclined to view the EIA estimates as the lower boundary for U.S. imporr. President, the domestic coal industry is facing double trouble. Not only have falling oil prices cast a cloud of uncertainty over the future for domestic coal use, but increased competition from other coal-producing nations for world coal markets in Western Europe and the Pacific rim, and the restructuring of the world steel industry, also have cast a cloud of doubt over the future of U.S. coal exports.

One effect of such market conditions is to burden the American coal industry with about 100 million tons of unused production capacity. Foreign coal imports will add to these burdens by displacing U.S. coal in domestic markets. The displacement of domestic coal by foreign imports will cost the jobs of coal miners, and will have a negative impact on the economies of communities which depend upon coal production for their livelihood. This would only add to the current economic burdens of many coal-producing States, such as my State of West Virginia.

The legislation which is being introduced today by Senator ROCKEFELLER, my distinguished colleague from West Virginia, represents a major step forward in preventing the slide of Appalachian coal-producing States such as West Virginia into further economic decline as the result of foreign coal imports, particularly coal from Colombia.

I believe that we must act now to stem the tide of coal imports before they reach a level which causes greater economic damage to Appalachian coal-producing States in the future. Therefore, Mr. President, I am pleased to join my distinguished colleague as a cosponsor of this legislation.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 2357. A bill to direct the Secretary of the Army to lease certain lands at Fort Chaffee, AR, to the city of Barling for use by the city for the construction of a waste treatment facility; to the Committee on Armed Services.

LEASE OF CERTAIN LANDS AT FORT CHAFFEE, AR

● Mr. BUMPERS. Mr. President, I am introducing today a bill along with my distinguished colleague from Arkansas, Senator DAVID PRYOR, to require the U.S. Army to lease a portion of land on Fort Chaffee, AR to the city of Barling, AR. This legislation is absolutely necessary for the city of Barling to construct and operate a long-awaited waste treatment facility, and I see no reason at this time for the Army to refuse this lease.

The facts in this case are simple. The city of Barling, population 3,761, is completely surrounded by Fort Chaffee, the city of Fort Smith and U.S. Corps of Engineers land along the Arkansas River. The corps land is unsuitable for the stated purpose, and the necessary size of parcel, soil composition, elevation, and many other Environmental Protection Agency and local health department requirements make it impossible to construct a waste treatment facility inside the corporate limits of Barling or Fort Smith. All other possibilities have been exhausted, so there is no other place for Barling to construct such a facility except on Fort Chaffee land. The Army is reluctant to lease the land, and thus I am introducing this legislation to require them to do so.

Barling does not want something for nothing. They have offered to pay the going rate—$1,600 per year for 320 acres. I have investigated this matter throughly, and I fail to see why the military is unwilling to negotiate this lease voluntarily. There is no military necessity that would prevent this land from being leased. I understand that the land is presently leased for grazing on a short-term basis. The lease called for in my bill would last 55 years, and would cover the northeast quarter and the northwest quarter of section 34, township 8 north, range 31 west. The city does not expect title or mineral rights to the land, nor do they expect to have exclusive use. Also necessary is a 40-foot-wide strip of land from the above described 320 acres to allow an outfall easement from the northern line of the leased tract to the Arkansas River. The bill allows the Army to charge the city up to $1,600 per year.

I would prefer to have this problem worked out voluntarily, but the Army without sufficient justification in my judgement, has refused. The city of Barling has no other alternatives for a waste treatment facility. Mr. President, I urge the adoption of this legislation at the first possible opportunity.●

By Mr. RIEGLE:

S.J. Res. 328. Joint resolution to designate the week beginning May 4, 1986, as "National Correctional Officers Week"; to the Committee on the Judiciary.

NATIONAL CORRECTIONAL OFFICERS WEEK

● Mr. RIEGLE. Mr. President, today I am introducing a joint resolution to designate the week beginning May 4, 1986, as "National Correctional Officers Week." My colleague, Mr. FAZIO, has introduced identical legislation in the House of Representatives.

This joint resolution is identical to legislation I introduced last year which was enacted by Congress. This commemorative week serves to honor our correctional officers around the country for their tireless commitment of staffing the Nation's correctional facilities.

Our Nation's correctional officers work under highly stressful conditions, where exposure to risky or dangerous situations is a daily part of their jobs. Presently, these officers are responsible for the safety and welfare of over 600,000 inmates in the country, and are also integral to the protection of surrounding communities. Since we sometimes overlook the contribution our correctional officers make to help maintain an orderly society, I feel strongly that National Correctional Officers Week is a way to show our support and appreciation for these dedicated men and women. I urge my colleagues to support this legislation.●

By Mr. BIDEN (for himself and Mr. ROTH):

S.J. Res. 329. Joint resolution to designate the period of December 1, 1986, through December 7, 1986, as "National Aplastic Anemia Awareness Week"; to the Committee on the Judiciary.

NATIONAL APLASTIC ANEMIA AWARENESS WEEK

● Mr. BIDEN. Mr. President, public education plays a vital role in raising awareness on important health and disease findings which affect the American public. Aplastic anemia is a case in point—it is a medical emergen-

cy and the public should know about it.

Aplastic anemia has been termed the "orphan disease" although it fatally strikes more than over 2,000 people yearly. It has no known cure and its cause is uncertain. Aplastic anemia is a rare disease that results in the inability of bone marrow to produce blood cells. Anemia, infection, and bleeding result when blood cells are reduced to low levels.

In the 1960's there was virtually no hope for victims of aplastic anemia. No therapy existed and patients with severe cases had a life expectancy of no more than several weeks or months.

However, the 1970's brought hope with the introduction of bone-marrow transplantation which was successful only in young patients—under 40 years old. This disease does not discriminate—it affects the young, the old, men and women in any race or socioeconmic status.

The Aplastic Anemia Foundation of America gives this explanation regarding the importance of aplastic anemia:

Aplastic anemia is an important problem in human biology. Most organs grow to their adult size and change very little throughout life. the bone marrow grows throughout life in a carefully regulated way, ordinally producing neither too many cells (as in leukemia) nor too few cells (as in aplastic anemia). Since aplastic anemia is essentially the converse of leukemia, many scientists believe that an understanding of aplastic anemia is essential to an understanding of leukemia.

Public knowledge of aplastic anemia will be of assistance in increasing the understanding of how it is an integral part in the battle against other bone-marrow diseases.

"National Aplastic Anemia Awareness Week" is just a beginning—we still have a long, long way to go in assuring a better awareness of this little-known killer.●

● Mr. ROTH. Mr. President, I rise with my colleague from Delaware, Senator BIDEN, to introduce Senate Joint Resolution 329 which designates the week of December 1–7, 1986, as National Aplastic Anemia Week.

Aplastic anemia is a rare disease of the bone marrow which fatally strikes 2,000 Americans each and every year. It occurs when the bone marrow stops producing blood cells—red cells, white cells, and platelets. We do not know the cause and have only a very limited understanding of the treatment of this dread disease.

Delaware has had some painful experience with aplastic anemia. Eleven-year-old Nicole Cherchio passed away in January 1985, even after receiving a rare bone-marrow transplant—the only known effective treatment for aplastic anemia. Her family and physicians searched literally the world over to find a suitable donor. A donor was eventually found in England. Unfortunately, the transplant was performed too late to save her life. The difficulty in locating a donor illustrates the need to make people aware of the disease.

It is also clear that more research is needed to attack this little-known killer. In the face of budget necessitated reductions in Federal research funding, private contributions must be increased. The Aplastic Anemia Foundation of America tells me its research fundraising efforts are difficult because much of the public has never even heard of aplastic anemia.

Senate Joint Resolution 329 can assist the private, charitable efforts which are required to conquer this tragic disease. Research can then be done, and potential bone-marrow donors can be made aware of the real need that exists. I ask your support of this worthwhile endeavor.●

ADDITIONAL COSPONSORS

S. 100

At the request of Mr. KASTEN, the names of the Senator from North Carolina [Mr. EAST], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. LUGAR], the Senator from South Dakota [Mr. ABDNOR], the Senator from South Dakota [Mr. PRESSLER], the Senator from Utah [Mr. GARN], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 100, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 262

At the request of Mr. BYRD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 262, a bill to provide for the preservation of the ferroalloy industry in the United States.

S. 524

At the request of Mr. ARMSTRONG, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 524, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 1617

At the request of Mr. WALLOP, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1617, a bill to provide for more effective management of lands of the United States which are subject to conflicting claims or disputes, and to require the Secretary of the Interior to report annually thereon.

S. 1622

At the request of Mr. MELCHER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1622, a bill to promote the development of Native American Culture and Art.

S. 1654

At the request of Mr. STEVENS, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 1654, a bill to amend title 18, United States Code, to provide for criminal forfeiture of proceeds derived from espionage activities and rewards for informants providing information leading to arrests in espionage cases.

S. 1900

At the request of Mr. ROTH, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 1900, a bill to amend the Foreign Agents Registration Act of 1983 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 1917

At the request of Mr. BRADLEY, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 1937

At the request of Mr. STEVENS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1937, an original bill to restrict smoking to designated areas in all U.S. Government buildings.

S. 2166

At the request of Mr. DURENBERGER, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Texas [Mr. GRAMM], the Senator from Tennessee [Mr. GORE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2166, a bill to amend the Internal Revenue Code of 1954 to modify the tax treatment of tax-exempt municipal bonds, and for other purposes.

S. 2181

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2181, a bill entitled the "Construction Industry Labor Law Amendments of 1986."

S. 2209

At the request of Mr. DOLE, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 2209, a bill to make permanent and improve the provisions of section 1619 of the Social Security Act, which authorizes the continued payment of SSI benefits to individuals

who work despite several medical impairments; to amend such act to require concurrent notification of eligibility for SSI and Medicaid benefits and notification to certain disabled SSI recipients of their potential eligibility for benefits under such section 1619; to provide for a GAO study of the effects of such section's work incentive provisions; and for other purposes.

S. 2220

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2220, a bill to provide for a mutual verifiable moratorium on the testing of nuclear warheads, and for other purposes.

S. 2226

At the request of Mr. BENTSEN, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2226, a bill to prevent unfair international trading practices, including unfair trade concessions requirements, which undermine U.S. international trade agreements, from burdening U.S. trade and commerce.

S. 2229

At the request of Mr. DODD, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2229, a bill to amend the Impoundment Control Act of 1974 to provide that deferrals of budget authority by the President shall not take effect unless within 45 legislative days Congress completes action on a deferral bill, and for other purposes.

S. 2266

At the request of Mr. WALLOP, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 2266, a bill to establish a ski area permit system on national forest lands established from the public domain, and for other purposes.

S. 2333

At the request of Mr. DURENBERGER, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2333, a bill to amend title XIX of the Social Security Act to strengthen and improve Medicaid services to low-income pregnant women and children.

S. 2335

At the request of Mr. DOLE, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 2335, a bill to protect United States citizens from terrorism.

S. 2342

At the request of Mr. KASTEN, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 2342, a bill to authorize the Secretary of Agriculture to issue a nationwide marketing order applicable to milk and milk products, and for other purposes.

SENATE JOINT RESOLUTION 143

At the request of Mr. GORE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 143, joint resolution to authorize the Black Revolutionary War Patriots foundation to establish a memorial in the District of Columbia at an appropriate site in Constitution Gardens.

SENATE JOINT RESOLUTION 220

At the request of Mr. MATTINGLY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 220, joint resolution to provide for the designation of September 19, 1986, as "National P.O.W./M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 241

At the request of Mr. DOLE, the names of the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. INOUYE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BAUCUS], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 241, joint resolution designating the week beginning on May 11, 1986, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 280

At the request of Mr. HEINZ, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 280, joint resolution designating the month of November 1986 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 305

At the request of Mr. SIMON, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 305, joint resolution to designate the week of April 27, 1986, through May 3, 1986, as "National Arts in the Schools Week."

SENATE JOINT SESOLUTION 310

At the request of Mr. HELMS, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 310, joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

SENATE JOINT RESOLUTION 311

At the request of Mr. CRANSTON, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of Senate Joint Resolution 311, joint resolution designating the week beginning November 9, 1986, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 323

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mrs. HAWKINS], the Senator from Massachusetts [Mr. KERRY], the Senator from Vermont [Mr. LEAHY], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 323, joint resolution to designate May 21, 1986, as "National Andrei Sakharov Day."

SENATE JOINT RESOLUTION 327

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 327, joint resolution to provide for the President to report on the status and implementation of the recommendations of the President's Commission on Industrial Competitiveness.

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. TRIBLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 115, concurrent resolution expressing the opposition of the United States to the forcible resettlement and systematic oppression of the Ethiopian people.

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. SIMON, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Concurrent Resolution 117, concurrent resolution expressing the sense of the Congress in support of RIAS, the Radio in the American Sector of Berlin.

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. HEINZ, the names of the Senator from New York [Mr. D'AMATO], the Senator from Michigan [Mr. LEVIN], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Concurrent Resolution 125, concurrent resolution recognizing the achievements of the Ireland Fund and its founder, Dr. Anthony J.F. O'Reilly.

SENATE RESOLUTION 381

At the request of Mr. DECONCINI, the names of the Senator from Florida [Mrs. HAWKINS] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Resolution 381, resolution expressing the sense of the Senate with respect to United States corporations doing business in Angola.

SENATE CONCURRENT RESOLUTION 133—COMMENDING DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE JOHN H. McMAHON

Mr. DOLE (for Mr. DURENBERGER, for himself, Mr. LEAHY, Mr. ROTH, Mr. COHEN, Mr. HATCH, Mr. MURKOWSKI,

Mr. SPECTER, Mr. HECHT, Mr. MCCONNELL, Mr. BENTSEN, Mr. NUNN, Mr. EAGLETON, Mr. HOLLINGS, Mr. BOREN, and Mr. BRADLEY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 133

Whereas, John McMahon has devoted his entire professional career to the intelligence service of his nation, performing with dedication, honor and distinction for nearly 35 years since his graduation from the College of the Holy Cross in 1951;

Whereas, John McMahon's career has been one of outstanding accomplishment in diverse intelligence duties spanning the full range of technical, operational and analytical intelligence activities;

Whereas, John McMahon has an unparalleled record of service in key Central Intelligence Agency positions, including Executive Director, Deputy Director for Intelligence and Deputy Director for Operations, and also has had key management responsibilities for Intelligence Community affairs;

Whereas, John McMahon's career progression from communications clerk to Deputy Director of Central Intelligence personifies the finest traditions of our nation's professional intelligence officers;

Whereas, John McMahon's many commendations and awards, including two Distinguished Intelligence Medals, testify to his extraordinary skill and outstanding leadership;

Whereas, during a period of increasingly varied and complex international developments of concern to the United States, in which demands for timely, accurate intelligence information to support national policymakers are becoming simultaneously more intense and diverse, John McMahon has been instrumental in preparing the Intelligence Community for the challenges of the future and has thus made a major and lasting contribution to the national security of the United States;

Whereas, John McMahon has earned the respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former Members of the Intelligence Committees of the Senate and House of Representatives for his integrity and positive approach to Congressional oversight of our nation's intelligence activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That on the occasion of his retirement from an extraordinary career of public service, the Senate and House of Representatives of the United States of America express and record on behalf of the American people, their deep appreciation to John N. McMahon for his exceptionally distinguished service to the United States.

SENATE RESOLUTION 386—WITH RESPECT TO STRATEGIC PETROLEUM RESERVES

Mr. BRADLEY (for himself, Mr. MCCLURE, Mr. JOHNSTON, Mr. FORD, Mr. METZENBAUM, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources.

S. RES. 386

Whereas the Senate has repeatedly supported the development and completion of the Strategic Petroleum Reserve;

Whereas the Senate has appropriated almost $644,000,000 for petroleum purchases and construction of the Reserve, which the President has deferred;

Whereas petroleum markets are in disarray due to excess oil supply;

Whereas the Administration's Energy Information Agency projects that oil imports could grow to one-half of domestic consumption by 1995;

Whereas over 60 percent of the world's proven oil reserves lie in the politically volatile Middle East;

Whereas the Energy Information Agency and other industry experts also project long-run oil prices to be substantially higher than today's levels; and

Whereas Strategic Petroleum Reserve purchases remain an extremely cost-effective national security measure and will bolster hard-hit domestic producers: Now, therefore, be it

Resolved, That it is the sense of the Senate that petroleum purchases for and construction of the Strategic Petroleum Reserve should be accelerated and that the $644,000,000 deferred by the President should be obligated immediately to contract for the development and expansion of the Strategic Petroleum Reserve.

● Mr. BRADLEY. Mr. President, today I am submitting a resolution which is cosponsored by Senators MCCLURE, JOHNSTON, FORD, METZENBAUM, and WARNER. It directs President Reagan to release $644 million which Congress has already appropriated for the fill of the U.S. strategic petroleum reserve. The President is currently deferring those funds.

The Senate has voted repeatedly and consistently to support a substantial SPR. Quite simply, continuing to expand the SPR is good energy policy, it is sound national security policy, and it is prudent budget policy.

The U.S. oil market is a reflection of the world market: As world oil prices move, so do U.S. prices. This market orientation is the keystone of U.S. energy policy. U.S. prices no longer depend on the level of oil imports, they fluctuate based on the conditions in the world market. The danger we face from a free market policy is that sudden swings in price or supply—caused by panic, speculation, or some natural disaster—can have severe economic impact. The best way we have to cushion our economy from sudden changes is an adequate SPR.

The SPR is an essential component of a sound national security strategy. As we have seen in the past, a swing in the market can also result from hostile action. Oil is a stategic commodity necessary for our military capability as well as our industry. We have seen in the Iraq-Iran war that oilfields, refineries and tankers are prime targets for attack. A large SPR counters this threat to national security. Again, however, our confidence in the reserve is directly related to its size.

Investment in the SPR is a prudent budgetary decision. In today's oil market, with prices at an historic low in real terms, it makes no sense that the U.S. forgo this opportunity to increase our long-run security and add to the reserves. As an asset, the value of oil will only increase. I would not be surprised if future analysis showed that the taxpayer actually made money on SPR oil purchases made today.

Finally, expanding the SPR will have a salutary impact on the economy of a number of hard-pressed States. We are all aware of the effects that the recent drop in oil prices has had on domestic producers: the layoffs in the oil producing States, the shut-in marginal producers, and the declining expenditures for oil exploration and production. We are also very aware of the immense beneficial effects of low oil prices on the U.S. consumers: heating oil and gasoline prices well under $1 per gallon, a Dow Jones average heading toward 2000, and a boost for high-economic growth and low inflation.

This resolution directs President Reagan to take the one action which can benefit both consumers and producers. The $644 million being deferred by the President could buy over 50 million barrels of oil. Such a large purchase would help stabilize oil markets. It would show producers that the U.S. Government recognizes a bargain and can act accordingly. Additionally, a larger SPR means increased energy security for domestic consumers. With over 70 percent of the world's proven reserves in the Middle East or Communist nations, the value of such security should be as obvious to the President as it is to the Congress.

The arguments are many, and the conclusion is not subtle. We need a large SPR and now is the time to fill it. President Reagan has the funds available to add to the SPR and he should use them.●

AMENDMENTS SUBMITTED

TO HONOR WOMEN WHO SERVED WITH, AS WELL AS IN, THE ARMED FORCES

CRANSTON AMENDMENT NO. 1796

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 156) authorizing a memorial to be erected in the District of Columbia or its environs; as follows:

On page 2, line 3, insert "or with" after "in".

Mr. CRANSTON. Mr. President, I am today submitting an amendment to Senate Joint Resolution 156, a resolution Senator MURKOWSKI and I intro-

duced on July 10, 1985, to authorize the establishment of a memorial to honor women who have served in the Armed Forces of the United States. The measure currently is cosponsored by 59 of our colleagues. This amendment would conform this measure to the House-passed resolution, House Joint Resolution 36, by providing that the memorial would honor not only women who served in, but also women who served with, the Armed Forces.

Through the years, hundreds of thousands of women have played vital roles and made enormous contributions to our Nation's defense through such organizations as the American Red Cross and in civilian capacities in various Federal agencies. This amendment would ensure that the memorial would provide recognition of those contributions, as well as honoring the brave and unselfish deeds of those women who served this Nation in the uniformed services.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, April 22, to consider the procurement of a new telephone system for the Senate and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 22, to hold a hearing to consider S. 2073, to encourage the standardization of nuclear powerplants, to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Agriculture, be authorized to meet during the session of the Senate on Tuesday, April 22, 1986, in order to conduct a hearing on amendments to the Federal Insecticide, Fungicide, and Rodenticide Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, April 22, 1986, in order to conduct a hearing on S. 1696, a bill to establish a federally-declared floodway for the Colorado River.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DISARMING AMERICA'S WILL TO DEFEND ITSELF

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. GOLDWATER. Mr. President, appearing in the April issue of Government Executive is a very interesting and excellent article entitled, "Disarming America's Will To Defend Itself." It was written by Dr. John A. Howard, president of the Rockford Institute and I am asking that it be placed in the RECORD so that all of my colleagues, in both Houses, can have the opportunity of reading it.

It is good to read this and then reflect upon history because history can tell us more about the future than probably any other source. It was just 25 years ago that the President of the United States turned his back on men who had been trained to protect Cuba from a dictator and by doing this, we lost Cuba as a friend and as an ally. By doing this, we contributed to the long list, starting back probably before World War II, but certainly traceable to immediately after World War II, of decisions made by our leaders, particularly our Presidents, which indicated the United States had no courage to make hard, tough decisions. These decisions are still being needed in this world, but we are not receiving them as regularly as we would like.

Yes, we showed the American natural courage by attacking Libya because of the anti-American, anti-freedom antics of its leader. Yet, watch the television. Commentator after commentator apologizes for the United States. Read the press. Item after item blames the United States, not the source of the trouble.

I want to put this in the RECORD because it is a beginning of a number of statements I intend to make based on thoughts of mine accumulated over the years which I hope might help to explain to America just what is happening to us.

Mr. President, I ask that this article be inserted in the RECORD at this point in my remarks.

The article follows:

DISARMING AMERICA'S WILL TO DEFEND ITSELF

(By Dr. John A. Howard, President, the Rockford Institute)

"How does a society prevent war against itself and still protect the values by which it lives? Or, if forced to, win a war that threatens those values? The kicker is the word 'values'. If we could just eliminate those values from the equation, then preventing war is easy—just don't fight."

This formulation of the two options, readiness to defend cherished values, or peace by pre-emptive surrender, is by Dan McMichael, a key figure in the analysis of America's defense and foreign policies. Let the country set aside its values, he says, and we won't have to worry about war. This is the equivalent, at the national level, of the confrontation between a bully and a person whose foremost concern is not getting hurt. He simply yields to the bully's threats. If the primary common concern of the citizens is their own lives, then their government cannot take actions which involve high risk. That is McMichael's thesis. And I think it is correct.

NEW WAYS OF THINKING

Americans are not accustomed to thinking in these terms. War and peace, defense and foreign policy—these are matters which are dealt with and determined by the President and the Congress. Or so we suppose. Well, Presidents Lyndon Johnson and Richard Nixon learned that isn't so. They discovered that an impassioned body of citizens, supported by a sympathetic press, was able to mobilize sufficient public sentiment to overrule the judgments of the government.

In a recent interview, historian David Horowitz said, "America's withdrawal from the battle front in Vietnam because of domestic opposition is unique in human history: there is no other case on record of a major power retreating from a war in response to the moral opposition of its own citizenry." Horowitz, by the way, was one of the most influential young radicals in the Vietnam era. He is now a biographer and, surprisingly, an advocate of American support for other governments which are fighting for freedom.

VALUES

Was what happened with Vietnam a fluke, an aberration in America's traditional support for their government in time of crisis, or are the values, interests and emotions which prevailed in the 1960's still dominant today? Some observers are encouraged to believe that the public rejoicing over our Grenada intervention, echoed in the strong support for the President's recent economic sanctions against Libya, are signals that our country is back on course. Other, who have some knowledge of the fervent support which the nuclear freeze and peace movments command within organized religion and among college professors, are less sure.

Will our nation stand firm, against the ravages of fanatical terrorism and dictatorial Soviet expansion or is it now dominated by the my-interests-come-first mid-set we have seen among Americans over Libya and Nicaragua? Whatever may happen in the short term, I suggest that those who have a regard for perpetuating the American experiment in freedom would do well to ponder the implications of the McMichael equation, and give heed to the condition of the value system on which freedom rests.

What are the values which Americans hold dear, values for which they would risk their lives? The nation's Bicentennial was surely an occasion for us to remind ourselves of, and rejoice in those values. What do you remember about that celebration? Best-selling patriotic books? Memorable editorials? Television specials? Stirring historical festivities in your community? For the most part, the Bicentennial was more hoopla than substance. We did not dwell on the values that have distinguished and vital-

ized America. And people didn't seem to notice or care. Patriotic contemplation has been in a prolonged bear market.

UNDERSTANDING FREEDOM

Freedom is a little like electric power in a city. When you have it, you take it for granted. It is only in a power outage that you are forced to realize the magnitude of importance electricity plays in every aspect of your life. A generation which has experienced the oppression of tyranny in every aspect of its life and then arduously earned its freedom, does not undervalue freedom. That preciousness can be transmitted to the children and perhaps the grandchildren, but in time the devasting experiences and the glorious triumps of one generation fade from the collective memory.

Moreover, when a value as complex as liberty falls away from the general conciousness, its nature as well as its worth, becomes hazy in the public understanding. Americans do not have a very clear idea about how freedom operates and what is required to sustain it. Many suppose that the free society is simply a political entity in which the individual may do pretty much as he chooses with little interference from the government. If it were only that simple!

As the astute French political philosopher Montesquieu recognized, and elaborated at great length, a republic can be sustained only by virtuous people. The privilege of steering one's own course must be balanced by a decent regard for the other person and a willingness to accept some responsibility for the well-being of the community. Without a solid social fabric of lawfulness, fairness, self-reliance, self-discipline and integrity, the innumerable human interactions of everyday life readily degenerate into exercises of guile, greed and manipulated guillibility.

Because self-interest is a fixture in human nature, there seem to be only two basic options for rising above the every-man-for-himself savagery of the jungle. On the one hand, group activities can be regulated and order maintained by a central authority that enforces its judgments with fear, deception, brainwashing and imprisonment, as we see today in the Soviet Union and allied Marxist regimes.

Apart from coercive control by rulers, the only other means through which society can conduct its common enterprise is by voluntary submission to the rules of the game. In the free society, each generation must be systematically trained and acculturated into the ideals, the obligations and the taboos which enable people to live together amicably and productively. This culturally induced voluntary acceptance of the norms of civil conduct is the virtue which Montesquieu recognized as the *sine qua non* of liberty.

REQUIREMENTS OF LIBERTY

Imagine, for a moment, what would happen if a free society, forgetful of the requirements of liberty, failed to instill in its people a decent regard for their neighbors. Terrible things might happen. Crime, for instance, could increase to the point that everyone would need to have an electronic alarm system for his home. Citizens might exploit the judicial system for personal advantage, with lawsuits proliferating, even to the point that one could not buy enough liability or malpractice insurance to protect himself. The situation could even degenerate to the point that an individual might campaign for public office on a platform of promising to his voters rights and benefits and privileges that he knows he can't deliver.

By contrast, let us remind ourselves of what freedom meant to those who earned it for us. The fifty-six men who signed the Declaration of Independence pledged "their lives, their fortunes and their sacred honor" in support of that Declaration. Concludes a book, *Greatness to Spare*, by T. R. Fehrenbach:

"Nine signers (of the Declaration of Independence) died of wounds or hardships during the Revolutionary War. Five were captured or imprisoned, in some cases, with brutal treatment. The wives, sons and daughters of others were killed, jailed, mistreated, persecuted or left penniless. One was driven from his wife's deathbed, and lost all his children. The houses of twelve signers were burned to the ground. Seventeen lost everything they owned.

"Every signer was proscribed as a traitor: every one was hunted. Most were driven into flight; most were at one time or another barred from their families or their homes. Most were offered immunity, freedom, rewards, their property and release of loved ones to break their pledged word . . . (and) take the King's protection. Their fortunes were forfeit, but their honor was not. No signer defected or changed his stand throughout the darkest hour."

Consider, now, justice, like freedom, another of America's cardinal values. In earlier times, it was believed that a just political system was one in which all citizens were guaranteed fair and equal treatment under the laws of the nation. America's performance according to that definition, even granting the now appalling exclusion of slaves and women, was so remarkable that justice and liberty were pole stars that guided millions of immigrants to this land.

With the rise of socialism as a political force in America, and with the powerful reenforcement of the social gospel as articulated by Walter Rauschenbusch and others early in this century, the concept of political justice was gradually transformed from the limited scope of fair treatment by the courts to include governmental responsibility for delivering equality in the conditions of life. Once that Pandora's Box was opened, the principles of virtuous self-discipline and self-reliance slowly gave way to the principles of infinitely expandable rights, and this new notion of justice became the rallying cry for every conceivable interest and ambition.

JUSTICE AND RIGHTS

Because the Bill of Rights is a cornerstone of the edifice of our freedom, and properly so, the term, rights, stands high on our scale of values. The mere assertion of a right captures the high ground for the asserter, and commands a certain amount of unthinking allegiance. Once a group has formulated its goals as a right, it is then free to redefine justice to serve its purposes. This is a very difficult strategy to counteract except by meeting fire with fire, and proclaiming a contrary right. Today we are awash in a sea of contention about innumerable rights with the result that justice as a value has been debased to the point that many people simply tune it out as tiresome, scarcely a value in our time that will inspire the citizens to rally to freedom's flag.

This thumbnail history of the attenuation and adulteration of the values of freedom and justice is a tale of damage self-inflicted by negligence and intellectual inadequacy. That, however, is not the whole story.

LESSONS FROM LEFT

However dunderheaded the Soviets and other Marxist-Leninist regimes are about economics and productivity, they have, with dire clarity, understood the McMichael equation and have supported and orchestrated with increasing skill through agents and fellow travelers, a massive campaign of ideological warfare against the value system of free nations. Indeed, they have no choice in the matter. It is forced upon them. Under their system of government, they are obliged to stifle the individual judgments and individual responsibilites which are the essence of freedom.

One aspect of the Soviet's ideological warfare is to mask the gross inhumanity of their own political system. The illusion must be sustained and reenforced in the outer world that Soviet Russia is the champion of oppressed people everywhere and the one true advocate of peace. Their peace song is played to different tunes for different folks. In the nations where democratic capitalism prevails, the Soviets trumpet only their incessant initiatives to prevent war and the unwillingness of free governments to respond. In the developing nations, it is a song of ultimate peace after the Soviets have triumphed over capitalism, an evil system, they say, that drains the resources of lesser economies and dooms them to poverty, famine, and sickness. Dare one, in today's climate, say theirs is a "peace" which passeth all understanding?

DEMEANING HUMAN WORTH

By definition, Marxist-Leninism relegates the individual human being to insignificance. Any person who stands in the way of the government's ideological objectives must be neutralized by intimidation, brainwashing, or more severe treatment. Human worth, human dignity, human rights are non-concepts under that system. Thus, religion is the arch-enemy of Marxism. There is only one channel of obligations for the Soviet citizens, and that leads directly to the state. God is not permitted any "Shalts" and "Shalt nots." In the same manner, only the official view of reality is permitted. Thus, there is no free press, and concealed facts lies, half-truths and deceptions are woven into the entire operation of the system, both in dealing with their own people and with outsiders.

Each of these features is so totally foreign to the beliefs, the values, and the expectations of free citizens that the mind simply cannot take it in, the brain's computer has no programming to precess the principles of such a system, and rejects the evidence; the hope that it is not so prevails over the revealed reality. We read of the report just issued by he United Nations Commission on Human Rights, documenting the atrocities of Soviet troops in Afghanistan adding booby-trapped children's toys to the run-of-the-mill cases of torture, rape, mutilation and so on.

We are shocked by the eradication of a straying Korean airplane loaded with innocent passengers; we listen in astonishment to the broadcast of a Russian military expert solemnly pronouncing an immediately refutable lie that the silhouette of the Korean airliner is identical with a U.S. miliary intelligence plane; we read the account of the Gulag Archipelago; we have the certain knowledge of Soviet support for international terrorism; but the mind boggles. We cannot comprehend that these are not isolated instances of waywardness, by the day to day operations of a system that flatly

rejects the worth of a human life and all the other values which are treasured by free people.

Nor do we understand much better the extents to which Soviet Russia, supporting and working through sympathetic or unsuspecting American organizations, has had a hand in the debilitation of our value system, although Arnaud de Borchgrave, Rael and Jean Isaac, Jeane Kirkpatrick and numerous other responsible and knowledgable authors have given us chapters of that history.

SOURCES OF DEBILITATION

Consider two major phenomena, one from two decades ago and one of today. If you examine the issues of the *Berkeley Barb*, the *Black Panther* and some of the lesser known Marxist underground publications of the 1960's, you discover that the student protest movement was not a spontaneous eruption of idealistic youth; but, to a certain extent, the manipulation of a generation according to a skillfully designed strategy. The encouragement to resist the military draft and to take up the use of marijuana were openly acknowledged in these publications as tactics to alienate young people from their society.

By exploiting both the disinclination to go to war and the attractiveness of forbidden fruit, innumerable students were drawn into the status of lawbreakers. In that position, they were vulnerable to the assertion that it was an unjust war and it was an unjust legal system that allowed their parents to drink booze but prevented them from using pot. For those who have enlisted in activities on the far side of the law, it is a short step to the next level of radicalism, the conviction that America is an unjust society. This was the core theme of the Students for a Democratic Society (SDS), which had 100,000 members when it self-destructed over the question of the continued use of violence in pursuing its goals.

ATTACKING THE MECHANISM

Another aspect of the student radical plan was to attack the mechanism by which a free society fairly adjudicates conflicts of interest and conflicts of judgment. Rather than presenting a case for their views on an issue with facts and logic so that it could be judiciously weighed against the case made by the other view, they mobilized public fear and scorn and hostility against those who disagreed with them. Facts and reasons were overwhelmed by street theater. Later we saw this strategy deployed with devastating effect against the development of nuclear energy in America, and today the outcome of all too many issues seems to depend more on the decibel level than on mature, informed judgment.

The contemporary twisting of the value of justice I wish to cite is the strange singling out of the South African Government as the one nation in the world where we must rally all our forces to impose human rights. By any objective standard, the human rights shortcomings of that government, as grave as they are, are substantially less grievous in mature, in magnitude and in rigidity than is the case with numerous other governments including the Soviet Union, Iran, Libya and Ethiopia.

Let us look back eight years. The headline of the May, 1978 issue of the *The Guardian* reads, "Africa: The Cutting Edge, A Continent In Struggle Against Imperialism." *The Guardian* which calls itself an "independent radical newsweekly," is a Marxist publication which predated the Institute for Policy Studies and the SDS, but has had a close association with the Institute and has enlisted as editors and writers numerous SDS alumni. The May 24th issue is the radical left manifesto calling for the overthrow of the governments of Rhodesia and South Africa. Of the twenty-five articles listed in the Table of Contents, all but three are focused on the revolutionary struggles in Rhodesia, South Africa, and Angola, including such titles as "U.S. Bank Loans Bolster South Africa Economy," "Angola Gains Build Base for Socialism," and "Women Fight To Free South Africa."

"SUPPORT GROUPS"

The centerfold provides a listing of 112 American organizations and their addresses, some of them with chapters throughout the country, designated as "support groups" working in one way or another toward "Southern Africa liberation against the white settler regimes of South Africa and Rhodesia." The same page lists fifty-four allied "African Resources," which are think tanks, publishing houses, film centers, periodicals and liberation movements.

The full-page editorial declares, "As this movement grows—and it will—the necessity for information and propaganda clearly targetting the U.S. role in Africa will likewise increase as will the actions, demonstrations and mass protests of every kind. This newspaper will redouble its efforts to make the truth about the struggle in Southern Africa known in the U.S. . . . We call upon our readers, supporters and all progressive, anti-imperialists and communists individuals and organizations to do the same." The people reaped quite a harvest.

Where does all this leave us? Are we stuck with the unthinkable option of war with Soviet Russia or peace at any price? No, I think not. President Nixon answered that question in a recent speech. "Reagan and Gorbachev understand each other," he said, "but they do not want the same thing. Gorbachev wants to defend the extend communism. Reagans wants to extend and defend freedom. The United States and the Soviet Union have irreconcilable differences. They have only one common interest, to avoid nuclear war over those differences. But even in this respect, our goals are different. Reagan wants peace as an end in itself. Gorbachev wants victory without war.

Have we the will to make the sacrifices necessary to deny him that victory? Fifteen years ago in the response to the Nobel Prize which Solzhenitsyn prepared, but was not permitted to deliver, he summed up the circumstances which would be the cause of our failure to prevail, if we should fail. "The spirit of Munich is in no sense a thing of the past, for that was no flash in the pan. I would go so far as to say that the spirit of Munich is the dominant one of the twentieth century. The civilized world quailed at the onslaught of snarling barbarism, suddenly revitalized; the civilized world found nothing with which to oppose it, save concesssions and smiles. The Spirit of Munich is an illness of the willpower of the well-to-do, it is the usual state of those who have surrendered to materialism as the main aim of life on earth. Such people—and how many there are in the world today—choose passivity and retreat just so that normality can last a bit longer and the onset of brutishness be put off another day (when) the price of cowardice will be all the higher."

AN AGENDA

Finally, what is our agenda? We must relearn and refurbish and impart to new generations of Americans the values which define and unite the free society. We must rediscover Montesquieu, de Tocqueville, Edmund Burke, George Washington and countless other teachers of those values. And I think we could be well advised to become the student of the refugees from tyranny, not just an Alexander Solzhenitsyn, but the countless Cubans and Poles and Laotions and others among us who can teach us with passion to appreciate our great good fortune in living in a free land.

The Sandinista government closed down the Catholic radio station in Nicaragua for two days because Cardinal Obando y Bravo used in a broadcast sermon a sentence that had been forbidden by the Sandinista censor. What was the sentence? "Liberty is the most precious blessing that God gave to mankind."●

JOSEPH H. KANTER JOGGING AND FITNESS FACILITY

● Mr. CHILES. Mr. President, one of Florida's leading businessmen is also an ardent fitness enthusiast. Joseph H. Kanter has donated to the people of the United States a new jogging and fitness facility on the Mall. On April 23, at 11 a.m., this new facility, located at Fourth Street and Independence Avenue SW., will be dedicated.

All of my colleagues and their staffs are invited to attend the dedication and use the exercise equipment. I hope to see them there.

Joe Kanter, a prominent banker and movie producer, has been jogging for over 40 years—long before the sport gained its current popularity. His commitment to the promotion of exercise and his commitment to philanthropy have been genuine and enduring over the years.

I know that the new facility will be used and appreciated by all.●

MAKING BETTER USE OF THE SCC

● Mr. SIMON. Mr. President, the Arms Control and Disarmament Agency [ACDA] recently released yet another "half-compliance" report on Soviet treaty violations. I say "half-compliance" because the administration has yet to give us a true compliance report: One where alleged violations and ambiguities are set alongside Soviet observance of the treaties in question. But even Mr. Adelman's ACDA, not noted for its commitment to arms control, feels compelled to state that "the Soviets have adhered to many, if not most, provisions of the treaties to which they are a Party."

There are several good reasons for the Soviets to adhere to most treaty provisions, and one of the best is the Standing Consultative Commission [SCC]. The Commission composed of United States and U.S.S.R. representatives. The SCC was set up in the ABM [Anti-Ballistic Missile] Treaty of SALT I in order to raise questions about ambiguous events and resolve differences between the two parties.

Its record before 1981 was excellent, in large part because both Moscow and Washington had enough political will to allow the SCC to function smoothly. All major questions were settled to both sides' satisfaction.

Since 1981, with one exception, the SCC has been sorely hampered by an administration ill-disposed toward arms control. That exception occurred last year, when an agreement was reached on what constitutes concurrent testing of surface-to-air missile radars and strategic ABM radars. In this instance, the requisite will was there to make some headway prior to the Geneva summit. But now we are back to the familiar Reagan administration neglect of the SCC, at times bordering on hostility, as the Geneva talks bog down and as public accusations once again force reasoned and quiet diplomacy off center stage.

The SCC has now become a forum for the United States to recite our grievances, demand Soviet action to remove our concerns, and reject out of hand Soviet concerns. By all accounts, it has become a monolog. Our Ambassador to the SCC, retired Gen. Richard Ellis, is in a tough spot. A former commander of the Strategic Air Command, Ellis is no pushover. But the U.S. representation to the SCC must answer to an interagency working group dominated by the Defense Department's hardliners. Much greater progress can occur if we give Ambassador Ellis the leeway he needs to negotiate.

One example of our refusal to use the SCC to our benefit is the current controversy over the SALT-accountable strategic nuclear delivery vehicles, or launchers. Moscow says that 30 Bison heavy bombers have been converted to aerial tankers. We will not accept these conversions as legitimate under SALT rules. Why not?

We will not accept them because the procedures for conversion have not yet been worked out. They have not been worked out because we refuse to negotiate the necessary procedures. If we work out the procedures, then it might be apparent that the Soviets are within the launcher limit set by SALT I. That would be one less compliance issue the Richard Perles in this administration can use to torpedo U.S. commitments to SALT I and II.

The SCC reconvened on March 4. No progress has been made to date, and as of today, none is expected in the near future. This is unfortunate, because solutions to vexing problems are easier to reach in the quiet forum of the SCC. Progress there can lead to progress in the summit talks. We need to make better use of this negotiating tool, and Congress needs to be more aware of its activities and results. A good place to start would be periodic SCC reports to Congress highlighting each negotiating session.

This is one idea advocated by Sidney Graybeal and Michael Krepon in an article published in the fall 1985 edition of "International Security." I commend this article to my colleagues and ask that it be printed in full in the RECORD.

MAKING BETTER USE OF THE STANDING CONSULTATIVE COMMISSION

(By Sidney N. Graybeal and Michael Krepon)

Unresolved compliance problems have accumulated to the point where they have become a major impediment to the maintenance of existing agreements and the negotiation of new accords. While progress in compliance diplomacy has recently been made, major problems, such as the construction of the Krasnoyarsk radar, have not been satisfactorily resolved in the forum created by the strategic arms limitation talks (SALT) to address SALT compliance questions—the Standing Consultative Commission (SCC).

Like other negotiating bodies, the SCC has no powers of enforcement and it cannot impose sanctions; it can succeed only when the political leadership in the Soviet Union and the United States seek mutually satisfactory solutions. The SCC is a tool for Moscow and Washington to use as each sees fit. Its utility depends on effective use by both governments. Given proper instructions, high-level political support, problem-solving tactics, and sound bilateral relations, the Soviet and U.S Commissioners can work together quite effectively. However, even the most efficacious tactics in the SCC will not bear fruit if either Commissioner is operating under unhelpful instructions, if the superpowers question each other's intentions toward past agreements, and they do not wish to maintain the viability of those agreements.

It should therefore come as no surprise that, during the past five years, the SCC has fared no better than the general state of U.S.-Soviet relations. Nevertheless, both governments have taken care to keep the SCC channel open during periods of harsh public exchanges. Useful discussions on sensitive military subjects continued even after the Soviet Union walked out of negotiations on strategic and intermediate-range nuclear forces in 1983.

Despite its importance, very little is known about the SCC, and many misconceptions have arisen about its activities. The object of this essay is to explain the nature of the SCC and to suggest steps to improve the utility and effectiveness of its operations.

THE SCC'S MANDATE AND OPERATIONS

No arms control agreement can be written so carefully and so clearly as to prevent ambiguities and compliance questions from arising. In some instances, parties to an agreement may not wish or may not be able to arrive at precise treaty language. They may have different interpretations of their obligations under an agreement, or new military technologies may create circumstances that were not anticipated during negotiations.

Early in the SALT I negotiations, both sides recognized the need for a private forum to implement treaty provisions and to deal with ambiguities and compliance questions. As a result, there were few difficulties in drafting Article XIII of the ABM Treaty creating the SCC. The ABM Treaty, and thus the SCC, are of indefinite duration. A Memorandum of Understanding formally establishing the SCC in December 1972 extended its jurisdiction to include the Accidents Measures Agreement signed the previous year, and regulations governing the SCC's operations were drawn up the following May.

The SCC's charter, as spelled out in both the ABM and SALT II treaties, is quite broad. It empowers representatives of the U.S. and the Soviet Union to consider, among other topics, treaty compliance questions and "related situations," questions involving interference with national technical means of verification, "possible changes in the strategic situation which have a bearing" on treaty provisions, additional measures to increase the viability of existing agreements including amendments to treaty provisions, and proposals for "further limiting strategic arms." In addition, the SCC Commissioners are authorized to exchange relevant information and to draw up procedures for dismantling or destroying offensive and defensive weapon systems.[1]

The Memorandum of Understanding establishing the SCC clarifies basic organizational matters while leaving considerable discretion to the two delegations on how the SCC shall actually operate. Each side is represented by a Commissioner, a Deputy Commissioner, an Executive Officer, and members of the delegation. Commission meetings are held no less than two times per year, and may also be convened "as soon as possible, following reasonable notice, at the request of either Commissioner." The SCC makes its own regulations, and may amend them "as it deems appropriate." [2]

In current practice, the U.S. Commissioner is chosen by the unanimous recommendation of the President's National Security Adviser, the Secretaries of State and Defense, Chairman of the Joint Chiefs of Staff, Director of Central Intelligence, and Director of the Arms Control and Disarmament Agency. Since the Commissioner is granted the title of ambassador, the Senate also passes judgment on the nomination. Sessions are usually held in Geneva during the spring and fall, each session generally lasting two months in length. Special sessions can be held at any time.

While the charter of the SCC enables it to conduct negotiations and arrive at new arms control agreements, to date neither side has chosen to operate in this fashion. New areas of negotiation generate their own negotiating teams and acronyms. Nor have the two sides used the SCC to amend agreements under its jurisdiction. The SCC has concerned itself primarily with implementation and compliance questions for the SALT accords.

Implementation, of course, can be a form of negotiation, but the SCC delegations usually operate within a narrower framework than their colleagues who actually draft treaty provisions. The primary responsibility of the SCC delegations is to make sure that basic objectives and purposes of existing agreements within their jurisdiction are being met properly. The SCC delegations are not free agents in carrying out these responsibilities. Like other negotiating agents, SCC Commissioners are on a tight rein from

[1] *Arms Control and Disarmament Agreements, Texts and Histories of Negotiations* (Washington, DC: United States Arms Control and Disarmament Agency, 1982), pp. 141-142.

[2] *Documents on Disarmament—1972* (Washington, DC: United States Arms Control and Disarmament Agency, 1974), pp. 868-869.

their capitals. Neither side is empowered to establish government policy or to go off and solve problems on its own. SCC delegations, no less than delegations negotiating new agreements, operate under carefully drafted instructions coordinated—sometimes with considerable dispute—among the relevant government agencies.

When friction within the executive branch is pronounced, instructions tend to become increasingly rigid. If, for example, government agencies can not agree on a proposed course of action, the U.S. Commissioner at the SCC is not free to suggest one to his Soviet counterpart. What flexibility the U.S. Commissioner has relates to his choice of tactics to implement negotiating instructions.

[1940]

THE SOVIET PERSPECTIVE

The Kremlin views the SCC as an important channel of government-to-government communication. Its high level of regard for the SCC has been reflected by the quality of representation on the Soviet delegation. The Soviet Union has had two Commissioners during the entire existence of the SCC, both military officers from the General Staff—General-Majors G.I. Ustinov and Viktor P. Starodubov. Neither man has been accorded the rank of Ambassador (perhaps because of their military backgrounds) although both made it clear that they were spokesmen for the U.S.S.R., like other representatives of the Soviet goverment abroad.

Starodubov, the Commisisoner since 1979, is an adept and highly accomplished negotiator who has also served on Soviet delegations in the SALT, START, and prior SCC negotiations. The Deputy Commissioner has always come from the Ministry of Foreign Affairs. The head of the Soviet delegation in the current Geneva talks, Viktor P. Karpov, served as Deputy Commissioner for six years, followed by Vadim S. Chulitsky in 1979. The Kremlin expects issues that fall within the purview of the SCC to be raised in this forum and not elsewhere. It clearly prefers to work within the confines of the SCC rather than to engage officials with higher rank who are less suited to the tasks at hand. The Soviet Commissioner must, of course, receive authorization to proceed from Moscow, but once authorization is received, the Soviet delegation has demonstrated its willingness to have constructive exchanges and to resolve compliance questions expeditiously.

AMERICAN PERSPECTIVES ON SOVIET COMPLIANCE AND THE SCC

In contrast to the official Soviet view, American attitudes toward the SCC vary greatly, usually according to one's view of the value of arms control agreements with the Soviet Union. With experts so sharply divided on this fundamental question and with the SCC operating as a closed shop, it is difficult for even interested citizens to reach an informed judgment on the SCC's effectiveness or utility. Subjective judgments come into play on both sides of these issues, with the SCC caught in the cross fire.

The Nixon, Ford, and Carter administrations were supportive of the SCC's activities and did not denigrate its effectiveness. All three Presidents declined to assert Soviet violations in their assessments of issues reviewed in the SCC during their tenure.

For example, Secretary of Defense James Schlesinger testified before the Senate Armed Services Committee in March 1975 that "We believe that the Soviet Union has been, and today is, in compliance with the terms of the SALT agreements." Schlesinger characterized problems then the subject of considerable controversy as "ambiguities which needed to be resolved," not as violations.[3] President Gerald Ford affirmed this judgment in a June 25, 1975 press conference.[4] The Carter Administration's report—issued in the context of defending the SALT II Tready—asserted that "in every case [of a questionable practice raised by the U.S. in the SCC] the activity has ceased, or subsequent information has clarified the situation and allayed our concern."[5] SALT critics, such as Assistant Secretary of Defense Richard N. Perle, have taken a diametrically opposed view:

"I have put emphasis on the failure of the SCC to resolve compliance concerns because previous Administrations, in efforts to sell unverifiable arms control agreements to Congress, have created a virtual mythology about it. The fact of the matter is that serious compliance problems have generally not been resolved by the SCC or in any other manner."[6]

Confusion about the role of the SCC is compounded by widely varying lists of Soviet "violations and circumventions" of past agreements. For example, the State Department's 1978 assessment of compliance questions and the Arms Control and Disarmament Agency's 1984 General Advisory Committee (GAC) Report cover four common SALT compliance issues, arriving at different judgments on every one of them. By the GAC's definition of what constitutes "material breaches" of binding arms control obligations, the Soviets cheated, and the SCC failed to resolve these problems. By the State Department's assessment in 1978, no material breaches took place, and the SCC played a positive role.[7]

A SALT I compliance question relating to what constituted permissible modernization of existing ICBM launchers provides a case study of how compliance judgments vary. During the SALT I negotiations, the U.S. attempted to constrain new Soviet "heavy" ICBMs by suggesting limits on missile throw-weight and volume to which the Soviet Union would not agree. Both sides eventually agreed to an imprecise formula on silo dimensions, which the U.S. hoped to strengthen by means of a unilateral statement using a volume constraint to distinguish between "light" and "heavy" ICBMs. The Soviets proceeded to disregard this interpretation by replacing SS-11 missiles with larger and far more capable SS-19s—as they had indicated they would do in the course of negotiations.

The Ford Administration did not characterize this Soviet activity as cheating. As Secretary of Defense Schlesinger testified, "If one reads the words of the agreement, the Soviets are doing something that is not precluded. It is inconsistent, quite clearly, I think, with our understanding of our own unilateral statement. But the Soviets do not feel bound by that unilateral statement."[8] The Carter Administration provided a similar explanation in its 1978 report. The GAC, however, cited the deployment of SS-19s as a "circumvention defeating the stated U.S. object and purpose of limiting the throw-weight of Soviet ICBMs."[9] According to the GAC's analysis, the U.S. intention behind the disputed provision was clear—to limit the growth of ICBM throw-weight—as was the Soviet circumvention.

THE RESULTS OF THE SCC'S WORK

The detailed records of SCC sessions remain closed to all but those with the proper clearances and the "need to know." These sensitive deliberations, along with other arms control negotiations, have been quite properly fenced off from public view. No American President, including Woodrow Wilson, has seen fit to pursue open covenants publicly arrived at. Unlike arms control negotiations, however, the principle of privacy also extends to the products of the SCC's deliberations.

A primary responsibility of the SCC has been to establish procedures for the destruction or dismantlement of certain strategic forces. Two Protocols on Procedures were agreed upon in the SCC in June 1974 governing the SALT I Interim Agreement and the ABM Treaty. A third Protocol was agreed upon in October 1976, relating to the ABM Treaty's Protocol that reduced permitted ABM sites from two to one per side.

For the most part, these classified procedures have not generated criticism, although the Reagan Administration's February 1985 noncompliance report expresses concern that the Soviets may not comply with the Interim Agreement's implementing procedures in the future.[10] In the past, these procedures prompted a compliance flap over the dismantlement of Soviet land-based missile launchers to compensate for the introduction of new sea-based launchers. In 1976, it became clear to American analysts that the Soviet Union was not going to meet this requirement. According to the 1984 GAC Report, this constituted a violation of the SALT I Interim Agreement: "Upon U.S. inquiry, the Soviets admitted this excess, but failed to accelerate their dimantling activities." The GAC concluded that "the violation was probably not inadvertent, but rather was part of a deliberate Soviet effort to challenge U.S. arms control verification capabilities."[11]

In contrast, the 1978 State Department Report on SALT I compliance issues found that Soviet actions did not warrant the GAC's conclusions:

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[3] United States Senate, "Soviet Compliance with Certain Provisions of the 1972 SALT I Agreements," Hearing before the Subcommittee on Arms Control of the Committee on Armed Services, 94th Congress, First Session, March 6, 1975, p. 3.

[4] *Documents on Disarmament—1975* (Washington D.C.: United States Arms Control and Disarmament Agency, 1977), p. 202.

[5] "Verification of SALT II Agreement" (Washington, D.C.: United States Department of State, Special Report No. 56, August 1979), p. 3.

[6] United States Senate, "Soviet Treaty Violations," Hearing before the Committee on Armed Services, 98th Congress, 2nd Session, March 14, 1984, p. 39.

[7] See "SALT ONE: Compliance, SALT TWO: Verification" (Washington, D.C.: United States Department of State, Selected Documents No. 7, February 21, 1978), and "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1943" (Washington, D.C.: General Advisory Committee on Arms Control and Disarmament, October 1984, Unclassified Summary).

[8] "Soviet Compliance with Certain Provisions of the 1972 SALT I Agreements," p. 6.

[9] "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983," p. 8.

[10] "The President's Unclassified Report to the Congress on Soviet Noncompliance with Arms Control Agreements" (Washington, D.C.: The White House, Office of the Press Secretary, February 1, 1985), p. 5.

[11] "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983," p. 10.

". . . the United States decided to raise this question with the Soviets, but before we could do so, . . . the Soviet side in the SCC acknowledged that the dismantling of 41 older ICBM launchers had not been completed in the required time period. The Soviet side explained the situation and predicted that all the dismantling actions would be completed by June 1, 1976, and agreed to the U.S. demand that no more submarines with replacement SLBM launchers begin sea trials before such completion. Both conditions were met.[11] [12]

A fourth classified protocol worked out in the SCC implements the Accident Measures Agreement. This understanding, which was updated and expanded in June 1985, facilites and speeds the transmission of information by means of pre-positioned messages.

Another product of SCC deliberations is known as the Agreed Statement of 1987. It was prompted by a controverial Soviet practice that may have involved testing of a Soviet air-defense system radar in an ABM mode. The ABM Treaty stipulates that parties to the agreement are not to give radars other than ABM radars the capability to counter strategic ballistic missiles or their elements in flight trajectory and not to test them in an ABM mode. However, the U.S. delegation issued a unilateral statement in the SALT I negotiations that radars used for range safety or instrumentation would be permitted.

Intermittent Soviet tests of an SA-5 radar during 1973 and 1974 eventually prompted the United States to raise this issue in the SCC in February 1975. Secretary of State Henry Kissinger explained the time lapse as due partly to the necessary to protest sources and methods of intelligence but primarily to the need to have a clear picture of Soviet practices:

"The first information about any event is usually extraodinarily illusive and ambiguous, and one part of the process of the government is to refine the information until we reach a point at which senior officials can make a reasonable decision. I believe it is a good working hypothesis to assume that government is not run by conspiracy but by serious people trying to come to serious conclusions about difficult topics, especially when the charge of a violation of a formal agreement is not a minor matter to be introduced into the diplomatic discourse." [13]

According to Kissinger, seventeen days after the U.S. raised the issue of the SCC, this activity stopped and was not resumed.[14] The SCC's 1978 Agreed Statement clarified treaty obligations regarding the use of radars in an ABM mode as well as for range safety and instrumentation purposes.[15] These obligations were further clarified in June 1985.

Supported of the SCC cite the SA-5 radar case and the 1978 Agreed Statement as an example of the Commission's working effectively to maintain the viability of the ABM Treaty and to clarify the meaning of its provisions. Presidents Ford and Carter did not consider Soviet SA-5 radar tests to be a violation of the ABM Treaty. Nor did the GAC Report include this episode in its bill of particulars listing seventeen "material breaches." In contrast, a number of severe critics of the ABM Treaty have concluded that Soviet SA-5 radar tests constituted a clear-cut violation of the ABM Treaty. In Richard Perle's view, "I don't think you have to be a genius to conclude they were cheating. The Standing Consultative Commission never came to that conclusion and they never would have because of their desire not to face the realities." [16]

SCC PERFORMANCE STANDARDS

The purpose of this essay is not to arbitrate the validity of contending judgments of Soviet noncompliance, but to suggest ways in which compliance questions can be handled more effectively. For those most skeptical of arms control agreements and Soviet intentions toward them, the SCC's ineffectiveness is beyond repair. For those who are more positive about the role of arms control agreements and the SCC to advance national security, there are at least two important standards to apply when gauging the SCC's effectiveness. First, the proper functioning of the SCC should result in common interpretations of binding obligations where there are none or where both sides interpret these obligations differently.

An arms control agreement, like the American Constitution, is a living document. It requires constant interpretation in order to remain vailable under unforeseen circumstances or to meet unanticipated events. This is particularly true with respect to agreements governing weapon systems in fields, of rapid technological advance. The Soviet Union compounds these problems by exploiting grey areas when opportunities arise.

Both sides should be playing by the same ground rules; otherwise, existing agreements and support for them in the United States will continually be undermined. If both sides wish to reaffirm their obligations under existing agreements and if both use the SCC properly, there is every reason to expect the Commissioners to be able to hammer out agreements that resolve questionable activities and establish ground rules under which both sides may operate.

Second, the public has a right to expect that common understandings reached in the SCC should clearly affirm the basic objectives and purposes of the agreement in question. In practical terms, these remedies will vary depending on the circumstances in each case. In some instances, a return to the status quo ante might be called for; in others, a complete cessation of the practice in question might be necessary; in still others, the imposition of new barriers—such as verifiable limitations on developmental and operational test practices—might preclude military advantages deriving from troubling Soviet behavior.

In the much discussed case of the SA-5 radar, for example, as soon as the evidence suggested the need for action, the SCC succeeded in bounding the problem by prompting the cessation of concurrent testing, and later by securing common understandings on permissible uses of radars in conjuction with ABM tests and for range safety and instrumentation purposes. Critics have argued that, in the time it took to raise this issue in the SCC, the Soviets could have gained the knowledge needed to give the SA-5 system an ABM capability.

This critique overlooks two important considerations. First, whatever the Soviets may have accomplished with the SA-5 radar in question, there have been no reports in the press that the SA-5 system (i.e., its radar, interceptor missile, and launcher) has been tested against any target in an ABM mode. Second, if there had been serious concern about an upgraded SA-5 system possessing a significant ABM capability, one would wonder why more resources were not devoted at the time to penetration aids for U.S. strategic ballistic missiles.

As in the case of the SA-5 radar, damage assessments and proposed SCC remedies for Soviet testing at the margins will undoubtedly vary from one observer to the next. Thus, the professional judgment of senior military officers and national security officials will be critical to an administration's selection of appropriate countermeasures, within the SCC and elsewhere.

IMPROVING THE SCC

Improvements in the SCC's operations do not require changes in the Commission's charter and regulations. These provisions are broadly drawn to provide both sides the latitude to work constructively. Since the Commission's modus operandi will always vary somewhat due to the style and personality of its Commissioners, there is no single correct way to proceed in the SCC. Numerous roads can lead to success when both parties wish to maintain the viability of existing agreements. Conversely, when each side questions the other's intentions, even brilliant tactical decisions are unlikely to produce satisfactory results.

One way to improve the utility and effectiveness of the SCC is to clarify to whom the U.S. Commissioner reports in Washington. The SCC is a bureaucratic oddity: it was created by a treaty, not by an Act of Congress. The Commissioner's role was established by the SCC's charter. He is nominated by the unanimous consent of many different bureaucracies; therefore, he has no single patron. The nature of his responsibilities as well as the interagency character of his appointment suggests that the Commissioner report directly to the President's National Security Adviser. If other responsibilities do not require the U.S. Commissioner's presence elsewhere, his office should be located with the National Security Council (NCS) staff.

The NSC's authority is critical to minimize the lengthy delays and confusion that invariably result from deep or enduring interagency disputes over the Commissioner's instructions. A direct link to the NSC would also ensure better coordination between the SCC's work and ongoing negotiations. Interested agencies would continue, as at present, to play a central role in SCC activities by participating in the formulation of the Commissioner's instructions and by being represented on the SCC delegation.

In addition, the utility and effectiveness of the SCC can be further advanced by the following list of "do's" and "don'ts."

Stay in the SCC channel; look for reinforcement, not escalation

Compliance questions should be raised first at the SCC, not at higher levels or in other forums. The SCC is best suited to address SALT compliance questions, and the Soviets can work constructively in this arena. The U.S. does not need to raise issues in back channels in order for the Kremlin to see that the U.S. government attaches extraordinary importance to those issues, since the Soviet government already at-

[12] "SALT ONE: Compliance, SALT TWO: Verification," p. 7.

[13] Document on Disarmament—1975, p. 747.

[14] Ibid., p. 752.

[15] For a listing of the Standing Consultative Commission's agreements and a brief unclassified summary of them, see "SALT II Treaty: Background Documents," United States Senate Committee on Foreign Relations, 96th Congress, 1st Session, 1979, pp. 79–80.

[16] "Soviet Treaty Violations," p. 19.

taches considerable importance to the SCC's operations. Nor would the U.S. wish to imply that issues raised first in the SCC channel are relatively unimportant.

A different set of problems can arise if issues first raised at the SCC are escalated to higher levels for resolution. These tactics can undermine the effectiveness of the SCC, occupy officials who have less time and technical expertise than the SCC staff, and result in a hardening of positions, making ultimate resolution more difficult. The flexibility of the SCC to resolve these issues is then impaired if and when de-escalation occurs.

A far better approach for the U.S. is to look for reinforcement at higher levels if problems or delays are encountered in the SCC. Private interventions by cabinet-level officials or even by the President should underline the importance the U.S. places on a satisfactory resolution, while keeping the problem within the channel best suited to resolve it.

Whenever possible, the Soviet Commissioner should be advised by his counterpart in advance of the session when a new compliance question will be raised. There is little to be granted by "surprising" the Soviets and monitoring their reactions since the Soviet delegation will have to report back to Moscow anyway and then wait for instructions. Advance notification can save time and facilitate constructive exchanges.

Avoid using the SCC as a dumping ground for problems that can not be resolved in negotiations

Compliance questions will arise even when treaty partners are acting on their best behavior. Unforeseen events and technological change will generate these questions even if the practice of Soviet crowding at the margins does not. In other words, the SCC will have enough to do without becoming the depository of disputes that could not be solved in the course of treaty negotiations. Treaty texts should be as precise as possible. Where agreement can not be reached, the American Congress and public should be so advised, and Soviet deviations from the preferred U.S. interpretation should not be characterized as violations.

Whenever possible, use the U.S. SCC delegation's expertise to help avoid treaty language that can generate compliance questions

The Soviet delegation in strategic arms control negotiations usually includes either its SCC Commissioner or his Deputy. In contrast, the American SCC delegation does not normally have the opportunity to comment on the drafting of treaty texts. The Soviet practice makes far more sense than the American system of not utilizing the expertise the U.S. has at its disposal.

The SCC Commissioner can review draft treaty texts from a unique perspective. Unlike other members of the U.S. delegation, he has had operational experience in compliance controversies that ensue from various treaty formulations. As such, the U.S. Commissioner is in a position to provide helpful suggestions to avoid potential ambiguities and compliance problems.

Avoid raising issues in the SCC until the United States has its facts straight, and avoid characterizing problems as violations until the SCC channel has been thoroughly explored

Sometimes the collection of adequate evidence requires a maddening length of time. Once enough facts are known and can be utilized without jeopardizing sensitive intelligence "sources and methods," the issue should be raised promptly and pursued vigorously in the SCC channel. The Soviets, like the U.S., will respond one way to the presentation of questions concerning compliance and another to the receipt of a bill of particulars asserting noncompliance or "violations." Once the U.S. government frames an issue as a possible, potential, or clear violation, the Kremlin will be reluctant to take positive steps that might be construed as affirmation of these charges. On the other hand, the Kremlin has had little difficulty explaining whatever action it takes to its own people. The choices Kremlin leaders make will hinge on their calculation of the benefits derived from the activity in question and the risks of not taking positive steps to respond to U.S. concerns. These calculations will in turn bear directly on Soviet assessments of U.S. intentions toward existing agreements and motives for raising the issue in a particular manner.

Precisely for these reasons, the context of public assessments by government authorities on Soviet noncompliance is of central importance. As will be discussed below, official reports of SCC-related activities are at this point inescapable; they can also be helpful, but only if they meet far more stringent standards than those applied by individuals with political axes to grind.

The content of noncompliance reports will have much to do with Soviet reactions in the SCC and elsewhere. The Kremlin will read into premature or overstated reports an intent to set the stage for eventual withdrawal from existing agreements, rather than to contain domestic political damage and to shore up the erosion of previous agreements.

Categorize compliance questions within the SCC as to their degree of importance

Some compliance questions will always raise more serious concerns than others, and thus merit focused attention. Every compliance question, regardless of its military significance, should be raised in the SCC, but the Soviet side should be made aware of the relative importance the U.S. attaches to various isues. The SCC regulations expressly permit the establishment of working groups. This device can enable the Commissioners to concentrate on issues of greater importance while allowing groups to address subsidiary questions. If technical questions can not be resolved at the working group level, they can be addressed by the Commissioners in the usual fashion, and reinforced by higher authorities as deemed appropriate.

Avoid linking the resolution of unrelated compliance questions

As former SCC Commissioner Robert W. Buchheim and Dan Caldwell have noted, "horse-trading" is a common practice in negotiating new agreements. It may also be a useful device for amending agreements. But in implementing existing agreements, very little horse-trading is desirable.[17] Sometimes linking unrelated issues may work out satisfactorily, but other times it may not. A far better approach is to address each compliance question on its merits. By adopting this standard, each side will better serve its self-interest, and the SCC will work more effectively as a result.

[17] Robert W. Buchheim and Dan Caldwell, "The US-USSR Standing Consultative Commission: Description and Appraisal," Working Paper No. 2 (Providence, R.I.: The Center for Foreign Policy Development, Brown University, May 1983), p 7.

For the same reason, the Soviets work against themselves when they adopt a "scorecard" approach to compliance questions: whenever the U.S. raises a compliance issue, they raise a comparable issue. In private exchanges in the SCC, this tactic has little bearing on the outcome of deliberations since both sides can usually distinguish between real and cosmetic concerns. In public accusations of noncompliance, this Soviet tactic obfuscates somewhat the Reagan Administration's charges, but it also devalues the Kremlin's position on those issues about which it feels strongly.

U.S. and Soviet compliance concerns may usefully be linked when they relate to the same objective or purpose of an agreement

When comparable Soviet allegations of U.S. noncompliance reflect serious concerns on their part, it makes sense to link the resolution of them with U.S. concerns. It will not be possible to isolate common problems in any event.

For example, both sides have raised ABM Treaty compliance issues relating to the construction of modern large phased-array radars. Each side has a common concern that these radars can undermine the objective and purpose of Article I prohibiting the parties from providing a base for a territorial defense.

Each side has also expressed concerns about the other's development of futuristic technologies that might be applicable for ballistic missile defense. Article V of the ABM Treaty prohibits each party from developing or testing ABM systems or components that are sea-based, air-based, space-based, or mobile land-based (i.e., all mobile systems). This prohibition applies to both conventional and future ABM systems or components (i.e., systems based on other physical principles). Agreed Statement D requires amendments to the treaty to accommodate the deployment of ABM systems or components based on other physical principles. However, both sides can pursue these objectives while stipulating that their development and test programs constitute less than a complete substitute for traditional ABM components—thereby making them permissible under the treaty. Test practices of this sort can raise continuous compliance questions. Unless ground rules are established governing these tests, they could undermine the objective and purpose of Article V.

In these and similar cases, common problems relating to the same treaty provisions might usefully be addressed together in the SCC. If both sides wish to reverse the erosion of the ABM Treaty, new common understandings and agreements will become necessary governing the development and testing of certain advanced technologies with direct ABM applications. Common understandings and agreements will also be necessary for modern large phased-array radars.

Release more information about the SCC's activities and products

The regulations establishing the SCC contain the stipulation that the Commission's proceedings shall be conducted in private and should not be made public "except with the express consent of both Commissioners." This provision has been adhered to by both sides, and is still valid today. SCC deliberations must remain confidential if this forum is to produce diplomatic remedies. American Commissioners have repeatedly stressed, however, that neither the U.S. nor Soviet Commissioner has a veto power over

his government. In a democratic society, American Presidents have a responsibility to inform the public and the Congress of the SCC's activities in some way. While the proceedings have remained private, limited summaries of certain SCC deliberations have been released in the past.

At the start of the SCC's operations, a strict policy of secrecy was probably wise. The Soviets were unsure of the utility of this forum and wary of confidential exchanges on sensitive subjects. At this point, however, popular misconceptions about the role and record of the SCC as well as public concern over unresolved compliance problems have reached the point at which constructive factual public reports would be useful.

Reports would be constructive if they are offered in the context of problem-solving efforts in the SCC and serious negotiations to conclude new agreements. If government reports follow thorough efforts to resolve satisfactorily compliance questions in the SCC—including the use of reinforcements when necessary—and if those reports characterize compliance problems judiciously, their publication need not impair the SCC's activities. If, on the other hand, government verdicts of noncompliance are premature or based on ambiguous evidence, U.S. intentions will be widely questioned, cases where evidence is strong of Soviet misconduct will be devalued, and the SCC's ability to resolve issues will be impaired.

At this point in time, annual government reports summarizing the Soviet record of compliance should be released to the public, after the U.S. advises the Soviet Union of its intention to do so. More detailed classified versions should be transmitted to the relevant Congressional committees. These reports should indicate where the record of Soviet compliance has been good as well as where it has been problematic. The relative significance of issues raised in the SCC should be noted, and summaries of the SCC's handling of each issue should be provided. The proceedings of SCC sessions should remain classified, thus maintaining the principle of confidentiality. These reports should be prepared and transmitted to the Congress by the President's National Security Adviser, with the assistance of the U.S. Commissioner and coordination by the usual interagency process. Annual reports of this kind could defuse speculation over the purposes behind public disclosure and substitute for ad hoc compliance reporting requirements levied by the Congress.

In some cases, the public release of new SCC common understandings or agreed statements would be unwise. The products of SCC deliberations that involve sensitive weapon system characteristics, operations, and performance—such as approved dismantling or destruction procedures—should remain classified since they could raise security problems and impair fruitful private communication on other sensitive issues. However, unclassified summaries of these understandings that do not divulge sensitive information could be released. The contents of pre-positioned messages associated with the Accident Measures Agreement should also remain secret since they could be misused and pose security problems.

On the other hand, the fruits of the SCC's labors clarifying the objectives and purposes of existing agreements should be unclassified. For example, the 1978 Agreed Statement apparently does not involve any sensitive information and provides essential meaning to ABM Treaty provisions governing tests "in an ABM mode" and the uses of air-defense radars at test ranges. Anyone attempting to interpret properly treaty obligations in these areas should have access to the SCC's 1978 Agreed Statement. Similar clarifications worked out in the future should be available in their entirety to the Congress and the public.

CONCLUSION

The Standing Consultative Commission is an indispensable channel of communication between the superpowers over SALT implementation and compliance. Other channels could be used for these purposes, but none would be as ideally suited, unencumbered, or specifically authorized to do so. If something like the SCC did not exist, it would have to be created; if it falls into disrepair, existing strategic arms control agreements with the Soviet Union will be jeopardized.

Public reports of the SCC's activities and the other suggestions offered here can help the SCC delegations carry out their responsibilities for existing agreements. No suggestions will be of much value, however, if the U.S. and the Soviet Union are ambivalent about affirming the objectives and purposes of past agreements. During periods of strained political relations, negotiations over new agreements rarely proceed smoothly. While the SCC is somewhat more insulated from the ups and downs of superpower relations, it has not been immune from them. But when political relations between negotiating partners deteriorate to the point where intentions toward existing treaty obligations are called into question, the SCC cannot be an effective, problem-solving forum. If and when bilateral relations improve and both superpowers clearly signal their desire to reaffirm existing SALT commitments, the SCC can again resolve difficult compliance problems.●

THE IMPORTANCE OF GENERAL REVENUE SHARING TO RURAL AMERICA

● Mr. DURENBERGER. Mr. President, we are faced today with two crises—an agricultural crisis which cuts across rural America and a budget deficit crisis. They intersect in ways not commonly recognized. As the Senate begins consideration of the budget resolution for fiscal year 1987, among the recommendations that will be considered is a substantial cutback in general revenue sharing [GRS] funds.

Too often, in our efforts to meet budget targets, we look only at the numbers as if tallying up a score in a card game. But the stakes are much higher; they involve people and they do not affect all people or all places equally.

An important consideration that often gets overlooked is the effect of budget cuts on rural communities. America's heartland is now in the midst of a severe financial crisis which is felt deeply by farmers and their families and the local businesses and governments that serve them. We must be certain that in our attempts to solve the budget crisis we do not exacerbate the agricultural crisis. Eliminating or severely cutting general revenue sharing would do just that.

The value of GRS to urban communities has received widespread attention in the press and on Capitol Hill. But GRS funds are even more important to rural communities. For farm communities experiencing a decline in property tax revenues and decreased Federal and State aid, GRS has truly served as a lifeline. GRS funds have enabled rural governments to continue to provide basic, public services such as police and fire protection, road and street maintenance, services for the elderly and handicapped, and public health.

In fact, as the chart below illustrates, communities where the greatest source of income is derived from agriculture rely on GRS to a much greater extent than nonfarm communities. For example, in Minnesota, GRS comprises 42 percent of all Federal aid to agriculturally dependent communities but only 22 percent to nonagricultural communities.

LOCAL GOVERNMENT REVENUES IN FARM-DEPENDENT VS. ALL COUNTIES IN 10 SAMPLE STATES, 1982

	Percentage of all counties agriculturally dependent	General revenue sharing as a percent of all Federal aid
United States percentage distribution all local	NA	21.8
North Dakota:		
Nonagricultural		20.6
Agricultural	71.7	38.6
Iowa:		
Nonagricultural		25.8
Agricultural	52.5	46.6
Nebraska:		
Nonagricultural		22.6
Agricultural	69.9	49.3
Arkansas:		
Nonagricultural		29.9
Agricultural	37.3	29.4
Kansas:		
Nonagricultural		24.1
Agricultural	38.1	51.3
Georgia:		
Nonagricultural		21.2
Agricultural	20.1	54.1
Minnesota:		
Nonagricultural		22.4
Agricultural	40.2	42.2
Mississippi:		
Nonagricultural		32.2
Agricultural	23.2	67.8
Missouri:		
Nonagricultural		18.7
Agricultural	31.3	32.1
Montana:		
Nonagricultural		23.9
Agricultural	42.9	33.4

Source. USDA list of counties that have 20 percent or more of all personal income directly from farming; Government finance data from U.S. Bureau of the Census, "1982 Census of Governments, Compendium of Government Finance," vol. 4, No. 5, table 50.

For many rural communities, GRS is the only form of direct Federal assistance they receive. We rely on rural governments to provide the same services as their more urban counterparts, yet they are not eligible for a larger portion of intergovernmental aid. UDAG, CDBG and mass transit subsidies by and large benefit urban America. The elimination of GRS, as many have proposed, would have an immediate and devastating impact on the ability of rural governments to provide basic public services.

Moreover, the proposed elimination or curtailment of GRS comes at a time when the importance of GRS to rural communities is increasing. I know that many of you are familiar with the bleak facts confronting rural America today: Real net farm income declined from $14.9 billion in 1979 to just $5.4 billion in 1983; farmland values have plummeted by as much as 44 percent in some States over the past 5 years; by 1985, total farm debt had soared to $212 billion. The list goes on and on, but these numbers only tell part of the story. The farm crisis is more than a personal tragedy for thousands of farmers and small town businesses. It is a growing crisis of rural governments as well.

The Senate Subcommittee on Intergovernmental Relations is conducting a major study on the public impact of the farm crisis in rural America. Although it is not yet complete, it is already clear that there is another, growing dimension of the farm crisis which is little known and virturally unexplored—and that is its impact on rural governments.

As farmland values decline, assessed property tax valuations—the cornerstone of the local tax base—will also decline. And with property taxes comprising up to 48 percent of local own source revenues in some farm States, this devaluation places a severe strain on local governments' capacity to raise sufficient revenues to fund very basic public services like education, public safety and health.

The loss in revenues is compounded by the sharp rise in property tax delinquencies as farmers are unable to come up with the cash to pay their local property taxes. In some States, delinquency rates have increased fivefold.

On Main Street, in towns across rural America, a similar erosion is occurring. Without a healthy farm economy to support them, local businesses are forced to close, jobs are lost, and commercial property values decline.

At the same time local revenues are being squeezed, service demands are increasing. The governmental aspect of the farm crisis is a two-edged sword. More and more farmers and their families are requiring stress and financial counseling from public and private social service agencies. Rising unemployment in many States, including Minnesota, has meant a growing number of individuals seeking AFDC and State and local general assistance programs. And while demand for services increases, the revenue squeeze is forcing cuts in governmental employment, State aid and public services.

At the national level, we have expressed concern about the rural crisis but our budget actions have not been sympathetic. Between 1982 and 1984, total Federal aid to general purpose governments, not including general revenue sharing, rose 0.1 percent nationwide in current dollars. However, among the 85 agriculturally dependent counties examined by my subcommittee, Federal aid declined 18 percent during the same period.

Now, we are proposing to cut GRS funds down to $1.8 billion—leaving only a skeleton of a program. While I would like to see GRS funded at $4.6 billion, the current authorization level, I know that this is not very likely. And I agree with those of you who feel that the Federal Government cannot even pay its own bills, much less share its revenues with wealthy cities and counties. But I also strongly believe that the Federal Government has a continuing responsibility to help those communities so burdened by Federal aid cuts, new responsibilities and economic decline that they are unable to provide a minimum level of basic public services.

To assist these communities, I have introduced a bill to create a program called Targeted Fiscal Assistance [TFA] which will assure that all communities can provide their citizens with a minimum level of basic services such as police and fire protection, street and bridge maintenance, public health and services for the elderly. My proposal retains the heart of GRS and applies it to today's economic realities. Under the Targeted Fiscal Assistance Program, local governments will continue to receive general purpose grants that they can use to meet their own funding priorities. But my program will better target the funds to those communities that need it most; communities that face above average service demands and do not have the resources to meet these needs on their own.

The Targeted Fiscal Assistance Program will provide a fiscal safety net for needy rural and urban communities and it will do so in a more cost efficient and budget conscious manner. Even with a funding level of $2.28 billion—a 50-percent reduction from the current GRS authorization—this program will go further in reducing fiscal disparities among communities.

TFA has neither a rural nor an urban bias—its only bias is need. However, as the chart below demonstrates, TFA is more responsive than GRS to rural communities that are experiencing fiscal stress due to the farm crisis.

FUNDING LEVELS UNDER TFA AND GRS

County	PCI	PCI as percent of State	Percent increase in funding under TFA versus GRS [1]	GRS as percent of country taxes
Iowa:				
Lyon	6570	72.5	41.1	14.1
Palo Alto	7681	84.7	26.3	10.3
Sioux	6830	75.3	38.6	13.0
Kansas:				
Hodgeman	7339	77.6	19.9	4.8
Haskell	7920	83.7	20.8	6.8
Meade	7570	80.1	76.0	5.6
Minnesota:				
Lincoln	6116	62.6	89.2	14.3
Pipestone	7095	72.7	50.3	14.0
Rock	7463	76.4	33.2	13.9
Nebraska:				
Knox	5156	57.6	122.5	12.5
Cedar	5758	64.3	38.7	19.3
Antelope	5878	65.7	76.2	13.0
North Dakota:				
Lamoure	7567	84.2	43.8	15.6
Logan	5764	64.2	74.0	15.0
McIntosh	6946	77.3	56.0	16.9

[1] Assumes equal national funding levels of $2,300,000,000.

As the Senate takes up consideration of the fiscal year 1987 budget resolution, I urge you to consider the special burdens that rural communities face today and consider the reasonable alternative offered by the Targeted Fiscal Assistance Program.●

WORLD HERITAGE DAY 1986

● Mr. GORE. Mr. President, I would like to take this opportunity to recognize today as World Heritage Day 1986 and to commend the National Park Service and the U.S. Committee of the International Council on Monuments and Sites [US/ICOMOS] for their outstanding leadership in implementing the World Heritage Convention.

World Heritage Day was first celebrated in 1984 to provide nations and communities around the world an opportunity to share in their celebration of the world's most revered natural and cultural resources. The World Heritage concept was initiated by the United States and presented to the community of nations at the Stockholm Conference in 1972. In 1973, the United States became the first country to ratify the World Heritage Convention, which has now been signed by 89 countries.

As a result of this treaty, 216 cultural and natural sites of outstanding value are protected by the support pledged by these member countries. The United States now has 14 World Heritage sites. I am most proud to say that my home State of Tennessee, along with our neighboring State of North Carolina, contains one of the most popular of these sites, the Great Smoky Mountain National Park.

Each one of these sites has been found to have "outstanding universal value to mankind." The Smokies set a record last year of over 9.3 million visitors who came to experience its high elevation ecosystem, 70 miles of Appalachian Trail, and early Southern history. The park, with over 500,000 acres, also has the distinction of being designated an international biosphere reserve.

Next year, the 8th ICOMOS general assembly will be held October 7-15 in Washington, DC. It will be cohosted by the National Park Service and the National Trust for Historic Preservation. Held every 3 years in different locations around the world, the general assembly serves as a common meeting ground for the 600 delegates that represent ICOMOS's national committees.

Under next year's conference theme, "Old Cultures in New Worlds," delegates will study methods to identify, preserve, maintain, and interpret their countries' national heritage. This is the first time that the general assembly has been held outside of Europe, and plans are being made to schedule tours to nearby historic areas and to several World Heritage sites. For many of the delegates, this will provide the first and perhaps only opportunity for them to visit our country.

Mr. President, in these difficult times of international conflict, it is encouraging to know that the nations of the world still desire to join together to recognize and preserve the world's historic monuments, buildings, and sites of international significance. This spirit of cooperation is surely one of the most promising keys to world peace and understanding.●

THE INSTITUTE OF POLITICAL ECONOMY

● Mr. GARN. Mr. President, one of the most exciting developments of the 1980's has been the growth of independent "think tanks," those hotbeds of new ideas and techniques which have helped us in Washington make the Government work better and cheaper. As you well know, Mr. President, I have been critical, during my tenure in this body, of the efficiency of our Government, but I think all of us have an obligation to make it work better, and to the extent that these think tanks can help us, I believe we should use them.

I bring this matter up because of the announcement of a new organization in my home State of Utah, an organization that can, I think, help us to focus on the problems of the public lands States, and help us to examine the situation in these States in light of the best economic and political analysis.

I refer to the Institute of Political Economy at Utah State University. As a graduate of the University of Utah, I have never been one to wonder whether anything good can come out of Logan; the contribution of the fine institution located there has already improved immeasurably the way we consider land-use problems in the West. This new institute promises more of the same.

The director of the institute, Associate Professor Randy Simmons, is well-known to us here in Washington already. For 2 years he was an assistant to the Director of Policy Analysis at the Department of the Interior, where many of us and our staffs worked with him extensively. Professor Simmons was educated at Utah State himself, and then at the University of Oregon. He has also been associated with the Political Economy Research Center in Bozeman, MT. I do not agree with every idea that comes out of PERC, but I have always found their analysis fascinating, thoughtful, and thought-provoking. In any event, it is clear that Professor Simmons is superbly and uniquely qualified to bring to bear the best economic analysis on the problems of development and land management in the Western States.

I wish Professor Simmons and his associates well, Mr. President, and predict that we will hear much, much more from them as time goes on. In order that my colleagues might begin to become acquainted with the Institute of Political Economy, I ask that a short description of the institute and its projected plans be inserted at this point in the RECORD.

The material follows:

USU INSTITUTE OF POLITICAL ECONOMY

POLITICAL ECONOMY AT USU

Political economy is the application of economic analysis to political processes as well as the study of the interaction of markets and politics. Two hundred years ago political economy included the subject matter of economics, political science, and part of sociology. The concepts underlying the United States Constitution were developed by political economists. A new generation of political economists is developing a discipline that is not modern economics nor modern political science but is both. They use the concepts developed by the classical political economists and apply them to the modern political economy.

The USU Political Science Department has established the USU Institute of Political Economy to promote the use of political economy in basic policy related research, to refine and review the results of that research, and to disseminate the results. There is a core of USU political economists involved in Institute programs. But there are not nearly enough to carry out the program envisioned for the Institute. Thus, political economists from the nation's universities will be involved. For example, at the recent conference on the International Political Economy of Food Scarcity two of the 15 participants were from the USU faculty. The others were the nation's and in some cases the world's experts on the subject matter.

Political economy provides a focused methodology, USU's faculty provides a core of researchers, and the nation's most accomplished scholars participate in the Institute programs. This combination provides the Institute and the University with visibility and credibility reaching far beyond the state and region.

USU INSTITUTE OF POLITICAL ECONOMY—MISSION STATEMENT

The focus of the Bureau of Government and Opinion Research in the Political Science Department at Utah State University has evolved over the past several years to include more than simply public opinion research. To better identify the research activities, the Department has reorganized the Bureau to form the USU Institute of Political Economy. The Institute is designed to be much like the vertically integrated firm which discovers and mines raw materials, refines them, and markets the resulting products. We develop ideas through basic research, exchange and refine them through various forums, and disseminate them to policy makers and to the public.

The Institute programs—research, seminars, conferences, internships, and special lectures—emphasize the analysis of government policies using "equity," "efficiency, and "freedom of choice" as measures for policy effectiveness. We apply, and encourage policy makers to apply, basic economic principles to the study of public policies and processes.

The Institute programs reflect more than theoretical interests and involve more than university educators and administrators. The concerns, recommendations, and research results that evolve out of the programs made possible by the Institute facilitate the ultimate mission: to apply the tools of political economy to policy research in order to make research results available and understandable to policy makers and to improve future policy formulation through discovering, refining, and disseminating ideas.

THE INSTITUTE PROGRAMS

Discovering ideas through research

Through the research activities of the Institute we gather and formulate ideas on how to increase equity, efficiency, and freedom of choice in the application of government policy. The Institute provides funds to support research directly and seed money to develop outside research funding. Specifically, we:

Conduct Basic Research on specific policies, especially those we anticipate being on the policy agenda in the near future.

Investigate Results of existing policies to determine how equitable and efficient they are and how they effect the range of people's choices.

Test Economic and Political Theories in small group experiments to test various economic and political theories about how people will respond to different policies.

Conduct Public Opinion Surveys and analyze reactions to issues and questions.

Refining ideas through conferences, seminars, and lectures

Students, citizens, faculty, and distinguished social and natural scientists are brought together to review and refine the ideas that arise from Institute sponsored research. The specific forums supporting the refinement of ideas include:

Conferences: Some are for general audiences such as students, citizens, and faculty. Others are for specific audiences such as agency administrators or Congressional staff. Working conferences provide an environment where experts meet to work over their ideas in order to produce a book, briefing papers, or articles. Some conferences are on campus, others at hotel conference facilities, and others on location such as organized float trips. Planned conferences for 1986 include one on the public trust doctrine as applied to water and wildlife and one on the lessons from 200 years of living with the American Constitution. Another conference under consideration is one on

the political economy of natural resources for journalists from the nation's leading newspapers and magazines.

Seminars and Lectures: Noted policy professionals and academics organize conferences, conduct seminars and research, deliver special lectures and teach in collaboration with Utah State University faculty.

Disseminating ideas

Many scientists and researchers research policy questions, propose exciting new ideas, and publish them in academic journals. However, few involved in really making policy read academic journals. The result is that important ideas and analysis go unheard and are not available to be considered by policy makers and implementers.

We believe that ideas have consequences, if they are heard. Therefore, we want to make the ideas fostered and refined through the Institute programs heard and considered by the general public, by the policy professionals, and by the academic community. We take the following actions:

Publish books and articles designed to be understood by the interested lay person, as well as by academics.

Publish editorials and columns in the nation's leading newspapers: These articles summarize research results making them available for general consumption. An article appearing on the op-ed page of the *Wall Street Journal* will have far more impact on opinion and policy than it would in *The Policy Studies Journal.*

Publish a readable, concrete newsletter informing interested people about Institute proposals, activities and accomplishments. (We plan to begin publishing the newsletter during 1986.)

Prepare briefing papers and testimony for agency and legislative hearings and staff; allowing us to place research results and proposals directly into the hands of those making policy decisions.

Provide well trained student interns for legislators and members of Congress, lobby groups, and political candidates. This gives them opportunities to apply classroom skills to read world situations. Recently, about half of our 25+ interns per year have entered careers in government, lobbying, or campaign consulting immediately upon graduation. Most of the rest have gone on to law or other graduate school. The interns provide continual access for Institute ideas to policy makers.

PROGRAM HISTORY

For several years the Political Science Department has been developing an extensive program of research programs, conferences, seminars, visiting professors, and student internships in addition to the public opinion surveys conducted through the Bureau of Government and Opinion Research. These programs have provided visibility and an identity for the Department as a place with an exciting intellectual atmosphere, where serious questions of political economy are addressed, and where students are well instructed in the classroom and have opportunities to apply their classroom skills in real world situations. Conferences have been held on foreign policy, national security policy, the political economy of the international food crisis, the potential of privatizing public lands, energy development in the West and its effects on the environment, the United States Constitution, political party realignment, and food security and the international political economy. The programs have attracted noted social scientists and policy professionals.

PERSONNEL

The Institute Director is Randy T. Simmons, a political economist and Associate Professor in the Department of Political Science. He recently returned to USU after spending two years as the assistant to the Director of the Office of Policy Analysis in the U.S. Department of the Interior.

Professor Simmons is assisted by Cindy Nielsen, a staff assistant with fifteen years experience at Utah State University. She manages the Institute budget, handles all administrative details for conferences, supervises clerical workers and graduate students doing work for the Institute, and coordinates the Institute's fund raising activities.

Internships are directed by Michael Lyons and lectures and seminars are cooridnated by Peter Galderisi, both Assistant Professors in the Department of Political Science. In addition to directing Internships, they are regular participants in conferences and seminars sponsored by the Institute.

Several other faculty members from Utah State University are involved in Institute programs. In addition, researchers at other universities, in think tanks, and in government are involved.●

U.S. INDUSTRIAL COMPETITIVENESS

● Mr. RIEGLE. Mr. President, almost 3 years ago President Reagan established a Commission on Industrial Competitiveness to assess America's competitive position in rapidly changing world markets.

Members of the Commission were 30 top leaders of American business, labor, government, and academia. The Commission was broadly based. Members had direct experience with different industries. They came from various parts of the country. And they came with different philosophies.

After more than a year of study, the President's Commission reached unanimous agreement. All 30 members agreed that vigorous foreign industries are directly challenging many of the largest and most successful sectors of our economy. They agreed that America's ability to compete in world markets is inadequate and eroding. They agreed that continued deterioration threatens U.S. world leadership, our standard of living, our national security and our ability to fund important domestic programs. They even agreed on a total of 91 action items to strengthen America's competitive performance.

The breadth of the agreement was remarkable. So was its intensity. The Commission called on Americans to "take on the challenge of competitiveness as the economic agenda for the next decade."

A year has passed since the Commission made this challenge. It is therefore appropriate now for the administration to provide the American people with a progress report on the vital agenda set forth by the President's own Commission and on future plans to implement the Commission's recommendations.

The President's Commission put its finger on no abstract problem. Its hard reality is felt in the personal experiences of America businessmen and workers in all types of industries. Many of them have come to me and to many of my colleagues with alarming evidence of the stiff, new form of economic challenge that is coming from overseas.

The Commission's great contribution was to show how American industry's ability to compete in that new environment has seriously weakened over a 15-year period and across many industries. Six striking facts stood out as I read the Commission's report.

First, real wages of American workers have stagnated since 1973 and, even with the recovery, they still remain below their 1977 level. By comparison, real compensation had been rising steadily at a 2.6 percent annual rate in the decade prior to 1973. The stagnation of real wages means that millions of American families will be frustrated in their hopes for a rising standard of living.

Second, the U.S. merchandise trade balance turned negative in 1971 after having been positive since 1893. Except for 1973 and 1975, the U.S. trade balance has been declining for the last 15 years. That problem began well before the dollar appreciated. In fact, during the 1970's, the U.S. trade deficit was growing despite a 15 percent depreciation in the dollar.

Third, between 1965 and 1980, U.S. exports lost world market share in 7 out of 10 high tech or "sunrise" industries: engines and turbines, professional and scientific instruments, electrical equipment and components, optical and medical instruments, drugs and medicine, plastic and synthetic materials, and industrial chemicals.

We held our share in aircraft and parts. We gained export market share only in office, computing and accounting machines and in agricultural chemicals.

Fourth, the main weight of U.S. trade has shifted dramatically from Europe to the Pacific basin. U.S. imports of manufactured goods from Western Europe dropped from 46 percent in 1962 to 24 percent in 1983. Over the same period, Japan's share of our manufactured imports rose from 16 to 25 percent. Pacific rim countries—such as Taiwan, South Korea, Singapore, Hong Kong, and Malaysia—went from a 5 percent share in 1962 to 19 percent in 1980. By 1990 at that rate of growth, our manufactured imports from the Pacific rim will be two times the amount imported from Europe.

Fifth, in recent years the U.S. bilateral trade deficit with Japan has been even larger in electronics, $21.3 billion

in 1984, than in automobiles, $20.0 billion.

And finally, the United States has lagged behind other nations in training of engineers. Japan has been graduating more engineers than the United States—more than twice as many on a per capita basis. I ask that the following table be printed at this point in the RECORD.

LEVELS OF EDUCATION IN ENGINEERING

Country	First university degree (1982)		Doctoral degree (1981)	
	Number	Per 100,000 persons	Number	Per 100,000 persons
Japan	73,600	62	1,250	1.1
West Germany	6,800	11	1,000	1.5
United Kingdom	10,300	18	NA	NA
United States	67,400	29	2,550	1.1
France	11,900	22	NA	NA

Mr. President, several months ago I initiated a factual monthly report called the Monthly Trade Alert. It has picked up an continued part of the valuable work of the Commission by regularly minitoring 17 key measures of our position in world trade, in labor productivity, in real wage growth and in unemployment, inflation and Federal pressure on the capital markets. The Monthly Trade Alert uses a framework outlined in the Commission's report. Taken together, those 17 measures give a realistic picture of where this country stands in the struggle for good jobs, economic security and a rising standard of living for our people.

In all these measures, the Commission found a very serious problem in January 1985. The evidence since then is reason for continuing concern, because some disturbing facts lie just below the surface of the seemingly rosey economic news we have been hearing recently.

MERCHANDISE TRADE DEFICIT

U.S. merchandise trade performance continues to erode. The trade deficit in 1985 rose to $148.5 billion, exceeding the 1984 level of $123 billion. The trade deficit for January and February 1986 stands at $28.9 billion—an increase of $7.4 billion from the same period in 1985.

NET INTERNATIONAL INVESTMENT POSITION

The U.S. net international investment position has deteriorated to a point where the United States is now one of the three largest debtor nations in the world. The debt for 1985 may reach $89 billion placing this country behind only Mexico and Brazil among the World's largest debtor nations. During the last quarter of 1985 alone, the debt increased by $36.6 billion.

VALUE OF THE DOLLAR

An important part of our trade deficit is with countries that tend to peg their currencies to the dollar. Although the value of the dollar has declined relative to 10 major foreign currencies by nearly 30 percent since February 1985, it has fallen by only 0.8 percent on a trade-weighted basis against Taiwan, Singapore, South Korea, and Hong Kong.

PRODUCTIVITY

Productivity has risen less in this recovery than in any other since World War II. U.S. output per hour has risen an average 1.4 percent in the current recovery compared to a 3.3 percent average for similar recovery periods since 1949. U.S. productivity rose 0.3 percent in 1985 compared to typical Japanese rates of over 7 percent and German rates of over 3.5 percent.

CAPITAL INVESTMENT

Nearly all capital spending went for vehicles, office machines, and computers and not for production equipment. Business investment in plant and equipment fell short of expectations by 1.3 percent in the third quarter of 1985. For 1986, the Department of Commerce expects it to decline in real terms by 4 percent in the manufacturing sector and 1 percent across all industries.

INTEREST RATES

While U.S. interest rates have fallen by about 16 percent since January 1985, those of our major competitors have also declined and remain well below ours. In January 1986, interest rates were 10.5 percent in the United States but only 6.7 percent in Japan, 7.1 percent in Germany, and 10.4 percent in Canada.

JOB CREATION

The service sectors have created the vast majority of new U.S. jobs in recent years. Manufacturing unemployment held to 7.2 percent in March 1986, and manufacturing employment remains 130,000 below the previous year's level as a result of the loss of 337,000 manufacturing jobs between January and September 1985. The Commerce Department recently reported that increased imports caused the loss of about 700,000 U.S. jobs in 1984.

REAL WAGES

The U.S. economy has not been able to support rising real incomes, a key sign of weakness in competitiveness. Real wages remained stagnant in the last half of 1985 and showed a 0.5-percent decline in the nonfarm business sector.

Mr. President, since the turn of the century several generations of Americans had reason to develop a belief that U.S. industry has unquestioned superiority in the world and that other countries would in time adopt our ways of doing things. Americans felt they did not have to worry about foreign competition. Administrations of both parties developed economic policy without sensing the need to have a national strategy for international competitiveness.

Since 1970 that has become a luxury we can no longer afford. Most notably Japan but also a large and growing number of other foreign countries have adopted national development strategies that are based on closing their home markets and exporting to the United States. Some of those foreign practices threaten the stability of the international trading system. Some of our trading partners are behaving like trade adversaries. Some of those foreign practices are just shrewder than our own. But all of them taken together pose an unprecedented challenge to American industrial strength and to our employment base.

This generation of American leaders—in industry, in labor, and in Government—must not turn away from that challenge. Unfortunately, we have already squandered valuable years with artificial debates over "big government intervention in the economy" versus "the magic of the market place." We have been diverted into theoretical arguments over "free trade" and "protectionism."

The President's Commission provided a fresh, new starting point for practical action to improve our productivity, to develop an effective trade strategy, to create and retain good jobs, and to maintain a rising standard of living.

The American people deserve to have U.S. competitiveness placed at the top of our national agenda. They deserve an open dialog on practical steps to meet the intense international challenge and to assure our long term economic security. They deserve accountability on competitiveness from their national leaders.

On April 17, Senator ROCKEFELLER introduced Senate Joint Resolution 327, which is a good step toward that accountability. That resolution calls for the President to report on steps that have been taken and are being planned to implement the recommendations of his own Commission on industrial competitiveness. The President's report would provide a valuable basis for bipartisan attention to this vital issue.

I was pleased to join a bipartisan group of 34 Senators in introducing this resolution.

I urge my colleagues to give this resolution their attention, to join us as cosponsors, and to pass it at an early date.●

PRESIDENT'S DECISION TO CONTINUE COMPLYING WITH SALT

● Mr. HEINZ. Mr. President, the media has reported an apparent decision by President Reagan to uphold the SALT limits on MIRV'd missiles by dismantling two Poseidon submarines when our newest Trident submarine goes to sea next month. The de-

tails are not yet final or confirmed, but if the President has reaffirmed his no-undercut policy he has earned the thanks and praise of all Americans committed to military security and strategic arms control.

The reported decision by President Reagan to continue observing key SALT numerical limits is the right decision. It preserves treaty limits that serve American security. The President's decision upholds limits that the Soviets continue to honor, limits that are the only important surviving arms control accomplishments on which to build new, more restrictive arms limitation agreements.

Earlier this month I joined 51 of my Senate colleagues in writing a letter to President Reagan urging him to stick by his no-undercut policy. Others expressed the same sentiment in their own letters. The clear majority of the Senate that backs this policy applauds President Reagan's reaffirmation of his support for arms control limits that serve our vital interests.

Many critics of arms control have claimed that the limits contained in the two SALT treaties do not go far enough to restrain the strategic arms competition. Our objective remains deeper cuts, tighter restrictions. The first step towards that goal is to keep the limits we do have. The Soviets have to give up operational systems to stay within the limits, and so do we. That is where true arms control begins. The President's decision to dismantle two old submarines confirms that the United States can take positive steps that serve our security interests and preserve the chance for arms control breakthroughs.

The decision reportedly includes proportionate reponses that do not undercut the SALT limits. The two reponses are said to be pursuit of the small mobile ICBM, the Midgetman, and a possible acceleration of the advanced cruise missile program. The Midgetman, which will break the restriction on new land-based missiles when it is flight tested in a few years, is exactly proportionate to what I see as the most serious Soviet undercut of the SALT treaty, their SS-25 ICBM. The cruise missile program is consistent with SALT, and continues to tie down Soviet defense investment in defensive systems while capitalizing on our technological strengths.

These two proportionate responses meet the test that any response to Soviet violations must meet: They serve American security interests, and they avoid needlessly undercutting SALT limits that both the United States and the U.S.S.R. currently observe.

Last June the President said he was going the extra mile in continuing to observe the MIRV missile limits of SALT. It is an extra mile that I am glad to take, because we are not helping the Soviet Union, we are helping ourselves. We are preserving arms control limits that contain the buildup of the most dangerous weapons in the superpowers' bulging arsenals—multiple warhead missiles. We are preserving the groundwork for an agreement that achieves the President's stated arms control priority—a treaty that mandates real reductions in nuclear forces. If we are indeed walking an extra mile, it is an effort every bit as important to U.S. security and arms control strategy as the weapons we fund and build to maintain deterrence.●

TRIBUTE TO SAMUEL LOUIS BALLINGER

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mrs. HAWKINS. Mr. President, I want to take this opportunity to congratulate an outstanding program in Miami that for the past 25 years has recognized young men for their achievements in scholastic and community endeavors.

The Egelloc Civic and Social Club will hold their "Men of Tomorrow" program on April 26. Started in 1941, The Egelloc Civic Club participates in community service projects by enlisting promising young men who display a special awareness to needs of the community.

One such young man is Samuel Louis Ballinger. Louis is an outstanding young men who excels in his academic work, as well as civil involvement. The city of Miami can be proud of Louis and all the young men who will be honored this year.●

S. 100, THE PRODUCT LIABILITY ACT

● Mr. KASTEN. Mr. President, today the liability insurance crisis is a matter of national concern, but for a long time there have been Members of this body concerned about this problem and the underlying need for reform of our civil justice system—particularly in the area of product liability litigation. It was this concern that prompted them to become cosponsors of S. 100, the Product Liability Act, which I introduced in January of 1985.

After S. 100 became deadlocked in the Commerce Committee, we began efforts to formulate a product liability reform measure that incorporates elements of S. 100 with other reform proposals that promote alternatives to litigation. These efforts are continuing, but the names of those Senators who became a part of this process early on as cosponsors of S. 100 were inadvertently omitted from the RECORD.

As a consequence, I have asked unanimous consent that the names of the following seven Senators who became cosponsors of S. 100 early in 1985 be noted in the RECORD: Senator HELMS, February 5, Senator LUGAR, February 5, Senator ABNOR, February 25, Senator EAST, March 19, Senator PRESSLER, March 21, Senator GARN, March 25, and Senator QUAYLE, April 17.●

NAUM AND INNA MEIMAN: A CARING COUPLE

● Mr. SIMON. Mr. President, this morning I testified on behalf of the divided spouses at the hearing on Soviet and East bloc emigration policies. This hearing was before the Commission on Security and Cooperation in Europe which is an outgrowth of the Helsinki accords, signed in 1975.

At the hearing, I mentioned the case of Naum and Inna Meiman. Though not a case of divided spouses, they too are in a tragic situation caused by the Soviet Government. They are a warm, caring couple who wish to emigrate to Israel. The tragedy is that the Meimans are in poor physical health. As the Soviet Government continues to deny them the permission to emigrate, the Meimans chances to live in Israel dwindle.

The Meimans wish to emigrate in order for Inna to receive vital medical treatment available only in the West. The Soviets have continually denied the Meimans and many others their basic human rights. Naum's participation in the Helsinki watch group has resulted in 10 years of harassment. The Soviets have effectively disbanded the watch group.

I urge the Soviet authorities to allow the Meimans to go to Israel.●

SURVIVORS OF ABORTION: THE DREADED COMPLICATION

● Mr. HUMPHREY. Mr. President, most American citizens are unaware of the magnitude of the problems connected with second- and third-term abortions. Few are even aware that such abortions are protected by the Roe versus Wade decision. Fewer still are aware that 300 to 400 children survive these abortions each year.

When tiny infants survive late-term abortions, they plunge doctors, nurses, hospital administrators, and, particularly, their mothers into a profoundly painful dilemma. There are few timeworn principles by which to establish procedures to govern such contingencies. And the appalling lack of treatment received by these defenseless newborns is unacceptable.

I request that my colleagues read the article I am submitting from the New York Times which attempts to outline the ethical problems raised by this scandal. If the medical profession is unable to formulate suitable guidelines for the protection of these new

human lives, then the Congress will have to intervene. The article follows:

[From the New York Times, Feb. 15, 1984]

WHEN ABORTION BECOMES BIRTH: A DILEMMA OF MEDICAL ETHICS SHAKEN BY NEW ADVANCES

(By Dena Kleiman)

A woman went to Beth Israel Medical Center in Manhattan for an abortion. When it was done, the doctors told her she had just given birth to a daughter.

The child, though seriously brain-damaged, was saved by new techniques of caring for extremely premature infants, and the techniques get better every year. The number of children surviving abortions is still tiny, and their chances of leading healthy lives are still small, but they are posing extraordinarily troubling problems for doctors and hospital administrators.

In effect, medical technology has leaped beyond both the law on abortion and the assumptions of medical ethics. At many hospitals, policies have been thrown into turmoil.

Doctors are grappling with whether a child born as a result of an abortion should be given the same extraordinary care as one born of a miscarriage. Hospital ethics committees are confronting the question of whether late abortions should be moved out of operating rooms and into the obstetrical wings holding the latest life-saving equipment. Women requesting late abortions at some hospitals are being told that a fetus born alive will be given all chances to survive.

ONE OF OUR MOST DIFFICULT AREAS

"The area of late abortions is one of our most difficult areas," said Dr. Alan Rosenfield, acting director of obstetrics and gynecology at Columbia-Presbyterian Medical Center. "There are no easy answers given our technology now."

In its landmark 1973 decision, the United States Supreme Court upheld a woman's right to abortion until the point of fetal viability and said that point was generally at about 28 weeks after conception. In New York State, the law allows abortions through the 24th week of pregnancy. But a decade of advances in medical science have made it possible to sustain the lives of infants earlier—as early as 23 weeks.

Live births after abortions are still extremely rare. Of the more than 160,000 abortions performed in 1982 in New York, there were 18 live births, according to statistics maintained by the State and City Health Departments. No statistics are maintained nationwide.

But the very possibility—a possibility most hospitals are reluctant to discuss openly—has stirred internal hospital discussions of when and how abortions are performed, whether late pregnancies should be screened for defects, and what specific procedures should be taken if a child is born live.

And there are difficult new legal issues. When an abortion becomes a birth, it is unclear who must decide what procedures are in the infant's best interest or who is financially responsible.

Because infants born of abortion are injured in the abortion process, legal scholars are asking whether it would be possible for such a seriously injured infant to make a claim of "wrongful life" against a hospital.

DIFFERING APPROACHES TO THE PROBLEM

Policies vary dramatically.

Some hospitals are now only performing elective abortions until the 20th week—a point where it is still impossible to sustain fetal life—except in cases where a fetus has been determined to suffer from major defects.

Others, refusing to make even that exception, are declining to perform amniocentesis, the genetic screening of the amniotic fluid surrounding the fetus. The test is generally recommended for women over the age of 35 and undergone by countless others to detect fetal abnormalities.

Some hospitals are switching to an abortion procedure that eliminates any possibility that a fetus might live.

WARNINGS TO THE FAMILIES

At still others, families are routinely being advised that an abortion may result in a live birth.

"We have to warn the families," said Dr. Hugh R. Barber, chief of obstetrics and gynecology at Lenox Hill Hospital in Manhattan, where abortions are performed until the legal limit of 24 weeks. "You have to tell them there is a slight possibility the fetus may live."

Dr. John Parente, director of obstetrics and gynecology at the Bronx-Lebanon Hospital Center, said that emniocentesis is not available there and that the hospital did not want to do late abortions.

"It's an emotional problem," he said. "We just don't want to do it."

"We decided to cut back to 20 weeks," said Dr. Fritz Fuchs, professor and former chairman of the department of obstetrics and gynecology at New York Hospital-Cornell Medical Center, where an exception is made for major defects. "In this manner, we have avoided getting into any difficulties with the law."

FEAR INSPIRES CAUTION

The subject is rife with emotion and debate. Much of the discussion is taking place behind closed doors for fear of publicity and lawsuits.

Told about the subject of this article, many doctors declined to return telephone calls. In one case, the director of obstetrics at a major New York hospital spoke in detail of an aborted infant's survival last year and the traumatic impact this event had on the hospital's staff. The next day, he called back to deny the incident had ever occurred.

The questions of when abortions should be performed, by what method, and what kinds of infants should be saved are answered differently by different physicians.

While publicly the great majority of hospitals agree that any infant who survives an abortion or miscarriage should be kept alive, doctors acknowledge privately that this practice varies widely from hospital to hospital.

CIRCUMSTANCES OF PROCEDURE

"It's necessary to remember that these days abortion is done on request and therefore not a procedure you undertake in the interest of the fetus," said Dr. Gordon W. Douglass, the chief of obstetrics and gynecology at New York University Medical Center, where abortions are performed only until the 20th week of preganancy except in cases of fetal abnormality.

"What most of us try to do is to try to remain within the law and not generate problems for anyone," Dr. Douglas said. "The hospital requires any live fetus to be given full supportive services and full resuscitation regardless of prognosis. But the delivery of a living fetus carries no guarantee of a surviving adult of any competence."

Complicating the problem for doctors at many hospitals are advances that have been made in detecting defects long before birth. Many of these procedures, including amniocentesis and sonography, cannot be performed until relatively late in the pregnancy, so often decisions about such abortions are made just at the edge of fetal viability.

WORKING AT CROSS PURPOSES

"It makes us all schizophrenic," said Dr. Richard Hausknecht, an associate clinical professor of obstetrics and gynecology at Mount Sinai Hospital who specializes in high risk pregnancies. "Nowadays we are asked to terminate a pregnancy that in two weeks doctors on the same floor are fighting to save."

Very premature infants, with low birth weight, suffer from myriad problems. Recent advances have helped prevent lung collapse in these tiny infants and have made it possible to nourish them with new formulas.

Nevertheless, serious handicaps persist. The cost of producing a survivor from a fetus of less than 28 weeks' gestation—whether it is a result of an abortion or of natural miscarriage—can run into the tens of thousands of dollars, not including medical costs from later complications of premature birth.

THREE METHODS OF ABORTION

Much debate concerns the method by which late abortions are performed. Generally, there are three methods.

Injecting saline into the amniotic sac to induce labor in the mother is still the most commonly used procedure in late abortions. While it generally results in fetal death, it has been associated with harmful side effects in women and doctors have increasingly turned to the use of prosteglandin in late abortions.

Prosteglandin is a substance that also induces labor, but it does not poison the fetus. Of all abortion methods, prosteglandin—while believed to be the safest for women by some doctors—is also the most likely to result in a live birth.

The third and most controversial of the methods is dilation and evacuation. Known as D and E, it involves dismembering the fetus while still in the womb, which eliminates any possibility of live birth. It is a relatively new procedure in late abortions, and is generally believed to be among the safest for women and the least psychologically painful. However, it is also generally considered the most traumatic for doctors and staff.

The suction and curettage method, in which the cervix is dilated and the fetus is extracted through a suction tube, is generally applicable only in the early stages of pregnancy.

NEW PROCEDURE IS GAINING

According to the Centers for Disease Control in Atlanta, the use of dilation and evacuation in second-trimester abortions has increased greatly in recent years, as more physicians have learned to perform the procedure and it has gained in acceptance.

Division abounds among gynecologists about who is willing to perform late abortions and by what method.

"I think every obstetrician struggles with this and makes his mind up what his threshold is," said Dr. David Grimes, a gynecologist with the division of reproductive health at the center in Atlanta. "Some do it until 12 weeks. Some will do it until 24."

"It would not be worth it to me to take even a small risk to the mother's life to avoid possibility of a live birth," said Dr. Bruce Young, director of maternal-fetal medicine at New York University Medical Center, where the policy also is to perform abortions until the 20th week of pregnancy except in cases of fetal deformities. The method of choice at New York University Medical Center is the use of prosteglandin.

"A woman comes to me for a late abortion and I do it the best way I know how," said Dr. E. Wyman Garrett, an obstetrician in Newark who is among a growing number of physicians who have developed expertise in performing D and E's through the 24th week of pregnancy.

He said he prefers this method because it is safer for the woman and because it avoids the agonizing decision of what to do when a child is born alive—a situation he confronted only last year.

In that instance, Dr. Garrett performed a saline abortion on a young woman at University Hospital in Newark. The infant that emerged weighed about 1 pound 10 ounces and was alive. It was born Jan. 13 and died April 29 after developing meningitis.

"I do D and E's because I think it is safer," said Dr. William Rashbaum, a gynecologist affiliated with Beth Israel who also specializes in this method. "It is a horrible procedure. Staff burnout is a major problem. But are you functioning in the interests of taking care of your staff or taking care of your patients?"

THEORIES FOUNDER ON REALITY

A serious problem physicians confront in performing late abortions is the gap between abstract theories on fetal viability and the realities of medical practice.

In the case of the fetus born alive during an abortion at Beth Israel, for example, the infant was believed to have been only 22 weeks in gestation, but it was in fact 25 or 26 weeks, according to one doctor.

"The baby turned out to be older than we thought," the doctor said. Beth Israel officials said that the infant suffered extensive brain damage but would not discuss the incident further.

Pregnancy due dates, dates of conception and fetal viability are still uncertain areas. They depend on the skills of the doctor, the technical currentness of the hospital and individual development of the child.

METHOD OF DETERMINING AGE

When a woman in the second trimester of pregnancy approaches a physican for an abortion, she is asked to undergo a sonogram, which produces an image of the fetus. It is the best—though still far from perfect—way for doctors to determine gestational age, since recollections about last menstrual periods are highly imprecise.

The age is estimated by measuring the diameter between two points on the fetus's skull. In theory, the wider the diameter, the older the fetus. But accuracy depends on the machinery used and on the skill of the technician using it. Congenitally small children make estimations of fetal age even more difficult.

"Sonograms are very subjective," said Jeffrey Karaban, a sonographer at one of the largest abortion clinics in New York City, the Eastern Women's Center in Manhattan, where 8,000 abortions are performed a year. "Certainly there are a lot of bad sonograms done. We have patients come from seemingly reputable places and yet their sonograms don't jibe with what we see."

Viability is even more difficult to assess. Once a highly premature infant is born—either as a result of abortion or of miscarriage—its gestational age is determined by how much it weighs and a number of other physical characteristics: the condition of its eyes, the state of its skin, how much cartilage it has developed in its ears. This, too, is highly subjective.

CHARACTERISTICS OF FETUS

A 24-week fetus physically appears to resemble a child, but its lungs and brain are still not fully developed, nor are its eyelids open.

If a decision has been made to resuscitate the baby, a mask may be placed over its mouth and nose and a needle placed through its navel to measure blood pressure and body chemistry. The baby is then weighed and further examined to determine whether to continue treatment.

Some doctors do not believe an infant is "viable," and thus a subject for the most advanced and agressive treatment, if it is seriously deformed or has been determined to have less than a 20 percent chance of survival. Other doctors will try to save any infant with a heart beat.

"I have never been called to deal with such a case, but if I were I would vigorously treat that baby," said Dr. John Driscoll, director of the neonatal intensive care unit at Columbia-Presbyterian. "If the baby was anomalous, there would be a whole other set of dilemmas. If I were asked about a Down's syndrome baby, I believe everything should be done. I differ with some people's thoughts about quality-of-life issues."

CONTINUED NEED RAISES TROUBLING QUESTION

The underlying question that many doctors ask in confronting these difficult medical problems is why late abortions are still necessary, given the availability of contraceptives and the comparative ease with which abortions can now be obtained.

Indeed, over the past 10 years, elective abortions have been performed at progressively earlier stages of pregnancy nationwide, and the great majority are now carried out within the first trimester.

Of the 1.6 million abortions performed in the United States in 1980—the last available figure from the Centers for Disease Control in Atlanta—more than 90 percent were done within the first 12 weeks. Only about 13,000—less than 1 percent of all abortions performed nationwide—were performed on women pregnant more than 21 weeks.

According to statistics compiled by the Centers for Disease Control, the largest group of these women is between the ages of 15 and 19.

Many of these are believed to be unwed teen-agers who do not know they are pregnant until they feel the baby kick. Quickening—as fetal movement is called—usually first occurs between the 17th and 20th weeks of pregnancy. About 10 percent of all second-trimester abortions—less than 1 percent overall—are performed on women who have discovered they are carrying infants with serious defects.

Amniocentesis is usually performed during the 14th through 16th weeks of pregnancy. Results take at least three to four weeks, so that a woman choosing to abort a fetus with birth defects may not be able to do so until the 17th or as late as the 20th week of pregnancy. If there are problems with culturing the fluid, it may have to be performed even later.

In an article to be published by the Georgetown University Law Journal next June, Nancy K. Rhoden, assistant professor of law at Ohio State University in Columbus, points out that advances in neonatology may have made the Supreme Court's Roe v. Wade decision obsolete.

NEW CUTOFF POINT SUGGESTED

Miss Rhoden suggests an arbitrary cutoff point of 20 weeks or the halfway mark of pregnancy as a new limit for abortions, with exceptions to be made for women who have found through amniocentesis that their offspring have serious defects.

But as legal scholars, ethicists and others continue to dissect this complicated subject, hospitals and physicians are trying to cope with the human drama of what is appropriate and what is not, whether abortions should now be carried out in the obstetrical wings of hospitals where fetuses can be monitored or whether neonatologists should be present at abortions where a live birth is a possibility.

"Social policy makes the late abortion issue worse," said Dr. Phillip Stubblefield, chief of obstetrics and gynecology at Mount Auburn Hospital in Cambridge, Mass., and an associate professor at Harvard Medical School. "Doing an abortion at 28 weeks is indefensible. I would draw a line at 24." The only exception he would make would be to save the life of the mother.

"But there should be a middle ground," he added. "Some abortions are necessary. What we should do is try to streamline the system so that help can be gotten earlier."

"What are the chances of a 24-week fetus to have a normal life?" asked Dr. William Caspe, the director of pediatrics at Bronx-Lebanon Hospital. "Probably small. Can they survive in terms of their heart and lungs? Yes. In terms of brain survival we are not there. And so a number of us have great qualms about what to do to a teeny tiny baby. For medical and legal reasons, we need to resuscitate. Some feel comfortable at that. Some don't.

"As a society, you shouldn't want us to do that. But as society, you give us no choice."●

COLORADO FEDERATION OF NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

● Mr. ARMSTRONG. Mr. President, in a few days, the Colorado Federation of the National Association of Retired Federal Employees [NARFE] will hold their annual convention in Sterling, CO. This convention will officially end the second and final year of leadership of Colorado NARFE's president, John D'Arcangelis.

John recently informed my office of the tremendous contribution of volunteer services given to their communities by Colorado's Federal retirees in 1985. According to figures compiled by Colorado NARFE, more than 403,000 total hours of volunteer community services were performed by members. The more than 5,200 NARFE members in 29 Colorado chapters participated in charity drives, counseling services, hospital volunteer work, and many other worthy community pursuits.

But perhaps even more important is the spirit of involvement and cooperation with those of us in public office that has been fostered over the past

couple of years under John's leadership.

Since John assumed the Colorado NARFE presidency in April 1984, a very healthy give and take of views has occurred between my office and the NARFE organization. There is no organization or individual with which an elected official will always agree, but John has seen to it that no issue of direct concern to Federal retirees has risen that the Colorado NARFE position was not clearly and forcefully made to my office.

One of the most clearly defined areas of agreement John and I shared was our mutual concern over the perceived public image of Federal employees and retirees. John and the Colorado NARFE asked me to assist them in communicating the positive, real story to the public.

I have always been familiar with the Federal employee dedication and commitment to serving the U.S. Government and ultimately the American people, but I had to reluctantly agree that the overall public image of Federal employees and retirees was a bit tarnished for many unfair reasons.

In view of that I was pleased to assist in focusing public attention on the national and Colorado NARFE efforts on behalf of the Alzheimer's Association in counseling and assisting families of victims of Alzheimer's disease. This NARFE effort is unprecedented and in my opinion is a real turning point in educating the public about this horrible disease which robs many of our retired citizens of their golden years.

I look forward to working with John's successor as president, who will be selected at the Sterling convention, in finding ways to communicate the real story to the public of Federal employees' and retirees' efforts in their jobs and communities.●

ORDERS FOR WEDNESDAY

RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today it stand in recess until the hour of 10 a.m., on Wednesday, April 23, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. I further ask unanimous consent that following the recognition of the two leaders under the standing order there be special orders in favor of the following Senators for not to exceed 5 minutes: Senators HAWKINS, BIDEN, CRANSTON, and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent that Senator CRANSTON follow Senator HAWKINS, and then Senator BIDEN will be No. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period after the special orders for transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. As indicated, at that time—which will be approximately 10:30 a.m.—we will resume consideration of Senate Concurrent Resolution 120, the budget resolution.

I think it is fair to say that there will be votes. By prior agreement and understanding there will be no votes, if any votes are ordered, after 4 p.m. They will be delayed until the following day.

Mr. BYRD. Mr. President, will the distinguished majority leader yield? Would the distinguished majority leader change that time from 4 o'clock to 3:30 p.m.? We can charge enough against the budget resolution. But if he would, I am certain Senators would appreciate it.

Mr. DOLE. We have no objection.

The PRESIDING OFFICER. Will the majority leader put that in the form of a unanimous-consent request?

NO ROLLCALL VOTES AFTER 3:30 P.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that any rollcall votes ordered after 3:30 p.m. be postponed until Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later the following occurred:)

Mr. DOLE. Mr. President, earlier we had indicated that there would be no votes after 3:30 tomorrow, and any votes ordered would be postponed until Thursday. I want to make the RECORD clear that I refer only to votes on S. 120, the budget resolution.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I think that was the intention and understanding on this side as well.

Mr. DOLE. Yes.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m., on Wednesday, April 23, 1986.

The motion was agreed to, and at 6:35 p.m., the Senate recessed until tomorrow, Wednesday, April 23, 1986, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1986:

DEPARTMENT OF STATE

Ronald Frank Lehman II, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Negotiator for Strategic Nuclear Arms, vice John Goodwin Tower.

THE JUDICIARY

Alan E. Norris, of Ohio, to be U.S. circuit judge for the sixth circuit vice Leroy J. Conti, Jr., retired.

John G. Davies, of California, to be U.S. district judge for the central district of California vice Cynthia Holcomb Hall, elevated.

Douglas P. Woodlock, of Massachusetts, to be U.S. district judge for the district of Massachusetts vice W. Arthur Garrity Jr., retired.

David Hittner, of Texas, to be U.S. district judge for the southern district of Texas, vice George E. Cire, deceased.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John D. Bruen, [redacted] age 55, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Kenneth E. Lewis, [redacted] U.S. Army.

HOUSE OF REPRESENTATIVES—*Tuesday, April 22, 1986*

The House met at 12 noon.

The Reverend Eleanore W. Drury, assistant minister, The Black Church at Yale, New Haven, CT, offered the following prayer:

Will you join me in prayer?

O Almighty God, we pause here to give You thanks for Your great gifts of plenty, freedom, and peace, to us and to our Nation. Grant that we may use them well; that of our plenty, we may share; that in our freedom, we may work for the freedom of all; that in guarding our precious peace, we not create war in other lands.

O God, we are not gods. You know that at the moment we are most content, we are most in danger. Forgive the wrongs which we commit in the name of right, our false logic, our proud grip on power, the fears which spring to mind when we are pressed by those whose ways are different from our own. Though we are called to lead, O Lord, You know we are just humans. Grant us ears to hear Your voice, for unless you guide us, we may lead Your world astray. And though we may fail Your vision, let not the vision fail. Give us faith that our times, though filled with dangers, are not the end of history. Give us tough minds, open hearts, and strong wills for the works of peace and justice.

And to this end, O Lord, direct and bless us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REVEREND ELEANORE W. DRURY

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MORRISION of Connecticut. Mr. Speaker, it is my pleasure today to welcome the Reverend Eleanore W. Drury as our guest chaplain and to thank her for her thoughtful and most appropriate prayer. I am very proud to have her, both as a constituent and as a friend.

Reverend Drury has had a distinguished career in a wide variety of service-related fields. She has served as a trainer and clinician with the Connecticut Self-Help Support Network and with the Hamden Mental Health Service.

In both instances, she developed innovative programs to significantly aid people in a variety of ways.

The Reverend Drury was selected to be the counselor to students and the first woman chaplain at Choate Rosemary Hall School in Wallingford, CT, and served as an effective counselor and teacher.

She is a graduate of the University of Arizona, the University of Connecticut's School of Social Work, and the Yale University Divinity School. She is also the mother of 5 children and she presently serves as assistant pastor of the Black Church at Yale.

In addition to her relationship to me and my district, Reverend Drury is also the sister-in-law of the gentleman from Pennsylvania [Mr. CLINGER] and I yield to him for a moment.

Mr. CLINGER. I thank the gentleman very much for yielding.

I would just like to join with the gentleman from Connecticut in welcoming our guest chaplain this morning. As the gentleman indicated, she is my sister-in-law and I would hope that everybody could have a sister-in-law as caring and as friendly as my sister-in-law is. She has made very valuable contributions to every community in which she has served, as the gentleman has indicated. She has helped countless people through her work as a counselor, and beyond that, she knows the lyrics to more old songs than anybody I know, with the possible exception of her sister.

I am delighted to welcome her here today and join with the gentleman in welcoming her.

Mr. MORRISON of Connecticut. I thank the gentleman from Pennsylvania.

AMENDING THE RULES OF THE HOUSE TO INCREASE AMOUNT OF OUTSIDE EARNED INCOME WHICH A MEMBER MAY ACCEPT

Mr. MURTHA. Mr. Speaker, I offer a resolution (H. Res. 427) amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may accept, and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That clause 1 of rule XLVII of the Rules of the House of Representatives is amended by striking out "which is in excess" and all that follows in both paragraph (a) and paragraph (b) and inserting in lieu thereof in each instance "in excess of the percentage of the aggregate salary as a Member, paid to the Member during such calendar year, to which such outside earned income is limited by law.".

SEC. 2. The amendments made by the first section of this resolution shall take effect on January 1, 1986.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HILER. Mr. Speaker, reserving the right to object, could we be enlightened as to what the gentleman's resolution is about?

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. HILER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, this has been cleared by the leadership on both sides. It just changes the rules to bring them into closer compliance with the Senate rules.

The intent of this amendment to the House rule is to change the current 30-percent limitation to 40 percent.

Mr. HILER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR APPOINTMENT TO SERVICE ACADEMIES OF CHILDREN OF MEMBERS OF ARMED FORCES KILLED IN MILITARY ACTION AGAINST LIBYA

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the joint resolution (H.J. Res. 604) providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HILLIS. Mr. Speaker, reserving the right to object, I shall not object, but I yield to the gentleman from Mississippi [Mr. MONTGOMERY] to explain the reason for his request.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this resolution recognizes the dedicated professionalism of our armed forces in the recent military action over Libya and expresses our profound gratitude for the supreme sacrifice made by the two airmen killed in that action. The resolution would make it possible for the children of service members killed in that action to attend one of the service academies should they become qualified to do so.

If the gentleman will yield further, this resolution is introduced by the gentleman from Texas [Mr. WRIGHT], the gentleman from Washington [Mr. FOLEY], the gentleman from Illinois [Mr. MICHEL], and the gentleman from Mississippi [Mr. LOTT].

Mr. HILLIS. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I would like to commend the distinguished gentleman from Mississippi [Mr. MONTGOMERY] a member of the Committee on Armed Services, and the gentleman from Indiana [Mr. HILLIS].

Mr. Speaker, I rise in support of this resolution and I ask that House Joint Resolution 604, which I have joined with my colleagues—the distinguished minority leader, the majority leader, and the majority whip—in sponsoring, may be considered today by this body. The measure proposes to provide for the appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986. By enacting this legislation, the Congress recognizes the dedicated professionalism of members of the Armed Forces in recent military action to combat state-sponsored terrorism and particularly expresses its profound gratitude for the brave service of Capt. Fernando Ribas-Dominicci and Capt. Paul F. Lorence of the U.S. Air Force, who made the supreme sacrifice for their country in action against Libya on April 15, 1986.

Captain Ribas-Dominicci, the pilot, was born in June of 1952 and was, therefore, 33 years of age when he died a hero's death in the air attack against Libya. Captain Ribas-Dominicci was married to Blanca and had one son, Fernandito, who is 4½ years old. Hailing from Mayagüez, Puerto Rico, Captain Ribas-Dominicci was the recipient of a bachelor's degree in civil engineering and a master's degree in aero science. With over 1,800 flying hours, Captain Ribas-Dominicci was highly experienced in flying F-111's. Stationed at Lakenheith Royal Air Force Air Base in England since March of 1983, Captain Ribas-Dominicci previously was stationed at Cannon Air Force Base in New Mexico.

Capt. Paul Lorence, the navigation weapons system officer, was 31 years of age when he died serving his country. Born in February of 1955, Captain Lorence received his navigational training in California after being awarded a bachelor's degree in history. Married to Diana, Captain Lorence had one son, Peter, who was less than a year old when his father died. Also stationed at Lakenheith since August 1981, Captain Lorence had been flying F-111's for 4½ years. Participating in the attack on Libya was his first operational duty assignment.

Mr. Speaker, these two officers died serving their country last week, and all of America is proud of their brave, heroic deed. With their families, friends, and all the people of this Nation, I bow in sorrow at their passing, but I am humbly grateful for their undying courage and the magnificent patriotism with which they lived.

I hope my colleagues will join me in expeditiously passing this measure on behalf of these two brave men.

Mr. HILLIS. Mr. Speaker, the resolution before us today—cosponsored by the bipartisan leadership of the House—fulfills the request made to the President by Mrs. Fernando Ribas-Dominicci, the widow of the pilot of the F-111 bomber lost in last week's military action against Libya. When President Reagan asked Mrs. Ribas-Dominicci if he could do anything for her, she asked only that her young son, Fernando, be able to attend the Air Force Academy. House Joint Resolution 604 accomplishes that goal.

We are deeply thankful that all the other American aircraft returned safely from this decisive and successful strike against a nation whose principal export is terrorism and death. I join with my colleagues in extending sincere sympathy to the families of the two crewmembers who did not return. The resolution before the House today is a small token to express the Nation's gratitude for their sacrifice. Captains Ribas-Dominicci and Lorence—and all the members of the Armed Forces who participated in the Libyan raid—represent the professionalism of our Nation's Armed Forces at its finest.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. MONTGOMERY]?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 604

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION OF MEMBERS OF THE ARMED FORCES.

The Congress recognizes the dedicated professionalism of members of the Armed Forces in recent military action to combat state-sponsored terrorism and particularly expresses its profound gratitude for the brave service of Captain Fernando Ribas-Dominicci and Captain Paul F. Lorence of the United States Air Force, who made the supreme sacrifice for their country in action against Libya on April 15, 1986.

SEC. 2. SERVICE ACADEMY APPOINTMENTS FOR CHILDREN OF CERTAIN MEMBERS.

(a) APPOINTMENT.—At such time as a qualifying child satisfies the age and other requirements for admission to a service academy of such child's choice, the President (or the Secretary empowered to make appointments to the United States Coast Guard Academy or the United States Merchant Marine Academy) in office at such time is requested to appoint the child to that academy.

(b) QUALIFYING CHILD DEFINED.—For purposes of this Act, the term "qualifying child" means a child of a member of the Armed Forces killed in the military action against Libya on April 15, 1986.

(c) SERVICE ACADEMY DEFINED.—For purposes of this Act, the term "service academy" means each of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING PROCEEDINGS OF THE HOUSE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be permitted to sit during proceedings of the House today to mark up H.R. 4574, International Debt, Trade, and Financial Stabilization Act; H.R. 4510, Export-Import Bank Authorization; and H.R. 2373, Council on Industrial Competitiveness Act.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BOULTER. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Chair will state that it requires 10 Members to object.

The Chair counts an insufficient number of Members standing.

The gentleman's request is agreed to.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER laid before the House the following resignation as a member of the Select Committee on Children, Youth, and Families:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 1986.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives, H204, The U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I have served as a member of the Select Committee on Children, Youth, and Families since coming to Congress. I have enjoyed serving on the Select Committee, but time wouldn't allow me to continue. I hereby resign my appointment to this Select Committee effective this date.

Sincerely,

DAN BURTON,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 3 of House Resolution 25, 99th Congress, the Chair appoints the gentleman from North Carolina [Mr. COBEY] as a member of the Select Committee on Children, Youth, and Families to fill the existing vacancy thereon.

LIBYAN RAID AND ENERGY POLICIES

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I am convinced that the oil dependence of our NATO allies is a major reason the United States was unable to obtain widespread support for its antiterrorist raid on Libya.

Clearly, allies such as Germany and France are held hostage to their dependence on unstable Middle East oil supplies such that they cannot afford to disrupt their energy supply.

I have, for years, consistently maintained the importance of energy independence for our national security. We should derive little comfort from short-term low oil prices and the so-called world glut from a national security standpoint. The United States and its allies should put some premium on assuring stability in the Middle East.

The Libyan turmoil and the protracted Iran-Iraq war combined with regional zealotry, suggests things may get worse before they get better in terms of that political stability. Nevertheless, it would be most prudent for the United States and its NATO allies to begin now to devise a comprehensive strategy for dealing with security issues in that region, including the critical oil supply issue.

□ 1215

CENTRAL AMERICAN LEADERS GIVE PUBLIC SUPPORT FOR AID, TO THE CONTRAS

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, during the many hours of debate on aid to the Contras both in March and last week, we constantly heard that government leaders in the region opposed military aid to the Contras. There were references that leaders privately supported the aid but could not say so publicly. Critics of that aid gave the impression that they did not believe there was even private support for military aid to the Contras.

Earlier, Salvadoran President Duarte had given public support for aid to the Contras, and now there is another Central American leader who has had the courage to publicly give his views. When two European newspaper reporters asked Honduran President Jose Azcona last week whether he favored the $100 million for the Contras, President Azcona replied, "I think that it is more advisable for Honduras that the $100 million be approved."

President Azcona has now said publicly what many of us have known all along. There are Central American leaders who believe the United States should be giving military assistance to the Contras whether they say so in public or not.

BIG BANKS DISPLAY GREED IN CREDIT CARD OPERATIONS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, there is an old saying that the rich get richer. Events of the past several days seem to confirm this.

On Friday the Federal Reserve Board announced a cut in the discount rate to 6.5 percent. That is the interest rate banks pay when they borrow from the Fed.

Yesterday, banks across the Nation announced they were lowering the prime rate to 8.5 percent. This is the rate banks charge their preferred customers for borrowing.

Once again, the 100 million credit card consumers of our Nation await the modern-day version of the trickle-down theory to occur. Where is the announcement by these same banks of a cut in the credit card interest rates they charge?

I would guess it is not likely to come soon. Consider in 1981, the discount rate was 14 percent. It is now 6.5 percent. What happened to credit card interest rates? They shot up from 17.7 percent to 19.8 percent.

It is both indefensible and arrogant for major banks not to share their substantial cost savings with the American consumer through lower credit card interest rates. Yesterday, I released a study by Spencer Nilson, a respected credit card newsletter author, who disclosed that major credit card issuing banks amassed profits of $3.6 billion in 1985. What greed. The discount rate has already been cut twice this year. Those profits will surely go up.

It is time credit card consumers got a break. I urge passage of my bill H.R. 1197, which would cap credit card interest rates at 11.5 percent; a full 8 percentage points below present rates.

It seems the banks have a friend in the Fed. It is time Congress became the friend of the credit card consumer.

LEGISLATION TO PROVIDE MORE ACCESSIBLE HEALTH CARE TO VETERANS

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, today I am introducing legislation requiring the VA to enter into health care contracts with non-VA medical facilities where current VA facilities are inadequate or not available.

Currently veterans nationwide must make round trips in excess of several hundred or even 1,000 miles to receive treatment at a VA hospital, and they must travel this distance when there is an available non-VA facility within a few miles of their residence.

Palm Beach County, FL, is anticipating a 1993 completion of a VA hospital and nursing home to serve approximately 160,000 area veterans.

We have to face the fact until Congress passes a budget that complies with the Gramm-Rudman ceilings, delays could occur in the completion of VA hospitals and clinics across the United States.

My bill provides immediate relief for veterans by providing accessible health care through private contracts until a local VA health care facility is available. Enactment of my legislation ensures that the special health care needs of our veterans are not ignored.

Our veterans deserve no less.

ELECTRIC CONSUMERS PROTECTION ACT

(Mrs. SMITH of Nebraska asked and was given permission to address the

House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I would like to express my concern about the preference section of H.R. 44, the Electric Consumers Protection Act, which was passed yesterday by the House.

This bill would eliminate the current preference given to public entities in the relicensing of Federal hydroelectric projects.

As a strong supporter of public power, I support the concept that preference should be granted to public power authorities not only in the initial licensing of Federal hydroelectric facilities, but also in their relicensing.

Removing all preference in relicensing and establishing competitive procedures is, I suppose, an acceptable compromise. But I would strongly urge my colleagues who will be conferees with the other body on this bill to oppose any proposal that would weaken the preference given public power any further.

Nebraska is the only State that is completely dependent on public power. In my State, the low-cost electricity provided to public entities through preference rates and licensing has been crucial to the economic survival of small towns, rural electric cooperatives, and especially to our agricultural industry. Losing public preference would be a disaster for us.

CONGRESS MUST ACT NOW ON YOUTH SUICIDE PREVENTION

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, last spring, Congressman TOM LANTOS introduced the Youth Suicide Prevention Act, and I introduced a similar bill, the Teenage Suicide Prevention Act.

Since that time, since the 99th Congress convened last January, another 5,000 youngsters have taken their own lives—5,000 young Americans, Mr. Speaker: How many scientists, how many athletes, how many world leaders have we lost? Five thousand young Americans and still the Congress is silent.

The true tragedy, Mr. Speaker, is that we have found ways to begin to stop this horror. Given a chance, our schools and our communities can recognize the silent cries of a troubled teenager before it is too late; but, sadly, we have failed to give our educators the tools they need to stop this madness.

Today, Congressman TOM LANTOS and I are introducing the Youth Suicide Prevention Act of 1986. We must stop this killing. We are demanding that the United States turn its attention, its energy and its money to this horrifying tragedy so that we may end this scourge forever.

Our bill authorizes $10 million a year for the next 3 years for small grants to local schools and nonprofit organizations to establish suicide prevention and education problems.

As a former public school teacher, I fully realize how difficult a task this is, but I strongly believe that our schools can be used and must be used to save lives. We must not allow this crisis that is destroying our most promising youngsters to continue.

I invite all of my colleagues to join Congressman LANTOS and myself by sponsoring this urgent legislation.

LIABILITY—MAKING THE RISKS PREDICTABLE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the liability explosion is upon us, creating chaos and obtaining coverage and pushing up insurance premiums for every business, every physician and other professional, including lawyers, and every municipality, school district, township, park and fire protection district across the country.

Misguided cries are heard to have the antitrust exemption for insurance companies lifted under the McCarron-Ferguson Act so that they can no longer share risk information. To have the Federal Government heavily and directly regulate the insurance industry, or to have the Federal Government go into the reinsurance business.

These, Mr. Speaker, are all nonsolutions to the problem. If it was only insurance premiums rising, I might suspect collusion and exorbitant profits by insurance companies. However, insurance companies are refusing to provide coverage and leaving the market, because the risks they are asked to cover have become completely unpredictable.

Making these risks once again predictable is the essence of the reforms that are needed. More tomorrow.

□ 1225

THE FRENCH TURNAROUND

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, most Americans were bitterly disappointed at the attitude and action of the French Government in refusing air rights over their country during the recent Libyan action. This seemed to be a further indication of some of the loose alliance that we have with our friends in Europe. Yet, there is good news emerging from this bad news.

A poll taken among French citizens indicated that by a margin of 2 to 1, overwhelmingly, the French people supported the American action and, conversely, condemned their own government's refusal to accord air flight rights.

So we feel better today than we did at that time about the attitude of at least the French people. Moreover, since then the European countries and the European parliament have imposed certain sanctions on Libyan citizens, certain passport restrictions, and have expelled people from their embassies and from their countries on the basis of a final recognition that indeed Libya is the breeding ground of terrorism. So, we have come a long way ever since all the condemnation have occurred since the Libyan action.

SUPPORT URGED FOR CURRENT PROVISIONS RELATED TO COMBINED FEDERAL CAMPAIGN

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise an extend his remarks.)

Mr. GARCIA. Mr. Speaker, today, we will be voting on the urgent supplemental appropriations for fiscal year 1986. One of the items included in the bill is the Combined Federal Campaign [CFC], a fund raising drive which has proven over the years to be highly effective in collecting large amounts of contributions from Federal workers for charitable organizations.

I rise in support of the current provisions related to the Combined Federal Campaign. These provisions ensure that the charitable organizations that have participated in the past will continue to participate in 1986 in spite of the new regulations proposed by the Office of Personnel Management [OPM] and that OPM will remain neutral in administering the CFC Program.

The Office of Personnel Management has proposed new regulations to eliminate public advocacy groups from the 1986 campaign and even prohibit write-ins by the Federal workers of their favorite charities' names. Thousands of local and national charities would be cut off as a result of the regulations thus restricting Federal workers options to give to the charities of their choice. The OPM's proposed regulations are pending review in a Federal district court. Because the case is pending, it is important that the status quo of the regulations be maintained.

I urge my colleagues to vote against the Bliley amendment today and allow the Combined Federal Campaign to operate under existing regulations, which have proven to be successful.

Again, I urge my colleagues to vote against the Bliley amendment.

ANCIENT IDOLS IN MODERN DISGUISE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, economists advocating irredeemable currency like to flatter themselves that they are the pioneers of a modern theory, unaware that they are but worshipping ancient idols in modern disguise. According to the Cincinnati Daily Gazette of January 3, 1879, Gen. (later President) James A. Garfield stated in an address in Chicago, to celebrate R-day (Resumption day, January 2, 1879):

> We shall still hear echoes of the old conflict, such as the "barbarism and cowardice of gold" and the "virtues of fiat money," but the theories which gave them birth will linger among us like belated ghosts, and soon find rest in the political grave of dead issues * * *.

General Garfield evidently respected the wisdom of our people too much to expect that a later generation, such as the present one, would not permit the theories advocating the "virtues" of fiat money to "rest in the political grave of dead issues." What General Garfield called a "periodical craze" swept over this country in 1971 and thereafter with a force apparently never before experienced by our people. The end of this great disease is not yet in sight. If past experience provides any worthwhile lessons, the ultimate consequences of our failure to stop this craze promise to be extremely painful. Conversely, if we rise to the challenge and put an end to this craze now, we shall solve the major part of the economic problems of our Nation, including the problems of runaway debt and runaway deficits. And we shall solve it in a painless, not to say pleasurable way.

LET'S NOT GIVE DEADLY STINGER WEAPONS TO TERRORISTS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, in the past week we have become acutely aware of the risks of terrorist attacks against American citizens at home and abroad. We are evacuating Americans from the Sudan, stepping up security at our airports, Embassies, and military bases. But at the same time, other actions of our Government could be placing Americans at even greater risk. In recent weeks the administration has begun sending guerrilla groups one of the most dangerous weapons on the market, the Stinger antiaircraft missile.

The Stingers have already gone to guerrillas involved in covert operations in Angola and Afghanistan as part of a new United States policy to offer more sophisticated weapons to the United States-supported guerrilla groups. The Stingers are on their way. But we have absolutely no control over their ultimate fate. The administration has no guarantee that these weapons will not be sold or stolen or transferred into the hands of terrorists seeking to retaliate against the United States. Imagine this weapon in the hands of a Mu'ammar Qadhafi. The state-of-the-art Stinger is deadly accurate, easy to hide and operate, and can shoot down not only military aircraft but a commercial airliner.

How can we be sure these weapons, though shipped to guerrilla groups we might support, will not end up surreptitiously in the hands of Qadhafi and his allies, people who would like nothing better than a sophisticated and spectacular means of retaliation against the United States?

Screening devices and searches would pale into insignificance next to the very real threat that a terrorist could stand hundreds of yards from a runway and strike, kill hundreds of innocent people.

Mr. Speaker, I urge my colleagues to join in the fight against giving deadly weapons to terrorists by sponsoring the resolution I have introduced with the gentleman from Oregon [Mr. AUCOIN] to ban the transfer of Stingers to guerrilla and paramilitary groups.

U.N. MAJORITY USES DOUBLE STANDARD IN JUDGING UNITED STATES AND LIBYAN ACTIONS

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I take the floor today frustrated, but not really surprised, by the requirement of the United States, Britain, and France to veto a resolution considered by the United Nations' Security Council yesterday to condemn the recent United States action against Libyan terrorists.

The resolution, did not mention events leading up to the United States action and instead mention Libya only as a victim of an armed attack by the United States.

This is simply another case in which the U.N. majority is using a double standard in practicing selective indignation over alleged abuses by the United States and other Western nations while so often overlooking outrages committed by Socialist and Communist countries.

Voting in favor of the resolution were such well-recognized nonaligned nations as Bulgaria, Congo, Ghana, Madagascar, United Arab Emirates, and the Soviet Union.

Calling this group nonaligned is like being called ugly by a frog.

STINGER: THE TERRORISTS' DELIGHT

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, as we do our daily mile of trotting between the House Chamber and our offices, pause for a moment and look south. There you'll see passenger airliners climbing out from National Airport.

If a terrorist were standing beside you with a stinger antiaircraft missile on his shoulder, he could shoot any of those airplanes down. He could do it from more than 10 square miles of the Washington area, or from a comparable area in most of the world's major cities.

If terrorists get these missiles, every air traveler in the world will be at their mercy.

Terrorists don't have these missiles today. But tomorrow they could, with the administration's decision to give them to paramilitary forces in Afganistan and Angola. Whatever the virtures of these groups, airtight control of their weapons isn't among them.

Transfer of Stingers to paramilitary forces is a terrorist's dream. It is dangerous and dumb. I invite you to join Mr. DURBIN and me in cosponsoring legislation to prohibit this transfer. If we don't stop it now, the time will come when we'll wish we had.

THERE IS A "STINGER" IN THE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a couple of Members were speaking of Stingers here a few minutes ago. Well, a few minutes ago before that the American people just got stung. We had a resolution pass this House by unanimous consent that has the effect of increasing the outside earnings that Members of Congress are allowed to make by $7,500.

There was an end run around the committee process, an end run done around the procedure supposedly established on this floor for unanimous consent resolutions, to the floor. Supposedly, the rule that says that the minority leader has to be consulted, the minority whip has to be consulted, the majority leader has to be consulted, the majority whip, that the chairmen of the committees have to be consulted and the ranking member.

I understand those procedures were not followed, that in fact we have a

resolution that passed this House that has the effect of increasing the earnings of the Members of this Congress substantially, passed here by unanimous consent and was done so by an end run.

REQUEST TO VACATE CERTAIN PROCEEDINGS

Mr. WALKER. So therefore, Mr. Speaker, I would ask unanimous consent that the proceedings by which House Resolution 427 was approved be vacated.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Pennsylvania [Mr. WALKER]?

Mr. GARCIA. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. WALKER. The gentleman from New York has objected, so therefore the gentleman from New York stands in favor of raising the outside earnings, with an end run, by $7,500 for every Member of Congress.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. GARCIA. I thank the gentleman for yielding.

Frankly, I am hearing this for the first time. And until such time as the proper authorities on both sides of the aisle can have an opportunity to talk about it, I will continue to object.

Mr. WALKER. That is the procedure under which we supposedly operate here, that we do get things cleared. They were not cleared.

So the gentleman has, in effect, helped to raise the outside earnings of Members of Congress by $7,500. You will have to live with that.

EXPLANATION OF OBJECTION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I would yield at this time to my distinguished friend from New York [Mr. GARCIA].

Mr. GARCIA. Well, I do not want to get into a quarrel with my colleague from Pennsylvania. But this is something that has come up very suddenly. I think people have made decisions. I am not necessarily saying I agree or disagree. What I am saying is that to make a unanimous-consent request when the Chamber is empty, before the principals have an opportunity to talk about this, I would continue to object.

I would ask my colleague from Pennsylvania that he talk to the leadership on his side, have the leadership on his side discuss it with the leadership on our side and let us see if we can resolve it.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WEISS. Mr. Speaker, I yield back the balance of my time.

WORLD FOOD DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 296) to designate October 16, 1986, as "World Food Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object because I have no problem with the resolution, but I do think an explanation is in order. The gentleman is protecting the process that he says should not bring up a unanimous-consent resolution in a Chamber that is empty. When I asked unanimous consent to vacate the proceedings and allow the Members an additional $7,500 in outside earnings, that is precisely the procedure that was used here a few minutes ago in order to pass the resolution. An empty Chamber was used, and nonconsultation with the appropriate people was used, and we had this thing passed without the appropriate clearances having been made.

□ 1240

And now what the gentleman is suggesting is, having done this end-run around the House, a chance to vacate that and get us back to neutral ground is in fact wrong. That is my problem. Precisely the situation that the gentleman protests is what was used to pass the resolution that is in fact, I think, a wrongful resolution.

Mr. Speaker, I would hope that what the gentleman would allow is to do is by unanimous consent to get us back to ground zero, and then bring the resolution up, as the gentleman has suggested, when there are people in the House and we can look at this thing.

There is no earthly reason why we should allow $7,500 of increased earnings by Members of Congress to pass this body by unanimous consent, and yet that is what was allowed here just a few moments ago.

Mr. Speaker, I will be glad to yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, I have no response. I will just say what I said before. There are leaders on the gentleman's side of the aisle who were elected by the people on the gentleman's side and leaders on this side. I believe that that leadership, which I might add is excellent leadership for both sides, should have the opportunity to discuss it. I am certain that they can come back and do the same thing that the gentleman from Pennsylvania is trying to do here, and I would have no objection.

Mr. WALKER. The gentleman is absolutely right. But those leaders were not consulted with. That is the problem. The procedures that the Speaker has laid out for unanimous-consent resolutions to be brought forward were in fact violated.

I have here a copy of it, and it says, frankly, that the unanimous consent can only be brought up when assured that the majority and minority leadership, the committee and subcommittee chairmen and the ranking minority members have no objection. That procedure, it is my understanding, was not followed here. That is the objection. The only way that we can get back to ground zero is to vacate the proceedings that violated that particular order, and then consult with the leadership and make certain that everybody gets consulted with. That is all I am trying to achieve. It is the gentleman's objection that is standing in the way of achieving getting back to a relatively neutral position on this and so that the discussion can take place.

Mr. Speaker, do I understand the gentleman will still object?

Mr. GARCIA. Mr. Speaker, I still object.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from New York [Mr. GILMAN], who is the chief sponsor of House Journal Resolution 595, to designate October 16, 1986, as "World Food Day."

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend the distinguished chairman of the subcommittee, the gentleman from New York [Mr. GARCIA], and the ranking minority member, the gentleman from Utah [Mr. HANSEN], for bringing this measure up at an early date in order to enable the administration, the Members of Congress, and our entire Nation to gather together in tribute and pay proper respects to World Food Day.

Mr. Speaker, events such as the "Live Aid" concert and the U.S.A. for Africa production of "We are the world" only in part document the incredible contribution thousands of Americans are making toward ending world hunger.

Since 1979, the National Committee for World Food Day, under the leadership of its chairwoman, Patricia Young, and the auspices of the World Food and Agriculture Organization [FAO] has undertaken hundreds of projects and programs related to the world's hunger problem. Without world food day and the organizations involved with its celebration, the ground swell needed that made the massive media events possible would never have existed.

Yet, despite this outpouring of support, the problem of world hunger persists. A recent world bank study states that "since 1980 one-third of the population of 87 developing countries, 730 million people, did not eat enough to lead active working lives." And half, 340 million, "subsisted on a Diet that stunts growth and severely jeopardizes health." UNICEF informs us that every 24 hours 42,000 children under the age of 5 die as a result of hunger and related diseases.

These grim statistics make a strong case for a continued commitment of private and Government funds to ending hunger. But emergency relief aid is not enough. A concerted effort must be made to improve the deteriorating conditions that result in tragedy after tragedy, the same conditions that allow famine and starvation to persist and remain a reality in a world with more than enough resources to feed its population. It is time to work to prevent disasters from occurring, to solve the problems which face Africa now.

To this end, I introduced H.R. 2782, legislation to prevent famine in Africa. H.R. 2782 responds to the root of the problem that faces a continent whose grain output per person has dropped since 1967 by nearly one-third.

Simply to maintain Africa's present per capita food consumption, agricultural output will have to grow 50 to 60 percent between the year 1980–2000. Considering the monumental suffering that exists with the present level of food consumption, it is clear that drastic measures must be taken to revive Africa's capacity to produce.

Reversing Africa's decline will involve immediate response to the crisis of the degradation of the natural resource base which results from overly intensive and exploitative use of land. 100 square miles of African land a day turns permanently into desert.

If this trend is not reversed, there will be no end to Africa's dependency on more developed countries for food and economic assistance.

One major cause of these current problems is the lack of a renewable energy supply. Firewood, the most widely used source of fuel, is becoming increasingly scarce due to the overharvesting of trees. Forests in coastal West Africa were being cleared at a rate of 5 percent per year in the early eighties; at that rate, in 13 years those forests will be half of their original size. The scarcity of trees also has implications for soil and crop quality. Trees help to prevent soil erosion caused by damaging winds and floods. Without any protection, soil ceases to be fertile enough to produce significant quantities of food.

In other instances at the behest of national governments and the support of multilateral development banks, cattle not native to the region have been introduced for the sole purpose of producing exports. These cattle require much more forage than do native producing exports. These cattle require much more forage than do native livestock. As a result they denude the land of vegetation. In addition because they are not used to the severe climate they are incapable of surviving prolonged droughts without drawing heavily on already limited water supplies.

The time has come to begin to turn back the tide of the degradation of Africa's agricultural resource base that should be providing food for that continent's people. The desertification and deforestation which have played a major role in causing the present catastrophe in Africa needs our immediate attention if we are to put an end to this cycle of famine.

Accordingly, I invite and urge my colleagues to join in this effort of focusing attention on the issue of world hunger.

Mr. HANSEN. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would just like to state to my colleague from New York [Mr. GILMAN] that both the gentleman from New York [Mr. GILMAN] and the gentleman from Texas [Mr. LELAND] have been pioneers and have worked very hard on the question of the world's food crises. I think it is a credit to them that they have taken the leadership role, and I think it is a credit to us that we have Members such as them in this body.

Mrs. ROUKEMA. Mr. Speaker, once again this year I am pleased to join my colleagues as a cosponsor of a resolution commemorating World Food Day. World Food Day serves to remind us of one item that is essential to the survival of all beings on this Earth. This day is important, if for no other reason, because it raises our consciousness of the need by so many people in this world for food. In America, we too often take for granted the bread on our table. We forget that a shortage of adequate bread, or rice, or cereal is a daily fact of life for millions of people. The struggle for a meal is their No. 1 concern day in and day out. World Food Day is not only a time for Americans to be thankful for our agricultural abundance, but also a time to realize that we have a long way to go in seeing that everyone can share in that abundance.

I am thankful to say that we have seen some progress. Last year at this time, over 20 countries in sub-Saharan Africa faced food shortages. Due to drought, poor harvests, and ill-conceived agricultural policies, millions of Africans faced starvation and the debilitation of hunger related disease. The United States and other doner nations responded with an unprecedented relief effort. The United States alone sent over 3 million metric tons of food assistance to Africa valued at over $1 billion in 1985. This response undoubtedly saved hundreds of thousands, if not millions of lives. Today, the list of countries in dire need of food assistance is down to four. Renewed rainfall, combined with the use of new farm inputs have led to good harvests in many countries.

Still a great deal remains to be done in providing emergency assistance to thousands still in need, and we will continue to work in that regard. But it is also our goal to help these nations achieve greater self-sufficiency. We must not lose sight of our hope for long-term development in the most severely affected countries. The United States has traditionally supported development in sub-Saharan Africa through the transfer of agricultural technology. As we examine the needs for rehabilitation and recovery in much of Africa, we should look for opportunities to strengthen local infrastructure and research capability. We must also devote greater energy to the development of human capital. Proper education and training provide the underpinning of any successful agricultural system. Just as we have seen the benefits of the green revolution in Southeast Asia, so can we adapt known technologies and investment strategies to sub-Saharan Africa, even though the environment is quite different.

Our participation in the World Bank's International Development Association, the United Nation's World Food Programme and the International Fund for Agricultural Development has led to many successes. These programs remain crucial if the momentum of agricultural innovation is to continue. This must also include changes in developing country agricultural policy, so that more incentives are offered to local farmers and government pricing policies do not discourage production. This may involve greater leadership from multilateral organizations as envisioned in Treasury Secretary Baker's plan for resolving the debt problems of the poorest nations. We must be aware that burdensome external debt may hinder the growing efforts of poor countries to provide food for their people.

The United States is the world's foremost producer and trader of food commodities. Yet millions of people on this planet continue to suffer from malnutrition and starvation. Our humanitarian tradition has helped solve many short-term hunger problems in the past, and our leadership can help solve the chronic food shortages that many countries still face. World Food Day serves to remind us of the crises we've overcome and the hopes America has yet to fulfill. I urge all Members to think of this and to support adoption of this resolution des-

ignating October 16, 1986, as World Food Day.

Mr. LELAND. Mr. Speaker, I rise today in support of House Joint Resolution 595, designating October 16, 1986, as World Food Day. This year will be the fifth anniversary of World Food Day. As chairman of the Select Committee on Hunger, I visited the famine-stricken people of Ethiopia. I witnessed first hand hunger and death from starvation in Africa. Television cameras and media attention have moved away from the refugee camps in Sudan and Ethiopia, but environmental degradation, increasing populations and declining food production continue to threaten the lives of millions of Africans. The Select Committee on Hunger has held hearings and is currently conducting an in depth investigation of food production needs in sub-Saharan Africa. We must continue our efforts to assist African farmers and pastoralists to achieve sustainable food security.

In the United States, a U.S. Conference of Mayors survey of 55 cities identified food as "the emergency service most in demand." We have here in the United States a network of food assistance programs but they are not working well. Federal food programs are not reaching all those in need and often benefits are inadequate. The Food Stamp Program augments the food budgets of poor Americans; however, the program serves only 20 million out of the 33 million eligible poor living in poverty.

The Food for Peace Program last year provided approximately $1.2 billion in emergency food assistance to African countries suffering from hunger and malnutrition. We must continue to support this program and initiate innovative ways to increase food security in chronic food deficit countries. Over the past 30 years, the Food for Peace Program has helped developing countries such as Taiwan and Thailand to achieve food self-sufficiency. U.S. emergency food assistance continues to be essential for sub-Saharan Africa. African recovery and economic growth is best served when United States food assistance is delivered through programs with a long-term developmental impact such as school feeding and food-for-work programs.

Mr. Speaker, October 16, World Food Day, serves as a symbol of our commitment to the alleviation of hunger and malnutrition in our world of plenty. I urge my colleagues to support House Joint Resolution 595.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 296

Whereas hunger and malnutrition remain daily facts of life, for hundreds of millions of people throughout the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States and the American people have a long tradition of demonstrating humanitarian concern for the hungry and malnourished, recently manifested in their response to African famine;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in assisting countries and people to improve their ability to feed themselves;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas there is growing recognition that improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and economic growth;

Whereas the United States has always supported the principle that the health of the nation depends on a strong agriculture based on private enterprise and the primacy of the independent family farmer;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of natural resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas Congress is acutely aware of the paradox of immense farm surpluses and rising farm foreclosures in the United States despite the desperate need for food by hundreds of millions of people throughout the world;

Whereas participation by the private voluntary and business sectors, working with national governments and the international community, is essential to the search for solutions to food and hunger problems;

Whereas the member nations of the Food and Agricultural Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, by resolution of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than three hundred and fifty private and voluntary organizations and many thousands of community leaders are participating in the planning of World Food Day observances for 1986: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1986, is hereby designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

□ 1250

NATIONAL ARTS IN THE SCHOOLS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 470) to designate the week of April 27, 1986, through May 3, 1986, as "National Arts in the Schools Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I yield to the gentleman from New York [Mr. WEISS], who is the chief sponsor of House Joint Resolution 470.

Mr. WEISS. I thank the distinguished ranking minority member for yielding to me.

Mr. Speaker, our Nation's schools are the ideal forum for introducing formal arts programs to all children. The discipline and practices learned in the study of the various disciplines of the arts can be applied to the study of more academic subjects. Furthermore, incorporating the arts into the teaching of other subjects enhances achievement levels and increases the motivation of both students and teachers. Additionally, arts education enables disabled children to demonstrate abilities and skills that may not be uncovered in academic studies and provides an important creative outlet for economically disadvantaged children.

The resolution before us today, designating the week of April 27, 1986, through May 3, 1986, as "National Arts in the Schools Week," fully recognizes the importance of all of the arts to a complete education. As an executive board member of the congressional arts caucus and representative of a district in which perhaps the greatest number of artists work and reside. I am pleased that so many of my colleagues have joined me in this important effort to promote the arts in our schools, and want to express my deepest appreciation to my friend and colleague, the distinguished chairman of the subcommittee, the gentleman from New York [Mr. GARCIA], both for his cosponsorship of House Joint Res-

olution 470 and for his courtesy, and that of the distinguished ranking minority member, the gentleman from Utah [Mr. HANSEN], in bringing it to the floor so expeditiously.

Mr. Speaker, I urge adoption of the resolution.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 470

Whereas, even before formal education begins, children communicate their own experiences in a number of artistic ways, including singing, dancing, drawing, painting, sculpting, role playing, and storytelling; and

Whereas, these basic forms of expression must be encouraged through formal arts education; and

Whereas, schools are perhaps the ideal forum for introducing formal arts programs to children; and

Whereas, incorporating the arts into the teaching of other subjects has been very successful in enhancing achievement levels, and increasing motivation and attitude of both students and teachers; and

Whereas, school arts programs open the minds of children to creativity which can be applied to problem solving in other educational activities; and

Whereas, many of the same practices used in the study of the arts are used in the study of math and the sciences, including observing, describing, comparing, classifying, measuring, inferring, and drawing conclusions; and

Whereas, school arts programs promote a unique understanding and appreciation of history and culture; and

Whereas, the arts enable disabled children to demonstrate abilities and skills that may not be uncovered in the study of academic subjects; and

Whereas, school arts programs provide economically disadvantaged children with an important creative outlet; and

Whereas, practice and mastery of an artistic form builds self-confidence and pride; and

Whereas, the confidence gained through the arts by disabled and disadvantaged students can help them achieve in academic areas as well; and

Whereas, the Ninety-eighth Congress formally recognized the importance of the arts to a complete education; and

Whereas, the national arts competition, sponsored by the Congressional Arts Caucus, has recognized and promoted the outstanding artistic creativity of our Nation's youth and provides an example of the Federal Government's commitment to arts education; and

Whereas, the strong commitment of Federal, State, and local governments to strengthen and promote arts education must continue: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 27, 1986, through May 3, 1986, is designated as "National Arts in the Schools Week", and the President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JEWISH HERITAGE WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 275) designating May 11 through May 17, 1986, as "Jewish Heritage Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. SCHEUER] who is a sponsor of House Joint Resolution 553.

Mr. SCHEUER. I thank the gentleman for yielding.

Mr. Speaker, I would like to thank my distinguished colleague from New York, Mr. GARCIA, for bringing this resolution to the floor today.

As Americans, we can be proud of the diverse culture which we share.

The richness of our cultural heritage results from the traditions and ideals brought to our shores by people of many races, religions, and nationalities.

These immigrants, along with their descendants, have helped to make the United States a stronger and more heterogeneous nation.

Along with Christians and Moslems, the strong ethical, moral, and religious traditions of the Jewish people have helped to make our Nation more compassionate and they have made significant contributions to our society.

Members of the Jewish community have excelled in all walks of life—science, health and medicine, the arts, government, business, and entertainment.

Our Jewish citizens have fought and died for the principles of equality and justice upon which our Nation was founded.

The Jewish tradition and culture reach back to the very dawn of civilization.

The determination and perserverance of Jews throughout the ages demonstrate the strength and vitality of their beliefs.

Jewish Heritage Week presents a unique opportunity to foster greater understanding of and renewed appreciation for the culture, traditions, and history of Jewish community and the contributions of the Jewish people to our Nation and society.

I urge my colleagues to join me in support of Senate Joint Resolution 275.

Mr. CONYERS. Mr. Speaker, will the gentleman yield to me briefly?

Mr. HANSEN. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Speaker, I want to go on record—and I have, unfortunately, not consulted with all the members of the Congressional Black Caucus—as strongly supporting on their behalf the observance of Jewish Heritage Week.

It is the sum of all of our great ethnic contributions that really make America great. I will not stand here and try to recall all of the great Jewish American contributors to art and science and psychiatry and mathematics, but I very strongly join in and commend the gentleman for bringing this measure forward.

Mr. SCHEUER. If the gentleman will yield further, I thank the gentleman from Michigan. Mr. Speaker, I recall a decade and a half ago when the gentleman and I were working together on a black culture occasion, and the same principle applies. So I very much appreciate his remarks.

Mr. HANSEN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 553, proclaiming this week as Jewish Heritage Week, and I thank the gentleman from New York [Mr. GARCIA] for his timely consideration of the bill. However, before proceeding further, I would like to note that this year's resolution was introduced by our late colleague from New York, Mr. ADDABBO, whose own commitment to and appreciation for the dates commemorated by Jewish Heritage Week was great indeed.

The measure before us is of significance to the Jewish people, as this commemorative week encompasses religious observances spanning the history of the Jewish people. This week the celebration of Passover begins, commemorating the exodus of the Jewish people as they were led out of slavery in Egypt.

Also being remembered this week is the uprising of the Warsaw ghetto, where the few remaining individuals refused to go quietly to the gas chambers of Auschwitz. They fought against Hitler's forces with a ferocity that only comes from the inner self, and were miraculously able to repel the Nazi troops for almost 3 weeks. In

the end, the survivors of that ghetto were rounded up and either killed on the spot or sent to concentration camps, yet their spirit lives on with us as we recall their bravery.

Also celebrated at this time of year are other important dates in Jewish history—Israel Independence Day and Solidarity Sunday for Soviet Jewry. The next few weeks require heightened awareness on the part of those who commemorate the deliverance from Egypt. For as we recall the events of thousands of years past, and even the recent tragedy of the Holocaust, we recognize the importance of remaining ever vigilant to persecutions and bigotry. Once again Jews are being harassed and persecuted by the Soviet Union. The lives of Soviet Jews are indeed precarious. It is our responsibility to speak out on their behalf.

The lesson that the world learned over 40 years ago bears a solemn message; yet, as painful as it is, we must listen, look, and absorb the Kafkaesque reality that was Hitler's Europe. In recent years, mindful that eyewitnesses were slowly leaving us, a renewed effort was made to establish various programs that could explore the many facets of the Holocaust. One of these Exemplary Programs has been established by Ernest Goldblum, a former constituent, whose desire to remember his own parents who died at Auschwitz endowed a Memorial Fund for a program at SUNY [State University of New York] Fredonia. Another similar, worthy educational program is in the process of being created in my 22d Congressional District in New York State, the Rockland County Holocaust Study Center at Spring Valley, NY. These and other such notable activities are needed if we are ever to have even a remote understanding of the motivations behind barbaric human actions.

Mr. Speaker, Jewish Heritage Week has much to teach us all; let us only hope that its message will be heard worldwide. I thank the gentleman for his sensitivity to this measure, and urge my colleagues to join in adopting it unanimously.

Mr. BONER of Tennessee. Mr. Speaker, I am pleased to join my House colleagues in support of the resolution designating the week of May 11, 1986, as "Jewish Heritage Week."

The United States prides itself on its diverse heritage. This rich and colorful heritage results from the values and ideals brought to our Nation by the people of many cultures, races, and religions.

Among these immigrants to our shores, the Jewish community contributed significantly to the cultural and spiritual growth of a new nation. Many members of the Jewish community have brought distinction and honor to virtually every field of endeavor, including the arts, humanities, and sciences. Our Jewish citizens have fought and died to preserve and protect the freedom for which the United States stands.

Indeed, our Judeo-Christian culture owes much to the Jewish community. The Jewish people cherish a tradition and culture which spans the course of many thousands of years. Their perseverance through the many tests of time has made the Jewish community vital members of our society.

Each spring, Jews throughout the United States and around the world observe a number of significant events. Beginning with the observances of Passover, which commemorates their passage from bondage to freedom, continuing with the observance of the anniversary of the Warsaw Ghetto uprising, and concluding with Israeli Independence Day, American Jews rededicate themselves to the concepts of liberty, equality, and democracy.

In recognition of the told and untold contributions of Jews, I am proud to support this resolution and I look forward to commemorating "Jewish Heritage Week" with my Jewish friends and neighbors.

Mr. FISH. Mr. Speaker, I offer this today in support of Senate Joint Resolution 275 establishing the week of May 11 through May 18, 1986 as Jewish Heritage Week.

Our Jewish heritage is longstanding and deep. The contributions made by the Jewish members of our society have been essential to our spiritual and economic growth, and to our position of leadership championing human rights and democracy.

It is essential that we do all we can to express our recognition of this fact, and to demonstrate our commitment to democracy and free expression.

Part of our responsibility and commitment is to ensure that the Holocaust not be forgotten. The memory of what happened now over 40 years ago must not fade, lest the human race risk repetition of that most horrible episode of our history.

Toward this end, there are efforts led by the Anti-Defamation League and by dedicated individuals to educate the public about the Holocaust and its social, economic, and political roots.

One such individual is Mr. Ernest Goldblum. His parents, Mariem and Elias Goldblum, perished in the Holocaust. He has established a Mariem and Elias Goldblum Memorial Fund in honor of his parents, both in Vienna, Austria and in several colleges in New York State, including the Suny College at Fredonia. The purpose of this fund is to encourage activities through which young people can learn about the Holocaust, its causes and its effects, and can resolve to combat the forces in people and societies that allow such things to happen.

I believe that such living memorials should be recognized, commended and encouraged. We speak so readingly of "massacres" and "genocide" today that we are in danger of forgetting what those terms really mean. The only way of not forgetting is to teach. Mr. Goldblum and others like him help propagate that teaching, and we are all in their debt.

Additionally, there are currently two bills introduced that would express the sense of Congress that study of the Holocaust and the causes of Naziism should be included in the history curricula of public schools.

Mr. Goldblum has set an example for us to follow. If individuals such as he can get the ball rolling, surely we as the lawmakers of this land can at least express our support.

The bills urging education of the terrible history of the Holocaust are a start. So, too, does the designation of Jewish Heritage Week serve to recognize and commend our Jewish community and further our commitment to democratic ideals and equality for all.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 275

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country;

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli, Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 11 through May 17, 1986, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe "Jewish Heritage Week" with appropriate ceremonies, programs, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES CONCERNING SOLIDARITY SUNDAY FOR SOVIET JEWRY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 420) to express the sense of the House of Representatives concerning Solidarity Sunday for Soviet Jewry, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN] who is the chief sponsor of the resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding, and would like to take this opportunity to thank the gentleman from New York [Mr. GARCIA] and the gentleman from Utah [Mr. HANSEN] for their timely attention to House Resolution 420, which expresses congressional support for Solidarity Sunday for Soviet Jewry.

Mr. Speaker, each year the Coalition to Free Soviet Jews sponsors a mass rally at Dag Hammarskjold Plaza, opposite the United Nations in New York City, to show the Soviet Union, as well as other nations of the world, that human rights cannot be denied unnoticed and unprotested. Each year, hundreds of thousands gather to express their solidarity of purpose with men and women whose only desire has been to practice their religious and cultural heritage freely. Unfortunately, each year the need for such a demonstration becomes more and more important. For a high point of more than 51,000 emigration permits having been granted in 1979, only 1,140 Soviet Jews were released last year. Emigration remains pitifully low, yet harassment and arrests continue to rise.

This past year has been one of joys as well as sorrows. With the impending summit meeting between President Reagan and Soviet General Secretary Mikhail Gorbachev last fall, there were some bright spots.

Some longstanding refuseniks and former prisoners of conscience were allowed to emigrate to Israel on an individual basis. One of these was Dr. Mark Nashpitz, a Soviet dentist with whom I corresponded for almost 15 years. I was gratified to be able to meet Dr. Nashpitz in Washington a few months after this release.

There was some progress on other fronts, including the release of the prominent Pentacostal leader Lydia Staskevich and the reunification of several Soviet-American couples. Unfortunately, however, we have yet to see a change in overall Soviet human rights policy as evidenced by increased emigration figures.

Yet, the most recent incident in memory, still fresh in our minds, has to be the release of Anatoly Shcharansky from prison after 9 long years on the false charge of treason. I am certain that Solidarity Sunday helped to focus attention on Anatoly's plight, and that the ongoing involvement of many of us in Congress helped in keeping pressure to bear. Those of us in attendance on May 11 this year will have the opportunity of hearing Anatoly himself speak to the gathering, which I anticipate will be momentous indeed.

Mr. Speaker, the denial of human rights is something that we in the United States find repugnant; we have attempted to build safeguards into our system to protect the civil and religious liberties of each individual. Yet Soviet Jews only know of these rights in a very peripherial manner, and they are persecuted and discriminated against by official sanction. Solidarity Sunday for Soviet Jewry is an ongoing attempt to ensure that they too know of our support for their struggle, and accordingly, urge our colleagues to adopt House Resolution 420.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from New York.

Mr. KEMP. I thank my colleague from Utah, as well as the gentleman from New York [Mr. GARCIA], and I also underscore the comments of my friend and colleague, the gentleman from New York [Mr. GILMAN], in his support for House Resolution 420. I am a cosponsor of H.R. 420 as I believe very strongly that Solidarity Sunday, May 11, is an important day for all people to identify themselves with those freedom-loving men and women throughout the world, particularly those Jews in the Soviet Union, who want their basic human rights.

It is going to be a special day for all of us as Anatoly Shcharansky will be the main speaker on May 15, in New York, at Dag Hammarskjold Plaza. It is going to be a great day not only for the Shcharanskys, Anatoly and Avital, but it is a great day for all of those men and women around the world who recognize that human rights are universal, a principle on which this country should stand. I appreciate the efforts of both the gentleman from Utah and the gentleman from New York in bringing this to the floor of the House so that we can support it unanimously.

Mr. HANSEN. Mr. Speaker, I join in the excellent remarks of the two gentlemen from New York.

Mr. BROOMFIELD. Mr. Speaker, I offer my support of the resolution before us which expresses congressional support for "Solidarity Sunday for Soviet Jewry." We in the free world must never forget that there are human beings in the Soviet Union and elsewhere whose human rights are being violated on a daily basis. This resolution is the least we can do to tell the world about their plight.

I recently returned from a visit to the Soviet Union where DANTE FASCELL, chairman of the House Foreign Affairs Committee and I talked at length with General Secretary Gorbachev about human rights violations in that country. The ongoing persecution of the Soviet Jewish community is a real tragedy. We made it perfectly clear to the Soviet leader that making progress in human rights was a priority issue in improving relations between our two countries.

The persecution of the Jewish community in the Soviet Union is a tragedy of massive proportions. Thousands of Soviet Jews are being denied the right to emigrate from that country. Thousands of prisoners of conscience languish in Soviet jails and detention camps. Members of divided families have been denied the right to emigrate so that they can live together with their loved ones.

Many Soviet Jews are denied the right to practice their religious and cultural heritage freely. These are serious matters which must be raised with representatives from the highest levels of the Soviet Government. We cannot give up in our efforts to win the freedom of those who long for liberty.

This is why it is vital for all of us to remember those whose freedoms are routinely denied. Solidarity Sunday for Soviet Jewry is an ongoing attempt to tell those who have been denied their liberties that we support their struggle for freedom.

I commend the efforts of Mr. GILMAN, the ranking Republican on the Europe and Middle East Subcommittee, who introduced this timely proposal. I urge my colleagues to join me in supporting the resolution.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 420

Whereas on May 11, 1986, the constituent agencies of the Coalition to Free Soviet Jews will convene the fifteenth annual "Solidarity Sunday for Soviet Jewry" in reaffirmation of the American people's resolve to secure freedom for Soviet Jews and beleaguered persons everywhere;

Whereas Americans of all faiths will join in myriad activities on the day in public expression of solidarity with the long suffering Jewish community in the Soviet Union;

Whereas the right to emigrate freely and to be reunited with one's family abroad is denied Jews and many others in the Soviet Union;

Whereas the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations, and the Helsinki Final Act explicitly assert guarantees of those rights;

Whereas the Government of the Soviet Union has nevertheless continued to restrict emigration, particularly in the last few months, when the number of Jews allowed to emigrate has declined to extremely low levels;

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying them even those few rights and privileges accorded other recognized religions in the Soviet Union;

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish cultural classes, by arresting teachers of Hebrew, and by harassing those Soviet Jews who seek only to practice their religion;

Whereas a virulent anti-Semitic campaign continues unabated in the Soviet Union and Soviet Jews are increasingly deprived of occupational and educational opportunities;

Whereas thousands of innocent Jews and other persons, having applied to leave the Soviet Union, have been subjected to immediate induction into the armed forces, im-

proper incarceration in mental institutions, expulsion from school, and constant surveillance and harassment;

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the free world as long as those who cherish liberty continue to speak on behalf of beleaguered people everywhere;

Whereas "Solidarity Sunday for Soviet Jewry" shall provide vigorous expression of American determination to secure freedom for Soviet Jewish prisoners of conscience incarcerated solely for their desire to emigrate; and

Whereas the Government of the Soviet Union refuses to permit the free exercise of religious beliefs and cultural expression and also refuses to remove all obstacles to the free emigration of its Jewish citizens and others who wish to leave and live in other countries: Now, therefore, be it

Resolved, That the House of Representatives hereby expresses its full support for "Solidarity Sunday for Soviet Jewry", to be held on May 11, 1986, and encourages Americans to participate in the activities of that day.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL READING IS FUN WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 286) to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Massachusetts [Mr. CONTE] who is the chief sponsor of House Joint Resolution 502.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, as the author of this resolution in the House, I would like to thank my colleague, Chairman GARCIA, and the members of the Post Office and Civil Service Committee for bringing this bill to the floor today.

Mr. Speaker, reading is fun. That's a statement that those of us here today take for granted. Reading is a skill which is instrumental in our work and our everyday lives.

Unfortunately, millions of our fellow Americans can't experience the enjoyment and satisfaction which we derive from reading. An article in yesterday's New York Times reported that 13 percent of all adult Americans are illiterate. This astounding figure stands in stark contrast to a Bureau of the Census study in 1979 which estimated that the illiteracy rate was much lower.

In the wealthiest society in the world, where public education is available for all, illiteracy shouldn't exist at all. But it does, and it shows indications of continuing. This resolution, designating this week as "Reading Is Fun Week," tells all American citizens that reading is fun, and I urge the adoption of this resolution.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 286

Whereas reading for pleasure contributes to the development of lifelong reading and learning skills;

Whereas the lack of those skills is a pervasive and destructive force in America, and millions of adults cannot read well enough to function in our society;

Whereas it is essential that the sixty-six million youngsters in America under the age of 18 grow up reading in order to become literate, informed adults; and

Whereas "National Reading Is Fun Week" will be a nationwide literacy effort encouraging millions of young people to read: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 20, 1986, through April 26, 1986, is designated as "National Reading Is Fun Week" and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BARRIER AWARENESS DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 544) to designate May 7, 1986, as National Barrier Awareness Day, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH] who is the chief sponsor of the joint resolution.

Mrs. VUCANOVICH. I thank the gentleman for yielding, and I thank my colleagues for bringing this legislation to the floor.

Mr. Speaker, I am also pleased to have the opportunity to say a few words about House Joint Resolution 544, requesting the President to designate May 7, 1986, as "National Barrier Awareness Day."

The event is designated to promote and enhance positive, realistic images of individuals with disabilities, emphasizing their abilities, rather than their disabilities as they negotiate existing barriers.

The goals of National Barrier Awareness Day are to solicit participation from a cross-section of individuals in order to inform and educate the public about various types of disabilities and the social, cultural, physical, attitudinal, and architectural barriers that exist today.

It is through shared information between the disabled and nondisabled communities that we can highlight the needs of individuals with disabilities.

I commend the many individuals and organizations who have participated in this effort and I am pleased to be a part of such a worthy cause.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 544

Whereas 80 percent of Americans will experience some form of disability during their lives and there are currently 36,000,000 disabled Americans;

Whereas many of these disabilities are permanent;

Whereas most persons who are not disabled do not understand the full effect of living with a disability;

Whereas this lack of understanding creates stereotypes and cultural attitudes which can bar the disabled from mainstream life just as much as physical barriers;

Whereas every American should work toward eliminating all of the cultural, financial, and physical barriers that confront the disabled: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 7, 1986, is designated National Barrier Awareness Day. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate programs and activities.

The joint resolution was ordered to be engrossed and read a third time,

was read the third time, and passed, and a motion of reconsider was laid on the table.

PROVIDING FOR CONTINUATION OF MARTIN LUTHER KING, JR., FEDERAL HOLDIAY COMMISSION UNTIL 1989

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2319) to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Michigan [Mr. CONYERS] who is the chief sponsor of H.R. 4528.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill, with all of the cosponsors of the Martin Luther King, Jr., Federal Holiday Commission legislation who are on the floor now, the gentleman from New York [Mr. GARCIA], and the gentleman from New York [Mr. KEMP].

This is a proposal which provides for a 3-year extension of the Holiday Commission.

As you know, we witnessed the first celebration of the holiday celebrating Dr. King on January 20 of this year. It was magnificent. In the words of Coretta Scott King, we have come now from the observation that started in 1984 with 19 States, to 40 States and 4 territories observing official holidays in honor of Dr. King today.

Mr. Speaker, this increase reflects the work of the Federal Holiday Commission which has been promoting, organizing, and explaining in all areas of the country what the significance and importance of this holiday is to all Americans. There is one area of its work that I really should mention, because my office, perhaps like yours, was flooded with a number of calls in which people were saying, "I have got to go to work today, and I thought you passed the Martin Luther King, Jr., holiday."

□ 1305

It is important that we have this Commission to explain to our citizens that the collective bargaining agreement that determines whether they go to work is not suspended by the passage of a Federal holiday bill.

I am very happy to stand here to support the legislative process that has led to the Commission's continuance, and to be especially appreciative of the increase in the number of Commissioners. I hope that my colleague, the gentleman from New York [Mr. KEMP], will agree to serve on the Commission after this legislation is passed.

I sincerely thank all of the Members of the House of Representatives who support this exceedingly important legislation. This is the first time in American history that we have set aside our differences to honor a great American whose color of skin happened to be black, but whose contribution was recognized by my colleagues on both sides of the aisle.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the distinguished gentleman from New York.

Mr. KEMP. I thank my colleague for yielding.

Mr. Speaker, I join with my friend, the gentleman from Michigan [Mr. CONYERS] in thanking the gentleman from Utah [Mr. HANSEN] as well my friend, the gentleman from New York [Mr. GARCIA] for helping to expedite this process so we could get this resolution to the floor to extend the important work of the Dr. King Holiday Commission. It has passed the Senate, as the gentleman from Michigan pointed out and simply extends the Commission for 3 years and provides for more Commissioners. I want to thank JOHN CONYERS for his suggestion that I serve on the King Commission and I would be honored to do so.

This resolution reaffirms or commitments as a legislative body and as a Nation to this King holiday. As the gentleman from Michigan pointed out, this is not a holiday just for a few; this is a holiday for all Americans. All Americans can take pride in the idea for which Martin Luther King stood. This is a recognition that the civil rights revolution in America was a confirmation of the American Revolution, guaranteeing to all people, irrespective of color, culture, or creed, their equal rights as Americans. We still have a distance to go, but all would agree that the civil rights revolution helped to validate the Jeffersonian dream of equal opportunity for all. I am pleased to have been a cosponsor of the original King holiday legislation along with the gentleman from Michigan, the former Representative from Indiana Katie Hall, and the gentleman from New York [Mr. GARCIA], the gentleman from Pennsylvania [Mr. GRAY] the gentleman from California [Mr. LUNGREN], and many others on both sides of the aisle.

I particularly believe that by extending the Commission we recognize not only its work but also the great tradition that this country celebrated January 20th of this year for the very first time, and the great debt of gratitude that we owe as Americans to Dr. King, and indeed the cause for which he stood.

I appreciate very much the comments that have been made by my colleague, the gentleman from Michigan [Mr. CONYERS] and Mr. GARCIA, my friend from New York. I look forward to seeing this bill pass unanimously, and I appreciate the effort that has been made by Members on both sides of the aisle, Republican and Democrat alike, to recognize the contribution to America not only of Dr. King but also of the civil rights leaders in America who work so hard to confirm and validate our original revolution and to make it a reality for all Americans.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. Mr. Speaker, I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, today we are considering Senate Joint Resolution 275, a resolution designating May 11 through 17, 1986, as "Jewish Heritage Week." I am pleased to bring this resolution to the House floor for consideration, but I feel that our late colleague, Congressman JOE ADDABBO would be even more delighted by its passage.

The commemoration of a Jewish Heritage Week was a dear event to our late colleague. For the past 6 years Congressman ADDABBO had introduced resolutions that fostered an appreciation of the culture, history, and traditions of the Jewish community and recognized the contributions of Jews to our society in particular and to civilization as a whole. I think that Congressman ADDABBO would have agreed that by promoting activities that increase our understanding of our different ethnic groups we can reconcile the differences that divide us and share the common characteristics that contribute to our unity as a nation.

This kind of intergroup understanding is crucial to cities like New York which are largely comprised of ethinic communities. It is the ultimate purpose of resolutions like the one Mr. ADDABBO introduced to foster cooperation rather than isolution among the different communities in our cities. I am certain that the people of New York are proud of Congressman ADDABBO's efforts to promote intergroup communication and that his presence will be missed by many.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. GARCIA]?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF COMMISSION.

(a) PURPOSE.—Section 3(1) of the Act of August 27, 1984 (98 Stat. 1473), is amended—

(1) by striking out "first"; and

(2) by inserting "first" before "occurs".

(b) ANNUAL REPORT.—Section 8 of the Act of August 27, 1984 (98 Stat. 1475), is amended by striking out ", 1986" and inserting in lieu thereof "of each year".

(c) TERMINATION.—Section 9 of the Act of August 27, 1984 (98 Stat. 1475), is amended by striking out "submitting its report under section 8" and inserting in lieu thereof "April 20, 1989".

SEC. 2. COMPOSITION OF COMMISSION.

Section 4(a)(6) of the Act of August 27, 1984 (98 Stat. 1473), is amended by striking out "fourteen" and inserting in lieu thereof "twenty-three".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed and also on the several joint resolutions and the resolution just considered and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FINANCIAL ASSISTANCE FOR CONTROL OF PLAGUE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question of suspending the rules and passing the bill, H.R. 4392.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 4392, on which further proceedings were postponed on Monday, April 21, 1986, and on which the yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 246, nays 155, not voting 32, as follows;

[Roll No. 88]

YEAS—246

Ackerman	Bennett	Boxer
Alexander	Berman	Brooks
Anderson	Bevill	Broomfield
Annunzio	Biaggi	Brown (CA)
Applegate	Bliley	Bruce
Aspin	Boggs	Bryant
Atkins	Boner (TN)	Burton (CA)
AuCoin	Bonior (MI)	Bustamante
Barnes	Bonker	Byron
Bateman	Borski	Carper
Bates	Bosco	Carr
Bedell	Boucher	Chapman
Bellenson	Boulter	Chappell
Clay	Kanjorski	Roe
Coelho	Kaptur	Roemer
Coleman (MO)	Kastenmeier	Rose
Coleman (TX)	Kennelly	Rostenkowski
Collins	Kildee	Roth
Conte	Kleczka	Rowland (GA)
Conyers	Kolter	Roybal
Cooper	Kostmayer	Russo
Courter	LaFalce	Sabo
Crockett	Lantos	Savage
Darden	Latta	Scheuer
Davis	Leach (IA)	Schulze
de la Garza	Lehman (CA)	Schumer
Dellums	Lehman (FL)	Seiberling
Derrick	Leland	Sharp
Dicks	Levin (MI)	Shelby
DioGuardi	Levine (CA)	Sikorski
Dixon	Lipinski	Sisisky
Donnelly	Lloyd	Skeen
Dorgan (ND)	Long	Skelton
Dowdy	Lowry (WA)	Slaughter
Downey	Luken	Smith (FL)
Durbin	Lundine	Smith (IA)
Dwyer	MacKay	Smith (NJ)
Dymally	Markey	Snowe
Eckart (OH)	Martinez	Solarz
Edwards (CA)	Matsui	Spence
English	McCloskey	Spratt
Erdreich	McCurdy	St Germain
Fascell	McDade	Staggers
Fazio	McKernan	Stark
Feighan	McKinney	Stokes
Fish	Mica	Strang
Flippo	Mikulski	Stratton
Florio	Miller (CA)	Studds
Foley	Mineta	Swift
Ford (MI)	Mitchell	Synar
Fowler	Moakley	Tauzin
Frank	Mollohan	Thomas (GA)
Frost	Moody	Torres
Fuqua	Moore	Towns
Garcia	Morrison (CT)	Traficant
Gejdenson	Morrison (WA)	Traxler
Gibbons	Mrazek	Udall
Gilman	Murphy	Valentine
Glickman	Murtha	Vento
Gonzalez	Myers	Visclosky
Gordon	Natcher	Volkmer
Gradison	Neal	Walgren
Gray (IL)	Nelson	Watkins
Gray (PA)	Nowak	Waxman
Guarini	O'Brien	Weaver
Hall (OH)	Oakar	Weiss
Hamilton	Obey	Wheat
Hatcher	Ortiz	Whitehurst
Hawkins	Owens	Whitley
Hayes	Panetta	Whittaker
Hefner	Pashayan	Whitten
Hertel	Pease	Williams
Horton	Pepper	Wirth
Hoyer	Perkins	Wise
Huckaby	Price	Wolf
Hughes	Rahall	Wolpe
Hutto	Rangel	Wright
Jacobs	Reid	Wyden
Jeffords	Richardson	Yates
Jenkins	Rinaldo	Yatron
Jones (NC)	Robinson	Young (FL)
Jones (OK)	Rodino	Young (MO)

NAYS—155

Andrews	Coughlin	Gekas
Archer	Craig	Gingrich
Armey	Crane	Goodling
Badham	Daniel	Green
Barnard	Dannemeyer	Gregg
Bartlett	Daschle	Gunderson
Barton	Daub	Hall, Ralph
Bentley	DeLay	Hammerschmidt
Bereuter	DeWine	Hansen
Boehlert	Dickinson	Hendon
Brown (CO)	Dornan (CA)	Henry
Broyhill	Dreier	Hiler
Burton (IN)	Duncan	Hillis
Callahan	Dyson	Holt
Campbell	Eckert (NY)	Hopkins
Carney	Edwards (OK)	Hubbard
Chandler	Emerson	Hyde
Chappie	Evans (IA)	Ireland
Cheney	Fawell	Johnson
Clinger	Fields	Jones (TN)
Coats	Franklin	Kasich
Cobey	Frenzel	Kemp
Coble	Gallo	Kindness
Combest	Gaydos	Kolbe
Lagomarsino	Moorhead	Siljander
Leath (TX)	Nielson	Slattery
Lent	Olin	Smith (NE)
Lewis (CA)	Oxley	Smith, Denny (OR)
Lewis (FL)	Packard	Smith, Robert (NH)
Lightfoot	Parris	Smith, Robert (OR)
Livingston	Penny	Snyder
Lott	Petri	Solomon
Lowery (CA)	Pickle	Stallings
Lungren	Porter	Stangeland
Mack	Pursell	Stenholm
Madigan	Quillen	Stump
Marlenee	Ray	Sundquist
Martin (IL)	Regula	Swindall
Martin (NY)	Ridge	Tallon
Mazzoli	Ritter	Tauke
McCain	Roberts	Taylor
McCandless	Rogers	Thomas (CA)
McCollum	Roukema	Vander Jagt
McEwen	Rowland (CT)	Vucanovich
McGrath	Rudd	Walker
McMillan	Saxton	Weber
Meyers	Schaefer	Wortley
Michel	Schneider	Wylie
Miller (OH)	Schuette	Young (AK)
Miller (WA)	Sensenbrenner	
Molinari	Shaw	
Monson	Shumway	
Montgomery	Shuster	

NOT VOTING—32

Akaka	Foglietta	Manton
Anthony	Ford (TN)	Mavroules
Bilirakis	Gephardt	McHugh
Boland	Grotberg	Nichols
Breaux	Hartnett	Oberstar
Coyne	Heftel	Schroeder
Dingell	Howard	Sweeney
Early	Hunter	Torricelli
Edgar	Kramer	Wilson
Evans (IL)	Loeffler	Zschau
Fiedler	Lujan	

□ 1315

The Clerk announced the following pair:

On the vote:

Mr. AKAKA and Mr. OBERSTAR for, with Mr. HARTNETT. against.

Messrs. BOEHLERT, CAMPBELL, and RITTER changed their votes from "yea" to "nay."

Mr. JACOBS and Mr. LATTA changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

BANK BRIBERY AMENDMENTS OF 1985

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3511) to amend title 18, United States Code, with respect to certain bribery and related offenses, with the Senate amendments thereto, concur in the Senate amendments numbered 1 and 2, and concur in the Senate amendment numbered 3 with an amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the House amendment to Senate amendment No. 3.

The Clerk read the Senate amendments and the House amendment to Senate amendment No. 3, as follows:

Senate amendments:

Page 2, strike out lines 13, 14, and 15 and insert "person, intending to be influenced or rewarded in connection with any business or transaction of such institution;".

Page 3, line 25, strike out "business."." and insert "business."

Page 3, after line 25, insert:

"(d) The Justice Department shall consult with the Federal regulatory agencies with responsibility for regulating financial institutions as defined in this Act in order to establish a unified set of guidelines for identifying conduct which is prohibited by this section. The Department and such regulatory agencies shall make such guidelines available to the public. Compliance or noncompliance with the standards contained in such Act shall be relevant but not dispositive in determining whether a violation of this section has occurred.".

House amendment of Senate amendment No. 3: In lieu of the matter proposed to be inserted by the Senate amendment numbered 3, insert the following:

"(d) The Department of Justice, after consulting with each Federal agency that regulates a financial institution, shall issue a uniform set of guidelines that describe conduct that the Department of Justice will prosecute under this section, and shall make such guidelines available to the public.".

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments and the House amendment to Senate amendment No. 3 be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

Mr. GEKAS. Mr. Speaker, reserving the right to object, and having reserved my right to object, I would like to ask the chairman of the Subcommittee on Criminal Justice of the Judiciary Committee to offer an explanation for the RECORD as to the provisions of this piece of legislation.

I yield to the gentleman from Michigan.

□ 1330

Mr. CONYERS. I thank my colleague, the gentleman from Pennsylvania [Mr. GEKAS], the ranking minority member on the Subcommittee on Criminal Justice, for yielding to me.

Mr. Speaker, the House unanimously passed H.R. 3511 last October to amend the bank bribery offense so that it does not sweep within its ambit otherwise legitimate conduct. The bank bribery offense presently makes it a crime for a person to offer or accept anything of value "for or in connection with" any business or transaction of a financial institution. This sweeping language makes it a crime, for example—

For a bank to pay interest on an employee's account (and for the employee to accept the interest);

For a company to donate free space to a credit union serving its employees; and

For an employee of a financial institution to accept a promotional ballpoint pen given away at a business or trade show.

H.R. 3511 would narrow the present offense by requiring proof that the offeror or recipient of the thing of value acted corruptly and with an intent to influence or reward, or to be influenced or rewarded. This approach is modeled upon 18 U.S.C. 201, which defines the offense of bribery of a public official.

The other both has agreed with this approach and has returned the bill to us with three numbered amendments. The gentleman from Pennsylvania and I have reviewed these amendments carefully and have consulted with the other body about them. The gentleman from Pennsylvania and I have drafted a proposal that we believe fairly and responsibly addresses the concerns raised by the other body. It is this proposal now being offered to the House.

Our proposal accepts the other body's amendment No. 1 without alteration. That amendment makes a salutary change in that part of the offense making it a crime for a bank official corruptly to solicit or accept anything of value. As passed by this House, the prosecution would have to show not only that the solicitor or acceptor of the thing of value acted corruptly, but also that the donor acted corruptly. Amendment No. 1 of the other body modifies this provision to focus solely upon the solicitor or acceptor. Thus, amendment No. 1 requires the prosecution to show that the solicitor or acceptor acted corruptly and with the intent "to be influenced or rewarded in connection with any business or transaction" of the financial institution. The language of this amendment is also modeled upon 18 U.S.C. 201.

Our proposal also accepts amendment No. 2 of the other body. That amendment makes a technical change necessary in order to accommodate the new language added by amendment No. 3.

The other body's amendment No. 3 makes a substantive addition to the bill, adding a requirement that the Justice Department, after consulting with the Federal bank regulatory agencies, "establish a unified set of guidelines for identifying conduct which is prohibited by this section." Moreover, "compliance with the standards contained in such guidelines shall be relevant but not dispositive in determining whether a violation of this section has occurred." This amendment was prompted by a concern, in the words of its sponsor, that "although the current bill is not so vague as to raise a constitutional problem, it would be more effective in deterring undesirable conduct if it were coupled with guidelines for identifying prohibited conduct." 132 CONGRESSIONAL RECORD S-944 (daily ed. February 4, 1986) (remarks of Senator METZENBAUM).

In my judgment—a judgment shared by the author of amendment No. 3—the provision as passed by the House provides adequate notice of the prohibited conduct. The public official bribery provision upon which the House-passed version is modeled seems to be working well without such guidelines, and I see no reason to treat bank officials and people who deal with bank officials differently from the way we treat public officials and people who deal with public officials.

I recognize, however, that amendment No. 3 represents a strongly-held conviction that further clarification of the offense is desirable. That concern is well-intentioned and I believe we ought to accommodate it. I propose, therefore, to modify the other body's amendment No. 3.

I believe that the modifications are necessary in order to avoid an interpretation that amendment No. 3 seeks to delegate legislative branch or judicial branch power to an executive branch agency. The sponsor of amendment No. 3 sought to reassure his colleagues on this point, but I am afraid that the language of his amendment—especially the phrase "guidelines for identifying conduct which is prohibited by this section"—is susceptible of such an interpretation. I have proposed language that will avoid this problem but will still serve the notice function desired by the sponsor of amendment No. 3. My proposal requires the Justice Department, after consulting with the Federal bank regulatory agencies, to issue guidelines "that describe conduct that the Department of Justice will prosecute under this section." These guidelines must be made available to the public.

My proposal does not mandate that the guidelines are relevant to every bank bribery case, as does amendment No. 3. I believe amendment No. 3 goes too far in that regard. The guidelines can only be relevant on the issue of whether the defendant acted corruptly. This is a subjective element, and it would violate due process to hold a defendant accountable under a guideline that the defendant was unaware of. Since the provisions of the bank bribery offense cover the activities of the members of the general public, as well as bank officials and employees, it would not be uncommon or unusual, it seems to me, for a defendant to be unaware of the guidelines.

By not directly addressing the issue in my proposal, however, I have not made the guidelines inadmissible. Whether a guideline is admissible in a given case will turn on the particular

facts and circumstances of the case and the applicable principles of the Federal Rules of Evidence.

Mr. Speaker, I believe that this proposal is a reasonable and fair accommodation of the concerns of the other body. This proposal represents the joint and united efforts of the gentleman from Pennsylvania and myself, and I want to thank him for his important contribution to this proposal. I urge my colleagues to support what we have proposed.

Mr. GEKAS. I thank the gentleman from Michigan.

Further reserving the right to object, Mr. Speaker, the gentleman from Michigan has adequately set forth the provisions that we want to see adopted in this legislation.

Both he, the chairman, and I are a bit disappointed that the original version which we crafted on the House side has not been fully accepted by the other body. However, the changes made by way of amendment in the other body, to which we are now acceding in part and amending in part, will at least solve the grand problem, even though leaving some areas of it with which I am not perfectly satisfied.

But the main idea of the legislation will remain intact; namely, that bank officials, bank employees, will not be subjected to unwarranted prosecution for otherwise routine deeds on their part in the everyday business of the conduct of banking and other kinds of enterprises. That is what we sought here to cure. That is what is being accomplished, even though we are going to have to have further work through guidelines offered by the Attorney General of the United States.

Mr. CONYERS. If the gentleman will yield further, I want to say that the gentleman has described it quite succinctly. What we have done is take the bribery law and apply it in the real world of business transactions, where people do meet and have lunch with their banker, where you can get parking privileges without it being construed as the elements of the offense of bribery.

Mr. Speaker, I think we have made an important change in the bribery law to properly reflect the present business transactions that normally occur throughout our country.

Mr. GEKAS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 4515, URGENT SUPPLEMENTAL APPROPRIATIONS, 1986

Mr. PEPPER. Mr. Speaker by direction of the Committee on Rules, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 425

Resolved, That all points of order for failure to comply with the provisions of section 302(f) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), and with the provisions of clause 2(l)(3)(B) of rule XI, are hereby waived against the consideration of the bill (H.R. 4515) making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes. During the consideration of the bill, all points of order against the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived. Amendments to strike out the following provisions in the bill shall be considered to have been adopted in the House and in the Committee of the Whole; beginning on page 5, lines 11 through 25; and beginning on page 28, line 19 through page 30, line 16. It shall be in order to consider the following amendments to the bill printed in the Congressional Record of April 21, 1986, by, and if offered by, the Members indicated; the amendment by Representative Hammerschmidt of Arkansas, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and section 302(f) of the Congressional Budget Act of 1974, as amended, are hereby waived; an amendment by Representative Schroeder of Colorado, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; an amendment by Delegate Fauntroy of the District of Columbia, and all points of order against said amendment for failure to comply with the provisions of clauses 2 and 6 of rule XXI, and clause 7 of rule XVI, are hereby waived; an amendment by Representative Mica of Florida, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived; an amendment by Representative Fazio of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; an amendment by Representative Rostenkowski of Illinois, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived; an amendment by Representative Bosco of California, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived; and an amendment by Representative Michel of Illinois, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived. Debate under the five-minute rule on the amendment by Representative Schroeder made in order by this resolution, and on all amendments thereto, shall continue not to exceed two hours.

□ 1340

The SPEAKER pro tempore. The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. LOTT], and pending that, I yield myself such time as I may consume.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, my concern is: What is the point of having a Rules Committee and having rules on the books if we are going to constantly waive all of the points of order?

In the so-called Schroeder amendment that is going to be offered on this floor, there are five glaring errors in violation of the rules, yet the Rules Committee simply waives them so that we are not operating under the basic Rules of the House.

I cannot understand this situation. We have rules that suggest that you cannot undertake certain actions but then the Rules Committee simply waives them and then we cannot carry on the business of the House, as the rules were designed to do. We have, for example, in the Schroeder amendment, the proposal that she makes, if it is approved in the House, would go into permanent law when, in fact, it is not designed to go into permanent law.

I do not think that we can properly operate our committee, which has a good deal of responsibility in the field of nuclear weapons, if the Rules Committee is constantly going to waive every rule that every individual Member wants waived.

Mr. PEPPER. Mr. Speaker, if my distinguished friend will permit me, I have been on the Rules Committee now since 1965. It has been the custom of the committee throughout those years from time to time, case by case, to grant waivers of violations of the rules. They are considered to expedite, rather than delay legislation and it generally is felt by the members of the Rules Committee that it was in the public interest that those waivers should be granted.

For example, in a great deal of instances, the authorizing bill has not yet been passed by the time the appropriation bill comes to the floor, or is likely to come to the floor. Under the rule, without a waiver by the Rules Committee, it would not be possible

for the Appropriations Committee to bring up the bill.

So, therefore, the Rules Committee feels that it is in the public interest, and in the interest of the well-being of the House, to grant the waiver to allow the process to go forward.

Mr. STRATTON. Does the distinguished chairman of the Rules Committee feel that it is in the interest of the House to permit a piece of legislation that has been referred to two committees—as the Schroeder amendment was earlier by the Parliamentarian referred to the Committee on Armed Services and also to the Subcommittee on Procurement and Military Nuclear Systems; and it was also referred to the House Committee on Foreign Affairs. Yet the Rules Committee now makes it in order to take that bill entirely away from both of the committees who are charged with the matters that are included in the Schroeder amendment.

Mr. PEPPER. It is rather exceptional for the Rules Committee to do that. The Rules Committee felt in this instance that they were justified in making the waiver that they made.

If the gentleman will allow me, I will proceed to the presentation of the rule.

Mr. STRATTON. I am not very happy with making this legislation in order because if it goes through, it is likely to eliminate 6,000 people who are involved with our National Laboratories for Nuclear Systems in Los Alamos and in Livermore. This is a devastating amendment and it ought never to have been considered with a waiver of rules.

Mr. PEPPER. I am very much aware that there are items in here about which there are differences of opinion. Obviously those differences of opinion will manifest themselves in the consideration of the rule and the legislation that follows from it.

Mr. Speaker, House Resolution 425 waives certain points of order against consideration of H.R. 4515, the Urgent Supplemental Appropriations Act for Fiscal Year 1986. As my colleagues know, last week we adopted a rule that provided for the consideration of this bill in conjunction with a joint resolution on Central America.

Under the provisions of that rule, the supplemental appropriations bill was to be considered after the disposition of the joint resolution relating to Central America. Because consideration of the joint resolution was not completed and further action on the joint resolution is not anticipated, the Rules Committee reported House Resolution 425, a rule providing solely for the consideration of H.R. 4515.

Mr. Speaker, House Resolution 425 contains waivers of points of order against the consideration of H.R. 4515, the supplemental appropriations bill. The rule waives section 302(f) of the Congressional Budget Act of 1974, as amended, against consideration of the bill.

In compliance with section 302(b) of the Budget Act, the Appropriations Committee issued a report subdividing the budget authority allocated to the full committee among its subcommittees. While the budget authority contained in H.R. 4515 would not breach the Appropriation Committee's budget authority allocation, it does violate the allocation made to some of its subcommittees.

Section 302(f) of the Budget Act prohibits consideration of legislation if it violates the appropriate committee's subdivision and so the waiver is necessary in order for H.R. 4515 to be considered.

The rule also waives clause 2(l)(3)(b) of the rule 11 against comsideration of the bill. This provision of the House rules requires each committee to include in its report on any bill containing new budget authority a comparison of the spending levels in the bill to the subcommittee budget authority allocations.

The rule waives clauses 2 and 6 of rule XXI against the bill. Clause 2 of rule XXI prohibits the inclusion of legislation and unauthorized appropriations in the general appropriations bill. H.R. 4515 contains a number of such provisions which are outlined in the Appropriation Committee's report on the bill.

Clause 6 prohibits reappropriations in a general appropriations bill. H.R. 4515 includes transfers of previously appropriated funds.

The rule strikes out two provisions of the bill. The first provision pertains to modifications of the Farmland Conservation Reserve Program, established by the 1985 farm bill. The other provision stricken by the rule relates to standards and funds for congressional mailings.

The rule waives points of order to permit consideration of eight amendments. Each of these amendments must be printed in the CONGRESSIONAL RECORD of April 21, 1986, by its author. The amendments specified in the rule are the same as those in the previous rule, with the addition of an amendment by Representative MICHEL of Illinois, relating to deferrals.

Finally, the rule states that debate during the 5-minute rule on the Schroeder amendment, and all amendments thereto, shall not exceed 2 hours.

Mr. Speaker, I want it to be clear that these are not the only amendments allowed during consideration of H.R. 4515. The rule specifically mentions eight amendments because waivers are necessary to allow for their consideration.

I want to add one word further in explanation of the inquiry that was made by the distinguished gentleman from New York [Mr. STRATTON], my dear friend. Usually when the chairman of a subcommittee or chairman of an authorizing committee asks the Rules Committee not to grant a waiver in respect to a matter, we do not grant that waiver.

This time, the subject of the amendment moved the Rules Committee, in its wisdom and judgment, to go ahead and grant the waivers anyway. That is the reason that the waivers were granted in this case.

Any amendment to the bill and any amendment to the specified amendments contained in the rule are in order, provided that they conform to House rules. The Rules Committee considered many requests for amendments to make in order to the urgent supplemental appropriations bill.

I need not add to my colleagues that this bill has many, many matters of major interest. One, for example, is $10 million to be used against avian influenza. My State of Florida is particularly interested in funds provided in the bill for the eradication of citrus canker which has been so devastating to our citrus industry.

All through that bill, there are numerous provisions that are very meaningful to the various Members of the House.

The Rules Committee considered many requests for amendments to be made in order to the urgent supplemental appropriations bill. The committee felt that waiving points of order against the eight amendments specified in the rule will allow for timely consideration of matters of urgent concern to the Members.

You must remember, Mr. Speaker, that we are only facilitating the consideration of these amendments. It will be up to the House to determine whether they think the amendments are wise and wish to approve them or not.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. LOTT. Mr. Speaker, House Resolution 425 is nearly identical to section 2 of the rule adopted last week, House Resolution 415. That is, the rule waives certain points of order against the consideration of the urgent supplemental (H.R. 4515), against legislative and transfer provisions in that bill, and against certain amendments specified in the rule.

This rule does not, I repeat, does not, make in order any provisions regarding the situation in Nicaragua. That issue has been decoupled and shelved for the time being. But I do want to take this opportunity to announce to my colleagues that tomorrow I will file a discharge petition on House Resolution 419, a special rule on House Joint Resolution 283 introduced by Mr. MCCURDY. That rule will resurrect the issue of aid to the Con-

tras and guarantee separate votes on substitutes by Congressmen HAMILTON, MCCURDY, and MICHEL, in that order, in a king-of-the-mountain approach. I urge my colleagues to sign that petition.

Mr. Speaker, the rule before us waives section 302(f) of the Budget Act against consideration of the bill. That section provides a point of order against bills which exceed a committee's section 302(b) suballocation of budget authority under the Budget Act. Chairman Whitten indicated that this is a technical violation since the Appropriations Committee is still within its overall section 302(a) allocation.

However, the committee could have remedied this violation itself by reporting new suballocations as authorized by the Budget Act, but it did not. The Budget Committee has polled its members and a majority do not object to the waiver. However, I would caution the Appropriations Committee against trying to use this technical violation argument as a precedent in the future. This is a central point of order under Gramm-Rudman, and the Rules Committee cannot and should not waive it lightly.

The rule also waives clause 2(l)(3)(B) of House Rule 11 against consideration of the bill. That clause requires certain budgetary information to be included in committee reports. Since the Appropriations Committee failed to include a comparison between the levels in the bill and its 302(b) suballocations, it is in violation of this budget information requirement. However, without the waiver in this rule, we could not even take up the bill. But I would caution the Appropriations Committee against overlooking this important requirement in the future.

Clauses 2 and 6 of House Rule 21 are waived against legislative and transfer provisions in the bill. As I mentioned in my remarks on the previous rule, such violations are legion, comprising about one-fourth of the bill. We also waive these clauses and some other rules against several amendments made in order by the rule. This bill has obviously become a popular vehicle on which to legislate and not just appropriate; and that just adds to the veto bait.

The amendments made in order which require special waiver protection had to be printed in yesterday's RECORD and are virtually the same as those specified in the last rule, with two modifications and one addition. The Schroeder amendment has been changed to prevent United States nuclear testing for the rest of this year and until the President certifies that the Soviets have conducted a nuclear test after April 17th of this year. The rule also limits the time for debate on the Schroeder amendment, and amendments thereto, to 2 hours.

The other amendments requiring waivers which are identical to those previously made in order include: the Hammerschmidt amendment on dairy indemnity; the Fauntroy amendment on aid to Haiti; the Mica amendment on Embassy security; the Fazio amendment on privatizing Federal power; the Rostenkowski amendment on hospital regulations; and the Bosco amendment on American-made offshore oil rigs.

Mr. Speaker, I am pleased to announce that the Rules Committee this time around has been gracious enough to allow an additional amendment by our distinguished Republican leader [Mr. MICHEL] as an alternative to section 201 in the bill which attempts to repeal part of the President's deferral authority. I say "attempts" to repeal that authority because, according to the American Law Division in the Library of Congress, the actual effect of the provision is to simply repeal the requirement that the President report deferrals. In any event, the provision was hastily and sloppily drawn and is a clear case of overkill. From fiscal 1975–85 about $121 billion in deferrals have been proposed, on which only around $21 billion, or 17 percent, have been rejected by Congress. The Appropriations Committee proposes to eliminate so-called policy deferrals which makeup about 40 percent of total deferrals each year. What this means is that if the appropriations language had been in effect from the outset, around $40 billion could not have been deferred over the last decade. Think of how that would have added to our deficit problems.

Rather than eliminating these policy deferrals, most of which have been noncontroversial over the years, the Michel amendment would simply cap these at $5 billion a year. I think this makes much better sense than throwing the baby out with the bathwater, and I hope my colleagues will vote for the Michel amendment when it is offered.

My preference would have been to excise section 201 in the rule, as we did the conservation reserve and congressional franking provisions. That way the Rules Committee and Government Operations Committee could consider deferral reform in a more deliberative manner. And it is my understanding the gentleman from Texas [Mr. ARMEY] will first offer an amendment to simply strike section 201. I think that is the preferred way to go while we study the matter in our committees. But, failing that, the Michel amendment is the only sensible course available to us at this time.

Mr. Speaker, the Rules Committee has done a better job on what is still a bad rule and a bad bill.

□ 1355

Mr. YATES. Will the gentleman yield on that point?

Mr. LOTT. I yield to the gentleman.

Mr. YATES. Deferrals are not rescissions, obviously, and they are deferrals of spending. There is no money that is saved because the amount that is deferred is deferred to be spent at a later date. The gentleman may be confusing that with the rescission which the President——

Mr. LOTT. No, I certainly understand the difference between rescissions and deferrals, and I think that there is no question that the deferral process was intended by the Congress in the Budget and Impoundment Act, that when you do defer or postpone, you are saving money for that time, and particularly if it is money that cannot be well spent at that particular time.

That applies to the management side, for sure, but also the policy deferrals have been used by presidents of both parties and have served us well. Why change it?

Mr. YATES. If the gentleman will yield further, I will tell him why it has changed. It has been changed from the original congressional intention.

I have dealt with deferrals and rescissions, as has every other member of the Committee on Appropriations since passage of the budget law. Until the Chadha decision, until really this year's budget, it worked well because the Congress followed its original intention of providing for a one-house veto. Either the House could veto the bill or the Senate could veto the bill.

Now we have a situation where, because of the Chadha decision, we have what amounts to a single-item veto on the part of the President because in order to upset the deferral, the Congress must pass it by both Houses; and the President must in turn sign it.

So what we have is a reappropriation of the item that is the subject of the deferral. That is a total departure of what Congress intended; it is a total departure of what happened under the first 11 years of the operation of the Budget Act.

Mr. LOTT. Reclaiming my time, I would like to say to the gentleman, I think this is an area where we need to do some work. I acknowledge that there is some uncertainty with regard to deferrals and the Chadha decision.

My question is, though, should the Appropriations Committee do this? Should not this be done by the Committee on Rules and by the Committee on Government Operations? Should it not be done in a deliberative way?

Does your section 201 do what you would like for it to do? Should not we really look closer at the question of management deferral versus policy deferral?

My main objection here is that we are launching off into this, realizing there is a problem, without having really thought it through; and that is why I did think it was very important that the gentleman from Illinois be able to offer his amendment which is, by the way, a middle ground. He says that there should be some limit—in his amendment, of the policy deferrals, and would put a $5 billion cap on it; so he takes a middle ground.

Mr. YATES. The gentleman is speaking of the minority leader's amendment?

Mr. LOTT. Yes; that is correct.

Mr. YATES. If the gentleman will yield further.

Mr. LOTT. I will be glad to yield further.

Mr. YATES. Because I consider this to be such an important matter, I raised it. I took the matter very seriously. I do not lightly put legislation in an appropriations bill.

I put it into this bill because of the experiences which we were having in the Committee on Appropriations this year, where the administration was using the deferral process as a rescission process; not to delay an expenditure, but actually to wipe out an expenditure.

I had to pass on the question as to whether I should put my amendment in the appropriations bill. Before I did so, I appeared before the Committee on Government Operations and testified in favor of a change of the basic law; a legislative committee. When I was before the Committee on Rules, I said to that committee, "I bring this before the Rules Committee because you have jurisdiction over the Budget Act."

I said, "I have put this amendment in this bill. If you think that you want to take jurisdiction of it and consider it, bless you. You go ahead and you do it. If you think that for the time being, until you have a chance to do it, my amendment should receive the attention of the House, then give me the waiver."

Mr. LOTT. I certainly understand where the gentleman is coming from, Mr. Speaker, and why he would like to act, but I do feel like it is the responsibility of the Committee on Rules and the Committee on Government Operations; and we should have already been acting on it, as a matter of fact, and we certainly should be doing it now.

I still do not think it should be done in the appropriations urgent supplemental, and maybe we will have time anyway, because this urgent supplemental is going to take another 3 to 4 weeks, and maybe the President will wind up vetoing it, and we still will not have dealt with the deferral question.

So in the meantime, the Committee on Rules, I would hope, and would like to urge the distinguished leader and the leadership of the Committee on Rules that we take this issue up and deal with it, and let us work together. This should be a bipartisan solution, because it has been used in a bipartisan way.

The President has not abused his deferral authority. Previous Presidents have used it to a greater extent; and I have right here, President Carter, for instance 1 year, had a $7.3 billion deferral proposal. President Ford had a $21.6 billion deferral; and this deferral, this year, is below the one that President Ford had asked for.

Mr. YATES. If the gentleman will yield further, may I point out to the gentleman that the process, the procedure, under both Presidents Ford and Carter, was the one-House veto. We do not have that now; and what is happening is that we must—for example, take the case of the strategic petroleum reserve and the construction of storage capacity in Texas.

We passed that 2 years ago; the President sent down a deferral; the Congress overruled that last year. The President sent down another deferral this year, and we thought that—it was in our appropriations bill last year—he sent down another deferral this year. We have to go through the entire reappropriations process for the strategic petroleum reserve.

Mr. LOTT. I guess we will debate this later when we get to this section, because there will be, as I understand it, an amendment offered to simply strike section 201, and we will discuss that, and we do have, thanks to the Committee on Rules, the Michel amendment, which would be I think a medium ground.

Basically, though, we fundamentally disagree on the whole substance of the issue. Thank goodness we have Presidents that will try to have rescissions and deferrals, because it is obvious to me the Congress is not going to deal—we are trying to find ways to stop some of this spending when there are reasons to believe it should not go forward.

If I may conclude, let me say that I think the Committee on Rules has done a better job on this rule, but it is still basically a bad rule on a bad bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY.]

Mr. ARMEY. Mr. Speaker, I want to express my appreciation not only to the gentleman from Mississippi, but to the gentleman from Florida and other members of the committee; both the Committee on Appropriations and Rules, for the hard work they are doing.

□ 1405

But I hate to tell you gentlemen in all respect to the hard work you were doing and the sincerity of your efforts, I am very bitterly disappointed in this rule. This is a bad bill and a bad rule. I think some people who may appreciate this whole process someday might be the professors of America who might find this an excellent case, an example to use in a classroom of how the legislation and procedures by which legislation is developed and the rules by which it is allowed to the floor misses the point of so much work that went into our founding documents in this country to protect against the tyranny of the majority.

It is certainly evident in this effort here.

I have many problems with the bill, but the big problem is its name. Why we continue to call this an urgent supplemental bill is beyond me.

You know, another thing that we find in our curricula is supplemental appropriation bills are not dealt with in the universities and in the schools because we expect them to be rather perfunctory pieces of legislation designed to fill a few fiscal gaps and keep operations running.

Now we have one that makes major policy operations. It is completely out of control. I do not understand why, for example, I might not be allowed to offer an amendment that outlaws legal services, bans any further legal services. Yet another Member can come down and be granted a rule that allows them to legislate away any further nuclear testing. The whole question with regard to the deferral process is a bitter disappointment to me. It would seem to me a good rule would have about 90-percent public policy and about 10-percent politics. This rule clearly has about 10-percent public policy and 90-percent politics.

The President needs the deferral authority for reasons we will look at later. I intend to offer an amendment, as I found 70 percent of the Members of the House willing to sign a letter with me asking the Rules Committee to not grant these legislation waivers and to hold the bill to fiscally responsible guidelines.

We will be back on the floor making our best effort to keep those necessary provisions of the Budget Control and Impoundment Act in force. Also, if at all possible, to try to protect the integrity of the committees of jurisdiction which are being bypassed by these short-circuited legislative efforts that we find in this bill and in this rule.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, I pointed out to the gentleman from Mississippi that I had testified before the Committee on Government Operations and before the Committee on Rules because they are the committees of jurisdiction, telling them this is a subject that

ought to be acted on and that my amendment was solely for the purpose of presenting the question to them if they thought it was proper. I have the approval, for presenting my amendment in this bill, of the gentleman who is chairman of the Committee on Government Operations and the ranking member. Obviously, the Committee on Rules approved it because they gave it a rule.

Mr. ARMEY. If I can reclaim my time. I guess that may be one of the points that I am trying to make here. I do not think the extent to which a committee acts, gives approval or whatever, should rest only in the hands of the chairman of that committee. The sovereignty of committee chairmen in this body, I think, is a problem we ought to deal with. The fact of the matter is there are more Members on the committee who are not chairmen than there are who are chairmen. We all are equally competent to decide the Nation's business. I suppose that is why we were put on the committees.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, I rise to interject my comments at this point with some degree of sadness that this has to be done, but the supplemental appropriation bill has 12 items of basic Agriculture Committee jurisdiction to which the Rules Committee has provided a general waiver. I want to assure the membership that in most of the instances we have no basic argument with the content but rather with the way that it is being done because they are not basically of that emergency nature that cannot be handled by the appropriate committee of jurisdiction.

Further, and I say this with some degree of sadness out of my respect of the institution, that this erosion has been coming on for a considerable length of time, and unless we stop the erosion or unless some accommodation is made between the Appropriations Committee for whom I have the greatest respect, and this I assure you is not related to any of its Members, but unless we have accommodation or at least communication as to vital items that need to be addressed in an appropriations bill, with the respective committees of jurisdiction, then we would have eroded the rules, and we may have put im place a dismantling of orderly procedure, and we may wind up with some degree of confrontation that is not needed, should not be and none of us want.

Mr. Speaker, I have gone to the leadership, I have gone to everyone that would listen to us, that the orderly procedure under the rules must be followed explicitly. My friends of the Rules Committee, I thank them for all of the cooperation they have given us, but I assure you that granting waivers should be something that is not taken very lightly.

Again we offer our cooperation to all but that we do not erode the basic rules of the House.

Mr. ALEXANDER. Mr. Speaker, I rise in support of the rule on H.R. 4515.

The coming of spring usually brings heavy rains and serious flooding in my part of the country. But this year we're seeing another type of flood in Arkansas. This flood is made of paper instead of water.

The county offices of the Agricultural Stabilization and Conservation Service are drowning under a sea of forms, and the flood threatens to wash away this year's spring planting as surely as a tropical storm from the Gulf of Mexico.

Farmers in Arkansas and throughout the Nation are approaching the end of planting season, and they desperately need the money that ASCS owes them but hasn't released. The disbursement of commodity loans and deficiency payments is hopelessly backlogged, and farmers are without the seed money they need to begin this crop year.

The ASCS county offices simply need more people to process the paperwork. The supplemental before us would transfer $71 million from the Commodity Credit Corporation to the salaries and expenses account of ASCS so the county offices can pay the people to do the work that will get money to the farmer.

The week before last, Mr. Speaker, farmers in Poinsett County, AR, told me that the ASCS office there is so swamped that it has not even finished disbursing 1985 deficiency payments—much less advance deficiency payments for this year.

This transfer of funds is needed—not within several weeks or months—but within the next few days. Many of my farmers are desperate. The flood waters are at our door. We must move this provision through with the utmost speed so we can hire the people needed to process the paperwork and put the money in the hands of the people for whom Congress intended it.

Mr. LOTT. Mr. Speaker, I have no additional requests for time and I reserve the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Rules Committee always has problems when these matters come up. Remember that we did not just get these amendments out of the thin air. These provisions that our friends are objecting to were proposed in a bill that came from the Appropriations Committee of the House of Representatives, and they presented to us what they thought and felt were provisions which should be protected in the bill.

They asked for a waiver because they knew they were subject to a technical point of order. Ordinarily, as I said a moment ago, when the chairman of a full committee of an authorizing committee or when the chairman of a subcommittee of an authorizing committee appears before the Rules Committee and asks us not to grant a waiver of a rule violation, we observe their request. But this time with respect to a whole list of things that pertain to agriculture which we all know is having a critical period in our time, the Appropriations Committee felt that these things for which they had provided should be allowed to go to a vote on the floor of the House of Representatives.

I am not in the citrus industry area of Florida. I live in Miami. The citrus industry suffered very badly from canker. But the Appropriations Committee had put in some funds to deal with the citrus canker, and we protected that provision as well as some others.

For example, there are some funds in here to deal with avian flu and the like. But as I say, I told my distinguished friend from Texas that we would very reluctantly go contrary to his request and that of the distinguished gentleman from New York [Mr. STRATTON] in two instances. But after deliberating about the matter, considering the recommendation of the Committee on Appropriations, we decided it would only be fair to give the House an opportunity to vote on these matters. And that is the reason we granted the waivers.

So I am sorry we could not oblige everybody. We conscientiously tried to do what we thought was the right thing and in the best interests of the country.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, I rise again to express my deep admiration and respect for the chairman. I am certain that he had to bear the brunt of which decision to make. With that we have no quarrel. My concern, Mr. Chairman, is that I, more than no one, want to help the citrus industry in Florida and, more than no one, is interested in controlling the citrus canker, for example.

It could impact down to my area of Texas. But the citrus industry in Florida should realize and know that they come to the committee of jurisdiction first, and this is where I say the erosion is coming that we grant waivers. They will not know that they have to come to the committee of jurisdiction because they will get their money. This is my concern, that it should be done with communication. We do not know if hearings were held. We held no hearings. We know the problem in Florida. So it is a matter of having to join hands and communicate all around and perhaps we, I am sure in this case, would have been in agree-

ment had the communication been made, had we seen the problems. We would have caused the chairman of the Rules Committee not to have to make this decision. This is what I am trying to get at, that we should not have to come and settle it or dump it on the backs of the Rules Committee or the back of the chairman of the Rules Committee. It should be done with communication, in good order, with cooperation, and with a friendly manner so that we do not have to come and be discussing this on the floor of the House.

I thank the distinguished chairman for yielding.

Mr. PEPPER. May I say to my distinguished friend he knows how reluctantly I am on the opposite side from him.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, the chairman is not on the opposite side on this because, I point out to you, the provision relating to canker is a transfer of appropriated money. The committee of jurisdiction is the Appropriations Committee for transfers, not the Agriculture Committee.

Mr. PEPPER. May I say that if we had made a mistake in allowing these provisions to come to a vote on the floor, I am sure the membership would be ably disposed to take care of the matter itself.

So all the criticisms that have been offered may be presented when the amendment comes up for consideration by the House.

May I add one more word here, Mr. Speaker? When we come to the debate on the floor on the Michel amendment, I will have more to say about it, but I just want to say now that the Rules Committee had a hearing a little while ago, consuming an afternoon, with an excellent and varied group of important witnesses on this whole matter that is brought out and emphasized by the amendment of the gentleman from Illinois [Mr. YATES].

As soon as the testimony from that hearing is printed and available to the members of the Rules Committee, we are going to proceed in an effort to try to bring the Congress together to determine what the Congress should do in dealing with this critical constitutional issue; to what extent the Executive may decline to carry out the provisions of laws established by the Congress of the United States in a constitutional way, including appropriations made by the Congress.

Mr. LOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 187, nays 220, not voting 26, as follows:

[Roll No. 89]

YEAS—187

Ackerman	Fuqua	Nelson
Alexander	Garcia	Nowak
Anderson	Gaydos	O'Brien
Andrews	Gejdenson	Oakar
Annunzio	Gibbons	Obey
Applegate	Gilman	Ortiz
Aspin	Gonzalez	Owens
Atkins	Gordon	Pease
AuCoin	Gray (IL)	Pepper
Barnes	Gray (PA)	Perkins
Bellenson	Green	Pickle
Bennett	Guarini	Price
Berman	Hall (OH)	Rahall
Bevill	Hammerschmidt	Rangel
Biaggi	Hawkins	Robinson
Boggs	Hayes	Rodino
Boland	Hefner	Roe
Boner (TN)	Hendon	Rostenkowski
Bonior (MI)	Hertel	Roybal
Bonker	Howard	Sabo
Borski	Hoyer	Savage
Bosco	Jones (NC)	Scheuer
Boucher	Jones (OK)	Schroeder
Boxer	Kanjorski	Schumer
Brooks	Kastenmeier	Seiberling
Brown (CA)	Kennelly	Shelby
Bryant	Kildee	Sikorski
Burton (CA)	Kleczka	Sisisky
Byron	Kolter	Skelton
Carper	Kostmayer	Smith (FL)
Carr	LaFalce	Smith (IA)
Chappell	Lantos	Solarz
Clay	Lehman (FL)	Spratt
Coelho	Leland	St Germain
Coleman (TX)	Levin (MI)	Stark
Collins	Levine (CA)	Stokes
Conyers	Lipinski	Studds
Cooper	Long	Swift
Crockett	Lowry (WA)	Synar
Dellums	Luken	Taylor
Derrick	Lundine	Torres
Dingell	Manton	Torricelli
Dixon	Markey	Towns
Donnelly	Matsui	Traficant
Dowdy	Mavroules	Traxler
Downey	Mazzoli	Udall
Durbin	McCloskey	Vento
Dwyer	McDade	Walgren
Dymally	McHugh	Watkins
Eckart (OH)	Mica	Waxman
Edwards (CA)	Mikulski	Weaver
Erdreich	Mineta	Weiss
Evans (IL)	Mitchell	Wheat
Fascell	Moakley	Whitten
Fazio	Montgomery	Wise
Feighan	Moody	Wolpe
Flippo	Morrison (CT)	Wright
Florio	Mrazek	Wyden
Foley	Murphy	Yates
Ford (MI)	Murtha	Yatron
Ford (TN)	Myers	Young (MO)
Frank	Natcher	
Frost	Neal	

NAYS—220

Armey	Badham	Barnard
Bartlett	Hopkins	Richardson
Barton	Horton	Ridge
Bateman	Hubbard	Rinaldo
Bates	Huckaby	Ritter
Bedell	Hughes	Roberts
Bentley	Hunter	Roemer
Bereuter	Hutto	Rogers
Bliley	Hyde	Rose
Boehlert	Ireland	Roth
Boulter	Jacobs	Roukema
Broomfield	Jeffords	Rowland (CT)
Brown (CO)	Jenkins	Rowland (GA)
Broyhill	Johnson	Rudd
Bruce	Jones (TN)	Russo
Burton (IN)	Kaptur	Saxton
Bustamante	Kasich	Schaefer
Callahan	Kemp	Schneider
Campbell	Kindness	Schuette
Carney	Kolbe	Schulze
Chandler	Lagomarsino	Sensenbrenner
Chapman	Latta	Sharp
Chappie	Leach (IA)	Shaw
Clinger	Leath (TX)	Shumway
Coats	Lehman (CA)	Shuster
Cobey	Lent	Siljander
Coble	Lewis (CA)	Skeen
Coleman (MO)	Lewis (FL)	Slattery
Combest	Lightfoot	Slaughter
Conte	Livingston	Smith (NE)
Coughlin	Lloyd	Smith (NJ)
Courter	Lott	Smith, Denny (OR)
Craig	Lowery (CA)	
Crane	Lungren	Smith, Robert (NH)
Daniel	Mack	
Dannemeyer	MacKay	Smith, Robert (OR)
Darden	Madigan	Snowe
Daschle	Marlenee	Snyder
Daub	Martin (IL)	Solomon
Davis	Martin (NY)	Spence
de la Garza	Martinez	Staggers
DeWine	McCain	Stallings
Dickinson	McCandless	Stangeland
Dicks	McCollum	Stenholm
DioGuardi	McCurdy	Strang
Dorgan (ND)	McEwen	Stratton
Dornan (CA)	McGrath	Stump
Dreier	McKernan	Sundquist
Duncan	McKinney	Sweeney
Dyson	McMillan	Swindall
Eckert (NY)	Meyers	Tallon
Emerson	Michel	Tauke
English	Miller (CA)	Tauzin
Evans (IA)	Miller (OH)	Thomas (CA)
Fawell	Miller (WA)	Thomas (GA)
Fish	Molinari	Valentine
Fowler	Mollohan	Vander Jagt
Franklin	Monson	Visclosky
Frenzel	Moore	Volkmer
Gallo	Moorhead	Vucanovich
Gekas	Morrison (WA)	Walker
Gingrich	Nielson	Weber
Glickman	Olin	Whitehurst
Goodling	Oxley	Whitley
Gradison	Packard	Whittaker
Gregg	Panetta	Williams
Gunderson	Parris	Wirth
Hall, Ralph	Pashayan	Wolf
Hamilton	Penny	Wortley
Hansen	Petri	Wylie
Hatcher	Porter	Young (AK)
Henry	Quillen	Young (FL)
Hiler	Ray	
Hillis	Regula	
Holt	Reid	

NOT VOTING—26

Akaka	Edgar	Kramer
Anthony	Edwards (OK)	Loeffler
Archer	Fiedler	Lujan
Bilirakis	Fields	Nichols
Breaux	Foglietta	Oberstar
Cheney	Gephardt	Pursell
Coyne	Grotberg	Wilson
DeLay	Hartnett	Zschau
Early	Heftel	

□ 1430

Messrs. CAMPBELL, CHAPMAN, and HORTON, Mrs. JOHNSON, Messrs. VISCLOSKY, JEFFORDS, WEBER, and MILLER of California, Mrs. LLOYD, and Messrs. PENNY, VALENTINE, RINALDO, and VOLK-

MER changed their votes from "yea" to "nay."

Mr. WEBER changed his vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FARM SITUATION DESPERATE

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, in H.R. 4515, the urgent supplemental appropriations bill, we only try to help the farmer. We have not attempted to take over any committee's jurisdiction. We try to turn back to the law which worked and which is still on the books, a law under which the farmer bought land but which he now loses under the new law and current conditions.

We call for a return to last year's requirements to qualify for production loans.

American agriculture is our biggest industry. Our best and most economic supplier to the consumer is our biggest employer and chief dollar earner in word trade. Farm income of course is V × P less C—volume times price less cost. When you limit both his volume and his price, he cannot hope to cover his cost. The PIK Program, which cost $12,000,000,000, was charged to the farmer, and transferred 11 percent of our production overseas to our competitors and did little to help the farmer other than provide some badly needed cash.

Since World War II, industry and labor's share of the consumer dollar increased from 49 to 73 percent under law. The farmers' share during this period, however, has decreased from 51 to 27 percent.

Mr. Speaker, today hundreds of thousands of farmers are bankrupt. They are rapidly losing their land, often land that has been in the family for more than 100 years. More than 120 banks have failed this year and an additional 120 are said to be in danger of closing.

The Farm Credit Administration is on the ropes and is notifying farmers that they must look elsewhere for farm operating loans.

The Federal Land Banks are foreclosing. Banks in rural areas are hesitant to make any new loans.

Less than one-fourth of those who were approved for loans last year have been approved for loans this year.

In many areas we have seen suicides.

FARMERS PAY FOR FOREIGN POLICY

When we look for the cause we see that in 1973, farmers were urged to withhold exports. In 1974, 1975, and 1980, basic farm commodities were embargoed by the Government to punish Russia.

When the grain companies bought from the farmer and our Government refused to let them deliver, we paid the grain companies. But the Government did nothing for the producer who produced and could not sell his crop. Our country is the only country which has failed to use its authority to make the offering price in world trade competitive. Yet the Commodity Credit Corporation, a $25 billion corporation, was set up to support domestic prices and to retain our foreign markets. Secretary Butz used the private world traders to restore our exports but now our Government will use neither traders or CCC.

Since 1980 we have continued to have our farmers finance our foreign policy, which results in giving their market to our competitors.

Under law, we are making advance deficiency payments because the farmer's financial condition is so bad.

In view of present conditions, a big percentage of our production which should be moved into world trade by us will be lost to competitors as was 11 percent under "PIK," and we will lose the dollars in export sales we could have made.

PERISHABLE COMMODITIES

Of course, perishables commodities are another matter. There we attempt to purchase the surplus and bring supply and demand into balance, thereby maintaining a reasonable price for the farmer. So far as livestock is concerned, under the new law, prices have dropped by $6 to $8 per hundred weight.

NEED TO RETURN TO OLD LAW

Mr. Speaker, under such conditions we have asked that the old laws which are still on the books be used, where loan rates were tied to costs, where the price was paid by the user, and the surplus moved into world trade at competitive prices.

We ask for a return to last year's requirement for production loans. This would save 75 percent of the borrowers.

Mr. Speaker, we have not attempted to take over any committee's jurisdiction. Conditions of American farmers are so bad that we would be glad to turn to any committee.

EXPLANATION OF H.R. 4515

Mr. Speaker, the original bill began on March 12, 1986, when I introduced H.R. 4380, an urgent supplemental appropriations bill for fiscal year 1986. This bill provided $449 million for emergency disaster relief and several other urgently needed items as follows:

	Millions
Disaster relief (Federal Emergency Management Agency)	$250
Disaster Loan Fund (Small Business Administration)	52
Disaster assistance (Impact Aid)	20
Flood control and coastal emergencies	25
Watershed and flood prevention operations	25
Emergency Conservation Program (Agricultural Stabilization and Conservation Service)	10
FAA (Air traffic operations and safety)	60
Fees of Jurors (Judiciary)	3
Food Safety and Inspection Service	3

This bill (H.R. 4380) was considered by the full committee on March 20. When it became apparent that additional funding was needed for the Internal Revenue Service, the Customs Service, and Embassy Security, and that these and other items would probably be added by the Senate, various subcommittee chairmen and other members amended the bill by adding these and other items which were considered essential. As a result of these actions, both the size and scope of the original bill which I introduced was increased from $449 million to $1.705 million. The bill as amended was reported to the House as original legislation—H.R. 4515.

RELATIONSHIP TO THE BUDGET RESOLUTION

I want to stress that both the bill which I introduced, and the bill which was reported by the committee are under the budget allocation given to this committee pursuant to the conference agreement on the fiscal year 1986 budget resolution. It has been pointed out to me that in the scorekeeping report to the Speaker submitted by the House Budget Committee, that our Committee on Appropriations is under its allocation for fiscal year 1986.

Mr. Speaker, we are proud of the historical record of the Appropriation Committee. Even after you account for the effect of this legislation (H.R. 4515), we are still under our budget allocation. This must be clearly understood in this era of fiscal restraint. Because of final action by the Congress affecting military spending and legislation which permits additional program funding to be drawn from the Commodity Credit Corporation, several of the individual 302(b) subdivisions adopted by the committee on October 28, 1985, have been affected. This reflects a change in our original priorities, however, without the total allocation to the committee being breached.

At the request of the House leadership, the committee delayed the consideration of the bill in order to accommodate certain possible amendments. This has caused the legislation to be scheduled after April 15. This slippage in scheduling created what I considered a technical violation of the so-called 302(b) subcommittee allocations, but not the overall ceiling. As I stated earlier, the legislation is within our committee's overall 302 budget allocation for fiscal year 1986. The Rules Committee considered this a technical matter arising out of new provisions in the Gramm-Rudman legislation, and in this rule waives the 302(f) requirement because the bill still is under the overall 302 allocation.

CONGRESSIONAL MAIL

It should also be noted that the rule would have eliminated $42 million and legislative provisions which deal with congressional mail.

CONSERVATION RESERVE

I would like to call to your attention the new Conservation Reserve Program of the Department of Agriculture. As you know, I have been personally supportive for many years of the conservation programs of the Department of Agriculture as well as other conservation programs throughout the Government. When the conferees met to consider House Joint Resolution 534—the urgent supplemental for the Commodity Credit Corporation—we addressed this specific item. The new program was intended by the authors of the farm legislation to be in addition to the existing Soil Conservation Program.

The Office of Management and Budget, however, has recommended a cut of 60 percent in the regular program and a reduction of 3,700 employees in the fiscal year 1987 budget which would lead to eventual program elimination. As a result, House Joint Resolution 534, as signed (Public Law 99-263) states that the new ". . . conservation reserve program shall not replace or reduce any

existing conservation program." With the addition of this language in conference, the provisions of section 2 that I included in this legislation—before we had conference agreement—are no longer required since their goal has been achieved. When I appeared before the Rules Committee, I requested a self-executing rule which would delete section 2 of chapter 1 from the legislation. This would have been done by the adoption of the rule.

SUSPENSION OF DEFERRAL AUTHORITY

Also, I would like to call your attention to section 201 of the bill. This is provided as an emergency measure to deal with problems presented by the Chadha decision of the Supreme Court and actions of the administration.

As a temporary measure, the Appropriations Committee has included language which removes the administration's authority to defer future spending under title X of the Budget Act. In effect this suspends the process until something permanent can be worked out under the leadership of the Rules Committee led by Senator PEPPER and the Government Operations Committee led by our good friend, JACK BROOKS. We hope they will come up with the workable solution.

Mr. Speaker, defeat of this rule will not solve many of the problems addressed in H.R. 4515. These problems must be addressed, either today or in the very near future. The loser today is the American farmer, who is already on the ropes.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I have asked for this time for the purpose of determining for the membership what the schedule will be for the balance of the day and for the week, in view of the fact that the rule on the urgent supplemental was just defeated.

I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, in view of the vote on the rule, we will go now to the rule on military retirement, H.R. 4420, revising military retirement system for new members of the Armed Services. We will go into that rule and, assuming the adoption of that rule, we will take up that bill and debate it for the remainder of today, expecting to arise at least by 7 o'clock if we have not completed action on that bill by that time. That is an open rule, with 2 hours of general debate.

Then tomorrow, assuming we shall have completed the military retirement bill, we hope to take up the Garrison Diversion Unit Reformulation Act and try to complete it.

Mr. LOTT. Did we complete general debate on that bill at an earlier point?

Mr. WRIGHT. It is my understanding that general debate has been completed. But that is an open rule, and we may have amendments that will be offered.

It is my further understanding that most of the controversy which beset that legislation in times past has been resolved and there is some general agreement as to the direction we will go.

□ 1444

So I do not expect that it will take an extraordinarily long time, but it is our purpose to finish the military retirement bill first. If we finish that today, so much the better. If we do not, we will try to finish it tomorrow. Having finished it, we will try to go back to the Garrison bill and see if we could conclude it; in any event, rising at the reasonable hour we earlier had planned tomorrow in order that Members might observe the Jewish religious holidays.

Mr. LOTT. It is still the intention of the leadership that we come in at 10 o'clock on Wednesday?

Mr. WRIGHT. That is correct.

Mr. LOTT. I understand there is some time left on general debate on the Garrison diversion, so there may be some time that is still required under general debate, after the House comes in at 10 o'clock.

Mr. WRIGHT. I think that is altogether possible.

Mr. LOTT. Since the House just defeated the rule on the supplemental appropriations, I would certainly hope that maybe now we could have a rule on a clean urgent supplemental appropriations bill. Does the leadership have any indication when we would take that matter up again of when the Rules Committee would consider it further, if at all?

Mr. WRIGHT. Cleanliness is said to be next to godliness and if it is, we are an ungodly lot.

Mr. LOTT. Was there a pun intended there, may I ask the leader, "ungodly lot"?

Mr. WRIGHT. Cleanliness may be in the eye of the beholder. We would have thought that that bill was as clean as a hound's tooth, but there were certain Members who found abscesses in the hound's teeth.

Mr. LOTT. I think the leader is saying that, "We don't know yet, we'll talk about it later," is that right?

Mr. WRIGHT. We will talk about it on another day when we can get the Borax and all the cleansing fluids possible and try to bring back a bill that will be acceptable.

Mr. LOTT. Well, every dog will have his day, that is for sure, on this subject.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1236. An act to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes.

MILITARY RETIREMENT REFORM ACT OF 1986

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4420) to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and amendment made in order by this resolution and which shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. FROST. Mr. Speaker, House Resolution 421 is an open rule providing for the consideration of H.R. 4420, the Military Retirement Reform Act of 1986. The rule provides 2 hours of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule also provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed

Services now printed in the bill as original text for the purpose of amendment under the 5-minute rule and further provides that the committee substitute shall be considered for amendment by titles rather than by sections and that each title shall be considered as having been read.

In addition, the rule waives two points of order against the substitute. The first point of order waived in the rule, is specifically provided for the provisions of title IV of the committee substitute. This title relates to fiscal year 1986 unauthorized appropriations and the provisions of the title are not germane to the military reform provisions of the introduced bill. Therefore, in order to allow the Committee on Armed Services the opportunity to address the issue of unauthorized appropriations contained in the fiscal year 1986 Department of Defense appropriations, the Committee on Rules has included a waiver of clause 7, rule XVI, which prohibits nongermane amendments, in the resolution.

The second, a waiver of clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill, is provided because the authorizations contained in title IV have the effect of releasing previously appropriated funds for obligation. The fiscal year 1986 continuing appropriation provided that the unauthorized amounts contained therein could not be obligated unless and until an authorization was enacted. Therefore, because these funds are being released and earmarked in law for obligation by virtue of the authorizations in title IV, the waiver of clause 5(a), rule XXI is necessary and has been provided by the Committee on Rules.

The rule also provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. Finally, the rule provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4420 represents significant changes in the military retirement system. These changes are intended to not only save many billions of dollars in payments to future military retirees, but more importantly, these changes are intended to encourage our military personnel to remain in the armed services past 20 years of service. Under current law, military personnel may retire after 20 years and immediately receive a pension equal to 50 percent of the average basic pay they received in their 3 highest pay years. The incentives provided in the restructured military retirement system recommended by the Committee on Armed Services will encourage our most experienced military personnel—those with 20 years or more of service—to remain on active duty and to continue to contribute their irreplaceable training, education, and experience to an increasingly technologically complex Armed Forces.

To provide these incentives, the Committee on Armed Services is recommending that those personnel who choose to retire after only 20 years service be entitled to a pension equal to 40 percent of their 5 years highest basic pay. For every year a member of the military remains in the service beyond 20 years, pension benefits would increase by 3.5 percent so that by 30 years a retiree would be entitled to 75 percent of basic pay as under current law. In addition, the averaging period used to compute the average basic pay would be reduced by 1 month for each 5 months of additional service beyond 20 years so that by 30 years, a retiree would be entitled to average his three highest basic pay rates, as under current law.

The Committee on Armed Services estimates that these changes, which will affect only those members of the armed services who join after the date of enactment, will cut pension costs for the military by $3.1 million on an annualized basis. These savings are mandated by the fiscal year 1986 Department of Defense authorization, and the Committee on Armed Services is to be commended for recommending this legislation which is fair to all military personnel—retirees, active duty members, as well as future members of the armed services.

Mr. Speaker, H.R. 4420 contains provisions which are unrelated to the reform of the military retirement system, but which are of critical importance to the proper functioning of the authorization/appropriations process in the Congress. Title IV of the bill provides authorizations for $2.3 billion of the $5.6 billion in unauthorized appropriations for various military weapons and programs included in the continuing appropriations act for fiscal year 1986. The remaining $3.3 billion, minus $506 million which would be eliminated by the first Gramm-Rudman sequester order, is specifically prohibited from obligation until future authorizing legislation is enacted. The Committee on Armed Services has taken this step in order to exert control over that vast sum of Federal dollars contained in the fiscal year 1986 continuing appropriation which are either unauthorized or exceed authorization levels contained in the fiscal year 1986 Department of Defense authorization. The Committee on Rules, which continues to watch the difficulties the Congress has had in recent years in enacting authorizations in a timely manner so that appropriations may move forward, commends the Committee on Armed Services for taking this action. In these times of fiscal constraint, action by authorizing committees to specifically define the limits of any Federal spending program is to be commended.

Mr. Speaker, H.R. 4420 is a bill which represents significant savings to the Federal treasury, both in the future and in the present. The Committee on Armed Services has crafted a fair and equitable retirement system for future military retirees and has addressed a significant problem contained in the current appropriation for the Department of Defense. It is for this reason that I urge my colleagues to adopt this rule and to adopt this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, it would be redundant for me to explain the provisions of the rule because it has been explained very ably.

We all know that we face a very critical situation in our defense posture. Unless this is passed, we face a reduction in the number of personnel in our defense system. It is in my opinion mandatory that we get down to the business of passing this measure on the floor of the House as quickly as possible so those coming into the service will know what to expect. By reducing retirement expenses, we can retain our current strength or even increase it.

Mr. Speaker, I urge adoption of the rule and measure when it is debated on the floor.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 403, nays 1, not voting 29, as follows:

[Roll No. 90]

YEAS—403

Ackerman	Dowdy	Kolbe
Alexander	Downey	Kolter
Anderson	Dreier	Kostmayer
Andrews	Duncan	LaFalce
Annunzio	Durbin	Lagomarsino
Applegate	Dwyer	Lantos
Armey	Dymally	Latta
Aspin	Dyson	Leach (IA)
Atkins	Eckart (OH)	Leath (TX)
AuCoin	Eckert (NY)	Lehman (CA)
Badham	Edwards (CA)	Lehman (FL)
Barnard	Emerson	Leland
Barnes	English	Lent
Bartlett	Erdreich	Levin (MI)
Barton	Evans (IA)	Levine (CA)
Bateman	Evans (IL)	Lewis (CA)
Bates	Fascell	Lewis (FL)
Bedell	Fawell	Lightfoot
Beilenson	Fazio	Lipinski
Bennett	Feighan	Livingston
Bentley	Fish	Lloyd
Bereuter	Flippo	Long
Berman	Florio	Lott
Bevill	Foglietta	Lowery (CA)
Biaggi	Foley	Lowry (WA)
Bilirakis	Ford (MI)	Luken
Bliley	Ford (TN)	Lundine
Boehlert	Frank	Lungren
Boggs	Franklin	Mack
Boland	Frenzel	MacKay
Boner (TN)	Frost	Manton
Bonior (MI)	Fuqua	Markey
Bonker	Gallo	Marlenee
Borski	Garcia	Martin (IL)
Bosco	Gaydos	Martin (NY)
Boucher	Gejdenson	Martinez
Boulter	Gekas	Matsui
Boxer	Gibbons	Mavroules
Brooks	Gilman	Mazzoli
Broomfield	Gingrich	McCain
Brown (CA)	Glickman	McCandless
Brown (CO)	Gonzalez	McCollum
Broyhill	Goodling	McCurdy
Bruce	Gordon	McDade
Bryant	Gradison	McEwen
Burton (CA)	Gray (IL)	McGrath
Burton (IN)	Gray (PA)	McHugh
Bustamante	Green	McKernan
Byron	Gregg	McKinney
Callahan	Guarini	McMillan
Campbell	Gunderson	Meyers
Carney	Hall (OH)	Mica
Carper	Hall, Ralph	Michel
Carr	Hamilton	Mikulski
Chandler	Hammerschmidt	Miller (CA)
Chapman	Hansen	Miller (OH)
Chappell	Hatcher	Miller (WA)
Chappie	Hawkins	Mineta
Clay	Hayes	Mitchell
Clinger	Hefner	Moakley
Coats	Hendon	Molinari
Cobey	Henry	Mollohan
Coble	Hertel	Monson
Coelho	Hiler	Montgomery
Coleman (MO)	Hillis	Moody
Coleman (TX)	Holt	Moore
Collins	Hopkins	Moorhead
Combest	Horton	Morrison (CT)
Conte	Howard	Morrison (WA)
Conyers	Hoyer	Mrazek
Cooper	Hubbard	Murphy
Coughlin	Huckaby	Murtha
Courter	Hughes	Myers
Craig	Hunter	Natcher
Crockett	Hutto	Neal
Daniel	Hyde	Nelson
Dannemeyer	Ireland	Nielson
Darden	Jacobs	Nowak
Daschle	Jeffords	O'Brien
Daub	Jenkins	Oakar
Davis	Johnson	Obey
de la Garza	Jones (NC)	Olin
Dellums	Jones (OK)	Ortiz
Derrick	Jones (TN)	Owens
DeWine	Kanjorski	Oxley
Dickinson	Kaptur	Packard
Dicks	Kasich	Panetta
Dingell	Kastenmeier	Parris
DioGuardi	Kemp	Pashayan
Dixon	Kennelly	Pease
Donnelly	Kildee	Penny
Dorgan (ND)	Kindness	Pepper
Dornan (CA)	Kleczka	Perkins
Petri	Shaw	Tallon
Pickle	Shelby	Tauke
Porter	Shumway	Tauzin
Price	Shuster	Taylor
Pursell	Sikorski	Thomas (CA)
Quillen	Siljander	Thomas (GA)
Rahall	Sisisky	Torres
Rangel	Skeen	Torricelli
Ray	Skelton	Towns
Regula	Slattery	Traficant
Reid	Slaughter	Traxler
Richardson	Smith (FL)	Valentine
Ridge	Smith (IA)	Vander Jagt
Rinaldo	Smith (NE)	Vento
Ritter	Smith (NJ)	Visclosky
Roberts	Smith, Denny (OR)	Volkmer
Robinson	Smith, Robert (NH)	Vucanovich
Rodino	Smith, Robert (OR)	Walgren
Roe	Snowe	Walker
Roemer	Snyder	Watkins
Rogers	Solarz	Waxman
Rose	Solomon	Weaver
Rostenkowski	Spence	Weber
Roth	Spratt	Weiss
Roukema	St Germain	Wheat
Rowland (CT)	Staggers	Whitehurst
Rowland (GA)	Stallings	Whitley
Roybal	Stangeland	Whittaker
Rudd	Stark	Whitten
Russo	Stenholm	Williams
Sabo	Stokes	Wolf
Savage	Strang	Wolpe
Saxton	Stratton	Wortley
Schaefer	Studds	Wright
Scheuer	Stump	Wyden
Schneider	Sundquist	Wylie
Schroeder	Sweeney	Yates
Schuette	Swift	Yatron
Schulze	Swindall	Young (AK)
Schumer	Synar	Young (FL)
Seiberling		Young (MO)
Sensenbrenner		
Sharp		

NAYS—1

Crane

NOT VOTING—29

Akaka	Fiedler	Madigan
Anthony	Fields	McCloskey
Archer	Fowler	Nichols
Breaux	Gephardt	Oberstar
Cheney	Grotberg	Udall
Coyne	Hartnett	Wilson
DeLay	Heftel	Wirth
Early	Kramer	Wise
Edgar	Loeffler	Zschau
Edwards (OK)	Lujan	

□ 1510

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 421 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4420.

□ 1518

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4420), to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes, with Mr. TRAXLER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rules, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 1 hour and the gentleman from Indiana [Mr. HILLIS] will be recognized for 1 hour.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the floor of the House today H.R. 4420, the Retirement Reform Act of 1986.

H.R. 4420 would revise the uniformed services nondisability retirement system for individuals who become members of the uniformed services for the first time on or after the date of enactment and would provide authority to obligate certain appropriations contained in the fiscal year 1986 Defense Appropriations Act.

Mr. Chairman, the committee recommends to the full House two changes in the uniformed retirement system. The first is a change in the formula for computing the multiplier and second is a change in the length of the averaging period used to calculate the base for computing retirement pay.

Mr. Chairman, the two things we want to make absolutely clear about this legislation—one is that it does not affect anybody who is currently retired and it does not affect anyone who is currently a member of the uniformed services. This provision that we are enacting today is strictly prospective.

Any person joining one of the uniformed services after the date of enactment, meaning after the date it is signed into law by the President, are the people who are going to be affected. Anybody who joins the uniformed services before that date is under the old system.

Second, I would like to point out, Mr. Chairman, that this system that we are presenting to the Congress here today does not change the retirment system in any way for any member who serves a full 30-year career. Any person who serves a full 30-year career gets the same benefits under the new provision as they got under the old provision. What it does do is change the benefits for the people who serve a 20-year career.

In particular, it means that after 20 years, instead of 50 percent of base pay, a person will retire with 40 percent of base pay and instead of that retirement being calculated on the high 3 years of service, it would be calculated on the high 5 years of service.

Mr. Chairman, the reason for this, and the rationale behind it is to encourage people toward a longer career in the uniformed services. There are a lot of people who join the services, who get valuable training, who are reaching a point after 20 years of serv-

ice of maximum value to the services because of their training, because of their experience and, of course, because of their value to the Armed Forces, they are also of extreme value to any industry on the outside, and after 20 years of service under the current system, they really are performing a financial sacrifice to stay in the services.

What is happening is these people are leaving. They are getting a good salary on the outside; they are getting one-half of their base pay for having served the 20 years in uniform and we are losing these people. It is the hope of the authors of this legislation to try and encourage people to stay for the full 30 years in the career and to help, therefore, in getting our Armed Forces to keep the people who are most experienced and who are most valuable.

The second part of this bill here before us is a bill that relates to a problem that we brought before this Congress, this body, last year. That is the problem of authorizations and appropriations.

The Appropriation Committee in the other body appropriated a large number of dollars that were never authorized in the authorizing process. I would point out that the problem lies not with the Appropriations Committee in the House. The Appropriations Committee in the House was very cooperative and we worked together and I would like to commend the current chairman of the committee, the gentleman from Florida [Mr. CHAPPELL] and the former chairman, the late gentleman from New York [Mr. ADDABBO], for their cooperation with us in avoiding this problem on the House side.

However, unfortunately, in the other body, things were not so good and in the other body, a lot of money was appropriated for which there was no authorization.

In the conference on the appropriations, the number was brought down some, but not enough. And, in fact we had approximately $5.6 billion that was appropriated for about 100 programs. These are projects and activities above the levels authorized.

The committee here is recommending in this language. This additional part of H.R. 4420, which we are considering here today, does clear up the authorization/appropriation issue by authorizing some of the unauthorized projects.

□ 1525

In particular, we are authorizing $2.3 billion for recommendation of approval. Of the remaining amount, $500 million—$506 million to be exact, was taken out of the $5.6 billion on the sequestration under Gramm-Rudman for 1986, and the other amount, $2.8 billion, we are recommending be denied under this legislation.

Mr. Chairman, I am pleased to bring to the floor of the House today H.R. 4420, the Retirement Reform Act of 1986.

H.R. 4420 would revise the uniformed services nondisability retirement system for individuals who become members of a uniformed service for the first time on or after the date of enactment and would provide authority to obligate certain appropriations contained in the fiscal year 1986 Defense Appropriations Act.

RETIREMENT REFORM

The committee recommends two basic changes to the uniformed services retirement system: a change in the formula for computing the multiplier and a change in the length of the averaging period used to calculate the base for computing retired pay. I want to make absolutely clear that no member who had joined a uniformed service before the date of enactment of the change—much less any retiree of a uniformed service—would be affected by the committee's recommendations.

The committee recommends a formula that would result in a multiplier of 40 percent of average basic pay for 20 years of service—compared to 50 percent today—and a maximum of 75 percent of average basic pay for 30 years of service—the same as current law.

The committee also recommends that service members who retire with 20 years of service compute their average basic pay based on the highest basic pay they received during any 5 years of service—currently 3 years. The averaging period would be reduced by 1 month for each 5 months of additional service beyond 20 years. For members who serve for 30 or more years, the averaging period would be 3 years (the same as current law).

UNAUTHORIZED APPROPRIATIONS

The second issue addressed by the bill before us today also involves a complex institutional question: the relationship between the authorization and appropriation process.

As a result of the final action on the Defense Authorization and Appropriations Act for fiscal year 1986, approximately $5.6 billion was appropriated for about 100 programs, projects, and activities above the levels authorized. The committee provides specific recommendations that would allow some of the excess appropriations to be spent and that would prohibit the remainder from being spent.

Of the total of $5.6 billion in excess appropriations, $2.3 billion is recommended for approval. A total of $506 million of the excess appropriations would be eliminated as a result of the March sequester and other reductions, and a total of $2.8 billion would be denied under the recommendations.

COST IMPACTS

The Congressional Budget Office estimates that enactment of the changes to the uniformed services retirement system would reduce outlays from the national defense function—050—by $1.3 billion in fiscal year 1986 and by $186 million in fiscal year 1987. The reduction would increase to $1.5 billion by 1991. Eventually, outlays would be reduced by slightly over $3 billion per year. Outlays from the Federal budget would not be affected until service members actually retire under the revised system. At that time, savings to the Federal budget would also be $3 billion per year.

It is important to keep in mind that the committee's recommendations reflect a policy decision that will have very substantial and long-term cost savings in the Department of Defense budget and, eventually, in the Federal budget as a whole. These cost savings will be accomplished with no adverse affect on U.S. military capabilities and will result in a more effecient allocation of resources within the defense budget.

With regard to the unauthorized appropriations, the Congressional Budget Office estimates that prohibiting $2.8 billion from being obligated would reduce outlays by $624 million in fiscal year 1986, $854 million in fiscal year 1987, decreasing to $161 million by fiscal year 1990.

SUMMARY

Mr. Chairman, the legislation being considered today represents a major policy change in one of the most complex and emotional areas within the jurisdiction of the Committee on Armed Services. Military retirement reform has been a goal sought by a number of military and civilian leaders in the Department of Defense and by many Members of Congress—myself included—for the past two decades. The bill represents the culmination of this effort and a resolution of the various issues in such a way as to improve the management of the critical personnel resource rather than simply "cutting costs."

The legislation focuses on a major issue within our institution as well—the gradual erosion of the viability of the authorizing process. Defense priorities are established through the process of considering the Defense authorization bill. When the Defense appropriations bill provides over $5 billion outside of the priorities established, the process has run amok. The legislation provides an opportunity to reestablish the priorities.

Mr. Chairman, during the process of considering the retirement reform portion of this bill, a number of Members on both sides of the aisle have suggested that the change to the retirement system should be more substantial—especially considering that this may be the last opportunity we will have for many years. I would urge the Members, however, to support the committee's recommendation because it represents a substantial and beneficial change, a change that has been a long time in the coming.

Mr. Chairman, I reserve the balance of my time.

Mr. HILLIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking minority member of the Subcommittee on Military Personnel and Compensation, I rise in support of titles I, II, and III, the military retirement portions of H.R. 4420, as reported by the Committee on Armed Services.

Last year, as a part of the fiscal year 1986 Defense Authorization Act Congress made a landmark decision: to change the military retirement system. The battles over the propriety of that decision and the magnitude of the cut were fought in committee, on

the floor, and in conference. The battle ended with the enactment of a $2.9 billion cut in the authorized funding level for military retirement. The legislation before us today simply implements last year's decision.

As part of the $2.9 billion reduction in the accrual charge for fiscal year 1986—an accrual charge is the projected percentage of current payroll needed to pay the retirement cost of new entrants into the work force—Congress directed the Department of Defense to submit two plans to revise the nondisability military retirement system to achieve the required level of savings. Although the Pentagon met the literal requirement of the law, the two plans were deficient; both, for example, contained complex multipliers—43 percent of basic pay after 20 years of service, for example—that made little sense. As a result, the committee decided to develop its own option: H.R. 4420.

One of the principal criticisms repeatedly directed at the current military retirement system is the early age at which experienced, highly trained personnel are able to retire. Clearly, 20-year retirement has a vital role to play in maintaining a young, physically fit, and combat-ready fighting force. Today, however, only a small portion of the current force, particularly at more senior levels, is going to be engaged in actual combat.

Instead, much of the current force is composed of highly trained engineers, technicians, and managers—individuals in whom the services have invested thousands of dollars in military and civilian education. The current military retirement system encourages these service members to leave in the prime of their working careers. The incentives are perverse. Despite Pentagon claims to the contrary, the current system is not an efficient force management tool.

The committee, therefore, decided that any restructuring of the military retirement system should enhance its usefulness as a force management tool and opted to revise the financial incentives to encourage more people to remain for 30 years. The change is twofold: A change in the multiplier and a change in the averaging period.

Under current law, the retired pay multiplier is 2½ percent times years of service, that is 50 percent of basic pay after 20 years of service increasing to a maximum of 75 percent at 30 years of service. Under H.R. 4420, this would change to 2 percent per year for the first 20 years of service and 3½ percent for each of the next 10 years. Thus, a service member would receive 40, rather than 50 percent of basic pay after completing 20 years. The benefit at 30 years of service would remain unchanged from current law—75 percent of basic pay.

Presently, the averaging period for those entering active duty after September 7, 1980, is the high-3 average of basic pay. Under H.R. 4420, this would increase to the high-5 average at 20 years of service, gradually decreasing—at the rate of 1 month for every 5 months of service—to high-3 after 30 years of service. Like the multiplier, the benefit at 30 years of service would remain unchanged from current law.

In conclusion, let me restate what I said at the outset: The retirement changes incorporated in H.R. 4420 implement the decision of the Congress last year to change the system. The committee's recommendations are designed to enhance the attractiveness of longer careers by leaving untouched the current 75 percent of basic pay at 30 years of service while reducing the benefit at 20 years of service. Finally, I want to stress that these changes would be applicable only to those entering the Armed Forces after the date of enactment. Everyone in the current system—whether on active duty or already retired—would be grandfathered under the system.

The time is short. Unless Congress acts quickly, a mandated reduction in military personnel funds included in the continuing appropriation resolution last year will be triggered, effective May 1, 1986. The Congress must act quickly, and I urge my colleagues' support of H.R. 4420, as reported.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding me this time, and I would like to join in support of the retirement part of the bill presently under discussion.

If we reflect back many years ago, we had difficulty in attracting young men to come in to the service; and particularly to retain then so they would make a career of it. The wisdom of the House at that time, and the Congress at that time was: Well, as an inducement, we would allow them to come in and retire at half pay after 20 years and then 75 percent pay after 30 years.

Perhaps it was needed at that time, but a lot has changed since then. I get more mail in my office asking my assistance in keeping certain servicemen in the service, because they are being threatened with being not allowed to extend than I do in trying to keep them out. It used to be the mail would be: "Would you help Johnny or Willie get out of the service because of this reason; we need him at home." The thrust now is, if they are not performing, if they are not a good soldier, sailor, airman, et cetera, get rid of them.

We have raised their pay since 1980, some 35 percent; well above the inflation factor. They are well paid now and because of the economic situation in this country today, to let a person retire after 20 years with 50 percent of his base pay is a disincentive to stay in.

We bring them onboard; we spend thousands and thousands of dollars to give them a skill, and then by the time they reach sergeant or above, they have served to the point that they are most valuable to the service; then there is an incentive for them to hang it up and to get up and to go with industry.

If a person comes in when he is 19 years old and spends 20 years, he gets out at 39 years of age, then for the rest of his life, he has got half of his base pay; he is equipped with a skill, and he can go out and do quite well for himself.

This simply says that he will not get 50 percent; he gets 40 percent. It does not affect anyone presently serving. This is prospective in nature only; I think it is only fair to those who are onboard, but from now on, if this passes, everybody is on notice that they will not get 50 percent, they will get 40 percent.

As to the other aspect of this bill, that appropriated but not authorized, I think the chairman has stated it very succinctly and very properly. We have a process in the House, and it is the law, that we authorize, on the Armed Services Committee, and then the Committee on Appropriations may appropriate up to but not exceeding the funds that were authorized. It works pretty good; they do not have to appropriate as much as is authorized, but they should not appropriate more.

We have seen, in the past few years in the other body, a total ignoring of the rules of procedures and the rules of the Congress. If they do not like something they just will not give it the money; if they like something over here that has not been authorized, "That's all right—throw the money in there; we're running this thing. We don't have to worry about what the House of Representatives does; we don't have to worry about the sequence that things come up in; we can both authorize and appropriate" seems to be their attitude; and that is what they have been doing.

In conference it was said that these matters that were appropriated, that we had not yet authorized could not be spent unless they were subsequently authorized. We had a chance to look at them.

So that is what we are in the process of doing now. We have gone back and looked at some of these things. Some were justified by events that occurred after we marked up, and before appropriations did.

□ 1535

So we have approved a little over $2 billion. We have authorized that amount of the over $5 billion that was added by the other body. But there are over $2 billion that we did not authorize. We do not think it is a wise expenditure, whether it be for somebody's pet project back home or whatever.

We did not authorize it, it should not be authorized.

We are looking for ways to keep from cutting further into authorized projects under Gramm-Rudman and other constraints that we have, and it is certainly unwise to allow the other body just to run roughshod over the House procedure and to add what they please and if they do not like what we authorize they do not appropriate that. Then to be a little authorizing and appropriating committee all to itself and run the whole show.

I would hope that the House would support our chairman and our committee position and support us on final passage and that we authorize those things which we feel should be and eliminate those that we did not feel should be authorized.

Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this legislation, H.R. 4420—a bill to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes. I compliment our distinguished chairman, Mr. ASPIN and his leadership ability in bringing this measure to the floor today. I find it a distinct privilege to participate with my hard-working colleagues of the committee and with such a truly professional staff, to preserve the commitment we have to our servicemen and women who have honorably served this great country of ours in the past, to those now serving, and to those who will serve America in the future.

Additionally, the chairman, committee, and staff are to be complimented on the manner in which this matter of unauthorized appropriations have been resolved. I believe, in this time of fiscal constraints and efforts to reduce the deficit, that this bill provides those resources so necessary to preserve and improve both our deterrent and defense capabilities, as well as the infrastructure necessary to support these weapons systems and quality of life for those service personnel who defend our free Nation.

We need not be reminded, based upon the events of this past week, that we need to support our Armed Forces with the materiel and tangible benefits that:

Provide the resources to project and enforce our national policies throughout the world; and

Provide those tangible benefits that let our service personnel and their families know that we support them and that we will truly provide for their welfare.

Truly, this bill provides those resources needed to improve our deterrent and defense capabilities, as well as to honor our commitment to those who have served, are serving, and who will serve by providing retirement benefits which will encourage the retention of physically fit, true professionals who comprise our Armed Forces.

Mr. HILLIS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding.

Before delivering my remarks which will be certainly less than 5 minutes, I would like to commend the distinguished gentleman from Indiana and the ranking member of the Subcommittee on Military Personnel and Compensation who by his choice will be retiring at the end of this session of Congress. We will certainly miss him.

He is one of the grand and dedicated, conscientious, and effective Members of this body.

Mr. Chairman, I would like to echo the comments made by the gentleman from Alabama about the quality of the people who are serving in the uniformed services of the United States of America at this time.

The quality has never been higher, and it is a credit to the Congresses which provided levels of compensation, quality of life benefits and retirement benefits which have made this possible.

We should be extremely nervous about changing it in any way that would denigrate the quality of those people.

I have visited them on the flight lines, in their submarines, in their tanks, and I just could not be more proud of the quality of those who serve us.

With reference to this bill today, Mr. Chairman, I rise in support but most assuredly in reluctant support of the measure. We are, when we face up to it, legislating a reduction in retirement benefits for those who serve from 20 to 30 years in the military service, a reduction at least in terms of what they would now receive under present law.

Why then do I support this bill? I support it because in our last session we enacted legislation which in effect says to the Department of Defense:

Unless you make suggestions of changes in the retirement system which will reduce appropriations to the retirement accrual account, we are going to take $2.9 billion out of the personnel account of the Department of Defense. We have got to enact something that you recommended to us or a modification thereof before May 1, 1986.

Well, we are near that date, we must act or otherwise some very draconian things would have to happen to the personnel account and literally thousands and thousands of qualified people in the uniformed services would have to be released from service.

We cannot permit that to happen. This bill, when passed, will prevent it from happening.

For that reason it is entitled to my support and, I believe, the support of the full membership of the House. I do, however, utter my regrets that it is necessary for us to reduce these retirement benefits. I certainly hope that it is going to be possible that this be implemented in a way that is going to give the maximum encouragement within these financial parameters for people remaining in our services for longer than 20 years.

I thank the gentleman for yielding.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation and thank my chairman for giving me this opportunity. But I will offer an amendment at the proper time which should be very soon. I would like to briefly explain this amendment and say that this amendment which I will offer today has the total support of all the Reserve forces in this country. This amendment would add for the Army National Guard $100 million, for the Army Reserve $100 million, for the Naval Reserve $25 million, for the Marine Reserve $10 million, for the Air Force Reserve $10 million, and for the Air National Guard $40 million, which totals out to $285 million.

Yes, that is a lot of money, but we get a lot from our Reserve forces and National Guard.

Let me point out to my colleagues that this amendment I will offer contains no big-ticket items, no purchase of big airplanes, tanks, or ships; items like simulators for the Marine Corps Reserve back at the armories, training aids for the Army Reserve, modification kits for the A-7's in the Air Guard and Reserve to make these planes safer for our reservists flying them; and devices to improve safety on our equipment.

The money will not go, Mr. Chairman, just to 1 or 2 States in this amendment, but the money will go to all 50 States. It is a good possibility that some of the equipment purchased under this amendment will end up in the armory in your hometown or your municipal airport where the Air Reserve units are located.

Mr. Chairman, I want to point out that in the last 10 to 12 years there has been in the Reserve forces a great improvement, and a lot of credit for that improvement of Reserve forces has to go to the House of Representatives and especially to the House Committee on Armed Services with the help of the Committee on Appropriations.

We started about 10 years ago putting items in to give new equipment and incentives to the Reserves and National Guard. We did not get much help from the Defense Department, but this House of Representatives said, "We want a strong Reserve, we want a strong National Guard."

So we started adding incentives to treat the reservists just like we treat the regular forces.

By the Congress giving better equipment and incentives to the citizen soldier, I personally have observed the readiness of the Guard and Reserve improve tremendously.

Now we have Reserve units, and listen to this, my colleagues, we have Reserve units now that are as good as or better than some of our regular forces. Now that is good.

We now have two strong military units out there, the regulars and the Reserve forces.

Let me point out that the Reserves are a good buy for the taxpayer. It costs half as much to train and maintain an Air Guard unit as it costs the regular unit with the same mission.

I am aware and I respect our chairman, LES ASPIN, I am aware of the problems we are having approving unauthorized appropriations in this bill by authorizing funding that has already been done by the Appropriations Committee, but I am also very concerned about the equipment shortages that we have in the Reserves. This is a one-time shot that we have got, my friends, to get some money for the Reserves. Let me close by saying that the Reserve forces have about 50 percent of all the combat support missions of the total force, yet the total funding on authorization for 1986 and 1987, the Reserves got less than 5 percent of all the moneys, less than 5 percent.

Now, as I said earlier, the Reserve Association, National Guard Association, Reserve forces themselves, with the chiefs of the different services, together we sat down and we worked out to this figure of $285 million.

Yes, we could have asked for $840 million that has actually been appropriated but not authorized. I think this amendment is a reasonable approach, and if you believe in the National Guard and the Reserve and you have been contacted, you have been contacted by the reservists back in your home district, I certainly hope you will support this amendment.

Mr. HILLIS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. CARNEY].

Mr. CARNEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to H.R. 4420, the Military Retirement Reform Act of 1986, not because I believe the bill represents a change that should not be made but, rather, because I do not believe the bill goes far enough.

Advocates of changing the military retirement system have worked for two decades to get to the point at which we stand today. This is a golden opportunity to make a change that will stand for many decades in the future. This opportunity will not come again—at least in the near term. Yet the committee chose to make a change that, although in the right direction, falls far short of the magnitude needed to position the military retirement system properly in the 21st century.

My objections to the bill are twofold.

First, the bill provides no payment from the military retirement system to those members who fail to complete 20 years of service. We require private sector plans to provide such a payment to employees with as little as 10 years of service. The Federal civil service provides a deferred annuity to those who complete only 5 years of service. This is an equity issue.

Second, 20-year retirement is so ingrained in the system that the committee did not even seriously consider moving that threshold for receipt of an immediate annuity to a later point. There is nothing magic in 20 years other than it has been there for a long time—but not always. Service members have been eligible to retire as early as 15 years of service during certain periods in the past and have been required to remain until 40 years of service at other times. It is interesting to note that, in 1861, officers could voluntarily retire, at the discretion of the President, only after 40 years of service. This occurred at a time when the demands of military service were arguably more substantial than today. Twenty years of service only happens to be the threshold at the current time.

I believe the time has come to change the threshold in response to the needs of the future. Why should the most experienced segment of the force, the segment with the most training, the broadest range of backgrounds, the most education—acquired at Government expense—be provided an incentive to leave the military service at the peak of their career? That is exactly what the current system allows.

Personally, I would like to see a magic number imposed that would restrict the point in time when a service member could first receive an immediate annuity. The magic number could be varied to respond to the needs of the military service. Under such a system, when the combination of the service member's age and years of service reached the magic number, the member could receive retired pay.

For example, say the magic number were set at 70. A service member with 20 years of service would be able to retire with an immediate annuity at age 50—early by almost any standard in the public or private sector. If the member were not age 50 when he completed 20 years of service, he would have a very significant incentive to stay on active duty until he reached 50. This is the very incentive we need.

A magic number of 70 may not always be the right number; it may not be the right number to start with now, for example. If that turns out to be the case, the number could be set or changed to respond to changing circumstances—just as the threshold has changed in the past—without changing the other characteristics of the military retirement system, such as the formula and the averaging period.

Mr. Chairman, I would like to see the change in the military retirement system we make today be the final structural change that needs to be considered by the Congress for many years. Unfortunately, I believe that the attacks on the military retirement system will continue because we will not have used this opportunity to put the issue to rest in our minds or in the minds of our constituents. Such attacks can only continue to raise uncertainties in the minds of current service members even though the changes would be unlikely to apply to them.

□ 1550

Mr. ASPIN. Mr. Chairman, I yield 8 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I would like to enter into a dialog, if I may, about Coast Guard funding.

Mr. Chairman, I think the gentleman would agree with me that the administration has been gung ho in defense funding, and we have made some great strides in modernizing our forces and doing something for our defense in recent years, but it has been just to the contrary on the Coast Guard. The Coast Guard has been hurting, really, as far as its funding is concerned.

When we took up the unauthorized appropriations in our committee and I went down the list, I did not see the $235 million that had been appropriated for the Coast Guard that was not authorized. Perhaps it was there and I missed it.

Of course, the Coast Guard has been very hurt in recent years, and particularly in this year. I know we are trying to recover some of that, the Gramm-Rudman cut for fiscal year 1986.

But there is $235 million that the Coast Guard needs for procurement of vessels, aircraft, and equipment to be acquired by the Navy to augment the Coast Guard inventory and their coastal defense augmentation program.

Mr. Chairman, I realize that we are trying to hold this, and the gentleman is fighting amendments to add money, but I do think it is very important for the Coast Guard.

I would like to ask the gentleman and Mr. DICKINSON if, when they get into conference with the Senate, and I understand it is in their Senate bill, that they would look favorably toward possibly receding and providing the Coast Guard, because with the drug trafficking and the enforcement that the Coast Guard needs to do, they need this procurement to carry out their job. So I would appreciate it very much of the gentleman would look favorably toward that.

Mr. ASPIN. Mr. Chairman, will the gentleman yield.

Mr. HUTTO. I yield to the gentleman.

Mr. ASPIN. Mr. Chairman, let me respond to the gentleman from Florida by saying that I very much understand the concern of the gentleman, and especially the part of the country that the gentleman represents, about the problem of the Coast Guard getting adequate funding for the drug smuggling issue. I am very sympathetic to the problem, and I believe that the gentleman in the well is making a very, very good case, as the gentleman has done in the committee and as the gentleman has done before the committee many times before, on the need for an adequate Coast Guard.

The gentleman in the well must realize that the chairman is in a difficult position, because I think it is important not to have any amendments to this bill. If the Chair were to start to talk about some amendments, we would have amendments coming at us every which way.

But I did check with the staff. The gentleman in the well is correct. It is in the Senate bill, as we understand it. Therefore, I would like to say that we would be very sympathetic to the gentleman's concerns when we get to conference, if that would help the gentleman in this issue.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I would be happy to yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. Mr. Chairman, I want to thank the gentleman from Florida for bringing this to the attention once again to the Committee on Armed Services.

Mr. TRAXLER, the gentleman presiding over the Committee today, and Mr. DAVIS, also from the State of Michigan, have been very concerned about this and have been fighting that battle with the gentleman from Florida and myself. So we are so very happy to hear the chairman of the Armed Services Committee today say that they would be very interested in agreeing with the Senate on this money.

As the gentleman from Florida has pointed out, while the other services have gotten great increases over the last 5 years, the Coast Guard has been virtually frozen, and this has really made it much more difficult for them to do the important duties that no one else can replace them in for our States and the people of our country. So I commend the gentleman.

I understand that procedurally the chairman wants to keep the bill on one subject, but that we can use the Senate amendment and accept that as the vehicle to get these needed funds. I think that is an excellent understanding today.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this is a matter of legitimate concern. I realize that the Coast Guard is being called on to perform more services in drug interdiction, the smuggling of aliens, and so forth, than it has in the past.

But I think one of the dilemmas that our committee is faced with is that historically we do not have jurisdiction over the Coast Guard. That belongs to the Department of Transportation. That is where their funding normally comes from. It is to the Department of Transportation and that bill dealing with the Coast Guard that, under normal circumstances, a raise for the Coast Guard should be coming. That is their child. They look after it.

As I understand it, the other body added this money, an unauthorized appropriation, getting back to the point that I made before that they do not care what we do over here. They are king over there. They are going to put what they want to in there and leave out what they want without any regard to the authorization process.

So it does leave us with a dilemma. It is something that we should be sympathetic to. It is an irregular procedure.

I support the chairman of the full committee when the gentleman says if we make this exception, add this amendment, then where do we stop. There would be another good amendment coming and we ought to consider it. And then there is a great amendment that ought to be considered. At the same time, we are trying to find enough money so that we can keep the Gramm-Rudman sequester from being triggered in.

So perhaps when we get into conference with the other body, we can work on some accommodation. But speaking for this Member, I do not want to mislead anyone to feel that I am saying, yes, I for one am going to support it if it got to conference, because there are many other things that are going to be considered, as the gentleman knows having sat through conferences. I am just saying that I am sympathetic with the purpose. I do not like the procedure by which it got here. I think we are abrogating the House rules, and if we continue in this vein, I think we might as well do away with the Armed Services Committee and just let the Appropriations Committee do it all.

Mr. HUTTO. Mr. Chairman, I certainly understand what the gentleman is saying.

However, I would like to say that this money was appropriated through the Defense Appropriations and the House Appropriations Committee. They also saw fit to do that.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I agree with the gentleman wholeheartedly on the gentleman's request to the members of the conference committee that indeed we certainly ought to give the consideration to the $235 million to the Coast Guard.

We can stand here all afternoon and talk about the merits of our basic defense system, which is the U.S. Coast Guard.

I agree also with the gentleman from Alabama with respect to jurisdiction. But I might also add that this is the only train leaving the station at this point. If indeed we are going to do anything favorable for the Coast Guard in this respect, this is the time. And I would respectfully request and echo the sentiments of the gentleman from Florida in requesting that we recede to the demands of the Senate on this particular issue.

□ 1600

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I would like to point out that we are, in fact, doing some things for the Coast Guard in this bill. It is not that we have not done anything.

Mr. HUTTO. I understand.

Mr. ASPIN. The Appropriations Committee in the House appropriated $100 million for operating expenses, and we do have that covered.

We also have allowed to have covered another $140 million for transfers for procurement.

We have already got $240 million in what we are proposing before the Congress today in additional money for the Coast Guard. What the gentleman in the well is talking about is an additional $235 on top of the original $240.

So we are doing something. It is not that we have ignored the problem. It is just that the gentleman in the well thinks we ought to do more. As I say, we will take a very close took at it in conference. As I told the gentleman from Florida, I am essentially sympathetic with his views.

Mr. HUTTO. I appreciate that very much.

Mr. Chairman, I certainly agree with the gentleman from Alabama [Mr. DICKINSON] in that the Transportation Department has the Coast Guard under its wing, but the administration does not request the funding they need, and they have to fight every year to try to get the basic needs for operation, and none for procurement.

So I appreciate the comments of the chairman and the others who have entered into this discussion, and I hope you will look favorably on helping us out in the conference.

Mr. WEISS. Mr. Chairman, I oppose passage of this legislation, H.R. 4420, in its current form, although I do support many of the military retirement reforms it would enact. However, the bill would authorize the military to perform massive, mandatory testing of service personnel for HTLV–III antibody, regarding AIDS. This policy is not justified on either medical or military grounds.

The Food and Drug Administration has licensed the HTLV–III test only for the purpose of screening blood and plasma, not for evaluation of a person's health status. In fact, the manufacturers of the test have labeled it with that specific limitation, and including the following:

It is inappropriate to use this test as a screen for AIDS or as a screen for members of groups at risk for AIDS in the general population. The presence of HTLV-III antibody is not a diagnosis of AIDS.

And in addition, the HTLV–III testing will also not serve the purposes of the military for another reason stated on its labeling, that "a negative test result does not exclude the possibility of exposure to or infection with HTLV–III." Thus, persons with AIDS or at risk may be given incorrect medical information, based on this misuse of the test.

In the several years since this epidemic came to light, it has been well established that AIDS is not transmitted by casual contact, and thus presents no risk to coworkers because of the presence of a person with AIDS. Consequently, the Centers for Disease Control have never recommended mandatory HTLV–III testing for the general population, or the military.

Unfortunately, the test will likely be used to attempt to identify members of at-risk groups, so that they can be denied entry or be removed from the military will less than honorable discharges. Because of the uncertainties of the test, there is no doubt that this will not only discriminate against persons with AIDS, but those incorrectly diagnosed at risk.

While it is true that the military, and all of our society, face a serious threat from this killer disease, the military's proposed test will provide only a false sense of security, and fail to serve medical need.

Mr. HILLIS. Mr. Chairman, I have no further requests for time on this side, and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I have no further requests for time on this side, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 4420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 10, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Military Retirement Reform Act of 1986".

(b) REFERENCES TO TITLE 10.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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Sec. 201. Retired pay computed under subtitle A.
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TITLE III—MISCELLANEOUS RETIREMENT PROVISIONS

Sec. 301. Unreduced retired pay as basis for Survivor Benefit Plan annuities.
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Sec. 303. Definition.
Sec. 304. Technical and conforming amendments.
Sec. 305. Codification of permanent limitations on retired and retainer pay provided in appropriation Acts.
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TITLE IV—FISCAL YEAR 1986 UNAUTHORIZED APPROPRIATIONS

Sec. 401. Prohibition on obligation of unauthorized fiscal year 1986 defense appropriations.
Sec. 402. Authorization of obligation for certain unauthorized appropriations.
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Sec. 404. Authorized military construction project.

The CHAIRMAN. Are there any amendments to section 1?

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really feel I should speak about this legislation. H.R. 4420 is a measure which tries to balance the budget on the backs of our Nation's career military men and women. This bill would reduce for future newcomers to the military the existing retirement benefits available to military personnel. It is an unwise bill from the standpoint of our national defense.

I oppose this bill because it does two very unfortunate things. First, it discourages bringing to the forces men and women for a career in the U.S. military.

Second, it destroys the device now available to keep the military both young and able.

The existing law allows those with two decades of service to be eliminated competitively, in order to make deserved promotions available for the third decade in a timely manner.

This new legislation does not allow this process. We cannot have military services with an overgenerous number of generals and admirals.

I asked Admiral Watkins, the Chief of Naval Operations, what he felt about this legislation. He replied in a letter that says, and I quote:

Those who don't understand that retirement is one part of a complex compensation system won't understand that changing one part of that system can have a major impact. Deferred compensation is a major part of civilian plans. Certainly, those who deal in civilian salary and retirement programs would realize that a major change to either salary or retirement, or perhaps to other important parts of their benefit package, would make continued employment with the company either more—or less attractive. . . .

The question those who would change the system must ask themselves is equally basic. Are they willing to add compensation in some other area to offset the loss in retirement? If the answer is yes, we should embark on the work necessary to determine how best to do it. If the answer is no, we have another problem. How shall we deal with smaller numbers of individuals willing

to volunteer for military service, and, of much more importance at this juncture, can we provide adequate manpower to achieve needed readiness levels with reduced numbers of career personnel?

You will note that Admiral Watkins feels that if revisions are to be undertaken, we must have a thoughtful, careful approach to determine the impact on retention and recruiting. Cutting retirement without considering any corresponding increase in other compensation will inevitably result in less people joining the military, less people staying in for a career, and less able people staying in.

A young man or woman with a family and 6 years of service, who has just been transferred to a remote base away from all civilian comforts, will obviously be more willing to make sacrifices if he can see a light at the end of 20 years service than if that light has been dimmed.

If adequate pensions are such an evil thing, why do we have similar retirement systems for firefighters and police officers? These occupations require youth and physical vigor and demand a certain degree of personal sacrifice. The analogy is not complete, though, because a person in the military is put in greater danger of injury or death, and is expected to function under very dangerous and difficult circumstances, including taking the lives of the enemy.

It seems to me this is just another example of the sad way the military is too often treated and looked at in our country. We are safe, free, and secure because the Armed Forces are eternally vigilant.

Watching our treatment of these fine individuals brings to mind the following lines penned by Rudyard Kipling, who expresses his thoughts far better than I:

For it's Tommy this, an' Tommy that, an' "Chuck him out, the brute!"
But it's "Saviour of 'is country" when the guns begin to shoot;

We can do far better than shouting "Chuck him out, the brute!" and I urge you to reconsider this issue and not vote for this legislation.

In essence this legislation is about fairness and leadership. By cutting the available pension to our military men and women, we ask them to once again help bear the burden for the country's well-being. After 20 years of military service, I believe they have paid their fair share.

This bill also deals with the important issue of leadership in our armed services. With constant advances in technology we need bright young officers and enlisted men. By reducing pensions we reduce the incentive for good men and women to choose the military as a career. The bill is faulted. We should look at the issue again for another solution.

Mr. Chairman, I would just like to conclude my remarks by saying that I feel that this will discourage people from wanting to come into the service, and I think it gets away from the device of using the 20-year period as a time to see what people should be advanced and what people should not be advanced.

I think a very real loss will occur to us from this legislation. I think it is an unwise thing to do it this way, and I think we could have done it—if we had to do it—in a better way. I suggested a better way in subcommittee, which was, in my opinion, to give some sort of additional benefit at the end of 20 years to encourage people to get out for that reason, if that is what you want to do, to encourage them to get out.

The present system is a good system. It has worked a long time. It has brought us good personnel into the military, and I think it is one that should not be ended.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—RETIREMENT PROGRAM CHANGES

SEC. 101. RETIRED PAY MULTIPLIER.

Chapter 71 (relating to computation of retired pay) is amended by adding at the end the following new section:

"§ 1409. Retired pay multiplier

"(a) RETIRED PAY MULTIPLIER FOR REGULAR-SERVICE NONDISABILITY RETIREMENT.—In computing—

"(1) the retired pay of a member who is a regular-service nondisability retiree; or

"(2) the retainer pay of a member who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve,

the retired pay multiplier or retainer pay multiplier is the percentage determined under subsection (b).

"(b) PERCENTAGE.—

"(1) GENERAL RULE.—Subject to paragraphs (2) and (3), the percentage to be used under subsection (a) is the product (stated as a percentage) of—

"(A) 2½, and

"(B) the member's years of creditable service.

"(2) REDUCTION FOR RETIREMENT BY NEW-RETIREMENT MEMBERS WITH LESS THAN 30 YEARS OF SERVICE.—In the case of a member who first became a member of a uniformed service on or after the date of the enactment of the Military Retirement Reform Act of 1986 and who has less than 30 years of creditable service, the percentage determined under paragraph (1) shall be reduced by—

"(A) 1 percentage point for each full year that the member's years of creditable service are less than 30; and

"(B) 1/12 of 1 percentage point for each month (or fractional part thereof) by which the member's years of creditable service (after counting all full years of such service) are less than a full year.

"(3) 75 PERCENT LIMIT.—In the case of a member with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

"(c) DEFINITIONS.—In this section:

"(1) REGULAR-SERVICE NONDISABILITY RETIREE.— 'Regular-service nondisability retiree' means a member of a uniformed service who is retired as a member under any provision of law other than—

"(A) chapter 61 of this title (relating to retirement or separation for physical disability); or

"(B) chapter 67 of this title (relating to retirement for non-regular service).

"(2) YEARS OF CREDITABLE SERVICE.—'Years of creditable service' means the number of years of service creditable to a member in computing the member's retired or retainer pay (including 1/12 of a year for each full month of service that is in addition to the number of full years of service of the member).".

SEC. 102. RETIRED PAY BASE FOR COMPUTATION OF RETIRED PAY.

(a) TRANSFER OF SECTION 1406.—Section 1406 is transferred to the end of chapter 67, redesignated as section 1338, and amended—

(1) by designating the first sentence as subsection (a) and striking out "chapter 67 of this title" both places it appears therein and inserting in lieu thereof "this chapter"; and

(2) by designating the second sentence as subsection (b).

(b) CONSOLIDATION OF RETIRED PAY BASE STATUTES AND ESTABLISHMENT OF GRADUATED HIGH-PERIOD AVERAGE FOR NEW ENTRANTS.—Chapter 71 (relating to the computation of retired pay) is amended by striking out section 1407 and inserting in lieu thereof the following:

"§ 1406. Retired pay base for members who first became members before September 8, 1980

"(a) USE OF RETIRED PAY BASE IN COMPUTING RETIRED PAY.—

"(1) GENERAL RULE.—The retired pay or retainer pay of any person entitled to that pay who first became a member of a uniformed service before September 8, 1980, is computed using the retired pay base or retainer pay base determined under this section.

"(2) EXCEPTION FOR RECOMPUTATION.—Recomputation of retired or retainer pay to reflect later active duty is provided for under section 1402 of this title without reference to a retired pay base or retainer pay base.

"(b) RETIREMENT UNDER SUBTITLE A.—

"(1) DISABILITY RETIREMENT.—

"(A) IN GENERAL.—In the case of a member of a uniformed service who is entitled to retired pay under chapter 61 of this title (relating to retirement or separation for physical disability), the retired pay base is the monthly basic pay of the grade—

"(i) to which the member is entitled under section 1372 of this title; or

"(ii) to which the member was entitled on the day before the member's retirement or placement on the temporary disability retired list,

whichever is higher.

"(B) RATE OF BASIC PAY TO BE USED.—The rate of basic pay to be used under subparagraph (A) is the rate applicable to the grade determined under that subparagraph on the date of the member's retirement or the date when the member's name was placed on the temporary disability retired list, as the case may be.

"(2) RETIREMENT FOR NON-REGULAR SERVICE.—In the case of a person who is entitled to retired pay under section 1331 of this title (relating to retired pay for non-regular service), the retired pay base is the monthly basic pay (computed at the rates applicable on the date when retired pay is granted) of

the highest grade held satisfactorily by the person at any time in the armed forces.

"(3) WARRANT OFFICERS.—In the case of a member who is retired under section 564, 1263, 1293, or 1305 of this title, the retired pay base is—

"(A) the monthly basic pay to which the member would have been entitled if he had served on active duty in his retired grade on the day before retirement; or

"(B) if the pay of that grade is less than the pay of any warrant officer grade satisfactorily held by the member on active duty, the monthly basic pay of that warrant officer grade.

"(4) INVOLUNTARY RETIREMENT OF OFFICERS FOR SERVICE OR AGE.—

"(A) GENERAL RULE.—In the case of an officer who is retired under section 633, 634, 635, 636, or 1251 of this title, the retired pay base is the monthly basic pay (computed at the rates applicable on the date of retirement) of the officer's retired grade.

"(B) SPECIAL RULE FOR CERTAIN PERMANENT PROFESSORS AT THE MILITARY AND AIR FORCE ACADEMIES.—The retired pay base of an officer whose retired grade is determined under section 3962(b) or 8962(b) of this title shall be determined as if that section did not apply.

"(c) VOLUNTARY RETIREMENT FOR MEMBERS OF THE ARMY.—

"(1) IN GENERAL.—In the case of a member whose retired pay is computed under section 3991 of this title or who is entitled to retired pay computed under section 3992 of this title, the retired pay base is determined in accordance with the following table.

"For a member entitled to retired pay under section:	The retired pay base is:
3911 3918 3920 3924	Monthly basic pay of member's retired grade.[1]
3914 3917	Monthly basic pay to which member was entitled on day before he retired.
3992	Monthly basic pay of grade to which member is advanced on retired list.

[1] For the purposes of this subsection, determine member's retired grade as if section 3962(b) did not apply.

"(2) RATE OF BASIC PAY TO BE USED.—The rate of basic pay to be used under paragraph (1) is the rate applicable on the date of the member's retirement.

"(d) RETIREMENT FOR MEMBERS OF THE NAVY AND MARINE CORPS.—In the case of a member whose retired pay is computed under section 6328 of this title, who is advanced on the retired list under section 6151 of this title, or who is entitled to retainer pay under section 6330 of this title, the retired pay base or retainer pay base is determined in accordance with the following table.

"For a member entitled to retired or retainer pay under section:	The retired pay base or retainer pay base is:
6323 6325(a) 6383	Basic pay of the grade in which the member retired.[1]
6325(b)	Basic pay of the grade the officer would hold if he had not received an appointment described in section 6325(b).
6326	Basic pay of the pay grade in which the member was serving on the day before retirement.
6330	Basic pay that the member received at the time of transfer to the Fleet Reserve or Fleet Marine Corps Reserve.
6151	Basic pay of the grade to which the member is advanced under section 6151.

[1] If the rate specified is less than the pay of any warrant officer grade satisfactorily held by the member on active duty, use the monthly basic pay of that warrant officer grade.

"(e) VOLUNTARY RETIREMENT FOR MEMBERS OF THE AIR FORCE.—

"(1) IN GENERAL.—In the case of a member whose retired pay is computed under section 8991 of this title or who is entitled to retired pay computed under section 8992 of this title, the retired pay base is determined in accordance with the following table.

"For a member entitled to retired pay under section:	The retired pay base is:
8911 8918 8920 8924	Monthly basic pay of member's retired grade.[1]
8914 8917	Monthly basic pay to which member was entitled on day before he retired.
8992	Monthly basic pay of grade to which member is advanced on retired list.

[1] For the purposes of this subsection, determine member's retired grade as if section 8962(b) did not apply.

"(2) RATE OF BASIC PAY TO BE USED.—The rate of basic pay to be used under paragraph (1) is the rate applicable on the date of the member's retirement.

"(f) COAST GUARD.—In the case of a member who is retired under any section of title 14, the member's retired pay is computed under section 423(a) of title 14 in the manner provided in that section.

"(g) COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In the case of an officer whose retired pay is computed under section 16 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o), the retired pay base is the basic pay of the rank with which the officer retired.

"(h) COMMISSIONED CORPS OF PUBLIC HEALTH SERVICE.—In the case of an officer who is retired under section 210(g) or 211(a) of the Public Health Service Act (42 U.S.C. 211(g), 212(a)), the retired pay base is determined as follows:

"(1) MANDATORY RETIREMENT.—If the officer is retired under section 210(g) of such Act, the retired pay base is the basic pay of the permanent grade held by the officer at the time of retirement.

"(2) VOLUNTARY RETIREMENT.—If the officer is retired under section 211(a) of such Act, the retired pay base is the basic pay of the highest grade held by the officer and in which, in the case of a temporary promotion to such grade, the officer has performed active duty for not less than six months.

"(i) SPECIAL RULE FOR FORMER CHIEFS OF SERVICE AND SENIOR ENLISTED MEMBERS.—For the purposes of subsections (b) through (e):

"(1) FORMER CHIEFS OF SERVICE.—

"(A) GENERAL RULE.—In determining the rate of basic pay to apply in the determination of the retired pay base of an officer who served in a covered position, the highest rate of basic pay applicable to the officer while serving in that position shall be used, if that rate is higher than the rate otherwise authorized by this section.

"(B) COVERED POSITION DEFINED.—In this paragraph, 'covered position' means any of the following:

"(i) Chairman of the Joint Chiefs of Staff.

"(ii) Chief of Staff of the Army.

"(iii) Chief of Naval Operations.

"(iv) Chief of Staff of the Air Force.

"(v) Commandant of the Marine Corps.

"(vi) Commandant of the Coast Guard.

"(2) SENIOR ENLISTED MEMBERS.—

"(A) GENERAL RULE.—In determining the rate of basic pay to apply in the determination of the retired pay base of an enlisted member who served in a covered position, the highest rate of basic pay applicable to the member while serving in that position shall be used, if that rate is higher than the rate otherwise authorized by this section.

"(B) COVERED POSITION DEFINED.—In this paragraph, 'covered position' means any of the following:

"(i) Sergeant Major of the Army.

"(ii) Master Chief Petty Officer of the Navy.

"(iii) Chief Master Sergeant of the Air Force.

"(iv) Sergeant Major of the Marine Corps.

"(V) Master Chief Petty Officer of the Coast Guard.

"§ 1407. Retired pay base for members who first became members after September 7, 1980

"(a) USE OF RETIRED PAY BASE IN COMPUTING RETIRED PAY.—The retired pay or retainer pay of any person entitled to that pay who first became a member of a uniformed service after September 7, 1980, is computed using the retired pay base or retainer pay base determined under this section.

"(b) GRADUATED HIGH-PERIOD AVERAGE.—The retired pay base or retainer pay base of a member under this section is the member's high-period average determined under subsection (c).

"(c) COMPUTATION OF HIGH-PERIOD AVERAGE.—

"(1) FORMULA.—For the purposes of this section, a member's high-period average is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled for the member's countable high-pay months, divided by

"(B) the number of such countable high-pay months.

"(2) NUMBER OF MONTHS TO BE USED IN COMPUTATION.—

"(A) GENERAL RULE.—Subject to subparagraph (B) and to subsection (e), the number of countable high-pay months of a member is 36.

"(B) INCREASE IN NUMBER OF COUNTABLE MONTHS FOR NEW-RETIREMENT MEMBERS WITH LESS THAN 30 YEARS OF SERVICE.—In the case of a new-retirement member who has less than 30 years of creditable service, the number of countable high-pay months shall be increased by one for each period of five months (including any portion thereof) that the member's years of creditable service are less than 30.

"(3) COUNTABLE HIGH-PAY MONTHS DEFINED.—

"(A) GENERAL RULE.—A member's countable high-pay months are those months (the number of which is determined under paragraph (2)) out of all the months of active duty served by the member as a member of a uniformed service for which the monthly basic pay to which the member was entitled was the highest.

"(B) RULE FOR NON-REGULAR SERVICE RETIREES.—In the case of a member who is entitled to retired pay under section 1204 or 1205 of this title or under chapter 67 of this title, a member's countable high-pay months are those months (the number of which is determined under paragraph (2) or subsection (e)) out of all the months the member was a member of a uniformed service before becoming entitled to retired pay for which the monthly basic pay to which the member would have been entitled had he served on active duty during those months was the highest.

"(d) LIMITATION FOR ENLISTED MEMBERS RETIRING WITH LESS THAN 30 YEARS' SERVICE.—In the case of a member who is retired under section 3914 or 8914 of this title or who is transferred to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member's high-period average shall be computed using only rates of basic pay applicable to months of active duty of the member as an enlisted member.

"(e) SPECIAL RULES FOR SHORT-TERM DISABILITY RETIREES.—

"(1) MEMBERS ENTITLED TO RETIRED PAY UNDER SECTION 1201 OR 1202.—IN THE CASE OF A MEMBER WHO—

"(A) is entitled to retired pay under section 1201 or 1202 of this title; and

"(B) served on active duty—

"(i) for less than 36 months, in the case of a member who is subject to this section but is not a new retirement member; or

"(ii) for less than 60 months, in the case of a new retirement member,

the number of the member's countable high-pay months (notwithstanding subsection (c)(2)) is the number of months (including any fraction thereof) that the member served on active duty.

"(2) MEMBERS ENTITLED TO RETIRED PAY UNDER SECTION 1204 OR 1205.—In the case of a member who—

"(A) is entitled to retired pay under section 1204 or 1205 of this title; and

"(B) was a member of a uniformed service—

"(i) for less than 36 months, in the case of a member who is subject to this section but is not a new retirement member; or

"(ii) for less than 60 months, in the case of a new retirement member,

the number of the member's countable high-pay months (notwithstanding subsection (c)(2)) is the number of months (including any fraction thereof) that the member was such a member.

"(3) MAXIMUM NUMBER OF MONTHS FOR NEW RETIREMENT MEMBERS.—In the case of a new retirement member who is entitled to retired pay under chapter 61 of this title (relating to retirement or separation for physical disability) and who was a member for more than 60 months before becoming entitled to such pay, the number of countable high-pay months may not exceed 60.

"(f) SPECIAL RULE FOR MEMBERS RETIRING WITH NON-REGULAR SERVICE.—

"(1) DISABILITY RETIREMENT.—In the case of a member of a uniformed service who is entitled to retired pay under section 1204 or 1205 of this title (relating to members on active duty for 30 days or less), the high-period average is determined as if the member served on active duty and was entitled to basic pay for the member's countable high-pay months.

"(2) CHAPTER 67 RETIREMENT.—In the case of a person who is entitled to retired pay under section 1331 of this title (relating to retired pay for non-regular service), the person's high-period average is determined as if the person served on active duty and was entitled to basic pay for the person's countable high-pay months.

"(g) DEFINITIONS.—In this section:

"(1) YEARS OF CREDITABLE SERVICE.—'Years of creditable service' means the number of years of service creditable to a member in computing the member's retired or retainer pay (including 1/12 of a year for each full month of service that is in addition to the number of full years of service of the member).

"(2) NEW-RETIREMENT MEMBER.—'New-retirement member' means a member of a uniformed service who first became a member of a uniformed service on or after the date of the enactment of the Military Retirement Reform Act of 1986.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 5083 and 5201(c) are each amended by striking out the last sentence.

(2) Section 6325(c) is amended by striking out the second sentence.

SEC. 103. RULES OF CONSTRUCTION FOR PURPOSES OF COMPUTING OF RETIRED PAY.

Chapter 71 (relating to computation of retired pay) is amended by adding after section 1409 (as added by section 101) the following new sections:

"§ 1410. Rules of construction

"(a) CONSTRUCTION OF 'FIRST BECAME A MEMBER'.—For the purpose of this chapter and other provisions of law providing for computation of retired or retainer pay of members of the uniformed services, a person shall be considered to first become a member of a uniformed service on the first date the person is enlisted, inducted, or appointed in a uniformed service.

"(b) REFERENCES IN TABLES.—Section references in tables in this chapter are to sections of this title.

"§ 1411. Rounding to next lower dollar

"Amounts computed under this chapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

SEC. 104. YEARS OF SERVICE FOR COMPUTING RETIRED PAY.

Section 1405 (relating to determination of years of service for computation of retired pay) is amended—

(1) by inserting "(a) IN GENERAL.—" before "For the purposes of";

(2) by striking out "section 1401" and all that follows through "of this title" and inserting in lieu thereof "the computation of the years of service of a member of the armed forces under a provision of this title providing for such computation to be made under this section"; and

(3) by adding at the end the following:

"(b) FRACTIONAL YEARS OF SERVICE.—In determining a member's years of service under subsection (a)—

"(1) each full month of service that is in addition to the number of full years of service creditable to the member shall be credited as 1/12 of a year; and

"(2) any remaining fractional part of a month shall be disregarded.".

The CHAIRMAN. Are there any amendments to title I?

There being no amendments to title I, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—COMPUTATION OF RETIRED PAY

SEC. 201. RETIRED PAY COMPUTED UNDER SUBTITLE A.

(a) DOPMA OFFICERS AND WARRANT OFFICERS.—Section 1401 (relating to computation of retired pay) is amended—

(1) by inserting "(a) DISABILITY, NON-REGULAR SERVICE, WARRANT OFFICER, AND DOPMA RETIREMENT.—" before "The monthly";

(2) by striking out the third, fourth, and fifth sentences;

(3) by striking out column 1 of the table and inserting in lieu thereof the following:

"Column 1 Take
Retired pay base as computed under section 1406(b)(1) or 1407.
Retired pay base as computed under section 1406(b)(1) or 1407.
Retired pay base as computed under section 1406(b)(2) or 1407.
Retired pay base as computed under section 1406(b)(3) or 1407.
Retired pay base as computed under section 1406(b)(4) or 1407.";

(4) by striking out the matter relating to formulas 4 and 5 under columns 2, 3, and 4 of the table and inserting in lieu thereof the following:

"The retired pay multiplier prescribed in section 1409(a) for the years of service credited to him under section 1405.
The retired pay multiplier prescribed in section 1409(a) for the years of service credited to him under section 1405.";

(5) by striking out "pay" each place it appears in columns 3 and 4 of the table and inserting in lieu thereof "retired pay base";

(6) by striking out footnotes 1, 2, 4, and 5 of the table and redesignating footnote 3 as footnote 1;

(7) by redesignating the references to footnote 3 in column 2 of the table to conform to the redesignation made by paragraph (6); and

(8) by adding at the end the following new subsection:

"(b) USE OF MOST FAVORABLE FORMULA.—If a person would otherwise be entitled to retired pay computed under more than one formula of the table in subsection (a) or of any other provision of law, the person is entitled to be paid under the applicable formula that is most favorable to him.".

(b) RECOMPUTATION FOR LATER ACTIVE DUTY.—

(1) FORMULA FOR RECOMPUTATION OF NEW RETIREMENT MEMBERS.—Subsection (a) of section 1402a (relating to recomputation of retired or retainer pay to reflect later active duty of members who first became members after September 7, 1980) is amended to read as follows:

"(a) IN GENERAL.—A member of an armed force—

"(1) who first became a member of a uniformed service after September 7, 1980;

"(2) who has become entitled to retired pay or retainer pay; and

"(3) who thereafter serves on active duty (other than for training),

is entitled to recompute his retired pay or retainer pay upon his release from that duty according to the following table.

"Column 1 Take	Column 2 Multiply by
Retired pay base or retainer pay base under section 1407 which he would be entitled to use if— (1) he were retiring upon release from that active duty; or (2) he were transferring to the Fleet Reserve or Fleet Marine Corps Reserve upon that release from active duty.	The retired pay multiplier or retainer pay multiplier prescribed in section 1409 for the sum of— (1) the years of service that may be credited to him in computing retired pay or retainer pay; and (2) his years of active service after becoming entitled to retired pay or retainer pay.".

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) by inserting "NEW DISABILITY INCURRED DURING LATER ACTIVE DUTY.—" in subsection (b) after "(b)";

(B) by inserting "ADDITIONAL OR AGGRAVATED DISABILITY INCURRED DURING LATER ACTIVE DUTY.—" in subsection (c) after "(c)";

(C) in subsection (d)—

(i) by inserting "COMPUTATION FOR LATER DISABILITY.—" after "(d)";

(ii) by striking out the second sentence; and

(iii) by striking out "monthly" both places it appears in the table; and

(D) by inserting "ALTERNATIVE RECOMPUTATION TO SUBSECTION (a) FORMULA.—" in subsection (e) after "(e)".

(3) CONFORMING AMENDMENTS.—Section 1402 is amended by striking out the second sentence of subsections (a) and (d).

SEC. 202. MEMBERS OF THE ARMY.

(a) INITIAL COMPUTATION OF RETIRED PAY.—The text of section 3991 (relating to computation of retired pay) is amended to read as follows:

"(a) COMPUTATION.—

"(1) IN GENERAL.—The monthly retired pay of a member entitled to such pay under this subtitle is computed according to the following table. For each case covered by a section of this title named in the column headed 'For sections', retired pay is computed by taking the steps prescribed opposite it in columns 1 and 2.

"Formula	For Sections	Column 1 Take	Column 2 Multiply by
A	3911 3918 3920 3924	Retired pay base as computed under section 1406(c) or 1407.	The retired pay multiplier prescribed in section 1409 for the years of service credited to him under section 1405.
B	3914 3917	Retired pay base as computed under section 1406(c) or 1407.	The retired pay multiplier prescribed in section 1409 for the years of service credited to him under section 3925.

"(2) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—If a member who is retired under section 3914 of this title has been credited by the Secretary of the Army with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

"(b) GENERAL RULES.—

"(1) USE OF MOST FAVORABLE FORMULA.—If a person would otherwise be entitled to retired pay computed under more than one formula of the table in subsection (a) or the table in section 1401 of this title, he is entitled to be paid under the applicable formula that is most favorable to him.

"(2) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (a), if not a multiple of $1, shall be rounded to the next lower multiple of $1.

"(3) REFERENCES.—Section references in the table in subsection (a) are to sections of this title.".

(b) RECOMPUTATION FOR ENLISTED MEMBERS AND WARRANT OFFICERS ADVANCED ON THE RETIRED LIST.—The table in section 3992 (relating to recomputation of retired pay to reflect advancement on retired list) is amended to read as follows:

"Formula	Column 1 Take	Column 2 Multiply by
A	Retired pay base as computed under section 1406(c) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 3925 of this title.[1]
B	Retired pay base as computed under section 1406(c) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 1405 of this title.

[1] In determining retired pay multiplier, credit each full month of service that is in addition to the number of full years of service creditable to the member as 1/12 of a year and disregard any remaining fractional part of a month.".

(c) CONFORMING AMENDMENT.—Section 3925 is amended by adding at the end the following new subsection:

"(c) In determining a member's years of service under subsection (a) for the purpose of computing the member's retired pay under section 3991 of this title—

"(1) each full month of service that is in addition to the number of full years of service creditable to the member shall be credited as 1/12 of a year; and

"(2) any remaining fractional part of a year shall be disregarded.".

SEC. 203. MEMBERS OF THE NAVY AND MARINE CORPS.

(a) RETIRED AND RETAINER PAY FORMULA.—Section 6333 is amended to read as follows:

"§ 6333. Computation of retired and retainer pay

"(a) The monthly retired pay or retainer pay of a member entitled to such pay under this chapter or under section 6383 of this title is computed in accordance with the following table.

"Formula	For sections	Column 1 Take	Column 2 Multiply by
A	6325(a) 6326	Retired pay base computed under section 1406(d) or 1407.	75%
B	6323 6325(b) 6383	Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.
C	6330	Retainer pay base computed under section 1406(d) or 1407.	Retainer pay multiplier prescribed under section 1409 for his years of active service in the armed forces.

"(b)(1) Retired pay or retainer pay computed under this section, if not a multiple of $1, shall be rounded to the next lower multiple of $1.

"(2) References in the table in subsection (a) are to sections of this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6322 is amended by striking out subsection (c).

(2) Section 6323(e) is amended by striking out "retired pay—" and all that follows and inserting in lieu thereof "retired pay computed under section 6333 of this title.".

(3) Section 6325 is amended by striking out "retired pay—" in subsections (a)(2) and (b)(2) and all that follows in those subsections and inserting in lieu thereof "retired pay computed under section 6333 of this title.".

(4) Section 6326(c)(2) is amended by striking out "retired pay—" and all that follows and inserting in lieu thereof "retired pay computed under section 6333 of this title.".

(5) Section 6328 is repealed.

(6) Section 6330(c) is amended—

(A) by striking out "retainer pay—" in paragraph (1) and all that follows in that paragraph and inserting in lieu thereof "retainer pay computed under section 6333 of this title."; and

(B) by striking out paragraph (4).

(7) Section 6383 is amended—

(A) by striking out "retired pay—" in subsection (c)(2) and all that follows in that subsection and inserting in lieu thereof "retired pay computed under section 6333 of this title."; and

(B) by striking out subsection (k).

(c) MEMBERS ADVANCED ON RETIRED LIST.—Section 6151 (relating to higher retired grade and pay for members who serve satisfactorily under temporary appointments) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Each member (other than a former member of the Fleet Reserve or the Fleet Marine Corps Reserve) who is advanced on the retired list under this section is (unless otherwise entitled to higher retired pay) entitled to retired pay determined in accordance with the following table. References in the table are to sections of this title.

"Column 1 Take	Column 2 Multiply by
Retired pay base computed under section 1406(d) or 1407	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.

"(c) Each former member of the Fleet Reserve or the Fleet Marine Corps Reserve who is advanced on the retired list under this section is entitled to retired pay determined in accordance with the following table. References in the table are to sections of this title.

"Column 1 Take	Column 2 Multiply by
Retired pay base computed under section 1406(d) or 1407	Retired pay multiplier prescribed under section 1409 for the number of years of service creditable for his retainer pay at the time of retirement.".

SEC. 204. MEMBERS OF THE AIR FORCE.

(a) INITIAL COMPUTATION OF RETIRED PAY.—The text of section 8991 (relating to computation of retired pay) is amended to read as follows:

"(a) COMPUTATION.—

"(1) IN GENERAL.—The monthly retired pay of a member entitled to such pay under this subtitle is computed according to the following table. For each case covered by a section of this title named in the column headed 'For sections', retired pay is computed by

taking the steps prescribed opposite it in columns 1 and 2.

"Formula	For sections	Column 1 Take	Column 2 Multiply by
A	8911 8918 8920 8924	Retired pay base as computed under section 1406(e) or 1407.	The retired pay multiplier prescribed in section 1409 for the years of service credited to him under section 1405.
B	8914 8917	Retired pay base as computed under section 1406(e) or 1407.	The retired pay multiplier prescribed in section 1409 for the years of service credited to him under section 8925.

"(2) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—If a member who is retired under section 8914 of this title has been credited by the Secretary of the Air Force with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

"(b) GENERAL RULES.—

"(1) USE OF MOST FAVORABLE FORMULA.—If a person would otherwise be entitled to retired pay computed under more than one formula of the table in subsection (a) or the table in section 1401 of this title, he is entitled to be paid under the applicable formula that is most favorable to him.

"(2) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (a), if not a multiple of $1, shall be rounded to the next lower multiple of $1.

"(3) REFERENCES.—Section references in the table in subsection (a) are to sections of this title.".

(b) RECOMPUTATION FOR ENLISTED MEMBERS AND WARRANT OFFICERS ADVANCED ON THE RETIRED LIST.—The table in section 8992 (relating to recomputation of retired pay to reflect advancement on retired list) is amended to read as follows:

"Formula	Column 1 Take	Column 2 Multiply by
A	Retired pay base as computed under section 1406(e) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 8925 of this title.[1]
B	Retired pay base as computed under section 1406(e) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 1405 of this title.

[1] In determining retired pay multiplier, credit each full month of service that is in addition to the number of full years of service creditable to the member as 1/12 of a year and disregard any remaining fractional part of a month.".

(c) CONFORMING AMENDMENT.—Section 8925 is amended by adding at the end the following new subsection:

"(c) In determining a member's years of service under subsection (a) for the purpose of computing the member's retired pay under section 8991 of this title—

"(1) each full month of service that is in addition to the number of full years of service creditable to the member shall be credited as 1/12 of a year; and

"(2) any remaining fractional part of a year shall be disregarded.".

SEC. 205. MEMBERS OF THE COAST GUARD.

(a) IN GENERAL.—Section 423 of title 14, United States Code (relating to the computation of retired pay), is amended to read as follows:

"§ 423. Computation of retired pay

"(a)(1) The retired pay of a member who first became a member of a uniformed service (as defined in section 101 of title 10) before September 8, 1980, is determined by multiplying—

"(A) the sum of—

"(i) the basic pay of the member's retired grade or rate, and

"(ii) all permanent additions thereto including longevity credit to which the member was entitled at the time of retirement; and

"(B) the retired pay multiplier determined under section 1409 of title 10 for the number of years of service that may be credited to the member under section 1405 of such title.

"(2) In the case of an officer who served as Commandant of the Coast Guard, retired pay under paragraph (1) shall be computed at the highest rate of basic pay applicable to the officer while so serving.

"(3) In the case of an enlisted member who served as the master chief petty officer of the Coast Guard, retired pay under paragraph (1) shall be computed at the highest rate of basic pay to which the member was entitled while so serving, if that basic pay is greater than the basic pay of the grade or rate to which the member is otherwise entitled at the time of retirement.

"(4) In the case of an officer whose retired pay is computed on the pay of a grade for which basic pay is not based upon years of service, retired pay under paragraph (1) shall be computed on the basis of the number of years of service for which the officer would be entitled to credit in the computation of pay on the active list had the officer been serving in the grade of captain at the time of retirement.

"(b) The retired pay of a member who first became a member of a uniformed service (as defined in section 101 of title 10) on or after September 8, 1980, is determined by multiplying—

"(1) the retired pay base determined under section 1407 of title 10; and

"(2) the retired pay multiplier determined under section 1409 of title 10 for the number of years of service that may be credited to the member under section 1405 of such title.

"(c)(1) In computing for the purpose of subsection (a) or (b) the number of years of service that may be credited to a member under section 1405 of title 10—

"(A) each full month of service that is in addition to the number of full years of service creditable to the member shall be counted as 1/12 of a year; and

"(B) any remaining fractional part of a month shall be disregarded.

"(2) Retired pay computed under this section, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of such title is amended by striking out "and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant" in subsections (a), (b), and (c).

(2) Section 47 of such title is amended—

(A) by striking out "and retired pay" in subsections (b) and (c); and

(B) by striking out "and with the retired pay of that grade" in subsection (d).

(3) Section 51 of such title is amended—

(A) by striking out "and retired pay" in subsections (a) and (b); and

(B) by striking out "and with the retired pay of that grade" in subsection (c).

(4) Section 288(b) of such title is amended by striking out "Except as provided in section 423(b) of this title, the retired pay" and inserting in lieu thereof "Retired pay computed under section 423(a) of this title".

(5) Sections 291, 292, and 293 of such title are amended by striking out ", with retired pay of the grade with which retired".

(6) Section 327(b)(1) of such title is amended by striking out ", and with the pay".

(7) Section 334 of such title is amended—

(A) by striking out ", with retired pay of the grade with which retired" in subsections (a) and (b); and

(B) by striking out the second sentence of subsection (b).

(8) Sections 353, 354, 355, and 362 of such title are amended by striking out ", with retired pay of the grade or rating with which retired".

(9) Section 357 is amended—

(A) by striking out "the retired pay of the grade or rating with which retired" in subsection (b) and inserting in lieu thereof "retired pay"; and

(B) by striking out "by an amount" and all that follows in subsection (c) and inserting in lieu thereof "by an amount equal to 10 percent of—

"(1) the active-duty pay and permanent additions thereto of the grade or rating with which retired, in the case of a member whose retired pay is computed under section 423(a) of this title; or

"(2) the member's retired pay base under section 1407 of title 10, in the case of a member whose retired pay is computed under section 423(b) of this title.".

(10) Sections 421 and 422 of such title are amended by striking out "rating" each place it appears and inserting in lieu thereof "rate".

(11) Section 424 of such title is amended to read as follows:

"§ 424. Limitations on retirement and retired pay

"(a) The provisions of any section of this title shall not be construed so as to prevent any member from being placed on the retired list with the highest grade or rate and the highest retired pay to which the member may be entitled under the provisions of any other section of this title or under any other law.

"(b) In no case may the retired pay of a member exceed 75 percent of (1) the sum of the active-duty pay and all permanent additions thereto (including longevity credit to which the member is entitled) of the grade or rate on which the member's pay is computed, or (2) the retired pay base determined under section 1407 of title 10, as appropriate.".

SEC. 206. COMMISSIONED OFFICERS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

Section 16 of the Coast and Geodetic Survey Commissioned Officers Act of 1948 (33 U.S.C. 853o) is amended to read as follows:

"SEC. 16. (a) Each commissioned officer on the retired list who first became a member of a uniformed service (as defined in section 101 of title 10, United States Code) before the date of the enactment of the Military Retirement Reform Act of 1986 shall re-

ceive retired pay at the rate determined by multiplying—

"(1) the retired pay base determined under section 1406(g) of title 10, United States Code; and

"(2) 2½ percent of the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces.

The retired pay so computed may not exceed 75 percent of the retired pay base.

"(b) Each commissioned officer on the retired list who first became a member of a uniformed service (as defined in section 101 of title 10, United States Code) on or after the date of the enactment of the Military Retirement Reform Act of 1986 shall receive retired pay at the rate determined by multiplying—

"(1) the retired pay base determined under section 1407 of title 10, United States Code; and

"(2) the retired pay multiplier determined under section 1409 of such title for the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces.

"(c)(1) In computing the number of years of service of an officer for the purposes of subsection (a)—

"(A) each full month of service that is in addition to the number of full years of service creditable to the officer shall be credited as $\frac{1}{12}$ of a year; and

"(B) any remaining fractional part of a month shall be disregarded.

"(2) Retired pay computed under this section, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

SEC. 207. COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE.

(a) MANDATORY RETIREMENT.—Section 210(g)(3) of the Public Health Service Act (42 U.S.C. 211(g)(3)) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) in the case of an officer who first became a member of a uniformed service before the date of the enactment of the Military Retirement Reform Act of 1986, at the rate of 2½ percent of the retired pay base determined under section 1406(h) of title 10, United States Code, for each year, not in excess of 30, of his active commissioned service in the Service; or

"(B) in the case of an officer who first became a member of a uniformed service on or after the date of the enactment of the Military Retirement Reform Act of 1986, at the rate determined by multiplying—

"(i) the retired pay base determined under section 1407 of title 10, United States Code; and

"(ii) the retired pay multiplier determined under section 1409 of such title for the number of years of his active commissioned service in the Service.".

(b) VOLUNTARY RETIREMENT.—Section 211(a) of such Act (42 U.S.C. 212(a)) is amended—

(1) in paragraphs (4) and (5), by striking out "paragraph (6)" and inserting in lieu thereof "paragraphs (6) and (7)";

(2) in paragraph (6), by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981," and inserting in lieu thereof "during the period beginning on September 8, 1980, and ending on the date of the enactment of the Military Retirement Reform Act of 1986";

(3) by redesignating paragraph (7) as paragraph (8) and by striking out "(4) or (5)" in such subsection and inserting in lieu thereof "(4), (5), or (7)"; and

(4) by inserting after paragraph (6) the following new paragraph (7):

"(7) The retired pay of a commissioned officer retired under this subsection who first became a member of a uniformed service on or after the date of the enactment of the Military Retirement Reform Act of 1986 is determined by multiplying—

"(A) the retired pay base determined under section 1407 of title 10, United States Code; and

"(B) the retired pay multiplier determined under section 1409 of such title for the number of years of service credited to the officer under paragraph (4).".

The CHAIRMAN. Are there any amendments to title II?

There being no amendments to title II, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—MISCELLANEOUS RETIREMENT PROVISIONS

SEC. 301. UNREDUCED RETIRED PAY AS BASIS FOR SURVIVOR BENEFIT PLAN ANNUITIES.

(a) DEFINITION OF BASE AMOUNT.—Section 1447(2)(A) (relating to the definition of "base amount" for purposes of the Survivor Benefit Plan) is amended by inserting "(determined without regard to any reduction under section 1409(b)(2) of this title)" after "retired or retainer pay".

(b) CONFORMING AMENDMENTS.—

(1) Section 1451 is amended by adding at the end the following new subsection:

"(h) Computation of a member's retired pay for purposes of this section shall be made without regard to any reduction under section 1409(b)(2) of this title.".

(2) Section 1452(c) is amended by adding at the end the following new sentence: "Computation of a member's retired pay for purposes of this subsection shall be made without regard to any reduction under section 1409(b)(2) of this title.".

SEC. 302. REQUIREMENT OF RESERVE-COMPONENT MEMBERSHIP FOR RECEIPT OF NON-REGULAR-SERVICE RETIRED PAY.

Section 1331(a) (relating to age and service requirements for retired pay for non-regular service) is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(5) in the case of a person who completed the years of service required for eligibility for such retired pay on or after the date of the enactment of the Military Retirement Reform Act of 1986, he is a member of a reserve component.".

SEC. 303. DEFINITION.

Section 101 (relating to definitions for purposes of title 10) is amended by adding at the end the following new paragraph:

"(43) 'Uniformed services' means—

"(A) the armed forces;

"(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

"(C) the commissioned corps of the Public Health Service.".

SEC. 304. TECHNICAL AND CONFORMING AMENDMENTS.

(a) UNIFORMED SERVICES DEFINITION.—

(1) Section 716 is amended by striking out subsection (c).

(2) Section 1040(c) is amended by striking out "'Dependent' and 'uniformed services' in this section have the meanings of those terms as defined in" and inserting in lieu thereof "In this section, 'dependent' has the meaning given that term in".

(3) Section 1402 is amended by striking out "(as defined in section 1407(a)(2) of this title)" each place it appears.

(4) Section 2830 is amended by striking out subsection (c).

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 67 is amended by adding at the end the following new item:

"1338. Limitations on revocation of retired pay.".

(2) The table of sections at the beginning of chapter 71 is amended—

(A) by striking out the item relating to section 1402 and inserting in lieu thereof the following:

"1402. Recomputation of retired or retainer pay to reflect later active duty of members who first became members before September 8, 1980.";

(B) by striking out the items relating to sections 1406 and 1407 and inserting in lieu thereof the following:

"1406. Retired pay base for members who first became members before September 8, 1980.

"1407. Retired pay base for members who first became members after September 7, 1980."; and

(C) by adding at the end the following new items:

"1409. Retired pay multiplier.

"1410. Rules of construction.

"1411. Rounding to next lower dollar.".

(3) The heading of section 1402 is amended to read as follows:

"§ 1402. Recomputation of retired or retainer pay to reflect later active duty of members who first became members before September 8, 1980".

(3) The table of sections at the beginning of chapter 571 is amended—

(A) by striking out the item relating to section 6328; and

(B) by striking out the item relating to section 6333 and inserting in lieu thereof the following:

"6333. Computation of retired and retainer pay.".

SEC. 305. CODIFICATION OF PERMANENT LIMITATIONS ON RETIRED AND RETAINER PAY PROVIDED IN APPROPRIATION ACTS.

(a) LIMITATION ON CREDITING CERTAIN UNSERVED SERVICE IN ENTITLEMENT TO AND COMPUTATION OF RETAINER PAY.—

(1) CODIFICATION.—Section 6330(d) is amended—

(A) by inserting "(1)" after "(d)";

(B) by striking out the second sentence; and

(C) by adding at the end the following:

"(2) In determining a member's eligibility for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve under subsection (b)—

"(A) a completed minority enlistment of the member is counted as four years of active service, if creditable to the member for such purpose before December 31, 1977; and

"(B) an enlistment of the member terminated within three months before the end of the term of enlistment is counted as active service for the full term, if creditable

to the member for such purpose before December 31, 1977.

"(3)(A) Subject to subparagraph (B), in determining a member's years of active service for the computation of retainer pay under subsection (c)—

"(i) a completed minority enlistment of the member is counted as four years of active service; and

"(ii) an enlistment of the member terminated within three months before the end of the term of enlistment is counted as active service for the full term.

"(B) In the case of a member who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under this section after December 30, 1977, service attributable under subparagraph (A) to time which, after December 31, 1977, is not actually served by the member may not be counted.".

(2) REPEAL OF SOURCE LAW.—Section 8039 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473 (98 Stat. 1930)), is repealed.

(b) TERMINATION OF SIX-MONTH ROUNDING RULE.—

(1) GENERAL RULE.—Retired pay or retainer pay may not be paid to a covered member of the Armed Forces for any month in an amount that is greater than the amount otherwise determined to be payable after such reductions as may be necessary to reflect adjusting the computation of retired pay or retainer pay that includes credit for a part of a year of service to permit credit for a part of a year of service only for such month or months actually served.

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to a member who before January 1, 1982—

(A) applied for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve;

(B) was being processed for retirement under the provisions of chapter 61 of title 10, United States Code, or who was on the temporary disability retired list and thereafter retired under the provisions of section 1210(c) or 1210(d) of such title; or

(C) was retired or in an inactive status and would have been eligible for retired pay under the provisions of chapter 67 of such title, but for the fact that the person was under 60 years of age.

(3) DEFINITION OF COVERED MEMBER.—For the purposes of this subsection, the term "covered member of the Armed Forces" means a member of the Armed Forces who became entitled to retired or retainer pay during the period beginning on January 1, 1982, and ending on September 30, 1983.

(4) REPEAL OF SOURCE LAW.—Section 8054 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473), is repealed.

(5) CROSS REFERENCE.—For the effective date of October 1, 1983, for provisions making permanent programmatic changes in law to accomplish the policy provided in such section 8054 (and prior provisions of law), see section 923(h) of the Department of Defense Authorization Act, 1984 (Public Law 98-94).

SEC. 306. REPEAL OF LIMITATION ON PAYMENTS TO ACCRUAL FUND FOR FISCAL YEAR 1986.

Section 666 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 659), is repealed.

The CHAIRMAN. Are there any amendments to title III?

There being no amendments to title III, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—FISCAL YEAR 1986 UNAUTHORIZED APPROPRIATIONS

SEC. 401. PROHIBITION ON OBLIGATION OF UNAUTHORIZED FISCAL YEAR 1986 DEFENSE APPROPRIATIONS.

(a) PROHIBITION.—None of the amounts described in subsection (b), totaling $5,582,130,000, may be obligated or expended for any purpose except as authorized in section 402 or as authorized after the date of the enactment of this Act in a law other than an appropriation Act (including a continuing resolution).

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1986 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1986 defense authorizations.

(c) DEFINITIONS.—For the purposes of this title:

(1) FISCAL YEAR 1986 DEFENSE APPROPRIATIONS.—The term "fiscal year 1986 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1986 in the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190).

(2) FISCAL YEAR 1986 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1986 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1986 in the Department of Defense Authorization Act, 1986 (Public Law 99-145), as set forth in such Act and in the joint explanatory statement of the committee of conference on the bill S. 1160 (99th Congress), printed in House Report 99-235.

SEC. 402. AUTHORIZATION OF OBLIGATION FOR CERTAIN UNAUTHORIZED APPROPRIATIONS.

(a) AMOUNT AVAILABLE FOR OBLIGATION.—Of the amounts described in section 401(b), $2,291,630,000 may be obligated or expended for programs, projects, and activities of the Department of Defense listed in subsection (b) (for which amounts were provided in fiscal year 1986 defense appropriations).

(b) SPECIFICATION OF PROGRAMS, PROJECTS, AND ACTIVITIES.—Programs, projects, and activities referred to in subsection (a) (and the total amount of fiscal year 1986 defense appropriations that may be obligated or expended for each such program, project, and activity) are as follows:

(1) ARMY PROCUREMENT.—

Mortar ammunition, $91,490,000, of which—

$30,800,000 is available only for 4.2-inch high-explosive cartridges;

$45,400,000 is available only for 81-millimeter for high-explosive United Kingdom round cartridges;

$2,300,000 is available only for 81-millimeter Imp 1/10 range training cartridges;

$7,100,000 is available only for 81-millimeter illuminating cartridges; and

$5,900,000 is available only for 81-millimeter smoke cartridges.

War reserve ammunition, $190,200,000.

Snap anti-jam equipment program, $14,650,000.

AFATADS, $24,320,000.

Boat, bridge erection program, $25,400,000.

Follow-on air defense equipment, $142,650,000 (subject to subsection (c)).

(2) NAVY PROCUREMENT.—

F-14A aircraft, $590,830,000.

P-3C aircraft modification, $361,110,000.

AN/SQR-17 acoustic processor, $21,340,000.

Battleship reactivation program, $466,380,000.

Cost growth for the MCM mine countermeasures ship program, $97,000,000.

MCM-1 mine countermeasures ship program, $189,010,000.

ARTB training ship (conventional) program, $174,100,000.

Service craft, $60,850,000.

Procurement, Marine Corps, general increase, $13,260,000.

(3) AIR FORCE PROCUREMENT.—

Air defense competition, $182,590,000.

AC-130H drug interdiction aircraft, $31,760,000.

(4) DEFENSE AGENCIES PROCUREMENT.—Other DIS equipment, $5,120,000.

(5) AIR FORCE RESERVE, PROCUREMENT.— C-130H aircraft, $144,120,000.

(6) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

DIVAD alternatives, Army, $38,520,000 (subject to subsection (c)).

Rolling air frame missile, Navy, $10,340,000.

Whitehall quick reaction surveillance system, Navy, $18,910,000.

(7) OPERATION AND MAINTENANCE, ARMY.—

Drug testing, $1,430,000.

AIDS testing, $40,510,000.

Medical enhancements, $19,020,000.

Medical readiness, $37,280,000.

DIVAD alternatives, Army, $4,560,000.

Readiness initiatives, $130,290,000.

(8) OPERATION AND MAINTENANCE, NAVY.—

Ready Reserve fleet dispersal, $3,420,000.

P3-A modifications, $2,850,000.

AIDS testing, $4,760,000.

Coast Guard reimbursement, $100,000,000.

(9) OPERATION AND MAINTENANCE, AIR FORCE.—

Medical readiness, $5,330,000.

AIDS testing, $4,760,000.

Classified project, $480,000.

(10) OPERATION AND MAINTENANCE, DEFENSE AGENCIES.—

Peer review, $7,130,000.

Quality assurance, $28,530,000.

Defense Agencies classified project, $1,200,000.

(11) OTHER OPERATION AND MAINTENANCE ACCOUNTS.—

Force structure initiative, Army Reserve, $6,610,000.

Roland missile maintenance, Army National Guard, $3,900,000.

AIDS testing, Army National Guard, $2,380,000.

Force structure initiative, Army National Guard, $3,900,000.

Environmental Projects, Army National Guard, $380,000.

Environmental restoration, $360,520,000.

ADP management fund, $100,000,000.

(c) PRIOR REPORT REQUIREMENTS FOR CERTAIN PROJECTS.—Fiscal year 1986 defense appropriations for programs, projects, and activities which under subsection (b) are made subject to this subsection may not be obligated or expended until the Secretary of Defense submits to the appropriate committees of Congress a report setting forth in detail the manner in which funds are proposed to be obligated or expended for such project.

(d) MODIFICATION OF FISCAL YEAR 1986 AUTHORIZATION FOR CERTAIN SHIPBUILDING PROGRAMS.—Notwithstanding the amounts specified in section 102(c) of the Department of

Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 592)—

(1) the amount authorized to be appropriated for fiscal year 1986 for Shipbuilding and Conversion, Navy, is $10,703,750,000; and

(2) the amounts available for the following shipbuilding and conversion programs for fiscal year 1986 are as follows:

For the battleship reactivation program, $466,380,000.

For the MCM-1 mine countermeasures ship program, $189,010,000.

For cost growth for the MCM mine countermeasures ship program, $97,000,000.

For the ARTB nuclear training ship program, $174,100,000.

For service craft, $60,850,000.

(e) MODIFICATION OF FISCAL YEAR 1986 AUTHORIZATION FOR OTHER APPROPRIATION ACCOUNTS.—Notwithstanding the amounts specified in the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 595), the amounts authorized to be appropriated for fiscal year 1986 for the following accounts are as follows:

(1) Air Force Reserve Procurement, $144,120,000.

(2) Environmental Restoration, Defense, $360,520,000.

(3) ADP Equipment Management Fund, $100,000,000.

(f) PROGRAM LIMITATIONS.—All limitations and requirements set forth in the Department of Defense Authorization Act, 1986 (and in the joint explanatory statement of the committee of conference on the bill S.1160 (99th Congress), printed in House Report 99-235), shall apply to the obligation of funds authorized by subsection (b) in the same manner as if the funds made available for obligation by such subsection had been authorized in such Act.

(g) TRANSFER AUTHORITY.—For the purposes of section 1401 the Department of Defense Authorization Act, 1986 (99 Stat. 742), authorizations in subsection (b) shall be deemed to have been made available to the Department of Defense in such Act.

SEC. 403. PROGRAMS FOR WHICH AMOUNTS ARE NOT AUTHORIZED FOR OBLIGATION.

Programs, projects, and activities of the Department of Defense for which amounts provided in fiscal year 1986 defense appropriations are subject to section 401 (other than those programs, projects, and activities described in section 402) are the following:

(1) ARMY PROCUREMENT.—

AH-1S attack helicopter (Cobra Tow).

Army Helicopter Improvement Program (AHIP).

Stinger missile program.

M577A2 Carrier, command post light, FT.

M113 Carrier, personnel, FT, ARM.

M88 recovery vehicles.

120-millimeter mortar.

AT-4 lightweight multipurpose system.

Chemical demilitarization program.

Production base modernization.

Special operations forces communications equipment.

KG-84 dedicated loop encrypting device.

AFRTS (audiovisual).

Deployable medical system.

CBT Support equipment medical.

(2) NAVY PROCUREMENT.—

Refueling tanker modification.

APN weapons production facility.

War reserve munitions.

Medical support equipment.

Undistributed reduction, Other Procurement, Navy.

SSN-688 submarine program.

Coastal defense augmentation.

Undistributed reduction, Shipbuilding and Conversion, Navy.

(3) AIR FORCE PROCUREMENT.—

Air Force One replacement.

KC-10 aircraft.

B-1B modifications.

B-52 modifications.

A-7 modifications.

F/RF-4 modifications (including $92,000,000 for FA INS/HUD upgrade).

Airborne command post modifications.

AMRAAM advanced procurement.

Rapier (Turkey).

Minutemen modifications.

War reserve munitions, Air Force.

Intelligence data handling system.

Medical readiness, Air Force.

(4) ARMY RESERVE PROCUREMENT.—

Miscellaneous equipment.

Truck SLEP.

(5) NAVY RESERVE PROCUREMENT.—Miscellaneous equipment.

(6) MARINE CORPS RESERVE PROCUREMENT.—Miscellaneous equipment.

(7) AIR FORCE RESERVE PROCUREMENT.—Miscellaneous equipment.

(8) ARMY NATIONAL GUARD PROCUREMENT.—

Miscellaneous equipment.

Improved TOW vehicle.

M198 howitzer.

Truck SLEP.

(9) AIR NATIONAL GUARD PROCUREMENT.—Miscellaneous equipment.

(10) RESEARCH AND DEVELOPMENT.—

Medical research/AIDS, Army.

Ship subsystems development/LBTS, Navy.

Bigeye operational test, Navy.

Space Defense System, Air Force.

MEECN communications upgrade, Air Force.

Air Force One, Air Force.

Liquid synthetic fuels, Air Force.

Precision tactical approach system, Air Force.

Director of Test and Evaluation.

(11) OPERATION AND MAINTENANCE.—

Real growth reductions not taken.

Audit/inventory report reduction not taken.

Civilian training.

F-4 upgrade, Air Force Reserve.

SEC. 404. AUTHORIZED MILITARY CONSTRUCTION PROJECT.

(a) AUTHORIZED PROJECT.—

(1) AUTHORIZATION.—The Secretary of the Navy may carry out the military construction project described in paragraph (2), funds for such project having been appropriated in the Military Construction Appropriations Act, 1986 (Public Law 99-173; 99 Stat. 1024).

(2) PROJECT DESCRIPTION.—The project referred to in paragraph (1) is a project for the construction of a berthing pier and bulkhead at the Naval Station, Staten Island, New York. The amount authorized for the project is $37,750,000.

(b) CONSTRUCTION WITH PUBLIC LAW 99-167.—

(1) PROJECT AUTHORIZATIONS.—The project authorization in subsection (a) shall be deemed to have been included in section 201(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 966).

(2) APPROPRIATION AUTHORIZATION TOTALS.—The total amount authorized to be appropriated for the Department of the Navy set forth in section 602(a) of such Act (99 Stat. 980), and the amount authorized for military construction projects inside the United States set forth in paragraph (1) of that section, shall be deemed to be increased by the amount specified in subsection (a)(2).

(3) LIMITATION RELATING TO FUNDS FOR NAVAL STRATEGIC HOMEPORTING.—For the purposes of section 205 of such Act (99 Stat. 971), amounts available for the project authorized in subsection (a) shall be deemed to be funds appropriated pursuant to an authorization in section 602 of such Act for Naval Strategic Homeporting.

(c) PROHIBITION ON OBLIGATION OF EXCESS APPROPRIATION.—Of the amount appropriated for military construction for the Navy for fiscal year 1986, $1,950,000 may not be obligated or expended for any purpose except as authorized after the date of the enactment of this Act in a law other than an appropriation Act (including a continuing resolution), such amount being the amount by which the amount appropriated for the project authorized by subsection (a) is in excess of the amount authorized for that project by subsection (a).

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY:

Page 51, line 12, insert "(1)" before "Of the".

Page 51, after line 17, insert the following:

(2) Of the amount described in section 401(b) which was appropriated for procurement of National Guard and Reserve equipment, $285,000,000 may be obligated or expended. The authority provided in the preceding sentence is in addition to the authority provided in paragraph (1).

Page 56, strike out lines 22 and 23 and insert in lieu thereof the following:

(1) National Guard and Reserve Equipment Procurement, $941,130,000, as follows:

Army Reserve, $100,000,000.

Army National Guard, $312,450,000.

Naval Reserve, $67,760,000.

Marine Corps Reserve, $67,060,000.

Air Force Reserve, $154,120,000.

Air National Guard, $239,710,000.

Page 57, line 18, insert "(a) IN GENERAL."—before "Programs".

Page 59, strike out line 18 and all that follows through page 60, line 9 (and redesignate the following paragraphs accordingly).

Page 61, after line 1, insert the following:

(b) RESERVE COMPONENT EQUIPMENT PROCUREMENT.—Section 401 applies with respect to fiscal year 1986 defense appropriations for procurement of equipment for the reserve components only to the extent that amounts appropriated for such purposes exceed the amount specified in section 402(e)(1). Programs, projects, and activities for which amounts provided in fiscal year 1986 defense appropriations for procurement of equipment for the reserve components are subject to section 401 (except to the extent to which funds are available to be obligated or expended as provided in section 402) are the following:

(1) ARMY RESERVE.—

Miscellaneous equipment.

Truck SLEP.

(2) NAVAL RESERVE.—Miscellaneous equipment.

(3) MARINE CORPS RESERVE.—Miscellaneous equipment.

(4) AIR FORCE RESERVE.—Miscellaneous equipment.

(5) ARMY NATIONAL GUARD.—

Miscellaneous equipment.

Improved TOW vehicle.

M198 howitzer.

Truck SLEP.

(6) AIR NATIONAL GUARD.—Miscellaneous equipment.

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, this possibly will be the only amendment, and I feel very strongly about offering this amendment today.

What it actually does is that it calls for $285 million to be authorized for the National Guard and Reserve. $100 million will go to the Army Guard, $40 million will go to the Air National Guard, $100 million for the Army Reserve, $25 million for the Navy Reserve, $10 million for the Marine Corps Reserve, and the Air Force Reserve under this amendment will receive $10 million.

We have met with the different Chiefs of the Reserve Forces plus the associations, and we have come up with this reasonable amendment.

Now, $840 million was appropriated for the Reserve Forces. It had not been authorized. Now we came out with this authorization bill today that only provides for $30 million to be authorized of the appropriated funds. That is not enough, Mr. Chairman, for the Reserve Forces.

I point out that you go through the bill, and our committee has authorized $2.4 billion, I believe, under this bill that was appropriated, not authorized. Now under this bill it will be authorized. All I am asking for is $285 million. If you look over the sheet, further in this piece of paper I have here, nothing is marked for the Reserve Forces.

On the Senate markup of the Supplemental appropriation bill for items that were not authorized, they put in $488 million for the Reserve Forces. Under our bill, as I said earlier, there is only $30 million. Mine will add $285 million, and these are basic funds that will go to your armories back home, they will go to your municipal airports, there will be simulators, they are safety devices.

I point out that for the Air National Guard A-7 night vision goggles. They should have had those years ago. They do not have them. Under this amendment they would be given night vision goggles. They would have video recorder systems that they do not have now. They do not have the proper medical kits and damage repair kits that they need.

None of these items or moneys of the $285 million are big-ticket items. They are not big airplanes, they are not tanks, they are not ships. And the reason I offered this amendment was that when our committee met—and I would have offered the amendment in the committee, but it moved so quickly that there was some misunderstanding what we were doing in the committee. We have some unauthorized amendments, authorization in this bill now. All I am doing is adding what we have already done in committee. If the committee would not have authorized any nonauthorization appropriations, I would not have done that either. But I want to point out this has a lot of merit for the Reserve Forces. We have put a lot of responsibility in the Reserves. I point out that the Air Reserve last year won all of the competitions against the regulars and also against the Air Guard. They won the F-16 competition, they won the ground-to-air reconnaissance, the air refueling. So we have got some great units, but we need to give them equipment.

List of equipment follows:

Type of equipment needed

	Millions
Army National Guard:	
Armored personnel carriers	4.2
M 198 howitzers	21.5
Tactical communications equipment	44.3
Storage, training, and maintenance projects	30.0
Total	100.0
Air National Guard:	
Aircrew combat maneuvering instrumentation [ACMI]	8.2
Tactical communications equipment (radios, terminals, technical controls, etc.)	22.5
A-7/F-4 video recorder systems	1.3
AIM 9L missile modification	2.6
A-7 night vision goggles	1.7
Combat support equipment (battle damage repair kits, medical kits)	3.7
Total	40.0
Navy Reserve:	
Aircraft modifications:	
Weather radar	2.5
VHF radios	5.0
Navigation systems	8.7
Controller modifications	4.5
Civil engineering support equipment:	
5-ton trucks	1.2
Generators	.5
1.5-ton trucks	.2
Water tanks	.1
Maintenance trucks	.2
AQA sound signal processors	2.1
Total	25.0
Marine Corps Reserve:	
Marksmanship training: Indoor ranges (live fire/simulators)	7.7
Maintenance and operator training devices (simulators, video discs, etc.)	.3
Precision gunnery training systems (simulated laser trainers, tank gunnery trainers, etc.)	2.0
Total	10.0
Air Force Reserve:	
Tactical radio systems	1.7
Various type vehicles (security, refueling, aircraft loading, etc.)	4.2
Aircraft support equipment (avionics test, engine test stands, etc.)	4.1
Total	10.0
Army Reserve:	
Medical equipment (field operating tables, surgical instruments, etc.)	.4
Communications equipment (radios, meters, etc.)	12.2
Aviation support equipment (2 aircraft, etc.)	1.4
Various type vehicles (trucks, jeeps, etc.) and associated equipment	78.9
Missile electronic test equipment	1.5
Arms and ammunition	1.6
Other electronic/communication equipment (regulators, power supply assemblies, etc.)	2.1
Other miscellaneous equipment (generators, water purifiers, flood lights, etc.)	1.9
Total	100.0

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I have a couple of comments and perhaps a couple of questions. First of all, we are all very aware in this Chamber that the name of the game today is a total force concept, and to have that concept work, the Reserve and the National Guard have to maintain a high state of readiness. I think we all agree to that.

I want to ask the gentleman: As I understand the items, as I listened to the gentleman's presentation both during general debate and now, the gentleman is not talking about procurement items, not large items; the gentleman is talking about things that contribute to the readiness, as I understand it, of the Reserve and National Guard, particularly the Air Reserve and Air National Guard forces; is this correct?

Mr. MONTOGMERY. That is correct. It does not include F-16 aircraft, the M-1 tanks; it includes simulators for the Marine Reserve, the simulators will go back to the armories around the country where the Marine Reserves are located.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. MONTGOMERY] has expired.

(On request of Mr. HILLIS and by unanimous consent, Mr. MONTGOMERY was allowed to proceed for 3 additional minutes.)

Mr. HILLIS. I think what the gentleman is saying—I caught this when he talked about night vision goggles for the A-7 pilots—the gentleman is talking about things that will permit these people to readily use the equipment that we are in the process of procuring for them. If they give a pilot an F-16, you better have a pilot that can fly an F-16. Is that what the gentleman is saying here? If they need a sim-

ulator, or whatever the equipment is and it is going to be provided for them, you have to have the readiness and the training and the backup for the pilot to use it efficiently and to survive and accomplish his mission.

Mr. MONTGOMERY. That is exactly right. Also included is money to update some of the A-7 aircraft, of which the Air National Guard has about 15 squadrons. The planes have a lot of age on them now. They need modifications. There is some money in here just to improve them, make them safer for these pilots to fly.

Mr. HILLIS. As I understand, too, the gentleman was saying originally there was about $840 million that was appropriated for Reserve accounts that was unauthorized, to begin with. Now, the other body authorizing committee has seen fit to authorize $488 million, but in the House here, in this bill we are only talking $40 million. And the gentleman's request is for $285 million, which is still less than what the other body's authorizing committee has authorized. Is that correct?

Mr. MONTGOMERY. I think it is a fair and reasonable approach. I am concerned about the cost of our military. I could have made it $840 million. We did not. We made it $285 million, and the Reserve units agreed to that, the associations agreed to it.

We could have asked for the whole $840 million that has been appropriated, but it has not been authorized. We would still have been legal and we would not have added to the cost of the appropriations on the military for 1986.

Mr. HILLIS. Well, I know the gentleman is very aware of the squeeze that we find ourselves in with Gramm-Rudman, but it seems to me that these are all very necessary items. I am happy to rise in support of the gentleman's amendment.

Mr. MONTGOMERY. I appreciate the gentleman's support.

□ 1615

Mrs. HOLT. Mr. Chairman, I rise in support of the amendment.

Mrs. HOLT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Mississippi.

Members of the House Armed Services Committee have worked long and hard over the years to improve the status of our Reserve components. We have done so because there is little doubt that reliance on the Guard and Reserve is an excellent way to save taxpayer dollars. Substantial savings result from such factors as the lower cost of pay and the lower tempo of training required in Reserve units.

While I feel significant improvement in the readiness of these units is evident, I also feel that there is much that needs to be accomplished. In order for the Reserve forces to be truly effective elements in the defense of our country, they must be ready to fight. In order to be ready to fight, they must be properly equipped. This is what the gentleman from Mississippi's amendment is all about.

The authorization called for in the amendment is not intended for expensive or "nice to have" equipment. It is for critically needed combat and support items such as radios, medical kits, various type vehicles, and simulators.

Mr. Chairman, quoting in part from the House Armed Services Committee report on the 1985 DOD authorization bill:

> Given the Nation's limited defense resources, tradeoffs can be made between resources for active and Reserve forces in the future. In order to make full use of these tradeoffs, however, the performance and capability of the Reserves must be improved to the greatest extent possible, * * *

If we are to improve the performance and capability of the Reserve components, we must provide them with the equipment necessary to perform their missions. Mr. MONTGOMERY is attempting to do so by offering an amendment which authorizes a portion of the funds which have already been appropriated for these forces.

I hope the membership will support this amendment.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have worked on this issue of the amount of money to be authorized and appropriated under this bill for a long time, and it seems to me that if we start making exceptions here and there, we are going to end up with a lot more exceptions than we have rules. So I rise in reluctant opposition to the gentleman from Mississippi [Mr. MONTGOMERY] because he is a good friend, and a good friend of the Guard and the Reserve, and the Guard and the Reserve deserve some support.

I would like to point out to the members of the committee that the Guard and Reserve have gotten a lot of support in the fiscal year 1986 authorization bill. In fact we approved $658 million more than the administration asked for in 1986. So before we do anything with this bill, we are already at $658 million higher than the administration's request in fiscal year 1986 for the Guard and Reserve.

The gentleman from Mississippi would like to add another $285 million, which in fact puts us a billion dollars over the Reagan administration request for the Guard and Reserve for fiscal year 1986. I am not saying that there are not things that you can find to spend that kind of money on, but it does seem to me that in a time of fiscal austerity everybody has got to take part of the cuts. When the Gramm-Rudman provision took effect in 1986, the Guard and Reserve lost probably about $250 million through the Gramm-Rudman cuts for 1986. What we are doing here in effect is saying that the Guard and Reserve should be exempt from the Gramm-Rudman cuts. The gentleman from Mississippi is adding a little bit more money back than the Gramm-Rudman cut.

It seems to me that that is not right, that if you are going to have Gramm-Rudman cuts—and a lot of people who voted for the Gramm-Rudman cuts certainly understood what those Gramm-Rudman cuts were going to mean to every line item in the budget, and that meant the Guard and Reserve line items in the budget—it seems to me that we ought to not now go back and restore the money for those things that were being cut under Gramm-Rudman.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. Mr. Chairman, let me make just one more point, and then I will yield to the gentlewoman from Maryland [Mrs. HOLT].

Mr. Chairman, there is one final point: Nothing in this recommendation of the gentleman from Mississippi cannot be dealt with in 1987. The 1987 bill is now just before us. As soon as we get a defense number from the Budget Committee and we get a number that we an mark to, the Armed Services Committee will produce an authorization bill that is consistent with that number.

There is not a single item in the list of the gentleman from Mississippi that is of such urgency that we have to put it into the 1986 bill. Every single one of those items could be considered under the normal budget process of 1987.

It seems to me for all of those reasons that it would be a very bad idea to pass the amendment of the gentleman from Mississippi.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentlewoman from Maryland [Mrs. HOLT].

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Chairman, I am sure that the gentleman, our distinguished chairman, agrees with me that the Guard and the Reserve are very cost-effective parts of our total force concept, that we are getting our dollar's worth out of them.

Mr. ASPIN. Absolutely.

Mrs. HOLT. As we become more austere in the active forces, as we begin to cut the active forces, does the gentleman not feel that it is important to make certain that the Guard and Reserve have the kind of equipment that they need to do the job to perform half of the missions that they are now performing for our total force concepts?

Certainly the simulators are an important part of this. The gentleman says that there are things that can be postponed, but this is very, very important for them to have the simulators to save the money, the cost of training.

Mr. ASPIN. Mr. Chairman, I would just point out to the gentlewoman that under the normal process we passed in our authorization bill an addition of $658 million this year higher than the Reagan administration requested. The gentleman from Mississippi [Mr. MONTGOMERY] was involved in it. The gentleman from Mississippi [Mr. MONTGOMERY] is not lax at looking for things to add to the Guard and Reserve. We went through our whole authorization bill, and indeed, the bill got the support of the gentleman from Mississippi [Mr. MONTGOMERY].

Now all of a sudden the gentleman from Mississippi [Mr. MONTGOMERY] wants $285 million more. This is $285 million more that nobody else on the committee has had a chance to review.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(On request of Mr. MONTGOMERY, and by unanimous consent, Mr. ASPIN was allowed to proceed for 2 additional minutes.)

Mr. ASPIN. Mr. Chairman, this is $285 million that nobody else on the committee outside of the gentleman from Mississippi [Mr. MONTGOMERY] has had a chance to review. It is money that has been put in on the appropriation bill over there in the Senate. It seems to me that what we are dealing with here is that the gentleman from Mississippi sees an opportunity to put in some more money for the Guard and Reserve. It is not a requirement driving this request, it is an opportunity there, because when we were building the 1986 budget, as we did last year, the gentleman from Mississippi was happy with a paltry $658 million added to the President's request. Now there is this other chance to add it and push it over a billion. It seems to me that we should not be legislating in this way.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I am really amazed that the gentleman keeps quoting Ronald Reagan's budget. I am glad to hear that he feels it has some merit to it.

I am not apologizing for offering this amendment for $285 million. As the gentleman knows—and I have to be fair, he has tried to help where he could for our Reserve forces—in 1986 the Reserve and National Guard only got 5 percent of the total procurement budget; in 1987, this great budget that you are talking about coming up in a few days, the National Guard and Reserve are only getting 5 percent of that. They have almost 50 percent of all the combat and support missions.

I really do not see how they do as well as they do, and I really cannot see why the gentleman is giving us a problem on this one.

Sure, it is a good buy. We ought to take credit for what we have done in the Congress. Twelve years ago, when I was in the Guard and Reserve, we spent a lot of time sitting on the hoods of automobiles. We did not have any equipment. We did not have any training devices, any simulators.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(On request of Mr. MONTGOMERY, and by unanimous consent, Mr. ASPIN was allowed to proceed for 2 additional minutes.)

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. We really did not have any good training, because we did not have any equipment. Now we have given them the equipment, we have given them the incentives that the regulars have, and they are as good or better than the regular forces, and the regular forces will tell you that. They have some problems in the regulars. Instead of flying an airplane every weekend, they have to be on court-martial boards, they have to be in the Defense Department, they have to be overseas as military attachés, where the Guardsmen and the reservists sit in the cockpits and fly every weekend.

I am not apologizing for this amendment at all. It has a lot of merit to it. What we have done in the last 10 years is created two strong military forces out there, and we have done it in the Congress of the United States. You have $2.4 billion up here today that was not authorized. You are trying to authorize it now. All I am adding in is $285 million.

If I had known it would give you this much trouble, I would have gone with the whole $840 million.

Mr. ASPIN. Mr. Chairman, let me respond to the gentleman that I do not doubt that in the old days the Guard and Reserve were in very, very bad shape. I also would like to commend the gentleman from Mississippi [Mr. MONTGOMERY] for his undying effort to improve the quality of the equipment that the Guard and Reserve have. I would also like to point out that the gentleman from Mississippi has been pretty successful in his effort to improve the quality of the Guard and Reserve.

Mr. MONTGOMERY. From 4 percent to 5 percent.

Mr. ASPIN. Mr. Chairman, I would like to take back my time.

The reason the gentleman from Wisconsin is quoting Ronald Reagan is that Ronald Reagan is not a person who is known to be parsimonious or stingy about defense. Yet we have taken the President's defense request for the Guard and Reserve, and we have added $658 million. That was the authorization bill that passed this body last year for fiscal year 1986. The gentleman from Mississippi was happy with that number.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 3 additional minutes.)

Mr. ASPIN. The gentleman from Mississippi did not ask for any additional money at that time.

□ 1625

That seemed to be a very good number. Now, what has changed? Well, nothing has changed. The only thing that has changed is an opportunity to get a little bit more because of the appropriation process in the U.S. Senate.

None of us, the committee has not looked at this issue. We have not had a chance to review it. There is nothing that says this has to be time urgent. We can do it in the 1987 cycle. We are doing the 1987 bill within a matter of months if the Budget Committee will ever come up with some targets for us to mark up to, and it seems to me that this is a crazy way to proceed with legislation. It seems to me that if we are ever going to get control and get our committee involved in the process here, we have got to stop just going back and authorizing things after they have been appropriated by other committees.

It is for those reasons and the reasons of process and the reasons of the committee that I am opposing this amendment. I have not, in fact, had a chance to look at the gentleman's list in detail to know whether the list makes sense or not. It may be that if I had a chance to sit down and look at it I would approve of some.

But that is not the point. It is a process point. The point at this time, what we ought to do is stick with the bill as we have had it. If we pass an authorization bill that adds $658 million for the National Guard, that is our judgment that that is how much we ought to add to the National Guard and we ought not to go back later and change our minds and add or even subtract, unless there is some different evidence to say that we ought to change it.

So that is the reason why I oppose the amendment offered by the gentleman from Mississippi, Mr. Chairman.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. STRATTON. Mr. Chairman, I rise in support of the Montgomery amendment.

Mr. Chairman, I think a good many of us overlook the fact that the National Guard and the Reserve forces have been for a very long time the stepchild in the Pentagon. It has been the practice of the Procurement Subcommittee to recognize the fact that the Guard and the Reserve forces are part of our total force concept. In fact, if the balloon should go up in Europe, if we should get into trouble in dealing with Colonel Qadhafi, it is very likely that it is going to be the National Guard divisions and the Reserve divisions that are going to be sent to Europe to reinforce the troops already there in any conflict that might break out.

You cannot have an adequate Reserve component to provide the necessary additional forces unless they can operate the same kind of equipment that the regular forces are doing.

It is quite true that the gentleman from Mississippi put in an additional fund for 1986, for the Reserves, but the Committee on Armed Services, at the request of the Subcommittee on Procurement, has added an amount every single year because they know the Reserve and the Guard Forces have been living on half rations. They have, in fact, been starved.

Some have the idea, that the Guard and the Reserve just meet once in awhile in somebody's kitchen and talk over the days of World War II. That is no longer the case. If we are going to have a total force concept, we have got to give them the best equipment.

That is what this amendment does.

What has happened here is something that I think is very providential as far as the Guard and the Reserve. These funds that the gentleman has referred to represent some $840 million which the other body has appropriated. The gentleman from Mississippi is only asking for $285 million. That does not have to come out of the 1987 budget. We are going to be living on short rations, of course as the distinguished chairman of our committee has already explained time and again, once Gramm-Rudman goes into operation.

But as of now we have no budget at the present time, let alone triggering in Gramm-Rudman; so we do not know what is going to happen to the kind of annual contribution to the Guard that will be made once Gramm-Rudman triggers in.

I think to provide these relatively minor sums of $10 million for the Marine Corps Reserve, $10 million for the Air Force Reserve, $100 million for the Army Reserve, and $100 million for the Army National Guard, these are figures that providentially are going to make it possible for us to continue the expansion and the improvement of these forces that God forbid we might have to use in Europe or in the Mediterranean or somewhere else.

I think that to suggest that this is a waste is certainly misleading.

I want to commend the gentleman from Mississippi [Mr. MONTGOMERY] for his diligence, because as one who has spent some 34 years in the Navy Reserve I know the importance of having a ready Reserve and one that is fully qualified. This money is not going to be wasted, you can be sure of that.

Mr. Chairman, I urge support and approval of the gentleman's amendment.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we are here debating an add-on today to the bill. I think most of the rhetoric and most of the arguments in support of the amendment simply obfuscate the facts.

Neither the chairman nor I are in opposition to furnishing adequate equipment to the Guard and the Reserve. As a matter of fact, we very strongly support it.

We have heard those in support of the amendment point out what a great thing it is to have these weapons systems, that we need them, and no one is denying that.

The Guard does a great job, we know that.

The point is that we in the committee have had no chance to have hearings, to have deliberations on what will this money buy. It is just an opportunity that is passing along. Evidently the gentleman from Mississippi does not want to miss an opportunity to help the Guard and the Reserve, which is very commendable. We have got this thing stirred up.

I have heard from any number of my reservists and national guardsmen from home that some have called and said, "I don't know what it's all about, but they told me to call you, so I am calling you in support of the amendment, and please support it."

It runs from there to those who are knowledgeable.

It is not that we do not necessarily need these things, but it is a question of what is the orderly process by which we authorize and then appropriate?

Now, to say that the Guard is a total stepchild and has not been taken care of, first, as has been pointed out by the chairman, there has already been an add on, an additional amount over the budgeted amount that was approved by the committee after hearings of $658 million. Now, that is already here.

Now there is an additional sum, for which we do not know what it will be spent for, no justification. I am sure it will be well spent, but we do not know for what. Everyone is just going to be given a lump sum, as far as I know, of another $285 million.

Now, in the past 2 years, for instance, the Air Force has been given the F-16's, the F-15's, the C5-B's.

The Navy has been given the F-14's, the F-18's and the A-6's. These are new aircraft.

The Army has been given Apache helicopters, the M-1 tanks. These are not just hand-me-downs, things worn out in the regular forces. This is new equipment that has gone into the Reserve. I am not saying that this is enough, my point being, though, that we have recognized and are coming to recognize even more the necessity for the Guard and the Reserve and the part they play, that we cannot just continue to give them hand-me-downs, that they are an integral part of our complete defense posture. They should be funded and they should be adequately provided for and we should do this; but it is the procedure that we are going about that the chairman has objected, as I understand it. It is the way that we are going about it. We do not know. There is no testimony as to what this money will be spent for. I am sure it will be well spent and I am sure that the Guard and the Reserve can spend it wisely. We do not know. Actually, it is just a blank check.

So I feel very strongly that whatever we do here, we would already have gone through the markup session in a normal legislative year. We would already have had hearings and marked up our bill for the coming fiscal year 1987. Because of the budgetary process and because of Gramm-Rudman, we have not got to that yet. These items that this would buy would normally be in the next budget cycle for fiscal year 1987. They are not there because we have not even got to marking up because we are waiting on the Budget Committee.

So there is no urgency. There is no necessity to do this in this out of the ordinary procedure. We can do it in an orderly procedure as we usually follow. It can be done in this year's markup. It can go through just like it does every year. I think that is the proper way to do it. I think that is the reasonable way to do it.

I would just like to point out before I yield to the gentlewoman from Maryland that this is irony at the greatest. I believe of all those who have spoken this afternoon in defense of the effect of Gramm-Rudman here, the chairman and I are the only two who voted against the darn thing.

Mrs. HOLT. Mr. Chairman, if the gentleman will yield, I voted against it.

Mr. DICKINSON. Good for you.

We voted against it because we knew the mischief that would befall us and we voted against it. Now the very ones who voted for it are trying to undo it.

It just does not make sense.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(At the request of Mrs. HOLT, and by unanimous consent, Mr. DICKINSON was allowed to proceed for 1 additional minute.)

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the gentlewoman from Maryland.

Mrs. HOLT. Mr. Chairman, our leader says that his objection is procedural. Well, this is the problem that I have. Are we not authorizing six or seven items in this particular piece of legislation that were appropriated and not authorized?

Mr. DICKINSON. It is my understanding that there are some items and I do not know for sure which they are.

Mrs. HOLT. And did we have hearings on those particular items?

Mr. DICKINSON. Well, I will be glad to yield to my leader, but I think most of them have been either scrutinized and had discussion on or had hearings, but I am going to yield to the chairman to answer that.

Mrs. HOLT. Well, will the gentleman continue to yield?

Mr. DICKINSON. Well, if the gentlewoman wants an answer to her question, I thought I would yield to the chairman of the committee.

Mrs. HOLT. Well, I just want to say that this is my objection to the whole process, that we are authorizing some things that have been appropriated and we are not authorizing those things that are really important.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am happy to yield. We are not adding any amendment. We are opposing any amendment that was not previously considered.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 3 additional minutes.)

Mr. DICKINSON. Mr. Chairman, I am pleased to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, let me say that I agree entirely with the statement of the gentleman in the well. The only reason that we have added anything in the way of authorizations of things that we did not appropriate is for three reasons.

One is that if what they did in the Senate would have saved money, or what they did in the appropriations process would have saved money, we went along with it.

Second, if there were changed circumstances, and we always recognize in the authorization process that the appropriation bill comes later and that sometimes situations have changed. All of that recognizes that we would have done the same thing had our bill come along a little bit later and we had known the circumstances at that time.

The third category, and a very small category, results from technical differences.

In the main what we did here was stick with the committee's original authorizing position with changes that had to be made due to changed circumstances and really changes in cost.

Basically that is what we are trying to do. I think that is what is important. You cannot just blindly go ahead with the authorization bill in the spring of 1986 the same way as it was in the spring of 1985. Of course, things have changed in the year. We brought this bill onto the floor and did it last spring and did it last summer. Of course, things are different now.

So we have recognized those and we have made a couple changes in here; but remember what is going on. The Senate is adding on in their appropriation process a lot of money.

Let me remind you, it is not free money. I mean, this $285 million that we are talking about is not free money, because they have to make the same budget targets that the authorizing committee does.

□ 1640

When they appropriate more in some categories, that means they are taking the money out of something else.

Mr. DICKINSON. Exactly. It has got to come from somewhere. It is not open end.

Mr. ASPIN. So something that we authorize is being drastically underfunded for them to fund more than we authorized in some other category. So if we do not shut this off, and if we do not send the message to the Senate that we are not going to stand for this, we are going to find this happening more and more and more.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I appreciate the gentleman yielding to me.

Mr. Chairman, I really do not know any other way to get more money for the National Guard and Reserves than to come with amendments. The Department of Defense does not send over in the President's budget each year, as the gentleman knows——

Mr. DICKINSON. The gentleman had his vehicle with the regular bill and we added money in the committee. There is over $600 million already added here.

Mr. MONTGOMERY. Sure. We should have added money, and we should add some more.

Mr. DICKINSON. I do not debate that. My point is that we had hearings and we knew what it was going for. If the gentleman will offer this during the regular process, I will support it.

Mr. MONTGOMERY. I thought the gentleman was going to yield to me.

Mr. DICKINSON. It is my time and I can take it back if I want to. I just thought we would share.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. DICKINSON] has again expired.

(On request of Mr. MONTGOMERY and by unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. MONTGOMERY. If the gentleman will yield further, and I will stop after this, does the gentleman agree that we got less than 5 percent in procurement in 1986, including the addition of $600 million, that I beat you over the head with and made you take this money for the Reserve and Guard? It still was less than 5 percent.

Now, they send up again from the Department of Defense only another less than 5 percent for the Reserves. So this is money that has already been appropriated. We are not going to add onto the appropriation. We are going to have every armory in the country, including the gentleman's armory. He has the biggest National Guard units in the country and he ought to be supporting this amendment and not fighting it.

Mr. DICKINSON. I do not have to do it by the amendment process. We can do it by the regular process and not these add-ons, putting patches on things.

Mr. MONTGOMERY. You would not give me the chance. I tried to talk to the chairman.

Mr. DICKINSON. The gentleman had the chance.

Mr. MONTGOMERY. I talked to the chairman.

Mr. DICKINSON. We support it. We are going to support the National Guard and we support the Reserve, but not by adding patches on these pieces of legislation as they come through, but in the main.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know whether I should get into this internal battle here between the Committee on Armed Services. I do not know what the credentials are that make one eligible. If it is a vote on Gramm-Rudman, I qualify. I voted against Gramm-Rudman, too, for a lot of reasons. This is just one of many.

But I did spend more than 20 years in the Reserve components after World War II, and I can recall that

right after World War II, it was tough being in a Reserve component. We got all the hand-me-downs, everything we wore out and did bring back from Europe; nothing back from Asia, as I recall.

I remember going to summer camp as a battalion commander and half of my mission was to keep the equipment working. We spent half of our time back home in the home armory repairing worn-out equipment, whether it be mechnical equipment with engines, or whether it was rifles, or recoilless rifles, or whatever it was. We spent half of our time in maintenance, just trying to survive. We would go to summer camp and I would send people in advance to go up and cannibalize as much as we could steal off the active duty vehicles. We would borrow an active duty vehicle and we would change carburetors because ours were worn out. We even went to the extent of changing engines. We had to do that.

Things have changed, because we have started realizing the role that the armed services play and the role that the Reserve components play. Much of that is through the equipment process that this Congress has seen fit to support. It is no longer a contest to see if we can keep our equipment running.

But as Gramm-Rudman is applied more and more, we are going to have to depend more and more for our military defense preparedness on the Reserve components. It is the only way we can go. It is the cheapest way.

So I support the gentleman from Mississippi in his amendment here. I do not know what happened in the process in committee, but I do know there is a need yet in the Reserve components, because I can recall going back on active duty in 1960 for an extended duty and thinking could I compete with active duty? Let me tell my colleagues, it was no problem at all.

The Reserve components are a fighting group. They are a capable group. They need the equipment, and this Congress ought to provide it, especially if we are going to be reducing the armed services in the future because of Gramm-Rudman. The cheapest way is to provide it right through this amendment here. I support the amendment offered by the gentleman from Mississippi..

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Chairman, I would like to point out that I was just relieved after questioning counsel as to the statute of limitations on the UCMJ, and it is only 3 years. So the gentleman does not have to worry; no one will come in and cart him away for what he did as a Reserve officer.

Mr. MYERS of Indiana. It has been longer than 3 years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The question was taken; and the Chairman announced that he was in doubt.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 374, noes 35, not voting 24, as follows:

[Roll No. 91]

AYES—374

Ackerman	Daub	Henry
Anderson	Davis	Hertel
Andrews	de la Garza	Hiler
Annunzio	DeLay	Hillis
Applegate	Derrick	Holt
Archer	DeWine	Hopkins
Armey	Dicks	Horton
AuCoin	DioGuardi	Howard
Badham	Dixon	Hoyer
Barnard	Donnelly	Hubbard
Barnes	Dornan (CA)	Huckaby
Bartlett	Dowdy	Hughes
Barton	Dreier	Hunter
Bateman	Duncan	Hutto
Bates	Durbin	Hyde
Bedell	Dwyer	Ireland
Bennett	Dymally	Jacobs
Bentley	Dyson	Jeffords
Bereuter	Eckart (OH)	Jenkins
Berman	Eckert (NY)	Johnson
Bevill	Edwards (CA)	Jones (NC)
Biaggi	Edwards (OK)	Jones (OK)
Bilirakis	Emerson	Jones (TN)
Billey	English	Kanjorski
Boehlert	Erdreich	Kaptur
Boggs	Evans (IA)	Kasich
Boner (TN)	Evans (IL)	Kastenmeier
Bonior (MI)	Fascell	Kemp
Bonker	Fawell	Kennelly
Borski	Fazio	Kildee
Bosco	Feighan	Kindness
Boucher	Fields	Kleczka
Boulter	Fish	Kolbe
Boxer	Flippo	Kolter
Brooks	Florio	Kostmayer
Broomfield	Foglietta	LaFalce
Broyhill	Foley	Lagomarsino
Bruce	Ford (TN)	Lantos
Bryant	Fowler	Latta
Burton (CA)	Frank	Leach (IA)
Burton (IN)	Franklin	Leath (TX)
Bustamante	Frost	Lehman (CA)
Byron	Fuqua	Lehman (FL)
Callahan	Gallo	Leland
Campbell	Garcia	Lent
Carney	Gaydos	Levin (MI)
Carper	Gejdenson	Levine (CA)
Carr	Gekas	Lewis (CA)
Chandler	Gibbons	Lewis (FL)
Chapman	Gilman	Lightfoot
Chappell	Gingrich	Livingston
Chappie	Gonzalez	Lloyd
Cheney	Goodling	Long
Clay	Gordon	Lott
Clinger	Gradison	Lowery (CA)
Coats	Gray (IL)	Luken
Cobey	Gray (PA)	Lundine
Coble	Green	Lungren
Coelho	Gregg	Mack
Coleman (MO)	Guarini	MacKay
Coleman (TX)	Gunderson	Madigan
Collins	Hall (OH)	Manton
Combest	Hall, Ralph	Markey
Conte	Hamilton	Marlenee
Conyers	Hammerschmidt	Martin (IL)
Coughlin	Hansen	Martinez
Courter	Hatcher	Matsui
Craig	Hawkins	Mavroules
Daniel	Hayes	Mazzoli
Darden	Hefner	McCain
Daschle	Hendon	McCandless
McCloskey	Regula	Stenholm
McCollum	Reid	Stokes
McCurdy	Richardson	Strang
McDade	Ridge	Stratton
McEwen	Rinaldo	Studds
McGrath	Ritter	Stump
McHugh	Robinson	Sundquist
McKernan	Rodino	Sweeney
McKinney	Roe	Swift
McMillan	Roemer	Swindall
Meyers	Rogers	Synar
Mica	Rose	Tallon
Michel	Rostenkowski	Tauke
Mikulski	Roth	Tauzin
Miller (OH)	Roukema	Taylor
Miller (WA)	Rowland (CT)	Thomas (CA)
Mineta	Rowland (GA)	Thomas (GA)
Moakley	Roybal	Torres
Molinari	Rudd	Torricelli
Mollohan	Sabo	Towns
Montgomery	Saxton	Traficant
Moore	Schaefer	Traxler
Moorhead	Schneider	Udall
Morrison (CT)	Schroeder	Valentine
Morrison (WA)	Schuette	Vander Jagt
Mrazek	Schulze	Vento
Murphy	Sensenbrenner	Visclosky
Murtha	Sharp	Volkmer
Myers	Shaw	Vucanovich
Natcher	Shelby	Walgren
Neal	Shumway	Walker
Nelson	Shuster	Watkins
Nowak	Sikorski	Waxman
O'Brien	Siljander	Weaver
Oakar	Sisisky	Weber
Obey	Skeen	Wheat
Olin	Skelton	Whitehurst
Ortiz	Slattery	Whitley
Oxley	Slaughter	Whittaker
Packard	Smith (IA)	Whitten
Panetta	Smith (NE)	Williams
Parris	Smith (NJ)	Wirth
Pashayan	Smith, Denny (OR)	Wise
Pease	Smith, Robert (NH)	Wolf
Penny	Snowe	Wolpe
Pepper	Snyder	Wortley
Perkins	Solomon	Wright
Petri	Spence	Wyden
Pickle	Spratt	Wylie
Porter	St Germain	Yatron
Price	Staggers	Young (AK)
Pursell	Stallings	Young (FL)
Quillen	Stangeland	Young (MO)
Rahall		
Ray		

NOES—35

Aspin	Dingell	Owens
Atkins	Dorgan (ND)	Rangel
Bellenson	Downey	Russo
Boland	Ford (MI)	Savage
Brown (CA)	Frenzel	Scheuer
Brown (CO)	Glickman	Schumer
Cooper	Lipinski	Smith, Robert (OR)
Crane	Lowry (WA)	Solarz
Crockett	Miller (CA)	Stark
Dannemeyer	Monson	Weiss
Dellums	Moody	Yates
Dickinson	Nielson	

NOT VOTING—24

Akaka	Gephardt	Mitchell
Alexander	Grotberg	Nichols
Anthony	Hartnett	Oberstar
Breaux	Heftel	Roberts
Coyne	Kramer	Seiberling
Early	Loeffler	Smith (FL)
Edgar	Lujan	Wilson
Fiedler	Martin (NY)	Zschau

□ 1705

Mr. MARTINEZ and Mr. HANSEN changed their votes from "no" to "aye."

Mr. SOLARZ changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

Mr. MOLINARI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to reserve the right to offer an amendment pending a colloquy that I would like to have with the chairman of the Committee on Armed Services.

If the gentleman would respond to a question, section 404(a) deals with the homeport in Staten Island and authorizes $37,750,000. It makes reference on page 62 to section 205 of the act. Section 205 is that section that required that the Navy file a report, and that no action be taken for 90 days thereafter, and spending the money that was authorized and appropriated for fiscal year 1986.

Now on the report language, the report language says that:

No funds may be obligated until the Committee on Armed Services of the Senate and House have approved the ship dispersal concept.

That is not part of the language of the law today. The other body's Armed Services Committee is going to vote tomorrow.

I do not think that is the intent of those who drafted this piece of legislation, and I would hope that the chairman could make a statement. At the present time, the Navy has an agreement whereby if the Senate Armed Services Committee tomorrow votes to approve the Navy home port, they are ready to go out with contracts.

That is critically important from the Navy's standpoint. I am deeply concerned, as others are that share my feeling, that with this report language that will be stopped unless both committees have a vote and it is a favorable vote.

I do not think that is what the gentleman intended, and I would hope that he could help us on this question.

Mr. ASPIN. Will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman.

Mr. ASPIN. I would like to say to the gentleman, as I understand it, what the gentleman is saying is what the committee intends; and the gentleman is right.

The language that we have here, repeating section 205 does not imply any additional delays for the homeporting issue. The language is as it was in the original bill, which was the military construction bill. We are going to have that debate and that discussion and that vote in the committee and on the floor. This does not mean any additional delays.

Mr. MOLINARI. Would the gentleman then agree that the report language on page 59 is incorrect, and that where it says that the funds may not be obligated or expended until the Committee on Armed Services of the Senate and House of Representatives have approved the ship dispersal concept.

That is not present in the law today; that is not a prohibition to the expenditure of moneys today.

Mr. ASPIN. This is report language; it does not apply to the bill language.

Mr. MOLINARI. So it is the gentleman's understanding, then, that the Navy, pending a favorable vote tomorrow by the Senate Armed Services Committee, would be free to go ahead and expend any moneys in contract for the Staten Island homeport site?

Mr. ASPIN. No. Whatever process was in the law before is the same process that will be in the law as this bill passes today. There is no difference. We have not added to the delay. We have still this process to work our way through, but this bill that is before us today does not in any way add to the delay or add to the complexity.

Mr. MOLINARI. One last question. Is it the gentleman's understanding, then, that unless unfavorable action is taken by the Committee on Armed Services in the other body or the House, that the Navy would be free to go ahead and contract or obligate the funds that were authorized last year and appropriated last year?

□ 1715

Mr. ASPIN. We still have a process in the military construction bill that will still have to be followed. But this bill that we are voting on today does not add to that process at all. There are certain things that the Navy will be able to do when certain committees vote, but this bill that we are voting on today does not add to or subtract from that whole process.

Mr. MOLINARI. This is very important. We have been in touch with the Navy today. They did not know that this language was in there. The understanding that I had is that unless, unless the Committee on Armed Services of the House rescinded the 1986 funding, or the other body, that the moneys were free to be obligated, the Navy is ready to go into contract. Is that changing by what is happening here today?

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent Mr. MOLINARI was allowed to proceed for 3 additional minutes.)

Mr. ASPIN. Mr. Chairman, will the gentleman from New York yield?

Mr. MOLINARI. I will yield again to the Chairman.

Mr. ASPIN. I thank the gentleman for yielding.

As I understand it legally those restrictions have been lifted and they are continued to be lifted under this language.

Mr. MOLINARI. Then there is no tie-in here between fiscal year 1986 and fiscal year 1987?

Mr. ASPIN. There is the informal process that we have asked the Navy to observe to give our Committee on Military Construction adequate time to consider the issue. But that is the only thing that is at play, and this bill that we are voting on today does not affect that in any way, shape or form.

Mr. MOLINARI. Mr. Chairman, I am satisfied with the explanation of the Chairman.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to my colleague from New York.

Mr. WEISS. I thank the gentleman for yielding.

Let me see if I can get a question answered by the gentleman from Wisconsin. The gentleman is saying that this authorization in order to be implemented as far as appropriations are concerned still requires an appropriation to be followed through, is that right?

Mr. ASPIN. No. That was already appropriated.

Mr. WEISS. Right. But this particular authorization adds nothing new to that process.

Mr. ASPIN. That is correct.

Mr. WEISS. I thank the gentleman, and I thank the gentleman for yielding.

Mr. MOLINARI. Mr. Chairman, I am satisfied. I have no intention of offering my amendment. I thank the gentleman.

The CHAIRMAN. Are there further amendments?

Mr. BUSTAMANTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend the chairman and ranking minority member for their efforts to preserve the integrity of the military retirement system.

At a time of budgetary austerity, the cost and structure of military retirement has come under greater scrutiny. The concern over the quadrupling of outlays for military retirement between 1963 and 1984 has led to six major studies in the past 10 years. Each study has made major recommendations to change military retirement and improve its ability to meet our defense manpower requirements at reasonable cost. However, none of the proposals was ever adopted. Instead the retirement system has been modified on a piecemeal basis. Those changes have had a serious impact on the lifetime value of a military pension. Under current budgetary pressures, my concern has been that additional piecemeal tinkering with the military retirement system would undermine the long-term stability of the system. I, therefore, support this reform legislation which will provide a stable element of compensation in the indefinite future.

This reform legislation will provide new members of the military a retirement system that makes sense and that is easy to understand. It also

makes it attractive for the highest quality service members to remain in active duty for longer. According to the Congressional Budget Office, the changes in this legislation will increase the numbers of service members with over 20 years of service by 12 percent. These are the most experienced service members. The services have invested the most on their education and training, and they possess a broad range of experience. This legislation anticipates the future needs of our Armed Forces. It anticipates that the weapons systems, tactics, and doctrine of the Armed Forces will be substantially more complex than they are today. It is foward-looking legislation which undoubtedly contributes to the quality of our Armed Forces.

I urge my colleagues to support this legislation to restore the integrity of the military retirement system.

The CHAIRMAN. Are there further amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TRAXLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill [H.R. 4420) to amend title 10, United States Code, to revise the retirment system for new members of the uniformed services, and for other purposes, pursuant to House Resolution 421, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 399, noes 7, not voting 27, as follows:

[Roll No. 92]

AYES—399

Ackerman	Dixon	Kasich
Anderson	Donnelly	Kastenmeier
Andrews	Dorgan (ND)	Kemp
Annunzio	Dornan (CA)	Kennelly
Applegate	Dowdy	Kildee
Archer	Downey	Kindness
Armey	Dreier	Kleczka
Aspin	Duncan	Kolbe
Atkins	Durbin	Kostmayer
AuCoin	Dwyer	LaFalce
Badham	Dymally	Lagomarsino
Bartlett	Dyson	Lantos
Barton	Eckart (OH)	Latta
Bateman	Eckert (NY)	Leach (IA)
Bates	Edwards (CA)	Leath (TX)
Bedell	Edwards (OK)	Lehman (CA)
Beilenson	Emerson	Lehman (FL)
Bentley	English	Leland
Bereuter	Erdreich	Lent
Berman	Evans (IA)	Levin (MI)
Bevill	Evans (IL)	Levine (CA)
Biaggi	Fascell	Lewis (CA)
Bilirakis	Fawell	Lewis (FL)
Bliley	Fazio	Lightfoot
Boehlert	Feighan	Lipinski
Boggs	Fields	Livingston
Boland	Fish	Lloyd
Boner (TN)	Flippo	Long
Bonior (MI)	Florio	Lott
Bonker	Foglietta	Lowery (CA)
Borski	Foley	Lowry (WA)
Bosco	Ford (MI)	Luken
Boucher	Ford (TN)	Lundine
Boulter	Fowler	Lungren
Boxer	Frank	Mack
Brooks	Franklin	MacKay
Broomfield	Frenzel	Madigan
Brown (CA)	Fuqua	Manton
Brown (CO)	Gallo	Markey
Broyhill	Gejdenson	Marlenee
Bruce	Gekas	Martin (IL)
Bryant	Gibbons	Martin (NY)
Burton (CA)	Gilman	Martinez
Burton (IN)	Gingrich	Matsui
Bustamante	Glickman	Mavroules
Byron	Goodling	Mazzoli
Callahan	Gordon	McCain
Campbell	Gray (IL)	McCandless
Carper	Gray (PA)	McCloskey
Carr	Green	McCollum
Chandler	Gregg	McDade
Chapman	Guarini	McEwen
Chappell	Gunderson	McGrath
Chappie	Hall (OH)	McHugh
Cheney	Hall, Ralph	McKernan
Clay	Hamilton	McKinney
Clinger	Hammerschmidt	McMillan
Coats	Hansen	Meyers
Cobey	Hatcher	Mica
Coble	Hawkins	Michel
Coelho	Hayes	Mikulski
Coleman (MO)	Hefner	Miller (CA)
Coleman (TX)	Hendon	Miller (OH)
Collins	Henry	Miller (WA)
Combest	Hertel	Mineta
Conte	Hiler	Mitchell
Conyers	Hillis	Moakley
Cooper	Holt	Molinari
Coughlin	Hopkins	Mollohan
Courter	Horton	Monson
Craig	Howard	Montgomery
Crane	Hoyer	Moody
Crockett	Hubbard	Moore
Daniel	Huckaby	Moorhead
Dannemeyer	Hughes	Morrison (CT)
Darden	Hunter	Morrison (WA)
Daschle	Hutto	Mrazek
Daub	Hyde	Murphy
Davis	Ireland	Murtha
de la Garza	Jacobs	Myers
DeLay	Jeffords	Natcher
Dellums	Jenkins	Neal
Derrick	Johnson	Nelson
DeWine	Jones (NC)	Nielson
Dickinson	Jones (OK)	Nowak
Dicks	Jones (TN)	O'Brien
Dingell	Kanjorski	Oakar
DioGuardi	Kaptur	Obey
Olin	Schroeder	Swift
Ortiz	Schuette	Swindall
Owens	Schulze	Synar
Oxley	Schumer	Tallon
Packard	Sensenbrenner	Tauke
Panetta	Sharp	Tauzin
Parris	Shaw	Taylor
Pashayan	Shelby	Thomas (CA)
Pease	Shumway	Thomas (GA)
Penny	Shuster	Torres
Pepper	Sikorski	Torricelli
Perkins	Siljander	Towns
Petri	Sisisky	Traficant
Pickle	Skeen	Traxler
Porter	Skelton	Udall
Price	Slattery	Valentine
Pursell	Slaughter	Vander Jagt
Quillen	Smith (FL)	Vento
Rahall	Smith (IA)	Visclosky
Ray	Smith (NE)	Volkmer
Regula	Smith (NJ)	Vucanovich
Reid	Smith, Denny (OR)	Walgren
Richardson	Smith, Robert (NH)	Walker
Ridge	Smith, Robert (OR)	Watkins
Rinaldo	Snowe	Waxman
Ritter	Snyder	Weaver
Roberts	Solarz	Weber
Rodino	Solomon	Wheat
Roe	Spence	Whitehurst
Roemer	Spratt	Whitley
Rogers	St Germain	Whittaker
Rose	Staggers	Whitten
Rostenkowski	Stallings	Williams
Roth	Stangeland	Wirth
Roukema	Stark	Wise
Rowland (CT)	Stenholm	Wolf
Rowland (GA)	Stokes	Wolpe
Roybal	Strang	Wortley
Rudd	Stratton	Wright
Russo	Studds	Wyden
Sabo	Stump	Wylie
Savage	Sundquist	Yates
Saxton	Sweeney	Yatron
Schaefer		Young (AK)
Scheuer		Young (FL)
Schneider		Young (MO)

NOES—7

Bennett	Gonzalez	Weiss
Carney	Kolter	
Gaydos	Rangel	

NOT VOTING—27

Akaka	Fiedler	Loeffler
Alexander	Frost	Lujan
Anthony	Garcia	McCurdy
Barnard	Gephardt	Nichols
Barnes	Gradison	Oberstar
Breaux	Grotberg	Robinson
Coyne	Hartnett	Seiberling
Early	Heftel	Wilson
Edgar	Kramer	Zschau

□ 1740

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4420, THE MILITARY RETIREMENT REFORM ACT OF 1986

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4420, the Clerk be authorized to make such clerical and technical corrections as may be necessary.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 4420.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4421, COMMUNITY SERVICES PROGRAMS AMENDMENTS OF 1986

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. 99-549) on the resolution (H. Res. 428) providing for the consideration of the bill (H.R. 4421) to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT OF RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3302, NEVADA WILDERNESS PROTECTION ACT OF 1985

Mrs. BURTON of California, from the Committee on Rules, submitted a privileged report (Rept. 99-550) on the resolution (H. Res. 429) providing for the consideration of the bill (H.R. 3302) to designate certain national forest lands in the State of Nevada for inclusion in the National Wilderness Preservation System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, I was not present on Thursday, April 10. Had I been present, I would have voted "aye" on final passage for H.R. 4332, the Federal Firearms Law Reform Act of 1986, as amended by the Volkmer substitute.

CHILDREN'S CHALLENGE CENTER FOR SPACE SCIENCE

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I am today, along with Congressman DON FUQUA, chairman of the House Committee on Science and Technology, and Congressman MIKE ANDREWS, my colleague from Texas, introducing a sense-of-Congress resolution expressing our support for the establishment of a Childrens' Challenge Center for Space Science as a living memorial to the seven crew members of the space shuttle *Challenger.* These seven individuals gave their lives to expand the world's knowledge through exploration of the space frontier. What more fitting memorial could we establish than one to provide children of all ages with an opportunity to learn about space and related science through hands-on activities related to space exploration?

Speaker O'NEILL graciously met with these fine people this afternoon.

Representatives of the families of the seven astronauts who were lost on the *Challenger* flight are here in the Capitol. It is their fervent desire that this center be established in conjunction with NASA at the Johnson Space Center to provide activity stations, simulators, dormitories for visiting teachers and students, and other special interest areas devoted to depicting air and space travel. The center, sponsored by the nonprofit childrens' Challenge Center Foundation, will be available to teachers throughout the United States and the rest of the world. We in the Congress should support this effort as a national memorial to these brave and courageous Americans.

CHILDREN'S CHALLENGE CENTER FOR SPACE SCIENCE

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, I am very delighted to join with my colleagues, the gentleman from Texas [Mr. BROOKS] and the gentleman from Texas [Mr. ANDREWS], in introducing this resolution supporting the wishes of the family of the crew of the *Challenger VII.* These were brave people who continued to stimulate interest in America's space flight and science. The recommendation of the family to have a Children's Challenge Center for Space Science to be established on NASA land at the Johnson Space Center I think is a fitting and living tribute to seven great and very distinguished Americans.

I am very happy to join in this activity because I think having a living memorial is something that can inspire children throughout the world and young people concerning the values of science and technology and hands-on experiments, that they can see and somehow be touched by these seven wonderful people who tragically gave their lives.

I am very delighted to join in this, and I encourage my colleagues to join us in sponsoring this resolution expressing our support.

As the gentleman from Texas [Mr. BROOKS] said, we had a chance to meet with them today. We are very pleased that they are in the Capitol. They had a chance to meet with the Speaker and other Members of the Congress who have all expressed their wholehearted endorsement of this most worthwhile project.

CHILDREN'S CHALLENGE CENTER FOR SPACE SCIENCE

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, in 1960, at Rice University, John Kennedy said: "If history teaches us anything, it is that man in his quest for knowledge and progress is determined and cannot be deterred."

And surely as we face the weight of this country's greatest space disaster, we stand on the threshold of some of our countries in the world's greatest achievements in space.

Those achievements will occur through education, through a greater knowledge of this universe and through determination. Our children's generation is the generation that will literally go to the edge of this solar system and reach to every distant star.

The cure for cancer may well be found in outer space and not here on Earth.

The Children's Center that will be located at the Johnson Space Center will not only be a living memorial to those brave seven astronauts who gave their lives, but a lasting educational center for our children, a place they can see, they can feel, they can learn, they can study about man's ongoing contributions and quests for space.

I urge all of my colleagues to join us in this resolution, and let us make this important center a reality.

FISCAL YEAR 1987 BUDGET OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-206)

The SPEAKER pro tempore (Mr. GARCIA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying

papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, April 22, 1986.)

CONTINUATION OF NICARAGUAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-207)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, April 22, 1986.)

NINTH ANALYSIS AND EVALUATION OF FEDERAL JUVENILE DELINQUENCY PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-208)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Education and Labor and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, April 22, 1986.)

□ 1755

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on House Resolution 425, which was considered earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SIR OLIVER WRIGHT'S SPEECH BEFORE THE HARVARD CLUB, APRIL 17, 1986

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on the evening of the 17th of April, it was my rare privilege to hear, at the annual meeting of the Harvard Club of Washington, the principal address of the evening delivered by His Excellency, the British Ambassador, Sir Oliver Wright.

It was a delightful experience to hear this witty and wise Ambassador of our great friends, the British, out of his rich experience, speak of our own Harvard in relation to his Oxford and Cambridge, speak of the background, character, disposition, and attitudes of our own people and those of his own, relations between our two countries, relations between the United States and Russia, many matters of great interest to all of us in respect to our relations to other nations of the world.

I thought my colleagues and many of our countrymen would like to hear the wisdom and enjoy the wit of this learned and great man. So I ask the privilege to offer for the CONGRESSIONAL RECORD for its permanent embodiment, the able and delightful address of Ambassador Wright to follow my remarks.

The address follows:

ANNUAL DINNER OF HARVARD CLUB, WASHINGTON DC, APRIL 17, 1986

My wife and I are delighted to be able to join you at the Annual Dinner of the Harvard Club of Washington. As a Cambridge man myself, although from the other Cambridge, I am particularly honoured to be your guest in the year that Harvard celebrates its 350th Anniversary; being a sort of harbinger for the Prince of Wales, also a Cambridge man, who will speak at the celebrations at Harvard itself next September. I congratulate you too on the felicitous choice of venue, a hotel named after the ship which bore to these shores from England the members of the Community who formed your great University.

I am also honoured—and terrified—to be here in the company of Carter Brown. Terrifying man, Carter Brown. It's too late now, but up to last Sunday, you could have seen the product of his Reign of Terror: the Treasure Houses exhibition at the National Gallery of Art. Don't be misled by that electrifying smile: like electricity it can both light up, and shock. Carter must have something of the viking in him: certainly, like the vikings, he has pillaged the Stately Homes of England, and Scotland for that matter, to produce that wonderful exhibition.

It was a wonderful exhibition. In fact, it was two exhibitions: an exhibition of our treasures and an exhibition of his exhibitioner's art. The organisation and presentation was in itself a work of genius. Carter is, of course, a genius. And we in Britain, and the owners of the Stately Homes, are greatly in his debt. A Renaissance man, Carter: they had a lot of footpads during the renaissance—but a Renaissance man, nevertheless, who lends distinction to a city of incomparable distinction.

Although I have often visited Harvard, to my profit and pleasure, the first time in 1962, I have never before been asked to speak to the Harvard Club. I accepted with some trepidation. My mind went blank. If it were an Oxford and Cambridge dinner, I would know what to say. As a Cambridge man, I should have been rude about Oxford. It's not very difficult to be rude about Oxford. And the Cambridge men and women present would genuinely love it, while the Oxford men and women would have to pretend to love it, for fear of not being accused of having no sense of humour. The deadliest insult you can offer an Oxford man. No doubt because it is true. So they would grin and bear it, while plotting revenge.

But as one Cambridge man among others, I cannot repay your hospitality by being rude to you, can I? So I sought advice. I was at the University of South Carolina last week and met at dinner the Mayor of Columbia, who is a Harvard man. In desperation I asked him if he knew any Harvard jokes, so as to settle your digestion and provide sugar for the pill which follows. He was very discouraging: "For God's sake don't tell them any jokes" he said "keep it serious: They like it serious".

Tell me, is that really so? Are there no Harvard jokes? Is the one about Dr. Conant not a joke at all? You know the one I mean: someone calls Dr. Conant at home; the butler answers and says: "The President is in Washington seeing Mr. Roosevelt". That's not meant to be funny? Just a statement of fact? If that's so, I'm in deep trouble. I see what the Mayor of Columbia meant.

It rather reminds me of the time when my wife and I were in Copenhagen. Lovely city, Copenhagen, full of delightful people. But admirable though Danes are, as Allies in NATO they do not exactly, how shall I put it, overspend on defence. So I asked a Danish friend of mine how was it that the Danes, who had spent hundreds of years pillaging and laying waste the East Coast of England, were so averse these days to taking defence seriously. He replied: Well, you see, all the warlike Danes went and pillaged England. leaving only peace-loving Danes behind.

You may well ask what is the point of this story and its relevance to this evening's festivities. Be patient, and all shall be revealed.

If I've got my history right, all the Pilgrim Fathers who came to Plymouth—John Harvard himself, I am told, only made it a year after the college which bears his name was founded—all these Pilgrim Fathers certainly feared God and loved freedom and were deeply imbued with the work ethic—all admirable Yankee characteristics to this day—it was of course from the Pilgrim Fathers that that English master of serious frivolity Noel Coward got the phrase "work is more fun than fun"—where was I—O yes—all these very high minded people were of course Puritans. And they came to Harvard to get away from all the incorrigibly frivolous people back in England.

Which is why Harvard men and women don't like jokes.

But this set me wondering about the differences between the people of the two Cambridges. And the differences between then and now.

Life, of course, is not what it was. It never has been. Hence the truth behind the myth of the Garden of Eden. Life, even for Ambassadors, is not what it was. It was Margaret Thatcher who brought that home to me. At a dinner in my house a year ago in honour of President Reagan to celebrate 200 years of diplomatic relations between Britain and the United States, she quoted from a memorandum preserved in the Smithsonian. In that memorandum, President Jefferson is recorded as writing to his Secretary of State as follows: "We have not heard anything from our Ambassador to France for 3 years. If we do not hear from him this year, let us write him a letter . . ." Those were the days.

These days life is very different. In olden times one of my predecessors, an Ambassador to France in the time of Elizabeth I, de-

scribed himself as "an honest man sent to lie abroad on behalf of his country". A modern definition of a modern Ambassador would be "a peaceable sort of chap sent abroad to conduct rows on behalf of his country".

That, at any rate, is what my life is about. At any one time I've got about six rows going with various parts of the Administration: burden sharing, arms control, farm exports, steel imports, Freddie Laker, unitary tax. You name it, we're having a row about it.

I've often wondered why this should be. I can understand why we have trade rows. Although we all have an interest in upholding the international trade rules and in preserving the free world's open trading system, we are, within that system, competitors. And, of course, as competitors up to all sorts of skullduggery, no doubt.

But on defence we are on the same side. Yet we repeatedly rub each other up the wrong way. Why is this?

I think it has to do with differences of historical experience and differences in geographical perspective. We in Europe have been mixed up with Russia over the centuries and tend to see Communism as just adding another—although very important—dimension to the Russianness of Russia. All this time, you were opening up this wonderful country of yours, moving westward with your backs to Europe.

We have had to rub along with our neighbours whether we liked them or not. You have had no neighbours to rub along with, and I know Canadians and Mexicans will forgive me for saying that for they will know what I mean.

We are right up alongside Russia: Helmut Schmidt used to remind people that his home in Hamburg was about 30 miles from the Red Army; about as far as from here to Annapolis. You are, Alaska apart, thousands of miles away from Russia, whether you go East across the Atlantic or West across the Pacific. It makes a difference.

We have de-demonised Russia: I don't think Americans have. That too makes a difference. We shall not convince each other otherwise, so it is pointless to try. Neither of us can un-have our historical experiences nor change our geographical location. We have to learn to live with and accept each others' difference of perspective. We shall continue to say Tom-ah-to: you will continue to say TO-MAY-TO. We can at least agree that we mean the same fruit.

There is also another factor in the relationship which we have to reckon with. It is what I would call differences in cast of mind.

Americans are by nature tremendous optimists. They have had to be, to develop this vast country. I visited Independence, Missouri, a year or so ago to visit the Truman Museum. Truman is one of my favourite Presidents, perhaps because I was Vice-Consul in New York 40 years ago during his presidency and so was present at the creation of the Truman doctrine, the Marshall Plan, launched at Harvard, at the commencement of June 1946, and the foundation of NATO. It was from Independence that, during the last century, whole families would set off in wagons at the first thaw of Spring and hope to get to the Pacific, by the Oregon or Santa Fe trails, before Winter set in. It is a wonderful story.

This "can do" spirit leads to a conviction that all problems are soluble. Just throw enough energy, intelligence, money and good will at a problem and a solution can be found. The immediate American reaction to a problem is "C'mon, fellers, let's go", sometimes, it seems to me, without too much thought of where they're going or what they will do when they get there. British and other sourpusses have been known to mutter under their breath "cowboys".

The British cast of mind is very different. We tend to believe that many problems exist precisely because there are no solutions to them and that the best one can do is to manage them so that they don't get out of hand and so that not too many people get hurt. No prizes offered for naming, say, three of today's insoluble problems.

The British reaction to a new problem is often to sit down and have a cup of tea and think it over and try to think it through. We have to want not only what we want, but the consequences of what we want. And the American reaction to this national characteristic is to mutter "wimps".

Fortunately, in my experience, what happens in real life is that cowboys and wimps alike get round a table and eventually come up with what are on the whole sensible joint answers to the common problems in hand. But we start from different premises and create a lot of aggro and static before we reach agreement.

One final point. To differences of historical experience, geographical perspective and cast of mind, I would add: the attitude to power. America is our friendly neighbourhood superpower and conscious of its strength. Europeans used to be great powers, governing vast tracts of the world's surface. They are no longer.

The European powers are all now—Britain, France, Germany, Italy—powers of the second rank.

It makes a difference. Because our muscles are not as strong as they were, we hesitate to use them. Because yours are strong, you have, shall we say, less inhibitions. But a constant factor is our apprehension lest you throw your weight around too much, and that we shall get hurt in the process. Of course, we have also a contrary fear; that you won't throw your weight around enough when we think it necessary.

It's tough for you. I have to admit that. But then, who said being a Superpower, even a friendly one, was easy.

The task of interpreting America to Britain and Britain to America is, in my experience, unremitting. Take your eyes off the ball for one second and you're in the rough. That's what, I suppose, Ambassadors are for. At least it keeps us off the streets.

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Please don't get me wrong. I am not saying that you are wrong and we are right; still less that you are right and we are wrong. I am merely saying that these objective differences exist, provide the background against which our regular rows are played out, and are worth bearing in mind when our rows go public.

But, when the chips are down, we stand shoulder to shoulder. That I take it, is what friends are for.

For the transatlantic relationship is rather like the Atlantic ocean itself. On the surface, the sea is often stormy, as conflicts of interest churn up the waters, corresponding in real life to the series of crises that regularly plague us: burdensharing, protectionism, anti-trust, the disposal of subsidised agricultural surpluses. These problems provide the grist to the mills of intergovernmental business in Washington and give us diplomats our daily workout.

But just below the surface the deep water is calm, reflecting the deep community of interest which joins Europeans to North Americans and North America to Europe.

For we share a common interest in the maintenance of the free world's open trading system. Five hundred million Europeans and Americans together represent the world's two greatest markets. There is about $100 billion worth of trade in goods and services in both directions across the Atlantic. Britain is the largest foreign investor in the United States and the largest single recipient of US investment overseas. The amounts of money, curiously enough, are about the same: $35 billion.

We share a common interest in the defence of that system and the democratic way of life and the common heritage that it represents. For Americans and Europeans, the North Atlantic Alliance is the cornerstone of our freedom and of our partnership.

The institutions which provide the infrastructure for the free world were put in place during the period of America's economic and military supremacy after World War II. They are still in good shape and a great tribute to the wisdom and far-sightedness of the founding fathers of the post-war world, chief among them Harry Truman, George Marshall and Dean Acheson over here, Ernie Bevin, Paul Henri Spaak, Jean Monnet, Konrad Adenauer over there.

It is the task of statesmen, diplomats, and, perhaps most important of all, of the educated electorates in all our countries, and that includes the alumni of Harvard, to keep them and our friendship in good repair.

Don't leave it to the experts. Just as war is too important to leave to generals—so diplomacy is too important to leave to diplomats and maybe politics too important to leave to politicians.

That said, my wife and I first came to the United States in 1946 as Vice Consul in New York City. Experience of 40 years of our special relationship puts me firmly on the side of the optimists.

And I hope that you are too.

We leave later this year. I commend my successor to you. He is a splendid man, a personal friend of 25 years' standing. There could have been no better choice. He has only one defect: he went to Oxford. But he will be at Harvard with the Prince of Wales for your 350th Anniversary. He will, I know, wish to cherish the links between Harvard and Britain. For Harvard is one of the Treasure Houses of intellectual and moral excellence not only in the United States, but it is one of the Treasure Houses of the human spirit of mankind.

As a man from Cambridge, England which had a small part to play in your foundation, even if only as the piece of grit in the oyster which produced the pearl, I am proud and flattered to bring greetings this evening to the men and women of Cambridge Massachusetts.

We salute achievement and recognise excellence when, as this evening, we are in its presence.

MEDIA SNATCHES DEFEAT FROM JAWS OF VICTORY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORNAN of California. Mr. Speaker, I would like permission to put into the RECORD from yesterday's paper the media analysis column by Don Kowet. The title of Mr. Kowet's article is "Media Snatches Defeat From Jaws of Victory." He points out that although 80 percent of the American people agreed with President Reagan's difficult decision to finally respond to the terror that Mr. Qadhafi sends around the world, that our media sources, in a rut to get some sort of a news twist on this, have been literally shuttling back and forth by bus to locations that Qadhafi and his people select, putting a twist on the story that is again causing Americans to flagellate ourselves.

The story that Qadhafi wants in every American living room is that civilians have been killed and only one soldier, one.

Joseph Goebbels and Hitler's Nazi Germany never lied with any greater degree of boldness than Mr. Qadhafi.

Our screens are going to be filled with Arab anguish; once again guilt is going to be thrust down our throats. It has been going on for over a week in earnest.

Well, bless People magazine for this cover. There is a handsome young face of Sgt. Kenneth Ford. His death and the death of little Demetra Klug and her mother who was pregnant and her grandmother, also named Demetra, and the horrible sight of a pair of American journalists, man and wife, and their little daugther Samantha Simpson dying in that airport in Rome, these are the pictures that I think our news media should show us every night again to help our memory recall just why the President made this difficult decision.

MEDIA SNATCHES DEFEAT FROM JAWS OF VICTORY

(By Don Kowet)

Monday night, after the air attack against Libya, network newsmen reported that 80 percent of Americans polled believed the president was right. They spent the rest of the week trying to prove those people wrong.

All three over-the-air networks, plus Cable News Network, announced the air raid shortly after 7 p.m. Monday evening. ABC, CBS and NBC stayed with the story until 8 p.m.; CNN persevered until 9 p.m., when President Reagan addressed the nation.

CNN continued its non-stop coverage; the other networks contributed special reports. It wasn't until shortly after 3 a.m. Tuesday that the networks aired their first film from Tripoli. Correspondents and television crews, quarantined till then in their hotel, were herded onto a bus by the Libyan Ministry of Information and driven to a residential neighborhood where several apartment buildings had been blasted by bombs.

American bombs, it turned out, from a doomed F-111.

Throughout the week, the press shuttle would be repeated. Television crews went along with the Libyans, collaborating with Col. Muammar Qaddafi on the one story he wanted in every American living room: Some civilians were dead and wounded; friends and relatives were mourning.

Our screens were going to be filed with Arab anguish; once again, guilt was going to be thrust down our throats.

By Tuesday evening, when the networks aired their nightly newscasts, the issue of the death and destruction wrought against Libyan civilians had reduced any military motive for the attack to a mere footnote.

The networks let their pictures dictate their lead story.

The American warplanes, said ABC's Charles Glass from Tripoli, "killed innocent civilians and destroyed civilian homes. . . ."

Viewers saw children in a hospital crying out in pain.

"In the hospital, children cried out in pain. . . ."

"Among the dead and wounded were a number of children," reported CBS' Allen Pizzey. "Estimates of the wounded ran to more than 100. . . ."

Mr. Pizzey introduced a second motif. The raid, he added, "will almost certainly spark more, not less, acts against U.S. targets."

These would be the twin television themes: Innocent civilians had been killed, among them Col. Qaddafi's adopted infant daughter; and the air attack wouldn't stop international terrorism—just ask our allies.

There were complaints in the British House of Commons, and the French had refused our F-111s overfly privileges. Protesters were marching in Italy, in the Arab world, in Spain.

The bad news kept building.

The Soviets canceled a meeting called to plan the next Reagan-Gorbachev summit.

The Vietnamese scuttled scheduled talks on MIAs.

The television dirge, punctuated by pictures of civilian mourning and death and destruction, droned on.

All three networks led their Wednesday evening newscasts with a Libyan TV clip proving that Col. Qaddafi hadn't perished.

Col. Qaddafi said that, unlike the United States, Libya does not bomb children.

No network newsman bothered to remind viewers why Libya doesn't drop bombs on children: Its agents prefer to machine-gun them in airports or blow them out of airplanes.

ABC's Mr. Glass reported that damage had been done to Col. Qaddafi's main headquarters. "But for many Libyans," he added, "the main concern is still the outcome of the first attack, in which so many civilians were casualties," including Col. Qaddafi's 3- and 4-year-old sons.

How Mr. Glass or his colleagues knew "the main concern" of "many Libyans" was a mystery.

"Charles," said ABC anchor Peter Jennings, "I know Western reporters in Tripoli are restricted tonight. . . ."

The press were still prisoners in their hotel; taking the pulse of the Libyan people meant interviewing each other, or their mentors from the Libyan propaganda ministry.

Mr. Jennings promised that "later in this broadcast," ABC would finally get around to assessing the damage done to the five military targets.

That assessment lasted about 12 seconds. Mr. Jennings resurrected the theme of damage done to civilians.

That evening, all three networks covered the return to home port of the aircraft carrier the USS Saratoga, which had launched planes in an earlier assault against Libya. No one had ever suggested that a single Libyan civilian had been injured in that raid. Nevertheless, said NBC, "The captain conceded to reporters that . . . his men do think about the innocent Libyan civilians who have died in U.S. attacks. . . ."

Gradually the networks' message was getting through: The fact that some civilians had been killed meant this new raid was a failure.

"You and the Defense Department now acknowledge that the United States may have been responsible for civilian casualties in Libya," CBS anchor Dan Rather told Secretary of Defense Caspar W. Weinberger in an interview. "Does that alter your view that the raid was a success?"

"The reports that you're giving credence to—for example, that Qaddafi's children were killed—those are Libyan reports," Mr. Weinberger replied. "There's absolutely no confirmation of that," he added, "except from Libyan sources, which have been something far less than reliable in the past."

Mr. Weinberger's comments were like water rolling off a duck's back.

The Libyans were innocent until proven guilty. The White House was guilty until proven more guilty.

"Counting those buried yesterday in Benghazi," reported NBC's Steve Delaney from Tripoli, "the official Libyan death toll is 37. There was only one soldier," he added, "among the fatalities."

One soldier? After air raids on five terrorist-related military targets, in which tons of explosives were dropped?

White House claims were treated with skepticism unless substantiated in spades. Key Libyan assertions were instantly accepted as facts.

ABC's "Nightline" devoted four programs to the Libyan attack, focusing on the discontent of our allies and alleged CIA connivance in setting up the Libyan terrorist network, among other topics.

CNN's "Crossfire" also devoted a week's worth of programs to the subject.

"We really can look like jerks," said Phil Donahue, who, on his Libya show, got no argument from two of his three guests, Christopher Hitchens (of The Nation) and Sanford Unger (of American University). "We swagger, we swagger." Mr. Donahue added, swaggering.

Thursday evening the networks finally aired full segments about the five terrorist-related targets of the raid. Why? The Pentagon had provided them with some gripping footage, recorded during the bombing runs.

The film, and follow-up reconnaissance, showed that the raid had been deadly accurate, destroying MIGs and Soviet-made cargo planes, as well as barracks. All the intended targets had been hit, only one plane was lost. . . .

Ho-hum.

Who cared how much damage had been done to terrorist targets? Civilians had died, and that meant the attack on Libya would fail to curtail terrorism. The problem was, no network newsman was able to explain exactly why, until former President Jimmy Carter came along.

"If 17 years ago, someone had killed Amy . . ." Mr. Carter told network television, "I would have sworn that as long as my life existed, I would retaliate."

Mr. Carter had synthesized the networks' dangling twin themes (civilian casualties, and the tactical futility of retaliation) into a moral excuse for more murder.

On cue, the bodies of three British hostages were found outside Beirut, Lebanon. One of the three was reported to be a

United Nations employee named Alec Collett. CBS and NBC showed Mr. Collett's son, in Los Angeles, saying that President Reagan and British Prime Minister Margaret Thatcher were "responsible, and . . . no better than murderers themselves for this act of treachery."

The next day, the two networks had to eat crow: Mr. Collett had been mistakenly identified. He was not one of the trio of slain hostages. Who had been killed? An American named Peter Kilburn. The networks substituted Mr. Kilburn's nephew and niece in place of Mr. Collett's son. On national television they, too, blamed Mr. Reagan for their uncle's death.

Now network television was trampling over familiar turf, worn thin during the Iran crisis, and the TWA crisis, and the Achille Lauro crisis. the hostage families (whose loved ones had guns pointed at their heads) were called in front of the cameras to condemn their country.

By the week's end, pathos was giving way to panic.

Watching the "CBS Evening News" in an airport lounge, New York Times columnist Flora Lewis wrote last Sunday: "I wondered what we were doing to ourselves. One day Americans were puffed-up supermen, proudly telling each other that nobody can push them around. The next day," she added, "people were quivering, not at terrorism but in self-induced terror, to a degree no Libyan leader could possibly achieve."

The transformation was proof of the power of television.

VOTE ON JOURNAL OF TUESDAY, APRIL 22, 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, tomorrow morning I intend to get a vote on the Journal and I thought I would use the time to explain the reason for getting the vote on the Journal.

Today in an action on the House floor, by unanimous consent the outside earnings of Members of Congress were raised by $7,500. In other words, we received a backdoor pay increase on the floor today.

Tomorrow what I intend to do is ask the House to vote down the Journal so that we can vacate the proceedings by which that action was taken. An amendment to the Journal that would knock out the proceedings by which that action took place would in fact eliminate the action and we would therefore be back to square one.

Since it is clear that the action was taken without the proper consultation which is supposed to be accorded to this House before such actions are taken by unanimous consent, we ought to go back to square one and at least assure that before such a unanimous-consent resolution is brought before the House again that all the appropriate leadership is checked with.

That was not done today and the only recourse left to the House then is to try to knock it out by amending the Journal tomorrow. So I will ask for a "no" vote on the Journal. Should the Journal be voted down, I will have an amendment prepared that will knock out that part of the Journal which was the action that resulted in the back door pay increase for Members of Congress.

So I would hope that the Members tomorrow will understand in voting for the Journal that there is a substantive matter involved on it and I will try to have information on the floor to point out the substance of the matter at that point.

NUCLEAR WASTE REPOSITORY STATEMENT, REPRESENTATIVE SNOWE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, in 1982, the Congress and the President of the United States approved a law which called for the creation of a primary and a secondary nuclear waste repository.

The need for this legislation was obvious. As a Nation, we are presently creating 2,000 tons of nuclear waste each year and storing this hazardous waste material in temporary sites around our country. A safe and permanent way to store this waste is badly needed and we are already moving toward opening our first permanent site around 1998.

In the process of selecting the primary site, DOE has investigated a number of sites around the country and has now narrowed the choice to three finalists. This process has already cost the country billions of dollars, and more will be spent before the first site is opened.

But the Department of Energy is also moving ahead on creating a secondary site, just as the bill has ordered them to do. They have selected 12 sites around the country, which range from Georgia to Maine to Minnesota, and will spend $760 million in this next fiscal year just to begin testing these sites.

Mr. Speaker, there is no need for our Nation to spend this money now on testing for a secondary site.

The selection of a secondary nuclear waste repository is not feasible, practical, nor does it make any common sense.

The testing cost alone for the 12 selected sites over the next 7 years is over $5 billion.

This $5 billion expense must be reexamined in light of budget realities and the Gramm-Rudman cuts. With $5 billion, we could:

Build two space shuttles;

Provide an additional 846,000 students with educational aid for 1 year;

Provide school lunches and child nutrition programs for the Nation for 1 year; and

Drastically reduce the cost of Medicare and other health costs.

I understand that the prices we pay for technological advances are high and are necessary, but to even consider a secondary site at this time of financial trauma for America makes no common sense.

It is estimated that the first primary site selected will take almost seven decades to fill, once our legislation which lifts the arbitrary storage ceiling is passed.

The entire process of selecting and preparing a site for nuclear waste storage takes less than two decades—so any actions we take now to prepare for a secondary site are premature and even harmful.

The testing process is estimated to take 5 years or more. During this period, communities under consideration will suffer from deteriorating community and industrial development at a time when it can least be afforded. Economic momentum will be devastated in some areas. Personal anguish by the citizens is already intense.

In this time of budget cuts, we need to be practical and economical in actions we take. If in the process of selecting the primary site, we find two or even three sites which could be used for storage or nuclear waste, then it would make economic and budgetary sense for us to use one of those sites as a secondary repository when it is needed.

But the time to look for a secondary site is not now, and this is money which we can and we should find other ways to spend.

Mr. Speaker, today I join 22 of my colleagues in introducing legislation which, if passed, will legislatively eliminate the requirement for a secondary site in a different geographical location.

This bill, if passed, will head us in the right direction and it will eliminate in a legislative way and provide a measure that will eliminate this provision which is not practical, not feasible, and does not make common sense in searching, seeking, and spending money for a secondary site.

I am pleased to be an original cosponsor. I will work for its passage. I encourage my colleagues to consider this legislation and to become a full cosponsor.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, due to official business duties, I had to miss the vote on H.R. 4392, Control of the Plague. Had I been present, I would have voted "yes."

AMERICAN BUSINESSES ARE PAYING $2 BILLION A YEAR TO QADHAFI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, I join my colleagues in applauding President Reagan's bold action against Libya last week. We have now established a clear policy on international terrorism.

The evidence linking Libya to the bombing of a German nightclub in which one American soldier was killed and many others injured is incontrovertible.

Given that evidence, the United States had every moral, legal, and national security obligation to act militarily.

I am proud of the performance of our Air Force pilots who conducted their recent bombing mission in Libya with precision and quickness. At the same time, Mr. Speaker, I am embarrassed that five American Fortune 500 corporations still continue to do business as usual in that country.

The continued presence of Occidental Petroleum, Conoco, Amerada Hess, Marathon Oil, and W.R. Grace & Co. undercuts the purpose of economic sanctions. These companies are not there illegally. They were exempted from President Reagan's January Executive Order mandating the disinvestment of U.S. commercial interests.

Their presence represents an important revenue source for financing Libya's terrorist campaign. According to Dr. Henry Schuler, a good friend and specialist on the Middle East at the Georgetown Center for Strategic and International Studies. Five United States companies paid an estimated $2 billion in taxes last year to Libya.

That amount accounts for nearly one-fourth of Libya's national budget, and for nearly all of its hard currency.

I am disappointed with the reaction of some of our key allies to the U.S. military attack. But I am equally disappointed that our resolve to impose effective economic sanctions against Libya is subject to question. I urge the President to call on those companies to withdraw their interests. Current circumstances dictate that the President implement an economic sanctions' policy that is clear and unequivocal. The President has squarely framed the conditions for future military engagement. Our position on economic sanctions should be no less resolute.

To W.R. Grace & Co., Occidental Petroleum, Conoco, Amerada Hess, and Marathon, I urge you to leave Libya. Libya is at war with the free world. It is your tax dollars which are financing the missiles which are aimed at our F-111's. The line has been drawn in the sand. Whose side are you on?

Thank you, Mr. Speaker.

THE 71ST COMMEMORATION OF ARMENIAN MARTYRS' DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PASHAYAN] is recognized for 60 minutes.

Mr. PASHAYAN. Mr. Speaker, no crime against humanity is more heinous than genocide, regardless of the perpetrator. This Congress, this President, and scores of others who served before us have expressed this Nation's concern for the first genocide of the 20th century, that imposed on the Armenian people in the Ottoman Turkish Empire.

This body visited the issue last year and came to no true resolution, but the depth of this concern has been the subject of four special orders in this Congress. Today marks the fifth such discussion.

One of the previous special orders addressed the concerns of the Congress as far back as 1896. Another reviewed the records of Presidents as far back as Benjamin Harrison, Grover Cleveland, and Theodore Roosevelt. Yet another revisited the coverage of events in the Ottoman Turkish Empire by the news media. This past April 24 the Congress also commemorated the 70th anniversary of Armenian Martyrs' Day. Today we mark the 71st year in which a series of events culminated in the first genocide of the 20th century, and that served as a precedent for the Holocaust that was to follow one-quarter of a century later in Nazi Germany.

But I am familiar with the rhetoric whereby history of the events between 1915 and 1923 is attempted to be rewritten.

Since coming to Congress, I have urged that the historians and others search into the charges and countercharges. I have offered to the Government of Turkey, "Let us talk." Regrettably, that has not yet occurred.

Let us today focus on the simple issue before us: To commemorate an event that did occur and the tragic loss of two of every three Armenians who resided in the Ottoman Turkish Empire then in history.

The United Nations last year adopted a document calling the 1915 Armenian massacre a genocide. Thus again the ongoing efforts of today's Turkish Government to distort the Armenian genocide have been refuted in an international forum.

As California Gov. George Deukmejian asked:

> If Turkey is a mature society, it should be able to acknowledge its past mistakes. . . It is time that Turkey admitted its role in the Armenian Genocide, and it is time that the President and the Congress stopped buckling under to Turkish pressure to deny this simple historical truth.

Mr. Speaker, indeed the world cannot bury its head in the sand because of the events of the past. Elie Weisel, a survivor of the Holocaust, reminds us all that "the opposite of love, I have learned, is not hate but indifference."

As leaders in the most free and tolerant nation, we have the responsibility to remember and to speak out. Indeed, we have a responsibility not to forget the dead, but to learn from history.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I am glad to yield to my colleague.

Mr. BIAGGI. Mr. Speaker, I want to commend the gentleman for taking this special order on the Armenian massacre, or to be characterized in its proper form, notwithstanding the delinquency on the part of the House to recognize it as genocide of Armenians. I guess it is a forerunner of the House in the past and the world has universally acknowledged the holocaust. How do you make the distinction?

Some of the very same people who have supported resolutions for the holocaust have not supported this.

Mr. PASHAYAN. I think the gentleman raises an excellent point. I can see nothing but illogic between the two, because they were like actions, perpetrated by two different governments indeed. There is no logic why a Member should support the one and not support the other.

Mr. BIAGGI. That is the conclusion I arrived at.

The gentleman might be pleased to know that the Armenian community on Sunday last had a rally of significant proportions in Times Square in the city of New York, once again focusing attention on the Armenian massacre.

I think it is important, as the gentleman says, that the Turkish Government come of age.

□ 1810

We are not foistering blame on the present Turkish Government for this massacre.

Mr. PASHAYAN. That is true. The Republic of Turkey, which is the constituted government of the nation of Turkey today, was not responsible for the events of its predecessor government, which took place under the Ottoman Turkish Empire, and that was a separate and distinct government because, as the gentleman knows, the Ottoman Turkish Empire functioned under a different constitution. There was an entire change of constitution and of national character

in 1923, and this government is certainly not responsible.

It is strange, indeed, it is unenlightened, indeed, that this government does not admit what a predecessor government did.

Mr. BIAGGI. The fact of the matter is, the historical fact is that it did occur. We know it. Why do we tend to make a distinction between one and the other. They are both heinous and should be recognized as such, and should be put forward and focused upon for all humanity to understand that this has occurred, and hopefully we have learned lessons from it.

Mr. PASHAYAN. I thank the gentleman for taking his time, and for the support that he offers.

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from California.

Mr. COELHO. I thank the gentleman for yielding, and I appreciate also the gentleman taking this special order to give those of us who agree with his position an opportunity to acknowledge what has occurred.

I think, as the gentleman has pointed out, it is time for the Turkish Government to come of age and to understand that what happened in the Ottoman Empire does not mean that they have to be responsible for it; that they ought to be like the West Germans of today, understanding what happened in prior governments. They regret it, but they are open about it and, consequently, there is no ill will toward the current government in Germany.

The current government in Turkey refuses to acknowledge, accept, understand a fact of life and, consequently, there is a lot of ill will toward the current government of Turkey by many people who would not normally have this feeling and it is unfortunate that that is the case.

I would hope that at some point the Turkish Government would accept historical fact. I think that one of the concerns that I have is that, starting in 1982, the current administration, the Reagan administration, joined in with the efforts of the Turkish Government to try to change history. As the gentleman in the well knows, they were successful in getting the Department of State records changed to show that the massacre did not occur.

That was rectified to some extent, but not corrected. We still have the situation today where our government, the current government, is the first in many, many years that has failed to recognize that the massacre did occur, and as the Governor of California and the gentleman in the well, both of Armenian ancestry, pointed out, all you have to do is talk to those who went through it, talk to Government officials here in the United States and other countries who went through it, to know that it was a fact of life, but to sit back and try to deny it is a sham and it is something that this Government of the United States should not stoop to that level and should not even be requested by the Government of Turkey to do it.

It is a time to sit back and to recognize Martyrs' Day and to recognize that this is now the 71st anniversary of Martyrs' Day, and for the Armenian-Americans all across this country and, of course, people of Armenian ancestry all across the world, they should know that many of us in the U.S. Government do recognize that the massacre did occur and that we will continue to recognize this day and to continue to try to work on the U.S. Government to change its policy.

Mr. Speaker, I rise along with my colleagues today in observance of a day which is important to each and every one of us—Armenian Martyrs Day which is celebrated on April 24. This date marks the 71st anniversary of the beginning of the genocide of 1.5 million Armenians by the Ottoman Empire. It is not just a tragedy which is to be commemorated only by the Armenians, rather it is an opportunity for us as mankind to reflect on our history and contemplate our future. The killing of 1.5 million Armenians was an intentional act by the Ottoman government to eliminate a Christian minority within the vast confines of a Moslem empire just as Hitler sought to eliminate Jewish men, women, and children in order to ensure the purity of the Aryan race. Both were efforts to create a homogenous society.

Both of these tragedies are examples of man's inhumanity to man. But more importantly, they both provide us examples of what may arise in extreme instances of man's intolerance of man—perhaps because either one group's language, religion, or culture may be foreign to anothers.

We need to constantly be reminded of these incidents to prevent them from being committed again. As a modern society, we like to consider ourselves civilized, and yet this concept has not prevented leaders from trying to eliminate whole races of people who did not fit into their plans.

This year is perhaps more significant than others in our efforts to recognize and commemorate the Armenian genocide. As the 71st anniversary, we commence with the eighth decade of observing this tragedy. As the years pass, fewer and fewer Armenian genocide survivors remain. But the memory of this tragedy remains.

The genocide itself is well-documented by its survivors as well as U.S. Presidents, Members of Congress, Senators, and high-ranking diplomats from the early 1900's through 1923. I feel that it is a disgrace that the Reagan administration has sought to ignore this documentation and has continued to argue that the evidence in support of an effort on behalf of the Ottoman Empire to kill off 1.5 million Armenians is vague. Why in 1982—almost 70 years after the event—did the administration choose to change official U.S. position on the Armenian genocide? I offer that it has a matter of convenience. It is easier to rewrite history than it is to confront the past and deal with it appropriately in terms of our relationship with the modern Republic of Turkey.

Despite the desire of the Reagan administration to ignore this history, I feel strongly that it is very important for us to be reminded of it. We must not forget the lessons of this tragedy—not only for the Armenian survivors and the Armenian people, but for ourselves as members of this brotherhood we call mankind.

Mr. PASHAYAN. I appreciate the gentleman taking his time, and would add to his remarks that it is, indeed, puzzling and unfortunate that the administration has taken the position that it has through the Department of State to oppose the efforts of this body to state a simple historical truth, and it is especially puzzling and unfortunate because the President himself, in several remarks, has acknowledged the existence of the Armenian genocide and, therefore, the position taken by the administration and the Department of State appears, as I say, especially puzzling and especially unfortunate.

Mr. COELHO. I think we need to make clear, as the gentleman knows, that the President in some of the meetings with the leadership and others, has indicated his opposition to what we were trying to do here in the House. So it is not just the Department of State and others. It comes from the White House on down.

But today is a day to recognize what actually did occur, and to celebrate on this day. So I applaud the gentleman for taking this special order.

Mr. BROOMFIELD. Mr. Speaker, on this solemn occasion, I join with my colleagues in today's special order to remember the fate of hundreds of thousands of innocent Armenians who died 70 years ago. This tragedy was, indeed, one of the most ghastly crimes against humanity on record.

In 1915, the Ottomans began a 9-year campaign of bloodletting and massacre which resulted in the death of some 1.5 million Armenians. The term "Armenian genocide" was born of this epic tragedy. This year marks the 71st anniversary of the beginning of that sad event and it is important that we focus attention on this and other genocides of the 20th century. I believe that this special order will serve to reaffirm American resolve to work for the prevention of massive human suffering.

Time after time, man has dispensed with his essential compassion for his fellow man and replaced it with a horribly destructive malice that has shaken the very foundations of our civilization. By remembering these past lapses that defy the imagination, we can hope to prevent these abuses against innocent people from happening again.

Let us all reflect today on the needless suffering that has historically taken place in the world and continue to do our part to raise the specter of past atrocities in an effort to prevent future tragedies.

Mr. LEHMAN of California. Mr. Speaker, I stand proudly today, with my colleagues who also share my deep commitment, to honor and remember the victims of the Armenian

genocide on the occasion of its 71st anniversary.

We are here today because we are committed to the truth about the Armenian genocide. We are committed to the cause of the more than 600,000 Armenians living in this country that has been all but forgotten by this administration. The facts of the Armenian genocide are as clear to us as they were to our predecessors in the House who spoke here on this floor about the atrocities in Ottoman Turkey. The truth about the genocide was clear to Henry Morganthau, former U.S. Ambassador to Turkey between 1913 and 1916, when he reported back to officials in Washington that, after visiting the Armenian territories in 1919, he had witnessed the "most colossal crime of all ages."

The present Government of Turkey refuses to address the facts and has tried to influence other governments into officially denying that the genocide ever took place. More importantly, they have succeeded in holding hostage Americans of Armenian descent, who for decades have sought peaceful means to address their grievances. Rather than pressuring the U.S. Government into accepting that a genocide never took place, and rewriting history to ignore the massacre, the issue remains like an open wound for those who carry the reminders of the genocide in their memories of their loved ones.

As I have done many times before and will continue to do as long as it is necessary, I come to this House with a commitment to see that the Armenian genocide is recognized for what it was—a planned extermination of a race. I speak on behalf of all Armenians when I say that we will work to prevail in our efforts to recognize historical fact.

Mr. BIAGGI. Mr. Speaker, I wish to reiterate my strong convictions about the subject of this special order. I am a proud cosponsor of House Joint Resolution 192 which would officially recognize April 24 as a national day of remembrance of man's inhumanity to man. This resolution was before the House for consideration late last year but action was never completed.

I recently joined as a cosigner of a letter to President Reagan urging him to issue a proclamation calling on the American people to observe April 24 as a national day of remembrance for all victims of genocide, especially those Armenians who suffered at the hands of those in the Ottoman Turkish Government between the years 1915 to 1923.

April 24 of this year will mark the 71st anniversary of the Armenian genocide. It is a day of immense importance to the 600,000 Armenians living in the United States who still vividly recall the memory of their 1.5 million ancestors who were the first victims of genocide in the 20th century.

As I said earlier, it is time to put an end to the effort to distort history. It is time that the United States ended its policy of nonfeasance with respect to the Armenian massacre. It did exist, it cannot be wished away. It cannot be ignored. Rather it should be recognized for precisely what it was—a holocaust in the literal and brutal sense of the word. Yet to continue to deny it as a part of history or to attempt to deny it was genocide allows the perpetration of the horror.

No one who supports the enactment of House Joint Resolution 192 would take issue with the fact that Turkey is an ally of the United States. Yet that fact in and of itself should not serve as a justification to blot out history. The modern Turkish Government is not responsible for the deeds of its predecessors, the good or the horrible. Yet they continue to exert their influence to block passage of this resolution.

I recall the communication directed to Congress by our Ambassador to Turkey, Robert Strausz-Hupé, who opposed passage of House Joint Resolution 192 saying it "would be a gratutious insult." I contend in addition to the communication itself being inappropriate, the greater insult being promoted is against the Armenian people by failure to adopt this resolution.

Our failure to recognize April 24 does a disservice to the recognition of history but also to the ongoing efforts to educate and work toward the prevention of future holocausts. That is the issue we must contend with.

I appreciate the opportunity to participate in this special order and hope that in the not too distant future, we will be able to observe April 24 as a national day of remembrance of mans inhumanity to man. It will be the just thing to do for the victims and the survivors of the Armenian genocide.

Mr. MAVROULES. Mr. Speaker, the purpose of a commemoration is twofold: First we must remember what happened, relive those feelings, and honor those who suffered; then, with the memory fresh in our minds, we must make sure that it does not happen again.

The Armenians take time every April 24 to remember something painful, something that would be easier to forget: the genocide of their people in 1915. Today we join with the surviving Armenians to take a moment to reflect on the horror of that April of 71 years ago. Images that come to mind are of men being led away from their homes to be hanged or stabbed out in the fields, and women and children loading up all their possessions in a wagon only to be led out and abandoned in a desert.

With these images in my mind, I share the rage, shock, and fear that Armenians must be feeling. What happened was wrong and must be recognized as such. As uncomprehensible as the act of genocide may seem, it happened.

Denial is a human response, and this is exactly what the Turkish Government is doing with the Armenian genocide today. They are constantly denying that the genocide happened, afraid to admit to having done something so horrible. This aggressive denial even has the United States doubting the reality of the incident.

It is this questioning by Turkey and by the United States of well-documented historical events that frustrates American-Armenians. Armenians would like to go on with their lives, continue their cultural development, and forge a new history. But they are forced to focus on this one particular event. Because it is not being allowed to be a permanent part of world history, Armenians must put all their efforts into keeping this chapter of their history book open.

Turkish denial can be understood in terms of human behavior and one's natural aversion to taking responsibility for something bad that has happened. But this type of behavior must not be supported by the concurrence of the United States.

If we consider ourselves the strongest, most powerful nation in the world, not afraid of anyone or anything, then why is it difficult to acknowledge this incident? What happened to our ideals of truth, justice, and honesty? Where is our backbone? If Turkey can get us to deny the basic truth of an event that took place 71 years ago, what will other allies be able to get us to say, do, and believe?

Let's allow the Armenians the luxury of turning the page on that horrible period of their history. We must learn the lesson and promise that it will not be forgotten.

Mr. ASPIN. Mr. Speaker, each year we gather on the floor of the House to mark the occasion of Martyr's Day. This year I come here troubled.

Oh, there is good news this year. In February, the Senate ratified the Genocide Treaty. It took almost four decades to win acceptance. That's a long time. The fact that we won approval in the end demonstrates the benefits of persistence.

The Genocide Convention, of course, is largely symbolic. By itself, it isn't going to prevent future genocides. Not at all. But it is important symbolism because it puts on paper our unwillingness as a society to tolerate future genocides. As many proponents of the treaty, including me, have said: It sends a signal to the would-be genociders to think again, because the world has said it is prepared to punish you.

So, why should I come here troubled today with this clear-cut achievement fresh in our memories.

I come here troubled because I see movement in the wrong direction at the same time as we ratified the Genocide Treaty. Despite our efforts for more than 2 years, we have been unable to enact a simple resolution by which the Federal Government would recognize Martyr's Day. We came very close last year, but not close enough.

I come troubled because I see that our efforts to pass this resolution—which is purely symbolic—have been stymied. They have been stymied largely by the efforts of the Turkish Government, which has pulled out all the stops to convince Members to oppose this simple resolution to recognize the origin of the Armenian genocide in the Ottoman Empire during 1915.

I come troubled because this sends the wrong message. This sends the opposite message from our ratification of the Genocide Treaty. If the Genocide Treaty says, "Think again, we are prepared to punish you," then the nonpassage of the Martyrs' Day resolution says, "Think again, if you're powerful enough and vocal enough, you can rewrite history."

I come troubled because I heard Members during last year's debate on the Martyrs' Day resolution say that nothing serious happened in the Ottoman Empire during World War I. Oh, some Armenians died, but those were difficult times; the war had disrupted normal life—but there was no conscious effort to ex-

terminate the Armenian as a people. How can we stand in this august Chamber and mouth such things?

I come troubled because I remember each year that quotation we all recall so vividly on this day. Before planning the final solution, Adolf Hitler asked, "Who remembers the Armenians?" Those of us who gather here each year in April to mark the start of the genocide do remember the Armenians. But we are not a majority.

I come troubled because this body has memorialized the Armenian genocide something like a dozen times. But now, for 2 years in a row, including the year of the 75th anniversary of the genocide, we have failed to do so.

I come troubled because there are too many who not only fail to remember, but choose to forget.

I come troubled because peoples who refuse to remember history are condemned to repeat it.

In 1919, President Wilson was so moved by the tragedy in Armenia that he explored the idea of sending troops there. In 1921, President Harding was so disturbed that he asked his Secretary of State if it would help to send an American warship to Armenia. Harding's knowledge of geography was poor, but his soul wasn't dead.

I come troubled because I wonder what others might have to say about our soul today.

I come troubled because I have, not a dream, but a nightmare—a nightmare in which the band of Members gathering in this Chamber each year dwindles, because there are too few who wish to remember and too many who choose to forget.

Mr. Speaker, I am pleased that after 40 years my country has at last ratified the Genocide Treaty.

But I come troubled here today because that is not enough. That is not enough.

Mr. BATES. Mr. Speaker, I rise today to join my colleagues in paying tribute to the 1½ million Armenians massacred between 1915 and 1923. Seventy-one years ago, Ottoman Turkey began carrying out systematic genocide of the Armenian people. Two months ago, the Senate finally approved the Genocide Convention, acknowledging our resolve to work to prevent mass human destruction wherever it takes place.

It is now time for us in this body to reaffirm our commitment to opposing acts of genocide and those forces which perpetrate it. The Armenian massacre was possible due to the silence of the international community. The Holocaust was carried out under a similar cover of international silence. We can not afford to be silent again.

It is the responsibility of the Congress, the President, and the American people to assure that such tragedies never recur. Reports of genocide are always easier to ignore than to believe, but by ignoring them we become complicit in the crime. Reports of the massacres of Armenians, Russians, and Jews were all ignored at the cost of millions of lives. America must be certain that similar reports are never again ignored.

I ask my colleagues to join me in paying tribute to the 1.5 million Armenians who were massacred 71 years ago. Let us be certain that, as a result of our vigiliance and our opposition to such acts, acts of genocide will never be carried out again.

Mr. ANUNNZIO. Mr. Speaker, I rise to join my distinguished colleagues, Hon. CHARLES PASHAYAN, JR., of the 17th District of California and Hon. TONY COELHO of the 15th District of California in commemorating the 71st anniversary of the Armenian Genocide of 1915.

One and one-half million Armenians were the first 20th-century victims of "genocide," a term coined by Raphael Lemkin, whose efforts at the League of Nations in 1933 later gave rise to the Genocide Treaty which has been debated in the U.S. Senate for 37 years and which finally was ratified a few months ago.

I am personally pleased over the ratifications of this treaty because it gives formal recognition to America's moral commitment, and further, it is a positive effort toward averting wholesale slaughter of other peoples. After all, it happened to the Armenians, to the Jews, to the Cambodians, and so many others—and unless we remain ever vigilant, a similar tragedy could easily reoccur.

Mr. Speaker, at this point in the RECORD I would like to include a February 21, 1986, editorial from the Washington Post commending the U.S. Senate for their positive action in ratifying the Genocide Treaty.

The Post editorial follows:

[From the Washington Post, Feb. 21, 1986]

FINALLY, THE GENOCIDE TREATY

It was unusual to hear U.S. Senators speak of their fathers during the course of debate on the genocide treaty this week. But because the treaty had been stalled in the Senate for more than a generation, it should not come as a surprise that men long dead were involved in the drama that preceded the agreement. But at times the debate became personal and so, as it should for each of us did the subject.

Sen. Rudy Boschwitz spoke of his father, a Jewish judge in Germany, who came home on that January day in 1933 when Hitler took power, and told his family that they were leaving the country. After almost three years, moving through half a dozen countries, the Boschwitz family was finally admitted to the United States; many relatives who had not acted as quickly perished in the Holocaust.

After recounting this story, Sen. Boschwitz spoke at length and with great respect, of Herbert Pell, father of Sen. Claiborne Pell, who served on President Roosevelt's War Crimes Commission and was in effect fired from a high State Department position because he pressed, with too much enthusiasm, the cause of genocide victims.

Sen. Pell then pointed out that another member of the Foreign Relations Committee had reason to be proud of his father: Sen. Christopher Dodd's father Thomas—who also served as a senator from Connecticut—had been a prosecutor at the Nuremberg war crimes trials which helped bring the staggering facts of Nazi-era genocide to the world's attention.

The treaty was written soon after World War II, and it is as relevant to Armenians, Cambodians and others as it is to Holocaust victims. Sent to the Senate for advice and consent in 1949, the pact has been controversial because of unjustified fears that it would somehow override the U.S. Constitution, subject citizens to criminal trial in international courts or give rise to charges against this country based on segregation laws or Vietnam war activities. Through 37 years, though, there were always senators urging debate and ratification and deploring the United States' failure to agree to the document. Sen. William Proxmire in particular distinguished himself in this effort. President Reagan's strong support, announced in 1984, and Sen. Richard Lugar's skilled negotiating were also crucial in persuading undecided senators.

Ratifying this treaty will not end genocide, which continues even today. But it does give formal recognition to this country's moral commitment. This generation has now completed the work of another, begun many decades ago. Supporters of the treaty through this long period can share a sense of accomplishment and pride.

I would also like to include an editorial from the Chicago Tribune of April 25, 1985, which condemns "the stubborn refusal of Turkey's Government and people to acknowledge that the (Armenian) massacre ever happened."

The Tribune editorial follows:

[From the Chicago Tribune, Apr. 25, 1985]

NOW IT IS 70 YEARS

Anniversaries of Turkey's massacre of its Armenian citizens—which began in April of 1915—have changed their character. By now the observance is not so much a mourning for the dead, or the hideous manner in which most of them died. That was 70 years ago, and enough horrors have happened since to blur the memory.

Only one thing keeps this wound fresh among all the wounds the world has suffered. It is the stubborn refusal of Turkey's government and people to acknowledge that the massacre ever happened.

The time for mourning the dead may have passed. What is still to be mourned is the strange, perverse ability of human beings to deny reality and to keep denying it, apparently forever.

The Turks do not want to remember the systematic killing of more than a million men, women and children. No nation could. But there is a right way and a wrong way to get rid of an evil memory: to cleanse it, or to repress it. For 70 years Turkey has clung to the wrong way. It has tried to erase a historical fact from everyone's memory, to convince the world that such things are too dreadful to happen and therefore did not happen.

That is the purpose of observing this anniversary: to make clear that the self-deception has not yet succeeded. And if it has not worked for Turkey in 70 years, it may not be worth trying any longer, for the Turks or anyone else.

Although the United States has attempted to rectify the injustices done to the American Indians, and the present German Government has forthrightly accepted responsibility for the crimes of its Nazi predecessors, the Turkish Government in sharp contrast stubbornly continues to deny any wrongdoing by its Ottoman Empire predecessors. This continuing denial appears almost ludicrous in light of extensive United States media coverage of the Armenian genocide at the time that it was actually taking place. In the New York Times alone, there were over 194 news articles about the Armenian genocide. A chronological listing of some of the headlines from articles which appeared in the New York Times and other leading publications of the day, follow:

U.S. MEDIA COVERAGE OF THE ARMENIAN GENOCIDE

Misrule in Armenia, July 5, 1913, Literary Digest.
Whole Plain Strewn by Armenian Bodies, March 20, 1915, New York Times.
Appeal to Turks to Stop Massacres, April 28, 1915, New York Times.
Morgenthau Intercedes, April 29, 1915, New York Times.
Pleas for Armenia, May 15, 1915, New York Times.
6,000 Armenians Killed, May 17, 1915, New York Times.
Allies to Punish Turks Who Murder, May 24, 1915, New York Times.
More Armenian Massacres, June 6, 1915, New York Times.
Ask Aid for Armenians, July 15, 1915, New York Times.
Wholesale Massacres of Armenians by Turks, July 29, 1915, New York Times.
Report Turks Shot Women and Children, August 4, 1915, New York Times.
Armenian Horrors Grow, August 6, 1915, New York Times.
Burn 1,000 Armenians, August 20, 1915, New York Times.
Armenians Sent to Desert to Perish, August 18, 1915, New York Times.
Turks Depopulate Towns of Armenia, August 27, 1915, New York Times.
Turks Massacre Armenians of Ismid, September 3, 1915, New York Times.
1,500,000 Armenians Starve, September 5, 1915, New York Times.
Answer Morgenthau by Hanging Armenians, September 16, 1915, New York Times.
Mission Board Told of Turkish Horrors, September 17, 1915, New York Times.
Bryce Asks U.S. to Aid Armenia, September 21, 1915, New York Times.
500,000 Armenians Said to Have Perished, September 24, 1915, New York Times.
Pleas for Armenia by Germany Futile, September 24, 1915, New York Times.
Says Extinction Menaces Armenia, September 25,. 1915, New York Times.
The Depopulation of Armenia, September 27, 1915, the Independent.
Tales of Armenian Horrors Confirmed, September 27, 1915, New York Times.
Armenian Women Put Up at Auction, September 29, 1915, New York Times.
Turkish Atrocities in Armenia, September 29, 1915, the Outlook.
Armenian Official Murdered by Turks, September 30, 1915, New York Times.
Annihilation of Armenians Threatened, October 2, 1915, the Survey.
Death of the Armenian People, October 2, 1915, Literary Digest.
Tell of Horrors Done in Armenia, October 4, 1915, New York Times.
Government Sends Plea for Armenia, October 5, 1915, New York Times.
800,000 Armenians Counted Destroyed, October 7, 1915, New York Times.
Already Has $75,000 to Help Armenians, October 7, 1915, New York Times.
Sends $100,000 to Aid Armenian Refugees, October 9, 1915, New York Times.
Exterminating the Armenians, October 9, 1915, Literary Digest.
Spare Armenians, Pope Asks Sultan, October 11, 1915, New York Times.
Massacres Renewed, Morgenthau Reports, October 13, 1915, New York Times.
Turkish Official Denies Atrocities, October 15, 1915, New York Times.
Says Only Germany Can Save Armenians, October 16, 1915, New York Times.
The Assassination of a Race, October 18, 1915, The Independent.
Thousands Protest Armenian Murders, October 18, 1915, New York Times.
Turkey Bars Red Cross, October 19, 1915, New York Times.
Only 200,000 Armenians Left in Turkey, October 22, 1915, New York Times.
Germany Says She Cannot Stop Turks, October 22, 1915, New York Times.
Slay All Armenians of Kerasunt, October 26, 1915, New York Times.
Who Can Save Armenia?, October 30, 1915, Literary Digest.
Aid for Armenians Blocked by Turkey, November 1, 1915, New York Times.
Armenians' Heroic Stand in Mountains, November 27, 1915, New York Times.
The Armenian Massacres, December 8, 1915, New York Times.
Pope May Make New Plea to Kaiser, December 9, 1915, New York Times.
Million Armenians Killed or in Exile, December 15, 1915, New York Times.
Germany Protested Armenian Massacres, December 23, 1915, New York Times.
500 Armenians Slain Under Turkish Order, January 15, 1916, New York Times.
Bryce Asks America to Succor Armenians, January 26, 1916, New York Times.
Murder of Armenia, February 5, 1916, Living Age.
Saw Armenians Go Starving to Exile, February 6, 1916, New York Times.
Tells of Great Plains Black with Refugees, February 7, 1916, New York Times.
American Burned Alive by Turks, February 8, 1916, New York Times.
Ransoms Armenian Girls, February 13, 1916, New York Times.
Armenians Get Relief, March 8, 1916, New York Times.
Morgenthau Sees Wilson, March 10, 1916, New York Times.
Armenia's Need, June 17, 1916, Literary Digest.
Turkey's Treatment of the Armenians, July 5, 1916, The Outlook.
Signs of Death in Turkey, October, 1916, Missionary Review.
Lord Bryce on the Armenian Atrocities, October 18, 1916, the Outlook.
Protest of German Teachers, November, 1916, Current History.
Total of Armenian Dead, November, 1916, Current History.
The Calvary of a Nation, November, 1916, Literary Digest.
Why the Armenians Were Killed, November 11, 1916, Literary Digest.
Turkish Foreign Minister's Defense, December, 1916, Current History.
Massacre by Decree, January 27, 1917, New Republic.
Must Armenia Perish?, June 23, 1917, the Independence.
The Armenia Tragedy, August, 1917, Current History.
Who Is Armenia, September 1, 1917, Literary Digest.
A Call to Rescue Armenia, September 29, 1917, Literary Digest.
The Rescue of Armenia, November, 1917, Missionary Review.
Armenians Killed with Axes by Turks, November, 1917, Current History.
The Massacred Armenians, December, 1917, American Review of Reviews.
How Your Gift is Saving the Armenians, March 9, 1918, Literary Digest.
Ten Million Dollars for Relief, July, 1918, Missionary Review.
Ambassador Morgenthau's Story, November, 1918, the New World's Work.
Sultan Searching Out Authors of Killings, December 7, 1918, New York Times.
Tells of Turk Atrocities, January 3, 1919, New York Times.
Saw Turkish Atrocities, February 1, 1919, New York Times.
Saw Armenians Drowned in Groups, February 3, 1919, New York Times.
"Ravished Armenia" in Film, February 15, 1919, New York Times.
Show "Ravished Armenia", February 17, 1919, New York Times.
Still Murder Armenians, April 19, 1919, New York Times.
Turkey Condemns its War Leaders, July 13, 1919, New York Times.
Tells of Armenian Woes, July 20, 1919, New York Times.
Armenian Tells of Death Pilgrimage, July 27, 1919, New York Times.
Shall Armenia Perish?, February 28, 1920, The Independent.
Turks to Rebuild Mosques with Armenian Skulls, June 25, 1921, Literary Digest.
The Armenian Massacres, August, 1921, Current History.
Will Armenia be Saved?, August, 1921, Missionary Review.
Armenia's Tragic Finish, February 25, 1922, Literary Digest.
Crimes of Turkish Misrule, October, 1922, Current History.

Were the editors of the highly respected New York Times, the Literary Digest, and other similar publications printing facts or fiction? The answer is obvious and the facts are undeniable.

The horrible story of what happened to the Armenian people was accurately documented on a day-to-day basis in leading newspapers and publications of the day, and as time goes on, more and more people are becoming familiar with what happened to the Armenian people in 1915 at the hands of the Ottoman Empire.

Genocidal massacre, regardless of the nationality of the victims, can never be denied or repressed. For Turkey, it will fester, like an open wound, until a public admission of guilt is made, an expression of atonement is given, and an attempt follows to rectify injustices done to the innocent victims. Hopefully this will occur soon, for only then can this unfortunate chapter in world history be closed.

Mr. ATKINS. Mr. Speaker, today we again take the opportunity to pay tribute and recognition to Armenian Martyrs' Day. It is often asked why we continue to be concerned about an event that occurred over 60 years ago in another region of the world. It is the individuals who ask this question to whom I would like to address my remarks.

The purpose of our annual commemoration of this tragedy is to make it less likely that a similar event will occur in the future. During the period between 1915 and 1923, the Ottoman Turkish Government conducted a brutal persecution against the Armenian race within its borders. In this short 8-year period, 1.5 million Armenian men, women, and children were mercilessly murdered.

Such an atrocity is not the type of event any civilized person enjoys discussing, but it is not one that we can simply ignore or characterize as a unique episode in world history. In this century, the world has witnessed two events that have shown remarkable similarities to the Armenian genocide. The discovery of the Nazi concentration camps and the death of 6 million Jews at the conclusion of

World War II as well as the atrocities that occurred in Cambodia in 1975 shocked and angered the world. Yet, if these latter events are closely studied, similarities with the Armenian genocide become obvious; the names and faces may have changed, but the results remain the same.

We do not rise today to embarrass an ally or blame the descendants of the perpetrators of this crime. We do not rise to express our tolerance for the actions of Armenian terrorist groups. We condemn their acts just as we condemn those of the Ottoman Empire against its Armenian population.

We pay heed to this event in order to prevent future generations from becoming the newest victims of genocide. The suffering and death that occurred in Europe and in Cambodia reflect the need to continue to bring the Armenian genocide to the attention of the Nation and the world.

No one has the power to alter what has occurred in the past, but collectively we have the opportunity to shape the future. However, in order to ensure that history does not repeat itself, we must never forget the lessons it has taught us. Today, we commemorate Armenian Martyrs' Day because, as past events in Europe and Cambodia reflect, we have not fully comprehended the lessons of the Armenian genocide. Through our continued acknowledgement of the Armenian tragedy and those that followed, we try to ensure that our children never feel the pain and sorrow of genocide that the Armenians, as well as the Jews and Cambodians, experienced. So, to those who ask why we continue to make reference to the Armenian genocide, I point to the millions of Jewish and Cambodian graves, and I point to our children, and ask them—why not?

Mr. MARTINEZ. Mr. Speaker, honorable Members of the House and Senate, we have been brought together to reflect on one of the darkest moments in modern times. Seventy-one years ago, the Government of the Turkish Ottoman Empire unleashed a vicious campaign to systematically exterminate the Armenian people. In the next 8 years, 1.5 million Armenians were killed under Ottoman hands, and another one-half million were exiled from their homeland. Only 20 years later was a word invented that could capture the gravity and the horror of this act. The word is "genocide."

Genocide is recognized as the gravest crime known to man. It is beyond question that this heinous act was committed against the Armenian people in Ottoman Turkey in the early part of this century. Its occurrence has been confirmed by eyewitnesses Henry Morgenthau, U.S. Ambassador to the Ottoman Empire, and Kemal Ataturk, founder of modern Turkey; by authorities on genocide, Raphael Lemkin, who coined the term "genocide" and introduced it to the world, and Elie Weisel; and by both Presidents Carter and Reagan. Yet despite this extensive documentation, Armenians today find themselves in a vital struggle against an apparent willingness to cloud, and to ultimately extinguish any human memory of this epic tragedy.

We Americans have a deep and enduring sense of justice. The morality of our people, though often obscurred in the heat of political battle, can always be seen guiding the ship of American policy. We saw this last year as the President planned his trip to Bitburg. The American people view Germany as our close friend and ally, and without hostility. But our warmth toward the Germans will never dull our horror over the vicious crimes committed by the Nazi regime, or our firm sense of justice toward those who carried out the evil plan. Similarly, we cannot allow our close and important alliance with the Republic of Turkey to compromise our deeper sense of justice in the face of history. The Armenian genocide was one of the most savage crimes against humanity in history. By refusing to recognize it, the U.S. Government is perpetuating a dangerous and immoral lie, and is helping to keep open the possibility that somewhere, sometime, it may happen again.

I believe that we who are speaking out in this Chamber today represent the true voice of the American people. As such, we will never allow the Armenian genocide to be forgotten. We stand by the Armenian people in forever guarding the flame of justice that has served as a beacon both to our Nation, and to our civilization.

Mr. MOORHEAD. Mr. Speaker, I would like to thank the gentleman from California for taking this special order commemorating the Armenian martyrs who, 71 years ago, were slaughtered in one of the world's worst acts of terrorism. In recalling the Armenian massacre we are reminded of the darkest moments in history. The suffering and conflict created by those horrible events remain a very real experience for those whose lives have been affected by it.

In celebrating the 71st anniversary of the Armenian genocide we are engaging in an act of remembrance. We do so to pause and reflect upon the Armenian experience, and to ensure that those events 71 years ago are never forgotten.

This exercise also serves to remind us that acts of barbarism and terrorism continue unchecked to this day. It is appalling that we live in a world where man is inhumane to man and where acts of terrorism have become commonplace. It is our responsibility to see that these acts are not forgotten. We are morally obligated to build toward a safer world where the rights of all are protected.

Mr. GREEN. Mr. Speaker, I rise today as part of this special order to acknowledge and remember the tragic genocide of 1.5 million Armenians. Furthermore, I rise to express my deep regret that this Congress has not yet passed a resolution making April 24 a National Day of Remembrance of Man's Inhumanity to Man.

It has been 71 years since the tragedy which wiped out 1.5 million Armenian men, women, and children; more than 7 decades since those people were marked by the Ottoman Empire for cultural genocide. To this day, I receive letters from my constituents who are survivors of this tragedy and were eyewitnesses to some of its horrors. More and more, those letters are being written by children or friends as the survivors are now too old to write for themselves.

Thus the task of remembering this tragic event becomes even more sacred. The truth must survive the eyewitnesses. When someone suggested to Hitler that world public opinion would be hostile to his "final solution of the Jewish problem," Hitler responded, "Who remembers the Armenians?"

Unfortunately, last December, this House did not remember the Armenians. After a lengthy and often heated debate on House Joint Resolution 192, to designate a National Day of Remembrance of Man's Inhumanity to Man and particularly the Armenian tragedy, the Members of this House bowed to the pressure of the Turkish Government and defeated a friendly amendment, 213 to 206. This was not a proud day for this House, and I hope it is a day we can rectify in the near future.

The Turkish Government continues to battle this resolution and to deny that the massacres by the Ottoman government ever occurred. Moreover, the Turkish Government has made this issue a litmus test of support for our NATO ally Turkey.

To their denial I say that the truth of the reported massacres has been established by the survivors and by substantial evidence found in the records of the Congress. To their litmus test I say that if we acquiesce to our allies' rewriting of history and truth as a sign of our support, we shall be a nation stripped of our morality.

We are all aware of the 37 years it took the Senate to approve the Genocide Convention and to reaffirm America's resolve to work toward the prevention of mass human destruction. I would hope that our Armenian friends and constituents will not have to wait twice 37 years for their day of commemoration.

Mr. TORRES. Mr. Speaker, I want to thank my colleagues from California, Mr. COELHO and Mr. PASHAYAN for requesting this special order on the anniversary of the Armenian genocide.

It is only right that we recognize and commemorate the genocide perpetrated on the Armenian people over 70 years ago.

Mr. Speaker, I have joined my colleagues on several different occasions bringing attention to events that devastated the Armenian people. The genocide is still alive in the memories of people of Armenian descent.

Over 70 years ago, between 1915 and 1923, more than 1½ million Armenians perished at the hands of the rulers of the Ottoman Empire. The Armenian people were nearly destroyed. I believe it is important that each year Congress bring this tragedy to the attention of the American people and the world.

It is unfortunate that we have to have legislation like House Joint Resolution 192 in Congress. It saddens me that man has been so cruel, so often that we must memorialize these events of genocide. I fear that to forget the genocide of Armenians and other groups would be a mistake. Genocide will not end with this resolution, but I hope it will cause us to reflect on man's inhumanity. Perhaps it will help us pledge to do better in the future. If this special order and House Joint Resolution 192 can achieve this simple goal, they are worth our support.

Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in this special order com-

memorating the 71st anniversary of the Armenian genocide.

The genocide against the Armenian people of Turkey, perpetrated by a dying Ottoman Empire in 1915, remains one of the most significant events in world history. The degree of savagery with which it was undertaken, and the precedent it set for the monstrosity committed by Adolph Hitler in World War II, assures it of a permanent place in the collective memory of the world's nations and people. That the genocide occurred is an indisputable fact. The modern day tragedy of that event is that the pain and suffering of the Armenian people continues unabated to this day, due to the continued refusal of the Turkish Government to acknowledge that the genocide ever took place.

The level of man's inhumanity to man demonstrated by the Turkish regime of that era, has sadly been repeated by other governments in other countries since. Genocide, it is said, has four stages: identification, segregation, extermination, and denial. We continue to mark this day in world history in memory of those people who perished in the deserts of Der-El-Zor, in the hope that the collective conscience of the world will never countenance the denial of the event. We also mark this anniversary in the hope that in so doing we will prevent future acts of genocide. That requires vigilance, a vigilance that was sadly lacking in Hitler's Germany and, in more recent history, Cambodia. But, just as the Armenian people have persevered through a profound strength and faith, hope remains for mankind, that it might one day fully realize the horrendous enormity of such genocide. As part of that process, we must recognize and accept our past. It is in that spirit that we commemorate the Armenians that perished, and the strength of those Armenians that carry that legacy today.

Mr. FAZIO. Mr. Speaker, I would like to thank my colleagues, especially my Californnia colleagues, Mr. COELHO AND MR. PASHAYAN, for organizing today's special order on the Armenian genocide.

This year marks the 71st anniversary of the Armenian genocide, in which 1.5 million men, women and children lost their lives in Turkey between 1915 and 23. The genocide began with the arrest and execution of leading intellectuals and clergymen and the murder of the young men drafted to serve in the Turkish Army. By 1923, one-half of the world's Armenian population had been massacred on its ancestral land which it had inhabited for more than 3,000 years.

Today we memorialize the Armenian martyrs. What happened 71 years ago was the first atrocious display of the 20th century of international neglect and passivity in the face of genocide. Unfortunately, we did not learn and the tragedy was repeated again in Germany and in Cambodia. It is important that not only Armenians, Cambodians, and Jews remember the atrocities of genocide, but that the rest of humanity also remembers these events. We have a moral responsibility to draw our attention to the tragedy of genocide and remind ourselves of its consequences so that it will not happen again.

Our Presidents, statesmen, and legislative bodies have repeatedly recognized the atrocities of the Armenian genocide. Henry Morganthau, U.S. Ambassador to the Ottoman Empire at the time, sent a telegram to the Secretary of State which stated that:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

President Reagan, in a 1981 proclamation regarding the victims of the Holocaust stated that:

Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

Most recently in Congress, a resolution was introduced last year to designate April 24, 1986 as a "National Day of Remembrance of Man's Inhumanity to Man" especially for remembering the Aremenian genocide by the governments of the Ottoman Turkish empire.

It is our moral obligation to remember the tragedy of the Armenian genocide and work toward the prevention of mass human destruction. The consequence of this act has implications not only for surviving Armenians and their relatives, but for all of mankind. We must heed our own warnings and do all that we can to ensure that another genocide, that another race, ethnic group, or nationality does not face the atrocities which the Armenians faced 71 years ago. Therefore, it is appropriate that we join today in recognizing this tragic event in the hope that our combined efforts will help prevent such a recurrence.

Mr. HOWARD. Mr. Speaker, today another year is added to the legacy of the Armenian genocide, another year of Turkish denials, and terrorist violence that dishonors the memory of every martyred Armenian soul. As we reach the 71st anniversary of our century's first genocide, the Government of Turkey has intensified its image-building campaign in the mistaken belief that mere rhetoric can make their country part of the Western moral community. Strident assertions of innocence and outright fabrications are simply not part of the democratic character to which Turkey allegedly aspires.

It is indeed time for Turkey to join its NATO partners in moral as well as strategic solidarity against the Soviet threat, but among the many words spoken the right ones have not yet been heard. Turkey's real accession to the moral plane of its fellow alliance members can only begin with a recognition of the historical facts. Quite simply, the Armenian population of the Ottoman empire was, behind the shroud of a world war and civil confusion, deliberately, systematically, and mercilessly slaughtered. As part of a secret but official government policy of genocide, Ottoman soldiers herded, tortured, and murdered their victims for the crime of being Armenian. These facts cannot be denied any more than we can deny that Hitler, as a matter of state policy, murdered the Jews of Europe.

Time and again, year after year, the same is said. The genocide was real and Turkey will never be able to assume a mantle of honor until the past is recognized for what it was. Why must we continue to harangue the Turkish Government to admit the guilt of the Ottoman empire? Why do we not let go of the past and forge a new future with Turkey? Because of the Orwellian warning of what can happen to a community that rewrites history. If government authorities are allowed to rewrite a nation's history, then no one is left to challenge the direction that government chooses to take. If we allow the Turkish Government to erase every memory, wait until every witness dies, then the entire human community suffers. For we will have no evidence that it happened, that it was wrong, and that it mattered.

After 71 years, the time has come for Turkey to take the honorable path, the path taken by the Federal Republic of Germany, which has risen proudly from the most terrible human experience of this century. Only when Turkey chooses to acknowledge the truth of the Armenian genocide can it stand in moral unity with its NATO partners against the terrorism, against the uncertainties of the future, and against the bitterness of these terrible memories.

Mr. FLORIO. Mr. Speaker, I am pleased to join my colleagues in commemorating the 71st anniversary of the beginning of the Armenian genocide. This terrible chapter in the history of mankind reaped the lives of 1.5 million Armenians. I join my colleagues with a sense of sorrow and dismay as we reflect upon this tragedy that spanned a number of years and decimated the Armenian population in the Ottoman empire while leaving innumerable scars on the survivors of this tragedy.

The Armenian people were not only deported and robbed of their lands and possessions but they were also subjected to cold-blooded massacres and atrocities and brutal extermination. Males were separated from their families and massacred while remaining women, children and the elderly were forced to march across Asia Minor to the Syrian Desert. Of these marchers, thousands died in route of starvation, exposure, and disease. Countless survivors witnessed the atrocities perpetrated upon their families, relatives and friends and these survivors still carry with them the memory and the scars of this genocide.

During this trying time, our Government and other governments around the world joined in condemning this systematic destruction of a particular group of citizens. Press reports and government studies all point to the fact that this tragedy did occur and those that will deny its occurance are denying history and fact. The most glaring aspect of this entire tragedy is the fact that the Turkish Government still continues to deny that this genocide ever occurred and explains the deaths of 1.5 million Armenians as having resulted from years of civil strife in the region.

This denial of history which has been documented by survivors, eyewitnesses, correspondents, U.S. Presidents, and even past Congresses, underscores the need for approving House Joint Resolution 192 and paying tribute to the memory of those who died while ensuring that future governments will not be able to deny these atrocities. House Joint Resolution 192, which I have cosponsored, designates a day of remembrance for the victims of the genocide but its intent

has been misconstrued and its effects have been cast in the light of present-day relations between the United States and the Republic of Turkey.

I have joined several of my colleagues in sending a letter to the President requesting that he officially commemorate this 71st anniversary of the Armenian genocide. By commemorating this date and by remembering the many lives that were needlessly lost, we are in no way condemning the current Government of the Republic of Turkey or the Turkish people. Rather, we are calling attention to a significant chapter of the history of mankind as a way of preventing further tragedies. For when we continue to remember that man has the capacity to destroy as well as rebuild, we will be better able to ensure that genocides will no longer be a part of our future. We owe it to the future generations, to the survivors, and to the memories of those who died, to continue our vigilance and ensure that this tragic chapter of the history of mankind is never again ignored, forgotten or doubted.

Mr. FORD of Michigan. Mr. Speaker, I would like to join my colleagues in paying tribute today to the million-and-a-half men, women and children who died in the Armenian genocide of 1915–23. This is the 71st anniversary of that horrendous event and I don't think it is a day that should go unnoticed in this body.

I would like to recall that half the Members of the House sponsored a resolution that would have designated April 24, 1986, as a day to remember man's inhumanity to man and all victims of genocide.

Sadly, because of tactics employed by the administration, the resolution did not come to a vote. The administration raised the specious argument that passage of the resolution would adversely affect our relations with the present government of Turkey, even though it clearly and specifically said it dealt with the atrocities of the Ottoman empire and in no way reflected on the present government.

April 24 is the date that people of Armenian ancestory commemorate the death of these million-and-a-half victims of horrible slaughter at the hands of the Ottoman empire's bloodthirsty agents.

I want to point out today, as I did at the time the resolution was on the floor, that we are in no way criticizing the Government of the Republic of Turkey, with whom we enjoy an excellent relationship.

At the same time I want to stress that this commemoration is very important to thousands of Armenian Americans who have contributed and continue to contribute so much to our Nation. And I want these people to know that Americans shudder at the very thought of what happened to their ancestors those many years ago. And not only to ancestors, for some of the older Armenian-Americans themselves are survivors of the horrible massacres.

And even though we failed to pass the resolution, I want all Armenian-Americans—and indeed the whole world—to know that we in America find that what happened earlier this century is a terrible blow to humanity, decency and all the virtures for which our country stands.

Mr. DOWNEY of New York. Mr. Speaker, today, I join my colleagues in commemorating a tragic event in 20th century history, the Armenian genocide of 1915.

I am struck by the horror of the first modern case of genocide. One-and-a-half-million people in Armenia were systematically and ruthlessly exterminated by the Ottoman government. A government, recognized and respected by other governments, attempted to extirpate a people, a culture from the face of the Earth. The Ottomans tried to change human history—to close a chapter in the story of humanity. The Ottomans did not succeed in their demented project. One-and-a-half-million men, women and children died, but the Armenian people still live, their culture and their history flourishes.

The horror of the Armenian genocide is made all the worse by the refusal of some people to acknowledge that it ever happened. They would like to ignore this sordid chapter of history. They plead that we cannot offend the sensibilities of our allies. They place concern for radar installations above regard for human life.

I take heart, Mr. Speaker, in the fact that the other body ratified the Genocide Convention on February 19, ending 37 years of sterile debate.

Today we should pause for a moment, open our hearts and remember those unfortunate people who lost their lives because they happened to be Armenian. Once we have done that we should increase our resolve that it never happen again.

Mr. BEDELL. Mr. Speaker, as you well know, genocide is the most horrible of all crimes. Although genocide is an action against a specific group of people, it has far-reaching consequences for humanity. Genocide robs the world community of its dignity and its most important natural resource: its people.

When I mention genocide, the Nazi Holocaust in which millions of Jews and Eastern Europeans were exterminated, first comes to mind. Over the past 40 years, there has been a concerted effort to educate people about the atrocities carried out by the Nazis during World War II. Yet there is another example of genocide which occurred only 30 years before World War II that receives little attention. Between 1915 and 1923, 1.5 million Armenians were exterminated by the Ottoman Turkish Government. These Armenians were neither rebels nor usuprers, but loyal Turkish citizens. The only crime of these 1.5 million men, women, and children was their Armenian heritage. Today we take a few moments to pay tribute to the men, women, and children who died in the Armenian genocide.

It has been 71 years since the beginning of the mass extermination of Armenians by the Ottoman Turkish Government, yet the effects of the crime still linger. Before World War I, 2,500,000 Armenian lived in the Ottoman Empire. Since the genocide, fewer than 100,000 declared Armenians reside in Turkey. For the Armenian community the atrocities of the early 1900's are still too real; however, little has been done to recognize this tragedy and make certain that it never occurs again.

It is alarming that this example of one of the most horrible crimes of the 20th century should go largely unrecognized for so long. While almost everyone remembers learning about the Holocaust, few people are aware of the great tragedy of the Armenian genocide. Today, we take this time to recognize and educate about the Armenian genocide, because very often the past serves as a blueprint of the future. As a nation and a member of the global community, we must prevent the mass extermination of peoples. This can only be accomplished through a greater knowledge and understanding of the past. We must directly face the history of genocide in order to prevent future atrocities.

If we ignore the problem of the Armenian genocide, we condemn our children to make the same mistakes that previous generations have made. For this reason, we pay tribute to the 1.5 million men, women, and children who perished at the hands of Ottoman Turkey. Hopefully, our solemn efforts today will ensure that we can prevent future atrocities from occurring.

Mr. BARNES. Mr. Speaker, once again I appreciate the opportunity to add my statement to those of my colleagues who today remember and pay tribute to the one and a half million men, women, and children who were the victims of the Armenian genocide from 1915 to 1923.

There are many people today, living in the United States, whose relatives fell victim to the Armenian genocide. I have talked with some of them. They have told me their very personal and sad stories. They have told me how difficult it is to live with the knowledge of what happened. And, they have expressed their deep sadness and outrage that the Armenian genocide seems to be a forgotten event, that one of the most cruel horrors of modern history goes unnoticed and unacknowledged.

Elie Wiesel, as chairman of the U.S. Holocaust Memorial Council, said in 1981:

> Before the planning of the final solution, Hitler asked, "Who remembers the Armenians?" He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

This special order today is a time for us to remember this shocking period in world history. It is an opportunity for us to join with the generations of Armenians who must live with the knowledge of what has happened to their relatives and historically to their people.

All the memories of this painful time will pass through generations. What we are saying today is that the horror of those years must be known and understood and—like other atrocities against humanity—must find its place forever in the human heart and the human conscience.

I believe, as President Reagan has said in Proclamation 4838:

> Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

Recognizing the Armenian genocide, as we have recognized the Holocaust, reminds us of what the very worst in human nature can bring about, and compels us to protect our future from the recurrence of such a nightmare. At all costs we must preserve for succeeding

generations our dreams and hopes for a better, more humane world.

Mr. McHUGH. Mr. Speaker, we commemorate today the 1.5 million Armenian men, women, and children who were the victims of Ottoman massacres during the years from 1915 through 1923.

It is perhaps the saddest fact of our times that such destruction of a racial, religious, or social collectivity not only occurred, but has continued to reoccur in this century, and in various parts of the world—particularly in the Nazi Holocaust as well as in the extensive Soviet campaigns to exterminate dissident and potentially dissident minority blocs. To describe such systematic murder, Raphael Lemkin first used the term "genocide" in 1944; since then it has become part of our century's vocabulary, a sad reminder that although the human race has made much technological and social progress in this century, various nations have shown themselves to be capable of massive and hideous cruelty toward literally millions of innocent victims.

Today, as we remember the victims of the Armenian genocide early in this century, we are aware of the precarious situation in the world caused by the spread of terrorism. More and more people throughout our planet have become victims and potential victims of irrational, mindless destruction. This circumstance, of a world increasingly steeped in random violence, reminds us of the fundamental threat to our common humanity and survival whenever any group or nation resorts to violence as a way of asserting national, cultural or religious dominance.

Earlier this year, the Senate approved the U.N. Genocide Convention, an act which records our resolve as Americans to work toward the prevention of mass human destruction. Especially on this day, as we mourn the loss of over a million innocent Armenians early in this century, we pledge ourselves to redouble our efforts to seek a more peaceful world in which such monstrous crimes cannot reoccur.

Mr. BLILEY. Mr. Speaker, I am torn between feelings of honor and sadness that Members of Congress are compelled to seek special time to remember the genocide against the Armenian people.

I am honored that this Congress, the greatest legislative body in the history of the world, is populated by decent and moral men and women who will take the time to keep the facts of genocide alive so that they will never again be repeated. As a Member of this House of Representatives I have a duty to call the attention of the American people to the truth of history and its implications for the future. We must learn truth and we must live truth if we are not to relive past horrors.

Our diplomatic representatives knew of the Armenian genocide. There are numerous cables and letters clearly laying out the systematic and planned nature of the actions against the Armenian people. Our political leaders knew about the genocide. And yet we did nothing about it. Much the same thing happened in Germany beginning in 1936 against the Jews. Very little was done about this situation until it was too late and the Second World War had begun and drawn a black curtain of death over Europe. More recently we have seen the mass destruction of the Cambodian people by their own rulers who used much the same model developed in 1915 by the Ottoman Empire and refined by the Nazis from 1936 to 1945.

Where was the world while these horrors were taking place? We knew or at least suspected that these things were happening, but the whole world seemed to withdraw into collective refusal to act against genocide. We cannot afford to let this happen again. Only by remembering and keeping history alive can we hope to deter a future Hitler of Idi Amin from the brutal and senseless slaughter of human beings.

I stand here today saddened because we still seem to have not learned the lessons of history. Some still try to deny or mitigate the truth for their own personal or political reasons. This seems to me to be the height of folly and irresponsibility. The denial syndrome can only weaken the moral foundation and resolve of a people and a nation. If strenuous efforts are made to rewrite history and deny the truth then who is to say where this process stops?

The better course, the only moral course, is to face the truth and deal with it in a useful way. To face the truth, no matter how horrible and ugly, and to use that truth to exorcise the spirit of evil and immorality that caused these events in the first place is the only proper way to deal with these issues. The fact that some people do not seem to be able to recognize the truth is a sad fact that we must fight and work against until all people everywhere learn the lessons of history and prepare themselves to prevent any future genocide.

Mr. Speaker, I thank you for recognizing us for this special order and I only hope that we may soon not need to use these methods of drawing attention to the truth.

Mr. MANTON. Mr. Speaker, I would like to commend my colleagues for organizing today's special order in commemoration of the 71st anniversary of the Armenian genocide of 1915–23. It is important that today the Congress stresses our commitment to freedom and justice.

The tragic death of 1.5 million Armenians during the Ottoman Empire was the first genocide of the 20th century and remains one of the greatest crimes of this century. Unfortunately this genocide was ignored or forgotten by the world. Therefore, it was not the last genocide of the 20th century. Hitler himself said, "Who remembers the Armenians?"

I am firmly convinced that the Armenian genocide must never be forgotten. That is why I cosponsored and strongly supported House Joint Resolution 192 which would have designated April 26 as a day of remembrance of man's inhumanity to man, especially the victims of the Armenian genocide. I believe we must never forget those 1.5 million men, women, and children who died solely because of their ancestry. We have a duty to their memory, a duty to their families and the survivors to never let the world forget this great tragedy. Furthermore, we also have an important duty to our children to teach them the mistakes of the past. By doing so we will make certain that such tragedies are never repeated.

There are some who will say that the Armenian genocide did not happen. We know this to be untrue and there is a great body of evidence to refute this false claim. The American ambassador to the Ottoman Empire during the period of this genocide reported extensively on the continuing massacres and his efforts bring them to an end. Last August a U.N. human rights panel in Geneva specifically cited the Armenian genocide. Furthermore, in both 1975 and again in 1984, the House of Representatives passed a resolution marking the anniversary of the genocide and eight Presidents of the United States have protested the genocide. Most recently, President Carter and President Reagan reaffirmed American recognition of this tragedy. We cannot allow ignorance, prejudice, or short memories to rewrite history.

Mr. Speaker, America has a special role to play in ensuring that this tragic chapter of human history is not forgotten. Many of the survivors later emigrated to the United States where they helped to build a strong, prosperous, and free nation. The great contribution of Armenian-Americans is indisputable. Furthermore, as a leader of the free world, the United States must remember all victims of tyranny and injustice. Today's ceremony reaffirms America's dedication to the principles of personal and religious freedom and our commitment to promoting peace and liberty throughout the world. I pledge my commitment to those goals and will continue my efforts to ensure that the Armenian genocide is never forgotten.

Mrs. SCHNEIDER. Mr. Speaker, today I join my colleagues in a tribute to the Armenian people. The suffering of the Armenian people is well known. Last year the House spent many hours in debate highlighting the actions that occurred 75 years ago. The historical debate about the exact numbers, the scope, and the motivations of those involved continues without resolution. It is not, however, necessary to reach a conclusion about the cause of a tragedy in order to share the sense of loss felt by the Armenian people. It would compound that tragedy if the world were to forget the sufferings of the Armenians during and after the First World War.

In my own State of Rhode Island, the Armenian community has a particularly rich tradition and heritage. As a guest at the annual festival at St. Sahag and St. Mesrob Armenian Church, I am reminded of the hospitality, the sense of fellowship, and the service that is such an important part of the Armenian community in Rhode Island. Certainly our State has benefited immensely from the contributions of the Armenians who have settled here. The majority of that community has no personal memory of the events in Armenia between 1914 and 1926, but they have heard the tales of suffering from their parents and grandparents.

I think that at a time when we remember this suffering it is appropriate for us to look as well to the triumphs of the Armenian people. The contributions of the Armenian people to the business, culture, education, and government, not only in Rhode Island, but wherever they have placed their roots, should stand as a reminder to us all that out of suffering

comes strength and out of tragedy, compassion. We commemorate today the suffering and tragedy that befell the Armenian people 75 years ago, but we also celebrate the strength and compassion that stand as a mark of Armenians everywhere.

We cannot undo history. We do know, however, that the benefits that we enjoy are often founded in the sufferings of earlier times. It is only proper that we set aside contemplative time to remember those who suffered and to express our gratitude for our freedom, our community and our heritage. I join my colleagues today in remembering both the tragedy of the Armenian people and their triumphs during the past three-quarters of a century.

Mr. TOWNS. Mr. Speaker, today as we commemorate the genocide of Armenians from 1915 to 1923, we must recognize the permanent pain and anguish that will not be forgotten by the survivors of this tragedy.

The 1.5 million Armenian men, women, and children who perished will be remembered as victims of a cruel and barbarous act against humanity.

We cannot compensate for the remorselessness of this massacre but we must remember those who perished so that they will not have died in vain. We should never forget such acts of barbarity. The determination and perseverance of the Armenian people, whose culture and heritage allowed them to survive this disaster, must be commended. In this day and age, we cannot afford to look the other way when human rights violations are being perpetrated. We must work toward preventing other genocidal acts by remembering incidents like those of the Armenian people and informing world opinion about such tragedies so that they will not occur in the future. Let us hope that the U.S. Senate's ratification of the Genocide Treaty is a step in the right direction in preventing future acts of mass destruction against any nation or people.

Mrs. BOXER. Mr. Speaker, I am proud to participate in this important special order.

The 20th century has seen its share of triumph and tragedy. We celebrate the triumphs; we mourn and learn from the tragedies. But we cannot learn anything if we insist on closing our eyes to the fact that a tragedy has indeed taken place.

Seventy-one years age, the Ottoman Turkish Empire began a system of genocide against the Armenian population that eventually left 1.5 million dead, and opened the way for future genocides. There are those who, for various reasons, insist that this terrible tragedy was not in fact a genocide, or more grotesquely, that it never occurred at all. Such lies have devastating results—not only for the Armenian people who suffered so much, but for those of us who hope to prevent the occurrence of future such tragedies.

Mr. Speaker, in February, the Senate ratified the Genocide Convention after 37 years. The United States is now an official participant in the battle to prevent future genocides. It is recognition of the Armenian genocide, as well as the subsequent Nazi Holocaust, that galvinized the world community into taking the important step of a treaty to outlaw genocides. The least we can do is stand here today to bow our heads and remember the Armenian people's suffering. They must know that it was not in vain—that we have learned from this and other holocausts.

When you talk about fundamental human rights, you cannot waiver because of political or economic expediency—1.5 million Armenians were killed during World War I at the hands of the Ottoman Turkish Empire. Let us never forget their suffering. For humanity's sake, let us never forget that future genocides can only be prevented by never forgetting the past. I implore my colleagues, the American people and people of all nations, to remember the tragedy of the Armenian genocide, so that we can truly make the claim, never again.

Mr. MATSUI. I rise with my colleagues today to remember those innocent men, women, and children who died in the Armenian Genocide of 1915–23. Although the time has passed for mourning, time does not wash away history. With the victories, the tragedies of the past should be rememberd if we are to use history as a guide for our future actions.

To this day, however, Turkey's government still refuses to acknowledge the massacre. It is for this reason that we are here today observing this anniversary.

Seventy-one years later, our minds have turned to the horrors of terrorism. Our need to acknowledge and remember base human actions is more prevalent than ever. When the world forgets and refuses to even acknowledge its mistakes, terrorism becomes the tool to force us to remember. Therefore, I join with my colleagues today to prove that we do not ignore the plights of the persecuted. Instead, we acknowledge the mistakes of the past in the hope that we can set an example for the future.

Mr. SCHEUER. Mr. Speaker, I join with my colleagues here today in marking the 71st anniversary of the Armenian massacre and to honor the 1½ million innocent men, women, and children who lost their lives between 1915 and 1923.

Throughout World War I, the Ottoman Turkish Government systematically and brutally murdered the Armenian people in one of this century's most appalling human tragedies.

The Armenian massacre set the stage two decades later for Adolph Hitler's slaughter of 6 million Jews in the Holocaust and the recent acts of genocide against Cambodians and Afghans.

Hitler himself emulated the Armenian massacre when he attempted the wholesale destruction of the Jewish race.

When confronted with the question of how history would consider his actions, Hitler reportedly said, "Who, today, remembers the Armenians?"

I will answer Hitler today, that we do!

By commemorating the memory of the Armenian victims, we can try to prevent history from again repeating itself.

For the sake of those still living who are survivors of this great tragedy, for the sake of the descendants of the victims, for the Armenians who live across our Nation and the globe, and for all mankind, we cannot forget the Armenian massacre.

Mr. Speaker, the vivid accounts of the torture, the deprivation, the cruelty, and the bloodshed that are related by the survivors bring tears to even the strongest of men.

It is a historical fact that 1½ million Armenians were slaughtered by the Ottoman Turks.

Yet the Turkish Government refuses to acknowledge this act of genocide that was perpetrated in Turkey.

The current Turkish Government has taken this act of denial further by actually rewriting the history of those years.

At the same time, Turkish leaders have pressured our own Government to deny that the Armenian massacre took place, using our strategic need for bases in the region as leverage.

Such pressure has accounted for our State Department labeling the Armenian tragedy as an "alleged genocide."

The Turkish Government has carried this denial to extraordinary lengths by refusing to concede that the grotesque murder of innocents even took place.

And President Reagan has opposed a resolution which I, and more than 200 other Congressmen, have cosponsored with TONY COELHO, of California, to designate April 26 as the "National Day of Remembrance for Man's Inhumanity to Man."

Mr. Speaker, the current Turkish Government has nothing to lose by acknowledging that the Armenian massacre took place.

Neither the current government nor the people of Turkey committed the heinous crimes against an innocent people.

By acknowledging the massacre, the current Turkish Government will gain moral statute in the eyes of all of us who have vowed to make sure that the Armenian genocide will not be denied or forgotten.

By keeping these painful memories alive and by facing the hideous truths, we can insure that the mistakes of the past will not be repeated.

Mr. Speaker, we must keep the memory of the Armenian genocide alive as a way of reaffirming our commitment to human life and dignity.

All of us who have lost friends and relatives to genocide must forever strive for truth and peace.

GENERAL LEAVE

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO THE LATE HONORABLE JOSEPH P. ADDABBO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, I rise in behalf of the New York congressional delegation to pay a tribute to our colleague, JOE ADDABBO, who passed away last week.

His funeral in New York City was a deeply moving one, with tributes paid by Speaker O'NEILL, by Cardinal O'Conner, and by Bishop Mugavero.

JOE ADDABBO always recognized his home surroundings. As a highly important and influential Member of Congress, he still lived in the same house in Queens and he was one of the few Members of the New York delegation who did not bring his family to Washington. It was only when there was, perhaps, a party at the White House when JOE brought his wife, Grace, to participate in that occasion.

Congressman ADDABBO was placed on the Appropriations Committee shortly after he had won reelection to the House. I do not know exactly what the procedure was, but remembering that former Congressman Eugene Keogh, was the highly influential Member in placing other Members of the delegation on committee, he was probably responsible for JOE'S elevation to that outstanding committee, the Committee on Appropriations.

JOE maintained his position on that committee, moving up slowly in seniority, until the distinguished chairman of that committee, and the former chairman of the Defense Appropriations Subcommittee, George Mahon of Texas, retired.

JOE, I think, was probably recognized by other Members of the House because of the fact that he led an annual group of Members of the House of Representatives and their wives and families every year in the springtime to show them the great city of New York, to entertain them in theaters, to take the boat trip around New York City, and to visit the home of the mayor, Gracie Mansion. In fact, now that JOE has passed away, we in the New York delegation are going to have to scramble a little bit, I am afraid, to try to create for our colleagues the same outstanding trip that Chairman ADDABBO had led over so many years.

□ 1820

JOE ADDABBO was a highly responsible and highly influential Member of Congress because he was the chairman of the Appropriations Subcommittee on Defense. We did not always agree, he and I, on some weapons systems, but he was always very helpful and willing to discuss any disagreement that might develop between the Appropriations Committee and the authorizing committee, the House Committee on Armed Services.

JOE'S major contribution, I think, not only to the House itself, but also to his State, was reflected in an item that came before the House today, the homeporting of a naval squadron in Staten Island. JOE ADDABBO was almost single-handedly responsible for that decision and the Secretary of the Navy recognized his insistance that that squadron was going to remain in New York City, even though, from time to time, there might be objections as to whether there were going to be nuclear weapons on those ships or not.

JOE was also strong in support of another item from New York State that, in his recent years, he felt deserved a much better reception from the Pentagon than it was getting. That was the T-46 Air Force trainer developed by Fairchild Republic Aviation Co. on Long Island. JOE, I know, hoped that we who remained on the delegation in a position of influence with the Pentagon would see fit to fund and to authorize the T-46. Those of us in that position intend to continue his fight because it was something that he was deeply concerned about and I think in a sense, it should be the one tribute, he never asked very much for himself, but the one tribute to his earnest efforts to try to provide more jobs for the people in his congressional district and for the people on Long Island.

JOE ADDABBO was always generous, always kind. His eulogy that the Speaker made in St. Patrick's Cathedral was a very moving one. The Speaker said we live in Congress by the bells. One bell would indicate that we are in session; two bells represent a vote; three bells are a quorum call; and four bells is the end of the session. He said, "JOE, we have rung these bells in your honor and you have completed a magnificent contribution to the Congress and to the American people."

I yield now to the gentleman from New York [Mr. HORTON], the vice chairman of the delegation of New York, as representing the Republican delegation from New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as vice chairman of the New York delegation, and as the dean of the Republican delegation, I join Congressman SAM STRATTON, the dean of our New York delegation, and my colleagues this evening to pay tribute to our friend and colleague, JOE ADDABBO, who passed away earlier this month after a long bout with cancer.

I had the honor of knowing JOE and his wife, Grace, for nearly 25 years. Nancy joins me in expressing our deepest regrets and condolences to Grace and the Addabbo family.

JOE began in Congress in 1960; I joined him 2 years later. Nobody had a greater respect for JOE than I. His commitment to all that was right and fair was unequaled in this House.

JOE was best known for his tireless efforts as a voice of sanity when dealing with defense matters. He was an articulate and forceful opponent of excessive and wasteful military spending. Although he was often in the minority on his defense appropriations subcommittee, the respect for his beliefs by his colleagues was great. JOE was singularly responsible for several military projects being built in New York State. His role as a champion for the State was widely recognized and appreciated. We shall miss his leadership in defense matters.

In 1973, JOE sponsored the first antiwar resolution ever to pass the House—cutting off funds for the bombing of Cambodia. He was a leading advocate of accountability—fiscally and ideologically—within the Pentagon. The President called JOE "one of the leading players in the development of American military policy." My good friend Mario Cuomo called him "a great man, whose commitment to integrity and excellence has improved the quality of life for all New Yorkers." Those who knew JOE would be hard pressed to disagree.

Mr. Speaker, this House will not be the same without JOE. He will be sorely missed.

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a great statesman, leader, friend and a truly outstanding American who was called from us April 10, 1986, at the age of 61.

JOE ADDABBO came to this venerable body 26 years ago from the Sixth Congressional District of New York and served the good people of New York for better than 2½ decades with direction, compassion, and clearheaded innovation.

His time in public office spanned many of the most trying, dynamic and exciting events of this century and his unique leadership met all challenges head on in the same perserving, selfless manner that he led his own life. This man was a tireless fighter for what he believed was right, and that effort will be remembered gratefully by all those who knew or knew of JOE ADDABBO.

JOE was a fair minded and dutiful man whether serving as chairman of the House Appropriations Subcommittee on Defense, as chairman of the Small Business Administration and Minority Enterprises and Franchising Subcommittee or just being a trusted friend. JOE'S optimism and belief in the god within all people brought a personal flair to all that he touched, but his relentless fight to reduce waste and fraud left many a tough challenger wondering "what hit them."

Those in the defense area knew that JOE ADDABBO watched for excess and fraud with a scrutiny that saved taxpayers untold millions of dollars and, in doing so, maintained the world's strongest defense. Controlling Federal purse strings, especially those for defense, is no job for the weak of heart and JOE ADDABBO distinguished himself with fairness and devotion.

This was a patriot in the true sense of the word. JOE ADDABBO was a man who believed deeply in the good of this country and spent a large part of his life working to ensure that all Americans could enjoy it.

As a friend of the small businessman, JOE worked tirelessly to ensure equal opportunity. A proponent of minority enterprises, he fought for fair and equitable treatment as aspiring minority businessmen and played an important role in bringing many new businesses to this country.

JOE ADDABBO, friend, patriot, Congressman, will be sorely and deeply missed.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Appropriations Committee.

Mr. WHITTEN. Mr. Speaker, last week I sat with a large congressional delegation in St. Patrick's Cathedral in New York City at the funeral of JOE ADDABBO. We joined his family and friends, the Governor of the State, the mayor of the city and the people of New York in mourning his loss. In many ways the funeral service was a special thanks and an impressive tribute to the man who had served his home so well in the national legislature for over 2½ decades.

Anyone who knew JOE ADDABBO knew that he was every inch a New Yorker. Born and educated in Queens, he practiced law and lived in Queens all his life. Anyone who knew JOE ADDABBO knew how he loved Grace and his family and the people of his home. Anyone who dealt with JOE ADDABBO in the Congress knows how he listened and responded to the complaints and problems of his people—and how hard he fought to advance their interests. His people knew. And they let him know. The boundaries and the composition of his district changed over time. But the voters who first sent him to Washington in 1960 with a 53.5 percent margin of victory returned him 24 years later with a 68-percent vote of appreciation and confidence.

As chairman of the Committee on Appropriations, I always appreciated JOE ADDABBO's strong advocacy of the people's branch of Government. He tirelessly asserted and advanced the role of Congress in handling its constitutional responsibilities and power over the purse. This cause never had a better champion. He came to the Committee on Appropriations in 1963. Over the years he mastered the legislative skills and built a formidable storehouse of knowledge about his principal area of responsibility—defense.

For many years we worked together trying to build a strong defense but at the same time trying not to waste money foolishly in the name of military spending.

JOE ADDABBO became chairman of the Defense Appropriations Subcommittee in 1979, and that position gave his legislative prowess full range. JOE was a staunch advocate of a strong national defense. But with JOE ADDABBO it was not "How much spending is good for defense?" It was "How strong a defense does the Nation have for the money we are spending?" He championed value for the dollar. And the defense appropriations legislation he wrote over the years reflected that spirit in every detail. The national defense and the taxpayer were well served by his work.

Not surprisingly JOE ADDABBO became a major player in the formulation of national defense policy. He moved early to get us out of Vietnam. He challenged the conventional wisdom that national security was best advanced by investing in additional carriers, that the Nation could afford two new bombers in one decade, and that the MX missile would contribute to a stabilizing deterrence. He believed that the single greatest threat faced by mankind was the uncontrollable building of nuclear weapons, and he worked to achieve an atmosphere conducive to arms control.

JOE ADDABBO was a career legislator and a public servant. He was an undaunted advocate, who fought with energy and tenacity for the positions he chose to support. Nobody who took him on ever forgot the experience. He was true to himself. He loved his family, and he was happy in his work. We all cared for JOE immensely. He will sorely be missed here in the House. He was an outstanding citizen who never failed to work as hard as possible for his Nation.

Mr. STRATTON. Mr. Speaker, I yield to the distinguished gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, it was with profound sorrow that I learned of the passing of my friend JOE ADDABBO. Mr. ADDABBO's service in the House of Representatives will continue always to be one of the bright spots in our country's legislative history. He was a good Member of the House in every sense of the word.

He established an outstanding record in the House of Representatives and served with distinction and honor He loved the House and he believed that our country is one of the greatest countries in the world. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not in the best interests of our people.

One of the nicest things that has happened to me since I have been a Member of Congress is the opportunity that I had to serve with JOE ADDABBO and especially as a member of the Committee on Appropriations. After serving on our committee for a number of years, he was elected chairman of the subcommittee that appropriates the money for the Department of Defense. He believed that our country should remain strong at all times, but at the same time, that the Department of Defense, like all of the other departments of the Government, should not spend money that was not necessary. I have heard him say on many occasions that additional funds requested for defense were not necessary and that the money should be placed in the subcommittee bill that appropriates the funds for the Departments of Labor, Health and Human Services, and Education. Mr. Speaker, this is the subcommittee that I am chairman of and at all times, my friend JOE ADDABBO worked with us on our bill and especially on each and every occasion when the bill was before the House of Represntatives for final passage.

In every position he held, either public or private, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. His character, his achievements, and his faithful service will be an inspiration to generations yet to come. He will have a high place in the history of our country and in the hearts of his countrymen.

His life exemplifies those virtues that make a great Congressman and those are fairness, generosity, willingness to listen and unyielding devotion to the principles of his party and to all matters which were for the best interests of our country. He left his mark on Congress; not necessarily through legislation which he succeeded in having enacted, but instead through his character itself. He was always a gentleman and always a strong leader.

Mr. Speaker, I have lost a true friend and this country has lost a great statesman. To his lovely wife and family, I extend my deepest sympathy in their bereavement.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I appreciate the gentleman taking the time, too, as a personal friend, as well as a colleague. I sat next to him on the full committee and had an extended conversation with him just before he left for lunch, where the tragedy occurred that later resulted in his death.

JOE and I served together and we were the only two Democratic Members in Congress who did, on both the Committee on Small Business and the Appropriations Committee. I had an opportunity to know him and see him in action for a number of years and I can tell you this. On the Committee on Small Business, whenever there was some issue there where he could help some small businessmen that he did not even know, but he knew if the small businessman was going to be affected, he was always there. He found a way to get there and to make his mark shown and he did in legislation.

JOE was an excellent legislator. This House has lost a Member that will be very hard to replace. His wife, Gracie, and his family were a wonderful family. We knew them personally and Bea and I express our profound sorrow to them and hope that someway we can make it through without JOE, but it is going to be very difficult.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from Florida [Mr. CHAPPELL], who is the acting chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. CHAPPELL. Mr. Speaker, I join my colleagues in paying tribute to a powerful man who never forgot how to be sensitive and courteous. A man who mastered the art of politics and practiced that art at the national level but who never forgot where he came from and the constituents he represented.

A man who loved a wisecrack but understood in detail the extreme complexities of national defense. A man who was a good friend and a dedicated, selfless public servant. Mr. Speaker, I rise today to honor the memory of our colleague JOE ADDABBO.

At a time such as this there are no words that can adequately express the loss this House has suffered. Since first coming to the Congress in 1961, JOE ADDABBO has been a distinct and special individual. When he smiled he made you feel genuine friendship.

His good naturedness was not saved only for fellow Members but for all with whom he came into contact no matter what their capacity or station in life. As he gained in seniority he was always fair in his dealings with his colleagues whether they were on his side or not. While he could make an admiral or general uncomfortable through his direct questioning, we always knew he had the Nation's best interests in mind. He made us all ask how much is enough and by doing so fashioned this Nation's defense debate.

Beyond the defense arena, he maintained the interest he had as a young lawyer from Queens in the issue of human rights. He was a multidemensional Congressman who spoke with authority and conviction on a variety of subjects. He did his homework but remained open to opposing points of view. He was in effect the essence of what is good about being a U.S. Representative.

Mr. Speaker, this great body has been graced by many capable and committed individuals. I can think of none in our long history, however, who gave more of themselves than our friend and my chairman, JOE ADDABBO.

It has been a great and wonderful experience to have been a colleague of his on the Subcommittee on Defense of the Committee on Appropriations. I can think of none that we can honor anymore.

We are a poorer gathering with his passing but a stronger institution because of the time he spent with us.

I have lost a true friend and this country has lost a great statesman. To his lovely wife and family, I extend my sincere condolences. They can take comfort in the knowledge that in his 26 years in Congress, JOE, left his mark on the Congress and the Nation. He will be greatly missed in this Chamber.

□ 1835

Mr. STRATTON. I thank the gentleman.

I now yield to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. I thank the gentleman for yielding to me.

Mr. Speaker, it seems like a good humor deed when JOE ADDABBO was born on St. Patrick's Day. JOE was named JOSEPH PATRICK ADDABBO, and each St. Patrick's Day, the party and the revelry in his office would equal that that was going across the Nation. A party that was conducted and arranged by a loving staff; loyal, faithful, and ever loving; and to the very end they remain thus.

JOE spent half of his adult life in the Congress of the United States, and we know he is gone; it is 12 days since he died. The loss is still difficult to measure and impossible to reconcile.

We know of JOE's special interest and feeling about a strong national defense. We also know that he was universally recognized as a watchdog. We know that JOE took on one President over Vietnam and another over Nicaragua. He had a different perspective but he stuck to his principles without yielding.

JOE won some and he lost some, but you always knew that when you tangled with JOE, it was a good, clean fight. The very essence of JOE; he could disagree but never be disagreeable.

As I have said in the New York Post, I considered myself blessed to be a friend of JOE ADDABBO's, and what a good friend he was. He was loyal, dedicated, always up. He was a man with a quick grin, a good story and the legendary little punch.

JOE made public service the profession it was intended to be. He did it by dedicating his heart and soul to it. He did it by blending his national prominence with his total commitment to constituent service.

The result was one the best Members ever to have served this institution. President Reagan called JOE ADDABBO one of the leading players in the development of American military policy. Speaker O'NEILL, who delivered such a moving eulogy of JOE ADDABBO at his funeral said upon learning of his death:

> Joe Addabbo worked diligently to ensure that America's defense was strong, efficient, and effective. He demanded quality for each defense dollar.

As the gentleman from New York [Mr. STRATTON] said at the close of Speaker O'NEILL's comment, he said: "The bells have rung for the final adjournment. God bless you JOE."

Such a moving experience. But one understands it. To have known JOE was to have loved him in every sense.

Governor Cuomo acknowledged JOE as a great man. Cardinal O'Connor said to Grace Addabbo, JOE's widow:

> While there is a great deal of sorrow in this cathedral, there is a great deal to be thankful for. I have never heard so many accolades as I have heard about your husband.

It was not a period of mourning: it was a period of joy, it was celebration, to know that JOE was finally released from his pain and sorrow in the last years of his life, and go on to a greater reward.

JOE was a special type of Member; he did so many deeds but never sought publicity. It robbed him, perhaps, of gaining proper credit for all his accomplishments; but in many ways, all JOE wanted to do is measure up to his constituency.

JOE, on the Committee on Appropriations, got important funding for serior citizens' programs; education, mass transit, and housing. He was always there when the people of Queens and New York needed him. It is an enduring mark of greatness about JOE, and we will miss him. Especially in these difficult times, New York will miss him grievously.

JOE was an unabashed liberal, and was proud of it. He saw Government's role as to help those in need and to provide opportunities for a better life. For millions in our Nation, we are grateful JOE was able to carry his philosophy to the position where he could, and did make a difference.

At this time, we struggle with feelings. We are in grief over his loss, yet we also celebrate all that was good about JOE. It is a celebration that would last a long time, since there was so much good about this wonderful man while he lived.

JOE was the epitome of so many virtues. He was a man of unparalleled integrity and commitment to basic decent values. JOE was a loyal and dedicated family man to his beloved wife, Grace, and his two sons, Dominick and Joseph, Jr., and daughter Dina.

JOE spent almost half his life here. He came when the Eastern shuttle was still a prop jet. He loved the institution. In turn, Members of both parties respected and had genuine affection for JOE. Few have served with greater distinction; few will be missed more than JOE.

Edmund Burke said: "Government is a contrivance of human wisdom to provide for human wants."

Thanks to JOE ADDABBO and his wisdom and his dedication and his service, there are fewer wants in this world.

As the New York Post article closed: JOE, go in peace. You helped make this

world a more peaceful and restful place."

Mr. Speaker, the passing of JOE ADDABBO leaves a void in this House that may never be filled. That is a tribute to the caliber and the quality of this great man. At this point in the RECORD, I am inserting a series of articles from major newspapers noting the passing of JOE ADDABBO and his funeral in New York City.

[From the Washington Post, Apr. 12, 1986]

NEW YORK REPRESENTATIVE JOSEPH P. ADDABBO DIES

(By Bart Barnes)

Rep. Joseph P. Addabbo, 61, a New York Democrat who as chairman of the defense subcommittee of the House Appropriations Committee built a reputation as an articulate and forceful opponent of what he considered excessive military spending, died late Thursday night at Walter Reed Army Medical Center. He had cancer and recently had suffered a heart attack.

Mr. Addabbo, who had been in a coma since collapsing March 6, represented a district in Queens. He served for 25 years in the House of Representatives and since 1979 had been chairman of the defense appropriations subcommittee, the panel that acts on requests for all military spending. In that role he was often critical of high military officers who, he said, frequently shared with civilian bureaucrats a penchant for empire building and a narrowness of vision.

Despite his reputation as a critic of military spending, Mr. Addabbo always insisted he supported a strong military defense policy. "But I don't take the Pentagon at their word," he once said. "I don't like the attitude of some members, 'Well, let's give them $20 million to play around with this year. Let's give them $40 million next year.' Three years later, the weapon doesn't work, and there's $100 million down the drain."

But Mr. Addabbo often found himself in a minority position on his own committee, most of whose members tended to have more hawkish views than he. More often than not he was on the losing side of defense-spending controversies.

He tried in 1982 to block funding for the MX missile but lost, both in his own subcommittee and in the full Appropriations Committee. He prevailed when he took his case to the floor of the House, although the House later reversed its position and work began on the missile.

In 1973 Mr. Addabbo sponsored the first antiwar resolution ever to pass the House of Representatives—the cutting off of funds for the bombing of Cambodia. He had supported the war in Southeast Asia during the Johnson administration and in the early years of the Nixon presidency but he subsequently changed his mind. He also opposed the B-1 bomber and other major weapons systems.

In 1984 he castigated the Defense Department for what he called "a complete breakdown of control over millions of dollars." This followed a report that accused the military of scrapping valuable equipment, then turning around and paying higher prices to buy identical items.

President Reagan called Mr. Addabbo "one of the leading players in the development of American military policy." He said the congressman was "widely respected for his knowledge of defense issues even by those who disagreed with him. His genial style was in keeping with the best traditions of American politics."

House Speaker Thomas O'Neill said Mr. Addabbo "worked diligently to ensure that America's defense was strong, efficient and effective. He demanded quality for each defense dollar."

New York Gov. Mario Cuomo called him a "great man whose commitment to integrity and excellence has improved the quality of life for all New Yorkers."

Mayor Edward Koch of New York ordered flags on city buildings to be flown at half staff until after Mr. Addabbo's funeral. The congressman, Koch said, "always strove to ensure that people of every race, religion and ethnic origin had a fair hearing and full representation in the halls of the Capitol."

A native of New York City, Mr. Addabbo graduated from the City College of New York and St. John's University Law School. He practiced law in Queens, participated in civic and community organizations, and headed Italian-American committees for various candidates.

But he never ran for public office until 1960, when the incumbent Republican representative from his district retired. With the help of John F. Kennedy's drawing power among Catholic voters, Mr. Addabbo won with 53.5 percent of the vote.

In the ensuing years the district changed from a predominantly middle class Catholic suburb to an area more closely resembling the inner city with a population that was 65 percent black and Hispanic by the 1984 election.

During that time Mr. Addabbo established a record of steering defense contracts to Long Island-based industries and listening to constituent problems and complaints. He voted in favor of federal aid to education and the elderly, in favor of civil rights, and against measures to limit rights to abortion or allow prayer in public schools.

He won most bids for reelection handily, and in the campaigns of 1974 to 1982 had the Republican as well as the Democratic nomination. In 1984 he was challenged in the Democratic primary by Simeon Golar, a black real estate developer, who asked the voters to oust Mr. Addabbo on the argument that since the district had a black majority it should have a black representative. Mr. Addabbo won with 68 percent of the vote.

He is survived by his wife, Grace, and three children, Dominic, Dina and Joseph.

[From the New York Daily News, Apr. 12, 1986]

JOE ADDABBO, 61, LOSES CANCER BOUT

(By Frank Jackman and Stuart Marques)

Rep. Joseph Addabbo, 61, dean of the city congressional delegation and a fierce critic of military overspending, died late Thursday after a long bout with cancer.

Addabbo, a 13-term Democrat from Queens whose chairmanship of the House defense appropriations subcommittee made him a power in Congress, died at 10:48 p.m. Thursday in Walter Reed Army Medical Center, Washington, where he had been in a coma since March 12.

Addabbo kept a six-year struggle against bladder cancer a secret from even his closest associates though he was hospitalized for four months last year.

Addabbo, who lived in Ozone Park with his wife, Grace, and three children, Dominic, Dina and Joseph, will be buried Tuesday after a funeral service in St. Patrick's Cathedral.

Mayor Koch ordered flags on city buildings to be flown at half staff.

A genial, back-slapping politician in the clubhouse tradition who was more at home working behind the scenes, Addabbo, first elected in 1960, was well liked by colleagues in both parties.

Addabbo, who became chairman of the Defense Appropriations subcommittee in 1979, often began hearings by telling Pentagon brass to brace themselves for significant cuts in their budget. Most of the time he was outvoted.

His biggest victory was in December 1982 when he pushed an amendment through the House blocking production of the MX missile. The House later reversed its position.

He was a tenacious battler when it came to defense contracts for New York and was instrumental in the Navy's decision to homeport the battleship Iowa at Stapleton, Staten Island.

[From the New York Times, Apr. 12, 1986]

REPRESENTATIVE JOSEPH ADDABBO DIES; HEAD OF KEY DEFENSE PANEL

(By Ronald Smothers)

Representative Joseph P. Addabbo, a Queens Democrat who had a powerful hand in shaping national defense policy as chairman of a key House subcommittee, died last Thursday at Walter Reed Army Medical Center in Washington. He was 61 years old.

Mr. Addabbo, who served in Congress for a quarter of a century, had been suffering from cancer of the bladder and had been receiving treatment for six years. He slipped into a coma March 11, five days after he suffered a seizure at a luncheon on Capitol Hill.

Critics of Pentagon spending looked to Mr. Addabbo, an influential congressional insider, as their most important voice on Capitol Hill against what they viewed as wasteful arms projects.

Earlier, Mr. Addabbo was a main sponsor of what many consider the first anti-Vietnam War measure to pass the House, a 1973 amendment to cut off funds for the continued bombing of Cambodia. Later, as the subcommittee chairman, Mr. Addabbo opposed the development of the B-1 bomber and supported a nuclear freeze.

KEY FIGURE IN S.I. BASE PLAN

While his position gave Mr. Addabbo influence upon the national agenda, it also allowed him to look after the interests of his district and his state. He was able, through defense contracts, to bolster Long Island's aircraft industry, and he was a key figure in the Pentagon's 1983 decision to plan to base a seven-ship Navy battle group on Staten Island, a move that backers say will add thousands of jobs in the metropolitan area.

Yesterday, the Speaker of the House, Thomas P. O'Neill Jr., said Mr. Addabbo had "won the respect of members of Congress from both sides of the aisle." Governor Cuomo called him a "relentlessly committed congressman and leader."

First elected to the House of Representatives in 1960 from a district that now covers the southern portion of Queens, from South Jamaica to the Rockaways, Mr. Addabbo mastered the intricacies of the legislative process and became one of the more influential members on defense and foreign policy.

THE HOUSE IS MY CAREER

While other New York Congressional colleagues, such as Hugh L. Carey and Edward I. Koch, went on to win other elective offices, Mr. Addabbo stayed in the House,

building the seniority that eventually earned him the chairmanship of the Appropriations subcommittee on defense in 1979.

"This is my career," he said.

"If he had a private agenda at all," said a fellow Queens Democratic Congressman, Representative James H. Scheuer, "it was improving New York's position in defense-related contracts.

But Mr. Addabbo was also, in the words another colleague, Representative Charles B. Rangel, Democrat of Manhattan, a "credible critic" of the steady increase in defense spending in general and of certain weapons systems in particular. Whether arguing in the relative privacy of committee debates or in his rare but significant speeches from the floor of the House, many of Mr. Addabbo's colleagues credited him with turning the tide against such projects as the MX and Pershing missiles.

NO ORDINARY HAWK

Unlike many other members of Congress, he was not easily catalogued as a hawk or a dove—Mr. Scheuer called him "a chicken hawk."

By that I mean he was for a strong defense, but he wanted a lean and hungry defense," said Mr. Scheuer, who was second to Mr. Addabbo in seniority among House members from New York City. "Joe viewed the Pentagon generals as a bunch of bureaucrats and he took what they said with a large grain of salt. That made him a major force for rationality in defense spending."

What many called Mr. Addabbo's "credibility and knowledge';' on defense matters also drew praise from Republicans such as Representative Guy V. Molinari, of Staten Island, with whom Mr. Addabbo most recently worked on winning final approval on the home-port measure. Mr. Molinari said it had been Mr. Addabbo who had convinced him, a strong Reagan Administration supporter, and other Republicans to vote against the President's MX missile program.

Over the years, Mr. Addabbo also was a chief sponsor of legislation that helped poor families pay for household heat, assisted small businesses and steered funds to economically depressed areas.

LOSSES IN THE REAGAN ERA

Not long after he became chairman of the subcommittee, the Reagan Administration began and Mr. Addabbo faced a growing national mood more receptive to increased military spending. As a result, Mr. Addabbo frequently lost legislative skirmishes within his subcommittee—including those on the B-1 and a nuclear freeze. But his criticism of some of the programs—such as the MX missile—as wasteful and inefficient occasionally won out in votes by the full House.

Mr. Addabbo was born March 17, 1925, in Ozone Park. He attended public schools there, went to the City College of New York and graduated from St. John's University School of Law in 1946. He opened a law practice in Ozone Park, which he maintained until his election to Congress.

Unlike many members of Congress who move to Washington, Mr. Addabbo commuted to the capital weekly. He once said that he had moved only four times, all within the space of 10 blocks.

He began his Congressional career with a 1960 victory in his first try for elective office as the Democratic candidate in a conservative district that had been represented for many years by Albert H. Bosch, a Republican, who was retiring.

At the time, most observers attributed his victory to the large numbers of Irish and Italian Roman Catholics who turned out to vote for the Democratic presidential candidate, Senator John F. Kennedy. Whatever the reason, Mr. Addabbo converted that first victory into a string of successes, often running not only on the Democratic line but the Republican and Liberal Party lines as well.

He defied the vagaries of redistricting, which shifted and reshifted his district over the years. He also weathered a strong Conservative Party surge in the 1960's and early 70's along with changes in the ethnic makeup of the area, which went from an overwhelmingly Italian, Irish and German mix in 1960 to one that was nearly two-thirds black and Hispanic residents in 1982.

Mr. Addabbo conceded that his first real political scare came in 1982 when a black candidate, Simeon Golar, armed with a modern campaign-polling apparatus, nearly edged him out in the Democratic primary election.

In 1984, Mr. Golar, buoyed by the sweep of the district by the Rev. Jesse Jackson in that year's Democratic Presidential primiary, challenged Mr. Addabbo again. But this time, the incumbent hired his own battery of consultants and pollsters and won handily, with 68 percent of the vote.

Mr. Addabbo is survived by his wife, Grace; two sons, Dominick and Joseph, Jr., and a daughter, Dina, all of South Ozone Park.

A funeral mass is to be said Tuesday at 11 A.M. at St. Patrick's Cathedral, at Fifth Avenue and 51st Street.

ADDABBO PRAISED AT RITES—HELPED END VIET WAR, SAYS TIP

(By Robert Carroll)

U.S. Rep. Joseph Addabbo was remembered yesterday as a key architect of the anti-Vietnam War movement in Congress and a man "who loved and cared for people."

At his funeral at St. Patrick's Cathedral, Addabbo was eulogized by his long-time congressional colleague, House Speaker Thomas O'Neill (D-Mass.).

"Joe Addabbo believed it was his own personal duty that no more young Americans died in Vietnam," O'Neill told an audience that included Mayor Koch, Gov. Cuomo and dozens of other political notables.

Addabbo represented a district in southeast Queens for 26 years, rising in seniority and influence to the chairmanship of the defense subcommittee of the House Appropriations Committee.

"Some people look upon political life as a sacrifice, a burden to be shed," O'Neill continued. "Joe Addabbo was just the opposite. 'Helping people was a joy to him. Politics was not only a great and worthy profession but a way of life."

Earlier in the Mass, Cardinal O'Connor and Brooklyn Bishop Francis Mugavero both praised Addabbo, who died April 11.

Directing his words to Addabbo's widow, Grace, seated in the first pew with her sons Dominick and Joseph and her daughter Dina, O'Connor told her that "while there is a great deal of sorrow in this cathedral, there is a great deal to be thankful for. I have never heard so many accolades as I have about your husband."

Mugavero referred to Addabbo as "this faithful Christian man" who had "love for the people he served and time for all."

"Joseph Addabbo approached issues and problems from his background of faith," said Mugavero. "In his service to the people, God was with him."

Burial was in St. John's Cemetery in Queens.

JOSEPH ADDABBO: 1925-1986

Death freed Rep. Joe Addabbo from the torment of illness Thursday night, but it robbed New York City of its most senior national legislator.

On today's Op-Ed page, his friend and colleague Rep. Mario Biaggi (D-Bronx) remembers the man from Ozone Park and Boys High School, from City College and St. John's University Law School, who gave a quarter century of service to the people of South Queens in the House of Representatives. His loss, says Biaggi, is "difficult to measure and impossible to reconcile."

That's the view of The Post as well.

ADDABBO'S BODY RETURNS HOME FOR FUNERAL IN ST. PATRICK'S

(By Pat Wilks and Larry Nathanson)

The body of Joseph Addabbo, dean of the city's Congressional delegation and a determined watchdog against wasteful defense spending, was brought home yesterday to Queens.

Addabbo, 61, died of bladder cancer Thursday night in Walter Reed Hospital after almost a month in a coma.

His body was flown to JFK Airport on an Air Force jet and taken with a motorcycle escort to the James Funeral Home at 89-01 Rockaway Blvd. in Ozone Park.

There will be no public viewing, at the family's request.

A heavy turnout of congressmen, senators, other public officials and military leaders is expected at a furneral mass for Addabbo next Tuesday at 11 a.m. at St. Patrick's Cathedral.

Addabbo lived all his life in Ozone Park, a blue collar neighborhood which changed from largely white to mostly black and which had proved him right when he said several years ago while fending off a primary challenge by a black candidate:

"The people in this district are color blind."

First elected to Congress in 1960, the affable Addabbo, at his death, was chairman of the House Defense appropriations subcommittee and perhaps the area's most influential congressman.

"An absolute tragedy for the American people," said fellow House Democrat James Scheuer of Queens. ". . . He was the voice of sanity in our defense strategy and tactics."

House Speaker Thomas P. O'Neill said Addabbo had won the respect of congressmen "from both sides of the aisle" because "he demanded quality for each defense dollar.

N.Y.'s FRIEND—MY FRIEND

We have lost Joe Addabbo. It is a loss difficult to measure and impossible to reconcile, especially for those of us blessed enough to have been his friend.

The city has lost its most senior and powerful member of Congress. The people of the 6th Congressional district in Queens have lost a loyal and devoted public servant who gave so much of his time and energy to serving their needs.

Joe Addabbo gave our city, our state and our nation 26 productive, proud and principled years of service as a member of the House of Representatives. In those years he rose to national prominence as chairman of the all-important Defense Appropriations subcommittee.

Joe Addabbo took on the tough issues.

He took on one President over Vietnam, another over Nicaragua. He took on the de-

fense establishment over costly weapons systems such as the B–1 bomber.

Joe won some and lost some. Yet when you tangled with Joe, it was a good clean fight. He was a leader who could disagree strongly with you but never be disagreeable in the process.

Many people will remember Joe for his work on the Defense Subcommittee. Yet his overall service on the House Appropriations Committee was outstanding but often overlooked.

Joe's imprint is on scores of important bills which became law over the past 26 years. He was an unabashed liberal Democrat who saw it as government's role to help those in need and to provide opportunities for a better life.

No program, whether Medicare, or higher education, or aid to mass transit or child nutrition, could get money unless its budget was approved by the Appropriations Committee and Joe Addabbo. Joe did this part of his work with a kind of quiet effectiveness that often kept him out of the limelight. On far too many occasions it caused him not to be given enough credit for all he did.

Joe Addabbo did not want headlines. All he wanted to do was to get the job done, and he did.

We struggle with our feelings at this moment. We are in grief, yet we are also relieved that Joe Addabbo is not suffering anymore.

Joe Addabbo, sweet, kind and totally unassuming, endured a silent six-year struggle with cancer. Did he let it slow him down? No. Did he let it get him down? No.

Joe was active until the final days. He loved his life, his work, his country and the people he represented too much to be any other way. He never wanted to burden anyone with his problems, no matter how serious they were. That was his nature, that was a measure of the greatness of the man.

Joe Addabbo was as good as he was because he mirrored the people he represented. A man of unparalleled integrity with high moral principles and values, he never let the trappings of power cause him to be removed from his constituents. He served them long enough that they were part of an extended Addabbo family.

He truly loved his constituents and it was genuinely reciprocated over a lifetime.

Joe Addabbo spent almost half his life as a member of the House of Representatives. He loved the institution and those who served in it. In turn, members of both parties respected and had genuine affection for Joe. Few have served in the House with greater distinction. Few who have served will be missed more than Joe.

Joe Addabbo is gone, but he will be remembered for his impact on our nation's development and for his countless deeds of kindness and charity over a lifetime.

Joe, go in peace. You helped make this world a more peaceful and restful place.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. I thank the dean for getting this time for all of us, in our small way, to pay tribute to a long and dear friend. It is strange how so many people felt the very special relationship to JOE, and I guess that is because he took the time out to be concerned about our problems, and struggle with cancer for so long that none of us really knew it; and yet even in the closing days of his life, he would come over and ask us individually about how some problem that we had was facing us.

We all have different special feelings for JOE; sometimes I think about the morning meetings, the afternoon meetings, the evening meetings; and we look at each other and wonder: why do we have to attend all of these meetings for special interests groups or groups that have come here from New York for some special reason?

And yet, JOE was one among all of the delegation that was always there; knew something about each and every one of the problems that people had.

So the gentleman is right; we are trying hard to try to replace in some small way the way JOE. opened up his heart in New York City to so many of the Members, to understand Broadway, to understand the poor communities, to understand Gracie Mansion, and I guess it is because that JOE was really New York City. He was everything that we would want people to think that New York City was: A friendly town; sometimes rough, but always having the compassion to understand other people's problems and to respect and recognize those differences.

I only hope that God gives the strength to Grace, to his sons, Dominick and Joseph, to understand that life would have been terribly different if we in the Congress did not have a JOSEPH ADDABBO, and some of us who have followed him now have a much higher standard to follow, and those to follow us will never forget that JOE ADDABBO walked through this House of Representatives and left his mark.

Mr. Speaker, I rise today to pay tribute to my colleague and dear friend, JOE ADDABBO, who recently passed away after a long struggle with cancer. I would like to commend Congressman STRATTON for scheduling this very timely special order.

In his 26 years in Congress, JOE ADDABBO gained the respect of all who came into contact with him. He was one of the most effective legislators I have ever known. On Capitol Hill, he was a respected leader in making certain that our defense policy stayed within the bounds of the law. When necessary, he used the power of the purse to curtail what he thought were unacceptable expenditures on unneeded weapons systems. In this way JOE let the Pentagon know that it ultimately answers to the American people and their representatives.

On the domestic front, JOE ADDABBO delivered what was needed for his people back home. He grew up in the district which eventually sent him to Washington. The people knew him, and they trusted him. He was instrumental in preserving New York City's defense-based industry, creating jobs for the people who most needed them. His voting record was consistently humanitarian. When civil rights and community-oriented bills came to the floor, JOE ADDABBO could be counted on to cast his vote.

Mr. Speaker, I would like to conclude by saying that JOE ADDABBO was the kind of man who cared about people. He cared about them as individuals, not in the abstract as constituents. His breed is very rare, and very precious. I will miss him.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for arranging this special order and it is with deep regret and sympathy that I rise to join with my colleagues in paying tribute to our departed colleague and dear friend the gentleman from New York, JOE ADDABBO.

During his quarter century in the House, JOE ADDABBO served as an inspiration to his colleagues. JOE's dedication to his tasks, his even-tempered fairness, his gentlemanly demeanor earned for him the respect of us all.

JOSEPH P. ADDABBO was first elected to the House in 1960, to the seat vacated by the retiring Representative Albert H. Bosch. Representative Bosch was a Republican, representing a district that had remained in the Republican column for many years, and some observers thought that JOE ADDABBO's first election was a one-time fluke brought about by the presence of John F. Kennedy on the Democratic ticket. JOE soon proved them wrong, however, winning reelection 12 times, sometimes with Republican endorsement and sometimes despite dramatic redistricting boundary shifts.

JOE ADDABBO made it clear that his first love was his home district in Queens. He commuted to Washington weekly, and was proud to remind us that he moved only four times in his life—all within the space of 10 blocks in Ozone Park.

JOE ADDABBO's diligence eventually brought him to the chairmanship of the Subcommittee on Defense on the House Appropriations Committee in 1979. During the 7 years that he served in this position, he became the model of an outstanding legislative leader. He was vigilant as a congressional watchdog against Pentagon waste. Although JOE ADDABBO was adept at trimming the fat away from our defense appropriations, he was just as diligent in making certain that we didn't cut into any vital muscle of our Nation's defense.

In 1982, the residents of our mid-Hudson Valley of New York received the benefits of Congressman ADDABBO's skill and compassion. After years of private fundraising efforts, construction was finally ready to commence on the Jewish chapel for the U.S. Military Academy at West Point. But just as work was about to begin on this long-overdue project, an obscure law dating from the 1890's was found which would have prohibited the Jewish chapel from being connected to the utilities at West Point. The appropriation process for that fiscal year

was completed, and it appeared that years of effort on the part of many dedicated people would prove to be for naught.

When this problem was explained to JOE ADDABBO, he took on the cause as his own. He found a legislative vehicle to allow an exemption to this law, and conducted a personal lobbying effort to ensure its passage. In many ways, the West Point Jewish chapel is a memorial to the leadership of Congressman JOE ADDABBO.

In recent years, the ethnic composition of JOE's district shifted dramatically. As a result, some observers predicted JOE's defeat. But JOE ADDABBO surprised them all, winning 68 percent of the primary vote, and 83 percent of the general election vote, in the last election. It became obvious that the high regard JOE ADDABBO held for his constituency was mutual.

To his beloved widow, Grace, to his two sons Dominick and Joseph, Jr., and to his daughter, Dina, I join my colleagues in offering our deepest condolences.

This Chamber, and our Nation, are better places because of JOE ADDABBO. We in the House are privileged to have known him and to have worked with him. JOE's shoes will be hard to fill. We will long miss JOE ADDABBO.

□ 1845

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. I thank the gentleman for yielding and for giving us this opportunity to express our admiration and affection for our colleague, JOE ADDABBO.

Mr. Speaker, the recent death of our colleague JOE ADDABBO is a great loss for his family, for his friends, and for the people of Queens whom he represented so effectively for many years. His passing is also a real loss for the House of Representatives and the Nation at large.

The historical accounts of our time will surely credit the leadership JOE ADDABBO provided to Congress as chairman of the Defense Appropriations Subcommittee. At a critical period in our Nation's history, he brought to defense issues a rare combination of expertise and commonsense. He recognized the need for a strong, credible defense, and he worked hard to assure that our Nation had it. At the same time. JOE was willing to ask tough questions, to hold the Pentagon to sound management standards, and, when required, to oppose unnecessary or destabilizing military expenditures. Striking this kind of balance in defense policy was not always easy, but JOE had an unusual talent for doing so.

I had the privilege of serving with JOE on the Appropriations Committee, and of course we were both members of the New York delegation. For this reason I had many opportunities to observe and admire JOE's self-effacing, diligent, and effective service to this House and to the people of our country. He was a person of strong convictions which were the more persuasive because they were untinged by excessive pride or ego. And even with those with whom he strongly disagreed, he was a gentle, kind, and considerate man.

Mr. Speaker, we will all miss JOE ADDABBO. It was a privilege to serve with him in this House. His contributions and his example will long be remembered.

Mr. STRATTON. I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. I thank the gentleman for yielding.

Mr. Speaker, it is with great sadness that I join my colleagues today in paying tribute to one of America's finest statesmen, former Congressman JOSEPH ADDABBO, who passed away earlier this month. JOE was always a fighter. Despite a long and difficult battle against cancer, he continued to work tirelessly here in Congress, serving his own constituents, New York State, and the Nation until the last.

As a fellow member of the New York State congressional delegation, I had the great honor of serving alongside JOE in the House for 16 years. Every weekend, JOE, would travel from Washington, DC, to his home in Ozone Park, Queens and, we'd often run into each other on the shuttle to New York's La Guardia Airport or on the return flight early Monday morning. Sharing the plane ride together many times over the years, I came to know JOE as a kind and compassionate family man who had a great sense of humor. As a politician, he was a knowledgeable strategist and worthy opponent in a debate. JOE ADDABBO was tough but he was always fair.

From his powerful position as chairman of the Appropriations Subcommittee on Defense, JOE ADDABBO was admired and respected by Members on both sides of the aisle as a forceful advocate of a strong, but lean, national defense. Under his leadership, the Appropriations Defense Subcommittee successfully trimmed billions of dollars in excess defense spending.

Since 1979, when JOE assumed his subcommittee's chairmanship, he was a staunch ally for Long Island's defense and aerospace industry.

He played a key role in securing for Long Island several of its recent major defense contracts, including the upgrading of Grumman Corp.'s F-14 Tomcat fighter and the Fairchild Republic Co.'s T-46 jet trainer aircraft. He continued to fight for the T-46 even from his hospital bed where he was battling against cancer. JOE was committed to ensuring that New York received its fair share of defense dollars, and as chairman of the Long Island congressional caucus, I will always be grateful for his valuable help and support.

JOE ADDABBO was a public servant in the truest sense of the word. For over a quarter of a century, he served his Queens constituents and his country with honor and distinction. In losing JOE, we have lost a beloved colleague and one of the finest individuals ever to serve in Congress. This outstanding American has earned a place in the hearts of his countrymen and the history of our Nation. I know I speak for all who knew and loved JOE in saying that he will be sorely missed. My wife, Barbara, and I extend our deepest sympathies to his loyal staff, his beloved wife Grace, and his two sons and daughter.

Mr. STRATTON. Mr. Speaker, at this time I yield to the distinguished gentleman from New York, the erstwhile Speaker pro tempore, Mr. GARCIA.

Mr. GARCIA. I thank the gentleman for yielding.

I would like to also command the gentleman for taking this time because I just think it is so appropriate for a man like JOE ADDABBO.

Mr. Speaker, we are here today to remember one of our own, JOE ADDABBO.

Mr. Speaker, he served his community and his Nation for over 25 years as a Member of this institution.

JOE ADDABBO had the appearance of being an ordinary politician, a product of his community, not a mover and shaker. But in reality JOE was both. He was very definitely a product of his community, which, I might add, he served with distinction. He was also one of the most influential Members of the House.

JOE rose to the top because he was willing to work hard. He was willing to make sure his constituents were taken care of, while he also kept a watchful eye on issues of national importance, such as defense spending. In facts, as chairman of the Defense Appropriations Subcommittee, he always tried to keep military spending in line with what he thought the American people wanted. He made sure that defense appropriations did not completely overtake spending for necessary social assistance programs.

Yet, JOE ADDABBO was more than a good politician, he was a friend. JOE was down to earth; he was always approachable. He never forgot his roots. JOE worked hard to see that all men and women were treated fairly. He fought for civil rights legislation, to make sure that in the eyes of the law all men were created equal.

It is difficult to list JOE's many accomplishments. After 25 years, he achieved too much for us to mention in 1 hour. There is, however, one thing about JOE that made him stand out from the crowd: His humanity. JOE

was always willing to lend a helping hand. He never had an inflated sense of himself. He never caught "Potomac fever."

Now, we must go on without JOE, without his warm smile and human touch. His passing has definitely brought saddness to many of us, but our memories of him will always bring us warmth. We will surely miss JOE ADDABBO.

You know, Mr. Speaker, there was just one quick moment during that period of time when he had been hospitalized for several months and then came back for a short period. He sat here and he said:

Bob, I have to tell you a funny story. You know, when I was over at the hospital, I had this young doctor taking care of me, and he came over to me and he was really terrific. He really hovered over me, made sure I had all of my needs taken care of. He was a person who I had helped get into the military academy. You know what, Bob, you know what his name was? It was Dr. Garcia.

And I really appreciated that because even today we passed a resolution dealing with Jewish heritage. That was a resolution that JOE ADDABBO passed every year. As chairman of the Census Subcommittee handling those bills I can remember his insistence, "Bob, are we going to get it out, are we going to get it out?" I can tell you even today with JOE ADDABBO gone for a couple of weeks, we are still today working on legislation and resolutions that he really treasured.

So I thank my colleague for giving me these few minutes to praise a great colleague.

Mr. STRATTON. I yield to the gentleman from New York [Mr. MANTON].

Mr. MANTON. I thank the gentleman for yielding.

Mr. Speaker, it is with great sadness that I mark the passing of my distinguished colleague and friend, JOSEPH P. ADDABBO. JOE leaves us a legacy of over a quarter century of service in the House of Representatives to his constituents, his city, his State, and his country. He stood out as an example of how one should carefully handle the public trust in order to inspire public confidence in our political institutions.

The people of the Sixth Congressional District of New York were indeed fortunate to have such a representative of candor, courage and integrity. JOE ADDABBO was a true representative of his constituents. Throughout his life he lived within a 10-block area. He spoke not only from his own ideology, but also on behalf of his constituency. The faith his constituents placed in him was reflected by the way he was returned to Washington 13 times.

Mr. Speaker, JOE ADDABBO was a leader in the great issues of his day in civil rights, education and senior citizens. However, his largest impact was in the area of defense. In 1973, he sponsored the first antiwar resolution ever to pass the House of Representatives, cutting off funds for the bombing of Cambodia. As chairman of the Defense Subcommittee of the House Appropriations Committee, he advocated a strong but lean and cost effective defense, objecting to projects he considered wasteful, such as the B-1 bomber and the MX missile.

When I was elected to the Congress in the fall of 1984 to the district next to his in Queens, JOE ADDABBO was always available to assist me in any way possible. He was influential in helping me obtain a seat on the Merchant Marine and Fisheries Committee and also a seat on the Banking Committee. Both these assignments are important for the people of my district.

Mr. Speaker, JOE ADDABBO was a skillful legislator who was always a good friend and political adviser to me. He consistently aided those in our society who most need our concern and assistance. His accomplishments will survive as a fitting tribute to his long and outstanding career of public service in the House of Representatives. I join all my colleagues in mourning JOE's death, celebrating his life, and recalling his lasting contributions to New York and to America. My heartfelt condolences go out to Grace, the children and the entire ADDABBO family.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. I thank the gentleman very much.

I miss JOE ADDABBO. It is really hard to believe that he is not here with us in the Chamber at this time.

When I came here a few short years ago, JOE had already been here for two decades. He was a legend in the community. But we never really fully understand the power that he wielded here in the Congress and how much he meant to this institution and to the entire country. JOE was always there. He was the quintessential good guy. Everybody knew him, everybody liked him. He had a district in which if he walked down the street, there was not a person that he could not call by their first name and talk to them and tell them a story about what happened when they were kids or about their father or about their family.

We used to kid him back home in Queen in the political circles. JOE used to be able to walk into the largest of meetings, be they political, civil, social, and as we call it, "do the room." He would be able to work the room and shake hands with every single person in the room, to give them a good word, to pat them on the back, tell them a story, and to be out of the place within 20 minutes.

Nobody ever knew how he did it.

□ 1900

We used to try to compete with him and say, "JOE, I will be out of the room before you." And he sometimes would be out of the room before we got there, and everybody thought that JOE was still there because he had such a sense of presence, yet his presence was not overpowering, regardless of the power that he actually did have.

There was not a person who had a bad word for JOE. JOE was elected and reelected from a district that some people finally at the last two elections thought was impossible for him to accomplish. It was a district that changed racially. It was a district that changed because of reapportionment. It was a district that people suggested JOE possibly not run in, that he run in an adjoining district where he would have a better chance because of the statistics. But JOE, courageously and from his heart, said, "This is the place that I was born, this is the place that I have represented for the past quarter of a century, and this is the place that I am going to run." He did run and was elected overwhelmingly in the last two elections, despite what all of the pundits had to say.

All of the people that he was good to over the years were also good to JOE. He did not take anybody for granted. I feel kind of guilty, and I know that his constituents do, too, because we sort of took him for granted. We really never understood the full worth of the man.

Having come here to Congress a few short years ago, I have been privileged to realize the kind of things that JOE has been involved in. And as fortune would have it, JOE and I alphabetically were the first two names on the roll-call. I would always look up to the upper lefthand corner just to make sure that I would vote, and I would notice everybody else used to look up to that upper lefthand corner. They were not looking to see if I voted or not; they were really looking to see what JOE had done and what JOE thought on a particular issue. Such was his influence in this House.

When I got here, I remember he draped his arm around me with that great big teddybear grin of his, and he looked at me and he said, "This is what it is all about. How can I help you?" And help he did as he did with so many other people.

I would see him sit in different places in this Hall, whether it be on the Democratic side or the Republican side, it would make no difference to JOE. He had friends all over. Everybody loved him.

Mr. Speaker, I miss JOE. I know everybody in this House does. He leaves his mark here that is indelible, and he leaves a void that is going to be impossible for all of us, even collectively, to fill.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding to me, and I congratulate the gentleman for taking this special order.

I am here primarily to pay tribute to a fellow who was indeed a great man. He was the powerful chairman of the Subcommittee on Defense on the Appropriations Committee. But notwithstanding his power in that capacity, notwithstanding his many, many years as a U.S. Congressman, he also was a very nice person. He was a man of the people.

Mr. Speaker, I did not really know JOE in the first 8 years that I served here in the House of Representatives. I knew him casually, as we would come and go and would chat in the Halls or on the floor of the House. But it really was not until I came to have a chance to serve on the Defense Subcommittee on the Appropriations Committee that I got to know him, that I had the ability to watch him and to observe him, how he handled the committee with such grace and charm. Oftentimes he was even outvoted by the vast majority of the members of the subcommittee. We did not always agree. But when we did not agree, it was always in good spirit and good humor and in grace and in charm that JOE constantly possessed.

He was a gracious man and a nice man, but he was also a tough man. Evidently, the facts indicate that he had been sick for years without anybody really knowing the details of his illness. Yet, in only May of last year, with enormous grace and charm, he invited Members of the House and their families—and I think that is terribly significant that he brought their families, their wives and their children—with him to his city up in New York and showed them around with a great deal of pride and fanfare, and showed them the high spots of that wonderful Big Apple of his. I have to say that never, not one instance, during that trip did he ever indicate that he knew that he was ill, and he looked wonderful. He was charming and gracious and presented everybody with a perfectly wonderful time. It was a great pleasure for my wife and children to go on that trip with me and to be hosted by JOE and Gracie and his family and friends. I just want to tell you that that is a memory that I will want to take with me for the rest of my life, because it was not long after that trip that JOE's health started to decline and it became obvious that he did have a problem even then.

He was tough to the end. He never let on that it was as serious as it was.

As the speakers who preceded me, I will indeed miss JOE ADDABBO, because he was a fine man and a man with whom I personally am very, very pleased to have been associated.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate the fact that the gentleman took out this special order for our friend and colleague, JOE ADDABBO.

Mr. Speaker, I rise in eulogy to our friend and colleague, JOE ADDABBO. He repeatedly demonstrated an ability that was recognized universally here in the House of leadership in politics and in government, which he understood very well.

Mr. Speaker, it was a pleasure for me to know him and to call him friend. He will be missed by all of us.

I wish to extend greatest sympathy and assure his family and theirs that he is in our prayers and in my prayers.

It has been a privilege to serve with JOE on the Appropriations Committee.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding to me. I also appreciate the gentleman taking out the time for this special order.

Many before me tonight have discussed JOE ADDABBO's skill and dedication as a legislator.

I share the appreciation of these qualities.

One of JOE's great attributes was that he had his priorities right.

He loved his church, he loved his family, and he loved it's country.

We will miss him as a cherished colleague, we will miss him as a friend and we will miss him as a valuable Member of this body.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding, and very much thank the gentleman for taking out this special order in memory and in great honor of JOSEPH P. ADDABBO.

Mr. Speaker, I first met Joe right after I was elected to Congress in 1980. I asked around and people said you ought to go see JOE ADDABBO. So I called him up. I never expected to talk to the man. I called him up at his office in Ozone Park, and he said, "Come on out. I am here at the office. It was a Saturday. I traveled out and there was Joe in his shirt sleeves, a kindly looking man, not the kind of man you would think was in the movies about how a Congressman would look. He was happy and smiling and just warm and genuine.

He sat with me for over 2 hours, and we talked over potential committee choices and everything else. I went away saying, "Boy, oh boy, what a nice man JOE ADDABBO is."

The second time I met him, the mayor of New York had a reception at Gracie Mansion—no. I think it was at City Hall. It was a meeting about some kind of thing. It was again before Congress started. I am walking over to city hall and who comes up from out of the subway saying, "Hi, SCHUMER," JOE ADDABBO. I said, "JOE, you took the subway?" He said, "Yes. When I go into the city out from Ozone Park, I take the subway in." Here was a man who was revealed to me to be one of the most powerful men in the Congress, and there he was coming up the steps of the subway with that big smile on his face.

Those were the first two memories of JOE, and they stick, because, as my good colleague from Queens mentioned before, JOE had a lot of power; not only power, by the way, that came from the authority of his position, power that came from his decency and his personality and his kindness and goodness.

But the humble ways of life never left him, and that created an aura about JOE. He was not somebody who was brandishing the chairmanship that he had or the perquisites of the office. He was somebody who genuinely cared and liked people.

□ 1910

So we have lots of people who have attained the statutory position and power that JOE did here in the Congress but very few had almost universal respect. JOE's power was augmented by the fact that he never, never lost touch with what real life was all about. In a sense, he was like the Greek mythology figure, who, every time he touched the ground, gained strength, and the only way Hercules could strangle him and kill him was to hold him up in the air. JOE gained strength from walking on the ground, from not being 20 feet up in the air. It made him more effective, it made him more powerful, but most of all, it spoke to the decency of the man.

We in New York, in New York City and New York State, have suffered a loss that will take years to replace, a man who could reach out to every Member of the Congress, regardless of party, ideology, or area from which they came, and again in a gentle and kind way, persuade them to his point of view.

We in America have lost a great leader—words that are sometimes used too casually, but words that are truly fitting of this wonderful, wonderful man.

Of course, the people of Queens and JOE's family have lost, in a personal sense, somebody who was among the best.

Being in Congress, Mr. Speaker, has really made me a patriot. It has made me a patriot because the Congress re-

flects the American people. When you look around and see the people in this body, you know what a good people the American people are. And if somebody typifies that to me, it is JOE ADDABBO. It is JOE ADDABBO, not was JOE ADDABBO, because he will walk with us for many, many more years to come in this body.

Mr. STRATTON. I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank the distinguished gentleman for yielding, and I want to express my appreciation to the gentleman for taking this special order so that we could join in honoring the memory of our late colleague and friend, JOSEPH P. ADDABBO.

Mr. Speaker, few Members have earned so much respect and affection from both sides of the aisle as JOE ADDABBO. His devotion to public life and his painstaking attention to detail made him one of the most effective legislators in the House.

I know that I share the sentiments of every Member of this body in mourning his passing and extend our deepest sympathy to his wife, Grace, and his sons, Dominic and Joseph, and the other members of his family, his many friends and his constituents.

In the House of Representatives, JOE ADDABBO leaves behind an untold number of friends and admirers who will greatly miss his genial and yet statesmanlike presence. He also leaves behind an important and continuing legacy in the areas of foreign policy and defense. As a Member of the Congress, JOE ADDABBO distinguished himself by becoming one of the first lawmakers to take a firm stand against the Vietnam war. He sponsored the first antiwar resolution to pass the House, a resolution cutting off funds for the bombing of Cambodia. It was an action that took courage, foresight, and determination.

Of course, JOE ADDABBO played his most important role as chairman of the House Appropriations Subcommitte on Defense. He understood that there was more to the security of our Nation than the size of the defense budget, and he earned the accolades of Members for insisting that defense dollars requested by the administration, any administration, be fully justified before being approved.

In doing so, he helped rein in the runaway policy of throwing dollars at the Pentagon and helped to forge our defense budget into more of a defense policy.

It was JOE ADDABBO who led many of the most important battles against wasteful and dangerous weapon systems like the B–1 bomber and the MX missile. He began these battles and pursued them vigorously, despite the fact that he often faced strong opposition from Members of his own subcommittee and from the administration. He did so because he was convinced that these weapons would not contribute to the security of our Nation.

The concerns of his Queens constituents were always uppermost in JOE's mind. He took the time to listen to them and to understand their needs. He insisted that the Federal Government play a role in protecting civil rights and in aiding the poor and the uneducated. He was also a staunch supporter of a woman's right to choose her own determination as to her body in regard to abortion.

But in recent years, JOE ADDABBO fought more than legislative battles. He also fought a long and difficult battle against cancer. In that battle, as in all others, he distinguished himself with courage, dignity, and perseverance.

In the Borough of Queens, throughout New York City and across this Nation, the memory of JOE ADDABBO will always serve as an inspiration to those who value excellence and believe in serving our fellow human beings.

On this occasion I wish to once again express my profound sorrow at the loss of our cherished colleague and to extend my heartfelt sympathies to the family and friends and constituents of JOE ADDABBO.

JOE, we will never forget you.

Mr. STRATTON. Mr. Speaker, I yield to the gentleman from New York [Mr. MOLINARI].

Mr. MOLINARI. I thank the gentleman for yielding.

Mr. Speaker, I guess what we have all been saying here this afternoon and this evening is how much we all loved JOE ADDABBO. I think the tragedy of life and death is that, unfortunately, after you die, you do not know the respect that your colleagues have held you and the country has held you. Attending the mass at St. Patrick's Cathedral was a terribly moving experience for me. I was sitting near Congressman SCHUMER, and we were looking about, at our colleagues, and we saw tears flowing down cheeks all over the place, and we knew that we were there to pay respects to that "teddy bear" that we all loved.

Mr. Speaker, I wonder how many of us could have carried on the battle as he did, suffering the torment that he did. I have thought a lot about this. I do not know how JOE could continue to smile, as he did, like there was nothing wrong with him.

I would like to just mention one experience I had not so long ago. I guess it was in January when JOE returned from a long absence. As Congressman ACKERMAN said before, he used to sit on the Republican side a lot. I think that said something. We would have welcomed him with open arms, needless to say. But I did not see him walk in, and he popped into the seat next to me and patted me on the leg and said, "How are you doing?" I turned around, and I was shocked because I did not know JOE was back. I looked at him, and he looked great; he had a tan, and he was wearing that ever-present smile. He asked me how I felt. At that point in time I felt good about JOE ADDABBO. I thought maybe he has turned the corner and now he is on his way back to us. But, no, he knew what he had. He knew what he had and it did not "buffalo" him for 1 minute. The courage of that man and the spirit of that man was never broken by that terrible illness, never broken for 1 moment. And I think that is the thing that touches me the most—it is at a time like that, when a person is dying and knows that he is dying and can carry on, performing his duties, and at the same time smiling to his colleagues and saying, "I am proud to be one of you."

I will close by saying that unfortunately throughout this land of ours those who serve in Congress and other legislative bodies are generally not held in high esteem, and I think that is a product of a lot of things—sometimes bad press, bad media coverage, and what not—but I wish to God that all the people of this Nation could have been in St. Patrick's Cathedral, could have witnessed three planeloads of colleagues flying in from all over the country to be there with the man in his final moments before interment. It was an incredible experience for me and something that I shall never forget.

He left his mark, all right. He left his mark for all of us. JOE is still here. JOE will always remain with us because of the incredible presence that he lent to us and the lessons that he taught all of us.

I thank the gentleman for taking this special order.

Mr. STRATTON. I thank the gentleman for his remarks.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I want to again rise and commend the gentleman from New York, the dean of the delegation, for having this special order and to share a few of my experiences with JOE ADDABBO. I first met him as a Member of this body in 1977. Of course, first and foremost, as a Member I might say that I think that the reason that this outpouring of support and recognition for him is forthcoming is because JOE was himself. JOE ADDABBO was a man who was natural and sincere and someone that we all shared a great deal of affection for. I knew him, of course, as a Member of this body and a member of the Appropriations Committee, and later serving as chairman in a distin-

guished manner of the Subcommittee on Defense Appropriations, where he fought and labored so much of the time during his service in this body. I think he had the quality of being able to disagree without being disagreeable. Often I found myself in agreement with him, I might say, on many issues. He was a great leader, from my perspective, on these defense-related issues that are so important to our Nation's history and our Nation's future; but he could disagree without being disagreeable. I think all of us respected that. He could fight the fight and make the argument for policy, and when it was done, that was the end of it—you had a good debate. I think that reflected well on him and on the quality of decisions that are made in this body.

As I say, I felt that he always had a good perspective and could keep things in perspective with regard to these issues, as well as representing the people.

In his final days we all recognized that he had a serious illness. It was not obvious when it began because he kept it pretty much to himself. But we recognized this, and he showed us again, I think, not just how to serve this body but, as the great person he was, I think he showed us how to leave this body.

I want to offer my condolences, of course, to Mrs. Addabbo, Grace, and the family, and I think he has made a great contribution at the national level and certainly has been a role model for many of us who serve here. He will indeed be missed but certainly not forgotten.

Mr. STRATTON. I thank the gentleman from Minnesota for his remarks.

Mr. Speaker, I am pleased to announce that the New York State Legislature adopted a resolution yesterday in memory of our late colleague, JOSEPH P. ADDABBO. In both the State senate and assembly, Mr. ADDABBO was memorialized in a resolution sponsored by the leadership and the members of the legislature from the Borough of Queens. Congressman ADDABBO was well recognized and regarded by the legislative leadership in the State of New York. It was through his leadership in this House that many of New York's Federal programs received their sponsorship and support.

I am including in the RECORD a copy of the resolution which was adopted in Albany, NY, yesterday:

RESOLUTION MEMORIALIZING CONGRESSMAN JOSEPH P. ADDABBO

Whereas, Joseph P. Addabbo, Member of Congress, succumbed following a long illness on Thursday, April tenth, nineteen hundred eighty-six at Walter Reed Military Hospital, Washington, D.C. at the age of sixty-one after a quarter of a century of service in the Congress of the United States; and

Whereas, Mr. Addabbo was born March seventeenth, nineteen hundred twenty-five to Dominick and Anna Addabbo in Queens County, New York and resided in Ozone Park, New York; attended PS 59, Queens Boy's High School, Brooklyn; City College, New York; St. John's Law School, Queens. He was admitted to the New York State Bar in 1946; was a member of Queens County Bar Association, Columbia Lawyers Association; and

Whereas, Mr. Addabbo began his Congressional career in nineteen hundred sixty-one and served as the Chairman of the powerful House Defense Appropriations Subcommittee since nineteen hundred seventy-nine. His careful eye against wasteful budget expenditures was well-known. At the time of his death, he was also serving on the Subcommittees of the Small Business Committee: SBA and SBIC Authority, Minority Enterprise, General Small Business Problems, and General Oversight. Past committee assignments include Veteran's Affairs, and Post Office-Civil Service; and

Whereas, Mr. Addabbo was a tireless defender of the interests of New York State and was remarkably successful in protecting New York's defense industries and was instrumental in bringing the Battleship Group to Staten Island; the Intrepid Museum to Manhattan; the construction of the A-6 Training Plane and F-14 Fighter Jets to Long Island; and the Army to Fort Drum. The State and City of New York will be forever grateful to the Congressman for his efforts in providing vital assistance to New York's housing, economic development, transportation, and public assistance programs. He was a masterful public figure, and was well-loved by his colleagues on both sides of the aisle; and

Whereas, Mr. Addabbo is survived by his beloved wife, Grace Salamone, and three children, Dominick, Dina and Joseph; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to acknowledge the life, career and contributions of Joseph P. Addabbo and to express its condolences to his family upon the occasion of his passing; and be it further

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to his beloved wife, Mrs. Grace Addabbo.

Mr. McDADE. Mr. Speaker, I am pleased that the House is taking the time today to honor JOE ADDABBO. I thank the Members of the New York State delegation for arranging this special order in his memory.

Congress has lost one of its most respected legislators with JOE's passing, and many of us in the House lost a good friend as well. I came to know JOE ADDABBO by serving with him many years on the Small Business and Appropriations Committees. We worked side by side over the years in a bipartisan fashion for objectives we believed would best serve this country.

When you work many long hours with a colleague, as I did with JOE, you get to know him well. I developed a professional respect and a personal friendship with JOE by working closely with him while he was chairman and I was ranking Republican on the Small Business Subcommittee on Minority Enterprise and General Oversight and, most recently, on the Defense Appropriations Subcommittee.

JOE ADDABBO will probably best be remembered for presiding over the Nation's defense budget at a crucial time in our Nation's history. He used his high-ranking position to fight tirelessly to cut waste and bureaucracy in the Department of Defense. JOE took on these battles because he felt the Nation and the world would be more secure, and because he believed that the tax dollars of our citizens should be used in the most efficient and effective manner.

JOE's prominence in the defense area makes it easy to overlook his enormous contribution in the small business area, particularly on belalf of minority businesses. I worked with JOE nearly a decade ago to establish the small and small disadvantaged business subcontracting program for Federal contracts. Five years ago, we teamed up to protect small and minority businesses when we protested provisions in the multilateral trade agreements that would have undermined the 8(a) setaside. It is not an exaggeration to say that our small business community is more economically viable and that new opportunities for minority business success exist today because of JOE ADDABBO's efforts.

JOE will be truly remembered for his achievements, but those of us who knew him will also think of his personal attributes. He was compassionate, understanding, evenhanded and kind man. I think the best tribute we can give to JOE ADDABBO would be to carry on in his absence with the same professionalism and humanity that were his trademarks.

To his wife, Grace, and to his fine children, our heartfelt sympathy.

Mr. FISH. Mr. Speaker, I rise today to pay tribute to my friend and colleague, JOSEPH P. ADDABBO, a great New Yorker and a true gentleman. We served together in this body and as part of the New York delegation for 18 years. He bravely fought through 6 years of suffering and never made an issue of his troubles so that he could continue his important work here in the House. It is important to note that in his last 6 years he gained the most recognition of his fine work as chairman of the Subcommittee on Defense of the Appropriations Committee.

JOE tried hard to balance the best interests of his district, New York State and the Nation. He was always open minded and fair. When he was considering decisions of enormous consequence such as funding for the MX or B-1 bomber, he would always take the time to listen to the smaller concerns of Members not on his subcommittee. I will not forget his support for the development of a military component at Stewart Airport in my district and that it came at an especially critical time.

JOE will be sorely missed. I had the good fortune to work with him and was privileged to call him a friend.

Mr. GUARINI. Mr. Speaker, the opportunity to speak a few words about our dear departed colleague, JOSEPH ADDABBO, is an opportunity for me to reflect on what it means to be a Member of Congress, what skills and talents we bring to this splendid institution. All of us who served with JOE ADDABBO have been very fortunate, for he brought many gifts to the House of Representatives. He brought a strong sense of fairness and integrity which was reflected in all of his dealings with his colleagues. He brought a keen sense of vision as to the direction we should be leading the country. And he brought courage—first, in op-

posing the war in Vietnam and later, in confronting his final illness.

A St. John's Law School graduate, Mr. ADDABBO practiced law as a peoples lawyer in Queens before being elected to Congress. He was a man who never strayed far from his neighborhood and friends of the Sixth District of New York and also never strayed far from his deep personal convictions about how his constituents should be.

Representative ADDABBO, first elected to Congress in 1960, ranked 21st in House seniority. Mr. ADDABBO acquired his seniority via the usual mode of reelection, but over those years he also garnered respect and authority from his fellow Members, by his love for this great institution and his fundamental fairness. Congressman ADDABBO had gained a reputation for working closely with other Members, and being an effective strategist in shepherding legislation through the legislative process.

Congressman ADDABBO chaired the Appropriations Subcommittee on Defense since 1979, and was an esteemed and trusted adviser on all defense and military issues. He was an astute politician, a watchdog against waste, and an expert and specialist in all areas of defense related legislation.

His membership on the Small Business Committee and related subcommittees kept him dedicated and aware of all business concerns. Congressman ADDABBO worked in behalf of small business, especially minority businesses in his district. The thriving small business population in Queens can give testament to all of the Congressman's legislative accomplishments.

Congressman ADDABBO was a practical politician who sought to solve the problems of Queens by bringing employment in military and defense areas and by aiding the business population. Mr. ADDABBO was a true friend of the people, and he proved it, over and over again, by sponsoring legislation to aid his economically depressed constituents.

He was a humble man who was dedicated to the House and therefore dedicated to earnestly representing his constituents in and out of committee. He made it very clear that the House of Representatives was his calling in life, it was his career. His primary desire was to play an influential role in congressional affairs. The people of New York's Sixth District have lost a dedicated Representative. The House of Representatives has lost a respected colleague who will be sadly missed by all. He was a true friend who had left his mark on all those whose lives he touched.

Thank you.

Mr. MONTGOMERY. Mr. Speaker, I want to join with my colleagues in paying tribute to one of the most popular members in this Chamber, Representative JOE ADDABBO.

He set a very fine example of leadership in the House of Representatives for 26 years. He will be greatly missed.

JOE handled a very tough assignment in chairing the Appropriations Subcommittee on Defense. He did that job very effectively and earned the respect of Members on both sides of the aisles.

I also enjoyed the Congressional Prayer Breakfast with JOE. We talked about his health but he never complained about it. He fought hard against his illness, just as he fought for his beliefs and principles here in the House.

I am proud to have had a chance to serve with JOE ADDABBO. He worked hard for his constituents in New York and for the people of this country as chairman of the Defense Subcommittee. His leadership and expertise will be missed.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, JOE ADDABBO, whose leadership we will all miss.

JOE was a wonderful person. He was always pleasant and always seemed happy. He never let problems get him down. JOE also was one of the most respected Members of Congress—respected on both sides of the aisle.

As chairman of the House Appropriations Defense Subcommittee, JOE was the author of the biggest appropriations bill in the world. He was strong on defense, but he would not stand for wasteful military spending. He wanted to make sure that our hard-earned tax dollars were properly spent, at the same time ensuring that this Nation was properly protected.

JOE served 26 years in the House of Representatives with unflagging dedication to his New York constituents and to the Nation as a whole. He was a man of integrity. He stood up for what he believed in and worked hard to achieve those goals.

His talents will be missed. But, more than that, JOE will be personally missed by his many friends. I am proud to have known him, to have worked with him, to have called him a friend. We won't forget JOE ADDABBO.

Mr. YATRON. Mr. Speaker, I would like to join my colleagues in expressing my deep sympathy on the passing of our distinguished colleague, Congressman JOSEPH P. ADDABBO. I know we all feel a great sense of personal loss now and, truly, one of our most respected Members and friends has left our Chamber.

JOE served in the House of Representatives for a quarter of a century and during that time he dedicated much of his time and work to defense policy issues. His thorough knowledge and understanding of the Pentagon and military spending earned him the respect of his colleagues and, in 1979, the chairmanship of the Defense Subcommittee of the Appropriations Committee.

JOE was very dedicated to his constituents and was reelected time and again by wide margins. He was a kind and caring man, whose compassion and concern for others knew no bounds. Personally, I know we will remember JOE with great fondness. He was one of the most friendly and likeable Members and he had a tremendous affection for all of us.

JOE leaves a magnificent record of many lasting and important achievements in the House of Representatives. JOE will be deeply missed and forever remembered as an outstanding Congressman and American.

Mr. NOWAK. Mr. Speaker, it is with sadness that I join my colleagues in a tribute to a great leader and good friend, JOE ADDABBO, who passed away earlier this month after a long struggle against cancer.

JOE ADDABBO's 26-year tenure in the House of Representatives spanned six administrations, a wide range of complex issues, and an ever-changing national arena. Yet, JOE never lost sight of the well-being of his constituency, working tirelessly for adequate housing and heat for the poor, steering economic aid to depressed areas, improving education for our youth, and providing various incentives and assistance for small businesses. JOE's substantial election victories over the years clearly illustrates this remarkable ability to address the needs of those who he had been chosen to serve.

JOE ADDABBO will also be remembered for his great influence in shaping our national defense policy as Chairman of the Appropriations Subcommittee on Defense. By mastering the intricacies of defense issues, JOE became one the House's most credible and rational critics of Pentagon spending, consistently opposing ineffeicient and wastful use of defense funds. Although JOE's many appropriations battles were often uphill and marked by heated debate, some even lost in his own subcommittee, he earned respect and admiration from both sides of the aisle.

JOE ADDABBO was a man of strong conviction, dedicated to his career as a public servant, accommodating, understanding and humble in his approach. Over the last several years fighting against the odds with cancer, he never allowed his personal health problems to interfere with his job. JOE'S leadership and vast knowledge will be sorely missed by his colleagues. However, his record as a Member of the House remains as a fine example for those who succeed him and an inspiration for all Americans.

Mr. FUQUA. Mr. Speaker, a man of strong convictions—that's how I will remember my dear, departed colleague JOE ADDABBO.

The U.S. Congress always could count on this honorable gentleman to be one of the most articulate reviewers of Pentagon spending. As chairman of the Appropriations Subcommittee on Defense, he would not hesitate to turn crimson and raise his voice in support of a strong yet lean defense. ADDABBO consistently managed to cut billions off the defense budget and even those who disagreed with him respected his knowledgeable viewpoint.

Mr. ADDABBO dignified New York with his devotion for 26 years, even through his 6-year battle with cancer. This loyal New Yorker was born and educated in New York, lived his entire life within a 10-block area of the Big Apple, commuted weekly to his office in the District of Columbia and did everything in his power to promote the city he adored to his Capitol Hill friends and colleagues.

I fondly recall weekends in New York when his son Joey and my son John would play together, while Mr. ADDABBO played "Mr. Hospitality" with us. In fact, the influential legislator instigated the now-famous congressional weekend in New York, which my wife Nancy and I enjoyed.

JOE'S death certainly will leave a gap in the established weekend event and in the lives of everyone he touched. My condolences to Grace, Dominic, Dina and Joey; the State of New York; and Congress; for the loss of this devoted man.

Mr. ROE. Mr. Speaker, it is with great sadness in my heart that I rise today to join in this remembrance of our colleague JOE ADDABBO, who passed away last week.

I indeed felt a great personal loss as JOE and I had established a close personal and professional relationship during the many years we served together in this body. As representatives from neighboring New York and New Jersey, JOE and I spent many hours together working on issues affecting our metropolitan area.

Despite the national attention that JOE received as the leading spokesman in Congress against excessive military spending, he never forgot for 1 minute that his major role in Congress was to represent the interests of the people of the Sixth Congressional District of New York. And represent them he certainly did.

During his 25 years in the House, JOE truly became a "peoples" representative, devoting himself untiringly to his constituents' needs, worries and causes.

JOE ADDABBO loved this country and its people. He was a true patriot who wanted the best for America and would not settle for anything less. He was strongly offended by what he believed to be the wasteful spending of taxpayers' funds in our military procurement system.

JOE was an outspoken supporter of a strong military for America, but he insisted that every dollar spent on that program be accounted for to insure that the taxpayer was getting the most bang for his buck.

Among those of us who were privileged to personally know JOE, he will most be remembered for his kind manner and joyful sense of humor. We will remember him as a man of unparalleled integrity with the highest moral principles and values. His good cheer and bright mind will be sorely missed as we here who follow him attempt to solve our Nation's weighty problems in the years ahead.

I am sure that I speak for all of us, as I extend my most heartfelt sympathies to JOE's wife Grace and his children Dominic, Diana, and Joseph at this time of their sorrow.

Mr. OWENS. Mr. Speaker, it is with deep sadness that we note the death of our colleague, JOSEPH ADDABBO, of New York's Sixth Congressional District. As chairman of the Appropriations Subcommittee on Defense, he left his mark on this body and on our Nation's history. Although he was a strong supporter of national defense, he sponsored the first successful anti-Vietnam war resolution which cutoff funds for the bombing of Cambodia. In 1982, Congressman ADDABBO was able to secure a 245-to-176 vote for his amendment to block MX missile production. This was perhaps his most dramatic victory as chairman of the subcommittee and as well as a victory for his ongoing battle against what he saw as wasteful weapons systems.

Today we are all familiar with the ongoing battle against Department of Defense waste. Even as we try to control contract costs, revolving door employment practices between the Department of Defense and defense contractors and multitudinous wasteful practices, we must recognize that we are following in the path which Congressman ADDABBO opened. His pragmatic career of controlling waste while arguing for a lean and efficient national defense earned him the respect of those he fought as well as those who agreed with him. Perhaps a final tribute to him was the support that he gained from peace activists in New York who saw him as a bulwark against a bloated defense budget which would lead to foreign military adventures.

When the seriousness of Congressman ADDABBO's final illness became clear, it was hard to believe that this cheerful and good-humored man had long been laboring under the strain of a severe and finally fatal illness. We will miss his leadership on the Defense Appropriations Subcommittee and his presence among us.

Mr. GREEN. Mr. Speaker, I ask my colleagues to join in paying tribute to the memory of the Honorable JOSEPH P. ADDABBO, who died on April 12 at the age of 61. Representative ADDABBO devoted the last 25 years of his life not only to his constituents in Ozone Park but also to the citizens of the Nation.

As chairman of the Defense Subcommittee on the House Appropriations Committee, Representative ADDABBO worked for a strong and efficient defense policy. A leader of opposition against wasteful arms projects, he did not hesitate to speak out against Pentagon officials. He held a significant role in limiting the spending for such projects as the MX and Pershing missiles. As President Reagan said, Representative ADDABBO was "one of leading players in the development of the American military policy."

The Governor of New York, Mario Cuomo, once called Representative ADDABBO a "great man whose commitment to integrity and excellence has improved the quality of life for all New Yorkers." He sponsored legislation to help poor families pay for household heat, assisted small businesses, and directed funds to economically depressed areas. He was in favor of civil rights and Federal aid to education and the elderly. He voted against legislation to limit rights to abortion and allow prayer in public schools. His role in defense also aided the interests of his constituents. He increased Long Island's aircraft industry and added thousands of jobs to the metropolitan area.

Representative ADDABBO played a crucial role in advancing an anti-Vietnam war measure that passed the House. This amendment put a halt to appropriations for the bombing of Cambodia.

Representative ADDABBO did not seek to run for other elected offices. Instead, he devoted himself to Congress, his "career", as he once said. He was respected by Democrats and Republicans alike. He was a warm and compassionate leader who acted fairly.

Representative ADDABBO was born and raised in New York. He went through public schools and then attended City College. After graduating from St. John's University School of Law, he began a law practice in Ozone Park where he remained until he was elected.

Representative ADDABBO will be sadly missed.

Mr. BOLAND. Mr. Speaker, I want to thank the gentlemen from New York, Mr. STRATTON and Mr. HORTON, for giving us an opportunity to pay tribute to our friend, JOE ADDABBO.

JOE did not seek publicity or personal attention, so I think he would have been a little uncomfortable with the fact that this time has been set aside to reflect on his life and his service in this House. But, as anyone who knew him is aware, the way in which he lived his life, and the manner in which he served in this body, were of such a character as to demand that special note be taken of his passing.

I had the privilege of serving with JOE on the Appropriations Committee. While he was perhaps best known in the House for his work as chairman of the Defense Subcommittee, within the full committee his was a highly respected voice on a wide range of issues, from the Vietnam war, to the plight of the poor and disadvantaged, to the needs of Federal workers. As was the case on the House floor, when JOE spoke in the Appropriations Committee, people listened. He was credible because the Members knew that JOE had done his homework, and that he knew what he was talking about. Although he never tried to conceal his political philosophy, admiration for the way that JOE practiced his craft as a legislator transcended the bounds of ideology or party affiliation. He had the ability to influence precisely because people trusted his judgment, and had confidence in the means he chose to translate that judgment into action.

JOE's skill as a legislator was prominently displayed in the last years of his life because of the role he played in battles over the defense budget. Make no mistake about it. JOE ADDABBO was for a strong defense. He just didn't believe our defense effort had to be gold plated to be effective. He was not afraid to challenge generals, admirals, or Presidents on the worth of particular weapons systems, and he never hesitated to call the attention of Congress to defense spending requests that he considered to be excessive. As competition for budget dollars became more intense, his dogged insistence that defense programs be subject to the same level of scrutiny being given to other programs forced officials at the Pentagon to take a second look at many of their budget requests, and thereby saved billions of dollars for American taxapayers.

But JOE will be remembered by his colleagues in the House for more than his legislative abilities. In an institution of working relationships, he made friends, and the size of the delegation to his funeral mass was a testament to the affection with which he was regarded in this body. We shared that sentiment with the people of his district, who took time off from their jobs to fill St. Patrick's Cathedral in his honor last week, and who knew him to be a man of courage and decency who never stopped being their neighbor.

And my, how JOE loved New York! The city had no better ambassador of good will in the Congress, and anyone who saw New York with JOE as their guide could never be satisfied with anyone else. The Big Apple always had a special gloss in JOE's eyes, and he leaves in the House of cadre of honorary New Yorkers who can testify to his ability to instill in others his feelings for his hometown.

Mr. Speaker, the people of the United States were fortunate that JOE ADDABBO chose to devote a quarter of a century to

serving them in these halls. Those of us who served with him know how deeply his wisdom and counsel will be missed in the days ahead. We know too, however, that the contributions he made to his country, and the example he set for his colleagues in the House, will never be forgotten. I hope that certainty will offer some comfort at this difficult time for JOE'S wife, Grace, and their children, Dina, Joseph, and Dominic.

Mr. SCHEUER. Mr. Speaker, I join my colleagues in paying tribute to my friend and illustrious colleague—the late JOSEPH P. ADDABBO.

JOE ADDABBO'S presence in this House was an example for all of us—from the most senior committee chairman to the newest freshman to follow.

JOE'S wit, his jovial sense of humor, and his relentless quest to do what was right put JOE ADDABBO in a class all by himself.

JOE ADDABBO probably was best known for his work as chairman of the Defense Appropriations Subcommittee. In that role, JOE was a voice of sanity in this era of extravagant and often unnecessary defense spending.

JOE ADDABBO had enormous clout in the whole military spending process. He was a staunch supporter of a strong national defense, but he felt strongly that our military stature should be lean and mean—with the emphasis on lean.

JOE viewed the Pentagon as just one more Federal bureaucracy—the only difference was that the bureaucrats at the Pentagon wore stars and bars. He refused to take the funding requests from the Pentagon at face value—preferring to put the military budget under close scrutiny to ferret out waste, duplication, and unnecessary fat. JOE often found himself at odds with many of the Defense Subcommittee members—but I assure you that every one of them had great respect for the man.

JOE ADDABBO'S legislative role actually extended far beyond the defense arena.

Over the years, JOE was a major factor in passage of important legislation to help the poor, assist small business, and steer funds to economically depressed areas.

JOE ADDABBO never forgot his constituents, insuring that the needs of the Sixth District were met and taking the time to solve the individual problems that plagued his Queens neighbors.

As senior member of the Queens delegation and a senior Member of the House, JOE ADDABBO worked hard to make sure New York received its fair share of Federal funds.

With the unfortunate death of JOE ADDABBO, I now find myself in the position of senior Member of the Queens delegation. Although it will be very hard to fill the shoes left by JOE ADDABBO, I hope to carry on in the spirit of JOE—with an eye toward unity and compassion.

JOE ADDABBO'S presence in this House will be missed greatly. But those of us who knew him well will try to carry on his work—secure in the knowledge that his legacy will live on.

Mr. MILLER of Ohio. Mr. Speaker, with the passing of JOE ADDABBO the Nation has lost an untiring and highly principled public servant, the Congress a dependable, personable Member, and each of us a dear and loyal friend. JOE ADDABBO gave full meaning to the term "trusted colleague." When JOE told you he was going to do something, you considered it done. When JOE cast his vote you knew he did it after full consideration of the issue, you knew he did it on the basis of principle not partisanship.

JOE'S long battle with cancer proved to be a telling reflection of the way he lived. His 6 year fight with this dreaded disease was one he carried on courageously and confidentially. He didn't want anyone's sympathy, he didn't want anyone making any excuses for him.

Though JOE and I sat on different sides of the aisle, I never sensed our differing political philosophies to be an issue. As the chairman of the Defense Subcommittee on which I serve, he always carried out his responsibilities with a sense of fairness and openness. Though we often differed on issues, JOE never let his work get in the way of his friendships.

The Congress will be a lesser body without him. To his wife, Grace and his children, my wife, Helen, joins me in extending our deepest sympathy. The Congress has lost a true gentleman and a scholar, a fighter who fought the good fight, a man who by his lifestyle epitomized all that is right with our society.

Mr. RUSSO. Mr. Speaker, it is with a sad heart that I join my colleagues today to pay a final tribute to an outstanding Congressman and beloved person. Congressman JOE ADDABBO will be greatly missed, by his countless friends here, and by this country.

In his years of work with the Congress, JOE won the respect of his colleagues regardless of opposing views on an issue. He was diligent, concientious, and you knew where he stood. I particularly remember how nice he was to me my first year here, going out of his way to help a newcomer. It's the kind of thing no senior Member is required to do, but JOE was that kind of person—helpful and one who took the time not only to do what needed to be done, but to do a little extra as well.

Certainly in his legislative work here he went well beyond what was merely required. I credit him for bringing some sanity to a complicated and inflammatory area like defense policy and spending, and I think we'll all remember JOE during the floor debates on this subject. We are indeed going to miss him, and his constituents have lost a fine representative.

I join with others here today in commending the work and life of Congressman JOE ADDABBO, a man who in the end demonstrated so much grit and courage to us all, and in offering my prayers and sympathy to his family. I hope it is a comfort to them to remember the lasting mark that JOE has made on this Congress and the Republic, and to know that he will not be forgotten by any who were privileged to know him and call him friend.

Mr. McGRATH. Mr. Speaker, on Thursday April 17 of this year, the residents of the State of New York and the entire Nation suffered a great loss with the death of Congressman JOSEPH P. ADDABBO. JOE served in this Chamber for 26 years and constantly helped to improve the fiber of this country.

In my years as a Member of this body, and as a lifelong resident of a community bordering his congressional district, I have been proud to call JOE a friend and a colleague. JOE was respected throughout the Metropolitan New York area for his strong leadership on defense issues and countless other serious matters affecting our region and the Nation as a whole. Congressman ADDABBO never lost sight of his responsibilities to his constituents and his constituent achievements earned him the right to serve in this Chamber for 26 years.

The residents of the southwest part of Queens have been fortunate to call JOE ADDABBO their Representative. His tireless support for community development in the Jamaica business district, his efforts on behalf of St. John's Law School, and countless other activities have made JOE'S name a household word in his district and in surrounding communities.

Congressman ADDABBO was at his best when acting as chairman of the Defense Appropriations Subcommittee. He served through the Vietnam crisis and fought against waste in defense contracts. Even though Congressman ADDABBO was not afraid to disagree with a colleague, he always handled himself as a professional and a gentleman.

Last month legislation was passed to name a Federal building in Jamaica, NY in JOE'S honor. This great tribute is more than deserving for a man who worked for over two decades to help improve the district in which the building will stand. The building will serve as a constant reminder to the community he has served with honor and distinction.

JOE ADDABBO will live on with us forever in spirit and his example should serve as an inspiration to us all.

Mr. YATES. Mr. Speaker, I am deeply saddened by he death of JOE ADDABBO. We served together on the Appropriations Committee for 22 years. JOE and I were good friends. He was wise, diligent, and witty and I admired him greatly.

JOE understood the issues involved in national defense. He knew the budgets, the programs, and the military mind and he was so right when he told us, as he did many times, that lavish budgets for exotic weapons do not make the Nation stronger or safer. JOE'S understanding of national security included an educated and healthy population with a balanced and varied economy. He worked, voted, and spoke to achieve that end, and we are in his debt.

We are now in a period when the Nation is beginning to understand what Joe has been saying for years, and it is a real tragedy that he has left us at this time. I know that I will miss him greatly. We need his wisdom and guidance.

His contributions are real and lasting. He made the United States a stronger, better Nation, and I am proud to have known him. I extend my most sincere sympathy to his wife and family.

Mr. MYERS. Mr. Speaker, I rise tonight to say thank you to the ADDABBO family, Grace and their children, for sharing JOE with us those many years. I also thank the people of the Sixth District of New York for sending him to Congress that the people of the rest of the country could share in his service to our country.

Very early in my service on the Appropriations Committee I found that JOE was a

person that was willing to take time to help others. His district was much different from mine. He, from a large city, more liberal in their political and economic views. Mine, a rural and more conservative, yet we became good friends. He was always understanding when someone had to take a different position.

My wife and I became better friends after we had gone with him and Grace on congressional investigating trips for the Appropriations Committee. I did not serve on his subcommittee, but he asked us to join his subcommittee on several occasions. We were hard on those trips, but here again, he was always very kind and generous to include us in all the activities of his subcommittee.

There are so many nice things that could be said about the service of JOE ADDABBO. He was a good public servant, represented his people well, and a nice guy always.

Mr. LAFALCE. Mr. Speaker, I rise to pay tribute to a man who would probably have been embarrassed if he knew that colleagues were paying special attention to his passing. JOE ADDABBO was that kind of man: genuinely humble and self-effacing, while hugely competent and capable in his work within the House of Representatives over the past quarter century.

JOE ADDABBO came to Congress from his beloved Queens in the usual way. He was an eminently convivial man who practiced law after graduating from St. John's. He joined local organizations like the PTA, civic groups, Sons of Italy, and the local Democratic club. As time went on, he helped out behind the scenes with congressional campaigns. And when the Republican incumbent retired in 1960, JOE ran and won by 10,000 votes.

Politics came naturally to JOE, because he loved people. He was a model to all new Congressmen about how one represents a district. One of his opponents is said to have remarked in disbelief, "He attends every wedding, bar mitzvah, and wake in the district." JOE did this, of course, because people and their hopes and dreams were important to him.

JOE ADDABBO came to Congress with that attitude and served all his days, without changing a scintilla of his generous perspective. He was a successful legislator because he paid attention to his constituents. And his constituents respected JOE's judgment when it differed from theirs. I think we would all agree that JOE always followed his conscience, no matter the political cost.

JOE was a successful legislator who could pry loose money for an important mass transit project back home, change his mind about the wisdom of the Vietnam War after supporting it, and foster an amendment to cut off funds for it. And, as chairman of the powerful Defense Subcommittee, he was the scourge of the military as a foe of the B-1 bomber. But he also argued for a strong defense, properly understood.

JOE ADDABBO was, above all, a man with a burning desire to do the right thing: To be reasonable, to understand, to be compassionate, and, where possible, to accommodate. He was loved by his constitutents and his colleagues, and therefore he will be missed.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in paying tribute to Congressman JOSEPH P. ADDABBO, whose untimely death on April 10 was a tremendous loss to his constituents from the Sixth Congressional District of New York and to all the people of this Nation.

JOE was my close and trusted friend during the period we served in Congress together, and I am proud to have had the honor to work with him. I shall always cherish the wise counsel, advice, and good will that he so often generously extended to me.

Congressman ADDABBO was elected to the 87th Congress, and for 25 years as a Member of the House of Representatives dedicated his life to the service of his constituents. He compiled an oustanding record of achievement as chairman of the Subcommittee on Defense of the House Appropriations Committee and as a member of the House Small Business Committee.

As chairman of the Subcommittee on Defense, he was a guiding force in Congress for a strong, efficient defense policy, while at the same time eliminating wasteful and excessive military spending. He courageously took an early stand against the Vietnam War, sponsoring the first antiwar resolution to pass the House of Representatives in 1973, which cut off funding for the bombing of Cambodia.

Congressman ADDABBO, as one of the most respected Members of the House of Representatives, was even-handed and well-liked by his colleagues, and was one of the most knowledgeable and effective legislators in Congress. His dedication to the highest standards of excellence was an inspiration to his friends and fellow citizens, and he will long be remembered by those of us who had the privilege to serve with him in the Congress of the United States.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Grace; his children, Dominic, Dina, and Joseph; and to the other members of his family.

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleagues from New York for requesting this time today to honor my good friend JOE ADDABBO for his 26 years of dedicated work in behalf of the people of our Nation.

Although JOE and I didn't agree on every issue, I held the utmost respect for this great American, who despite suffering from cancer, continued to valiantly serve the American people and his constituents from New York. It was a privilege to have served under his chairmanship as a member of the House Appropriations Subcommittee on Defense. He was a fair and honorable chairman who rightfully took great pride in his long hours of preparation and work to fulfill his responsibilities in overseeing our national defense programs.

We shall miss JOE ADDABBO'S leadership in this House as well as the dedicated spirit with which he served here for more than a quarter of a century. I shall also miss JOE'S friendship. He will always symbolize for me what is so great about our Nation and our democratic Government. Despite differences of viewpoints—whether they be Democrat or Republican, liberal or conservative—we are first and above all else Americans who represent the American people to the best of our abilities. Few have served in the U.S. Congress with greater distinction than JOE ADDABBO.

I share the sorrow of JOE'S wife Grace and their three children, because with JOE'S passing we have lost a great American statesman. He served our country with honor until his final hours, and for that we shall be forever grateful.

Mr. HUGHES. Mr. Speaker, it is with a deep sense of sadness and loss that I join my colleagues in paying final tribute to our respected colleague, JOE ADDABBO.

All of us who had the opportunity to work with JOE will always remember it as a true learning experience in effective management of our Nation's resources. As one of the prime forces in the shaping of military policy over the last two decades, he represented his district, and his country, with the highest degree of competence and legislative ability.

JOE impressed his colleagues not only with his tenacious management of our Nation's defense resources, but also with his compassion for those in need of help, opportunity, or protection. He believed deeply in the Government's obligation to assist the disadvantaged, and throughout his years in the House of Representatives, he remained dedicated to the expansion of human dignity and equal opportunity. JOE ADDABBO truly cared about people as individuals, and in caring about them, he took the trouble to understand them, to know their problems, and to do everything he could to help them.

All of us who knew JOE will deeply miss his leadership, courage, and commitment. I am proud to have had the opportunity to serve with him, and wish to extend my sincere condolences to his family.

Mr. ST GERMAIN. The congressional paths of Congressman JOE ADDABBO and FRED ST GERMAIN often crossed. Our congressional careers began together on January 3, 1961, when JOE and I raised our right hands to take our oaths of office for the first time. We were the only Members of the present Congress who shared this date as the beginning of our congressional service.

Our legislative endeavors were guided by the same philosophies and convictions. We shared strong feelings that Government retain a people perspective and only in rare cases would we cast our vote on opposing sides of any issue.

The residents of New York's Sixth Congressional District will miss his genuine concern for their well being. His colleagues in the Congress will miss his warm smile and friendly manner, but you can be certain JOE ADDABBO has left his mark on the Congress and the Nation. His life journey has concluded but the goals he set for our Nation remain. Congressman JOE ADDABBO simply wanted the United States to be a great place to live. Because of people like JOE ADDABBO, it is.

Mr. HILLIS. Mr. Speaker, the House lost an outstanding an compassionate Member 2 weeks ago when JOE ADDABBO passed away after a long and courageous bout with cancer.

As a member of the House Armed Services Committee, I always respected JOE ADDABBO'S tenacity in probing the Pentagon's spending plans. JOE ADDABBO was committed

to a strong military and he dedicated his career in the House of Representatives to the identification and elimination of waste and extravagance.

While many of us on the Armed Services Committee often disagreed with JOE on specific issues, all of us respected his skill in exposing needless spending that would have done nothing to serve our national defense.

JOE ADDABBO will be remembered as a gentleman and a sincere public servant who defeated his fatal illness by refusing to let it rule his life.

Admired in life and in death, we will all miss JOE ADDABBO.

Mr. STOKES. Mr. Speaker, I would like to thank the gentlemen from New York [Mr. HORTON and Mr. STRATTON] for reserving this time for Members to pay tribute to my distinguished colleagues in the House of Representatives, the late Congressman JOSEPH ADDABBO.

Those of us who worked with JOE ADDABBO through the years will sorely miss his leadership, his thoughtful, intelligent approach and style, his congenial nature and his tireless dedication to serving the public to the best of his ability.

Mr. Speaker, I had the good fortune to work with JOE on the Appropriations Committee, and had the opportunity to observe his exceptional leadership as chairman of the Appropriations Subcommittee on Defense. While he supported a strong defense, JOE led the fight to prevent the Department of Defense from squandering the taxpayers dollars. Through his skillful leadership, he provided Members with the opportunity to implement a strong national defense while at the same time rejecting wasteful spending.

Mr. Speaker, JOE ADDABBO was also extremely supportive of the efforts of the Congressional Black Caucus to provide encouragement and financial assistance to minority businesses through the Fair Share Federal Procurement Contract Program. His appearance at a press conference held by the Congressional Black Caucus in support of that program was demonstrative of his commitment to the development of minority business.

However, Mr. Speaker, my most fond memories of JOE ADDABBO come from our personal friendship. He was a congenial man, a friendly person, an individual who had the ability to put people at ease. He always had something nice to say about everyone and was admired and respected by virtually everyone who met him. Like many other Members, I was the recipient of JOE's warm hospitality during a "weekend in New York" sponsored by the New York State congressional delegation. I was impressed by his organizational skills and ability to make everyone feel welcome.

Mr. Speaker, I also had the opportunity to travel with JOE and his lovely wife, Grace, overseas with a congressional contingent. While we worked hard, we had a very enjoyable time and I observed firsthand the deep love and devotion shared by JOE and Grace ADDABBO. They were a great couple, and all I have are fond memories of the time spent with them.

Mr. Speaker, JOE ADDABBO was truly a pillar of the House of Representatives. His dedicated service as chairman of the Appropriations Subcommittee on Defense may be imitated, but will never be duplicated. JOE's careful, intelligent approach to the defense question, an issue that in recent years has become highly emotional and often irrational, has forced the House of Representatives to take a closer look at the issue of defense spending and to consider future ramifications of unrestrained spending. That "closer look" will definitely save money—and may quite possibly save lives.

Mr. Speaker, I send my heartfelt condolences on the passing of my good friend and colleague JOE ADDABBO to his wife, Grace, and his family, to the people of the Sixth Congressional District of New York and the members of the New York congressional delegation. Again, I thank the gentlemen from New York, Mr. HORTON and Mr. STRATTON for reserving this time to remember a very special man—JOSEPH ADDABBO.

Mr. MINETA. Mr. Speaker, we have lost an important ally and a cherished friend in the House of Representatives, our distinguished colleague, JOSEPH ADDABBO. We missed him during the months of his hospitalization. We were acutely aware of his absence, as the House considered complex and ever-controversial defense bills. We needed his leadership and guidance on many tough and intricate questions and we hoped for his return. Now we feel a profound sense of loss knowing that he will not be back to fight future battles with us.

JOE ADDABBO has done much for his Nation, his district, and his colleagues. How many of us, when we leave these Halls, will be able to look upon a list of accomplishments as worthy and solid as those of JOE ADDABBO's? How many of us could command our colleagues' love and respect, as JOE did? How many of us are assured of the good will and friendship of those that disagree with us on policy questions. JOE had all those things.

He carved his place in this House by understanding all the subtleties of the complex issues of defense policy. Few could match his expertise. He used his knowledge to define national security goals and to help shape and advocate a sound defense policy. He above all knew how to separate wasteful defense spending from the defense necessary for national security. He then effectively lobbied for his position using the full force of his personality—the force of his integrity, the force of his leadership, and his formidable skills of persuasion. And when the battle was over, no matter how heated, he would still be liked and respected by his most ardent opponents. That was the kind of man JOE ADDABBO was. That is the JOE that we will sorely miss.

The loss of his guidance and leadership will be felt not only during this year's difficult defense and budget debates, but in all years. We will always be guided by the principles JOE set forth and we will always miss him.

Thank you.

Mr. DICKS. Mr. Speaker, it is with a great deal of sadness that I join in this tribute to our departed colleague, JOE ADDABBO. We all miss him dearly.

It has been an honor and privilege to have JOE as my chairman on the Defense Appropriations Subcommittee for over 7 years. He always conducted the subcommittee in a fair and equitable manner which was respected and appreciated by the Members on both sides of the aisle.

Chairman ADDABBO took very seriously the responsibility to insure that we not only approved the resources needed to provide for the common defense, but that we did not waste money in the process. He was tireless in the detailed review of obscure audit reports to find any instance of unneeded expenditure. I remember many occasions when he had to direct program managers to read the Pentagon's own audits of their programs so that they could do their jobs more efficiently.

Each year, under his able direction, the subcommittee would recommend reductions in literally hundreds of items. And just as the old saying goes, a million here and a million there and pretty soon it was real money. Some people have criticized the Congress for micromanaging, and some of that criticism is deserved. But the kind of scrutiny that JOE ADDABBO applied to the defense budget was just the kind of oversight that is the duty of the Appropriations Committee. A true measure of his effectiveness is the very large portion of the committee's recommended cuts that the Pentagon would eventually concede were fully warranted.

On many occasions, it was my pleasure to work with Chairman ADDABBO on the issues of national defense before the Congress. On occasion we disagreed. Let me tell you, I would much rather have him on my side because he was an aggressive and forceful advocate for his point of view, which he held with very deep and sincere conviction. His courage in facing his illness without complaint and without shirking his duty is an inspiration to all of us.

But my sadness with JOE ADDABBO'S passing is tempered by the joy of the memories he has left with me and with this body. His sense of humor, his fondness for wisecracks, his occasional Italian temper, were all uniquely JOE'S. They were a part of a personality that lifted our hearts and reminded us of the special opportunity we have to serve in the House of Representatives.

I want to compliment my colleagues from New York [Mr. STRATTON and Mr. HORTON] for arranging this opportunity for all of us who were touched by the magic of JOSEPH P. ADDABBO to pay one final tribute for his service, and most of all his friendship.

Mr. AUCOIN. Mr. Speaker, as I gathered my thoughts tonight getting ready for this special honor for our friend JOE ADDABBO, there was so much called to mind. JOE was an honorable man who loved and served his country well, a true friend, a delightful colleague, and one of the hardest working and most respected Members of Congress. He is sorely missed.

For his quick wit and generous laughter, most certainly. For his insight, knowledge, and tenacity in fighting for what he believed was right, of course. Few will forget his leadership during the critical decision points of the Vietnam war. But mostly, and I believe I speak for many people on both sides of the partisan aisle that so often divides us—mostly for his manner of doing the business of this august

body. With his heart, his facts and figures fully marshalled for a good fight, and a true love for the work.

Proof of his outstanding character came from what some would think an unlikely quarter just the other day—but you'd only think it unlikely if you didn't know JOE. And that was from his frequent adversary, Secretary of Defense Caspar Weinberger.

Before he started his testimony, Secretary Weinberger called attention to something all of us in the committee room felt deeply. JOE's absence. It just didn't feel right without Chairman ADDABBO being there to conduct a ritual sparring match rich in humor but also bottom line fundamental debates about which direction our country should be going.

Secretary Weinberger paid tribute to JOE, acknowledging his great knowledge on defense issues, and the way he went about jousting in such a friendly way that it was always fun to appear before him. He couldn't let the moment slip by without sharing publicly the great admiration he had for a very special chairman. For any of you who have seen JOE at work giving the Secretary the third degree, that says it all.

When JOE first asked me to join the Defense Subcommittee, I was given one of the greatest opportunities of my career. And that was to get to know JOE. To serve on his committee. To learn from him. And my respect for the kind of man JOE was because of having been on his committee is probably without parallel.

It's a testament to his gifted sensitivity to others and to his political skills and rare judgment that he worked so well for so long with the ranking minority members of the committee he chaired. He created a very unusual partnership in getting a tough job done year after year. Where others would have used the power of the chairmanship above all else, JOE used the powers of reason, persuasion, and fairness to push ahead.

JOE and I were often in the minority on the committee in voting against a particular weapons system. But it didn't stop or deter JOE. He just went right back at it, often succeeding. Without hostility, bitterness, or vindictiveness to those who did not stand with him.

He worked unflaggingly on minutae that many of us would have thrown our hands in the air over. And if you've seen the thousands of line items of budget notes he presided over in conference after conference, you know what I'm talking about.

His mission was to guarantee a top-flight defense for this country, but not to waste a single nickel. And his contribution to this end is truly significant.

What we didn't know was that for many of the last several years JOE was fighting a horrible and painful disease. Never a word. Never a complaint. Never a failure to do what had to be done regardless of enormous physical pain. Who among us would have guessed what he was going through?

Even after a long absence away from this Chamber last fall to fight that disease, JOE came back in December with his spirit intact to preside over a contentious conference on the defense portion of the continuing resolution. And we all gave a great sigh of relief to have him back pounding his fist on the table and cracking jokes to set us straight.

His great courage and dedication throughout his battle makes me think of the words of John F. Kennedy in "Profiles in Courage": "For without belittling the courage with which men have died, we should not forget those acts of courage with which men . . . have lived. The courage of life is often a less dramatic spectacle than the courage of a final moment; but it is no less a magnificent mixture of triumph and tragedy. A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality."

I think this describes the profound humanity of JOE ADDABBO. And there's little more I could add to relate what kind of an individual, and a public servant, JOE ADDABBO was.

The State of New York has lost an able and gifted Congressman, the country has lost one its true leaders, and we have lost a great man and dear friend whom all admired. To his wife Grace, and to his children, my deepest sympathies and sincere hopes that their grief will be somewhat diminished by the pride and joy of having been the greatest love of such an exceptional statesman.

Mr. CARR. Mr. Speaker, JOE ADDABBO was my friend. As a young Congressman he gave me guidance. He helped me understand the greatness of this legislative body. He explained its strong points, he told me of its failings. With his help, I became a better Member of Congress.

I will miss his wise counsel. I will miss his friendship. The House will miss his leadership. The Nation will miss a great Congressman.

Mr. DE LA GARZA. Mr. Speaker, the passing of an esteemed friend and colleague is the occasion for which I rise to speak today, and it is with personal sadness that I pay final tribute to the memory of a man who for more than a quarter of a century was one of the most influential statesmen of our time—JOSEPH ADDABBO.

A presence on our national stage, JOSEPH ADDABBO was one of the leading players in the development of American military policy—a man widely respected for his knowledge of defense issues—a man whose genial style was in keeping with the best traditions of American politics.

His was a consuming conviction that vexing problems could be solved, and expansive goals could be achieved through planning and activism. His occupancy of office was never merely visionary for JOSEPH ADDABBO was a man who constantly sought to translate vision into concrete realities.

Throughout his long and illustrious career spent in service to the people of New York and the Nation, JOSEPH ADDABBO exemplified the virtues of dedication and concern leaving his mark and vision in our Nation's defense programs. We will remember him—for his belief in the worth and dignity of the individual; for his conviction that the United States has a moral mission in the world; for his leadership in international affairs; for his commitment to a strong yet efficient and effective defense posture to insure continued U.S. freedom and influence.

I will sincerely miss JOSEPH ADDABBO just as I know all of my colleagues who worked with him will. To his wife and family I extend my heartfelt sympathy during this time of great sorrow.

Mr. MITCHELL. Mr. Speaker, it is with great sorrow that I address the House today to pay tribute to a dedicated and respected Member of this body and a good friend, JOE ADDABBO.

As chairman of the Defense Appropriations Subcommittee, he attained a reputation as a critic of wasteful military spending and was often at odds with his own committee, nonetheless, he maintained his integrity and fought for what he thought was best for the Pentagon and for the country.

As chairman of the Small Business Committee, on which JOE served with vigor, I came to know him as a man committed to helping small and minority businesses gain a foothold in the economic structure of this society. JOE, with his low-keyed but tenacious manner was effective in amassing support for unpopular but necessary loan programs and set-asides for minority contractors doing business with the Federal Government.

At a time when it was popular to look the other way, JOE ADDABBO spoke out on discrimination in public schools, in the workplace, and at the voting booth. He opposed apartheid in South Africa and cosponsored legislation to impose economic sanctions against that repressive regime. JOE fought for the special needs of the elderly and the handicapped, education enhancement, safeguards for the environment, and in short, improving the way of life for all Americans.

JOE's accomplishments in the House are too numerous to catalog, but suffice it to say, his leadership on the tough issues of the day made him a Member who will be sorely missed by all who really knew him. But most of all, he will be missed because he was a kind and decent human being.

Mr. SMITH of Florida. Mr. Speaker, today I rise to pay tribute to our late colleague, JOE ADDABBO. After having bravely fought a courageous battle against disease, Congressman ADDABBO succumbed to cancer last week at the age of 61. He left behind him a quarter-century of public service to the people of New York—and to the citizens of the United States. His leadership and commitment will be sorely missed.

As the chairman of the Appropriations Subcommittee on Defense since 1979, Congressman ADDABBO presided while the Pentagon received its largest peacetime budget in history. While he supported a strong defense, he was also an enemy of waste and abuse, especially within the Defense bureaucracy. As a result, JOE found himself a leading critic of President Reagan's growing military budget. He is credited, however, with paring $50 billion from the President's budget requests of the past 4 years.

A compassionate and understanding man, Congressman ADDABBO won the respect of all his colleagues and constituents. He was a pillar of the House and an inspiration to those who knew and worked with him. We honor this man's longstanding dedication to public service, his wisdom, his leadership, and in the

end, his great personal courage. We will all be the worse for his loss.

Mr. HOWARD. Mr. Speaker, it is with great sadness that I join my colleagues in paying tribute to JOE ADDABBO.

When JOE ADDABBO passed away, I lost a friend and a colleague whom I deeply admired, Congress lost a Member with unquestionable integrity and dedication and this Nation lost a great American.

JOE ADDABBO worked endlessly on behalf of his Sixth District in New York during his 25 years in the House. But his district was not the only one to benefit from his public service.

To every American who wanted a guarantee that tax dollars were being spent wisely, JOE ADDABBO was the one person we could count on to scrutinize defense spending. To Americans who pursued the dream of owning their own small business, JOE ADDABBO was one Member who played a key role in making that dream become a reality. And to Americans grateful that no more young men died in the jungles of Vietnam, JOE ADDABBO was one person who deserved thanks because he was the first to successfully sponsor an antiwar resolution.

The quality I remember most about JOE ADDABBO is his courage. When he was faced with his painful illness never once did he ask for sympathy. He carried on his duties with dignity and of course, still possessing a big, warm smile.

The void left by JOE's departure will be difficult to fill. However, his legacy will remain with us. We are all richer because JOE ADDABBO touched our lives.

Mr. HUTTO. Mr. Speaker, JOE ADDABBO will be missed not only by his loved ones and friends but also by the Congress of the United States. JOE was a very effective representative of his people, and his impact was felt well beyond the borders of his New York district.

Although there were many who disagreed with JOE on certain issues, especially defense spending, I do not know of anyone who personally disliked JOE ADDABBO.

I came to know Congressman ADDABBO very early in my first year in Congress. It was with fear and trepidation that I went to see the distinguished chairman of Defense Appropriations about a problem in my district. From the first moment I met JOE, I felt completely at ease. The warmth of his smile and his friendliness helped me emerge from the meeting not only with a commitment to help with my problem but also with a good feeling of having met a true friend.

During the 7½ years I had the privilege of serving with JOE in the House, there were many times when I found it necessary to talk over issues with JOE. I always found him to be understanding, concerned and responsive to my needs. I know that other Members found JOE to be the same way with them in their problems. JOE ADDABBO was a friend to everybody.

The funeral service at St. Patrick's Cathedral in New York City, which many of us had the privilege to attend, beautifully expressed the affection that thousands of people had for this man. Yes, JOE was a great American who served his country well. He will be greatly missed.

I add my sincerest sympathies to his family in their loss. May God comfort them in their bereavement.

Mr. PANETTA. Mr. Speaker, I want to join my colleagues in paying tribute to JOE ADDABBO. JOE was a leader of the House in every sense of the word, and he was a man of great courage. We will truly miss him.

In this institution, with its committee structure, there is enormous pressure on each of us to conform to the accepted attitudes of those who have the greatest interest in our specific committees. As chairman of the Appropriations Subcommittee on Defense, JOE was always under enormous pressure not just to work for a strong defense but to provide the Defense Establishment—both the Pentagon and defense industries—with everything they asked for, which was generally far too much in a time of $200 billion deficits.

JOE resisted that pressure. He fought for a strong defense, but he opposed waste and he opposed excess. He won as often as he lost, and when he won, it was the American people who were the true victors. He was a thoughtful, tenacious battler for his constituents and for the broader public, and he did the same for the House in its disputes with the other body. The House and the entire Nation owes him a debt of gratitude for his work.

Of course, we cannot define JOE only by his role as a Member of Congress. His life, and particularly the latter years of his life, stand for more than just integrity and competence in Government. They stand for human courage, the will to live, and the will to make one's life meaningful to the end. We are all aware now that JOE struggled with cancer for several years. It became obvious only recently. JOE never wanted to be treated differently; he never wanted sympathy. He wanted to continue to be effective and to make a significant contribution. He succeeded in that. And in doing so, he was an example to all of us of human courage and strength. We will never forget his bravery.

Mr. Speaker, I want to thank the New York delegation for taking the time for this special order. I also want to extend my sympathy to JOE ADDABBO'S family. I am proud to have known him, and I hope that their grief is eased at least a little bit by the genuine emotions being expressed by his colleagues today.

Mr. STRATTON. Mr. Speaker, I thank my colleagues for participating so eloquently in this special order.

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Honorable JOSEPH P. ADDABBO.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GROTBERG (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. LUJAN (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CALLAHAN) to revise and extend their remarks and include extraneous material:)

Mr. BROYHILL, for 60 minutes on April 23.

Mrs. BENTLEY, for 5 minutes on April 23.

Mrs. WALKER, for 5 minutes today.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes today.

Mrs. SCHROEDER, for 5 minutes today.

Mr. SOLARZ, for 5 minutes today.

Mr. ANNUNZIO, for 5 minutes today.

Mr. BUSTAMANTE, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BONER of Tennessee, prior to the passage of Senate Joint Resolution 275.

Mr. WEISS, in opposition to H.R. 4420 in the Committee of the Whole, today.

(The following Members (at the request of Mr. CALLAHAN) and to include extraneous matter.)

Mr. GOODLING.
Mr. CONTE.
Mr. LAGOMARSINO in two instances.
Mr. RITTER in two instances.
Mr. SUNDQUIST.
Mr. SCHUETTE in two instances.
Mr. LOTT.
Mr. FISH in three instances.
Mr. MCKERNAN.
Mr. PORTER.
Mr. LEWIS of Florida.
Mr. BROOMFIELD in two instances.
Mr. GILMAN in three instances.
Mr. COURTER.
Mr. KEMP.
Mr. BARTON of Texas.
Mr. MCCAIN.
Mr. RUDD.
Mr. GALLO.
Mr. CLINGER.
Ms. SNOWE.
Mr. MCGRATH.
Mrs. ROUKEMA.
Mr. HORTON.
Mr. BLILEY.
Mr. DORNAN of California.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. ROE in two instances.
Mr. GARCIA.
Mr. FEIGHAN.
Mr. DYMALLY in two instances.
Mr. DORGAN of North Dakota.
Mr. MOAKLEY.
Mr. SOLARZ.
Mr. MONTGOMERY.
Mr. YATRON in two instances.
Mr. CHAPPELL.
Mrs. BYRON.
Mr. RANGEL.
Mr. FAZIO.
Mr. SKELTON.
Mr. KILDEE.
Mr. BUSTAMANTE.
Mr. TALLON.
Mr. MINETA.
Mr. DONNELLY.
Mr. TRAFICANT.
Mr. FASCELL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1236. An act to amend title 18 of the United States Code and other laws to make minor or technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984, and for other purposes; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma, and

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr. Federal Holiday Commission until 1989, and for other purposes.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 23, 1986, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first quarter of calendar year 1986 in connection with foreign travel pursuant to Public Law 95-384.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Representative James M. Jeffords	1/13	1/19	Panama		100.00		1,508.20				1,608.20
Representative Charles Hayes	1/6	1/10	South Africa		432.00		[3] 1,733.40		[4] 145.38		2,310.78
Committee total					532.00		$3,241.60		145.38		3,918.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Travel performed by military aircraft, 10 official passengers in delegation party. Total cost $17,334.
[4] Miscellaneous local costs, including cars and drivers, escort, security, and other embassy services.

AUGUSTUS F. HAWKINS, Chairman, Apr. 10, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bill Richardson, MC	1/5	1/9	Ireland	522.23	652.00					522.23	652.00
	1/9	1/12	Germany	878.40	360.00					878.40	360.00
Committee total					1,012.00						1,012.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Apr. 8, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brooks, Cher	1/23	1/27	Panama		372.00		[3]				372.00
Burroughs, Harry	1/23	1/27	Panama		372.00		[3]				372.00
Cassani, Rudolph	1/30	1/27	Switzerland		989.00		1,004.00				1,993.00
Dentler, John	2/4	2/6	Canada	382.53	249.00		21.19				270.19
Drago, C. Grady	1/23	1/27	Panama		372.00		[3]				372.00
Finley, Stephen	1/23	1/27	Panama		372.00		[3]				372.00
Franklin, Webb (Hon.)	1/23	1/27	Panama		372.00		[3]				372.00
Hertel, Dennis (Hon.)	1/23	1/27	Panama		372.00		[3]				372.00
Lowery, Mike (Hon.)	1/23	1/27	Panama		372.00		[3]				372.00
					[4] 528.00						528.00
Manton, Thomas (Hon.)	1/23	1/27	Panama		372.00		[3]				372.00
Moore, Rod	3/5	3/10	Japan	146,780	820.00		1,995.00				2,815.00
Marshall, Curt	1/23	1/27	Panama		372.00		[3]				372.00
Seifert, Gerald	1/21	2/7	Switzerland	3,679.80	1,767.00		1,929.00				3,696.00
Committee total					7,701.00		4,949.00				12,650.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by U.S. Air Force.
[4] Expense for control room assigned to codel.

WALTER B. JONES, Chairman, Apr. 11, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Bonior	12/28	1/7	New Zealand		399.00						399.00
	1/7	1/10	Australia		522.00						522.00
	1/10	1/12	Western Samoa		65.00						65.00
	1/12	1/13	American Samoa								
Commercial transportation							4,879.24				4,879.24
Committee total					986.00		4,879.24				5,865.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER, Chairman, Mar. 31, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Guy Vander Jagt	1/5	1/9	Ireland	522.23	652.00						652.00
	1/9	1/12	Germany	878.40	360.00						360.00
Military transportation							2,996.00				2,996.00
Hon. Bill Frenzel	1/5	1/9	Ireland	522.23	652.00						652.00
	1/9	1/12	Germany	878.40	360.00						2,360.00
Military transportation							2,996.00				2,966.00
Hon. William M. Thomas	1/5	1/9	Ireland	522.23	652.00						652.00
	1/9	1/12	Germany	878.40	360.00						360.00
Military transportation							2,996.00				2,966.00
Joseph K. Dowley	3/3	3/5	France	1,999.36	284.00						284.00
	3/6	3/9	Switzerland	211.55	113.00						113.00
Commercial transportation							2,137.00				2,137.00
Rufus Yerxa	3/3	3/5	France	1,999.36	284.00						284.00
	3/6	3/9	Switzerland	211.5	113.00						113.00
Commercial transportation							2,137.00				2,137.00
Committee total				3,830		13,262					17,092

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Apr. 9, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HUNGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Miranda Katsoyannis	2/7	2/12	Senegal		693.00						693.00
	2/12	2/13	Ivory Coast		137.00						137.00
	2/13	2/16	Ghana		285.88						285.88
	2/16	2/18	Ivory Coast		274.00						274.00
Mary Ruth Herbers	2/7	2/12	Senegal		693.00						693.00
	2/12	2/13	Ivory Coast		137.00						137.00
	2/13	2/16	Ghana		285.88						285.88
	2/16	2/18	Ivory Coast		274.00						274.00
Commercial transportation							4,654				4,654.00
Jeffrey Clark	2/7	2/12	Senegal		693.00						693.00
	2/12	2/13	Ivory Coast		137.00						137.00
	2/13	2/16	Ghana		285.88						285.88
	2/16	2/20	Ivory Coast		548.00						548.00
Russell Hokanson	2/7	2/12	Senegal		693.00						693.00
	2/12	2/13	Ivory Coast		137.00						137.00
	2/13	2/16	Ghana		285.88						285.88
	2/16	2/20	Ivory Coast		548.00						548.00
Commercial transportation							4,328				4,328.00
Committee total					6,107.52		8,982.00				15,089.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICKEY LELAND, Chairman, Apr. 8, 1986.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3352. A letter from the Deputy Assistant Secretary of Defense (Comptroller—Administration) transmitting a report on real and personal property of the Department of Defense as of September 30, 1985, pursuant to 10 U.S.C. 2701(b); to the Committee on Armed Services.

3353. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuild-

ing and Logistics) transmitting notification of the proposed decision to convert to contractor performance the base operating support functions at the Naval Air Facility, El Centro, CA, pursuant to 10 U.S.C. 2044 nt.; to the Committee on Armed Services.

3354. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan guarantee and insurance transactions supported by Eximbank during March 1986 to Communist countries, as a result of Presidential determinations, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

3355. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-156, "AIDS Health-Care Response Act of 1986," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3356. A letter from the Secretary of Health and Human Services transmitting a report on the results of a study to determine whether Hill-Burton regulations should distinguish between hospitals and nursing homes, pursuant to Public Law 98-369, section 2391(a) (98 Stat. 1116); to the Committee on Energy and Commerce.

3357. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more (Transmittal No. MC-15-86), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3358. A letter from the Acting Chairman, U.S. Merit Systems Protection Board, transmitting the 1985 annual report on the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3359. A letter from the Secretary of Housing and Urban Development transmitting the eleventh annual report of the Department's activities under the Freedom of Information Act during 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3360. A letter from the Secretary of the Interior transmitting a copy of the financial statements of the Colorado River Basin project for the year ended September 30, 1985, pursuant to 43 U.S.C. 1544; to the Committee on Interior and Insular Affairs.

3361. A letter from the Executive Director, U.S. Naval Sea Cadet Corps, transmitting the annual audit of the U.S. Sea Cadet Corps for the fiscal year ended December 31, 1985, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3362. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to repeal section 10 of the Fishermen's Protective Act of 1967, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3363. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the third annual report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to Public Law 97-425, section 304(c); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3364. A letter from the Secretary of the Interior transmitting the second report summarizing the progress of negotiations on California offshore oil and gas leasing, pursuant to Public Law 99-190, section 101(d) (99 Stat. 1243); Public Law 99-190, section 149 (99 Stat. 1325); jointly, to the Committees on Appropriations, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL. Committee on Interior and Insular Affairs. Supplemental report on H.R. 1116 (Rept. 99-525, Pt. 2). Ordered to be printed.

Mr. WHEAT. Committee on Rules. H. Res. 428. Resolution providing for the consideration of H.R. 4421, a bill to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes (Rept. 99-549). Referred to the House Calendar.

Mrs. BURTON of California. Committee on Rules. H. Res. 429. Resolution providing for the consideration of H.R. 3302, a bill to designate certain national forest lands in the State of Nevada for inclusion in the National Wilderness Preservation System, and for other purposes (Rept. 99-550). Referred to the House Calendar.

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 4175. A bill to authorize appropriations for fiscal year 1987 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission with amendments (Rept. 99-551). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN (for himself and Mr. LANTOS):

H.R. 4650. A bill to make grants available for youth suicide prevention programs; to the Committee on Education and Labor.

By Mr. JENKINS:

H.R. 4651. A bill to suspend temporarily the duty on 4-chloro-2,5-dimethoxy aniline (also known as chlor amino base); to the Committee on Ways and Means.

By Mr. BORSKI:

H.R. 4652. A bill to permit certain funds granted to the city of Philadelphia, PA, by the Economic Development Administration to continue to be used for economic development purposes in that city; to the Committee on Public Works and Transportation.

By Mr. FIELDS:

H.R. 4653. A bill to assist in providing for the energy security of the United States; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 4654. A bill to amend the National Flood Insurance Act of 1968 to permit individuals who are insured under such act to cancel their flood insurance policies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FRANK (for himself and Mr. BROWN of Colorado):

H.R. 4655. A bill to establish a National Commission on the Liability Crisis; jointly, to the Committees on Energy and Commerce, and the Judiciary.

By Mr. GUARINI:

H.R. 4656. A bill to provide a private cause of action for the recovery of damages for economic loss caused by the dumping of foreign merchandise into U.S. markets; and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. HERTEL of Michigan (for himself and Mr. MAVROULES):

H.R. 4657. A bill to amend title 10, United States Code, to establish in the Department of Defense the position of Under Secretary of Defense for Acquisition and to establish a Defense Acquisition Corps for purposes of improving the efficiency of the defense acquisition process; to the Committee on Armed Services.

By Mr. KANJORSKI:

H.R. 4658. A bill to terminate all U.S. assistance to the National Endowment for Democracy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KASICH (for himself, Mr. HORTON, Mrs. SCHNEIDER, and Mr. ECKART of Ohio):

H.R. 4659. A bill to improve the Government's debt collection and credit management practices, and for other purposes; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. LEWIS of Florida:

H.R. 4660. A bill to require the Administrator of Veterans' Affairs to contract for health care for veterans in certain areas in which medical facilities of the Veterans' Administration are geographically inaccessible; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (by request):

H.R. 4661. A bill to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

By Mr. MOORE:

H.R. 4662. A bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil and refined petroleum products; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4663. A bill to amend title XVIII of the Social Security Act to provide a more fair method for determining the inpatient hospital deductible and the extended care coinsurance amount; to the Committee on Ways and Means.

By Ms. SNOWE (for herself, Mr. MCKERNAN, Mr. STANGELAND, Mr. HENDON, Mr. MAVROULES, Mr. SMITH of New Hampshire, Mr. PETRI, Mrs. SCHNEIDER, Mr. WEBER, Mr. PENNY, Mr. GREGG, Mr. SENSENBRENNER, Mr. JENKINS, Mr. FRENZEL, Mr. OBERSTAR, Mr. SABO, Mr. MOAKLEY, Mr. SIKORSKI, Mr. DONNELLY, Mr. OBEY, Mr. DORGAN of North Dakota, Mr. RAY, Mr. ROTH, and Mr. KASTENMEIER):

H.R. 4664. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. WALGREN:

H.R. 4665. A bill to amend the Tariff Act of 1930 to provide private remedies for injury caused by unfair foreign competition

and violations of certain customs fraud provisions; jointly, to the Committees on Ways and Means, the Judiciary, and Energy and Commerce.

By Mr. BROOKS (for himself, Mr. FUQUA, Mr. ANDREWS, and Mr. HOYER):

H.J. Res. 607. Joint resolution to express the sense of Congress on recognition of the contributions of the seven Challenger astronauts by supporting establishment of a Children's Challenge Center for Space Science; to the Committee on Science and Technology.

By Mr. KEMP (for himself and Mr. LANTOS):

H.J. Res. 608. Joint resolution to proclaim May 21, 1986, as "Andrei Sakharov Honor and Freedom Day"; jointly, to the Committees on Post Office and Civil Service, Foreign Affairs, and the District of Columbia.

By Ms. OAKAR:

H.J. Res. 609. Joint resolution to designate May 5 through 11, 1986, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. STENHOLM:

H.J. Res. 610. Joint resolution to authorize the Corps of Engineers to issue permits under the Clean Water Act and the River and Harbor Act for construction of a water resources project in the State of Texas; to the Committee on Public Works and Transportation.

By Mr. FEIGHAN:

H. Con. Res. 322. Concurrent resolution concerning the illegal diversion of funds by former Philippine President Ferdinand Marcos; to the Committee on Foreign Affairs.

By Mr. MURTHA:

H. Res. 427. Resolution amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may accept; considered and agreed to.

By Mr. WHEAT:

H. Res. 428. Resolution providing for the consideration of the bill (H.R. 4421) to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes; House Calendar No. 138. H. Rept. 99-549.

By Mrs. BURTON of California:

H. Res. 429. Resolution providing for the consideration of the bill (H.R. 3302) to designate certain national forest lands in the State of Nevada for inclusion in the National Wilderness Preservation System, and for other purposes; House Calendar No. 139. H. Rept. 99-550.

By Mr. UDALL:

H. Res. 430. Resolution urging a joint United States-Soviet effort to achieve worldwide disease immunization by 1990; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

342. By the SPEAKER; memorial of the Senate of the State of Kansas, relative to a strategic defense initiative and a nonnuclear defense system in space; to the Committe on Armed Services.

343. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to erecting a memorial for the soldiers who served during the Korean conflict; to the Committee on House Administration.

344. Also, memorial of the Legislature of the State of Kansas, relative to H.R. 4365, H.R. 3549, and S. 1510 regarding the collection of sales and use taxes on out-of-State mail order sales; jointly, to the Committees on Ways and Means and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. MADIGAN introduced a bill (H.R. 4666) for the relief of Steven T. Anderson; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. ZSCHAU.

H.R. 471: Mr. REGULA, Mr. KRAMER, Mr. BATEMAN, Mr. RUDD, Mrs. SMITH of Nebraska, Mr. BURTON of Indiana, and Mr. RITTER.

H.R. 1309: Mr. KASTENMEIER, Mr. BROWN of California, Mr. STARK, Mr. TRAFICANT, Mr. ROE, and Mr. KLECZKA.

H.R. 1398: Mr. BIAGGI.

H.R. 1400: Mr. SIKORSKI, Mr. WISE, and Mr. TALLON.

H.R. 1625: Mr. WALGREN and Mr. SKEEN.

H.R. 1780: Mr. PANETTA, Mr. BARNES, Ms. KAPTUR, Mr. RANGEL, and Mr. NEAL.

H.R. 1809: Mr. PURSELL.

H.R. 2093: Mr. WYLIE.

H.R. 2568: Mr. MONSON, Mr. NIELSON of Utah, Mr. WHITTAKER, Mr. PACKARD, Mr. HARTNETT, and Mr. REGULA.

H.R. 2684: Mr. GEKAS.

H.R. 2691: Mr. BARNES.

H.R. 2836: Mr. O'BRIEN.

H.R. 2902: Mr. MONSON.

H.R. 3041: Mr. WEAVER, Mr. OBERSTAR, and Mr. DINGELL.

H.R. 3042: Mr. MINETA, Mr. LEVIN of Michigan, Ms. KAPTUR, Mr. EDWARDS of California, Mr. STOKES, Mr. LAFALCE, and Mr. DE LUGO.

H.R. 3090: Mr. HOYER.

H.R. 3260: Mrs. KENNELLY and Mr. HOYER.

H.R. 3326: Mr. SEIBERLING.

H.R. 3442: Mr. BATES, Mr. HERTEL of Michigan, Mr. MCHUGH, Mr. BROWN of California, Mr. OWENS, Mr. LUNDINE, Mr. SCHUMER, Mr. GRAY of Pennsylvania, Mr. MARKEY, Mr. DOWNEY of New York, Mr. BARNES, Mr. JACOBS, Mr. ROYBAL, Mr. MILLER of California, Mr. AUCOIN, Mr. BRUCE, Mr. FOGLIETTA, Mr. BORSKI, Mr. DURBIN, Ms. MIKULSKI, Mr. SOLARZ, Mr. COUGHLIN, and Mr. RODINO.

H.R. 3662: Mr. DWYER of New Jersey, Mr. DELLUMS, Mr. DIOGUARDI, Mr. ROE, and Mr. HUGHES.

H.R. 3830: Mr. HOYER.

H.R. 3995: Mr. HENDON.

H.R. 4003: Mr. YATES and Mr. MORRISON of Connecticut.

H.R. 4029: Mr. LEVINE of California, Mr. OBERSTAR, Mr. WEAVER, and Mr. NEAL.

H.R. 4054: Mr. MANTON, Mr. BARNES, Mr. HENRY, Mr. MINETA, Mr. SCHEUER, Mr. BATES, Mr. HUGHES, and Mr. EDWARDS of California.

H.R. 4060: Mr. WORTLEY, Mr. ALEXANDER, Mr. RUSSO, Mr. EARLY, Mr. WATKINS, Mr. PEPPER, Mr. KEMP, Mr. ORTIZ, Mr. ROBINSON, Mr. FLIPPO, Mrs. KENNELLY, Mr. CHAPPIE, Mr. MOODY, Mr. YATES, Mr. BEDELL, Mr. AUCOIN, and Mr. DWYER of New Jersey.

H.R. 4075: Mr. MITCHELL, Mr. BURTON of Indiana, Mr. JONES of North Carolina, and Mr. STALLINGS.

H.R. 4125: Mr. TORRICELLI.

H.R. 4145: Mr. DANNEMEYER, Mr. LUNGREN, Mr. WHITTAKER, Mr. PACKARD, Mr. BADHAM, Mr. BARTON of Texas, Mr. RITTER, Mr. DANIEL, and Mr. HENDON.

H.R. 4183: Mr. HYDE, Mr. LEHMAN of Florida, Mr. BATEMAN, Mr. BROWN of California, Mr. DARDEN, Mr. DOWDY of Mississippi, Mr. GLICKMAN, Mr. RALPH M. HALL, Mr. HEFNER, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. GIBBONS, Mr. AKAKA, Mr. BONKER, Mr. DICKS, Mr. WEAVER, Mrs. SMITH of Nebraska, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. YATRON, and Mr. DE LA GARZA.

H.R. 4186: Ms. OAKAR, Mr. MILLER of California, Mr. BERMAN, Mr. WALGREN, Mr. KRAMER, Mr. ARMEY, Mr. EDWARDS of California, Mr. MCCLOSKEY, Mr. WAXMAN, Mr. ERDREICH, Mr. VOLKMER, Mr. TORRICELLI, Mrs. LONG, Mr. SWEENEY, Mr. COOPER, Mr. MCEWEN, Mr. MITCHELL, Mr. BEREUTER, Mr. MICA, Mr. DELLUMS, Mr. FLORIO, Mr. BLAZ, Mr. COURTER, Mr. GIBBONS, Mrs. SCHROEDER, Mr. SHUSTER, Mr. BREAUX, Mr. DASCHLE, Mr. GOODLING, Mr. SAXTON, Mr. ACKERMAN, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. FRENZEL, Mr. WRIGHT, and Mr. KOLTER.

H.R. 4223: Mr. DURBIN, Mr. BARNES, Mr. MORRISON of Connecticut, and Mr. DE LUGO.

H.R. 4226: Mr. VISCLOSKY.

H.R. 4278: Mr. GOODLING, Mr. WORTLEY, Mr. REID, Mr. MCEWEN, Mr. HUCKABY, Mr. JONES of North Carolina, Mr. DANIEL, Mr. WILSON, Mr. BEVILL, Mr. DORNAN of California, and Mr. WHITEHURST.

H.R. 4282: Mr. TOWNS, Mr. GONZALEZ, Mr. FRANK, Mr. HAWKINS, Mr. MRAZEK, Mrs. BURTON of California, Mr. GEJDENSON, Mr. DORGAN of North Dakota, Mr. RANGEL, Mr. ROE, Mr. VENTO, Mr. MCCAIN, Mr. DE LUGO, Mr. TRAXLER, Mr. LELAND, Mr. KOLTER, Mr. RODINO, and Mr. RAHALL.

H.R. 4299: Mr. BENNETT, Mr. PACKARD, Mr. BOUCHER, Mr. HARTNETT, Mr. COMBEST, Mr. SWEENEY, Mr. STALLINGS, Mr. DEWINE, Mr. DANIEL, and Mr. DAVIS.

H.R. 4323: Mr. LELAND, Mr. TORRES, Mr. MATSUI, and Mr. RODINO.

H.R. 4344: Mr. LEWIS of Florida, and Mr. BARNARD.

H.R. 4345: Mr. HALL of Ohio, Mr. MILLER of Ohio, Mr. STOKES, Mr. DEWINE, Mr. OXLEY, Mr. REGULA, Mr. KINDNESS, Ms. OAKAR, Mr. GRADISON, Mr. LATTA, Mr. FEIGHAN, Mr. LUKEN, Mr. ECKART of Ohio, Mr. PEASE, Mr. TRAFICANT, and Mr. KASICH.

H.R. 4390: Mr. SYNAR.

H.R. 4391: Mr. WEAVER.

H.R. 4422: Mr. FOGLIETTA, Mr. MCCLOSKEY, and Mr. VISCLOSKY.

H.R. 4425: Mrs. BENTLEY and Mr. LAGOMARSINO.

H.R. 4435: Mr. FAZIO, Mr. WILLIAMS, and Mr. MARTINEZ.

H.R. 4460: Mr. IRELAND and Mr. WORTLEY.

H.R. 4476: Mr. STENHOLM, Mr. BOULTER, and Mr. LOWERY of California.

H.R. 4488: Mr. FRANK, Mr. SUNIA, and Mrs. COLLINS.

H.R. 4513: Mr. PANETTA, and Mr. DENNY SMITH.

H.R. 4524: Mr. FRENZEL, Mr. KOLBE, Mr. RUDD, Mr. RANGEL, Mr. MCDADE, Ms. KAPTUR, and Mr. STANGELAND

H.R. 4528: Mr. LEVIN of Michigan, Mr. HAYES, Mr. MITCHELL, Mr. SAVAGE, Mr. TOWNS, Mr. RODINO, Mr. DE LUGO, and Mr. VISCLOSKY.

H.R. 4573: Mr. RANGEL, Mr. FORD of Tennessee, and Mr. DORGAN of North Dakota.

H.R. 4593: Mr. WORTLEY, Mr. FRANK, Mr. TOWNS, and Mr. WEBER.

H.R. 4621: Mr. FRANKLIN and Mr. PACKARD.

H.J. Res. 131: Mr. SMITH of Iowa, Mr. HAYES, Mr. SISISKY, Mr. BIAGGI, Mr. WYLIE, Mr. BARTLETT, and Mr. WALGREN.

H.J. Res. 133: Mr. RODINO.

H.J. Res. 244: Mr. VENTO, Mr. COUGHLIN, Mr. ALEXANDER, Mr. HARTNETT, and Mr. MILLER of California.

H.J. Res. 336: Mr. EVANS of Iowa.

H.J. Res. 376: Mr. TRAFICANT.

H.J. Res. 422: Mr. ERDREICH.

H.J. Res. 427: Mrs. ROUKEMA, Mr. MCGRATH, and Mr. GINGRICH.

H.J. Res. 429: Mr. GRAY of Pennsylvania, Mr. FEIGHAN, Mr. EDGAR, Mr. HORTON, Mr. HUTTO, Mr. MCDADE, Mr. LEVIN of Michigan, Mr. DORNAN of California, Mr. MANTON, Mr. LOWRY of Washington, Mr. CHAPMAN, Mr. DIXON, and Mr. RALPH M. HALL.

H.J. Res. 492: Mrs. BYRON, Mr. FAUNTROY, Mr. LEVINE of California, Mr. TRAXLER, Mr. LENT, Mr. ROEMER, Mr. HAYES, Mr. SCHEUER, Ms. KAPTUR, Mr. ARCHER, Mr. CARR, Mr. FASCELL, Mr. YOUNG of Alaska, Mr. DELAY, Mr. ANNUNZIO, Mr. TORRICELLI, Mr. SHAW, Mr. BARNES, Mr. TOWNS, Mr. WEISS, Mr. CHAPPIE, Mr. HATCHER, Mr. HYDE, Mr. STALLINGS, Mr. GEJDENSON, Mr. ACKERMAN, and Mr. DUNCAN.

H.J. Res. 510: Mr. HANSEN, Mr. ST GERMAIN, Mrs. LONG, Mrs. MARTIN of Illinois, Mr. COYNE, Mr. SISISKY, Mr. STALLINGS, Mr. FORD of Michigan, and Mr. MCCOLLUM.

H.J. Res. 548: Mr. MCDADE, Mr. APPLEGATE, Mr. O'BRIEN, Mr. WHITTAKER, Mr. KOLBE, Mr. LEVIN of Michigan, Mr. GUARINI, Mr. NIELSON of Utah, Mr. LUKEN, Mr. YATRON, Mr. RUDD, Mr. THOMAS of Georgia, Mr. ARCHER, Mr. SAVAGE, Mr. MARTIN of New York, Mr. PURSELL, Mr. COELHO, Mr. WILSON, Mr. FUQUA, Mr. RAHALL, Mr. ROSE, Mr. TOWNS, Mrs. BENTLEY, Mr. MCGRATH, Mr. DARDEN, Mr. DICKINSON, and Mr. HAMMERSCHMIDT.

H.J. Res. 552: Mrs. KENNELLY, Mrs. BOXER, Mr. WALGREN, Mr. BRYANT, Mr. PURSELL, Mr. TORRICELLI, Mr. MONSON, Mr. NELSON of Florida, Mr. JONES of North Carolina, Mr. GORDON, Mr. JEFFORDS, Mr. CARNEY, Mr. FUQUA, Mr. BONER of Tennessee, Mr. MANTON, Mrs. ROUKEMA, Mr. ROSE, Mr. RANGEL, Mr. WYLIE, Mr. JONES of Tennessee, and Mr. EARLY.

H.J. Res. 567: Mr. WYLIE.

H.J. Res. 577: Mr. TAUKE, Mr. DORNAN of California, Mr. WORTLEY, Mr. CONTE, Mr. HORTON, Mr. STENHOLM, Mr. LEACH of Iowa, Ms. SNOWE, Mr. MCKERNAN, and Mr. COATS.

H.J. Res. 587: Mr. BATEMAN, Mr. KINDNESS, Mr. WOLF, Mr. LAGOMARSINO, Mr. DE LA GARZA, Mr. HORTON, Mr. DANIEL, Mr. WILSON, Mr. BLILEY, Mr. DORNAN of California, Mr. COURTER, Mr. FRANK, and Mr. DANNEMEYER.

H.J. Res. 589: Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS, Mr. BILIRAKIS, Mr. BOSCO, Mr. BREAUX, Mr. BURTON of Indiana, Mr. CARNEY, Mr. CHAPMAN, Mr. CLINGER, Mr. COATS, Mr. COLEMAN of Texas, Mr. CONTE, Mr. COURTER, Mr. CRAIG, Mr. DARDEN, Mr. DELAY, Mr. DYSON, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. FASCELL, Mr. FORD of Tennessee, Mr. GONZALEZ, Mr. GREGG, Mr. GUARINI, Mr. RALPH M. HALL, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mrs. KENNELLY, Mr. KOLTER, Mr. LAFALCE, Mr. LEWIS of Florida, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCEWEN, Mr. MILLER of Washington, Mr. MOLINARI, Mr. MONSON, Mr. MOORE, Mr. OBERSTAR, Mr. ORTIZ, Mr. PASHAYAN, Mr. PURSELL, Mr. RANGEL, Mr. RODINO, Mr. ROWLAND of Connecticut, Mr. SABO, Mr. Shaw, Mr. SMITH of New Hampshire, Mr. DENNY SMITH, Mr. SUNDQUIST, Mr. SWEENEY, Mr. SWIFT, Mr. TRAXLER, Mr. TOWNS, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WALKER, Mr. WATKINS, Mr. WHEAT, Mr. WYDEN, and Mr. YATRON.

H.J. Res. 590: Mr. KOLTER, Mr. YATRON, Mr. ANNUNZIO, Mr. EVANS of Illinois, Mr. DANIEL, Mr. KANJORSKI, Mr. TRAFICANT, Mr. HENRY, Mr. DWYER of New Jersey, Mr. EDGAR, and Mr. STAGGERS.

H.J. Res. 596: Mr. DIOGUARDI, Mr. SMITH of New Jersey, Mr. NELSON of Florida, Mr. MCDADE, Mr. MOORE, Mr. LENT, Mr. COURTER, Mr. HAYES, Mr. DANNEMEYER, Mr. DEWINE, Mr. FAZIO, Mr. EVANS of Illinois, Mr. YATES, Mr. DWYER of New Jersey, Mr. KRAMER, Mr. RITTER, Mr. MACK, Mr. KOSTMAYER, Mr. RINALDO, Mr. SMITH of Florida, Mr. BURTON of Indiana, Mr. HEFTEL of Hawaii, Mr. PORTER, Mr. ARCHER, Mr. MANTON, Mr. FUSTER, Mr. FEIGHAN, Mr. KINDNESS, Mrs. LLOYD, Mr. HOWARD, Mr. SCHUMER, Mr. BEILENSON, Mr. WAXMAN, Mr. FASCELL, Mr. WEBER, Mr. LAGOMARSINO, Mr. DOWDY of Mississippi, Mr. MINETA, Mr. WORTLEY, Mr. HUGHES, Mr. VOLKMER, Mr. ERDREICH, Mr. LOWERY of California, Mr. SOLARZ, Mrs. LONG, Mr. YOUNG of Missouri, Mr. SCHEUER, Mr. WEISS, Mr. FRANKLIN, Mr. MCEWEN, Ms. OAKAR, Mr. VENTO, Mr. MCGRATH, Mr. SWIFT, and Mr. LEVIN of Michigan.

H.J. Res. 600: Mr. HERTEL of Michigan, Mr. DE LA GARZA, Mr. RANGEL, Mr. HORTON, and Mr. DANNEMEYER.

H.J. Res. 606: Mr. BONIOR of Michigan, Mrs. COLLINS, Mr. DUNCAN, and Mr. MICA.

H. Con. Res. 26: Mr. SCHUMER.

H. Con. Res. 78: Mr. RINALDO.

H. Con. Res. 285: Mr. GREEN, Mr. VALENTINE, Mr. O'BRIEN, Mr. BRYANT, Mr. BLILEY, Mr. ARMEY, Mr. DURBIN, Mr. COATS, and Mr. TAUKE.

H. Con. Res. 299: Mr. HORTON, Mr. DANIEL, Mr. HUTTO, and Mr. BRYANT.

H. Con. Res. 307: Mr. HORTON.

H. Con. Res. 315: Mr. GILMAN, Mr. BATES, Mr. WILSON, Mr. BEVILL, Mr. LIPINSKI, Mr. LAGOMARSINO, and Mr. DARDEN.

H. Con. Res. 321: Mr. ROE, Mr. SEIBERLING, Ms. OAKAR, and Mr. VENTO.

H. Res. 12: Mr. COATS.

H. Res. 377: Mr. COATS, Mr. KOLBE, Mr. WIRTH, Mr. STENHOLM, Mr. RAY, and Mr. GOODLING.

H. Res. 383: Mr. PACKARD, Mr. PORTER, and Mr. SHUMWAY.

H. Res. 388: Mr. WEAVER, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mrs. BOXER, Mr. OBERSTAR, Mr. GARCIA, Mr. FRANK, and Mr. WAXMAN.

H. Res. 404: Mr. GEPHARDT and Mr. LENT.

H. Res. 413: Mr. STALLINGS, Mr. MOORE, Mr. MCEWEN, Mr. NIELSON of Utah, Mr. VALENTINE, Mr. JEFFORDS, Mr. KOLBE, Ms. KAPTUR, Mr. WHEAT, Mr. TOWNS, Mr. BEVILL, Mrs. SMITH of Nebraska, and Mr. WYLIE.

H. Res. 420: Mr. MARTIN of New York, Mr. OWENS, Mr. TOWNS, Mr. DIOGUARDI, Mr. MANTON, Mr. MCGRATH, Mr. SOLOMON, Mr. CARNEY, Mr. STRATTON, Mr. MCHUGH, Mr. FISH, Mr. BIAGGI, Mr. GARCIA, Mr. WORTLEY, Mr. WEISS, Mr. LENT, Mr. BOEHLERT, Mr. KEMP, Mr. ACKERMAN, and Mr. NOWAK.

H. Res. 424: Mr. CARNEY, Mr. ASPIN, Mr. MCHUGH, Mr. WILSON, Ms. FIEDLER, Mr. DORNAN of California, Mr. WHITEHURST, Mr. KRAMER, Mr. BEVILL, Mr. PASHAYAN, Mr. NICHOLS, Mr. ORTIZ, Mr. HERTEL of Michigan, Mr. CHANDLER, Mr. LIPINSKI, Mr. LAGOMARSINO, Mr. SMITH of New Jersey, Mr. DORGAN of North Dakota, and Mr. DASCHLE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

312. By the SPEAKER: Petition of the delegate assembly of the Council for Exceptional Children, Reston, VA, relative to Gramm-Rudman-Hollings cuts to Federal aid to special education; to the Committee on Education and Labor.

313. Also, petition of the City Council of Youngstown, OH, relative to "Save American Industry/Jobs Day"; to the Committee on Post Office and Civil Service.

314. Also, petition of the Board of Commissioners, Mahoning County, OH, relative to "Save American Industry/Jobs Day"; to the Committee on Post Office and Civil Service.

315. Also, petition of the North Carolina General Assembly's Legislative Research Commission's Committee on Aging, Raleigh, NC, relative to establishing an independent Social Security Administration; to the Committee on Ways and Means.

316. Also, petition of the Turner-Hutchinson Electric Cooperative, Inc. of Marion, SD, relative to the sale of the Federal power marketing agencies and the elimination of the Rural Electrification Administration; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

EXTENSIONS OF REMARKS

SUPPORT FOR CONTRA AID

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. LAGOMARSINO. Mr. Speaker, today, I made a 1-minute speech calling attention to Honduran President Azcona's public support for United States military aid for the Contras. His statement was contained in an interview with two European reporters.

Excerpts from that interview follow:

TEGUCIGALPA.—"The Sandinists should bug off [no jodan los Sandinistas] and take care of themselves," President Jose Azcona Hoyo said when referring to the reports that the Army is not doing anything to evict the contras from the national territory they are occupying along the border with Nicaragua.

Azcona Hoyo was interviewed by two European reporters. He admitted that he agrees with his predecessor, Roberto Suazo Cordova, concerning foreign policy. Azcona Hoyo emphasized several times that the Central American conflict will be resolved when President Daniel Ortega decides to talk with the opposition. He advised the reporters to convince Ortega that he can save Nicaragua by speaking with the contras.

"He (Ortega) should not be dreaming, thinking that he will be able to consolidate a Marxist revolution in Nicaragua," he warned. The full test of his conversation with the European reporters is as follows:

Reporter: What is the Honduran stand concerning the U.S.-Nicaraguan conflict?

Azcona: We want a political solution to the Nicaraguan conflict. We think that the final decision on this is in the hands of the Nicaraguan Government. It should respect the commitments it has with the OAS, and should give freedom to the Nicaraguan people. We are sure that if the Nicaraguan Government adopts these decisions it will not be difficult to achieve the pacification of Nicaragua. They should talk with the armed opposition as well as the unarmed opposition. They should promise true elections.

Reporter: Would you describe this Honduran position as neutral?

Azcona: I would say that Honduras is neutral, but we always harbor the hope that the Nicaraguan problem will be solved through a democratic solution.

Reporter: It is said that the most recent Contadora meeting was a failure due to the Nicaraguan attitude that seeks a commitment from the United States that it will not continue supporting the contras following the signing of a document. Do you not understand Nicaragua's stand?

Azcona: I believe that Nicaragua should honor its commitment with the OAS, that is, giving full freedom to its people and seeking a solution to the Nicaraguan problem so that it will lead to a truly democratic system. If this should happen, there is nothing the United States can do, and I do not think it would do anything against the Nicaraguan Government.

If they insist on upholding their determination to lead Nicaragua to a totalitarian system, I think the United States will not give up in its endeavor to oust [botar] this government. Why should we calmly think that the United States is afraid that this type of government can continue to grow in the hemisphere until it reaches its own border? Then, in reaction that might even be considered logical, it will struggle so that this may not happen.

Reporter: But would Honduras be willing to convince the United States not to continue supporting the FDN if Nicaragua fulfills the conditions stipulated in the Contadora Document?

Azcona: The United States supports that position. It has clearly stated: If Nicaragua fulfills the commitment it made to the OAS, which is practically the same as what is being established in the Contadora Document with the addition of calling for a halt to the arms buildup, the reduction of military advisers, etcetera, the United States would accept that situation.

Let the Nicaraguan people decide internally if they agree with the Sandinist system or if they are against that system. However, this should be done in full freedom and not like in the past elections where FSLN had to win.

Reporter: Now then, I understand that in the United States there are various sectors. Would you as a liberal feel closer to the sector that is opposed to the President, that of the Democratic Party? Are you in favor or against the $100 million for the contras?

Azcona: I think that it is more advisable for Honduras that the $100 million be approved. However, what Honduras thinks at this time is not important. What is important is what will happen if the $100 million is granted or if it is not granted. I do not think President Reagan will stop pressuring Nicaragua because the $100 million is rejected. I think the pressure is going to continue because he has clearly stated this. I repeat: The solution to the Nicaraguan problem is in the hands of the Nicaraguans and no one else.

Reporter: But if it is believed that this pressure could be military and in view of the geographic situation, the aid to the contras would have to pass through Honduras.

Azcona: Not necessarily.

Reporter: Then through where?

Azcona: There are many ways. The latest aid has come from other places. It has not passed through Honduras. There can be flights from any other Central American country or even from the United States.

Reporter: President Daniel Ortega said in a press conference that there is a type of no-man's-land. Do you agree with this?

Azcona: No. We do not accept that. No way. A no-man's land does not exist in Honduras. In Honduras, all the zones are under Honduran sovereignty. That is not true. We reject that. What exists is an extensive zone on the border that is quite uninhabited and through which the counterrevolutionaries enter Nicaragua and cross to Honduras.

It is very hard for Honduras, which does not have a large Army, to guard all of the border which is approximately 700 km long by placing border posts, let us say, every 50 or 100 meters because that falls outside all our economic capacity. We would have to double the number of our troops. Just to guard that border we would need all the Armed Forces that we currently have.

Reporter: Although in the last conflict the exact location of specific contra camps was demonstrated, wouldn't it be possible, through political or military measures, to exert pressure so that at least they will leave?

Azcona: Well, what the contras want is to go to Nicaragua. That is what the contras want. The contras do not want to be here in Honduras. They want to go to Nicaragua and in fact they do go to Nicaragua but return later. As I said, we would have to have a large Army protecting the Sandinists' rearguard. I do not think they are going to protect our rearguard when they consolidate themselves. I do not think they are going to prevent the entrance into Honduras of subversive elements.

Reporter: Then are you denying the reports by former FDN members that there is some cooperation—even close cooperation—between the Honduran Army and the contras?

Azcona: That is not true. We know that the contras come in and out of Honduras, but we will not have our Army face a situation like that.

Reporter: Is it also false that the Honduran Army has virtually let the contras take control over a portion of the border area?

Azcona: That is not true.

Reporter: Can you visualize, Mr. President, the possibility of peaceful coexistence between two countries with different ideologies, namely, Nicaragua and Honduras?

Azcona: On our part there can be coexistence. I ask you: Is there any place in the world where Marxism has not made attempts to extend its reach? * * *

Reporter: How do you explain that over the past several weeks there were numerous reports on developments in Honduras that originated in the United States, while in Honduras there were only comments and not direct information?

Azcona: We wanted to maintain control over the information so as not to alarm the population. The United States released a letter I sent to President Reagan. That is a way of proceeding over there. We did not want to alarm the population by exaggerating the problems. That is why we appeared on television to explain how everything happened and to say everything was under control. We said we requested help from the United States. That help will have to be requested as often as it is necessary because Honduras does not have many resources to spend on that kind of operation.

Reporter: Would you use the opportunity to get the United States to increase its economic assistance?

Azcona: We will not blackmail the United States. It is clear that they are helping us and will continue to help us. However, we will not take advantage of this situation. We are not offering our territory as a springboard for an invasion against Nicaragua, nor do I believe the United States is planning to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

invade Nicaragua. If the United States wants to invade Nicaragua there are two beaches it can use for that.

Reporter: What good is it to have U.S. troops in Honduras?

Azcona: I would say the same good it does to have U.S. troops in Spain, or at the naval base in Greece, or in West Germany; I do not know if there are any in Austria. We have treaties with the United States, and besides there are not that many troops here.

Reporter: Was there political tension between Honduras and the United States following the statements made by Secretaries Shultz and Weinberger that Honduras will support the contras?

Azcona: No, there was not a great deal of tension. We did not like the statements very much because there was much truth in them; however, not everything that was said was true. There was no tension.

Reporter: Did your government answer the U.S. request to explain the statements made by an alleged high-ranking government official who reportedly said there were pressures to state there had been an invasion?

Azcona: As far as I am concerned, no one has asked me to explain. Perhaps the press, because I have not been able to identify them. [sentence as published] Perhaps it was a person who identified himself as a high-ranking official without really being one. The United States has not asked me for any explanations. The trouble is that there is a yellow press there, and the press exaggerates any statement made by anyone concerning these issues. Maybe a fool tried to make himself important by saying he was a person close to the president of Honduras. They have neither asked for explanations, nor have I given any. * * *

Reporter: As for the meeting that is being planned in Guatemala, will Honduras present a stand that might be the stand of the entire area for solving the conflict?

Azcona: I think that the position will be the same one that we had at the last Contadora meeting: conciliatory, broad, democratic, liberal; striving to reach a solution to the Central American problem.

Reporter: In other words, you do not think that what Contadora has not been able to reach will not be reached?

Azcona: I think not, because it depends on Nicaragua's position. That is where the problem lies. If Nicaragua wants to reach an understanding among the Nicaraguans . . . I think that it is very easy for them to achieve it, just as we Honduran are doing. Why are there no contras in Honduras? Why are there no refugees in any country in the world? Why are there no political prisoners? Why do reporters say what they wish in Honduras? Why does television and radio report what they want and no one bothers them? [paragraph as heard] * * *

Reporter: Would it be according to the six points that you have set forth?

Azcona: The problem is that the United States is much more respectful and civilized than the Russians. In a similar case the Russians would have already invaded Nicaragua, like they invaded Czechoslovakia and Poland. They are much more civilized, empire for empire. I prefer the U.S. empire over the Russian.

Reporter: Here there is no awareness because the Soviet Union is not well know, while the United States is.

Azcona: We know because we saw what happened in Cuba, and we are seeing what is happening in Nicaragua. The country or government that neglects its citizens with its actions is not a good government. That is fascism. No one likes to live outside his or her country unless it has been a voluntary move.

Reporter: However, aren't there 1 million Salvadorans outside their country also?

Azcona: Yes, but that problem arose as a result of unjust structures. When the change came it was already too late. A very strong armed opposition had already been formed. However, there are not as many Salvadoran exiles as Nicaraguan exiles. There is a guerrilla force operating inside its borders.

Reporter: Are there more Salvadoran refugees?

Azcona: Yes. However, most of them can return to El Salvador without anything happening to them.

Reporter: Couldn't it be against the principle of nonintervention in the domestic affairs of a country to ask Nicaragua to change?

Azcona: No one is attempting to change Nicaragua. That is a hope that Honduras has. I can believe and think and want. However, I will not do it or demand that they do it. I would like Nicaragua to take the democratic path and I support the position of Nicaragua's political parties. Who can prevent my sympathies with various things? That is not intervention. I am certain Commander Ortega wants and would be very happy to see a revolutionary government like the one in Nicaragua establish itself in Honduras. This is also not intervention in Honduras' domestic affairs.* * *

Reporter: What could West Europe do or what would you like it to do for Honduras?

Azcona: I would like to tell them that here in this small country we are living in a real democracy, that we are learning to live in democracy, that the citizens' freedoms are respected here, that we are a good and noble people who want to live in peace, that we are not warmongerers or lackeys of the United States. However, they should understand that we are in Central America and without seeking it, we are in the zone of conflict. Even though they are thousands of kilometers away and much more powerful than we are, they have to choose sides and they have decided to be friends of the United States. With much more reason, we have to do the same.

Mitterrand has not sought to be friends with the Soviet Union. Neither did Felipe Gonzalez. He voted to remain in NATO. Not even the Greek prime minister, being a Socialist has eliminated the base of the Sixth Fleet. So then, why are they alarmed, and why do they make a great to-do if there are U.S. sailors in Greece, if there are U.S. pilots at the Torrejon base and the other bases in Spain, if there are U.S. soldiers in the FRG and all those countries are NATO members, and they have air missiles, why are they so self-righteous, that the boys of Nicaragua must be helped in a gesture, for one side, for a complex? [sentence as published]

Reporter: Then the difference is that in those countries there is no situation of imminent conflict with a neighboring country?

Azcona: There is no conflict? Isn't Berlin divided?

Reporter: There is another system there.

Azcona: Well, Nicaragua has another system also, or is it that we do not want to include Nicaragua in that? Do we want Somoza to return to Nicaragua? Do we want the achievements that they say they have given to the people—they say they have carried our agrarian reform—to be irreversible? No. We have agrarian reform here. Here we have very strong unions, very strong teachers' organizations, in one of which leftists are the leaders. We have student fronts, we have leftist fronts, and there is no problem.

Why must they put in uniform all Nicaraguans who must be in agreement with their beliefs? Why? Why do they have weapons? Why did they oust Somoza? They did not oust him. The Nicaraguan people ousted him. It was not them alone.

Reporter: You say you do not want a return to Somozism in Nicaragua?

Azcona: Of course not; I was anti-Somozist.

Reporter: But it is known that there is much Somozism among the contras. Do you believe the FDN can be an alternative?

Azcona: There is no need for there to be an alternative. It is sufficient that this regime opens up . . . and if they are the majority of the people, and they are going to win a free election, then they should go ahead; but they should rule within a constitution. That is the important part, no one should feel he is the owner of a country or a group.

Reporter: What if, in theory, you should have to channel your liberal, social democratic position concerning Nicaragua in a conflict with someone who said: I am a contra? [sentence as published]

Azcona: I am not saying I am a contra. What I am saying is that the Nicaraguan Government should open up; it has to respect freedom and honor what it promised at the OAS. It has not fulfilled any of the promises; it has no credibility. However, then the Germans, and the French, and the Italians say I am a dictator, or some one who sells out to the gringos, and Ortega is described as a redeemer. There is a very big difference. I would never harm a Honduran, I would rather leave; but they want to stay in power, regardless, because they are dogmatized [as published], they are not democratic. That is the difference. Then, it is said that Honduras does not have a good reputation abroad; a country that has no political prisoners and persecutes no one for his ideas, a country with full freedom of the press, a government that has high morals, a government with political morals. I really cannot understand that.

Reporter: No. I do not think the world thinks you are a dictator!

Azcona: No, but it is said I have sold out to the gringos, yet they say nothing of Mitterrand, or of Felipe Gonzalez. Didn't Felipe Gonzalez say during his campaign that they should vote no to NATO? Why, if he is a Socialist? What then? Does the Spanish Army carry out joint maneuvers with the U.S. Army?

Reporter: Perhaps because it is easier to listen to Ortega?

Azcona: Oh, there comes the European complex with the United States: We are always going to be against the United States, but the United States has never gone to Europe to defend a fascist system. It first went to oust the German kaiser that represented harshness and skill against Hitler. However, Stalin was able to call the United States when it was invaded by Germany. Yet I cannot ask the United States to lend me some helicopters when Nicaraguans are entering my country.

Reporter: Are there a great deal of anti-Sandinist feelings?

Azcona: No, but I do something else. Stalin or Russia called on the United States to become involved in the war to defeat Germany and Austria, but I am not allowed to

ask the United States to lend me two helicopters to dispatch a few soldiers to Honduran territory. That is a sin.

Reporter: Do you really think that, if it were not for the United States, Nicaragua would come over here?

Azcona: I don't know. What I do know is that the communist countries and worldwide Marxism would spread Marxism throughout the world through subversion if they could, or through indoctrination, or whatever.

Reporter: But that is combat by other means, not just with helicopters.

Azcona: One does not fight with helicopters? Then why does Nicaragua have helicopters?

Reporter: Why does Honduras need helicopters?

Azcona: To transport the Army to oust the Sandinists from the territory they were occupying in Honduras. We have not occupied Nicaraguan territory.

Reporter: Was the Honduran Army there?

Azcona: Of course. We took the Honduran Army there.

Reporter: Was there a clash with Honduran soldiers?

Azcona: There was. The thing is that the Nicaraguans fled. They left prisoners; they left their dead, and they fled. They are not going to make me flee, nor are they going to make me change my position. My position is clear, and I would like those Nicaraguan gentlemen to understand this and to act more flexibly and more intelligently. Ortega can remain there for 2 years . . . he might win or share power, but he cannot deny others the right to also attain power. What those people want is to convert Nicaragua into a huge jail like Cuba. Of course, the Nicaraguans happily sign an agreement and look . . . let us patrol here, and let no one enter and later, with Costa Rica, and inside we will do what we want. [sentence as published] Is this morally right?

Reporter: One element of international law is that it obliges any state to prevent attacks on another state.

Azcona: I am not attacking Nicaragua.

Reporter: Yes, but this can also be done by omission.

Azcona: What do you mean, done by omission? The Honduran soldiers are not going to enter Nicaragua.

Reporter: I am referring to the contras.

Azcona: What do you want? Do you want me to spend millions upon millions here to guard their backs? Who is going to give me those millions to deploy 20,000 or 30,000 men? Should I spend the millions that I need for medicine, schools, and to pay teachers? Just to guard their rear? Hell! Let them guard their own backs.

Reporter: Is it an economic problem then?

Azcona: It is an overall problem. The problem is the Nicaraguans. Why do the contras exist? Why do the refugees exist? Because they are not satisfied with that government, and that is very clear, as was the case with Somoza. Why did they oust Somoza? Why did they disagree with Somoza? What about us? Is it our duty to guard their rear while they are doing as they please in Nicaragua? That is not my duty.

Reporter: There have been perhaps even worse situations of conflict on the Salvadoran border.

Azcona: Yes, but they did not involve ideology or territorial expansion. We are not going to neglect the problem with El Salvador. We know that we have to mark the border as soon as possible. If we look at it from the perspective of time, we are more concerned about the problem with El Salvador, because the Nicaraguan problem is of the moment, while the other problem will be permanent as long as the border issue remains unresolved. What we will always reject is the demand that Honduras guard Nicaragua's back. We have no obligation to do that.

CENTRAL CATHOLIC: THEY ARE NO. 1!

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. RITTER. Mr. Speaker, as the representative in Congress from the Lehigh Valley, Pennsylvania-15, which encompasses Allentown, Bethlehem, Easton, and such areas, I would like to bring to your attention the following editorial which appeared March 24 in the Allentown Morning Call.

CENTRAL CATHOLIC: THEY ARE NO. 1!

"We played as a team again as we have all season and that is why Central Catholic is the state champion."—Central Catholic basketball coach Bob Schlosser.

Who's No. 1? There is just no question about who reigns supreme in Class AAA high school backetball in Pennsylvania—the green and gold Vikings of Allentown Central Catholic High School. Coach Schlosser took his juggernaut East Penn Conference winners to their second PIAA championship in three years on Friday night, and the boys from Fourth and Chew established themselves as one of the class acts in local sports. They are all stars.

Central Catholic took control of the game with Aliquippa and with poise and cool teamwork made it look a lot easier than it really was. A short definition of the word "team" reads: "A number of persons associated in some joint action, as one of the sides in a game or contest." Central Catholic on Friday night—and throughout the basketball season—provided the definitive illustration of what a team is and what a team can do. The Vikes have been giving basketball clinics all season long to their opponents with their grace, their stylish play—and especially their teamwork.

As they enjoy the feverish aftermath of their triumph, the boys from Central Catholic should file away for the future the impact of what they have accomplished, and how it was accomplished. There is another, much longer game awaiting these young men. It's called "life" by some; "the real world" by others. Except for a special few, success there will not be determined by sure-handed dribbling and quick moves. But the dedication, the determination and the will to be the best are qualities that are movable—from basketball to studies to careers.

Being No. 1 at age 16 or 17 or 18 is heady stuff. The cheers and rallies and parades for the returning champs are tributes to a collection of young men and their coaches who have done themselves, their school and the entire Lehigh Valley proud. Enjoy it, Vikings, 'cause you earned every bit of it!

A TRIBUTE TO BEN GROSS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DYMALLY. Mr. Speaker, on Friday, the 25th of April, it will be my honor to take part in a tribute to one of labor's true heroes, Ben Gross. I want to take a moment to apprise my colleagues here in the Congress of Ben's important contributions to American workers. His advocacy on their behalf spans 40 years. The fight for equal rights for minorities in America has been fought on many fronts—economic, legal, educational and civic. Ben Gross has been a leader and a doer in all of these important areas.

A veteran of the labor movement, Ben first joined the UAW in 1946, becoming a member of Local 560 at Ford Motor Co. in Richmond, CA. Ben quickly became active in all facets of the union.

In 1948 he became a member of the Fair Practice and Anti-Discrimination Committee. Two years later, in 1948, he was appointed chairman of this committee. In 1953, his commitment to the union cause resulted in his election to the executive board of his local and the following year to the position of trustee.

In 1955, he became chairman of the Local 560 Housing Committee and embarked on a project that would eventually lead to the creation of a model community in Milpitas, CA—the Sunnyhills Cooperative Housing Development.

Working in close coordination with William Oliver, aide to UAW President Walter Reuther, Ben fought successfully for a number of years with banks, developers, politicians, and the State of California, to establish Sunnyhills as an integrated community for workers at the Ford plant in Milpitas. Although primarily motivated by a desire to make housing available for black Ford workers, Ben could proudly point to the fact that by 1958 Sunnyhill's 420 homes provided housing for people of Japanese, Hawaiian, Irish, German, native American, and many other national and ethnic minority backgrounds.

Ben and his wife Clara also played a major role in establishing the Sunnyhills United Methodist Church. In fact, some early services of the church school were held from the back of Ben's pickup truck. Ben was instrumental in obtaining a UAW local hall in Milpitas to serve as the temporary home for the church until larger quarters could be secured in 1964. He served as lay-leader for his church from 1965 to 1970.

Ben's civic involvement did not go unnoticed. In 1961, he was elected to the Milpitas City Council were he served for 4 years. In 1966 he was elected mayor of Milpitas—a fitting tribute to Ben for his tireless work in behalf of the entire Milpitas community. He received an "Outstanding Citizen Award" from the San Jose, CA, branch of the NAACP for his role in convincing Pacific Southwest Airlines to hire black stewards and ticket agents.

He did not allow his active political and civic life to come between him and his union activi-

ty. In 1956 he was elected as a shop committeeman for Local 560 and was later appointed the chairman of the Education and Political Action Committee.

Ben's political activity extended throughout the State of California. He also served for 7 years as the chairman of the Northern California Fair Employment Practices Council. He served as a member of the County Democratic Council of Santa Clara County where he helped to coordinate Democratic clubs, platforms, candidates and programs for the California State Democratic Party.

In 1964 he was a delegate to the Democratic National Convention in Atlantic City, NJ. He also served on the campaign committee of many prominent California Democrats from 1958 to 1966. In 1967 he was selected by the board of directors of the League of Cities of California as one of the outstanding mayors of California and was selected to make a "goodwill tour" of Europe. He visited London, England; East and West Berlin, Germany; Moscow and Leningrad, Russia; Warsaw, Poland; Budapest, Hungary; Prague, Czechoslovakia; and Paris, France.

In 1963 he was appointed as an international representative to the Fair Employment Practices staff by then President Walter Reuther. Reuther had worked with Ben on the Sunnyhills projects as well as on other projects. In 1971 Ben moved to Detroit to work out of Solidarity House. His many years in service to the cause of equal rights and fair practices was recognized in a special way in 1976 when Ben was appointed as coordinator, and later, assistant director of the Fair Practice Department.

The accomplishments I have mentioned in this short space are only sufficient to give a flavor for what Ben's life of contribution has been. All his activities have been characterized by a deep devotion to eradicating injustice. I think Ben is so deeply respected, so deeply loved because he has been guided in his life by an overriding confidence in the basic goodness of his fellow human beings. He is respected because he has respected others. His long and fruitful career in the UAW is a shining example for us all.

JUSTICE FOR FEDERAL RETIREES

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. FEIGHAN. Mr. Speaker, from the moment he took office, President Reagan has railed against the vices of the Federal Government: its wastefulness, its sluggishness, its stifling effect on economic activity. In his first inaugural address, the President, with a simplicity that appeals to simple minds, declared that "Government is not the solution to our problem; Government is the problem." Within hours, the President had begun to make good on his pledge to curb the size of Government. As his first official act, he chose the imposition of a hiring freeze on civilian Federal employees.

This first act was typical of the President's strategy for shrinking Government activity. Not content to root out wasteful or unnecessary spending, the President has sought to undermine Federal operations by attacking the rights and benefits of the workers who faithfully carry out the Government's business. Unable to achieve all the domestic spending cuts he desires, the President has tried to contain Government activities by demoralizing the workers, both current and retired, who sustain those activities. These assaults, unwarranted and inhumane, Mr. Speaker, must be stopped.

In his fiscal 1987 budget proposal, the President called for the elimination of this year's COLA for Federal retirees and the restriction of all future COLA's to 2 percent below the rise in the consumer price index. This COLA cut would come on top of the denial of their COLA that Federal retirees have already suffered in fiscal 1986.

The President's budget would also have reduced benefits for those retiring before the age of 62. And it would have replaced the high-three average formula for the retirement base with a high-five average formula.

Many of these proposals are familiar. The President has offered them before and the House has rejected them before. In his fiscal year 1984 budget, the President called for the elimination of the Federal retirees COLA, for the reduction of early retirement benefits and for the establishment of the high-five average retirement base. I was proud to be part of the majority in the House that defeated these proposals.

Again in his fiscal 1985 and 1986 budget plans, the President pressed his attacks on Federal retirees' welfare. Again I joined with a majority of my colleagues in the House to defeat these efforts.

Just a few week ago, the President's proposals for cuts in federal retirees' benefits met defeat on the House floor once again. This time, with the fiscal 1987 budget under consideration, both the House and the Republican-controlled Senate overwhelmingly rejected the President's plans.

The President claims that the elimination of Federal retirees' COLA's is necessary to satisfy the deficit targets established by the Gramm-Rudman balanced budget law. Nothing could be further from the truth. The Republican-controlled Senate Budget Committee has constructed a budget resolution that meets the fiscal 1986 Gramm-Rudman target of $144 billion without touching the civil service retirement system.

Along with more than 200 of my colleagues in the House, I have cosponsored H.R. 4060 to make sure that the Federal retiree's COLA will be paid in full.

Mr. Speaker, Federal workers serve their country every day. They do so despite often harsh treatment in the press and despite lower than average compensation. The one way in which the Federal Government attempts to redress these inequities is by providing a reasonable and secure retirement system for Federal employees. That retirement system represents a solemn obligation between the citizens of our country and the employees who carry out the public's business. It is an obligation that we must not allow the President to violate.

QUESTIONNAIRE RESULTS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. GOODLING. Mr. Speaker, I recently received results of my districtwide questionnaire distributed throughout the 19th District of Pennsylvania. My office received back some 9,000 completed questionnaires. I urge my colleagues to study the results of this questionnaire.

(1) Do you agree that federal funding for abortions should be permitted in instances where the life of the mother is endangered?

Yes—67.4 percent; No—29.2 percent; Not answered—3.4 percent.

(2) Do you feel government support to farmers should be reduced?

Yes—52.0 percent; No—44.8 percent; Not answered—3.2 percent.

(3) Do you believe the government should continue to provide assistance to individuals wishing to attend college?

Yes—55.6 percent; No—41.0 percent; Not answered—3.2 percent.

(4) Would you support an increase in the FICA tax to maintain COLA's for Social Security recipients?

Yes—41.0 percent; No—49.6 percent; Not answered—9.4 percent.

(5) Should the Federal Government continue to fund Amtrak?

Yes—27.2 percent; No—67.0 percent; Not answered—5.8 percent.

(6) Should the Federal Government sell its share of Conrail to Norfolk-Southern Railroad if it is the highest bidder?

Yes—74.4 percent; No—18.4 percent; Not answered—7.2 percent.

(7) Now that the undamaged reactor at Three Mile Island has been restarted, do you feel officials have the situation safely under control?

Yes—38.6 percent; No—54.4 percent; Unanswered—6.8 percent.

(8) Do you believe the cleanup of hazardous dumps (Superfund) should be a TOP government priority?

Yes—79.2 percent; No—18.0 percent; Not answered—2.8 percent.

(9) Although the House passed a tax reform bill which needs action by the Senate before the President can sign it into law, would you prefer a flat-rate tax bill with no exceptions?

Yes—60.4 percent; No—32.6 percent; Not answered—7.0 percent.

(10) Do you think relations between the Superpowers are improving?

Yes—53.0 percent; No—38.6 percent; Not answered—8.0 percent.

(11) Should deficit reduction be a priority for the U.S. Government?

Yes—90.8 percent; No—2.0 percent; Not answered—7.2 percent.

If yes, how: Less domestic spending—7.4 percent; Less defense spending—16.8 percent; Tax increases—1.6 percent; Less spending across the board—43.4 percent; Reduced Federal spending—16.0 percent.

(12) Do you favor allowing countries to export their goods to the United States, including automobiles, when they restrict the importation of our goods to their countries?

Yes—9.2 percent; No—88.4 percent; Not answered—2.4 percent.

(13) Do you think the Strategic Defense Initiative is a good investment of our tax dollars?

Yes—53.4 percent; No—33.2 percent; Not answered—13.2 percent.

(14) Campaign spending has skyrocketed in recent years with the rise of political action committees. Would you favor a proposal which puts a ceiling on total Congressional campaign spending by PAC's?

Yes—93.0 percent; No—5.4 percent; Not answered—1.6 percent.

(15) What do you consider to be the most important issue facing the country in 1986?

Deficit—47.6 percent; Taxes—1.2 percent; Trade—8.6 percent; Unemployment—6.8 percent; Social Security—2.8 percent; Defense spending—23.2 percent; Not answered—1.6 percent.

75.1 percent of respondents were male; 24.9 were female. 7.9 percent of respondents were under 30 years of age; 32.7 percent between 30-49; 31.0 percent between 50-64; and 28.5 percent were over 65 years of age.

REFORMING OUR TORT SYSTEM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. PORTER. Mr. Speaker, the Illinois delegation to the 1986 White House Small Business Conference has focused its attention on the need for reforming our tort system. The insurance task force of the delegation, chaired by my appointee to the conference, George Noyes of Winnetka, IL, recently completed its report and recommendations for action. I urge my colleagues to review the following findings of the insurance task force:

REPORT

The civil justice system in the United States is not meeting its citizens' needs. The scales of justice are grossly unbalanced. We need to have rational standards of conduct expected of us. If an injury occurs because we fail to meet those standards the injured party must be compensated promptly and with fairness to all. If the present situation continues we predict an ever escalating crisis for millions of Americans. They will be increasingly affected because of the inability of insurance buyers to obtain or afford adequate liability coverage. Change is necessary. It should be accomplished at the Federal level to attain consistency and because the problem is national. If any of our recommendations to correct the imbalance is within the purview of only the States, then the Federal Government must encourage the State Governments to deal with it. If necessary a carrot or stick approach would not be inappropriate.

Some ideas that have received support cause us concern. We suggest that neither changes affecting attorneys such as regulation of contingency fees nor changes affecting insurance companies such as repeal of the 1945 McCarran Ferguson Act are appropriate now. It is questionable that they are a major cause of the problem we face because they are no different now than they were twenty and more years ago.

There is significant risk of overreaction to the current situation because extreme change has occurred in such a very short time. We considered that risk and followed these criteria: Fair, Sensible, Effective and Possible.

RECOMMENDATIONS IN ORDER OF PRIORITY

1. Return to fault based verdicts and awards and limit a non-economic award to $300,000 or the economic award whichever is the lesser.

2. Require that the losing party pay the legal expenses of the winning party.

3. Abolish joint and several liability which will eliminate the injustice to the "deep pocket".

4. Establish an optional non-judicial resolution of disputes with the objective of saving time and costs.

5. Abolish the collateral source rule. It prevents the introduction of evidence showing that a plaintiff has been compensated by another source.

6. Enact products liability legislation including a statute of limitations and a state of the art defense.

7. Limit class action suits to those with provable economic loss.

GOLETA BEAUTIFUL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. LAGOMARSINO. Mr. Speaker, my colleagues, it's my pleasure to call to the attention of the House the work of a civic-minded group in my district, Goleta Beautiful.

Goleta Beautiful is a nonprofit organization formed in 1974 for the purpose of promoting the beautification of the Goleta Valley. By working as a coordinating agency, encouraging assistance from citizens, public and private organizations and State and local governments, Goleta Beautiful develops, educates and promotes activities for a clean, attractive well-designed community, beautiful roadways, and environment with a heightened appreciation of the Goleta area's natural beauty.

In its first years, Goleta Beautiful was responsible for the placement of the corrugate rock trash containers in downtown Goleta. A master plan was designed for old town and given to the Goleta Downtown Business Association. Goleta Beautiful was instrumental in securing underground services on Hollister and coordinated this Edison project. Goleta Beautiful was active in promoting the acquisition of the Goleta Union School for the Goleta Community Center.

In its early years, Goleta Beautiful organized youth groups in cleanup activities, such as the Boy Scouts cleaning up on San Pass.

In November 1981, Goleta Beautiful moved the old Goleta Depot to its present site at 300 N. Los Carneros. The saving of the Goleta Depot was the most challenging project undertaken by Goleta Beautiful in the early 1980's.

Goleta Beautiful is responsible for the planting of the medians near the airport, a project shared with the city of Santa Barbara, and the continuous planting of medians in Old Town Goleta and at Hollister and Patterson.

In 1982 September was Cleanup Goleta Month and many volunteers help Goleta Beautiful ready the sidewalks and streets for "Goleta Valley Days."

Goleta Beautiful holds an annual award banquet each May to give recognition to owners, architects and gardners of exceptionally well cared for properties.

Goleta Beautiful has declared March as Goleta Beautiful Month as a stimulus to the public to participate in the beautification of the area.

I'm proud to extend the commendations of the House to Goleta Beautiful and its members for their work in making the Goleta Valley an even nicer place to live.

EASTON (PA) AREA HIGH SCHOOL GIRLS GYMNASTIC TEAM HONORED

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. RITTER. Mr. Speaker, I would like to honor the Easton Area High School girls gymnastics team. The team recently won the East Penn conference, District XI, and State championships in their category. The winning team includes coach Linda Fisher, assistant coach Kelly Kreitz, team managers Kate Kreitz and Kevin O'Brien, and team members Ann Zingales, Lori Rush, Paula Cavan, Deanne DeBellis, Tara Rissmiller, Anne Blandeburgo, Tracy Tomaino, and Keely Huff.

CONGRATULATING JAMES F. CAHILLANE ON BEING RECOGNIZED BY THE NORTHAMPTON CHAMBER OF COMMERCE AS "CITIZEN OF THE YEAR"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. CONTE. Mr. Speaker, I wish to take this moment to acknowledge the lifelong dedication which James F. Cahillane has exhibited toward his community of Northampton, MA and to congratulate Mr. Cahillane for being recognized by his fellow citizens as Northampton's "Citizen of the Year," an honor well deserved.

Mr. Cahillane has made an invaluable contribution of his time and business talent in promoting the economic growth of his community and providing permanent employment for hundreds of Northampton residents. He has served as president of Cahillane Motors, Inc., since 1964. Recognized as a leader of the local business community, Mr. Cahillane was appointed to the Northampton Redevelopment Authority in 1970 and soon thereafter became its chairman.

James Cahillane understood that urban renewal and industrial park development were necessary to provide the incentive for businesses and industries to settle in his community. He pursued the establishment of Northampton's industrial park at a time when the idea was both novel and controversial. Nonetheless, his foresight proved fortuitous for his community. Fourteen businesses have settled in Northampton's industrial park. Two more will establish themselves there by the end of

the year. Altogether, the Northampton industrial park represents several million dollars of local investment and 800 jobs.

Mr. Cahillane has also been instrumental in fostering the entrepreneurial spirit from his position as director of the Northampton Development Corp. This corporation has financed the expansion and renovation of several existing community businesses and has aided the founding of new businesses in the area.

In addition, Mr. Cahillane has served on ad hoc redevelopment committees concerned with the rehabilitation of Main Street and Pleasant Street in his hometown. The efforts of these committees have led to the rejuvenation of Northampton's center as a vital and thriving small business area.

Mr. Cahillane has devoted himself to the enhancement of the economic welfare of Northampton and its residents. Through work and dedication to his community, James F. Cahillane has truly earned the title of "Citizen of the Year."

CONGRATULATIONS TO MR. POTIER AND PERRY MORRICE FFA

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SCHUETTE. Mr. Speaker, I would like to take this opportunity to congratulate the Perry Morrice Future Farmers of America Chapter on its 50th anniversary, and also to commend Mr. James D. Potier, retiring vocational agriculture instructor, on his 26 years of service to the Perry Public School system.

Throughout his years at Perry Schools, Mr. Potier has distinguished himself through his dedication to furthering vocational education. He has been the recipient of the Honorary Chapter, State, and American Farmer degrees. Mr. Potier's service in the field of agriculture is admirable, and he has been an inspiration to many young future farmers.

Also, the Perry Morrice Future Farmers of America Chapter deserves commendation for its excellent record in promoting agricultural excellence. The chapter has had several agricultural judging teams that have won State competitions and six teams which, in the past, have been selected to participate in national competition. On the eve of the chapter's 50th anniversary, I would like to congratulate its members, both past and present, and wish the organization an equally successful future.

KOREA MAKING TRADE PROGRESS IN TENNESSEE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SUNDQUIST. Mr. Speaker, I want to take a moment to call your attention to the promising discussions now taking place between representatives of the United States and one of its most important trading partners—the Republic of Korea. Business and government leaders from my State—Tennessee—and from other Southeastern States have been meeting with their counterparts from Korea, a delegation headed by Minister of Trade and Industry Jin-Ho Kum, to explore forging new economic ties.

The Southeast is rich in opportunities for exports to Korea—from manufactured goods to agricultural products. The ground breaking talks between representatives of our two countries hold significant promise. They could lead to new trading agreements that would provide a major boost to the economic well being of our region.

We are encouraged to see Korea, the eighth largest customer for United States products, undertake plans to expand and intensify its trading relationships with our country. Korea is a nation whose continued economic strength is of strategic importance to us in the Pacific. It shoulders an immense defense burden and has the fourth largest international debt in the world.

Through our discussions with the Koreans, we have taken some important first steps in developing mutually beneficial trading relationships. These initiatives could serve as a model for dealing with each of our good-faith trading partners. Thoughtful, cooperative efforts of this kind are certain to gain more lasting benefits than what might be produced by short-sighted confrontational policies.

GEORGIA STATE SENATOR GLENN E. BRYANT LAUDED FOR OUTSTANDING ACCOMPLISHMENTS

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. THOMAS of Georgia. Mr. Speaker, it is my great honor to call to the attention of the House a milestone of great significance which will be celebrated in my congressional district on April 24. The event will be the observance of the 40th anniversary of the establishment of Coastal Utilities, Inc., under the leadership of the Honorable Glenn E. Bryant of Hinesville, GA.

It will be my privilege to participate in the anniversary occasion along with our Governor, Lieutenant Governor, State legislators, city and county officials, and private citizens.

As important as the Coastal Utilities organization is to our community, the real reason for our gathering will be to pay tribute to a man, not a company. We will be joining to salute State Senator Bryant.

Senator Bryant purchased the Hinesville Telephone Co. in 1946, and changed the name to Coastal Utilities, Inc. Under his guidance and leadership, the company has grown from an operation with about 200 customers to more than 18,000 today. It is one of the most modern independent telephone companies in America with exchanges in the communities of Hinesville, Midway, Richmond Hill, and Keller.

In that process, Senator Bryant has also been a pioneer in cable television in our area, in banking, and in many other fields of business and commerce. But his great success as a businessman has always been surpassed by his great generosity with his resources.

He is among our most active community philanthropists, and has been especially recognized for his contributions to the Boy Scouts of America, Georgia Southern College, Brunswick Junior College, and many other organizations.

Those accomplishments alone would make Senator Bryant one of our most notable and distinguished citizens. But his career and his contributions go far beyond the field of business. He has served in public office for nearly 30 years in posts including the office of mayor of the city of Hinesville, chairman of the Liberty County Commission, and now in his fourth term in the Georgia Senate.

In short, Glenn Bryant is an individual who typifies the very best in America—a citizen who takes the responsibilities of his citizenship seriously. He is a man who is generous with his time, his money, and his energy. He is not one who sits back and takes the blessings of this great country for granted. Instead, he is a man who has made a difference in the quality of life in his local community, his State, and his Nation.

On behalf of the Georgia Congressional Delegation and the people of the First District of Georgia, we salute Glenn Bryant, we recognize his accomplishments, and we look forward to his continuing service in behalf of his fellowman.

MORE POWER TO THE PEOPLE

SPEECH OF

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 21, 1986

Mr. YOUNG of Missouri. Mr. Speaker, I rise to express my strong support for the action the House took yesterday by passing H.R. 44, the Electric Consumers Protection Act of 1986.

Currently, hydropower provides over 13 percent of the total amount of electrical power our country produces—almost as much as that provided by nuclear energy. Much of this capability comes from federally owned and operated dams. Historically, the primary developers of large, multiple-purpose dams have been the States and the Federal Government. A substantial number of dams, however, are owned by private investors who must still license their facilities with the Federal Government.

Part I of the Federal Power Act, enacted in 1920, grants what is now the Federal Energy Regulatory Commission [FERC] with the authority to issue licenses for the construction and operation of hydroelectric projects. The

act requires the FERC to give preference in licensing to States and municipalities over private utilities in issuing original licenses if the State or municipality has developed plans which are "Equally well adapted" to "conserve and utilize in the public interest the water resources of the region." There has been substantial debate, however, as to whether this initial preference in licensing also applies to the relicensing of projects.

When the original license expires, the Federal Government has the option of taking over the project. If the Government does not elect to do so, then FERC can issue a new license to either the original licensee or to another license applicant.

Because licenses issued during the surge of dam building in the 1930's and 1940's were issued for a maximum of 50 years, many are now coming up for relicensing. Of the 366 investor-owned hydropower projects, 177 licenses will expire by 1993. In most cases, existing licenses have made substantial investments and devoted considerable resources to utilize a given project site efficiently.

Since the mid-1970's, the FERC has relicensed 95 projects. Of these projects, 16 have resulted in increased generation capacity totaling over 1.4 million kilowatts. According to FERC testimony, more than 6 percent of the relicense applications proposed installation of new capacity of over 100,000 kilowatts each. Of the 95 relicensed projects, 79 were major licenses; 15, or 19 percent of the 79 major relicenses resulted in additional capacity. The average increase in capacity was 60,000 kilowatts. Also according to the FERC, if 19 percent of the 250 relicense applications for major licenses to be filed in the next 15 years are capable of adding 60,000 kilowatts, over 2.8 million kilowatts of additional capacity could result.

Mr. Speaker, this gain to all the consumers in this country stands to be lost unless the question of municipal preference in the relicensing procedure is resolved. Because private utilities serve approximately 74 million customers—76 percent of all electricity customers nationwide—while States and municipalities serve relatively few, the application of a municipal preference to relicensing could result ultimately in concentrating the benefits from most of the hydroelectric power projects in the country into the hands of a relatively small number of "preferred customers."

Furthermore, if the license is not issued to the original licensee, under current law the new licensee is required to pay the owner of the original license an amount equal to the original licensee's net investment, plus severance damages. Some have argued that this should be interpreted to mean the original cost of the plant minus accrued depreciation. Thus, concern has also focused on whether private utilities and their customers will be adequately compensated for a loss of a project since the market value of hydropower projects often greatly exceeds the original cost of construction.

Mr. Speaker, common sense would tell us that if competing applications are in fact "equally well adapted," demonstrated good performance by the existing licensee should be given considerable weight. Good performance should be rewarded with license renewal because many licensees have invested substantial financial and human resources to develop and operate hydropower sites efficiently to provide least cost electricity to their customers. The primary consideration in relicensing should not be based on who owns the utility operating the dam, but on the most efficient allocation of resources—FERC's historic concern.

In short, Mr. Speaker, adopting or continuing a municipal power preference in hydroelectric relicensing is both inefficient and unfair. H.R. 44 is absolutely necessary in order to provide the most power at the lowest cost to the greatest number of customers.

I would also like to add that I am very pleased by the provisions added to this bill regarding fish, wildlife, and other values to be considered at relicensing time in addition to the utility of power generated.

Specifically, the report accompanying this bill notes that in recent years there has been increasing recognition of the environmental problems caused by industrial, commercial, and residential development, and that this recognition extends to a heightened awareness of the dangers to fish and wildlife from hydroelectric development. This bill seeks to address these concerns and provide greater protection for fish and wildlife. The bill also enjoins FERC to place greater value on safety, recreation, and water quality when relicensing. More stringent environmental protection and controls will only enhance the relicensing procedure and ensure that the utilitarian decisionmaking process of relicensing will not exclude consideration of safety factors and environmental conditions.

As the committee report plainly states, under this bill the original act would be amended so that basic environmental considerations are given "equitable treatment." With these amendments power development is no longer considered an absolute priority. For the first time, the FERC would have the authority to deny an application on environmental grounds.

Moreover, the FERC would be asked to apply these so-called nonpower values in all its projects, whether licensed or exempted, original or otherwise. This bill would clearly upgrade the status at FERC of critical recommendations of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and applicable State fish and wildlife agencies under the Coordination Act. It would require FERC to rely heavily on the advice and informal approval of these expert agencies.

In conclusion, Mr. Speaker, allow me to congratulate the gentleman from Alabama [Mr. SHELBY], the gentleman from Massachusetts [Mr. MARKEY], and the gentleman from Michigan [Mr. DINGELL] for their diligent and painstaking efforts. The Committee on Energy and Commerce has been keenly aware of the variety of interests on this issue and has fashioned a bill which protects those interests. The result, which we passed yesterday, ensures we will meet both the need for least cost electricity and the need for equitable consideration of nonpower values.

NATIONAL CONFERENCE ON COMPETITIVENESS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. HORTON. Mr. Speaker, this past weekend I had the pleasure of joining 11 of my colleagues at a National Conference on Competitiveness. This meeting, sponsored jointly by the Northeast-Midwest Congressional Coalition, the Business-Higher Education Forum, and the Congressional Clearinghouse on the Future, was the culmination of an 18-month process that included discussion sessions around the country. The conference brought together a bipartisan group of Members of Congress and chief executives of many of the Nation's leading corporations and colleges and universities to identify specific steps each sector can take to enhance the nation's economic competitiveness.

If one thing has become clear in the last year, it is that greater cooperation between the business and education sectors and the Federal Government is necessary if the United States is to reverse the drastic decline in its competitive position in the world economy. For this reason the coalition, the forum, and the clearinghouse have performed a valuable service by organizing this unique effort. The leadership and vision of Edward Donley of Air Products and Chemicals, Inc., who currently chairs the forum, has been particularly important in bringing us to this point, and he is committed to pursuing the recommendations we agreed upon.

And speaking as a cochair of the coalition, I can promise you that our organization will follow up on those recommendations and lead the way in forming a bipartisan consensus on appropriate actions for the Congress. A report on the conference detailing an action agenda for all three sectors will be prepared in the next several weeks. When it is finished, the coalition will host a meeting for Members of Congress who have been involved in the cooperative effort and leaders of the foremost business and higher education groups to release it. We also will distrubute it to all Members of the House and Senate so they can see the range of actions upon which we agreed.

Mr. Speaker, at this point I would like to introduce into the RECORD a speech delivered to the conference by Ruben F. Mettler, the chairman of TRW, Inc. Mr. Mettler was one of the driving forces behind the effort to bring the business and higher education leaders together with Members of Congress, and cochaired the steering committee that planned our regional meetings and the conference. His speech clearly and succinctly lays out the challenge facing our Nation and the need to make competitiveness one of our top priorities. It should be required reading for every policymaker whose decisions in any way affect our economic future.

The speech follows:

COMPETING EFFECTIVELY: A CHALLENGE TO ALL AMERICANS

The underlying proposition for this conference is that we Americans face a major challenge to our national will and our national capacity—a challenge that is not receiving the attention it deserves.

The challenge is to rebuild and maintain an American competitive position in the world marketplace . . . to sustain strong, noninflationary growth, with high levels of employment, and a rising standard of living for an expanding population.

How well and how quickly we meet that challenge will largely determine our ability to meet our national defense and foreign policy goals . . . as well as our domestic social, political, and economic aspirations. Thriving cities, renewed rural areas, new job opportunities, upward mobility, aid to the disadvantaged, security in old age, a healthy environment, superior educational and cultural institutions—all depend upon a competitive economy.

And today, as never before, we must act in a worldwide context. The world's problems are our problems. We can't wish them away. We must deal with them, because our domestic economic health and vigor have become dependent upon world markets.

At the moment, our alarming fiscal and trade deficits suggest that we can no longer pay the combined costs of our social welfare commitments, military defense, foreign aid, environmental protection, let alone maintain the vast infrastructure on which our society depends. Either we have overcommitted our economic resources, or our economy is failing to perform as it should. Which is it? In my view, it is both. That means we must both restrain the demands on our economy, and improve its performance. At stake are millions of American jobs—as well as the long-term growth and vigor of our entire economy—and all that depends on it.

With the stakes so high, why are we losing our competitiveness? We have so many strengths! . . . the world's greatest industrial capacity, the biggest marketing networks, science and technological capacities that lead all other nations in scope and depth, a work force that is one of the best educated and most skilled; and superb managers. What's our problem?

I believe one of our fundamental problems is that too many Americans, and unfortunately many in leadership positions, don't fully accept the need to be fully competitive on a worldwide basis. Our easy economic superiority of prior decades has created a dangerous national sense of economic isolation and invulnerability. Perhaps we think the issues will solve themselves. As a result, we give competitiveness a low priority in domestic policies and politics.

Competitiveness means hard work—sustained over many years, even decades. We are in a marathon, not an annual 100-yard dash. It means tough choices. It means working together . . . changing antiquated attitudes and practices.

It means thinking and acting with the understanding that the global competitive battle is no longer just between industry and industry, or company and company; with each seeking a competitive advantage on its own, but rather a matter of what the entire society does—government, managers, employees, unions, educational institutions, consumers and taxpayers, all together, all part of the action, for better or worse.

It means giving weight to the often substantial consensus as the center, and not allowing the small, but vocal, minorities at the fringes—the 10 or 15 percent at both ends—to dominate policy debates and deter action.

It is not unusual to hear people say: "I know that. Of course, we must be competitive." My point is we have had too much rhetoric about competitiveness and too little action. Priorities and policies are revealed by the actions that are taken, not by rhetoric.

For decades, both the private and public sectors have failed to make competitiveness a test of merit in developing our policies. Too often, competitiveness in world markets is not even at the policy-making table in government, business, and educational institutions.

Winning or losing in today's world markets is a combination of many factors—government and company policies, currency exchange rates, cost of capital, human skills, wage and salary levels, science and technology, product quality, productivity, location, and competent management.

In this intensely competitive environment, very small margins of advantage or disadvantage in any of these factors often spell the difference between winning or losing.

It is not difficult to find examples of actions that demonstrate the low priority we place on competitiveness. They can be found:

In our national macroeconomic policies;

In dozens of laws, policies, regulations and programs which have embedded side effects that work against American firms and workers and favor foreign competitors—a legacy of prior decades;

In the strategies and actions of American companies;

In the curricula and research of our academic institutions.

I do want to say that the actions taken in the past 6 months to get a significant movement in some currency exchange rates is a major positive step.

But it is vital that we not fall into the trap of believing that currency exchange rates are the whole ball game.

Now, quick examples that illustrate the low priority to competitiveness.

The tax bills proposed by the Administration and under consideration by the Congress, do contain some economically worthwhile features—a broader tax base, and lower marginal rates, for example. But they are not designed with a high priority on competitiveness. Quite the opposite. If enacted as they stand, they would be a boon to our foreign competitors.

A little noticed provision in the current tax code substantially reduces taxes for multinational companies if they will move their research and development out of U.S. labs and universities and into overseas facilities.

Despite the rising importance of skill training and worker mobility in making the adjustments necessary to improving competitiveness, federal and state training programs and employment services operate in a conflicting, overlapping, and ineffective maze.

To help resolve the divisive issue of taxation of multinational companies at the state level, a federal tax force several years ago arrived at the so-called "water-edge" solution—in competitive terms that means tax American companies but exempt their foreign competitors operating in the same states.

The available protection for the intellectual property of American companies—patents, copyrights and know-how—is weak and relatively ineffective against foreign competitors. In addition, there is a clear asymmetry between the U.S. and Japan in the reciprocal access to scientific and engineering research in the two countries.

A succession of public policy changes have led to a serious under-investment in the nations scientific and engineering infrastructure.

Current U.S. antitrust statutes and their interpretation do not recognize the reality of worldwide competition, and work to the disadvantage of U.S. companies in our own domestic markets. In addition, the extraterritorial application of U.S. antitrust laws in foreign countries works as a competitive handicap to American companies in foreign markets.

The strategies, plans and thinking of too many U.S. companies focus on domestic markets and ignore the reality of worldwide markets and foreign competitors. And too often, our standards of product quality and productivity, and our investment in new technology and upgrading employee skills don't match those of foreign competitors.

Most economics departments and business schools still teach the 18th century wine and wool concept of comparative advantage in international trade based on climate and natural resources. Yet in the modern world, comparative, or one now could say "competitive" advantage, is being created by technology, investment, and worldwide marketing, as demonstrated by Japan and other Far Eastern nations. The two concepts lead to very different public and private policies.

Despite the rich source of economic performance data around the world, most university courses in comparative economic systems (if taught at all) are limited to the U.S. and the Soviet Union, omitting any study of the competitiveness of the U.S. as compared with Japan or other Far Eastern countries or countries in Western Europe. Indeed, it is possible to get a graduate degree in economics in most universities without ever studying the issue of worldwide competitiveness.

Clearly, I'm suggesting that we recognize and move together to meet the global competitive challenges we face . . . that we work to put America's competitive performance at the top of our national economic agenda . . . that we make competitiveness a test of merit in developing new policies, and in correcting old policies . . . indeed, in all that we do.

As Ed Donley mentioned last night, our approach in this important venture has been to seek the best ideas and recommendations from previous studies, to seek consensus and then identify what is needed to translate consensus into action.

Our challenge today and tomorrow is to reduce our agenda to a few actionable items and then identify what must be done to make politically feasible that which is economically necessary. I repeat to make politically feasible that which is economically necessary.

And as Ed said last evening, the very important macro issues—tax, budget, defense, monetary policies and the like, vital as they are—are not the focus of this particular conference.

Most of us are addressing these very difficult issues in other forums and through other means.

Rather, our purpose is to focus attention on four subjects where we can make a difference: R&D infrastructure; trade policy; worker education and training; and science and technology policy. Taken together, they

can have a profound influence on U.S. competitiveness.

Many of the most important problems identified in the regional seminars could be corrected as a matter of policy, with no, or only small federal or state budget implications. Others would require new funds.

Most important, we are seeking actions that can readily be pushed through to completion. Actions that we can take back to our own institutions, where we have a special measure of influence or control, and invite a widespread participation.

OPPOSED TO PAY RAISE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. CLINGER. Mr. Speaker, I rise to strongly protest recent action by this House in sneaking through what amounts to a pay raise for Members of Congress.

On Tuesday, April 22, with no more than a handful of Members present on the floor, the leadership of this House allowed a surprise resolution to be brought up and passed, without the benefit of a recorded vote, which increases the total amount of outside income the Members of Congress are allowed to receive.

Mr. Speaker, I submit that this was both a shameful and cowardly act. The leadership of this body knows full well that I, along with the large majority of my colleagues, would never have voted in favor of this blatant, self-serving bill.

This country is facing a $200 million deficit and there are tens of thousands of hard-working Americans who cannot find a job. These are critical problems * * * these are the things that we were elected to fix * * * this is the business that we should be focusing on.

Instead the leadership of this body chooses to spend its time raising its own salary * * * without any debate and without the requirement that each Member go on record with their vote.

I am here to tell you, Mr. Speaker, that I am vehemently opposed to this pay raise, and that's what it really is * * * a pay raise, that I would not have voted for it, and I will not take it. Quite frankly, Congress does not deserve this increase.

And now I am supposed to go back to the fine people of my district and tell them that we haven't balanced the budget, we haven't solved the terrible problems of unemployment, but we did give more money to ourselves * * * no way!

Mr. Speaker, I pledge that I will help lead the fight to have this thinly veiled pay raise revoked. The people of our districts didn't elect us to take care of ourselves. We were elected to work on the tremendous problems that face this country * * * unemployment, inflation, high taxes.

These are the problems that should receive our full attention.

I urge my colleagues, on both sides of the aisle, to reject this frivilous measure and return our attention to the pressing issues before this House. This is where our duty lies.

FUNDING LEVELS IN H.R. 4356

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. FISH. Mr. Speaker, yesterday Attorney General Edwin Meese wrote a letter to the chairman of the Committee on the Judiciary, PETER W. RODINO, Jr., discussing H.R. 4356, legislation authorizing appropriations for the Department of Justice for fiscal year 1987. Mr. Meese's letter included a thoughtful analysis of the impact on the administration of justice of funding levels in H.R. 4356.

This morning, the Committee on the Judiciary marked up H.R. 4356 and responded to some of the Attorney General's concerns. The committee adopted an amendment offered by Mr. MOORHEAD to authorize the administration's requested funding level for the Federal prison system and an amendment offered by Mr. LUNGREN to authorize most of the administration's funding request for U.S. attorneys. H.R. 4356, as originally introduced by Chairman RODINO, recognized the special needs of the Immigration and Naturalization Service and the Drug Enforcement Administration. Those needs remained protected during our markup.

The administration is committed to the funding levels included in the President's budget submission. The letter from the Attorney General is a useful document that discusses the Department of Justice's budget. I am pleased to commend it to the Members of this body.

The letter follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, April 21, 1986.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN RODINO: I am writing to advise you of my significant concern about the 1987 funding levels proposed for the Department of Justice in H.R. 4356—a bill to authorize appropriations to carry out the activities of the Department for fiscal year 1987, and for other purposes.

When I testified before your Committee on March 12, 1986, we had not yet completed review of H.R. 4356. I therefore request that you include my comments on H.R. 4356 in the record of the hearing.

I regret that the Administration's proposed 1987 Appropriations Authorization Bill for the Department of Justice had not yet been forwarded to the Congress at the time of the hearing. However, the Committee had been provided detailed justification material in support of the President's 1987 budget for the Department of Justice. On April 16, 1986, our proposal was submitted to the Congress.

As you know, the President's FY 1987 budget request addresses the need to meet the FY 1987 Gramm-Rudman-Hollings maximum deficit target of $144 billion.

In reaching this target, the President decided to fund certain core functions the Federal Government must perform. Among these essential functions is the administration of the federal justice system. The President recognizes this and his budget decisions confirm his views about important programs within the Department of Justice. In essence, the President's 1987 budget continues and, in many cases, enhances the resource levels for the Department's federal mission related programs.

H.R. 4536, on the other hand, proposes to freeze the majority of the Department of Justice's 1987 appropriations at the 1986 enacted level. Given that the Department of Justice performs essential functions of the Federal Government it is not prudent for your Committee, the Congress or the Administration to plan on freezing the majority of the Department of Justice at our 1986 appropriation level.

The Congress enacted the laws that the Department of Justice enforces. The people expect these laws to be enforced. For example, one result of our vigorous attack on major drug trafficking organizations and on organized criminal enterprises has been a 50 percent increase in the federal prison population since 1981. Federal judges sentenced these people for having violated laws that this and previous Congresses enacted. It is my responsibility to house and care for the prisoners in a humane manner. The freeze level you propose for the Federal Prison System will not accommodate the major facilities expansion we need in our Federal Prison System. Nor will it allow us to provide adequate food, medical care and necessary inmate programs for a continually growing federal prison population.

This Congress and this Administration cannot abdicate from the core federal responsibilities we must perform—defending the public interest in criminal and civil court proceedings, operating correctional facilities, and protecting the integrity of our judges and other judicial officials—even in times of severe fiscal constraint.

As the President's 1987 budget recommends, the Congress must find the necessary savings in other less essential federal programs in order to fund the Department of Justice at the level requested by the President in his 1987 budget.

Some of the important initiatives H.R. 4356 would curtail in 1987, should our 1987 appropriations be limited to the amounts proposed for authorization are:

Federal Prison System. Our current federal prisoner population is 46 percent greater than our rated bedspace capacity. The President's 1987 budget proposes funding for three new federal prison facilities which we plan to locate in Bradford, Pennsylvania, Sheridan, Oregon, and Marianna, Florida. These three new facilities would add 2,250 critically needed bedspaces.

In addition, the President's 1987 request would fund the construction of two camps at the existing Marion, Illinois and Phoenix, Arizona facilities—adding another 250 bedspaces. Another critical portion of our request for the Federal Prison System would provide the funds to staff new housing units which will be ready for activation in 1987. Further, there is a significant increase in the 1987 request, compared to 1986, to provide funding for the dramatically growing average daily population of our Federal Prison System. The level of funding proposed in H.R. 4356 would not provide the funds necessary to feed and care for the existing and growing federal prisoner population.

The federal prisoner population is the end result of federal criminal justice system actions taken by the three branches of our Federal Government—law making, law enforcing and law adjudicating. The Congress and the Administration must exercise our mutual responsibility to ensure adequate funding to house and care for in the growing federal prisoner population.

Federal Bureau of Investigation (FBI). Your proposed appropriation authorization would bring to a halt a critical Presidental initiative within the FBI. That is the continued, measured enhancement of our Foreign Counterintelligence program. The 1987 request represents the fourth year of this essential initiative. The FBI has been providing significant results from the investments in our Foreign Counterintelligence program. This vital national security initiative must be continued as planned for 1987.

We also need the funding requested ($10 million) to add clerical support to our FBI field investigative programs. Extreme backlogs are developing in transcribing tapes and typing reports in the field offices. The federal criminal justice system will suffer unless this problem is resolved.

Further, there are important technological initiatives proposed for funding in the FBI for 1987—including continued expansion of our voice privacy radio network, which is vital to the security of our field operations and the safety of field agent personnel, and funding for new uses of artificial intelligence in our field investigative programs.

Drug Enforcement Related Initiatives. While H.R. 4356 recognizes the need to add additional resources in 1987 to the Drug Enforcement Administration, there are drug enforcement related initiatives proposed in several other appropriation accounts which are also important. These include the U.S. Marshals Service request for additional support to our Organized Crime Drug Enforcement Task Forces (OCDETF) initiative and our request for additional prosecutors in the Tax and Criminal Divisions and the U.S. Attorneys. We also need, in 1987, funds for the full costs of the staff added to the U.S. Attorneys in 1986 for the OCDETF initiative.

General Legal Activities. Billions of dollars of federal funds are at risk in civil litigation. The Department of Justice must defend the Federal Government and we simply must be provided adequate resources to cope with a growing defensive caseload. The requests we have proposed for the Civil and Land and Natural Resources Divisions and the U.S. Attorneys are essential if we are to defend the Federal Government successfully in 1987. In order to preclude extensive future growth in staffing and to make current staff more productive, it is also critical that the President's request for a $10 million Legal Activities Office Automation initiative be supported in 1987. To allow effective and efficient use of all our attorney resources, I urge the Committee's support of the President's 1987 budget proposal to merge the U.S. Attorneys into the General Legal Activities appropriation.

I hope these highlights of our 1987 initiatives will cause you to reconsider the appropriations authorization levels proposed for the Department of Justice in H.R. 4356. I urge you to propose amendments, during full Committee mark-up of H.R. 4356, which would authorize 1987 appropriation levels in line with the President's 1987 budget request for the Department of Justice. These levels are provided in the enclosure.

As mentioned earlier, I would appreciate your including this letter as part of the Committee's hearing record on the Department of Justice's 1987 appropriations authorization request.

Sincerely,

EDWIN MEESE III,
Attorney General.

Enclosure.

1987 APPROPRIATIONS AUTHORIZATION

[Dollar amounts in thousands]

Appropriation	H.R. 4356	President's Budget
General administration	$70,800	$73,708
U.S. Parole Commission	9,800	10,420
General legal activities	205,000	584,099
Antitrust Division	44,500	50,009
Foreign Claims Settlement Commission	700	596
U.S. Marshals Service	150,000	176,759
U.S. attorneys	321,802	(1)
Oversight of bankruptcy cases	10,198	11,663
Support of U.S. prisoners	57,000	58,180
Fees and expenses of witnesses	47,400	34,676
Community Relations Service	29,900	32,009
Federal Bureau of Investigation	1,209,000	1,278,410
Immigration and Naturalization Service	609,393	609,393
Drug Enforcement Administration	414,029	411,329
Federal prison system	613,963	767,454

[1] U.S. Attorneys 1987 budget request is included within the general legal activities.

A CONGRESSIONAL SALUTE TO LUCY GUILD TOBERMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. ANDERSON. Mr. Speaker, it is my distinct honor to rise and pay tribute to Lucy Guild Toberman, who has worked unselfishly for the past 50 years to help our community through her profound dedication to local government, civic activities, and philanthropies. Mrs. Toberman will be honored as the Harbor Area YWCA Woman of the Year at a dinner at the Princess Louise Pavilion on May 1, 1986.

Following 2 years of study in the graduate school of social work at USC, Lucy Guild Toberman dedicated her life to improving and enriching the world in which she lives. Contributing her immense talents and time to the city of Los Angeles, Mrs. Toberman served for 4 years under Mayor Yorty as a member of the social service commission, where she was vice president. In addition to being on the city planning commission and serving as vice chairman of the mayor's advisory board, Mrs. Toberman was president of the Municipal Art Patrons for 18 years, helping promote the building of the present municipal art gallery. She is also a founder and member of the junior philharmonic committee, as well as chairman of Los Honores of the Hollywood Bowl and a member of the bowl volunteer committee.

Continually responding to the needs of others, Lucy Toberman has founded 31 organizations, among which are the Colleagues of Big Sisters, Les Amies, ABC's of Children's Bureau, the Los Angeles Supper Clubs, and Las Floristas, which combined have raised several million dollars for charity in our community. While serving on the faculty of Los Angeles City College, Mrs. Toberman raised $52,000 for needy students and founded the school of public relations. Additionally, she has for the last 18 years been a member of the inmate welfare commission, assisting in resolving county and jail problems.

Over the years, Lucy Guild Toberman has been recognized throughout our State and across the Nation for her countless contributions to community life, culture, education, and charity. Among her many awards, Lucy Toberman was California Mother of the Year in 1973 and, that very same year, was chosen one of the four outstanding members of Kappa Kappa Gamma fraternity in the entire United States. In 1976, Mrs. Toberman was selected the Los Angeles Times Woman of the Year, and in 1977, received the silver cup for Outstanding Volunteer of the United Way Central Committee.

Mr. Speaker, it is with great pride that my wife, Lee, joins me in congratulating Lucy Guild Toberman on the occasion of her being deservedly selected the Harbor Area YWCA's Woman of the Year. We wish Lucy, her husband Homer, and their children—George, Erik, John, Lucy Ann, and Patricia—all the best in the years ahead.

A TRIBUTE TO MIKE HORN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. COURTER. Mr. Speaker, I would like to join the citizens of New Jersey in paying tribute to one of New Jersey's most dedicated and committed public servants, Michael Horn.

Mike has recently left State government to return to the private practice of law. His talents and leadership will be sorely missed in our State capital Trenton. During his tenure in the Kean administration, Mike served initially as the State's Commissioner of Banking. In that position he gained the respect and confidence of the banking industry, his colleagues in the administration and the dedicated professional staff which surrounded him.

His efforts in that role so impressed our Governor that when the office of State Treasurer became vacant, he turned to Mike as the logical choice to fill that important job. While heading the Department of Treasury, the State of New Jersey has been at the forefront of our national economic recovery. In fact the State ran a budget surplus last year, a situation many Members of Congress find hard to imagine.

I know it is with great regret that Governor Kean accepted Mike's resignation. I would like to take this opportunity to join with him, and the people of New Jersey in paying tribute to Mike and his wife Gerri for the outstanding example of selfless service they have given all of us, and wishing them the best in all their future endeavors.

DEPUTY SECRETARY OF STATE JOHN WHITEHEAD TALKS ABOUT COUNTERTERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. BROOMFIELD. Mr. Speaker, I want to commend the President for confronting the mounting threat of Libyan terrorism. Early on in the administration, President Reagan promised the American people that our country would face up to the terrorist threat. He is to

be commended for a tough but necessary decision.

We all know that terrorism is a complex international problem which can only be solved through international cooperation and joint efforts. Over the years, the administration has been encouraging our allies to work with us to confront terrorism. Although many of our allies lost citizens in terrorist attacks and have suffered a massive decline in tourism in Europe as a result of terrorist activity there, many of them refused to take the significant political and economic steps that were necessary in order to effectively isolate Colonel Qadhafi.

Our Government was quickly running out of options to use against that terrorist-supporting country. When intelligence reports revealed numerous Libyan-backed terrorist plans against American targets, the President sent two high-level missions to Europe for more consultations with our European allies on possible joint responses to Libyan terrorism. Deputy Secretary Whitehead, from the Department of State, headed the mission in January and presented highly sensitive intelligence information linking Libya to the airport bombings in Rome and Vienna. Two weeks ago, the U.S. delegate to the United Nations, Vernon Walters, conducted a similar mission to Europe. He presented intelligence showing Libyan involvement in the planning of the night club bombing in West Berlin. Although our allies took some measures against Libyans in Europe substantive actions were not forthcoming.

In essence, the failure of the Europeans to act decisively gave the administration few options to take in order to protect our personnel. A military operation had to be conducted in order to defend American personnel and facilities.

In the aftermath of the military operation, the European Community agreed on April 21 to reduce the number of Libyan diplomats accredited to Libyan People's Bureaus and restrict the number of other Libyan national allowed into their countries. A British proposal for stronger economic sanctions against Libya was not agreed to. Regretfully, our Government had to goad our allies into taking action against that terrorist-supporting country.

I want to share with my colleagues excerpts from Secretary Whitehead's recent comments about our counterterrorism policy before the House Foreign Affairs Committee.

EXCERPTS FROM THE TESTIMONY OF THE HONORABLE JOHN WHITEHEAD, DEPUTY SECRETARY OF STATE, BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, APRIL 22, 1986

Libya is not the only state which supports terrorism, but it is the most flagrant violator of international law—in its organization and direct support of terrorist activities and in its use of surrogates, such as Abu Nidal. More than 50 Libyan diplomats have been expelled since 1981 by the United States and its allies for reasons of terrorism, an astonishing statistic. Earlier this year, Libya's support for terrorism was the subject of a State Department White Paper. That White Paper is already outdated due to continuing Libyan terrorist acts with even more direct official involvement, including the bombing of La Belle discotheque in Berlin, probably the shooting of an American Embassy employee in Khartoum and the killing of two British professors who were innocent hostages in Lebanon.

The threat from Libya is not new, but it has increased dramatically in recent months. Our initial reactions were to improve security, and to work with host governments where we faced specific threats. The response from host governments was universally good from these governments—with one exception. In Berlin, we advised both the East German Government and the Soviet Union of the activities of Libyan Peoples' Bureau members accredited to East Germany. Both governments noted our concerns and stated their general opposition to terrorism; but they undertook no actions to curb the activities of the Peoples' Bureau members. And it was that Bureau which delivered the bomb to La Belle discotheque that killed and injured 250 people. I am not accusing the Soviet Union or the East German Government of complicity in the bombing of the La Belle discotheque, but these governments did not use their influence and legal position to stop illegal activity on the part of Peoples' Bureau members accredited to East Germany.

Our military response to Libya's continued policy of terrorism against us was measured. It was based on the objective of demonstrating that Qadhafi's continued pursuit of his policies would not be without direct cost to Libya; that the United States was prepared to use force to fight terrorism along lines repeatedly and carefully defined by the President; and that the United States reserves the right to defend itself and its citizens against aggression by any state, even when that aggression takes new forms, such as terrorism.

Our right of self defense is more than just a right. It is also our duty to protect our citizens. In the months and years preceding our most recent action in Libya, we saw risks increase abroad for our military and diplomatic personnel, for American businessmen, and for tourists. All have been innocent victims of terrorists.

We are more convinced than ever that effective prevention of terrorism requires multilateral cooperation. It is no secret that we have had differences with European states over what measures were necessary to deter Libya and other states from supporting terrorism. We have engaged in a long-term effort to deter Libyan support for terrorism through peaceful economic and political measures. In 1979, we designated Libya as a state supporting terrorism. In 1981, we decreed unilateral economic sanctions that decreased U.S.-Libyan trade from five billion dollars to a few hundred million. In January, we invoked legislation that virtually cut all remaining economic and political ties to Libya. In January, I emphasized to European leaders that Qadhafi needed to understand that he could not support terrorism and enjoy normal relations with civilized nations. We recognized that our allies would have to take similar measures for our sanctions to be fully effective. We also recognized that our allies would have to make Qadhafi understand that Libya could not continue to have normal political and economic relations with civilized nations, if peaceful measures were to be effective. The measures adopted were uneven; Qadhafi's attacks increased in number, geographic range and deadliness. As a result, America decided it would no longer stand idly by, that the time had arrived for a carefully designed military action.

Some of our European allies did not provide the support we would have liked to see. However, having just returned from extensive meetings with European leaders at the OECD meeting in Paris and from a meeting with NATO allies in Brussels, I would urge that this is not the time for recrimination. We have had extraordinary contacts on counter terrorism cooperation with the EC through our Ambassador-at-Large for Counter Terrorism, Robert Oakley, and through Attorney General Edwin Meese. European states agree that multilateral cooperation must be made dramatically more effective. In the past week and a half, EC states have been engaged in intensive sessions on counter terrorism. We welcome this development and we welcome the invitations we have received to cooperate with European states as a group. Our allies have also gotten the message that the economic costs to them of allowing terrorism to continue can be very high, as American tourists plan their vacations elsewhere. Our strike against Libya may have helped to open a hopeful new chapter in multilateral cooperation between European states and the United States.

We also need to do a better job of handling the flow of information regarding terrorism. Due to the sensitive nature of much of this information, I suggest that together we devise a way of providing that information directly to members that need to know. Mr. Chairman, I would be happy to go into the details of how we are cooperating with the Europeans and how we might better inform you and members of the Committee in closed session.

Aviation security is a key strand in the fabric of multilateral counter terrorism cooperation. The Department of State has actively supported improved security for international aviation. We have raised aviation security to a top priority issue within the International Civil Aviation Organization and have established contact with all of our bilateral aviation partners to meet the goals established by the Foreign Airport Security Act.

Our other major bilateral effort has been to work with the FAA and DOT to implement the Foreign Airport Security Act. U.S. Embassy officers worldwide have paved the way for the FAA's foreign airport inspection program, and have negotiated arrangements to allow armed U.S. Air Marshals to fly overseas. No formal warnings have yet been issued under the Foreign Airport Security Act, but FAA inspectors have identified areas for improvement in a number of countries which have been rectified following strong though discreet FAA and Embassy representations.

A TRIBUTE TO DR. C. ALBERT HENSON, PASTOR OF ZION BAPTIST CHURCH

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DYMALLY. Mr. Speaker, on Thursday, February, 27, 1986, the Members of this body were privileged to have our invocation delivered by the Reverend Dr. C. Albert Henson, who for the past 23 years has served as pastor of Zion Baptist Church in Compton, CA. Dr. Henson's moving eloquence has long been a source of spiritual sustenance to the

members of our community, and I was overjoyed when he was able to visit this Chamber to add meaning to our day's activity.

On Saturday of this week the Women's Auxiliary of the Providence District Missionary Association will be honoring Dr. Henson for his past work as moderator of the association. I thought it appropriate to inform my colleagues of the sterling civic and religious record which has won esteem for Dr. Henson as he has labored in the Lord's field over the past third of a century.

Dr. Henson is one of those wise individuals who recognized early on that a true spiritual leader must see to not only the spiritual but also the corporal needs of his flock if he is to lead them safely to an eternity of happiness in the presence of their Maker. Dr. Henson is a life member of the National Association for the Advancement of Colored People. He is also a member of the board of the Western Christian Leadership Conference.

While his work within the NAACP represents a commitment to national civic leadership, and his WCLC membership has involved him in regional activities, Dr. Henson has been equally cognizant of the need for leadership at home in our own immediate community. He is a member of the Los Angeles County District Attorney's Advisory Council, a role of critical importance to the stability and the development of Los Angeles County. Dr. Henson has a special concern for those in ill health, knowing that the strength of the spirit can often be a decisive factor in the rapid restoration of the body to strength. This concern is reflected in his work at Martin Luther King Hospital where he is coordinator of chaplain services.

In religious affairs, Dr. Henson has been active not only nationally, but internationally as well. He is a member of the World Baptist Alliance, and has traveled extensively over the past 30 years throughout Europe, Asia, Africa, and the Holy Land. He was an active participant in the 1975 World Baptist Congress in Stockholm, Sweden. He was a group leader for the World Baptist Youth Congress in Beirut, Lebanon, in 1963, and served a preaching mission with the Southern Baptist Convention in Japan in 1972.

Dr. Henson has been active in Christian education throughout his ministry. He is a board member of the National Baptist Congress of Christian Education, and has served as supervisor of the Minister's Wives Division of the National Baptist Congress of Christian Education. Within the State of California, Dr. Henson has served as director of Christian education for the State Baptist convention.

Dr. Henson's skill as a preacher is nationally known. In recognition of his accomplishment, Dr. Henson has served as president of the California-Louisiana Crusade for Christ. He was honored as guest speaker for the 1971 California Southern Baptist State Conference on Evangelism. He has come to be so well known for his overall leadership within the black community that he was listed in the very first edition of "Who's Who Among Black Americans." And the State of California has officially honored his work with a unanimously adopted commendation by the California State Assembly in recognition for the service he has rendered to the people of California and the people of the United States. Dr. Henson, our congratulations to you for a life of dedication to the people of God.

MADELEINE'S GIFT

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. GALLO. Mr. Speaker, I rise today to call my colleagues attention to the thousands of Americans who devote their energy and effort as volunteers. With National Volunteer Week approaching it is appropriate to take a moment to consider the seemingly endless numbers of activities Americans perform for the sole purpose of improving the society we all share.

With voluntarism alive and well, we should express our gratitude to those who selflessly serve organizations both large and small. The St. Vincent's Hospital and Medical Center of New York City has done just that. I attach a recent tribute, which appeared in the New York Times, to one such person who embodied the true spirit of volunteers all over this great land. I know that to this volunteer, like thousands of her colleagues, the rewards of friendship and accomplishment gained in that experience far outweighed any sacrifices made. The woman St. Vincent's Hospital has seen fit to honor, I am proud to say, is Madeleine Courter the late mother of our colleague from New Jersey JIM COURTER. I know she would be grateful to see that her example can serve to further a cause she believe in deeply.

[From the New York Times, Apr. 9, 1986]

MADELEINE'S GIFT

You could tell Madeleine Courter had been a real beauty. You could even imagine, as she bustled energetically about her work, that she had once been a dancer. At age seventy-eight Madeleine was still helping out two days a week at St. Vincent's Medical Center. She'd been a volunteer there for ten years.

Madeleine wasn't one to talk much of past deeds—she wasn't the boastful sort. But every now and then she could be persuaded by her co-workers in the Anesthesiology Department to reminisce. And after fifteen successful years on stage, there were plenty of stories to tell.

Like the first casting call she showed up for—uninvited. How she was selected out of 300 auditioners. And how one day she was singing in the church choir and the next, she was singing and dancing in the Ziegfeld Follies.

It was an exciting fifteen years. There were the bright lights, the elegant costumes, the eager suitors.

She'd tell you about the glamour days if you wanted to know. But, the truth was, she didn't really miss them.

Madeleine was glad to be where she was. And lucky, too. Because when she was sixty-four, Madeleine fell seriously ill. In fact, she nearly died. She contracted spinal meningitis. She was taken to St. Vincent's and treated. Happily, she recovered.

When she did, she decided to do volunteer work for the hospital. She said she wanted to give back to the world some of the goods it had given her.

Madeleine found volunteering tremendously rewarding. She looked on it as the most important work she had ever done. And she made some wonderful friends in the process.

Madeleine stayed with St. Vincent's until the year before she died. Now, with National Volunteer Week approaching, St. Vincent's pauses to remember Madeleine Courter and the hundreds of other men and women who give their time and energy volunteering at the hospital, and who provide something priceless—comfort to the sick, and humanity to the surroundings.

FOR TRADE TALKS WITH CANADA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. KEMP. Mr. Speaker, I would like to call my colleagues' attention to an excellent article written by my good friend and our colleague from the other body, Senator BILL BRADLEY, on the importance of the administration's proposal to negotiate a free-trade agreement with Canada.

As Senator BRADLEY points out, a free-trade agreement with Canada would provide tremendous benefits to American workers and consumers. Canada is our largest trading partner, with our two-way trade totaling almost $117 billion last year. A successful free-trade agreement would expand markets for U.S. manufacturing, agricultural, and service products, resulting in more jobs and higher economic growth in this country. Vigorous trade negotiations with Canada also offer a chance to resolve ongoing trade disputes, while setting an example for future trade discussions with our other trading partners.

I agree with Senator BRADLEY's argument that we literally cannot afford to pass up this opportunity to engage in wide-ranging trade talks with Canada. I commend the article, which appeared in the April 22, 1986, edition of the New York Times, to my colleagues and congratulations to BILL BRADLEY for his insights and leadership.

[From the New York Times, Apr. 22, 1986]

FOR TRADE TALKS WITH CANADA

WASHINGTON.—The Senate Finance Committee may well make a major foreign policy blunder by refusing to authorize the Administration to move forward quickly with proposed trade negotiations with Canada. Without such negotiations, Canada is almost sure to withdraw its request for a trade agreement. But that is not the only reason why the committee should vote to proceed with the talks.

First, American jobs are at stake. At a time when many fear the decline of industrial America, this country cannot pass up an opportunity to enlarge a major industrial market. The trade talks with Canada offer a rare chance to resolve festering disputes with Canada over patent protection, lumber, uranium, tariff parity and potatoes. At about $46 billion per year, the United States' exports to Canada are twice as large as its exports to Japan and equally as large as exports to the European Economic Community. Some senators have complained that we suffer under a no-action Administration when it comes to trade policy. A vote

to scuttle Canadian trade talks would make us a no-action Congress on trade issues that matter to American workers.

Second, we would alienate a key ally. Canada has flirted with the idea of a trade agreement with us for 100 years. But at some political risk, the Canadian Government has courageously chosen to follow through with actual talks. Disapproval by the Finance Committee would be a slap in the face—especially at a time when Canada is one of only three countries that strongly support our response to Libyan terrorism.

Third, a "no" vote would damage the prospects for a new round of multilateral trade negotiations. Many of our trading partners have elaborate trade barriers that keep American products out of their markets. There has been little pressure on these countries to open their markets. But the possibility of a trade agreement with Canada, and the threat of other bilateral deals between like-minded countries, has begun to pull some of these reluctant trading partners to the bargaining table. They do not want to see Canada and the United States enjoy trade privileges in one another's markets that are denied to the rest of the world. Negotiations between the United States and Canada would thus strengthen both countries for a new round of multilateral trade talks that, if successful, would be a strong new force for worldwide economic growth.

Fourth, American trade strategy will be undermined. We have been trying vainly for years to get other countries to reduce trade barriers in services, investment and high technology. If we cannot agree to proceed on these issues with our closest neighbor, the chances of getting the 90 members of the General Agreement on Tariffs and Trade to discuss them become remote. Yet services, investment and high technology are precisely the sectors where we have the greatest natural advantages.

Finally, there is no need to fear, as some senators do, that the Administration would use the authority to negotiate a pact that ignores Congress's wishes. These talks would not be completed before current negotiating authority expires in January 1988. Congress must pass a trade bill extending that authority, and we are free to write in any provisions we please (including specific provisions on Canadian negotiations). Progress on the Canadian talks could be reviewed at that time with just as much leverage over the Administration as Congress has now.

Canada has taken a bold initiative to improve the North American economy and to strengthen its hand and ours in pursuing a new multilateral trade agreement. Every farmer and every worker in American export industries has a stake in making certain these talks do not stall. And as senators, we should welcome the opportunity to be active in resolving trade problems.

SANDINISTA REPRESSION OF RELIGION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. FASCELL. Mr. Speaker, perhaps the most insidious form of repression in Nicaragua is the Sandinista government's relentless efforts to strangle religion in that country. Not content with virtually eliminating political freedom, Nicaragua's Communist leaders are seeking to interfere with religious self-determination as well.

War has been declared on all religious denominations—catholic and protestant. Churches are burned, religious leaders are persecuted, priests and nuns are expelled and church properties are expropriated. The only reason why we hear little about persecution of Jews is there are so few of them left in the country.

The Catholic Church has been a particular target of Sandinista repression. It is by far the largest and most influential religious organization and it has traditionally been responsible for public education in Nicaragua. It has become increasingly clear that the Sandinistas seek to impose total control over the lives of the people, especially over the minds of the Nation's school children.

The Sandinistas, in typical Communist fashion, seek to direct and manipulate every aspect of life. Freedom, of any sort in any area, is a threat to their efforts.

Paradoxically, the Catholic Church was an important moral force that led to the overthrow of the Somoza regime in 1979. Then Archbishop Miguel Obando y Bravo personally intervened to protect Sandinista leaders captured by Somoza and some Sandinista leaders owe their lives to the archbishop's intercession.

In return, the Sandinistas have banned the church's newspaper, Iglesia; ordered Radio Catolica off the air; directed mob violence against church members and clergy; expelled priests and nuns; seized the church's social services agency, COPROSA; heckled the Pope as he celebrated Mass in Managua in March 1983, and conscripted seminarians into the military.

Now elevated to cardinal, Miguel Obando y Bravo has tried unsuccessfully to maintain a constructive dialogue with the Sandinista government. Instead, the government has sought to undermine the church by setting up a so-called "popular church" made up of a small minority of revolutionary-minded clergy.

Meanwhile, Catholic Church leaders in the United States and Central America have rallied to Cardinal Obando y Bravo's support. Cardinal Barnard F. Law, archbishop of Boston, and Cardinal John O'Connor, archbishop of New York recently sent the following letter to Cardinal Obando y Bravo:

Your Eminence: The present trials through which you and the Church in Nicaragua are suffering are a poignant reminder that the mystery of the Cross continues to be lived in the Body of Christ. During this Lent, your two brother bishops in the United States, who were called to membership in the College of Cardinals with you last May, have often thought of you and discussed the courageous efforts you make for the well-being of the Church and the people of Nicaragua. We have taken the extraordinary step of making this letter public so that the faithful in our Archdioceses and as many as possible in our country will know what is actually happening to their brothers and sisters in Nicaragua.

We share your deep pain when your people are denied the full opportunity to build a just, peaceful and progressive society based on the transcendent dignity of each human person. We know your suffering when attempts are made to violate the religious conscience of Nicaraguans by denying them access to the liberating teachings of the Church. This has been done by physical harassment, crude attempts at intimidation, and censorship. Priests have been summarily expelled from your country. Officers of your archdiocese have been raided by military personnel and remain under military occupation. The Archdiocesan newspaper, Iglesia, was confiscated after its first edition, and the Catholic radio remains closed. You are subjected to a barrage of distortions, slanderous insults and innuendoes at home and by some representatives of the government abroad.

In this ordeal, the Church in Nicaragua has been seeking to maintain a constructive dialogue with the government in an attempt to reach a climate of mutual respect so that the Church can play a role in the reconstruction of your country. We want to assure you of our solidarity with you. With you we are praying for that peaceful reconciliation necessary to rekindle the original hope of the resolution. For this to take place, it is essential that there be an immediate cessation of the present unjust restrictions suffered by the Church and other sectors of Nicaraguan society. This will undoubtedly provide a powerful impetus to the just resolution of the conflicts in your country and in that strife-torn region.

Be assured of our prayers and support, our brother Cardinal, through the intercession of the Blessed Virgin Mary, the "Most Pure," as the Nicaraguan people particularly venerate her.

Fraternally yours in Christ,

BERNARD CARDINAL LAW,
Archbishop of Boston.
JOHN CARDINAL O'CONNOR,
Archbishop of New York.

The Sandinistas have moved against the protestants as well. In 1982, at least 50 Moravian Churches were burned when the Sandinistas forcibly relocated 10,000 Miskito Indians into camps which have no facilities for religious worship. The only Moravian seminary in Nicaragua was closed.

Sandinista mobs seized 20 churches, and worship centers were seized from Mormons, Seventh-Day Adventists, Mennonites, and Jehovah's Witnesses. The National Council of Evengelical Pastors, the umbrella organization for protestant churches, has been repeatedly harassed, and the protestant radio station forced to submit to censorship.

The churches of Nicaragua have long been in the forefront of the struggle for human freedom and dignity and are an anathema to the Sandinista regime because of what they stand for. They are truly the "enemy" because they preach the freedom of the human spirit and oppose the iron fist of repression.

THURSDAY THE RABBI WENT TO PRISON

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. LEHMAN of Florida. Mr. Speaker, during the last several months, we have witnessed what I consider to be selective prosecution of

peaceful demonstrators outside the Soviet Embassy in Washington. When five rabbis were sentenced to prison at the end of last year, I joined with some of our colleagues in cosponsoring legislation urging their pardon.

Since that time, more arrests and prison sentences have occurred. One of those who was similarly treated is my good friend and constituent, Rabbi Ralph P. Kingsley, who heads the congregation of Temple Sinai of North Dade in North Miami Beach, FL.

I regret that the U.S. Attorney for the District of Columbia has decided to prosecute those violating the 500-foot rule in front of the Soviet Embassy while overlooking the many arrests at other embassies in violation of the same ordinance. I believe that those arrested at the Soviet Embassy should be treated similarly to those arrested at the South African Embassy. Many of those demonstrators at the South African Embassy, including rabbis, were not given harsh sentences.

I want to place in the CONGRESSIONAL RECORD an article written by Rabbi Kingsley reporting on his experience in the D.C. jail. Despite the unfairness of these prosecutions, the sense of solidarity expressed in the article calls even more forcefully for attention to the worsening plight of Soviet Jewry.

THURSDAY THE RABBI WENT TO PRISON

(By Rabbi Ralph P. Kingsley)

Henry David Thoreau, the American writer best known for his study of man and nature called "Walden," is also the spiritual father of "civil disobedience," about which he wrote in 1849, saying that the state derives its power from the individual, and that the individual therefore has the right to challenge the authority of the state when he believes that the state is committing a moral wrong.

I don't know whether the story is true or apocryphal (probably the latter) but when Thoreau refused to pay poll taxes in 1840 to express his opposition to slavery, choosing to spend a night in jail (that part is true), it is told that his friend Emerson passed by and said: "Henry, what are you doing in there?" to which Thoreau replied: "Ralph, what are you doing out there?"

This Ralph who has been "out there" has now joined Thoreau, and thousands of others who have committed acts of civil disobedience, to protest an injustice, not with regard to slavery, but with regard to Soviet Jewrey. Together with 20 other Rabbis—one of them a woman—I violated Washington, D.C. Ordinance 2215—which prohibits demonstrations less than 500 feet in front of a foreign embassy, and was arrested, arraigned, and for several hours, actually imprisoned. Yes, if I may suggest a title to add to the list of Kemmelman books—"Thursday, the Rabbi Went to Jail." I must tell you—the experience is not one that I will soon forget.

On the one hand, all was carefully preplanned. The Washington D.C. police, who are used to this kind of activity, were in place with paddy wagons awaiting our entry. At 11:45 we gathered across the street from the Russian Embassy, where a vigil on behalf of Soviet Jewry takes place every day between 12 and 1. Promptly at 12:00 P.M. the police stopped traffic, allowing us to cross and stand directly in front of the Embassy gates where we made statements, read from the Megillah, sang songs and sounded the Shofar. There were several warnings by the police, asking us to stop and explaining that we were in violation of D.C. Ordinance 2215 and that we would be subject to arrest. After about 5 minutes we were removed, one by one, handcuffed, photographed, placed in the Paddy Wagon and taken to the police station where processing continued—and from which we were taken to the prison which attaches to the Federal Courthouse.

It was all very surrealistic at first. The police were friendly and we were all very relaxed and chummy, reunited with old friends, and discovering new ones—all the time knowing that in a matter of hours we would be out and on our way to our homes—in N.Y., N.J., Delaware, Maryland and then Florida (I had come from the farthest distance).

On the other hand, I must tell you it was *very real.* There were the handcuffs—behind the back—not very comfortable. There were, after the Police Station, the real cells, amidst real criminals—one open commode in the cell which, fortunately, none of us had to use, urine stains on the floor, having an iron gate slam shut behind you in a sub-terranian windowless environment in what seemed like the bowels of the earth and feeling suddenly very cut off from everyone—no telephone, no access, no way to call for help when a bureaucratic snafu almost caused us to be taken to yet another place for further processing. Our lawyer had warned us about Murphy's Law—that everything that can go wrong usually does—and it almost did. And we were not in control.

We had a taste of what it's like not to be free. We were body searched—just as you see it on T.V. and in the movies, spreadeagled against the wall. Our personal possessions were removed from our pockets. The inside of our wallets, our shoes, the linings of our coats were carefully examined, and our fountain pens were taken away from us—presumably they could be used as weapons, like a knife.

Plastic bracelets were attached to our arms and suddenly we became numbers, not names. I was L88.

It was all very de-humanizing, but also very humbling. Most of all, it was also very moving. Here we were—representing the three branches of Judaism, including the presidents of the C.C.A.R.[1] and the R.A.[2]—Rabbis Jack Stern and Alex Shapiro, making a statement together about our concern for Soviet Jewry—each sacrificing a day of his life, a sum of money, and subjecting himself—and herself—to less than a pleasant experience. We davened Mincha together in the cell, we sang together, we talked Torah together. Prison creates a unique kind of feeling between people. For those few hours there was "Achdut," the kind of Jewish unity that, alas, has become so elusive these days.

And it's not over yet. We were, of course, released on our own recognizance, but we've got to return in time for sentencing. If things proceed as they have before, there will be a guilty verdict, a suspended sentence and a fine. The U.S. Government, for some reason, has been playing hardball. They have not chosen to look the other way. When 5 rabbis refused to accept the terms of the sentence last December, they went to jail for 15 days—as some in our group are considering doing this coming June.

There is an appeal process being pursued by our attorney—Henry Asbill—who is handling the cases without fee, but the court has refused to stay the sentencing subject to appeal.

The defense is based on two legal principles. First, there is the "defense of necessity" which claims there to be a religious and moral imperative to violate the D.C. statute in order to prevent a greater harm from being done—namely the persecution of Soviet Jews. Our defense, in essence, questions the very constitutionality of that statute as well for it is an infringement on the rights of free speech.

The other legal issue is that of selective prosecution. The thousands that have protested in front of the South African Embassy have been arrested but *not* charged, for doing exactly what we did in front of the Soviet Embassy. On what grounds has the U.S. Government chosen to prosecute those of us who demonstrate in front of the Soviet Embassy while letting those picketing the South African Embassy go free? No one has satisfactorily answered that one.

With it all, however, the more important question that needs answering is, does it help Soviet Jewry?

I must admit that I did not get on the plane on March 27th with great enthusiasm. I went out of a sense of "noblesse oblige" because as Chairman of the C.C.A.R. Committee on Soviet Jewry, I couldn't not go. I can't tell you that I believe my small act of disobedience will get Jews out of the Soviet Union.

But having gone, I'm glad I went. And even if the direct benefits are not immediately visible, the indirect benefits are there.

The media was present, so that the issue of Soviet Jewry remains before the public eye.

The Soviet Embassy continues to get the message that the American Jewish community cares and will not be silenced. Embassy officials stood behind their gates watching. You can be sure reports of our activities are transmitted to Moscow, just as there is a clear signal the other way when we are not there. Keep in mind that it was the world's nonresponse to Krystal Nacht which gave Hitler the message that he could destroy Jews with impunity.

Thirdly, the U.S. Government knows and the Congress knows that the American Jewish community, especially its leadership, is not sitting on its hands. Even the U.S. Marshalls who frisked us know. At one point, I heard them speaking to each other about those "Jewish guys." And when we finally left the courthouse, another black officer asked us: "Why were you arrested? Demonstrating for Soviet Jewry?" Even as we went on the way to the demonstration, a black doorman wished us luck and held up his thumb as a sign of support. "I'm with you all the way" he said.

We Rabbis did, of course, walk out of jail and our captors—if not exactly our best friends, did not treat us badly. But as we walked out, we couldn't help but think of those who can't walk out: Yosef Begun, serving his third extended sentence; Vladmir Lifschitz, recently convicted, after having been beaten before his trial, and his wife Anna, now in jeopardy because she refused to testify against her husband; Ida Nudel, not in jail, but also "imprisoned," as are 400,000 other Jews who are not free to leave the Soviet Union and to go to a land of their choice where they can live as Jews. In January, Ida sent an urgent appeal to the 27th Congress of the Soviet Communist Party asking to be allowed to leave in order to be at last reunited in Israel with her

[1] Central Conference of American Rabbis.
[2] Rabbinical assembly.

sister, Ilana Fridman, from whom she has been separated 14 years, a request she first made in 1971 and which was denied because she allegedly "may have heard something" of a confidential nature. She wrote: "Is there anybody among sane and educated people who could believe that rumors which I may or may not have heard or things said could still be "matters of state interest."

Had the brief sojourn in prison done nothing else but give me, personally, a little more strength to continue the task that some of us pursue with such fervor, and others of us tend to take far too lightly, it would have been worthwhile. I think it did much more, but it did at least that.

In the language of our Torah, as alluded to by my cellmate Rabbi Alex Shapiro, who never got to finish his thought because he was interrupted by our jailers, it was Joseph's brothers who put him into a pit, only to take him out and thus to save his life. The young Joseph is the Jews of Russia. Though we, his brothers and sisters did not put him into the pit, who is there but us, to help him climb out, and to see once more the light of freedom? God help us if we forget that. And thank God that we at least have that opportunity, living as we do in this land of freedom, and sharing as we do their dream of redemption. May we experience it together—Bimhayara b'yamenu—speedily in our time.

CONTRA AID

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. LOTT. Mr. Speaker, while the Washington Post has not wavered in its opposition to aid for the Contras in Nicaragua, it has at least registered agreement with our efforts on this side to decouple that issue from the urgent supplemental appropriations bill, and get a clean vote on the administration's request.

In its April 18 editorial entitled,"A Cliffhanger Still," the Post observes that, by their legislative maneuvering, the Democratic leadership offered the President, "a narrow and—to him—unpalatable range of options: One was for no military aid at all, and a second was for circumscribed aid now, some but possibly no more aid later." The editorial goes on:

"In the circumstances, the Republicans have a good case for demanding a "clean" vote, one which may trouble swing Democrats politically but which fits the realities on the ground in Central America: Contras yes or Contras no. At this point, there is really no room left to have it both ways.

Mr. Speaker, in so saying, the Post correctly, I think, assesses our real choices. We cannot keep postponing to a future date a decision on providing military assistance to the Contras. If the democratic resistance in Nicaragua is to remain a viable force, we must vote "Contras yes" soon: "Contras maybe" just isn't going to confront the realities on the ground.

Mr. Speaker, while the Post editorial to which I have referred attempts to couch this choice in partisan terms by saying that "the up-or-down vote that Republicans seek rejects a bipartisan compromise solution," and, "bipartisanship, this time around, seems a nonstarter," such a conclusion ignores the prospect that a significant number of Democrats are uncomfortable with the "Contras no" choice and may yet provide the bipartisan margin of victory for the administration's request.

Finally, I think it should be pointed out that in both our substitute rules on the supplemental last week, and in the special rule on which we are filing a discharge petition tomorrow, we have ensured clean votes on three options—"Contras no," Contras maybe" and "Contras yes"—whereas the Democratic leadership rule last week guaranteed only a vote on the "Contra no" substitute.

We are willing and eager to present the House with these three clearcut choices, separate from extraneous legislation. I urge my colleagues on both sides of the aisle to sign the discharge petition on House Resolution 419 tomorrow. That special rule will bring House Joint Resolution 283 to the floor and guarantee separate votes on the Hamilton, McCurdy, and Michel approaches, in the traditional "king of the mountain" approach.

At this point in the RECORD, I include the editorial to which I have alluded and a summary of our special discharge rule. The items follow:

[From the Washington Post, Apr. 18, 1986]

A CLIFFHANGER STILL

In the latest installment, Republican stalwarts in the House saw that the contra aid amendment likely to pass was unsatisfactory and, furthermore, that any amendment passed would ride an appropriations bill moving slowly toward an eventual cash on a presidential veto. So to keep the possibility of aid alive, and to keep it alive in a form favored by the administration, the leadership of the Republican minority deftly stole control of the issue from the Democrats and set out on a parliamentary course intended to secure a straight up-or-down vote in May.

The public opinion polls show continuing broad disapproval of American support for intervention in Nicaragua. Yet President Reagan's weight in Washington is substantial. Votes in Congress remain cliffhangers in which swing blocs attaching strings to aid dictate the outcome. This is the pattern that Republicans in the House now seek to upset. Unlike the Democrats, they do not want a result that reflects the House's ambivalence. They want a clear-cut victory for their president—the full $100 million sought, without strings—and to get it they seem prepared to risk defeat. Their calculation is that they can pick off enough Democrats fearful of being held accountable for putting the contras out of business.

It is commonly said in these foreign policy battles that bipartisan compromise is the statesmanlike way. But the up-or-down vote that Republicans seek rejects a bipartisan compromise solution. The Democrats by their legislative maneuvering had done pretty much the same thing, offering the president a narrow and—to him—unpalatable range of options: one was for no military aid at all, and a second was for some circumscribed aid now, some but possibly no more aid later. Bipartisanship, this time around, seems a nonstarter.

In the circumstances, the Republicans have a good case for demanding a "clean" vote, one which may trouble swing Democrats politically but which fits the realities on the ground in Central America: contras yes or contras no. At this point, there is really no room left to have it both ways.

Our answer has been and remains: contras no. The chances are too slight that on their own they can unseat the Sandinistas, and the costs of the effort appear too great. That leaves the United States to rely on and support the program of the Latin democracies to build a security fence outside Nicaragua and then to pursue available ways to soften Sandinista rule inside.

SUMMARY OF SPECIAL DISCHARGE RULE ON CONTRA AID

(H. Res. 419, Representative Lott and Representative Michel, 4-14-86)

1. Immediately upon the adoption of the rule, the House would resolve into the Committee of the Whole for the consideration of H.J. Res. 283, to promote internal reconciliation in Nicaragua on the basis of democratic principles and to further peaceful resolution of the conflict in Central America.

[NOTE: H.J. Res. 283 was introduced by Rep. David McCurdy on May 8, 1985 with 10 cosponsors, and referred to the Committees on Appropriations, Foreign Affairs, Intelligence and Rules.]

2. The joint resolution would be subject to two hours of general debate divided between the majority and minority leaders.

3. All points of order are waived against the consideration of the joint resolution.

4. The rule makes in order the following amendments in the nature of a substitute to be offered only in the following order, waives all points of order against them, makes them in order even if a previous amendment has been adopted, prohibits any amendments to the amendments or a division of the question in the House or in the Committee of the Whole, and provides one hour of debate on each, divided between the proponent and an opponent: (1) an amendment printed in the Congressional Record by May 7th by Rep. Hamilton; (2) an amendment printed in the Congressional Record by May 7th by Rep. McCurdy; and (3) an amendment printed in the Congressional Record of April 21 by Rep. Michel. The last amendment adopted shall be reported back to the House (king-of-the-mountain).

5. After the joint resolution has been amended and reported to the House, the previous question is ordered to final passage without intervening motion except one motion to recommit.

6. After passage of the joint resolution, the House would proceed to the immediate consideration in the House of S.J. Res. 283, the Senate passed contra aid bill, and it would then be in order to move to insert the House passed language or, if the Michel substitute has been adopted, it would be in order as a preferential motion to move the previous question on the Senate joint resolution to final passage without intervening motion.

ROBERT R. GARVEY, JR., RETIRES

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SEIBERLING. Mr. Speaker, the retirement of Robert R. Garvey, Jr., as Executive Director of the Advisory Council on Historic

Preservation, marks a major milestone in the history of the national preservation movement in the United States. During the past two decades, he has had a significant impact on our Nation's preservation programs, both in the Federal Government and in the private sector, and he has also played a major role in international preservation efforts as well.

I am pleased to have the opportunity to recognize Mr. Garvey's achievements. As chairman of the Subcommittee on Public Lands—which has legislative jurisdiction over the national historic preservation program—I have come to know Mr. Garvey and his outstanding ability to deal with the many and varied issues that are involved in protecting our Nation's cultural treasures. He has served our country well.

Mr. Garvey's first involvement in the formulation of national preservation policy came in 1966. He was then executive director of the National Trust for Historic Preservation and a key contributor to the report, With Heritage So Rich, which ultimately resulted in the passage of the landmark National Historic Preservation Act. That act provided the framework for today's preservation programs and, among other things, established the Advisory Council on Historic Preservation.

Mr. Garvey was the first Executive Secretary of the Council after its establishment, and in that role he was responsible for developing its system of protection, for setting the pattern to address critical issues and for dealing with general historic preservation problems. When he assumed the position, no mechanism existed that encouraged Federal agencies to integrate historic preservation values into their basic mission and policies. The Federal protective process for cultural properties, subsequently established and administered by the Council under Garvey's direction, has afforded protection to thousands of the Nation's historic properties for nearly 20 years.

Under the Council's regulations and procedures for implementing section 106 of the National Historic Preservation Act, the Council staff has reviewed over 20,000 project proposals, environmental assessments, and requests for advice and comments. Among the outstanding properties saved through consultation and negotiation during these years were the Old U.S. Mint in San Francisco, the U.S. Customhouse and Post Office in St. Louis, the Old Post Office Building in Washington, DC, Saratoga National Historical Park in New York, and the Apollo 11 Launch Umbilical Tower at Kennedy Space Center.

I have been personally pleased with the Council's advice on numerous projects in Ohio, including the renovation of Quaker Square in Akron, and the resolution of conflicts over the Anderson Ferry in Cincinnati.

The Council has also helped create good working relationships between agencies within the States—including Ohio, which I believe has one of the strongest and best managed State historic preservation offices in the country. For example, with the help of the Council's staff, the Ohio SHPO was recently able to achieve a workable and amicable process for assuring that historic preservation concerns are adequately addressed by the State's Office of Surface Mining. Indeed, in a recent survey of State preservation offices which I conducted as part of my subcommittee's ongoing oversight review of the national historic preservation program, the Council, was frequently lauded for the excellent assistance it provides. I know that much of the credit for the Council's success was due to Mr. Garvey's leadership.

Mr. Garvey was also influential in changing national policy by helping the Council to play a key role in developing Executive Order 11593, "Protection and Enhancement of the Cultural Environment." This Executive order, signed in 1971, gave Federal agencies specific historic preservation responsibilities. Mr. Garvey also contributed to the development of ideas for amendments to the Surplus Property Act to permit the transfer of historic properties to States and localities for preservation purposes that included revenue producing activities, thus promoting the new preservation of adapative reuse.

Mr. Garvey also initiated the preparation of a white paper on reasons for changing the U.S. Tax Code to provide incentives for the preservation of properties used for commercial purposes, which led eventually to the passage of legislation providing investment tax credits, a system that has revolutionized preservation today. With his support, Council staff also played significant roles in suggesting and reviewing amendments to the National Historic Preservation Act which were enacted in 1976 and 1980. Among other things, these Acts made the Council an independent agency of the Government and provided new tools for all levels of government and the private sector to carry out the national historic preservation program.

Perhaps no other individual working in Federal Government has had such an important and lasting influence on the operation of the historic preservation in our time. It is my pleasure to acknowledge his achievement and commend him for his long and outstanding service in preserving our historic heritage.

Bob Garvey will be missed.

AMERICAN BUSINESSES ARE PAYING $2 BILLION A YEAR TO QADHAFI

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22 1986

Mr. BUSTAMANTE. Mr. Speaker, I join my colleagues in applauding President Reagan's bold action against Libya last week. We have now established a clear policy on international terrorism.

The evidence linking Libya to the bombing of a German nightclub in which one American soldier was killed and many others injured is incontrovertible.

Given that evidence, the United States had every moral, legal, and national security obligation to act militarily.

I am proud of the performance of our Air Force pilots who conducted their recent bombing mission in Libya with precision and quickness, at the same time, Mr. Speaker, I am embarassed that five American Fortune 500 corporations still continue to do business as usual in that country.

The continued presence of Occidental Petroleum, Conoco, Amerada Hess, Marathon Oil, and W.R. Grace & Co. undercuts the purpose of economic sanctions. These companies are not there illegally. They were exempted from President Reagan's January Executive order mandating the disinvestment of U.S. commercial interests.

Their presence represents an important revenue source for financing Libya's terrorist campaign, according to Dr. Henry Schuler, a good friend and specialist on the Middle East at the Georgetown Center for Strategic and International Studies, five United States companies paid an estimated $2 billion in taxes last year to Libya.

That amount accounts for nearly one-foruth of Libya's national budget, and for nearly all its hard currency.

I am disappointed with the reaction of some of our key allies to the U.S. military attack. But I am equally disappointed that our resolve to impose effective economic sanctions against Libya is subject to question. I urge the President to call on those companies to withdraw their interests. Current circumstances dictate that the President implement an economic sanctions' policy that is clear and unequivocal. The President has squarely framed the conditions for future military engagement. Our position on economic sanctions should be no less resolute.

To W.R. Grace & Co., Occidental Petroleum, Conoco, Amerada Hess, and Marathon, I urge you to leave Libya. Libya is at war with the free world. It is your tax dollars which are financing the missles which are aimed at our F-111's. The line has been drawn in the sand. Whose side are you on?

Thank you, Mr. Speaker.

THE NEW GI BILL—A 9-MONTH-OLD SUCCESS STORY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. MONTGOMERY. Mr. Speaker, the new GI bill is now 9 months old, and all available statistics on the progress of the program tell us the same thing—we've got a winner on our hands. Tens of thousands are joining or reenlisting in our Active and Reserve Forces because of the educational incentives of the new GI bill.

I am pleased to report that, as of March 31, more than 129,000 recruits and reenlistees had elected to participate in the new GI bill. This number includes almost 108,000 active duty recruits, representing 51 percent of the total eligibles in all branches of the active components. Over 21,000 members of the Guard and Reserve have applied to the Veterans' Administration for benefits under the program.

The new GI bill is providing an option for thousands who otherwise might not have been able to afford college or receive technical training. Furthermore, as the statistics

show, it is a program essential to the survival of the All-Volunteer Force.

Mr. Speaker, I would like to share with my colleagues the following letter, indicative of what I am hearing from recruits, families of recruits, military recruiters, and educational institutions across the Nation.

APRIL 2, 1986.

Representative G.V. "SONNY" MONTGOMERY
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MONTGOMERY: I am not one of your constituents from Mississippi, but I am concerned about the New G.I. Bill issue. I hope to be of some help in this war you are waging. Recently, an article written by George C. Wilson with The Washington Post was printed in The Houston Chronicle on Sunday, March 30, 1986 concerning this dilemma involving the New G.I. Bill. I am distressed at the action the Office of Management and Budget feels must be taken. As noted in the article, it has been a positive force in some of the Armed Forces enlistment.

I have a brother, 22 years old, who enlisted in to the U.S. Army because of the educational incentives offered through the G.I. Bill of July 1985—July 1988. Because of the rising costs of higher education and fewer jobs available in the public sector many young people are enlisting. This repeal would be a signal to the leaders of tomorrow that their government is not interested in "What Uncle Sam can do for them" but, in "What they as citizens can do for Uncle Sam."

Representative Montgomery please send me the names of the members of the House Veteran's Affairs Committee and any Senators or Representatives that need some persuading. You may wonder why I am so concerned with this issue; recently I realized that many of the "freedoms" our nation has fought for in the past are on the verge of being taken away from us. This is a result of the passivity of this nation's citizens. I am 27 yrs. old single and someday hoping to raise a family in this free nation. However, many of our citizens are unaware of the dire straits we are facing. So in closing I look forward to hearing from you soon. Thank you for your time and cooperation.

Yours truly,

ROBERTA VALLANTYNE.

Mr. Speaker, what we are hearing is contrary to the administration's position that the new GI bill is not needed. What we are hearing is that by enacting the new GI bill, we made a wise investment. To withdraw such an investment when it is yielding benefits far beyond our expectations would dash the dreams of thousands of America's young people and would do substantial damage to our recruiting capabilities.

FREDERICK W. MIELKE RETIRES AS CHAIRMAN OF PG&E

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. PASHAYAN. Mr. Speaker, Frederick W. Mielke, Jr., is retiring as chairman and chief executive officer of Pacific Gas and Electric Co. During his term, he moved PG&E from an archaic to a modern and streamlined organization. He should be commended for serving not only the stockholders of PG&E, but more importantly the public in general and PG&E consumers in particular. His enlightened management clearly demonstrates the vital role played by private power companies in the American power system.

Mr. Speaker, whatever Mr. Mielke chooses to do next he will do well. I wish him the best of luck. I submit for the record, Mr. Speaker, an article in the San Francisco Chronicle of March 11, by Harre W. Demoro, written on Mr. Mielke.

[From the San Francisco Chronicle, Mar. 11, 1986]

THE MAN WHO GOT PG&E HUMMING

(By Harre W. Demoro)

Frederick W. Mielke Jr. couldn't have become chairman and chief executive of Pacific Gas and Electric Co. at a darker moment in the company's history.

Seven years ago, customers were screaming about soaring bills. Wall Street was shunning the company, and the Diablo Canyon nuclear power plant was plagued by design errors and a construction slowdown.

But today, as Mielke approaches his retirement on May 1, the first nuclear-powered unit is humming away at Diablo Canyon and the second is being tested. His successor will be longtime PG&E Executive Vice President Richard A. Clarke. Both men are attorneys, rather than the engineers who traditionally run utilities.

Many of the company's 3.5 million electrical and 2.9 million gas customers still complain about bills. But Wall Street is looking favorably on PG&E because it has earned its authorized return on investment—the margin approved by the California Public Utilities Commission—every year since 1982.

In his gray pinstriped suit, reed-thin Mielke would not draw attention from his fellow Peninsula commuters who ride Southern Pacific each morning.

Few SP passengers would suspect that understated Mielke, described by his colleagues as a better-than-average tennis player, coaxed one of the nation's most controversial nuclear plants into a revenue operation.

"I never had a doubt about Diablo," said Mielke, who jointed PG&E's law department in 1951.

"It would have been finished in 1974 if an earthquake fault wasn't discovered."

Although getting Diablo finally running in 1985 is perhaps the most visible Mielke accomplishment, it is only one example of how he abruptly changed the utility's direction. Many changes were subtle and apparent only to insiders.

For example, Mielke generally is credited with PG&E's move from a sluggish, sometimes secretive, rarely imaginative bureaucracy dominated by engineers whose chief interest was building power plants and transmission lines.

Instead, the utility stopped being only a big design and construction company and announced to shareholders and regulators that it planned only to finish what was under construction and then try to be more efficient. And, where possible, PG&E would buy power from outsiders, maybe from Canada, and even from windmill owners.

"It took a complete change in the way people did things all around," Mielke said.

One of Mielke's most dramatic changes was in how the company dealt with the state PUC, one of the least predictable in the United States.

The utility and the regulatory commission had been at odds for years. "We were facing rapidly increasing costs, and the regulatory process (the PUC) was not used to rapidly increasing costs," he said.

For years PG&E has steadily reduced rates. Now they were soaring because the cost of oil burned to generate electricity jumped in the early 1970s from $2.50 a barrel to $40 a barrel.

At the same time, the cost of natural gas, which almost always follows oil prices, jumped dramatically. PG&E sells natural gas for home heating and cooking and also burns it to generate electricity.

These problems increased customers' bills and triggered rapid-fire inflation that made the cost of borrowing money nearly astronomical.

"No one predicted double-digit inflation would come," he said.

During the 10 years ending in 1981, the PUC underestimated PG&E's costs when it set rates. This resulted in PG&E earning $1.4 billion less than the PUC said the company was entitled to make, according to Mielke.

The situation became so complicated that Mielke took unprecedented action. Rather than send his managers to plead for a rate increase, which had been PG&E policy for decades, Mielke appeared before the PUC in November 1981 to ask for help.

Mielke says he believes that his appearance helped initiate changes in estimating and rate-making methods. Soon, PG&E was earning the 12 percent to 12.5 percent return on investment permitted by the PUC.

Both Mielke and veteran PUC Commissioner Victor Calvo agreed that the PUC deserved some of the credit for PG&E's revival.

However, although chief executives of other California utilities appear before the PUC from time to time, Mielke never came back and rarely called on the commissioners, recalled Calvo.

"PG&E is, I think, in very good shape and, excepting the uncertainly of Diablo, they have been reasonably well managed," Calvo added.

Mielke, who will be 65 by the time he retires, leaves several major tasks unfinished.

Although the PUC has allowed PG&E to raise rates modestly to cover operating costs of the first Diablo reactor, it has not granted any increases to pay for $5.1 billion in construction costs.

Mielke's successors may face even greater problems than Diablo Canyon.

Dozens of large companies are looking at ways to disconnect their factories from PG&E and generate their own electricity using heat generated by their manufacturing processes, Mielke said.

PG&E also faces a tough battle with the federal government over access to cheap hydroelectric power that is becoming a available in western Canada. Mielke said that the federal government is trying to block PG&E because British Columbia power is cheaper than electricity produced by the federal government's Bonneville power network in the Pacific Northwest.

NEW HORIZONS FOR AMERICA'S YOUTH

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. RUDD. Mr. Speaker, this year nearly 250,000 secondary school students from across the country participated in the Veterans of Foreign Wars and its Ladies Auxiliary Voice of Democracy scriptwriting contest. The theme of this year's competition is "New Horizons For America's Youth."

Norman Roy Williams II, an 11th grader from Arcadia High School in Scottsdale, AZ, was the Arizona winner. In his speech, he pledges an active role for youth in global affairs, as such action has in the past served our country well.

I commend Norman's speech to my colleagues. The text of it follows:

NEW HORIZONS FOR AMERICA'S YOUTH

Terrorists brutally murder 58 innocent travelers. Military officers overthrow the democratic government in a small African nation. Nazis attempt to murder a black mayor. Such is the world as it exists today. Resembling a fierce ocean, it tosses and tumbles through time, enriching some people and destroying others. Fatalists claim we have no power over our future; pessimists claim we have power but it doesn't work to our advantage. In a world of troubles and obstacles as these, existing, much less succeeding, could be construed as impossible. Yet it is the youth of America that must exist, succeed, and conquer. It is the youth's sacred duty and sacred privilege to do so, it is our new horizon.

Throughout the world examples exist that society has failed to secure liberty, equality, and democracy as universal values. In Nicaragua, in Cuba, in Libya, and in the Soviet Union, innocent citizens are jailed and persecuted because they exercised their God-given rights of freedom of speech, freedom of religion, freedom of free elections, and freedom of choice. It is a bleak picture that youth must face; it is a bleak picture that they must and can change.

In America, we do not know the horrors of the real world. We bathe ourselves in luxuries, the luxuries of liberty, equality, and democracy. America's youth, fresh from the shower of personal freedoms, have the obligations and the honor to protect these values from foreign conquest and to promote these values to every part of the globe where treachery and injustice feed upon the lifeblood of the people.

Since America can no longer shield itself from foreign events, youth, in order to preserve democracy in our republic, have the duty to improve the entire world. In an age of nuclear weapons, youth must reduce worldwide tensions and build peace. By promoting international student exchanges, which allow over one million students worldwide to live in foreign nations, youth attempt to enlarge the global understanding of the future leaders. In an age of Marxist tyranny, youth must free the world's peoples from injustice. Actively resisting communism, todays youth show increasing respect for the military. In fact, after years of decline, more young people are volunteering to serve in the armed services. Demonstrating compassion for ongoing holocaust victims, youth organizations display moral unity in the fight against tyrants of all kinds.

The honor is also bestowed upon youth to promote security and liberty. Nature has given the future for youth to determine. With every tragic event, more hope is placed in our ability as future leaders. To build our leadership qualities, we participate in leadership seminars like Close-Up, which sends high school students to Washington, D.C., to learn about government. To promote good citizenship, we participate in organizations which enhance our character like the Boy Scouts of America. As soldiers have defended America in the past, youth have the privilege to extend the values of the last bastion of personal freedom to all parts of the globe.

It could seem impossible for youth to accomplish this task; however, this generation of youth have been raised in a different society. Raised after the civil strife of the 1960's, we don't know of racial predjudice. Reared in an age of such activism, we speak out for our beliefs. We have been given the greatest opportunity and the widest horizon of any previous generation. While there are no guarantees, we know youth have succeeded in the past. Whenever America fought in a war, it called upon its youth and they responded. Youth can succeed again. Winston Churchill said it best when he stated:

"You will make all kinds of mistakes; but as long as you are generous and true, and also fierce, you cannot hurt the world or even distress her. She was made to be wooed and won by youth."

MARTIN SNYDER: BRIGHTON BEACH MAN OF THE YEAR

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SOLARZ. Mr. Speaker, I would like to pay tribute to Marty Snyder on the occasion of his being named "1986 Man of the Year" by the Brighton Beach Board of Trade at a special roast in his honor on May 8.

Marty has lived in the Brighton Beach community for over 50 years and has long been one of its prime movers and shakers. He has seen the community change many times in many ways, and he has always been a main force striving to change it for the better.

Marty has been an active member of every major organization in Brooklyn's shorefront, including the Knights of Phythias, the Brighton Lodge of B'Nai Brith, and the Community Democratic Club. He has been a distinguished member of Community Board 13 for several years and also serves on the Oceanfront Coordinating Council. Besides sitting on the board of directors of Vacations and Community Services for the Blind, he is a volunteer with the shorefront advisory committee of the VCB, and devotes each Thursday during the summer months to escorting 40 blind senior citizens to the Brighton Beach Baths and Racquet Club.

Having served his country on active duty in the Navy during World War II, he is a member of the Jewish War Veterans. He also raises funds for the Boy Scouts of America.

In addition to his numerous volunteer activities, Marty has served the Brighton Beach community as a businessman throughout his adult life. For many years, he had a wearing apparels store for ladies on Brighton Beach Avenue, and was an area supervisor for Waldbaum supermarkets for 20 years. Because of his extensive business experience, the Oceanfront Development Corp. selected him to be the project coordinator for the Brighton Beach Revitalization Program, a position he continues to fulfill with distinction.

As a tribute to Marty's long record of achievement, President Ronald Reagan presented him with the prestigious private sector initiative commendation award on December 12, 1985. The award was made in recognition of his tireless and persistent devotion to the Brighton Beach community he has loved and served.

For the same reason, the Brighton Beach Board of Trade has selected Marty to be the honoree at their first annual "Man of the Year" Testimonial Roast. This organization has chosen wisely, for Marty is truly the personification of Brooklyn's shorefront community at its best. As such, he follows in the footsteps of his illustrious dad "Zayda," whose contributions to Brighton Beach are equally well-known and respected.

I applaud Marty for making Brighton Beach a better place to live and offer my heartfelt congratulations to him on this joyous and well-deserved occasion.

HOUSE ARMS CONTROL PANEL ANNOUNCES HEARINGS

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mrs. BYRON. Mr. Speaker, I am taking this time to announce that the House Armed Services arms control and disarmament panel will begin hearings on April 29 on various bills and developments concerning arms control. I would like to submit the following statement for the RECORD.

HOUSE ARMS CONTROL PANEL ANNOUNCES HEARINGS

WASHINGTON.—Representative Beverly Byron (D-Md.), chairwoman of the Special Panel on Arms Control and Disarmament of the House Committee on Armed Services, announced today that the panel will begin a series of hearings on various arms control proposals and issues contained in several bills and resolutions now pending in the committee.

The hearings will begin on April 29, 1986, and continue indefinitely. Representative Byron and Representative Marjorie S. Holt (R-Md.), the ranking minority member of the panel, said, "the purposes of this series of hearings are to provide a record of testimony that the Committee on Armed Services can use to support possible future action on several bills now pending and to provide a factual record for members of the House to use in debating highly controversial arms control issues."

Under the Rules of the House, the Committee on Armed Services has oversight jurisdiction of all arms control and disarmament matters and legislative jurisdiction of bills and resolutions that affect the national security, the Department of Defense, and

the defense programs of the Department of Energy.

"Examples of pending legislative proposals before the committee," Mrs. Byron said, "are the bills: H.R. 3100, introduced by Rep. Edward Markey (D-Mass.), that would enforce a freeze on the testing, production and deployment of numerous aircraft, missiles, fissionable materials, nuclear weapons, and all facilities to assemble these items through a cutoff of funds for those purposes; H.R. 3442, introduced by Rep. Pat Schroeder (D-Colo.), that would legislate U.S. compliance with the nuclear weapons testing moratorium proposed by Chairman Gorbachev, General Secretary of the Communist Party of the Soviet Union; H.R. 2124, introduced by Rep. John Porter (R.-Ill.), to prohibit the U.S. production of chemical weapons; H.J. Res. 272 and H. Con. Res. 35, introduced by Rep. Henry Hyde (R-Ill.) and Rep. Ken Kramer (R-Colo.), respectively, that would express the support of Congress for President Reagan's arms control policies; and H.R. 4542, also introduced by Rep. Markey (D-Mass.), that would prohibit the use of any funds appropriated to the Department of Defense or Department of Energy for any Strategic Defense Initiative (SDI) component designed to use nuclear explosive devices in any manner.

"In addition to the above issues," Chairman Byron said, "the panel will again address the issues of Soviet noncompliance with existing arms control agreements, verification problems, U.S. and Soviet interpretations of the Anti-Ballistic Missile (ABM) Treaty with respect to SDI research, and continued U.S. compliance with the unratified SALT II agreement when new Trident submarines enter sea trials.

"In this connection," she stated, "the panel will examine what would be an appropriate and proportional response to Soviet violations and whether a U.S. decision to undercut SALT at this time would be to our strategic advantage." The panel will also review the effects on national security and the impact on current arms control negotiations efforts resulting from the prohibition on testing of U.S. antisatellite (ASAT) weapons imposed by the Congress last year.

The panel expects to invite the congressional sponsors and opponents of proposed legislative arms control initiatives as the initial witnesses to be followed by Administration witnesses and knowledgeable experts from outside of government.

During the first session of the 99th Congress, the panel conducted extensive hearings on arms control matters which were completed in December 1985 (H.A.S.C. No. 99-18). The panel issued a report on those hearings, entitled Review of Arms Control and Disarmament Activities, 99th Congress, 1st Session, in January 1986 (H.A.S.C. Committee Print No. 14).

Other members of the panel joining in the hearings with Representatives Byron and Holt are: Representatives Nicholas Mavroules (D-Mass.); Richard Ray; (D-Ga.), John M. Spratt, Jr. (D-S.C.); Samuel S. Stratton (D-N.Y.), who also chairs the Subcommittee on Procurement and Military Nuclear Systems; Robert E. Badham (R-Calif.); and Jim Courter (R-N.J.).

GEORGE WILL QUESTIONS CONTINUED SALT II COMPLIANCE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. COURTER. Mr. Speaker, barring some unlikely protests from our NATO Allies, the President appears poised to order the dismantlement of two aging but perfectly functional, survivable Poseidon ballistic missile submarines. As George Will contends in the following column, such action could only be described as "zany," when considered in light of Soviet noncompliance with arms control agreements and their relentless military buildup.

Approximately 300 submarine warheads will be lost from the arsenal in the event of Poseidon dismantlement, as our ballistic missile submarine force begins its slide from 31 boats to only 20 in the year 2000. But while our old submarines go to the graveyard, Soviet submarines are refurbished and fitted with advanced, long-range nuclear cruise missiles for attacking the U.S. mainland. Surely this is not what President Reagan intended to be the result of continued SALT II compliance, but, as George Will points out, Jimmy Carter's "fatally flawed" agreement has now become "Reagan's treaty," and he feels some obligation to preserve the SALT regime, regardless of the consequences. I urge my colleagues to pay careful attention to the following column:

LET REAGAN BE REAGANIZED

(By George F. Will)

Gorbachev, miffed because the United States has been beastly to a Soviet client, Kaddafi, may not soon do the United States the stupendous favor of attending a summit. Gosh. Into every life some sun must shine, but this is unseasonably sunny. Another agreeable aspect of current events is this. At a moment when the allies are behaving even more badly than usual, the president must make a decision that can only be made correctly if he is prepared to annoy the allies. The question is: will the president scrap two Poseidon submarines in order to continue his zany policy of unilateral compliance with the unratified SALT II treaty?

Candidate Reagan denounced SALT II as "fatally flawed." President Reagan says the Soviet Union has violated SALT II seriously and continuously. And now, for the second time in 10 months, the entry into service of a new Trident submarine requires Reagan to decide whether to continue the policy of not "undercutting" SALT II (which even if it had been ratified, would have expired by now). Last June he ordered the dismantling of a Poseidon to keep below the 1,200 ceiling on multiple-warhead missiles. He explained this decision, which dismayed supporters of his embattled defense program, as going an "extra mile" for arms control. How such a nonresponse to Soviet noncompliance helps arms control is a mystery. If Reagan now scraps two Poseidons, he will make SALT II immortal, himself incredible and a portion of the Constitution trivial.

Reagan should say simply: we are no longer bound by SALT II. However, he is being advised to respond to Soviet violations by putting the Poseidons in dry dock indefinitely rather than dismantling them. This would be a microscopic protest: the Poseidons would not be directly destroyed, so the United States would not be strictly complying with SALT II. But dry dock would render the boats incapable of performing a military function. Besides, such boats are complex organisms and dry dock would amount to slow destruction through decay. So dry dock would amount merely to a slow-motion version of unilateral compliance. Remember, Reagan has spoken of SALT II the way Dizzy Dean spoke of his injured toe: "Fractured, hell! The damn thing's broken!"

DOUBLE STANDARD

The Poseidons are not what is crucial. The following is. Having ordered a report on "proportionate responses" to substantial Soviet violations, Reagan will look ludicrous if he merely adopts a temporary and trivial technical violation, such as dry-docking. Ten months ago he declared the United States could not continue to live by a double standard. Dry-docking is continuation. If he sacrifices two more submarines, he probably will serve eight years in unilateral compliance. Then SALT II will no longer be Jimmy Carter's treaty. (Carter was president only 18 months after it was signed in Vienna.) It will be Reagan's treaty. And if Reagan, who campaigned against ratification of it, and who has documented violations of it, cannot bring himself to abandon it, no president will feel free to do so.

Worse, continued compliance would release future presidents from the Constitution's requirement regarding ratification of treaties. Eight years of compliance with an unratified treaty would constitute the Reagan Precedent. Future presidents would feel free to treat Senate consideration of arms-control agreements as a dispensable formality. There would be no check on the president's power to bind the nation to whatever he and the Soviet leader decide.

PUT UP OR SHUT UP

The very senators most eager to bind presidents to collaboration with Congress in foreign policy through things like the War Powers Resolution are urging him to evade constitutional due process by complying with an unratified treaty. Fifty-two senators have urged Reagan to continue compliance by scrapping two boats. Fine. Let's put up or shut up.

Perhaps Reagan should negotiate with the Soviets a new expiration date of SALT II—say, 1989. Then he should send SALT II to the Senate for ratification. Of course 34 senators, including Majority Leader Robert Dole, have signed letters opposing destruction of the two submarines. Thirty-four votes would defeat ratification of SALT II. But it would be entertaining to hear the president explain why a fatally flawed and frequently violated treaty is now indispensable. Reagan's explanation probably would call to mind the baseball manager of whom a player said: "He does things that there is no justification for, and then refuses to explain them."

Reagan has dispatched envoys to ascertain what the allies think about ending compliance with SALT II. Is the suspense killing you? The allies will urge continued unilateral compliance. The allies always favor U.S. passivity. Regarding Libya, U.S. policy toward the allies was correct. It was to listen very nicely, then go out and do precisely what U.S. interests required. In his sixth year Reagan is getting the hang of something important: selective unilateralism.

The Reaganization of foreign policy requires three things. One is the Reagan Doctrine: support for resistance movements at

the margin of the Soviet Empire (Nicaragua, Angola, Afghanistan). The second involves demonstrating willingness to use military force (Grenada, Libya), even—no, especially—without allied consensus. The third involves restoring realism by displacing the arms-control "process" as the "centerpiece" of U.S./Soviet relations. All three policies, but especially the third require a health, even jaunty disregard for "world opinion." Jefferson, a judicious writer, did not use adjectives carelessly. He spoke (in the Declaration of Independence) of a "decent respect" for the opinion of mankind. Jefferson knew there could be slavishness about opinion. The decision about SALT II, like the decision about Libya, tests Reagan's ability to rise above unworthy concern for mere opinion.

ESTABLISHMENT OF THE DEFENSE ACQUISITION CORPS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. HERTEL of Michigan. Mr. Speaker, today I am introducing legislation to address many of the critical problems with procurement in the Department of Defense. This legislation consists of two parts. The first part parallels legislation my colleague from Massachusetts, Mr. MAVROULES, has introduced with respect to the establishment of an Under Secretary of Defense for Acquisition. The second part creates a Defense Acquisition Corps.

We can only improve the acquisition process in relationship to the availability and efficient use of a talented and qualified professional work force. We must attract the best individuals and retain them. We must give them respect, security and reward. The Packard Commission stated in its report that the:

DOD must be able to attract, retain, and motivate well qualified acquisition personnel * * * the Secretary of Defense should have increased authority to establish flexible personnel management policies necessary to improve Defense acquisition. Alternate personnel management system, * * * should be established to include senior acquisition personnel and contracting officers as well as scientists and engineers. Federal regulations should establish business-related education and experience criteria for civilian contracting personnel, which will provide a basis for the professionalization of their career paths. Federal law should permit expanded opportunities for the education and training of all civilian acquisition personnel. This is necessary if DOD is to attract and retain the caliber of people necessary for a quality acquisition program.

The shining highlights of our massive military expenditure over the past 5 years has been our continued efforts to improve the quality or our military combat personnel and the quality of their lives. This commitment has ensured our national security more than any other recent change.

We need to make the same commitment to our acquisition work force. Only by creating a genuine career path for acquisition professionals can we make good management ideas work.

The legislation I am introducing today authorizes a Defense Acquisition Corps to be organized with professional requirements, special salary to attract and keep top performers, special bonus systems, and grievance procedures. It includes a special senior acquisition executive rank similar to the senior executive service. It gives the Secretary of Defense the flexibility to assign Corps members as urgent acquisition needs arise. Finally, it authorizes the Secretary to establish a Defense Acquisition University to upgrade the training of procurement personnel and provide continuing education in acquisition specialties. It also authorizes the Secretary to send Corps members of our Nations many colleges and universities which have programs in procurement related disciplines.

I believe as the quality of our procurement work force increases, our acquisition system will be more controlled and effective. Consequently bureaucratic inertia, redtape, and long lead times will decrease and our national security will be improved.

The text of the legislation follows:

H.R. 4657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Defense Acquisition Reorganization Act of 1986".

SEC. 2. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 134 the following new section:

"§ 134a. Under Secretary of Defense for Acquisiton: appointment; powers and duties; precedence

"(a) There is an Under Secretary of Defense for Acquisition, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have extensive experience in the defense industry, including a strong managerial background in the private sector.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition—

"(1) is responsible for setting overall policy for, and supervises, all acquisition activities of the Department of Defense; and

"(2) shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

"(c) The Under Secretary—

"(1) is the senior procurement executive for the Department of Defense for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3));

"(2) is the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive; and

"(3) to the extent directed by the Secretary, supervises all other officers in the Office of the Secretary of Defense who have acquisition responsibilities (notwithstanding any law other than section 136a of this title providing that any such officer is responsible only to, and reports directly to, the Secretary or the Deputy Secretary).

"(d) The Secretary of Defense shall prescribe the precedence of the Under Secretary in the Department of Defense.".

(b) EXECUTIVE SCHEDULE II PAY GRADE FOR UNDER SECRETARY.—Section 5313 of title 5, United States Code, is amended by adding at the end the following: "Under Secretary of Defense for Acquisition.".

(c) CONVERSION OF UNDER SECRETARY FOR RESEARCH AND ENGINEERING TO ASSISTANT SECRETARY LEVEL.—The position of Under Secretary of Defense for Research and Engineering is hereby redesignated as Director of Defense Research and Engineering. The Director of Defense Research and Engineering is an Assistant Secretary of Defense.

(2) CONFORMING AMENDMENT.—Section 136(b) of title 10, United States Code (relating to Assistant Secretaries of Defense), is amended by adding at the end the following new paragraph:

"(7) One of the Assistant Secretaries shall be the Director of Defense Research and Engineering. The Director shall perform such duties relating to research and engineering as the Secretary of Defense may prescribe.".

(3) ELIMINATION OF POSITION OF USD(R&E).—Section 135 of such title is amended as follows:

(A) Subsection (a) is amended by striking out the first two sentences and inserting in lieu thereof the following: "There is an Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate.".

(B) Subsection (b) is amended by striking out the second sentence.

(C) Subsection 9(c) is amended—

(i) by striking out "and the Secretaries of the military departments" and inserting in lieu thereof "the Secretaries of the military departments, and the Under Secretary of Defense for Acquisition"; and

(ii) by striking out the second sentence.

(D) The heading of such section is amended to read as follows:

"§ 135. Under Secretary of Defense for Policy: appointment; powers and duties; precedence".

(4) TECHNICAL AMENDMENT.—Section 5324 of title 5, United States Code, is amended by striking out "Under Secretaries of Defense (2)" and inserting in lieu thereof "Under Secretary of Defense for Policy".

(5) SAVINGS PROVISION FOR INCUMBENT.—The redesignation of the position of Under Secretary of Defense for Research and Engineering as Director of Defense Research and Engineering and the amendments made by paragraphs (2), (3), and (4)—

(A) shall not affect the appointment in that position of the person holding that position on the date of the enactment of this Act; and

(B) shall not affect the rate of pay or other benefits to which that person is entitled on the date of the enactment of this Act as an Under Secretary of Defense.

(d) GENERAL CONFORMING AMENDMENTS.—

(1) Section 136a(b) of title 10, United States Code (relating to the Director of Operational Test and Evaluation), is amended by striking out "Under Secretary of Defense for Research and Engineering" in the second sentence and inserting in lieu thereof "Director of Defense Research and Engineering".

(2) Section 171(a) of such title (relating to the Armed Forces Policy Council) is amended—

(A) by redesignating clauses (3) through (10) as clauses (4) through (11), respectively;

(B) by inserting after clause (2) the following new clause (3):

"(3) the Under Secretary of Defense for Acquisition;"; and

(C) by striking out "Under Secretaries of Defense" in clause (7) (as so redesignated) and inserting in lieu thereof "Under Secretary of Defense for Policy".

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking out the item relating to section 135 and inserting in lieu thereof the following new items:

"134a. Under Secretary of Defense for Acquisition: appointment; powers and duties; precedence.
"135. Under Secretary of Defense for Policy: appointment; powers and duties; precedence.".

SEC. 3. REVIEW OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2325. Major programs: approval of program stages

"(a)(1) The Secretary of Defense shall review a major program before the program proceeds into each of the following stages:

"(A) Initial research and development.

"(B) Full-scale development.

"(C) Production.

"(2) A review required by paragraph (1) shall include an evaluation of each of the following:

"(A) The plans and requirements for the program.

"(B) The necessity for production of the program.

"(C) The commonality of parts and components of the program among the military departments.

"(D) The complexity and practicality of the program.

"(b) The Secretary of Defense or the Secretary of the military department concerned may not obligate or expend funds with respect to a stage of a major program specified in subsection (a)(1) unless the Secretary of Defense approves that program at the beginning of that stage.

"(C) The Secretary of Defense may not delegate any power of the Secretary under this section to the Secretary of a military department.

"(d) In this section, the term 'major program' means a major defense acquisition program subject to the Selected Acquisition Report requirements of section 139a of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2325. Major programs: approval of program stages.".

SEC. 4. DEFENSE ACQUISITION CORPS.

(a) IN GENERAL.—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 83 the following new chapter:

"CHAPTER 84—DEFENSE ACQUISITION CORPS

"Sec.
"1611. Establishment.
"1612. Appointments.
"1613. Civilian personnel system.
"1614. Merit pay system.
"1615. Assignments.

"§ 1611. Establishment

"(a) ESTABLISHMENT.—There is in the Department of Defense a Defense Acquisition Corps consisting of acquisition-related positions in the Office of the Secretary of Defense, the military departments, and the defense agencies specified in regulations prescribed by the Secretary of Defense. The head of the Defense Acquisition Corps is the Under Secretary of Defense for Acquisition.

"(b) NUMBER.—The number of Defense Acquisition Corps positions in a military department shall be determined by the Secretary of Defense.

"§ 1612. Appointments

"The Secretary of Defense shall make appointments to the Defense Acquisition Corps from the best-qualified civilian applicants and military personnel. The qualifications of such personnel shall be established based on levels of education, experience, and training and performance on examinations.

"§ 1613. Civilian personnel system

"(a) IN GENERAL.—The Secretary of Defense shall by regulation establish a personnel system for civilian personnel within the Defense Acquisition Corps. Such regulations shall—

"(1) provide rates of pay for civilian members of the Defense Acquisition Corps that are not in excess of the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

"(2) provide for removal of civilian members of the Defense Acquisition Corps consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5;

"(3) permit the payment of performance awards to civilian members of the Defense Acquisition Corps consistent with the provisions applicable to performance awards under section 5384 of title 5; and

"(4) provide for the career recruiting and training (including high-technology training) of civilian members of the Defense Acquisition Corps, consistent with the procurement management personnel requirements established in chapter 85 of this title.

"(b) EXCEPTION FROM COMPETITIVE SERVICE REQUIREMENTS.—Except as otherwise provided in subsection (a), the Secretary of Defense may—

"(1) make applicable to civilian members of the Defense Acquisition Corps any of the provisions of title 5 applicable to applicants for or members of the Senior Executive Service; and

"(2) appoint, promote, and assign individuals to civilian positions established within the Defense Acquisition Corps without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

"§ 1614. Merit pay system

"The Secretary of Defense may by regulation establish a merit pay system for such members of the Defense Acquisition Corps as the Secretary considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401 of title 5.

"§ 1615. Assignments

"The Secretary of Defense may assign a civilian member of the Defense Acquisition Corps to any position in the Defense Acquisition Corps in which that member is eligible to serve and may assign a civilian member from one such position to another such position as the needs of the Defense Acquisition Corps may require.".

(b) TRANSITION PROVISION.—(1) Not later than the end of the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall—

(A) establish the Defense Acquisition Corps under section 1611 of title 10, United States Code (as added by subsection (a));

(B) review existing acquisition-related positions in the military departments for purposes of determining which positions should be included in the Corps; and

(C) make appointments to such positions under section 1612 of such title (as added by subsection (a)).

(2) To the extent practicable, the Secretary of Defense shall make the appointments required by paragraph (1)(C) from the best-qualified civilian and military personnel currently assigned to acquisition-related functions of the Department of Defense.

(c) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of such title and at the beginning of part II of such subtitle are each amended by inserting after the item relating to chapter 83 the following new item:

"84. Defense Acquisition Corps..... 1611".

SEC. 5. DEFENSE ACQUISITION UNIVERSITY.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish by regulation of Defense Acquisition University that includes acquisition-related defense schools in existence on the date of the enactment of this Act.

(b) REGULATIONS.—The regulations establishing the Defense Acquisition University shall include the following:

(1) Provision for separate schools within the University with respect to various acquisition specialties, including contracting, logistics, quality, program management, systems engineering, production, and manufacturing.

(2) Standards and procedures for admission to the University.

(3) A requirement that each student at the University successfully complete a central curriculum of contracting and acquisition methodology.

(4) Provision for the education of members of the Defense Acquisition Corps through programs offered in conjunction with or in lieu of attendance at the University.

H.R. 822

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. MOAKLEY. Mr. Speaker, the human rights situation in El Salvador continues to be of great concern. I recently received a letter from Holly Burkhalter, Washington representative for the American Watch Committee, in which she details the ongoing atrocities committed against the Salvadoran people by government forces and by guerrillas. Her letter points out quite clearly that violence and terror are still very much a fact of life in El Salvador.

Mr. Speaker, I am the author of legislation, H.R. 822, which would temporarily suspend the deportation of Salvadorans now in the United States. This legislation was recently re-

ported by the Subcommittee on Immigration, Refugees and International Law to the full Judiciary Committee for its consideration. As Ms. Burkhalter's letter indicates, H.R. 822 is both a necessary and urgent piece of legislation which needs to be considered by this body in the very near future.

For the benefit of my colleagues, I would like to submit Ms. Burkhalter's letter for the RECORD.

AMERICA'S WATCH
Washington, DC, April 9, 1986.

Congressman JOE MOAKLEY,
Cannon Building,
Washington, DC.

DEAR CONGRESSMAN MOAKLEY: It is my understanding that your legislation to grant temporary safe haven to Salvadoran refugees in the United States will be considered by the Judiciary Committee in the near future. I write to thank you for this important effort, and to inform you of current human rights problems in El Salvador.

As you know, the American Watch has an office in San Salvador which is staffed by our counsel, Jemera Rone. She closely monitors abuses by both the Salvadoran government and by the guerrillas. Our staff also travels to Honduras and collects testimony from Salvadoran refugees who have fled their country. The following human rights violations continue to occur in El Salvador:

Death squad killings.—From the period of July through December, 1985, Salvadoran death squads killed 51 people. Many of the victims bore signs of torture, mutilation, and decapitation. In the past year, three new death squads have been created: The Protective Salvadoran Army, created in October 1985 took credit for the killing of a woman law graduate in November. The Protective Army of Santa Ana was formed in December 1985, stating that it wanted to bring thieves to justice by eliminating them. It took credit for three assassinations in Santa Ana. A third group, calling itself COCOFAN announced in January 1986 that it would support the Army in attacking enemies of the people.

Death squad-style killings by uniformed soldiers.—In addition to the 51 death squad killings mentioned above, the Catholic Archdiocese of San Salvador has documented 55 cases of death squad-style executions by uniformed members of the military. The victims included several trade unionists and a lawyer. The 55 killings were committed by Army soldiers, members of the civil patrol, members of the National Guard, and members of the National Police.

Known death squad members promoted within military.—In late 1983, Vice President George Bush reportedly submitted to the government a list of military persons known to be linked with the death squads. Many of these individuals were dismissed or transferred. Among those persons on the list sent into "diplomatic exile" were Denis Moran, a lieutenant colonel in the army who was sent to the United States, and Ricardo Pozo, head of the intelligence section of the Treasury Police, who was sent to Paraguay. In late 1985, by orders of the Salvadoran High Command, these two officers were promoted to colonel and lieutenant colonel. This is a step backward for human rights; it appears that not only will military officers linked to death squad activity not be punished, they will in fact be promoted.

Military abuses against civilians in conflicted zones.—In spite of President Duarte's rules of engagement for the Air Force, which prohibits attacks on areas where civilians live, the Air Force continues to bomb in areas inhabited by civilians. The military command makes no secret of the fact that it regards civilians living in guerrilla-controlled or conflicted zones as the enemy, in spite of the fact that attacks against civilians are prohibited by the Geneva Conventions. Colonel Aviles was quoted in the New York Times on December 20, 1985, as stating that the army considered most people in rebel held areas to be guerrillas; "The good people, the people not with the guerrillas, aren't there." In January, 1986, Archbishop Rivera y Damas toured Chalatenango, an area which has come under heavy Air Force bombardment. In his homily of January 12, 1986, the Archbishop pleaded for the civilian population to be protected, stating, "The greatest plea is that I advise that there is a large civilian population here. It is not the case that there is not a civilian population. The petition is clear. That I make myself the voice of all and express to those who should hear that the bombings cease in areas inhabited by the civilian population."

One example of aerial bombardment of civilian targets was described in the Washington Post of November 5, 1985. The reporter visited the town of Patamera, and viewed three families' houses and a health clinic which had been destroyed by aerial bombing. The residents of the town hid in holes or fled into the forest thus only one was wounded in the attack. The New York Times of December 20, 1985, described Air Force attacks against five villages in recent months. Reporters saw 14 houses that were bombed or rocketed and 19 houses that were burned or demolished by army units during sweeps. At least 8 civilians were reported killed in recent attacks. New York Times reporter James LeMoyne concluded that "In such regions, the armed forces appear to bend the rules governing bombing of towns and destruction of property."

In addition to bombing civilian targets, the Americas Watch has received much testimony describing the burning and destruction of crops and food stores. The destruction of food items necessary to the survival of the civilian population is a violation of Protocol II of the Geneva Conventions.

Army restrictions on humanitarian assistance.—The International Committee of the Red Cross (ICRC) provides food and assistance to approximately 100,000 civilians living in the conflicted zones. Approximately half of them are displaced persons. As of mid-March, the ICRC has had no access for the purpose of delivering food and medical care to persons in need in parts of Chalatenango for the past six weeks, no access to the area north of the Torolo River in Morazan for the past two months, and no access to towns south of Guazapa since January. In these areas, the Armed Forces have claimed that access is denied because of military operations. This appears to be a pretext because no military operations have lasted for such long periods of time in any area except Guazapa itself, which the ICRC does not serve.

Torture.—Torture remains a serious problem in El Salvador. It is frequently used by the police and security forces during interrogation for purposes of extracting confessions. According to reports from detained persons, torture increasingly consists of practices which do not leave marks, such as suffocation, immersion in filthy water, sleep and food deprivation, and threats against family members. These practices are employed during the 15-day period of incommunicado detention permitted under the State of Siege which still governs the country. The condition of death squad victims also indicates that mutilation also continues to take place. According to a January 13, 1986 Reuters report entitled "Torture Used More and More by Salvadoran Authorities", women prisoners are almost always raped by security forces when captured for alleged political crimes.

Guerrilla violations.—According to information complied by the Catholic Church human rights monitoring group, guerrillas committed 67 summary executions during 1985, which includes military persons killed outside of combat. The Americas Watch investigated such an incident of summary executions in April, 1985 at Santa Cruz Loma where guerrillas executed 6 captured civil defense members. The execution of captured combatants is a violation of the Geneva Conventions. Another example of illegal executions by guerrillas which took place in 1985 was the killing of 9 civilians and 4 U.S. marine guards who were not on duty in the capital city.

On December 12, 1985, Radio Venceremos, the official FMLN radio station called upon people to send to the radio station the names and addresses of "pilots, military chiefs, members of death squads and corrupt and killer Christian Democrats." The Americas Watch is concerned that the information sought by this broadcast might be used to summarily execute members of the armed forces and others.

In addition to summary executions of civilians and captured soldiers, the FMLN is also responsible for the deaths of civilians by failing to exercise proper care in the distinguishing military from civilian targets. According to reports received by the Salvadoran Catholic Church, 13 people were killed in 1985 when the FMLN shot up cars traveling during a traffic stoppage. The church also received 31 complaints of civilian deaths in 1985 due to mines placed by the FMLN.

As you can see from this brief summary of human rights conditions in El Salvador, the situation remains extremely dangerous for its citizens. The vast numbers of displaced persons, the breakdown in social services, the increase in death squad activity, the targeted killings by military and FMLN members, and the continuing civil war with its heavy costs for both soldiers and civilians are of deepest concern to the Americas Watch. We share the belief of the Archbishop of San Salvador, Rivera y Damas, that it is not safe for Salvadorans to be returned to their country at this time.

Thank you for your continued attention to this important matter.

Sincerely,

HOLLY BURKHALTER.

A BILL TO STOP ILLEGAL IMPORTS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. WALGREN. Mr. Speaker, today I am introducing a bill to give American industries and employees direct access to Federal courts to stop dumped and subsidized imports and customs fraud. My bill, a companion to S. 1655 introduced by Senator ARLEN SPECTER, is needed because the current methods for

seeking relief from illegal imports through the executive branch have simply not worked.

Currently, American workers and industries—be they textiles, shoes, electronics or steel—must go through protracted and costly agency proceedings, with the Department of Commerce and the International Trade Commission. A dumping case with any controversy takes an average 11 months, often much longer, giving the foreign industry time to garner huge illegal profits and capture new markets. Forcing injured industries to plod through layers and layers of bureaucracy at a snail's pace is inexcusable. It may be good for the Washington lawyers, but it means lost jobs and shattered economies in places like my hometown of Pittsburgh.

And then, if you can imagine, if and when relief is finally granted by the ITC under current law, the relief is prospective—usually in the form of countervailing duties on future imports. Under my bill, courts could award damages, attorneys fees, and injunctive relief against further imports. In other words, courts could stop the imports immediately and make monetary awards to the injured American industry for the damage sustained at that point.

Having only prospective relief creates an essentially "risk-free" situation for the dumper. They know they can export to this country with no adverse consequences except duties on future goods. If caught, they will only have to stop beating their wife. Present law is almost no deterrent against illegal trade practices. My bill would create the possibility of heavy penalties for past illegal acts.

In addition, we must take trade enforcement out from under international diplomacy. Administration after administration has traded their responsibility to protect American industries for diplomatic points with our allies. By adding the courts as an avenue for redress, cases would be less susceptible to political manipulation.

CURRENT POLICIES HAVE NOT STOPPED UNFAIR IMPORTS

Last year, the U.S. trade deficit reached an unprecedented $150 billion. Since 1980 the number of antidumping cases filed with the International Trade Commission has increased 42 percent.

In the case of steel, imports have been steadily climbing from 15 percent in 1979, to 20.5 percent in 1983, to 25 percent in 1985, at one time reaching a record high of 33 percent. Industry losses in the last 4 years were close to $7 billion. Since 1974, 15 steel companies have gone out of business. Thirty plants have been closed and 560 producing units in other plants have been terminated. Thirty million tons of capacity have been eliminated. Employment in the industry has been cut in half. The administration rejected quotas on imports and has attempted to implement "voluntary restraint agreements," but clearly this policy is not working. The VRA program's goal is to hold imports to 20 percent, but one year later imports were hovering at 25 percent. Of course 25 percent is preferable to, for example, 38 percent, which some say would be the figure without VRA's, but even so, VRA's stop only future imports; they do not levy and penalties for the unfair imports of the past.

Additionally, there is significant evidence that under the VRA's, circumvention is occurring. Many believe that there is transshipment of steel from a participating country through a nonparticipating country, thereby changing the "country of origin" in violation of our customs laws. Witnesses before Congress have testified that products are shipped from a controlled VRA country to a non-VRA country where they undergo substantial transformation. The final product is then deemed to be eligible because it is not credited to the "controlled" actual country of origin. In products like apparel and footwear, there are many cases of products being mislabeled or simply declared to be something which they are not, to evade import laws. My bill would give U.S. industries a right to go to court to fight such customs fraud.

Finally, I have to say that the approach embodied in this bill is only fair. If importers expect to do business in our country, they would be subject to our court system. We only ask for fair trade. As the House of Representatives develops major trade legislation this year, I offer this bill as one way to combat this flood of illegal products that are exporting American jobs from our shores.

AMERICA'S TRUE ART FORM, JAZZ

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Ms. OAKAR. Mr. Speaker, I would like to submit for the RECORD an article that appeared in the Washington Post on April 18, 1986, written by one of the most important jazz critic's and political commentator's in the country, Mr. Nat Hentoff.

Mr. Hentoff has been a staunch supporter and promoter of America's true art form, jazz.

IF ONLY THEY KNEW ABOUT JAZZ

In 1965, the panel nominating candidates for Pulitzer Prizes in music made so bold as to cite Duke Ellington for a special award. Not a full-scale Pulitzer, for those were reserved for "serious" musicians. The panel was overruled by the ultimate arbiters of these honors. They took the token away from Duke. Asked for comment, Ellington would only say publicly: "Fate is being kind to me. Fate doesn't want me to be too famous too young." He was 66 at the time.

Privately, he was disappointed but not surprised. "Most Americans," Ellington told me, "still take it for granted that European-based music is the only really respectable kind."

This spring, posthumously, Ellington has received a certain degree of official respectability. His face will be on a postage stamp, part of the Performing Arts Series. It is doubtful that most people using that stamp will have any idea that Ellington was the most abundantly original composer, beyond category, in this nation's history. Charles Ives was a respectable second. Ellington's works, short and long, speak, among many other things, of centuries of changing black American consciousness—from "Black, Brown and Beige" to "Harlem."

Except in rare places by rare teachers, Ellington's music and his history are not taught in the schools. In fact, some years ago, when pianist Marian McPartland was rehearsing a large number of Washington, D.C., school kids in a tribute to him, she asked how many of them knew who Ellington was, what he'd done. Hardly any did know. That is no longer the case, I expect, at the Duke Ellington School of the Arts, but I wonder how much other kids in Washington know of Duke Ellington.

Ignorance of what drummer Max Roach calls America's true classical music is pervasive among most Americans of all ages. Once, when a black principal was taking me on a tour of a largely black elementary school in Columbus, Ohio, I noticed portraits on the walls of Ralph Bunche, Marian Anderson, Roy Wilkins, William DuBois. I asked her if the paintings of Duke Ellington, Count Basie and Lester Young were on another floor. She looked at me with disdain: "We do not put pictures of entertainers on our walls."

They sure were entertainers, but they also were deep story tellers; and night after night, taking more risks than most of the rest of us do in a lifetime, they improvised luminous melodies and intricately textured waves of rhythm that made people dance and laugh and cry—and remember what they'd felt for a long time after. And they were heroes, in the classic mold. Engaging in fierce after-hours tournaments of improvisation, going back on the road to deal with hydra-headed Jim Crow, and in time getting to meet kings and queens who couldn't swing but gave them, fleetingly, honor they did not receive at home.

Kids across the board can learn a lot from the music of jazz people, and from their lives. One way to start teaching them their heritage would be an adaptation of what Lincoln Center in New York is doing to bring classical music into schools in a way that propels kids and teachers into the very center of the sounds and forms. Musicians, called master teachers, are dispatched to public schools, where they teach the teachers—in lay language—how particular compositions are made. It is as if the piece were suddenly outfitted with windows, and the fun of following the interplay of the shapes inside becomes all the more infectious when the schoolteachers go on to instruct the kids in how to go through the musical looking glass.

There are many jazz musicians who could illuminate jazz in that way in the schools while also telling stories about the lives of these classic heroes and about their own odysseys. In this year of the Ellington stamp, maybe one cultural center somewhere may begin to help reduce the cultural deprivation of the nation's young by hiring a pride of jazz master teachers.

Wynton Marsalis, a young jazz trumpeter who has also earned renown as a classical player (to show he could do it), recently wrote an article for Ebony about preserving the jazz heritage: "The same recognition of deep human values that you hear in Beethoven, you hear in Louis Armstrong. . . . Jazz has all of the elements from the spare and penetrating to the complex and enveloping. It is the hardest music to play that I know of. And it is the highest rendition of individual emotion in the history of Western music. . . . Negroes have been more concerned with freedom and the quality it can provide than any other group in this country. . . . What is so remarkable, however, is that Negroes invented a form based on freedom, a great art form."

How many teachers, principals and school superintendents know that? How many kids?

PROBLEMS FACING CYPRUS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. YATRON. Mr. Speaker, I rise to discuss the continuing problems facing the country of Cyprus. Unfortunately, the island remains divided despite the best efforts of our Government, the United Nations, and others. The situation on Cyprus is extremely complicated and are deeply rooted in historical, political, cultural, social, and economic factors.

Because of the complexity of this issue, many misconceptions, particularly regarding Greek Cypriot intrasigence, the interference of the Greek Government and Turkish moderation, have surfaced. One example where the situation in Cyprus was not presented in a completely fair and accurate manner was the December 26 editorial in the Wall Street Journal, "Holding Cyprus Hostage," which also appeared in the CONGRESSIONAL RECORD on January 22.

The Ambassador of Cyprus, A.J. Jacovides, subsequently responded to the editorial with a letter to the editor. I think it is only fair that my colleagues have an opportunity to review the Ambassador's reply so that they may have more than one source upon which to base any conclusions or observations.

My own knowledge of the issue leads me to believe that the Greek Cypriot community or the Greek Government cannot be solely to blame for the continuing political stalemate on Cyprus. The Turkish Cypriots and the Turkish Government have erected many obstacles to an agreement and have essentially relied on force to maintain their position.

Ambassador Jacovides' letter appeared in the January 13, 1986, Wall Street Journal and I respectfully request its publication in the RECORD.

[From the Wall Street Journal, Jan. 13, 1986]

IMPEDIMENTS TO A REUNIFIED CYPRUS

Your editorial "Holding Cyprus Hostage" (Dec. 26) is incorrect both in its premises and in its conclusions.

It is factually incorrect to allege that Turkish Cypriots do not benefit from foreign aid. For example, U.S. refugee aid (administered through the U.N. High Commissioner for Refugees) has consistently gone to Turish Cypriots in the ratio of 19.05%, even though the Turkish Cypriots are not strictly speaking "refugees" and their ratio of population is 18.6%. Turkish Cypriots also benefit directly or indirectly from many other forms of international assistance, not to mention their unpaid use of electricity, which amounts to over $100 million since 1964. At the root of the economic plight of the Turkish Cypriots is separatism, the policy of self-isolation imposed by their leadership for political objectives, and the importation of mainland settlers and many of the ills of the Turkish economy. The answer is the reunification of the free-enterprise economy of the island, not the solidification of its de facto separation.

The real reason for the lack of progress toward a just solution is Turkish intransigence and the systematic effort on the part of Ankara and the Turkish Cypriot leadership to impose a partitionist solution which would legitimize the results of the 1974 Turkish invasion. The Cyprus government and the Greek Cypriot side have made serious concessions in their sincere effort to bring about an honorable compromise based on genuine federation. The basic prerequisites, as President Kyprianou declared recently, are the withdrawal of Turkish troops before the establishment of any transitional government, the establishment of freedom of movement, freedom of settlement, and the right to property, and generally of all internationally recognized human rights, as well as effective international guarantees for such settlement.

To the extent that you advocate international recognition of the "legally invalid" (Security Council Resolution 441) entity set up by Turkey in the part of Cyprus illegally occupied by its armed forces, you are not only doing a gross injustice to a small democratic country, which demonstrated its friendship to the U.S. on many occasions in the recent past and which has been the victim of aggression; you are also taking a position opposite to that of the U.S. administration and both Houses of Congress and of the international community as a whole, which consistently and on numerous occasions—in the U.S. Security Council, the Council of Europe, the European Community, the Commonwealth and Non-Aligned Heads of Government Conferences, to mention the main ones—have condemned the blatant attempt to dismember Cyprus; you are on the wrong side of international law and morality; you are helping to establish a very bad precedent of rewarding the aggressor, a precedent that may be invoked by others in other parts of the world; and you are doing a grave disservice to the U.S. Secretary-General, who, with universal international support, is continuing his commendable efforts to arrive at an agreed, just and viable solution in accordance with the unanimous and legally binding (Art. 25 of the Charter) United Nations Resolutions.

My government has every incentive in solving the problem, getting rid of the foreign forces and opening a new chapter in the island's long history, for the benefit of all the people of Cyprus and of peace in the volatile Eastern Mediterranean region. It therefore fully supports these efforts of the Secretary-General and cooperates with him by word and deed, as demonstrated by the history of the negotiations for the past 11 years.

A.J. JACOVIDES,
Ambassador of Cyprus.

Washington.

THE NUCLEAR WASTE POLICY REFORM AMENDMENTS ACT OF 1986

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. McKERNAN. Mr. Speaker, today I join several of my colleagues in introducing legislation which addresses an issue that poses immeasurable consequences for the State of Maine, the New England region, the eastern half of the United States and, in my view, the entire country. I am referring to the issue of high-level nuclear waste.

One of the most controversial aspects of nuclear power is the problem of disposing of the highly radioactive wastes produced. Because these wastes remain dangerous for thousands of years, they must be isolated from the environment. The Nuclear Waste Policy Act of 1982 established the Federal Government as the entity responsible for carrying out high-level nuclear waste disosal. The act also affirmed the most favored method of disposal as being in deep-mined repositories that have remained geologically undisturbed for millions of years.

A key element of the act mandates that the Department of Energy locate and construct one repository and pinpoint a second potential repository. Although the Act established certain guidelines and criteria which would automatically disqualify a site, the act generally has given the Department of Energy considerable discretion to develop a site selection process.

Last January, the Department of Energy announced that seven States—Wisconsin, Minnesota, Virginia, North Carolina, Georgia, New Hampshire, and Maine—had been indentified as having potentially acceptable granite sites for the location of the second repository. This announcement has understandably alarmed and outraged citizens in these States, as well as citizens in adjacent States.

Mr. Speaker, citizens are concerned for a number of reasons which I believe are valid—concerns I have myself. However, I believe that the fundamental concern is our nuclear waste disposal policy generally and how that policy has been implemented by the Department of Energy.

The Department of Energy is already several years behind the schedule established in the Nuclear Waste Policy Act, and, questions persist about the safety of the disposal technology selected. In any venture, it is a bankrupt notion to move headlong on all phases of a project when essential components of the first phase cannot even be met. Such is the case with respect to the way in which the Department is proceeding to implement the provisions of the Nuclear Waste Policy Act. The Department cannot even meet the act's 1998 disposal deadline for the first repository and yet, the Department is rushing to develop a second repository apparently oblivious to concerns raised about the safety of the disposal technology.

This Congress is faced with a fiscal problem that does not permit us the luxury of continuing bankrupt notions. It is for this reason that we are introducing this legislation which I believe will more clearly establish our nuclear waste disposal policy. This legislation will terminate all Federal activities with respect to the second repository; remove the arbitrary 70,000 metric ton limitations on the first repository; limit the geologic medium in which a repository can be constructed; impose a moratorium on the Department of Energy's repository program if the Department cannot meet the 1998 disposal deadline; and, establsh a commission to report to Congress on the deep geologic disposal program and alternative disposal technologies.

The disposal of high-level nuclear waste in an issue that effects all States. The legislation we are introducing makes fiscal sense and represents sound policy. I therefore urge my colleagues to support this effort.

NATIONAL CHILD ABUSE PREVENTION MONTH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. BIAGGI. Mr. Speaker, today I wish to recognize National Child Abuse Prevention Month, a campaign designed to increase public awareness of this sensitive and critical issue. My deep and longstanding involvement with the issue of child abuse and neglect prevention and treatment spans my entire 17-year career in Congress, for the very first bill I ever sponsored was a forerunner to Public Law 93-247, the Child Abuse Prevention and Treatment Act. This landmark legislation marked the beginning of a concentrated and dedicated effort on the part of both Federal and State governments to address this tragic subject. Yet, despite a remarkable record of activity in terms of legislation and funding for intervention and treatment programs, the problem remains as serious today as it was in 1973.

The problem of child abuse and neglect has reached epidemic proportions in the United States. Each year, 1½ million children suffer from abuse—physical, mental, and sexual. Over 2,000 children will die from their injuries each year. And this is only the tip of the iceberg—because most cases of abuse and neglect are never even reported. Child abuse is an increasing tragedy which cuts across all boundaries of economic level, race, ethnic heritage, and religious faith. It is undoubtedly one of our Nation's greatest health risks to children.

The personal and social costs of child abuse are staggering. Child abuse has been linked to juvenile delinquency and adult criminal behavior. Studies reveal that 80 to 90 percent of all incarcerated felons were victims of child abuse. In addition, those who were mistreated as children are 80 percent more likely to abuse their own children. The conclusion that emerges is that child abuse not only has tragic consequences for the child, but it leaves its scars on future generations.

The Federal and State programs that now address this problem are some of the most important domestic programs we have in operation at this time. They are programs which reflect on us as a society. They mirror a national conscience of concern about young, oftentimes defenseless, children suffering from abuse and neglect. Although our courage and efforts have permitted us to take this problem out of the closet and into the national spotlight, we must renew and strengthen our commitment to treat this abhorrent problem and prevent it from spreading deeper into the realm of society.

Every year, National Child Abuse Prevention Month is celebrated across the country with many exciting events. Since 1983, April has been designated by a Presidential proclamation as the month to help increase public awareness of the problem of child abuse and neglect and teach people how to prevent it. I urge each of my colleagues to join in the fight to increase public awareness of this vital issue and dedicate time and energy toward preventing child abuse. Child abuse is a tragedy which haunts many people throughout their lives.

REJECT ROBERT RADER

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. OWENS. Mr. Speaker, even after 5 years of consistently scraping the bottom of the barrel for its nominees to Cabinet and other top Federal positions, the Reagan administration is apparently not even close to exhausting its available supply of dubious appointees. Merely the latest addition to the ever-expanding Reagan Hall of Shame is Mr. Robert Rader, Jr., the President's newest nominee to the Occupational Safety and Health Review Commission.

Like all too many of the administration's prior selections for top positions in the Labor Department, Mr. Rader's chief qualification for office is apparently his great experience in fighting to undermine the very laws he will be responsible for overseeing. A prominent Texas attorney, Mr. Rader specializes in providing advice, comfort, and an ardent legal defense to corporations who find themselves on the wrong side of Federal labor and health and safety laws. He has, throughout his career, proven a notably bitter opponent of OSHA and other Government efforts to protect the health and safety of American workers.

Considered in the context of other Reagan appointees to the Labor Department, none of this, unfortunately, seems all that extraordinary. Recent news reports, however, indicate that Mr. Rader is indeed someone special. He is not just another run-of-the-mill right-wing ideologue; he is an ideologue who will stop at nothing, not even deceit, to ensure that his will prevails. In its April 17 edition, the Washington Post reports that in 1984 Mr. Rader was sanctioned and fined $3,000 by a Federal judge for grossly misrepresenting the facts in a lawsuit he was trying in U.S. District Court. It seems that in his capacity as defense counsel for a Texas firm accused and later found guilty of racial discrimination, Mr. Rader did everything within his power to suppress evidence that was sought by the plaintiffs, evading and ignoring the judge's discovery order for nearly 3 years. When the frustrated judge finally convened a hearing to consider issuing a contempt citation against Mr. Rader's clients, Mr. Rader brought the hearing to a halt by suddenly producing several cardboard boxes stuffed with papers, indicating to the judge that, here at last, were the long-sought-after documents. The judge took Mr. Rader at his word, only to discover some days later that he had been the victim of a clever ruse: not one of the requested documents was still anywhere to be found among the reams of paper that Mr. Rader had so dramatically produced for the court.

In the end, Mr. Rader's elaborate efforts to obstruct the trial's discovery process proved unsuccessful. The plaintiffs not only eventually managed to get their hands on the evidence that Mr. Rader went to such great lengths to deny them, but they then went on to win their case against Mr. Rader's clients. The trial's end and Mr. Rader's departure from the courtroom was apparently a source of great relief to the judge, who described Mr. Rader's conduct throughout the proceedings as "obstinately disobedient," "indifferent and disrespectful to established rules of procedure," and finally, a "perversion."

Although I imagine that Robert Rader's slick courtroom mendacity might be considered nothing short of heroic in some right-wing circles in Washington, I think most Americans would agree that honesty and respect for the law should be one basic and nonnegotiable requirement for appointment to any Federal office. For members of the Occupational Safety and Health Review Commission, in particular, personal integrity is not just a matter of principle—it is all too literally a matter of life or death. The Review Commission is not a patronage dumping ground for the party faithful; as an adjudicatory agency responsible for reviewing appeals of OSHA citations, its decisions have a direct impact on the health and lives of thousands of working Americans every year. That Mr. Rader would come to the Commission with an ideological axe to grind is bad enough; that he would also bring with him a habit of stooping to falsehoods to support his ideas is completely unacceptable.

During the next few weeks, the Members of the other body will be asked to vote on Robert Rader's fitness to serve on the OSH Review Commission. Though some Members may be understandably reluctant to unleash this man on the Federal judiciary again, they clearly have no alternative but to reject his nomination to such a sensitive position. No man as contemptuous of the truth as Mr. Rader has any business participating in decisionmaking that is so vital to the health and well-being of the American people.

NUCLEAR WASTE POLICY REFORM AMENDMENTS ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Ms. SNOWE. Mr. Speaker, today I am introducing legislation, the Nuclear Waste Policy Reform Amendments Act of 1986, along with Congressman MCKERNAN and 20 other Members of this body. This legislation concerns the conduct of the Department of Energy (DOE) with respect to its selection process for crystalline sites and consideration for a second high-level waste repository.

Last January, DOE announced that seven States, including Maine, Wisconsin, Minnesota, Virginia, North Carolina, Georgia, and New Hampshire, are on DOE's list as "potentially acceptable sites" to store high-level radioac-

tive wastes. These States are now directly affected by DOE's conduct under the general mandates of the Nuclear Waste Policy Act of 1982. The selection guidelines established administratively by DOE give me cause for concern because I believe these guidelines run contrary to the intent of the act.

As a result of flaws in this selection process, serious factors, including the transporting of the high-level wastes and the proximity of a site to highly populated areas and water supplies, have been pushed back to a secondary status. By ignoring these and other obviously important factors early in the selection process, Maine and other States may have to endure many years of pain and live with this skewed determination system. For the citizens of these States, the agony is real, and the implications are very serious. Because the safe disposal of these wastes is so very essential, and because there is no room for error, I believe legislation is needed to amend the act to address these serious deficiencies. I don't have any confidence that the current approach taken by DOE's Office of Civilian Radioactive Waste Management will produce a safe storage site.

The bill I am introducing today has several essential components designed to call a halt on the selection process now underway for the second repository. This bill also calls for a moratorium in 1998 if the timetable for the first repository hasn't been met, since that would demonstrate DOE's failure to administer its program with any effectiveness.

In sum, this legislation terminates all Federal activities with respect to a second repository; removes the arbitrary 70,000 metric-ton limitation on the first repository; imposes a moratorium on DOE's repository program if the act's 1998 disposal deadline cannot be met; and during the moratorium period, establishes an independent review commission to report to Congress on the deep geologic disposal program, and the merits of alternative disposal technologies.

Mr. Speaker, because the Department has failed in its administrative responsibilities, Congress must move forward with corrective legislation. There are many questions that still need to be answered about nuclear waste storage, and for the seven States now on DOE's candidate list, the errors in the process clearly call for a logical response.

THE NATIONAL COOPERATIVE BUSINESS ASSOCIATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. FAZIO. Mr. Speaker, when an organization starts its 70th year of service to a major portion of the American population, I feel special recognition is in order. The National Cooperative Business Association [NCBA], founded in 1916 as the Cooperative League of the USA [CLUSA], has just entered into its 70th year serving more than 58 million Americans who are members of cooperatives. The noteworthy accomplishments and ongoing efforts of this fine organization are a credit to its board, staff, and membership.

The National Cooperative Business Association is a membership and trade association representing America's cooperative business community. The NCBA, of which Morgan Williams is president and chief executive officer, serves as a chamber of commerce for cooperative businesses representing the unique and mutual needs of the various industries which make up the grand spectrum of cooperatives.

Membership includes farm supply, agricultural marketing, insurance, banking, housing, health care, consumer goods and services, student, credit union, worker, fishery, rural electric, telephone, State association, and other types of cooperatives. In addition, the National Cooperative Business Association represents all American cooperatives as the U.S. representative to the International Cooperative Alliance, a worldwide organization based in Geneva, Switzerland which is a coalition of cooperatives in 72 countries, speaking for over 499 million people.

The program of the National Cooperative Business Association includes:

Supporting the development, expansion and interconnection of cooperative businesses in the United States;

Representing the cooperative business community in Washington, DC through legislative policy and regulatory advocacy before Congress and Federal agencies;

Development, building, and providing technical assistance to cooperative businesses in the developing world;

Representing American cooperatives in the world's cooperative business community through membership and active participation in the International Cooperative Alliance [ICA], headquartered in Geneva, Switzerland;

Promoting and developing international commerce, banking, insurance, trade, joint ventures, and other business interconnections by and among the world's cooperatives.

There is much more, Mr. Speaker. Over the years, the National Cooperative Business Association has developed a number of related entities that pursue specific missions in close coordination with the association. They include the National Cooperative Business Foundation, the National Cooperative Business Political Action Committee, the Cooperative Hall of Fame and Historical Society, the National Cooperative Business Institute and Cooperative Business International [CBI sm].

NCBA has played a prominent role in the founding of two well-known organizations in the cooperative business world, such as Cooperatives for American Relief Everywhere [CARE] and the National Cooperative Bank [NCB].

Currently the NCBA International Division is implementing 11 long-term programs focusing on agribusiness development and cooperative education and training. Programs are underway in India, Indonesia, Equatorial Guinea, Niger, Rwanda, Haiti, Jamaica, Guatemala, and Peru.

Cooperative Business International, a subsidiary of NCBA, is holding CO-EXPO in San Francisco, in July 1986. This will be the first trade show which will bring together cooperatives and other businesses from all over the world to learn about each other and explore opportunities for trading with each other.

The National Cooperative Business Association is holding its 1986 annual meeting here in Washington on April 28 through May 1.

I know my colleagues join me in congratulating the National Cooperative Business Association for 70 years of dedicated service to America's cooperative and wishing the NCBA well in its endeavors over the next 70 years.

RECOGNIZING EDYTHE GUTMAN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. COURTER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the outstanding work of Edythe Deiches Gutman.

Edythe Deiches Gutman is a social worker who works with everybody from anorexics to senior citizens. On any one day Edythe can be seen in any number of places. While the problems that she deals with may vary, one thing is the same; she treats everybody equally. No problem is considered too trivial for Edythe's compassion and quick mind.

Edythe has been at this very demanding work for 36 years. Ten years ago she helped form the first center for the elderly in East Brunswick and now she is trying to build support for a center for teenagers. Additionally, Edythe was recently profiled in the New York Times and was presented with the New Jersey Social Worker of the Year Award.

While she may not get the monetary rewards that she deserves, we recognize her tremendous contributions that she makes to the community and hope that she makes many more.

SOUTH KOREAN TRADE MISSION

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. BLILEY. Mr. Speaker, I would like to draw attention to the presence in Washington this week of a Republic of Korea trade mission seeking to promote trade between our two nations and making publicity stops in several cities where they have purchased American goods.

The reason that I think this mission needs to be brought to light is the continued refusal of the Korean Government to even face the issue of their protectionist laws dealing with American tobacco products. I have met with Korean Government officials several times. I have written the Korean Government letters. And I have asked our U.S. Trade Representative to to raise the issue with the Korean Government. Despite these many entreaties over several years, no progress whatsoever has been made.

It is a fact that it is a crime to possess an American cigarette in the Republic of Korea. Their internal industry is so protected and the government control so pervasive that no crack

in the armor of total restriction can be found. This is wrong and it is certainly not in keeping with the spirit of free trade and friendly cooperation between allies.

I received some assurances that the Korean Legislature would address their restrictive tobacco trade laws this year. I am sorry to say that the legislature has now adjourned and the issue was not even discussed.

The Korean Government seeks American support. They ask for economic aid. They ask for and accept military aid. They welcome our troops to protect them from invasion from the north. The Korean Government seeks favorable trade relations with the United States and has a large trade surplus with us. Now they have a trade mission in the United States promoting their markets and seeking reciprocal trade. Well I, for one, am tired of one-way trade. I am tired of one-way alliances. And most certainly I would like to tell this Congress and the Korean Government that I will not be able to stand idly by and see a foreign country ask for favorable treatment and military protection while refusing to even consider opening their internal markets to American products. In the near future, I will be forced to take action if the Korean Government continues its current attitude.

THE MARCHING SEASON

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DONNELLY. Mr. Speaker, Today I rise to share with my colleagues an article from the May issue of the Atlantic Monthly regarding the Hillsborough Agreement. This article effectively lays out the many difficulties that lie ahead. I recommend its reading for those who are supportive of the Anglo-Irish Agreement.

ULSTER—THE MARCHING SEASON

WHETHER NORTHERN IRELAND'S PROTESTANTS WILL ACCEPT THE RECENT ANGLO-IRISH AGREEMENT WILL BECOME APPARENT IN THE NEXT FEW MONTHS

(By Padraig O'Malley)

Last November the British prime minister, Margaret Thatcher, and her Irish counterpart, Garret FitzGerald, met at Hillsborough Castle, in Northern Ireland, to conclude the business they had embarked on eighteen months earlier—namely, crafting some sort of bilateral arrangements that would reduce the level of alienation among Catholics in Northern Ireland, undermine support for Sinn Fein (the political arm of the Irish Republican Army), and put constitutional politics back on track in Ulster. Over the protests of Protestant Unionists—diehard supporters of the union of Northern Ireland and Great Britain in its present form—FitzGerald and Thatcher affixed their signatures to an "Agreement between the Government of Ireland and the Government of the United Kingdom" that effectively gives Dublin a say in Northern Ireland's internal affairs. Within a week the Hillsborough Agreement was ratified by the Irish Parliament in Dublin. Within another week the British Parliament at Westminster overwhelmingly followed suit. Protestants in Northern Ireland, however, have vowed to undermine the treaty—by whatever means they can.

The Hillsborough Agreement is succinct, its brevity almost concealing the craftsmanship that went into its wording. First, both governments affirmed that any change in the status of Northern Ireland (for example, incorporation by the Republic of Ireland) would come about only with the consent of a majority of the people of Northern Ireland. Both governments recognized that at present the Protestant (mainly Unionist) majority wished for no change in its status. And both governments promised to introduce and support in their respective Parliaments legislation to secure a united Ireland if in the future a majority of the people in Northern Ireland were clearly to wish for and formally to consent to the establishment of a united Ireland.

Second, the two governments agreed to set up an Intergovernmental Conference that would be jointly chaired by the British secretary of state for Northern Ireland, currently Tom King, and a "Permanent Irish Ministerial Representative"—at present the minister for foreign affairs, Peter Barry. The functions of the conference would pertain both to Northern Ireland and to relations between Northern Ireland and the Republic of Ireland, specifically with regard to political matters, security arrangements, the administration of justice, and the promotion of cross-border cooperation. A provision specifying that "determined efforts shall be made through the Conference to resolve any differences"—a binding legal obligation with precedent in international law—ensures that the Irish government's role is more than merely consultative (even though less than fully executive).

Third, both London and Dublin supported the idea of a "devolved" government, to deal with a range of matters within Northern Ireland, that would command "widespread acceptance throughout the community." Since 1972 when Britain abolished the Northern Island government amid renewed sectarian strife, the six counties have been ruled directly from London; "devolution" refers to the re-establishment of a provincial governing authority. Should this occur, Dublin would nevertheless retain a say in certain areas affecting the interests of the Catholic minority (such as security arrangements and human rights). If devolution does not come to pass, then Dublin will continue to have a say in *all* matters that affect Catholics.

Whether or not the Hillsborough Agreement works, there can be no doubt of its historic significance. For the first time since 1920, when the partition of Ireland occurred, the British government explicitly recognizes that the Republic of Ireland has at least a limited role to play in the governance of Northern Ireland. This constitutes an implicit acknowledgement that the partition of Ireland has been, in political and social terms, a failure. For its part, the Irish government explicitly accepts the fact that Northern Ireland will remain within the United Kingdom as long as that is the wish of a majority of the people there. This amounts to an implicit acknowledgement that unification is an aspiration, not an inevitability. Hillsborough therefore represents a quid pro quo of sorts. In exchange for the Irish government's recognition that a majority of the people of Northern Ireland have the right to say no to a united Ireland, the British government was prepared to give the Irish government some influence in Northern Ireland in areas relating to the aspirations, interests, and identity of the Catholic minority. It was prepared to accept, in other words, what has come to be called an Irish Dimension (meaning, at the very least, an institutional link between Belfast and Dublin) in Ulster's future.

Ultimately, of course, the Hillsborough Agreement will be judged on the extent to which it achieves its avowed aims—that is, the extent to which it promotes peace and stability in Northern Ireland (where some 16,000 British troops are now stationed, and where political violence has claimed more than 2,500 lives during the past decade and a half) and helps to reconcile the Protestant and Catholic communities (with their divergent but legitimate interests and traditions). The notion that these aims can be achieved, however, was the product of explicit and implicit assumptions on the part of both Dublin and London—assumption that are, perhaps, not entirely tenable.

The explicit assumption was that if the alienation in the Catholic community in Northern Ireland—the result most immediately of the British government's security policies and its administration of the judicial system—went beyond a certain point, the adverse consequences for constitutional politics on the island as a whole would be not only serious but potentially irreversible. Garret FitzGerald made this point to Margaret Thatcher when they met at Chequers, the British Prime Minister's country residence, in November of 1983. The meeting came a few months after the ultranationlist Sinn Fein party, which advocates the unification of Ireland by force, if necessary, secured 43 percent of the Catholic vote in Northern Ireland in the British general elections. (Northern Ireland is represented at Westminster by seventeen members of Parliament.) The implicit assumption was that even if there were initial widespread opposition in the Protestant community to whatever agreement the two governments came to, it would subside when the benefits of such an agreement, in the form of a lower level of violence and the formal international guarantee of the Unionists' constitutional position, became apparent to a majority of Protestants.

In sum, according to the logic that prevailed, the existing level of alienation in the Catholic community was such as to require new political arrangements in the short run to alleviate it, whereas the possible level of alienation in the Protestant community was thought to be containable in the long run.

The problem here, of course, is with the nature of the alienation itself. In Northern Ireland it takes many forms. Most obvious is the alienation between Catholics and Protestants—a conflict whose roots lie in England's deliberate introduction of Protestant colonists to Ireland's northeastern counties during the early seventeenth century. (The "plantation" took place because Ulster was the most rebellious of Ireland's provinces; ironically, thanks to the plantation, it still is.) However, within the Catholic community itself there is alienation between supporters of the Social Democratic and Labour Party (the moderate voice of constitutional nationalism) and supporters of Sinn Fein (the extremist voice of unconstitutional nationalism). Similarly, within the Protestant community there are divisions—patched over, if only temporarily, since Hillsborough—between supporters of the Official Unionist Party (who want above all else to maintain the union with Britain) and supporters of the Democratic Unionist Party (who want above all else not to become part of an all-Ireland state). In addition, both Catholics and Protestants, albeit

to somewhat differing degrees, are alienated from the institutions of government. And both communities, albeit again to somewhat differing degrees, are alienated from their respective mentor states: the Republic of Ireland and Great Britain.

Unfortunately, even if new political arrangements successfully address Catholic concerns and even if support for Sinn Fein begins to diminish, this is no guarantee of peace, stability, or a reduced level of alienation between Catholics and Protestants. On the contrary, it is quite possible that reforms will have an effect opposite the one intended. Reforms in the judiciary, in the Royal Ulster Constabulary (Northern Ireland's police force, which is now almost exclusively Protestant), and in the Ulster Defence Regiment (a British Army unit recruited exclusively in Northern Ireland and which is also almost exclusively Protestant) may indeed wean Nationalist votes away from Sinn Fein, but there is no reason to believe that this will result in a decrease in the activities of the Irish Republican Army (IRA), whose campaign of violence to end the British presence in Ireland is now in its seventeenth year. Already Northern Protestants see themselves as the victims of a calculatedly cold-blooded campaign of genocide conducted by the IRA. If the IRA is able to maintain its campaign of violence at the current level, the very real possibility is that each new killing of a member of the Constabulary or the Defence Regiment will strengthen the conviction of the Protestants that reforms only facilitate and encourage the IRA death machine.

If the number of Defence Regiment and Constabulary personnel who are killed does not fall, then the resulting alienation of the Protestants could paralyze the functioning of the Intergovernmental Conference. For on the one hand, the conference would be faced with the imperative of moving slowly in the area of reform in order to placate the Protestants, while on the other hand, it would continue to be faced with the imperative of moving quickly in order to shore up whatever support it had won in the Catholic community. These dual imperatives—the simultaneous needs to pull back and push forward—would lead to stalemate and inevitable breakdown.

The IRA's potential role as spoilers is the crucial difference between the Protestant campaign in 1974 to bring down the Sunningdale Agreement—an experiment in Protestant-Catholic powersharing that fell apart in six months—and the current campaign to wreck the Hillsborough Agreement. In 1974 the IRA by and large kept a low profile; unionist agitation, especially the province-wide strike backed by Protestant paramilitary organizations, was primarily responsible for bringing down Sunningdale. (The paramilitary organizations have since the early 1970s been chiefly responsible for the sectarian murder of Catholics.) Today, however, the IRA is not counting on the Protestants alone to destroy the Hillsborough Agreement. In fact, the more successful the IRA is in showing that it can strike at will (which it did in Armagh at precisely one minute past midnight on New Year's Day), the more it will encourage Protestant Unionists to make Northern Ireland ungovernable—which is to say, the more it will encourage Protestants to do the work of the IRA. It is a pathetic irony of the conflict: Protestants vowing to make Northern Ireland ungovernable in order to maintain the union with Great Britain, the IRA vowing to make Northern Ireland ungovernable in order to break the union with Great Britain.

A second factor that will determine the fate of the Hillsborough Agreement is the final form of the Unionist response. To date the response has been predictable. The two most basic fears of the Protestants—that they will somehow be outmaneuvered by the Irish Republic and that they will be betrayed by the British—are reinforced by the perception that the Hillsborough Agreement was forged behind their backs. Many Protestants believe that Northern Ireland's Social Democratic and Labour Party (SDLP), which speaks for moderate Catholics who desire affiliation with the Republic of Ireland, not only was kept informed of the proceedings but also had a veto over the final terms of the agreement. And, they believe, the party has a veto with regard to the nature of a devolved government.

Insecurity and the fear it breeds are, of course, permanent parts of the local Protestant mentality. The Protestant colonizations of northeastern Ireland in the early seventeenth century were partial. At all times the new settlers lived in scattered enclaves and under precarious circumstances. Surrounded by a dispossessed and hostile native Catholic population, they were always vulnerable to attack. Initially the Protestants feared being overrun and massacred by the Catholic majority. Then came the fear of what would happen if the Act of Union of 1801 were ever repealed. Later it was the fear of Home Rule—that is, rule from Dublin, though in the context of London's sovereignty, of a semi-autonomous but predominantly Catholic all-Ireland political entity. Finally, ever since independence was achieved by twenty-six of Ireland's thirty-two counties, in 1921, the Unionists have feared being abandoned by the British—or sold out by their own.

Indeed, Protestant fears are ubiquitous. They encapsulate the entire Protestant experience in Ulster. Deeply rooted, pervasive, impervious to the passage of time, they seem almost genetically encoded—even necessary for the survival of the species. In moments of crisis, therefore, when the future threatens, Protestants resort to the strategies of the past. Thus Ulster must "fight" to maintain its position in the Union, as it was prepared to do in 1912 and again in 1974. In each instance, the Protestants believe, only the threat of rebellion stayed Britain's hand. And thus in 1986 the Unionists raise once more the threat of rebellion—no matter that their constitutional position with the United Kingdom is now guaranteed by formal international treaty.

In the Unionist perspective, the one element of the Hillsborough Agreement that counts is the Intergovernmental Conference. The conference has a permanent secretariat, based in Belfast, comprising both Irish and British civil servants. It confirms the Unionists' worst fear: the South inching its way in. The conference, therefore, is viewed not as a small cooperative gesture but as a coalition government in embryo. In the Unionists' view, the language in the agreement requiring "determined efforts . . . to resolve differences" means that Dublin will get its way 50 percent of the time. The conference is seen, therefore, as the first step toward an all-Ireland state. Reconciliation is simply a code word for unification.

To appreciate the range of possible Unionist responses to Hillsborough one must keep several things in mind. First, history suggests that the Unionists may not seem to act in their own best interests. The intensity of their fear that any association with the South will lead to the ineluctable absorption of the Protestant people of Ulster into an all-Ireland state is a powerful stimulus to irrational behavior. The Unionists' decision last December to resign the fifteen seats they held in the Westminister Parliament and to recontest them did not have the consequences they had predicted. In special elections held last January, which the Unionists insisted on calling a referendum on the agreement, they lost one seat to the Social Democratic and Labour Party (which, significantly, out-polled Sinn Fein in the constituencies that both parties contested) and failed to get the mandate they had sought.

Another thing to bear in mind is that in the past the Unionists' threats of irrational action—fighting Britain to remain part of Britain—proved successful. The threat of irrational action is a perfectly rational tactic when it achieves its purpose. The purpose in the present circumstances is to bring down the Hillsborough Agreement. It is, therefore, of little consequence to Protestants at the moment if their actions to achieve this end also weaken their union with Great Britain. They have a simple objective, not a grand strategic design. The latter, they believe, will somehow emerge once the former is achieved.

The time frame for action will last through July and August—"the marching season," when, Unionists traditionally believe, they can save their souls with bunting. Various scenarios are possible. The present pervasive Unionist opposition to the Hillsborough Agreement conceals but does not eliminate the basic divisions in unionism. Moreover, the Protestant will as opposed to the Protestant threat to fight has never actually been tested.

To begin with, the Unionists could go back to Westminster and present the "verdict" of the Ulster people to the British government. They might then put forward alternative proposals, which would be unacceptable to the government if the Protestants set out as preconditions for discussion—as they almost certainly would—the dismantling of the Intergovernmental Conference. Moreover, any rountable conference would have to include the government of the Irish Republic, because under the terms of the treaty there are no circumstances under which the Hillsborough Agreement can simply be abandoned without discussion. In short, the Protestants cannot both dictate the agenda and limit the participants.

At this point they have five options. First, they can engage in unconstitutional but nonviolent actions, which for the moment would allow them to hold the high ground relative to the Protestant paramilitary organizations. (A one-day general strike last March, called for by both Unionist parties, brought the province to a virtual standstill. However, the widespread street violence and intimidation that accompanied the strike led James Molyneaux, the leader of the Official Unionist Party, to promise that his party would not participate in any future strike actions. This was the first crack in what had been up to that point a unified Unionist front, because Ian Paisley, the leader of the Democratic Unionist Party, would make no such promise.) Second, they can withdraw from government—from Westminster, the Northern Ireland Assembly, regional bodies such as health and education boards, and local councils—or they can take nonviolent action to disrupt the institutions of government. Third, they can threaten a unilateral declaration of independence

(UDI). Fourth, they can actually make a UDI and set up a provisional government of their own. Fifth, they can negotiate for a devolved government within the context of the Hillsborough Agreement.

The logic of withdrawal is impeccably simple. If, the Protestants argue, half a million Catholics effectively withdrew their consent from the forms of government offered them, and if the consequence of this was the instability and violence that led eventually to the Hillsborough Agreement, then should not the consequence of one million Protestants effectively withdrawing their consent be substantially more instability and violence, thus requiring a renegotiation of the Hillsborough Agreement? Already Ulster Clubs are springing up across Northern Ireland to organize withdrawal of consent if the politicians fail to do so.

However, if the constitutional parties of unionism withdraw from government, they will be either wittingly or unwittingly conceding the ground to the Protestant paramilitary organizations, and this will lead to an increasing number of sectarian murders on both sides of the religious and political divide. Moreover, in the event that Protestant paramilitarists mount a bombing campaign in the Republic, the impact on public opinion there might suggest that the Republic's commitment to the Hillsborough Agreement is inversely related to its having to bear any of the consequences.

The third option—the threat of UDI—is a rational action. Unionists believe that the pressure on the British government at this point would be sufficient to make the Intergovernmental Conference incapable of achieving its state purposes, that the threat of a UDI to Britain's national and strategic interests would outweigh whatever advantages Britain might achieve from strict adherence to the agreement and that Mrs. Thatcher, sufficiently distracted by problems at home, would simply lose interest in making the agreement work.

Ironically, if the Unionists pursue this campaign of resistance, their solidarity and commitment will prove the more determined in the face of a successful IRA military campaign. In this sense, both protagonists need to feed upon each other if they are to bring down the Hillsborough Agreement. It is likely that the past will repeat itself in new forms: the Unionists will split into those who will continue to support constitutional means to bring about change and those who will not. In other words, there will appear a Sinn Fein on the Unionist side to match the existing Sinn Fein on the Nationalist side.

An actual UDI—the fourth option—would, of course, be irrational, since there are no circumstances under which it could succeed. The British government would have to put it down, and the Unionists would add one more enemy—the British—to their list. But the possibility of a UDI should not be dismissed simply because it is irrational. To the Unionists, the actions that will destroy the agreement are what matters, not the further consequences of those actions once the agreement is destroyed.

The ultimate question, then, is rather simple: Would the Unionists prefer to have nothing at all, a wasteland of an Ulster, an intractable war of sectarianism, a loss of identity, and an end to their Britishness, if they can't have things their own way? Would they prefer this, even if a fifth option—a weak power-sharing arrangement and a stripped-down Inter-governmental Conference—were potentially available through negotiation?

The fact is that any arrangement that the nationalist Social Democratic and Labour Party and either of the Unionist parties would be prepared to enter into would be construed by the governments in both Dublin and London as having widespread community acceptance. The SDLP can now afford to be generous in defining what is acceptable regarding the form that an autonomous provincial government should take. For if the Unionists were to abuse the devolution system agreed to, especially one that was not structured along traditional power-sharing lines, the SDLP could simply withdraw, in which case the functions that had been devolved would once again come under the aegis of the Intergovernmental Conference. Thus the incentive to Unionists: adhere to the principles of devolution agreed to and the powers of the conference are thereby diminished; reject them or abuse them and the powers of the conference remain strong.

Unfortunately, this way of thinking is entirely rational and must compete with the idea that going over the brink a little doesn't mean going all the way. One way or another, by summer's end the Protestants will have made a decision.

HOUSE OF REPRESENTATIVES—*Wednesday, April 23, 1986*

The House met at 10 a.m.

Brigadier F.M. Gaugh, the Salvation Army, Clearwater Beach, FL, offered the following prayer:

Let us bow our heads while we enjoy this time of talking with our God.

Dear God our Heavenly Father, we thank You for this time that has been set aside for strength and enrichment which are available through such fellowship.

Help us to look beyond the things we can see and feel.

Where thoughts of hope and healing need to be shared, let us share them.

Where words of consolation need to be spoken, let our voice be heard.

Where a peaceful spirit is needed, let us radiate it.

Where forgiveness and encouragement need to be offered, let us offer them.

We thank You for this dedicated body and help them to remember that which they think, say or do, will be true, fair, honest, beneficial to all concerned and pleasing in Thy sight.

You have given us good leadership in the past, therefore we trust You for the present and the future.

Thank You, dear God, for listening to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause I, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, under the provisions of clause 1, rule I, I ask that the question be put on the Speaker's approval of the Journal.

PARLIAMENTARY INQUIRIES

Mr. RUSSO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RUSSO. Mr. Speaker, would it be in order after the conclusion of the Journal vote to make a unanimous-consent request to vacate yesterday's proceedings dealing with the——

The SPEAKER. The answer is in the affirmative.

The Chair cannot control the fact that somebody could object to the unanimous-consent request.

Mr. RUSSO. Is the Speaker prepared to do something subsequent to that?

The SPEAKER. What does the gentleman have in mind?

Mr. RUSSO. Would the Speaker then send the matter to the Rules Committee for report this afternoon?

The SPEAKER. What matter is the gentleman referring to?

Mr. RUSSO. House Resolution 427, as I understand.

The SPEAKER. On the resolution that was passed yesterday by unanimous consent, it has been decided by the leadership on the majority side that that matter will go to the Rules Committee this afternoon, be reported and require a two-thirds vote for consideration if called up today.

The answer is in the affirmative.

Mr. DURBIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Speaker, after that matter is referred to the Rules Committee, could the leadership give any indication to the body as to when it will be brought to the floor for consideration?

The SPEAKER. It will be brought as soon as it has been reported by the committee.

Mr. DURBIN. Mr. Speaker, does that decision preclude the possibility of a unanimous-consent request on the same subject?

The SPEAKER. The Chair can still entertain the unanimous-consent request.

Mr. DURBIN. I thank the Chair.

The SPEAKER. The procedure with a rule is in the event the unanimous-consent request fails.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. In the opinion of the Chair, there are not 218 Members present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 178, not voting 40, as follows:

[Roll No. 93]

YEAS—215

Ackerman	Frank	Nowak
Alexander	Franklin	Oakar
Anderson	Frost	Obey
Annunzio	Fuqua	Olin
Applegate	Garcia	Owens
Aspin	Gaydos	Oxley
Atkins	Gejdenson	Panetta
AuCoin	Gephardt	Pashayan
Barnard	Gibbons	Pease
Barnes	Gonzalez	Perkins
Bates	Gordon	Pickle
Beilenson	Gray (PA)	Porter
Bennett	Green	Price
Berman	Guarini	Quillen
Bevill	Hall (OH)	Rahall
Biaggi	Hamilton	Rangel
Boland	Hatcher	Reid
Boner (TN)	Hawkins	Richardson
Bonior (MI)	Hayes	Rinaldo
Bonker	Hefner	Roe
Borski	Hertel	Rose
Bosco	Howard	Rostenkowski
Boucher	Hoyer	Rowland (GA)
Brooks	Hyde	Roybal
Brown (CA)	Jenkins	Rudd
Bruce	Jones (TN)	Russo
Burton (CA)	Kanjorski	Sabo
Byron	Kaptur	Savage
Carper	Kastenmeier	Scheuer
Chappell	Kildee	Schneider
Cheney	Kleczka	Schroeder
Clay	Kolter	Schulze
Coelho	Lantos	Schumer
Coleman (MO)	Leath (TX)	Seiberling
Coleman (TX)	Lehman (CA)	Shumway
Collins	Lehman (FL)	Sisisky
Conyers	Leland	Skeen
Cooper	Lent	Smith (FL)
Coyne	Levin (MI)	Smith, Denny (OR)
Crockett	Levine (CA)	Snyder
Daniel	Lewis (CA)	Solarz
Darden	Lipinski	Spratt
Daschle	Livingston	St Germain
de la Garza	Long	Stallings
DeLay	Lott	Stark
Dellums	Lowry (WA)	Stratton
Derrick	Luken	Studds
Dickinson	Madigan	Swift
Dicks	Manton	Tallon
Donnelly	Markey	Taylor
Dorgan (ND)	Martinez	Thomas (CA)
Dowdy	Matsui	Thomas (GA)
Downey	Mavroules	Torres
Duncan	Mazzoli	Torricelli
Durbin	McCloskey	Towns
Dwyer	McGrath	Traxler
Dymally	McHugh	Udall
Dyson	McKinney	Valentine
Edwards (CA)	Mica	Vento
Edwards (OK)	Miller (CA)	Visclosky
Evans (IL)	Mineta	Waxman
Fascell	Moakley	Weaver
Fazio	Mollohan	Weiss
Feighan	Montgomery	Wheat
Fish	Moody	Whitley
Flippo	Morrison (CT)	Whitten
Florio	Mrazek	Williams
Foglietta	Murtha	Wright
Foley	Myers	Wyden
Ford (MI)	Natcher	Yates
Ford (TN)	Neal	Young (MO)
Fowler	Nelson	

NAYS—178

Andrews	Bentley	Brown (CO)
Archer	Bereuter	Broyhill
Armey	Bilirakis	Bryant
Badham	Billey	Burton (IN)
Bartlett	Boehlert	Callahan
Barton	Boulter	Carney
Bateman	Breaux	Carr
Bedell	Broomfield	Chandler

Chapman	Jeffords	Roth
Chappie	Johnson	Roukema
Clinger	Jones (OK)	Rowland (CT)
Coats	Kasich	Saxton
Cobey	Kemp	Schaefer
Coble	Kennelly	Schuette
Combest	Kindness	Sensenbrenner
Conte	Kolbe	Sharp
Coughlin	Kostmayer	Shaw
Courter	Kramer	Shuster
Craig	Lagomarsino	Sikorski
Crane	Latta	Siljander
Dannemeyer	Leach (IA)	Skelton
Daub	Lewis (FL)	Slaughter
Davis	Lightfoot	Smith (IA)
DeWine	Lloyd	Smith (NE)
DioGuardi	Lowery (CA)	Smith (NJ)
Dornan (CA)	Lundine	Smith, Robert (NH)
Dreier	Lungren	Smith, Robert (OR)
Eckart (OH)	Mack	Snowe
Eckert (NY)	MacKay	Solomon
Emerson	Marlenee	Spence
English	Martin (IL)	Staggers
Erdreich	Martin (NY)	Stangeland
Evans (IA)	McCain	Stenholm
Fawell	McCandless	Strang
Fields	McCollum	Stump
Frenzel	McDade	Sundquist
Gallo	McEwen	Sweeney
Gekas	McKernan	Swindall
Gilman	McMillan	Tauke
Gingrich	Meyers	Tauzin
Glickman	Miller (OH)	Traficant
Goodling	Miller (WA)	Vander Jagt
Gregg	Molinari	Volkmer
Gunderson	Monson	Vucanovich
Hall, Ralph	Moore	Walgren
Hammerschmidt	Moorhead	Walker
Hansen	Morrison (WA)	Watkins
Hendon	Murphy	Weber
Henry	Nielson	Whitehurst
Hiler	Packard	Whittaker
Hillis	Parris	Wirth
Hopkins	Penny	Wise
Horton	Petri	Wolf
Hubbard	Pursell	Wolpe
Huckaby	Ray	Wortley
Hughes	Regula	Wylie
Hunter	Ridge	Yatron
Hutto	Roberts	Young (AK)
Ireland	Roemer	Young (FL)
Jacobs	Rogers	

NOT VOTING—40

Akaka	Hartnett	Ortiz
Anthony	Heftel	Pepper
Boggs	Holt	Ritter
Boxer	Jones (NC)	Robinson
Bustamante	LaFalce	Rodino
Campbell	Loeffler	Shelby
Dingell	Lujan	Slattery
Dixon	McCurdy	Stokes
Early	Michel	Synar
Edgar	Mikulski	Vander Jagt
Fiedler	Mitchell	Wilson
Gradison	Nichols	Zschau
Gray (IL)	O'Brien	
Grotberg	Oberstar	

□ 1025

Messrs. SWEENEY, MACKAY, BEDELL, LUNDINE, and VOLKMER changed their votes from "yea" to "nay."

Mr. GIBBONS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

BRIGADIER F.M. GAUGH

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, it is a great privilege and a pleasure for me to welcome to the House of Representatives, and introduce to you, and through you, to our colleagues, Brigadier F.M. Gaugh of the Salvation Army.

The brigadier was born in Springfield, OH, and received his commission as a Salvation Army officer after graduating from the Army's School for Officers' Training in New York City. He has two undergraduate degrees, a graduate and an honorary degree. He is also a graduate of the Industrial College of the Armed Forces.

You will find him listed in "Who's Who in America," and he is a charter member of the National Association of Social Workers and the Academy of Certified Social Workers; as well as a member of the National and International Conferences of Social Welfare.

Brigadier Gaugh and his wife, Jessie, now reside in the community of Clearwater Beach, in my district, and I am delighted that he could bring us the prayer today.

Thank you, Brigadier, for honoring us with your presence.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendments of the House to joint resolutions of the Senate of the following titles:

S.J. Res. 214. Joint resolution to provide for the reappointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 215. Joint resolution to provide for the reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution.

REQUEST FOR CONSIDERATION OF H. RES. 431, AMENDING CLAUSE 1, RULE XLVII OF THE RULES OF THE HOUSE

Mr. DURBIN. Mr. Speaker, I offer a resolution (H. Res. 431) amending clause 1, rule XLVII of the Rules of the House, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That clause 1 of Rule XLVII of the Rules of the House of Representatives be amended to read as follows:

1. (a) Except as provided by paragraph (b), no Member may, in any calendar year beginning after December 31, 1978, have outside earned income attributable to such calendar year which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

(b) In the case of any individual who becomes a Member during any calendar year beginning after December 31, 1978, such Member may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member which is in excess of 30 per centum of the aggregate salary as a Member paid to the Member during such calendar year.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Mr. Speaker, I object.

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER. Will the gentleman who offered the objection stand?

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER. The gentleman objects. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DURBIN. Mr. Speaker, is there any procedure presently available before the House to consider this resolution which would restore the language of rule XLVII to exactly the same language as it was?

The SPEAKER. The matter may be referred to the Rules Committee, and if there is a report, a two-thirds vote will bring it to the floor today, and if there is approval on the minority side we will bring the matter to the floor this afternoon.

Mr. DURBIN. Mr. Speaker, will it be brought to the floor this afternoon?

The SPEAKER. It is the intention to refer the matter to the Rules Committee. The Chair cannot dictate what the Rules Committee is going to do, but it will recommend to the Rules Committee.

Mr. DURBIN. I thank the Speaker.

DISCHARGE PETITION

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

The SPEAKER. The Chair notes the gentleman from Mississippi is speaking from the Democratic side.

Mr. LOTT. The Chair has not heard what I am going to speak on as yet.

Mr. Speaker, today I am filing Discharge Petition No. 6 which would discharge the Rules Committee from further consideration of House Resolution 419 which provides for the consideration of House Joint Resolution 283.

House Joint Resolution 283 was introduced last year by the gentleman from Oklahoma [Mr. MCCURDY]. It deals with the issue of aid to the freedom fighters in Nicaragua.

Mr. Speaker, given the urgent need to assist the Contras, this was the only way we could find to bring this matter back to the House now.

This is a bipartisan issue and we urge members on both sides of the aisle to see it that way.

It is an issue of paramount national security importance and we just want

all our colleagues to know that is exactly how we view it.

We are not—repeat not—asking members to sign the discharge petition today. We are instead seeking to meet with members on both sides of the aisle, to listen to their views and to discuss the bipartisan nature of this undertaking.

This is a procedural issue. But it is also an issue of overriding importance. We do not want partisanship to have a place in this procedure—all we ask is the chance to present our case openly and with a fair chance for all sides.

SUMMARY OF SPECIAL DISCHARGE RULE ON CONTRA AID

(H. Res. 419, Rep. Lott and Rep. Michel, April 14, 1986)

1. Immediately upon the adoption of the rule, the House would resolve into the Committee of the Whole for the consideration of H.J. Res. 283, to promote internal reconciliation in Nicaragua on the basis of democratic principles and to further peaceful resolution of the conflict in Central America.

[NOTE: H.J. Res. 283 was introduced by Rep. David McCurdy on May 8, 1985 with 10 cosponsors, and referred to the Committee on Appropriations, Foreign Affairs, Intelligence and Rules.]

2. The joint resolution would be subject to two hours of general debate divided between the majority and minority leaders.

3. All points of order are waived against the consideration of the joint resolution.

4. The rule makes in order the following amendments in the nature of a substitute to be offered only in the following order, waives all points of order against them, makes them in order even if a previous amendment has been adopted, prohibited any amendments to the amendments or a division of the question in the House or in the Committee of the Whole, and provides one hour of debate on each, divided between the proponent and an opponent: (1) an amendment printed in the Congressional Record by May 7th by Rep. Hamilton; (2) an amendment printed in the Congressional Record by May 7th by Rep. McCurdy; and (3) an amendment printed in the Congressional Record of April 21 by Rep. Michel. The last amendment adopted shall be reported back to the House (king-of-the-mountain).

5. After the joint resolution has been amended and reported to the House, the previous question is ordered to final passage without intervening motion except one motion to recommit.

6. After passage of the joint resolution, the House would proceed to the immediate consideration in the House of S.J. Res. 283, the Senate passed contra aid bill, and it would then be in order to move to insert the House passed language or, if the Michel substitute has been adopted, it would be in order as a preferential motion to move the previous question on the Senate joint resolution to final passage without intervening motion.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 844 AND H.R. 2950

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 844 and of H.R. 2950.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

IN OPPOSITION TO THE SALE OF ARMS TO SAUDI ARABIA

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, in recent weeks, tensions in the Middle East have reached a new high with the continuation of terrorist activity and the acceleration of the conflict between the United States and Libya. It is this climate of uncertainty and instability that sets the scene for a $350 million sale to Saudi Arabia that will include a variety of weapons that will only further exacerbate tensions in the area and will not constructively contribute to the peace process.

The introduction of increased weapons to the region at this point in time would provide further fuel for accelerated terrorism and would not help solve the underlying conflict between Israel and the Arab States. The administration proposes to send to Saudi Arabia a military package that will include 1,700 Sidewinder air-to-air missiles, 800 Stinger hand-held antiaircraft missiles, and 200 launchers and 100 Harpoon antiship missiles. I have long opposed the sale of sophisticated weapons to nations in the Middle East that have been adverse to working within the framework of Camp David in resolving the Arab-Israeli conflict and that have consistently opposed our Government's attempts to resolve this conflict within that framework.

During the past 15 years, the United States has transferred to Saudi Arabia nearly $50 billion worth of weapons and assistance. The justification for the past sales and this renewed effort to sell arms to the Saudis has been based on the belief that the introduction of these weapons will not only improve stability in the region but will also induce the Saudi Arabian Government to take an active role in promoting the peace process, in recognizing Israeli's right to exist and in providing the impetus in the Arab world for a peaceful resolution of the underlying conflicts.

During these 15 years, the steps taken by the Saudi Government in this area have been minimal. Instead of indicating support for our Government's position in this area, the Saudi Government only recently condemned the military action taken by the United States against Libya and indicated solidarity with the Libyan regime. Instead of helping to further the peace process, the Saudi Government has undermined the peace process and even refuses to establish diplomatic relations with Egypt.

Of imminent concern is the prospect of introducing additional weapons to the region that could be dangerous in the hands of terrorists. In particular, the Stinger missiles, should they fall in the wrong hands, pose a deadly threat to stability in the region. Stinger missiles, used for guarding the White House, are easy to hide, easy to transport, and easy to operate. They are not only accurate but they are also capable of downing commercial aircraft in flight. At a time when the tourism industry has been wracked by the increase of terrorist incidents directed at aircraft and airports, the Stinger missiles would dramatically increase the risk of further incidents and would result in loss of life. There are no guarantees that these missiles will not fall into the wrong hands.

It has been argued that Saudi Arabia needs this weapons package in order to ensure that the Saudi's can defend their Government against threats from Iran. The threats faced by the Saudi Government from Iran include internal subversion, terrorism, and ground invasion. This particular package of air-based missiles will not address these security threats.

This past January, I visited Israel for the second time and was able to view the security threat that is posed to Israel and to our national interests by the increased buildup of troops, the accelerated tension in the region and the diminishing prospect for renewed peaceful negotiations. By selling arms to the Saudi's or any nation that undermines efforts to seek peace in the Middle East, we are rewarding intransigence rather than promoting peace.

As an original cosponsor of House Joint Resolution 589, a resolution to block the sale of arms to Saudi Arabia, I would like to urge my colleagues to signal their support for peace in the Middle East by opposing this arms sale. Increasing our weapons supply to this region and promoting fear among our ally, Israel, will not foster peace and understanding in the Middle East. Encouraging direct negotiations with meaningful results will.

Our Government cannot continue to condone intransigence with further gifts of instruments of war. Too much time has already been spent in waiting for significant steps in the peace process that have never materialized. I would hope that we can move forward and pursue renewed negotiations to instigate a peaceful and just solution to the conflicts in this vulnerable area of the world.

A CAUTION ON THE LEAKING OF CONFIDENTIAL INFORMATION

(Mr. GINGRICH asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, last Monday some legislators made remarks to the press which amounted to leaking confidential information before the raid on Libya. It weakened the process of executive branch consultation of the Congress and endangered American lives. The facts are clear: From 4 o'clock to 5:45 p.m. the President and senior advisers briefed legislative leaders. Apparently as soon as the meeting broke up some legislators told reporters that the President would be talking at 9 o'clock. By 5:59 p.m. Sam Donaldson of ABC News was in Larry Speakes' office demanding confirmation.

Mr. Speaker, I am circulating today a letter for our colleagues to sign that indicates to the executive branch that we would punish any Members of the House who engaged in leaking information about American operations during a period when they are confidential. I think if we expect to be consulted we have to learn to be responsible in matters of military security.

FEMA'S DISASTER RELIEF BUDGET

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, 1 year ago, on May 31, a deadly tornado cut a swath of destruction through my district and other parts of Pennsylvania and Ohio.

Now, FEMA, the Federal Emergency Management Agency, the body which oversees the Federal disaster assistance programs has requested a budget for 1987 which will drastically affect our ability to aid and assist people struck by these disasters.

FEMA wants to reduce its budget for disaster assistance by cutting out 75 percent of its authority. FEMA requests a budget of $100 million, when its annual average budget for disaster assistance has been almost $400 million every year since 1974. In 1985 alone, FEMA was required to spend $663 million on 27 declared natural disasters. FEMA wants to reach these savings by changing the formula for eligibility for disaster assistance. This new formula would have made 61 of the last 111 disasters ineligible for assistance. This statistic must also be viewed in light of the fact that the Federal Government only accounts for 15 percent of all disaster assistance, the rest being picked up by State and local governments.

Furthermore, the Federal Government's aid is largely in the form of loans. On the other hand, American aid to disasters abroad comes in the form of grants.

Last year, due to disasters in Colombia, Mexico, Ethiopia, and other countries, the United States spent over $500 million in disaster grants to foreign countries.

I urge my colleagues to join in a nonpartisan effort, to review FEMA and its disaster relief budget proposals. No district is safe from natural disasters. It is our duty to be prepared for them.

TOUGH STANCE AGAINST THE EC COMMENDED

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, when the European Community several months ago announced that the entry of Spain and Portugal into the Community would be the occasion for new restrictions on American agricultural exports, it went too far. In the opinion of this and other Members from both bodies, this was the time to say "no way" to the Community. Fortunately in this instance the President also shared our view and acted accordingly.

He sternly warned the Community we would retaliate. He sent the Special Trade Representative and the Agriculture Secretary to Europe to let them know just how serious we were. Initial reports of conversations between the two sides the last few days are encouraging.

The Community has reportedly agreed to put off the effective date of these restrictions until 1987, which buys us time to work on eliminating them altogether.

Clearly our job is only partly finished, with much hard bargaining still to come.

We are off to a good start, and I would like to say to Ambassador Yeutter and Secretary Lyng, "Hang tough."

WE ARE PROPOSING TO GO DEEPER INTO THE RED WITH OUR SPENDING

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, on April 15 Congress was to have completed a budget resolution. Gramm-Rudman-Hollings requires that we cut $39 billion from the coming fiscal year. Instead, next week we will be debating a supplemental appropriations bill which will add $1.7 billion in new spending. I have been asked what it is about the supplemental bill that bothers me. The answer is: The spending.

The spending in this bill will haunt us during the budget process, putting us much further away from meeting our $144 billion target goal.

We are proposing to go deeper in the red. Our massive deficits affect individuals, businesses, and our trading partners.

Let's get back to the real issue.

□ 1040

DIAGNOSTICIANS IGNORING THE FACT OF CANCER

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the trouble with the Gramm-Rudman approach to deficit reduction is that it tries to ignore the real cause of the growth of deficits. We are like diagnosticians who have agreed beforehand on one point. We want to ignore the fact of cancer. In this context, I wish to quote from the late Garet Garrett, a financial journalist who wrote in the Wall Street Journal on September 30, 1952:

> Irredeemable paper money, that is, money redeemable in nothing but more of itself, is a fatal disease with a record of 100 percent mortality unless halted in time by radical surgery. It has already cost the people control of government. It has enabled the government to convert its own debt into currency, and thereby to fill its own purse. It is the stuff upon which the self-aggrandizing executive principle of government feeds. It is morally devastating and corrupts men by cumulative temptation. It hurts everybody, especially the poor and the dependent.

Mr. Speaker, if we really want to reduce and eventually eliminate budget deficits, we must cut the cost of interest on the Federal debt radically, by returning to redeemable currency without delay.

TELL THAILAND REPRESENTATIVES TO GO HOME

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, for several weeks now, representatives of the Government of Thailand have been in Washington lobbying individual Members of Congress about our 1985 farm bill and the rice provisions.

As chairman of the Subcommittee on Cotton, Rice and Sugar, I spent several hours with these representatives explaining to them that, yes, it was the position of our Government to recapture our prior historical markets as such, and pointed out to them that we have had trade complaints pending against them for a number of years now.

Mr. Speaker, I would like to point out to my colleagues that Thailand joined the nonaligned nations, the Communist nations, in voting to condemn the United States for actions in Libya last week.

I would urge my colleagues that when these representatives contact you, tell them it is time that they went home.

LET US MAINTAIN FREEDOM OF RELIGIOUS CHOICE FOR THE MILITARY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I urge that you and our fellow Representatives support the Military Chaplains Faith Balance Act of 1984, H.R. 1875, a nonpartisan bill, now pending before this House.

It is necessary to have this legislation to achieve a more balanced representation of religious faiths among Armed Forces chaplains. When we ask our men and women to serve in the defense of our country—they in truth are serving in our stead. And, in that service they should have the ready availability of religious counsel and guidance—and the comfort which it brings—from a representative of their own faith.

I think that this is the least we can offer these men and women in the Armed Forces—this as a religious nation, we owe them this much when we are asking so much of them.

Mr. Speaker, I ask you and my colleagues to join me in supporting the military chaplains bill, H.R. 1875. We should all be working for its passage.

OUR TAX CODE IS UNDERWRITING OIL COMPANIES' PRESENCE IN LIBYA

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, as Americans saw on the evening news Monday night, the administration has permitted United States oil companies to resume business in Libya, despite the President's proclamation of economic boycott.

What Americans may not know is that present law entitles those companies to claim credits on their U.S. tax returns for taxes they paid to Colonel Qadhafi. Last month they paid $130 million to his outlaw regime.

Mr. Speaker, I do not understand the wisdom of allowing United States firms to support with our cash a Libyan Government dedicated to terrorism. I doubt very much that the American people, if they knew, would want to subsidize Qadhafi's terrorism, yet that is what they are being forced to do. The administration has allowed five oil companies to continue to do business with Libya for the moment. The decision was made without public debate to bring this situation out into the open so that the public can participate in decisions about whether they want their Tax Code to continue to underwrite oil companies' presence in Libya.

I am today introducing legislation to end United States tax credits for moneys paid by American oil companies to the Libyan Government. Any of you wishing to join me in cosponsorship are welcome to do so.

LEGISLATIVE LEAKS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, last Monday something unexcusable happened. Legislative leaders from both Houses met with the President to be briefed on the Libyan raid from 4 to 5:45 p.m. Apparently, some legislative leaders from the other body told reporters the President would then address the Nation at 9 p.m. At 5:59, Sam Donaldson of ABC News asked Larry Speakes of the White House for confirmation.

At 6:30, on ABC Nightly News, Donaldson quoted the legislative leader from the other body as saying the President would address the Nation at 9 p.m. ABC News went on to describe the United States military movements, including F-111's in Britain and the KC-10 tankers which had been moved to Britain and the aircraft carriers operating off the coast of Sicily. In a few minutes, ABC had outlined everything a Libyan defense planner would need to know about a probably raid on Libya.

This all occurred 30 minutes before the raid took place. This was really risking American lives.

Members of Congress must learn to keep their mouths shut, at least where national security is concerned.

HOUSE RESOLUTION 431

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, yesterday the House of Representatives by unanimous consent passed House Resolution 427. The effect of House Resolution 427 was to amend the rules of the House and to increase the limit on outside earned income for Members of the House from 30 percent of their salary to 40 percent.

In addition, while it increased the limit on honoraria income, it effectively repealed the limit on other forms of outside earned income.

This morning I filed with the Clerk of the House, House Resolution 431, which would have restored rule 47 to exactly the same language that existed before the House's action yesterday. It would have continued to limit outside earned income to 30 percent of a Member's salary and all other limitations that were in existence yesterday.

There is an orderly procedure for changing the rules and Members' salaries. Those of my colleagues who agree with House Resolution 427, which I do not, can approach the Rules Committee requesting the change contained in House Resolution 427.

Unfortunately, this morning when I made a unanimous-consent request to consider my resolution, which would have rescinded the action of the House yesterday, there was an objection heard from the minority whip.

I do not believe this matter should be considered by unanimous consent, and I have taken the Speaker's advice to take this matter to the Rules Committee later today. I am hoping we can undo and rescind the action of the House yesterday.

DEFICIT REDUCTION INSURANCE PROGRAM—DRIP

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, today is the day when the Gramm-Rudman Deficit Reduction Act is being argued in the Supreme Court. Also it is 1 week after April 15, the date we were supposed to have our budget before us. Sadly, we did not.

When this body approved the Balanced and Emergency Deficit Control Act of 1985, it made a bold statement about the fiscal mood both here and throughout the Nation. The act imposes some difficult cuts that will be implemented automatically if we fail to meet the designated deficit reduction targets we approved.

The law did not spare cuts in defense spending, in social programs dear to our constituents, in congressional offices themselves. What it did spare was us, our own wallets and pocketbooks.

Today I am introducing legislation to correct that slight oversight. It is called the Deficit Reduction Insurance Program [DRIP]. Its budgetary impact will be micro, but its incentive will be macro to do our job; hopefully more successfully for the budget than the trickle-down theory.

Seriously, what my measure does is simply this. In the event we fail to make the budgetary targets in Gramm-Rudman-Hollings, then our own salaries will be cut equal to the automatic across-the-board percentage cuts that will require others to endure. And the measure will require the salary cuts even if Congress fails to approve a sequestration order under the fall-back procedures within the law.

If we are unable to make the budget decisions that must be made, then they will be made for us under the automatic cutbacks that we ourselves engineered. If that happens, however, we have no right to be exempted from the effects of those cuts.

I have no illusions about the reception this legislation will get. But I cannot help but believe that all of us would be a lot more eager to enact sound budgetary policy, and soon, if we knew that we would all be the poorer if we failed to do so.

□ 1050

IN SUPPORT OF GARRISON DIVERSION UNIT REFORMULATION ACT OF 1986

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, today we are going to be visiting the Garrison Reformulation Act, and I want to underscore for the Members of the House exactly what it is we are talking about. This is the Garrison Diversion project which is reformulated as a result of a compromise by those who supported the project and those who opposed it.

Persons who historically had opposed this project before this House are now supporting it—the gentleman from Massachusetts [Mr. CONTE], the gentleman from Michigan [Mr. DINGELL], and the gentleman from Pennsylvania [Mr. EDGAR], just to name a couple. Organizations such as the National Audubon Society and the Wildlife Federation are supporting this reformulation.

I think they support it for a couple of reasons. First, this reformulation sharply cuts the cost of this project: $800 million is cut out of an authorization level for this project in the legislation that we will be dealing with today. Second, this legislation resolves most of the environmental questions. Third, it dissipates the objections that the Government of Canada had.

I think this is an awfully good compromise that opponents and supporters have come together to forge. Let me make it clear that this is not charity for North Dakota, this is payment for services rendered. The Government came to North Dakota and said, "We want you to have a permanent flood three-fourths the size of the State of Rhode Island. In exchange for having that flood, we'll give you the benefit of being able to move those waters around your State." The rest of the country got all the benefits; we are still waiting for the project.

This project, which was started when I was 2 years old, now, as a result of this compromise, might very well get built. I hope that is the case. Because of that, I am hoping that the Members of this House will support this compromise that has been very difficult to achieve, but is I think a very rewarding compromise for everybody involved—the State, the people who want it developed, the conservationists, the environmentalists, and for everybody in this House and this country. I think a vote in support of this project will be a good vote.

THE LIABILITY CRISIS—STATE TORT REFORM NEEDED

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, yesterday I said that addressing the liability explosion by heavy, direct Federal regulation of the insurance industry or by putting the Federal Government in the reinsurance business was worse than no solution at all.

The problem is the unpredictability of what the courts will do in personal injury cases. Today, Mr. Speaker, we have a social welfare system for injured parties administered by the courts—which is fine—but it is one that has become unpredictable and without any control on costs—which is not. What is needed is reform of their tort systems by the States to make them more predictable and thus keep insurance companies willing to provide coverage in the market.

If the States don't act substantively and intelligently and soon to make such reforms, the pressure on Washington to take jurisdiction will become irresistible. Next time, I'll suggest what the Federal Government might do, and following that, how the States can make true progress on this issue.

CONDEMNING YESTERDAY'S ACTION INCREASING MEMBERS' ALLOWED HONORARIUMS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I join with those who are condemning the action that was taken in the House by unanimous consent yesterday to raise the amount of honorariums which individual Members could receive. It is no wonder that the public ranks this body as low as it does in terms of credibility and trust, somewhere just above aluminum siding salesmen.

Mr. Speaker, this is a classic case of hands in the cookie jar. We must revise this ill-advised action. Where is our sense of priorities? The budget process is in disarray in this Congress. The public is crying out for us to address the deficit, to deal with the unemployment problems that still exist, to reauthorize Superfund—we have a host of critical items that we need to be addressing. Instead, the leadership of this body seems to be preoccupied with attempting to increase the incomes of individual Members. Shame on them.

PERSONAL EXPLANATION

(Without objection, Mr. BILIRAKIS was given permission to address the House for 1 minute and to extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I regret that, for reasons beyond my control, I was unable to record my vote on House Resolution 425, the rule for consideration of the urgent supplemental appropriations. Had I been present, I would have voted against the resolution. There are a number of elements in the urgent supplemental that were considered objectionable by my colleagues, and rightly so. Not only has the budget deadline of April 15 passed without action, but an appropriation bill requesting $1.7 billion in new spending is proposed in flagrant disregard of budgetary guidelines. The House majority has rewritten or waived every budgetary management procedure that stands in the way of its fiscal appetite. I specifically wish to refer to the Presidential deferral authority, which is the necessary balance between fiscal control and fiscal irresponsibility. The President's deferral authority must be retained. It is the last outpost of fiscal restraint.

GARRISON DIVERSION UNIT REFORMULATION ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1116.

□ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1116) to implement certain recommendations made pursuant to Public Law 98-360, with Mr. Bosco in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, April 21, 1986, the gentleman from California [Mr. MILLER] had 7 minutes of general debate remaining and the gentleman from Colorado [Mr. STRANG] had 22 minutes of general debate remaining.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 1116, a bill to reformulate—and, I might add, to reform—the Garrison Diversion Unit in North Dakota.

Mr. Chairman, when I began the fight to stop funding for the Garrison project some years ago, I never imagined that some day I would be standing in this well supporting a Garrison authorization. It is a tribute to the outstanding efforts of the Interior Committee members, and particularly Subcommittee Chairman GEORGE MILLER and full Committee Chairman MO UDALL, that I am able to do so.

I would also like to single out the hard work of representatives of the National Audubon Society and the National Wildlife Federation, as well as the Interior Committee staff, whose tireless negotiating efforts have produced a bill that truly represents a win-win approach to the water needs of North Dakota.

Under this legislation, everyone wins—the people of North Dakota, the Federal taxpayers, the Canadian, and the wildlife resources of North Dakota.

Although this is not a perfect bill, it is an outstanding compromise, and a real embodiment of the principle that politics is the art of the possible.

This bill would deauthorize over 900,000 acres of previously authorized irrigation land, ultimately saving some $2.6 billion in Federal expenditures for the project. Some of the most critical wildlife habitat areas—including the Kraft Slough, Taayer Reservoir, and Lonetree Reservoir areas—would be preserved. The flow of waters into the Hudson Bay watershed, of such concern to Canada because of the possibility of harmful biota transfer—has been addressed.

The mitigation of wetland losses has been addressed, by requiring acre-for-acre mitigation. And a new wetlands trust, to provide for additional wetlands protection in North Dakota, the most important duck producing State in the Nation, would be created.

Mr. Chairman, I know that the administration is concerned about this bill. There is no question that it is an expensive measure—and in this Gramm-Rudman environment, any new measure should be subject to strict scrutiny.

But I think the important thing about this bill is not its cost—but the amount that it would save. Because the alternative to this measure—a return to funding under the current authorization—is far, far, worse.

I am confident that this body, which since December 1982 has been on record as opposing funding for the Garrison project, would continue to do so. But the record in the other body is much less favorable, and I believe that the enactment of this authorization reform represents the best way to reduce the cost and environmental impact of the Garrison project, while meeting the legitimate water resource needs of North Dakota.

Mr. Chairman, I want to make it clear that I remain absolutely opposed to continuation of the Garrison project as it is currently authorized. But I strongly support this legislative reform, and urge that it be adopted.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from California.

Mr. MILLER of California. I just want to say quickly to the Members of the House that without the gentleman in the well's involvement, we would not be here today. It was his obstinance at some time, I think, his looking to the future, looking at the real costs of this project as it was reauthorized, some of the environmental problems that caused him to lead the fight against this over a number of years.

Because of that effort on his behalf, I think he is quite right, that we have been able to strike a compromise, and I appreciate all of his support and all of his help in arriving at this final bill.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. CONTE. I want to thank the gentleman from California for his kind remarks.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, I also want to commend the gentleman for the work he has done on these projects, but I would point out to the gentleman that my amendment is an amendment to the bill. Does the gentleman feel that it is all right to go ahead and subsidize farmers to grow more crops at the same time we are subsidizing farmers not to grow crops? Does the gentleman think that is a sensible thing to do in this society?

This is not a bill we are talking about; this is a provision in the bill that, it seems to me, needs to be corrected. That is the issue. The issue is not the bill.

Mr. CONTE. I am not up here speaking on the gentleman's amendment. All I am saying is that whether the gentleman's amendment is adopted or not, I am asking my colleagues to vote for this bill because it represents a tough, tough compromise. You cannot believe how many meetings I had on this project with the gentleman from North Dakota, his Governor, the Audubon Society, the Wildlife Federation, and others, day after day after day. It was like having molasses in your hands. One day you would have an agreement, and the next day, it was spilling out between your fingers. This is the best we can do.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Mr. Chairman, I yield to my good friend, the gentleman from North Dakota [Mr. DORGAN], who has been such an effective and worthy adversary on this issue.

Mr. DORGAN of North Dakota. Mr. Chairman, I would like to echo the sentiments expressed by the chairman and say that I especially appreciate your support of this compromise.

These things are very difficult to put together, very easy to unravel. The gentleman knows and I know and others in this body who have worked on the compromise know that day after day and month after month now stretching on for a year and a half since that Garrison Commission, we have tried desperately to get a compromise that will hold. Each time we thought we had one, we would lose it.

We finally have one that I think makes sense. The gentleman from Massachusetts [Mr. CONTE] supports it; I support it. It is the art of the possible and I appreciate your support. I appreciate the statement the gentleman has made on the floor today.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CHANDLER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE AND AUTHORIZATION.

The first section of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) as

amended by striking out "That" and all that follows down through the period at the end of such section and substituting:

"SECTION 1. (a) The Congress declares that the purposes of this Act are to:

"(1) implement the recommendations of the Garrison Diversion Unit Commission Final Report (dated December 20, 1984) in the manner specified by this Act;

"(2) meet the water needs of the State of North Dakota, including municipal, rural and industrial water needs, as identified in the Garrison Diversion Unit Commission Final Report;

"(3) minimize the environmental impacts associated with the construction and operation of the Garrison Diversion Unit;

"(4) assist the United States in meeting its responsibilities under the Boundary Waters Treaty of 1909;

"(5) assure more timely repayment of Federal funds expended for the Garrison Diversion Unit;

"(6) preserve any existing rights of the State of North Dakota to use water from the Missouri River; and,

"(7) offset the loss of farmland within the State of North Dakota resulting from the construction of major features of the Pick-Sloan Missouri Basin Program, by means of a federally-assisted water resource development project providing irrigation for 130,940 acres of land.

"(b) The Secretary of the Interior (hereafter referred to as "the Secretary") is authorized to plan and construct a multi-purpose water resource development project within the State of North Dakota providing for the irrigation of 130,940 acres, municipal, rural, and industrial water, fish and wildlife conservation and development, recreation, flood control, and other project purposes in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and substantially in accordance with the plans set out in the Garrison Diversion Unit Commission Final Report dated December 20, 1984.

"(c) Nothing in this Act is intended, nor shall be construed, to preclude the State of North Dakota from seeking Congressional authorization to plan, design, and construct additional Federally-assisted water resource development projects in the future.

"(d) Nothing in this Act shall be deemed to diminish the quantity of water from the Missouri River which the State of North Dakota may beneficially use, pursuant to any right or rights it may have under federal law existing immediately before the date of enactment of this Act and consistent with the treaty obligations of the United States.

"(e) The authorization for all features of the Missouri-Souris Unit of the Pick-Sloan Missouri Basin Program located in the State of North Dakota, heretofore authorized in section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), for which no funds have been appropriated for construction, and which are not authorized for construction by this Act, is hereby terminated, and sections 1 and 6 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) are hereby repealed.

"(f) In implementing the provisions of this Act, the Secretary is directed to construct all supply works to the capacity identified in the Garrison Diversion Unit Commission Final Report, except that the Secretary is directed to construct the James River Feeder Canal to a capacity of no more than 450 cubic feet per second, and the Sykeston Canal to the capacity specified in Section 8(a)(1) of this Act.

"(g) Any investment related to features constructed by the Secretary that are no longer employed to full capacity pursuant to the recommendations of the Garrison Diversion Unit Commission Final Report shall be nonreimbursable.".

SEC. 2. FISH AND WILDLIFE.

Section 2 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new subsections at the end thereof:

"(i) Notwithstanding any other provisions of this section, the mitigation for fish and wildlife losses incurred as a result of construction of the project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction.

"(j) The Secretary is directed to implement the provisions of the Garrison Diversion Unit Commission Final Report with respect to fish and wildlife conservation, including habitat impacts, mitigation procedures, and enhancement, except for the following:

"(1) The Secretary shall take no action to alter the status of Sheyenne Lake National Wildlife Refuge prior to the completion of construction of Lonetree Dam and Reservoir.

"(2) Development and implementation of the mitigation and enhancement plan for fish and wildlife resources impacted by construction and operation of the Garrison Diversion Unit shall not be limited by the cost constraints based on estimates contained in the Garrison Diversion Unit Commission Final Report.

"(3) Credit toward mitigation recommended by the Garrison Diversion Unit Commission Final Report for reservoir sites is not authorized.".

SEC. 3. IRRIGATION FACILITIES.

Section 5 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended to read as follows:

"SEC. 5. (a)(1) Subject to the provisions of subsection (a)(2) of this section, the Secretary is authorized to develop irrigation in the following project service areas: Turtle Lake (13,700 acres), McClusky Canal (4,000 acres), Lincoln Valley (6,515 acres), Harvey Pumping (2,000 acres), New Rockford (20,935 acres), New Rockford Canal (1,200 acres), LaMoure (13,350 acres), West Oakes Extension (4,000 acres), and West Oakes (19,660 acres). The Secretary is prohibited from developing irrigation in these areas in excess of the acreage specified herein, except that the Secretary is authorized and directed to develop up to 28,000 acres of irrigation in other areas in North Dakota, not located in the Hudson Bay, Devils Lake, or James River drainage basins.

"(2) The Secretary is prohibited from obligating any funds for construction of irrigation service facilities in the areas listed in subsection (a)(1) of this section prior to September 30, 1990. After that date, the Secretary may obligate funds only after completing and submitting to the Congress, the report required by section 5(c) of this Act.

"(b)(1) The Secretary may not commence construction of the Sykeston Canal, the James River Feeder Canal, and James River channel improvements until the report required by Section 5(c) of this Act has been completed and submitted to the Congress.

"(2) The Secretary is directed to proceed immediately with the construction of—

"(A) the New Rockford Canal;

"(B) the Oakes Test Area; and

"(C) project features authorized in Section 7 of this Act.

"(c)(1) The Secretary is directed to submit a comprehensive report to the Congress as soon as practicable, but not later than the end of fiscal year 1988 on the effects on the James River in North Dakota and South Dakota of water resource development proposals recommended by the Garrison Diversion Unit Commission and authorized in this Act. The report shall include the findings of the Secretary with regard to:

"(A) the feasibility of using the Oakes Aquifer as a water storage and recharge facility, and an evaluation of the need for off-stream regulatory storage in the lower James River basin;

"(B) the capability of the river to handle irrigation return flows, project water supplies, and natural runoff without causing flooding, property damage, or damage to wildlife areas, and mechanisms or procedures for compensation or reimbursement of affected landowners for damages from project operation;

"(C) the impacts of Garrison Diversion Unit irrigation return flows on the river and on adjacent riverine wetland areas and components of the National Wildlife Refuge System, with regard to water quantity, water quality, and fish and wildlife values;

"(D) the need for channelization of the James River under the irrigation and municipal, rural, and industrial water development programs authorized by this Act;

"(E) the cost and efficiency of measures required to guarantee that irrigation return flows from the New Rockford (Robinson Coulee) irrigation service areas will not enter the Hudson Bay drainage and the impact these return flows will have on the James River;

"(F) the feasibility of conveying project flows into the lower James River via Pipestem Creek; and

"(G) alternative management plans for operation of Jamestown and Pipestem Reservoirs to minimize impacts on the lower James River.

"(2) The costs of the study authorized by this subsection shall be nonreimbursable.

"(3) The study authorized by this subsection shall be carried out in accordance with the requirements of the National Environmental Policy Act.

"(d) The Secretary is prohibited from obligating funds to construct irrigation facilities in the service areas listed in subsection (a)(1) until a contract or contracts, in a form approved by the Secretary, providing for the appropriate payment of the costs allocated to irrigation have been properly executed by a district or districts organized under State law. Such contract or contracts shall be consistent with the requirements of the Reclamation Reform Act of 1982 (title II, Public Law 97-293, 96 Stat. 1263).

"(e) The Secretary is authorized to develop irrigation in the following project service areas within the boundaries of the Fort Berthold and Standing Rock Indian Reservations: Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres), and Fort Yates (2,380 acres), except that, no funds are authorized to be appropriated for construction of these projects until the Secretary has made a finding of irrigability of the lands to receive water as required by the Act of July 31, 1953 (67 Stat. 266; 43 U.S.C. 390a). Repayment for the units authorized under this subsection shall be made pursuant to the Leavitt Act (25 U.S.C. 386a).

"(f) The Secretary shall not permit the use of project facilities for non-project drainage not included in project design or required for project operations.".

SEC. 4. POWER.

Section 6 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended to read as follows:

"SEC. 6. (a) Municipal, rural, and industrial water systems constructed with funds authorized by section 7 of this Act shall utilize power from the Pick-Sloan Missouri Basin Program, as established by section 9 of the Flood Control Act of 1944 (Act of December 22, 1944), for the operation of such systems.

"(b) Notwithstanding the provisions of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C 7152(a)(3)), any portion of the costs properly chargeable to irrigation for the Garrison Diversion Unit which are beyond the ability of water users to repay as authorized by Reclamation law may be repaid from power revenues, except repayment of investment in irrigation for the Garrison Diversion Unit made after the date of enactment of this Act may not exceed forty years from the year in which irrigation water is first delivered for use by the contracting party and shall be made in equal annual installments.

"(c) Pursuant to the provisions of the last sentence of section 302(a)(3) of the Department of Energy Organization Act of 1978 (42 U.S.C. 7152(a)(3)), any reallocation of costs to project purposes other than irrigation as a result of section 1(e) of this Act shall not result in increased rates to Pick-Sloan Missouri Basin Program customers unless: (1) full use has been made of the current development method of ratesetting in analyzing the repayment status and cost allocations for the Garrison Diversion Unit and (2) the resulting rate increase, if any, is made in equal amounts over the ten year period beginning on the date of any such reallocation pursuant to this Act. Costs reallocated to project purposes other than irrigation as a result of section 1(e) of this Act shall be repaid, if reimbursable, with interest at the rate specified in section 4(b) of this Act beginning on the date of any such reallocation without retroactive interest. Nothing in this Act shall alter or affect in any way the current repayment methodology for other features of the Pick-Sloan Missouri Basin Program.".

SEC. 5. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 7. (a)(1) The Secretary of the Interior is authorized to construct municipal, rural, and industrial water systems to serve areas throughout the State of North Dakota.

"(2) All planning, design, construction and operation of the municipal, rural, and industrial water systems authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the State of North Dakota. Such cooperative agreement shall set forth in a manner acceptable to the Secretary the responsibilities of the State for:

"(A) needs assessments;

"(B) feasibility studies;

"(C) engineering and design;

"(D) construction;

"(E) operation and maintenance; and,

"(F) the administration of contracts pertaining to any of the foregoing.

"(3) Upon execution of the cooperative agreement required under this subsection, the Secretary is authorized to convey to the State of North Dakota, on a nonreimbursable basis, the funds authorized in section 10(b)(1) of this Act. The non-Federal share of the total cost of construction of each water system for which the State of North Dakota receives funding pursuant to this section shall be 25 percent, committed prior to the initiation of construction. The non-Federal share of the cost of operation, maintenance, and replacement of each municipal, rural, and industrial water system funded by this section shall be 100 percent. The Southwest Pipeline Project shall be deemed to be eligible for funding under the terms of this section.

"(b) The Secretary is authorized and directed to construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water for the cities of Fargo and Grand Forks and surrounding communities. The costs of the construction, operation, maintenance, and replacement of this feature, exclusive of conveyance, shall be nonreimbursable and deemed attributable to meeting requirements of the Boundary Waters Treaty of 1909.

"(c) The Secretary is authorized and directed to construct, operate, and maintain such municipal, rural, and industrial water systems as he deems necessary to meet the economic, public health and environmental needs of the Fort Berthold, Standing Rock, and Fort Totten Indian Reservations.

"(d) Municipal, rural, and industrial water systems constructed with funds authorized under this Act may deliver Missouri River water into the Hudson Bay drainage only after the Secretary of the Interior, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, has determined that adequate treatment has been provided to meet the requirements of the Boundary Waters Treaty of 1909.".

SEC. 6. SPECIFIC FEATURES.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 443) is amended by adding the following new section at the end thereof:

"SEC. 8. (a)(1) In accordance with the recommendations of the Garrison Diversion Unit Commission Final Report and section 1 of this Act, the Sykeston Canal shall be constructed as a functional replacement for the Lonetree Dam and Reservoir. The Sykeston Canal shall be designed and constructed to meet only the water delivery requirements of the irrigation areas and municipal, rural, and industrial water supply needs authorized in this Act. The Sykeston Canal shall be located, constructed, and operated so that, in the opinion of the Secretaries of the Interior and State, no violation of the Boundary Waters Treaty of 1909 would result. The Secretary may not commence construction on the Sykeston Canal until a master repayment contract consistent with the provisions of this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(2) The Lonetree Dam and Reservoir shall remain an authorized feature of the Garrison Diversion Unit; however, construction funds may be requested by the Secretary for Lonetree Dam and Reservoir only after:

"(A) The Secretary has determined that there is a need for the dam and reservoir based on a contemporary appraisal using procedures such as those employed in the preparation of feasibility studies for water resources development projects submitted to Congress;

"(B) consultations with the Government of Canada have reached a conclusion satisfactory to the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency, that no violation of the Boundary Waters Treaty of 1909 would result from the construction and operation of the dam and reservoir; and,

"(C) the Secretaries of the Interior and State have submitted the determinations required by subparagraphs (A) and (B) above to the Congress and 90 calendar days have elapsed.

"(b) Taayer Reservoir is deauthorized as a project feature. The Secretary is directed to acquire up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary is authorized to acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper managemnt of the complex. The Secretary is also authorized to provide for appropriate visitor access and control at the refuge.".

SEC. 7. EXCESS CROPS.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433), is amended by adding the following new section at the end thereof:

"SEC. 9. Until the construction costs of the facilities authorized in section 5 are repaid, the Secretary is directed to charge a "surplus crop production charge" equal to 10 per cent of full cost, as defined in Section 202(3)(A)-(C) of the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263), for the delivery of project water used in the production of any basic agricultural commodity if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the surplus crop production charge for the succeeding year on or before July 1 of each year.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 10. (a) There are authorized to be appropriated $338,305,000 for carrying out the provisions of section 5 and section 8(a)(1) of this Act. Such sums shall remain available until expended.

"(b)(1) There is authorized to be appropriated $200,000,000 to carry out the provisions of section 7(a) of this Act. Such sums shall remain available until expended.

"(2) There are authorized to be appropriated $61,000,000 to carry out the provisions of section 7(b) through section 7(d) of this Act. Such sums shall remain available until expended.

"(c) There is authorized to be appropriated for carrying out the remaining provisions of this Act $80,535,000. No funds are authorized for the construction of the Lonetree Dam and Reservoir. There are also authorized to be appropriated such additional funds as may be necessary for operation and maintenance of the unit.

"(d) Any funds previously appropriated for the Garrison Diversion Unit may be expended to carry out any of the provisions of this Act.".

SEC. 9. WETLANDS TRUST.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 11. (a) FEDERAL CONTRIBUTIONS.—From the sums appropriated under Section 10 of this Act for the Garrison Diversion

Unit, the Secretary of the Interior shall make an annual Federal contribution to a Wetlands Trust established in accordance with subsection (b), and operated in accordance with subsection (c), of this section. The amount of each such annual contribution shall be as follows:

"(1) For fiscal year 1986: $2,000,000.

"(2) For each of the fiscal years 1987 through 1990: 3% of the total amount appropriated under Section 10 of this Act, but not to exceed $500,000 for each such fiscal year.

"(3) For each fiscal year after 1990: 5 percent of the total amount appropriated under Section 10 of this Act, but only to the extent that a contribution to the Trust equal to 10 percent of the Federal contribution is provided or contracted for by the State of North Dakota from non-Federal funds. The contributions of the State of North Dakota may be paid to the Trust in such amounts and in such manner as may be agreed upon by the Governor and the Secretary.

"(4) The total Federal contribution pursuant to this Act shall not exceed $12,000,000.

"(b) ESTABLISHMENT OF TRUST.—A Wetlands Trust shall be treated as established in accordance with this subsection if it complies with each of the following requirements:

"(1) The Trust is established as a nonprofit corporation under the laws of North Dakota with its principal office in North Dakota.

"(2) The Trust is under the direction of a Board of Directors which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

"(3) The Board of Directors of the Trust is comprised of 6 persons appointed as follows, each for a term of 2 years:

"(A) 3 persons appointed by the Governor of North Dakota.

"(B) 1 person appointed by the National Audubon Society.

"(C) 1 person appointed by the National Wildlife Federation.

"(D) 1 person appointed by the North Dakota Chapter of the Wildlife Society.

Vacancies on the board are filled in the manner in which the original appointments were made. Any member of the Board of Directors is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office.

"(4) Members of the Board of Directors serve without compensation.

"(5) The corporate purposes of the Trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of North Dakota.

"(c) OPERATIONS OF THE TRUST.—A Wetland Trust established as provided in subsection (b) shall be deemed to be operating in accordance with this subsection if each of the following requirements are met:

"(1) The Trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of North Dakota in accordance with its corporate purpose as provided in subsection (b)(5).

"(2) Pursuant to its corporate charter, the Trust has the authority to exercise each of the following powers:

"(A) The power to acquire lands and interests in land and power to acquire water rights. Lands or interests in lands may be acquired by the Trust only with the consent of the owner thereof and with the approval of the Governor of North Dakota.

"(B) The power to finance wetland preservation, enhancement, restoration, and management or wetland habitat programs.

"(3) All funds received by the Trust under subsection (a) are invested in accordance with the requirements of subsection (d). No part of the principal amount of such funds may be expended for any purpose. The income received by the Trust from the investment of such funds shall be used by the Trust exclusively for its purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d).

"(4) The Trust agrees to provide such reports as may be required by the Secretary or the Governor of North Dakota and makes its records available for audit by Federal and State agencies.

"(d) INVESTMENT OF TRUST FUNDS.—The Secretary of the Interior, in consultation with the Secretary of the Treasury and the Governor of North Dakota, shall establish requirements for the investment of all amounts received by the Trust under subsection (a) or reinvested under subsection (c)(3). Such requirements shall ensure that such amounts are invested in accordance with sound investment principles and shall ensure that persons managing such investments will exercise their fiduciary responsibilities in an appropriate manner.".

SEC. 10. SOIL SURVEYS.

Section 1 of the Act of July 31, 1953 (67 Stat. 266; 43 U.S.C. 390a) is amended by inserting at the end thereof the following: "Such surveys shall include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows."

SEC. 11. SHORT TITLE.

This Act may be referred to as the "Garrison Diversion Unit Reformulation Act of 1986".

SEC. 12. COMPLIANCE WITH APPROPRIATIONS ACT.

This Act to reformulate the Garrison Diversion Unit shall be deemed to meet all the time and substance requirements specified in the Fiscal Year 1986 Energy and Water Development Appropriations Act (Public Law 99-141).

AMENDMENTS OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer five technical amendments, and I ask unanimous consent that they be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. MILLER of California: On page 7, strike lines 21 through 24 and insert in lieu thereof the following: "'(g) Where features constructed by the Secretary are no longer used to full capacity pursuant to the recommendations of the Garrison Diversion Unit Commission Final Report, that portion of the Secretary's investment attributable to the construction of such unused capacity shall be nonreimbursable.'.".

On page 19, line 24, insert "(1)" immediately after "(a)".

On page 19, line 25, strike "$338,305,000" and insert in lieu thereof "$270,395,000", and strike "section 5" and insert in lieu thereof "section 5(a) through section 5(c)".

On page 20, after line 2, insert the following: "(2) There is authorized to be appropriated $67,910,000 for carrying out the provisions of section 5(e) of this Act. Such sums shall remain available until expended.".

On page 21, line 2, after the word "established" insert "by non-Federal interests".

On page 21, line 21, strike "ESTABLISHMENT OF TRUSTS" and insert in lieu thereof "STRUCTURE OF THE TRUST".

On page 21, lines 22 and 23, strike "treated as established in accordance with this subsection" and insert in lieu thereof "eligible to receive Federal contributions pursuant to subsection (a)".

On page 22, line 1, after the word "established" insert "by non-Federal interests".

On page 23, line 9, after the word "established" insert "by non-Federal interests".

On page 23, line 10, after the word "if" insert ", in the opinion of the Secretary,".

On page 21, line 12, strike "to the extent that" and insert in lieu thereof "if".

On page 21, line 13, strike "the Federal contribution" and insert in lieu thereof "all Federal contributions".

On page 19, line 19, insert after the period the following: "The surplus crop production charge shall not apply to crops produced in the 5,000 acre Oakes Test Area for research purposes under the direction of the Secretaries of the Interior or Agriculture.".

Mr. MILLER of California. Mr. Chairman, these amendments are offered to clarify several ambiguities which have developed over interpretation of several provisions in H.R. 1116. In addition, they resolve problems identified by the administration with the Wetlands Trust.

The first technical amendment clarifies the intent regarding the nonreimbursable portion of the costs of constructing features that are not employed to their full capacity as a result of this bill and the Commission recommendations. Only the incremental cost of such unused capacity shall be nonreimbursable. Abandoned facilities and the capacity of features employed by the project (such as McClusky Canal) will be reimbursed.

The second amendment provides a separate authorization ceiling for the Indian irrigation service areas to be developed on the Fort Berthold and Standing Rock Indian Reservations. This amendment ensures that this authorization ceiling will not be siphoned off by the non-Indian irrigation works. This amendment does not increase or decrease the total authorizations of appropriations in H.R. 1116, as reported.

The third amendment is intended to clarify that the Wetlands Trust will be established by non-Federal interests through subsequent action, not by enactment of this legislation. Thus, the Wetlands Trust is not a Federal agency, and its board of directors are not officers and employees of the United States by reason of their appointment. This concern was expressed by the administration in their comments on the bill.

The fourth amendment clarifies the financial obligation of the State of North Dakota to the Wetlands Trust. The State is expected to contribute an amount equal to 10 percent of all Federal contributions, including those appropriated in fiscal years 1986 through 1990. In the event that such cost sharing is not provided under arrangements that are mutually acceptable to the Secretary and the Governor, no further Federal contributions will be authorized after fiscal year 1990.

The final technical amendment provides that the surplus crop production charge shall not apply to crops produced in the 5,000-acre Oakes Test Area for research purposes under the direction of the Secretaries of the Interior or Agriculture. Once this area is no longer needed for research purposes, the surplus crop production charge will be assessed.

Mr. Chairman, these technical amendments have been cleared with the minority, and it is my understanding, there is no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. MILLER].

The amendments were agreed to.

□ 1100

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DASCHLE: Page 10, line 3, insert "60 days after" before "the report."

Mr. DASCHLE. Mr. Chairman, I have a simple amendment to offer to this bill. My amendment requires that the report on James River Valley irrigation features mandated in this legislation be submitted to Congress for 60 days before construction of those features can begin. The intent of my amendment is to strengthen the compromise legislation worked out by the chairman of the subcommittee, my friend from North Dakota, and many others.

This amendment will not damage North Dakota's hopes for responsible water development in any way. As a South Dakotan, I fully understand the critical need for water development in semiarid rural States, and I know firsthand about the Federal Government's longstanding commitment to develop water resources in North Dakota and my State.

Over half-million acres of prime farmland was sacrificed with the construction of the four mainstem dams in South Dakota. Like North Dakota, we were promised significant water development in exchange for this extraordinary sacrifice; and, like North Dakota, we have yet to fully realize our dream for Federal water development. So the last thing I intend to do with this minor amendment is endanger the delivery of responsible water development for our neighbors to the north.

Still, certain aspects of this legislation remain controversial among outdoorsmen, conservationists, and farmers in South Dakota. The authors of this legislation recognized our concerns and agreed to thoroughly study these features to ensure that the livelihoods of landowners along the southern reaches of the James are not threatened by the quality and quantity of irrigation flows returned to the James from the Garrison project.

Section 5(c) of this legislation requires that no construction take place on the Sykeston Canal, the James River Feeder Canal, and James River channelization until the full implications of the construction of those features are reported to Congress. The bill calls for a comprehensive report on the precise impact James River Valley irrigation will have on the beautiful James River in North and South Dakota. I strongly support this provision.

As written, the James River Valley irrigation report is required only to be "completed and submitted to the Congress." My amendment simply requires that this critically important report be submitted for consideration a full 60 days before construction of these multimillion-dollar irrigation features are begun. If this body sees the need for the report in the first place, common sense dictates that we should be given ample time to review its findings once it's completed.

I applaud Mr. DORGAN, the subcommittee chairman, Mr. MILLER, Garrison project sponsors, national conservation groups, and others for working so hard to work toward a consensus on this difficult issue. Still, questions remain in my own mind about the environmental soundness and economic feasibility of the James River Valley irrigation portions of the Garrison reauthorization legislation.

I anticipate that the report called for in this compromise bill will provide the answers to those remaining questions and lead to an informed final decision by Congress in the near future. I urge the adoption of this amendment.

Mr. MILLER of California. Mr. Chairman, I rise in support of the amendment of the gentleman from South Dakota and commend him for offering this amendment. I think the gentleman has spent time with the committee, drawing our attention to concerns that the people in his State have with the outcome of this project, concerns that they have for the James River area.

I believe this amendment will allow once again for members of this committee and the Congress to focus in and make sure that when the final construction stages of this project go forward, that they do so without any injury or insult to the James River Plain.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. Yes, I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, let me reemphasize, as I have on many occasions to the gentleman from South Dakota [Mr. DASCHLE] that it is our intention to be good neighbors. We have worked together on a lot of things in North and South Dakota, Congressman DASCHLE and myself.

It is fully our expectation that the study of the effects on the lower James will guide development. That is precisely why the compromise included the phasing of construction so that construction on the features that would lead to irrigation of the lower James will not be started until after we have that study.

I think the 60-day amendment is a reasonable one. I think it makes sense. I will support it.

Again, as we go through this process, it is the full expectation of those of us in North Dakota to work fully and completely with those of you in South Dakota to make certain that we resolve all these problems.

Mr. DASCHLE. Mr. Chairman, if the gentleman will yield, I thank the gentleman from North Dakota. That is certainly our intent, the intent of this amendment. We will be working with the gentleman from North Dakota and with those in North Dakota to make sure that the successful conclusion of this effort comes about.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman.

Mr. DASCHLE. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes to engage in a colloquy with the subcommittee chairman.

The CHAIRMAN. Without objection, the gentleman from South Dakota [Mr. DASCHLE] is recognized for 2 additional minutes.

There was no objection.

Mr. DASCHLE. Mr. Chairman, I would like to engage in a brief colloquy with the chairman of the subcommittee about the intent of the substitute and the required report on the effects of the Sykeston Canal. James River Feeder Canal, and James River channelization on the James River in South Dakota.

Mr. MILLER of California. I would be pleased to address the gentleman's concerns.

Mr. DASCHLE. First, I thank the gentleman for including section 5(c) of this bill, which puts a hold on these James River Valley irrigation features until a comprehensive report on their effect can be delivered to Congress. That section of the bill is supported by

me and by many farmers, outdoorsmen, and conservationists in South Dakota.

I would, however, like to take a moment to clarify the intent of that section. I am concerned that past reports on the effects of Garrison irrigation features have not adequately studied the effects of James River Valley irrigation on the James in South Dakota. Is it the intent of the authors of this legislation that the report required in section 5(c) of this legislation should thoroughly study the environmental and economic impacts on the Sand Lake Wildlife Refuge and the entire southern stretch of the James River in South Dakota?

Mr. MILLER of California. That is clearly the intent. I am quite aware of South Dakota's concerns about the effect of the Garrison project on downstream James River Valley landowners and the James ecosystem in South Dakota. It is my intent that this report fully address those issues as they affect both North and South Dakota.

Mr. DASCHLE. I thank the gentleman and appreciate his assurances. His efforts to address South Dakota's concerns are deeply appreciated.

Mr. MILLER of California. Mr. Chairman, I simply again state my support for the amendment. I know of no opposition and I ask for an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. DASCHLE].

The amendment was agreed to.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word, and I rise to engage in a colloquy with the chairman.

H.R. 1116 makes the Southwest Pipeline in North Dakota an eligible project to receive municipal and industrial water grants. This project is now in an early phase of construction and substantial amounts of State funds have been invested. Would the State funds already expended upon this project be credited toward the required 25 percent non-Federal share of this and other projects?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I would agree with the gentleman's interpretation. Funds previously expended by the State on the Southwest Pipeline could be credited toward the non-Federal share of the costs of the Southwest Pipeline.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the chairman of the committee for that assurance. I have another colloquy that I would like to engage in with the chairman.

Mr. Chairman, as many of my colleagues know, most of the land taken for construction of the Garrison Dam and Reservoir came from the Fort Berthold Indian Reservation. The project required relocation of 85 percent of the members of the Three Affiliated Tribes which occupy the Fort Berthold Reservation. Lake Sakakawea, which was created when the Missouri River in North Dakota was dammed by the Corps of Engineers, cuts diagonally across the Fort Berthold Reservation. Similarly, Lake Oahe—part of the Oahe Dam project—is situated on the Standing Rock Sioux Reservation in North Dakota.

I point this out to remind my colleagues that North Dakota Indian tribes made substantial contributions to—and sacrifices for—the construction of Garrison Dam. The Garrison Diversion Unit Commission recognized the massive disruption in reservation life created by the Garrison and Oahe projects. Like the State of North Dakota, the Indian tribes gave up their rich river bottom land which provided the economic base of the Indian farming and ranching community.

The Garrison Diversion Unit Commission recognized that significant Garrison-created problems on these reservations must be resolved as part of the overall settlement of the Garrison controversy. Pursuant to the recommendations of the commission, Secretary Hodel, in September 1985, appointed a five-member Joint Tribal Advisory Committee to study the Indian issues identified by the commission.

The JTAC has not yet completed its work and, therefore, its recommendations were not available to the Interior Committee during its work on H.R. 1116. We anticipate, however, that the committee's final report will be filed by the end of May.

Because the JTAC's findings and recommendations were not available to the House Interior Committee, H.R. 1116 contains what should be described as only the first phase of the Dam. The bill authorizes development of limited irrigation systems on both the Fort Berthold and Standing Rock Reservations, following soil surveys, land classifications, and a determination as to the susceptibility to agricultural crop production as required by the act of July 31, 1953, as amended. In addition, the Secretary of the Interior is directed to construct such MR&I water systems as are necessary for the economic, public health, and environmental needs of the reservations, but an authorization ceiling of $20 million is placed on this undertaking.

We fully expect that the JTAC will recommend enhancement of irrigation and MI&R authorizations for the two reservations that it was empaneled to study. I hope that those recommendations, and all recommendations of the JTAC, will receive the careful attention of the Water and Power Resources Subcommittee chaired by my distinguished colleague from California, Mr MILLER. It is my understanding that Chairman MILLER intends to schedule hearings on the JTAC report soon after it is filed. On behalf of the Indians of North Dakota, I look forward to working with him and the subcommittee in drafting appropriate legislation after review of the JTAC's recommendations. I see this legislation as the second phase of the resolution of the Indian-related issues created by the mainstem dams. I hope that we can then move this legislation very soon after the hearings are held.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, the understanding of my distinguished colleague from North Dakota is correct. The Subcommittee on Water and Power Resources will give early consideration to the final recommendations of the Joint Tribal Advisory Committee. I am delighted that he is going to work with us in fashioning legislation after receipt of this report and in moving that legislation along its congressional path.

H.R. 1116 is, among other things, designed to offset the loss of rich North Dakota farmland for the construction of the Garrison Dam and Reservoir. I believe it is important that all elements of North Dakota society, including its Indian tribes, be properly compensated for this loss. In this regard, I look forward to reviewing the final report of the Joint Tribal Advisory Committee. I expect the chairman of that committee, Gen. C. Emerson Murry, to supply my subcommittee with a copy of that final report when he files it with Secretary Hodel. In this way, the subcommittee can immediately commence work on the second phase of the resolution of Garrsion-related Indian issues.

Mr. DORGAN of North Dakota. On behalf of myself and the Indian tribes of my State, I appreciate the support espoused by my colleague and his commitment to resolving these further Garrison issues.

AMENDMENT OFFERED BY MR. BEDELL

Mr. BEDELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEDELL: Page 19, strike out lines 7 through 19 and insert in lieu thereof the following:

"SEC. 9. (a) Until the construction costs of the facilities authorized in section 5 are repaid, the irrigator shall, by contract with the Secretary of the Interior, agree to pay full cost as defined in section 202(3)(A)-(C) of the Reclamation Reform Act of 1982 (P.L. 97-293; 96 Stat. 1263), for the delivery of project water used in the production of any basic agricultural commodity if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture.

"(b) The Secretary of the Interior shall announce the amount of the full cost payment for the succeeding year on or before July 1 of each year.".

Mr. BEDELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

(By unanimous consent, Mr. BEDELL was allowed to proceed for an additional 15 minutes.)

The CHAIRMAN. The gentleman from Iowa [Mr. BEDELL] is recognized for 20 minutes.

Mr. BEDELL. Mr. Chairman, first of all, let me say that there is no one in this body for whom I have greater regard than my friend, the gentleman from North Dakota, BYRON DORGAN, and rightly or wrongly, I consider him a great friend.

Mr. Chairman, I rise today because I fear that we in the Congress may be shirking a responsibility unless we address one particular part of this legislation.

My amendment, pure and simple, would simply say that people who use Federal water to irrigate crops that are in surplus will have to pay the full cost of that water if they are going to irrigate crops that we are paying other farmers not to grow.

Two of our largest problems at this time would appear to be our budget deficit and the tremendous agricultural surpluses that we face that are such a burden to us. I do not need to talk to this body about the problem with our budget deficit. We have all faced the problem with Gramm-Rudman. We face the problem that we do not have the money we need for health research, for agriculture, for small business, for all the different programs that are important to our society.

I would hope that I would not have to speak about the surplus problem that we have in agriculture. As I serve on that Agriculture Committee, let me tell you, it is not just a problem for us. It is a world problem. You know the cost that we have in trying to take care of that surplus here.

I cannot understand how anybody in this body could say that it makes sense today with the problems we face to pay farmers to grow more crops at the same time we are paying farmers not to grow those very same crops.

Now, it has been brought up, and rightly so, that indeed North Dakota gave up something and they are entitled to some reimbursement and some benefits back. But let me read to you what was in the 1965 Garrison Act as we passed it:

For a period of 10 years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity as defined in the Agriculture Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(B)10 of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

This provision in the 1965 law recognized that we should not be supplying subsidized water to grow crops that were in surplus. The problem is that the 10-year prohibition has now expired. That was a standard provision that was inserted in dozens of authorization projects at that time.

□ 1115

My amendment is clearly consistent with congressional intent on the Garrison Diversion project as expressed some 20 years ago. The only difference is, my amendment is less harsh. The original law said that you could not deliver any water. My amendment says you can deliver water, but beneficiaries will have to pay the full cost to the taxpayers.

Some people say, "Look, this is unfair because this is a new proposal and it only applies to Garrison." I have here a list of some 43 projects on which the legislation provided that water would not be supplied to provide for the growth of surplus crops.

It is true in many of those cases that it said from 10 years from the date of authorization, and that that term has expired in many of those cases. But clearly, the prohibition has been the intent for some long time. Indeed, in some of these projects, the prohibition is not only for 10 years from the date of authorization; it is for 10 years from the date that the project was indeed completed.

In addition to that, in 1982 during House debate on the Reclamation Reform Act, which has set the water policy for our country, an amendment was adopted. My amendment, which I offered, was adopted here on the House floor by voice vote and read as follows:

"Notwithstanding any other provision of law, no water from any Federal reclamation project authorized after the date of enactment of this Act shall be delivered within 10 years of the date irrigation water is first made available to construction blocks within such project for the irrigation of any" surplus crop.

We passed that here in the House, clearly showing that that was our desire. What happened was that it went to a conference committee and the conference committee weakened it to say we should have a study. The study was completed, and let me read to you from the study by the USDA's Economic Research Service:

Reclamation and commodity program goals conflict. The Nation should develop and articulate a policy on the desired linkage between the long-term agricultural capacity needs and the short-term agriculture stability and income objectives.

Further, in the conclusion:

Requiring farmers who use USBR water to pay full costs for water used on program crops as long as the crop is declared in surplus represents a policy strategy to eliminate one of the subsidies, the subsidy provided by the USBR program.

Under this plan, USBR farmers would be placed on a comparable basis with other program crop producers in the Nation.

I repeat that: They would be placed on an equal basis with other program crop producers in the Nation.

National production efficiency would be expected to improve, as production would move toward areas of comparative advantage. Program costs would be reduced due to lower production and higher prices. Administrative costs would increase somewhat to insure compliance. The use of full-cost pricing for project water on farms in excess of 960 acres already is a feature of Public Law 97-293.

Clearly, that study pointed out what we are doing is subsidizing water to grow more crops at the same time we are paying farmers not to grow those same crops.

We have a letter, as well, from the Department of the Interior. This is dated March 6, 1986. Let me read from the letter of the Department of the Interior.

We believe that the time has arrived to remove the SRPA program from Federal interest subsidies. In these times of Federal budget exigencies and large surpluses of agricultural production, we can no longer afford to grant interest-free SRPA loans for irrigation-related purposes.

Let me give an example of this subsidy situation, and I hope my colleagues will catch this, and particularly the gentleman from Massachusetts [Mr. CONTE], because he has been greatly concerned, I think, over some of the costs of our agricultural programs. I would hope the gentleman would listen to this to understand exactly how this would work.

For example, the average-size farm to be irrigated in this bill is 278 acres. The subsidy that the taxpayers will be paying is $300 per acre per year. That means we will be subsidizing the average farmer to the tune of $83,400 to supply him the water each year.

But that is not the biggest part of the problem. The problem is, if he were to grow corn on that land and we have too much corn, then we are going to have to somehow get other farmers to reduce the amount of corn that they grow. The way our farm program works is that we tell farmers, "If you will set aside 20 percent, or one-fifth of your land, we will pay you a payment on the corn you grow on the rest of your land." Therefore, for every 1 bushel of corn we reduce, we have to

pay farmers for producing 4 bushels that they produce on the rest of their land.

The Department of Agriculture estimates that that payment will be $1.11 per bushel. That means that we have to pay $1.11 per bushel for 4 bushels to get 1 bushel reduced, or we have to pay $4.44 per bushel for every extra bushel of corn that has to be reduced. Multiplying by 278 acres, this means that the taxpayers will not only be subsidizing that average farmer for $83,400 each year; they will have to subsidize other farmers $150,338, or nearly twice as much, per year to reduce production to offset the first farmer's increase.

I do not see how we can possibly say that that is the thing to do with the problems that we have at this time in our budget.

We have said that this is a delicate compromise. I understand that. But I hope we understand who made the compromise. This compromise was negotiated between the State of North Dakota and two environmental organizations, the National Wildlife Federation and the National Audubon Society. That is perfectly proper. We should concern ourselves with the environment. I might mention that two other environmental organizations support my amendment, and we have letters to show that, the Sierra Club and the National Resources Defense Council.

But that is not really the issue. The issue is, what is it that we are here to do in service to our people? My contention is that it is not up to us to let the environmentalists and some States decide how we are going to spend our tax money and what is going to happen to our taxpayers. My contention is that that is what we are here for. We are here to determine how money is to be spent. For us to say that we are going to give that duty to two environmental organizations in one State, and then say for every dollar they spend that we are going to have to spend 2 more dollars trying to take care of the surpluses that could be created if they do that simply does not make any sense.

I guess the greatest concern I have is whether or not we are going to decide that it is our responsibility to decide what we do in regard to the expenditures of funds from our Federal taxpayers.

□ 1125

Mr. STRANG. Mr. Chairman, I rise in opposition to the amendment.

Reclamation law currently requires full repayment with the entire Federal reimbursable project investment, without interest in the case of irrigation, during a period generally not to exceed 50 years. Traditionally part of this is paid by the irrigators and the remainder is paid by power customers.

I would reiterate, the remainder is paid by power customers. This committee proposal would add to the irrigator's portion of the repayment a surcharge equal to 10 percent of full cost, as defined in the Reclamation Reform Act of 1982.

This charge would have to be paid solely by the irrigator. In the case of Garrison, for example, this charge would amount to an increase of about 75 percent over the irrigator's currently calculated total ability to pay.

In short, the committee proposal, the compromise before us will be a significant disincentive to the production of surplus crops.

The Bedell proposal would require payment of 100 percent of full cost for irrigation water used to grow surplus crops. This cost would have to be borne solely by the irrigators and would exceed by a factor of at least 500 percent the calculated irrigator's ability to pay.

In short, the Bedell proposal would effectively be a complete ban on the growing of surplus crops on the Garrison project. Unlike traditional agriculture, irrigation projects are long-term development investments.

Additional, dependable production capability which does not depend on weather cycles is desirable for the long term. It should not be made totally contingent on a short-run decision about crop surpluses. However, this will be the impact of the Bedell amendment which may well prevent new irrigation projects from being built in a large part of the West, and possibly force abandonment of existing projects at contract renewal.

The Bedell amendment will effectively destroy the Garrison compromise. It will, therefore, prevent this project from providing important benefits to the local and national economies by using a scarce resource, water.

I should not have to point out to anybody from the Midwest or the Farm Belt that the farm community is in trouble. This bill is antifarm, antihomestead, this measure, this amendment, antifarm, antihomestead, and antiopportunity.

The opportunity to use less land to grow the same amount of crops should be regarded by anybody from Iowa as an absolutely magical proposal. To take away this opportunity under a shortsighted attempt to talk about the surplus problem, when, in fact, we are getting at the surplus problem with our current farm legislation, is to deny those farming communities and those families in North Dakota, the opportunity for a future and for opportunity.

I think the amendment is very damaging and strongly oppose it.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. STRANG. Mr. Chairman, I yield to my friend, the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, the gentleman talked about the short run surpluses. Does the gentleman believe that our agricultural surpluses are short run?

Mr. STRANG. The agricultural surpluses have been long run. I believe the direction of our farm policies are going to make them shorter run; I certainly hope so.

Mr. BEDELL. If the gentleman will yield further, our farm policies try to control those surpluses by paying farmers not to grow crops. Is that not correct?

Mr. STRANG. I think perhaps it is correct. I do not think it is germane to the gentleman's amendment nor to my comments.

Mr. BEDELL. Will the gentleman yield?

Mr. STRANG. I yield further to the gentleman from Iowa.

Mr. BEDELL. The gentleman said that the farm community is in trouble because of surpluses.

Mr. STRANG. My remarks to the gentleman and to this body, to the Chair, were directed at the problem that the farm community does not need one more hammering by withdrawing opportunity from that community. This particular amendment takes away opportunity.

I do not think I want to do that to the Farm Belt, nor do I think this body does.

Mr. BEDELL. Mr. Chairman, will the gentleman yield further?

Mr. STRANG. Mr. Chairman, I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. At least I think the Agriculture Committee would tell you, and I think the farmers across the country would tell you that indeed our farmers are in trouble and they are in trouble because of surpluses. If the farmers are in trouble because of surpluses, then this gentleman thinks that it does not make very much sense to spend taxpayers' money to increase those surpluses.

This gentleman's amendment is simply an effort to improve the bill. I do not see how Members can very well sit here and say that we think it makes sense to spend taxpayers' money to increase our farm surpluses at a time when we are also spending large amounts of taxpayers' money to reduce those surpluses.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. STRANG] has expired.

(On request of Mr. BEDELL, and by unanimous consent, Mr. STRANG was allowed to proceed for 5 additional minutes.)

Mr. STRANG. Mr. Chairman, I further yield to my friend, the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, does the gentleman feel that when he

talked about the 10-percent disincentives, does he believe that 10-percent disincentives would, indeed, prevent irrigators from using irrigated water to grow crops that are not surplus?

Mr. STRANG. Mr. Chairman, with all due respect to my friend from Iowa, I find his arithmetic a little bit voodoo and since the Socratic manner is not an opportunity in which two can engage simultaneously with any profit, I would ask the gentleman if any farm groups support the Bedell amendment?

Mr. BEDELL. Mr. Chairman, I do not think the farm groups support it or oppose it. I have certainly not contacted any. I do not know that the farm groups even know that this is an issue. I think this is an issue that should be addressed by us in the Congress.

I think it is an issue of how we spend our money.

Would the gentleman want to answer or not, I do not trying to press you, does the gentleman believe that the 10-percent disincentive would cause farmers not to grow crops that are not surplus?

Mr. STRANG. In response to the gentleman's question, reclaiming my time, I would say that that disincentive, yes, would help. I would also point out that these are very long projects. Garrison is for all time. This is a final solution. These disincentives, coupled with a trend away from subsidies in our farm policies, will provide those people with an opportunity for a small portion of the promises made by this Government 40 years ago. This amendment, unintentionally, wreaks great havoc to that promise.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. STRANG. Mr. Chairman, I am happy to yield to my friend, the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, is it the gentleman's understanding that this surcharge which exists in this compromise is the only surcharge of its type in the United States? In other words, with all of the reclamation out there, with all of the irrigation from these reclamation projects that exists, we have agreed in this compromise to impose a surcharge and it will be the only surcharge that exists. The surcharge is 10 percent.

What the gentleman from Iowa is suggesting is that in this instance where the only surcharge will exist, 10 percent is not satisfactory; it must be 100 percent of less than 1 percent of all of the irrigation in the western part of the United States. Is that not exactly what we are talking about?

Mr. STRANG. That is my understanding. I would point out that, for example, you cannot resolve all the surplus problems in agriculture in the United States on the backs of the citizens of North Dakota, nor is it a good place to start.

Mr. BEDELL. Mr. Chairman, will the gentleman yield further?

Mr. STRANG. I am happy to yield to my friend from Iowa.

Mr. BEDELL. Mr. Chairman, the gentleman has made a point that this is a new thing in terms of charging a charge for the use of that water, 10 percent of the cost, but it should also in fairness be pointed out that there are a number of projects where it is absolutely prohibited from using water for surplus crops production. It seems to me that telling them they have to pay the cost of the water is much less onerous than telling them they cannot use the water no matter what.

Mr. STRANG. Mr. Chairman, reclaiming my time, I would offer by way of response the comment that this amendment, if passed, will simply deny them the opportunity to use the water ever.

Mr. BEDELL. Mr. Chairman, will the gentleman yield further?

Mr. STRANG. I am happy to yield to my friend, the gentleman from Iowa [Mr. BEDELL].

□ 1140

Mr. BEDELL. Will the gentleman yield further?

Mr. STRANG. I am happy to yield to my friend.

Mr. BEDELL. Because I want to be quite clear as to, because that was confusing, I felt, a little bit yesterday in our debate in regard to the taxpayer cost. It was brought up that the electric users would have to pay 85 percent of the capital cost of the project.

The gentleman does agree, does he not, that when the Government goes and borrows money for this project, the Government is going to have to pay interest on the money it borrows to construct the project. Does he agree to that?

Mr. STRANG. I would agree to that.

Mr. BEDELL. And I assume the gentleman agrees that in this bill there is no interest cost to anyone; that they only have to pay the capital cost. So the taxpayers are going to have to subsidize each year the interest cost on that capital cost.

If we have got $700 million of investment and if the interest cost is 6.5 percent, which I was advised has been the rate on short term government securities, that is $45.5 million, which is $350 per acre per year that we will indeed, that taxpayers will be subsidizing to cover the interest cost on the investment.

Mr. STRANG. If I might reclaim my time on this matter. Those are statistics which will not be borne out, because they choose to ignore the return to the Government from productivity. That is always left out of these arguments; there is always this austere argument that the Government is simply having to pay.

I reject that argument, and I furthermore feel that this body has got to recognize an absolutely magnificent compromise made.

(By unanimous consent, Mr. STRANG was allowed to proceed for 1 additional minute.)

Mr. STRANG. A compromise which is supported by the strongest traditional opponents of this project. That has to send a message. We are a nation of compromise. We are also a nation of heart, and I think that to pull the rug from under the people who have relied on something out of Garrison for 45 years, would be a tragedy to the farm community.

Mr. BEDELL. Mr. Chairman, I ask unanimous consent that the gentleman have 2 additional minutes.

Mr. STRANG. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman does not desire the time.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I rise in opposition to the amendment and would like to say, this is a case of creating a condition and then debating that condition with yourself. This is not a debate, I believe, that the gentleman from Iowa is having with me or with the chairman of the subcommittee. We happen to agree, philosophically, with the sort of thing the gentleman is saying.

The facts the gentleman are alleging are not necessarily the case. The facts that he suggests or implies are that we are going to have a lot of land that is not now currently producing surplus crops go into the production of surplus crops, which is going to disadvantage some farmers someplace else. That is not the fact, and I will describe that in just a moment.

The gentleman has said, in supporting his amendment, that his intention is to try and move away from the production of crops which are in surplus. We agree. That is why in this compromise, there is a 10-percent surcharge on surplus crops. That is, water used to produce crops that are declared in excess of surplus is subject to a 10-percent surcharge.

The gentleman from Iowa will readily admit that that condition does not exist anywhere else; it does not exist in other States in the western reclamation areas; it exists only in this compromise.

Because we philosophically agree with what he is trying to do—but it is interesting to me to note that what he is trying to do with his amendment, in my judgment, is exactly the opposite of what he is telling us on the floor. That is, the result of his amendment will in my judgment lead to more pro-

duction of crops that are in surplus or excess.

Let me explain why, just for a moment. The gentleman from Iowa knows, because I told him the other day, that the land that is going to be irrigated in North Dakota with this reformulated project predominantly at this point does grow crops that are in surplus or excess.

The gentleman also knows, because I told him a couple of days ago, that of the private irrigation in North Dakota at the present time, 90 percent of it is nonsurplus crop irrigation, because largely the surplus crops; the corn, the wheat and so on, do not lend themselves to the kind of irrigation practices that the gentleman is alluding to.

In fact, what we are raising are forage crops, alfalfa; we have the capacity for dry, edible beans—the crops that are not program crops in the USDA Program. Now, it seems to me that the gentleman from Iowa is here on the floor because he would want more of that land that is to be irrigated to move from surplus crops into nonsurplus crops; forage crops, specialty crops, I assume dry, edible beans and so on. I assume that is the gentleman's intent.

If that is his intent, it seems to me he would want to allow the flexibility for farmers to move from their current production approaches to the ability to produce those forage crops and edible beans, and in order to do that, obviously to get the irrigation apparatus, to get the kind of structure you want in the economy, perhaps some bean processing plants and so on; you have got to have some time, some interval to accomplish that.

I think what the gentleman is saying is immediately there is a 100-percent penalty that exists if this amendment passes; and I say to the gentleman from Iowa that what that means is that in the long run we are not going to have irrigation. In the long run, if we do not have that kind of irrigation in those areas, they are going to produce what they are now producing; those are crops that are in surplus.

So I think that the amendment the gentleman raises simply defeats the purpose the gentleman expresses.

Let me make one other point, if I might, Mr. Chairman. This is the wrong place for the gentleman to be trying to make this policy; and I think he admitted that the other day. This is the wrong place to make that policy. The gentleman says it is the only place. It is a convenient place, but it is the wrong place.

If the gentleman's policy is to say that those who use irrigation water in parts of this country should never be able to use irrigation water with respect to crops that are declared in excess of surplus at some given time; and yes, this excess or surplus crop is temporary; anybody who does not believe that I think has not studied the world food supply situation.

If the gentleman from Iowa really wants to press his point and apply some uniform, fair standard—at least fair in his mind—to irrigated acres through the Bureau of Reclamation, then do that; but do not do it here on less than 1 percent of the irrigated acres with a 100-percent fee—that is not reasonable.

It is not reasonable at all, in my judgment, and not appropriate.

Again, I think the gentleman will do exactly the opposite of what he is standing here today telling us he intends to do.

So, my friends, I would suggest that we dispense with the Bedell amendment, defeat the Bedell amendment, retain in this legislation a 10-percent surcharge which will exist as the only surcharge on any of these reclamation project irrigation features in this country; and I think that is a very reasonable approach; it was a hard-fought compromise.

(On request of Mr. BEDELL, and by unanimous consent, Mr. DORGAN of North Dakota was allowed to proceed for 4 additional minutes.)

Mr. BEDELL. Will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman.

Mr. BEDELL. I particularly appreciate the opportunity to be heard, Mr. Chairman, because the last thing I would want to do is appear to be trying to single out my good friend from North Dakota.

The fact is, that in my amendment, which in 1982 did pass with a uniform standard that went further than this—it said "you can't even use water for that." Unfortunately that was knocked out in the conference committee. The House supported that and agreed to that.

This is the next bill. If it had been any other bill, I certainly would be doing the same thing. This is the way the project works, and this is what we have to do.

Mr. DORGAN of North Dakota. If I might reclaim my time. The gentleman will admit, of course, that to have a project exist that has a 100-percent penalty with less than 1 percent of the irrigation and all the rest of the 99 percent of the irrigation have no penalty seems a contradictory policy.

At least the result, if the gentleman's amendment passes, would be to create a terribly uneven situation. Would the gentleman admit to that?

Mr. BEDELL. Yes. I guess the question is, if something is wrong, should we correct it, or since it has been wrong, should we say we are going to keep doing it wrong for the rest of our lives? My opinion is that we should correct it.

Will the gentleman yield further?

Mr. DORGAN of North Dakota. Yes, I will be glad to yield.

Mr. BEDELL. Does the gentleman believe that 10 percent would stop growing of surplus crops?

Mr. DORGAN of North Dakota. Well, we talked about that the other day. In my judgment, the 10 percent will largely impede the irrigator from growing surplus crops, yes.

Mr. BEDELL. See, if it would stop it, it seems to me then we ought to have decent water policy which I would feel is 100 percent, and not have the taxpayers have to subsidize to grow crops, at the same time we are paying not to grow them, if that is the case.

If I can go further, the gentleman said that he needed time. How long will it be until this thing is completed and people start getting water from this project?

Mr. DORGAN of North Dakota. Let me reclaim my time. The gentleman creates a case and then beats it over the head, and it is not a case at all. The case is not that we are going to have acres and acres of irrigation in the Lower James of North Dakota that is going to produce surplus crops.

That is not the case, and so you can create that and debate it and beat it, but it is not the case.

What I was trying to say to the gentleman earlier is that a 10-percent surcharge, in my judgment, is a very reasonable approach; one that does single us out, and one that the gentleman nodded his head affirmatively to that is probably an uneven policy to single us out; but one, nonetheless, that we accept.

Mr. BEDELL. If the gentleman will yield further. I am told the Garrison Study Commission projected for dry land farming in the South, 39-percent surplus crops; and with irrigation, it would be 75 percent. In the North, 25 percent going to 60-percent surplus crops.

□ 1150

Mr. DORGAN of North Dakota. I can tell you the preponderance of the crops grown now in areas that will be irrigated are crops that are declared to be in excess. I can also say the crops grown on land that is irrigated in North Dakota is like 90-percent nonsurplus crops. Most of the experts I have talked to indicate that the crops that will be grown on this irrigated land will be forage crops such as alfafa, such as dry edible beans, specialty crops that people can move in and out of. The last thing, I think, in the world that our farmers want to do is raise more crops that are in surplus that have a low price attached to them. A low commodity price does not get you much when you go to the country elevator. Your farmers in Iowa, I am sure, do not want to produce crops that are in surplus and

find out when they harvest and sell them they do not get any money.

The gentleman from Colorado said this is a compromise. Well, it is a compromise of a lot of things. The State of the gentleman from Iowa, and he knows this well, his State has received substantial benefits from this project. He has never been down to the floor lauding that or complaining about it. It is part of what we do as neighbors. We build a project, some people get benefits, other people get costs. But all of us were promised, and this is part of the benefits structure that we were promised. In putting this together, we decided there were people like the gentleman from Iowa who felt very strongly about the surplus crop issue. We could not come out with a compromise that said let us have no surcharge. In fact, we created a surcharge and much to the consternation of some people around here, incidentally, who do not want to see a surcharge. But we created one and it is the only one that will exist.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa.

This proposal to amend the project helps fulfill a commitment made to North Dakota over 40 years ago.

Perhaps no reclamation project has been the subject of as much study and restudy as the Garrison diversion project.

During the most recent formulation of the project, all points of view; Federal, State, local, agricultural, and evironmental, were carefully considered.

After consideration, all points of view were welded into the compromise package which is embodied in H.R. 1116 and is supported by all affected interested parties.

The project would be significantly scaled down in scope while cost-sharing requirements and fish and wildlife mitigation features would be significantly increased.

The scaled-down project represents a savings of $800 million below the current authorized project and $2.6 billion less than the project as originally authorized.

The project, as scaled down by H.R. 1116, already requires higher cost sharing than is currently required for other reclamation projects.

A key feature of this higher cost sharing is a 10-percent surcharge for farmers using irrigation water for surplus crops.

If H.R. 1116 is approved, Garrison will be the only project in the country with a surcharge for irrigation water used for surplus crops.

The surcharge not only supplements the existing cost sharing requirements of Federal reclamation law but provides a major incentive to farmers to grow nonsurplus crops.

As a farmer myself, I can assure you that a 10-percent surcharge for water provides a tremendous incentive to grow nonsurplus crops.

Increasing the surcharge will have the effect of discouraging a change away from surplus crops.

In order to shift to nonsurplus crops, farmers need time to allow for crop rotation and the purchase of different farm and irrigation equipment.

Irrigation water needs to be available and in place in order to make it possible to shift to nonsurplus crops.

A 100-percent surcharge will result in farmers not using irrigation water and continuing to farm as before.

If this amendment is adopted, it will not kill the project—it will kill the compromise—a compromise that greatly reduces the scope and cost of the project.

Good projects make good neighbors. We in Minnesota, Iowa, South Dakota, and other States in the region have benefited from the electricity, navigation and flood control benefits of Garrison.

It is time the citizens of North Dakota, who gave up five counties worth of their land, should derive at least a portion of the benefits from the project.

I note that the Interior and Insular Affairs Committee carefully considered the gentleman's amendment but rejected it by a 4-to-1 margin.

I urge my colleagues in the House to do likewise.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise to oppose the Bedell amendment to H.R. 1116 to require producers to pay full cost of water from the Garrison diversion unit as a condition for producing corn and other basic program crops designated by the U.S. Department of Agriculture.

The issue that accompanies all water-project legislation is under what terms and conditions shall the United States continue to develop its water resources.

Yes, we have surpluses now. Yes, agricultural land is a glut on the market. Yes, we have a budget deficit.

But the world is living hand-to-mouth. Surpluses of commodities and of land could disappear over night. It could stop raining in the incomparable Midwest.

The Garrison diversion unit and the O'Neill unit are not isolated projects, although they must stand on their own merits. They are, additionally, part of the mighty 10-State Pick-Sloan Missouri Basin Program. This program, begun in the 1940's is a long-range development program of water planning.

It contemplates the construction of about 150 water projects such as the Garrison and O'Neill projects, but some were designed for flood control, some for navigation, some for recreation, for municipal and industrial water supplies, and, yes, some for irrigation.

The intent of the Interior Committee in bringing forth this compromise bill at this time is to establish certain new precedents in this project that could be made applicable to other water projects not yet constructed.

Because Nebraska has reached a new consensus on a major water project in our State, a project known as the O'Neill unit, I am deeply concerned how the House disposes of this bill that reformulates and reauthorizes Garrison.

If Garrison is the stalking horse for other projects in other States, then Nebraskans must examine this legislation with care because the fate of the O'Neill unit, as would be modified in my bill, H.R. 1590, could well be decided also by the fate of Garrison.

Frankly, I am deeply opposed to any restriction on production of surplus crops in Federal water projects because it is unfair. It is unfair because similar restrictions do not yet exist in other Federal water projects. It is unfair to make national policy on a project-by-project basis. Policy should be made by the Congress in the usual way—by passing comprehensive, broad-based legislation that includes policy determinations affecting all producers everywhere.

Nevertheless, on the floor today, here, now, the committee has brought forth a bill that proposes to penalize producers in the Garrison project by an amount equal to 10 percent of the full cost of water produced in this Federal project. The committee rejected an amendment to eliminate this unfair provision. And it also rejected the Bedell amendment, which, of course, is far, far more unreasonable and unfair than the provision already in the bill.

So, the reclamation States, like Nebraska, are supposed to be glad that the surplus crop production surcharge is "only" 10 percent of full cost and not some higher figure.

I oppose the Bedell amendment because it is so bad and not because what is in the bill as presented to us is so terribly attractive.

We are seeking modification of the project in my State, the O'Neill unit.

Now, in this bill modifying the Garrison diversion unit, we in Nebraska can see the handwriting on the wall. This restriction on crop production is not and never will be on our agenda. It is an issue being forced upon the reclamation West by people who lack full understanding of the mystical impor-

tance of water in areas that do not have much precipitation compared to more fortunate regions of the East and Midwest.

Here in the House, which is increasingly dominated by urban-based Members, we have an increasingly tough job of education and reeducation with respect to water resource development in the United States.

We are building a 100-mile-long subway here in Washington, DC, for an amount approaching the $15 billion total investment in the reclamation West over the last 80 years. And that subway will never produce anything—surplus or otherwise—besides a spiraling operating loss that is projected soon to be an annual $300 million. And it is not even finished yet.

We are recommissioning battleships, which some experts say are totally obsolete and of only limited use, at costs in excess of what our O'Neill unit will cost, and, not far, I assume, from what Garrison's completion will cost.

And we are building the subway and fixing up the battleships with almost no outcry or clamor about the wisdom of such large public investments.

Yet, water projects, which produce food, make efficient use of water and return much of it to original sources, and create tax revenues, jobs, and other economic benefits—water projects are reviled as wasteful, pork-barrel political payoffs to Members of Congress.

I ask you what Communist country would not gladly exchange their system's discredited, inefficient agricultural disasters for our system. What sub-Sahara land, and Ethiopa, would not sacrifice its gross national product for our water resources development complex?

The Bedell amendment eventually would stop U.S. water development dead in its tracks if it is approved by the Congress and then becomes the pattern for other water projects.

The reason is simple. Farmers still have free choice in this country. Under Federal law, Federal water projects must have local sponsors capable of contracting for repaying part of the construction costs.

Under State laws, local sponsors can organize themselves into irrigation districts with taxing powers. But, in most States, farmers may petition out of these districts. They don't have to be in the the water project if they don't want to be.

At full cost, which in the case of the O'Neill unit would be around $300 per acre per year for 40 years, what farmer in his right mind would sign up for the project water?

Even at 10 percent of full cost, or $30, I question whether O'Neill unit producers would, under present circumstances, sign up for the project.

In my view, it makes little sense to set a flat "surplus crop production charge" for 10 percent of full cost before knowing, with respect to O'Neill, at least, how much the project will cost or when it may be completed. Far wiser, I say, would be to make the 10 percent a ceiling figure, instead of the bill's imperative directing a charge "equal to 10 percent of full cost * * *."

I wish to associate myself with the arguments against the Bedell amendment in a letter to Members dated April 22, 1986, and signed by the gentleman from North Dakota [Mr. DORGAN] and the gentleman from Minnestoa [Mr. STANGELAND].

I agree that the proposed amendment would destory the hard-won compromise on the Garrison project. I agree, for now, that we will have to accept the 10 percent.

And while I urge my colleagues to reject the Bedell amendment and approve the committee bill as presented to the House, I serve notice that I will oppose the inclusion in my bill, H.R. 1590, modifying the O'Neill unit in Nebraska, of not only any provision requiring full-cost penalty but any crop restriction at all.

If such a restriction is forced onto my bill, I will thereupon seek the guidance of my State's water policymakers and local sponsors as to whether to proceed further.

To reiterate, Mr. Chairman, I oppose the Bedell amendment, and I ask the House to reject it.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, first to all, I would like to begin by commending the people who were responsible for negotiating out the bill that is before us. It is a very good bill, and I urge commendation of this House for them finally breaking a logjam which we have had in this area for quite a while, and getting it behind us.

Mr. Chairman, the author of the amendment, our beloved friend from Iowa, Mr. BEDELL, has decided to retire at the end of this session, his amendment will improve this bill.

Mr. Chairman, I rise in support of the gentleman's amendment.

I am aware that penalties for surplus commodity production are already in the bill. However, I have my doubts that the bill's penalties are severe enough to ensure that the newly irrigated lands won't be used for surplus crop production. There is no reason the Federal Government should provide any irrigation subsidy to farmers who use these lands for producing surplus commodities.

Farm programs are costing the taxpayers billions of dollars a year. It seems to me that we should make every effort to make sure that other Government programs don't result in increased production of commodities that are already in surplus. This gentleman's amendment gives us the opportunity to do just that.

The new farm bill established a huge conservation reserve under which we will pay farmers to take 40 million acres out of production over the next 5 years, in addition to the millions of acres of annual set-asides under the wheat and feed grains program. It would be ridiculous for us to turn around and pay irrigation subsidies to farmers in North Dakota for bringing new land into production of those surplus crops.

If a farmer still wants to produce these crops, let him pay the full costs of production as farmers in other States do. Let's make sure we aren't spending the taxpayers money to add to the surplus with these newly irrigated lands when we're already spending their money to reduce it. I urge my colleagues to support the amendment.

□ 1205

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to my colleague from Iowa.

Mr. BEDELL. Mr. Chairman, I thank the gentleman for his statement.

I would like to point out just one or two things. First of all, the House clearly has spoken on this issue in 1982 when we passed in the House a provision with regard to water policy that said you simply will not deliver water for surplus crops. This is less onerous than that. And the only way we are going to get it if that was knocked out is each time come through and keep it in, since the House has already spoken. This is an effort to comply with what the House has already said.

The biggest concern that this gentleman has goes way beyond the cost of the subsidy for growing crops. It is that it will cost us about $2 more in additional subsidy to get other farmers not to grow those crops that we are paying farmers to grow.

Mr. STRANG. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman.

Mr. STRANG. Mr. Chairman, I respect the gentleman's arguments, and I understand that nobody in this body, and would agree nobody in this body wants to participate in a plan which would simply have the Congress in the position of stimulating vast acreages of already surplus crops.

Mr. Chairman, I would ask my friend to listen to the words of our colleague from North Dakota, who pointed out that when you can put irrigation into a community and you have a community in which the only crops available are surplus crops because it is dry land, you cannot reasonably expect the crops to come irrigation to

be surplus crops out of the self-interest of the farmer.

This particular amendment takes away from the farmer the opportunity cost which he simply must have to get through this greatest crisis in 50 years.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, like a lot of Members, I am caught in a difficult spot; first, because of my respect for the work done by Mr. DORGAN of North Dakota and others. I mean, Congressman DORGAN is one of the bright present and future leaders of our country, and I am sure of North Dakota. I respect the gentleman a great deal. And between the gentleman from Iowa [Mr. BEDELL], who I hate to see leave this body. The gentleman adds a great deal to our common sense.

But the question I have in listening to the debate today is if we do not want to pay farmers to grow surplus crops or to subsidize them, why do we not prohibit that in the bill? I think that is what the gentleman from Iowa [Mr. BEDELL] has tried to do.

Everyone says we are opposed to subsidizing the growth of surplus crops. Why do we not make that point?

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let me say to Members of the House that I have stood with my colleague, Mr. BEDELL, in the last 12 years trying to reform reclamation projects. I have participated in and led fights against projects since my first year in this Congress that I felt were boondoggles, that I felt were pork barrel, that I felt did not meet the public interests.

The Garrison project was one of those projects. I voted many times against it, because I felt that it could not be justified.

A couple of years ago, the Appropriations Committee decided that they would make one last chance, that they would send this project back to the people of North Dakota, that they would send this project back to those people who were divided about it, to the Canadians, to the environmental groups, to those who were concerned about the local economies, to those who were concerned about the economies of this project, and see if they could reformulate it.

The commission reported this project. We took that commission, massaged it further, made further reforms, made it even tougher than that commission, and brought this project at the mandate of the Appropriations Committee to the floor of this Congress.

The provision that we are now arguing over, for those who are new to this fight, let me say is a major reform. The gentleman from Iowa [Mr. BEDELL] is correct when the gentleman says the previous law had a restriction on the delivery of subsidized water to newly irrigated land. But the people who put that in put it in for window dressing. They put it in to convince Members of Congress that somehow when we started irrigating lands in the fifties and the sixties in California that that would not hurt southern cotton, that that would not hurt crops in the southeastern part of the United States.

But do you know what? It never went into effect because it said it was from 10 years to the date of enactment of the bill, and it took longer than 10 years to build each and every one of these projects. So, in fact, it was window dressing.

Then we tried, and Congressman BEDELL introduced in the Reclamation Reform Act of 1982, a provision that would have tried to do the same thing in that bill. That was rejected by the House and the Senate in the conference report of the Reclamation Reform Act.

What we have here is the first real opportunity to reform the manner in which we deliver subsidized water in major Federal reclamation projects. It is my very honest belief, and I say this to Members of the Congress who I am asking to vote for this, that I am using my capital with and my credentials, as one who has participated in this fight, that this provision would not allow for the growth of those subsidized crops because the farmer would not find it in his economic interest to do so.

This is a substantial surcharge. This is over and above what the farmer will have to pay for the full repayment of this project back to the Federal Government. And that surcharge, certainly in this farm economy and in any farm economy that we see in the future, is the deterrent.

I think you have already heard a number of people speak against the Bedell amendment, and also speak against the committee, because they understand what we are doing. We are playing for keeps in this bill. This is a 10-percent surcharge when those crops are declared surplus.

I agree, and I have fought projects in my own State. I have fought with my colleagues from my own State with projects that they have, because I did not believe we should be doing what Congressman BEDELL has pointed out here. I believe that this is a deterrent. This is not some kind of window dressing to get you all to vote for it. This is not some kind of effort to pretend like we are doing something to be hard on this part when we are not. What we are doing here is a major, major redirection.

It is like what we have in some of the public works bills with local cost sharing. What we are saying to this farmer is, you want to participate in growing surplus crops with federally subsidized water, you are going to pay a penalty. You are going to pay a fee, and we believe in structuring this fee, given the cost of this project, that that will be a deterrent to that decision by that farmer.

Now I think that that is the best we can politically do, and that is far different from anything that has happened in either the Senate or the House in the 12 years I have been here with respect to reclamation.

Garrison provides us the opportunity to do that. It is the granddaddy of the water projects at this time. It is one that has been controversial. Let me say that it was not an easy time getting people to agree to this. But I think they also understand our own problems here in terms of the Federal budget. They also understand the farm economy and the weakness there. They understand the competition from farmers in other areas.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. They understand the competition from farmers in other areas who do not want to see this kind of competition. We believe that this will withdraw that.

We had a provision in California. But do you know what? It never went into effect either there, because by the time the Department of Agriculture had made its determinations in surplus crops, the farmers had already made their investment. Then they were told after the fact, so it was continuously waived for 10 years.

This one is real. This one is real. It is up front. And I think it is a correction in policy that has been badly needed over the years.

Mr. BEDELL. Mr. Chairman, the gentleman does agree, does he not, that in 1982 the House passed legislation that said that surplus water will simply not be delivered for the production of surplus crops? Does the gentleman agree to that?

Mr. MILLER of California. I agree with that, and I believe that I supported that amendment by the gentleman.

Mr. BEDELL. And the gentleman does agree that there are projects at this time on which that is in effect, does he not?

□ 1215

Mr. MILLER of California. None that I know of.

Mr. BEDELL. Well, let me read them to you. The San Juan Channel, initial stage, in the Colorado River project, the Navajo Indian—you have the list there, I think. The one's and two's are projects in which the surplus crops cannot be grown for 10 years after.

Mr. MILLER of California. Let me say to the gentleman that the Reclamation Reform Act carries with it—

Notwithstanding any other provision of this law in the case of Federal reclamation projects authorized before the date of enactment, any restriction prohibiting the delivery of irrigated water for the production of excess.

That is my whole point, that that act in fact was not real, that in fact it did not prevent what you and I tried for years to prevent from happening. And I believe an upfront surcharge, in fact, will meet that goal that you and I have fought for in the Congress and that it is your goal today in offering your amendment. I think, in fact, this is the politically palatable way that you can do it without the absolute prohibition. I think the result is the same.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes)

Mr. BEDELL. Does the gentleman agree that in this proposal, as it is in the bill, that farmers would pay 10 percent of the cost of delivering the water and the taxpayers would pay 90 percent; is that correct?

Mr. MILLER of California. That is not the case. The farmers are going to pay full O&M, as the Reclamation Reform Act requires, and then the farmers are going to pay an additional fee based upon—we needed to come up with what we thought was a dollar amount that would work as a disincentive. And it is a fee, it is not related to the notion that there is 100 percent subsidy and the farmer agrees to pay 10 percent of it. That is not what is happening here. I know that is the argument that the gentleman has made in the past.

This is a surcharge, it is based upon 10 percent of the cost of the delivery of the water, which is based upon the cost of the project, and in this case that is a very, very substantial fee. Again I will say I believe it is a disincentive.

Mr. BEDELL. If the gentleman will yield further, it seems to me it is important that we have this clear, that the farmer is going to pay 10 percent of the cost of delivering the water.

Mr. MILLER of California. No.

Mr. BEDELL. Of the interest cost of delivery of the water.

Mr. MILLER of California. No. The irrigation districts that contract with the Federal Government, should they decide to go ahead and build this project, should they decide that they can afford it—and that is up to some question right now, in this farm economy—should they decide, they will prepay the cost of this project. They will do that over a 40- to 50-year period in doing so.

It is like highways and airports. What we are saying is that in the case that where those farmers then want to engage in the farming of crops that are in surplus, they will pay an additional fee beyond what would ordinarily be charged in terms of the operation and maintenance repayment of this project over the 40-year life of the contract or 50-year life of the contract.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. MILLER of California was allowed to proceed for 4 additional minutes.)

Mr. BEDELL. If the gentleman will yield further, I guess the issue is, it seems to me, if the 10 percent would prevent farmers from planting surplus crops, as the gentleman thinks it would, the 10 percent, then does it not make sense to say that we are going to remove the taxpayers from having to pay part of the cost, because if you are going to accomplish it, anyway, what is wrong with having water policy that clearly says that we do not think it is right to subsidize farmers to grow at the same time we are paying farmers not to grow crops?

Mr. MILLER of California. Let me ask the gentleman the reverse of that question: What is wrong is if this accomplishes the water policy you want to accomplish that we do not do it this way, what is wrong with doing it this way when in fact it will accomplish the same goal? As has been pointed out here by a number of people in the tortured path of this bill to the floor, the tortured path of this project is that this is a compromise, and you have to allow some people to walk away with some face, understanding the obligations that they have undertaken, the changes that they have agreed to, and you have to have them have the ability to hold their heads up.

We believe this does that while at the same time accomplishing the very purpose the gentleman is raising.

Mr. BEDELL. The gentleman asked me a question, so may I reply?

Mr. MILLER of California. Yes.

Mr. BEDELL. If they both accomplish it and if it would seem to make more sense to most Members, which I assume it would, that they would not——

Mr. MILLER of California. We will find that out in a little while. Let me reclaim my time. Let me just say, the answer is that I believe that purpose is being met, and I think this is the best way to do it, the most forthright way to accomplish that within the reclamation policy.

And let us not pretend for a moment—and let me keep my time for a moment—let us not pretend that you are going to take this one reclamation project and somehow you are going to change the agricultural policy in this country. The problems that run through the ag bill and the ag policy are far greater and wider in magnitude than this one. This addresses the contribution that has been made in the past by reclamation projects to that problem. That is all we can do here. I believe the committee bill in fact does that, as do many of the people who have fought side by side with the gentleman against wasteful projects.

Mr. BEDELL. The gentleman asked me a question. May I try to reply?

Mr. MILLER of California. I yield to the gentleman.

Mr. BEDELL. The gentleman asked me the question: Why should we change it if the 10 percent will accomplish it?

The reason that this gentleman thinks we should change it is that I believe that it does not make sense for taxpayers to subsidize the growing of more crops at the same time that we are paying farmers not to grow crops.

The 100 percent would accomplish that. The 10 percent does not accomplish that. The 10 percent still says that we will continue to offer subsidies to farmers to grow cros that are in surplus that we are paying other farmers not to grow.

So if they both accomplish it, it would seem to this gentleman that it makes sense to have a policy which I would think would make sense to the taxpayers.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

MR. MILLER of California. I yield to the gentleman from North Dakota.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. DORGAN of North Dakota. Mr. Chairman, let me again underscore the point that irrigation opportunities in that area of North Dakota that will be irrigated under this project will allow the production of crops that are not in surplus from lands that are now producing crops that are in surplus. That is precisely what is going to happen. It is what the gentleman from Iowa is trying to say this morning needs to happen. I am saying that is what will happen if you have these irrigation opportunities.

But if you set up conditions that persuade people not to go ahead and make the front-end investments because they do not have the time, in an

orderly way, with crop rotations, plantings, and other things, to accomplish this, then you will assure that those lands are going to remain in excess crops or surplus crops, we are not going to have the opportunity to switch to nonsurplus crops, and I think for that reason the amendment that the gentleman from Iowa has offered is completely counterproductive. I want to reemphasize once again that what we have done in this compromise is historic. It is the only place that it exists in Federal law when we pass this legislation. I think it is the right approach and it is the appropriate approach.

Mr. MILLER of California. I thank the gentleman.

Mr. STRANG. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman for yielding.

Mr. Chairman, I would echo the gentleman's comments, and I would simply point out that the compromise which the gentleman has crafted is in fact a 75-percent increase over currently calculated ability to pay. That is a major disincentive, but it is not antifarm or antifamily or antiopportunity. I congratulate the gentleman on his compromise.

Mr. MILLER of California. I think the gentleman is quite correct. I think one of the serious questions that will be asked down the road is whether or not in this farm economy the farmers will engage this project at the base price, forget the 10-percent surcharge, whether or not they will be able to engage in the base price, and that is because of the delays we have had over the years in the construction of this project.

Mr. STRANG. If the gentleman will yield, let us point out that if you do not get this bill passed you are locking in those farmers to current surpluses. The only thing they can raise is wheat and corn. And this water will provide an opportunity for alternative crops.

Mr. MILLER of California. I thank the gentleman.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Indiana.

Mr. SHARP. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman knows, I do not agree with him totally on this, though I am delighted in his work of trying to craft a better bill than the project originally shaped up to be, but I think it is important that we do pass the Bedell amendment. I think it is very important that we establish clearly we are not going to go forward in this country with dramatically contradictory policies in which we are going to be subsidizing crops that we are spending a fortune now to try to get out of production elsewhere in the country. I think it makes no sense for us. We have high deficits, and we have a farm crisis. The legislation, as it goes forward, costs us money and it subsidizes a product that we are spending a fortune to try to get off of the market.

So I hope that my colleagues will support the Bedell amendment on this to make it a much more rational kind of policy. I appreciate the situation of the gentleman from North Dakota and the years of commitment that people have made there. But, frankly, I think the wise thing for us to do in 1986 is to vote for the Bedell amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, let me respond to the gentleman, and then I will yield.

I think the point is here, with the 10-percent surcharge, the subsidy in fact will not be extended to that land for that purpose. If that farmer desires to irrigate his land, he must do so in another crop in order to make a profit, because I think the 10-percent surcharge irradicates any possibility of that farmer making a profit on that land.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Indiana and in support of the amendment of the gentleman from Iowa as such.

It certainly makes no sense at a time when we are trying to get a conservation reserve off the ground to literally buy out millions of acres of land in production today for these surplus crops to further compound this situation.

In addition to that, all the scientists are telling us we are on the threshold of a major breakthrough in bioengineering, in gene splicing, where we are going to see a doubling or tripling of yields within the next 10 to 15 years.

So it is highly unlikely that we will need this farmland within the foreseeable future to produce these surplus crops. I think the Bedell amendment makes sense, and I would urge my colleagues to support it.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to give my colleague and friend, the gentleman from California, a chance to perhaps explain to the Committee one more time why if indeed we want to stop the growth in surplus crops, namely, through the tool of reducing subsidies to those crops, why we should not impose the Bedell 100-percent test for which we are certain there will be no water to surplus crops, why we would oppose that and support a 10-percent test which leaves open the possibility of taxpayer subsidies to surplus crops. I do not understand that.

I would be glad to yield to my friend.

Mr. MILLER of California. Well, let me say to the gentleman, as I said earlier, I think that within the realm of the compromise that had to be reached here, by phrasing it in the manner of a surplus, I believe that that surplus, and in fact honestly believe, that the 10-percent surcharge when calculated will irradicate any possibility of a farmer making the economic decision to use that land to grow those crops. An outright prohibition of that flies in the face of the whole notion of reclamation projects. I saw the opportunity to provide this surcharge and accomplish the goals that I have stated have been Mr. BEDELL'S goals and my goals for many years. I think in fact that is accomplished by the bill. The gentleman may differ with that. But I think that to suggest that somehow this is the root of the agricultural problem in this country, when I see we are paying 15 cents for every pound of cotton, people are growing cotton only for one market. Here we are saying that we are going to go ahead and develop the land but we are going to take away, unlike all of the other support programs in the agricultural bill, we are going to take away the incentive to grow subsidized crops, but we are going to allow a farmer to develop that land, to have an adequate supply of water, to have a committed supply of water, and have the opportunity to branch out into that agriculture. Today that is not possible for these farmers, and I think that is the gist of the bill.

Mr. ROEMER. Let me reclaim my time. I thank the gentleman for his answer. Let me see if I can paraphrase his answer.

Mr. MILLER of California. Well, I would rather restate it than have the gentleman paraphrase it.

Mr. ROEMER. Well, I will give you a chance to do that, because you probably will not like my paraphrase.

The 10-percent rule is set for political reasons.

Mr. MILLER of California. No. The 10-percent rule——

Mr. ROEMER. I have not yielded yet. Let me finish my paraphrase. Maybe it will show how far off base I am.

The 10-percent rule has interwoven in it some pride of authorship and some political comity, and it has nothing to do with the stoppage of taxpayers' subsidy for surplus crops.

If we want to stop the subsidy of surplus crops, the way to do it is the 100-percent rule. If there is another reason, let us get to the heart of it.

I yield to my friend.

Mr. MILLER of California. I would say to the gentleman that I disagree with his characterization of my answer. I believe that the 10-percent rule adds on such an additional surcharge that, in fact, the subsidy is gone, that at that point there is no subsidy because the farmer will not make that decision. That goes to the economics of the farmland, to the cropping pattern and to the cost of raw material which, in this case, is federally developed water, that in that point it is gone.

This is not an attempt to appear to be doing something. It is the honest belief of this gentleman that, in fact, that goal is accomplished through the language in the legislation.

Mr. ROEMER. I accept that, and I thank the gentleman for his answer. I just take the position that if we are going to stop the subsidy, the way to do it is with the 100-percent rule.

□ 1230

It meets the test of common sense, economic need, and good policy.

I further agree with my colleague, the gentleman from California, that we ought not to make a mountain out of this one bill. This will not change agricultural policy in America. We ought to do that at some point, but this bill does not.

But as far as this test is concerned, I ask my colleagues to meet the Bedell standard, 100 percent.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. Yes, I am glad to yield.

Mr. SHARP. Mr. Chairman, I do not want to take anything from the skill and work of our colleague, the gentleman from California. He has done an excellent job on a very difficult bill, I know that; but I differ with the gentleman on the assumption that actually is prohibitive with the 10 percent. I know the gentleman believes in good faith that it is prohibitive by having the 10-percent surcharge, that therefore, the farmer will not want to grow any of the prohibitive crops; but the fact is each farmer is going to calculate that and there still is a major subsidy, water subsidy, here for the acreage, even with the 10-percent additional cost that they might have to pay.

It may well work out that a farmer may wish to do that.

I think we are not asking them to sit around calculating that. We want them to know exactly that they are going to have to pay the full freight if they are going to engage in subsidized crops.

Now, it is important also to remember that if they do not engage—I do not mean subsidized crops, but if they do not engage in prohibited crops, there is no difficulty with them using this land.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I just want to make a couple points. I commend the gentleman from California, the subcommittee chairman, for the way he has handled an extremely difficult situation.

My heart went out to the gentleman from North Dakota. I have been in the middle of these statewide water project fights most of my life and the gentleman has conducted himself with real skill and ability in getting this bill to the floor.

We debated the amendment that is now before us in the committee. We defeated the 100-percent version of it. We defeated an amendment which would have eliminated any surcharge, and I think we have got about the right place to do it.

One bill should not carry all the load. Things are changing in agriculture. I say to myself and my friends from the East and from the South that we are having upfront payments now for water projects. We are talking about realistic interest rates. The fight has not been in vain. The message is getting across on surplus crops.

But here is a little State, promised 40 years ago when the Government moved in and took some of their best bottom land, the best agricultural lands in the whole State, that justice would be done and 40 years later we are trying to do justice and we have a finely negotiated compromise settlement of this overall problem. It would be a shame to upset it.

If we pass the amendment, it could be very costly, because the Government is going to save a lot of money if we get this matter settled and do not have to keep the covenant in other ways, but it could be a very costly mistake, although well-intentioned, to adopt this amendment and I strongly oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. BEDELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BEDELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 94]

Ackerman	Dicks	Jones (NC)
Alexander	DioGuardi	Jones (OK)
Anderson	Dixon	Jones (TN)
Andrews	Donnelly	Kanjorski
Annunzio	Dorgan (ND)	Kaptur
Applegate	Dornan (CA)	Kasich
Archer	Dowdy	Kastenmeier
Armey	Downey	Kemp
Aspin	Dreier	Kennelly
AuCoin	Duncan	Kildee
Badham	Durbin	Kindness
Barnard	Dwyer	Kleczka
Barnes	Dymally	Kolbe
Bartlett	Dyson	Kolter
Barton	Eckart (OH)	Kostmayer
Bateman	Eckert (NY)	Kramer
Bates	Edwards (CA)	LaFalce
Bedell	Edwards (OK)	Lagomarsino
Beilenson	Emerson	Lantos
Bennett	English	Leath (TX)
Bentley	Erdreich	Lehman (CA)
Bereuter	Evans (IA)	Lehman (FL)
Berman	Evans (IL)	Leland
Bevill	Fascell	Lent
Biaggi	Fawell	Levin (MI)
Bilirakis	Fazio	Levine (CA)
Bliley	Feighan	Lewis (CA)
Boehlert	Fields	Lewis (FL)
Boggs	Fish	Lightfoot
Boland	Flippo	Lipinski
Boner (TN)	Foglietta	Livingston
Bonior (MI)	Foley	Lloyd
Bonker	Ford (MI)	Long
Borski	Ford (TN)	Lott
Bosco	Fowler	Lowery (CA)
Boucher	Frank	Lowry (WA)
Boulter	Franklin	Luken
Brooks	Frenzel	Lundine
Broomfield	Frost	Lungren
Brown (CA)	Fuqua	Mack
Brown (CO)	Gallo	MacKay
Broyhill	Garcia	Madigan
Bruce	Gekas	Manton
Bryant	Gephardt	Markey
Burton (CA)	Gibbons	Marlenee
Burton (IN)	Gilman	Martin (IL)
Bustamante	Gingrich	Martin (NY)
Byron	Glickman	Martinez
Callahan	Gonzalez	Matsui
Campbell	Goodling	Mavroules
Carney	Gordon	Mazzoli
Carper	Gray (IL)	McCain
Carr	Gray (PA)	McCandless
Chandler	Green	McCloskey
Chapman	Guarini	McCollum
Chappie	Gunderson	McDade
Cheney	Hall (OH)	McEwen
Clay	Hall, Ralph	McGrath
Clinger	Hamilton	McHugh
Coats	Hammerschmidt	McKinney
Cobey	Hansen	McMillan
Coble	Hartnett	Meyers
Coelho	Hatcher	Mica
Coleman (MO)	Hawkins	Mikulski
Collins	Hayes	Miller (CA)
Combest	Hefner	Miller (OH)
Conte	Hendon	Miller (WA)
Conyers	Henry	Mineta
Cooper	Hertel	Mitchell
Coughlin	Hiler	Moakley
Courter	Hillis	Molinari
Coyne	Holt	Mollohan
Craig	Hopkins	Monson
Crane	Horton	Montgomery
Crockett	Howard	Moody
Daniel	Hoyer	Moore
Darden	Hubbard	Moorhead
Daschle	Huckaby	Morrison (CT)
Daub	Hughes	Morrison (WA)
Davis	Hunter	Mrazek
de la Garza	Hutto	Murphy
DeLay	Hyde	Murtha
Dellums	Ireland	Myers
Derrick	Jacobs	Natcher
DeWine	Jeffords	Neal
Dickinson	Jenkins	Nelson

Nielson
Oakar
Obey
Olin
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

□ 1245

The CHAIRMAN. Three hundred ninety Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Iowa [Mr. BEDELL] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 203, not voting 31, as follows:

[Roll No. 95]

AYES—199

Ackerman
Archer
Armey
Atkins
AuCoin
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Berman
Biaggi
Bilirakis
Bliley
Boehlert
Bonker
Boulter
Brooks
Broomfield
Broyhill
Burton (IN)
Bustamante
Carney
Carper
Chandler
Chapman
Clay
Coats
Cobey
Coble
Coleman (MO)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Crane
Crockett
Dannemeyer
Derrick
DeWine
DioGuardi
Dwyer
Dyson
Eckert (NY)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IA)
Evans (IL)
Fawell
Fields
Fish
Florio
Foglietta
Fowler
Frank
Frenzel
Garcia
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Green
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hansen
Hatcher
Hayes
Hendon
Henry
Hertel
Hiler
Hillis
Horton
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Kanjorski
Kasich
Kastenmeier
Kemp
Kildee
Kolter
Kostmayer
LaFalce
Lagomarsino
Lent
Levine (CA)
Lightfoot
Long
Lundine
Lungren
Mack
MacKay
Markey
Martin (IL)
Martin (NY)
Mavroules
McCloskey
McCollum
McDade
McGrath
McHugh
McMillan
Mikulski
Miller (OH)
Miller (WA)
Mitchell
Moakley
Molinari
Moody
Moore
Morrison (CT)
Mrazek
Murphy
Neal
Nelson
Nowak
Obey
Owens
Parris
Pease
Penny
Petri
Pickle
Porter
Pursell
Rangel
Rinaldo
Ritter
Roemer
Roth
Savage
Saxton
Scheuer
Schroeder
Schuette
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Sikorski
Siljander
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spratt
St Germain
Stark
Stenholm
Stratton
Studds
Sweeney
Swindall
Tallon
Tauke
Tauzin
Towns
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Whittaker
Wolpe
Wortley
Yates
Yatron
Young (FL)

NOES—203

Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Badham
Barnard
Bereuter
Bevill
Boggs
Boland
Boner (TN)
Bonior (MI)
Borski
Bosco
Boucher
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (CA)
Byron
Callahan
Campbell
Carr
Chappie
Cheney
Clinger
Coelho
Coleman (TX)
Coyne
Craig
Daniel
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dymally
Eckart (OH)
Emerson
Fascell
Fazio
Feighan
Flippo
Foley
Ford (MI)
Ford (TN)
Franklin
Frost
Fuqua
Gallo
Gejdenson
Gephardt
Gordon
Gray (IL)
Gray (PA)
Guarini
Hammerschmidt
Hartnett
Hawkins
Hefner
Holt
Hopkins
Howard
Hoyer
Hubbard
Hunter
Hutto
Hyde
Ireland
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kennelly
Kindness
Kleczka
Kolbe
Kramer
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Luken
Madigan
Manton
Marlenee
Martinez
Matsui
Mazzoli
McCain
McCandless
McEwen
McKinney
Meyers
Mica
Miller (CA)
Mineta
Mollohan
Monson
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nielson
Oakar
Olin
Oxley
Packard
Panetta
Pashayan
Pepper
Perkins
Price
Quillen
Rahall
Ray
Regula
Reid
Richardson
Ridge
Roberts
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Schaefer
Schneider
Schumer
Shelby
Shuster
Sisisky
Skeen
Slaughter
Smith (NE)
Smith, Denny (OR)
Smith, Robert (OR)
Snyder
Spence
Staggers
Stallings
Stangeland
Stokes
Strang
Stump
Sundquist
Swift
Synar
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Watkins
Whitehurst
Whitley
Whitten
Williams
Wise
Wolf
Wyden
Wylie
Young (AK)
Young (MO)

NOT VOTING—31

Akaka
Anthony
Boxer
Breaux
Chappell
Early
Edgar
Fiedler
Gaydos
Gregg
Grotberg
Heftel
Johnson
Latta
Leach (IA)
Loeffler
Lujan
McCurdy
McKernan
Michel
Nichols
O'Brien
Oberstar
Ortiz
Robinson
Roukema
Vucanovich
Wilson
Wirth
Wright
Zschau

Messrs. OXLEY, TORRES, LEHMAN of Florida, DORNAN of California, and ANNUNZIO changed their votes from "aye" to "no."

Messrs. LUNGREN, CHANDLER, and SWEENEY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1300

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Bosco, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1116) to implement certain recommendations made pursuant to Public Law 98-360, pursuant to House Resolution 422, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 154, not voting 25, as follows:

[Roll No. 96]

YEAS—254

Ackerman	Fuqua	Miller (CA)
Alexander	Gallo	Mineta
Anderson	Garcia	Mitchell
Andrews	Gejdenson	Moakley
Annunzio	Gephardt	Molinari
Applegate	Gibbons	Mollohan
Aspin	Gilman	Monson
Barnard	Glickman	Montgomery
Bateman	Gonzalez	Morrison (WA)
Bennett	Gordon	Murphy
Bentley	Gradison	Murtha
Bereuter	Gray (IL)	Myers
Bevill	Gray (PA)	Natcher
Biaggi	Green	Nielson
Boggs	Guarini	Nowak
Boland	Gunderson	Oakar
Bonior (MI)	Hall, Ralph	Olin
Bonker	Hammerschmidt	Packard
Borski	Hatcher	Panetta
Bosco	Hawkins	Pashayan
Boucher	Hayes	Pease
Brooks	Hefner	Pepper
Brown (CA)	Holt	Perkins
Brown (CO)	Hopkins	Petri
Bruce	Horton	Pickle
Bryant	Howard	Price
Burton (CA)	Hoyer	Quillen
Bustamante	Hughes	Rahall
Byron	Hunter	Rangel
Callahan	Hutto	Ray
Carney	Hyde	Reid
Carr	Ireland	Richardson
Chapman	Jenkins	Ridge
Chappell	Johnson	Rinaldo
Cheney	Jones (NC)	Roberts
Clinger	Jones (OK)	Rodino
Coelho	Kaptur	Roe
Coleman (TX)	Kemp	Rogers
Collins	Kennelly	Rose
Conte	Kindness	Rostenkowski
Cooper	Kleczka	Roth
Coyne	Kolbe	Rowland (CT)
Darden	Kolter	Rowland (GA)
Daschle	Kramer	Roybal
Daub	LaFalce	Rudd
Davis	Lantos	Russo
de la Garza	Leath (TX)	Sabo
Derrick	Lehman (CA)	Savage
Dicks	Lehman (FL)	Schaefer
Dingell	Leland	Schneider
Dixon	Lent	Schumer
Donnelly	Levin (MI)	Sensenbrenner
Dorgan (ND)	Levine (CA)	Shaw
Downey	Lewis (CA)	Shelby
Duncan	Lewis (FL)	Shuster
Durbin	Lipinski	Sisisky
Dwyer	Lloyd	Skeen
Dyson	Lott	Skelton
Eckart (OH)	Lowery (CA)	Slattery
Eckert (NY)	Luken	Smith (FL)
Emerson	Lundine	Smith (NE)
English	MacKay	Smith (NJ)
Erdreich	Martin (NY)	Smith, Denny (OR)
Evans (IL)	Martinez	Smith, Robert (OR)
Fascell	Matsui	Snyder
Fazio	Mavroules	Solarz
Fish	Mazzoli	St Germain
Flippo	McCain	Staggers
Florio	McCandless	Stallings
Foley	McCloskey	Stangeland
Ford (MI)	McGrath	Stark
Fowler	McHugh	Stenholm
Franklin	McKinney	Stokes
Frost	Mica	Strang
		Stump
		Swift
		Swindall
		Synar
		Taylor
		Thomas (CA)
		Thomas (GA)
		Torres
		Torricelli
		Towns
		Traficant
		Traxler
		Udall
		Valentine
		Visclosky
		Walgren
		Watkins
		Waxman
		Weiss
		Wheat
		Whitley
		Whittaker
		Whitten
		Williams
		Wise
		Wortley
		Wright
		Wylie
		Yatron
		Young (AK)
		Young (FL)
		Young (MO)

NAYS—154

Archer	Fields	Morrison (CT)
Armey	Foglietta	Mrazek
Atkins	Ford (TN)	Neal
AuCoin	Frank	Nelson
Badham	Frenzel	Obey
Barnes	Gekas	Owens
Bartlett	Gingrich	Oxley
Barton	Goodling	Parris
Bates	Gregg	Penny
Bedell	Hall (OH)	Porter
Beilenson	Hamilton	Pursell
Berman	Hansen	Regula
Bilirakis	Hartnett	Ritter
Bliley	Hendon	Roemer
Boehlert	Henry	Roukema
Boner (TN)	Hertel	Saxton
Boulter	Hiler	Scheuer
Broomfield	Hillis	Schroeder
Broyhill	Hubbard	Schuette
Burton (IN)	Huckaby	Schulze
Campbell	Jacobs	Seiberling
Carper	Jeffords	Sharp
Chandler	Jones (TN)	Shumway
Chappie	Kanjorski	Sikorski
Clay	Kasich	Siljander
Coats	Kastenmeier	Slaughter
Cobey	Kildee	Smith (IA)
Coble	Kostmayer	Smith, Robert (NH)
Coleman (MO)	Lagomarsino	Snowe
Combest	Leach (IA)	Solomon
Conyers	Lightfoot	Spence
Coughlin	Livingston	Spratt
Courter	Long	Stratton
Craig	Lowry (WA)	Studds
Crane	Lungren	Sundquist
Crockett	Mack	Sweeney
Daniel	Madigan	Tallon
Dannemeyer	Markey	Tauke
DeLay	Marlenee	Tauzin
Dellums	Martin (IL)	Vander Jagt
DeWine	McCollum	Vento
Dickinson	McDade	Volkmer
DioGuardi	McEwen	Walker
Dornan (CA)	McKernan	Weaver
Dowdy	McMillan	Weber
Dreier	Meyers	Whitehurst
Dymally	Mikulski	Wolf
Edwards (CA)	Miller (OH)	Wolpe
Edwards (OK)	Miller (WA)	Wyden
Evans (IA)	Moody	Yates
Fawell	Moore	
Feighan	Moorhead	

NOT VOTING—25

Akaka	Heftel	Oberstar
Anthony	Latta	Ortiz
Boxer	Loeffler	Robinson
Breaux	Lujan	Vucanovich
Early	Manton	Wilson
Edgar	McCurdy	Wirth
Fiedler	Michel	Zschau
Gaydos	Nichols	
Grotberg	O'Brien	

□ 1310

The Clerk announced the following pair:

On this vote:

Mr. Anthony for, with Mr. Zschau against.

Messrs. SPRATT, FOGLIETTA, and BARTLETT changed their votes from "yea" to "nay."

Mr. SMITH of Florida and Mr. ENGLISH changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will inform the House that despite the fact we are taking special orders, we understand the Rules Committee will meet at 1:30 and we are anticipating that legislation will be on the floor later today.

□ 1325

COMMUNITY DEVELOPMENT BLOCK GRANT IMPROVEMENT ACT OF 1986

The SPEAKER. Under a previous order of the House, the gentleman from Maryland [Mr. MITCHELL] is recognized for 5 minutes.

Mr. MITCHELL. Mr. Speaker, today I am introducing the Community Development Block Grant Improvement Act of 1986. The Community Development Block Grant [CDBG] Program is the largest and one of the most important sources of community development funds available to low-income neighborhoods and families. It has had a significant impact in my district and I'm sure that's true of your district as well.

Yet, this successful program is threatened, not because of failures in the program as much as by its success. This program, established to benefit "principally persons of low and moderate income," is now seen by some as "not sufficiently targeted" to low and moderate income beneficiaries. It has been suggested that since it is not exclusively a low-income, safety net program, it should be cut. The most recent budget proposal would reduce the CDBG program by 10 percent below the current level for fiscal year 1985.

To cut CDBG would be a classic case of "throwing out the baby * * *." It makes far more sense to target the available money more narrowly to low and moderate income recipients than to reduce the money available.

For that reason, the Community Development Block Grant Improvement Act of 1986 will ensure that 100 percent of the CDBG money will go to low and moderate income beneficiaries. I invite you to join me as a sponsor of this legislation.

The bill will accomplish the following six goals:

First, require that all CDBG money be expended for the benefit of families and individuals with incomes of 120 percent or less of the median income in their area.

Second, further discourage displacement.

Third, require the development of an economic development strategy before any CDBF funds are expended on economic development projects.

Fourth, reinstitute the application process so that communities may receive advance approval for their CDBG plans.

Fifth, restore authority for multiyear grants to nonentitlement communities.

Sixth, encourage greater citizen review, community monitoring and participation.

I believe these are practical, sensible changes which will enhance the appeal of an already good program to help our low-income persons and families.

J.J. CROSETTI RECEIVES SOLIDARITY MEDAL FROM GOVERNMENT OF ITALY

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, it is with great pride that I inform my colleagues that the Government of Italy has decided to award a Solidarity Medal to J.J. (Joe) Crosetti, a native son of Watsonville, CA, and an outstanding citizen of Santa Cruz County for many decades. On July 13, Lodge No. 2016 of the Order of Sons of Italy in America will present this prestigious award to Mr. Crosetti, and I would like to take this opportunity to list the achievements of this great man.

Joe Crosetti is the chairman of the board of J.J. Crosetti Co., as well as Crosetti Frozen Foods, Crosetti Cold Storage, and Crosetti Orchards. He is also president of Transit Cooling, Inc. He is a leading member of the agricultural community of Watsonville and Santa Cruz County and his work on behalf of that community and his fellow citizens seems far beyond the possible accomplishments of one individual.

Joe Crosetti was born in 1908 in Watsonville. His parents were Frank and Margherita Crosetti, who were immigrants from Italy. Joe attended the Watsonville schools, graduating from Watsonville High School in 1927. That year, he formed his own band, and they went around the world playing for the Dollar Steamship Lines.

In 1935, Joe married Theresa Muzzio, and they celebrated their 50th wedding anniversary just last year. They have three children and six grandchildren.

Joe began his career working for the Horgan Co. A few years later, he started on his own, and today, his frozen foods plant employs 600 workers. His products are shipped around the world.

Among Joe's achievements and contributions to the agricultural and business communities of Santa Cruz County and California over the past several decades are the following: president of the Santa Cruz County Fair Board—six times; Exposition Hall at Santa Cruz County Fairgrounds dedicated in his honor—1969; member of California Board of Agriculture—8 years; State Fair Board vice president—8 years; chairman, State Horse Show—3 years; director of the 14th Agricultural District—40 years; member of first agricultural tour of Soviet Union; president, California-Arizona Farm Labor Association—6 years; president, Watsonville Chamber of Commerce—1947; Watsonville Chamber of Commerce Man of the Year—1963; president of Grower-Shipper Vegetable Association—1963; former member board of directors of Western Growers Association.

Joe has also been very active in charitable causes, serving as president of the Watsonville chapter of the American Red Cross for 42 years, as president of the Santa Cruz County Cancer Society. A number of local charities, as well as needy individuals and families in the area, have been able to count on his support over the years. In addition, he has been a member of the Elks Club for 51 years; a charter member, and the only honorary member, of the Lions Club; a Paul Harris fellow of the Rotary Club; and a member of the Commonwealth Club of San Francisco.

In 1965, Joe was honored by resolutions adopted by the California State Senate, Santa Cruz County, and the city of Sacramento. He was a member of the county grand jury from 1944 to 1946; a delegate to the Presidential convention of 1964; and a member of the electoral college in 1964.

Mr. Speaker, as a son of Italian immigrants, as a member of the agricultural community of neighboring Monterey County, and as Joe Crosetti's Representative in Congress, I am proud of his accomplishments. He is the kind of person upon which this country has been built—he has worked hard, made opportunities, succeeded, spread his success to his employees, to his colleagues, and to his community, and has contributed of his time and resources to those less fortunate than he.

I and my wife Sylvia, a friend and relative to Joe Crosetti, hope to be able to attend the ceremony at which Joe receives his Solidarity Medal. We will bring with us the well-deserved congratulations and respect of all my colleagues for this remarkable and outstanding citizen, farmer, father, and friend.

INTERNATIONAL TERRORISM

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, tomorrow I will introduce legislation to create a nonpartisan Presidential Commission to conduct an ongoing evaluation of international terrorism, monitor the activities of various agencies with jurisdiction over terrorism, and recommend specific steps the United States and its allies can take to combat its spread.

This legislation will include specific authority for the Commission to offer international bounties for the successful capture and prosecution of known terrorists under the laws of the nations against which the terrorist acts were committed.

I continue to support military action as an effective option to protect innocent lives from terrorists. A meaningful long-range policy against terrorism must also include other options. The containment of terrorism will require a broader and more comprehensive approach. The recent attack against Libya was justified, but we can not assume this is the last we will hear from Libyan-backed terrorists.

The mindless murder of Peter Kilburn and two British subjects, the assaults against our diplomats in Peru and Sudan, and other recent actions against Americans in Europe tell us that terrorism goes beyond regional borders and national political alignments. The problem is one which runs deep in the religious and cultural heritage of parts of the world and one which we can not expect to be resolved solely by short-term military action alone.

I hope the creation of this Commission will lead to a coordinated policy by which we act, not just react, against the terrorists. The United States can do more than just get tough. We can get smart. The international bounty is one way to use our resources to induce the cooperation of peoples throughout the world. Terrorism is not new. We have addressed it effectively in the past. We can do it again today.

AGRICULTURAL EXTENSION SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina [Mr. COBEY] is recognized for 60 minutes.

Mr. COBEY. Mr. Speaker, I rise today to urge my colleagues to reject the administration's proposed 59-percent reduction in funding for the Cooperative Extension Service, also known as the Agricultural Extension Service.

The fiscal 1987 budget proposed by the administration would reduce Federal funding for extension programs from $328 to $148 million—a cut of 59-percent.

This reduction would seriously hamper the efforts of a remarkably flexible, responsive program which has aided American farmers and farm communities.

In my State of North Carolina, this proposal would mean the layoff of 340 Extension personnel, including 110 Extension agents and 60 agricultural specialists. Pest management, small farmer assistance, and rural development programs, among others, would be curtailed or terminated.

In Utah, the proposed cut would wipe out a nutrition program for low-income people in rural areas and would eliminate such Extension programs as farm safety, farm financial management, and pesticide training.

In Tennessee, the 59-percent reduction in Federal funds would mean reducing by one-fifth the services conducted in farm communities across that State.

The New York Extension Service would lose 300 personnel if we adopt the cut that has been proposed. This would affect sea grant, conservation,

and pest management programs based out of Cornell University.

These examples show that the administration's plan would have a significant impact on programs affecting America's farmers. At a time when we have many problems in agriculture, this is not the time to make deep reductions in the Agricultural Extension Service.

Congress has a special challenge to help extend the present economic recovery to America's farms. We must not forget that farmers provide the backbone of our economy, and since the days of Washington and Jefferson, farming has been important not only to our economy, but to our heritage as well.

Helping the small family farms across America is and should be a part of our Federal agriculture policy. The Extension Service is one of the most important aids to small family farmers, and we must keep it strong.

Since it was established as part of the Smith-Lever Act of 1914, the Extension Service has brought agricultural and scientific research from America's colleges and universities directly to America's farms.

Without the Extension Service, a great deal of research would waste away in scientific journals and classroom labs.

Extension staff and volunteers in more than 3,000 counties nationwide work directly with farmers to give them the latest information on efficient farm management. The amount of information passed on to farm families is amazing—techniques involving energy conservation, pest control, computerized farm management, farm machinery safety procedures, landscaping, home economics, nutrition, protection of the environment, and community planning. In addition, the Extension Service operates the popular 4-H program for youth—exposing many young people in rural areas to fields of knowledge they would otherwise never discover.

I should point out to my colleagues that those who benefit most from the Extension Service are not wealthy people, but low- and middle-income citizens in rural communities who make up much of Middle America. Their quality of life has been enhanced greatly by the efforts of the Extension Service.

As a member of the Congressional Rural Caucus and as a representative from a very rural State, I recognize, as many in this Congress do, the wholesome values that are nurtured in rural communities. In rural communities, there is a great emphasis on community, on family, on helping out your neighbor. I, for one, want to see rural communities prosper and grow stronger in the future. The Extension Service can help make that happen.

Through seminars, newsletters, brochures, training sessions, and individual conferences, the Extension Service gives farm families the tools to produce more efficiently the food products we consume. This, in turn, has undoubtedly led to lower food prices for the general public than would otherwise be the case.

Many farm families today live in a climate of uncertainty. Economic problems have caused tremendous stress for some. This is certainly not the time to reduce funding for a program that has helped many farmers economize and make it through the tough years.

The Extension Service can serve as a vital tool in our efforts to strengthen the farm economy.

Many in Congress may not be familiar with the Extension Service, but this 72-year-old program is present in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marianas, and Micronesia. In each of these States and territories, a land-grant college or university operates an extension service for that area.

Let me just share with you some of the successes of the Extension Services around the country.

Extension education programs have played a direct role in the rapid expansion of the aquaculture industry in the Southeastern United States. Programs in water quality management, fish diseases, fish nutrition, and use of computer software in fish farm management have helped increase productivity. The Mississippi Extension Service, for example, has organized programs like this for catfish farmers, leading to a 17-percent increase in farm-raised catfish in the past year.

Extension's Integrated Pest Management [IPM] Program has helped reduce costs for farmers and has helped protect the environment. In Alabama, IPM reduced production costs of pecan growers by $1.9 million, increased income for cotton producers by $24.6 million, and reduced production costs for peanut farmers by $1.2 million. Insecticide and fungicide costs were reduced in States like Maine, New York, Utah, and West Virginia because of Extension's fruit IPM programs.

In California, Texas, Kentucky, Ohio, and other States, Extension personnel have helped farmers develop soil conservation techniques.

In Oklahoma, Extension personnel worked with key producers, feed industry, and pharmaceutical companies to bring about the use of protein supplements for summer stocker cattle. This resulted in an 8.4-million pound gain in meat at a value for producers of about $4.6 million.

The Extension Service has helped ease the financial and emotional stress that many farm families are experiencing today. The Service has helped over 100,000 farm families with intensive financial management assistance. This includes help in revising their financial and farm business plans and making changes to improve their financial situation. This assistance has been targeted toward areas where the financial crisis is most acute. In Iowa, for example, Extension's ASSIST Program had helped over 8,000 farmers in analyzing options for servicing debt and managing cash flow.

Extension helps bring the latest market information to all areas of the country with its Computerized Outlook and Information Network [COIN] system. To facilitate marketing decisionmaking, the Extension Service now obtains reports and information from several USDA agencies and makes them available electronically to Extension specialists within hours of their release. State specialists retrieve and adapt the information to local situations, and make their analyses available to farmers and others via codaphones, radio, TV, and State computerized videotext networks. They also distribute newsletters and write articles for trade newspapers.

These examples should demonstrate how important a county Extension agent is to local farmers. The Extension agent is a key source of vital information in thousands of rural areas across this Nation.

Our new Secretary of Agriculture, Richard Lyng, wasn't in Office when the administration's agricultural budget was formulated. That leads me to believe that the Office of Management and Budget is primarily responsible for the deep cut that has been proposed for the Extension Service.

In any event, Secretary Lyng said in an Associated Press interview shortly after he took office that he wants to emphasize during his tenure the services of the Department of Agriculture.

This, I believe, is the proper approach for any Secretary of Agriculture to take. The Secretary cannot force changes in many macroeconomic forces, such as interest rates and the value of the dollar, that affect directly the livelihood of farmers. He can, however, help provide key services to American farmers, such as export development programs, credit assistance initiatives, and support services such as the Extension Service.

The Extension Service is one of the key services in USDA that Secretary Lyng should emphasize. Thus, we should not drastically cut this program as the administration has proposed.

Many Members in this House care deeply about the budget deficit. I am a fiscal conservative and I share the budget concerns many of you have.

With the new balanced budget law that was passed last year, we now have

a fixed spending limit. We must reduce the deficit to no more than $144 billion.

I am prepared to join my colleagues in cutting spending to meet that goal. In doing so, we must prioritize programs and be careful not to cripple useful Federal services.

I submit to you today that the money spent on the Agricultural Extension Service is a bargain for taxpayers. It is not a bureaucratic, unresponsive, slow-to-move agency. With Federal, State, and local government funds, the Extension Service in each State works directly with farmers to determine their needs, the problems they face, and how the Extension Service can be of help.

The Extension Service accounts for only seven-tenths of 1 percent of the roughly $53 billion budget for the U.S. Department of Agriculture.

Recently, my staff asked the Congressional Research Service to compare Federal funding increases for the Extension Service with increases in commodity support programs and the total USDA budget. What we found was interesting.

Since 1976, Federal funding of the Cooperative Extension Service has increased 50 percent. During that same time period, net outlays for Federal price supports and related programs increased 1,736 percent and the total USDA budget grew 393 percent. Clearly, the Agricultural Extension Service has not contributed to the increase in agricultural spending or in Federal spending.

For point of reference, I should point out that the Consumer Price Index since 1976 has increased 93 percent. Therefore, Federal funding of the Extension Service has actually lagged behind the inflation rate in the past 10 years.

Nevertheless, many Extension personnel I talk to understand the need to trim Federal costs. They are willing to accept the 4.3-percent cut in Federal extension funds that resulted from the across-the-board cut in most Federal programs on March 1 this year; but, to cut Federal extension funds further would, in my opinion, be penny wise and pound foolish.

There are plenty of better places for us to cut funds. Many people, for example, ask me why Congress doesn't close down some of our unneeded military bases. I believe we could consolidate some of the committees we have in Congress. We could stop subsidizing Amtrak which should be run by the private sector.

I could go on, but the point I wish to make is this: the Cooperative Extension Service deserves a higher priority in the Federal budget than it has been given. I think we should appropriate enough funds to continue extension services at the current levels.

For those who agree with me, I invite you to cosponsor House Resolution 413 which I introduced recently. This resolution expresses the sense of the House that Federal funding for the Extension Service be made at a level sufficient to continue the current operations of the Service.

The Extension Service deserves your support. Thus, I invite my colleagues to support House Resolution 413.

□ 1335

Mr. Speaker, I yield to my distinguished fellow colleague, the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I thank the gentleman for yielding.

Mr. Speaker, I am speaking of the Reagan administration's proposal to reduce funding for the Cooperative Extension Service by 59 percent in fiscal year 1987.

For over 70 years the Agricultural Extension Service has brought the expertise and guidance of its agents to farmers and farm families all across America. I dare say that there are few people listening to me today who have not benefited in some way from programs sponsored and maintained by the Agricultural Extension Service.

While numerous Government-funded programs benefit their recipients indirectly, the Extension Service provides direct guidance and training to the thousands of Americans who turn to it annually for assistance. By proposing funding cuts of such magnitude for the Extension Service, the administration is sending a loud and clear message to farmers and their families that their needs are unimportant and can be ignored.

The Extension Service continues to be one of the most effective Federal agricultural programs. I will even go so far as to say that the Extension Service is among the most effective Federal programs of any kind. It has brought the benefits of the latest agricultural research and technology to farm families, which in turn has aided Americans living far from the barns and fields of rural America.

Mr. Speaker, at a time when American farm families are undergoing their worst crisis in 50 years, I would like to mention just a few of the ways that the Extension Service in my district—the Second District of North Carolina—is helping farm families survive.

In Caswell County, agricultural technicians are working one-on-one with small and marginal producers to help them diversify. Agents are also working with producers on farm financial records and budgets, encouraging better recordkeeping and farm management.

The staff of the Granville County Agricultural Extension Service is offering computer training for farmers, using software that calculates enterprise budgets, cash flow, balance sheets, income statements, family living budgets, and personal finance decisions. Extension agents are even setting appointments after regular hours and even on weekends to assist farmers with financial management.

In Johnston County, the Extension staff has initiated and developed the leadership needed to, among other things, secure countywide toll free telephone service, and a county produce market.

Perhaps most important of all, the Extension Service throughout the Second District is conducting workshops to help farmers alleviate family stresses brought on by the current economic crisis. Let us not add to their stresses by taking away the very funding for these workshops.

In North Carolina, the proposed cuts would mean a reduction of 340 Agricultural Extension Service positions and termination of the entire expanded Food and Nutrition Education Program, which provides nutritional education to more than 7,310 disadvantaged families. The impact would be devastating.

I find this administration's callous disregard of the needs of farmers and their families unconscionable and the gutting of a cost-effective program irresponsible. For an administration which constantly trumpets its pro-family outlook, this proposal would deal a heavy blow and ironic blow to families on our farms.

We all agree on the need to reduce spending, but the Cooperative Extension Service is no place to cut. I urge all my colleagues to join me in trying to maintain the full scope of extension programs. American farmers have given us their best over the years, and they deserve no less from the Congress.

□ 1350

Mr. OBEY. Mr. Speaker, I thank my colleague, the gentleman from North Carolina [Mr. VALENTINE] for coming to the floor and, during this special order, helping to underscore the importance of maintaining at least the current levels of funding for this most important program for farmers, the Agricultural Extension Service.

Mr. WHEAT. Mr. Speaker, I rise today to join my colleagues in opposition to the Reagan administration's proposed budget cuts in the Cooperative Extension Service [CES]. Extension programs have been a great success in rural, suburban, and urban communities, and it is my hope that Congress will oppose major cuts in this important educational program.

Mr. Speaker, the Cooperative Extension Service is the educational arm of the Department of Agriculture and provides information and advice for people about subjects ranging from crops to the dinner table, including agricultural production and marketing, nutrition,

family living, and youth and 4–H programs. Funding is provided by a partnership of Federal, State, and county governments.

CES originally provided services only to rural areas, and retains the image of being a program that mainly serves the rural community. However, as a Representative of the Kansas City metropolitan area, a large number of my urban and suburban constituents have let me know the importance of these programs. The CES has surpassed its original mission of the education of rural residents and now is vital for the development of urban and suburban communities as well.

Extension programs reached more than 110,000 people in the Kansas City area in the last year. These people received expert instruction in home economics, food and nutrition, money management, energy conservation, and child safety. Approximately 3,000 people volunteered their time and effort to make these programs possible.

Mr. Speaker, CES programs have been especially helpful in depressed low-income areas in the inner city. For example, the Expanded Food and Nutrition Education Program, slated for elimination by President Reagan, teaches families to provide nutritional needs on a limited budget and how to grow and preserve food safely. This program served 6,777 families in Missouri last year, 95 percent of whom were below the poverty level. Extension programs also offer low-income residents instruction in urban gardening, weatherization, and do-it-yourself home repairs.

These programs also provide benefits above and beyond valuable infomation. The sense of pride, independence, and community spirit given by extension programs provide enrichment in addition to knowledge. The 4–H program, for example, has been teaching the fundamentals of citizenship and character to boys and girls for years.

Mr. Speaker, the continuing education provided by the Cooperative Extension Service programs should remain a priority of the Federal Government. The proposed cuts in these important programs would hurt residents of both the inner city and rural areas. Educational programs such as CES directly contribute to the strength and well-being of America, and should continue to be one of our country's priorities.

Mr. LUNDINE. Mr. Speaker, I rise today to express my support and admiration for the excellent services which Cooperative Extension provides in the 34th Congressional District of New York and across the country.

The southern tier of New York has benefited greatly from the services which Cooperative Extension provides, and I am very concerned with the President's proposal to cut its budget by 67 percent in our State.

Since it was established in 1914, the Cooperative Extension Service has provided many important services in more than 3,000 counties nationwide. It has helped bring agricultural research from America's laboratories and college thesis papers directly to America's farms.

Most recently, the Cooperative Extension Service helped educate farmers in my area about the Dairy Termination Program. In fact, this education program drew the largest crowd ever to the Cooperative Extension Center in Cattaraugus County.

Through the Expanded Food and Nutrition Education Program [EFNEP], Extension Services have helped low-income families with young children receive valuable nutrition information in order to improve their diets and better use available food resouces.

Also, the 4–H program which Cooperative Extension runs, and in which 39 percent of the youth in upstate New York participate, has had a great effect on the personal development of our state's young people. I feel that these services are too valuable to give up.

In an effort to protect this important funding, I have become an original cosponsor of House Resolution 413, expressing support for providing the Federal funding needed to maintain the current functions of the Extension Service—a service which takes up only seventenths of 1 percent of the USDA budget. These Federal extension funds are matched with support from county governments and land-grant colleges to support the Extension Service in each State. I am hopeful that this resolution will send an important message to the President that the Congress will not support his plan to cut the funding for Extension Services.

I hope my colleagues will join me today in saluting the work of Cooperative Extension Services across the country, and will work to ensure that the Federal support for these important services is preserved.

Mr. LAFALCE. Mr. Speaker, I rise to cite the significant contributions of Cooperative Extension to the development of our country. Over the years, Cooperative Extension has been in the forefront of a governmental effort to make both farmers and nonfarmers alike more productive and self-sufficient. It did this with information about crop management, handling of chemicals, and many auxilliary services.

Indeed, other countries of the world have looked to Cooperative Extension and have emulated it as they provided agricultural information to their own populations in the hope that success similar to the U.S. program would ensue.

Today, this success is threatened. President Reagan plans to gut the Cooperative Extension budget in fiscal year 1987, but cutting an estimated $328 million back to $140 million. Unless the Congress intervenes, this proposed cutback will be on top of an additional cut this year as a result of the Gramm-Rudman-Hollings Deficit Reduction Act which will pare down Cooperative Extension's $343 million budget to $328 million.

Given this tremendous reduction is funding proposed by the administration, it seems very unlikely that important programs like food nutrition education, farm safety, financial management, so needed by farmers at present, pest control, 4–H, seminars in husbandry and home economics, and natural resource conservation will be undertaken at the county level without Federal help.

The assumption that the New Federalism of the administration covers common defense and scarcely anything else is playing its latest card in the proposed gutting of Cooperative Extension. I think that we should resist the emasculation of this significant program, Democrats and Republicans alike.

Mr. FRANK. Mr. Speaker, I want to thank the gentleman from North Carolina for taking out this special order. I think it is important for us to recognize the useful community services which the Extension Service provides. The Extension Service has strong, bipartisan backing. The Extension Service provides aid during tough times, especially to young people, and it deserves a higher priority in the Department of Agriculture budget than the administration is giving it.

The President's budget for fiscal year 1987 would target the Cooperative Extension Program for a 59-percent cut which, incidentally, would cut the Massachusetts program by 68 percent. I appreciate the need to cut the deficit, but it is inappropriate and unfair to ask the Cooperative Extension Program to carry a disproportionate share of the Department of Agriculture's burden. Overall, the Department faces a 12-percent cut.

I am especially disturbed that the budget request would completely eliminate the earmarked funds for the Expended Food and Nutrition Education Program [EFNEP], which in Massachusetts alone has helped more than 46,000 families and 219,000 children to more effectively meet their nutritional needs.

In addition, I am concerned that the President's proposed budget would restrict the use of these funds by stipulating that extension agents could perform other services only after the needs of farm operators have been fully met. While the agriculture programs are important, I am afraid that this plan represents a masked attempt to eliminate existing programs in home economics, community resource development, natural resources, and 4–H youth development. These programs are important in assisting individuals, especially the young, to develop the skills and knowledge that will help them to live more productive and responsible lives.

Mr. HORTON. Mr. Speaker, I rise in strong support of the Cooperative Extension Program and in opposition to the President's proposed drastic cuts. In the administration's proposed fiscal 1987 budget, Cooperative Extension faces a cut of 59 percent—this in addition to the 4.3-percent cut sustained on March 1 as a result of the Gramm-Rudman deficit reduction package.

In New York alone, the Federal allocation would be reduced from $11.3 million to $3.6 million—a cut of 67 percent. In all, 5 major programs and approximately 300 positions are slated to be eliminated if a cut of this magnitude passes Congress. I am here to help my colleagues make all Members of the House aware of the tremendous importance of the Cooperative Extension Program to our Nation's farmers.

The President's budget proposal specifically eliminates several programs, including: Expanded Food and Nutrition Program, farm safety, urban gardening, pest management, financial management programs, and the Renewable Resources Extension Act. Other areas which would see substantial damage include 4–H and State home economics programs.

Lucinda Noble, the director of Cooperative Extension at Cornell University, of which I am an alumnus, noted that drastic personnel re-

ductions would accompany a cut of the magnitude proposed by the administration. She added that some of the programs which would be the hardest hit are the Expanded Food and Nutrition Education Program, sea grant, integrated pest management, urban gardening programs, and renewable resources.

Mr. Speaker, more than 6 million people in New York State alone are served by Cornell's Cooperative Extension Service. Included in those 6 million are people from every county in the State.

Cooperative Extension is one of the most highly successful programs ever instigated by the Federal Government. Working with State and local governments, Cooperative Extension provides a tremendous amount of information for farmers and nonfarmers alike. It has kept the 4-H program, which is very important in the upstate New York area, alive and growing.

Ms. Noble noted a sad irony in the timing of these cuts. The first extension agent in New York State was employed 75 years ago this spring. During the diamond jubilee of Cooperative Extension in New York, it is tragic that we must make such an effort simply to assure this program's survival.

Mr. Speaker, I hope this special order will help those who were previously unaware of the tremendous importance this program plays in this country support our efforts to provide reasonable funding for Cooperative Extension.

GENERAL LEAVE

Mr. COBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. COBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the subject of the special order today by the gentleman from North Carolina [Mr. BROYHILL].

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

NUCLEAR WASTE POLICY ACT AMENDMENTS OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BROYHILL] is recognized for 60 minutes.

Mr. BROYHILL. Mr. Speaker, I am pleased to join with several of my colleagues in introducing the Nuclear Waste Policy Act Amendments of 1986. This legislation is necessary to derail a bureaucratic juggernaut that is now out of control, and which threatens to waste billions of electric ratepayers' dollars. I am, of course, referring to the Department of Energy's Second High Level Nuclear Waste Repository Program.

In January, the Department of Energy narrowed the number of areas under consideration for a second repository from 235 to 12 areas in 7 States. Two of the 12 areas are in North Carolina. I have reviewed the information available about these sites, and in a meeting last week with Secretary Herrington and Mr. Rusche, I stated that I was unalterably opposed to these areas being targeted as potential second repository sites.

I do not intend to review the basis for my position on these sites today. The State of North Carolina has recently submitted its views to the Secretary. The States excellent comments cover all of my concerns. I have every confidence that the Secretary will carefully review the State of North Carolina's views, and that the Secretary will reach the same conclusions that I have—that the North Carolina areas are not suitable for hosting a permanent high level waste repository.

However, in my review of the status of the Second Repository Program, a second issue came to my attention—the need for the Second Repository Program. After careful study, I have come to the conclusion that we do not need to pursue the development and siting of a second repository at this time.

The second repository was premised on the need to store at least 140,000 metric tons of high level waste by the year 2020.

Recent projections by the Energy Information Administration indicate, however, that the amount of waste needed to be disposed of will be far, far less than the 157,000 metric tons of waste projected back in 1983. The recent EIA projections range from 75,000 metric tons to 126,000 metric tons. This reflects a reduction of between 20 to 50 percent. I would ask the Speaker to include in today's RECORD, following my statement, table 7 of a publication by EIA entitled "World Nuclear Fuel Cycle Requirements 1985."

Back in 1983, the midcase EIA projection was over 130,000 metric tons of waste by the year 2020. Now our midcase projection, which assumes more than a doubling of our current nuclear waste capacity, is approximately 106,000 metric tons of waste. This is a drop of almost 20 percent in just 3 years, and falls about 35,000 metric tons below the 140,000 metric tons originally used to justify the second repository.

Thus, even under the very optimistic assumption of the doubling of our nuclear capacity, the 70,000 metric ton artificial cap on the first repository will not be reached under the mid-case scenario until sometime after the year 2010.

This point is documented even more clearly by comparing the high-case 1983 EIA projection, with EIA's current low-case projection. I believe the low-case projection is a more realistic figure. As I am sure everyone is aware, no new nuclear powerplants have been ordered since 1979. And I suspect none will be ordered for a long time. The low-case projection is consistent with the current state of the nuclear industry—for it only assumes 36 new 1,000 megawatt nuclear powerplants will be ordered and placed into service by the year 2020.

Under the more realistic low-case assumptions, we expect to produce a total of less than 90,000 metric tons of waste by the year 2020. This is a dramatic drop of almost 45 percent from our 1983 projection of 157,000 metric tons, and conclusively shows that the first repository, even if storage is limited to 70,000 metric tons, will provide ample storage capacity until almost the year 2015.

In a hearing before the Energy and Commerce Subcommittee on energy conservation and power this morning, Mr. Ben Rusche, Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, devoted much of his testimony to the need for the Second Repository Program. But, I did not find his testimony persuasive. His position that current projections as to the amount of waste we will need to store are well beyond the capacity of the first repository is simply incredible. If anything, Mr. Rusche's testimony before our committee today has further convinced me that the Second Repository Program should be terminated immediately.

Two further points are very important to our assessment of the Second Repository Program. First, we must recognize that there is no technical reason for limiting the amount of waste that can be stored at the first repository to 70,000 metric tons.

Second, the Second Repository Program is expensive. In our meeting last week, Mr. Rusche estimated the cost of analyzing each of the 12 areas at between $500 million to $1 billion. This does not include the cost of actually building the repository—which will also cost billions of dollars.

In sum, the facts demonstrate that there is no need whatsoever to waste money on a Second Repository Program we may never need.

That is why I wrote to Secretary Herrington last week requesting him to suspend all second repository activities, to submit a request to rescind all fiscal year 1986 funding for a second repository, and to modify the Department's fiscal year 1986 budget and legislative request to terminate this program in its entirety. I ask that a copy of my letter to the Secretary Herrington be inserted in the RECORD at the end of my remarks.

I have not received an adequate response from the Secretary. It is for this reason that I am joining with my colleagues in introducing the Nuclear Waste Policy Act Amendments of 1986. This legislation will deauthorize all Second Repository Program activities by striking all references to the second repository from the Nuclear Waste Policy Act. In addition, this legislation will explicitly preclude any further expenditures on any activity relating to a second repository.

As I wrote to Secretary Herrington last week, I remain convinced that nuclear power is vital to the health of our Nation's economy and the competitiveness of American business. But, if we are to retain this option, we must concentrate our actions on steps that will reaffirm public and industry confidence in this resource. This means that the Depart-

ment's resources must be concentrated on the development of the first repository.

I call on my colleagues to support this legislation, and ask their help in putting a stop to a bad case of costly bureaucratic mischief.

WORLD NUCLEAR FUEL CYCLE REQUIREMENTS 1985, ENERGY INFORMATION ADMINISTRATION

TABLE 7.—TOTAL SPENT FUEL DISCHARGES SINCE 1957 FROM U.S. NUCLEAR POWER PLANTS, 1984–2020 [1]

[Metric tons of initial heavy metal]

Year	High case	Middle case	Low case	New orders case
1984 [2]	11,442	11,442	11,442	11,442
1985	12,474	12,474	12,474	12,474
1990	21,339	20,950	20,743	20,743
1995	31,964	31,441	30,591	30,591
2000	42,159	41,658	39,864	39,861
2005	53,737	52,446	49,207	48,835
2010	70,802	66,381	59,967	58,094
2015	96,913	86,416	74,836	69,280
2020	126,192	106,404	87,397	74,635

[1] Total spent fuel discharges include all discharges since 1957 that are not scheduled for reinsertion (1957 was the inception of commercial nuclear power in the United States). They are the sum of the unsmoothed annual spent fuel discharges.

[2] Preliminary data collected on form RW–859, "Nuclear Fuel Data," indicate that 11,991 metric tons of initial heavy metal have been discharged through 1984. The 11,991 metric tons consist of 11,723 metric tons in commercial storage, 14 metric tons stored by the Department of Energy for use in research, and 254 metric tons that were reprocessed. The 11,723 metric tons of initial heavy metal in commercial storage include some irradiated nuclear fuel that will be reinserted in future cycles of the nuclear reactors.

Source: Projected spent fuel discharges calculated using the INM model; see text for discussion of adjustments made to INM projected values.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 1986.

Hon. JOHN BERRINGTON,
Secretary, Department of Energy, Washington, DC.

DEAR MR. SECRETARY: In January the Department of Energy issued a draft area recommendation report that narrowed the number of rock bodies under consideration for a second permanent high level radioactive waste repository from 235 to 12 potentially acceptable areas in seven States. Two of the twelve areas are in North Carolina. The first, called Rolesville Pluton, is twelve miles east of the city of Raleigh and covers sections of Franklin, Johnston and Wake Counties. The second, called the Elk River Complex, is fifteen miles west of the city of Asheveille and covers sections of Buncombe, Raywood and Madison Counties.

Mr. Secretary, I am unalterable opposed to including the two North Carolina areas among the location the Department of Energy has concluded are appropriate for further study. I have reviewed the characteristics of both North Carolina areas, and neither is suitable for hosting a permanent high level radioactive waste repository. Several adverse features have been identified that obviously disqualify both Rolesville and Elk River and make any further study of these two areas unnecessary. I would now like to review with you some of the adverse features that I found most compelling.

Reasonable assurance that the repository is safe from seismic activity must be of paramount concern in the choice of a host site. Such assurances cannot be confidently made with respect to the North Carolina areas.

The Elk River complex is bounded and cut by many faults and is located on one of the most seismically active regions of the eastern United States. Further, recent studies indicate that the entire Blue Ridge is part of a major overthrust belt, with the Elk River complex as a portion of a crystalline sheet that is less than one kilometer thick and which appears to overlay a major thrust fault. Shock waves from blasting a quarry located only four miles from Elk River would not only threaten workers at the repository, but may further weaken the long-term seismic integrity of the site.

The Rolesville Pluton is no better. It also lies in a heavily faulted zone. There are at least seventeen geologically young faults in the Rolesville area. Studies indicate that these faults were certainly active no more than two million years ago, and that movement along these faults could have taken place within the last few thousand years.

A second factor of critical importance in the placement of a high level radioactive waste repository is the hydrologic characteristics of potential sites. A repository cannot be built in locations where water migrates easily through a potential site, for this would significantly increase the probability of the repository contaminating groundwater. This is particularly important in areas like Rolesville and Elk River, where the local communities rely on untreated groundwater for drinking water.

The hydrologic characteristics of Rolesville and Elk River are not suitable for a repository. Groundwater in the Rolesville and Elk River areas is obtained from interconnected water bearing fractures that extend to unknown depths. Borings drilled by scientists from the Virginia Polytechnic Institute in the Rolesville area indicate the passage of hot water rich fluids through the rock and demonstrate the unacceptable possibility that an escape of radioactive material from a repository would contaminate groundwater.

The evidence that groundwater is circulating to the depths at which a repository would be built is even more compelling in the case of Elk River. About twenty thermal springs have been identified in the vicinity of the Elk River site. It is generally believed that these springs are the result of water being circulated to depths where the rocks are hot, and then returned to the surface so quickly that the water does not have sufficient time to cool to ambient termperatures. It has been reliably estimated that the groundwater is being circulated to a depth of 5,000 to 6,000 feet, well below the depth at which a repository would be built. Widespread mineralization along faults in the vicinity of the Elk River Complex confirms that the faults of this complex have served as flow paths for heated water.

This evidence of groundwater being obtained from great depths creates too great a possibility of groundwater contamination, and should disqualify both the Rolesville and Elk River sites. There is naturally occurring radon in the rocks and groundwater in the Rolesville and Elk River areas. The construction and operation of a repository is likely to release additional amounts of radon into groundwater and the atmosphere. The health risks associated with further releases of radioactive materials is unacceptable.

The geologic considerations outlined above are sufficient to disquality both North Carolina areas. However, there are also serious environmental and socioeconomic considerations that militate against consideration of the Rolesville Pluton and Elk River Complex.

Section 112(a) of the Nuclear Waste Policy Act requires disqualification of "any site from development as a repository if any surface facility of such repository would be located (1) in a highly populated area; or (2) adjacent to an area 1 mile by 1 mile having a population of not less than 1,000 individuals." Large portions of the Rolesville Pluton area currently under consideration by DOE do not comply with this requirement. At the time of the 1980 national census, three towns within the Rolesville Pluton had population densities greater than 1,000 people per square mile. These towns are Zebulon, Wendell, and Knightville. All these towns have continued to grow since the census.

It is only common sense for the repository not be built in an area of rapid population growth. Yet this is precisely what will occur should the repository be built at the Rolesville site. The Rolesville area is one of the fastest growing areas in the South. From 1970 to 1980, Wake County grew from approximately 229,000 to almost 302,000 or 32 percent. Johnson County grew 15 percent from 62,000 to 71,000. Franklin County also grew by almost 14 percent. There is no indication that this remarkable growth will subside in the foreseeable future.

Also, placement of a repository at either area would cause a major disruption of the local economy, which is heavily dependent on tourism. For example, the Falls Lake State Recreation area is only six miles from the Rolesville site. This recreation area is expected to have the capacity to accommodate over 6.5 million visitors every year. I agree completely with the North Carolina Department of Natural Resources and Community Development's conclusion that the public perception of the danger of a repository would severely impact on the attractiveness of the area to tourists.

This is also the case with the Elk River Complex which is in close proximity to the Great Smoky Mountains National Park, the Blue Ridge Parkway and the Shining Rock Wilderness. Placement of a repository at this location would compromise the isolation and scenic beauty of these three parks, and would undoubtedly "conflict irreconcilably with the . . . use of a component of the National Park System." 10 C.F.R. 960.5-2-5(d)(3).

There are two further environmental factors that I believe raise serious questions about the ability of a repository to be built and operated safely at the Elk River area. In November 1977, a severe flood struck Western North Carolina. Sixteen counties were declared a federal disaster area. The area of the most severe flooding included a large portion of the Elk River complex. I do not need to point out how serious flooding could be for the safe operation and maintenance of a repository. Also, I have been told that the types of sedimentary rocks present at the Elk River Complex are known producers of hydrocarbons. Should a discovery trigger an extensive drilling program sometime in the distant future, the drilling could pose a serious risk to the continued integrity of the repository.

This does not exhaust all of the reasons I believe the North Carolina areas should not be candidates for the second repository. Several additional factors have been brought to my attention by the North Carolina Governor's office, including the adverse impact on the preservation of structures of historic and architectural significance; the proximity of state-protected lands; and the difficulties with rail transportation. I understand that the Governor will be submitting the State's views to you very shortly. I have every confidence that you will carefully weigh those comments, and that you will reach the same conclusions that I have—that Rolesville Pluton and the Elk River

Complex are not suitable for a permanent high level waste repository.

Finally, Mr. Secretary, I would like to raise one last issue, the status of the second repository program. I do not believe, Mr. Secretary, that our Nation needs to pursue the development and siting of a second permanent repository at this time.

The second repository was premised on the need to store at least 140,000 metric tons of high level nuclear waste by the year 2020. Recent projections by your own Energy Information Administration (EIA) indicate that the amount of waste needed to be disposed of will be far less than 140,000 metric tons. The projections range from 75,000 metric tons to 126,000 metric tons of waste. Even the middle case (106,000), which appears to be overly optimistic in that it represents more than a doubling of existing nuclear capacity, falls about 35,000 metric tons below the 140,000 metric tons originally used to justify the second repository. The EIA data concludes that the first repository will provide more than adequate storage capacity until sometime after the year 2010. Therefore, the wisest course of action is to terminate the second repository program and ensure that the first repository will be built at a site that can accomodate more than 70,000 metric tons of waste. To this end, I have joined Congressman Steve Neal in supporting H.R. 2439.

I am now, more than ever, convinced that the nuclear option is vital to the health of our nation's economy and the competitiveness of American business. But, if we are to retain this option, we must concentrate our actions on steps that will reaffirm public and industry confidence in this resource. For your part, you must concentrate the Department's resources on development of the first repository.

In these times of fiscal constraints, the entire repository budget must be dedicated to this task. For this reason, I respectfully request that you immediately suspend all second repository activities; submit to Congress a request to rescind all FY 1986 funding for the second repository; and modify the Department's FY 1987 budget and legislative request to terminate the second repository program in its entirety.

I look forward to working with you on this matter, and I can assure you of my dedication to the successful development of the first repository.

With best regards,

JAMES T. BROYHILL,
Ranking Minority Member,
Committee on Energy and Commerce.

H.R. 4668

A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Nuclear Waste Policy Act Amendments of 1986".

SEC. 2. REMOVAL OF DEADLINES AND REQUIREMENTS RELATING TO SECOND AND SUBSEQUENT REPOSITORIES.

(a) RECOMMENDATION OF CANDIDATE SITES FOR SITE CHARACTERIZATON.—Section 112(b)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)) is amended—

(1) in subparagraph (A), by striking "first";

(2) by striking subparagraph (C);

(3) in subparagraph (D), by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)";

(4) in subparagraph (F), by striking "(E)" and inserting "(D)"; and

(5) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(b) HEARINGS AND PRESIDENTIAL RECOMMENDATION.—Section 114(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(1)) is amended—

(1) in the second sentence, by striking "for the first" and all that follows through the third comma;

(2) by striking the fifth sentence; and

(3) in subparagraph (D)—

(A) by striking "for the first" and all that follows through the second comma; and

(B) by striking the following: "concerning the first repository to be developed under this Act".

(c) RECOMMENDATION OF SITE APPROVAL.—Section 114(a)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(2)) is amended—

(1) in subparagraph (A) by striking the second and fourth sentences; and

(2) in subparagraph (B)—

(A) by striking "deadlines" and inserting "deadline"; and

(B) by striking the following: "for the first site, and March 31, 1989, for the second site,".

(d) RECOMMENDATION AFTER DISAPPROVAL.—Section 114(a)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(3)) is amended by striking "first or subsequent".

(e) APPROVAL OF CONSTRUCTION AUTHORIZATION.—Section 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)(1)) is amended by striking the following: ", for the first such application, and January 1, 1992, for the second such application".

(f) ENVIRONMENTAL IMPACT STATEMENT.—Section 114(f) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)) is amended—

(1) in the fourth sentence, by striking "first";

(2) by striking the fifth sentence; and

(3) in the last sentence, by striking "first".

SEC. 3. REMOVAL OF VOLUME LIMITATION ON REPOSITORY.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the last two sentences.

SEC. 4. REVISION OF MISSION PLAN.

Section 301 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10221) is amended by adding at the end the following new subsection:

"(c) REVISION OF MISSION PLAN.—The Secretary shall make such revisions in the mission plan as may be necessary to carry out the amendments made to this Act by the Nuclear Waste Policy Act Amendments of 1986. In making such revisions, the Secretary shall comply with the procedures established in subsection (b), except that—

"(1) the draft of the revisions shall be submitted in accordance with subsection (b)(1) not later than 4 months after the date of the enactment of the Nuclear Waste Policy Act Amendments of 1986; and

"(2) the revisions shall be submitted in accordance with subsection (b)(3) not later than 6 months after the date of the enactment of the Nuclear Waste Policy Act Amendments of 1986.".

SEC. 5. PROHIBITION OF EXPENDITURES FROM NUCLEAR WASTE FUND FOR SECOND AND SUBSEQUENT REPOSITORIES.

Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended by adding at the end the following new sentence: "No amount may be expended by the Secretary from the Waste Fund for any activity relating to a second or subsequent repository.".

Mr. COBEY. Mr. Speaker, today I join my colleague and friend, Mr. BROYHILL, in introducing legislation to amend the Nuclear Waste Policy Act of 1982. This bill would remove the requirement of the second repository for the disposal of high-level radioactive waste and spent nuclear fuel. As you know, the NWPA calls for the implementation of a first repository with a 70,000-metric-ton limit in which waste will be collected. The act also designates a selection process to begin the search for the second repository site.

There has been adequate data to indicate that the need for storage facilities for over 140,000 metric tons of high-level nuclear spent fuel is highly overestimated. This figure assumes that the number of nuclear powerplants would double—approximately 131—between now and the year 2020, when the second repository would begin operation. Construction for new nuclear plants have not been initiated in the last 10 years. Therefore, I believe it would be quite accurate to state that our needs for this type of storage would be far less than the 140,000-ton capacity as provided for through the NWPA in 1982.

The Department of Energy has already expended a great deal of time, money, and effort on behalf of the second repository that first of all, has not even been approved by Congress, and second, but even more importantly, is not clearly needed. I strongly encourage my colleagues to support this measure and eliminate continuation of the second repository program.

Mr. PETRI. Mr. Speaker, I am pleased to be an original cosponsor of the Nuclear Waste Policy Act Amendments which eliminates the need for a second nuclear waste repository by expanding the capacity of the first. Such a move addresses two of my biggest concerns about the selection process Congress began with the Nuclear Waste Policy Act of 1982: safety and cost.

What we have seen, as the second site selection process has progressed, is a clear need to amend the original law. Yet we cannot deny the need to build a long-term nuclear waste storage facility.

There are several problems with the sites chosen for the second round. First, the sites chosen for further field work shall be potential safety hazards.

Serious geological questions have been raised regarding the natural fracturing and faulting of the granite rock formations which characterize the sites. These natural flaws could result in the contamination of groundwater near a repository, endangering the water supplies of many towns and villages.

Furthermore, all of the potential second round sites are only accessible by train routes and highways that pass through or near densely populated areas.

Second, there is a real question as to whether we really need a second site at all. The tonnage cap on waste placed in the first site is arbitrary. There is no reason we cannot lift that cap, as this legislation proposes, and abandon the expensive, unnecessary search for a second site altogether. It has been estamated that the cost of studying each potential site is at least half a billion dollars and as much as a billion dollars. That means that we'll be wasting anywhere from $6 to $12 billion just to study sites we do not even need.

With all the debate about how to cut Federal spending, it seems to me that passage of this bill would be a good place to start.

Mr. ROTH. Mr. Speaker, I am pleased to add my name as an original cosponsor of the legislation being introduced today to amend the Nuclear Waste Policy Act of 1982. This measure will remove, as potential sites for the second nuclear waste repository, the 12 sites designated in January by the Department of Energy. This legislation will save billions of taxpayer dollars. During this time of Federal budget belt-tightening, I am convinced that all taxpayers will rally behind the bill.

The Wolf River Batholith in Wisconsin is 1 of the 12 sites under consideration for the second nuclear waste repository. There is no question that if high-level nuclear waste is dumped in Wisconsin, the State tourist economy, our second largest industry, will suffer dramatic losses. In short, if tourism declines, then so does the economic health of Wisconsin.

A great deal of evidence has been released recently that indicates there is no need for a second repository. The projected amounts of nuclear waste were initially overestimated. With the new data, we have learned that one nuclear waste storage facility will be able to store all the nuclear waste that is produced in this country well into the 21st century.

It is now a matter of simple arithmetic. A second site would cost billions. Why spend billions of dollars for something that may never be necessary?

I urge my colleagues to support this legislation. It will assure that nuclear waste is properly stored. But in so doing it will prevent the needless expenditure of an outrageous sum of tax dollars.

Mr. BLILEY. Mr. Speaker, I rise in strong support of and as an original sponsor of the Nuclear Waste Policy Act Amendments of 1986, being introduced today by my colleague from North Carolina, Mr. BROYHILL. Frankly, I am disappointed that this legislation is necessary. Unfortunately, it is made necessary by a series of inept and ill-advised bureaucratic decisions. Failure to act on this legislation will not only cost ratepayers billions of dollars, but will serve as a threat to our environment as well.

I do not intend to present a litany of technical data designed to demonstrate the Department of Energy's failures in selecting their 12 finalists for the sight of the Nation's second high level nuclear waste repository. Suffice it to say, those failings and oversights were many. This morning, I was privileged to sit in on a hearing of the Energy Conservation and Power Subcommittee on this very same subject. Mr. Speaker, I would like to take this opportunity to ask unanimous consent to include at this point in the RECORD the statement of the Governor of the Commonwealth of Virginia before that subcommittee.

Mr. Speaker, I think this serves as just one more piece of evidence that the Department's selection process was seriously flawed.

Like the distinguished ranking minority member of the full Energy and Commerce Committee, my review of the status of the second repository program led me to the conclusion that we do not need to pursue the development of a second repository at this time.

Let's remember that the second sight was premised on the need to store at least 140,000 metric tons of high level nuclear waste by the year 2020. Recent projections of EIA indicate that the amount of waste we will need to dispose of will be far less than the 157,000 metric tons projected back in 1983. EIA's recent projections range from 75,000 to 126,000 metric tons. This is a reduction of anywhere from 20 to 50 percent.

Back in 1983, the EIA midcase projection was over 130,000 metric tons by the year 2020. Now the midcase projection is approximately 106,000 metric tons. Mr. Speaker, we will have to double our current nuclear capacity to hit that projection. Even under the very optimistic assumption that we will double our nuclear capacity, the artificial cap of 70,000 metric tons at the first repository will not be reached until sometime after the year 2010.

This point is made even more significant when one compares the 1983 high case scenario with the current low case projections. Clearly, the low-case assumption is a more realistic projection of where we are headed. Everyone knows that no new nuclear powerplants have been ordered since 1979. The low-case assumption is consistent with the current state of the nuclear industry—it assumes 36 new 1,000 megawatt plants will be ordered and placed in service by 2020.

Under the low-case scenario we will produce less than 90,000 metric tons of waste by 2020. This is 45 percent below the 1983 projections of 157,000 metric tons. Clearly, the first repository, even if limited to 70,000 metric tons, will provide ample storage until almost 2015.

This morning, Mr. Ben Rusche, Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy devoted a great deal of his testimony to justifying the need for a second repository. Frankly, I was unconvinced and believe Mr. Rusche should stop defending a bad decision, and spend more time on other issues.

Mr. Speaker, the facts demonstrate that there is no need for a second repository program and I urge my colleagues to adopt this legislation.

STATEMENT OF HON. GERALD L. BALILES, GOVERNOR OF VIRGINIA, BEFORE THE SUBCOMMITTEE ON ENERGY CONSERVATION AND POWER OF THE HOUSE COMMITTEE ON ENERGY AND COMMERCE, APRIL 23, 1986

Mr. Chairman and members of the Subcommittee, ladies and gentlemen: I am grateful for the opportunity to discuss with you today Virginia's serious concerns regarding the Department of Energy's administration of the Nuclear Waste Policy Act of 1982.

Mr. Chairman, we recognize our responsibility to address the difficult problems presented by the management and disposal of high-level nuclear waste. Accordingly, Virginia has made a sincere and concerted effort to be a responsible partner in the process you and your colleagues created in 1982.

From the outset, Virginia has emphasized that the process of site selection must be based on the most capable research and the most accurate information possible.

The process must be based on facts—facts that will withstand the most critical review.

To manage the siting process otherwise would be subjective, unfair and dangerous.

It is on the basis of established and provable evidence—facts—that Virginia has approached its response to the Department of Energy's Draft Area Recommendation Report.

We are very concerned at this point that the Department of Energy is not responding to or may even be ignoring evidence produced through this process.

Our single greatest concern is the Department's apparent methods of scientific inquiry.

Time and again, in its consideration of potential Virginia sites, the Department of Energy has reacted to a lack of crucial data with a complacency that is alarming because it assumes that a site must be appropriate unless readily available data to the contrary disproves it.

Mr. Chairman, this is not an approach that instills confidence in a process that must be based on facts.

And it's certainly no way to choose a site for radioactive materials requiring isolation twice the length of the recorded history of human civilization.

This approach allows the Department, for instance, to conclude that a geologic fault ends at a state border—as you can plainly see in this Department of Energy map. (Figure 1) (Map not reproduced in RECORD.)

As point of fact, the "suitable" rock bodies within the fault areas shown on this map do not mysteriously end at the Virginia-North Carolina border. It seems that the Department of Energy had no information on the rock in Virginia, so they assumed that all the rock bodies must be suitable, even when more detailed mapping in North Carolina showed similar rock bodies just across the border to be heterogeneous mixtures of crystalline and noncrystalline rocks.

Mr. Chairman, Virginia's concerns go beyond the Department of Energy's "no data is good data" approach to the facts. Our concerns go to the heart of the evaluation itself. Our line-by-line analysis of the Department's report for the three proposed Virginia sites reveal numerous examples of either an unwillingness or an inability to interpret the facts the Department of Energy had about each site.

Let me cite just a few examples:

First, the Department of Energy identified an "unnamed uranium occurrence" to the southwest of the proposed Halifax-Pittsylvania site (SE-3). Virginians know it as the "Swanson Uranium Deposit." It has been the topic of protracted and lively debate in our state legislature for more than four years.

As Figure 2 shows, this uranium deposit is actually only 4.5 miles from the proposed Halifax-Pittsylvania site (SE-3); the Department of Energy's report, by contrast, places the deposit more than three times further away from the proposed site than it actually is.

Moreover, the Department's report states the probability of similar deposits within

the proposed Halifax-Pittsylvania site (SE-3) as "very low."

As Figure 3 shows three geochemical uranium anomalies within the proposed Halifax-Pittsylvania site (SE-3) were identified by the Department of Energy's own National Uranium Resource Evaluation Program. This data was published and presented at the 27th International Geological Congress in August, 1985.

Second, as you are aware, shear zones and faults provide avenues for groundwater migration and prohibit the isolation and integrity necessary for a repository of this nature. Therefore, geologic faults and shear zones can pose serious risks.

Figure 4 shows the geologic map published by the Department of Energy in the Department's report which illustrates a single fault, the Chatham Fault (on the western portion of the map) and shows no shear zones. Note that the Department of Energy in its references cites a 1977 publication by Henika and Thayer.

However, Figure 5 shows the facts contained in the cited 1977 publication which shows a second fault, the Vandola fault, two miles closer to the site on the map from the Chatham fault as well as a number of shear zones within the proposed Halifax-Pittsylvania site (SE-3).

Third, the Department of Energy felt that seismic activity was insufficient in "the absence of further evaluation" to disqualify the proposed Hanover site (SE-1). But what is the level of seismic activity that has been documented in the region of Hanover site (SE-1)?

Mr. Chairman, in this instance, as shown in Figure 6, "X" marks the spot—or more accurately, the spots—of the epicenters of 216 earthquakes in and around the Virginia sites since 1774. The Hanover site (SE-1) is located within portions of the three counties outlined in the central section of the Figure 6.

For those of you interested in documentation of more recent earthquake activity near the Hanover site (SE-1), Figure 7 shows the number of earthquake epicenters registered just since 1978.

Why, we ask, does the Department of Energy want futher study in order to locate a repository in the midst of one of Virginia's most prolific earthquake zones—a zone whose quakes have been documented to occur high in the earth's crust at the very level at which a repository would be located?

A fourth and final example of our concerns over the Department of Energy's failure to adhere to its own criteria and the facts that are readily available is evidenced at the proposed Bedford County site (SE-2). The Department of Energy's own criteria, quite logically, provide that independent cities shall be excluded from consideration. Yet, the proposed Bedford County site (SE-2) actually includes portions of the City of Bedford.

Mr. Chairman, let me say unequivocally that complacency has no place in the search for scientific evidence.

Furthermore, the errors we have found in the Department of Energy's work raise serious questions as to the accuracy of the Department's report and the Department of Energy's commitment to the most objective and equitable siting process.

Our case is strong, our wish is clear, and our expectations are evident. We recognize that the Department of Energy has a difficult and challenging mission, and we appreciate the process that has allowed us to develop these facts.

But the facts—all of them—should dictate the next step in the process.

Mr. Chairman, the plain truth of the matter is that the Department's report ignores many facts—and misinterprets many others.

The facts—unadorned and unadulterated—demonstrate clearly that the three proposed sites identified by the Department of Energy in Virginia do not meet the Department of Energy's own criteria and should be eliminated from further consideration under the siting process.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess for 15 minutes.

There was no objection.

Accordingly (at 1 o'clock and 55 minutes p.m.), the House stood in recess until approximately 2:10 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HAYES) at 2:13 p.m.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess for 15 minutes.

There was no objection.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess until 2:30 p.m.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2:30 p.m.

VACATING THE PROCEEDINGS BY WHICH HOUSE RESOLUTION 427 WAS ADOPTED BY THE HOUSE ON APRIL 22, 1986 AND PROVIDING THAT SAID RESOLUTION SHALL BE CONSIDERED TO HAVE BEEN LAID ON THE TABLE

Mr. PEPPER, from the Committee on Rules, reported the following privileged resolution (H. Res. 432, Rept. 99-553) which was referred to the House Calendar and ordered to be printed:

H. RES. 432

Resolved, That the proceedings by which H. Res. 427 was adopted by the House on April 22, 1986 are hereby vacated, and said resolution shall be considered to have been laid on the table.

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 432 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House resolution 432?

The question was taken.

Mr. MURTHA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The resolution requires a two-thirds vote for passage.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 68, not voting 32, as follows:

[Roll No. 97]

YEAS—333

Anderson	Daub	Horton
Andrews	Davis	Hubbard
Annunzio	de la Garza	Huckaby
Applegate	Dellums	Hughes
Archer	Derrick	Hunter
Armey	DeWine	Hutto
Aspin	Dicks	Ireland
Atkins	DioGuardi	Jacobs
AuCoin	Dixon	Jeffords
Barnard	Donnelly	Jenkins
Barnes	Dorgan (ND)	Johnson
Bartlett	Dornan (CA)	Jones (OK)
Barton	Dowdy	Kanjorski
Bateman	Downey	Kaptur
Bates	Dreier	Kasich
Bedell	Durbin	Kastenmeier
Beilenson	Dwyer	Kemp
Bennett	Dyson	Kennelly
Bentley	Eckart (OH)	Kildee
Bereuter	Eckert (NY)	Kindness
Berman	Edwards (CA)	Kleczka
Bevill	Edwards (OK)	Kolbe
Bilirakis	Emerson	Kostmayer
Bliley	English	Kramer
Boehlert	Erdreich	LaFalce
Boggs	Evans (IA)	Lagomarsino
Boland	Evans (IL)	Lantos
Boner (TN)	Fawell	Latta
Bonior (MI)	Fazio	Leach (IA)
Bonker	Feighan	Lent
Borski	Fields	Levin (MI)
Boucher	Flippo	Levine (CA)
Boulter	Florio	Lewis (FL)
Breaux	Foglietta	Lightfoot
Broomfield	Foley	Lloyd
Brown (CA)	Fowler	Long
Brown (CO)	Frank	Lowery (CA)
Broyhill	Frost	Lowry (WA)
Bruce	Fuqua	Luken
Bryant	Gallo	Lundine
Burton (CA)	Garcia	Lungren
Byron	Gejdenson	Mack
Callahan	Gekas	MacKay
Carney	Gephardt	Markey
Carper	Gilman	Martin (IL)
Carr	Gingrich	Matsui
Chandler	Glickman	Mavroules
Chapman	Gonzalez	Mazzoli
Chappell	Goodling	McCain
Chappie	Gordon	McCandless
Cheney	Gradison	McCloskey
Clinger	Gray (IL)	McCollum
Coats	Gray (PA)	McDade
Cobey	Green	McEwen
Coble	Guarini	McHugh
Coelho	Gunderson	McKernan
Coleman (MO)	Hall (OH)	McKinney
Coleman (TX)	Hall, Ralph	McMillan
Collins	Hamilton	Meyers
Combest	Hansen	Mica
Conte	Hartnett	Mikulski
Conyers	Hatcher	Miller (CA)
Cooper	Hawkins	Miller (OH)
Coughlin	Hayes	Miller (WA)
Courter	Hendon	Mineta
Craig	Henry	Mitchell
Crockett	Hertel	Moakley
Dannemeyer	Hiler	Moore
Darden	Holt	Moorhead
Daschle	Hopkins	Morrison (CT)

Morrison (WA)	Savage	Swift
Mrazek	Saxton	Swindall
Murphy	Schaefer	Synar
Natcher	Scheuer	Tallon
Neal	Schneider	Tauke
Nelson	Schroeder	Tauzin
Nielson	Schuette	Thomas (GA)
Nowak	Schumer	Torres
Oakar	Seiberling	Torricelli
Obey	Sensenbrenner	Towns
Olin	Sharp	Traficant
Owens	Shelby	Traxler
Oxley	Sikorski	Udall
Packard	Siljander	Valentine
Panetta	Sisisky	Vento
Parris	Skelton	Visclosky
Pease	Slattery	Volkmer
Penny	Slaughter	Vucanovich
Pepper	Smith (FL)	Walgren
Perkins	Smith (IA)	Walker
Petri	Smith (NE)	Watkins
Pickle	Smith (NJ)	Weaver
Price	Smith, Robert (NH)	Weber
Pursell	Smith, Robert (OR)	Weiss
Ray	Snowe	Wheat
Regula	Solarz	Whitehurst
Reid	Solomon	Whitley
Richardson	Spence	Whittaker
Rinaldo	Spratt	Whitten
Ritter	St Germain	Williams
Roberts	Staggers	Wise
Rodino	Stallings	Wolf
Roe	Stangeland	Wolpe
Roemer	Stenholm	Wortley
Rose	Strang	Wright
Roth	Stratton	Wyden
Roukema	Studds	Wylie
Rowland (CT)	Stump	Yates
Rowland (GA)	Sundquist	Yatron
Roybal	Sweeney	Young (FL)
Russo		Young (MO)
Sabo		

NAYS—68

Alexander	Hillis	Moody
Badham	Howard	Murtha
Biaggi	Hoyer	Myers
Burton (IN)	Hyde	Pashayan
Bustamante	Jones (NC)	Porter
Coyne	Kolter	Quillen
Crane	Leath (TX)	Rahall
Daniel	Lehman (CA)	Rangel
DeLay	Lehman (FL)	Rogers
Dickinson	Leland	Rostenkowski
Dingell	Lewis (CA)	Rudd
Duncan	Lipinski	Schulze
Dymally	Livingston	Shumway
Fascell	Lott	Shuster
Ford (MI)	Madigan	Skeen
Ford (TN)	Manton	Snyder
Franklin	Marlenee	Stark
Frenzel	Martinez	Taylor
Gaydos	McGrath	Thomas (CA)
Gibbons	Molinari	Vander Jagt
Gregg	Mollohan	Waxman
Hammerschmidt	Monson	Young (AK)
Hefner	Montgomery	

NOT VOTING—32

Ackerman	Fish	Oberstar
Akaka	Grotberg	Ortiz
Anthony	Heftel	Ridge
Bosco	Jones (TN)	Robinson
Boxer	Loeffler	Shaw
Brooks	Lujan	Smith, Denny (OR)
Campbell	Martin (NY)	
Clay	McCurdy	Stokes
Early	Michel	Wilson
Edgar	Nichols	Wirth
Fiedler	O'Brien	Zschau

□ 1440

Messrs. LEHMAN of California, MARTINEZ, and PASHAYAN changed their voted from "yea" to "nay."

Mrs. KENNELLY and Messrs. AUCOIN, ANNUNZIO, HAWKINS, SWINDALL, DAVIS, ROBERT F. SMITH, CROCKETT, HAYES, ROSE, FOGLIETTA, SMITH of Florida, and SCHUMER changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 432.

The result of the vote was announced as above recorded.

The SPEAKER. Does the gentleman from Florida [Mr. PEPPER] desire time?

Mr. PEPPER. Mr. Speaker, House Resolution 432 vacates the proceedings by which House Resolution 427 was adopted yesterday and lays the resolution on the table. As my colleagues are aware, yesterday a resolution passed this House that had the effect of lifting the limitation on outside earned income for Members. The resolution now before the Members would restore the limitations that were in place before yesterday's action. In other words, House Resolution 432 would reimpose the 30-percent limitation on outside earned income for Members by vitiating the action taken by the House.

Mr. Speaker, it is clear that Members are concerned about the absence of full legislative scrutiny of the amendment to the rules of the House adopted yesterday. There is a general consensus that the sensitive issues of Members' compensation and outside income should be addressed through careful study and deliberation.

The committee wishes to make the legislative intent in this matter clear. The committee's action in reporting this resolution should not be viewed as an endorsement of the previous rule setting a ceiling on outside income of 30 percent of a Members' pay. Nor should it be viewed as a rejection of the 40-percent limit adopted by the House yesterday, or of any other higher or lower limit which might be proposed in any subsequent legislation, subject to the normal procedure. The resolution presented today simply responds to the concerns I have discussed, by restoring the status quo. The committee views it as important to do so promptly, to avoid arousing passions about matters which should be reviewed with care and sensitivity.

The controversy surrounding the previous resolution, and the pending matter, make it clear that the current limit on outside income, and the disparate practices of the two Houses, are issues of some importance, which deserve to be addressed through subsequent hearings and study in appropriate legislative fora.

The Committee on Rules, and other committees of appropriate jurisdiction, will continue their legislative and oversight reviews of the issues of Members' pay and allowances, limitations and standards governing honoraria and other outside income, and comparability of these matters between the two Chambers.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1455

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair knows of no further business for the remainder of the day.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. CHANDLER) and to include extraneous matter:)

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. FRANK, for 5 minutes, today.

Mr. MITCHELL, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, on April 24.

Mr. BROOKS, for 60 minutes, on April 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONTE, during general debate on H.R. 1116, in the Committee of the Whole, today.

(The following Members (at the request of Mr. CHANDLER) to revise and extend their remarks and include extraneous material:)

Mr. WORTLEY.

Mr. PORTER.

Mr. GILMAN in two instances.

Mr. LENT.

Mr. GEKAS in two instances.

Mr. CHAPPIE.

Mr. EVANS of Iowa.

Mr. RITTER.

Mr. CLINGER in two instances.

Mr. YOUNG of Florida.

Mr. DREIER of California.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. MARTINEZ in two instances.

Mr. WOLPE in two instances.

Mr. LEVINE of California.

Mr. BIAGGI.

Mr. ERDREICH.

Mr. SMITH of Florida.

Mr. FASCELL.

Mr. AUCOIN.

SENATE ENROLLED JOINT RESOLUTIONS

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Hummel-

sine as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week";

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day."

ADJOURNMENT

Mr. MITCHELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Thursday, April 24, 1986, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3365. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles to the Coordination Council of North American Affairs (Transmittal No. 28-86), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3366. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles to United Kingdom (Transmittal No. 32-86), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3367. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions of Ronald Frank Lehman II, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Negotiator for Strategic Nuclear Arms, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3368. A letter from the Vice President-Corporate Human Resources, Federal Home Loan Mortgage Corporation, transmitting the financial statement for the Corporation's pension plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3369. A letter from the Administrator, Agency for International Development and the First Vice President and Vice Chairman, Eximbank of the United States, transmitting a report on the amount and extension of credits under the Trade Credit Insurance Program [TCIP], pursuant to 22 U.S.C. 2184(g); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. Report pursuant to section 302(b)(2) of the Congressional Budget Act of 1974 (Rept. 99-552). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER. Committee on Rules. H. Res. 432. Resolution vacating the proceedings by which House Resolution 427 was adopted by the House on April 22, 1986, and providing that said resolution shall be considered to have been laid on the table (Rept. 99-553). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2921. A bill to authorize the Secretary of Agriculture to issue permanent easements for water conveyance systems in order to resolve title claims arising under acts repealed by the Federal Land Policy and Management Act of 1976, and for other purposes; with an amendment. Referred to the Committee on Agriculture for a period ending not later than May 2, 1986 for consideration of such portions of the bill and amendment as fall within that committee's jurisdiction pursuant to clause 1(a), rule X (Rept. 99-554, Pt. 1). Order to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOORE:

H.R. 4667. A bill to amend title VII of the Tariff Act of 1930 in order to offset the injurious effect of substandard foreign wages on U.S. producers; to the Committee on Ways and Means.

By Mr. BROYHILL (for himself, Mr. BLILEY, Mr. COBEY, Mr. COBLE, Mr. GREGG, Mr. HENDON, Mr. MCKERNAN, Mr. PETRI, Mr. ROTH, Mr. SIKORSKI, Mr. SLAUGHTER, Mr. SMITH of New Hampshire, Ms. SNOWE, and Mr. STANGELAND):

H.R. 4668. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Energy and Commerce.

By Mr. BRYANT (for himself, Mr. LELAND, Mr. RALPH M. HALL, Mr. DOWDY of Mississippi, Mr. SLATTERY, Mr. SYNAR, Mr. TAUZIN, Mr. WIRTH, Mr. BREAUX, Mrs. BOGGS, Mr. BROOKS, Mr. BUSTAMANTE, Mr. COLEMAN of Texas, Mr. FIELDS, Mr. FROST, Mr. GLICKMAN, Mr. HUCKABY, Mr. JONES of Oklahoma, Mr. MCCURDY, Mr. PICKLE, and Mr. ROEMER):

H.R. 4669. A bill to repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Oklahoma (for himself, and Mr. WATKINS):

H.R. 4670. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for oil and natural gas, and to allow percentage depletion for stripper well production of integrated producers; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Ms. OAKAR, Mr. DASCHLE, Mr. LEHMAN of California, Mr. COLEMAN of Texas, and Mr. HOYER):

H.R. 4671. A bill to provide that any cost-of-living adjustment in military retirement and survivor benefit programs provided by law to take effect during fiscal year 1987 shall be made in accordance with the law providing for such adjustment; to the Committee on Armed Services.

By Mr. GONZALEZ (for himself, and Mr. MCKINNEY):

H.R. 4672. A bill to amend and extend certain laws relating to housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GRAY of Illinois:

H.R. 4673. A bill to provide an appropriate retirement system for fixed term judicial officers; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 4674. A bill to amend the Communications Act of 1934 to prohibit the encoding of satellite-transmitted television programming until decoding devices are fully available at reasonable prices; to the Committee on Energy and Commerce.

By Mr. JEFFORDS (for himself, and Mr. CLINGER):

H.R. 4675. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to include the pay of Members of Congress within the coverage of the Act, and for other purposes; jointly, to the Committees on Government Operations, and Post Office and Civil Service.

By Mr. JONES of North Carolina (for himself, Mr. LENT, Mr. BIAGGI, Mr. SNYDER, Mr. BREAUX, Mr. YOUNG of Alaska, Mr. STUDDS, Mr. DAVIS, Mr. HUGHES, and Ms. MIKULSKI):

H.R. 4676. A bill to terminate the National Advisory Committee on Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

By Ms. KAPTUR:

H.R. 4677. A bill to prohibit certain deceptive practices under the import marking laws; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 4678. A bill to amend the Internal Revenue Code of 1954 to deny foreign tax credits attributable to activities conducted in foreign countries which repeatedly provide support for acts of international terrorism; to the Committee on Ways and Means.

By Mr. MITCHELL:

H.R. 4679. A bill to amend the Housing and Community Development Act of 1974 to ensure that all funds provided under the community development block grant program are expended on activities that benefit persons of low and moderate income, and for other purposes; to the Committee on Banking and Urban Affairs.

By Mr. OBEY:

H.R. 4680. A bill to amend the Internal Revenue Code of 1954 to provide that no foreign tax credit, and no deduction, shall be allowed for taxes paid or accrued to Libya during the period any declaration by the President of a national emergency is in effect with respect to Libya and to provide that the exclusion from gross income of earned income of U.S. citizens living abroad shall not apply to income attributable to

Libya during such period; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 4681. A bill relating to the treatment of environmental protection and natural resource conservation as aspects of open and fair international trade; to the Committee on Ways and Means.

By Mr. DENNY SMITH:

H.R. 4682. A bill to amend title 10, United States Code, to strengthen the requirements relating to operational test and evaluation of major defense acquisition programs; to the Committee on Armed Services.

By Mr. STENHOLM (for himself, Mr. BEREUTER, Mr. BOULTER, Mr. BROWN of Colorado, Mr. COMBEST, Mr. DAUB, Mr. DORGAN of North Dakota, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FRANKLIN, Mr. GLICKMAN, Mr. GUNDERSON, Mr. JEFFORDS, Mr. LEATH of Texas, Mr. LEWIS of Florida, Mr. LOEFFLER, Mr. MADIGAN, Mr. MARLENEE, Mr. MORRISON of Washington, Mr. OLIN, Mr. PENNY, Mr. RAY, Mr. RICHARDSON, Mr. ROBERTS, Mr. SKEEN, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. STALLINGS, Mr. STANGELAND, Mr. TALLON, Mr. THOMAS of Georgia, Mr. VOLKMER, and Mr. WHITLEY):

H.R. 4683. A bill to amend the Federal Meat Inspection Act to authorize the Secretary of Agriculture to determine the manner and frequency of inspection of meat food products under such Act; to the Committee on Agriculture.

By Mr. THOMAS of California:

H.R. 4684. A bill to prevent the importation of pistachio nuts from Iran; to the Committee on Ways and Means.

By Mr. WILSON (for himself, Mr. BARTLETT, Mr. BARTON of Texas, and Mr. BRYANT):

H.R. 4685. A bill to adjust the boundaries of areas of the National Wilderness Preservation System in the State of Texas; to the Committee on Interior and Insular Affairs.

By Mr. CARPER:

H.J. Res. 611. Joint resolution to designate the period of December 1, 1986, through December 7, 1986, as "National Aplastic Anemia Awareness Week"; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD:

H. Con. Res. 323. Concurrent resolution calling for the expulsion of Libya from the United Nations; to the Committee on Foreign Affairs.

By Mr. DURBIN (for himself, Mr. BRUCE, Mr. KLECZKA, Mr. HERTEL of Michigan, Mr. TRAXLER, and Mr. ECKART of Ohio):

H. Res. 431. Resolution amending clause 1, rule XLVII of the Rules of the House; to the Committee on Rules.

By Mr. PACKARD (for himself, Mr. MICHEL, Mr. ANNUNZIO, Mr. FRENZEL, Mr. VANDER JAGT, Mr. JONES of Oklahoma, Mr. DELAY, and Mr. COBEY):

H. Res. 433. Resolution amending Rule XLVI of the Rules of the House to reduce the number of pieces of franked mass mail that may be sent by each Member; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

345. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Federal solar energy tax credits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ERDREICH introduced a bill (H.R. 4686) for the relief of Jens-Peter Berndt; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 871: Mr. MCKINNEY.

H.R. 927: Mr. WOLPE, Mr. WHITEHURST, Mr. MINETA, and Mr. KLECZKA.

H.R. 979: Mr. MCDADE, Mr. MARKEY, and Mr. MONSON.

H.R. 1213: Mr. GILMAN and Mr. MCCURDY.

H.R. 1398: Mr. FUSTER and Mr. FRANK.

H.R. 1436: Mr. SCHUETTE and Mr. BURTON of Indiana.

H.R. 2440: Mr. WALGREN.

H.R. 2578: Mr. BENNETT, Mr. HOPKINS, Mr. IRELAND, Mr. MCCOLLUM, Mr. PARRIS, Mr. SHUMWAY, and Mr. WEISS.

H.R. 2952: Mr. FOGLIETTA.

H.R. 3099: Mr. RODINO, Mr. YATRON, Mr. DOWNEY of New York, Mr. WYDEN, and Mr. RITTER.

H.R. 3436: Mr. OBERSTAR.

H.R. 3806: Mr. MARKEY.

H.R. 3842: Mr. SCHEUER, Mrs. BYRON, Mr. SABO, Mr. DORNAN of California, and Mr. HENDON.

H.R. 3950: Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. LEHMAN of Florida, and Mr. WHITTAKER.

H.R. 3989: Mr. EVANS of Illinois, Mrs. JOHNSON, Mr. MILLER of Ohio, and Mr. ORTIZ.

H.R. 4041: Mr. MOORHEAD, Mr. STALLINGS, and Mr. EMERSON.

H.R. 4189: Mr. ARMEY and Mr. MONSON.

H.R. 4194: Mr. DURBIN, Mr. DE LUGO, and Mr. DYMALLY.

H.R. 4205: Mr. SMITH of Florida, Mr. WOLPE, Mr. DURBIN, Ms. OAKAR, Mr. BERMAN, Mr. COELHO, and Mr. FLORIO.

H.R. 4280: Mr. RANGEL and Mr. GONZALEZ.

H.R. 4295: Mr. RAY, Mr. FLORIO, Mr. GINGRICH, Mr. BOEHLERT, and Mr. MARTINEZ.

H.R. 4382: Mr. DORNAN of California.

H.R. 4397: Mr. MRAZEK, Mr. BUSTAMANTE, and Mr. NELSON of Florida.

H.R. 4439: Mr. DIOGUARDI, Mr. PARRIS, Mr. SMITH of New Hampshire, Mr. PACKARD, Mr. HARTNETT, Mr. DEWINE, Mr. BRYANT, Mr. SIKORSKI, Mr. DOWDY of Mississippi, Mr. KOLTER, and Mr. SLAUGHTER.

H.R. 4468: Mr. HAWKINS, Mr. BEILENSON, Mrs. BURTON of California, Mr. DELLUMS, Mr. ANDERSON, Mr. ROYBAL, Mr. BARTON of Texas, and Mr. LANTOS.

H.R. 4482: Mr. SHELBY, Mr. HORTON, Mr. GALLO, Mr. CHENEY, Mr. KINDNESS, and Mr. HAMMERSCHMIDT.

H.R. 4519: Mr. WILSON, Mr. LEATH of Texas, Mr. CLINGER, Mr. SOLOMON, Mr. HENRY, Mr. HORTON, Mr. BEREUTER, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. MARTIN of New York, Mr. EMERSON, Mr. KLECZKA, Ms. KAPTUR, Mr. LIGHTFOOT, Mr. TAUKE, Mr. EVANS of Iowa, and Mr. CHAPMAN.

H.R. 4520: Mr. WILSON, Mr. FUQUA, Mr. LEATH of Texas, Mr. CLINGER, Mr. SOLOMON, Mr. HORTON, Mr. BEREUTER, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. MARTIN of New York, Mr. EMERSON, Mr. KLECZKA, Ms. KAPTUR, Mr. LIGHTFOOT, Mr. MADIGAN, Mr. TAUKE, and Mr. CHAPMAN.

H.R. 4528: Mr. WEISS, Mr. WHEAT, and Mrs. COLLINS.

H.R. 4553: Mrs. BENTLEY and Mr. ARCHER.

H.R. 4556: Mr. DANNEMEYER, Mr. DEWINE, Mr. HUCKABY, Mr. LOWERY of California, Mr. NEAL, Mr. ROSE, and Mr. SHELBY.

H.R. 4573: Mr. GUARINI, Mr. MCGRATH, Mr. LENT, Mr. FLIPPO, and Mr. ANTHONY.

H.R. 4630: Mr. HEFTEL of Hawaii.

H.R. 4650: Mr. BIAGGI, Mr. HAWKINS, Mr. MANTON, Mr. GILMAN, Mrs. BURTON of California, Mr. GARCIA, Mr. DYMALLY, and Mr. SCHEUER.

H.J. Res. 385: Mr. GORDON, Mr. STRATTON, Mr. CHANDLER, Mr. UDALL, Mr. PORTER, and Mr. GREGG.

H.J. Res. 475: Mr. OBERSTAR, Mr. PEPPER, Mr. PERKINS, Mr. ROSE, Mr. SNYDER, Mr. GREEN, Mr. TALLON, Mr. TAUKE, Mr. WALGREN, Mr. NIELSON of Utah, Mr. WATKINS, Mr. TAYLOR, Mrs. ROUKEMA, Mr. ERDREICH, Mr. GORDON, Mr. AKAKA, Mr. ASPIN, Mr. STRATTON, Mr. BREAUX, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. KLECZKA, Mr. MORRISON of Connecticut, Mr. WALKER, Mr. GRAY of Illinois, Mr. RALPH M. HALL, Mr. HENRY, Mr. JONES of Tennessee, Mr. SPENCE, Mr. COURTER, Mr. OLIN, Mr. BLAZ, Mr. SAXTON, Mr. ROBERT F. SMITH, Mr. WILSON, Mr. YATES, Mr. SCHUMER, Mr. DORNAN of California, Mr. HOWARD, and Mr. LOEFFLER.

H.J. Res. 484: Mrs. LLOYD, Mr. MINETA, Mr. LEWIS of Florida, Mr. HENRY, Mr. REID, Mr. BATEMAN, Mr. GREEN, Mr. SCHEUER, Mr. DEWINE, Mr. JEFFORDS, Mr. EDGAR, Mr. FORD of Michigan, Mr. ANDREWS, Mr. DAUB, Mr. DYMALLY, Mr. PACKARD, Mr. YOUNG of Missouri, Mr. NOWAK, Mr. MONSON, Mr. RITTER, Mr. DIOGUARDI, Mr. FAZIO, Mr. MCDADE, Mr. ANDERSON, Mr. LEWIS of California, Mr. KOLBE, Mr. GRAY of Illinois, Mr. MCHUGH, Mr. REGULA, Mr. GREGG, Mr. SLAUGHTER, Mr. LEVIN of Michigan, Mr. HUTTO, Mr. DE LA GARZA, Mr. ROE, Mr. DIXON, Mr. UDALL, Mr. WEISS, Mr. BONIOR of Michigan, Mr. HORTON, MR. SABO, and Mr. GINGRICH.

H.J. Res. 500: Mr. WALGREN, Mr. HILER, Mr. GARCIA, Mr. STENHOLM, Mr. KASICH, Mr. BILIRAKIS, Mr. PACKARD, Mr. LANTOS, Mr. BROYHILL, Mr. MCKINNEY, Mr. JONES of North Carolina, Mr. VOLKMER, Mr. MURTHA, Mr. BROWN of Colorado, Mr. SUNIA, Mr. MORRISON of Connecticut, Mr. WYLIE, Mr. PANETTA, Mr. KRAMER, Mr. CHAPMAN, Mr. FEIGHAN, Ms. KAPTUR, Mr. DYMALLY, Mr. MINETA, Mr. LOWRY of Washington, Mr. LEWIS of Florida, and Mr. STANGELAND.

H. Con. Res. 133: Mr. HEFTEL of Hawaii, Mr. SMITH of Florida, Mr. BEILENSON, Mr. WEBER, Mr. MINETA, Mr. LEVIN of Michigan, Mr. MCGRATH, and Mr. FISH.

H. Con. Res. 237: Mr. YATRON, Mr. BERMAN, Mr. UDALL, and Mr. MICA.

H. Res. 409: Mr. SMITH of Florida, Mr. LEVINE of California, Mr. BUSTAMANTE, Mr. MITCHELL, Mr. LELAND, Mr. DURBIN, Mr. GREEN, Mr. MRAZEK, Mr. RANGEL, Mr. MORRISON of Connecticut, and Mr. DORNAN of California.

H. Res. 412: Mrs. HOLT, Mr. DASCHLE, Mr. WORTLEY, Mr. CHAPPELL, Mr. SMITH of New Jersey, Mr. HENRY, Mr. HUTTO, Mr. TRAXLER, Mr. RAY, Mr. COLEMAN of Texas, Mr. YATRON, Mr. STRATTON, Mr. HORTON, Mr. BOUCHER, Mr. SIKORSKI, Mr. OBERSTAR, Mr. LAGOMARSINO, Mr. BILIRAKIS, Mrs. SCHNEIDER, Mr. RAHALL, Mr. MITCHELL, Mr. SISISKY, Mr. NEAL, Mr. SAVAGE, and Mr. EVANS of Illinois.

H. Res. 424: Mr. GINGRICH, Mr. HORTON, Mr. MYERS of Indiana, Mr. BARTLETT, Ms. SNOWE, Mrs. JOHNSON, Mr. WILLIAMS, Mr. PENNY, Mrs. LLOYD, Mr. GEPHARDT, Mr. DENNY SMITH, Mr. SPENCE, Mr. SUNDQUIST, Mr. TAYLOR, Mr. SNYDER, Mr. MARTIN of New York, Mrs. BENTLEY, Mr. ROBERTS, Mr.

PURSELL, Mr. DEWINE, Mr. WYLIE, Mr. RUDD, Mr. CONTE, Mr. CLINGER, Mr. COATS, Mr. CRANE, Mr. DAUB, Mr. DICKINSON, Mr. DIOGUARDI, Mr. FIELDS, Mr. MOLINARI, Mr. MONSON, Mr. PARRIS, Mr. ECKERT of New York, Mr. ROTH, Mr. SCHUETTE, Mr. SILJANDER, Mr. LOTT, Mr. SCHEUER, Mr. DARDEN, Mr. LOWERY of California, Mr. KINDNESS, Mr. MRAZEK, Mr. STALLINGS, Mr. MOODY, Mr. MACKAY, Mr. SPRATT, Mr. NATCHER, Mr. GILMAN, Mr. SMITH of New Hampshire, Mr. CHENEY, Mr. PETRI, Mr. SHAW, Mr. MILLER of Washington, Mr. BROWN of Colorado, Mr. TAUKE, Mr. WEBER, Mr. FRENZEL, Mr. MCKERNAN, Mr. KASICH, Mr. FISH, Mr. THOMAS of California, Mr. MADIGAN, Mr. ANNUNZIO, Mr. KEMP, Mr. SHUSTER, Mr. COBLE, Mr. GOODLING, Mr. MCCAIN, Mr. DELAY, Mr. SAXTON, Mr. IRELAND, Mrs. MEYERS of Kansas, and Mr. BLILEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 844: Mr. BURTON of Indiana.

H.R. 2950: Mr. BURTON of Indiana.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

317. By the SPEAKER: Petition of the President, Socialist International Committee for Latin America and the Caribbean, Santo Domingo, D.R., relative to aid to the Contras; to the Committee on Foreign Affairs.

318. Also petition of the Township Committee, Voorhees, NJ, relative to the 16th amendment to the Constitution; to the Committee on the Judiciary.

SENATE—*Wednesday, April 23, 1986*

(Legislative day of Monday, April 21, 1986)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be led by Dr. Billy Graham, worldwide known preacher. We are glad to have him with us.

PRAYER

The Reverend Dr. Billy Graham offered the following prayer:

Our Father and our God, as we approach the 200th anniversary of our Constitution, we praise You for this great Nation that is called America. We realize our greatness has come only because You have chosen to lead us and bless us as a nation, and we thank You from the bottom of our hearts for Your grace to us, which we do not deserve.

We thank You also for the firm moral and spiritual values of our forefathers—values which they found in Your everlasting Word. For them, the words "In God We Trust" were more than an empty slogan on our coins—they formed the very foundation of their lives and our society. We remember that Your Word has said, "Blessed is the nation whose God is the Lord." (Psalms 33:12).

But, our Father, we confess we are in danger of slipping away from the moral and spiritual values which have made us great. We are in danger of losing our way in the midst of other voices that would urge us to put our trust in man rather than in You. And yet we know that any path which rejects Your truth and the values You have given us is a dead-end road that ultimately leads to only chaos and destruction. We know this has happened before in our history, and always we have been brought back as men and women have turned in repentance and faith to You. Our Father, once again we are in need of that same kind of spiritual awakening—a revival of the spirit which will touch our hearts and make us again seek first Your kingdom and Your righteousness. Convict us as a nation of our need of You, and cause us to return to You so we can find the right path again and have peace in our hearts and in our world.

What we pray for our Nation we also pray for each individual in this great body today. Where there are spiritual needs in our lives, cause us to face them honestly, and humbly turn back to You. Help us today to repent of our sins, accept Your gracious offer of forgiveness and new life, and repeat in our hearts those brave words of the Declaration of Independence: "* * * with a firm reliance on the protection of the Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Bless also our families, and cause us in both our public and private lives to live according to Your will. Give wisdom also to each elected Senator in this body today as decisions are made that will affect our world and our people.

We also pray for our President, and for all others in our Nation, and in other nations, who are in positions of authority. Give us a new passion for justice, a new zeal for peace, a new commitment to compassion and integrity, and a new vision of what You desire us and this Nation to be.

All this we pray in the name of Jesus Christ our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

PRAYER OF THE REVEREND DR. BILLY GRAHAM

Mr. SIMPSON. Mr. President pro tempore, we all thank deeply Rev. Billy Graham. He honors us being among us today. He is an inspiration to us all.

I met Reverend Graham many years ago, with my father, then Gov. Milward Simpson, and with former President Richard Nixon. I remember that very distinctly. On behalf of the entire Senate, I welcome you and express our thanks for your inspirational message, as expressed in that most moving prayer.

(Mr. LAXALT assumed the chair.)

Mr. THURMOND. Will the acting majority leader yield?

Mr. SIMPSON. I do.

Mr. THURMOND. Mr. President, it is a genuine pleasure to have Dr. Graham here today. He is a great preacher, a great man, a great American.

Incidentally, his first big campaign was held in South Carolina. We are very proud that we started him off and he has done well ever since.

He has preached to more people than any man who ever lived. I think his popularity has been his true sincerity, his devotion to Christ, and preaching the Gospel from the Bible. We are indeed honored to have him here today and it is an honor for the Senate to have him to lead the prayer on this day.

Mr. HATFIELD. Will the Senator yield?

Mr. SIMPSON. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I, too, would like to add my word of welcome to the Reverend Billy Graham for his prayer this morning in opening the Senate.

It has been stated that he has preached the Gospel to more people than any other person in history. I would like to say it is a very interesting point that whether it is in Moscow or whether it is any other part of the Iron Curtain countries, the Communist world, whether it is any city in our America, Latin America, Asia, or Africa, wherever in the world Reverend Graham has preached, he has had but one sermon and it has been a variation on the theme of God incarnate in Jesus Christ, the power and forgiveness of the resurrection of the crucifixion shown, the greatness and awesome power of the resurrection, and the great, magnificent power of Pentecost.

That has been his preachment; that has been his single message to people throughout the world. Indeed, it is a message of hope as well as a message of salvation.

I would like to say that my colleague JESSE HELMS and I have cosigned a letter inviting all Members of the Senate to the crusade, which opens for the first time in 25 years in Washington, DC, this coming Sunday, the 27th of April, and it will go through the period of May 4, for 1 week.

In that invitation, just one matter of logistics. There will be buses on Monday and Tuesday nights, April 28 and 29, departing from the Capitol at 6:45 p.m. Senators and their families who are interested in attending the crusade may call George Dunlop at 224-2035 for information on those buses. Those buses, by the way, are not provided at public expense but private expense.

Members of the staff are also going to be provided special transportation on Monday night, April 28.

I urge my colleagues and all members of their staff to avail themselves of hearing Reverend Graham if at all possible in their schedules. While in

the midst of our frustrations and the pressure we work under, it is indeed an inspiring and an energizing experience in faith and trust in the sovereignty of God to rule in all these matters rather than to depend upon the machinations and the manipulations of a purely political intuition.

I am delighted to welcome Reverend Graham this morning.

Mr. SIMPSON. Mr. President, I yield to the distinguished senior Senator from North Carolina [Mr. HELMS].

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the distinguished acting majority leader for yielding. Of all the Senators who are pleased to have Dr. Billy Graham here today, I suspect I am the most pleased because I believe I have known him the longest. Our friendship perhaps dates back longer than either he or I would like to acknowledge. He and his remarkable family have been wonderful friends down through the years.

There are many things that could and should be said about this man. Down in North Carolina, I say to my friend from Oregon, we like to identify the many products and commodities our State exports to countries abroad. The No. 1 export from North Carolina, in my book, is Billy Graham. He has been all over the world preaching the truth, the light, and the hope of salvation. We all are familiar with the extraordinary ministry and career of Billy Graham and the fine people associated with him, for example, T.W. Wilson and others. But I think it should be noted here that not only has Billy Graham preached throughout the world; he and Ruth have reared a family which is nothing short of remarkable.

For example, Mr. President, I have had the privilege of belonging to the same church in Raleigh, NC, with one of Billy's and Ruth's daughter, Anne, and her husband, Dr. Daniel Lotz. I know of no two other young people who have done more to inspire a large segment of the population of the Raleigh area than these two fine young people.

Mrs. Lotz, the former Anne Graham, began a Bible study class for young people several years ago. Every Wednesday morning, she has filled the sanctuary of the Hayes Barton Baptist Church, women of all ages who drive 30 to 40 miles or more to hear Anne Lotz lead in Bible study, thus walking in the footsteps of her distinguished father.

So I say to my friend, Billy Graham, not only am I pleased that you are here today. You honor this Senate by your presence just as you have honored this country. You are a great patriot, a great American, and a great friend.

Thank you, Mr. President. I yield the floor.

SENATE WELCOMES BILLY GRAHAM

Mr. DOLE. Mr. President, we are deeply honored to welcome this morning, one of the leading figures of our times . . . the Reverend Billy Graham. His very special brand of inspiration has touched millions and millions of people the world over, and he has touched those of us here today.

History will show that he has brought the word of God to more countries and more people than any other man who has ever lived. He has served as a role model for our youth and a pillar of wisdom and strength for Presidents and Kings. But true to his humble approach to his Lordly duty, the Reverend Graham recently said "There are others who could have done it much better than I." In my view, I doubt that anyone who has ever heard you would ever agree with that statement!

Mr. President, I know my Senate colleagues join me in wishing Reverend Graham and his family all the best. May you carry on your amazing life of devotion for many, many more years.

The PRESIDING OFFICER. Who yields time?

SCHEDULE

Mr. SIMPSON. Mr. President, there will be the remaining time for the two leaders under the standing order of 10 minutes each, of which a portion has certainly expired as I yielded to my colleagues.

There will be special orders in favor of the following Senators for not to exceed 5 minutes each: Senator HAWKINS, whose statement will be delivered by our President pro tempore of the Senate Mr. THURMOND; Senator BIDEN; Senator CRANSTON; and Senator PROXMIRE.

Then, there will be a period for routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein 5 minutes each.

Following routine morning business, the Senate will resume consideration of Senate Concurrent Resolution 120, the budget resolution. Rollcall votes can be expected throughout the day. However, any votes ordered on Senate Concurrent Resolution 120 after the hour of 3:30 p.m. will be held over until tomorrow, Thursday, April 24.

RESERVATION OF MINORITY LEADER'S TIME

Mr. SIMPSON. Mr. President, I ask unanimous consent that the minority leader's time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR HAWKINS' SPECIAL ORDER

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. THURMOND. Mr. President, I have a statement on behalf of the able and distinguished Senator from Florida who, at this time, is in the hospital from an operation but who is improving fast and it is hoped she will soon be out.

The statement reads:

CRACK

Mrs. HAWKINS. Mr. President, I am sorry to say, but it is time to add two new words to our drug dictionaries: those words are "crack" and "rock." These are street-talk for the latest, most deadly narcotic to hit our communities and threaten the lives of our children.

It is hard to exaggerate the threat posed by crack. According to Arnold Washton, a psychopharmacologist at Fair Oaks Hospital in Summit, New Jersey, "Crack is the most addictive drug known to man right now . . . it is almost instantaneous addiction, whereas if you snort coke it can take two to five years before addiction sets in. There is no such thing as the 'recreational use' of crack."

What is crack? Crack is a variation on cocaine. I am not going to contribute to the problem by describing how crack is made. It should be enough to know that this deadly substance can be produced by combining cocaine with products that are found in the family kitchen. What results when the process is finished is a white substance that resembles soap or a whitish gravel. Rather than being snorted like cocaine, crack is generally smoked in a water pipe.

Imagine a drug that is instantly addicting on its first use. Think of the threat this poses to our children and our neighborhoods. We all know that kids are curious. They like to go where they should not go, and do what they should not do. Sometimes that may even mean "experimenting" with drugs. We cannot condone this, but we can understand it—we have all been kids at one time.

But crack does not give a kid a chance. There is no such thing as "experimenting" when it comes to crack. Crack steals your future and robs your soul on its first shot. There are no second chances.

Crack is not just dangerous. It is deadly, and it is frightening.

But instant addiction does not tell the whole story for crack—there is more. And it gets worse. Crack is cheap. And by cheap I do not mean $50 a shot, or even $30 dollars. I mean 10 to 15 dollars. For the price of a couple of movie tickets, our kids can be hooked for life.

Crack is a drug dealer's dream come true. It is cheap, it is easy to transport and it produces its own customers. How? One use and you have a repeat customer.

The only good news about crack is that it is so new that it has not made inroads into many communities. But where it has, there are reports of violence and chaos. In New York and LA there are reports of places called "rock houses." A rock house is an apartment with a steel-reinforced door. The door has a small opening through which money is exchanged for crack. The steel door protects the dealers from thieves and police alike. In some communities there are

even young gangs that protect these sleazy merchants of death.

We need to get out the word to our schools, neighborhoods and workplaces, that crack is deadly addicting. We need to tell our kids that playing with crack is like playing with fire. And we need to redouble our efforts in the war on drugs.

Mr. THURMOND. Mr. President, I just want to say that in my judgment, this is a most timely statement by the distinguished Senator from Florida. No one in the Senate has done more to reveal to the public the harmful effect of drugs than the able and distinguished Senator from Florida [Mrs. HAWKINS].

RECOGNITION OF SENATOR BIDEN

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. BIDEN] is recognized.

A TIME TO ACT

Mr. BIDEN. Mr. President, it is time for the Congress and the President to get on with the business of adopting a budget. For the last 3 weeks the debate here in Washington has been focused on what I consider to be a very trivial issue—whose budget is to be considered and who will act first. Democrats and Republicans, the Senate and the House of Representatives, the President and the Congress have all been at odds over the mechanics of action—who goes first, who gets credit, who takes the blame.

Mr. President, I am sure you agree with me that that is not the issue. This is not a House budget; or a Senate budget; or a Republican budget; or a Democratic budget. What we are trying to adopt is a budget for the United States.

In my view, the American people do not care who acts on the budget first. They do not care about who gets credit for having their budget considered or who gets blamed for proposing a budget which contains some unpleasant news. They are concerned about budget policies that have increased the public debt by over $1 trillion in the last 5 years. They do want a budget which will start reducing the deficits, which have contributed to a trade deficit of $150 billion and the destruction of basic industries in this country.

The Gramm-Rudman-Hollings deficit reduction proposal, which I supported, was created in the hope that it would force Congress—and the President—to address the deficit problem. I and other supporters hoped that it could force a consensus in this body on fiscal policy where none would otherwise exist.

The budget now under consideration by the Senate has the makings of a consensus budget. It meets the deficit reduction targets of Gramm-Rudman-Hollings in ways that deserve careful consideration—in a balanced way. It restrains defense spending. It realigns some domestic priorities without hurting essential services. And it calls for paying for itself—an unusual circumstance in my 14 years in the U.S. Senate, Mr. President. We are actually introducing amendments to spend more money and at the same time we have a companion proposal, all one and the same, saying how we will raise the money to pay for that new spending. I think it is about time.

I am not giving this budget a blanket endorsement. I may vote for some amendments, some changes in spending priorities or additional priorities. But this budget does offer a sound base for the President and Congress to use in their consideration of Federal fiscal policy for the next fiscal year.

Up to now, President Reagan has refused to participate in efforts to shape a widely acceptable budget that would reduce deficits, and begin to meet his 1981 pledge to balance the budget. Congressional budget action has been stymied by President Reagan's intransigence, his unwillingness to negotiate for any budget but his own. Yet it is clear that his budget is not acceptable to a majority of either House. The budget process has been marking time while efforts were made to persuade the President to join Congress in this deficit reduction exercise. It is clear that, without his participation in the budget process, a consensus budget cannot finally be implemented.

This Nation needs a financial blueprint. It needs a plan that will shape legislation for the rest of the year—spending bills, reconciliation, and revenue. The country needs to know that we are on track to a lower, meaning $144 billion, deficit target for fiscal year 1987 and how we are going to get there.

The people of the United States want to know these things. They have a right to know them.

Our present budget process, as it was revised last year, is the best hope we have, in this Senator's opinion, to eliminate the deficits that threaten our economic vitality. But we must proceed quickly. Time is slipping away.

I urge the President to join with the leadership of both parties, in both Houses of Congress, to fashion a deficit reduction package that will begin to remove the specter of $200 billion yearly deficits that hangs over our economy.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

THE UNITED STATES MUST NOT BETRAY ITS WORD ON THE ABM TREATY

Mr. PROXMIRE. Mr. President, the Washington Post reported on March 26 that the Defense Department is considering appealing to the President for what they call a "less restrictive" interpretation of the antiballistic missile treaty. That "less restrictive" interpretation would constitute a shocking and deliberate betrayal of this Government's solemn treaty pledge. The treaty has been consistently interpreted by our Government to prohibit testing of such new technology weapons in space as lasers or particle beams. The Defense Department wants to interpret the treaty to prohibit only the actual deployment of these systems in space. The State Department disagrees. It wants to stand by the position our Government has held since 1972 that tests in space of these new weapons would overtly violate the treaty. Last year, President Reagan "split the difference." He decided that the new interpretation of the antiballistic missile treaty permitting actual space testing was legally correct. Nevertheless, the President announced that this country would follow the more restrictive interpretation, at least for the time being. Now Gen. James Abrahamson wants the President to lift restrictive interpretation and go directly to the tests. Abrahamson claims such a policy would be most cost effective. He says the tests would save money. They would save time. They would give a higher confidence in the results.

So what is wrong with this new interpretation of the treaty? The answer is: Plenty. Consider the judgment of the two American's who are best qualified to interpret that treaty. First, there is the legal adviser to the U.S. delegation that negotiated the treaty, John B. Rhinelander. Second, there is the chief negotiator of the treaty for the United States, Gerard Smith.

What does Rhinelander say about this interpretation of the treaty? In "Arms Control Today," the October 1985 issue, he wrote:

The new interpretation is grossly incorrect.

He added:

Unless the Congress intervenes and limits strategic defense expenditures according to the traditonal U.S. interpretation, wherein development and testing of space and other mobile basing modes are prohibited, all restraints on Reagan's star wars plan may come unleashed.

What position has Gerard Smith, the principle American negotiator of the ABM Treaty, taken? He has contended that if the United States engaged in the proposed tests under the new interpretation of the treaty, the treaty would become a "dead letter."

Mr. President, the word of the U.S. Government is at stake here. What do we mean when we talk about the integrity of our country? We mean that when our country makes a promise, it keeps that promise. We respect a person whose word is his bond. In the same way, we respect a nation that lives by its promises.

In the ABM Treaty, we have more than the promise of the President of the United States. We have that. We also have a treaty signed by the President. We also have a treaty ratified by this body, the U.S. Senate. This treaty promise was not ratified by a bare two-thirds majority. We have a treaty ratified by an overwhelming 89-to-2 vote. It would be a first-class blunder to do so, but we could honorably seek to renegotiate the treaty with the Soviet Union to change its provisions. We could honorably renounce the treaty. Our Government is not preparing to do that. It is preparing to ignore the clear understanding of our own preeminent experts so that we can pretend we are keeping our word. How can we do that? How can we flatly reject the judgment of the two experts who are obviously the top American authorities on the treaty?

Mr. President, let us face it. We should either renounce the ABM Treaty, root and branch, or we should desist from any star wars development that goes beyond laboratory research. Isn't it common sense that the whole purpose, the single purpose, of the ABM Treaty is to stop an antiballistic missile development by either superpower? That was our American purpose in negotiating the treaty. The treaty was an American initiative. It was resisted, strongly resisted, by the Soviet Union for years. We finally persuaded them that if an antiballistic missile race got underway between the two superpowers, significant arms control, for all intents and purposes, would be dead. Why would it be dead? Because an ABM system would force the adversary to resist any proposal to reduce or limit offensive nuclear arms. In fact, it would force both superpowers to strive to counter the opposition ABM system by a head-long, sled-length production and deployment of offensive nuclear missiles.

How did we get ourselves in a position where we are on the verge of killing the treaty this country conceived, drafted, and, after years of hard negotiations, succeeded in reaching agreement on and overwhelmingly ratifying? We did it by beginning the national commitment to the very antiballistic missile system our ABM Treaty flatly prohibits. Now the administration wants to test and build the ABM system our treaty was designed expressly to stop. In the judgment of this Senator, that is a tragic mistake. But the administration is making a worse mistake. It is not straight-forwardly renouncing the treaty. It is imposing a transparently self-serving reinterpretation of the treaty that is so conspicuously dishonest that the principle legal authority on the treaty, the American legal adviser on the very negotiations that achieved agreement on the treaty, says is "grossly incorrect." And the chief negotiator, Gerard Smith, has said that this reinterpretation will make the treaty a "dead letter."

Mr. President, I ask unanimous consent that the article to which I referred by John B. Rhinelander, entitled "Reagan's 'Exotic' Interpretation of the ABM Treaty—Legally, Historically, and Factually Wrong," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAGAN'S EXOTIC INTERPRETATION OF THE ABM TREATY

(By John B. Rhinelander)

A new version of the Anti-Ballistic Missile Treaty was introduced by National Security Advisor Robert McFarlane on a nationally televised interview program on October 6. McFarlane asserted that research, development and testing of defensive systems "involving new physical concepts . . . are approved and authorized by the treaty. Only deployment is foreclosed." According to this new interpretation, sea-based, air-based, space-based and mobile land-based "exotic systems and components," such as those being pursued in the Strategic Defense Initiative, may be developed and tested, but not deployed, consistent with the ABM Treaty. A review of the new treaty, its intent, the particular provisions in question, its negotiation and ratification record, and its subsequent application by the United States and Soviet Union reveal quite clearly that this new interpretation is grossly incorrect. Unfortunately, the result of McFarlene's announcement is much more than a legalistic squabble. Unless Congress intervenes and limits strategic defense expenditures according to the traditional U.S. interpretation, wherein development and testing of space and other mobile basing modes are prohibited, all restraints on Reagan's Star Wars plan may come unleashed. In the words of its chief negotiator, Gerald Smith, the ABM Treaty would be rendered a "dead letter."

On October 11, the President decided that he agreed "in principle, but not in practice" with this reinterpretation. Based on a Presidential Directive, Secretary of State George Shultz announced on October 14 before the North Atlantic Assembly that "a broader interpretation of our authority is fully justified," but SDI "will be conducted in accordance with a restrictive interpretation of the treaty's obligations." This leaves the United States legally free to return to the reinterpretation whenever the President and his advisors deem advantageous. The President has not said how long the administration would continue to abide by the "restrictive interpretation," which now represents presidential policy rather than a matter of law.

The legal rationale for the reinterpretation revolves around Article II(1) and Agreed Statement D. Article II(1), which defines ABM systems, includes the phrase "currently consisting of" immediately before the definitions of 'traditional' ABM components. The administration argues that "currently consisting of" would be better understood if the comma in the text were deleted and the text read "and only those consisting of." Therefore, the administration argues (1) the treaty, and particularly Article V(1), constrains only 'traditional' ABM technology (ABM interceptor missiles, ABM launchers and ABM radars). (2) The treaty permits development, testing and deployment of 'exotic' ABM systems and components, however based. (3) Agreed Statement D implicitly amends Article V(1) and Article III to prohibit deployment of 'exotic' systems and components whatever their basing mode.

This rationale is absurd as a matter of policy, intent and interpretation. If the President sticks with it as the best legal interpretation, he has effectively repudiated the ABM Treaty as a legal instrument. If the truncated treaty remains in effect, both the United States and the Soviet Union can develop and test, without quantitative or geographic limits, any sea-based or mobile land-based ABM system or component provided they utilize 'exotic' technology such as lasers.

But the result could be even more far reaching. Because the administration's new interpretation is that Article V(1) and other substantive articles of the treaty do not apply to 'exotic' systems and Agreed Statement D blocks only their deployment, then the limits on "ABM systems or components" throughout the treaty do not include 'exotic' systems. The consequences of this reinterpretation are dramatic when one considers that the principal U.S. concern historically has been, and apparently remains so within the Defense Department, Soviet 'breakout' capability based on 'traditional' or 'low-tech' systems. These remain tightly constrained notwithstanding the reinterpretation. On the other hand, most of SDI or 'high-tech' systems are now legally unconstrained by the treaty.

The new interpretation maintains several constraints on the 'traditional' systems of the Soviet ABM program: ABM deployment is limited to the one area surrounding Moscow; ABM tests must be limited to their two ABM test ranges; the development, testing and deployment of land-mobile 'traditional' ABM systems and components are prohibited; and the ban on the 'upgrade' of surface-to-air missile (SAM) system remains in full force. However, under the reinterpretation the Soviets now legally could place in the field an unlimited number of mobile land-based lasers (the Soviets have an active laser program) for ABM purposes across the Soviet Union provided they were labeled for "test" purposes.

The United States for its part is now free to exploit western technology in the full pursuit of Star Wars. A full-scale operational system, including large numbers of satellite battle stations and related sensors, together with fixed ground-based lasers apparently not limited to existing ABM test ranges, could now be 'legally' put in place as an extensive "test program" to prove out the new technology in a system configuration. U.S. allies would be free of any treaty restraints to participate in two-way transfers of most SDI technology, with the only legal constraints on 'west-west' technology being those under the Munitions Control and Export Administration Acts.

This result is clearly absurd. Unbeknownst to the U.S. SALT I delegation, the SALT I backstopping apparatus in Washington, the Nixon administration and each suc-

cessive administration, and Congress, the United States would now have achieved the most one-sided treaty relationship imaginable.

The catch is, of course, it could not last for a minute. Arms control agreements are viable only as long as they are in the net interests of each party. Secretary Shultz has spoken of the need to "prevent the erosion of the ABM Treaty," but Defense Secretary Caspar Weinberger, Under Secretary Fred Ikle, and Assistant Secretary Richard Perle have repeatedly stated that they have no use for the ABM Treaty and the sooner the United States is without it the better. Secretary Weinberger's November 13 letter to the President, leaked to the press on the eve of the summit, reinforces the view that treaty commitments that impinge U.S. programs are of little relevance to the Office of the Secretary of Defense. Unless the President or Congress repudiates this self-defeating step, OSD officials can claim that any action they wish to take short of full-scale final deployment is legally permitted under the treaty.

The rationale for the timing of the announcement of the initial reinterpretation immediately before the summit remains obscure. It has been clear that under the historic interpretation the evolution of SDI research into development and testing would have to be stopped somewhere between 1988, as I believe, and 1991, as even DOD officials have privately conceded, unless the Soviet Union agrees to amend the treaty or the United States formally withdraws from it. One of the political reasons for the administration's hasty initial reinterpretation may have been OSD's attempt to redefine the treaty before any commitments could be made by the President at the summit that might prevent a subsequent reinterpretation. To this end, an early reinterpretation was devised even though no presently scheduled SDI test could, in OSD's judgement, be inconsistent with the treaty during President Reagan's term of office.

Another reason may have been to encourage more allies to support SDI by participating in cooperative SDI research. Foreign corporations, particularly in the United Kingdom and West Germany, might be encouraged by the reinterpretation because cooperation might legally be extended from "research" to include "development and testing" with full sharing and two-way transfers. The actual effect on U.S. allies was the reverse because the political fallout of this full sharing in SDI technology directly associated with ABM systems or components would have formally associated allied governments with the repudiation of the ABM Treaty. That is a role that none of our allies is prepared to accept or condone.

The primary issue in the debate over the reinterpretation of the ABM Treaty is whether Article V(1) prohibits the development and testing of space-based and other mobile-type 'exotic systems' (e.g., space-based lasers). The secondary issue is whether any of the treaty's substantive constraints on "ABM systems or components" apply to 'exotic systems.' The answer is four-fold:

The prohibitions are clear from the text of the treaty, particularly Article II(1), which indicates the treaty is not limited to the ban on the then current technology, and Article V(1), which refers to "ABM systems and components" rather than traditional technology (i.e., AB interceptor missiles, launchers and radars).

The negotiating history, as interpreted in 1972 by the SALT I delegation and the backstopping representatives in Washington, supports the functional approach to the treaty, including the broad ban on space-based 'exotic systems,' as the only permissible interpretation.

This broad ban on 'exotic systems' has been the executive branch interpretation that has been accepted and relied upon by Congress since 1972, and even by the Reagan administration in successive arms control impact statements and its SDI report of April 1985.

Any other result is patently absurd and would frustrate the stated premise of this treaty: to prohibit the deployment of nationwide ABM systems or a "base" for such a system.

The Soviets accepted this interpretation during the negotiations as indicated by the treaty text and reflected it in their ratification proceedings. They have not taken any actions or made any official statements inconsistent with this interpretation. Though Soviet public statements on the issue since 1972 have been somewhat ambiguous, their recent statements have been explicit. General Secretary Gorbachev's interview in Time magazine last August includes a specific statement that is clear and unambiguous. The Tass statement of October 9, responding to the U.S. reinterpretation, removed any latent ambiguity from the current Soviet public position.

Marshal Sergei Akhromeyev's lengthy Pravda article on October 19, 1985, represents a definitive Soviet public affirmation of the broad ban in Article V. Akhromeyev, the Chief of the Soviet General Staff, said the ABM Treaty "absolutely unambiguously bans" the development, testing and deployment of space-based 'exotic' ABM systems. He explicitly confirmed the historic interpretation. This is a very important statement, particularly since it suggests a dividing line between permissible research and prohibited development and testing. The Soviets are backing off their unwarranted position that "research" was, could or should be banned.

The administration now contends that either the Soviet Union never agreed with the U.S. interpretation of the treaty or that the Soviet Union later modified their agreement or changed their interpretation during negotiations over Agreed Statement D. A review of the text of the treaty and a proper understanding of the purpose of Agreed Statement D disproves this reinterpretation. The formulation of Agreed Statement D was addressed during the negotiations only after the texts of Article II(1), III and V had been agreed. The text of Article III preserved the right of the United States, reflecting the position of the Joint Chiefs of Staff, to develop and test fixed land-based lasers but not to permit deployment. The Soviet delegates originally sought no limits on deployment on fixed land-based 'exotics.' Accordingly, the U.S. delegation insisted and the Soviets eventually agreed that Article III should authorize the fixed land-based deployment of only ABM systems and components that were based on "current" technology. However, development and testing, whatever the technology, of fixed land-based ABM systems and components could be carried out at ABM test ranges. Consistent with presidential instructions, ABM systems were defined functionally and the ban on all mobile-type 'exotic' systems, including those for space, was set at the development stage.

As formally accepted, Agreed Statement D was explicitly tied to Article III, which dealt with fixed land-based deployments. Both in its text and in the negotiating history, it had nothing to do with Article V. The reference to Article XIV in Agreed Statement D indicated that the treaty would have to be amended before a fixed land-based 'exotic' weapon, such as a laser, could be deployed.

While the language admittedly could be clearer, the United States has always understood that Agreed Statement D reinforced the Articles I(2) and III prohibition on deployment of fixed land-based 'exotic' systems unless and until the treaty is amended. Agreed Statement D certainly does not diminish or amend Article V(1).

The administration also contends that the ratification process was ambiguous and that neither the executive nor the Senate understood the "restrictive" interpretation. This position is clearly nonsensical.

The ratification hearings before the Senate Foreign Relations Committee, and particularly the Senate Armed Services Committee, led to a much fuller public record on many of the nuances. Some of the initial testimony of officials on 'exotic' systems did not clearly distinguish the treaty's provisions for banning only the "deployment" of fixed land-based systems from its broad ban on space and other mobile-type systems, but the record was frequently supplemented. This includes the submission for the record of the Senate Armed Services Committee by Ambassador Smith, prepared after an interagency review of reporting cables, in response to a question by Senator Jackson on the difference between research and development for purposes of Article V. This issue was important, of course, to the understanding at what point in the research and development cycle Article V applied to 'exotic' systems. The Armed Services Committee hearings include explicit confirmation submitted by Secretary of Defense Melvin Laird, Under Secretary for Defense Development Research and Evaluation John Foster, and Acting Chief of Staff of the Army General Palmer, that development and testing, as well as deployment, of space-based 'exotic' systems were prohibited. Senator Jackson, who was a critic of SALT I but voted for the ABM Treaty, educated other Committee members and even led witnesses on this point.

Finally, Senator James Buckley (R-NY) stated on the Senate floor on August 3, 1972, that he opposed the ABM Treaty and would vote against it largely because of the scope of Article V. He said: "Thus the agreement goes so far as to prohibit the development, test or deployment of sea-, air- or space-based ballistic missile defense systems. This clause, in Article V of the ABM Treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space which could at least in principle provide an extremely reliable and effective system of defenses against ballistic missiles. The technological possibility has been formally excluded by this agreement."

The vote in favor of advice and consent to ratification was 88–2. The administration's support for its reinterpretation rests on the implicit argument that testimonies of Pentagon witnesses before the Armed Services Committee are of little weight in assessing the Senate's understanding of the ABM Treaty. In fact, the more the administration argues its case, the more ridiculous it looks.

In my judgment, the Fiscal Year 1985 Arms Control Impact Statement prepared by the Reagan administration correctly states the agreement reached with the Sovi-

ets in 1971-72 on the meaning of Article V(1): "The ABM Treaty bans the development, testing and deployment of all ABM systems and components that are sea-based, air-based, space-based or mobile land-based . . . The ABM Treaty prohibition on development, testing and deployment of space-based ABM systems, or components for such systems, applies to directed energy technology (or any other technology used for this purpose). Thus, when such directed energy programs enter the field testing phase they become constrained by these ABM Treaty obligations." (Emphasis added.)

The SDI Report to Congress (April 1985), especially Appendix B, which gives the justification for the program under the treaty, is essentially consistent with this statement.

In summary, Article V of the treaty bans the development, testing and deployment of ABM systems or components of space or mobile-ground basing and, moreover, regardless of whether these systems are based on existing or 'future' technologies. In accordance with Statement D, to which the administration now refers so often, and Articles III and IV, the conduct of development and testing of ABM systems or their components based on other physical principles is allowed in areas that are strictly limited and defined by the treaty and only using land-based ABM systems.

The administration's justification for its reinterpretation is that the Soviets never agreed to, and cannot now be held to comply with, the historic U.S. position. Instead of reinterpreting the clear text of the 1972 treaty based on a selective review of the classified U.S. negotiating records, the better approach under international law and practice would have been to review post-ratification statements and conduct, which is at least as important as the negotiating record. As stated in the current draft of the Restatement of the Foreign Relations Law of the United States (Revised), "An international agreement is to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in light of its objects and purposes." Further, "Subsequent practice between the parties in the application of the agreement is to be taken into account in interpreting the agreement."

If there were any legitimate doubt as to the meaning of the ABM Treaty, the best approach would have been to ask the Soviet negotiators in private in Geneva whether or not the Soviet Union agrees that Article V(1) bans the development, testing and deployment of 'exotic' space-based systems and ask whether the Soviets were prepared to be bound in writing. If the private Soviet response had been "no," then the administrations reinterpretation would have been justified. If the private Soviet response in Geneva were "yes," as one would expect from their public statements since 1972, then the October 6 reinterpretation and the October 11 recanting by the administration would have been unnecessary. Agreed statements on the basic points could have been negotiated quickly if deemed necessary for clarity.

If a private but positive Soviet response in Geneva were now rejected by the United States as "too late" because the United States wanted to keep open the option of reasserting its reinterpretation, then the OSD motive behind the initial change in U.S. position—to erode immediately and eventually destroy the ABM Treaty—would be clear. This now appears to be the case. The question was not asked before the reinterpretation was announced on October 6 because the Soviets would have agreed, which is not what OSD wants.

If arms control is to remain an element of U.S. security policy, the challenge will be to strengthen the ABM Treaty through specific, mutual and verifiable Agreed Statements and Common Understandings. This challenge can be met if the political will exists. The Standing Consultative Commission (SCC) was charged with seeking agreed interpretations as one of its assigned tasks. The SCC has been underutilized. It could easily, and quickly, negotiate Agreed Statements and review and revise Agreed Statement D to make its intended meaning clearer.

Before constructive steps can be achieved on comprehensive arms control reductions on offensive weapons, and assuming the Soviets are prepared to negotiate and not just posture, the President should publicly repudiate the reinterpretation he recently received from his advisors on a narrow scope of Article V(1) and other critical articles of the ABM Treaty. Congress could contribute to this result by approving next year a provision in the DOD authorization bill limiting SDI fund expenditures to the legal standard in the FY 85 Arms Control Impact Statement. This whole sorry business could lead to a constructive ending if the United States and the Soviet Union were to agree privately in the SCC, at the Geneva arms talks, or at the next summit on Agreed Statements that would clarify the overall scope of the ABM Treaty.

MYTH OF THE DAY: ALL DOMESTIC PROGRAMS RECEIVED A 4.3-PERCENT CUT ON MARCH 1

Mr. PROXMIRE. Mr. President, the myth of the day is that all domestic projects except some welfare programs faced a 4.3-percent cut on March 1.

A case in point is the alcohol, drug abuse, and mental health block grants. Here is a case where some States are receiving no cut or very little cut in their allocation—a tiny fraction of 1 percent—and others, like Wisconsin, are receiving cuts as large as 15 percent.

Yet the mandate of Gramm-Rudman-Hollings was for equal cuts. In this case, an equal 4.3-percent cut.

Unfortunately, the deficit reduction language did not specifically override provisions in the existing law which are designed to correct imbalances in funding formulas. And that is precisely the case we have with the ADAMHA block grant.

Here is a block grant whose funds were amalgamated in the hectic rush to complete work on President Reagan's first major budget reform measure, the omnibus reconciliation bill of 1981. Consequently, some States were unfairly penalized by being allocated a share of the block grant completely unrepresentative of their share of the population. And, to add insult to injury, they were locked into formulas prohibiting them from exercising much flexibility in redistributing funds among alcohol programs or drug abuse programs or mental health programs.

For Wisconsin, a State with 2 percent of the Nation's population, we received less than 0.8 percent of the total block grant and, within that unfairly small amount, Wisconsin was prohibited from spending more than 10 percent of its block grant funds on mental health programs. A ridiculous restriction on top of an inequitable allotment.

That changed somewhat—but not enough—in 1984 when reauthorization legislation expanded the share of new funds going to States that had been disadvantaged by the old formula and increased flexibility was provided to the States to reallocate these funds among the programs covered by the block grant.

But the Department of Health and Human Services has used that reauthorization bill giving a larger percentage of new funds to the disadvantaged States as an excuse for an unequal application of the 4.3-percent cut mandated by Gramm-Rudman-Hollings. They believe that the "hold harmless" contained in that reauthorization language prohibits them from taking the cut in any other way.

In my view, their decision ignores both the letter and spirit of Gramm-Rudman-Hollings and I have introduced legislation (S. 2087) to assure that all States and territories receiving funds from the block grant face the same percentage cut. Wisconsin and other States that had been disadvantaged in the past by funding under the ADAMHA block grant are not asking for special treatment. We are willing to take our 4.3-percent cut as unwelcome as that is. We are simply seeking equity.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 5 minutes each.

THE BUDGET PROCESS

Mr. COCHRAN. Mr. President, we continue to hear complaints that the President of the United States has not involved himself in the budget process, that he is reluctant to negotiate, that he is not participating to work out a budget resolution that is widely acceptable in Congress.

Let me simply observe that the President has a responsibility in this process, but he has met it. He has fulfilled the obligation under the law to prepare and to submit to Congress a proposal for the allocation of funds in the Federal Government for the next fiscal year. He has met his deadline. He has submitted a budget that meets

the targets of the Gramm-Rudman-Hollings law. It calls for expenditures of funds that, together with projected revenues, do not exceed the predetermined target for a deficit for fiscal year 1987.

Let us be honest about this. It is Congress that has not met its responsibility. A deadline of April 15 has come and gone for the adoption of a resolution by Congress on the budget. The Senate committee has worked very hard, in my judgment, to sort through the various pressures and suggestions for the allocation of funds out of the Federal Treasury for the next year. They reported a resolution. But let us look at where there has been no action and a total breakdown in the fulfillment of duties and responsibilities, and that is in the other body. The Budget Committee there has not even met in a markup session to make a recommendation for a budget resolution for Congress.

So those who continue to point the finger at the President of the United States and criticize him ought to take a look at Congress. I think that is where there has been a failure to act. It is here in Congress that we need more of an effort to be made toward fulfilling commitments and responsibilities under the Budget Act and under Gramm-Rudman-Hollings.

I am disappointed in the fact that we see these deadlines come and go. I know it worries those who are trying to lead the committees with jurisdictional responsibilities to fulfill those responsibilities.

The distinguished Senator from New Mexico [Mr. DOMENICI] has done an outstanding job, in my judgment, and I think the distinguished Senator from Florida [Mr. CHILES] has worked harder than most to try to help meet these deadlines and make the Budget Act work.

Last week, the Republican leader in the House, BOB MICHEL, and I introduced legislation—he in the House and I in the Senate—to create a temporary joint committee on the budget to try to help move along the reporting of a concurrent resolution, as required under the Budget Act, by Congress. Even though the Senate committee has acted, the House committee continues to take no action whatsoever.

We are suggesting that Congress ought to create this joint committee. The committees end up in conference ultimately, anyway, to try to work out the differences between the House and the Senate-passed resolutions. Why not start out working together? Let us report to the House and the Senate an identical resolution, and let the bodies work their will in their own way, and in conference let the joint committee sort through the differences and come back with a final product.

That, to me, would accelerate the schedule and the procedures under which we are operating. It should have been done earlier. There is a provision for this under the Gramm-Rudman-Hollings law; and if the Supreme Court happens to decide that there is a constitutional problem, there is this joint committee created under the law that will fulfill the responsibility of presenting to the President the figures under which he can then issue a sequester order.

So it is not as though this has not been thought of before. We think it should be done now, no matter what the Supreme Court may say about the constitutionality of the budget process.

Mr. President, I ask unanimous consent that a copy of a Dear Colleague letter which I sent around to Senators on Monday describing this new joint committee be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 21, 1986.

DEAR COLLEAGUE: I am writing to invite you to join me as a cosponsor of legislation which I feel will assist the Congress in dealing with the budget mandates we face in a more expeditious and effective manner.

I have introduced a concurrent resolution, S. Con. Res. 132, calling for the temporary establishment of a Joint Budget Committee. Congressman Bob Michel, Republican Leader in the House of Representatives, has introduced identical legislation in the House.

As we all know, Congressional budget deadlines have been difficult to meet in the past, and will be even more difficult this year under the new Gramm-Rudman-Hollings timetables. We have already missed the April 15 deadline for completing action on a concurrent budget resolution for fiscal year 1987. Clearly, without joint Congressional action, it may be impossible to meet other deadlines this year.

The Gramm-Rudman-Hollings law provides that, in the event that the reporting procedures now before the Supreme Court are invalidated, there will be established a "Joint Committee on Deficit Reduction", made up of the entire membership of the Budget Committee of the House of Representatives and the Senate. The purpose of this joint committee is to report and pass a joint resolution requiring the President's signature in order to implement any sequestration.

Congressman Michel and I believe that Congress should not wait until the Supreme Court rules in this case to establish such a Joint Budget Committee. The immediate establishment of a Joint Committee, and commencement of deliberations on a budget resolution for fiscal year 1987, would ensure the best and most efficient implementation of Gramm-Rudman-Hollings and the congressional budget process.

The temporary Joint Committee we are proposing would have the duty of reporting a concurrent budget resolution for fiscal year 1987. It would be composed of the entire membership of the Budget Committees of both Houses. The existing Budget Committee Chairmen would serve as co-chairmen of the new Joint Committee.

An Executive Committee made up of one-third of the membership of each Budget Committee would be established to facilitate the proceedings of the much larger Joint Committee. The Executive Committee would make recommendations to the full Joint Committee for its approval or modification.

Establishment of a Joint Budget Committee on a temporary basis would also provide a trial period for determining the feasibility of a permanent Joint Budget Committee, as well as other needed reforms of our budget process.

I hope you will join me by supporting this legislation, which would allow a reasonable and more efficient alternative for achieving our budget goals.

A copy of the concurrent resolution is attached. If you wish to cosponsor, please contact me or Linda Slade of my staff at 4-2508.

Sincerely,

THAD COCHRAN,
U.S. Senator.

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. TEMPORARY JOINT COMMITTEE ON THE BUDGET.

(a) ESTABLISHMENT.—There is established a Temporary Joint Committee on the Budget (hereafter in this concurrent resolution referred to as the "Joint Committee").

(b) COMPOSITION.—

(1) The Joint Committee shall be composed of the entire membership of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate.

(2) The chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall serve as cochairmen of the Joint Committee.

(3) A majority vote of the members of the Joint Committee from each House shall be necessary for the Joint Committee to act.

(4) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection.

(5)(A) There is established within the Joint Committee an executive committee, to be composed of—

(i) 6 members of the Committee on the Budget of the House of Representatives designated by the chairman of such committee;

(ii) 5 members of the Committee on the Budget of the House of Representatives designated by the ranking minority member of such Committee;

(iii) 5 members of the Committee on the Budget of the Senate designated by the chairman of such Committee; and

(iv) 4 members of the Committee on the Budget of the Senate designated by the ranking minority member of such Committee.

(B) A majority of the members of the Executive Committee from each House shall be necessary for the executive committee to act.

(c) DUTIES.—Notwithstanding any other provision of law, or any provision of the Standing Rules of the Senate or the rules of the House of Representatives, the Joint Committee shall have the duty to report

concurrent resolutions on the budget required to be reported under title III of the Congressional Budget and Impoundment Control Act of 1974. It shall do so only after considering the recommendations of the executive committee.

(d) CONCURRENT RESOLUTIONS REPORTED BY THE JOINT COMMITTEE.—Any concurrent resolution reported by the Joint Committee shall be reported to each House of the Congress at the same time, in the same form, and with the same contents.

(e) DUTIES OF THE EXISTING BUDGET COMMITTEES.—Except as provided in subsection (c), the Committees on the Budget of the House of Representatives and the Senate shall have the duties assigned to them by the Congressional Budget and Impoundment Control Act of 1974, by part C of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Standing Rules of the Senate and the Rules of the House of Representatives.

(f) HEARINGS AND TESTIMONY.—The Joint Committee and any subcommittee thereof is authorized to sit and act at such times and places within the United States (whether the Congress is in session, has recessed, or has adjourned) to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, documents, or vouchers by subpoena or otherwise, and to take such testimony, as it deems advisable. A subpoena may be issued over the signatures of either of the co-chairmen of the Joint Committee, or a designee of either, and may be served by any person designated by the person signing it. An oath may be administered by either of the co-chairmen of the Joint Committee, or a designee of either.

(g) STAFFING.—The staffs of the Committees on the Budget of the House of Representatives and the Senate shall serve as the staff of the Joint Committee.

(h) RECORDS.—The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded.

(i) TREATMENT OF MEMBERSHIP UNDER SENATE RULES.—For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the Joint Committee, or as a co-chairman of the Joint Committee, shall not be taken into account.

(j) The Joint Committee shall cease to exist at the close of the second session of the 99th Congress.

(k) EXERCISE OF RULEMAKING POWER.—The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

DIRKSEN AWARD FOR DISTINGUISHED REPORTING TO STEVEN ROBERTS

Mr. BYRD. Mr. President, every year, the Everett M. Dirksen Award for Distinguished Reporting of Congress goes to an outstanding journalist. This year's recipient is Steven V. Roberts of the New York Times. Steve was awarded the honor recently in a ceremony in Illinois, and it seems appropriate for those of us in Washington who appreciate Steve's work to recognize him for this achievement.

The judges for this year's award noted the impressive competition and the quality of the articles submitted for consideration. Steve Roberts earned the award, said the judges, for the "unusual range and scope of both news stories written under the pressure of deadline and in-depth profiles of major congressional figures."

As an elected official with decades of experience as a Member of the House of Representatives, as a Senator, and as majority and minority leader, I know the important role journalists play in contributing to the understanding of Congress. I appreciate how difficult it is to fulfill that role. It is important that we continue to honor journalists such as Steve Roberts who meet that challenge. The people who benefit most are his readers and our constituents. I join with the judges in recognizing "his ability to put daily events in perspective" and his "perceptiveness in analyzing the legislative process and Congress as an institution."

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself such time as I need at this point.

Mr. President, I compliment the distinguished minority leader on his remarks with reference to Mr. Steve Roberts. I have had the opportunity to read what he writes, and, I say to the distinguished minority leader, to be covered to some extent in my activities by him as he worked for his paper, and their readers. I concur with the Senator's statement as to his effectiveness. Even as a politician I would say that clearly I find him to be extremely objective. Obviously, he also seeks to find the facts before he writes, and in that respect I am positive that those who granted him the award did so with every one of those important facts in mind, and made a right decision.

I compliment the distinguished minority leader, and compliment Mr. Steve Roberts for having garnered the award that was referred to by the distinguished minority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the chairman of the Budget Committee.

As one who regularly watches Washington Week In Review, as one who has said upon many occasions that Washington Week In Review is truly one of the great programs to which we have access because it is a panel of learned journalists and commentators who state facts, but leave to the viewers the making up of their own minds.

I always enjoy listening to Steve Roberts on that program. He is a distinguished journalist, a distinguished panelist, and I feel that Steve is one of those who on that distinguished program has performed well, and I, as a regular viewer, have benefited. I am sure thousands and hundreds of thousands of others have benefited from the evaluation and analyzation of events that we regularly hear and see on that program.

If I am not able to be at my home by 8 o'clock on some Friday evenings, my wife always records that program for me. I look forward to it. I learn a great deal from it. It is not opinionated as are so many programs in which we know, when we see a particular individual on such and such program, where he is coming from before he even speaks. Washington Week In Review is not like that, and it is a great service to its audience.

I compliment Steve Roberts again on his participation in Washington Week In Review.

Mr. SASSER. Will the distinguished minority leader yield?

Mr. BYRD. Mr. President, I yield further time from this side, and yield to the distinguished Senator from Tennessee, Mr. SASSER.

Mr. SASSER. Mr. President, I wish to join in these accolades to a very distinguished journalist, for a very distinguished newspaper, Mr. Steven Roberts, of the New York Times.

I must say that I join in these compliments with some degree of trepidation. Mr. Roberts is a tough, hardnosed reporter, and I have some anxiety that in an effort to protect his reputation for objectivity, he might feel compelled to write a tough story about those of us here this morning that compliment his distinguished career as a journalist. But, to commend his illustrious reporting is worth the risk.

It is appropriate that those of us who watched this talented reporter's performance in covering the Congress over the past few years make some statements about the highly professional way in which he conducts himself. I find that Steven Roberts has an extraordinary degree of perception about what goes on in this very complex institution.

This understanding is passed on to his readers, he does a great service, not only to Congress, but more importantly to those that he seeks to inform through the columns of the great newspaper for which he writes.

Mr. Roberts reports on the Congress and those who work in the institution with extraordinary objectivity and perception. His unfailing good humor,

even under the "pressure of the merciless deadlines of his profession is striking and many times I learn from Mr. Roberts' reporting much appreciated by his colleagues in the press. Facts that I had not known before even though I may have participated in the debate, on an issue or have participated in shaping the legislation. He pulls together in his news stories that is the subject of his story the very complex factors that go into producing legislation in this body. He is a gifted journalist who strives mightly to get the story—and get it right. When I see the bead of prespiration forming on Steve Roberts' upper lip—I know he's after the facts and pushing hard. I am pleased that the distinguished minority leader yielded to me for that purpose. May I add my compliments to Steve Roberts for winning the Everett Dirksen Award. He deserves it.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Tennessee, Mr. SASSER.

I am delighted that he shares this view.

I close by saying that Steve Roberts' professionalism, his objectivity, and his fairness are of the highest order. In that regard, the "cup" of Steven Roberts "runneth over."

Mr. DOMINICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am sure Steve Roberts is listening. I do not know what this discussion will do to him. [Laughter.]

He was indeed superb before we spoke. I hope we have had only a salutary impact on his objectivity. I am sure that is the case.

IN RECOGNITION OF STEVE ROBERTS

Mr. CHILES. Mr. President, I want to join in saluting Steve Roberts of the New York Times as this year's recipient of the Everett M. Dirksen Award for Distinguished Reporting on Congress.

Steve Roberts is widely respected for his impartial professionalism. In Congress, competing sides present conflicting arguments on countless issues. It takes a gifted observer to sort the facts on both sides, present a balanced account and do it fluently under the strain of an editorial deadline. Steve Roberts has done that with unfailing integrity.

Many of the issues he reports are endlessly complex, several hotly partisan, and each of real concern to shifting segments of the country's population. Therefore, every journalist who covers the Congress carries a special responsibility, one so important that it is safeguarded in the Bill of Rights.

The spirit and practice of the free press is manifest in the work of Steve Roberts. He brings to his duties the caution of a skeptic, and the devotion of a journalist who cares deeply about national policy. And he applies the eye and ear of a precise analyst in reporting the often bewildering work that goes on here.

So I offer my congratulations and thanks to Steve Roberts for work well done, and ongoing.

STEVE ROBERTS RECEIVES AWARD FOR REPORTING ON CONGRESS

Mr. DOLE. Mr. President, I want to join my colleagues in congratulating Steve Roberts, reporter for the New York Times, on being recognized by the Everett Dirksen Foundation for excellence in writing about Congress.

Covering Congress is not an easy job. There are 535 individual stories happening at any given time. And being able to ferret out the important story, plus the whys and hows of the event, takes a dedicated, veteran reporter. Steve Roberts is that kind of reporter.

Steve has made his career at the New York Times. He started here in Washington in 1964, straight out of college, working for James Reston. Since then he has written for the paper from New York, California, and Greece. In 1977 he came back to the Times Washington bureau, and for the past 6 years has been stationed here on Capitol Hill.

His commitment to covering Congress, as an institution and through the men and women who are Congress, shines through in his reporting. Those of us who are the subject of this reporting, can ask for no more.

Mr. President, once again I want to salute Steve Roberts for receiving this special honor, and wish him every success in future endeavors.

PASSOVER AND THE POPE

Mr. DECONCINI. Mr. President, Passover is an appropriate occasion to recognize the very special and unique Jewish culture and tradition in America. It is important to embrace the distinctiveness and fraternity of several Christian, Jewish, and other traditions in this diversified Nation.

When Jews around the world sit at the dinner table this evening to enjoy Seder, conversation may turn to the first papal visit to a synogogue made by Pope John Paul II last week. This is recognized around the world as an important gesture of reconciliation between the Roman Catholic Church and Italians and world Jewry. The Pope has committed the Catholic Church to the findings of the Second Vatican Council of 1962-65 which stated that Jews are not responsible for the death of Christ Jesus. He reiterated this declaration condemning "the hatred, persecutions, and displays of anti-Semitism directed against the Jews anytime and by anyone." He further repeated the interfaith spirit of Vatican II by recognizing the independent identity of the Jewish religion "beyond any syncretism and any ambiguous appropriation."

Both the Jews and Catholics have experienced religious persecution and hatred in this country. Discrimination requires constant vigilance. Whatever affirms the dignity and identity of religions and its peoples must be applauded. This is especially welcomed in light of the needless hardship and suffering. The Pope's action of reconciliation is of historic and human significance worldwide. It is also of particular importance for Jewish-Catholic ties in America.

THE PANAMANIAN AMBASSADOR'S REMARKS ON THE STRENGTHENING OF DEMOCRATIC INSTITUTIONS

Mr. ZORINSKY. Mr. President, Monday afternoon, the Subcommittee on Western Hemisphere Affairs of the Foreign Relations Committee held a second hearing on the situation in Panana. The hearings served to underline the serious issues facing that nation which is important to U.S. interests in Latin America and the Caribbean. I have been concerned about recent developments there including the role and influence of the Panamanian Defense Force in national political and economic life, the pressures on the opposition, especially La Prensa, and the handling of the economy.

After meeting with Ambassador Bazan, I believe that the government of President Delvalle understands these concerns and wants to work toward the strengthening of democratic institutions and toward free and democratic elections. On April 15, Ambassador Bazan addressed the Woodrow Wilson International Center for Scholars of the Smithsonian Institution on this theme. In light of increasing interest in Panama in the Congress, I recommend that my colleagues read Ambassador Bazan's statement. I ask unanimous consent that the Ambassador's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF PANAMANIAN AMBASSADOR BAZAN

The Wilson center is an appropriate forum for presenting political issues involving the realities of present day Panama. President Wilson, a scholar and politician, approached political questions with responsibility and a sense of fairness. We shall attempt to follow such a course on this occasion.

It is not uncommon for political issues to be presented in emotional terms using strong adjectives to create vivid impressions. Yet to achieve a responsible review of political questions, I believe one should approach the subject in a dispassionate and balanced manner to produce a credible and in-depth understanding of the issues.

To achieve this we cannot afford the use of stereotypes or isolated cases to prove points or project consequences. A comprehensive review of the facts as a whole,

placed in the time and in context, will give us a true measure of the issues and their consequences.

I believe that the broadening of Panama's "middle class," coupled with the improved educational levels throughout our country, has made it mandatory for us to address the issues, in Panama in an objective, sober and responsible fashion.

In order to examine and discuss fundamental issues in such a manner, all of us should abstain from dwelling in the past since socio-political issues are ever changing, as are the realities we live from day to day.

The people of Panama are only too conscious of the difficult conditions we are facing today. They know, we know, that our destiny lies in democratically elected civilian governments that rely on citizen interaction. They are also aware of the cyclical ups and downs of our political history, and have the patience and good sense to continue on their quest for a better quality of life, in a peaceful way. They respond to the natural law of self-preservation by working and seeking improvement within the realm of organized society. They show approval or disapproval through peaceful means, they do not waste their efforts, or their lives, on adventurous schemes that are contrary to their common sense and committed purpose in life.

Throughout our Republican history, the ploy of rattling the voters with attacks on the traditional whipping boys, the Americans, the Canal and U.S. military bases and the military of Panama, has been an inveterate tactic of whomever was in the opposition at a given time. The issue of the Canal and the U.S. bases has been significantly lessened by the effect of the Torrijos-Carter Treaties of 1977.

The Americans are charged in some quarters with meddling in our country, but now they are also invited to do so by some sectors of the opposition, which adds a new and puzzling twist to the practice. As to the issue of the military, a strongly emotional attitude seems to force an indictment against an institution on the basis of allegations.

Such attitudes would seem to reflect backward political progress. Opposition politicians in other Latin American countries, upon reaching power through democratic elections, recognize the proper place of the military in the socio-political life of the country. I submit an illustration: President Vinizio Cerezo, of Guatemala, stated recently: "The Army should be involved in the social progress, and guarantee this process in the interests of the people. . . . I should be committed to the general progress of institutionality in the country."

Panama is a young country compared to most of the other Latin American States. It has its own history, that is essentially unique. Many accomplishments have been offset in part by political restlessness that must be attributed to various currents of thought that compete for power. An ever present reality, throughout, has been the presence of a public force of law and order which encompasses military defense and police work. This force has been an instrument of civilian rule and, for some 10 years after 1968, was also a deliberating body with wide powers in the actions of government directed, for the most part, to better the lot of large segments of the underpriviledged.

Our country is now into its ninth decade of existence, and its complexity in all respects, has become enormous. It has followed a rapid evolution and undergone a great number of experiences.

The Republican form of government has been a tradition and a dedication for the Panamanian people, in spite of the fact that there have been several interludes, a kind of growing pains, that jolted the projected, even course set by our Founding Fathers.

These interludes have taken various forms that go from political adjustments to Coups D'Etat, and a long period of revolutionary experimentation. These situations are real, have happened, and have had consequences. Definitely, the political trajectory of Panama has not been a smooth one, but one thing is certain: The basic democratic principles and ideals of our people have always survived, and still constitute the essence of our political deportment.

With the signing of the treaties of 1977, Panama started on the road to democratization. On that year, the military pledged a return to civilian, democratic institutions, which included the conditions necessary for political interaction, civil liberties, free press and the formation of political parties.

We are now on the threshold of accomplishing the phase of that transition period that was officially initiated in 1978 with elections for representatives. Political timidity at that time delayed effective political participation in government by the traditional politicians that opposed the prevailing regime, but the door still remained open for the registration of political parties that subsequently participated in the 1980 elections for legislative positions.

The elections in 1984 produced a president and two vice-presidents, 67 congressmen and 505 municipal representatives. In addition, 65 mayors were elected in as many cities for the first time since 1956.

It is important to understand that many of these positions are occupied by members of the opposition. Consequently, there is a healthy and comprehensive public debate of issues in which the expressions of all parties come to bear.

In this fashion, the stage was set for political recovery through a government that would be a solid bridge, an effective transition to a continuous democratic, republican way of life. The succession of an elected vice-president to a president that had lost the necessary political support, followed along constitutional lines and have created a mandate which he is determined to carry out.

It may be of interest to know that the Republican Party, to which President Delvalle and I belong, chose to form part of the coalition of parties that constitute the present government, based upon the premise that it was the path to democratic ways, as well as a means of contributing to an effective and prompt transition to civilian rule.

Such attitude was by no means a whimsical one; the Republican Party, to which we belong, has from its inception, participated in four political campaigns and was on the winning side on all of them, even though on two of the campaigns it had left the government to join the opposition.

The government of Eric Arturo Delvalle has pledged a responsible and purposeful approach to the problems that confront the country. This is not just rhetoric. The pledge is being translated into fact with energy and dedication.

It is a matter of fact that President Delvalle was entrusted with a stagnant nation with strong objections to the manner in which the executive had handled the negotiations with creditor institutions. The pulse of the nation had all but ceased, and political, social and economic activity showed symptoms of an ominous and critical lethargy.

The first few months of President Delvalle's term had to be dedicated to restore confidence in the government, and, most important, to consolidate the political forces that conform it. This was not an easy task, but the resulting efforts have been rewarding. Concurrently, a prompt solution to financing the country's debt had to be sought. An economic program that was politically viable in the face of the realities of the country was elaborated to be negotiated with the creditor institutions.

Throughout this effort, it was essential to convey to one and all, that the projections of the economic program were designed to address both the immediate solution of the financial problem, and the long term goals of economic reactivation of the country. The encouraging signs of economic recovery detected in the early part of 1986, added to the measures enacted, will provide a framework that shows clear signs of an upswing and a promising forecast of success. For the first time in more than a year we are seeing a perceptible increase in sales, construction, bank deposits, and a significant growth in the volume of goods flowing through our colon free zone to world markets.

It must be stated with satisfaction that this return to fiscal responsibility was achieved by this civilian government within our constitutional procedures.

The Government of Panama has emerged stronger by this experience. It has to withstand organized protests, strikes and the expected criticism by opposition parties, but there is a perceivable current of support for our efforts throughout the country, as well as signs of optimism that had not been in evidence for some time.

It should be of interest to know, that the role of the defense forces has receded as confidence in the ability of civilians to run and manage the affairs of state grows in a manifest way. This confidence is essential for the proper functioning of a government in a stable, democratic, open market society. It is a solid accomplishment and a sign of good things to come.

The government of President Delvalle has given the higest priority to the strengthening of the country's democratic institutions. It implies wide involvement of the citizenry in all matters which contribute to the process of taking Panama along the path of development. We have the people, the know how, the infrastructure, and the resources to forge ahead. We have a government that encourages investment and production. We are obtaining, through a deliberate purpose, a sense of propriety and recognition that reinforces the action of all productive forces in the country, and the consequences are evident, Panama is on the move again.

An essential ingredient for a country's economic and social well-being is to function in a climate of peace. It is plain that Panama does not have any armed uprising, nor the presence or actions by any guerrilla group whatsoever. The country is relatively calm, and dedicated to daily chores designed to fulfill expectations.

There is freedom of speech, freedom of the press, the expression of the thoughts of all citizens can take place without any form of censorship or impedence.

Individual rights are respected and exerted freely within the law. Grievances and complaints are resolved either by means of dialog or legal recourse.

It is important that these realities of Panama, in their fullest context, be well

known in this country because, as Senator Helms said a month ago, "the positive interests of the United States and of Panama are inextricably intertwined to the benefit of both countries. We want to do everything to see that those benefits continue for everyone."

As my country's Ambassador to the United States, I am fully conscious of such a special relationship. During my first official meeting with President Reagan, I assured him that Panama is a country dedicated to peace and democratic way of life, that our Government is determined to solve our own problems within the realities that we live. We expect the assistance of the Government of the United States to achieve our purposes under the best of circumstances. We aim to preserve and reaffirm the bonds of friendship and cooperation that have existed for a century between our countries.

I was reassured and gratified upon receiving President Reagan's thoughts: "I realize that Panama is presently experiencing a period of economic difficulty. It is encouraging to hear of the efforts of President Delvalle and his government to develop a program of realistic reforms not only to weather the immediate crisis but to provide an economically sound basis for sustained growth. We wish you success in the task of developing this program and of securing broad support for it. We stand ready to assist sound development plans, conscious that Panama's destiny is Panama's responsibility first and foremost."

I should like to end my remarks with a most significant quote from President Delavalle in his speech to the prestigious Council on Foreign Relations in New York City early this month:

"The election process which will start two years from now, will again allow the people of Panama to exercise their sovereign voting rights.

"Toward this goal, my government is firmly committed. Today, the fundamental goal of the executive branch, the legislative assembly, the Supreme Court and the political parties is to strengthen the democratic process and maintain Panama's political stability within a civilian environment."

May I be allowed to add that President Delvalle, on repeated occasions, has made a call to all citizens, including obviously the opposition parties, to act on behalf of the better interests of Panama, and has invited them to join in the strengthening of our democratic institutions and to participate in the task of guiding the country toward the fulfillment of its promise for a higher quality of life for all Panamanians.

DEATH OF NORMAN L. CAHNERS

Mr. KENNEDY. Mr. President, many people in the Greater Boston area and elsewhere were saddened by the recent death of Norman L. Cahners. Norman Cahners was a creative and omnipresent force in the business, civic, and charitable worlds. His public spirit, generosity, and concern for the enrichment of the cultural, intellectual, and artistic dimensions of our society were demonstrated time and time again throughout over four decades of service to Greater Boston and New England. The vast diversity of his interests and his energies was reflected in the numerous prestigious awards he received throughout his lifetime.

To name but a few, he won acclaim for developing innovative procedures for materiel handling in World War II; for his dedicated involvement with the Boy Scouts of America; and for his outstanding leadership, achievements, and ethical standards in business and in the community.

I ask unanimous consent that the Boston Globe article paying tribute to Mr. Norman L. Cahners be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORMAN L. CAHNERS

Although he knew he was battling a fatal illness, Norman L. Cahners had hoped to join a Museum of Science group now visiting the Amazon and viewing Halley's Comet. The indomitable drive of this business and community leader, who died last Friday, enabled him to live and travel well beyond the limits of most dreams.

Among the many Boston educational, medical and cultural institutions that Cahners seved as a trustee, board member and worker, the Museum of Science was a special challenge, because he felt that he could make a contribution to integrating the work of the institution with community life.

Cahners' skill as a leader first became apparent when he was a top sprinter on the 1936 Harvard track team. During World War II, while serving in the Navy, he developed techniques for the rapid handling of war materiel and started a magazine on materiel-handling that dealt with the transport of all kinds of supplies and goods.

Based on that experience, Cahners began to publish industial magazines in many technical fields. Today, the company has become the largest publisher of industrial magazines in the world.

In his private life, Cahners often counseled talented young people on career decisions, keeping track of them for years to see what turn their lives and taken.

His business success made possible major contributions to many schools and institutions. With his late father-in-law, Sidney Rabb, he established a professorship in psychology at the Harvard Business School.

Creation of a "climate of excellence" in industry, to enable persons to rise as high as their abilities can take them, was a special interest. Too often, Cahners felt, the human element was neglected by industry leaders.

In a lifetime of exploring how things work and ways to build an environment in which people can work better, Cahners set a path worth following.

A TRIBUTE TO FATHER ROBERT C. NEWBOLD

Mr. CHAFEE. Mr. President, I want to take a moment to honor Father Robert C. Newbold, one of Rhode Island's most respected and revered educators, who is stepping down after 17 years of faith service as rector of Our Lady of Providence Preparatory Seminary [OLP].

Few individuals in the State's history, Mr. President, have affected as many people as positively as Father Newbold. During his rectorate at OLP, he oversaw the growth of one of the strongest overall academic and athletic programs in Rhode Island secondary schools.

Also in his tenure there, he served admirably as executive secretary of the State interscholastic Committee on Athletics. To say this is merely a "challenging" job is a classic understatement. Indeed, more politicking and debate may take place in Rhode Island interscholastic committee meetings than on the floor of the U.S. Senate. Because Father Newbold is the right person for the job, however, because he has his priorities straight, the committees affairs are run fairly and smoothly.

Consequently, those who prosper most are the thousands of student-athletes who have participated in Rhode Island's interscholastic leagues in the past and who continue to participate today. On these fortunate people Father Newbold's imprint is lasting.

Mr. President, Father Newbold's credentials as an educator are impeccable. He received his theological training at St. Bernard's Seminary and was ordained into the Catholic priesthood on December 22, 1945. He earned both his masters and Ph.D. in American history from the University of Notre Dame. In addition to teaching in various capacities at OLP, Father was a professor in American history at Providence College for 8 years. A history authority, he has written a book on 19th century American history.

These numerous valuable experiences, Mr. President, amply prepared Father Newbold for the many challenges which confronted him as rector and administrator.

On Friday, April 25, a testimonial dinner will be held in Father Newbold's honor at the Rocky Point Palladium in Warwick, RI. Hundreds of his friends and colleagues, and many State religious and political leaders will be in attendance.

By his selfless service and tireless devotion to Our Lady of Providence Prep for the past 17 years, Father Robert Newbold has been a safeguard of virtue and a beacon of integrity for all those who have passed through its doors. I hope that his work has been as rewarding for him as it has been for the many Rhode Islanders whose lives he has touched.

THE PRESIDENT'S SALT II DECISION

Mr. MATHIAS. Mr. President, we all owe President Reagan a debt of thanks for his decision to maintain the policy of restraint in any action that might violate the terms of the Salt II agreement. The President took the comprehensive, long-range view on

this issue in spite of public and private advice to the contrary. His judgment in this matter has been prudent and mature and I believe we shall all be safer and better for it.

It was obvious that some short-term advantage might have been gained by ignoring Salt II, but a little reflection is enough to indicate that it would not be long before the Soviet Union balanced the score and resumed the contest. President Reagan has wisely rejected this course of action.

It is a necessary feature of the American political system that each of us express a view on important issues. All too often that view is critical or negative because we attempt to alter the course or bring about a change of policy. But it is equally necessary to support and defend actions that we think are right and I am glad to be able to do so in this instance.

An interesting and useful comment on the President's decision appeared in the New York Times on April 22, 1986. It is of special value because its author, Paul Warnke, is uniquely qualified by experience and intellect to form a knowledgeable opinion. His judgment is independent of any partisan bias in this case because he speaks as a Democrat praising a Republican President. It is worth reading.

I ask unanimous consent that Mr. Warnke's article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STAKES IN REAGAN'S SALT DECISION

(By Paul C. Warnke)

WASHINGTON.—Ronald Reagan has made one of the most important decisions of his Presidency. The disclosure yesterday that he would uphold the SALT II treaty could be a long-awaited first step toward a more comprehensive United States-Soviet arms control regime. At the very least, he has narrowly avoided a long-lasting setback for nuclear sanity.

It was not, however, an easy decision for him to make—and the fact that he did, against the advice of some of his key strategists, and perhaps even against his own earlier inclinations, makes him even more deserving of our praise.

On May 20, the Nevada will begin its sea trials. With its 24 missile launchers, this Trident-class submarine would have put the United States over the SALT II treaty's limit of 1,200 multiple-warhead missiles by 22. Mr. Reagan has now chosen to continue compliance with the treaty by dismantling at least the same number of missiles by retiring and destroying two older Poseidon submarines.

Critics of arms control, citing purported Soviet treaty violations, had been pushing harder than ever for the President to abandon SALT II. Moreover, he faced a self-imposed dilemma. When he chose last June to abide by SALT II for the time being, he also declared that future Soviet violations would be answered with the policy of "proportionate response"—that is, selective countervio-lations.

On the surface, the President's choice seemed simple. Most of the allegations of Soviet violations of SALT II were of questionable validity, and none involved anything of real military significance. And, since the Soviet Union is in a far better position than we are to expand its strategic nuclear weapons in the absence of SALT II's restraints, continued compliance is clearly in the best interest of our national security.

These facts is themselves dictated that the President reaffirm SALT II and continue his course of the past five years. But there is a lot more at stake this time. In the first place, Gramm-Rudman-Hollings may succeed where the Soviet negotiators in Geneva have failed. The President's budget request for defense may be cut by up to $60 billion in 1987 alone. Unless he is willing to slash conventional forces to the bone, cuts in strategic weaponry are unavoidable. This is especially so with the Strategic Defense Initiative budget growing by leaps and bounds. If the President won't cut back through negotiations, it will likely be done for him.

Secondly, the Soviet Union would not have waited forever. Mikhail S. Gorbachev made a number of important concessions in his three-month-old sweeping arms control proposal. Our reply in February contained nothing new, and amounted, if anything, to a hardening of our earlier position. If his offers had not been taken more seriously, Mr. Gorbachev might have decided to junk SALT II himself, even if Mr. Reagan had not. Facing his own hardliners, Mr. Gorbachev could not have waited indefinitely while America answered him with little more than contempt.

Third, the Strategic Defense Initiative is looking more and more like a turkey. Ballooning budgets and a splashy public-relations campaign cannot hide news of test failures, skeptical scientists and sharply reduced expectations. The longer we wait, and the clearer it grows that the Initiative is far less than advertised, the less likely it is that the Soviet Union will give up much in exchange.

In short, Mr. Reagan stood at a crossroads. After five years of stalemate in arms control, events were perilously close to getting out of his hands. He had to decide just how serious he was about negotiating with Moscow—and act accordingly.

It could not have been easy for him. The chaos over arms control policy in this Administration is the stuff of legend. For example, when Defense Secretary Caspar W. Weinberger recently charged that the Soviet Union had exceeded SALT II's limits on strategic launchers, the Joint Chiefs of Staff explained they had not. One week after the Central Intelligence Agency admitted that it had been overestimating its measurements of Soviet nuclear test yields, the Arms Control and Disarmament Agency reiterated its charge that Moscow had violated the 150 kiloton threshold for underground nuclear tests.

Whether by design or by accident, the Administration's intransigence on arms control has brought some grudging but significant concessions from new Soviet leadership. And the Strategic Defense Initiative, for the time being at least, worries Mr. Gorbachev enough that we could well trade limits on its development for deep cuts in the Soviet Union's most threatening offensive weapons. Mr. Reagan's commendable action may help to keep this "window of opportunity" open.

Paul C. Warnke, chairman of the Committee for National Security, a public policy organization, was director of the Arms Control and Disarmament Agency and chief United States negotiator in the SALT II talks in 1977 and 1978.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 120, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the United States Government for the fiscal years 1987, 1988, and 1989.

The Senate resumed consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Thank you, Mr. President.

I yield myself such time as I may consume.

Mr. DOMENICI. Mr. President, I wish to take just a few moments, since today is the day that the U.S. Supreme Court is going to hear oral arguments in the appeal of Synar against United States, constitutional challenge to Gramm-Rudman-Hollings.

I am sure that from what I have heard, and particularly what I have heard from some of the House Members and some of the House leadership, that there is sort of a sigh of relief around anticipating that the Supreme Court is going to affirm the lower court in Synar versus United States and that the pressure is off. I have heard that from some of the House leadership the other day.

Obviously, the Senator from New Mexico has been assuming that if we do not get a budget which meets the deficit reduction target, it means we are going to have an across-the-board sequester. I have assumed one way or another it is going to happen.

There are those who assume this is going to be a very predictable decision by the Supreme Court, that they are just going to automatically affirm that lower court decision that the Comptroller General cannot make the final calculations and send the order to the President for signature. I believe that the case is clearly to the contrary.

We have had another court case in the meantime that is not nearly as heralded as Synar against United States. But I wish the Senate to know that in Ameron against U.S. Army Corps of Engineers, the Court has ruled exactly to the contrary on exactly the same issue.

In that case, Ameron against U.S. Corps of Engineers, the third circuit examined the same issues—namely, the characterization of the Office of the Comptroller General—and came down with a well-reasoned opinion that I will include in the RECORD. That opinion held exactly the opposite with reference to constitutional separation of powers as it applies to the characterization of the Comptroller General.

Let me give you a brief summary of the case.

The Competition in Contracting Act [CICA], which was enacted as part of the Deficit Reduction Act of 1984, permits a bidder who disputes the terms or awarding of a Government contract to challenge the award by filing a protest with the Comptroller General.

The filing of a protest stays the awarding of the contract until either the Comptroller General makes a decision on the protest or the agency head certifies in writing that urgent circumstances require that the contract be awarded.

Decisions of the Comptroller General are limited to recommendations that the agency terminate or rebid the contract, issue a new solicitation, refrain from exercising options under a contract, or award a different contract.

At issue in this case was the power of the Comptroller General to lift stays on contracts.

In the words of the Court of Appeals:

If the Comptroller General . . . is deemed to be an agent of Congress, then his possession of executive powers and duties is arguably unconstitutional. On the other hand, if he is an executive agent, then the performance of executive duties by the Comptroller would arguably create no constitutional problem.

Unlike the district court in Synar, the 3d Circuit Court of Appeals found that the Comptroller General is definitely not an agent of Congress. The court held:

The power of removal does not determine to which branch the Comptroller belongs. Rather, if anything, it is the power of appointment that should control. . . . Indeed, a practical analysis of how the Comptroller General and the GAO actually function reveals that the removal power vested in Congress is a power of limited importance. . . . With a 15-year, non-renewable term, the Comptroller General . . . appears to be one of the most independent officers in the whole of the federal government. . . .

The Appeals Court then explicitly disagreed with the Synar decision:

We decline to follow the approach taken by the Synar court. . . . The core principle of Humphrey's Executor, a key precedent in this area of the law, "was that Congress could create agencies exercising dual functions and which were independent of unfettered executive control. In their blend of powers and functions, the Comptroller General and the GAO closely resemble the Federal Trade Commission and other fourth branch agencies."

Mr. President, if the Supreme Court follows the very compelling reasoning of the 3d Circuit Court of Appeals, Gramm-Rudman-Hollings, in its entirety, including the GAO's function as an arbiter and as the one that sends the order to the President confirming the across-the-board cuts, will be upheld.

This should be sobering news to those who believe the Supreme Court will remove the prospect of future sequester orders.

Mr. President, I send a copy of the Ameron decision to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

United States Court of Appeals for the Third Circuit

[NOS. 85-5226 & 85-5377]

(AMERON, INC. AND UNITED STATES SENATE, INTERVENOR, THOMAS P. O'NEILL, SPEAKER OF HOUSE OF REPRESENTATIVES AND BIPARTISAN LEADERSHIP GROUP, INTERVENORS, APPELLEE, *v.* U.S. ARMY CORPS OF ENGINEERS; LT. COL. MICHAEL K. COLLMEYER, CONTRACTING OFFICER, UNITED STATES OF AMERICA; AND SPINIELLO CONSTRUCTION COMPANY, UNITED STATES OF AMERICA, APPELLANT

(Appeal from the United States District Court for the District of New Jersey (D.C. No. 85-1064))

Richard K. Willard, Esq. (Argued), Assistant Attorney General; W. Hunt Dumont, Esq., United States Attorney; Paul Blankenstein, Esq., U.S. Department of Justice, Appellate Staff, Civil Division, Room 3619, 10th & Pennsylvania Ave., N.W., Washington, D.C.; Attorneys for Appellant, United States of America.

Edward G. D'Alessandro, Esq., D'Alessandro, Sussman, Jacovino & Mahoney, 147 Columbia Turnpike, Florham Park, New Jersey 07932; Attorneys for Appellant, Spiniello Construction Company.

Michael Davidson, Esq. (Argued), Senate Legal Counsel; Ken U. Benjamin, Jr., Esq., Deputy Senate Legal Counsel; Morgan J. Frankel, Esq., Assistant Senate Legal Counsel, 642 Hart Senate Office Bldg., Washington, D.C. 20510; Attorneys for Appellee, United States Senate.

Theodore I. Botter, Esq. (Argued), Meyer & Landis, Esqs., Gateway 1, Suite 2500, Newark, New Jersey 07102; Attorneys for Appellee, Ameron, Inc.

Steven R. Ross, Esq., General Counsel to the Clerk; Charles Tiefer, Esq. (Argued), Deputy General Counsel to the Clerk; Michael L. Murray, Esq., Assistant Counsel to the Clerk, U.S. House of Representatives, The Capitol, H-105, Washington, D.C. 20515; Attorneys for Intervenors-Appellees Speaker and Bipartisan Leadership Group.

David S. Cohen, Esq., Sharon R. Gross, Esq., Cohen & White, 2934 M Street, N.W., Washington, D.C. 20007; Attorneys for Amicus Curiae, Computer & Communications Industry Association.

Harry R. Van Cleve, Esq., General Counsel; Seymour Efros, Esq., Associate General Counsel; Robert P. Murphy, Esq. (Argued), Attorney, U.S. General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548; Attorneys for Amicus Curiae, The Comptroller General of the United States.

OPINION OF THE COURT

GARTH, *Circuit Judge:*

This appeal presents, in a rather prosaic setting, a problem of profound constitutional significance concerning the division of power among the three branches of our federal government. At issue is the constitutionality of the automatic stay provisions of the Competition in Contracting Act (CICA), Pub. L. No. 98-369, Subtitle D, 98 Stat. 1199-1201, codified at 31 U.S.C.A. § 3553 *et seq.* (West Supp. 1985). The United States Army Corps of Engineers and the other executive department defendants [hereinafter referred to collectively as the Army] appeal from a decision of the district court declaring the CICA stay provisions to be constitutional and ordering broad injunctive relief to plaintiff Ameron and the Congressional intervenors.

We now affirm the district court's holding that the Comptroller General, as head of the General Accounting Office, is an independent official with duties involving both the legislative and executive branches of the United States government. As such, he may constitutionally exercise the powers conferred upon him by CICA. We also conclude, however, that the injunction granted by the district court was broader than necessary to grant the full relief to which plaintiffs were entitled, and therefore modify the injunction as specified below.

I.

A.

Congress created the General Accounting Office (GAO) and the Office of the Comptroller General by the Budget and Accounting Act of 1921, Pub. L. No. 13, § 301, 42 Stat. 20, 23. The 1921 Act was the culmination of Congressional efforts over many years to provide accountability for the federal government's finances. The original Comptroller of the Treasury was an executive officer within the Treasury Department. 1 Stat. 65-66 (1789). The Comptroller continued as an executive officer with executive functions under subsequent enactments. *See, e.g.,* Act of March 3, 1817, 3 Stat. 366; Dockery Act of 1894, 28 Stat. 162, 205.

When they were created to replace the Comptroller of Treasury, the GAO and the Comptroller General were initially empowered to report to Congress and assist Congress in the budget process. 1921 Act, §§ 304-312, 42 Stat. 23-26. Even in 1921, however, the Comptroller General, even though created in part to assist Congress, was assigned duties that were not traditionally "legislative": auditing and setting public accounts, countersigning treasury warrants, prescribing "the forms of keeping and rendering all public accounts"—these and other executive duties were given to the GAO and the Comptroller General by the 1921 Act, which also abolished the Comptroller of the Treasury. §§ 301, 304, 310. The parties do not dispute that the Comptroller General continues to perform significant duties that are both "legislative" and "nonlegislative," i.e., executive, in nature.

As an adjunct of its account-settling role, the Comptroller General over the years began to hear protests from disappointed bidders on government contracts. *See Wheelabrator Corp. v. Chafee,* 455 F.2d 1306, 1313 (D.C. Cir. 1971). This role was formalized by the Competition in Contracting Act (CICA) in 1984. 31 U.S.C.A. §§ 3351-3356 (West Supp. 1985). CICA was enacted to remedy a major loophole in the long-standing GAO review procedure: by the time the GAO reviewed most bid protests, the protests had

become moot because either the contract had been let or the contractor was engaged in performing under the contract. While GAO regulations provided for a stay of either the granting or performance of the contract in some circumstances, *See Merriam v. Kunzig*, 476 F.2d 1233, 1236 & n.1 (3d Cir. 1973), this stay was easily overridden by the contracting agency involved. The result was that most procurements became *faits accomplis* before they could be reviewed. This situation was identified by Congress as a contributing factor to the crisis of waste in federal procurement. In particular, Congress recognized as a problem that of $168 billion in government contracts awarded in fiscal year 1983, only about one-third, $54 billion, was awarded on a competitive basis. *Competition in Contracting Act of 1984*: H.R. Rep. No. 1157, 98th Cong., 2d Sess. 12 (1984). In enacting CICA, Congress attempted to provide effective review of bid challenges, and in the process to encourage competition in contracting. *See* Opinion of District Court, slip op. at 31.

In relevant part, CICA permits a potential or actual bidder who disputes the terms or awarding of a government contract to challenge the procurement or the award of the contract by filing a protest with the Comptroller General. Upon receiving the protest, the Comptroller General must "within one working day" notify the agency involved, which must then make a report on the challenged contract. 31 U.S.C. § 3353(b)(1).

The filing of a protest freezes, or stays, the awarding of the contract or any action under it until either the Comptroller General makes a decision on the protest or the agency head certifies in writing that "urgent and compelling circumstances which significantly affect interest of the United States" require that the contract be awarded, 31 U.S.C. § 3553(c)(2), or that "the best interests of the United States" require that performance proceed under a contract already awarded by the agency. 31 U.S.C. § 3553(d)(2).

The Act requires the Comptroller General to issue a final decision on the protest within 90 working days unless he determines in writing that the circumstances of the protest require more time. 31 U.S.C. § 3554(a)(1). The Comptroller General may also exercise an "express option" to expedite review of certain cases within 45 calendar days, 31 U.S.C. § 3554(a)(2), and may dismiss patently frivolous or meritless claims on a summary basis. 31 U.S.C. § 3554(a)(3).

The power of the Comptroller General in rendering his decision is limited to a *recommendation* that the agency, *inter alia*, terminate or rebid the contract, issue a new solicitation, refrain from exercising options under a contract, or award a different contract consistent with law. 31 U.S.C. § 3554(b)(1). The only affirmative power provided to the Comptroller General is to award a prevailing protester its bid and proposal preparation costs, as well as its costs and attorneys' fees in filing and pursuing the bid protest. 31 U.S.C. § 3554(c)(1).

President Reagan signed CICA into law as part of the omnibus Deficit Reduction Act of 1984, but he declared the automatic stay provision unconstitutional upon the advice of the Attorney General and ordered the executive department not to observe it. Accordingly, the Office of Management and Budget issued instructions to executive agencies to proceed with the procurement process "as though no such [stay] provisions were contained in the act." OMB Bulletin No. 85-8 at 2 (Dec. 17, 1984).

B.

The mundane facts underlying the present controversy belie the compelling nature of the constitutional question before us. In late 1984, Ameron submitted a bid on a proposed contract to clean and repair sewer lines at West Point, New York. The Army's "Invitation for Bids" required an interested party to submit along with its bid a bond guaranteeing 20 percent of the bid amount. When the sealed bids were opened, Ameron was the apparent low bidder with an offer of $1,033,000, about $200,000 less than the next lowest bidder, defendant Spiniello Construction Company. However, Ameron's bid was rejected because the dollar amount of the bond had been altered without any indication that the surety had agreed to be bound by the change. Although Ameron contended that the change was merely the result of a typist's error,[1] the agency rejected Ameron's bid as non-responsive to the terms of the invitation and awarded the contract to Spiniello. *See* Affidavit of Michael K. Collinger at 1-2.

On March 1, 1985, within ten days of the awarding of the contract, Ameron filed a protest with the Comptroller General, claiming that the Army had wrongfully rejected its bid. Three days later, Ameron filed suit in federal district court claiming that the Army had arbitrarily rejected its bid and seeking a preliminary injunction to restrain the Army and the victorious bidder from proceeding with the contract pending the outcome of Ameron's protest to the Comptroller General. Ameron also sought a temporary restraining order enjoining performance of the contract.

The district court first denied the request for a temporary restraining order, and then granted it on March 7, 1985 when the stay provisions of 31, U.S.C. § 3353(d)(1) were brought to its attention, pending a hearing on the preliminary injunction to be held March 18, 1985. After hearing argument on March 18 and granting the motion of the Senate, the Speaker, and the Bipartisan Leadership Group of the House to intervene as plaintiffs to support the constitutionality of CICA, the district court eventually granted the preliminary injunction on March 27, 1985. 607 F. Supp. 962 (D.N.J. 1985).

In an oral opinion delivered from the bench, the court rejected Ameron's claim that the Army had acted arbitrarily. That ruling is not before us on appeal. The court concluded, however, that Ameron was entitled to a preliminary injunction enforcing a stay because the CICA stay provision was constitutional. The court held that Congress could delegate the non-legislative power to lift the stay to the Comptroller General because he was appointed by the President in accordance with the Appointments Clause of the Constitution, Art. II § 2, C1.2, and therefore was not merely an agent of Congress. *Id.* at 971-74. The Army filed a timely notice of appeal from the injunction ruling. A month later, on April 29, 1985, the Comptroller General issued a decision denying Ameron's protest on the merits.[2] The parties agreed that this did not render the case moot, and proceeded to file cross-motions, for summary judgment.

The court thereafter denied Ameron's motion for summary judgment on the merits of its bid protest, but granted the motion of the intervenors for a permanent injunction ordering the federal government to comply with and implement 31 U.S.C. § 3553. 610 F. Supp. 750 (D.N.J. 1985). We reproduce the full text of the court's order in the appendix.

The court also declared 31 U.S.C. § 3553 to be constitutional, and joined OMB Director David Stockman and Defense Secretary Caspar Weinberger as necessary defendants. Although the injunction contains no language limiting its application to less than the entire federal government, it is apparent from the court's oral opinion that it intended its order to have controlling effect only within the District of New Jersey, *See id.* at 756. The Army appealed again, and the appeals (Nos. 85-5226, 85-5377) were consolidated for review by this court.

II.

At the outset, we must determine if this case was rendered moot by the disposition of Ameron's original bid protest by the Comptroller General. Although the Comptroller General's decision lifted the stay provided by CICA, arguably obviating the need for an injunction, it is urged that this case is not moot. Even when no more relief may be granted to a plaintiff, a case may continue to decision and remain viable on appeal if the problem presented is "capable of repetition yet evading review." *See In re Kulp Foundry*, 691 F.2d 1125, 1128-29 (3d Cir. 1982). This standard applies if 1) the problem allegedly causing injury is resolved within too short a time period to ever be fully litigated and appealed, and 2) the party seeking relief is likely to be subject to the same injury in the future. *Murphy v. Hunt*, 455 U.S. 478, 482 (1982). *See also Roe v. Wade*, 410 U.S. 113, 125 (1973).

The parties agree that this case is an appropriate one for application of the rule, and we concur. A bid protest will usually be resolved within 90 days, so that by the time a case be appealed to this court, it will almost always face the prospect of being regarded as moot. Moreover, Ameron, as a company frequently seeking government contracts, represented that it is likely to be faced with a similar situation again: desiring to protest a contract decision but being unable to obtain the statutorily guaranteed stay while its protest is being reviewed. Lest the issue presented evade review, we hold that the present dispute is not moot, and we proceed to consider this case on the merits.

III.

As the Supreme Court observed in *Buckley* v. *Valeo*, 424 U.S. 1, 124 (1976), "The principle of separation of powers was not simply an abstract generalization in the minds of the Framers: it was woven into the document that they drafted in Philadelphia in the Summer of 1787." The Constitution creates three distinct branches of government and vests specific powers in each. This design is intended to block tyranny by any one branch by providing a series of checks and balances to diffuse concentrations of power. "The hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power, even to accomplish desirable objectives, must be resisted. *INS* v. *Chadha*, 462 U.S. 919, 951 (1983).

Nevertheless, the Court has rejected any notion that the branches are hermetically sealed. While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon the branches separateness but interdependence, autonomy

Footnote at end.

but reciprocity." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson. J., concurring). *See Buckley*, 424 U.S. at 121. Moreover, this court has recently emphasized that separation of powers analysis must focus pragmatically on whether the challenged provision actually or potentially interferes with the ability of the affected branch to accomplish its constitutionally assigned functions. *In re The President's Commission on Organized Crime Subpoena of Nicodemo Scarfo*, No. 85-3023, slip op. at 11 (3d Cir. Feb. 14, 1986). *See also Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977).

In applying the separation of powers principle, which is not explicitly mentioned in the Constitution but which undergirds the Constitutional philosophy, the Court has more than once felt compelled to rein in one or another branch of government. The Court has held that Congress, as the legislative branch, may not delegate to itself or its agents executive or judicial power, *Hampton & Co. v. United States*, 276 U.S. 394, 406 (1928); that the executive may not exercise legislative power belonging only to Congress, *Youngstown;* and that executive and administrative duties of a non-judicial nature may not be imposed upon Article III judges. *United States v. Ferreira*, 54 U.S. (13 How.) 39, 50-51 (1952). *See generally President's Commission (Scarfo), supra.*

Moreover, the power of appointment and removal must be exercised in conformity with the separation of powers. Congress may not curtail the power of the President to remove purely executive officials, *Myers v. United States*, 272 U.S. 51 (1926), but may create agencies which exercise mixed duties whose members may be protected from removal by the executive without cause. *Humphrey's Executor v. United States*, 295 U.S. 602, 629 (1935). Congress may not, however, retain for itself the power to appoint officials of the government who exercise executive power. *Buckley*, 424 U.S. at 126.

While disputing the application of these rules to the case at hand, the parties do appear to agree on one point: the key issue in this case is the characterization of the Office of the Comptroller General. If the Comptroller General, as the Army argues, is deemed to be an agent of Congress, then his possession of executive powers and duties is arguably unconstitutional. On the other hand, if he is an executive agent, then the performance of executive duties by the Comptroller would arguably create no constitutional problem.

The only other court that has addressed the question whether the Comptroller General may constitutionally exercise the powers granted under CICA concluded, following the reasoning of the district court in the present case, that the Comptroller could constitutionally exercise mixed powers. *See Lear Siegler, Inc. v. Lehman*, No. CV 85-1125-KN, slip op. at 7-11 (C.D. Cal. Nov. 21, 1985).

In a recent decision, a three-judge panel in the United States District Court for the District of Columbia [3] held that certain provisions of the Balanced Budget and Emergency Deficit Control Act of 1985, popularly known as the Gramm-Rudman-Hollings Act, were unconstitutional because they vested executive powers in the Comptroller General, *Synar* v. *United States*, No. 85-3945 (D.D.C. February 11, 1986). Under the *Synar* analysis, the Comptroller General was not permitted to exercise these powers under the Constitution. The court did not reach a firm conclusion regarding the characterization of the Comptroller General as an agent or member of a particular branch of the government, but concluded that executive power to mandate budget cuts could not be delegated to "an officer removable by Congress." *Id.*, slip op. at 48.

In resolving the central question of characterization as it is presented on this appeal, we confront plausible arguments on both sides. Several factors weigh in favor of considering the Comptroller General to be an executive officer. Foremost among these factors is that the Comptroller General exercises significant executive functions in managing the accounts of the federal government and is appointed by the President—factors which, in and of themselves, arguably render the Comptroller an "Officer of the United States" under *Buckley*, 424 U.S. at 126. The historic roots of the Comptroller's functions in the Treasury Department also militate against finding that the Comptroller is merely a legislative agent.

Against these factors, the Army marshals a great welter of dicta and conclusory statements to the effect that the Comptroller General is not an executive officer but rather an agent or member of the legislative branch. Several courts, first of all, have stated without extensive analysis that the GAO is an arm of the Congress. *See. e.g., McDonnell Douglas Corp.* v. *United States.* 754 F.2d 365, 368 (Fed. Cir. 1985): *United States* v. *McDonnell Douglas Corp.*, 751 F.2d 220, 224 (8th Cir. 1984); *M. Steinthal & Co.* v. *Seamans*, 455 F.2d 1289, 1305 (D.C. Cir. 1964). The Army also cites to numerous points in the legislative history of the 1921 Act and in other statutes where the GAO is characterized or labelled as a "legislative" agency. *See, e.g.*, 61 Cong. Rec. 1080 (Comptroller General "is to be the arm of the Congress": Rep. Good); *id.* at 1081 (Comptroller General is "representative of Congress" unlike Director of the Bureau of the Budget "who serves the President and is the personal representative of the President": Rep. Byrns); 2 U.S.C. § 701(e) (Comptroller General listed as within the "Legislative Branch" in the Ethics in Government Act); 59 Stat. 616 (1945) (GAO stated to be part of legislative branch in Reorganization Act of 1945).

While we recognize the authority cited by the Army, we nevertheless cannot resolve the issue before us merely on the basis of the quantity of citation. We must beware of what Justice Cardozo described as "the tyranny of labels." *Snyder* v. *Massachusetts*, 291 U.S. 97, 114 (1934). Indeed, in *Buckley*, the Supreme Court specifically noted that "irrespective of Congress' designation [of the Comptroller General as a "Legislative Officer"], cf. 31 U.S.C. § 65(d), the Comptroller General is appointed by the President in conformity with the Appointments Clause [and therefore may exercise executive functions]. "424 U.S. at 128 n.165.

Instead of "decision by label," we must focus on function and reality. Clearly, the GAO and the Comptroller General perform legislative and non-legislative duties. Indeed, they also perform quasi-judicial functions. In that respect, they resemble the modern regulatory agency. Therefore, the mere recital by the Army of the Comptroller General's legislative functions, which involve investigating and reporting to Congress, does not make the Comptroller General an agent of the legislature.

In characterizing the Comptroller General as an agent of the legislature, the Army also stresses the power of Congress to remove the Comptroller from office. The Army argues that Congress may constitutionally remove only its own agents, i.e., members of the legislative branch, and that Congress therefore in reserving to itself the power to remove the Comptroller General had implicitly acknowledged that the Comptroller General is an agent of the legislature. By the same token, argues the Army, Congress must have recognized that the Comptroller General could not be an agent of the executive, because Congress may not constitutionally remove from office agents who are purely executive in character.

To support this argument, the Army relies heavily on *Myers* v. *United States*, 272 U.S. 52 (1928), in which the Supreme Court held that the Prsident's power to remove *purely* executive officers could not be curtailed by Congress. However, *Myers* was severely limited by *Humphrey's Executor*, in which the Court approved Congress's attempt to insulate members of the Federal Trade Commission from removal without cause by the President.

"We think it plain under the Constitution that illimitable power of removal is not possessed by the President in respect of officers of the character of those just named [members of FTC, ICC and Court of Claims]. The authority of Congress, in creating quasi-legislative or quasi-judicial agencies, to require them to act in discharge of their duties independently of executive control cannot well be doubted; and that authority includes, as an appropriate incident, power to fix the period during which they shall continue in office, and to forbid their removal except for cause in the meantime. Fot it is quite evident that one who holds his office only during the pleasure of another, cannot be dependent upon to maintain an attitude of independence against the latter's will."
295 U.S. at 629.

It is not clear whether Congress's power to limit removal by the President includes the power to retain to itself removal power over "mixed-power" officers of the United States. There are two questions implicated by the Army's argument on this issue, however, which must be addressed separately: (1) whether the provision permitting Congress to remove the Comptroller General is constitutional, and (2) whether the mere existence of this provision renders the Comptroller General an agent of Congress for the purposes of this case.

A.

The first question is not ripe for review in this case at this time. Congress has never tried to remove a Comptroller General and is unlikely to do so in the foreseeable future. The constitutionality of the removal provision, therefore, has yet to be tested, and because Congress in this case has not sought to remove the Comptroller General, we do not deem the constitutionality of the removal provision to be justiciable. *See Hastings v. Judicial Conference of the United States*, 770 F.2d 1093. 1100-01 (D.C. Cir. 1985).

By so holding, we decline to adopt the contrary conclusion reached in *Synar, supra.* In *Synar.* the court concluded that the issue of Congress' power to remove the Comptroller General was ripe for review, relying upon *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), in which the Supreme Court declared unconstitutional the delegation of Article III powers to bankruptcy judges not appointed in conformance with Article III. The district court in *Synar* held that since

the Supreme Court had relied in part on the fact that bankruptcy judges could be removed for cause, the question of congressional removal power over the Comptroller General was similarly ripe for review. Slip op. at 29–30.

Northern Pipeline, however, does not control the present case. The Court struck down the statutory scheme in that case as facially violative of Article III, in that bankruptcy judges were appointed to fixed 14 year terms and could be removed for cause. Since the Court found that the judges therefore were clearly not Article III judges under the plain language of the Constitution, the unconstitutionality of their appointment and exercise of power was immediately ripe for adjudication.

By contrast, in this case, there is no challenge to the *appointment* of the Comptroller General, which is agreed to be in conformance with the appointments clause, nor to the Comptroller General's 15 year statutory tenure. The only issue raised in this context is the constitutionality of the congressional *removal* provision, which has never been exercised in more than 60 years. Therefore, unlike *Northern Pipeline*, where the constitutionality question was ripe, here an additional act must be undertaken in order to meet the "ripeness" requirement. That act would be an attempted removal of the Comptroller General by Congress.

Moreover, even if the question were justiciable, and the provision granting Congress the power to remove the Comptroller General were found to be unconstitutional, that would only be *because* of a determination that the Comptroller General is indeed a member of the executive branch. The remedy in such a case would not be to hold the "stay" powers of the Comptroller General to be unconstitutional, but to sever as unconstitutional the provision which grants Congress the power to remove him. *See Myers*, 272 U.S. at 176.[4]

B.

As to the second question—whether the existence of Congress' power to remove the Comptroller General is determinative of the particular branch of which the Comptroller General is a member—our answer is that the power of removal does not determine to which branch the Comptroller General belongs. Rather, if anything, it is the power of *appointment* that should control. *See Buckley v. Valeo*, 428 U.S. 1, 126(1976). Moreover, the fact that the Comptroller General is not under executive control does not necessarily mean that he is under legislative control. Indeed, a practical analysis of how the Comptroller General and the GAO actually function reveals that the removal power vested in Congress is a power of limited importance. In more than 60 years of the GAO's existence, Congress has *never* exercised its power to remove a Comptroller General.

Viewed pragmatically, the Comptroller General functions independently of Congress in exercising his role of reviewing bid protests. There is no evidence in the record that Congress has *ever*, as a body or through individual members, exerted control over this process. With a 15-year, nonrenewable term, the Comptroller General therefore appears to be one of the most independent officers in the whole of the federal government, and one whose functions are drawn from each of the branches. *See Constitutionality of GAO's Bid Protest Function: Hearings Before the Subcomm. on Legislation and National Security of the House Comm. on Government Operations*, 99th Cong., 1st Sess. 35–36 (1985) testimony of Prof. Sanford Levinson [hereinafter cited as *Hearings*].

It is not surprising that, like many modern governmental units, the Comptroller General cannot neatly be labelled as totally the creature of one branch or another. This was recognized more than 20 years ago in *United States ex rel. Brookfield Construction Co. v. Stewart*, 234 F. Supp. 94, 99 (D.D.C. 1964) *aff'd*, 339 F.2d 753 (D.C. Cir. 1964):

"The Comptroller General is the head of the General Accounting Office, 31 U.S.C. § 41. Unlike heads of most departments and establishments of the Government, he occupies a dual position and performs a two-fold function. First, he makes investigations of matters relating to the receipt, disbursement and application of public funds, and reports the results of his scrutiny to the Congress with appropriate recommendations. In addition he pursues investigations that may be ordered by either House of Congress, or by any Committee of either House, in matters relating to revenue, appropriations or expenditures, 31 U.S.C. § 53. In performing these functions the status of the Comptroller General is that of an officer of the legislative branch of the Government. The Congress has comprehensive authority to undertake investigations in aid of legislation, or in connection with the appropriation of funds. Investigations are an aid to legislation and to the making of appropriations and are therefore auxiliary to the basic functions of Congress. The Congress may conduct investigations either through Committees or through an official such as the Comptroller General.

"The Comptroller General has also a second status as the chief accounting officer of the Government. His second principal function is that of approval or disapproval of payments made by Government departments and other agencies, as well as of settling and adjusting accounts in which the Government is concerned, 31 U.S.C. § 71. This is an executive function and in performing it the Comptroller General acts as a member of the Executive branch of the Government. The dual status of the General Accounting Office is not anomalous, for many regulatory commissions fulfill in part a legislative function and in part carry out executive duties, Humphrey's Executor v. United States, 295 U.S. 602, 55 S. Ct. 869, 79 L.Ed. 1611, Cf. Myers v. United States, 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 160. Thus we have developed in comparatively recent years a fourth type of Government agency—one that combines two kinds of basic powers."

Id. at 99–100 (quoted with approval by court below, 607 F. Supp. at 970–71). We adopt the reasoning of the court in *Brookfield Construction* that the GAO is best viewed as a part of a headless "fourth branch" of government consisting of independent agencies having significant duties in both the legislative and executive branches but residing not entirely within either.

The description of the Federal Trade Commission contained in *Humphrey's Executor* provides a close analogy for describing the GAO and the Comptroller General:

"The commission is to be non-partisan; and it must, from the very nature of its duties, act with entire impartiality. It is charged with the enforcement of no policy except the policy of the law. Its duties are neither political nor executive, but predominantly quasi-judicial and quasi-legislative. Like the Interstate Commerce Commission, its members are called upon to exercise the trained judgment of a body of experts, 'appointed by law and informed by experience.' [citation omitted].

"[The Commission is to be 'independent of any department of the government . . . a board or commission of dignity, permanence, and ability, independent of executive authority, except in its selection, and independent in character.' "

295 U.S. at 624–25 (quoting statement of Senator Newlands).

The district court correctly followed *Brookfield Construction* in holding that the GAO is a hybrid agency of the kind described in *Humphrey's Executor* and that the Comptroller General may constitutionally exercise executive functions in reviewing bid protests because he is appointed pursuant to the Appointments Clause and performs executive duties. Although a legislative officer may not be given executive duties, many executive or "fourth branch" officers perform mixed duties and therefore function in dual capacities. As the Supreme Court noted in *Springer v. Phillipine Islands*, 277 U.S. 189 (1928):

"Not having the power of appointment, unless expressly granted or incidental to its powers, the legislature cannot engraft executive duties upon a legislative office, since that would be to usurp the power of appointment by indirection: though the case might be different if the additional duties were devolved upon an appointee of the executive."

Id. at 202, quoted with approval in *Buckley*, 424 U.S. at 136–37.[5]

Our decision that both the GAO and the Comptroller General discharge their assigned functions with a measure of independence from both the legislative and executive branches undermines the Army's reliance on *Buckley* and *Chadha*. In both of those cases, the legislature usurped the executive's power by subjecting agency actions to direct political control. In *Buckley*, it did so by appointing members of the Federal Election Commission. In *Chadha*, it did so by ordering the deportation of an alien by a resolution not passed by both Houses or presented to the President. Here, no political, i.e., legislative control is being asserted over any executive prerogative; an additional executive power or non-legislative function has merely been assigned to an agency which from its inception has been functionally independent of political control.[6]

It must not be overlooked that through CICA, the act in question here, Congress has given the Comptroller General no ultimate veto over government appropriations. It has done no more than to furnish the Comptroller General with a tool to prevent *faits accomplis* and to encourage competition in contracting. The power of the contracting executive agency to override the stay in important circumstances provides a safety valve for any possible abuse by the Comptroller General. Most importantly, the long history of independence of the GAO supports the district court's view that the stay provision does not operate to permit intrusion by the legislative branch into executive or judicial decision making. Thus, the delicate balance of power among the branches of government has not been endangered or upset by our answer to the second question which we posed: that the mere existence of the power of Congress to remove the Comptroller General does not render the Comptroller an agent of Congress for the purpose of this case.[7]

IV.

Although we hold that the district court properly upheld the constitutionality of the Comptroller General's stay powers, the Army argues forcefully that the injunction granted was unnecessarily broad. We recognize that the Army in so arguing must overcome the considerable discretion granted to the district court in framing injunctions. *Lemon v. Kurtzman*, 411 U.S. 192, 200 (1973). The trial court must be given leeway to fashion effective remedies to correct offenses to the Constitution. *Ramirez de Arellano v. Weinberger*, 745 F.2d 1500, 1521 (D.C. Cir. 1984) (en banc). Nevertheless, injunctive relief should be no broader than necessary to provide full relief to the aggrieved party. *Califano v. Yamasaki*, 442 U.S. 682. 702 (1979).

The Army argues that the district court attempted to require observance of the CICA stay provisions on a "government-wide" basis, i.e., nationally. On its face, the court's order contains no limiting language to rebut this reading. However, it is apparent from the court's oral opinion that it intended to order the federal government to observe CICA only within the District of New Jersey—the court's proper jurisdiction. *See* 610 F. Supp. at 756. Nevertheless, we agree that the injunction, even thus construed, went beyond that which was necessary to secure Ameron's rights.

There is no dispute that the Congressional intervenors were proper parties for the purpose of supporting the constitutionality of the CICA stay provision. *See Chadha*, 462 U.S. at 940.[8] To the extent, then, that the court declared CICA to be constitutional, the Congressional intervenors had standing to obtain the relief granted. However, the intervenors lack their own standing to obtain an injunction forcing compliance with the law. Nothing in the Ameron controversy gives Congress a direct "stake" in the enforcement of CICA. Once a law is passed and upheld a constitutional, Congress's interest in its enforcement is no more than that of the average citizen. *See Moore* v. *House of Representatives*, 733 F.2d 946, 951-52 (D.C. Cir. 1984), *cert. denied*, 105 S. Ct. 779 (1985). An ordinary citizen, in turn, has no standing to obtain an injunction to enforce the law, absent a personal stake in such enforcement. *Allen* v. *Wright*, 104 S. Ct. 3315, 3326 (1984); *AFGE* v. *Pierce*, 967 F.2d 303, 305 (D.C. Cir. 1982). The Congressional intervenors, therefore, do not have *independent* standing to seek an injunction ordering the federal govenment to enforce CICA.

However, despite their lack of independent standing, the intervenors may be entitled to injunctive relief on the same grounds and to the same extent as was available to Ameron. *See Director OWCP* v. *Perini North River & Associates*, 459 U.S. 297, 302-305 (1982) (to the extent OWCP Director does not have separate standing, he may seek reversal of lower court decision on grounds available to nonappealing aggrieved party). The question then is: what relief was available to Ameron?

In the absence of a certified class action, Ameron was only entitled to relief for itself. *National Center for Immigrant Rights* v. *INS*, 743 F.2d 1365, 1371-72 (9th Cir. 1984); *Davis* v. *Romney*, 490 F.2d 1367, 1366 (3d Cir. 1974). While the district court's entry of a declaratory judgment of constitutionality [9] may serve as precedent for subsequent cases; an injunction directing the Army Corps of Engineers to honor the stay provision of CICA only in the case provides full relief to Ameron. *See Baeder* v. *Heckler*, 768 F.2d 547, 553 (3d Cir. 1985) (striking down nation-wide injunction but leaving intact holding that regulation was invalid and grant of injunctive relief in plaintiffs case).

Ameron and the Congressional intervenors make several arguments in support of the broader relief granted. First of all, they argue that the Army never made any formal objection to the proposed scope of relief. We are not impressed with this claim, since the Army made clear during its colloquy with the district court that it objected to the broader injunctive relief granted. *See* May 28 transcript at 25-29.

More importantly, Ameron and the Congressional intervenors argue that the broader injunction was justified as a response to two expressions of defiance by the executive of each of its coordinate branches: First, the executive declared a duly enacted and signed law (CICA) to be unconstitutional and second, the executive intimated that it would not follow court decisions upholding that law.

As to the first issue, the record shows that upon the President's orders, the Attorney General instructed all executive agencies to ignore the stay provisions in CICA.[10] The Justice Department sought to justify this action as within the President's duty to defend the Constitution: "[I]n the case of a conflict between the Constitution and a statute, the President's duty faithfully to execute the law requires him not to observe a statute that is in conflict with the Constitution, the fundamental law of the land." *Hearings* at 318 (testimony of Acting Deputy Attorney General D. Lowell Jensen). *See also Meese, President's Right to Challenge Law, N.Y. Times, May 21, 1985* (Letter to the Editor) Supp. App. at 180.

This claim of right for the President to *declare* statutes unconstitutional and to declare his refusal to execute them, as distinguished from his undisputed right to veto, criticize, or even refuse to defend in court, statutes which he regards as unconstitutional, is dubious at best.[11] The question of the President's actions, declarations, and purported refusal to order compliance with CICA, however, was not properly before the district court. Therefore, our task on this appeal is similarly limited to ruling only on the constitutionality of the statute before us, and on whether the remedy fashioned by the district court granted appropriate relief to the parties actually before the court. We are faced with no justiciable claim against the President stemming from an alleged usurpation of power.

The second challenged assertion of power by the executive branch is the threat of Attorney General Meese not to follow court decisions in this case. According to the Attorney General's testimony before the House's Committee on the Judiciary on April 18, 1985, the district court is not a "court of competent jurisdiction" to decide constitutional questions. Transcript of House Hearings at 24-25. Moreover, Mr. Meese declared the government's intention not to follow the district court's decision granting a preliminary injunction in Ameron until there was "an appellate decision." *Id.* at 31. Questioned further, Mr. Meese suggested that even a decision of this court—the Court of Appeals for the Third Circuit—might be ignored until the Supreme Court finally laid the matter to rest. *Id.* at 35-36. However, following the granting of permanent relief by the district court, the Army agreed to honor the stay provisions of CICA pending the disposition of this appeal. *See* Brief of Appellee-Intervenors Speaker and Bipartisan Leadership Group of the House of Representatives at 18-19.

In framing its relief, the district court was understandably concerned with the executive challenge to its power. The district court engaged counsel for the Army in a discussion regarding the district court's competence to rule on CICA's constitutionality. In so doing, it elicited a concession that the court *did* have jurisdiction to rule on the question and to enforce its view through injunction in the District of New Jersey. May 28 transcript at 27. In its oral opinion, the court stressed its rejection of the executive's assertion of power to ignore an order of the district court and the suggestion of Attorney General Meese that the district court was not a court of "competent jurisdiction." 610 F. Supp. at 755-56.

It should be too obvious even to require restating that the district court, as an Article II court, has the power to rule on the constitutionality of an act of Congress and to impose appropriate remedies to compel compliance with an act found to be constitutional. That the executive in this case questioned this elementary principle did not, however, alter the specific task before the district court: to frame an injunction no broader than necessary to grant the full relief to which Ameron and the Congressional intervenors were entitled.

As Justice Douglas observed in his *Youngstown* concurrence, "[T]he emergency did not create power; it merely marked an occasion when power should be exercised." 343 U.S. at 629. Similarly, here, the felt need to reassert the constitutional scope of its power in the face of executive challenge did not create power in the district court that it did not already have, or change the judicial standards for the granting of injunctive relief. We therefore affirm the district court's obviously correct ruling that it is a court of competent jurisdiction to decide constitutional questions, even though we find the granted injunctive relief to be too broad under the circumstances of this case.

An injunction applying only to Ameron—ordering application of the CICA stay provisions in Ameron's case—would have provided Ameron with complete relief. While it was within the constitutional power of the court to grant broader relief, jurisprudence governing injunctive remedies will not permit it. We therefore affirm the May 20, 1985 order of the district court,[12] except as to its final paragraph which we modify. *See Evans v. Buchanan*, 555 F.2d 373, 381 (3d Cir. 1977) (en banc). The final paragraph of the district court's order originally provided:

"FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Caspar W. Weinberger and David Stockman are permanently enjoined from applying Federal Acquisition Circular 84-6 or OMB Bulletin No. 85-8 insofar as they conflict with 31 U.S.C. § 3553, and are permanently enjoined to secure the issuance of regulations which comply with and implement 31 U.S.C. § 3553."

We hold here that this provision granted relief broader than that to which Ameron was entitled. We therefore substitute for that provision in the district court's order the following language appropriate to the case before us:

"FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Casper W. Weinberger, and David A. Stockman are permanently enjoined to comply with and

implement 31 U.S.C. § 3553 in the case of Ameron, Inc.'s bid protest filed March 1, 1985."

V.

The May 20, 1985 order of the district court, as modified herein, will be affirmed in all other respects.

APPENDIX

Text of District Court Order of May 20, 1985

This matter coming on to be considered by the court on application of Charles Tiefer on behalf of the Speaker and Bipartisan Leadership Group of the House of Representatives as plaintiffs-intervenors, and Morgan Frankel, on behalf of the Senate, plaintiffs-intervenor, and it appearing from the papers submitted, the prior oral argument, the entire record in this case, and the Opinion of this Court filed on March 28, 1985, that there are no material facts in genuine dispute regarding the issue of the constitutionality of the stay provision in the Competition in Contracting Act, 31 U.S.C. § 3553, and that plaintiff and the intervenors are entitled to judgment as a matter of law, and for good cause

It is on this 20th day of May 1985:

ORDERED that in issuing its Opinion filed March 28, 1985, and in issuing this Order, this Court has been exercising the historic jurisdiction regarding the constitutionality of Acts of Congress, possessed by the Judiciary alone, of a court of competent jurisdiction;

FURTHER ORDERED that intervenors' motions for summary judgment be, and they are hereby granted; and it is

FURTHER ORDERED that 31 U.S.C. §§ 3353 be and it is hereby declared to be constitutional; and it is

FURTHER ORDERED that defendants U.S. Army Corps of Engineers, Caspar W. Weinberger and David A. Stockman are permanently enjoined from applying Federal Acquisition Circular 84-6 or OMB Bulletin No. 85-8 insofar as they conflict with 31 U.S.C. § 3553, and are permanently enjoined to secure the issuance of regulations which comply with and implement 31 U.S.C. § 3353.

HAROLD A. ACKERMAN
U.S.D.J.

Becker, *Circuit Judge*, concurring in part:

I join in Parts II and IV of the majority's opinion, and in its judgment. I disagree fundamentally with the majority's analysis in Part III however, and write separately to explain my views.

I.

Central to the majority's finding that CICA is not unconstitutional is its conviction that the Comptroller General occupies an indeterminate place in our constitutional scheme, belonging to neither the legislative, nor the executive, nor the judicial branch. Relying on *United States ex rel. Brookfield Construction Co. v. Stewart*, 234 F. Supp. 94 (D.D.C. 1964), *aff'd.*, 339 F.2d 753 (D.C.Cir. 1964), the majority states that "the Comptroller General cannot neatly be labelled as totally the creature of one branch or another," Maj. Op. at 27, and that "the GAO is best viewed as a part of a headless 'fourth branch' of government," *Id.* at 28.

Having thus severed the Comptroller General from any constitutional moorings within one of the three branches of government, the majority argues that because the GAO and the Comptroller General are "functionally independent of political control," *id.* at 31, and because the GAO has a "long history of independence," *id.* at 32, the powers granted the Comptroller General are not unconstitutional. According to the majority: "the delicate balance of power among the branches of government has not been endangered or upset [by the provision of CICA permitting congressional removal for cause of the Comptroller General]," *id.*, and CICA is thus constitutional.

In my view, the majority's argument has gone awry on its very first step, its refusal to place the Comptroller General in one branch of government or another. The Constitution establishes three branches of government, not four. Moreover, because ours is a government of enumerated powers, there can be no branch of government not established by the Constitution. It therefore follows that there can be no fourth branch, headless or otherwise.

I admit that scholars often refer to administrative agencies as the "fourth branch" of government. *See e.g.*, Strauss, *The Place of the Agencies in Government: Separation of Powers and the Fourth Branch*, 84 Colum. L. Rev. 573 (1984). The Supreme Court, however, has not acknowledged that administrative agencies, even the so-called independent regulatory agencies, belong to a category all their own. To the contrary, the Supreme Court continues to frame its separation of powers analyses in the context of the familiar triumvirate of branches. *See, e.g., INS v. Chadha*, 462 919, 951 (1983) ("The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories, Legislative, Executive, and Judicial."); *Buckley v. Veleo*, 424 U.S. 1, 120 (1976) (in analyzing the constitutionality of the powers of the Federal Election Commission, an "independent" administrative agency, the Court referred to the "fundamental principles of the Government . . . that the powers of the three great branches of the National Government be largely separate from one another."). The majority's insistence on a fourth branch, while perhaps intellectually fashionable, is thus contrary to the jurisprudence of the Supreme Court.[13]

I do not deny that administrative agencies are and must be a part of our government, and I do not suggest that they lack legitimacy simply because they were not envisaged by the Founding Fathers. Administrative agencies developed as a response to the needs of a complex society, and so long as our society remains as complex as it is, we shall need them. My point is simply that courts engaged in constitutional analysis must work within the framework established by the Constitution, and the Constitution does not allow for any more than three branches of government. If the administrative agencies cannot fit within this framework then the framework should perhaps be changed, but if this is to be done it must be by constitutional amendment, not judicial disregard of the present Constitution. Even a living constitution cannot grow a new branch.

In analyzing the case before us, our first task must therefore be to decide to which of the three branches of government the GAO belongs. The next step in the analysis is to classify the powers conferred on the Comptroller General by the allegedly objectionable provisions of CICA. Only then can we decide whether those powers violate the Constitution.

II.

A.

Because the office of the Comptroller General is created by statute, the Comptroller General's status within the government is a matter of statutory interpretation which, like all statutory interpretation, is controlled by legislative intent. *Paskel v. Heckler*, 768 F.2d 540, 543 (3d Cir. 1985); Murphy, *Old Maxims Never Die: The "Plain Meaning" Rule and Statutory Interpretation in the "Modern" Federal Courts*, 754 Colum. L. Rev. 1299, 1299 (1975). There is copious evidence in the legislative history that the GAO (and therefore the Comptroller General) was intended to be in the legislative branch. This evidence is summarized concisely by the majority, and there is no need to repeat it here. *See* Maj. Op. at 19-20; *see also* Maj. Op. at 19 (citing cases that arrive at the same conclusion). Because there is no evidence of legislative intent to the contrary, I believe that it is incumbent upon us to hold that the Comptroller General is within the legislative branch of government, despite the inconveniences that may attend such a holding.

The majority's reluctance to classify the Comptroller General as legislative stems from two sources: (a) the fact that certain of the Comptroller General's functions are executive in nature, *see infra* at 6-7, and (b) the fact that the Comptroller General is appointed by the President. *See* Maj. Op. at 18-19. Although both of these facts are relevant to the question whether any of the statutes affecting the Comptroller General unconstitutionally violate the principle of separation of powers, *see infra* 10-12, neither is relevant to the logically prior question: to which branch does the Comptroller General belong? As I have noted, because the office of the Comptroller General is created by statute, his status must be determined by the legislative intent.[14] In this case, the legislative intent is clear—he belongs to the legislative branch.

B.

Having determined that the Comptroller General is a member of the legislative branch, the next step in the analysis is to determine whether CICA grants the Comptroller General any functions that are executive or judicial rather than legislative. On this point, the parties agree that the following powers granted to the Comptroller General by CICA are not legislative: the powers to (i) review protests and issue recommendations on their adequacy, 31 U.S.C.A. § 3554 (West Supp. 1985), (ii) lift the automatic stay imposed by the filing of the protest, *id.*, and (iii) demand attorneys fees and costs on a finding that the solicitation was unlawful, *id.*

I agree with the parties' conclusions. Although the meanings of "legislative," "executive," and "judicial" are somewhat indeterminate, I find it hard to believe that the powers listed above would fit under any of the more common understandings of "legislative power." In exercising these powers, the Comptroller General acts on a case-by-case basis; he applies law rather than makes it. The powers are executive, or even quasi-judicial, rather than legislative. Although in other contexts the distinction between executive and judicial would be quite important, here it is not, and I therefore pass over it. The important point, which no party contests, is simply that the Comptroller General, a legislative officer, undeniably exercises non-legislative powers.

C.

The inquiry cannot end here. The three branches of governement, although separate, are not airtight. *See Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977); *United States v. Nixon*, 418 U.S. 683,

703 (1974). The Supreme Court has adopted a flexible approach, and has expressly endorsed the eloquent language of Justice Jackson in *Youngstown Sheet & Tube Co. v. Sanger*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring):

"While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed poweres into a workable government, it enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

The doctrine of separation of powers thus allows for some overlap among the branches. It could scarcely be otherwise, for virtually every branch has members who perform work that can be characterized as belonging to another branch. In the judiciary, for example, the Chief Judge, Circuit Executive, and Clerk of this Court exercise administrative responsibility that is executive rather than judicial. Every legislator has aides who do similar administrative/executive-type work. Administrative agencies that are within the executive branch often engage in both rulemaking, which is legislative in character, and adjudication, which is, of course, judicial.

The proper question in the separation of powers context, therefore, is not merely whether members of one branch do work that falls within the description of another. Rather, the question is whether, by that work, the branch to which those members belong infringes so substantially on the other branch that the infringed-upon branch cannot carry out its constitutionally assigned functions. This test was explicitly enunciated by the Supreme Court in *Nixon v. Administrator of General Services, supra*, 433 U.S. at 443: "[I]n determining whether the Act disrupts the proper balance between the coordinate branches, the proper inquiry focuses on the extent to which it prevents the Executive Branch from accomplishing its constitutionally assigned functions."

Even this test is not immediately accessible, for "constitutionally assigned functions" is not a readily definable term. Each branch has many constitutionally assigned—or, at least, constitutionally permitted—functions. To give definition to the term, it is therefore necessary to place the problem in context, that is, to identify the objectives to be served by the principle of separation of powers and see if those objectives are threatened by the Comptroller General's CICA-derived powers.

Although scholars may debate the intricacies and wisdom of separation of powers, the original intent of the Founding Fathers in creating our system of divided powers is very clear and can be briefly stated. The principal goal of the Founding Fathers in enacting a system of separated powers was the protection of individual liberties. The colonists had experienced virtual tyranny at the hands of all three branches in their recent histories, *see* G. Wood, *The Creation of the American Republic 1776-1787 668-70* (1969); Levi, *Some Aspects of Separation of Powers*, 76 Colum. L. Rev. 369, 373-76 (1976), and had concluded that only by diffusing power within the government could individual liberty be preserved. Echoing Montesquieu, James Madison wrote "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny." Federalist No. 47 (Madison) *in The Federalist*, 373-74 (Hamilton ed. 1864); *cf.* Montesquieu, *The Spirit of the Laws*, 38 Great Books of the Western World 70 (Hutchins ed. 1952) ("When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty."). *See also Youngstown Sheet & Tube Co. v. Sanger, supra*, 343 U.S. at 635 ("the Constitution diffuses power the better to secure liberty") (Jackson, J., concurring). [15]

We are now in a position to ask the central question in this case: do the executive-judicial powers conferred upon the Comptroller General by CICA threaten to coalesce powers in one branch such that individual liberty—in this case, the liberty of those in Ameron's position who bid for contracts covered by the CICA—is threatened? I think not. Three factors in particular convince me that the threat is not severe. First, CICA permits the executive branch unilaterally to override the automatic stay by submitting to the Comptroller General a written statement of "urgent and compelling circumstances which significantly affect interests of the United States." 31 U.S.C.A. § 3553(c)(2)(A). Thus, there need be no severe effects on the prerogative of the executive as a result of the Comptroller General's powers.[16] Admittedly, § 3553(c)(2)(A) is not an executive *carte blanche*. The "urgent and compelling circumstances" must in fact exist, and I presume that this would be determined by a court of law—the third branch. Nevertheless, the limitation on the Comptroller General's powers is real and diminishes the threat to the goals of separation of powers.

Second, Congress has no voice in the Comptroller General's day-to-day operations, and it holds no sword of Damocles over the Comptroller General's head. Congress' only power over the Comptroller General, its power of removal, is circumscribed because it requires a joint resolution of Congress, and must be for one or more of five specified reasons: permanent disability, inefficiency, neglect of duty, malfeasance, or conduct which is felonious or involves moral turpitude. 31 U.S.C. § 703(e)(1982). The joint resolution will likely be more difficult to pass than a majority vote in one house, and the five reasons, although not so narrow as to deny Congress any leeway, circumscribe Congress' power to some extent by providing a basis for judicial review of congressional removal. The result of this limitation is that, as a practical matter, Congress has not exercised, and probably will never exercise, such control over the Comptroller General that his non-legislative powers will threaten the goal of dispersion of power, and hence the goal of individual liberty, that separation of powers serves.

It is particularly instructive in this regard to compare this case with *INS v. Chadha, supra*, heavily relied upon by the Army. Although both cases involve an infringement by the legislative branch into the domain of the executive, the nature the infringements are very different. The unicameral legislative veto struck down in *Chadha* had all the earmarks of a hastily considered, unjust bill of attainder: there was neither a published committee report nor a debate, but only a conclusory statement on the floor of the House by a single Representative. Congress made the decision to deport Chadha by an unrecorded vote. *Id.* at 926-27 (Opinion of the Court); *id* at 963-64 (Powell, J., concurring). Here, by contrast, there is no direct congressional involvement, and consequently the danger sought to be avoided in *Chadha*—the involvement of political passions in quasi-judicial proceedings—is simply not present. Bidders like Ameron realistically need not fear significant and improper congressional involvement.

Finally, it must not be forgotten that the President appoints the Comptroller General. Although the power of appointment does not give the President continuing control over the Comptroller General, it does give the President the opportunity to put into that office someone who will be respectful of the prerogatives, and sympathetic to the problems, of the executive branch. Once again, this is a significant feature of the case before us that lessens the severity of the congressional infringement on executive powers and distinguishes this case from those, like *Chadha*, in which the infringement and threat to liberty is more severe.

III.

My analysis is in many ways similar to the majority's. For both of us, the independence of the Comptroller General from congressional control and the limited power of the Comptroller General over the President are central to our decision. The majority might thus contend that our differences are merely semantic, and that I toil under a "'tyranny of labels.'" *See* Maj. Op. at 20 (qouting *Synder v. Massachusetts*, 291 U.S. 97, 114 (1934) (Cardozo, J.)). But the majority would be wrong. What is at stake is our adherence to the system of government established by the Constitution. It is essential that we write—and think—only in terms of the three branches, and that we permit no more than the terms of the Constitution, fairly interpreted, will allow.

I can only surmise that the majority was attracted to the concept of the headless fourth branch because of its fear that the Comptroller General, and all other "independent" administrative agencies, could not survive an analysis that allowed for only three branches of government. I have explained, *see supra* II.C., why I believe the concept of separation of powers is sufficiently flexible to accommodate the CICA. I assume that similar analyses would lead to the same results for most other administrative agencies, although I cannot be sure.[17] I am certain, however, that if some agency powers cannot fit within a government of three branches, or if certain legislation permitting one branch to affect the affairs of another cannot be countenanced within the three-branch framework, then those agency powers and that legislation must fall. The judiciary cannot invent a fourth branch to house them. Otherwise, we risk the very tyranny the Founding Fathers sought so ingeniously to avoid.

FOOTNOTES

[1] The original typed bond amount of $1,200,000 was "whited-out" and the bond amount of $3,000,000 was typed over the corrected portion of the bond document. App. at 8-9.

[2] In essence, the Comptroller General held that it was not arbitrary for the Army to reject Ameron's bid due to the altered bond document.

[3] The three-judge court was convened pursuant to 28 U.S.C. § 2284. *See Synar* v. *United States*, No. 85-3945, Slip op. at 5 n.1 (D.D.C. Feb. 11, 1986).

[4] The *Synar* court rejected a similar argument on the ground that it had no authority to "choose" whether to invalidate the Comptroller General's powers or Congress' removal power. In so doing, the court observed that courts faced with constitutionally incompatible statutes generally "set aside that statute which either allegedly prohibits or allegedly authorizes the injury-in-fact that confers standing upon the plaintiff." Slip op. at 32.

However, if the question of Congress' removal power is ripe in this case at all, than a fortiori it is also within the authority of the court to declare that power unconstitutional, making a "choice" unavoidable. In the context of the present case, it would seem more logical to sever this never-used

power rather than to strike down Congress' new statutory scheme in CICA. By contrast, in *Synar*, the court addressed a congressional scheme providing for "fallback" procedures in the event that the involvement of the Comptroller General in deficit reduction was deemed unconstitutional. *See* slip op. at 33-34.

[5] In contrast to our holding, the *Synar* court held that the Comptroller General's significant executive powers under the Gramm-Rudman-Hollings Act placed it in a "no-man's land" controlled by neither *Myers*, which concerned purely executive officers, nor *Humphrey's Executor*, which concerned officials exercising only incidental executive functions along with primarily quasi-legislative or quasi-judicial powers. Slip op. at 44. The *Synar* court then focused almost exclusively on the question of the removal power and, finding the retention of that power by Congress to be incompatible with the Comptroller General's exercise of executive budget-cutting functions, struck down the applicable parts of the Act.

Just as we have declined to follow *Synar* with respect to the constitutionality of Congress' removal power, we also decline to follow the approach taken by the *Synar* court here. The core principle of *Humphrey's Executor* was that Congress could create agencies exercising dual functions and which were independent of unfettered executive control. In their blend of powers and functions, the Comptroller General and the GAO closely resemble the FTC and other "fourth branch" agencies. There is, therefore, little basis for distinguishing *Humphrey's Executor* in the present case. We need not reach the question whether Congress might at some point violate the separation of powers by assigning to the Comptroller General or some other official independent of executive control too great a preponderance of fundamentally executive powers or functions. This is not such a case.

We do note, however, that the result in *Synar* seems to be based, at least in part, on the court's perception that "[i]t is not as obvious today as to it seemed in the 1930s that there can be such things as genuinely 'independent' regulatory agencies." Slip op. at 40. However, as noted *infra* at note 6, the principles underlying *Humphrey's Executor* have been widely accepted for half a century. We do not read *INS v. Chadha*, 462 U.S. 919 (1983) to the contrary or as undercutting these principles.

[6] Although the issue is not squarely presented by this case, we have not been unaware of the current public debate over the constitutionality of the entire scheme of independent agencies constituting the "fourth branch." In particular, we recognize that Attorney General Meese has questioned whether agencies exercising executive power may be kept independent of presidential authority. *See A Question of Power, A Powerful Questioner*, N.Y. Times, Nov. 6, 1985, at B8, col. 3.

We note that the constitutionality of independent agencies has been settled for half a century. *See* Humphrey's Executor v. United States, 295 U.S. 602, 629 (1935). However, to the extent that the Attorney General finds constitutional support for his assertion that every agency must be considered a part of a particular branch of government, this argument may cut against the Army's position in this case. In a September 13, 1985 speech reported in the New York Times, the Attorney General said: "Federal agencies performing executive functions are themselves properly agents of the executive. They are not 'quasi' this or 'independent' that. In the tripartite scheme of government, a body with enforcement powers is part of the executive branch of government." N.Y. Times, *supra*, at B8, col. 5-6.

Since it is undisputed that the Comptroller General and the GAO perform significant executive functions along with their legislative functions, the Attorney General's view would seem to regard them as part of the executive branch, a position contrary to the Army's argument in this case.

[7] Because we hold that the Comptroller General is not exclusively a legislative agent, we need not reach the questions of whether the automatic stay could survive as a "report and wait" provision and whether, if unconstitutional, the Comptroller General's stay-lifting power is severable.

[8] *Chadha* actually only held that Congress properly interevenes to defend its statue when both plaintiffs and government defendants agree that a statute is unconstitutional, i.e., when there is no one to speak for the constitutionality of the statute. Here, where Ameron argued that the statute was constitutional, arguably there is less need to recognize Congress's standing. However, the parties agree, and we concur, that Congress has standing to intervene whenever the executive declines to defend a statute or, as in this case, actually argues that it is unconstitutional.

[9] *See* Appendix to this opinion for the district court's order of May 20, 1985.

[10] Pursuant to the Attorney General's instruction, the Office of Management and Budget issued OMB Bulletin No. 85-8 (Dec. 17, 1984), which required, *inter alia*, that:

"Agencies shall take no action, including the issuance of regulations, based upon the invalid provisions [of CICA].

"With respect to the "stay" provision, agencies shall proceed with the procurement process as though no such provision were contained in the Act. Pursuant to the provisions of the Federal Acquisition Regulations, the agency may voluntarily agree to stay procurements pending the resolution of bid protests, but the grant of such a stay must be based upon other valid authority and may not be based upon the invalid stay provisions of the Act.

"Agencies shall comply with the provisions of 31 U.S.C. § 3553(b) concerning the submission of reports to the Comptroller General on protested procurements.

"With respect to the damages provision of the Act, agencies shall not comply with declarations of awards of costs, including attorneys' fess or bid preparation costs, made by the Comptroller General.

"Agencies shall comply with 32 U.S.C. § 3554(e) concerning submission of reports to the Comptroller General on unaccommodated recommendations."

[11] *See* Kendall v. United States, 37 U.S. 524, 613 (1838) ("To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissable.") The President's job is to execute law, not to create it. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 587 (1952). Moreover, "it is, emphatically, the province and duty of the judicial department, to say what the law is." Marbury v. Madison, 5 U.S. 137, 177 (1803). Absent a patently unconstitutional law or one infringing liberty interests or other fundamental rights of individuals, the President's asserted power and "duty" not to execute laws he finds to be unconstitutional is questionable. *See* Hearings at 39, 44 (testimony of Prof. Sanford Levinson); *id*, at 46-47 (testimony of Prof. Eugene Gressman).

[12] *See Appendix* to this opinion for the full text of the original order of the district court.

[13] Although in FTC v. Ruberoid Corp., 343 U.S. 470 (1952). Justice Jackson did refer to administrative agencies as "a veritable fourth branch," *id.* at 487, (Jackson. J., dissenting), that was merely descriptive: Justice Jackson was hardly setting it forth as part of a new framework for constitutional analysis. Indeed, his qualification of the description—"*a veritable* fourth branch"—suggests that he did not intend to be taken literally.

The only other occasions on which any member of the Supreme Court has used "fourth branch" in an opinion when referring to administrative agencies have also been in dissents and have been similarily off-hand and descriptive, rather than analytic. *See* Process Gas Consumers Group v. Consumer Energy Council of America, 463 U.S. 1216, 1219 (1983) (White, J., dissenting); *INS* v. *Chadha*, *supra*, 462 U.S. at 984 (White, J., dissenting)(quoting FTC v. Ruberoid, *supra*).

[14] The Senate argues in its brief that the fact that the Comptroller General is appointed by the President precludes his being part of the legislative branch. In making this argument, the Senate relied on Buckley v. Valeo, 424 U.S. 1 (1976). *See also Maj.* Op. at 19 (citing *Buckley* for the proposition that the executive functions of the Comptroller General and his appointment by the President "arguably render the Comptroller an 'Officer of the United States,'" *i.e.*, a member of the executive branch.). This reliance is misplaced, for *Buckley* never suggested that all those appointed by the President are necessarily members of the executive branch of government. *Buckley* held that only those appointed by the President could be "Officers of the United States," but we are concerned here with the obverse problem, never contemplated by *Buckley*, whether all those so appointed are necessarily Officers of the United States.

The only reference in *Buckley* to the Comptroller General came in a footnote in which the Supreme Court rejected an analogy between the members of the Federal Election Commission (who were not appointed by the President) and the Comptroller General. The Court said that "irrespective of Congress' designation [of the Comptroller General as a legislative officer], the Comptroller General is appointed by the President in conformity with the Appointments Clause." Buckley v. Valeo, *supra*, 424 U.S. at 128 n. 165. This offhand reference is not sufficient to support the Senate's point that appointment by the President with the advice and consent of the Senate automatically makes one a member of the executive branch. The *Buckley* Court intended to distinguish the Comptroller General from the members of the Federal Election Commission, not to establish a general rule for a situation that was not before it.

Not only is the Senate's reliance on *Buckley* weak, but there are counter-examples that disprove its thesis. There are undisputed legislative officers who are appointed by the President—the Librarian of Congress, 2 U.S.C. § 136 (1982), the Public Printer, 44 U.S.C. § 301 (1982), and the Architect of the Capitol, 40 U.S.C. § 162 (1982). Thus, the manner of appointment cannot be dispositive.

[15] In *The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers*, 5 Seton Hall L. Rev. 435 (1974), Judge Gibbons develops the thesis that the three branches were not intended to work in isolation and that a more accurate portayal of the system is one of dispersed but shared decisional responsibility in which at least two branches must always concur, thus providing reasonable protection against the tyrannical exercise of power by a single branch. On this theory it is not necessary to invent a fourth branch to remedy overlap in the scheme. Judge Gibbons also gives several examples, both early and recent, of how the system of separated powers protects individual liberties.

[16] At least the executive need not fear for its ability to extract itself from an exigent circumstance, e.g., a contract dispute that would threaten a vital defense contract in time of national emergency, or an environmental hazard or natural disaster.

[17] For example, it is conceivable, albeit unlikely at this late date, that someone might launch a separation of powers challenge to the adjudicatory procedures of the NLRB. Under my analysis, a court would consider the legislative history of the NLRB to determine to which branch it was intended to belong. Presumably, the answer would be that it belongs to the executive branch. Next, the court would consider whether its adjudicatory procedures were executive in nature, and would presumably conclude that they were not, but are, rather, judicial. Finally, the court would ask whether this exercise by the executive branch of judicial functions gave the executive so much power, or so intruded upon the vital functions of the judiciary, that individual liberties were threatened. In making this inquiry, the court would consider (i) how much power the President has over the NLRB's adjudicatory functions, and (ii) whether the functions are a significant intrusion upon the judiciary, or whether, on account of judicial review of NLRB decisions, the intrusion is not severe. The analysis suggests, I believe, that my approach would not eclipse the contemporary regulatory scheme.

Mr. CHILES. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. CHILES. Mr. President, the Senator from Florida is going to have to absent himself from the floor for a few minutes. My understanding is that the distinguished chairman of the committee and myself will be offering an amendment in a few minutes. I think what we are talking about doing is worthwhile. There has been some conversation that there is way too much in taxes in the resolution we have before us and way too many entities left untouched something ought to be done.

A letter was circulated widely around here yesterday from the Office of Management and Budget, Mr. Jim Miller. I think the proposition that

the chairman is talking about offering, with me as a cosponsor, is that we allow the Members of this body a chance to express themselves on that and see if they want to save those taxes. I shall have a lot more to say about that in a few minutes.

Mr. DOMENICI. I thank my friend, the ranking member.

ORDER FOR RECESS AT 4 P.M. TODAY UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. DOMENICI. I am pleased to yield to the distinguished majority leader.

Mr. DOLE. Mr. President, we have agreed previously that there would be no votes after 4 o'clock today and any votes on S. 120 would be put off until tomorrow. It may be that there will be a necessity for the Senate Finance Committee to meet later today while we are not in session. I have asked the distinguished minority leader if he would have any objection to a unanimous-consent agreement that we recess at 4 o'clock today, to convene tomorrow morning at 10 a.m.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, might I ask the distinguished minority leader for a clarification of his statement. I have no objection to it.

Mr. DOLE. Yes.

Mr. DOMENICI. If a vote is right on the budget resolution, we can vote before 4 o'clock if one is ready to be voted on. The majority leader indicated they would be put off. If we offer an amendment and the debate is over and we are ready to vote at 2 o'clock, could we do that?

Mr. DOLE. Fine; that is all right. I have no problem with that.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. KASTEN). The Senator from New Mexico.

Mr. BYRD. Will the Senator from New Mexico yield?

Mr. DOMENICI. I am pleased to yield.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, could we have an understanding or an order to the effect that there would be no roll-call votes after 3:30 today? I think that is what we agreed to on yesterday.

Mr. DOLE. That was the order, 3:30; the Senator is correct. I indicated 4. We changed that last night to 3:30.

Mr. BYRD. Does the Senator want to recess at 3:30 or does he still want 4 o'clock.

Mr. DOLE. I may need that 30 minutes to do the wrapup.

Mr. DOMENICI. Mr. President, I would like to discuss a letter that I am going to put in the RECORD signed by the distinguished ranking minority member, the senior Senator from Florida, Senator CHILES, and myself regarding a letter which was delivered yesterday by the Director of OMB, Mr. Miller. I think Mr. Miller knows that the Senator from New Mexico has the highest esteem and respect for him, and has the highest esteem and respect for the position he holds. Clearly, I have great respect for the fact that he speaks for the President, and that the President, with the aid and assistance of many but in particular Mr. Miller, sent us a budget some few months ago.

And I send this letter, joined in by Senator CHILES, to my colleagues because they received Mr. Miller's analysis of the budget that is pending here before the Senate. Clearly, there are at least two ways to look at things. I thought it would be good to look at things from the standpoint of that bipartisan majority that voted out a budget resolution, and perhaps the Senators who read his letter of yesterday would be as interested in what we have to say about the budget resolution as they are interested in what he has to say about it.

So I refer in this letter to the fact that yesterday Mr. Miller outlined objections to Senate Concurrent Resolution 120, the pending matter before the Senate.

While there are many issues in it, the letter addresses three of them. Let me paraphrase and then I will put the letter into the RECORD in its entirety, with leave of the Senate.

First, the director contends that the President's fiscal year 1987 budget met the challenges of the Gramm-Rudman-Hollings Act.

Quite to the contrary, the budget that he refers to did not meet the deficit targets specified in that legislation.

The Congressional Budget Office estimated that the President's budget, after all the cuts recommended, with the small amount of revenue increases recommended, and the increases in defense recommended, if we did all those things, the deficit would be $160 billion, not $144 billion, $16 billion in outlays off the mark.

Obviously, the OMB Director, Mr. Miller, has been discussing economic changes and put forward suggestions about changing the economic assumptions in discussions yesterday. I am not referring to those and he did not refer to those in his letter. It was purely an analysis, static in nature, of the budget he sent us and the budget we reported.

I repeat, even if the President's budget was adopted in its entirety, with 44 programs terminated, with reform in 6 or 7 other entitlement programs, with that small amount of revenue and that very large increase in defense—even if it was adopted—there would still have to be a sequester when we finished all of that.

There is one thing the budget director did discuss yesterday. It had to do with $4 billion in the farm program. Although he did not make reference to it in his letter, there is a suggestion that that $4 billion should not be in the budget because, as he puts it, they do not intend to spend it. But that is not the issue here.

The President's budget is $16 billion in excess of that required under the Gramm-Rudman-Hollings law. After you did all that work, Gramm-Rudman would require a cut in domestic programs of $8 billion in outlays on top of the $28 billion proposed in the budget.

Under such a sequester, defense, would have to be cut about $20 billion in budget authority off that number, $8 billion in outlays, more or less right after we had given the President his full defense request to get within the mandated targets that we were seeking to achieve.

The second point: The new taxes proposed in this budget take $52 billion out of the economy over the next 3 years. That is what the Director says.

The $59 billion by which the President's budget exceeds the Gramm-Rudman-Hollings deficit targets over the same years, $59 billion that it exceeds it, comes out of the private economy also in the form of Federal borrowing.

The difference is we reduce the burden of the debt and do so permanently, and we reduce interest payments by $7 billion, where they would be $7 billion a year higher under the President budget which Director Miller espouses in the letter that he sent.

In addition, Mr. Miller states that Senate Concurrent Resolution 120 cuts defense about $97 billion over the 3 years. I regret to say that, as I indicated when I started, there are at least two ways to express most things, and maybe more. But the Director clearly states that this resolution cuts defense and I interpret a "cut" to mean a cut. There is no cut in the defense budget. It is just not so.

Yes, we increase defense less than the President. That is a fair way to say it. But we would provide $8 billion more in defense budget authority than was appropriated for this current year, an $8 billion increase but not as much of an increase as requested.

Finally, the letter to my colleagues objects to our only terminating three domestic programs by way of our assumptions.

Well, let me enlighten the Senate a bit on that.

That is true. But it is not mentioned that these three programs account for $5 billion outlay savings, and even if we terminated the 10 additional programs assumed in last year's budget resolution, all 10 would have a grand total savings of $1.3 billion if they were all done and completed. We did five. If you did all of those in last year's resolution, it would be $1.3 billion.

I am of the opinion, and soon we will let the Senate vote on a couple of these issues, that both Houses of Congress, by rather compelling majorities, will make it clear, and have made it clear, that they do not want all of the 44 programs in that budget that the Director referred to yesterday terminated. I have indicated on numerous occasions I would vote for many of them. I will repeat again that I have voted more than once, to terminate many of these programs more than once.

While I personally do not think many of these programs are of national importance—and certainly from the economic standpoint it is hard to justify that many of them have significant economic benefits—nonetheless building a budget based on terminations that will not occur does not offer a realistic contribution to the deficit reductions.

To assume them all again in a budget that is sent up here to us is nothing more than repeating what has been tried before, and, in this Senator's opinion, will not happen. But, as I said, we will give this option a chance in the Senate shortly by providng Members an opportunity to vote on whether they would like to terminate all of those programs as we did last year before the oak tree event and that are in the President's budget this year. We will let the Senate vote on whether they would like to take all of those out of this budget and save a few billion dollars in the revenues we have suggested we need.

Finally, domestic spending is stated by the director to suffer hardly any restraint in this budget process and resolution.

I would remind the Senate that domestic spending will be substantially restrained under the committee's budget, declining from about 13.1 percent of GNP in the current year to about 11.7 percent by 1989.

So, once again, I believe the Director mischaracterizes the issue as raising taxes versus cutting spending. Our budget resolution has total outlays that are $4 billion less than the President's budget for fiscal year 1987, and $12 billion less over 3 years.

I would like to repeat that. The mix is different. But in terms of contributing to resolving the deficit problem, the resolution before the Senate has total outlays that are $4 billion less than the President's. Obviously, so that I am not guilty of mischaracterizing, we have less defense. That accounts for a substantial portion of the reduced expenditures of this Government.

Our higher tax revenues go not for higher spending but, rather, to reduce the deficit. There can be no doubt about that.

In conclusion, our greater reduction in total spending and deficit reduction constitutes the ultimate, as I see it, tax break for the American people.

I think one of the distinguished economists, Milton Friedman, pointed out that the true level of taxation is the level of spending. Your only choice is whether to pay now in taxes or pay later in inflation. A so-called hidden tax.

My own observation, interpreting Milton Friedman, is that there is still no free lunch to buy increased defense and domestic spending without paying for it. We believe that we have provided a balanced approach and we believe that the facts bear us out.

Mr. President, so that all my colleagues will have the letter in the RECORD that I sent to them under the signature of my distinguished friend from Florida, the ranking Democrat—Mr. CHILES—and myself, I ask unanimous consent that it be printed in the RECORD in toto.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, April 23, 1986.

DEAR COLLEAGUE: Director Miller of the Office of Management and Budget sent a letter to you yesterday outlining the Administration's objections to S. Con. Res. 120, the fiscal year 1987 Budget Resolution. This letter responds to three specific issues raised in the Director's letter.

First, the Director contends that the President's fiscal year 1987 budget met the challenges of the Gramm-Rudman-Hollings Act. Quite the contrary. The President's budget did not meet the deficit targets specified in that legislation. The Congressional Budget Office estimated that the President's budget would produce a deficit of $160 billion.

That $16 billion excess would produce a sequester that would cut domestic outlays $8 billion on top of the $28 billion cut proposed by the President. To reduce defense outlays by a comparable $8 billion would mean sequestering BA by $20 billion. This belies the Director's second contention, that we could follow the President and achieve the target without cutting defense, without raising taxes, and with only "careful pruning" of domestic programs.

Next, the Director objects that the new taxes we propose would "take $52 billion out of the economy over the next three years." The $59 billion by which the President's budget exceeds the G-R-H deficits targets over those same years also comes out of the private economy, in the form of federal borrowing. The difference is we reduce the burden of debt; interest payments in the President's budget are $7 billion higher.

The Director complains we "cut defense budget authority by $97 billion over the years." That is not so; we increase less than the President wanted by that amount. We would provide $8 billion more defense BA than was appropriated last year, protecting the real value of the investment base which has doubled over the last five years.

Finally, the Director objects to our only terminating three domestic programs. He does not mention the fact that these three programs account for over $5.0 billion in savings, and even if we terminated the 10 additional programs assumed in last year's budget resolution a grand sum of $1.3 billion additional savings would be achieved.

The votes from both parties in both Houses of Congress have made it clear that the American people do not want all the 44 programs in the President's budget terminated. Building a budget based on terminations that will not occur does not offer a realistic contribution to deficit reduction. Domestic spending will be substantially restrained under our Committee's Budget Resolution, declining from 13.1 percent of GNP in the current year to 11.7 percent of GNP by 1989.

The Director mis-characterizes the issue as raising taxes versus cutting spending. Our Budget Resolution has total outlays that are $4 billion less than the President's budget in fiscal year 1987 and $12 billion less over 3 years. Our higher tax revenues go not for higher spending but to reduce the deficit.

Our greater reduction in total spending commitment and deficit reduction constitutes the ultimate tax break for the American people. As Milton Friedman has pointed out, the true level of taxation is the level of spending; your only choice is whether to pay now in taxes or later in inflation, "the hidden tax." There is still no free lunch to buy increased defense and domestic spending without increased taxes. We believe that we have provided a balanced approach to reduce the deficit and we believe the facts bear us out.

Sincerely,

PETE DOMENICI,
LAWTON CHILES.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

AMENDMENT NO. 1797

(Purpose: To provide for the termination or substantial reduction of 43 domestic programs)

Mr. DOMENICI. Mr. President, I send to the desk in behalf of myself and Senator CHILES an amendment to the pending matter and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. CHILES, proposes an amendment numbered 1797.

Mr. DOMENICI. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, decrease the amount on line 3 by $4,063,000,000.

On page 2, decrease the amount on line 4 by $6,042,000,000.

On page 2, decrease the amount on line 5 by $8,408,000,000.

On page 2, decrease the amount on line 8 by $4,063,000,000.

On page 2, decrease the amount on line 9 by $6,242,000,000.

On page 2, decrease the amount on line 10 by $8,408,000,000.

On page 2, decrease the amount on line 19 by $4,455,000,000.

On page 2, decrease the amount on line 20 by $8,299,000,000.

On page 2, decrease the amount on line 21 by $10,904,000,000.

On page 2, decrease the amount on line 24 by $4,063,000,000.

On page 2, decrease the amount on line 25 by $6,242,000,000.

On page 3, decrease the amount on line 1 by $8,408,000,000.

On page 5, decrease the amount on line 5 by $4,063,000,000.

On page 5, decrease the amount on line 6 by $6,242,000,000.

On page 5, decrease the amount on line 7 by $8,408,000,000.

On page 5, decrease the amount on line 10 by $4,455,000,000.

On page 5, decrease the amount on line 11 by $8,299,000,000.

On page 5, decrease the amount on line 12 by $10,904,000,000.

On page 5, decrease the amount on line 15 by $4,063,000,000.

On page 5, decrease the amount on line 16 by $6,242,000,000.

On page 5, decrease the amount on line 17 by $8,408,000,000.

On page 7, increase the amount on line 12 by $729,000,000.

On page 7, increase the amount on line 13 by $140,000,000.

On page 7, increase the amount on line 21 by $586,000,000.

On page 7, increase the amount on line 22 by $223,000,000.

On page 8, increase the amount on line 6 by $121,000,000.

On page 8, increase the amount on line 7 by $268,000,000.

On page 8, decrease the amount on line 16 by $80,000,000.

On page 8, decrease the amount on line 17 by $80,000,000.

On page 8, decrease the amount on line 24 by $80,000,000.

On page 8, decrease the amount on line 25 by $80,000,000.

On page 9, decrease the amount on line 7 by $80,000,000.

On page 9, decrease the amount on line 8 by $80,000,000.

On page 9, decrease the amount on line 16 by $369,000,000.

On page 9, decrease the amount on line 17 by $300,000,000.

On page 9, decrease the amount on line 25 by $653,000,000.

On page 10, decrease the amount on line 1 by $635,000,000.

On page 10, decrease the amount on line 9 by $1,002,000,000.

On page 10, decrease the amount on line 10 by $1,004,000,000.

On page 10, decrease the amount on line 19 by $847,000,000.

On page 10, decrease the amount on line 20 by $140,000,000.

On page 11, decrease the amount on line 4 by $1,447,000,000.

On page 11, decrease the amount on line 5 by $246,000,000.

On page 11, decrease the amount on line 13 by $2,047,000,000.

On page 11, decrease the amount on line 14 by $603,000,000.

On page 11, decrease the amount on line 23 by $368,000,000.

On page 11, decrease the amount on line 24 by $321,000,000.

On page 12, decrease the amount on line 8 by $510,000,000.

On page 12, decrease the amount on line 9 by $540,000,000.

On page 12, decrease the amount on line 17 by $605,000,000.

On page 12, decrease the amount on line 18 by $666,000,000.

On page 13, increase the amount on line 2 by $347,000,000.

On page 13, decrease the amount on line 3 by $1,851,000,000.

On page 13, decrease the amount on line 11 by $2,465,000,000.

On page 13, decrease the amount on line 12 by $2,645,000,000.

On page 13, decrease the amount on line 20 by $3,056,000,000.

On page 13, decrease the amount on line 21 by $3,214,000,000.

On page 14, decrease the amount on line 5 by $915,000,000.

On page 14, decrease the amount on line 6 by $708,000,000.

On page 14, decrease the amount on line 14 by $977,000,000.

On page 14, decrease the amount on line 15 by $758,000,000.

On page 14, decrease the amount on line 23 by $1,077,000,000.

On page 14, decrease the amount on line 24 by $930,000,000.

On page 15, decrease the amount on line 9 by $961,000,000.

On page 15, increase the amount on line 10 by $85,000,000.

On page 15, decrease the amount on line 18 by $725,000,000.

On page 15, decrease the amount on line 19 by $174,000,000.

On page 16, decrease the amount on line 2 by $1,075,000,000.

On page 16, decrease the amount on line 3 by $633,000,000.

On page 16, decrease the amount on line 13 by $815,000,000.

On page 16, decrease the amount on line 14 by $396,000,000.

On page 16, decrease the amount on line 22 by $819,000,000.

On page 16, decrease the amount on line 23 by $856,000,000.

On page 17, decrease the amount on line 6 by $819,000,000.

On page 17, decrease the amount on line 7 by $932,000,000.

On page 17, decrease the amount on line 16 by $117,000,000.

On page 17, decrease the amount on line 17 by $180,000,000.

On page 17, decrease the amount on line 24 by $117,000,000.

On page 17, decrease the amount on line 25 by $136,000,000.

On page 18, decrease the amount on line 7 by $117,000,000.

On page 18, decrease the amount on line 8 by $137,000,000.

On page 19, decrease the amount on line 18 by $789,000,000.

On page 19, decrease the amount on line 19 by $103,000,000.

On page 20, decrease the amount on line 3 by $819,000,000.

On page 20, decrease the amount on line 4 by $119,000,000.

On page 20, decrease the amount on line 13 by $839,000,000.

On page 20, decrease the amount on line 14 by $167,000,000.

On page 23, decrease the amount on line 2 by $413,000,000.

On page 23, decrease the amount on line 3 by $352,000,000.

On page 23, decrease the amount on line 10 by $411,000,000.

On page 23, decrease the amount on line 11 by $414,000,000.

On page 23, decrease the amount on line 18 by $409,000,000.

On page 23, decrease the amount on line 19 by $411,000,000.

On page 24, decrease the amount on line 2 by $20,000,000.

On page 24, decrease the amount on line 3 by $20,000,000.

On page 26, increase the amount on line 3 by $163,000,000.

On page 26, increase the amount on line 4 by $163,000,000.

On page 26, increase the amount on line 12 by $138,000,000.

On page 26, increase the amount on line 13 by $138,000,000.

On page 26, increase the amount on line 21 by $101,000,000.

On page 26, increase the amount on line 22 by $101,000,000.

On page 29, increase the amount on line 24 by $252,000,000.

On page 29, increase the amount on line 25 by $252,000,000.

On page 29, increase the first amount on line 26 by $275,000,000.

On page 29, increase the second amount on line 26 by $275,000,000.

On page 30, increase the amount on line 1 by $280,000,000.

On page 30, increase the amount on line 2 by $280,000,000.

On page 33, decrease the amount on line 13 by $4,343,000,000.

On page 33, decrease the first amount on line 14 by $6,730,000,000.

On page 33, decrease the second amount on line 14 by $8,995,000,000.

On page 35, increase the amount on line 11 by $159,000,000.

On page 35, increase the amount on line 12 by $46,000,000.

On page 35, decrease the first amount on line 13 by $501,000,000.

On page 35, decrease the second amount on line 13 by $566,000,000.

On page 35, decrease the amount on line 14 by $1,025,000,000.

On page 35, decrease the amount on line 15 by $1,171,000,000.

On page 36, increase the amount on line 20 by $252,000,000.

On page 36, increase the amount on line 21 by $252,000,000.

On page 36, increase the first amount on line 22 by $275,000,000.

On page 36, increase the second amount on line 22 by $275,000,000.

On page 36, increase the amount on line 23 by $280,000,000.

On page 36, increase the amount on line 24 by $280,000,000.

On page 42, increase the amount on line 15 by $159,000,000.

On page 42, increase the amount on line 16 by $46,000,000.

On page 42, decrease the first amount on line 17 by $501,000,000.

On page 42, decrease the second amount on line 17 by $566,000,000.

On page 42, decrease the amount on line 18 by $1,025,000,000.

On page 42, decrease the amount on line 19 by $1,171,000,000.

On page 44, decrease the amount on line 6 by $4,343,000,000.

On page 44, decrease the first amount on line 7 by $6,730,000,000.

On page 44, decrease the second amount on line 7 by $8,995,000,000.

At the end of the resolution, insert the following new section:

SEC. 4. Termination and reduction of programs.

Mr. DOMENICI. Mr. President, it has been very difficult to get any firm proposals to modify significantly the budget reported out by the Budget Committee to this point. Obviously, as I have indicated on two or three previous occasions, there are a number of Senators who do not like this resolution. Clearly, yesterday, the Director of OMB, Mr. Miller, indicated the administration's objection to it. A number of Senators have suggested that they do not like the revenue side, that we have to raise taxes. A number have indicated that defense is not high enough. And, yes, I have heard from many that we ought to cut more on the domestic side. Yet I see no one coming to the floor with budgets to change substantially the pending resolution. More specifically, I have heard from a number of Members that we ought to cut more so we do not have to increase revenues in this first year, the $18.7 billion prescribed by this resolution.

Now, I cannot accommodate by way of a vote those who have found a variety of concerns and objections with this budget. But today with this amendment I seek to accommodate those who say we should cut more on the domestic side, and let me even be more specific. There are a number of Senators who have said we ought to terminate the domestic programs that the President has asked us to terminate, and indeed some have even said let us terminate those and any programs that we voted to terminate last year at 3 a.m. in the morning.

Now, some who speak of that clearly understand the budgetary impact. Yet others are not as certain just how much the budgetary impact of such a suggestion is.

I have tried my best to respond on two levels. One, there is no disposition by a majority of U.S. Senators, Republican or Republican and Democrat, to terminate those programs. Second, we already proposed terminating three of those programs which would save more money in the first year than will be saved by terminating all of the 43 that we are going to now talk about.

That is correct. The three that were terminated by the assumptions in the budget will save $5 billion in outlays, the WIN program, general revenue sharing, and Conrail. Incidentally, I mention Conrail because it is also mentioned by the OMB Director. It was assumed last year and did not occur. It is in the President's budget and it is in the list that the OMB Director alluded to yesterday in his analysis of the budget before us—saying that those programs have not been terminated and should be. So we have included them.

Now, let me start from the bottom end up so that everyone will know the significance of this amendment. It has 43 programs of our national Government, some very, very small indeed, some medium size, and very few that are major programs in terms of dollar expenditures. But this amendment does contain 43 programs in number running from function 150, which is foreign assistance, all the way through this budget. And let me make sure that everyone knows what this amendment will accomplish if it is voted for by a majority of the United States Senate a couple hours from now.

In outlays, in the first year, if all of these programs in this amendment are terminated, $4.063 billion will be cut off the Federal deficit. I repeat, $4.063 billion. This amendment says if you want to do that, take $4.063 billion off the revenue increase so it is consistent with Gramm-Rudman-Hollings in terms of its budget neutrality.

For those who support the notion that 43 programs should be eliminated in this budget, they can reduce the taxes proposed in this resolution by $4.063 billion.

I remind Senators that clearly this has a differing effect over the 3 years, and I want to put all of that on the table. Over the 3 years, if you did all of this, you would save less than $20 billion.

Now, let me just read off some of the programs so everyone will know just what we are doing here. Let me start first with the Export-Import Bank direct loan program, function 150: $729 million in budget authority, $138 million in outlays.

But these are not savings. They are increases. The numbers that I just gave are right, $729 million in budget authority and $138 million in outlays. If you terminate that program the way the President proposed to do in February, you do not save any money. So the numbers are right, but that is what it costs you to terminate the Export-Import direct loan program. It costs you $729 million in budget authority and $138 million in outlays in fiscal year 1987. If it really is the desire of the Congress to terminate that $1.1 billion program, the Eximbank direct loan program, and replace it with a more expensive $1.8 billion loan program, those are the costs. I am not arguing that because it costs $624 million in the first 3 years you should not do it. It just happens that in this example those are the numbers according to the Congressional Budget Office.

Now let me move on. There is another item, the OPIC Insurance Program. Termination is recommended. If we do what the President requested for the Overseas Private Investment Corporation, that will cost $2 million—not $200 million, $2 million. And now we move over to function 250. There we have another termination, Advanced Communications Technology Satellite, $80 million, if you terminate it. Rural Electrification Administration subsidies, we save $284 million in fiscal year 1987 outlays, if you terminate it. Here is another program. Weatherization assistance saves $16 million in fiscal year 1987 outlays. Now, it is true I am not giving the 3 years numbers. I am not trying in any way to be deceptive. Over the 3 years, terminating weatherization would save $170 billion over 3 years. I am merely listing fiscal year 1987 outlay, saving to illustrate those programs which makeup the $4,063,000,000 outlays savings.

Let's look at another—the EPA sewage treatment grants. That is an interesting one. We would save $4 million in outlays in fiscal year 1987. Now, those savings grow overtime because the program takes a while to liquidate. But for those who think eliminating this program is the way to fix the 1987 budget, I am giving you the relevant amounts, $4 million in total fiscal year 1987 savings.

Here is another one, the Soil Conservation Program, with savings of $100 million in outlays. I hope Senators who favor termination understand the total savings involved in terminating the Soil Conservation Service, is about $100 million in outlays.

Landsat is another of the 43 terminations. Obviously, the President did not propose this for budget purposes because the budget savings are zero.

There is a program for coastal zone management and grants regarding the surrounding areas. Eliminating saves $36 million next year.

Then we have the Extension Service. That is 4-H, for those who are wondering. I think we have visited with the 4-H'ers. They have been here to visit us. I am sure all Senators greeted them cordially and listened to various activities that the 4-H sponsors. They have the nice green jackets with shamrocks. I even took one of those jackets to the President, from the 4-H'ers. The President proposed to nearly eliminate this program. That will save $188 million in fiscal year 1988.

Then we have Temporary Emergency Food Assistance Program. This

Senate is familiar with this program. We all know that we have not come to grips in our country with the strange phenomenon of the homeless. We understand the problem is very complicated. And I say that with the deepest concern. I do not have an answer, so I am not in any way suggesting that there is an easy way to deal with this problem. But we have provided some temporary food and shelter through existing programs. One of these programs, TEFAP, is proposed to be terminated, and that will save a total of $33 million in outlays in fiscal year 1987.

The interesting thing about all these numbers I have spoken of up to this point is that almost always we speak of billions in this body. I have not had one yet that I have mentioned that even totals a half billion. Oh, yes, the budget authority for export-import was $729 million; but, interestingly, that was not a saving but an added cost for getting rid of it.

Let's go on. Federal crop insurance that has been around, with everybody talking about trying to get rid of it. That saves $140 million in outlays next year.

I will go through more of these, because I think it is useful to get out into full view just what we are talking about.

Trade adjustment assistance to firms: That is also a program that we are always told we should get rid of. I voted for that termination a number of times; but we should know that it saves only $8 million.

U.S. Travel and Tourism Administration: I think that has been in several budgets. It would save $6 million.

The next one is a significant proposal: Postal subsidies. That would save $676 million. That is an interesting one because we cannot just charge our appropriations with doing that, without also requiring these preferred-rate mailers to pay more. Those institutions, predominantly charitable—the Salvation Army, Red Cross, and the like—get a postal subsidy in order to solicit and do their charitable work. Unless we modify the law, the Postal Service has no alternative but to charge these mailers more.

We have tried in the past to reform this subsidy and have made some headway. My recollection is that Congress has cut 40 percent from its previous level of expenditures. The fiscal year 1987 number for postal subsidies termination is the largest one so far on this list. So now we have $676 million, which begins to contribute to the $4 billion total for 44 program terminations.

Rural housing loans is another interesting one. If it is terminated as described, it will save $1 billion. This is the second year in a row that rural housing loans have been recommended for termination. In this current year, Farmers Home Administration is authorized to make $2 billion in loans, which will finance housing for about 50,000 rural families.

The proposals before us would give HUD the sole responsibility for new rural housing assistance and yet would cut the HUD program nearly in half.

Earlier this year 26 Senators wrote to me, as chairman of the Budget Committee about this program. It was a bipartisan group, headed by the distinguished chairman of the Subcommittee on Appropriations that handles this area, Senator COCHRAN. The 26 Senators said: "We cut rural housing last year 40 percent, and that is it." They ought to know that that is not it, as for as the administration's budget is concerned. On this list, there is a total elimination and substitution of this program.

The Small Business Administration—the President's budget would save another $105 million in its business loan programs.

Now I will list some others without editorializing. I think Senators know how many times we voted on these. I will only state the program and the number, because I think some may be shocked at how little will be saved. Let us just go through them quickly.

Section 202 housing: $53 million; Amtrak, $562 million; Interstate Commerce Commission, $35 million; Washington Metro construction grants, $11 million; Maritime cargo preference, $100 million; Economic Development Administration, $5 million; Appalachia Regional Commission, $8 million.

UDAG: That is an interesting one. I said I would not speak about them, but we hear from a lot of people that we should get rid of that program. I voted to get rid of it a couple of times, but I think everyone should know that is only $20 million in total fiscal year 1987 savings.

Let's go on. Rental housing development, HODAG, $39 million; the housing program commonly known as 312 rehab loan fund, $29 million; eliminating the 108 loan program that will not save anything; Rural Development Program, $49 million; SBA disaster loan, $200 million; community services block grant, $214 million; impact aid part B, $86 million; library programs, $30 million; a number of very small higher education programs, $17 million; student incentive grants, $36 million; college housing loans, $13 million; Public Health Service professionals, $180 million; FEMA, supplemental food and shelter, $90 million; section 8 moderate rehabilitation, zero in outlays, $670 million in budget authority; rural housing grants, $13 million; Legal Services Corporation, $255 million; Justice grants, $97 million; and public debt reimbursement to the FRB, $20 million. The offset in subfunction 908 adds $163 million—but this is a technical matter.

Now, if I have read the list right, that amounts to the grand total of $4.063 billion in outlays.

This amendment is very simple. It says we will not have any of those programs anymore and we will save that amount on the budget, and then we will take a similar amount off the revenue increase prescribed and included in the pending budget for the Senate.

I obviously do not support this amendment. I hope that some of those who have said they would like to terminate programs and further cut domestic programs might come to the floor in the next 40 or 50 minutes and make the case. I am not going to deny that I could make the case as an individual Senator for a number of them. I do not believe under any circumstances I could make the case for all of them, nor would I vote for all of them. Those who think it is the domestic discretionary component of this budget that has run wild, I urge that they come down and support this very complete, and I believe, accurate amendment to the budget that is pending.

I would say there are a number of Senators who are truly seeking some compromises. There are a number who want more in defense. There are many who are genuinely concerned about ways to save money. This is in no way an indication of the Senator from New Mexico that I am not willing to sit down and work with them and look at it.

But, frankly, there are some who clearly say if they do not have it their way, whatever that way is, they want to defeat the budget resolution that is pending. There may even be some who are out mustering up the lobbying strength of the country to make sure the Domenici-Chiles Budget Committee resolution does not pass.

There are those who are saying that we ought to eliminate the programs that we tried to eliminate last year and that the President asked this year.

So I hope they support this amendment. Some Members have even been told the deficit is not that bad; the economy is improving so fast that the deficit might just disappear on its own accord. They are saying that we could make some new assumptions and scrub some new numbers and scrub some new economics and everything will work out in 2 or 3 months. For my part, I do not agree.

I want to wrap up my first half-hour this morning by saying first that I have entered into the record already what I believe to be a fair response to the Budget Director's letter. I think it fairly assesses the budget pending before the Senate. I think it also fairly characterizes the President's budget proposal.

Second, for those who would like to avoid the pressure of the Gramm-Rudman-Hollings trigger August 15, or

thereabouts, either by wishing the deficit away or by hoping that the Supreme Court finds the GAO involvement unconstitutional, I hope they will read the RECORD. I think they can read a very enlightened Third Circuit Court opinion exactly opposite from the Scalia three-member court that ruled it unconstitutional. And perhaps there are some who, looking at that, would say it really is not worth gambling that we will not have to meet the commitment we made to the American people at the end of last year. In fact, there is a better than 50-50 chance that the GAO will be found constitutional next June or July, and we will have another sequester.

With those two premises we now have an amendment before us that will indeed reduce the taxes by $4 billion and will reduce what for the most part is discretionary spending by this amendment.

I yield the floor.

Mr. CHILES. Mr. President, I want to briefly comment on the "Dear Colleague" letter Chairman DOMENICI and I sent out today in response to Director Miller's letter of yesterday outlining the administration objections to the resolution reported by the Senate Budget Committee.

The President's budget exceeds this year's deficit target by $16 billion. It would produce a sequester cutting domestic outlays $8 billion on top of the $28 billion already cut by the President. It would reduce defense outlays, sequestering VA by $20 billion. So that certainly differs from the contention made by the Director.

The Director objects to the new deficit-reduction revenues proposed to be taken out of the economy totaling $52 billion over the next 3 years. Yet, the President's $59 billion excess over the Gramm-Rudman-Hollings target also has to come out of the economy. But, in that instance, it comes out by borrowing. That, of course, will add to the pressure on the national debt. That burden of debt in the President's budget is some $7 billion higher than the payments would be under the proposal contained in the budget reduction before us.

The Director has said he is not cooking his figures; he says he is simply correcting the estimates. I do not know what the difference is between cooking and correcting. But I think some corrections are always made by an OMB Director in every administration I have seen over the years. It seems to me that Mr. Miller likes to correct just as much as any of them do.

I trust we will compare those figures to the Congressional Budget Office figures. At least they do not have an ax to grind or a cooked cake to eat as some of the Directors do.

Now, Mr. President, I wish to speak just for a few moments on the amendment that we have before us.

I think, it can be characterized as a good-will amendment. Although the Senate has had some trouble getting the White House to listen to us, we want to make it clear that the Senate is listening to the White House. The White House has said they want 44 programs terminated, wiped out right now, given the ax. They believe that is the only way to get the deficit down to this year's goal. So that is exactly what this amendment does.

For the purpose of identification, I think we could call it the "Son of Stockman, James E. Miller Memorial Amendment." We certainly offer it in the spirit of goodwill. It is set forth in a spirit of quick response to the Director's letter of yesterday which said if we simply terminated some of these programs we would get the budget much more into balance.

So, we sponsor this good will amendment to cut these 44 programs targeted by the administration. It is like the Colt 44. It was a great harbinger of law and order in the early days. This 44 would be the harbinger of returned good times—so the administration says—and so we sponsor it in that spirit.

The $4 billion it will reduce this year in taxes, as the chairman has pointed out, is somewhat less than the $5.4 billion we are proposing to be reduced by simply cutting three programs. And yet, it is a figure no one can say lacks significance. It will not keep us from having a sequester. We would still have that. It does not keep us from returning next year and the next year and the next looking for additional programs to cut. We would certainly have to do that. But it does give those Members who have been saying the budget resolution has too much in the way of taxes; too little in the way of spending cuts, and no room for increases in defense—it certainly gives them the ability to put their votes where their comments have been.

It does not mean we will not be back here next year if we do not have some revenues in. I think we will. It does not mean that we will not be looking for other things to terminate. But let us see what is on this year's card.

We have looked at some programs like the Eximbank. The chairman has discussed rural electrification, and EPA sewer treatment grants. Those are certainly programs with constituencies. They are not programs the Senator from Florida feels are meaningless—and, of course, I intend to vote against the amendment. But in programs like soil conservation, I guess the administration believes their time has come and they should be done away with.

The distinguished Senator from Mississippi is standing. He does such a good job as the chairman of the Agriculture Subcommittee of Appropriations. He is always under pressure to determine where we get the dollars for those programs. I am not sure he would want those dollars to come from soil conservation or REA. But we do not to find out what the body wants us to do in this regard. And I think the amendment would give us that choice.

Mr. COCHRAN. Will the Senator yield?

Mr. CHILES. I am happy to yield to the Senator.

Mr. COCHRAN. Mr. President, I was reading a legislative notice that is on our desks on this side of the aisle describing amendments that will be offered or may be offered to the resolution. One is Chiles-Hart amendment to increase funding for science and technology resource development and education and training.

The increases in these areas are $4 and $3 billion. I wonder whether or not it is consistent to offer an amendment, such as the one at the desk, which would target for elimination 44 programs, as the Senator says, and at the same time be sponsoring another amendment to add funds for these same programs. I wonder whether or not the Senate should be on notice that this is an amendment at the desk that is not expected to pass and the Senator is not going to even vote for it. Should we really waste the time of the Senate to discuss the merits of it if it really has no merits, even in the view of the proponent of the amendment?

Mr. CHILES. Well, I would just say to my good friend from Mississippi, I exercise my prerogative as a Senator to not be troubled too much by consistency. I think the Senator from Mississippi perhaps exercises that sometimes as well.

But I also say to him we feel we should allow the Senate to have some choices. We have been told that the administration feels this is a simple way to solve the deficit dilemma we are in. One of those ways is get rid of a number of these agencies. The Senate ought to pass judgment on that.

We are also told there are not the votes around here for any plan. If there are not, maybe we need to find out: Is it a plan like this that will give us the votes? If it is, maybe we will end up saving some time.

The Senator from Florida happens to think, in agricultural terms, seed corn is very important. That is one reason I sponsored the amendment with Senator HART. I think some of the programs like research and development, trade assistance, and some of the job training and education, are seed corn. Planning ahead is something we have always considered important. Even in an austere budget time, we better be thinking about our

next crop and whether we can lay it in.

But I think the Senator from Mississippi is one of those who has signed a letter saying he thinks there is too much revenue in this resolution. There are not enough domestic cuts in this resolution and too little for defense. If that is the way the Senate feels, we need to find out.

Maybe we have been too arbitrary in our budget. Maybe we have shut some people off. So this is an opportunity for some Members of the Senate who have made those statements—and I do not know what the Senator's particular concern is on all of these programs or whether he is ready to get rid of all of them—to have their say. It is time to find out. Is there a majority here that wants to get rid of 44 programs? If so, we will pick up $4 billion off the taxes. We can take it off this resolution. If there is not, we will know that also, and we will be able to go on to something else. We have other amendments, as the Senator knows, on that list that add money. We will have to determine whether those are amendments we can afford or not.

Mr. COCHRAN. Will the Senator yield further?

Mr. CHILES. I am happy to yield.

Mr. COCHRAN. Mr. President, I am one of those who worries about our bargaining position with the House of Representatives. I might say to the Senator that that is one reason why I did join with Senator QUAYLE and others in signing a letter to the majority leader expressing concern about this budget resolution.

If we were coming out at the conclusion of the process with an end product like the one that is on the floor now, the resolution as reported by the Senate committee, I do not think Senators would fuss too much about it. I think we would see a consensus develop around a budget of that kind. That is my personal opinion.

But beginning the process with this resolution, knowing that the House is going to probably add money on the domestic spending side—and I do not know what it will do to the revenue side—I just do not think it puts us in a good bargaining position.

I do not quarrel with the quality of the work of the Budget Committee. But I wonder whether or not we are going to really serve any useful purpose with an amendment of the kind that is before us now for a vote.

I do not know how I am going to vote on it. I have not really looked at all the programs the Senator has identified. Maybe it is a good test vote to let us see where the Senators are on the thing.

But let me ask the Senator this: Is the Senator not worried that the House is really not participating in this process? It seems to me that they have just decided to abrogate, really, the responsibilities that I thought they were to share with the Senate—to work out a congressional budget resolution. They are just sitting on their hands doing nothing, saying nothing, hearing nothing, and seeing nothing. I worry about that.

I wonder if the Senator shares my concern about that and what the outlook is if we go through this exercise and vote on all of the amendments, and vote on the resolution. Are they going to continue to sit there and do nothing?

Mr. CHILES. Let me say to my good friend from Mississippi first, I appreciate the remarks that he thinks the budget we crafted is not a bad budget if it is the final product. I tend to believe that way myself, even though it is not everything I want. It is not the one the Senator from New Mexico, the chairman, would put in. But it represents a meeting of the minds of the majority of Republicans and Democrats on our committee.

The Senator is pondering whether our bargaining position is correct. That is a very legitimate question. The Senator may be right on that. I would tell him that there have been times before when the Senator from New Mexico and the Senator from Florida have agreed, and there has been a meeting of the minds. We have stood on our bargaining position with, for example, the defense number going to budget conference with the House, and we have locked it.

We have said we have already gone through the process of high-low and put it together here. We are not going to move off that.

That is the way I view this budget. It is not one I think is the starting position. But as the Senator from Mississippi knows, there is another bargain that must take place. That is with the White House. It is a bargain that skews things in another way. He has asked whether the House has shirked the process or whether there is a dereliction of duty.

There is an old saying that you never know until you put on the other Indian's moccasins. Then you know exactly what he is thinking about. But I can say to my friend from Mississippi, the House is very leery if any plan has revenue in it.

The President has said, "Make my day. I am going to unlimber the veto." The House feels they have been hammered with that before. They take the position that there is no way you can get down to 144 without there being some revenue. They are not going to be the initiator. But they have said, again in a meeting we had recently, if the Senate initiated revenues with the preponderence of votes of the Republican-controlled Senate, if there was some bipartisan spirit over here, they would back off the Speaker's earlier position that the President had to ask for revenues or they would not go with it. Now the House has stepped back from that.

I am glad. I think it is the responsibility of the Congress. If the Senator is asking if I am worried about their position, yes, I am worried. I am worried that I do not think the administration is as involved as it should be. I heard the Senator's statement earlier today that they proposed their budget. They have. This is part of the thing that is in their budget. We are responding to it. Still I am worried about their involvement. I am worried there are not enough people in here who are concerned. So yes, I worry about all of those things. But I am still an optimist.

Mr. DOMENICI. Will the Senator yield?

Mr. CHILES. Yes.

Mr. DOMENICI. Might I say to my friend from Mississippi first I do want him to know that I did mention the distinguished Senator from Mississippi in my remarks only in one respect. Then I would like to answer some of the concerns he has expressed. But I did say that the Senator had helped us last year to reduce one of the things that he is very concerned about—rural housing. That program would have been reduced 40 percent in last year's budget. The Senator from Mississippi went to the trouble, which I thank him for, of soliciting bipartisan signatures on the letters to me as I marked up saying that the Senator thought we should not terminate the program but we could achieve significant savings. Nonetheless, the administration now proposed to terminate this program.

So I have listed it and talked about what would happen to the program if it is terminated as prescribed.

I did that because on almost all of these programs there is someone who has a very good feeling for why it should not be terminated, and why it still is needed.

But, I say to the Senator, in terms of why I offered this amendment, I do not think it necessary to offer it to make the point that the Senator from Mississippi already knows. The Senator worked on these matters as an appropriator. I do not believe the Senator from Mississippi assumes that three programs including the elimination of rural housing is going to amount to a huge amount of dollars in our trillion-dollar budget.

I think the Senator knows that EDA annually does not cost very much money. But, Senator, I am having a very difficult time making the point when people say to me as chairman, "You have eliminated only three programs, and, those programs amount to $5 billion in outlays out of a total of $9 billion that would be the result of terminatory 43 in total.

I am having a very difficult time in making people understand that all of these equal programs only $4 billion the first year in total savings in a deficit reduction package that is many times that in size. And if we want to increase defense, we have to even add some more to the reduction side.

I offer this amendment so that we will now once and for all, for all concerned, see what they are, how much we save, and for those who continue to say this is the way to solve the fiscal dilemma of this Nation they can see what it does but equally what it does not do.

I acknowledge that there are many who think this kind of program elimination in addition to the budgetary and fiscal impact has some other kind of overtones to it.

I respect that. There are some who claim it is philosophical, and that many of these are not the Government's role. The Senator from Mississippi knows me well enough. I voted to eliminate a lot of these programs. I do not even vote to eliminate some of them on color of philosophical notion. I vote to eliminate some of them because I do not think they do enough in comparison to the damage that the deficit is doing.

I adopt a philosophy which asks if we can afford these programs in today's environment as compared to 20 years ago when Congress enacted the—like EDA, and others.

I go to this great length because I have great respect for the Senator from Mississippi and for what he thinks about this amendment in terms of what I have just described. He is the chairman of the subcommittee, and has a very responsible role.

It just seems to me that in the next 1½ hours or so I have that Members will come to the floor as the Senator from Mississippi did, to discuss their views. Do Members really all understand that we terminate these programs and we get $4 billion in savings? Or maybe some will say, we do not support this amendment, but we would like to negotiate a little. But we do have to realize that this is not the way and increase defense and achieve all of our other objectives.

So I think it illustrates a point to my friend, the distinguished Senator from Mississippi, that I have been unable to make to many of my friends in the Senate. We must look beyond this kind of approach if we are to increase defense, hold down revenues and meet our budget goals. I hope nobody assumes it is improper for me to call this to their attention in this way. But I have been searching for a way to get some action and movement on some proposals.

I do not want the record to have any doubt about it, I am not going to vote for this. As I indicated, I voted for maybe 50 percent of them once or twice. So did my good friend from Mississippi, who incidentally, asked the questions on the proper interpretation of a vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. The Senator from Mississippi has said that he believes this would enhance our bargaining position with the House. If this amendment carried, I would say to my friend from Mississippi, we would have an enhanced bargaining position. I do not think there is any doubt about that. I think when you include things like the Export-Import Bank, Rural Electrification Administration subsidies, the EPA sewer treatment grants, soil conservation programs, the Ag extension service, the Federal Crop Insurance Program, postal subsidies, rural housing, the SBA Budget Authority, section 202 housing for the elderly and handicapped, with Amtrak, all of those programs certainly have a constituency on the House side. If we look at UDAG, EDA, the Rural Development Programs, SBA disaster loans, community service block grants, the Library Program, FEMA Supplemental Food and Housing Program, all of those trigger some determined constituencies over there.

I guess, as the chairman has said, these are some decisions that have to be made. If our budget proposal is not good enough, at some stage we need to find out what we can do.

I think the chairman and I feel that maybe if everybody had to go through this process and spend as much time on it as we have, they would end up somewhere near where we are. That is exactly what happened to us. It was not my personal choice to come out with the proposition we have. I do not want to have to vote for any new taxes myself. I would like to have a higher number for defense. I would like to not even cut some of the programs and not have to resist some of the amendments we will have to resist. But, to get the deficit down to $144 billion, to fashion something we thought would have some chance of passing, is how we arrived at this number.

The process we are in now is to find out where there are 51 votes in this body for a budget. That is what we are up against.

So, Mr. President, we think this is a proposition that will allow the Senate to express itself. It will have the chance to express itself on these cuts. For that reason, I think it is a "good will" amendment that gives the Senate the opportunity to make that choice.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I have just come to the floor, and I understand that an amendment is now pending, which has been offered by the distinguished chairman and the distinguished ranking minority member of the committee, the effect of which will terminate a number of programs. I have not had a chance to discuss the substance of the amendment——

The PRESIDING OFFICER. If the Senator will withhold, who yields time?

Mr. BOSCHWITZ. How much time does the Senator need?

Mr. ARMSTRONG. An hour. I might not use it all.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, I move that the resolution be recommitted to the committee. I do so simply to gain the opportunity to speak on this matter. It is my understanding that by doing so I gain the opportunity to speak for 1 hour. It is my intention, in fact, to speak for about 2 minutes; and at the proper time I will move to vacate my own motion.

Mr. President, I understand that the business pending before the Senate is the Domenici-Chiles motion, the effect of which is to terminate a number of programs. I have not had the opportunity to discuss this with the two managers, but I am led to believe, by staff and others who have consulted them, that they do not offer this with the serious intent that it be adopted, but merely to embarrass a number of Senators and put them on record—a sort of tongue-in-cheek kind of amendment.

It has been the opinion of some Senators that it is impossible to make any cost savings, that it is impossible to come to grips with these program terminations. The President has sent us, I guess, all these 43 proposed changes, and what the managers are evidently seeking to accomplish here is to just prove how preposterous and ludicrous it is to think that these suggestions by the President could actually be acted upon by the Senate; and I suppose the expectation is that it is going to get a very small vote.

I came here today to say that while I would be perfectly comfortable to vote for these, separately or individually, and I may do so, I hope that most Senators, especially those who are running for office this year, will see through this, that it is an intention to embarrass them, without an intent to enact these changes.

I would be proud to come to the floor and try to make some savings. But this kind of tactic I find quite disagreeable. So I think that, under the circumstances, the Domenici-Chiles proposal deserves to be defeated; and in due course I think the budget resolution in its present form should be defeated.

It appears to me that this is a proposition which is better handled by defeating the budget resolution and then having the committee go back to work.

So, Mr. President, I just wanted to set the record straight. If, at some time, Senators want to come forward with a serious proposal to do something, I will be the first to support it. In fact, if this particular measure is put to a rollcall vote—and I hope it is not—I probably will vote for it.

In fact, I intend to because I think, while I have not looked at the list of 43, I am probably in favor of every one of those terminations, and if truth be known, I could come up and be comfortable with a list of 43 more that are not on there.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ARMSTRONG. I better not, I say to the Senator, because he is such a skillful person in moments like this that I am not sure I want to entrust my fate to his tender mercies now. May I ask of the Senator before I decide to yield, does he seek me to yield for friendly purposes or otherwise?

Mr. JOHNSTON. A gentle and friendly question.

Mr. ARMSTRONG. In that case, I am pleased to yield to my friend from Louisiana.

Mr. JOHNSTON. Mr. President, first I agree with my distinguished friend from Colorado, that this amendment is somewhere between a "make a point amendment" and a "tongue in cheek."

Just how would the Senator characterize OMB Director Jim Miller's letter to Robert Dole of April 21 in which he said, "The answer to the Gramm-Rudman-Hollings challenge is not to increase taxes or lessen our defense capability; it is to cut inefficiency and ineffective domestic programs?"

Does the Senator not also put that letter in the same category as this amendment, that is defying the laws of arithmetic, as Dave Stockman is wont to say?

Mr. ARMSTRONG. Mr. President, I do know much, but I learned a long time ago not to hang around here defending OMB. If there is one thing that is absolutely guaranteed to lead to disaster it is trying to defend the OMB. I have not even had a chance to read David Stockman's book yet, though in due course I intend to do so.

I say to the Senator, I have not read the letter. I do not want to dispute his characterization of it.

The practical fact is this, let me say to my good friend from Louisiana, and I do not want to overemphasize it, but I do not think we ought to lose sight of it either: This budget resolution we have before us does not cut anything, only really a handful of small reductions, a handful of places; we restrained slightly the growth of Federal spending. We are in the sixth year of an administration, the most conservative President in our lifetime or probably should ever see. The Senate is under the control of a bipartisan conservative majority, generally conservative Members in both parties. In fact, there are darn few Members of the Senate in either party who would willingly be identified in public as big spending liberals. And yet the fact of the matter is we have runaway Federal spending—rising every year. We have taken no serious sustained effort to make any cuts. The best we have done in a few cases is to slow and only by a little, the rate of increase in these programs.

Mr. BOSCHWITZ. Mr. President, will the Senator yield for a question?

Mr. ARMSTRONG. Yes. But let me list some programs we have not done anything about. UDAG, one of the most costly, outmoded, overblown programs we have ever had, the termination of which is endorsed not only by those of us opposed in the first place, but those who were initial sponsors and backers; Amtrak, which has cost so far $12 or $14 billion, generally agreed I think by most thoughtful people privately that it is going to go out of existence—the only real question is how much longer it is going to be on the Federal dole before it does go out of existence—and I guess 40 or 42 more.

We really have not done anything about those. It just seems to me that we ought to treat it more seriously than to offer an amendment of this kind.

So, that is my only point.

I am pleased to yield.

Before I do, Mr. President, I withdraw the motion which I offered, which, as I explained at the outset, was only for the purpose of gaining recognition.

The PRESIDING OFFICER. The motion is considered withdrawn.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, if my friend from Colorado would stay, I often find myself to be in agreement with him and yet I must respectfully disagree.

The effort that is being made here by the chairman of the Budget Committee and the ranking minority member of the Budget Committee is to join in the debate. The effort is not being made to embarrass any Senators.

It is my understanding that Chairman DOMENICI and Senator CHILES have been waiting here very patiently. They have called upon Senator JOHNSTON and me to replace them because they have been here so long and had to attend to other business. They have been waiting very patiently for people to come and suggest alternatives and perhaps my friend——

Mr. ARMSTRONG. Will the Senator yield for a question?

Mr. BOSCHWITZ. I ask my friend from Colorado the same question: Is this a friendly question he is going to ask or is this——

Mr. ARMSTRONG. Mr. President, in response I say it is a question friendly to him but not to the sponsors of the amendment or the amendment itself.

Mr. BOSCHWITZ. I certainly yield to my friend from Colorado.

Mr. ARMSTRONG. Mr. President, the question is, Is it the understanding of the Senator from Minnesota that neither of the sponsors of the amendment intend to vote for it?

Mr. BOSCHWITZ. I have only spoken to the staff about this and let me speak only for my chairman. It is my understanding that he will not, but that he is very desirous of joining the debate and having Senators come down here with amendments, having Senators who are critical of the budget as passed by the committee come down and offer substitutes for it, so that we can proceed.

In the alternative, we sit and watch the clock tick away and arrive at the conclusion by coming to the end.

Mr. ARMSTRONG. Mr. President, if I am told——

Mr. BOSCHWITZ. Pardon me. I believe I have the floor. Does the Senator from Colorado want to ask a question?

Mr. ARMSTRONG. No, Mr. President. I just wanted to draw a final conclusion and then go have lunch.

Mr. BOSCHWITZ. I want to respond to the Senator's statements about whether or not we have been able to slow the budget.

As I look at the outlays for 1985, they were $946 billion; they are estimated, in 1986, to be $979 billion; in 1987, under the budget that we have passed in committee, $994 billion. That is less than a 2-percent increase.

From 1985 to 1986, the increase is approximately 3 percent; from 1986 to 1987 it is 2 percent, less than 2 per-

cent. Once again, it is a little less than 3 percent from 1987 to 1988.

I respectfully tell my friend from Colorado that political realities are such that that is a pretty good result. If we can keep Government spending rising at 2 or 3 percent for a few years, we certainly will conform with Gramm-Rudman, and that since Government revenues have risen in the last 30 years at the rate of about 9.5 percent, if we can keep spending down to 2 or 3 percent, we are going to be OK and we are going to conform to the goals of Gramm-Rudman.

With that I yield to my colleague from Colorado for a comment.

Mr. ARMSTRONG. Mr. President, first with respect to the amendment itself, if it is correct that neither of the two sponsors intend to vote for it, I rest my case on the merits of the amendment.

Second, with respect to whether or not we are doing a good job, I appreciate the reassurance of my friend from Minnesota. I do not share his conclusion. I think we are doing a miserable job. I think it is a disgrace for this body to treat so lightly the economic future of this country and, more than that, I must say that it has now reached a point where I think it is more than just an economic issue. I think it is a fundamental question of the integrity of the lawmaking process to let deficits of this size go on year after year.

Now, it is my observation that most people out in the country who have thought about it think that Congress is populated by a bunch of gutless wonders, and in general I think that perception is correct. There are certainly some honorable exceptions, in fact I guess I would have to say there are many honorable exceptions, but Congress is a body which is uniquely a reversed synergism. Somehow a group of thoughtful, well-informed, well-intentioned men and women come from all over the country and collectively they proceed to do something which they would not any one of them in their individual capacity dream of doing.

I regret it very much. I have not come to the floor to bellyache about that but really only to complain of this pending amendment which I think is not only—well, I just think it is a sham, and I just wanted to say so. I am not one to be lacking in candor.

I do not think it changes anything whether this amendment is up or down or whether or not there is ever a vote on it, and I presume probably there is not any intention to vote on it. But what it emphasizes is that there is not any serious intent on the part of the managers to try to achieve these savings, and I regret that very much.

(Mr. ABDNOR assumed the Chair.)

Mr. BOSCHWITZ. Mr. President, I hope that my friend would come down and offer some alternatives. This is once again an effort by the Budget Committee leadership to draw the attention of the Senate to the fact that the debate is certainly proceeding slowly, that time is elapsing, that we are going to drive it to 50 hours and there will be a vote on final passage and those who wish to amend or otherwise change or substitute for the package should come down here and do so. We certainly would welcome that.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I am delighted that the amendment has been offered and I am delighted to say I will be voting against it. I do not think that brands me as one not interested in bringing our deficit under control because, as the record clearly shows, this Senator has been on this floor time and time again for the last 3 or 4 years trying to put a freeze into effect to get our spending under control.

So I believe that if we can have a vote up or down on these issues then that will settle once and for all any suggestion that seems to crop up from time to time that we should refer this matter back to the Budget Committee.

I wish to associate myself with the remarks made by my able and distinguished friend from Minnesota. He was one of that courageous band of seven Republicans, joined by five Democrats, to report a budget out to the floor that took an awful lot of hard work and an awful lot of courage and an awful lot of give and take. Certainly not everything in that budget is agreeable to this Senator. But the way you work things out here is to kind of come up with some kind of reasonable consensus by reasonable people who take a reasonable approach and not one that jumps off the cliff.

I simply would recite once again for the record the excellent letter that came from the distinguished chairman of the Budget Committee and the ranking member today that simply says domestic spending will be substantially restricted under the committee's budget resolution, declining from 13.1 percent of GNP in the current year to 11.7 percent of GNP for 1989. That is progress. And those who say that we have not taken action to reduce spending in the Budget Committee simply are not looking at the facts.

I would like to quote the next paragraph from that letter dated April 23 to all the Members of the Senate from the chairman and the ranking minority member of the Budget Committee. The next paragraph says, Mr. President:

> The Director mischaracterizes the issue as raising taxes versus cutting spending. Our budget resolution has total outlays that are $4 billion less than the President's budget in fiscal year 1987 and $12 billion less over a 3-year period. Our high tax revenues go not for higher spending but to reduce the deficit.

And I thought that that was what Gramm-Rudman-Hollings was all about. I would simply say that almost every time I mention Gramm-Rudman-Hollings, I want the record very clear that this Senator did not support that, although it had some parts that I liked. But on balance, Gramm-Rudman-Hollings is the wrong way to go about solving the difficult problems that face us, in the opinion of this Senator from Nebraska.

I simply say, Mr. President, that an awful lot of hard work has gone into the Budget Committee. Unless you serve on the Budget Committee and recognize the trauma that we went through over there, then I simply say that you do not fully understand and appreciate how good a budget we came out with; but, granted, it is a long way from perfect.

Since it is a long way from perfect, and since there are determined attempts by those who say it is easy to do this if you have the courage, I am delighted that we are going to have a chance to vote on this for a clear expression of the Members of the U.S. Senate.

Mr. President, I yield the floor.

Mr. BOSCHWITZ. Mr. President, I would point out to my friend from Nebraska that while I do not want to give too much credit to my colleagues on the other side, the Democrats, it was not five Democrats but six who voted for the budget resolution.

Mr. EXON. I am delighted to stand corrected.

Mr. BOSCHWITZ. And seven Republicans among that group behind my name.

I do disagree with my friend from Nebraska about Gramm-Rudman. I suggest to him that if we did not have the drive and the constraints that were imposed upon us by Gramm-Rudman that we would be back to the business as usual and you would see spending climbing even at the normal rate. And I pointed out before the Senator came here, spending in the next 2 or 3 years is going to climb at somewhere between 2 and 3 percent each year. That is a fairly good restraint.

If you in your home or I in my home or we in our businesses—and both of us are among the few businessmen who are here in the Senate—if we could keep the overhead, the expenses, rising at 2 or 3 percent a year, we would be in pretty good shape in our businesses. And that is what Gramm-Rudman is forcing us to do. Because, in the event we do not do it, then, that scythe will just come and mow down a whole bunch of programs rather indiscriminately. And as long as the club exists, I think the Senate will act. And in the event it is not there and you rely upon the goodwill of the Senators

from Nebraska and Minnesota and all the others who occupy this body, I am afraid we would not get it done.

So I think that Gramm-Rudman-Hollings was among really the premiere prices of legislation that I have had an opportunity to participate in since I arrived here, arriving on the same day that my friend and colleague from Nebraska did.

Mr. EXON. Mr. President, I appreciate the fine remarks made by my good colleagues from Minnesota. I still do not agree with him on Gramm-Rudman, but, as I said, it has helped somewhat in bringing the attention, perhaps, of the Senate to problem at hand.

The question is: What happens if all of our best efforts fail? We are already in violation of Gramm-Rudman, as the Senator from Minnesota knows full well, because Gramm-Rudman mandated that we have the budget reported out on April 15, 1986, not April 15, 1987.

So I am not certain that Gramm-Rudman is everything that it is hailed to be, but I do agree that it has brought at least attention of the matter to the U.S. Senate.

I would simply say that I think it has some serious constitutional flaws that are now being tested and I believe that we should have been here doing the work that we are doing right now, Gramm-Rudman-Hollings notwithstanding.

So I say that it may be that we are here late getting the budget out. That may be the fault of Gramm-Rudman. I think it is not. I think that if there is anything good about Gramm-Rudman, it at least forces some feet to the fire.

I would certainly agree with my friend from Minnesota that because of Gramm-Rudman, or in spite of it, the attention of the people of the United States have come to grips with the situation that confronts us and we have got to do something about this skyrocketing deficit and national debt.

I thought it was interesting the other night when I heard the former director of the Office of Management and Budget, Mr. David Stockman, say that he was astonished that the total national debt of the United States had doubled from $1 to $2 trillion in the 5 short years that we have had the Reagan administration.

And he conceded in this television interview that we are in terrible shape today, and we had been working on an economic malaise for the last 5 or 6 years that got us into the situation we have now.

So I suspect that Gramm-Rudman-Hollings and/or the continuing high deficits and the skyrocketing national debt are what brought us to the realization that we are going to have to do something.

So I think it was the actions of the current administration over the last 5 years and the faulted policies with regard to deficits and budgets that brought us to this and not necessarily Gramm-Rudman-Hollings in and of itself.

Mr. President, I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I say to my good friend from Nebraska that the fact the Senate missed the April 15 date is not really debilitating. We miss those kinds of dates right along. But they are not compulsory. We begin to pick up the real tough dates only on August 15, and there will be a great penalty if we do nothing. But that penalty is not yet coming into play, and it will not for a while.

So the fact that we missed the April 15 date and are not in precise compliance with Gramm-Rudman in my judgment really does not make too much difference.

Mr. President, I suggest the absence of a quorum and, Mr. President, I ask unanimous consent that the time on the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection. it is so ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Florida has a modification that he desires to offer to the pending amendment.

Mr. CHILES. Mr. President, I send the modification to the desk.

The amendment was modified.

The amendment (No. 1797), as modified, is as follows:

On page 2, decrease the amount on line 3 by $4,063,000,000.

On page 2, decrease the amount on line 4 by $6,242,000,000.

On page 2, decrease the amount on line 5 by $8,408,000,000.

On page 2, decrease the amount on line 8 by $4,063,000,000.

On page 2, decrease the amount on line 9 by $6,242,000,000.

On page 2, decrease the amount on line 10 by $8,408,000,000.

On page 2, decrease the amount on line 19 by $4,455,000,000.

On page 2, decrease the amount on line 20 by $8,299,000,000.

On page 2, decrease the amount on line 21 by $10,904,000,000.

On page 2, decrease the amount on line 24 by $4,063,000,000.

On page 2, decrease the amount on line 25 by $6,242,000,000.

On page 3, decrease the amount on line 1 by $8,408,000,000.

On page 5, decrease the amount on line 5 by $4,063,000,000.

On page 5, decrease the amount on line 6 by $6,242,000,000.

On page 5, decrease the amount on line 7 by $8,408,000,000.

On page 5, decrease the amount on line 10 by $4,455,000,000.

On page 5, decrease the amount on line 11 by $8,299,000,000.

On page 5, decrease the amount on line 12 by $10,904,000,000.

On page 5, decrease the amount on line 15 by $4,063,000,000.

On page 5, decrease the amount on line 16 by $6,242,000,000.

On page 5, decrease the amount on line 17 by $8,408,000,000.

On page 7, increase the amount on line 12 by $729,000,000.

On page 7, increase the amount on line 13 by $140,000,000.

On page 7, increase the amount on line 21 by $586,000,000.

On page 7, increase the amount on line 22 by $223,000,000.

On page 8, increase the amount on line 6 by $121,000,000.

On page 8, increase the amount on line 7 by $268,000,000.

On page 8, decrease the amount on line 16 by $80,000,000.

On page 8, decrease the amount on line 17 by $80,000,000.

On page 8, decrease the amount on line 24 by $80,000,000.

On page 8, decrease the amount on line 25 by $80,000,000.

On page 9, decrease the amount on line 7 by $80,000,000.

On page 9, decrease the amount on line 8 by $80,000,000.

On page 9, decrease the amount of line 16 by $369,000,000.

On page 9, decrease the amount on line 17 by $300,000,000.

On page 9, decrease the amount on line 25 by $653,00,000.

On page 10, decrease the amount on line 1 by $635,000,000.

On page 10, decrease the amount on line 9 by $1,002,000,000.

On page 10, decrease the amount on line 10 by $1,004,000,000.

On page 10, decrease the amount on line 19 by $847,000,000.

On page 10, decrease the amount on line 20 by $140,000,000.

On page 11, decrease the amount on line 4 by $1,447,000,000.

On page 11, decrease the amount on line 5 by $246,000,000.

On page 11, decrease the amount on line 13 by $2,047,000,000.

On page 11, decrease the amount on line 14 by $603,000,000.

On page 11, decrease the amount on line 23 by $368,000,000.

On page 11, decrease the amount on line 24 by $321,000,000.

On page 12, decrease the amount on line 8 by $510,000,000.

On page 12, decrease the amount on line 9 by $540,000,000.

On page 12, decrease the amount on line 17 by $605,000,000.

On page 12, decrease the amount on line 18 by $666,000,000.

On page 13, increase the amount on line 2 by $347,000,000.

On page 13, decrease the amount on line 3 by $1,851,000,000.

On page 13, decrease the amount on line 11 by $2,465,000,000.

On page 13, decrease the amount on line 12 by $2,645,000,000.

On page 13, decrease the amount on line 20 by $3,056,000,000.

On page 13, decrease the amount on line 21 by $3,214,000,000.
On page 14, decrease the amount on line 5 by $915,000,000.
On page 14, decrease the amount on line 6 by $708,000,000.
On page 14, decrease the amount on line 14 by $977,000,000.
On page 14, decrease the amount on line 15 by $758,000,000.
On page 14, decrease the amount on line 23 by $1,077,000,000.
On page 14, decrease the amount on line 24 by $930,000,000.
On page 15, decrease the amount on line 9 by $961,000,000.
On page 15, increase the amount on line 10 by $85,000,000.
On page 15, decrease the amount on line 18 by $725,000,000.
On page 15, decrease the amount on line 19 by $174,000,000.
On page 16, decrease the amount on line 2 by $1,075,000,000.
On page 16, decrease the amount on line 3 by $633,000,000.
On page 16, decrease the amount on line 13 by $815,000,000.
On page 16, decrease the amount on line 14 by $396,000,000.
On page 16, decrease the amount on line 22 by $819,000,000.
On page 16, decrease the amount on line 23 by $856,000,000.
On page 17, decrease the amount on line 6 by $819,000,000.
On page 17, decrease the amount on line 7 by $932,000,000.
On page 17, decrease the amount on line 16 by $117,000,000.
On page 17, decrease the amount on line 17 by $180,000,000.
On page 17, decrease the amount on line 24 by $117,000,000.
On page 17, decrease the amount on line 25 by $136,000,000.
On page 18, decrease the amount on line 7 by $117,000,000.
On page 18, decrease the amount on line 8 by $137,000,000.
On page 19, decrease the amount on line 18 by $789,000,000.
On page 19, decrease the amount on line 19 by $103,000,000.
On page 20, decrease the amount on line 3 by $819,000,000.
On page 20, decrease the amount on line 4 by $119,000,000.
On page 20, decrease the amount on line 13 by $839,000,000.
On page 20, decrease the amount on line 14 by $167,000,000.
On page 23, decrease the amount on line 2 by $413,000,000.
On page 23, decrease the amount on line 3 by $352,000,000.
On page 23, decrease the amount on line 10 by $411,000,000.
On page 23, decrease the amount on line 11 by $414,000,000.
On page 23, decrease the amount on line 18 by $409,000,000.
On page 23, decrease the amount on line 19 by $411,000,000.
On page 24, decrease the amount on line 2 by $20,000,000.
On page 24, decrease the amount on line 3 by $20,000,000.
On page 26, increase the amount on line 3 by $163,000,000.
On page 26, increase the amount on line 4 by $163,000,000.
On page 26, increase the amount on line 12 by $138,000,000.
On page 26, increase the amount on line 13 by $138,000,000.
On page 26, increase the amount on line 21 by $101,000,000.
On page 26, increase the amount on line 22 by $101,000,000.
On page 29, increase the amount on line 24 by $252,000,000.
On page 29, increase the amount on line 25 by $252,000,000.
On page 29, increase the amount on line 26 by $275,000,000.
On page 29, increase the amount on line 26 by $275,000,000.
On page 30, increase the amount on line 1 by $280,000,000.
On page 30, increase the amount on line 2 by $280,000,000.
On page 33, decrease the amount on line 13 by $4,063,000,000.
On page 33, decrease the first amount on line 14 by $6,242,000,000.
On page 33, decrease the second amount on line 14 by $8,408,000,000.
On page 35, increase the amount on line 11 by $159,000,000.
On page 35, increase the amount on line 12 by $46,000,000.
On page 35, decrease the first amount on line 13 by $501,000,000.
On page 35, decrease the second amount on line 13 by $566,000,000.
On page 35, decrease the amount on line 14 by $1,025,000,000.
On page 35, decrease the amount on line 15 by $1,171,000,000.
On page 36, increase the amount on line 20 by $252,000,000.
On page 36, increase the amount on line 21 by $252,000,000.
On page 36, increase the first amount on line 22 by $275,000,000.
On page 36, increase the second amount on line 22 by $275,000,000.
On page 36, increase the amount on line 23 by $280,000,000.
On page 36, increase the amount on line 24 by $280,000,000.
On page 42, increase the amount on line 15 by $159,000,000.
On page 42, increase the amount on line 16 by $46,000,000.
On page 42, decrease the first amount on line 17 by $501,000,000.
On page 42, decrease the second amount on line 17 by $566,000,000.
On page 42, decrease the amount on line 18 by $1,025,000,000.
On page 42, decrease the amount on line 19 by $1,171,000,000.
On page 44, decrease the amount on line 6 by $4,063,000,000.
On page 44, decrease the first amount on line 7 by $6,242,000,000.
On page 44, decrease the second amount on line 7 by $8,408,000,000.
On page 44, after line 21, insert the following:

SENSE OF THE CONGRESS

SEC. 4. It is the sense of the Congress that $4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preferece Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grant (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

SENSE OF THE CONGRESS

SEC. 4. TERMINATION AND REDUCTION OF PROGRAM.—It is sense of the Congress that $4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions in 43 areas, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

Mr. DOMENICI. Mr. President, I have discussed the pending amendment with the leader's office. I am going to give the Senate a rough estimate that we shall not start the vote on this amendment for something like 25 or 30 minutes. As soon as I have word from the leader, then I shall inform the Senate that there are a few minutes left and we shall proceed to move the amendment toward a Senate vote.

If Senators are wondering what might happen after that, there are a number of Members who have indicated their intention to other amendments. We are trying to find a Senator——

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. DOMENICI. Mr. President, I yield myself whatever time is necessary off the resolution.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOMENICI. I thank the Chair. Let me continue that discussion.

Senators are wondering what will happen after the vote on the pending amendment. It is my hope that we can get an amendment, where the Members involved will agree to reduce the time limit to less than the 2 hours allowed. We would not take a full hour in opposition—so that we might have one additional vote before the 3:30 time the leader has set. This proposal might clearly change the leader's plans for the remainder of the day.

I will conclude by saying as I have for well over an hour, today that the propose of this amendment is to help us understand what the terminations the President has proposed mean in terms of fiscal policy, and the extent to which they will move us toward the Gramm-Rudman-Hollings mandatory target of $144 billion for 1987 and the outyears. This amendment does, in my opinion, serve a useful purpose. I repeat that I have been trying to get those who have amendments and have concrete ideas, either because they are partially or totally in opposition to the pending budget resolution, to offer them, to come to the floor and suggest them and seriously debate them.

ELIMINATE 44 FEDERAL PROGRAMS

Mr. LEAHY. Mr. President, I rise today to oppose an amendment to the Senate budget resolution which would eliminate the 44 programs the President recommended for termination in his budget proposal.

Mr. President, I ask unanimous consent that a list of these programs appear at this point in the RECORD.

Let me mention just a few of the programs slated for elimination by this amendment. The General Revenue Sharing Program would be eliminated, despite the fact that this important means of Federal-local cooperation helps towns and cities in my State of Vermont provide essential services without raising already high property taxes.

The Work Incentive Program [WIN] would be canceled. Yet, WIN is the only Federal program with the specific charge of removing Americans from welfare rolls and placing them in jobs. WIN has been especially important in helping single parents on welfare find employment and a means of support for their children. Not only is WIN well-intentioned, but it works and it works in Vermont, where our WIN Program was rated first in the Nation.

Federal support for libraries would also end as a result of this amendment. I cannot think of a greater threat to an enlightened America or an informed electorate than ending support for libraries—very often the center of knowledge and information in rural communities.

Passage of this amendment would also mean the end of passenger rail service in Vermont. Since 1979, I have fought to maintain and strengthen Amtrak's Montrealer service to Vermont. This amendment would not only put an end to the Montrealer; it would eliminate Federal support for Amtrak.

These are just a few examples of the ill effects of the proposed amendment eliminating 44 Federal programs.

But, what is worse—what is more compelling—is the fact that canceling these programs would only save $4 billion. There is no doubt that $4 billion is a great deal of money, but there are far more sensible and less painless ways of raising those funds than cutting important programs wholesale.

Earlier this year, the General Accounting Office reported to me that more than $7.5 billion could be saved in the Pentagon budget simply by correcting incorrect inflation assumptions in major defense contracts. That is, GAO found $7.5 billion in padding and waste in defense contracts.

It is beyond me, how the administration could ask us to gut programs that help people—that help people in Vermont—to reduce the deficit by $4 billion, when almost twice that much can be saved by teaching Pentagon accountants to add.

For this reason, Mr. President, I urge my colleagues to defeat this amendment soundly.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PROGRAMS TO BE TERMINATED

Work incentive program (WIN).
General revenue sharing.
Conrail.
Trade adjustment assistance to firms.
Appalachian Regional Commission.
Economic Development Administration.
Urban development action grants.
U.S. Travel and Tourism Administration.
Export-Import Bank direct loans.
Community services block grant.
Rental housing development action grant (HODAG).
Section 312 rehabilitation loan fund.
Postal Subsidy.
FEMA supplemental emergency food and shelter.
Advanced communications technology satellite.
OPIC insurance programs.
Amtrak.
Interstate Commerce Commission (terminations and transfers).
Washington Metro construction grants.
Maritime cargo preference expansion.
EPA sewage treatment grants.
Impact aid (type "b" students).
Library programs.
Small higher education programs.
State student incentive grants.
College housing loans (new loans).
Public Health Service (health profession subsidies).
Legal Services Corporation.
Certain soil conservation programs.
Federal crop insurance program.
Rural housing loans/grants.
Small Business Administration (eliminations and transfers).
Rental rehabilitation grants.
Section 8 moderate rehabilitation.
Section 202 elderly and handicapped housing.
Section 108 loan guarantee program.
Rural development program.
Rural Electrification Administration subsidies.
Weatherization assistance program.
LANDSAT (eliminate future subsidies for contractors).
Sea grant and coastal zone management grant programs.
Juvenile justice grants.
Justice State-local assistance grants.
Public debt reimbursements to Federal Reserve Banks.

Mr. DOMENICI. Mr. President, unless the distinguished Senator from Florida has something to say, I suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the clerk dispense with further reading of the roll.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Has all time expired on the amendment, as modified?

The PRESIDING OFFICER. All the time has expired on the amendment, as modified.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico and the Senator from Florida. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], and the Senator from Florida [Mrs. HAWKINS], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote "nay".

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 14, nays 83, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—14

Armstrong	Hecht	Proxmire
East	Helms	Rudman
Garn	Humphrey	Symms
Gramm	Laxalt	Wallop
Hatch	McClure	

NAYS—83

Abdnor	Exon	Mitchell
Andrews	Ford	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gore	Nickles
Biden	Gorton	Nunn
Bingaman	Grassley	Packwood
Boren	Hart	Pell
Boschwitz	Hatfield	Pressler
Bradley	Heflin	Pryor
Bumpers	Heinz	Quayle
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Chafee	Johnston	Roth
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Cohen	Kennedy	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
DeConcini	Levin	Stennis
Denton	Long	Stevens
Dixon	Lugar	Thurmond
Dodd	Mathias	Trible
Dole	Matsunaga	Warner
Domenici	Mattingly	Weicker
Durenberger	McConnell	Wilson
Eagleton	Melcher	Zorinsky
Evans	Metzenbaum	

NOT VOTING—3

Goldwater	Harkin	Hawkins

So the amendment (No. 1797), as modified, was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I understand that Senator ANDREWS has an amendment.

Mr. ANDREWS. That is correct.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1798

(Purpose: To add additional funds for education programs and to offset the increased outlays with increased revenues)

Mr. ANDREWS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. ANDREWS], for himself, Mr. HOLLINGS, Mr. STAFFORD, Mr. LAUTENBERG, Mr. WEICKER, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. SPECTER, Mr. MOYNIHAN, Mr. PRESSLER, Mr. PELL, Mr. MATHIAS, Mr. MELCHER, Mr. DANFORTH, Mr. KERRY, Mr. MITCHELL, Mr. SIMON, Mr. MATSUNAGA, Mr. BURDICK, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. FORD, Mr. METZENBAUM, Mr. INOUYE, Mr. BOREN, Mr. BINGAMAN, Mr. DURENBERGER, Mr. RIEGLE, Mr. BUMPERS, Mr. PRYOR, and Mr. BYRD proposes an amendment numbered 1798.

Mr. ANDREWS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 2, increase the amount on line 3 by $300,000,000.

On page 2, increase the amount on line 4 by $1,100,000,000.

On page 2, increase the amount on line 5 by $1,500,000,000.

On page 2, increase the amount on line 8 by $300,000,000.

On page 2, increase the amount on line 9 by $1,100,000,000.

On page 2, increase the amount on line 10 by $1,500,000,000.

On page 2, increase the amount on line 19 by $1,200,000,000.

On page 2, increase the amount on line 20 by $1,500,000,000.

On page 2, increase the amount on line 21 by $1,500,000,000.

On page 2, increase the amount on line 24 by $300,000,000.

On page 2, increase the amount on line 25 by $1,100,000,000.

On page 3, increase the amount on line 1 by $1,500,000,000.

On page 5, increase the amount on line 5 by $300,000,000.

On page 5, increase the amount on line 6 by $1,100,000,000.

On page 5, increase the amount on line 7 by $1,500,000,000.

On page 5, increase the amount on line 10 by $1,200,000,000.

On page 5, increase the amount on line 11 by $1,500,000,000.

On page 5, increase the amount on line 12 by $1,500,000,000.

On page 5, increase the amount on line 15 by $300,000,000.

On page 5, increase the amount on line 16 by $1,100,000,000.

On page 5, increase the amount on line 17 by $1,500,000,000.

On page 16, increase the amount on line 13 by $1,200,000,000.

On page 16, increase the amount on line 14 by $300,000,000.

On page 16, increase the amount on line 22 by $1,500,000,000.

On page 16, increase the amount on line 23 by $1,100,000,000.

On page 17, increase the amount on line 6 by $1,500,000,000.

On page 17, increase the amount on line 7 by $1,500,000,000.

On page 33, increase the amount on line 13 by $300,000,000.

On page 33, increase the first amount on line 14 by $1,100,000,000.

On page 33, increase the second amount on line 14 by $1,500,000,000.

On page 44, increase the amount on line 6 by $300,000,000.

On page 44, increase the first amount on line 7 by $1,100,000,000.

On page 44, increase the second amount on line 7 by $1,500,000,000.

Mr. BYRD. Mr. President, will the distinguished Senator from North Dakota yield?

Mr. ANDREWS. I am more than happy to yield to the distinguished Democratic leader.

Mr. BYRD. I thank the distinguished Senator.

If I may direct my inquiry to the distinguished majority leader, I use this time to indicate to the distinguished majority leader that I would like to have given him a little notice but I did not know, in this instance, because I thought we ought to have the inquiry while we have pretty good attendance on the floor.

Could the distinguished majority leader indicate what the outlook is for the rest of the day with respect to rollcalls—and many of us already know that, as the majority leader has already told us—but, more importantly, what is the outlook for tomorrow as to rollcalls and with respect to Friday, and may I say especially with regard to Friday?

The distinguished majority leader has indicated, I believe, maybe for the RECORD, certainly with me, that we might be out Friday if we could charge some time off the budget resolution to compensate for the time we could be out. Would the majority leader be in a position now to elaborate?

Mr. ANDREWS. Mr. President, in yielding to the distinguished Democratic leader, let me, before the majority leader responds, point out that it was my intention momentarily to ask unanimous consent—and I have the consent of Senator HOLLINGS, the principal sponsor on the Democratic side—that the vote on this amendment occur at 3:30, which is, as I understand it, by agreement, the moment that a vote should occur.

So I will propound that unanimous-consent request or I would ask the Democratic and Republican leaders to entertain that kind of unanimous-consent request.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. DOLE. Mr. President, we will have this vote yet today on this bill, and we are going to recess at 4 o'clock by a previous unanimous-consent agreement. Tomorrow, we will come in at 10 o'clock and hope to be on the bill by 10:30 and hope to dispose of some other amendments. We have not reached any agreement on when we might complete voting on tomorrow.

But, if we can work out a substantial agreement on time on Friday, I think I have the consent of the managers to charge that off and not be in session on Friday.

Mr. BYRD. Will the distinguished majority leader and others, especially the managers of the resolution, perhaps put the request at this time or at least make a clear position known that

on Friday the Senate will not be in session and that, say, 8 hours would be counted against the measure, which is probably more than would actually be consumed if the Senate were to be in session? Then all Senators would know there would be no session on Friday.

Mr. DOMENICI. Will the majority leader permit me to make an observation?

Mr. DOLE. Yes.

Mr. DOMENICI. Mr. President, I think 10 hours might be more appropriate. I might say to the distinguished minority leader that actually we cannot get anymore to bring amendments down here. Senator ANDREWS has brought his up, but we have asked five other Senators who have amendments that we have known about if they could come in this afternoon, perhaps using less time than the distinguished Senator from North Dakota—Senator ANDREWS has what he considers to be a very important amendment—and we could not get anybody to do that. If we could get credit for 10 hours, people might begin to look at the fact that there are 8 or 10 or 12 amendments left and that maybe they should start offering them. So I would urge we take 10 hours off.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business on Thursday, April 24, it stand in adjournment until 12 noon on Monday, April 28, and that 10 additional hours be considered as having been used on the budget resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, reserving the right to object, I have an inquiry. How much time will be remaining if this consent agreement is agreed to?

Mr. DOLE. Thirty-some hours. But let me get it from the Parliamentarian.

The PRESIDING OFFICER. At present, there are 39 hours and 36 minutes remaining.

Mr. BUMPERS. Could the Parliamentarian give us some idea—or I guess the majority leader would have to do it—counting the time we anticipate staying in today and tomorrow, and adding the 10 hours on Friday, approximately how much time would be left on the bill?

Mr. DOLE. Twenty hours or more. It would be 1½ today, and that gets us down to 38, and tomorrow we might consume 6 or 8 hours. That is 30, and 10 is 20.

Mr. BUMPERS. I will defer to the minority leader on this, but I hope that in the request, instead of asking that 10 hours be charged against the bill on Friday, that we simply agree that starting at noon on Monday, if that is when we are going to come in, according to this request, that there be 20 hours remaining at that point.

Mr. METZENBAUM. At least.

Mr. HOLLINGS. Reserving the right to object, I am as anxious about Monday as some others are about Friday. Does this change the Monday schedule? I am not trying to ham up the agreement for Friday, but I do not want all of a sudden to find myself in the briar patch on Monday.

Mr. DOLE. On Monday, the agreement is there are no votes after 6. There will not be any votes after 6.

Mr. HOLLINGS. There could be votes before 6?

Mr. DOLE. Yes.

Mr. HOLLINGS. I thought we westerners had to come back before 6. Then, for the moment, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding.

Mr. ANDREWS. Mr. President, I am glad to yield to the Democratic leader.

Mr. President, I now propound my unanimous-consent request that the vote on this amendment occur at 3:30 p.m.

Mr. DOMENICI. Mr. President, reserving the right to object, I believe it would be more appropriate or more acceptable to the Senator from New Mexico if you were to add to that, "and the time be equally divided."

Mr. ANDREWS. I would add to that, "and the time to be equally divided between Senators on the majority and minority side, to be controlled by myself and the Senator from South Carolina, Senator HOLLINGS."

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, that is controlled by those in favor and those opposed, not the majority and minority.

Mr. ANDREWS. Mr. President, my apologies. I would suggest that the time be controlled by the Senator from North Dakota and the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object. The Senator would not object to adding that "all provisions of the Budget Act regarding floor consideration of amendments shall remain in full force and effect"?

Mr. ANDREWS. That is right.

Mr. DOMENICI. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ANDREWS. Mr. President, I am pleased to offer an amendment for myself and Senators HOLLINGS, STAFFORD, LAUTENBERG, WEICKER, BRADLEY, D'AMATO, DODD, SPECTER, MOYNIHAN, PRESSLER, PELL, MATHIAS, MELCHER, DANFORTH, KERRY, MITCHELL, SIMON, MATSUNAGA, BURDICK, LEVIN, KENNEDY, LEAHY, SARBANES, ROCKEFELLER, FORD, METZENBAUM, INOUYE, BOREN, BINGAMAN, DURENBERGER, and Mr. ABDNOR and we seem to have additions coming in.

Let me point out that our amendment represents a concerted bipartisan effort to restore Federal funding for education programs under function 500. During my career in Congress, Mr. President, I repeatedly expressed my conviction——

The PRESIDING OFFICER. The Senate will be in order. Will Senators suspend? Will all conversations in the rear of the room move into the cloakroom? The Senate will be in order.

The Senator from North Dakota.

Mr. ANDREWS. I have repeatedly expressed my conviction, Mr. President, that some Federal programs are investments—investments for both individuals and nations as a whole, investments in our todays and all of our Nation's tomorrows.

Mr. President, the diminishing importance of education as an issue of national priority now threatens the ability of our public schools to continue to do the job that must be done to thoroughly and effectively educate our Nation's young people. The fact is the States simply cannot do this critically important job on their own. In my own State, times are tough. The Midwest must contend with an ailing farm economy, and in North Dakota there are problems with our oil industry as well. Add that to a high rate of unemployment, and it is a small wonder, Mr. President, that States' coffers are depleted. Despite the claims of economic health and stability, financial resources on which to draw the Federal dollar remains a necessary and a critical component for many States and public school systems.

Mr. DOLE. Will the Senator from North Dakota yield for an announcement?

Mr. ANDREWS. I am happy to yield to the majority leader.

Mr. DOLE. I want to remind my colleagues. At 2:30 p.m. in S-207 Secretary Shultz will be there to talk about a wide range of topics including Libya, the economic summit, Saudi arms sales, and other things. He will be there at 2:30.

I thank the Senator.

Mr. ANDREWS. I appreciate the majority leader's pointing that out, and I yield to my colleague, my good friend and cosponsor of this legislation, the Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from North Dakota.

I ask unanimous consent to add as cosponsors Senators RIEGLE, BUMPERS, and PRYOR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, in 1983, the National Commission on Excellence in Education, which was chartered by then Secretary of Education Bell in 1981, released a report titled "A Nation at Risk: The Imperative for Educational Reform." The report stated:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

Since that time, claiming to support a strong education system has become the latest fad. Unfortunately, as with most fads, such support appears to be all flash, and little substance. The current administration has done nothing to combat this threat, and, in fact, has exacerbated the problem by refusing to commit to excellence in education.

Since the release of "A Nation at Risk," 10 other reports which censure our Nation's educational system have been released. While all these reports set forth different ways in which to reform the educational system, they all agree that the system is in dire need of such reform.

Incredibly enough, the response of the current administration to this plethora of demands to reform and strengthen the educational system has been to decrease the amount of available funding. Federal funding for education has increased in dollar amount, Mr. President, but, when adjusted for inflation, it has declined by about 16 percent since fiscal year 1980. Federal funds have also decreased as a percentage of the total national expenditure for education. Federal expenditures now represent 7 percent, or less, of the total spent on education. More to the point, education has dropped from 2.3 percent of the Federal budget in fiscal year 1980 to only 1.6 percent in fiscal year 1986.

What are the consequences of this declining commitment to education? Well, when a significant portion of the funds for specific programs comes from the Federal Government and that Federal assistance is substantially reduced, the results are devastating. For example, after the 1981 budget cuts, 700,000 students were dropped from the Chapter 1—compensatory education for the disadvantaged—Program—which now only serves 40 percent of those eligible, and nearly 3 million children were dropped from the School-Lunch Program. The results are particularly tragic in light of a national high school drop-out rate that has recently increased to 27 percent, and a child poverty rate that has escalated from 16 percent in 1979 to a current rate of 22 percent.

It is good common sense to utilize our Nation's most valuable asset—her people. Investment in the human infrastructure is the most cost-effective method for ensuring increased domestic prosperity, social welfare, and international leadership. Education is the fundamental source of our economic prosperity, our national security, and our sense of national community. The knowledge created and transmitted by educational institutions is the key to our economic and military strength in an increasingly competitive world.

Education is essential for maintaining our tradition of democracy and individual freedom. Thomas Jefferson eloquently stated the importance of education in a democracy when he said:

> I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.

We simply cannot afford to allow education to become the preserve of a privileged few. The United Negro College Fund has a slogan that states "A mind is a terrible thing to waste." We in the Senate have a responsibility to assure that no minds go to waste in this country. A real and tangible commitment to the expansion of the human mind is, perhaps, the single most important legacy we can bequeath our children.

In an effort to discharge this responsibility, Senator ANDREWS and I have put together an amendment which would add $1.2 billion in budget authority to the education portion of Senate Concurrent Resolution 120—the Domenici-Chiles budget resolution. As I have said many times before, we cannot increase the economic level of any until we increase the educational level of all. Specifically, our amendment provides for current services for all education programs. Current services equal the fiscal year 1986 appropriation—the presequestration amount—plus inflation, figured at 5.7 percent.

Because the budget resolution contains $400 million in increases for priority programs such as title 1, handicapped education, and Pell grants, the percentage increase for these programs in the Andrews-Hollings amendment is less than for other education programs. Similarly, because the budget resolution assumes a $100 million cut in the Chapter 2 Block Grant Program, the percentage increase for this program is more than for other education programs.

Mr. President, I urge my colleagues to join me in supporting this amendment. The education challenge has not even begun to be met. Inadequate funding at this point would only serve to undermine the very foundations of our educational system in this country. I do not think that anyone wants to pay that price. So please give us your earnest here. This is a very serious amendment. It should not be opposed by the leaders of the bill. It frankly ought to be accepted in the context that we have shown the discipline—we have complied with Gramm-Rudman-Hollings—we provided for the revenues, and it is only a modest amount to try to help keep pace in the programs.

Our amendment adds funding to the first concurrent budget resolution for several important programs including title 1, handicapped education vocational and adult education, chapter 2 block grants, impact aid, Bilingual Education, and the Math and Science Program.

TITLE 1, AID TO DISADVANTAGED CHILDREN

Enacted in 1965 to provide financial assistance to school districts with concentrations of children from low-income families, its focus has been to provide compensatory educational programs that address the special needs of educationally deprived children—primarily for instructional services in reading, math and language arts. The national assessment of education progress data show that the reading scores of disadvantaged students rose dramatically between 1970 and 1984, and these gains are largely attributable to title 1. The shortcoming of the program is, while it serves about 4.8 million children, it is available to less than half of the students who are eligible for its valuable service. And, adjusting for inflation, the estimated constant dollar funding level for title 1 has fallen by 24 percent between fiscal year 1980 and fiscal year 1986.

The Andrews-Hollings amendment will provide an additional $219 million for title 1 and restore 328,000 students to the program over the amount in Domenici-Chiles.

HANDICAPPED EDUCATION

The Education of the Handicapped Act was established for the purpose of awarding grants to States to assist them in providing a free and appropriate education to all handicapped children. This program represents the basic vehicle through which the Federal Government maintains a partnership with the States and localities to end the educational neglect of handicapped children. Although Federal appropriations for this program have increased steadily since 1975, the Federal share of the excess costs peaked at 12.5 percent in 1979 and currently represents 9 percent, well below the authorized level of 40 percent.

State and local districts simply cannot afford the extra financial burden of carrying out the congressional mandate of providing free public education in as normal a setting as possible for every handicapped child. We must live up to our obligation and provide the funding necessary

to assist the state in this important endeavor. Our amendment would provide an additional $83 million for handicapped education over the level provided in the budget resolution. An increase in funding for the Education of the Handicapped Program would result in an increase in the overall Federal contribution for the excess costs of educating a handicapped child.

VOCATIONAL EDUCATION

Vocational education programs provide education, training, and basic instruction needed by persons to successfully compete and advance in the labor market. Vocational education bridges schools and the workplace and provides alternative learning for thousands of youths, who without such an option, would become dropouts from school.

Since 1980 enrollments in vocational education have risen from 16.8 million to 19.5 million secondary, post-secondary and adult students. Despite this significant increase in enrollments, Federal dollars for vocational education have declined by 28 percent since 1980 when adjusted for inflation.

The Andrews-Hollings amendment would add $85.4 million to the budget resolution for vocational education. Without this increase, vocational education improvements will be reduced and training and retraining for adults will be cut back. In addition, services for disadvantaged and handicapped students will be reduced.

CHAPTER 2 STATE BLOCK GRANTS

Chapter 2 block grants provide funding to State and local education agencies for a wide variety of educational improvement purposes from special programs for the gifted to career education and teacher education. Enacted in 1981, this program replaced 28 categorical programs previously funded at $743 million. In addition, enactment of this consolidation under the severely reduced funding level has meant competition among diverse previously funded programs for shrinking funds.

For example, local education agencies now find themselves choosing between funds for library materials or desegregation assistance. Our recommendation of $171 million would reverse the funding decline these activities have experienced since fiscal year 1980. It would provide States and localities with additional financial flexibility to adjust elementary and secondary education programs to the changing educational needs of our society, and to develop and expand programs ensuring that students have the basic minimal skills needed to be educated citizens in our society. Funds may also be used to purchase and utilize modern instructional equipment, including microcomputers, or to encourage and enhance the process of school desegregation. This amount would also provide more funds to the Secretary of Education to invest in education programs of national priority—programs which would identify areas in education where deficiencies exist and where national leadership could avert future crises in our educational system.

IMPACT AID—PUBLIC LAW 81-874—PUBLIC LAW 81-815

Public Law 81-874, impact aid is a current year funded reimbursement law which makes payments directly to local public school districts which educate military, Indian and poverty children. These children have parents who are exempt from one or more of the revenue generating taxes due to their Federal involvement.

The concept was first passed in 1950 as an in-lieu-of taxes law and only makes payment where there is an actual presence of federally connected youngsters.

In 1980, the law was funded at $702 million or almost 75 percent of the actual amount needed to fully fund the concept. In 1980 it served 4,300 school districts or about 2.5 million children.

In 1986, the law was funded at $663 million or about 53 percent of its actual need. In 1986 the number of districts had been reduced to 3,000 serving a little under 2 million youngsters.

Insufficient funding has forced payments to some categories for some districts as low as 10 percent of their entitlement. A regular A payment may be as little as $450 per child with regular B payments as low as $25 each.

If the Andrews-Hollings amendment is passed, the law would be funded at 60 percent of its actual need and the additional revenue would make a significant increase in the per-pupil payments in both regular categories.

Additionally, there would be enough to restore the devastating cuts to the 815 companion law for school construction to serve federally connected children.

HIGHER EDUCATION

PELL GRANT PROGRAM

The largest need-based Federal postsecondary student aid program administered by the Department of Education is the Pell Grant Program. The program's purpose is to assist students from low-income families to gain access to postsecondary education. Eligibility for a Pell grant is determined by a federally established need analysis system implemented through the family contribution schedule, and once the student's eligibility is determined, grants are provided directly to undergraduate students based on their financial need.

The buying power of the Pell grant for needy students has declined drastically since fiscal year 1980. In fiscal year 1980, the $1,750 maximum award represented 40 percent of the average cost of attendance at all institutions—although only 25 percent of the cost of students attending independent institutions. In fiscal year 1986 the maximum award grew to $2,100 and unless that level is maintained for fiscal year 1987 it will meet only 34 percent of the average cost of attendance at public institutions—and only 17 percent of the average cost for students at independent institutions. Students from needy backgrounds will find it increasingly difficult to attend college.

Our amendment will continue to ensure that Pell eligible students receive financial support to continue their undergraduate studies. Our amendment will serve an additional 442,800 students over the current March 1, 1986, level of 2,881,000 students.

TRIO PROGRAMS

The special programs for students from disadvantaged backgrounds are comprised of five programs—Talent Search, Upward Bound, Special Services for Disadvantaged Students, Educational Opportunity Centers, and Staff Development Activities. These programs provide important outreach, counseling, and tutorial services as supportive services to low income, first generation, and physically handicapped students. These supportive services are utilized as a mechanism to encourage attendance and retention and to improve academic performance of low income, first generation college students, whose parents were not afforded the opportunity to pursue a postsecondary education. Through the Trio programs, low-income students are provided with a realistic opportunity to escape the cycles of poverty and dependence and to achieve the upward mobility afforded by access to higher education. Studies have shown that participants in the TRIO programs are more than twice as likely to stay in school as other disadvantaged college students who did not have the benefit of these services. And, Upward Bound students are four times as likely to graduate from college as similar students not in Upward Bound.

The TRIO programs have lost over 100,000 students since fiscal year 1980. The Andrews-Hollings amendment will provide $17 million in additional funds to ensure that these low-income students continue to receive the essential services they so desperately need to enter postsecondary education. An additional 43,500 students will be added to the current level of 486,866 students who are currently being served through the TRIO programs.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT

The Supplemental Educational Opportunity Grant [SEOG] Program provides education grant assistance for undergraduate students who demonstrate substantial financial need. Grant awards are made to students

through the postsecondary institution that the student plans to attend. Awards for SEOG students may range from $200 to $2,000. The amount of the award is determined by the school that the student attends. Better than 72.4 percent of the SEOG funds are awarded to students with family incomes of less than $30,000 per year. This program's effectiveness also has been substantially eroded in the past 6 years.

By the addition of $40 million, our amendment will increase the number of SEOG recipients by an additional 71,818 to the current level of 718,000 participants.

STATE STUDENT INCENTIVE GRANTS

The State Student Incentive Grant Program is a Federal-State cost sharing partnership to encourage the development and expansion of need-based grant programs, and State scholarship aid programs for postsecondary students with substantial financial need. To participate in the program, States are required to match each Federal SSIG dollar with another dollar from non-Federal sources.

The Andrews-Hollings amendment would provide access for an additional 21,600 students over the current level of 292,000 students who are eligible to receive State Student Incentive Grants.

COLLEGE WORK STUDY [CWS]

The College Work Study Program finances part-time employment for undergraduate, graduate, and professional students who are attending eligible institutions of postsecondary education and who need those earnings from employment to attend college. Federal grants pay up to 80 percent of the student's wages; the remaining 20 percent is paid by the institution, which may pay its share directly to the student in tuition, room and board, and books. Not only does the program help students meet their college expenses, but participants also receive training and experience in their selected course of study through their part-time jobs. Still other students are employed under the program to support various campus services and activities that the institutions might not otherwise be able to provide.

Our amendment will increase the 772,727 participants—current level—by an additional 77,318 participants as a means of ensuring that the students with the greatest financial need will be able to meet their college expenses through a program of training and experience through part time employment opportunities.

NATIONAL DIRECT STUDENT LOAN [NDSL]

The National Direct Students Loan Program provides educational loans to undergraduate, graduate, and professional students on the basis of need. By providing long-term, low interest loans to needy students, the NDSL Program has offered a system of credit to those persons who have difficulty securing loans from commercial lenders. Revolving funds have developed at colleges through prior and current year loan repayments. The federal capital contribution permits institutions that have not yet achieved revolving fund status to make new awards.

Our recommendation of $18 million to this amendment will add an additional 22,750 participants to the current level of 227,273 participants in the NDSL Program.

I ask unanimous consent that the following tables indicating what has happened to education funding since fiscal year 1980 be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Education funding levels, fiscal year 1980–87

	Billion
1980	$14.4
1981	14.8
1982	14.7
1983	15.4
1984	15.4
1985	17.9
1986	18.4
1986—Mar. 1, 1986	17.7
1987—Domenici-Chiles	17.8
1987—Andrews-Hollings	19.0

Funding reductions in certain education programs

[In constant dollars: 1980–86]	Percent
Vocational education	−28.0
Chapter 1, compensatory education	−23.9
Chapter 2, block grant	−56.4
Bilingual education	−44.7
Impact aid	−36.2
Education of handicapped	−7.8
Adult education	−32.4
Pell grants	+38.5
Supplemental educational opportunity grant	−26.1
College work study	−28.5
National direct student loans	−51.9
Guaranteed student loans	+36.0
Institutional aid	−14.9
Educational research and statistics	−52.7
Aid to public libraries	+18.4

Source: Based on a January 31, 1986 report from the Congressional Research Service, Library of Congress.

ELEMENTARY AND SECONDARY EDUCATION

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
Title 1	[1] $3.216	[1] $3.530	[1] $3.689	[2] +$159	[1] $3.908	[2] +$219
Number served	[2] 5.4	[2] 4.8	[2] 5.0	+200,000	[2] 5.3	+328,077
Chapter 2	[2] $743	[2] $506	[2] $406	[2] −$100	[2] $577	[2] +$171
Number served						
Handicapped education	[2] $875	[1] $1.350	[1] $1.409	[2] +$59	[1] $1.492	[2] +$83
Percent Federal share	12	9	9.1	+.1	9.3	+.2
Impact aid	[2] $702	[2] $663	[2] $663	$0	[2] $739	[2] +$76
Number served	[2] 2.5	[2] 1.9	[2] 1.9	0	[2] 2	+230,000
Vocational education	[2] $779	[2] $813	[2] $813	$0	[2] $898	[2] +$85
Number served		[2] 1.7	[2] 1.7	0	[2] 1.9	+180,000
Adult education	[2] $100	[2] $98	[2] $98	$0	[2] $108	[2] +$10
Number served	[2] 2	[2] 2.5	[2] 2.5	0	[2] 2.7	+146,765
Bilingual education	[2] $167	[2] $162	[2] $162	$0	[2] $179	[2] +$17
Number served	340,000	215,500	215,500	0	241,126	+25,626

[1] Billion.
[2] Million.

HIGHER EDUCATION

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
SEOG	[1] $370	[1] $395	[1] $395	$0	[1] $435	[1] +$40
Number of awards	743,522	718,000	718,000	0	789,818	+71,818
CWS	[1] $550	[1] $567	[1] $567	$0	[1] $624	[1] +$57
Number of awards	819,093	772,727	772,727	0	850,045	+77,318
NDSL	[1] $301	[1] $209	[1] $209	$0	[1] $227	[1] +$18
Number of awards	335,287	227,273	227,273	0	250,023	+22,750
SSIG	[1] $77	[1] $76	[1] $73	$0	[1] $80	[1] +$7
Number of awards	307,000	292,000	292,000	0	313,600	+21,600
Pell	[2] $1.718	[2] $3.432	[2] $3.586	[1] +$154	[2] $3,807	[1] +$221
Number of awards	2,807,000	2,881,000	3,190,000	+309,000	3,632,800	+442,800
TRIO	[1] $147.5	[1] $169	[1] $169	$0	[1] $186	[1] +$17

HIGHER EDUCATION—Continued

Program	Fiscal year 1980	Current level Mar. 1, 1986	Domenici-Chiles fiscal year 1987	Added by Domenici-Chiles	Andrews-Hollings fiscal year 1987	Added by Andrews-Hollings
Number of awards	510,800	486,866	486,866	0	530,366	+43,500

[1] Million.
[2] Billion.

Mr. HOLLINGS. I thank my distinguished colleague from North Dakota.

Mr. ANDREWS. I appreciate my colleague from South Carolina, who cosponsors this.

Let me, Mr. President, finish my statement, and I will yield to the unanimous-consent request of the Senator from California.

Let me point out, Mr. President, that while the Domenici-Chiles budget package represents a significant improvement over the administration's fiscal year 1987 budget request for education, a modest increase is still needed to ensure that existing education programs continue to operate effectively.

For these reasons, my colleagues and I are offering this amendment to increase funding for function 500 by $300 million in budget outlays for fiscal 1987. This amendment will restore elementary, secondary, and higher education programs to their current level of services for 1987 by adding an amount for inflation, and the 1986 Gramm-Rudman sequestration.

Lowering the Federal deficit is without question our greatest challenge. However, logic, common sense, and fairness must govern our approach to deficit reduction. To shortchange education in the name of national security, fiscal restraint, or for any other reason is wrongheaded, shortsighted, and damaging to the future of our Nation.

The decision the Senate will make on this amendment reminds me, Mr. President, of a story I told about President Lincoln. The President frequently attended the Wednesday evening services at the New York Avenue Presbyterian Church. On the way home after one such service an aide asked Mr. Lincoln what he thought about the sermon just preached. The President replied, "The content was excellent. He delivered it with eloquence. And he put work into the message."

"Then you thought it was a great sermon?" questioned the aide.

"No," replied Mr. Lincoln.

"But you said that the content was excellent, it was delivered with eloquence, and it showed much work."

"That is true," Mr. Lincoln said, "but Dr. Gurley forgot the most important ingredient. He forgot to ask us to do something great."

Mr. President, we stand before this body, and we say to our colleagues let us show the American people that we as Members of the Senate are not only willing but capable of doing something great. I ask that you join together with us in reaffirming our commitment to a public education system for our children that is second to none.

Quite candidly, Mr. President, if we do not like young people, if for some reason or another they trouble us, they bother us and we are not friendly toward them, Mr. President, if we only worship the almighty dollar, then let me point out we ought to support this amendment because, Mr. President, this amendment will restore $10 for every dollar we invest in this program because these are indeed and in fact the investment programs.

Mr. President, our most critical strategic defense initiative is a well-educated population. The young people of this Nation must not have the doors to their future slammed shut even before they have been fully opened to them. By denying adequate funding for education, we are condemning our children to an intellectual wasteland and short-circuiting the training of our best and brightest young people to take their places as leaders in the councils of government, the technological arena as poets, philosophers, teachers, and physicians, but most of all, as literate and knowledgeable citizens of our great democracy.

In closing, I would like to recall the words of yet another great American, and this is a bipartisan effort. I am going to recall the words of Thomas Jefferson who said, "If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."

Mr. President, I yield to the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I am proud to be a cosponsor of the Andrews-Hollings amendment, which would add $1.2 billion to the budget resolution for education purposes.

If approved, this amendment would provide education with funding at the fiscal 1986 final appropriation plus an inflation adjustment. The result would be very similar to the recommendation which the distinguished chairman of the Senate Subcommittee on Education, Arts, and Humanities [Mr. STAFFORD] and I recommended to the Budget Committee earlier this year.

On many occasions I have contended that the real strength and health of our Nation lies not in our weapons of destruction, nor in our machinery of construction, nor even in the amount of gold in Fort Knox. In reality, it is determined by the sum total of the education and character of all of our people.

The Federal contribution to education is not a large one. Overall it amounts to about 10 percent of all moneys spent on education. That 10 percent, however, is extremely important because of the highly targeted manner in which it is allocated.

In elementary and secondary education, for example, the $3.5 billion we spend in chapter I constitutes 70 percent of all the money that is spent on compensatory education in the entire United States.

In vocational education, the $700 million we spend at the Federal level generates an amount that is more than 10 times that figure in expenditures at the State and local level.

And, in higher education, where we spend close to $18 billion annually, over 90 percent of that goes directly to students in the form of grants, loans, and college work study. It is money that enables millions of deserving young Americans to pursue a postsecondary education that otherwise would be beyond their economic reach.

Mr. President, few would question that what we do in education today will have benefits for our society for years and years to come. What we accomplish in a classroom this afternoon may well unleash the talents of a new artist, begin the discovery of a cure to a mysterious disease, or perhaps even lead to the achievements of a lasting peace rather than the hostility and violence on the globe today.

It is in the classrooms of America that we sustain this Nation, and it is through education that we insure that our future will be strong and vibrant.

I urge my colleagues to join me in supporting this important amendment.

Mr. ANDREWS. Mr. President, other Senators will be speaking on this amendment. At this point, however, I yield to Senator LAUTENBERG of New Jersey.

Mr. LAUTENBERG. Mr. President, as an original cosponsor of this amendment to add $1.2 billion to the education budget, I am pleased to rise in support of the amendment of the Senators from North Dakota and South Carolina. The education of America's children is critical to our future. Our children are the foundation for our national security and strength as a democratic nation in the years ahead. Without an educated young people with a stake in our society, America will ultimately lose out in the fierce

international competition for jobs and economic growth. America's unique place among nations with its commitment to protect the freedom will erode.

A strong military defense capability is essential for our country. However, a strong defense establishment is not sufficient. We need a cohesive society tooling up for the future by educating our youth. We need young people who believe in our country and who have the skills to provide the leadership required in the years ahead.

Federal programs have been critical to improving equity in education and assuring access for all students. These programs focus on the disadvantaged and the handicapped. They provide financial assistance for higher education. The programs assist cultural and educational institutions. Overall, Federal aid is a small proportion of education spending in this country. But, in the areas where assistance is provided, it is a major factor in the development of quality education.

The resolution reported by the Budget Committee does not provide for adequate funding for education for fiscal year 1987. The cuts required earlier this year by the Gramm-Rudman-Hollings budget law would be left in place. Most programs would be frozen at fiscal year 1986 levels, with some programs sharing in a small increase.

Mr. President, the Budget Committee's resolution is an improvement over the budget proposed by the administration. But it does not do enough to support education. During the Budget Committee's consideration of the resolution, I offered a substitute budget plan which included funding for education at about the level proposed in this amendment. The committee did not adopt my budget plan. But, it only narrowly defeated an amendment to add funds for education, which I supported. I believe there is strong support in the Senate for a fair and adequate level of education funding, a level which would be above that provided in Senate Concurrent Resolution 120.

The amendment that we are offering today would add $1.2 billion to the resolution. This increase will allow education funding to make up for inflation and to make up for the 1986 Gramm-Rudman cuts. Keeping in mind that Federal spending for education has declined since 1981, this amendment is reasonable. It will keep education spending at the current level of services. It does not attempt to make up for the cuts of the last few years.

This amendment will help to maintain programs of demonstrated effectiveness, such as the chapter I program for disadvantaged children. The current funding level provides services for only about 40 percent of the eligible children, although the number of disadvantaged children has greatly increased since 1980. Similarly, Pell grants, to assist low-income students with the costs of higher education, cover an ever smaller proportion of the need. This amendment will help to stop the erosion in these and other education programs that has occurred in the last 5 years.

Mr. President, the budget problem is real. The need to cut the deficit is real. I recognize only too well the damage that has been done to the economy by the deficits of the last few years. But, the proper way to deal with deficit reduction is to set priorities. I believe that education must be given a high priority. This amendment will help to place education funding at a level that better reflects its importance than the committee resolution. I urge the adoption of the amendment.

Mr. ANDREWS. Mr. President, does the Senator need some time?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, if the senior Senator from New Jersey [Mr. BRADLEY] wishes to speak at this time, I yield to him 3 minutes.

Mr. BRADLEY. Mr. President, I thank the Senator for yielding.

Mr. BRADLEY. Mr. President, I rise today, as a cosponsor of this amendment, to support my distinguished colleagues, the Senators from North Dakota and South Carolina. This amendment will increase funding for basic education programs by $1.2 billion for fiscal year 1987. This $1.2 billion brings education programs to their fiscal year 1986 level plus inflation.

But that really does not adequately tell the story. This amendment comes after a 6-year period, beginning in fiscal year 1981, in which funds for education have been subject to persistent cuts. Over this period, the aggregate Department of Education appropriations have been reduced by approximately 16 percent, after adjusting for inflation.

The cuts in elementary and secondary education have been staggering. In fiscal year 1980, for every $100 spent by the Federal Government, $1.10 went for elementary and secondary education. This is not a particularly generous figure to begin with. In the President's fiscal year 1987 budget, however, only 66 cents of every $100 would be spent on elementary and secondary education—a 40-percent reduction since 1980.

Higher education has also suffered. Beginning with the President's first budget in 1981, $100 million was cut from Pell grant funding, and $100 million from national direct student loans. The President's fiscal year 1987 budget continues these persistent cuts in Federal support for higher education. It would result in 1.4 million fewer students receiving any form of student aid or loans. In my home State of New Jersey, 12,600 fewer needy students would receive Pell grants.

Mr. President, it is easy to talk about the failure of our schools and the need for improvement in our educational standards, but it is shortsighted to talk about the importance of education and the problems of our schools while persistently cutting back on the Federal commitment to education.

We cannot continue to pare away at our investment in our most vital natural resource, our children. We cannot look at education as an isolated program that we can cut with impunity. Education has a critical impact on the serious social problems confronting our Nation. The experience of every immigrant group has shown that education offered them the path out of poverty. Moreover, the studies which have demonstrated the critical importance of education for individual and collective progress can and do fill countless libraries.

An enormous amount of publicity and attention has been devoted to the social ills of our youth. Indeed, one in four of our students in America drops out and fails to complete high school. Unfortunately, the figures are much higher in our inner cities. Approximately one in five of our adult population do not have the basic reading and computational skills that will allow them to participate as full functioning members of our society. What does that mean? It means that the tasks of following printed directions in their places of employment, reading directions on medications for themselves or their children, following a recipe, reading a bedtime story to a child, or filling out a tax form, become humiliating experiences of failure. Mr. President, we as a Nation cannot permit this dismal level of competence among our citizens.

Following these past 6 years of cuts in education funding, our educational programs took a further cut under the Gramm-Rudman-Hollings law. My home State of New Jersey, as an example, lost $9.67 million in elementary and secondary education funds, and $4.67 million in higher education funds.

Undeniably, we are in a time of serious budgetary constraints. Choices must be made as to how to best spend our funds. I submit that education is not only a good place to spend money, but a critical one.

Mr. President, it seems like a small victory to hold the line on education spending. This is a time for innovation in education. We badly need to address the problems in our educational system, support efforts at improvement, and reward success. We cannot afford to neglect the education of our next generation. I urge passage of this amendment.

Mr. ANDREWS. Mr. President, we reserve the remainder of our time.

Mr. DOMENICI. Mr. President, a parliamentary inquiry: How much time remains for the proponents and how much for the opponents?

The PRESIDING OFFICER. The proponents have 5 minutes 21 seconds; opponents have 30 minutes 45 seconds.

Mr. DOMENICI. I thank the Chair. I yield myself as much time as I need at this time.

First, I want to make one very important point, since some have implied that this amendment is going to save education in the United States. Upon hearing that statement, some Americans might assume that the Federal Government provides a major portion of the money spent on education in this country. This year, the people of this country are going to spend $260 billion on education. Of that $260 billion, the cities, the counties, and the States will provide all but $17.7 billion. In total $17.7 billion is how much our budget resolution provides for education. If this amendment passes, State and local governments will spend all but $18.4 billion of the $260 billion. I hope everyone understands that it is not Federal education programs that are educating our young people; it is the taxpayers' out there in our cities, counties, and States. Again, if Congress implemented our budget resolution as reported, out of $260 billion spent on education, our national Government would provide only $17.7 billion of the $260 billion.

As my colleagues listen to all of the wonderful arguments about how we are going to save this Nation by educating our children properly if we pass this amendment, I want them to keep in mind that this amendment will increase spending on education one-half of 1 percent; not 5 percent, not 10 percent, but one-half of 1 percent.

I do not need to say any more on that point. It is an incredible, preposterous statement. Nobody believes that we will destroy the education system in this country if we don't adopt this amendment.

I have heard that we should be innovative; we should be more creative. I believe that if there's one thing wrong with our Federal programs is that they are not very innovative or creative. Despite that, we hold on to them as though they were the only game in town.

Maybe we should put a little money in for special programs: We are increasing funds for the FAA because we do not have enough people watching out for plane crashes. We are increasing the Internal Revenue Service because there are not enough agents to collect taxes.

We already provided $400 million above a freeze for education in this budget. And that is not enough. Many claim that education is not getting its fair share. They want $1.4 billion more this year and $4.2 billion over the next 3 years. And how do they pay for it? With more taxes.

I believe this is a serious amendment. I believe there will be plenty of supporters and I would not be surprised if it passes. I do not believe we could have reported out a budget resolution that would have enough funding for education to avoid any further increases on the floor.

Now, let me address those Senators who are worried about the budget and the size of the defici,t and the tax increases already assumed in our resolution. If this amendment passes, we will have to raise $4.3 billion more over the next 3 years.

I have heard a lot of talk that Congress has cut education over the past 5 years. Well, let me tell you what has happened to education since 1980. Vocational rehabilitation has been cut, right? Wrong, vocational rehabilitation has increased by 37 percent in the last 5 years. Compensatory education has grown by 13 percent. Education for the handicapped have increased by 32 percent.

Student financial aid—some people wonder if the Senator from New Mexico knows anything about that. Well, I do not receive very much student aid but I have a lot of kids in college. As a matter of fact, there has never been a U.S. Senator in history with more children in college at one time than I have. I have seven: two in law school and five in undergraduate schools around this country, from New Mexico to Loyola College in Baltimore. Believe me, I know what it costs. In the budget resolution before us, there is not one reduction in student financial assistance programs not one. Over the past 5 years, these programs increased by 32 percent. The Pell Grant Program alone grew by 46.4 percent.

Mr. NICKLES. Will the chairman yield?

Mr. DOMENICI. I will be happy to yield.

Mr. NICKLES. I missed the Senator's opening statement. I am sure the Senator covered this. Could he tell me what the outlays were last year and then what the outlays are projected for 1987, or for 1986, 1987, 1988, 1989. Are they level or are they the same, increased or decreased?

Mr. HOLLINGS. Decreased.

Mr. DOMENICI. Although the budget authority is increasing, outlays are about constant.

Mr. NICKLES. Constant with 1986 levels?

Mr. DOMENICI. Yes. About $17.4 billion. They decline slightly due to the savings in the Guaranteed Student Loan (GSL) Program. These GSL reforms affect primarily the banks and the State guarantee agencies, not the students.

Mr. NICKLES. They are the same program plus a little bit more. The savings come from interest savings from the banks and other management changes.

Mr. DOMENICI. Yes. Under the Guaranteed Student Loan (GSL) Program, banks receive a subsidy from the Federal Government, as an incentive to make these loans. We are recommending that the banks receive slightly less of a subsidy for making GSL's to young people.

Mr. NICKLES. For the banks.

Mr. DOMENICI. Yes.

Mr. NICKLES. I thank the Senator.

Mr. DOMENICI. I will reserve the remainder of my time. I will conclude by saying again, I do not believe we could have produced a budget resolution that would have enough for education to satisfy everyone.

My colleagues should know that we already voted on this amendment in committee. It failed. The same person who offers it now, my good friend, Senator ANDREWS, offered it in committee.

The committee instead settled for a $400 million increase over a freeze for education. I hope that Senator would seriously consider that sooner or later, even with the best of our programs, unless we can find other ones to cut, we ought to settle for something as reasonable as the Budget Committee has offered. I need not repeat what we have done in these programs. We have funded these programs well considering the constraints. And I do not say "we" as though I have been personally responsible. There are many Senators who have been tremendously instrumental in increasing education spending in this country.

Mr. ANDREWS. Mr. President, will my colleague yield for a moment?

Mr. DOMENICI. I just want to compliment several of my colleagues. For example, we have the distinguished education subcommittee chairman. Thanks to him funding for these programs have gone up.

Our job will not be any easier if this amendment passes.

Mr. ANDREWS. Will my chairman yield briefly?

Mr. DOMENICI. I will be pleased to yield.

Mr. ANDREWS. Let me point out, Mr. President, that our chairman is a friend of education. He did move very far toward our figures in the Budget Committee. I think it is also important to point out that while he came about two-thirds of the way, we had an amendment within the Budget Committee. We lost by a two-vote margin and we said we would take that amendment to the floor, which is what we are doing. Let me also point out that while the distinguished Senator from New Mexico and the Senator from Florida, the chairman and rank-

ing member of the Budget Committee, did accommodate about two-thirds of our request, the amendment that now is before us is, as the chairman, I am sure, in his fairness and equity will point out, still below the CBO budget baseline in each one of these outyears. It is that simple. We are merely revisiting on the floor what we had a sharp debate about in the Budget Committee, and those of us who support education assure our colleagues that the Senator from New Mexico does support education, too. He just does not come quite as close to the CBO baseline as we would like to come.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER (Mr. SYMMS). Fourteen minutes and 50 seconds.

Mr. DOMENICI. I yield myself 1 minute, and then I will yield to the distinguished Senator from Florida. The Senator from Nebraska (Mr. EXON) also wants 3 minutes.

Mr. President, I want to address the point raised by Senator ANDREWS. I hope no one believes that the baseline has anything to do with the question of how much funding a particular program should receive.

Since the Budget Act passed, some 12 years ago, our committee has used the baseline, or current policy, as a starting point. Current policy assumes that every program increases by the rate of inflation, even if Congress has not voted for increases.

CBO has no expertise in education. CBO is not telling us, and never has, what a proper funding level should be for education.

Mr. ANDREWS. Does CBO have that expertise in defense? That CBO baseline is held firmly when you talk about defense numbers.

Mr. DOMENICI. CBO does not make recommendations about increases in spending. They do not claim to know what level of Government spending we should support.

Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. EXON. I thank the chairman of the Budget Committee.

Mr. President, I think I have a record of supporting education at all levels very strongly, and that record speaks for itself. Nevertheless, I know that when I cast the vote I am going to cast because of my conviction on this, I will be on some lists as antieducation.

We are going to make the first really sincere attempt to break the limits set in the Budget Committee. There is nothing wrong with this, and I applaud the members of the Budget Committee and the members of the Senate. They have every right to offer the amendment that has been offered; and in normal circumstances, this Senator would be supporting it.

Mr. President, I cast my vote in support of education in the Budget Committee when we essentially froze—by freezing, I mean we did not allow an increase nor did we allow the permanent cuts suggested in the President's budget. This Senator stands for his support of education in the Budget Committee. But, as is the case in almost every program we can think of, the question is, What have you done for me lately? What have you done for me lately in education is likely to be the measure of the education associations—not what we did in committee or what we did in basically freezing the education budget, which I thought was good and proper under the circumstances to meet the constraints we were working under. But, no; now we come along with another $1.2 billion.

I wish I could support it, because I am a strong supporter of education. I did everything I could for education, in good conscience and in bringing some constraint into line as dictated by good commonsense and as mandated by not so good commonsense embodied in the so-called Gramm-Rudman-Hollings proposal, in the view of this Senator.

It seems to me that what we are really doing here is saying that education is another of those items that will not be cut. If we approve this $1.2 billion increase, we are basically going to be returning to education the amount that was sequestered under the first Gramm-Rudman-Hollings cut. If we are going to do that with education, "Katy, bar the door" with respect to what we are going to do on down the line.

I am simply saying that, as worthwhile as this amendment is, and as much as I would like to vote for it, I cannot do so in good conscience; because I am fearful that if we break the dam on this issue, "Katy, bar the door" as we take up other amendments.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. DOMENICI. How much time does the Senator desire?

Mr. CHILES. Five or six minutes.

Mr. DOMENICI. I yield 6 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I have listened to the arguments for this amendment, and I find that they have great merit. They are arguments, in the main, that I have made before—many on the floor, many in committee. I cannot take issue with the arguments.

In fact, I would like to see us at this time be adding more to education. I do not think $1.2 billion is enough for what we should be doing in education—nowhere near enough. But if you think about it, that is part of what we are about in this whole thing of trying to get a handle on the deficit.

What do we do when we pay $148 billion this year in interest payments, when it is the fastest growing item in the Federal budget, the most uncontrollable item in the Federal budget? What does it do? It squeezes us to the point that, over the last few years, we have not been able to set priorities that we know need to be set. We cannot do the kinds of things for the handicapped that we know we should be doing. We cannot do the things for the disadvantaged that we know we should be doing.

We are not doing the things in many other areas of what Government's principal role is—training, education. It is so important for this country that there is no doubt that we should be putting more money into it.

However, we have another thing to remember: We are living in a different environment this year. The Senator from Florida was a cosponsor of an amendment last year that added $1 billion to education and has been a cosponsor in most of the years it has come up. There is a difference. There is something called Gramm-Rudman-Hollings and the sequester that comes from that if we fail to meet these targets.

I have not seen any great surplus of votes for the committee document as we have it on the floor. In fact, it is 4 weeks out of the committee, and we have just taken it up. Why? Because the majority leader said there is not sufficient support on that side. We certainly have not seen it being given great marks by the White House. We have seen what has happened from that standpoint.

I am tremendously concerned. If we cannot reach that level, as we should, under the Budget Act, what happens? We fall under Gramm-Rudman-Hollings. We fall under the sequester. Then what happens to education? What happens to all our other programs? That is what we are up against.

So in the Budget Committee when we were trying to craft this document, a number of us said that before we would lend our support, we had to add $400 million to education—we had to add above that so-called baseline or that freeze we were talking about. What we were trying to do was put it in the programs for the disadvantaged, for the handicapped, for the areas where we felt we had to give some additional money.

Give more? Absolutely—I would like to see us be able to give more. But we have to look at it in the context of this question: "How do you like your mother-in-law?" Compared to whom? How do you like this deficit? How do

you like this budget? Compared to a sequester. Compared to what happens if the ax falls and we start cutting. That is the thing we have to look at now.

If you can show me this amendment as it is adopted; if we are going to get the same preponderance of votes; if we are going to get sufficient votes on both sides of the aisle; if we are going to have a bipartisan budget; and if we are going to have a kind of budget so that the House will say, "Wait a minute, we can put in some revenue and go forward with this budget because we have a majority of the Democrats and Republicans sponsoring that in the Senate, so we will not worry about the actions the White House tends to take," then I would say this is a good amendment.

I do not feel that confident. I do not feel that there are enough votes now, especially on the other side of this Chamber, so that we will be able to produce any kind of vote.

For those reasons, I have to say that when you look at the mark we have, compared to what happens if we have a sequester, I think that mark looks very good.

I think we have tried. If you look at what we had to do with all of the other programs the disadvantaged programs, feeding programs, housing programs, the elderly programs, all of those areas, we have tried to treat education as well. I think we did that as we did all of those programs, and again one thing: What is the overall scheme about? The overall scheme is to get control of our destiny so that we can come back and do what we should be doing as a Congress, setting those priorities so that we can be determining what our role should be in education.

But I will guarantee you we will never have an opportunity to do that until we can get this budget under control, until we can cause that interest rate not to be fastest growing program of the Federal Government.

For that reason, I think we should stick with the mark we have in the Budget Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Budget Committee for yielding to me.

I wish to identify myself with his remarks and with the remarks of the Senator from Florida and the Senator from Nebraska.

Mr. President, the fundamental weakness in this budget, as I see it now, is that we do not have a commitment from the partner in this process. That clearly has to be present if the budget is going to be put into place. The reason we do not have that commitment is a dispute about a tax increase of $53 billion over a 3-year period.

Now, I do not doubt the sincerity of Senators who propose this amendment. I do not doubt for a moment that they are willing to raise taxes, to add another $2.9 billion to education programs.

I am doubtful, however, Mr. President, that such a tax increase is going to be adopted or that it is going to be signed by the President.

I think with the adoption of this amendment, if in fact it is adopted, that we are adding more to the clear confrontation that exists over this issue. We are making this budget further and further out of reach in terms of its adoption and implementation through a reconciliation bill and a tax increase.

I am concerned, therefore, that while the budget might conform to the Gramm-Rudman-Hollings requirement of being deficit neutral, and I think it is interesting to note that in any other year this would simply have been an add on to the deficit, we are at least debating it here as a tax increase and an add on because of a requirement of the Gramm-Rudman-Hollings bill, and I think that is a step in the right direction.

But I oppose it. I do not feel constrained to explain that I am proeducation. I spent 12 years of my life teaching. I think that represents a commitment in and of itself. But I oppose raising taxes by $2.9 billion for this add on. I believe that tax increase will be vetoed and if, in fact, we spend the money it will end up being added to the deficit.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. WEICKER. Mr. President, I rise in support of the amendment of the distinguished Senator from North Dakota.

Let me say this in relationship to remarks just made: The fact is you are going to have a confrontation on the matter of budget priorities. We have lived now for several years in a rather bizarre arrangement where most of the money goes for defense and little enough in terms of education, health, and science.

No, this is not a finger-pointing exercise as far as the Budget Committee is concerned. They are doing their job, which is to produce a budget. But the matter of choices as to what that budget is to consist of, that is really what is at issue here on the floor of the Senate, and it should be.

Do not let anyone take any solace in saying this is the Budget Committee's fault, that they are the ones who are responsible. The real clear-cut question before us is what we are going to allocate to education in this Nation.

As the chairman of the Appropriations Subcommittee that handles education funding, I can assure you that over the past several years, education has been shortchanged and continues to be shortchanged.

I appreciate the fact that the budget reported by the Budget Committee is better than that offered by the President. But it still leaves us far behind in terms of what needs to be done in primary, secondary, higher education, and special education. I will address special education separately in a later amendment.

What this vote is about is that once again we want to establish education as a priority in the overall scheme of things, and that is something that can only be done by the Senate and not by the Budget Committee. Please understand that just within my subcommittee alone there were approximately 30 days of hearings just on the subjects of education, health, and labor. The Budget Committee does not have time to do that. I do not know how many days Senator STAFFORD, who is chairman of the education authorizing committee, has also put in on this matter.

But I go down the checklist of what needs to be done, and believe me it is considerable and, yes, over these years we barely kept our head above water.

Now what the Budget Committee has to consider is what are the outyear costs of standing still or falling behind.

Let me give you an example: According to the American Library Association, some 27 million adults are functionally illiterate with an estimated 2 million added to that number annually. It is estimated that functional illiteracy costs the Nation over $224 billion each year in welfare payments, crime, incompetent job performance, lost tax revenue, and remedial education.

Unless you tend to these outyear costs, there is no way you will ever be able to balance the budget in the future just by virtue of the cost of not doing what should be done in terms of education.

I wonder if my colleagues have any idea what it will cost this Nation if we fail to provide educational services for the handicapped and vocational rehabilitation services for disabled adults. The cost of caring for those who would not be mainstreamed in our schools and the cost of providing food, clothing, and shelter assistance to those who could otherwise be working is enormous.

Recent estimates show that since 1980, Federal education efforts have been reduced by 16 percent in real dollars. The constant erosion of these education dollars will continue to have serious consequences for our society.

Mr. President, this amendment to restore current services for education programs based on the presequestration level is not some wild, big spending assault on efforts to reduce the deficit. Rather, it is an honest attempt to strengthen the capacity of our educational system to provide the quality of education we so desperately need.

I commend my good friend from North Dakota for his leadership in restoring essential Federal funding for educational programs and I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I yield a minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for a minute.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Florida writes us on April 10 which I received a few days later, less than 10 days ago, which I ask unanimous consent the entire document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, April 10, 1986.

DEAR COLLEAGUE: We invite your cosponsorship of the growth and investment initiative discussed at the Democratic Conference.

The resolution passed by the Senate Budget Committee is a balanced and effective deficit reduction package. It complies with the Gramm-Rudman target for fiscal year 1987 responsibly, by ensuring that defense moderation, domestic cuts, and revenues all play a role.

But our Party has long recognized that the national budget is more than a statement of accounts—it is a blueprint for our future. And to secure that future, we must support investments—in science, education, technological development, training, and trade promotion—that will make the country strong, competitive, and capable of offering meaningful opportunities for our people.

To fulfill these objectives, our amendment proposes several billion dollars in investments over three years, funded with new revenues. We do not propose further cuts in national defense. And the amendment includes language rejecting proposals to increase the average American's income taxes.

Attached, you'll find a comprehensive statement which details the investments we are proposing. Please review this material. If you are interested in cosponsoring this Democratic initiative, contact Mark Steitz in Senator Hart's office (4-5852) or John Hilley with Senator Chiles' staff (4-0553).

Sincerely,

GARY HART.
LAWTON CHILES.

APRIL 10, 1986.

THE DEMOCRATIC—HART/CHILES—GROWTH AND INVESTMENT INITIATIVE

The government must develop and invest in a comprehensive program for economic growth that recognizes the challenges and opportunities of the future. Consequently, Democrats must unite behind an alternative package to:

Nurture minds and creativity;

Foster additional scientific research;

Promote technological development;

Sustain a skilled and flexible workforce;

Use our natural resources productively;

Expand international market opportunities;

Rather than reacting with piecemeal solutions, America must develop strategic and activist approaches to an evolving world economy:

To maintain our lead in scientific and commercial endeavors, we must provide opportunities for all to learn and then apply their education;

To translate research into marketable products, we must reward technological and product development. But we must also sustain a skilled and flexible workforce to produce these products competitively;

To reap the benefits of our competitive prowess, we must be able to compete fairly and openly in the world's markets;

To enable our prosperity to endure we must manage our resources wisely and adopt innovative approaches which minimize energy usage and maximize environmental protection.

Concerted action can create a whole that is greater than the parts. The growth and investment initiative funds programs in science, education, technological development, training, natural resources, and trade promotion—drawing together the elements of a comprehensive and connected policy.

Therefore, we propose a "pay as you invest" budget amendment.

The Democratic Growth and Investment initiative would invest $3.0 billion more in fiscal year 1987 and $17.1 billion more over the next three years, compared to the bipartisan compromise. These investments would be financed through increased taxes—the amendment includes, however, language expressing the sense that these revenues not come from increasing income taxes on low and middle income Americans.

As the attached table shows, the amendment contemplates three major initiatives: investments in science and technology, in resource development, and in education and training. The science and technology initiatives include:

New investment in technology development focused on biomedical and biotechnical research, supercomputers, robotics, fiber optics and other advanced processes;

Increased basic research through the NSF and other research organizations.

The resource development initiative is designed to develop our nation's energy, agricultural, metalurgical and other natural resources.

The education and training initiatives, accounting for roughly two-thirds of the funds in the amendment, aim to restore the nation's historic commitments to our children's future and a skilled and flexible labor force. The amendment would:

Invest in skills critical to our growing and changing economy including math, science, and foreign language programs;

Ensure a quality education for the children most at risk—those 14 million growing up in poverty; more will be invested in successful programs with proven track records, such as Head Start, compensatory education and Pell grants, as well as new public/private partnership, demonstration, and educational excellence initiatives;

Combat adult illiteracy and growing high school dropout rates;

Reaffirm our commitment to training dislocated and disadvantaged workers by increasing participation in current, successful programs and establishing pilot programs to develop new approaches.

DEMOCRATIC GROWTH AND INVESTMENT INITIATIVE

[Increases over SBC resolution, in billions of dollars]

	1987	1988	1989	1987–89 total
Investments in science and technology:				
Advance basic science (F. 250):				
Budget authority	0.3	0.4	0.6	1.3
Outlays	.2	.3	.5	1.0
Develop innovative technologies:				
Health (F. 550):				
Budget authority	.3	.7	1.0	2.0
Outlays	.2	.5	.8	1.5
Industry and commerce (F. 370):				
Budget authority	.2	.2	.2	.6
Outlays	.2	.2	.2	.6
Subtotal:				
Budget authority	.8	1.3	1.8	3.9
Outlays	.6	1.0	1.5	3.1
Investments in resource development:				
Energy (F. 270):				
Budget authority	.3	.3	.4	1.0
Outlays	.2	.2	.3	.7
Agriculture (F. 300/350):				
Budget authority	.3	.3	.4	1.0
Outlays	.3	.3	.3	.9
Other natural resources (F. 300):				
Budget authority	.1	.2	.4	.7
Outlays	.1	.2	.3	.6
Subtotal:				
Budget authority	.7	.8	1.2	2.7
Outlays	.6	.7	.9	2.2
Investments in education and training (F. 500):				
Education:				
Budget authority	1.7	4.8	5.4	11.9
Outlays	1.3	2.0	4.3	7.6
Training:				
Budget authority	.8	3.1	3.7	7.6
Outlays	.5	.9	2.8	4.2
Subtotal:				
Budget authority	2.5	7.9	9.1	19.5
Outlays	1.8	2.9	7.1	11.8
Grand total:				
Budget authority	4.0	10.0	12.1	26.1
Outlays	3.0	4.6	9.5	17.5

WE ARE AT RISK

America does not have a guarantee to prosperity. Our economic well-being is in large part a legacy of the work and investments of earlier generations. That is a birthright that we must not squander.

Yet in the decade of the 1980's we have chosen to borrow from, rather than build for, our future. As things now stand, the federal government will increase its debt by $1.36 trillion in the years from 1981 to 1990.

Having recognized that the budget deficit is an impediment to economic growth, we are committed to a process that will lead to a balanced budget by 1991. But already having borrowed so much from our future, it would be shortsighted to balance the budget in a way that steals even more from tomorrow. We simply cannot afford to freeze or starve programs essential for future economic growth.

The warning signs are clear. The U.S. is losing the race against our international competitors—the result will be a lower standard of living. Consider:

SCIENCE AND TECHNOLOGY

In the last five years, the U.S. trade balance in high-technology goods has declined by more than $20 billion;

By 1985, the number of robots installed in Japanese facilities was twice as great as the United States;

As a proportion of GNP, the U.S. spends less than any of its major trading partners on industrial research and development;

The military proportion of federal R&D was 50 percent in 1980. This would grow to 73 percent under the President's budget;

Japan graduates twice as many engineering students per capita as the United States;

U.S. productivity growth in this decade has been the lowest among our major trading partners;

EDUCATION

U.S. students scored at or below the average of nineteen other countries on a series of math achievement tests administered to 8th and 12th graders. The high school seniors fell into the lowest fourth of countries on the algebra, geometry, and the number systems tests.

Only 15 percent of American high school students study a foreigh language—down from about 24 percent in 1965.

Over 27 million adult Americans are functionally illiterate, with less than 10 percent receiving remedial education each year.

WORKFORCE

Over 11 million workers permanently lost jobs due to plant closings and layoffs between 1979 and 1984. Nearly half were employed in manufacturing industries hardest hit by foreign competition;

Yet, at most, 5 percent of those eligible to participate in training programs are being served at existing funding levels;

At least 20 percent of displaced workers lack reading and basic math skills. When they lose job-specific skills and seniority benefits, long-term earnings losses result. Among displaced workers who find reemployment, 45 percent report pay cuts.

By the year 2000, half of the workforce will be middle-aged (35-55), compared with about 35 percent today. Retraining the adult workforce will be paramount.

RESOURCES

Each year, 264 million tons of hazardous wastes are generated with only 0.3 percent covered by Superfund;

The life expectancies of the world reserves of essential materials such as silver, lead, and zinc range from 10 to 20 years, implying rapid depletion at current demand levels;

Soil conservation losses of 5 to 15 tons per acre per year are occurring under current erosion conditions.

MARKET OPPORTUNITIES

Market barriers to U.S. exports deprive our producers of billions in sales annually;

Seeing the success of our competitors, many developing nations are adopting a neo-mercantilist approach to trade;

Only 5 percent of world trade is subject to international trade rules.

Mr. HOLLINGS. Senator CHILES wrote us a few days ago that what he wants to do is give some $11.9 billion more to education in budget authority. Then he adds $1 billion for energy, $1 billion for agriculture, $2 billion for health, $0.6 billion for industry and for commerce, $1.3 billion for science, and $0.7 billion for natural resources, and $7.6 billion for training—for a grand total of $26.1 billion.

This proposal adds $17 billion more in taxes. I call the Hart-Chiles amendment the tax and tax and spend and spend amendment.

Now, this afternoon, he says we have to stop and think about the Andrews-Hollings amendment. That we have to get discipline over the budget. That have to get the budget under control. Unlike the Hart-Chiles amendment, the Andrews-Hollings amendment before you now conforms to the discipline of Gramm-Rudman-Hollings.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MATSUNAGA. Will the Senator yield me 1½ minutes?

The PRESIDING OFFICER. The Senator from North Dakota has 1 minute remaining; the Senator from New Mexico has 2 minutes remaining.

Mr. DOMENICI. I yield 1 minute to the Senator from Illinois who requested it even though he is not in favor of my side.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. SIMON. Mr. President, I thank my colleague from New Mexico.

I candidly have mixed feelings on this. My concern is that we are going to improve this budget resolution to death. At the same time, clearly we ought to make a greater priority of education in this country.

So, I am going to vote for the resolution. It does not suggest that our friends on the Budget Committee have not done a superb job. I think they have. But I am going to vote for it simply as an indication that this Nation has to do more to prepare for tomorrow than we are now doing, but I confess again some mixed feelings because I fear as we "improve" this resolution we may be lessening its changes for passage.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. ANDREWS. I am glad to yield to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise as a cosponsor to speak in favor of the amendment offered by my colleagues from North Dakota and South Carolina which would increase funding for function 500 by $1.2 billion for fiscal year 1987.

Starting in 1983 with the issuance of the National Commission on Excellence in Education's report entitled "A Nation at Risk: The Imperative for Education Reform," there has been extensive debate in both Houses of Congress about the state of education in our country. The debate has centered on various proposals for achieving quality education but especially on the level of funding necessary for attaining and maintaining that quality.

The business before this body today requires another of our recurring visits to past discussions. Once again this body is determining the merits of a proposal to provide funding for education. Once again this body is weighing the arguments for taking such action against a background of budget deficits. Once again this body must focus foremost on that which is for the overall good of this Nation's schools and students.

Mr. President, in thinking through all of these necessary considerations, I could come to only one conclusion—this amendment deserves support. If education is truly an endeavor in which a partnership exists not only between a school and its community, but also between the community and the State and between the State and the Federal Government, then it is incumbent upon this body to demonstrate its commitment to this partnership—not merely by rhetoric, but through tangible actions. It is not acceptable for the Federal Government to pass on to the States its share of responsibility for education. It must demonstrate leadership and wisdom and accept its share of responsibility in an area so full of promise—the promise of young minds with the hope of new endeavors.

In determining whether or not adoption of this amendment adequately reflects fiscal restraint, I can only emphasize that the amendment merely restores funding to the current services level with an adjustment for inflation. Surely this, in and of itself, is neither excessive nor irresponsible. I believe it is only fair that the Federal Government at the very least maintain its current level of involvement and responsibility in the educational programs throughout our country. To do otherwise would be to pull away support from State and local efforts at a time when such support is most urgently needed in order to act upon projections of educational reform. We Members of Congress have repeatedly heard the administration describe the many different initiatives taken by the States to meet the challenge of providing educational quality and equity head on. Given the fact that these initiatives have barely taken root, is it really prudent for the Federal Government to cut off its current support and thereby jeopardize whatever gains may have been achieved by these new State initiatives? I hardly think so. After all, is it not extremely plausible, if not highly probable, that cuts in Federal funding may result in moneys previously targeted for State initiatives being instead diverted to offset Federal cutbacks? Then where would we be? Is such a consequence wise and efficient use of the human resources in our schools? As a one-time classroom teacher, I do not believe that

cost effectiveness in education can only be evaluated by counting dollars saved. It is high time that deliberate consideration also be given to man-hours wasted.

Finally, in considering the proposed amendment as it relates to the broader good of our Nation's schools and students, there is no question in my mind as to the gains to be made. I am, instead, gravely concerned about what impact the failure to pass this amendment would have. If failure to maintain current services results in an inability on the part of schools to serve certain groups of students or the same number of students, and it may, or if failure to pass this amendment results in a decrease in the kinds or amount of services provided to students, and again it may, then the need to pass the amendment offered by the Senators from North Dakota and South Carolina is even further underscored. How can the Members of the U.S. Senate, in good conscience, deny to these students their access to a quality education? Once again, I return to my comment on the irretrievable losses of time spent and effort made by teachers and others in trying to meet the needs of the child in the classroom. As a former public school teacher and father of five I know that maintenance of effort is crucial to every child's rate and level of achievement. Therefore, if quality education is indeed the goal that is sought by Congress—and it should be—I believe that the only reasonable and responsible action that this body can take is to support the pending amendment.

Mr. ANDREWS. Mr. President, I yield 30 seconds to the Senator from Connecticut.

Mr. WEICKER. Mr. President, what this finally boils down to is that the advocacy of education does not rest with the Secretary of Education, except, perhaps for his advocacy of bilingual education. Advocacy of education is not up to the Budget Committee. It is this body that has to speak to the advocacy of education as a matter of national priority.

That is what is at issue here, not the Budget Committee, not the Secretary of Education, but each individual Senator saying, yes, in the course of the overall budget, education now deserves an emphasis which has been lacking over the past several years.

The PRESIDING OFFICER. All time has expired on the side of the proponents.

Mr. ANDREWS. Mr. President, I have 30 seconds left. We had 1 minute and 15 seconds. I made a unanimous-consent request. I yielded 30 seconds. So we should have 45 seconds remaining.

Mr. ABDNOR. Mr. President, I am pleased to join with Senators ANDREWS and HOLLINGS in sponsoring this very necessary amendment to the budget resolution (S. Con. Res. 120).

Mr. President, I am, no doubt, viewed as one of the more fiscally conservative members of this distinguished body. I do not apologize for being concerned about the Federal deficit. We must work together to ensure that our children and our grandchildren are not burdened with our debts.

We must also provide our children with a quality education. As a former schoolteacher, I can assure my colleagues that a dollar spent wisely on the education of our youth is an invaluable investment in our Nation's future.

Mr. President, in my State the vast majority of those who puruse a post-secondary education rely upon Federal financial aid. Without adequate funds for these important programs, many students in South Dakota and across the Nation will be denied access to a college education or vocational training. Additionally, programs which serve to assist disadvantaged students [TRIO] and developing institutions will suffer if we fail to adopt this amendment. Surely we cannot deny our young people the opportunity to realize their hopes and dreams for a bright and promising future.

As my colleagues know, I have long been an outspoken proponent of the impact aid program. Our Nation's federally impacted schools, particularly those which are heavily impacted with military dependents or Native American children, whose parents do not contribute to the local tax base, can ill afford any reductions in funds. Certainly the Federal Government has an obligation to reimburse local school districts that are unable to generate sufficient revenues due to Federal activity.

Mr. President, there are a number of other vital education programs which are provided for through this amendment, including Chapter 1 compensatory education, chapter 2 ECIA [Education Consolidation and Improvement Act], vocational education, and handicapped education. I commend the distinguished Senators from North Dakota and South Carolina for developing this sensible and well-balanced amendment. I urge our colleagues to join in supporting the amendment.

Mr. SPECTER. Mr. President, I am pleased to be an original cosponsor of the Andrews amendment to increase education funding by $1.2 billion in fiscal year 1987. Our amendment restores funding for the basic education programs to current services—a freeze on the fiscal year 1986 appropriation plus inflation. This amendment would insure that services and aid to students would not be reduced from current levels, recognizing that Federal education programs are essential to the collective educational needs of our nation's students and should, therefore, be protected from further cuts.

Mr. President, in my view, Federal education programs have absorbed their fair share of budget cuts in recent years. Between fiscal year 1980 and the fiscal year 1986 actual appropriation, all Federal spending grew by 65.9 percent. During this same period, Federal funding for all elementary and secondary education programs except vocational education, chapter I, and education for the handicapped declined in actual dollars.

Because funding has not kept up with the inflation, approximately 600,000 fewer students are being served by chapter I in the 1985-86 school year than were being served in 1980-81. Between 1980-86, the Federal share of education of the handicapped fell from 12 to 7 percent, even though the original Federal commitment was to provide 40 percent of the funding by 1980. Clearly, education has not added to the Federal deficit and should be allowed to keep pace with inflation.

The Senate Budget Committee Budget Resolution sets the function 500 funding level at $30.8 billion, which is essentially an across-the-board freeze on the fiscal year 1986 actual appropriation. The budget resolution also contains a $100 million cut in chapter II funding. Our amendment would restore the funding for Federal education programs at the fiscal year 1986 current services appropriated level. With current services funding maintained, States will be able to continue to serve those children who are already participating in a Federal education program. Current services funding for chapter I is particularly important. Although the number of disadvantaged children has increased by 2.2 million since 1980, only 40 percent of the eligible chapter I children are currently being served.

In increasing function 500 by $1.2 billion for education programs, we are placing education in a high priority position. Our amendment can make the difference between whether millions of Americans continue to have access to federally supported education programs or whether they lose access to educational opportunity.

The strength of our Nation rests in its people, and we cannot strengthen the Nation without investing in the human infrastructure. As we consider this amendment, let us keep in mind that if the United States wants to maintain its position as the greatest nation in the world, if we are to keep pace with modern industrial nations like Japan, and West Germany, if we are to keep pace with the Soviets, we must make realistic expenditures on our greatest capital asset, our most important domestic defense weapon—an educated citizenry.

I urge my colleagues to vote in favor of the Andrews-Hollings-Specter amendment.

Mr. BOREN. Mr. President, I am pleased to join with Senator ANDREWS and HOLLINGS and my other colleagues in supporting an amendment to begin to restore vital funding to our educational system.

It is frightening to imagine that over the last 5 years, while we have seen 163 percent funding increase in the amount of foreign aid, we have withstood a drastic 23 percent cut in the education function. How can a Nation so dependent on the vital need for human resource development, be so negligent of its obligation to the investment necessary to insure that development?

I proudly join in this effort to redesignate this funding priority to education as a first step in redefining that priority and putting a renewed emphasis on this Nation's economic and technological leadership. As we see ourselves lose markets to foreign competitors, we should realize the need to protect our future and work to insure a continued growth in the standard of living for ourselves and our children.

I applaud the leadership of the two principal sponsors of this amendment and have cosponsored and support it wholeheartedly.

Mr. ROCKEFELLER. Mr. President, I rise to urge my colleagues to support this amendment. A fundamental decision is now before us—will we invest more in the education of our young people to equip them with the skills, knowledge, and motivation they will need as America's next generation of leaders and workers? Or will we risk undermining that future through inadequate funding and neglect?

This amendment would add $1.2 billion to education programs in the Domenici-Chiles budget plan—just enough money needed to freeze education funding and provide an adjustment for inflation. In other words, the amendment sustains last year's level of support for a range of critical education programs—including assistance to our local schools, an effort to upgrade math and science classes, vocational education, student loans and grants, and teacher training in key fields.

As pointed out by the authors of this amendment, Senators HOLLINGS and ANDREWS, funding for education in real dollars has significantly decreased in the past 5 years. This has happened against a backdrop of increasing problems in our educational system and the state of our economy, all suggesting that we should have been doing the reverse with education funding.

One of the most compelling warnings was sounded 3 years ago by the President's National Commission on Excellence in Education: "Our Nation is at risk. Our once unchallenged preeminance in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world." The commission placed much of the blame on our country's educational system. Indicators of the Nation's risk which are now well known include a steady decline in our students' testing scores, particularly in math and science, an increasing rate of illiteracy among adults and teenagers, and a drop in the ranking of American students in comparisons of student achievement among industrialized nations. As a study led by major U.S. corporations recently pointed out, Japanese students spend more time in class than their American counterparts; by the time they graduate from high school, they have completed the equivalent of a second year at a good American college.

We cannot afford anything but a first-rate educational system. Today's young people must be trained and educated to make the adjustments to the new world economy. Their task will be enormous, as we can see by looking at the country's present economic situation. Fully 70 percent of the goods we produce compete with merchandise from abroad. We have lost half the jobs in the U.S. steel industry, given up a significant share in the market in all high technology or sunrise industries, and allowed a trade deficit to form between our electronic sales and Japan's that is close to the magnitude of our deficit in autos. These trends are especially disturbing when one recalls the Bureau of Labor Statistics projection, released in 1984, of a shortage of workers in occupational fields requiring higher entry-level skills by the 1990's.

Another Presidential commission, focusing on industrial competitiveness, drew the conclusion that must be acted upon. It said: "Our ability to compete internationally faces unprecedented challenge from abroad. Our world leadership is at stake, and so is our ability to provide for our people the standard of living and opportunities to which they aspire."

Fortunately, the American people are responding by pushing for reform of our educational system. Across the country, States have made the commitment to upgrade curricula, teacher certification standards, school buildings and equipment, and many other aspects of their schools. But they need and desire leadership and resources from the Federal Government. As a Nation, we are not going to make the leaps fast enough which are necessary to prepare our young people for the demands of the future unless we increase support for more in education programs.

We all remember the Federal Government drive to emphasize education in response to Sputnik in the late 1950's—a drive that propelled the innovation and the prosperity of the 1960's. Isn't now the time to mobilize again? In my view, Congress must focus on education as one of its highest priorities—the financial resources must be committed to vastly improve and modernize the teaching and training of America's young people.

This amendment would provide a modest amount of funding to move in this direction—not enough, I would argue, to make the improvements needed to meet the challenges ahead. But it is a step in the right direction, and will help to build momentum for a national effort to bring excellence into our schools. The key to America's economic resurgence is education. Either we invest now or we will pay the price all too soon.

Mr. LEAHY. Mr. President, in recent years funding for basic education in real dollars has declined. This amendment, which I am proud to cosponsor, will restore funding for basic education to last year's current services level—a freeze at last year's appropriation plus inflation.

Programs strengthened by this amendment include education for the handicapped, vocational and adult education, and compensatory education for the disadvantaged and much more.

With more families falling into poverty and an increasing number of young people without the basic skills to get and hold down jobs, it is clear to me education is one place we cannot afford to cut back.

Whether we talk about productivity in manufacturing and business, national security or international relations, new challenges in technology or the need for new leadership skills in social and domestic policy matters, education is the key to finding the answers to problems we face now and in the future.

I can think of no investment of our resources which carries the promise of so rich a return as the investment in education.

Mr. President, the amendment to restore $1.2 billion in educational programs represents an investment in our future. Like any investment, there is some cost involved. But that cost of $1.2 billion is a small price to pay for an educated and enlightened America.

The amendment directs the Finance Committee to find $1.2 billion in revenues to offset this important investment in education, so that it will not add to the $200 billion budget deficit.

The chairman of the Senate Finance Committee and virtually all of its members have stated that any revenues raised to reduce the deficit would not be derived by increasing individual taxes. I also oppose outright any increase in individual taxes to raise the necessary funds to finance this amendment and I encourage the Finance

Committee to raise the needed revenues either through a minimum corporate tax or effects to increase tax compliance.

Mr. President, more than 200 of our largest, most profitable corporations paid less in taxes last year than the average Vermont family. In fact, the Boeing Corp. and Dow Chemical received $13.6 and $18.5 million refunds, respectively.

Mr. President, I ask unanimous consent that a list of corporations that pay no Federal income taxes be printed at this point in the RECORD.

There being objection, the list was ordered to be printed in the RECORD, as follows:

COMPANIES THAT PAID NO INCOME TAX

[The following chart lists 50 American companies that paid no Federal income tax or received refunds from 1981 through 1984, according to a recent survey of 275 companies by Citizens for Tax Justice. Total profits and tax refunds for that period are in millions of dollars]

Company	Profit	Tax refund	Tax rate (percent)
Boeing Co	$2,099.0	$285.0	−13.6
Dow Chemical Co	972.0	180.0	−18.5
ITT	815	177.7	−21.8
Tenneco	3,401.0	166.0	−4.9
Pepsico	1,798.7	135.8	−7.6
Santa Fe Southern Pacific Corp	2,309.0	133.4	−5.8
General Dynamics	1,579.5	103.8	−6.6
General Electric	9,477.0	98.0	−1.0
Transamerica Corp	748.6	93.6	−12.5
Texaco	1,819.0	68.0	−3.7
Ashland Oil	336.1	62.0	−18.5
Hutton (E.F.) Group	372.5	59.6	−16.0
Weyerhaeuser Co	929.2	59.1	−6.4
Georgia Pacific Corp	783.0	59.0	−7.5
IC Industries	534.7	55.4	−10.4
Northrop Corp	416.8	46.4	−11.1
First Executive Corp	444.2	44.2	−10.0
International Minerals and Chemical	371.6	43.7	−11.8
Mitchell Energy and Development Corp	458.7	41.1	−9.0
Dupont	4,075.0	40.0	−1.0
Mellon Bank Corp	544.7	32.8	−6.0
International Paper Co	1,136.3	32.6	−2.9
Ohio Edison Co	1,524.4	31.8	−2.1
Scott Paper Co	594.6	30.5	−5.1
Philadelphia Electric Co	1,892.5	30.3	−1.6
Panhandle Eastern Corp	1,220.7	28.8	−2.4
Union Carbide	892.0	26.0	−2.9
Piedmont Aviation	169.0	25.4	−15.0
Tesoro Petroleum	124.3	22.5	−18.1
Harris Corp	307.6	19.5	−6.3
Allied Corp	693.0	17.0	−2.5
Columbia Gas System	1,147.1	15.9	−1.4
Northern Indian PSC	792.5	14.6	−1.8
Arizona Public Service Co	1,278.4	14.1	−1.1
Singer Co	194.2	11.6	−6.0
Sun Chemical Corp	103.2	10.4	−10.1
Greyhound Corp	419.9	10.4	−2.5
Centex Corp	264.4	10.2	−3.9
Pennsylvania Power and Light Co	1,362.9	10.0	−.7
Xerox	1,122.7	9.2	−.8
Southwest Airlines Co	213.0	8.1	−3.8
Comerica	135.3	7.1	−5.3
Dun and Bradstreet Corp	967.0	6.7	−.7
Ogden Corp	251.5	5.6	−2.2
Jim Walter Corp	361.7	4.1	−1.1
International Multifoods	43.9	3.2	−7.3
Burlington Northern	2,799.2	1.1	−.0
Tyson Foods	69.1	1.0	−1.4
Grumman Corp	653.4	.0	−.0
Lockheed Corp	1,670.9	.0	−.0

Compiled by James Schwartz—the Washington Post.

Mr. LEAHY. Mr. President, this cannot go on. The Senate Finance Committee ought to report a minimum tax to ensure that these corporations pay their fair share of taxes. As part of the Hollings budget freeze, I was pleased to cosponsor a minimum tax that would raise $15 billion from corporations that previously avoided paying taxes. It can be done. Out of a sense of fairness, it must be done.

Finally, Mr. President, last year the Internal Revenue Service reported that up to $92 billion in revenues could be raised simply by collecting taxes owed to the Federal Government. It makes far more sense to increase efforts to collect back taxes from those who have skirted their responsibilities than raising individual taxes. I urge the Finance Committee to follow the lead that Senator KERRY and I took in offering a successful amendment to Gramm-Rudman-Hollings calling for an annual report on the progress of the Internal Revenue Service's efforts to increase tax compliance.

No American should be asked to pay a single cent more in Federal income taxes, when so much revenues remains uncollected and so many profitable corporations avoid paying their fair share of taxes.

Mr. MITCHELL. Mr. President, I rise today in support of the amendment being offered by Senators ANDREWS, HOLLINGS, myself and many others, to increase funding for function 500 by $1.2 billion.

Under this amendment we will restore current services for all education programs. Current services represents the fiscal year 1986 appropriations level plus 5.7 percent for inflation.

I am committed to reduce the enormous budget deficit. However, I strongly disagree with those who would do so primarily by reducing funding for basic education programs which provide the foundation for an educated citizenry.

Since 1980, funding for education in real dollars has declined by approximately 16 percent. During the same period defense spending has increased by 38 percent. The defense of our Nation depends not only on weapons, but upon an informed and trained people. Young men and women in the Armed Forces without the mathematical and technical skills to understand and operate complicated equipment will not contribute to the Nation's defense.

This amendment will restore funding to a number of vital education programs including title I, which serves students from low-income families, the TRIO programs, such as Upward Bound, which provide important outreach, counseling and tutoring services to encourage low income disadvantaged students to enter and complete college.

The amendment will also restore funding for vocational education. In the President's fiscal year 1987 budget, vocational education was cut by nearly 50 percent. This program has been an important one in my home State of Maine. Many students, who might not otherwise continue a post-secondary education, have benefited greatly by the availability of vocational educational programs in Maine.

Finally, the Andrews-Hollings amendment will increase funding for the Pell grants. The $221 million provided in this amendment for Pell grants will allow an additional 442,800 students to receive educational awards in fiscal year 1987. We must not abandon college students from low- and middle-income families at a time of rapidly escalating tuition costs.

Mr. President, the Federal Government must continue its historic support of public education. Access to education for all students regardless of economic circumstances is one of the greatest legacies of this Nation. Children of immigrants with no education have had an opportunity to study and learn and achieve whatever goals they have set for themselves. We must continue to provide that opportunity for future generations of American children.

Mr. CHAFEE. Mr. President, I am pleased today to support the Andrews-Hollings amendment, restoring $1.2 billion to the education budget for fiscal year 1987. I support this amendment because I believe that adequate funding for education programs must remain a high priority of the Federal Government.

Since 1980, total Federal spending has grown by 65 percent. Yet, during the same period spending for education programs, including programs serving the most needy, has declined in real dollars. This record indicates to me that we in Congress may be forgetting what is truly important in terms of Federal investment. It is troubling to see that year after year the Federal budget includes wasteful, inefficient programs which do little more than sap the taxpayers' dollars, while we reduce our assistance to the Nation's schools.

What could be more important than maintaining a strong education system? The future of the United States is in the hands of the Nation's educators, and I want to ensure that they continue to have the resources necessary to train and shape the minds of our children. That is what this amendment seeks to do. Under this amendment, a principal will not be forced to cut back on salaries, reduce his teaching staff, or decide that he simply cannot afford new textbooks because of a shrinking budget.

As we have tried in recent months to address the budget crisis, we have heard a great deal of talk about priorities. The Gramm-Rudman-Hollings legislation was passed with the conviction that it would force us, at long last, to sit down and decide what really matters to us in the Federal budget and what we can do without. I believe, Mr. President, that there is still a lot of fat in the budget which we should eliminate.

It is clear to me that the choice Gramm-Rudman-Hollings is forcing us to make should include an affirmation of education's importance. The Federal budget plays a vital role in supplementing the efforts of local communities, and fine institutions of higher learning, all over the country. I know that in my State, for example, the Education for the Handicapped Program is helping people with special needs gain the same quality education as any other child. Those who administer this program, and the teachers who work with these students, make effective use of every penny they receive.

Another fine example of where this money will go is the TRIO Program, for bright high school students from disadvantaged backgrounds. TRIO programs, such as Upward Bound, have been outstandingly successful in equipping thousands of young Rhode Islanders with the skills they need to get into college, and to do well once they are there. As a final example, I would point out that this amendment will assist Federal library programs, which are included in the education budget. In addition to the important traditional services they provide to readers, our libraries are making a strong effort to fight illiteracy, which prevents millions of Americans from leading full, self-sufficient lives. I believe that as we make our difficult budget choices, these are the kinds of programs we must view as critical, and worth fighting for.

Education is about helping people make it in life. The programs which would benefit from the Andrews-Hollings amendment represent investments in people—people who will one day determine the course of this Nation, and whom we must not neglect. I am happy to vote for this amendment, and urge my colleagues to join me in supporting it.

Mr. KERRY. Mr. President, I rise as a cosponsor of the Andrews-Hollings amendment, which restores funding for basic education programs to levels which keep pace with inflation.

Over the course of the last 5 years, we have witnessed the steady erosion of Federal funding for crucial education programs. This reduction in the Federal Government's role comes at a time when State and local governments have been tightening their belts as well. I believe that it is not overdramatization to suggest that these reductions imperil our ability to provide a viable future for our children and our grandchildren. If this trend continues, future generations may look back at the 1980's as a decade in which America began to abandon its commitment to education.

I know that all of my colleagues in this Chamber agree that we must invest in our children today if we are to see America live up to its productive potential tomorrow. This is particularly true at a time when we are facing tougher competition from abroad. In order to remain competitive as a nation, we must have a well-educated population, and the Federal Government should continue to play an integral role in support of this education.

Let me give you some examples from my own State of Massachusetts, which owes much of its prosperity to the high quality of its many and varied educational institutions. We have benefited in the past from a strong national commitment to education on all levels. On the elementary, secondary, and vocational education level, thousands of children have benefited from Federal assistance. Chapter 1, Compensatory Education for the Disadvantaged, for example, has served numerous migrant children, handicapped, and neglected and delinquent children. Chapter 1 is one of the most effective Government programs on the books and it cannot afford to suffer any further cuts.

There are many other programs for primary and secondary education that we need to support and which have been recognized by Senators ANDREWS and HOLLINGS in this amendment. Inpact aid, which provides compensation to school systems in which there is a large Federal presence, is very important to many communities in Massachusetts as well as in many other States. In addition, programs in adult and vocational education provide vital opportunities to many citizens throughout the country. These programs have just "gotten by" for the last several years and they are in need of additional funds if they are to accomplish their congressional mandate.

In higher eduation, there are more than 100,000 recipients of Federal financial assistance in Massachusetts. The Federal student financial aid programs have given these students, many of whom could not otherwise afford to attend college, access to higher education and consequently the opportunity to achieve their full academic potential. Moreover, it is clear that these Federal education programs, established during the 1960's and 1970's, are the single most important factor in Massachusetts' present prosperity.

The Domenici-Chiles budget resolution is the result of a strong bipartisan effort within the Budget Committee, and it provides a responsible base which many of us feel puts us in the right direction. The resolution, however, does not go the distance needed to ensure that we do not fall further behind in our commitment to education. The Andrews-Hollings amendment simply returns education funding for fiscal year 1987 to current services—a freeze on last year's level plus inflation. This amendment, therefore, represents a small, yet necessary improvement to the committee's budget, and a critical step toward ensuring the long-term stability of our Nation's educational system.

When I voted for the Gramm-Rudman-Hollings amendment last year, I did so in the hopes that it would force the Congress to make tough choices in order to get the massive Federal budget deficits under control. These choices must reflect the will of the American people. I know that the American people desire a strong commitment to education—to the future of our country. By adopting the Andrews-Hollings amendment, we will be displaying that commitment to the American people and reaffirming the Federal Government's role in improving our children's education. I urge my colleagues to join me in supporting this amendment.

Mr. KENNEDY. Mr. President, I join today with Senator ANDREWS and Senator HOLLINGS and 29 of my other colleagues in the Senate in offering this critical amendment to provide a vital increase in funding for Federal education programs. This amendment will add $1.2 billion to restore the funding for basic education programs to current services and meets the deficit neutral requirement with a revenue offset. The budget resolution as reported out of committee freezes education funding at the 1986 level of appropriations. The resolution does assume a $300 million increase for function 500 for unspecified priorities. But this does not mean that the basic education programs will receive increases.

I wish to remind my colleagues in the Senate that this amendment represents an inflation-only increase for education programs—enough to maintain those children who are currently in these programs. The $1.2 billion will not allow for any program expansion. This increase will not enable the millions of educationally disadvantaged first graders or the many limited English proficient fifth graders to obtain the education services they need under chapter I or bilingual education because again this year there will be no Federal funding available for these programs to expand.

Year after year, President Reagan has proposed drastic reductions in Federal education programs. And year after year Congress has rejected the administration's proposals. However, Congress has not always provided the necessary funding to maintain or expand Federal education programs over the past 5 years. In real dollars, basic education programs have been cut by 15.8 percent since 1981.

We are well into the second administration of Ronald Reagan and it should be clear to every Member of this distinguished body that we cannot rely on the President to defend educa-

tion. And it is more than clear that we cannot depend on Secretary Bennett to fight for the critical resources needed to teach our Nation's young students. The time has come for the Senate to accept its responsibility for educating the next generation. By adopting this amendment today, we are reaffirming our commitment to the millions of young people across the United States who are participating in education programs supported by the Federal Government.

I would like to take a moment to remind my colleagues of the role of the Federal Government in education. We are responsible for ensuring that first graders, young adults entering junior high school, high school students, and students entering higher education have ready access to quality education and are provided an equal education. That is the charge of the Federal Government and we have not been diligent in this responsibility.

There are consequences to our inactions. Thousands of young students are dropping out of our schools. According to the National Center for Educational Statistics, 25 percent of all students who enter the fifth grade do not graduate from high school in the eighth year afterwards. The Current Population Survey shows that 16 percent of 18 and 19 years olds do not have a high school diploma nor are they currently enrolled in school. The High School Survey and Beyond tells us that 14 percent of high school sophomores drop out before the end of their senior year. Estimates of the number of adults in the United States who are functionally illiterate range from 23 to 72 million. An estimated 2.3 million persons join these ranks each year.

As a nation it is our duty to provide the best education for all our children. Well educated children grow up to be knowledgeable and skillfull adults who we must depend on to strengthen our economy, to compete and prosper in an increasingly complex world, and to promote a kind and humane society.

Our goal is the maximum development of every child. It is not only morally right, but far less expensive for government to assist children in growing up whole and strong and able than to pay the bill later for children and adults who grow up with social and educational problems. Aeschylus wrote:

> In the rearing of our children, we are handing on life like a torch from one generation to another.

Mr. President, I urge my colleagues to demonstrate their commitment to our young children, our next generation, by adopting this amendment.

Mr THURMOND. Mr. President, it is being argued that a vote against the Andrews-Hollings amendment to restore $1.2 billion in budget authority to education programs in the Senate budget resolution is a vote against education. Yet, I have had a long history of support for education programs, and do not believe that this amendment is warranted. Similarly, the argument is that a vote against the amendment sponsored by Senator WEICKER, which would add another $600 million in budget authority for education programs for the handicapped, is a vote against handicapped individuals. However, I have always been a supporter of these programs, and do not intend to support this amendment.

The budget resolution under consideration provides for $32.1 billion in budget authority for programs under function 500—education, training, employment, and social services—during the 1987 fiscal year. This represents an increase of $1.8 billion in budget authority for this function over the 1986 fiscal year. These amendments, if passed, would double the projected increase in budget authority for this function over that provided in the pending resolution. Since current law requires amendments to be deficit-neutral, it is asserted that the additional funding sought by these amendments can be provided through "unspecified revenue enhancement."

Mr. President, I firmly believe that the average American taxpayer is tired of paying such a large percentage of his or her hard-earned income in Federal taxes. The term "unspecified revenue enhancement" is merely a fancy codeword for a tax increase.

These amendments would increase the already substantial tax burden on our citizens. Since I believe that these are worthwhile programs, it is difficult to oppose additional funding for them. However, as our Nation suffers through this deficit crisis, we must make difficult decisions. We have abdicated this responsibility for too long. Consequently, the national debt today exceeds $2 trillion.

These amendments would add funding authority beyond the increase already provided in the budget resolution before us. Furthermore, the passage of these amendments would result in a tax increase. Accordingly, I intend to vote in opposition to them.

In conclusion, the purposes of both these amendments are worthy ones, and I support the principle that more funds should be committed to these programs. However, under the current financial circumstances, I believe that it is more appropriate for the States to provide these additional funds. There is no State which is not in better fiscal condition in proportion to resources, than the Federal Government. Thus, it seems only fair, particularly during this budget crisis that States should provide a larger share of contributions to such programs. This, is especially true for education, which has traditionally been a State and local government responsibility.

Mr. BINGAMAN. Mr. President, I am pleased to be a cosponsor of the amendment offered by my colleague, Senator ANDREWS and Senator HOLLINGS, to increase funding for education. Quality education has never been more important to us than it is today, and it requires the continuing attention of the Senate. I compliment the two Senators for their leadership in generating bipartisan support for this critical need area.

The entire budget debate is a question of priorities, and many of my colleagues may disagree on the ordering of these priorities. As I have said, I support the efforts of the distinguished chairman and ranking minority member of the Budget Committee for their efforts to bring a fair and effective budget to the floor, and I will vote for the bill with modifications.

Mr. President, this is one modification I feel is absolutely essential. It is essential to a strong America. It is essential to the future of our children.

The Andrews-Hollings amendment brings education funding in line with the fiscal year 1986 appropriated amount—before sequestration—plus 5.7 percent for inflation. Function 500 of Senate Concurrent Resolution 120 will be increased by $1.2 billion in budget authority. The amendment meets the deficit-neutral requirement with an unspecified revenue offset to be decided by the Finance Committee.

This restoration of educational funding to current services, adjusted for inflation, reflects a sensible approach to maintain our education programs at adequate funding levels and to still meet deficit reduction goals. Adequate education funding must remain a high priority. Since 1980, Federal spending in actual dollars for elementary and secondary education programs has declined by almost 40 percent. This compares with a 66-percent increase in overall Federal spending. According to some education analysts, current Federal spending on education now constitutes only 65 cents of every $100. With the Andrews-Hollings amendment, we would increase the Federal effort by 2 cents, to a level of 67 cents for every $100. This hardly represents a budget-busting approach. In fact, it demonstrates fiscal restraint.

Mr. President, I strongly support a Federal role in public education, especially given the continuing decline in oil and gas revenues, which, in my State of New Mexico and in other States, have traditionally funded education. Also, on a national scale, our efforts to improve U.S. competitiveness in a very competitive world economy must address the need to improve our human capital resources, particularly our educational resources.

The evidence clearly demonstrates the need to continue to upgrade our educational system. An area of particular concern to me is the growing lack of teachers in certain areas of the country and in certain high need subjects. I am also concerned with the evidence of a decline in scholarships among those going into the teaching profession. A survey conducted by the National Center for Education Information in the spring and summer 1984 showed that the number of new teacher graduates dropped 53 percent from 1973 to 1983, that enrollment in teacher education programs decreased by a third, and that persons newly admitted into teacher education decreased 44 percent. Yet, the U.S. Department of Education projects that by 1993 we will need more than 1 million new elementary school teachers and more than half a million secondary school teachers. Furthermore, based on the most recent reports from the National Center for Education Statistics and other sources, the likely subject areas of greatest teacher shortage are special education, mathematics, physical sciences, computer sciences, bilingual education, and certain foreign languages.

We must begin to recognize and deal with these statistics. Unfortunately, they just scratch the surface. We must continually enhance our educational excellence in an ever more competitive world. We can begin to make a contribution today by approving this amendment.

Mr. McCONNELL. Mr. President, with education such an important issue and with the goal of maintaining an adequate educational system primary in my mind, this vote is extremely difficult. My vote is not a vote against education. I firmly believe that we need a strong educational system at all levels. The funding of this increase for education involves raising taxes. This is not the time for a tax increase. Had the source of funding been a transfer from some other program, I might well have been able to support it.

Mr. BYRD. Mr. President, I am pleased to cosponsor this amendment.

Nothing is more critical to the future security and economic well-being of this Nation than the education of our citizens. Without a citizenry at least as well educated as citizens of other industrialized nations, we can have little hope that our future will be as prosperous as we have come to expect in America; nor can we expect that we will continue to have the ability to be the leader of the free world and the defender of democracy. It takes education—not just adequate education, but excellent education—to assure such a future for our children and this Nation.

This amendment brings funding up to a level necessary to continue to provide education services now being federally financed prior to the March Gramm-Rudman cuts.

Federal education programs certainly have absorbed their fair share of budget cuts under this administration. Between fiscal year 1980 and fiscal year 1986, actual appropriations for all Federal programs grew by roughly 65 percent. During this same time period, Federal funding for education programs, across-the-board, declined in actual dollars.

These cuts have taken their toll.

Between 1980 and 1986, the Federal share of education funding expended for handicapped students fell from 12 percent to 7 percent, even though the original Federal commitment was to provide 40 percent of the funding by 1980.

These trends hold for other Federal education programs, as well. Despite an overall increase in Federal spending in the past 5 years, education programs have not participated in this real growth. Congress has kept education from being decimated by the budget cuts proposed by the administration, but it has not been able to give education programs the funding priority which I believe they require.

The amendment now before the Senate, like the efforts in past years, continues to fund the major programs at current services levels. Further, it avoids the destructive effects that another Gramm-Rudman sequester would have on education.

The effects of the March Gramm-Rudman sequester are already being felt. I have been told by education officials from West Virginia that, as a result of those cuts, roughly 70 percent of the Pell grant students in West Virginia will see their grants affected. I have received numerous calls from officials at the elementary level telling me of the cuts in the chapter I programs in West Virginia. One county in particular, Pendleton County, faces a loss of half the teachers hired for the program in that county. We must not allow these cuts to be compounded.

This amendment totals $1.2 billion in budget authority for fiscal year 1987, with estimated outlays of about $250 million. Surely this a small investment that will pay enormous dividends in our future. I belive that we cannot afford to do less. I urge the adoption of the amendment.

The PRESIDING OFFICER. On the time of the unanimous-consent request, the clock was running, the Chair will state. The time of the Senator from North Dakota has expired and there are 20 seconds left on the part of the Senator from New Mexico.

Mr. ANDREWS. I ask unanimous consent to proceed for 30 seconds.

Mr. DOMENICI. Mr. President, I have to object, because I have been told we were going to vote at 3:30 and I have 20 seconds.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, if the proponents of this amendment would have found $300 million in outlays to cut somewhere else, $2.9 billion in outlays which is the new taxes somewhere else in this budget, they would have had my support. We have a $144 billion deficit.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that the unanimous-consent agreement called for the vote on the amendment.

Mr. DOMENICI. Parliamentary inquiry. Did not the unanimous-consent—I do not want to make a big point out of it—but did not the unanimous-consent agreement say we would vote at 3:30?

The PRESIDING OFFICER. On the amendment.

Mr. DOMENICI. I withdraw my request.

Mr. ANDREWS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1798. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Florida [Mrs. HAWKINS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—60

Abdnor	Eagleton	Matsunaga
Andrews	Ford	Melcher
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Grassley	Murkowski
Boren	Harkin	Packwood
Bradley	Hart	Pell
Bumpers	Hatfield	Pressler
Burdick	Heflin	Pryor
Byrd	Heinz	Riegle
Chafee	Hollings	Rockefeller
Cohen	Inouye	Sarbanes
Cranston	Kasten	Sasser
D'Amato	Kennedy	Simon
Danforth	Kerry	Specter
DeConcini	Lautenberg	Stafford
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Durenberger	Mathias	Weicker

NAYS—38

Armstrong	Dole	Garn
Boschwitz	Domenici	Gramm
Chiles	East	Hatch
Cochran	Evans	Hecht
Denton	Exon	Helms

Humphrey	McConnell	Symms
Johnston	Nickles	Thurmond
Kassebaum	Nunn	Trible
Laxalt	Proxmire	Wallop
Long	Quayle	Warner
Lugar	Roth	Wilson
Mattingly	Rudman	Zorinsky
McClure	Simpson	

NOT VOTING—2

Goldwater Hawkins

So the amendment (No. 1798) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ANDREWS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this will be a parliamentary inquiry. There will be no further votes by previous order, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I understand that the Senator from New York (Mr. MOYNIHAN) wants to lay down an amendment on revenue sharing. Obviously, we do not have very much time. We will not debate it on our side tonight, but in due course tomorrow we will take it up under the rules. Perhaps we can waive some time on it tomorrow, if necessary. We will be ready tomorrow to discuss it.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1800

(Purpose: To modify the treatment of the General Revenue Sharing Program)

Mr. MOYNIHAN. Mr. President, on behalf of Senators SASSER, BYRD, HEINZ, SPECTER, RIEGLE, JOHNSTON, PRYOR, LAUTENBERG, MELCHER, METZENBAUM, FORD, LONG, HART, GORE, KERRY, ANDREWS, DIXON, ROCKEFELLER, SARBANES, HEFLIN, INOUYE, HAWKINS, BURDICK, DECONCINI, and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. SASSER, Mr. BYRD, Mr. HEINZ, Mr. SPECTER, Mr. RIEGLE, Mr. JOHNSTON, Mr. PRYOR, Mr. LAUTENBERG, Mr. MELCHER, Mr. METZENBAUM, Mr. FORD, Mr. LONG, Mr. HART, Mr. GORE, Mr. KERRY, Mr. ANDREWS, Mr. DIXON, Mr. ROCKEFELLER, Mr. SARBANES, Mr. HEFLIN, Mr. INOUYE, Mrs. HAWKINS, Mr. BURDICK, and Mr. DECONCINI, proposes an amendment numbered 1800.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, strike out line 9 through line 21 and insert in lieu thereof the following:

GENERAL REVENUE SHARING

SEC. 3. Upon the enactment of—

(1) legislation authorizing budget authority of up to $4,600,000,000 annually for the General Revenue Sharing program for any or all of the fiscal years 1987, 1988, and 1989, and

(2) legislation increasing revenues for any fiscal year for which outlays are to be made under such budget authority by an amount that is—

(A) not less than the amount of the outlays to be made for such fiscal year under such budget authority, and

(B) in addition to the amounts of increased revenues required to be reported pursuant to section 2 of this concurrent resolution for such fiscal year,

the authorized amounts of budget authority and outlays for such program shall be allocated to the Senate Committees on Appropriations and Finance, as appropriate, for such fiscal year, and such amounts shall be added to the total amounts of budget authority and outlays provided for in the applicable concurrent resolution.

Mr. MOYNIHAN. Mr. President, I yield the floor with the understanding that this amendment will be the first order of business when we return to the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, I would like to offer my strong support for the budget resolution that is before us today.

I also wish to compliment the work of all my colleagues on the Budget Committee whose product we are now considering. In particular, the efforts of the distinguished chairman, Senator DOMENICI, and the distinguished ranking minority member, Senator CHILES, deserve special recognition. This has truly been an historic and herculean effort to achieve a bipartisan budget compromise. It has my support, and I think it is worthy of the support of all my colleagues.

It is unfortunate and unwise that the President has thus far withheld his support for the resolution and has refused to bargain to reach a new compromise. Instead he has chosen to stand at a distance and criticize the budget resolution while letting the deficit continue to mount.

It is critical to the Nation and all American people that we act to rein in the deficit. According to existing Congressional Budget Office assumptions the deficit for fiscal year 1987 will be $182.7 billion. Without any action this deficit will surely grow to exceed the $200 billion-plus deficit we reached last year. The lesson we haven't seemed to learn is that not only are the existing budget procedures not self-enforcing but that as we fiddle, Rome burns and the deficit rises higher.

We now have before us a realistic and workable compromise which does call for effective action to reduce the deficit—by $38.8 billion, to $143.9 billion. This meets the Gramm-Rudman-Hollings target of $144 billion and eliminates the need for a $16-billion sequester required by the President's budget. It does this by holding the line on defense spending at $295 billion, keeping it at zero percent real growth. It does cut some $17 billion from domestic spending, but far less drastic than the President's budget, adding back approximately $4 billion in previously called for cuts. It provides full cost-of-living adjustments for Social Security, Federal civilian and military retirees as well as other index programs. Still, total spending under the plan is reduced by $4 billion below the President's plan. Revenues would be increased by $19 billion, but this is to be done without any increase in individual taxes. The revenues would be decided upon by the Finance Committee and could easily be accomplished with a minimum corporate tax or an oil import fee.

Mr. President, this plan is a fair and workable compromise. It is far more effective in reducing the deficit than the President's plan, and it most equitably distributes the burdens of defict reduction. It also avoids the sequestering mandated by Gramm-Rudman-Hollings. Most importantly, it adds back resources for a number of critically important spending areas, including research and development, education, energy, environment, Medicare, and more.

It is imperative that we act now on this resolution in a bipartisan way to show Senator leadership and concern in this issue. I believe that with some minor changes the resolution will effectively and fairly reduce the deficit. It recognizes the fiscal situation that confronts us and it proposed a realistic solution. It has my support and it deserves the support of the President, the American people, and each of my colleagues.

Thank you Mr. President.

ROUTINE MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for the remaining 4 minutes until 4 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I would like to inquire of the minority leader, in behalf of the majority leader, if he is in a position to confirm the following nominations on the Executive Calendar: No. 756, Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida, and Calendar No. 757, Joe D.

Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia.

Mr. BYRD. Mr. President, those two nominations have been cleared on this side of the aisle. We are ready to proceed.

Mr. DOMENICI. And Foreign Service nominations placed on the Secretary's desk beginning with Marshall D. Brown, and ending Robert A. Riccio.

Mr. BYRD. Mr. President, those nominations likewise have been cleared on this side.

EXECUTIVE SESSION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida.

DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Marshall D. Brown, and ending Robert A. Riccio, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 12, 1986.

STATEMENT ON THE NOMINATION OF KENNETH L. RYSKAMP, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD at this point:)

● Mrs. HAWKINS. Mr. President, I would like to ask my colleagues to join me in supporting Mr. Kenneth Ryskamp, who has been nominated by President Reagan to serve as U.S. district judge for the southern district of Florida. His nomination was unanimously approved by the Senate Judiciary Committee. Kenneth Ryskamp will bring to this judicial post an excellent combination of personal qualities, educational background, and legal expertise.

Kenneth Ryskamp approaches this judicial post prepared to address the vital issues confronting our country today. His extensive legal clients include liability insurance companies, the Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation, an educational institution, and title insurance companies. Time and again, he has participated in litigation defending our constitutional rights. With his specialization in the areas of appellate practice, commerical litigation, railroad law, and real estate, he knows Florida's needs and problems as they relate to Federal law.

Kenneth will serve the southern district of Florida, a most unique district. This district has the heaviest judicial caseload in the country, and experience such as Kenneth's is vital to adequately serving the people of the area. Having practiced law for most of his career in Florida, he knows the complexities of those issues unique to Florida, such as our delicate environment and our extremely high growth as a State. Florida tends to attract perpetrators of fraud, such as the recent GIC Securities which declared bankruptcy and left thousands of senior citizens without a penny of their invested savings. Kenneth's past experience in these and other areas has prepared him for a judicial appointment.

Kenneth has built a reputation in the Miami area and beyond as an outstanding lawyer. He and his wife, Karyl Sonja Honsey, moved to Miami from Michigan in 1953, and they have contributed to the Miami community since that time. I am pleased to recommend Kenneth to you, Mr. President. He will be a tremendous asset to our Federal judiciary.●

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group Meeting, to be held in Colorado Springs, CO, on May 29-June 2, 1986: The Senator from Nebraska [Mr. ZORINSKY], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. HATCH], the Senator from Georgia [Mr. MATTINGLY], and the Senator from New Mexico [Mr. BINGAMAN].

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly Spring Meeting, to be held in Luxembourg City, Luxembourg, on May 22-June 1, 1986: The Senator from Missouri [Mr. EAGLETON], the Senator from Maryland [Mr. MATHIAS], the Senator from Texas [Mr. BENTSEN], the Senator from Idaho [Mr. MCCLURE], the Senator from Utah [Mr. HATCH], and the Senator from Alabama [Mr. HEFLIN].

AUTHORIZATION FOR TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DOMENICI. Mr. President, in behalf of the majority leader, I send to the desk a Senate resolution regarding legal counsel.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 387) to authorize testimony by Senate employee and representation by the Senate Legal Counsel in *In Re Possible Violations of 18 U.S.C. 1001.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the U.S. Department of Justice has subpoenaed an employee of the Committee on Commerce, Science, and Transportation, Mr. David F. Zorensky, to assist it by testifying before a Federal grand jury in the U.S. District Court for the District of Columbia investigating possible false statements in violation of 18 U.S.C. section 1001. The information sought from Mr. Zorensky was acquired in the course of his work for the committee relative to other individuals and in no way involved his own conduct.

This resolution would authorize Mr. Zorensky to testify before the grand jury and in any subsequent proceedings in this matter, except concerning anything privileged. This is in keeping with our practice of facilitating justice consistent with the privileges and rights of the Senate. The resolution would also direct the Senate legal counsel to represent Mr. Zorensky in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 387) was agreed to. The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 387

Whereas, a Federal grand jury in the United States District Court for the District of Columbia is currently investigating possible violations of 18 U.S.C. 1001;

Whereas, counsel for the United States has served a subpoena for the taking of testimony upon David F. Zorensky, a member of the staff of the Committee on Commerce, Science, and Transportation;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent David F. Zorensky in connection with his testimony in *In Re Possible Violations of 18 U.S.C. § 1001.*

SEC. 2. That David F. Zorensky is authorized to testify before the grand jury and in any subsequent proceedings in *In Re Possible Violations of 18 U.S.C. § 1001* (D.D.C.), except concerning matters for which a privilege from testifying should be asserted.

Mr. DOMENICI. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNITION OF THE NATIONAL GUARD AND RESERVE

Mr. WILSON. Mr. President, in order to avert a truly unintended disaster, I ask unanimous consent that the Senate turn to calendar item 611, House Joint Resolution 220, dealing with the National Guard Reserve. This item has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, this item has been cleared on this side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 220) to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense.

Without objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 1799

Mr. WILSON. Mr. President, I send an amendment to the desk on behalf of Senator GOLDWATER and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself and Mr. GOLDWATER, proposes an amendment numbered 1799.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution add the following new section:

"SEC. 2. EXTENSION OF DEADLINE RELATING TO OBLIGATION OF FUNDS FROM MILITARY PERSONNEL ACCOUNTS OF THE DEPARTMENT OF DEFENSE.

"Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.".

Mr. WILSON. Mr. President, this amendment simply states that notwithstanding other provisions in the law, and most notably an amendment added to the appropriations bill last year, there now be permitted to the Department of Defense authority to expend from its current military personnel accounts at a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.

The reason for this is we are facing a deadline we cannot meet, Mr. President. The House is about to go out. The President is going to Japan. There has to be a signature on this piece of legislation before May 1 to avoid the necessity that will otherwise exist for the Pentagon to lay off half a million men from the armed services.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1799) was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (H.J. Res. 220) as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Page 2, after line 13, insert:

SEC. 2. EXTENSION OF DEADLINE RELATING TO OBLIGATION OF FUNDS FROM MILITARY PERSONNEL ACCOUNTS OF THE DEPARTMENT OF DEFENSE.

Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.

The title was amended so as to read, "A joint resolution to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense, and for other purposes."

Mr. WILSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOMENICI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SECRETARIES' DAY

Mr. MOYNIHAN. Mr. President, here in the Senate, the crunch of daily business sometimes makes us take the people around us for granted. Today is National Secretaries Day, and, as the secretaries in the Senate (and indeed everywhere) are certainly and often taken for granted, I should like to take this occasion to pay them some attention.

Of special importance to me are the secretaries on my own staff. The demands on them are great, and the thanks they receive usually few. We don't frequently say so, but it is the simple truth that we could not function without them. My gratitude goes out today, then, to my secretaries Vicki Bear-Dodson, Julie Smith, and Loretta Shepard. They are professionals in every sense of the word, and they have my deepest appreciation.

FARM CREDIT LEGISLATION

Mr. BOREN. Mr. President, I read with interest the remarks by the distinguished majority leader yesterday afternoon concerning the need to pass a concurrent resolution dealing with the Farm Credit System.

I am a cosponor of the resolution intended to be proposed by the majority leader. At least I was a cosponsor of the resolution when I received a copy of it on April 7. I understand, however, that it has changed many times since then and in fact, at one point I heard it was going to be introduced as a joint resolution instead of a concurrent resolution.

I had hoped that the majority leader would have introduced the resolution 2 weeks ago. So that the Senate Agricultural Committee could have considered the resolution and reported it out, perhaps with no amendments.

I agree with the majority leader that it is imperative that we send a clear signal to the Farm Credit System. However, I do not believe a nonbinding resolution will accomplish very much if anything. It will more than likely provide a sense of false hope to the borrowers of the Farm Credit System, because it will be more words without the power of law to back it up.

It's my understanding that Frank Naylor, the President's designated nominee to the Farm Credit Administration Board, has indicated a willingness to write regulations which would provide for maximum forebearance to Farm Credit System borrowers. That's all well and good, Mr. President, however, Mr. Naylor is not presently a member of the Farm Credit Administration Board. Further, unless the White House moves quickly and designates the Democratic nominee to the board, it could be months before the Farm Credit Administration Board is in place. I believe we all had hoped that the White House would have acted more promptly in making the appointments. We have all hoped that the board and the Capital Corporation could have been in place and operational long before now. The White House apparently has not recognized the urgent situation facing the borrowers of the Farm Credit System. Consequently, Mr. President, I don't believe we can wait for Mr. Naylor to become chairman of the Farm Credit Administration Board and implement regulations which would provide forbearance.

I believe, Mr. President, that we need statutory language requiring the Farm Credit System to provide forbearance to its borrowers and we need to consider legislation now. If we are really interested in helping the farmers in this country we will not wave a flag of false hope; rather, we will give them real hope by considering meaningful farm credit legislation.

Mr. President, I am not requesting that the majority leader agree to passing legislation I am sponsoring. I am asking the majority leader to decide whether or not farm credit assistance is important enough to be considered by the full Senate. I would be happy to offer my amendment to any vehicle he chooses.

It has been suggested that those of us interested in considering credit legislation have shown up at the last minute. The Senate has adopted two farm bills already this year, the so-called cross compliance bill and the Food Security Improvements Act. Before both bills were considered, I indicated my strong interest in offering a credit amendment to both bills. However, at the urging of the majority leader and others who were interested in seeing both of these bills passed quickly, I did not offer my amendment. I made it clear then that I wanted farm credit legislation considered. In addition, when the majority leader first circulated his concurrent resolution, I again indicated that I wanted the Senate to have an opportunity to consider farm credit legislation. We are simply asking that a reasonable date certain be given for the Senate to consider farm credit legislation. Only in that way will a concurrent resolution dealing with farm credit be meaningful. Without subsequent action on a meaningful farm credit package, the concurrent resolution will provide no real assistance to the farmers and ranchers in this Nation. In the past on farm legislation, the majority leader and I have worked together many times.

It is time for all of us to sit down together and set up a timetable for the consideration of a farm credit package that will really help farmers. Farmers cannot make mortgage payments or restructure their debts with an armload of election year platitudes contained in resolutions without the force of law.

RESPONSE TO LIBYA

Mr. STEVENS. Mr. President, United States military action against Libya on April 14 serves a stern notice to all of our Nation's enemies that military forces of the United States can and will be used—if necessary—in the defense of our citizens and our interests.

In an editorial on Wednesday, April 16, the Anchorage Times compliments President Reagan for his role in strengthening the military, so it can carry out its role as an instrument of national policy. This editorial also calls on our allies to support our Nation and our President in the defense of democracy and the struggle against oppression.

Mr. President, I ask unanimous consent that the editorial in the April 16, Anchorage Times, to which I have referred, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anchorage Times, Apr. 16, 1986]

RESPONSE TO LIBYA

A positive response to the attack on Libya would be expected from Alaskans. They live in a land of confrontations where they must defend their lives, liberty and property from natural and man-made enemies. They respond almost daily to oppressive situations.

Alaskans spring together when they face major issues that affect their land or their lives. During the last 100 years, they have stood together to overcome obstacles that appeared insurmountable on the land, on the sea or in the air in extreme conditions of temperature or location.

They stand their ground against intrusion or invasion by man, animals, winds, cold, rain, snow or anything else nature or mankind throws at them.

Alaskans should applaud the response to Libya's terrorism, an action that should, but probably won't, silence the administration's critics who argue that the military is useless as a response to terrorists.

President Reagan has now proven them wrong in that claim, just as they have been proven wrong in others. He has also shown by deed as well as word that the U.S. will defend its citizens. When he says he will table specific action, he will not fail to deliver.

Perhaps the nation is now seeing the payoff from the Reagan policies of the past six years during which he strengthened the national economy by eliminating inflation, reducing unemployment, increasing production. At the same time he strengthened the military establishment so it could carry out its role as an instrument of national policy.

Alaskans were strong for Ronald Reagan when he was running for president and he has not disappointed them. He has restored the pride of the people in their nation and has been eminently successful in handling national power.

In foreign relations his first concern was about military power. He rebuilt it in his first term and became the first president since Richard Nixon who improved America's geopolitical preeminence.

In that rebuilding effort, Alaska benefitted by a general strengthening and renovation of the military forces and their installations here. The Sixth Division for the U.S. Army marks the first time Alaska has had troops assigned to the defense of their state.

It is to be hoped that America's allies will recognize the effectiveness of the Reagan Doctrine and will support it.

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

ENROLLED JOINT RESOLUTIONS SIGNED

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Humelsine as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

At 3:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate numbered 1 and 2 to the bill (H.R. 3551) to amend title 18, United States Code, with respect to certain bribery and related offenses; and that the House agrees to the amendment of the Senate numbered 3 to the bill, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4022. An act to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes;

H.J. Res. 544. Joint resolution to designate May 7, 1986, as "National Barrier Awareness Week"; and

H.J. Res. 604. Joint resolution providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986.

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 544. Joint resolution to designate May 7, 1986, as "National Barrier Awareness Week"; to the Committee on the Judiciary.

H.J. Res. 604. Joint resolution providing for appointment to the service academies of children of members of the Armed Forces killed in the military action against Libya on April 15, 1986; to the Committee on Armed Services.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4022. An act to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore [Mr. THURMOND] announced that on today, April 23, 1986, he signed the following enrolled bill which had previously been signed by the Speaker of the House of Representatives:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma; and

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 23, 1986, she had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1684. An act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma;

S. 2319. An act to provide for the continuation of the Martin Luther King, Jr., Federal Holiday Commission until 1989, and for other purposes;

S.J. Res. 214. Joint resolution providing for reappointment of Carlisle H. Hummelsine as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 215. Joint resolution providing for reappointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week";

S.J. Res. 286. Joint resolution to designate the week of April 20, 1986, through April 26, 1986, as "National Reading Is Fun Week"; and

S.J. Res. 296. Joint resolution to designate October 16, 1986, as "World Food Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3026. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of April 1, 1986; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-3027. A communication from the Director of the Accounting and Financial Management Division of GAO transmitting, pursuant to law, a report entitled "Fraud Hotline—DOD Fraud Hotline: Generally Effective but Some Changes Needed"; to the Committee on Armed Services.

EC-3028. A communication from the Secretary of the Federal Trade Commission transmitting, pursuant to law, the annual report under the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-3029. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a report on requests for relief under extraordinary emergency authority in 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-3030. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal section 10 of the Fisherman's Protective Act; to the Committee on Commerce, Science, and Transportation.

EC-3031. A communication from the Administrator of AID transmitting, pursuant to law, the Agency's annual report relative to actions to increase the representation of minority group members and women in the Foreign Service; to the Committee on Foreign Relations.

EC-3032. A communication from the Chief Judge of the U.S. Claims Court transmitting, pursuant to law, a report on its actions relative to the bill S. 413; to the Committee on the Judiciary.

EC-3033. A communication from the Secretary of Education transmitting a letter of continuing support for enactment of proposed legislation transmitted to Congress on March 12, 1985; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, with amendments and an amendment to the title:

S. Res. 374. Resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986 (Rept. No. 99-285).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Treaty Doc. 99-9. Vienna Convention for the Protection of the Ozone Layer, done at Vienna on March 22, 1985 (with additional views) (Exec. Rept. No. 99-13).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER:

S. 2358. A bill to amend title XVIII of the Social Security Act to provide for an optional part C program to furnish comprehensive, catastrophic, long-term, and preventive benefits through prepaid plans; to the Committee on Finance.

By Mr. PRESSLER:

S. 2359. A bill to amend title 38, United States Code, to establish a Veterans' Administration Readjustment Counseling Professional Fellowship Program; to the Committee on Veterans Affairs.

By Mr. CHAFEE:

S. 2360. A bill to temporarily suspend the duty on 4-chloro-2,5-dimethoxy aniline; to the Committee on Finance.

S. 2361. A bill to temporarily suspend the duty on 3-nitro phenyl-4-beta-hydroxy sulfone; to the Committee on Finance.

By Mr. GORE:

S. 2362. A bill to provide that Bell operating companies may provide information services and manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 387. Resolution to authorize testimony by Senate employee and representation by the Senate Legal Counsel in In Re Possible Violations of 18 U.S.C. section 1001; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER:

S. 2358. A bill to amend title XVIII of the Social Security Act to provide for an optional part C program to furnish comprehensive, catastrophic, long-term, and preventive benefits through pre-paid plans; to the Committee on Finance.

MEDICARE PART C: CATASTROPHIC HEALTH INSURANCE ACT

● Mr. SASSER. Mr. President, I am today introducing legislation which will provide assistance to millions of older Americans desiring insurance to cover health care services for catastrophic illness and other medical services. My legislation is a companion measure to H.R. 4287, introduced in the House by Congressman CLAUDE PEPPER who is renowned for his expertise in matters affecting the elderly.

Catastrophic illness is a common occurrence among Americans. Over 6 million elderly Americans suffer from chronic heart conditions. Nearly 4 million have been stricken by Alzheimer's disease. Almost 2 million older persons experience the ravages of cancer. And 2.5 million suffer from some other form of chronic disease. Sadly, as many as 1 million Americans will be forced into poverty and onto the welfare rolls this year due to the catastrophic costs of the health care they need.

Catastrophic illness or the need for long-term care can be emotionally and financially devastating—both to the individual and to his or her family. Such unpredictable instances are the cause of needless human trauma which, at the very least, can be minimized by some form of financial security not available today at affordable rates. There is a real need for legislative action to provide security for individuals who are struck by a catastrophic illness. Indeed, there has been no less than a public outcry calling for new law.

Furthermore, Medicare beneficiaries are increasingly paying out more personal funds in order to obtain the health care services they need and which are not presently covered under Medicare. Older Americans are now paying an average of $1,500 annually in out-of-pocket expenses for their health care. Quite frankly, the gaps in Medicare benefits, along with rising deductibles, premiums, and copayments are an increasing cause for concern among most senior citizens.

My bill remedies this situation by providing for a new Medicare part C which would be available as an option to current and future Medicare beneficiaries who enroll in both Medicare part A and part B. The new part C would effectively plug many of the holes which exist in current Medicare coverage while eliminating the premium, deductibles, and copayments required under parts A and B. Moreover, the most important aspect of this measure is that it will, without cost to the Medicare system, provide for coverage for long-term care and catastrophic illness.

As most of my colleagues know, Medicare does not presently cover many medical services which are needed by its beneficiaries. For example, certain types of care such as hearing, vision, dental, and foot care are services which are necessary for older individuals, yet these are not covered. Further, our older citizens need to have physical examinations on a regular basis, but these, too, are not covered services. My legislation would provide Medicare coverage for these, and other, important services.

Second, by paying one premium for the Medicare part C coverage, beneficiaries would no longer be required to pay the Medicare part A deductible when they are hospitalized. Nor would they be required to pay any copayments which have invariably accompanied the delivery of health care services to Medicare beneficiaries. In essence, this legislation allows Medicare beneficiaries to pay a single monthly premium, thereby eliminating all other out-of-pocket expenses for covered services.

Most important, this new Medicare part C would cover long term care in nursing homes and at home, as well as provide extended care required for catastrophic illness. Currently, nursing home care and hospital care beyond the 60th day are presently not Medicare-reimbursable. Home care is partially reimbursed, but these payments are being reduced more and more due to administrative reimbursement changes.

Funding for the new part C of Medicare program would come from a new part C premium and beneficiary payments previously made to the part A and part B trust funds. Medicare would take competitive bids from health care providers to provide both the comprehensive benefits set forth in this bill as well as standard covered services under parts A and B. Providers would do this for a predetermined capitated rate per beneficiary. At the time of enrollment of a new part C beneficiary, a sum equal to the average annual per-beneficiary Medicare payment—regionally adjusted—would be transferred from those trust funds into the new part C fund. Medicare would then contract with the beneficiary's chosen providers which would then be paid the capitated rate: a sum equal to the average payment for covered services under parts A and B multiplied by 133 percent. Providers would provide all the health care services covered previously under parts A and B and all new services included in this bill. For 1986, the estimated capitated rate would be about $3,200.

The part C beneficiary is subject only to an annual premium, in monthly installments, equal to 25 percent of the national average of the capitated provider payment. This annual premium may not exceed 20 percent of the beneficiary's annual gross income from the previous year. To compensate for any lost premiums, all beneficiaries will pay premiums for a month before their coverage begins, thereby raising nearly $7 billion, to offset any revenue foregone. For 1986, the beneficiary premium would be about $800. Current Medicare out-or-pocket expenses plus the cost of a Medigap insurance policy—that is, currently available insurance which reimburses only for deductibles and copayments—are at this level already. Indeed, since older Americans presently pay an average of $1,500 per year in our-of-pocket expenses for health care services, this premium represents a reduction in out-of-pocket expenses per beneficiary of about 47 percent.

Part C will also provide the opportunity for Medicare beneficiaries who are also Medicaid eligible to participate in the comprehensive capitation plan. Because part C covers catastrophic illness and long term care—services presently provided for eligible poor under Medicaid—States will be allowed to "buy in" to part C coverage by paying 90 percent of what it would have cost them to provide Medicaid coverage to their Medicaid-eligible Medicare beneficiaries. These funds from the States's Medicaid program would go into the part C trust fund and Medicare beneficiaries who are Medicaid eligible would also be served by the contracted providers.

I am hopeful that my colleagues will join me by cosponsoring this important health care legislation to establish insurance for catastrophic illness and long term care. This is a matter of great concern to our seniors, and I believe that it is time for us to act to provide security for these persons who potentially face trauma and great financial loss.

By Mr. PRESSLER:

S. 2359. A bill to amend title 38, United States Code, to establish a Veterans' Administration Readjustment Counseling Professional Fellowship Program; to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION READJUSTMENT COUNSELING PROFESSIONAL FELLOWSHIP PROGRAM

Mr. PRESSLER. Mr. President, I am introducting legislation today which addresses serious unmet readjustment needs of Vietnam veterans in the area of health care.

It has been more than 10 years since the fall of Saigon. Some of the millions of Americans who served in Indochina during the Vietnam war have problems, among them alcohol and drug abuse, depression, marital problems, aggressive behavior, and arrests and convictions for criminal behavior. Many of the servicemen from that era brought home with them a haunting sickness in the form of posttraumatic stress disorder [PTSD]. PTSD has lingered among the veterans of the Vietnam war, and I believe the time is overdue to confront the problem and help the individuals who suffer from it.

When we brought our troops home from Southeast Asia, debriefing was very minimal and medical screening was usually superficial. When disturbed young veterans tried to seek professional help after stress symptoms developed, they were denied treatment by physicians and other health care personnel who were not really familiar with combat-induced stress disorders. These include depression, panic attack, excessive use of drugs and alcohol, and behavioral disturbance. Many Vietnam veterans with posttraumatic stress disorder began to avoid medical facilities, particularly those of the Veterans' Administration. Some even withdrew or sought relief in isolation with drugs and alcohol.

Thus, the earliest opportunities to detect, examine, study, and treat PTSD were all but lost. Any knowledge about treatment of similar stress casualties from World Wars I and II and the Korean war seemed forgotten. Little attention was paid to stress disorders in our postgraduate educational programs and academic centers.

In 1979, the Vets Centers system was created and veterans were hired and trained very rapidly for these centers. During the past few years the Vietnam Veterans of America have worked to ensure that all these centers are properly staffed, including at least one clinician who has a formal clinical degree and specific training in the treatment of post-traumatic stress disorder. Two basic elements are needed if these Vets Centers are to achieve their goals: First, Vets Centers must be effectively administered by persons who have the clinical skills to help Vietnam veterans or any veterans recover from PTSD; and second, each center must foster an atmosphere of trust between the Readjustment Counseling Service [RCS] personnel at every level, and between the center and the local community.

Many Vietnam veterans returned home to hostility. They considered themselves as outcasts. The only place they could turn was to fellow veterans, and especially to those involved with the Vets Centers. So the issue of trust is vital to the success of these centers. Many outreach counselors have left the centers for a variety of reasons. Mr. President, my legislation would assure that counselors in Vets Centers have the ability to counsel, screen, and test Vietnam veterans and any other veterans who may suffer from PTSD and provide them effective therapy, readjustment, and rehabilitation for their unique medical and psychosocial readjustment problems. Costs of the legislation will be absorbed within existing VA appropriations.

It was not until the dedication of the Vietnam Veterans Memorial at Constitution Gardens in Washington, DC, that these veterans finally began to come home. I urge our distinguished colleagues to join with me in providing veterans yet another step forward in their long awaited return home.

By Mr. CHAFEE:

S. 2360. A bill to temporarily suspend the duty on 4-chloro-2,5-dimethoxyaniline; to the Committee on Finance.

S. 2361. A bill to temporarily suspend the duty on 3-nitro phenyl-4-beta-hydroxysulfone; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN TEXTILE CHEMICALS

● Mr. CHAFEE. Mr. President, today I am introducing 2 bills to suspend the duty on the importation of two chemicals that are precursors used in the production of printing ink and dyes for textiles. These particular chemicals are not produced in the United States. The suspension of the duty will act to lower the overall cost of producing textiles in this country.

As we are all aware, the textile industry has been hit especially hard by imports. I want to do all I can to keep this American industry on a fair competitive footing with its foreign competition. Because our foreign competitors can print and dye their textiles without the added costs that this duty imposes, that obviously means that this duty places our domestic industry at a competitive disadvantage.

Since there is no domestic production of these chemicals to be adversely affected by a suspension of this duty, it is senseless to continue it. My bills suspend the duties on these two chemicals, 3-nitro phenyl-4-beta-hydroxysulfone—(also known as nitro sufon B)—and 4-chloro-2,5-dimethoxyaniline)—also known as chlor amino base, through December 31, 1990. This will give us time to study the effect of the duty suspension on the chemical industry to determine if we should then repeal the duty outright or continue the suspension for another period.●

By Mr. GORE:

S. 2362. A bill to provide that Bell operating companies may provide information services and manufacture telecommunications equipment, subject to regulation by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS EQUITY ACT

● Mr. GORE. Mr. President, during the 27 months following the breakup of AT&T, we have witnessed widespread customer confusion, rate hikes, federally mandated consumer access charges, major inefficiencies created by court-ordered restrictions on the regional telephone companies—all producing a serious threat to our national commitment to affordable, universally available telephone service.

Today I am introducing legislation to address many of the problems created since divestiture, especially those which have placed rural telephone customers in jeopardy.

Theoretically, the Justice Department consent decree, through the modified final judgment [MFJ], and the Federal Communications Commission, are in a position to responsibly manage the transition from a national monopoly telephone system to one with many competitive players. Theoretically, all telephone customers would benefit from new competition from new technologies and the many new businesses created by divestiture.

Instead, we have a very few winners—the surviving competitors to AT&T and major corporations with extra cash to invest in new equipment to bypass local telephone companies—and many, many losers. Those include almost all rural telephone customers and the small companies who serve them, as well as small businesses and residential telephone users who make few long distance calls.

This shift in the burden of supporting telephone service from large users to local customers has taken the form of federally mandated customer access charges. The theory is that local customers, whether or not they make long distance calls, should pay an increasing share of the cost of providing long distance service access to the competing long distance companies.

The FCC access charges, now $1 per month for residential users, are scheduled to double, to $2 per month on June 1. The original FCC proposal pegged these charges at $4 per month, per line, increasing annually to $7 per month, so it is not unrealistic to expect further federally mandated telephone rate hikes in future years.

Business customers already pay a $4-$6 per-month per-line charge.

Supporters of these charges claim that local customers must pay a greater and greater share of providing long distance service in order that the threat of "bypass" can be reduced. Bypass of local telephone systems has been, legitimately, cited as the No. 1 threat to universal service, as large business users abandon traditional delivery systems for cheaper options.

However, there is no evidence that the federally mandated access charges have reduced bypass at all. In fact, large business users will continue to purchase equipment and services to reduce their telecommunications costs, and small businesses and residential customers will bear the burden.

Another justification for forcing local customers to pay these access charges was that long distance charges would drop dramatically, largely because they would be able to take advantage of competitive long distance services. The problem with that view is that most rural customers do not have direct access to these competitive services. The FCC access charges are simply adding insult to injury.

My bill, the Telecommunications Equity Act of 1986, would overturn these unjustified access charges, and return the cost of providing long distance service to those who use it. The bill requires the FCC to study the effectiveness of access charges in preventing bypass and report to Congress and receive approval before imposing any further charges.

The restrictions which preclude the regional telephone companies from engaging in competitive manufacturing and information services have kept significant revenues from flowing into the local rate base, thus keeping local telephone rates artifically high. Moreover, these court-ordered restrictions have created inefficiencies which prevent customers from receiving lowest cost services which could be easily added to the local system. In addition, the regional companies have been unable to participate in efforts to reduce the growing deficit we suffer in telecommunications equipment trade.

My bill would remove those restrictions, while preserving reasonable protections against cross-subsidies and ensuring that companies competing with the regional companies will be given fair and reasonable access to the local networks to offer their services.

Rural telephone service has been hardest hit by divestitures. To preserve universal service in these areas, three important practices have been in effect—first, the averaging of all long-distance tolls; second, the pooling of common carrier contributions to local service for "non-traffic sensitive" [NTS] costs; and third, a universal service fund to ensure that small, rural telephone companies are able to recover enough of their costs to stay in business. While the FCC and AT&T have claimed that they "have no plans" to seek the dismantling of toll-rate averaging, testimony at recent hearings has indicated that toll-rate averaging could be abandoned to "meet market place demands." Of more immediate concern, several regional telephone companies have filed proposed plans with the FCC to effectively withdraw from the common carrier line pool agreements. And, with the possibility of movement away from averaged charges nationwide, the universal service fund now in place would be in jeopardy.

My bill preserves these three efficient, fair systems—toll rate averaging, common carrier line pooling, and a strong universal service fund for small, rural companies—all vital to preserving affordable rural telephone service.

This bill will not significantly reverse the national trend toward deregulation of our expanding telecommunications economy. The bill eases regulations that are mostly counterproductive, while restoring some strength to our commitment to universal telephone service for all customers, especially those in rural areas.

This legislation has the strong support of the National Telephone Cooperative Association. I encourage my colleages to cosponsor this effort to correct many of the problems that face our constituents since the breakup of AT&T.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Telecommunications Equity Act of 1986".

FINDINGS

SEC. 2. The Congress finds that—

(1) the public interest is served by a national telecommunications system which provides efficient, affordable local telephone service and emerging telecommunications opportunities for all residential and business users;

(2) the transition from a monopoly telephone system to a fully competitive environment has produced customer confusion, fears about rapidly increasing telephone rates, and uncertainty for all sectors of the telephone industry;

(3) the continued availability of affordable universal telephone service requires that all exchange carriers be viable businesses in order to fulfill the commitment to such service;

(4) such economic viability is threatened by Federal policies and other restrictions which place Bell operating companies and small and rural carriers at a disadvantage in providing customers with affordable telephone services and new telecommunications technologies;

(5) economic growth and international competitiveness of the United States telecommunications industry are important and vital to—

(A) the long-term research and development projects and programs of the United States telecommunications industry;

(B) the rapid development and introduction into the marketplace of new and innovative telecommunications equipment and services for United States residential and business telecommunications users;

(C) the development of efficient, reliable, and state-of-the-art telecommunications networks to serve the needs of United States telecommunications consumers; and

(D) the maximizing of employment opportunities for United States workers in the telecommunications industry.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Bell operating companies" has the same meaning as such term has in the Modification Final Judgment entered August 24, 1982, the United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia), except that such term does not include any centralized organization for the provision of engineering, research, and administrative services, the cost of which are shared by such operating companies or the affiliates of such companies;

(2) the term "information services" has the same meaning as such term has in such Modification;

(3) the term "electronic publishing" has the same meaning as such term has in such Modification;

(4) the term "telecommunications equipment" has the same meaning as such term has in such Modification, except that such term includes customer premises equipment (as defined in such Modification); and

(5) the term "Commission" means the Federal Communications Commission.

AUTHORITY TO PROVIDE INFORMATION SERVICES AND TO MANUFACTURE TELECOMMUNICATIONS EQUIPMENT

SEC. 4. A Bell operating company may engage in the provision of information services or in the manufacture of telecommunications equipment, or both, in accordance with the provisions of this Act.

AUTHORITY TO REGULATE

SEC. 5. (a)(1) No later than ninety days after the date of enactment of this Act, the Commission shall promulgate such rules and regulations with regard to charges, practices, and classifications of information services and the manufacture of telecommunications equipment as the Commission determines necessary.

(2) For the purposes of this subsection the term "information services" shall not include electronic publishing.

(b) Rules and regulations promulgated under subsection (a) shall apply to a Bell operating company only after the Commission determines, after consultation with the Secretary of Commerce and the United States Attorney General, that there is not a substantial possibility that any Bell operating company could impede competition in the information services or telecommunications equipment manufacturing business.

(c) A Bell operating company may engage in the provision of information services pursuant to the authority granted in section 4, if the Commission determines, after notice to and opportunity for comment by interested parties, that the provision of the infor-

mation service in question shall not harm competition and is required by the public interest. In determining whether a Bell operating company application for the provision of an information service should be granted, the Commission shall consider—

(1) the impact on competition;

(2) the appropriate safeguards to prevent competitive injury;

(3) the conduct of the applicant in providing equal access and reasonably requested interconnection to other providers of telecommunications services;

(4) the interests of monopoly ratepayers and competitors in preventing the cross subsidization of the proposed information services; and

(5) the benefits that would result from provision by the applicant of such information service.

REPORT ON EMPLOYMENT IMPACT

SEC. 6. (a) The Commission shall annually assess the impact of this Act on employment in the telecommunications equipment manufacturing and information services industries. The Commission shall include in its annual report to Congress pursuant to section 5(g) of the Communications Act of 1934 (47 U.S.C. 155(g) a summary of the results of the assessment which shall contain—

(1) a description of negotiations and other actions taken by the Bell operating companies to—

(A) increase employment in the United States within the telecommunications industry as a result of this act;

(B) reduce direct and indirect adverse effects on employment in the telecommunications industry that may result from engaging in new business operations as a result of this Act; and

(2) an estimate, developed in consultation with the Department of Labor, of net changes in employment as a result of this Act, together with a breakdown of the data used in developing such estimate.

(b) The Commission shall, in conducting the assessment required by subsection (a), provide interested persons the opportunity to present written and oral comment on matters to be included in the report required by such subsection.

ACCESS CHARGES

SEC. 7. (a) The Commission shall suspend the order on subscriber line charges No. 97-F.C.C. 2d 834 (1984) until—

(1) the Commission reports to Congress regarding consumer benefits derived from existing end-user allocations; and

(2) Congress approves such order by joint resolution. (b) Such report shall include—

the degree to which bypass of local exchange carrier services is caused by the allocation of nontraffic sensitive costs of connecting interexchange carriers to local exchange customers;

the economic harm caused to local exchange carrier operations as a result of such bypass;

the degree to which interexchange carriers have reduced and can be expected to further reduce customer long distance charges as a result of current and proposed end-user charges;

the effectiveness of existing and proposed charges in assisting exchange carriers reduce economically harmful instances of bypass by preserving primary use of the local exchange by large-volume business customers;

net benefits derived from current and proposed end-user charges for residential and business customers—

(A) served by both dominant and other competing interexchange carrier; and

(B) served only by a dominant interexchange carrier; and

(C) which make few or no interexchange toll calls; and

(6) the potential reduction in the aggregate number of local telephone customers resulting from federally-mandated end-user charges and any other charges occuring because of Federal end-user charges.

PROHIBITION ON TOLL RATE DE-AVERAGING

SEC. 8. The Commission may not approve any tariff or petition, issue any ruling or promulgate any regulation which directly or indirectly results in de-averaging of interexchange tolls.

BYPASS

SEC. 9. The Commission may not approve any tariff request or other petition, issue any ruling, or promulgate any regulation which increases the bypass of local exchange services by any user, unless—

(1) the Commission documents that such bypass results in net benefits for all customers; and

(2) no local rate increases will occur.

CARRIER COMMON LINE POOLING

SEC. 10. The Commission may not approve any plan which permits any exchange carrier to withdraw from—

(1) the carrier common line pooling agreement administered by the National Exchange Carrier Association; or

(2) any other carrier common line pooling agreement in effect on the date of enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 11. The federal access charge plan should include adequate support for small, rural telephone systems through a universal service fund which is targeted to ensure that rural telephone rates remain reasonable and affordable.

ALTERNATIVE INTEREXCHANGE SERVICES

SEC. 12. (a) No later than one hundred and eighty days after the date of enactment of this Act, the Commission shall report to Congress on the economic benefits of permitting local exchange carriers to provide interexchange service in areas where equal access has been provided in accordance with the modified final judgment cited in section 3(1).

(b) Such study shall include the —

(1) effect on competition and economic viability of dominant and other interexchange carriers; and

(2) potential benefits for local customers not served by other interexchange carriers.●

ADDITIONAL COSPONSORS

S. 2108

At the request of Mr. KASTEN, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Florida [Mrs. HAWKINS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2108, a bill to provide that Federal tax reform legislation shall not take effect before January 1, 1987.

S. 2152

At the request of Mr. DIXON, the names of the Senator from Delaware [Mr. ROTH], the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Iowa [Mr. HARKIN], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 2152, a bill to amend title 10, United States Code, to require the Department of Defense to exclude from consideration for contracts those firms in which a hostile foreign government or a covered foreign national owns or controls a significant interest.

S. 2284

At the request of Mr. NICKLES, the name of the Senator from Missouri [Mr. EAGLETON] was added as a cosponsor of S. 2284, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to take certain actions to minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers, and for other purposes.

S. 2350

At the request of Mr. ABDNOR, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2350, a bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Reconciliation Act of 1985 with respect to insolvent farmers.

SENATE JOINT RESOLUTION 274

At the request of Mr. GRASSLEY, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend."

SENATE JOINT RESOLUTION 300

At the request of Mr. ZORINSKY, his name was added as a cosponsor of Senate Joint Resolution 300, a joint resolution to recognize and honor 350 years of service of the National Guard.

SENATE JOINT RESOLUTON 310

At the request of Mr. HELMS, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 310, a joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week."

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. HEINZ, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from Wisconsin [Mr. KASTEN], the Senator from North Carolina [Mr. HELMS], the Senator from Virginia [Mr. TRIBLE], the Senator from Texas [Mr. GRAMM], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. ABDNOR], the Senator from Wyoming

[Mr. SIMPSON], the Senator from Idaho [Mr. MCCLURE], the Senator from Missouri [Mr. DANFORTH], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Oklahoma [Mr. BOREN], the Senator from Texas [Mr. BENTSEN], and the Senator from Alaska [Mr. STEVENS], were added as cosponsors of Senate Concurrent Resolution 125, a concurrent resolution recognizing the achievements of the Ireland Fund and its founder, Dr. Anthony J.F. O'Reilly.

SENATE RESOLUTION 364

At the request of Mr. BUMPERS, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Resolution 364, a resolution to express the sense of the Senate relating to taxation of the small businesses of the Nation.

SENATE RESOLUTION 374

At the request of Mr. FORD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 374, a resolution limiting the amount that may be expended by Senators for mass mailings during the remainder of fiscal year 1986.

SENATE RESOLUTION 387—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOMENICI (for Mr. DOLE, for himself and Mr. BYRD and Mr. ABDONR) submitted the following resolution; which was considered and agreed to:

S. RES. 387

Whereas, a Fedeal grand jury in the United States District Court for the District of Columbia is currently investigating possible violations of 18 U.S.C. § 1001;

Whereas, counsel for the United States has served a subpoena for the taking of testimony upon David F. Zorensky, a member of the staff of the Committee on Commerce, Science, and Transportation;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Seante, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent David F. Zorensky in connection with his testimony in *In Re Possible Violations of 18 U.S.C. § 1001*.

SEC. 2. That David F. Zorensky is authorized to testify before the grand jury and in any subsequent proceedings in *In Re Possible Violations of 18 U.S.C. § 1001* (D.D.C.), except concerning matters for which a privilege from testifying should be asserted.

AMENDMENTS SUBMITTED

FIRST CONCURRENT RESOLUTION ON THE BUDGET

DOMENICI (AND CHILES) AMENDMENT NO. 1797

Mr. DOMENICI (for himself and Mr. CHILES) proposed an amendment, which was subsequently modified, to the concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the U.S. Government for the fiscal years 1987, 1988, and 1989; as follows:

On page 2, decrease the amount on line 3 by $4,063,000,000.

On page 2, decrease the amount on line 4 by $6,242,000,000.

On page 2, decrease the amount on line 5 by $8,408,000,000.

On page 2, decrease the amount on line 8 by $4,063,000,000.

On page 2, decrease the amount on line 9 by $6,242,000,000.

On page 2, decrease the amount on line 10 by $8,408,000,000.

On page 2, decrease the amount on line 19 by $4,455,000,000.

On page 2, decrease the amount on line 20 by $8,299,000,000.

On page 2, decrease the amount on line 21 by $10,904,000,000.

On page 2, decrease the amount on line 24 by $4,063,000,000.

On page 2, decrease the amount on line 25 by $6,242,000,000.

On page 3, decrease the amount on line 1 by $8,408,000,000.

On page 5, decrease the amount on line 5 by $4,063,000,000.

On page 5, decrease the amount on line 6 by $6,242,000,000.

On page 5, decrease the amount on line 7 by $8,408,000,000.

On page 5, decrease the amount on line 10 by $4,455,000,000.

On page 5, decrease the amount on line 11 by $8,299,000,000.

On page 5, decrease the amount on line 12 by $10,904,000,000.

On page 5, decrease the amount on line 15 by $4,063,000,000.

On page 5, decrease the amount on line 16 by $6,242,000,000.

On page 5, decrease the amount on line 17 by $8,408,000,000.

On page 7, increase the amount on line 12 by $729,000,000.

On page 7, increase the amount on line 13 by $140,000,000.

On page 7, increase the amount on line 21 by $586,000,000.

On page 7, increase the amount on line 22 by $223,000,000.

On page 8, increase the amount on line 6 by $121,000,000.

On page 8, increase the amount on line 7 by $268,000,000.

On page 8, decrease the amount on line 16 by $80,000,000.

On page 8, decrease the amount on line 17 by $80,000,000.

On page 8, decrease the amount on line 24 by $80,000,000.

On page 8, decrease the amount on line 25 by $80,00,000.

On page 9, decrease the amount on line 7 by $80,000,000.

On page 9, decrease the amount on line 8 by $80,000,000.

On page 9, decrease the amount on line 16 by $369,000,000.

On page 9, decrease the amount on line 17 by $300,000,000.

On page 9, decrease the amount on line 25 by $653,000,000.

On page 10, decrease the amount on line 1 by $635,000,000.

On page 10, decrease the amount on line 9 by $1,002,000,000.

On page 10, decrease the amount on line 10 by $1,004,000,000.

On page 10, decrease the amount on line 19 by $847,000,000.

On page 10, decrease the amount on line 20 by $140,000,000.

On page 11, decrease the amount on line 4 by $1,447,000,000.

On page 11, decrease the amount on line 5 by $246,000,000.

On page 11, decrease the amount on line 13 by $2,047,000,000.

On page 11, decrease the amount on line 14 by $603,000,000.

On page 11, decrease the amount on line 23 by $368,000,000.

On page 11, decrease the amount on line 24 by $321,000,000.

On page 12, decrease the amount on line 8 by $510,000,000.

On page 12, decrease the amount on line 9 by $540,000,000.

On page 12, decrease the amount on line 17 by $605,000,000.

On page 12, decrease the amount on line 18 by $666,000,000.

On page 13, decrease the amount on line 2 by $347,000,000.

On page 13, decrease the amount on line 3 by $1,851,000,000.

On page 13, decrease the amount on line 11 by $2,465,000,000.

On page 13, decrease the amount on line 12 by $2,645,000,000.

On page 13, decrease the amount on line 20 by $3,056,000,000.

On page 13, decrease the amount on line 21 by $3,214,000,000.

On page 14, decrease the amount on line 5 by $915,000,000.

On page 14, decrease the amount on line 6 by $708,000,000.

On page 14, decrease the amount on line 14 by $977,000,000.

On page 14, decrease the amount on line 15 by $758,000,000.

On page 14, decrease the amount on line 23 by $1,077,000,000.

On page 14, decrease the amount on line 24 by $930,000,000.

On page 15, decrease the amount on line 9 by $961,000,000.

On page 15, decrease the amount on line 10 by $85,000,000.

On page 15, decrease the amount on line 18 by $725,000,000.

On page 15, decrease the amount on line 19 by $174,000,000.

On page 16, decrease the amount on line 2 by $1,075,000,000.

On page 16, decrease the amount on line 3 by $633,000,000.

On page 16, decrease the amount on line 13 by $815,000,000.

On page 16, decrease the amount on line 14 by $396,000,000.

On page 16, decrease the amount on line 22 by $819,000,000.

On page 16, decrease the amount on line 23 by $856,000,000.

On page 17, decrease the amount on line 6 by $819,000,000.

On page 17, decrease the amount on line 7 by $932,000,000.

On page 17, decrease the amount on line 16 by $177,000,000.

On page 17, decrease the amount on line 17 by $180,000,000.

On page 17, decrease the amount on line 24 by $117,000,000.

On page 17, decrease the amount on line 25 by $136,000,000.

On page 18, decrease the amount on line 7 by $117,000,000.

On page 18, decrease the amount on line 8 by $137,000,000.

On page 19, decrease the amount on line 18 by $789,000,000.

On page 19, decrease the amount on line 19 by $103,000,000.

On page 20, decrease the amount on line 3 by $819,000,000.

On page 20, decrease the amount on line 4 by $119,000,000.

On page 20, decrease the amount on line 13 by $839,000,000.

On page 20, decrease the amount on line 14 by $167,000,000.

On page 23, decrease the amount on line 2 by $413,000,000.

On page 23, decrease the amount on line 3 by $352,000,000.

On page 23, decrease the amount on line 10 by $411,000,000.

On page 23, decrease the amount on line 11 by $414,000,000.

On page 23, decrease the amount on line 18 by $409,000,000.

On page 23, decrease the amount on line 19 by $411,000,000.

On page 24, decrease the amount on line 2 by $20,000,000.

On page 24, decrease the amount on line 3 by $20,000,000.

On page 26, increase the amount on line 3 by $163,000,000.

On page 26, increase the amount on line 4 by $163,000,000.

On page 26, increase the amount on line 12 by $138,000,000.

On page 26, increase the amount on line 13 by $138,000,000.

On page 26, increase the amount on line 21 by $101,000,000.

On page 26, increase the amount on line 22 by $101,000,000.

On page 29, increase the amount on line 24 by $252,000,000.

On page 29, increase the amount on line 25 by $252,000,000.

On page 29, increase the first amount on line 26 by $275,000,000.

On page 29, increase the second amount on line 26 by $275,000,000.

On page 30, increase the amount on line 1 by $280,000,000.

On page 30, increase the amount on line 2 by $280,000,000.

On page 33, decrease the amount on line 13 by $4,063,000,000.

On page 33, decrease the first amount on line 14 by $6,242,000,000.

On page 33, decrease the second amount on line 14 by $8,408,000,000.

On page 35, increase the amount on line 11 by $159,000,000.

On page 35, increase the amount on line 12 by $46,000,000.

On page 35, decrease the first amount on line 13 by $501,000,000.

On page 35, decrease the second amount on line 13 by $566,000,000.

On page 35, decrease the amount on line 14 by $1,025,000,000.

On page 35, decrease the amount on line 15 by $1,171,000,000.

On page 36, increase the amount on line 20 by $252,000,000.

On page 36, increase the amount on line 21 by $252,000,000.

On page 36, increase the first amount on line 22 by $275,000,000.

On page 36, increase the second amount on line 22 by $275,000,000.

On page 36, increase the amount on line 23 by $280,000,000.

On page 36, increase the amount on line 24 by $280,000,000.

On page 42, increase the amount on line 15 by $159,000,000.

On page 42, increase the amount on line 16 by $46,000,000.

On page 42, decrease the first amount on line 17 by $501,000,000.

On page 42, decrease the second amount on line 17 by $566,000,000.

On page 42, decrease the amount on line 18 by $1,025,000,000.

On page 42, decrease the amount on line 19 by $1,171,000,000.

On page 44, decrease the amount on line 6 by $4,063,000,000.

On page 44, decrease the first amount on line 7 by $6,242,000,000.

On page 44, decrease the second amount on line 7 by $8,408,000,000.

On page 44, after line 21, insert the following:

SENSE OF THE CONGRESS

SEC. 4. It is the sense of the Congress that $4,343,000,000 of the spending (outlay) reductions, in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commisison; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

SENSE OF THE CONGRESS

SEC. 4. TERMINATION AND REDUCTION OF PROGRAMS.—It is the sense of the Congress that $4,343,000,000 of the spending (outlay) reductions in fiscal year 1987 assumed in this concurrent resolution should be achieved through program terminations and significant program reductions in 43 areas, as proposed by the President's budget request for fiscal year 1987, affecting the following programs: Export-Import Bank direct loans; OPIC insurance programs; advanced communications technology satellite; Rural Electrification Administration subsidies; weatherization assistance programs; EPA sewage treatment grants; soil conservation programs; LANDSAT; sea grant and coastal zone management; Department of Agriculture extension service; temporary emergency food and shelter; Federal crop insurance program; trade adjustment assistance to firms; U.S. Travel and Tourism Administration; postal subsidy; rural housing loans; Small Business Administration; Section 202 housing; Amtrak; Interstate Commerce Commission; Washington Metro; Maritime Cargo Preference Expansion; Appalachian Regional Commission; Economic Development Administration; Urban Development Action Grants; rental housing development grants (HODAG-RRG); Section 312 rehabilitation loan fund; Section 108 loan guarantee program; Rural development program; SBA disaster loans; Community service block grant; Impact aid (Part B); Library programs; Small higher education programs; State student incentive grants; College housing loans; Public health service (health profession subsidies); FEMA supplemental food and shelter; Section 8 moderate rehabilitation; Rural housing grants; Legal Services Corporation; Justice grants; Public debt reimbursement to Federal Reserve Banks.

ANDREWS (AND OTHERS) AMENDMENT NO. 1798

Mr. ANDREWS (for himself, Mr. HOLLINGS, Mr. STAFFORD, Mr. LAUTENBERG, Mr. WEICKER, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. SPECTER, Mr. MOYNIHAN, Mr. PRESSLER, Mr. PELL, Mr. MATHIAS, Mr. MELCHER, Mr. DANFORTH, Mr. KERRY, Mr. MITCHELL, Mr. SIMON, Mr. MATSUNAGA, Mr. BURDICK, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. FORD, Mr. METZENBAUM, Mr. INOUYE, Mr. BOREN, Mr. BINGAMAN, Mr. DURENBERGER, Mr. RIEGLE, Mr. BUMPERS, Mr. PRYOR, Mr. BYRD and Mr. ABDONR) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 120, supra; as follows:

On page 2, increase the amount on line 3 by $300,000,000.

On page 2, increase the amount on line 4 by $1,100,000,000.

On page 2, increase the amount on line 5 by $1,500,000,000.

On page 2, increase the amount on line 8 by $300,000,000.

On page 2, increase the amount on line 9 by $1,100,000,000.

On page 2, increase the amount on line 10 by $1,500,000,000.

On page 2, increase the amount on line 19 by $1,200,000,000.

On page 2, increase the amount on line 20 by $1,500,000,000.

On page 2, increase the amount on line 21 by $1,500,000,000.

On page 2, increase the amount on line 24 by $300,000,000.
On page 2, increase the amount on line 25 by $1,100,000,000.
On page 3, increase the amount on line 1 by $1,500,000,000.
On page 5, increase the amount on line 5 by $300,000,000.
On page 5, increase the amount on line 6 by $1,100,000,000.
On page 5, increase the amount on line 7 by $1,500,000,000.
On page 5, increase the amount on line 10 by $1,200,000,000.
On page 5, increase the amount on line 11 by $1,500,000,000.
On page 5, increase the amount on line 12 by $1,500,000,000.
On page 5, increase the amount on line 15 by $300,000,000.
On page 5, increase the amount on line 16 by $1,100,000,000.
On page 5, increase the amount on line 17 by $1,500,000,000.
On page 16, increase the amount on line 13 by $1,200,000,000.
On page 16, increase the amount on line 14 by $300,000,000.
On page 16, increase the amount on line 22 by $1,500,000,000.
On page 16, increase the amount on line 23 by $1,100,000,000.
On page 17, increase the amount on line 6 by $1,500,000,000.
On page 17, increase the amount on line 7 by $1,500,000,000.
On page 33, increase the amount on line 13 by $300,000,000.
On page 33, increase the first amount on line 14 by $1,100,000,000.
On page 33, increase the second amount on line 14 by $1,500,000,000.
On page 44, increase the amount on line 6 by $300,000,000.
On page 44, increase the first amount on line 7 by $1,100,000,000.
On page 44, increase the second amount on line 7 by $1,500,000,000.

RECOGNITION OF THE VITAL ROLE OF THE NATIONAL GUARD AND THE RESERVE

WILSON (AND GOLDWATER) AMENDMENT NO. 1799

Mr. WILSON (for himself and Mr. GOLDWATER) proposed an amendment to the joint resolution (H.J. Res. 220) to reaffirm Congress' support and recognition of the vital role played by members of the National Guard and Reserve in the national defense; as follows:

At the end of the joint resolution, add the following new section:

"SEC. 2. Extension of Deadline Relating to Obligation of Funds from Military Personnel Accounts of the Department of Defense

"Notwithstanding any other provision of law, until, but not after, June 1, 1986, obligations from the Department of Defense military personnel accounts may exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986.".

FIRST CONCURRENT RESOLUTION ON THE BUDGET

MOYNIHAN (AND OTHERS) AMENDMENT NO. 1800

Mr. MOYNIHAN (for himself, Mr. SASSER, Mr. BYRD, Mr. HEINZ, Mr. SPECTER, Mr. RIEGLE, Mr. JOHNSTON, Mr. PRYOR, Mr. LAUTENBERG, Mr. MELCHER, Mr. METZENBAUM, Mr. FORD, Mr. HART, Mr. GORE, Mr. KERRY, Mr. ANDREWS, Mr. DIXON, Mr. ROCKEFELLER, Mr. SARBANES, Mr. HEFLIN, Mr. INOUYE, Mrs. HAWKINS, Mr. BURDICK, and Mr. DECONCINI) proposed and amendment to the concurrent resolution, Senate Concurrent Resolution 120, supra; as follows:

On page 44, strike out line 9 through line 21 and insert in lieu thereof the following:

GENERAL REVENUE SHARING

SEC. 3. Upon the enactment of—

(1) legislation authorizing budget authority of up to $4,600,000,000 annually for the General Revenue Sharing program for any or all of the fiscal years 1987, 1988, and 1989, and

(2) legislation increasing revenues for any fiscal year for which outlays are to be made under such budget authority by an amount that is—

(A) not less than the amount of the outlays to be made for such fiscal year under such budget authority, and

(B) in addition to the amounts of increased revenues required to be reported pursuant to section 2 of this concurrent resolution for such fiscal year,

the authorized amounts of budget authority and outlays for such program shall be allocated to the Senate Committees on Appropriations and Finance, as appropriate for such fiscal year, and such amounts shall be added to the total amounts of budget authority and outlays provided for in the applicable concurrent resolution.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee has rescheduled its hearing on the implementation of title XVIII of Public Law 99-272, the Reconciliation Act, for Monday, April 28, 1986. The hearing will commence at 11 a.m., and will be held in room 428A of the Russell Senate Office Building. For further information, please call Bob Wilson, chief counsel for the committee at 224-5175.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on the following bills:

On Wednesday, May 7, 1986, in Senate Dirksen 124, at 2 p.m., on S. 2260, to settle certain claims arising out of activities on the Pine Ridge Indian Reservation, and S. 2243, a bill to improve the health status of native Hawaiians, and for other purposes. Those wishing additional information on these bills should contact Patricia Zell of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, April 23, 1986, in order to conduct a hearing on the nomination on Frank H. Dunkle, to be Director, U.S. Fish and Wildlife Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 23, to hold a business meeting to consider the following: S. 1225, Price-Anderson Act amendments of 1985; the nominations of William F. Martin to be Deputy Secretary of Energy, and David B. Waller, to be Assistant Secretary of Energy for International Affairs and Energy Emergencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 23, in executive session, to hold a business meeting to consider recommendations on homeplotting

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE ACQUISITION POLICY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Defense Acquisition Policy, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, April 23, 1986, in order to mark up the following bills, S. 2082, S. 2151, and S. 2196.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 23, in order to receive testimony concerning the following nominations:

U.S. DISTRICT JUDGE

Andrew J. Kleinfeld, of Alaska, to be U.S. district judge for the district of Alaska.

ASSISTANT ATTORNEY GENERAL

Roger Milton Olsen, of Virginia, to be an Assistant Attorney General (Tax Division).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, April 23, to conduct a hearing on the National Aeronautics and Space Administration reauthorization.

Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, April 23, to conduct a hearing on the nomination of Dr. James C. Fletcher, to be Administrator of the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SDI DISCLOSURE

● Mr. JOHNSTON. Mr. President, on March 19, three other Senators and I wrote Senator DURENBERGER, chairman of the Select Committee on Intelligence, and asked him to investigate two reports concerning the Strategic Defense Initiative Organization. The first report, based on a statement by an SDI officer, was that the SDIO may have given the Soviet Union a classified briefing on the SDI program. The second report from the March 17 issue of Aviation Week and Space Technology was that the SDIO may have used Congress and the media as part of a disinformation campaign to provide the Soviets with false or misleading data about U.S. strategic defense research.

On April 9, Senators DURENBERGER and LEAHY, the chairman and vice chairman of the Select Committee on Intelligence, provided us a copy of General Abrahamson's answers to the questions we raised in our letter to the select committee. These answers coupled with General Abrahamson's remarks in a recent closed hearing afford what I think is a reasonable explanation of what happened in Geneva and satisfy me that there is no cause for concern about what was divulged to the Soviets about the SDI program. Moreover, General Abrahamson's unequivocal denial of SDI involvement in any deliberate disinformation program with respect to the Congress or the media satisfies my concerns in this regard.

Even the suspicion of such a disinformation program that misleads elected officials and the free press is a serious matter that deserves immediate investigation. The article in Aviation Week and Space Technology certainly calls the issue into question with respect to SDI and other programs as well. General Abrahamson's answers, because they are so forthright and unequivocal, have settled questions I had of an SDI disinformation program aimed at the Soviets via the Congress and the media. My colleagues should read General Abrahamson's responses and decide for themselves.

Mr. President, I ask that the letter of April 9, 1986, from Senator DURENBERGER and Senator LEAHY to me; a letter dated March 31, 1986, from Lieutenant General Abrahamson to Senator DURENBERGER; and a statement by General Abrahamson to the Select Committee on Intelligence including his responses to several questions all be included in the RECORD.

The material follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 9, 1986.

Hon. J. BENNETT JOHNSTON,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR BENNETT: We are pleased to forward to you a copy of General Abrahamson's responses to questions raised in your letters of March 19 and 24 on the subject of the Strategic Defense Initiative Organization. Please let us know if we can be of further help to you.

Sincerely,

DAVE DURENBERGER,
Chairman.
PATRICK LEAHY,
Vice Chairman.

DEPARTMENT OF DEFENSE, STRATEGIC DEFENSE INITIATIVE ORGANIZATION,
Washington, DC, March 31, 1986.

Hon. DAVE DURENBERGER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letters of 20 and 26 March requesting a response to questions from the Senate Select Committee on Intelligence. I appreciate the opportunity to address the Committee's concerns for the record.

I would like to take the occasion of your request to respectfully respond to allegations that the Strategic Defense Initiative Organization (SDIO) has been involved in a disinformation campaign. I have enclosed for the Committee's record my formal statement to these charges. I would like to assure you and the members of your committee that I have never engaged in, nor has anyone in the Strategic Defense Initiative Organization engaged in, any purposeful attempt to misinform the U.S. Congress, the American people, or the news media.

Two years ago when the Strategic Defense Initiative Organization was formed, we made an organizational commitment to present the nation with a forthright assessment of the present strategic situation and the ability of the SDI program to affect a positive return to stability. We have kept our program open to close public scrutiny at home and abroad for the simple reason that we believe that the facts will make the case for strategic defense. My enclosed statement should leave you with little doubt that I fully intend to continue to present the SDI program as candidly as is appropriate within the constraints of security consideration.

Again, thank you for your letters and for the opportunity to respond to your requests.

Sincerely,

JAMES A. ABRAHAMSON,
Lieutenant General, USAF, Director, Strategic Defense Initiative Organization.

STATEMENT BY LT. GEN. JAMES A. ABRAHAMSON TO SELECT COMMITTEE ON INTELLIGENCE, U.S. SENATE

I would like to formally respond to allegations that SDIO is involved in a disinformation program. I must emphatically state that SDIO is not engaged in any program to misinform the U.S. Congress, the American public, or the U.S. news media. I would personally reject any suggestion to conduct such activity and I am deeply concerned that there have been allegations to the contrary.

As you well know, SDIO has various compartmented programs that have valid noncompartmented aspects and that are identified by those noncompartmented aspects. Accordingly, the full scope of these programs is not publicly disclosed. These security procedures serve to protect highly sensitive national security information. My reporting of these SDI activities, which require congressional oversight, has been conducted with all candor and accuracy. My public statements and statements to the news media have been made in the same spirit. I and my entire organization, as members of the U.S. Government, place the highest value on an open and free press—free from both control and manipulation by the Government. Although properly classified information is of course withheld from the public, we are scrupulous to ensure that the information which is released is entirely accurate and as complete as possible.

Question. Did SDIO officials in fact give Soviet officials a classified briefing on the Strategic Defense Initiative?

Answer. On June 27, 1985, the U.S. Defense and Space Negotiating Group held an official post-plenary meeting with their Soviet counterparts. At that meeting a technical overview of the SDI program, at an unclassified level, was formally presented. In attendance was Lt. General Abrahamson, Director, SDIO. His briefing was delivered by Rodney P. Liesveld, Major, USAF, who is both a member of the U.S. NST Delegation and a member of General Abrahamson's staff. General Abrahamson answered the Soviet negotiators' questions following the briefing. The briefing was officially sanctioned by the U.S. Government for this event and received interagency approval prior to its delivery. The USG places a high value on a frank and candid dialogue in these negotiations and seeks such reciprocity from the Soviet Union. It was in this spirit that the SDI briefing was given. A few days after the briefing the "Senate Observers Group" was in Geneva and were fully in-

formed of the briefing. Because the briefing was held during an official post-plenary meeting, the transcript of that proceeding was classified, as are all such official deliberations to ensure the US-USSR agreed rules of confidentiality.

The classification of the arms control proceedings is based upon an agreement of the parties that discussions will be kept secret to promote a frank and open exchange. Such classification is therefore derived from the setting, as opposed to the contents of information exchanged. Specifically, the classification is based upon a determination that public disclosure of the negotiating record contrary to our agreement with the Soviet Union would cause damage to the foreign relations of the United States as provided in Executive Order 12356. When removed from the context of the negotiating record, the same information may be entirely unclassified.

Question. Was this classified briefing the same one given to Members of Congress?

Answer. During many open hearings before Congress in 1984-1985, similar briefings were given by Lt. General Abrahamson. However, no SDI classified technical information that has been presented to Congressional closed hearings has ever been given to the Soviet Union.

Question. If classified information was given to the Soviets, what was the scope of that information and how much detail of SDI research was provided?

Answer. No SDI classified information was given to the Soviets.

Question. If this information was provided to the Soviets, why can't it be provided to the American people?

Answer. All SDI information provided to the Soviets has been, or is, available to the American people.

Question. If the classified briefing for the Soviets was the same one given to Congress, should the briefing given Congress have been answered in the first place.

Answer. No SDI classified information has been provided to the Soviets.

Question. On February 14, 1986, SDIO classified a report by the General Accounting Office on the Strategic Defense Initiative Organization, its financial structure, and its programs. The GAO report, however, was compiled entirely from unclassified sources. If the Soviets, in fact, have already received a classified briefing on the SDI program, was this GAO report improperly classified?

Answer. The GAO report has not been improperly classified. Those areas in the GAO report that are classified are not related to the information in the SDI briefing to the Soviet negotiators.

Question. Has Congress and the press served as a conduct for disinformation on SDI research? If so, what kind of false or misleading data have been provided to the Congress?

Answer.

(a) No!

(b) No false nor misleading data has been provided to the Congress. Furthermore, under no circumstances would the SDIO intentionally misinform the U.S. Congress, the American people, or the U.S. news media.

Question. Has Congress been misled on the true progress of SDI research as a result of attempts to mislead the Soviet Union? Have "channels on the Hill" been used, as the Aviation Week article indicates, to correct the disinformation? (Aviation Week, March 17, 1986)

Answer. Congress has not been misled, and the SDI briefing to the Soviet negotiations was not an attempt to mislead the Soviet Union? (See answer to Question #1.)

Question. Under what circumstances have the Soviets been given or would they be given valid classified information kept from the American people, particularly on the Strategic Defense Initiative?

Answer. SDIO has not provided valid classified information to the Soviet Union. Any decision as to the types and substance of information on the SDI which might be given to the Soviet Union is not my responsibility, and I have no authority to ever approve such activity.

Question. If such information is passed to the Soviets, is it thereafter declassified? If not, why not?

Answer. The decision on what SDI information can be openly released always depends on the impact on U.S. security. At this time it is impossible for me to know what the circumstances may be surrounding Soviet access to SDI data. If SDI classified information were to be provided to the Soviet Union, it would not automatically be declassified if it could be used by other inimical governments to the detriment of U.S. national security.●

THE SERVICE CONTRACT REFORM ACT OF 1986

● Mr. HUMPHREY. Mr. President, on March 27, 1986, I introduced the Service Contract Reform Act of 1986, along with my colleagues, Senators HECHT, THURMOND, and EAST. This reform bill, S. 2261, would correct many problems that currently plague the Service Contract Act. The purpose of the act, when it was adopted by Congress in 1965, was to prevent exploitation of workers by unscrupulous employers seeking Government service contracts. But unfortunately, over the years, the law was misapplied and misinterpreted. The calculations and paperwork it requires have become overwhelming. S. 2261 would create greater competition among service contract bidders, effect substantial cost savings in light of our current budget deficit, and let service employee wages reflect the true prevailing wages in the marketplace. I would urge my colleagues to join in sponsoring this measure which makes realistic reforms to the Service Contract Act.

The Chamber of Commerce of the United States of America has illustrated its great commitment to free enterprise and competition in the work place through its support of S. 2261. Last week, I received a letter from Mr. Richard L. Lesher, president of the chamber of commerce, fully endorsing the reform measures of S. 2261. I ask that the letter of support from Mr. Lesher be printed in the RECORD.

The letter follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, April 11, 1986.

Hon. GORDON J. HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR GORDON: I would like to commend you for introducing S. 2261, the "Service Contract Reform Act of 1986." Your leadership on this issue will focus attention on an area where significant cost savings can be achieved without sacrificing vital government programs or services.

The Service Contract Act, like the Davis-Bacon Act, requires employers providing services to the federal government to pay "prevailing wages." As you have noted so eloquently, this Act has proven to be both inefficient and inflationary. It restricts competitive bidding and small business participation, unduly increases costs to the federal government and taxpayers, and impedes the hiring of youth, minorities and women. Numerous public and private sector studies have urged the outright repeal of this antiquated statute.

Barring outright repeal of the Service Contract Act, the Chamber supports your efforts to make common sense modifications to the law, as are contained in S. 2261. Please know that you can count on our support with your legislation.

As you may know, our preference would be to repeal the Service Contract Act. Nevertheless, we strongly support S. 2261 as a reasonable compromise.

Sincerely,

RICHARD L. LESHER.●

TAIWAN'S INDIGENOUS DESIGN FIGHTER

● Mr. GOLDWATER. Mr. President, there is a rather encouraging report in the current issue of Aviation Week & Space Technology of plans for development by the Republic of China of an indigenous high performance fighter. I use the word "encouraging" because the self defense of Taiwan is so important to the deterrent capability of all non-Communist nations in Northeast Asia.

The report also indicates, however, that there is no U.S. Government involvement in the program and that administration officials continue their refusal to provide the ROC with aircraft more advanced than the F-5E.

Two days ago Peking voted in the United Nations for a resolution to condemn United States air strikes against terrorist related targets in Libya. Communist China would have labeled the United States as a terrorist nation. In gratitude for this typical show of hostility by Red China, the administration is pushing for an illusory strategic alliance with Peking founded on the supply of modern United States technology and weapons, the latest proposal being the sale of advanced avionics for installation in the F-8 fighter.

Mr. President, I cannot understand this kowtowing to Communist China. Why does the United States shun its true friends and turn to totalitarian societies who regularly condemn us, even to the point of condemning the

United States as a terrorist state. Instead of trying to build a defense alliance where no basis for one exists, it would be far more fitting for the United States to care for the safety and freedom of its friends, who have always proved ready to support us in every way possible.

The correct response to the dramatic increase of Soviet air and naval activities in the Pacific Ocean is for the United States to approve sales to the ROC of the F-20 and other modern equipment for the effective patrol and defense of the sealanes guarded by Taiwan. As retired Gen. T.R. Milton has observed:

It must be a continuing source of frustration for Soviet military planners to be reminded that Taiwan guards the U.S.S.R.'s route to Vietnam and beyond.

Surely our Government's strategists must recognize that the island, in Peking's hands, would almost certainly be off limits to United States forces. Even a neutral government on Taiwan would offer nightmares for United States military planners.

Yet our Government does not show an adequate understanding of Taiwan's military importance. Instead, we continue pursuing a will-of-the-wisp in the form of a military and strategic relationship with Red China. At least the 19 million free citizens of the Republic of China on Taiwan care for their own security and are doing something about it. I truly hope that their indigenous fighter program is successful, but it would seem better if the United States would also provide the ROC directly with first line replacements for its aging fleet of F-5E's and F-104's.

Mr. President, I ask that the news report may appear in the RECORD.

The article follows:

[From Aviation Week & Space Technology, Apr. 21, 1986]

TAIWAN STRESSES DEVELOPMENT OF NEW DOMESTIC FIGHTER

WASHINGTON.—Development of an indigenous-design high-performance fighter has been accorded a high priority by the Taiwanese government as a means of maintaining stability in the region and developing Taiwan's aeronautical industry.

Taiwanese engineers are applying conventional design and low-risk technologies in the single-seat fighter, which will have moderately swept wings, flaperons and long leading-edge strakes blending the wing and the elliptical fuselage. The aircraft will have a single vertical stabilizer and a fuselage-mounted all-moving horizontal tail plane.

Preliminary design is nearing completion, pending further wind tunnel tests in Taiwan and in the U.S.

Budget for the fighter program is not fixed, but is tightly controlled by the government.

High priority allows Taiwan's Aero Industry Development Center (AIDC) to obtain personnel resources, although finding experienced engineers and technicians remains a problem.

Use of forward canard or delta wing configurations for the new fighter was rejected because they would provide insufficient stability over the expected mission envelope.

Use of advanced composite materials will be considered after completion of full-scale development with metal components and assemblies.

Twin turbofan engines producing about 8,350 lb. thrust each with afterburner will allow the fighter to exceed Mach 1.2. Intakes will have fixed semicircular inlets.

Engine development is being conducted under a joint venture begun in 1982 by Garrett Corp. and the Aero Industry Development Center.

The new engine is based on the Garrett 3,500-lb.-thrust TFE731-2L originally licensed for export and coproduction in Taiwan and used in Taiwan's AT-3 two-place trainer.

Garrett and its Taiwanese counterparts have assembled and tested as many as four prototypes of a new version based on the TFE731-5 engine with dry thrust increased to over 5,000 lb.

Range and payload will be similar to those of the Northrop F-5E now in service with the Taiwanese air force.

The cockpit will be equipped with a head-up display and modern electronic displays and fight controls, reclined seat for high-g flight and a bubble canopy. Eventual production of a two-seat trainer version is planned.

Line-replaceable avionics units will be procured off the shelf in most cases, but a new radar system is being planned that will use off-the-shelf components wherever possible.

The new fighter will replace Taiwan's Lockheed F-104s in the air defense mission to deal with the threat posed by a new generation of advanced fighters flown by the People's Republic of China air force.

U.S. political conservatives and supporters of Taiwan have proposed that the Reagan Administration sell Taiwan advanced U.S. fighters, but Administration officials are unwilling to break commitments made to the PRC not to provide aircraft more advanced than the F-5E.

Administration officials underline the absence of any U.S. government involvement in the program.

U.S. CONTRACTS

Aero Industry Development Center, as the prime contractor, has contracted with a number of U.S. aerospace firms for consultation on aerodynamics, static structural testing and for the use of facilities including wind tunnels.

Program directors expect subcontract management will be the biggest factor affecting project managers' ability to meet the 1989 prototype first flight deadline and budget targets.

"The schedule will be tough to hold," an engineer familiar with the program said.●

BRING HOME THE HOSTAGES

● Mr. SIMON. Mr. President, last week we were again reminded of the Lebanon hostages. We join the families of Peter Kilburn, Leigh Douglas, and Philip Padfield in mourning their deaths.

Their murders are claimed to be in retaliation for the attack on Libya by the United States with the cooperation of Great Britain. We must condemn the Libyan faction responsible for their deaths.

The kidnapings were clearly in violation of international human rights law. Article 3 of the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights states that every person has the right to life, liberty, and security of the person. Clearly the hostages in Lebanon have been deprived of these basic human rights.

The families of the hostages have suffered greatly throughout the hostage crisis. We extend our deepest consolation and sympathy to the families although we recognize that consolation and sympathy cannot allay their grief and their pain.

What can we do?

We can stand by these families and support their courageous struggle to turn unbearable loss into bearable sorrow.

We can condemn violence and brutality against innocent civilians whether it is practiced by individuals or governments.

We can work together to develop productive common approaches to combat terrorism and isolate terrorists.

We can work for the cause of peace, and the day when, in the words of Isaiah, "One nation shall not raise the sword against another, nor shall they train for war again."

Most of all we can remember that there are still hostages being held in Lebanon. And we can redouble our efforts to secure their safe release.

Terry Waite's efforts continue. And he has urged the families to retain hope, despite the rising tensions in the region.

Let us renew our efforts. Let us each commit ourselves and our resources to securing the safe release of Father Lawrence Martin Jenco, Terry Anderson, David Jacobsen, Thomas Sutherland, and William Buckley.

I urge my colleagues to continue to denounce terrorism and to concentrate efforts toward the release of these men. Let us work toward the day when we can once again travel safely to foreign countries and establish peaceful relations with our foreign neighbors.

Mr. President, I am enclosing a copy of a guest editorial which appeared in today's USA Today. It is written by Eric Jacobsen, son of hostage David Jacobsen and discusses the tragedy of Peter Kilburn's death. I ask that it be inserted into the RECORD.

The article follows:

PETER KILBURN SHOULD NOT BE DEAD TODAY

(By Eric D. Jacobsen)

HUNTINGTON BEACH, CALIF.—Peter Kilburn is dead. We had 16 months to prevent his death, and we failed.

The families of the hostages held in Lebanon failed. The people of the USA failed. President Reagan failed. The men responsible for Peter's abduction and execution failed. But only Peter Kilburn pays the ultimate price for our failure.

At this very moment, somewhere in Lebanon, a similar threat of failure literally points a gun to the heads of Father Martin Jenco, Terry Anderson, David Jacobsen, Thomas Sutherland, and Alec Collett. Do we do what is necessary to prevent another tragedy of this magnitude, or do we turn our heads and put our fingers in our ears?

We had 16 months to save Peter's life. Longer than the time needed to bring home the hostages from Iran, TWA, and Achille Lauro combined.

My father wrote Nov. 8: "Quiet diplomacy has *not* resulted in the release of a single hostage in two years. William Buckley is presumed dead. He could and should be alive if there had been a reasonable effort made on his behalf."

Peter Kilburn and William Buckley were not just names on a list of hostages. None of the innocent men still held deserve to be treated as such. It's too easy to sacrifice a list of names. Imagine the roles reversed. It's the only way to get the proper perspective.

If President Reagan was chained to a wall in a small, windowless room, he would call for negotiations. If the captors became the captives, they would pray for immediate release. If any of us were seized and held hostage, we would all beg not to be forgotten. These men deserve nothing more than what any of us would expect to be done on our behalf.

All of us fear—justifiably—that we may become the next innocent victim of an act of terrorism. Now is the time to set the precedent that could save our lives should that happen. First save the present hostages, then save future hostages.

Otherwise, God forbid, should another of us fall victim to a fate similar to that of my father and the others, we will receive the same treatment they have received. Some of us will receive the same treatment Peter Kilburn received.

Raise your voice amongst yourselves and say, "Peter Kilburn and William Buckley should not be dead today!"

Raise your voice to President Reagan and say, "These men are our fellow Americans. Don't sacrifice them."

Raise your voice to the captors and say, "In the compassionate mercy of our God, release these innocent men!"

Raise your voice to God almighty and say, "Father, if it be your will, send these innocent men home safely to their families, friends, and country."●

AMERICAN AGRICULTURE AND THE EEC

● Mr. ABDNOR. Mr. President, in 1981 American agriculture exports climbed to a record level of $44 billion. Since that time the American farmer has been put through an economic wringer of high interest rates, an overvalued domestic currency, excess production, and falling land values. According to current USDA estimates, this year's farm exports are projected to total no more than $28 billion, and falling. Mismanaged American foreign policies, most particularly the grain embargo, combined with European agricultural subsidies have resulted in the loss of some of our farm export markets, both in Europe and within the developing world.

For the last 10 years American agricultural policy has revolved around maintaining high commodity prices and reducing acreage production. And while we have been providing our competitors with a de facto price umbrella, the European Community has responded by subsidizing their exports and attempting to displace our goods in foreign markets. Because of the dramatic decline in farm exports, the Food and Security Act of 1985 was written with the intent of changing the course of the Government's farm policies. Better financing, export subsidies, and lower loan rates were all measures designed to improve the competitive position of American agricultural products in world markets. In response to the anticipated effectiveness of these policies, the Europeans have already had to raise their value added tax, supplementing their export war chest by an additional billion dollars.

The European Community has used since the signing of the Treaty of Rome a combination of farm support policies which included high domestic prices, export subsidies and import tariffs in order to keep a significant portion of their population on the land. While we have attempted to implement responsible policies, the Europeans have consistently bowed to domestic politics, sometimes at the expense of undercutting our export markets. I am convinced, Mr. President, that the high debt-to-asset rations, falling land values and low incomes that plague the American farmer can be directly traced to the unfair trade practices of the European Economic Community. And compounding the problem, the entry of Portugal and Spain into the Community threatens to deny the American farmer yet an additional billion dollars in farm export sales.

I have not come here today to engage in what has become the popular practice of ally bashing, nor did I come here today to threaten Europe with trade wars. In many I am a little envious of the support European politicians give to their rural communities. However, I would like to remind the members of the Community that they cannot continue to have it both ways. They cannot continue to protect domestic markets yet expanded through direct subsidies their export markets. This double standard can only in the long run be harmful to both their agricultural community and to ours.●

HIGHER EDUCATION

● Mr. SIMON. Mr. President, we will soon consider a bill reauthorizing the Higher Education Act of 1965. This bill—reported by the Committee on Labor and Human Resources—has been the subject of extensive hearings by the Subcommittee on Education, Arts and Humanities and subjected to intense review during both the subcommittee and full committee markups. I am especially pleased to serve on the committee with my colleagues, the distinguished senior Senators from Vermont, Mr. STAFFORD, and from Rhode Island, Mr. PELL. Together, during the past 17 years, they have shared the chairmanship of the Senate Education Subcommittee. They have also shared the mantel of Senate leadership in the field of higher education.

S. 1965, the Higher Education Act Amendments of 1985, represents a strong, bipartisan attempt to address some of higher education's basic problems, while continuing the Federal Government's commitment to access, choice, and equal opportunity in higher education. The bill addresses the following issues:

REFOCUSING STUDENT AID ON THE NEEDY

New requirements affecting the Supplemental Educational Opportunity Grant program will require that SEOG's be awarded to "exceptionally needy" students and that priority in awarding those grants be given to Pell grant recipients. Pell grants will be limited to families with incomes of $30,000 or less.

ENHANCING QUALITY

The bill retains the "ability to benefit" provision for students without a high school diploma or GED certificate, but strengthens the current "satisfactory academic progress" requirement by mandating that any student receiving title IV assistance be making progress toward a degree or certificate, and that he or she obtain at least a C average or a grade-point level consistent with the institution's own requirements for graduation. The bill also contains new provisions to assist colleges and universities improve their libraries, rehabilitate and construct new academic facilities, and acquire new instrumentation for research and instruction.

ESTABLISHING A MORE EQUITABLE BALANCE BETWEEN LOAN AND GRANT ASSISTANCE

The bill places a renewed emphasis on making grant assistance available to low- and middle-income students by increasing the maximum Pell grant award to $2,400—or 60 percent of the cost of attendance—and increasing that amount by $200 each year. The maximum SEOG would also be increased from the current $2,000 to $3,000. College work study funding would emphasize career relevant and community service work opportunities.

IMPROVING THE APPLICATION AND AWARD OF TITLE IV AID

The master calendar, recommended by the National Commission on Student Financial Assistance, is included in S. 1965, along with a statutory "need analysis" for Pell grants. A second need analysis for the campus-

base programs and the Guaranteed Student Loan Program would be established by the Secretary of Education, working with a National Advisory Committee on Student Financial Assistance, within statutory parameters included in the bill. The bill also permits families with income of $15,000 and less to use a short form, with five data elements, to apply for title IV assistance.

While our access mission is within reach, and we have made progress toward achieving some measure of choice—our equal opportunity objective has eluded our grasp. The fourth annual status report on "Minorities in Higher Education" by the American Council on Education's Office of Minority Concerns provides adequate evidence of how far we have come, and how far we must still go to establish equity and full equality of opportunity in American higher education.

Some have questioned our resolve in pursuing the goal of bringing minorities and women into higher education, at all levels, including the professorate. An article in the Philadelphia Inquirer on November 12, 1985, makes clear the critical nature of the problem we face.

I am pleased that two institutions of higher education in my State have led the way in providing access to careers in the health area, including medical doctors, and in engineering. The University of Illinois at Chicago and the Illinois Institute of Technology have been pioneers in expanding opportunities for minorities in the health professions and in engineering.

I hope my colleagues will take the time to familiarize themselves with the quality, program effectiveness, and financing issues which permeate this reauthorization. It is also my sincere hope that each of you will also concern yourself with fulfilling our mutual commitment to equal opportunity in higher education.

Mr. President, I ask that the November 12, 1985, article be printed in the RECORD.

The article follows:

[From the Philadelphia Inquirer, Nov. 12, 1985]

FOR SOME, COLLEGE DREAM ENDED

(By H. Patrick Swygert)

The report on the declining number of black students in medical schools across the nation is one more piece of evidence that the tide is going out on the important gains made by blacks in higher education over the last decade.

According to the U.S. Census Bureau, the proportion of black high school graduates enrolling in colleges and universities has dropped from 34 percent in 1976 to 27 percent in 1983—even while the percentage of college-age blacks has been at an all-time high.

Translated into raw numbers, the statistics mean that 8,000 fewer blacks were enrolled in colleges in 1983, although there were a half-million more black high school graduates that year than in 1976.

At the graduate level, the situation is even grimmer. In 1983, the 325 institutions that award doctorates in the United States granted a total of 31,190 doctorates, but only 1,000 of these advanced degrees—less than 3 percent—went to black students. This discouraging statistic should be viewed against the stark backdrop of a precipitous 10 percent drop in the number of blacks receiving doctorate degrees in the three-year period from 1981 to 1983.

The reasons for these gloomy trends in higher education are not difficult to identify. Many colleges have cut back recruitment and remediation programs. The cost of attending colleges and graduate and professional schools has increased much more than the general rate of inflation, and government funds for financial aid have not kept pace.

At the same time, Washington continues to threaten less, not more, financial aid. Only five years ago, Temple University was able to meet almost 100 percent of the demonstrated need of all its students through a mix of federal and state funds and Temple grants. This year, only 56 percent of that need can be met, even though Temple has substantially increased its grants.

Although the financial aid problem affects all disadvantaged students, it falls more heavily on the black population because of the large gap between average black and white family incomes.

The decline in black access to higher learning could not come at a worse time. The nation's economy is being transformed rapidly. Almost all economic growth is in the service and high-tech areas. The number of jobs available to those without a college education—no matter how motivated—shrinks each year. The American dream is quickly becoming beyond the reach of most young people who do not graduate from college or receive some form of specialized training beyond high school.

That is the bad news. Closer to home, there are a few rays of hope.

Some local colleges and universities are trying to reverse the decline. At Temple, for example, we launched a program that turned around the steady decline in the number of blacks attending our medical school. Because the School of Medicine has always had an effective recuitment program, the number of qualified blacks accepted by the school has remained high. However, the number of blacks actually enrolling in the medical school has steadily declined, due in large measure to the lack of financial resources.

The medical school responded by offering, on a racially nondiscriminatory basis, scholarships to the 25 most needy students accepted for admission. This program helped financially disadvantaged students of all races, but it also helped make possible an entering class this year with the most black students in a decade.

The commonwealth instituted a similar program following suggestions made by Temple in 1983. On the initiative of the state's secretary of education, the legislature this year is providing $360,000 in scholarship funds for graduates of Lincoln and Cheyney Universities who attend graduate or professional school at Temple, the University of Pittsburgh or Pennsylvania State University. This money serves the dual purpose of enhancing Lincoln and Cheyney and assisting qualified graduates in pursuing professional and graduate education.

These praiseworthy efforts are unfortunately too few in number. Twenty years ago, the Kerner Commission warned that we could become two nations, "one black and one white, separate and unequal." Despite the enormous advances of the last two decades much remains to be done if our country is to avoid that ill-fated destiny.

The demography of higher education—particularly graduate and professional education—demands our attention now. Scholars receiving doctorate degrees in the near future will form the college faculties of the 1990s and into the 21st century. As a nation, we must move forcefuly and fairly to ensure that America's great dream of educational opportunity will not be extinguished.

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. I ask that the official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The material follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, April 22, 1986.

[In reply refer to: I-01866/86ct]

Dr. M. GRAEME BANNERMAN,
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country for major defense equipment tentatively estimated to cost $14 million or more.

Sincerely,

PHILIP C. GAST,
Director.●

BILINGUAL EDUCATION ESSAY AWARDS

● Mr. SIMON. Mr. President, I would like to bring three award winning essays to the attention of my colleagues. The essays were written by young people who have all participated in bilingual education programs. The winning essays were announced at the annual convention of the National Association for Bilingual Education [NABE] in Chicago on April 3, 1986. The three young students all wrote on the topic "Being Bilingual in America: What Will the Future Hold for Me?" Each essay is an eloquent testament to the pride of the bilingual student, both in their native language and culture, and in their ability to communicate and live in an English-speaking culture. They represent the successes of bilingual education, successes of intercultural understanding, and are hopeful representatives of the dreams we all hold for the next generation. They are young people to be proud of, and they are proud of themselves, their heritage and their country—our country.

I ask that the three NABE essays be included in the RECORD at this point.

The essays follow:

SONIA A. ZELEDON, GRADE 5, DUVAL ELEMENTARY SCHOOL, GAINESVILLE, FL

I came to the U.S.A. with my family in search of a new life. For me the most important thing so far has been to learn English, the language of the country where I now live.

My first day of school was very exciting. I didn't know any English but I was ready to learn. One year later, I can talk and write English and Spanish. I have a lot of American friends.

For me speaking, reading and writing two languages is like I was two people at the same time. Now I can call and write to my country in Spanish and also I can talk and write to my friends in America in English. I feel proud of myself and for my good luck.

In the future as a bilingual I would like to be a lawyer, study hard to get a good job and with the learning of the two languages help the English and the Spanish speaking people with their problems and help make America a better country for all. I think the future will be very good for me in America as a bilingual person.

NELLY VALVERDE, GRADE 6, INTERMEDIATE SCHOOL 151, BRONX, NY

I have great expectations for what the future holds for me and for my generation as a bilingual human being.

The Bilingual Program is helping me to widen my knowledge to gain the necessary skills to live comfortably in the future. Learning two languages and two cultures is helping me to better understand my family, my teachers, my peers and my Spanish culture as well as the American culture around me.

Being bilingual is like being two different people sharing one body and one soul at the same time. Knowing more than one language and one culture makes me more sensitive and unique. I can feel, talk, love, laugh, understand and react to two different cultures and languages as well. It makes me feel good and happy about myself.

The knowledge of two languages cushions my steps from one culture to the other. It helps soften my growing pains. I wish that all the children could have the same opportunity as I have. To be able to talk, to read and write in two different languages is a wounderful experience. I also wish that they learn as many languages as they can. To see, feel, love and understand other cultures with the eyes of a child is a great experience.

I am grateful to my bilingual teachers and the government for giving me the opportunity to keep and observe my language and culture while learning a second language and culture as well. This is my best inheritance. Living in a multilingual and multicultural city like New York provides me with greater opportunities to advance in the future.

I am eleven years old now. By the year 2000 I will be 25. I wish to be a decent member of our society. I want to be a bilingual teacher. I expect to get a good job and to be able to help the next generation as I have been helped. I have faith in the intelligent judgment of our government. I pray to God that there will always be bilingual programs.

DEBORAH REED, GRADE 10, OAKS MISSION SCHOOL, OAKS, OKLAHOMA

Being able to speak in my native tongue is an important part of my heritage, but being able to speak English is just as important.

An Indian lives in two worlds. In school, work, and sometimes play, an Indian is in a white world. At home and with relatives an Indian is in his own world. A world of a different language, different ideas, and often different beliefs.

The Indian people should not shun ideas just because they were thought of by a white person. Neither should a white person shut out an Indian's thoughts. They are two different people; therefore, they are supposed to have different thoughts.

My mother once told me that she had spoken Cherokee all her life until she went to school. There, she was forced to learn a new language. My mother is not bilingual. She is not sorry that she had to learn English; in fact, she is glad she had to. It makes me sad to learn that today, my mother also thinks in English, to me it is something she has lost.

As time passes, it seems that there are fewer and fewer people speaking their native language. Children are now taught English first; a native language is taught in schools as a second language instead of being taught at home as it used to be. We are losing something. Many do not see it because it is happening gradually from generation to generation.

I do not know what the future holds for me or for the generations to come, but I will try my hardest not to lose this gift of knowing my Indian language.

There are other people at my school who speak their native language. Some might look down on them, but I feel a deep respect for their parents. Parents who know the value of pride in oneself, have pride in themselves. This will help them many times in the future. Pride is an important thing to have, not only in yourself, but in your parents and lineage. Indians have a fierce pride in themselves. Their forefathers were the true Americans. They are the ones who truly belong in America, but they welcomed people to their land. Now they are losing it.

We will always be unsure of the future, but we do know one thing; no matter who you are the future does have something in store for you. Not always good, but rarely terrible. Hold onto what you have; you may gain more tomorrow.●

NAUM AND INNA MEIMAN: ISOLATED IN MOSCOW

● Mr. SIMON. Mr. President, Naum and Inna Meiman are a lovely couple who want desperately to leave their native Soviet Union. Naum applied to emigrate over 10 years ago and has been harassed ever since. He married Inna in 1981. Together, they have bravely lived under troubling conditions.

Inna is critically ill with cancer. Naum is getting older. He is 74. The Meimans have little time left to enjoy the land of their ancestors but they must be given the chance to breathe the air of Israel. Inna must be given the basic right to the best and most modern medical treatment available. Since the Soviet doctors have told her there is nothing further that they can do, it is time to allow doctors in the West who have the technology to treat her.

I strongly encourage the Soviet authorities to grant permission to the Meimans to emigrate to Israel.●

ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M.

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the majority leader, that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOMENICI. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 5 minutes each: HAWKINS, CRANSTON, PROXMIRE, and MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that, following the special orders, there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Following routine morning business, the Senate will return to consideration of Senate Resolution 120, the budget resolution.

There will be votes on Thursday. It will be the intention of the majority leader to ask that the Senate not be in on Friday this week if an agreement can be reached to reduce the statutory time limitation alloted to the budget resolution by 12 hours.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, it will take unanimous consent to continue.

Mr. BYRD. Mr. President, I ask unanimous consent that we proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I say to the distinguished acting majority leader that I hope we can reach an agreement with respect to Friday. I doubt that we can reach an agreement with respect to 12 hours, however. I certainly want to help if I can in making an arrangement. I doubt that, if no agreement is entered into, the Senate would be on this subject for 12 hours on Friday. Whatever a reasonable amount of hours may be, I hope we can reach an agreement on that by tomorrow.

Mr. DOMENICI. I thank the distinguished minority leader. Certainly the majority leader will take his statements into account and I shall remind him, having been here when it was stated.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10 a.m. tomorrow.

Thereupon, at 4:01 p.m., the Senate recessed until Thursday, April 24, 1986, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 23, 1986:

THE JUDICIARY

Kenneth L. Ryskamp, of Florida, to be U.S. district judge for the southern district of Florida.

DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia to be U.S. attorney for the middle district of Georgia for the term of 4 years.

FOREIGN SERVICE

Foreign Service nominations beginning Marshall D. Brown, and ending Robert A. Riccio, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1986.

EXTENSIONS OF REMARKS

CONGRESSIONAL SALUTE TO THE 1986 HIGH SCHOOL STUDENT RECIPIENTS, CERTIFICATES OF EXCELLENCE IN LEADERSHIP AWARDS, RORY SPARROW FOUNDATION, INC., OF PATERSON, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. ROE. Mr. Speaker, on Saturday, April 26, the people of the city of Paterson, my congressional district and State of New Jersey will assemble at a highly unique "Salute to Leaders" convention in testimony to an outstanding group of high school students who have completed their internship in the "Tomorrow's Leaders Development Program" of the Rory Sparrow Foundation, Inc., of Paterson, NJ. I know that you and our colleagues here in the Congress will want to join with me in saluting these young people, as follows:

Nelton Barrett, Bernadette Bracey, Eric Bryant, Sherane Bunting, Andrew Cameron, Coretta Capers, A. Bryant Crockett, Rodney Crowell, Jody Farr, and Winifred Henry.

Felicia Martin, Jeannie Moore, Navlette Morgan, Winsome Owens, Monique Reed, Katrina Smith, Carol Thompson, Tammy Williams, and Antoinette Young.

Mr. Speaker, these students include juniors and seniors of Passaic High School, John F. Kennedy High School, Eastside High School, Ridgewood High School and Mary Help of Christian Academy. They all share one basic common element of quality in life's beginning with Rory D. Sparrow, the most esteemed basketball star now with the New York Knicks, who founded the educational development training and service youth program for leadership encompassed in the establishment of the Rory Sparrow Foundation: They are all from the inner city.

Mr. Speaker, on Saturday, we will honor the graduates of this program as well as the educational concept and learning experience provided by the Rory Sparrow Foundation. When you reflect upon the fact that the cultural, historical, and economic achievements—even the basic health, well being, and longevity of a State and Nation—depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of the Rory Sparrow Foundation's outstanding contribution to the quality of life and way of life for all of our people.

With you permission, Mr. Speaker, I would like to insert at this point in our historic Journal of Congress a biographical essay on Rory Sparrow and his foundation as furnished me by the distinguished coordinator of Tomorrow's Leaders Development Program, William D. Croix of Rory Sparrow Foundation, Inc., which most eloquently portrays the goals and purposes of this most prestigious organization as follows:

PROFILE OF RORY SPARROW FOUNDATION, INC.

INTRODUCTION

The Rory Sparrow Foundation Inc. is a non-profit, charitable organization serving the Greater Metropolitan New Jersey/New York area. The Foundation was formed in 1984 by Rory D. Sparrow, a star basketball player for the New York Knickerbockers (The Knicks) and is based in Paterson, New Jersey, Rory's home town.

The purpose of the Foundation is to develop positive self-esteem, positive self-motivation and positive self-awareness in a segment of our youth which has a severe shortage of these necessary catalysts to personal success. It is the philosophy of the Foundation that if a person is endowed with a strong, well-developed sense of positive self-esteem, awareness and motivation, he or she can realize their highest potential.

To accomplish its goal, the Foundation provides service programs in the areas of education, health, sports and recreation and economic development. Special emphasis is placed on educational support services. A permanent education, recreation and administration facility is being planned to house these programs. By reinforcing self-confidence through these services, area youngsters will get a second chance to develop the positive self-esteem, self-motivation and self-awareness they need to be competitive and productive in our society.

RORY D. SPARROW

There is no doubt that Rory D. Sparrow has become a success in life. He is now a starting guard for the New York Knicks. His arrival to success, however, was not easy nor are all his goals in life completed. Rory was born June 12, 1958 in Suffolk, Virginia, the second of five children born to John and Claudia Sparrow. In 1962, the Sparrow family moved to Paterson, New Jersey, which has become their home.

Rory grew up in the Alexander Hamilton Projects, a housing development for low-income families, where the problems of crime, drugs and unemployment cast a heavy shadow on daily life. Rory was aware of these problems at an early age and was determined to avoid these pitfalls of life and do more than the expected. He was very fortunate during his youth to have the love and support of his family, as well as the support of community leaders and teachers, all of whom stressed the importance of a good education. Rory attended public school in Paterson where he earned excellent grades, played basketball and participated in student government. Basketball taught him the importance of good health and teamwork, while his participation in student government taught him good organizational skills.

Rory's excellent grades and ability to play basketball were the key to his early success. In 1976, he was awarded a scholarship to attend Villanova University in Pennsylvania, where he maintained high academic standards while further developing his basketball skills. In 1980, Rory's hard work paid off with two achievements: He graduated from Villanova University with a degree in electrical engineering, the first black to do so, and then was drafted by the New Jersey Nets Basketball Team.

With his successes in hand, Rory returned home to Paterson, New Jersey, and became very active in community programs geared towards youth. This involvement made Rory acutely aware of the lack of self-worth and motivation portrayed by so many young people in the area. It prompted him to formulate programs that could positively impact youth in this area. Positive role models and images were what was needed to reinforce self-esteem and self-awareness.

In 1981, Rory was traded to the Atlanta Hawks, participated in the community activities in Atlanta and was traded again to the New York Knicks in 1982. He chose to return to Paterson to live and continue his community involvement.

Rory views himself as someone who beat the odds with the positive influence of people who care and, thus, feels that the ideal of providing community service should not be lost. Rory has spent countless hours donating his time and energy to youth programs. Not only does he see the need for grassroot community programs, but he finds great pleasure and a sense of accomplishment in becoming personally involved. With this commitment in mind, he formed the Rory Sparrow Foundation Inc.

Despite all of the awards and honors he has received, Rory cherishes the opportunity to help young people become productive citizens in their communities. These ideals are reflected in the motto Rory has selected for the Foundation, "Growing Together in a Community Effort."

FOUNDATION COMPONENTS

Tutorial service

The Foundation is using innovative approaches in tutorial services. Working with the Boards of Education in Paterson, Newark and New York City, the service will help in the areas of mathematics and reading in very small classes and one-to-one environments. Both education professionals and college seniors majoring in education are tutors in this program.

Leadership development

An extracurricular program designed to expose the excelling high school student to the workings of government and the corporate system. The program runs the entire school year and students will meet government and corporate leaders, attend council meetings, board meetings and work sites as they become introduced to the workings and interrelationships of our American system and the greater world economic order.

Student exchange

Selected students will visit other parts of America and other nations to study and experience other cultures. This experience will broaden a young person's perspective on sharing and understanding other viewpoints as we all attempt to live together on this planet.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Motivational and instructional videotape library

A library of videotapes designed to instruct young people on career choices and health issues will be produced. Also, a series designed to motivate and guide youngsters by using professional athletes as role models will be developed. Both series will be distributed to libraries, schools and youth organizations.

Computer school

Teach uses and applications of the computer. Attention given to the exceptional student as well as the student needing extra help to grasp computer concepts.

Education information bank

The bank will have information on all types of schools, majors, scholarships and grants to help match objectives of inquiring students with desired study areas and financial aid possibilities.

Health program

Health fairs, seminars and special programs designed to make young people aware of health needs, nutrition requirements, sex related information and personal grooming.

Summer athletic leagues

Summer leagues established in basketball, tennis, golf and soccer. Each league will feature clinics and appearances by professionals from each sport.

VOLUNTEER COMMITTEES

Professionals in residence

Professionals from every industry and profession plan and implement career workshops and seminars for schools and youth organizations. A major annual Career Fair is planned to bring together all of the resources of the volunteers, i.e., corporate sponsors and employers.

Athletes in residence

Professional athletes from all sports areas join the Rory Sparrow Foundation and donate time and resources to sponsor various programs and events of the Foundation.

To house these programs it is a further objective of the Foundation to build a permanent education, recreation and administration center. The center will include classrooms, a gymnasium, swimming pool, offices and recreation facilities.

Through the components of the Foundation, the result of developing enlightened young adults will be accomplished. Impacted youth will develop positive self-esteem, motivation and awareness. With these tools firmly imbedded, these young people will possess competitive skills and become capable, productive individuals who will be an asset to their families, communities and society as a whole.

Mr. Speaker, I appreciate the opportunity to present some of the highlights of this splendid youth service program for tomorrow's leaders and call your attention to this year's recipient of their student certificates of excellence in leadership awards. I know you will want to join with me in extending our heartiest congratulations and best wishes tc Rory Sparrow, William Croix, the student interns, their families, the administrators and faculty of the Rory Sparrow Foundation, Inc., of Paterson, NJ.

SATELLITE DISH OWNERS PROTECTION ACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, an informed electorate is vital to democracy. And to keep people informed, they must have access to as much information as possible.

I'm sure you'll agree that the information explosion we've experienced in the United States in the past decade has been important to our free society.

But I am disturbed at what is becoming a serious problem in rural America. Many people have bought home satellite dishes so they can receive television signals they wouldn't otherwise have access to in rural areas of the country.

Now they are faced with losing access to those channels. Many channels have already begun scrambling their signals and others plan to start scrambling in the near future.

There are thousands of satellite dish owners in my State of North Dakota. They're not asking for a free ride. They are willing to pay a fair price for the signals they receive, but they are threatened with being denied those signals unless Congress acts.

Congress has an opportunity to put some sanity into this chaos.

That's why I am urging other Members of Congress to join me in cosponsoring the Rural Satellite Dish Owners Protection Act, H.R. 3989. The legislation, introduced by Congressman MAC SWEENEY of Texas, is a sensible approach.

The legislation would place a moratorium on the scrambling of the signals until several important protections are available to satellite dish owners.

First, the Federal Communications Commission would set uniform standards before any signals could be scrambled.

This means a single type of decoder would have to be available to descramble all programs. This would ensure that satellite dish owners are not forced to buy 3, 4 or even 10 decorders to receive all the programs they want.

Asking the FCC to set technical standards so that a dish owner would only have to buy one type of decoder is the fair approach.

Back in the 1960's, the FCC was faced with a similar task. It set standards for television sets, for example, so that consumers didn't have to buy two television sets to receive all broadcast programs.

Second, a decoder must be available for sale or lease to any person within 60 days of an order. This will prevent dish owners from waiting months and months for decoders.

Third, decoders should be reasonably priced in relation to the cost of manufacture and distribution. This is an attempt to prevent price gouging.

Fourth, this legislation aims at providing a fair marketing approach to allow dish owners to buy program subscriptions at reasonable prices. There are modifications being proposed to this legislation so cable companies would not have a monopoly on marketing programs to dish owners.

Right now, satellite dish owners are faced with confusing choices. The rules of the game are being changed. They are being told that more and more channels will soon be scrambled and will be faced with buying several decoders—which cost hundreds of dollars each—to unscramble signals.

At this point, we can't depend on the marketplace to straighten out this mess.

I urge other Members of the House to cosponsor this legislation.

AMBASSADORS TO THE SOVIET UNION

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. CHAPPELL. Mr. Speaker, I rise today to acknowledge with pride the accomplishments of the Seabreeze High School Band of Ormond Beach, FL.

The 100 members of the band and 24 chaperones recently spent 11 days in the Soviet Union, visiting cities such as Leningrad, Tallinn, and Moscow on a good will tour. During their stay, the band performed admirably and represented both their school and their country with great distinction.

Mr. Speaker, the enthusiasm and individual effort of these students illustrates to us all what can be accomplished when people try to understand each other. I applaud these young ambassadors of good will.

1986 CONGRESSIONAL CALL TO CONSCIENCE VIGIL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DORNAN of California. Mr. Speaker, I rise today to take advantage of an opportunity arranged by my colleague, Congressman KINDNESS, to express my continuing support and concern about the courageous Jewish community in the Soviet Union. I want to point out that as the preeminent moral force in the world today, the United States is obligated to vocally support Soviet Jews—a community confronted by rampant anti-Semitism and subjected to mass humiliation.

The fact that pressure has been successfully brought to bear on the Soviets in an effort to gain the freedom of Russian Jews, tells us that the U.S.S.R. is not impervious to international opinion. It is precisely for this reason that we must not let up on our rhetorical, diplomatic, and economic support at this time. We can be certain that the Soviet authorities would love to have our support die a quiet death by effectively ignoring the issue. However, to do this would be to condemn Soviet Jewry to a future of immobilizing despair and would encourage the KGB to continue completely undeterred in their objectives of cultural genocide. Mr. Speaker, we cannot allow

this to happen. If we do not continue to remember these individuals, fight for them and rally for them, who will?

With this in mind I would like to mention the plight of three prominent refusniks whose plight should be made know to the American public.

Josif Berenshtein—applied for permission to emigrate to Israel because he is Jewish but has been repeatedly harassed and intimidated by the KGB authorities. In fact Josif's family was warned that his family may face criminal charges if they continue their efforts to emigrate. More recently Mr. Berenshtein was arrested and sentenced to 4 years in prison. His eye has been damaged in the process and now faces the loss of his eyesight if he does not get proper treatment.

Yuli Edelstein—a Hebrew teacher was arrested in 1985 for supposedly using narcotics as part of a Jewish religious ritual. (A totally trumped up charge by the Soviet authorities.) While in prison Yuli was subjected to severe beatings. To protest this situation he has undertaken a hunger strike. I do not know his condition at present but fear that the situation is not hopeful.

Kim Fridman—arrested several times for teaching Hebrew and leading Jewish cultural seminars. Mr. Fridman now wishes to emigrate so that he can freely practice his religion—a crime in the Soviet Union.

Mr. Speaker, I submit these names, which are not at all inclusive in their nature, for public attention and scrutiny in hopes that all advocates of human rights in this country will become more active in helping to relieve the Soviet Jewish community of the insidious, systematic abuse by the authorities of the Soviet police state.

THE COLORADO RIVER BASIN SALINITY CONTROL ACT OF 1974

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DYMALLY. Mr. Speaker, in recognition of the critical importance of the problem of salinity in the Colorado River, Congress enacted the Colorado River Basin Salinity Control Act of 1974 (Public Law 93-320), which calls for a cooperative effort between the basin States and the Federal Government to control Colorado River salinity. In 1984, Congress amended this law by enacting Public Law 98-569, which authorized additional salinity control activities for the Departments of the Interior and Agriculture. Among the provisions of the 1984 amendment is a cooperative onfarm salinity control program that requires a combined State and local cost share of 51 percent. The continued technical support of the Department of Agriculture is vital to achieving the goals of this program.

The administration's 1987 budget proposal for funding of the Department of the Interior's program of construction and planning for Colorado River salinity control is not at a level sufficient to maintain the planned implementation schedule. Recognizing, however, that Federal funding priorities have been established to assist in reducing the budget deficit, the seven basin States have agreed to support these lower funding levels and accept some program delays. The agreement was with the understanding that sufficient funding for Agriculture's portion of the program would be forthcoming.

Unfortunately, the administration's budget for 1987 eliminates all Department of Agriculture funding for the Colorado River Salinity Control Program. Of particular concern is the lack of funding for the onfarm program authorized by Public Law 98-569. In past years, many elements of this program have been carried out under the Agricultural Conservation Program [ACP], and it has been demonstrated that such onfarm efforts are a very effective way to implement salinity control measures. The Administration is not only declining to fund the Public Law 98-569 program, which would consolidate the efforts carried out previously under ACP, but is also eliminating all funding of the ACP as well. The onfarm programs should be continued as intended by Congress in Public Law 98-569. The funding required for 1987 is $4 million for the Federal cost share, plus $2 million for technical and program support.

Other congressional mandated obligations to be carried out jointly by the States and Federal Government are contained in the Clean Water Act. Much progress has been made toward achieving the purposes of the Clean Water Act as they affect the Colorado River. Delays in meeting the implementation schedules of the salinity control programs, due to insufficient funding for the Federal commitments will only result in failure to meet the water quality goals. This will likely mean further degradation of the quality of the Colorado River.

Congressional support is necessary for adequate funding for the Department of Agriculture in the 1987 budget to permit the continued progress of the Colorado River Salinity Control Program. Reduction of damages from excessive salinity will have benefits not only for California, but for the Nation as a whole.

ALABAMA SCHOOLS RECOGNIZED FOR EXCELLENCE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. ERDREICH. Mr. Speaker, for the past 3 years, the U.S. Department of Education has conducted a Secondary School Recognition Program to focus national attention on schools that are doing an exceptional job of educating their students. This year marks the first time, however, that the Department has established a recognition program for elementary schools. Some 509 elementary schools from across the country were nominated by chief State school officers in 49 States, the District of Columbia and the Department of Defense Overseas Dependents' Schools. With so many outstanding schools being considered for the overall educational program, you can understand if I take just a few moments to boast about the fact that not one, but three elementary schools from Alabama were selected for final consideration in the 1985-86 Elementary School Recognition Program. Valley Elementary School in Pelham, AL, and Cahaba Heights Community School and Vestavia Hills Elementary School-West, which both happen to be located in Jefferson County, AL, in my congressional district.

Both Cahaba Heights and Vestavia Hills have a number of special features which set them apart from many elementary schools and certainly more than qualify them to receive special recognition from the Department of Education. Cahaba Heights, for example, has strong participation by and interaction among its administrators, teachers, and parents. It has a strong and effective volunteer program, as well as a number of extracurricular activities for students, including its math teams, chess and computer clubs, olympics of the mind teams, school newspaper, "The Chatterbox," and its student-operated store.

The curriculum and staff at Vestavia Hills focuses its efforts on enhancing the self-concept and feelings of success of each child. In addition to its well-rounded staff and faculty, the school has teachers who are specially trained for various areas of exceptional children, including educably mentally retarded, multiple handicapped, speech therapy, and talented and gifted. It also has a dedicated parent-volunteer group, and ranked first in the State of Alabama in 1983 and second in 1984 and 1985 in overall performance in the Alabama State testing program.

I cannot stress enough the importance of providing our children, tomorrow's future leaders, with the educational skills they must possess if the United States is to retain its place among the world's technologically advanced nations. I commend Cahaba Heights Community School, Vestavia Hills Elementary School-West, and Valley Elementary School on being nationally recognized for their development of solid curriculums focusing on building basic skills, knowledge, character, values, and self-discipline for the students they serve. I wish them all the best as they now await final notification of those schools that will be invited to the Nation's Capital in the fall to participate in a national recognition ceremony and receive a specially designed flag symbolizing outstanding educational achievement.

KILDEE PAYS TRIBUTE TO MR. MARSHALL MOSSMAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a retirement ceremony that will be held Saturday, April 26, in Flint, MI, honoring Mr. Marshall L. Mossman. Mr. Mossman is retiring from teaching after 33 years of outstanding service to the community.

During his career, Mr. Mossman served in and around the Flint area, constantly developing his skills and increasing his teaching responsibilities. He has spent the last 11 years at Swartz Creek High School where his con-

scientious and dedicated efforts have earned him the profound respect of his students, peers, and superiors alike. Mr. Mossman's rich and varied career as a teacher has benefitted countless students in their preparation for life. His many years of hard work and perseverance have served as an inspiration and a fine example for young teachers to follow. Marshall Mossman has continually placed excellence in education above all other priorities. As a result, he has succeeded in elevating the quality of education to a plateau heretofore unattained. Through his benevolent actions and interests in his fellow man, Marshall Mossman has made this community a better place to live.

Mr. Speaker, Marshall Mossman's highly successful career as a teacher is in keeping with the highest traditions of community service. As a former teacher, I am honored to have had the opportunity to know this man who so greatly distinguished himself through helping others.

THE 50TH ANNIVERSARY OF THE MUHLENBERG DEMOCRATIC CLUB

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. YATRON. Mr. Speaker, on Friday, May 2, 1986, the Muhlenberg Democratic Club of Berks County will celebrate their 50th anniversary with a banquet and a dance. On this occasion, it is certainly fitting that we take time to pay tribute to the club's membership for their enormous contributions to the Berks County area.

The Muhlenberg Democratic Club had its origins in a small garage when a handful of ardent Democrats banded together to support the candidacy of Franklin D. Roosevelt in 1932. The club was not formally incorporated until October 5, 1936, and its bylaws and constitution were approved on February 11, 1937.

The club grew in size and popularity and eventually moved to the Goodwill Beneficial Association. The club, like any political organization, had its ups and downs, but through the dedicated efforts of its leadership, the club overcame adversity and was able to grow and flourish. The club continued to serve its important function as a forum and meeting place for Democrats in the area.

Under the present leadership of President Ed Cammarota, the club has been strengthened. The membership has grown and monthly meetings have been well attended. These meetings provide an excellent opportunity for the membership to discuss important issues facing the Nation and the Berks County area.

Mr. Speaker, the Muhlenberg Democratic Club of Berks County is a shining example of the many benefits of grassroots political action and organization. For 50 years, the club has served an invaluable function as a home base for Democrats in our area. I commend the membership on their 50th anniversary and I wish them continued success and good fortune in the future.

HONORING THE REVEREND CALVIN COOLIDGE BROWN

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. KOLTER. Mr. Speaker, I rise in the House of Representatives today to honor a man who has served God by touching countless lives in his ministry. The Reverend Calvin Coolidge Brown, pastor of the Tabernacle Baptish Church of Beaver Falls, has a long and illustrious record of service to the Greater Beaver Falls community.

Aside from his dutes as a pastor, he serves as a commissioner on the Housing Authority of Beaver County in the position of vice chairman. He is also the chaplain for the city of Beaver Falls and its city council, a member of the Beaver Falls Kiwanis Club and a board member of the U.S. Department of Agriculture Service Extension. In addition, he has worked with the Red Cross in Beaver County and won the Outstanding Achievement Award presented by the Beaver Valley Service Club in 1978. The Reverend Brown has also worked with the American Cancer Society and was president of the organization's local chapter.

But through all these activities, he has also helped his church and its beliefs grow and prosper. Since coming to Tabernacle Baptist in 1960, he has lead the church in constructing a new building, which recently has a new addition.

Coming from a humble background, born in Mintur City, MS, he grew up on a 20-acre farm with four brothers and three sisters. During World War II, he was drafted into the Air Force at age 18. After the war, he bacame a butcher and barber through Government training and moved to Cleveland, OH, to find work. In Cleveland, he attended the Open Door Baptist Church and met his future wife Eva M. Johnson through their work and service in every department of the church.

Today, he continues to serve God by his service to the Beaver Falls community, spreading the gospel. He has always been and continues to be available to help and listen to his congregation and the community at large. Ever since he had the call to preach in 1955 while in Ohio, he has shown himself to be a man with a commitment to God. He continues that commitment. For example, in May and June of 1984 he went overseas to bring the word of God to America's servicemen and servicewomen in Germany.

So I now stand before my colleagues in the House of Representatives and honor this man, the Reverend Calvin Collidge Brown. He has done much for the Beaver Falls community through his involvement in worthwhile and productive projects; he has served his country in the Armed Forces. But most of all, he has brought the word of God—the compassion and understanding of christianity—to his fellow human beings.

LOCAL HEALTH CARE FOR VETERANS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. LEWIS of Florida. Mr. Speaker, I am introducing legislation to require the Veterans' Administration to enter into health care contracts with non-VA medical facilities where current VA hospitals and clinics are inadequate. My bill would amend existing law allowing the Administrator to enter into private contracts for veterans health care by specifying that contracts be initiated in areas of the United States where the number of veterans is substantially increasing.

In my home State of Florida, 15,000 veterans move in each year from other parts of the country. Forty-one percent of these veterans are over the age of 65. However, despite these numbers, Florida has only three VA hospitals. In Palm Beach County, where a fourth hospital to serve 160,000 veterans is scheduled for completion in 1993, veterans must make a round trip of nearly 200 miles to the nearest VA facility in Miami. The same situation also exists in more remote areas of the State.

My legislation gives immediate relief to veterans by providing them with accessible health care until a local VA facility is available. We must not forget that the United States would not be where it is today if it were not for our veterans. Enactment of this legislation will ensure that the special health care needs of our veterans are not ignored.

SAN JOSE MERCURY NEWS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. MINETA. Mr. Speaker, this has been a week to raise a toast in San Jose, my hometown, in celebration of the Pulitzer Prize awarded to the San Jose Mercury News for its masterful series investigating the surreptitious exodus of capital from the Philippines.

I don't believe the impact of this series could have been imagined when the editors of the Mercury News first conceived the idea, or even at the time the articles were published, in June 1985.

But the series "Hidden Billions" helped trigger the massive demonstrations in the Philippines, the recent elections in that nation, and, ultimately, one of the most exciting spectacles of the triumph of democracy in our memory.

The Mercury's decision to rigorously and professionally investigate the rumors of the siphoning of wealth out of the Philippines resulted not only in an outstanding piece of journalism; not only in factual, well-researched articles of service to the international community; but resulted, we can say without exaggeration, in changing the course of history.

This series was reprinted widely in the Philippines, and the reaction included a call for

the impeachment of President Marcos by some members of Parliament. Ultimately, Mr. Marcos called for new elections; we all are well aware of the outcome of these elections.

Mr. Speaker, I am certain my colleagues would join me in congratulating reporters Lewis M. Simons, Katherine Ellison, and Peter Carey, editor Jonathan Krim, and all the people of the Mercury News who proved their professionalism, dedication and, commitment in producing this award-winning series.

I am proud, but knowing of the excellent work and high standards of the Mercury News, I am not surprised. My congratulations to all involved.

TRIBUTE TO JOHN DRIGGS

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. McCAIN. Mr. Speaker, I rise to pay tribute to a fellow Arizonan, Mr. John Driggs, who today testified before the House Select Committee on Aging. Mr. Driggs' testimony concerned the tragic problem of hunger among our senior citizens. His eloquent and incisive remarks contributed to our understanding of the problem, and moved many members of the committee to greater efforts on behalf of senior citizens who go hungry.

Mr. Driggs' testimony was only the latest deed in a lifetime of public service. A graduate of North Phoenix High School, he earned an A.B. and an M.B.A. at Stanford University. He was mayor of Phoenix from 1970 until 1974, and a member of two Presidential Commissions, including the President's Task Force on Food Assistance. Mr. Driggs is currently the chairman of Western Savings and Loan in Phoenix. Not satisfied to rest on previous good works, he also serves as chairman of the board of Second Harvest Food Bank. Mr. Driggs has now begun a campaign to help end hunger by informing America's hungry of food stamp benefits.

While Mr. Driggs does not work for acclaim, his altruism has earned him numerous awards, including Phoenix Man of the Year. He is the best of Arizona: A beloved father and husband, a successful career man, a selfless citizen. We have not seen the last of John Driggs—his benevolence, thankfully, seems boundless.

A DAY TO RECOGNIZE ALL PUBLIC EMPLOYEES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Ms. OAKAR. Mr. Speaker, today I am introducing a resolution which designates the week of May 5 to 11, 1986, as "Public Service Recognition Week."

Public employees at the local, State, and Federal levels provide invaluable services to all Americans. Public employees at the Federal level protect our borders, ensure that our Social Security checks are processed on a timely basis, deliver our mail, conduct essential medical research, and expand the frontiers of space. At the local and State levels, public employees teach our children, protect our neighborhoods, enforce building and safety codes, plan our roads and highways, and provide a clean and healthy environment.

Public employees have made immense contributions to this country in technological research, health care, education, crime prevention, fire protection, national defense, and conservation. These men and women have risked, and some have given, their lives while serving in their professional capacities.

Too often the importance of their public services and their contribution to the security and progress of our Nation is forgotten, taken for granted, or ignored. Rather than receiving the praise and appreciation they deserve, public workers are too often the victims of unfair criticism and harsh comments.

My resolution seeks to provide public workers and volunteers with the recognition they deserve. It is a simple "thank you" for the scarifices public employees have made and the dedication which millions of them have demonstrated in seeking to make our country a better place to live. The resolution also encourages our Governors and public officials to observe this week with appropriate ceremonies and activities.

I ask all my colleagues to join me in cosponsoring this resolution. Let us focus our praise and appreciation on public employees and volunteers whose dedication and commitment to their jobs has benefited every American.

Thank you.

ISSUE: POSSE COMITATUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. RANGEL. Mr. Speaker, syndicated columnist William Safire wrote an essary which appeared in the New York Times of February 28, 1986, entitled, "Issue: Posse Comitatus," which draws attention to the serious threat drug trafficking poses to our country, particularly along our common border with Mexico.

In 1981, the posse comitatus law was amended to allow greater participation by the military in America's drug interdiction effort. The Secretary of Defense may, in accordance with other applicable law, make available any equipment, base, facility, or research facility of the Army, Navy, Air Force, or Marine Corps to any Federal, State, or local civilian law enforcement official for law enforcement purposes. The assistance rendered by the military must not detract from military readiness, and the military has the right to seek reimbursement for the services it provides. The Department of Defense Task Force on Drug Enforcement has an exemplary record of cooperating with civilian police agencies to curtail drug traffic. Nevertheless, the flow of narcotics to America from South America, Asia, and Mexico continues.

The Select Committee on Narcotics, which I have the privilege to chair, estimates that in 1986, 150 tons of cocaine, 12 tons of heroin, and 30,000 tons of marijuana will enter the United States. Approximately 30 percent of the cocaine, 33 percent of the heroin, and 33 percent of the marijuana consumed in the United States enter this country from Mexico. The Drug Enforcement Administration has just revealed the existence of a more deadly and cheaper form of heroin being consumed in America called black tar.This new form of heroin could greatly increase the annual number of heroin fatalities in America.

Commissioner of Customs William von Raab recently testified before the Select Committee on Narcotics, "Mr. Chairman, I can put more officers at our ports of entry, and I can put more pilots in the skies, but I cannot put men and women along our border in the number we need to make a difference. I would need to hire thousands and thousands of officers, just to police this heroin highway, this cocaine causeway, this marijuana mainstreet that our border with Mexico is beginning."

Mr. Speaker, the problem of narcotics trafficking is complex, and there is no one easy answer to the problem. All aspects of the problem must be attacked simultaneously. Because the profits from trafficking in drugs are so enormous, smugglers can afford to buy the most sophisticated equipment to facilitate and protect their operations. As the recent murder by a suspected Colombian hit squad of former cocaine smuggler turned Government informant Barry Seals indicates, professional drug smugglers will use any and all means including murder to protect their profits.

The American military can provide a unique counterforce to these drug traffickers. The military possesses fast aircraft and boats with state-of-the-art communications equipment which have already made a significant contribution in identifying and tracking suspected drug smugglers. But, as Mr. Safire's essay points out, the ease with which drug smugglers penetrate our southern border demonstrates how vulnerable our country is to a terrorist attack.

Drug traffickers and narcoterrorists cooperate with each other when it is in their mutual interest to do so. I would hope the military could find still more ways to be of assistance in curtailing drug smuggling and protecting our country against the potential of terrorist aggression.

Mr. Speaker, I ask that Mr. Safire's essay "Issue: Posse Comitatus," be inserted into the CONGRESSIONAL RECORD at this point for the information of Members and the public.

The article follows:

[From the New York Times, Feb. 28, 1986]

ISSUE: POSSE COMITATUS

(By William Safire)

WASHINGTON.—If you think the United States border is any barrier to the smuggling of drugs, you're blowing dope.

Every narcotics racketeer and cop knows the most efficient way to transport drugs, particularly cocaine, across our boundaries: fly it through the Windward Passage between Cuba and Haiti into the Bahamas and then by boat or plane into Florida. Or, if you really want to play it safe, fly it into Mexico and "trampoline"—take advantage of the many dry lake beds south of El Paso

that serve as landing fields for the world's most profitable air service.

Almost two-thirds of the cocaine snorted in the U.S. comes across that southwest border in small planes, according to Representative Glenn English, chairman of the House Operations subcommittee overseeing our flagging "war on drugs." On a single remote stretch, a recent three-day test surveillance spotted eight smuggler aircraft plying their trade; multiply that by a hundred other favored crossing points to get some idea of the undisturbed air armada doing its booming business.

The most glaring difficulty in our war on drugs is that we have all but abandoned the front line: the border is relatively undefeated. The classic bureaucratic battle between the Justice Department, which believes in tips by informants and criminal prosecutions, and the Customs Service of the Treasury Department, which tries to interdict drugs at our borders, has been won by Justice.

"We have decided essentially to stabilize the investment in Customs drug interdiction," Treasury's Richard Darman told Congress, which means that Customs will not be able to use new surveillance aircraft equipped with radar built for F-15 fighters to nail the trampolining smugglers. He knows better than to do battle with Attorney General Meese, who prefers to use the money to chase the drugs in the U.S.

The apparent helplessness of law enforcement in interdicting the flow of drugs across our borders raises the issue of posse comitatus. The phrase is Latin for "force of the county" and is familiar to fans of Western movies in which the sheriff deputizes a band to follow the men who went that away; in this context, it means the use of the nation's military forces for the purpose of law enforcement.

My libertarian knee jerks away from legislation, such as that passed in 1981, that permits the armed services to be employed in the search for international drug peddlers. The Department of Defense has properly resisted this "while you're at it" law, holding that it might distract the armed forces from their first mission; in addition, it is dangerous to turn an army into any sort of national police force. As a result, Defense lends a hand in drug interdiction only when it is part of other training and no shootouts are involved.

But the porous border is worrisome in a way that arrests my knee-jerk. Defense is in business to protect us from armed aggression, and will ultimately be able to detect and destroy incoming missiles. Greater than the possibility of a superpower first strike is the chance of a terrorist state smuggling a nuclear device into one of our cities.

The Defense Department, if it is not to find itself fighting the next war with the strategy of a war that may never be fought, must be prepared to defend the nation from a suitcase with a hydrogen warhead. Granting "Star Wars" a perfect execution of a defense against thousands of incoming Soviet missiles, it will still leave us naked to an attack from a Khomeini or Qaddafi unconcerned with launch-phase shootdowns or massive retaliation.

The day can easily be foreseen when one of our cities is held hostage by a terrorist group or a terrorist state; the stuff of novels can quickly become reality. At that point, we would be asking: how did they get the bomb into our country? Whose job was it to stop the incoming weapon at our border? Why have we spent trillions on defense when any maniac can fly in a bomb that can destroy a city?

We do have a Special Operations Force, run jointly by the Army and Air Force, putatively in charge of counterterrorism. When the drug smugglers' trampoline bounces a bomb or two with practiced ease across our southwest border, we can expect a blue-ribbon panel to be appointed to inquire into the lapse in our decision-making process that rendered interdiction impossible.

The fighter pilots of the Pentagon want no part of missions looking down for smugglers; the Customs Service doesn't have the money for gunships or juniors Awacs; the Justice Department derides interdiction but is thinking only of drugs, not bombs.

Who is there to organize a *posse comitatus* to defend our borders?

CONGRESSIONAL SALUTE TO THE HONORABLE EDWIN SKAWINSKI OF NEW JERSEY, 1986 RECIPIENT, MAN-BOY AWARD, BOYS CLUB OF GARFIELD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. ROE. Mr. Speaker, on Saturday, April 26, the residents of the cities of Clifton and Garfield, my congressional district and State of New Jersey will join together in testimony to an outstanding community and business leader, distinguished citizen and good friend, the Honorable Edwin Skawinski of Clifton, NJ, whose standards of excellence thoughout his lifetime have earned him the highly coveted award of the Boys Club of Garfield, NJ—The Man-Boy Award. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to him, his good wife Nina and their children: Catherine and Mark as we celebrate this milestone of achievement in their family endeavors.

The Boys Club of Garfield is one of our Nation's most prestigious affiliates of the Boys Club of America. We are all familiar with the noble traditions of the Boys Clubs of America and their outstanding public service to the people of our Nation in helping our young men to achieve leadership qualities of self-reliance, character building, sportsmanship, fair play, and eagerness to serve others. Their deeply committed endeavors in exercising measures to keep America beautiful, and attain greater communion and understanding in friendship and goodwill among all mankind are a significant investment in the enrichment and excellence of the quality of our way of life here in America.

Edwin Skawinski has by his example and lifetime of dedication to these same true American ideals personified exemplary leadership in his outstanding responsible service to our people which has truly enriched our community, State, and Nation.

There is much that can be said of our honoree, "Skeets," as Edwin Skawinski is affectionately nicknamed, and his lifetime of achievements in service to people. He resides with his family in Clifton, NJ, and is an esteemed businessman in Garfield, NJ, the community of his earlier years where he attended elementary and secondary schools. He has served both communities and our country with distinction. He is a veteran of the U.S. Navy having served on the destroyer, USS Allen M. Sumner DD692, and received his honorable discharge in 1958.

The pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream—that's the success of the opportunity of America—and the mark of distinction in our society of "the selfmade man." Mr. Skawinski is the owner of Garfield Paint Co. and we are especially proud of his compassion, dedication, and untiring efforts on behalf of our young people. Under the Garfield Paint Co.'s insignia he sponsors a Little League baseball team who are presently the citywide Little League champions. The Boys Club of Garfield is honoring him in tribute to the unusual dedicated service he has rendered to the Boys Club over a considerable length of time. He is a longstanding active participant and strong supporter of the activities of the Boys Club of Garfield and is strong supporter of the activities of the Boys Club of Garfield and is currently a member of the Boys Club's Board of Directors.

Some of his additional affiliations with professional and civic organizations and in public service to our people include: The Holy Rosary Young Men's Club, Passaic's St. Al's Club, Rosol-Dul Memorial Post No. 359 of the American Legion, and the Clifton Hockey Parents Association. He is an honorary member of the New Jersey State Pulaski Association of Police and Firemen of New Jersey and New York and the Garfield PBA Local No. 46. He is an active member of St. Stan's Pulaski parade committee and General Pulaski Memorial parade committee of New York. Among the many citations and awards he has received, we point with pride to his appointment as 1974 Grand Marshal to the Pulaski Day parade in New York, 1975 New Jersey State Pulaski Association's "Outstanding Citizen Award," and 1976 Garfield PBA's highest award, Lifetime Silver Membership Card.

The fulfillment of the purpose, goals and aims of the Boy's Clubs of America could not be achieved without the leadership of people like Skeets Skawinski and the strong team effort of volunteer and professional leaders of our communities who participate unselfishly and willingly of their busy schedules in passing these sterling traditions along to our youth of America.

It is indeed appropriate that we reflect upon the deeds and achievements of our people who have contributed to the quality of our way of life here in America. Skeets has truly inspired and enriched the lives of many of our citizens in his service to our young people. We do indeed salute a good friend and great American—1986 recipient of the Man-Boy Award of the Boys Club of Garfield: the Honorable Edwin Skawinski of New Jersey.

HANDS ACROSS AMERICA

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. RUSSO. Mr. Speaker, we have all seen the gaunt face of starvation from East Africa. We know that millions of people are being displaced from their homes as a result of violent upheavals from the Middle East to Central America. It was these images that encouraged Ken Kragan to establish USA for Africa. In its yearlong effort, his organization has raised and disbursed millions of dollars toward relieving the suffering in Ethiopia.

Several months ago, USA for Africa turned its attention toward America. They found that millions of our fellow citizens, especially children, go hungry sometime each month. A Harvard study estimates that up to 2.5 million Americans are homeless and the number is climbing, particularly in families with children. As a result, Hands Across America was born.

Hands Across America will take place on May 25, when Americans from Los Angeles to Chicago to New York will link hands in a collective demonstration of fellowship aimed at solving the chronic problems of hunger and homelessness in our Nation. The historic line will come through the Third District of Illinois and my family and I, along with a number of my constituents, will be a part of it.

In addition to lending a hand, I have pledged the proceeds of my next honorarium to Hands Across America. I urge my colleagues to follow suit.

This 4,000-mile, coast-to-coast human chain will be the result of the efforts of so many people. I would like to take this opportunity to thank at least one of them. Mr. Robert Prosky, a fine actor, has, along with his fellow performers, brought this project to America's attention.

Let's all join hands and make May 25 the beginning of the end for hunger and homelessness for our fellow Americans.

SEVENTY-FIVE YEARS OF AIDING THE ILL AND SUFFERING

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SCHUETTE. Mr. Speaker, on May 17, Mercy Hospital in Grayling, MI, will celebrate its 75th year of service to the people of Grayling and the surrounding communities.

Those 75 years have been a remarkable time for the hospital. When the hospital first opened its doors, it had 14 beds. Today, it is the community's largest employer. Seventy-five years after the hospital first began to serve the people of Michigan, it offers the community a whole range of health care services: internal medicine, ophthalmology, orthopedic surgery, obstetrics, neurology, and many others.

But those 75 years have witnessed something even more important than the hospital's physical growth and expansion. They have witnessed the ongoing commitment and dedication by the Sisters of Mercy to serve the sick and ailing throughout the community. All of us familiar with their work in running Mercy Hospital are at once proud and humbled by their selfless dedication to alleviating the pain and suffering of others.

Mr. Speaker, it is my privilege to recommend to the attention of my colleagues in Congress and to the American people Mercy Hospital's 75 years of service, and the inspiring example of the Sisters of Mercy whose selflessness have made those 75 years of service possible.

CONGRESSIONAL AWARDS CEREMONY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. SKELTON. Mr. Speaker, this past Sunday I had the pleasure of addressing the first Fourth Congressional District Congressional Award ceremony in Sedalia, MO. Being honored were two Gold Award recipients: Tom McMullin of LaMonte, MO, and Norman Dexter of Blue Springs, MO, both of whom had received their medals previously in Washington, DC; five Silver Award recipients: Sarah Elsea of Buckner, MO, Dianne Peelen of Hume, MO, Page Skelton of Lexington, MO, Bruce Rasa of Higginsville, MO, and Rose Mary McMullin of LaMonte, MO; and four Bronze Award recipients: John Garton of Nevada, MO, Randy Thurman of Rockville, MO, Stacey Werths of Concordia, MO, and Stephanie Wilks of Rich Hill, MO. Each of these recipients complied with the requirements of voluntary public service, personal development, and physical fitness. With young people such as these, our future is in capable hands.

Also, I wish to commend the members of the Congressional Award Council, which is chaired by Dr. Gale Bartow of Blue Springs. Each member of the council has devoted untold hours toward this program and is helping to make it a tradition in our district.

I take this opportunity to include herewith my remarks to the recipients, which is entitled, "Doing Your Best":

CONGRESSIONAL AWARD SPEECH; DOING YOUR BEST

First, I would like to tell you how pleased I am to have the opportunity to speak to you this afternoon, and I would like to congratulate those of you who are being honored today. Your achievements are outstanding, and I commend you for them.

I look around at all of you, the hope of America's future, and I also see the loving families and friends who have come to share this special occasion with you. As your speaker, I find myself torn in two directions: On one hand, I want to give some lasting words of advice to you, but, on the other hand, as a member of Congress, I know what lengthy speeches can be like. Thus, my one and one-half hour speech . . . will be delivered in less than 15 minutes!

Adults will always tell you how those special times of their youth "seem like yesterday," and I am no exception. For instance, I can picture clearly almost every moment of my high school graduation. My commencement speaker delivered profound words of wisdom, and I think it worthwhile to tell you everything that I remember from his speech to us, and I quote . . . End quote. Well, perhaps it wasn't so memorable after all.

Those of you who are being honored this afternoon do not face an easy future. There is an ancient Chinese curse that has come true for your world with a vengeance—"May you live in interesting times." You could not ask to live in a more challenging or more difficult era. Those of you whose achievements we are here to acknowledge will be confronting a complex world that will continually test your mettle, asking you to prove your worth as a man or woman. This will be true no matter what future road you choose to follow.

As I considered this difficult path you face, I had to ask myself a tough question: What clear and simple words could I share with you that might cling to your hearts and minds as you reach this important crossroad in your life's pilgrimage? The answer came when I remembered the saying that Harry Truman kept above his desk—"He done his damndest." Without endorsing the grammar or the profanity. I certainly commend the sentiment.

This saying came from an epitaph Truman once saw in Tombstone, Arizona, that commemorated one Jack Williams. Truman said he hoped people would remember him that same way.

This idea of doing your "damndest" takes my thoughts back to the classmates who graduated with me in May 1949. I think of them and all they have done during the 37 years since that day. We had a congenial group of 63—not particularly outstanding. At best, you could have called us average. When we were compared with the class that followed ours, we didn't even fare that well: Their class was called the cream of the crop; my class was just a bunch of nice kids.

Yet time has been kinder to my class. Many success stories have been written from that script of average kids: Successfull marriages and families, successful military careers, successful leaders in agriculture and business. Our class produced church leaders, a major insurance executive, a bank president, county office holders and a doctor. How could a not-so-successful beginning produce such a prosperous end?

We were a group who gave it our all, and the best was all that we knew. The word "second-rate" was not a part of our vocabulary, just as it apparently isn't in yours: None of you would be here today if you were willing to settle for less than the best.

In the end, perhaps that bit of wisdom—doing the best you can with your God-given talents—is the most useful advice anyone can give or receive. James Russel Lowell, an American poet, wrote this:

Life is a leaf of paper white
Whereon each one of us may write
His word or two, and then comes night.
Greatly begin! Though thou have time
But for a line, be that sublime,—
Not failure, but low aim, is crime.

To do the best you can with what you have, and to leave the rest to God. That is the essence of my message to you today, for I believe it is the ultimate wisdom I can teach you.

I am by no means the originator of this idea. You can hear the same sentiment

echoed from the childhood motto of the Cub Scouts—"Do your best."—to the sophisticated insight of high religion. Sometimes the simplest thoughts truly can be the best.

In the Gospel of Matthew, Jesus told the Parable of the Talents to his followers who had gathered to listen. Since you are the talent of our nation's future, I thought it would be appropriate to retell it today:

In this parable, a man distributes talents among his servants—five to one, two to another, and one to the last—to each according to his own ability. When these servants came back to see their master, the first two had managed to double their talents, while the man with one talent had hidden his in the ground. The master took that one talent from the servant and gave it to the man who had doubled his lot.

So it is in life: We all receive the gift of life in equal measure, but our talents and abilities vary. Life is the process of discovering and developing the special gifts that are uniquely your own, for the best lies not in what you are given, but in what you *do* with what you are given. Your attitude is what will shape the future, not your gifts alone. It was your determination and perseverence that brought you here today to receive this award. Be true to your own highest convictions!

Isn't it strange
That princes and kings,
And clowns that caper
In sawdust rings,
And common people
Like you and me
Are builders for eternity?
Each is given a bag of tools,
A shapeless mass,
A book of rules;
And each must make,
Ere life is flown,
A stumbling-block
Or a stepping-stone.

Your job is to take the award you receive today and make it a stepping-stone, not a stumbling block. Look to that strength within and do your best by your own lights.

As I thought about what I would tell you today, I faced the most difficult question of all: I could talk to you about doing your best, but how could I light that fire that burns within each of you? How could I help you turn the embers into a flame?

In truth, I know it cannot be me who does this. It is only you yourselves who can find the joy in doing your best. The most I can hope for is that my talk today will be a match that helps to light your fire.

I realize, too, that sometimes the problem is knowing when you are doing the best and making the most of your abilities, yet not losing sight of your human limitations.

Part of the solution lies in looking to the traditions of the past. We dare not cut ourselves loose from the heritage of ideals and beliefs that have shaped our lives because we can use the best of yesterday to answer the questions of today.

The author Lewis Mumford has said that the world changed as much between 1930 and 1940 as it had in a thousand years of medieval history. Think of the staggering changes in today's world—in technology and scientific enterprise alone. Each day we hear of new advances made in the field of medicine.

Yet some things do *not* change: The values and ideals on which we base our lives; the aspirations of our people and our nation; the faith that sustains and enriches our lives with truth, hope, and charity. These things do not change, and it is through these foundations that we must examine ourselves to unearth the fears, the old habits, the dusty routines, that may be holding us back. The story known as "A Message to Garcia" most clearly illustrates a man who has broken through these self-made barriers.

During the early days of the Spanish-American War, it became necessary for President McKinley to communicate with General Garcia, the insurgent guerilla in Cuba, to enlist his aid against the Spaniards. Getting a message to Garcia was a difficult, nearly impossible task. How were they to do it?

The Chief of the Bureau of Military Intelligence suggested the name of one Lieutenant Andrew Rowan, and the President asked Rowan to deliver the message to the insurgent general. The Lieutenant took the letter from President McKinley without comment and went straight to his task. He didn't ask: "How do I find him?" or "Can someone else do it better?" or "Isn't this a dangerous mission?"

Rowan went alone and unguarded, landing on the island of Cuba in secret. Despite obstacles, he made his way through the jungle and delivered the message to General Garcia. Sheer courage and indomitable spirit were at the heart of Rowan's mission. Upon his successful return to Washington, the young lieutenant was decorated by the commander of the United States Army, who termed his achievement as "one of the most hazardous and herioc deeds in military warfare." How did Lieutenant Andrew Rowan accomplish this arduous task?

Will, I can tell you for certain that it wasn't by doing a second-rate job. Rowan possessed a positive spirit and a willingness to try. He stopped at nothing short of the best, and he was rewarded for his efforts.

Some of us here today may need to tear down the obstacles we've built, to clear away our own self-doubters—those dusty cobwebs that are holding *us* back from delivering a message to Garcia. Confidence and determination are the keys; the pride of knowing you've done your best is the goal. That is precisely the spirit of the saying Mr. Truman admired so much—"He done his damndest."

In life we have the opportunity to do our best, no one can ask or expect anything more. And, come what may, we can enjoy a sense of achievement, of self-respect, and of happiness. The challenge that I present to you this day is to fulfill your potential, to be the very best person you can be. For there will always be a need for someone to carry a message to Garcia. I hope that each of you will be such a person who will follow the advice of Winston Churchill:

Never give in,
Never give in,
Never, never, never, never,
In nothing,
great or small,
large or petty,
Never give in,
Except to convictions
of honor and good sense.

This challenge I have set before you—to never give in and to always do your best—is a difficult one, yet it is not impossible. A poem written by the American poet Edgar A. Guest best expresses the attitude you need to achieve this goal, so let me leave you today with his words:

Somebody said that it couldn't be done,
but he with a chuckle replied
that maybe, it couldn't but he would be one
who wouldn't say so til he tried.
So he buckled right in with the trace of a grin
on his face. If he worried he hid it.
He started to sing as he tackled the thing
that couldn't be done, and he did it.

REPEAL OF THE WINDFALL PROFIT TAX: THE TIME IS RIGHT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. BARTON of Texas. Mr. Speaker, today President Reagan endorsed the repeal of the windfall profit tax, a tax that has imposed a severe and unfair burden on the American energy industry and oil producer States such as Texas.

This action is very timely, and will go a long way toward establishing a firm foundation for the American energy industry. The windfall profit tax is a burden that contributed to the slump that is now affecting the economies of the oil patch States. I am happy that President Reagan took this action, and will be glad to see this abusive tax go the way of the dinosaur: extinction.

The President has demonstrated that he is aware of the problems that the OPEC oil price war is causing in States such as Texas. I am confident that he will continue to monitor these problems and consider other solutions.

The experience of the past 6 years indicates that the windfall profit tax has been a failure. The anticipated $222.7 billion in tax revenues will turn out to be closer to $44.8 billion, about 20 percent of the tax revenue target. Much of this decline is due to the depressed economic conditions in the energy industry, which were partially caused by the windfall profit tax.

The President's action will certainly be welcome news in my home State of Texas. My constituents realize that President Reagan cares about them and the problems that OPEC is inflicting on the oil patch. His action today is proof that he is prepared to take firm action to maintain American energy security.

EFFECTS OF TAX REFORM ON TRADE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, I want to call to the attention of my colleagues the recent findings of the U.S. International Trade Commission on the effects of tax reform on the international competitiveness of American industry.

The short answer is that the tax reform bill (H.R. 3838) passed by this House last December will have practically no net effect on U.S. trade.

As part of the ongoing debate on tax reform, representatives of several industries have charged that tax reform would seriously

damage their position in international trade. I know that many Members of Congress are concerned about the international competitiveness of our manufacturing firms and have been receptive to the argument.

Because of these concerns, the Senate Finance Committee asked the International Trade Commission to study this issue.

The Commission approached the problem by first estimating the impact of tax changes including reduced corporate rates, repeal of the investment tax credit, and new rules for depreciation on output prices and then calculating the effects on trade flows for each industry. The results indicate that no industry could expect an increase in net imports—that is, a worsening of their position in world trade—of as much as 1 percent of domestic output. Some industries could expect a modest decrease of net imports—that is, an improvement in their trade position.

I am led to conclude that some members of the business community are using the international competitiveness issue as a smoke screen to cover up their opposition to paying their fair share of the Nation's tax burden.

The executive summary of the Commission's study follows along with the key table showing the industry-by-industry effect of the House bill on international trade. The full study is entitled "Effects of Proposed Tax Reforms on the International Competitiveness of U.S. Industries" and is available from the Commission.

EXECUTIVE SUMMARY

The Senate Finance Committee asked the International Trade Commission to determine the effects that tax reform proposals made by the President and the House Ways and Means Committee would have on the international competitiveness of U.S. industries. This is the first time in nearly a decade that the Commission has been asked to study the trade impact of major domestic legislation.

In response to the Committee's request, this study estimates how the proposed tax changes would affect the imports and exports of U.S. industries. The study also estimates the effects of these proposals on the cost of capital and on relative prices (but not the overall level of domestic prices). The estimates cover all major sectors of the U.S. economy. The sectors are those of the Commerce Department's small input-output table.

EFFECTS OF TAX REFORM ON TRADE

When looking at individual industries, the estimated trade effects of either reform proposal are small relative to domestic output.

This is true even though our estimating methods tend to overstate the trade effects. Two major determinants of the importance of the trade effects in an industry are the price sensitivity of imports and exports, and the importance of imports and exports relative to domestic output.

Our best estimates show that, for either the President's or the House propsal, none of the adverse trade effects would be as great as 1 percent of U.S. output.

The industries that would be affected most adversely by the President's proposal would be Office computing and accounting machines, and Motor vehicles and equipment. The increase in net imports in these sectors is 0.6 percent and 0.7 percent of domestic production, respectively. No other industries would be adversely affected by as much as 0.5 percent of domestic production.

Under the House proposal, the industry most adversely affected would be Chemical and fertilizer mineral mining. Net imports in the industry would increase by as much as 0.9 percent of domestic production; no other industry would be adversely affected by as much as 0.5 percent of domestic production.

Under both proposals, the industry benefiting the most would be Footwear and other leather products.

The decrease in net imports for this industry would be from 1.7 to 2.4 percent of domestic output under the President's proposal and from 3.0 to 4.4 percent under the House proposal.

Other industries that would benefit under the President's proposal include Other agricultural products, with a decrease in net imports of from 0.7 to 0.8 percent of domestic output; Leather tanning and finishing, 1.1 to 1.3 percent; and Miscellaneous manufacturing, 1.1 to 1.8 percent.

Other industries that would benefit under the House proposal include Apparel, with a decrease in net imports of from 0.6 to 0.9 percent of domestic output; Household furniture, 0.3 to 0.6 percent; Leather tanning and finishing, 0.5 to 0.9 percent; Office, computing, and accounting machines, 0.3 to 1.1 percent; Radio, TV, and communication equipment, 0.4 to 0.7 percent; Aircraft and parts, 0.8 to 1.3 percent; and Miscellaneous manufacturing, 0.4 to 1.7 percent.

EFFECTS ON THE COST OF CAPITAL

The effect on the cost of capital would vary significantly among different types of assets. Most short-lived assets would be adversely affected by both proposed reforms, whereas very long-lived assets would be favorably affected.

After accounting for the asset mix used by each industry, it was found that the changes in corporate taxes in the President's proposal would reduce the average cost of capital for most industries, whereas the changes in the House Ways and Means Committee proposal would increase the cost of capital for every industry except Real estate and rental. The two proposals would raise average corporate taxes by similar amounts. However, the two proposals differ markedly in the rate at which returns from new investment are taxed, and it is this rate that determines the effect on the cost of capital.

A characteristic of the House bill is that it would provide more uniform tax rates among different industries. The marginal effective corporate tax rate (the tax rate on the last, or "marginal," unit of corporate investment) generally would vary more among different industries under the President's proposal than Under the House bill.

Under the President's proposal, the largest reductions in the cost of capital among traded-goods industries would occur in Apparel, Miscellaneous textile goods, Leather tanning and finishing, and Footwear and other leather products. These declines were between 7 and 8 percent. Under the House proposal, the largest increases in the cost of capital among traded-goods industries would occur in Iron and ferroalloy mining, Nonferrous metal mining, Paper and allied products, Paperboard containers, and Motor vehicles and equipment. These increases would range from 9 to 10 percent.

EFFECTS ON PRICES

Even if all of the changes in the cost of capital were completely passed through by each industry at each stage of production, the changes in prices in the traded goods industries would still be quite small.

Under the President's proposal, these price changes (mostly price reductions) would all be less than 3 percent. Under the House proposal, these price changes (mostly price increases) would all be less than 4 percent. Under both proposals, the largest price increase would occur in Communications, except radio and TV. Under the House proposal, the second largest price increase would be electric, gas, water and sanitary services. Under the President's proposal, the second largest price increase would be in Transportation and warehousing.

SCOPE AND LIMITATIONS OF THE COMMISSION'S STUDY

The focus of the study is on the effects of the proposed tax changes on international trade of individual U.S. industries, and these are not the same as the effects on total domestic output of these industries.

The effects of tax changes on domestic output are likely to exceed the effects on trade. For example, even in an industry with no international trade, domestic producers would probably still experience some loss in sales if a tax increase raised their output price.

Without its own macroeconomical model, the Commission was unable to make estimates of the aggregate trade-balance of either tax-reform proposal.

However, the Commission made estimates of what the trade effects would be for each industry if the aggregate trade balance changed in accordance with the predictions of various macroeconomic models,[1] and if it did not change at all. Estimates of the industry trade effects were also made as though the value of the dollar were fixed.

For any industry, tax reform directly affects the cost of doing business, but it also affects the environment in which the industry must operate. For example, the 1981–1982 investment tax incentives lowered the cost of capital to U.S. firms, but by reducing tax revenues they added to the large increase in the Federal budget deficit, which caused large capital inflows and contributed to a stronger U.S. dollar. The stronger dollar resulted in an unprecedented increase in U.S. imports and stagnating exports.

There are other possible macroeconomic considerations that should be mentioned. For example, if tax reform is revenue neutral but slows down economic activity, it would also tend to cause a decline in imports. In such a case, U.S. industries would be harmed by tax reform even while the trade balance is improving.

The above examples illustrate that the effects of tax reform on international trade might be different from what one would expect. In particular, the effects of tax reform on international competitiveness cannot be addressed by looking only at the direct effects of tax reform on the cost of capital. It is also necessary to account for macroeconomic considerations, such as the effects on international capital flows.

In evaluating the effects of the two tax reform proposals on industry trade bal-

[1] For the House proposal, these were the predictions from Wharton Econometric Forecasting Associates, Inc., Jan. 29, 1986, and Lawrence H. Meyers and Associates, Nov. 25, 1985. For the President's proposal, these were the predictions from Wharton Econometric Forecasting Associates, Inc., Oct. 16, 1985. All of these models predicted fairly small effects on the aggregate trade balance.

ances, the Commission considered only the tax changes that would cause a predictable change in business costs. Other changes, such as the treatment of personal income earned overseas, are only discussed qualitatively.

It would have been impossible to take into account the effect of every proposed change, even if more than four months were allowed to complete the study. Included in the analysis were the effects of the changes in depreciation schedules, the elimination of the Investment Tax Credit, the reductions in the statutory corporate tax rates, and the introduction of a deduction for dividends paid. These changes in the tax code account for most of the predictable change in the relative international competitiveness of U.S. industries.

METHODOLOGY

To estimate the trade effects of the proposed tax changes, the first step was to determine the effects on the cost of capital by industry. We overstated these cost changes by calculating the cost changes as though no firm would reduce its costs by changing its manufacturing techniques or accounting methods in response to the tax changes. The second step was to calculate the change in the cost of inputs for each of the industries. To do this the prices of each industry were treated as though the entire change in its tax bill were completely passed on to its customers. Again, no substitution by its customers was allowed for, thus this technique also overstates the cost change for each industry. The final step was to take these upper bound estimates of price change and to translate them into changes in exports and imports by industry. In this last step, three cases were considered. In the first case, an exchange rate adjustment was included that caused the industry trade effects to sum to the aggregate trade balance effect predicted by one of the macroeconomic models. In the second case, the exchange rate adjustment was included that caused the industry trade effects to sum to zero. (The results from the first and second cases were very similar, and are viewed as the "best" estimates.) In the third case, no exchange rate adjustment was included.

Impact of the House tax proposal on trade under flexible exchange rates

[Change in trade balance as a share of domestic output] [1]

Sector description:	*Percent*
Livestock and livestock products	0.0
Other agricultural products	0.0
Forestry and fishery products	−0.2
Agricultural, forestry, and fishery services	.....
Iron and ferroalloy ores mining	−0.3
Nonferrous metal ores mining	−0.0
Coal mining	−0.2
Crude petroleum and natural gas	0.0
Stone and clay mining and quarrying	−0.2
Chemical and fertilizer mineral mining	−0.8
New construction	.....
Maintenance and repair construction	.....
Ordnance and accessories	0.1
Food and kindred products	−0.0
Tobacco manufactures	0.0
Broad and narrow fabrics, yarn and thread mills	0.0
Miscellaneous textile goods and floor coverings	−0.1
Apparel	0.9
Miscellaneous fabricated textile products	0.1
Lumber and wood products, except containers	−0.2
Wood containers	0.0
Household furniture	0.6
Other furniture and fixtures	0.2
Paper and allied products, except containers	−0.2
Paperboard containers and boxes	.....
Printing and publishing	−0.0
Chemicals and selected chemical products	−0.3
Plastics and synthetic materials	−0.1
Drugs, cleaning and toilet preparation	−0.2
Paints and allied products	−0.0
Petroleum refining and related industries	0.1
Rubber and miscellaneous plastic products	−0.1
Leather tanning and finishing	0.9
Footwear and other leather products	4.4
Glass and glass products	−0.0
Stone and clay products	−0.2
Primary iron and steel manufacturing	0.1
Primary nonferrous metals manufacturing	−0.0
Metal containers	−0.0
Heating, plumbing, and structural metal products	0.0
Screw machine products and stampings	0.0
Other fabricated metal products	−0.1
Engines and turbines	0.0
Farm and garden machinery	0.0
Construction and mining machinery	0.1
Materials handling machinery and equipment	0.1
Metalworking machinery and equipment	0.2
Special industry machinery and equipment	0.1
General machinery and equipment	0.0
Miscellaneous machinery, except electrical	0.1
Office, computing, and accounting machines	1.1
Service industries machines	0.0
Electric industrial equipment and apparatus	0.1
Household appliances	−0.0
Electric lighting and wiring equipment	−0.0
Radio, TV, and communication equipment	0.7
Electronic components and accessories	0.3
Misc. electrical machinery and supplies	0.3
Motor vehicles and equipment	0.0
Aircraft and parts	1.3
Other transportation equipment	0.3
Scientific and controlling instruments	0.2
Optical, ophthalmic, and photographic equipment	−0.1
Miscellaneous manufacturing	1.7
Services	0.0
Total	.....

[1] Based on domestic output levels in 1984.

Source: Calculated by the staff of the U.S. International Trade Commission.

THE NATION'S LIBRARIES AT RISK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. TOWNS. Mr. Speaker, the American Library Association sponsored a legislative day last week to bring to the attention of national lawmakers the plight of a nation's libraries. In a city like New York, the public library system has often been the door to education and learning for the poor as well as the rich. Because of massive cutbacks in support for the nation's libraries, excellent libraries like the Brooklyn Public Library will have to drastically reduce staff and services to the general public.

Mr. Speaker, too often we have viewed libraries as an afterthought. Their contribution to the education level of American society is rarely acknowledged at a time when illiteracy is recognized as a growing problem; and at a time when the high school dropout rates for black and Hispanic youngsters in New York City is often as high as 60 percent. We cannot afford to diminish financial support for an institution that has contributed and continues to contribute to general education in this society. As a graduate from North Carolina A&T University, a college with one of the finest libraries in the Southeastern United States, I understand how valuable libraries are to not only colleges and universities but to our public and private school systems as well.

I want to join my colleague from Brooklyn, Congressman MAJOR OWENS, in urging a reexamination of our funding priorities for libraries. As Members of Congress, we have often relied on the Library of Congress without a second thought. Yet reductions in services have drastically cut back braille materials and other special services to the handicapped. Moreover, the Congressional Research Service has not been immune from the reductions under Gramm-Rudman. The budgetary impact of this resolution on the Nation's libraries is yet another example of the fallacy of budget-cutting by computer.

Hopefully, our Nation's libraries will be able to weather the immediate storm of these cutbacks. I am hopeful that we, as lawmakers, will act more responsively in the future toward one of our greatest educational resources, the libraries of this Nation.

HONORING FATHER FRANKO ON 36 YEARS OF SERVICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. TRAFICANT. Mr. Speaker, it is my distinct pleasure to honor Father George M. Franko on the celebration of his 36 years in the priesthood, 30 of those years in ministry to the Holy Name of Jesus Parish of Youngstown, OH.

Born of Joseph Franko and Suzanne Ferencak of Youngstown, OH, on December 8, 1924, Father Franko attended Saintes Cyril and Methodius Parochial School, Ursuline High School, Sacred Heart Seminary of Detroit and St. Mary's Seminary of Cleveland. Ordained on April 29, 1950, at St. Columba Cathedral in Youngstown, Father Franko is now celebrating his ordination anniversary at Holy Name Parish in Youngstown this Sunday.

Father Franko has during his 36 years of service to the parish of Holy Name of Jesus, provided leadership, inspiration and responsible guidance to individuals and groups of the church. It is indeed an honor for me to commemorate this important milestone in the life of a truly loved and respected priest, Father Franko. May Father Franko have many more years of service to those members of the Holy Name of Jesus Parish who deem him their favorite priest.

COLORADO RESEARCHER, THOMAS CECH, SEEKS THE ORIGINS OF LIFE

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. WIRTH. Mr. Speaker, in 1982, a young scientist at the University of Colorado in Boulder, Thomas Cech, published a revolutionary paper which changed forever what we know about the origins of life on this planet.

Cech's research on the nucleic acid, RNA, has given scientists insight into the chain of life—how human life may have formed from the very beginning. His discovery, that the earliest genes may have been able to replicate themselves, represents a contribution which will have far-reaching effects in the fields of biochemistry and medicine. It sheds light on the proliferation of cancer cells and in the treatment of certain diseases in which the body's defenses turn against itself.

Thomas Cech and his dedicated and able assistants, Art Zaug and Paula Grabowski, deserve to be recognized and lauded for their outstanding contributions to our understanding of the possible origins of life.

Empire, the Sunday magazine published by the Denver Post, recently named Thomas Cech the 1986 Westerner of the Year. I commend the following article to my colleagues in the House.

WESTERNER OF THE YEAR—THOMAS CECH FITS ANOTHER PIECE INTO THE PUZZLE OF LIFE

(By John Aloysius Farrell)

(If proteins were needed in order for nucleic acids (DNA and RNA) to do anything, and if nucleic acids were needed to code for proteins, which came first, the protein or the nucleic acid? The chicken or the egg? This is a question biochemists have had since Francis Crick and James Watson deciphered the genetic code locked in the double helix of DNA in 1953. University of Colorado scientist Thomas Cech offers a reasonable answer.)

This was Nobel Prize territory, and here were some lanky pups—an untenured professor and a handful of grad students—about to tell the world that one of the basic tenets of biochemistry, an axiom of all the textbooks, was irrefutably, undeniably, flat-out Wrong.

In the third-floor laboratory at the Boulder campus of the University of Colorado, they remember how they'd mention their work at conferences and conventions and how the Giants of Science would walk away chuckling at this hot-shot young biochemist with a yearning for professional immolation.

"We didn't want to be wrong," says the hot shot, Thomas Cech. "It had better be right, or, when we published, someone was going to say, 'Hey, wait a minute! It doesn't work the way you said.' "

So Cech took it slowly. But he didn't give up—despite the smirks, despite the conventional scientific wisdom. And when the last experiments were finished, and the final evidence was in, and all the results were Ceched and double-Ceched, he popped a champagne cork and gathered his associates around.

They were about to rock the world of biochemistry—no mean feat in a field grown almost jaded by a continual string of startling discoveries.

Using the genes of a hairy protozoan called Tetrahymena thermophila, Cech and his colleagues had discovered a way that life may have evolved from the organic molecules, clays, and salts that formed the primordial earth. In doing so, they found a solution to one of science's most remarkable riddles—how the earliest genes may have formed and replicated. Along the way, they brashly rewrote the rules and axioms and scuttled the conventional wisdom.

And life for Tom Cech has not been the same since.

There's a handwritten sign on the door to his laboratory: "Boulder Home for the Bewildered (Enter at Your Own Risk)."

Inside, the floor is filthy and the tables crammed with bottles and tubing. An ice chest bears the label "Leaks (Slowly)." Shelves in the carrels are lined with the junk of university life: softball mitts, a Van Gogh print, job notices, a shattered clock that only runs backwards.

There's a sleeping bag and a pillow for the mysterious grad student who lost his apartment and moved into the lab. Ten-speed bicycles clog the hallways. A worn dart board, and a pattern of holes in the surrounding wall, hint at deep thoughts and bad aim. The students here call themselves nerds—proudly—and answer the phone, "Cech lab."

This is the realm of research at a major American university, invariably disappointing to the visitor who expects streamlined work stations jammed with clean-cut technicians and high-tech geegaws.

There's only one bubbling beaker here, and it's stuck in the corner, an afterthought, amid bottles of stuff like phenylmethyl sulfonyl fluoride. A set of Mickey Mouse ears sits atop the computer, the lapels of the lab coats sport New Wave buttons.

It's a system based on freedom, where the nonconformist is prized for the originality of his or her ideas—not for the ability to fit into a corporate structure.

And here is Cech. Shaggy hair, Crew-necked sweater. Wire-rimmed glasses. Bright and confident, somewhat sardonic. No white-frocked scientist lifting a test tube to the sky, like the illustrations in fourth-grade science books and GE ads. More like Donald Sutherland, portraying the anarchist Hawkeye Pierce in the motion picture M*A*S*H.

Like most scientists , Cech is consumed by the complex challenge of his quest. Unlike many, he has a sense of humor, and the patience and ability to explain what he does and why it's significant.

He declines to carry the burden of self-importance and takes great pains to give credit to Art Zaug, a research associate, and Paula Grabowski, a former graduate student, and the rest of his staff of more than a dozen fledgling scientists.

"I think the thing that is uniformly ignored is that these things are a team effort," Cech says. "People always focus on me. But that's really not the way science is done. I'm directing a lab that has a lot of really good independent workers who make their own observations that led to these discoveries."

Not surprisingly, his associates return the compliment. Cech's a man you want to work for, says Zaug, because he trusts you, and because you can go to him with a particularly sticky problem: "I'm allowed to go out on my own. Rarely does he tell me what to do. But when you just don't know which way to go, he's very helpful to talk to."

It was at just this sort of juncture that Zaug came to Cech, in 1981, with what the professor would later call the "screwy and bizarre" results of an otherwise routine experiment.

Cech was spending more time in the lab then. His daughter Allison had not been born. And he and his wife, a biochemist who also works at CU, were not expecting their second child. Nor was he burdened with the politics and paper work of success. So he analyzed the findings, weighed their significance, risked ridicule and the loss of his funding, and made the decision to chase a glimmer of a gleam, an ephemeral possibility.

He decided to tackle issues that have, for centuries, confounded and inspired: What is the nature of life? How did it begin?

In trying to understand his work and its significance, it's necessary to back up a bit, to unravel the prevailing scientific theory for the beginning of our universe. We think it began with a Big Bang, 10 billion years ago—a primeval fireball flowing from the instant of creation.

After three minutes, temperatures cooled enough for the first atomic particles to form. After a million years, clumps of matter were seized by gravity and spun into stars. After a billion years, some of these stars exploded as supernovas, casting gas and dust through the universe. After 4 billion years, the scattered ashes of these distant novas collected to form our solar system. Our earth and all its creatures are, as they sang in Woodstock, stardust.

Now a world was formed, with water collecting in oceans and lakes and pools. The water was chock-full with chemicals, and some of those compounds were organic bits of billion-year-old carbon. Simple molecules were tossed and tumbled; lightning struck the surface, and particles of matter began to cling to one another, forming a chain.

These chains were the primordial ancestors of life on earth. They may have been made of nucleic acids like DNA or RNA—which carry the genetic program through succeeding generations—or they may have been made of proteins, which take the genetic information and put it to use, acting as the building blocks of cells.

In modern cells, the nucleic acids act like computer software. They form an information bank that tells the machine how to run a program, over and over through the ages. The proteins are like computer hardware.

They free the information stored on nucleic software and go to work.

And there lies the enigma. Without the software, the machine is useless. Without the machine, the software sits unused.

And so scientists, in the early 1980s, were stymied. Which came first, the hardware or the software?

"It's the chicken and the egg," says Leslie Orgel, whose work at the Salk Institute for Biological Studies has made him one of the world's leading experts on the origin of life. "Without nucleic acids you can't make proteins. And without proteins you can't get nucleic acid to replicate. So how do you get started?"

Thomas Cech found one possibility.

In 1982 CECH published a revolutionary paper: "Self-Splicing RNA: Autoexcision and Autocyclization of the Ribosomal RNA Intervening Sequence of Tetrahymena," in the November issue of Cell magazine.

Forget the title, it's all very simple, Cech says.

"Genes are made of DNA, and DNA contains the code which specifies how all the proteins in the cell are going to be made. The DNA is the storehouse of the information."

But DNA is a rather dumb acid. It does the thing for which it is known—strands, the famous double helix—very well, and not much else.

"That is what it is supposed to be," says Cech. "For stable storage of information you don't want it doing interesting things, because then it would be mutating its genes."

Before anything can get started, DNA must be copied into something more flexible; freed from the double helix. And so, in the cell, there is RNA.

Chemically, DNA is quite similar to DNA, but it plays a different role. The genetic information is copied from DNA onto a single-stranded RNA molecule (a process called transcription), which conveys the data to the cell and teaches it to create proteins that go on to become eyes or feet or flippers or fur.

There was only one catch. In Tetrahymena, and in higher organisms like frogs and human beings, the RNA copies of DNA also contain a set of haywire sequences—bits of garbled software, if you will—called introns, or intervening sequences.

Cech came to work in the CU chemistry building in 1978 after graduating from Iowa's Grinnell College and the University of California at Berkeley and working at the Massachusetts Institute of Technology in Cambridge. He had developed an interest in biochemistry "because of the way my mind works," he says.

In 1978 no one really knew what introns did. "The higher purpose of introns is still in dispute," Cech says. "They may, in the long term, serve some positive function. Or they may be a negative thing. But what is absolutely clear is that they have to be got rid of. In the short term, RNA is interrupted. The message, which has this nice set of information on it, is interrupted by blocks of nonsense. The excess baggage has to be removed."

There's only one way to remove the introns and debug the software: snip the RNA molecule at both ends of the offending sequence, then splice it back together.

Until Cech made his discovery, it was widely believed that the only substance that could act like a catalyst and snip and splice was a protein. But proteins couldn't be made unless RNA unlocked the information in DNA . . . and RNA couldn't make proteins without being spliced, so . . . .

"If proteins were needed in order for nucleic acids to do anything," Cech says, "and if nucleic acids were needed to code for proteins, which came first, the protein or the nucleic acid? The function or the information? The chicken or the egg."

Within a few months, fate smiled on Thomas Cech. He and his colleagues were working on the bug Tetrahymena because, as a one-celled protozoan, it offers a simple system of genetic expression. In examining the tiny creature, they discovered it was full of DNA molecules with introns. "There were 10,000 copies of this gene in Tetrahymena," Cech says. "That's a lot. A lot of genes are only present in one copy per cell.

"So we said, 'Oh wow, 10,000 genes! And they all have this intron! That must mean there is a huge amount of splicing going on.' "

The fortunate make their own luck, of course. It takes a certain amount of confidence for a young assistant professor to devote the energies of an entire lab and almost $300,000 in federal grants to a study of Tetrahymena on the basis of "Oh wow, 10,000 genes!"

Before his research was over, the National Institutes of Health would give Cech more than $1.3 million, and the American Cancer Institute another $240,000. He would win a National Cancer Institute Career Development Award of $30,000 a year for five years and a Guggenheim fellowship of $20,000.

The gamble paid off—all because of a screwy result in Zaug's test tubes.

After winning money from NIH, Cech and his team had gone to work in the lab searching for the protein that (conventional wisdom told them) must be sniping the introns from RNA and splicing the molecule back together.

The experiments weren't too tricky: isolating a strand of RNA and adding various proteins until one acted as a catalyst and began the splicing process. One test tube was reserved as a "control," without any proteins at all—just RNA in a benign solution.

Things were proceeding uneventfully until the day Zaug checked the control solution and found, with some exasperation, that the RNA was spliced. The test tube must have been contaminated, he thought, and vowed to be more careful the next time around.

"I kept saying, 'This is ridiculous. How did it happen?' " Zaug says. "I thought I was screwing up."

Then it occurred again. And again. And again. And it happened in Paula Grabowski's test tubes, too. The RNA in Tetrahymena appeared to be splicing itself.

"I don't know that accident is the right word," Cech says. "Certainly it was a totally unexpected finding. We were thinking we were going to find some proteins involved and, instead, we found that all you needed was RNA. We were very skeptical."

For a year, Cech says, he searched the literature and ran test after test to try and find the flaw in their procedure. The concept of self-splicing RNA was so radical, so revolutionary, that he and his team didn't trust their own results. They had found an answer which contradicted the textbooks and the long-standing axiom that, in biology, only proteins act as catalysts.

"There was a period of about a year when we kept pushing the view that there was a contaminating protein in the RNA preparation. The problem was that, for a long time, all we had was circumstantial evidence. You can do things like boil the RNA containing the hypothetical protein. Usually when you boil proteins they're inactivated. Well, we boiled it, and it worked.

"Then we told ourselves that it's well known that proteins are deactivated by detergent. So we said, let's add detergent. Well, it worked at least as well in detergent as it did without, and in some respects even better.

"So then we boiled it in detergent. And it still worked. But all of that was still circumstantial evidence. So what we finally did was use genetic engineering."

Cech and his team stole the genes from Tetrahymena and inserted them in the common bacterium E. coli, the workhorse of bioengineering. There they grew the Tetrahymena gene in a cell where RNA splicing did not normally take place.

Once the genes blossomed, the CU researchers extracted them from E. coli and added purified chemicals to initiate the transcription process. The RNA that formed was now completely removed from Tetrahymena and its proteins.

Then they held their breath.

"It still had the self-splicing activity," Cech says. "We were ready to announce to the world."

Science magazine said Cech's work "revolutionize ideas on biological catalysts and early evolution." Prominent scentists like Harry Noller, from the University of California at Santa Cruz, called it "one of the most exciting discoveries of the decade."

Zaug added to the excitement in 1985 when he discovered that the intron sequence snipped from RNA went on to organize short strings of nucleic acid into longer chains of RNA. It was another momentous discovery. The possibility that RNA could reproduce itself no longer could be ignored.

"The reproduction of information is the most essential component in having life start," Cech says. "And this is something we have only come to grips with recently in Art's discovery. The RNA could replicate itself. It could reproduce.

"Instead of just being able to cut and rejoin, it can actually string little pieces together to make a big chain of RNA. And so it looks like RNA can not only be the information, but can actually catalyze the reproduction process. Like a software program that directs the machine to reproduce itself."

In Tetrahymena, Cech found a model of how life may have started. The first strand of RNA forms through what Nobel laureate Francis Crick (who, with James Watson, deciphered the genetic code in 1953) calls "a happy accident"; it splices itself and goes on to teach proteins how to build a cell; the newly freed intron goes on to create more RNA, and only later does DNA evolve as a storehouse for genetic information.

"I think it is extremely reasonable that life didn't happen in just one little pocket," Cech says. "There's a famous experiment where scientists took some of the chemicals presumed to be on earth 4 billion years ago and put them in a vat and had an electrical discharge go off. And it turns out that the molecules that are formed during that process are exactly the most common ones that you find in human beings today.

"And so that says to me that the basic precursors, the little molecules that make proteins and nucleic acids, are not improbable. Then the question is: Once you have these very small biological molecules, how did they get strung together to get nucleic acids and proteins?

"And I think that from our work I can see very clearly, only in the last year actually, how RNA might be able to direct the stringing together to make a large RNA molecule and to possibly even replicate itself."

The discoveries in Cech's lab could someday pay off in the battle against cancer and in the treatment of certain diseases in which the body's defenses turn the body against itself. Cech's work could result in a new set of chemical tools for genetic engineers who work with RNA as well.

"It turns out there are many tools for genetic engineering that are enzymes that work on DNA—specifically cut and rejoin DNA so you can manipulate genes.

"There are many fewer such enzymes around that can be used to manipulate RNA in the test tube. So there's a great interest in having an equal set of tools for genetic engineers to use at the RNA level," Cech says.

Thomas Cech's life is moving faster now—with invitations to lecture in Canada, Europe, and Japan, and at Harvard, Yale, MIT, and Stanford. But he has come to grips with the awards and the acclaim. His team helps maintain his perspective. Everywhere in the lab are signs of irrelevant affection directed at the boss.

Did Cech win a Guggenhiem fellowship? Here's a photo of his head pasted on the body of a lady weightlifter.

Did Esquire honor him along with Jessica Lange, Garry Trudeau, and Bruce Springsteen, as a member of "America's New Leadership Class: Men and Women Under Forty Who Are Changing the Nation?" Here's a sloppy shelf filled with old scientific journals and a sign: "The T.R. Cech Esquire Library."

Does Orgel hail Cech's work as "A major discovery?" Here's a tattered "Bloom County" cartoon, in which a wired and scruffy professor informs his class: "Original ideas? There are no truly original ideas in science."

What Thomas Cech hasn't come to grips with are the repeated efforts of others to interpret his work as a neat solution to the origin of life. He is a scientist, after all, and modern science frowns on those who stray from the strict protocol and objective proof of the laboratory.

Science should be precise, Cech says, so each published finding can serve as a verifiable block in a tower of knowledge. He's uncomfortable with those who interpret the significance of his work in cosmic terms: "It seems to be a sort of pseudo-science. I like to be able to go into a lab and do an experiment to test an idea, and, if you're talking about things that happened 4 billion years ago, it's impossible to test."

But the 38-year-old professor—so much more at home in the realm of snurps and introns, codons and polypeptides—knows such talk is inevitable. The implications of his work are too significant to be ignored.

In many ways, Cech is an anarchist. His discoveries, like those of genetic engineers and high-energy physicists, undermine the religious beliefs that buttress Western society. His was once the territory of priests and mystics—the province of prophets, not Ph.D.s. Stirred by these questions, man constructed great religions, soaring cathedrals, fine art, tender fugues.

Cech works with more mundane tools. There is art in his lab, but little magic. Here the sacred is stripped from the secret of life. The discoveries made in laboratories, like his reinforce the theory that life began as a chemical fluke, not by Divine design.

"I have a very strong personal view of life and how people should live," Cech offers, "but I don't believe in a higher being—I don't believe in a personal God.

"A modern scientist, if he is perceptive enough, often has the strange feeling that he must be living in another culture," says Francis Crick of the scientist's role in a period of history when bits of the old world, of the popular religions, are collapsing.

Cech faces the scientist's dilemma squarely. Trained to research, not popularize, he nonetheless takes on the responsibility of explaining his work and integrating its meaning into a cosmology mankind can carry into the next century.

He finds he must walk the line between sensationalizing his findings and ignoring the public altogether. He declines to appear at speculative "origin of life conferences," but, as a man who sees the similarity in a well-planned experiment and the work of his favorite authors, John Irving and Herman Hesse, he dedicates part of his time to lecture and write about his findings.

"I don't find the origin of life to be something that I particularly enjoy thinking about," he says "It's something we've been forced to think about because everybody else thinks our work is so related to evolution. And we better put it in context before they do.

"We aren't attempting to say that we understand what happened in early evolution. We are not saying, 'This is the way it happened.'

"We are saying that it is plausible that things could have started out with just RNA. But it's very hard to prove.

"You can draw out a scheme for the origin of life on paper, and you can do experiments in the lab to say that different steps can be reproduced today. But that doesn't prove that's the way it happened. That just proves that it's chemically reasonable to happen.

"In the end, belief in any particular scenario for the origin of life still requires an element of faith."

HYMAN BOOKBINDER

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. YATES. Mr. Speaker, earlier this month the able Washington representative of the American Jewish Committee, Mr. Hyman Bookbinder was honored at the third annual leadership luncheon of the Washington Jewish Week. Those of us who were there that afternoon heard an inspiring and timely speech and I ask that Mr. Bookbinder's remarks be printed at this point in the RECORD.

HYMAN BOOKBINDER HONORED

I learned the value of brevity a few years ago when *Who's Who* invited me to add to my biographical summary a statement on "Thoughts on My Life . . . those principles, goals, ideals and values that have been guidelines for success and high standards." And then they directed that such statement be included in "the space provided below"—a space one by six inches! This is what I submitted and appears in the present edition: "Born into a world that soon exposed me to depression, war, and the holocaust, I fast acquired an almost compulsive interest in public affairs. It has been my good fortune to be able to combine career development with opportunities to help shape public policy. Government's principal purpose must indeed be to implement the great promise of America—the securing of life, liberty and the pursuit of happiness. The Hebrew sage, Rabbi Hillel, has provided the guideline for my life's work: 'If I am not for myself, who will be for me? But if I am only for myself, what am I?' "

That was it. What else was there to say? If I were smart, I would now say: "That's it. Thank you very much." But I'm not that smart. So I'll say more—but not too much more.

Yes, I have indeed been fortunate—all my life—in being able to do professionally things in which I believe passionately. And for the past 19 years, my association with the American Jewish Committee has been particularly gratifying. If I did not at first fully appreciate why it would be so gratifying, my recent years with the Holocaust Memorial Council has made it quite clear. Let me explain.

Recent years have seen an explosion of articles and books about the failure of American Jews to do enough to save some of the six million victims of Hitler's genocide. I sometimes think this exercise is excessively accusatory and guilt-ridden. But perhaps not. Let the examination continue. But for me the primary lesson of that period has always been clear. It is that, with all the good intentions and all the anguish felt and expressed by American Jews in the Thirties and the Forties, the Jewish community had not yet developed the political know-how, the political clout, the political effectiveness that we have today. It boggles the mind—and it pains the heart—to ask this simple question: If in the late Thirties and early Forties we had developed the lobbying effectiveness and the coalitional supports that we have today—the ability to muster 70 or 80 Senators, 300 or 400 Congressmen, sometimes in a single day or week, to express their collective anguish and their collective demands when Israel is threatened or when Soviet Jewry needs special support—if we had had that kind of community capability, for example, to press Roosevelt and his White House associates to spare a single plane to bomb the railroad tracks to Auschwitz—or to open our doors to more refugees—yes, it is painful to ask, how many of those six million might have been spared?

That number—six million—keeps repeating itself in my mind over and over again. Not only because among those six million were the 80 of my own blood relatives in Poland—but because that also is the combined number today of Israeli Jews and Soviet Jews who demand our vigilant attention every day of our lives—And six million is also the number of Jews in our own beloved America—six million fortunate enough to live in this free land, but also fortunate to be in a position to take action on behalf of the other six million.

So I feel good about being a part of the Jewish effort to make our people secure in a world still so hostile to us. But I feel fortunate also about being able to do it here in the nation's capital I came to this "shtetl" for one year—and am now in my 37th! What years these have been! Not that every memory of these years is a happy one. Surely not the day of the Kennedy funeral. Nor the day that terrorists invaded the B'nai B'rith headquarters.

But today I choose to remember some glorious days in Washington and to express profound thanks for having responsibilities that made it possible to witness and even to

be a part of some of them. How can I ever forget the good fortune I had to obtain a precious pass to the Senate gallery that night in 1954 when Joe McCarthy was finally repudiated and censured by the Senate? Or that afternoon in 1963, stretched out tired on the grass at the Lincoln Memorial, and jumping to my feet when it was clear that Martin Luther King had started what was bound to be a historic speech about a dream, in his words, for "all of God's children."

Or that morning in 1971, when the Prime Minister of Israel, looking like everybody's grandmother right off the ship, stood next to the President of the United States on the South Lawn of the White House—surrounded by hundreds of American and Israel flags—and then, without warning or announcement, I heard the most magnificent rendition of Hatikvah being played, played by the U.S. Marine band. Yes, Marine band. There I was, a man in his Fifties, trying unsuccessfully to hold back tears.

And seven years later there was another White House meeting, this time on the North lawn. Again, an American President and an Israeli Prime Minister. But this time joined by an Egyptian President—signing the historic Camp David peace treaty.

And how can I not mention one more memorable White House gathering, this time in the East Room. At a Yom Hashoa ceremony, with the President and Cabinet members and Senators and Congressmen present—to hear a Cantor from Atlanta singing the Yiddish words of H. Leivik. Yiddish in the White House!

To remember such events is to feel reassured that there is no conflict between our great love for this blessed land of ours and our deep feelings for Israel and for our Jewishness—that not only are such feelings compatible, they are mutually reinforcing.

But, finally, there is one moment I consider perhaps the finest of all—and there is nothing explicitly Jewish about it. Nothing Jewish? In some ways, it's the most Jewish of all. It was way back in 1949, the year before I came to work and live here. I was an economist with the Amalgamated Clothing Workers. We were supporting an increase in the federal minimum wage to 75 cents an hour. Yes, 75 cents. We decided that in addition to so-called expert witnesses, we should bring to the Senate hearing what is known as a "victim" witness, someone for whom the 75 cents would have direct meaning. We located a woman aged about 30, a shirtmaker from Tennessee. She was to sit next to me, say a few words, and answer questions about her standard of living at the 40 or 50 cents an hour she was then earning. She was nervous, wasn't sure what she'd be able to say. I tried to calm her, kidded her about holding her hand under the witness table. And then she did her job. I have goosepimples whenever I recall one particular piece of her testimony. I have gone to the transcript so I can read to you the exact words:

(Ora Green): "My youngest girl, she's 9 now, goes straight to the piano when we go to a house where they have one. She does want to learn to play the piano so bad. I've thought that maybe I could save 50 cents or a dollar a week to buy a second-hand piano for her, no matter how old or battered it was. But try as hard as I can, and save and squeeze, I haven't found a way to do it yet."

By this time, the Senators had stopped shuffling papers before them. They had leaned forward and were looking directly at this woman from Tennessee. She went on: "Maybe I've been foolish to talk to you people about music for one of my children when the main question is getting enough to eat and wear, or blankets to put on the bed, or even a chair to sit on. But down in Tennessee we love music, and factory workers don't live by bread alone any more than any one else does."

I cherish that memory because it tells us so much . . . It tells us that in every human being there is indeed a spark of the divine; that even hard-nosed cynical Senators can be affected by a cry of anguish; and that with all its limitations, our American democracy makes it possible for such precious moments to occur. And, of course, it tells us how important it is never to stop caring about shirt workers in Tennessee or grape pickers in California or the 40 percent of Black youngsters unable to find jobs.

This luncheon today is sponsored by a Jewish newspaper. My work as a Jewish advocate is being recognized. I speak to you today as a proud Jew. What makes me particularly proud is that over the years we have defined our Jewishness, our Judaism, as a commitment to justice for all people, to peace for all people, to freedom for all people. Such a commitment to universal justice, I will always believe, does not shortchange our Jewish interest; it is, in fact, the only way to protect such interests.

I started by quoting Hillel's famous admonition. Everybody quotes it these days. It's become almost a bumper-sticker or T-shirt logo. But is it really understood? I said it was the guideline for my life's work. Yet I know how much I have failed fully to live up to my own standard.

But if it should indeed be true that in my lifetime I have helped even one Jew—or one Haitian or one Pole—escape persecution; if indeed I have helped even one ghetto youngster escape from poverty; if indeed I have helped one daughter of a Tennessee shirtmaker get to play on her own piano—if these things are true, then all that is left for me to say is that I thank God that I was given the opportunities to make some personal contribution, small as it might be, to making life a little bit easier, a little bit sweeter, a little bit more secure, for some fellow human beings.

And I thank each of you for coming here today to share with me that sense of appreciation.

KEN READ—YACHTSMAN OF THE YEAR

HON. JOHN H. CHAFEE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, April 23, 1986

● Mr. CHAFEE. Mr. President, I rise today to honor a young man, who is one of the world's premier sailors. Ken Read of Newport, RI, was recently honored by Rolex Watch and the New York Yacht Club as the "Yachtsman of the Year." It should be noted that previous winners of this award included Ted Turner, Dennis Conner, and the skipper of *America II,* John Kolius.

Ken received this honor in part for winning the 1985 J/24 World Championship in Japan and the J/24 North American Championship for the second year in a row, and also because he has won dozens of regional and national events over the past few years. The J/24 is the most competitive class of sailing and at age 24, Ken is the best.

Ken has been sailing on Narragansett Bay since the age of six, and while in high school at Providence Country Day, he was a leading junior sailor. Ater being one of the most highly recruited high school sailors, he chose Boston University, where he was named All-American three times.

I join with all Rhode Islanders in congratulating Ken for this exciting honor and extending best wishes for success in his future endeavors.●

LEGISLATION TO AMEND THE PACKERS AND STOCKYARDS ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GEKAS. Mr. Speaker, very shortly I will be introducing a measure to amend the Packers and Stockyards Act of 1921 to extend the existing jurisdiction of the U.S. Department of Agriculture's Packers and Stockyards Administration over the poultry and egg industries. The measure will be nearly identical to H.R. 2970, introduced by me earlier, except for some technical changes and the inclusion of egg producers under the provisions of the P&SA Act.

The following discussion provides background on the issue and my proposal.

Mergers, acquisitions and bankruptcies in the poultry—broiler—industry have created a decline in the number of firms that now produce more products with a higher per capita consumption than pork. Currently, the industry consists of approximately 200 slaughtering firms that operate 345 federally inspected plants. In addition, there are an estimated 50 nonslaughtering dealer operations that buy and sell live poultry and/or have contract growout operations. In the last 3 years, there have been 6 operations that have gone bankrupt, owing 1,983 growers approximately $14.3 million.

Currently, poultry growers are not afforded payment and trust protection that is comparable to that provided to livestock producers under the Packers and Stockyards Act [PSA] and fruit and vegetable growers under the Perishable Agricultural Commodities Act [PACA]. Poultry growers want and need the same protections that are afforded to producers in other agricultural markets. Concern has been expressed over the extent to which poultry integrators dictate payment terms, and the extent to which they are able to force growers to carry them financially by failing to pay in a timely manner. The current status of poultry growers in the event of a failure of the integrator is the same as that of unsecured creditors. My proposal will provide for the same prompt payment and trust protection to poultry growers and sellers that has been provided to livestock producers since 1976.

Under the present law, the Packers and Stockyards Administration lacks the authority to correct the serious problems in the poultry industry to the detriment of the poultry growers. PSA's jurisdiction under the act over poultry integrators as "live poultry dealers or handlers" is continuously being challenged in both government and private actions to the point where enforcement of the existing provisions has become frustration, expensive, and virtually ineffective. My bill would clarify the jurisdictional question by redefining the poultry industry as it is presently structured.

In the area of poultry, unlike red meat, administrative procedures are denied to PSA under the act. Enforcement actions against poultry firms must be sought through the Department of Justice and the U.S. courts, a very time consuming and costly venture for both parties. Moreover, in the area of unfair business practices, the regulatory nature of the actions that are sought could better be served through administrative channels than through the already overloaded U.S. district courts. The proposed legislation would provide administrative remedies over poultry firms, thus ensuring the same treatment for both red meat and poultry firms.

The poultry industry consistently questions the jurisdiction and investigative activities of the Packers and Stockyards Administration in poultry product marketing. The proposed legislation would resolve the issue of jurisdiction over the marketing of dressed poultry products and would ensure the same treatment for both red meat and poultry with regard to product marketing.

Statistics show a continuing trend toward the merging of the red meat and poultry industries. A large number of poultry firms and livestock slaughter-processors handle and/or market both products. Of the 50 largest slaughter-processors of red meat, 44 also hold grants of poultry inspection. Of the 50 largest poultry firms, 30 also process or distribute red meat. Exempting from regulation poultry transactions of combination poultry and red meat firms with respect to any function—slaughtering, processing, brokering, or wholesale distribution—would create an unfair and impractical enforcement situation for both the industry and the Packers and Stockyards Administration.

In recent years, poultry has become a growth leader in the meat industry in terms of per capita consumption. Per capita consumption of poultry, which already surpasses pork, is forecast to surpass beef in the late 1980's. In view of the fact the red meat and poultry firms continue to actively compete for a share of the consumer purchases, it is also impractical and inequitable that competing firms be subject to different regulatory rules.

The case against Marshall Durbin & Co., Inc., is illustrative of some of the problems that are experienced in seeking enforcement through the U.S. district courts. A complaint was filed through the Department of Justice in July 1984, alleging that the defendants' weighing procedures for live poultry constituted an unfair, unjustly discriminatory, and deceptive practice under the Packers and Stockyards Act. The case was not tried until May 1985. A final judgment was issued on October 1985; subsequently, the Government filed a motion seeking more specific relief against the defendants. An amended judgment was issued in January 1986. This judgment did not, however, provide the relief that was sought but rather ordered a 6-month period of operation under the October 1985, judgment, during which the Government can further evaluate the firms' weighing practices with regard to the allegation of discrimination. After a period of 20 months since the filing of the complaint, no final resolution has been reached in this matter in the U.S. district courts.

As stated, the bill that I will be introducing after gathering original cosponsors will amend the Packers and Stockyards Act of 1921 to provide the producers of broilers and table eggs with the same financial protection under the Packers & Stockyards Act as is provided the red meat industry. In addition to providing prompt payment and statutory—packer—trust for the poultry producer, the bill will also amend the act by extending the bonding, custodial account, solvency, temporary restraining order, and preparations and private action provisions to the poultry industry.

The enactment of this legislation should not increase the cost of poultry products to the consumer nor result in any increases in budget outlays for the Packers and Stockyards Administration. In fact, providing the PSA with administrative procedure authority in the poultry industry could save hundreds of thousands of dollars because they would not have to bring enforcement actions against poultry firms through the Department of Justice and the U.S. courts.

I hope that my colleagues will join me in cosponsoring my proposal. The text of the proposal follows.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182), is amended by striking out "and" at the end of paragraph (5), by redesignating paragraph (6) as paragraph (11), and by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'poultry' means chickens, turkeys, ducks, geese, and other domestic fowl;

"(7) the term 'poultry product' means any product or by-product of the business of slaughtering poultry and processing poultry after slaughter;

"(8) the term 'poultry grower' means any person engaged in the business of raising and caring for live poultry for slaughter by another, whether the poultry is owned by such person or by another, but not an employee of the owner of such poultry;

"(9) the term 'poultry growing arrangement' means any growout contract, buy and sell agreement, marketing agreement, or other arrangement under which a poultry grower raises and cares for live poultry for delivery, in accord with another's instructions, for slaughter;

"(10) the term 'live poultry dealer' means any person, other than a packer or a poultry grower, engaged in the business of obtaining live poultry by purchase or poultry growing arrangement and selling it for slaughter by another, if poultry is obtained by such person in commerce, or if poultry obtained by such person is sold or shipped in commerce, or if poultry products from poultry obtained by such person are sold or shipped in commerce; and".

SEC. 2. Section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191), is amended—

(1) by inserting in subsection (a) "or obtaining, by purchase or poultry growing arrangement, live poultry for slaughter, if poultry is obtained by such person in commerce, or poultry products from poultry obtained by such person are sold or shipped in commerce," after "slaughter,";

(2) by inserting in subsection (b) "or poultry products" after "meat food products"; and

(3) by inserting in subsection (c) ", or poultry products," after "unmanufactured form".

SEC. 3. Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended in subsection (c) thereof by striking out "any such packers" and inserting in lieu thereof "any such persons".

SEC. 4. Sections 202, 203, 204, 205, 401, and 403 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 192, 193, 194, 195, 221, and 223), are amended by inserting "or live poultry dealer" after "packer" wherever it appears therein.

SEC. 5. The Packers and Stockyards Act, 1921, is amended by inserting after section 206 the following new section:

"SEC. 207. (a) It is hereby found that a burden on and obstruction to commerce in poultry is caused by financing arrangements under which packers, live poultry dealers, or both, encumber, give lenders security interest in, or place liens on, poultry obtained by such persons by purchase in cash sales or by poultry growing arrangements, or on inventories of or receivables or proceeds from such poultry or poultry products therefrom, when payment is not made for the poultry and that such arrangements are contrary to the public interest. This section is intended to remedy such burden on and obstruction to commerce in poultry and protect the public interest.

"(b) All poultry obtained by a live poultry dealer or packer, by purchase in cash sales or by poultry growing arrangement, and all inventories of, or receivables or proceeds from such poultry or poultry products derived therefrom, shall be held by such live poultry dealer or packer in trust for the benefit of all unpaid cash sellers or poultry growers of such poultry, until full payment has been received by such unpaid sellers or growers, unless such live poultry dealer does not have average annual sales of live poultry, or such packer does not have average annual value of live poultry obtained by purchase or by poultry growing arrangement, in excess of $100,000.

"(c) Payment shall not be considered to have been made if the seller or poultry grower receives a payment instrument which is dishonored.

"(d) The unpaid seller or poultry grower shall lose the benefit of such trust if, in the event that a payment instrument has not been received, within thirty days of the final date for making a payment under section 410, or within fifteen business days after the seller or poultry grower has received notice that the payment instrument promptly presented for payment has been dishonored, the seller or poultry grower has not preserved his trust under this section. The trust shall be preserved by giving written notice to the packer or live poultry dealer and by filing such notice with the Secretary.

"(e) For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.".

SEC. 6. Section 308 of the Packers and Stockyards Act, 1921 (7 U.S.C. 209), is amended by inserting "or poultry, or in connection with any poultry growing arrangement," after "livestock".

SEC. 7. Section 408 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228a), is amended by inserting "or poultry or poultry products, or has failed to pay any poultry grower what is due on account of poultry obtained under a poultry growing arrangement," after "unmanufactured form,".

SEC. 8. The Packers and Stockyards Act, 1921, is amended by redesignating sections 410 and 411 as sections 411 and 412, respectively, and by inserting after section 409 the following new section:

"SEC. 410. (a) Each live poultry dealer or packer obtaining live poultry by purchase in a cash sale shall, before the close of the next business day following the purchase of poultry, and each live poultry dealer or packer obtaining live poultry by poultry growing arrangement shall, before the close of the seventh business day following the week in which the poultry is slaughtered, deliver, to the cash seller or poultry grower from whom such live poultry dealer or packer obtains the poultry, the full amount due to such cash seller or poultry grower on account of such poultry.

"(b) Notwithstanding the provisions of subsection (a) of this section, and subject to such terms and conditions as the Secretary may prescribe, the parties to the purchase and sale of poultry other than under a poultry growing arrangement may expressly agree in writing, before such purchase or sale, to effect payment in a manner other than that required in subsection (a). Any such agreement shall be disclosed in the records of, and on the accounts or other documents issued by, any live poultry dealer or packer which is a party to any such transaction, relating to the transaction.

"(c) Any delay or attempt to delay, by a live poultry dealer or packer which is a party to any such transaction, the collection of funds as herein provided, or otherwise for the purpose of or resulting in extending the normal period of payment for poultry obtained by poultry growing arrangement or purchased, shall be considered an 'unfair practice' in violation of this Act. Nothing in this section shall be deemed to limit the meaning of the term 'unfair practice' as used in this Act.".

SEC. 9. The last sentence of the paragraph beginning "Packers and Stockyards Act:" under the centerheading entitled "Marketing Service" within the first section of the Department of Agriculture Appropriation Act, 1944 (7 U.S.C. 204), is amended—

(1) by inserting ", poultry, or eggs" after "livestock" both places it appears therein; and

(2) by inserting "or egg purchaser" after "packer" both places it appears therein.

SEC. 10. Title V of the Packers and Stockyards Act, 1921 (7 U.S.C. 218, 218a, 218b, 218c, and 218d), is amended to read as follows:

"TITLE V—EGGS

"SEC. 501. When used in this Act—

"(1) The term 'eggs' means eggs produced by poultry, whether for human consumption or other purposes;

"(2) The term 'egg producer or supplier' means any person engaged in the business of caring for live poultry (whether or not owned by such person) for production of eggs for delivery to another by sale or egg production arrangement, or engaged in the business of non-retail sale of eggs, but not an employee;

"(3) The term 'egg production arrangement' means any arrangement, whether or not reflected in a written memorandum of agreement, in which an egg producer or supplier cares for live poultry for production of eggs for delivery to another otherwise than by sale; and

"(4) The term 'egg purchaser' means any person engaged in the business of obtaining eggs, from any others not employees of such person regardless of who owns the poultry producing such eggs, by purchase or egg production arrangement, for sale of eggs or products derived from eggs, for manufacture of products derived from eggs, or for hatching, if eggs are obtained by such person in commerce, or if eggs obtained by such person or products derived from such eggs are sold or shipped in commerce.

"SEC. 502. Sections 202, 203, 204, 205, 401, and 403 of this Act (7 U.S.C. 192, 193, 194, 195, 221, and 223) shall be applicable, with respect to eggs and products derived from eggs, to egg purchasers, officers, directors, employees and agents thereof, and transactions of, between, or among, such persons.

"SEC. 503. (a) It is hereby found that a burden on and obstruction to commerce in eggs is caused by financing arrangements under which egg purchasers encumber, give lenders security interest in, or place liens on, eggs obtained by such persons by purchase in cash sales or by egg production arrangement, or on inventories of or receivables or proceeds from such eggs or products therefrom, when payment is not made for the eggs and that such arrangements are contrary to the public interest. This section is intended to remedy such burden on and obstruction to commerce in eggs and protect the public interest.

"(b) All eggs obtained by an egg purchaser, by purchase in a cash sale or by egg production arrangement, and all inventories of, or receivables or proceeds from such eggs or products derived therefrom, shall be held by such egg purchaser in trust for the benefit of all unpaid egg producers or suppliers of such eggs until full payment has been received by such unpaid producers or suppliers, unless such egg purchaser does not have average annual value of eggs obtained in excess of $100,000.

"(c) Payment shall not be considered to have been made if the egg producer or supplier receives a payment instrument which is dishonored.

"(d) The unpaid egg producer or supplier shall lose the benefit of such trust if, in the event that a payment instrument has not been received, within thirty days of the final date for making a payment under section 507, or within fifteen business days after the producer or supplier has received notice that the payment instrument promptly presented for payment has been dishonored, the producer or supplier has not preserved his trust under this section. The trust shall be preserved by giving written notice to the egg purchaser and by filing such notice with the Secretary.

"(e) For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.

"SEC. 504. Section 308 of this Act (7 U.S.C. 209) shall be applicable to egg purchasers with respect to transactions in eggs with egg producers or suppliers.

"SEC. 505. Section 406 of this Act (7 U.S.C. 227) shall be applicable with respect to eggs.

"SEC. 506. Section 308 of this Act (7 U.S.C. 228a) shall be applicable to egg purchasers and any transaction in which any egg producer or supplier.

"SEC. 507. (a) Each egg purchaser obtaining eggs from any egg producer or supplier shall, before the close of the seventh business day following transfer of possession of the eggs, deliver, to the egg producer or supplier from whom such egg purchaser obtains the eggs, the full amount due to such egg producer or supplier on account of such eggs.

"(b) Nothwithstanding the provisions of subsection (a) of this section, and subject to such terms and conditions as the Secretary may prescribe, the parties to a purchase and sale of eggs other than under an egg production arrangement may expressly agree in writing, before such purchase or sale, to effect payment in a manner other than that required in subsection (a). Any such agreement shall be disclosed in the records of, and on the accounts or other documents issued, by, any egg purchaser which is a party to any such transaction, relating to the transaction.

"(c) Any delay or attempt to delay, by an egg purchaser which is a party to any such transaction, the collection of funds as herein provided, or otherwise for the purpose of or resulting in extending the normal period of payment for eggs obtained by purchase or egg production arrangement, shall be considered an 'unfair practice' in violation of this Act. Nothing in this section shall be deemed to limit the meaning of the term 'unfair practice' as used in this Act.".

THE SESQUICENTENNIAL OF VERMONTVILLE, MI

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WOLPE. Mr. Speaker, I want to pay special tribute today to the village of Vermontville, MI, on the occasion of its sesquicentennial celebration. It is a special town—its people are warm, good-natured, industrious people, and Vermontville itself has a charm all its own. I've had the privilege of representing Vermontville in Congress for several years now. I have many friends there, and it's always a pleasure going back.

Indeed, a visit to Vermontville is a sweet experience in more ways than one. This is because Vermontville is known widely for its maple syrup. The first settlers in the town learned about maple syrup production from the Pottawatomie Indians. Fortunately for the rest of us, Vermontville residents have been making maple syrup since. Anyone who has tasted pancakes with Vermontville syrup knows one of the exalted experiences in life that defy description. The citizens of Vermontville celebrate their town's best-known product every April, and rightly so. I would advise all the gourmets among my colleagues to settle for nothing less than Vermontville syrup on their waffles. No imitation can compare.

Vermontville has an interesting and, in an important respect, a distinctive history. The town got its name because its original residents were a band of sturdy settlers from Vermont. On March 27, 1836, while still in New

England, they adopted a constitution of the Union Colony and immigrated to Michigan later that year. This constitution was unique: No other town or territory in our history has ever been organized in quite the same way.

The move West was not an easy project. It began in 1835, when a congregational minister from east Poltney, VT, named Sylvester Cochrane traveled to Michigan looking for a site for a permanent community. In April 1836, a month after the constitution was adopted, Waite J. Squier, S.S. Church, and William G. Henry left Vermont with the Union Colony's funds to purchase land for the settlement. Their compatriots followed. Soon after the settlers' arrival, the Congregational Church was organized with Cochrane as pastor.

These early settlers attached great importance to the education of their children, which has become a traditional value of Vermontville. The town's first school, in a modest log schoolhouse, opened its doors in 1838. Another landmark of Vermontville's early days, nearly as significant, was the establishment of the first post office, with Dewey H. Robinson as postmaster.

Vermontville has been going strong for 150 years. There is much in the town's history to be proud of. But this is also a time to celebrate its present and future—the residents who work hard, raise their families, help their neighbors, and contribute to their community. I wish the townspeople, and their children and grandchildren, another 150 years of happiness and prosperity.

THE USTTA REMAINS A VITAL FORCE AGAINST TERRORISM

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BONER of Tennessee. Mr. Speaker, as chairman of the Congressional Travel and Tourism Caucus, I have consistently urged that the United States Travel and Tourism Administration [USTTA] be adequately funded as our Nation's official tourism office overseas. USTTA promotes our country as a tourist destination to international visitors through exciting and innovative programs and by maintaining nine regional offices abroad.

Recently in response to terrorist attacks against Americans overseas, USTTA has taken on a new and added responsibility. The Under Secretary of Commerce for Travel and Tourism, Donna Tuttle, and her staff have quickly responded to an urgent need for the public to be informed about measures instituted by our Government to improve traveler security. USTTA received numerous requests for information about safety conditions abroad from the general public, travel agents and others in the travel industry.

Under Secretary Tuttle called for the establishment of an information clearinghouse to consolidate the various statistics and other material available from the Government, the press and the private sector. This information in turn could be used in discussions between the United States and foreign governments, and as a guide to reacting to further terrorist incidents.

Eric Friedheim, editor and publisher of the Travel Agent magazine, recently wrote an editorial which clearly spells out the crucial role USTTA may play as a liaison between the Government and the American traveler who is trying to determine the risks involved in foreign travel. I believe Mr. Friedheim's article is very timely considering that the administration has recommended eliminating USTTA at a time when it is being called on to perform yet another valuable function.

THE USTTA REMAINS A VITAL FORCE AGAINST TERROR

The latest terrorist incident proves once again why the survival of the U.S. Travel and Tourism Administration is so vital. With the travel industry predictably in shock over the tragedy high above Greece, a responsible and authoritative government voice is sorely needed. Only USTTA is in a position to respond realistically and intelligently to the concerns of the media, the industry and the international traveler.

Tourism Undersecretary Donna Tuttle and her staff have created an effective liaison between the public and private sectors. In fact, it is the only place individuals and organizations can turn to for reliable answers about the terrorism situation and other critical issues.

LOTS OF WATCHDOGS

A number of government bureaus deal with domestic and foreign travel; the Transportation Dept. oversees airlines; two maritime units monitor passenger shipping; passports are issued by the State Dept., and its missions abroad offer assistance to American tourists; Interior controls the national parks; Treasury and Immigration are deeply involved in tourism, keeping an eye on the millions who enter and leave this country each year.

Yet in times of crisis, such as this week's TWA bombing, only the State Dept. can issue travel advisories and offer reasonably valid appraisals and comments. Unfortunately these often are based on policy. The department's officials, while generally knowledgeable about a particular occurrence, often are too remote from the industry and news reporters. Even the White House too often is not the best place to seek information.

On the other hand, USTTA—while not always privy to intelligence available at higher policy levels—has dependable ways to find out what the industry and tourists need to know about a situation critical to tourism.

Nevertheless, the Reagan Administration is out to abolish the nation's official travel bureau and wants Congress to spend $4 million to dismantle it.

If USTTA goes, the industry will be hardpressed to get its story across to a sympathetic ear in the nation's capital.

LOOK AT THE RECORD

On terrorism, for example, Tuttle has done much to establish the Travelers' Security Policy Council, an information clearinghouse.

In addition, foreign governments continually seek USTTA advice on how to improve and develop their tourism industries. Tuttle's policy has been to provide as much assistance as possible since the American travel business has substantial investments abroad and tourism is a two-way street.

On terrorism, she recently told the House Commerce subcommittee:

"I believe that foreign leaders must stand with the United States in its decision to impose economic sanctions against countries which harbor and abet terrorists.

"At the very least, they must reexamine their visa policies and tighten up on entry procedures . . .

"Another step governments should take is to ensure that their agencies charged with traveler safety make available information on travel conditions and security measures being taken.

"Consumers who are uninformed about conditions cannot be expected to make rational decisions about their travel plans. It is not the known that frightens people. It is the unknown."

Meanwhile, USTTA is further demonstrating the benefits of making tourism flow in both directions. The agency is becoming involved in the Caribbean to encourage local governments in building up their tourist trade. Ironically, this program is part of the president's own Caribbean Basin Initiative.

IN THE CARIBBEAN

Though the primary mission of USTTA is to develop inbound tourism. Tuttle notes that if the Caribbean countries improve their financial condition by exporting tourism to U.S. citizens, the American economy will accrue substantial benefits, boosted particularly in Florida and other Gulf states.

It is conceivable Congress will again realize the necessity of USTTA and refuse the president's plea to kill it. But the industry should take no chances. It is a matter of urgency that it resist this shortsighted proposal and mobilize quickly to save an agency so vital to its economic well being.

CALIFORNIA STATE UNIVERSITY AT DOMINGUEZ HILLS: TWENTY-FIVE YEARS OF DISTINGUISHED SERVICE TO CALIFORNIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. DYMALLY. Mr. Speaker, the foundation stones of any great institution are leadership, stability, and vision. California State University at Dominguez Hills has been built on just such foundation stones. Today, in its 25th year of existence, it is among the sturdiest and most productive institutions in the California State College and University System. During the whole of this year the university and its many, many supporters are celebrating those first 25 years and looking forward with relish to the challenges of the next 25.

The astounding growth of the university owes in large part to the three exceptional presidents who have led the university through its first quarter century. Leo Cain, Donald Gerth, and Richard Butwell have each made solid and lasting contributions to the university's development.

Perhaps the most uncertain years for the university were its first ones. Gov. Pat Brown signed the legislation authorizing the new campus in 1960. Money was appropriated to purchase the site in 1962. And in 1962 Dr. Cain was appointed president of the college. With great skill, Leo Cain maneuvered the university through the politically treacherous process of site selection, oversaw the actual

building of the university, and helped to pack up the university and move it from temporary site to temporary site until it found its permanent home on 346 acres of the Dominguez and Carson Estate. That day in June 1967 when William Hart, Pamela Striplin, Othilie Moritz, and Sharon Chambers made up the whole of the first graduating class was a proud day for Leo. His labors had borne their first fruit. Now, more than 18,000 productive citizens of California and the Nation owe their higher education to California State University at Dominguez Hills. Leo Cain's 13 years in the presidency at Dominguez Hills gave the institution the steady, reliable, and wise leadership that was essential to its healthy initial development. Dr. Cain's own professional training was in the field of school psychology. Dominguez Hills' Educational Resources Center is named the Leo F. Cain Educational Resources Center. It is a fitting tribute because Leo's University has become an important educational resource for the State and the Nation.

The steady progress of Dominguez Hills is evidenced by the fact that in 1977, just 2 years after Dr. Donald Gerth assumed the presidency, Dominguez Hills was awarded "State University" status. In California higher education circles, Donald Gerth is regarded as an educational genius. His vision, his sense of what the educational needs of the future will be, and, more importantly, his ability to implement precisely the changes that will meet the needs of the future, have earned him the highest respect among his colleagues. One indication of that vision is the effort Donald made to establish a working relationship between industry and the university. The partnerships he helped establish have benefited Dominguez Hills in readily visible ways. Dominguez Hills, for example, was the recipient of a $3,000,000 gift from the Southland Corp. to build the 7-Eleven Olympic Velodrome on the campus for the 1984 Olympics. The Velodrome was the first of the new facilities built in preparation for the Olympics. A Federal grant won during the same period built the university's swimming pool. A special sensitivity Dr. Gerth brought to the university was a deep understanding of cultural and sociological factors affecting the education of Americans of Asian descent. He is both formally trained in Asian studies and has lived and worked extensively in Southeast Asia. Southern California is a primary settlement area for immigrants of Asian descent, and thanks to Dr. Gerth, Dominguez Hills has been especially well suited to the educational needs of students from the spectrum of Asian backgrounds.

It is fortunate for these students that Dr. Gerth's departure in 1984, after 9 years of exceptional service, to assume the presidency of California State University at Sacramento did not diminish the commitment of Dominguez Hills to its culturally diverse student body. Dr. Richard Butwell, who assumed the presidency in August 1984, is, like Dr. Gerth, a political scientist with special expertise in Asian and Pacific affairs. Given that future trade growth for the United States will concentrate on Pacific rim nations, and given that California is in the best of positions geographically to benefit from such trade, Dominguez Hills' choice of presidents is propitious. I wish Dr. Butwell a long and fruitful tenure as president of Dominguez Hills. His assumption of the presidency coincides with the appointment of W. Ann Reynolds to the chancellorship of the State College and University System. The dynamism these two leaders bring to the university and to the entire system is infectious and bodes well for all higher education in California. The past quarter century has seen California State University at Dominguez Hills grow from idea to healthy reality. Dr. Butwell will lead the university confidently toward the half century milestone. The university has had a glowing history of progress. But to paraphrase our former Governor, President Reagan, If you think the last 25 years were something, well then, stand back because you ain't seen nothin' yet!

NINTH SPECIAL SESSION OF THE UNITED NATIONS COMMISSION ON NARCOTIC DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GILMAN. Mr. Speaker, the Ninth Special Session of the United Nations Commission on Narcotic Drugs [CND] was held in Vienna, Austria, February 10–14, 1986. Prior commitments prevented me from attending this important session, but a copy of my remarks was distributed to those participating. The U.S. delegation was led by Jon R. Thomas, Assistant Secretary of State for International Narcotics Matters [INM], who has recently resigned his post after a year and half of outstanding service in the global fight against drug trafficking and drug abuse.

The other members of the U.S. delegation were: Jerold Mark Dion, Deputy Assistant Secretary of INM; Carlton E. Turner, Special Assistant to the President for Drug Abuse Policy; Advisors Bruce K. Chapman, U.S. Representative to International Organizations, Vienna; James R. Cooper, M.D. Associate Director, National Institute of Drug Abuse; James Ferrer, Deputy U.S. Representative to the U.N. Economic and Social Council; Dianne Graham, INM; Gene R. Haislip, Deputy Assistant Administrator Drug Enforcement Administrative; F. Gray Handley, Jr., Office of Health and Transportation Programs, Bureau of International Organization Affairs, Department of State; Louis Kahn, U.S. Mission to International Organizations, Vienna; Stuart L. Nightingale, M.D. Associate Commissioner for Health Affairs, Food and Drug Administration; Charles Saphos, Criminal Division, Department of Justice; James Shaver, Assistant Commissioner, U.S. Customs Service; and Ray A. Meyer, Office of the Legal Adviser, Department of State.

This year the special session took on added significance. At the request of the U.N. General Assembly in 1985, the special session was charged with the task of acting as the first preparatory conference for the world conference on drug abuse and drug trafficking to be held in Vienna in 1987. This preparatory activity took place during the week of February 17–21.

Two major issues were discussed by the 40-member Commission during the first week: a new convention on drug trafficking and the scheduling of 17 substances into the 1971 Convention on Psychotropic Substances. In regard to the new drug trafficking convention, the Commission adopted a resolution requesting the U.N. Secretary-General to prepare a preliminary draft of such a convention which would include such key elements as the seizure and forfeiture of assets, strengthening national laws and penalties for drug trafficking offenses, and controls on the delivery of precursor chemicals used in the manufacture of controlled substances. The draft proposal will be presented to the CNB at its 32d regular session next year. The resolution specifically requests member country comments on the contents of the preliminary draft by August 15, 1986. The draft will be circulated by October 30, 1986. It is important to note that the U.S. delegation took a key leadership role in organizing a working group to negotiate a final text for presentation to the full CND and seeing to it that all essential elements, even those not supported by all nations, were included in the draft.

The scheduling of 17 substances into the 1971 Convention on Psychotropic Substances followed closely the recommendations made by the World Health Organization [WHO]. The U.S. delegation came prepared to support 10 of the 17 substances recommended by WHO, and to support alternative scheduling controls for the seven remaining substances. While none of the seven U.S. supported alternatives were adopted, it is important to note that CND recommendations in this area have little or no effect on current domestic scheduling requirements.

As previously noted the second week of the CND was devoted to a preparatory conference for the 1987 World Conference on Drug Abuse and Drug Trafficking. Draft rules of procedure were adopted, and following emphasis by the United States, the scope of the agenda will provide for a balanced discussion of all issues including both supply and demand reduction, drug trafficking, treatment, and rehabilitation. It was also agreed that all issues would be addressed from a technical point of view, with no room for politicization or the discussion of extraneous political issues.

Mr. Speaker, my remarks, which were distributed at the Ninth Special Session of the CND, follow:

STATEMENT OF HON. BENJAMIN A. GILMAN, MEMBER OF THE U.S. CONGRESS, AT THE NINTH SPECIAL SESSION OF THE UNITED NATIONS COMMISSION ON NARCOTIC DRUGS, VIENNA, AUSTRIA, FEBRUARY 10-14, 1986

Mr. Chairman, it is a pleasure to once again have the opportunity to present my views to the distinguished representatives of the United Nations Commission on Narcotic Drugs and to share the views of those attending on the critical issues of drug production, trafficking, and abuse throughout the world today. As you know, I participated in the Commission's 31st Session last year, accompanied by the distinguished Chairman of our Select Committee on Narcotics Abuse and Control, Charles B. Rangel. As Ranking Minority Member of the Select Committee I look forward to these meetings, because they afford us the opportunity to assist in

the formulation, development and implementation of strategies for the international control of illicit narcotic drugs.

No nation has managed to avoid the negative consequences of drug trafficking and drug dependency, which is jeopardizing the health of our citizens, and undermining our political, economic and social institutions. In the United States alone drug trafficking has grown to a $110 billion per year business activity, and the worldwide figure is incalculable. The criminal organizations which fuel these operations use their vast profits to produce and supply more and more drugs to unsuspecting and willing victims alike, and further, they use their profits to promote subversion, terrorism, and other criminal activities around the world.

The abuse of cannabis, cocaine, opiates, and other dependence-producing drugs continues at epidemic levels. This abuse has resulted in alarming reports of drug deaths and drug dependencies throughout the world. The number of heroin addicts in Western Europe has been conservatively estimated in the 350,000 range, and in the United States it exceeds 500,000. Opium production in Southeast and Southwest Asia continues at high levels and coca production in South America this year will result in an abudance of cocaine in the United States and Western Europe at greater potency and at reduced prices.

In addition, the ever-growing ruthlessness of the drug traffickers continues to intensify. In February of 1985, a U.S. Drug Enforcement Administration (DEA) agent was kidnapped and brutally murdered along with his Mexican pilot. In Bolivia, narcotics police have been tortured and killed and a recent siege of the Palace of Justice in Bogota, Colombia, by a terrorist organization seeking to destroy papers relating to extradition requests for known drug traffickers resulted in the deaths of over 100 people, including many Colombian Judges. In Peru, 19 eradication workers were murdered.

Despite all the news, there are increasing signs of hope, and I firmly believe that we meet at a time of great opportunity in the war against narcotics trafficking and abuse. Political stability, as well as any form of economic social order cannot co-exist with narcotics trafficking and rampant drug abuse. There is increasing evidence that traditional producer and trafficking nations are beginning to realize that their activities are coming back to haunt them. Under the leadership of a new and dynamic President, Peru has undertaken strong enforcement and eradication efforts. They have joined with neighboring governments and destroyed numerous cocaine production laboratories and airstrips. Colombia continues the strong enforcement efforts it initiated after the tragic 1984 murder of their Minister of Justice. Pakistan is currently working closely with a number of governments to reduce opium cultivation and herion processing, and the Government of Burma has outlined a comprehensive policy of opium eradication, the development of income alternatives for farmers, and provision for prevention and treatment programs for abusers.

These are but few of the positive signs I can point to. What is clear, however, is that if these actions are to be sustained, the close cooperation and financial support of the world community is essential. Since 1971, the United Nations Fund for Drug Abuse Control (UNFDAC) has sought to work closely with producing nations, to develop and finance eradication, and crop substitution programs through the contributions of U.N. participating nations. While they have done outstanding work with available funds, it is clear that financial support will have to be expanded and intensified. In spite of the vital role played by UNFDAC, only $70 million was contributed to the Fund from its inception in 1971 to the end of 1983. In 1984, only 39 of the 159 member nations of the United Nations contributed less than $12 million to the Fund. As of August 31, 1985, (the latest available figures for that year) only 41 nations or 25 percent of the United Nations membership contributed $15.6 million to the U.N. Fund. Given the billions of dollars reaped by the drug traffickers annually for their illicit activities, it is no wonder that our task has been viewed by some as nothing less than insurmountable. I call on all of the delegates to increase their commitment to UNFDAC, and to join in this urgent fight. The recent Interim Report of the United Nations Fund for Drug Abuse Control warns, in clear and forceful terms, that:

"An important moment of decision has been reached: if the international community does not persist in sustaining the present trend of increasing its financial and political support to UNFDAC, the unfulfilled expectations will become painful frustrations and perhaps even despair and resignation. The battle may be irrevocably lost. In contrast to this, with that strengthening of its financial resources to enable the launching of new projects at the points of most urgent need, UNFDAC could complement the work already in progress and reinforce the efforts of the developing countries, thus allowing them to join fully in the common front in the struggle against drug abuse, and drug traffic."

I urge of us to heed these words and to accept the challenge presented to us.

Finally, I would be remiss if I failed to mention the two recently adopted United Nations General Assembly Resolutions dealing with illicit narcotics. The first calls for the convening of a World Conference on Drug Trafficking in 1987. The Conference will be a key catalyst in raising international awareness and sensitivity regarding the problems of illicit drug trafficking and abuse, and I applaud the Secretary General for initiating this action. We wish the Commission every success as the preparatory body for the Conference. Second, the Commisison has been charged with deciding on the elements that will be included in the proposed draft convention against narcotics drugs and psychotropic substances recently passed by the General Assembly. Many nations have sustituted their views to the Secretary General on what they believe should be included, and I look forward to your recommendations in this most important process.

It is clear that these actions serve the critical purpose of raising the priority of narcotics control in our foreign policy initiatives, as well as increasing the awareness of the narcotics problem throughout the international community. No one nation acting alone can solve the problems that we face. Coordination and cooperation are the essential ingredients in the war against narcotics trafficking and abuse. There can be no weak links in this chain. The failure of any one nation to cooperate can mean failure for *all* of us. I urge you to join in this effort not only for the future of our laws and institutions, but for the future of our youth and the very fabric of all societies.

A BOOST OF THE MINIMUM WAGE IS OVERDUE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. HAWKINS. Mr. Speaker, 9 years have elapsed since the Congress considered legislation to adjust the Federal minimum wage rate, and it has been 5 years since an estimated 6 million minimum wage workers received a wage increase. In addition to having borne the brunt of the big budget cuts of 1981 and the ravages of the ensuing recession, the working poor have been deprived by inflation of the full purchasing power of their meager wages. Since 1981, the last year of the minimum wage rate adjustments, there has been a 25-percent inflationary erosion of the real value of the minimum wage. It is time to address the economic plight of minimum wage workers in a meaningful manner. It is time to raise the minimum wage. With these concerns for the working poor in mind, I recommend to my colleagues the following policy statement of the National Council on Employment Policy. The council is a private, nonprofit organization of academicians, administrators, and policymakers with special interest and expertise in the area of employment and training.

The policy statement follows:

A BOOST OF THE MINIMUM WAGE IS OVERDUE

Since 1938, the federal government has maintained a floor under wages in order to guarantee a minimal socially acceptable standard of living for all protected workers. This floor has helped the working poor and has provided additional income to others with little bargaining power in the labor market. Despite these accomplishments, the need for an effective minimum has been ignored since 1981. The federal minimum has remained at $3.35 an hour; after adjusting for inflation, the value of the minimum hourly wage rate has declined by 26 percent since January 1981 and is now at its lowest real level since 1955. We believe the minimum wage should be restored to its traditional position and, in order to prevent future erosion, the minimum wage should be indexed to changes in the average private hourly wage rate.

BACKGROUND

Wages have been regulated throughout history either by custom or law. The need for strong governmental wage and hour regulation in the United States became clear at the turn of the 20th century as workers streamed from rural to urban areas to work in the expanding manufacturing sector, while immigrants flocked in from other lands in search of a better life. Men, women, and children often worked long hours for little pay.

The Fair Labor Standards Act of 1938 (FLSA) set a national wage standard for the first time in American history; it established a minimum hourly wage rate of 25 cents to be raised in steps to 40 cents seven years later. Since then, Congress has increased the minimum wage level on six occasions sometimes providing for a series of increases. The latest round of minimum wage amendments occurred in 1977, raising the hourly rate by steps to $3.35 in 1981.

The 1938 act covered only one in every four workers. Ensuing amendments to the FLSA have expanded coverage and over 90 percent of private nonsupervisory employees are now subject to minimum wage laws. Over 10 million workers are excluded from the protection of the federal minimum wage law, excluding six million employees in service and retail; 1.2 million in finance, insurance and real estate; 938,000 in agriculture, and 525,000 in private households.

The Bureau of Labor Statistics estimated that in 1984 the earnings of roughly 8 million salaried and hourly workers were at or below the minimum wage level. Six million more received wages just above this level.

Using 1978 Current Population Survey data, the Minimum Wage Study Commission found that 42.5 percent of workers from impoverished families were employed at or below the minimum wage. However, roughly three-quarters of all minimum wage workers live in families with income well above the poverty line.

TABLE 1

Family income	Percent of employed workers at or below minimum	As percent of all minimum wage workers
Total	13.2	100.0
Below poverty	42.5	10.9
100 to 124 percent of poverty line	32.9	6.9
125 to 149 percent of poverty line	29.3	7.4
150 percent plus of poverty line	11.0	75.3

Half of the minimum wage workers are 25 years or older. However, the young are disproportionately represented among minimum wage workers. Over three-fifths of minimum wage workers are women.

TABLE 2

	Percent of minimum wage workers	Percent of all workers
Teenagers	30.2	6.8
20 to 24 years old	22.5	14.8
25 years and older	47.3	78.4
Women	62.6	45.7

Almost three-quarters of minimum wage workers are concentrated in the service and retail trade industries. Three of every four private household workers earn the minimum or less and one of every three service workers (other than private household) is employed at or below the minimum, as are nearly half of all farm laborers and one in five of all sales workers.

EROSION

By any measure, the minimum wage now provides less protection than it has in many years. The statutory hourly wage rate rose in real terms until 1968, then stabilized in the 1970s and has fallen sharply since 1979. The real wage is now 20 percent less than it averaged in the 1970's and is a third less than it was at its peak in 1968.

In the 1950s and 1960s, Congress set the minimum at roughly 50 percent of the average wage in private industry, while in the 1970s the targeted level dropped somewhat. Due to the failure to raise the minimum wage since 1981, its level has slipped below 40 percent of the average hourly wage in private, nonagricultural employment for the first time since 1949. A minimum wage of $4.37 per hour would be needed to restore it to 50 percent of the average private wage.

The current minimum wage of $3.35 per hour provides a full-time full-year worker with an annual income of $6,964. A worker with no dependents working at the minimum wage would earn more than the poverty threshold, while a worker with two dependents earning the minimum wage would remain substantially below the poverty line. The current poverty threshold for a family of three is $8,900, requiring full-time/full-year work at a wage of $4.28 per hour.

The minimum wage has not always been so low relative to the wages necessary to bring a family out of poverty. Throughout most of the 1960s and the 1970s, the minimum wage was sufficient to bring a family of three out of poverty. Today, contrary to popular perception, many work full-time but because of low wages, fail to escape poverty. Of the 22.2 million people over age 15 counted among the poor in 1984, 9.1 million worked. Almost 2.1 million worked full-time/full-year and were still unable to escape poverty, including 1.2 million who were heads of households. Millions more live in these impoverished households. Raising the minimum wage would be a direct way to help the working poor without raising the federal deficit.

EFFECTS

The minimum wage law is a statement by society that certain work conditions are unacceptable. Most Americans work in labor markets that offer protection against undesirable work conditions, but millions work in secondary labor markets characterized by unstable, low-wage employment. These workers have little clout in the marketplace and need the protection of government to bring their work conditions up to socially acceptable minimal standards.

Over the years the main objection to the minimum wage has been that it reduces employment opportunities. Arguing that almost any job is better than none, opponents tend to ignore the salutary impacts of the federal government setting of a floor on wages, specifically, its beneficial income effects.

The minimum wage, not surprisingly, has its largest employment effect on industries with a high proportion of low wage workers. It also has a large influence on the employment of youth. The 1980 Minimum Wage Study Commission estimated that a 10 percent increase in the minimum wage decreases teenage employment by about 1 percent. The effect of a minimum wage increase on teenage employment would vary, of course, with economic conditions and demographic trends.

There is little consensus on the effects of the minimum wage on overall adult employment, although it is clear that the adult labor market is not as sensitive to minimum wage changes as is the youth labor market. This is true both because youth workers are likely to be laid off before adult workers and because a smaller proportion of adults work at the minimum.

The income effects of the minimum wage are as important to consider as the employment effects, yet much less analysis of the former has been undertaken. Existing evidence, however, does indicate that the minimum wage has boosted the income of millions of low wage workers, and the net effect is especially positive for adult females.

In 1981, when the hourly minimum wage was raised from $3.10 to $3.35, the Department of Labor estimated that the aggregate increase potentially amounted to $2.2 billion annually, and that 5.5 million workers were eligible to receive raises. Effects in other years were also sizable. The 1978 wage increase potentially benefited 4.6 million workers, with a jump in total wages of $2 billion; in 1974, 4.2 million workers potentially received an additional $1.9 billion.

For many individuals and families, the higher wages that result from the mandated minimum are of undeniable benefit. The wage floor has helped some escape poverty and has lessened its severity for others. For those minimum wage earners above the poverty line, the extra income also can be essential. A teenager trying to earn money for school can benefit greatly, as can a multi-earner family that may be trying to scrape together enough money to purchase more than the bare necessities.

As the minimum wage is raised, the employment loss increases, as does the income gain of those who keep their jobs. The task for Congress is to strike the right balance between providing a reasonable wage floor and minimizing loss of jobs. Currently the minimum is too low to optimize its income effect.

In addition to providing a floor on wages for secondary labor market workers, minimum wages may help employers. The higher costs may induce them to provide training to employees in an attempt to boost productivity, or they may organize the production process more efficiently.

The minimum wage also reinforces the work ethic by providing an incentive for people to work rather than depend on welfare. Few would disagree that work should pay more than welfare. When individuals earn some income instead of relying entirely on government support, they benefit from the satisfaction of helping themselves, and their possibilities for future advancement are enhanced. Society benefits both from the increase in output and the reduction in welfare cost.

The minimum wage has little impact on overall economic conditions. The economy has prospered since minimum wage laws were enacted and there has been little noticeable effect on unemployment after each boost in the hourly rate. In the 1950s and 1960s, when the minimum wage rose in both real and relative terms, the unemployment rate remained low. In the 1970s and early 1980s, the wage floor eroded but this has not prevented rising unemployment. Unemployment rate trends reflect factors other than the minimum wage.

Finally, opponents argue that the minimum wage boosts inflation. Since however, the vast majority of workers earn considerably more than the minimum, the proposed changes would have a small, if any, effect on the inflation rate. Moreover, it is unfair to ask workers who earn the minimum wage to shoulder a disproportionate financial burden in the fight against inflation.

A DUAL MINIMUM WAGE

In recent years the youth unemployment rate has exceeded the overall unemployment rate by a factor of two and one-half. In 1985, for example, the teenage unemployment rate averaged 18.6 percent while the overall unemployment rate averaged 7.2 percent. Unemployment among black teenagers is an even more severe problem, averaging 40.2 percent in 1985.

A lower or subminimum wage has been proposed to increase youth employment. In fact, since 1961, employers have been able to secure Department of Labor certification to hire full-time students at 85 percent of the minimum wage as long as the students work less than 20 hours a week while attending school and if they are enrolled in a cooperative education program in fiscal 1985, an estimated 195,800 students were hired under this program.

The Reagan administration has proposed a further "youth opportunity wage" equal to 75 percent of the minimum wage that would apply during summer months. The proposal has drawn support not only from business but also from some minority groups and big city majors. The argument advanced in support of the lower minimum is that it would induce employers to hire more teenagers, thus providing them with the chance to break into the labor market. The Department of Labor has claimed that the proposal would create 400,000 jobs.

There are a number of potential problems with a dual minimum wage. The most serious would be the potential substitution of teenagers for adult workers. The Minimum Wage Study Commission, which opposed a youth subminimum wage, estimated that a 75 percent minimum would create 400,000 to 450,000 jobs for youth but would displace 50,000 to 150,000 adult workers. The commission noted that its displacement estimate is low because its analysis implicitly examined the possibility of youth replacing average adult workers instead of examining the more likely effect that adult workers earning the minimum wage or slightly higher would be displaced.

Second, the estimates for job increases are based on questionable assumptions about labor market operations. The results of wage subsidy programs such as the Targeted Job Tax Credit—which provided a 50 percent tax credit on the first $6,000 annual wages paid to disadvantaged youth and other targeted populations—have not been encouraging. In particular, the subminimum wage may not generate many new jobs if the labor market remains slack. Labor demand is not very responsive to a change in wages under such conditions.

Third, youths who need the jobs the most—those who have had trouble breaking into the labor market—are least likely to benefit from a lower minimum wage. They lack basic job skills and tend to live in areas with severe job deficits where business expansion is unlikely. They need to master the 3 R's and require specialized programs, such as the Job Corps, to prepare them for the job market. Finally, many teenagers who might have been hired at the established minimum wage would lose income if hired at a reduced minimum wage.

In short, a dual minimum wage may increase employment for teenagers as a group, but would raise serious equity concerns by doing so at the expense of increased adult unemployment and by not addressing the needs of poor youth. The focus on the merit of a subminimum wage has also preempted discussion of the sharp fall in the minimum wage since 1981.

Given the adamant administration opposition to boosting the minimum wage and its persistent advocacy of a dual wage, there is room for a trade off to break the current impasse between proponents of a higher minimum wage and the administration position. One approach would be to raise the minimum wage for adults but to exempt teenagers from the required raise.

TO REGAIN AN EFFECTIVE MINIMUM WAGE

In the absence of any action, the current federal minimum wage is becoming increasingly obsolete. Three states and the District of Columbia now have hourly minimum wage rates in excess of $3.35. If Congress does not act during the balance of the Reagan administration, the real value of the minimum wage is likely to decline by another 12 percent, assuming an annual inflation rate of 4 percent. Under these conditions it will become more difficult to restore an effective minimum wage to protect low wage earners.

In order to restore the minimum wage to a reasonable level, we propose that the minimum wage be raised annually by 5 percent in addition to increases in cost of living. These boosts should continue until the statutory minimum hourly rate equals half the average rate of nonsupervisory workers in private industry.

No matter how it is raised initially, the minimum wage should be indexed to changes in the average private hourly wage. This would prevent the erosion of the wage floor that has occurred during the last five years and which also occurred at other junctures in the past few decades. Indexing would make it easier for business to adjust to regular small increases in the minimum wage. It would also be easier for the working poor to cope with the rising cost of living.

Steps should also be taken to review current exemptions from the minimum hourly rate to ensure that the law protects more employees.

Last, Congress should also review current enforcement procedures to ensure that the law is properly enforced. Weak enforcement has been a continuing problem, and has been exacerbated by personnel cutbacks of 15 percent and a less sympathetic administration.

Together, the above changes would return the minimum wage to a reasonable level. Indexing would insure that it stays at such a level and gaps in coverage would be filled. Some fifty years after the passage of the first federal minimum wage law, these changes would help guarantee a wage that will encourage and make it possible for the poor to work their way out of poverty and, in the process, reduce their dependence on welfare. It would also raise the income of millions of other Americans and would reaffirm our society's commitment to the value of work.

NATIONAL CONFERENCE ON COMPETITIVENESS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WOLPE. Mr. Speaker, this past weekend, with 11 of my congressional colleagues, I participated in a National Conference on Competitiveness cosponsored by the Northeast-Midwest Congressional Coalition, the Business-Higher Education Forum, and the Congressional Clearinghouse on the Future. This conference demonstrated clearly the level of concern the leaders of our business and higher education sectors have about declining U.S. economic competitiveness, and their determination to work with Members of Congress to do something about it.

As cochair of the coalition with my esteemed colleague from New York, Mr. HORTON, I want to stress the importance of the process that was followed leading up to this conference—a process that bridged the political and ideological differences that otherwise might separate the participants. The conference focused on those measures on which consensus could be reached—measures that would enhance our competitive posture in concrete, effective ways. FRANK HORTON and I believe it is vital that we pursue the agenda established at the conference, and that the coalition should continue in the leadership role it already has established on this issue.

I would like to introduce into the RECORD the comments FRANK HORTON and I offered to open the conference. These comments better explain the background of the process and identify the congressional participants. Representative HORTON's comments also establish a clear context for the importance of a cooperative effort to attack our competitiveness problem.

OPENING COMMENTS OF REPRESENTATIVE HOWARD WOLPE, NATIONAL CONFERENCE ON COMPETITIVENESS, APRIL 18, 1986

I want to welcome all of you to this National Conference on Competitiveness. First let me thank the members of the joint steering committee who have guided this process for the past year and a half. Ruben Mettler of TRW and Bob Edgar of Pennsylvania has co-chaired the effort to bring the groups together to work on common concerns. Participants from the Forum included Doug Danforth of Westinghouse, Bob Rosenzweig of the American Association of Universities, Frank Rhodes of Cornell, and David Saxon of MIT; members of Congress who participated including Claudine Schneider of Rhode Island, who is a member of the executive committee of the Northeast-Midwest Congressional Coalition and Buddy MacKay of Florida, a leader of the Sunbelt Council and the Congressional Clearinghouse on the Future. Their combined vision and practicality produced this extraordinary collaborative process.

Of course, we owe a lot to Father Ted Hesburgh of Notre Dame, who chaired the Forum during the first year of this effort and gave it a strong push; and to Ed Donley of Air Products and Chemicals, the current chair, who has participated extensively.

This really is a special occasion. We have with us this weekend leaders of most of the national organizations involved in the effort to enhance our nation's competitiveness: the foremost higher education associations—the American Council on Education and the American Association of Universities—and the top business groups—the Business Roundtable, the Chamber of Commerce, and the National Association of Manufacturers. In fact, Ed Donley this year is president of the U.S. Chamber as well as chair of the Forum, which gives him another pulpit from which to preach the competitiveness gospel.

And from the Congress, in addition to Claudine Schneider and Buddy MacKay, we have Representative Horton, a 23-year veteran of the House, my co-chair of the Northeast-Midwest Congressional Coalition, and the senior Republican on the House Government Operations Committee;

Senator Jeff Bingaman, who chairs the Senate Democratic Working Group on Economic Competitiveness;

Representative Don Baker, chairman of the Foreign Affairs Subcommittee on International Economic Policy and Trade, of the House Export Task Force, and of the House Democratic Trade Task Force;

Representative Don Ritter, co-chair of the Republican Task Force on High Technology Initiatives;

Representative Stan Lundine, who chairs the House Task Force on Industrial Innovation and Productivity and the Banking Subcommittee on International Development Institutions and Finance;

Representative Sandy Levin, who chairs the Democratic Task Force on Employment and Training;

And Representative Nancy Johnson, Ron Packard, and Pat Schroeder, who have been pursuing these same concerns through major committees like Public Works, Science and Technology, and Armed Services.

To make sure that those members of Congress who have participated in the process leading up to this conference but could not be here this weekend are kept in the loop, I would like to invite the leaders of the higher education and business organizations to a breakfast the Coalition will host when the report from this conference is published. That should be an excellent opportunity to give our effort an added push.

At this point let me thank the staffs of the Business-Higher Education Forum, the Northeast-Midwest Congressional Coalition, and the Congressional Clearinghouse on the Future for the hard work they have put in organizing this event for us.

All three of these organizations are unique in their own way. But even more unique is the notion that chief executives of our leading corporations, heads of colleges and universities, and members of Congress from both parties could recognize their common interest in the nation's competitive posture and organize a process, not simply to generate another report, but to devise an action agenda to which they would commit themselves. I doubt that there is a peacetime precedent for such an effort.

Those of us in the Congress who have been active in the Northeast-Midwest Congressional Coalition know how important a cooperative approach is in addressing difficult economic problems. For the past ten years our region—which includes all the older Northern industrial states—has been going through a dramatic economic shift. Increasingly, members of the Coalition have realized that we must respond to the global forces that are causing economic distress and dislocation—but we must do so in very specific terms. This requires flexible federal policies that are targeted to those places and people who need the most help adjusting to economic change. By following this guideline, the Coalition has carved out an important role on issues like economic development, energy, tax and budget policy, and employment and training.

This is one reason collaboration between members of Congress and leaders of corporations and academic institutions on the issue of competitiveness is so valuable: Your insights and priorities can help us make better policy. At the same time, of course, we can help the private and education sectors identify those actions they can and should take on their own.

A year ago January, almost 30 members of Congress—from all regions and both parties—attended the initial joint meeting with the Forum in Scottsdale, Arizona. There we held an initial set of discussions to identify those areas related to U.S. economic competitiveness where our interests joined. The subsequent meetings we held in Cambridge, Pittsburgh, and Palo Alto helped further narrow the focus of our concerns. Each of these drew excellent representation from the business and higher education communities and from members of Congress.

Even before formal adoption of any of the recommendations developed at the regional meetings, this relationship has paid off in a number of ways. Since our meeting in Scottsdale, two delegations of Coalition members have visited Japan for discussions on trade and other issues related to competitiveness. On one of those trips they were joined by Frank Rhodes and David Saxon. Both delegations received a great deal of planning and logistical support from TRW's offices in Washington and Tokyo.

Besides the knowledge they gained, members identified specific areas on which to work. For example, Sandy Levin and Marcy Kaptur have led a drive to open the Japanese market to American auto parts. In fact, Marcy became famous in Japan as the woman who carried a sparkplug—an American-made sparkplug—with her wherever she went.

As a result of their efforts, Japanese companies decided to participate in an auto fair held in Chicago shortly after their trip. Sandy and Marcy also hosted a conference on trading with Japan for automotive product manufacturers that was attended by executives from almost 100 American companies. Every major Japanese auto firm sent representatives to the conference, which was sponsored by the Coalition and carried out with financial support and a great deal of staff assistance from TRW.

On top of all that, we learned last week that—at least partly at the Coalition's urging—auto parts almost certainly will be included in the next round of MOSS talks between the U.S. and Japan.

Let me close by saying that with this record of action and success, we come to this conference in a very optimistic frame of mind. We believe the recommendations we make here will be enacted—that they will increase the competitiveness of American industry and enhance the contribution of our college and universities.

Of course, that will require continued effort from all of us. But the excellent work we've done over the past year and a half has laid the necessary foundation. Now we just need to build on it.

OPENING REMARKS OF REPRESENTATIVE FRANK HORTON, NATIONAL CONFERENCE ON COMPETITIVENESS, APRIL 18, 1986

I want to thank the members of the Northeast-Midwest Congressional Coalition, the Business-Higher Education Forum, and the Congressional Clearinghouse on the Future for convening this National Conference on Competitiveness.

Since 1962, when I was first elected to Congress, we have seen dramatic changes in the American economy—changes that have posed enormous challenges for our political system. Government policies in relation to those changes have not kept pace. Neither Congress nor the executive branch has dealt well with the "internationalization" of the economy, or its harmful effects on various regions of the country. Only recently did we realize that much of American industry had ceased to be competitive; that the jobs and markets we had lost might never be regained; and that the future would bring much of the same.

Our domestic economy increasingly is being influenced by decisions made elsewhere around the world. Beginning with the 1973 OPEC oil embargo, we learned the hard way just how closely our domestic economy and foreign policy were intertwined. Now, we are much more aware that what we usually think of as domestic economic decisions—on interest rates, taxes, and the deficit—reverberate around the globe. They shape the economies of other nations as well as our ability to achieve international objectives.

We in Congress are engaged in much debate over issues relating to those points at which the domestic and international economies intersect. The price of oil, the value of the dollar, trade policy, the health of the banking system, the farm crisis—these are issues that go beyond our borders.

Those debates have been characterized by deep ideological and political differences. That is why our efforts here this weekend are so important. This joint project has involved Republicans and Democrats, moderates, liberals, and conservatives. We are joined in a consensus-building process with leaders of major corporations and academic institutions. By focusing on those areas where we can *reach agreement* and *take action*, we will be bridging gaps that have separated us. And we will be doing it in the national interest.

If this process works—and the Coalition is committed to making it work—it will be a significant step toward a better integration of our domestic and foreign economies.

DOLLARS FROM HEAVEN

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. NELSON of Florida. Mr. Speaker, Paul Harvey recently prepared a news article titled "Dollars From Heaven." This article highlights some of the many, many technological advances and achievements which the citizens of the United States enjoy today as a result of the past quarter of a century of investment in space. As we contemplate the future direction of our investment in space, and measure our commitment to the future in terms of fiscal year 1987 budget dollars, I strongly urge all of my colleagues to read Mr. Harvey's article, and to remember the message which it offers.

DOLLARS FROM HEAVEN

While future space probes are on hold . . .

While Americans are contemplating the risks involved . . .

Seems a good time to audit some of the stardust we've harvested.

The Statue of Liberty began crumbling during its first hundred years because the steel skeleton was rusting away.

The rehabilitated Statue of Liberty will be protected against such degradation by a protective coating known as IC 531—a spinoff product from aerospace research.

And it is available already for you and me to use to rustproof whatever.

Your bowling ball will be more precisely top-weighted because of an Exactratron process developed for interplanetary spacecraft.

For farmers—using oil or gas to blow-dry crops is costly and tedious.

Space research has taught us a drying process, akin to microwave, applicable for drying agricultural products including wheat and corn but also prunes and raisins—cleanly, quickly and at less cost.

Most lightplane accidents result from a "stall." That will be a lesser hazard from now on because of a "glove" mounted on the outer portion of the leading edge of each lightplane wing.

NASA research taught us that. And a lot of lightplanes which would have crashed—won't.

Industry strips wire less tediously, using a laser to melt away insulation. You get the benefit; NASA deserves the credit.

Teflon is something that happened on our way to the Moon—and ceramics, tough enough for a stove top.

Most modern better-than-ever cameras and flashlights were developed for spacecraft.

NASA taught us to machine monel, so your kitchen faucet will be better and cost less.

While much of the technical fallout is too complicated to describe in lay language, there is enough of it to ascertain that every dollar we have spent on space research has profited us seven.

Plus medical benefits beyond price: Nuclear magnetic resonance for scanning the inner workings of your body without opening you up.

A new portable heart monitor, improved eye examination techniques, microbe detectors, bone analyzers. In a zero gravity environment we learned cheaper methods of treating burns, blood clots and diabetes.

The western world was first explored by conquistadores seeking "gold"; they found little.

In our quarter-century of exploring beyond the beyond we have harvested riches beyond their wildest imagining.

A TRIBUTE TO LT. COL. EUGENE C. CHANDLER

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. DYSON. Mr. Speaker, it comes as a great honor for me to pay tribute to a gentleman whose courage, charisma, and compassion has won him the love and respect of both the military and civilian communities. I speak of Lt. Col. Eugene C. Chandler, who will be honored in Maryland's First Congressional District this Sunday, April 27, 1986, by the Union Methodist Church at the Aberdeen Proving Gounds.

When I look at Colonel Chandler's extraordinary portfolio of accomplishments, I see a man who transcends the common bounds of patriotism and brotherhood. At every step, Colonel Chandler has remained steadfastly committed to upholding and promoting the American rights of freedom and equality; whether it be defending our flag in far-off lands or defending racial equality right here in the United States.

Colonel Chandler's storied military career spanned more than two decades. Upon graduation from college in 1951, Eugene Chandler received and completed the basic infantry officers course at Fort Benning, GA. Subsequently, he completed the artillery battery officers course at Fort Sill, OK; the airborne and ranger courses at Fort Campbell, KY; and graduated from the Command and General Staff College in 1965.

During his period of active duty, Colonel Chandler served heroically as platoon and company commander in Japan and Korea in 1953–54; adjutant of the 101st Airborne Division at Fort Campbell, KY; the 25th Infantry Division in Hawaii; the Military Assistance Command as advisor to the Republic of Vietnam; chief of personnel and services of the Field Artillery Board at Fort Sill, OK; and equal employment manager of the U.S. Army Test and Evaluation Command at the Aberdeen Proving Grounds.

Among the many decorations accorded Colonel Chandler during his brilliant military career are the Legion of Merit, the Bronze Star, the Air Medal, the Army Commendation Medal, the Combat Infantryman's Badge, the Parachutist Badge, and the Vietnamese Honor Medal First Class.

If Colonel Chandler's military accomplishments are impressive, his civilian achievements have been extraordinary. Since his retirement from the military in 1971, the colonel has been the recipient of a staggering array of awards for his work in the community: Department of the Army Certificate of Achievement, 1974; listed as 1 of 20 outstanding graduates by the Agricultural and Technical State University of North Carolina, 1976; Community Service Award from the Harford County Branch of the NAACP, 1977; Department of the Army Certificate of Achievement, 1979–84; letters of commendation from the Boy Scouts of America, 1984; letter of commendation from the United Negro College Fund, 1984; Southern Poverty Law Center Certificate, 1984; Department of the Army Commander's Award for Civilian Service, 1984; 1985 Career Service Award from the Baltimore Federal Executive Board; NAACP President's Award, 1985; and the Army Material Command Action Award, 1985.

Colonel Chandler is truly a man of remarkable achievements. His tireless and, indeed, endless efforts to improve the lot of those around him serves as a tremendous inspiration to all that know him. It can well be said that it is people such as Eugene Chandler who represent the essential fiber that binds this great Nation together in a time of world unrest.

So, Mr. Speaker, I proudly salute Col. Eugene Chandler, who stands as source of great pride to his family, community and Maryland's First Congressional District.

A TRIBUTE TO MERRITT W. SPRAGUE, MANAGER OF FEDERAL CROP INSURANCE CORPORATION

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. EVANS of Iowa. Mr. Speaker, Merritt W. Sprague of Illinois, will depart in a few days from his post as Manager of the Federal Crop Insurance Corporation to return to his Pike County, IL, farming operation. As he completes his tenure as Manager of a most difficult program, it is appropriate that we look at accomplishments during his tenure as Manager.

Based on premium volume between 1948 and 1984, my home State of Iowa has been the second largest user of this form of insurance. I know many farmers who are still in business today because they had the good sense to buy crop insurance.

Mr. Sprague came to Washington, DC, from Illinois where he grew corn, wheat, and soybeans on 2,000 acres and annually marketed 5,000 hogs. He also served as the Illinois State Chairman of Agricultural Stabilization and Conservation Service from 1973 to 1977.

In Washington, Mr. Sprague served as Deputy Administrator for Commodity Operations at Agricultural Stabilization and Conservation Service beginning in March of 1981. While there he was responsible for the administration of the Milk Price Support Program, management and storage of all Commodity Credit Corporation owned inventories—dairy products, food and feed grains, and sweeteners—and procurement and transportation for Public Law 480, title II programs.

Passage of the Federal Crop Insurance Corporation Act of 1980 as a replacement for our annual disaster programs overnight obligated the Corporation to move from being a limited pilot insurance program to becoming the primary form of Federal disaster protection for farmers. Between 1980 and 1982 when Mr. Sprague assumed the leadership of the Corporation, five different persons served as Crop Insurance Corporation Manager.

The results Mr. Sprague and the FCIC achieved in a short period of time are significant. Under his leadership, FCIC developed and fully implemented a production-based guarantee program, which makes crop insurance attractive for our Nation's most productive farmers. County programs increased almost 300 percent, from 4,629 in 1980 to 18,892 in 1985. Acres insured, insurance in force, and premium income also increased dramatically. In 1980, there were 26.6 million acres insured compared with 48 million for the 1985 crop year. Insurance in force increased for the same period from $3 billion in 1980 to over $7 million in 1985. Premium incomes increased from $158 million in 1980 to over $440 million in 1985.

Clearly there continue to be major problems facing our Federal Crop Insurance Program, but to achieve these kinds of results while American agriculture is going through some wrenching adjustments requires solid leadership. We all owe Mr. Sprague a debt of gratitude for his dedication and commitment to American agriculture and the crop insurance program and to wish him well as he leaves Government service to return to his farm.

STATEMENT TO ACCOMPANY INTRODUCTION OF BILL TO REPEAL NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing a bill to repeal Public Law 95–63, the National Advisory Committee on Oceans and Atmosphere [NACOA] Act of 1977.

This bill deauthorizes NACOA, terminating it on October 1, 1986. This action is both necessary and timely given the administration's continual failure to recommend support for NACOA and the growing dissatisfaction of Members of Congress with the committee.

The original concept of an advisory committee on oceans and atmosphere was developed in 1969 by the highly respected Commission on Marine Science, Engineering and Resources—Stratton Commission. The Commission recommended that a committee be formed by Congress "to examine marine science affairs and to develop a national strategy for a well integrated, centrally coordinated program." Later, the NACOA Act of 1977 more specifically mandated that the committee review national coastal and ocean policy and programs, and advise the Secretary of Commerce on the programs of the National Oceanic and Atmospheric Administration [NOAA].

At present, NACOA's attempts to carry out these functions have been severely hampered by both internal and external factors. Internally, expertise in disciplines of marine and atmospheric science is severely under-represented by NACOA's membership. Furthermore, the relationship of NACOA to the National Oceanic and Atmospheric Administration as defined by NACOA's charter leaves doubt as to whether it can function as a truly independent entity. These deficiencies have incurred public criticism and have raised serious doubts about the credibility of this advisory body.

Externally, NACOA has not had the support of the administration. For the last 4 years, the President's budget has proposed to terminate NACOA. Meanwhile, congressional support has been diminishing with ever increasing budgetary pressures and a continuing concern was aroused further with the President's unsuccessful attempt to nominate Anne Burford to be chairperson of NACOA in 1984.

In my view, the major deficiencies of the committee are largely due to the unsatisfactory process for appointment of members, its apparent lack of structural and budgetary independence, and inadequate financial support for its mission. Although NACOA is a Presidential and congressional advisory committee, all 18 members are appointed by the President with no congressional input. In the 98th Congress, the House twice attempted to rectify this situation through passage of legislation to create a National Ocean Policy Commission. More recently, informational discussions have been held on a reconstituted NACOA.

In introducing this legislation, I want to make clear to my colleagues that my dissatisfaction is with the current structure of NACOA. It is not intended to reflect negatively on any current or past members of NACOA or on the hard work and good intentions of its staff. In past years, NACOA earned the respect and confidence of the Congress, the administration, and the scientific community under the leadership of John Knauss, dean of the Graduate School of Oceanography at the University of Rhode Island. In the last 2 years, John Flipse, associate dean at Texas A&M University, has done a commendable job of directing the committee despite the difficult obstacles presented by current administration policies. Nevertheless, the time has come to repeal Public Law 95–63 because of the inadequate process by which members are appointed, the lack of true structural independence, and the absence of compelling support for NACOA's work.

The current budget realities compounded with growing U.S. reponsibilities in the exclusive economic zone and the lack of a comprehensive national ocean policy emphasize the compelling need for an independent advisory body. NACOA's existing structure does not adequately address this need. However, I believe that an effective advisory body can be established, and I will continue my efforts to develop legislation to create an independent, viable oceanic and atmospheric advisory body.

Mr. Speaker, we have tried to address the weaknesses of NACOA through legislation, but these efforts have been unsuccessful. Although I do not relish this task, it is time to take final action to terminate this advisory body. NACOA's existence can no longer be justified in its present form.

ANNETTE LIANN WATERS TO RECEIVE SCHOLARSHIP FROM THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AND ITS LADIES AUXILIARY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LEVIN of Michigan. Mr. Speaker, I would like to draw the attention of my colleagues to a speech written by one of my constituents, Annette Liann Waters. Miss Waters is the winning candidate in the Voice of Democracy scholarship program from the State of Michigan. The Voice of Democracy Scholarship Program is conducted every year by the Veterans of Foreign Wars and its Ladies Auxiliary and scholarships are awarded to the winning contestants from each State based on their submitted essays.

The Veterans of Foreign Wars, one of the Nation's oldest veterans service organizations, has sponsored the scholarship program for the last 24 years. During this time over 5 million students have participated and awards totaling more than $3 million have been given to winners at all levels in scholarships and savings bonds. First place winners from each State receive a $14,000 scholarship to the school of their choice.

Miss Waters, a senior at Cass Technical High School in Detroit, has powerfully and eloquently addressed the contest theme for this year, "New Horizons For America's Youth" in her winning essay. She is an honor student and a volunteer for the Detroit Recreational Department. She plans to attend the University of Michigan in the fall and she would like to pursue a career in law. Annette's essay is an inspiration to us all. Surely "great horizions" await us with Young people like Annette Liann Waters.

The essay follows:

NEW HORIZONS FOR AMERICA'S YOUTH

(By Annette Waters)

I'm standing on the shore of destiny in America, waiting for the sun to rise. A new and brighter day is slowly awakening. As far as the eye can see to the right and left is water. Here I stand under God's firmament looking down at the reflection of my hands in the clear water. These hands are relatively new on this earth and have strong workable muscles controlled by a worlds changing instrument, my mind. These hands could offer the foundation for someone's education. They could reach out to the child who feels caught in a chain of hopelessness and inspire him to develop a positive outlook on life. If encouraged and guided, young minds know no bounds and won't produce words such as "can't" and "not able to". My generation must reach children. We must let them know that there is hope for the future and that they can play an important role in that future.

Through the knowledge and skills acquired from education, America's youth can one day help to wipe out existing poverty, hunger, immorality, and despair in our country. Thus all may share in the radiant new horizon which inspired young American minds help to create. The determined hands of today's youth can also reach out tomorrow to those who have fallen prey to devasting illnesses. We, through the skillful use of our educational opportunities, can one day say, "we've found it. We now possess a vaccine for cancer. Diabetes, heart disease, and arthritis no longer devastate the lives of their victims because we can now cure them and we can even control the deadly disease, AIDS". These hands could soon reach out to little children and say, "I've found the cure to your muscle disorder. Help is here. Take my hand in yours. A healthier future is in this grasp; it's in this Union".

Hands are meant to discover, to create, to assist and to build. Hands are not meant to be the instruments of violence, but rather of peace . . . the peace and understanding that Dr. Martin Luther King, Jr., and other American patriots lived and died for.

As I gaze at the reflection of my hands in the water, the stillness is suddenly broken. Waves of the sea rise up and clash against the rocks, causing me to think of young minds that rise up against society in crime, destruction, and violence. The clashes of the sea sound like gun shots . . . shots that are the result of misguided hands that pull triggers. Guns have to be directed away from America's youth, but this will only happen when we help them to establish positive values, to adopt a sense of selfworth and belonging, and to gain compassion for their fellow man. They must be uplifted and taught to realize the most precious gift of all, the sacredness of life.

Americans are blessed with opportunity and the power to affect life through knowledge, imagination, integrity and the ability and willingness to achieve. These are the ingredients that ultimately build and pave the way for our children and their children after them, so that they may lead a more secure and fulfilling life. Today's youth can reach out and grasp this precious power. We must mold it with special care in order to improve the quality of life in our nation and from there to help our neighbors in distant lands.

As I look to the horizon, I see a new born figure standing in the midst of the water. The sun starts to rise; the fog melts away and through the dedication of man and the skill of technology, blindness no longer plagues the human eye. The sun begins to blaze, melting the frost, and homeless people find jobs and shelter. The sun starts beating and warming my soul with the promise of a new and better future for the drug abuser, indeed for all mankind. This is a result of the figure standing in the midst of the water, supported by the faith and devotion of man. That figure is everyone. It doesn't matter what creed, color, handicap, or gender. What matters is that together young Americans believe in and work for a healthier, more humane and stable society. Help is here. Take my hand in yours. Our bountiful future, a better day, is in this grasp. It's in this union.

DEMOCRACY ON THE MOVE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LIPINSKI. Mr. Speaker, although the 1980's continue to be a time of turbulence and misunderstanding throughout the international community, it has also presented this Nation with a foreign policy challenge that will continue to offer hope and opportunity to all our friends who espouse the principles of democracy.

Recent trends in global affairs have made it necessary for our Nation to adopt a bold and imaginative foreign policy which will help shape events in accordance with our vision for a safer and more peaceful world community.

Across this globe we have begun to see a democratic renaissance, one where the basic principles of liberty are taking hold in country after country, demonstrating a desire and appeal to the framework of our ideals.

Although our system of democracy offers a powerful appeal to developing nations, we are still hard pressed to face the challenges of communism and terrorism which plague this planet at epidemic levels.

In meeting these challenges, one fact remains undeniable—the yearning for political freedom continues to be the most desirable goal for most members of the international forum. As the strongest democracy on Earth, we play an integral role in the support of people who aspire to the basic constitutional freedoms that we, as U.S. citizens, enjoy today.

The clearest example of this whirlwind of democracy is in the Latin American region, where Guatemala has been the latest to join the ranks of countries who have opted for civilian governments in lieu of the oppressive military regimes of the past. As Secretary of State, George Shultz, recently stated: "In the last 6 years, elected civilian governments have replaced authoritarian regimes in Argentina, Guatemala, Honduras, Peru and Uruguay. Over 90 percent of all people in Latin America and the Caribbean now enjoy a democratic form of government as opposed to less than one-third in the early 1980's." It is clear that the people of these countries have realized that the basic freedoms offered by democracy such as the right to vote, to worship, and to speak openly offer a wider range of opportunities for themselves and their children than the false promises offered by the past regimes.

Undoubtedly, our moral, economic and security assistance can make the difference between the success and failure of those recently conceived democracies. Our commitment to human rights, social and economic progress place us in a leadership role that must continue to be a source of inspiration to all young democratic nations.

The Soviet Union continues to pose a serious challenge not only to this Nation but also to the interests of the free world. Although, our countries represent philosophies that are at opposite ends of the spectrum, the continued buildup of our respective nuclear arsenals encourages us to pursue a constructive dialogue with the Soviet Union whenever we can without abandoning our basic principles.

Successful negotiations in the future with the Soviets will remain contingent upon American strength. In dealing with the Soviet Union, diplomacy and American strength are synonymous. Our defense preparedness along with a continued commitment to the strategic defense initiative remain crucial bargaining chips. Our defensive posture in nuclear weaponry makes our negotiating position much more viable in realizing the universal goal of a safer world.

One of the most important challenges facing our Nation continues to be international terrorism. Recent attacks in the West Berlin discotheque and the Rome Airport which were supported by the Libyan Government, solidifies our resolve to track down and punish the perpetrators and sponsors of these unconscionable acts.

Terrorism is simple international warfare conducted and aided by a handful of radical governments which follow an archaic philosophy destined to undermine democracies throughout the world. The growing sentiment permeating from the international community is that apathy and appeasement offer no solution to the terrorist movement. We must continue to improve our intelligence efforts and develop a closer cooperation and coordination with other governments to combat this problem.

One point that must be made clear is that the U.S. Government will act swiftly and effectively against terrorist activities, and those governments who aid these international criminals will be held accountable in the harshest terms where the lives of Americans are threatened abroad.

As we move forward to meet the challenges of the future we, as a nation, must continue to advocate the support of the ideals and principles of democracy for young developing nations to emulate.

America must remain a beacon of hope and model of democracy if we are to preserve and advance the ideals of peace, freedom, and security in the world community.

THE CASE AGAINT TAX AMNESTY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. PICKLE. Mr. Speaker, last month I warned my colleagues not to leap on the tax amnesty bandwagon without a careful review of the issues involved. In that regard, I hope my colleagues will take a moment to read the following commentary which appeared in the April 6 edition of the Washington Post. This article was written by our colleague, BYRON DORGAN, a member of the Ways and Means Committee and a former State tax commissioner. The gentleman from North Dakota is well qualified to speak on the tax amnesty issue and I believe the Congress will find this article informative and convincing.

The article follows:

TAX AMNESTY IS FOOL'S GOLD

(By Byron L. Dorgan)

In a town increasingly seduced by the quick fix or the simple answer, tax amnesty is made to order. It's quick to implement, easy to understand—and wrong.

No one I know is discussing tax amnesty as a move toward tax equity or good tax policy. It is being discussed now because some see it as an easy way to achieve additional revenue without calling it a tax increase. They think they can avoid a fight with the president over the definition of a tax increase.

As a former state tax administrator, I see two things fundamentally wrong with the proposal for a federal tax amnesty program. First, it would weaken confidence in our tax system for the overwhelming majority of Americans who honestly and conscientiously report and pay their income taxes each and every year. Second, I don't believe it would result in any significant new revenue for the federal government.

The state tax amnesty programs were launched from a platform of weak enforcement, a promise of amnesty and a threat of beefed-up enforcement in the future. This carrot-and-stick approach did, in some instances, provide an incentive for tax evaders to come forward to pay up. But it is important to point out that state income taxes are only a fraction of the federal income tax burden and, therefore, much more easily repaid during an amnesty period. For these reasons, I don't think the state experience is a model with which to predict a successful federal program. I don't believe a federal tax amnesty program would result in any significant new revenue to the federal government.

Those who want to make certain that our income tax system yields revenues that this country needs and expects ought to join some of us in Congress who have been pleading for restoration of enforcement funds for the Internal Revenue Service, so it can properly enforce our tax laws. In

recent years, under President Reagan's lead, there has been a serious decrease in funding for tax law enforcement at the Internal Revenue Service. The number of tax returns audited by the IRS has suffered an alarming decrease. The number of IRS agents working on accounts receivable and compliance has decreased. This simply doesn't make sense. It is even more illogical to follow a decrease in tax law enforcement with the offer of tax amnesty.

Until recent years, our tax system had been the marvel of the world. It relied on the voluntary cooperation of the millions of Americans who on April 15 were willing to meet their responsibilities as citizens. In recent years, the president and Congress have nearly ruined the tax system by using it as a cash register for social and economic engineering: an incentive here, a loophole there. The fairness of the system has been eroding at the very same time that enforcement funds have been cut.

Now as we wrestle with tax reform to make the system more fair, some in Congress propose that those citizens who have fulfilled their tax obligations should understand and accept a program that rewards those citizens who didn't. That's quick and certain way to further erode the taxpayers' confidence in a system that is already in trouble with the folks back home.

But in these days of quick answers and gain with no pain, tax amnesty is made to order for the administration and this Congress. It overpromises in the short run and ignores the damage it would do in the long run.

It's time for all of us to do the right thing the right way. We need to make our tax system more fair, beef up enforcement and raise sufficient revenues to pay for that which government spends. I know it doesn't have as much sex appeal or pizzaz as some marginal progress—such as tax amnesty—that some claim would manufacture money, but this approach would really work. It could be the first step toward a habit of doing the right thing.

ENVIRONMENTAL AND NATURAL RESOURCE EXPLOITATION AS AN UNFAIR TRADE PRACTICE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. SEIBERLING. Mr. Speaker, I am today introducing legislation to remedy the unfair trade advantage derived by some countries from the reckless exploitation of their environment, or from the unsound development of their natural resources.

The United States has a long-established system of controls for protecting our environment, our precious natural resources, our native flora and fauna, and our historical and cultural heritage. We recognize that it is in our own best interest to preserve and protect our environment. We also recognize that environmental and natural resource degradation is a global problem. Acid rain, for example, respect no national borders.

Our domestic environmental and natural resource protection efforts add to the cost of American goods and commodities seeking markets in the international trade arena. But it is a price we are prepared to pay as a matter of national policy, because we recognize clearly how precious these resources are.

Unfortunately, the same cannot be said for all nations of the world. In fact, some countries recklessly and deliberately exploit their environment and natural resources in their efforts to gain a short term trade advantage.

Tropical rainforests, for example, are crucial to the global environment, particularly to the world's supply of oxygen. They are also vital to the preservation of our biological and horticultural diversity. Our rainforests provide us with plants from which we may develop new medicines. Their vegetation yields new plant strains resistant to insects and disease. Even the fruit bats which live in the rainforests are crucial to the pollination of fruit and timber, and hence play a key role in the preservation of important timber and plant and food resources.

Yet some countries, are permitting and even actively promoting the rapid destruction of this vital resource. Mostly this is done with the old slash and burn technique, where huge areas of the rainforest are bulldozed and burned to expose the topsoil. That is then used, in turn, for planting grass for grazing livestock, which is fattened quickly, slaughtered, and exported. Unfortunately, the cleared land remains useful for only a few years. The topsoil simply washes away, rendering the land useless and barren. We have only to look at the horrible starvation in Africa, and the rapid desertification of much of that continent, to recognize how dangerous these practices can be. Of course, unsound developmental and environmental practices are not limited to the destruction of tropical rainforests.

In effect, these techniques are being used to gain an unfair trade advantage over more responsible countries. Although the rapid degradation of the environment is a matter of concern to all nations, the international trade system does not require the bad actors to pay the full and true costs of their unsound practices. In fact, it requires them to pay no cost at all. The result is an unfair trade advantage which costs American workers their jobs, as businesses shut down factories in the United States and open them overseas to take advantage of cheap labor, cheap exploited resources, and lax health and safety and environmental standards. But the problem is not simply limited to unfair trade. These practices also threaten the devastation of the global environment.

These practices must be stopped. Certainly, the United States should—and does—educate less responsible countries to their own environmental interests. If need be, we should provide technical assistance or low-interest loans to enable developing countries to improve their infrastructure in ways which do not conflict with sound environmental or natural resource conservation practices.

But we should also be prepared to press for a system of international trade agreements which do not reward those countries which recklessly destroy their environments for the sake of trade. One way of meeting this aspect of unfair competition would be to press for changes in the General Agreement on Tariffs and Trade [GATT] which will enable responsible countries to offset the unfair trade advantage derived by our less responsible neighbors.

The legislation I am introducing today would direct the President, at the upcoming GATT round, to seek the adoption of international trade standards tied to basic standards for preventing air and water pollution, soil erosion, hazardous waste contamination, extinction or endangerment of species, and other natural resource degradation. The bill would also direct the President to seek the adoption of such incentives and disincentives as may be necessary to implement such trade standards. In order to provide the technical expertise necessary for the development and promotion of these environmental trade standards, the bill would authorize the creation of the Interagency Advisory Committee on International Environmental Protection. The committee would be created through currently available resources.

In the event that we are unable to persuade our trading partners to work toward the adoption of international environmental trade standards, the President is directed to report to the Congress on what action may be taken, and is recommended, to eliminate current trade preferences given to countries whose trade practices involve unsound environmental and natural resource practices. It is bad enough that some countries derive an unfair trade advantage from polluting their environment. There is absolutely no reason why the United States should compound that advantage by giving them trade preferences as well.

Mr. Speaker, I do not suggest that enactment of my bill would automatically eliminate pollution, or immediately improve the relative trade position of the United States. But it is time that we induced our trading partners to acknowledge what we have lo LOSS

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STALLINGS. Mr. Speaker, on April 10, 1986, the citizens of Idaho suffered a tragic loss when Pete Busch, a candidate for a seat in the U.S. House of Representatives; his wife, Charlene; and former State Senator Terry Reilly, who was a candidate for Lieutenant Governor in Idaho, lost their lives in an airplane crash.

Pete and Charlene Busch were the personification of the grassroots public servants for which Idaho is known. They took their message to the people, campaigned hard, asked to serve, and truly wanted to represent the people of Idaho. It is tragic that they perished in this attempt.

Terry Reilly was one of our rising Democratic stars who will be missed. Terry came on the political scene as an exceptionally bright and effective State senator. It is not only a loss for his family and the Democratic Party, but for the people of Idaho who had much to gain from his public service.

I would like to insert in the CONGRESSIONAL RECORD an editorial from the Idaho Statesman of April 12, 1986. This editorial pays tribute to these outstanding individuals.

One was a plain-spoken, hard-thinking man who'd served his country in combat and knew too well the horrors of war.

Another was a witty, determined man who had served his state and his community to help those in need.

Thursday night, they died in the crash of a small plane in eastern Idaho.

Neither Pete Busch nor Terry Reilly could have been described as mainstream Idaho. They were liberal Democrats swimming against Idaho's conservative tide. But they were men of conscience, conviction and purpose. They will be missed.

Mr. Busch, 51, a realtor, was a former Marine fighter pilot who had flown 400 combat missions in Vietnam. His experiences there turned him into a fervent opponent of the nuclear arms race and of military aid to Central America.

In 1984, Mr. Busch lost in his effort to unseat Sen. Jim McClure, but came back this year to run against First District Congressman Larry Craig.

Mr. Busch married in late 1984. His wife, Charlene, died with him in the plane crash.

Terry Reilly, 39, was a big, strapping Irishman from Nampa.

From 1982 to 1984 he served in the Idaho Senate, but lost his bid for a second term. This year, he sought the Democratic nomination for lieutenant governor. At the time of his death, he was campaigning on behalf of a state lottery initiative.

During his Senate years, Mr. Reilly brought a breath of fresh air to that stodgy chamber. He got a lot of laughs, for instance, with his annual "Wilted Shamrock Award" for waste in state government. But he had a serious side.

Mr. Reilly was administrator of Community Health Clinics Inc., a project he started in the '70s to provide health care to Hispanics. Community Health now operates in five cities and also provides the SANE (Sexual Abuse Now Ended) program.

Mr. Reilly was a family man, too. There are certain images that linger of his Senate years: his two young sons, watching their dad from the Senate gallery; his wife, Rosie, filling in for him during an absence; his father looking on during Senate debate.

Thursday night, in a remote part of eastern Idaho, the plane carrying Pete Busch, Charlene Busch and Terry Reilly went down. A lot of dreams went down with them. It's a sad day for all of us.

SUPPORT OF THE PROCESSED PRODUCTS INSPECTION IMPROVEMENT ACT OF 1986

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STENHOLM. Mr. Speaker, I rise to seek support for legislation I am introducing today, the Processed Products Inspection Improvement Act of 1986. I am confident that favorable congressional action on this bill will provide substantial benefits to the consuming and taxpaying public by making the Federal meat inspection program more effective, efficient and better equipped to protect the public health.

The legislation is simple and straightforward. It would allow the Secretary of Agriculture greater flexibility in allocating inspection resources to meat processing—as opposed to slaughter—establishments. In determining the appropriate level of inspection, the Secretary would be directed to consider factors including first, the nature and frequency of the processing operations in question; second, the adequacy and reliability of an establishment's processing control and sanitary procedures; and third, the operator's history of compliance with the law.

The Secretary enjoys no such latitude under current law. To the contrary, he must provide what is known as continuous inspection at all Federal establishments. As a result, the daily physical presence of a USDA inspector is maintained regardless of the size, sophistication or reliability of a given facility.

Such a system probably made sense when Congress passed the original meat inspection laws in 1906. Meat processing of that era was relatively simple and generally integrated within a slaughtering operation. The five senses of the Federal inspector were the best available tools for use in an effort to assure product safety and consistency.

Our predecessors in this body obviously could not, however, have envisioned the present day American food processing network. Meat and meat products already inspected at the time of slaughter, and frequently at other processing points as well, are used as components of thousands of different products from hot dogs to frozen entrees to meat-topped pizzas. More and more companies are adopting sophisticated quality control systems, which include frequent product sampling, designed to assure continuing compliance with both regulatory requirements and company specifications.

In other segments of food processing, the Food and Drug Administration successfully maintains a system of random, periodic inspections. This leaves us with radically different inspection systems for vegetable soup versus vegetable beef soup; for pepperoni pizza versus mushroom pizza. Even in the area of poultry product processing, a parallel program maintained by USDA, the Secretary enjoys substantially more discretion in reaching his determinations about the allocation of inspection resources.

For several years a variety of experts, both inside and outside of the Government, have recognized the maintenance of this traditional inspection system in today's environment is outmoded, inefficient, and unnecessarily expensive. In 1977 the consulting firm of Booz, Allen & Hamilton conducted a review of the program for the Department and recommended passage of this type of legislation. Similar sentiments were expressed in a 1977 report issued by the General Accounting Office, and reiterated in 1981.

USDA began seeking this authority in 1982, advising the Congress at that time the passage of such legislation would enable the Department to deal more efficiently and effectively with the many different kinds of inspection situations it faced. In 1983 the Grace Commission came to a similar conclusion, recommending that the Secretary be given authority to provide more flexible inspection consistent with the legislative criteria specified in today's bill.

Finally, the National Academy of Sciences, as part of its comprehensive review of the Meat and Poultry Inspection Program published in 1985, recognized that processing plants with the capability or proven practice of instituting their own effective quality control programs reasonably might not require the ongoing physical presence of an inspector. Today's legislation is also supported by the American Meat Institute and other industry groups. In short, the jury is in on this issue, and there is clear consensus for change.

It is important to point out what this legislation will not do. It will not effect slaughtering operations, where the continuing presence of a Federal inspector will be maintained. It will not mandate adoption of any particular type of quality control system as a prerequisite to inspection. Establishments will remain free to employ whatever systems fit their own needs, so long as regulatory compliance is maintained. The bill will also not automatically reduce the amount of time spent by an inspector at each and every establishment. Should the Secretary determine that it is necessary, the number of inspectors in some establishments could actually be increased. One of the key benefits of the bill will, in fact, be the way in which it will serve to increase the public health protection by enabling the Secretary to utilize his resources where they will do the most good.

Another major factor which recommends the bill is the fact that it will save money. USDA has estimated that passage of this legislation will generate some $68 million in savings during its 5-year phase in period. The Department then anticipates yearly savings of approximately $27 million.

Obviously, passage of this legislation would therefore be extremely well timed. In the current budget environment, Congress can ill afford the luxury of failing to act in an area where there is clear consensus for change, where we have the opportunity to modernize an important public health program, and where we can realize such substantial savings. The current dilemma faced by the inspection program also dictates that we take action. As we have seen in recent weeks, under current budgetary constraints, the Department has had difficulty accommodating new requests for inspection services. While we seem to have gotten past the most recent crisis, we need to act now to head off the future risk of jobs going unfilled and a significant segment of the food and argicultural sector being unduly constrained in its daily operation, to the overall detriment of producers, packers, and consumers alike. By endorsing the status quo, we merely perpetuate these problems. By passing this legislation we begin the process of allowing for more sensible administration of the inspection system, both by eliminating unnecessary expenditures and by freeing up resources for use where they are most needed.

I, therefore, am convinced that we face a rare opportunity through this legislation to both improve the protection of the consuming public and to reduce unnecessary expenditures on behalf of the taxpayer. I urge support of the Processed Products Inspection Improvement Act of 1986 as a means of accomplishing such worthy goals.

CANTERBURY ELEMENTARY SCHOOL WINS NATIONAL AWARD

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STOKES. Mr. Speaker, although much has been said and written about the lack of intergenerational communication in our society, few will dispute the fact that a special relationship exists between children and the elderly.

The students and staff of Canterbury Elementary School of Cleveland Heights, OH, located in my district, have made a special effort to encourage and cultivate that relationship by annually sponsoring a Senior Citizens Day. In recognition of that program, the school was recently awarded a "Golden Achievement Award" by the National School Public Relations Association.

Mr. Speaker, Canterbury School is completing its first successful year as a magnet school with a special emphasis on communications skills. One of the goals of the school is to increase communications with the community, of which senior adults are a very special part. Because many seniors are retired and are longtime residents of the community, the Canterbury students believed that seniors would welcome contact with the school beyond their yearly visit to vote. They decided to invite not only the grandparents of Canterbury students to Senior Citizens Day, but extended the invitation to all senior adults of the school area.

Through extensive planning and the participation of students, teachers, parents, the community liaison coordinator and public relations director, the word was spread throughout the senior community through senior adult groups, local churches and temples and the distribution of posters and flyers. Soon, Senior Citizens Day had grown to Senior Citizens Month.

Mr. Speaker, it was a smashing success. Working under the theme "Communicating With the Young at Heart," the Canterbury family honored senior citizens during the entire month of November 1985. Some of the activities included:

A senior adult who was a former television show host gave a television production workshop with fifth grade students using the school's video equipment.

Several senior adults were invited to share the art of storytelling with many classes.

A grandfather showed fourth grade students the art of glass designs.

A senior adult who is a world traveler and museum docent shared pictures and adventures from his recent trip to Europe and Asia.

Kids on the Block, a touring puppet show, presented a show on aging which heightened student awareness of the capabilities and desires of some senior adults.

Senior adults were invited to join students and the Canterbury art teacher to work together on projects.

Municipal Judge Jean Murrill Capers spoke to an assembly of senior adults, students and parents.

Mr. Speaker, as a result of Senior Citizens Month, many senior adults have stayed on at Canterbury School as permanent volunteers, others have come in to conduct special projects and still others have donated books to the school library. The students have benefited also, by gaining a better understanding of the aging process, increasing their respect for senior adults, and increasing sensitivity toward our senior adult population.

On behalf of the residents of the 21st District of Ohio, I wish to congratulate Principal Katie Shorter, students, teachers, staff and parents of Canterbury Elementary School on receipt of the National School Public Relations Association 1986 Golden Achievement Award and on its successful efforts to communicate and interact with one of our community's most valuable resources—our senior adults.

TORT LAW CRISIS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. RITTER. Mr. Speaker, continuing in my effort to bring pertinent information on the tort law crisis to the attention of my colleagues, I trust they will find this commentary from the December 1985 issue of Financier, written by Robert D. Kilpatrick, chairman of the CIGNA Corp., of interest.

SUPERFUND INSURANCE PROBLEMS SYMPTOM OF FLAWS IN TORT SYSTEM

(By Robert D. Kilpatrick)

Superfund legislation, because of its extraordinary extension of personal responsibility and retroactivity, is making even worse the problems the property-casualty insurance industry already faces, Mr. Kilpatrick contends in this article written for Financier, and is making insurance for environmental liability exceedingly difficult and costly to obtain. The Chairman of CIGNA puts the environmental difficulties in the larger context of the fundamental crisis in the US tort system, which must be dealt with as a matter of economic and financial urgency.

Last month, newspapers across the US reported that as many as 35 hazardous-waste facilities might be forced to close because they could not secure the liability insurance they needed to remain open.

To insurers and their customers, the story was not new, but a reiteration of many articles that have appeared over the past year describing the plight of such disparate groups as municipalities, doctors, truckers, day-care center managers, business involved in high-risk enterprises, even the members of corporate boards. Each one of these stories reported on the difficulties these groups faced in finding liability insurance and, once they did find it, the increased expense they incurred to obtain it. Many of the stories left the reader with an impression that the insurance industry was the principal villain.

That simply is not true. Certainly, we are responsible for making the decisions that a particular risk is no longer insurable, or that to take on the risk we must charge a great deal more than we did when the policy was originally written.

What is missing from the discussion is a description of the root cause of the problem.

It is not the major losses suffered by the property-casualty industry during the recent cyclical downturn—although they were the worst in history.

It is not a new underwriting philosophy that says we only accept business from certain kinds of clients.

SERIES OF DEBILITATING EVENTS

It is a recognition of a major and deeply concerning change in our legal system that has been developing over the past 20 to 30 years and now has triggered a series of debilitating events affecting many businesses and individuals.

Consider the following facts regarding only one class of insurance: Medical malpractice:

From 1974 through 1983, the average medical malpractice plantiff's award increased by more then 400%.

The number of medical malpractice awards higher than $1 million increased from four in 1974 to 70 in 1983.

During the '70s there were two to three medical malpractice suits filed for every 100 doctors; in 1983, there were 16 for every 100 doctors.

To help void malpractice suits, doctors now order more tests than in the past, at an additional cost estimated by the American Medical Association to be as high as $40 billion a year.

Even a lawsuit defended successfully by a doctor involves substantial cost to the doctor and his or her insurer.

One of the reasons for the continuing escalation in the number of court actions associated with liability and personal injury in this country is the contingent-fee system. This arrangement frequently allows a lawyer to reap a reward from bringing a lawsuit that is completely disproportionate to the reasonable value of his services.

Moreover, there is little disincentive to filing non-meritorious claims. Under the legal system used in most countries, the loser in a court battle has to pay all legal costs for both sides. In the US, each side is ordinarily required to pay its own legal costs, regardless of the outcome.

STRETCHING THE ANCIENT RULE

The situation in this country has been complicated by a series of court decisions that have interpreted insurance contracts far more broadly than the parties' original intent and expectation, thus creating insurance coverage where none had existed or was expected when premiums were collected. Further, in underlying tort litigation, courts have severely stretched the ancient common-law rule that faults must be present before liability is assigned, and that defendants should be liable only for damages that they actually caused.

Against this background, insurers increasingly find themselves caught in a juridical twilight zone—a gray area in which the laws of probability and the established contractural elements which make it possible to insure risk have lost their substance and meaning.

This unpredictability, coupled with the extraordinary financial awards being granted by courts and juries, has struck at the very heart of the insurers industry's existence: Its ability to estimate the probabilities and extent of loss, to spread the risk and to define with some precision the nature and type of risk against which the insurance contract is written.

These concerns—the lack of predictability, judicial expansion of insurance policies and highly inflated jury awards—are compelling

reasons why the proper pricing of certain types of liability risks has become all but impossible. And even when it is possible, the premium that must be charged frequently makes the protection far more expensive.

Nowhere is the problem more evident or complicated than in the area of environmental pollution. Since the early '70's, pollution risks have been specifically excluded from general liability coverages except for what are described as 'sudden and accidental" discharges.

EXCLUSION HAS BEEN NULLIFIED

In some jurisdictions, this exclusion, though adopted in good faith by insured and insurer alike, frequently has been nullified. Certainly the insurance industry will play by the rules, and it will adapt to the rules as the dynamics of the business change. But no one can be expected to do business in an environment where very little stability or predictability exists.

As to the interpretation of policy provisions, there is relatively little uniformity from state to state or even court to court. And the growth in the magnitude of potential awards has been equally disturbing: In the past three years alone, pollution claims under comprehensive general liability coverages have increased 600%.

A classic example of the difficulties insurers face in assessing environmental-pollution risk arose several years ago in the New Jersey community of Jackson Township. A state appellate court approved a $5.6 million award to families whose wells were contaminated by gradual seepage from a town dump.

Insurers were ordered to reimburse the Township for that amount—despite the fact that there was an exclusion in all but one of the Township's policies that denied coverage unless the pollution was "sudden and accidental."

The court ruled that the gradual seepage came within the exception for "sudden and accidental" discharges because it took the phrase "sudden and accidental" to mean no more than "unexpected and unintended."

When such judgments are possible, when such long-established concepts have lost their meaning, clearly, the result is a dearth of coverage, even at higher premium rates.

Another important example is reflected in the ongoing debate over the Superfund legislation.

UNFORESEEN AND RETROACTIVE

As part of the 1980 enactment of Superfund to clean up the nation's most-hazardous-waste dump-sites, Congress established a $1.6-billion trust fund to expedite the effort over a five-year period. A key provision of the bill stated that waste generators and transporters as well as owners and operators of the sites would be liable for the clean-up costs. Simply, the bill created an unforeseen and retroactive liability.

Unfortunately, the problem that Superfund was intended to solve turned out to be far more massive than anticipated. The Insurance Information Institute now estimates that there are between 5,000 and 20,000 sites at which removal or remedial measures will be required. To get started expeditiously, the Environmental Protection Agency established a national priority list of the 400 worst toxic-waste dumps. Since then, however, EPA has reported that there are at least 2,200 sites which demand immediate attention.

Results thus far are certainly less than encouraging. Since passage of the act that established Superfund, only six sites have been cleaned up and capped. There are, however, more than 200 lawsuits pending.

Why? Because of the litigious nature of our society. The Federal Government sues the parties potentially responsible for the toxic waste; the potentially responsible parties defend against Government and sue each other to avoid or spread the cost; then defendants sue their insurance companies to recover both clean-up costs and the money spent on legal defenses.

LIABILITY WITHOUT FAULT

Despite its many flaws, the Superfund process might yet produce the results originally intended—if the traditional concepts of fault and limiting liability to damages actually caused were still applied. They are not, however, because the program is built on the concepts that liability does not require fault and that a party can be held responsible for damages it did not cause.

Thus, under the prevailing theory of "joint and several" liability in both Federal and some state clean-up cases, anyone who has been in any way connected with the offending site can be held liable for the full cost of clean-up, no matter how inconsequential the original involvement may have been.

This means that any generator, any transporter, any waste-site owner or operator can be held responsible for full costs even if what it did was totally without fault and had only the most trivial consequences.

It appears to me that the Superfund program, as implemented, is both unfair and inefficient. It saddles businesses with enormous retroactive liability without fault; a great danger exists that some courts will allow those businesses to pass that liability to their insurers—liability that was never anticipated or made the subject of insurance coverage.

Further, it squanders significant sums on litigation expenses that instead could be spent on waste clean-up. If costs continue at present levels, it is estimated that total litigation expenses could rise to more than $8 billion. If two-thirds to three-quarters of Superfund litigation costs could be eliminated, 400 to 450 additional sites could be cleaned up for these amounts.

REDUCE LITIGATION EXPENSE

But that demands a restraint that Congress has yet to impose on Superfund. Any reform movement—to be even moderately effective—must focus on the reduction of litigation expense as well as on bringing loss payments under control.

The magnitude of the total clean-up cost is still not clear, but estimates range from EPA's $20 billion to the Office of Technology Assessment's $100 billion. Some, however, put the cost nearer to $250 billion.

What is abundantly clear, however, is that hazardous-waste sites need to be attacked with picks and shovels, rather than with briefcases and depositions, or the cost of cleaning up the environment will be much greater than necessary.

Lloyd's of London, the source for much of the reinsurance that is used by the US property-casualty insurance industry to spread the major risks, has made it abundantly clear that it is not prepared to accept pollution-related risks in the US until some reforms have been achieved.

In a recent speech, the Chairman of Lloyd's, Peter Miller, called upon US regulators and legislators to exercise, "imaginative and bold leadership to enact reform of the laws governing torts—injuries or wrongs." He declared that the London group simply will not accept the prevailing uncertainties.

In addition to tort-law reform, what is desperately needed is a concerted effort at every level of society to question the benefits we obtain from the current tort system.

This is not meant to suggest that the right to a trail by jury and reasonable access to legal advice should be in any way diminished. To the contrary, by reexamining a number of the elements of the liability process as it now exists, we could improve the system and provide more opportunity for court review of items of significance.

There is a need to encourage the greater use of arbitration and mediation to help reduce court costs and shorten the time to reach a fair solution. The use of some form of alternate dispute-resolution techniques wouuld go a long way to improve the efficiency of the current system without putting at risk the rights guaranteed by our system of laws.

At the same time, the courts should discourage frivolous or nuisance suits. There is an increasing tendency for litigation to be initiated simply to provide a means of forcing payments to avoid the high cost of defending what is obviously a questionable claim.

STRUCTURE RELATED TO VALUE

Further, serious study should be given to the abuses associated with the contingency-fee concept. Everyone should have access to proper legal advice, but some form of graduated fee-structure should be developed that bears a direct relationship to the time, effort, skill and value to the client of the service rendered.

Recognizing the time it has taken for the current abuses to develop, it is clear that no easy or quick solution to the current problem regarding liability and injury issues will be established.

It is terribly important, however, that efforts to change the process be explored and implemented wherever possible. If that is not done, the current problems facing limited segments of society in not being able to obtain insurance against future claims will spread to all segments of business and personal interaction.

The effect will be that individuals and businesses will have no protection against the cost of defending themselves against totally unfounded and unwarranted legal actions that could take all of their funds to pay for legal defense fees—only to discover that, after the expenditures, the claim was without merit.

SYMPTOM OF A GREATER CRISIS

The current insurance availability issue—as important as it is to those involved—is only a symptom of a much more important crisis in our tort system that must be given immediate and serious consideration by all segments of our society.

If we do not take the steps necessary to correct the problem, we put at risk the financial and personal security of every business and citizen in this nation.

ARMENIAN GENOCIDE

SPEECH OF

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. HALL of Ohio. Mr. Speaker, I join my colleagues on "Armenian Martyrs' Day" to

pay tribute to the victims of the Armenian genocide of 1915–23.

Between 1915 and 1923 over 1 million Armenian people were arrested, sent into exile, and brutally murdered by the Ottoman empire. Under the Ottoman empire, the Armenians were viewed as a threat to the government because of their differing religious and cultural practices. During the 8-year period between 1915 and 1923 the Armenian people occupying present-day Turkey were systematically executed for no greater crime than that of their Armenian heritage. This is an atrocity which to this day does not receive enough of the critical attention it deserves.

We cannot allow this historical crime to fade in our memories. To do so would invite the recurrence of a similar violation of human rights. By recognizing April 24 as "Armenian Martyrs' Day," Congress is expressing its abhorrence to all genocide. Furthermore, in recognizing "Armenian Martyrs' Day" we are also honoring the lives of the Armenian victims.

Today we express our outrage concerning this inexcusable violation of human rights. In marking this day as the anniversary of the Armenian genocide, we hope to prevent similar acts in the future. We honor those who fell victim to the crimes of inhumanity, and hope that no other race of people nor individual be persecuted on the basis of their cultural heritage or religious preferences—which are fundamental human rights.

OPPOSING HONORARIUM RULES CHANGES

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Ms. MIKULSKI. Mr. Speaker, most people don't understand how parliamentary procedure is sometimes used to set policy. That's what happened yesterday when a provision to increase the amount of honoraria Members can receive was suddenly brought up for a vote, without any notice, and passed without any debate.

Apparenty, certain Members were trying to change the rules so they could make more money from speeches. I strongly oppose this measure, and the way it was handled.

This afternoon the House reversed yesterday's action and I voted with the majority.

I'm one Member of Congress who believes that when we want to give ourselves the opportunity to make more money from honoraria, we should bring it up for full discussion and debate. We should use the "front door" whenever we change our rules—we shouldn't try and slip changes quietly through the "back door."

SYLMAR HIGH SCHOOL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Sylmar High School. September of this year will mark this outstanding school's 25th anniversary. I am proud to share some of Sylmar High School's accomplishments with my colleagues.

Sylmar opened its doors in September 1961. Current enrollment is 1,600 students. The student body is a culturally diverse one. Sylmar has students from over 20 different countries who speak nine languages.

Sylmar High School's more than 300 classes are designed to fill the educational needs of all. Courses in many different subjects are available from remedial to college level. The curriculum includes advanced courses for the college bound, English as as second language courses, vocational courses, computer courses, and courses for students with special needs. In addition to classes on the campus, courses may be arranged at the North Valley Occupational Center and some of the local colleges.

Many programs provide the students a great variety of experiences. Close-Up allows firsthand experience with the Federal Government, and the Rotary Youth Leadership Awards Conference enables selected students to develop their leadership skills. The Mathematics, Engineering and Science Association [MESA] provides encouragement and aid for minority students who are interested in these fields.

Many forms of recognition are given for student achievement. Two have recently been honored by the Los Angeles City Youth Commission as outstanding students. In addition, for the last 2 years, outstanding seniors have been awarded the Presidential Academic Fitness Award.

Much of Sylmar High School's success results from the efforts of a dedicated staff. A quarter of the staff has earned advanced degrees, including three doctorates. Most of the staff constantly improve their skills through workshops, in-service classes and National Science Foundation and National Endowment for the Humanities Programs. A dedication to learning is shown by the fact that many of the faculty belong to professional organizations. Not just passive members, but active leaders—several hold local, State and national office in these professional groups. The faculty does not limit itself to educational interest but also participates in community service, religious, and youth organizations.

Over the years, the staff has endeavored to provide the best educational experiences possible for students, and all are dedicated to continue these efforts in the future. It is my distinct pleasure to join with my colleagues in paying tribute to Sylmar High School on the occasion of its 25th anniversary. It is an honor to have such a fine educational institution in the 26th District.

THE TALE OF TWO ALLIES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BIAGGI. Mr. Speaker, I would like to reflect briefly on a tale of two allies, a true story played out during last week's raid against Libyan-sponsored terrorism.

I am reassured by one part of the story, the support given the United States by the British Government and Prime Minister Margaret Thatcher. By allowing F–111 fighter-bombers to take off from British airfields as part of the attack plan, Britain proved itself a faithful ally unintimidated by Col. Mu'ammar Qadhafi's ever-present threats. The United Kingdom recognized that the risks incurred by standing up to Qadhafi are far outweighed by the risks of appeasing him.

The disappointing part of the story is the hand-wringing reluctance practiced by France when asked to allow those same American warplanes to fly over its territory. Our so-called ally refused, thereby doubling the length of the mission and exposing airmen to the dangerous fatigue of a 7-hour flight to their targets.

I can express no gratefulness to the French. However, Qadhafi himself has taken the time to publicly thank them.

Both Britain and France know the treachery practiced by Libyan-backed terrorists. Yet, how could France find anything except a firm response to be best for the safety of citizens worldwide?

Considering the many attacks in Europe within recent years, our interest in providing a deterrent to terrorism surely must be France's interest also. Considering Libya's complex of terrorist training camps that teach people to attack Paris and London as well as Washington, America's resolve to put those dens out of action surely should be France's resolve. And considering terrorism looks at its world of victims with a cold eye that cares little about nationalities, perhaps France should stop trying to show an olive branch to a leader who is bent on violence and destruction.

The dictionary defines "alliance" as an association to further the common interests of the members. France defies the dictionary and jars our trust. Let us remember such unreliability when we contemplate supporting France. At the same time, let us gratefully remember Britain, a nation that backed us as we fought terrorism.

FUEL USE ACT REPEAL—THE TIME IS RIGHT

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. BRYANT. Mr. Speaker, today, along with many of my colleagues from energy-producing States, some of whom serve with me on the House Committee on Energy and Commerce, I am introducing legislation to repeal the prohibition on the use of petroleum and natural gas as boiler fuels by utilities and large industrial users.

The Fuel Use Act of 1978, by imposing restrictions on the use of oil and natural gas to fuel industrial or utility boilers, reduced the demand for natural gas which was then a vastly underpriced commodity. Years of regulation had kept the price of natural gas low in relation to other fuels which artificially stimulated the demand for natural gas, especially among residential users. This situation did

nothing, however, to encourage exploration, drilling, and production of natural gas.

As a result of the passage of the Fuel Use Act, large volume consumers of natural gas shifted to alternative energy sources such as coal. This action improved supplies of natural gas so much that in 1981 the provisions in the act prohibiting the use of natural gas in existing powerplants and utilities was repealed. New plants, however, are still prevented from using natural gas or oil.

Now, at a time of soaring surpluses of oil and gas—which historically, because of its competitive market price, has been the target of the Fuel Use Act—is the time to repeal the prohibitions on the use of both natural gas and oil. This restriction has inhibited market forces by dictating fuel choices for utilities and industrial users. We should now return the choice to marketplace forces.

I commend my colleagues on the Energy and Commerce Committee for their help in drafting this proposal and appreciate the interest both subcommittee Chairman SHARP and committee Chairman DINGELL have shown in this effort. There is a broad base of support for this legislation in the energy exploration and production industries, as well as among industrial and powerplant energy consumers. With this as a base, I am sure that we can report this bill favorably to the House in the near future.

This is a long-term effort that will help relieve the strain imposed on the energy-producing States by the current oil price decline and the resultant oversupply. There are other efforts underway to provide more direct and immediate relief to the energy industry and protection for our national security interests, but this is an important first step to ensure that our domestic producers stay in the business of finding and producing oil and natural as. I encourage my colleagues to review this measure, giving full consideration to the need to maintain our domestic production capability for reasons of both national and economic security.

BEALE AIR FORCE BASE AID FLOOD VICTIMS

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. CHAPPIE. Mr. Speaker, when the Yuba River levee broke recently, sending a mountain of angry water to the communities of Linda and Olivehurst, CA, people didn't have much time to react. They grabbed their family members, got into their cars and started to drive. Many of those who had nowhere else to turn fled to Beale Air Force Base where they were greeted with open arms.

Because of their extraordinary efforts on behalf of the flood victims, the people at Beale Air Force Base deserve special recognition. In the midst of a crisis, their quick action and compassion for their neighbors made life much more bearable for those whose homes and personal property were destroyed. Their kindness to the flood victims is an inspiration to all of us.

Because of the round-the-clock efforts of the many volunteers at Beale, flood victims were given food, shelter, medical care, and comfort. Nine shelters were set up around the base to aid the nearly 6,000 victims who sought refuge there. Some 350 families on the base opened their homes to the flood victims for nearly a week.

Even after the waters receded and the flood victims went home, volunteers from Beale continued to lend a hand by delivering food, clothing, and other assistance to those who needed it in the flood affected counties.

I urge my colleagues to join me in commending those at Beale Air Force Base whose hard work and compassion were so instrumental in helping Californians cope with the recent flood disaster.

THE 100TH ANNIVERSARY OF THE A.W. LUGG & CO., KNOXVILLE, TIOGA COUNTY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. CLINGER. Mr. Speaker, I have just recently learned that the A.W. Lugg & Co. of Knoxville, PA, will be celebrating its 100th anniversary during the month of May.

This is a remarkable accomplishment and I wanted to personally congratulate you along with all of the other citizens of Knoxville, PA, in this truly historic anniversary.

To have served all of the fine people of Knoxville for this significant period of time, in both an honest and fair manner, is a sterling tribute to the American free enterprise system. I can well imagine all of the hard work, long hours and perseverance the Lugg family has devoted to making a success out of the A.W. Lugg & Co. and I am sure that there has been a lot of satisfaction in the service that you have provided to the community.

My best wishes for many, many more successful years.

A TRIBUTE TO DR. JULIUS MASTRO

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. COURTER. Mr. Speaker, on May 4, 1986, friends, family, and coworkers will gather together with the Alumni Association of Drew University in Madison, NJ, to honor Dr. Julius Mastro on the occasion of his retirement. For over 25 years Dr. Mastro has served this fine institution in a manner consistent with the highest standards in his roles as professor and former political science chairperson.

Julius distinguished career at Drew began in 1960 with a position as a part-time instructor. After later becoming a full-time faculty member he served as chairman of the political science department from 1971–76.

Outside of his teaching experience Julius embodies the entrepreneurial spirit; he has owned a shoe store and presently owns a grain store. He is also widely known for his community, civic, and political involvement. He has selflessly given of his time to serve as a member of the board of education, the planning board, and the town council in his hometown of Bernardsville, NJ.

Julius has always had an interest in utilizing his academic training to impact upon the public policy process. Toward this end he has served as a political consultant to such organizations as the New Jersey League of Municipalities, and several Eagleton Institute programs including the newly elected officials organization. He has also served as a member of the Presidential Commission on Higher Education.

Recently, Dr. Mastro was named the initial recipient of the Drew Scholar/Teacher Award. This Presidential citation has been created to honor distinguished service to Drew University and I cannot think of a more deserving person to receive this inaugural honor.

The impact Julius Mastro has had on the thousands of young men and women he has taught at Drew and those of us who have come to know him as a friend are perhaps the greatest barometer of his success. I take great pleasure in joining with his friends and colleagues in saluting Dr. Julius Mastro for his contributions to the communities he has touched and in wishing him and his family the best for a very happy and healthy retirement.

SMALL BUSINESS ACT OF 1986

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. DREIER of California. Mr. Speaker, last week I was joined by 17 of my colleagues in introducing legislation to restructure the Small Business Administration. Our bill, the Small Business Act of 1986, would end SBA's wasteful and inefficient credit programs, and transfer the agency to the Department of Commerce where it will be given greater visibility in the Federal Government.

The most popular and effective programs would be retained. They include the Office of Advocacy, procurement assistance, minority set-asides, and the volunteer counseling programs. More important, the SBA would be given Cabinet level presence through the Secretary of Commerce, a position unmatched by the current Administrator.

The unique aspect of this legislation is that it will bring an end to the countless reports of abuse and mismanagement in the SBA. It will elevate small business concerns in the Federal Government. And it will do all this while saving the taxpayers $5 billion over the next 3 years.

Most qualified economists will tell you that including this proposal as part of an overall deficit reduction package will improve economic opportunities for small businesses. I urge my colleagues to cosponsor the Small Business Act of 1986, and join those of us who want to provide the best economic climate for small businesses to compete.

ALABAMA SCHOOLS RECOGNIZED FOR EXCELLENCE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. ERDREICH. Mr. Speaker, for the past 3 years, the U.S. Department of Education has conducted a Secondary School Recognition Program to focus national attention on schools that are doing an exceptional job of educating their students. This year marks the first time, however, that the Department has established a recognition program for elementary schools. Some 509 elementary schools from across the country were nominated by chief State school officers in 49 States, the District of Columbia, and the Department of Defense Overseas Dependents' Schools. With so many outstanding schools being considered for the overall educational program, you can understand if I take just a few moments to boast about the fact that not one, but three elementary schools from Alabama were selected for final consideration in the 1985–86 Elementary School Recognition Program—Valley Elementary School in Pelham, AL, Cahaba Heights Community School, and Vestavia Hills Elementary School-West, which both happen to be located in Jefferson County, AL, in my congressional district.

Both Cahaba Heights and Vestavia Hills have a number of special features which set them apart from many elementary schools and certainly more than qualify them to receive special recognition from the Department of Education. Cahaba Heights, for example, has strong participation by and interaction among its administrators, teachers, and parents. It has a strong and effective volunteer program, as well as a number of extracurricular activities for students, including its math teams, chess and computer clubs, Olympics of the Mind teams, school newspaper, "The Chatterbox," and its student-operated store.

The curriculum and staff at Vestavia Hills focuses its efforts on enhancing the self-concept and feelings of success of each child. In addition to its well-rounded staff and faculty, the school has teachers who are specially trained for various areas of exceptional children, including educably mentally retarded, multiple handicapped, speech therapy, and talented and gifted. It also has a dedicated parent-volunteer group, and ranked first in the State of Alabama in 1983 and second in 1984 and 1985 in overall performance in the Alabama State Testing Program.

I cannot stress enough the importance of providing our children, tomorrow's future leaders, with the educational skills they must possess if the United States is to retain its place among the world's technologically advanced nations. I commend Cahaba Heights Community School, Vestavia Hills Elementary School-West, and Valley Elementary School on being nationally recognized for their development of solid curriculums focusing on building basic skills, knowledge, character, values, and self-discipline for the students they serve. I wish them all the best as they now await final notification of those schools that will be invited to the Nation's Capital in the fall to participate in a national recognition ceremony and receive a specially designed flag symbolizing outstanding educational achievement.

LOIS M. TEER HONORED WITH NEW JERSEY PRIDE AWARD

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to the achievements of one of my constituents, Lois M. Teer of Camden, NJ, in the area of community development. As an active member of my district, Lois Teer has demonstrated dedication to her neighbors and to her community. This admirable quality has been translated in her worthwhile campaign to help redevelop the city of Camden and instill in residents a sense of pride in their community and in their State.

On May 1, 1986, Lois will be honored with a New Jersey Pride Award for her distinguished accomplishments in the area of Community Development. The New Jersey Pride Awards were initiated last year by the New Jersey Monthly in order to focus attention on the achievements of individuals who have made lasting contributions to the State of New Jersey. Seven other distinguished New Jerseyites will also be honored for their contributions in other areas. As a way of furthering the spirit of generosity and dedication that pervades these awards, organizers of the New Jersey Pride celebration will be hosting this event in order to benefit the New Jersey Special Olympics, a sports training and athletic competition program for mentally retarded children and adults. This worthwhile charity addresses the needs of 200,000 New Jerseyites or 3 percent of the State's population.

I am proud to represent Lois Teer and am impressed by the results of her efforts in the area of community development. In 1982, Lois designed and spearheaded a marketing campaign geared toward improving the image of the city of Camden. Having represented Camden in the Congress for over a decade, I am aware of the distressing economic and developmental problems this city faces. I am also aware of the dedication and perserverance of many residents such as Lois Teer who are working to attain a rejuvenation of this city.

Lois Teer's marketing campaign was focused on encouraging middle-income home buyers to come into the city and buy and renovate abandoned homes. This program involves two very key concepts in a city such as Camden: The need for historic preservation and the need to ensure that families will return and populate these abandoned homes.

In the beginning of this program, a trickle of "urban pioneers" participated. Because of Lois Teer's hard work and dedication, this trickle has grown into a respectable interest on the part of developers, investors, and families. We are already beginning to see the results of this effort. I wanted to urge my colleagues to join me in congratulating Lois Teer for her commendable achievements and in commending New Jersey Monthly for granting recognition to her efforts and for organizing this timely event. I would also like to extend to Lois M. Teer my best wishes for continued success in her endeavors.

HONORED FOR OUTSTANDING ACHIEVEMENTS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. Congress the outstanding achievements of Mr. Frank Grady, who is being honored on May 1 at a retirement dinner for his contributions and faithful service to the Tri-County United Way of Harrisburg, PA.

Frank Grady's professional resume reflects a man who has devoted his entire life to improving the quality of life for others. Some of those who know Frank see his ability to lead and develop volunteer leadership as his greatest strengths. He has written and published several articles on such topics as voluntarism, campaigning, and budgeting; all of which are key elements of the successful United Way campaign.

Since 1972, Frank Grady has served as the executive vice president of the Tri-County United Way of Harrisburg primarily responsible for campaign direction and supervision of community planning, allocations, agency relations, communications, and labor relations programs. Under his leadership, 24 agencies have been added to the United Way; the Tri-County was one of the first in the Nation to adopt an open admissions policy; and became the first United Way in the State of Pennsylvania to conduct a cooperative campaign with the three health agencies.

Mr. Speaker, I have come no where near listing all of Frank Grady's activities and accomplishments with the United Way, but I must admit that those previously mentioned would seem to be enough to satisfy most of us in a lifetime. In addition to his work with United Way, he has served in various capacities with the Rotary Club of Harrisburg; the Harrisburg Chamber of Commerce; Mayor's Advisory Committee, the Harrisburg Area Crime Clinic; Hampden Township Planning Commission and the list goes on and on and on.

Frank Grady is an outstanding example of dedication and excellence. He will undoubtedly leave a lasting imprint on the Tri-County United Way. I ask my colleagues to join me in saluting this fine man. He has truly enriched the lives of all who have been privileged to know him and work with him.

AMY BULL CRIST CELEBRATES HER BIRTHDAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GILMAN. Mr. Speaker, I want to call to the attention of our colleagues a celebration that will be held this weekend in Orange County, NY, marking the 80th birthday of Orange County's first lady, Amy Bull Crist.

It is hard to describe Amy to people who are not from our area, because she is such a living legend to us that mere words cannot convey the energy, the compassion, and the dedication of this dynamic lady to anyone who has never had the pleasure of meeting her.

Amy is a direct descendant of William Bull, one of the original settlers of Orange County, NY. With such a heritage, Amy always felt that her responsibility was service to others.

Starting her career as a teacher in a one-room schoolhouse, Amy taught the three R's generations of students which she always held to be the foundation of a fine education.

Years later, upon her retirement as district superintendent for the Orange-Ulster Board of Cooperative Educational Services, the regents of the University of New York cited her as a recipient of the James E. Allen, Jr., Memorial Award for distinguished service to education. In the 50 years between these events, Amy Bull Crist touched countless lives and made our region a better place in which to live.

To list all of Amy's accomplishments would take more time than is available. Let me just touch upon her help in founding the Orange County Community College, her founding of Occupations, Inc., as a not-for-profit, sheltered workshop for the handicapped, and her providing of medical services for students too needy to afford them as just a few examples of her goodness and her many accomplishments.

A large crowd will be gathering this weekend for Amy's birthday party. Greetings will be sent from her many friends and loved ones all over the Nation, including the President and Mrs. Reagan. The proceeds from the party will be donated to Amy's favorite charities.

Mr. Speaker, I invite my colleagues to join in wishing Amy Bull Crist a happy birthday, and thanking her for her years of giving for all of us.

THE BUDGET: NOT A HARD CHOICE

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise to call my colleagues' attention to the remarks yesterday by James C. Miller III, Director of the Office of Management and Budget.

Mr. Miller's comments once again cast doubt on whether the White House is at all sincere in wanting a Federal budget for fiscal year 1987.

Mr. Miller was asked whether he would prefer no budget to one that departs from President Reagan's priorities—priorities, I might add, which have been rejected in this Chamber and in the other body by the President's own party.

Mr. Miller told reporters, "That's a hard choice."

We should be clear, Mr. Speaker, that it's not a hard choice for many of us in this House.

We want a budget.

We are anxious to negotiate with the administration and our colleagues in the other body for a budget.

And we are not willing to turn over to some automatic pilot the decisions we were elected to make.

A GIFT OF BLOOD IS A GIFT OF LIFE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. RAPLH M. HALL. Mr. Speaker, it is my privilege to draw attention to the wonderful record set by two blood donors in Tyler, TX, who have given a pint of blood over 100 times.

James F. Barnes, a teacher at Tyler Junior College, and Frank Sewell, vice president, InterFirst Bank in Tyler, have donated over 12½ gallons of blood at Stewart Blood Center, the regional blood bank furnishing blood and blood components to hospitals in 31 counties in east Texas.

As volunteer donors, both of these men recognize the need for blood to sustain life of patients who cannot live without transfusion of donor-given blood.

The marvelous record set by these two fine men serves as an example of true giving and an inspiration to other men and women in good health to take the time to share their life's blood with others.

This gesture is significant, for truly a gift of blood is a gift of life.

GRAMM-RUDMAN GOES TO COURT

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Ms. MIKULSKI. Mr. Speaker, earlier today the U.S. Supreme Court heard arguments about the constitutionality of deficit-reduction legislation known as Gramm-Rudman.

I don't know if Gramm-Rudman is constitutional, but I do know it's unfair and unwise. That's why I voted against it and that's why I'm still opposed to it.

The authors of the Gramm-Rudman legislation say it is merely a means by which the Federal Government will be forced to balance its checkbook by 1991. It mandates across-the-board cuts in almost every area of Government spending except Social Security.

My own view is that Gramm-Rudman is the wrong way to deal with the problem of the Federal deficit. Someone remarked once that it was a bad idea whose time had come. I don't think this country, or this Congress, has time to waste on bad ideas.

Gramm-Rudman is a harsh example of the contracting out of congressional responsibility. It takes the hard budget decisions that voters elected Members of Congress to make, and turns them over to Government computers. Well, computers don't have to answer to the voters at election time.

Mr. Speaker, balancing the Federal budget is one of my top priorities, but I want to do it line by line, item by item. I want to vote for budget cuts like we did last fall when we passed a budget reconciliation bill that cut $61 billion in Federal spending over 2 years.

That bill would have allowed us to reduce spending and reduce the deficit without hurting the programs America needs: Programs like Head Start, Meals On Wheels, Highway Construction, Veterans Health Care, Medicare, and Railroad Retirement.

In my own State of Maryland we've been especially hard-hit by Gramm-Rudman cuts. These cuts slash at programs and they hurt people. State budget experts expect a loss this year of Federal funds totaling about $16 million and a loss next year of more than $109 million.

Where will this loss be felt? In education for handicapped children, child nutrition programs, child support enforcement, revenue sharing and community development block grants.

In Maryland, Gramm-Rudman is also hurting thousands of dedicated Federal employees and retirees. It threatens pay raises for Federal workers and it eliminates COLA's for retirees. Both groups have already "given at the office" in terms of budget cutting and deficit reduction. Like our senior citizens, they shouldn't be expected to have to give again.

Gramm-Rudman had its day in court today. By July we'll know if it's a constitutional way to balance our budget. For many of us, however, the jury is already in on Gramm-Rudman. We find it guilty of being unfair, unjust, and unwarranted!

ARMENIAN GENOCIDE

SPEECH OF

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mrs. JOHNSON. Mr. Speaker, on April 24 in many communities in our great country Armenian Americans will take time to remember and reflect on the terrifying potential of man to act brutally toward others. April 24 marks a day of commemoration—a day commemorating the Armenian genocide. April 24 commemorates the systematic persecution and massacre of 1.5 million Armenians by the Ottoman Empire between 1915 and 1923.

There are many purposes in studying history. In the case of the Armenian genocide and the holocaust, we must ponder the barbaric acts man is capable of committing against man. We must keep this history before us and echo the outcries of Americans of that time against this tragedy. We must not let history

be rewritten and the sentiments of past Presidents and Members of the Congress, who clearly established the truth of the reported massacres and other atrocities suffered by the Armenians at the hands of the Ottoman Empire, be twisted and silenced.

We cannot let our children or the people we represent forget that this destructive potential lives within the human spirit. This dark side of the human soul became a reality and resulted in what U.S. Ambassador to the Ottoman Empire Henry Morgenthau called in 1915 a "campaign of race extermination" of the Armenians by the Ottoman Turks.

April 24 is not a day just for Armenians to commemorate their losses and the atrocities committed against their families. People throughout the world should remember the victims of this brutal genocide. We must dwell on the dark side of humanity for in so doing I believe we can find the wisdom to overcome it.

On April 24 I will join many Armenian Americans who live in Connecticut in commemorating their tragic loss and the historic fact of the Armenian genocide. We will gather, as we do each year, to remember mothers, fathers, brothers, and sisters who were lost and to renew our commitment to setting the history record straight in this year of 1987.

TRIBUTE TO PROFESSIONAL SECRETARIES

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LENT. Mr. Speaker, it is with great pleasure that I join my colleagues today in recognizing the week of April 20–26, 1986, as "Professional Secretaries Week" and designating today, April 23, as "Secretaries Day." At this time, I'd like to take the opportunity to pay deserved tribute to the members of the secretarial profession and to recognize their invaluable contributions to business, government, and industry.

During my 26 years in government, I have come to appreciate and value highly the competent and efficient management skills of my secretarial staff. The backbone of the public and private sectors, government and industry, professional secretaries are the people behind the scenes upon whom we depend to get the job done and rely upon for the smooth daily operation of the workplace. Demonstrating excellence in many fields, secretaries have earned distinction of the highest order for commitment and dedication in their field.

In closing, I commend the members of the secretarial profession for their outstanding contributions and offer my deepest appreciation for their loyalty and professionalism in the performance of their duties. Thank you.

VICTIMS OF CRIME WEEK

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LEVINE of California. Mr. Speaker, I rise in support of Senate Joint Resolution 297, and House Joint Resolution 570, designating this week as "Crime Victim's Week."

Crime has exacted a terrible toll on Americans at all levels of society. Crime victimizes those who have not been direct victims of violent crime, yet are afraid to leave their homes at night. Crime victimizes us when our children cannot go to school without being exposed to drug peddlers. Crime victimizes us when we must pay higher taxes and prices to cover the costs of crime. And most horrifyingly, crime victimizes those who are injured, robbed, or murdered in crimes of violence or incidents of terrorism. "Victims of Crime Week" touches all of us, just as crime has touched us all.

It is time to realize the terrible burden crime places on society, end the victimization we all endure.

This week is intended to acknowledge the victims of crime. And with it comes a commitment to reduce crime, for all of us.

I urge my colleagues to support this legislation when it comes to the floor.

H.R. 4602

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mrs. LLOYD. Mr. Speaker, on April 21, 1986, the House passed a measure which I strongly support and is critical to the Nation's homebuyers. I refer, of course, to H.R. 4602, the FHA and GNMA Credit Commitment Assistance Act of 1986.

H.R. 4602 increases the limitation on the amount of Federal Housing Administration [FHA] commitments to insure loans from $57.4 to $95 billion and increases the limitation on the amount of Government National Mortgage Association [GNMA] commitments to guarantee mortgage backed securities from $65.3 to $100 billion. Currently, the FHA is authorized to provide mortgage insurance on up to $57.4 billion in mortgage loans in fiscal year 1986. Due to an unprecedented demand for FHA mortgage insurance, this limit will be reached well before the end of the fiscal year. GNMA reached its authorized limit of $65.3 billion in mortgage-backed securities on April 4 and stopped issuing additional mortgage-backed securities on that date.

In an effort to avoid similar last minute emergency measures in the future, this legislation also requires the Department of Housing and Urban Development to establish a tracking system and notify Congress when it appears that commitments for either program are being utilized at such a rate as to pose the possibility of running out of commitment authority before the end of the fiscal year.

This legislation is critical because low- and moderate-income families rely on FHA and VA home mortgage programs to assure their access to affordable housing and this situation is occuring at a time when other conditions are most favorable for homebuying and refinancing. I commend my colleagues for keeping faith with the commitment Congress has made to establish ceilings high enough to accommodate user demand for these programs.

REMEMBERING THE HOLOCAUST

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. LUNDINE. Mr. Speaker, during this Passover season, I would like to take a few moments to speak about a very worthwhile program that is being undertaken by several colleges throughout New York State.

As difficult as it is for people everywhere to contemplate the Holocaust, remembering the terrible events of that time is essential. Only through learning about the Holocaust can we and generations to follow prevent such tragedies from happening again. A program to educate young people about the Holocaust has been started in New York by Mr. Ernest Goldblum, an American whose parents perished in the Holocaust. The Mariem and Elias Goldblum Memorial Fund, started at the State University of New York College at Fredonia, encourages teaching programs and other activities through which people can learn about the Holocaust, its causes and effects. This immensely worthwhile program has expanded to several colleges in New York State and to universities in Vienna, Austria.

As the years go by and the number of witnesses and survivors of the Holocaust diminish, programs such as the one established by Mr. Goldblum in honor of his parents become increasingly important. The memory of the Holocaust and those who died during the "final solution" must not fade. I wish to commend and thank Mr. Goldblum for his efforts to educate and inform young people about the terrible consequences of ignorance and indifference.

THE 30TH DISTRICT OF CALIFORNIA ARMENIANS SUPPORT COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. MARTINEZ. Mr. Speaker, today thousands of Armenians are gathering together to remember one of the darkest moments in the history of man. In 1915, the Turkish Ottoman Empire launched a vicious campaign of genocide against the Armenian people. By 1923, 1.5 million Armenians had perished, and 500,000 more were exiled from their homeland. Then, the world was baffled by such a tremendous and hideous crime. Today, we

have a word for what the Armenians suffered, and it is recognized as the greatest crime mankind has ever known: "genocide."

Few people on Earth know the sorrow and anguish that bears so heavily on Armenian history. But, as spokespersons of the victims of genocide have told us repeatedly, the act itself is only half the tragedy. Perhaps even more horrifying is the silence of the civilized world in the face of such horrible crimes. As Elie Wiesel, chairman of the U.S. Holocaust Memorial Council, said:

Before the planning of the final solution, Hitler asked, "Who remembers the Armenians?" He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

This rejection is not based on lack of evidence. The genocide of the Armenians has been confirmed by eyewitnesses Henry Morgenthau, U.S. Ambassador to the Ottoman Empire, and Kemal Ataturk, founder of modern Turkey; by Raphael Lemkin, who coined the term "genocide" and almost singlehandedly incorporated it into international law; and by both President Carter and President Reagan. Rather, this denial comes from an unwillingness to face the evil of action in others, and the evil of nonaction in ourselves. For their cruelty, Armenians bear the scars; for our ignorance, humanity has suffered.

We Americans have a deep and enduring sense of justice. The morality of our people, though often obscured in the heat of political battle, can always be seen quiding the ship of American policy. This Nation cannot allow its alliance with Turkey to compromise its deeper sense of justice in the face of history. The Armenian genocide was one of the most devasting crimes against humanity the world has seen. By refusing to recognize it, the governments of both Turkey and the United States are perpetuating a dangerous and immoral lie, and are helping to keep open the possibility that somewhere, sometime, it may happen again.

In the name of the Armenians listed below who reside in the 30th District of California, I proclaim that we will never allow the genocide of the Armenian people to be forgotten. We will stand by the flame of truth and justice that has served as a beacon to both our nations, and to our common civilization.

Mr. Fred Vartanian, Ms. Beatrice Vartanian, Ms. Sandy Vartanian, the Bozanian Family, Dr. Aram Tolegian, Mr. John A. Stephanian, Mr. Suren Hagopian and Family, Mr. Leo Georgian, Mr. George Nersisian, Mrs. Aaronetta Ryan, Mr. Ed Hagopian.

Mrs. Anna Harryian, Ms. Lucy Keosheyan, Mrs. Alice Dakessian, Mr. Max Simonian, Ms. Nellie Simonian, Mr. Dennis Simonian, Mr. John C. Ohanian, Mr. Roland Alcan, Ms. Shakeh Safoian, Mr. Hagop Safoian, Mr. Edward Harrigian, Mr. Harold Harrigian.

Mr. Simon Hovhanessian, Ms. Meline Hovhanessian, Mr. Krikor Hovhanessian, Ms. Mary Hovhanessian, Mr. Nick Agajanian, Mrs. Arsha Agajanian, Mr. Armen Moloian, Mr. Jack Aliksianian, Mr. Lawrence Avakian, Mrs. Dorothy Avakian, Mr. Boris Bagdasarian, Mr. Hagop Dikranian.

Ms. Lucy Dikranian, Ms. Ara Dikranian, Mr. Armen Dikranian, Ms. Ani Dikranian, Ms. Florence Nahabedian, Mr. and Mrs. Hogop Keuroghlian, Mr. Jack H. Tonoian, Mr. Serop Minassian, Ms. Anna Mushmushian, Ms. Maragaret Mushmushian, Mr. John Kalamian.

SUCCESS TO THE FUND MILWAUKEE COALITION

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. MOODY. Mr. Speaker, as we begin work on a Federal budget for 1987, we need to lend an ear to local citizens who will be directly affected by our decisions. One local group that works to shape the Federal Government's spending priorities is the Fund Milwaukee Coalition. The coalition is an umbrella group representing 60 organizations that serve the hungry, homeless, and other needy citizens.

The Fund Milwaukee Coalition believes in the following principles: First, that it is critical to preserve funding for health care, jobs, education, and nutrition programs; second, that responsible cuts should be made in our military budget; third, that a planned, gradual reduction in the Federal deficit is necessary to ensure a healthy economy; fourth, a progressive, equitable tax structure is needed for both individuals and corporations.

The Fund Milwaukee Coalition has often discussed with me Federal budget priorities, especially the need for preserving the Community Development Block Grants Program. Recently, they presented me their Golden Ear award for listening and responding to their concerns. I am honored to receive this award, and I urge all Members of Congress to lend an ear to those constitutent groups who want to share their views on the Federal budget.

The Fund Milwaukee Coalition should be applauded for their commitment and vision in working to improve life for Milwaukee residents. I wish them success on their future efforts.

CUT THE RHETORIC ON THE CONTRAS—LET'S FIND A SOLUTION THAT WILL WORK

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. NEAL. Mr. Speaker, in rereading some of the massive amount of material that has come across my desk concerning Contra funding, I came upon a superb article published in the Christian Science Monitor, in January of this year, and written by a distinguished scholar on Latin American affairs, Wayne S. Smith. The article neatly cuts through the rhetoric that has plagued debate on the House floor on this issue, clearly stating the problems we face in Nicaragua, the failings of the current policy, and suggesting a logical solution.

Mr. Smith finds little merit in the administration's current policy of applying pressure on the Nicaraguan Government through the Contras, which he says has only worsened the situation: Today, the Sandinistas are more dependent than ever on the Soviet Union and Cuba; their government is "less open to internal dialog;" and, the Nicaraguan Army is larger and more menacing to its neighbors.

Mr. Speaker, we have laid aside this issue for the time being, but I assume we will revisit Contra funding between now and the August recess. It would seem worthwhile for my colleagues to take this time to reflect again on the policy options available to us before we are in the thick of debate. Mr. Smith's article is a good starting point. I commend it to their attention:

The article follows:

WASHINGTON DISPUTE: HOW TO DEAL WITH NICARAGUA

(By Wayne S. Smith)

Is there really a new consensus in Washington with respect to Central America and what to do about it? Spokesmen for the Reagan administration insist that there is, and as proof point to what they see as growing agreement on Capitol Hill that the Sandinistas are taking Nicaragua toward Marxism-Leninism, that Nicaragua should not become a Soviet base, and that any assistance the Sandinistas may be giving to the Salvadorean guerrillas ought to be stopped. In fact, there is broad agreement on those points, but the agreement isn't new.

The debate has never been over whether or not the Sandinistas were Marxists or even if they were nice fellows or not. The overwhelming majority of those who strongly disagree with the administration's policy have all along recognized that Managua has a closer relationship with Moscow and Havana than the United States can be comfortable with, that the Sandinistas have been guilty of human rights violations, and that they are not democrats. In short, they represent a problem with which the U.S. must deal. Up to that point, there is broad agreement—and always has been. The disagreement comes over how best to deal with the problem.

The administration insists that we must keep the pressure on the Sandinistas by helping the "contras," but it cannot point to a single way in which helping them has improved the situation. It concedes that there are more Soviet and Cuban military personnel in Nicaragua now than before the contra operation began, and Assistant Secretary of State Elliott Abrams has recently charged that those personnel are participating in combat. On that score the contra war has resulted in the opposite of what we would have wanted: in a greater Soviet-Cuban problem rather than in a reduced one. It has also resulted in a larger Nicaraguan Army, not a smaller one.

Given the paucity of evidence presented by the administration, it is difficult to judge independently whether the alleged arms flow from Nicaragua to El Salvador has increased, or even continues. The administration insists that it continues unabated. If so, clearly contra pressure has been ineffective on that score as well.

Certainly there has been no progress in terms of opening up the internal process, nor should we have expected any. A long-accepted rule of international politics is that you do not bring about internal liberalization by mounting an external military threat. The result is almost always the exact opposite, and so has it been in the Nicaraguan case. The Sandinistas are less open

to internal dialogue now than a year ago, and much less open than two years ago. They have recently imposed a state of seige and cracked down more vigorously on opposition newspapers and radio stations, something the administration has, as it should have, roundly condemned. The implications are clear: In terms of pluralism and internal liberalization, contra pressures have helped not a whit. If anything, they have made things worse.

The administration's weakest argument for aiding the contras has to do with negotiations. If there are today shaper division on Capitol Hill over Central American policy, it is because many congressmen now realize the administration misled them. Not surprisingly, they bitterly resent it. Before the vote on contra aid last June, the administration struck a reasonable posture. In a letter to the Senate. President Reagan said he would resume bilateral talks with the Sandinistas. He followed with a letter to Rep. Dave McCurdy (D) of Oklahoma promising to pursue diplomatic rather than military solutions—if Congress would aid the contras. The reason for the aid, he insisted, was to keep the pressure on the Sandinistas to negotiate.

But once Congress had approved "nonlethal" aid to the contras, all these promises were ignored. Though the President had said in April that he would resume talks with the Sandinistas, in July when the foreign ministers of the Contadora countries called on us to do just that, the administration flatly and immediately refused (although the Sandinistas had already accepted). And in August, Mr. Abrams wrote finis to the possibility of diplomatic solutions by describing the very idea of a negotiated agreement with the Sandinistas as "preposterous."

We could achieve our objectives through diplomacy—all objectives, that is, save the ouster of the Sandinistas. But it is now clear that that is the only thing the administration would be willing to negotiate—i.e., the terms of the Sandinistas' capitulation. Capitulate they never will; hence, dipomatic solutions are at this point pretty well ruled out.

As funding the contras advances none of our other objectives, and as everyone acknowledges that the contras do not have the capability to defeat the Sandinistas, it is difficult to see just what we are accomplishing. Rather than offering some hope for a way out of the Central American imbroglio, supporting the contras simply carries us further into a blind alley leading to the involvement of U.S. troops. Congress authorized the nonlethal aid to the contras last summer, but it has accomplished nothing, so now the administration wants to give them outright military aid. When that also fails, it will ask for more, and more, until finally it is forced to admit that the contras by themselves cannot win for us, that if we want to oust the Sandinistas, we will have to use U.S. forces.

Our only hope of averting another Vietnam-like situation is that a majority of congressmen will refuse to authorize military aid for the contras and insist that the administration honor its earlier promises to the Congress to seek diplomatic rather than military solutions.

Supporters of the administration's Central American policy would have us believe that anyone who opposes that policy is now outside the mainstream. My own perception is that there are more people outside that "mainstream" than in it. But even if that were not the case, even if there were only a handful of critics left, I would prefer to be one of them. Those who asked aloud, just before the vote on the Tonkin Gulf Resolution, whether our destroyers had really been under attack were on that particular morning very much outside the mainstream. They also happened to be right.

WHERE IS H.R. 20?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. PORTER. Mr. Speaker, the recent Supreme Court decision that the Federal Reserve Board cannot regulate "nonbank banks" places the question of equitable Federal regulation of banking services unequivocally before the Congress.

Although the Banking Committee has reported one bill directly addressing the legality of "nonbank" banking, this legislation has not yet been given a rule by the Rules Committee.

I call upon the distinguished gentleman from Florida to allow us to consider H.R. 20 with an open rule so that we can debate these issues thoroughly.

It is grossly unfair to consumers and businesses, including both banks and nonbanks, to allow the present situation of regulatory limbo and double standards to persist. We in the Congress must squarely face our responsibility to decide this issue soon.

We need to establish a level playing field and a single set of rules responsive to the real needs of consumers. Then bankers can get on with the business of doing their business instead of waiting around while the umpires play games.

TRIBUTE TO REV. RUSSELL B. WHITE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. RODINO. Mr. Speaker, on April 25 I will have the great pleasure of attending a dinner honoring Rev. Russell B. White, pastor of the Bethel Baptist Church in Orange, NJ. The dinner will pay tribute to Reverend White's 20 years of dedicated service to the members of his congregation, and I am honored to be included in this 20th anniversary celebration. Rev. James A. Scott, pastor of the Bethany Baptist Church in my home city of Newark, will be the guest speaker.

Reverend White is a rare person. The burden of ministering to a flourishing congregation would be a full-time task for most people, but in addition to his pastoral duties Reverend White also serves as commander of the Eagle Flight Aviation Post No. 290. For some 11 years he has been a leader and a source of inspiration for many young people in northern New Jersey, conducting an outstanding flight training school.

Reverend White is a member of the Tuskegee Airmen, a group of black fliers organized during World War II. Throughout the years following, they have taught and reinforced other blacks to reach for the new frontier of flight. While inspiring young people to learn to fly, Reverend White also teaches the importance of discipline and notes that flying provides the motivation for many students to improve reading and mathematics because they are required to attend ground school. His program has been an outstanding success. Most students who have gone through Reverend White's post have gone on to college or technical school. Some have gone on to military academies, and it was my privilege to nominate three of the school's graduates to the U.S. Air Force Academy in Colorado Springs this year—James Anderson, Jr. of Newark; and Ms. June Bowles and Joseph C. Caffarelli, both of East Orange.

Our community has been blessed by the inspired and dedicated leadership of Rev. Russell White, and many young people have him to thank for guiding and training them for productive careers. I am proud to call him my friend and I look forward to many more years of distinguished service from this esteemed and respected man.

H.R. 4630

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. TALLON. Mr. Speaker, I rise today in strong support of H.R. 4630, the Medicaid Infant Mortality Amendments of 1986. Infant mortality is a consuming, growing national problem that has too long awaited congressional attention. It imposes a drain on our financial and human resources that we can ill afford. H.R. 4630 is a timely and vital measure to assist in the alleviation of this tragic yet preventable problem.

Infant mortality is a frequently cited measure of the overall health of a State and Nation, reflecting issues of distribution and equity, as well as the adequacy of the health care system. It is a sad commentary on our Nation that infant deaths have risen for 2 consecutive years by about 9 percent. At this rate, we may soon lose our already unacceptable rank of 12th among developed nations in infant mortality.

For black children the infant mortality rate is twice as high as that of white children. All totaled, low birth weights account for two-thirds of all black infant deaths. These statistics on infant mortality pose a grave obstacle for a nation that prides itself on strong family values, economic growth, and fiscal stability.

It is usually the poorest States that have the highest infant mortality rates and yet these are the States least able to afford the high costs of unhealthy babies. In my own region, the South, in 1982, 7.6 percent of all births—107,418 babies—in the South were born too soon or too small.

Lack of prenatal care, frequently a result of poverty, is the greatest contributor to infant death. On an average, women aged 18 to 24 give birth to some 40 percent of all babies born in the United States. Yet in 1984, more than 25 percent of these women had no pri-

vate health insurance or public health coverage. The cost for an uncomplicated pregnancy is at least $5,000. Yet Federal programs such as Medicaid cover only about 43 percent of women of reproductive age who earn less than $5,000 a year.

An additional problem is that Medicaid offers no coverage for post partum care of complications during pregnancy. Few States even cover diagnostic services and screening which is so necessary in cases of suspected high risk.

As well, there are many women who are not eligible for Medicaid yet are unable to afford to pay for prenatal care. In all States, Medicaid is tied closely to AFDC payment levels and most payment levels are set at less than 50 percent of the Federal poverty level. In my State of South Carolina this level is particularly low. The outcome is that those with the highest risk of having an unhealthy baby are the least likely to receive adequate prenatal care.

For those who do qualify for Medicaid, the assistance for prenatal care is minimal and the assistance available for post partum care is nonexistent.

The scope and potential damage of the problem of infant death are clear. Equally clear is the significance of the factors of financial resources, availability of health services, and lack of understanding of the importance of prenatal care in determining the health of pregnant women and newborn babies. We can and must address these issues. I believe that the most effective, efficient, and rapid way to improve access to prenatal and infant health care while saving State dollars is through full and creative use of existing programs such as Medicaid. The Infant Mortality Reduction Amendments of 1986 do just this.

This legislation will allow States to exercise an option to provide prenatal care, delivery, and post partum care to women who survive at or below the 100 percent of the Federal poverty level. The bill also provides well-child care for the infant involved up to 1 year of age, without regard to State income eligibility thresholds. This bill also allows States to target Medicaid dollars on care for high-risk pregnant women and infants without regard to family structure and without regard to cash assistance the family may already be receiving under the AFDC Program.

H.R. 4630 addresses the problem of infant mortality effectively and efficiently. By altering Medicaid eligibility policy, Federal funds are invested where they will save the most lives and the most money. By providing immediate assistance to high-risk pregnant women and infants, the measure prevents long-term financial and social costs. The human and financial costs of unhealthy births are high. Every day we spend millions of dollars to save babies born too early, too sick, or too small to have a fair opportunity for a healthy and productive life. And the need for costly care for an infant born at risk is likely to continue for the duration of that child's life. The costs of high technology neonatal intensive care far outweigh the costs of preventing the likelihood of a baby being born with a low birth weight.

Preventive prenatal and infant health care more than pays for itself. By reducing the incidence and severity of unhealthy babies, prenatal and infant care can save $2 to $10 for every preventive dollar invested—and considerably more if long term costs are included. It is a simple and unavoidable choice—we can pay less now or more later.

And these are just the initial, financial costs. The costs in terms of loss of human potential are even greater. Our economic and social capabilities are diminished with each neglected and unhealthy birth. Family well-being and productivity are diminished. Mothers of children with chronic health disorders, such as those relating to birth problems, are less likely to work, costing the United States an estimated $1 billion in lost maternal earnings. Many of these families must turn to public assistance for support. In addition to the impact on the mother's ability to work, a child with birth related handicaps is less likely to be able to be self-supporting in adulthood. The pattern of dependency on public support continues.

I urge my colleagues to support this vital measure as an investment in our children's health and an investment in our future. For, as Abraham Lincoln noted "A child is a person who is going to carry on what you have started * * * the fate of humanity is in his hands."

HONORING DR. HERLINDA LEONG, SUPERINTENDENT OF LOS NIETOS SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. TORRES. Mr. Speaker, I ask my colleagues in Congress to join me in honoring a distinguished educator, Dr. Herlinda Leong.

Dr. Leong will retire on June 8, 1986, as superintendent of the Los Nietos School District in my congressional district. Her students, friends, and the community will be honoring her outstanding service and dedication to education.

Dr. Leong was born in El Paso, TX, and began her career in the Los Nietos School District in 1959 as a substitute teacher. She received her undergraduate degree from Mills College, her masters in education from Whittier College, and her Ph.D. from Nova University in Florida. She has served as the Los Nietos School District superintendent since 1982.

Her interests include travel, reading, gardening, lead-glass making, and collecting Bonsai plants. Dr. Leong is fluent in the languages of English, Spanish, and Chinese.

Mr. Speaker, Dr. Herlinda Leong is to be commended for her outstanding service to the students of the Los Nietos School District. Her husband Hubert and her sons David, Dennis, and Roland are proud of the job she has done as superintendent. I join them and her friends and colleagues in wishing her much success and enjoyment in her well-earned retirement.

TRIBUTE TO ANTHONY (TONY) IURATO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. TORRICELLI. Mr. Speaker, I rise today to honor Mr. Anthony (Tony) Iurato, chief of police of the city of Hackensack. On April 27, 1986, Mr. Iurato will be honored by the Hackensack Chapter of UNICO as "Citizen of the Year."

Chief Iurato has dedicated countless hours for the public safety and well being of the citizens of the city of Hackensack. His distinguished service with the Hackensack Police Department spans three decades and is full of outstanding accomplishments.

A respected leader in the law enforcement community, Tony has the honor of serving as chairman and cofounder of the Bergen County Narcotics Task Force. He is currently a member of the executive board of the Bergen County Police Chiefs Association and a life member of International Association of Chiefs of Police. In addition, Tony has served as third vice president for the New Jersey State Chiefs of Police.

In recent years, Tony's dedication and accomplishments have been recognized by his fellow law enforcement officers. He has had the honor of receiving three Exceptional Duty medals and the Chief's Achievement Award from the Bergen County Police Chief's Association.

The many achievements of Chief Tony Iurato would fill several volumes. He truly embodies the spirit and dedication of this distinguished award.

It is with great honor and pleasure that I join so many of Tony's friends in honoring him as "Man of the Year."

A SALUTE TO THE SAN JOSE MERCURY NEWS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. SOLARZ. Mr. Speaker, one of the outstanding examples of investigative journalism in recent years is the series published last year by the San Jose Mercury News on the hidden wealth of Ferdinand and Imelda Marcos and their associates. Few stories have achieved such a substantial and positive impact on public policy.

The Mercury News articles provided powerful evidence to support the charges of capital flight and corruption in the Philippines. The series sparked a resolution of impeachment against Ferdinand Marcos last summer and triggered an investigation by the House Subcommittee on Asian and Pacific Affairs into the concealed investments by Ferdinand and Imelda Marcos in the United States.

A year before Imelda Marcos, with her 3,000 pairs of shoes and countless other examples of unparalleled conspicuous consump-

tion, came into our national consciousness, Pete Carey, Katherine Ellison, and Lewis M. Simons of the Mercury News were documenting the diversion of massive amounts of money from the people of the Philippines.

Last week, these three reporters and their newspaper received the coveted Pulitzer Prize Award from Columbia University in the category of international reporting. I cannot think of more deserving recipients of this high honor than these three intrepid and insightful reporters. I only regret that the Village Voice, which last October published a remarkable piece of research and reporting by Joe Conason and Bill Bastone, entitled "Marcos Takes Manhattan" did not receive a Pulitzer as well. The Voice story was critically important to our subcommittee in our successful efforts to show that Mr. and Mrs. Marcos control a real estate empire in the State of New York worth roughly $350 million.

Like the article in the Voice, the series in the Mercury News stands in the finest tradition of American journalism. It is indeed appropriate that an investigation carried out by the free press in our country helped to facilitate the restoration of freedom and democracy in another nation. Pete Carey, Katherine Ellison, and Lewis Simons have brought great credit to their newspaper, their profession, and their country by the marvelous work they have done.

AGAINST HONORARIUM INCREASE

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. STALLINGS. Mr. Speaker, I rise in support of the resolution which would repeal the underhanded and outrageous action taken yesterday, apparently with the consent of the House leadership—Republican and Democrat alike—to increase the limit on outside income for House Members from 30 to 40 percent of salary. This increase represents an annual raise of about $7,500, from $22,530 to $30,400, to those few Members, 72, in fact, who receive more than $20,000 in honoraria in 1984.

It is not necessary for me to repeat what so many of my colleagues have rightly condemned. It was a blatant and raw abuse of power that hardens the perception, however justified, that public officials are insensitive and black integrity. Like any incredible and indefensible act, the action itself speaks far louder than the words of indignation that I, or others, may heap upon it. It was wrong and that is all that needs to be said.

Nevertheless, Mr. Chairman, the leadership action should be put into perspective. As my colleagues know, I represent a predominantly agricultural district in southeast Idaho. It is beautiful country and the people there are tough and independent. But they are in trouble now because of Federal Government policies that deliberately sacrificed their interests in correcting other, presumably more important, economic interests like high inflation and interest rates. These policies have led to depressed commodity prices, plummeting land values, and shrinking exports. Of course, in my district, when farmers are in trouble so are the businesses that service them and the communities in which they live. Let me make this clear: there is a depression in Idaho, as in other parts of the farm belt, and the future provides little hope or promise.

It is within this context that I vehemently oppose raising the outside income allowed to Members. I am sympathetic to my constituents who truly need relief from a crisis not of their making. I am not, and let me emphasize "not," sympathetic to those 72 Members of Congress asking for a $7,500 raise.

Mr. Speaker, I urge my colleagues to strike yesterday's action so that we can send a signal to the American public that we know it is for them that we work and it is their interests that come first.

IN RECOGNITION OF NATIONAL SECRETARY'S WEEK

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WOLPE. Mr. Speaker, I would like to take this opportunity to pay tribute to the secretaries in my district who—along with the rest of the country—are celebrating National Secretary's Week.

This week, April 21–25, is dedicated to secretaries to give recognition to their contribution to the operations of businesses, government, organizations, and associations. Clearly, none of these entities could survive without the skills provided by highly professional and dedicated secretaries.

Mr. Speaker, one almost never hears of secretaries included in the praise accorded to a company or organization for its performance and prompt and agreeable service. Yet secretaries are, indeed, an integral part of that organization's structure which allows it to operate effectively and efficiently. It is my hope, Mr. Speaker, that employers will not only take advantage of this opportunity to show in concert with the rest of the Nation their full appreciation of their secretaries' contribution to the organization, but also will continue to express this appreciation on a regular basis.

A SALUTE TO THE POMPEIAN PLAYERS WHO HAVE ENRICHED THE PEOPLE OF CENTRAL NEW YORK

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. WORTLEY. Mr. Speaker, it is with singular pride that I commend the attention of our colleagues in the Congress to a dedicated and richly talented theater group that is about to bring down the curtain after six decades of extraordinary service to the people of central New York.

I am speaking of the Pompeian Players of Our Lady of Pompei Italian Church in Syracuse, NY.

Since their inception, the players have been under the direction of Catholic priests. The first director, beginning in 1927, was Father William Mahaney. Successive directors have been Father Gerard Horan, Father Mahaney who returned to direct shows from 1938 to 1942, Father Francis Furfaro, and Father Charles L. Borgognoni who began his tenure in 1950, and still, as director, recently announced that no theater productions are planned in 1987.

The idea of going into show business was conceived as a method of reducing the parish debt incurred by the construction of the church. The earliest performances took place on a small stage in the church basement which now serves as the cafeteria. As the fame and popularity of the theater company grew, performances were moved to larger facilities at the Franklin School, then to even bigger facilities at the spacious Grant Junior High School auditorium which offered 1,100 seats.

In 1956, the Pompeian Players went "big time" while presenting the musical comedy "Of Thee I Sing" in a series of performances at Grant Auditorium and the RKO Keith's Theater in downtown Syracuse.

Playing the big theater stages of the time became routine. Besides Keith's, the Pompeian Players performed at the Empire, Lowe's and Paramount theaters before, beginning in 1977, staging productions in the Onondage County Civic Center.

Performances throughout the years have included such shows as "South Pacific," "Guys and Dolls," "Oklahoma," "Hello Dolly," "Mame," and "My Fair Lady." Their closing production this season will be "Annie."

From the original concept of using show proceeds to pay off the church debt, the Pompeian Players expanded their goals and went on to make significant contributions to Our Lady of Pompei Parish by providing funds for land acquisition, additional buildings, facilities and equipment. Through benefit performances, the players have helped the Red Cross, the War Relief Fund, the Columbus Monument Fund and other worthy organizations, including those of other faiths. Show profits currently are shared between Our Lady of Pompei Church and the Catholic Center at Syracuse University.

On Saturday, the third of this coming month, the Pompeian Players will hold their first alumni party at the Onondaga County War Memorial. From among the several hundred of the more than 1,250 alumni from throughout America who plan to attend the reunion is the company's oldest, living original player, Mr. Vincenzo Salomons. He is 92.

What he and fellow members of this illustrious troup have contributed to the cultural, spiritual and physical enhancement of our Greater Syracuse community over the last 60 years will be remembered with gratitude.

As Shakespeare wrote, "The play's the thing."

Mr. Speaker, the Pompeian Players did their thing with a verve and dedication that will remain indelible.

NATIONAL EXTENSION HOMEMAKERS COUNCIL CELEBRATES 50 YEARS OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1986

Mr. YOUNG of Florida. Mr. Speaker, the National Extension Homemakers Council celebrates its 50th anniversary of service to our Nation next month.

More than 600,000 volunteers in 44 States contribute in a wide variety of ways to improve the quality of life in our communities. through educational activities, local councils like that in Pinellas County, FL, which I represent, provide information and programs on citizenship, the arts, family life, health, housing, nutrition, and safety. The Pinellas County council has touched our lives in Florida in so many ways and will gather next week to honor the national program's 50th anniversary. This special program will pay tribute to the valuable contributions council members have made to their communities for half a century, and will honor those individuals who have been 50-year members.

Homemakers extension organizations have been active throughout our Nation for more than 65 years, but it was in 1936 that these individual groups formed one national organization. Since then, their list of achievements is impressive. The national council contributed to several important efforts to help our Nation during the difficult years of World War II. The council was also influential in starting food nutrition programs in our schools which has evolved into the national school lunch program. Council members today provide valuable guidance to 4-H clubs throughout our country, promote voter registration drives, and have increased public awareness about seat belt safety.

Mr. Speaker, the dedicated volunteers of the Pinellas County Extension Homemakers Council are representative of the important work council members do throughout our Nation to raise the standards of community life. I join with the members of the Pinellas County council in honoring the contributions thousands of council volunteers have made to our country during these past 50 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 24, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on proposals to modify the Medicare physicians payment system.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Immigration and Naturalization Service, Department of Justice.
SD-226

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 28

9:30 a.m.
Judiciary
To hold hearings on S. 2163, to make necessary and appropriate amendments to the antitrust laws governing service by any person as a director of two or more competing corporations engaged in interstate commerce.
SD-226

10:30 a.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

11:00 a.m.
Small Business
To hold oversight hearings on the implementation of Title XVIII, authorizing funds for the Small Business Administration, of the Reconciliation Act (P.L. 99-272).
SR-428

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

APRIL 29

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the Department of Agriculture, focusing on the Farmers Home Administration.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Armed Services
Closed business meeting, to discuss the Department of Defense funding level as contained in the President's budget for fiscal year 1987, and to consider pending military nominations.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on proposed budget requests for fiscal year 1987 for the Department of Energy, focusing on nuclear activities.
SD-366

Judiciary
To hold hearings on proposed legislation authorizing funds for the Department of Justice.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

Environment and Public Works
To hold hearings on domestic and international oil pollution issues.
SD-406

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Foreign Relations
To resume hearings on the nomination of Morton I. Abramowitz, of Massachusetts, to be an Assistant Secretary of State.
SD-419

Judiciary
To hold hearings on S. 2334, to restrict all Federal employees from lobbying the Federal Government and from

working for a foreign entity after they leave government service.
SD-226

APRIL 30

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 2346, authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.
SR-332

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the findings of the Presidential Commission on the Space Shuttle Challenger Accident.
SR-253

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Labor and Human Resources
To hold oversight hearings on the human resources impact of reentry of women into education and the labor force.
SD-430

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on embassy security enhancement.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings on certain activities of the Federal Bureau of Investigation, Department of Justice.
SD-226

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2346, authorizing funds for programs of the Federal Insecticide, Fungicide, and Rodenticide Act.
SR-332

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Food and Drug Administration of the Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-138

Armed Services
Preparedness Subcommittee
To resume open and closed hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on the National Strategic Stockpile; and to mark up S. 2102, to prescribe the method for determining the quantity and classification of any materials to be stockpiled under the Strategic and Critical Materials Stock Piling Revision Act (P.L. 96-41).
SR-222

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

Judiciary
To hold hearings on pending nominations.
SD-226

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987, focusing on environmental implications of Multilateral Development Bank lending policies.
SD-124

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact of coal and electricity imports on the domestic coal industry.
SD-366

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 571, proposed Drug Money Seizure Act.
SD-538

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 2

9:30 a.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

2:00 p.m.
Finance
Business meeting, to mark up proposed legislation providing for revisions in Federal tax laws.
SD-215

MAY 5

1:30 p.m.
Finance
International Trade Subcommittee
To hold hearings on miscellaneous tariff bills.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to review the Department of Energy nuclear research and development program policy.
SD-366

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Air Force aircraft procurement programs.
SD-192

2:00 p.m.
Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.
S-146, Capitol
Labor and Human Resources
To hold oversight hearings on medical malpractice.
SD-430
Select on Intelligence
Closed business meeting, to continue markup of proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2260, to settle certain claims arising out of activities on the Pine Ridge Indian Reservation, and S. 2243, to improve the health status of Native Hawaiians.
SD-124

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space transportation system.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for strategic systems.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Holocaust Memorial Council and the Smithsonian Institution.
SD-192
Judiciary
To resume hearings on white collar crime in the United States, focusing on the E.F. Hutton investigation.
SD-226

MAY 9

9:30 a.m.
Finance
Health Subcommittee
To hold hearings to examine the condition of rural hospitals under the Medicare program.
SD-215

MAY 13

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Coast Guard, and H.R. 1362, to revise, consolidate, and enact certain laws related to load lines and measurement of vessels as parts C and J of subtitle II of title 46, United States Code.
SR-253

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration, Department of Health and Human Services.
SD-116
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 525, to provide for the transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of radiation effects.
SD-342
*Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-124

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2050, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-124
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SR-253
Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the prospects for exporting American coal.
SD-366

1:00 p.m.
*Judiciary
Security and Terrorism Subcommittee
To resume hearings in closed session to examine legal mechanisms to combat terrorism.
S-407, Capitol

2:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Admiral Paul A. Yost, Jr., to be Commandant, U.S. Coast Guard, with the grade of admiral, and Rear Admiral James C. Irwin, to be Vice Commandant, U.S. Coast Guard, with the grade of vice admiral.
SR-253

10:15 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation, and proposed legislation authorizing funds for the Federal Maritime Commission.
SR-253

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol
Labor and Human Resources
To hold oversight hearings on strategies to reduce hunger in America.
SD-430

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 3

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on the implementation of the Public Utility Regulatory Policies Act (P.L. 95-617).
SD-366
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on statistical policy for an aging America.
SD-342

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol
Labor and Human Resources
To hold oversight hearings to review the imposition of user fees in FDA approval procedures for new drugs.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1935, to provide for certain vessels to be documented under the laws of the United States to entitle them to engage in domestic coastwise trade.
SR-253

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations to the National Advisory Council on Women's Educational Programs.
SD-430

JUNE 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint oversight hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary and Vocational Education on illiteracy in America.
2175 Rayburn Building

JUNE 17

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2055, to establish the Columbia Gorge National Scenic Area.
SD-366
Labor and Human Resources
To resume oversight hearings on medical malpractice.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 25

9:30 a.m.
Labor and Human Resources
To hold hearings on the administration of the Mine Safety and Health Review Commission.
SD-430

JULY 16

9:30 a.m.
Labor and Human Resources
To hold hearings on measures to improve the health of children.
SD-430

JULY 17

9:30 a.m
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on work and welfare issues.
SD-430
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 22

9:30 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on work and welfare issues.
SD-430
Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

AUGUST 13

9:30 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for intelligence programs.
S-407, Capitol

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on the impact of proposed budget estimates on health research programs.
SD-138

APRIL 29

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 2105, S. 2106, and S. 2107, bills to provide for the settlement of certain claims of the Papago Tribe of Arizona.
SR-385

MAY 1

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on employee benefit and pension policy implications contained in proposed tax reform legislation.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, April 24, 1986*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. COELHO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, APRIL 23, 1986.

I hereby designate the Honorable TONY COELHO to act as Speaker pro tempore on Thursday, April 24, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for Your mighty acts of deliverance, acts that have brought people from slavery to freedom. On this day of Passover we are reminded of Your goodness to us and we pray that we will be faithful to those traditions of freedom. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 220. Joint resolution to reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense.

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 280. Joint resolution designating the month of November 1986 as "National Alzheimer's Disease Month";

S.J. Res. 288. Joint resolution to designate the month of May 1986, as "National Birds of Prey Month";

S.J. Res. 289. Joint resolution to designate 1988 as the "Year of New Sweden" and to recognize the New Sweden 1988 American Committee;

S.J. Res. 293. Joint resolution to designate the month of May 1986 as "National Child Safety Month";

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week";

S.J. Res. 310. Joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week";

S.J. Res. 312. Joint resolution designating the week beginning April 13, 1986, as "National Medical Laboratory Week";

S.J. Res. 317. Joint resolution to designate the month of November 1986 as "National Hospice Month";

S.J. Res. 318. Joint resolution designating November 1986 as "National Diabetes Month";

S.J. Res. 321. Joint resolution to designate October 1986 as "National Down's Syndrome Month";

S.J. Res. 324. Joint resolution to designate the week beginning May 18, 1986, as "National Digestive Diseases Awareness Week"; and

S. Con. Res. 133. Concurrent resolution to commend Deputy Director of Central Intelligence John N. McMahon for exceptionally distinguished service to the United States of America.

The message also announced that pursuant to sections 1928a–1928d, title 22, of the United States Code, the Chair on behalf of the Vice President appoints Mr. EAGLETON, Mr. MATHIAS, Mr. BENTSEN, Mr. MCCLURE, Mr. HATCH, and Mr. HEFLIN, as members of the Senate delegation to the North Atlantic Assembly Spring Meeting, to be held in Luxembourg City, Luxembourg, on May 22 to June 1, 1986.

The message also announced that pursuant to sections 276h–276k, title 22, of the United States Code, as amended, the Chair on behalf of the Vice President appoints Mr. ZORINSKY, Mr. DECONCINI, Mr. HATCH, Mr. MATTINGLY, and Mr. BINGAMAN, as members of the Senate delegation to the Mexico-United States Interparliamentary Group Meeting, to be held in Colorado Springs, CO, May 29 to June 2, 1986.

SAY IT ISN'T SO

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, there is a shocking story this morning on the front page of the Washington Times written by George Archibald, and I certainly hope it is incorrect. What this story says really smacks all ethics that we have in the face and also causes great concern for the security of the President of the United States. This story alleges that every day Michael K. Deaver is given the personal detailed schedule of the President of the United States by Frederick J. Ryan, that his driver goes over, it is handed to him, and then he knows every single detail that no one else knows. Obviously that allows him to sell all sorts of access that we have been reading about and I think is wrong. But it also, I think, jeopardizes the security of the President of the United States because anyone can intercept that driver, get that appointment book, and know exactly what to do and where. I certainly hope this is incorrect, and I certainly hope that the White House announces today what the truth is and let us hope that this story is not the truth.

TAKEOVER RAIDS AND DOMESTIC OIL AND GAS EXPLORATION

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTON of Texas. Mr. Speaker, our country finds itself facing an energy crisis that poses a threat to U.S. energy security. That crisis is the plunge in domestic oil and gas exploration and the resultant collapse in U.S. energy production.

The standard barometer of exploration activity in the United States is the rig count, the number of drilling rigs in operation. The higher the rig count, the higher the level of U.S. oil and gas exploration. Exploration is essential to U.S. energy security, since low levels of exploration activity will lead to lower domestic production and a return to dependence on OPEC.

I am sure that you will be disturbed to know that exploration activity in the United States has virtually halted as a result of a number of factors, in particular low world oil prices. Americans are not looking for oil and gas in the United States anymore, because they cannot break even when oil prices fluctuate in the $10 to $15 per-barrel range. The number of operational rigs has plunged from 1,900 in December 1985 to 917 last week. The rig count has fallen by 50 percent in 4 short months. The United States confronts a return to a period of energy dependence on OPEC.

A prominent Texas independent oilman and good friend of mine, Mr. Michel Halbouty, has long been con-

cerned over the decline in domestic oil and gas exploration. The attached article from the Houston Chronicle written by Michel Halbouty is worth reading.

[From the Houston Chronicle, Mar. 30, 1986]

A FAR WORSE CRISIS

(By Michel T. Halbouty)

"In my opinion, this country is reaching toward a severe economic crisis, as well as an imposition on our national security by our not doing everything possible to increase our domestic (oil) production now. To continue along the downward exploratory curve which we are now experiencing will surely result in economic chaos. The impact of an energy shortage in this country would be absolutely disastrous.

"Unless there is an appreciable and sustained turnaround in our exploratory activities. I can safely predict that soon we will have an energy crisis in this country which will cause repercussions throughout the width and breadth of this great nation of ours like a devastating earthquake."

Those are the words I said on Nov. 30, 1960, as I concluded a speech in Los Angeles. Unfortunately, the prediction came true with the 1973–74 energy crisis.

What I said then applies today. The present volatile energy price and supply situation has many aspects of comparison with the energy dilemmas we faced in the 1960s and 1970s.

Domestic oil production is falling; drilling is down to a dramatic low equal only to that of the mid-1970s; our oil imports are gradually increasing; companies are going under; massive layoffs are regular occurrences; and budget cutbacks in exploration and production, as well as in research and development, are almost daily reported.

But what got us into this sorry state has been almost totally forgotten or ignored by the media. The hostile takeover-merger raids of the past few years have, singlehandedly, forced more changes on the petroleum industry than any amount of price cuts could have done. Today's dangerous retrenchment trend was precipitated by the hostile raids on the industry—raids which saddled companies with huge debts, triggering cutbacks and personnel layoffs. The recent oil price slide has only accentuated the problem and accelerated the attrition.

Personnel and exploration cutbacks are severe and it seems that more will occur. What disturbs me most is the complete disregard for the human element. It is a sad commentary on our morality in doing business that the welfare of those who sustain the growth of business is being neglected at best and ignored at worst. Mass layoffs of personnel for the sake of paying the highest dividend or sustaining the dividend, even though a reasonable profit can be made without cutbacks, are counterproductive.

Instead of letting thousands of employees go and drastically cutting back on exploration, companies could take a lower profit and still maintain the employees and sustain reasonable and effective exploration activities. In this way, they could build for the future. Such, unfortunately, is not the case and when the turnaround comes, those same companies will not have the benefit of dedicated, experienced professionals. Instead they will be forced to hire inexperienced and untrained personnel. Greater sums will be spent on trying to catch up than were saved by cutting back.

The impact of exploration cuts and employee layoffs is felt in all sectors of the petroleum industry. The multiplier effect of these cuts will soon be felt throughout the communities where those cuts were made, such as we are experiencing today in Houston. The job-loss toll has reached the hundreds of thousands since the raiders and their Wall Street cohorts started their assault on the petroleum industry. Eventually the nation as a whole will experience the effects of the devastation left in the wake of hostile raider demolition tactics and the added thrust of crude oil price declines.

As our domestic oil production dwindles and companies further reduce their exploration programs, our imports of crude oil and products from foreign nations will increase. In as little as 36–48 months we could become as much as 75 percent import-dependent.

How could this happen so fast? It's really very simple. With oil prices at uneconomic lows, many U.S. stripper wells will be abandoned—and once abandoned, they're gone forever as resources for the nation. Some 14 percent of our current production is from stripper wells. Deduct the millions of barrels of oil that could have been produced had we been exploring for new reserves, and another shortfall appears.

Today we import roughly 5 million barrels a day of crude oil; we produce around 8.9 million barrels a day and draw down approximately 2 million barrels per day from inventory. Our consumption is estimated at roughly 16 million barrels of oil each day; a 50 percent import dependence would be fast arriving. From that point it would only be a matter of time until imports set record highs, and America was once again at the mercy of foreign cartels.

Our domestic petroleum is the only available dependable supply. Other sources are subject to nationalization, expropriation, confiscation by exorbitant taxation, the caprice of foreign sovereigns, war and other emergency disconnections.

A shift in oil import dependence translates into danger for the country as a whole, and especially affects our national military security. Without secure petroleum supplies to fuel our military complex, we are at a disadvantage in the event of hostilities or outright war. If our domestic petroleum industry cannot provide these secure supplies, we would stand little chance of sustaining, much less winning, any confrontation.

The world still runs on oil energy, and it will for decades to come. As a result of lower oil prices, most of our alternate-energy research and development projects have been curtailed or canceled. Our nuclear power policy is ludicrous, prohibiting nuclear energy from taking its valuable place in our energy markets. Restrictive fuel-use regulations further hamper our development of increased energy security. And with the fall in oil prices, other energy resource prices also lose ground.

What we must not do at this time is underestimate the influence of foreign oil exporters. The American petroleum industry's retrenchment in the wake of raider threats and foreign producers' continuing to flood world oil markets to drive prices down add up to excessive U.S. oil-import dependence.

The oil industry, so vital to our national security, must be strengthened instead of weakened. To stave off the possibility of another oil crisis we must take immediate and responsible measures. Legislation which has been proposed in Congress to remove onerous, punitive and counterproductive regulations and laws of the past years must be supported, and those proposals which would harm the industry and the country in the long term must be opposed.

If we don't defuse the time bomb associated with the continuous drop in domestic oil exploration, we will be faced with another, far worse crisis of oil-price escalation and oil-import dependence the likes of which we have never seen.

ECONOMIC TERRORISM IN WEST VIRGINIA

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, in the past few weeks it has become apparent that the Middle East doesn't have a monopoly on terrorism. My constituents in West Virginia have fallen victim to a surgical strike by the insurance industry, which amounts to economic terrorism in its finest form.

In its past session, the West Virginia Legislature passed an insurance accountability bill, which the insurance industry neither supported nor opposed. But the minute the bill became law, the five major providers of liability insurance in West Virginia announced that this was more than they could bear, and that they would sell their wares elsewhere effective May 31, unless something is done to protect their piece of the rock.

No deaths have resulted from this attack, yet, Mr. Speaker, but what happens on May 31 when doctors and hospitals start closing their doors? While we have rejected the idea of bombing the insurance industry, Congressman WISE and I have decided to seek recourse through the committee process. Congressman WISE will be working with Energy and Commerce, and I will pursue hearings in Judiciary.

Mr. Speaker, this is a problem of great magnitude. With its intent now blurred, perhaps McCarran-Ferguson has outlived its usefulness.

REFUSAL TO GRANT PATENT ON ENERGY MACHINE SEEN AS AN INJUSTICE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, it took the Wright brothers over 3 years to obtain a patent for their flying machine, simply because the U.S. Patent Office insisted that such an invention was impossible. Today we are witnessing the same foolish behavior. For 7 years, the Patent Office has refused to grant Joseph Newman of Mississippi the legal right to his energy machine, an invention which could revolutionize the energy industry and vastly improve the quality of our lives.

Patent officials have denied Newman a patent on the grounds that his machine doesn't work. This, despite the fact that they have not run a single test of the device which substantiates their claims; despite the fact that over 30 respected scientists have sworn that the machine works; and despite the fact that a court-appointed special master has ruled in Newman's favor.

This case smells of injustice. In late February, a Federal judge impounded Newman's invention without a hearing and in apparent violation of a higher court order.

Article I, section 8 of the Constitution gives Congress the authority to grant patents to American citizens. It is time for this body to exercise that authority by granting a patent to Mr. Newman. We must act because the executive and judicial branches of our Government have denied this man his constitutional right to due process of law.

I urge my colleagues to investigate this matter, and I urge that hearings be held. If anyone has concrete evidence that Mr. Newman's device does not work, please come forward. Otherwise, it is time to stop wasting taxpayer money, grant this man a patent, and let the American marketplace decide the value of this invention.

GAO STUDY PROVES INADEQUACY OF WEATHER INFORMATION TO PILOTS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, last summer, along with Congressmen GEORGE BROWN and TOM LEWIS, I requested that the GAO study the availability of hazardous weather information to air traffic controllers.

Mr. Speaker, the full report has just been released and the findings reaffirm the fact FAA airport radars are not capable of determining storm intensity and airports do not have direct access to adequate sources of hazardous weather information.

Further, the report concluded that air traffic controllers at the Nation's busiest airports sometimes do not have time to disseminate weather information to pilots and it is often not given as soon as possible because controllers are too busy performing their primary duty of separating aircraft. This lack of controller time for disseminating weather information can result in insufficient weather information being available to pilots during the critical takeoff and landing phases of flight.

Hazardous weather is a major factor in aviation accidents with over 50 percent of all air carrier accidents in some way attributable to weather conditions. One particular incident that comes to mind is the Delta crash in Dallas last summer in which hazardous weather conditions played a major role and indications were that the flight crew was not provided with the latest weather forecast.

One of the key solutions is the installation of the terminal Doppler radar systems. OMB has slashed the FAA's facilities and equipment budget despite the multibillion surplus in the aviation fund. This means that the installation of 15 terminal Nexrad systems will not be put into operation until 1990 and 1991. I have already sent letters to OMB Director James Miller and FAA Administrator Don Engen in this regard. It seems to me that OMB is ignoring the problems. It is important to note that the total cost of installating the system at the Nation's 100 busiest airports is just about the monetary loss from just one Dallas Delta-type crash. Beyond that, without structural and procedural changes in the system, airline passengers' lives will continue to be in some jeopardy.

MALPRACTICE INSURANCE COMPANIES ARE PRACTICING BLACKMAIL

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker and fellow Members, I want to sound a national warning: during the past year every Member of this body has been besieged by cities, States, physicians, manufacturers, small businesses, all begging for insurance rate relief. Insurance premiums are skyrocketing. "Give us tort reform," respond the insurance companies.

During the past 2 years I have basically grown more sympathetic to the cause for tort reform. Indeed just 2 months ago the West Virginia Legislature took the first step in this direction by passing limits on recovery, certain limits on recovery. However, the legislation also added other language that would require insurance policies before they are being canceled, for the people to have the opportunity for a hearing and require companies to submit more detailed financial information to regulators. What was the insurance companies' reaction?

Four of the major malpractice insurance providers for West Virginia immediately announced they were canceling their policies. As of May 31, 1986, most of our State's 7,000 doctors, 58 hospitals and other health providers will find themselves without malpractice insurance.

Mr. Speaker, this is blackmail. The insurance company thinks that it can take a small State like West Virginia and intimidate it to change laws with which it does not agree.

Mr. Speaker, along with my fellow colleague from West Virginia, Representative HARLEY STAGGERS, I am asking the appropriate committees of Congress to investigate the industry's actions in West Virginia.

The industry's exemption from Federal antitrust legislation does not extend to coercion or blackmail. Furthermore, Mr. Speaker, the insurance companies have long fought to avoid Federal regulation. But the way it is treating my State—make no mistake about it next time it will be your State—shows that I intend to make this a national issue. We must drag these insurance companies, who think they can kick their small State around, kicking and screaming into the national arena for all to see what they truly mean when they ask for tort reform.

ADJOURNMENT TO MONDAY, APRIL 28, 1986

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COOPER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I was unavoidably absent Wednesday morning, April 23, 1986, for rollcall No. 93, the approval of the Journal. Had I been present, I would have voted "aye."

At the time of the vote, I was at the Supreme Court of the United States attending the oral argument on the suit that I joined challenging the constitutionality of the automatic deficit reduction process of the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law No. 99-177, known as the Gramm-Rudman-Hollings Act.

THE ATTEMPT TO INCREASE HOUSE MEMBERS' OUTSIDE EARNINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, I want to state my position regarding the attempt made on the House floor on Tuesday to increase the limit on outside earned income for Members of the House of Representatives. Let me hasten to add that I am grateful that the House acted quickly in reversing this controversial decision.

Mr. Speaker, I am particularly concerned about the way the resolution was brought to the floor on Tuesday without notice and with only a small handful of Members present—and then passed on a voice vote where Members could not record their positions on the measure.

This surprise maneuver by a few cast suspicion on the majority of Members of this House at a time when we ourselves are calling on people all over this country to tighten their belts and accept deep budget reductions in many worthwhile programs. This is just a very inappropriate time for this kind of resolution to be brought before this body.

It would have been reprehensible if we had let this measure slip by.

Thankfully, the House yesterday took the unusual action of vacating the proceedings by which the outside income increase was approved. I supported the move to knock out the previous action of the House, and I am glad we quickly overturned what would have been a regrettable decision.

Last evening I listened to the news reports of certain Members from both parties who criticized the intestinal fortitude of those other Members who opposed the resolution raising the outside income limit.

Mr. Speaker, this resolution was rammed through the legislative process immediately after the invocation by the Chaplain on Tuesday by voice vote.

This resolution would have allowed Members of the House to earn $7,510 more each year in honoraria, legal fees, and other outside earned income. Had it been allowed to be subjected to the normal floor debate—where the checks and balances usually work—there would have been no quarrel with it, although I feel sure it would have been soundly defeated. For myself, I would have opposed it under any circumstance.

Despite the bustling economic activity, the housing boom, decreasing interest rates, and reduced inflation—for which we are grateful—our country faces a serious underlying danger.

Because our country owes more than $2 trillion because we will have to borrow at least $140 billion in the next year, and because the current interest on our national debt totals $165 billion Americans have become alarmed. They have expressed that alarm and concern to the majority of Congress, and Mr. Speaker, I am one of those who have received the message that it is high time that this body took a good look at fiscal responsibility.

That responsibility comes in the form of Gramm-Rudman-Hollings—whether we like it or not.

To meet the deficit targets under this new law, and to match the Government's spending with its income by 1991, it is necessary to cut deeply into health, education, agriculture, economic development, cost-of-living increases for Federal and military retirees, other domestic programs, and Defense.

So, at a time when we are urging our citizens to stand up for reduced Federal spending, to be patriotic, and to accept these sacrifices, we in the Congress—who are already suspect in the minds of many of our citizens—enacted a resolution which has the appearance of impropriety.

Mr. Speaker, some of the proponents who complained when we vacated the proceedings and rejected this resolution yesterday said the Members have no guts. One proponent said that when a pay raise comes on the horizon many Members run for the hills.

I just want to say that it took more than guts for those proponents to bring this ridiculous measure to the floor in the most untimely of all times.

It took gall and gumption, and the Members of the House were correct in overturning this action yesterday by an overwhelming vote of 333 to 68.

WHERE'S THE BUDGET?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT] is recognized for 5 minutes.

Mr. LOTT. Mr. Speaker, this is day nine that the Congress has been in violation of the April 15 statutory deadline for a final budget. Do you know where your budget resolution is?

Mr. Speaker, while we have not been able to track down even a trace of a House budget resolution, we have managed to locate the House Budget Committee chairman. He was shown on the network news clips this morning, standing on the Supreme Court steps yesterday, decrying the evils of the Gramm-Rudman Deficit Reduction Act. Here's what he had to say for the television cameras: "We can't put the Government on automatic pilot. We in Congress must run the Government ourselves."

Mr. Speaker, I would remind our budget chairman that the automatic pilot doesn't kick in unless we cop out and don't produce a budget that meets the Gramm-Rudman deficit targets. If the chairman continues to dally, he may have to admit like Pogo that, "We have met the automatic pilot and he is us."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. LOTT, for 5 minutes, today.

(The following Members (at the request of Mr. COOPER) to revise and extend their remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROWN of California, and to include extraneous matter notwithstanding the fact that it exceeds 5¾ pages of the RECORD and is estimated by the Public Printer to cost $2,825.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. SOLOMON.

Mr. DANNEMEYER.

Mr. CRANE.

Mr. BEREUTER, in three instances.

Mr. HENRY.

Mr. MCKERNAN.

Mr. LIVINGSTON.

(The following Members (at the request of Mr. COOPER) to revise and extend their remarks and include extraneous material:)

Mr. BARNES.

Mr. TALLON.

Mr. RODINO.

Mr. HAMILTON.

Mr. WEISS.

Mr. FOWLER, in two instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 280. Joint resolution designating the month of November 1986 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 288. Joint resolution to designate the month of May 1986, as "National Birds of Prey Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 289. Joint resolution to designate 1988 as the "Year of Sweden" and to recognize the New Sweden 1988 American Committee; to the Committee on Post Office and Civil Service.

S.J. Res. 293. Joint resolution to designate the month of May 1986 as "National Child Safety Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 310. Joint resolution to proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 312. Joint resolution designating the week beginning April 13, 1986, as "National Medical Laboratory Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 317. Joint resolution to designate the month of November 1986 as "National Hospice Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 318. Joint resolution designating November 1986 as "National Diabetes Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 321. Joint resolution to designate October 1986 as "National Down Syndrome Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 324. Joint resolution to designate the week beginning May 18, 1986, as "National Digestive Diseases Awareness Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes a.m.), under its previous order, the House adjourned until Monday, April 28, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

3370. Under clause 2 of rule XXIV, a letter from the Secretary of Education, transmitting a report on the Department's progress in controlling federally imposed paperwork on the education community and coordinating activities of Federal agencies that collect education information, pursuant to 20 U.S.C. 1221-3(f), was taken from the Speaker's table and referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. Report on allocation of budget totals for fiscal year 1986 (Rept. 99-555). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4422. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to authorize appropriations for fiscal years 1987, 1988, and 1989 and to clarify the treatment under other laws, of home energy assistance payments and allowances provided under such Act; with an amendment (Rept. 99-556, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bils and resolutions were introduced and severally referred as follows:

By Mr. HYDE:

H.R. 4687. A bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations; to the Committee on the Judiciary.

By Mr. SHUMWAY (for himself, Mr. KOLBE, and Mr. THOMAS of California):

H.R. 4688. A bill to amend the Agricultural Act of 1949 to suspend the application of the milk production termination program in order to minimize the adverse effect of the program on beef, pork, and lamb producers; to the Committee on Agriculture.

By Mrs. BOGGS (for herself, Mr. GINGRICH, Mr. HENRY, and Mr. SHARP):

H. Res. 434. Resolution authorizing printing of the compilation of materials entitled "Guide to Research Collections of Former Members of the United States House of Representatives, 1789-1987"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TORRES introduced a bill (H.R. 4689) for the relief of Merlene Ottey-Page; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. YATRON.
H.R. 229: Mr. KOSTMAYER.
H.R. 864: Mrs. SCHROEDER.
H.R. 1398: Mr. FORD of Tennessee.
H.R. 1950: Mr. CLINGER and Mr. SABO.
H.R. 3459: Mr. OBERSTAR.
H.R. 3747: Mr. ROWLAND of Georgia, Mr. KANJORSKI, Mr. HILLIS, Mr. SOLOMON, Mr. SMITH of New Jersey, Mr. SUNDQUIST, Mr. BILIRAKIS, Mrs. JOHNSON, Mr. MOLINARI, Mr. HENDON, and Mr. ROWLAND of Connecticut.
H.R. 3894: Mr. CHAPPELL, Mr. FORD of Michigan, Mr. MCCAIN, Mr. FLORIO, Mr. WIRTH, Mr. ZSCHAU, Mr. SPRATT, Mr. COUGHLIN, Mr. RINALDO, Mr. FRENZEL, and Mr. JONES of North Carolina.
H.R. 4183: Mr. JONES of North Carolina, Mr. WATKINS, Mr. DELLUMS, Mr. CRAIG, Mr. JENKINS, Mr. ROWLAND of Georgia, Mr. BARNARD, Mr. VOLKMER, Mr. VALENTINE, and Mr. TALLON.
H.R. 4204: Mr. PENNY.
H.R. 4267: Mr. OBERSTAR.
H.R. 4300: Mr. MCCLOSKEY, Mr. RINALDO, Mr. SCHUMER, Mr. GARCIA, Mr. BIAGGI, and Ms. MIKULSKI.
H.R. 4333: Mr. DWYER of New Jersey and Mr. DASCHLE.
H.R. 4344: Mr. OXLEY.
H.R. 4391: Mr. DANIEL, Mr. SMITH of New Hampshire, Mr. DUNCAN, and Mr. MCCAIN.
H.R. 4422: Mr. WIRTH and Mr. DAVIS.
H.R. 4437: Ms. KAPTUR.
H.R. 4488: Mr. MARTINEZ, Mr. CROCKETT, Mrs. BOXER, Mr. ANDREWS, Mr. WIRTH, and Mr. FROST.
H.R. 4621: Mr. SHUMWAY and Mr. MONSON.
H. Con. Res. 233: Mr. BARNES.
H. Res. 40: Mr. LAGOMARSINO, Mrs. BENTLEY, Mr. FIELDS, Mr. PACKARD, Mr. HARTNETT, Mr. PURSELL, and Mr. SHUMWAY.
H. Res. 392: Mrs. BENTLEY, Mr. LIGHTFOOT, Mrs. BOXER, Mr. KOLBE, Mr. LAGOMARSINO, Mr. YATRON, Mr. SLAUGHTER, Mr. WALGREN, Mr. MARTINEZ, Mr. DARDEN, Mr. SMITH of New Hampshire, Mr. PORTER, and Mr. WIRTH.
H. Res. 404: Mr. NEAL, Mr. STALLINGS, Mr. OLIN, and Mr. MCMILLAN.
H. Res. 418: Mr. PANETTA, Mr. STANGELAND, and Mr. DORGAN of North Dakota.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3302

By Mrs. VUCANOVICH:

(Amendment in the nature of a substitute.)

—Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—SHORT TITLE, FINDINGS AND PURPOSES

SHORT TITLE

SEC. 101. This Act may be cited as the "Nevada Wilderness Act of 1985".

DECLARATION OF FINDINGS AND PURPOSES

SEC. 102. (a) The Congress finds that—

(1) certain areas and undeveloped national forest lands in the State of Nevada possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, be an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the National Forest System of Nevada have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the National Forest System in Nevada have also identified those areas which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of this Act.

(b) The purposes of this Act are to—

(1) designate certain National Forest System lands in Nevada for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people; and

(2) insure that certain National Forest System lands in the State of Nevada be made available for uses other than wilderness in accordance with applicable national forest laws and planning procedures and the provisions of this Act.

TITLE II

ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

SEC. 201. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890), the following National Forest System lands in the State of Nevada, as generally depicted on maps appropriately referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately thirty-two thousand acres as generally depicted on a map entitled "Mount Charleston Wilderness Area—Proposed", dated March 1985, and which shall be known as the Mount Charleston Wilderness;

(2) certain lands in the Humboldt National Forest, which comprise twenty-three thousand acres as generally depicted on a map entitled "Jarbidge Additions to the Jarbidge Wilderness—Proposed", dated March 1985, and which are hereby incorporated in and which shall be deemed a part of the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act;

(3) certain lands in the Humboldt National Forest, which comprise approximately seventy-three thousand acres as generally depicted on a map entitled "Mount Moriah Wilderness—Proposed", dated March 1985, and which shall be known as the Mount Moriah Wilderness; and

(4) certain lands in the Inyo National Forest, which comprise approximately eight three thousand nine hundred acres as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated March 1985, and which shall be known as the Boundary Peak Wilderness.

LEGAL DESCRIPTION AND WILDERNESS BOUNDARIES

SEC. 202. As soon as practicable after the enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each area described in title II with the Committee on Energy and Natural Resources of the United State Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

APPLICATION OF THE WILDERNESS ACT OF 1964

SEC. 203. Subject to valid existing rights, each wilderness area designed by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of this Act and the Wilderness Act, except that any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TITLE III—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

ADMINISTRATIVE AND CONGRESSIONAL REVIEW OF ROADLESS AREAS

SEC. 301. (a) The Congress finds that—

(1) the Department of Agriculture has completed the Second Roadless Area Review and Evaluation Program (RARE II); and

(2) the Congress has made its own review and examination of national forest roadless areas in Nevada and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to the national forest lands in the State of Nevada which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d) upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 (Public Law 93-378), as amended by the National Forest Management Act of 1976 (Public Law 94-588), to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referred to in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to—

(1) those National Forest System roadless areas, or portions thereof in the State of Nevada, which were identified by unit plans listed at the end of this subparagraph, which are not designated as wilderness by this Act:

National forest	Unit plan
Humboldt	Santa Rosa
Humboldt	Ruby Mtn./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada

(2) National Forest System roadless lands in the State of Nevada which are less than five thousand acres in size.

TITLE IV—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

SEC. 401. (a) Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary concerned deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560.

(b) The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in National Forest System wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(c) The use of motorized equipment for the maintenance and care of livestock and supporting facilities for historical purposes related to grazing activities is permissible in wilderness areas in the State of Nevada. Such use of motorized equipment shall be expressly authorized in individual grazing permits or allotment management plans for the area involved, or by agreement with the wilderness management agency.

(d) Not later than one year after the date of the enactment of this Act, and at least every five years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report detailing the progress made by the Forest Service in carrying out the provisions of paragraphs (a), (b), and (c) of this section.

STATE WATER ALLOCATION AUTHORITY

SEC. 402. (a) As provided in section 4(d)(6) of the Wilderness Act, nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Nevada water laws.

(b) Nothing in this Act shall be construed to limit the exercise of valid water rights as provided under Nevada State law, nor shall it constitute an express or implied reservation of water rights in favor of the Federal Government.

STATE FISH AND WILDLIFE AUTHORITY

SEC. 403. As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

PROHIBITION OF BUFFER ZONES

SEC. 404. (a) Congress does not intend that the designation of wilderness areas in the State of Nevada lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within any wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(b) Any air quality redesignation shall remain the prerogative of the State as provided in section 164(a) of the Clean Air Act.

(c) It is the intent of Congress that wilderness designation shall not in itself provide for protection under the visibility provision or any other provision of the Clean Air Act beyond that provided for adjacent public lands managed for multiple use.

MINERAL RESOURCES

SEC. 405. (a) In furtherance of section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (94 Stat. 2305), the Secretary of the Interior shall continue to make assessments of the mineral potential of national forest wilderness areas in the State of Nevada on a recurring basis, consistent with the concept of wilderness preservation, in order to expand the data base with respect to the mineral potential of such lands.

(b) The use of motorized equipment for transportation, construction, and earth moving purposes and the construction of facilities related to development and mining of valid mining claims located prior to enactment of this Act is permissible in wilderness areas in Nevada. Reasonable access by road may be permitted.

WATERSHED PROTECTION

SEC. 406. (a) Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist or which may be necessary in the future to prevent the degradation of the water supply in such wilderness areas within the State of Nevada, subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(b) Within the wilderness areas designated by this Act, the provisions of the Wilderness Act shall not be construed to prevent the installation and maintenance of hydrologic, meteorologic, climatological, geologic, or telecommunications facilities, or any combination of the foregoing, or limited motorized access to such facilities when nonmotorized access means are not reasonably available or when time is of the essence, subject to such strict environmental safeguards as the Secretary of Agriculture and the Secretary of the Interior deem desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes, or for conducting essential surveys and tests.

(c) As provided in section 4(d)(1) of the Wilderness Act, such measures may be taken within wilderness areas designated by this Act as may be necessary in the control of fire, insects, and diseases, subject to applicable laws and such additional reasonable conditions as the Secretary deems desirable. This shall include the use of herbicides for plant and noxious weed control and the practice of reseeding a badly damaged area.

PREDATOR CONTROL AUTHORITY

SEC. 407. Nothing in this Act shall limit or affect the jurisdiction or responsibilities of the Federal Government, in cooperation with the State of Nevada, with respect to predator control activities in the national forests in Nevada.

(Amendment to amendment in the nature of a substitute (H.R. 4642).)

—On page 11, line 6, strike all of title II and make all technical and conforming numerical changes to title I that are necessary.

SENATE—*Thursday, April 24, 1986*

(Legislative day of Monday, April 21, 1986)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend Dr. Mark Anschutz, rector of Christ Episcopal Church in Alexandria, VA. He is sponsored by Senator PAUL TRIBLE.

PRAYER

The Reverend Dr. Mark Anschutz, rector, Christ Episcopal Church, Alexandria, VA, offered the following prayer:

Let us pray.

Almighty God, bless this bright land that Thou hast lifted between the seas: Her lonely wilds, her rich earth beneath our feet, her pulsing rivers, her splendid heights, the teeming cities and quiet villages of her landscape.

Bless, Lord God, this body of persons assembled. Give them minds and hearts this day and always which will allow them to wisely apply the fairness of the freedom we proclaim in this land. Let the laws they will create this day enshrine and reflect Your laws and be a mark of Your love on every citizen of this land. Inspire with vision every Member of this council, that in seeking Your truth they may be purified, this Republic may be strengthened and Thy glory done.

Inspire us with respect for the dignity of every citizen of this land and especially those who it would be easy to forget, the poor, the homeless and destitute, the old and the sick, and all who have none to care for them. Set us not on selfish paths, Lord God, but on Your high purposes, that we may heal all those who are broken in body or spirit and turn their sorrow into joy.

And, finally, Lord God, lest we forget, look down and visit the families of those elected to this body who give of themselves so generously in support of those who here serve—the spouses and children and grandchildren of this assemblage. Be Thou their guide and their strength this day and evermore, for it is into Thy care that we entrust them and we pray that Thy love would encompass them and guide them. All of this and so much more we say in the name of our God, the Creator. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

THE INSPIRATION OF REVEREND ANSCHUTZ

Mr. TRIBLE. Mr. President, let me at the outset thank the Reverend Mark Anschutz for a beautiful prayer this morning. Reverend Anschutz is the rector of Christ Church in Alexandria, an ancient Episcopal church where George Washington and Robert E. Lee worshiped. Not only does Christ Church have a distinguished past but it is a vibrant church today of nearly 2,000 members. Christ Church is spiritually alive and growing and at work in this world trying to heal the brokenness that we see around us.

Mark Anschutz is a powerful preacher who inspires and challenges his congregation and who has the rare ability to take the teachings of the Lord and translate them to the life that each of us must lead—the joys, the frustrations, the problems that we all encounter. I thank him for being here this morning.

SCHEDULE

Mr. TRIBLE. The majority leader is absent because of a meeting at the White House and in his stead let me summarize the order of the day.

At the outset the two leaders are recognized under the standing order for 10 minutes each. Then there will be special orders in favor of the following Senators for not to exceed 5 minutes each: Senators HAWKINS, CRANSTON, PROXMIRE, and MOYNIHAN. Then the Senate will turn to routine morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for not more than 5 minutes each. At the conclusion of routine morning business, the Senate will then resume consideration of the budget resolution, Senate Concurrent Resolution 120. Pending is amendment No. 1800, the Moynihan amendment. Votes can be expected during the course of this day.

It will be the intention of the majority leader to ask that the Senate not be in session on Friday if an agreement can be reached to reduce the statutory time limitation allotted to the budget resolution by 10 hours.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. TRIBLE. Mr. President, on behalf of the majority leader, I ask unanimous consent to reserve the remainder of the majority leader's time.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

CELEBRATION OF PASSOVER

Mr. DOLE. Mr. President, last night at sundown, Jews the world over began the weeklong celebration of Passover.

This holiday, which commemorates the liberation of the Jews from bondage in Egypt, symbolically occurs in spring. It is a time for new beginnings and for reaffirmation of one's faith.

The story of the "Exodus" is retold each year during the first two nights of the holiday at Passover seders. Only unleavened bread, or matzoh, is eaten during the 7 days of Passover to remember the fact that the Jews, hastening from Egypt, had no time to leaven their bread. Other foods, which symbolize their bitter, difficult lives in Egypt, are part of the seder service.

Each evening, a cup of wine for the prophet Elijah is set on the table. For there is a legend that this prophet visits every Jewish home on seder night. Passover is the festival of freedom and Elijah is the one who will announce that happy time in the future when all men will be free and a new time of peace and happiness will come upon the Earth.

All men and women, Jews and non-Jews, understand the desire, the need for freedom that drove the Jews from Egypt thousands of years ago. And we also share the hope and the belief that the Elijah's message of peace soon will be delivered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I ask unanimous consent that I may reserve my time for use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

71-059 O-87-40 (Pt. 6)

SENATOR HAWKINS' SPECIAL ORDER

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is to be recognized for not to exceed 5 minutes.

Mr. MATTINGLY. Mr. President, I rise to offer a statement today by the Senator from Florida, the Honorable PAULA HAWKINS, with reference to drug testing.

DRUG TESTING

Mrs. HAWKINS. Mr. President, since the release of the report by the President's Commission on Organized Crime on Drug Abuse, Drug Trafficking and Organized Crime there has been a great deal said on the subject of drug testing. Unfortunately this has been another case where there has been more heat than light shed on this subject.

There can be little doubt that drug abuse and even drug use has serious consequences for our society, for our families, and even for ourselves as individuals. A survey by the American Management Association (AMA) and Arizona State University found that one in ten blue- and white-collar workers used illegal drugs in the workplace.

Contrary to what you might expect, this problem is not limited to bored assembly line workers or underachieving middle managers. Joseph A. Pursch, a medical director of Comprehensive Care Corporation, an alcohol and drug addiction treatment center in Newport Beach, California, has observed a 100 percent increase in the number of high-level executives coming in for treatment compared with only five years ago.

A 100 percent increase in high-level executives in need of treatment. These are the people who make the crucial business decisions that determine the fate of the entire company and its employees—to say nothing of profits. This should be enough to send shivers down the spine of employees and stockholders everywhere, and indicate the magnitude of the problem we are facing.

Some say that there is a distinction between the so-called recreational use of drugs and drug use in the workplace. But according to the Cocaine National Help Line this distinction is largely non-existent. In a study they conducted, 75 percent of the drug users tested admitted to using illegal drugs on the job; 64 percent said that drugs hindered their work performance; 44 percent said they sold drugs to fellow employees and 18 percent revealed having a drug-related accident or stealing from employers to support their habits.

There has also been an inclination to think that these so-called recreational uses of illegal drugs in off work hours does not have an effect on the job. Not so according to the November 1985 issue of the American Journal of Psychiatry. In an article entitled, "Carry-Over Effects of Marijuana Intoxication on Aircraft Pilot Performance: A Preliminary Report," authors Yesavage, Leirer, Denari and Hollister found that even 24 hours after smoking a single marijuana cigarette, pilots' skill can be impaired. The Psychiatrists asked 10 licensed private pilots to perform certain maneuvers in an aircraft simulation device. They then asked the pilots to smoke one average social "dose" of marijuana and then perform the same maneuvers immediately after smoking the joint, four hours later and then again 24 hours later.

When tested immediately after smoking the joint and four hours later the pilots were described as being barely in control of the plane. Even 24 hours later when the pilots were no longer feeling "high" the scientists noted increases in the number of hand movements needed to keep the plane stable, and found the pilots landing accuracy was still off by as much as one hundred percent with one of the pilots landing completely off the runway.

I don't know about you, but I would not want any of these people flying my airplanes; fixing the brakes on my car; operating a train or doing anything that affects my welfare or the welfare of my family or my country.

The toll taken by illegal drugs on our society is terribly high. We read increasingly of its effect on children and families. The effect on the workplace is just as bad. Drug use results in bad business decisions, diverted supervisory and managerial time, friction among workers, damage to company equipment and company public image, not to mention health care costs, absenteeism, sick leave, and the rising cost of health insurance and worker's compensation claims.

With so much at stake, it is no wonder that private companies are increasingly turning to drug testing as an effective means of addressing the problems posed by employee drug use. A survey of Fortune 500 companies has shown that 18 percent are using some form of drug testing, and that 20 percent are planning to implement a drug testing program within the next two years. This is up from only 5 percent testing in 1982. And it is not Mom and Pop companies that are doing the testing. IBM is now testing. So is Ford Motor Company, Alcoa, Boise-Cascade, American Airlines and even the New York Times.

Clearly the time has come for us to give this matter serious and careful consideration. I believe that drugs pose a serious threat to our country, and I believe that it will take a serious effort to get the problem under control. Drug testing can be an important part of this effort.

RECOGNITION OF SENATOR CRANSTON

The PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. CRANSTON] is recognized for not to exceed 5 minutes.

AIR SAFETY

Mr. CRANSTON. Mr. President, while the Senate is properly concerned about the budget—the issue before us today—millions of Americans are deeply concerned about air safety.

The two are linked.

Air passengers, understandably, are worried about the dangers of terrorism.

Airplanes appear to be a favorite target of terrorists.

And now more than ever is a time for utmost vigilance.

Yet, there is another threat to air travel that is more insidious and perhaps all the more dangerous because of that.

It is the danger of indiscriminate budget cutting by the Government and injudicious cost cutting by some of the airlines.

Mr. President, a mechanic for one of the airlines was in my office recently and he admitted that some time ago the following incident took place:

A warning light on one of his planes was not functioning properly. But the crew, wanting to avoid costly downtime, decided not to take the plane out of service for repairs. Instead, they taped down the switch to the "off" position, and for a week—until the next regularly scheduled maintenance check—the plane flew with a warning light that did not work.

Fortunately, this particular incident ended harmlessly. But it illustrates why air travelers have reason to be worried these days.

Airline deregulation has brought us lower fares. But it also has brought us more airlines, more aircraft flying more passengers, more competition, and more intense temptation to airline management and workers to cut corners so as to bring down operating costs.

Now, more than ever, we need more Government oversight to ensure air safety; more safety inspectors to make sure that airlines live up to the highest levels of flying safety; more—and more experienced—controllers to handle the huge volume of air traffic.

Instead, we are getting less.

Because of budget cuts, we have 33 percent fewer air safety inspectors today than we had 7 years ago, and 37 percent fewer full performance level air traffic controllers than we had 5 years ago—and things can get much worse.

The first Gramm-Rudman sequestration for the current fiscal year cut the Federal Aviation Administration budget by $115 million.

What will happen in fiscal 1987?

What will happen if the indiscriminate, across-the-board Gramm-Rudman formula is triggered and the FAA suffers another cut of 20 percent, or 25 percent, or more?

Mr. President, the current crisis in air safety points up the perils of mindless, priorities-be-damned budget cutting that is the essence of Gramm-Rudman.

It also points up the absolute need for Congress and the President to reach a budget agreement so as to avoid the Gramm-Rudman trigger.

Part of that agreement, in my judgment, should be increased funding for air-safety enforcement.

There was a sharp increase in air crashes and fatalities last year; 561 people died in U.S. airline accidents. We must avoid actions that would inevitably cause more death in the skies this year—and next.

Failure to do everything humanly possible to reduce the national calami-

ty of air accidents would be a national disgrace.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

The Senator from Wisconsin.

THE NUCLEAR TEST BAN IS VERIFIABLE SO LET'S NEGOTIATE IT

Mr. PROXMIRE. Mr. President, the administration has offered a whole string of alibis for their opposition to negotiating a nuclear test ban treaty with the Soviet Union. Only one of those objections has even a remote plausibility. That "remotely plausible" objection is that such an agreement would not be verifiable. Now an outstanding expert on verification has demolished that objection. Who is this expert? Why is he qualified to make such a judgment? The expert is Kosta Tsipis of the Massachusetts Institute of Technology. Tsipis is the director of the program in science and technology for international security at MIT. Is Director Tsipis an expert on verification of nuclear weapons tests? He is, indeed. He and two other top professionals in this field have just published a book entitled, "Arms Control Verification: The Technologies That Make It Possible." In this book, Tsipis and his colleagues analyze the technologies of verification. They do more. They consider the political agreements necessary to bring the effective verification technologies into play. For instance, Tsipis says that if test ban negotiators can agree on stationing unmanned instruments in monitoring stations near test sites, the instruments could surely recognize and identify nuclear weapons test explosions. Could the instruments distinguish between earthquakes and nuclear weapons tests? Yes. They could. How? Tsipis points out that earthquakes generally give off seismic signals with low frequencies. Nuclear explosions produce higher frequency signals. Have these monitoring stations actually been produced? Yes, indeed. In fact, seven of these stations have already been completed. They are being tested now by scientists. Could the Soviets tamper with these unmanned stations and conceal their test explosions? No way. Tsipis flatly asserts that the stations are tamper proof. But would the Soviets agree to the installation of a sufficient number of these stations in their territory to provide the kind of monitoring required? Yes. In fact the Soviet Union has already indicated their willingness to do so, according to Spurgeon Keeney of the Arms Control Association. And, of course, this country can and should make the stationing of these monitoring stations within the boundaries of both countries a necessary condition of agreeing to the comprehensive test ban.

Isn't it possible that weapons development might proceed so swiftly that the verification techniques will not be able to keep pace? Fortunately the contrary is true. In spite of the reduction in funds for advancing verification technologies, Director Tsipis says that overall, technologies which allow the United States to verify Soviet compliance with arms control agreement are actually advancing more swiftly than weapons developments. Where have these verification technologies made progress? In optics, electronics and computing. Director Tsipis is confident that there is no question the United States now has the ability to verify existing and proposed arms control accords adequately. It is true that the new weapons have been getting smaller. The explosions have lower megatonnage and therefore send off smaller signals. Doesn't this make verification more difficult? No. Why not? Tsipis says: "the verification technologies are advancing at a faster pace. We are becoming even better."

Mr. President, the Defense Department has anticipated that they will not be able to base their case against test ban negotiations on the verification issue. They have been changing their alibis faster than a striptease artist can change clothes. They have argued that they had to keep testing to assure the reliability of their nuclear stockpile. That alibi lasted about a week. It lasted just long enough so that a check of the number of nuclear tests to assure reliability over the years showed that less than 3 percent had been for reliability purposes. Furthermore to the extent that reliability is a legitimate testing purpose, negotiations could permit an exception strictly limited for necessary reliability testing under international observation.

The latest Defense Department gambit in this regard is a real honey. In a response to Congressman MARKEY who has been the leading congressional advocate of a nuclear test ban, the Defense Department contends that continued nuclear weapons testing is necessary to prevent the proliferation of nuclear weapons. Mr. President, it is hard to believe that the Defense Department could offer such a transparently erroneous justification for not negotiating an end to testing nuclear weapons. For many years every expert advocate of stopping nuclear proliferation has pleaded with the superpowers to stop nuclear testing because the newly developed technologies resulting from testing will bring the cost of nuclear weapons down and their devastating effect up. As the nuclear weapons become more devastating per pound and nuclear arsenals become cheaper, more and more small and relatively poor nations will be able to afford to acquire the nuclear "equalizer." But now the Defense Department argues that if we stop making our nuclear arsenal cheaper and ever more deadly, other nations will develop their own nuclear arsenals. Congressman MARKEY accurately tagged this latest alibi for continued testing when he said: "I have yet to see one shred of evidence that supports this patently ridiculous and Orwellian contention."

Mr. President, much of the material for this speech has come from an excellent article in Defense Week by David J. Lynch.

MYTH OF THE DAY: WHOLE HERD BUYOUT PROGRAM AND PRICE SUPPORT CUTS CAN SOLVE OUR LONG-TERM DAIRY SUPPLY PROBLEM

Mr. PROXMIRE. Mr. President, the myth of the day is that the Whole Herd Buyout Program and price support cuts can solve our long-term dairy supply problem. An expected explosion of milk production by the year 2000 shows the compelling need to develop effective ways to control our supply now. Otherwise, dairy farmers will drown in the surplus.

The Office of Technology Assessment [OTA], an agency established to help the Congress anticipate and plan for the consequences of uses of technology, has recently released startling figures about the effects of technology on our Nation's dairy farms by the year 2000. What will this technology mean in terms of animal production efficiency? The OTA projections are truly astounding. For the year 1982, the annual milk production per cow, measured in thousands of pounds, was 12.30. The OTA study pegs this figure at 24.700 by the year 2000. This represents an incredible increase of over 100 percent in the period from the years 1982 to 2000.

These staggering projections send a message, loud and clear, to all those concerned about dairy programs and policies: Now is the time to devise and put into place a dairy supply management plan that works.

What about the Whole Herd Buyout Program that was authorized in the 1985 farm bill? It is untried and untested. I strongly favored, instead, another Milk Diversion Program along the lines of its successful predecessor.

The Milk Diversion Program that ended March 31, 1985, was designed to bring about reductions in three related areas: first, milk production; second, Commodity Credit Corporation purchases; and third, Federal Government costs. It was a total winner in meeting these objectives.

In facing the gigantic increases in annual milk production per cow forecast by the OTA study, one thing is crystal clear: we cannot effectively deal with the dairy supply problem through price support cuts. When dairy farmers are hit by a price support cut, they do what any rational person would do in similar circumstances—they fight to survive. How? By producing more milk.

But do consumers benefit from dairy price support cuts? No, they do not. At the same time that price supports for dairy farmers have been severely slashed in recent years, retail dairy prices for consumers have been increasing. Why? Because those in between dairy farmers and consumers—namely, the processors and retailers—are not in the habit of being that generous. They do not generally pass the savings along to consumers.

And does cutting the price support level for dairy farmers translate into savings for the taxpayers? No, it does not. It is the taxpayers who must pick up the tab for increasing Government purchases of dairy products brought about by the need for dairy farmers to produce more in order to survive.

A sound dairy supply management program is the only effective way to meet the challenge posed by the ocean of milk that will likely confront us by the year 2000. The Whole Herd Buyout Program may prove helpful in the short run, and it should be given a chance. But I firmly believe that a policy based on the Milk Diversion Program concept is what we need to deal successfully with our long-term dairy supply problem.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed beyond 10:30 a.m., with statements therein limited to 5 minutes each.

MISSISSIPPI LEGISLATURE EXPRESSES SUPPORT FOR THE SELECTIVE SERVICE SYSTEM

Mr. COCHRAN. Mr. President, I received from the chairman of the Mississippi Senate's Committee on Military Affairs a copy of a Senate concurrent resolution adopted by the legislature of the State of Mississippi at the recently concluded session in Jackson, MS. The resolution expresses the support of the legislature for the Selective Service System and the registration, even during peacetime, of those who are eligible for military service.

Wayne Burkes, who is chairman of the Military Affairs Committee of the State Senate, is a dear friend of mine, and he provides very important leadership in our State on matters which come under the jurisdiction of that committee.

I ask unanimous consent that a copy of his letter to me and a copy of the Senate concurrent resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MISSISSIPPI STATE SENATE,
Jackson, MS, April 16, 1986.

Hon. THAD COCHRAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COCHRAN: I have the honor and pleasure of transmitting to you Senate Concurrent Resolution 521 of the 1986 Mississippi Legislative Session expressing the support of the Mississippi Legislature and their constituents concerning the Selective Service System with continuous peacetime registration.

We Mississippians are traditionally patriotic and recognize our responsibilities and obligations to this nation which includes the privilege of serving in time of need.

May this resolution of support be of assistance in obtaining the strong defense posture this nation needs for continued world leadership.

I am and have been a strong supporter of the Reserve Components and the Selective Service System as they are an integral part of our national preparedness.

Sincerely,

WAYNE O. BURKES.

SENATE CONCURRENT RESOLUTION No. 521

Whereas, the President and the Congress of the United States support the continuation of the program for peacetime registration for the Selective Service System; and

Whereas, in approving funds for such registration, Congress has recognized that peacetime registration contributes to national readiness by reducing by up to two months the time required for a full defense mobilization; and

Whereas, the registration program is an important signal to our North Atlantic Treaty Organization allies and to our potential adversaries of the seriousness of United States defense commitments at home and abroad; and

Whereas, over one million United States citizens have sacrificed their lives in military service to protect the rights and freedoms of all Americans; and

Whereas, the registration for Selective Service is an integral part of current preparedness to preserve these rights and freedoms in the future; and

Whereas, the Legislature of Mississippi notes with pride that over 175,000 Mississippians have registered with the Selective Service System since resumption of registration and by so registering are contibuting to the national defense prepardness of the United States:

Now, therefore, be it resolved by the Senate of the State of Mississippi, the House of Representatives concurring therein, That we do hereby reaffirm our support of the President and Congress for the provision of peacetime registration which has strengthened our national defense preparedness, signaling to our allies as well as our adversaries the seriousness of the United States defense commitments at home and abroad, and we commend the young men of this state and nation who have recognized their obligation to serve their country in time of need.

Be it further resolved, That a copy of this resolution be sent to the President of the United States and to the Mississippi Congressional Delegation, and that copies be made available to the press.

NORTH CAROLINA STUDENT LEGISLATURE

Mr. HELMS. Mr. President, there is a group of young people in North Carolina who have just observed their 50th birthday—and if that seems to be a contradiction, let me explain: I refer to the North Carolina Student Legislature which is the oldest such entity in the Nation.

I am very proud of the young people who today are participating in this very constructive and practical study of how the legislative branch of their State government functions. There are more than 250 of them involved this year. They come from more than 20 of North Carolina's colleges and universities.

Mr. President, I am told that more than 5,000 young people have participated in the activities of the North Carolina Student Legislature during the past half century. Some of them later became leaders of my State; all of them have gained a better understanding of how their State government works. They have learned parliamentary procedure. They have learned how the legislative process functions in a democratic society.

Small wonder that the Student Legislature is so highly regarded. Each year, the governor of this student group presents to the North Carolina General Assembly a compendium of legislation enacted by the Student Legislature. Copies of this document are delivered to the Speaker of the House and the President of the Senate. Not surprisingly, members of the general assembly take careful note of the actions taken by the young people, because nearly half of the members of the general assembly were once members of the Student Legislature.

The Student Legislature has an impressive track record. Nearly 40 percent of the legislation enacted by the young people has found its way to enactment by the general assembly, thereby becoming laws of the State of North Carolina. In the process, many student legislators have been consulted by their elders. Many others have testified before committees of the general assembly.

Mr. President, it is interesting that numerous alumni of the Student Legislature have gone on to serve in the Federal and/or State governments. For example, U.S. Attorney Sam Currin served years ago in the Student Legislature. Two former mayors of Charlotte got their start in the Student Legislature—Ken Harris and Eddie Knox. Eddie Knox later served

in the general assembly and as chairman of North Carolina's Advisory Budget Commission.

Others include the present Lieutenant Governor, Bob Jordan; the late U.S. Representative Allard Lowenstein; former U.S. Senator—now director of North Carolina's State Bureau of Investigation—Robert Morgan; and four former North Carolina Governors—Terry Sanford, Robert W. Scott, James E. Holshouser, and James B. Hunt.

There are others, I am sure, whose names do not come to mind. I offer the above list merely as examples—with the hope that any whom I have overlooked will forgive me.

The point, Mr. President, is that I am enormously proud of this extraordinary organization and all of the young people who, down through the years, have served and learned, and grown into responsible citizenship. So as the North Carolina Student Legislature moves into its 51st year, I extend my sincere congratulations and best wishes. It's an idea whose time had come on the first day it functioned—and it will be around for the next 50 years, and beyond, as a wholesome and constructive part of what we regard as the great State of North Carolina.

SENATOR GOLDWATER TO RECEIVE MEDAL OF FREEDOM

Mr. DOLE. Mr. President, this afternoon the White House announced that on May 12 Senator BARRY GOLDWATER will join a distinguished group of Americans as a recipient of the Medal of Freedom.

There are few Americans who have compiled the history of patriotic commitment and dedication to the principles of freedom and democracy that Senator GOLDWATER has.

Starting his political career in 1949 as a member of the Phoenix City Council, BARRY has risen through the ranks of State and National politics, and in 1964 was the Presidential standard bearer for the Republican Party.

A hero to a generation of conservatives, Senator GOLDWATER continues today to speak out on issues that will play a critical role in this Nation's future. And none, more important than national security. In his capacity as chairman of the Intelligence Committee, and now as chairman of the Armed Services Committee, BARRY is an unflinching advocate of a strong and effective national defense and the continuation of America's role as the bulwark of freedom throughout the world.

Mr. President, when BARRY GOLDWATER retires at the end of this session of Congress, the Senate will lose one of its most distinguished voices, and one of its truest patriots. So, I am very pleased that this honor, the Medal of Freedom, will be presented to him when he was still a Member of this body. The Senate family can share in the pride of one its own, and as a colleague, extend BARRY our most heartfelt congratulations.

RESIGNATION OF DR. HARRY M. LIGHTSEY, JR., AS DEAN OF THE UNIVERSITY OF SOUTH CAROLINA LAW SCHOOL

Mr. THURMOND. Mr. President, last week I learned that Dr. Harry M. Lightsey, Jr., has resigned from his position as dean of the University of South Carolina School of Law in order to continue his service at the College of Charleston for an additional year as acting president.

While I sympathize with the students and faculty at the law school who will sorely miss his energetic leadership, I am delighted that the College of Charleston will continue to benefit from Dr. Lightsey's keen guidance.

A cum laude graduate of Clemson University, Dr. Lightsey received a dergree in veterinary medicine from the University of Georgia and practiced as a veterinarian from 1956 to 1958. He then decided to enroll at the University of South Carolina Law School where he graduated summa cum laude.

He has been an assistant attorney general for the State of South Carolina, general counsel to the South Carolina Public Service Commission, and legal advisor to the President of the South Carolina Senate. From 1963 to 1966 and from 1972 to 1976 he served as a professor at the University of South Carolina School of Law.

In 1980, Dr. Lightsey was named dean of the law school, a post from which he took a leave of absence in January of this year to assume the interim presidency of the College of Charleston. His tenure at the law school has been exceptional and I know the university law school will continue to benefit from his contributions for many years to come.

Dr. Lightsey's short term at the College of Charleston has been a great success. Charleston's Evening Post newspaper has applauded his able and decisive leadership, calling him "A Thinking Man." His outgoing personality and sincerity have already made him a popular man not only on campus, but in the Charleston community as well.

Established in 1770, the College of Charleston is the oldest institution of higher learning in South Carolina, the 13th oldest college in the United States and the oldest municipal college in the Nation. This historic school has earned international recognition as one of the finest liberal arts colleges in the South. More graduates of the college are admitted to medical school than from any other college in the State and its accounting majors maintaing the highest average scores on the CPA exam among South Carolina colleges and universities. It is only fitting that such a solid and experienced leader as Dr. Lightsey be at the helm of this great institution, and I am confident that he will continue to prove the effective leadership needed for the college to move forward with purpose.

NATIONAL COOPERATIVE BUSINESS ASSOCIATION

Mr. ANDREWS. Mr. President, when an organization starts its 70th year of service to a major portion of the American population, I feel special recognition is in order. The National Cooperative Business Association [NCBA], founded in 1916 as the Cooperative League of the USA [CLUSA], has just entered into its 70th year serving more than 58 million Americans who are members of cooperatives. The noteworthy accomplishments and ongoing efforts of this fine organization are a credit to its board, staff, and membership.

The National Cooperative Business Association is a membership and trade association representing America's cooperative business community. The NCBA, of which Morgan Williams is president and chief executive officer, serves as a chamber of commerce for cooperative businesses representing the unique and mutual needs of the various industries which make up the grand spectrum of cooperatives.

Membership includes farm supply, agricultural marketing, insurance, banking, housing, health care, consumer goods and services, student, credit union, worker, fishery, rural electric, telephone, State association, and other types of cooperatives. In addition, the National Cooperative Business Association represents all American cooperatives as the U.S. representatives to the International Cooperative Alliance, a worldwide organization based in Geneva, Switzerland, which is a coalition of cooperatives in 72 countries, speaking for over 499 million people.

The program of the National Cooperative Business Association includes:

Supporting the development, expansion, and interconnection of cooperative businesses in the United States.

Representing the cooperative business community in Washington, DC, through legislative policy and regulatory advocacy before Congress and Federal agencies.

Developing, building, and providing technical assistance to cooperative businesses in the developing world.

Representing American cooperatives in the world's cooperative business community through membership and active participation in the Internation-

al Cooperative Alliance [ICA], headquartered in Geneva, Switzerland.

Promoting and developing international commerce, banking, insurance, trade, joint ventures, and other business interconnections by and among the world's cooperatives.

There is much more, Mr. President. Over the years, the National Cooperative Business Association has developed a number of related entities that pursue specific missions in close coordination with the association. They include the National Cooperative Business Foundation, the National Cooperative Business Political Action Committee, the Cooperative Hall of Fame and Historical Society, the National Cooperative Business, Institute, and Cooperative Business International [CBI].

NCBA has played a prominent role in the founding of two well-known organizations in the cooperative business world, such as Cooperatives for American Relief Everywhere [CARE] and the National Cooperative Bank [NCB].

Currently, the NCBA International Division is implementing 11 long-term programs focusing on agribusiness development and cooperative education and training. Programs are underway in India, Indonesia, Equatorial Guinea, Niger, Rwanda, Haiti, Jamaica, Guatemala, and Peru.

Cooperative Business International [CBI], subsidiary of NCBA, is holding CO-EXPO in San Francisco, in July 1986. This will be the first trade show which will bring together cooperatives and other businesses from all over the world to learn about each other and explore opportunities for trading with each other.

The National Cooperative Business Association is holding its 1986 annual meeting here in Washington on April 28 through May 1.

I know my colleagues join me in congratulating the National Cooperative Business Association for 70 years of dedicated service to America's cooperative and wishing the NCBA well in its endeavors over the next 70 years.

AMERICAN RELATIONS WITH THE PEOPLE OF TAIWAN

Mr. CRANSTON. Mr. President, in my capacity as ranking Democrat on the Senate Foreign Relations Committee Subcommittee on Asia and Pacific Affairs, I paid a brief visit during the Easter recess to Taiwan and the Philippines.

I will be discussing my hopes and concerns regarding United States-Manila relations in upcoming hearings of the Senate Foreign Relations Committee. But I would like to take a few moments this morning to outline some of my findings regarding my visit to Taiwan.

THE SECURITY OF TAIWAN

It has been 7 years since the United States took the extraordinary step of withdrawing official recognition from Taiwan and opening full diplomatic relations with the People's Republic of China. At that time, I joined with Senator KENNEDY and 31 of our Senate colleagues in pressing legislation to ensure continued close ties between the peoples of Taiwan and the United States—including continued sales of defensive arms necessary to maintain a credible deterrent force. I continue to believe very deeply that this is a commitment which the United States must honor, and is one which serves our national interests and those of our allies.

By and large, I am satisfied with the manner in which the Cranston-Kennedy provision and the overall Taiwan Relations Act has functioned. I believe that tensions across the Taiwan Straits are the lowest they have been at any time since 1949—even despite the continued refusal of some PRC officials to rule out the use of force as a means of reuniting the Chinese people. It is very unlikely that there will be a rise in tensions in the foreseeable future, as all eyes in the region focus on Hong Kong, and the scheduled transfer of sovereignty from Great Britain to the PRC in 1997. Meanwhile, the ties between the people of Taiwan and the United States remain deep, our mutual interests and our common endeavors very broad.

TRADE ISSUES DOMINATE OUR AGENDA

I believe it is a measure of the success of our evolving relationship with the people of Taiwan that issues related to trade and commerce now dominate our agenda.

Taiwan has seen extraordinary success in the past 35 years in the development of the resource-poor island. It has done this largely by relying on its best natural resource—its people—and by making an enduring commitment to education and to understanding the global economy and market opportunities. Prosperity in Taiwan is quite widespread relative to most Third World nations and there has been remarkable success in eradicating deep poverty and spreading economic benefits evenly across class barriers. The authorities on Taiwan can be justifiably proud of these extraordinary steps, which are the envy of developing nations of the free and Communist world alike.

I went to Taiwan as a supporter of expanded trade between our peoples and an opponent of protectionist legislation such as the proposed tariff on textiles and shoe imports. However, I tried to press very strongly on the Taiwan authorities the point that unless America's extraordinarily high trade deficit with them is reduced, such protectionist measures will likely be adopted by the U.S. Congress in the future.

I believe it is especially important for the authorities in Taiwan to take three steps. First, I believe it essential—to our mutual interests—that a greater effort be made to "buy American" when big ticket items like energy production facilities and rapid transit systems are purchased. Second, I believe it is important that some of the old monopolies in such fields as wine, tobacco, and movies be eliminated. Finally, more generally, I believe it is important for Taiwan to demonstrate sensitivity to American services industries seeking to compete in Taiwan's closed markets. Taiwan has moved through an industrialization phase at a remarkable pace and is rapidly becoming a post industrial economy where the majority of workers are employed in service industries. There is no excuse whatsoever for allowing its consumer goods industries to continue to hide behind a wall of protectionist tariffs and import quotas.

I am pleased that the authorities on Taiwan are showing some sensitivity to these concerns. For example, as a result of my recent visit and legislation I coauthored with Senator WILSON, the Wine Equity Act, the Taiwan authorities have announced two small steps of benefit particularly to California. First, they have pledged to slash tariffs on wine imports and to allow American wines full access to the Taiwan markets. Second, they have eliminated import tariffs and quotas on imports of foreign films.

But of course much more needs to be done. Americans are result-oriented. And no amount of concerned rhetoric will resolve these matters if the appalling numbers of the trade imbalance are not reduced expeditiously.

DEMOCRATIC DEVELOPMENT

With the extraordinary economic development on Taiwan has come the opportunity—and I believe the obligation—to make greater progress toward true democracy. When I was on Taiwan, I repeatedly pressed our friends to spur the process of opening up the one-party states' political process. I firmly believe that Taiwan will be a stronger and more secure country if Taipei will permit genuine opposition parties and greater freedom of expression.

In this one sense, the situation in Taipei bears some similarity to the situation in Manila, although otherwise there are many, many differences. As President Aquino told me earlier this month:

> Under Marcos, the Communist guerrillas had two talking points—the crumbling economy and the lack of political freedom. With "people power" and a return to democracy, we have eliminated one of these grievances. Now if we can right the Philippine economy, the communists will have absolutely nothing to offer the people.

The lesson for Taiwan is clear: If authorities would allow genuine democracy to take root, if they would allow opposition parties to organize and publish and campaign, they would make the people of Taiwan even stronger and more united—and therefore better able to resist any potential source of aggression or subversion.

I fully recognize the concerns Taiwan authorities have about the continuing military threat across the Taiwan Straits. But I continue to believe there is no legitimate justification whatsoever for continuing martial law on Taiwan. As a friend of Taiwan, I have repeatedly expressed this view, while urging publicly and privately that the Taiwan authorities release prisoners held for basically political reasons—such as those who remain imprisoned for the Kaoshiung incident. Such steps are crucial, particularly in light of heightened hopes and expectations for democracy in Asia in the wake of developments in Manila.

Mr. President, I am pleased by the continued growth of ties between the people of the United States and the people of Taiwan. I was especially gratified that during my visit on Taiwan that I was able to meet with some of the young scholars who represent Taiwan's future. As I discussed issues which will confront us all as we prepare for the 21st century on the Pacific Rim, my confidence in the future of democracy throughout the Pacific was reinforced.

SENATOR HATCH'S ESSAY ON OPPRESSION IN ETHIOPIA

Mr. TRIBLE. Mr. President, I rise today to bring to my colleagues' attention a recent column by Senator HATCH on the continuing oppression of the Ethiopian people.

For much of last year, Americans sat in stunned silence as pictures of millions of starving Ethiopians reached the United States. We responded, as we have so many times, with overwhelming generosity, and immediately, massive shipments of food and other relief supplies were en route from the United States to Ethiopia.

But food assistance alone is not enough. We cannot be content with merely alleviating the hunger in Ethiopia. We must also move quickly to meet the Ethiopian people's thirst for freedom. Senator HATCH's most recent column on Ethiopia points out how we can begin to do so. I commend it to my colleagues, and I ask unanimous consent that a copy be printed in the RECORD at this time.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 20, 1986]

ETHIOPIA'S NEW TERROR IS MANMADE—WHAT WE DID AGAINST FAMINE CAN BE DONE FOR LIBERTY

(By Orrin G. Hatch)

Americans have been moved to great compassion and generosity by media reports from Ethiopia. But little reporting has been done on the root causes of the Ethiopians' suffering.

Devastating as the latest drought is, the country's people have survived droughts before by stockpiling food in advance. This drought has been made virtually unbearable because of the policies of a Soviet-style dictator, Lt. Col. Mengistu Haile Mariam, and his military junta, the Dergue.

Ever since Mengistu seized power in 1977, he has conducted a Stalin-like reign of terror. His forced resettlement program, collectivization of agriculture and disregard for human rights have wreaked economic and social havoc throughout the country, imposing suffering on millions.

The sympathy of people who enjoy freedom should be stirred by these facts:

Mengistu has stated publicly that he intends to move 1.5 million Ethiopians from their traditional lands; 600,000 have been forcibly resettled in the last 18 months. According to the U.S. Food and Agricultural Organization, the regime uses food as "bait" to lure peasants out of the famine-stricken northern provinces where two Marxist resistance groups are based.

A French medical aid group, *Medecins sans Frontiers*, which was expelled from Ethiopia last December for criticizing the regime, reports that more people are dying now from the effects of the resettlement program than from famine. The doctors estimate that at least 100,000 deaths can be attributed to conditions during transport, where many refugees suffocate in unpressurized planes or are crushed or trampled to death, and in the resettlement areas, where disease and pestilence are rampant and where captured escapees are shot.

The State Department's 1985 Human Rights report describes the situation in Ethiopia as "deplorable," noting that the most alarming abuse last year was the resettlement program, "which was carried out involuntarily with considerable loss in human lives."

Although Mengistu recently announced a moratorium on forced resettlement, we should not expect this to last. Last May, when a sanctions bill was pending in Congress, the Ethiopian dictator temporarily halted the program, only to reinitiate it in September after the bill had been scuttled by the State Department.

Yonas Deressa, president of the Ethiopian Refugees Education and Relief Foundation, says that the Mengistu regime has "done absolutely nothing" to address the long-term effects of the drought in order to prevent its recurrence.

In fact, worse times may lie ahead, because Mengistu's policy of nationalizing all land holdings has greatly disrupted Ethiopia's agricultural production. A Congressional Research Service report notes that "since the revolution, the government has increasingly intervened in marketing and price setting of agricultural products."

After nearly 12 years of Mengistu's rule, the Ethiopian economy is a shambles. Unemployment in the cities is 50% and growing, according to Ethiopian sources.

Mengistu has never held a general election of any kind to legitimize himself or his Communist Workers' Party of Ethiopia. And Ethiopian citizens do not enjoy freedom of the press, freedom of religion, freedom of speech or independent labor unions.

In sum, the policies of Mengistu and his regime are overwhelmingly repressive and a colossal failure. What can the United States do to pressure the Ethiopian government into instituting reforms? Sanctions are one option.

After passing both the House and Senate last year, legislation calling on the President to impose a trade embargo on Ethiopia was blocked by the State Department. A bill currently before the House Foreign Affairs Committee would place Ethiopia on the State Department's list of communist countries, making it ineligible for loans from the Export-Import Bank. This measure, which has been put forward by Rep. Toby Roth (R-Wis.), deserves careful consideration.

At the same time, the United States should not overlook another way to pressure Mengistu. We should support a little-known democratic resistance group, the Ethiopian People's Democratic Alliance, now based in neighboring Sudan. Its leader, Dereje Deressa, claims that with political and financial support from the United States, the group could mobilize 50,000 men in a matter of months. Providing such support would be a positive step toward encouraging the development of a democratic Ethiopia wherein human rights will be respected. It is time we sent Mengistu a strong message that his reign of terror must end.

MAJ. TOM HARVEY, LEGISLATIVE FELLOW

Mr. WARNER. Mr. President, since last November, I have been extremely fortunate to have had Maj. (P) Tom Harvey, a 1985 American Political Science Association fellow, working temporarily as a member of my personal staff. Major Harvey is such an intelligent and outstanding young officer, and I have been so impressed by the high quality of his performance, that I wanted to take a few moments to commend him and express my appreciation for his exceptional service and dedicated efforts.

Tom has been involved in a wide array of defense and foreign policy issues. His counsel on these matters was consistently based on solid research and sound, thoroughly considered judgments. When the commercial aircraft crashed in Gander, Newfoundland, killing all of our 101st Airborne Division soldiers aboard, Tom played a critical role in researching and drafting legislation to ease the situation and provide added assistance to families of the victims. His diligence and perservance in this legislative effort is a testament to his capabilities and the genuine concern he felt for the soldiers and their surviving families.

Tom also played a key role during consideration of the Defense reorganization bill by the Senate Armed Services Committee. His knowledge, experience, and ability to assist in the drafting of a number of key amendments enabled me to modify and make

substantial improvements in the draft bill.

Keenly intelligent, highly dedicated, and with great personal initiative, Tom immediately became an invaluable addition to my staff. Possessing a high degree of intellectual maturity and consistently reliable judgment, his research and recommendations were always thorough and complete. His ability to express his advice and recommendations in a clear and concise manner orally or in writing was invaluable to me in the consideration of the many complex national security issues which demand my attention.

Tom was also a driving force behind legislation which I recently introduced regarding our national strategy. Recognizing the need for an overall national strategy from which our foreign policy and military strategy should be derived, Tom formulated key recommendations which formed the basis for this vitally important legislation. Throughout this effort he has displayed an exceptional knowledge of the essential elements of strategy and the operations of our national security apparatus.

Tom is extremely well-liked and highly respected by everyone in my office, and he will truly be missed here. His achievements are indicative of his outstanding abilities and his sincere devotion to our Nation. I am extremely appreciative of Tom's efforts and accomplishments while he served on my staff. I am especially grateful also to his wife and family for their understanding during this turbulent legislative cycle.

As Tom moves on to other duties, I would like to once again express my sincere appreciation to him for his outstanding service and wish him the very best in future endeavors.

NATIONAL HOME STUDY COUNCIL'S 60TH ANNIVERSARY

Mr. CRANSTON. Mr. President, this week marks the celebration of the founding of the National Home Study Council—the accrediting council for educational programs conducted through home study. Members from across the United States are gathered this week in San Antonio, TX, to observe this occasion. I want to take this opportunity to express my congratulations to the organization and its members, together with my best wishes for continued success.

Home study—or correspondence—education has flourished for over a century in America. Since its beginning, well over 60 million men and women have studied by correspondence. Many home study courses provide complete vocational training. Others prepare individuals for upgrading in their current work, without losing experience or seniority. With home study, students do not have to give up jobs, leave home, or lose income. Individualized attention and self-paced instruction are offered.

Annually, the National Home Study Council conducts a "Home Study Graduate of the Year" program to recognize outstanding graduates of home study courses. This year, 46 exceptional 1984 home study graduates were judged on their academic records and the level and quality of their contributions in their chosen fields. The judges met in November 1985, and chose 13 finalists. Serving on the distinguished panel of judges was Ms. Janet Mahoney of Good Housekeeping magazine; Mr. G. Dewey Arnold, former regional managing partner of Price Waterhouse and a former NHSC accrediting commission member; and Dr. Richard Rowe, former executive director of the National Advisory Council on International Education, U.S. Department of Education.

Mr. President, on February 26, I was pleased to host a congressional reception to pay tribute to the 13 outstanding graduates. Later that evening, these remarkable students received their awards at a dinner held in their honor. Likewise, I am delighted to be the author of S. 1509, a measure that includes provisions, approved by the Senate last December as part of S. 1887, that would permit benefits earned under the so-called "new GI bill" to be used for home study programs of education.

At this time, Mr. President, I want to extend my heartiest congratulations to these "outstanding graduates." I particularly want to note the achievements of William H. Rochon from Hemet, CA, a graduate of the Columbia School of Broadcasting; Alberta Lee Klein, of La Mirada, CA, who completed courses in fashion merchandising offered by International Correspondence Schools; and S. Sgt. Andrew J. Svaby of Twenty Nine Palms, CA, who completed home study courses from the Marine Corps Institute. Other "Outstanding Graduates" were:

Kathleen Beers of Omaha, Nebraska, who completed a medical transcription course offered by the Hadley School for the Blind.

James R. Chapman of Fort Payne, Alabama, who was graduated from the Gemological Institute of America in Santa Monica, California.

Jo and Rich Doucet of Powhatan, Virginia, graduates of McGraw-Hill Continuing Education Center's National Radio Institute's courses.

James R. Foster of Frederick, Maryland, who completed the respiratory therapy course offered by the California College for Health Sciences.

Barbara S. Lefever of Dover, Pennsylvania, a graduate of the International Correspondence Schools' surveying and mapping course.

Pancrazio Nino Miseo of Owerri, Imo, Nigeria, who received a diploma in hotel administration from the Educational Institute of the American Hotel and Motel Association.

Tyina Stefan of Dodge City, Kansas, a graduate of the American Medical Record Association's independent study program in medical record technology.

Dr. Seth Sykes of Lincolnshire, England, who completed courses through the International Correspondence Institute.

Staff Sergeant Florence G. Williams of Scott AFB, Illinois, a graduate of the U.S. Air Force Extension Course Institute.

Mr. President, the outstanding achievements of these 13 unique men and women, representing more than 3 million correspondence students now studying with NHSC schools, best tell the story of home study. So that my colleagues can appreciate these achievements, I ask unanimous consent that there appear in the RECORD at this point, brief summaries of the stories of these "Home Study Graduates of the Year."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KATHLEEN BEERS

Ms. Kathleen Beers has been blind since birth from a condition known as RFL—blindness caused by excessive oxygen. Kathleen knows that a person can have several careers in a lifetime, so she decided to change hers by taking The Hadley School for the Blind's Medical Transcription course.

Kathleen is the only blind individual in Nebraska working for Northwestern Bell. She has tried to blaze trails for the hiring of other visually imparied persons by continually updating her education, serving as a public speaker to Toastmasters International, and working with her company to choose a career that other blind individuals can follow.

Kathleen has an Associate of Arts degree in Secretarial Science from the College of Saint Mary, where she is currently enrolled in a program to receive a Bachelors in Business Management with an Associate of Arts degree in Computers Information Management.

"Our company asks that we employees 'be the best we can be.' By taking Hadley courses, I have bettered myself to be the best I can be in my field, gained a wealth of knowledge, and I am trying to build a sound career and a future for myself and my family. Thanks to the Hadley School, I will have a much brighter future."

JAMES R. CHAPMAN

Mr. James R. Chapman, a former bomber pilot, survived World War II, only to be stricken with cancer in his mid 30's. He continued to work and enjoyed a successful career in the packaging industry until his medical problems, which ultimately resulted in the loss of his leg and right lung, forced his retirement in 1977. It was then that his interest in gems and jewelry began.

In 1981, Jim and his wife established a retail gem and jewelry business. To better prepare himself for this new career, Jim began taking home study courses from Gemological Institute of America. In 1982, he completed the Diamonds course; in 1983, the Colored Stones course; and in 1984, the Gem Identification course.

Convinced that educating the public is the key to increasing public interest in gems and fine jewelry, Jim founded the DeSoto Gem and Mineral Club (and served as its first

president). He also lectures for various local clubs—the Women's Club of Valley's Head, Alabama; the Fort Payne Kiwanis; Lions; Rotary Clubs; Civrettes Club; and the Fort Payne Culture Club.

"Because of my physical problems, it would have been impossible for me to earn my diploma if I couldn't have studied at home. GIA's instructors were most helpful, responding quickly to my questions. They really helped me get through the course."

JO AND RICK DOUCET

Jo and Rick Doucet are both graduates of McGraw-Hill Continuing Education Center's National Radio Institute's courses. Rick completed the TV/Radio Servicing course in 1980 and the Industrial Electronics course in 1984. Also in 1984, Jo finished the Building Construction course.

Even before completing his first course, Rick was able to open his own TV repair shop. Then, in 1979, Rich went to work for the Bank of Virginia as an electrician. To enhance his knowledge of the electronics applications industry, Rick enrolled in his second course. Today Rick is Senior Field Engineer with the Bank of Virginia and has earned the highest employee rating possible. He has also received several awards for outstanding service to his employer.

"The only formal training I've had in electronics has come through correspondence (NRI's courses)." Rick comments. "That says a great deal about the quality of the training I've received."

Jo had worked for local builders and land developers and was impressed by how much her husband had learned from his home study courses. So she decided to take NRI's Building Construction course. Combining her knowledge of business and computers with her NRI training, Jo has opened her own consulting firm, Controlled Construction. She sets up computer systems and trains builders and land developers to use computers and software to conduct their business more effectively. She has landed several contracts, including a six-month contract for a building and land developing firm.

"I was as thrilled to receive my NRI diploma as I would be to get my college degree," says Jo, "because I know how much I worked for it."

JAMES R. FOSTER

Mr. James Foster's only formal training was through the Air Force Cardiopulmonary School many years ago. He felt a weakness in his knowledge in the respiratory aspects of his job as a Critical Care Therapist at the National Institutes of Health in Bethesda, Maryland. To further his formal education, Jim decided to take courses from the California College for Health Sciences.

It had taken Jim three years to complete his associate degree while he worked full-time. With the birth of their second child, Jim dreaded the thought of trying to maintain a normal family life and going to school in the evenings. The Educational Coordinator where Jim worked told him about earning his degree through correspondence study and about CCHS's courses. This was just what he was looking for. Jim completed CCHS's Respiratory Therapy Technician course in February of 1984.

"California College provided me with a quality of education that has been reflected both by my national examination board scores and also by my improved clinical proficiency. The option of taking a traditional program in respiratory therapy involved a very long process and it would have been difficult to maintain a normal family life. Professional advancement through California College has been the perfect solution for me."

ALBERTA LEE KLEIN

Alberta Lee Klein enjoyed an upwardly mobile career in financial planning, financial analysis, and financial data systems in the food service industry until 1984. Bitten by the "entrepreneurial bug," Lee contemplated a career change into the fashion industry where she would have more creativity in her work and a more direct involvement with customers. She researched classes at several trade schools but could not find a class schedule to fit her needs. She decided that the only way to continue her earning power, gain practical experience, and study her chosen field of endeavor was to study via correspondence. International Correspondence Schools offered just the course she wanted.

One month prior to completing the ICS course in Fashion Merchandising, Lee and a partner started their own company: Casa Le'. Since that time, the firm has successfully designed, sold, manufactured, and delivered two seasons of women's sportswear.

Lee enjoys sharing with others the knowledge and skills learned from her course. She and a partner have a second consulting business developing marketing plans for retail outlets. She uses her ICS materials for reference in the preparation of marketing plans, sales promos, advertising tactics, and visual merchandising strategies.

"Each section of the course was interesting and helpful. I have all of the course study materials on my desk at my office and use then daily for reference. I will continue to use the knowledge gained from the course for many years to come."

BARBARA S. LEFEVER

Barbara S. Lefever is a free-lance writer. Her recently completed novel, *The Stargazers*, traces the lives of Charles Mason and Jeremiah Dixon, the 18th century surveyors of the Mason-Dixon line. Barbara enrolled in the International Correspondence Schools' Surveying and Mapping course in order to authenticate her writings about surveying.

Barbara points out in her book that the Mason-Dixon Line, contrary to popular belief, is neither a railroad nor the dividing line between the Northern and Southern states, but is the border between Pennsylvania and Maryland. As a result of continuing conflict brought about by the failure of the Penns of Pennsylvania and the Calverts of Maryland to agree on the limits of their wilderness territories, the boundary became the subject of the longest Chancery suit in history and the scene of bloody altercations for more than 80 years. This situation prompted the hiring of Charles Mason and Jeremiah Dixon in 1763 to survey accurately the disputed 233-mile boundary with the help of astronomy.

"Indeed, the benefits I derived from studying the course have been useful in the composition of my novel, *The Stargazers*. I could not have written it as interestingly or as intelligently without the help of my ICS course."

PANCRAZIO NINO MISEO

Pancrazio Nino Miseo studied Hotel Management at Cornell University before receiving his diploma in Hotel Administration from the Educational Institute of the American Hotel & Motel Association. Before his present position as hotel manager for the Concorde Hotel in Owerri, Imo, Nigeria, Mr. Miseo worked in many parts of the world, including the Ivory Coast, Seychelles, Switzerland, Belgium, Italy and England.

Mr. Miseo took the hotel administration courses because he wanted to learn and progress in his chosen career, and to make sure that any hotel he worked for provided the best service possible.

Mr. Miseo believes that he has done a lot to improve the standards of Nigerian hotels. He is training staff locally with the help of other expatriots. He has been asked to serve on the Olympic Committee to help organize a sports club and to give advice on how to improve the tourist industry in Nigeria.

"I have benefited in my work and also personally by the courses I took from Educational Institute of AH&MA. Higher positions have obviously provided higher wages and carry greater responsibility. The knowledge I gained from my home study courses has helped me handle these added responsibilities."

WILLIAM H. ROCHON

William H. Rochon used to drop by local radio stations when he was in high school. Sometimes the disc jockeys would invite him to sit in on their shift. "Someday," he thought, "I'm going to be a radio announcer." Columbia School of Broadcasting helped him fulfill his dream.

Following a series of family hardships in his native Wisconsin, Bill moved to California. He enrolled in Columbia and he graduated in 1984. While studying, he worked for KPCC, a non-profit station, doing the announcing and music direction. After he graduated from Columbia, he began working for KHSJ-AM and KHYE-PM in Hemet, California.

Bill, who has adopted the radio name of Rick Eliot, is the full-time AM morning personality for the adult contemporary station. His duties include announcing the news, copywriting for commercials on both stations, and production of most of the programming he plays. He also manages to produce most of the advertising he writes. Bill also works as the emcee for local talent shows and is involved with sponsoring activities for the American Cancer Society and the Hemet Fair.

"Go confidently in the direction of your dreams. A winner is a loser who makes it, because it really comes down to believing that you can do anything if you only try. To accomplish great things, you must not only act, but dream. Columbia School of Broadcasting helped me to make my dream a reality."

TYINA STEFAN

Ms. Tyina Stefan was fascinated by medicine while she was growing up in Park, Kansas. After graduating from high school, she attended a community college and received a secretarial certificate. While working as a bookkeeper at the Gove County Hospital in Quinter, Kansas, Tyina learned about a program in medical record technology.

In 1978, Tyina moved to Dodge City, Kansas and began work as a medical transcriptionist at Humana Hospital Dodge City. She took some night classes and in 1981 she enrolled in the American Medical Record Association's Independent Study Program in Medical Record Technology.

While enrolled in the course, Tyina was promoted to Assistant Director of Medical Records and received the Humana Hospital Dodge City Outstanding Employee Award for the third quarter of 1982. During this time she redesigned quality assurance forms for her department and designed a work scheduling system that ensures a smooth flow of work. After graduating from the AMRA course in 1984, Tyina wrote the coding guidelines for her department.

"With the knowledge I gained from my AMRA courses, I was able to complete projects that have helped our department supply high quality, timely information to the health care team, and to improve patient care."

ANDREW J. SVABY

Staff Sergeant Andrew J. Svaby, a Marine Reservist, completed 76 home study courses from the Marine Corps Institute in 1984. Thirty-one of these courses carried a grade of 95–100% on the final exams. He completed these courses while holding down a full-time and a part-time civilian job to help with his mother's chemotherapy treatments, being a single parent, coaching midget soccer and wrestling, helping three marines past their state GED exams with extensive preparation, and being heavily involved in the Marine Corps League and Toys for Tots activities.

Sergeant Svaby has the difficult task of keeping interest, enthusiasm, morale, and self-discipline high between drills for the Allentown, Pennsylvania Marines. His MCI courses have helped him in providing various public service functions. There are hundreds of individuals and families in the Lehigh Valley, Pennsylvania area who have completed other high school and college courses, a sports season, a beauty pageant and other endeavors all because of Sergeant Svaby.

Sergeant Svaby is always "on-call" with the Allentown Marines for counseling and tutoring. In addition, he speaks to other training groups in the Marine Reserve at least six times a year "at his own expense" to improve morale, enthusiasm, and completions of the MCI correspondence education programs.

"There is a great sense of self-worth that you have been a catalyst, a shaker and a mover, and an inspiration to other Marines who would otherwise have never enrolled, opened a book, or put a number two lead pencil to an MCI course."

SETH SYKES

Dr. Seth Alexander Greer Sykes is a private family physician in the United Kingdom. Rather than settling down to the responsibility of making money and advancing his career, Dr. Sykes was concerned about the deepest levels of human need. He accepted a position as a Primary Care Physican within a large military hosptial in Saudi Arabia. His first few months there were very difficult because he was separated from his wife and four children.

Rather than surrendering to despair, Dr. Sykes set his mind to the study of International Correspondence Institute's courses and his heart on helping other people. He initiated a small fellowship group and soon found he was functioning as a lay preacher. When the local Presbyterian church (which was ministering to the needs of expatriots) was closed because of government pressure, Dr. Sykes found himself in charge of ten lay preachers and a large, but widely scattered, church community. His studies with ICI found direct application through these varied ministries.

Dr. Sykes has now completed the degree requirements for a Bachelor of Arts degree in Religious Studies and has returned to medical practice in the United Kingdom.

"My ICI courses and study were to prove invaluable as we met together weekly for prayer and Bible study."

FLORENCE G. WILLIAMS

Staff Sergeant Florence G. Williams is a graduate of the U.S. Air Force Extension Course Institute. She has integrated her off-duty academic studies and professional interests into a systematic philosophy of military education. She has used her success in correspondence study not only to enhance her own career interests but also to serve as an example for subordinates and other Air Force members to emulate.

The knowledge Sergeant Williams has gained from ECI courses has enabled her to implement improved warehousing procedures and to increase inventory accuracy to 98.9 percent. Her efforts contributed to the individual Equipment Unit receiving an excellent rating during a recent Management Effectiveness Inspection.

Sergeant Williams is a member of the National Vocational Education Association and has recently received her Bachelor of Science degree in Occupational Education. Through experience with ECI programs, she firmly believes that home study plays a vital role in allowing people to meet present and future work demands.

"I realize that the future of the Air Force and our country depends on the current 'cross training' trends. Home study courses will play a vital role in allowing employees to meet their future work demands. ECI courses have certainly helped me to excel in my own career."

TRIBUTE TO MERRITT W. SPRAGUE, MANAGER OF THE FEDERAL CROP INSURANCE CORPORATION

Mr. ANDREWS. Mr. President, I rise to draw to the attention of my colleagues the resignation of Merritt W. Sprague, Manager of the Federal Crop Insurance Corporation. Mr. Sprague will leave his position to devote more time to his family farming operation.

I believe, based on premium volume between 1948 and 1984, my home State of North Dakota has been the No. 1 user of this form of insurance. I know many a farmer who's still farming today because he had the good sense to purchase crop insurance. I hope for our farmer's sake that Mr. Sprague will continue to exert some influence over the Corporation's further development.

For those of you who don't know Mr. Sprague, he came to Washington, DC, from Illinois. On the family farm in Pike County, one of the leading hog producing counties in the United States, Mr. Sprague grew corn, wheat, and soybeans on 2,000 acres and annually marketed 5,000 hogs. He also served as the Illinois State chairman of Agricultural Stabilization and Conservation Service from 1973 to 1977.

In Washington, Mr. Sprague served as Deputy Administrator for Commodity Operations at the Agricultural Stabilization and Conservation Service beginning in March 1981. While there he was responsible for the administration of the milk price support program, management and storage of all Commodity Credit Corporation owned inventories—dairy products, food and feed grains, and sweeteners—and procurement and transportation for Public Law 480, title II programs.

The passage of the Federal Crop Insurance Corporation Act of 1980 overnight obligated the Corporation to move from being a limited pilot insurance program to becoming the primary form of Federal disaster protection for farmers. Between 1980 and 1982, when Mr. Sprague assumed the leadership of the Corporation, five diferent men sat in the Manager's seat. The early 1980's were turbulent times for the Corporation and demanded resourceful and innovative leadership. Merritt Sprague delivered.

The results Mr. Sprague and the FCIC achieved in a short period of time are significant. Under his leadership, FCIC developed and fully implemented a production based guarantee program, which makes crop insurance attractive for our Nation's most productive farmers. County programs increased almost 300 percent, from 4,629 in 1980 to 18,892 in 1985. Acres insured, insurance in force, and premiums also increased dramatically. In 1980, acres insured were 26.6 million compared with 48 million for the 1985 crop year. Insurance in force increased for the same period from $3 billion in 1980 to over $7 billion in 1985. Premiums increased from $158 million in 1980 to over $440 million in 1985 due to increased participation.

Sure, I could recite a litany of the problems we have with the crop insurance program. So could Mr. Sprague. But, to achieve these kinds of results while American agriculture is going through some wrenching adjustments required solid leadership. Mr. President, I urge my colleagues in the Senate to join me in thanking Mr. Sprague for his dedication and commitment to American agriculture and the crop insurance program.

TRIBUTE TO FLORENCE S. LOWE

Mr. DODD. Mr. President, I rise today to praise Florence S. Lowe who recently left her post of Chief Public Affairs Advisor at the National Endowment for the Arts. During her 16-year tenure at the NEA, spanning four Presidential administrations, the name Florence Lowe has become synonomous with arts in America. What Florence Lowe has done for the betterment of the arts in this country is un-

paralleled, and for that she has our eternal thanks.

Ms. Lowe came to the NEA in March 1970. Since that time Florence Lowe has diligently toiled, often times in anonimity, to further the endowment's cause and mission. Over those 16 years the eyes of the public have gradually started to open and now, due in large part to Florence's efforts, the endowment boasts a substantially increased recognition factor.

In a glowing tribute to Ms. Lowe's accomplishments' the National Council of the Arts adopted a resolution documenting Florence's invaluable career at the NEA. Mr. President, I request that the context of the resolution be printed at the conclusion of my statement.

Mr. President, to illustrate further to this body the depth of Ms. Lowe's character, allow me to share some of Florence's own thoughts on this warm tribute to her accomplishments. Florence stated "In all the words that were used in the resolution, all marvelous, flattering and very meaningful, the word that stands out is 'love', because that best describes my own feelings."

I know my colleagues join me in wishing her well for the future. Her contributions to the endowment and the whole arts movement in this country will never be forgotten.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL ON THE ARTS RESOLUTION, NOVEMBER 1, 1985

Whereas Florence S. Lowe has put the National Endowment for the Arts into the consciousness of America, and

Whereas she served with distinction through 15 years of growth and turmoil and achievement for the endowment, and

Whereas she has both shamelessly and skillfully manipulated all the levers of all of the media in this country, and

Whereas there can never be another Florence Lowe to do all these things with quite the same style and effect, and

Whereas the National Council on the Arts has never previously broken from its solemn and judicious manner in commenting on matters of public concern;

Be it now resolved that the National Council on the Arts here assembled wishes to break all tradition, and to express in the wildest and most raucous and tumultuous manner possible, its total admiration, deep affection and profound thanks for the lady who gave us our public face;

Be it further resolved that as a token of our esteem, Florence Lowe is hereby authorized and empowered—even entreated—to continue planting good stories, giving influential dinner parties, and otherwise manipulating the national media in our favor until the end of time; and

Finally, be it resolved that we return now to our normal reserved nature and record for history, in the simplest and quietest way we know, that we love her and all her works, and that we are proud that she is our own Florence Lowe.

OPPOSITION TO THE FEDERAL OCEAN SPORTS FISHING LICENSE

Mr. HEFLIN. Mr. President, the President has proposed, in his fiscal year 1987 budget, a Federal Ocean Sports Fishing License of $10 minimum per angler. Each coastal State would be required to provide $5 of the fee to the Federal Government, and the States would retain the remainder of the fee. The States could also assess an additional amount to recoup the cost of administering the license program and to recover the cost of fishery management within that State.

The administration argues that since recreational fishermen benefit from Federal maintenance of our coastal resources, the fishermen should bear the cost of administering Federal services which support recreational fishing.

I think we should closely examine the facts of this proposal. In fiscal year 1986, the National Marine Fisheries Service received less than $3 million to support recreational fishing. The President's proposed fishing licenses user fee is projected to raise $200 million over the next 5 years. Clearly this is a burden on the fishermen far beyond that which the Federal Government requires to cover its services. Furthermore, salt water fishermen spend most of their time in inshore waters which are under the management of the States. Recreational fishermen are already paying an excise tax on equipment and motor fuel which goes into the State management programs operated through the Fish and Wildlife Service. I might add, that these States management plans are operated at no cost to the Federal Government.

While I have not been supportive of the user fee concept, this particular license or user fee tax greatly disturbs me more so than the usual user fee. The administration justifies the need for this tax by telling us that the recreational fishermen should help pay the cost of maintaining those services from which they benefit. However, in this particular case, the Federal Government would use the revenue from this tax for deficit reduction, and not for those services from which they are benefiting.

Mr. President, I urge the administration not to push for legislation imposing this license fee. This proposal goes far beyond asking the fishermen to help pay the cost of Federal maintenance of the coastal resources. This proposal is simply a tax on those that enjoy sport fishing.

CHUCK PERSON APPRECIATION DAY

Mr. HEFLIN. Mr. President, today, April 24, 1986, has been declared "Chuck Person Appreciation Day" by the city of Brantley, AL, by Brantley High School, and by the Crenshaw County Auburn Alumni Club. I am sure that everyone involved will have a most enjoyable time. I am delighted to rise today to congratulate Chuck Person for his outstanding achievements playing basketball for Auburn University. This year, the Auburn basketball team was one of the final eight teams remaining in the NCAA national tournament when they suffered defeat to the team which went on to win the championship. Auburn's success was largely due to Chuck's great talents. His accomplishments at Auburn are tremendous. There, he is the all-time leading scorer, and led the team in scoring and rebounding both as a senior and as a junior. He ranks third in the Southeastern Conference's all-time scoring chart, was honored as the amateur athlete of the year for basketball in 1985 by the U.S. Olympic Committee, and was selected as an alternate for the U.S. Olympic squad in 1984. These are just a few of Chuck's great successes. To name them all would take pages.

Chuck Person has demonstrated that hard work and dedication pays off. Participation in athletics teaches discipline, drive and the value of team effort. Chuck has set a great example for youths to follow in Alabama and the Nation. I salute Chuck for his accomplishments, and wish the citizens of the city of Brantley, AL, Brantley High School, and the Crenshaw County Auburn Alumni Club every success in their activities today.

A TRIBUTE TO JUDGE JOHN HENRY ARMSTRONG

Mr. HEFLIN. Mr. President, I rise to commend the great efforts of Judge John Henry Armstrong, probate judge of Washington County, in my home State of Alabama. Judge Armstrong has provided the people of Washington County with excellent leadership and understanding in his duties both on the bench, and as ex officio chairman of the county commission.

In his service, Judge Armstrong has labored to maintain an open door policy with his constituents throughout the daily discharge of business. In this way, all those with grievances are able to voice their problems and opinions. This practice guarantees that all elements of a case or conflict are heard, and that the parties involved are satisfied that their views were considered. Thus, Judge Armstrong has implemented a most effective addition while resolving disputes. Furthermore, with this open rapport, the judge is able to provide advice and counsel to any who may seek it. This is a traditional role of a probate judge in Alabama, and is important in giving valu-

able leadership and direction to the entire county.

I am delighted to see that Judge Armstrong has been so effective in perpetuating the valuable role of the office of probate judge. He is a man who possesses great understanding, equity, and integrity. He is a worthy member of his community and a great example to those he represents.

Mr. President, I ask unanimous consent that an article from the Mobile Press Register, which describes Judge Armstrong's achievements, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROBATE JUDGE'S OFFICE SEEN NERVE CENTER FOR ENTIRE COUNTY

(By David Gary)

CHATOM, ALA.—John Henry Armstrong knew the official duties of a county probate judge when he first ran for the office in 1976.

He said it was only after his election that he learned the true scope of the office—that it serves as an informal information nerve center for the entire county.

"This office keeps really busy with the telephones and there always seems to be an office full of people," he said.

"They are in here wanting to know everything. You get asked a lot of things and I believe that we get asked every type of question in the world. Not to mention that they think we will know the details of everything going on in the county."

The barrage of inquiries on everything from legal questions to "When does the school meeting start" has not made Armstrong a recluse from the public.

"I maintain an open-door policy here," he said "I may not be able to stick to any kind of schedule, and someone may have to wait a little while to see me, but I try to see or speak to everyone who wants to talk to me."

"I've learned that you have to know the people in any setting to learn the way they tick and I try to treat everybody the way that I would want to be treated."

Armstrong's job carries with it the added responsibility of being "ex officio chairman" of the four-member Washington county commission.

"They are four of the greatest fellows to work with. We may spend a lot of time in the meetings disagreeing, debating and arguing a lot, but when the meeting is over, it's all put aside."

Recent challenges to the county commission, according to Armstrong, include attempts to implement federal fair labor act overtime guidelines.

"We've had to examine what we do and as much as possible avoid overtime with the county employees. We have to stay away from it (overtime payments) because of the cost involved."

Armstrong said another problem facing county governments is the general belief that city governments are more essential.

"As county officials we represent all the county, including city dwellers. But it is tough to keep us in a higher profile than city officials. The county officials are representing a greater number of people and a greater geographical area."

According to the judge, this image of county and city governments is illustrated by the lower amounts of federal funds going to county governments.

"This is a gross impairment to our ability to serve the people," he said.

Being in the forefront of public criticism and scrutiny is another part of being judge, according to Armstrong.

During moments of heated debate, such as recent controversies over the operation of the county-owned hospital, Armstrong said that dealing with difficulties in a low-key fashion helps to calm the heat of the moment.

"We're always on the front line, but I've found that if things are dealt with in a low-key fashion; things go better. Nevertheless, emotions still ride high."

Armstrong also thinks that a proper use of humor also has a place during heated discussions.

"I try to exercise humor in what we do . . . ," he said.

Versatility is another reason the judge likes his job.

"The best thing about the job is meeting all the different types of people. The variety it has in terms of the hours I spend out of the office dealing with different situations is another thing I like."

Carrying the weight of judicial responsibility is one of the job's tougher aspects, he said.

"Dealing with estates, guardianships and adoption cases is through the probate office. We have contested adoptions and this get touchy. There are domestic situations in which we have to decide how to handle the children."

Resounding his belief that maintaining an open-door policy is a must, Armstrong said confidence plays an important part in maintaining a good public rapport.

"I've made a habit of keeping confidential what people want me to keep confidential. It's not good for people to have any reason to lose confidence in me," he said.

A county native who was born and still lives in Millry 15 miles north of the county seat of Chatom, Armstrong teaches a senior men's Sunday school class at Millry Baptist Church.

An outdoorsman who enjoys deer and turkey seasons best, Armstrong said his greatest aim in sporting life is to one day out-hunt Monroe County Probate Judge Otha Lee Biggs.

After graduating from Millry High School, Armstrong, 39, got a degree in business management from the University of Alabama.

He is married to the former Glenda Overstreet, a native of Waynesboro, Miss. They are parents of Tera, 12, Brandon, 9, and Tory, 8.

TAX REFORM

Mr. HEFLIN. Mr. President, on April 6, 1986, an article was printed in the Washington Post written by Harold Apolinsky, a tax lawyer and law professor from Birmingham, AL, on the issue of tax reform. In his article, Mr. Apolinsky correctly points out that current tax reform proposals have strayed far from the goals of simplifying our tax system and making it fairer to lower- and middle-income taxpayers. Instead, we appear to be on the brink of simply proposing another major revision of our Tax Code not unlike the six major revisions Congress has passed since 1976.

There is no doubt but that most Americans believe that our tax laws have grown needlessly burdensome and confusing and inequitable in their application. However, the tax reform proposals which have been the focus of Congress over the past several months do not thus far appear to achieve the goals of simplification or fairness. The House tax bill is over 1,300 pages long and would no doubt require countless regulations in order to be understood and implemented. The Senate Finance Committee bill appears to be headed in the same direction. Unfortunately, the tax laws have been changed so often in the past several years that there is currently a backlog of 400 unfinished regulations. Furthermore, it seems to me that Congress is tending toward reform legislation which would merely shift the tax burden from one group of taxpayers to another without achieving fairness, an essential ingredient of tax reform.

Mr. President, I also fear that Congress is moving so rapidly on tax reform legislation that we are not taking the time necessary to analyze the impact of its provisions on our economic and industrial policy. It is vital to our economic security that we determine through extensive and careful study the potential impact on economic growth of the changes Congress proposes in our tax laws. We must ensure that in our zeal for tax reform we don't weaken incentives for individuals to invest and save or for business to invest in plant and equipment. To do so would be to undermine our country's long-term economic growth.

I urge my colleagues to read Mr. Apolinsky's article and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 6, 1986]

THE CHANGES JUST COST MONEY

(By Harold I. Apolinsky)

BIRMINGHAM, ALA.—House bill 3838 contains 1,300 pages of changes to the Internal Revenue Code. The Senate version will also contain more than 1,300 pages of changes. It is time to call "time out" in this annual tax game and admit that this legislation is not fair, not simple and will not promote economic growth. It is simply another massive change of our tax laws.

Too many changes have been made to the tax laws in the last few years. Consider the number of subsections in the Internal Revenue Code that have been changed:

	Number of code subsections affected
Tax Reform Act of 1976	1,849
Revenue Act of 1978	664
Economic Recovery Tax Act, 1981	483
Tax Equity and Fiscal Responsibility Act, 1982	530
1984 Deficit Reduction Act	2,245

	Number of code subsections affected
1984 Retirement Equity Act	44
Total	[1] 5,815

[1] 3,302 since 1981.

The number of code subsections to be changed by the proposed Internal Revenue Act of 1985 (H.R. 3838) is 4,051.

The 22 tax lawyers in our firm receive significant fees for lobbying, explaining and implementing tax changes. If this latest effort continues and the law passes, we will enjoy another round of fees. But it is time to put our self-interest aside and be honest.

There used to be 15 years between major tax revisions. The 1954 code was enacted 15 years after the 1939 code, and the 1969 major tax revision came 15 years later. It takes time to study, learn and understand the law. It takes the Treasury time to write interpretive regulations. Tax lawyers and tax accountants readily admit they make their most aggressive tax planning recommendations in areas of the law where no regulations have been issued.

At a time when federal funding is being limited, the tax-writing staffs should be shifted from the chore of preparing and drafting annual tax legislation to writing regulations. The result would be simplicity through better understanding, fairness through nationwide consistency and better compliance by taxpayers.

The tax system would also be improved if the dollars spent on annual changes were appropriated to the Internal Revenue Service instead. Taxpayers understand that less than 2 percent of tax returns are audited. Why not set a goal of 10 percent? Fees for lawyers and accountants might drop, but revenue might increase significantly.

Title XI of H.R. 3838 contains 122 pages of changes to the tax laws affecting employee retirement savings plans. The Senate staff alone has made 50 pages of proposals.

Congressionally mandated changes to retirement plans that reduce savings in the interest of reform seem to occur annually. Employee retirement plans have been significantly and adversely affected by the Tax Equity and Fiscal Responsibility Act of 1982, the Deficit Reduction Act of 1984 and the Retirement Equity Act of 1984. The three major tax laws have required four costly amendments to retirement plans. The result is that plan terminations, as compared with new plans being adopted, have increased 300 percent in five years.

Some 700,000 qualified plans are now in force covering 55 million employees. More than 600,000 plans have been adopted by small businesses. In the past 3 years amendments in these plans have forced business to pay their lawyers and accountants at least $3,000 per plan, or more than $2 billion. H.R. 3838, if passed and signed by the president, would force another round of amendments at a cost of at least $2,000 each, or more than $1.4 billion. Why reduce benefits to employees and increase plan expenses? This is not fairness or simplicity. The only economic growth is for lawyers and accountants.

Recent reports indicate that the rate of savings in the United States has declined to a 35-year low of 2.9 percent of disposable income. This is an average annualized volume of 34 percent below that of last year. Why pass laws that further reduce incentives to save, thus causing termination of savings plans?

The employee plans divisions of the IRS are swamped. One division staffed and planned for the submission of 20,000 plan changes in 1986. To date, 30,000 have been submitted, with 54,000 expected for the year. Turnaround time has swelled from 4 months to 9 months, with 12 months expected. Nearly all of the staff has, of necessity, been diverted to reviewing and processing amendments, not auditing operations. Plan terminations now account for almost 30 percent of the workload. Those pushing for more pension changes should ask the IRS whether more changes are needed. They would find the interest in more changes to be at the bottom of the agenda and survival of the system at the top.

A lot of personal capital has been invested in this latest tax reform effort—by the president; by Donald Regan, who stated this effort; and by Treasury Secretary James Baker, Ways and Means Committee Chairman Dan Rostenkowski and Senate Finance Committee Chairman Robert Packwood, who desperately want to finish it. They and their staffs have made an honest and determined effort. This should not be viewed as a Republican Party problem or a Democratic Party problem. It is a congressional problem—of too many changes. Let us hope the members of Congress are frank enough to admit that three rates versus 16, plus a higher standard deduction for some, is not fairness of simplicity and will not encourage economic growth.

The tax code should be left alone. It will become fair and simple through understanding and application. Economic growth will never be achieved through tax law changes; it will come from letting businessmen and motivated employees focus on marketing, merchandising and producing quality products at competitive prices. They should not be spending time and dollars on figuring out changes in the tax law.

TEXTILE IMPORTS

Mr. THURMOND. Mr. President, recently an article appeared in the Greenville News entitled "Textile Union Officials Defend Actions by Mills." This piece quotes representatives of the major textile trade unions as saying they are convinced that rising imports are responsible for the massive plant closings and job losses in the beleaguered textile industry. Officials of both the Amalgamated Clothing and Textile Workers Union, and the International Ladies Garment Workers Union said that if imports are not the cause of layoffs, it would be obvious to their organizations.

Mr. President, over the past 5 years, imports to textile and apparel products have more than doubled. Directly linked to these surging imports has been the loss of over 350,000 American jobs. A vital domestic industry, which the Defense Department ranks second only to steel in importance to national security, is struggling to survive. Without a doubt, uncontrolled imports are the cause of the problems facing the American textile industry.

Unfortunately, Mr. President, textile and apparel imports continue to climb. The year 1985 was the 5th consecutive year that imports of those products reach new record levels. For the 6 months from September 1985–February 1986, more textile and apparel imports came into our country than for the entire year of 1981. In addition, textile and apparel imports were up 27.7 percent for the first 2 months of 1986 over the first 2 months of 1985. Strong action is desperately needed to preserve American jobs in this important industry.

Mr. President, I ask unanimous consent that the article referred to above be printed in its entirety at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Greenville News, Apr. 22, 1986]

TEXTILE UNION OFFICIALS DEFEND ACTIONS BY MILLS

(By Chris Weston)

WASHINGTON.—Representatives of the major textile trade unions say they are convinced that textile manufacturers are not using rising imports as a pretense to fire workers to proceed with plant modernization plans.

Some congressmen involved on both sides of the legislative fight for a textile industry protection bill have said privately in recent weeks there are doubts in Washington about the severity of the import problem. Some have suggested privately that some in the industry may be exaggerating the role of imports in triggering layoffs and plant closings.

Often cited is a recent study by a Clemson University professor concluding that a comparable level of layoffs would have occurred without the steady rise in imports. Richard McKenzie, in a study prepared for American University in St. Louis, said in February that modernization efforts and increased productivity would have claimed a high level of manufacturing jobs even without the import threat.

The study was denounced by leading textile industry officials and economists at the American Textile Manufacturers Institute.

Officials of the Amalgamated Clothing and Textile Workers Union and the International Ladies Garment Workers Union, the two major trade unions said in a recent interview that an exploitation of the import issue by the industry to close plants and reduce employment with a minimum of labor unrest would have been spotted by the unions.

Art Gundersheim, the assistant to the president of the ACTWU, said Monday that "if someone is giving us a phony story, it would be blatantly obvious."

Gundersheim's union, along with the ILGWU, are major players in the lobbying bid being orchestrated by the textile and apparel industry to override on Aug. 6 President Reagan's veto of legislation to roll back textile imports and put strict limits on future growth.

He said he suspects that some manufacturers, in a few instances, may be dramatizing the impact of imports to proceed with modernization plans that would reduce their work force or in closing plants that were no longer profitable.

Wilbur Daniels, the executive vice president of the ILGWU, said, "I think you would not find the two major unions in the field joining with the industry if that were the case."

Officials of both unions said the labor organizations routinely monitor the manufacturing plants.

Private critics of the textile protection legislation, including some who are publicly supporting the bill, say imports have provided the industry with a convenient scrapegoat to proceed with modernization plans that cost some workers their jobs. With such an outside threat, they say, the industry has been able to reduce employment and close marginal plants with a minimum of labor unrest.

Since 1981, 240 textile plants have been closed with a direct loss from those closings of about 40,000 jobs, according to figures compiled by the American Textile Manufacturers Institute. Since 1973, employment at textile plants has fallen from just over 1 million to about 703,000 in 1985, with jobs in apparel plants falling from 1.4 million in 1973 to about 1.1 million in 1985, according to the industry figures.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 120, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the United States Government for the fiscal years 1987, 1988, and 1989.

The Senate resumed consideration of the concurrent resolution.

Pending: Moynihan amendment No. 1800, to modify the treatment of the general revenue sharing program.

Mr. DOMENICI. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending business is the pending amendment of the Senator from New York [Mr. MOYNIHAN].

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 10 minutes off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

CBO OIL TAX STUDY

Mr. DOMENICI. Mr. President, while waiting for the distinguished senior Senator from Florida for the purpose of discussing when we should advise Senator MOYNIHAN, the proponent of the pending amendment, to be on the floor to begin discussion of his amendment. I would like to take some of our time off the resolution to talk about a Congressional Budget Office study which is going to be released today. It has to do with import fees on foreign oil, and on certain combinations of import fees and gasoline taxes, and other energy tax options.

I had an opportunity to read it yesterday. I would like to take a few moments to describe this study because I think it is very interesting. As I indicated, it will be made public today. We will see to it that all of those interested in the U.S. Senate and those interested in the media and around the country get copies of it.

Several weeks ago, I, along with the ranking member of the Budget Committee, asked CBO to conduct a study on energy tax options. I have spoken to the distinguished chairman of the Finance Committee and told him that this study was forthcoming and that I thought he might find it interesting as he proceeds with his various activities in the tax writing committee.

I would like to submit today for the Senate some preliminary remarks on CBO's study.

We asked CBO to review energy tax options in light of, one, the need to reduce the deficits; two, the recent decline in energy prices; and finally, the depression in the domestic oil industry that is currently upon us. More specifically, we asked CBO to look at the effect of several tax options on the deficit, on various regions of the country, on the oil industry, and on the economy as a whole.

My particular interest in this study was to examine a tax or a combination of taxes which would meet several national objectives at once. First, I wanted to know to what extent the various energy tax options would reduce the deficit. Second, in light of the current energy situation, I wanted to know that energy taxes could be used to strengthen our energy security. Third, I felt that an energy tax could only be successful if it were spread evenly and equitably across the country.

The CBO study makes some powerful observations. I would like to begin by discussing CBO's assessment of our current and projected energy. At $13 a barrel, CBO estimates that the current U.S. energy policy will cause our dependence on imported oil to grow from the current level of 30 percent to 54 percent in 1991.

Let me emphasize this point. Oil on the spot market is already lower than $13 a barrel, and some wondered whether our oil dependency would change dramatically as these prices came tumbling down. CBO concluded that at $13 a barrel, leaving U.S energy policy unchanged, our dependency on imported oil will grow from the current level of 30 percent to 54 percent by 1991. In addition, CBO estimates that stripper well production will decline by 500,000 barrels per day.

I would like to note there that this domestic oil production will be probably lost forever. Most stripper wells, if shut in, will probably never reopen because of the rules that apply to shutting them in and because of the economics prohibit bringing them back into production.

The study examines five energy options. Before getting into the study, I would point out to my colleagues that oil taxes are not new. Certainly, some people do not like these taxes. Others think they are absolutely necessary.

The most notable is the windfall profits tax which was imposed on domestic oil production during a period of rapidly increasing prices.

CBO estimates that the five options would reduce the deficit between $8 billion and $25 billion annually, depending upon the option. The summary of the study shows the different deficit reduction impacts under varying oil price assumptions.

I would like to note for comparative purposes that our budget resolution assumes $18.7 billion of revenues in fiscal year 1987.

With respect to the energy policy, CBO found that all options would encourage energy conservation. However, only an oil import fee and a combination of an oil import fee and the gasoline tax would alleviate the current decline in the oil industry and ameliorate the rapid increase in our dependency on oil imports. In fact, the other energy tax options would have a detrimental effect on domestic oil production, which is already in a depressed condition.

Some of the options have the usual drawback of energy taxes. They hit some regions of the country harder than others. For example, an oil import fee would have a negative impact on the Northeast and on the Midwest, while a gasoline tax would punish the West. In addition, there is a concern that an energy tax would be regressive. CBO found that as a percent of expenditures, the tax burden from the options they examined would not vary by income classes.

I would like to call to the Senate's attention two particularly interesting points made in the study. First, between one-quarter and one-third of the burden of energy tax options would be borne by foreign producers. Second, the magnitude of the taxes under consideration was so small that there would be no discernible effects

on the economy as a whole. I expect criticism of energy taxes from opponents, and I expect criticism of these suggestions even from the White House. Most will say that it will slow economic growth. I would point out that CBO found that an energy tax could influence the economy in either direction.

For the purpose of this study, CBO assumed that the economy would not be affected. This is a standard practice for the analysis of tax options. For example, the Department of the Treasury and others in their analysis of the revenue effects of the President's tax reform bill, which will shift billions of dollars in tax burden, assume that the economy will not be affected by the tax bill.

Mr. President, in conclusion, I would direct my colleagues to one of the options that I feel deserves close study, the combination of an oil import fee with a gasoline tax. Even at a rather modest level, 6 cents a gallon and $2.50 a barrel, this combination would reduce the deficit by more than $10 billion in the first year and would go up slightly in each of the outyears. At the same time, it would alleviate the decline in the oil industry, saving thousands of jobs, and clearly would protect significant investments and institutions that finance them. It would reduce our dependence on oil imports. But most importantly, it would have an equitable impact upon the regions and income classes in our country.

Mr. President, we cannot overlook the opportunities offered by the rapid decline in oil prices.

This may be a once-in-a-century chance to simultaneously improve our fiscal condition, and alleviate our energy predicament and our dependence on foreign oil.

I ask unanimous consent that the summary from the CBO study be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

This paper analyzes taxes on oil or oil products. Such taxes have been proposed for a variety of purposes. One aim is to reduce the federal deficit. Another is to reduce U.S. dependence on imported oil and its attendant risks to the economy and to national security. Some advocates of oil taxes see them as driving down further the world price of oil. Taxes are also favored as a way to assist the domestic oil industry, which is undergoing a severe contraction.

Oil taxes would accomplish these goals in varying degree, depending on how a specific tax was designed. At one end of the spectrum, an oil import tariff would encourage conservation, the substitution of other fuels, and domestic exploration and production. At the other end, a general energy tax—such as an ad valorem tax on all fuels consumed—would lead to reductions in energy use but would do nothing to encourage the production and consumption of oil substitutes or the exploration and development of domestic oil supplies. Oil taxes also raise a variety of questions as to their effects on the economy, on foreign trade, on the distribution of income, and on specific industries such as refining.

This paper examines five oil tax options:

An import tariff of $5.00 per barrel on imported crude oil and $10.00 per barrel on imported refined products;

A $5.00 per barrel excise tax on all crude oil (domestic and imported) and $5.00 per barrel on imported refined products;

A $0.12 per gallon motor fuels tax;

A 5 percent sales tax on all energy consumption; and

A combination of a $0.06 per gallon tax on motor fuels together with a $2.50 tariff on imported crude and refined products.

Since each tax would have different effects depending on the underlying level of world oil prices, and since there can be no certainty as to future oil prices, this report examines the taxes under three alternative assumptions: that oil prices hold steady over the next five years at levels of $23.00 per barrel, $18.00 per barrel, or $13.00 per barrel.

ECONOMIC ASSUMPTIONS

In estimating the economic and budgetary impacts of any tax, one must make some simplifying assumptions. In this case, perhaps the most important involves the operation of energy markets.

The economic effects of energy taxes depend to some degree on the response of foreign producers. This is difficult to forecast, because the governments of producing countries often play a crucial role in determining production levels. At one extreme, producers may respond by reducing production in order to maintain world prices at their pre-tax levels. At the other extreme, they may not change production at all and accept a fall in price equal to the implied per unit tax. This analysis makes an intermediate assumption. It assumes that world prices would fall, but by considerably less than the amount of the tax. Consequently, oil taxes would to some extent raise energy prices for U.S. consumers.

Analysts must also make some assumption about the behavior of aggregate production levels (gross national product, or GNP) in response to a tax. If foreign producers were forced to lower their prices, an oil tax could stimulate the economy and raise GNP. But there are offsetting influences. In the short term, higher taxes of any sort could lower GNP since they reduce household income. But to the extent that taxes also reduce the federal deficit, they may tend to reduce interest rates and the international value of the dollar, which would tend to raise GNP. In view of these various offsetting influences, and the fact that the net effect of any of the taxes on nominal GNP is likely to be rather small, CBO has followed the convention that nominal GNP (not adjusted for inflation) remains approximately constant in response to a tax.

REVENUE AND OUTLAY EFFECTS

Oil taxes affect the budget on both the revenue and the outlay sides. On the revenue side, the federal government would collect the tariff or tax directly. In addition, some taxes would increase domestic oil prices and the stream of revenues produced by the crude oil windfall profit tax. Finally, on the assumption that nominal GNP remains approximately constant after the imposition of a tax, the taxes and resulting price increases in the oil sector would reduce the income and profit streams of corporations in other sectors of the economy, correspondingly reducing the taxes they pay to the government.

On the outlay side, the federal government is both a producer and a consumer of oil. As a producer, it would receive more royalties from oil and gas production from the outer continental shelf and other federal lands if oil taxes were to raise wellhead oil and gas prices. On the consumption side, federal agencies, principally the Department of Defense, use roughly 500,000 barrels of refined petroleum products per day; they would pay more if prices rose. Thus the net budgetary effect of oil taxes is likely to be less than the initial revenue collected.

In general, broader-based taxes, such as an excise tax or an energy tax, would reduce the federal deficit by more than would more narrowly defined taxes, such as an import tariff or a motor fuels tax, at the same level of tax. This is because the former would be imposed on a broader category of oil and/or energy sources. Moreover, because windfall profit tax collections and domestic oil prices are positively associated, the revenue differential between a tariff and an excise tax would widen if domestic oil prices fell. Estimates of the net budgetary effects of the tax proposals are given in the Summary Table. These estimates differ somewhat from those provided in CBO's "Reducing the Deficit: Spending and Revenue Options" because different assumptions regarding oil prices and other factors are used in this analysis.[1]

It should be noted that at the $23.00 and $18.00 levels, the import tariff of $5.00 per barrel on crude oil and $10.00 per barrel on refined products would have the same revenue effect as a flat $5.00 tariff on both imported crude and refined products: the extra $5.00 on refined products would make their importation prohibitive, resulting in no new funds. Consumer costs, in contrast to federal revenues, might rise as less efficient domestic refining capacity was brought into production. At $13.00 per barrel, however, petroleum product consumption would exceed domestic refining capacity, and the extra tariff on refined products would lead to additional revenues.

ENERGY MARKET EFFECTS

The tax proposals described above raise a number of issues for federal policy and for the energy industry. Reductions in oil imports caused by oil taxes would be greater with lower initial oil prices, since a fixed tax represents a greater percentage increase in oil prices as underlying, pre-tax prices fall.

SUMMARY TABLE. NET DEFICIT REDUCTION UNDER FIVE OIL TAX ALTERNATIVES, FISCAL YEARS 1987–1991

[In billions of current dollars]

Tax alternative	1987	1988	1989	1990	1991
Pre-tax oil price: $23 per barrel:					
Import tariff	8.1	8.3	8.6	8.8	9.0
Excise Tax	22.1	22.5	23.0	23.2	23.5
Motor fuels tax	8.8	8.9	9.1	9.1	9.3
Energy tax	15.1	15.6	16.2	16.6	17.1
Combination of taxes	8.6	8.7	9.0	9.2	9.6
Pre-tax oil price: $18 per barrel:					
Import tariff	8.2	8.8	9.3	10.0	10.5
Excise Tax	24.0	24.6	25.1	25.5	26.0
Motor fuels tax	9.0	9.1	9.2	9.3	9.5
Energy tax	14.1	14.5	15.2	15.7	16.2
Combination of taxes	9.2	9.5	10.0	10.4	11.0
Pre-tax oil price: $13 per barrel:					
Import tariff	8.9	9.9	10.6	11.5	12.2
Excise Tax	25.4	26.3	27.1	27.8	28.5

[1] In administering the budget process, the baseline assumptions of Reducing the Deficit would be used for scoring purposes.

SUMMARY TABLE. NET DEFICIT REDUCTION UNDER FIVE OIL TAX ALTERNATIVES, FISCAL YEARS 1987–1991—Continued

[In billions of current dollars]

Tax alternative	1987	1988	1989	1990	1991
Motor fuels tax	9.2	9.2	9.3	9.3	9.5
Energy tax	13.0	13.5	14.2	14.8	15.3
Combination of taxes	10.1	10.8	11.5	12.2	13.0

Notes:
Import tariff: $5 per barrel imposed on crude oil and $10 per barrel on refined products.
Excise Tax: $5 per barrel imposed on all domestic and foreign crude oil and refined products.
Motor Fuels Tax: 12 cents per gallon ($5.04 per barrel) on all motor fuels.
Energy Tax: Ad valorem tax of 5 percent of final sale value of domestic and imported oil, natural gas, coal, and electricity.
Combination of Taxes: $2.50 per barrel on imported oil and 6 cents per gallon on motor fuels.

Source: Congressional Budget Office.

At $13.00 per barrel, oil imports in the absence of taxes are projected to reach 7.3 million barrels per day. An import tariff could reduce this amount by close to 1 million barrels per day by stimulating conservation and fuel substitution, and, very importantly, by softening the impact of low world prices on domestic oil production. Other taxes would not reduce imports by as much, because they would not provide domestic producers with additional incentives to explore or produce. At $23.00 and $18.00 per barrel, the effect of price changes on domestic production would not be as drastic, and hence an import tariff would not have as great an advantage over other taxes in this regard.

The effects of any oil tax in reducing oil imports, putting downward pressure on the world price of oil, and providing protection for the U.S. oil industry would be interrelated. Oil taxes would put downward pressure on the world price of oil insofar as they led to a reduction in the U.S. demand for oil imports, and that reduction would be greater if a tax encouraged domestic exploration and production.

An oil import tariff would be superior to other energy taxes on this score. By raising the price of oil imports, an oil import tariff would encourage all activities that could substitute for oil imports: domestic oil production, production of substitutes for oil, conservation of oil, and substitution of other fuels for oil. It would therefore lead to the greatest possible reduction in oil imports (for a given level of tax) and provide the most assistance to domestic producers. An excise tax on foreign and domestic oil would lead to the same reduction in total oil consumption, but would burden rather than encourage domestic oil production, leading to a smaller reduction in oil imports and, therefore, putting less downward pressure on the price charged by foreign producers. A motor fuels tax would lead to a smaller reduction in oil consumption because it would be directed at only one form of oil use and would therefore preclude many oil conservation possibilities. It would also provide no incentives for expanded domestic production. Finally, an ad valorem tax on the consumption of all fuels would lead to energy conservation, but discourage the production of domestic oil as well as all U.S. energy supply sources. These last two taxes, therefore, would do less to reduce world oil prices, encourage a reduction in oil imports, and assist the domestic oil industry.

THE U.S. REFINING INDUSTRY

The two-tiered tariff ($5.00 on crude imports and $10.00 on refined product imports) is of special interest because it would raise consumer prices and domestic refiner and shipping company profits while providing no incentives for domestic oil exploration and production beyond those offered by a single $5.00 levy on imported crude oil and refined products. Even if domestic refining capacity was sufficient to fulfill domestic needs entirely, this would require using domestic refineries that are older and less efficient than existing capacity.

The East Coast would be at some disadvantage under a two-tiered tariff, since it relies heavily on refined product imports and has very little excess refining capacity of its own. The difference could be supplied from Gulf Coast refineries, but product pipelines from the Gulf Coast have limited capacity and would have to be supplemented by tankers and barges at higher cost. All product shipments among ports in the United States would have to be made on U.S. flag ships, whose rates are already higher than those of foreign ships and are likely to become more so at higher utilization rates.

The most common arguments for two-tiered tariffs are that national security requires a stronger domestic refining industry, and that U.S. refiners suffer a disadvantage in having to pay pollution abatement costs. But the risks posed to national security from oil imports generally concern the threat to supplies of crude oil rather than refined products. A cutoff of refined products from the Persian Gulf—the most severe likely product disruption—would cause minor damage compared with a cessation of crude oil flow from the same countries. In 1985, only 0.4 percent of U.S. consumption of refined products was drawn from Persian Gulf sources, although that share is growing. Even if refining capacity was of paramount importance, a more appropriate response might be to fill part of the Strategic Petroluem Reserve with refined products in place of crude oil.

The other argument advanced for a two-tiered tariff concerns the costs U.S. refiners bear for pollution abatement, and holds that domestic refiners need protection to offset these costs. On net, the costs are much less than the $5.00 per barrel differential found in one version of the proposed tariff—perhaps as low as $0.50 per barrel, if the cost of removing the lead from gasoline to meet U.S. environmental statutes is also included. And even if the pollution abatement costs were higher, there is no precedent for offsetting them by imposing protective tariffs. Indeed, such an offset would encourage pollution.

Finally, like the oil regulations of the 1970s, two-tiered tariffs would encourage the construction of refineries that would be viable only because of federal protection. Half the refining capacity that has shut down since 1981 closed not because it was old, but because it had been built in the 1970s to take advantage of biases in federal regulations (often called the "small refiners' bias") and could not match the efficiency of internationally oriented refineries on its own terms. After oil was decontrolled, such capacity had to be shut down. This proposal would once again promote the creation of refining capacity dependent on federal protection.

INTERNATIONAL COOPERATION

Oil taxes would have their maximum depressing effect on world crude oil prices if imposed by all or most oil-consuming countries. Acting in concert, these countries could force producers to accept a larger proportion of any oil tax than if the United States acted alone. The result would be a smaller decrease in oil imports and a smaller tax burden.

In fact, other industrialized countries already have higher levels of oil taxes than the United States. Most of these taxes are gasoline taxes; motor fuels taxes are four to ten times higher in these countries. Taxes on other fuels also exist: Japan, for example, has an $18.00 per barrel tax on distillate fuel while the United States has none. Higher energy taxes in these countries reflect their far greater use of sales and consumption taxes as revenue sources. Industry sources note that many of these countries appear prepared to raise their oil taxes again now that world oil prices have fallen.

"VARIABLE TARIFFS"

One variant on the oil import tariff, proposed in S. 1997 by Senator Wallop, would set its value according to the difference between the existing world price of oil and some "benchmark" price. In S. 1997, this benchmark price is $22.00 per barrel; thus if oil prices were to stay at $13.00 per barrel, the tariff would equal $9.00 per barrel.

The variable tariff would, in essence, provide a floor price for the domestic oil industry. If oil prices were to rise again next winter or in the next few years, as some analysts believe they will, such a levy would protect the domestic oil industry from a harmful "whipsaw" effect in which some production is forced to close as prices fall and is no longer available when they rise again. The corresponding disadvantage of such a proposal is that it would place an artificial restraint on oil imports that are less expensive than the benchmark price. If oil prices had found their long-term level below the benchmark, the tariff would redistribute income from other industries and regions to domestic oil producers, but would do so only at a cost to economic efficiency. This cost might be sizable, since only a fraction of current domestic oil production is jeopardized by current low prices; a variable tariff might give other domestic oil producers a subsidy they do not need in order to continue producing. Moreover, if the goal of energy policy is to encourage marginal producers to continue supplying oil now that the price is low, there may be better ways of accomplishing this than a variable tax.

DISTRIBUTIONAL ISSUES

At oil prices of $23.00 per barrel, the energy taxes discussed in this paper generally would cost families an average of 0.3 percent of their annual income, or about $85.00 per year at current price levels. Using another measure, these added energy costs would amount to 0.4 percent of their total expenditures. The latter may be a better measure by which to assess the distributional effects of the tax because families usually choose a level of expenditure that reflects their expectations of long-term income.

Measured as a percent of total expenditures, the tax burden would not vary widely for families with different incomes. In absolute terms, at current price levels, the added expenditures would range from about $35.00 per year for families with annual incomes of less than $5,000 to $130 per year for families with annual incomes of $50,000 or more, or from 0.4 percent to 0.3 percent of total expenditures.

Except for the two-tiered tariff, which would require the use of uneconomic refining capacity and place a heavier burden on the Northeast, the increase in energy expenditures would also be roughly the same across regions. In the Northeast, additional energy expenditures under the two-tiered

tariff would be about $115 per year at current prices or 0.6 percent of total expenditures, while the rest of the country would spend no more than $82.00 per year or 0.4 percent of total expenditures. At $13.00 per barrel, the two-tiered tariff would penalize Northeast consumers even more, raising their energy costs by $192 per year, more than twice the cost burden imposed by other oil taxes.

Mr. DOMENICI. Mr. President, as I indicated, the report will soon be on the Senate floor and available for public consumption.

I understand that Senator CHILES has arrived. I suggest the absence of a quorum to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield myself whatever time I may use off the resolution, not off the spending amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD a list of entitlement and mandatory programs. In my discussion about the Federal budget and the various components of it on Tuesday, when we began debate on the budget resolution, I indicated that I would, since I used charts, incorporate in the RECORD the individual components of each of those major ingredients in the budget. I have that ready now, and I shall put it in the RECORD for reference. These will match up and indicate to anyone who is interested those four major components of the budget we discussed—discretionary appropriations, entitlements, defense, and interest on the national debt—what makes up each of those.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBO-ENTITLEMENTS AND OTHER MANDATORY SPENDING

International development and humanitarian assistance; Funds Appropriated to the President; Peace Corps; Peace Corps miscellaneous trust funds.

Department of Transportation; Federal Highway Administration; Miscellaneous trust funds.

Funds Appropriated to the President; Agency for International Development; Miscellaneous trust funds, AID.

Conduct of foreign affairs; Payment to the Foreign Service retirement and disability fund.

Offsetting Receipts; Payment to the Foreign Service Retirement Fund.

Department of State; Administration of Foreign Affairs; Payment to the Foreign Service retirement and disability fund.

International Center, Washington, D.C.

Administration of Foreign Affairs; Miscellaneous trust funds.

Department of State; Payment to Foreign Service Retirement Fund.

Foreign information and exchange activities; Other Independent Agencies; United States Information Agency; Miscellaneous trust funds.

Japan-United States Friendship Commission, Japan-United States friendship trust fund.

International financial programs; Funds Appropriated to the President; International Monetary Programs; United States quota, International Monetary Fund.

Military Sales Programs; Special defense acquisition fund.

Foreign military sales trust fund.

Foreign Military Sales Trust Fund (Receipts).

Department of the Treasury; Departmental Offices; Exchange stabilization fund.

General science and basic research; Other Independent Agencies; National Science Foundation; Donations.

Supporting space activities; National Aeronautics and Space Administration; Miscellaneous trust funds.

Energy supply; Other Independent Agencies; Tennessee Valley Authority; Tennessee Valley Authority fund (Energy supply).

Department of Energy; Power Marketing Administration; Bonneville Power Administration fund.

Energy Programs; Advances for cooperative work.

Department of Energy; Energy-Advances for Cooperative Work.

Water resources; Department of Agriculture; Soil Conservation Service; Miscellaneous contributed funds (Water resources).

Department of the Interior; Bureau of Reclamation; Colorado River dam fund, Boulder Canyon project.

Reclamation trust funds.

Department of Defense—Civil; Corps of Engineers—Civil; Rivers and harbors contributed funds.

Permanent appropriations (Water resources).

Conservation and land management; Department of Agriculture; Forest Service; Operations and maintenance of quarters.

Soil Conservation Service; Miscellaneous contributed funds (Conservation and land management).

Forest Service; Forest Service permanent appropriations.

Miscellaneous trust funds (Conservation and land management).

Department of the Interior; Bureau of Land Management; Special acquisition of lands and minerals.

Service charges, deposits, and forfeitures.

Operation and maintenance of quarters.

Range improvements.

Miscellaneous permanent appropriations (Conservation and land management).

Miscellaneous trust funds.

Department of Agriculture; Forest Service; Reforestation trust fund.

Department of Defense—Civil; Forest and Wildlife Conservation, Military Reservations; Forest products program.

Recreational resources; Department of the Interior; National Park Service; Operation and maintenance of quarters.

United States Fish and Wildlife Service; Operation and maintenance of quarters.

National Park Service; Commemorative activities fund.

United States Fish and Wildlife Service; Migratory bird conservation account.

Sport Fish restoration.

Contributed funds.

Miscellaneous permanent appropriations.

National Park Service; Miscellaneous permanent appropriations.

Miscellaneous trust funds.

Other Independent Agencies; Advisory Council on Historic Preservation; Donations.

Department of Defense—Civil; Forest and Wildlife Conservation, Military Reservations; Wildlife conservation.

Pollution control and abatement; Environmental Protection Agency; Miscellaneous contributed funds.

Department of Transportation; Coast Guard; Offshore oil pollution compensation fund.

Pollution fund.

Deepwater port liability fund.

Other natural resources; Department of the Interior; Bureau of Mines; Helium fund.

Bureau of Mines; Contributed funds.

Geological Survey; Contributed funds.

Farm income stabilization; Department of Agriculture; Agricultural Stabilization and Conservation Service; Dairy indemnity program.

Commodity Credit Corporation; Commodity Credit Corporation Fund.

National Wool Act (special fund).

Agricultural Marketing Service; Milk market orders assessment fund.

Other Independent Agencies; Farm Credit Administration; Revolving fund for administrative expenses.

Agricultural research and services; Department of Agriculture; Agricultural Marketing Service: Perishable Agricultural Commodities Act fund.

Food Safety and Inspection Service; Expenses and refunds, inspection and grading of farm product.

Office of the Secretary; Gifts and bequests.

Agricultural Research Service; Miscellaneous contributed funds.

Statistical Reporting Service; Miscellaneous contributed funds.

Economic Research Service; Miscellaneous contributed funds.

Office of International Cooperation and Development; Miscellaneous contributed funds.

Animal and Plant Health Inspection Service; Miscellaneous trust funds.

Agricultural Marketing Service; Miscellaneous trust funds.

Mortgage credit and deposit insurance; Other Independent Agencies; National Credit Union Administration; Operating fund.

Credit union share insurance fund.

Other Independent Agencies; Federal Deposit Insurance Corporation.

Federal Home Loan Bank Board; Federal Home Loan Bank Board revolving fund.

Federal Savings and Loan Insurance Corporation fund.

Department of Housing and Urban Development; Government National Mortgage Association; Management and liquidating functions fund.

Housing Programs; Federal Housing Administration fund.

Government National Mortgage Association; Participation sales fund (Mortgage credit and deposit insurance).

Guarantees of mortgage-backed securities.

Other advancement of commerce; Legislative Branch; Library of Congress; Payments to copyright owners.

Department of Commerce; National Oceanic and Atmospheric Administration; Federal ship financing funds, fishing vessels.

Promote and develop fishery products and research pertaining.
General Administration; Gifts and bequests.
Economic and Statistical Analysis; Information products and services.
Department of the Treasury; Comptroller of the Currency; Assessment funds.
Department of Housing and Urban Development; Government National Mortgage Association; Participation sales fund (Other advancement of commerce).
Housing Programs; Interstate land sales.
Manufactured home inspection and monitoring.
Other Independent Agencies; National Institute of Building Sciences; National Institute of Building Sciences trust fund.
Ground transportation; Department of Transportation; Federal Highway Administration; Federal-aid highways (trust fund).
Highway-related safety grants.
National Highway Traffic Safety Administration; Highway traffic safety grants.
Urban Mass Transportation Administration; Transportation block grants.
Discretionary grants.
Air transportation; Office of the Secretary; Payments to air carriers, DOT.
Federal Aviation Administration; Grants-in-aid for airports (Airport and airway trust fund).
Water transportation; Coast Guard; Retired pay—Coast Guard.
Maritime Administration; Operating-differential subsidies.
Ocean freight differential.
Saint Lawrence Seaway Development Corporation.
Maritime Administration; Federal ship financing fund.
Coast Guard; Boat safety.
Maritime Administration; Gifts and bequests.
Coast Guard; Coast Guard general gift fund.
Maritme Administration; Special studies, services and projects.
Coast Guard; Miscellaneous trust revolving funds.
Community development; Other Independent Agencies; Pennsylvania Avenue Development Corporation; Gifts and donations.
Other Independent Agencies; Federal Emergency Management Agency; National insurance development fund.
Gift and bequests, fire administration.
Department of Housing and Urban Development; Community Planning and Development; Revolving fund (liquidating programs).
Housing Programs; Community disposal operations fund.
Government National Mortgage Association; Participation sales fund (Community development).
Management and Administration; Gifts and bequests.
Area and regional development; Department of Agriculture; Rural Electrification Administration; Rural communication development fund.
Department of Commerce; Regional Development Program; Regional development commission.
Department of the Interior; Bureau of Indian Affairs; Liquidation of Hoonah Housing Project revolving fund.
Operation and maintenance of quarters.
Cooperative fund (papago).
Miscellaneous permanent appropriations (Area and regional development).
Miscellaneous trust funds (Area and regional development).
Other Independent Agencies; Appalachian Regional Commission; Miscellaneous trust funds.
Disaster relief and insurance; Funds Appropriated to the President; Disaster Relief; Bequests and gifts.
Elementary, secondary, and vocational education; Department of Education; Office of Vocational and Adult Education; Vocational and adult education.
Office of Special Education and Rehabilitation Services; Promotion of education for the blind.
Higher education; Department of Housing and Urban Development; Government National Mortgage Association; Participation sales fund (Higher education).
Department of Education; Office of Postsecondary Education; Guaranteed student loans.
Higher education facilities loans and insurance.
College housing loans.
Guarantees of SLMA obligations, FFB direct loans.
Other Independent Agencies; Harry S Truman Scholarship Foundation; Harry S Truman memorial scholarship trust fund.
Research and general education aids; Legislative Branch; Library of Congress; Oliver Wendell Holmes devise fund.
Gift and trust fund accounts.
Other Independent Agencies; Corporation of Public Broadcasting; Public broadcasting fund.
Other Independent Agencies; Smithsonian Institution; Endowment challenge fund.
Canal Zone biological area fund.
Other Independent Agencies; National Endowment for the Arts; Gifts and donations (arts).
National Endowment for the Humanities; Gifts and donations (humanities).
Department of Education; Departmental Management; Contributions.
Other Independent Agencies; National Commission on Libraries and Information Science; Contributions.
Training and employment; Department of Labor; Employment and Training Administration; Gifts and bequests.
Unemployment trust fund (Training and employment).
Social services; Department of Health and Human Services, except Social Security; Human Development Services; Social services block grant.
Family social services.
Department of Education; Office of Special Education and Rehabilitative Services; Rehabilitation services and handicapped research.
Health care services; Office of Personnel Management; Government payment for annuitants, employees health benefits.
Employees health benefits fund.
Retired employees health benefits fund.
Department of Health and Human Services, except Social Security; Office of Assistant Secretary for Health; Retirement pay and medical benefits for commissioned officer.
Health Care Financing Administration; Grants to states for medicaid.
Office of Assistant Secretary for Health; Miscellaneous trust funds.
Health research; Department of Housing and Urban Association; Participation sales fund (Health research).
Consumer and occupational health and safety; Department of Health and Human Services, except Social Security; Food and Drug Administration; Revolving fund for certification and other services.
Medicare; Health Care Financing Administration; Federal supplementary medical insurance trust fund.
Federal hospital inurance trust fund.
Department of Health and Human Services; Federal contributions, FSMI Fund.
Health Care Financing Administration; Payments to health care trust funds.
General retirement and disability insurance (excluding social security); Department of Labor; Employment and Training Administration; Advances to the unemployment trust fund and other funds.
Employment Standards Administration; Special benefits (General retirement and disability insurance).
Pension Benefit Guaranty Corporation; Pension Benefit Guaranty Corporation fund.
Employment Standards Administration; Special workers' compensation expenses.
Black lung disability trust fund.
Other Independent Agencies; Offsetting receipts.
Department of the Treasury; Offsetting Receipts; Interest Payments on advances to Railroad Retirement.
Other Independent Agencies; Railroad Retirement Board; Federal payments to the railroad retirement accounts.
Rail Industry Pension Fund.
Repayment of advances, RR Board.
Payment to Railroad Retirement.
Fed. pymt. to RR TF, Rail Industry Pension.
Department of Health and Human Services, except Social Security; Social Security Administration; Special benefits for disabled coal miners.
Department of the Treasury; Offsetting Receipts.
Federal employee retirement and disability; The Judiciary; Judiciary Trust Funds; Judicial survivors' annuities fund.
Department of Labor; Employment Standards Administration; Special benefits (Federal employee retirement and disability).
Department of State; Administration of Foreign Affairs; Foreign Service retirement and disability fund.
Legislative Branch; United States Tax Court; Tax Court judges survivors annuity fund.
Office of Personnel Management; Civil service retirement and disability fund.
Employees life insurance fund.
Department of Defense—Civil; Military Retirement; Military retirement fund.
Unemployment compensation; Department of Labor; Employment and Training Administration; Federal unemployment benefits and allowances.
Advances to the unemployment trust fund and other funds.
Department of Labor; Repymts. of loans, extended unemployment comp.
Employment and Training Administration; Unemployment trust fund (Unemployment compensation).
Department of Labor; Unemployment trust fund, repayable advances.
Department of Transportation; Federal Railroad Administration; Conrail Labor protection.
Housing assistance; Department of Housing and Urban Development; Housing Programs; Rental housing assistance fund.
Public and Indian Housing Programs; Low-rent public housing—loans and other expenses.
Food and nutrition assistance; Department of Agriculture; Food and Nutrition Service; Special milk program.
Food stamp program.

Child nutrition programs.
Nutrition assistance for Puerto Rico.
Agricultural Marketing Service; Funds for strengthening markets, income, and supply.
Other income security; Department of the Treasury; Internal Revenue Service; Payment where earned income credit exceeds liability for tax.
Department of Health and Human Services, except Social Security; Social Security Administration; Supplemental security income program.
Assistance payments program.
Child support enforcement.
Payments to states from receipts for child support.
Social security; Payments to social security trust funds.
Department of the Treasury; Offsetting Receipts; Interest on normalized transfers—OASI.
Interest on normalized transfers—DI.
Interest payments to HI.
Income security for veterans; Veterans Administration; Veterans insurance and indemnities.
Pensions.
Burial benefits and miscellaneous assistance.
Veterans reopened insurance fund.
Servicemen's group life insurance fund.
Service-disabled veterans insurance fund.
National service life insurance fund.
United States government life insurance fund.
Veterans special life insurance fund.
Veterans education, training, and rehabilitation; Readjustment benefits.
Education loan fund.
Post-Vietnam era veterans education account.
Department of Defense—Civil; Education Benefits; Education benefits fund.
Hospital and medical care for veterans; Veterans Administration; Special therapeutic and rehabilitation activities fund.
Veterans housing; Director loan revolving fund.
Loan guaranty revolving fund.
Department of Housing and Urban Development; Government National Mortgage Association; Participation sales fund (Veterans housing).
Other veterans benefits and services; Department of the Treasury; Financial Management Service; Miscellaneous trust funds (Other veterans benefits and services).
Veterans Administration; Canteen service revolving fund.
General post fund, national homes.
Other Independent Agencies; American Battle Monuments Commission; Contributions.
Department of Defense—Civil; Soldiers' and Airmen's Home; Payments of claims.
Federal law enforcement activities; Department of the Treasury; United States Secret Service; Contribution for annuity benefits.
Federal litigative and judicial activities; The Judiciary; Courts of Appeals, District Courts, and other Judicial Services; Salaries of judges.
Criminal justice assistance; Department of Justice; Office of Justice Programs; Crime victims fund.
Legislative functions; Legislative Branch; Senate; Compensation of Member's Senate.
House of Representatives; Compensation of Members and related administration expenses.
Congressional use of foreign currency, House of Representatives.
Other Legislative Branch Agencies; Office of Technology Assessment: Contributions and donations.
Executive direction and management; Executive Office of the President; Compensation of the President.
Central fiscal operations; Department of the Treasury; Bureau of the Public Debt; Payment of Government losses in shipment.
United States Mint; Coinage profit fund.
United States Customs Service; Refunds, transfers and expenses, unclaimed, abandoned.
Departmental Offices; Gifts and bequests.
General property and records management; General Services Administration; General Activities; Virgin Islands Corporation liquidation fund.
Personal Property Activities; Expenses of transportation audit contracts.
Federal Property Resources Activities; Expenses, disposal of surplus real and related personal property.
Other Independent Agencies; National Archives and Records Administration; National archives gift fund.
National archives trust fund.
Central personnel management; Office of Personnel Management; Payment to civil service retirement and disability fund.
Offsetting receipt, payment to Civil Service retirement.
Govt. Share of Civil Service Retirement.
Other general government; Department of the Interior; Territorial and International Affairs; Compact of free association.
Bureau of Indian Affairs; Miscellaneous permanent appropriation (Other general government).
Department of the Treasury; Financial Management Service; Claims, judgments, and relief acts.
Departmental Offices; Presidential election campaign fund.
Financial Management Service; Miscellaneous trust funds (Other general government).
Other Independent Agencies; Advisory Commission on Intergovernmental Relations; Contributions.
Other Independent Agencies; United States Holocaust Memorial Council; Gifts and donations.
General revenue sharing; Department of the Treasury; Office of Revenue Sharing; Payments to State and local government fiscal assistance trust fund.
State and local government fiscal assistance trust fund.
Department of the Treasury; Payment to general revenue sharing trust fund.
Other general purpose fiscal assistance; Department of Agriculture; Forest Service; Forest Service permanent appropriations.
Department of the Interior; Territorial and International Affairs; Payments to the United States territories, fiscal assistance.
Bureau of Land Management; Payments in lieu of taxes.
Minerals Management Service; Payments to States from receipts under Mineral Leasing Act.
United States Fish and Wildlife Service; National wildlife refuge fund.
Bureau of Land Management; Miscellaneous permanent appropriations (Other general purpose).
Bureau of Reclamation; Miscellaneous permanent appropriations.
Department of the Treasury; Internal Revenue Service; Internal revenue collections for Puerto Rico.
United States Customs Service; Miscellaneous permanent appropriations.
Department of Energy; Energy Programs; Payments to states under Federal Power Act.
Department of Defense—Civil; Corps of Engineers—Civil; Permanent appropriations (Other general purpose fiscal assistance).

Mr. DOMENICI. Mr. President, I also ask unanimous consent to have printed in the RECORD a table showing the annualized rate of change of categories of the budget in real and nominal terms.

As I said before, it shows what has happened over the past 20 years in 5-year increments to the major components in growth and nongrowth. Some were interested in what the nominal growth will be. I used only real growth—that is, growth after inflation.

The table that I asked to have printed in the RECORD expands on those and gives the nominal growth for each of those categories for each of the 5-year periods preceding 1986.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ANNUALIZED RATES OF CHANGE BY CATEGORIES OF FEDERAL OUTLAYS, TOTAL OUTLAYS, AND REVENUES

[Percent change][1]

	Fiscal year—			
	1965–70	1970–75	1975–80	1980–85
Defense:				
Real growth	4.9	−5.5	1.2	6.3
Nominal growth	10.1	1.1	9.1	13.5
Entitlements:				
Real growth	9.1	11.1	3.9	3.4
Nominal growth	13.7	18.6	12.3	9.4
Discretionary:				
Real growth	2.5	6.5	4.5	−3.4
Nominal growth	6.8	13.7	12.9	2.2
Interest:				
Real growth	6.3	3.1	3.0	13.2
Nominal growth	10.9	10.0	17.7	19.8
Total outlays:				
Real growth	6.1	4.1	3.8	3.9
Nominal growth	10.6	11.2	12.2	9.9
Total revenues:				
Real growth	6.0	9	4.7	1.4
Nominal growth	10.5	7.7	13.1	7.3

[1] Calculation of annualized real rate of change based on actual GNP price deflators, except for real defense outlays, which are based on the defense deflator.

Mr. DOMENICI. Mr. President, I designate the senior Senator from Washington [Mr. GORTON] to manage the bill on our side.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be able to proceed as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOURNIQUET BELOW THE WOUND

Mr. JOHNSTON. Mr. President, I am brought to the floor by the remarks of my distinguished colleague from New Mexico [Mr. DOMENICI], who this morning spoke about an oil import fee. I believe he spoke with approval of a $2.50 import fee along with a 6-cent-per-gallon gasoline tax. Mr. President, I very strongly favor an oil import fee. I think it ought to be larger than $2.50. Nevertheless, Mr. President, I commend the distinguished Senator from New Mexico.

Now, Mr. President, there are many who say that an oil import fee is dead as an idea: the President is against it, the industry is split, and there are all kinds of problems with Mexico, Venezuela, and chemical companies. I have heard all of those arguments before. But, Mr. President, I believe those arguments are either unpersuasive or will be satisfactorily addressed when it comes time for the Congress to actually decide on whether we should have an oil import fee. I believe it is a very viable idea substantively and that it is a very viable idea politically.

The reason I believe that, Mr. President, is I do not think this tax reform bill is going to go anywhere. My own mail is running 40 to 1 against. There were well over half the Members of the Senate who said we should not deal with tax reform until we balance the budget. That is simply another way of saying they give tax reform—I put "reform" always in quotas because I do not believe the measure being considered by the Finance Committee is tax reform—no chance to go anywhere.

The issue that is going to go somewhere is the need to raise revenue. And when the oil import fee, which raises significant amounts of revenue, is compared to various other kinds of revenue enhancements, to use the euphemism, I think the oil import fee comes off very well.

Mr. President, there is real suffering in my State, and I use that word advisedly. We have 13.2 percent unemployment on the way to 16, and who knows what after that. The whole economy of my State and that of our neighboring oil-producing States is imploding. It is imploding with frightening speed. The whole underpinning of our economy is collapsing and there is nothing to sustain it.

I do ask for sympathy, but in addition to sympathy, Mr. President, I ask for understanding of the plight of the oil industry in this country. Unless we do something to save it, it is going to be gone and once gone will not be easily resurrected. Once these companies are bankrupt and the geologists move on to become accountants; and the service industries and the mud companies close their doors and move away; and the drillers and the roughnecks, the myriad other people who are involved in the oil industry leave the State and move elsewhere—and all of these things are beginning to happen—it is going to be very difficult to resurrect a domestic oil and gas industry.

We are going to be a country dependent almost exclusively upon foreign sources for our crude oil. And when the supply gets short and the price goes up the fat will be back in the fire again. Only this time, instead of having a domestic industry capable of producing 10 million barrels a day we will have a domestic industry with only a few old wells continuing to produce and little ability to discover and drill new ones.

Mr. President, with a great deal of fanfare, the President of the United States a day or two ago announced his plan to deal with the preservation of the oil industry. He came up with four proposals, all of which I have favored, but not one of which will be of any significant or immediate use to the oil industry given the magnitude of its current problems. He says we ought to repeal the Fuel Use Act. Of course, we should. I am a coauthor of legislation to do that and I hope and anticipate we will do it very soon. But the assistance it can bring to the industry is months and years down the road.

He says we ought to deregulate natural gas. We have fought that battle in the past. I have been for it. I have sponsored legislation to accomplish it. But I do not think Congress is going to do it. We received less than 30 votes last time after we debated it for days on end. But even if we pass it, it is not going to help the price of new gas and therefore will provide no incentive at all for drilling for new gas.

Yes, we ought to repeal the windfall profits tax, and I have authored legislation to accomplish that, too. But that is of no use at all, because the price is below the threshold at which the tax must be paid.

Yes, we should help stripper wells whose production we would othewise lose. But the margin of relief which doing so would provide is of no help. We need to get drill rigs active looking for new oil and gas. The active rig count has dropped below 900 from a high of over 4,500 just 5 years ago. In the face of this the President of the United States gives us a program for saving the oil industry which is like putting a tourniquet on below the wound—no help at all.

If we want to preserve the industry, we have to do something now, and we have to do something dramatic. And the only thing that I can see is to use the Tax Code and to have an oil import fee.

The rise in prices which it would cause—or, more correctly, the limitation on the amount of price decline which it would cause—would be very minimal—certainly very minimal when compared to saving in domestic oil production and preserving a domestic oil industry. I think it is a very good tradeoff.

So I believe that the oil import fee is a very viable political idea. I do not believe we need to make exemptions for Canada, Mexico, or Venezuela. In fact, I see no justification at all for that. I think we ought to have an exemption for imports which are in turn exported. But that would be easy to describe, easy to administer, and totally fair upon its face. Other than that, I think we could put together an excellent and appealing revenue raiser which also preserves a domestic oil industry.

So I want to congratulate the distinguished Senator from New Mexico [Mr. DOMENICI], for having proposed the oil import fee. I will join him and others in trying to get it passed here later this year.

I thank the distinguished Senator from New York for allowing me to speak on what otherwise would have been his time, and I yield back the remainder of my time.

AMENDMENT NO. 1800

Mr. MOYNIHAN. I thank the Senator from Louisiana for his gracious remarks and for his interest and comments.

Mr. President, as I understand our situation, the amendment laid down yesterday for myself, Mr. SASSER, Mr. BYRD, and others is now the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MOYNIHAN. Mr. President, as Senators well know, this is a straightforward proposal to retain general revenue sharing for the coming fiscal year and for such other years thereafter—1988 and 1989—as the Senate Finance Committee chooses to approve.

Two things are required: First, that the Finance Committee reauthorize the program, and it has typically been on a 3-year basis, although it could be done on a 1-year basis; and second, the Finance Committee must provide increased revenues in order to maintain the program at its level of $4.6 billion. Because there is a one-quarter lag in the outlays, the Finance Committee would only be required to come up with revenues of $3.4 billion in fiscal 1987.

Mr. President, we are no doubt going to hear that we ought to abolish general revenue sharing or that we cannot afford to continue it, and we should let it lapse, because there is no revenue to be shared. I have heard that statement from a number of Senators in the past during the debate when we dropped State revenue sharing, and I have heard it from Senators who are now cosponsors of this legislation, having looked longer and harder at

the situations of their own communities and at the qualities of this program. Indeed, we have 24 cosponsors at this time, which is about one-quarter of the Senate.

As a preface to some general remarks about the program, let me offer to the Senate some insights into the fiscal difficulties—the protracted fiscal crisis, indeed—in which we find ourselves in the Federal Government.

For several years now, since 1982, as I recall—and in writing since 1983—I have made the point that the deficits, the extraordinary triple-digit deficits, that appeared under the Reagan administration were deliberately contrived, contrived in order to create a crisis that would require the dismantling of the main outlines of the Federal Government as they have developed under Democratic and Republican administrations over the last half-century.

I do not think that this proposition, when I first offered it, was greeted with any great acceptance. It seemed too irresponsible a thing to have done, or too dangerous a thing to have done, and credence was not given the proposition that responsible Government officials could go about their duties and deliberately create a crisis which then they thought would have serious consequences.

If I recall, I did not say that the deficits were deliberate policy. I said that the creation of a situation in which the deficits would arise was the deliberate policy, which is to say the revenue loss incurred as a result of the 1981 tax legislation.

Mr. President, it is always difficult to put a proposition such as that, in any event; and even indirection is no protection from the obvious fact of what is being said, so why do I not say it straight out? I was right. I was dead right, and Mr. David Stockman now so states.

The administration knew perfectly well that it was going to create an enormous deficit with this legislation in 1981 and assumed that this would force Congress into huge reductions in Federal programs. And then it turned out the programs were not there to be cut.

Yesterday, the distinguished chairman and ranking minority member of the Budget Committee offered an amendment to terminate 44 programs and said, "Here, cut them." I think there were 14 Senators willing to say so and do so.

A marvelous article in this morning's Washington Post described some 24 Senators who had been writing letters to the President saying "cut" and then their opportunity to cut came and they, including the distinguished Senator who had organized the letter, could not bring themselves to do so.

How did we get ourselves into the situation?

Let me read some passages from David Stockman's book, and so we get a feeling for this, we are talking now about the time in late summer, early autumn of 1980 before the election.

> I discovered that to balance the budget we would need huge spending cuts too—more than $100 billion per year. The fabled revenue feedback of the Laffer curve had thus slid into the grave of fiscal mythology 40 days after the supply-side banner had been hoisted at the GOP Convention.
>
> These dramatic changes in both my comprehension of budget estimating and the true fiscal math of the supply-side program occurred almost overnight. That should have been cause for second thoughts and reassessment of the whole proposition.
>
> But it didn't happen that way.

Mr. Stockman recognizes that even before they went forward, he should have said, "Now, listen, will this work?" But then another idea occurred to him. Adopt Kemp-Roth and its 10-5-3 depreciation schedule and then, and I quote him, "We would have the Second Republic's craven politicians pinned to the wall," which craven politicians I think by a vote of 80 to 14 or something yesterday displayed what it regarded as craven.

We are of the Second Republic, and unlike the virtuous First Republic, the craven politicians would be pinned to the wall,

> They would have to dismantle its bloated, wasteful, and unjust spending enterprises—or risk national ruin.
>
> The idea of a real fiscal revolution, a frontal attack on the welfare state, was beginning to seem more and more plausible.

Mr. President, we are in the presence of a conspiracy. A young man is telling us how he came to Washington, seized control of fiscal policy and created a crisis that will be with us the rest of this century.

Here is his last paragraph I will read. He said:

> The success of the Reagan Revolution depended upon the willingness of the politicians to turn against their own handiwork—the blotted budget of the American welfare state. Why would they do this? Because they had to! In the final analysis, I had made fiscal necessity the mother of political invention.

Mr. Stockman ends his book by saying he had learned differently and for all that politicians might be bad. "There is only one thing worse," he says, "and that is ideological hubris."

He concludes,

> That the fiscal programs of the first few years of this administration were the most irresponsible in the 20th Century.

He writes,

> In the entire 20th century history of the Nation there has been nothing to rival it • • • a willful act of ignorance and grotesque irresponsibility.

My good friend from Tennessee is on the floor and he will be speaking in a moment. I do not know if he has read that far in the memoirs to the conclusion where Mr. Stockman describes—

> The policies of this administration so put in place with such deception, such concealment as a willful act of ignorance and grotesque irresponsibility. In the entire 20th century history of the Nation there has been nothing to rival it.

Mr. President, the proposition I put to you today is whether we are going to allow that conspiracy to continue and to permit that willful ignorance and gross irresponsibility to control our actions in the coming year with respect, in this instance, to one program, the program of general revenue sharing with local governments in the country.

I have a certain personal history in the General Revenue Sharing Program. I drafted the plank in the Democratic platform of 1964 that called for revenue sharing with State governments, and, as it happened, I also drafted the Presidential message of 1969 that called for revenue sharing with State and local governments, particularly city governments.

That was the legitimization that finally was enacted in 1972. A proposal first appeared in a Democratic platform and then was adopted by a Republican President, Mr. Nixon, and enacted in turn by a Democratic Congress. It has had bipartisan support and it has made its way into the structure of Federal relations in this Nation.

The theory of revenue sharing was simple enough, and I think it has proved over time to have held up, which is simply that the revenue resources of the National Government are both larger, and more responsive to economic growth than the revenue sources of State government and most particularly of local government where property taxes and such like are a principal source of revenue and are very sluggish in their response to growing economic needs of government that correspond to a growing economy.

We put it in those days, that for every 1-percent increase in GNP, you get about a 1-percent increase in the need for government, roads and infrastructure, and things like that, and the revenue the Federal Government would increase at something more than 1 percent and of local government at something less. I think those general ratios have held up.

In the President's budget, the legacy of the conspiracy of the Stockman era—coping with this protracted crisis and the continued belief that it could be done—asks us to put an end to revenue sharing with some 39,000 units of government, including 3,049 counties of the United States.

For our part, Mr. President, we hope this will not happen. We will hope that in the aftermath of the conspiracy we will do some damage control right here on this floor and not sever that relation between the Federal

Government and the cities and counties that we began to grow up in the 1960's and in the 1970's.

Not long ago, Mayor Cisneros, of San Antonio, spoke with great eloquence on the subject of that partnership that gave cities a sense of their role in the Federal mix of things, gave counties and smaller units of government the same.

Let me just end my remarks by quoting from the speech which Mayor Cisneros gave to the National League of Cities just a while ago. He said:

This year all of us together face a new problem that none of those who sat in these chairs has faced before. It is a disastrous dismantling of the federal-local partnership. It is a meat-axe chopping of the domestic obligations of government.

These are not in the category of threats or distant storm clouds, but the realities of the next 90 to 120 days. The mood, our response, must not be gloom or timidity or uncertainty or hang-dog apologetics. We must be determined to stand up for what is right in the face of what I can only call disrespect: a disrespect for our cities, disrespect for the people who govern them and disrespect for the people who live in them.

I see the same disrespect he sees, Mr. President. I hope we will pass this amendment.

I see the distinguished Senator from Tennessee has risen. The Senator from Minnesota would like to speak very briefly from the other side of the aisle, if that is possible.

Mr. SASSER. I would remind the Senator from New York, although I do want to accommodate the Senator from Minnesota, I have been sitting here for almost an hour.

How long, may I ask the Senator from Minnesota, will he take?

Mr. DURENBERGER. At the most, 4 minutes. I will try to be briefer than that.

Mr. SASSER. Mr. President, I am glad to accommodate the Senator.

Mr. MOYNIHAN. Mr. President, at this point, I ask unanimous consent that a letter from the National Coalition to Save General Revenue Sharing be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COALITION TO SAVE GENERAL REVENUE SHARING,
Washington, DC, April 22, 1986.

DEAR SENATOR: The National Coalition to Save General Revenue Sharing urges you to support the Moynihan, Sasser, Byrd, Heinz, Specter, Andrews Amendment to allow for full funding at $4.6 billion for General Revenue Sharing.

Let us tell you what this amendment does not do:

It does not mandate a tax increase;

It does not "bust the budget" or add to the deficit since there would be no funds put in the budget for revenue sharing until the Finance Committee develops a mechanism to pay for it.

What this amendment will do:

If the Finance Committee reauthorizes the program and enacts additional revenues to pay for it, then General Revenue Sharing would be allowed to be fully funded for $4.6 billion for FY87.

Revenue Sharing has been one of the few programs that seeks to lessen fiscal disparities among our states. Jurisdictions with a population of under 10,000, most of which receive no other assistance from the federal government, make up more than 85 percent of the program's recipients. It is the only form of federal assistance to 77 percent of the 39,000 local governments that receive general revenue sharing funds. Sixty-two percent of general revenue sharing funds now go to jurisdictions with average per capita income less than 125 percent of the national average.

General Revenue Sharing helps cities and counties across this nation to provide essential services to their citizens such as police and fire protection, schools and hospitals. It has supplemented public education and supported health and welfare programs such as indigent health care and nursing homes.

Between 1980 and 1985, while total outlays increased by 23.3 percent, grants to state and local governments decreased by 23.5 percent. Since 1981 federal aid to state and local governments has been cut by almost 40 percent; in major urban programs it has been cut even deeper totalling 71% in actual dollars. General Revenue Sharing has provided the flexibility to respond to these reductions.

Please show your support for this vital program by voting for the Moynihan, Sasser, Byrd, Heinz, Specter, Andrews Amendment.

Sincerely,

ERNEST N. MORIAL,
Mayor of New Orleans.

Coalition Members:
U.S. Conference of Mayors.
National League of Cities.
National Association of Counties.
American Federation of State, County and Municipal Employees.
National Association of Towns and Townships.
Council of Great City Schools.
National Recreation and Park Association.
International Association of Fire Chiefs, Inc.
American Association of School Administrators.
National Association of Public Hospitals.
Government Finance Officers Association.
National Congress of American Indians.
National Council of Senior Citizens.
National Urban Coalition.
National Association of School Boards.
National Urban League.
National Education Association.
National Council of Community Mental Health Centers.
AFL-CIO.
International Assocation of Firefighters.
National Volunteer Fire Council.
Service Employees International Union.
National Association of Development Organizations.
American Federation of Teachers.
National Association of Community Health Centers.
National Child Welfare League.
American Planning Association.
Friends Committee on National Legislation.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. I yield to the Senator from Minnesota such time as he requires.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will be very brief in deference to my colleague from Tennessee, who is the former ranking member of the Intergovernmental Relations Subcommittee of the Governmental Affairs Committee.

Mr. President, I rise to add a dimension to the debate on general revenue sharing.

Let me say that I favor the amendment by my colleague from New York, and I ask unanimous consent that I be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, the dimension that I would add is a dimension that I know the Senator from South Dakota, who occupies the chair, and the Senator from Tennessee, who will speak next, will particularly appreciate, and that is the importance of the continuation of revenue sharing to rural America. I trust that my colleagues will take the time to consider the fact that, in the face of the very substantial reductions in Federal support, both the tax-subsidized support and the direct Federal-aid support for local governments in this country, some things are happening to rural America that are not happening to the cities of this country.

In southwestern Minnesota, land values have dropped in constant dollars from $2,232 an acre in 1979 to about $955 in 1985 an acre. That is true in South Dakota and that is true in many parts of America. This represents a reduction in the base from which local governments can raise the resources necessary to continue public services. Public services that include hospitals and public health, public transportations, services for the elderly, streets and roads, and many more. The ability of rural or local governments to provide these services to their citizens is substantially dwindling.

We must consider the impact of budget cuts on rural communities. It is an important consideration that often gets overlooked. We must be certain that in our attempts to solve the budget crisis that we do not exacerbate the agricultural crisis. Eliminating or severely cutting GRS would do just that.

GRS is more important to rural communities than urban communities. The value of GRS to urban communities has received widespread attention in the press and on the Capitol Hill. But GRS funds are even more important to rural communities that are not experiencing a severe drop in land values, and, consequently, property tax revenues. For rural communities, GRS has served as a lifeline, enabling

their governments to continue to provide basic public services.

Communities where the greatest source of income is derived from agriculture rely on GRS to a much greater extent than nonfarm communities. Revenue sharing comprises, on average, 44.5 percent of all Federal aid received by local governments in farm dependent areas, compared with a national average of 21.8 percent for all local governments.

I have a table which compares general revenue sharing as a percentage of all Federal aid to agricultural versus nonagricultural local governments in selected States: North Dakota, Iowa, Nebraska, Arkansas, Kansas, Georgia, Minnesota, Mississippi, Missouri, and Montana. It shows, for example, that in nonagricultural communities in North Dakota, general revenue sharing is 20 percent of their total Federal aid, while in the agriculture communities of North Dakota, revenue sharing is 38.6 percent of the Federal aid they receive. In Iowa, it is 25.8 percent for nonagriculture and in agriculture 46.6 percent comes from general revenue sharing. In Nebraska it is 22 percent to 49 percent; Kansas, 24 percent to 51 percent; Georgia, 21 percent in nonagriculture to 54.1 percent in agriculture. In Mississippi, GRS is 32.2 percent of Federal aid in the nonagriculture counties but 67.8 percent in the agricultural counties.

For many rural communities, GRS is the only form of direct Federal assistance they receive. We rely on rural governments to provide the same services as their more urban counterparts, yet they are not eligible for a large portion of intergovernmental aid. UDAG, CDBG, and mass transit subsidies by and large benefit urban America. The elimination of GRS, as many have proposed, would have an immediate and devastating impact on the ability of rural governments to provide basic public services.

Recently, I received some survey results from counties in southwest Minnesota. This is a rural area where, as I said agricultural values have dropped dramatically. As a result, property tax revenues—the major source of local funding—have also declined dramatically. For these communities, GRS is more important than ever. The survey results I received from these counties listed the following uses for GRS funds:

Highway, roads, sidewalks, bridges—construction and repair.
Hospital equipment.
Snow plow equipment, snow removal.
Public transportation for elderly and handicapped.
Senior citizen activities—centers, meals, transportation.
Police, fire protection and public safety.
Library books.
Day care.
Public service programs: health, mental health, family service, outreach programs, chemical dependency programs.
Sewage plant work, landfills, garbage collection, storm sewage construction.
Parks and recreational facilities.
Agriculture assistance to farmers.
Ambulance service.
Liability insurance payments.
Water department repairs, well updating equipment.

Few, if any, of these activities would be considered luxuries or unnecessary. They represent the very heart of what local governments are about. If these communities lose their GRS funds, they will be forced to eliminate or cutback on these very vital, very basic public services.

I call on my colleagues, particularly those from rural areas, to consider the value of general revenue sharing to local governments.

Mr. President, I ask unanimous consent that the table I referred to be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LOCAL GOVERNMENT REVENUES IN FARM-DEPENDENT VERSUS ALL COUNTIES IN 10 SAMPLE STATES, 1982

	Percentage of all counties Ag-dependent	General revenue sharing as a percent of all Federal aid
U.S. percent distribution all local	NA	21.8
North Dakota: Non-agricultural		20.6
North Dakota: Agricultural	71.7	38.6
Iowa: Non-agricultural		25.8
Iowa: Agricultural	52.5	46.6
Nebraska: Non-agricultural		22.6
Nebraska: Agricultural	69.9	49.3
Arkansas: Non-agricultural		29.9
Arkansas: Agricultural	37.3	29.4
Kansas: Non-agricultural		24.1
Kansas: Agricultural	38.1	51.3
Georgia: Non-agricultural		21.2
Georgia: Agricultural	20.1	54.1
Minnestoa: Non-agricultural		22.4
Minnestoa: Agricultural	40.2	42.2
Mississippi: Non-agricultural		32.2
Mississippi: Agricultural	23.2	67.8
Missouri: Non-agricultural		18.7
Missouri: Agricultural	31.3	32.1
Montana: Non-agricultural		23.9
Montana: Agricultural	42.9	33.4

Source: USDA list of counties that have 20 percent or more of all personal income directly from farming; Government finance data from U.S. Bureau of the Census, "1982 Census of Governments, Compendium of Government Finance, vol. 4, No. 5, table 50.

Mr. DURENBERGER. Mr. President, I suggest, whether we believe changes are appropriate in general revenue sharing or not, the future of the ability of rural America to provide for the needs of its people will be decided by our vote on this.

I thank my colleague from New York for what he is doing and for yielding to me, and I thank my colleague from Tennessee for his time and patience.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Tennessee such time as he desires of the hour assigned to this side, all but 5 minutes that the Senator from Pennsylvania will require.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I thank the distinguished Senator from New York.

Mr. President, I am delighted to join today with my friend and colleague from New York, Mr. MOYNIHAN; my friend and colleague from West Virginia, Mr. BYRD; and 23 other cosponsors in offering an amendment to the budget resolution which I think exemplifies the very essence of the federalist form of government that we enjoy here in the United States.

It is the consummate Federal-local partnership. It has been vitally important in helping local communities deal with a variety of problems at the local level, including, but no limited to, law enforcement, fire protection, education, health programs, programs important to our elderly citizens, such as Meals-on-Wheels, other nutrition programs, water treatment and sanitation facilities, and road construction and maintenance. I am referring to the general revenue-sharing program.

There is one important point I think that needs to be emphasized here and that is that the general revenue-sharing program is one of the most efficient, if not the most efficient, Government transfer programs ever devised. Less than two-tenths of 1 percent of general revenue sharing funds are used to administer this program.

Now, revenue-sharing moneys are targeted to communities based on tax effort and based on per capita income. The program is not only very efficient, but also extremely flexible. Local governments may spend revenue-sharing funds for all types of capital outlays. They may spend it on operating costs. They may spend it for maintenance expenses.

General revenue-sharing funds find their way to more than 39,000 local communities across the length and breadth of this great land of ours. Eighty-five percent of these communities have populations under 10,000. So this is a program that benefits middle America, that benefits the small towns and small communities in this country.

These local governments are able to use these moneys based upon the needs of their communities, a decentralized form of financial decisionmaking, which, one would think, is fundamentally consistent with the efforts of the current administration.

This administration makes much ado about reviving federalism. It puts great stress and credence on the subject of transferring responsibility back to the State and local governments. Here is a way of fostering responsibility for local and State governments.

Nationwide over 18 percent of general revenue-sharing moneys are spent on police protection; almost 20 percent

of general revenue-sharing funds go for police protection at the local level; 14 percent of general revenue-sharing funds go for infrastructure improvements such as street maintenance; 10 percent of general revenue-sharing funds go for fire protection; 8 percent for education; 7 percent for health needs and hospitals.

The PRESIDING OFFICER. The Senator's 5 minutes have expired. Who yields time?

Mr. SASSER. Mr. President, I believe the Chair misunderstood.

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Tennessee such time as he desired. Would he take cognizance that we have but 30 minutes left. The Senators from Pennsylvania, from Louisiana, and from Michigan would also wish to speak.

Mr. SASSER. I thank my distinguished friend from New York.

I will try to speak for no more than an additional 10 minutes.

I might say that 5 percent of the general revenue-sharing funds go for parks, 6 percent for sanitation and sewage, and the remaining 25 percent for other categories.

This administration generally opposes taxes. Yet, they have consistently proposed eliminating the general revenue-sharing program. I would suggest to my colleagues that there is an inconsistency here. If the general revenue-sharing program is eliminated, then there will be no other choice than for local governments to increase property and sales taxes. This would disproportionately impact upon middle-income and lower-income taxpayers because of the regressive nature of sales and property taxes.

In the major cities of this country the Federal tax system, even with all of its problems, which our colleagues on the Senate Finance Committee are striving mightily to correct at this very moment, is more than twice as progressive as local tax structures around this country.

The Advisory Commission on Intergovernmental Relations has compiled a comparison of the progressivity of Federal versus local taxes by region. I would like to share some of these figures with my colleagues.

Using a scale in which 100 represents the dividing line between a progressive and regressive tax structure, the U.S. median individual Federal income tax index was 169, while the personal local tax index registered 71. Thus, across the Nation, the Federal tax was more than twice as progressive as were local taxes. Let me share some examples with my colleagues.

Bridgeport, CT, registered an individual Federal income tax rate of 174 and a local tax rate of 59, indicating that the Federal income tax was nearly three times as progressive as local taxes in Bridgeport, CT. Or the flip side is that local taxes were three times more regressive than the Federal income tax.

Portland, ME, for example, registered a Federal tax rate of 164 and a local rate of 63. Des Moines, IA, registered a Federal rate of 170 and a local rate of 70—on and on, indicating that on the average local taxes are twice as regressive as Federal income taxes.

Mr. President, I ask unanimous consent that the region-by-region table from which I have been quoting, be included in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF PROGRESSIVITY OF FEDERAL VERSUS LOCAL TAXES FOR THE MAJOR CITY IN EACH STATE BASED ON DIRECT TAX BURDENS FOR A MARRIED COUPLE WITH TWO DEPENDENTS (1982)

Index of progressivity: Greater than 100 indicates a progressive tax structure and less than 100 indicates a regression tax structure) [1]

City and State by region	For individual Federal income taxes	For personal local taxes [2]
U.S. median	169	71
New England:		
Bridgeport, CT	174	59
Portland, ME	164	63
Boston, MA	171	57
Manchester, NH	173	61
Providence, RI	170	72
Burlington, VT	167	69
Mideast:		
Wilmington, DE	164	83
District of Columbia	165	110
Baltimore, MD	170	85
Newark, NJ	174	53
New York, NY	161	88
Philadelphia, PA	173	90
Great Lakes:		
Chicago, IL	173	87
Indianapolis, IN	173	81
Detroit, MI	171	81
Cleveland, OH	170	78
Milwaukee, WI	168	60
Plains:		
Des Moines, IA	171	70
Wichita, KS	169	77
Minneapolis, MN	159	84
St. Louis, MO	170	79
Omaha, NE	170	69
Fargo, ND	170	70
Sioux Falls, SD	175	70
Southeast:		
Birmingham, AL	171	84
Little Rock, AR	167	84
Jacksonville, FL	172	82
Atlanta, GA	168	97
Louisville, KY	170	89
New Orleans, LA	168	110
Jackson, MS	168	77
Charlotte, NC	166	83
Columbia, SC	165	90
Memphis, TN	173	76
Norfolk, VA	169	70
Charleston, WV	168	79
Southwest:		
Phoenix, AZ	168	73
Albuquerque, NM	168	71
Oklahoma City, OK	165	82
Houston, TX	174	84
Rocky Mountain:		
Denver, CO	169	71
Boise, ID	167	70
Billings, MT	168	66
Salt Lake City, UT	171	76
Casper, WY	172	68
Far West:		
Los Angeles, CA	164	74
Las Vegas, NV	172	62
Portland, OR	167	71
Seattle, WA	173	69
Anchorage, AK	172	61
Honolulu, HI	165	66

[1] The progressivity indices were computed as follows: taxes as a percentage of income at the $50,000 level divided by taxes as a percentage of income at the $25,000 level (multiplied by 100).

[2] Total for personal local taxes. The taxes included in these figures are local individual income and general sales taxes and the local tax on real property.

Source: Calculations based on ACIR Staff Working Paper No. 3, "Tax Burdens for Families Residing in the Largest City in Each State, 1982" (April 1984).

Mr. SASSER. So we ask ourselves a question: Where will the moneys come from to replace the funds lost by general revenue sharing? Of course, they are going to have to come from increased local property and sales taxes, the same regressive taxes that I referred to just a moment ago. So instead of a revenue-sharing program, we are going to end up, I suggest, with a tax-shifting program, and a tax-shifting program that shifts the tax burden away from a progressive tax structure and onto a regressive local tax system.

While the current revenue-sharing program is vital to both large and small communities, the program represents a much higher percentage of the budgets of the smaller local governments. For cities in the 20,000 to 100,000 population range, revenue-sharing funds represent almost 7 percent of the taxes raised. In cities with populations exceeding 1 million, these funds represent roughly 4 percent of the taxes raised. So what are we doing if we deny these smaller communities, which make up the backbone of this country, revenue sharing? We shift an even greater percentage of the tax burden onto their local taxing systems which we have seen from my comments above are more regressive than the Federal tax structure. Well, it is not an accident that most of these communities are in the poorer States and in the more rural States. There are 17 States out of our 50 where general revenue-sharing funds account for more than 10 percent of the funds raised by local government.

For example, Arkansas will lose $46 million if general revenue sharing is eliminated. This represents over 22 percent of the local taxes raised by communities in the State of Arkansas.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. SASSER. I am delighted to yield to my colleague.

Mr. MOYNIHAN. Do I take him to be making a point not different from the point that the Senator from Minnesota makes that, however, as much as this program may have been conceived as an urban program, the reality once in place is that it is far more significant to agricultural communities than to urban communities. In Mississippi, for example, 68 percent of the revenue of agricultural townships come from revenue sharing. It has become in many ways a program for rural America.

Mr. SASSER. I say to my colleague from New York that he is entirely correct. This program I am seeking to demonstrate, and my friend from New York, I think, has gone to the meat of the coconut very quickly, but this pro-

gram, the general revenue-sharing program, as it has been administered, as it has come to be accepted over the past few years, does, I think, decidedly aid local and rural communities more than it does the large urban areas. That is one reason we are so grateful to the Senator from New York for his sponsorship of this amendment. Although it will be of assistance to New York, and to many in his urban constituency there, it will be of more assistance, I say, to the constituents of some of us from Southern States and of Western States.

I would like to take this point a little further.

Mississippi is one of the lowest per capita income States. My neighboring State of Mississippi will lose nearly $60 million if this program is eliminated, and that represents almost 20 percent of the amount of local taxes raised in the State of Mississippi.

So they are going to have to raise local taxes in the State of Mississippi by 20 percent to offset the loss of general revenue sharing.

I am hard put, since my State of Tennessee is adjacent to the State of Mississippi and we share many of the same common economic problems, to see how local officials in the State of Mississippi are going to be able to raise this 20 percent loss in revenue.

Other States that are adversely affected and that are severely impacted include Delaware, Idaho, Kentucky, Maine, Montana, New Mexico, North Carolina, North Dakota, Oregon, South Carolina, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

To target revenue sharing for continued cuts will effectively continue this administration's assault on aid to local governments.

Last year, general revenue sharing was reduced from a funding level of $4.6 billion to $4.2 billion, an 8-percent reduction. In addition, because of the Gramm-Rudman-Hollings across-the-board reductions in March of this year, the funding level was cut by another 4.3 percent. Since 1981, Federal aid to local governments has declined by over 40 percent in grants to State and local governments after adjusting for inflation.

If the loss of revenue sharing was made up either through property tax increases or through local service cuts, the national impact of eliminating revenue sharing would be either a 9.2-percent increase in property taxes levied by local governments, or an across-the-board cut of 18,494 police officers, 8,250 firefighters, 18,152 teachers, 20,000 human service workers, and 26,065 street maintenance workers.

So these are the facts surrounding the general revenue sharing program.

The amendment we are offering is a simple one. It would merely assume full funding for the general revenue-sharing program over the next 3 fiscal years at a level of $4.6 billion contingent upon two premises.

I say to my friend from New York I am about to wind up here.

First, it would be contingent upon the Finance Committee reauthorizing the program. As you all know, the Budget Committee can only make overall assumptions as to how the funding for specific budget functions is to be achieved. So we leave it to the Finance Committee to make the determination as to whether the program will be reauthorized.

Second, it allows the Finance Committee maneuvering room to go up to the full funding level of $4.6 billion if it so desires.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. SASSER. I am delighted to yield.

Mr. MOYNIHAN. I take it he means that the authorization could be up to the $4.6 billion level, but in the end we will have to live with what the Finance Committee and the Congress finally decides.

Mr. SASSER. That is correct.

The amendment does not suggest what the program might look like as far as proposed formula changes are concerned, but merely allows in this budget resolution room for full funding if that is the decision of the finance committee.

I know that there are many in this body who would like to see a formula change in the general revenue-sharing legislation, and many of my colleagues are supporting the Durenberger approach to targeting fiscal assistance. Those decisions are best left to the Finance Committee. But under the current budget resolution, only $1.8 billion is allowed for revenue-sharing, we are allowing for the flexibility to go to the full funding amount.

I think it is important to note, finally, that the Government Operations Committee in the House Tuesday approved full funding for the general revenue-sharing program by an overwhelming majority of 28 to 10. This is an important victory for all local governments across the Nation and I believe that we should send a similar message here in the U.S. Senate today.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Coalition to save general revenue sharing in support of our amendment. There is a copy of this letter on each desk.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COALITION TO SAVE
GENERAL REVENUE SHARING,
Washington, DC, April 22, 1986.

DEAR SENATOR: The National Coalition to Save General Revenue Sharing urges you to support the Moynihan, Sasser, Byrd, Heinz, Specter, Andrews Amendment to allow for full funding at $4.6 billion for General Revenue Sharing.

Let us tell you what this amendment does not do: It does not mandate a tax increase; It does not "bust the budget" or add to the deficit since there would be no funds put in the budget for revenue sharing until the Finance Committee develops a mechanism to pay for it.

What this amendment will do: If the Finance Committee reauthorizes the program and enacts additional revenues to pay for it, then General Revenue Sharing would be allowed to be fully funded for $4.6 billion for FY87.

Revenue Sharing has been one of the few programs that seeks to lessen fiscal disparities among our states. Jurisdictions with a population of under 10,000, most of which receive no other assistance from the federal government, make up more than 85 percent of the program's recipients. It is the only form of federal assistance to 77 percent of the 39,000 local governments that receive general revenue sharing funds. Sixty-two percent of general revenue sharing funds now go to jurisdictions with average per capita income less than 125 percent of the national average.

General Revenue Sharing helps cities and counties across this nation to provide essential services to their citizens such as police and fire protection, schools and hospitals. It has supplemented public education and supported health and welfare programs such as indigent health care and nursing homes.

Between 1980 and 1985, while total outlays increased by 23.3 percent, grants to state and local governments decreased by 23.5 percent. Since 1981 federal aid to state and local governments has been cut by almost 40 percent; in major urban programs it has been cut even deeper totalling 71% in actual dollars. General Revenue Sharing has provided the flexibility to respond to these reductions.

Please show your support for this vital program by voting for the Moynihan, Sasser, Byrd, Heinz, Specter, Andrews Amendment.

Sincerely,

ERNEST N. MORIAL,
Mayor of New Orleans.

Coalition Members:
U.S. Conference of Mayors.
National League of Cities.
National Association of Counties.
American Federation of State, County and Municipal Employees.
National Association of Towns and Townships.
Council of Great City Schools.
National Recreation and Park Association.
International Association of Fire Chiefs, Inc.
American Association of School Administrators.
National Association of Public Hospitals.
Government Finance Officers Association.
National Congress of American Indians.
National Council of Senior Citizens.
National Urban Coalition.
National Association of School Boards.
National Urban League.
National Education Association.
National Council of Community Mental Health Centers.
AFL-CIO.
International Association of Firefighters.
National Volunteer Fire Council.
Service Employees International Union.
National Association of Development Organizations.
American Federation of Teachers.

National Association of Community Health Centers.

National Child Welfare League.

American Planning Association.

Friends Committee on National Legislation.

Mr. SASSER. I would like to note also for the record the organizations supporting our amendment. They include: The U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the American Federation of State, County, and Municipal Employees, the National Association of Towns and Townships, the Council of Great City Schools, the National Recreation and Park Association, the International Association of Fire Chiefs, the American Association of School Administrators, the National Association of Public Hospitals, the Government Finance Officers Association, the National Congress of American Indians, the National Council of Senior Citizens, the National Urban Coalition, the National Association of School Boards, the National Urban League, the National Education Association, the National Council of Community Mental Health Centers, the AFL-CIO, the International Association of Firefighters, the National Volunteer Fire Council, the Service Employees International Union, the National Association of Development Organizations, the American Federation of Teachers, the National Association of Community Health Centers, the National Child Welfare League, the American Planning Association, and the Friends Committee on National Legislation.

I urge my colleagues to support the amendment we are offering here today and I ask for the yeas and nays on the amendment.

Mr. President, I ask unanimous consent that two tables, one showing State-by-State impact of eliminating general revenue sharing under two scenarios, and the second showing distribution of general revenue sharing for local governments by State, be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DISTRIBUTION OF GENERAL REVENUE SHARING FOR LOCAL GOVERNMENTS BY STATE (BASED ON FEDERAL FISCAL YEAR 1985)

State	Total dollar loss (millions)	Total dollar loss as a percent of local taxes
Alabama	76.0	10.9
Alaska	21.8	7.0
Arizona	55.0	7.4
Arkansas	46.0	22.3
California	505.0	5.8
Colorado	54.2	5.0
Connecticut	53.8	4.6
Delaware	13.2	17.2
District of Columbia	17.6	NA
Florida	165.8	6.4
Georgia	109.4	7.7
Hawaii	21.5	6.1
Idaho	19.3	15.8
Illinois	209.0	6.5
Indiana	85.2	9.3
Iowa	54.0	6.9
Kansas	38.2	5.7
Kentucky	74.5	16.5
Louisiana	82.9	7.7
Maine	28.1	10.9
Maryland	87.1	6.6
Massachusetts	128.1	6.9
Michigan	191.7	9.2
Minnesota	89.2	8.5
Mississippi	59.9	19.1
Missouri	79.4	6.8
Montana	20.0	11.1
Nebraska	30.5	8.4
Nevada	14.3	5.8
New Hampshire	14.1	5.4
New Jersey	145.6	6.2
New Mexico	32.0	12.8
New York	459.7	3.5
North Carolina	120.4	10.4
North Dakota	12.9	12.3
Ohio	188.7	7.3
Oklahoma	57.4	8.7
Oregon	54.6	11.0
Pennsylvania	218.1	8.0
Rhode Island	20.1	7.8
South Carolina	68.5	19.2
South Dakota	14.6	9.8
Tennessee	82.7	8.8
Texas	238.8	5.8
Utah	36.1	10.1
Vermont	12.0	12.8
Virginia	98.3	6.4
Washington	73.7	7.1
West Virginia	44.5	22.2
Wisconsin	104.9	11.6
Wyoming	15.8	10.1
National total	4,543.1	6.7

Note.—Local taxes are adjusted to remove the portion of tax collections used by school districts.

Source: U.S. Treasury.

STATE-BY-STATE IMPACT OF ELIMINATING GENERAL REVENUE SHARING UNDER TWO SCENARIOS

[Raise property taxes to make up loss or across-the-board reduction local service to make up loss]

State	Percent increase in local government property tax, excluding special districts	Reduction of police officers	Reduction of fire officers	Reduction of teachers	Reduction of human service workers	Reduction of street maintainence workers
Alabama	35.71	420	207	13	51	806
Alaska	7.13	19	12	191	3	49
Arizona	13.88	213	79	13	124	351
Arkansas	46.23	282	113	1	25	610
California	10.06	1,475	642	541	4,746	1,321
Colorado	12.05	229	71	0	376	381
Connecticut	2.58	131	90	1,065	107	156
Delaware	25.34	74	22	0	0	18
District of Columbia	4.43	40	12	97	126	20
Florida	8.87	917	378	0	172	853
Georgia	13.92	745	383	27	69	983
Hawaii	7.44	144	70	0	9	116
Idaho	17.28	123	38	0	28	126
Illinois	11.78	1,267	459	8	682	1,277
Indiana	10.31	306	188	1	709	555
Iowa	7.53	183	86	0	186	622
Kansas	7.54	151	63	0	24	423
Kentucky	37.01	404	211	0	72	496
Louisiana	17.89	491	166	2	41	749
Maine	6.99	93	76	642	45	229
Maryland	5.72	216	108	1,559	5	271
Massachusetts	4.16	358	297	2,232	65	398
Michigan	11.57	775	336	0	403	1,081
Minnesota	9.31	216	87	0	956	659
Mississippi	21.22	253	122	15	151	1,007
Missouri	24.08	504	159	0	32	651
Montana	6.69	79	26	4	70	193

Mr. JOHNSTON. Mr. President, will the Senator yield me 3 minutes?

Mr. MOYNIHAN. First, Mr. President, may I thank my friend for his extraordinarily clear presentation of this problem, particularly regarding the governmental relations.

I am, of course, managing the time. I have to say that my friend from Pennsylvania was first to ask. I yield 5 minutes to him. Then I will be glad to yield to the Senators from Louisiana and Michigan.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my colleague, the Senator from New York, for yielding me these few minutes.

Mr. President, I commend the Senator from New York and our other colleagues in offering this amendment. I rise as sponsor of S. 318, the authorizing bill introduced on January 29, 1985, to extend the General Revenue Sharing Program at what was then the funding level, for the next 5 years. Senator MOYNIHAN's amendment, of which I am a cosponsor, seeks to leave in the budget room for the full funding of $4.6 billion for fiscal 1987 that my bill would authorize.

We all understand the fiscal reality that we do not have a lot of revenue to share. But I must say that I have deep, serious reservations about the drastic reductions called for in this budget resolution which would reduce the funding for the program from its current level of slightly more than $4 billion to $1.8 billion in fiscal 1987.

What that means is that halfway through fiscal 1987 the revenue-sharing program would be totally terminated, and during the first two quarters of fiscal 1987 municipalities and local governments would receive drastically scaled-down amounts of assistance.

Mr. President, that is not only drastic; it is deeply discriminatory.

What we are talking about is not only a 57-percent cut from the level appropriated in fiscal 1986 but a termination of this program. There are other programs in this budget that the Budget Committee decided to cut. They froze assisted housing, a cut in real terms. They cut UDAG 10 percent. They froze community development block grants. They cut operating assistance for mass transit by 20 percent, and put in a 10-percent cut for EDA. None of those programs are being terminated. Here, revenue sharing is not only being proposed for termination but in the process, during the phasedown of next year, it is being cut by 57 percent. That is truly unfortunate and unfair.

I believe we have an opportunity to voice our support for this program without increasing the debts that the

American people are going to have to face up to one of these days.

Mr. President, most of the revenue from revenue sharing, as it is spent by the municipalities, is spent for necessary public services that someone has to pay for. I will speak to exactly what that goes for in a moment.

So all we are doing, if anybody claims we are reducing the budget deficit by agreeing to the Budget Committee's proposal, is that we are taking a small portion, a very small portion, of the Federal budget deficit and we are picking it up and simply placing it on the backs of the municipalities who are going to have to continue these services.

My good friend from Tennessee referred to this as tax shifting. I do not disagree with him. But it is also deficit shifting. To my mind, what will happen if we do this is that we will create some tremendous hardships and we will force many municipalities to raise taxes in the most regressive way.

Most municipalities, if they are going to be able to do anything about this, will have to raise their property taxes. Of course, people who pay property taxes have to pay the property taxes whether they are working or retired, whether they are unemployed or working, regardless of whether they have the money. They have to pay those property taxes and they may very well have to borrow to do it. That is real deficit-shifting, right from the Federal Government to those who can afford it least. I for one believe that we can find a revenue source that is more equitable and would produce less hardship than severe increases in local property taxes, which is what would certainly occur in many communities in my State of Pennsylvania and across the Nation if this program were cut by more than 50 percent as proposed in this budget resolution.

Mr. President, general revenue sharing is one of the most important and widely used Federal programs we have. There are few Americans who do not directly benefit from the proceeds of general revenue sharing. In my State of Pennsylvania, it is the only direct source of Federal assistance for more than 90 percent of the municipalities. And this assistance goes for services that are vital to the health, safety and general welfare of the people in each community.

There are some 39,000 units of local government, Mr. President, that benefit from this. Let me just point out that some of these local government units, such as those in my home State of Pennsylvania, simply have been so devastated by the closing of industries and mills that, even if they wanted to, they cannot possibly afford in any way, shape, or form to make up the lost revenue.

For many municipalities in my State of Pennsylvania, general revenue sharing is the sole means of providing essential human services such as police and fire protection, highway and road maintenance, water and electric service.

In the town of Clairton, PA, where the United States Steel works has closed, the tax base has already been so severely decimated that they have had to lay off all the firemen, all the policemen, and all the employees at city hall. If this amendment is not agreed to, they are probably going to have to sell city hall, or at least take out a big mortgage on it.

And this is not an isolated example. We have literally dozens of municipalities—Duquesne, Mckeesport, Midland, White Oak, Swissvale, Wilmerding, Lock Haven—throughout that area and many other parts of my State as well, where this reduction will cause enormous hardship.

Some of my colleagues will still say, "why can't these towns raise taxes?" The answer is that in many cases, the State legislature will not let them. There are laws that restrain the municipalities covered under our municipal codes from exceeding certain levels of taxation. And the communities that I have just named, plus a lot of others, are at their absolute maximum. They cannot raise any additional revenue.

Mr. President, let me simply conclude by saying that although we are all dedicated to fiscal restraint and to deficit reduction, and while we all know there are hard choices to be made this year, I find it ironic that no program, domestic or otherwise, has taken nearly as deep a cut in this budget resolution as general revenue sharing—a program that provides direct assistance to our smallest communities that are struggling to become more self-sufficient in the face of numerous other spending cuts. I do not think the Congress displays fiscal courage by taking funds away from other units of government.

Mr. President, I urge my colleagues to adopt this amendment.

I ask unanimous consent that a special report prepared by the National Association of Counties immediately follow my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GENERAL REVENUE SHARING IN PENNSYLVANIA

(In my State of Pennsylvania, where the economy has been so distressed, a survey of local governments found that revenue-sharing accounts for 16.7 percent of the average local budget. Replacing revenue-sharing funds with property tax revenues in Pennsylvania would require an average increase of 62 percent. For nearly 94 percent of the Pennsylvania municipalities responding to the survey, revenue sharing is the only direct source of Federal funds.—Sen. H. John Heinz, III, introducing S. 318, a bill to extend General Revenue Sharing—Jan. 29, 1985)

(A special report by Ralph Rathburn and Herb K Schultz)

County officials throughout the State of Pennsylvania are concerned about the possibility of losing Federal General Revenue Sharing. Local governments in Pennsylvania receive $220 million in General Revenue Sharing funds. These monies are an important portion in county budgets in a state which saw tax increases in more than half of its counties last year.

Doug Hill, executive director of the Pennsylvania State Association of County Commissioners, said "GRS monies are spent to support broad categories of human services and to a lesser extent the court system. We, like many states, do not use GRS for capital improvements as much as for service provision."

In a survey conducted among the members of the State Association, almost every county stated that a reduction or loss of General Revenue Sharing will mean a tax increase or a decrease in services.

Charles Griffiths of the Pennsylvania Intergovernmental Council said "Counties are probably the hardest hit by the reductions in federal dollars than any other level of government." The Intergovernmental Council is a private non-profit organization which promotes intergovernmental cooperation on a state level.

"The difficulty in cutting services at the county level is that many are mandated by the state and the federal government," said Hill. "We are saying to our legislators, 'We have all these mandates which we are carrying out on your behalf and reimbursements are decreasing. GRS is the only way for us to make our ends meet.' "

Congressman William H. Gray, III (D-Pa.-2), chair of the House Budget Committee, has said that states with budget surpluses should not expect to receive General Revenue Sharing funds. Pennsylvania is one of the states which has a surplus.

"The State currently has a $100 million surplus," said Doug Hill. "Governor [Richard] Thornburgh (R) has said consistently over the past six years that he has no intention of replacing any federal monies lost at the local level."

Mike Moyle, deputy press secretary to the Governor said, "Local government can't expect the state to pick up the costs if they lose it [GRS]. You can't hope to go out and pick up everything which the feds are going to cut." The Governor's office states that he has no position on GRS.

"When you have a $100 million surplus you have to be very careful. You have to turn away many who want some of that money. I could give you 25 times the requests which you [local governments] are making on that surplus," added Moyle.

Paul Bartle is the president of the Pennsylvania Association of County Commissioners and a commissioner in Montgomery County, PA. Through the State Association and other avenues he has been working to retain General Revenue Sharing.

His county provides him with reason to be a strong supporter of GRS, "Losing General Revenue Sharing would be a big problem. Montgomery County receives $2.5 million in GRS money. For us to go into 1987 without those monies would be a serious problem and the Federal government should address it."

Gov. Thornburgh stated in December that there will be a tax decrease in personal and business rates to return the surplus to the people. "The Governor feels that when you

have a large surplus, it should be returned to the people. That will help the economy. That will increase spending and create jobs," said Deputy Press Secretary Moyle.

"The real problem is that we in the county don't have the latitude of the state and federal government. We depend upon real property tax. We do not have, in this state, the ability to levy an income tax," said Bartle. As a result, even if the economy benefited from the tax decrease, counties would receive no increased tax revenues from the additional activity. Local governments will be forced to raise taxes, if they can.

According to Dough Hill, "This year we already increased taxes by an average of 14 percent in the counties which had increases. One half of all PA counties raised taxes this year. Additionally, we have a statutory limit on tax rates in PA. Probably one fourth of the counties in the State are at or near the limit. They obviously don't have much more flexibility there. Pennsylvania counties have no budget surpluses overall."

Sullivan County has reached the statutory limit on its taxing authority. Under Pennsylvania law, it can not raise taxes. General Revenue Sharing represents 22.6 percent of the total revenues of this county. The county expends the bulk of those revenue sharing dollars on corrections and health.

GRS monies make up 60 percent of the Sullivan County corrections budget and 100 percent of the county health budget. The remaining GRS funds are used in a variety of other budgets. The county estimates that between 21 and 30 percent of the total county budget is used for mandated services. This leaves little flexibility for local budget cuts to make up for a loss in revenue sharing.

Sullivan and neighboring Luzerne, Columbia and Carbon counties include some of the most economically depressed areas in the state. The unemployment rate in the area is between 10 and 11 percent—more than 3 percent higher than the national average.

Rep. Paul Kanjorski (D-PA.-11) represents these counties in the northern part of the state. A strong supporter of reauthorization, he is a cosponsor of one of the GRS reauthorization bills—H.R. 1400.

The General Revenue Sharing formula "has benefited relatively low-income, but high tax effort areas like Northeastern Pennsylvania," said Rep. Kanjorski. "If revenue sharing is eliminated, towns, cities, boroughs and counties in the 11th Congressional District of PA. will lose more than $10.1 million in federal aid that currently makes up 16.7 percent of their non-educational revenues. Some smaller communities will lose as much as one-third of their non-educational revenues."

In Western Pennsylvania, Allegheny County estimates that it will have to raise taxes by 2 mils to compensate. This would be in addition to the 2.25 mil increase which went into effect on Jan. 1 of this year.

Revenue sharing money is used to fund the Allegheny County Port Authority. County funding for this local transit system is required by law. Meeting state and federal mandates commands nearly 40 percent of the total county budget. If GRS is lost the county will "either have to increase taxes or have severe cutbacks in other traditional county services," said Guy Tumolo, Allegheny County director of budget and finance.

Congressman Douglas Walgren (D-PA.-18) of Allegheny County said in support of GRS in the House of Representatives, "I have heard from many of the over 60 local communities in my district and their message is clear: Elimination of revenue sharing can only result in one of two things: cuts in basic services such as police or fire protection or higher local property taxes."

Fiscally conservative Adams County in Southern Pennsylvania is very concerned about the possibility of losing GRS. Commissioner Catherine W. Cowan said, "The Federal and State governments have shifted increased responsibilities to counties over the past ten to 15 years. Some monies have come with the responsibilities but these are decreasing and there are also many hidden costs which are not reimbursed. General Revenue Sharing is a way to regain some of those costs."

Commissioner Cowan is one of a number of county officials who are fed up with the response which they are receiving from the Governor's office. "I don't think the Governor knows what kind of situation the counties are in and I don't think he cares. He hasn't been on the front line of public service. He is very insulated. He doesn't understand the situation on the front lines," she said.

When it comes time to cut programs, Adams County will look at what is mandated by the State and Federal governments. Cowan explains that "Communities, in general, have less flexibility in cutting those services which are mandated, and so local options will be cut."

Loss of GRS in Bucks County would disrupt county operations. "We'll need an overall reduction of services in all departments. That right away means 2.5 mils or a 6.6 percent tax increase. That is the stark reality," said Richard Gore, finance director for Bucks County. Bucks, which is located to the northeast of Philadelphia, would lose $3 million in direct GRS appropriations.

Lancaster County Commissioner James Huber believes, "If we lose GRS we will have to reevaluate all the programs which receive GRS funds and determine which programs will be cut or eliminated. There is also a strong possibility that there will have to be a tax increase."

Should GRS fail and the local governments be forced to increase revenues to make up for the shortfall which that would cause, finding revenues would be difficult. The possibilities for local tax increases in PA. are not good. One-half of the counties in the state had a tax increase last year and one-quarter of the counties are at their top tax rates. A second problem is that "Counties in PA are on a calendar year budget. We can't raise taxes in the middle of a year. The only options we have are service cutbacks or layoffs," said Hill of the State Association.

"Governor Thornburgh really does believe that you can 'do more with less' that is his slogan. He believes that if the local governments lose some federal dollars that they can pull themselves up by their bootstraps and that they will make it," said Griffiths of the PA. Intergovernmental Council.

"We find a very insensitive attitude when it comes to social services from the Governor's office," said Commissioner Paul Bartle. "We have asked the Governor for additional dollars for Children and Youth services which include programs on child abuse. As a result of increased awareness and a greater effort to adequately address this problem, reports of child abuse have doubled. The state mandates services in this area. We agree that the services are needed. But the state has placed a cap on the state funds which are available to meet this need. We use GRS funds to make ends meet."

Commissioner Cowan points out that the elimination of GRS is being played against the backdrop of the Gramm-Rudman-Hollings Deficit Reduction Act which will cause massive cuts in program funding for federally mandated programs. "Given the combined results of Gramm-Rudman and the cuts it will bring, the loss of GRS would have quite an impact."

"We have implemented all the efficiencies that we can," said Commissioner Cowan. "Counties in Pennsylvania have a very limited ability to adjust financially," she said.

"General Revenue Sharing is not a gift. We need to educate legislators that these dollars are being used to provide federally mandated programs," Cowan said.

"Unless the state and federal governments put dollars with their mandates, we will have a real problem. Revenue sharing can be very helpful to us with that," said Commissioner Bartle. "We urge every representative of state and local government to talk with their congressmen," said Bartle.

"We will be hit very hard by Gramm-Rudman. We get a big piece of the various block grants which are subject to Gramm-Rudman cuts," said Doug Hill.

"The President can say all he wants about no tax increases," said Hill. "But, the reality is that without GRS and with the cuts from Gramm-Rudman, if they continue to provide the same level of services, counties will go into debt this year and have to raise taxes next year."

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. I yield 5 minutes to the Senator from Michigan [Mr. RIEGLE].

Mr. RIEGLE. I thank the Senator.

Mr. President, I rise in support and as a cosponsor of the amendment by the distinguished Senator from New York.

Local governments have already made a significant contribution to deficit reduction. In the last 5 years, Federal spending on State and local programs has been cut by 23 percent. Defense spending rose by nearly 40 percent during the same period.

I was pleased when a bipartisan majority of the Budget Committee adopted my proposal to preserve General Revenue Sharing, and that we were able to keep the program alive at about half of last year's funding level.

That was the best we were able to work out during Budget Committee negotiations.

I rise today to say that that proposal clearly does not go far enough. We ought to have the full revenue-sharing amount provided, as this amendment would do. If we fail to take this action today, I think we will hurt taxpayers across the country, certainly in the State of Michigan but in other States as well. Most of the cities and towns across America use a substantial part, if not all, of the revenue-sharing money to provide basic public services; in many cases that is police and fire protection.

Just to give some examples: In the State of Michigan, of the revenue-sharing money received by the city of Detroit, 90 percent is spent for public safety. That, in effect, is for police and fire activity. In the city of Grand Rapids, 85 percent of the money from revenue-sharing finances public safety activity in the police department. In the city of Flint, my hometown, 100 percent of revenue sharing is used for that purpose. One hundred percent is used in Lansing for that purpose; in Kalamazoo, Saginaw, and Pontiac, 100 percent; in Muskegon, 85 percent.

In the city of Jackson, an all-American city, 100 percent is used for public safety; in Hazel Park, MI, 100 percent; Benton Harbor uses 100 percent, Muskegon Heights, 100 percent.

I could go on. In many other cities there are a very high percentage of revenue sharing money used to provide these basic services.

Mr. President, I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHART 1.—IMPACT OF THE PROPOSED FEDERAL REVENUE SHARING REDUCTIONS

Cities	Fiscal year 1984–85 DMB revenue sharing information	1984–85 total F.R.S.	Percent of general fund budget	Percent design for public safety	Total number public safety force	Projected public safety job loss	Projected millage increase (mills)	Millage limitation	Special election required
Detroit	35,145,000	34,274,390	3.50		5,716	700	6.5	Max	Yes
Grand Rapids	3,866,00	3,866,261	6.00		633	38	2.7	Max	Yes
Flint	3,731,000	3,600,000	6.70		632	30–35	2.2	(1.45)	Yes
Lansing	2,768,000	2,800,000	5.00		520	26–30	1–2	(9.00)	No
Kalamazoo	1,464,000	1,437,808	5.00		307	15–17	1.72	(.632)	Yes
Saginaw	1,832,000	1,752,048	8.00		225	18–20	.5	(1 Mill)	Yes
Pontiac	2,255,000	2,205,991	5.20		365	50	3.0	Max	Yes
Southfield	749,000	716,967	2.50	35.00	253	0	.5	Max	Yes
	951,000	970,000	9.50		111	20–25	3.0	Max	Yes
Jackson	991,000	950,000	7.00		95	19	3.0	Max	Yes
Inkster	364,000	350,000	5.00	10.00	81	3	2.0	Max	No/cut
Port Huron	1,033,000	998,698	9.60	40.00	102	12–14	2.0	Max	Yes
Highland Park	793,000	778,722	5.20	87.00	99	35	5.0	Max	Yes
Ypsilanti	595,000	584,716	8.00	14.00	82	12	3.0	(3.28)	Yes
Hazel Park	375,000	310,000	4.30		52	8–10	2.0	Max	Yes
Benton Harbor	438,000	427,187	12.00		30	30	3.0	Max	Yes
Muskegon Heights	353,000	348,270	11.00		36	6–8	6.0	Max	Yes
Melvindale	171,000	170,000	4.00	21.00	40	N/A	1.2	Max	Yes
Livonia	719,000	705,000	3.0(2.7)		232	20–25	.5	Max	Yes/no/Cut
Battle Creek	1,059,000	1,070,000	4.80	8.00	221	3–5	2.08	(4.904)	No
Taylor	1,080,000	1,062,260	8.0	70.00	162	120	1.5–2	Max	Yes

Mr. RIEGLE. If we take this money away, Mr. President, these communities will be in a terrible situation. They will either have to reduce police protection and other public safety services in those communities or raise local taxes. Quite frankly, the strategy of the Reagan administration over the past 5 years has been a systematic attack on local governments. We see it now in the attack on revenue sharing which originally, in the old days, was a Republican proposal. Now we see a recommendation to do away with it. We have seen other very substantial cuts in help for basic services for State and local governments over the last 5 years.

We have a proposal from the President before the Finance Committee to eliminate the deduction for State and local taxes. This is another attack on State and local governments, another way to shove the cost burden on the local taxpayers and to stick them, in effect, with the cost of the big defense buildup and the other waste which I think still exists in Federal activity.

So revenue sharing makes sense. It is a partnership, a way for local communities to get back some small share of the money extracted from them in terms of the broad Federal tax base.

Mr. President, if we do not fully restore Federal revenue sharing, we will be creating additional taxing at the local level. As the Senator from Tennessee said, we do not need to see local property taxes or other taxes brought up as a way for us to save money that comes off the broad tax base of our system.

This has been one program that has worked. It has worked effectively. There is a minimum of bureaucratic cost involved with it. Local communities make their own decisions on how to use it. Because it has been there so long now, it has taken on vital importance.

As I say, in most instances in my State, 100 percent of it is used to finance police departments and to provide for the public safety, which is clearly something that is essential from the point of view of people getting something they need from their tax money and from the money that they contribute in that form.

Mr. President, I hope the Senate will go on record today as favoring the continuation of this partnership. It is essential that we do it. Some States today are in very serious difficulty. I know the States that are affected by the oil and gas problem, particularly now, desperately need the revenue sharing money, but we do in Michigan as well. I hope the Senate will go strongly on record today for keeping this very vital program alive.

I thank the Senator for yielding.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Michigan and interpolate the observation that no one knows the future. One moment, this part of the country is prosperous, another not; this kind of economy is doing well, others are not. They shift.

One of the points about Federal revenue sharing is that it provides a steady level of support no matter what the change which takes place.

I see the Senator form Louisiana [Mr. JOHNSTON] has risen. I look forward to hearing from him. We have been reading of the city of New Orleans having the most difficult economic situation in a half century, since the Great Depression. We would not have thought that possible 3 years ago. Today, New York City is not doing all that badly. Three years ago, you would have thought that not possible.

That is why we have a National Government and national programs, I think.

I yield the Senator from Louisiana 5 minutes.

Mr. JOHNSTON. Mr. President, I thank the distinguished Senator from New York and I am delighted to join with him as a coauthor of this amendment. What he has read about the city of New Orleans, what he has read about Louisiana is not as bad as the actual reality. The reality in my State is so bad it is without parallel, I believe, anytime since the Great Depression.

We have 13.2-percent unemployment as last measured and this is rising rapidly. The State of Louisiana has an $800 million deficit as last measured; this comes on top of raising taxes by almost $1 billion 2 years ago.

The city of New Orleans just announced this morning that their defi-

cit is not $12 million as they had thought it was, but $30 million

Mr. President, when you translate the deficits of the city and the State into job losses, particularly for State employees and State programs, it is absolutely devastating. We have already closed our libraries in New Orleans. And we are going to have to let more workers go: firemen, policemen, street cleaners, city workers of all kinds will have to be let go by the score.

Mr. President, New Orleans 3 years ago was not in good shape. It was directly dependent 3 years ago, at the height of the oil boom, upon revenue sharing. Revenue sharing now is nothing less than a lifeline. It is nothing less than a safety net. Indeed, it is not a safety net strong and firm enough to save us from economic difficulty, but it may be enough to save us from total economic ruin, from economic catastrophe.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. JOHNSTON. I certainly will.

Mr. MOYNIHAN. We earlier heard the Senator from Tennessee speak of this as a tax shifting measure, if we go ahead as indicated by the budget resolution; in other words, that local governments will have to raise the taxes they loss to replace the revenue.

The Senator is saying in the city of New Orleans there is no capacity to raise the taxes; you simply cut the services. They have closed the libraries and they may close the fire departments as well.

Mr. JOHNSTON. The Senator is exactly correct. To say to New Orleans, "Go raise your taxes," is very much like saying, "Let them eat cake." The sales tax in New Orleans is already 9 percent, one of the highest rates in the country. If it is raised any higher, then it will discourage tourism, which is the last bit of business we have. You cannot raise revenues effectively from an income tax increase in New Orleans. People commute from the suburbs. Such a tax would have to be authorized by the State legislature. They would not do that any more for New Orleans than you would do it in Washington, DC. It would be vetoed.

Mr. President, we have very few places to turn. Washington is one of those few. Do you know what we get when we turn to Washington? We get the Reagan budget. If you look at the Reagan budget superimposed on the difficulty we now have, we in Louisiana will lose 9,000 guaranteed student loans, almost 5,000 Pell grants, almost 2,600 State student initiative grants; and we would have lost 750 jobs in the Strategic Petroleum Reserve Program had the Reagan budget "rescission" gone forward. Thankfully, we reversed that. We would also, in the Reagan budget, lose 2,820 jobs on Red River and 290 jobs in the Cooperative Extension Service. In historic preservation, we would lose 4,000 jobs; for dislocated worker assistance, so-called TAA, in Shreveport, alone, 3,000 workers who have lost their jobs would not get benefits; 125,000 kids would be removed from the school lunch program; and from the summer feeding program, we would lose 40,000 kids.

Mr. President, we in Louisiana need help. We do not need in the kind of budget President Reagan proposes that takes away the remainder of Louisiana economic lifeline and allows us to go into economic ruin.

The PRESIDING OFFICER (Mr. GORTON). The time of the Senator from Louisiana has expired.

Mr. JOHNSTON. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, might I inquire, how much time remains on the amendment?

The PRESIDING OFFICER. Two minutes.

Mr. MOYNIHAN. Mr. President, the distinguished chairman of the committee has risen.

Mr. DOMENICI. I thank the senior Senator from New York.

Mr. President, clearly I want to permit the senior Senator from Washington, who currently occupies the Chair, who was here in my stead for most of this debate, to discuss the matter with the Senate for as long as he needs. I understand we have about 60 minutes remaining. I do want to comment. I yield myself as much time as I use off the amendment itself.

In my absence, I understand the distinguished junior Senator from Louisiana [Mr. JOHNSTON] discussed my statement earlier this morning with reference to a CBO study on the economic effects of various energy taxes and the combination of a 6-cent gasoline tax and a $2.50-a-barrel import fee. He discussed that in morning business, I am told, but nonetheless I want to thank him for the comments he made.

Once again, with an additional number of Senators on the floor and obviously others who are not interested in the debate, I do commend to them the CBO report which I understand will be delivered sometime today. It will be on every desk in the Senate, and it will be available for the offices, for the press, and for various committees.

(Mr. GRAMM assumed the chair.)

Mr. DOMENICI. Mr. President, I want to repeat two points. I make these also for my good friend, the junior Senator from Texas, who occupies the Chair.

I believe, regardless of where one stands on any kind of energy taxes, there are two very, very important findings which, if they are not refuted, are rather dramatic for the United States.

As we all know, one of those findings assumed oil would get down to $13 a barrel. In many instances, it is already there. They assumed that the dependency of the United States on imported oil will rise from 30 percent today to 50 percent by 1991. I think that is a very, very important issue for our country. For all of us who were concerned in the early 1970's when we had a boycott of less than a million barrels a day at a time when our dependence was less than 50 percent clearly they should be very signficantly concerned about a situation in which our vunerability is much greater.

There is another fact that is very startling, and that is that 500,000 barrels a day by way of stripper production will be lost at current price levels. I think their assumption is right. They have, obviously, talked to people in "Oilpatch." Most of wells will be lost forever. That is also a very important fact.

The CBO also concludes that if you mix a revenue raiser between a $2.50 import fee and a 6-cent gasoline tax, you have equalized disparity in burdens among regions that arises with a straight import fee.

In addition, the CBO concludes interestingly enough, that one-third of the import tax would not be borne by Americans at all; that in its final mix it will be borne by the foreigners who supply us with oil.

The import tax I have just described would yield $10 billion in the first year, $11 and $12 billion in the next 2 years respectively. And I only use those numbers because quite by coincidence they match up very well with some of the assumptions we make in our budget resolution of ways and means to arrive at a revenue change.

Finally CBO concludes the tax would have little or no discernible effect on the American economy, and that is an interesting conclusion. Obviously, as I indicated this morning, that would be debated by a number of people. But I also was intrigued with their analysis. Perhaps everybody knew this; I did not. Their approach to this tax change which yields no significant economic change is an extrapolation of the current practice. When the Finance Committee talks about, let us say, a new excise tax of $10 billion, they use the same contention which is called a static evaluation. This also applies to other new taxes and tax reform. It would appear to me—I have said it different ways before—that what is good for the goose is good for the gander. For those who think that some revenues in this budget resolution of the type just discussed will have this significant negative impact on the economy, I suggest that we assess all taxes in a similar way they are going to budget reduction on to

reform the tax system. If you can assume none there, then I think it is pretty fair that you assume, as CBO has, that there be none here. I am not sure of either of those, but there is some merit to consistency. Since it is being done in one place very dramatically with a lot of revenues and a lot of tax changes, I think Senators will find this CBO evaluation rather interesting.

Now I yield to my friend, the senior Senator from Washington, who wants to speak in opposition to the proposal before us, as much time as he needs.

Mr. GORTON. I thank the distinguished chairman of the Budget Committee.

Mr. President, it is with some trepidation that I speak not just in opposition to this amendment but to the case made by the distinguished Senator from New York. That Senator is not only an extraordinarily able Member of this body but is, I believe, the most eloquent Member of the U.S. Senate both orally and in writing. He presented to the Members of the Senate at the outset of his remarks an interesting book review on the book published yesterday by the former Director of the Office of Management and Budget.

In his fairly extensive comments, however, he spoke very little about the amendment itself, although it was addressed by very firm and persuasive presentations on the part of other cosponsors of the amendment.

Mr. President, the amendment and the arguments in favor of it present us with something of a paradox. Perhaps it is best stated by the letter from the National Coalition to Save General Revenue Sharing, a copy of which has been deposited on the desk of each Senator. I should like to quote one paragraph from that letter. The writer says:

> Let us tell you what this amendment does not do. It does not mandate a tax increase. It does not bust the budget or add to the deficit, since there would be no funds put in the budget for revenue sharing until the Finance Committee develops a mechanism to pay for it.

Mr. President, in all candor, the statement that this amendment does not mandate a tax increase is, at best, disingenuous.

The amendment proposed is a paradox because on the one hand it may result in no action at all, because the Finance Committee will not act upon it. In this case, of course, it will not add a tax increase or spending on the part of the Federal Government. On the other hand—and I believe this to be the purpose of those who propose the amendment—it will result in action on the part of the Finance Committee, and therefore will, of course, mandate a tax increase and will add quite substantially to the spending of the Federal Government.

So, to present this amendment to us as being innocuous because it has no tax or budgetary implications is either to mislead Members of the Senate or to say that we are wasting our time by debating it because nothing will happen in any event. I choose to treat the amendment as I believe the distinguished Senator from New York does: As the first step in a serious attempt to see to it that the Finance Committee of the Senate authorizes $4.6 billion in general revenue sharing for 1987 and adds $4.6 billion in taxes in 1987 on the people of the United States in order to pay for it.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. GORTON. I yield.

Mr. MOYNIHAN. Perhaps the Senator heard that it is the nature of this program, being lagged, that it would be $6 billion for fiscal 1987; and if it continues, it would go up.

Mr. GORTON. The Senator appreciates the correction on the part of the Senator from New York.

On the assumption that the amendment is presented seriously as an attempt to rescue general revenue sharing and to impose taxes on the American people to finance it, it is in effect a request by its chief sponsor, a member of the Finance Committee, and a number of other members of that committee who have spoken in favor of it today, that the 80 Senators who are not members of the Finance Committee delegate to the 20 Senators who are members of that committee the authority not only to revive general revenue sharing but also to tell us precisely what taxes we must raise in order to finance that program.

In other words, we are asked at this point to delegate to members of that committee—the committee which is bringing us the tax reform proposal which has been under consideration for the last 8 or 10 weeks there, to the approbation of almost all Members of the Senate—the authority to find $4.6 billion a year in taxes on the American people to support a program which, by definition, will benefit local governments, but which those local governments are unwilling to fund themselves. In other words, we are asked to impose on the people of the United States this amount in additional taxes and then to delegate the responsibility for spending that to local governments—local governments, which, by definition, do not wish to raise their taxes in order to provide the services which we have heard eloquently defended on the floor of the Senate in the course of the last hour or so.

Mr. President, that, in some respects, may be too harsh a comment. My own view is that general revenue sharing has indeed been a successful program. It does have the great merit of getting some 99.8 percent of the moneys involved in it through to local governments for their decision as to the type of services which will be provided by them.

This Senator, at least, would be strongly inclined to vote for this amendment were it a substitute for $4.6 billion of categorical aid programs now going to States and local governments rather than something which is to be based on a tax increase levied upon the people of the United States. I would do so simply because more of this money does get through to ultimate beneficiaries than in the case of any categorical aid program, and because I agree with the sponsors of the amendment for the proposition that a local government is better able to set its own priorities than is the Congress of the United States.

Unfortunately, however, this amendment does not come to us in that form. It seeks simply to add to all the remaining categorical aid programs an additional several billions of dollars, to be paid for by the taxpayers of the United States, but to be used by various local governments.

Finally, as the Presiding Officer and as the distinguished Senator from New York well know, this Senator, at least, has not been averse to voting for additional revenues in order to meet the goals of the Gramm-Rudman-Hollings Act and to meet what he considers to be appropriate national priorities. In fact, the budget resolution at the present time includes some $18.7 billion in new revenues for fiscal year 1987, to which must be added some $300 million to offset $300 million in outlays by reason of an amendment adopted yesterday on the floor of the Senate.

The true question under those circumstances, Mr. President, is not whether or not this program, in the abstract, is a desirable one. The true question is whether or not spending an additional $4.6 billion in taxes on general revenue sharing represents the highest priority of the Government of the United States; whether that is higher in priority than our investment in research in science or health; whether it is a higher priority than the American space program, which by definition can only be financed by the Federal Government; whether it is higher in priority than debate over a defense budget; whether it is higher in priority, in other words, than every other Federal spending program which is under great constraint in this budget, the vast majority of which are the exclusive province or the primary province of the Federal Government and not of State and local governments.

Mr. President, I must say bluntly that for this Senator, there are literally dozens of Federal programs which rank higher in priority than this one, which are functions of the Federal

Government and which, in my view, should be funded before we come to the proposition which remains as true this year as when we began this debate a year ago—the proposition that very bluntly we no longer have revenue to share with local governments in this fashion.

Mr. SPECTER. Mr. President, one of the most pressing issues confronting the Congress today is the reauthorization and funding of the Federal General Revenue Sharing Program. Revenue sharing constitutes a very productive partnership between Federal and local governments. It comprises the single largest Federal program assisting local authorities, providing $4.6 billion annually. As my colleagues know, general revenue sharing is a comprehensive and flexible program, allowing funds to be used for a wide range of programs and activities, determined at the local level, and giving localities the opportunity to respond quickly to new problems.

In my State of Pennsylvania, the general revenue sharing program has provided an annual allocation of $225 million which represents 16.7 percent of revenues raised locally by taxes. The need to continue this program has been fully documented. A recent survey found that revenue sharing in Pennsylvania accounted for almost 17 percent of the average local budget. The survey also indicated that 85 percent of township general revenue sharing funds were utilized for police, fire, and public works expenses.

The survey states that if revenue sharing does not receive reauthorization when it expires at the end of next fiscal year, at least 64 percent of Pennsylvania's counties would be compelled to compensate by raising taxes or cutting services. This would include an average 61-percent increase in property taxes. In a State like Pennsylvania, that has not fully benefited from economic recovery, such results could strike a crippling blow to continued recovery and economic well-being. The same is true for many States in this country.

In budget hearings that I held throughout the State, it became evident that revenue sharing is the critical part of the funding equation for many municipalities. The figures that I have cited above indicate why local officials, who represent their constituents, have made general revenue sharing a top priority and are most active in promoting its benefits.

Funding for general revenue sharing has been frozen at $4.6 billion annually from 1977 to 1985 with a drop to $4 billion in 1986, as the program has not contributed to the increase in Federal deficit during the past 9 years.

The amendment before us will provide $4.6 billion for general revenue sharing for each fiscal year from 1987 through 1989, if the Finance Committee reauthorizes the program and finds additional revenues to support it. There is a bill before the Finance Committee, of which I am a cosponsor, to reauthorize and provide revenue for general revenue sharing. The funding in these amendments is responsible, level funding.

I urge the support of this amendment by my colleagues as a step toward preserving this vital program.

Mr. MOYNIHAN. Mr. President, I find myself in the situation of comanager of the resolution, and I yield 5 minutes off the resolution to my friend, the distinguished Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. I thank the manager.

Mr. President, I rise in support of the amendment offered by the Senator from New York to insure the continuation of the general revenue sharing program. I am an original cosponsor of this amendment.

It is fitting that this amendment should be offered by my distinguished colleague from New York. For many years, he has been one of our Nation's foremost experts on urban America. The senior Senator from New York knows the richness and vitality found in our cities. Our cities are centers of art, commerce, finance, and education. But he knows as well that many of our most pressing and intractable problems are found in our cities.

But we are not talking only of large cities. In New Jersey, local governments—large and small—will share $126 million in revenue sharing in fiscal year 1986. Nationwide, 39,000 local governments participate in this program.

Revenue sharing is vital to the survival of many of our cities and towns. Revenue sharing is a key element in the partnership between the Federal Government and our localities. The ability of many local governments—large and small—to provide basic services without resorting to regressive tax increases hinges on the continuation of revenue sharing.

Mr. President, the Senate has the opportunity by adopting the Moynihan amendment to send a message to our local governments that we are not abandoning the Federal/local partnership. The Senate can tell mayors across the Nation that the challenges before their communities are of concern to us all.

The message being sent by the administration, Mr. President, is in stark contrast. Like the famous statement of a previous administration to New York City, the administration is saying to urban America, "drop dead." Our localities are being told that their concerns are not the proper business of the Federal Government.

Mr. President, the question the Senate must answer today is this: "Is the ability our Nation's local governments to provide basic services—to provide for the public safety and the health and well-being of their citizens—in any way a concern of the Nation as a whole?"

The President's fiscal year 1987 budget answers that question with a resounding "no!". And it goes beyond revenue sharing. Beyond terminating revenue sharing, the President's budget would: Cut the Community Development Block Grant Program by $500 million in fiscal year 1986 and $1 billion in fiscal year 1987; terminate the Urban Development Action Grant Program; cut federally assisted housing by over 70 percent from $10 billion to $2.3 billion.

Terminate the Economic Development Administration.

Cut Federal aid to mass transit by 66 percent.

Terminate Federal assistance to Amtrak.

Reduce Federal assistance to highways and airports.

Cut Medicaid payments by $1.3 billion.

Mr. President, the fiscal year 1987 budget offered by the administration represents the end of the Federal/local partnership.

Mr. President, the budget before us contains painful cuts for local governments. Perhaps the most painful is the proposed phaseout of general revenue sharing. Coupled with other suggested reductions, the phase-out of revenue sharing will mean higher local taxes and service cutbacks.

The services provided by revenue sharing are not frills to be quickly shed and little missed. We are not talking about discretionary spending. Revenue sharing pays for basic services. It insures that a policeman will be available to answer an emergency. That a fire truck is there to respond to a call. The schools, libraries, and hospitals will remain open.

Mr. President, opponents of revenue sharing argue that if local governments want the services paid for by revenue sharing, then they can pay for them. This argument ignores the immense pressure under which local governments are laboring in response to a 23.5 percent decrease in grants to State and local governments since 1981.

The proposal to end revenue sharing is being made at the same time the administration wants to eliminate the deductability of State and local taxes and limit the use of tax exempt bonds. These measures would make it virtually impossible for local governments to raise the revenues necessary to compensate for the lost Federal funds.

Mr. President, added together, these proposals lead this Senator to an inescapable conclusion. If the Federal Government will not assist local government in providing services, and if

we deny local government the ability to raise alternative revenues, services will just not be provided. It is not a matter of putting local governments on a diet. It is a matter of starving them to death.

Mr. President, across this country there are examples of mayors and county officials struggling to maintain and revitalize their economies in the face of declining tax bases. It is one thing to heap praise on local officials and quite another to ensure that they have the tools to do the job. Programs like revenue sharing, urban development action grants and community development block grants are absolutely essential if our cities and towns are going to make it.

Mr. President, I urge adoption of the amendment by the senior Senator from New York.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. MOYNIHAN. Mr. President, I yield myself 2 minutes from the resolution.

May I thank the Senator from New Jersey for his emphasis on the central concern that so many of us have here which is the Federal-local relationship which has been established over the past 30 years and of which the key element here was revenue sharing, a statement of trust, as the Senator from Washington said to the good sense and priorities of local government.

I might just note that one of the things that led up to this was the occasion in late 1960 when the administration found itself proposing a rat control bill here in Congress. The elemental urban service is rodent control before anything else. And what is the Federal Government doing with such matters? That is why we let local governments decide.

A relationship was created, it does exist, which is as much or more important for rural communities as for urban communities.

A crisis was created for the deliberate purpose of destroying this relationship. We are saying, "No, we know we have a budget crisis but we are not going to let it carry out its intended objective, which is to destroy all these relationships." It is not good government and it is submitting to a conspiratorial turn that is certainly, in this Senator's view, unwelcomed.

Mr. President, I yield an additional 2 minutes off the resolution to the distinguished Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise to support this amendment to restore full funding for general revenue sharing. I am a joint sponsor of this amendment.

The budget resolution under consideration by the Senate allows $1.8 billion for two quarters to close out the general revenue sharing in fiscal year 1987, if the Finance Committee reauthorizes the program and then finds additional revenues to pay for it. This is not acceptable.

Mr. President, many units of local governments, including those in my State, are facing serious problems trying to meet the needs of their citizens. The general revenue sharing is one of the most important Federal programs in existence today. It is not a giveaway program. As you know, this was a program enacted in 1972 and at that time a commitment was made between the States, municipalities, and the Federal Government. This was a commitment by those who believe in the constitutional principles of Federalism. The revenue sharing program was begun as an integral part of a long-range plan to return government control to the people through their local governments. The idea at that time was that Government bureaucracies in Washington had too much to say over how a local government should spend its tax dollars. That was a valid argument then—and it still is today.

I am here today to ask that the Members of this body act now to see to it that the Federal Government stands by its commitment. As you, of course, know, throughout its existence the basic purpose of general revenue sharing has been to bring about a balance in the total tax revenues going to the Federal, State, and local governments of this Nation.

The General Revenue Sharing Program has the lowest administrative costs of any of the Federal assistance programs; it is distributed on a fair and equitable basis. The funding received by local governments through this program has been crucial to enabling local governments to provide the much-needed services to its citizens.

Mr. President, money worthwhile and money well spent equals revenue sharing for the local governments. We are talking about money for education, fire protection, health care, highways, housing, hospitals, libraries, natural resources, parks and recreation, and police protection.

Mr. President, revenue sharing helps local governments with their day care programs for the young and hot meals for old folks.

Let me assure each Member of this august body, the distinguished Members of the House of Representatives, and, most importantly, the American people, that revenue-sharing funds have not been wasted. Revenue sharing has been used to pay for basic essential needs and services for the citizens of this great Nation.

Mr. President, I further add that a great deal of revenue-sharing funds in my State goes for police protection. With crime as one of the major problems, I dare any Member of Congress to go to his or her home town and try to convince his or her neighbors, families, and friends that police protection is not an essential service. If the local police are to fight crime and do their jobs well to protect the citizens, we need to help them. We have an opportunity to help the local police forces through this Revenue Sharing Program, there being many new impositions placed on State and local governments as a result of Federal court action as well as Federal congressional action, and it seems to me that this particular area of dealing with crime that revenue sharing is needed. We certainly ought to continue it.

Mr. President, I believe that revenue sharing is the best way to get some of the tax dollars back into the local communities. Without revenue sharing, local governments would be faced with the choice of increasing taxes or reducing services. If the funds are not restored for revenue sharing, there will be many city, town, and county governments across America that will be completely handcuffed fiscally.

I strongly support multiyear funding for the Revenue Sharing Program so that local governments may have a realistic basis for their fiscal planning.

Mr. President, I ask unanimous consent that a resolution which was adopted by the legislature of Alabama urging Congress to take affirmative action to extend the Revenue Sharing Program be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the federal revenue sharing program launched during the early 1970's has pumped millions of dollars annually into state, county and city treasuries throughout this nation; and

Whereas, the current authorization for the federal revenue sharing program terminates at the end of fiscal year 1986; and

Whereas, in Alabama, federal revenue sharing funds account for over 9 percent of total municipal revenues and over 5 percent of total county revenues; and

Whereas, without federal revenue sharing funds, many local governmental entities will be forced to cut back or even curtail such vital services as police and fire protection among others; and

Whereas, the federal revenue sharing program is generally recognized as the most equitable and administratively efficient federal program now in existence; and

Whereas, there is no provision of law that sunsets federal revenue sharing in 1986, but merely a consensus of the conferees on the Budget Reconciliation Bill of 1985 that it would be sunsetted after the next meetings of the various state legislatures; and

Whereas, under such consensus agreement, seven state legislatures are not scheduled to meet again until 1987; and

Whereas, because the Alabama Legislature meets in 1986, this state's federal revenue sharing funds would be sunsetted at least one year prior to those of the aforementioned seven states, thereby placing an inequitable financial burden on the citizens of Alabama; and

Whereas, there are no less than five bills presently before Congress that would reauthorize federal revenue sharing at least through the fiscal year 1987; and

Whereas, the sense of the Alabama Legislature is that if federal revenue sharing is to be terminated, Congress should reauthorize the program for at least one more year while it formulates a gradual and equitable sunset plan; now therefore,

Be it resolved by the legislature of Alabama, both Houses thereof concurring, That we do hereby urge Congress to take affirmative action to extend the federal revenue sharing program at least through the end of fiscal year 1987.

Be it further resolved, That a copy of this resolution shall be presented to the President of the United States and to each member of the Alabama Congressional Delegation.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, let me first inquire, how much time do the opponents have?

The PRESIDING OFFICER. Forty-two minutes.

Mr. DOMENICI. I thank the Chair.

The distinguished Senator from Texas [Senator GRAMM] would like to speak for a few moments and then I would like to speak for a while. I would mention, unless the majority leader or the minority leader have something different in mind, I would hope now that I would not use all of our time, and the proponents have no time left on the amendment——

The PRESIDING OFFICER. The proponents have 2 minutes remaining.

Mr. DOMENICI. They have 2 minutes remaining; excuse me.

Mr. President, I think we might start voting, if it is satisfactory with Senator MOYNIHAN, at 1:15 or 1:20, at the latest. There are a number of Senators who want to be put on notice.

So it would seem to me we would be ready to start this vote at about 1:15.

Let me state just for a moment that I have received a message from the leadership office that we do not want to vote that soon. I have to discuss it with him and perhaps delay it because a group of Senators have to go to the White House. So let me reserve on that and we will talk about it in a little while on the record as soon as I have confirmed that.

I yield as much time to the Senator from Texas as he desires.

Mr. MOYNIHAN. Will the chairman yield for just one question?

Mr. DOMENICI. Of course.

Mr. MOYNIHAN. There is a meeting the President has requested at the White House at 1:45. It seems to me possible to vote before then or, if not, we want to accommodate the Senators going to the meeting. I have been asked. That does not happen every day. But is it because of that meeting or is it because of Senators who cannot be here to vote?

Mr. DOMENICI. Let me clarify it with the leader. That message that came in was from his office. It may very well be we will finish our debate and ask that another amendment be called up and set a time, perhaps somewhere around 2:15 or 2:30, for a vote on this. We will accommodate the Senator from New York.

Mr. MOYNIHAN. I do not get asked to the White House every day.

Mr. DOMENICI. Well, I do not know whether you do or not. I am delighted you are going. I hope you have a very, very good meeting and return convinced that we ought to vote for less add-ons on this budget.

Mr. MOYNIHAN. I am going to put a word in to the President on your behalf.

Mr. DOMENICI. We need the President to put a word in with you in our behalf.

Mr. MOYNIHAN. He is a busy man.

Mr. DOMENICI. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Budget Committee for yielding.

This amendment is in all ways reasonable and proper and, looking at the list of cosponsors, it is probably popular.

I rise in opposition to it and in doing so I would like to begin by associating my remarks with the senior Senator from Washington. The senior Senator from Washington outlined options in the Federal budget that could use $3.6 billion this year and $4.6 billion next year. And I would like to add one alternative and that alternative, of course, is to leave the money in the pockets of the people who earned it in the first place. Then that money could be invested in the American dream, invested in education, invested in housing, invested in new plant and equipment to create new jobs.

The biggest problem with the budget before us is not the fact that many of us do not like the priorities in terms of defense and nondefense spending; that many of us do not like the priorities of raising taxes to fund domestic spending. The biggest problem is that the budget, by its very nature, has to be a partnership between the Congress and the President.

Under the law, we can adopt any budget we want, but to enforce that budget we have to adopt a reconciliation bill, in this case a reconciliation bill that prior to yesterday would have raised taxes $53 billion over a 3-year period above the level that the President asked for in his budget.

Yesterday, we proposed raising taxes through action on an amendment by roughly another $3 billion, raising the total to $56 billion. If we, through the adoption of this amendment, add another $13 billion to taxes, we are talking about almost $70 billion worth of taxes above the level that the President requested in his budget.

Now, this must lead Members to speculate as to what the President is going to do. Having listened to the President through the 1984 campaign, having listened to the President every day since that time, having listened to the President as late as yesterday say that he was going to veto a tax increase above the level called for in his budget, I would have to conclude that, if we send a tax increase for $70 billion to fund increases in domestic spending down to the White House, that bill is going to be vetoed.

Now, that in no way reflects on the perfect right and consistency of this amendment. But I think it does reflect on the fact that, if we simply write a budget and set out spending levels and sustain expenditures without taking into account the possibility of enacting taxes to pay for it, we do create the problem under the Gramm-Rudman-Hollings bill that we may find ourselves at the beginning of the fiscal year with an across-the-board cut being imposed. And I guess maybe I am a little sensitive to that because when the headline runs, it will be "Gramm-Rudman Cuts; Gramm-Rudman Denies." The reality will be that Gramm-Rudman did not do any of those things, but instead that Congress did not live up to the commitment to meet the target of $144 billion.

If the distinguished Senator from New York had offered an amendment that joined together the amendment we voted on yesterday and this amendment, I would have supported it. As you will remember, the distinguished chairman of the Budget Committee offered an amendment that set out all the terminations in the President's budget and proposed that they be adopted and that tax increases be reduced. As I remember, that total was about $4.2 billion. Had this amendment had that offset, accepting those terminations, I not only would have voted for it, but I would have been a strong proponent of it.

I have always felt, relative to the grant program, that revenue sharing was preferable. I guess part of it is regional in nature. I have always felt, whether you were talking about heating days squared in the formula for low income energy assistance or the age of housing as a factor in HUD funding, that my part of the country has always ended up on the short end of the stick in terms of the grant system. I have always felt that priorities set at the local level were more likely to be priorities representing the public interests than priorities set in Washington.

But our choice today is not to terminate UDAG and EDA and a multitude of other programs to fund revenue

sharing. I would support that amendment. Our choice is, do we want to over the next 3 years raise taxes by almost $13 billion to fund a program that we claimed termination for in last year's budget; that we took credit for, in fact, in the whole process of going through the adoption of a budget last year in reconciliation. We are back again voting on it and debating it this year.

I think the odds of the President signing a revenue-sharing extension without an offsetting reduction in spending somewhere is relatively low.

But I rise in opposition to this amendment. I hope we can vote it down. While I do not oppose revenue sharing as compared to grants, I think we are moving in the wrong direction in raising taxes on the working men and women of America so that Government can continue to grow at a rate several times the rate of growth in the private sector. I remind my colleagues that, even the President's budget proposal which had $53 billion less in revenues, Government spending in the aggregate was not cut. The fact tends to be lost in all of these arguments about these massive reductions in Federal spending is that under the requirements of the Gramm-Rudman law, if the economy stays healthy—and I submit that $70 billion of new taxes will not help keep it healthy—but if it stays healthy, Government will grow every day under the Gramm-Rudman requirement because revenues are growing faster than the deficit reduction requirements under Gramm-Rudman. The problem is that Congress does not want to limit the growth of Federal spending, but in fact wants to expand it and that is what this amendment is about. I hope my colleagues will vote it down. I yield the floor.

The PRESIDING OFFICER (Mr. MATTINGLY). Who yields time?

Mr. DOMENICI. Mr. President, now I am prepared to indicate what the leader wants us to do with floor votes. I think I can accommodate it without having to do anything extraordinary. The leader indicated that we would not vote on this amendment, either up or down or table, before 2:15 p.m.

Anyone who is interested in making sure that they are around for the vote and have something else that is important, should know we will finish this debate, and if there is not another amendment that we can call up and temporarily lay aside in order to vote on the Moynihan amendment, I will use time off the bill to accommodate the leader's concern with reference to the time we vote on this.

Mr. President, I yield myself as much time as I need now in opposition. However, I would like to be advised if I use up the remaining time that I have under the amendment itself.

In my opening remarks a few days ago when this budget resolution and the fiscal policy plan for the country was taken up here on the floor, I mentioned that there was a figure in Greek mythology named Sisyphus. In mythology he was pushing a large rock up a mountain. He would get the rock up to the top, and it would roll back down. He kept trying but never could get it quite up to the top of the mountain, where it would fall down on the other side once and for all.

As I said, I have a cartoon of this in my office. It is most interesting. It has Sisyphus trying to push that rock up, but that rock is the budget. He has it about halfway up. You know the rest. It did not matter how far. It comes rolling down. Well, this amendment reminds me of Sisyphus' large rock. We have eliminated funding for all or part of this program in two separate pieces of legislation and now it is back.

Shortly, I will tell you of my involvement in revenue sharing. Obviously, if I had my druthers and we could vote to cut some other programs, it would not take much to get the Senator from New Mexico not only vote for revenue sharing, but I would offer the amendment to keep it. But my experience is that Congress will not make enough cut to make room in the budget for something like revenue sharing.

Let me remind the Senate the budget is growing, not coming down. My only comment to my friend from Texas would have been that he is absolutely right. But the President too wants the budget to grow. It is just that he wants it to grow in the areas that he prefers.

Obviously, the President would say, as others do, that my preference is something very important—the military. That is true. There are many who agree with him. Nonetheless, we all have our own preferences. But on this amendment, last year we voted in the budget resolution to phase out revenue sharing. It passed.

On the floor of the U.S. Senate, the HUD-Independent Agency Subcommittee of Appropriations, chaired by Senator GARN brought an appropriations bill to the floor. There was not enough money in it for veterans, and there was not enough money in there for the space program—it also included revenue sharing fully funded. I do not know how many Senators know it, but in that appropriation bill they voted here on the floor to phase out revenue sharing.

That is why I am reminded of the Greek figure, Sisyphus pushing the rock up the mountain. I am sure that when the Appropriations Committee acted last year, many members thought they had finally pushed one budget rock over the mountain. Then we reinforced this action with reconciliation.

The proponents say this amendment does not mandate a tax increase. Well, that is right. But I guarantee you that there is no way within the budget that you can pass this amendment to reinstate revenue sharing fully for an additional year. This budget contemplates payment for one additional quarter, the one before us. We have been asked to give a transition period. The transition period contemplated is all of the rest of this year, and the first quarter of next year. But this amendment says that you can provide for a full fiscal year and it just will not cost you anything. Let us go ahead and say to the Finance Committee, keep the program. If they can find $4 billion that is a rounded number in new taxes, we can keep this program and everything will be OK.

I just hope everybody knows that this is a real vote to add $4 billion to the deficit, or to add $4 billion to the $19 billion in taxes for the year 1987 that are now prescribed by this budget resolution. Yesterday's amendment in the name of education added another $300 million in new taxes in the first year. It is a little bigger in the outyears—$1.2 billion and $1.4 billion in 1988 and 1989.

Frankly, I have already given some indication of my perception of this program. I really did not think the day would ever come that we would have put in revenue-sharing. Prior to general revenue-sharing, we were certain that we knew how to do things better. We had decades of categorical grant programs, with strings attached, for education, for aid to the counties, for aid to the cities to take care of the homeless. We always wanted to have our committees involved, and pass on programs every year. Then general revenue-sharing came along, and said let us just put that money in local officials' hands and see if they cannot do some good with it. That was a great day.

Yesterday, however, we saw that $4 billion could be saved with 44 individual programs that have strings attached. Only 14 Senators desired to get rid of the $4 billion for those categorical grant programs.

Let me tell you that this is just the beginning. The budget before us has $108 billion in grants and aid of different types to State and local governments. Whatever changes we have made in the past 5 years, that is how many are still there. Yes, some of them are far more important than others. Some of them have to do with health. Some of them have to do with economic development. Clearly, Congress has said it is not going to get rid of the 44 programs that are among the lesser categorical grant programs. They may be the least efficient or perhaps even the least necessary of the entire 2,400-and-some programs of our

National Government. We cannot get rid of those either.

So today if my count is right, we revisit this issue for the third time, including last year in the budget. Let us bite one serious bullet. It is a pretty big one. It is almost $4 billion. Let us do it. We ordered the committees to do it in reconciliation and we thought it was done. We voted in an appropriation bill to cut it out.

Now we are here again with an amendment that says, "Put it back, but do not worry about its impact on the deficit; it does not mandate anything."

Obviously, I have grown to appreciate the fact that we cannot expect everything here. You cannot get your way all the time. Clearly, there is room for disagreement and there is room for compromise. But I do not think one ought to doubt this one.

If revenue sharing is put back this year, with its $4 billion a year price tag, for those who thought there was one breakthrough for fiscal responsibility, just say goodbye to it. In fact, that fellow who pushed the rock up the mountain for all those years moved to another mountain on this one. There is no question he is not going to be pushing here anymore. He is going to find another one. Maybe he will find some other program and start pushing the rock up to see if he can get the rock over the top of the mountain. This one is gone.

I urge that everyone understand that we do reach the point at some place that we just cannot continue to say, "Add some more taxes." We cannot even say, "We do not even add that number to the tax side unless and until they pass the revenue sharing and then unless and until they pay for it."

I think we ought to decide that we cannot afford it.

Mr. President, I want to repeat that I have plenty of county commissioners and some of the smaller cities in my State who desperately need revenue sharing. They also use many of the other programs that I have alluded to, that $108 billion, and they use some of those programs that will be terminated.

There is no way that their Senator can find a substitute for revenue sharing or some of those others. I cannot get anyone around here to do that. I tried to draw up a bill on that but it will not work. You just cannot find enough categorical programs that people are willing to give up and to marry into some kind of a swap for revenue sharing.

I would hope that we would not follow on the heels of a $4 billion programmatic increase yesterday, as I indicated, one-half of 1 percent increase in what America is spending for education. We added that to our national commitment, which is a very small commitment. That is the first vote.

The second vote is this one. It is a little bigger. Yesterday's and today's votes will be a victory for, those who want to send a signal that we are going to have a sequester at the end of the year and cut everything across the board. I would even think this is the last amendment that might be adopted in the next 4 or 5 days to add some more. I do not think it is getting us closer to a budget, however. I think it is getting us closer to a situation where we will have none. We will have to take about a $25 billion to $30 billion outlay cut across the board at the end of the year.

How much additional time remains in opposition, Mr. President?

The PRESIDING OFFICER. Eighteen minutes.

Mr. DOMENICI. I yield such time as the distinguished Senator from Florida desires in opposition.

Mr. MOYNIHAN. Will the Senator yield for a moment?

Mr. CHILES. Yes.

Mr. MOYNIHAN. As I understand it, the vote is to be called for 2:15.

Mr. DOMENICI. In response to the leader's request, I think it is to be no sooner than that.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I am sure the Chair will confirm this, but I did not get a unanimous consent that we would have a vote of any type. I merely said we would not vote sooner than that.

Mr. MOYNIHAN. I understand. I wanted to be absent from the floor for a period.

Mr. METZENBAUM. Will the Senator yield?

Mr. DOMENICI. I yield the floor.

Mr. CHILES. Mr. President, the budget debate always produces a series of attractive amendments. This one is attractive. I see a long list of other very appealing amendments.

The trouble is each one compounds the problem we have passing this resolution. They certainly do not add revenue. That is one of the problems with the amendment before us.

The committee tried to take into advance consideration the views expressed on the floor today by the Senator from Louisiana, the Senator from Tennessee, the Senator from New York, the Senator from Michigan, and many other sponsors of this amendment. We said we would try to make allowances if revenue sharing was reauthorized. That is what we need to remember. The authorization for revenue sharing is expiring and it must be reauthorized. The President of the United States has said he will not countenance the reauthorization of revenue sharing. It has been made very clear that he will veto any bill that attempts to reauthorize revenue sharing. Because of that, our Budget Act last year, and the appropriations bills we passed last year, took into consideration that revenue sharing was going to expire.

But because of some of the views we heard expressed here today and have heard in the committee, we fenced off some money. We said that in the event revenue sharing or a portion of it is reauthorized, and in the event the Finance Committee raises the additional money to pay for it, we will allow approximately half of the revenue sharing money to come forward for 1 year.

That was our attempt take care of these concerns and, at the same time, put together a product with some balance in the amount of spending cuts and, at the same time, not have it overbalanced with new revenue in the package.

Our concern is, as we see these amendments come forward, we are going to lose that balance we put in.

Revenue sharing is something tremendously popular in my State. I hear from all my cities. I hear from all my counties. They certainly want it.

We have been trying to tell the officials down there for the last several years that this was a program whose life was expiring, that the President was not going to reauthorize it. They needed to make other provisions.

We attempted to do that in last year's budget. We attempted to give the signal as strong and as loud as we could give it, "Get ready to replace this money because you will be in trouble with revenue sharing." We have done that again in the budget resolution.

But if we provide this money, the problem we run into is the possibility that it will be sequestered under Gramm-Rudman-Hollings. Sequester will work all kinds of havoc on the cities, all kinds of havoc on the counties, much more havoc on our State governments, to say nothing of what it would do to all our domestic and defense programs.

That is what people must take into consideration, that and the fact that in this proposal we try to provide additional phase-down time, additional money to allow the counties and the cities to be able to readjust.

Mr. President, let me remind my colleagues of the name of the program itself—revenue sharing.

What have we been doing over these past years with revenue sharing?

We have been sharing revenue we do not have in the Federal Government because we are running a deficit. This year, last year, the year before, the year before, the year before, the year before, and the year before that. So

we are simply sharing our printing press, that's all. We are sharing a printing press.

We have seen what that has done to us over the years: a tremendous increase in interest rates, inflation, and recessions.

The whole purpose of the present exercise is to provide ourselves with some revenue to share. We might be able to get our deficit down. We certainly will not be able to do that if we turn around and continue this program.

Mr. President, I understand the Senator from Ohio wants to ask a question. I shall be happy to yield to him.

Mr. METZENBAUM. Mr. President, I thank the Senator.

If the Senator will yield for a question, it is my understanding that the distinguished manager of the bill, Mr. DOMENICI, had come on the floor and indicated that he hoped there might be some other amendments called up while waiting for a vote on the Moynihan amendment. It is a fact that the leader has also been pressing those of us who have amendments to call them up. I am on the floor not to make any disturbance but to indicate that I am prepared to offer an amendment.

I am prepared to call it up, debate it very briefly, with the understanding that there be no vote on it until such time as the Moynihan amendment is disposed of.

If that is the pleasure of the managers of the bill, I am perfectly willing to proceed at this point and if it is not, I hope that after the Moynihan amendment is disposed of, the Senator from Ohio might be recognized for the purpose of calling up my amendment.

Mr. DOMENICI. Mr. President, first, I had not the slightest suspicion that the Senator from Ohio was on the floor to cause the slightest disturbance.

Mr. METZENBAUM. Never.

Mr. DOMENICI. Which amendment is it, I ask the Senator?

Mr. METZENBAUM. Child health. I think the managers have been notified about that; it is approximately $200 million over 3 years. I do not think there will be any debate. We can vote it up or down and I have no problem with respect to the time limit.

Mr. DOMENICI. Mr. President, let me say to my friend from Ohio that we had already advised Senators KENNEDY and DECONCINI that we were expecting them to offer amendments. Let us check and see and we shall get right back to the Senator if either of them is ready. They have been told they will be next. We will try to do that.

Mr. METZENBAUM. I shall stand by until the chairman informs me. I thank both managers.

Mr. CHILES. Mr. President, let me conclude by saying I think the amendment of the Senator from New York is very attractive and has a strong base of support in our cities and counties. But what we have before us in the resolution is a reasonable, practical approach we should follow. It would give the best opportunity for some kind of additional support for revenue sharing.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHILES. I hope that we would follow that course rather than adopt this amendment.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I yield 1 minute to the Senator from Louisiana.

Mr. LONG. Mr. President, I am a cosponsor of the amendment which allows for the full funding of the General Revenue Sharing Program for each of the fiscal years 1987 through 1989 at the $4.6 billion funding level.

Since the inception of the Revenue Sharing Program in 1972, I have been strongly committed to the program's objectives and have supported each reauthorization of the program.

Mr. President, revenue sharing has been one of the most successful programs we have funded. In my State of Louisiana, the cities, parishes and townships that have received revenue sharing funds have used this money to provide essential services to their residents. Improved education, policy and fire protection, health and public hospitals, roads and highways, and parks and libraries have been the result of the revenue sharing dollars. Revenue sharing represented over 8.9 percent of the total available tax revenues for localities in Louisiana and if revenue sharing funds were to be cut off, our smaller communities would be forced to pass sizable tax increases of over 30 percent or cut public services to compensate for the loss of these funds. More than 85 percent of the program's recipients are jurisdictions with populations of less than 10,000.

Mr. President, Louisiana is currently in the midst of an economic crisis due to the international oil situation. Unemployment is now at 13.2 percent, the highest of any State. In some areas where the oil and chemical plants have closed, unemployment has exceeded 25 percent. Our communities have already cut public services and if revenue sharing is discontinued, a 30 percent tax increase to offset the loss of revenue sharing from an already limited base would appear impossible.

Revenue sharing is essential to allow local governments to pick up the increasing burdens from declining Federal support for domestic needs. According to the Congressional Research Service, the Federal Government has cut State and local programs by 23.5 percent in 1980–85—constant dollars were used for comparison. In many communities, revenue sharing is a large part of the local government's budget.

Revenue sharing also allows the local community flexibility to allocate the funds to meet their individual needs. Mr. President, where can we find a program today that is more efficient dollar for dollar than this program? The Federal administrative costs are less than two-tenths of 1 percent of the total outlays of this program. Revenue sharing works and it works well.

I cannot think of a time when reauthorization has been needed more. Reauthorization will help our financially strapped local governments and provide jobs for our citizens.

Reauthorization of the General Revenue Sharing Program has the full support of our Nation's mayors, parish, county and law enforcement officials. Reauthorization should also hold the highest priority among our Members in this Congress.

That is why, Mr. President, I strongly support this amendment, and I urge my colleagues to support the continuation of full funding for the full General Revenue Sharing Program for fiscal years 1987 through 1989.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum, with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislation clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, will the distinguished manager of the bill yield?

Mr. DOMENICI. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I am pleased to be a cosponsor of this amendment which would allow for the continued funding of the General Revenue Sharing Program. This program is the highest priority Federal assistance program for our cities and counties, and with good reason.

There are some who argue that revenue sharing was instituted to share what was at the time surplus revenues with the cities and counties. Now that

we no longer have surplus revenues, the argument goes, we can no longer afford the program. I would argue the opposite: we cannot afford not to have revenue sharing. The disruption in vital services that a loss of these funds would cause far outweighs the benefits of the dollars saved by ending the program.

These funds provide necessary services such as police and fire protection, water and sewer services, life centers for our senior citizens, clothes for the needy, and food for the hungry. And the list does on and on. Revenue sharing enables our cities and counties to provide for their own and in the long run reduces the drain on the Federal Treasury by allowing the most efficient allocation of resources. Revenue sharing allows our communities to provide for the specific needs of their citizens, rather than the generic needs that other targeted Federal programs provide.

There is a great myth in Washington that our communities will be able to adjust to a loss of these funds. I wish that were true. For years I have been preaching to the cities and counties not to put these dollars into reoccurring expenses—use them for single expenditures—knowing that the time would come when even this great program would come under attack. One thing I learned about Washington when I was Governor is that nothing is permanent. Unfortunately, many of our communities put these funds into reoccurring expenses because they had no other sources with which to pay for the services. I can't fault them; these local officials were only trying to improve their communities by providing necessary services.

I think that our local officials recognize that revenue sharing will not be around forever. They are preparing to have fewer dollars, and over time will find ways to adjust. But this transition cannot occur overnight. Our communities must be given adequate time to reorder priorities, seek and enact other sources of revenue, and reassess needs, without an interruption in services. I know that there are those who feel that local officials have been on notice for several months now and so should have been able to get their houses in order and prepare for an elimination of these funds. But that simply ignores the realities of local financing and budgeting, and the types of governments these funds go to.

More than 85 percent of the recipients of revenue sharing are local communities with populations under 10,000. The large majority of these communities receive no other assistance from the Federal Government. It is impossible for these communities to replace these funds within a few months or even a year's time. General revenue sharing is the only form of Federal assistance for more than 30,000 local governments. Even providing these communities with an additional two quarters of revenue sharing will not solve their problems. They simply need more time. The 49 largest cities receiving revenue sharing spend 55 percent of these dollars on fire protection, and police protection and education. Perhaps these larger communities will ultimately be able to replace these dollars, but they certainly will not be able to do so within the next few months.

Our cities and counties are strapped for fiscal resources also. A 1985 survey by the National League of Cities showed that 30 percent of the cities responding had already raised property taxes in 1984, 18 percent had raised sales taxes, 24 percent had raised business taxes, and 39 percent had raised user fees. We cannot expect these same communities to raise the additional funds to replace revenue sharing dollars.

The fact is, our communities must provide essential services. Not all communities are fiscally able to do so. Revenue sharing provides a way of sharing the great wealth of this Nation with all in an attempt to give each community the opportunity to provide for its citizens. While I am as strong a supporter of reducing the deficit as anyone, I believe that there are some programs that are worth funding, and general revenue sharing is definitely one of those programs.

I urge my colleagues to recognize the continuing vital needs of our cities and counties and support this amendment.

Mr. PRYOR. Mr. President, I am pleased to join the Senator from New York, Mr. MOYNIHAN, in offering this amendment to provide for full funding for general revenue sharing for the next 3 fiscal years. I know of no amendment that we will consider to this budget resolution that is of any greater importance than this one. Revenue sharing is providing over $42 million to Arkansas cities and counties this year, and a recent study showed that revenue-sharing funds make up over 22 percent of the typical budget for most communities in Arkansas.

This amendment is a fiscally responsible way to continue revenue sharing. The way the amendment is drafted, it will only take effect if two things occur. First, Congress must reauthorize the program. Second, sufficient revenues must be found to pay for the continuation of the program. Therefore, adoption of this amendment will not increase the budget deficit.

Mr. President, revenue sharing is a program that enjoys widespread support, and should stand on its own merits. It's about the only program operated by the Federal Government that cuts out all the redtape and strings that so frequently go with Federal assistance. This program is basically a conduit—funds are returned to the cities and counties of our Nation, and local officials decided how the money is spent, not someone sitting behind a desk here in Washington. This is a very efficient use of tax dollars. It's important to note, Mr. President, that this program doesn't have any bloated bureacracy here in Washington. Only two-tenths of 1 percent of all funds in this program are used for administrative costs. Therefore, 99.8 percent of the money goes to local governments.

Mr. President, I've heard from mayors, county judges, emergency medical personnel, teachers, and many, many others who support this program. These funds are used to provide emergency medical services, transportation for our elderly citizens, police and fire protection, and many other important services.

We shouldn't eliminate this very important program, which is as effective as any program operated by the Federal Government. We should focus our attention on other parts of the budget where inefficiencies are well-documented.

For all of these reasons, Mr. President, I urge the adoption of the pending amendment. Also, I ask unanimous consent that a news article from the Arkansas Democrat on the issue of revenue sharing be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUNDING LOSS TO HIT ARKANSAS HARDEST

(By Damon Thompson)

WASHINGTON.—Arkansas' cities and counties will lose a bigger portion of their budgets than local governments in any other state if the federal government eliminates its general revenue-sharing program Sept. 30.

The U.S. Conference of Mayors, during a recent meeting at the nation's capital, circulated a chart indicating how much federal revenue sharing goes to local governments in each state and the percentage of local tax increases—excluding school taxes—that would be needed to replace those funds if they were eliminated.

The chart, based on 1985 fiscal year figures provided by the Department of the Treasury, shows local governments in Arkansas receive about $40 million annually from revenue sharing and would have to raise taxes by an overall 22.3 percent to equal that amount.

Only West Virginia, which would require overall local tax increases of 22.2 percent to raise the $44.5 million its local governments get in revenue sharing, was anywhere near Arkansas on the chart.

General revenue sharing, begun in 1972, now provides $4.5 billion in no-strings-attached federal funds a year to local governments nationwide.

However, Congress agreed last year in its 1986 budget resolution to end the program Sept. 30, at the end of the fiscal year, and President Reagan is expected to seek its elimination when he unveils his proposed 1987 budget this week.

That prospect already has local officials and lawmakers from Arkansas and elsewhere scrambling to convince Congress to reauthorize the program. But they say the outlook isn't rosy.

"It doesn't look promising at all to us," Courtney Langston, executive director of the Arkansas Association of Counties, said. "And Arkansas is going to take a big end of the loss."

Langston said elimination of revenue sharing would cut county government budgets on the average by 10.5 percent, or about $290,000 per county.

More specifically, he said the percentage of county budgets that revenue-sharing funds comprise ranges from 5.6 percent in Grant County to a whopping 19.8 percent in Hot Spring County.

The amount of revenue-sharing funds a county gets is based on factors including population and poverty level, which he said were also what determine how heavily counties depend upon them.

Langston said he has been warning county officials to prepare to cut services or find new revenue.

However, he said finding new revenues won't be simple. Twenty-six of Arkansas' 75 counties have already agreed to local sales taxes in recent years, while nearly three-fourths of the state's school districts have enacted millage increases.

"We don't have much of an option in Arkansas, except for the local-option sales tax," he said. "It's not going to be easy to ask for a tax increase in areas where people have already raised them."

In Hot Spring County, where unemployment has spiraled after a shutdown by the aluminum industry, he said a tax increase to cover a nearly 20 percent revenue loss would be an especially severe double whammy.

Don Zimmerman, executive director of the Arkansas Muncipal League, said the problem would be even more severe for Arkansas' cities. He said the cities receive about $24 million overall in revenue-sharing funds which account for 15 to 30 percent of the cities' operating budgets.

"Some cities that are able to have been using revenue sharing only for capital improvements, because they feared this was coming down the pike," he said. "But a large number are using them in their operating budgets right now to pay employees like their firemen and police.

"They're going to have to lay off some of them if they lose it."

Just as the impact on cities will be more acute, so will the problem of raising alternative revenues, Zimmerman said. He said more than 200 municipalities in Arkansas have already enacted a local-option sales tax, either by themselves or along with a county government.

"Most of the places where it would be most beneficial have already got one," he said. "But a lot of cities in Arkansas just don't have the tax base. They could possibly levy a sales tax, but they don't have any degree of retail sales. And counties have a better property tax source and they have pretty good fee systems in place that cities don't have."

Local government had already included this year's revenue-sharing funds in their budgets when Congress passed the Gramm-Rudman deficit-reduction law that mandates automatic 4.3 percent cuts in most non-defense programs in 1986 unless Congress can work out an alternative by March 1.

Congressional leaders have indicated no alternative will be reached, however, meaning Arkansas' allocation of revenue-sharing funds will be cut by about $2 million.

"We'll manage to get by this year, but 1987 will be really critical," Langston said.

In addition to the possible loss of revenue-sharing funds, he said Gramm-Rudman also poses a threat to cities and counties in the form of possible cuts in aid which they traditionally receive through the states in the form of block grant programs.

Sen. David Pryor, D-Ark., said recently he also feared cities and counties could be caught in a crunch if Congress approves a tax reform bill that does away with tax-exempt municipal bonds as well as deductions for state and local taxes.

Mr. METZENBAUM. Mr. President, I rise to express in the strongest terms my support for the Moynihan amendment to fund general revenue sharing in full next year.

Revenue sharing is the only program we have that helps nearly every city, town, and county throughout the country. These local governments depend on revenue-sharing funds to provide essential public services including education facilities, police and fire protection, health and public hospitals, roads, parks, and libraries.

There is simply no question that if this amendment fails, it will mean serious cuts in public services in these communities.

Last year, for instance, revenue sharing represented over 7.9 percent of the total available tax revenues for localities, other than school districts, in my own State of Ohio. That translates to a 7.9-percent reduction in services, or a 7.9-percent increase in local taxes, if this amendment fails.

The fact is, States and localities have been willing to do their share to solve the Federal budget problem. But they have already borne the major brunt of Federal budget cutbacks. Every single assistance program for the cities has experienced major funding cutbacks since 1981.

Communities simply cannot afford to lose revenue sharing. They need revenue sharing to make up for the increasing economic burdens caused by declining Federal support for other domestic needs. For instance, much of the burden of Medicaid cuts will fall on local public health services whose budgets are already strapped. Without revenue sharing to make up the difference, I have no doubt that local health services will decline in quality.

Revenue sharing is ideal for local communities because it is flexible. Communities may allocate the funds to meet their particular needs.

In addition, revenue sharing is efficient. Federal administrative costs are less than two-tenths of 1 percent of total outlays, far less than it would cost most communities to raise the needed revenue themselves.

Mr. President, I believe this is a good amendment. The cities and towns and counties of this country are depending on it. I urge my colleagues to support it.

Mr. KASTEN. Mr. President, I am deeply concerned about the ability of local units of government to finance critical services.

Over the past few years we have taken a number of steps that dramatically erode the ability of local governments to finance these important functions.

We are taking many more this year.

I am especially concerned about the termination of general revenue sharing.

Of all of the programs which assist local units of government, this reaches the most.

Over 39,000 municipalities receive funding from general revenue sharing. Many of these receive no other funds from the Federal Government.

Revenue sharing is critical if these municipalities are to continue essential services.

Instead of eliminating this program, we should be using it as a model of how to efficiently deliver services. General revenue sharing is widely regarded as a program which spends an extremely small fraction of its funds on overhead, and delivers its resources to the actual performance of municipal services.

Many of the communities that depend on revenue sharing will not be able to fill in the void created if this program is significantly cut or terminated.

A very large number of communities are currently levying taxes at the maximum level allowed under State law. In addition, any community which raises its taxes faces the likely prospect of driving revenue producing industries outside of their jurisdiction.

I will support this amendment, although I believe it is imperfect. I believe that fencing the funds for general revenue sharing makes it unlikely that these critical resources be turned over to local units of government.

While I have opposed an increase of Federal taxes, I support this amendment. If we allow revenue sharing to be terminated we are mandating either the termination of essential services such as police and fire protection or an increase in local taxes.

For this reason, I urge my colleagues to join me in supporting this amendment.

Mr. THURMOND. Mr. President, pursuant to the budget resolution passed last year by Congress, authorization for the General Revenue Sharing Program will expire at the end of the 1986 fiscal year. We thoroughly debated this issue last year and decided that the Federal Government no longer had any revenue to share. We still have no revenue to share, and for that reason I am opposed to this amendment which would restore revenue sharing for another year.

Mr. President, when the revenue sharing program was proposed by President Nixon in 1972, it was meant to be used by local governments for capital improvements. Soon afterward, the strings were loosened to give local governments more flexibility and revenue sharing operated much like a block grant. Many local governments began to rely on this source of funds for operating expenditures in lieu of other sources of revenue. Some have become dependent on revenue sharing and naturally want the flow of money from Washington to continue.

Over the past few months, I have heard from local officials all across the country, including a number from my home State of South Carolina. Many of them have urged me to support efforts to resurrect revenue sharing. They have expressed concern that without revenue sharing money, they would have to face the difficult task of either cutting services or raising taxes. Well, that is precisely the decision confronting us here in the Congress. It is understandable that some local officials would prefer that no changes be made and that the Federal Government continue to send them money. Unfortunately, 19 cents out of every dollar the Federal Government spends is borrowed money which adds to the national debt.

Mr. President, all Americans pay for the current $2 trillion national debt our past fiscal policy has created. In fact, interest alone on that debt has become by far the fastest growing part of the Federal budget. It currently takes the personal income taxes of all Americans who live west of the Mississippi River just to pay the interest on the debt. That is correct, just to pay the interest. Most disturbing to me is that the tax dollars that go to pay the interest on our debt do not enforce one criminal statute, help the needy or provide for the national defense.

Really, Mr. President, the money we spend on interest is the ultimate waste of taxpayer dollars. It is not fair to our children and grandchildren for us to ignore the current fiscal crisis. We must confront the problem and make the difficult decisions necessary to ensure the continued viability of our system of Government.

Mr. President, given the financial condition of our Federal Government, I cannot support the continuation of general revenue sharing. Thus, I intend to vote against the pending amendment.

Mr. ROCKEFELLER. Mr. President, I rise in support of this amendment, which would restore full funding to the General Revenue Sharing Program.

Continuing this assistance to local communities is extremely important to local communities throughout the country. In my State of West Virginia, it is absolutely imperative: If revenue sharing payments are eliminated or sharply reduced, most localities will be forced to slash essential public services.

To give a few examples, in McDowell County—one of the poorest areas of the State—revenue sharing pays for part of the police force. Wood County uses the assistance to upgrade its fire department, while Mercer County relies on the program to finance a health clinic. Throughout my State, revenue sharing supports public education, libraries, law enforcement, and other major functions of local government. These are clearly services that no area can readily forego.

It is frequently argued that local governments should go ahead and raise their own taxes to pay for such services rather than depending on the continuation of Federal aid. But in a State like mine, with an unemployment rate above 13 percent, the alternative of raising taxes enough to make up for the loss of revenue sharing simply is not practical. In West Virginia, local taxes would have to be raised 22 percent to generate the funds now provided by revenue sharing. Either way, we lose: Our communities cannot afford that kind of tax increase, but they also cannot afford to let public services deteriorate. Without good facilities and services at the local level, West Virginia's opportunities to attract industry and expand jobs will be greatly diminished.

The revenue sharing program has come under relentless attack from the Reagan administration—despite its push to decentralize and shift various responsibilities from Federal programs to State and local governments. Oddly, the administration does not seem to care whether these units of government have the means of financing such activities: Besides trying to end the revenue sharing program, the administration advocates repealing the deductibility of State and local taxes as well as placing new restrictions on municipalities' use of tax-exempt bonds. In combination, these proposals seem to make the job of adjusting to cutbacks in Federal assistance as difficult as possible.

In 1983, President Reagan said, "The Federal Government has never spent money more wisely than by devoting it to general revenue sharing." He was right then. He is wrong now.

Fortunately, the Senate Budget Committee refused to eliminate revenue sharing, and recommended $1.8 billion for the program in fiscal 1987. That is half the amount approved for fiscal year 1986 after funding was cut back by more than 8 percent in the appropriations process and by 4.3 percent under Gramm-Rudman. Half a program may be better than none, but is not enough. I urge my colleagues to support the amendment and restore full funding for the revenue sharing program.

Mr. LEAHY. Mr. President, I rise today in support of Senator MOYNIHAN and SASSER's amendment permitting the Senate Finance Committee to reauthorize the General Revenue Sharing Program for up to 3 years.

In his fiscal year 1987 budget request, the President recommended the complete elimination of the Revenue Sharing Program and, indeed, called for cancellation of the last quarterly payment for 1986.

This simply cannot be allowed. General revenue sharing allows cities and towns in rural States, like my own State of Vermont, to provide essential services without raising already high property taxes. Vermont's property tax burden is already the 15th highest in the Nation. Eliminating revenue sharing would create an even greater tax burden for Vermonters.

In fact, a recent survey of Vermont town officials found that 75 percent of the State's municipalities would be forced to both raise taxes and cut services to replace lost Revenue Sharing funds.

Nearly one-half of Vermont's towns would be forced to cut social services, at a time when demand for those services has increased by 50 percent at the local level. One-half of Vermont's cities and towns would also have to cut capital expenditures for such items as fire equipment and police cruisers.

Revenue sharing also pays for 15 percent of total local fire protection costs in Vermont and 11 percent of total local police costs.

Eliminating revenue sharing makes no sense either at a time when rural communities across the Nation are struggling to pay liability insurance premiums which have increased by 200 and 300 percent annually.

Ending revenue sharing makes no sense and it will hurt Vermont, whose towns and cities last year received $12.4 million in funds through this important program—funds which otherwise would have to be raised by increasing local property taxes.

Mr. President, I ask unanimous consent that a table showing the amount of revenue sharing funds received by Vermont's towns and cities appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL GOVERNMENT GRANT AWARDS, PROCUREMENT CONTRACT AWARDS, AND LOANS AND INSURANCE BY GEOGRAPHIC AREAS: FISCAL YEAR 1985

Municipality or township area	Congressional district	U.S. resident population	General revenue sharing
Vermont	00	530,052	12,362,800
Addison County	00	30,890	682,162
Bristol	00	1,815	20,909
Vergennes	00	2,517	53,104
Addison town	00	961	17,432

FEDERAL GOVERNMENT GRANT AWARDS, PROCUREMENT CONTRACT AWARDS, AND LOANS AND INSURANCE BY GEOGRAPHIC AREAS: FISCAL YEAR 1985—Continued

Municipality or township area	Congressional district	U.S. resident population	General revenue sharing
Birdport town	00	1,040	24,292
Bristol town	00	3,450	42,418
Cornwall town	00	1,037	16,188
Fersnburg town	00	2,168	34,593
Goshen town	00	185	3,360
Granville town	00	287	9,980
Hancock town	00	367	12,234
Leicester town	00	866	17,092
Lincoln town	00	877	16,851
Middlebury town	00	7,806	209,538
Monkton town	00	1,305	30,461
New Haven town	00	1,264	29,991
Orwell town	00	940	27,438
Panton town	00	588	5,147
Ripton town	00	377	8,678
Salisbury town	00	893	20,591
Shoreham town	00	949	21,577
Starksboro town	00	1,533	21,158
Waltham town	00	415	7,733
Weybridge town	00	667	15,587
Whiting town	00	402	3,627
Balance of county			
County undistributed			12,183
Bennington County	00	34,632	717,600
Manchester	00	626	3,789
North Bennington	00	1,760	19,893
Old Bennington	00	359	2,961
Readsboro	00	412	10,525
Arlington town	00	2,290	37,508
Bennington town	00	16,323	369,391
Dorset town	00	1,733	15,556
Landgrove town	00	130	2,910
Manchester town	00	3,404	58,179
Peru town	00	327	10,183
Pownal town	00	3,432	59,907
Readsboro town	00	658	15,810
Rupert town	00	623	12,062
Sandgate town	00	249	4,136
Searsburg town	00	77	2,551
Shaftsbury town	00	3,185	37,635
Stamford town	00	758	19,928
Sunderland town	00	796	11,642
Winhall town	00	319	11,263
Woodford town	00	327	1,527
Balance of county			
County undistributed			10,244
Caledonia County	00	26,354	661,178
Hardwick	00	1,428	17,276
Lydonville	00	1,390	17,964
West Burke	00	349	
Barnet town	00	1,331	43,889
Burke town	00	1,414	35,307
Danville town	00	1,743	20,202
Groton town	00	726	23,327
Hardwick town	00	2,617	89,953
Kirby town	00	325	10,278
Lydon town	00	5,030	66,381
Newark town	00	324	10,201
Peacham town	00	581	17,622
Ryegate town	00	1,047	21,450
St. Johnsbury town	00	7,844	186,389
Sheffield town	00	443	10,718
Stannard town	00	148	4,590
Sutton town	00	734	16,279
Walden town	00	647	20,943
Waterford town	00	908	30,947
Wheelock town	00	495	11,805
Balance of county			
County undistributed			5,657
Chittenden County	00	121,683	2,227,043
Burlington	00	37,817	975,963
Essex Junction	00	7,375	70,441
Milton	00	1,523	6,952
Richmond	00	918	4,132
Winooski	00	6,535	108,489
South Burlington	00	11,521	170,533
Bolton town	00	763	13,077
Charlotte town	00	2,714	18,246
Colchester town	00	13,751	176,554
Essex town	00	15,071	205,561
Hinesburg town	00	2,949	43,898
Huntington town	00	1,306	22,652
Jericho town	00	3,837	23,833
Milton town	00	7,768	132,125
Richmond town	00	3,552	40,623
St. George town	00	658	3,420
Shelburne town	00	5,421	61,498
Underhill town	00	2,394	34,916
Westford town	00	1,576	32,751
Williston town	00	4,043	46,980
Balance of county			
County undistributed			34,399
Essex County	00	6,586	136,444
Bloomfield town	00	192	1,329
Brigton town	00	1,658	45,321
Brunswick town	00	75	436
Canaan town	00	1,244	26,125
Concord town	00	1,194	16,504
East Haven town	00	278	9,521
Granby town	00	80	891
Guildhall town	00	235	7,293
Lemington town	00	96	2,698
Lunenburg town	00	1,171	15,119
Maidstone town	00	94	3,314
Norton town	00	184	2,231
Victory town	00	55	2,001
Balance of county			
County undistributed			3,661
Franklin County	00	36,039	836,686
Enosburg Falls	00	1,287	24,217
Richford	00	1,414	48,024
St. Albans	00	7,275	228,409
Swanton	00	2,621	35,612
Bakersfield town	00	902	19,608
Berkshire town	00	1,159	29,908
Enosburg town	00	2,131	33,230
Fairfax town	00	1,982	30,889
Fairfield town	00	1,578	25,317
Fletcher town	00	742	12,384
Franklin town	00	1,010	14,752
Georgia town	00	3,132	40,244
Highgate town	00	2,608	46,594
Montgomery town	00	688	23,153
Richford town	00	2,160	72,209
St. Albans town	00	3,647	51,255
Sheldon town	00	1,673	28,789
Swanton town	00	5,355	48,841
Balance of county			
County undistributed			23,251
Grand Isle County	00	4,927	90,056
Alburg	00	540	2,386
Alburg town	00	1,407	28,132
Grand Isle town	00	1,384	17,416
Isle La Motte town	00	386	11,135
North Hero town	00	470	12,126
South Hero town	00	1,280	16,525
Balance of county			
County undistributed			2,336
Lamoille County	00	17,502	544,354
Cambridge	00	221	1,018
Hyde Park	00	502	2,299
Jeffersonville	00	506	2,399
Johnson	00	1,358	10,354
Morrisville	00	2,000	31,345
Stowe	00	559	3,663
Belvidere town	00	232	7,017
Cambridge town	00	2,193	56,818
Eden town	00	710	21,712
Elmore town	00	445	14,368
Hyde Park town	00	2,152	59,822
Johnson town	00	2,551	50,444
Morristown town	00	4,511	127,522
Stowe town	00	3,167	105,131
Waterville town	00	507	5,410
Wolcott town	00	1,036	34,489
Balance of county			
County undistributed			10,543
Orange County	00	23,772	580,006
Bradford	00	867	15,078
Wells River	00	405	7,577
Newbury	00	448	2,556
Bradford town	00	2,319	40,104
Braintree town	00	1,116	29,646
Brookfield town	00	1,001	22,692
Chelsea town	00	1,136	32,329
Corinth town	00	935	14,885
Fairlee town	00	829	17,663
Newbury town	00	1,749	48,315
Orange town	00	761	25,012
Randolph town	00	4,758	124,499
Strafford town	00	831	16,032
Thetford town	00	2,341	35,331
Topsham town	00	778	12,947
Tunbridge town	00	999	25,485
Vershire town	00	434	10,139
Washington town	00	914	23,917
West Fairlee town	00	461	13,021
Williamstown town	00	2,413	51,883
Balance of county			
County undistributed			10,895
Orleans County	00	23,894	739,047
Albany	00	189	561
Barton	00	1,032	14,798
Derby Center	00	618	7,292
Derby Line	00	879	6,757
Newport	00	4,608	288,774
North Troy	00	700	13,971
Orleans	00	977	23,281
Albany town	00	755	19,423
Barton town	00	3,072	40,099
Brownington town	00	740	16,528
Charleston town	00	890	28,232
Coventry town	00	748	15,694
Craftsbury town	00	863	18,493
Derby town	00	4,349	34,843
Glover town	00	843	21,665
Greensboro town	00	694	23,091
Holland town	00	523	16,909
Irasburg town	00	911	20,013
Jay town	00	335	11,285
Lowell town	00	601	19,165
Morgan town	00	488	9,981
Newport town	00	1,312	24,484
Troy town	00	1,468	34,582
Westfield town	00	432	11,271
Westmore town	00	266	8,606
Balance of county			
County undistributed			9,249
Rutland County	00	59,066	1,434,689
Pittsford	00	721	3,262
Poultney	00	1,447	20,248
Rutland	00	17,809	608,317
Benson town	00	792	24,729
Brandon town	00	4,178	77,158
Castleton town	00	3,867	102,605
Chittenden town	00	978	10,947
Clarendon town	00	2,638	35,636
Danby town	00	1,068	25,068
Fair Haven town	00	2,816	54,416
Hubbardton town	00	532	17,595
Ira town	00	388	5,160
Mendon town	00	1,069	5,850
Middletown Springs town	00	643	6,245
Mount Holly town	00	1,046	21,233
Mount Tabor town	00	207	994
Pawlet town	00	1,291	23,977
Pittsfield town	00	401	12,192
Pittsford town	00	2,686	53,044
Poultney town	00	3,054	48,359
Proctor town	00	1,967	42,171
Rutland town	00	3,447	43,726
Sherburne town	00	908	28,268
Shrewsbury town	00	967	11,055
Sudbury town	00	392	4,357
Tinmouth town	00	428	14,053
Wallingford town	00	1,959	35,945
Wells town	00	855	18,122
West Haven town	00	266	4,201
West Rutland town	00	2,418	56,330
Balance of county			
County undistributed			19,426
Washington County	00	53,559	1,257,804
Barre	00	9,898	283,817
Cabot	00	289	993
Marshfield	00	313	1,442
Montpelier	00	8,167	251,961
Northfield	00	2,088	23,762
Plainfield	00	572	2,648
Waterbury	00	1,757	63,437
Barre town	00	7,209	143,516
Berlin town	00	2,462	31,180
Cabot town	00	1,003	22,580
Calais town	00	1,301	15,100
Duxbury town	00	901	13,610
East Montpelier town	00	2,287	19,042
Fayston town	00	711	22,094
Marshfield town	00	1,277	40,547
Middlesex town	00	1,350	22,484
Moretown town	00	1,327	21,661
Northfield town	00	5,643	74,413
Plainfield town	00	1,162	27,520
Roxbury town	00	490	15,847
Wattsfield town	00	1,440	18,487
Warren town	00	988	34,012
Waterbury town	00	4,488	60,162
Woodbury town	00	655	14,444
Worcester	00	804	16,106
Balance of county			
County undistributed			16,939
Windham County	00	38,430	1,140,500
Bellows Falls	00	3,500	92,696
Newfane	00	122	572
North Westminster	00	317	1,318
Saxtons River	00	602	6,403
Westminster	00	362	13
Athens town	00	272	7,663
Brattleboro town	00	12,081	375,484
Brookline town	00	323	3,807
Dover town	00	772	24,299
Dummerston town	00	1,730	22,259
Grafton town	00	650	12,147
Guilford town	00	1,599	17,387
Halifax town	00	511	16,972
Jamaica town	00	686	23,657
Londonderry town	00	1,527	21,634
Marlboro town	00	733	12,981
Newfane town	00	1,213	25,695
Putney town	00	1,926	39,289
Rockingham town	00	5,670	154,207
Stratton town	00	117	4,094
Townshend town	00	899	24,626
Vernon town	00	1,280	42,117
Wardsboro town	00	518	17,079
Westminster town	00	2,746	68,544
Whitingham town	00	1,062	36,020
Wilmington town	00	1,886	63,166
Windham town	00	231	7,866
Balance of county			
County undistributed			18,505
Windsor County	00	52,717	1,315,231

FEDERAL GOVERNMENT GRANT AWARDS, PROCUREMENT CONTRACT AWARDS, AND LOANS AND INSURANCE BY GEOGRAPHIC AREAS: FISCAL YEAR 1985—Continued

Municipality or township area	Congressional district	U.S. resident population	General revenue sharing
Ludlow	00	1,377	17,513
Perkinsville	00	208	701
Proctorsville	00	493	2,290
Woodstock	00	1,230	11,965
Andover town	00	385	12,482
Baltimore town	00	183	1,225
Barnard town	00	864	12,988
Bethel town	00	1,816	34,757
Bridgewater town	00	920	17,296
Cavendish town	00	1,437	29,506
Chester town	00	2,900	81,074
Hartford town	00	8,477	242,990
Hartland town	00	2,514	27,961
Ludlow town	00	2,473	66,804
Norwich town	00	2,555	22,299
Plymouth town	00	414	10,563
Pomfret town	00	928	10,398
Reading town	00	668	11,300
Rochester town	00	1,075	33,766
Royalton town	00	2,205	40,082
Sharon town	00	969	23,960
Springfield town	00	10,026	297,017
Stockbridge town	00	524	14,278
Weathersfield town	00	2,596	46,035
Weston town	00	653	15,858
West Windsor town	00	820	13,967
Windsor town	00	4,004	118,081
Woodstock town	00	3,315	83,190
Balance of county			
County undistributed			14,865
State undistributed			

Mr. LEAHY. Mr. President, let me also make clear that the Moynihan-Sasser amendment is fiscally responsible. The amendment simply directs the Senate Finance Committee to reauthorize the General Revenue-Sharing Program at a level which is commensurate with the amount of revenue that can reasonably be raised to pay for the program. In other words, this amendment will not increase the deficit.

The amendment simply gives the Finance Committee room to reauthorize revenue-sharing up to the current level of spending on the program, if the committee believes we can afford it.

Let me also emphasize that this amendment must not increase individual income taxes.

The chairman of the Senate Finance Committee and virtually all of its members have stated that any revenues raised to reduce the deficit would not be derived by increasing individual taxes. I also oppose outright any increase in individual taxes to raise the necessary funds to finance this amendment and I encourage the Finance Committee to raise the needed revenues either through a minimum corporate tax or efforts to increase tax compliance.

Mr. President, more than 200 of our largest, most profitable corporations paid less in taxes last year than the average Vermont family. In fact, the Boeing Corp. and Dow Chemical received $13.6 million and $18.5 million refunds, respectively.

Mr. President, I ask unanimous consent that a list of corporations that pay no Federal income taxes appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPANIES THAT PAID NO INCOME TAX

[The following chart lists 50 American companies that paid no Federal income tax or received refunds from 1981 through 1984, according to a recent survey of 275 companies by Citizens for Tax Justice. Total profits and tax refunds for that period are in millions of dollars]

Company	Profit	Tax refund	Tax rate (percent)
Boeing Co	$2,099.0	$285.0	−13.6
Dow Chemical Co	972.0	180.0	−18.5
ITT	815	177.7	−21.8
Tenneco	3,401.0	166.0	−4.9
Pepsico	1,798.7	135.8	−7.6
Santa Fe Southern Pacific Corp	2,309.0	133.4	−5.8
General Dynamics	1,579.5	103.8	−6.6
General Electric	9,477.0	98.0	−1.0
Transamerica Corp	748.6	93.6	−12.5
Texaco	1,819.0	68.0	−3.7
Ashland Oil	336.1	62.0	−18.5
Hutton (E.F.) Group	372.5	59.6	−16.0
Weyerhaeuser Co	929.2	59.1	−6.4
Georgia Pacific Corp	783.0	59.0	−7.5
IC Industries	534.7	55.4	−10.4
Northrop Corp	416.8	46.4	−11.1
First Executive Corp	444.2	44.2	−10.0
International Minerals and Chemical	371.6	43.7	−11.8
Mitchell Energy and Development Corp	458.7	41.1	−9.0
Dupont	4,075.0	40.0	−1.0
Mellon Bank Corp	544.7	32.8	−6.0
International Paper Co	1,136.3	32.6	−2.9
Ohio Edison Co	1,524.4	31.8	−2.1
Scott Paper Co	594.6	30.5	−5.1
Philadelphia Electric Co	1,892.5	30.3	−1.6
Panhandle Eastern Corp	1,220.7	28.8	−2.4
Union Carbide	892.0	26.0	−2.9
Piedmont Aviation	169.0	25.4	−15.0
Tesoro Petroleum	124.3	22.5	−18.1
Harris Corp	307.6	19.5	−6.3
Allied Corp	693.0	17.0	−2.5
Columbia Gas System	1,147.1	15.9	−1.4
Northern Indian PSC	792.5	14.6	−1.8
Arizona Public Service Co	1,278.4	14.1	−1.1
Singer Co	194.2	11.6	−6.0
Sun Chemical Corp	103.2	10.4	−10.1
Greyhound Corp	419.9	10.4	−2.5
Centex Corp	264.4	10.2	−3.9
Pennsylvania Power and Light Co	1,362.9	10.0	−.7
Xerox	1,122.7	9.2	−.8
Southwest Airlines Co	213.0	8.1	−3.8
Comerica	135.3	7.1	−5.3
Dun and Bradstreet Corp	967.0	6.7	−.7
Ogden Corp	251.5	5.6	−2.2
Jim Walter Corp	361.7	4.1	−1.1
International Multifoods	43.9	3.2	−7.3
Burlington Northern	2,799.2	1.1	−.0
Tyson Foods	69.1	1.0	−1.4
Grumman Corp	653.4	.0	−.0
Lockheed Corp	1,670.9	.0	−.0

Compiled by James Schwartz—the Washington Post.

Mr. LEAHY. This cannot go on. The Senate Finance Committee ought to report a minimum tax to ensure that these corporations pay their fair share of taxes. As part of the Hollings budget freeze, I was pleased to cosponsor a minimum tax that would raise $15 billion from corporations that previously avoided paying taxes. It can be done. Out of a sense of fairness, it must be done.

Finally, Mr. President, last year the Internal Revenue Service reported that up to $92 billion in revenues could be raised simply by collecting taxes owed to the Federal Government. It makes far more sense to increase efforts to collect back taxes from those who have skirted their responsibilities than raising individual taxes. I urge the Finance Committee to follow the lead that Senator KERRY and I took in offering a successful amendment to Gramm-Rudman-Hollings calling for an annual report on the progress of the Internal Revenue Service's efforts to increase tax compliance.

No American should be asked to pay a single cent more in Federal income taxes, when so much revenue remains uncollected and so many profitable corporations avoid paying their fair share of taxes.

Mr. KERRY. Mr. President, I rise today to express my support for the amendment offered by the Senator from New York which would provide full funding for the general revenue sharing program, through 1989.

Mr. President, general revenue sharing has long been regarded as a vital economic tool in the fiscal and economic planning of our local governments. Since its inception in 1972, the program has proven to be an extremely successful vehicle in strengthening our local governments and maximizing their flexibility in responding to a variety of needs.

General revenue sharing returns to local control, a share of the tax base that localities have contributed. In this respect, the program recognizes the fundamental role that our local governments play in our overall economy. General revenue-sharing funds are distributed to more than 39,000 local communities and go toward providing a variety of services such as police and fire protection, education, health, and sanitation. These services in turn result in positive commercial development, meaningful job training and creation as well as critically necessary human services. There is little doubt that these indispensable services will suffer if general revenue sharing is eliminated.

Mr. President, I am fully cognizant of the severity of our current Federal budget deficit and the serious threat it poses to our economy and our future. I do not believe, however, that elimination of or providing less than full funding for the general revenue sharing program is either a fair or a reasonable approach to addressing this problem.

We are witnessing a massive disinvestment by the Federal Government in our cities and towns. Since 1981, Federal aid to local governments has been cut by almost 40 percent. This disinvestment has meant reduced funding for other essential community programs such as the Community Development Block Grant Program [CDBG]; the Urban Development Block Grant Program [UDBG]; and the Community Services Block Grant Program [CSBG]; as well as fewer resources for housing, education, the environment and transportation. The fact that these reductions in aid to our local governments are occurring as our military budget grows by leaps and bounds, makes the disinvestment that much more unconscionable.

In Massachusetts, the reduction or elimination of general revenue-sharing funds will be particularly hard felt due to the existence of proposition 2½. This law constrains local communities in their ability to set new tax rates and thereby offset the losses that will ensue in the absence of general revenue-sharing funds.

Throughout the course of its existence, the General revenue sharing program has enjoyed bipartisan support from both Chambers of Congress. The program has proven itself successful in achieving the goals set forth when the program was established. I reiterate my unqualified support for the general revenue sharing program in general as well as for the amendment under consideration today.

GENERAL REVENUE SHARING

Mr. BYRD. Mr. President, I strongly support general revenue sharing and I am pleased to join my colleagues in sponsoring this amendment, which seeks to continue full funding for general revenue sharing through fiscal year 1989.

The general revenue sharing Program provides assistance to America's 39,000 general purpose local government units. This program has enjoyed strong bipartisan support. It was proposed by a Republican President and enacted by a Democratic Congress in 1972. Three times—in 1976, 1980, and 1983—this program has been extended and amended with strong bipartisan support. And through such actions, the program has been fine tuned and has become more responsive to the needs of local governments. Funds have been increasingly targeted to local units of government. States have been provided greater flexibility in developing formulas for allocating funds to local governments. And provisions have been included which recognize the special needs of those localities with severe economic dislocation.

Last year, when confronted with the President's fiscal year 1986 budget recommendation that the program be terminated, the 99th Congress instead chose to reaffirm its commitment to this program by appropriating $4.185 billion for fiscal year 1986.

But despite general revenue sharing's history of deep bipartisan support, the President's fiscal year 1987 budget once again proposed to strike a death knell for the program: It sought to terminate the program upon expiration of its authorization in 1986. It also requested a rescission of $760 million of the program's fiscal year 1986 post-Gramm-Rudman appropriation.

The budget resolution now before us, proposes a solution but it is only a halfway measure. It would accommodate reauthorization of the program for 1 year and fiscal year 1987 funding of $1.8 billion. But I am convinced that the predicaments of many of our local governments dictate that this is not enough. I believe we need full funding of general revenue sharing.

Mr. President, throughout this Nation, millions of Americans and thousands of local communities are in serious economic trouble. Their needs are genuine and highly visible. Already, 16 States have enacted cuts in their fiscal year 1986 budgets and 7 States have deferred fiscal year 1986 expenditures to later years.

Where are these communities and who are these people? They are located throughout those States with economies that are highly dependent on the gas and oil industries and coal and steel. They are found in the bayous of Louisiana, and the fields of east Texas and Oklahoma; they are cities and townships and villages throughout the States of Alaska and Colorado. And the farm belt is full of distressed communities populated by farmers facing unmanageable debts and unemployed farm workers.

And there are other types of communities and people who are in deep economic trouble, but whose needs are increasingly ignored by this administration. These are the States and communities and families who have failed to reap the economic fruits of the national economic recovery of the past 3 years. They are the victims of deep economic dislocations associated with industrial and technological change. They are ex-employees of a town's closed factories. They are the long-term unemployed. They are the never-employed young men and women.

I know these communities and people, because my State of West Virginia contains many of them. West Virginia has an unemployment rate of over 13 percent—that is almost twice the national rate.

In fiscal year 1985, West Virginia received $44.9 million in general revenue sharing funds. Under the proposal made by the Senate Budget Committee, West Virginia's fiscal year 1987 funding would be reduced to an estimated $18 million. This represents a cut of nearly 60 percent. Most other States will experience even higher percentage cuts.

Due to the State's economic ills, West Virginia counties and municipalities would be dramatically affected by such a funding cut. The "Federal funds information for States" service, reports that in West Virginia during fiscal year 1984, general revenue sharing funds constituted 7 percent of the expenditures of counties and 5.5 percent of the expenditures of municipalities. Indeed, in some smaller West Virginia counties, general revenue sharing represents nearly 30 percent of expenditures.

West Virginia is not alone in its need for general revenue sharing. There are many other States where fiscal year 1984 general revenue sharing funding represented more than 5 percent of county, municipal, or township expenditures. Among such States are Arkansas, Delaware, Illinois, Indiana, Kansas, Maine, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Pennsylvania, South Dakota, Utah, and Vermont. I might add that 10 of these States along with 22 others project fiscal year 1986 budget balances equal to less than 3 percent of their expenditures.

A drastic reduction in funding for revenue sharing will create economic hardships for many communities across the Nation, compounding an already serious fiscal situation. Mr. President, I hope the Senate will act to help our local governments that form the foundation of this country.

Mr. McCONNELL. Mr. President, I rise to speak in opposition to the Moynihan amendment as a Senator who has seen first hand the good work represented by general revenue sharing funds. While judge/executive of Jefferson County, KY, as much as $9 million or 10 percent of the county budget was funded by revenue sharing. My colleagues have spoken eloquently today about how that money is used around the country. And I am pleased to report that the funds have always been allocated for beneficial initiatives in Jefferson County as well. Revenue-sharing funds have contributed to the maintenance of roads, the construction of drainage projects, and for police and fire protection—all good and worthy efforts.

But, Mr. President, today's debate should have very little to do with whether or not the money is being well spent—it is, and no one disputes that point. The issue we should be discussing is whether or not the Federal Government should foot the bill—whether or not a government that is $2 trillion in debt, with $200 billion being added annually, can or should be asked to pay for local services. Or whether, as the Moynihan amendment requires, we should ask our constituents to pay higher taxes—to send a greater portion of their income to Washington.

Mr. President, I cannot support the Moynihan amendment because I do not believe that Kentuckians want the Federal Government to raise their taxes yet another time to pay for a program that is most efficiently funded at the local level. That is not to say that there is not a great deal of talk about a tax increase on Capitol Hill. Not only is there talk, but the discussion invariably turns to excise taxes. I have raised objections to these regressive taxes—which hurt Kentucky disproportionally—in the context of tax reform and I will continue to do so in the context of our budget debate. The reality is that any vote which adds spending to the budget by an arbitrary tax increase, increases

the pressure to realize that tax increase by further expanding excise taxes.

Mr. President, the budget debate that faces us will not be easy. There are many difficult decisions yet to be made. I, for one, am not ready to throw in the towel on trying to make the Federal bureaucracy more efficient, rather than give in to the tax and spend mentality held by some in this institution, which has created the budget environment in which we now find ourselves.

Mr. MOYNIHAN. Mr. President, today I propose to maintain full funding—$4.6 billion—for the general revenue sharing program.

Two conditions must be met before the budget resolution would be adjusted to allow for such funding of general revenue sharing. First, the program must be reauthorized; second, additional revenues must be found to cover the costs of the program at the reauthorized level.

The idea of giving local government funds to use them as they best see fit is not new. In fact, the origins of Federal revenue sharing can be traced to Andrew Jackson's administration, which had collected a large Federal surplus from customs receipts and the sale of public lands. The Surplus Distribution Act of 1836 provided that all money in the U.S. Treasury on January 1, 1837, with the exception of $5 million, was to be deposited with the States in proportion to their respective representation in the Senate and the House.

The deposits were made in four quarterly installments; and in return, the States pledged to keep and repay the money as might be required by the Secretary of the Treasury. Of the $37 million available for distribution, only $28 million was actually deposited with the States. Although the transfer of funds was to be temporary and subject to repayment, it was—in actuality—an outright grant, as none of the money was ever requested to be returned.

In this century, congressional attempts to secure Federal tax sharing legislation began in 1949, when, early that year, Representative Errett P. Scrivner (R-Kansas) introduced a bill to authorize the collectors of Internal Revenue to transfer to each State treasury, on a quarterly basis, 1 percent of Federal individual and corporate income taxes collected within the State. Such shared revenues were to be used by the States for "educational purposes only without any Federal direction, control, or interference." Congress failed, however, to take action on this legislation.

The current program has roots tracing back 20 years when, in 1964, I drafted the plank in the Democratic Party Platform calling for revenue sharing with State and local governments. On that occasion, I wrote:

> Consideration should be given to the development of fiscal policies which would provide revenue sources to hard-pressed State and local governments to assist them with their responsibilities.

At that time, we were faced with an elementary fact: The progressive basis of our income tax system caused the revenues of the Federal Government to grow faster than those of State and local governments. This trend threatened the fundamental nature of our federal system, for as money flowed to Washington, so did power.

President Johnson did appoint a task force to study the merits of Federal revenue sharing, but the idea was shelved due to the acceleration of the Vietnam war in 1965 and the attendant increase in defense outlays.

But the idea did not disappear. In 1969, as Assistant to the President for Urban Affairs, I drew up the program and drafted the 1969 Presidential message calling for revenue sharing. And on October 20, 1972, President Nixon signed into law the State and Local Fiscal Assistance Act. At the time, this legislation was seen as a way of halting—or even reversing—the trend toward ever-increasing concentrations of power in Washington at the expense of State and local prerogatives.

Since the creation of the program and its subsequent reauthorizations in 1976, 1980, and 1983, general revenue sharing has provided more than $74 billion in assistance to State and local governments. Today it continues to embody the fundamental concept of maximizing local control over fiscal decisions. The original program has been reformed some, to ensure that the funds would be sent to the governments which most need them. When first established, State governments as well as localities received revenue sharing funds. In 1980, this was changed to reflect the view that State governments were in better financial shape than the Federal Government.

Today, general revenue sharing continues to provide needed funds to cities and towns throughout the country on the basis of fiscal need and capacity. More than 39,000 units of Government are eligible for the program, including 3,049 counties nationwide. Jurisdictions with populations of less than 10,000, most of which receive no other assistance from the Federal Government, account for more than 85 percent of the program's recipients. Revenue sharing is the only form of Federal assistance received by more than 30,000 local governments.

These communities need the general revenue sharing program. Sixty-two percent of all revenue sharing funds goes to jurisdictions with per capita incomes below the national average. Fully 93 percent goes to those with per capita incomes below 125 percent of the national average.

And these funds are used well. Almost half pay for police, fire, schools, and hospitals. They are also used to help maintain roads, highways, and bridges and to build jails.

Less than 0.2 percent of the funds are used for administrative costs, making the program one of the most efficient the Government has ever established.

What would happen if this program were eliminated?

For many local governments, taxes would have to be increased more than 30 percent to compensate for the loss of general revenue sharing. The national impact of eliminating the program would on average be a 9.2-percent increase in local property taxes. If the loss were made up through local service cuts, these would result in reductions in force nationally of 18,494 police officers, 18,152 fire officers, 18,152 teachers, 20,220 human service workers, and 26,065 street maintenance workers.

In my own State of New York, the city of Syracuse, which uses its general revenue sharing funds for fire department salaries, would have to increase property taxes $4.48 per $1,000 of assessed value to compensate for the GRS fund losses.

Albany, which also pays its firemen with general revenue sharing funds, would have to increase property taxes $4.91 per $1,000 if the program were eliminated.

The loss of GRS funding for the city of Oneonta would translate into an increase of 9.5 percent in the local property tax levy.

For the village of Saugerties, the elimination of general revenue sharing would result in a 22.6-percent increase in the town's general tax.

Mr. President, the list goes on and on, but at this point, because it is best said in their own words, I ask unanimous consent that letters from the following officials be printed in the CONGRESSIONAL RECORD at this time: Lucille Pattison, Dutchess County executive; Arthur LeFevre, supervisor of the town of Plattsburgh; Thomas Bradley, supervisor of the town of Alexandria; Stephen Snyder, supervisor of the town of Onondaga; Thomas Whittaker, clerk of the board of supervisors, County of Chenango; Robert Densberger, Chemung County executive; David Miller, mayor of the city of Tonawanda; and Lucien Morin, Monroe County executive.

What most distresses me about the possible elimination of the general revenue sharing program is that today our local governments are in no position to make up for the loss of GRS funding.

City governments most certainly are not. A recent study by the Joint Eco-

nomic Committee found that, despite the strong economic recovery, 53 percent of cities surveyed had an actual current operating deficit in 1983—a 13-percent rise over 1982.

Another study, published in the March/April 1985 New England Economic Review, examined the ability of 86 central cities to raise revenues from their own sources from 1970 to 1982: It reported that almost 30 percent of large central cities experienced a decline in fiscal capacity during the 1970's. It concluded: "Many U.S. cities will find it increasingly difficult to raise enough locally generated tax revenue to offset declines in inflation-adjusted Federal or State aid or growing public service demands."

Nor are county governments in a position to make up the difference. Since 1981, county governments have had to raise taxes to compensate for reductions in Federal funding. The share of county government revenue coming from local sources rose by 4.2 percent from fiscal years 1981 to 1984, while the Federal and State portions each fell by approximately 2 percent. Moreover, county property tax collections increased 8.8 percent in 1984 over 1983. Elimination of GRS would necessitate more tax increases.

Finally, State governments are in no position to make up for the elimination of general revenue sharing. The alleged State surpluses are illusory: More than 80 percent of the surpluses consist of social insurance funds. Some States do hold budgetary surpluses, but in fiscal year 1986, nearly 50 percent of these are held by four States—California, Minnesota, Illinois, and Wisconsin. And though 15 States may propose tax cuts in fiscal year 1986, 23 others are expected to raise taxes.

General revenue sharing is a vital program for our localities. Its loss will most surely result in either the elimination of vital services to our citizens or increased local taxes.

We must not let this program end, and I urge my colleagues to support this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DUTCHESS COUNTY EXECUTIVE,
Poughkeepsie, N.Y., February 24, 1986.

Hon. DANIEL P. MOYNIHAN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: I call to your attention again my deep concern about the proposed elimination of the general revenue sharing program.

This program has been exceedingly valuable to Dutchess County. As you can see by the attached list of GRS expenditures for 1984, 1985, and this fiscal year, our revenue sharing is not spent frivolously. Should revenue sharing be eliminated there will be a resulting property tax increase for our County residents.

I urge you to co-author a GRS reauthorization bill and to work actively for its passage.

Sincerely,

LUCILLE P. PATTISON,
County Executive.

TOWN OF PLATTSBURGH,
Plattsburgh, NY, March 17, 1986.

Senator DANIEL PATRICK MOYNIHAN,
Russell Building, Washington, DC.

Re: Federal general revenue sharing funds, town of Plattsburgh.

DEAR SENATOR MOYNIHAN: The Town of Plattsburgh, a small municipal government (16,000 plus population) in upstate New York on the shores of Lake Champlain, wishes to express to you and other members of the Federal and State Government that the Town of Plattsburgh relies on Federal Revenue Sharing Funds to provide basic governmental services in the areas of recreation, highway construction and repair, basic library services, sanitary land fill closure program and other community services. Federal Revenue Sharing has been a tremendous asset to small governments throughout our country.

The proposal for the Administration to rescind the general revenue sharing payments during the final quarter of fiscal year 1986 and to terminate the Federal Revenue Sharing Program for fiscal year 1987 will create a severe increase in local taxes to Town residents in order to continue to provide these basic services in the Town of Plattsburgh.

The Town Board and I strongly urge you and your fellow legislators to support and continue the Federal Revenue Sharing Program. We urge you to continue the procedures that you have taken in support of the Federal Revenue Sharing Program payments to all local municipalities. Federal Revenue Sharing payments assist local government in providing the very important and essential forms of government service as mentioned above including police, fire, schools, hospital, and many other programs provided by other levels of local government with these funds.

Sincerely yours,

ARTHUR L. LEFEVRE,
Supervisor
Town of Plattsburgh.

TOWN OF ALEXANDRIA,
COUNTY OF JEFFERSON,
Alexandria Bay, NY, April 17, 1986.

Senator DANIEL P. MOYNIHAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: The Town of Alexandria is very concerned about the impending loss of the Federal Revenue Sharing Program. The loss of Revenue Sharing will have a devastating effect on our taxpayers.

Being a town in northern New York with a high seasonal unemployment rate and a large number of retired and senior citizens, the impact of the loss of Revenue Sharing on real property taxes will be significant. The Town is worried about where these citizens will be able to find the money to pay the extra taxes.

The Revenue Sharing Program in our community is used to help provide services such as our sanitary landfill, liability insurance, highway garage, and library among others. If the Federal Revenue Sharing Program is ended t ıe Town of Alexandria will be faced with a decision of cutting back services to the taxpayers, or the raising of property taxes. This would be a no win situation for everyone concerned.

The Board members of the Town of Alexandria would like to urge you to continue the Federal Revenue Sharing Program. It is a necessary and needed program not only for our community, but for every community in the state.

Thanking you in advance for your cooperation.

Very truly yours,

THOMAS J. BRADLEY,
Supervisor.

TOWN OF ONONDAGA,
Syracuse, NY, March 20, 1986.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: As Supervisor for the Town of Onondaga, I am writing to express my concern over the possible elimination of the General Revenue Sharing Program.

Over the past several years the Town of Onondaga has greatly benefitted from these funds. General Revenue Sharing Funds have been used for various projects including a new highway garage; funds to improve library services; and several energy conservation projects to enhance the efficiency of Town Hall.

Without Revenue Sharing Funds, the increase in local taxes would severely undermine the quality of life in our town. On behalf of the citizens of the Town of Onondaga, I urge your support for the retention of federal assistance through the General Revenue Sharing Program.

Thank you for your time and consideration.

Very truly yours,

STEPHEN SNYDER,
Supervisor.

COUNTY OF CHENANGO,
BOARD OF SUPERVISORS,
Norwich, NY, January 16, 1986.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am herewith enclosing a certified copy of Resolution #12-86 entitled, "Supporting Enactment of U.S. Senate Bill S1964, An Act To Extend The Revenue Sharing Program For Local Governments Through The Fiscal Year 1988," adopted by the Chenango County Board of Supervisors on January 13, 1986.

Your assistance in implementing the intent of this resolution will be greatly appreciated.

Very truly yours,

THOMAS M. WHITTAKER,
Clerk, Board of Supervisors.

RESOLUTION NO. 12-86

Finance Committee offered the following and moved its adoption:

Whereas, the General Revenue Sharing Program is scheduled for termination as of September 30, 1986, and

Whereas, these funds have been used to support police departments, and schools, as well as the maintenance of bridges and highways, and

Whereas, the termination of this program would result in either significant decreases in essential local services or a substantial increase in local taxes to continue these services.

Now, therefore, be it

Resolved, That the Chenango County Board of Supervisors supports #S1964, which extends the General Revenue Sharing Program, and be it further

Resolved. That certified copies of this resolution be sent to President Reagan, Senators D'Amato and Moynihan, House Representative Boehlert, NYSAC, NACO and the Supervisors' and County Legislators' Association.

CHEMUNG COUNTY,
Elmira, NY, March 26, 1986.

Hon. DANIEL P. MOYNIHAN,
U.S. Senator,
Dirksen Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing on behalf of Chemung County to urge your continued support for the maintenance of the General Revenue Sharing Program.

This program has been targeted for elimination by the Reagan Administration in their efforts to balance the budget. While we applaud these efforts to control the national debt, we believe that in eliminating a program such as this, it will merely be shifting that debt from a national level to a local level and, therefore; having no real benefit to the citizens of localities like Chemung County.

Last year our county received $1,115,419 from this program. We used these monies to staff road patrols for our Sheriff's department, fund local portions of mandated welfare programs, help pay for a portion of our debt service, and pay for a portion of our employee fringe benefits. Chemung County, as well as other counties in the Southern Tier, is just beginning to show signs of recovery and depends on these monies. The elimination of this program would result in either a 12% tax hike, or reduction/depletion of very needed services to the people of Chemung County. Either one of these options would be devastating to our efforts to rejuvenate local economies.

In closing, we appreciate your past efforts in this area and urge you to continue the fight to maintain this still needed program.

Sincerely,

ROBERT G. DENSBERGER,
Chemung County Executive.

CITY OF TONAWANDA,
Tonawanda, NY, March 19, 1986.

Senator DANIEL PATRICK MOYNIHAN,
Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing in my capacity as Mayor of the City of Tonawanda, New York, to express my opposition to the proposed elimination of the General Revenue Sharing Program. I urge you to support legislation which would extend this program beyond September 30, 1986, when it is scheduled to expire.

The City's ability to generate revenue is limited, due to the fact that the City of Tonawanda remains in an economic slump and recently suffered two plant closings. This makes a property tax increase that would be required to offset the loss of revenue very difficult.

As Mayor, I can assure you that Federal Revenue Sharing Dollars are much needed, well spent and indispensible to the City of Tonawanda. While I am fully aware of the need to reduce the Federal Budget deficit, it is my firm conviction that efforts to do so should not come unfairly at the expense of the City of Tonawanda and the thousands of cities and towns like it.

In conclusion, once again, I strongly urge you to lend your support to preserve this vital form of Federal Assistance to our local governments.

Thank you for your time and consideration.

Sincerely yours,

DAVID L. MILLER,
Mayor.

COUNTY OF MONROE,
Rochester, NY, January 13, 1986.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senator,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: As Congress debates the continuance or termination of the Federal Revenue Sharing Program, I feel it important for you to know how significant this program is for local governments throughout New York State and the country.

As Monroe County Executive, I strongly urge you to support the continuance of this most vital program beyond Federal Fiscal Year 1986-87. The elimination of this program will create a fiscal nightmare for this community and local governments across the country.

General Revenue Sharing provides a source of revenue free of federal red tape and bureaucracy, which is used to provide essential local government services. It is the one program under local control which can be used by communities to fill the gaps left by federal budget cuts. According to the National Association of Counties' survey pertaining to this program, in 98% of mid-size counties, General Revenue Sharing pays for services to the poor and disadvantaged; in 83% of larger counties, it is providing needed health care services; in over one-half of all counties, General Revenue Sharing is used to meet the mandates imposed by state and federal governments; and in one-quarter of all counties, General Revenue Sharing accounts for more than 10% of the entire county budget.

In Monroe County, approximately 64% of our total 1986 budget of $501 million will be used for mandated programs. Over the years, the county government has emerged as the primary unit of local government. Accordingly, the county has assumed increasing responsibility for the delivery of essential services benefiting the entire community. Throughout this period of increasing costs, Monroe County has used federal Revenue Sharing funds exclusively for social services programs. If Revenue Sharing funds are not continued, Monroe County will be faced with a loss of $4.4 million. This can only be accommodated with a tax increase, which obviously will place an additional financial burden on the residents of our community. Any decision to either raise county property taxes or reduce programs for the needy and disadvantaged will have a profound negative effect on this community.

The concept behind the Revenue Sharing Program is a fundamental premise of federalism. This program is not revenue sharing, but, rather, tax base sharing designed to assist local governments in carrying out national policy objectives.

Again, on behalf of the residents of Monroe County, and those taxpayers throughout the state and nation, I strongly urge you to support the continuance of this most vital program.

Sincerely,

LUCIEN A. MORIN,
County Executive.

Mr. METZENBAUM. Mr. President, does the Senator from New Mexico have the floor at the moment?

Mr. DOMENICI. Mr. President, I do not, but I had been waiting for Senators DECONCINI and ABDNOR to present an amendment. I understand that Senator ABDNOR is here now.

Mr. METZENBAUM. Senator DECONCINI will not be able to come.

Under the circumstances I ask unanimous consent that the Moynihan amendment be temporarily set aside in order that I may offer an amendment with the understanding that the vote in connection with my amendment would not occur until the vote had occurred with respect to the Moynihan amendment in the event there is such a vote.

Mr. DOMENICI. Mr. President, reserving the right to object, we have no unanimous-consent agreement as to the time that we would vote on the underlying amendment. So long as it is understood that when the manager or the majority leader is ready, no sooner than 2:15 p.m., will set the Senator's amendment aside and proceed to vote on the underlying Moynihan amendment, I have no objection.

Mr. FORD. Mr. President, reserving the right to object, is this amendment going to be in the second degree, too?

Mr. MOYNIHAN. No.

Mr. FORD. That is going to be set aside and the revenue-sharing amendment will not be disturbed.

Mr. METZENBAUM. That is correct.

Mr. FORD. I have no objection.

Mr. METZENBAUM. I thank the Senator.

Mr. DOMENICI. Mr. President, I understand we have a message from the President.

MESSAGE FROM THE PRESIDENT

A message in writing from the President was delivered by Ms. Sara Currence Emery, Special Assistant to the White House Executive Clerk.

Mr. BYRD. Mr. President, will my colleague yield to me 1 minute?

Mr. CHILES. I yield.

Mr. METZENBAUM. I thought I had the floor, but I yield the floor to my colleague, the distinguished minority leader, without losing my right to the floor when he concludes his remarks.

Mr. BYRD. Mr. President, I thank the Senator from Ohio, the Senator from Florida, and the Presiding Officer.

Mr. President, the message from the President that has just been presented to the Senate marks the first time in

the history of the Senate that a woman has delivered such a message from the White House. I further note that the messenger, Sara Currence Emery, who is the first woman special assistant to the Executive Clerk of the White House was born and raised in Marlinton, WV. Marlinton is in beautiful Pocahontas County, which also contains most of the Cranberry Wilderness Area.

Sara Currence Emery is a graduate of West Virginia University. She came to Washington, DC, to work at the White House, where she has been employed for the last 17 years.

I wish Sara all the best in her new responsibilities.

I thank the Senator.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 1801

(Purpose: To add funds for the supplemental food program for women, infants, and children (WIC), the maternal and child health block grant program, the childhood immunization program, and the community health centers program)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] for himself, Mr. SARBANES, and Mr. BUMPERS, proposes an amendment numbered 1801.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, increase the amount on line 3 by $145,000,000.

On page 2, increase the amount on line 4 by $42,000,000.

On page 2, increase the amount on line 5 by $10,000,000.

On page 2, increase the amount on line 8 by $145,000,000.

On page 2, increase the amount on line 9 by $42,000,000.

On page 2, increase the amount on line 10 by $10,000.000.

On page 2, increase the amount on line 19 by $200,000,000.

On page 2, increase the amount on line 24 by $145,000,000.

On page 2, increase the amount on line 25 by $42,000,000.

On page 3, increase the amount on line 1 by $10,000,000.

On page 5, increase the amount on line 5 by $145,000,000.

On page 5, increase the amount on line 6 by $42,000,000.

On page 5, increase the amount on line 7 by $10,000,000.

On page 5, increase the amount on line 10 by $200,000,000.

On page 5, increase the amount on line 15 by $145,000,000.

On page 5, increase the amount on line 16 by $42,000,000.

On page 5, increase the amount on line 17 by $10,000,000.

On page 17, increase the amount on line 16 by $125,000,000.

On page 17, increase the amount on line 17 by $76,000,000.

On page 17, increase the amount on line 25 by $35,000,000.

On page 18, increase the amount on line 8 by $10,000,000.

On page 19, increase the amount on line 18 by $75,000,000.

On page 19, increase the amount on line 19 by $69,000,000.

On page 20, increase the amount on line 4 by $7,000,000.

On page 33, increase the amount on line 13 by $145,000,000.

On page 33, increase the first amount on line 14 by $42,000,000.

On page 33, increase the second amount on line 14 by $10,000,000.

On page 44, increase the amount on line 6 by $145,000,000.

On page 44, increase the first amount on line 7 by $42,000,000.

On page 44, increase the second amount on line 7 by $10,000,000.

Mr. METZENBAUM. Mr. President, the amendment which I and Senator SARBANES have introduced today provides for moderate increases in four key programs which meet the health and nutrition needs of America's most vulnerable children.

Our amendment provides $75 million for the WIC Program; $75 million for the Maternal and Child Health Program; $25 million for immunizations; and $25 million for community health centers. The offset is from General Revenues. Together, these programs form the front line in the battle against infant mortality, low birthweight, and childhood disease.

This child health initiative is an investment—it is not a cost, it is an investment of $200 million over the next 3 years to save anywhere from $600 million to a billion dollars in the future.

It represents a cost-effective expenditure on programs with a proven track record of delivering value for the Federal dollar.

Mr. President, it is a scandal that today there are over 13 million American children living below the poverty line; that one-third of this Nation's children lack adequate health insurance; that over half of all black preschool children are not immunized against childhood diseases; that 1 in 10 poor children under the age of 2 does not see a physician even once during an entire year.

Mr. President, ours is a nation where technological genius abounds, yet ours is also a nation where infant mortality rates for black infants in Cleveland, Chicago, Detroit, and so many other cities and communities throughout the Nation exceed those in Cuba, Jamacia, Puerto Rico, Bulgaria, Czechoslovakia, East Germany, and Poland.

As my colleague, Senator CHILES, recently pointed out, we still have nearly 10 white babies, close to 20 black babies, and 17 other nonwhite babies die for every 1,000 who are born. The GAP between black and white infant mortality has increased to the worst point in over 40 years.

And what has been our response? The Maternal and Child Health Program has been cut over 20 percent in real terms since 1981. Mr. President, this is a program which saves anywhere from $3 to $11 in the costs of medical care after birth and of institutional care for some of the babies who would have been born handicapped.

Community health centers, which provide critical prenatal and children's health services, have been frozen in real terms over the same period.

On January 10, the U.S. Department of Agriculture released a comprehensive study on the WIC Program. The report documents the significant positive impact this feeding program has had on maternal and child health in America. Yet, currently, the WIC Program serves less than 40 percent of the women, infants, and children who are eligible.

Mr. President, each dollar spent to immunize a child against measles saves over $7 in reduced illness and hospitalization costs, according to the Centers for Disease Control. Yet, over half of all black preschool children are inadequately immunized against childhood diseases, and reports from around the Nation indicate that anywhere from 65 to 80 percent of school-aged children are suffering from one or more untreated health conditions. It is anyone's guess how many of these conditions could have been prevented with an adequate Immunization Program.

The Current Immunization Program contains enough funds to finance a full series of immunizations—including pertussis, tetanus, diphtheria, measles, mumps, rubella, polio, and meningitis—for about 1 million children each year. Yet there are 21.3 million children in the United States below age 6. Nearly 1 in 5—about 5 million—is poor.

Mr. President, my amendment provides an additional $25 million for the Childhood Immunization Program in order to purchase a complete immunization series for an additional one-half million infants, toddlers, and preschoolers.

It also contains an additional $75 million for WIC which will ensure food supplements for an additional 156,250 pregnant women and their infants and young children.

In providing $75 million for maternal and child health as well as $25 million for community health centers, the amendment ensures that thousands of medically underserved pregnant

women, infants, and school-aged children will receive badly needed health care services.

Mr. President, I am sure we will hear from those who say these are good programs but we just cannot afford to increase them. I believe we can. I believe we cannot afford not to increase them. Our Tax Code is so riddled with corporate loopholes, that a single year's tax refund for the AT&T Co. could finance the entire cost of this amendment with $81 million to spare. (AT&T earned $1.9 billion in 1984, paid no Federal income taxes, and yet received a refund of $281 million).

I could stand on the floor and recite instance after instance after instance of large corporations in this country, many of whom are major defense contractors, making hundreds of millions and billions of dollars and receiving tax refunds. Why can we not address ourselves to that issue and why can we consider that we cannot afford to take care of the children in this country?

Over a 4-year period, two of this Nation's biggest defense contractors, General Dynamics and General Electric, earned over $11 billion in profits, paid no Federal income taxes, and received a tax refund of $200 million. If they just paid no taxes over this period, but we kept the refund, we would have enough money to pay for this amendment.

I ask the question, Can we afford to spend $150 million a year on military bands and refuse to spend an extra $200 million on crucial children's health programs?

Mr. President, I think not.

This amendment is modest—$145 million in outlays in fiscal year 1987, $42 million in fiscal year 1988, and $10 million in fiscal year 1989.

I urge my colleagues to support this amendment.

Mr. President, I ask for the yeas and nays, with the distinct understanding that I had previously offered a unanimous-consent request that the yeas and nays, when ordered, would come after the Moynihan amendment had been disposed of.

The PRESIDING OFFICER (Mr. NICKLES). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Will the Senator from Ohio yield a couple of minutes to me?

Mr. METZENBAUM. There is no time limit.

Mr. BUMPERS. Mr. President, I will just take a few moments to say that I strongly and heartily support the amendment of the Senator from Ohio. It makes sense that he is trying to increase the funding for these programs because the benefit/cost ratios of those programs range anywhere from 15-to-1 to 5-to-1.

I have said many times in the past 10 years, as we have cut Federal funding for education from 12 percent of all the funds for education down to 6.7 percent, that we are going to wind up paying a high price for these cuts. You can argue philosophically and ideologically that the local school districts ought to be raising this money or that the States ought to be raising the money, but if the United States allows Federal funding for education in this country to be whittled away, we may wind up with one or two generations where the illiteracy rate climbs dramatically.

The only reason in the world the Federal Government ever gets involved in education or health care or anything else is because we are a union of States and we have concerns about all the people in the country, not just those who can afford good education and good health care for their people.

I was visiting with a fellow the other day who said something about, "Let the States and the local school districts decide how much they want to spend on schools."

That is fine if you just look at education spending or health care spending in a vacuum. But there is a considerable difference between how much money the people of Scarsdale can afford and how much the people of South Bronx can affort for the education of their children. Now that is a slightly convoluted example of what we are talking about; that is, the question of whether some poeple are going to get education or health care and others are not. One of the real problems we have in this country is we have been moving toward a dual health care system: One for those that can afford it and one for those who cannot.

This is not a big amendment considering the way we spend money around here. The kind of money the Senator from Ohio is talking about would last the Pentagon about 15 minutes. And yet there is a real danger in this country that we are going to allow the immunization levels of our children to drop back. We are now 16th among all the nations of the world in infant mortality. The United States of America, the most powerful rich nation on Earth, 16th in infant mortality.

And the Maternal and Child Health Care Program is a program that is crucial in every State. Every State has some latitude as to how they are going to use MCH money. But in my State we use it to make sure that pregnant women get a proper diet and good prenatal medical care so that they have healthy babies.

Let me give you an illustration. Two hundred low-weight babies will cost the U.S. Government more money over the next 50 years than this entire amendment will cost. You have heard me preach this sermon on immunizations 100 times in the 11 years I have been here. And you all know that my wife was active in immunizing all the children of my State when I was Governor, and she was responsible for immunizing all of the children of the country after I came to the Senate. But we spent less money in 2 years to raise the immunization levels of our State's children from 78 percent to 96 percent than it would have cost to institutionalize one rubella syndrome child for a lifetime.

So I feel stronger about the funding for the immunization program that is incorporated into this amendment than I do the other three items. But they are all important. I spoke to the Arkansas Medical Society luncheon last Friday, a week ago tomorrow. And I talked about preventive health. And while the inflation rate for health care has been declining—down to a 9.3-percent increase in 1984, the lowest increase in any year since 1963—we still have not really dealt with the one thing that would do more to cut health care costs in this country than anything else; that is, preventive health.

The Census Bureau and the National Institutes of Health tell us that nutrition is extremely important to health, and yet we do not have a national nutritional counseling service. Hubert Humphrey used to stand at this desk right here in front of me, and make the speech I heard him make many times in the short time I was privileged to serve with him—a speech about how we talk about health insurance in this country, that we really ought to change the name of it so it would be more appropriate, and call it sick insurance because none of it is any good unless you get sick.

The Ford Motor Co. decided several years ago to implement an experimental program for its own employees in an attempt to cut down the cost of health care. Over a 3- or 4-year period they did a lot of things. The principal one was that everybody over 40 years of age who worked for them had to have a physical examination every year. They found that they saved themselves millions of dollars in health care costs with that requirement.

Every one of the items listed in the amendment of the Senator from Ohio comes under the category of preventive health—the cheapest health care dollar we spend. The Senator from Mississippi, the senior Senator from Mississippi, has always helped on Maternal and Child Health Care and WIC Programs because Mississippi has a demonstrated benefit/cost ratio from the maternal health care programs of $10 saved for every dollar we spend.

I am not going to vote for every amendment that comes up here. A lot of them are going to be meritorious, laudable, and I do not want to vote

against them. But I can tell you there will not be one single amendment offered here, with the possible exception of the amendment of the Senator from Massachusetts dealing with Medicare, there is not going to be an amendment offered here that goes right to the heart of health care in this country like this amendment does. If we pass this amendment, we can spend $200 million and possibly save ourselves $2 billion a year.

We had an outbreak of measles this year on the campus of the University of Arkansas, and it was bad. It cost more than half a million dollars just to get that one little outbreak under control. The good news out of that was we were able to get the outbreak under control quickly. My wife accuses me of always talking about the bad news. She said it was bad that the measles outbreak occurred but there was something very good and very positive about it also. Only one age group—college age students—got the measles, apparently because they had gotten defective vaccines back in the early 1960's. The good news was that because we had immunized all the people after that time with effective vaccine, the outbreak did not spread beyond that particular age group.

But I can tell you that it is easy to assume that childhood diseases have been conquered once and for all, but they have not. You must stay on top of them year in and year out. You must do followup if the immunization program is to be effective and provide the cost/benefit ratios we want.

So, Mr. President, I hope that the people in this body will support this amendment. I know it is $200 million. I know the budgetary constraints we are operating under. But I can tell you one thing: Gramm-Rudman will be a lot tougher to deal with 3, 4 years down the pike if we start shortchanging programs like this.

Mr. President, unless somebody else wishes the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let us assume as Senators that whatever the distinguished Senator from Ohio has said about the condition of things out in our country relevant to the groups we are helping in these programs is true. Let us also assume that in the areas that the Senator from Arkansas spoke of there are some problems. I hope everyone understands in the Budget Committee, which was bipartisan, is we did not cut these programs. Funding for discretionary health in this budget that is before us is $74 million above the 1986 funding level. The WIC Program is already $52 million above the 1986 level. In January there were 3,323,588 women and infant children participating in this program.

For a time, 2 years ago, we could not even get people on fast enough. The States were not even able to get on the people that we were giving the money for. That is still the case in a few States, but over 3 million are now being taken care of. The budget resolution contains $52 million above the 1986 level for the WIC Program.

The Senate Budget Committee reported out by a bipartisan rate contains $300 million for the years 1987 through 1989 in higher Medicaid spending for infant mortality initiatives. In fact, the distinguished Senator from Florida, Senator CHILES, has already in fact introduced legislation that would address the high infant mortality rates. Clearly, there is sufficient money in this budget resolution for the appropriators to take additional steps to deal with this problem.

This amendment, clear and simple, says, "We have to tax the people $200 million more because the amendment says we have to add more to programs that we have already added to."

It is hard for the Senator from New Mexico to come down here when our country, like most countries in the world, has some health problems. It is doubly hard when they are women, infants, and children.

I submit that we are doing a good job. I submit that the Senate Budget Committee was well aware that while we cut other programs, while we ordered reforms of other programs, these programs ought to increase.

I had a suspicion about what would happen this year in spite of the need for fiscal restraint. We made a decision, and made a bipartisan agreement in committee. We added where some Democrats thought we ought to add. We added where some Republicans thought we should; and we reached an agreement, I had a suspicion that when programs like these, a Senator would come to the floor and say that the problems are still not solved out there and we need more money.

I suspected that the Gramm-Rudman rules would not have stopped any of that, that it would be here just as it is all the time. I imagine that even if we had added $200 or $300 million, people would come to the floor and ask for more money. They would talk to us and, in a sense, talk to their constituents, to make a point that they support higher funding because the problem is still there.

Our Government spends $119 billion for health care. When you look out across the land there is $119 billion for health care. Any of us, given 24 hours' notice, can get somebody with statistics, somebody with numbers, somebody with ideas, to say, "We still have people who either cannot afford health care, who are still ill, who are not able to get this, that, and the other." We still have problems. The $119 billion ought to be $140 billion. Someone may offer an amendment that we ought to spend another $30 billion or $40 billion. Every time we have this kind of problem in the budget and in the appropriations process there is no question that an argument can be made and a difficult vote can be put before the Senate. Who wants to be against more money for these kinds of problems.

We do not have all the money in the world. We have tried our best to prioritize. We have increased where it is necessary and where absolutely you could not get by with less. In these programs we did not freeze or cut even with a $180 billion deficit. We increased funds for these programs.

I told the Senate how much the Federal Government spends for health care, how much the American people pay. Our estimate is $460 billion and the Federal Government pays about 26 percent of that.

Is it really credible that we can solve these problems that are discussed by the proponents with $200 million. Look at these statistics about health deficiencies in our country. Are we really going to solve them with $200 million, when we are already spending $460 billion? This amendment would add about two-tenths of 1 percent to the health functions for Federal expenditures, four one-hundredths of 1 percent to the expenditures made in behalf of health care across the country.

I remind my fellow Senators that these are all appropriated accounts. This does not mean that we are going to add anything more to these accounts. It merely means we are adding $200 million more to the discretionary programs, $200 million more in taxes on the American people. The assumption being made is that these funds would be specifically and adroitly targeted to the problems we are discussing here today.

I do not know when, if ever, enough will be enough. It seems to me that if this amount of money is as important for these programs as the proponents say, at the least they could say, "Out of the $1 trillion budget there must be $200 million we can find someplace and apply it to these programs. At least, we want to express the sense of the Senate today and hope the appropriators would follow it." They have not said that. We have to add $200 million more on the tax side, which already has $19 billion in new taxes.

I hope Senators do not think it is easy to just vote for this and add to the tax side. We did for years before the congressional budget process was started. We assumed there was no relationship between the two and we did

not have to worry. At least there is an accounting now. At least we say add on $200 million in taxes.

I yield to the ranking minority member such time as he desires.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I have listened to the remarks of the chairman. He has made an excellent point. As we went through the process in our committee markup, there were some compromises made between the mark the chairman had and the mark we were proposing. Part of the compromise added money in these areas. We did add funds. But there is no way either he or I can argue we are spending enough for child health care. We would both like to spend more.

We recognize these programs are cost efficient. I make that argument all the time, that the dollars we spend are returned to us manyfold.

If we adopt this amendment, someone could well say we ought to be spending $500 million more. And they would be right. We should be. You can say, "When that is won, we should be spending more than that." And they would be right, because we need it.

But one of the best ways to set priorities is to get our budget in order. Look and see what we tried to do within our resources, within the problems we have writing a budget that accommodates Gramm-Rudman-Hollings without having a devastating cut across the board. I would say to the proponents of this amendment, sequester would devastate these programs. If we cannot get our budget in order, if we cannot meet those targets, that is when child health will be terribly hurt.

If you look at what we have done, in the immunization program, $65.6 million is assumed, $6 million above a freeze. That is $4.2 million above the baseline.

The amendment would bring the funding up to 90, and that, of course, would be well above the baseline in many of our programs.

If you look at the community health centers, $426 million is assumed. That is $30 million above a freeze and $8 million above the baseline.

If you look at the Maternal and Child Health Program, you see it is already funded at its current authorized level of $478 million.

So the budget resolution leaves more than enough room to make up the $20 million lost from the sequester cuts already in effect and then we fund this program up to its authorized level.

The WIC Program would also be funded—$1.612 billion being assumed, up to its authorized level. So in two of the four programs we are talking about, literally, the money cannot be spent because they are already up to the authorized level and there is nothing that we can do about this.

Argument has been made about immunization for rubella—measles. That is tremendously important. I think we ought to do everything in the world we can in that area. And I hope we will find some more money for that. But if you look at what we have been attempting to do in the resolution, we have tried to take special note of these programs. We want funds to provide for these programs without triggering sequester, and having a resolution that goes way beyond what we are able to pay for.

I hope the Senate will not adopt amendments that are going to break apart what we have attempted to do. I hope we will put together a balanced package which meets the Gramm-Rudman-Hollings targets, avoids sequester order, avoids the across-the-board-cut targets, and gets our House in order so that we may be able to start taking care of these programs in the way we should.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. CHILES. The time to be divided equally off the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1800

Mr. DOMENICI. Mr. President, I have received indication from the majority leader that he would like us to commence voting on the Moynihan amendment. It is my understanding that the amendment which is pending will be set aside until after the vote is disposed of on the underlying amendment, the Moynihan revenue-sharing amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Will the manager yield for a question?

Mr. DOMENICI. Surely, Mr. President.

Mr. METZENBAUM. I am prepared if he is—immediately upon the completion of the vote on the Moynihan amendment, to proceed with a vote on my amendment. Would that meet with the Senator's approval?

Mr. DOMENICI. I think I had better just wait and see, Mr. President. We might even be able to announce it at the end of that vote, but let us proceed without it at this point.

Mr. President, I move to table the Moynihan amendment and I ask for the yeas and nays.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MOYNIHAN. Mr. President, will the distinguished Senator yield for a question?

Mr. DOMENICI. Yes, Mr. President.

Mr. BOSCHWITZ. Regular order, Mr. President.

Mr. MOYNIHAN. What does the Senator mean by that?

Mr. DOMENICI. There is no time for debate.

The PRESIDING OFFICER. Does the Senator withdraw his request for a second?

Mr. DOMENICI. I do not. I was going to yield for a question, but let me get my second first.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I ask unanimous consent that the Senator from New York be granted 1 minute to ask the Senator from New Mexico a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, is it the view of the Senator from New Mexico that we have to have a motion to table? There are those of us on both sides of the aisle who feel strongly about this issue and who also feel strongly about Senate decorum. We would like to vote up or down. Absent that, we could have 15 votes.

Mr. DOMENICI. Let me say to my friend from New York that I have to have the latitude on some to move to table, on others not. I would have moved to table yesterday, but the way the unanimous-consent request was phrased, I could not.

I assure the Senator I do not intend to have a number of votes. If tabling one shows a result, we will not do anything else.

Mr. MOYNIHAN. Would the Senator hear my plea? I have very rarely asked this, but if we cannot be accommodated, there are Senators on both sides of the aisle on this legislation who would like to vote.

Mr. DOMENICI. We are going to vote, I say to my friend.

Mr. MOYNIHAN. A vote up or down, Mr. President.

The PRESIDING OFFICER. The time has expired. The question is on agreeing to the motion to lay the amendment on the table.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to lay the amendment on the

table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Florida [Mrs. HAWKINS], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

I further announce that, if present and voting, the Senator from Florida [Mrs. HAWKINS] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Montana [Mr. MELCHER] is absent because of death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41—as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—54

Armstrong	Garn	Nunn
Baucus	Goldwater	Packwood
Bentsen	Gorton	Pell
Boren	Gramm	Pressler
Boschwitz	Grassley	Proxmire
Chafee	Hatfield	Quayle
Chiles	Hecht	Roth
Cochran	Helms	Rudman
Cohen	Humphrey	Simpson
Cranston	Kassebaum	Stafford
Danforth	Kennedy	Stennis
Denton	Laxalt	Stevens
Dodd	Lugar	Thurmond
Dole	Mattingly	Trible
Domenici	McClure	Wallop
Eagleton	McConnell	Warner
East	Mitchell	Weicker
Exon	Nickles	Wilson

NAYS—41

Abdnor	Gore	Long
Andrews	Harkin	Matsunaga
Biden	Hart	Metzenbaum
Bingaman	Hatch	Moynihan
Bradley	Heflin	Murkowski
Bumpers	Heinz	Pryor
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
D'Amato	Johnston	Sarbanes
DeConcini	Kasten	Sasser
Dixon	Kerry	Simon
Durenberger	Lautenberg	Specter
Ford	Leahy	Zorinsky
Glenn	Levin	

NOT VOTING—5

Evans	Mathias	Symms
Hawkins	Melcher	

So the motion to lay the amendment (No. 1800) on the table was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion to table the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the name of the Senator from Iowa [Mr. HARKIN] be added as an original cosponsor of the previous amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1801

Mr. DOMENICI. Mr. President, Senator METZENBAUM has an amendment pending. There is time remaining in opposition. Shortly, I intend to yield back the time in opposition. I understand that he will yield back the remainder of his time.

He would add $200 million to various health programs and raise $200 million more in revenues. Our position is that in the bipartisan compromise, all the programs referred to have been increased over their current level of funding. Two of the programs have been authorized, and our bill funds them to the maximum level authorized. The amendment would fund them in excess of the authorized level.

Mr. LEAHY. Mr. President, I rise to support this amendment because it is a humanitarian measure, and because it is cost-effective.

The WIC Program has escaped the budget ax over the past years yet it still reaches only a minority of the low-income infants, young children, and pregnant and nursing women at nutritional risk who are eligible to receive WIC food supplements and nutrition counseling.

In spite of our support for this program, WIC is still underfunded and reaches only 3.2 million people, fewer than half of those who are eligible. Because WIC is not an entitlement program it can serve only as many poor women, infants, and children as we provide funds for. It is a fact that more than 100 counties in the United States have no WIC Program at all and many others are forced to turn away eligible mothers and babies.

Studies show that WIC and the other programs which this amendment speaks to, are cost-effective because they result in healthier children at birth.

The number of children living in poverty is on the increase, with one out of every five poor. These are very young children with nearly one out of every four children under the age of 6 living in poverty.

There are 13 million children in this country who are poor.

Poverty is costly. Children born into poverty receive less nutrition, less health care, less education, and fewer chances to succeed at becoming self sufficient.

The programs which will receive modest increases under this amendment have proven to be effective. We know that prenatal care and food supplements to pregnant women through WIC can save $3 for every $1 spent by reducing the incidents of high-risk births. Studies show that every dollar spent on a measles shot saves $7 in reduced illness and hospitalization costs.

Vermont's WIC Program provides an excellent example of the value of the program. Vermont has the highest participation rate of eligible WIC recipients in the Nation. About 45 percent of Vermont's 1981 births were to women who had participated in the WIC Program.

According to a report put out by the U.S. Department of Health and Human Services, Vermont led the Nation in having the lowest number of infant deaths per 1,000 births for the period of 1981 through 1983. I think it is fair to suggest there is a correlation between the high WIC participation rate and the low infant mortality rate.

I have spoken for the most part about the WIC Program but the same conclusions can be made about the title V Maternal and Child Health Block Grant Program, the Community Health Centers, and the Childhood Immunization Program.

Anytime we help to improve the health and well-being of pregnant women and their unborn children, and help to keep children in good nutrition and health, we are saving untold dollars in later health costs, lost opportunities, and wasted human talent.

Mr. METZENBAUM. Mr. President, let me explain this amendment very briefly. It is a child health initiative for women and infant children.

Mr. FORD. Mr. President, the Senate is not in order. May we have order?

The PRESIDING OFFICER. The Senator from Kentucky is correct. The Senate will be in order. The Senator from Ohio is entitled to be heard.

Mr. METZENBAUM. I thank the Chair, and I thank the Senator from Kentucky.

Mr. President, this amendment is very simple. It is $75 million for women and infant children over the next 3 years. It is $25 million over the next 3 years for immunization. It is $75 million for maternal child health care.

That would just bring it back to the 1981 level in real terms. The community health centers, $25 million over 3 years; $200 million over a period of 3 years.

If we believe that the future of our children and the health of our children is important, I do not think we can afford to turn down this amendment because, although we might prevail with respect to the amendment, the facts are that we will pay a price over future years, whether it has to do with children who have not been able to obtain immunization or whether it has to do with maternity and child health, whether it has to do with aid for women and infant children.

We cannot afford to say, "No."

We can close one loophole of a major defense contractor, not even require that defense contractor to pay any taxes but just to keep that defense contractor from getting any refund, and we would save $289 million which is $89 million more than

this entire program and this entire amendment deals with.

I hope that my colleagues see fit to accept the amendment. I think that the country cannot afford not to do it.

Mr. President, I am prepared to go forward with the vote.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thought I made a 30-second remark. I think I deserve another half minute.

Let me repeat with numbers. The bipartisan substitute before us is already $74 million in budget authority above 1986; the Women's, Infant and Children Program is already $52 million above current level. We are currently at $73,323,000. The Senate Budget Committee bipartisan mark is $300 million for these 3 years and Medicaid spending.

I believe we have done justice to these programs. Many others have been cut. These have been given the appropriate preference of being increased rather than reduced.

I am pleased to yield back the remainder of my time.

Mr. METZENBAUM. Madam President, will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I am pleased to yield for a question.

Mr. METZENBAUM. The $74 million that the Senator talks about as being over current level, that $74 million, as I understand it, is not alone for these four programs. It is for all of the programs out at the National Institutes of Health. It is a whole host of programs, and that $74 million would have to be distributed. In all likelihood these four programs would see but a pittance as compared to the total. It is not $74 million as against these four programs. It is $74 million across the board.

Some of these programs are below current levels as we now have it. So I do not think we ought to confuse the issue.

Mr. DOMENICI. Madam President, I respond by saying the increase that is provided is as specific and as vague as the Senator's proposal because nothing about his proposal requires that the approporiators spend the additional money where he says it all goes into health function and they will end up deciding where to spend it anyway.

This is just adding that much to the full account. No specificity can be provided for here. So, yes, ours is in the whole account. His will end up with just that much more in the whole account, no more or no less.

Mr. METZENBAUM. How much time remains for each side?

The PRESIDING OFFICER. The Senator from Ohio has 41 minutes and the Senator from New Mexico has 40 minutes.

Mr. METZENBAUM. I wonder if the Senator from New Mexico will be willing to agree to have an up-and-down vote and both yield back the time? If you have the votes, you have them.

Mr. DOMENICI. On this one, I really cannot do that. Members have asked me about it. I said the last vote was the motion to table.

The Senate does not have to go along. But I believe I will move to table.

Mr. METZENBAUM. I yield back the remainder of my time.

Mr. DOMENICI. I yield back the remainder of my time.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Madam President, I ask unainimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from New Mexico [Mr. DOMENICI] to table the amendment of the Senator from Ohio [Mr. METZENBAUM]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator from Florida [Mrs. HAWKINS], and the Senator from Idaho [Mr. SYMMS], are necessary absent.

I also announce that the Senator from Maryland [Mr. MATHIAS], is absent on official business.

I further announce that, if present and voting, the Senator from Florida [Mrs. HAWKINS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—56

Abdnor	Gramm	Nickles
Armstrong	Grassley	Nunn
Bentsen	Hatch	Packwood
Bingaman	Hatfield	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Quayle
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Danforth	Hollings	Simpson
Denton	Humphrey	Stafford
Dole	Johnston	Stennis
Domenici	Kassebaum	Stevens
Durenberger	Kasten	Thurmond
Eagleton	Laxalt	Trible
East	Lugar	Wallop
Exon	Mattingly	Warner
Garn	McClure	Wilson
Goldwater	McConnell	Zorinsky
Gorton	Murkowski	

NAYS—40

Andrews	Ford	Metzenbaum
Baucus	Glenn	Mitchell
Biden	Gore	Moynihan
Bradley	Harkin	Pell
Bumpers	Hart	Pryor
Burdick	Inouye	Riegle
Byrd	Kennedy	Rockefeller
Chafee	Kerry	Sarbanes
Cohen	Lautenberg	Sasser
Cranston	Leahy	Simon
D'Amato	Levin	Specter
DeConcini	Long	Weicker
Dixon	Matsunaga	
Dodd	Melcher	

NOT VOTING—4

Evans	Mathias
Hawkins	Symms

So the motion to lay on the table amendment No. 1801 was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1802

(Purpose: To provide essential funding for Childhood Immunization program)

Mr. BUMPERS. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1802.

Mr. BUMPERS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 7, decrease the amount on line 12 by $25,000,000.

On page 7, decrease the amount on line 13 by $17,000,000.

On page 7, decrease the amount on line 22 by $4,000,000.

On page 8, decrease the amount on line 7 by $3,000,000.

On page 17, increase the amount on line 16 by $25,000,000.

On page 17, increase the amount on line 17 by $17,000,000.

On page 17, increase the amount on line 25 by $4,000,000.

On page 18, increase the amount on line 8 by $3,000,000.

Mr. BUMPERS. Madam President, I will be rather brief about this because most of what I wanted to say about this I said on the amendment of the Senator from Ohio a few moments ago.

This amendment, very simply, is this: It adds $25 million to the immunization programs, which, incidentally, is $15 million less than we need to be absolutely certain that we can immu-

nize all of our children next year. But I am told that if nothing untoward happens, an additional $25 million will be enough to get through fiscal year 1987.

I would like to advise my colleagues that this is not done whimsically or cavalierly, but it is done because the cost of some of the vaccines for preventive childhood diseases has gone up 1,000 percent in the past 5 years.

Everybody here understands the efficacy of preventive health, and especially the value in immunizing our children against the mumps, whooping cough, diphtheria, measles, and so on. Rather than to see somebody say, "I am voting against this because I do not want to raise taxes $25 million," or offset for this additional $25 million is a reduction in the foreign aid function.

I know that the Budget Committee has already cut about 11 percent from the current level of funding for international affairs. But I do not think there is any question but that they can find an additional $25 million out of the roughly $12 to $13 billion that remains in that function, especially if those funds will be used for as laudable a cause as the immunization program.

I do not mind saying, and I do not want to pursue this, as I look through the foreign aid bill I am absolutely appalled to find a foreign military credit to Korea of $232 million, a very viable, economic nation, who last year had a $4.8 billion trade deficit of the United States. Under the terms of that function, the United States, which is running $200 billion deficits, will go out and borrow money, $232 million, in order to loan to the Koreans at a heavily subsidized rate so that they can buy weapons from us.

You do not have to be a bleeding heart liberal or broke out with brilliance, either one, to understand that immunizing children of this country is considerably more important than a subsidized loan to Korea. I am not picking on Korea. Go down the list. There is a bunch of them that I would hardly approve of.

I am simply saying that when you look down the list, why, when we are running $200 billion deficits, are we borrowing money to loan money to one of the most viable economies in the world?

I can tell you, you can do it now or you can do it later, but if you do it later it may be too late, to provide funds to immunize our children.

Let me give you some ideas of what the immunization program does in this country.

The benefit-cost ratio, when rubella and measles vaccines are given together, the unit-cost ratio of those two shots in combination is $23 to $1. That just simply means that for every $1 we put into it we save $23.

How often do you get a chance to vote on the floor of the U.S. Senate for a program that even approaches that benefit-cost ratio? The answer is never.

On polio, the benefit-cost ratio is $10.30 for every $1 we spend.

So the savings of $1 billion a year for polio and $500 million for measles is $1.5 billion we save just on those two.

What are the "costs" we save? Frankly, they are health care costs, but let me tell you something else. The cost for mom and pop to stay home with a son or daughter who has measles should also be added to the actual outlays for health care for their children.

Let me give you another statistic. I say this because we are asking for $25 million out of the foreign aid bill for the most cost-effective program we will ever vote on.

Let me tell you what I am talking about in terms of dollars and human misery.

Eight percent of all the people who are institutionalized either in State hospitals or other long-term facilities in the United States are there as a result of a childhood disease—mumps, measles, or rubella.

Let me repeat what I said earlier about what we did in Arkansas when I was Governor. We immunized all the children in our State and the cost of it was less than the cost of institutionalizing one child for a lifetime.

Madam President, since 1963, 57 million cases of measles have been avoided because of the vaccine, and 19,100 cases of mental retardation have been averted. I do not see how you can ever find more persuasive, more compelling numbers than those.

So, Madam President, I am not going to belabor my point. To me the option is clear. It should not even be debatable. The managers of the bill ought to accept this. We will be certain that sometime down the road you will not again hear of the kinds of measles outbreaks we had this year at the University of Arkansas. Incidentally, that one measles outbreak cost more than half a million dollars. It was a limited outbreak. But any cases are too many. You have two choices: Either allow pools of susceptibles to develop across this country, and along with them the potential for outbreaks of measles, mumps, rubella, and polio; or appropriate the money.

Why wait until next year? Let us do it now.

Madam President, I yield the floor.

Mr. ARMSTRONG. Madam President, will the Senator from Arkansas join me for just a moment to discuss this? As I understand it, the Senator's amendment adds $25 million to function 550 and subtracts a like amount from function 150, international affairs.

Mr. BUMPERS. The Senator is correct.

Mr. ARMSTRONG. For the record, could the Senator remind us how much is presently contained in function 550?

Madam President, the correct answer is $38 billion.

Mr. BUMPERS. Thirty-eight?

Mr. ARMSTRONG. Thirty-eight billion dollars is the correct answer.

Mr. BUMPERS. Thirty-eight billion. Well, the Senator certainly ought not to object to $25 million for immunization.

Mr. ARMSTRONG. For the edification of the RECORD, it is $38 billion in round figures, $37.8 billion or some such number as that. Also for the RECORD, does the Senator have in mind how much is contained in function 150 from which he is making a subtraction?

Mr. BUMPERS. I think $8,300,000,000.

Mr. ARMSTRONG. The Senator is correct.

Madam President, I yield the rest of the afternoon to the Senator from Indiana.

Mr. LUGAR. Madam President, I rise not only to oppose the amendment of the distinguished Senator from Arkansas but to discuss its underlying premise. The Senator has made the point that only $25 million is involved. This is not a small amount, Madam President, but I think we all recognize this is only the first of several amendments that may be targeted at function 150, the international affairs account.

I wish the 150 function were not such an inviting target, but I would like to discuss the account so that Senators will have some criteria upon which to base votes as these amendments come along the trail.

As a general argument, Madam President, there are any number of important causes in this country which need $25 million, particularly if funds can be provided, all at the expense of persons in other countries. The amendment is presented as if this is simply a case of taking money from people who are in foreign lands and devoting it to our own interests.

Madam President, the foreign assistance accounts have been devised because they are important to the national security of our country. They are devised to assist allies, to try to provide support for people who are prepared to defend our interests as well as theirs, to try to bring about peace in this world and to maintain peace. Of course, a good case can be made for immunization but a very good case can also be made for peace. On almost any other occasion most Senators would be very concerned about the strength of our alliances, the strength of our ability to manage

the Soviet relationship, to fight terrorism, to create conditions which would maintain peace and thus preserve American lives and American interests.

Now, I think it is instructive to start our review today of the 150 account by pointing out that the account has already been discussed to some length by the Budget Committee. I would just point out with regard to the foreign security aspects of that account that the Budget Committee recommendation already represents a cut of more than $5 billon from the administration's request to a point that we now are looking at $8.3 billion for the three major security assistance programs: the Economic Support Fund, Foreign Military Sales, and the Military Assistance Program.

Madam President, that is a very substantial change. The administration has made in my judgment a good case for its request. The Budget Committee has in fact presented in this budget we are now considering $8.3 billion for the major security programs. That $8.3 billion includes $5.2 billion for Israel and Egypt. If Senators want to offer amendments for specific sums of money, they might very well begin to specify which of these situations they want to address. If, in fact, we want to cut aid to Israel or Egypt, there is a good chunk of money available. If, on the other hand, we wish to fully fund Israel and Egypt we are left with $3.1 billion in security assistance funds and $2.3 billion of that, almost another 70 to 80 percent, is made up of our base rights agreements with Greece, Turkey, Spain, Portugal, and the Philippines—a total of $2.3 billion.

Now, I have no doubt that there will be a great deal of debate on this floor about our losing bases, about our losing influence abroad. Madam President, we have agreements with these five countries. Most Senators, I believe, would want to retain those bases and appreciate the obligations that we have. But I would simply point out that if Senators support funding Israel and Egypt and the five base rights countries, then all but $800 million of our major security programs will have been committed.

Now, with the $800 million left are we going to fund our obligation to Pakistan? There are many Senators who have stood on the floor and talked about the Afghan rebels and our ability to resist Soviet incursions, resist the invasion and occupation of Afghanistan. The Pakistan money is clearly an integral part of that resistance. Without that assistance there is not going to be much of a U.S. influence in that area. That is roughly another $600 million. That leaves $200 million for all our other worldwide commitments. For example, we in the Senate have already earmarked assistance for Cyprus. A good many people are interested in that situation. There have been long debates with regard to the Greek-Turkey situation, the southern flank of NATO, and our ability to be of assistance to Cyprus.

Ecuador, a remarkable friend of the United States, is a country that has done all of the things that we could ask of any fledgling democracy. Uruguay, having just turned over a dictatorship to come back to democracy, is an extremely promising situation. We had a long debate last year about our obligation to the Cambodian resistance fighters. Tunisia, likewise, is a very important recipient of assistance from the United States. Madam President, I have not even talked about our obligations in Central America. Can it be assumed that money surely will be found there for El Salvador, Guatemala, and Honduras? To the extent we get into economic aid to the Contras, somehow that must be found.

Mr. BUMPERS. Will the Senator yield for just one moment?

Mr. LUGAR. Yes; I will be happy to yield for a question.

Mr. BUMPERS. In regard to the last statement of the Senator as to how we were going to find money for the Contras, I understood that came out of the defense function.

Mr. LUGAR. The Senator is correct with regard to the last debate we had here in the Senate. But of course it is not really clear that the House will go along with our action. We may have to revisit that situation. Clearly, after we get through this particular budget phase, either humanitarian or other aid will continue to be an issue next year.

Mr. BUMPERS. I thought one of the arguments the President used in his speech to the Nation was it would not increase the deficit; it would simply come out of the appropriate function of the Defense Department. There may not be any impact if no money goes to Contras, obviously.

Mr. LUGAR. The Senator is correct, if the House were to adopt the sensible position the Senate took. Unhappily, the House has not yet taken that position, and it is not clear whether they will. I appreciate the point the Senator is making. So I would reiterate that we may be revisiting the Contra issue. We certainly will continue to face the promise made in the Jackson report that we must do something for the infrastructure of our neighbors to the south because our failure to address this issue is likely to bring considerable problems to our Southwestern States through immigration.

Let me just mention, Mr. President, this very afternoon we received a very important report from the President of the United States in regard to assistance for the Philippines. He apparently will ask for a number of ways in which the Philippines might be assisted but clearly some of them come from the 150 account. In our Committee on Foreign Relations we are already taking a look at a request for Irish aid. That question is being pushed very strongly by many Members of this body. It already has been pushed very strongly by Members of the House. There appears to be no money for Irish aid, at this moment in this budget.

Now let me comment as to whether there are other options other than those which I have described. Indeed the distinguished Senator from Arkansas has already mentioned the choice between assistance to South Korea or to our domestic immunization program.

He suggested the South Koreans are borrowing money at subsidized rates. I must point out to the Senator that in fact, if they borrow money, the South Koreans borrow it at market rates.

I might also mention that in the Budget Committee recommendation, the particular account from which countries may borrow at market rates—not at subsidized rates but market rates—was cut by $1 billion. Given that curtailment by the Budget Committee, it is now uncertain that the South Koreans could even borrow at market rates in fiscal year 1987.

As a matter of fact, the support for South Korea being allowed to borrow at market rate comes from our desire for our own security. The United States and this body, the Senate, have on many occasions said we ought to have a presence in South Korea. If so, we ought to be secure in that presence. There is still, as a matter of fact, an aggressive force in North Korea, very close at hand.

I simply say to the Senator that many of us are very pleased that the South Koreans are prepared to borrow money at market rates to provide for the defense of their own country and for the interest that we have in trying to hold back communism in that part of the world.

The Senator might also look at the 150 account and suggest that we are taking too big a step in relation to embassy security this year. That program comes within the 150 account. The Inman Commission has suggested, that $4 billion may be needed over the course of the next few years to strengthen our diplomatic missions in order to prevent the kind of disaster that occurred in Lebanon, to provide some security, at least, for the many personnel who are currently in unsafe circumstances. We shall be having additional hearings in the Foreign Relations Committee on this issue in the near future. We are trying to take a look at how that request can be shaped, at how the budget impact will be lessened.

In its recommendation the Budget Committee has already reduced very

substantially whatever commitment might be possible for embassy security in fiscal year 1987. They did so because we are facing a tight year.

Having cut back the military programs, the Budget Committee has also cut the other security programs within the 150 account.

The additional personnel that were requested by the Department of State this year were all to address the enhanced security program. Those additional personnel might have been provided somewhere else. Conceivably, the Department of Defense or Treasury or the account of another agency might have provided these personnel. However, they are in the 150 account. The embassy security proposal is part of this picture.

It will be argued by the distinguished Senator from Arkansas that after you put these figures together—either the original request or the truncated Budget Committee recommendation—the $25 million would hardly be missed. I make the point, Mr. President, that it would be missed. We do not have the money presently to meet the foreign policy obligations of the United States of America. If, in fact, our foreign policy were not working well, if in fact, we were not making some headway throughout the world, I suspect that Senators would say perhaps we ought to be doing more.

It is ironic, I would argue, that at a time when there are many U.S. foreign policy successes, Senators are prepared to cut out not only the 14 percent recommended by the Budget Committee but to nibble away at the funding which remains in the account.

Mr. DOMENICI. Would the Senator from Indiana yield to me, Mr. President?

Mr. LUGAR. I am happy to yield.

Mr. DOMENICI. Let me ask the Senator if he would mind watching the floor for me for about 10 or 15 minutes. I assume he wants to make some further comments anyway.

Mr. LUGAR. Yes, Mr. President, I shall be pleased to do that.

Mr. DOMENICI. Mr. President, let me state the problem with this amendment from the standpoint of Senator BUMPERS' belief that somehow or other what we do today on the floor will have some kind of impact on the immunization program. I want to be as fair as I can to this process and to what happens later, but let me see if I can convince the Senator from Arkansas that his amendment is not going to do anything for child immunization. Then we might figure out some way to tell the Senate that we want the appropriators to seriously consider immunization.

I am going to try to explain. Most Senators, when they come down here and talk about this budget resolution, do not understand. If they listen, they just say, "Well, that is going to happen some other time; I am not worried about it." But let me see if I can explain to my friend from Arkansas what is going to happen.

First, if he succeeds in taking $25 million in budget authority out of the foreign affairs function 150—if he succeeds—this resolution will be in all other respects the same. Otherwise, his amendment would not be in order. There will be the same total budget authority for the appropriators after his amendment as before. The total outlays that we are going to be permitted to appropriate out of discretionary accounts is going to be exactly the same. If that were not the case, you would have to ask for revenues, and you have not.

When we leave the floor of the Congress with a budget resolution, a very interesting event is going to occur. We pass ours and Senator BUMPERS has his $25 million switched. There would be nothing in this resolution about $25 million for child immunization; there will only be another $25 million in that big piece of Government that includes health care. That is the only change in this amendment. Then we are going to get the resolution conferred on in the House.

Finally, a resolution is going to go to the appropriators in the House and the appropriators in the Senate. That is where the Senator will get some additional immunization money or will not get it. It will have little or nothing to do with how we vote here this afternoon. The law we are now working under says the following: When that event occurs that I have just described, the appropriators in the U.S. Senate are now bound by statutory law to divvy up among the appropriating committees of the U.S. Senate that budget authority I just told my colleagues about, that big pot, and those outlays. Until they have assigned the budget authority in outlays to the appropriations subcommittees and published it—that is the new law—we cannot bring an appropriations bill to the floor.

Now, I say to my friend the chance of every one of these functions, including 150 and 550, the ones the Senator is concerned with, ending up in appropriations when they have assigned the money to the committees, the chance of it ending up exactly as it left here is—what would he guess? I would say 1,000 to 1. But there probably are some who would say there is no chance that they will end up the same way. They will decide whether there is more money needed for child immunization, with or without the amendment, than is prescribed for in that function.

Yes; they may have to go to the subcommittee of my good friend from Arizona and say, "We need some money from one of yours, and we are going to put it here."

Interestingly enough, the converse will happen, too. If the Senator succeeds tonight in doing this, again there will be nothing here about child immunization; but if the 150 foreign assistance function needs $25, $30, or $40 million more than we left in this function, they will, in that deliberation, move it from one to another.

I will admit that if you get up into the billions—education added $1 billion—it is pretty hard to say they are not going to leave some of that where we voted it. But $25 million is not going to end up where the Senator from Arkansas tonight expects it to.

Frankly, I urge that the Senator work with us. We will do what we can. Perhaps we can even draft some language and put it in the resolution, saying that we do not believe the current level of funding for child immunication is adequate, that we hope the appropriators will understand what the distinguished Senator understands, and that they will consider additional funding. There is no way we can bind them, I say to my friend from Arkansas; but neither is there any assurance that if this amendment is adopted, he will receive $25 million more in programmatic budget authority for child immunization.

We can carry this on. I want my friend from Indiana to know that there are at least three more amendments. Everybody thinks we ought to take from 150, put it in another one, and it is not going to be binding because the appropriators will have to allocate. But it is a very nice political plum, so long as they do not have the problem of foreign relations and foreign affairs for the United States. They can take $300, $400, or $500 billion out of it, spread it around—and I am not saying that the Senator from Arkansas is doing this—and make it appear that it is going somewhere else, but we are not the least bit sure it will.

The Senator from Florida and I will cooperate on some language that we hope immunization is funded more in the appropriations process than at present levels, and not have to vote up and down on this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I appreciate the eloquence and explanation of the Senator from New Mexico, the chairman of the Budget Committee.

What the Senator has just said applies not just to this amendment dealing with childhood immunization. It applies to virtually every amendment that will be offered here. If the amendment of the Senator from Ohio on maternal child care and WIC had been accepted, the Senate would have absolutely no assurance that the ap-

propriators would allocate the money he is asking for.

I understand the way the process works.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. DOMENICI. There was one other major difference. That amendment added $200 million in new taxes.

Mr. BUMPERS. I understood that, and that is the reason I did not do that.

Mr. DOMENICI. The other amendment says to the appropriators, there is $200 million more to spend. The Senator does not say that. The Senator says, "I do not want to spend more money. I am asking that you take it out of foreign affairs for the purpose of this first go-round and put it in the health care program." I think the appropriators will make the decision, especially when the amount is small.

Mr. BUMPERS. The Senator is correct.

I did not want to ask the Finance Committee to raise taxes to finance this amendment, so I went through the budget, and I looked every place I could to see what kind of offset I thought would be appropriate to fund $25 million.

However, before I get into that, let me also say that all we can ever do here on an amendment is simply send word to the appropriators. If the Senate speaks loud and clearly this afternoon that we believe funding the immunization program at $56 million or $57 million is not going to be enough in 1987, then we are saying to the appropriators, "When you get into funding discretionary health care programs, we want to make sure that you put in $81 million for the immunization program? We are saying that $56 million is not going to be enough next year.

If we do not do anything—if I pull my amendment down or if we insert some language in the RECORD—the chances are that it will be influential enough to get the job done. But it seems to me that everybody understands the meritorious nature of this amendment, and we ought to accept the amendment, so that the appropriators will have a message that they understand clearly. They will know the Senate has spoken on this issue. That is all we do in any amendment when we debate the budget. Nobody has any assurance here that because an amendment is adopted, that is going to be the way it winds up in appropriations.

Mr. President, when I first started debating this amendment, the Senator from Colorado was sitting in the manager's seat on the majority side. He made the point that there was about $37.9 billion in the Domenici-Chiles budget for function 550; and the implication was, "What on Earth is the Senator from Arkansas thinking about, asking for a paltry $25 million for childhood immunizations, when there is already $37.9 billion in that function?"

When you consider the funding for Medicaid and the other programs in this function, you will find that there is still, in the making up of this budget, only an anticipated $56 million for childhood immunizations. Those were the assumptions. The committee started out with a baseline of $38.4 million for current services. In other words, in order to maintain Medicaid and all the health programs in 550 in 1987, it would require $38.4 billion—$38.5 in outlays—and the committee recommend $37.9 billion, or $600 million less than that.

What does that mean? That means that next year we are going to be $600 million under the level of current services.

The committee said that under discretionary health programs, which is where immunizations are located, the mark assumes that most discretionary programs will be frozen for 3 years—frozen—when vaccines are going up as much as 100 percent a year.

It said some additional funding above the freeze level is assumed in order to provide the Appropriations Committee with additional flexibility to allow increases for high priority programs such as the National Institutes of Health research awards.

Do you know how much money we are anticipating putting into AIDS research next year? The level this year is about $192 million and I promise you it will go up $30 million to $100 million next year.

Where does that leave immunizations?

I can tell you this budget still assumes $56 million for immunizations, the same level as this year. We were scared to death this year that we were going to have to get a fast supplemental passed through here just to take care of two relatively minor outbreaks.

I must say I do not want to start a roll here of people hitting foreign aid and I recognize the position of the chairman of the Foreign Relations Committee, and I respect it. He is doing an excellent job over there, and I understand his problem.

But I just say, on the floor, I am offended when I read Korea is asking for $232 million in concessionary sales which means we borrow money, $232 million, send it to them, and they do not pay a dime interest for 10 years. Yet we stand here quibbling about $25 million, which is just about what the interest would be on that loan to them the first 2 years.

I do not want to get into that offset contest because I believe in foreign aid. I think it is in our national security interest to provide foreign aid in some cases. But nothing is more important to our national security than our good health and the health of our children.

So I have not asked for a tax increase. I have simply asked for a shifting of priorities to make sure that this program which has the highest benefit to cost ratio of anything we ever vote on is not underfunded.

Mr. President, I am going to ask for a quorum call unless the Senator wishes to speak.

I suggest the absence of a quorum, Mr. President.

I withdraw that request.

I ask unanimous consent that Senator EXON of Nebraska be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Now, Mr. President, I suggest the absence of a quorum.

Mr. LUGAR. Will the Senator from Arkansas withhold?

Mr. BUMPERS. I am happy to withhold.

Mr. LUGAR. I thank the Senator from Arkansas for withholding that request.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me mention again that earlier in the debate I made the point that South Korea is not asking for concessional assistance. South Korea is prepared to borrow at market rates, which means they would pay back their loans at rates equal to what it costs us to borrow them. I appreciate that the Senator from Arkansas would be dismayed if the South Koreans were asking for concessional assistance. But they are not now, and they have not been doing so. As a point of fact I want to reiterate that point again.

Mr. President, the distinguished Senator from Arkansas has described this amendment as one that does not start a roll of amendments attempting to hit foreign aid. He has suggested that he has aimed at the 150 account instead of raising taxes.

Let me just say, Mr. President, whatever may be the problems in the 550 account, I have been describing the 150 account in which the Budget Committee has taken a hard look at our military security problems, the defense of our country, and has made some very tough judgments in this 150 account.

Let me point out once again for the record that the President of the United States and the Secretary of State have both commented on the needs of our country in terms of our defense in working with front-line countries. They have suggested security assistance of $11.5 billion this year. That is their request. The Budget Committee has reduced this to $9 billion, a $2.5 billion reduction, and I have already pointed out that the vast

part of that is consumed by our obligations in the Middle East that come from the Camp David Accords.

Senators can argue whether we have that degree of interest in Israel, that degree of interest in peace in the Middle East. Senators can argue whether we ought to be worried about our military bases in the Philippines, Spain, Greece, Portugal, and Turkey. I can accept that as a legitimate argument.

As the distinguished Budget Committee chairman pointed out, there are at least four amendments that he has identified, all of which seek foreign aid as an easy target.

I fear, Mr. President, the supposition is that foreign assistance is seen by many Senators, many Americans as gifts to other people, as ways in which we help other economies when, in fact, the foreign assistance account is in a very straightforward, hardheaded program which enables us to help friendly countries be strong in their defense and strong in their democracies so that American troops do not have to be used in defending our security interests abroad.

It is in our interest that these countries remain free. It is in our interest that our alliances remain sound. This is the glue factor that helps hold the free world together.

The question should not be immunization or foreign aid. The question should be immunization and a peaceful world. That is the rationale behind foreign assistance. Using foreign assistance as an easy mark to find funds for other programs will not do, Mr. President.

There may have been a time when Senators, such as the Senator from Arkansas, took a look at the whole budget and miraculously came upon account 150 to find a source of funds for other programs.

I'm saying that 150 is not an easy mark. Senators who are looking at 150 are going to talk about Israel, the Philippines, Central America, Korea, and others. If Senators honestly want to come to the floor and suggest that we disrupt our alliances, that we renege on our obligations, that we do not want to defend the country while we are talking about immunization, then that's fair enough. That is the kind of argument that will have to be made and it is not an easy trick to simply come in and say $25 million for immunization or $50 million for some other worthy purpose. It will not do.

Mr. President, I want to continue this because I see no purpose in having one Senator after another survey the entire budget, and conclude that the 150 account is out there ready to be attacked, while our own children are not immunized. As the distinguished chairman of the Budget Committee has pointed out, nothing in this amendment is going to guarantee the first shot of immunization. It is a bogus argument, and it sets the stage for a severe weakening of our national defense.

I am going to argue on each of these amendments so Senators better be prepared that if they are prepared to weaken our national defense, weaken our fight against terrorism, go head to head on aid to Israel or on the Philippines, then that's fair enough. But that should be the argument. The 150 account is not an easy mark any more and colleagues need to know that. If they deliberately want to invade that account with one amendment after another in a sort of a community chest effort, fair enough. But there will be consequences as Senators are asked to decide in terms of whether they want to weaken our embassy security or which country programs they want to reduce.

Now let me say, Mr. President, that I appreciate that foreign assistance may not be a program that Senators used to vote for, but last year 75 Senators supported foreign assistance—75, a strong bipartisan consensus.

Mr. BUMPERS. Senator, I was one of those Senators.

Mr. LUGAR. I thank the Senator for his support. And I would have anticipated the Senator would support that assistance because the Senator has been a farsighted person taking a look at our national goals and objectives. And I have no quarrel with the Senator's quest for immunization. As a matter of fact, as the Senator knows, I have supported, along with the distinguished member of the Foreign Relations Committee, a proposal to discuss at the summit with the Soviet Union the immunization of children throughout the world. My first emphasis obviously would be on children in this country. The distinguished ranking member, Senator PELL, is on the floor now and I applaud his leadership in that respect. We have an intense interest in that item.

But I wish that the Senator had not decided to frame an amendment that reduces the 150 account and, in my judgment, unravels what I think is very serious situation. As the Senator from New Mexico has pointed out, this amendment may be the forerunner of several others that we shall see.

Let me continue by mentioning that the Senator from Arkansas could have pointed out that the 150 account includes ways to bring information to people around the world. The 150 account includes more than military assistance to frontline allies. We also support USIA, Voice of America, and various other ways to get, some word behind the Iron Curtain to people who need information; These are debatable objectives, of course. Many have wondered how effective we are in spreading the word, how effective our books, our records, and our exchanges may be. Some have questioned, I am certain, whether we ought to have exchange programs, and whether that is a legitimate objective. I think that it is. That program is included here and already has been cut.

The broadcast functions were cut across the board. As a matter of fact, the administration requested nearly $1 billion. About $800 million was in fact recommended by the Budget Committee. How we will continue the level of services there is not clear.

As the distinguished Senator from Arkansas has pointed out, he was looking for a level of services continued in the immunization front. The same case, unhappily, has to be made with regard to information functions throughout the world, quite apart from our military security aspects that I have mentioned.

The Foreign Relations Committee has supported the President and our Secretary of State. We have visited with members of the Budget Committee about these vital objectives. That committee has taken a look at the overall 150 account and cut each of these categories rather sharply, by at least 11 percent overall.

I visited with our distinguished Secretary of State George Shultz yesterday and he said, "Try to bring some understanding to your colleagues that we have a lot going for us in the world right now. There are a lot of people deeply interested in our foreign policy. A lot of folks, as a matter of fact, a lot of Americans who would like to have a good bit more security in our embassies and the representation of Americans around the world."

I would just say to the distinguished Senator from Arkansas that the Secretary of State is prepared to make the case for the full budget he requested. He and the President are deeply unhappy over the prospects of having to make so many choices against allies, with whom they are visiting as they head out to the summit conference in Tokyo. Nevertheless, the Budget Committee has suggested those levels. I would say to get into these kinds of arguments now in which we dismantle what is left of the 150 account seems to me not in the best interests of our country and our foreign relations.

I hope that the Senator would reconsider the particular course of action that he has adopted. I hope that he might work with the distinguished chairman of the Budget Committee on some modus vivendi out of this situation.

But let me just say, if he does not take that course of action, I clearly hope that we would not start down the trail of cutting the 150 account for every one of several causes that the people may bring to mind.

Mr. BUMPERS. Mr. President, I just want to take about 60 seconds to say

that I apologize for concentrating all of my speech earlier about the 150 function on Korea. The chairman of the Foreign Relations Committee has I think correctly made the point that the $163 million credit to South Korea last year was technically not a concessionary sale. Nevertheless, it was a sale that had a 10-year interest-free provision in it—same thing by a different name.

Second, I do not want to be accused of Korea bashing. I have made the point here.

But you know the President wants to abolish the Eximbank. And I do not know whether I am going to fully support him, but I certainly will support a very healthy cut of $500 million or so. There is $1.1 billion in here. The President and I agree this program either ought to be terminated or cut very substantially. Certainly we could find this $25 million in the Eximbank of $1.1 billion.

Mr. President, in order to send a message to the Appropriations Committee that we want to make sure childhood immunization programs are fully funded, we are saying let us transfer one-twelfth of 1 percent of function 150 over to function 550 to make sure that we do not get into a crisis situation like we did this year.

I am prepared to yield back the balance of my time.

Mr. DOMENICI. Mr. President, I am prepared to yield back the balance of my time. In fact, I yield back the time in opposition.

Mr. BUMPERS. I yield back the balance of my time.

Mr. LUGAR. Mr. President, I move to table the amendment.

Mr. BUMPERS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana [Mr. LUGAR] to table the amendment of the Senator from Arkansas [Mr. BUMPERS]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS], the Senator for Florida [Mr. HAWKINS], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. LAUTENBURG] is necessarily absent.

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—49

Abdnor	Grassley	Packwood
Armstrong	Hatch	Pell
Boschwitz	Hatfield	Pressler
Chafee	Hecht	Quayle
Cochran	Heinz	Roth
D'Amato	Helms	Rudman
Danforth	Humphrey	Simpson
Denton	Johnston	Stafford
Dixon	Kassebaum	Stennis
Dole	Kasten	Stevens
Domenici	Laxalt	Thurmond
Durenberger	Long	Trible
East	Lugar	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Wilson
Gorton	McConnell	
Gramm	Murkowski	

NAYS—46

Andrews	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Glenn	Nickles
Biden	Gore	Nunn
Bingaman	Harkin	Proxmire
Boren	Hart	Pryor
Bradley	Heflin	Riegle
Bumpers	Hollings	Rockefeller
Burdick	Inouye	Sarbanes
Byrd	Kennedy	Sasser
Chiles	Kerry	Simon
Cohen	Leahy	Specter
Cranston	Levin	Weicker
DeConcini	Matsunaga	Zorinsky
Dodd	Melcher	
Eagleton	Metzenbaum	

NOT VOTING—5

Evans	Lautenberg	Symms
Hawkins	Mathias	

So the motion to lay on the table amendment No. 1802 was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. LUGAR. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Democratic leader.

Mr. BYRD. Mr. President, I thank the Chair.

I take the floor at this time to inquire of the distinguished assistant Republican leader as to what the schedule will be for the rest of the day, particularly with reference to rollcall votes, what will happen on tomorrow, and what the program——

Mr. STENNIS. Mr. President, may we have quiet so the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I thank the Senator from Mississippi.

I also ask with reference to rollcall votes on Monday next and Tuesday, as far as he can see?

Mr. SIMPSON. Mr. President, in the absence of the majority leader, and in a rare burst of generosity, I think if I can propound this unanimous-consent request, I might be able to answer that question.

UNANIMOUS-CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday, April 28, 1986.

I further ask unanimous consent that when the Senate resumes the unfinished business, Senate Concurrent Resolution 120 on Monday, 25 hours be considered the remaining time for debate on the resolution.

I further ask unanimous consent that any rollcall votes ordered in relation to amendments offered and debated, motions to recommit or reduce the time, and appeals on Monday be postponed to occur no earlier than Tuesday, April 29, at 11 a.m., with the exception of procedural questions such as a motion to instruct the Sergeant at Arms and a vote on adoption of the concurrent resolution.

The effort there, I share with the Democratic leader, is that there would be no more votes tonight. We would lay down the DeConcini amendment, I believe. There would be no session on Friday if we reach this agreement; then, convening under these terms and no votes taken on Monday, but we will be, of course, in session. If anyone is concerned about not having time to offer an amendment, I suggest that they make arrangements to offer their amendment on Monday, because time will be running on the resolution regardless of whether or not amendments are offered during the session on Monday.

I find one other item of language to be included in the unanimous-consent request regarding the Budget Act rules:

> And all provisions of the Budget Act regarding floor consideration of amendments shall remain in full force and effect.

With that, I share with the Democratic leader, it is the intention of the leadership to proceed on that basis if that is acceptable to all.

Mr. BYRD. Mr. President, I see a note here which comes from Mr. MELCHER. He would like 30 minutes, equally divided, prior to any vote on his amendment on Tuesday. I think the managers could give time off the resolution and assure him of that.

Mr. DOMENICI. I do not understand the request.

Mr. MELCHER. Reserving the right to object, Mr. President, will the distinguished Senator from Wyoming yield?

Mr. SIMPSON. Certainly, Mr. President.

Mr. MELCHER. I can see where we might be in a position where we would not complete all amendments. I do not want much time on the amendment and I am prepared to offer it early Monday morning, when we start. I only request before we have the final

vote on the amendment, which would have to occur on Tuesday, some time to discuss what the amendment is about prior to voting on it.

Mr. DOMENICI. I say to my good friend, he ought not to have any concern. We ought to be able to accommodate him. I am reluctant to have unanimous-consent requests of that order. I do not know the scope, but at this point, I see no way we could not accommodate him. He would have an hour on his amendment, an hour on opposition. We just would not use all the time when he brought it up and later in the day, we would accommodate him.

Mr. MELCHER. Reserving the right to object, that is my thought. No use in using the 2 hours.

Mr. CHILES. Reserving the right to object, I trust this means that time we are burning off would be equally divided.

Mr. SIMPSON. That is the intent.

Mr. KENNEDY. Reserving the right to object, I have a question regarding what the chairman and the ranking member stated about consent agreements. As the floor manager knows, we have been here since 11:30 prepared to offer our Medicare amendment. I shall not object to this agreement, but what I would like to do is ask unanimous consent that we lay this down after the final vote on Tuesday morning that we will have as a result of consideration of the amendments on Monday.

I would be more than glad to enter into a half-hour time limitation. This is on the Medicare amendment. I have talked the amendment over with both the chairman of the committee and the ranking minority member of the committee. I would like to be able to get those assurances.

Mr. HEFLIN. Reserving the right to object, Mr. President, would the Senator from Wyoming tell us now, his unanimous-consent request means that starting on Monday or Tuesday, there would be 25 hours remaining. How many hours have we used up of the 50 now?

Mr. SIMPSON. Mr. President, the Parliamentarian could share with us the amount of hours remaining at the present time. I inquire about the time unexpired.

The PRESIDING OFFICER. There is a total of 33 hours 46 minutes; 16 hours and 6 minutes for the majority; 17 hours and 40 minutes for the minority.

Mr. HEFLIN. Thirty-three hours of what is remaining?

The PRESIDING OFFICER. Thirty-three hours and forty-six minutes total.

Mr. HEFLIN. I would have some hesitancy about giving up 8 hours—that is more than 8 hours—and to start on Monday. There have been some times on amendments that we have run out of time on these things.

Mr. SIMPSON. Mr. President, if the Senator from Alabama would yield, there is an alternative. That is to run that time tomorrow. The intent of the unanimous-consent request is that we would be out of session tomorrow and begin on Monday at 10 a.m. with 25 hours to be considered as remaining on the budget resolution. We can run it in the more formal fashion if that is the wish of the body. That would mean a session tomorrow.

Mr. DOMENICI. Would the distinguished acting majority leader yield to the Senator from New Mexico?

Mr. SIMPSON. I yield.

Mr. DOMENICI. I might say to my friend from Alabama, that this is the sixth time I have been through this as manager. If we start on Monday with 25 hours remaining, it will not be that 25 hours and the current state of things that will cause anybody to have any trouble with amendments. Nobody can promise what happens that last half-hour, but we do not have enough amendments that I know if, if we were to take them all, to use the 25 hours. I think there is more than adequate time.

Incidentally, to the Senator from Massachusetts, I want to agree with him shortly, as soon as this colloquy is over, that we can accommodate him.

Mr. HEFLIN. I wonder if we might just settle on 26 hours.

Mr. BYRD. Mr. President, who has the floor?

Mr. SIMPSON. The Democratic leader.

Mr. BYRD. Mr. President, will the distinguished Senator from Alabama be willing to accept the 25 hours that are in the request with the proviso that instead of coming in at 10 o'clock on Monday, we come in at 11? That is the same thing except we get to come in 1 hour later.

Mr. HEFLIN. I think that is all right. I would be willing to accept that.

Mr. SIMPSON. Mr. President, the unanimous-consent request is amended accordingly.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, could I just get assurances from the leadership that after you dispose of the votes on Tuesday morning—as I understand it, you intend now to vote on Tuesday morning, when we come in, on the amendments that have been proposed on Monday—after those votes are concluded, we would be recognized to consider the Medicare amendment which I will offer with the Senator from Pennsylvania [Mr. HEINZ]. I indicate now I would be quite willing to engage in a time limitation of 40 minutes equally divided.

Mr. SIMPSON. Mr. President, I yield to the floor manager for a response to the request of the Senator from Massachusetts.

Mr. DOMENICI. Let me say to the senior Senator from Massachusetts, we will do that rather than to get a unanimous-consent request. The reason is there may be one of the amendments we plan to vote on that day that is finished but there may be one there is 15 minutes left on. I do not know whether the Senator would like us to then leave that alone and go to his. I think we could work that out. My purpose is as soon after the vote that is prescribed, which will at least be a vote on the DeConcini amendment, perhaps more, as soon after that as possible the Medicare amendment of the Senator from Massachusetts will be next.

Mr. KENNEDY. I thank the Senator from New Mexico. With those assurances, I certainly will not object.

The PRESIDING OFFICER (Mr. HUMPHREY). Is there objection?

Mr. HEFLIN. I understand that the acting majority leader amended the unanimous-consent request?

Mr. SIMPSON. That is correct, Mr. President.

Mr. HEFLIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if I may ask another question of the distinguished assistant Republican leader, how late will the Senate be in this evening?

Mr. SIMPSON. Mr. President, I yield to the Senator from New Mexico, the floor manager, for the response.

Mr. DOMENICI. Let me respond as best I can to the distinguished minority leader. The amendment that will be called up next is the DeConcini-Abdnor amendment. I do not think they necessarily want their full hour, so I would think that we do not need over 15 or 20 minutes. After that I have nothing further on the pending resolution. It would be up to the leaders as to what transpires thereafter.

I would like to make this statement while I am on my feet. We have just approved a unanimous-consent request that says we go back on this bill at 11 o'clock on Monday. There are a number of amendments that are ready and a number of Senators who are ready to offer them. We are going to run the time as required under the Budget Act starting at that hour. If there are Senators in town who have amendments, we would like them to bring them up. We are not even going to insist that they use all their time that day. They may want to reserve a few moments. But if we could get the amendments up and start to stack them in an orderly manner, the chances of us running into the problem that the Senator from Alabama

raised are certainly minimized. So we do not intend to do nothing on Monday. If no one proposes amendments, we will use up 6 or 8 hours of the remaining time.

Mr. SIMPSON. Mr. President, I thank very much the Democratic leader for his assistance in resolving this matter for purposes of our planning. For the information of Senators, as I say, time on the budget resolution will begin running at the appointed hour, and I certainly urge the presentation of amendments on Monday. I hope that might take place. Mr. President, I would think, depending on the disposition of the DeConcini amendment, that we would get out soon thereafter, with a wrap-up as soon as possible

Mr. BYRD. Mr. President, I thank the distinguished acting leader.

Mr. SIMPSON. Mr. President, I will announce that there will be no more rollcall votes this evening.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 1803

(Purpose: To increase budget authority and outlays for fiscal year 1987 for functional category 750 (Administration of Justice))

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I send an amendment to the desk on behalf of Senator ABDNOR, Senator ZORINSKY, Senator BENTSEN, Senator WILSON, Senator MELCHER, and myself and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. ABDNOR, Mr. ZORINSKY, Mr. Bentsen, Mr. WILSON, and Mr. MELCHER proposes an amendment numbered 1803.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, decrease the amount on line 19 by $63,000,000.

On page 5, decrease the amount on line 10 by $63,000,000.

On page 7, decrease the amount on line 12 by $163,000,000.

On page 7, decrease the amount on line 13 by $84,000,000.

On page 23, increase the amount on line 2 by $200,000,000.

On page 23, increase the amount on line 3 by $168,000,000.

On page 24, decrease the amount on line 2 by $100,000,000.

On page 24, decrease the amount on line 3 by $84,000,000.

Mr. DECONCINI. Mr. President, we just had a vote on an amendment that would take some funds out of the foreign operations account. It was a very close vote. I want to begin debate on this amendment with the assurance to the Senator from Indiana, the chairman of the Foreign Relations Committee, that this is a very important subject to me as it is to him. I realize that he has a grave obligation which he certainly satisfies in defending foreign operations and foreign assistance. I, too, as with the Senator from Arkansas, have not willy-nilly just jumped on this account. It seems to me that we have some big problems in the United States to deal with terrorism, and indeed foreign operations has to play some role.

Mr. DOMENICI. Will the Senator from Arizona yield to the Senator from New Mexico for a moment?

Mr. DECONCINI. I will be glad to yield.

Mr. DOMENICI. Mr. President, I designate the Senator from Indiana [Mr. LUGAR] to manage the bill in my stead until I return.

Let me say to my friend from Arizona, I am fully aware of the exceptional needs in the drug prevention areas that he alludes to. I wish I could support his amendment but, frankly, I do believe that we ought to find some place else to save the money. I am not inclined to support further reductions in international programs. The same arguments hold that held an hour ago when the Senate debated the Bumpers amendment.

I want to tell the Senator from Arizona in advance I support him on most of the areas. We are joining together in a task force. In fact, we have asked the President to see the border State Senators about this issue of increased drug traffic coming into our country and our border States from Mexico. I want to assure him I will continue working with him in all these areas.

Incidentally, the border facilities are a disgrace to the United States except for one new one which I believe is in the Senator from Arizona's State. Both of us have gone down to the border and have seen the deplorable conditions in which our customs officers and our immigration officers are working. There is one facility in El Paso, TX, that probably, if it was anything but a facility of the U.S. Government, would be condemned. If it was anything other than a Government facility, one of our laws on occupational safety would close it down. It has one restroom for 45 employees, including men and women.

We ought to fix these facilities. They are an embarrassment. Frankly, I do not believe we can do it in the way the Senator is suggesting tonight, and I want him to know that in advance.

Mr. DECONCINI. Mr. President, I thank the Senator from New Mexico. I wish he was going to stay here, because I was going to say some nice things about his cooperative effort on the drug issue. I will say them anyway.

The Senator from New Mexico is correct. He has helped a great deal and has been a leader in law enforcement with respect to the drug traffic problem. My argument is not with the Senator from New Mexico or the Senator from Florida. But there comes a time when we have to stand up and take a stand.

Mr. President, while recent international events have turned the attention of most Americans to Libya, the Middle East, Frankfurt, Heathrow Airport in England, and other places, there has been a growing realization right here at home that this country is threatened by a national security problem at our own borders. I am talking, of course, about the narcotics trade that is becoming increasingly dangerous, particularly along the southwest border of the United States.

To a great extent, this problem exists in the Southeastern part of the United States; but a very aggressive, coordinated, funded effort—pushed by Congress, by the way and with the help of the military—has made some inroads in stopping the traffic of drugs into the Southeastern United States. By no means should we relent in that effort. At the same time, the southwest border has taken its licks in what is becoming the worst history of drug trafficking in the Southwest that I know of. The time has come to shift our eyes back home for a moment and focus on the growing drug trafficking threat to this country and how we can build our defenses against the drug menace.

Mr. President, the amendment that I am offering today with my good friend from South Dakota, Senator ABDNOR, would ensure that we have solid drug interdiction manpower levels in place in the Southwest and all along the southern tier, particularly in the U.S. Customs Service—our frontline drug interdiction agency. Our amendment would add $200 million to function 750: administration of justice, to provide additional resources for the U.S. Customs Service and other important law enforcement agencies that would be severely damaged if held to the budget resolution's post-Gramm-Rudman-Hollings freeze level for another year. Specifically, it is the intent of our amendment to restore $115 million to the U.S. Customs Service accounts; $45 million to the Bureau of Alcohol, Tobacco, and Firearms; $35 million to the U.S. Secret Service; and the balance of $5 million to other high-priority law enforcement initiatives in the other law enforcement agencies covered by function 750.

In order to make the amendment outlay neutral, we have offset the increased funding for function 750 by reducing function 150—International Affairs by $163 million in BA and $84 million in outlays; and by reducing function 800—General Government by $100 million in BA and $84 million in outlays. The outlay neutrality of our amendment has been confirmed by the Congressional Budget Office.

Mr. President, the primary intention of this amendment is to allow sufficient room within function 750 to accommodate an increase of approximately $115 million over current levels for the U.S. Customs Service. This would allow the agency to restore the cuts imposed both by the Gramm-Rudman-Hollings March sequester and the President's fiscal year 1987 budget.

If we fail to grant Customs this increase and are forced to live with the budget resolution target, the agency will have to fire 1,800 personnel in fiscal 1987—the largest personnel reduction at Customs since President Reagan took office. This cut could not come at a worse time in our effort to combat drug smuggling along our borders, particularly the Southwest.

For example, Customs intelligence sources reveal that Mexico is rapidly becoming a major drug source and transshipment country for the trafficker looking for U.S. markets. Now over 33 percent of all heroin consumed in this country is grown in Mexico and over 30 percent of the cocaine is now being shipped through Mexico into the United States. Furthermore, Mexico is now in a "dead heat" with Colombia as the No. 1 supplier of marijuana to the United States. If the cuts imposed under this budget resolution are allowed to go forward, our defenses along the Southwest border to combat this growing threat will be drastically wounded.

In addition, we should not lose sight of the fact that the Customs Service is our second largest revenue agency, bringing in over $14 billion a year in revenue to the Treasury, with an estimated 20-to-1 ratio of revenues brought in to staff dollars spent—higher than the IRS. So, we need this amendment to give the Customs Service the tools it needs to fight drugs and to enforce our tariff and trade laws.

Mr. President, another agency that would be hard-hit by the provisions of the budget resolution would be the Bureau of Alcohol, Tobacco, and Firearms—an agency that is deeply involved in our antiterrorist effort here in the United States. This small but important agency has a solid track record of making good cases against major weapons and explosives traffickers here in the United States, and their contribution to our domestic antiterrorism effort is significant. If our amendment fails, this agency will suffer personnel cuts of 650 positions—a sharp blow to our law enforcement effort here at home.

Finally, the U.S. Secret Service has critical responsibilities both in its protective mission for the President and other top officials, and in law enforcement investigations that affect our antiterrorism campaign here in the United States. The Secret Service is a critical cog in our antiterrorism, antiweapons, and explosives law enforcement team and would lose at least 350 people if our amendment fails today. We need to bolster—not cut—this important law enforcement agency.

Mr. President, I do not take lightly the offsetting cuts in foreign aid and general government. All budget functions are in tough shape with respect to the moneys that are available for them. We have critical international obligations to Israel and Egypt—as the Senator from Indiana pointed out before the last amendment—as well as other allies who are our friends. This amendment would not cut aid to Israel or Egypt. Let me restate that. This amendment would not cut aid to Israel or Egypt. I want to make that very clear, as clear as I can.

In short, the amendment is very clear. The unequivocal intent of this amendment is to reduce the administration costs associated with State Department operations and other low priority activities in function 150 and that no reduction whatsoever shall be made in aid to Israel or Egypt. I trust that the legislative history on this amendment will reinforce the clear intent of no cut in aid to Israel or Egypt.

The small saving of $163 million in international affairs could be and should be absorbed in other low priority areas, such as State Department staffing and administrative costs for running our myraid of foreign aid programs. For example, the State Department wants to spend $421 million next year for "administrative and staff activities." This is not for security and antiterrorism. This is for administrative and staff activities. A rollback of that funding to fiscal year 1985 levels would save nearly $80 million—almost half of our reduction.

At the same time, the general government function includes Congress; the Office of Management and Budget; the General Services Administration; and other executive branch functions that could be trimmed by $100 million in fiscal year 1987. For example, an amendment that Senator HUMPHREY and I sponsored last year and which was signed into law April 7 by President Reagan in the omnibus reconciliation bill would save $50 million in 1 year in the operation and management of the Federal motor vehicle fleet—a fleet by the way that contains over 400,000 vehicles, automobiles, trucks, and limousines. By using the private sector and some creative thinking at the agencies, we could save more than half of the $100 million reduction in just this one management program in the Federal Government.

Mr. President, this is an amendment that adjusts priorities. Pure and simple it says we need to fight drugs here at our borders more than we need to spend these additional amounts on State Department bureaucracy or general government activities. It says that drug interdiction is really important, not the stepchild of law enforcement as some in the administration view it. It says that we are going to get together and get tough on domestic terrorism and set up our defenses against drugs and terrorism before the threat gets any worse and comes knocking right at our door, not after we suffer our first major tragedy here at home. It is a responsible amendment; it does not impact the deficit; and it should be approved by the Senate.

We have not asked for any new revenues. We are asking for a shift in funding priorities.

I hope that the Senate will vote in favor of this amendment.

Mr. ABDNOR. Mr. President, I am very pleased to be a cosponsor of this amendment with my good friend, the Senator from Arizona. The Budget Committee has tackled a difficult task and has given us a resolution which freezes almost all domestic spending at the postsequester level.

I believe the Budget Committee has made a fine effort to meet a difficult target, however, a freeze will impose a hardship on three law enforcement agencies which my appropriation subcommittee funds. Senator DECONCINI and I have strived for the last 5 years to fund the U.S. Customs Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco, and Firearms at levels we felt necessary for these agencies to do their jobs. Quite frankly, I think we should have done more but we have done what we can to hold the budget line.

If the Senate insists on freezing these accounts, I believe we are making a mistake. The Customs Service is the front line in our fight against drugs. It makes more sense to me to try to stop it before it gets into the country rather than to spend money once it is on the street. Drugs are only one issue. Customs is charged with the day-to-day processing of passengers and cargo. Frankly, there probably is not a Member of this body who has not heard a complaint about how long it takes to get through an airport or how long it takes to get cargo processed. I can tell you that employees are a hard working group,

but quite frankly there are not enough of them.

The Congress approved funding for almost 500 new positions in last year's appropriation. None of these positions plus approximately 250 other openings have been filled because of the sequester. If Customs is funded at the current level, its ranks will be reduced by at least 700 more positions in the next year. That means that processing will slow and quite possibly ports will be closed or at the very least see reduced hours. I know from my conversations with many Senators that they are opposed to that. I could go on, but I think you all see what I am talking about.

The Bureau of Alcohol, Tobacco, and Firearms is also going to suffer and it will impact on revenues. ATF is charged with collecting alcohol and tobacco excise taxes. We have continually given them more responsibility and have insisted that they do it with fewer personnel. ATF collects nearly $12 billion a year in taxes and there is more out there to collect. A freeze will continue at the very least; a hiring freeze, if not further staff reductions. As a result ATF will be strapped.

The Secret Service does not collect revenues or fight drugs, but it fulfills several functions important to the Nation. The obvious role the Secret Service fills is protection of dignitaries. The Service is also charged with protecting the Nation's currency and is very active in fraud dealings with credit cards, food stamps, and other schemes affecting the Treasury. Failure to fund the Service would slow investigations, cost the Treasury money and prevent the Service from its preparation for the upcoming Presidential campaign.

I have touched briefly on what impact the freeze would have on these agencies. I do not believe we want this to happen. To do this we are proposing to take $163 million in budget authority and $84 million in outlays from function 150, international affairs and $100 million in budget authority and $84 million in outlays from function 800, general government an increase function 750 administration of justice by $200 million in budget authority and $168 million in outlays. The Congressional Budget Office has reviewed this amendment and has indicated that this amendment will result in no outlay impact.

Specifically, this amendment will provide the Customs Service with $115 million in budget authority; the Secret Service $35 million in budget authority; and the Bureau of Alcohol, Tobacco, and Firearms by $45 million to provide enhanced domestic law enforcement. We cannot afford large personnel cuts this freeze will cause.

I cannot think of a more necessary amendment to be offered to this budget resolution.

We all know the work that Customs; Alcohol, Tobacco, and Firearms; and the Secret Service provide for this Nation. It is imperative that we keep them at a working level so they can do the job that we have assigned them.

Once again let me tell you that every year that goes by we are adding more duties, responsibilities, and requirements to each of these agencies. They are an important arm of Government.

In most cases they do a great job of collecting revenue. The more we cut them back, the less revenue will be coming into Government.

We certainly urge Senators' positive consideration of this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the amendment offered by the distinguished Senators from Arizona and South Dakota.

The distinguished chairman of the Budget Committee has indicated in preliminary remarks on this amendment that the Senate has just considered a worthy amendment by the distinguished Senator from Arkansas asking for $25 million for additional immunization. The point that the Budget Committee makes is that offering that kind of amendment does not bring about one inoculation more than we now have. The effect is null because, we cannot provide, cannot authorize and appropriate in a budget resolution.

I think Members generally understand this fact, although I appreciate that many Senators coming to the well during the last debate felt that they were voting for immunization. Some may have felt that foreign aid was as good a target as any to hit for a worthy cause.

I tried to make the point in the debate on the last amendment that we have a series of worthy causes. Fighting drug abuse is certainly one of them. I do not know of a single Member in this body who does not want to fight drug abuse, does not want to fight drug peddlers and smugglers and the whole lot.

Indeed, I have no doubt money will be appropriated, substantial sums to fight these battles. The distinguished Senator from South Dakota is objecting that somehow the amount to fight drugs has simply been frozen at previous levels. In order to address that situation, the proponents of this amendment has decided to go after foreign assistance, the 150 account.

We have already substantiated, Mr. President, that the 150 account has not been frozen at last year's levels. Anybody generally interested in this account would appreciate that the President of the United States asked for $23.7 billion for the 150 function. The Budget Committee has provided after its deliberations $18.3 billion, a cut of $5.4 billion from the Presidential request.

Now, the President's request was not out of thin air. The President's request reflects obligations around the globe. We have to defend ourselves. We should be prepared to help others who want to help defend us. I think that is an important objective.

Let me just say, Mr. President, that I note that the proponents of this amendment have changed their tune from the time that they wrote to their colleagues with regard to this amendment. At that time, they suggested that the foreign assistance programs of the 150 account, might be reduced by $163 million. They suggest in the final paragraph of their "dear colleague" letter, dated April 22, 1986, these words:

> We cannot afford these drastic personnel cuts in our front-line enforcement agencies that play such a role in our antiterrorism, antidrug, anti-explosive and weapons programs here at home. On the other hand, the offsetting cuts to foreign aid and general Government can be accomplished without jeopardizing our important foreign assistance efforts or essential general governmental programs.

They stated categorically that we will not affect those important obligations at all in making these transfers.

As a matter of fact, after the distinguished proponents of the amendment heard the first debate today, they have decided that this amendment is vulnerable if it affects Israel and Egypt. They want to make sure now that the Israeli-Egyptian situation is clearly understood to be off limits. We are almost facing earmarking within earmarking.

It appears the distinguished Senators appreciate that taking after Israel is an interesting argument but not one they want to address today. It is conceivable they might not want to debate the base rights issue either. They might not want to debate embassy security. In fact, as they have listened to the debate on the first amendment, they have decided that the assistance programs in the 150 account may not be so easy a target after all. This country has foreign policy obligations. We have alliances. We prefer other people help us preserve our security. That is what our foreign assistance is all about.

So where do they land? Have they refocused their attention? On the State Department. They suggest, "There is your target, the State Department sitting overseas with diplomats, employees, persons just carrying on general functions of Government."

But those are the people that might be fired because of these cuts. There is just not that kind of money sitting in the State Department.

Mr. President, the request for the State Department for fiscal year 1987 including the enhancement of security

for that Department—we are talking about our embassies abroad—was $3.8 billion. The Budget Committee cut that request by $1 billion.

Now, you cannot have it both ways. The proponents of this amendment have tried. As a matter of fact, if you want to cut the embassy security request, say it. That is what you are proposing. The billions supposedly to come out of the State Department budget have already been cut. Diplomats are being laid off. Senior diplomats are on the line and are being retired before they get to the age of 65. As a matter of fact, if they are passed over, they are out.

Now, Members may be beguiled into voting for an easy cut, but you really need to know that the argument is going to be made this time that you are going to be hurting America's security. I appreciate the need to fight drug abuses. I wish there was more funding available for that fight. But I also wish the Budget Committee had not reduced foreign assistance by over $5 billion, had not reduced the State Department by $1 billion. That was not just a freeze but a real hatchet job.

I am here not to argue against your trying to restore funds that I think legitimately could be restored. I am here with the finger in the dyke trying to stop people from running over our foreign assistance and what is left of the State Department budget at this point.

Now, it may have been good politics in the past to cut foreign assistance. I do not think that is true any more. That is why I am going to make this argument vigorously each time a Senator rises to offer what seems to be an appealing transfer amendment, whether it is relating to a health, education, welfare affair, drug abuse, or other programs.

But I would just say to my colleagues, if you have such an amendment, be prepared to discuss it in terms of America's security. Be prepared to describe why your cause has somehow fared worse than America's security has already fared, as exemplified in this particular 150 account.

I have gone through this litany before and I will not do it again but, as a matter of fact, when we come to foreign assistance we are really talking about Israel and Eygpt. We are talking about five bases overseas. We have got just $200 million left for everything else and we have not even touched the Philippines. We have not touched Irish aid. I frankly do not know whether Irish aid ought to fly or not. It has not yet come out of our committee. The Speaker of the House wanted it very badly. But I must tell the Senators, there is no money presently there for it.

There is no money for a lot of things. There is no funding to do the things we need to do for Pakistan, and for our obligations in Afghanistan, and for Cambodian freedom fighters, or for anything in Latin America, given this current budget.

I would advise the Senators that if there are emergencies in this world, we are going to have to come back for supplementals to try to address them. I would also suggest to Senators, since we have become very worried about terrorism around the world and the security of Americans abroad, there may be some sentiment on another day, another cause for funds for this cause. But I would ask Senators to forbear from offering one amendment after another hitting the 150 account. Although it used to be an easy mark, I do not think Americans are going to stand for that approach any more. Americans are going to want to know who it is that is attacking our security programs.

I would just say to Senators you may think it is good politics to offer these amendments, but I think there are consequences to doing that. I think it is irresponsible to come after the 150 account and then, having invaded the 150 account, to begin to alter your arguments looking for the easiest spot left in the 150 account. That approach has only run smack up against the issue of embassy security.

Now, if the proponents of this approach are seriously talking about taking $180 million out of what is left of the payroll of the State Department, fair enough. Detail how many people you want on the pavement. Make that argument, fair and square. But do not tell us in a dear colleague letter that our national security programs will not be touched.

I would just say, Mr. President, that if I take this amendment seriously—and I sound like I do—you are right. I suppose I had hoped that this amendment would not be offered after we made these arguments once before on a very appealing amendment, immunization for children. It is interesting that these amendments bring Senators to the well with the bogus argument that they are choosing immunization for children as opposed to foreign giveaways. But it is not so easy, Mr. President. At least 49 Senators said we are not going to buy that kind of argument anymore. You cannot just wreck our foreign policy by offering an appealing community funding argument, particularly when you offer it, and it will not really inoculate a single additional child.

Mr. President, I hope Members will reject this amendment. I hope they will reject each similar one that follows it. I hope that at least there will be something left of our foreign security programs after we have completed the budget process.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I support very strongly and heartily the eloquent words of our chairman, the Senator from Indiana. He has expressed the problem here clearly for us all. We should bear in mind that the 150 function of the budget has already taken an 11 percent cut below the sequestration levels mandated under Gramm-Rudman. These cuts as recommended by the Budget Committee are the sharpest of any function of the budget. In other words, it has already been cut not to the bone but to the marrow.

Last year the Foreign Relations Committee reported a foreign aid bill for fiscal years 1986 and 1987, the first time this has been done in 4 years. That bill passed the Senate on an overwhelming vote of 75 to 19, and subsequently became law.

Currently, the President is urging $4.4 billion for embassy security enhancement, a quarter of billion dollars for Irish aid, $100 million for the Contras, and just yesterday he submitted a supplemental request of $150 million for the Philippines. I do not see how such requests can be met in a sensible way while the 150 function, already 11 percent below a freeze bill, would be reduced another $163 million if this amendment is adopted.

As far as drug control goes, as the Senator from Arizona knows, I am very much interested in that. I was an original cosponsor of the Senate Drug Commission. I held a hearing in my own State of Rhode Island on the importation of drugs because they have now moved from the Southeastern portion of the United States up to, I regret to say, the Northeast.

I think the functions and responsibilities posed by the Senator from Arizona are important ones, and ones that should be carried out but not carried out at the expense of the State Department which really is our first line of defense. Our Foreign Service must bear the brunt of the battle overseas. They are the ones who actually bear the brunt of the dangers. They are the ones when it comes to hostile times who suffer the most.

I believe I am correct in saying that there were more Foreign Service officers and diplomats killed in the last 25 years than there were generals and admirals in two wars—Korea and Vietnam. These are the kinds of statistics we should bear in mind, especially as terrorism spreads across the globe.

I hope the 150 function will be left alone, and, if the programs advocated by the Senator from Arizona are to be supported let us find some other source of funds. Maybe it would be a good idea to offer an amendment suggesting that money be taken from the Defense Department.

So for all of these reasons I hope that my colleagues will support the tabling motion when it is offered, and I remind them of the overwhelming support that the basic foreign aid bill received only 1 year ago. I hope that sense rather than emotion will prevail in this important matter.

Mr. DECONCINI. Mr. President, these debates are really of interest to me. Certainly the Senator from Rhode Island, who has been here far longer than I have, and the Senator from Indiana has been here the same time know these issues. But all of a sudden foreign aid is national security. Now we have cloaked foreign operations and billions of dollars, some to friends, some to enemies, as "national security." In my opinion if it is national security you want to talk about—drug trafficking is a greater national security threat.

If you want to fight and take anything away from foreign aid, boy, you are hurting our national security.

I wonder how many people know that since 1980 to 1986 discretionary foreign operations spending has grown from $7.6 to $14.4 billion; an 89 percent increase.

Some say that is for foreign security, national defense. We know better. This Senator is prepared to stand with anybody on the necessity to influence a peaceful settlement in the Middle East. This Senator has stood firm with Israel and Egypt. This amendment does nothing to touch it. The Senator from Indiana knows that.

Our aid to Israel and to Egypt is $5.2 billion; $3.1 billion is for security assistance, including $2.1 billion for base rights items. That is an $8.3 billion subtotal, leaving $10 billion to absorb a cut of $163 million. You want to talk about national security. Where is it? It is on our U.S. borders today.

Sixty percent of the cocaine that is coming into this country is flying across our Southern borders, all the way from Florida to California. If we cannot find $163 million out of $10 billion left in to combat drug trafficking, then we are not serious about national security and national defense. When we have increased it 89 percent in the last 6 years, there is something wrong here. There is something wrong with your priorities.

Are we interested in our borders? Are we interested in stopping drugs? Hear is a chance, folks; here is a chance to do something about it.

Let me say that we did not take all of this out of the 150 international affairs function, realizing that there are needs there, and this Senator supports many of them, particularly Israel; Egypt; antiterrorism and security. The Senator from Indiana knows where this process is going to go after this budget is passed. It will go to his committee and to the Appropriations Committee. Senator ABDNOR, and myself, Senator ABDNOR being the chairman of the Treasury subcommittee that I am ranking member on, has the general government area of jurisdiction. We took $100 million out of there. So we are not picking on anyone. If we are, we are picking on ourselves, our own turf, so to speak.

We are prepared to do that because we think that the priority insists that we do something about this drug problem; that we do it this year; that we do not put it off; that we stand up, and that we not be afraid to do it.

The Appropriations Committee is going to make the decision of how many staffers the State Department really needs when it comes to appropriating some of that money. I think that is a proper place for that decision to be made.

I do not know about other Senators. But I think the State Department has ample staffing. They do a good job. I am not here to criticize them. I am here to say that we can save money in those administrative accounts.

Certainly it is hard to justify an 89 percent increase in foreign operations appropriations over the last 6 years. In the little bit of time that I have been in this body, if anybody had proposed a 12-percent increase in foreign aid as President Reagan's budget did when it was sent up here, there would be petitions to impeach any other President.

Here we have now decided that, well, it is national security. So anything goes under national security. Well, I am talking about real national security. I am talking about drugs on the streets of Phoenix, AZ. I am talking about the drugs on the streets of Indianapolis, IN, and I am talking about the drugs on the streets of any city in this country.

It comes from our south. That is our line of defense. Our security starts there or should be at least maximized there, and not just overseas.

The Senator from Arkansas points out so well that there is a $232 million market rate loan, or concessionary loan to South Korea. When are the people of this country going to get a chance to see that money. It is spent with an ally that is ripping us off because they are better at the international trade than we are. We have a horrendous deficit with them. If we cannot find 2 percent out of the $10 billion that is left in function 150, we are not very good at our jobs. I think we could do that.

National security is important. Foreign assistance has to play a role in it. Base rights are important, and what have you. But so is our national security at home. But those decisions of how you spend that money and allocate it are going to be made by the Appropriations Committee.

I can assure the Senator from Indiana when we get a chance to mark up those budgets, we are not going to jeopardize those functions he has talked about and those areas. He knows as well as I do of the commitment in this body. He knows better than I do in his own committee, yesterday turning down the sale of sophisticated weapons to Saudi Arabia. A lot of it had to do with our strong, firm commitment to the State of Israel and to the State of Egypt; the Camp David peace accord, and the failure of the Saudis to enter into such an agreement and be part of it.

Mr. President, the case, I think, is clear.

I will give one more quick example. The USIA has increased from $543 million in 1985 to $609 million now—an increase of 11 percent. We see the good work they do in the Voice of America and other functions they have been involved in. But we also see the $400 and $800 hotel bills in Paris, France, for their director and some of their employees, on the basis of, "Well, we have to do a good PR job for the United States."

Nonsense. The people of this country can sell themselves without blowing that kind of money in the foreign assistance accounts.

These are hard facts to face. Nobody likes to talk about foreign aid. We like to cover it any we we can. We want to be sure that it is OK now. They have had some healthy increases in the last few years including a 113-percent increase in outlays since 1980. And a lot of us have to cover for that. What do we do? Put on the cloak of national security. I submit to this body that national security starts right at home with our preparedness, our national defense, our military capability, and what are we going to do about our borders.

Again, this money is cut out of two accounts, not one. One is $163 million for international offers and the other is $100 million out of function 800. So we have not picked on account 150 as the Senator from Indiana wants to lead us to believe, and that we are just taking on an easy mark.

First of all, I wish it was an easy mark, but it is not. Thanks to the capable hands of my friend from Indiana, who is able to defend that mark. But I am tired of that mark being increased at the rates we have seen and the rate we see in budgets year after year.

Mr. ABDNOR addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABDNOR. Mr. President, I want to say that I agree with the Senator from Rhode Island that the Senator from Indiana presented some very eloquent remarks. I cannot say that I agree with or support those remarks, but they were well stated.

I must say, though, that my colleague, the Senator from Arizona, was

much more specific on the issues we are talking about.

I am one of those who never thought of foreign aid as national security. I do believe in a strong defense and I have been a strong supporter of defense. I have not been as strong a supporter of foreign aid because I have oftentimes had many questions about it. I would say 90 percent of the people of South Dakota would agree with me when we get on the subject of foreign aid. It is not something they think of in terms of defense.

It made me think the other night about national security when Libya was bombed. Maybe that is national security for America. It was not done by the State Department. They did not take care of that situation. I am sure the State Department has a great part to play in the overall picture of foreign affairs, of course.

But I think the Senator from Arizona has pointed out the vast increase over the last 6 years in foreign aid.

Let us look at the function we are talking about here. We are trying to find some dollars for a problem that really is national security. I think everyone clearly knows the problem that the Defense Department has had with drugs. They are taking steps to try to do something about it. The easiest thing to do is to keep it out of this country entirely. Prevent drugs from coming in. We are doing that. We think we are making some progress. But wherever we try to set up a good defense, we find that the smugglers use new innovation and new equipment to bring drugs into America. It is a constant battle that goes on and on.

We are not trying to only hold the line in defending against smuggling, but we are trying to do it within budget restraints which would require 1,800 fewer personnel than we had a year ago.

I have been on this floor representing the subcommittee for 5 years. I wish you could hear all the requests we have from Members of this body to add additional personnel, additional manpower, to our Customs centers to keep drugs out of this country which are arriving in goods coming into the country. They are seeking hundreds and hundreds of people.

I thought it was very interesting, and I am sure the Senator from Arizona will agree with me, that in the reconciliation provision brought out last year, there was a call for additional IRS people because for every man we were putting on at IRS it would mean more dollars in Government collections, which we could spend on the different functions and responsibilities we have in Government.

Let me tell you one thing. The same thing is true with our Customs agents and with our ATF agents. One of the main purposes of these agencies is to collect revenue.

Everywhere I look we are adding more responsibilities to them. If you think smuggling in cigarettes and alcohol is not going to be good business now that we have greatly increased taxes on those items, forget it, because it is going to be. It is going to be doubly tough. The more we let get away, the fewer dollars we will have in the Treasury.

I can think of other responsibilities in this particular category that we try to deal with. We expect less manpower to deal with more responsibilities.

If I am correct, there is talk of the State Department transferring more responsibilities from the State Department to the Secret Service. I will bet in 1½ years they will have it. That is another little thing that we can slip off to one of our agencies and let them try to get by with what they have.

This sort of thing just is not going to do. As a percentage of function 150 we are talking about a drop in the bucket. If you compare that to what is being done in function 750 it makes a big difference not only in revenue we need to run Government, and everybody is looking for more, but also the important part played in the security of this Nation. I think these are important matters, priorities, each of us in the Senate will have to decide. It is either raise taxes or pick priorities of what we think are important.

If we carefully analyze the responsibilities of each of these functions we have been talking about, we would have to conclude that this amendment we are offering here today is of extreme importance to this country's security.

Mr. LUGAR. I yield 2 minutes to the Senator from Hawaii.

Mr. INOUYE. Mr. President, this amendment must be opposed. While the stated intention of the authors is to enhance efforts to "combat drug trafficking, terrorism and other crimes against the citizens of the United States," I argue that it will have exactly the opposite effect. Unfortunately, this is an example of good intentions gone awry.

What would be the effects of the adoption of this amendment?

American citizens who serve our Government and our institutions in foreign countries would be denied protection which they so clearly need and deserve. Once again, we would have failed to defend against terrorist attacks on U.S. installations and personnel. It is not a rhetorical device; it is not hyperbole to say that adoption of this amendment, with its inevitable reduciton in funds for security measures recommended by the Inman Commission, could result in the loss of life of not only State Department officials and military personnel, but also their children. We must recognize that the next time the terrorist strikes, his cowardly blow could be directed against the children of our Government servants abroad. I will not vote for this amendment.

Let us return to the original intention of the authors of this amendment as stated in their dear colleague letter.

They would take the funding from foreign aid. What would that mean? Funds for narcotics control assistance would be cut. Funds for antiterrorism assistance would be cut.

It strikes me as rather peculiar that the authors of this amendment would seek to curb crime and narcotics abuse and terrorism in the United States after the fact rather than seeking to stop it at its origin. The subcommittee on which the Senator from Arizona and I are privileged to serve has worked very hard over the past several years to improve the narcotics control programs and the antiterrorism program of our foreign assistance.

These programs are meant to meet the threat at the source—not to wait until it appears on the streets of America. You cannot cut foreign aid without cutting these programs. You cannot get something for nothing.

For purposes of argument, let us say that there is no reduction in State Department administrative expenses—which this year means security enhancements—and that the amendment does not touch narcotics control assistance or antiterrorism assistance contained within the foreign aid bill. Where would the reduction fall? The international affairs 150 function in the resolution before us is already $4 billion below the President's request. For foreign aid alone, the resolution assumes sharp reductions in the economic support fund, foreign military sales, and military assistance programs. If we fully fund requests for Israel and Egypt within the amounts allowed in the resolution for these security assistance programs, we would be left with $3.1 billion. If we then subtract funds for the base rights countries, according to agreements we have entered into with Greece, Turkey, Spain, Portugal, and the Philippines, we would be left with $800 million to meet our remaining worldwide commitments.

We now know that the administration will seek additional funding in fiscal year 1986 for the Philippines and its renascent democracy. It would be reasonable to assume that additional amounts will be required in fiscal year 1987. Furthermore, we know that our renewed commitment to Pakistan will call for substantial amounts of funding to preserve the security of this frontline state. What's left? Nothing. Nothing for the whole of Africa; nothing for Central America.

Mr. President, as I said at the beginning of this statement, the amendment is an example of good intentions gone awry. Will the renewed outbreak

of conflict in the Middle East, the collapse of democracy in Central America, or an unfettered resurgence in the production and distribution of opium in the golden triangle of Southeast Asia or the poppyfields of Mexico enhance efforts to combat drug trafficking, terrorism, and other crimes against the citizens of the United States? I say no.

I say no to this amendment. I say no to the belief that we can continually raid the foreign assistance programs without paying a price.

That price, Mr. President, is chaos. It is a price we should not be asked to pay. I urge my colleagues to defeat this amendment.

(Mr. WILSON assumed the chair.)

Mr. LUGAR. Mr. President, let me say in the gentlest way possible that I appreciate that Senators, from time to time, have found it difficult to vote for foreign assistance. Maybe they found it difficult to consider that foreign assistance is important to the security of the country. I think it is an argument that needs to be discussed more frequently to be understood more clearly.

Foreign assistance is not, as has been characterized on occasion, a giveaway of funds. We are talking about the very serious business of funding the security of allies so they can purchase military hardware, provide troop training, and provide forces that will make it less necessary for Americans to be in areas we think are in our vital security interests.

Let me mention, Mr. President, that this objective does not come cheaply. The distinguished Senator from Arizona has suggested that from fiscal year 1980 until the present, there may have been an increase of as much as 89 percent in the amounts of money in the 150 account which includes foreign assistance. We are not in a position here, on the floor, to detail the figures or to establish the baselines, but let me suggest this: there are some important changes that have occurred in the way we account for foreign assistance. Those are important to note.

I think it is honest bookkeeping to put the FMS—foreign military sales credits—up front and part of the budget. That is not the way they used to be accounted for when they were guaranteed and off-budget. Roughly $4 billion of the increase is accounted for in that way alone. It is not to give away money. This is security money any way you look at it. It is money that is there now in a way that more easily can be seen and known.

Let me indicate that about $2 billion of the difference has occurred because we are more aware of our needs in the Middle East. If one is to be honest about it, and the distinguished proponents of this bill have affirmed that they do not want to touch the Israeli situation, then let's point out that much of our recent increases have been because we have been more generous to Israel than we used to be. If one is looking at percentage terms, one can account for a good bit of the money in these ways.

We are also more generous to Pakistan. We have taken on a new obligation in Afghanistan, a substantial one. We talk about $600 million for Pakistan. That also is very different from what we used to do.

Maybe Senators will say we are not sure that this is military security or national security. The charge is made, in a way, by the distinguished Senator from Arizona that when we talk about foreign assistance as national security, we are cloaking—cloaking—giveaways in national security garb. I do not see any cloaking. I think it is time we understood what the national security interests of our country are and how they are provided for.

There is mention that it is not national security we are touching, but the State Department or general government operations, and the international broadcasting. I suppose the broadcasting aspect is arguable, and maybe Senators would feel that the extension of America's word behind the Iron Curtain has now been intensified. That is arguable. I feel we are doing a much better job in terms of freedom. That does have something to say about our national security. Our ability to manage the Soviet relationship is part of our national security.

Finally, Mr. President, I say whatever case may be made for our borders with regard to drug abuse and drug smuggling, all the opponents of this bill are saying is that those efforts have been frozen at those levels.

Some of us have tried to make the case that the 150 account has been cut very substantially, not only below what the President asks for, but what was appropriated last year, what was authorized last year, what the Budget Committee started with, and where they finished. It has been cut substantially. Every program in the 150 account has been cut.

I would just say that at some point, Senators have to understand what security is all about and what influences the way people perceive our country abroad.

I mention this thought. As the distinguished Senator from Hawaii pointed out, a good bit of work with regard to the drug problem occurs through the valued talents of Foreign Service officers and other personnel who operate abroad under funding provided in the 150 account.

I do appreciate the point made by the distinguished Senator from Arizona that he is worried about the streets of Phoenix and I am worried about the streets of Indianapolis. I once had some responsibility for assisting law enforcement in my city and at that time we did not look to the Federal Government for assistance. We might now if I was still in that capacity. We had to fight it with our own local taxes, with some benefits from the State of Indiana. We used to do it the old-fashioned way and we had to do it with very limited resources. We saw the national security situation handled by the Federal Government.

There are problems with regard to our borders, international problems. Everyone in this debate would like to do more with regard to that. But the proponents of this amendment did not ask for additional moneys or additional revenues that the taxpayers of this country might provide. Instead, they looked toward the 150 account. I think that was a mistake tactically. I hope it proves to be a mistake because I believe there are important goals being served by diminished sums of money available in the 150 account.

Mr. President, I know of no one on our side who wishes to debate further. As soon as the distinguished proponents of the bill are prepared to yield back their time, we are prepared to yield back our time. For the moment I yield the floor.

Mr. DECONCINI. Mr. President, I ask unanimous consent the Senator from South Carolina [Mr. HOLLINGS] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, the senior Senator from Hawaii, who I have the greatest respect for and who serves as ranking member on the Foreign Operations Subcommittee, talked about the International Narcotics Control Program in the State Department, which is a very important area and an important program. If I am not mistaken, that program is roughly at $65 million. That is $65 million out of a budget amount here of $18.3 billion.

Our cut in function 150 is a little less than 2 percent. Two percent off of $65 million or $1.3 million, and what do we get in exchange for that? We get $163 million for Customs to stop those airplanes that are coming from some of these countries—$1.3 million is a good tradeoff to get more drug interdiction at our borders.

So we are not going to cut and hurt the international narcotics effort in the State Department. What we are going to do is stop those narcotics at the border through our air interdiction program.

I have some interesting statistics just to wind this up for today. Budget outlays for foreign aid, since President Reagan took office, have grown 113 percent. Military assistance grants in the past 6 years have grown 580 percent. Foreign military sale credits since 1980 have grown 96 percent. Economic support fund assistance has grown 80 percent. And the USIA, with those big suites in Paris and expendi-

tures by the director and some of his staff, has grown 87 percent. Nobody is against the Voice of America. We are talking about less than a 2-percent cut out of a USIA that has grown 87 percent. And the State Department operating expenses during that period of time have grown by about 80 percent.

Now, do not tell this Senator and do not tell the people of Arizona or any place else that less than a 2-percent cut in international affairs in order to give us the necessary resources to do something about drugs coming across our borders, cannot be absorbed in function 150. I submit that it can.

U.S. ANTITERRORIST CAPABILITIES

Mr. ZORINSKY. Mr. President, I would like to express my support for the amendment offered by the distinguished Senators from South Dakota and Arizona, and to speak on behalf of an interest all my fellow Senators share: The protection of American citizens from the scourge of terrorism.

Recent world events have demonstrated that we must maintain constant vigilance in the war against international terrorism. The threat of terrorism is not absent in this Nation, but has been so effectively blunted by our domestic law enforcement agencies that we sometimes forget that terrorists have struck domestic targets and will surely attempt to do so in the future. With the Libyan terrorist network aroused and seeking vengeance against an American target, now is hardly the time to grow lax in our war against domestic acts of fanatical violence.

The amendment under consideration would contribute greatly to prevention of terrorism on our shores, and I am proud to join Senators ABDNOR and DECONCINI in sponsoring this legislation. I am also convinced that adequate funding levels for domestic antiterrorism cannot wait until fiscal 1987 and that recent events require this body to immediately restore the funds eliminated by the March 1 sequestration order. To offset this reduction, I will be proposing an amendment to the 1986 supplemental appropriations bill, and have informed the distinguished chairman and ranking member of the Appropriations Subcommittee of my intention to do so.

My amendment would simply restore the funding to the FBI, BATF, INS, Customs Service, and Secret Service that was cut by the Gramm-Rudman law. Like the amendment under consideration, my amendment will have an offset to ensure that it is also deficit neutral. Specifically, I will be proposing that NATO funding is reduced by the amount required by my amendment.

Mr. President, we must stand firm in the face of international terrorism, and provide our domestic law enforcement agencies with the financial ability to maintain their vigilance. I urge my colleagues to support my amendment to give these agencies this ability in the present year, and to support my distinguished colleagues in preserving our antiterrorist capabilities in the coming year.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I know of no further debate on this amendment. I yield to the distinguished Senator from South Dakota.

Mr. ABDNOR. Mr. President, Senator RUDMAN will not be here until Tuesday, and because debate on this amendment will end Monday I ask unanimous consent that he be allowed to speak for 5 minutes, if he so desires, before the vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Mr. President, reserving the right to object, and I will not object, let me indicate to the distinguished Senator from South Dakota, apparently the distinguished chairman of the Budget Committee would not want me to yield back all time on this side. I understand that is probably true on both sides.

I have no idea as to what the order of business will be on Tuesday. I suppose we are coming up to votes at that point. We have no objection to the distinguished Senator from New Hampshire having an opportunity to speak for 5 minutes on that day.

Mr. ABDNOR. We are not sure. He indicated that he would like to have 5 minutes before the vote on Tuesday so that he may speak at that time.

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. WALLOP. Mr. President, I have sought the floor today to speak in dismay about the budget process. I cannot speak in support of the pending budget resolution, the so-called Domenici-Chiles package. I would begin my comments by repeating the advice an Irishman gave to a traveler seeking directions. He said, "If I was you, I wouldn't start from here." I would like to offer this same advice to my colleague from New Mexico, the chairman of the Budget Committee.

There have been a number of bizarre occurrences affecting the budget process of late. First, we have the perennial expectation that the Congress will not meet any of the timetables set for generating a budget resolution. This coupled with the certainly that we will have a reconciliation bill before us at some point during the year. The process has gotten so backed up that the reconciliation bill which we were working on last year was signed into law only a few weeks ago. I expect at some point in the not-too-distant future, we will have to simply skip an entire fiscal year because we have gotten so far behind in the budget process. This would not be too bad if we could also skip the Federal spending for that lost fiscal year as well. However, I doubt that we would ever fail to pass a continuing resolution, no matter how much it disarrays the budget process.

This year is proving to be no different than any recent year. The House of Representatives refuses to do anything to develop a budget resolution, with the exception of a gratuitous, partisan vote rejecting the President's proposed budget for this fiscal year. The Senate Budget Committee has forged ahead to produce the budget resolution now pending in the Senate. In light of what the committee has produced, it may have been preferable to adopt the House posture and do nothing.

The committee resolution is obnoxious for several reasons. In the first place, budget levels for defense are mischievous in that they create the illusion that we are meeting our rearmament goals. However, the Domenici-Chiles resolution is $25 billion below the President's budget request for fiscal year 1987 authority and $28 billion below the budget authority provided in the Senate's version of the budget resolution only last year. What may we ask, happens to the resolve of the Budget Committee in matters of national security? I will tell you what national survival is sacrificed on the altar of perceived political survival. Having talked so bravely about defense waste, they suddenly convinced themselves there was only waste and no need. While the final 1985 budget resolution had a lower defense number than the Senate version, it did provide for 3 percent real growth for fiscal year 1987.

The pending budget resolution does not provide the 3 percent growth. Defense spending is basically frozen. From a strategic perspective, this is a dangerous freeze. When President Reagan assumed office in 1981, he pledged to reverse the "decade of neglect" in defense spending. He also expressed his determination to respond to the burgeoning Soviet military menace. During the 10 years while we let our military forces slip in every regard, the Russians were relentlessly building their military forces. Since 1970, the Soviets have outspent the United States by $500 billion in expenditures on weapons, facilities, and research.

Since 1981, we have attempted to close this gap, to rebuild our Armed Forces. The first budget resolution under the Reagan administration set defense spending targets with this objective in mind. Despite the need to improve our military forces, defense outlays have been reduced, by the Congress, a total of $177 billion between fiscal years 1982 and 1986 below the target spending first outlined in 1981. Obviously, we have not gone on the proverbial drunken spree when it

comes to defense spending during the 1980's. All we have done is try to reverse the de facto disarmament of the 1970's.

The resolution reported by the Budget Committee is a proposal based on compromise. Often, in politics, compromise is the necessary route to soothe passions and establish public policy. In this spirit of compromise, defense spending was sacrificed. This is compromise which does not work. It is doubtful that Libya will give up terrorism as an official state policy because the United States will spend less money on defense. The Soviet Union will not withdraw its army of occupation in Afghanistan because we are reducing military spending. And, Cuba will not forego its attempts to foster red colonialism in Central America if the Senate adopts this compromise defense budget. The real world can present a harsh face at times, and it does us little good to compromise in confronting this reality.

Another aspect of the budget which is utterly fraudulent is the requirement for a tax increase. Just at the moment when we have quenched the fires of inflation, when the economy has been set for a period of long-term growth, we are asked to crush the recovery. There is one incentive in public policy to spur real economic growth in the private sector. That incentive is stable taxes. But, now we are expected to pass a tax increase. This battle had been fought in 1984, and 49 States voted against a tax increase. President Reagan has adamantly opposed any new taxes.

Now, under the guise of balancing the budget, we are asked to provide a tax increase. However, even before the collapse of inflation in recent months, both OMB and CBO produced 5-year forecasts showing the deficit declining to less than 2 percent of GNP by 1990, without additional budget cuts or new taxes. But, we are being asked to increase taxes. We are falling on purpose into a trap. Since the deficits are already on a downward path, then the hidden purpose of a tax increase is evident. It is an excuse for a new outburst of Federal domestic spending. In 1984, we did pass a tax increase with the Deficit Reduction Act. We have yet to see 1 cent of this increase to go for deficit reduction. Instead, the revenue has gone for increased Federal spending. Some here in Congress have not learned the lessons of the 1960's and 1970's. They want an expanded Federal sector meddling in every aspect of our lives. While we thought Big Brother died in 1984, the Budget Committee seeks to resurrect him in 1986.

The tax reductions enacted in the early 1980's have been blamed for the current deficits—most vociferously by those seeking a tax increase. This is one of those inaccuracies which repeated often enough become part of the popular mythology. And, before we know it, taxes will be increased.

What really happened with taxes since 1981 is that the net effect of the cut in individual rates has merely protected the American worker from being pushed into higher tax brackets because of inflation. We have not cut taxes, we have simply neutralized the Tax Code for inflation. The cuts in corporate rates have restructured such taxes to eliminate disincentives to invest in productive plant and equipment. The cuts also removed some of the inflationary bias in corporate taxes.

In brief, defense spending over the past 5 years has focused on improved military preparedness to recover from past neglect. Tax reductions have kept taxes neutral for inflation. It is no secret that we are now faced with significant budget deficits—not as far in the future as we can see, but at least for the next 4 years. Taxes and defense are blamed, but the actual problem is continued domestic spending. Over the past 5 years, our so-called budget-slashing efforts have actually merely slowed the growth in domestic spending. It was not until last year that the deficit took a downward path, thanks only to cuts in defense spending rather than domestic spending.

The President has three budget goals: No tax increase; maintenance of defense spending; protection of Social Security. The only goal met by the budget resolution is the last one—it protects Social Security from budget cuts. By asking us to approve higher taxes and lower defense spending, we are left no choice but to reject this resolution. Rejecting this resolution does not mean we would not have a budget; it would not initiate the automatic budget cuts of the Gramm-Rudman-Hollings Act.

We do have an alternative. We should revive the budget resolution passed by the Senate last year. This resolution would provide $81 billion in budget reductions over 3 years above what the Domenici-Chiles resolution provides. It does not increase taxes. It does provide for small real growth in defense spending. It is a resolution that would lead to a budget surplus by 1990 if current budget assumptions are adjusted to reflect the actual price of oil. This is a sensible alternative. I suggest that we reject the pending resolution and adopt the resolution put together by Chairman DOMENICI last year. By this single bold stroke, we would reject the popular myths that have grown up around, and disturbed, the budget process. Mythology usually requires a hero to triumph over some monstrous evil. It is time for the Senate to become the hero, slay the dragon of deficits, throw off the sequestering haircoat, and proudly wear the victory laurels of autumn.

ANDREWS/HOLLINGS EDUCATION AMENDMENT

Mr. DECONCINI. Mr. President, I strongly supported the amendment offered yesterday by Senators ANDREWS and HOLLINGS to the concurrent budget resolution for fiscal year 1987 to restore funding for function 500 by $1.2 billion for fiscal year 1987. The amendment restores funding for the basic education programs to current service levels plus inflation.

Although we are facing a deficit crisis, I voted for the Andrews-Hollings amendment because I happen to believe that education must remain a national priority. Adequate funding for education is essential for continued growth and development of our country. As a Member of Congress, I feel that it is my responsibility to ensure that the education of our children remains protected as insurance against a faulty future.

Although the cost of the amendment is offset through unspecified revenue increases, it is not my intent nor my desire that any of these funds come from an increase in personal income taxes.

Mr. President, there are approximately 25 million Americans who cannot read the front page of a newspaper and an additional 35 million who read below the level needed to function successfully in our society. These statistics are shocking and shameful and should be enough for us to realize that education has to be one of our national priorities. Report after report supports these embarrassing figures. Reducing our commitment to education can only exacerbate this already intolerable problem.

We do have many challenges facing us today and the budget deficit is at the top of the list. However, our jobs as elected officials are to establish priorities and to balance the budget. I am committed to both of these goals.

In an alert, prepared by the Committee for Education Funding, we are reminded by its member organizations that we cannot continue to mortgage our children's future in order to finance the budget deficit. We cannot deny educational opportunities and other vital services to children if we intend to remain a leader in the free world.

Mr. President, I wish to state once more I supported the Andrew-Hollings amendment because education is a priority. I want to reiterate, however, that the increased revenue necessary to fund the amendment should not and must not come from an increase in personal income taxes. There are numerous ways to obtain the necessary revenues to fund this modest increase for education. The most obvious example is a minimum corporate tax.

It is simply not right or equitable that profitable U.S. corporations, through skillful and legal manipula-

tions of the Tax Code, avoid paying taxes. Let's look at the tax record of some of our largest corporations.

In 1983 General Dynamics received DOD contracts totaling $6.6 billion; they showed a profit that same year of $492.5 million but paid no dollars in corporate income tax to the Federal Government.

General Electric had $4.5 billion in DOD contracts in 1983; they had a profit of $2.4 billion, yet paid no dollars in corporate income tax.

Also, in 1983, the Boeing Corp. received $4.4 billion in DOD contracts; their annual statement showed a profit of $475 million; they, too, paid no tax.

If these corporations paid a minimum corporate tax, we could easily fund this education amendment and many other vital services. For these reasons and those raised by my colleagues, I supported the Andrews-Hollings education amendment and was pleased that it was adopted by such an overwhelming vote.

ROUTINE MORNING BUSINESS

Mr. LUGAR. Mr. President, I know of no further debate on this amendment tonight. Therefore, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 6:20.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

KURT WALDHEIM

Mr. GORE. Mr. President, I rise to address the matter of Kurt Waldheim. Last night marked the beginning of the Jewish festival of Passover. Our Jewish colleagues, friends, and fellow citizens gathered in their homes at their tables, in the peace and freedom of our beloved America, to participate in the first of two ritual Passover meals. These meals—memorializing ceremonies which once took place in the high temple in Jerusalem—celebrate two great events in history: The deliverance of the Jews from bondage and the threat of extermination; and the definitive appearance of the one God before a multitude of ordinary humanity—of whom He intended to create a nation that would bear his mark and hold his covenant. It is, arguably, a seminal religious event, since we may trace from it not only the lines that run to present day Judaism but to the worlds of Christianity and of Islam.

All those partaking of the Passover Seder are deeply aware that the exodus from Egypt was merely the first in a series of miraculous escapes from certain doom, across the millenna and right down to our own times, within the memory of the living. Indeed, it is our own epoch—the epoch of industrial technology, of science, of enlightenment—which will carry forever the blot of having produced the single most concerted and barbaric assault upon the continuity of the Jewish people, and, indeed as a member of other nations as well. The record of Nazi activities during the Holocaust staggers the mind, and defies any explanation that ignores the reality of Evil as a force at large in the world.

That is why for me it seems unusually appropriate to take up, on this day, the subject of Kurt Waldheim, former Secretary General of the United Nations and now candidate for the Presidency of the Republic of Austria.

Every man's reputation must be held sacred, and by none more than those of us who speak in this Chamber without fear of prosecution for libel. And so, I shall restrict myself to an accounting of what I have learned.

In memoirs and in biographical statements, Mr. Waldheim claims that he spent the wartime years of 1942 to 1944 recuperating from wounds received on the eastern front and studying for his law degree in Vienna. For 40 years, the world believed this. But Nazi war documents bearing Waldheim's own signature conclusively reveal that during those years he continued to serve in the Balkan countries, and that he was involved in atrocities the likes of which we have seen in the cases of Josef Mengele, Klaus Barbie, and Adolf Eichmann.

Waldheim's Nazi connections can be traced back earlier than 1942. According to documents found in the Austrian Archives, he joined the Nazi Student Union on April 1, 1938, 3 weeks after the incorporation of Austria into the Third Reich. Later that year, on November 18, he joined a mounted unit of the Sturmabteilung (S.A.), better known in this country as the Brownshirts. That same month, the Brownshirts were involved in a horrific night of violence and murder, the Kristallnacht, where they killed Jews, burned their homes and synagogues, looted their shops, and kidnaped and tortured the survivors in cities all over Germany and Austria.

When confronted by this evidence, Waldheim first denied it, then said that these organizations were only garden variety parts of the Nazi social structure, and finally claimed that his father—whom he previously said had nothing to do with the Nazis—had signed him up.

In 1939, Waldheim entered the military and in 1942, according to German military records, was assigned to the German Army command headquartered in Salonika, Greece. He served with rank of oberleutnant to Gen. Alexander von Lohr, under whose command numerous atrocities against Serbian, Croatian, and Greek civilians took place. Lohr was hanged as a Nazi war criminal in 1947.

The organizational chart of the German high command places Waldheim at the head of section 03, a division whose responsibilities included delivering intelligence briefings to the chief of staff; carrying out the zunder-auffgaffen—special tasks—such as deportations, assassinations, and mass terror; and interrogating prisoners, which sometimes required the torture of American, British, French, and Balkan citizens.

While General Lohr and his oberleutnant directed operations in the Balkans, the Ustasha—Croatian fascists—brought about the wholesale destruction of the Jews of Yugoslavia and Greece—with direct aid from their Nazi friends. The Kozara massacre, which is to Yugoslavians what Auschwitz is to Jews, was carried out under the orders of the German commander of the Southeast command. In June 1942, 45,000 troops were given the task of encircling and destroying all Serbian and Jewish partisan units in the Kozara and Posara mountains. All those captured were to be shot dead and the male population over the age of 14 was to be transported to concentration camps. By the end of July, German and Ustasha soldiers had combed the mountains, set fire to the villages, and killed 500 of the wounded partisans. Out of 70,000 villagers—mostly women, children, and old people, 25,000 were dead or left to die of starvation. Others were taken to the Ustasha camp, where only a few prisoners escaped.

On September 9, 1942, the Ustasha awarded Waldheim with the King Zvonimir medal for "merit under fire." Of the 45,000 troops, only 3 soldiers received this honor from fascists—one of them was Waldheim.

Six months later, Waldheim left Croatia for Greece, where the Germans began to deport Salonika's 46,000 Jews, 45,000 of them to Auschwitz and the rest to Bergen-Belsen. Waldheim claims that, living 4 miles outside of Salonika, he knew nothing of this mass deportation. He claims that he was only an interpreter, not mentioning that he would necessarily be privy to intelligence about such a major "special task." In his position as head of section 03, he would have been expected to help supervise the operation.

Another campaign in which Waldheim took part was the "Black Operation" of May 1943, where prisoners of the German and Italian commands in the area were shot en masse. Wednesday's Washington Post cites a Yugoslavian report stating that Waldheim took part in "murder" and "putting hostages to death" from April 1944 to May 1945.

This latest evidence was part of a U.N. War Crimes Commission file kept in U.N. vaults for the past 38 years. In 1948, the Commission assigned Waldheim's case its highest classification, one reserved for suspects like Mengele and Eichmann whom the Commission believed should merit prosecution. There is painful irony in the fact that during the decade while Waldheim was Secretary General of the United Nations, his war crimes file—with its summary of the evidence gathered against him—gathered dust in the U.N. basement.

Whether or not Kurt Waldheim is a war criminal is something that ought to have been established decades ago in a court of law. I believe the emerging facts may lead many people to firm conclusions, but we shall never have an ultimate test before the bar of justice. On the other hand, whether or not Kurt Waldheim is an honest man is, in my opinion, already known. His is a career built upon a foundation laid across a concealed and denied past, spent at the center of some of the most brutal events since the atrocities of Genghis Kahn. He is a man who acknowledges the truth about his past only insofar as others succeed in driving him from the safety of one lie to the next.

Mr. President, the people of Austria must soon judge the candidacy of Kurt Waldheim. Many in this country and abroad may believe that their decision ought not to be embarassed by accusations such as these. But there is no choice. What was hidden has found its voice. It is the voice of innocent people slaughtered by the millions, of whom the Jews were first in number though among a multitude of nationalities. No man whose life's path led him into the heart of that darkness was ever fit for public office. No man who built a life by denying such a past should ever hold high public trust again.

Mr. President, I ask unanimous consent that following my statement there be printed in the RECORD the prepared statement of Eli Rosenbaum, general counsel of the World Jewish Congress, delivered before a committee of the other body 2 days ago.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PREPARED STATEMENT OF ELI M. ROSENBAUM, GENERAL COUNSEL, WORLD JEWISH CONGRESS

Mr. Chairman, I am pleased to appear today to testify on behalf of the World Jewish Congress with respect to the WJC's ongoing investigation of the wartime activities of former United Nations Secretary-General Kurt Waldheim.

At the outset, I would like to stress that our investigation of this exceedingly complex case is still a very young one. Although we have learned and revealed to the world many previously concealed facts about Kurt Waldheim's past, we expect to unearth a great deal of additional information in the coming weeks, months and years. This information will, without exception, be made available to the public.

From the time that this investigation was authorized by our president, Edgar M. Bronfman, the WJC's goal has simply been to uncover the full unvarnished truth. Regrettably, this task has been complicated immeasurably by Dr. Waldheim's continued dissembling about his past. As a result, we are faced with one of the most complex Nazi investigations ever undertaken anywhere, one that will take a long time to complete. If I may be permitted to offer a comparison, it would be with the case of Klaus Barbie, the "Butcher of Lyons." Barbie's activities were largely confined to the area of Lyons, France. He has not yet come to trial, despite the fact that investigators gathered evidence about him for many years prior to his transfer from Bolivia to France in 1983, and have continued to do so during the nearly three years that he has been in French custody. Waldheim, by comparison, was active on the Russian Front and thereafter throughout the Balkans. He served on the staff of the High Command of an Army Group of some 400,000 men, which Command created hundreds of thousands—if not millions—of documents, which are now scattered among archives throughout the world.

We are keenly interested, as well, in determining how Kurt Waldheim was able to carry off this elaborate deception over a period of fully four decades. The WJC, which possesses official non-governmental organization (NGO) status at the United Nations, is profoundly saddened by the manner in which Waldheim was able to defile that important world body—an organization which, ironically, was formed in response to the horrors perpetrated by the Nazis and their acolytes.

The revelations concerning Kurt Waldheim's past have emanated principally from two sources. The facts of his prewar activities have come to light primarily as a result of the work of a number of Austrian journalists. The key disclosures pertaining to Waldheim's wartime whereabouts and activities have come from my organization. I would like, with the Chairman's permission, to review very briefly the most salient facts revealed to date, and then to present some information bearing upon Kurt Waldheim's credibility—or, more correctly, his obvious lack of same.

As a result of the investigative efforts of a small group of Austrian journalists, we now have documents showing irrefutably that Kurt Waldheim, who has long boasted of his purported anti-Nazi attitude before and during the war, actually belonged to at least three Nazi organizations. On April 1, 1938 only three weeks after Austria became part of the German Reich—he was enrolled as a member of the Nazi Student Union (NS-Studentenbund). Then, on November 18, 1938—less than two weeks after the infamous anti-Jewish rampage now known as "The Night of Broken Glass" (Kristallnacht)—Waldheim became a member of a mounted unit of the dreaded Sturmabteilung (SA)—Hitler's brownshirted stormtroopers. Finally, Waldheim also was enrolled as a member of the NS-Reiterkorps, a mounted affiliate of the Nazi Party.

Kurt Waldheim's military service during the Second World War began with his participation in the 1941 invasion of the Soviet Union while serving with the 45th Infantry Division of the Wehrmacht. On December 18 of that year, he was briefly hospitalized as a result of a minor wound which had become infected. In countless statements over the years made in books, articles, compaign literature and the like, Waldheim has falsely stated in the most deliberate and cunning fashion that his military service ended with this hospitalization. For example, in his 1977 book, "The Challenge of Peace," he writes as follows at page 24:

"The knowledge that I was serving in the German Army was hard to bear. Deliverance from my bitter situation finally came when our unit moved into active combat on the Eastern Front in 1941. I was wounded in the leg and medically discharged.

"By the time I was repatriated [to Vienna] in 1942, it had become impossible to leave the country. The borders had been closed and were being heavily patrolled. Everywhere the most ordinary movement was restricted, and the authorities dealt arbitrarily with anyone who did not conform to the regulations. I was permitted to resume my studies toward a Doctorate in Law, which I obtained some two years later."

In fact, records obtained by the WJC from archives in West Berlin state that Waldheim returned to active service after only two-and-one-half months convalescence and leave. As he now admits, he was assigned to the staff of Army High Command 12 (AOK 12) in the Balkans, arriving in Yugoslavia by April 1942 attached to the Command Staff of the "Combat Group West- Bosnia" (Kampfgruppe Westbosnien). Except for a few brief leaves, Waldheim would spend the rest of the war serving in the Balkans in the armed forces of Nazi Germany.

During the summer of 1942, the Kampfgruppe Westbosnien directed a notoriously brutal anti-partisan campaign in the area of the Kozara mountain range. Thousands of anti-Nazi resistance fighters and unarmed civilians were slaughtered and more than 60,000 persons—primarily women and children—were deported to concentration camps in what has come to be known as the Kozara Massacres. At the U.S. National Archives, we located last month a contemporaneous German account which candidly referred to the operation as a "final liquidation" of "Untermenschen" (subhumans) carried out "without pity or mercy," because only "a cold heart can command what needs to be commanded." This is language of a type ordinarily seen only in SS documents—not in Wehrmacht reports. The very first page appended to this report is a listing of 34 men singled out for meritorious service—just 34 men among the 15,000 to 25,000 Axis forces engaged in that operation. Lieutenant Waldheim is number 25 on the list. For his exemplary service, Waldheim also received a high award of the notorious Nazi puppet government of Coratia: the"King Zvonimir" medal, conferred in silver with oakleaves "for service under enemy fire." Documents obtained from archives in Yugoslavia show that Waldheim was recommended for this award by no less a personage than Generalmajor Friederich Stahl, the Wehrmacht officer who directed Mount Kozara operation. After the war, Stahl admitted to his Allied questioners that he had authorized "reprisal" executions of civilians, pursuant to which as many as 100 unarmed civilians would be murdered for every German solider killed by the resistance.

In December 1942, Waldheim was promoted to Oberleutnant (First Lieutenant). On or about March 31 of the following year, he arrived in Salonika, Greece, as a senior intelligence officer in Ic/AO (intelligence) group of the High Command of Army Group E (which had absorbed the former

AOK 12 as of January 1943). His commander-in-chief was the notorious Wehrmacht General Alexander Loehr, who was hanged after the war as a Nazi war criminal.

In conjunction with the SS, Wehrmacht personnel serving under General Loehr directed the deportation of the Jewish community of Salonika to the Auschwitz death camp—where they were immediately killed in the gas chambers. These deportations began some two weeks before Waldheim's arrival and were largely completed by mid-May. During this two-month period, more than 40,000 Jews were transported to Poland. Nearly every day, 2,000 to 2,500 Jewish men, women and children were stuffed into Wehrmacht trains and hauled off to Auschwitz. Waldheim insists that he not only had nothing to do with this atrocity, but that he did not even notice that any Jews disappeared. One-fifth of the population vanished in just two months, and, incredibly, Kurt Waldheim saw and heard nothing of it. Last month, Col. Roman Loos, the former head of the German Geheimfeldpolizei (Secret Field Police) in the area was quoted by the Associated Press as exclaiming, "He didn't know about that? That was known to everybody."

Captured German documents housed at the U.S. National Archives shed considerable light on Waldheim's responsibilities while serving on the staff of the man whom historian Gerald Reitlinger characterized as "perhaps more implicated in Jewish deportations than any other Wehrmacht commander."

A December 1, 1943 organization chart for Army Group E (Microfilm Series T-311, Roll 181, Frame 0007) states that Waldheim was the chief "03" officer in Group Ic/AO. His listed responsibilities included: preparing and presenting morning and evening briefings for the General Staff, prisoner interrogations in Greece and adjacent areas, as well as unspecified "Sonderaufgaben"—"special tasks." Such terminology was of a type used by the Nazis to denote operations too distasteful to describe further—typically, secret measures of mass terror or torture, kidnapping and execution.

Waldheim's responsibility for prisoner interrogations extended through much of the Balkans, and included interrogations conducted inside and outside Army Group E's headquarters. Interrogation under the Germans often involved torture, and usually ended in execution. We have not yet located any survivors of such interrogations. It should be noted that the word "prisoners" is not necessarily limited to military POWs. In this theatre, it referred to partisans and civilians as well.

According to the aforementioned captured document, Waldheim was also responsible for personnel matters within the intelligence group. In intelligence, this was an especially sensitive area, particularly after the attempt on Hitler's life, when the "political reliability" of personnel achieved paramount importance.

On May 22, 1943, Waldheim took part in an important meeting at the airstrip in Podgorica, Yugoslavia. He appears in a now-famous photograph of that meeting released last month by the World Jewish Congress. Attended by Wehrmacht, Waffen-SS and Italian officers, the meeting soon degenerated into a heated quarrel over who was to direct the so-called "Black Operation" ("Unternehmen Schwarz"). That operation, one of the most brutal anti-partisan campaigns of the war, was already well under way at the time of the meeting at the airstrip. According to Professor Jozo Tomasevich, the shooting of partisan prisoners—long standard operating procedure for Axis forces in Europe—"reached its peak" during the Black Operation.

Dozens of intelligence reports signed by Waldheim have been found by World Jewish Congress researchers at the U.S. National Archives. Time after time, Waldheim reported on "Sauberung" ("cleansing" or "mopping up") operations—an expression often employed by the Germans as a euphemism for mass executions and/or deportations.

One secret report signed by Waldheim was actually used by U.S. prosecutors at Nuremberg as evidence of Nazi war crimes committed in Greece. The report, dated August 11, 1944, is part of Nuremberg document NOKW-935. Read in open court on August 18, 1947 at the Palace of Justice in Nuremberg, the document reports on mass shootings in Athens. Ominously, it also identifies the area south of Iraklion on the island of Crete as one of widespread partisan activity. Under orders issued by General Loehr a year earlier, such activity was to be responded to by "shooting or hanging of hostages, destruction of the surrounding localities, etc." (Nuremberg document NOKW-155). Indeed, document NOKW-935 reveals that two days after Waldheim's report, German forces launched a reprisal "cleansing operation" southwest of Iraklion, in which two villages were destroyed and twenty hostages were shot to death.

According to testimony given by former Wehrmacht colleagues of Waldheim to the Yugoslav War Crimes Commission, Waldheim was deeply involved in the planning of other brutal reprisal measures. These witnesses reportedly testified that Waldheim made recommendations for such reprisals, for approval by his immediate superior officer. One witness—Egbert Hilker—testified that Waldheim was specifically responsible for a reprisal committed in October 1944, when three villages between the towns of Kocani and Stip were burned. 114 people perished in this reprisal.

As a result of documentary and testimonial evidence gathered on Waldheim by the Yugoslav War Crimes Commission, it concluded in a December 18, 1947 decision that Waldheim was a fugitive Nazi war criminal whose extradition to Yugoslavia is "mandatory." Waldheim was subsequently listed as an accused Nazi criminal by the United Nations War Crimes Commission. Thus, during the ten years that Secretary-General Kurt Waldheim sat on the 38th floor of the United Nations building in New York, elsewhere in the U.N. complex there was to be found a U.N. War Crimes Commission file on Nazi war crimes suspect number 79/724—"Waldheim, Kurt."

Waldheim was also listed in 1948 on the final "Central Registry of War Criminals and Security Suspects" (CROWCASS) compiled by the United States Army. Under the heading "reason wanted," there is a one-word entry: "murder." The WJC is troubled by the fact that the Department of the Army, in responding to my February 10, 1986 Freedom of Information Act request for all pre-1950 documents referring or relating to Waldheim, supplied us with three innocuous documents, none of which related to Waldheim's military service. The Army insisted that these were the only locatable Army documents responsive to our request.

One can readily imagine our shock upon subsequently discovering Waldheim's name on a CROWCASS list at the National Archives. This episode is particularly distressing in light of my experience while serving from 1980 through 1983 as a trial attorney with the Justice Department's Office of Special Investigations—the special unit of the Criminal Division responsible for investigating and prosecuting suspected Nazi war criminals residing in the United States. In each of OSI's more than one thousand investigations, a request for a background check has routinely been forwarded to the Department of the Army. Never in my experience was there an instance in which the fact that an individual was listed in the CROWCASS registry failed to emerge in the Army's response to an OSI request for information on that individual.

Unfortunately, time does not permit me to recite the full littany of Kurt Waldheim's misrepresentations concerning his past. A few examples my be instructive, however. Incredibly, Waldheim continues to deny membership in the SA, NS-Studentenbund, and NS-Reiterkorps. This denial, however, has been of an "on again, off again" variety. Since the controversy over his past erupted last month, Waldheim has, on a few occasions, actually admitted these memberships. He has offered a bizarre series of mutually exclusive "explanations" for these affilations, including: (1) he belonged to groups that were later "absorbed" by the Nazi organizations, (2) his father enrolled him without his knowledge, and (3) he joined in order to be able to continue his university studies.

An indication of Waldheim's lack of integrity in responding to the facts which have been discovered about his past may be found in a document which he has distributed in the United States through his son, Gerhard. The document purports to be a compilation of statements made by prominent invdividuals in support of the elder Waldheim. Among those said to support him are Javier Perez de Cuellar, the current U.N. Secretary-General, famed Nazi-hunter Simon Wiesenthal, former Austrian Chancellor Bruno Kreisky, and Holocaust historian Professor Hagen Fleischer.

However, on April 18, Mr. Alvaro de Soto, Special Assistant to Secretary-General Perez de Cuellar, advised the WJC that the Secretary-General had never made any statement of support for Waldheim in connection with the inquiry into the latter's past.

The WJC has collected some of the statements made on the Waldheim affair by the other individuals just mentioned. These statements in fact are quite condemnatory of Waldheim. Thus, Simon Weisenthal has said, "I don't believe that he knew nothing about the deportations of the Jews during the time he was in Greece (Newsweek, April 7, 1986). Professor Fleischer has charged that Waldheim's claim not to have known about deportations from Salonika in 1943 is "not credible" and his claim of ignornance regarding the 1944 deportations of Jews from Crete, Rhodes and Corfu is "a provocation" (Reuters, April 13, 1986). Similarly, former Chancellor Kreisky angrily complained to U.S. News & World Report last week, "I was deceived. The curriculum vitae that Waldheim gave me so we would support him was a lie." (Issue of April 28, 1986)

Waldheim's deceit truly knows no bounds. Last Friday, we revealed that Waldheim's April 6 memorandum purporting to describe his military career was surreptitiously altered six days later. The April 6 version—which was provided by his son to the U.S. Department of Justice—says he returned to

Salonika in April 1943. Although Waldheim has consistently admitted since March 2 of this year that he returned to the Salonika area in late March/early April 1943, during the height of the deportations of Jews there, his new memo says he returned to Salonika in July 1943. This quiet change was never brought to the attention of members of the press and others who received the new memo.

Permit me to conclude, Mr. Chairman, with a public challenge to Kurt Waldheim. Last week, during a meeting in New York between Gerhard Waldheim and WJC Executive Director Elan Steinberg, Mr. Waldheim stated that his father is in possession of a copy of the U.N. War Crimes Commission suspect file pertaining to this own case. The younger Mr. Waldheim agreed to provide the WJC with a copy of that file. We have, as yet, received nothing.

Gerhard Waldheim is here today and is scheduled to testify next. I have reason to believe that he may have a copy of the U.N. file with him now. If, as Kurt Waldheim asserts, he has nothing to hide, then let him make that file available to this subcommittee now or agree to provide it within 48 hours.

The world has been cruelly deceived by Kurt Waldheim. For ten years, the chief human rights officer of the planet was an accused war criminal. It is long past time for all the facts to come out. It is ludicrous for Waldheim to maintain that his fabrications were "unintentional." It is indecent of Waldheim to implore, as he did in an interview last week, "Forty-one years after the end of the war, there should be an end to this." (Der Speigel, April 14, 1986). And it is obsene for Gerhard Waldheim to come to our country and defend his father by comparing—as he did in the Washington Post on April 13—the experiences of the Nazi troops in the Balkans with those of American veterans of the Vietnam war.

That concludes my prepared text, and I would be happy to answer questions from the Committee. Thank you.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 28, 1986

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader on these matters, I ask unanimous consent that when the Senate convenes on Monday, April 28, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be special orders in favor of Senators HAWKINS, CRANSTON, and PROXMIRE, for not to exceed 5 minutes each, to be followed by a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. Mr. President, I remove my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 1116 AT THE DESK

Mr. SIMPSON. Mr. President, I ask unanimous consent that H.R. 1116, Garrison Diversion Unit Reformulation Act of 1986, just received from the House of Representatives, be held at the desk until the close of business on Monday, April 28, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, it was the intention—and I share this with the Democratic leader—of the majority leader to pass H.R. 1116 today. It is my understanding now that the minority leader is not in a position to do that tonight, but will attempt to clear its passage between now and Monday.

Mr. BYRD. Mr. President, if the distinguished assistant Republican leader will yield, that is correct. We on this side have been working on clearing this measure for passage. I think we have made significant progress toward that end and I will continue.

Mr. SIMPSON. I thank the Democratic leader for that helpful note.

DOCUMENTATION OF VESSEL "MARILYN" IN THE COASTWISE TRADE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now turn to Calendar Item No. 626, H.R. 739, dealing with the vessel *Marilyn*.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 739) relating to the documentation of the vessel *Marilyn* to be employed in the coastwise trade.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. BYRD. Mr. President, there is no objection on this side.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause, and insert the following:

That subtitle II of title 46, United States Code, is amended as follows:

(1) In section 2101(14)(C), strike "Material" and substitute "Materials".

(2) Section 2101(21) is amended as follows:

(A) In subclause (A)(ii), strike "crewmember." and substitute "crewmember or other individual engaged in the business of the vessel who has not contributed consideration for carriage on board the vessel.".

(B) Strike subclause (B)(v)–(vii) and substitute the following:

"(v) a guest on board a vessel being operated only for pleasure who has not contributed consideration for carriage on board; or

"(vi) an individual on board a towing vessel of at least 50 gross tons who has not contributed consideration for carriage on board.".

(C) At the end, add the following new subclause:

"(F) on a sailing school vessel, means an individual carried on the vessel except—

"(i) the owner or representatives of the owner;

"(ii) the master or a crewmember engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for services;

"(iii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

"(iv) an employee of the demise charterer of the vessel engaged in the business of the demise charterer;

"(v) a guest on board the vessel who has not contributed consideration for carriage on board; or

"(vi) a sailing school instructor or sailing school student.".

(D) Strike "or a sailing school vessel," in clause (B).

(3) In section 3302(i)(5), strike "charter" and substitute "charterer".

(4) At the end of section 3302, add the following new subsection:

"(k) Only the boiler, engine, and other operating machinery of a steam vessel that is a recreational vessel of not more than 65 feet overall in length are subject to inspection under section 3301(9) of this title.".

(5)(A) Section 3304 is amended as follows:

(i) In the section catchline, strike "Carrying" and substitute "Transporting".

(ii) In subsection (a), strike "carrying cargo that carries" and "vessel." and substitute "transporting cargo that transports" and "vessel if the vessel is otherwise subject to inspection under this chapter.", respectively.

(iii) In subsection (b), strike "Before an individual in addition to the crew is carried" and substitute "Except when subsection (e) of this section applies, before an individual in addition to the crew is transported".

(iv) In subsection (c), strike "The privilege" and substitute "A privilege".

(v) Add at the end the following new subsection:

"(e) The Secretary may by regulation allow individuals in addition to the crew to be transported in an emergency or under section 2304 of this title.".

(B) In item 3304 in the analysis of chapter 33, strike "Carrying" and substitute "Transporting".

(6) In section 3318(f), before clause (1), strike "then" wherever it appears and substitute "than".

(7)(A) Section 3503 is amended as follows:

(i) Insert "(a)" at the beginning of the section.

(ii) Strike the last sentence and substitute "Before November 1, 1993, this section does

not apply to a vessel in operation before January 1, 1968, and operating only on the inland rivers.".

(iii) Add at the end the following:

"(b)(1) When a vessel is exempted from the fire-retardant standards of this section—

"(A) the owner or managing operator of the vessel shall notify prospective passengers that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

"(B) the owner or managing operator of the vessel may not disclaim liability to a passenger for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator; and

"(C) the penalties provided in section 3504(c) of this title apply to a violation of this subsection.

"(2) The Secretary shall prescribe regulations under this subsection on the manner in which prospective passengers are to be notified.".

(B) Until the regulations required by subclause (A) of this clause become effective, the owner or managing operator shall notify prospective passengers in all promotional literature and on each ticket that the vessel does not comply with those standards due primarily to the wooden construction of passenger berthing areas.

(8) In section 3714(a)(4), strike "charter" and substitute "charterer".

(9) Section 4308 is amended by striking "operator" wherever it appears and substituting "individual in charge".

(10) In section 7111, strike "Part" and substitute "part".

(11) In section 7312(e), strike "able seaman-limited" and substitute "able seamen-limited".

(12) Section 8104(k) is amended by striking "watchers" and substituting "watches".

(13) In section 8502(a)(4)(A), strike "Part" and substitute "part".

(14) Chapter 89 is amended as follows:

(A) In item 8903 in the chapter analysis, strike "Uninspected" and substitute "Self-propelled, uninspected".

(B) In the catchline of section 8903, strike "Uninspected" and substitute "Self-propelled, uninspected".

(C) In the text of section 8903, strike "An" and substitute "A self-propelled,".

(15) In section 10709(a)(1), before clause (A)—

(A) strike "then $1,500 in value, and" and substitute "than $1,500 in value, the court,"; and

(B) strike "wages, the court" and substitute "wages,".

(16) Section 12122(a) is amended by adding at the end the following sentence: "Each day of continuing violation is a separate violation.".

(17) In section 13102(a)(4), strike "coordinate carrying the State" and substitute "coordinate carrying out the State".

(18) Section 13104(b) is amended by inserting after "Secretary" the words "for State recreational boating safety programs".

(19) Chapter 111 is amended as follows:

(A) At the end of the chapter analysis, add the following new item:

"11112. Master's lien for wages.".

(B) At the end of the chapter, add the following new section:

"§ 11112. Master's lien for wages

"The master of a documented vessel has the same lien against the vessel for the master's wages and the same priority as any other seaman serving on the vessel.".

SEC. 2. (a) The Coast Guard may enter into a lease in excess of 1 fiscal year to acquire a site on the State pier in New Bedford, Massachusetts, for construction of maintenance assistance team and vessel support facilities on that pier.

(b) Any lease under this section is effective only to the extent that amounts are provided for in appropriations laws.

(c) Notwithstanding section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), and beginning in fiscal year 1986, the Coast Guard may spend appropriated amounts for the construction of fixed facilities and improvements on that portion of the State pier leased from Massachusetts for the use of a maintenance assistance team and Coast Guard vessels.

SEC. 3. The body of water known as Lawyer's Ditch located at block 5,000 in the city of Newark, county of Essex, New Jersey, is declared to be a nonnavigable waterway of the United States within the meaning of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 4. The Coast Guard may enter into any agreement or letter of intent with a municipal utility within the Seventeenth Coast Guard District to provide electricity to a Coast Guard facility without complying with the provisions of section 4 of Public Law 98-557.

SEC. 5. Bayou Lafourche, in the State of Louisiana, between Canal Boulevard, city of Thibodaux, parish of Lafourche and the Southern Pacific Railroad bridge crossing the bayou, city of Thibodaux, parish of Lafourche, is hereby declared to be a nonnavigable waterway of the United States within the meaning of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 6. Notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for the following vessels: Marilyn, Maryland registration number MD 3533 AA; Royal Star, Michigan registration number MC 9797 J; Alaskan Shores, United States official number 603879; Shearwater, United States official number 260827; Gypsy Rose, California registration number CF 4291 HF; Eliminator, United States official number 507572; Puka Kai, United States official number 677462; Lobster House, Panama registration number 494-PEXT; Jane E. Bahamian registration number 315924; and Diane M. Bahamian official number 315925, except that such vessels Jane E. and Diane M. may be operated under such documentation only in the waters of the Atlantic Ocean and the Gulf of Mexico.

SEC. 7. Section 2(a) of the Act entitled "An Act to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes", approved September 15, 1980 (21 U.S.C. 955b(a)), is amended by inserting immediately before the period the following: ", except that an event otherwise qualifying as an arrangement under such section does not lose that qualification by the fact that consent to, or the terms of, such arrangement are communicated by radio, telephone, or other similar means, or by how specific such arrangement is as to the vessel to which such arrangement applies".

SEC. 8. The Coast Guard may enter into a cost-sharing arrangement with the city of Cape May, New Jersey, under which the city of Cape May will provide necessary roadway improvement on and along Pennsylvania Avenue between Pittsburg and Buffalo Avenues, as abutted by housing owned by the Coast Guard. For purposes of entering into such an arrangement, the Coast Guard may expend from previously-appropriated funds an amount not to exceed $200,000 on a nonrecurring basis.

SEC. 9. Section 2103 of title 46, United States Code, is amended by striking all after "subtitle" the third time it appears and substituting". The Secretary may prescribe regulations to carry out the provisions of this subtitle.".

SEC. 10. Section 4370(a) of the Revised Statutes of the United States (46 U.S.C. App. 316(a)) is amended—

(1) by stiking all from "a certificate of registry," through "the Act of June 7, 1918, as amended (U.S.C., 1934 edition, Supp. IV, title 46, sec. 288)," and substituting "a certificate of documentation issued under sections 12106 or 12107 of title 46, United States Code,"; and

(2) by striking "a vessel of foreign registry, or a vessel in distress", and substituting "a vessel in distress".

SEC. 11. Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended—

(1) in paragraph 6, (A) by striking the period at the end of subparagraph (B) and substituting a comma, and (B) by adding at the end thereof the following: "except that the term does not include a common carrier engaged in ocean transportation by ferry boat, ocean tramp, or chemical parcel-tanker. As used in this paragraph, 'chemical parcel-tanker' means a vessel whose cargo-carrying capability consists of individual cargo tanks for bulk chemicals that are a permanent part of the vessel, that have segregation capability with piping systems to permit simultaneous carriage of several bulk chemical cargoes with minimum risk of cross-contamination, and that has a valid certificate of fitness under the International Maritime Organization Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk."; and

(2) in paragraph (18), by striking all from the semicolon and substituting a period.

SEC. 12. Notwithstanding the provisions of the Act entitled "An Act to authorize the Secretary of Commerce to sell two obsolete vessels to Coast Line Company and for other purposes", approved June 3, 1980 (Public Law 96-260; 94 Stat. 435), the Secretary of Transportation shall permit the vessels Pictor, United States official number 243529, Procyon, United States official number 244022, and Zelima, United States official number 248207, to be scrapped in the foreign market if—

(1) the purchaser of such vessels and the country in which such vessels are to be scrapped are acceptable to the Secretary of Transportation; and

(2) the seller of any such vessel agrees in writing to reimburse the United States a reasonable amount, acceptable to the Secretary of Transportation, of not less than one-half of the profits realized from such sale.

SEC. 13. Notwithstanding any other provision of law or any agreement with the United States Government, the vessels Paul Bunyan, United States official number 602272, and John Henry, United States official number 599294, may be sold to a foreign purchaser or purchasers if—

(1) the person desiring to sell the vessel submits to the Secretary of Transportation and the Secretary of the Navy a written offer under which the Secretary of Transporta-

tion may elect to acquire either or both vessels for the National Defense Reserve Fleet or the Secretary of the Navy may elect to acquire either or both vessels for the Ready Reserve Fleet, under the same terms and conditions as those offered by the foreign purchaser or purchasers; and

(2) neither Secretary elects to acquire the vessel within 60 days after the date on which a written offer is submitted to the Secretaries under paragraph (1) of this subsection.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. DANFORTH. Mr. President, I am offering today H.R. 739, as reported by the Commerce Committee, making changes in laws administered by or affecting the Coast Guard and other Federal agencies with responsibilities for maritime programs.

H.R. 739 was received from the House and referred to the Commerce Committee on December 4, 1985. It waived the application of Jones Act restrictions, authorizing the Coast Guard to issue documentation for eight vessels.

The provisions of H.R. 739 were modified and included in an amendment of H.R. 2466 which was adopted by unanimous consent in the Senate on December 19, 1985, and in the House on January 29, 1986. H.R. 2466 was vetoed by the President on February 14, 1986.

H.R. 739 as reported by the committee contains those provisions of the previously adopted H.R. 2466 which were not identified as objectionable by the President in his veto message. They include: technical amendments to subtitle II of title 46; an extension of the exemption allowing continued operation of the Delta Queen paddlewheel riverboat; long-term leasing authority for the Coast Guard; declaration of two waterways as nonnavigable for purposes of bridge-permitting laws; authority for the Coast Guard to contract for electrical power on St. Paul Island, AK; Jones Act waivers; provisions to facilitate drug enforcement by the Coast Guard; authority for the Coast Guard to share costs of road improvements in Cape May, NJ; elimination of a loophole that allows foreign tugs to tow foreign-registry vessels in U.S. ports; clarification that chemical parcel-tankers are not "common carriers" under the Shipping Act and are, therefore, not exempt from the antitrust laws; and authority for vessles to be sold to foreign purchasers.

The provisions of the bill as reported are the result of extensive discussions with representatives of the affected public and are supported by them. The text of the amendment also has been discussed with members of the House Merchant Marine and Fisheries Committee and the administration to ensure that it will be welcomed and considered favorably and expeditiously.

Mr. President, the bill as reported reflects a consensus and I ask my colleagues to support it.

Mr. HOLLINGS. Mr. President, there is one provision of this Senate amendment to H.R. 739 that is of particular value to South Carolina and other States ravaged by the influx of illegal drugs from abroad. This provision, section 7 of the amendment, addresses a question raised in the courts regarding the Coast Guard's law enforcement practices with respect to foreign-flag vessels suspected of drug trafficking.

Under international law, a foreign vessel operating outside the U.S. 12-mile contiguous zone and territorial sea is generally subject only to the jurisdiction of its flag country. However, U.S. law allows the Coast Guard to board and seize a suspicious foreign-flag vessel on the high seas if permitted to do so by treaty or other arrangement with the nation whose flag the vessel is flying.

The typical situation arises after the suspect vessel's master refuses a Coast Guard cutter's request to board. The captain of the cutter then must send his boarding request and supporting information up the chain of command to Coast Guard Headquarters and the State Department. This is usually done by telephone, followed by written message. The State Department in turn, through the affected American embassy, seeks the cooperation of the country whose registry is being claimed. The necessary special arrangement for boarding and possible seizure usually consists of oral communications by the flag nation, confirmed by subsequent messages or diplomatic notes. Some lower courts here in the United States have questioned the validity of these special arrangements, asserting that the underlying law calls for a more formal agreement.

The Justice Department, Coast Guard, and other Federal agencies involved in the fight against the illegal drug trade have urged statutory confirmation of the legality of the present practices. Even under the special arrangements procedure, U.S. law enforcement agencies have an awesome task. As is obvious from the description of this procedure, days can pass while the Coast Guard cutter awaits the flag-country's approval to board. In the meantime rapid weather changes can hamper the cutter's ability to keep in range of the suspect vessel. In addition, enough time may elapse to allow the suspect vessel to escape into a third country's waters, or to permit contraband drugs and other evidence to be disposed of over the side.

Section 7 makes it clear that boarding and seizure authority granted by an agreement via telephone, radio, or other similar means qualifies as a legitimate arrangement under U.S. law. This change will further strengthen Public Law 96-350, which has been very successful in facilitating the convictions of maritime drug smugglers. Prior to the 1980 enactment of that law, which I supported, only 64 percent of those arrested by the Coast Guard were accepted for prosecution, and then only 45 percent of those tried were convicted. In contrast, Coast Guard 7th District statistics for 1984 indicate that 76 percent of those arrested were accepted for prosecution, and of those cases 85 percent resulted in guilty verdicts in Federal court.

I urge approval of this and other provisions in the Senate amendment to H.R. 739.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 739), as amended, was read the third time, and passed. The title was amended so as to read "An Act to make miscellaneous changes in laws affecting the U.S. Coast Guard, and for other purposes".

Mr. SIMPSON. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PHOTOGRAPHS OF THE SENATE CHAMBER

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader on this measure, I ask unanimous consent that the Rules Committee regulations pertaining to taking photographs of the Senate Chamber, regulation No. 4, Senate wing of the Capitol, be waived on Friday, April 25, for the purpose of allowing television cameras and still cameras to photograph the Chamber prior to the installation of television cameras in the Senate Chamber.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AUTHORIZATION FOR TESTIMONY OF A SENATE EMPLOYEE

Mr. SIMPSON. Mr. President, I send a resolution to the desk in behalf of Senator DOLE, and Senator BYRD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 389) to authorize testimony of a Senate employee.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the U.S. attorney for the district of Maine has obtained a subpoena for the testimony of Gayle Cory, an employee in Senator MITCHELL's Washington office, at a criminal trial which began this week in the case of *United States* v. *Robert Christopher Ingraham*, (Cr. No. 85-00051-B (D. Maine)).

The defendant in that case is charged with violating 18 U.S.C. § 875(c), which prohibits the interstate communication of threats to injure individuals. The indictment alleges that the defendant mailed to Senator MITCHELL's office a letter threatening a number of government officials, including Senator MITCHELL and the Governor of Maine.

This resolution would authorize Ms. Cory, who handled the letter for Senator MITCHELL when it was received in his office, to testify at this trial. This is in keeping with our practice of facilitating justice consistent with the privileges and rights of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 389) was agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 389

A resolution (S. Res. 389), to authorize testimony of a Senate employee.

Whereas, in the case of "United States v. Robert Christopher Ingraham," Criminal No. 85-00051-B, pending in the United States District Court for the District of Maine, the United States Attorney has obtained a subpoena for the testimony of M. Gayle Cory, an employee in Senator Mitchell's Washington office;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore be it

Resolved, That M. Gayle Cory is authorized to appear and to testify in the case of "United States v. Robert Christopher Ingraham," except concerning matters which may be privileged.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TECHNICAL CORRECTIONS TO THE HIGHER EDUCATION ACT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 2329, "Technical Corrections to the Higher Education Act," and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2329), to make technical corrections in the higher education title of the Consolidated Omnibus Budget Reconciliation Act of 1985.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2329

A bill (S. 2329), to make technical corrections in the higher education title of the Consolidated Omnibus Budget Reconciliation Act of 1985.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Student Financial Assistance Technical Corrections Act of 1986".

SEC. 2. (a) Section 16014(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (hereafter in this Act referred to as "the Act") is amended)—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(2) by inserting before paragraph (2), as redesignated by clause (1), the following new paragraph:

"(1) Section 428(c)(1)(A) of the Act is amended by inserting before the period at the end of the first sentence of such section a comma and the following: 'including the administrative costs of supplemental preclaim assistance for default prevention as defined in paragraph (6)(C)'.".

(b) Section 16016 of the Act is amended by striking out "section 435(d)(1)(D)" and inserting in lieu thereof "section 435(g)(1)(D)".

(c) The second sentence of section 16023 of the Act is amended by striking out "to the Secretary" and inserting in lieu thereof "by the Secretary".

(d)(1) Section 16041(b)(1) of the Act is amended by striking out "January 1, 1986" and inserting in lieu thereof "July 1, 1986".

(2) Section 16041(d) of the Act is amended by striking out "January 1, 1986" and inserting in lieu thereof "July 1, 1986".

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEE ON FOREIGN RELATIONS TO FILE REPORT

Mr. SIMPSON. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday, April 28, the Foreign Relations Committee be authorized to file a report to accompany Senate Joint Resolution 318, between 10 a.m. and 6 p.m. on Friday, April 25, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNANCE OF THE INSULAR AREAS OF THE UNITED STATES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Item No. 511, H.R. 2478, regarding the territories of the United States.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2478) to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant To Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1593) is amended to read as follows:

"SEC. 12. (a) The people of the Virgin Islands shall have the rights of initiative and recall to be exercised as provided in subsection (b) and subsection (c), respectively.

"(b)(1) An initiative may enact, amend, or repeal any law, except that an initiative shall not be used to repeal a law declared by the legislature at the time of passage to be an emergency law necessary for the preservation of the public health, safety, or peace.

"(2) An initiative that proposes a reduction of taxes shall also provide for an equivalent reduction of expenditures or an equivalent increase in revenues from other sources.

"(3) An initiative shall address one subject only and matters reasonably related to that subject.

"(4) The ballot question shall be in such form that a 'yes' vote is a vote in favor of

the proposal and a 'no' vote is a vote against the proposal.

"(5) A copy of the proposed initiative petition, including a complete text of the proposed law and containing signatures equal to at least 1 percent of the voters of each legislative district or 4 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections prior to circulation for ballot qualification. The Supervisor of Elections must determine within 10 days after the submission whether the preliminary signatures are sufficient. If so determined, the Supervisor of Elections shall refer the preliminary petition to an initiative titling board consisting of the Attorney General, the Supervisor of Elections, and the legislative counsel of the legislature. The board shall, in an open hearing, prepare the official ballot title, the submission question, and a summary of the initiative proposal, and this preparation shall be completed within 30 days after referral.

"(6) After the ballot title has been written, proponents of the initiative proposal shall have a maximum of 180 days to circulate the petition. Petitions containing signatures equal to at least 10 percent of the voters of each legislative district or 41 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections. The Supervisor shall have 15 days to determine that the minimum number of valid signatures are contained in the petition and he shall forward the certified proposal to the legislature which must accept or reject the measure within 30 days. If approved, the initiative shall take effect in accordance with its terms. If the legislature does not approve, the initiative shall be submitted to the voters at the next general election, unless the legislature approves a special election for this purpose. The legislature may submit its own version of the initiative to the voters. Should both measures be approved by the voters, the measure receiving the higher number of votes shall prevail. The voters shall have a clear alternative of rejecting either version or the entire proposition.

"(7) An initiative submitted to the voters shall take effect if the initiative is approved by a majority of persons voting and if a majority of the voters of the Virgin Islands vote on the initiative. An initiative may not be vetoed by the Governor, and when approved by the voters, may not be amended or repealed by the legislature during the 3-year period after its approval unless the legislature acts by a two-thirds majority.

"(8) The legislature may provide the manner in which petitions shall be circulated, filed, certified, and the ballot question shall be submitted to the voters.

"(c)(1) An elected public official of the Virgin Islands may be removed from office by a recall election carried out under this subsection. The grounds for recall are any of the following: lack of fitness, incompetence, neglect of duty, or corruption.

"(2) A recall election may be initiated by a two-thirds vote of the members of the legislature or by a petition under this subsection.

"(3) Prior to circulation a recall petition which identifies by name and office the official being recalled and which states the grounds for recall shall be submitted to the Supervisor of Elections. The sponsors of the recall petition shall be allowd a period of 60 days after such submission for filing with the Supervisor of Elections a list of signatures equal in number to at least 50 percent of the whole number of votes cast for that office in the last general election at which that office was filled. The Supervisor of Elections shall have 15 days in which to determine whether the minimum number of valid signatures are contained in the recall petition.

"(4) A special recall election shall be held with respect to an elected public official not earlier than 30 days after a vote of the legislature under paragraph (2) or a determination of the board of elections under paragraph (3), as the case may be, and not later than 60 days after such vote or detemination.

"(5) An official shall be removed from office upon approval of the recall in an election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such recall election.

"(6) No recall election shall be held with respect to an elected public official—

"(A) during the first year of the first term of office of the official; or

"(B) less than 3 months before a general election for the office.

"(d) As used in this section, the term—

"(1) 'law' means a law of the Virgin Islands; and

"(2) 'voter' means a registered voter who is eligible to vote on the issue or for the office involved.".

[SEC. 2. Appropriations through fiscal year 1986, made under authorization of subsection (c) of section 702 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by Public Law 94-241, may be expended for capital improvement projects which facilitate the economic development of the commonwealth.]

SEC. 2. A total of up to $4,000,000 of funds currently reserved for use by the economic development loan fund, as established under subsection (c) of section 702 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by Public Law 94-241, may be expended for capital improvement projects, provided that such funds become available for use by the economic development loan fund and such funds are not obligated for economic development loans.

SEC. 3. The first sentence of section 4(a) of the Act of November 20, 1963 (77 Stat. 339) is amended to read as follows: "(a) Except as otherwise provided by law, the governments of the Virgin Islands, Guam, and American Samoa, shall have concurrent civil and criminal jurisdiction with the United States with regard to property owned, reserved, or controlled by the United States in the Virgin Islands, Guam, and American Samoa respectively.".

SEC. 4. Effective October 1 [1985,] *1986,* there are authorized to be appropriated $1,200,000 to the Secretary of the Interior for grants to the College of the Virgin Islands for projects related to the Eastern Caribbean Center, to remain available until expended.

SEC. 5. Section 29(b) of the Organic Act of Guam (64 Stat. 392) is amended by striking out "Governor" and inserting in lieu thereof "Government of Guam".

SEC. 6. The Secretary of the Interior is authorized and directed to develop, in consultation with the Governor of the Virgin Islands, options for the future use or disposition of Water Island which would contribute to economic growth in and make the island an integral part of the Virgin Islands community. The Secretary shall submit such options to the Committee on Interior and Insular Affairs of the House of Represenatatives and the Committee on Energy and Natural Resources of the Senate within 10 days after the convening of the 100th Congress.

SEC. 7. Section 901(a) of part I of title I of the Act of June 19, 1968 (82 Stat. 225, as amended, 42 U.S.C. 3791(a)) is further amended—

(1) in paragraph (2)—

(A) by striking out "and"; and

(B) by inserting before the semicolon the following: ", American Samoa, Guam, and the Northern Mariana Islands. *Provided,* That for the purposes of section 407(a) American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for these purposes, 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands"; and (2) in paragraph (3)—

(A) by striking out ", Guam, American Samoa" and inserting "and" in lieu thereof, and

(B) by striking out all that appears after "Pacific Islands" and inserting a semicolon in lieu thereof.

SEC. 8. (a) Section 8a of the Act of September 2, 1937 (50 Stat. 918, as amended and supplemented, 16 U.S.C. 669g-1) is amended by deleting the word "Act," the first place it appears and inserting in lieu thereof: "Act, and hunter safety programs as provided by section 8(b) of this Act,".

(b) Section 4(b) of the Act of September 2, 1937 (50 Stat. 918, as amended and supplemented, 16 U.S.C. 669c(b)) is further amended by striking the period at the end of the first sentence and adding: "and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues.".

SEC. 9. LAND GRANT COLLEGE.—(a) Section 506 of the Education Amendments of 1972, Public Law 92-318 (86 Stat. 235), is amended—

(1) by inserting ", the Northern Marianas College," immediately after "the College of Micronesia" in subsection (a); and

(2) by striking out "Virgin Islands, Guam, American Samoa, and Micronesia"; each place it appears in subsection (b) and inserting in lieu thereof "Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

(b) Section 5 of the Act of August 30, 1890, c.841, 26 Stat. 417 (the Second Morrill Act), as added by section 506(c) of Public Law 92-318 (86 Stat. 235) is amended by striking out "and Micronesia, and Guam" and inserting in lieu thereof "Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

(c) Subsection (c) of section 1361 of Public Law 96-374 (94 Stat. 1367) is amended by striking out "American Samoa and in Micronesia" and inserting in lieu thereof "American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

(d) Section 22 of the Act of June 29, 1935, c.388, 49 Stat. 439, as amended (7 U.S.C. 329) is further amended—

(1) by striking out "and Guam" wherever it appears and inserting in lieu thereof "Guam, and the Northern Mariana Islands";

(2) by striking out "$8,100,000" and inserting in lieu thereof "$8,250,000"; and

(3) by striking out "$4,360,000" and inserting in lieu thereof "$4,380,000".

(e) The first sentence of section 3(b)(2) of the Act of May 8, 1914, c.79, 38 Stat. 372, as amended (7 U.S.C. 343), is further amended by striking out "and Guam" and inserting in lieu thereof "Guam, and the Northern Mariana Islands".

(f) Section 10 of the Act of May 8, 1914, c.79, 38 Stat. 372, as added by section 1(i) of Public Law 87-749 (76 Stat. 745) and as amended (7 U.S.C. 349), is further amended to read as follows: "The term 'State' means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.".

Mr. SIMPSON. Mr. President, I ask unanimous consent that the committee amendments be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1804

(Purpose: To make necessary changes to H.R. 2478, regarding the territories of the United States)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator WEICKER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. WEICKER, proposes an amendment numbered 1804.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike the text of section 2 and add the following new text:

"SEC. 2. A total of up to $4,000,000 of funds currently reserved for use by the economic development loan fund, as established under subsection (c) of section 702 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by Public Law 94-241, may be expended for capital improvement projects, provided that such funds become available for use by the economic development loan fund and such funds are not obligated for economic development loans.".

Strike the text of section 4 and the following new text:

"SEC. 4. Effective October 1, 1986, there are authorized to be appropriated $1,500,000 for grants to the College of the Virgin Islands for projects related to the Eastern Caribbean Center, to remain available until expended.".

In section 8 delete "669g-l" and insert "669h" in lieu thereof, and at the end of the bill add the following new sections:

"SEC. 9. (a) Section 506 of the Education Amendments of 1972, Public Law 92-318 (86 Stat. 235) is amended by inserting, 'the Northern Marianas College', after 'the College of Micronesia' in subsection (a).

"(b) Section 5 of the Act of August 30, 1980, c. 841, 26 Stat. 417 (the Second Morill Act), as added by section 506(c) of Public Law 92-318 (86 Stat. 235) is amended by striking out 'and Micronesia, and Guam' and inserting in lieu thereof 'Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)'.

"(c) Subsection (c) of section 1361 of Public Law 96-374 (94 Stat. 1367) is amended by striking out 'American Samoa and in Micronesia' and inserting in lieu thereof 'American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)'.

"(d) Section 22 of the Act of June 29, 1935, c. 388, 49 Stat. 439, as amended (7 U.S.C. 329) is further amended—

"(1) by striking out 'and Guam' wherever it appears and inserting in lieu thereof 'Guam, and the Northern Mariana Islands';

"(2) by striking out '$8,100,000' and inserting in lieu thereof '$8,250,000'; and

"(3) by striking out '$4,360,000' and inserting in lieu thereof '$4,380,000'.

"(e) The first sentence of section 3(b)(2) of the Act of May 8, 1914, c.79, 38 Stat. 372, as amended (7 U.S.C. 343), is further amended by striking out 'and Guam' and inserting in lieu thereof 'Guam, and the Northern Mariana Islands'.

(f) Section 10 of the Act of May 8, 1914, C.79, 38 Stat. 372, as added by section 1(i) of Public Law 87-749 (76 Stat. 745) and as amended (7 U.S.C. 349), is further amended to read as follows: 'The term 'State' means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.'.

"SEC. 10. The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America approved by Public Law 94-241 (90 Stat. 263) is amended

"(1) in section 703, subsection (a), after the words, 'section 702' add the words 'and section 705';

"(2) in section 704, subsection (a), after the words 'section 702' add the words 'and section 705';

"(3) in section 704, delete subsection (c), and redesignate subsection (d) as subsection (c);

"(4) after section 704 add a new section 705, as follows:

"SEC. 705. Enactment of this section by the United States Congress and approval by the President shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $228,000,000 at guaranteed annual amounts of direct grant assistance for the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in section 702, which assistance shall be provided according to the agreement of the special representatives on future United States financial assistance for the Government of the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a ⅛ share and the island of Saipan shall receive no less than ¾ share of annualized capital improvement project funds which shall be no less than 80 percent of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the agreement of the special representatives.";

and

"(5) in section 1003, subsection (b), delete 'Article VII, Sections' and insert in lieu thereof '701-704,'; redesignate subsection (c) as subsection (d); and add a new subsection (c) as follows:

"(c) Section 705 will become effective as of October 1, 1985.".

"SEC. 11. Public Law 96-193 is amended by adding the following new section at the end of title III:

"SEC. 306. (a) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying aircraft if the operator is flying such aircraft between Honolulu or other nations and points in the United States Pacific territories or the Trust Territory of the Pacific Islands (or successor political entities). No such noncomplying aircraft shall be allowed to operate at any other United States airports.

"(b) Nighttime noise restrictions for aircraft operating pursuant to subsection (a) of this section shall be inapplicable in Honolulu, the United States Pacific territories and the Trust Territory of the Pacific Islands, (or successor political entities), provided that the State of Hawaii institutes nighttime noise restrictions for Honolulu International Airport, with equal application to all operators, that are no more restrictive than the existing restrictions.".

"SEC. 12. (a) In awarding assistant grants, consolidated under the provisions of title V of the Act entitled 'An act to authorize certain appropriations for the territories of the United States, to amend certain acts related thereto, and for other purposes'. (91 Stat. 1159, as amended), to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands or the Virgin Islands, the Administrator of the Environmental Protection Agency may, in his discretion, adjust or otherwise modify maintenance or level of effort requirements.

"(b) In awarding grants to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands under section 201(g)(1) of the Clean Water Act (33 U.S.C. 1251 et seg.), the Administrator of the Environmental Protection Agency may waive limitations regarding grant eligibility for sewerage facilities and related appurtenances, insofar as such limitations relate to collector sewers, based upon a determination that applying such limitations could hinder the alleviation of threats to public health and water quality. In making such a determination, the Administrator shall take into consideration the public health and water quality benefits to be derived and the availability of alternate funding sources. The administrator shall not award grants under this section for the operation and maintenance of sewerage facilities, for construction of facilities which are not an essential component of the sewerage facilities, or any other activities or facilities which are not concerned with the management of wastewater to alleviate threats to public health and water quality.

"SEC. 13. Section 29 of the Organic Act of Guam (64 Stat. 392) is amended by adding the following new subsection (c):

"(c) the Government of Guam may establish an Office of Public Prosecutor and an Office of Public Auditor.".

"SEC. 14. Section 101(a)(15)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(D)) is amended by inserting '(i)' after '(D)' and by adding at the end the following new clause:

"(ii) and alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States who intends to land temporarily in Guam and solely in pursuit of his calling as a crewman and depart from Guam with the vessel on which he arrived. For the purposes of this clause, an alien crewman shall be considered to have departed from Guam after leaving the territorial waters of Guam, without regard to whether the alien arrives in a foreign state before returning to Guam;".

"SEC. 15. Subsection 212(1) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended as follows:

"(l)(1) The requirement of paragraph (26)(B) of subsection (a) of this section may be waived by the Attorney General, the Secretary of State, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Secretary of State, and the Secretary of the Interior, after consultation with the Governor of Guam jointly determined that—

"(A) an adequate arrival and departure control system has been developed on Guam, and that

"(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States, taking into account the conditions prevailing on, and the location of, Guam.

"(2) An alien may not be provided a waiver under this subsection unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(3) Any personnel employed by the Immigration and Naturalization Service in order to implement the provisions of this subsection shall not be counted for the purposes of personnel ceilings or other limitations on the number of employees in either the Immigration and Naturalization Service or the Department of Justice.

"(4) Assignments of employees of the territory of Guam to the Immigration and Naturalization Service under section 3374 of title 5, United States Code, shall not be subject to the time limitation provided for in section 3372(a) of title 5, United States Code.

"(5) The Attorney General is authorized to accept from the Territory of Guam reimbursement for the increased cost of administering the Immigration and Nationality Act resulting from this subsection.

"(6) The Attorney General, after consultation with the Secretary of State, the Secretary of the Interior, and the Governor of Guam, shall issue regulations governing the admission of nonimmigrant aliens pursuant to the visa waiver authorized by this subsection.".

Mr. WEICKER. Mr. President, on December 3, of last year I chaired a hearing in the Committee on Energy and Natural Resources on three legislative proposals regarding the territories. Since that time the committee has reported two of the measures unanimously, H.R. 2478 and Senate Joint Resolution 192, and they are now ready for consideration by the full Senate. I am pleased to be joined by my distinguished colleagues, the chairman and ranking member of the committee, Senators MCCLURE and JOHNSTON, in offering an amendment to one of these territorial measures, H.R. 2478. This amendment has five parts. First, it would replace the text of section 2 in order to clarify the use of economic development loan funds for capital improvement projects in the Northern Mariana Islands. Second, it would replace the text of section 4 to respond to a request from the College of the Virgin Islands that the authorization for the Eastern Caribbean Center be shifted from the Secretary of the Interior to the Agency for International Development. Third, the amendment would make a technical change in section 8. Fourth, the amendment adds a new section to the bill granting land grant status to the Northern Mariana College. This new section is a slight modification of one of the committee amendments reported with H.R. 2478 and which was considered and approved by the committee. Finally, the fifth purpose of this amendment is to add the provisions of Senate Joint Resolution 192, as amended, to the end of H.R. 2478 and thereby combine the two reported measures as one.

As combined with Senate Joint Resolution 192, H.R. 2478 will have 15 provisions regarding the territories. Some of these items, such as continuation of financial assistance to the Northern Mariana Islands, are of critical importance. Other provisions are less critical but are important for enacting several necessary authorizations, clarifying amendments and program modifications designed to meet the needs of the U.S. territories of Guam, the Northern Mariana Islands, American Samoa, and the Virgin Islands.

I would like to acknowledge the efforts of the members and staff of several subcommittees for their cooperation and assistance in developing these provisions. These subcommittees are: the Subcommittee on Aviation, the Subcommittee on Environmental Pollution, the Subcommittee on Western Hemisphere Affairs, the Subcommittee on Immigration and Refugee Policy and the Subcommittee on Education, Arts and Humanities. I have prepared a section-by-section analysis of the 15 provisions, as amended. I urge my colleagues to join with us in adoption of this amendment and in passage of H.R. 2478.

I ask unanimous consent that the section-by-section analysis be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 would amend section 12 of the Revised Organic Act of the Virgin Islands to grant the people of the Virgin Islands the authority to make law by initiative and to recall elected officials. A similar provision had been included in the territorial constitution which was defeated in a local referendum (although the initiative and recall provisions were not controversial). Section 101 of Public Law 97-357 provided similar authority to the people of Guam.

Section 2 would authorize the Government of the Northern Mariana Islands (NMI) to expend unspent economic development loan funds for capital improvements projects. Section 702(c) of the Covenant between the United States and NMI, Public Law 94-241, provided a total of $23 million over 7 years for funding of economic development loans, an amount which NMI officials believe is greater than is needed. At the same time, there is an acute need for basic improvements to the islands' infrastructure. The provisions would permit the transfer of already appropriated funds to higher priority needs. It is intended that only funds which are not obligated for loans by the Fund managers shall be available to be transferred. Further, it is not intended for this authority to be open-ended; the language specifically limits the total of the funds which may be transferred to $4 million.

Section 3 would amend section 4(a) of Public Law 88-183 to grant the Virgin Islands, Guam and American Samoa full civil and criminal concurrent jurisdiction with the United States over Federal property in these territories to the extent that local laws do not conflict with Federal laws. Public Law 88-183 granted territorial governments concurrent jurisdiction over "parties found, acts performed and offenses committed" on Federal property. It was intended to be a general grant of concurrent jurisdiction. However, a Federal court in the Virgin Islands last year cast doubt on this by ruling that a local access law could not be enforced on Federally-owned Water Island (Water Isle Hotel and Beach Club Ltd. vs. Kon Tiki, St. Thomas, Inc. Civil No. 1983-284 Dist. Court V.I. March 27, 1984).

Section 4 would authorize $1.5 million in multi-year funding for the Eastern Caribbean Center which was proposed in the President's Caribbean Basin Initiative. The Center is to promote Caribbean regional development through cooperative technical assistance programs. The Center was established at the College of the Virgin Islands in 1985 under an authorization to the Secretary of the Interior. Since that time, the College of the Virgin Islands has requested that the authorization be shifted to the United States Agency for International Development (USAID). This section provides for a general authorization which does not specify the USIA. However, there is an informal agreement that the USIA is the appropriate agency to administer this authorization. It is anticipated that the House of Representatives will develop more specific language describing this authorization and will amend this section during House consideration.

Section 5 would amend section 29(b) of the Organic Act of Guam, which assigns the authority to organize the Guam education system, by replacing the word "Governor"

with "Government of Guam". The Guam Board of Education and the Legislature of Guam have requested that this change be made. However, the Governor opposes the change which would allow for an increase in the number of Guam officials involved in education policy. It is the intention of the Committee that the Government of Guam, not the U.S. Congress, shall determine how to allocate the authority to organize the Guam education system. This provision does not preclude delegation of this authority to the Governor under local law nor does it require that there be any changes to the current organization of the education system.

Section 6 would direct the Secretary of the Interior to develop options for the future status of Water Island and report to Congress by the beginning of the 100th Congress. This 500 acre island in St. Thomas Harbor is owned by the Federal government and has been leased to a hotel operator since 1952. The lease expires in 1992. Two issues which are of particular concern and underscore the need for this report are: one, that the current lease requires full payment to the leaseholder for all improvements if the lease is not renewed; and two, Public Law 96-205 bars any change in the lease without Congressional approval. Options must be developed for Congressional consideration before the Secretary of the Interior can begin negotiations with the leaseholder on future status.

Section 7 would amend section 901 of the Justice Assistance Act, Public Law 98-473 to make American Samoa, Guam and the Northern Mariana Islands eligible to receive grants as a single state. Because of their relatively small size, Guam would be eligible for one-half of a state allocation, American Samoa a one-third share and NMI a one-sixth share. This assistance has been sought by the Pacific territories to help cope with growing crime problems.

Section 8 would make the territories eligible to participate in the Hunter Safety Program of the Federal Aid in Wildlife Restoration Act of 1937. The provision would amend the law to allocate one-sixth of 1 percent of the program's funds to each of the four smaller territories. Puerto Rico is already eligible.

Section 9 extends program eligibility for the Land Grant College Program to the College of the Northern Mariana Islands. Because of the small size of the College of the Northern Mariana Islands, this provision does not authorize the college for the $3 million endowment which has usually been included in the extension of program eligibility. It is intended that the college be eligible for all program grants and benefits extended to other member colleges except for the endowment.

Section 10 would implement the agreement of the Special Representatives on the Future United States Financial Assistance for the Northern Mariana Islands which modifies the conditions for financial assistance to the islands. In 1976, Congress approved a Covenant to Establish a Commonwealth of the Northern Mariana Islands (CNMI) in Political Union with the United States (Public Law 94-241). Article VII of this Covenant pledges the full faith and credit of the United States to seven years of financial support to the CNMI for its operations and economic development.

Section 902 of the Covenant requires that special representatives of the United States and CNMI meet at least 1 year prior to the expiration of the period of financial assistance to consider and make recommendations regarding future multiyear financial assistance. Section 704(d) of the Covenant provides that the level of payments will continue until Congress appropriates a different amount or "otherwise provides by law." Having met, on July 10, 1985, the Special Representatives on Future United States Financial Assistance for the CNMI reached an agreement on funding for the next seven year period.

Upon enactment of Section 10, this agreement will provide the framework for the U.S. financial assistance to the CNMI for the second 7-year period, fiscal years 1986 through 1992. It would provide $228 million over the next 7-years for three general activities; $100.5 million for Government operations; $126 million for capital development, and $1.5 million for special programs.

Section 11 would amend title III of Public Law 96-193 to provide an exemption from aircraft noise standards for aircraft flying between Honolulu, Hawaii, or other nations, and the United States Pacific territories or the Trust Territory of the Pacific Islands (or successor political entities). The section would further provide that the State of Hawaii shall be authorized to institute nighttime noise restrictions for Honolulu airport which would be no more restrictive than those which currently apply. The intent of this provision is to increase air service in these insular areas where it is essential for economic and social development. The current restrictions were developed in response to a noise problem which is minimal in the territories because aircraft operate over water. In addition, the region's two largest airports, in Guam and Honolulu, are also used by military aircraft which do not need to meet the noise restrictions. The high cost of compliance with the noise restrictions has resulted in more harm than benefit to these islands. The cost, generally over $2 million per aircraft, has discouraged operators from serving these markets or it has forced them to cease operations altogether. Although the exemption in Honolulu is more limited, to daytime flights, it is necessary to include Honolulu in order to assure that there is an opportunity for mail, freight and passenger service to the United States to develop adequately.

Section 12 would provide flexibility to the Administrator of the Environmental Protection Agency (EPA) to modify certain water quality grant requirements and limitations which he may determine are not appropriate to conditions in the territories. For example, water and power service, on which water treatment facilities depend, are generally less developed and reliable in the territories than in mainland areas. As a result, the territories have lagged behind mainland areas in meeting eligibility requirements and in taking advantage of water quality grants. Because these grants are now being phased-out, the territories may lose the opportunity to take full advantage of the grants despite a significant threat to public health and water quality. It is intended that the Administrator of the EPA will use the flexibility granted by this provision to waive requirements, including time limitations on grants, to alleviate threats to the public health and quality, and to encourage the development of water treatment facilities. The provision would allow Federal funds to be used for the construction of sewage collection systems to receive sewage from household connections and transport it to interceptor or trunk sewers, provided the required findings related to threats to public health are made. The Clean Water Act does not permit use of Federal funds for the installation of house connector lines to sewage collection systems.

Section 13 would add a new paragraph (c) to section 29 of the Organic Act of Guam, authorizing the Government of Guam to establish independent offices for Prosecutor and Auditor. It is intended that the Government of Guam, not the U.S. Congress, shall determine how to allocate the authority to establish and organize each of these two separate offices. This provision does not preclude delegation of this authority to the Governor under local law nor does it require that there be any changes to the current organization of these offices.

Section 14 would amend the Immigration and Nationality Act to correct an inconsistency in the immigration law which allows alien crewmen on foreign vessels to enter Guam for shore leave while denying the same alien crewmen entry to Guam if they work on U.S.-registered vessels. This discriminatory treatment favoring foreign vessels has resulted in severe morale problems on U.S. vessels and, in one case, led to violence when immigration officers attempted to enforce the law. This section is intended to alleviate this problem. Aliens otherwise admissible as crewmen under Section 101(a)(15)(D) of the Act would be able to periodically come into Guam on the fishing vessel on which they are serving and be admissible as "D" crewmen, without the necessity of first entering a foreign country before returning to the United States.

Section 15 would amend subsection 212(1) of the Immigration and Nationality Act which was enacted by Congress in 1984 (Public Law 98-454) to provide for a limited 15-day visa waiver for visitors to Guam. The unique conditions prevailing on Guam and its isolated location provide sufficient safeguards for the welfare, safety and security of the United States to justify a broad application of the visa waiver system. Guam's isolation as an island in the Pacific Ocean easily allows for the restriction of visa waiver recipients to the Territory thereby preventing them from traveling onward to Hawaii and the mainland. Guam's small area and its relatively small population ensure that any nonimmigrants who overstay the visa waiver period of fifteen days can be quickly located and removed. The waiver of remedies provision contained in this legislation also ensures that there will be little if any administrative cost attributable to appeals of entry denials to visa waiver applicants. Given the inherent protections which Guam offers the welfare, safety and security of the United States the visa waiver system should be liberally applied to a broad range of countries. In particular, the visa denial rates through 16% for the preceding calendar year, including but not limited to South Korea and Taiwan. It is intended that the visa waiver program should initially be given wide application. If threats to the welfare, safety or security of the United States develop those threats should be dealt with on a country by country basis.

Mr. SIMPSON. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1804) was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no

further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (H.R. 2478), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. SIMPSON. Mr. President, I would like to inquire of the Democratic leader if he is in a position to consider the nomination of Robert J. Bryan, of Washington, to be U.S. district judge for the western district of Washington.

Mr. BYRD. Mr. President, that nomination has been cleared on this side of the aisle. We are ready to proceed.

EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Robert J. Bryan.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUDICIARY

The assistant legislative clerk read the nomination of Robert J. Bryan, of Washington, to be U.S. district judge for the western district of Washington.

Mr. GORTON. Mr. President, Senator EVANS and I are delighted to have this nomination of Judge Bryan before the Senate for two reasons. The first is that this specific position in the western district of Washington was created because of an immense need for an additional judge, especially in the southern division of that district.

Even more important, however, is the fact that Senator EVANS and I have an immense delight in having had the President nominate a candidate of such impeccable qualifications.

Robert Bryan first became a member of the bench when he was appointed to the superior court for Kitsap County in 1967 by the then Governor of the State of Washington, who sits on the other side of Judge Bryan right now.

He served for 17 years until his retirement from that position in 1984. Lawyer evaluation polls in the State of Washington ranked him either at the top or right at the top of all of the superior court judges in the State almost from the beginning of his career on the bench.

He was overwhelmingly characterized as excellent in each area of review in the way judges are reviewed there—legal ability, judicial temperament, availability, integrity, hard work, and the like—precisely the kind of person we need in our courts.

For the last 2 years, he has had a refresher in what it is like in the private sector in one of the most distinguished law firms in Seattle. His personal credentials match those of his professional credentials. He has given freely of his time not only to the legal community in the State of Washington, but to many other worthy causes as well.

I may say in passing, Mr. President, that at his nomination hearing before the Senate Judiciary Committee, I commented on physical similarities between Judge Bryan and our distinguished senior Senator from New Jersey [Mr. BRADLEY]. Judge Bryan was also at one time an outstanding basketball player.

Like our great colleague, he maybe cannot get quite so far off the floor now as he could at that time, but it is simply another illustration of his success and of a background which is so broad and includes so many important positions as to make him overwhelmingly qualified for this position.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS TO INTRODUCE LEGISLATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, under the jurisdiction of Senator GARN have 30 minutes after the Senate adjourns this evening in order to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on April 23, 1986, during the recess of the Senate, received a message from the President of the United States submitting sundry nominations and a withdrawal; which were referred to the appropriate committees.

(The nominations and withdrawal received on April 23, 1986, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Sara Currence Emerry, special assistant to the executive clerk of the White House, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

STRUCTURE AND STRENGTH OF THE DEFENSE ESTABLISHMENT—MESSAGE FROM THE PRESIDENT—PM 138

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Armed Services:

To the Congress of the United States:

On February 26, I spoke to the American people of my highest duty as President—to preserve peace and defend the United States. I outlined the objectives on which our defense program has rested. We have been firmly committed to rebuilding America's strength, to meeting new challenges to our security, and to reducing the danger of nuclear war. We have also been dedicated to pursuing and implementing defense reforms wherever necessary for greater efficiency or military effectiveness.

With these objectives in mind, I address the Congress on a subject of central importance to all Americans—the future structure and organization of our defense establishment.

Extensive study by the Armed Services Committees of the Senate and the House of Representatives has produced numerous proposals for far-reaching changes in the structure of

the Department of Defense, including the organization of our senior military leadership. These proposals, sponsored by members with wide knowledge and experience in defense matters, are now pending before the Congress.

In addition, a few weeks ago I endorsed the recommendations of the bipartisan President's Blue Ribbon Commission on Defense Management, chaired by David Packard, for improving overall defense management including the crucial areas of national security planning, organization, and command.

For more effective direction of our national security establishment and better coordination of our Armed Forces, I consider some of these proposals to be highly desirable, and I have recently taken the administrative steps necessary to implement these improvements. In this message, I wish to focus on the essential legislative steps that the Congress must take for these improvements to be fully implemented.

Together, the work of the Packard Commission and the Congress represents certainly the most comprehensive review of the Department of Defense in over a generation. Their work has been the focus of an historic effort to help chart the course we should follow now and into a new century. While we will continue to refine and improve our defense establishment in the future, it will be many years before changes of this scope are again considered. Given these unique circumstances, I concluded that my views as President and Commander in Chief should be laid before the Congress prior to the completion of legislative action.

EXECUTIVE AND LEGISLATIVE RESPONSIBILITIES

In forwarding this message, I am cognizant of the important role of the Congress in providing for our national defense. We must work together in this endeavor. However, any changes in statute must not infringe on the constitutionally protected responsibilities of the President as Commander in Chief. Any Legislation in which the issues of Legislative and Executive responsibilities are confused would be constitutionally suspect and would not meet with my approval.

My views concerning legislation on defense reorganization now pending in the House and Senate reflect a reasoned and open-minded approach to the issues, while maintaining a close watch on the constitutional responsibilities and prerogatives of the Presidency. While I had considered forwarding a separate bill to the Congress, I concluded that this was not necessary since many of the legislative recommendations of the Packard Commission are already pending in one or more bills. However, additional changes in law are also proposed in those other bills, and such changes must be carefully weighed.

Certain changes in the law are necessary to accomplish the objectives we seek. Among these are the designation of the Chairman of the Joint Chiefs of Staff as the principal military adviser to the President, the Secretary of Defense, and the National Security Council, and the Chairman's exclusive control over the Joint Staff; the creation of a new Vice Chairman of the Joint Chiefs of Staff; and the creation of a new Level II position of Under Secretary of Defense for Acquisition.

Other proposed changes in law are, in my judgment, not required. It is not necessary to place in law those aspects of defense organization that can be accomplished through executive action. Nevertheless, if such changes are recommended by the Congress, I will carefully consider them, provided they are consistent with current policy and practice and do not infringe upon the authority or reduce the flexibility of the President or the Secretary of Defense.

GENERAL PRINCIPLES

The organization of our present-day defense establishment reflects a series of important reforms following World War II. These reforms were based upon the harsh lessons of global war and were hastened by the new military responsibilities and threats facing our Nation. They culminated in 1958 with the reorganization of the Department of Defense under President Eisenhower.

President Eisenhower's experience of high military command has few parallels among Presidents since George Washington. The basic structure for defense that he laid down in 1958 has served the Nation well for over 25 years. The principles that governed his reorganization proposals are few but fundamental. They are of undiminished importance today.

First, the proper functioning of our defense establishment depends upon civilian authority that is unimpaired and capable of strong executive action.

As civilian head of the Department, the Secretary of Defense must have the necessary latitude to shape operational commands, to establish clear command channels, to organize his Office and Department of Defense agencies, and to oversee the administrative, training, logistics, and other functions of the military departments.

Second, if our defense program is to achieve maximum effectiveness, it must be genuinely unified.

A basis theme of defense reorganization efforts since World War II has been to preserve the valuable aspects of our traditional service framework while nonetheless achieving the united effort that is indispensable for our national security. President Eisenhower counseled that separate "service responsibilities and activities must always be only the branches, not the central trunk of the national security tree."

Unified effort is not only a prerequisite for successful command of military operations during wartime, today, it is also indispensable for strategic planning and for the effective direction of our defense program in peacetime. The organization of our senior military leadership must facilitate this unified effort. The highest quality military advice must be available to the President and the Secretary of Defense on a continuing basis. This must include a clear, single, integrated military point of view. Yet, at the same time, it must not exclude well-reasoned alternatives.

Third, the character of our defenses must keep pace with rapid changes in the military challenges we face.

President Eisenhower observed a revolution taking place in the techniques of warfare. Advancing technology, and the need to maintain a vital deterrent, continually test our ability to introduce new weapons into our armed forces efficiently and economically. It is increasingly critical that our forces be able to respond in a timely way to a wide variety of potential situations. These range across a spectrum from full mobilization and deployment in case of general war, to the discriminating use of force in special operations. To respond successfully to these changing circumstances and requirements, our defense organization must be highly adaptable.

Where the roles and responsibilities of each component of our defense establishment are necessarily placed in law, they must be clear and unambiguous, but not so constrained or detailed as to impair operational flexibility or the common sense of those in positions of responsibility. Laws must not be written in response to the strengths and weaknesses of individuals who now serve. Instead, they should establish sound, fundamental relationships among and between civilian and military authorities, relationships that reflect the proper balance between our traditions and heritage and the practical considerations unique to military matters.

SPECIAL RELATIONSHIPS BETWEEN THE PRESIDENT AND CERTAIN SUBORDINATES

I noted earlier that President Eisenhower brought to his Presidency a unique perspective and unprecedented military experience. Few Presidents have come into this office as well prepared as he to assume the responsibilities of Commander in Chief. This fact places a heavy burden on our defense establishment and requires the continued development of key institutions and relationships that constitute the framework of our current organization.

It has been my experience that within this framework there is a special relationship between the President, the Secretary of Defense, and the Combatant Commanders. In providing for the timely and effective use of the armed forces in support of our foreign policy, our entire defense establishment is focused on supporting this special relationship and making it as effective as possible. All other aspects of our defense organization must be subordinate to this purpose.

The Secretary of Defense. In particular, the law places broad authority and heavy responsibilities on the Secretary of Defense. The Secretary, in his responsibility as head of the defense establishment and in executing the directives of the Commander in Chief, embodies the concept of civilian control. No one but the President of the United States and the Secretary of Defense is empowered with command authority over the armed forces. In managing the Department of Defense the Secretary must retain the authority and flexibility necessary to fulfill these broad responsibilities.

Thus, where the Congress seeks statutory changes that would affect the Secretary of Defense, I will apply the following criteria:

—I will support efforts to strengthen the authority of the Secretary of Defense if there are areas in the law where his current authority is not sufficiently clear.

—The Secretary's authority should be delegated as he sees fit, and such delegation should never be mandated in the law apart from his concurrence and approval.

—The strengthening of other offices or components of the defense establishment should never be, nor appear to be, at the expense of the authority of the Secretary of Defense.

The Combatant Commanders. The Unified and Specified Commanders are the individuals in whom the American people and our defense establishment place warfighting responsibilities. The Secretary and I consult the Combatant Commanders for their joint and operational points of view in determining how our military forces should be used and in determining our military requirements for important geographic and functional areas. Their successes in any future conflict would depend in large measure on how well we plan for their needs in today's defense budgets.

With this in mind, the Secretary initiated regular meetings with the Combatant Commanders and has provided them greater access to the Department's internal budget process. In addition, I am implementing the recommendations of the Packard Commission to improve the channel of communications between the President, the Secretary, and the Combatant Commanders; to provide broader authority to those Commanders to structure their subordinate commands; to provide options in the organizational structure of Combatant Commands for the shortest possible chains of command consistent with proper supervision and support; and to provide for flexibility where issues or situations overlap the current geographical boundaries of the Combatant Commands.

These changes reflect an evolutionary and positive trend towards strengthening the role of the operational commanders within the defense establishment. While I hope and expect this trend will continue, it is not necessary that these efforts be mandated in the law. If the Congress wishes to elaborate on the current law, there are several important issues that should be considered:

—In organizing our forces to maximize their combat potential under a variety of circumstances, the President and Secretary of Defense must retain the authority for establishing Combatant Commands; for prescribing their force structure; and for oversight of the assignment of forces by the Military Departments. To be effective, this authority requires broad latitude and flexibility and calls for a minimum amount of statutory constraint. Restrictions in the law that prohibit the establishment of certain command arrangements should be repealed. My authority as Commander in Chief is sufficient to deal with any necessary command arrangements or adjustments in the assignment of forces that unforeseen circumstances could require.

—In moving to strengthen the role of the Combatant Commanders we must establish an appropriate balance between enhancing their influence in resource allocation and maintaining their focus on joint training and operational planning. The Combatant Commanders must have sufficient authority and influence to accomplish their mission, within the constraints necessarily established by the Secretary, without being burdened with administrative responsibilities that detract from their primary role as operational commanders.

—Finally, we must not legislate departmental procedures. The changes I have initiated concerning the defense planning and budgeting process provide for the further development of the role of the Combatant Commanders. It is neither necessary nor appropriate for the Department's internal resource allocation process to be defined in law. The establishment and evolution of such procedures must remain the prerogative of the Secretary of Defense.

The Chairman of the Joint Chiefs of Staff. In the relationship between the President, the Secretary of Defense, and the Combatant Commanders, there is a special role for the Chairman of the Joint Chiefs of Staff. The Chairman ranks above all other officers and devotes all of his time to joint issues. I deal with him or his representative on a regular basis and he serves as the primary contact for the Secretary and me on operational military matters. As a matter of practice, the Chairman also functions within the chain of command by transmitting to the Combatant Commanders those orders I give to the Secretary. Under the directive I recently signed to implement the recommendations of the Packard Commission, this practice will be broadened and strengthened.

In this regard, I have concluded that the Chairman's unique position and responsibilities are important enough to be set apart and established in law, and that he should be supported by a military staff responsive to his own needs and those of the President and the Secretary of Defense. In reaching this judgment I have carefully weighed the view that concentration of additional responsibility in the Chairman could limit the range of advice provided to me and the Secretary, or somehow undermine the concept of civilian control. While this concern is understandable, it does not apply to the structural changes I would endorse. Since the Chairman and the Joint Chiefs of Staff will continue to function together as military advisers and the Secretary's military staff, and the Chairman will continue to report directly to the President and the Secretary of Defense, none of the new responsibilities of the Chairman that I propose would diminish the authority or control of the Secretary of Defense. Accordingly, I support legislation that will accomplish the following objectives:

—Designate the Chairman of the Joint Chiefs of Staff as the principal uniformed military adviser to the President, the National Security Council, and the Secretary of Defense;

—Place the Organization of the Joint Chiefs of Staff and the Joint Staff under the exclusive direction of the Chairman, to perform such duties as he prescribes to support the Joint Chiefs of Staff and respond to the President and the Secretary of Defense; and

—Create the new position of Vice Chairman of the Joint Chiefs of Staff and make the Vice Chairman a member of the Joint Chiefs of Staff.

While recognizing and providing for the special role of the Chairman in

the law, the basic structure of the Joint Chiefs of Staff should be retained. The advantages and disadvantages of the current system, in which the Chiefs of the Services provide advice concerning both their military Service and joint issues, have been debated for many years and are well known. I believe that certain disadvantages will be remedied by a stronger Chairman without sacrificing the advantages of the current system. I find that the Chiefs of the Services are highly knowledgeable regarding particular military capabilities. And, just as important, joint military perspectives on both resource allocation and operations, developed under the Chairman's leadership, must be upheld and supported at the highest levels of the Military Departments.

For these reasons, as we take the appropriate steps to strengthen the role of the Chairman, the law must ensure that:

—The Service Chiefs remain members of the Joint Chiefs of Staff; and that, in addition to the views of the Chairman, the President is also provided with the views of other members of the Joint Chiefs of Staff.

—In addition, in creating the new position of Vice Chairman, the law must provide flexibility for the President and Secretary of Defense to determine who shall serve as Acting Chairman in the Chairman's absence.

In our efforts to strengthen the ability of the Chairman and the Joint Chiefs of Staff to be responsive to the civilian leadership, we must also make certain that the military establishment does not become embroiled in political matters. The role of the Chairman and other members of the Joint Chiefs of Staff is strictly advisory in nature and, with the armed forces as a whole, they serve the American people with great fidelity and dedication. In my view, changes in the tenure of the Chairman or other senior officers that are tied to the civilian electoral process would endanger this heritage. I oppose any bill whose provisions would have the effect of politicizing the military establishment.

ACQUISITION REFORM

The Packard Commission has pointed out what we all know to be true: that our historic ups and downs in defense spending have cost us dearly over the long term. For many years there has been chronic instability in both top-line funding and individual programs. This has eliminated key economies of scale, stretched out programs, and discouraged defense contractors from making the long-term investments required to improve productivity. To end this costly cycle, we must find ways to provide the stability that will allow the genius of American ingenuity and productivity to flourish.

We also know that Federal law governing procurement has become overwhelmingly complex. Each new statute adopted by the Congress has spawned more administrative regulation. As laws and regulations have proliferated, defense acquisition has become ever more bureaucratic and encumbered by overstaffed and unproductive layers of management. We must both add and subtract from the body of law that governs Federal procurement, cutting through red tape and replacing it with sound business practices, innovation, and plain common sense.

The procurement reforms I have begun within the Executive branch cannot reach their full potential without the support of the Congress. We must work together in this critical period, where so many agree that our approach to defense procurement in both the Executive and Legislative branches is in need of repair. However, in moving forward to implement needed reforms, I urge the Congress to show restraint in the use of more legislation as a solution to our current problems.

The Commission identified the need for a full-time defense acquisition executive with a solid industrial background. This executive would set overall policy for procurement and research and development, supervise the performance of the entire acquisition system, and establish policy for the oversight of defense contractors. I concur with this recommendation.

—The Congress should create by statute the new Level II position of Under Secretary of Defense for Acquisition through the authorization of an additional Level II appointment in the Office of the Secretary of Defense.

Beyond this initiative, however, further change to the acquisition organization of the Department of Defense should be left to the Executive branch. The procurement reforms I have recently set in motion are fundamental and far-reaching and should be allowed to proceed without the burden of further piecemeal changes. I call on the Congress to demonstrate restraint in two particular areas:

—First, with the exception of changes to procurement of antifraud laws I have already endorsed, we should refrain from further action to add new procurement laws to our statutes pending the complete review of all Federal statutes governing procurement that I have recently directed. The vast body of procurement law that now exists must be simplified, consolidated, and made responsive to our national security needs.

—And second, we should take no further action to add new laws that would restrict the authority of the Secretary of Defense to hire and retain the high quality of personnel needed to administer the Department of Defense's acquisition program.

If citizens from the private sector who participate in the conduct of government are unfairly prohibited from returning to their livelihood, it will not be just their willingness to serve that will suffer. The Nation will suffer as well. I will later report to the Congress on steps I am taking or that I propose the Congress take in these areas. And I will also review and report on the accountability of the defense industry to the Department of Defense, and to the American people. This review will address the ethics of the industry, the Department of Defense's oversight responsibility, and the role of the Department's Inspector General. I urge the Congress not to act in these important areas until it has had an opportunity to review my report.

While the Department of Defense and Executive branch are focused on implementing the details of these reforms, I urge the Congress to focus its attention on the structural and procedural reforms that are also essential for the stability we seek.

Two-year defense budgets are an essential step toward stability. I urge the Congress to develop internal procedures for the authorization and appropriation of defense budgets on a biennial basis, beginning with the FY 1988 budget. My FY 1988 defense budget will be structured with this in mind.

The Congress should encourage the use of multiyear procurement where appropriate on a significantly broader scale. Multiyear procurement is a strong force for stability and efficiency. We have already saved billions of dollars through multiyear procurement and have never broken a contract or suffered a single loss to date. We want to continue and expand our efforts in this important area.

Milestone funding of research and development programs is also a form of multiyear contracting. I will work with the Congress to select appropriate programs to be base-lined in cost over a multiyear period so that these programs can be funded in an orderly and stable fashion. If we know what we want to accomplish, we can set a proper ceiling on costs and manage our program within those costs. I urge the Congress to support milestone funding and the base-lining concept of placing a ceiling on research and development costs.

Finally, there are some forty different committees or subcommittees that claim jurisdiction over some aspect of the defense program. This fragmented oversight process is a source of confusion, and it impedes the cooperation

between the Congress and the Executive branch so necessary to effective defense management. I urge the Congress to return to a more orderly process involving only a few key committees to oversee the defense program. Only with such reform can we achieve the full benefits of those changes now underway within the Department of Defense.

Working together, we have accomplished a great deal over the past five years. Yet there is more to be done. This effort represents a new beginning for our defense establishment. When these reforms have been achieved we will have:

—Developed a rational process for the Congress and the President to reach enduring agreement on national military strategy, the forces to carry it out, and the stable levels of funding that should be provided for defense;

—strengthened the ability of the military establishment to provide timely and integrated military advice to civilian leadership;

—improved the efficiency of the defense procurement system and made it more responsive to future threats and technological needs; and

—reestablished the bipartisan consensus for a strong national defense.

The Packard Commission has charted a three-part course for improving our Nation's defense establishment. I have already directed implementation of its recommendations where that can be accomplished through Executive action. In this message, I ask that the Congress enact certain changes in law that will further improve the organization and operation of the Department of Defense. Now, the remaining requirement for reform lies within the Congress itself.

I began this message by emphasizing the important role of Congress in our defense establishment. In the organizational changes we now address, the Congress should be commended for fulfilling its broad responsibility to make laws to organize and govern the armed forces. However, with respect to the changes we must consider in the areas of budget, resource allocation, and procurement, the future is much less certain. To establish the stability essential for the successful and efficient management of our defense program, the Congress must be more firmly committed to its constitutional obligations to raise and support the armed forces.

Within the limits of my authority as President, I will continue to improve and refine the national security apparatus within the Executive branch. And I will support any further changes in procedures, regulations, or statutes, that would improve the long-term stability, effectiveness, and efficiency of our defense effort.

In having fully committed ourselves to implementing the Packard Commission's recommendations, this Administration has overcome the difficult bureaucratic terrain that has stood in the path of previous efforts. Now, we face a broad ocean of necessary congressional reforms in which the currents of politics and jurisdiction are equally treacherous. We must not stop at the water's edge.

Only meaningful congressional reform can complete our efforts to strengthen the defense establishment and develop a rational and stable budget process—a process that provides effectively and efficiently for America's security over the long haul.

With a spirit of cooperation and bipartisanship, confident that we can rise to this occasion, I stand ready to work with the Congress and meet the challenge ahead.

RONALD REAGAN.

THE WHITE HOUSE, *April 24, 1986.*

ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT—PM 139

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, transmitting, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 407 of the Domestic Volunteer Services Act of 1973, as amended (42 U.S.C. 5047), I transmit herewith the Annual Report of the ACTION Agency for Fiscal Year 1985.

RONALD REAGAN.

THE WHITE HOUSE, *April 24, 1986.*

MESSAGES FROM THF HOUSE

At 12:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1116. An act to implement certain recommendations made pursuant to Public Law 98-360; and

H.R. 4420. An act to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4420. An act to amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes; to the Committee on Armed Services.

MEASURE HELD AT THE DESK

The following was ordered held at the desk by unanimous consent until the close of business Monday, April 28, 1986:

H.R. 1116. An act to implement certain recommendations made pursuant to Public Law 98-360.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3034. A communication from the Chief, Program Liaison Division, Department of the Air Force, transmitting pursuant to law, a report on Experimental, Developmental, and Research Contracts of $50,000 or more during July 1-December 31, 1985; to the Committee on Armed Services.

EC-3035. A communication from the Principal Assistant Secretary of the Navy transmitting, pursuant to law, a report on a decision to convert the Base Operating Support functions at the Naval Air Facility, El Centro, CA, to performance under contract; to the Committee on Armed Services.

EC-3036. A communication from the Comptroller of the Currency transmitting, pursuant to law, the 1985 Consumer Complaint Processing Activities report; to the Committee on Commerce, Science, and Transportation.

EC-3037. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the progress of discussions on California offshore oil and gas leasing; to the Committee on Energy and Natural Resources.

EC-3038. A communication from the Secretary of Health and Human Resources transmitting, pursuant to law, the annual report on Aid to Families With Dependent Children; to the Committee on Finance.

EC-3039. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Medicare-Existing Contract Authority Can Provide for Effective Program Administration"; to the Committee on Finance.

EC-3040. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the Hill-Burton Uncompensated Services Requirement Related to Nursing Homes and Hospitals; to the Committee on Finance.

EC-3041. A communication from the Secretary of State transmitting, pursuant to law, a report on the Department's activities related to minority recruitment and equal employment efforts; to the Committee on Foreign Relations.

EC-3042. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the U.S. within the 60 days prior to April 18, 1986; to the Committee on Foreign Relations.

EC-3043. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 6-156; to the Committee on Governmental Affairs.

EC-3044. A communication from the Acting Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the annual report on the MSPB Ap-

peals Decisions for fiscal year 1985; to the Committee on Governmental Affairs.

EC-3045. A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, the Board's Government in the Sunshine report to the Committee on Governmental Affairs.

EC-3046. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, the Commission's Government in the Sunshine report; to the Committee on Governmental Affairs.

EC-3047. A communication from the Vice President of Freddie Mac transmitting, pursuant to law, the 1984 financial statement for Freddie Mac's Employees' Pension Plan; to the Committee on Governmental Affairs.

EC-3048. A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, the 1985 Freedom of Information report; to the Committee on the Judiciary.

EC-3049. A communication from the Controller of the Boys Clubs of America transmitting, pursuant to law, the Boys Clubs audited financial report for 1985; to the Committee on the Judiciary.

EC-3050. A communication from the Executive Director of the Civil Air Patrol transmitting, pursuant to law, the Patrol's 1986 Annual Report; to the Committee on the Judiciary.

EC-3051. A communication from the Secretary of Education transmitting, pursuant to law, a report on Departmental control of paperwork; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of commitees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1750. A bill to amend the Federal Aviation Act of 1958, as amended, to increase civil penalty limits for safety violations by persons engaged in commercial aircraft operations, and for other purposes (Rept. No. 99-286).

By Mr. CHAFFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1813. A bill to amend and extend the Atlantic Striped Bass Conservation Act, and for other purposes (Rept. No. 99-287).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and an amended preamble:

H.J. Res. 462. Joint resolution to designate May 25, 1986, as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United States Support of Artists for Africa for their efforts toward combating domestic hunger with a nationwide linkup coast-to-coast human chain 4,000 miles long.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1225. A bill to amend the Atomic Energy Act of 1954, as amended, to establish a comprehensive, equitable, reliable, and efficient mechanism for full compensation of the public in the event of an accident resulting from activities undertaken under contract with the Department of Energy or activities undertaken by Nuclear Regulatory Commission licensees involving nuclear materials.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 2216. A bill to designate September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day," and to make such day a legal public holiday.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

James Larry Edmondson, of Georgia, to be U.S. circuit judge for the 11th Circuit; and

Henry E. Hudson, of Virginia, to be U.S. attorney for the eastern district of Virginia for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON (for himself and Mr. SIMON):

S. 2363. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported speedometers used on exercise equipment consistent with those on bicycle speedometers; to the Committee on Finance.

By Mr. PROXMIRE:

S. 2364. A bill to amend the Internal Revenue Code of 1954 to provide that no foreign tax credit, and no deduction, shall be allowed for taxes paid of accrued to Libya during the period any declaration by the President of a national emergency is in effect with respect to Libya and to provide that the exclusion from gross income of earned income of U.S. citizens living abroad shall not apply to income attributable to Libya during such period; to the Committee on Finance.

By Mr. BURDICK:

S. 2365. A bill to amend the Agricultural Act of 1949 to improve procedures for the rotation of grain in the producer reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON:

S. 2366. A bill for the relief of Merlene Ottey-Page; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. CRANSTON and Mr. WILSON):

S. 2367. A bill to provide for the duty-free entry of certain structures and parts for use in the W.M. Keck Observatory Project, and for other purposes; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. DURENBERGER and Mr. BENTSEN):

S. 2368. A bill to amend part B of title XVIII to provide for improved procedures for payment for physicians' services under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. FORD:

S. 2369. A bill to authorize the Interstate Commerce Commission to adjust rail rates to reflect cost decreases due to inflation; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 2370. A bill to allow the Francis Scott Key Foundation, Inc. to erect a memorial in the District of Columbia; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2371. A bill to amend the Social Security Act to make administrative improvements in the programs of aid to families with dependent children and child support enforcement, and for other purposes; to the Committee on Finance.

By Mr. GARN (by request):

S. 2372. A bill to preserve the authority of the Federal banking supervisory agencies to arrange interstate acquisitions and mergers for failed and failing banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORE:

S.J. Res. 330. Joint resolution to designate May 7, 1986, as National Barrier Awareness Day; to the Committee on the Judiciary.

By Mr. HELMS:

S.J. Res. 331. Joint resolution prohibiting the proposed sale of integrated avionics system kits to the People's Republic of China; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself and Mr. DOLE):

S. Res. 388. Resolution expressing the sense of the Senate that the Congressional Budget Office and the Office of Management and Budget provide updated baseline and current service estimates for fiscal 1987-91; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or to be discharged.

By Mr. SIMPSON (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 389. Resolution to authorize testimony of a Senate employee; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON (for himself and Mr. SIMON):

S. 2363. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported speedometers used on exercise equipment consistent with those on bicycle speedometers; to the Committee on Finance.

RATES OF DUTY ON IMPORTED BICYCLE SPEEDOMETER

● Mr. DIXON. Mr. President, today, Senator PAUL SIMON and I are introducing a bill which will address an inequity which has caused major harm to a company in Illinois—Stewart-Warner Corp.

Our bill would amend the tariff schedules so that the duty levied on certain bicycle speedometers imported

for use on exercise equipment would be identical to that which is levied on all other imported bicycle speedometers.

The main use of speedometers, other than on motorized vehicles, are for bicycles or stationary exercise bicycles. The speedometers used on both are essentially identical.

The sole remaining domestic manufacturer of speedometers for bicycles is Stewart-Warner Corp. The speedometer it manufactures has been used on exercise equipment since 1935.

These speedometers have a commonality of major parts. The major cost of a bicycle speedometer is in the speedometer head, which is more than 60 percent of the total cost. That part is the same on all speedometers.

The cable, which is the next most expensive component of a bicycle speedometer, is also identical to that for an exercise bicycle. The only difference is in the length.

The most inexpensive component of a bicycle speedometer is the drive mechanism. There are four types, and all are essentially interchangeable for bicycles and exercycles.

Mr. President, we have a tariff law which currently charges two different rates for essentially the same part, depending on how it is used. That makes no sense at all. The difference is substantial—18.3 percent ad valorem for bicycle speedometers and 0.6 percent ad valorem for exerciser-type speedometers. This is a big disparity for an item which is essentially the same part used on related equipment.

In the past 3 years, Stewart-Warner's share of the bicycle-type speedometer market has declined from 40 percent to 20 percent, and its work force employed in the production of this product has declined by two-thirds.

I urge the Senate Finance Committee to rectify this inequity at its earliest opportunity.●

By Mr. PROXMIRE:

S. 2364. A bill to amend the Internal Revenue Code of 1954 to provide that no foreign tax credit, and no deduction, shall be allowed for taxes paid or accrued to Libya during the period any declaration by the President of a national emergency is in effect with respect to Libya and to provide that the exclusion from gross income of earned income of U.S. citizens living abroad shall not apply to income attributable to Libya during such period; to the Committee on Finance.

LIMITING TAX BREAKS FOR U.S. CORPORATIONS OPERATING IN LIBYA

Mr. PROXMIRE. Mr. President, the American taxpayers are subsidizing Muammar Qadhafi's terrorist regime.

Unbelievable, you say? How could we be subsidizing a regime that attacks U.S. citizens abroad, funds terrorist organizations around the world, and is considered a hostile foreign power? How could the White House, the Department of Defense, the Department of State allow our country to subsidize a country we just found it necessary to attack with military force?

Well, Mr. President, it is happening right now, today, as five American oil companies continue to operate in Libya alone with two American construction firms—all of them contributing to the Libyan economy by producing or selling oil or working on construction projects and in turn reaping huge tax benefits from our Treasury—benefits from the pockets of every tax paying American.

The five oil companies make large royalty tax payments to Qadhafi—up to 92 cents on the dollar. That means every time they pump a dollars' worth of oil, Colonel Qadhafi earns another 92 cents in income. And the U.S. corporation turns around and takes a tax credit on their income tax forms for operating abroad and it deducts as a business expense the taxes and royalties it pays to Qadhafi. In addition, Americans engaged in operating these oil firms in Libya can take an $80,000 exclusion on their income taxes.

While U.S. corporations are supposed to be out of Libya under the terms of the President's order, five oil companies sought and were granted an extension of time until June during which they could continue to operate, distribute, and sell oil from Libya while they are theoretically finding a way to sell their assets.

In order to resume oil activities in the aftermath of the President's order, these five oil companies paid, and let me emphasize this point, they paid Qadhafi $130 million in back taxes. $130 million to Qadhafi after the President told every American commercial venture in Libya to get out. But then the Treasury Department turned around and said to oil companies—"well it does not apply to you. You have an extension of time. You can continue to operate. You can continue to pay Qadhafi millions in taxes and royalties. You can continue to prop up his regime. You can continue to support him economically. And you can continue to charge the American taxpayer for these activities through the Tax Code."

No wonder, Mr. President, our European allies question our policies under these circumstances. How can we continue to criticize our European allies when United States firms are operating in Libya with the approval of our own Government?

Mr. President, this situation has to stop. Either we are serious about stopping Qadhafi or we are not. If those five oil companies leave Libya, it might cause a loss of assets and it may not mean a drop in oil production if Qadhafi can move in and run them efficiently. But it just as easily might mean disruptions in their oil operations. It might hurt.

Mr. President, today I am introducing legislation with three purposes: First, to deny tax credits to United States firms operating in Libya; second, to deny the taking of tax and royalties as a business deduction by United States firms operating in Libya; and third, to deny the $80,000 personal income tax exclusion for United States citizens working in Libya.

Great credit should be given to my Wisconsin congressional colleague [Mr. OBEY] for discovering this situation and moving legislatively to stop it. He has demonstrated great leadership on this matter and every taxpayer owes him a debt.

I urge my colleagues to examine this legislation and join with me in cosponsoring and voting for this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF FOREIGN TAX CREDIT, ETC. FOR TAXES PAID OR ACCRUED TO LIBYA WHILE DECLARATION OF NATIONAL EMERGENCY IS IN EFFECT.

Section 901 of the Internal Revenue Code of 1954 (relating to taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) DENIAL OF FOREIGN TAX CREDIT, ETC. FOR TAXES PAID OR ACCRUED TO LIBYA WHILE DECLARATION OF NATIONAL EMERGENCY IN EFFECT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part—

"(A) no credit shall be allowed under subsection (a) for any income, war profits, or excess profits taxes paid or accrued (or deemed paid under section 902 or 960) to Libya during any period during which a declaration described in paragraph (3) is in effect with respect to Libya, and

"(B) income from sources within Libya which is attributable to such period shall not be taken into account as income from sources without the United States under section 904(a).

"(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any taxes for which a credit is not allowable under paragraph (1)(A).

"(3) DECLARATION DESCRIBED.—A declaration is described in this paragraph if it is a declaration by the President of a national emergency under section 202 of the International Emergency Economics Powers Act after a finding that the policies and actions of Libya (or the government thereof) constitute an unusual and extraordinary threat to the national security and foreign policy of the United States."

SEC. 2. EXCLUSION FROM GROSS INCOME OF EARNED INCOME OF U.S. CITIZENS LIVING ABROAD SHALL NOT APPLY TO INCOME ATTRIBUTABLE TO LIBYA WHILE DECLARATION OF NATIONAL EMERGENCY IS IN EFFECT.

Subsection (b) of section 911 of the Internal Revenue Code of 1954 (relating to citizens or residents of the United States living abroad) is amended by adding at the end thereof the following new paragraph:

"(3) FOREIGN EARNED INCOME NOT TO INCLUDE INCOME ATTRIBUTABLE TO LIBYA WHILE DECLARATION OF NATIONAL EMERGENCY IS IN EFFECT.—The foreign earned income for an individual shall not include amounts attributable to sources within Libya during any period during which a declaration described in section 901(i)(3) is in effect with respect to Libya. For purposes of the preceding sentence, an amount shall be treated as attributable to a period if the services to which such amount is attributable are performed during such period."

SEC. 3. EFFECTIVE DATES.

(a) SECTION 1.—The amendments made by section 1 shall apply to taxes paid or accrued (or deemed paid under section 902 or 960 of the Internal Revenue Code of 1954) after December 31, 1985, in taxable years ending after such date.

(b) SECTION 2.—The amendment made by section 2 shall apply to amounts received after December 31, 1985, in taxable years ending after such date.

By Mr. BURDICK:

S. 2365. A bill to amend the Agricultural Act of 1949 to improve procedures for the rotation of grain in the producer reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ROTATION OF GRAIN IN PRODUCER RESERVE PROGRAM

Mr. BURDICK. Mr. President, today I am introducing a bill designed to help the farmer weather the credit crisis he currently faces. We all know of the terrible problems many farmers are having obtaining credit to put in their crops and continue their operations.

One-third of all farms with annual sales over $40,000 face financial difficulties. According to USDA:

This development is especially critical because commercial farms—those with sales between $50,000 and $500,000—although only 34 percent of all farms, account for 90 percent of all farm sales.

It can no longer be said that those farmers going out of business are primarily those who were poor managers or who failed to adapt to changing economic trends in agriculture. Low commodity prices and a continuing decline in farmland values are negatively affecting the viability of operations that have lower than a 40-percent debt-to-asset ratio, but that have a negative cash flow.

The vulnerability of farmers at higher debt-to-asset ratios is even greater: 11 percent of all commercial farmers are currently classified as technically insolvent—their debt is larger than the value of the assets they own; 12 percent are classified as very highly leveraged—debt-to-asset ratios between 70 and 100 percent; and 22 percent are classified as highly leveraged—debt-to-asset ratios between 40 and 70 percent. It is highly likely that producers in these three categories will continue to go out of business at a higher than normal rate.

I want my colleagues to keep in mind that the farm statistics are much worse for certain parts of the country than for others. In my State of North Dakota, farmers have the second highest debt level among farm operators in nine Midwestern States. In January 1986, North Dakota's debt-to-asset ratio was 35 percent—up from 33 percent 1 year earlier. Fifteen percent of North Dakota's farmers and ranchers had ratios of 70 percent or greater.

Our farmers reported that 17.4 percent were delinquent on payments reporting an average debt of $312,000, an increase of $44,100 over last year. On the average, debt of a delinquent operator equaled 67 percent of the operator's assets. This is up 11 percent from last year's level of 60 percent.

In view of these sobering statistics, it is no wonder that our farmers are having trouble getting credit at their local bank, the Farm Credit System, or the Farmers Home Administration.

I believe there is something we can do short of giving them a direct loan on which they must pay interest. And that is the purpose of the bill I am introducing today.

Currently, farmers who have grain in the farmer-owned reserve are allowed to rotate their grain stocks in order to keep them fresh. Thirty days prior to harvest, or in some cases 60 days, farmers can remove grain from their reserve bins, market it, and replace the grain after harvest. They are not allowed to have the money from the grain until after the stocks are replaced.

My bill would expand that period to 120 days prior to harvest. This legislation would also allow the farmers to use the money from the grain they market during that 120-day period. Under this change in the law, farmers would be able to obtain cash in the spring to help them service their machinery, buy their seed and fertilizer, and otherwise put in their crop. Then, when harvest is complete, farmers can replace into the reserve the grain that they had earlier taken out.

The effect of the bill is to make operating funds available to the farmers at no interest. Furthermore, there would be no additional cost to the Government.

A number of side benefits would also result. The availability of grain storage is a chronic problem for many farmers. At harvest time, the local elevator fills up, transportation is congested, farmers do not have additional room on their farms, and many end up dumping their grain on the ground. By allowing the early marketing of reserve grain, farmers could make room for their harvest. In addition, this grain would be made available to the market at a time of the year when transportation is not as congested as in the harvest season, which would be of tremendous help to country elevators as well as farmers.

I urge my colleagues to support this legislation, and I hope that we can act on it soon in order to benefit the farmers who are so in need of credit relief.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROTATION OF GRAIN IN PRODUCER RESERVE PROGRAM.

Section 110(g) of the Agricultural Act of 1949 (7 U.S.C. 1445e(g)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) by striking out "The" in paragraph (2) (as so designated) and inserting in lieu thereof "Except as provided in paragraphs (3) and (4), the"; and

(3) by adding at the end thereof the following new paragraphs:

"(3) A producer may rotate stocks of grain stored under the program authorized by this section at any time within 120 days after approval of the rotation is granted by the Secretary.

"(4) A producer may use funds made available from the rotation of such stocks, before replacement of such stocks, to defray agricultural operating expenses of the producer.".

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. CRANSTON, and Mr. WILSON):

S. 2367. A bill to provide for the duty-free entry of certain structures and parts for use in the W.M. Keck Observatory project, Mauna Kea, Hawaii; to the Committee on Finance.

DUTY-FREE ENTRY OF CERTAIN STRUCTURES AND PARTS FOR THE W.M. KECK OBSERVATORY PROJECT

Mr. MATSUNAGA. Mr. President, I am today introducing, along with my distinguished senior Senator from Hawaii [Mr. INOUYE] and equally distinguished colleagues from California [Mr. CRANSTON] and [Mr. WILSON] as cosponsors, a bill, S. 2367, which will provide for the duty-free entry of certain structures and parts to be used in the W.M. Keck Observatory project at Mauna Kea, HI.

Mr. President, this project of the California Association for Research in Astronomy [CARA] will be entirely financed with private funds contributed by the W.M. Keck Foundation and other supporters of astronomy at the California Institute of Technology and the University of California. Once the telescope is installed and the observa-

tory completed in 1992, its operating costs will be assumed by the University of California system, and will be shared between scientists from Cal Tech, the University of California and the University of Hawaii, on whose land this project will be built. This new facility will be twice as large as the 200-inch Hale telescope on Mount Palomar and will enable scientists to peer 12 billion years into the past, three-quarters of the way to the origins of the universe. The telescope will be powerful enough to see a single candle on the Earth's moon or a black hole at the center of the galaxy. The W.M. Keck telescope, which will operate with optical and infrared capability, will assist American scientists in answering some of the most perplexing and difficult astronomical riddles.

Mr. President, the proposed legislation is necessary because the U.S. Customs Service of the Department of the Treasury has denied an application for duty-free entry of mirror blanks for the multiple mirror telescope being erected on Mauna Kea. The Customs Service determined that since the mirror blanks are components as defined by 15 CFR 301.2(k) of the regulations of the Departments of Commerce and Treasury, the imported components may not enter duty free under item 851.60 of the Tariff Schedules of the United States [TSUS]. However, the California Institute of Technology asserts that the mirror blanks are not components but would more aptly be described as instruments and thus eligible for exemption under item 851.60 TSUS.

The legislation which I am introducing today with my three cosponsors would provide that the mirror blanks, which must be imported for finishing from West Germany, and the dome, which must be imported from a specialty steel plant in Canada, shall not be subject to duties. Mr. President, as we have done in similar cases in the past, we should grant duty-free entry of the structures and parts for use in the proposed W.M. Keck Observatory in keeping with our commitment to scientific research and exploration. I urge expeditious and favorable consideration of the measure so that the construction of this extraordinary project may proceed without delay.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty the following articles for the use of the California Association for Research in Astronomy in the construction of the optical telescope for the W.M. Keck Observatory Project, Mauna Kea, Hawaii:

(1) The telescope structure.

(2) The observatory domes, produced by Brittain Steel, Ltd., of Vancouver, British Columbia, Canada.

(3) The primary mirror blanks, produced by the Schott Glassworks, Frankfurt, Federal Republic of Germany.

If the liquidation of the entry of any such article has become final, the entry shall be reliquidated and the appropriate refund of duty made.

By Mr. DOLE (for himself, Mr. DURENBERGER, and Mr. BENTSEN):

S. 2368. A bill to amend part B of title XVIII to provide for improve procedures for payment for physicians' services under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE PHYSICIAN PAYMENT REFORM ACT

Mr. DOLE. Mr. President, I am pleased to join my distinguished colleagues Senators DURENBERGER and BENTSEN in introducing a bill that reaffirms our intention to work toward needed reforms in the way we pay physicians in the Medicare Program. While all of us are aware that precipitous changes in this area will not work and could be detrimental to everyone concerned, let us recognize that the present system, referred to as customary, prevailing, and reasonable [CPR], is in terrible shape. Absolutely no one, not Medicare beneficiaries, physicians, the Medicare carriers, the Congress, nor the administration, believes that the current payment mechanism should be preserved. It is unfair, inflationary, and, perhaps worst of all, unintelligible.

For these reasons alone we must agree that the time is right to lay the foundation for alternative payment approaches. My colleagues and I propose to do just that—to begin to establish principles for payment reform. We welcome comments and suggestions on the bill we have introduced.

OBJECTIVES OF PAYMENT REFORM

Our efforts in the area of Medicare physician payment reform must be consistent with our objectives for the Medicare Program in general. It is our job to assure that Medicare beneficiaries continue to maintain access to quality medical services both now and in the future. Access to needed services as well as the quality of those services are certainly paramount concerns in any system reform we may envision. Yet we must not forget that we are also charged with a responsibility to future Medicare beneficiaries. Our information and experience tell us that the future is in jeopardy.

The 1986 annual report of the boad of trustees of the Federal Supplemental Medical Insurance [SMI] Trust Fund has recommended that Congress take action to curtail the programs rapid growth. The Congressional Budget Office has warned us that, despite continuation of a freeze in physican payments throughout 1985, the growth rates for total reimbursements and for reimbursements per Medicare beneficiary doubled from 1984 to 1985 and the rate of growth in real reimbursements per enrollee quadrupled—from 2.7 percent in 1984 to 10.8 percent in 1985.

My colleagues and I believe that reforms in the way Medicare pays physicians will be critical to the continued stability and actuarial soundness of the SMI Trust Fund. And that's also our job—to fulfill our commitment to the future.

PERIOD OF REFORM

The distinguished Senators from Minnesota and Texas, Senators DURENBERGER and BENTSEN, as well as this Senator, would like nothing better than to offer an instant solution to our current dilemma. Let me warn that those who argue for a quick and simplistic solution are at risk of seriously endangering the Medicare Program and those individuals whose very lives may be at stake. Similarly, those who would do nothing fail to recognize the immediacy of the problem. We have an old system that is out of place in today's world. For more than a decade we have locked into place a payment mechanism that is, at best, inconsistent in taking into account legitimate variations in practice costs, that distorts physicians' choices in undesirable ways and fails to foster cost-conscious behavior.

We must move forward. While I agree that, in the short run, will be obliged to take immediate action on some glaring problems under the current customary, prevailing and reasonable system, we cannot stop there. We must continue our efforts to construct a relative value scale that will serve as a basis for construction of a new payment system. At this time I personally view a fee schedule as logical, necessary, and a more equitable basis of payment. Further, regardless of any ultimate goals for the future, a fee schedule will still be an asset. In fact, a well-constructed and well-maintained relative value scale will serve multiple aims, regardless of the future direction of physician payment, whether that future includes capitation, per case payments, or fee schedules. As we indicated in the Consolidated Budget Act of 1985, I expect that we will proceed as rapidly as possible toward that end.

Seminal research on the construction of a relative value scale is being conducted by Doctors William Hsiao and William Stason at Harvard. The results of that study should be available in approximately 2 years. I am looking forward to the results of that major undertaking and feel confident that the researchers and the medical profession will join together to accomplish what needs to be done.

DEVELOPMENT OF A FEE SCHEDULE

A relative value system does not, in and of itself, solve our physician payment problem. The results must be transferred into dollar values and a simple multiplier will not work. My colleagues and I are seeking the construction of a multiplier or adjuster that will take into account legitimate variations in physician practice costs and one that will put an end to unfair discrimination experienced by those practitioners who locate in areas where services have often been unfairly undervalued.

In particular, we have identified our commitment to develop a payment system that no longer overstates urban/rural differences in cost for physicians. Physicians who practice in rural areas should be fairly reimbursed for their services, as should their urban counterparts. The only way to accomplish equitable reimbursement reform is to eliminate historic imbalances and to be sure that adequate information systems are in place to keep the system current and responsible to regional and local needs.

SUMMARY OF THE BILL

Our bill consist of four major provisions:

First, we have established parameters for the use of so-called inherently reasonable determinations concerning physician payment. Specifically, we set forth a process that includes requiring public as well as professional review and comment of short-term revisions in the way Medicare pays physicians.

Second, in addition to restating our intent to support the construction of a relative value scale, we require the development of an index that is designed to more accurately account for legitimate variations in the cost of a physicians's practice. We seek to minimize the current wide disparity in payment rates particularly the urban/rural differential.

Third, the system used to classify physician services, called the Health Care Financing Administration's Common Procedural Codes [HCPCS], will remain the basis of payment. However, the payment categories, not the codes, shall be collapsed and restructured in order to limit incentives to provide greater volume and intensity of services.

Fourth, the current medical economic index, which has been reestimated to adjust for prior overstatement of the "housing" versus "rental" component of the index, shall be phased for over a 2-year period instead of the single adjustment proposal of the administration.

The Finance Committee will begin hearings on physician payment in the Medicare Program this week. I am looking forward to continuing our work on this important area and, again, I would like to encourage comments and suggestions from my colleagues as we proceed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medicare Physician Payment Reform Act of 1986".

SEC. 2. PROCEDURES FOR ESTABLISHMENT OF SPECIAL LIMITS ON REASONABLE CHARGES.

(a) FACTORS TAKEN INTO ACCOUNT IN DETERMINING INHERENT REASONABLENESS OF CHARGES.—Section 1842(b)(8) of the Social Security Act (42 U.S.C. 1395u(b)(8)), as added by section 9304(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(8)"; and

(3) by adding at the end thereof the following new subparagraph:

"(B)(i) The factors pursuant to subparagraph (A)(1) with respect to payment for physicians' services may include, but shall not be limited to, the following:

"(I) prevailing charges for a service in a particular locality are significantly in excess of or below prevailing charges in other comparable localities;

"(II) the programs established under this title and title XIX are the sole or primary sources of payment for a service;

"(III) the marketplace for a service is not truly competitive because of a limited number of physicians who perform that service;

"(IV) there have been increases in charges for a service that cannot be explained by inflation or technology;

"(IV) the charges do not reflect changing technology, increased facility with that technology, or reductions in acquisition or production costs; or

"(VI) the prevailing charges for a service under this part are substantially higher than the payments made for the service by other purchasers in the same locality.

"(ii) The factors considered under subparagraph (A)(ii) shall take into account regional differences in fees, unless there is substantial economic justification for a uniform fee or a uniform payment limit. Such substantial economic justification must be explained by the Secretary in the rulemaking process.".

(b) PROCEDURES.—Section 1842(b) of the Social Security Act (42 U.S.C. 1395u(b)), as amended by section 9304(a) of the Consolidated Omnibus Reconciliation Act of 1985, is amended by adding at the end thereof the following new paragraph:

"(9)(A) In the case of any physicians' service with respect to which the Secretary—

"(i) determines that the application of this subsection results in the determination of a reasonable charge that, by reason of its grossly excessive or grossly deficient amount, is not inherently reasonable, and

"(ii) proposes to establish a reasonable charge that is realistic and equitable or a methodology for arriving at such a change,

the Secretary shall publish notice of such proposal in the Federal Register.

"(B) A notice required by subparagraph (A) shall specify the charge or methodology proposed to be established with respect to a service and shall explain the factors and data that the Secretary took into account in determining the charge or methodology so specified.

"(C) After publication of the notice required by subparagraph (A), the Secretary shall allow not less than 60 days for public comment on the proposal.

"(D) In addition to carrying out its functions under section 1845, the Physician Payment Review Commission (hereafter in this paragraph referred to as the 'Commission') shall comment on any such proposal within the period of comment allowed by the Secretary pursuant to subparagraph (C).

"(E)(i) Taking into consideration the comments made by the Commission and the public, the Secretary shall publish in the Federal Register a final determination with respect to the reasonable charge or methodology to be established with respect to the service.

"(ii) A final determination published pursuant to clause (i) shall explain the factors and data that the Secretary took into consideration in making the final determination, and shall include and respond to the comments made by the Commission pursuant to subparagraph (D).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to regulations promulgated as final regulations after April 1, 1986.

SEC. 3. DEVELOPMENT OF FEE SCHEDULE FOR PHYSICIANS' SERVICES.

(a) RECOMMENDATION.—Section 1845(e) of the Social Security Act, as added by section 9305(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985, is amended by adding at the end thereof the following new paragraph:

"(4)(A) In making recommendations with respect to the application of the relative value scale for purposes of establishing a fee schedule, the Secretary shall—

"(i) develop and assess an appropriate index to be used for making adjustments to reflect justifiable differences in the costs of practice based upon geographic location without exacerbating the geographic maldistribution of physicians, and

"(ii) assess the advisability and feasibility of developing an appropriate adjustment to assist in attracting and retaining physicians in medically underserved areas.

"(B) In carrying out the requirements of subparagraph (A), the Secretary shall take into consideration the recommendations made by the Physician Payment Review Commission.

"(C)(i) The Secretary shall develop an interim index under subparagraph (A)(i) prior to July 1, 1987, based upon the most accurate and recent data that is available with respect to the costs of practice.

"(ii) The Secretary shall collect data with respect to the costs of practice (including, but not limited to, data on nonphysician personnel costs, malpractice insurance costs, and commercial rents) for the purpose of refining the index under subparagraph (A)(i) prior to July 1, 1988, and periodically updating the index thereafter.

"(D) In conjunction with developing an index under subparagraph (A), the Secretary shall conduct a study of the advisability of redefining the pay localities designated by carriers.".

(c) DUTIES OF PHYSICIAN PAYMENT REVIEW COMMISSION.—Section 1845(b)(3) of such

Act is amended by inserting "and respecting the index and the adjustment described in subsection (e)(4)(A)" after "subsection (e)".

SEC. 4. DEVELOPMENT AND USE OF HCFA COMMON PROCEDURE CODING SYSTEM.

(a) DEVELOPMENT.—Not later than July 1, 1987, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall simplify the payment methodology under the HCFA Common Procedure Coding System to ensure that such methodology minimizes the possibility of overstating the intensity or volume of services provided.

(b) HOSPITALS.—Not later than July 1, 1987, each carrier with which the Secretary has entered into a contract under section 1842 of the Social Security Act, and each fiscal intermediary which processes claims under part B of title XVIII of such Act, shall require hospital providers of outpatient services to adopt and utilize the HCFA Common Procedure Coding System for purposes of such part.

(c) CARRIERS AND INTERMEDIARIES.—Not later than January 1, 1988, each carrier with which the Secretary has entered into a contract under section 1842 of the Social Security Act, and each fiscal intermediary which processes claims under part B of title XVIII of such Act, shall adopt and utilize the payment methodology based on the HCFA Common Procedure Coding System (as revised by the Secretary in accordance with subsection (a)) for purposes of such part.

SEC. 5. MEDICARE ECONOMIC INDEX FOR PHYSICIANS' SERVICES.

(a) IMPLEMENTATION OF CERTAIN ADJUSTMENT.—The adjustments to the medicare economic index for physicians' services proposed by the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") to take into account the retroactive revision of the data and statistics relating to office space on which earlier adjustments to the index required by section 1842(b)(3) of the Social Security Act were based shall be made in two stages, with one-half of such adjustment to be made to the index to become effective January 1, 1987, and one-half of such adjustment to be made to the index to become effective January 1, 1988.

(b) NOTIFICATION OF CHANGES.—The Secretary shall publish notice of any proposed change in the methodology, basis, or elements of the medicare economic index for physicians' services in the Federal Register and shall allow not less than 60 days for public comment on the proposal. Taking into consideration the comments made by the public, the Secretary shall publish in the Federal Register a final determination with respect to such proposal.

Mr. DURENBERGER. Mr. President, today I am proud to introduce, along with my distinguished colleagues, Senators DOLE and BENTSEN, a bill which will reform the way in which Medicare pays physicians—by specifying Medicare policy guidelines for setting "inherently reasonable" physician fees and by laying out a roadmap for further reform of fee-for-service physician payment. The bill itself is short and simple—but the framework it lays out will guide far-reaching future changes in Medicare payments to physicians.

HEALTH CARE REFORM

The Medicare Program is undergoing a process of fundamental reform that is far from over. The goal of that process is not budget cutting per se, it is health policy reform. We are changing the incentives that the program provides to hospitals, doctors, and elderly and disabled beneficiaries so that the Medicare Program contributes to a more efficient health care market—a health care system which provides real value for the dollars spent. And we are simplifying the program so that Medicare beneficiaries can know the dollar value of their coverage before they purchase a service and can use that knowledge to their advantage as wise health care consumers.

This Medicare reform is proceeding in several areas: Prospective payment for hospitalization per episode of illness has removed the inflationary incentives that were inherent in the old retrospective, cost-based reimbursement for hospital care. And Medicare beneficiaries now have the freedom to enroll in a HMO or prepaid plan and opt out of the traditional Medicare Program.

I have said repeatedly that beneficiary choice of health plans is the future of Medicare. In time I can foresee Medicare getting out of the insurance business and looking more like the Federal employee health benefits plans where Federal employees are given the choice between alternative coverage plans. Thus, Medicare would continue to pay for insurance coverage, but beneficiaries would get to choose the type of health insurance coverage they prefer.

The HMO option has already been chosen by more than 500,000 beneficiaries. In the future we will expand on the types of plans that are allowed to offer health care packages to Medicare beneficiaries. This process, however, will necessarily be gradual. A shift for the majority of those who participate in Medicare to competitive plans is years away, and will come about slowly as efficient, quality plans become more available and as tastes of Americans change.

Obviously, the process of reform can't wait for competitive health plans to one day spring up in full bloom all over the country. The competitive health care marketplace for plans is growing gradually—as it should. In the meantime, we must continue with prospective payment reform of the traditional Medicare Program. This reform will pay off by simplifying the Medicare Program for the beneficiaries and providing better incentives for high quality efficient delivery of services in the health care marketplace. Therefore, it is important to turn our Medicare reform effort to physician payment, just as the Congress has restructured payment for hospitalization.

When the per episode-of-illness payment scheme—payment by diagnosis related groups [DRG's]—was established in 1983, many of us in Congress envisioned that it would eventually be applied to all of the health care costs related to a given illness. I was an especially vocal adherent of that prospect at the time. I believed it would make the program simpler for beneficiaries, reduce the number of forms they had to contend with, and give all providers positive incentives to give cost effective as well as quality care. But we needed methodologies on how to construct DRG's which would apply to physicians' services and other noninpatient hospital services.

The research, mandated by the Social Security Amendments of 1983, was carried out and last fall, at a hearing of the Finance Committee's Health Subcommittee, I learned that there are many problems with applying DRG's to both hospitals and doctors for their services through one combined payment, and that the physician DRG for many services may be impractical.

So we must pursue other types of prospective payment reform for physicians—a type of reform that is less revolutionary perhaps but not less important. Therefore, rather than making a quantum leap to a brand new payment method for all physicians' services, we will address—one-by-one—the improper economic incentives which are currently built into Medicare and the complexity with which beneficiaries must struggle.

MEDICARE PHYSICIAN PAYMENT REFORM

Medicare beneficiaries, individual physicians, and organized medicine agree that the current "customary, prevailing, and reasonable" charge formula for physician reimbursement under Medicare is complex, unfair, inefficient, and must be changed.

For example, there are tremendous geographic variations in what Medicare considers a "reasonable charge" for a particular service. Some difference in fees across this vast Nation are to be expected, just as the cost of living differs across the country. But there is no reason that Medicare should pay twice as much for by-pass surgery in Manhattan as it pays for the same procedure in Minneapolis and St. Paul. Or that Medicare should pay anywhere from $30 to $103.15 for an initial comprehensive office visit. That isn't just variation—it's ludicrous.

Second, the Medicare reimbursement formula contains no procedure for modifying approved charges to reflect changes in medical practice over time. Physicians' allowed charges under Medicare are set high for new procedures. But when efficiency is gained through improvements in technology, or when formerly complicated

or high risk procedures become relatively routine, the change is not reflected in lower fees. Cataract extractions are a prime example of this "downward stickiness" of the Medicare payment formula—the time it takes to perform the procedure has dropped by nearly 50 percent, along with the level of risk to the patient and the frequency with which hospitalization is necessary, yet the price for the physician's service keeps going up.

Third, there is also considerable variation between what Medicare pays general practitioners and what it pays specialists for the same service. Under the current system, Medicare's insurance carriers have the power to decide whether to pay a specialist a higher fee than a generalist. They often do recognize such a difference in fees, which then becomes built into Medicare's reimbursement formula and produces higher and higher payments to specialists in following years—all without a sufficient evaluation over time as to whether or not what a specialist provides is really a different service.

Fourth, Medicare's "reasonable charge" formula locks physicians who began practicing decades ago into their old low fees and allows only limited periodic increases, while new physicians just starting to practice can receive higher "allowed charges" from Medicare because they have no past to bind them. For example, most Blue Shield plans allow new doctors to set their fees at the 80th or 90th percentile of the established customary fees in their locality. This means that new doctors can often get from Medicare the same fees as the most expensive doctors are charging, while experienced doctors providing the same services find their fees controlled more tightly and held to a lower level.

Fifth, physicians performing procedures, such as tests or surgery, are reimbursed at rates that far exceed the approved charges for visits which consist of examining the patient, taking a medical history, or providing medical counsel. I met with a family physician the other day who received less for treating a patient's heart condition over a period of years—over 55 hours of service—than her surgeon received for performing a 4-hour procedure. So in terms of Medicare dollars for physicians, actions speak louder than words—and even louder than diagnosis and conservative medical practice. This is a powerful incentive which may lead some unscrupulous physicians to perform unnecessary tests in order to maximize their income. This unnecessary care represents an additional cost to patients and a risk to their health. And we all know it does occur.

Sixth, the formula for determining what Medicare will pay physicians is confusing, both to physicians and to beneficiaries. Medicare beneficiaries can't possibly know in advance how much the CPR formula will allow any particular doctor to be paid. Therefore, they can't know before they receive the service and file their claims with Medicare exactly how much of the charge they will be personally liable for. With this lack of information, they can't possibly be wise health care consumer or go shopping for a physician that they are able and willing to afford. They can look for participating physicians in the hope that those physicians will charge the lowest prices, but that ain't necessarily so.

In the current system, then, competition and consumer choice based on economy and quality is all but impossible. Without any advance information about what Medicare will pay, patients can't make independent choices among physicians; and without an informed, powerful consumer population, physicians do not have to compete on price or convenience or quality.

An article by two physician payment experts in HCFA's Office of Research appeared in the June 1985 New England Journal of Medicine and summed up the situation very well:

> . . . the payment system encourages physicians to specialize, to practice in urban and suburban areas, and to perform services in hospital settings—all in the face of stated national policies of encouraging primary care, rural practice, and out-of-hospital services.

Furthermore, the formula which determines how much Medicare will pay for a physician's service inevitably leads to increased charges. Medicare pays the lower of actual, customary, and prevailing charges. So physicians have an incentive to raise their charges to at least the level of prevailing charges in the community. The meaning of this to Medicare patients is even more profound than it is to the Medicare Program—to get a small increase in the amount Medicare will pay, doctors must make big increases in the amounts they ask patients to pay.

What can end this torturous spiral? In the past 2 years, freezes on actual fees have been used to control the growth in Medicare Program costs. But freezes are budget actions that make no health policy sense—they don't adequately differentiate between efficient and inefficient providers of health care. Freezes allow inefficient doctors with high approved charges under Medicare to continue to receive those high charges. And they force doctors who have held their charges down to continue to hold them down even though a new, young doctor down the street can receive 50 percent more for the same service while subject to the same freeze.

Clearly, freezes are inappropriate and unfair, and other avenues for controlling costs as well as reform must be taken.

COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 sketched out some general guidelines for the Department of Health and Human Services [HHS] to pursue for continued refinement of Medicare physician payment. First, it established a Physician Payment Review Commission, comparable to the Prospective Payment Commission for Medicare, which would advise the HHS Secretary and Congress on future physician payment reform initiatives. Second, it instructed the Secretary, with the Commission's help, to come up with a relative value scale for physicians' services and with recommendations for using that RVS to establish a fee schedule to replace the CPR system for paying physicians. Third, it instructed the Secretary in the meantime to refine CPR by promulgating regulations to specify which fees are currently set so high or so low that they are inherently unreasonable and thus require revision immediately regardless of what the customary, prevailing, or actual billed charge is.

COBRA laid out a broad outline of future policy. It did not contain sufficient specifics regarding the policy concerns that need to be taken into account by the Department or procedural safeguards that should be followed to protect beneficiaries and physicians from the fallout of any fee revisions by the Secretary.

THE ADMINISTRATION'S FISCAL YEAR 1987 BUDGET

What has the administration proposed as "physician payment reform" for fiscal year 1987? Frankly, the administration's fiscal year 1987 Medicare budget basically tells Congress "Don't call us, we'll call you." The administration plans to wipe out a Medicare economic index adjustment to physician's fees that is 30 months overdue, to impose new utilization controls on physician practices, and to make the first nationwide reductions in fees that it considers inherently unreasonable—all without sufficient assessment of the ultimate impact on Medicare beneficiaries or a proper day in court for the physicians affected, and all by instructions to insurance carriers who pay the Medicare part B claims or small print notices in the Federal Register.

The bill we are introducing today makes clear that physician payment reform is an act of health policy which requires congressional direction and close public scrutiny—it is not a cover for covert budget savings.

S. 2368

COBRA established some guidelines for the future. It instructed the Secre-

tary on a direction for physician payment reform. But, after seeing the administration's fiscal year 1987 budget for Medicare, it is clear that the Congress has to reiterate its message and be even more specific about its intent.

S. 2368 the bill has three major provisions.

First, it lays out the process which the HHS Secretary would have to follow in order to revise what Medicare will pay doctors when the statutory "CPR" formula produces an inherently unreasonable fee. And it stresses Congress' concern about physicians who are actually underpaid for their services.

Second, it spells out specific factors that Congress would like the Secretary and the Physician Payment Review Commission to consider when developing a relative value scale upon which a fee schedule could be based.

This will make sure that the fee schedule that is developed does not exacerbate the current problem of geographic maldistribution of physicians, and does not hamper access for Medicare beneficiaries by allowing fees which don't recognize local costs of practice and therefore drive physicians away from Medicare patients.

Finally, the bill softens the budget-motivated blow that the administration plans to deal to doctors regarding the Medicare Economic Index—or MEI.

The administration has proposed keeping the MEI so low that there would be almost no increase in prevailing charges. The administration claims this is necessary because the increase that was allowed in the past was based on the wrong statistics: The office space component of the MEI, which reflects the cost to a physician of maintaining an office, has been based in the past on the housing cost component of the Consumer Price Index. Last year, the Bureau of Labor Statistics decided to use rental costs rather than mortgage costs as the measure of housing costs for the CPI.

The Bureau of Labor Statistics intends to use these new components from now on. But the administration intends to go back to the first year that the MEI existed, figure out what it would have been had the different component been used, and then subtract from physicians' payments this year the amount that would not have been paid to physicians in the past if the different MEI had been used.

This bill recognizes that it is not fair to repossess 13 years of mistaken payments from doctors all in 1 year. The same kind of statistical adjustment was made to Social Security payments recently but no one suggested that we ask Social Security recipients to give the program any refunds. Nothing in the Medicare law requires that we hit doctors with this all in 1 year either.

Medicare will be called on to contribute to deficit reduction, but this bill would phase in the adjustment so that doctors won't be hit so hard, and won't have as great an incentive to refuse assignment.

More work will need to be done in the future. Beneficiaries still face inappropriate deductibles and copayments. I believe this can be best addressed through restructuring of the Medicare benefit to fit the needs of today's seniors. Our work on catastrophic coverage should provide a means for this restructuring. And I hope the Private/Public Sector Advisory Committee on Catastrophic Health upon which I sit will take a broad view of restructuring. It is needed.

Also, S. 2368, and the direction it sets, focus on fairness of fees, not volume of services. Even a refined Medicare payment scheme still provides incentives to do more, and to upcode. Further work will have to be done to promote quality at a reasonable price. In the long run, capitation—prepaid health care in its various forms—may be the only means to encourage the provision of all the care beneficiaries need rather than all the care for which they and Medicare can be billed.

In the meantime, I am pleased to join my colleagues today to introduce S. 2368. By promoting greater fairness between physician specialties, greater fairness between new and experienced physicians, greater fairness regarding geographic disparity in charges, and greater flexibility in adjusting to change in technology, we can create a physician payment system which will not influence physicians to consider anything but their best medical judgment in delivering services to Medicare patients.

Mr. BENTSEN. Mr. President, I am pleased to join my colleagues from Kansas and Minnesota in introducing S. 2368, the Medicare Physician Payment Reform Act of 1986.

As many of our colleagues are aware, the President's budget proposal for fiscal year 1987 includes numerous provisions designed to save approximately $1.3 billion in physician reimbursement over the next 3 years. The savings are contingent on the use of an inherent reasonableness standard to implement regulatory changes in the reimbursement rates for certain services and procedures, and on modification of the Medical Economic Index [MEI] by which fee schedules are adjusted.

To carry out these proposals, the administration plans to reduce reimbursement rates for three procedures—coronary bypasses, cataract removal, and implantation of pacemakers—by approximately 10 percent. In addition, the Health Care Financing Administration recommends significant curtailment or elimination or reimbursement for assistants at surgery and standby anesthesia. Finally, the MEI would be rebased retroactively to 1973 to account for a change in the housing component of the index. The net effect of the MEI recalculation would be a drop from 2.8 to 0.8 percent in the fee schedule update for 1987, at a cost of $750 million over 3 years to physicians.

The Medicare Payment Reform Act of 1986 is an effort to revise the administration's recommendations to ensure that, where financing reform could impact the way in which medicine is practiced, physicians are an integral part of the decisionmaking process.

Specifically, S. 2368 requires that, in defining inherent reasonableness, the administration consult with the Physician Payment Assessment Commission to ensure that increases or decreases in the pricing of services are undertaken only after the potential effect on the quality of care is evaluated. To preclude hasty adoption of changes in reimbursement policy, the Secretary of HHS would be required to follow formal rulemaking procedures, including a 60-day public comment interval.

For, while it makes little sense for Medicare to pay vastly different rates for the same procedure performed on similar patients in a given geographic area, there are legitimate circumstances under which physicians may feel it is in the patient's best interest to have present an assistant at surgery or an anesthesiologist on standby status. The professional judgment of physicians is critical to the success of reimbursement policy reform that is in the best interest of Medicare beneficiaries.

With respect to recalibration of the MEI, I believe it is fair to say that the authors of this bill are unanimous in our view that a 0.8 percent increase in the fee screen is tantamount to an extension of the fee freeze for a third year. Though we concur that the Bureau of Labor Statistics methodological argument in favor of a new housing factor is compelling, we believe that rebasing should be phased in over at least 2 years—if not three—in order to permit physicians a reasonable increase in their fees. I should like to stress that we are not alone in our view, and that the American Association of Retired Persons has repeatedly warned that failure to mitigate the effects of these proposals will ultimately result in significant cost shifting to the elderly because fewer and fewer physicians will agree to take claims on assignment.

Finally, Mr. President, S. 2368 calls for a series of changes in the data base used to determine the costs of physician services. The intent of these provisions is to create a uniform standard

of information that will be useful to providers and policy makers in future years. Today, it is exceedingly difficult, if not impossible, to make accurate comparative judgments about the relative costs of health care in different areas of the country. If we are to be prepared to make the best use of the results of the relative value scale study currently underway at Harvard, then it is imperative that we begin to collect and maintain data in a systematic and comparable format. This bill instructs the Secretary of HHS to develop and implement such an information base.

While S. 2368 represents, in my judgment, a significant improvement over the administration's budget recommendations, it is by no means etched in concrete. It is my hope that on April 25, when the Finance Committee's Subcommittee on Health holds its physician reimbursement hearing, interested individuals and groups will take the opportunity to suggest improvements in the legislative language we offer today. In particular, I invite providers familiar with records keeping systems used by small hospitals, to review section 4 of the bill. Although we have tried to ease the transition onto the common coding procedure by postponing the effective date to January 1, 1988, I am concerned that smaller hospitals with limited personnel and financial resources not be unduly penalized by an unrealistic timetable for implementing this change.

We invite our colleagues to join with us in pursuit of a reasonable physician reimbursement reform measure. Enactment of these or similar provisions should generate immediate savings in the Medicare Program and, perhaps more importantly, will establish a systematic process for periodic review of reimbursement rates and policies.

By Mr. FORD:

S. 2369. A bill to authorize the Interstate Commerce Commission to adjust rail rates to reflect cost decreases due to deflations; to the Committee on Commerce, Science, and Transportation.

DEFLATION AND RAIL RATES

Mr. FORD. Mr. President, during the 98th Congress, I introduced a bill, S. 1081, relating to rail rates and cost decreases. Recent events at the Interstate Commerce Commission have suggested it is time to take a second look at this issue.

On April 11, 1986, the ICC approved the second quarter 1986 Rail Cost Adjustment Factor [RCAF] submitted by the Association of American Railroads. The second quarter RCAF is 1.023 down from 4.3 percent from the first quarter figure of 1.069. The ICC stated that virtually all of the decline is due to a decrease in the price paid by the railroads for diesel fuel. If there is a big decrease in the cost of providing the transportation service, then the shipper should benefit. The ICC made no comment on the petition filed on March 12, 1986, by the National Industrial Transportation League to recover the costs of substantially declining fuel prices for the first quarter RCAF.

When the Congress passed the Staggers Rail Act of 1980, Congress sought to help the railroads recover their inflationary costs with minimal regulatory intervention. Automatic increases in the Staggers Act replaced the time-consuming general rate increase proceedings which were characteristic prior to 1980. Section 203 of the act, 49 U.S.C. 10707(a) states that the ICC shall publish a rail cost adjustment factor at least quarterly as a basis for a zone of rail rate flexibility for individual carrier rate changes.

At no time during the drafting of the Staggers Act did the sponsors ever envision a situation where the cost-of-living rate would decrease instead of increase, since the act was drafted during an economic period when inflation was rising steadily. Therefore, section 203 is silent on the issue of rate decreases when there is a reduction in inflationary costs from the previously published rail cost adjustment factor. Today, due to various causes, some railroad costs are actually decreasing.

Pursuant to the mandate of section 203 of the Staggers Act, the Commission adopted a cost recovery index which measures the changes in the average price of goods and services purchased by the railroads in providing transportation services. Ex Parte No. 290 (Sub-No. 2), Railroad Cost Recovery Procedures, 364 I.C.C. 841 (1981). Thereafter, the Commission published an index of costs by which railroads may multiply their rates on a quarterly basis. Rates increased by the cost index are immune from challenge on reasonableness grounds.

The Commission's decision in Ex Parte No. 290 (Sub-No. 2), supra, was affirmed by the U.S. Court of Appeals for the District of Columbia on May 4, 1982. On April 19, 1982, the Commission ordered the proceeding reopened.

In that April 19, 1982, decision, the Commission denied a petition for a declaratory order on decreases in the index. This request was filed by the National Industrial Traffic League. The Commission stated that section 203 of the Staggers Act did not appear to contemplate reductions, nor did the Commission's Ex Parte No. 290 (Sub-No. 2) rules.

When the ICC made the announcement for the second quarter RCAF, it also decided to reconsider its cost escalation factor. The ICC will publish a proposed rulemaking that will propose changing the RCAF rules to require that rates increased through the RCAF be reduced when the RCAF declines. I take no position on whether the 1982 ruling on this matter is correct. I do believe that passage of this legislation will solve the dilemma once and for all. Should the ICC change the procedure administratively it is certain that the railroads will seek to overturn the rule. Since the ICC said 4 years ago that they cannot do what they are seeking to do now, the issue is certain to end up in the courts.

It is time for Congress to correct this oversight in the Staggers Act. Shippers and eventually consumers should benefit from the reduction of costs to the railroads due to deflation.

By Mr. MURKOWSKI:

S. 2370. A bill to allow the Francis Scott Key Park Foundation, Inc., to erect a memorial in the District of Columbia; to the Committee on Energy and Natural Resources.

FRANCIS SCOTT KEY MEMORIAL

● Mr. MURKOWSKI. Mr. President, it is a pleasure for me to introduce today a bill authorizing establishment of a memorial to honor Francis Scott Key.

Generations of Americans have expressed their deepest partriotism while singing the moving verses of our national anthem, but few know much about the man who penned these important words. Key composed this patriotic song during the War of 1812 while on a mission to free an aging physician captured by the British. Even though he succeeded, Key himself was arrested because he knew of the imminent British plans to attack Baltimore. While under guard, he witnessed "the bombs bursting in air" over Fort McHenry. "By the dawn's early light" he saw that "our flag was still there," signaling defeat of the British. The immortal words of our national anthem, written 172 years ago, continue to capture the spirit of our great Nation. The "Star Spangled Banner" is our patriotic hymn, an affirmation of the love of country, and pride in our Nation which all Americans hold for the "land of the free and home of the brave."

To help ensure the significance of his legacy and those fateful early years of our Nation's history, the Francis Scott Key Foundation was formed in 1983 to achieve the goal of building a park in honor of the father of our national anthem. The foundation has embarked on a campaign to raise funds necessary to build the park, and over $130,000 has been donated to date. The funds have been contributed from individuals, corporations, and foundations. The bill I am introducing today will take advantage of these efforts and will authorize the construction of a memorial to Francis Scott Key at no expense to the taxpayer.

It is only fitting that we memorialize Francis Scott Key, the author of the "Star Spangled Banner." His life provides an inspiration to Americans by symbolizing the potential in each of us to make voluntary and extraordinary contributions to our country. We want to be reminded of his joy and, through it, our unique national heritage of freedom, human rights, and a free government. Mr. President, I urge the Senate to act favorably upon this legislation.●

By Mr. ROTH:

S. 2371. A bill to amend the Social Security Act to make administrative improvements in the programs of aid to families with dependent children and child support programs, and for other purposes; to the Committee on Finance.

FAMILY ASSISTANCE AND CHILD SUPPORT ENFORCEMENT ADMINISTRATIVE IMPROVEMENTS ACT

● Mr. ROTH. Mr. President, Daniel Webster, while standing on this floor some 140 years ago, said that labor is one of the great elements of society, one that upholds the great fabric of the State. And I can think of no better way than to quote Senator Webster to introduce the Family Assistance and Child Support Enforcement Administrative Improvements Act of 1986.

This legislation accompanies S. 1081, the Social Welfare Amendments of 1985, and in partnership will realize President Reagan's 1987 budget recommendations for the Aid to Families with Dependent Children and the Child Support Enforcement Programs.

As this distinguished body well knows, there is cause for concern about our country's social programs. Financially, the rapid growth in programs such as AFDC and Child Support Enforcement are making it difficult for us to see ourselves out of a deficit-ridden future. Of course, I understand the need for, and I support, strong, well-administered, and productive social services. I understand that we can't do everything for everyone everywhere, but I believe we can do something for someone somewhere. And I believe we must.

With this in mind, I see as our task to turn the support we offer into opportunity—opportunity both for the States with whom we share social responsibility and for the recipients of our services.

Currently, there is a serious discrepancy between various States and their expenditures for AFDC administration. And as current law mandates that the Federal Government match these administrative costs dollar for dollar it's unfair for the taxpayer and unfair for the well-managed, financially responsible States that those with excessive administrative costs are making more money for their inefficiency.

Therefore, I'm introducing this bill to bring equity to the process by reducing AFDC reimbursement for particularly high administrative costs. Under this Family Assistance and Child Support Enforcement Administrative Improvements Act of 1986, State administrative expenditures—based on a per recipient scale—that exceed 175 percent of the median for all States, will be matched by Federal dollars at a lower percentage. Instead of the standard 50 percent, the matching rate will be decreased to 25 percent for costs which exceed the 175 percent threshold.

This strategy was first recommended by the Grace Commission, and I believe it will serve as an effective alternative to the cap on Federal matching that is currently contained in S. 1081.

But this is not all the bill will do. This Administrative Improvements Act will also make the matching rate for statewide development of automatic data processing systems consistent with that of the Food Stamp Program by reducing the AFDC rate from 90 to 75 percent in 1987. There will also be a reduced match for automated data processing in the Child Support Enforcement Program. After giving States 3 years to complete their statewide systems development, the Federal matching will be reduced to the regular 50-percent rate for administrative costs. Additionally, the bill will accelerate the schedule provided for under current law to reduce the matching rate for child support enforcement program administrative costs by 4 percent.

These proposals are part of a broad effort to bring greater consistency in the level of Federal matching for entitlement program data systems development and to hold down administrative costs in a time of tight resources without limiting benefits to the poor. These proposals will result in a net savings of $56 million.

At this time, Mr. President, I want to urge my colleagues to support the remaining administration proposals contained in S. 1081. The provision I've introduced today only replaces the proposed cap on Federal matching. The bill will still contain the cornerstone of the administration's AFDC reform proposals—the new work programs.

Through its enactment, there will be an expansion in the opportunities for welfare recipients to get involved in work and labor-related activities. The bill will require all employable AFDC applicants and recipients to participate in some degree of activity as a condition of eligibility. Of course, States will design their appropriate work programs with a choice of several optional activities including the Community Work Experience Programs (Workfare), job search, grant diversion, and training under the Job Training Partnership Act.

In keeping with the State-Federal partnership which the AFDC program represents, all administrative costs associated with implementing and running work programs will be matched at an open-ended 50-percent rate, and work-related expenses will not be subject to the rules governing AFDC administrative costs.

It's clear that work programs for welfare recipients are effective. They offer, for the first time, a positive solution to the problem of long-term welfare dependency. They give welfare recipients the tools and motivation needed to become self-sufficient, and they bolster morale and self-esteem. And the community benefits.

S. 1081 will also benefit the community, the taxpayer, and the recipient by targeting benefits more carefully. First, to give caretakers of older children the incentive to be employed, it's proposed that AFDC benefits be eliminated when the youngest child reaches age 16. Second, in an effort to encourage parental responsibility for AFDC recipients who are still minors, the legislation also requires that minor caretaker relatives live with their parents—with certain exceptions—in order to receive AFDC assistance.

Mr. President, I strongly urge this body to enact the proposals that are contained in S. 1081, and I ask unanimous consent that the bill be printed into the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Assistance and Child Support Enforcement Administrative Improvements Act".

TITLE I—AID TO FAMILIES WITH DEPENDENT CHILDREN

REDUCED FEDERAL MATCHING RATE FOR STATEWIDE MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEMS

SEC. 101. (a) Efective October 1, 1986, section 403(a)(3)(B) of the Social Security Act is amended by striking out "during such quarter" and inserting in lieu thereof "during quarters in any fiscal year prior to fiscal year 1987, or 75 per centum in the case of quarters in fiscal year 1987, 1988, or 1989,".

(b) Effective October 1, 1989, section 403(a)(3) of the Act is amended—

(1) by striking out all down through subparagraph (C) and inserting in lieu thereof:

"(3) in the case of any State, an amount equal to one-half of the total amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan (including as expenditures under this paragraph the value of any services furnished, and the amount of any payments made (to cover expenses incurred by individuals

under a program of employment search), under section 402(a)(35)(B)),"; and

(2) by striking out "(as described in the parenthetical phrase in subparagraph (C))" and inserting in lieu thereof "(as described in the preceding parenthetical phrase)".

REDUCTIONS IN MATCHING RATE FOR EXCESS ADMINISTRATIVE COSTS

SEC. 102. (a) Section 403(a)(3)(C) of the Social Security Act (as amended by section 101 of this Act) is further amended—

(1) by inserting "subject to the limitations prescribed below in this paragraph" immediately after "(3)";

(2) by inserting "(i)" immediately after "except that", and

(3) by striking out the semicolon at the end of paragraph (3) and inserting in lieu thereof ", and (ii) in the case of any State other than Puerto Rico, the Virgin Islands and Guam, 25 per centum (rather than one-half) of that portion of the amounts described in subparagraph (C) and expended during any quarter in fiscal years after fiscal year 1986 that constitute a State's excess administrative costs, as determined in accordance with subsection (e); and".

(b) Section 403 of the Act is further amended by adding after and below subsection (d) the following new subsection:

"(e)(1) For purposes of applying the second limitation prescribed in subsection (a)(3), the excess administrative costs of any State to which such limitation applies means that portion of the State's per recipient administrative costs (as defined in paragraph (2)) that exceed 175 per centum of the national median of such costs for all such States.

"(2) As used in this subsection—

"(A) a State's 'per recipient administrative costs' in a fiscal year means the ratio of the amounts expended by such State during quarters in such fiscal year for the proper and efficient operation of the State plan (other than expenditures of the type described in subsection (a)(3)(B), or expenditures directly related to carrying out section 402(a) (19) or (35), section 409, section 414, or to conducting other employment related activities under the State plan), and for which Federal financial participation is claimed and allowed, to the average monthly number of individuals receiving aid under the plan in such year;

"(B) the national median of the per recipient administrative costs of all the States to which the second limitation in subsection (a)(3) applies shall be determined by establishing the median of such costs for the most recent 4-quarter period preceding the fiscal year concerned, adjusted by the change in the GNP deflator (as defined in subparagraph (C)), if the latest quarter in such 4-quarter period is not one of the three quarters immediately preceding the start of such fiscal year, with respect to which the Secretary determines that sufficient data are available to reasonably establish such median, taking into consideration both the States' need for advance notice in order to make fiscal planning decisions, and the benefits to the Federal and State governments of employing the most recent data in order to reflect progress made by other States in reducing per recipient administrative costs; and

"(C) the 'change in the GNP deflator' for any fiscal year concerned in subparagraph (B) means the ratio of (i) the gross national product implicit price deflator, measured for the second quarter of such fiscal year, published by the Bureau of Economic Analysis, Department of Commerce, before August 31 of such fiscal year, to (ii) such deflator, as so measured, for the 4-quarter period selected for purposes of such subparagraph (B).".

(c) Effective October 1, 1989—

(1) Section 403(a)(3) of the Act (as revised by section 102 of this Act) is amended by striking out "subparagraph (C)" and inserting in lieu thereof "this paragraph", and

(2) Section 403(e)(2)(A) of the Act (as added by subsection (b) of this section) is amended by striking out "expenditures of the type described in subsection (a)(3)(B), or".

(d) The amendments made by subsections (a) and (b) of this section shall be effective October 1, 1986.

TITLE II—CHILD SUPPORT ENFORCEMENT

REDUCTION IN FEDERAL MATCHING RATE FOR AUTOMATIC DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEMS

SEC. 201. Section 455(a)(1)(B) of the Social Security Act is amended by striking out "90 percent" and inserting in lieu thereof "(i) 90 percent, in the case of quarters in fiscal years prior to 1987, (ii) 85 percent, in the case of quarters in fiscal year 1987, (iii) 75 percent in the case of quarters in fiscal year 1988 or 1989, and (iv) the rate specified in 455(a)(2)(C) for quarters in fiscal year 1990 or any fiscal year thereafter,".

REDUCTION IN FEDERAL MATCHING RATE FOR ADMINISTRATIVE COSTS GENERALLY

SEC. 202. (a) Section 455(a)(2) is amended—

(1) by striking out "1986, and 1987," from subparagraph (A) and inserting in lieu thereof "and 1986, and",

(2) by amending subparagraph (B) to read "66 percent for fiscal year 1987 and each fiscal year thereafter.", and

(3) by striking out subparagraph (C).

(b) Section 455(a)(1)(B)(iii) of the Act (as amended by section 201 of this Act) is further amended by striking out "455(a)(2)(C)" and inserting in lieu thereof "455(a)(2)(B)".●

By Mr. GARN (by request):

S. 2372. A bill to preserve the authority of the Federal banking supervisory agencies to arrange interstate acquisitions and mergers for failed and failing banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FINANCIAL INSTITUTIONS EMERGENCY ACQUISITIONS AMENDMENTS

● Mr. GARN. Mr. President, today I am introducting by request amendments to title I of the Garn-St Germain Act. The amendments provide increased flexibility for the Federal bank regulators in minimizing the adverse effects of failing banks. In essence, the bill would lower the threshold size from $500 million to $250 million for an institution which could be sold across State lines, expands the approval of interstate acquisition from closed banks only to banks which the regulators believe are in danger of failing, and gives the Federal bank regulators authority to resolve problems with regard to chains of banks in multibank holding company States.

Mr. President, I ask unanimous consent that the text of the bill, a letter from the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System, and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Financial Institutions Emergency Acquisitions Amendments of 1986."

ASSISTED EXTRAORDINARY ACQUISITIONS

SEC. 2. Section 13(f) of the Federal Deposit Insurance Act (12 U.S.C. 1823(f)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1)(A) Whenever the appropriate Federal banking agency is informed that an out-of-State bank or holding company is considering acquiring, directly, or indirectly, an insured bank with total assets of $250,000,000 or more that is in danger of closing, such agency shall (A) notify the Corporation of such, (B) consult with the Corporation before taking any action with respect to any such acquisition, and (C) provide the Corporation with notice of any final action taken.

"(B) Except as provided in paragraph (9), the provisions of this subsection shall be used exclusively in connection with any acquisition by or merger with an out-of-State bank or holding company with respect to which the Corporation provides assistance under its powers in subsection (c) and shall not be applicable if the Corporation does not provide such assistance. Nothing contained in this subsection shall be construed to limit the Corporation's powers in subsection (c) to assist a transaction."

(2) by striking out "$500,000,000" in subparagraph (2)(A) and inserting in lieu thereof "$250,000,000".

(3) by amending subparagraph (3) to read as follows:

"(3)(A)(i) Whenever the appropriate Federal or State chartering authority has certified in writing that an insured bank with total assets of $250,000,000 or more (as determined from its most recent report of condition) is in danger of closing, the insured bank may merge with or its assets may be purchased by and its liabilities assumed by another depository institution, including an insured depository institution located in the State where the insured bank is chartered but established by an out-of-State bank or holding company, or its shares may be acquired by an out-of-State bank or holding company.

"(ii) Whenever the appropriate Federal or State chartering authority has certified in writing that one or more insured bank subsidiaries of a holding company are in danger of closing and such bank or banks hold aggregate assets equal to $250,000,000 or more (as determined from their most recent reports of condition) and such bank or banks represent 33 percent or more of the total assets of all insured bank subsidiaries (as determined from their most recent reports of condition) of such holding company, an out-of-State bank or holding company may (a) purchase the shares of or otherwise acquire the holding company that controls such bank or banks and all of such holding com-

pany's subsidiary banks or (b) purchase the shares or otherwise acquire any such bank or banks in danger of closing and/or establish one or more newly chartered banks located in the State where such banks in danger of closing are chartered for the purpose of merging with or purchasing the assets and assuming the liabilities of such banks, provided the aggregate total assets of such banks that are acquired equal $250,000,000 or more. Any out-of-State bank or holding company which, pursuant to clause (b), purchases shares of, or establishes a newly chartered bank for the purpose of merging with or acquiring the assets and assuming the liabilities of, such bank or banks in danger of closing may purchase the shares of or otherwise acquire any bank which is affiliated with such bank or banks.

"(iii) The Corporation may assist a merger or acquisition permitted under subparagraph (A) only where the board of directors or trustees of the insured bank has requested in writing that the Corporation assist a merger or a purchase.

"(B) Whenever the Corporation provides assistance, directly or indirectly, under the authority of subsection (c), to an insured bank and such bank was eligible at the time such assistance was given to be acquired by an out-of-State bank or holding company, pursuant to subparagraph (A), the bank shall remain eligible to be acquired, to the same extent that it was eligible when assistance was granted, by an out-of-State bank or holding company so long as the Corporation's assistance remains outstanding. If, at the time such assistance was granted to an insured bank or to affiliated insured banks, such bank's or banks' parent holding company or other affiliated banks were eligible also to be acquired by an out-of-State bank or holding company, pursuant to subparagraph (a)(ii), they shall remain eligible for such acquisition to the same extent as they were when the assistance was granted, so long as such assistance remains outstanding.

"(C) Where otherwise lawfully required, a transaction under this paragraph (3) must be approved by the primary Federal or State supervisor of all parties thereto.

"(D)(i) Before assisting a merger or acquisition permitted under subparagraph (A) or taking final action under subparagraph (B), the Corporation shall consult the State bank supervisor of the State in which the bank in danger of closing is chartered.

"(ii) The State bank supervisor shall be given a reasonable opportunity, and in no event less than forty-eight hours, to object to the use of the provisions of this paragraph.

"(iii) If the State supervisor objects during such period, the Corporation may use the authority of this paragraph only by a unanimous vote of the Board of Directors. The Board of Directors shall provide to the State supervisor, as soon as practicable, a written certification of its determination."

(4) by redesignating subparagraphs (i) through (iii) of paragraph (4) as subparagraphs (A) through (C), respectively.

(5) by amending newly redsignated subparagraph (4)(A) to read as follows:

"(A) Neither section 3(d) of the Bank Holding Company Act of 1956, section 408(e)(3) of the National Housing Act, any provision of State law, nor the constitution of any State, shall bar approval, consummation or retention of an acquisition authorized under paragraph (2) or (3) except that an out-of-State bank may make such an acquisition only if such ownership is otherwise specifically authorized."

(6) by adding new subparagraphs (D) and (E) to paragraph (4) as follows:

"(D) An out-of-State bank holding company that acquires, directly or indirectly, a bank under paragraph (2) or (3) shall thereafter be entitled to acquire additional banks located in the three largest metropolitan or consolidated metropolitan statistical areas or cities in any State in which the acquired bank is located to the same extent as a bank holding company that is principally located (as such term is defined in section 3(d) of the Bank Holding Company Act of 1956) in such State.

"(E) A holding company which, directly or indirectly, acquires control of one or more banks or a holding company under paragraph (2) or (3) shall not, by reason of such acquisition or expansion, be required as the result of the law of any State to divest any other bank or banks or be prevented from acquiring, directly or indirectly, any other banks or holding company."

(7) by striking "to permit" in paragraph (5).

(8) by striking out "closed" the second time it appears and "bank" the sixth time it appears in subparagraph (6)(A).

(9) by redesignating subparagraphs (B) and (C) in paragraph (8) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (A) the following new subparagraphs:

"(B) a bank is 'in danger of closing' if:

"(i) the bank is not likely to be able to meet the demands of its depositors or pay its obligations in the normal course and there is no reasonable prospect for it to do so without federal assistance; or

"(ii) the bank has incurred or is likely to incur losses that will deplete all or substantially all of its capital and there is no reasonable prospect for replenishment of the bank's capital without federal assistance; or

"(iii) other grounds exist or are likely to exist under applicable State law for closing the bank; and

"(C) banks are 'affiliated' if each is a subsidiary (as defined in section 2(d) of the Bank Holding Company Act of 1956) of the same holding company; and"

(10) by adding a new paragraph (9) to read as follows:

"(9) Nothing in this subsection shall prevent the Corporation, in its sole discretion, from assisting, directly or indirectly, the acquisition of an open or closed insured bank by an out-of-State bank or holding company where such an acquisition is otherwise authorized under applicable State law."

(11) by adding a new paragraph (10) to read as follows:

"(10) In any transaction authorized under this subsection, no assistance by the Corporation shall be provided to a subsidiary of a holding company that is not an insured bank."

UNASSISTED EXTRAORDINARY ACQUISITIONS

SEC. 3. Section 3(d) of the Bank Holding Company Act (12 U.S.C. 1842(d)) is amended by designating the first paragraph thereof as paragraph (1) and inserting at the end thereof the following new paragraphs:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection or any provision of state law or the constitution of any state.

"(A) a bank holding company may acquire and retain the shares or assets of—

"(i) a bank located in another state if such bank has total assets of $250 million or more and is in danger of closing; or

"(ii) Two or more affiliated banks in danger of closing that together hold assets that total $250 million or more and that represent 33 percent of the total assets of all affiliated banks;

"(B) a bank holding company that acquires a bank or banks in danger of closing under subparagraph (A) may acquire a bank holding company that controls such bank or banks and/or may acquire the assets or shares of any bank affiliated with such bank or banks, provided in either case that the total assets of such bank or banks in danger of closing represent at least 33 percent of the total assets of all affiliated banks;

"(C) A bank holding company that acquires the assets or shares of a bank in danger of closing under subparagraph (A) or (B) may acquire additional banks located in the three largest metropolitan or consolidated metropolitan statistical areas or cities in any state in which a bank acquired pursuant to this paragraph is located to the same extent as a bank holding company that is principally located (as defined in paragraph (1) hereof) in such state;

"(D) A bank holding company that acquires and retains control of one or more banks pursuant to this paragraph shall not, by reason of such acquisition or retention, be required to divest any other bank or banks or be prevented from acquiring any other banks.

"(3) A bank holding company may not acquire the shares or assets of a bank or bank holding company under paragraph (2) (A) or (B) unless the acquisition has been approved by the board of directors of such bank or of a bank holding company that controls such bank.

"(4)(A) A bank is in danger of closing if the appropriate federal or state chartering authority certifies in writing that:

"(i) the bank is not likely to be able to meet the demands of its depositors or pay its obligations in the normal course and there is no reasonable prospect for it to do so without federal assistance; or

"(ii) the bank has incurred or is likely to incur losses that will deplete all or substantially all of its capital and there is no reasonable prospect for replenishment of the bank's capital without federal assistance; or

"(iii) other grounds exist or are likely to exist under applicable State law for closing the bank.

"(B) A bank is affiliated with another bank if each is a subsidiary of the same bank holding company.

"(C) The assets of a bank shall be determined on the basis of its most recent report of condition.

"(5)(A) No bank in danger of closing or bank holding company that controls such bank shall enter into any discussions relating to the acquisition of such bank under paragraph (2) unless—

"(i) the State bank supervisor for each state in which such bank or its affiliated banks is located has been notified of such proposed discussions, and

"(ii) such bank or bank holding company has attempted to arrange an acquisition that does not require assistance under section 13(c) of the Federal Deposit Insurance Act or use of the interstate provisions of paragraph (2). An application submitted under paragraph (2) (A) or (B) must describe efforts made by such bank or bank holding company to satisfy this requirement and the reasons for the rejection of any proposals submitted.

"(B) Before approving an application pursuant to paragraph (2) involving a bank in danger of closing or its affiliated banks, the

Board shall consult the State bank supervisor of the State or States in which the bank or banks are located.

"(C) The State bank supervisor or supervisors shall be given a reasonable opportunity, and in no event less than forty-eight hours, to object to approval of the application.

"(D) Except as provided in subparagraph (E), the Board shall not approve the application if, during the notice period provided in subparagraph (C), such State bank supervisor certifies to the Board that—

"(i) a person or persons have, prior to the notice period in subparagraph (C), offered or attempted to offer to acquire each of the banks in danger of closing in a transaction that does not require assistance under section 13(c) of the Federal Deposit Insurance Act or use of the interstate provisions of paragraph (2), and

"(ii) such person or persons, in the judgment of such State bank supervisor, are likely to be able to secure all regulatory approvals necessary to consummate such acquisition promptly, and to comply with all applicable financial and managerial and other regulatory requirements, including recapitalizing all such banks in danger of closing without impairing the financial resources of the acquiring person or persons.

"(E) The Board may approve the application if the Board determines that the person or persons certified by the State bank supervisor under subparagraph (D) do not have the financial resources necessary to obtain regulatory approval to acquire such bank, including the resources to recapitalize all such banks in danger of closing without impairing the financial resources of the acquiring person or persons, or that such person or persons do not meet other applicable regulatory requirements.

"(6) If the Board has received a certification from the appropriate federal or state chartering authority pursuant to paragraph (2) or section 13(f) of the Federal Deposit Insurance Act that a bank is in danger of closing, the Board may dispense with the notice and hearing requirements of section 3(b) of this Act with respect to any application received to acquire such bank or its affiliated banks and may reduce the post-approval waiting period of section 11 of this Act to five days or, if the Board finds that immediate action is necessary to prevent the probable failure of any such banks, eliminate such period."

WAIVER OF NOTICE REQUIREMENTS

SEC. 4. Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) is amended by adding a new sentence to the end thereof to read as follows:

"In the event an application is filed under this paragraph in connection with an application by a bank holding company to acquire control of a bank in danger of closing or its affiliated banks pursuant to section 3(d)(2) of this Act or section 13(f) of the Federal Deposit Insurance Act, the Board may dispense with the notice and hearing requirement of this paragraph and the Board may approve or deny the application under this paragraph without notice or hearing."

SUNSET PROVISIONS

SEC. 5. (a) Section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 1464 note) is amended by striking out "April 15, 1986" and inserting in lieu thereof "April 15, 1991".

(b) Effective upon April 15, 1991, the provisions of law amended by this Act shall be amended to read as they would without such amendments.

(c) The repeal or termination by section 5 of any amendment made by this Act shall have no effect on any action taken or authorized while such amendment was in effect.

FEDERAL DEPOSIT INSURANCE CORPORATION, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
April 23, 1986.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GARN: By letter of April 8, we, together with the Comptroller of the Currency, wrote to you asking that Congress extend and liberalize the emergency acquisition provisions of the Garn-St Germain Depository Institutions Deregulation Act of 1982. Congress has now passed a 90-day extension of that Act.

With respect to liberalizing the emergency acquisition provisions, in that letter we recommended a number of changes designed to strengthen the ability of the regulators to deal with problem situations including authority to permit the out-of-state acquisition of failing banks and the out-of-state acquisition of a bank holding company when the failing bank exceeds the statutory size threshold and represents a sizable part of the holding company system. We also recommended that the asset size of banks eligible to be acquired be reduced from $500 million to $250 million.

We are forwarding to you at this time proposed legislation to implement these recommendations. The Comptroller of the Currency has initiated the Administration's formal review of this bill. It is our hope that Congress will be able to consider these matters at the earliest opportunity.

Sincerely,

L. WILLIAM SEIDMAN.
PAUL A. VOLCKER.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED ASSISTED AND UNASSISTED EXTRAORDINARY ACQUISITION AMENDMENTS

Section 1. This section defines the Act as the "Financial Institutions Emergency Acquisition Amendments of 1986."

Sec. 2. Subsection 13(f) of the Federal Deposit Insurance Act, which was enacted as part of Title I of the Garn-St Germain Act, currently permits interstate acquisitions for banks with assets of $500 million or more—but only under limited conditions. Stock institutions, including all eligible commercial banks, may be acquired only if they are closed. An eligible mutual savings bank may be acquired prior to closing—but only if its board of trustees and chartering authority specify in writing that it is in danger of closing and request the FDIC to assist an acquisition or merger. If a bank is acquired by an out-of-state bank holding company the bank may branch throughout the State to the same extent as an in-State national bank. Absent specific State authorizing legislation, however, bank holding companies may not be acquired by out-of-State holding companies and an out-of-State holding company that acquires a bank under subsection 13(f) may not expand in the State other than by branching of the newly acquired bank. This means in unit banking States, the out-of-State bank holding company's entry is limited to the existing office site of the bank it acquires.

The amendments to subsection 13(f) will change existing legislation in four crucial areas. First, the amendments will permit qualified stock institutions, as well as mutual savings banks, to be acquired by out-of-State holding companies before they fail. Second, they lower the threshold measurement for eligibility for both closed and failing banks from $500,000,000 to $250,000,000. Third, the amendments permit a holding company to be sold, in whole or in part, to an out-of-State holding company if the in-State holding company has a bank subsidiary or subsidiaries with aggregate banking assets of $250,000,000 or more in danger of closing and such bank or banks represent 33% or more of the holding company's banking assets. Finally, they allow an acquiring out-of-State bank holding company limited expansion rights in the State of acquisition through the bank holding company structure.

Paragraph (1).—New subparagraph (A) provides for notice and consultation between the appropriate Federal banking agency (if not the FDIC) and the FDIC when such banking agency is informed that an out-of-State bank or holding company is considering acquiring an insured bank with total assets of $250 million or more that is in danger of closing. This is intended to provide the FDIC with early notice of any possible transactions involving large banks in danger of closing, even if it appears that FDIC assistance will not be required, in the event that FDIC assistance becomes necessary and the FDIC must utilize the procedures of subsection 13(f).

Subparagraph (B) provides that if the FDIC grants assistance pursuant to its powers under subsection 13(c) of the Federal Deposit Insurance Act, the procedures contained in subsection 13(f) shall be followed in any eligible merger or acquisition transaction involving an out-of-State bank or holding company. The FDIC, however, may, in its sole discretion, choose to follow applicable State law rather than the procedures of subsection 13(f) (see paragraph 9). These procedures, including notice to and an opportunity for objection by the state bank supervisor and re-bidding procedures under certain circumstances, are contained in the current law. If the FDIC does not provide assistance under subsection 13(c), subsection 13(f) is not applicable and any eligible transaction will be subject only to the normal approval requirements under State or Federal law.

Paragraph (2).—This paragraph is amended to reduce the $500 million asset minimum for interstate acquisitions of closed banks to $250 million. This change is in response to the significant increase in the number of bank failures and the FDIC's increased difficulty in finding in-State purchasers for banks, especially banks whose assets are $250 million or more. It thereby reduces the demand upon the FDIC's resources and affords banks with assets of $250 million or more equal treatment with larger banks.

The remainder of paragraph 2 is unchanged. It provides, among other things, that in any interstate transaction involving a closed bank meeting the size requirement: (i) all other applicable approvals must be obtained; (ii) there shall be notice and an opportunity for objection by the State bank supervisor (whether the closed bank has a State or Federal charter); and (iii) if the State bank supervisor objects, the FDIC's Board of Directors may exercise its authority only by unanimous vote.

Paragraph (3).—Subparagraph (A)(i) extends the emergency interstate acquisition provisions to banks with assets of $250 million or more that, although not closed, have

been determined by their Federal or State chartering authority to be in danger of closing. The subsection parallels subparagraph (2)(A), by allowing out-of-State banks and holding companies to establish a new bank to acquire the bank in danger of closing. It also allows an acquisition to be done directly.

The current law contains a comparable provision for mutual savings banks, but not for other FDIC-insured banks. Experience has demonstrated that by the time a bank has actually been closed, the value of its franchise may have been dissipated if not eliminated. In addition, the process of decline into insolvency can create an adverse effect in the financial community. By permitting an interstate acquisition of a commercial bank in danger of closing, but before it is actually closed, the potential for finding a private solution with a lesser commitment of FDIC funds is substantially improved. Such a process also would help maintain the stability of and confidence in the banking system as a whole.

Subparagraph 3(A)(ii) extends the emergency interstate acquisition provisions to holding companies that have a subsidiary bank or banks with aggregate assets of $250 million or more in danger of closing and such bank or banks represent 33 percent or more of the total assets of the holding company's banking subsidiaries. If the Federal or State chartering authority has determined that such a bank or banks are in danger of closing, an out-of-State bank or holding company may (a) purchase the stock of or otherwise acquire the holding company that controls such bank(s) as well as all of such holding company's other subsidiary banks or (b) acquire the bank or banks in danger of closing. Before the FDIC can assist a merger or acquisition, the board of directors of the bank in danger of closing must request in writing that FDIC assist a merger or purchase.

An out-of-State bank or holding company that purchases from another holding company a bank or banks in danger of failing with aggregate assets of $250 million or more under clause (b) would be permitted to acquire other bank subsidiaries of the holding company. Under this subparagraph, more than one out-of-State holding company may acquire portions of a single holding company, providing that each of the out-of-State holding companies purchases a bank or set of banks, each of which is in danger of closing, that has total assets of $250 million or more, and provided that all subsidiary banks that are in danger of closing account for at least 33% of the assets of all banks subsidiaries of the holding company.

There is no comparable provision in the present law. This provision is, however, essential if the Garn-St Germain extraordinary acquisition provisions are to be effective in States which permit multi-bank holding companies, but do not permit statewide banking. A number of States presently have such a banking structure.

The current Garn-St Germain provisions do not work effectively in such States, particularly where it is the lead bank in the holding company system that is in danger of closing. Potential bidders are deterred because they are limited to a single location and the most troubled part of the banking organization. Even if a bidder can be found for the lead bank, the continued viability of the other banks in the holding company system may be threatened by the loss of the lead bank. This is particularly the case where there are substantial financial relationships between the lead bank and the other banks in the holding company system. Thus, the adoption of this provision could substantially reduce the financial demands on the FDIC, as well as the adverse effects on the communities served.

Subparagraph (B) provides that if a bank or holding company is eligible to be acquired by an out-of-State bank or holding company under subparagraph (A), but the FDIC provides financial assistance to prevent the closing, so long as FDIC assistance remains outstanding, the bank, its holding company, and its bank affiliates can be sold to an out-of-State bank or holding company to the same extent it could have been when assistance was given. This subparagraph applies only when assistance was granted after April 15, 1986.

Subparagraphs (C) and (D) are essentially unchanged from current law.

Paragraph (4).—Subparagraph (A) has been changed to confirm that a multiple savings and loan holding company can acquire an FDIC-insured Federal savings bank across state lines. Subparagraphs (B) and (C) are unchanged.

New subparagraph (D) provides that an out-of-State holding company that acquires a bank or holding company under subsection 13(f) may, at any time, acquire additional banks located in the three largest metropolitan or consolidated metropolitan statistical areas or cities in each state in which a bank acquired under subsection 13(f) is located to the same extent that a holding company located in each of those states may expand. This amendment complements the flexibility provided under subparagraph 3(A) and is supported by the same policy considerations. It is particularly essential in unit banking States where bidders for troubled institutions are deterred by the lack of further expansion possibilities.

Subparagraph (E) provides that an out-of-State bank or holding company that acquires and retains control, directly or indirectly, of a bank under this subsection shall not be required under State law, as a result of such acquisition, to divest any other bank or be prevented from acquiring any other bank in a different State. This paragraph does not prevent the requirement of divestiture to comply with competitive, antitrust and similar standards imposed under Federal law.

This provision, which is not contained in the current law, is in response to State law developments after passage of Garn-St Germain, and is necessary to enable a number of banks to make acquisitions under Garn-St Germain. The regional interstate banking bills of several States require that all of a bank holding company's subsidiary banks be located within a defined region. Accordingly, an out-of-State holding company which has acquired a bank in such a State would be required to divest that bank if it made an acquisition under Garn-St Germain outside the region. This provision would pre-empt such State laws only with respect to Garn-St Germain acquisitions.

Paragraphs (5), (6), and (7).—These paragraphs contain provisions relating to the solicitation of offers by the FDIC, resolicitation of bids under certain circumstances, and applicable antitrust standards. They are essentially unchanged from current law.

Paragraph (8).—New subparagraph (B) prescribes when a bank is "in danger of closing" and new subparagraph (C) defines when banks are affiliated for purposes of holding company acquisition under subparagraph (3).

Paragraph (9).—This paragraph permits the FDIC, in its sole discretion, to assist an interstate transaction under the authority of state law rather than under this subsection. This provision affords the FDIC additional flexibility where a state has enacted its own interstate acquisition authority, but does not in any way limit the FDIC's authority under subsection 13(f).

Paragraph (10).—This paragraph confirms that FDIC assistance in a transaction authorized under subsection 13(f) shall not be provided to any subsidiary of a holding company which is not an insured bank. This paragraph, however, is not intended to prevent an intermediate holding company from being a conduit for FDIC assistance ultimately intended for an insured bank.

SEC. 3. The Douglas Amendment to the Bank Holding Company Act provides that a bank holding company may not acquire a bank in another State unless that State has specifically authorized the acquisition by statute. This section would amend the Douglas Amendment to permit bank holding companies, under certain circumstances, to acquire banks located in another state where the banks are in danger of closing. This provision would only permit acquisitions of troubled banks that do not involve financial assistance from the FDIC. Acquisitions of troubled banks that involve financial assistance from the FDIC are governed by the preceding sections of this bill. Permitting the Federal Reserve Board to approve acquisitions of banks in danger of closing where the proposed acquisition does not require financial assistance from the FDIC will permit resolution of problems involving banks in serious and identifiable financial difficulties before those problems reach the stage when they require federal financial assistance, thus reducing potential demand on the FDIC's resources.

Subparagraph (2)(A).—This subparagraph would amend the Douglas Amendment to allow a bank holding company to acquire a bank in another State when the bank is in danger of closing and has total assets of at least $250 million. This paragraph would also permit an out-of-State bank holding company to acquire a group of smaller banks that are subsidiaries of the same bank holding company if (1) each of the banks is in danger of closing, (2) the combined assets of group of banks to be acquired is at least $250 million, and (3) the banks in danger of closing are owned by a bank holding company and represent at least 33 percent of the total assets of all bank subsidiaries of that holding company.

Subparagraph (2)(B).—This subparagraph provides that a bank holding company that acquires a failing bank under this section may, as part of the transaction in which it acquires the failing bank, also acquire the parent holding company of the failing bank as well as any of the holding company's other subsidiary banks. Wherever located, provided that the banks in danger of closing represent at least 33 percent of the total assets of all of the parent holding company's subsidiary banks. In this regard, the legislation would allow more than one out-of-State bank holding company to acquire portions of a single bank holding company, including healthy bank subsidiaries of the holding company, provided that each of the out-of-State bank holding companies purchases a bank or set of banks, each of which is in danger of closing, that has total assets of $250 million or more and provided that all subsidiary banks that are in danger of closing together account for at least 33 per-

cent of the assets of all bank subsidiaries of the bank holding company. An out-of-State bank holding company may not acquire a healthy bank or a bank holding company under this provision unless the out-of-State bank holding company simultaneously acquires an affiliated bank or group of banks in danger of closing.

Subparagraph (2)(C).—This subparagraph provides that an out-of-State bank holding company that acquires a failing bank under this legislation may, at any time, acquire additional banks located in the three largest metropolitan or consolidated metropolitan statistical areas or cities in each state in which a bank acquired under this section is located to the same extent that a bank holding company located in each of those states may expand. This places the out-of-State bank holding company on an equal footing with in-State bank holding companies in the three largest metropolitan areas in the state.

Subparagraph (2)(D).—This subparagraph provides that an out-of-State bank holding company that acquires a failing bank under this legislation could not be required under State law to divest other banks that it owns, as may be required under certain of the regional interstate banking compacts in existence today. This subparagraph does not prevent any divestiture that may be required to comply with competitive, antitrust, and similar standards imposed under federal law.

Paragraph (3).—This paragraph provides that out-of-State bank holding companies may make an acquisition under this provision only if the acquisition is approved by the board of directors of each bank to be acquired or by the board of directors of the parent bank holding company of such banks.

Subparagraph (4)(A).—This subparagraph provides that, before the Federal Reserve Board may approve an acquisition under this section, the Comptroller of the Currency in the case of national banks and the State bank supervisor in the case of State banks must certify to the Board that the bank to be acquired is in danger of closing. The bill defines a bank in danger of closing in the same manner as defined above in connection with acquisitions that involve federal financial assistance.

Subparagraph (4)(B).—This subparagraph defines affiliated banks as banks that are subsidiaries of the same bank holding company, as those terms are defined in the Bank Holding Company Act.

Subparagraph (5)(A).—This subparagraph requires that, before a bank in danger of closing or the parent bank holding company of such a bank enters into any discussions with an out-of-State bank holding company relating to the possible interstate acquisition of the bank without federal assistance under the provisions of this bill, the bank or its parent bank holding company must notify the State bank supervisor in each State in which the bank or any of its affiliated banks are located. This provision would permit the State bank supervisor an opportunity to ascertain whether an acceptable in-State or in-region solution exists for the troubled bank that does not require FDIC assistance. The bank in danger of closing or parent bank holding company must also attempt to arrange for an acquisition of the bank in danger of closing by an in-State or in-region bank holding company, an individual, or any other party that does not require use of the provisions of this section in a transaction that does not require federal assistance. Subparagraph (5)(A)(ii) provides that any application submitted by an out-of-State bank holding company to acquire a bank or bank holding company under this provision must describe efforts by the bank in danger of closing or its parent bank holding company to arrange an in-State or in-region acquisition and the reasons for rejection of any proposals submitted.

Subparagraphs (5) (B) and (C).—These subparagraphs require, in addition, that the Federal Reserve Board consult with the State supervisor of the State or States in which each of the banks to be acquired under this section is located, and provides the appropriate State supervisors at least 48 hours to comment on the acquisition. As noted, the State supervisor will have been notified under the preceding subparagraph before the bank or holding company opened discussions with an out-of-State or out-of-region banking holding company.

Subparagraph (5)(D).—This subparagraph prohibits the Federal Reserve Board from approving an interstate acquisition under this paragraph over the objection of the appropriate State supervisor, if the State supervisor certifies that a person or group of persons (1) stands ready to acquire each of the banks in danger of closing without use of the interstate acquisition provisions of this bill and without federal assistance; (2) offered, or attempted to offer, to purchase the banks in danger of closing prior to the time that the out-of-State bank holding company submitted its application under this provision to the Board; and (3) has the financial and managerial resources necessary to receive all required regulatory approvals promptly and to recapitalize all of the banks in danger of closing without impairing the financial resources of the acquiring parties and without federal assistance. This provision permits the relevant State supervisor to exercise a preference for individuals or for bank holding companies located within the State in which the bank in danger of closing is located or in a State from which an interstate acquisition is permitted under state law enacted pursuant to the Douglas Amendment (for example, a bank holding company located in a State that has entered into a regional compact or other interstate arrangement with the State in which the failing bank is located).

Subparagraph (5)(E).—This subparagraph permits the Federal Reserve Board to approve an acquisition by an out-of-state bank holding company in the event that a person or group of persons certified by the State supervisor does not receive all necessary regulatory approvals, or the Federal Reserve Board determines that the person or group of persons does not have the financial or managerial resources necessary to recapitalize the failing banks and, thereafter, to continue to meet all applicable regulatory requirements. Under this provision, the in-state or in-region offer certified by the supervisor does not have to match or exceed the offer by an out-of-state bank holding company. The only limitation on the in-State or in-region offer is that it must result in acquisition of all of the banks in danger of closing without any financial assistance from the Federal Deposit Insurance Corporation.

Paragraph (6).—This paragraph authorizes the Federal Reserve Board to waive the requirements of notice to the appropriate chartering authority and opportunity for hearing ordinarily applicable to the acquisition by a bank holding company of a bank under section 3 of the Bank Holding Company Act for any acquisition authorized under this section or under the emergency provisions of section 13(f) of the Federal Deposit Insurance Act. This would enable the Board to waive the notice and hearing requirements of the Act in the event an out-of-State bank holding company was acquiring not only the failing bank but also the parent holding company and its other subsidiary banks. As described above, this section provides that the chartering authority be given notice of a proposed acquisition under this section and provides a mechanism for the State supervisor to object to the proposed acquisition.

This paragraph also authorizes the Board to shorten the post-approval waiting period required under section 11 of the Bank Holding Company Act for an acquisition approved under this paragraph, and to waive this period entirely to permit immediate acquisition of any or all of the banks to be acquired where the Board finds that immediate action is necessary to prevent probably failure of any of the banks acquired under this section.

Sec. 4. This section permits the Federal Reserve Board to waive the provisions of section 4(c)(8) of the BHC Act that require notice and opportunity for hearing prior to the acquisition by a bank holding company of a nonbanking company where the proposed acquisition is in connection with an application by a bank holding company to acquire a bank in danger of closing under the provisions of this legislation.

Sec. 5. This section extends for five years the sunset of the emergency provision of Title I of the Garn-St Germain Act and sunsets the provision added by this Act as well in five years.

By Mr. HELMS:

S.J. Res. 331. Joint resolution prohibiting the proposed sale of integrated avionics system kits to the People's Republic of China; to the Committee on Foreign Relations.

PROHIBITING SALE OF ADVANCED AVIONICS KITS TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. HELMS. Mr. President, one of the most perilous issues hanging in the balance is the impending sale of $550 million of advanced fighter aircraft technology to Communist China.

None of our Asian friends supports this sale. Our major allies in East Asia, the Association of Southeast Asian Nations, South Korea, Japan, and especially Taiwan all oppose arms sales to the People's Republic of China.

In addition to the lack of support by our Asian friends, the purpose of this sale is misguided. The F-8 was designed 20 years ago to counter a high-flying, subsonic Soviet bomber threat. Now, however, with an abundance of SS-20's and Backfire bombers in the region, the Soviet Union is not likely to send slow, high altitude bombers over China. This means that the deterrent capability of the enhanced F-8 is of marginal utility against the Soviet Union, but the improved F-8 can make a big difference in regional conflicts between China and her smaller non-Communist neighbors, such as Taiwan.

It is being said that the avionics package is an end-item sale, and does not involve the transfer of design or production technologies. The most important aspect of this sale to the PRC may not be just the avionics packages, but the technology within the packages and the possibility of integrating that technology with other systems. This sale should be viewed as a building block to substantial improvement in China's air force.

Another adverse effect of the sale would be upsetting of the balance of power in the Taiwan Strait. The Taiwanese fighters—aging F-5E's and F-104's which will soon be obsolete—are already outnumbered 16 to 1 by the PRC. The upgrading of the PRC's F-8 would transfer air superiority to the PRC.

Mr. President, for all of the abovementioned reasons, I am introducing a joint resolution prohibiting the proposed sale of integrated avionics systems kits to the People's Republic of China. I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 331

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the issuance of a letter of offer with respect to the proposed sale to the People's Republic of China of integrated avionics system kits (and related defense articles and defense services) described in the certification transmitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate pursuant to section 36(b) of the Arms Export Control Act on April 8, 1986 (Transmittal Numbered 86-27) is hereby prohibited.

ADDITIONAL COSPONSORS

S. 873

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 873, a bill to amend title XIX of the Social Security Act to assist severely disabled individuals to attain or maintain their maximum potential for independence and capacity to participate in community and family life.

S. 1060

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1060, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity—resulting from changes made in 1977 in the benefit computation formula—between those levels and the benefit levels of persons who became eligible for benefits before 1979.

S. 1372

At the request of Mr. HEINZ, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 1372, a bill to amend the Internal Revenue Code of 1954 to provide incentives for the establishment of statewide insurance pools to provide health insurance to high-risk individuals.

S. 1494

At the request of Mr. INOUYE, his name was withdrawn as cosponsor of S. 1494, a bill to amend title 23, United States Code, to limit outdoor advertising adjacent to Interstate and Federal-aid primary highways.

S. 1546

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1546, a bill to amend the Internal Revenue Code of 1954 to allow an individual a credit against income tax for certain expenditures for the purpose of reducing randon levels in the principal residence of the individual.

S. 1622

At the request of Mr. MELCHER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1622, a bill to promote the development of Native American Culture and Art.

S. 1640

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1640, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of services performed by a physician assistant.

S. 1655

At the request of Mr. SPECTER, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 1655, a bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the Unfair Competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute.

S. 2050

At the request of Mr. METZENBAUM, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 2050, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 2087

At the request of Mr. PROXMIRE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2087, a bill to amend part B of title XIX of the Public Health Service Act to specify the method of determining State allotments.

S. 2168

At the request of Mr. THURMOND, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 2168, a bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of war.

S. 2181

At the request of Mr. D'AMATO, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2181, a bill entitled the "Construction Industry Labor Law Amendments of 1986."

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2181, supra.

S. 2191

At the request of Mr. ROTH, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2191, a bill to amend the Federal Aviation Act of 1958 so as to prohibit reprisals against certain officers, employees, or contractors of air carriers.

S. 2261

At the request of Mr. HUMPHREY, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 2261, a bill to amend the Service Contract Act of 1965 to reform the administration of such act, and for other purposes.

S. 2273

At the request of Mr. KASTEN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2273, a bill to amend the Internal Revenue Code of 1954 to deny the tax exemption for interest on industrial development bonds used to finance acquisition of farm property by foreign persons.

S. 2274

At the request of Mr. KASTEN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2274, a bill to provide that certain individuals who are not citizens of the United States and certain persons who are not individuals shall be ineligible to receive financial assistance under the price support and related programs administered by the Secretary of Agriculture.

S. 2280

At the request of Mr. WILSON, the names of the Senator from Nebraska [Mr. ZORINSKY], the Senator from Alabama [Mr. DENTON], the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. ANDREWS], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 2280, a bill to amend the Agricultural Act of 1949 to suspend the application of the milk production termination program in order to minimize the

adverse affect of the program on beef, pork, and lamb producers.

S. 2288

At the request of Mr. CHILES, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2288, a bill to amend title XIX of the Social Security Act to permit States the option of providing prenatal, delivery, and postpartum care to low-income pregnant women and of providing medical assistance to low-income infants under 1 year of age.

S. 2294

At the request of Mr. WEICKER, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 2294, a bill to reauthorize certain programs under the Education of the Handicapped Act, to authorize an early intervention program for handicapped infants, and for other purposes.

S. 2295

At the request of Mr. GOLDWATER, the name of the Senator from North Dakota [Mr. ANDREWS], was added as a cosponsor of S. 2295, an original bill to amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operation, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, and for other purposes.

S. 2335

At the request of Mr. DENTON, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 2335, a bill to protect U.S. citizens from terrorism.

S. 2348

At the request of Mr. MOYNIHAN, the names of the Senator from Wyoming [Mr. WALLOP], and the Seantor from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 2348, a bill to authorize the procurement and installation of cryptographic equipment at satellite communications facilities within the United States, and for other purposes.

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from West Virginia [Mr. BYRD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. GRASSLEY, the names of the Senator from Georgia [Mr. NUNN], the Senator from Idaho [Mr. MCCLURE], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend."

SENATE JOINT RESOLUTION 316

At the request of Mr. CRANSTON, the names of the Senator from Missouri [Mr. EAGLETON], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of Senate Joint Resolution 316, a joint resolution prohibiting the sale to Saudi Arabia of certain defense articles and related defense services.

SENATE JOINT RESOLUTION 318

At the request of Mr. ABDNOR, the names of Senator from Hawaii [Mr. MATSUNAGA], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 318, a joint resolution designating November 1986 as "National Diabetes Month."

SENATE JOINT RESOLUTION 323

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Maine [Mr. MITCHELL], the Senator from Maryland [Mr. SARBANES], the Senator from Maine [Mr. COHEN], and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of Senate Joint Resolution 323, a joint resolution to designate May 21, 1986, as "National Andrei Sakharov Day."

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. HEINZ, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Maine [Mr. MITCHELL], the Senator from Nevada [Mr. HECHT], the Senator from Arizona [Mr. GOLDWATER], the Senator from Hawaii [Mr. INOUYE], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Concurrent Resolution 125, a concurrent resolution recognizing the achievements of the Ireland Fund and its founder, Dr. Anthony J.F. O'Reilly.

SENATE RESOLUTION 206

At the request of Mr. DURENBERGER, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 206, a resolution to urge Federal agencies with flood control responsibilities to plan for and execute efficient and effective cooperation and technical assistance to State and local governments to mitigate the consequences of the high water levels on the Great Lakes.

SENATE RESOLUTION 303

At the request of Mr. HEINZ, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of Senate Resolution 303, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

AMENDMENT NO. 1800

At the request of Mr. MOYNIHAN, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 1800 proposed to Senate Concurrent Resolution 120, an original concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1987, 1988, and 1989.

SENATE RESOLUTION 388—RELATING TO THE PROVISION OF UPDATED BASELINE AND CURRENT SERVICE ESTIMATES FOR FISCAL YEARS 1987 THROUGH 1991

Mr. ROTH (for himself and Mr. DOLE) submitted the following resolution; which was referred jointly pursuant to the order of August 4, 1977, to the Committee on the Budget and the Committee on International Affairs:

S. RES. 388

Whereas the rate of interest in the CPI has fallen, suggesting the likelihood of cost of living and other outlay savings;

Whereas economic conditions have significantly changed since the current services and baseline budget estimates were prepared;

Whereas long-term interest rates are now approximately 1.5 percentage points lower than forecast by CBO, implying substantial net interest savings;

Whereas oil prices are approximately $10 per barrel below the level forecast by CBO, directly and indirectly lowering outlays and raising economic growth;

Whereas Congress has enacted the reconciliation and other legislation which further reduces the fiscal 1987 deficit;

Whereas under the Gramm-Rudman-Hollings statute, the Congress requires the most accurate data available pursuant to enactment of a budget that avoids a sequester order: Now, therefore be it

Resolved, That—

(1) the Director of the Congressional Budget Office, in conjunction with the Director of the Office of Management and Budget, shall report to the Congress as soon as possible but no later than May 16th, his revised estimates of total revenues, budget authority, outlays and the deficit for fiscal years 1987–1991; and

(2) that, the report shall contain any additional views or analyses as either director deems necessary.

Mr. ROTH. Mr. President, it's been said that ignorance never settles a question. Plato insisted that before one begins a debate, one best define his terms and check his facts.

I realize these axioms are old, and perhaps a bit banal, but I believe they're most appropriate to keep in mind as we embark on establishing the budget resolution and set the course for our Nation's economic policy over the next 3 years.

Presently, we are preparing to move ahead and base our entire fiscal policy on what many economists believe are outdated assumptions. And I'm concerned about the consequences, I'm concerned that this Congress—and even the White House—cannot get together on the Congressional Budget Office's baseline and current service estimates for fiscal 1987 through 1991.

I believe everyone in Congress would agree that since the Congressional Budget Office made its fiscal projections in February, America's economic condition has dramatically changed. Fortunately, these changes have been beneficial, not only to our constituents, but to the financial foundation of our Government.

As we meet today, oil prices are down 50 percent since the Congressional Budget Office produced its budget baseline only 3 months ago. Interest rates are down 1½ percentage points for long-term Treasury debt, and the projection for our gross national product in the first quarter of this year shows an increase of 3.2 percent without any increase in inflation.

Unfortunately, as we are dashing to meet the demands of Gramm-Rudman-Hollings, we appear unwilling to consider the full impact of these new facts. And while we still cannot be certain that this economic turnaround will have a significant impact on our meeting the $154 billion Gramm-Rudman target, we are quickly dismissing it before we understand how it affects the bottom line.

And frankly, while I commend my colleagues who have designed respective proposals to help us meet the target, I am concerned by murmurings of a 3-year tax increase, especially when we do not have all the facts—when we do not even know if it is necessary.

And the subject of tax increase brings us another important point. Meeting Gramm-Rudman is not the only factor involved in the budgetary equation. Today we are witnessing one of the greatest economic comebacks since the post-Depression years. Wall Street, this past week, racked up over 60 points, and the analysts are calling the market and the economy Congress-proof. The word is that Washington can do nothing to stifle the present growth, to dramatically increase either inflation or the interest rates—that is we can do nothing except raise taxes. This alone will kill our progress.

Fortunately, Mr. President, the people of America are not crying out for a tax increase. Therefore, it would appear that our duty is easy: Stay the course and do exactly what President Reagan has suggested—allow the improving economy, along with well-directed cuts in Government spending, to take care of the deficit. To do otherwise would be foolish, especially if the deficit is lower than we think.

And frankly, I am encouraged by the overwhelming possibilities once we know where we are. I believe the deficit can eventually be beat without an enormous tax increase—especially if we do what is necessary to promote the present recovery into the future.

But decisions must be made quickly. And we need correct information. Therefore, today I am submitting, together with Senator DOLE, a resolution that calls upon the Congressional Budget Office in conjunction with the Office of Management and Budget to issue revised estimates on the current status of our deficit, unless our decisions are to be made out of ignorance. And frankly, there is nothing more terrible than to see ignorance in action.

SENATE RESOLUTION 389—AUTHORIZING TESTIMONY BY A SENATE EMPLOYEE

Mr. SIMPSON (for Mr. DOLE, for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Whereas, in the case of *United States* v. *Robert Christopher Ingraham*, Criminal No. 85-00051-B, pending in the United States District Court for the District of Maine, the United States Attorney has obtained a subpoena for the testimony of M. Gayle Cory, an employee in Senator Mitchell's Washington office;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That M. Gayle Cory is authorized to appear and to testify in the case of *United States* v. *Robert Christoper Ingraham*, except concerning matters which may be privileged.

AMENDMENTS SUBMITTED

FIRST CONCURRENT RESOLUTION ON THE BUDGET

METZENBAUM (AND OTHERS) AMENDMENT NO. 1801

Mr. METZENBAUM (for himself) Mr. SARBANES, and Mr. BUMPERS, proposed an amendment to the concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the U.S. Government for the fiscal years 1987, 1988, and 1989; as follows:

On page 2, increase the amount on line 3 by $145,000,000.

On page 2, increase the amount on line 4 by $42,000,000.

On page 2, increase the amount on line 5 by $10,000,000.

On page 2, increase the amount on line 8 by $145,000,000.

On page 2, increase the amount on line 9 by $42,000,000.

On page 2, increase the amount on line 10 by $10,000,000.

On page 2, increase the amount on line 19 by $200,000,000.

On page 2, increase the amount on line 24 by $145,000,000.

On page 2, increase the amount on line 25 by $42,000,000.

On page 3, increase the amount on line 1 by $10,000,000.

On page 5, increase the amount on line 5 by $145,000,000.

On page 5, increase the amount on line 6 by $42,000,000.

On page 5, increase the amount on line 7 by $109,000,000.

On page 5, increase the amount on line 10 by $200,000,000.

On page 5, increase the amount on line 15 by $145,000,000.

On page 5, increase the amount on line 16 by $42,000,000.

On page 5, increase the amount on line 17 by $10,000,000.

On page 17, increase the amount on line 16 by $125,000,000.

On page 17, increase the amount on line 17 by $76,000,000.

On page 17, increase the amount on line 25 by $35,000,000.

On page 18, increase the amount on line 8 by $10,000,000.

On page 19, increase the amount on line 18 by $75,000,000.

On page 19, increase the amount on line 19 by $69,000,000.

On page 20, increase the amount on line 4 by $7,000,000.

On page 33, increase the amount on line 13 by $145,000,000.

On page 33, increase the first amount on line 14 by $42,000,000.

On page 33, increase the second amount on line 14 by $10,000,000.

On page 44, increase the amount on line 6 by $145,000,000.

On page 44, increase the first amount on line 7 by $42,000,000.

On page 44, increase the second amount on line 7 by $10,000,000.

BUMPERS AMENDMENT NO. 1802

Mr. BUMPERS (for himself and Mr. EXON) proposed an amendment to the concurrent resolution (S. Con. Res. 120), supra; as follows:

On page 7, decrease the amount on line 12 by $25,000,000.

On page 7, decrease the amount on line 13 by $17,000,000.

On page 7, decrease the amount on line 22 by $4,000,000.

On page 8, decrease the amount on line 7 by $3,000,000.

On page 17, decrease the amount on line 16 by $25,000,000.

On page 17, decrease the amount on line 17 by $17,000,000.

On page 17, decrease the amount on line 25 by $4,000,000.

On page 18, decrease the amount on line 8 by $3,000,000.

DECONCINI (AND OTHERS) AMENDMENT NO. 1803

Mr. DECONCINI (for himself, Mr. ABDNOR, Mr. ZORINSKY, Mr. BENTSEN, Mr. WILSON, and Mr. MELCHER) proposed an amendment to the concurrent resolution (S. Con. Res. 120), supra; as follows:

On page 2, decrease the amount on line 19 by $63,000,000.

On page 5, decrease the amount on line 10 by $63,000,000.

On page 7, decrease the amount on line 12 by $163,000,000.

On page 7, decrease the amount on line 13 by $84,000,000.

On page 23, increase the amount on line 2 by $200,000,000.

On page 23, increase the amount on line 3 by $168,000,000.

On page 24, decrease the amount on line 2 by $100,000,000.

On page 24, decrease the amount on line 3 by $84,000,000.

GOVERNANCE OF CERTAIN INSULAR AREAS OF THE UNITED STATES

WEICKER AMENDMENT NO. 1804

Mr. SIMPSON (for Mr. WEICKER) proposed an amendment to the bill (H.R. 2478) to amend the Revised Organic Act of the Virgin Islands, the amend the Convenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes; as follows:

Strike the text of section 2 and add the following new text:

"SEC. 2. A total of up to $4,000,000 of funds currently reserved for use by the economic development loan fund, as established under subsection (c) of section 702 of the Convenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by Public Law 94-241, may be expended for capital improvement projects, provided that such funds become available for use by the economic development loan fund and such funds are not obligated for economic development loans".

Strike the text of section 4 and add the following new text:

"SEC. 4. Effective October 1, 1986, there are authorized to be appropriated $1,500,000 for grants to the College of the Virgin Islands for projects related to the Eastern Caribbean Center, to remain available until expended.".

In section 8 delete "669g-i" and insert "669h" in lieu thereof, and at the end of the bill add the following new sections:

"SEC. 9. (a) Section 506 of the Education Amendments of 1972, Public Law 92-318 (86 Stat. 235) is amended by inserting, 'the Northern Marianas College', after 'the College of Micronesia' in subsection (a).

"(b) Section 5 of the Act of August 30, 1980, c. 841, 26 Stat. 417 (the Second Morill Act), as added by section 506(c) of Public Law 92-318 (86 Stat. 235) is amended by striking out 'and Micronesia, and Guam' and inserting in lieu thereof 'Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)'.

"(c) Subsection (c) of section 1361 of Public Law 96-374 (94 Stat. 1367) is amended by striking out 'American Samoa and in Micronesia' and inserting in lieu thereof 'American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)'.

"(d) Section 22 of the Act of June 29, 1935, c. 388, 49 Stat. 439, as amended (7 U.S.C. 329) is further amended—

"(1) by striking out 'and Guam' wherever it appears and inserting in lieu thereof 'Guam, and the Northern Mariana Islands';

"(2) by striking out '$8,100,000' and inserting in lieu thereof '$8,250,000'; and

"(3) by striking out '$4,360,000' and inserting in lieu thereof '$4,380,000'.

"(e) The first sentence of section 3(b)(2) of the Act of May 8, 1914, c.79, 38 Stat. 372, as amended (7 U.S.C. 343), is further amended by striking out 'and Guam' and inserting in lieu thereof 'Guam, and the Northern Mariana Islands'.

(f) Section 10 of the Act of May 8, 1914, C.79, 38 Stat. 372, as added by section 1(i) of Public Law 87-749 (76 Stat. 745) and as amended (7 U.S.C. 349), is further amended to read as follows: 'The term 'State' means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.'.

"SEC. 10. The Convenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America approved by Public Law 94-241 (90 Stat. 263) is amended

"(1) in section 703, subsection (a), after the words 'section 702' add the words 'and section 705';

"(2) in section 704, subsection (a), after the words 'section 702' add the words 'and section 705';

"(3) in section 704, delete subsection (c), and redesignate subsection (d) as subsection (c);

"(4) after section 704 add a new section 705, as follows:

"SEC. 705. Enactment of this section by the United States Congress and approval by the President shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $228,000,000 at guaranteed annual amounts of direct grant assistance for the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in section 702, which assistance shall be provided according to the agreement of the special representatives on future United States financial assistance for the Government of the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representative of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a ⅛ share and the island of Saipan shall receive no less than ⅜ share of annualized capital improvement project funds which shall be no less than 80 percent of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the agreement of the Special representatives."; and

"(5) in section 1003, subsection (b), delete 'Article VII, Sections' and insert in lieu thereof '701-704,'; redesignate subsection (c) as subsection (d); and add a new subsection (c) as follows:

"(c) Section 705 will become effective as of October 1, 1985.".

"SEC. 11. Public Law 96-193 is amended by adding the following new section at the end of title III:

"SEC. 306. (a) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying aircraft if the operator is flying such aircraft between Honolulu or other nations and points in the United States Pacific territories or the Trust Territory of the Pacific Islands (or successor political entities). No such noncomplying aircraft shall be allowed to operate at any other United States airports.

"(b) Nighttime noise restrictions for aircraft operating pursuant to subsection (a) of this section shall be inapplicable in Honolulu, the United States Pacific territories and the Trust Territory of the Pacific Islands (or successor political entities), provided that the State of Hawaii institutes nighttime noise restrictions for Honolulu International Airport, with equal application to all operators, that are no more restrictive than the existing restrictions.".

"SEC. 12. (a) In awarding assistant grants, consolidated under the provisions of title V of the Act entitled 'An act to authorize certain appropriations for the territories of the United States, to amend certain acts related thereto, and for other purposes'. (91 Stat. 1159, as amended), to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands or the Virgin Islands, the Administrator of the Environmental Protection Agency may, in his discretion, adjust or otherwise modify maintenance or level of effort requirements.

"(b) In awarding grants to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands under section 201(g)(1) of the Clean Water Act (33 U.S.C. 1251 et seq.), the Administrator of the Environmental Protection Agency may waive limitations regarding grant eligibility for sewerage facilities and related appurtenances, insofar as such limitations relate to collector sewers, based upon a determination that applying such limitations could hinder the alleviation of threats to public health and water quality. In making such a determination, the Administrator shall take into consideration the public health and water quality benefits to be derived and the availability of alternate funding sources. The Administrator shall not award grants under this section for the operation and maintenance of sewerage facilities, for construction of facilities which are not an essential component of the sewerage facilities, or any other activities or facilities which are not concerned with the management of wastewater to alleviate threats to public health and water quality.

"SEC. 13. Section 29 of the Organic Act of Guam (64 Stat. 392) is amended by adding the following new subsection (c):

"(c) the Government of Guam may establish an Office of Public Prosecutor and an Office of Public Auditor.".

"SEC. 14. Section 101(a)(15)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(D)) is amended by inserting '(i)' after '(D)' and by adding at the end the following new clause:

"(ii) an alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States who intends to land temporarily in Guam and solely in pur-

suit of his calling as a crewman and depart from Guam with the vessel on which he arrived. For the purposes of this clause, an alien crewman shall be considered to have departed from Guam after leaving the territorial waters of Guam, without regard to whether the alien arrives in a foreign state before returning to Guam;".

"SEC. 15. Subsection 212(1) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended as follows:

"(1)(1) The requirement of paragraph (26)(B) of subsection (a) of this section may be waived by the Attorney General, the Secretary of State, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Secretary of State, and the Secretary of the Interior, after consultation with the Governor of Guam jointly determined that—

"(A) an adequate arrival and departure control system has been developed on Guam, and that

"(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States, taking into account the conditions prevailing on, and the location of, Guam.

"(2) An alien may not be provided a waiver under this subsection unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(3) Any personnel employed by the Immigration and Naturalization Service in order to implement the provisions of this subsection shall not be counted for the purposes of personnel ceilings or other limitations on the number of employees in either the Immigration and Naturalization Service or the Department of Justice.

"(4) Assignments of employees of the territory of Guam to the Immigration and Naturalization Service under section 3374 of title 5, United States Code, shall not be subject to the time limitation provided for in section 3372(a) of title 5, United States Code.

"(5) The Attorney General is authorized to accept from the Territory of Guam reimbursement for the increased cost of administering the Immigration and Nationality Act resulting from this subsection.

"(6) The Attorney General, after consultation with the Secretary of State, the Secretary of the Interior, and the Governor of Guam, shall issue regulations governing the admission of nonimmigrant aliens pursuant to the visa waiver authorized by this subsection.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Strategic Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 24, in open and closed session, to consider antitactical ballistic missiles system development activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATURAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Natural Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 24, to hold a hearing to consider S. 1322, to amend the Geothermal Steam Act of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RURAL DEVELOPMENT OVERSIGHT, AND INVESTIGATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Rural Development Oversight, and Investigations, of the Committee on Agriculture, be authorized to meet during the session of the Senate on Thursday, April 24, 1986, in order to conduct a hearing on S. 1121, a bill to encourage foreign agricultural trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REORGANIZATION OF THE DEPARTMENT OF DEFENSE

● Mr. GOLDWATER. Mr. President, within a relatively short time, the Senate will be taking up the matter of reorganization of the Department of Defense, which the Armed Services Committee has been studying and working on for over 3 years.

Many comments about this reorganization and the need for it have come from military people of all ranks. I treasure and look forward to the observations, whether they be critical or supportive, of these men in uniform.

Gen. William C. Westmoreland, who commanded our forces in Vietnam has written a very thoughtful article on the need for changes in the Joint Chiefs of Staff. Although I may not agree with all of General Westmoreland's recommendations, I do think that he has made a valuable contribution to the debate on defense reorganization.

So many people seem to be afraid that any changes in the Joint Chiefs would result in the so-called Prussian Military System. This is absolutely untrue. The Prussian System would never work in America. If Germany, which worked under the Prussian System in World Wars I and II, had any competence or intelligence at the leadership level, those Wars could have well been another story.

As General Westmoreland points out, planning is really the secret of success in battle. The Joint Chiefs should have a better opportunity and the greatest spectrum of experience available to provide the finest planning possible.

Mr. President, I ask that this article be inserted in the RECORD.

The article follows:

OVERHAULING THE JOINT CHIEFS OF STAFF

(By Gen. William C. Westmoreland)

There has been considerable interest recently in proposals for the restructuring of the U.S. military decision-making apparatus and the organization of the Joint Chiefs of Staff in particular. Sens. Barry Goldwater (R-Ariz.) and Sam Nunn (D-Ga.) have supported some specific proposals for such modifications. While change may be necessary, it needs to be approached with due regard and understanding of the complex factors involved in decision-making at the national security level.

In examining the modus operandi for decision-making on national defense matters, it is helpful to outline the responsibilities of the organization as it now stands, detail the problems that would invite a change and then make suggestions for change.

The essential functions involving military readiness are planning, force development and operations/execution. These three apparently simple functions become complex because so many organizations have an input in the military decision of the nation: the military of the Pentagon, civilians in the Department of Defense, the White House, the State Department, the Central Intelligence Agency and congress. While the checks and balances created by this multiple input are essential in an open society and to a democracy, care must be taken that the checks and balances do not bind the system to the point that it cannot effectively function. There have been times when that situation seemed imminent.

In my years working in the Department of Defense, I have never seen a decision made in anything but good faith. It is the mechanisms themselves that can breed less than optimum results. One of the areas in which change could bring improvement is the structure of the congressional committees.

REFORM ON THE HILL

Among the mechanisms that are addressed by the proposals of Sens. Goldwater and Nunn suggesting a retooling of the Joint Chiefs of Staff is the role of the congressional committees. At present, two committees—the Armed Services Committee and the Appropriations Committee—exist in each house of congress. Numbers of defense officials and their staffs spend an inordinate amount of time preparing documents and testifying before these four committees. The function of these committees is important, but it is well within reason to streamline the process.

Based on my experience, the problems connected with the congressional committees are these: 1) the committees are not well coordinated among themselves, 2) the committees are too large, 3) they tend to deal too much in politics, 4) a number of members do not do their homework and therefore are not well informed and 5) some members often cannot "see the forest for the trees"—sometimes they seem to concentrate on political nitpicking rather than heeding the reasons for the committees' existence.

To help eliminate the sluggishness of these committees, they should be trimmed down to size, with a membership that is more carefully selected. All members of these committees should take the time to become experts on defense (although many already are) rather than having to depend on the recommendations of their relatively junior staffs whose knowledge based on research is no substitute for mature experience.

To alleviate the redundancies of time-consuming committee hearings, joint committees or joint committee hearings can be very useful, with the Armed Services and Defense Appropriations committees meeting together on occasion. The people who deal with acquisition approval and those who approve the money for the systems could question the same witnesses at the same time, avoiding the necessity of witnesses repeating the same information to separate groups. In addition, joint Senate-House committee sessions might save time and effort. The chairmanship of each of these committees is a powerful position in both the House and Senate, and this proposal would not diminish those positions, but it could encourage a more timely accommodation in views between the two.

PLANNING, AN ESSENTIAL FUNCTION

There is a great need to devleop an integrated plan addressing and spelling out a feasible strategy compatible with government objectives. Developing objectives and potential military actions is an ongoing task that should be the focus of the Joint Chiefs of Staff. This work has been frustrated because of a far too weak interface among the multiple agencies of government involved, particularly since frequently that interface is confrontational rather than cooperative.

To develop military forces that are consistent with the national objectives is also the responsibility of the JCS. The Joint Staff must develop the requirement for operational forces based on joint operational planning, more specifically, the number of ground divisions, air wings and naval battle groups required by the operational commands. Then the staff must perform the most difficult task of tailoring the force to conform to budgetary constraints and make an assessment of attendant risks.

The armed services must continue to organize, train and equip the basic fighting elements of the force. This is essential since the tactical elements are designed in careful consideration of combat doctrine, the development of which can only be a function of the individual armed forces, of course, in coordination with the other services as appropriate. Worthy fighting "teams" involve the integration of material tactics, technology and highly trained tactical commanders and men. It requires close and continous interaction between the armed services and defense industry. It requires schools, training grounds and experienced and demanding supervisors. Only the individual armed services can accomplish this function, and in such capacity they must be permitted to deal with congress.

As acquisition and the procurement of materiel and supplies takes place, parochial interests can become a frustrating factor. In the congressional context, procurement involves a relationship between private business and congress. Business interests represent a constituency of individual congressional members, and their success has an impact on the economic life of a member's district.

The military is responsible for making sure that procurement is compatible with force development. This complex function needs greater attention. Under the present system, there is a vagueness as to who is responsible for what functions and why.

The service secretaries are the primary officials to support the details of service procurement before congress and must deal directly with the congressional committees.

OPERATIONS AND EXECUTION

Once plans are in place and force development designed to support those objectives is on track, attention turns to preparation for execution of those "blueprints." Under the JCS are the unified commanders. In each geographical region, these work with "service component commanders." It is important that the authority of the unified commanders be increased.

For administrative and logistical purposes, the service component commanders must be able to "ride herd" on their functions. But the unified commander must have the ability to override their decisions. On a practical level, this already exists. The unified commander is not only the responsible leader but has the support of the Joint Chiefs of Staff. However, there will always be ambiguities from time to time in territorial responsibilities and conflicts in service doctrine. The Joint Staff must be alert to these and have them settled promptly by the chairman or the secretary of defense. There were unnecessary delays in deciding such matters in Vietnam. In Vietnam, there was a joint command under a unified commander. Such an arrangement will be required in future situations.

THE JCS

The organization of the Joint Chiefs of Staff is the mechanism to implement the three functional areas of planning, force development and operations/execution. It would be a terrible mistake to break up the Joint Chiefs of Staff and put authority for these decisions into a committee of officers who do not have firsthand information and do not bear the responsibility for their respective services. Nothing is quite as sobering, nothing creates such objectivity, as responsibility and knowledge. A remoteness between the facts and a perception of the facts can be dangerous.

The chairman deserves greater authority and operational responsibility. He should have the authority to override the views of a service chief of staff with the proviso that when he takes his recommendations to the secretary of defense, or the president, the dissenting service chief would not only be allowed, but required, to accompany the chairman and present his opposing views. Thus, both authorities will then have the benefit of the minority view.

Rather than having a deputy chairman, the chairman should have, in effect, his own chief of staff—a three-or four-star officer. I agree with the policy of recent chairman Gen. John W. Vessey that the most practical and healthy arrangement is for each service chief to rotate into the position of acting vice chairman for a four-month period each year, rather than have a full-time vice chairman. This rotation would keep the service chiefs more abreast of joint events, as well as provide for a sudden loss of the chairman. In an emergency, a full-time vice chairman would probably be needed and could be appointed.

COMMAND AUTHORITY

Once a decision has been made in accordance with the Constitution and by the congress to go to war, the command structure should be streamlined.

The chairman of the Joint Chiefs of Staff should have command authority to execute approved plans through the unified commanders. During time of war, the conduct of the war should be in the hands of the Joint Chiefs of Staff, operating on behalf of the commander in chief, the president.

The secretary of defense should be cut out of the tactical operational chain in time of war, as was done in World War II. The secretary should concentrate on procurement, logistics and administrative functions, while the president and an appointed military chief of staff to the president (as Adm. Leahy in World War II) should deal with the JCS chairman, who would be responsible for the execution of plans. The National Security Council would, of course, continue on as advisers to the president.

During the war in Vietnam, the president had to contend with multiple advisory voices. One problem then was that the Joint Staff did not have the influence that it deserved, primarily because it did not have visibility and recognized competence. This problem needs to be addressed and resolved.

THE JOINT STAFF

The time has arrived to have a highly professional, recognized and dedicated Joint Staff. the Joint Staff would consist of about 500 officers who volunteer for such an assignment after 15 years of active service. These officers would have graduated from a senior military service school and be recommended by the college commandant as officers especially qualified and fit for this type of service. They would have already made their mark in their respective services and be considered of exceptional ability. The policy of limiting the tour of an officer serving on the Joint Staff reduces the professionalism and expertise of that important body. The flashback to the German Imperial General Staff as a reason for opposing a stronger and more efficient Joint Staff in the context of the U.S. Constitution is illogical.

The Joint Staff would contain appropriate specialists in appropriate areas and functions. Systems analysts and historians would be included; such specialists can alert planners to pitfalls and imbue decisions with a sense of reality. A highly professional Joint Staff will be sensitive to probable enemy reactions. All factors must be analyzed and presented to civilian authority. Civilian officials, despite their education and brilliance, cannot be expected at the staff level to grapple with the unique problems associated with the commitment of U.S. forces. A highly select, dedicated, competent, professional Joint Staff can and must. An image of competence, thoroughness born of performance, is important for the Joint Staff and would be in the national interest. That image does not now exist.

Officers selected to serve on the Joint Staff would in most cases be stationed with their families in the Washington, D.C., area. This becomes an attractive emolument since most would have children in their teens—when frequent movement of the family tends to become a hardship. The officer would not be denied advancement since all general-officer positions on the Joint Staff—and there would be a number—would be promoted from within the Joint Staff.

The impetus for service on this staff for the remainder of one's military career should come from a combination of motivation and expertise. These officers would be

paid through their respective services but professionally divorced from them. They would don another uniform—civilian clothes. This group would be the staff for the chairman and the military staff for the Defense Department and the president. A number could be authorized on a tour basis for service with a unified commander either in the United States or at overseas posts and as faculty members at the senior service schools of the armed forces.

Officers of the Joint Staff dealing with operational planning would be constantly making trips to troop units and ships to keep abreast of operational capabilities. Building on the experience of their years in the service, these officers will stay current on what is going on at the troop and ship level.

To perform effectively, the chief of each armed service would, of course, retain his own staff commensurate with his function and in consideration of the expanded role of the Joint Staff. Through the chief of the service and by bilateral contact between his staff and members of the Joint Staff, cross-fertilization by the sharing of knowledge and experience would be accomplished. Liaison officers would be exchanged from time to time to facilitate integrated planning and coordination of operations.

To help resolve the problem of insufficient interface between the military and the other segments of the bureaucracy, I would like to see the Joint Staff encourage and institutionalize integrated strategy planning. A team from the State Department, the CIA and other appropriate agencies in residence with strategic planners of the Joint Staff would help realize that goal. This liaison would keep appropriate parties informed during all phases of the development of plans and foster a strategy on an integrated basis in contrast to a unilateral or confrontational development, which frequently occurs.

The lack of an integrated development of strategic plans has been a serious weakness. A strong, professional Joint Staff, with recognized and appreciated expertise, can do a great deal in improving the quality and timeliness of plans and hence should expedite sound decisions at the senior level of government. This would also help eliminate the need for many of the ad hoc task forces that are floating around now. Many of them are formed on the basis of expediency rather than expertise. Often they are created to buy time or for political purposes.

This is not to say that there is no place for additional committees. The JCS has more flexibility than many people realize. If they wanted to, the Joint Chiefs could set up a temporary or permanent advisory board consisting of retired senior officers or even perhaps highly respected senior officers on active duty. This board could be focused on a particular course of action or any measure or project the JCS has in mind.

Strangely, the proposal now before congress will not improve the professionalism of the Joint Staff. It may actually reduce it by institutionalizing the turnover of personnel and by not providing incentives to develop important expertise.

There is initiative in the congress for change. The time is ripe to develop a stronger Joint Staff mechanism that is effective and sustainable. The three necessary steps to a better and more efficient national security are a strategy compatible with the objective of the nation; development of the forces within budgetary constraints to support the strategy, and detailed plans to execute the necessary operational measures. A group of professionally oriented, specially selected officers, part of an organization dedicated to U.S. national security, would be the best method of developing such a sound and viable program. These officers cannot do it alone. They must have guidance as to the objectives of their country. They must have the cooperation of the State Department and the benefit of intelligence developed by the Central Intelligence Agency and the Defense Intelligence Agency. They need the civilian secretaries to deal with procurement of materiel and manpower and to provide a strong interface with congress. But at the heart of the modus operandi is a professional Joint Staff.●

U.S. TRADE DEFICIT

● Mr. ABDNOR. Mr. President, on September 24 of last year I read in an article in the business section of the Washington Post, and I quote, "that a realistic figure on the impact of unfair Japanese trade practices on the United States trade deficit is in the $6 to $8 billion range, and that much of this is offset by United States restrictions on steel, textiles, food and other imports." The article contends that last year's $50 billion United States merchandise trade deficit with Japan was caused by the overvalued dollar, and not by Japanese trade barriers to American products. Frankly, I am not all that convinced by this argument. In 1983, the United States merchandise trade deficit with Japan was just over $20 billion. In 1985, only 2 years later, that figure soared to over $50 billion. It strains the imagination just a little bit to think that an increase of 150 percent can be attributed solely to fluctuations in currencies.

American trade policy, since the passage of the Reciprocal Trade Act in 1935, has been founded on the philosophy that free trade is the best promoter of growth both in the United States and within the world economy. Mr. President, I have always been a staunch believer in free trade, and I have not forgotten how the Smoot-Hawley Tariff Act of 1930 helped in aiding and abetting the coming of the Great Depression. However, free trade can only mean one thing: reciprocity. In my State alone, South Dakota, I have seen how unfair trade practices by the EEC have crippled our wheat exports. As with our merchandise trade deficit to Japan, economists tell me it's because the dollar has been overvalued for most of the last 5 years. Well, partially it is because of the dollar, but it is also because our competitors have, in a number of industries, created unfair trade barriers to our products.

Mr. President, in the month of February of this year we imported over $1 billion worth of automobile parts from Japan. The month before we imported $857 million in parts. In reality what has happened is that Japan has flooded our markets with their automobile exports, and then turned around and flooded these same markets with Japanese made replacement parts, ignoring by and large the purchase of American equivalent parts. Meanwhile, when we try to push our telecommunications equipment or our semiconductors, we find these markets are constricted because of Japanese trade barriers. The use of discriminatory standards and investment restrictions are techniques often employed by the Japanese to keep American products out.

I am not, nor do I ever hope to be, a strong proponent of protectionist legislation. On the other hand, I voted last year in favor of a Senate resolution directing the President to take stronger actions against Japan for its closed market policies. I am not fond of threats which usually consist of empty rhetoric, but I would like to suggest to our trading competitors that America can no longer afford trade deficits which run in excess of $145 billion.●

NAUM AND INNA MEIMAN: FRIENDS

● Mr. SIMON. Mr. President, Naum and Inna Meiman are friends of mine. They are a wonderful couple living in the Soviet Union who wish to emigrate to Israel. This wish has caused many problems for the Meimans.

Since Naum applied to emigrate over 10 years ago, he has been harassed. Although he is a respected scientist, Naum has been isolated from the scientific community. Along with this, his phone has been cut off and almost all his mail continues to be confiscated. Inna also suffers at the hands of the Soviet Government. She has cancer, and although the Soviet doctors have told Inna that there is nothing more they can do for her, the Soviets refuse to grant her permission to go to Israel to receive more advanced medical treatment.

No one likes to see their friends mistreated. I am deeply troubled when I am forced to watch my friends, the Meimans, suffer. They deserve the chance to be happy.

I implore the officials in the Soviet Union to let the Meimans emigrate to Israel.●

IN SUPPORT OF SOVIET JEWRY

● Mr. D'AMATO. Mr. President, I am pleased to participate in the 1986 Congressional Call to Conscience, an important effort designed to focus attention on Soviet human rights violations. As chairman of the Commission on Security and Cooperation in Europe, I am particularly concerned over the plight of members of the Jewish community in the U.S.S.R., the world's third largest.

In 1975, the Soviet Union joined the United States and Canada as well as 32 other European nations in signing the Helsinki Final Act. Basket 3 of the accords contains crucial provisions pertaining to human rights. Currently, representatives of each of the signatory countries are meeting in Bern, Switzerland, to review compliance with this aspect of the act. On Tuesday, I chaired a hearing of the Commission on East-bloc emigration policies and human contacts. During the course of the hearing a number of experts provided testimony which painted a clear picture of the bleak situation faced by Soviet Jews today.

My concerns regarding Soviet Jewry are twofold: a desire to help those who seek to emigrate from the Soviet Union, and to ensure that the rights of those who remain behind are safeguarded.

Despite assertions by Soviet authorities that those Soviet Jews who wish to emigrate have already done so, 380,000 Soviet Jews have requested letters of invitation from relatives in Israel, the first step in the arduous emigration process. The Final Act clearly states that, "The participating states will deal in a positive and humanitarian spirit with the application of persons who wish to be reunited with members of their family." Nevertheless, the Soviet Union continues to deny this basic right to thousands of Soviet Jews.

Soviet Jewish emigration, which reached a peak in 1979 when 51,000 Soviet Jews were permitted to leave, has fallen off to little more than a trickle. During 1985, 1,140 Soviet Jews received visas enabling them to be reunited with relatives in Israel. Thus far this year, visas have been issued to 79 in January, 84 in February, and 47 in March.

Estimates indicate that at least 20,000 Soviet Jews have been refused permission to emigrate. Of these "refuseniks," as they are come to be called, hundreds have languished for more than 10 years while waiting to join their families.

Those who request permission to emigrate often do so at great personal risk. Many are fired from their jobs, denied access to education and subjected to other forms of harassment by the secret police—the KGB.

The Soviet Union has undertaken a concerted effort to eliminate all forms of Jewish culture. Hebrew teachers are imprisoned for teaching the Hebrew language. Parents are arrested for providing their children with religious instruction. The Soviets have gone so far as to establish an "anti-Zionist committee" wich serves to spread propaganda denigrating Jews and rekindling the fires of anti-Semitism in the U.S.S.R.

The cries of human suffering ring out loud and clear despite Soviet attempts to squelch them. It is our responsibility to respond.

As Anatoly Shcharansky recently stated after his release from the Soviet gulag, "It is more necessary than ever now for international public opinion to press the Soviet Union on these matters. It is high time for Moscow to begin complying with the Helsinki agreement signed in 1975."

As chairman of the Helsinki Commission, I urge my colleagues to join me in speaking out in support of Soviet Jewry.●

MAINE LOBSTERMEN'S ASSOCIATION AND ED BLACKMORE

● Mr. COHEN. Mr. President, when one thinks of Maine, perhaps the first image which comes to mind is the Maine lobsterman—a craggy, independent soul who embodies the qualities of independence and hard work which Maine is known for.

For the past 14 years, the lobstermen of Maine have looked to Ed Blackmore of Stonington, ME, for leadership and guidance. Ed, the president of the Maine Lobstermen's Association, has fought and won many battles in behalf of his fellow lobstermen during those 14 years.

I met Ed when I first ran for Congress in 1972, and he has been a strong supporter and good friend ever since. The Boston Globe recently published an article concerning Ed and his work in behalf of the Maine lobstermen, and I ask that the article be included in the RECORD at this time.

The article follows:

[From the Boston Globe, Apr. 20, 1986]

LOBSTERMAN TRADES UNDERWATER TRAPS FOR POLITICAL ONES OF MAINE STATE HOUSE

(By Denise Goodman)

NOBLEBORO, MAINE.—In many ways, Ed Blackmore is the quintessential lobsterman. During two years of military service, Blackmore said, he dreamed of "getting home, getting about and dropping some traps . . . of being out there on the water, being your man, making your own decisions.

But over the last 14 years, as president of the 1,000-member Maine Lobsterman's Association, Blackmore gradually traded his traps for a desk and lobbying forays in the State House. Along the way, he began to bridge the gap between the lobstermen and the scientists who study the shellfish they harvest. The 31 years he put in hauling traps summer and winter have given Blackmore a special credibility with the legislators he urges to support lobster conservation measures.

Asked what it's like to represent 1,000 independent lobstermen, Blackmore quickly responds, "You get a lot of phone calls with everyone beating you over the head."

And then: "Once in a while somebody calls and says I did a good job and that makes it worthwhile."

Developing a position on recent legislation to increase the minimum size of legally harvestable lobsters is a case in point. At first, Blackmore said, his 15-member board was split. But because lobstermen are so independent, Blackmore regularly polls them on legislative issues and on this one, the result showed 74 percent favored the bill.

Every lobster harvesting state has a 3 3/16-inch minimum—from the eye socket to the end of the body shell—for legal "keepers." The Maine bill, adopted earlier this month, would gradually increase that size to 3 5/16 by 1992 if, and it's a big if, all the other states adopt similar measures and agree to throw back female lobsters that Mainers have "V-notched."

As a conservation measure, Maine fishermen mark every egg-bearing female lobster they catch with a "V" and throw them back. But because other states have no similar practice, Blackmore said, when those lobsters most likely to reproduce migrate to waters off other states' shores, they are usually harvested.

Last year, Blackmore's troops successfully defeated efforts to repeal another unique Maine conservation law, a five-inch maximum, from eye to back of body, for harvestable lobsters.

Scientists estimate that 90 percent of lobsters now caught have no chance to reproduce and say the larger minimum would allow more to bear eggs before they are trapped. But Maine lobstermen put more emphasis on the V-notch and maximum-size provision, Blackmore said, because mature female lobsters will bear up to 60,000 eggs a year, 10 times the number their minimum-sized counterparts will produce.

Born in the Down East fishing village of Stonington where he first lobstered with his grandfather, Blackmore, 58, said Maine lobstermen have a special feeling for their vocation.

LOBSTERING "A HERITAGE"

"We're more conservation minded because we don't have the economic options the others have," Blackmore said. "In other states, lobstering is more of an economic thing. Here, it's more of a heritage." If the resource is depleted, Maine fishermen would have little choice but to sell their island or coastal mainland homes and move inland to find work, he explained. "And the more offshore the island is, the more ornery people are about protecting the lobster resource," he added.

Blackmore said he discovered the value of scientific research when he served for three years on the New England Fisheries Management Council. "Whatever I said didn't mean anything because I couldn't document it," he noted.

Convincing his fellow lobstermen was not easy, he said, because too often the fishermen saw scientists as "bureaucrats who protect their backside," often didn't make their findings public and, when they did, "didn't put them in language people could understand."

Blackmore has built the association from 245 to 1,000 members and its annual budget from loose change to nearly $60,000. Much of his time is taken up keeping a watchful eye on state and federal legislation covering everything from boat taxes to gear conflicts.

Although he hasn't fished for a decade, Blackmore still lives with his family in Stonington. He said he talked his son out of lobstering because "a lobsterman reaches his peak at 40, and then you just work harder and harder to stay where you are . . . I told him, 'Son, if you're smart, you'll stay on the docks and take money from the fishermen when they come in.'" Heeding that advice, his son opened his own marine electronics business.

A DEEP SENSE OF TRADITION

Even as Blackmore leads Maine lobstermen to a heightened awareness of modern, scientific and political issues, Blackmore retains a deep sense of their traditions, including a self-regulating system that outsiders might consider vigilantism.

"You can't live in Bangor all your life, buy a boat and run down to Stonington and put a bunch of traps out," he warned. "You can put them out, but you may not get them back. You have to get along with your peers." Even as a Stonington native, he explained, he didn't fish some areas because "the bay was divided up among families who traditionally fished certain spots."

Get too close to the line, Blackmore said, "and you may find your trap warp wrapped around the pot buoy spindle, back to. That's just a warning." The next "infraction" could mean losing traps, he added. "It's a good system. I don't say it's right, but it works."●

THE DEFENSE BUDGET

● Mr. SIMON. Mr. President, the Senate Budget Committee voted wisely when they approved a defense budget giving the Pentagon $295 billion in spending authority for the 1987 fiscal year. In a letter to the Budget Committee prior to their vote, I advocated adoption of a zero real growth for defense, close to the level the committee eventually voted for.

Defense spending is an emotionally charged issue. I support a strong defense, as do all my colleagues. We differ on how to get there, but we all agree on the end goal. With Gramm-Rudman, we have no alternative but to pass a responsible budget to avoid the automatic cuts. This means that growth in defense spending, which has grown more than any other budget function since President Reagan took office, must be constrained.

The argument is often made that cutting defense, or keeping spending authority level, harms us by encouraging our enemies. Nothing could be farther from the truth. Our adversaries do not focus on how much we spend; they focus on what we get for these expenditures. This point is all too often overlooked.

We have a good example of misplaced priorities in the events of the past few days. In the aftermath of our military strikes against Libya, we have to ask ourselves if the never-ending nuclear arms race in being waged at the expense of the war against terrorism. Even some of our spending on conventional weaponry has to be reevaluated: Are we buying the right kinds of equipment and conducting adequate training to combat the new threats posed by international terrorism?

When you include our allies in the balance of forces between East and West, the numbers look much less frightening, and in fact start to look encouraging. Our allies spend much more on defense than the Soviet Union's Warsaw Pact allies. NATO-Europe would be much more politically reliable in the event of external aggression. And our troops in Europe are not policing the local populace, as are many Soviet troops in Eastern Europe

We too seldom consider that the U.S.S.R. has real vulnerabilities: A weak economy; a long and sometimes hostile frontier with China that requires one-fourth of the Red army's manpower—contrast this with our long and peaceful borders with Canada and Mexico that do not require any real defenses; a draining war in Afghanistan; and economically weak allies, from Cuba to Poland.

These and other good points are made in a recent article in the Baltimore Sun by Jeffrey Record, entitled "Reckoning the Military Balance." We have to start getting more bang for the buck, through defense reorganization, procurement reform, arms control, and a more realistic assessment of the military balance and the real threats facing us today. I commend Mr. Record's article to my colleagues, and ask that it be printed in the RECORD in full.

[From the Baltimore Sun, Apr. 1, 1986]

RECKONING THE MILITARY BALANCE

(By Jeffrey Record)

WASHINGTON.—During the past weeks the Reagan administration has treated the nation to a plethora of pessimistic assessments of the U.S.-Soviet military balance. The immediate purpose of these assessments, most of which are the truth but far from the whole truth, is clear: to restore eroding public and Congressional support for major real increases in U.S. defense spending.

The administration's argument is twofold. First, that the U.S.-Soviet military balance has continued to deteriorate during the past several years, despite a U.S. military buildup of a magnitude unparalleled in peacetime. Second, and because of the worsening balance, the Defense Department's fiscal 1987 budget, which represents an increase after inflation of 8 percent over last year's budget, ought to be exempted from congressional spending cuts aimed at reducing overall federal budgetary deficits that are also historically unprecedented.

Once again, the administration wants a strong national defense but is unwilling to pay for it. Never mind that the present deficit crisis is attributed in large measure to the Reagan administration's own voodoo economic policies (you can lower taxes, increase outlays, or balance the budget, but you cannot do all three simultaneously). And never mind that declining public confidence in Caspar W. Weinberger's Pentagon stems mainly from the Pentagon's predictable inability to absorb efficiently the mountains of cash thrown so abruptly and indiscriminately at it by an administration that still seems not to have grasped the fact that the U.S. military has become simply another vast government bureaucracy.

The U.S.-Soviet military balance may indeed have deteriorated since 1981, justifying the administration's proposed increase in defense spending. But how is that balance to be measured? Administration assessments, complete with pretty charts and graphs, focus on simple numerical comparisons between U.S. and Soviet forces; raw numbers of men, tanks, ships, planes, divisions, and so on. And, to be sure, it turns out to no one's surprise that in almost every index of things that can be counted the Soviets have more than the United States. The Soviets have 5.3 million men under arms to our 2.2 million; 55,000 tanks to our 14,000; 289 major surface naval combatants to our 200; 8,000 tactical aircraft to our 5,400; and 209 army divisions to our 27.

But such numerical disparities, while disturbing, hardly tell us much about the outcome of a future war. First of all, to compare only U.S. and Soviet military power is to ignore what is perhaps America's greatest remaining strategic advantage over the Soviet Union—namely, the presence of rich, militarily powerful, and politically reliable allies. For example, in Europe, which remains the principal military focus of both superpowers, a confrontation between the United States and the Soviet Union would automatically engage their respective European allies, and the size and fighting power of America's NATO allies dwarf that of Moscow's Warsaw Pact allies, most of which are, in addition to being a drain on the Soviet treasury, small, poor, and of uncertain political loyalty. The NATO alliance as a whole suffers no pronounced numerical disadvantages in major categories of military forces *vis a vis* the Warsaw Pact.

The balance of respective allies in the Far East is even more favorable to the United States. Leave aside the fact that most Soviet forces in the Far East are deployed against a foreign ally, China. In a war with the United States the Soviet Union could at best hope to count on only North Korea and Vietnam—rather sorry compensation for South Korea, Japan, Australia, and the Philippines. Moreover, the Soviets would face formidable logistical problems in Asia. With the exception of the trans-Siberian railroad, some stretches of which run perilously close to the Chinese border, there is no continuous land line of communication connecting the Soviet Union's military and industrial heartland with her Far Eastern provinces.

Second, much of Soviet power cannot be fairly counted in the U.S.-Soviet military balance because it is allocated to the protection of the Soviet empire from threats other than those "posed" by the United States and its allies. Soviet military problems are far more numerous and quite different than those facing the United States. For example, whereas U.S. forces in Europe are burdened by no internal police functions, many of the 30 Soviet divisions deployed in Eastern Europe are stationed there to enforce that region's political loyalty to Moscow. Additionally, in contrast to the United States, which has no enemies along its borders, the Soviet Union deploys fully one-quarter of its army opposite China. Indeed, it has been said that the Soviet Union is the only country in the world surrounded by hostile communist states. The United States, rich in allies and secure along its own borders, does not need 55,000 tanks and a 209-division army.

Third, and perhaps most important of all, numbers are but one of many indices of military power, and not necessarily the most important. History repeatedly has shown that numerical inferiority can be more than offset by superiority in such crucial intangibles as strategy, tactics, organization, training, leadership, group cohesion, combat experience, and individual morale. If numbers alone were decisive, Alexander the Great would never have made it across the Bospo-

rus; the United States might still be saluting the Union Jack; Anglo-French forces would have defeated Hitler in 1940; Israel would have lost all its wars; the United States would have trounced Vietnam; and the Soviet Union long ago would have eliminated any vestige of resistance to its occupation of Afghanistan.

None of this is to play down the formidable challenges that burgeoning Soviet military poses to the Free World. It is simply to recognize that numbers are but one ingredient of true military effectiveness. It is also to recognize that since the days of Peter the Great. Russia has traditionally enjoyed a significant numerical advantage over her military opponents, but nevertheless has suffered repeated military disasters at the hands of smaller though qualitatively superior enemies.●

THE LITTLE TOWN THAT COULD

● Mr. McCONNELL. Mr. President, I am proud to bring to the attention of the Senate the story of a small community in rural southwestern Kentucky, once a thriving port along the Mississippi River, which is showing the strength of commitment and determination to rise from its own decline.

Hickman, KY, which suffered when the railroad revolution in the latter half of the 19th century brought competition to commerce on the waterways, has now bought its own railroad, the Tennken Railroad. With its show of commitment to revitalization, it has won an enterprise zone designation from the Commonwealth of Kentucky which has, in turn, spurred new growth in Hickman's economy.

Hickman's resurgence, with the help of Kentucky's Enterprise Zone Program, is another example of the value of this economic development concept. I hope the day is not too distant when Congress will enact Federal Enterprise Zone legislation to augment successes which State-created zones are enjoying.

I ask that the following article, entitled "Hickman—The Little Town That Could," by Hal Greer, be printed in the RECORD. It appeared in the January 1986 issue of the U.S. Department of Housing and Urban Development's publication, "Enterprise Zone Notes."

The article follows:

HICKMAN—THE LITTLE TOWN THAT COULD

(By Hal Greer)

Hickman is a small rural community of 3,000 located on the Mississippi River in far western Kentucky. It is nearer to five other state capitals than it is to its own. Like many communities on major rivers, Hickman thrived as a boisterous river port early in the 19th century. It was a center of trade and commerce until the railroads revolutionized transportation. Then once lively river towns, like Hickman, became little hamlets almost overwhelmed by progress.

The 1980 census showed that Hickman continued to lose population, particularly its young people, due to the lack of job opportunities in the area. But instead of ignoring the worsening situation, Hickman decided to do something about its plight.

The first application the Kentucky Enterprise Zone Authority received for an Enterprise Zone designation was from Hickman. The state awarded Hickman a zone designation in 1983, not only because of the need existing in the area but also because of the show of community organization and determination. Local commitment to the program led Hickman to offer special natural gas rates for businesses, and to reduce the city's real estate and tangible property ad valorem tax rates to one mill per $100 of assessment, for qualifying businesses.

Hickman impressed the Kentucky Enterprise Zone Authority with its purchase and restoration of 51.7 miles of railroad track linking the town to the main line in Dyersburg, Tennessee. The rail spur has significant value for Sigri Carbon Company, the city's major industrial employer. The $2 million project, headed by the Hickman River City Development Corporation, required assistance from the Kentucky Commerce Cabinet (state community development block grants), the state Department of Transportation, and the Tennessee Valley Authority (TVA). The Tennken Railroad made necessary track improvements before the sale. Now, a year later, Hickman's rail line operates in the black.

Progress in developing a new riverport complex that could handle virtually any type of cargo transported on inland waterways further impressed the Enterprise Zone Authority. Authority members felt that Hickman had taken a positive step by establishing a task force to unite the leadership from all segments of the community—city and county governments, business and industry—to develop a master plan for effective development.

To date, 24 small businesses have expanded or located in the Hickman Enterprise Zone, creating or saving 200 plus jobs. Ash-Tex, a new plant specializing in textile finishing (e.g. washing, pressing, special stitching, and labeling blue jeans) expects to hire 200 employees during the next 18 months. It is well on its way toward the goal with 70 workers already on the job. Mr. Jerry Gurien, the plant owner, says "We are excited by the possibilities of the Enterprise Zone benefits. In fact, it will give us a good start in a new venture that will be very beneficial in the long run. Future development can expect to use the zone tool as leverage for any expansions or growth. We would encourage any businessman or industrialist to look at the area's potential and the local initiative evidenced by the aggressive community cooperation."

James M. Everett, Fulton County Judge/Executive, said, "We are pleased with the tremendous coming together of local initiatives to develop the total economic potential. The Enterprise Zone is a tool of economic development—a very good tool. Local and state incentives, and, hopefully, federal incentives in the future, add new reasons for businesses and industries needing and looking for expansion or new developments."

Hickman has just completed work on a video to market its Enterprise Zone and port facilities. The film is a cooperative effort among the city, the Kentucky Commerce Cabinet, Murray State University, and TVA.

The Hickman Economic Development Task Force is asking about Foreign Trade Zones and their benefits to industry. They may decide they want one. Anyone want to guess what will come next?

KENTUCKY ENTERPRISE ZONE INCENTIVES

Exemption from State income tax on the gain from the sale of qualified property.

Exemption from State tax on interest earned from loans to qualified businesses.

Exemption from sales and use tax on building materials, and equipment and machinery which a qualified business purchases for use in the zone.

Exemption from motor vehicle usage tax on vehicles used by qualified businesses in the zone.

State net operating losses may be carried forward by qualified businesses for the life of the zone.

Neighborhood Enterprise Associations with zone residents as members can lease for at least 99 years, at no more than $1, any State and local property not in use.

SURVIVORS OF ABORTION: THE DREADED COMPLICATION

● Mr. HUMPHREY. Mr. President, when tiny infants survive abortion they do not enjoy equality before the law. Premature children will be rushed to neonatal care units, occasionally via ambulances and even helicopters. This is not the case for the survivors of abortions. A child who lives through an abortion in the second or third trimester may be as fully formed as the "preemie," but he or she receives different care.

The article I am submitting today describes in brutal detail two typical "medical procedures" for the treatment of abortion survivors. I urge my colleagues in the Senate to consider the words of nurse Kathleen Malloy. She was ashamed of her profession when this article was published in Florida, back in 1979. We should be ashamed that this sort of behavior even now occurs daily in our Nation.

The article follows:

NURSE TO SENATE: ASHAMED OF PROFESSION

(By Dick Conklin)

NURSE'S TESTIMONY

"I'm a housewife and a registered nurse from Jacksonville. I retired from the nursing profession when I became pregnant with my first child and stayed retired until my fourth child was in the sixth grade. I then returned to work in my local hospital in the labor and delivery room. Many things progressed in those years—some things regressed. I learned by seeing with my own eyes that to have an abortion is to rid oneself of a human being.

"I worked the 11 p.m. to 7 a.m. shift, and when we weren't busy I'd go out to help with the newborns. One night when I went to the nursery, I saw a bassinet outside the nursery. There was a baby in this bassinet—a crying, perfectly formed baby—but there was a difference in this child. She had been scalded. She was the child of a saline abortion.

"This little girl looked as if she had been put in a pot of boiling water. No doctor, no nurse, no parent to comfort this hurt, burned child. She was left alone to die in pain. They wouldn't let her inside the nursery—they didn't even bother to cover her.

"I was ashamed of my profession that night! It's hard to believe this can happen in our modern hospital but it does. It happens

all the time. I thought a hospital was a place to heal the sick—not a place to kill.

"I asked a nurse in another hospital what they do with their babies who are aborted by saline. Unlike the hospital where I work, where the baby was left alone struggling for breath, their hospital puts the infant in a bucket and puts the lid on. Suffocation! Death by suffocation!

"Another nurse said she had to stop helping with abortions. The little servered arms and legs from a suction abortion were just too much for her to look at.

"Gentleman . . . ladies . . . aren't you happy our moms weren't born in this generation. It could have been one of us that ended in that lonely bassinet—or in that ugly bucket. We must respect life. Please, I ask you to support a constitutional convention . . . thanks for listening."●

NOTICE PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. RUDMAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Peter D. Lennon, a member of the staff of the Democratic Policy Committee, to participate in a program in Brussels and Norway, sponsored by the NATO Information Service, last October 13-18, 1985.

The committee has determined that participation by Mr. Lennon in the program in Brussels and Norway, at the expense of the NATO Information Service, was in the interest of the Senate and the United States.●

TEST BAN

● Mr. SIMMON. Mr. President, Dr. Robert O. Byrd, former faculty member at North Park College in Illinois and now a resident of Ontario, Canada, sent me an editorial from the Toronto Globe and Mail about the test ban.

We should listen when our friends who believe in Western values as much as we do, say we're making a great mistake.

The final line of the editorial is, "It is a sad thing to have to say, but it is Mr. Reagan's 'dynamism,' not Mr. Gorbachev's, that worries the world."

I ask that the editorial be printed in the RECORD, and I urge my colleagues to read it.

The editorial follows:

[From the Toronto Globe and Mail, Apr. 2, 1986]

CASE FOR A TEST BAN

The purpose of arms control agreements and nuclear test bans is not to rid the world of nuclear weapons, which is, unfortunately, unrealistic. It is to increase stability in the military relationship among the major powers. Stability reduces the risk of war on technical and psychological grounds. And stability reduces the cost of deterrence, allowing more devotion to other human needs.

This is why Soviet leader Mikhail Gorbachev's campaign for a comprehensive nuclear test ban treaty (which would include underground explosions) is so immediately attractive. It offers stability at zero level of activity (recalling former prime minister Pierre Trudeau's concept of nuclear "suffocation"), a prospect of unusual clarity in the complex business of arms control. Mr. Gorbachev enhances his proposal by agreeing to on-site verification and adds political force by implying that his attendance at another superpower summit may be conditional on the American response.

The American response is negative. Early explanations for this referred to supposed "testgap" between the Soviets and Americans, or to the existence of more sophisticated U.S. devices in need of regular checking. It is now apparent that the U.S. nuclear test program is also part of the Strategic Defence Initiative which so inspires President Ronald Reagan. The United States is working on nuclear-powered X-ray lasers, a particularly "promising" possibility that would fall to a comprehensive test ban treaty. This helps to explain the vigor of Mr. Gorbachev's very public posture, and the curtness of the American response.

Here is another illustration of how Mr. Reagan's SDI reduces the prospect for stability in arms and nuclear testing, at least in the medium term. The SDI introduces an enormous new dynamic into superpower military relations precisely when the Soviets (and most of the rest of the world) are looking for more predictability.

The SDI is not just another weapons system. It presumes a radically different concept of deterrence—defense instead of mutually assured destruction—that would require decades and huge expenditures to realize (if it proves technically feasible). Perniciously, this forced reversal of military doctrine would create enormous instability as it was implemented, and its outcome would be no different from what we have already achieved—a military checkmate. (No one should doubt that the Soviets would follow America's lead.)

Mr. Reagan's claim that the new balance would be superior because it is non-nuclear ignores the destructive and offensive potential of laser and particle-beam technology (some of which may be nuclear-based), forgets that nuclear weapons will still exist, and discounts the risks and waste of moving from one doctrine to another.

The Soviet Union appears to want affordable stability in its military relations with the United States. Despite this, and even without the SDI, a new agreement on strategic arms and intermediate nuclear weapons reduction would be difficult. (The Soviets are not bear cubs, Lawrence S. Hagan, research director at the Canadian Centre for Arms Control and Disarmament, recently described Soviet arms control proposals at Geneva as "patently one-sided, designed to strike at the heart of U.S. and NATO technology, capability and strategy.") But without the SDI, a comprehensive test ban treaty would be possible (which could be expanded to anti-satellite and strategic defense programs), and the prospect of reducing the very nuclear arms Mr. Reagan hopes to nullify would be less the chimera it now appears.

It is a sad thing to have to say, but it is Mr. Reagan's "dynamism," not Mr. Gorbachev's, that worries the world.●

THE ACCESSION OF SPAIN AND PORTUGAL TO THE EUROPEAN COMMUNITY

● Mr. WILSON. Mr. President, last Thursday, the Senate unanimously agreed to a resolution urging the President to use his full authority to retaliate against the new restrictions on grains and oilseeds in Spain and Portugal, unless the United States receives prompt and complete compensation for any loss of trade resulting from the enlargement of the European Community. It was my hope that this resolution would strengthen the hand of Secretary Lyng and Ambassador Yeutter as they made one final attempt last weekend to resolve this dispute with the Europeans. Unfortunately, early reports of that meeting indicate that the Europeans remain intransigent and refuse to negotiate a reasonable solution to the problem.

By way of background, some of my colleagues may recall the floor remarks I made on the subject of the European Community enlargement 2 months ago, before the new import restrictions on grains and soybeans in Spain and Portugal went into effect March 1.

Subsequently, 20 of my colleagues joined me in a letter to the President to urge him to pursue to the fullest extent the American right to compensation under the rules of international trade by preparing and using a comprehensive list of items for retaliation against the European Community.

I am encouraged that on March 31, the President announced such a list of retaliatory commodities, which includes imports of European wine, cheese, mineral waters, pork and cakes. By announcing these possible measures, the President has elected to demonstrate that the United States will no longer stand idly by and let the American farmer pay the price for the enlargement of the European Community.

Regrettably, in response to our assertion of rights expressly provided for under GATT, the European Community has again targeted many American agricultural commodities for counter-retaliation. This time, many of California's lucrative products, such as wine, prunes, fruit juices, and California's $185 million worth of almond exports to Europe, are on the European Community's hit list.

Although California producers ask nothing more than a fair market in which to compete, once again, they might be the victims of unfair agricultural trade practices by other governments. And it is California, again,

which might be made to pay the price to defend American grain and soybean exports.

So many of you here today may wonder why I—a Senator from California—feel so strongly about the enlargement of the European Community which, for now, harms our grain and soybean producers. My reasoning is clear and simple.

Ultimately, the enlargement of the European Community will affect all sectors of American agriculture. Thanks to the subsidies of the common agricultural policy, Spain and Portugal may become the "Californias of Europe," producing and exporting abundant supplies of subsidized fruits, nuts, and vegetables. And as those subsidies continue to flow, Spain and Portugal will threaten to strip California exporters of their hard-earned markets in Europe and abroad, in the same way that American grain and soybean exporters are currently losing their European markets.

In my view, all of American agriculture must unite behind this issue, because ultimately it will affect all of American agriculture.

We can no longer afford to divide American agriculture only to let the European Community conquer it. We must look ahead to the 10 years it will take for Spain and Portugal to fully integrate their agriculture with the European Community. Unless American agriculture stands united now, from the outset, to defend the legitimate rights of every American farmer in this process, agricultural producers of numerous other commodities may lose many export markets forever.

Yesterday, the Joint Economic Committee held a timely and informative hearing on this critical issue, during which testimony was received from Government witnesses, including officials from the Department of Agriculture and the U.S. Trade Representative, as well as industry representatives. One such witness, Dwayne Andreas, who is chairman and CEO of Archer Daniels Midland, provided the committee with a very informative and insightful statement about our relationship with the European Community. Indeed, his testimony is among the best explanations of the historical roots of this dilemma, its impact upon our Nation's farmers, and recommended it to all of my colleagues and ask that it be printed in the CONGRESSIONAL RECORD.

The statement follows:

EUROPEAN COMMUNITY AGRICULTURAL TRADE PRACTICES

Good morning and thank you for inviting me to appear before you today. My name is Dwayne Andreas. I am Chairman of the Board and Chief Executive Officer of Archer Daniels Midland Company. ADM is a food processing company located in the heart of America's farm country. We have 175,000 farmer shareholders and are partners in global merchandising of farm crops with cooperatives that represent more than 2 million farmers. ADM is unique in that it is the only public company entirely devoted to processing, marketing, and moving agricultural products. Together with our affiliates and subsidiaries, we market, manage, and move approximately 75 million tons annually around the world.

If we are to understand the effects on U.S. agriculture of the Common Agricultural Policy of the European Economic Community, we should go back in history and examine a little-publicized report dated August 24, 1960. It was in the early 1960's that we negotiated the famous Kennedy Round which set the stage for vast uneconomic ventures in the years to come.

Secretary of Agriculture Ezra Taft Benson, after an extensive trip through several Common Market countries, submitted the following most perceptive recommendations and conclusions:

1. "I am very much concerned about the preponderant support I found for higher rather than lower support levels in some countries. The potential for production increases in the Common Market area is great. If stimulated by high prices, production increases for grains, oil seeds, and livestock products can make the area more self-sufficient and reduce our traditional dollar exports in this part of Europe. It is essential that the United States continue to follow a liberal trade policy. Thus, our moral position in urging greater imports of U.S. farm products into dollar export areas will be sustained. I found this to be so on my trip."

2. "I found that our current export potential in this area was being hampered by protective devices which inhibited trade in agricultural commodities. These current restrictions on our exports, many of them discriminatory in nature, should be removed as rapidly as possible."

3. "If the EEC adopts the protective import program which has been proposed, this could easily result in reduced exports from the United States. This could create serious problems in the development of mutually beneficial and more liberal trade policies."

4. "We must continue to impress the individual members of the Common Market that the U.S. is basing its strong support for the community on the assumption that an outward-looking policy which will contribute to expansion of the multilateral trade on a non-discriminatory basis will be developed. I find it difficult to see how they can develop an outward-looking policy under a system which utilizes, for many agricultural commodities, unlimited variable import levies against the competition of imports."

5. "High price supports would force the Community to implement them by trade-restricting devices which would interfere with normal commercial relations. This could relegate outside countries to the status of residual suppliers. This would do irreparable harm to GATT since one of its primary objectives is to expand total trade, including agriculture. High price supports in the United States would weaken our position in making a strong objection of high supports in other countries."

6. "During the 6 to 9 years transition to the Common Agricultural Policy, the amount of protection should be reduced progressively so that the trade of the EEC with other free countries will expand on a mutually-beneficial basis. We cannot expect sudden policy shifts without disruptions.

7. "Our use of some P.L. 480 funds for market development has achieved considerable success in Western Europe. This program, in cooperation with American industry, should be strengthened and enlarged."

Now, 26 years later, we find the following devastating results:

On April, 1, 1986, the U.S. average farm price per bushel of wheat was $3.17 per bushel. The variable import levy was $4.24 per bushel on top of that.

For corn, the average price received by U.S. farmers for corn was $2.31 per bushel. To enter the Common Market, the importer had to pay an additional $3.49 per bushel.

Our surplus corn is converted into ethanol which costs about $1.20 a gallon. Spain buys ethanol from its farmers for about $4.00 a gallon then sells it to a Jamaican company for 40 cents a gallon. The Jamaican company passes it through a pipe to dehydrate it, an operation that could be performed in the U.S. for less than 5 cents a gallon, then calls it a CBI product and brings it in the United States without paying the 60 cents a gallon duty.

When it is used here, it benefits from another 60 cents tax concession which was enacted as a National Security Measure to help us be independent of imports and to help corn growers market their corn, despite the obvious fact that every 100 million gallons replaces 40 million bushels of corn and costs our government more than $60 million in revenue.

For grain sorghum, the U.S. producer received $3.68 per cwt., and the import levy was an additional $3.66 cwt.

For broilers, the import levy is approximately 15 cents per pound. The Common Market's export subsidy on broilers is now 11 cents per pound. They now dominate world broiler trade with subsidies although we are the low-cost producer.

Wheat flour is so heavily subsidized into export that the EEC share of world trade in flour has gone from 20% to 60% while ours has gone from 60% down to 20%, even though the U.S. is by far the lowest-cost producer. This has cost us $13 billion in flour exports since 1970.

Foreign federal treasuries destroy the law of comparative advantage.

At the time the Benson report was written, the EEC was a much larger grain importer, buying up to 20 million tons of grain per year. Recently, it has been exporting about 5 million tons per year plus more sugar, poultry, eggs, and dairy products than any single country in the world and, except for Argentina, is the greatest beef exporter in the world. Only Canada and the U.S. exceed the EEC in wheat exports.

The ascendancy of the EEC position reflects the full effects of the Common Agricultural Policy's use of expensive and complex devices, such as high price supports and export subsidies. These tactics are buttressed by variable import levies and feed manufacturing requirements to use EEC surplus products. More recently, to reduce protein meal imports, extremely high returns are provided for Common Market producers of soybeans (about $15 per bushel). Also, rapeseed and sunflower seed are sold to processors at 30% of the price farmers receive. That is part of the EEC effort to drive U.S. soybeans from the marketplace.

With all these expensive economic incentives for production, surpluses are the inevitable result. These surpluses are disposed of by utilizing a device called export restitutions (which we call export subsidies).

Probably the worst case scenario is that of sugar. Sugar is supported at about 27 cents per pound and dumped into the world

market at the raw sugar equivalent—as low as 3 cents per pound. The EEC sugar policy is costing developing countries some $6.4 billion annually in lost income. It is my judgment that the U.S. would not need a sugar program if the EEC should stop its dumping program.

On a global basis, U.S. agricultural exports are severely depressed from a dollar peak in 1981 of almost $44 billion to a 1986 USDA estimate of $28 billion—a drop of more than 35% in 5 years. I do not mean to imply that this reduction in exports is all due to EEC policies. Actually, it is due to several factors, including, but not limited to, recessions and even depressions in several potential importing countries. Additional causes are the International Monetary Fund and related debt constraints of third world countries, and the value of the dollar relative to the currencies of other exporters. (This latter case is being corrected but will not show immediate results.)

Moreover, the relatively high loan rates in the U.S. have been a contributing factor to making us a residual supplier. The 1985 Food Security Act will enable the U.S. to be much more competitive—if the authorities provided therein are implemented wisely.

Nevertheless, USDA and others agree that EEC export and production are costing U.S. farmers the loss of about $6 billion annually in export markets and about a billion more annually in farm income because of depressed prices.

A recent study by the Australian Bureau of Agricultural Economics reveals that the EEC policies have "depressed world prices of major temperate agricultural products by, on average, some 16 percent."

Ironically, all this massive subsidizing of EEC production, costing the Common Market over $14 billion a year, is possible because the U.S. negotiators agreed to it in the Kennedy Round and because the U.S pays tens of billions of dollars toward EEC countries' defense costs, leaving them with enough tax income to carry out this program.

Fundamentally, the formation of the CAP resulted in an increase in protection against agricultural commodities from non-member countries. Actually, what we see is insulation, with few exceptions, from outside competition and the internal supports well above world price levels. Internal stability, buttressed by the variable levy and other devices, creates external price destabilization, especially when world-wide dumping occurs.

I am certain that U.S. government witnesses will advise this Committee that the Administration policy is strongly against the EEC policies which distort trade and do damage to the concept of comparative advantage. Successive administrations have been saying this for years, so frequently that we are known in Europe as "Paper Tigers". The U.S. government sends strong notes, and the EEC sends grain and other products.

I understand that Secretary Benson, on his historic trip, was told that the CAP was to be the glue that would hold the EEC together. However, I feel that this objective could have been achieved at much less cost to the non-EEC countries. It will be difficult at this point in history to resolve the basic differences between the EEC and the U.S.—yet settle or ameliorate them we must. There are many within the EEC who recognize that the costs, increasing at a rapid rate, will force a restructuring of the CAP. The new U.S. legislation will increase export subsidy costs to the EEC.

RECOMMENDATIONS

1. Last year I chaired the President's Task Force on International Free Enterprises dealing with Trade and Aid. We made several recommendations, some of which have been adopted.

One of the most important recommendations was that we double the P.L. 480 program which has successfully functioned to move food and food products into additional consumption globally.

We should implement that recommendation forthwith and invite the EEC to join with us by contributing an equal amount to parts of the world which otherwise could not afford it. High-level EEC officials have expressed interest in such a coordinated effort. This could be done without legislation or appropriations simply by donating surpluses to the P.L. 480 administration like we do for the BICEP program. Such a program aggressively administered could solve most of the surplus problems by increasing consumption for essential humanitarian reasons. Economic benefits would be enormous.

2. There should be a recognition that the Current General Agreement on Tariffs and Trade (GATT) has had very little effect on agricultural trade. The next round of trade negotiations must resolve this problem—or cease to be a factor in world market disputes. There must be a commitment to improvement of the conduct of all parties involved in agricultural trade.

3. It is both the U.S. and the EEC interests to resolve the problems inherent in the strong competitiveness for export markets. The U.S. has unilaterally made efforts to adjust output and stocks. However, the 1983 PIK program, which resulted in sharp downward production adjustments, was accompanied by increases in non-U.S. production. Therefore, the EEC and the U.S. should meet to agree on production restraint policy. With the long U.S. history of production control efforts, the conferences can be mutually profitable.

4. If the EEC and the U.S. could agree to each reduce sugar and fructose production by about 2 million tons annually, world sugar markets would become market oriented once again. U.S. import quotas could be increased or even eliminated with resulting economic benefits to the CBI and developing countries.

5. Policy changes should become a matter of bilateral discussion with the objective of avoiding injury to the other country and possibly to third countries. The interests of low-income, developing countries must be on the continuing agenda.

6. Our Task Force recommended that at least $7 billion should be made available for mixed credit through the Export Import Bank to match the mixed credits proliferating from other Western countries.

I applaud the Administration's recent decision to start with $300 million for that purpose. Twenty times that much is needed to revive exports and to bring the countries who abuse mixed credits to the bargaining table.

I do not mean to imply that the above are a complete list of possible recommendations. None of these suggestions will be easy to accomplish. However, failure to make economic sense through negotiations is unthinkable and much more difficult.

In closing, I would like to comment in another vein on our attitude toward the EEC Commissioners. We must be careful to not be too critical of them. A number of them disagree just as we do with their policies. But they are obligated to carry out programs and policies which we—our negotiators—contractually agreed to long ago. So we share the responsibility.

I applaud the free-market orientation of this Administration. But we in business often question whether doctrinaire economists in government, most of whom have no practical business experience, realize that very often, when preoccupied with the ideaology of free trade practices in a world which has abandoned free trade, they are in fact saying to our people and institutions: "Workers, farmers, cooperatives, corporations, go ahead—compete directly with foreign governments who engage in business using subsidies and state trading. If that means you become unemployed or go broke, so be it. It's part of the system." This is utter nonsense, and the dire consequences of neglecting trade policy are already evident.●

INTERPRETATIVE RULING OF THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, on behalf of the Select Committee on Ethics, I submit for the information of the Senate, an interpretative ruling on the use of Senate letterhead by Members of the Senate in connection with campaign fundraising efforts. This interpretative ruling is issued pursuant to section 206 of Senate Resolution 110, 95th Congress.

This ruling was the subject of a "Dear Colleague" letter which was dated April 14, 1986.

Interpretative rulings by the committee may be relied upon by an individual involved in a specific transaction or activity which is indistinguishable in all its material aspects from the facts on which a ruling has been rendered. The committee encourages written requests for rulings on specific situations not clearly covered by the Code of Official Conduct. The committee will continue to respond to written requests for interpretations, treat such requests confidentially, and publish its rulings with appropriate deletions to protect the privacy of individuals who seek committee guidance.

I ask that the ruling be printed in the RECORD.

The ruling on the use of Senate letterhead is as follows:

INTERPRETATIVE RULING No. 409

QUESTION CONSIDERED

Is the advisory Opinion of the Select Committee, issued on August 14, 1978, regarding the use of letterhead and/or envelopes which utilize the words "United States Senate" and "Official Business" or any combination thereof, applicable to a Senator's funds or support for a campaign for election or reelection to any Federal, State, or local office?

ADVISORY OPINION

"It is the opinion of the Select Committee that it is improper conduct which reflects upon the Senate for a Senator to authorize or allow a non-Senate individual, group, or organization to use the words 'United States Senate' and 'Official Business,' or any com-

bination thereof, on any letterhead or envelope. The use of a Senator's name followed by the words, 'United States Senate', is not hereby deemed improper."

FACTS

In an invitation which was written on official Senate letterhead which includes the words "United States Senate, Washington, D.C., 20510", a Senator invited individuals to a dinner which was directly connected to the raising of funds for his campaign for reelection. The letter of invitation was prepared by the Senator himself and was sent from his office.

DISCUSSION

The Select Committee's Advisory Opinion of August 14, 1978 on the use of the words "United States Senate" on letterhead and envelopes was prompted by the receipt of a substantial amount of correspondence from the public concerning the use by non-Senate groups and organizations of facsimiles of United States Senate letterhead in their fundraising appeals. Typically, prior to August 14, 1978, a Senator would agree to write a fundraising letter on behalf of a non-Senate group or organization and allow that organization to include the Senator's letter in a fundraising appeal to be sent by that group or organization. In most instances, the Senator's letter was written on a facsimile of official United States Senate letterhead and in many instances was mailed in envelopes which bore the return address of the United States Senate. The concern expressed by the public was that they were misled into believing that the mailing was from the Senator whose letterhead was used when, in fact, it was really from a private group. As a result, the Committee developed an Advisory Opinion, pursuant to its authority under S. Res. 110 and S. Res. 338, to issue Advisory Opinions on actions which might tend to reflect discredit upon the Senate. The Advisory Opinion concluded that it was improper for a Member of the Senate to allow a non-Senate organization or group to use letterhead or envelopes which contained the words "United States Senate" and/or "Official Business." During the development of the Advisory Opinion, concern was expressed by some Members of the Committee that while the Advisory Opinion should restrict the use of Senate letterhead by non-Senate groups or organizations, such as campaign committees, the Advisory Opinion should not preclude a Senator's personal use of his letterhead for whatever correspondence the Senator thought appropriate. As a result, the Advisory Opinion included, as a last sentence, a proviso that "the use by a Senator of his or her own name followed by the words 'United States Senate' is not hereby deemed improper."

Since the adoption of this Advisory Opinion, the Committee has been asked by Senators on several occasions about the application of the Advisory Opinion to various types of mailings in which the Senator was interested. In these Interpretative Rulings, the Committee has taken the position that while it is improper and a violation of the Advisory Opinion for a Senator to allow a campaign committee or any other non-Senate organization to prepare a mailing which uses letterhead that contains the words "United States Senate" on the masthead of the letter (see, IR #169 and #254), the Advisory Opinion would not preclude a Member from writing a personal letter on Senate letterhead from his own office (see, IR #264, #270, and #365).

Because of a concern that the last sentence of the Advisory Opinion was being interpreted too broadly by Members and staff, the Committee reviewed the previous interpretations of the application of the Advisory Opinion and concluded that the Advisory Opinion does preclude a Senator from using letterhead and/or envelopes containing the words "United States Senate" and/or "Official Business", or any combinaton thereof, for any correspondence, even that prepared personally by the Senator, which solicits a financial contribution or other form of assistance for any campaign for election or reelection to any Federal, State, or local office. Where a Senator desires to correspond with members of the public about a campaign-related matter, such correspondence should be prepared on letterhead which has been paid for by the Senator's personal funds or funds derived from his campaign committee and which does not employ the words "United States Senate" and/or "Official Business."

RULING

The Select Committee's Advisory Opinion of August 14, 1978 on the use of official letterhead does apply to and therefore restricts a Senator's personal use of letterhead and/or envelopes which utilize the words "United States Senate" and/or "Official Business" or any combination thereof, where the correspondence involves a request for a financial contribution or other form of assistance for any campaign for election or reelection to any Federal, State, or local office. Additionally, this ruling would preclude the use of such official letterhead by a Senator to write "thank-you" letters to contributors or campaign workers.

Lastly, through previous Interpretative Rulings, the Select Committee has approved the use of letterhead, by a Senator, which uses the Senator's name followed by "United States Senator." This latter form of letterhead could be used to address correspondence which involved campaign-related topics, including "thank-you" notes for participation in a campaign.●

DAYLIGHT SAVING TIME

● Mr. GORTON. Mr. President, many of my colleagues are probably aware that this Sunday, April 27, marks the beginning of this year's 6-month observance of daylight saving time. Many also know that I have proposed a bill and more recently an amendment which would extend daylight saving time by changing the starting date from the last Sunday of April to the first Sunday of April.

Daylight saving time is something which many of us take for granted. We turn our clocks forward every spring and backward each fall without considering the potential effects of changing the duration of daylight saving time. We all know that daylight saving time causes sunrise and sunset to occur an hour later in the day, but many of the effects of this change are not at all obvious. Consequently, when Congress considers legislation to extend daylight saving time, the debate is characterized by recitation of sunrise and sunset times and analysis of statistics relating to traffic safety, crime, and energy consumption. Through all of this, it is not easy to grasp the facts.

I would like to suggest to my colleagues that one simple way to understand this issue is to get up Saturday morning and watch the earliest sunrise of the year. If you are here in Washington, the sunrise tomorrow will be at 5:17 a.m. Of course, it will begin to get light about 30 minutes earlier, so if you want to see the crack of dawn, by its official definition, you will have to get up at, or stay up until, about 4:47 a.m.

Many of us will be in our home States tomorrow and will have the opportunity to see first-hand how my amendment would affect their States. I will be in Seattle, where sunrise tomorrow will occur at 5:01 a.m., and the first daylight will be visible at about 4:31 a.m.

The purpose of my amendment, and of daylight saving time, is to make the sunrises and sunsets coincide with the way we live. Under current law, the earliest sunrises of the year occur in April. This year in Washington, DC, the 18 earliest sunrises of the year are those from April 9–26. This period coincides almost exactly with the period of time—April 6–26—which would have been affected this year by my amendment. Tomorrow's sunrise in Washington will be 26 minutes earlier than sunrise on June 21, the day with the most daylight of the year. This year, daylight saving time begins 55 days before this "longest day of the year" and ends 127 days afterward. Clearly, our present system is imbalanced, and much of our April daylight is wasted.

Along with the distinguished Senators from Maine, Senator MITCHELL, California, Senators CRANSTON and MITCHELL, and Rhode Island, Senator PELL, I have sent my colleagues a letter describing the amendment and a chart showing sunrise and sunset times for towns in Senators' home States. I hope that these materials will convince our colleagues that daylight saving time in April will enable us to make better use of our daylight hours. I urge those who are skeptical to get up early Saturday morning, watch the earliest sunrise of the year, and think about how useful an hour of sunlight would be early Saturday evening.●

AMBASSADOR ROSENNE'S THOUGHTS ON TERRORISM

● Mr. LEVIN. Mr. President, I would like to commend to my colleagues a recent speech given by Israel's Ambassador to the United States, Meir Rosenne. The occasion was the annual policy conference of the Americans Israel Public Affairs Committee, and the subject of Ambassador Rosenne's address was the problem of terrorism.

Besides giving us the perspective of a country which is perhaps more experi-

enced than any other in dealing with terrorism, Ambassador Rosenne has achieved in this speech a unique blend of the emotional and the rational. He evokes the searing images of terrorism, images that sicken and sadden us: the brutal slayings of innocent civilians and the glorification of those who carry out these terrorist acts as freedom fighters. But he also provides a carefully reasoned analysis of the problem of terrorism and what we can do about it. Ambassador Rosenne tells us who bears responsiblity for the persistence of terrorism; he sets out the basic principles we should follow when acting against terrorists; and he identifies some of the approaches we can take to combat terrorism in the long run.

Ambassador Rosenne has made an extremely useful contribution to the debate over how best to deal with terrorism, and I hope that my colleagues will take the time to read his speech.

I ask that the text of Ambassador Rosenne's speech be printed in the RECORD.

The speech follows:

[AIPAC Conference, April 6, 1986]

ADDRESS BY AMBASSADOR MEIR ROSENNE—TERRORISM: WHO IS RESPONSIBLE, WHAT CAN BE DONE

I will speak today on the problem of terrorism—who is responsible for it, and what can be done to combat it.

Whenever I address the problem of terrorism, my mind is assailed by searing images which I cannot escape:

The slaughter of the Israeli athletes at the 1972 Munich Olympics.

The execution of Leon Klinghoffer, shot and pushed into the sea.

The killing of the 11-year old daughter of the American journalist at Rome airport.

The standing ovation given to Yasser Arafat by the United Nations in 1974, when Secretary General Waldheim greeted him, and he sat with his gun in the chair reserved for Presidents.

The standing ovation at the 1980 World Conference on Women in Copenhagen, afforded to the PLO terrorist Leila Haled, who hijacked a plane.

The terrorist holding his hand over the mouth of the pilot of TWA Flight 874 at Beirut airport last year.

The decapitated body of a five-year-old girl in Nahariya, in 1981.

The body of the American (woman) photographer on the beach at Herzlia, when Arafat's men killed a bus-load of 80 Israelis on the road to Haifa.

The freeing of the Entebbe hostages by the Israeli commandos in 1976.

These are the images. Those were the victims. Anyone sitting in this room could have been one of those victims. We have short memories, but the survivors—the sons and daughters, husbands and wives and parents—will live with the trauma for the rest of their lives.

We have become so used to terrorism that we tend to forget that anyone under 20 doesn't even know that there were times when you could board a plane without X-ray screening. Life will soon become unbearable unless we decide immediately to take the steps necessary to put an end to this disease.

Two things are required—political wisdom and moral will.

First comes a proper understanding of terrorism. Then it is a question of the will to act. So we must ask two questions: Who is responsible for the persistence of terrorism, and what can be done to combat it?

(1) The responsibility lies with those democratic states that thought that Israel would be the only victim. Now they see their own innocent citizens victimized.

(2) The responsibility lies with those who make a distinction between terrorists, saying that Abu Nidal is a "bad" terrorist but Arafat is a "good" terrorist.

My friends, there is no such thing as a good terrorist, and anyone who makes such a distinction in effect condones and encourages terrorism. Indeed, such distinctions inevitably paralyze action whenever terrorism rears its ugly head.

(3) The responsibility lies with the West European states of the European Economic Community that, because of oil, adopted a resolution in November 1973, following the invasion of Israel by Syria and Egypt, condemning the victims rather than the aggressors.

(4) The responsibility lies with those who for years refused the extradition of terrorists, but instead let them go free.

I shall never forget that, when I served as Legal Advisor to Israel's Foreign Ministry, Israel requested, jointly with West Germany and in conformity with our extradition treaty, the extradition of Abu Daoud, the terrorist conspirator who organized the Munich killings; he was set free because there was fear of retaliation by the PLO and Arafat.

(5) The responsibility lies with all those Western states that have accorded virtual diplomatic status to the PLO and have permitted PLO offices to function, with respectability and legitimacy, as bases from which to launch their terrorist murder.

(6) The responsibility lies with all those states, in all corners of the world, whose ambassadors accorded a standing ovation to Arafat after he addressed the UN General Assembly.

Let's face it: The hands that applauded there were condoning the atrocities committed by the terrorists before and after that dark day in 1974.

(7) The responsibility lies with those states that regard the terrorist gangs as comradely anti-Western and anti-democratic forces, and permit them to be trained on their territories, and provide them with weapons and ammunition, funds, diplomatic, political, economic, and intelligence and moral support.

It has long since been amply demonstrated—especially in the vast amount of PLO documents captured in the 1982 Lebanon war—that the Soviet Union is at the heart of this enterprise, in league with its East German and other allies. These states are accomplices in the commission of terrorist atrocities.

(8) The responsibility lies with the United Nations which only this year, for the first time in its history, adopted a resolution, in the Security Council, condemning terrorism. But this ignoble, decades-long delay should come as no surprise: This was the same UN that refused to condemn anti-semitism in 1964, and that equated Zionism with Nazism in 1975.

(9) The responsibility lies with states like Syria, Libya, Iraq, Iran, that organize, direct and support proxy terrorist forces, and provide every kind of practical assistance to the terrorists. These are lawless states engaged in lawless actions—they are guilty of state terrorism.

(10) The responsibility lies with those who seek the "root causes" of terrorism, and who seek to "explain" or "understand" the terrorists and their motivations and aspirations. Such explanations function in effect to justify terrorist acts.

This fashionable "understanding" is a form of moral confusion. All over the world there are all sorts of groups with all sorts of grievances. If "understanding" were to be extended to their "root causes," they would have carte blanche to murder, in order to gain "redress". Should they be permitted to run amok with their Kalashnikovs?

Mass murder is mass murder, and no grievance can justify it, nor will "understanding" avert or eliminate terrorism.

(11) The responsibility lies with the countries that condemned Israel for having taken action, at great risk to itself, against PLO headquarters outside Tunis. The UN Security Council resolution condemning the raid was an encouragement to even more terrorism. Instead of punishing the aggressor, the victim was indicted. And now the PLO fighters boast publicly of being back in Beirut, in force.

(12) The responsibility lies with the oil-producing states that exploited their extortionate "oil weapon" to try to impose solutions that would have brought about the end of the State of Israel. And it was a sad moment in European history to see how democratic states were ready to accept the *diktat* of hoodlums in place of the principles of enlightened diplomacy.

Even though this problem no longer exists, it is worth remembering, for the future . . .

What can be done?

First, we have to realize that terrorism did not begin with the problem of the Palestinian Arabs, and it will not end if and when that problem is resolved.

Terrorism is rooted in the culture of violence in some countries. Internecine Arab terrorism for example, is a natural part of Mideast politics, and this atmosphere is hospitable to the extension of terrorism beyond the Arab world itself—against Israel, against France, against Britain, etc. It is in the context of that traditional culture of violence that the terrorism perpetrated against Israel by the Arab world is to be understood.

Second, we have to realize that there is no appeasing terrorists, who threaten not only Israel but Western democratic society. Those nations, especially in Western Europe, that have appeased the PLO should have learned from their own bitter historical experience that appeasement only inspires contempt, scorn, and further aggression.

Acting on these basic principles, democratic states have an array of weapons to use against terrorism.

(1) There are enough legal tools available—international conventions against terrorism, hijacking, extradition. Unfortunately, these legal instruments are rarely if ever enforced. All civilized nations must adhere to and implement them.

(2) All offices of terrorist organizations, such as those of the PLO, should be closed and their operations banned.

(3) It should be made clear by the political decisions of democratic governments that there can be no bonus for terrorism. No one should try to pacify a terrorist organization

such as the PLO by granting it the privilege of being a party to any political or diplomatic negotiation. Any attempt to compromise, in any shape, manner or form, with terrorist gangs will only encourage terrorism.

(4) There must be a total ban on landing rights in the democratic countries for the airplanes of states—like Libya, Syria, Iran, Iraq—that encourage terrorism.

(5) No commercial exchanges, no economic relations, should be established with countries that provide assistance to terrorist organizations, and sanctions should be taken against such states.

We do not think there is any justification for considering Saudi Arabia a peace-loving country so long as it provides—as it has been doing for years—$250 million a year to the PLO—funds that are used for killing Americans, Israelis, and other innocents.

(6) There must be closer cooperation in the exchange of intelligence information among democratic governments. Fortunately, the framework for a system for such exchange already exists; it should be broadened and strengthened.

(7) The role of the mass media, especially television, in providing instant, intense and wide-ranging attention to acts of international terrorism must be very carefully evaluated. On the one hand, there are the fundamental freedoms of press and speech to be zealously protected. On the other hand, we must recognize that those very freedoms are abused and exploited by the terrorists—for what they seek, above all, is publicity.

The tension between freedom and the requirements of security is not new, nor is it restricted to the area of terrorism. Very possibly, this is a tension that will never be fully resolved, and will always remain a dilemma for democratic societies to grapple with, especially in emergency situation. But in doing so, we should always be keenly aware of the dangers to our freedoms posed by those who would curtail or destroy them.

(8) Finally, a profoundly important moral/intellectual dimension. All too often, people in democratic societies praise, or at least condone, so-called national liberation movements for using terrorist means to gain their ends.

A legitimate movement of freedom fighters for national liberation does not, like the PLO, use violence as a first resort—does not target innocent civilians—does not, like the PLO, aim to annihilate its adversary.

Acceptance of such behavior reflects not only a debasement of language, but a deep moral and intellectual confusion, which must be rigorously clarified and rejected if we are to be able to act decisively against terrorism.

It has become fashionable to include something on terrorism at every conference on the Middle East. But I did not come here this afternoon to add my bit to this fad.

I came to express my solidarity, and the solidarity of the State of Israel—and, if I may say so, of the Jewish people—with all the victims of terrorism and their families:

With all those who lost their dear ones at airports in Paris, Vienna, Rome, Munich . . . .

With the members of the various diplomatic corps still held in capacity . . . .

With the American Ambassador to the Sudan who was murdered by Arafat's men in 1972 . . . .

With Bar Simantov, my Counselor of the Embassy in Paris, who was shot down on Saturday, April 3, 1982, in front of his wife and his eight-year-old daughter . . . .

With the innocent civilian patrons of department stores and cafes in Rome and Paris . . . .

With my dear friend and close colleague of 30 years—Shlomo Argov—a man of great humanity and a diplomat of unequalled talent and skill who in the 1960s and 1970s served Israel in this city of Washington with distinction, devotion and pride—and subsequently our Ambassador in England, who was gunned down in the streets of London four years ago—and who, now paralyzed, is doomed to spend the rest of his life in a wheel chair in Jerusalem.

We who meet here, in an AIPAC conference, have a solemn moral obligation to remember the fate of Shlomo Argov and all the other victims, to let that memory and those images spur us on to determined and vigorous efforts to battle terrorism to the end.

Thank you very much.●

THE 1986 CONGRESSIONAL CALL TO CONSCIENCE

● Mr. CHAFEE. Mr. President, I would like to take a few minutes on this first day of Passover to join once again in the congressional call to conscience for Soviet Jewry.

As Jews all over the United States gather to observe Passover traditions, let us not forget that the Jews of the Soviet Union are not so lucky. While in this country Jews are free to express their religious and cultural heritage freely and without fear of persecution, Soviet Jews face a daily struggle with a government which oppresses them simply for being Jewish. I have spoken with Jewish leaders from Rhode Island about the situation of Soviet Jews, and I have read newspaper and magazine reports. By all accounts, there is no evidence to indicate that the latest Soviet crackdown on Jewish activities, which began in 1984, is letting up.

As is well known, Soviet authorities have long persecuted Jews, but since 1984 we have seen a particularly virulent wave of anti-Semitism issuing from the Kremlin. Hebrew teaching and other Jewish cultural activities are viewed as antistate activities. Soviet citizens who insist on retaining their Jewish identity—by, for example, observing the feast of Passover—place themselves in great danger. The odds are that they will be harassed, stripped of professional positions and titles, rejected by universities, and in general treated as nonpersons. The personal stories of Soviet Jews today read like chapters from Orwell's "1984" replete with false arrests and accusations, trumped-up charges, and psychological terrorism.

I recently heard from Rabbi Chaim Casper, director of the B'nai B'rith Hillel Foundation at the University of Rhode Island, that authorities in Soviet Georgia plan to demolish one of only two synagogues left in the capital city of Tbilisi. Twenty thousand Jews live in this city, and they are understandably opposed to this, yet another Soviet attempt to stamp out Judaism. I have written to the Soviet Ambassador here, expressing my opposition to the destruction of Tbilisi's Ashkenazi Synagogue, but I do not expect to receive a response.

That is perhaps the most frustrating aspect of our efforts to fight repression of Soviet Jews: the thick, unresponsive wall of the Soviet bureaucracy. We in Congress join the President and other American leaders in making frequent calls to Soviet leaders to stop the oppression of Soviet Jews. But our requests that the Soviets reopen the doors of emigration which were, in effect, closed tightly in 1984, seem to go unheeded; usually, the only response is silence.

I am here today to remind my colleagues that our efforts are worth it. Jewish emigration totals have plummeted from more than 50,000 in 1979 to just 1,138 last year. The stories of refuseniks trampled upon by Soviet authorities for their desire to emigrate continue to reach the West. These facts give us all the more reason to redouble our efforts on behalf of Soviet Jews. The example of Anatoly Shcharansky, who languished in prison for 8 years until his sudden release a few months ago, should inspire us to continue our pressure on Soviet authorities. They must not be let to think that the release of Shcharansky was enough. President Reagan's efforts on behalf of Shcharansky paid off, and now we must work to obtain similar results for the thousands of refuseniks who may not be as famous as Shcharansky, but whose stories are no less tragic.

One such story is that of Boris Agarkov, a 48-year-old computer scientist from Leningrad. Although Soviet authorities allowed Boris to visit Israel in 1966 as part of an official delegation, he and his family were later refused permission to emigrate there. Both Boris and his wife Geralina lost their jobs as a result of their applications for exit visas, and have since faced serious financial problems. Despite his training in computers, Boris now works as a garage attendant. Boris' son, Dimitri, has also suffered for being a member of a refusenik family. He was expelled from school in 1985, officially because he was a backward student; actually it was because he married an American. He too has applied for an exit visa, which was denied, and his wife has been denied entry to visit him.

The Agarkov family's tragic story could be repeated over and over again, with different names and cities but the same pattern of persecution. I hope all of my colleagues will join me in continuing to press the Soviet Government for an end to this persecution. Soviet policy denies Jews some of the most basic human rights—the

right to think and believe as one chooses, and to preserve one's cultural heritage. During this feast of Passover, when Jews the world over celebrate their rich traditions, let us hope that our plea is heard by Soviet leaders, and that they grant those basic rights to their Jewish citizens, or let them move to countries where they can live freely and openly as Jews.●

PROGRAM

Mr. SIMPSON. Mr. President, I have just shared with the Democratic leader the following recap for Monday, April 28, 1986, in connection with our duties.

The Senate will convene at 11 a.m., following adjournment.

Under the standing order, the two leaders will be recognized for 10 minutes each.

There will be special order in favor of the following Senators, for not to exceed 5 minutes each: Senators HAWKINS, CRANSTON, and PROXMIRE.

There will be routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes each.

Following morning business, the Senate will resume consideration of the unfinished business, Senate Concurrent Resolution 120, the budget resolution. Time will be running against the resolution but no votes will occur prior to 11 a.m. on Tuesday, April 29.

Mr. President, I thank the Democratic leader for his assistance throughout the day in arriving at this particular schedule.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader, who is always most cooperative and courteous and considerate.

Mr. SIMPSON. I thank the Democratic leader.

ADJOURNMENT UNTIL MONDAY, APRIL 28, 1986 AT 11 A.M.

Mr. SIMPSON. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Monday, April 28.

The motion was agreed to and, at 6:45 p.m., the Senate adjourned until Monday, April 28, 1986, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 23, 1986, under authority of the order of the Senate of January 3, 1985:

EXPORT-IMPORT BANK OF THE UNITED STATES

William F. Ryan, of New Jersey, to be first vice president of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 1989, vice John A. Bohn, Jr.

IN THE AIR FORCE

The following Air National Guard of the United States Officers for promotion in the Reserve of the Air Force under the provisions of sections 593 and 8379, title 10 of the United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10 of the United States Code, effective date in parenthesis.

LINE OF THE AIR FORCE

To be Lieutenant colonel

Maj. Archie D. Barnes, [redacted] (11/22/85).
Maj. Gerald E. Barron, [redacted] (11/3/85).
Maj. Archie J. Berberian II, [redacted] (12/6/85).
Maj. Russell T. Birmingham Jr., [redacted] (10/1/85).
Maj. James P. Bresnahan, [redacted] (12/5/85).
Maj. William A. Buckley, [redacted] (12/8/85).
Maj. Gary R. Cazier, [redacted] (12/18/85).
Maj. Edwin E. Chunghoon, [redacted] (6/20/85).
Maj. Geoffrey L. Collins, [redacted] (1/3/86).
Maj. George W. Dewey, [redacted] (12/7/85).
Maj. Richard A. Doering, [redacted] (11/17/85).
Maj. Edward F. Farwell, Jr., [redacted] (11/2/85).
Maj. Michael J. Fisher, [redacted] (10/20/85).
Maj. John R. Glover, [redacted] (11/16/85).
Maj. Robert D. Green, [redacted] (12/18/85).
Maj. Robert E. Grisnik, [redacted] (5/5/85)
Maj. Wesley E. Hallowell, [redacted] (11/2/85).
Maj. Linville L. Holley, Jr., [redacted] (11/1/85).
Maj. William C. Kearney, [redacted] (12/8/85).
Maj. Roy A. Keyt, [redacted] (10/10/85).
Maj. James A. McDevitt, [redacted] (12/11/85).
Maj. Samuel J. McDowell, [redacted] (10/20/85).
Maj. Charles B. Meeks, [redacted] (12/16/85).
Maj. David L. Midgley, [redacted] (11/16/85).
Maj. Mark F. Miller, [redacted] (12/17/85).
Maj. Thomas O. Monberg, [redacted] (11/3/85).
Maj. Frank A. Moseley, [redacted] (10/5/85).
Maj. James L. Overholt, [redacted] (12/7/85).
Maj. Alan L. Paige, [redacted] (11/2/85).
Maj. William F. Parker, [redacted] (12/6/85).
Maj. Jack E. Pendleton, [redacted] (10/15/85).
Maj. David L. Petersen, [redacted] (11/15/85).
Maj. Albert P. Richards, Jr., [redacted] (11/17/85).
Maj. Michael G. Roehr, [redacted] (10/20/85).
Maj. William F. Rothert, [redacted] (11/27/85).
Maj. George F. Scoggins, Jr., [redacted] (12/8/85).
Maj. Robert E. Sellers, [redacted] (11/14/85).
Maj. Franklin Standifer, [redacted] (9/30/85).
Maj. Nelson. F. Tejada, [redacted] (10/29/85).
Maj. Richard D. Trebesch, [redacted] (10/15/85).
Maj. Joseph A. Vernon, [redacted] (11/7/85).
Maj. William D. Whittaker, [redacted] (11/15/85).
Maj. Shelby A. Wilson II, [redacted] (12/5/85).

CHAPLAIN

To be lieutenant colonel

Maj. John D. Vail, [redacted] (11/17/85).

MEDICAL CORPS

To be lieutenant colonel

Maj. John T. Diegel, [redacted] (12/7/85).
Maj. John C. Hisley, [redacted] (10/19/85).

DENTAL CORPS

To be lieutenant colonel

Maj. Robin R. Neil, [redacted] (10/19/85).
Maj. Paul Rebek, [redacted] (11/3/85).

IN THE ARMY

The following-named Reserve Officers' Training Corps cadets for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, section 531, 532, 533:

Abraham, Brian S., [redacted]
Acevedo, David P., [redacted]
Adams, William J., [redacted]
Ahn, Jason J., [redacted]
Albrecht, Wendy K., [redacted]
Allison, Kellie M., [redacted]
Alston, Oran L., [redacted]
Anderson, Curtis A., Jr., [redacted]
Anderson, Kurt B., [redacted]
Anderson, Tammy L., [redacted]
Appenfelder, Rebecca M., [redacted]
Applebaum, Kevin J., [redacted]
Arends, William J., [redacted]
Armstrong, David A., [redacted]
Armstrong, Jeffrey A., [redacted]
Armstrong, Kevin R., [redacted]
Artero, Matthew J., [redacted]
Austensen, Scott D., [redacted]
Avants, Cammie L., [redacted]
Avila, Robert A., [redacted]
Ayersman, David J., [redacted]
Babbitt, Jeffrey J., [redacted]
Bagley, Brian J., [redacted]
Bailey, Mamie M., [redacted]
Baker, Teresa J., [redacted]
Ball, Daniel R., [redacted]
Ballard, Christopher S., [redacted]
Balog, Timothy G., [redacted]
Balough, Kenneth S., [redacted]
Baltich, John F., [redacted]
Banks, Marvin J., [redacted]
Barber, John H., [redacted]
Barnes, Tony W., [redacted]
Barrett, William V., [redacted]
Barron, Laurie A., [redacted]
Bartlett, Michael W., Jr., [redacted]
Bartolett, Karin E., [redacted]
Barton, Robert R., [redacted]
Bartoo, David J., [redacted]
Battista, Vincent N., [redacted]
Battle, Felicia Y., [redacted]
Batzer, Stephen A., [redacted]
Bau, Suzanne C., [redacted]

Beane, Thomas C., xxx-xx-xxxx
Beard, Jonathan D., xxx-xx-xxxx
Beattie, Donald, xxx-xx-xxxx
Becker, Bradley A., xxx-xx-xxxx
Beckham, Clarence L., III, xxx-xx-xxxx
Benson, Christopher L., xxx-xx-xxxx
Bentz, Julie A., xxx-xx-xxxx
Bergin, Jane F., xxx-xx-xxxx
Berglund, Raymond A., xxx-xx-xxxx
Bernard, Robyn E., xxx-xx-xxxx
Bernardi, Leah R., xxx-xx-xxxx
Bernier, Raymond J., xxx-xx-xxxx
Berry, Thomas H., xxx-xx-xxxx
Beuckens, John K., xxx-xx-xxxx
Bice, James K., xxx-xx-xxxx
Bigger, Clinton R., xxx-xx-xxxx
Birdwell, Barry N., xxx-xx-xxxx
Bishop, Donald N., xxx-xx-xxxx
Bishop, James J., xxx-xx-xxxx
Bittinger, Douglas E., xxx-xx-xxxx
Blankenhorn, James A., xxx-xx-xxxx
Blass, Audrey L., xxx-xx-xxxx
Boehm, Scott A., xxx-xx-xxxx
Bognanno, Nicholas M., xxx-xx-xxxx
Bolin, Timothy W., xxx-xx-xxxx
Bolton, Alan K., xxx-xx-xxxx
Boobar, Jeffrey R., xxx-xx-xxxx
Boock, Brett A., xxx-xx-xxxx
Bosse, Scott P., xxx-xx-xxxx
Bost, Marianne T., xxx-xx-xxxx
Bourdeaux, Antoine D., xxx-xx-xxxx
Bowden, Robert A., xxx-xx-xxxx
Bowman, Gregory A., xxx-xx-xxxx
Bowman, Teri, J., xxx-xx-xxxx
Bowser, Pamela, A., xxx-xx-xxxx
Boyce, Bryan S., xxx-xx-xxxx
Bozada, Thomas A., xxx-xx-xxxx
Bozeman, Anthony C., xxx-xx-xxxx
Brackett, Arthur L., xxx-xx-xxxx
Branciforte, Jack V., xxx-xx-xxxx
Bravo, Efren D., xxx-xx-xxxx
Brawand, Robin L., xxx-xx-xxxx
Brewer, Howard K., xxx-xx-xxxx
Briggs, Carolyn J., xxx-xx-xxxx
Briggs, Clarence E., III, xxx-xx-xxxx
Briney, John F., xxx-xx-xxxx
Brodbeck, Mathew, xxx-xx-xxxx
Broderick, Michael A., xxx-xx-xxxx
Brooks, William M., xxx-xx-xxxx
Brown, Bozidar W., xxx-xx-xxxx
Brown, George C., xxx-xx-xxxx
Brown, Kevin E., xxx-xx-xxxx
Brown, Mark W., xxx-xx-xxxx
Brown, Marvin L., xxx-xx-xxxx
Brown, Stephen M., xxx-xx-xxxx
Browne, Kevin F., xxx-xx-xxxx
Bryant, Anthony T., xxx-xx-xxxx
Buchanan, Karl J., xxx-xx-xxxx
Budinger, David P., xxx-xx-xxxx
Buehler, Wendolynn S., xxx-xx-xxxx
Burney, Leroy, III, xxx-xx-xxxx
Burns, Gary W., xxx-xx-xxxx
Burrell, Jeffrey S., xxx-xx-xxxx
Burress, Teresa A., xxx-xx-xxxx
Burton, Gregory C., xxx-xx-xxxx
Burton, Jefferson S., xxx-xx-xxxx
Buse, Joseph W., xxx-xx-xxxx
Bushey, Douglas B., xxx-xx-xxxx
Bushey, Robert J., xxx-xx-xxxx
Byrd, Robert K., xxx-xx-xxxx
Caesar, John A., xxx-xx-xxxx
Cain, Carla W., xxx-xx-xxxx
Calderwood, Elaine E., xxx-xx-xxxx
Calvin, Sharon L., xxx-xx-xxxx
Campbell, Brent J., xxx-xx-xxxx
Campbell, John T., xxx-xx-xxxx
Campbell, Regina A., xxx-xx-xxxx
Campbell, Robert I., xxx-xx-xxxx
Campbell, Robert M., Jr., xxx-xx-xxxx
Caouette, Marc L., xxx-xx-xxxx
Carag, Vincent D., Jr., xxx-xx-xxxx
Carlson, Cameron D., xxx-xx-xxxx
Carlson, James W., xxx-xx-xxxx
Carnes, Christopher S., xxx-xx-xxxx
Carnevale, Cristina A., xxx-xx-xxxx
Carracher, Irene F., xxx-xx-xxxx
Carter, Michelle M., xxx-xx-xxxx
Caruso, Jennifer A., xxx-xx-xxxx
Castle, Angela E., xxx-xx-xxxx
Castles, John G., II, xxx-xx-xxxx
Cate, Charles H., Jr., xxx-xx-xxxx
Cate, Gerald R., xxx-xx-xxxx
Catrett, Gerald T., xxx-xx-xxxx
Cavallero, Michael A., xxx-xx-xxxx
Cecil, Donna K., xxx-xx-xxxx
Cejka, Robert J., Jr., xxx-xx-xxxx
Chamberlain, Mark R., xxx-xx-xxxx
Chambers, Robert G., Jr., xxx-xx-xxxx
Champion, Van A., xxx-xx-xxxx
Chance, Terry L., xxx-xx-xxxx
Chapman, James A., xxx-xx-xxxx
Chase, Walter B., xxx-xx-xxxx
Chavous, Valerie, xxx-xx-xxxx
Cheeseborough, Randall K., xxx-xx-xxxx
Cheseman, Jacquelne M., xxx-xx-xxxx
Childers, Michael R., xxx-xx-xxxx
Chiles, Todhunter J., xxx-xx-xxxx
Chisholm, Shelley A., xxx-xx-xxxx
Chmielewski, Marc J., xxx-xx-xxxx
Christensen, Thomas V., xxx-xx-xxxx
Christman, Conrad D., xxx-xx-xxxx
Clark, William J., Jr., xxx-xx-xxxx
Clayborn, Lisa M., xxx-xx-xxxx
Cleary, Gregory A., xxx-xx-xxxx
Clemens, Sandra J., xxx-xx-xxxx
Clermont, Christopher M., xxx-xx-xxxx
Cobb, Clayton W., xxx-xx-xxxx
Coffindaffer, Mary E., xxx-xx-xxxx
Cogdall, Thomas E., III, xxx-xx-xxxx
Cole, Darryl L., xxx-xx-xxxx
Collier, Robert D., xxx-xx-xxxx
Collins, Mark W., xxx-xx-xxxx
Collins, Thomas W., xxx-xx-xxxx
Combs, James D., xxx-xx-xxxx
Conley, Stephen F., xxx-xx-xxxx
Connolly, Robert E., xxx-xx-xxxx
Constantine, Beshara J., Jr., xxx-xx-xxxx
Constantine, David M., xxx-xx-xxxx
Converse, Julie L., xxx-xx-xxxx
Cook, Christopher T., xxx-xx-xxxx
Cook Stephen B., xxx-xx-xxxx
Cornelius, Kevin R., xxx-xx-xxxx
Cornell, Sydney J., xxx-xx-xxxx
Cornwell, Michael C., xxx-xx-xxxx
Correa, Luis R., xxx-xx-xxxx
Coutteau, Lori J., xxx-xx-xxxx
Cox, Mark E., xxx-xx-xxxx
Cozzocrea, Jeanne M., xxx-xx-xxxx
Crabtree, David W., xxx-xx-xxxx
Cronauer, Carol A., xxx-xx-xxxx
Cruz, Lillian, xxx-xx-xxxx
Cruz, Luz N., xxx-xx-xxxx
Cullinan, Mark A., xxx-xx-xxxx
Cumming, Kurt A., xxx-xx-xxxx
Currie, Alan R., xxx-xx-xxxx
Cye, Mark A., xxx-xx-xxxx
Daconta, Michael C., xxx-xx-xxxx
Dale, Robert S., xxx-xx-xxxx
Daley, Bevan R., xxx-xx-xxxx
Dalton, Dermot P., xxx-xx-xxxx
Daniel, James P., Jr., xxx-xx-xxxx
Daniels, Mark S., xxx-xx-xxxx
Danzi, Laura A., xxx-xx-xxxx
Dapkiewicz, Robert P., xxx-xx-xxxx
David, Elizabeth L., xxx-xx-xxxx
Davis, Donald J., Jr., xxx-xx-xxxx
Davis, John E., xxx-xx-xxxx
Davis, Kenneth A., xxx-xx-xxxx
Davis, Paul J., xxx-xx-xxxx
Dawson, Lisa M., xxx-xx-xxxx
Day, Carlton L., xxx-xx-xxxx
Day, Dennis J., xxx-xx-xxxx
Degnan, Kevin J., xxx-xx-xxxx
Degonda, Patricia J., xxx-xx-xxxx
Deiter, Marc A., xxx-xx-xxxx
Delgadillo, Catherine F., xxx-xx-xxxx
Delgado, Jose L., xxx-xx-xxxx
Demons, Joyce M., xxx-xx-xxxx
Dixon, Robert E., xxx-xx-xxxx
Dolbeare, James R., xxx-xx-xxxx
Dollar, John R., xxx-xx-xxxx
Donahue, Robert J., xxx-xx-xxxx
Donaldson, Kathy M., xxx-xx-xxxx
Dorsey, David A., xxx-xx-xxxx
Dowdy, William C., xxx-xx-xxxx
Dowis, Katrina K., xxx-xx-xxxx
Duck, Mary M., xxx-xx-xxxx
Dugal, Wayne F., xxx-xx-xxxx
Duke, Randolph J., xxx-xx-xxxx
Dunn, Lorraine D., xxx-xx-xxxx
Dyer, Kenneth C., xxx-xx-xxxx
Dykes, David A., xxx-xx-xxxx
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Windley, Barbie R., xxx-xx-xxxx
Winkler, Martha J., xxx-xx-xxxx
Winter, Maurice G., Jr., xxx-xx-xxxx
Wise, Teresa L., xxx-xx-xxxx
Wisniewski, Lisa C., xxx-xx-xxxx
Witkowski, Colleen R., xxx-xx-xxxx
Wolf, Whitney K., xxx-xx-xxxx
Wolslagel, Donna M., xxx-xx-xxxx
Wood, Michael D., xxx-xx-xxxx
Wood, Suzanne M., xxx-xx-xxxx
Woodruff, William J., xxx-xx-xxxx
Worman, Stephen L., xxx-xx-xxxx
Wright, Charles S., xxx-xx-xxxx
Wright, Clifton C., xxx-xx-xxxx
Wright, Valentia M., xxx-xx-xxxx
Wulfhorst, Kevin C., xxx-xx-xxxx
Yost, Kim E., xxx-xx-xxxx
Young, Andrea L., xxx-xx-xxxx
Young, Reed F., xxx-xx-xxxx
Youngquist, Kenneth E., xxx-xx-xxxx
Yukevich, Stanley M., xxx-xx-xxxx
Zavarelli, John V., xxx-xx-xxxx
Zurschmit, Scott W., xxx-xx-xxxx
Zweizig, Linda B., xxx-xx-xxxx

IN THE NAVY

The following-named lieutenant commanders in the line of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (11XX/13XX)

Adams, Mary Raftery
Ahearn, James Vincent Jr.
Akins, Glendon Leo, Jr.
Allen, Andrew J.
Allen, Harry Eugene
Allin, Robert Wesley
Allison, George Boardman
Alston, Robert William
Anderson, Robert Alton
Andre, Duane Alan
Angelo, James Warren
Aoki, Anne Louise
Architzel, David
Ardan, Nicholas Ivan, III
Armistead, Reginald Gray, Jr.
Arnold, Robert Bruce
Arnold, William Glenn
Ashbridge, George, IV
Aten, John Joseph
Aukland, Bruce Michael
Ault, Jon Franklin
Averill, Robert Cameron
Axelrod, William Harold
Baas, Daniel Louis
Babbitt, James Charlton, Jr.
Babcock, Rowland Alvin, Jr.
Bagley, Edward Garland, III
Bailey, Claudia Lynn
Baker, Thomas Allan
Barnhill, Arizona Wendell
Behringer, Stephen Edward
Belcher, John Charles
Benedict, William Lance
Benn, Charles Michael
Bennett, Robert Wesley, Jr.
Berger, Janellyn Lu
Berry, George Zellner
Besal, Robert Eugene
Betancourt, Jose Luis, Jr.
Bixler, Charles Harley
Blackwell, Theodore I., Jr.
Blakey, Blake Victor, Jr.
Blanchard, Robert Kevin
Blomeke, High Douglas
Bolan, Gregory Edward
Boniface, William Scott
Boose, Marion Sanford, Jr.
Booth, James Elliott
Boroff, Jeffrey Lee
Bostaph, Joseph Timothy
Boughton, Phillip Gary
Bowlin, James Allen
Boyington, John Edward, Jr.
Boyle, Jerome Pillow
Branson, James Lee
Brattland, Michael Gordon
Brewer, Craig Walter
Brick, James Michael
Brinkac, Michael Joseph
Brown, David Kearney
Brown, David Nelson, III
Brown, Frank Hyatt
Brown, Nellie Ruth
Buford, Gaston Reedy, Jr.
Bullough, Bruce Lynn
Burdett, Peter Scott
Burdette, Allen Leamon, II
Buschmann, Roger Louis
Butler, James Paul
Byrd, John Thomas
Cahoon, David Clinton
Calcaterra, Frank Sal
Caldwell, Warren Lee, Jr.
Canavan, Michael Patrick
Candalor, Michael Bruno
Cantfil, Scott Thomas
Caplinger, Lanny Wade
Carlin, James Joseph, Jr.
Carlson, Dennis John
Carlson, Donald John
Carmichael, John Scott
Carr, Margrette
Carrier, Guy Joseph
Carter, Larry James
Carter, Leslie Roy
Carter, William Lee
Casper, David Carl
Civiello, Constance Emily
Clements, Susanlee Porter
Cochrane, Michael Jon
Coggins, Andrew Oscar, Jr.
Collier, Dewey Russell
Condor, Robert W.
Condon, Thomas John
Conner, Hilton Leroy, Jr.
Conroy, James Leo
Cook, Larry Earl
Cook, Robert Bartlett, Jr.
Cook, William Eckford, Jr.
Cooke, Wilbur Orlean, Jr.
Coon, Ralph Herbert, Jr.
Coonan, Robert Paul
Cooper, Michael Robert
Cooper, Thomas Charles
Corcoran, Thomas Charles
Cosgrove, Patrick Eugene
Cottrel, William Russell
Coulter, Daley Thomas
Coyle, Gary Leonard
Craig, Michael Christopher
Cramer, Mark Jay
Crawford, Mary Perri
Crim, Mark Adren
Crocker, David Mark
Cross, James Kilpatrick
Crouch, Orren Rayburn
Crowell, Charles Davis
Curtsinger, Delbert Anthony
Cutter, Duane Starr
Darcy, Thomas Francis
Darling, Sherrill Thompson
Darwin, George Robert
Davidson, Michael Arthur
Davidsson, Jeffrey John
Davis, Dean Omega, Jr.
Davis, Richard Earle, Jr.
Davis, Rodney Michael
Day, James Copeland
Day, Sharon Parrish
Deal, Rocklun Allen
Dean, Dennis Ross
Demasi, Francis Dominick
Demeo, Michael Joseph
Denham, Stanley Alvin
Dennis, Ronald Wayne
Devlin, John Charles
Dick, Lawrence Lee
Dilgren, Glen Alaric
Disy, Edward George, Jr.
Dohse, John Frederick
Donaldson, William S.
Donihi, Burleson Mills
Donlon, Stephen Edward
Doyle, Patrick Robert
Drews, Robert Adam
Driscoll, Joseph Francis
Dudek, David Paul
Duffy, Michael Edward
Duguid, Roger Alan
Dundas, Geoffrey Winn
Dunscombe, Bruce E.
Dussman, Thomas Raymond, Jr.
Edwards, Mark Jackson
Elder, Alfred
Elles, Christopher Jacob
Ellis, Jimmy Lee
Ellis, Robert Boyce
Emmert, Mark Albert
Engelhardt, Bruce Bidwell
Ensley, Lee Michael
Erwin, Troy James
Etter, Alan Yancy
Eubanks, Richard Marcus
Evans, Gary Glen
Evans, James Marvin
Evers, William Barton
Fahy, Dorothy Ellen
Falkey, Mark Steven
Fargo, Dennis Kenneth
Farmer, Linwood Earl, Jr.
Feldman, Brian Darrell
Fennessey, Donald Brian
Ferguson, Kevin James
Ferree, William Daniel
Ferris, Judith Boyle
Filanowicz, Robert Walter
Finch, Marnee Lee
Finkelstein, Mark Arnold
Finney, Robert Dean
Fischbeck, Jeffrey Allen
Fisher, Calvin
Fisher, John Walker
Fisher, Joseph Timothy
Fitzsimmons, Michael Joseph
Fleming, Richard Peter, Jr.
Flenniken, Michael Elmo
Flood, John Thomas, Jr.
Flynt, David Byron
Ford, John Fielding
Foster, Thomas Wayne
Foster, Willie Ronald
Foti, Stephen Gino

Fournier, Dean Norman
Fowler, John Darwin
Fowler, Larry Richard
Fox, Donald Clyde
Frahler, Donald Andrew
Frank, Richard Roger
Franklin, Roland Michael
Franze, Charles Raymond
Fraser, Powell Alexander, Jr.
Frederick, Stephen Edmund
Frump, David Arthur
Fullerton, John Alan
Gaines, James Egelston, Jr.
Garden, George Carrington, Jr.
Gardner, Grant Everett
Garrett, Patrick Martin
Gaskins, James Yost
Gavett, Wallace Leonard, Jr.
Gear, Bud Stanwood
Geel, Richard Alan
Geiger, Donald Gene
Geiger, Edward Charles
Geist, Gregory David
Geister, Joel Albert, Jr.
Gerard, Gregory Lawrence
Gerken, William John
Giannotti, Bruce Bennett
Giarra, Paul Severin
Gibney, William James
Gibson, William Lewis
Givens, Joel Dennis
Glass, Joseph William
Glick, Dean F.
Glover, Ronald Burton
Goddard, James Reed, Jr.
Goessling, James R.
Golden, Mary Frances Sidor
Gooding, Brent Baker
Goodwin, Thomas John
Gordon, Douglas Thomas
Gorris, Frederick David
Gray, Richard John
Greaser, Donald Charles
Griffin, Paul Michael
Grissom, Mark Patterson
Grosel, Joseph Jeffery
Grover, James C.
Guest, Frank Benjamin, III
Gutierrez, Kathleen Connor
Hagy, Michael Richard
Hahn, Keith Dennis
Haizlip, John Threlkeld
Hall, Gary Michael
Hammond, Gary Richard
Hancock, William Allen
Hare, Robert Lee
Harkness, Mary Anne
Harrington, Carol Ann
Harris, James Daniel
Harrisonbrown, Dorothy S.
Harrop, John Kaenel
Hart, David Thomas, Jr.
Hartrick, Thomas Frederick
Hartzog, Mary Pauline
Hathway, Clifford Newton, Jr.
Hawkins, Jeffrey Alan
Hayes, Allison Curtis
Hearding, David Warren
Heatley, Charles James, III
Hebdon, David Eugene
Hederstrom, Paul H.
Hedrick, Michael Keith
Heimgartner, Kenneth Floyd
Hennessy, Paul Barrett
Henry, Christopher Ryan
Hergenroeder, James
Hessdoerfer, Ronald Carl
Higgins, Paul Michael
Hill, Clarence Ebbert
Hill, Martin Ray
Hively, Howard D.
Hobbs, Philip Gary
Hobgood, Gordon Benjamin, Jr.
Hodson, Brian Jay
Holden, Timothy Aloysius
Holdredge, Robert Leslie
Holland, James Edward
Hollingsworth, Arnold Gilmor
Holloway, James Curtis
Holmes, Thomas Robert
Holzmann, Kenneth Ralph
Homier, Paul Anthony, Jr.
Honey, Ronald Dudley
Hopkins, Hubert Denning, Jr.
Hopper, William Frank
Hopping, Robert D.
Horne, Charles Henry, Jr.
Howe, Robert Henry
Howell, Wayne Morris
Hrenko, John, Jr.
Hufford, Harriett Mary
Hughes, Ronald Alan
Hughes, Thomas Frederick
Hugill, Joseph Ray
Husser, Louis, Andrew, Jr.
Indorf, John William, Jr.
Ingalsbe, Stephen Ramage
Inglish, Gary Kent
Irlam, Ross Edward
Jackson, Andrew Hugh
Jackson, David Leon
Jackson, Jimmie Ray
Jackson, John Edward, Jr.
Jackson, William Pierce, Jr.
James, Robert Boe
James, Ronald Boynton
Jankura, Edwin Stephen, Jr.
Jarrett, Stephen McAllister
Jaskunas, Thomas Michael
Jewell, Keith Alan
Jobe, Terry Lynn
Johns, Stephen Bunnell
Johnson, Charles Scott
Johnson, Garland Russell, Jr.
Johnson, Herman Raymond
Johnson, Michael Dean
Jordan, Timothy Gaius
Jorvig, Daniel Alden
Joslin, William Daniel, Jr.
Kallin, Peter Lindel
Kalstad, Kendall William
Kaye, Theodore Lawrence
Keefe, Daniel Stanton
Keith, Douglas Wayne
Keithly, Thomas Morken
Kelly, John Michael
Kelso, Jesse Johnston
Kennedy, Kristopher Morris
Kern, Dennis James
Kessler, Paul Kenderson, Jr.
Kester, Lawrence Verne
Kindel, George Finley
King, Kendall James
Kirk, Bruce Reed
Klein, Terry Owens
Klinker, Patrick Joseph
Kluever, Patrick Robert
Konya, Bruce Richard
Kopacz, Anthony Joseph
Koss, Andrew James
Kren, John Joseph
Kryske, Lawrence Michael
Kubovchik, John Francis, Jr.
Kujat, Edward Joseph
Kysar, Billy Dean
Lambert, Robert Bradley
Landers, Coleman Arthur
Larsen, Christopher Stephen
Larsen, Thomas Carl
Lauderdale, Donnie Aubrey
Laughter, Selwyn Shuford
Lawler, John Clinton
Lee, Richard Patrick
Lee, Thomas Early
Leib, Robert Conard
Lentz, Linda Mary
Leonard, Raymond Earle, III
Leverette, Glen
Lewandowski, Lawrence Anthony
Liggett, Robert David
Lillard, William Ashby, III
Littleton, Joseph Sharp, III
Littleton, Leland Kron, Jr.
Livelsberger, Francis Stephen
Lobue, James Joseph
Logue, Stephen John
Long, Robert Henry
Lukaszewicz, Joseph Thomas
Lulu, Michael Joseph
Lutkenhouse, Michael Anthony
Lynch, Vincent Joseph
Mack, Stanley John
MacLuskie, John Robert
Maggi, Robert William
Main, Glenn Allan
Mallon, Paul Joseph
Mannel, Robert Paul
Manning, Walter William
Manning, William Beverly, III
Marion, Kenneth Thomas
Marra, Kenneth Joseph
Marshall, William James
Martello, Keith Wallace
Martin, Colin Leslie
Maskew, Rodney Max
Mason, Charles Manning, Jr.
Mason, Lee Charles, II,
Mathis, Don Wade
Mayhew, Lance Harrison
McAfee, William Taylor
McAllister, James Paul
McCarthy, Morton Everest, Jr.
McCarty, James Douglas
McCarville, Patrick Anthony
McClung, Doyle Curtis
McCort, Daniel Ralph
McElraft, Ronald Dean
McElroy, Daniel Wallace
McGalliard, Gene Richard
McGinn, Leo Francis, Jr.
McGraw, William Lloyd
McLane, Robert Lewis
McQueeney, Michael Edward
McWilliams, Hugh Newton
Mears, George Henry
Meeley, William Anthony, Jr.
Mercurio, Stephen Francis
Meyer, Daniel Harry
Meyer, John Gregory
Meyer, Thomas Leslie
Meyers, John Earl
Meyers, William Arthur
Miller, David Ross
Miller, Dennis Wayne, Jr.
Mills, Phillip Horne
Milner, Daniel Dewitt
Mitchell, Alfred Warren
Mitchell, Monika Ursula
Molloy, William Earl, Jr.
Moody, Richard Alan
Moore, Richard Bruce
Morgan, John Cabe, Jr.
Morin, James Brendon, Jr.
Morral, Dennis Gilbert
Morreale, Bruce Vincent
Morris, William Denton
Morrison, Thomas Robert
Mulder, Keith Paul
Mullarky, John Walter
Muncie, John Clifton
Munns, Charles Lyndsey
Murphy, George Joseph, III,
Myers, David Edward
Myers, Ronald Louis
Neihart, Charles William, Jr.
Nelson, David James
Nelson, Jeffrey Robert
Nelson, Robert Charles
Nelson, Robert Edward
Nelson, William Hardage
Nemec, Johnnie Frank
Nesbitt, Allan Preston, III

Nestor, Don Alan
Newton, Danny Ray
Nibbs, Alan McLeod, Jr.
Nichols, David Charles, Jr.
Noland, James Terry, Jr.
Norman, Richard Michael
Norrbom, Timothy John
Nottke, Bruce Alden
O'Brien, Paul Edward, Jr.
Offerle, Robert Anthony
O'Keefe, James George
O'Leary, Joseph Lennon
O'Rbann, Carl Theordore, III
Otto, David Thomas
Pacentrilli, Larry Anthony
Palmatier, Philip Frank, Jr.
Papineau, Larry Regan
Parker, Lutrelle Fleming, Jr.
Parker, Robin M.
Parlet, Robert Dale
Peck, James Eugene
Penix, Larry Ellis
Perry, James Walter
Perry, Robert Paul
Peters, Donald Eugene
Peters, Kenneth Warren
Petersen, Richard Merle
Pfeiffer, Frank Gaines
Phillips, Donald Wayne
Phillips, James Glenn, III
Pickett, Russell Ames
Piecuch, John Leon
Pilcher, Ray C., Jr.
Pine, John Steven
Plautz, Dennis Hoyt
Pledger, James Edgar
Poe, Deen Owen
Poorman, Kenneth Alan
Powell, Frank Russell
Prendergast, Timothy Edwin
Preston, Randall Dills
Prevatte, Carolyn Virginia
Ptacek, John Wayne
Puccini, Bruce Anthony Josep
Pyles, Steve
Quadri, Anto Stefan
Quigley, Thomas King
Rankin, Robert Howell
Ratcliff, Ronald Everett
Reed, William Keeler
Reeve, Edward Joseph
Reeves, Jerry David
Reeves, Wayne Ronald
Reisinger, Allen Eugene
Remshak, Christopher Jon
Repicky, John Joseph, Jr.
Resing, David Claude
Resser, Stephen F.
Rhiddlehoover, Suzanne
Richardson, James Dana
Riess, Robert Eugene
Rigot, William Laswell, Jr.
Roberts, John David Frederic
Roberts, Paul Edward
Robison, Richard Alan
Rogers, James Ernest
Rogers, William Armstard, Jr.
Rollins, David Campbell
Ross, Jim Allison
Ross, Nicklous James
Ross, Robert Richard
Roughead, Gary
Roulstone, Douglas Robert
Rutherford, Lindell Gene
Sack, Alvin Lee
Sackett, Craig Pinard
Salemi, Edward Michael
Santapaola, Donald Jack
Sarraino, Michael
Schaffter, Alan Bruce
Schmidt, Charles Richard
Schmidt, Jonathan Blake
Schmidt, Wesley Henry, Jr.
Schork, John Forrest
Schubert, Jerry Lee
Schwalier, Charles Dale, II
Schwiering, David Alan
Scott, Bruce Bob
Scott, James Robert
Scott, Robert John
Scudder, Stephen Vincent
Sedivy, Dean Gordon
Seeley, James Robert
Shalles, Siegfried Lee
Shaver, Eric Bruce
Shaw, John Damon
Shay, Jon Vincent
Sheehy, Hugh Francis
Shekem, Murat
Shemella, Paul
Sheppard, William Lester, Jr.
Sherrard, Martin Victor
Shery, Kevin J.
Sherwood, Roger Raymond
Shields, Robert Bishop
Shon, Michael David
Shurtleff, William Hall, IV
Sieve, Glennon Lambert
Silverio, Stephen Ralph
Sipe, Charles Regis, Jr.
Skurski, Paul Roy
Smart, Mary Grace Heagney
Smith, Frederic D.
Smith, Gene Arnold
Smith, Janvier King
Smith, Robert Edward
Smith, Wayne Edward
Snead, Leonard Alexander, III
Snodgrass, Dale Oglesby
Snyder, Thomas Edward
Snyder, William Lester
Sohl, John Herman, III
Sonntag, Steven Jay
Spencer, Charles Henry, Jr.
Squires, Monte Arthur
Standridge, Elmer Lawrence J.
Stanton, Donald Clifford
Stanton, Ronald Andrew
Stark, Terry Michael
Steele, Scott Leslie
Stephens, Robert Carroll
Stephenson, Walter Wade
Stettler, Gerald Allen
Stevens, Gene Allen
Steward, Daniel Nicholas
Stewart, James Robert
Stine, Jeffrey Lawson
Stites, Lloyd Thomas, Jr.
Stoddard, David Victor
Stoddard, Larry Charles
Stoehr, Dale Erwin
Stone, Jeffrey Morris
Stoner, Donald Winston
Storm, Bradley Douglas
Strickland, Peter Benham
Strickler, Richard Wayne
Stricklin, Ted Alan
Stringer, Richard Howard
Stuckert, Bruce Taylor
Swanberg, Geoffrey Merritt
Swift, Lloyd Francis Knapp
Szoka, Michael Allen
Taber, James Charles
Talbot, Gerald Lloyd, Jr.
Tate, Russell Eric
Taylor, Lee Bradford
Taylor, Paul Edwin
Teply, John Frederick
Tetlow, Philip Christopher
Thomas, Joseph Walter
Thomas, Michael Glenn
Thomas, Scott Shingle
Thomson, Alan Douglas
Thomson, Timothy
Thorne, Silas Owens, III
Thornton, James Terry
Thorpe, James William, Jr.
Tilley, John Alvyn, Jr.
Tindall, Norman Joe
Tindle, John Richard
Tipsword, William Harold, Jr.
Tomaszeski, Steven John
Toney, James H.
Tornatore, Gary Paul
Trabona, Robert Joseph
Traverso, Timothy Joseph
Tussey, David Alan
Tuttle, Larry Jerome
Uebelherr, Michael Frederick
Ulrich, Edward Dewayne
Uricoli, Eugene Francis
Vatikiotis, Darlene Weidler
Vaughn, David Roy
Veldstra, Daniel Roy
Venable, Ted Jeffrey
Vickers, Sammy Lee
Vogan, Charles Scott, Jr.
Vogt, Michael Carl
Volpe, Joseph Michael, Jr.
Voros, Charles Douglas
Voss, Cary Van
Voter, James Conant
Wallace, Edward Charles
Walmsley, Stephen Robert
Ward, John Joseph, Jr.
Wardrobe, James Eugene
Ware, Jerry Steven
Warr, Paul Melbourne
Warren, Floyd Dewey, Jr.
Watt, Alexander Young, Jr.
Watwood, William Britt
Weatherspoon, Stephen Salve
Wedding, Gregory Louis
Westover, Steven Bruce
Wheeler, Dennis Ralph
Wheeler, William Gary
White, Joseph Wheeler
White, Phillip Joseph
Whitney, John Douglas
Wiley, Ronald Allen
Wilfong, Dallas George, III
Wilhelmy, Mark Desloge
Wilkinson, Joseph Brooks, Jr.
Willard, Robert Frederick
Willburn, Alan Bruce
Williams, Robert Edward, Jr.
Williams, Russell Lee
Williams, Thomas Richard, Jr.
Willis, Leland Stanf, III
Wingo, Theodore Oscar
Winney, Justin William, Jr.
Withers, Thomas Roy
Wood, Charles Andrew
Worthington, John Reid
Wright, Oliver Lee, III
Wright, Richard Francis
Wright, Richard Lee
Wylie, George Joseph
Young, Charles Selden Backus
Young, Gordon Allen
Zeller, Chester Arthur, Jr.
Zimmerman, Kenneth Ronald
Zito, Hugh John

ENGINEERING DUTY OFFICER (14XX)

Ainsley, William Lowther, III
Baugh, Dale Eric
Blanton, Gerald Bertram
Boyd, William Kirk, Jr.
Brady, Edward Daniel
Bruner, Todd Thornton Whitne
Clayton, Irving Brodribb, III
Cummings, Jon Richard
Cuzzocrea, John Leo
Daley, Michael John
Dunn, James Patrick, Jr.
Dwyer, Dennis Michael
Endicott, David Carlisle
Goldsby, Richard Earl
Guiles, Richard Howland
Haberlandt, Frederick Robert
Haddock, James Max

Halwachs, James Edward
Harvey, Gerald Alan
Hatcher, William Lloyd, III
Hill, James Allan
Hogen, David John
Holland, Howard Michael
Hopper, James Harris, III
Jenkins, Jerry McKinley
Jorgensen, Paul C.
Joseph, Alfred Michael
Kasdorf, Roy Edward
Langston, Marvin J.
Loser, David A.
Mahle, Gary George
Maixner, Michael Rex
Manvel, John Talbot, Jr.
Mayes, Larry Leroy
Mead, Gregory Gower
Mellor, Martin Warren
Meyett, Robert Stephen
Moranville, Mark Sheridan
Mortenson, Victor Adelbert J.
Mullican, James Neal
Needham, William Donald
Nickodem, Peter Webb
Olechnovich, Paul Jerome Vic
Ott, Andrew Anthony
Patton, James Wesley
Pence, Derry Thomas
Poland, Marc Maier
Preisel, John Henry, Jr.
Ransbotham, James Irvine, Jr.
Roberts, Warren Leigh
Rockwell, Richard Thornton
Rubel, William Richard
Sanford, Gregory Benson
Schaubel, Raymond Charles
Schiesser, William Andrew
Smith, Douglas Edwin
Sontheimer, Richard Francis
Strawbridge, Carl Neilson
Watterson, Kent Braden
Wyse, Frederick Calhoun

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING) (151X)

Almquist, Thomas Victor
Bal, Eugene, III
Blake, Jimmie Oliver
Burnett, Joseph Lawrence
Duke, Boyce Wayne
Ferrell, Dennis Richard
Grafton, Thomas Albert, III
Gregory, Erik Stuart
Hargrave, Douglas Francis, Jr.
Hill, William John
Jimenez, Jose Salvador
Kenney, Paul Stephen
Knolhoff, Larry Edward
Koorey, Alfred Joseph, Jr.
Mills, Donald Max
Morandi, Theodore Raymond
Mugg, William Allan
Neel, David L.
Panos, Christopher William
Posnett, William Lenard, III
Reightler, Kenneth Stanley, J.
Ruputz, Philip Nmn
Russell, Robert Wayne
Seckinger, David Neil
Smith, Stephen Wayne
Zajicek, Richard Gene

AERONAUTICAL ENGINEERING DUTY OFFICER (AVIATION MAINTENANCE) (152X)

Bachmann, Michael Charles
Banek, Edward Adam, Jr.
Barnett, Eben Edgar, II
Edwards, Kenneth Paul
Elliott, Margaret Louise
Hobbs, Dennis Albert
Myette, Kevin Milton
Orton, Frederick Charles
Schwartz, Michael Norman
Stahler, William Donald
Walsh, Daniel Patrick
Youngman, Kenneth Ray, Jr.

SPECIAL DUTY OFFICER (CRYPTOLOGY) (161X)

Bohannan, Gary William
Chin, Francis Wai Liang
Cranshaw, William Raymond
Crowley, Thomas Noble
Daly, Joseph Thomas, III
Eichel, Laurence Alan
Engh, Robert Harald
Grant, Francis Joseph, Jr.
Gravell, William
Hardaway, James Hallowell
Harrison, John Joseph
Heuer, Edward David
Ingalls, Bryan William
Kellogg, Robert Lea
Ketron, Michael Gordon
Kuehne, Kenneth Wesley
Laino, Karen Ann
Mast, Peter A.
Meyers, William Joseph
Nickelson, Bobby Lynn
O'Neill, Richard Patrick
Pistochini, Mark David
Rucker, Steven Warren
Ryder, Curtis Myles
Sare, Michael Joseph
Sheppard, Dennis Dean
Snell, Stephen Farnham
Streiff, Edward James
Sueirro, Allen Michael
Tamburello, Charles
Whitehead, Oliver Windell

SPECIAL DUTY OFFICER (INTELLIGENCE) (163X)

Allison, John Simmons, Jr.
Barkell, Richard Colin
Beavers, Michael Cornelius
Carrington, David Richard
Chambers, Regan Scott
Danforth, Lawrence Wayne
Fisher, Richard John
Hirst, William Clarence, Jr.
Jacobson, Jim Harold
Lewis, Paul Scott
Marshall, Robert Edwin, Jr.
Meek, Terry Lynn
Murray, John Joseph
Oleszko, Lawrence Anthony
Olsen, Alfred James
Pflueger, Michael Patrick
Posey, Kelly Gene
Roark, Louis Keith
Robinson, Evan Dahlstrom
Rosenthal, Mark Louis
Seigel, Thomas Gary
Shankles, Jackie Wayne
Smith, Richard Thomas
Tzavellas, Theodore Eleftther
Ustick, Robert Woodbridge, II
Wakefield, Stanley Irvin
Watson, Joseph Adrian
Zeigler, Howell Conway

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS) (165X)

Clawson, Stephen Harvey
Haney, Connie L.
Harlow, William Robert, Jr.
Humphries, Authur Allen
Keefer, Joel David
Neuhart, Mark Dickens
Rable, William John
Stull, Mark Judson

SPECIAL DUTY OFFICER (OCEANOGRAPHY) (180X)

Barbor, Kenneth Eicher
Booker, Robert William
Corbin, James Harold
Foster, Michael Stephen
Johnson, William Fawver
Kelly, Patrick Robert
Mason, James Robert
Quinn, Paul Francis
Schnoor, Robert Timothy
Schwenke, George William
Smith, Bradley Phillip
Whitford, Dennis James

LIMITED DUTY OFFICER (61XX/64XX)

Anderson, Edward William
Bassett, William Thomas
Bates, William Arthur, Jr.
Beck, Donald Dean
Bence, Ronald Paul
Bledsoe, John Richard
Boyar, John Anthony
Brown, Tommy Albert
Carroll, Charles Earl
Christensen, Erick Thomas
Dalton, Merrill Albert
Delong, Richard Clair
Deneen, Brian Michael
Earnest, William Grover
Godfrey, Thomas James
Gordon, Harry Jay, III
Gracia, Javier
Gustin, Bruce Albert, III
Holcomb, William Kenneth
Hull, Roger Leroy
Hurley, Lawrence Edward
James, Richard Holland
Jones, Preston Leon
Kilmer, Harold Bruce, Jr.
Landick, Richard Earl, Jr.
Lutes, Jack
Martin, Kenneth Ronald
McCollum, James Wayne
Parsons, Walter Paschall
Petty, William Milton
Pierce, Billie Joe
Power, Jerry Ruel
Rhine, Russell L.
Ruth, Jack LeRoy
Seal, Warren George
Sheehan, LeRoy Edmund
Shipley, Thomas Edward
Spangler, Ralph Graham
Stegeman, Ronald Adam
Stolarz, Robert Michael
Ventgen, Robert John
Wollam, Neil Robert

IN THE ARMY

The following-named cadets, graduating class of 1986, U.S. Military Academy, for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 531, 532, 533, and 4353:

Adams, Eric D., xxx-xx-xxxx
Adsit, Rhys K., xxx-xx-xxxx
Albino, Robert A., Jr., xxx-xx-xxxx
Alcorn, Patrick. E., xxx-xx-xxxx
Alexander, David R., III, xxx-xx-xxxx
Allen, Jeffrey C., xxx-xx-xxxx
Andersen, Curtis W., xxx-xx-xxxx
Anderson, David E., xxx-xx-xxxx
Anderson, Frank H., III, xxx-xx-xxxx
Anderson, Michael E., xxx-xx-xxxx
Anderson, Tom D., xxx-xx-xxxx
Andrews, Douglas A., xxx-xx-xxxx
Anglin, Ronald F., xxx-xx-xxxx
Antoch, Steven T., xxx-xx-xxxx
Antonietti, Patrick M., xxx-xx-xxxx
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Executive nominations received by the Senate April 24, 1986:

Department of Agriculture

Christopher Hicks, of Maryland, to be general counsel of the Department of Agriculture, vice Daniel Oliver.

In the Marine Corps

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Frank E. Petersen, Jr., xxx-xx-x... U.S. Marine Corps.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by

the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John Phillips, [redacted], U.S. Marine Corps.

THE JUDICIARY

Evelyn E. Crawford Queen, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice George H. Revercomb.

CONFIRMATION

Executive nomination confirmed by the Senate April 24, 1986:

THE JUDICIARY

Robert J. Bryan, of Washington, to be U.S. district judge for the western district of Washington.

WITHDRAWAL

Executive nomination withdrawn from the Senate April 23, 1986:

Kenneth John Hill, of Virginia, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1986, vice Donald D. Engen, resigned, which was sent to the Senate on January 22, 1986.

EXTENSIONS OF REMARKS

HELPING PUBLIC HOUSING AUTHORITIES HELP THEMSELVES

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. FOWLER. Mr. Speaker, as we review the Federal commitment to housing assistance programs, I would like to share with you one local housing authority's efforts to develop alternative sources of funding and greater self-sufficiency. The following speech was delivered by Samuel A. Hider of the Atlanta Housing Authority at a recent meeting of the Public Housing Directors Association trustees. I believe it contains some creative, worthwhile suggestions as to ways in which housing authorities can help themselves. I also believe that Mr. Hider's comments exemplify a responsible, considered reaction to the prospect of declining Federal assistance. Therefore, I would like to submit the following statement for the RECORD.

WHAT ARE WE DOING TO HELP OURSELVES?

(Speech delivered to PHADA Trustees, Dallas, TX, March 24, 1986, Samuel A. Hider, Executive Director, Atlanta Housing Authority)

The year of 1986 brought new challenges as well as old ones to housing authorities throughout our nation—balanced budgets, the Gramm-Rudman-Hollings Bill, and dwindling federal dollars. We, as housing administrators, have in the past shared our responsibilities when our budgets have been reduced from a 100% operating level.

To meet these new challenges, some of the avenues we have traveled in Atlanta were—first—to meet with our Mayor, City Council members and County Commissioners to keep them informed of the plight of public housing and the 50,000 tenants that we serve. We then scheduled meetings with the community at large, civic organizations, Chamber of Commerce, Minister's Union, United Way and business interests. Our first thought was to keep the community informed of the Atlanta Housing Authority's programs and objectives and the effect the Gramm-Rudman-Hollings Bill will have on the Authority's ability to render services to our tenants by keeping the projects in decent, safe and sanitary condition.

Public housing agencies can re-evaluate and re-vamp goals and objectives for less spending. The federal government can and will reduce subsidy to our programs. But these actions alone will not lead to balancing the nation's deficit. In light of this, we are suggesting ways in which housing authorities can help themselves.

After meeting with the various groups I have mentioned, here are some of the things we have undertaken in Atlanta. We have called upon private industries and businesses to form Public/Private Partnerships. The primary focus of the Partnership Campaign was to develop local resources to eventually become less dependent upon federal subsidy.

Our tenants have telephones and are loyal users of Bell System services. In view of that the BellSouth's commitment to community service, the Authority entered into a partnership that led to the weatherization of more than 12,000 units of public housing, summer employment for public housing youth and job preparedness counseling for youth. The Authority's summer weatherization program has been funded by BellSouth, over a four-year period, at a cost of $107,335. Even more importantly, we have improved tenant relations by providing job training and employment.

Similarly, realizing that they too have a commitment to their clients, the Authority approached Georgia Power Company with a partnership proposal. That partnership has provided more than $100,000, in labor to weatherize our apartments.

The summer weatherization program trained youth from our property sites to do jobs like weatherstripping of doors and windows, caulking, installation of showerheads and other energy conservation measures.

A positive result of these programs has been permanent employment for some of our young residents; while others gained valuable experience of working on jobs, being responsible for reporting to work and developing work habits.

Another program that has worked well for the Atlanta Housing Authority is our Adult Services Program. Many of our elderly receive medical service from doctors' and nurses' groups. Each year the elderly have taken extensive trips throughout the country and abroad at a minimum cost. A group just returned from London and Paris for four days and three nights which I am told was most enjoyable.

The Adult Services Program has formed partnerships with Special Audiences, Inc. which commissioned artist Charlotte Riley Whitt to produce three paintings for elderly highrise buildings. An ongoing partnership with Special Audiences allows seniors to attend various cultural functions. Partnerships with several health care organizations has enabled the Authority to provide medical services to tenants. Some of these partnerships include the Morehouse College School of Medicine, Metro Home Health, Atlanta Eye Consultants and Grady Memorial Hospital.

Another area of working with our tenants is to create vacancy preparation teams with tenants by providing paint, brushes and rollers, and cleaning equipment, training them on preparing vacant units where only minimum preparation is needed before re-occupancy can take place. It increases the income of those tenants as well as provides training for them and helps the Housing Authority to reduce vacancies at a reasonable cost.

Other ways of reducing expenses have been to review our telephone system. A Housing Authority of our size has a very elaborate telephone system. After reviewing a number of newly developed telephone systems, as well as Southern Bell and AT&T, we were able to re-write our contract and provide the same level of service thereby saving the Authority a considerable amount of money.

We have reviewed our legal services contract. Because of the growing demand for legal services and legal advice due to increased amount of suits being levied against the Housing Authority and contracts needing scrutiny, we went to an in-house staff Counsellor, which was another means of reducing costs.

A Scholarship Program is being developed. Private industry and businesses are asked to contribute to the fund to provide scholarships for youth living in the projects who excel in academics and meet the criteria for the scholarship eligibility.

Some of our staff have organized Track Teams that work with the Atlanta Track Club. Out of that Club have come state winners; hopefully, we will produce Olympic stars in years to come.

Our city passed an ordinance that all dwelling units in Atlanta must have smoke detectors. After meeting with City Officials and our Public Safety Commissioner and discussing the limited funds the Housing Authority had to operate on, smoke detectors were donated by the City and another organizations for all housing units operated by the Atlanta Housing Authority.

We are developing a Speaker's Bureau and schedule for the Executive Director and the Commissioners to meet and address schools and other organizations to support their Housing Authority.

Carver High School Principal Norris Hogans and the Atlanta Housing Authority have formed a partnership in identifying at least fifteen young girls who have various backgrounds and experiences and have decided to turn stumbling blocks into stepping stones and excel in their scholastic achievement, remain in school and not get pregnant.

These young ladies from a group called "The Cotillions". The Housing Authority uses them for ushers in various activities in and around the Authority. We will assist them in attending social functions in and around Atlanta to give them as much exposure in our society as possible, and to continue to motivate these young poeple to climb the ladder of success. It is our goal that they serve as role models who moved from the public housing life style to becoming self-supporting members of our society.

Running the Housing Authority is the responsibility of all citizens of a City and Town. We provide shelter for those who can least afford to buy a home of their own. Our projects are old and need major renovation, gas lines, and new heating systems. Without federal dollars these improvements seem to be impossible. With the cooperation of our citizens, Housing Authorities can take their share of budget cuts and still run a well-managed Authority that will provide decent, safe and sanitary living.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A POETIC TRIBUTE TO THE "CHALLENGER" ASTRONAUTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. BEREUTER. Mr. Speaker, the tragic loss of the *Challenger* crew will never fade from our memory. Their ill-fated mission will be remembered by every American who watched their story unfold under the glare of television cameras.

Recently a fellow Nebraskan shared with me a poem that she wrote in memory of the astronauts. In brief, but heartfelt words, she captures the feeling many of us share.

I request permission to have Mrs. Donna Crebbin's poem printed in the CONGRESSIONAL RECORD so that my colleagues can experience the vision she captures in poetry.

7 IN HEAVEN

Beyond—is space—a mystery!
Seven brave people are now history!
Undaunted, courageous, so full of life!
Probably good moments, but also strife
Gone! Where? To see God's face?
And embrace them He did!
He loves every race!
Their images may soon fleetingly pass
But never their bravery, how can one surpass?
It's fleeting! It's final! when the curtain comes down,
And not one of us gets a chance to go back around.
How many can say at the end of their flight,
"I accomplished my mission—I fought a good fight!"
God bless these astronauts—at peace now in space!
Let's remember their courage and try to keep pace!

TRIBUTE TO MAYOR SILVIO BANAL

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. APPLEGATE. Mr. Speaker, I rise today to honor Mayor Silvio Banal who has recently retired from 22 years of public service as mayor of Dillonvale.

Mayor Banal, admirably referred to as "Curly" by his friends, retired on March 15. He had been actively involved in village government and the Democratic Party for nearly three decades. He was elected to the Village Council in 1957, and served as council president pro tem before becoming mayor in 1964.

Since 1964, Banal has served Dillonvale as a dedicated mayor. During his term as mayor, he was instrumental in the organization of the Dillonvale Emergency Medical Service Squad, the construction of two banks, a playground, a senior citizen's center, the completion of two municipal annexations, and numerous street improvements and bridge repairs.

Banal has also been actively involved in the village and surrounding area as a member of St. Adalbert's Catholic Church, the Knights of Columbus, the Eastern Ohio Mayors' Association and the Democratic Party executive, and central committees.

Banal retired from the Consolidated Coal Co.'s Piney Fork highwall mine as superintendent in 1973, having advanced in the industry after beginning as a coal driller at the Dun Glen mine in 1936. While employed by Consolidated Coal Co., as a mine foreman, he contributed to the openings of the Franklin, Friendship, Georgetown No. 11, and Rose Valley No. 6 mines.

A testimonial dinner is being held on Mayor Banal's behalf on May 2 to honor his many successful years as mayor of Dillonvale in keeping with the highest traditions of community service.

Mr. Speaker, it is with great pleasure that I pay tribute to a man who is not only a friend, but an inspiration to the people and the community he has served for many years with such distinction. To mark Silvio Banal's departure from office, I ask that my colleagues join me in wishing him the best of luck in all of his future endeavors.

A LETTER FROM CHILE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. BARNES. Mr. Speaker, the news from Chile has not been good lately, but it has a hard time finding its way into the papers when put up against the daily headlines from Nicaragua and Libya. Therefore, I have made an attempt to keep my colleagues aware of what happens in Chile by inserting articles of note in the CONGRESSIONAL RECORD.

Today, however, I would like to share with my colleagues not just another analysis, but rather the words and thoughts of a Chilean college student. I think this young man conveys, more poignantly than any news story ever could, the frustration and anger felt in Chile, particularly by the generation of Chileans who have known nothing but the repression of General Pinochet. These young people have not had the opportunity to experience Chile's long and proud tradition of democratic rule, they have never seen the doors of the National Congress open, and they have never had the opportunity to cast their vote in favor of or against the government that rules them.

I hope that my colleagues will hear the message that this young Chilean is sending us—they need the active and sustained support of the United States to bring about a democratic transition in Chile. Without pressure from the United States, General Pinochet will extend his 13-year reign as Chile's dictator to the end of this century.

Following are excerpts of the letter and the text of a UPI wire story from Santiago, dated April 18, 1 week after the letter was written.

APRIL 11, 1986.

As far as politics go, I am completely confused and very frustrated. I have begun to get involved with the Centro de Alumnos (student council), and have had some contact with the student movement. I really don't know what to make of it all.

The national and international situation is also completely baffling. Here's how I see it. For some reason, Reagan begins to talk about coming down on Pinochet. From that, we get State Department and Shultz statements. Then the government panics, frets for a while—with the usual diplomatic comments—and waits to see what will happen. From the United States—nothing, so they begin to relax. They realize it is all rubbish. I don't believe the U.S. will do anything.

Last week things seemed shaky and rumors came and went. Then, toward the end of the week, the government began to move again. First a statement by the Minister of Education to close all campus branches that weren't completely filled, mostly in the provinces. The reason that spots weren't filled was because the inscription went up from 6,000 to 25,000 pesos, and most people couldn't afford it. So the students went crazy and got ready for a fight. Throughout the year, the mobilization has been Mondays and Wednesdays for students, and Fridays for the women. This past Monday, about a thousand students arrived from the provinces where the campus branches had been closed. They slept Monday night at San Joaquin and were scheduled to march to the Ministry of Education on Wednesday. Tuesday night there were riots in a few of the shantytowns and a carabinero (policeman) was killed. There was a big deal on television. Wednesday the student march was severely repressed. Forty students, among them three student council leaders, were jailed. The council went crazy and called for a sit-in at the main campus building. Things looked bad. Wednesday night they released some students, but also announced that another carabinero had been killed, and another had been kidnapped. A five thousand man search began.

On the news, nothing was said about the jailed students, and more incredibly, the Interior Minister was hinting that the increasing violence might make it necessary to impose a state of siege. They are getting ready for some serious repression, but they wouldn't do it if there was the slightest possibility of U.S. action.

I hate to be cynical, but there seems to be just talk and no action from the United States and I don't see why that should change. Isn't it absurd, here we are again looking to the United States for salvation. This country is messed up, we really have no future.

I can't believe the excuse about the successor problem. It is more than obvious that any compromise to replace the military will have to be done with the right. There are plenty of people who could do it. A nationalist like Jarpa, or if they want the Christian Democrats, there is Valdez or even Zaldivar. If they want neutrals, they can always choose someone like Retamal. That's not the problem. The only reason for Reagan to want to change things here is for some propaganda reason or maybe as a bargaining chip for Nicaragua. But all that is really much more complicated than I can deal with, he may just get into Nicaragua without having to bother about Chile—especially if Ortega keeps it up. I would like to know what you think. I am very confused, and quite angry.

SANTIAGO, CHILE (UPI).—Soldiers in combat gear surrounded three university campuses Thursday, and riot police arrested hundreds of demonstrators during a third day of student unrest across Chile.

Police said 471 demonstrators were arrested, raising the number of students arrested to 632 since the protests began Tuesday.

Heavily armed police stormed the University of Chile's economics school and dislodged student occupiers at gunpoint, forcing them to walk out with their hands on their heads.

Earlier, troops with blackened faces carrying automatic weapons surrounded the Metropolitan University and the arts school of the University of Chile as police rounded up students and drove them away in buses.

"The military action against the universities is absolutely out of all proportion," said the president of the University of Chile student union, Humberto Burotto, who was arrested in the third raid.

The protest, which halted classes at most of the country's 27 universities, was called by student organizations seeking the restoration of university autonomy and an end to intervention in the schools by the military government of President Augusto Pinochet.

The students are demanding an end to the direct appointment of top university officials by the military government and a return to the internal election of school authorities.

Burotto denied government accusations that arms had been found by police on one of the campuses.

University authorities suspended classes at the schools after the demonstrations, which began Tuesday, erupted into in violent clashes with police.

FORMER MEMBERS GUIDE

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mrs. BOGGS. Mr. Speaker, I am introducing a resolution to authorize the printing of a research guide to assist scholars, archivists, and historians to locate the historical papers, memoirs, diaries, and other memorabilia of former Members of the House of Representatives. This publication, the "Guide to Research Collections of Former Members of the U.S. House of Representatives, 1789–1987," is a project of the Office of the Bicentennial and was prepared under the supervision of the historian of the House, Dr. Raymond Smock.

This project has been endorsed by the Commission on the U.S. House of Representatives Bicentenary as an important element in our preparations for the celebration of the 200th anniversary of the U.S. Constitution in 1987 and the bicentennial of the legislative branch of our Government in 1989.

I am joined in sponsoring this resolution by several of my colleagues on the Commission, Mr. GINGRICH, Mr. HENRY, and Mr. SHARP. I would like to insert a more complete explanation of the purpose of our legislation immediately following my remarks, along with the text of the resolution.

H. RES. 434

Resolution authorizing printing of the compilation of materials entitled Guide to Research Collections of Former Members of the United States House of Representatives, 1789-1987"

Resolved, That the compilation of materials entitled "Guide to Research Collections of Former Members of the United States House of Representatives, 1789-1987" (prepared by the Office for the Bicentennial of the House of Representatives) shall be printed as a House document, with illustrations and suitable binding. In addition to the usual number, 5,000 copies of such document shall be printed for the use of the Office for the Bicentennial of the House of Representatives.

GUIDE TO RESEARCH COLLECTIONS OF FORMER MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES—1789–1987

This publication will provide a vital resource for all researchers interested in the history of the Congress. A nationwide survey, launched by the Office for the Bicentennial in April 1985 is locating the manuscript collections and other historical materials of the approximately 10,000 former Members of the House of Representatives. The Guide will present the results of this survey along with descriptions of the manuscripts, diaries, oral histories, photographs and memorabilia of former Representatives.

The national survey relies on enthusiastic state coordinators and other volunteers in all fifty states. The coordinators, who generously have agreed to assist in this national bicentennial effort, are persons who are familiar with the local repositories likely to contain papers of former Members. The volunteers also provide a means of communication between libraries and archives within their respective states and between the states and the Office for the Bicentennial. Already the survey is complete in seventeen states and material from others arrives daily.

Meanwhile, the staff of the Office for the Bicentennial is searching archival resources in Washington and examining collection guides published by major repositories. They have found, for example, about five hundred former Members of Congress represented in the collections of the Boston Public Library. The Office for the Bicentennial searched the 720 card catalog drawers of the National Union Catalog of Manuscript Collections at the Library of Congress. Information from all these sources is compiled, edited, and entered into a specially-designed computer program, thereby creating a data base and a publication file simultaneously.

The number of individuals serving in the House, particularly in the nineteenth century when most Members remained for only a term or two, and the often random dispersal of personal papers have prevented scholars from recreating a comprehensive account of many aspects of the history of the House of Representatives. By establishing a central file for information on the location of surviving manuscripts, the survey and guide will open a new range of opportunities for research. Historians will have access to the collections of powerful Speakers and the papers of little known Members who served only a short time. The range and diversity of sources included in the guide undoubtedly will contribute to a richer, more balanced view of earlier Congresses.

The initial returns from the survey demonstrate the difficulties historians have faced without a central guide to the records of former Members. Many of the collections are scattered far from the home state of an individual Member. Papers of Maine Congressman Elisha Hunt Allen are in the Hawaii Public Archives. A letter book kept during the Revolutionary War by Elias Boudinot, later a Congressman from New Jersey, is in the State Historical Society of Wisconsin. While some collections are completely housed in a single repository, many are divided among several libraries and archives. The papers of Henry Clay are located in at least eighteen repositories from Massachusetts to California.

Although research on the House of Representatives will continue to require visits to numerous archives, the survey reports convincingly establish the value of searching out the varied papers of former Members. The many diaries and private letters in these collections contain the most descriptive and personal accounts of congressional business. A memoir of William Armistead Burwell of Virginia describes his service as President Jefferson's secretary and his early years in Congress. Abijah Bigelow's letters to his wife in Massachusetts, written between 1810 and 1815, describe congressional debates, reaction to the War of 1812, and daily life in Washington. The correspondence of James Hepburn Campbell of Pennsylvania chronicles the events in Washington during the early months of the Civil War.

By drawing on the materials catalogued in the *Guide* and the new entries in the *Bicentennial edition of the Biographical Directory of the United States Congress,* researchers will be able to tap the whole spectrum of sources available for individual Members. The ability to locate the extant sources on any number of Representatives from former Congresses will encourage historians to draw a more comprehensive picture of the distinct role of the House of Representatives. The publication of this *Guide* will make an important contribution to the Bicentennial of the House of Representatives and it will be of lasting value long after the Bicentennial is over.

AFGHANISTAN: THE CRIMES CONTINUE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. COURTER. Mr. Speaker, sometimes we seem to have fallen silent on the struggle in Afghanistan. But the war in that country involves nothing less than the extermination of whole portions of the population, and such crimes deserve something well beyond silence.

One of the leaders on this issue has been the Honorable GORDON HUMPHREY of New Hampshire, and the April edition of American Legion magazine carries another of his essays on the continuing tragedy. I want to recommend it to my colleagues in the House, and so I ask that it be placed in the RECORD of today.

[From American Legion Magazine, April 1986]

AFGHANISTAN: CRIES IN THE WILDERNESS

(By Senator Gordon J. Humphrey)

Six years ago, Soviet tanks rolled into Afghanistan and began a campaign of genocide that has killed some one million Afghan men, women and children. Approximately four million have fled from their country, mainly to Pakistan. Millions more have been driven from their homes, forced into internal exile, leaving one third of the original population of 15 million.

The numbers are staggering to comprehend, but the war still goes largely unnoticed by the rest of the world. It is a closed and silent war—the Kremlin has succeeded in hiding it from civilized people everywhere.

Moscow has a long-range view of the war—to outlast the freedom fighters. The Kremlin has referred to its colonization campaigns of the 1920s and 30s in what is now Soviet Central Asia as a model for the current strategy in Afghanistan. This is the calculating, steamrolling nature of the communist machine. It's hard for Americans to understand that kind of strategy. Because we misunderstand the nature of the war, and because the facts are not out in plain view, we fall prey to characterizations of the war as a "stalemate" where not much is happening. We are led to believe that the Soviets are losing their resolve and that the freedom fighters don't need our help. Gorbachev leads us, like the Pied Piper, with his pretty songs of "peace offensive" and "troop withdrawal."

What was once a pastoral nation of proud farmers and villagers has been transformed into a bloody battlefield where some 118,000 Soviet troops commit unspeakable torture and murder.

"A whole nation is dying," said Mohammed Eshaq, a resistance leader from Afghanistan's Panjsher Valley. He and scores of other refugees, resistance fighters and victims were interviewed extensively and quoted in two human rights reports by Helsinki Watch and Asia Watch: "Tears, Blood, and Cries" and "To Die in Afghanistan." Eshaq described in one report the fate of two elderly brothers in his village during a communist incursion: "The Russians came, tied dynamite to their backs and blew them up." The Soviets tie up men, women and children, pour gasoline on them and burn them alive. Refugees have testified that the communist soldiers systematically enter households and execute all the inhabitants, including women and children. Pregnant women are disemboweled with bayonets. Entire families and villages are herded into their homes, which are then blown up and burned. Parents are executed before their children's eyes.

Thousands of Afghan children are separated from their families by deceit or force, then shipped to Russia for Marxist indoctrination and training. They learn to fight and to spy for the Soviets. Many of the children who are not plucked from their war-torn homeland are killed and maimed by bombs, disguised to look like toys, which explode when curious children pick them up. The Soviets have destroyed food supplies and irrigation canals, burned orchards and wheat fields, and massacred livestock. They have bombed hospitals and executed or imprisoned the doctors.

The United States has dragged its feet on providing aid to the Afghans. Congress has secured some U.S. support for the freedom fighters, but the State Department has thwarted increases in aid. When aid was finally authorized for 1985, the State Department took seven months to allocate a paltry $6 million to relief agencies. Congress recently appropriated an additional $15 million for humanitarian aid despite more reluctance from the State Department. Without the congressional initiative, there would have been no new money at all.

Many of the volunteer medical and charitable organizations aiding wounded Afghan freedom fighters and refugees say the funds promised by State Department officials are not arriving on a timely basis.

The Afghan freedom fighters need military and humanitarian aid more desperately than ever, but Congress cannot provide that assistance by itself. The administration must live up to its rhetoric and its promises.

The current administration has said that free people have a moral obligation to support those willing to fight for their liberty. The brave freedom fighters of Afghanistan have been fighting—and dying—for six years. It is hard to imagine a more compelling cause for our support.

BEARING THE BURDEN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. BEREUTER. Mr. Speaker, the American bombing raid on Libya has been the focus of enormous public attention in the United States. But in contrast to many other major foreign policy issues of the day, it has not been controversial. There are those, to be sure, who opposed the raid on various grounds, but a substantial majority of Americans feel that President Reagan had no choice but to respond as he did. A recent editorial in the Norfolk Daily News makes the point that we dealt with Qadhafi "in the only way possible." I commend the editorial to my colleagues.

[From the Norfolk Daily News, Apr. 16, 1986]

BEARING THE BURDEN

It would be preferable for the American government to combat terrorists covertly, James Bond style. Obtaining specific information about who they are, where they are and then having clandestine agents on the scene to rout them out would be the ideal way to handle Moammar Khadafy's terrorists, or any others.

That happens only in the movies. In the real world today there are no activities of the Central Intelligence Agency which do not risk disclosure. A department of dirty tricks which might once have been engaged to deal with a Khadafy more on his own terms has been disbanded. Information sharing with committees of Congress which are held to have special interests in the plans and performance of intelligence agencies proves a special risk. Confidentiality is difficult to maintain. Policy critics seem quick to reveal more than they should, in the interests of another worthy objective, which is openness in the conduct of all the nation's affairs.

When it comes to terrorism of the sort sponsored by Col. Moammar Khadafy's government in Libya, that leaves no other recourse than a military strike.

President Reagan has used American force wisely, in a timely way, with more than sufficient warning to Col. Khadafy and with adequate consultation with members of Congress as well.

In this positive action taken Monday we are reminded of the words uttered long ago, by President Kennedy in his 1961 inaugural:

"Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this country, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world."

It had become clear in the subsequent two decades that there was much hesitancy, despite extreme provocation, to resort to force or even to recognize terrorism's undoing of human rights. Global involvement has been regarded as much too costly.

The additional thoughts, so well put by the young president, had almost been mocked: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

Perhaps surprisingly, there is in the person of Ronald Reagan a member of an old generation willing, as more timid and hopeful souls are not, to recognize that the survival and success of liberty are not without risk and sacrifice.

The nation has acted to deal with Col. Khadafy in the only way possible. Until he changes or is replaced by those who reject the philosophy of pursuing their objectives through terrorism, more such actions will be required.

OPENING FOREIGN MARKETS BY UNDERSTANDING THEM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. CRANE. Mr. Speaker, the U.S. trade deficit is the subject of growing concern in Congress and the Nation. As concern grows, it is important that solutions be found that are within the parameters of the free trade environment.

Experiments in protectionism have proven costly and ineffective over the years. Protectionism invites retaliation by our trading partners and risks economic disaster. We cannot afford to forget the lessons taught by the disastrous Smoot-Hawley Act which led to the Great Depression.

The only things industries are protected from by protectionist measures are the realities of the marketplace. This encourages companies to put off needed modernizations and product improvements, further delaying the day when American products will compete more favorably in world markets once again.

Perhaps part of the trade imbalance problem is, as Tom Peters recently wrote in U.S. News & World Report, that American industry does not always succeed in adjusting to the needs of foreign markets. Protectionist measures would misdirect the energy of both American industry and the Congress. Let us instead direct our energy to solving the fundamental problems of our trade imbalance. In Congress, this means developing sound fiscal policies to reduce the budget deficit. In industry, it means, in part, tailoring American productions more closely to the needs of foreign markets.

As consumers, Americans expect other countries to tailor their goods and services to suit the American market. Foreign markets have the right to expect no less from us. Indeed, we cannot reasonably expect foreign consumers to buy our products if they do not

meet their needs. To be competitive abroad, we need to apply the same standard of market sensitivity to ourselves that we demand of our foreign suppliers here.

I have included the article by Mr. Peters that appeared in the March 3, 1986, issue of U.S. News & World Report. I would urge my colleagues and many sectors of American industry to give it serious thought:

CLOSED MINDS CAN'T OPEN MARKETS

The U.S. achieved its export dominance in the aftermath of World War II, when no competition from abroad existed. For two decades after the war, our strategy was to peddle products past their prime overseas, with little attempt to tailor these goods to foreign tastes.

Things have changed. Not only have foreign economies rebounded, but they have become stiff competitors overseas as well as in the U.S. It is increasingly difficult for us to gain access to new markets or even to hold our own in old ones. The truth is, our previous successes abroad were won because there were no alternatives, not because we had honed our international management skills.

For instance, Detroit managed to sell only 1,300 cars to Japan last year. But BMW, the favorite car of Japan's "yuppies," sold 6,000 autos, an increase of 50 percent from the year before. How does BMW succeed where we fail? The reason is that we refuse to adjust to the Japanese convention of putting steering wheels on the right. By not doing so, we're caught in a vicious circle. We assume the Japanese don't cotton to American cars, so we don't extend ourselves to meet their needs. It is tempting to blame our difficulties on unfair subsidies by foreign governments to their domestic industries. But the truth is we are shooting ourselves in the foot.

A recent UNESCO study ranks American people next to last on sensitivity to other cultures. Sixty-one percent of our business schools do not offer any international courses. The number of students who studied Japanese only grew from 9,500 to 11,500 during the decade from 1973 to 1983 when the Japanese challenge mushroomed. Just one of the 415 board members from the top 25 U.S. export companies is Japanese—at Hewlett-Packard.

If you still wonder why we are at such a disadvantage, consider that fewer than one third of *Fortune* 500 chief executives had any foreign tour of duty during their careers. Yet Sony Chairman Akio Morita lived in New York for two years before his company launched its products here, sniffing out the market. Today, five of his children are working in Sony operations in the United States. Mitsubishi has 700 people in New York devoted solely to studying U.S. markets. Thirty thousand Japanese nationals are on the payrolls of Japanese companies in the United States. Japanese citizens in Manhattan alone number 96,000. By contrast, a paltry 800 American citizens work in all of Japan.

Will a surcharge on Japanese goods overcome this barrier? No, only one thing will: Listening. Just look at some savvy U.S. companies that have benefited by tuning in instinctively.

Coca-Cola spent a dozen unprofitable years before it gained a foothold in Japan. All its products but Coca-Cola were changed to accommodate a Japanese preference for a sweeter taste. It now has captured 60 percent of the soft-drink market. Schick commands a 70 percent share of the Japanese disposal-razor market. It beat Gillette because it mastered the ins and outs of Japan's wholly different distribution system, and patiently built relationships with Japanese distributors, while Gillette was insensitive to this problem.

In the early '80s, it took telecommunication-equipment manufacturer Rolm 20 visits to gain the company's first small order from the Japanese, but Rolm stuck with it. An even better example is IBM, which recently purchased Rolm. Big Blue's computers are fine enough, as always, but Japanese industry experts attribute IBM's $3.1 billion in sales to Japan last year to its longtime devotion to offshore product development. IBM simply is willing to listen to the customers and adapt products to their needs. The firm never quits pressing. Last year it moved its entire Pacific region headquarters from Armonk, N.Y., to Tokyo.

Borg-Warner is delighted to provide transmissions for Nissan's 280Z and 300ZX. Nissan insists that every part be polished to a high finish, even parts completely hidden from the customers' view. Borg-Warner did it and got the business.

There is no other magic. Executives who are successful in Japan report the same set of factors for their success time after time. "Form is as important as substance." "Relationships are key." "Extended contact." "Patience." "Sell yourself before you sell the product." "Americans fail to focus on the intangibles." "Continuity of management." "Delicate and continuous stroking." "No hit and run." "Direct and regular senior-person contact." "Contact at multiple levels."

A senior marketing executive at Seattle-based John Fluke Manufacturing Company says that its success turned on providing "all the features the Japanese want, and sales persons fluent in the Japanese language and trained in the benefits of the product." He adds: "These sound like simple things. But you'd be surprised how infrequently American companies pay attention to those things in foreign markets."

Our closed minds and centuries-old isolationist bent, not the policies of host-country governments, lead to most of our failures abroad. And not just in Japan.

Pizza Hut has learned exactly what customers want overseas. Mexicans demand jalapeño toppings; Canadians prefer bacon; and Koreans insist on low salt. Japan? Pizza Hut sells millions of pizzas there—mostly with generous portions of squid.

HOUSE PASSAGE OF H.R. 44, ELECTRIC CONSUMERS PROTECTION ACT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. DANNEMEYER. Mr. Speaker, I support H.R. 44, the Electric Consumers Protection Act, as amended by the Committee on Energy and Commerce on which I serve, and passed by the House on Monday of this week, April 21.

The standards and procedures which apply to the relicensing of non-Federal hydroelectric projects are of considerable importance to the State of California in general and to the district I represent in particular. California has abundant hydropower resources which provide consumers with a low-cost source of electricity. All utilities in the State, publicly and privately owned alike, understandably seek to obtain the benefits of this resource for their respective consumers. This is particularly true in my district, which is served in part by an investor-owned utility and in part by a municipal utility. The municipal utility is in the city of Anaheim, the largest city in my district, and serves 93,000 ratepayers, most of whom are my constituents. By the same token, the rest of the district receives power from the private utility. I have sought to do my best to help come up with a balanced proposal that lets all utilities compete on fair terms for this resource. H.R. 44 as amended by the committee and passed by the House represents such an approach.

The particular issue which prompted congressional legislation in the first place is whether or not a preference for a municipal utility applies to the relicensing of hydro projects just as it does when an original license is issued. The Federal Energy Regulatory Commission confirmed in 1980 that such a municipal preference does apply to relicensing. The 11th U.S. Court of Appeals upheld this result and the U.S. Supreme Court denied certiorari. A panel of the U.S. Court of Appeals for the District of Columbia Circuit reached the same conclusion late last year. The latter case is being heard on appeal by the entire D.C. circuit court at the present time.

Current law, then, as interpreted by the courts to date, is that a municipal preference applies to relicensing under the Federal Power Act. I have long believed that this question is best answered by Congress. The issue, therefore, is no longer whether the preference will be changed. The real question now is whether it will be changed in such a way as to preserve effective competition or not. The importance of H.R. 44 is that while it eliminates the municipal preference, it does not go beyond that and swing the pendulum to the side of giving a preference to the existing licensee, whether public or private. Rather, there is no statutory preference for any party under this legislation. The existing licensee already has the benefit of operational knowledge from running the facility and the challenging applicant can seek to win the license by coming up with a better plan. In short, with the mask of preference for any applicant removed, all of them may compete on a stand-up basis to convince FERC that their application is the best adapted to the public interest.

While the law should be changed, fairness and equity demand that we not make changes in the law retroactively apply to cases pending at FERC which were commenced under existing law and held up at FERC while the debate over municipal preference has taken place. Most of the 10 affected projects are in my State of California. In two of the projects, the municipal utility in my district joined with others in California to form a consortium to compete for projects now operated by the private utility that serves the northern part of our State. This consortium has spent at least $3.5 million in legal fees, engineering analyses, and environmental reports to pursue the applications. However, the change in the law con-

tained in H.R. 44 does much more than affect these costs for it also takes away from them the opportunity to obtain power under the terms of existing law.

Given the importance of this issue to my district, I was pleased to be able to have worked with my colleagues in the delegation who are similarly situated, led by the gentleman from California [Mr. MATSUI]. Together with our colleagues on the committee, and others from our delegation, we came up with section 10 in H.R. 44. This provision will force the competing parties to negotiate a settlement, or FERC will impose one, if the new law is to apply to these projects. The compensation must include both the reasonable costs incurred by the competing applicant and a reasonable percentage of the net investment value of the project in question. The bill contains factors that FERC shall take into consideration in determining the appropriate compensation and may award such amount that it finds to be reasonable based upon how the factors relate to any given project. It is imperative that any bill which comes out of conference contains satisfactory compensation for these projects, as the House bill provides.

In addition to the above, the legislation also provides more flexibility for FERC to award adequate compensation when a project does change hands, strengthens the environmental criteria with particular emphasis on the impact of hydro projects on fish and wildlife, and makes certain that if a project is transferreed the transferee can obtain access, on reasonable terms, to needed transmission facilities.

In conclusion, Mr. Speaker, while this legislation resolves the questions about municipal preference, there are other items on the agenda of electric issues that merit our further consideration. We have witnessed the consumer benefits, in the form of lower rates, which flow to ratepayers of natural gas utilities by virtue of more access to natural gas pipeline transmission facilities. This is a lesson we should keep in mind for regulating the transmission of electricity as well.

INTERNAL REVENUE SERVICE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 23, 1986, into the CONGRESSIONAL RECORD:

INTERNAL REVENUE SERVICE

The Internal Revenue Service (IRS) is the federal agency everyone loves to hate. Every member of Congress hears a litany of complaints about the IRS—especially at this time of year. Taxpayers have trouble getting tax advice from the IRS, and many feel harassed by it. They complain they are treated as if they are guilty until they prove their innocence. Tax counselors complain that the IRS is far behind in writing regulations to clarify the law. Errors plague the system, and phone calls and letters to the IRS go unanswered.

Once regarded as a paragon of efficiency among federal agenices, the IRS is quickly losing the respect that has kept taxpayers in line. A shortage of funds, manpower, and political support has taken its toll at the agency, and increasing numbers of Americans believe that they risk little by cheating on their taxes. All of us have an interest in an IRS able to administer effectively the nation's tax laws and to collect its revenues. When one American cheats on his taxes, the rest of us have to pay more.

The most immediate concern facing the IRS is avoiding a repeat of the 1985 debacle when, at the height of tax season, its new computer system broke down. Thousands of taxpayers were dunned for taxes they did not owe, millions of refunds were delayed for months, and understaffed IRS telephone lines went unanswered while inquirers fumed. But the mishap cost the IRS more than frazzled nerves. Ultimately, an additional $69 million was spent by the agency to cover interest on delayed returns, employee overtime pay, and productivity losses.

The most costly result has been the damage done to IRS credibility. Traditionally, the agency has relied largely on voluntary compliance in revenue gathering, but cheating is now on the rise as growing numbers of taxpayers are tempted to test the IRS's scrutiny. Contrary to popular belief, illegal activities and large corporations account for only a small portion of tax cheating, just 10% and 7% respectively. Ordinary citizens are responsible for the vast majority—over 80%—of the tax cheating that goes on in the U.S.

The rapid decline in tax compliance is particularly alarming in light of the federal budget deficit crisis. Compared to a deficit of $180 billion this year, tax cheating cost the Treasury an estimated $107 billion in 1985, up from $23 billion in 1973. By 1990, it could reach $160 billion. In the frantic attempt to reduce the deficit without raising new taxes, many members of Congress are realizing that improved tax compliance could bring large sums into federal coffers with no pain to the honest taxpayer.

Reducing the "tax gap" will not be easy, as the agency has suffered years of neglect. In the early 1970s, after the IRS was used to harass political enemies of the administration, its funding was curbed. The request for the new IRS computer system originated in 1970, but funding was delayed until 1982, and the new system came on line only last year. Chronic funding shortages have also made it difficult to hire and retain qualified personnel. In any given tax season, only 40% of the seasonal employees—those primarily handling returns—have had previous experience at IRS. Audit staff has dwindled, and the proportion of returns audited has fallen steadily, from 5% in the 1960s, to 1.2% last year.

If tax compliance is to improve, the IRS must reestablish its reputation as an efficient and credible federal agency. Toward this end, the agency has taken steps to prevent a repeat of last year's confusion. Software bugs have been removed, enabling IRS computers to work 68% faster than last year, and overall computer capacity has been increased by 40% over 1985. The President has proposed adding 7500 auditors by 1988, which could have a large payoff in revenues. A Congressional Budget Office study concluded that every additional $1 spent on compliance enforcement could generate as much as $16 in unpaid revenues. In addition, the House-passed tax reform bill, now pending in the Senate, includes measures to boost penalties for tax evasion. That could generate an additional $8.3 billion by 1991, and, like expanded audit coverage, creates added incentives for compliance by taxpayers.

Far more will have to be done, however, to assure the smooth operation of the IRS on into the next century. It has been understaffed, underfunded, undertrained, and underequipped. The IRS is planning to expand its conputerized auditing systems, which nabbed 6 million faulty returns last year. It is also experimenting with computerized tax filing services, which, for a small fee, will feed tax returns directly into IRS computers, eliminating the need for cumbersome paper returns. But such modernization programs will go nowhere without adequate political and fiscal support. The Administration, realizing that previous attempts to limit funds for the IRS have cost the government billions in lost revenue, requested $340 million in additional funding for the agency for 1986. In my view, adequate funding for the IRS must continue despite current attempts to reduce federal spending and the deficit. Members of Congress must remember that the IRS can increase revenues just by being able to enforce the law.

On a more fundamental level, the problem of tax evasion lies less with the IRS than with the tax code itself. As long as the tax code is so complex that even two IRS tax counselors can interpret it differently, as long as taxpayers with the same income pay widely different taxes, as long as wealthy individuals and successful corporations can avoid taxes altogether, and as long as special interests appear to receive tax breaks at the expense of all others, compliance with the tax code will continue to decline. Overhauling the IRS will not solve the problem if most taxpayers believe the tax code is fundamentally unfair. That is why the thrust of tax reform—to reduce tax rates, plug tax loopholes, and ensure that all taxpayers are paying their fair share of taxes—is so important. Reforming the IRS is necessary for improving taxpayer compliance, but so is reforming the tax code.

ARMENIAN GENOCIDE

SPEECH OF

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. LEVINE of California. Mr. Speaker, I want to commend my colleagues for reserving this time to enable us to participate in this special order commemorating the 71st anniversary of the beginning of the genocide of the Armenian people.

The Armenian genocide began with the roundup by the Ottoman Turkish Government of Armenian community intellectuals in Istanbul, who were then executed in cold blood. Before it was over, 1½ million Armenians were brutally slaughtered in a rampage that lasted for 2 years.

Although this slaughter was unprecedented in modern times, it went largely ignored by the world. Yes, there were reports of the heinous deeds being committed, but, as it seems with other systematic, mass murders, little if anything was done to stop it from happening. But it did happen, and we must not forget that it did.

The survivors of the Armenian genocide to this day suffer not only the traumatic scars of seeing their families and loved ones cruelly tortured and murdered, but they and their children suffer the indignity of having every Turkish Government deny the atrocities committed in 1915.

We have heard the word genocide spoken often in this Chamber, and its meaning never ceases to conjur up visions of heinous and horrific deeds. The memory of the Armenian genocide and its historical importance must be kept alive, and we must reject any attempts to bury it in the sands of history. As with all genocides, we must remember that they happened so that they will not happen again.

COMMEMORATIVE LEGISLATION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. LIVINGSTON. Mr. Speaker, in the past week, my staff has spent several hours organizing, answering, and generally handling more than a dozen "dear colleagues" concerning commemorative legislation. These requests for cosponsorship pour into my office each morning, calling for me to add my name to everything from "National Food Bank Week" to "National Digestive Disease Awareness Week." Now, while I understand the role that this type of legislation can play in alerting our citizens to important events and problems in our society, I feel that Congress is not the best institution to handle the situation. Therefore, I would like to express my support for H.R. 479. This bill, introduced by my colleague, WILLIAM WHITEHURST, would turn this responsibility over to a commission that would inexpensively make recommendations to the President who would make the final decisions on these matters; taking this expensive practice out of the hands of already overworked congressional staffs. You hear a lot of talk these days about cutting the budget and restricting spending. I feel that this type of pork-barrel legislation should have been the first to be cut. Mr. WHITEHURST has repeatedly stressed that passing this legislation would save in the area of $1 million per year. Although passing this legislation will not solve our financial problems, it will be a good start and will send a message to those we represent that we can recognize frivolous and wasteful spending and do something about it.

WEST PARK TERRACE: RETIREMENT AS IT SHOULD BE

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. LUKEN. Mr. Speaker, on May 4, West Park Community, a retirement community in Cincinnati, will open an apartment complex that is so innovative and exciting, I would like to share with my colleagues this new concept of retirement living.

Called West Park Terrace, these apartments are really a carefully planned village that provide every need and recreation for the senior citizen who can live independently. West Park Terrace will offer a full service bank, a dining room with a chef, a general store, a cocktail lounge, a health spa, a beauty shop, and an arts and crafts center. In addition, residents have access to a health clinic, with doctors who do make house calls. West Park also built special apartments in West Park Terrace that are specially accessible for handicapped seniors.

West Park does not just provide retirees with a place to live, it provides them a way of life that is active and enjoyable. Too often, Mr. Speaker, our society takes for granted our elder Americans, who deserve a pleasant and diginified retirement. The concept behind West Park Terrace rejects the myth that senior citizens are too old to enjoy exercise, learn new skills, or continue the pursuit of a busy social life. And, the community is attentive to the special needs of seniors, by offering medical care and other services in close proximity. At West Park Terrace, seniors do not have to fear walking or living alone, because its village setup provides security as well.

I am impressed by this new style of retirement living because I think it gives everything our seniors have always asked for from retirement: Independence, dignity, immediate medical attention if necessary, safety, and continued enjoyment of activities they have pursued all their adult lives.

American retirees do not want to lean on the government, they want a comfortable and secure retirement, with self-sufficiency and respect for their maturity. I commend West Park for creating a retirement lifestyle that fulfills these well-deserved requests.

PLIGHT OF SOVIET JEWRY

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. McCAIN. Mr. Speaker, I am indeed pleased to once again join the Congressional Call to Conscience Vigil for Soviet Jews. This year has already been marked by the release of Anatoly Shcharansky, formerly one of the best known Jewish prisoners of conscience in the Soviet Union. As a member of the Congressional coalition for Soviet Jews, as well as the Congressional Human Rights Caucus, I believe it is vital that we reaffirm our dedication to the cause for which Shcharansky served so many years in prison.

Although the release of Anatoly Shcharansky may appear promising, the Soviet leadership has given no indication that it will permit Jewish emigration to occur on a significant scale. In many ways, Shcharansky's case was typical of the Soviet Jewish experience. Once a highly respected computer scientist, his application to emigrate and his involvement in Jewish cultural activities soon cost him his job and eventually landed him in prison, where he spent the last 7 years.

Shcharansky's liberation was touted by the Soviets as a trade, an exchange for convicted spies, and this too is typical of the official Soviet attitude toward its Jewish citizens. The Soviet press is openly anti-Semitic. One popular pulication recently claimed that "Zionists are trying to infiltrate all spheres of public life." Last year, a so-called documentary was broadcast in Leningard detailed the Jewish conspiracies against the Government. Hebrew teachers are frequently arrested on trumped-up drug charges, and any cultural activist is commonly subject to a series of arrests, searches, and threats.

There are approximately 2.5 million Jews living in the Soviet Union today, the third largest Jewish population in the world, following the United States and Israel. Most of these people live in the urban areas, and, when permitted, have been among the most educated and industrious of Soviet citizens. Yet this exemplary group has increasingly become the object of a cold-blooded campaign of cultural and religious persecution.

Prevented from teaching or learning Jewish history and traditions, they are, in addition, denied the opportunity to emigrate. There are over 350,000 Soviet Jews who are waiting to leave. Some have been waiting for over 10 years, and many have, like Anatoly Shcharansky, spent that time in prison.

My own adopted refusenik, Feliks Kochubievsky, was also a prisoner of conscience. Released last spring, he has been waiting with his wife since 1978 to rejoin their sons in Israel. Mr. Kochubievsky's request for a visa resulted in the loss of his job as a highly respected senior electrical engineer, and ultimately in his arrest as a subversive. This criminal was a former recipient of the Soviet Order of Merit for Patriotic Work.

His request for a visa was refused for the same reason Shcharansky was originally denied—regime considerations. According to the Soviet officials, the presence of these individuals abroad would be damaging to national security. By far the most popular and convenient excuse used by the Government, its merit lies in the fact that it can be applied to those who have served in the military. Military service is, of course, compulsory in the U.S.S.R.

Anatoly Shcharansky's eventual liberation can be directly attributed to continued pressure from the West, and to the unfailing efforts of his wife, Avital. Feliks Kochubievsky and his wife, Valentina, have not been so fortunate. They are both still waiting. We owe it to the thousands of other refuseniks, as well as those who have served or are serving time as prisoners of conscience, to renew the pressure on the Soviet Government.

Mr. Gorbachev's recent and alarming statement that "the so-called problem of Jews in the Soviet Union does not exist" should be a warning. While permitting Helena Bonner to visit the West for medical treatment, and releasing Anatoly Shcharansky would seem to be proof of their growing understanding of good public relations, the contrast between the over 50,000 Soviet Jews who were permitted to leave in 1979, and the paltry 1,140 who left in 1985 is stunning, and, I think, speaks for itself.

Progress cannot be measured by Soviet rhetoric or by grand gestures, but only by counting the number of Jews actually allowed

to leave. The Soviet Government would like to use Shcharansky's release as a diversion. The truth is that emigration is down, with only 53 Jews allowed to leave in March. That is the lowest figure since last summer.

Soviet Jews need a long-term, regularized emigration policy. General Secretary Gorbachev is planning a visit to the United States, and the Soviets have expressed an interest in expanding trade with American businesses. We must make it clear that improved relations are inextricably tied to the Soviet human rights record, and I am proud to have the opportunity to make my appeal for Soviet Jews through the Congressional Call to Conscience.

A TRIBUTE TO COL. LEE H. TUCKER

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. MICA. Mr. Speaker, I would like to take a moment to speak about a veteran living in my district. His name is Col. Lee H. Tucker and he dutifully served this country's Army for over 32 years.

Colonel Tucker was appointed executive director of the Soldier's Savings Program during the Second World War. He was selected for the enthusiasm, initiative, and determination he had displayed in his duties. Under his leadership, the program reached an all-time high of 94.9 percent participation among civilian personnel of the military establishment.

I would like to quote from a September 1945 recommendation that Colonel Tucker be awarded the Legion of Honor. It states:

Colonel Tucker, in making his outstanding contribution to this most important phase of the War, displayed a willingness to venture into uncharted fields, unusual leadership in developing teamwork among all commands, initiative, foresight, keen intellect, organizational ability, tremendous enthusiasm, and outstanding devotion to duty.

As Colonel Tucker approaches his 91st birthday on May 30, I would ask that every Member of this body join together in recognition of the outstanding achievements of this veteran.

Although he has never been formally recognized by the U.S. Army for these services, let this proclamation stand as an official recognition in honor of Col. Lee H. Tucker, for the superior performance of his duties as executive director of the Soldier's Savings Program.

HONOR THE VICTIMS OF GENOCIDE WITH PEACE

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1986

Mr. OWENS. Mr. Speaker, in 1985 we marked the 70th anniversary of the Armenian geoncide. A relatively small national group who happened to be caught in the middle of World War I were quietly killed or marched off to uninhabitable areas where starvation and disease proved a cheap substitute for bullets.

Since World War I, genocides have occurred with devastating regularity. World War II saw a number of genocidal attacks on whole peoples. The Jews and Gypsies of Europe, Balkan peoples, and others who were viewed as racially inferior or simply in the way of the war. Resistance to occupation was dealt with by mass murders of men, women, and children.

Since World War II, there have been further genocides for different reasons in different places. The Cambodian genocide directed against those who were in even the most remote way connected with the past, stands as a recent example of this particular horror. It seems that we have learned how to destroy, but the road to peaceful resolution of disputes and the recognition of all people's right to exist has not yet opened.

As we remember the Armenian genocide we are forced to look at similar episodes and consider just how we might avoid such horrors in the future. To begin with, we might consider developing international agreements on the conduct of modern war. Although everyone can agree that aerial bombardments are likely to cause civilian casualties, the world community has not come up with an agreement to cease this particular horror. One way in which we might honor those who died in genocides might be to begin work on controlling this modern form of genocide. We might also look to all of the destructive capability of modern warfare and commit ourselves to avoiding war and the use of the destructive weapons that are available.

The hatred and ignorance which are necessary conditions for a genocide to occur have grown far too costly in human lives and suffering to be borne any longer. Rational self interest dictates that we abandon the seduction of the easy solution and start to apply our knowledge and our will toward creating a more peaceful world for ourselves and all of our fellow human beings. Victims of a genocide can never be avenged. They can only be honored by our commitment to preventing such horrors in the future.

PERSONAL EXPLANATION, VOTE ON HOUSE RESOLUTION 432

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. DENNY SMITH. Mr. Speaker, yesterday I was unavoidably detained on official business, and therefore missed rollcall vote No. 97, on the question of whether the House should consider House Resolution 432. This resolution would effectively reinstate the previous limits on Members' earned outside income. This limit on outside income had been raised on Tuesday, April 22, as a result of a unanimous-consent request.

Had I been present, I would have voted "yes" on the question of immediate consideration of House Resolution 432.

TEST BAN FOLLY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. SOLOMON. Mr. Speaker, sometime in the near future we will consider the urgent supplemental appropriation for fiscal year 1986.

It is possible that an amendment by Congresswoman SCHROEDER to cut off all funds for U.S. nuclear testing may be made in order. I strongly oppose this amendment and intend to speak against it if we take up this question.

Because of this, I would like to bring to the attention of my colleagues two editorials which recently appeared in the New York Times and the Washington Post. Both raise serious questions about the advisability of a nuclear testing moratorium at the present time.

I would urge all of my colleagues to read both of these editorials and join me in opposing the Schroeder amendment:

[From the Washington Post, Apr. 7, 1986]

THE TEST BAN TALK

What about a nuclear test ban? The treaty of 1963 banned explosions in the atmosphere, in space and undewater, repeated efforts to extend the treaty to underground tests have failed. Different administrations, including Jimmy Carter's have determined that it was more urgent to level off or reduce existing weapons than to fashion a ban on testing that would head off new weapons. They have felt that some new weapons should be tested—at least weapons, such as Midgetman, that serve the purpose of taking existing arsenals off a hair trigger. Verification has always been in contention. So has reliability testing: in a nuclear world, testing helps provide assurance that stockpiled weapons are accident-proof and that they work.

Nonetheless the test ban issue is back. It was nowhere near center stage at the Reagan-Gorbachev summit. There President Reagan was insistent on wanting to develop, and therefore test, some new weapons, including the model of his Strategic Defense Initiative, with a nuclear trigger. But the Soviet Union has been pushing it all the same.

On the American side, a ban plays to 1) people's desire to do something about a seemingly endless process of arms-building, and 2) fears that arms are controlling governments instead of the other way around. Many people understand that a test ban would leave both powers with large arsenals, arsenals more dangerous than they need be. Especially when other arms control progress looks dim, however, a market expands for an arms-control step that is, as Mikhail Gorbachev says, the "simplest" around.

Actually, on the Soviet side, other considerations appear to govern. Arguing for a ban, Mr. Gorbachev has stated that doubts that might grow about the reliability of one's nuclear arms, if they were not tested, could slow down a reach for the trigger in a crisis. This seems silly; no less implausible, considering its source, is the lament that further underground tests will "deface our beautiful planet."

His more serious calculation may be that the Soviets have more to lose than gain from a foot-to-the-floor technological and economic competition with the United States. If this is so, however, the Soviets can ease their burden by arms reductions. Moscow may also hope a ban will shut down SDI. Again, if this is so, Moscow can come in the front door in Geneva where space arms are already on the table; a test ban is the back door. Moscow may also calculate that a closed society can shave compliance or resume testing more easily than an open society. If this is so, it is no comfort to Americans.

Two weekends ago, Mr. Gorbachev offered Mr. Reagan what he said was a last chance to join the seven-month Soviet unilateral testing moratorium. He proposed an early one-issue summit in Europe to start negotiating a full treaty ban. The administration at once complained about being pressed in public. For rejecting the offer, it will pay a certain price in international and domestic opinion. But a bad weekend in the propaganda wars is not going to turn Mr. Reagan around. Congress, in the unlikely event that a majority was so disposed, could seek to enforce a moratorium by denying test funds, but it cannot compel him to negotiate a ban.

We do not say any of this cheerfully. Mr. Reagan had reason to say no to Mr. Gorbachev on a test ban, even though in saying no he is turning down the one arms control agreement within visible reach. He is saying, too—otherwise, he could not be taken seriously—that he can do better. Let him do so.

[From the New York Times, Mar. 31, 1986]

THE TEST BAN SHIBBOLETH

Mikhail Gorbachev sings a seductive tune in demanding a complete halt to further testing of nuclear weapons. The campaign is going so well that he has twice extended a self-imposed moratorium on Soviet nuclear testing, piously declared last July to mark the 40th anniversary of the American bombing of Hiroshima.

In the battle for public opinion, Mr. Gorbachev seems to be advancing easily. Last week 63 Members of the House and Senate wrote the White House urging Mr. Reagan to call off an American nuclear test. Other Members want to withhold money for American tests so long as the Soviet moratorium continues. With its peremptory refusal even to consider a complete test ban, the Administration plays into Mr. Gorbachev's hands.

The President's two principal arguments are that nuclear explosions are necessary to maintain the reliability of the nuclear stockpile and that a ban would be unenforceable because Soviet cheating could not be detected. He is widely disputed by scientists outside the Government.

Proponents of a test ban argue cogently that it is one way to cool the nuclear arms race and to encourage nonnuclear powers to remain so. They contend that a test ban would lock in the present American advantage in the design of nuclear warheads. The demand for a test ban has thus become the touchstone of sincere peace seekers.

But Mr. Gorbachev's persistence and Mr. Reagan's resistance probably have little to do with sincerity about arms control. A test ban now, without other agreements, would appear to do a great deal more for the Soviet Union than it has yet admitted: it would kill development of the nuclear-powered X-ray laser, a device that some see as the most promising technical component of President Reagan's antimissile defense initiative.

However misconceived that "Star Wars" program, the Administration is not obliged to kill it for free. It should be bargained away in orderly fashion, for sizable reductions in nuclear stockpiles.

"Star Wars" aside, why should a test ban be a prepayment for a major arms control agreement? The Administration is pursuing arms talks with the Soviet Union across a wide front; to hang toughest on the items the Russians want most is not a bad tactic provided the negotiations are sincerely pursued. And if the Administration were not sincere, there is no way to make it so except at the ballot box.

Instead of urging the Administration to throw in its hand on the test-ban issue, Congress would do better to elucidate the underlying facts. Would a test ban really halt the arms race? It would freeze technical change in warhead design, but not all changes have been bad. A freeze 20 years ago would have prevented development of lower yield warheads and of permissive action links, the safety devices that prevent unauthorized use of nuclear weapons. What can one predict for a freeze now?

The Livermore and Los Alamos laboratories that design nuclear weapons have a vigorous interest in opposing a test ban; it would put them largely out of business. Congress should rigorously examine their contentions that stockpile testing is necessary and that seismic monitoring could not detect Soviet cheating.

Securing the answers to such questions would help lay the ground for a test-ban negotiation. Shouting at the White House, especially during the din of Mr. Gorbachev's public relations campaign, will not.

ELYSIUM THEATRE HONORS ACTRESS/DIRECTOR LEE GRANT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. WEISS. Mr. Speaker, on Tuesday, April 22, at the National Arts Club in New York City, the world-renowned actress, Lee Grant, was awarded the Erwin Piscator Award for achievement in acting, directing and education. This ceremony took place at a luncheon sponsored by the Elysium Theatre Co., an international repertory group located in the congressional district which I represent.

It is particularly fitting that Ms. Grant be the recipient of this prize. She embodies in her life and in her work the principles for which Erwin Piscator stood in illuminating interpersonal relationships and in relating individuals to their environment and to society.

Ms. Grant's entire life has been devoted to the performing arts, having begun her career at the age of 4 on the stage of the Metropolitan Opera. At 14, she won a scholarship to New York's Neighborhood Playhouse which led to her Broadway debute in "Detective Story," for which she was awarded the Critic Circle Award.

Hers has been a career highlighted with recognition and achievement. She is the recipient of the Best Actress Award, two Emmys, and the Academy Award for Best Supporting Actress in "Shampoo." In her recent career in film and stage, she has explored experiences that major studios rarely handle. In 1983, she received the Congressional Arts Caucus Award for outstanding achievement in acting and independent filmmaking. Her dedication, talent, and creative energy have touched the lives of everyone who has had contact with her. We are proud of her and grateful to her for having enriched our lives.

MARIE KINZLER—CARNEGIE'S EDITOR EMERITUS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. WALGREN. Mr. Speaker, I want to take a moment to salute one of my district's most outstanding newspaper women—Marie Kinzler—a woman who has been chosen by the Chartiers Valley Commission on Human Relations to receive its 1986 Community Service Award.

I have known Marie Kinzler for many years, really from the first days of my political life when I walked into her office at the Carnegie Signal-Item and urged her to write about this young, unknown candidate for Congress. She did, as she would for any area resident with an interesting story to tell.

Marie Kinzler's professionalism as a newsperson is the result of years of experience. A lifelong resident of the South Hills, Marie began writing for newspapers in the seventh grade, where she first wrote and later edited the Scott-T-News, her school newspaper. Her first boss was long-time friend Judge John Brosky who edited the Scott-T-News when Marie was a seventh-grader.

In January 1950 Marie joined the Carnegie Signal-Item, a weekly paper for residents in the Chatiers Valley owned and operated by another excellent newspaperman, Jim Knepper, now Pennsylvania's Secretary of Labor and Industry. When Marie joined the paper, the Signal-Item was an 8-page newspaper with a circulation of 1,800—when she retired from the paper in September 1984, the Signal-Item was often a 22-page paper with over 11,000 readers.

The growth of the paper is only one measure of Marie Kinzler's contribution to the communications business in the Chartiers Valley. Equally important, perhaps more important, has been Marie's willingness to help so many community groups and individual volunteers get the attention and notice they need and deserve to do the good that they have done in our community.

Mr. Speaker, I salute Marie Kinzler, and with her husband Steve, son Steve, and her many friends, I join in congratulating Marie on being so justly honored with the Community Service Award of the Chartiers Valley Commission on Human Relations. As Marie continues her work now as assistant to the president of Knepper Press, I count myself and the people of the Chartiers Valley very lucky to have Marie Kinzler as a friend.

LYDIA KIM—OUTSTANDING YOUNG WOMAN

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. HENRY. Mr. Speaker, I am pleased today to recognize and honor 13-year-old Lydia Kim, who, as the winner of the 1986 Greater Grand Rapids Area Spelling Bee, will be representing Grand Rapids, MI, and the Grand Rapids Press in the National Spelling Bee held this May in Washington, DC.

As an eighth grader, this was the last opportunity for Lydia to enter the local spelling bee and win the coveted trip to the national finals. With the help of her father, a local pediatrician, Lydia spent long hours pouring over the dictionary and list of words supplied to the contestants. Her mother helped by encouraging her daughter to participate in outings that served to ease the tension and relax the serious and shy young student.

Lydia, spelling champion of the East Grand Rapids Public Schools for 3 of the last 4 years, met the challenges of the competition with confidence and poise. With the spirit and nerves of steel exhibited by her idol, Olympic Medalist Mary Lou Retten, Lydia, without flinching, defeated 24 other students by correctly spelling more that 100 words throughout the grueling 3-hour competition.

An academically advanced student, Lydia is listed on the honor roll and good citizenship list of her school She also finds time to play the violin and piano and is a member of the East Grand Rapids swimming team. Born in Des Moines, IA, Lydia is the daughter of Dr. Ihl and Monica Kim who came to this country from South Korea. Lydia follows in the footsteps of her sister, Susie, who also won a school spelling championship.

Mr. Speaker, Lydia Kim is an outstanding young woman and a tribute to the youth of America. I am pleased to offer my congratulations and admiration for her successful efforts in winning the regional spelling bee and wish her the best of luck as she goes on to compete in the national contest in May.

DODGE MORGAN'S EXTRAORDINARY ACHIEVEMENT

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. McKERNAN. Mr. Speaker, it is my pleasure today to relate to my colleagues the extraordinary and inspiring accomplishment of Mr. Dodge Morgan, a resident of Cape Elizabeth, ME.

On April 11, Mr. Morgan completed something that no American before him, and only three others in the world, had done. On that day, after a record 150 days, 1 hour, and 6 minutes, and more than 26,000 miles, Dodge Morgan completed a single-handed circumnavigation of the globe aboard a 60-foot sailboat, the *American Promise.*

By Mr. Morgan's own account, it takes a good boat, an iron will, and luck to sail around the world alone. I would agree with him; however, I believe it takes more—it takes courage, self-reliance, independence, and, above all, a level of self-understanding that enables one to overcome adversity. Mr. Morgan has all of these qualities and then some.

A former Air Force fighter pilot, news reporter, and advertising executive, Dodge Morgan sold his electronics firm and brought to reality a dream he had had to sail around the world—a dream inspired by a trip he made in the 1960's from Maine to Alaska aboard a 36-foot schooner.

Dodge Morgan's achievement should be a source of pride and inspiration to us all. His feat is one of courage, determination, and perseverance, and I, therefore, ask the U.S. House of Representatives to join me in applauding Mr. Morgan and in welcoming him home.

NATIONAL POLICY AND TECHNOLOGY FOUNDATION ACT OF 1985

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1986

Mr. BROWN of California. Mr. Speaker, today I wish to discuss for the consideration of my colleagues, the National Policy and Technology Foundation Act of 1985 that I recently introduced as H.R. 3997. Joining me as cosponsors of the bill are Congressmen BEILENSON, BERMAN, BONIOR (MI), CONYERS, CROCKETT, DIXON, DYMALLY, EDGAR, FAZIO, FORD (MI), GUARINI, HAWKINS, HERTEL (MI), LEVINE (CA), LUNDINE, MACKAY, MCKINNEY, MITCHELL, NELSON (FL), PANETTA, RANGEL, TORRES, UDALL, WALGREN, WAXMAN, and WEISS.

The National Policy and Technology Foundation Act was introduced to focus congressional attention on the need for legislative flexibility and the correction of structural deficiencies in our basic governmental institutions that threaten the long-term economic foundations and quality of life in the United States.

INTRODUCTION

Sometime, nearly four decades ago, with the United States enjoying the world's highest standard of living and a seemingly invincible industrial plant, the Nation's industrial base began to erode and the country's quality of life entered into a long-term decline. Held captive by past success and its own conventional wisdom, the Nation ignored many danger signs. Finally, in the late 1970's and early 1980's the loss of consumer electronics markets, followed by steel and automobiles, made it clear that America's leadership and prosperity were being lost—perhaps forever.

The country is experiencing a broadly based structural phenomena that is indescribable in terms of classical economic models. The regression of American trade and economy are being matched by a concurrent deterioration of the relative American life quality. If the trend of the past 40 years foretell America's future, our children will have much less to be thankful for than their parents.

Industry provides most of the material goods of our society and generates much of the revenues used to finance our social services. However, by almost any standard, American industry is ill and shows few signs of regaining its ability to compete in world markets. The dreary statistics documenting the United States' inability to meet current international competition are too well known to repeat. The LICIT Report of April 1983 presents a grim picture of world market share trends. During the 15-year period from 1965 to 1980, in 12 major manufacturing categories ranging from iron and steel to aircraft and computers, France and Japan each increased their percentage of world market share in eight categories. West Germany increased its share in five categories and now leads the United States (5 to 4). United States' market share on the other hand declined in 10 out of 12 categories. The result of our eroding industrial competence is a $150 billion U.S. trade deficit for 1985 and a drop in relative U.S. GNP/capita from first place after WWII to 10th place today. The President's Commission on Industrial Competitiveness points out: "Real hourly compensation in the United States has remained virtually stagnant since 1973. Since 1979 it has actually declined."

National life quality is obviously influenced by the national GNP/capita, but the actual quality of life is given by other environments such as education, health, personal security, pollution, etc. In each of these areas, the United States life quality is not outstanding.

Educational test scores have been dropping steadily in the United States while functional illiteracy remains at close to 20 percent. Our ability to allocate our educational resources to effectively serve national needs is questionable. During the past decade, with high technology industry often struggling to satisfy its demand for experienced engineers, California's production of electrical engineers decreased by nearly 30 percent while the output of lawyers increased 300 percent. It would seem that we plan to litigate our way back to industrial preeminence. Japan, on the other hand, produces twice as many engineers as the United States, but the entire country employs fewer attorneys than are found practicing in Los Angeles County.

In spite of our enormous investment in medical research and health delivery, Americans are not relatively healthy. Today the Japanese and the Swedes, contributing little to medical science, are the world's healthiest people with the lowest infant mortality rates and the longest life spans.

In other life quality areas the country is doing no better. Crime is excessive; the average American is more conscious than ever of muggings, burglary and widespread use of narcotics. The Nation's physical environments are being damaged by pollutants. Acid rain is destroying Eastern forests and lakes. Smog levels in our major cities remain high.

WHY A NATIONAL POLICY AND TECHNOLOGY FOUNDATION?

Centralized national planning is neither practical nor desirable for our society. Large scale national plans take so long to produce and put in place that the dynamics of a modern industrial society render such plans

obsolete before they can be implemented. Central national planning, therefore, is simply not useful.

On the other hand, only the Government can take responsibility for the creation and maintenance of coherent national policy in the national interest. Rational planning and investment by the private sector, individual and corporate, cannot exist independent of government policy. In reality, the very rationality of a business decision almost inevitably depends upon its consistency with national policy. Conversely, in the face of inconsistent, incoherent, conflicting or invisible national policy, private planning and investment becomes a high stakes gamble instead of a reasoned exercise.

Congressman LEON E. PANETTA of the House Agricultural Committee in the Los Angeles Times, May 12, 1985, said: "Counterproductive and conflicting Federal laws and policies abound in agriculture to the point where they sometimes sound like 'Alice in Wonderland' creations. For example there are: Tax policies that encourage investors to begin raising unneeded, irrigated crops on easily erodible soil in Nebraska using scarce water at the same time the Government is fighting soil erosion and looking for ways to conserve that water."

Allen Paul, President of the Agriculture Council of America observed: "There ain't nobody responsible, nobody accountable. . . . We just don't have an integrated farm policy."

The consequences of inconsistent national policy appear everywhere. Monetary policies established to combat inflation contribute to an overpriced dollar that made U.S. goods uncompetitive in world markets and created a $150-billion trade deficit. Conflicting macro policies, which frequently insulate economic sectors from market forces, drive U.S. farmers bankrupt and allowed Argentine wheat to be delivered in Minnesota at less than U.S. cost.

The problem is deep-seated. Institutional rigidity has precluded changes in our basic institutions and institutional deficiencies insured that the need for change was not perceived. The country's present institutional structure is flawed and unsuited for the dynamics of a modern world—lacking means to facilitate the integrated public-private policies so necessary to the country's long term interest.

Policy conflict begins at the data level with micro information gathered by very specialized agencies charged with making micro policy. There are no mechanisms to gather data on a more global basis, assess the consequences of both micro and macro policy and propose the modifications necessary to create integrated, coherent and consistent national policy in the long term public interest.

Although every Government department and most important agencies have policy sections, their scope is generally limited to gathering micro data to provide micro policy for their host. Regardless of capabilities or desire to do more, they are restricted both by the data available and their franchise. Even if adequate data were made available, the United States has not established a formal system for monitoring the international trends and developments that impact our economy and quality of national life. Commercial opportunities arise and are forever lost while economic challenges mature into major crises without an early warning system to alert our Government and industry.

Micro policies proliferate within major Government departments with little analysis of their interaction and collective effectiveness. Macro policy is created, often in response to an ideology, and with negligible assessment of long term consequences. The experimental and changing nature of national policy is largely ignored. Formal means to evaluate policy consequences are seldom installed. National policy is almost entirely reactive. A 40-year decline in international trade competitiveness is recognized only after much of American industry has been driven off shore and exploding trade deficits make the United States a debtor nation for the first time in 70 years.

It is at the integrated policy structure level that the U.S. institutional deficiencies become most painful. Means do not exist to consider, much less assess, the interrelationship between national macro policies such as monetary policy, inflation policy, trade policy, industrial initiatives, tax policies, saving policy, life quality policies, etc. The Nation does not possess institutions capable of proposing integrated national policy alternatives and assessing their expected long term consequences. Until this deficiency is relieved, the Nation will continue to dissipate its considerable resources and stagger from one avoidable crisis to another.

In recent years the consequences of the Nation's institutional deficiencies have become more evident. Failures of the formal national policy making system have finally culminated in the Gramm-Rudman Act.

Gramm-Rudman represents a massive breakdown of the legislative process. The act was passed by a frustrated Congress unable to resolve a runaway budget crisis. But Gramm-Rudman is not the first nor will it be the last of major national issues for which the Congress and the administration will be unable to provide adequate national policy. Like the Social Security crisis of 2 years ago Gramm-Rudman flows basically from structural and institutional deficienceis and not from a lack of dedication or the desire to perform by the Congress or the administration.

The Nation's leading trade competitors have long enjoyed well established institutional means for developing national policy and obtaining the necessary public consensus. Germany's Stability and Growth Act of 1966 established a tripartite consultation process among labor, business, and government. Japan's MITI has 35 associated independent councils with over 200 standing committees that insure the effective participation of every segment of Japanese society.

Unlike our trade competitors, the U.S. Congress simply does not have the tools to cope with the far-reaching complexity of the problems of a modern global society. Without the means to anticipate pending crises before they become critical, develop an adequate data base, formulate and assess policy alternatives and in particular, generate the national consensus necessary for public acceptance, the United States is assured of a future with more Gramm-Rudmans.

The country needs to put in place the means to recognize world change that will require adjustments in its national policies and it needs the means to effectively initiate and facilitate policy change. Specifically, a consensus-driven mechanism is required to rationalize national policy by anticipating changing conditions, assessing the long term consequences of existing and proposed policy and recommending to the Congress and the President self-consistent, mutually supporting national policies. With continually changing world markets and international competition that shapes its policies and strategies to match the changing market, it becomes axiomatic that the United States must be able to readily reshape its policies and institutions for compatibility with the changing times.

The Nation's policy facilitating agencies are also incomplete. Although the Federal Government now provides substantial funding for science, and technological support for selected industries such as agriculture, aviation and commercial fisheries, we presently lack the institutional capacity and civilian agencies to focus programs upon the competitive performance of our economy as a whole. Congress has responsibility for designating the appropriate agencies to implement national policies. In practice, however, implementation of important policies may languish for lack of an existing competent agency to pursue them. In the broadest sense, the Nation does not possess for our new technology development needs the equivalent of the National Science Foundation or the National Arts and Humanities Foundations. The National Policy and Technology Foundation would consolidate technology related activities which are not now closely tied to an agency mission and would insure that the Federal Government will assume suitable responsibilities for needed civilian technology which have heretofore not been adequately discharged by any sector of society.

The combining of existing governmental functions into a new foundation with responsibility for facilitating national policy and the technology supportive of that policy finds its counterpart in the principal policy agencies for some of our major trade competitors. Japan's MITI is heavily involved in insuring the excellence of that nation's technology.

NEEDS ADDRESSED BY THE NATIONAL POLICY AND TECHNOLOGY FOUNDATION

While it might be convenient to blame the Nation's present difficulties upon one or the other political party or upon a particular ideology, this would belie the facts. Our regression has steadily progressed for nearly 40 years under the stewardship of both parties. The data would demonstrate that the United States is in the midst of a long-term decline resulting from 200-year-old structural deficiencies that render our institutions incapable of discharging the policy responsibilities of a modern society. The rigidity and structural deficiencies of America's basic institutions have existed so long, they are almost impossible to perceive or to question. John Kemeny, Chairman of the President's Three Mile Island Commission, after studying that disaster, was forced to the conclusion that the fault lay more with obsolescence of U.S. institutions than with the reactor operators. "The present

system does not work. It was designed for a much earlier and simpler age. The only way to save American democracy is to change the fundamental decision-making process at the Federal level, so it can come to grips with the enormous and complex issues that face the Nation."

To confront most large scale national problems, the Congress has need for effective, nonpartisan institutional means for creating coherent, consistent national policy in the public interest. Indeed, there is often great difficulty in recognizing or even defining long term public interest. When faced with complex, legitimate, and conflicting demands, our national institutions are too often inadequate, causing the political process to fail.

The National Policy and Technology Foundation has been designed as an effective, efficient, nonpartisan national policy mechanism. Existing agencies and bureaus are brought together to provide Congress with the badly needed early warning system, comprehensive policy data base, policy assessment and the public consensus necessary to reduce legislative gridlock. The Foundation draws upon the lessons learned from the policy institutions of our more successful trade competitors and from our own national experience to offer a bipartisan approach to achieving and facilitating integrated national policy.

The number of studies and congressional bills addressing various manifestations of America's loss of economic and industrial leadership has been increasing. The pressures of the times are seen to be forcing the restructuring of the basic institutions necessary to maintain the national life quality and trade competitiveness. The administration has considered two significant reorganization initiatives involving the creation of two new Cabinet level agencies: a Department of International Trade and Industry [DITI] and a Department of Science and Technology. At the same time, thoughtful proposals such as those by the President's Commission on Industrial Competitiveness and the House Republican Research Committee have invariably come to propose major changes in national policy. There has been a direct or at least tacit recognition that the Nation's need to resolve complex national issues such as trade competitiveness requires the addressing of a host of national policies in a coherent manner.

The House Republican Research Committee's "Agenda for Meeting America's Competitive Challenge" targets the process of innovation to improve the Nation's competitiveness. While the agenda does not directly address the general issue of conflicting national policies, its emphasis is upon the broad spectrum of national policies that must come together to improve our trade competitiveness. The impact upon U.S. trade competitiveness of monetary policy, tax policy, education and retraining policies, trade policy, capital formation policy, intellectual property policy, antitrust policy, national R&D policy and regulation policies has been carefully defined. The proposed Foundation is structured to provide long term attention to the national policy issues that the "agenda" has raised.

America's declining ability to compete in the international marketplace is one of the more serious consequences of the structural deficiencies of our country's national policy institutions. The President's Commission on Industrial Competitiveness [Young Commission] dispelled many of our most cherished trade myths. Four institutional policy needs are found in the Young Commission report that coincide with the basic functions of the Foundation. The Foundation would provide:

1. A high quality, comprehensive readily accessed international and domestic information and data base.

The Young Commission observes: "One reason few U.S. firms export is that they lack critical information about foreign markets. Such information currently exists within Government, but it is not readily available."

2. First rate, independent capabilities for the analysis of national problems and opportunities and the assessment of policy alternatives—their interdependence and interaction:

The Young Commission found "The competitiveness issues facing America today are not new, yet they remain unsolved. The ability of the political decision making process to deal with them is impeded by conflict along the very sectors needed to solve the problems we face. Policy makers must deal with widely disparate points of view presented by a diversity of interested parties. Often there is not even agreement as to the facts of the issue much less a shared understanding of the tradeoffs in the policy options under discussion."

3. Highly visible societally representative means for achieving national policy consensus.

The Young Commission recommends "Government can be strengthened significantly by providing a forum in which consensus can be reached on the facts of an issue and in which implicit tradeoffs among policy options can be made explicit."

4. Means to facilitate and implement those policies for which there is no presently existing suitable organization.

The Young Commission wrote ". . . we should be concerned by the fact that the Federal government conducts its R&D . . . in agencies and organizations with no common management. Each research entity has a mission independent of the others and none has industrial competitiveness as a goal."

DESCRIPTION OF THE BILL

The National Policy and Technology Act of 1985 establishes the Foundation as an independent agency in the executive branch of the Federal Government.

STRUCTURE OF THE FOUNDATION

The Foundation would have nine main branches and appropriate independent public councils.

First, The National Information Office.—This office would develop in cooperation with other public and private agencies, the comprehensive, coherent National Information and Statistics Policy necessary to the creation of a National Information System.

Information and data required for the informed, effective operation of the Nation's public and private policy makers would be provided. The basic factors influencing the national economy and life quality would be continuously monitored including United States and foreign: Economies, trade, production, market and industrial trend indicators, customs, tariffs, regulations, commodities, energy, market opportunities, technological innovation, scientific advances, industrial competitiveness, industrial policy and strategy, government and business policies, educational policies and resource allocation strategies.

A national computer network with remote terminals would provide ready access to the national data base by public and private users.

The National Technical Information Service of the Department of Commerce would become part of the National Information Office.

Second, National Office of Policy, Analysis and Assessment.—This office would provide a vehicle for comprehensive examination of the U.S. policy structure. Interrelationship of existing and proposed national policies including life quality, societal, economic, industrial, monetary, et cetera, policies and their combined future impact upon the Nation's standard of living, international competitiveness, industrial competence and technological development would be continuously evaluated. Particular attention would be given to conflict between micro policies and the coherence and consistency among macro policies needed to form integrated national policy.

Drawing upon the data banks of the National Information Office, the Policy Office would provide an early warning system to identify emerging national and sectorial problems, opportunities and needs before they assume crisis proportions. In cooperation with existing Federal policy groups and other concerned public and private bodies, critical issues would be evaluated. Alternative policies and programs to resolve national problems, needs and opportunities would be assessed and furnished to the appropriate councils for public reevaluation and debate. The evaluations and assessments of the Office of Policy would serve as points of departure for the public deliberation of the councils. The National Science Foundation's Division of Policy Research and Analysis would be transferred and serve as the nucleus of this office.

Third, Office of National Programs.—This office would undertake the applied research and development required to develop proposed policies in those areas of national concern not adequately supported by other agencies or the private sector. Cooperative industry, government, university and professions programs would be encouraged and facilitated. Commercialization and deployment of resulting new technology would be the responsibility of the private sector. Typical large scale, one time national programs could be the fifth generation computer, the unmanned garment factory, and the very high speed, large scale integrated circuit program which went by default to the DOD. The National Science Foundation's Applied Research and Problem Focused Research Divisions would be transferred to form the initial core program of the Office.

Fourth, Office of the Professions.—The office would support fundamental research in the engineering disciplines and nationally needed development and applied research in public professions not adequately supported from other sources. The National Science Foundation's engineering divisions would be transferred to the Office of the Professions

and could constitute the initial programs of the Office.

Many critical national issues require multidiscipline, multiprofession resolution. Mechanisms including cross-disciplinary and multiprofessional activities would be investigated to facilitate implementation of cooperative public-private understandings in the national interest.

Fifth, Office of Institutional and Human Resources Development.—This office would include the Centers for Industrial Technology authorized by Public Law 96–40. The Office would have responsibility to join government, university, industry and professions in cooperative activities including generic development useful to many industries and training of individuals for innovation, industrial competence and international competitiveness.

Cooperative government, industry, university, and Federal laboratory efforts to establish technical and economic feasibility in the matter of Government mandated industrial health, safety, and environmental regulation, would be important activities of the Centers. Technological and societal systems needed for long-term resolution of major industry-environmental questions such as acid rain, would be considered.

Quantitative projections of human resources needs would be made. Training and retraining programs, new curricula and educational institutions to meet these needs along with those caused by technological displacement and the unmanning of the Nation's factories would be proposed. Encouragement and assistance for minorities and women to enter the professions would be offered.

Sixth, Office of Small Business.—This office would materially improve the resources and capabilities of U.S. small business, including upgrading production technology by grants and incentives for cooperative industry-wide development and research, promotion of computerization, training of personnel, et cetera. The small business innovation program of the National Science Foundation would be transferred to the National Policy and Technology Foundation.

A major undertaking would be the creation of the Federal Technology and Professions Extension Service to be the counterpart of the U.S. Agriculture Extension System. Ready access would be provided for individuals, companies and industries to advice, support and expert consultation upon the latest manufacturing processes, management systems, quality assurance methods, production techniques, personnel procedures, computer applications financial controls, et cetera. These programs would be coordinated with existing State technology, professions, or industrial programs to avoid duplication or adverse impact.

Seventh, Office of Intergovernmental Technology and Professions Delivery System.—This office would facilitate the integration of the latest professions delivery system and technology advances into the policy formulation and delivery systems management of State and local governments. Cooperation between government (local and State) with the university's professional schools would be supported. The Office and universities would offer resources particularly suited to massive problems such as solid and toxic waste disposal that go beyond the resources and boundaries of conventional jurisdictions. The intergovernmental programs of the National Science Foundation would be transferred and serve as the nucleus of this Office.

Eighth, National Bureau of Standards.—The Bureau would be transferred intact from the Department of Commerce to serve as an operating laboratory for the Foundation. Present duties and programs of the Bureau are quite compatible with Foundation responsibilities. Where appropriate, mechanisms would be developed to foster public-private partnerships involving the Bureau and the Federal Laboratories in the applied research and development often required for implementation of specific policies in the national interest.

Ninth, Patent and Trademark Office.—The classification, evaluation and protection of invention and technology innovation function of the office makes it reasonable to transfer the Office from the Department of Commerce to the National Policy and Technology Foundation.

Councils.—Superimposed upon the Foundation's structure is a series of independent councils. Council members would be appointed by the Director from outside the Foundation and would include leaders in concerned industry, labor, general consumers and experts from a wide spectrum of society including academia, mass media, finance, government, environmentalists and the professions.

The councils, serving as deliberative public forums for national policy, are the crucial link to the public and the key to the successful function of the Foundation. By serving as an early warning system, offering a comprehensive policy data base and providing policy analysis and assessment, alternative evaluations and area expertise, the Foundation becomes the base from which the councils can work. It is the councils upon their own initiative or in response to requests from the President, Congress or the Directors that would take the lead in investigating and deliberating on long term and basic national policy. The councils would redefine problems, hold public forums, assess alternatives and suggest policy options. It is the councils' voices that would be heard through the policy papers submitted to Congress and the President and which would carry the weight of a "public consensus."

MANAGEMENT OF THE FOUNDATION

The Foundation would have a Director, a Deputy Director and nine Assistant Directors—one for each branch. It would also have a National Policy and Technology Board.

National Policy and Technology Board.—The Board would have 24 members and the Director. Specific responsibilities would include establishing Foundation policy, budget and program review, grant approval and biannual reports to the President for submission to Congress of the important national policy issues, emerging problems and opportunities along with the Foundation's recommendations for such policy legislation as may be deemed appropriate. Members would be Presidential appointees and would be selected from people prominent in a wide variety of fields inlcuding the professions, labor, entrepreneurship, management, education, industry, government, technology and trade. To avoid dominance by the Federal Government, the Board would be expected to independently represent all segments of society. Nominations for the Board should be widely solicited including from the Board itself, the national academies, professional societies, business associations, labor associations and other appropriate organizations. Board members would be appointed for 6 year terms. For continuity terms would be staggered.

The intent of the Board along with the councils is to insure that the community of those affected by National Policy will have a say in the operation of the Foundation and the creation of a national consensus for the resulting national policy recommendations.

Director and Assistant Directors.—The Director, the Deputy Director and the nine Assistant Directors of the Foundation would be Presidential appointees at executive levels II, III and IV respectively. The Directors' term of appointment would be 6 years.

In order to permit the strong central operation needed to coordinate activities of the various branches of the Foundation, all authority over the Foundation, other than that reserved to the Board has been given to the Director. The Director may delegate parts of that authority and would be expected to do so, but would always have the ability to take personal control of any aspect of the Foundation operations.

FOUNDATION OPERATION—POLICY FACILITATION

Facilitating the creation and where appropriate the implementation of coherent national policy in the long term public interest is the basic need to be satisfied by the National Policy and Technology Foundation.

The National Information Office would collect, organize and disseminate international and national information, data and statistics for public-private policy makers.

The Office of Policy, Analysis and Assessment would continuously evaluate data from the National Information Office to identify pending national needs, opportunities or problems. Alternative policy options would be proposed, evaluated and assessed by the Policy Office for consideration by the councils.

Independent public councils utilizing the data, evaluations and assessments of the Policy Office and other sources would respond to requests from the President, Congress, Foundation Directors or upon their own initiative. Councils would provide public forums that openly debate and redefine national policy issues and thus generate the public consensus necessary to avoid legislative grid lock.

With public recognition and acceptance of the equity of the tradeoffs and sacrifices inherent in resolution of any large scale public issue, the Congress and the President would have renewed flexibility to create and legislate consistent integrated national policy in the public interest. Responsibility for the implementation of designated sectors of these policies would be assigned by Congress to appropriate agencies. These could include activities which would be brought together in the Foundation from uncertain homes in bureaus scattered throughout the Federal Government.

Advancement of the Nation's civilian technological and professional capabilities would

be offered by the Office of National Programs, the Office of the Professions, and the National Bureau of Standards. Emphasis would be upon facilitating policies and programs of substantial national interest where sufficient timely development cannot be expected from the private sector alone due to high risk, long lead time or the sheer magnitude of the required resources.

The Office of Institutional and Human Resource Development would be responsible for technology and professions institutional and human resource development. Stressing public-private cooperation, emphasis would be placed upon the long-term development of human resources and the creation of generic technology useful for many industries.

The United States still leads the world in basic research and technological innovation. However, we too frequently fall behind other nations which have more successfully deployed and utilized technology and systems often originated in the United States. Improving technology transfer and deployment in the United States would be an important responsibility of the Office of Small Business, the Office of Intergovernmental Technology and Professional Delivery Systems and the Patent and Trademark Office.

COORDINATION OF PROGRAMS

A separate section of the National Policy and Technology Foundation Act, section 12, requires close coordination of the Foundation's programs with other programs of the Federal Government, with the private sector and with State and local government programs.

A standing National Foundation Coordinating Board with five members each from the Boards of the National Policy and Technology Foundation, the National Foundation on the Arts and Humanities and the National Science Foundation would be appointed to provide recommendations to improve the collective effectiveness of the three Foundations in the national interest. To the greatest extent feasible, extramural basic research fields which the Foundation wishes to advance should be channeled through the National Science Foundation. Studies in societal value systems and ethics needed to support regulatory cost/benefit analyses would be coordinated with the applied humanities programs of the National Foundation on the Arts and Humanities.

Section 12 also requires that the Policy and Technology Foundation coordinate its small business activities with those of the Small Business Administration. Other coordination is required in other sections of the act. The National Information Office in cooperation with public and private agencies would seek to develop a coherent National Information and Statistics Policy that would lead to the development of readily accessed, comprehensive, computerized National Information and Statistics Data Banks. The Office of Policy, Analysis and Assessment is specifically charged with cooperating and coodinating with other policy bodies of Federal, State and local governments. The Federal Technology and Professions Extension Service is required to coordinate with existing programs such as State Technology Services to avoid duplication or adverse impact. Assistance would be provided to the President's Office of Science and Technology Policy and Analysis.

AUTHORIZATIONS

The act would provide for authorization of activities in fiscal year 1986. Any funds for years beyond 1986 would have to be authorized by future acts. We estimate that the fiscal year 1987 funding for the existing functions proposed to be transferred to the Foundation is about $500 million. We believe that a realistic level of funding for the first full year of operation of the Foundation should be about 20 percent more, or about $600 million. The precise level of authorization would be determined after hearings and a more precise determination of the final makeup of the Foundation.

While $600 million is a substantial expenditure, it represents less than 20 percent of the annual budget of Japan's MITI [Ministry of International Trade and Industry] which is that nation's leading instrument for facilitating national policy. The proposed budget also is substantially less than that of MITI's Agency of Industrial Science and Technology which includes the Japanese equivalent of the U.S. Bureau of Standards.

The success of our trade competitors in coordinating their national policies and advancing their technological competence to secure increased market share can be attributed to their creation and funding of competent national policy instruments.

SUMMARY

The concept of a National Policy and Technology Foundation grows from recognition of the limitations and resulting failures of the present national policy process. There is a clear need to correct the structural shortcomings of national policy institutions that have led to Gramm-Rudman. There is a need to provide the Congress with an effective nonpartisan mechanism for the creation and facilitation of consistent national policy. To satisfy the foregoing need, the Foundation would offer a comprehensive policy data base, policy alternative analysis and assessment, public policy review and consensus and finally—where appropriate—agencies to implement policy and supporting civilian technology.

The National Policy and Technology Foundation would be an independent agency with associated public councils and nine main branches for national information, policy analysis and assessment, national problem focused programs, the professions including engineering, institutional and human resource development, small business, intergovernmental technology and professions delivery systems, the National Bureau of Standards, and the Patent and Trademark Office. The agency would have programs transferred from NSF—almost all of engineering and applied science—and from the Department of Commerce—almost all of the programs of the Assistant Secretary of Commerce for Science and Technology. Responsibility for the centers for industrial technology would reside in the institutional and human resource development branch.

Governance for the Foundation would be handled by a Director and a National Policy and Technology Board patterned in organization but not composition after the National Science Board. Key functions of the Board would be to establish the policies of the Foundation and review the Foundation's budget and programs. The Director would have all powers not assigned to the Board and would be assisted by a deputy and nine assistants, one for each branch.

The bill contains authorization for fiscal year 1986 of $600 million with a line item for each of the nine branches. Additional authorizations will be required for succeeding years. It is expected that the economics to be realized from the Foundation will more than make up for the appropriations required above that presently budgeted for the existing agencies and activities that will be incorporated into the Foundation.

The bill requires close cooperation between the National Policy and Technology Foundation, the agencies and the private sector. A national Foundation Coordinating Board with equal membership from the Boards of the three National Foundations—Policy and Technology, Science, and Arts and Humanities, shall provide recommendations to improve the collective effectiveness of the three Foundations in the national interest.

HOUSE OF REPRESENTATIVES—*Monday, April 28, 1986*

The House met at 12 noon.

The Venerable Frederick C. Byrd, archdeacon of the Episcopal Diocese of upper South Carolina, Columbia, SC, offered the following prayer:

Father, You have given us this good land for our heritage. May we always prove ourselves a people mindful of Your favor and may we show our thankfulness through good stewardship.

Bless and guide the Members of this House here assembled. Give them courage, wisdom, and foresight to meet the needs and well-being of all our people.

By faithful administration and wise laws, may the rights of all be protected and may our Nation be enabled to fulfill Your purposes.

Give grace, O Lord, to these Your servants and keep our Nation under Your care. Lord, hear our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

ARCHDEACON FREDERICK C. BYRD

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, it is my distinct pleasure today to welcome a very close, life-long friend as our guest chaplain.

The Venerable Frederick Byrd is the archdeacon of upper South Carolina and truly one of the State's outstanding religious leaders.

A native of Ridge Spring, the archdeacon attended Clemson University, where he served as student chaplain during his senior year. Following his graduation, he worked for 1 year for the Sergeant at Arms in the U.S. Senate. Later, he attended Virginia Theological Seminary in nearby Alexandria and received his B.D. and masters of divinity degree.

He began serving the Episcopal Church in Greenville, SC, became vicar in 1969 and was appointed archdeacon 10 years later.

His many diocesan activities are rivaled only by his civic pride.

The archdeacon is a highly esteemed clergyman among his colleagues and parishioners. He has touched countless lives—mine included—and he has my thanks for a very thoughtful prayer.

UNCLE SAM PLUCKED CLEAN

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, Aesop told us about a man whose hair was turning grey. He kept two mistresses, one younger, and the other older than himself. The young woman did not like the idea of having an older man for a lover, so she pulled out his grey hairs. The older woman was ashamed of having a younger man make love to her, and when he came to her, she kept pulling out the black hairs from his head. So between them, the two women succeeded in making this man completely bald.

According to a report in the Wall Street Journal, separate analyses by the White House Budget Office and the Senate Budget Committee indicate that recent declines in interest rates, oil prices, and inflation may make the budget deficit for fiscal year 1987 worse, not better as earlier projected.

Mr. Speaker, Uncle Sam has tried the high dollar, and he has tried the low dollar, both with the same dismal results in the form of devastating budget deficits and an astronomical public debt. Maybe if Uncle Sam settled down, and got married to a dollar of fixed gold value, then his newly found husbandry would save him from the ignominy of being plucked clean in plain view of the whole world.

THE ADMINISTRATION SHOULD TAKE ACTION BEFORE THE PEOPLES' CONFIDENCE IS LOST

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise today to commend a very courageous reporter. A reporter named Howard Kurtz has been doing all sorts of work in this town for a long time, about the standards of government, about the public trust, and about what it means to be in charge of the public money.

In the Sunday, April 27, Washington Post, he printed the whole long listing of senior Reagan administration appointees who have come under investigation, or have been accused of improper conduct, or who have resigned under fire, who have been dismissed, or whose nominations have been withdrawn or rejected.

The list was compiled by him from a review of past investigations by newspapers and wire service accounts, since President Reagan took office. It filled two pages in the Sunday paper.

I want to commend the Washington Post for printing it and I want to commend Howard Kurtz for having the courage to collect it all; and I certainly hope action is taken, because if we lose confidence in the people who are the trustees of this great Government, we are in real trouble.

REQUIRING UNITED STATES OIL COMPANIES TO CEASE OPERATIONS IN LIBYA

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, the President has identified Libya as the primary sponsor of international terrorism. Its leader, Muammar Qadhafi, has been responsible for the murder of innocent men, women, and children.

In response to Libya's attacks on Americans, President Reagan has ordered all Americans in Libya to leave that country. We have been involved in intensive negotiations with our European allies to convince them to bring greater economic and political pressure on Libya.

And, last week, the President committed United States military power to the fight against Libyan terrorism.

Yet, this administration has given its approval to five American oil companies to continue their operations in Libya.

These oil companies sold more than 100 million barrels of oil last year on behalf of Libya. This produced nearly $2 billion in revenues—the vast majority of Libya's cash assets. The money produced by those oil companies helped Mr. Qadhafi buy the missiles he used to kill two brave American pilots.

My distinguished colleague from Maine, OLYMPIA SNOWE and I will introduce legislation to require these five oil companies to cease their operations in Libya. I urge my colleagues to join with us in our efforts to deprive Qadhafi of $2 billion he needs to continue his murderous foreign policy.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1210

REQUEST FOR PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE REPORT ON HOUSE JOINT RESOLUTION 589, DISAPPROVING SALE OF MISSILES TO SAUDI ARABIA

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs have until midnight tonight to file its report on House Joint Resolution 589, a resolution to disapprove the sale of certain missiles to Saudi Arabia.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. LUNGREN. Mr. Speaker, reserving the right to object, I have no word, and I have been informed that our side has not been informed of this.

Mr. Speaker, would the gentleman tell me whether the gentleman from Michigan [Mr. BROOMFIELD] has been informed and agrees to this procedure?

Mr. FASCELL. Mr. Speaker, will the gentleman yield under his reservation?

Mr. LUNGREN. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I cannot tell the gentleman that with any assurance.

Mr. LUNGREN. Would the gentleman withhold the request so that we can check it out on our side for procedure?

Mr. FASCELL. Absolutely.

Mr. Speaker, I withdraw my request temporarily.

NATIONAL NURSING HOME RESIDENTS DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 264) designating April 28, 1986, as "National Nursing Home Residents Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 264

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 28, 1986, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

Mr. BIAGGI. Mr. Speaker, I wish to add my support for House Joint Resolution 533, the resolution authored by the distinguished gentleman from Florida and the former chairman of the House Select Committee on Aging, Mr. PEPPER, which would designate today, April 28, 1986, as "National Nursing Home Residents Day."

I would like to commend Representative PEPPER for introducing this resolution. Today is a day for the general public to pay tribute to the past, present, and future contributions of our Nation's 1½ million nursing home residents. It is a day when we recognize that nursing home residents have made significant contributions to the growth, development, and progress of this Nation. We appreciate the fact that, as elders, nursing home residents offer a wealth of knowledge and experience.

It is my regret that I am not able to offer this statement of support in person, but I can assure my colleagues of an excellent reason for my absence. The House Select Committee on Aging's Subcommittee on Human Services, which I have the honor to chair, is celebrating National Nursing Home Residents Day by conducting a hearing in New York City in conjunction with New York's celebration of Nursing Home Residents Day which salutes New York State's 100,000 nursing home residents.

This hearing focuses on a major new report issued by the Institute of Medicine of the National Academy of Science entitled, "Improving the Quality of Care in Nursing Homes." The 300 page report ordered by Congress in 1983, following attempts by the administration to weaken the Government's system of protecting nursing home residents, represents the first ever independent national review of nursing home care and the role of government in assuring quality.

The overriding conclusion of the Institute of Medicine report confirms concerns that I and many other Members of Congress have had for some time. As the report states:

There is broad consensus that government regulation of nursing homes, as it now functions, is not satisfactory because it allows too many marginal or substandard nursing homes to continue in operation.

A second conclusion from the report states:

New stronger regulations focused on patient well being rather than on facilities and staffing are needed to assure that the 1.5 million residents in our nation's 15,000 nursing homes receive high quality care and experience a better quality of life.

The simple fact is that this administration for the past 5 years has weakened the Federal commitment to protecting nursing home residents when they should have been strengthening it. Additionally, all one has to do is remember the effort by the administration in 1982 to reduce the number of nursing home inspections. This is not satisfactory, and it is our responsibility as the Congress of the United States to work to change this, to go forward and adopt the recommendations from the Institute of Medicine Study, and to begin our quest for nursing home reforms.

Nursing Home Residents Day 1986 is a good day to begin this quest. The legislative and regulatory framework governing nursing homes has remained essentially unchanged for the past decade. It is time for the framework to adapt to modern times and respond to modern challenges.

I wish to take this opportunity to salute the outstanding work of two organizations, one national and one in New York City who have both been leaders as advocates for nursing home residents. The first is the National Citizens Coalition for Nursing Home Reform based in Washington, DC, whose efforts have produced a number of important reforms in place today in nursing homes. At the New York City level, I would like to salute the Coalition for Institutionalized Aged and Disabled and its executive director, Vic Rosenthal, who for the past 13 years have been in the forefront of leadership on behalf of nursing home residents in the New York Metropolitan area.

Finally, I would like to pay homage to the residents of nursing homes themselves who have enriched our lives and warmed our hearts. Passage of this resolution would symbolize the Nation's concern, admiration, and respect for these very special people.

Ms. SNOWE. Mr. Speaker, I join my colleagues in celebrating April 28 as "National Nursing Home Residents Day." This special day is aimed at the over 1.5 million older persons who reside in 15,000 nursing homes across the country.

While only about 5 percent of older persons live in nursing homes at any given time, about 1 in 5 will reside in a nursing home at some point in their lives. Most of these residents are disproportionately very old, female, and without a spouse. It is crucial that we work to assure their continued participation in the community and that we develop mechanisms by which to ensure that their rights and freedoms are extended despite institutionalization.

Beginning in 1983, because of growing concern over the process of certifying the eligibility of nursing homes, the Institute of Medicine [IOM] of the National Academy of Sciences undertook to study nursing home regulations. Their goal was to "ensure that any person requiring nursing home care be able to enter any certified nursing home and receive appropriate care, be treated with courtesy, and enjoy continued civil and legal rights".

While there are many fine, well-run nursing homes, if there is even one which provides inadequate or deficient care, then there are too many. For this reason, as the IOM study indi-

cated, there must be greater, not less, regulation.

With that notion in mind, on February 27, 1986, I introduced H.R. 4279, the long-term care patients' rights bill of 1986. Nineteen of my colleagues joined me in taking this important step in protecting the rights of those who are most vulnerable—residents of long-term care facilities.

It is incredible that there are no Federal statutes which ensure the rights of residents in long-term care facilities. Currently, the only protection of rights for nursing home residents is found in regulations. Furthermore, it is difficult for residents to have their rights enforced when a violation occurs. H.R. 4279 establishes a multitiered mechanism of enforcement which includes the facility, the State, and oversight by the Secretary of HHS. In addition, there are provisions to prohibit discrimination by nursing homes against Medicaid recipients and to strengthen the role of the ombudsman with respect to access to records and individuals. In order for a State to receive Medicaid funds, the State must develop a plan whereby it will assure these minimum rights. By linking rights and enforcement to Medicaid, oversight is placed with the State rather than the individual facility. In this way, the enforcement of rights will apply to all long-term facilities regardless of the method of payment of the residents.

Nursing home residents continue to play an important role in the family and in the community. Thus, it is with great pleasure that I salute nursing home residents on their special day.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *April 28, 1986.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

At 3:35 p.m. on Thursday, April 24, 1986 and

(1) Said to contain a message from the President wherein he transmits the FY '85 Report of ACTION; and

(2) Said to contain a message from the President concerning reorganization of the defense establishment; and

At 10:15 on Friday, April 25, 1986 and

(3) Said to contain a message from the President wherein he transmits proposed legislation, entitled "Philippines Assistance Act of 1986."; and

(4) Said to contain a message from the President wherein he reports three rescission proposals in accordance with the Impoundment Control Act of 1974.

With kind regards I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk,
House of Representatives.

ANNUAL REPORT OF ACTION AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of Thursday, April 24, 1986, at page S4853.)

REORGANIZATION OF THE DEFENSE ESTABLISHMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-209)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Armed Services and ordered to be printed.

(For message, see proceedings of the Senate of Thursday, April 24, 1986, at page S4849.)

PHILIPPINES ASSISTANCE ACT OF 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-210)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, Monday, April 28, 1986.)

DEPARTMENT OF DEFENSE—MILITARY RESCISSIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-211)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Monday April 28, 1986.)

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 433

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Resolution 433.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, April 29, 1986.

SEXUAL MOLESTATION OF MINORS ON INDIAN RESERVATIONS

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3826) to amend section 1153 of title 18, United States Code, to make felonious sexual molestation of a minor an offense within Indian country, as amended.

The Clerk read as follows:

H.R. 3826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL PENALTY FOR FELONIOUS SEXUAL MOLESTATION OF A MINOR IN INDIAN COUNTRY.

Section 1153 of title 18, United States Code, is amended by inserting "felonious sexual molestation of a minor," after "involuntary sodomy," in the first undesignated paragraph.

SEC. 2. TECHNICAL AMENDMENTS.

Section 1153 of title 18, United States Code, as amended by section 1, is further amended by—

(1) inserting at the beginning of the section the following heading:

"§ 1153. Offenses committed within Indian country";

(2) designating the first undesignated paragraph as subsection (a); and

(3) striking out the second and third undesignated paragraphs and inserting in lieu thereof the following new subsection:

"(b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such of-

fense was committed as are in force at the time of such offense.".

The SPEAKER. Is a second demanded?

Mr. LUNGREN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from California [Mr. LUNGREN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3826 addresses a problem of great concern to Indian tribes and organizations and to Indian people living on reservations. The problem is sexual abuse of Indian children. Under the present statutory scheme, to use the words of the Navajo Nation, "Indian children residing on reservations are not accorded the same protections as other American children."

A provision of Federal law known as the Major Crimes Act authorizes Federal prosecution of an Indian who commits certain "major crimes" against Indians in Indian country. The crimes listed in the Major Crimes Act include a number of sex crimes—rape, assault with intent to commit rape, "statutory rape," and involuntary sodomy. It does not include child sexual abuse, however. Thus, unless the offender's conduct constitutes one of the listed offenses, only the tribal court can try the Indian offender, and the maximum punishment that the tribal court can impose, no matter how aggravated the conduct, is 6 months imprisonment and a $500 fine. For this reason, the National Congress of American Indians last year adopted a resolution stating that "it is necessary and crucial to effective law enforcement on Indian reservations and to protect the mental health and physical well-being of Indians" that the Major Crimes Act be amended to permit Federal prosecution of serious child sexual abuse offenses. H.R. 3826 does just that.

The bill adds to the list of offenses in the Major Crimes Act the offense of "felonious sexual molestation of a minor," a term that is to be defined by incorporating State law. Since the term "felonious sexual molestation of a minor" is used in a generic or descriptive sense, the State law does not have to have that precise title in order to be incorporated. Thus, a State law called "indecent liberties," for example, would be incorporated. The bill also makes a number of technical changes in the Major Crimes Act that do not affect substance.

H.R. 3826 is supported by the National Congress of American Indians, the Navajo Nation, the American Indian Law Center of Albuquerque, NM, and the Quinault Indian Nation. It is also endorsed by the Department of Justice. A bill identical to H.R. 3826 except for the technical amendments unanimously passed the other body late last year. I urge my colleagues to vote for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LUNGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3826.

This bill, which is similar to legislation passed already by the Senate (S. 1818), would add sexual assault against a minor to the Indian Major Crimes Act (18 U.S.C. 1153), the law denominating several serious assaultive offenses occurring on Indian reservations as subject to Federal jurisdiction.

Crimes which are not listed in the Major Crimes Act are punished according to State law unless both the offender and the victim are Indian, in which case the offense is subject to punishment by tribal courts. Tribal courts, however, are limited to imposing incarcerative sentence of no more than 6 months.

Adding this offense to the Major Crimes Act would allow Federal courts to prosecute Indian as well as non-Indian sexual molesters of Indian children. The definition of, and penalties for, that offense would be as prescribed by respective State laws.

H.R. 3826 addresses a problem of great concern to Indian tribes and Indian people living on reservations; namely, the sexual abuse of Indian children. Under current law, Indian children are not accorded the same protection as are non-Indian children, making this bill necessary.

Mr. Speaker, H.R. 3826 is noncontroversial. It has the support of the administration and it deserves the support of this body. I urge its adoption today.

Mr. Speaker, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, sexual abuse of children is, unfortunately, a tragedy of significant proportion in our country. It is a crime that occurs in all segments of the society and cuts across racial, ethnic, and economic lines.

I congratulate Congressman BOUCHER for introducing H.R. 3826, legislation to amend the Major Crimes Act to include the crime of "felonious sexual molestation of minors" on Indian reservations. I congratulate Chairman CONYERS for bringing it before us today. This bill closes an existing gap in the Federal legal system with regard to child sexual molestation, and is an important first step in dealing with this serious national problem. I am pleased to be cosponsor of this important legislation.

Recently, the Select Committee on Children, Youth, and Families, which I chair, traveled thousands of miles, visiting reservations, schools, homes, and clinics. We talked to dozens of native Americans in our continuing effort to learn about families with special needs. At those hearings, we learned that Indian children are also falling victim to sexual abuse.

The Colville Tribe in the State of Washington reported to us that there were 3 child sexual abuse cases in 1983, 25 in 1985. Witnesses from other tribes, including the Pima and Maricopa from the Gila River Indian community in Arizona, reported that child sexual abuse is a growing problem on reservations.

Social service agencies and tribal courts are overwhelmed with cases, and tribal prosecutors, like the one I spoke with at the Yakima Reservation, are frustrated by their inability to impose more than a 6-month sentence for molestation cases not covered under Federal law.

The need to take steps to address the problem of child sexual abuse on Indian reservations was a recurrent theme in the site visits and hearings conducted by the select committee.

In New Mexico, Toni Martorelli, director of the New Mexico Governor's Office on Children and Youth, told the committee that when sexual abuse of Indian children occurs on the reservation, the institutional arrangements and legal authority are not present to deal with the abuse.

Washington State, recognizing the growing problems, recently awarded 3-year grants to three Indian tribes to develop child sexual abuse prevention and treatment projects. Testimony at the committee's Seattle hearing from the director of the Skokomish sexual abuse prevention and treatment project indicates that child sexual abuse occurs as frequently among the Indian population as the mainstream population. As the committee has documented, this means that one out of every four to five Indian girls and one out of every six to eight Indian boys is likely to be sexually abused before they reach the age of 18.

Additional testimony from a Skokomish Tribal Council member, who had been sexually abused herself at age 7, underscored the need to provide counseling services for child abusers. Ms. Lucy Peterson told the committee that the man who had abused her, and his adult son, were arrested for abusing two 7-year-old girls. Charges against the older man were dismissed. His son was convicted under the State court system, given a 6-month jail sentence, and no counseling. Expressing great frustration with this outcome, Ms. Peterson emphasized the need to educate criminal justice personnel at all levels about child sexual abuse, and to provide treatment services to help prevent further abuse once a perpetrator is released to the community.

Currently, those who molest Indian children on reservations can only be prosecuted under the tribal court system. Tribal courts may impose a maximum penalty of 6 months im-

prisonment and a $500 fine. Those who molest non-Indian children off reservations are subject to State law, which frequently imposes a much stiffer penalty.

H.R. 3826 corrects this inequity by designating child sexual molestation as a Federal crime, and allowing the appropriate penalty to be imposed under existing State law.

While urging select committee members to endorse the legislation under consideration today, Ms. Martorelli also warned that simple prosecution without treatment for victims and perpetrators does not solve the whole problem.

The Select Committee on Children, Youth, and Families has learned first hand about the rising tide of child sexual abuse among the Nation's Indian population. H.R. 3826 is an important legislative measure which can do a great deal to address this serious social problem.

In addition, I would hope that Members will also recognize that prosecution of offenders, while important, will not eliminate the problem of sexual abuse. As so many witnesses told the select committee, more needs to be done to prevent abuse from ever occuring, and treatment servcies must be made available to the offenders and their families.

I commend Congressman BOUCHER and Chairman CONYERS for their leadership in recognizing the need to close a gap in the Federal criminal law, and for taking action which will help protect Indian children.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 3826, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1818) to prevent the sexual molestation of children in Indian country, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1153 of title 18, United States Code, is amended by inserting "felonious sexual molestation of a minor," after "involuntary sodomy," each place it appears.

MOTION OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. SCHROEDER moves to strike all after the enacting clause of the Senate bill, S. 1818, and to insert in lieu thereof the provisions contained in H.R. 3826, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend section 1153 of title 18, United States Code, to make felonious sexual molestation of a minor an offense within Indian country."

A motion to reconsider was laid on the table.

A similar House bill H.R. 3826, was laid on the table.

VICTIMS OF CRIME TECHNICAL AMENDMENTS ACT OF 1986

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2998) to make technical amendments to title 18, United States Code, relating to victims of crime and to the Victims of Crime Act of 1984, as amended.

The Clerk read as follows:

H.R. 2998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Crime Technical Amendments Act of 1986".

SEC. 2. CROSS REFERENCE ELIMINATION.

Section 3671(a) in the chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime is amended by striking out "chapter 227 or 231 of".

SEC. 3. REDESIGNATION OF DUPLICATE SECTIONS AND CHAPTER.

(a) SECTION REDESIGNATION.—Sections 3671 and 3672 in the chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime are redesignated as sections 3681 and 3682, respectively.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime is amended by striking out "3671" and "3672" and inserting in lieu thereof "3681" and "3682", respectively.

(c) CHAPTER DESIGNATION.—The chapter 232 of title 18, United States Code, which relates to special forfeiture of collateral profits of crime is redesignated as chapter 232A.

(d) TABLE OF CHAPTERS.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by striking out the item relating to chapter 232 which relates to special forfeiture of collateral profits of crime and inserting in lieu thereof the following:

"232A. Special forfeiture of collateral profits of crime ..... 3681".

SEC. 4. CROSS REFERENCE AND INTERNAL SUBSECTION REDESIGNATION.

Section 1407 of the Victims of Crime Act of 1984 is amended—

(1) in subsection (h) by striking out "1302" and inserting in lieu thereof "1402"; and

(2) by redesignating subsection (h) as subsection (g).

SEC. 5. REPEAL OF SECTION 1410 OF THE VICTIMS OF CRIME ACT OF 1984.

The Victims of Crime Act of 1984 is amended by striking out section 1410.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes and the gentleman from California [Mr. LUNGREN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 2998 makes nonsubstantive changes in provisions of the Victims of Crime Act and in provisions of title 18 related to crime victims. The bill simply corrects typographical errors and cross-references, changes section and chapter numbers to eliminate duplication, and deletes a provision that makes a conforming change in a section that has been repealed. All the provisions of the bill are consistent with recommendations made by the Justice Department and have been reviewed by other interested parties. I am unaware of any opposition to any part of the bill.

H.R. 2998 bill is a noncontroversial, housekeeping measure. I urge support for it.

□ 1225

Mr. LUNGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2998.

This bill makes changes merely of a technical nature to the Victims of Crime Act of 1984.

The bill corrects obvious errors in style and cross referencing and is neither substantive nor controversial. The changes made by the bill are consistent with recommendations of the Department of Justice and have not been objected to by any interested party.

For example, it has been discovered that because of the Comprehensive Crime Control Act of 1984 there are now two sections, 3671 and 3672. This bill would correctly redesignate these duplicate sections.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 2998, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2998, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

PATRICK HENRY HOME NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 187) designating Patrick Henry's last home and burial place, known as Red Hill, in the Commonwealth of Virginia, as a national memorial to Patrick Henry.

The Clerk read as follows:

S.J. RES. 187

Whereas Patrick Henry was a great orator and leader of the Revolutionary cause in the struggle for independence and in the establishment of a new Government of the United States of America; and

Whereas fifty years ago on August 15, 1935, the Congress authorized establishment of Red Hill, Patrick Henry's last home and burial place, as a national monument in tribute and recognition of his service to his country, and the authorization was repealed in 1944 due to insufficient appropriations during distressful times; and

Whereas the Patrick Henry Memorial Foundation in 1944 acquired Red Hill, located in Charlotte County, Virginia, and has both reconstructed his home and restored his original cottage law office and grounds as a shrine and museum, in commemoration of the entire life of Patrick Henry; and

Whereas Red Hill is listed on the National Register of Historic Places; and

Whereas the Virginia General Assembly, in its 1985 legislative session, has enacted Senate Joint Resolution 82, calling for national recognition and stewardship of Red Hill by the Federal Government; and

Whereas Scotchtown, Saint John's Church, and Hanover County Courthouse are designated National Historic Landmarks, due to their historical significance, integrity and representation of key moments of Patrick Henry's revolutionary contributions; and

Whereas May 29, 1736, was the birthdate of Patrick Henry, and Scotchtown, Saint John's Church, and Hanover County Courthouse and Red Hill are together planning commemorative activities for the two hundred and fiftieth anniversary of Patrick Henry's birth during 1986; and

Whereas it would be appropriate for Congress, as part of the 1986 commemorative activities, to honor for the benefit of present and future generations the entire life of Patrick Henry by a national memorialization of this American Patriot's burial place at Red Hill, where are also preserved his original cottage law office, his reconstructed home, and museum' articles depicting his life and work: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the last home and burial place of Patrick Henry in Charlotte County, Commonwealth of Virginia, known as Red Hill, is hereby designated as a National Memorial to Patrick Henry, and shall be known as: the Red Hill Patrick Henry National Memorial. The Secretary of the Interior is authorized and directed to take appropriate action to assure that this Memorial is announced in the Federal Register, and that official records and lists are amended, in due course, to reflect this addition as being included along with other national memorials established by Act of Congress.

SEC. 2. The Secretary of the Interior, with the concurrence of the owner of the property, is authorized and directed to place at the gravesite on or by June 6, 1986, the anniversary of Patrick Henry's death, an appropriate plaque or marker bearing an inscription commensurate with the contributions of Patrick Henry to the American Revolution and with the patriotism his words and deeds continue to inspire in all Americans: *Provided,* That the ownership of Red Hill remains non-Federal, and that the costs of such plaque or marker, and of its inscription and maintenance, as well as the costs of operations and maintenance for the estate shall be borne from non-Federal funds, services, or materials.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Joint Resolution 187 commemorates the life and achievements of American patriot and statesman, Patrick Henry, by designating his last home and burial place, located in Charlotte County, VA, as the "Red Hill Patrick Henry National Memorial."

This measure is identical to House Joint Resolution 373, introduced by our colleague DAN DANIEL. In addition to designating Red Hill as a national memorial, the resolution directs the Secretary of the Interior to announce the designation in the Federal Register, amend memorial listings to include the site, and place a plaque or marker at Henry's gravesite. The cost of the plaque or marker is to be borne by private sources.

The resolution before us provides that ownership of Red Hill remains non-Federal and that the cost of operations and maintenance for the estate shall be borne from non-Federal funds, services, or materials. The Patrick Henry Memorial Foundation, which has owned and operated the site for over 40 years, will continue to be responsible for the care and management of the estate under this resolution.

The Red Hill estate contains Henry's grave, original cottage law office and a reconstruction of the home he occupied from 1796 until his death in 1799.

Mr. Speaker, May 29, 1986, marks the 250th anniversary of the birth of this great American patriot. Passage of this resolution will be a timely contribution to the planned celebrations honoring the life and achievements of Patrick Henry.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to briefly comment on Senate Joint Resolution 187, to designate the Red Hill Patrick Henry National Memorial.

This legislation, which has already passed the Senate, pays tribute to the numerous achievements and contributions of Patrick Henry by designating his last home and burial place, Red Hill, as a national memorial. While there are currently three national historic landmarks associated with the American Revolution patriot, Congress has never established a national memorial in his honor.

The bill requires placement of a plaque or marker describing Patrick Henry's contributions to our Nation, at his gravesite by June 6, 1986, the anniversary of his death. Furthermore, the bill requires that the ownership of Red Hill remain private and that no Federal funds be used for any costs associated with the memorial.

Mr. Speaker, Red Hill is currently listed on the National Register of Historic Places. The three historic landmarks associated with Patrick Henry—Scotchtown, St. John's Church and Hanover County Courthouse, have unanimously endorsed Red Hill's designation. Furthermore, numerous commemorative activities are planned for the 250th anniversary of Patrick Henry's birth in May. In addition, the bill enjoys broad, bipartisan support. Therefore, I feel it is entirely appropriate for Congress to honor the great American patriot Patrick Henry, through designation of Red Hill as a national memorial.

I urge all of my colleagues to support this measure.

Mr. DANIEL. Mr. Speaker, in a day when we are lacking for many national political heroes, Patrick Henry strikes

a pleasant memory in the minds of most of us.

His rallying cries in the tension-ridden days prior to the American Revolution brought hope to other colonists of less zeal and vigor and provided encouragement to the timid.

"I know not what course others may take, but give me liberty or give me death," he thundered from Richmond's St. John's Church—and because of his words, others were inspired to do more than they had set out to accomplish.

We live in such an era today, where the stakes are even greater than they were in the 1770's, and badly we need statesmen of his statue to sound the clarion call for action. We need men and women, imbued with his courage, vision, and wisdom, but even more, we need to recapture his singleness of purpose which recognized a job to be done and provided the resoluteness to do it. These were the times when leaders purposed to dedicate their lives, their fortunes, and their sacred honor—and they did. It required courage to do what they did—and once they begun, that cost ceased to be a factor.

How well the Congress could use some Patrick Henrys today. What an impact we could make—and how much clearer would be our call for rightness in the world.

Two hundred and fifty years have passed since Partick Henry was born, and the purpose of the resolution we have before us today is to establish a national memorial to one of the really great patriots of all time.

Mr. Henry would probably be pleased, too, that the memorial will not require the expenditure of Federal funds. It would be established at his last home and burial place—at Red Hill, in Charlotte County, VA. Each year, thousands of Americans and those from other lands visit the gravesite, his law office, and other points of interest at this historic estate.

Passage of this resolution would allow the placement of a plaque, designating Red Hill as a national memorial, and in so doing, we would further honor this great American on the occasion of his 250th birthday on May 29.

The Senate approved the resolution on December 3d last year and the Virginia delegation has worked in concert to further this cause. Our proposal has been endorsed by the Governor's Patrick Henry Memorial Commission and the governing bodies of the other three nationally-recognized institutions which honor Mr. Henry—St. John's Church, where he made his famous speech; Hanover County Courthouse, where he practiced law; and Scotchtown, where he lived earlier in his life.

Hundreds of Virginians and numerous interested organizations and individuals around the country have expressed satisfaction and support in this endeavor.

I know of no opposition, apart from the technical misgivings expressed by the National Park Service.

Actually, this recognition is long in coming. On August 15, 1935, the Congress authorized Red Hill as a national monument in tribute and recognition of Mr. Henry's service to his country. The late Senator Carter Glass, who sponsored the legislation, intended that the Government would purchase the property and maintain it under the National Park System. However, because there was no agreement on price and the project became bogged down, the authorization was repealed in 1944. The estate then was acquired by the Patrick Henry Memorial Foundation, and that organization has been maintaining it since.

The foundation's primary motivation is to inspire more interest in, and attention to, the life of Patrick Henry. It is felt that public attention which is drawn to his memory on the occasion of his 250th birthday will enhance interest in each of the sites which seek to honor his name.

We all benefit when we revisit the scenes of our former national achievements. Who is to say what the course of this Nation might have been without the leadership of Patrick Henry and others among the patriots who led that noble cause?

Our contribution, in keeping their memory alive, is indeed a vital part in perpetuating the objectives for which they stood.

I urge passage of the resolution.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate Joint Resolution 187.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

INDIAN HEALTH CARE AMENDMENTS OF 1986

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4600) to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Health Care Amendments of 1986".

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (25 U.S.C. 1601, et seq.).

TITLE I—INDIAN HEALTH MANPOWER

SEC. 101. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

Subsection (c) of section 102 (25 U.S.C. 1612(c)) is amended to read as follows:

"(c) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $700,000 for fiscal year 1987,

"(2) $700,000 for fiscal year 1988, and

"(3) $700,000 for fiscal year 1989.".

SEC. 102. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM.

(a) SCHOLARSHIPS.—Section 103 (25 U.S.C. 1613) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution.

"(e) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $3,000,000 for fiscal year 1987,

"(2) $3,500,000 for fiscal year 1988, and

"(3) $4,000,000 for fiscal year 1989.".

(b) EXPENSES.—Subsection (c) of section 103 is amended by striking out "expenses" and inserting in lieu thereof "expenses of a grantee while attending school full time".

SEC. 103. HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) PROGRAM.—Section 104 is amended to read as follows:

"INDIAN HEALTH PROFESSIONS SCHOLARSHIPS

"SEC. 104. (a) In order to provide health professionals to Indian communities, the Secretary, acting through the Service and in accordance with this section, shall make scholarship grants to Indians who are enrolled full time in schools of medicine, osteopathy, podiatry, dentistry, veterinary medicine, nursing, optometry, public health, and allied health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 254l) except as provided in subsection (b) of this section.

"(b)(1) The Secretary, acting through the Service, shall determine who shall receive such scholarships and shall determine the distribution of such scholarships among such health professions on the basis of the relative needs of Indians for additional service in such health professions.

"(2) An individual shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full time in a health profession school referred to in subsection (a).

"(3) The active duty service obligation prescribed under section 338B of the Public Health Service Act (42 U.S.C. 254m) shall be met by a recipient of an Indian Health Scholarship by service in the Indian Health Service, including service or employment under a contract under the Indian Self-Determination Act (Public Law 93-638); employment in a program assisted under title V of this Act; or in the private practice of his profession if, as determined by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(c) For the purpose of this section, the term 'Indian' has the same meaning given that term by subsection (c) of section 4 of this Act, including all individuals described in clauses (1) through (4) of that subsection.

"(d) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $4,000,000 for fiscal year 1987,

"(2) $4,500,000 for fiscal year 1988, and

"(3) $5,000,000 for fiscal year 1989.".

(b) TECHNICAL.—Section 338G of the Public Health Service Act (42 U.S.C. 254r) is repealed.

SEC. 104. INDIAN HEALTH SERVICE EXTERN PROGRAM.

Subsection (d) of section 105 (25 U.S.C. 1614) is amended to read as follows:

"(d) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $1,000,000 for fiscal year 1987,

"(2) $1,000,000 for fiscal year 1988, and

"(3) $1,000,000 for fiscal year 1989.".

SEC. 105. CONTINUING EDUCATION ALLOWANCES.

Subsection (b) of section 106 (25 U.S.C. 1615 (b)) is amended to read as follows:

"(b) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $300,000 for fiscal year 1987,

"(2) $300,000 for fiscal year 1988, and

"(3) $300,000 for fiscal year 1989.".

TITLE II—HEALTH SERVICES

SEC. 201. IMPROVEMENT OF INDIAN HEALTH STATUS.

Section 201 is amended to read as follows:

"INDIAN HEALTH CARE IMPROVEMENT FUND

"SEC. 210. (a)(1) To further implement the national policy of raising the health status of Indians to a zero level of deficiency as defined in subsection (c) by eliminating backlogs in health care services and meeting unmet Indian health needs as soon as possible and in an equitable manner, the Secretary is authorized to expend, through the Service, over the 2 year period beginning with fiscal year 1988 the amounts authorized to be appropriated by subsection (h) of this section. Funds requested under this section shall be separately stated in the Service budget request as submitted to Congress under section 1104 of title 31, United States Code, and funds appropriated under this section shall not be used to offset or limit appropriations made to the Service under authority of the Act of November 2, 1921 (25 U.S.C. 13), or any other law. Funds appropriated under this section in any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

"(2) Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor is it intended to discourage the Service from undertaking additional efforts to achieve parity among tribes.

"(b)(1) Funds appropriated under this section shall be expended to augment the ability of the Service to meet the following health service responsibilities—

"(A) clinical care (direct or indirect);

"(B) preventive health;

"(C) dental care (direct or indirect);

"(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional Indian practitioners;

"(E) emergency medical services;

"(F) treatment and control of, and rehabilitative care related to, alcoholism among Indians;

"(G) accident prevention programs;

"(H) community health representative programs;

"(I) home health care; and

"(J) maintenance and repair.

"(2) Where any funds allocated to a service unit are used for a contract under the Indian Self-Determination Act, a reasonable proportion of such funds may be used for health planning, training, technical assistance, and other administrative support functions.

"(3)(A) To the extent that all or a portion of the funds appropriated under subsection (h) are required to raise tribes which are below a level II deficiency, as defined in subsection (c)(2), to such level, such funds shall not be available for allocation to service units serving only tribes at or above such level. Funds appropriated under this section shall be allocated on a service unit basis. Apportionment of a service unit's allocation of funds among the health service responsibilities listed in paragraph (1) shall be as determined by the Service and the Indian tribe or tribes whose deficiency level was the basis on which the funds were allocated.

"(B) In the case of multitribal service units, the allocation of funds under this section shall be made, apportioned, and expended upon the basis of the health resources deficiency level of each separate tribe within that service unit.

"(c)(1) Within 60 days of the date of enactment of the Indian Health Care Amendments of 1986, the Secretary shall submit to the Congress the current health services priority system report of the Service for each tribe including units serving newly recognized or acknowledged tribes. Such report shall contain—

"(A) the methodology for determining tribal health resources deficiencies; the level of health resources deficiency for each tribe; the amount of funds necessary to raise all tribes below a level II deficiency to a level II deficiency; the amount of funds necessary to raise all tribes below a level I deficiency to a level I deficiency; and the amount of funds necessary to raise all tribes to a zero level of deficiency;

"(B) an estimate of—

"(i) the amount of health service funds appropriated under the authority of this or any other Act for the preceding fiscal year which is allocated to each service unit; and

"(ii) the number of Indians eligible for health services in each service unit and each tribe; and

"(C) an evaluation of—

"(i) the preventive health, health protection, and health promotion needs of Indians identified in tribal specific health plans;

"(ii) the preventive health, health protection, and health promotion services necessary to meet such needs;

"(iii) the resources which would be required to enable the Service to provide such services; and

"(iv) the resources currently available to the Service which could be used to provide such services.

"(2) For purposes of this section, health resources deficiency levels shall be defined as follows:

"Level I—0 to 20 percent deficiency,

"Level II—21 to 40 percent deficiency,

"Level III—41 to 60 percent deficiency,

"Level IV—61 to 80 percent deficiency,

"Level V—81 to 100 percent deficiency,

"(3) The Secretary shall establish by regulation procedures which allow any Indian tribe to petition the Secretary for a review of any determination of the health resources deficiency level of such tribe.

"(d) Upon enactment of the Indian Health Care Amendments of 1986, the Secretary, acting through the Service, shall take all necessary action, in cooperation with each Indian tribe, to bring current the tribal specific health plans which were developed as a part of the plan required by section 703 of this Act and which formed the basis for such plan in response to the requirements of section 701 of this Act. These plans shall be based upon the methodology submitted under subsection (c), as may be further modified through tribal consultation, and shall form the basis for the health services priority system report to be submitted by the Secretary for fiscal years 1987, 1988, and 1989. Such reports shall be submitted to the Congress not more than 30 days after the submission of the annual budget for such fiscal years to the Congress by the President.

"(e) The Secretary, acting through the Service, shall expend directly or by contract not less than 1 percent of the funds appropriated under subsection (h) for research in the areas of Indian health care set out in subparagraphs (A) through (G) of subsection (b)(1). Indian tribes and tribal organizations contracting with the Service pursuant to the Indian Self-Determination Act shall be given an equal opportunity to compete for and receive such research funds.

"(f) Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination Act shall be eligible for funds appropriated pursuant to subsection (h) of an equal basis with programs that are administered directly by the Indian Health Service.

"(g) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each fiscal year a separate statement which specifies the total amount obligated or expended in the most recently completed fiscal year to carry out subsection (d) and to carry out each of the subparagraphs of subsection (b)(1).

"(h) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $10,000,000 for fiscal year 1988, and

"(4) $10,000,000 for fiscal year 1989.

Any funds appropriated under this subsection shall be designated as the 'Indian Health Care Improvement Fund'.".

SEC. 202. CATASTROPHIC HEALTH PROGRAM.

SEC. 202. Title II is amended by adding the end thereof the following new section:

"CATASTROPHIC HEALTH PROGRAM

"SEC. 202. (a) There is established an Indian Catastrophic Health Emergency Fund (hereinafter in this section referred to as the 'Fund') to be administered by the Secretary, acting through the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses falling within the responsibility of the Service. The Fund shall be administered by the central office of the Service and shall not be allocated, apportioned, or delegated on a service unit or area office basis. Funds appropriated under subsection (c) shall not be used to offset or limit appropriations made to the Service under authority of the Act of November 2, 1921 (25 U.S.C. 13), or any other law. No part of the Fund or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination Act (Public Law 93-638).

"(b) The Secretary shall, through the promulgation of regulations consistent with the provisions of this section—

"(1) establish a definition of disasters and catastrophic illnesses for which the cost of treatment, whether provided under contract or directly by the Service, would qualify for payment from the Fund; and which shall provide that a service unit shall not be eligible for reimbursement for the cost of treatment from the Fund until its cost of treating any victim of such catastrophic illness or disaster shall have reached a certain threshold cost which the Secretary shall establish at not less than $10,000 or not more than $20,000;

"(2) establish a procedure for the reimbursement of service units or facilities rendering treatment or, whenever otherwise authorized by the Service, the reimbursement of nonservice facilities or providers rendering treatment;

"(3) establish a procedure for payment from the Fund where the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

"(4) establish a procedure that will assure that no payment shall be made from the Fund to any provider to the extent that the provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible or by which the patient is covered.

"(c) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $3,000,000 for fiscal year 1988, and

"(2) for fiscal year 1989, such sums as may be necessary to maintain the Fund at $3,000,000.

Funds appropriated under this subsection shall remain available until expended.

"(d) By no later than January 1, 1989, the Secretary shall report to Congress on the operation of the Fund. Such report shall include—

"(1) the number and nature of disasters and catastrophic illnesses for which reimbursement was sought;

"(2) the costs associated with such disasters or illnesses;

"(3) the amounts reimbursed by the Fund in connection with such disasters and illnesses;

"(4) the effect of the Fund on the ability of service units to meet the health needs of their service populations; and

"(5) the Secretary's recommendations regarding the future operation of the Fund.".

SEC. 203. COMPETITIVE PROCUREMENT.

SEC. 203. Title II is amended by adding at the end thereof the following new section:

"COMPETITIVE PROCUREMENT

"SEC. 203. (a) Notwithstanding any other provision of law, the Secretary, acting through the Service, may waive any statutory or administrative requirement for competitive procurement of health services if, in the judgment of the Chief Medical Officer who will have jurisdiction over such health services, such competitive procurement would compromise the accessibility, quality, or continuity of health services or would not result in any appreciable competition or savings.

"(b) Notwithstanding any other provision of law, the Secretary, acting through the Service, shall reject any bid submitted under any statutory or administrative requirement for competitive procurement of health services upon the certification of the Chief Medical Officer who will have jurisdiction over such health services that acceptance of such bid would compromise the accessibility, quality, and continuity of health services.".

SEC. 204. PREVENTIVE HEALTH, HEALTH PROTECTION, AND HEALTH PROMOTION.

Title II, as amended by sections 202 and 203 of this Act, is further amended by adding at the end the following new section:

"PREVENTIVE HEALTH, HEALTH PROTECTION, AND HEALTH PROMOTION

"SEC. 204. (a) The Congress finds that—

"(1) preventive health, health protection, and health promotion services will—

"(A) improve the health and well-being of Indians; and

"(B) reduce the expenses for medical care of Indians;

"(2) preventive health, health protection, and health promotion services should be provided by the coordinated efforts of Federal, State, local, and tribal governments; and

"(3) in addition to the provision of primary health care, the Service should provide preventive health, health protection, and health promotion services to Indians.

"(b) The Secretary, acting through the Service, shall—

"(1) require, by regulation, that each Indian tribe include within any tribal specific health plan submitted to the Secretary—

"(A) an identification of the preventive health, health protection and health promotion needs of such tribe; and

"(B) a comprehensive plan for providing such services to such tribe;

"(2) develop from tribal specific health plans a comprehensive plan for the provision by the Service of preventive health, health protection, and health promotion services to Indians;

"(3) establish a schedule for the provision of such services by the Service; and

"(4) provide such services to Indians in accordance with such comprehensive plan and schedule.".

TITLE III—HEALTH FACILITIES

SEC. 301. HEALTH FACILITIES.

Section 301 (25 U.S.C. 1631) is amended to read as follows:

"HEALTH FACILITIES

"SEC. 301. (a)(1) Within 60 days after the date of enactment of the Indian Health Care Amendments of 1986, the Secretary shall submit to the Congress a report which shall set forth the current health facilities priority system of the Service and which shall include the planning, design, construction, or renovation needs for the ten top priority inpatient care facilities and the ten top priority ambulatory care facilities together with required staff quarters, the justification for such priority listings, and the projected cost of such projects. The report shall also include the methodology adopted by the Service in establishing priorities under its health facilities priority system.

"(2)(A) Within 30 days of the submission of the annual budget to the Congress by the President for each of the fiscal years 1988 and 1989, the Secretary shall submit to the Congress a report which complies with the requirements for paragraph (1).

"(B) In preparing such report in such fiscal years, the Service shall consult with tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities with funds from the Service under the Indian Self-Determination Act, and shall review the needs of these tribes and tribal organizations for inpatient and outpatient facilities, including their needs for renovation and expansion of existing facilities.

"(3) The Service shall use the same criteria for each of the fiscal years 1988 and 1989 to evaluate the needs of facilities operated under contract under the Indian Self-Determination Act as it uses to evaluate the needs of facilities operated directly by the Service in such fiscal years.

"(4) The Secretary shall ensure that the planning, design, construction, and renovation needs of Service and non-Service facilities which are the subject of a contract for health services entered into under the Indian Self-Determination Act are fully and equitably integrated into the development of the health facility priority system.

"(b)(1) All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13), for the planning, design, construction, or renovation of health facilities for the benefit of a tribe or tribes shall be subject to the provisions of sections 103 and 104(b) of the Indian Self-Determination Act. The United States shall hold title to any facility constructed under a grant pursuant to section 104(b) of that Act.

"(2) Any tribal contractor or grantee shall expend the funds described in paragraph (1) for the purpose for which appropriated pursuant to rules and regulations established by the Secretary for contracting and procurement.

"(c) Prior to the expenditure of, or the making of any firm commitment to expend, any funds appropriated for facilities planning and design, construction, or renovation under the Act of November 2, 1921 (25 U.S.C. 13), the Secretary, acting through the Service, shall—

"(1) consult with any Indian tribe that would be significantly affected by such expenditure for the purpose of determining and, wherever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made, and

"(2) ensure, wherever practicable, that such facility, not later than one year after its construction or renovation, shall meet the standards of the Joint Commission on Accreditation of Hospitals.

"(d) The Secretary shall not close, under any existing authority, any Service hospital or other outpatient health care facility or any portion thereof unless he has submitted to the Congress at least one year prior to the planned closure date an evaluation of the impact of the proposed action which shall include the following factors—

"(1) accessibility of alternative health care resources for the service population;

"(2) cost effectiveness of the closure;

"(3) quality of health care to be provided to the service population after closure;

"(4) availability of contract health care funds to maintain current levels of service; and

"(5) the views of the Indian tribe or tribes served by such facility on the planned closure.

This subsection shall not be applicable to temporary closures where such closure is specifically determined to be necessary to avoid jeopardizing the health or safety of patients.".

SEC. 302. SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES.

Section 302 (25 U.S.C. 1632) is amended to read as follows:

"SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES

"SEC. 302. (a)(1) Congress finds that—

"(A) the provision of safe water supply and sanitary sewage and solid waste disposal systems is primarily a health consideration and function;

"(B) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of such facilities;

"(C) the long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing such facilities and other preventive health measures;

"(D) many Indian homes and communities still lack safe water supply and sanitary sewage and solid waste disposal facilities; and

"(E) it is in the interest of the United States and it is the policy of the United States that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply and sanitary sewage and solid waste disposal facilities as soon as possible.

"(2) Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(b) Beginning in fiscal year 1987, the Secretary, acting through the Service, shall develop and begin implementation of a 10 year plan to provide safe water supply and sanitary sewage and solid waste disposal facilities to existing Indian homes and communities and to new and renovated Indian homes.

"(c)(1) Within 60 days of the date of the enactment of the Indian Health Care Amendments of 1986, the Secretary shall report to Congress on the Service's sanitation facilities priority system. The Secretary, in preparing such report, shall uniformly apply the methodology for determining sanitation deficiencies to all Indian tribes. Such report shall identify the methodology for determining sanitation deficiencies; the level of deficiency for each Indian community or tribe; the amount of funds necessary to raise all communities to a level I deficiency; and the amount of funds necessary to raise all communities or tribes to a zero level of deficiency. For the purpose of such report—

"(A) a level I deficiency means a sanitation system which complies with all applicable water supply and pollution control laws and regulations in which the defined deficiencies consist of routine replacement, repair, or maintenance needs;

"(B) a level II deficiency means a sanitation system which complies with all applicable water supply and pollution control laws and regulations in which the defined deficiencies consist of capital improvements necessary to improve the facilities to meet the needs of the communities for domestic sanitation facilities;

"(C) a level III deficiency means a sanitation system which has an inadequate or partial water supply and sewage disposal facility which does not comply with applicable water supply and pollution control laws and regulations or which has no solid waste disposal facility;

"(D) a level IV deficiency means a sanitation system which lacks either a safe water supply system or a sewage disposal system; and

"(E) a level V deficiency means the absence of a safe water supply and sewage disposal system.

Any tribe or community which lacks the operation and maintenance capability to meet all applicable water supply and pollution control laws and regulations shall be deemed to have a rating no higher than a level III deficiency.

"(2)(A) Within 30 days of the submission of the annual budget to the Congress by the President for fiscal years 1988 and 1989, the Secretary shall submit a report to the Congress which meets the requirements of paragraph (1).

"(B) In preparing such report for each of the fiscal years 1988 and 1989, the Secretary, acting through the Service, shall consult with tribes and tribal organizations including those operating health care programs or facilities under contracts under the Indian Self-Determination Act to determine the sanitation needs of each tribe.

"(d)(1) To clarify the powers conferred by subsection (a) of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Secretary, acting through the Service, is authorized to provide—

"(A) financial and technical assistance to Indian tribes and communities in the establishment, training, and equipping of utility organizations to operate and maintain Indian sanitation facilities,

"(B) ongoing technical assistance and training in the management of utility organizations, and

"(C) operation and maintenance assistance for, and emergency repairs to, tribal sanitation facilities when necessary to avoid a health hazard or to protect the Federal investment in sanitation facilities in situations where the community, tribe, or family is not financially or technically capable of performing the required emergency repairs with their own resources.

"(2)(A) This section is not intended to diminish the primary responsibilities of the Indian community or tribe to establish, collect, and utilize reasonable user fees, or otherwise set aside funding, for the purpose of operation and maintenance of sanitation facilities.

"(B) The financial and technical capability of an Indian tribe or community to safely operate and maintain a sanitation facility shall not be a precondition for the provision or construction of such facilities and the Secretary may not require a tribe or community to accept a transfer of such facilities where he has determined the tribe or community does not have, or may not be reasonably expected to achieve, such capability.

"(e) Programs administered by Indian tribes or tribal organizations under the authority of the Indian Self-Determination Act shall be eligible for—

"(1) funds appropriated pursuant to subsection (f), and

"(2) funds appropriated for the purpose of providing water supply or sewage disposal services,

on an equal basis with programs that are administered directly by the Indian Health Services.

"(f)(1) There are authorized to be appropriated for each of the fiscal years 1988 and 1989, $3,000,000 for the purpose of providing funds necessary to implement the expanded responsibilities of the Service under subsection (d).

"(2) In addition to the amount authorized under paragraph (1), there are authorized to be appropriated for each of the fiscal years 1988 and 1989, $850,000 for the purpose of providing thirty new full-time equivalents for the Service which shall be used to carry out the expanded responsibilities of the Service under subsection (d).".

SEC. 303. USE OF NONSERVICE FUNDS FOR RENOVATION.

Section 305 (25 U.S.C. 1634) is amended to read as follows:

"EXPENDITURE OF NONSERVICE FUNDS FOR RENOVATION

"SEC. 305. (a) An Indian tribe is authorized to expend—

"(1) any funds of such tribe, including funds in trust by the United States for such tribe the use of which is not otherwise restricted by law, and

"(2) any funds appropriated under Federal law which are not appropriated for expenditure through the Service and which are not otherwise restricted by law,

for the purpose of making any major renovation or modernization of any Service facility or of any other Indian health facility operated pursuant to a contract entered into under the Indian Self-Determination Act (including an expenditure for the planning or designing of such renovation or modernization) if the requirements of subsection (b) are met.

"(b) The requirements of this subsection are met with respect to any renovation or modernization if the renovation or modernization—

"(1) does not require or obligate the Secretary to provide any additional employees or equipment,

"(2) is approved by the appropriate area director of the Service, and

"(3) is administered by the Indian tribe in accordance with the rules and regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(c) A renovation or modernization shall not be authorized by this section if such renovation or modernization would require the diversion of funds appropriated to the Service for any project which has a higher priority under the health facility priority system of the Service.".

SEC. 304. BETHEL, ALASKA, HOSPITAL.

Title III is amended by adding at the end thereof the following new section:

"BETHEL, ALASKA, HOSPITAL

"SEC. 306. (a) If a final administrative ruling by the Department of the Interior holds that the Bethel Native Corporation is entitled to conveyance of the title to the real property described in subsection (d)(1) under the Alaska Native Claims Settlement Act, such ruling shall not be subject to judicial review and title to such property shall

be conveyed to the Bethel Native Corporation.

"(b) The Secretary is authorized, notwithstanding any other provision of law, to enter into an agreement with Bethel Native Corporation for an exchange of the real property described in subsection (d)(1) for—

"(1) the lands described in subsection (d)(2), or

"(2) any other Federal property which Bethel Native Corporation would have been able to select under the Alaska Native Claims Settlement Act.

"(c) If an agreement for the exchange of land is not entered into under subsection (b) by the date that is 90 days after the date of the ruling described in subsection (a), the Secretary shall purchase the lands described in subsection (d)(1) at fair market value.

"(d)(1) The real property referred to in subsection (a) is United States Survey Numbered 4000 other than the lands described in paragraph (2).

"(2) The lands referred to in subsection (b)(1) are the lands identified as tracts A and B in the determination AA-18959 of the Bureau of Land Management issued on September 30, 1983, pursuant to the Alaska Native Claims Settlement Act.".

TITLE IV—ACCESS TO HEALTH SERVICES

SEC. 401. MEDICAID PROVISIONS.

(a) SKILLED NURSING FACILITY.—Section 1911 of the Social Security Act is amended by striking out "or skilled nursing facility" each place it appears and inserting in lieu thereof in each instance "skilled nursing facility, or any other type of facility which provides services of a type otherwise covered under the State plan".

(b) REIMBURSEMENT.—Section 1911 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(c) The Secretary is authorized to enter into agreements with the State agency for the purpose of reimbursing such agency for health care and services provided in Indian Health Service facilities to Indians who are eligible for medical assistance under the State plan.

"(d) Notwithstanding any other provision of law, payments to which any facility of the Indian Health Service (including a hospital, intermediate care facility, skilled nursing facility, or any other type of facility which provides services of a type otherwise covered under the State plan) is entitled under a State plan approved under this title by reason of this section shall be placed in a special fund to be held by the Secretary and used by him (to such extent or in such amounts as are provided in appropriation Acts) exclusively for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve compliance with the applicable conditions and requirements of this title. In making payments from such fund, the Secretary shall ensure that each service unit of the Indian Health Service receives at least 50 percent of the amounts to which the facilities of the Indian Health Service, for which such service unit makes collections, are entitled by reason of this section, if such amount is necessary for the purpose of making improvements in such facilities in order to achieve compliance with the conditions and requirements of this title. This subsection shall cease to apply when the Secretary determines and certifies that substantially all of the health facilities of such Service in the United States are in compliance with such conditions and requirements.".

(c) REPEALS.—Subsections (b) and (c) of section 402 of the Indian Health Care Improvement Act (42 U.S.C. 1396j, note) are repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to health care services performed on or after the date of the enactment of this Act.

SEC. 402. STUDY OF BARRIERS TO MEDICAID PARTICIPATION.

Title IV is amended by adding at the end thereof the following new section:

"STUDY OF BARRIERS TO MEDICAID PARTICIPATION

"SEC. 405. (a) The Secretary shall, in consultation with Indian tribes and tribal organizations, conduct a study of any barriers which may prevent Indians from receiving medical assistance under State plans approved under title XIX of the Social Security Act.

"(b) By no later than the date which is one year after the date of enactment of the Indian Health Care Amendments of 1986, the Secretary shall submit to the Congress a report on the study conducted under subsection (a). Such report shall include—

"(1) recommendations for legislation which—

"(A) would remove any barriers identified in such study which prevent Indians from receiving medical assistance under plans described in subsection (a) and,

"(B) would encourage participation by Indians in such plans; and

"(2) estimates, by service unit, of—

"(A) the number of Indians potentially eligible for medical assistance under such plans, and

"(B) the number of Indians receiving medical assistance under such plans.".

TITLE V—URBAN INDIAN HEALTH SERVICES

SEC. 501. REVISION OF PROGRAM.

Title V (25 U.S.C. 1651, et seq.) is amended to read as follows:

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"PURPOSE

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban centers to make health services more accessible to urban Indians.

"CONTRACTS WITH URBAN INDIAN ORGANIZATIONS

"SEC. 502. The Secretary, through the Service, shall enter into contracts with urban Indian organizations to assist such organizations to establish and administer, in the urban centers in which such organizations are situated, programs which meet the requirements set forth in this title. The Secretary, through the service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract which the Secretary enters into with any urban Indian organization pursuant to this title.

"CONTRACTS FOR THE PROVISION OF HEALTH CARE OF REFERRAL SERVICES

"SEC. 503. (a) The Secretary, through the Service, shall enter into contracts with urban Indian organizations for the provision of health care or referral services for urban Indians residing in the urban centers in which such organizations are situated. Any such contract shall include requirements that the urban Indian organization successfully undertake to—

"(1) determine the population of urban Indians residing in the urban center in which such organization is situated who are or could be recipients of health care or referral services;

"(2) determine the current health status of urban Indians residing in such urban center;

"(3) determine the current health care needs of urban Indians residing in such urban center;

"(4) identify all public and private health services resources within such urban center which are or may be available to urban Indians;

"(5) determine the use of public and private health services resources by the urban Indians residing in such urban center;

"(6) assist such health services resources in providing services to urban Indians;

"(7) assist urban Indians in becoming familiar with and utilizing such health services resources;

"(8) provide basic health education to urban Indians;

"(9) establish and implement manpower training programs to accomplish the referral and education tasks set forth in clauses (6) through (8) of this subsection;

"(10) identify gaps between unmet health needs of urban Indians and the resources available to meet such needs;

"(11) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

"(12) where necessary, provide, or enter into, contracts for the provision of, health care services for urban Indians.

"(b) The Secretary, through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations to enter into contracts under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of urban Indians in the urban center involved;

"(2) the size of the urban Indian population in the urban center involved;

"(3) the accessibility to, and utilization of, health care services (other than services provided under this title) by urban Indians in the urban center involved;

"(4) the extent, if any, to which the activities set forth in subsection (a) would duplicate—

"(A) any previous or current public or private health services project in an urban center that was or is funded in a manner other than pursuant to this title; or

"(B) any project funded under this title;

"(5) the capability of an urban Indian organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary under this section;

"(6) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

"(7) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an urban center; and

"(8) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"CONTRACTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS

"SEC. 504. (a) The Secretary, through the Service, may enter into contracts with urban Indian organizations situated in urban centers for which contracts have not been entered into under section 503. The purpose of a contract under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract under section 503 with the urban Indian organization with which the Secretary has entered into a contract under this section.

"(b) Any contract entered into by the Secretary under this section shall include requirements that—

"(1) the urban Indian organization successfully undertake to—

"(A) document the health care status and unmet health care needs of the urban Indians in the urban center involved;

"(B) with respect to urban Indians in the urban center involved, determine the matters described in clauses (2), (3), (4), and (8) of section 503(b); and

"(2) the urban Indian organization complete performance of the contract within one year after the date on which the Secretary and such organization enter into such contract.

"(c) The Secretary may not renew any contract entered into under this section.

"EVALUATIONS; CONTRACT RENEWALS

"SEC. 505. (a) The Secretary, through the Service, shall develop procedures to evaluate compliance with, and performance of, contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) The Secretary, through the Service, shall conduct an annual onsite evaluation of each urban Indian organization which has entered into a contract under section 503 for purposes of determining the compliance of such organization with, and evaluating the performance of such organization under, such contract.

"(c) If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such organization and is authorized to enter into a contract under section 503 with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract is not renewed under this section.

"(d) In determining whether to renew a contract with an urban Indian organization under section 503, or whether to enter into a contract with an urban Indian organization under section 503 which has completed performance of a contract under section 504, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 507, and, in the case of a renewal of a contract under section 503, shall consider the results of the onsite evaluations conducted under subsection (b).

"OTHER CONTRACT REQUIREMENTS

"SEC. 506. (a) Contracts with urban Indian organizations pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935, as amended.

"(b) Payments under any contracts pursuant to this title may be made in advance or by the way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

"(c) Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

"(d) In connection with any contract entered into pursuant to this title, the Secretary may permit an urban Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts by such organizations.

"REPORTS AND RECORDS

"SEC. 507. (a) For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract under this title, such organization shall submit to the Secretary a quarterly report including—

"(1) in the case of a contract under section 503, information gathered pursuant to clauses (10) and (11) of subsection (a) of such section;

"(2) information on activities conducted by the organization pursuant to the contract;

"(3) an accounting of the amounts and purposes for which Federal funds were expended; and

"(4) such other information as the Secretary may request.

"(b) The reports and records of the urban Indian organization with respect to a contract under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) The Secretary shall allow as a cost of any contract entered into under section 503 the cost of an annual private audit conducted by a certified public accountant.

"LIMITATION ON CONTRACT AUTHORITY

"SEC. 508. The authority of the Secretary to enter into contracts under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

"AUTHORIZATIONS

"SEC. 509. There are authorized to be appropriated for contracts under this title—

"(1) $10,000,000 for fiscal year 1987,

"(2) $10,500,000 for fiscal year 1988, and

"(3) $11,000,000 for fiscal year 1989.".

TITLE VI—ORGANIZATIONAL IMPROVEMENTS

SEC. 601. ESTABLISHMENT OF INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

(a) AMENDMENT.—Title VI (25 U.S.C. 1661) is amended to read as follows:

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

"Title VI is amended to read as follows:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE

"SEC. 601. (a) In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as are or may be provided by Federal statutes or treaties, there is established within the Public Health Service of Health and Human Services the Office of Indian Health Service. The Indian Health Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Indian Health Service shall report to the Secretary through the Assistant Secretary for Health, of the Department of Health and Human Services, and shall not report to, or be under the supervision of, any other officer or employee of such Department.

"(b) The Indian Health Service shall be an agency within the Public Health Service of the Department of Health and Human Services, and shall not be an office, component, or unit of any other agency of the Department.

"(c) The Secretary shall carry out through the Director of the Indian Health Service—

"(1) all functions which were, on the day before the date of enactment of the Indian Health Care Amendments of 1985, carried out by or under the direction of the individual serving as Director of the Indian Health Service on such day;

"(2) all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and the provision and utilization of, health services for Indians; and

"(3) all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including (but not limited to) programs under—

"(A) this Act;

"(B) the Act of November 2, 1921 (25 U.S.C. 13);

"(C) the Act of August 5, 1954 (68 Stat. 674);

"(D) the Act of August 16, 1957 (71 Stat. 370); and

"(E) the Indian Self-Determination and Education Assistance Act (Public Law 93-638).

"(d)(1) Notwithstanding any other provision of law, the Secretary may not reorganize, alter, or discontinue the Indian Health Service or allocate or reallocate any function which this section specifies shall be performed by the Director of the Indian Health Service or by the Secretary of Health and Human Services through the Director of the Indian Health Service.

"(2) Paragraph (1) shall not apply to any action taken by the Director of the Indian Health Service which the Director of the

Indian Health Service determines to be appropriate.

"(e)(1) The Director of the Indian Health Service shall have the authority—

"(A) except to the extent provided in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

"(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

"(C) to manage, expend, and obligate all funds appropriated for the Service.

"(2) Notwithstanding any other law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472) shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

"MANAGEMENT INFORMATION SYSTEM; ACCESS TO PATIENT'S RECORDS

"SEC. 602. (a) The Secretary shall establish an automated management information system for the Service.

"(b) the information system established under subsection (a) shall include—

"(1) a cost accounting system,

"(2) a patient care information system for each area served by the Service, and

"(3) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service.

"(c) Notwithstanding any other provisions of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

"(d)(1) The Secretary shall provide—

"(A) all tribes or tribal organizations providing health services under a contract with the Service under the Indian Self-Determination Act, and

"(B) all urban Indian organizations providing health services under a contract with the Service under section 503 of this Act,

automated management information systems which meet the management information needs of each such tribe or organization with respect to the treatment by the tribe or organization of patients of the Service and which meet the management information needs of the Service.

"(2) The Secretary shall reimburse each such tribe or organization for the part of the cost of the operation of a system provided under paragraph (1) which is attributable to the treatment by the tribe or organization of patients of the Service.

"(3) The Secretary shall provide systems under paragraph (1) to tribes and organizations providing health services in California not later than September 30, 1988.".

(b) TRANSFERS.—All personnel, records, equipment, facilities, and interests in property that are administered by the Indian Health Service on the day before the date on which the amendments made by this section take effect shall be transferred to the Indian Health Service established by the amendment made by subsection (a) of this section. All transfers must be accomplished within 9 months of the date of enactment of this title. The Secretary is authorized to waive the Indian preference laws on a case-by-case basis for temporary transfers involved in implementing this title during such 9 month period.

(d) EFFECTIVE DATE.—Section 601 of the Indian Health Care Improvement Act added by subsection (a) of this section shall take effect 9 months from the date of the enactment of this Act.

TITLE VII—MISCELLANEOUS

SEC. 701. LEASING AND OTHER CONTRACTS.

Section 704 (25 U.S.C. 1674) is amended—

(1) by striking out "Notwithstanding", and inserting in lieu thereof "(a) Notwithstanding", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary may enter into leases, contracts, and other legal agreements with Indian tribes or tribal organizations which hold—

"(1) title to;

"(2) a leasehold interest in; or

"(3) a beneficial interest in (where title is held by the United States in trust for the benefit of a tribe);

facilities used for the administration and delivery of health services by the Indian Health Service or by programs operated by tribes or tribal organizations to compensate such tribes or tribal organizations for costs associated with the use of such facilities for such purposes. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable.".

SEC. 702. JUVENILE ALCOHOL AND DRUG ABUSE.

Section 706 (25 U.S.C. 1676) is amended to read as follows:

"JUVENILE ALCOHOL AND DRUG ABUSE

"SEC. 706. (a) Within 180 days of the date of enactment of the Indian Health Care Amendments of 1986, the Secretary shall enter into an agreement with the Secretary of the Interior and the Secretary of Education to coordinate the efforts of their Departments related to alcohol and drug abuse among Indian juveniles. The agreement shall provide for the identification and coordination of available resources and programs to combat Indian juvenile alcohol and drug abuse through prevention, education, counseling, and referral. The Secretary shall publish such agreement in the Federal Register within 30 days after an agreement has been entered into pursuant to this subsection.

"(b) The Secretary, acting through the Service and in consultation and cooperation with the Secretary of the Interior and the Secretary of Education, shall develop a program to provide training in—

"(1) preventive education;

"(2) the identification of juvenile alcohol and drug abusers; and

"(3) counseling techniques on juvenile alcohol and drug abuse.

Such training shall be provided to elementary and secondary teachers and counselors—

"(A) in schools operated by the Bureau of Indian Affairs;

"(B) in schools operated under contract with the Bureau of Indian Affairs; and

"(C) in public schools on or near Indian reservations (including public schools in Oklahoma and Alaska with significant numbers of Indian students).

The Service may provide such training either directly or through contract with qualified private or public entities.

"(c) The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation with the Service, shall review existing literature and reports on juvenile alcohol and drug abuse, including studies and school curricula and any other material relevant to an understanding of the problem of juvenile alcohol and drug abuse, and shall make available the results of such review to the schools described in subsection (b).

"(d) The Secretary shall establish an Office of Alcohol and Drug Abuse within the Service which shall be responsible for the administration of programs and authorities of the Service in the field of alcohol and drug abuse. The Office shall have assigned to it a number of full-time equivalent positions which shall not be less than eight full-time equivalent positions in the Central Office of the Service and one full-time equivalent position in each Service area and Program Office.

"(e) For the purpose of implementing subsection (b) there is authorized to be appropriated $1,500,000 for each of the fiscal years 1987 and 1988.".

SEC. 703. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA; FORMERLY RECOGNIZED TRIBES IN CALIFORNIA.

Subsection (a) of section 708 (25 U.S.C. 1678(a)) is amended—

(1) by striking out "1984" and inserting in lieu thereof "1989", and

(2) by striking out "Indians in such State" and inserting in lieu thereof "members of federally recognized Indian tribes of Arizona".

SEC. 704. ELIGIBILITY OF CALIFORNIA INDIANS.

Section 709 (25 U.S.C. 1679) is amended to read as follows:

"ELIGIBILITY OF CALIFORNIA INDIANS

"SEC. 709. The following California Indians shall be eligible for care from the Service:

"(1) Any member of a federally recognized Indian tribe.

"(2) Any descendant of an Indian who was residing in California on June 1, 1852, but only if such descendant—

"(A) is living in California,

"(B) is a member of the Indian community served by a local program of the Service, and

"(C) is regarded as an Indian by the community in which such descendant lives.

"(3) Any Indian who holds trust interests in public domain, national forest, or Indian reservation allotments in California.

"(4) Any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

Paragraph (4) shall not apply after September 30, 1988.".

SEC. 705. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

Section 710 (25 U.S.C. 1680) is amended to read as follows:

"CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

"SEC. 710. The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, and Santa Clara, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to Indians in such State.".

SEC. 706. CONTRACT HEALTH FACILITIES.

SEC. 707. (a) Title VII is amended by adding at the end thereof the following new section:

"CONTRACT HEALTH FACILITIES

"SEC. 711. (a) The Indian Health Service shall provide funds for health care programs and facilities operated by tribes and tribal organizations under contracts with

the Indian Health Service under the Indian Self-Determination Act—

"(1) for the maintenance and repair of clinics owned or leased by such tribes or tribal organizations,

"(2) for employee training,

"(3) for cost-of-living increases for employees, and

"(4) for any other expenses relating to the provision of health services,

on the same basis as such funds are provided to programs and facilities operated directly by the Indian Health Service.

"(b) In the case of eligible California Indians as defined by section 709 who are not members of Indian tribes or eligible for membership in such tribes, the Secretary may not enter into a contract to provide health services to such Indians under section 103 of the Indian Self-Determination Act if 51 per centum of the adult population of such Indians object prior to the award of such contract through any legally established organization of Indians representative of such Indians, in which case the Secretary, acting through the Service, shall make alternate arrangements for the delivery of health care services to such Indians. In making such alternative arrangements for such Indians, the Service may—

"(1) provide services directly to some or all of such Indians through its own facilities,

"(2) purchase services for some or all of such Indians on a contract basis,

"(3) contract with a qualified organization representing some or all of such Indians for the provision of services under the terms of the third proviso of the first paragraph under the heading "Secretary" in the division relating to general provisions of the Act of April 30, 1908 (35 Stat. 71, chapter 153; 25 U.S.C. 47), popularly known as the Buy Indian Act, or

"(4) make other effective arrangements for the delivery of health care services to such Indians.

"(c) Nothing in this section shall be construed to restrict or interfere with the right of any Indian tribe to contract for health services on behalf of its own members.".

SEC. 707. NATIONAL HEALTH SERVICE CORPS.

(a) NATIONAL HEALTH SERVICE CORPS.—Title VII, as amended by section 706 of this Act, is further amended by adding at the end thereof the following new section:

"NATIONAL HEALTH SERVICE CORPS

"SEC. 712. The Secretary of Health and Human Services shall not—

"(1) remove a member of the National Health Service Corps from a health facility operated by the Indian Health Service or by a tribe or tribal organization under contract with the Indian Health Service under the Indian Self-Determination Act; or

"(2) withdraw funding used to support such member,

unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall take effect as of January 1, 1984.".

SEC. 708. ADDITIONAL PROVISIONS.

Title VII, as amended by sections 706 and 707 of this Act, is further amended by adding at the end thereof the following new sections:

"SERVICE TO INELIGIBLE PERSONS

"SEC. 713. (a)(1) The Secretary, acting through the Service, may provide or authorize the provision of medical care, treatment, or benefits by the Service to persons who are not otherwise eligible for such services in health facilities maintained by the Service or contracted under the Indian Self-Determination Act (Public Law 93-638) or through contract health care services, subject to the limitations of this section.

"(2) Persons eighteen years of age or under who are the natural or adopted children (including foster- and step-children), legal wards, or orphans of an eligible Indian person and who are not otherwise eligible for the medical care, treatment, or benefits of the Service shall be eligible for all such services on the same basis and subject to the same rules as apply to eligible Indians until their nineteenth birthday. The existing potential medical needs of such persons shall be taken into consideration by the Service in determining the need for, or the allocation of, its health resources. Any such person who has been determined to be legally incompetent prior to their nineteenth birthday shall remain eligible for such services until one year after the date such disability has been removed.

"(3) Non-Indian spouses of eligible Indians or spouses of Indian descent who are not otherwise eligible for the medical care, treatment, or benefits of the Service shall not be eligible for the medical care, treatment, or benefits of the Service unless they are made eligible, as a class, by an appropriate resolution of the governing body of the relevant Indian tribe. The medical needs of persons made eligible under this subsection shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

"(b)(1)(A) At the request of the Indian tribe or tribes included within the service area of any service unit of the Service, the Secretary may authorize the medical care and treatment of otherwise ineligible persons residing within such service area in health facilities maintained and operated by the Service.

"(B) Persons receiving medical care and treatment under this subsection shall be liable for the payment for such services under a fee schedule adopted by the Secretary which, in the judgment of the Secretary, shall result in reimbursement in an amount not less than the actual cost of providing the service. Fees collected under this subsection, including medicare or medicaid reimbursements under titles XVIII and XIX of the Social Security Act, shall be credited to the account of the facility providing the service and shall be used solely for the provision of health services within that facility. Fees collected pursuant to this subsection shall be available for expenditure within such facility for not to exceed one fiscal year after the fiscal year in which collected.

"(2)(A) Except as provided in subparagraph (B), where the governing body of an Indian tribe or, in the case of a multitribal service area, any Indian tribe revokes its concurrence to the provision of services under paragraph (1)(A), the Secretary's authority to provide such service shall terminate at the end of the fiscal year following the fiscal year in which such revocation was adopted.

"(B) In California, in the case of a multitribal service area, unless 51 per centum or more of the Indian tribes in the service area revoke their concurrence to the provision of services under paragraph (1)(A), the authority to provide such service shall not be affected.

"(3)(A) In the case of health facilities operated directly by the Service, such medical care and treatment may be provided under this subsection only where the Secretary and the affected tribe or tribes have jointly determined that—

"(i) the provision of such service will not result in a denial or diminution of services to eligible Indian persons; and

"(ii) there is no reasonable alternative health facility or service, within or without the service unit area, available to meet the medical needs of such person.

"(B) In the case of health facilities operated under contract under the Indian Self-Determination Act, the governing body of the Indian tribe or tribal organization providing health services under a contract with the Service under the Indian Self-Determination Act is authorized to determine the eligibility for such services of persons who are not otherwise eligible for such services. Such determination shall be in accordance with the requirements of this section.

"(4) The Service may continue to provide medical care, treatment, and benefits to persons not provided service under subsection (a) or (b) to achieve stability in a medical emergency, to prevent the spread of a communicable disease or otherwise deal with a public health hazard; to provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through post partum, or to immediate family members of an eligible person where such care is directly related to the treatment of the eligible person.

"(5) Hospital privileges in health facilities operated and maintained by the Service or operated under contract under the Indian Self-Determination Act may be extended to non-Service health care practitioners. Such non-Service health care practitioners shall not be regarded as employees of the Federal Government for purposes of the provisions of title 28 of the United States Code relating to Federal tort claims except in the course of providing services to eligible persons as a part of the conditions under which privileges are extended under this subsection.

"RESTRICTIONS ON THE USE OF INDIAN HEALTH SERVICE APPROPRIATIONS

"SEC. 714. (a) Unless otherwise specifically provided, any restriction placed on the use of appropriations for Indian health services shall not be interpreted—

"(1) to apply to the use of funds other than such appropriated funds by an entity with a contract with the Indian Health Service;

"(2) to prohibit the support of litigation with such other funds; or

"(3) to prohibit the promotion of public support for or opposition to any legislative proposal with such other funds.

"(b) The Service may not offset or limit the amount of funds obligated to any entity under contract with the Service because of the use of funds, other than funds appropriated to the Indian Health Service, by such entity for the purposes described in paragraphs (1) through (3) of subsection (a).

"INFANT AND MATERNAL MORTALITY

"SEC. 715. (a) Not later than January 1, 1987, the Secretary shall develop and begin implementation of a plan to achieve the following objectives by January 1, 1991:

"(1) Reduction of the rate of Indian infant mortality in each Area Office of the Service to twelve deaths per one thousand live births or to that of the United States population, whichever is lower.

"(2) Reduction of the rate of maternal mortality in each Area Office of the Service

to five deaths per one hundred thousand live births or to that of the United States population, whichever is lower.

"(b) The Secretary shall report to Congress on January 1 of each year beginning after fiscal year 1987 on the progress that has been made toward achieving the objectives described in subsection (a).

"CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA

"SEC. 716. The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.".

SEC. 709. INDIAN HEALTH SERVICE AND VETERANS' ADMINISTRATION HEALTH FACILITIES AND SERVICES SHARING.

Title VII, as amended by sections 706, 707, and 708 of this Act, is further amended by adding at the end thereof the following new sections:

"INDIAN HEALTH SERVICE AND VETERANS' ADMINISTRATION HEALTH FACILITIES AND SERVICES SHARING

"SEC. 717. (a) The Secretary shall examine the feasibility of entering into an arrangement for the sharing of medical facilities and services between the Indian Health Service and the Veterans' Administration and shall, in accordance with subsection (b), prepare a report on the feasibility of such an arrangement and submit such report to the Congress not later than September 30, 1987.

"(b) The Secretary may not make any recommendation under subsection (a) nor take any action under subchapter IV of part VI of title 38, United States Code which would impair—

"(1) the priority access of any Indian to health care services provided through the Indian Health Service;

"(2) the quality of health care services provided to any Indian through the Indian Health Service;

"(3) the priority access of any veteran to health care services provided by the Veterans' Administration;

"(4) the quality of health care services provided to any veteran by the Veterans' Administration;

"(5) the eligibility of any Indian person to receive health services through the Indian Health Service; or

"(6) the eligibility of any Indian person who is a Veteran, to receive health services through the Veterans' Administration.

"NAVAJO ALCOHOL REHABILITATION DEMONSTRATION PROGRAM

"SEC. 718. (a) The Secretary shall make grants to the Navajo tribe to establish a demonstration program in the city of Gallup, New Mexico, to rehabilitate adult Navajo Indians suffering from alcoholism or alcohol abuse.

"(b) The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, shall evaluate the program established under subsection (a) and submit a report on such evaluation to the appropriate Committees of Congress by January 1, 1990.

"(c)(1) There is authorized to be appropriated for the purposes of this section $400,000 for each of the fiscal years 1988 and 1989.

"(2) Not more than 10 percent of the funds appropriated under paragraph (1) for any fiscal year may be used for administrative purposes.

"STUDY OF HEALTH CARE NEEDS OF NATIVE HAWAIIANS AND OTHER NATIVE PACIFIC ISLANDERS

"SEC. 719. (a)(1) The Secretary shall conduct a study of the physical and mental health care needs of Native Hawaiians and other Native American Pacific Islanders.

"(2) In conducting the study required under paragraph (1), the Secretary shall consult with the Commissioner of the Administration for Native Americans, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, the Director of the Indian Health Service, leaders in the field of health care, and representatives of Native Hawaiians and other Native American Pacific Islanders.

"(b) By no later than the date that is 1 year after the date of enactment of the Indian Health Care Amendments of 1986, the Secretary shall submit to the Congress a report on the study conducted under subsection (a). Such report shall include—

"(1) an assessment of the access of, and barriers to, Native Hawaiians and other Native American Pacific Islanders in receiving physical and mental health care services,

"(2) an assessment of the physical and mental health care needs of Native Hawaiians and other Native American Pacific Islanders, and

"(3) specific recommendations for the development of a national strategy to address such needs.".

SEC. 710. DEFINITIONS.

Section 4 (25 U.S.C. 1603) is amended by striking out subsections (i), (j), and (k), and by inserting in lieu thereof the following new subsections:

"(i) 'Area Office' means an administrative entity including a program office, within the Indian Health Service through which services and funds are provided to the service units within a defined geographical area; and

"(j) 'Service Unit' means an administrative entity within the Indian Health Service or a tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination Act through which services are provided, directly and by contract, to the eligible Indian population within a defined geographic area.

"(k) 'Native Hawaiian' means any individual who has any ancestors that were natives, prior to 1778, of the area that now comprises the State of Hawaii.

"(l) 'Native American Pacific Islander' means—

"(1) any Native Hawaiian,

"(2) any of the indigenous people residing in Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Northern Mariana Islands; or

"(3) any individual whose direct ancestors are from Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Northern Mariana Islands.".

The SPEAKER pro tempore. Is a second demanded?

Mr. McCAIN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentleman from Arizona [Mr. McCAIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4600, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the central purpose of H.R. 4600 is to deal with the critical health problems of Indian tribes and their members and to mandate badly needed reform in the administration of Indian health programs.

In carrying out this purpose, H.R. 4600—

Reauthorizes funding for the very popular and effective Indian health manpower programs and the urban Indian health programs;

Establishes a few new programs and efforts to improve Indian health conditions; and

Makes basic reforms in the administration of Indian health programs by the Indian Health Service.

H.R. 4600 is the result of a compromise between the Interior Committee and the Committee on Energy and Commerce. Both committees considered and reported H.R. 1426 after a joint referral. However, each of the committees reported that bill with differing amendments. Those differences have been resolved in H.R. 4600.

In addition, H.R. 4600 makes significant reductions in the authorization levels contained in H.R. 1426. As reported, H.R. 1426 had an overall authorization level of $352 million over a 4-year period. H.R. 4600 has reduced that to $99 million over a 2-year period.

These reductions have been adopted for two reasons. First, it is a responsible action in light of existing budget constraints. Second, the authorization levels in H.R. 4600 are more realistic in terms of the historical level of appropriations for these programs.

Mr. Speaker, this Nation has a moral and legal obligation to deal effectively with the health problems of the Indian people. Despite that obligation, the health conditions among Indians are deplorable. One health professional appearing before our committee has likened health conditions among the Indian people to that of underdeveloped, Third World nations. That is unacceptable.

Mr. Speaker, H.R. 4600 is not a complete answer to the problems of Indian

health and health administration. But it will, if enacted and honestly implemented, bring about positive improvement in Indian health.

I urge the members to support passage of H.R. 4600.

Mr. Speaker, I reserve the balance of my time.

Mr. McCAIN. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I rise in support of H.R. 4600, the Indian Health Care Amendments of 1986.

As mentioned by my colleague, the gentleman from Arizona, H.R. 4600 is a compromise introduced by Chairman WAXMAN and Chairman UDALL containing authorization levels significantly less than either of the 2 committees put together last year.

The legislation reported out of the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs had numbers about three times what are now in the bill.

During the markup of the Indian health care legislation, I introduced several amendments to reduce authorization for several of the titles of the bill. Some of these amendments were adopted by the committee, others were not. One of the amendments which I offered which was not adopted would have stricken the new authority for a catastrophic fund. I am not convinced that a catastrophic fund makes any sense. I am encouraged that the authorization of the fund has been reduced from $12 million to $3 million in this version, and other aspects of the bill have been reduced considerably, so the total funding is much less.

I do support the bill at the present time because they have made more sacrifices in other areas to make room for this new program. It is a revolving-fund program and if it does not work we can always drop it out of further versions later on.

Several of the new authorities contained in title VII of H.R. 1426 have been striken from H.R. 4600, which makes it a better bill. I do not think this is the time to introduce new programs into our operation and our fiscal restraint.

H.R. 4600 authorizes under $100 million over the next 3 fiscal years. In contrast, the Energy and Commerce Committee version was $212 million for the same fiscal years. This is a very significant reduction. In my memory, in the short time I have been here, this is the most conservative health care bill ever put out and brought to the floor.

The Indian Health Care Improvement Act, however, was first enacted in 1976. It was designed to bring the health status of American Indians and Alaska natives up to a level equal to that of the general population. We have made some progress in reaching that goal but must continue to fund specific programs to completely succeed. Passage of H.R. 4600 will go a long way in helping that process.

There is only one area about which I am disappointed, and that is in the funding of the Indian health programs. We had proposed in the Energy and Commerce Committee to give priority in funding to those States where Indians have received very little in the way of health care. In some States, the per capita care is very much lower than other States. That was taken out of the compromise bill. I am sorry that happened. I think we should have an equitable formula for funding our Indian health care needs.

I do, however, applaud Chairman WAXMAN and Chairman UDALL for recognizing the current fiscal climate and preparing legislation as responsible as this is.

I urge my colleagues to support this legislation.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN], the distinguished subcommittee chairman, without whose help we would not be here today.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 4600, the Indian Health Care Amendments of 1986.

First let me thank the distinguished chairman of the Committee on Interior and Insular Affairs, Mr. UDALL, for bringing this bill before the House. This is yet another example of his longstanding leadership in assuring that the Federal Government fulfills its moral and legal responsibilities to the Indian people.

H.R. 4600 would revise and extend, for 3 years, the Indian Health Care Improvement Act. This legislation was first enacted in 1976 to raise the health status of American Indians and Alaska Natives to the level of the general U.S. population.

While there has been an improvement in the health status of Native Americans over the last 10 years, much remains to be done. In a recent report, the Office of Technology Assessment found that Indians still suffer from mortality rates that are higher than the national average. According to OTA, the most recent available data show that death rates were higher among Indians for liver disease, pneumonia, diabetes, kidney disease, homicide, suicide, among others. The Indian death rate from tuberculosis—a preventable disease that is almost unknown except among the homeless and Asian refugees—is seven times that of the U.S. population.

Clearly, this is an unacceptable situation. H.R. 4600 offers some remedies. It creates a framework within which the Federal Government can help the tribes to improve the health status of their people.

H.R. 4600 represents a compromise between bills reported out last May by the Interior Committee and the Energy and Commerce Committee. It contains most of the provisions reported out by each committee, with one major exception: the authorization levels have been cut by 70 percent. Total authorizations in H.R. 4600 for the 3-year period are only $99.1 million.

This is the absolute base minimum that both committees can, in good conscience, recommend. The Native American population is desparately poor. The poverty rate among American Indians is more than twice as high as that among the U.S. population as a whole. In 1980, a staggering 45 percent of Indians living on reservations were poor. While some tribes may be the beneficiaries of oil or mineral wealth, this is a population that for the most part lacks the resources necessary to assure decent health status.

Chairman UDALL has already summarized the provisions in this bill. I would only note that the provisions authorized by the Energy and Commerce Committee are more fully explained in House Report 99-94, part 2.

I want to take a minute to highlight one provision of particular consequence.

First, the bill would extend current programs for health professions recruitment and education, in order to increase the supply of Indian physicians, dentists, nurses, and other health professionals. The OTA study found that the Indian Health Service is already badly understaffed, with 1,500 health professions positions unfilled in 1985. Without continued development of Indian health professionals, it will be even more difficult for the IHS to provide needed care to Indians living in remote areas where medical personnel are in short supply.

Second, the bill would establish a Health Care Improvement Fund, authorized at $10 million in fiscal year 1988 and $10 million in fiscal year 1989. The purpose of this fund is to identify the tribes with the greatest deficiencies in health care resources, and to target additional funds to those tribes. The OTA study found that the current allocation of IHS hospital and clinic funds among different tribes and different areas is inequitable. H.R. 4600 will not remedy this misallocation. It does not authorize any reallocation of base funding. However, it does require the IHS to rank the tribes by level of deficiency, and it does allow the Appropriations Committee to begin to direct additional resources to those that are worst off.

The bill would reauthorize the urban Indian health program, which provides outpatient health care and

referral services to some 400,000 Indians through clinics in 37 different cities throughout the country. Eight of these projects are in California, which has the largest urban Indian population of any State, and more than one-fourth of all the urban Indians in the country. While the urban projects get much of their funding from other sources, such as private insurance, Medicare, and Medicaid, they would not be able to survive without the core funding that this program provides. H.R. 4600 would reauthorize the program at basically current services levels: $10 million in fiscal year 1987, $10.5 million in fiscal year 1988, and $11 million in fiscal year 1989.

Before concluding, I want to respond to the administration's criticism of section 704, which clarifies the eligibility of California Indians. The sole purpose of this section is to codify current IHS policy and practice with regard to who is eligible for IHS-funded services in California. This provision does not, and is not intended to, expand the number of Indians eligible for services in California. It is, however, explicitly designed to prevent the Department from stripping over 45,000 California Indians of their eligibility for health care by administrative fiat.

The numbers say it all. According to the Census Bureau, there are about 215,000 Indians living in California—more than in any other State. Of these, the IHS now considers only about 72,000 eligible for its services in California. That's only about one-third of all the Indians in the State. The proposed IHS regulations, which I understand are soon to be published, would deny even more Indians access to IHS-funded services, by limiting eligibility to roughly 24,000.

The IHS gives only one rationale for this drastic change in policy: Indian health funds are limited, so eligibility must be tightened. This is flatly unacceptable.

In its study, the OTA found that more specific eligibility criteria are needed. It is precisely that specificity that section 704 of this bill provides. Four discreet categories of California Indians are identified as eligible for IHS services: First, members of federally recognized tribes; second, descendants of California Indians who are members of the Indian community served by the IHS and who are regarded as Indians by that community; third, holders of certain trust interests; and fourth, individuals listed for distributions of certain rancheria and reservation assets. Those who meet these criteria are eligible for IHS services. Those who do not, are not.

The language of this provision is exactly the same as the language that was approved by both the House and the Senate 2 years ago.

The provision does not increase the number of Indians eligible for IHS services in California.

It will not require an increase in the amount of IHS funds allocated to the California area office.

It does not increase the cost of the bill.

All that it does is codify current eligibility policy and practice in order to prevent the Department from denying some 45,000 California Indians access to IHS-funded services.

Let me conclude with a few observations about this bill.

It has bipartisan support, because the health of Indians is not a partisan issue.

This bill has the support of Indian tribes.

Its cost to the Federal Government is trivial, but its importance to the Indian people is great.

Finally, this bill is long overdue. The Indian Health Care Improvement Act expired in 1984. The Appropriations Subcommittee on Interior, under the committed leadership of Mr. YATES, has nonetheless continued funding for some of these authorities. Obviously, we cannot expect this arrangement to continue indefinitely. The time for moving forward with this reauthorization is now.

I urge you to vote to suspend the rules and pass H.R. 4600.

□ 1240

Mr. McCAIN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong opposition to the placing of H.R. 4600 on the Suspension Calendar. The Indian Health Care Improvement Act was enacted in 1976, and I quote, in "response to documented deficiencies in the health status of the Indian people * * *. In the view of the committee, the Federal Government has a legal and moral responsibility to assure that the health status of the Indian people is at parity with that of the general U.S. population." Mr. Speaker, those are lofty sentiments which I share. Those words are from the Committee on Energy and Commerce report on H.R. 1426—the bill we should in all good conscience be considering today. Instead, for several reasons I shall outline, we are considering H.R. 4600, a mere shadow of H.R. 1426, and of the original Indian Health Care Improvement Act. Therefore, Mr. Speaker, I must adamantly oppose consideration of this legislation on the Suspension Calendar.

As chairman of the Republican Task Force on Indian Affairs and from firsthand experience visiting Indian reservations, I know all too well the health status of Indian tribes and their people. Based on the Constitution, historical development, treaties, and statutes, the United States has a legal obligation to provide adequate health care and services to the Indian tribes and their members. It is an obligation we have not fulfilled. Instead, H.R. 4600 would actually send a signal to Indian tribes—a message that Congress no longer believes it has a duty to Indian tribes.

I don't believe that this is the intent of Chairman UDALL and the members of the Interior Committee. We reported out a responsible piece of legislation, H.R. 1426, which clearly delineated what we believed were the priorities in Indian health and directions for the administration to follow in providing health care of Indian tribes. H.R. 1426 is a fine piece of legislation based on over 3 years of hearing, markups, and floor consideration. It is an improved version of the legislation vetoed by the President in the last days of the 98th Congress.

H.R. 4600 is a "gutted" version of the Indian health care amendments, and was done only for the purpose of meeting the House rules for getting on the Suspension Calendar. Let me illustrate—H.R. 1426 elaborately authorizes $352 million for Indian health programs over a 4-year period, H.R. 4600 authorizes $99.2 million over 3 years, and some authorizations are much too low to address real problems. For example, under the provisions of H.R. 4600, $6 million are authorized for the catastrophic fund. H.R. 1426 authorizes a fund of $12 million and amounts necessary to annually maintain the fund at $12 million. The purpose of the fund is to meet "extraordinary medical costs associated with the treatment of the victims of disasters or catastrophic illness." Again, I am quoting the Energy and Commerce Committee report. Mr. Speaker, the catastrophic provision in H.R. 4600 is a joke on the Indian people—it provides no catastrophic protection for these emergencies.

The question I have to ask, Mr. Speaker, is why? Why gut a bill to be on the Suspension Calendar? Why not allow the House the opportunity to debate and vote on any disagreements Members may have concerning different versions of H.R. 1426?

Mr. Speaker, I believe H.R. 4600 was formulated to avoid debate and a vote on what are referred to as the California eligibility issues. It is not a minor issue, as certain Members would have it. And the "Dear Colleague" letter put out by Messrs. WAXMAN and UDALL was incorrect about the administration's opposition to H.R. 4600. They stated that the President's veto statement cited two provisions as the reason for the veto in the 98th Congress. The President cited two major items and five other contributing items, including the California eligibility issue and please note that the ad-

ministration has again sent a veto signal.

Let me briefly state why I oppose a change in the current law on California eligibility:

Indian tribes oppose the provisions—the National Tribal Chairman's Association and Indian tribes from Arizona, New Mexico, New York, Montana, Minnesota, Oklahoma, Washington, Oregon, North Carolina, and even California have contacted me about their opposition to these eligibility issues.

The Waxman provisions would allow Federal health benefits to thousands of persons who are not truly Indians and thus make it difficult for real Indians and tribes to achieve the stated goals of this legislation and the committee reports.

The Waxman provisions would provide a precedent for many individuals nationally to receive Federal funding without a historical or legal claim to those services, unlike tribes.

The Waxman provisions would change the basis for Federal/tribe relations from a political government-to-government basis to one based on race, which may, as a suspect classification, be subject to a constitutional challenge. I greatly fear that a "Bakke type" decision of reverse discrimination may result. Such a decision could endanger all Indian programs.

Mr. Speaker, these are just a few of my objections to the Waxman California issues and provisions. My objection today is that we, as a deliberative body, will not have the opportunity to debate and vote on these issues. In the Interior and Insular Affairs Committee we did debate and vote—and we voted these provisions out of H.R. 1426. I believe that the House would do likewise, if allowed to. However, we are not allowed such a debate. I strongly object to avoiding this issue. We are doing a disservice to the Indian people. We are giving the majority of Indian people only half a loaf to protect a group of people that do not have Federal recognition. In doing that we make a mockery of everything we do concerning Indians in which we require that there be Federal recognition. It is an insult to the intelligence of Indian tribes across the Nation. Therefore, Mr. Speaker, I oppose H.R. 4600 and I urge my colleagues to do likewise.

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 4600, the "Indian Health Care Amendments Act of 1986." As chairman of the Select Committee on Narcotics Abuse and Control, I would like to focus my remarks on title VII, section 702, "Juvenile Alcohol and Drug Abuse."

Drug and alcohol abuse among our adolescent population has reached epidemic proportions. The National Institute on Drug Abuse's annual survey of high school seniors indicates that more than 60 percent of the students surveyed had used drugs. While only a few studies have focused on subgroups of minority students, the available evidence indicates that drug involvement among Indian youth is very high, particularly for marijuana, alcohol, inhalants and stimulants.

Moreover, although the treatment admission information available is also very limited, indications are that the ratio of treatment in the Nation per 100,000 population is greater for American Indians than whites. The most commonly reported drugs of abuse are heroin, marijuana, PCP, and "other"—usually designating inhalants.

The need for drug abuse prevention and education programs—now commonly referred to as "demand reduction" strategies—across the Nation is generally accepted. I have attempted to address this problem in H.R. 4155, the "Drug Abuse Education Act of 1986." In order to provide such programs for Indian youth, several additional obstacles must be addressed. Section 702 begins to address the problem of providing drug and alcohol education and prevention programs for Indian youths by responding to some of those barriers.

First, no agency is designated to provide alcohol and drug abuse education for Indian youth. Rather, the responsibilities are dispersed among three agencies—the Department of Health and Human Services (Indian Health Service), the Department of the Interior (Bureau of Indian Affairs), and the Department of Education. Section 702, addresses the problem of coordination by mandating that the Secretary of Health and Human Services enter into an agreement with the Secretary of the Interior and the Secretary of Education to coordinate the efforts of their Departments related to alcohol and drug abuse among Indian juveniles. The agreement will provide for the identification and coordination of available resources and programs to combat Indian juvenile alcohol and drug abuse through prevention, education, counseling, and referral.

A second barrier to drug and alcohol education and prevention programs for Indian youth is the lack of teachers and counselors trained to deal with these problems. Section 702 also requires the three Secretaries to develop a program to provide training in preventive education, identification of abusers, and counseling techniques. This training would be made available to teachers and counselors in BIA schools, schools under BIA contract, and public schools on or near Indian reservations.

Third, essential to good programming and an effective response is an understanding of the problem and an awareness of what has worked. Accordingly, section 702, requires that the BIA, in consultation with the Indian Health Service review the relevant literature, including the literature on school curricula. This information would then be made available to the appropriate schools.

Fourth, section 702, addresses the problem of implementation. It provides for the establishment of an Office of Alcohol and Drug Abuse within the Service. This office would be responsible for all Indian Health Service alcohol and drug abuse programs.

I would, however, emphasize that section 702 is just a first step in the fight against drug and alcohol abuse among Indian youth. Accordingly, it does not eliminate the need for comprehensive legislation such as H.R. 1156, the "Indian Juvenile Alcohol and Drug Abuse Prevention Act." This legislation, which I am proud to cosponsor, was introduced by the gentleman from Nebraska. It provides not only for drug and alcohol abuse education for Indian youth, but for treatment and rehabilitation, family services, and crisis intervention. By addressing the problems of resource coordination, teacher training, and the assessement of available information, section 702 lays the groundwork for such a comprehensive approach.

At this time, I would like to endorse strongly section 702 of H.R. 4600. Drug and alcohol abuse education and prevention programs for Indian youth are a special and critical need. Section 702 provides the necessary foundation from which we can begin to confront this problem. I would urge my colleagues to support this measure.

□ 1250

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 4600, as amended.

The question was taken.

Mr. McCAIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

YOUNG ASTRONAUT PROGRAM MEDAL ACT

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2578) to provide for the striking of medals to commemorate the Young Astronaut Program.

The Clerk read as follows:

H.R. 2578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Young Astronaut Program Medal Act".

MEDALS

SEC. 2. (a) In commemoration of the Young Astronaut Program and its educational objectives, the Secretary of the Treasury shall strike and deliver to the Young Astronaut Council not more than 750,000 medals with suitable emblems, devices, and inscriptions to be determined by the Secretary after consultation with the Council and the Commission of Fine Arts.

(b) The medals, which may be disposed of by the Council at a premium, may be delivered at such times as may be required by the Council in quantities of not less than 2,000, except that no medals shall be struck by the Secretary after December 31, 1987.

COSTS

SEC. 3. (a) The Secretary shall cause such medals to be struck and delivered at not less than the cost of manufacturing such medals (including labor, materials, dies, use of machinery, and overhead expenses) plus a surcharge equal to 10 percent of such cost of manufacturing.

(b) Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

METAL CONTENT

SEC. 4. The medals authorized to be struck and delivered under this Act shall be struck in gold, silver, and bronze and in such size or sizes as shall be determined by the Secretary in consultation with the Council.

NATIONAL MEDALS

SEC. 5. The medals provided for in this Act are national medals for purposes of chapter 51 of title 31, United States Code.

EXAMINATION OF RECORDS

SEC. 6. The Comptroller General of the United States shall have the right to examine all books, documents, and other records of the Council which are related to the medals authorized under this Act, including all books, documents, and records regarding the marketing of such medals.

DEFINITIONS

SEC. 7. for purposes of this Act—

(1) the term "Council" means the Young Astronaut Council; and

(2) the term "Secretary" means the Secretary of the Treasury.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, last May I introduced H.R. 2578, the Young Astronaut Program Medal Act. The legislation authorizes the U.S. Mint to strike medals commemorating the Young Astronaut Program. The medals would be sold to the nonprofit Young Astronaut Council at cost, plus a 10-percent surcharge. The council in turn will sell the medals to raise money to help fund the program.

The Young Astronaut Program seeks to prepare young people to meet the vast challenges that a technological future presents. Its curriculum stresses math and science concepts and is a valuable tool for elementary and secondary school teachers. The program will help make them better citizens and increase their skills in math and science.

As a former teacher in the Chicago high schools, I wholeheartedly agree with the objectives of the program. I am sure that the American people will continue to cooperate with the Young Astronaut Program, and that its achievements will reach the highest level.

Last September the council launched its "decade of discovery." This marks an exciting period during which the council will help our Nation's schoolchildren meet the challenges of today's emerging technology. The program will assure that America maintains its position as the world leader in science and technology.

Unfortunately, our children are woefully ill prepared for the future. They must master computers, lasers, robots, and microwaves: They must understand advanced math, physics, electronics, and the rest. This will be absolutely essential in the next decade: Otherwise they won't be able to operate the everyday equipment of the future.

We trail other industrialized nations in our relative lack of emphasis, curricula, and teaching of math and science. The National Institute of Education has concluded that the United States has less higher-skilled manpower than an information based, high technology society requires for the future. The Young Astronaut Program will help correct this deficiency.

To assist the council in meeting this goal and to commemorate the "decade of discovery," H.R. 2578 authorizes the U.S. Mint to strike up to 750,000 gold, silver, and bronze medals for the council to sell to the public. The council will pay the Mint for the cost of manufacture plus a 10-percent surcharge. The proceeds from the sales to the public will help the council fulfill its goal of having a Young Astronaut Program in every elementary and junior high school in America.

The terrible disaster that befell the Space Shuttle *Challenger* on January 28 was particularly disturbing to our Nation's schoolchildren. They had eagerly looked forward to hearing the first teacher in space give science lessons in space from the shuttle. Though their sense of loss is deep, their interest in space remains unquenched.

These medals and the program they commemorate and support are an appropriate memorial to the six astronauts and the teacher who rode with them on the brief and tragic final journey of the *Challenger*.

H.R. 2578 is cosponsored by 223 Members of the House. One of the House sponsors is the distinguished gentleman from Florida [Mr. NELSON] who serves as honorary vice chairman of the Young Astronaut Council. As we all know, Congressman NELSON has flown on the space shuttle, and I commend him for the time and effort he has put into the Young Astronaut Program. All the cosponsors recognize that this program, at no cost to the Federal Government, will help meet an important national educational goal.

Our children still look to space and space exploration for inspiration and wonder. The Young Astronaut Program capitalizes on that excitement to give them the math and science skills to reach the stars they gaze at. Passage of H.R. 2578 will help them fullfill the dream.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join Chairman ANNUNZIO in support of H.R. 2578, the Young Astronaut Program Medal Act.

This bill provides for the U.S. Mint to strike up to 750,000 medals for the Young Astronaut Council. The council will use these medals to raise additional funding for the Young Astronaut Program, as well as to help establish the credibility of the program. Since the Young Astronaut Council will purchase these medals from the Treasury at cost plus a 10-percent surcharge and will put up sufficient collateral to cover costs, this medal program will not cost the American taxpayer a cent.

Mr. Speaker, the Young Astronaut Council has embarked on an important mission that deserves our strongest support. The Young Astronaut Program, which the council administers, encourages American schoolchildren to reach for the stars through mastery of the science and math skills necessary to meet the challenges of a high-tech society.

Many American children now shrink away from math and science classes. Like the ostrich that hides its head in the sand to escape something it does not want to face, many of our young people hide their heads in the easy school courses to escape the rigors of math and science. This attitude on the part of our youth cannot be allowed to continue. If we do not adopt initiatives to encourage the mastery of the academic skills that underpin a high-tech society, our Nation will cease to prosper in a world increasingly dominated by technology.

The Young Astronaut Program is an important initiative which seeks to turn around this untenable situation. And although the program is less than 2 years old, it appears to be making progress toward realizing this goal.

I was particularly impressed by the testimony of a schoolgirl from Takoma Park, MD, who recently appeared before the Consumer Affairs and Coinage Subcommittee in support of the Young Astronaut Program Medal Act. This young lady recounted how she used to dislike the study of

science. Math was not one of her favorite subjects either. Then through her school, she become involved in the Young Astronaut Program, which uses the excitement of the space program to generate interest in the study of math and science. As a result of this program, science actually become her favorite subject. She now feels better about math too. I am confident that as this program is extended throughout our country, many other schoolchildren will have similar stories to tell.

Mr. Speaker, I am pleased to say that the U.S. Congress is not the only Government entity taking an interest in this meritorious program. For example, in my own State of Indiana, Gov. Robert Orr proclaimed September 30, 1985, as Young Astronaut Day. This day was selected because it is the anniversary date of the establishment of NASA.

And so today, I call upon my colleagues in the House of Representatives to join Chairman ANNUNZIO and me in support of the Young Astronaut Program Medal Act. The launching of this medal program represents a small step toward preserving and promoting our prosperity in a world pervaded by technology, but it is an important one.

Mr. ANNUNZIO. Mr. Speaker, I yield whatever time he may consume to the distinguished gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Speaker, I thank the chairman for yielding.

Both the gentleman from Indiana and the gentleman from Illinois have spoken about the enthusiasm that is pervasive in the schools, and this is such an accurate statement. We were concerned right after this national tragedy that we all participated in whether or not it was going to have some kind of psychological scar on the school students all across this Nation.

My own personal experience, having been into a number of schools all across this land, is that it is exactly the opposite. The fact is just what the gentleman has said; the enthusiasm has come to the fore, and that is bound to have an effect as we realize we must make up for the deficiencies in math and science and the production of numbers of engineers that we have to have for the future of America, so much of which that future is going to depend on high tech.

Therefore, Mr. Speaker, it is my privilege to be here to join in helping to support this legislation.

My colleagues, Senator JOHN GLENN, Senator JAKE GARN, and I, are the honorary vice chairmen of the National Young Astronaut Program, so it is my delight to be here to thank both of these gentlemen for their initiative and their leadership in striking this medal in commemoration of the Young Astronaut Program.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and pass the bill, H.R. 2578.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1300

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1952) to provide for the striking of medals to commemorate the Young Astronaut Program.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Young Astronaut Program Medal Act".

MEDALS

SEC. 2. (a) In commemoration of the Young Astronaut Program and its educational objectives, the Secretary of the Treasury shall strike and deliver to the Young Astronaut Council not more than 750,000 medals with suitable emblems, devices, and inscriptions to be determined by the Secretary after consultation with the Council and the Commission of Fine Arts.

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COSTS

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(b) Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

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SEC. 4. The medals authorized to be struck and delivered under this Act shall be struck in gold, silver, and bronze and in such size or sizes as shall be determined by the Secretary in consultation with the Council.

NATIONAL MEDALS

SEC. 5. The medals provided for in this Act are national medals for purposes of chapter 51 of title 31, United States Code.

EXAMINATION OF RECORDS

SEC. 6. The Comptroller General of the United States shall have the right to examine all books, documents, and other records of the Council which are related to the medals authorized under this Act, including all books, documents, and records regarding the marketing of such medals.

DEFINITIONS

SEC. 7. For purposes of this Act—

(1) the term "Council" means the Young Astronaut Council; and

(2) the term "Secretary" means the Secretary of the Treasury.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 2578, was laid on the table.

FEDERAL WORKERS, MEMBERS FACE DUAL RETIREMENT DEDUCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 5 minutes.

Mr. FORD of Michigan. Mr. Speaker, I rise to alert my colleagues to the fact that Federal employees—and Members of Congress as well—will, in effect, have their pay cut midnight Wednesday unless there is an agreement between this body and the Senate on a new supplemental retirement plan.

If we are unable to agree, those Federal employees hired after December 31, 1983, and Members will be covered both by Social Security and the Civil Service Retirement System. In effect, this will amount to a pay cut of almost 6 percent.

Congress, in 1983, passed legislation to extend Social Security to all Federal employees hired after December 31 of that year. The extension of Social Security coverage required that Congress develop a new retirement system for new workers and coordinate it with Social Security.

The Committee on Post Office and Civil Service moved quickly and responsibly to develop such a plan, realizing that here was a golden opportunity to create a new pension system with the best features found in the private sector.

With this in mind, the committee employed Hay Associates, one of the Nation's most prestigious consulting firms in the area of private pension plans. At the same time, the committee asked the Congressional Research Service to conduct an exhaustive analysis of the key issues involved to help us put together this new system.

Next, the committee held several days of hearings and heard testimony from dozens of pension experts, personnel managers, and union representatives.

The result was H.R. 3660, the Federal Civil Service Supplemental Retirement System Act, which passed the committee last fall.

As chairman of the committee, Mr. Speaker, I want to say that I believe that the understanding we have with the Senate on this bill is eminently fair and reasonable and a sound approach to melding two separate retirement

systems into one. To achieve this, the committee worked long and hard, with able assistance from Congresswoman MARY ROSE OAKAR and Congressman GENE TAYLOR.

For months now, our committee has had discussions with the other body in an attempt to reconcile our differences.

The reason we are in this dilemma, I am told, is that the administration, which, for 5 years, has waged a war on Federal employees and retirees, insists on further reducing the cost—and hence the benefits—of the retirement system, ignoring the fact that Members of both the House and Senate with many, many years of experience in these matters have reached an informal agreement.

I want to point out that we already have reduced the cost. The plan we have under consideration would be less than 23 percent of payroll, compared to 25 percent under the current system.

Moreover, the cost to the Government will be 31 percent if we fail to reach agreement by midnight Wednesday.

This is indeed a complicated issue. And this is why, early on, we sought the assistance of Hay and the Congressional Research Service. I think now for the administration to play the role of obstructionist in an area that we have explored carefully and responsibly is unconscionable.

We have done our job. We have developed a fair and sensible plan. And we have reached an informal agreement with the other side. Given both the economics and the politics of the problem, this was no simple task.

Outside of the administration, there simply is no consensus to cut economic corners anymore.

Mr. Speaker, I bring up the matter only to alert my colleagues—and to remind them that whatever onus there is rests entirely on the shoulders of the administration.

I include here a copy of a letter I have written to Senator WILLIAM ROTH. I certainly hope that, before the deadline, we can resolve this problem.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, April 23, 1986.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, our committees have been working diligently for several months trying to reach an agreement on a new retirement system for Federal workers whose service after December 31, 1983, is covered by social security.

Even though we have an informal understanding concerning most of the major provisions of the new retirement system, the conferees have not yet been able to meet and finalize an agreement. I am informed that the main reason for the continuing delay in resolving this issue is the Administration's desire to further reduce the cost of the retirement system.

The cost to the government of the retirement plan we have under consideration would be less than 23%, lower than the 25% cost of the current system and significantly less than the 31% of pay it will cost the government if we fail to reach agreement by midnight April 30, 1986.

Both the House and Senate Budget Committees are anticipating significant savings of $9 billion dollars over five years if we enact the new system under consideration. All of these savings will be lost if we do not meet our deadline and hundreds of thousands of Federal employees, including Members, will have their salaries reduced dramatically to pay for "double coverage".

I, therefore, request a meeting of the conferees so that both sides can have an opportunity to vote on a new system before the deadline.

A temporary delay or extension of the interim system is not a desirable option as we have expended an enormous amount of time and energy on our agreement.

Therefore, dual coverage will take effect on May 1 unless we can reach a final agreement in the next few days. I think you will agree that double coverage would be a most unfortunate result after all our efforts.

I feel constained, therefore, to alert the House leadership that double coverage at this point appears to be a very real possibility.

With kind regards,
Sincerely,
WILLIAM D. FORD, *Chairman.*

CHILD ABUSE—A NATIONAL PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, the month of April has been designated as "National Child Abuse Prevention Month." Too often we hear of incidents of child abuse occurring in our Nation today. Just one episode of child abuse is one too many, and it is our duty, as responsible adults, to make our children aware of this abhorrent problem so that they may protect themselves from this atrocity.

Child abuse occurs regardless of one's economic, race, and ethnic boundaries. Often the abusive parent was an abused child and, therefore, it is critical to provide help to the parent as well as to the abused child in order to break the cycle of abuse.

Now more than ever we are hearing about incidents of child abuse, because for the first time, the problem has been formally identified due to the long awaited attention it has received. Self-help groups have been formed around the country so that parents as well as abused children can receive much needed assistance. Parents can receive guidance from Parents Anonymous, a self-help group with a 24-hour hotline for parents in crisis. The toll-free number is 800-663-3520. In addition, the National Committee for Prevention of Child Abuse has chapters throughout the country. The main address is 332 South Michigan Avenue, Suite 1250, Chicago, IL 60604, telephone 312-663-3520.

In my own State of Florida, the 1985 legislature passed the Child Abuse Prevention Training Act of 1985, to provide assistance to school personnel in the identification and prevention of child abuse. This act also provides for training centers to provide information on prevention and assistance to local community personnel. I think it is vital that our Nation's schools and community officials be aware of this problem, for school officials spend quality time with our children, and should be trained to assist in the prevention of child abuse. Mr. Speaker, I am a cosponsor of several bills which would enforce strict penalties on child abusers and enact child protection reforms in our legal system for the abused child. In addition, I will continually offer my support, as should my colleagues, to the needs of the abused child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ANNUNZIO) to revise and extend their remarks and include extraneous material:)

Mr. FORD of Michigan, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HILER) and to include extraneous matter:)

Mr. DIOGUARDI in two instances.

Mr. RINALDO.

Mr. MICHEL.

Mr. BEREUTER in three instances.

Mr. FIELDS.

(The following Members (at the request of Mr. ANNUNZIO) and to include extraneous matter:)

Mr. YATRON.

Mr. FLORIO.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in 6 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in 5 instances.

Mr. RANGEL.

Mr. ROE.

Mr. BREAUX.

ADJOURNMENT

Mr. ANNUNZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 29, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3371. A letter from the Secretary of Agriculture, transmitting a draft of proposed

legislation to repeal the Federal Seed Act and a related provision of the Federal Noxious Weed Act; to the Committee on Agriculture.

3372. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Portugal for defense articles estimated to cost in excess of $50 million (Transmittal No. 86-33), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3373. A letter from the Secretary of Education, transmitting notification of final funding priorities for NIHR-research fellowships, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3374. A letter from the Secretary of Labor, transmitting a report on the enforcement activities under Fair Labor Standards Act for the period of October 1, 1984, through September 30, 1985, and other activities for the period of January 1, 1985, through December 31, 1985, pursuant to 29 U.S.C. 204(d)(1); to the Committee on Education and Labor.

3375. A letter from the Secretary of Agriculture, transmitting a report on activities under the Youth Conservation Corps Act, pursuant to Public Law 92-597, section 5; to the Committee on Education and Labor.

3376. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Portugal for defense articles and services estimated to cost $216 million (Transmittal No. 86-33), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3377. A letter from the Chairman, Interstate Commerce Commission, transmitting the 1985 annual report on the Commission's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3378. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting the sixth annual report on the MSPB appeals decisions for fiscal year 1985, pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

3379. A letter from the Assistant Secretary of Army (Civil Works), transmitting the national hydroelectric power resources study, pursuant to Public Law 94-587, section 167(b); to the Committee on Public Works and Transportation.

3380. A letter from the Chairman of the Board of Directors, U.S. Institute of Peace, transmitting a draft of proposed legislation to amend the U.S. Institute of Peace Act (Public Law 98-525) in order to provide authorization for appropriations for fiscal years 1987 and 1988; jointly, to the Committee on Education and Labor and Foreign Affairs.

3381. A letter from the Secretary of State, transmitting a report on the Foreign Service minority recruitment program, pursuant to 22 U.S.C. 3905(d); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3382. A letter from the Secretary of Health and Human Services, transmitting the annual report on the aid to families with dependent children [AFDC] homemaker/home health aide demonstration, pursuant to 42 U.S.C. 632a; jointly, to the Committee on Ways and Means and Energy and Commerce.

3383. A letter from the Comptroller General of the United States, transmitting the study of the Health Care Financing Administration's ability to manage competitive bidding for agreements and contracts under sections 1816 and 1842 of the Social Security Act (GAO-HRD-86-48), pursuant to Public Law 98-369, section 2326(e)(2) (98 Stat. 1088); jointly, to the Committee on Government Operations, Ways and Means, and Energy and Commerce.

3384. A letter from the Comptroller General of the United States, transmitting a report entitled: "Nuclear Winter, Uncertainties Surround the Long-Term Effects of Nuclear War"; jointly, to the Committees on Government Operations, Armed Services, Foreign Affairs, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. Senate Joint Resolution 187. Joint resolution designating Patrick Henry's last home and burial place, known as Red Hill, in the Commonwealth of Virginia, as a National Memorial to Patrick Henry (Rept. 99-557). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

The Committee on the Judiciary discharged from further consideration of H.R. 3559; H.R. 3559 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX:

H.R. 4690. A bill to require the Secretary of Commerce to promulgate emergency regulations with respect to conservation and management of redfish fisheries in the Gulf of Mexico, to impose a moratorium on fishing for redfish in the gulf until such regulations are promulgated, and to require the Secretary to conduct a research program with respect to such fisheries for purposes of developing a fishery management plan for redfish in the gulf; to the Committee on Merchant Marine and Fisheries.

By Mr. FUQUA (for himself, Mr. LUJAN, Mr. NELSON of Florida, Mr. WALKER, Mr. VOLKMER, Mr. BOEHLERT, Mr. RALPH M. HALL, Mr. PACKARD, Mr. MINETA, Mrs. MEYERS of Kansas, Mr. ANDREWS, Mr. REID, Mr. SMITH of New Hampshire, Mr. GORDON, Mr. BARTON of Texas, Mr. SLAUGHTER, and Mr. MONSON):

H.R. 4691. A bill to authorize appropriations for the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. RANGEL (for himself and Mr. GILMAN):

H.R. 4692. A bill entitled, the "Armed Drug Trafficking Act"; to the Committee on the Judiciary.

By Mr. STENHOLM:

H.R. 4693. A bill to authorize the Corps of Engineers to issue permits under the Clean Water Act and the River and Harbor Act for construction of a water resources project in the State of Texas; to the Committee on Public Works and Transportation.

By Mr. COBEY:

H.J. Res. 612. Joint resolution to designate the week beginning February 1, 1987, as "National VITA Week", to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H. Res. 435. Resolution amending rule XLVI of the rules of the House to require greater economy in mass mailing and other uses of the frank by Members of the House, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

346. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to the Mississippi River National Heritage Corridor Act of 1986; to the Committee on Interior and Insular Affairs.

347. Also, memorial of the Senate of the State of Hawaii, relative to the completion of the Department of Energy's MOD-5B research wind turbine at Kahuku, HI; to the Committee on Science and Technology.

348. Also, memorial of the Senate of the State of Hawaii, relative to establishing satellite remote sensing receiving stations in Hawaii, Guam, and Midway; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 512: Mr. MCCAIN.

H.R. 598: Mr. GEKAS.

H.R. 880: Mr. BATES, Mr. HAYES, Mr. RIDGE, Mr. MARTINEZ, Mr. FISH, and Mr. WILLIAMS.

H.R. 1719: Mr. DORNAN of California.

H.R. 2578: Mr. AUCOIN.

H.R. 2860: Mr. GEKAS.

H.R. 2943: Mr. CRANE, Mr. TRAXLER, Mr. DOWDY of Mississippi, and Mr. SMITH of New Hampshire.

H.R. 3000: Mr. REID.

H.R. 3040: Mr. WOLPE, Mr. BOEHLERT, Mr. GEKAS, and Mr. HORTON.

H.R. 3222: Mr. SILJANDER.

H.R. 3521: Mr. EARLY, Mr. DELAY, Mr. BOLAND, Mr. LOTT, Mr. FRENZEL, Mr. WHITTAKER, Mr. SWIFT, Mr. HATCHER, Mr. WEBER, Mr. DE LUGO, Mr. STRANG, Mr. HAMMERSCHMIDT, Mr. SPRATT, Mr. ATKINS, Mr. SOLOMON, Mr. HUTTO, Mr. IRELAND, Mr. TAYLOR, Mrs. SMITH of Nebraska, Mr. GRAY of Illinois, and Mr. DURBIN.

H.R. 3817: Mr. SISISKY, Mr. HUNTER, Mr. SAVAGE, Mr. LEWIS of Florida, Mr. BIAGGI, Mr. OBERSTAR, Mr. BEVILL, Mr. HUBBARD, Mr. LEHMAN of California, Mrs. BOXER, and Mrs. BOGGS.

H.R. 3835: Mr. BARNES.

H.R. 4025: Mr. YOUNG of Missouri, Mr. ALEXANDER, Mr. O'BRIEN, and Mr. SUNDQUIST.

H.R. 4287: Mr. KANJORSKI, Mr. KILDEE, Mr. SCHEUER, Mr. CLAY, Mr. WEAVER, Mr. YATRON, and Mr. WIRTH.

H.R. 4304: Mr. SAXTON.

H.R. 4311: Mr. SABO, Mr. WIRTH, Ms. KAPTUR, Mr. TRAXLER, Mr. TORRICELLI, Mr. MCCLOSKEY, Mr. FOGLIETTA, Mr. RUSSO, Mr. HERTEL of Michigan, Mr. BARNES, Mr. CARR, and Mr. BORSKI.

H.R. 4442: Mr. CARNEY, Mr. FIELDS, Mr. KOLBE, Mr. LEWIS of Florida, and Mr. PURSELL.

H.R. 4485: Mr. FAZIO, Mr. SCHEUER, Mr. LEHMAN of Florida, Mr. HOWARD, Mr. MRAZEK, Mr. DELLUMS, Ms. KAPTUR, Mr. RUSSO, Mr. WEAVER, Mr. MITCHELL, Mrs. COLLINS, and Mr. BARNES.

H.R. 4568: Mr. HUCKABY, Mr. GILMAN, Mr. RALPH M. HALL, and Mr. DE LUGO.

H.R. 4647: Mr. STANGELAND.

H.R. 4653: Mr. ROBERTS.

H.J. Res. 297: Mr. WHITTEN, Mrs. BENTLEY, and Mr. PANETTA.

H.J. Res. 475: Mr. COELHO, Mr. KOSTMAYER, Mr. TAUZIN, Mr. MILLER of California, and Mr. HAMILTON.

H.J. Res. 500: Mr. HAYES, Mr. FRANKLIN, Mr. SAXTON, Mr. BLAZ, Mr. CALLAHAN, Mr. FROST, Mr. SKELTON, and Mr. HANSEN.

H.J. Res. 510: Mr. MCKINNEY, Mr. DERRICK, Mr. COLEMAN of Texas, Mr. PASHAYAN, Mr. JONES of Tennessee, Mrs. MEYERS of Kansas, Mr. LEWIS of California, Mr. TORRICELLI, Mr. BEVILL, Mr. MORRISON of Washington, Mr. SHELBY, Mr. BROWN of California, Mr. WALKER, and Mr. DE LUGO.

H.J. Res. 531: Mr. KASICH, Mr. BILIRAKIS, Mrs. LLOYD, Mr. VANDER JAGT, Mr. GINGRICH, Mr. DOWDY of Mississippi, and Mr. QUILLEN.

H.J. Res. 533: Mr. TRAXLER, Mr. PERKINS, Mr. RICHARDSON, Mr. JACOBS, Mr. DYSON, Mr. WILSON, Mr. GEKAS, Mr. KEMP, Mr. SUNIA, Mr. MOORHEAD, Mr. WEISS, Mr. GREEN, Mr. ROSE, Mr. LEVIN of Michigan, Mr. STAGGERS, Mr. BARNES, Mr. TOWNS, Mr. CONYERS, Mr. BLAZ, Mrs. HOLT, Mr. BEVILL, Mr. ACKERMAN, Mr. REID, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BOUCHER, Mr. CALLAHAN, Mr. NIELSON of Utah, Mr. CONTE, Mr. WALGREN, Mr. BLILEY, Mr. YOUNG of Alaska, Mr. MILLER of Washington, Mr. RITTER, Mr. KASTENMEIER, Mr. SOLOMON, Mr. COATS, Mr. MOAKLEY, Mr. COUGHLIN, Mr. FUSTER, Mr. DAVIS, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HEFNER, Mr. HENRY, Mr. BROOKS, Mr. ROBERT F. SMITH, Mr. HUNTER, Mr. GUARINI, Mr. IRELAND, Ms. KAPTUR, Mrs. KENNELLY, Mr. FRANKLIN, Mrs. VUCANOVICH, Mr. HAMMERSCHMIDT, Mr. HAYES, Mr. DANIEL, Mr. WIRTH, Mr. DUNCAN, Mr. GRAY of Illinois, Mr. CHAPPELL, Mr. CROCKETT, Mr. MARKEY, Mr. ROE, Mr. DONNELLY, Mr. SOLARZ, Mr. AUCOIN, Mr. LAGOMARSINO, Mr. KOLTER, Mr. MURPHY, Mr. VENTO, Mr. FRANK, Mr. BREAUX, Mr. BOEHLERT, Mr. DASCHLE, Mr. WOLPE, Mr. SAXTON, Mr. ERDREICH, Mr. BILIRAKIS, Mr. KRAMER, Mr. CARPER, Mr. MURTHA, Mr. WAXMAN, Mr. MARTIN of New York, Mr. PRICE, Mr. HUGHES, Mr. MORRISON of Connecticut, Mr. LANTOS, Mr. NEAL, Mr. ORTIZ, Mr. DEWINE, Mr. BUSTAMANTE, Mr. COELHO, Mr. FUQUA, Mr. HEFTEL of Hawaii, Mr. HUTTO, Mr. YOUNG of Missouri, Mr. THOMAS of Georgia, Mr. DE LA GARZA, Mr. ROYBAL, Mr. WYDEN, Mr. REGULA, Mr. FOLEY, Mr. SISISKY, Mr. COYNE, Mr. HOWARD, Mr. CHAPPIE, Mr. LENT, Mr. CARNEY, Mrs. LLOYD, Mr. MCHUGH, Mr. KOSTMAYER, Mrs. BOXER, Mr. DOWDY of Mississippi, Mr. AKAKA, Mr. FAUNTROY, Mr. FEIGHAN, Mr. DARDEN, Mr. FRENZEL, Mr. SABO, Mr. BONIOR of Michigan, Mr. MATSUI, Mr. ANTHONY, Mrs. MEYERS of Kansas, Mr. OBERSTAR, Mr. OWENS, Mr. ROBERTS, Mr. SAVAGE, Mr. STENHOLM, Mr. ANDERSON, Mr. ROWLAND of Georgia, Mr. SNYDER, Mr. YATRON, Mr. QUILLEN, Mr. WHEAT, Mr. TALLON, Mr. DE LUGO, Mr. SCHUMER, Mr. APPLEGATE, Mr. TAYLOR, Mr. BEDELL, Mr. GONZALEZ, Mr. FISH, Mr. STOKES, Mr. GALLO, Mr. DURBIN, Mr. SMITH of Iowa, Mr. SHELBY, Mr. SHAW, Mr. GEJDENSON, Mr. SPRATT, Mr. FROST, Mr. HANSEN, Mr. HYDE, Mr. FOWLER, Mr. YATES, Mr. WYLIE, Mr. MINETA, Mr. LUJAN, Mr. DELLUMS, Mrs. COLLINS, Mr. SIKORSKI, Mr. MACK, Mr. COURTER, Mrs. LONG, Mr. KASICH, Mr. EDGAR, Mr. MCEWEN, Mr. WHITTAKER, Mr. HERTEL of Michigan, Mr. TAUKE, Mr. BENNETT, Mr. DIXON, Mr. FOGLIETTA, Mr. LEHMAN of California, Mr. LOWERY of California, Mr. MARTINEZ, Mr. MONSON, Mr. MYERS of Indiana, Mr. DENNY SMITH, Mr. SYNAR, Mr. YOUNG of Florida, Mr. WEAVER, Mr. KOLBE, and Mr. SHUMWAY.

H.J. Res. 562: Mr. BARNES, Mr. LANTOS, Mr. CHAPPIE, Mr. SAXTON, Mr. HENRY, Mr. WILSON, Mr. HEFNER, Mr. GREEN, Mr. YATES, Mr. SUNIA, Mr. SMITH of New Hampshire, Mr. SMITH of New Jersey, Mr. BEVILL, Mr. JONES of North Carolina, Mr. GRAY of Illinois, Mr. ENGLISH, Mr. FEIGHAN, Mr. FIELDS, Mr. STRANG, Mr. BROOMFIELD, Mr. CARPER, Mr. JENKINS, Mr. ORTIZ, Mr. PASHAYAN, Mr. MATSUI, Mr. SCHEUER, Mr. DANIEL, Mr. CARNEY, Mr. MOLLOHAN, Mr. DYMALLY, Mr. RICHARDSON, Mr. HOYER, Mr. DEWINE, Mr. LUJAN, Mr. LOEFFLER, Mr. GILMAN, Mr. LOWRY of Washington, Mr. MOODY, Mr. BLILEY, Mr. BENNETT, Mr. LUNGREN, Mr. RITTER, Mr. ANTHONY, Mr. ROBERTS, Mr. RINALDO, Mr. DIOGUARDI, Mr. CRANE, Mr. GUNDERSON, Mr. HUTTO, Mr. TAUKE, Mrs. COLLINS, Mr. WYDEN, Mr. KOSTMAYER, Mr. MARKEY, Mr. DENNY SMITH, Mr. KASICH, Mr. LOWERY of California, Mrs. BENTLEY, Mr. JACOBS, Mr. BORSKI, Mr. IRELAND, Mr. FROST, and Mr. HYDE.

H.J. Res. 589: Mr. DYMALLY and Mr. LEACH of Iowa.

H.J. Res. 606: Mr. DURBIN.

H. Con. Res. 148: Mr. RANGEL.

H. Con. Res. 261: Mr. BATES, Mr. PORTER, Mr. PEPPER, Mr. HAYES, Mr. DWYER of New Jersey, and Mr. HUGHES.

H. Con. Res. 315: Mr. MRAZEK, Mrs. LLOYD, and Mr. GEKAS.

H. Res. 408: Mr. FROST, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. MRAZEK, and Mr. GLICKMAN.

H. Res. 417: Mr. BENTLEY and Mr. BURTON of Indiana.

H. Res. 424: Mr. FAZIO, Mr. GEKAS, Mr. YOUNG of Florida, Mr. EVANS of Illinois, Mr. SMITH of Florida, and Mr. DAVIS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 433: Mr. ANNUNZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

319: By the SPEAKER: Petition of the Township Council of Delran, NJ, relative to proposing an amendment to the 16th amendment to the Constitution of the United States; to the Committee on the Judiciary.

320. Also, petition of the board of trustees, Glenside Public Library District, DuPage County, IL, relative to portions of H.R. 3838 pertaining to tax-exempt financing for local governments; to the Committee on Ways and Means.

321. Also, petition of the president and board of trustees, village of Park Forest, Cook and Will Counties, IL, relative to provisions of H.R. 3838 relating to tax-exempt financing for local governments; to the Committee on Ways and Means.

322. Also, petition of the mayor and board of trustees, village of Lincolnshire, Lake County, IL, relative to portions of H.R. 3838 pertaining to tax-exempt financing for local governments; to the Committee on Ways and Means.

SENATE—*Monday, April 28, 1986*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I will sing to the Lord for He is highly exalted. The Lord is my strength and my song. He has become my salvation. He is my God and I will praise Him. My father's God and I will exalt Him.—Moses' prayer, Exodus 15:1-2.

God of Abraham, Isaac and Israel, on this fifth day of Passover, we remember Your great salvation and deliverance. We celebrate the liberation of the Old Testament people of God, and we worship You O Lord Who delivers all who seek You. We thank You, Lord, for the benefits which have accrued to the world through that emancipation. We thank You for the incalculable contribution the Jewish people have made to history, in music, art, drama, literature, education, science, technology, finance, and commerce. We thank You for their moral and spiritual influence in giving us the Bible, the Ten Commandments, the centrality of the family, and the Savior. We thank You for their resilience and perseverance century by century. Thank You, Mighty God, for what Passover means to all of us.

As we close this prayer, Heavenly Father, we pray for President and Mrs. Reagan in their travels. Protect them from danger, keep them healthy, prosper the purpose of this journey, and return them safely home. Likewise, we pray for those who accompany them—their support team, the press and media. We pray this to the glory of Your name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair now recognizes the able majority leader, Senator ROBERT DOLE.

Mr. DOLE. Mr. President, I thank the distinguished Senator from South Carolina [Mr. THURMOND].

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, followed by special orders in favor of Senators HAWKINS, CRANSTON, and PROXMIRE, with routine morning business not to extend beyond 12 noon, with Senators permitted to speak therein for not more than 5 minutes.

Following morning business, the Senate will resume the unfinished business, Senate Concurrent Resolution 120, the budget resolution, and pending is the DeConcini amendment No. 1803.

By previous consent there will be no rollcall votes today, but we hope to be able to debate at least four or five amendments and have votes occur on those no eariler than 11 a.m. tomorrow, and I hope the votes would start tomorrow morning. We have 25 hours left on the budget resolution. It would be my hope that we can complete action on the budget resolution this week. We have a lot of work to do before the recess which starts in late May, May 21, and I will try to compile a list of what I consider to be must legislation which I will give to the distinguished minority leader so we will have it tomorrow when we have our discussions in both Republican and Democratic policy luncheons. So I would hope that we could have the cooperation of all of our colleagues.

One question I have been asked by a number of colleagues is, will we be required to come back Thursday, the 29th and Friday, the 30th, and I guess, as I have tried to indicate, the answer would depend on whether or not we have completed some of the legislative musts before that time. I know there is a great deal of interest, after the budget resolution has been disposed of, in a number of items I would hope to bring up. One is a simple sense-of-the-Senate resolution that is being blocked by someone, sponsored by 52 Senators, 31 Republicans and 21 Democrats, which simply indicates that the Farm Credit System should do certain things to help not only the System but to help borrowers, farmers, and I, for the life of me, cannot understand what has blocked that for about 3 weeks.

In addition there is a little bill pending which would provide opportunities for the two sons of the two pilots who lost their lives in Libyan raids to attend the Air Force Academy. That is being held up by someone. I am not certain whether we can move to that. But hopefully we can dispose of it.

There are other items that have been held for some time. We have the Newman nomination, which I think may be resolved. I have met this morning with the nominee, along with Senator HELMS, who has been holding that nomination. So there are a number of rather minor items that I hope we can dispose of between now and the end of the week.

There are some who would like to bring up the Saudi arms sale and there are just as many who would like to bring up the gun bill following the budget resolution. They are both privileged matters so perhaps we can work out some understanding with all the parties about when we might do these things.

I am advised the distinguished chairman of the Armed Services Committee, Senator GOLDWATER, would very much like to take up the military reorganization bill. He believes that will take 2 or 3 days. There is still an interest in a trade bill before we recess and, of course, the supplemental appropriations bill and perhaps the Malt Beverage Act if we could do that quickly. I am not certain that can be done quickly. Senator GORTON, Senator MITCHELL, and others would also like a vote on daylight saving time. And also there is the drug export bill.

So I would suggest there are probably some things we cannot do, maybe other things will crop up we can do, but it is my hope that we can leave on the 21st with a feeling that we are pretty much on schedule. I assume we will be having a number of both authorization and appropriation bills when we return. It has also been the hope of the chairman of the Finance Committee that we would be in position to take up the tax bill following the Memorial Day recess, which would mean that we would have to complete committee action on the tax bill, of course, before the recess and give the drafters a couple of weeks, I would guess, to put that together.

In any event, I will try to furnish the distinguished minority leader a list no later than, say, 4 o'clock this afternoon.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PRESSLER). Under the previous order, the minority leader is recognized.

SCHEDULE

Mr. BYRD. Mr. President, I have listened to the distinguished majority leader. He has indicated that there are questions on both sides of the aisle as to whether or not the Senate will be in session on May 29 and May 30, Thursday and Friday, the last week of May.

It would be my hope that the distinguished majority leader could announce at a time soon that the Senate

will not be in on those 2 days. There will be a number of Senators on both sides who will be traveling on official business of the Senate, and I would imagine that the attendance will not be the best on those 2 days.

So I think the earlier that the leadership on both sides can announce to our respective sides that those 2 days will be clear, the better it will be for Senators as they attempt to accommodate their schedules to the Senate program.

Mr. President, the distinguished majority leader also indicated that he might want to take up the nomination of Donald Newman. As he indicated, there are no objections on this side to proceeding with that nomination. So, at his convenience, we could move to that.

INTERNATIONAL TERRORISM AND CIVIL AVIATION SECURITY

Mr. BYRD. Mr. President, the advent of international terrorism underscores the necessity for effective security at airports in the United States and abroad. The international community must act to prevent the sacrifice of the lives of innocent travelers at the hands of terrorism. Too often, in the aftermath of another bloody terrorist episode, we discover that lax airport security provided the opportunity for terrorists to carry out their grim mission of vengeance and death.

However, the problem of providing effective security for air travelers is not simply limited to airports outside the United States. It is a problem which has been given inadequate attention in the United States as well. Indeed, it is a problem of no small significance right here in Washington, DC. If we are not vigilant, this city, and the buildings in it, could easily become a prime target for terrorist activities.

For example, in January of this year, the Washington Post reported that the FAA police force at National and Dulles International Airports is understaffed, inexperienced, and suffering from severe morale problems. Low pay, according to the Post story, is one of the principal reasons for this situation, and has been attributed as the principal reason that the annual turnover rate for the FAA police had climbed to 66 percent.

Indeed, FAA police are paid less than members of seven other police forces in the Washington area. For example, the starting salary for the National Zoological Park Police is almost $3,000 per year more than the starting salary for FAA police. The starting salary for Alexandria police is about $6,000 higher. In other words, Mr. President, Federal police at the National Zoo are paid more to guard monkeys and snakes there than the FAA police officers who are responsible for the security of an estimated 50,000 ticketed passengers per day at the two Washington area airports.

According to a recent Washington Post story, the situation was corrected to some extent earlier this month when FAA Police were granted a pay raise of up to 22 percent. This action brings the starting salary for FAA Police within $500 of the starting salary for National Zoo Police. The new starting salary is still about $3,500 less than the starting salary for Alexandria Police. This special pay increase is not, however, permanent and must be reviewed annually.

Mr. President, there is an old saying which is well known to us all—you get just what you pay for. It would appear that bit of wisdom has been ignored for too long in this case.

With the increased concern over terrorism, the FAA has indicated a greater appreciation of the need to provide improved security for civil aviation in the United States. Following the hijacking of TWA flight 847 in Athens, Greece, last June 14, the FAA began to require pilots and flight attendants to undergo 8 hours of training in procedures to use against terrorists. Starting next year, pilots and flight attendants must undergo such training on an annual basis. Unfortunately, Mr. President, there may be less to this new initiative than meets the eye.

According to a recent story which appeared in the Dallas Morning News, the antiterrorist security training being provided airline pilots and flight attendants is a source of concern and derision. Furthermore, the effectiveness of the training program in preparing its students to handle a crisis involving terrorists is seriously questioned.

The FAA now requires that all pilots and flight attendants serving on international flights undergo 8 hours of initial antiterrorist training. Crew members on domestic flights must undergo such training by September 1. However, the Morning News reports, the security training program consists primarily of watching more than 5 hours of videotapes and working with written material for 2 hours. In addition, there is some discussion time and an open book examination. This security training package was approved by the FAA and put together by the Airline Transport Association, an airline industry group.

Accounts of the training sessions provided in the Morning News story indicate that needlepoint, reading books and newspapers, doing one's fingernails, or sleeping are the primary activities at many of the courses. One pilot indicated that his so-called instructor for the required course entered the room only to change videotapes.

Even though the Airline Transport Association now recognizes that there are problems with the program, an FAA spokesman is quoted in the Morning News story as saying that the quality of the program is very high, and that the FAA has "no reason to think that it wasn't very effective."

Mr. President, if the Dallas Morning News report is an accurate account of the situation, this is simply unacceptable. My colleagues, I am sure, share my conviction that the Federal Government should play a lead role in ensuring that American air travelers are protected from the attacks of international terrorists.

Mr. President, as we now know, there is a need for increased vigilance and attention to enhancing the security of major airports in the United States and abroad. This is another area of FAA responsibility which has been growing in importance as a result of recent events. Accordingly, I have written to FAA Administrator Donald Engen and asked him to conduct a thorough review of FAA Civilian Aviation Security Programs in light of the heightened risk of terrorist attacks at airports around the world, including major airports in the United States.

Mr. President, I ask unanimous consent that my letter to Mr. Engen and the articles from the Washington Post and the Dallas Morning News, to which I referred in my remarks, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC.

DONALD D. ENGEN,
Administrator, Federal Aviation Administration, Independence Avenue, SW., Washington, DC.

DEAR MR. ENGEN: I am writing to ask you to conduct a thorough review of FAA's civilian aviation security programs in light of the heightened risk of terrorist attacks at airports around the world, including major airports in the United States. Such a review would be timely because there is speculation that the aftermath of the American action against Libya may involve an escalation of terrorist actions against innocent air travelers by those who direct such attacks.

I have been concerned by recent accounts in the media which indicate that there may be significant weaknesses in the FAA's efforts to provide civilian aviation security. For example, in January the Washington Post ran a story regarding the low pay of FAA police at Dulles and National airports, and the impact of the pay scale on the security at those airports. A recent Post article indicates that a special pay increase for FAA police at those airports has been approved. However, it appears that the new starting pay levels may still be below that of other police forces in the area. In addition, the Dallas Morning News recently ran a critical story on the FAA-sponsored anti-terrorist training program provided to pilots and fight crews.

I understand that these stories do not provide a full account of the work underway at the FAA in the area of civil aviation security. However, they do highlight some prob-

lems which should be examined closely. In view of increased tensions arising from the possible escalation of terrorist violence, it would seem that prudence would dictate a thorough review of FAA aviation security programs. Such a review should seek to ensure that FAA programs dealing with security personnel, procedures, and equipment are being implemented and developed in a timely manner to enhance the effectiveness of civil aviation security in the near-term, as well as the longer-term future.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

ROBERT C. BYRD.

[From the Washington Post, Apr. 14, 1986]

FAA POLICE: LOW PAY, POOR MORALE

(By Michael Specter)

The FAA police force at National and Dulles International airports—responsible for ensuring the safety of more than 50,000 ticketed passengers each day—is understaffed, inexperienced and suffering severe moral problems, according to police officers, government officials and a recent General Accounting Office report.

With recent terrorist attacks at airports in Rome and Vienna, new demands have been placed on airport security forces in the United States. But this week there were 39 vacancies in the police staff that guards Dulles and National, said Federal Aviation Administration officials. Currently there are 100 active officers.

FAA officials and congressional sources agree that low pay has made it difficult to keep a qualified staff up to its appropriate level, but the FAA denies that there is any security problem at either airport.

"For years and years we have had such a bad pay scale that we just can't keep those jobs filled. . . . We have said it so long we sound like a broken record," said James A Wilding, director of the FAA's Metropolitan Washington Airports organization that operates Dulles and National. "But I would really like to make a sharp distinction between that frustration and anything I believe could be called a security problem. We feel very strongly about the security posture of these two airports."

Others, however, say that without a larger police presence, the FAA cannot adequately protect two of America's most prominent airports—facilities used daily by dignitaries.

Under FAA regulations, airlines handle screening of passengers and carry-on luggage at all airports in the country. But the airport operator—it is usually a city but in the case of Dulles and National it is the FAA—is responsible for other security measures, such as preventing people from gaining access to parked planes, enforcing laws and arresting people suspected of committing crimes.

A 1983 letter from four prominent members of Congress asked the GAO to investigate pay and staffing levels at the two airports because "we have received information indicating that public safety at National and Dulles airports is threatened by an underpaid, understaffed and overworked police force serving those airports."

The FAA and its critics agree that more than a year after that request was made and at a time when new demands are being made on airport security forces, pay and staffing problems for FAA police officers have persisted.

"When you talk about Dulles and National you are talking about a tragedy that is just waiting to happen," said Rep. Mario Biaggi (D-N.Y.), who said last week he soon will introduce legislation that would exempt the FAA police from budget cuts mandated by the Gramm-Rudman-Hollings balanced budget act. "Those airports have such high public visibility it is just outrageous that we allow this to continue."

Biaggi and others say the reason the FAA cannot recruit and retain an adequate force is that police officers are paid far less than they would receive in any neighboring jurisdiction. A 1985 GAO report also found that FAA police officers were paid less than members of seven other federal police forces with officers in the Washington area.

"You've got people guarding monkeys and snakes that make more money than we do," said Robert Tyng, a sergeant who has worked for the FAA for 13 years and now earns an annual base salary of $19,606. "The government looks at National Airport like it was a quiet little out of the way place where nothing happens. But the 1940's are over."

In 1985, the minimum starting salary for an FAA police officer was $14,298. By comparison, the starting pay for an officer with the National Zoological police was $17,221. In the nearby city of Alexandria, minimum starting pay for a new police recruit is $20,262.

Last fall, Transportation Secretary Elizabeth Hanford Dole requested a pay increase of more than 10 percent across the board for FAA police officers.

The Office of Personnel Management cut the request, saying FAA police are not underpaid, but that other federal police officers are paid too much.

OPM has agreed to increase pay for low-ranking officers between 6 and 10 percent in the coming fiscal year. But as the GAO report points out, that will not nearly keep pace with other area police forces.

Interviews with many current officers at both airports confirm a finding of the GAO report: Morale among FAA police is poor. "Of 95 officers interviewed for the report, 76 percent said morale was "very low," 22 percent said it was "low," and 2 percent said they were "uncertain." No officer interviewed for the GAO report or by The Washington Post said morale on the force was good.

To compensate for the staff shortages, officers have been working vast amounts of overtime. In 1985, the police at the two airports earned almost $900,000 in overtime compensation, according to the FAA.

"We do not like to have people work that kind of overtime," said Wilding. "Those are nerve-racking jobs and we don't want people working double shifts. Right now, it seems the lesser of available evils to us."

Although many of the officers welcome the extra income, they say that in the long run that kind of overtime may cause more harm than good.

An incident last week at National frightened and angered several officers. A man was about to board a People's Express flight to Newark when a search of his carry-on luggage made officers gasp.

"It looked exactly like a bomb, it had fake dynamite, a clock and wires," said Lt. Alan Fahey, a day shift supervisor with the FAA police at National. "We were shocked and scared. We are spread so thin. This time it was a sick joke. Next time it won't be."

The man was arrested and later released.

"It's a very demanding job," said Lt. Thomas Holderness. "And then some jerk comes along with a wooden bomb. There is a feeling that something bad is going to happen.

"At Dulles, we are responsible for protecting about 12,000 acres. We also patrol many of the roads that come toward the airport. We want to do our job well, but it's hard when you work every day of your life. I have men who practically live on food stamps working at Dulles."

The number of passengers using Dulles has grown more than 100 percent in the past year and arrests there have increased as well. In 1985; there were 200 arrests at National and 100 at Dulles, according to rough figures kept by the police. Sixty-two people were charged with weapons violations at National in 1985. Statistics for Dulles are not yet available from the FAA.

There were 1,750 reports of incidents requiring FAA police investigation at the two airports in 1985, according to the station commander at National.

The FAA officers, who undergo eight weeks of training at the Federal Law Enforcement Training Center in southeast Georgia, are armed with .38 caliber revolvers.

"These are like little towns with transient populations," said Lt. Fahey. "Robbery, murder, theft and drugs. If you have it in America aren't you going to have it at the airport?"

"I know it sounds bad asking for more money," said one veteran of the FAA police at National Airport. "But we need it and if we don't get it we are not going to be able to protect the people who go through this terminal. I enjoy my job, but every once in a while I ask myself how much longer I can let this happen."

[From the Washington Post, Apr. 4, 1986]

U.S. CITING SECURITY NEEDS, RAISES NATIONAL AND DULLES POLICE PAY

(By Michael Specter)

The Reagan administration, citing serious concerns over security at National and Dulles International airports, announced substantial pay increases yesterday for the federal police officers charged with ensuring the safety of passengers at both airports.

A senior administration official, who asked not to be named, said White House chief of staff Donald T. Regan personally endorsed the pay increases of up to 22 percent for the Federal Aviation Administration police force. Officers on the force long have contended they are so poorly paid that airport security is questionable. Tuesday, the day before a bomb exploded aboard a TWA flight over Greece, they mounted a renewed media campaign on the issue.

Administration officials said the decision to grant the pay increases came in response to a Tuesday letter from Transportation Secretary Elizabeth Hanford Dole and was not prompted by concerns over terrorism or the TWA bombing.

"Everyone in this administration from the president on down wants to assure that travelers at those airports are safe," Constance Horner, director of the Office of Personnel Management, said as she announced the raises.

The increases, ranging from $727 to $3,360 a year, have been sought for years by the FAA. Dole has said that low pay—no police force in the metropolitan area pays its officers less—has made it nearly impossible to retain qualified staff members for more than a year or two.

There are 97 officers and 37 vacancies on the force charged with guarding National and Dulles, the only two commercial air-

ports in the nation owned and operated by the federal government.

Yesterday, in part because of new security measures that have been adopted to counter potential terrorists, police at National evacuated part of the North Terminal after bomb-sniffing dogs reacted positively to an unclaimed package in a bathroom. Police said the package turned out to be a pound of cocaine, surrounded by nitrate—an ingredient in gunpowder.

"We have been working hard on this security and pay issue for a long time," said Stephen Hayes, the FAA's assistant administrator for public affairs. "Of course, by itself the pay raise is not the whole answer to security, but it's an important step and we're very pleased."

Tuesday, the same day several FAA police officers called a news conference at Dulles to complain about security, Secretary Dole wrote Horner asking for immediate response to what Dole called "the critical staffing and pay problems that continue to exist" for police at the airports. She wrote that despite a small pay increase that became effective in January for FAA police, the turnover rate had climbed from 55 percent to 66 percent.

"The vacancy rate which FAA continues to experience despite the January salary increase clearly is unacceptable with the increased emphasis on security at our airports," the letter stated.

Yesterday's increases, most of which were for the maximum amount allowed under present law, are not permanent, according to OPM. As a rule, special pay increases are reviewed once a year and can be adjusted at that time.

In 1985 the minimum starting salary for an FAA police officer was $14,298. In January that figure rose to $14,578, and yesterday's announcement will put the salary at $16,723. By comparison, the starting pay for an officer with the National Zoological police is $17,221. In Alexandria minimum starting pay for a new police recruit is $20,262.

Under FAA regulations, airlines handle screening of passengers and carry-on luggage at all public airports in the country. But the airport operator, most often a city, is responsible for other security measures, such as protecting aircraft and enforcing laws.

"The men who guard these airports and the thousands of people who use them each day are finally being recognized," said Lt. Thomas Holderness, the FAA station commander at Dulles. "The stress and the overtime have been overwhelming and this should help."

At her news conference Horner said, "There is something wrong with the federal pay structure" when the law interferes with security needs.

[From the Dallas Morning News, Apr. 19, 1986]

ANTI-TERRORIST TEDIUM—AIRLINE CREWS DISDAIN REQUIRED SECURITY TRAINING AS BORING, UNHELPFUL

(By Tom Howlett)

At his government-required anti-terrorist training session recently, a captain for a major airline says, "the bits of information were so few and far between that people weren't even paying attention."

His instructor for the eight-hour course entered the room only to change videotapes.

"People were talking, they were doing other things . . . including reading the paper," the captain recalled. "I'd leave for 20 minutes at a time and take care of business. I'd come back into a bull session, with tapes running."

At her anti-terrorist training course, a senior flight attendant remembers, colleagues did needlepoint as some videotapes on terrorists from the early 1970s rolled.

It was kind of like sitting in your living room watching your favorite TV show. You could be doing your nails, you could be doing your needlepoint, or you could be reading a book," she said. "It's kind of sad, isn't it?"

Required for the first time this month "to protect U.S. civil aviation against international terrorism," the security training being given by airlines is a source of concern and derision among many pilots and flight attendants, who say they doubt they are now better prepared to handle such a crisis.

"Captains, are supposed to be the in-flight security coordinator and give a briefing to flight attendants. I don't even know what to tell them," said Roger Brooks, a Frontier Airlines captain. "It's a poor deal."

Recalling his required anti-terrorist training session, Braniff pilot Bill Burke said: "It was just kind of an insult when you've been flying for 28 years and somebody says, 'If you see someone with a gun coming down the ramp, don't let them on the plane.' Well, there's not a great deal you can do to stop the dang thing.

"You say, 'My gosh, what am I doing sitting here and getting this kind of nonsense.' "

The Federal Aviation Administration ordered the new training requirement last July after the June 14 hijacking of Trans World Airways Flight 847 in Athens.

Starting this month, all pilots and flight attendants serving on international flights need to have received eight hours of initial anti-terrorist training. Crew members on domestic flights must receive the training by Sept. 1.

In addition, airlines must give pilots and flight attendants recurrent training against terrorists on an annual basis starting next year.

FAA spokesman Fred Farrar said the quality of the new program has been "very high." "We have no reason to think that it wasn't effective," he said.

But the Air Transport Association, the airlines' major lobbying group, recommends the rule be withdrawn and revised and many pilots and flight attendants describe some training information as stale and the prevalent videotape approach to teaching unsatisfactory.

"We're the ones who are going to suffer the brunt of any terrorist activity, and I think there's something the airline industry could put together that would be far more informative and protective," said Lana Holmes, an Eastern Airlines flight attendant. "I found the videos were really not up to date as they should have been."

One flight attendant for a major airline said her anti-terrorist training session "was without a doubt the worst class in any area in any subject I have ever had. I am a college graduate, and that was the worst thing."

Complaints center on the common format for the training, which falls short of expectations of role-playing, drills and lively discussions.

Instead, most major airlines show crew members slightly more than five hours of videotapes and two hours of written material combined with discussion time and an open-book test, airline officials said. This FAA-approved security package was put together by the Airline Transport Association, which make it available to airlines for about $450.

Although video segments on bomb identification and terrorist profiles are engaging, much of the information is dated, too long and uninteresting, pilots and flight attendants said in interviews.

Classes often lack live instruction or discussion, and test-taking can become a group effort with answers shared, they said.

One problem lies with an overlong interview of a hijacker in prison, according to those who have received the training, and another film discusses a code word for terrorist situations that only applies to a couple of carriers.

At many airlines, pilots and flight attendants receive their antiterrorist training separately despite the need for coordination in the event of such a crisis.

"There isn't that discussion or opportunity to interact as a crew," said Nancy Garcia, director of health and safety for Teamsters Local 2077, representing flight attendants at Northwest, PSA and World Airways, "I think what people are really groping for is an opportunity to talk about the issues."

Airline representatives acknowledge problems with the program.

Tom Tripp, spokesman for the Air Transport Association, said his group collected videotapes from a wide range of sources simply to meet the eight-hour requirement established by the FAA, which has not offered guidance on what is needed.

"We've had absolutely no specifications or instructions or input from the FAA," Tripp said. "The truth of the matter is we still don't understand what is deficient in current flight crew member training."

The FAA denied it has failed to help, but would not elaborate.

At Southwest Airlines, which uses the Air Transport Association's combined video and homestudy program, Training Coordinator Jim Federer said. "Some of the good was probably lost because there was so much garbage in the information.

"Some of them (videotapes) are horrible, and others are excellent," he said.

But Southwest and other airlines use the association package despite its shortcomings because the costs of developing a new program and then seeking FAA approval make alternatives impractical, he said.

The key, he said, is lively instruction to supplement the videotapes and written work.

Braniff's Fred Stauffer, a captain who serves as director of training, agreed, saying the success of antiterrorist training depends on "getting them pumped up to see it."

Shortly after the airline started its security effort last November, one pilot "was so bored he laid down on the floor and slept."

Stauffer met with the pilot and sent him through the course again.

"We wouldn't put up with any foolishness because it's too serious to take lightly."

Mr. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. One minute and 20 seconds.

Mr. BYRD. I thank the Chair.

I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

□ 1120

SHOULD SOVIET CHEATING END ARMS CONTROL PACTS WITH THE U.S.S.R.?

Mr. PROXMIRE. Mr. President, the charges of deliberate and wholesale cheating by the Soviet Union on arms control treaty agreements are becoming an increasingly serious threat to rational American military and foreign relations policies as well as arms control policies. If the Soviets are cheating as willfully and flagrantly as some Members of Congress and some Defense Department spokesmen contend, this country cannot and should not continue to negotiate arms control treaties. We should directly renounce the treaties with the Soviet Union we have signed. We should sharply increase our military buildup and raise our taxes heavily to pay for it. We should prod our allies to increase their military strength. We should recognize and accept the cruel and painful fact that arms control is dead and rely entirely on military strength.

On the other hand, if the Soviet Union has been generally complying with the arms control treaties, if the agreements have limited their military buildup significantly then our policies should be quite different. In the latter case we should honor and abide by the treaties. We should also push aggressively to negotiate new agreements that would limit the military buildup on both sides. If the Soviets are complying with the arms control agreements, the prospects for world peace and for relief for the immense burdens and dangers of the arms race are much greater.

WHAT IS IT?

So which is it? It is critical that we know the truth. We shouldn't permit our yearning for peace and reduced military spending to lure us into wishful thinking that the Soviets have been abiding by the terms of the nuclear weapons agreements, if they have not. On the other hand, we should not permit the understandable suspicion and distrust of our Soviet adversary, or our hatred of communism to push us into an automatic, kneejerking, flag-waving condemnation of Soviet behavior that ignores the facts. Regardless of our bias we can only serve the interests of our country if we insist on the truth and the whole truth. So what are the facts? Have the Russians been cheating so flagrantly that we should abandon arms control negotiations and concentrate on a military buildup? The heart of this problem, Mr. President, is whether Russian violations have had any real military significance.

SENATOR NUNN'S JUDGMENT

Fortunately, Mr. President, we have what I think most Members of the Congress will accept as a competent and reasonably objective authority on the facts. Senator SAM NUNN has earned the respect of all Members of this body as a military expert. On April 15, Senator NUNN wrote a letter to the President of the United States. Senator NUNN attached to that letter a chart summarizing the record of Soviet compliance with strategic arms control treaties. In that letter Senator NUNN specified three "clear violations" by the Soviet Union of strategic arms control treaties in the judgment of Senator NUNN. They were Krasnoyarsk radar, the SS-25 missile and encryption of telemetry.

KRASNOYARSK RADAR

In each of these cases the Russians vehemently deny that they violated an arms control treaty. I agree with Senator NUNN they did violate a treaty in each instance. But the violation in each case has little or no military significance. Furthermore in each case there is at least an element of ambiguity in the treaty that explains the Russian contention that they did not technically violate the treaty. The Krasnoyarsk radar is a violation because of its location. Such radars are only permitted under the ABM Treaty on the perimeter of each superpower. This Russian radar is nearly a thousand miles inside the Russian border. The Russians claim its purpose is not for detecting ICBM's which would be prohibited by the ABM Treaty. They claim it is designed only to detect satellites in orbit. At any rate the Soviet has not backed up the radar with anti-ICBM hardware capable of intercepting or otherwise stopping an ICBM attack. So the radar has little military significance.

SS-25 "NEW" MISSILE?

We construe the SS-25 as a "new" missile and therefore a violation of the SALT II Treaty. We so construe it because of its reentry-vehicle to throw-weight ratio, its concealment of its launcher and the use of the remaining SS-7 ICBM support system. Again I agree with Senator NUNN that this is, indeed, a technical violation. The Russians claim it is not a new missile. They argue that it is simply a replacement for the SS-11. They contend U.S. estimates of the SS-11 RV-throw-weight ratio was underestimated. They disagree on our charges regarding the use of the remaining SS-7 ICBM support facilities. Is this Soviet violation militarily significant? No. Whether the SS-25 is a replacement or a new weapon system adds little to Soviet strategic power.

ENCRYPTION OF TELEMETRY

Finally, how about the encryption of telemetry from Soviet weapons tests? Senator NUNN calls this a clear violation of the SALT II Treaty. Is it? Consider. The Second Strategic Arms Limitation Treaty (SALT II) explicitly prohibits any encrypting (which is concealing by using a secret code) their telemetry (which is the transmission of testing data from weapons tests,) if that encoding prevents verification of compliance with arms control treaties. The Soviets argue that although they have encoded much data from tests, they have not encoded test data relating to verification. I agree with Senator NUNN that here again the Soviets have violated a treaty. I also agree with Senator NUNN's solution. He proposes that our response should be to put more resources into independent monitoring of their test performance, so that we don't have to rely on Soviet test data. It seems likely that we can verify testing data, independently of Soviet telemetry. If we cannot, we should insist on renegotiating the treaty to flatly and completely ban the encoding of telemetry period.

So in summary it appears that while each of these three Soviet actions appear to be a violation. None of them constitute a militarily significant advantage for the Soviet Union that this country cannot overcome.

SOVIET COMPLIANCE RECORD

In contrast to these three instances of violations, Senator NUNN provides no less than 11 examples of significant compliance by the Soviets with strategic arms control agreements. Most of these have serious strategic implications. Here they are: Reduced backfire bomber production rate to below 30 per year; removed prohibited SS-16 equipment at Plesetsk; observed the 150-kiloton nuclear testing limit; agreed to a new common understanding on concurrent testing of air defense and ABM components; complied with the 62/950 SALT I limit on SSBN's/SLBM's; complied with the SALT I limit of 1410 ICBM's; complied with the SALT II limit of 820 MIRV'd ICBM's; complied with the SALT II limit of 1200 MIRV'd ICBM's and SLBM's; complied with the SALT II limit of 1320 total MIRV'd SNDV's; complied with SALT II warhead fractionization limits; dismantled older SNDV's to remain within 2504 cap.

CONCLUSION: ARMS CONTROL IN U.S. INTEREST

Mr. President, it is clear from this record, as presented by Senator NUNN, that overall the Soviet Union's compliance with nuclear arms control treaties overwhelmingly outweighs its violations. It is clear that these arms control treaties emphatically serve the national security interests of the United States. This record provides the chapter and verse proof that it would be a

tragic mistake from every standpoint for this country to renounce these strategic arms control treaties with the Soviet Union. On the contrary on the basis of the clear experience with the treaties we have negotiated to date, we should press ahead with further agreements to limit the nuclear arms race. In doing so we will save hundreds of billions of dollars. We will serve the interest of American freedom. We will make the world a safer place.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that the vast majority of our Nation's nearly 8½ million unemployed workers are receiving unemployment compensation benefits.

Losing a job is a terrible blow to an individual and his or her family. Even under the most generous unemployment compensation programs, only a portion of a worker's salary is replaced by unemployment benefits.

Even with these benefits, the families of unemployed workers are often forced to postpone all but absolutely necessary spending and may have to go into debt. How much tougher the situation becomes if no unemployment compensation benefits are available while a worker seeks a new job.

This is why we should concern ourselves with the fact that there has been an astonishing decline in the percentage of those unemployed individuals who are collecting unemployment insurance benefits. If we look at the most recent statistics, we see that only 3.2 million of the unemployed, or a mere 38 percent, are currently receiving these benefits.

The declining coverage of unemployment compensation benefits is the result of a number of factors.

First, many States have severely tightened their eligibility rules for receiving UI benefits.

Second, the Federal Government has discontinued certain national programs for the long-term unemployed.

Third, two back-to-back recessions in the early 1980's left many workers without enough weeks on the job to qualify for coverage.

Fourth, a growing number of workers, especially women, are finding employment in temporary or other jobs which are not covered under the current unemployment insurance system.

Clearly, there are gaping holes in the unemployment insurance system safety net, and these gaps appear to be growing frighteningly larger.

FINANCIAL HOLDINGS OF SENATOR WILLIAM PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, and 1970, and yearly since 1972, I have submitted for the RECORD a history of my financial holdings from the time I was first elected to the Senate in 1957 until April 1985. In order to bring the full record up to date, I submit herewith the history of my financial holdings since April 1985.

My assets include ownership of a home in Madison, WI, on which I owe a mortgage to the former owners; ownership of my home and furnishings in Washington, DC, on which I owe a mortgage to the Perpetual American Bank; ownership of a 1980 automobile; ownership of one checking account in a Washington, DC bank; one checking account in a Madison, WI, bank and one savings account in a Madison, WI, bank. I hold State and municipal bonds totaling, $65,000 and two Shearson Lehman Managed Municipal Fund accounts totaling $70,934.

I estimate my net worth to be about $590,726.

To the best of my knowledge this is an accurate record of my financial holdings and obligations.

I herewith submit a balance sheet showing my net worth and how it was arrived at, and copy of my 1985 Federal income tax return.

I paid $50,907 to the Federal Government in taxes on my 1985 income; in addition, I paid $14,018 to the State of Wisconsin on 1985 income; I also paid $2,792 in Social Security payroll taxes; my wife also paid $5,536 in income taxes to the District of Columbia; I also paid $1,278 in property taxes in Madison, WI, and $4,550 in property taxes on our Washington home, for a total of $79,081 in taxes.

Mr. President, I ask unanimous consent to have printed in the RECORD the balance sheet and copy of my Federal income tax return.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Net worth of Senator William Proxmire as of April 25, 1986

Municipal and State bonds	$65,000
2 checking and 1 savings account:	
National Bank of Washington	1,136
Madison, WI, checking	915
Madison, WI, savings	1,069
Shearson Lehman managed municipal fund No. 1	70,756
Shearson Lehman managed municipal fund No. 2	5,178
1980 Buick Regal (blue book retail value)	3,875
3097 Ordway St., NW.:	
Assessed value	365,545
Mortgage value	(51,914)
Furnishings	20,000
118 Bradford Lane, Madison, WI:	
Assessed value	48,500
Mortgage value	(33,067)
Cash deposit in civil service retirement	93,733
Total	590,726

U.S. INDIVIDUAL INCOME TAX RETURN, WILLIAM AND ELLEN H. PROXMIRE, 1985

7. Wages, salaries, tips, etc. (Attach Form(s) W-2.), $156,131.

8. Interest income (also attach Schedule B if over $400), $1,338.

9c. Subtract line 9b from line 9a and enter the result, $1,674.

10. Taxable refunds of state and local income taxes, if any, from the worksheet on page 9 of instructions, $4,501.

12. Business income or (loss) (attach Schedule C), $23,975.

18. Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E), $3,360.

23. Add lines 7 through 22. This is your total income, $184,259.

31. Add lines 24 through 30, $12,332.

32. Subtract line 31 from line 23. This is your adjusted gross income. If this line is less than $11,000 and a child lived with you, see "Earned Income Credit" (line 59) on page 16 of instructions. If you want IRS to figure your tax, see page 18 of instructions, $171,927.

33. Amount from line 32 (adjusted gross income), $171,927.

34a. If you itemize, attach Schedule A (Form 1040) and enter the amount from Schedule A, line 26, $27,696.

35. Subtract line 34a or line 34e, whichever applies, from line 33, $144,231.

36. Multiply $1,040 by the total number of exemptions claimed on line 61 (see page 14), $4,160.

37. Taxable income. Subtract line 36 from line 5. Enter the result (but not less than zero), $140,071.

38. Enter tax here. Check if from Tax Rate Schedule X, Y, or Z, $50,967.

40. Add lines 38 and 39. Enter the total, $50,967.

45. Add lines 41 through 44. These are your total personal credits, $60.

46. Subtract line 45 from 40. Enter the result (but not less than zero), $50,907.

50. Subtract line 49 from 46, $50,907.

56. Add lines 50 through 55. Total tax, $50,907.

57. Federal income tax withheld, $45,010.

64. Add lines 57 through 63. Total payments, $45,010.

68. If line 56 is larger than line 54, enter amount you owe. Attach check of money order for full amount payable to "Internal Revenue Service." Write your social security number and "1985 Form 1040" on it, $5,897.

2a. Doctors, dentists, nurses, hospitals, insurance premiums "you paid for medical and dental care, etc., $1,642.

2c. Other (list—include hearing aids, dentures, eyeglasses, etc.) eyeglasses, $222.

3. Add lines 1 through 26, and write the total here, $1,864.

4. Multiply the amount on Form 1040, line 33, by 5%. (.05), $8,596.

5. Subtract line 4 from line 3. If zero or less, write -0-. Total medical and dental, 0.

6. State and local income taxes, $12,629.

7. Real estate taxes, $4,551.

8a. General sales tax (see sales tax tables in instruction booklet), $706.

8b. General sales tax on motor vehicles, $300.

10. Add the amounts on lines 6 through 9. Write the total here. Total taxes, $18,186.

1a. Home mortgage interest you paid to financial institutions, $4,364.

13. Other interest you paid (list): DC Nat., $27; State of Wisconsin, $126; See attached, $4,710; $4,863.

14. Add the amounts on lines 11a through 13. Write the total here. Total interest, $9,227.

15a. Cash contributions. (If you gave $3,000 or more to any one organization, report those contributions on line 15b.) See attached, $1,983.

18. Add the amounts on lines 15a through 17. Write the total here. Total contributions, $1,983.

21. Tax return preparation fee, $1,350.

22. Other, Senate office exp. $81; see attached, 2106, $409; $490.

23. Add the amounts on line lines 20 through 22. Write the total here. Total miscellaneous, $1,840.

24. Add the amounts on lines 5, 10, 14, 18, 19, and 23. Write your answer here, $31,236.

25. If you checked Form 1040, $3,540.

26. Subtract line 25 from line 24. Write your answer here and on Form 1040, line 34a. (if line 25 is more than line 24, see the instructions for line 26 on page 22.), $27,696.

SCHEDULE B—INTEREST AND DIVIDEND INCOME

PART I—INTEREST INCOME

2. Other interest income: Chevy Chase S&L, H, $434; D.C. Natl. Bk., J, $424; United Bk. 271-601, H, $133; United Bk. 176-014, H, $347.

3. Add the amounts on lines 1 and 2. Write the total here and on Form 1040, line 8, $1,338.

PART II—DIVIDEND INCOME

4. Dividend income: Shearson Dailey, H, $1,674.

5. Add the amounts on line 4. Write the total here, $1,674.

PART III—FOREIGN ACCOUNTS AND FOREIGN TRUSTS

11. At any time during the tax year, did you have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? (See page 23 of the instructions for exceptions and the filing requirements for From TD F 90-22.1). No.

12. Were you the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not you have any beneficial interest in it? If "Yes," you may have to file Forms 3520, 3520-A, or 926. No.

PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION

Speaker services

PART I—INCOME

1a. Gross receipts or sales, $24,000.

1c. Subtract line 1b from line 1a and enter the balance here, $24,000.

3. Subtract line 2 from line 1c and enter the gross profit here, $24,000.

5. Add lines 3, 4a, and 4b. This is the gross income, $24,000.

PART II—DEDUCTIONS

26. Taxes, $100.

32. Add amounts in columns for lines 6 through 31. These are the total deductions, $100.

33. Net profit or (loss). Subtract line 32 from line 5 and enter the result. If a profit, enter on Form 1040, line 12, and on Schedule $E, Part I, line 2 (or Form 1041, line 5). If a loss you must go on to line 34, $23,900.

Writer literature

PART I—INCOME

1a. Gross receipts or sales, $175.

1c. Subtract line 1b from line 1a and enter the balance here, $175.

3. Subract line 2 from line 1c and enter the gross profit here, $175.

5. Add lines 3, 4a, and 4b. This is the gross income, $175.

PART II—DEDUCTIONS

18. Legal and professional services, $100.

32. Add amounts in columns for lines 6 through 31i. These are the total deductions, $100.

33. Net profit or (loss). Subtract line 32 from line 5 and enter the result. If a profit, enter on Form 1040, line 12, and on Schedule SE, Part I, line 2 (or Form 1041, line 5). If a loss, you MUST go on to line 34, $75.

SUPPLEMENTAL INCOME SCHEDULE

PART I—RENTAL AND ROYALTY INCOME OR LOSS

3a. Rents received, $4,680.

8. Insurance, $204.

10. Mortgage interest paid to financial institutions (see Instructions), $4,968.

14. Taxes (Do not include Windfall Profit Tax here. See Part III line 34.), $1,278.

18. Total expenses other than depreciation and depletion. Add lines 4 through 17, $6,450.

19. Depreciation expense (see Part V instructions), or depletion, $1,590.

20. Total. Add lines 18 and 19, $8,040.

23. Add properties with losses on line 21, and write the total (losses) here, $3,360.

24. Combine amounts on lines 21 and 28, and write the net profit or (loss) here, $3,360.

26. Total rental or royalty income or (loss). Combine amounts on lines 24 and 25, and write the total here. If Parts II and III on page 2 do not apply to you, write the amount from line 26 on Form 1040, line 18. Otherwise, include the amount in line 36 on page 2 of Schedule E, $3,360.

PART IV—SUMMARY

36. Total income or (loss). Combine lines 26, 30, 32 and 35. Write total here on Form 1040, line 18, $3,360.

DEDUCTION FOR A MARRIED COUPLE WHEN BOTH WORK

STEP 1—FIGURE YOUR EARNED INCOME

1. Wages salaries, tips, etc., from Form 1040, line 7. (Do not include nondisability pensions or annuities), (a) $75,100; (b) $81,031.

2. Net profit or (loss) from self-employment (from Schedules C and F (Form 1040), Schedule K-1 (Form 1065), and any other earned income), (a) $23,975.

3. Add lines 1 and 2. This is your total earned income, (a) $99,075; (b) $81,031.

STEP 2—FIGURE YOUR QUALIFIED EARNED INCOME

4. Adjustments from Form 1040, lines 25, 26, 27, and any repayment of sub-pay included on line 31, (a) $3,000; (b) $6,332.

5. Subtract 4 from line 3. This is your qualified earned income. If the amount in column (a) or (b) is zero (-0-) or less, stop here. You may not take this deduction, (a) $96,075; (b) $74,699.

STEP 3—FIGURE YOUR DEDUCTION

6. Compare the amounts in columns (a) and (b) of line 5 above. Write the smaller amount here. (write either amount if 5(a) and 5(b) are the same.) Do not write more than $30,000; $30,000.

8. Multiply the amount on line 6 by the percentage on line 7. This is the amount of your deduction. Write the answer here and on Form 1040, line 30, $3,000.

EMPLOYEE BUSINESS EXPENSES

William Proxmire

PART 1—EMPLOYEE BUSINESS EXPENSES DEDUCTIBLE IN FIGURING ADJUSTED GROSS INCOME

4. Travel expenses while away from home overnight including meals, lodging, airplane, car rental, taxi, etc, $3,000.

7. Add lines 1 through 6, $3,000.

9. If line 7 is more than line 8, enter difference here and on Form 1040, line 25, $3,000.

Ellen H. Proxmire

PART I—EMPLOYEE BUSINESS EXPENSES DEDUCTIBLE IN FIGURING ADJUSTED GROSS INCOME

1. Vehicle expenses from Part II, lines 15 or 22, $4,332.

7. Add lines 1 through 6, $4,332.

9. If line 7 is more than line 8, enter difference here and on Form 1040, line 25, $4,332.

PART II—VEHICLE EXPENSES (USE EITHER YOUR ACTUAL EXPENSES OR THE STANDARD MILEAGE RATE)

Section A.—General Information (Vehicle 1)

2. Total mileage vehicle was used during 1985, 8,000 miles.

3. Miles included on line 2 that vehicle was used for business, 5,600 miles.

4. Percent of business use (divide line 3 by line 2), 70 percent.

5. Average daily round trip commuting distance, 5 miles.

6. Miles included on line 2 that vehicle was used for commuting, 1,250 miles.

7. Other personal mileage (subtract line 6 plus line 3 from line 2), 1,150 miles.

8. Do you (or your spouse) have another vehicle available for personal purposes? Yes.

10. Do you have evidence to support your deductions? Yes. If yes, is the evidence written? Yes.

Section C.—Actual Expense (Vehicle 1)

16. Gasoline, oil, repairs, vehicle insurance, etc., see attchd, $6,189.

19. Add lines 16 through 18, $6,189.

20. Multiply line 19 by the percentage on Part II, line 4, $4,332.

22. Add lines 20 and 21 Enter total here and on Part I line 9, $4,332.

DEPRECIATION AND AMORTIZATION

PART I—DEPRECIATION.

Section C.—Depreciation of Nonrecovery Property

8. Other depreciation (see instructions), $1,590.

Section D.—Summary

9. Total (Add deductions on lines 3 through 8). Enter here and on the Depreciation line of your return (Partnerships and S corporations—Do NOT include any amounts entered on line 3.), $1,590.

DETAIL DEPRECIATION SCHEDULE

118 Land: Date placed in service, 11/22/80; cost or other basis, $11,500.

118 Bradford: Date placed in service, 11/22/80; cost or other basis, $31,800; depreciation allowed or allowable in earlier years, $6,625; method of figuring deprection, S/L; life or recovery period, 20/00; Federal depreciation for this year, $1,590; State depreciation for this year, $1,590.

Total State: Cost or other basis, $43,300; depreciation allowed or allowable in earlier years, $6,625; State depreciation for this year, $1,590.

Total Federal: Cost or other basis, $43,300; depreciation allowed or allowable in earlier years, $6,825; Federal depreciation for this year, $1,590.

INVESTMENT INTEREST EXPENSE DEDUCTION

PART II—INTEREST ON INVESTMENT DEBTS INCURRED AFTER SEPTEMBER 10, 1975

5. Interest expense on investment debts incurred after September 10, 1975, $4,968.

7. Total investment interest expense (add lines 5 and 6), $4,968.

8(a). Individuals enter $10,000 ($5,000 if married filing separately), $10,000.

10(a). Total net investment income (amount from line 4 if Part I is used), $4,620.

11. Excess expenses from "net lease property," $1,770.

12. Limitation on deduction (add lines 8(a), (b), 9, 10(b) and 11), $16,390.

13. Allowable investment interest deduction—Enter the smaller of line 7 or line 12 (see instructions), $4,968.

FORM 2106—SUPPLEMENTAL SCHEDULE

AUTO EXPENSES

Car 1: Gasoline, oil, repairs, etc., $1,885; $4,304; Total to part II, line 16 form 2106, $6,189.

OTHER BUSINESS EXPENSES

Dues and publication: Federal, $409; State, $409. Total to itemized deductions: Federal, $409; State, $409. Total to part I, line 5 form 2106: Federal, $0; State, $0.

EARNINGS, 1985

	Gross	Federal withholding tax	FICA	State withholding tax	City withholding tax
U.S. Senate (H)	$75,100	$27,666	$2,792	$6,368	
Washington, DC (W)	81,031	17,344	2,792		
Total	156,131	45,010	5,584	6,368	

ITEMIZED DEDUCTIONS

Contributions	50 percent	30 percent		20 percent	Noncash	Total
		Capital gain	Other			
By check (H)	$1,408					
By check (W)	575					
Total	1,983					$1,983
Carryover	0					0
Allowable	1,983					
Allowable contributions to sched. A, line 18						1,983

INTEREST EXPENSE

Payee	Home mortgage paid to individuals	Other
Bank of Wilmington		$1,537
1st Wisconsin Bank		589
New		1,168
Credit cards		1,416
Total to sched. A, line 11D	0	
Total to sched. A, line 18		4,710

Name: Senator William and Ellen Proxmire SSN:(H) [redacted]. SSN: (W) [redacted]

Address: 118 Bradford Lane.

City, State, ZIP: Madison, Wisconsin 53714.

CERTIFICATE

I hereby certify that I was in travel status in the Washington, DC, area, away from my home in my home State of Wisconsin, in the performance of my official duties as a Member of Congress for 251 days during the year 1985 and that my deductible living expenses while in such travel status amounted to $3,000.

(Signature of Member)

Note: (If such living expenses exceeded $3,000, the deduction is limited under section 162(2) of the Internal Revenue Code of 1954 to $3,000).

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

□ 1150

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

SENATOR HAWKINS' SPECIAL ORDER

Mr. DOMENICI. Mr. President, I understand that the distinguished junior Senator from Florida Mrs. HAWKINS has a special order.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I ask unanimous consent that the Senator from New Mexico [Mr. DOMENICI] be permitted to use her time in her behalf.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I am speaking in behalf of Senator HAWKINS and delivering a statement prepared by her, entitled "Panama, the Giant Money Laundering Machine."

PANAMA—THE GIANT MONEY LAUNDERING MACHINE

Mrs. HAWKINS. Mr. President, Panama—known to every American schoolchild as the site of the Panama Canal, one of the great engineering marvels of our time—has emerged as the drug laundering capital of the western hemisphere. The enormous profits churned by narcotics trafficking require safekeeping, circulation, investment and sporadic movement from one location to another to accomplish specific objectives. Sometimes the money is used to invest in legitimate businesses or real estate, sometimes to buy more drugs or sometimes to oil the transportation machinery needed by the drug fraternity, things such as planes, boats, warehouses, or simple bribery of public officials. At other times the money is simply deposited in banks to earn interest, which later will be plowed into various enterprises. At times, it figures in foreign currency exchange or as a means to buy weapons and ammunition earmarked for terrorists or insurgent groups.

Panama's drug abuse problem centers on marijuana, cocaine, and paint thinner. Marijuana is grown locally and also is imported from Colombia. Colombia is the major source country for cocaine, consumption of which is increasing and causing concern to Panamanian authorities. Panama serves as a transfer point for narcotics moving from South America to the United States and for chemicals used in drug processing enroute from the U.S. and Europe to South America. Drugs come into Panama from light planes and small coastal vessels, and then are switched to other aircraft or vessels for movement to the U.S. Panama also serves as a warehouse for storage of drugs prior to shipment somewhere else.

Panama's main role in the murky world of international narcotics trafficking is as a giant money laundering machine. Some 120 banks operate in Panama with total deposits of more than $30 billion. Financial institutions are attracted to Panama because of favorable banking conditions, notably that profits earned outside of Panama are exempt from local taxation. In addition, Panama has strict banking secrecy laws, stricter even than those of Switzerland. Corporations can be set up quickly and easily and the American dollar is the currency of the day. All of these factors add up to a very favorable climate for money laundering of all kinds, particularly laundering the ill-gotten proceeds of the illicit narcotics trade. Most of the money enters Panama in bulk cash and leaves via electronic transfer. That marvel of the high-tech age allows for a lot of financial hanky-panky.

Other banking centers with tight secrecy laws, such as the Dutch Antilles, Cayman Islands, or Switzerland, have agreements with the United States to reveal financial records in major criminal cases. But with Panama, there are no agreements, and secrecy is absolute. Many of the bank accounts are numbered. And many bankers do not ask questions when armored cars pull up to their doors with suitcases or crates of $20 bills or larger denominations. Small wonder that drug traffickers are drawn to Panama's banking system.

The arrogance of drug traffickers has no bounds. In one instance, they brazenly set up their own bank. Gilberto Rodriguez Orjuela, a notorious Colombian drug smuggler, acquired controlling interest in the First Inter-Americas Bank of Panama. But his luck ran out. Spanish authorities jailed him and he is awaiting action on extradition requests filed by both Colombia and the U.S. The Panamanian Banking Commission, responsible for overseeing liquidation of bank assets, took control of the bank, which was literally awash in millions of narcotics dollars. A Banking Commission official remarked whimsically, "It's the first time in history that a bank was closed down because it was too liquid."

Another factor that makes Panama a haven for money laundering is the anonymity with which a company can be organized and the laxity of its financial reporting requirements. There are more than 150,000 corporations on file. It is easy to go into business. For a fee of $1,200, a local law firm will set up a paper corporation and name directors to the board to camouflage the identity of the real owners. The net result is that Panama is virtually a magnet for narcotics dollars looking for a place to hide.

Many of the large drug deals are made in Panama hotels, bars, and law offices. One senior law enforcement official observed recently that Panama "is not only the center of laundering proceeds, but it's a center for cutting the deals, for making payments, for meetings. It's like the corporate center for drug trafficking."

Mr. President, more and more I am convinced that we are not going to gain ground in the war against drugs unless Panama tightens up on its banking practices and banks are compelled to accept their social responsibilities in helping combat drug money laundering.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon, with

statements therein limited to 5 minutes each.

TRIBUTE TO DR. LOUISE BRANSCOMB

Mr. HEFLIN. Mr. President, I am proud to rise today to congratulate Dr. Louise Branscomb of Birmingham, AL, for her selection as one of the outstanding 100 women in Mission for the 20th century. Dr. Branscomb was one of 38 living honorees selected by the 1.2 million members of the United Methodist women organization for both pioneer and significant accomplishments through the organization. She has been recognized for the advancement of women in medicine, in the church, and in the community.

Dr. Branscomb graduated from Johns Hopkins University and practiced gynecology in Birmingham from 1931 to 1975. In 1944 and 1945, she served as a surgeon with the U.S. Public Health Service in North Africa and Greece. Then, during the 1960's, she initiated meetings on integration between church women and educators in Alabama, and served on the county interracial council and the mayor's interracial committee.

Throughout her life, Dr. Branscomb has labored to ensure that people are judged for their capabilities and contributions. Her efforts have been essential in guaranteeing that all people are given the opportunity to accomplish all that they can. Because of her excellent work and involvement many doors are now open which would be shut—countless people are contributing to society and their communities who might have been excluded. We are all at an advantage because of her labor. I commend Dr. Branscomb's courage, and dedication. She has set a great example for her State and her Nation.

Mr. President, I ask unanimous consent that an article from the United Methodist Christian Advocate be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the United Methodist Christian Advocate, April 18, 1986]

DR. BRANSCOMB HONORED AS OUTSTANDING WOMAN IN MISSION

NEW YORK.—Dr. Louise Branscomb of Birmingham has been nominated as one of the outstanding 100 Women in Mission for this century by the 1.2 million members of the United Methodist Women organization.

The honor, which is part of the organization's Centennial Era Celebration, was awarded to women active in United Methodist Women or its predecessor women's missionary societies.

According to the selection committee, "Limiting the number to only 100 does not obscure, but rather, emphasizes that those selected are representative of hundreds, perhaps even thousands, of other women very like them." The committee explains that the number 100 was set to emphasize the century of mission involvement." Those honored included pioneer "firsts" in mission and women with significant accomplishment through the organization.

Ms. Branscomb, one of the 38 living honorees, is a pioneer for women's rights in medicine, in the church and in the community. A graduate of John Hopkins University, she practiced gynecology in Birmingham, from 1931 to 1975 and served as surgeon in the United States Public Health Service in North Africa and Greece from 1944 to 1945.

During the 1960's, Ms. Branscomb initiated meetings on integration between church women and educators in Alabama. She also served on the County Interracial Council and the Mayor's Interracial Committee.

Currently, Ms. Branscomb is active in community institutions and organizations related to health, education and housing. Her biography will appear in They Went Out Not Knowing, an encyclopedia on the 100 Women In Mission, scheduled for release this month.

Dr. Branscomb has served as a member of the North Alabama Annual Conference from her church, McCoy United Methodist Church, for many years and was a delegate to General Conference in 1984.

TRIBUTE TO PATRICIA PATTERSON McKENZIE

Mr. HEFLIN. Mr. President, it is with a heavy heart that I rise today to share with my colleagues the passing of Patricia Patterson McKenzie, the mayor of Atmore, AL. Her death is a sad blow to the many, many people who knew her and who benefited from the great work that she did.

Throughout her life, Mrs. McKenzie was devoted to people. She once said that, "I've always tried to have empathy for all different groups of people and their problems." It was this concern for others and the ability to understand their needs that enabled Mayor McKenzie to bring them together, and to lead them to accomplishments which would have been impossible if attempted alone. She said that, "People can accomplish so much when they work together." Mayor McKenzie, however, was able to provide these people with guidance and leadership that was essential to the success of each goal that was set, of each objective that was undertaken.

Patricia McKenzie graduated from Murphy High School in Mobile, AL, and then earned degrees in psychology and sociology from the University of Alabama. She dedicated herself to public service from an early age. During World War II, she worked for the Air Warning Service in Mobile, and did volunteer work for the Air Force. Since then, she devoted her talents to many different causes and organizations. She was a sustaining member of the Junior League of Mobile, was an advisory member of the Atmore Junior Service League, was actively involved with the American Cancer Society, the March of Dimes, and was president of the United Fund of Atmore. In her service with each of these organizations, Mayor McKenzie added an interest and a zeal that insured results. Her contribution was great. Her participation was crucial.

After so many tremendous contributions, after helping in so many different areas, Patricia McKenzie ran and was elected to the Atmore City Counsel in 1972. Again, her energy and participation was immediately apparent, and her presence in municipal government was a great asset to her city. In addition to this service, she became involved in the Alabama League of Municipalities, serving as a director for 8 years, and was active with the National League of Cities. Then, in 1976, she became the first woman to be elected mayor of Atmore.

Mayor McKenzie was one of the most capable, competent government officials that I have ever known. Her popularity among her constitutents was evident from her three successful bids for reelection. Her accomplishments demonstrate her great effectiveness as a mayor. During her tenure, the city built a new library, improved and expanded their water system, installed a natural gas pipeline to guarantee uninterrupted gas to industry, provided for better parking, built a sewer treatment plant with 85 percent grant money, and spent $8 million in grant money to improve an ailing section of town. Additionally, Mrs. McKenize was instrumental in both persuading the Escambia County Industrial Development office to locate in Atmore, and in improving the industrial park. High on her list of contributions is the building of a new civic center. Construction has just begun on a center to be named in her honor which will provide facilities for entertainment and recreation for the city of Atmore. I am very sorry that she was unable to see it completed, for I know that it would have given her great pleasure.

Mr. President, each of Mayor McKenzie's tremendous accomplishments has greatly improved the condition of Atmore and enables the citizens to enjoy a better lifestyle. Additionally, these achievements have helped the city compete for new industry. Atmore is, thus, better prepared to face the future, to grow, and to prosper.

Throughout her life, Patricia McKenize possessed an indomitable spirit and an invincible optimism. She took great joy in life, and in helping others. When faced with the cancer that took her life, she demonstrated immense courage and perseverance. She never relented in her struggle, but tirelessly labored to enhance the welfare and well-being of all that she could. The city of Atmore, and the State of Alabama have lost a great citizen. I, and many others, have lost a

great friend. However, her example remains to persuade others to become involved and to contribute to organizations, communities, and government. We should all strive to work as Patricia McKenzie did—to selflessly give of ourselves for the benefit of others.

Mr. President, I ask unanimous consent that the attached articles be included in the RECORD. They tell of Mayor McKenzie's life and achievements.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COURAGEOUS BATTLE OF ATMORE'S FIRST LADY

(By Kathy Jumper)

After 14 years in politics, Atmore Mayor Patricia Patterson McKenzie has finally slowed down. But not by choice.

She's been battling cancer since last June.

Her clear, blue-gray eyes shine with optimism. She props herself up in a hospital bed set up in her home. Blooming azaleas and family photos fill the room. A telephone, her link to the office, is a reach away.

Not being able to go to work hurts the most.

"That's what's so frustrating," says the 68-year-old Atmore native. "To be confined to bed and not be able to go to work and do any of those things. But you just have to live one day at a time; and make up your mind that you won't let it get you.

"I've had an extremely full life. But I don't think anyone's ever ready to turn loose."

In her third term as mayor, she learned she had cancer in her lungs and liver last summer. She had a remission in late September and promptly went back to work. But the day before Christmas 1985, she discovered the cancer had spread to her spinal cord. Today, she can't sit up or walk without help. Her stylish gray hair has fallen out from the chemotherapy.

But her spunk and fighting spirit remain. She keeps in constant touch with her office.

"I'm running things from my bed and with the mayor pro-tem, Eddie Staff," she said. "When it came time, when I couldn't do anything, I would resign.

"If I were well now, I'd be right down there, getting ready to go to Washington, D.C."

She's been on the go since her school days in Mobile. After graduating from Murphy High School, she earned a degree in sociology and psychology at the University of Alabama. She made her debut here and began a lifetime of volunteer work with the Junior League, Cancer Society and other organizations.

She came back to Atmore to nurse her ailing parents. She married an Atmore native and they had three daughters. Her family owned land and mineral rights there and after her brothers died a year apart, the family business became her responsibility.

"I missed Mobile a lot at first," she adds. "The many years I've made my life up here, I've enjoyed. I'm happy.

She was a 54-year-old grandmother when she decided to run for city council in 1972. "I didn't want to just play cards all the time," she said, smiling. "I thought I'd try it and see how I liked municipal government. I ran for council and really got interested. I started going to national conventions. I really got involved in the Alabama League of Municipalities. I've been a director for eight years."

The next step was mayor.

"I've worked hard in running for mayor," she recalls. "I was the first woman mayor of Atmore and there were not many women mayors in Alabama at the time.

Running a town was never a problem. "It depends on your attitude, whether you're reasonable and able to work things out," she said. "Sometimes, the worst mistake women make is to rush into a situation and prejudge things. And then hang onto that judgment and not be willing to give and take and see what the other side is talking about. I really tried to look at all sides and do what's best for the town as a whole."

The town of 10,000 has prospered with their lady mayor.

She—and the council's pluses include: improving the industrial park and bringing in new industry; building a sewer treatment plant with 85 percent grant money; persuading the Escambia County Industrial Development Office to locate here; constructing a new library; spending $8 million in grant monies to improve a predominantly black section of town; and gaining recent approval from state Highway Director Ray Bass to build the Jacks Spring Road interchange.

The city's most recent project is the building of a new civic center, which will be named after the mayor. "I think they thought I'd be dead by now," she quips. Construction starts next month. "Hopefully, I'll see the start of it and, hopefully, maybe the end of it," she adds.

Her most satisfying moments? She hesitates, not wanting to sound as if she's patting herself on the back. "I guess being reelected as many times as I have, it makes you feel good, she said. "You feel you've undoubtedly pleased your constituents.

"The fact that we've been able to work well with the school board, county school board and county commission has also been an upbeat kind of thing. People can accomplish so much more when they work together.

"I've always tried to have empathy for all different groups of people and their problems."

She's proud of her city. "You'll find Atmore a very friendly, warm town." she said, "There's a good cross section of population. Almost anyone can find a niche or group of people they can enjoy."

No regrets?

"No, not really," she says. "Sometimes, I think I neglected my five grandchildren a little bit. I don't guess I really did because they enjoyed having a grandmother that was a mayor."

ATMORE MOURNS THE LOSS OF ITS FIRST LADY

The City of Atmore suffered a great loss Wednesday with the death of Mayor Patricia Patterson McKenzie.

The 68-year-old mayor had been battling cancer of the lungs and liver since last June. In December, she learned that the cancer had spread to her spinal cord.

Mayor McKenzie died Wednesday at 4:05 a.m. at her home on Alexandra Drive.

Mayor pro-tem Eddie Staff Jr. said that she has "done an awful, awful lot for this town. She's irreplaceable." U.S. Sen. Howell Heflin, D-Ala., described her as "a lovely, gracious lady and an effective, efficient government official. She was one of the finest city officials of the state and she will be sincerely and truly missed by many, many people including the people of Atmore and far beyond Atmore."

She was born December 5, 1917 in New Orleans, La. She was a graduate of Murphy High School in Mobile and attended Prep School-Ogantz in Pittsburgh, Penn., Sweet Briar College, and received her degree in sociology and psychology at the University of Alabama.

During World War II, she worked for the Air Warning Service in Mobile and did volunteer work for the Air Force.

She was married to John Albert McKenzie.

Mayor McKenzie was the first woman appointed to the Board of Directors at the First National Bank of Atmore which her father, Harry Howard Patterson, helped to establish.

In 1972, at the age of 54, she was elected to the Atmore City Council. She became involved in the Alabama League of Municipalities in which she served as a director for eight years.

She was elected the first woman mayor of Atmore in 1976. While in office she and the city council were involved in the improvement of the industrial park and the locating of new industry, the building of a sewer treatment plant with 85 percent grant money; spent $8 million in grant monies to improve a section of town; pursuaded the Escambia County Industrial Development Authority to locate its office here.

Other achievements by Mayor McKenzie and the city council include the improvement and expansion of the water system throughout the entire city and the lowering of fire insurance rates; the installation of a natural gas pipeline to guarantee uninteruptable gas to industry; the construction of the Brushy Creek Watershed to improve drainage in Atmore; the provision of more and better off-street parking downtown; improved railroad crossings at several streets; and the construction of new library.

Recent accomplishments were the gaining of approval from the state highway director to build an interchange at Jack Springs Road and the building of the new civic center which will be named after Mayor McKenzie.

The mayor was active in the community and state belonging to such organizations as the South Alabama Regional Planning Commission as a board member; the Planning and Advisory Board Community Action Agency; and the Policy Committee of the National League of Cities.

She was a board member of the Atmore Area Chamber of Commerce, an honorary member of the Atmore Pilot Club, a member of the Atmore Country Club, an advisory member of the Atmore Junior Service League, and a sustaining member of the Junior League of Mobile.

She served as chairman of the March of Dimes in 1970 and was the 1976-77 president of the United Fund of Atmore.

Mrs. McKenzie's personal philosophy was "Try to be tough and able to take it, but also be compassionate, and above all not vengeful. When things get really difficult, just stop and thank God for giving you one of the most interesting and challenging jobs in the world."

She was recognized as the "Citizen of the Year" by the Atmore Area Chamber of Commerce in 1979. In 1984, she received the Outstanding Community Leadership Award from the Alabama Cooperative Extension Service, and just recently she was awarded a Certificate of Recognition from the Alabama State Council on the Arts and Humanities at Montgomery.

Her hobbies include gulf fishing, bridge, hunting, and swimming in the gulf.

Services were held Friday, April 4, at Trinity Episcopal Church with Rev. Albert Kennington, Rev. Dave Dabria and Rev. Tim Kluppfenstein officiating.

Burial was in Oak Hill Cemetery with Johnson-Quimby Funeral Home directing.

Active pallbearers were John Garrard, Eddie Staff, Jr., Eldred Pritchett, Ralph Smith, Dr. J.B. Thomas, Ben Haley, Robin Swift, Jr., Hugo Esneul, James Dixon, and Billy Duffield.

Survivors include her husband, John Albert McKenzie; three daughters, Celine Wood Meador (Mrs. Aubrey Allen Meador) of Birmingham, Emilie Wood Mims (Mrs. John Clifton Mims) of Atmore, and Clarice Wood Horton (Mrs. Lowell Clinton Horton) of Gulf Breeze, and seven grandchildren, Ashley Alexandra Robinson, Jason Tucker Mims, Rachael Howard Mims, Alexandra Celine Givens, Celine Cathering Givens, Lowell Clinton Horton II, and Helen Anne Horton.

A Patricia Patterson McKenzie Fund for the Needy-Elderly has been established at the First National Bank of Atmore. Contributions may be made at the bank or at Atmore City Hall, c-o Ann Staff, fund director.

FUNERAL FRIDAY FOR ATMORE'S MAYOR PATRICIA MCKENZIE

ATMORE, Ala.—Funeral services for three-term Mayor Patrica Patterson McKenzie, 68, who died Wednesday morning at home with her family, will be held at 11 a.m. Friday at Trinity Episcopal Church on Carney Street in Atmore. The wake will be held at church from 2 p.m. until 9 p.m. Thursday.

Burial will follow funeral services at Oakhill Cemetery here.

Eddie Staff Jr., who served as mayor pro tem during Mrs. McKenzie's 10-month illness, said Wednesday the late mayor had "done an awful, awful lot for this town. She's irreplaceable."

Ann Staff, Mrs. McKenzie's secretary, said a Patrica Patterson McKenzie Fund for the Needy/Elderly has been established at the First National Bank of Atmore. Contributions may be made at the bank or at Atmore City Hall, c/o Ann Staff, fund director.

Mrs. McKenzie, an Atmore native, was told in June 1985 that she had cancer in her lungs and liver. On Christmas Eve she discovered the cancer had spread to her spinal cord. She was in her third term as mayor.

She was born Dec. 5, 1917, in New Orleans, La., and graduated from Murphy High School in Mobile. She earned a degree in sociology and psychology at the University of Alabama. She made her debut in Mobile and began a lifetime of volunteer work with the Junior Leauge, Cancer Society and other organizations.

She moved back to Atmore to nurse her ailing parents. She married an Atmore native.

In 1972, at the age of 54, Mrs. McKenzie was elected to the Atmore city council. While on the council she became involved in the Alabama League of Municipalities and was a director for eight eight years.

She was the first woman mayor of Atmore. She and the city council improved the industrial park; brought new industry to Atmore; built a sewer treatment plant; and built a new library.

The city's most recent project is a new civic center that will be named after the mayor.

In addition to serving as mayor for three terms, Mayor McKenzie served for many years on the First National Bank's Board of Directors. She also headed her family's mineral leasing business.

She is survived by her husband, John Albert McKenzie of Atmore; three daughters, Celine Wood Meador of Birmingham, Emilie Wood Mims of Atmore, and Clarice Wood Horton of Gulf Breeze, Fla.; and five grandchildren.

Mrs. McKenzie was the subject of a story published Sunday, March 30, in the Press Register's magazine, Port City.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1200

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the United States Government for the fiscal years 1987, 1988, and 1989.

The Senate resumed consideration of the concurrent resolution.

Pending:

DeConcini Amendment No. 1803, to increase budget authority and outlays for fiscal year 1987 for functional category 730, administration of justice.

Mr. DOMENICI. Mr. President, I yield myself time off the resolution.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOMENICI. Mr. President, it will be my intention to once again ask for a quorum call and ask that it be charged equally to both sides. I do want to call to the Senators' attention that while there is some time remaining on the DeConcini-Abdnor amendment, we will attempt to work out consent with the minority so that the remainder of the time will take place tomorrow morning immediately before 11 o'clock, to be followed by a vote.

That means we are going to open for other amendments this afternoon. It was the Senate's intention that amendments could be called up, even though they could not be voted on until tommorrow. Tomorrow's votes will be stacked in the order that the amendments came to the floor, or in an agreed upon order if such be different. We know there are some 12 to 14 amendments. We clearly would like to have some of them come up today. But in any event, we will be using time off the budget resolution, which I understand was 25 hours when we started 2 minutes ago.

Having said that, I urge Senators who have amendments to contact us to see if there is some way we can accommodate them this afternoon. By the time we get started tommorrow we will be down into the 18-, 19-hour range for all the amendments and for all remaining debate on the budget resolution.

Now, Mr. President, I suggest the absence of a quorum and ask that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1300

Mr. BRADLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. BRADLEY. Madam President, I ask unanimous consent that the pending amendment be set aside so I may call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1805

(Purpose: To express the sense of the Congress that funds deferred under deferral D86-37 and deferral D86-10A should be obligated immediately)

Mr. BRADLEY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICE. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. JOHNSTON, Mr. METZENBAUM, and Mr. BOREN proposes an amendment numbered 1805.

Mr. BRADLEY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution add the following:

SEC. . It is the sense of the Congress that the Congress intends to disapprove the deferral proposed in D86-37 and D86-10A.

Mr. BRADLEY. Madam President, the amendment I am proposing simply expresses the Senate's intentions to pursue an active policy with respect to the U.S. Strategic Petroleum Reserve. The amendment is cosponsored by Senators JOHNSTON, METZENBAUM and BORAN. The amendment would add to the budget resolution nonbinding language which would reflect the Senate's intentions to disapprove two deferrals of SPR funds totaling over

$600 million. Last Tuesday, I introduced a sense-of-the-Senate Resolution which had the same goal. Senators MCCLURE, FORD, and WARNER were also cosponsors of that resolution and I hope they will join me in support of this amendment.

The Senate has voted repeatedly and consistently to support a substantial SPR stockpile. Quite simply, continuing to expand the SPR is good energy policy, it is sound national security policy, and it is prudent budget policy.

The U.S. oil market is a reflection of the world market: as world oil prices move, so do U.S. prices. This market orientation is the keystone of U.S. energy policy. U.S. prices no longer depend on the level of oil imports, they fluctuate based on the conditions in the world market. The danger we face from a free market policy is that sudden swings in price or supply—caused by panic, speculation or some natural disaster—can have severe economic impact.

The best way we have to cushion our economy from sudden changes is an adequate stockpile of oil in the strategic petroleum reserve.

This stockpile is an essential component of a sound national security strategy. As we have seen in the past, a swing in the market can also result from hostile action. Oil is a strategic commodity necessary for our military capacity as well as our industry. We have seen in the Iraq-Iran war that oil fields, refineries and tankers are prime targets for attack. A large SPR counters this threat to national security. Again, however, our confidence in the reserve is directly related to its size.

Investment in the SPR is a prudent budgetary decision. In today's oil market, with prices at an historic low in real terms, it makes no sense that the United States forgo this opportunity to increase our long-run security and add to the reserve. As an asset, the value of oil will only increase. I would not be surprised if future analysis showed that the taxpayer actually made money on SPR Oil purchases made today.

□ 1310

Finally, expanding the SPR will have a salutary impact on the economy of a number of hard-pressed States. We are all aware of the effects that the recent drop in oil prices has had on domestic producers: the layoffs in the oil-producing States, the shut-in marginal producers and the declining expenditures for oil exploration and production. We are also very aware of the immense beneficial effects of low oil prices on the U.S. consumers: heating oil and gasoline prices well under $1 per gallon, a Dow Jones average heading toward 2,000, and an enormous boost in our economic growth and low inflation—all stemming from the low oil prices.

This amendment puts President Reagan on notice that the Senate intends to take the one action which can benefit both consumers and producers. The over $600 million being deferred by the President could buy over 50 million barrels of oil. Such a large purchase would help stabilize oil markets. It would show producers that the U.S. Government recognizes a bargain and can act accordingly. Additionally, a larger SPR means increased energy security for domestic consumers. With over 70 percent of the world's proven reserves in the Middle East or Communist nations, the value of such security should be as obvious to the President as it is to the Congress.

The arguments are many, and the conclusion is not subtle. We need a large SPR and now is the time to fill it. President Reagan has the funds available to add to the SPR and he should use them. This amendment tells the President that, absent his decision to spend the funds Congress has already appropriated, the Senate will join the House in rejecting the deferral of funds for the SPR.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 1350

Mr. BOSCHWITZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later, the following occurred:)

Mr. DOMENICI. Mr. President, I understand that Senator BRADLEY would be willing to dispose of his amendment at this time without a rollcall vote. Instead, we will adopt it by a voice vote.

While I may agree with the distinguished senior Senator from New Jersey with reference to two strategic petroleum reserve deferrals that are alluded to in his sense of the Senate resolution, I was reluctant to proceed on the budget resolution because you cannot overturn deferrals in a budget resolution. An overturn of a deferral requires an act of Congress that must be signed by the President. So, on overturn of a deferral requires a legislative vehicle—normally, as the distinguished Presiding Officer knows, as part of an appropriations bill.

The distinguished Senator from New Jersey wants to use the budget resolution for a sense of the Senate resolution, establishing an intent that these two deferrals should be overturned. Since I do not think we should use the budget resolution in this manner, I obviously was reluctant to accept it, and I still am. But I understand that we have many things to do and that probably Senators may like to express themselves in favor of overturning these deferrals. As we proceed with a supplemental appropriation bill or other appropriate legislative vehicle, the Senate can decide whether to accept or reject the SPRO deferrals.

If we adopt this resolution, I am concerned other Senators would want to adopt similar amendments on other deferrals and hundreds of accounts that are handled by the administration one way or another. Therefore, I am reluctant to agree to adopt this amendment.

However, looking at it from the standpoint of the Senator from New Jersey and his persuasiveness—he probably would win tomorrow if we had an up-and-down vote—I have decided that, while I will oppose it, I would like to let it move through the Senate today.

Mr. BRADLEY. Mr. President, I thank the distinguished chairman of the Budget Committee for his comments.

This is a statement of intent that when a vehicle does come along, we will move to essentially reject the deferral that the President has made in this area, thereby allowing over $600 million that Congress has already appropriated to fill the strategic petroleum reserve to be spent to put oil in stockpile, to hedge against the danger of an oil supply disruption, to be able to purchase that oil when it is very cheap, at $10 a barrel, and to provide for the national security of our country.

Mr. President, I am very pleased that the distinguished Senator from New Mexico has seen fit to accept this amendment. It is a very clear declaration of congressional intent.

I yield to the distinguished minority manager.

Mr. CHILES. I thank the Senator from New Jersey.

I just want to say that I intend to vote with him on the amendment. I know he has long felt that now is the time we should do something. While it is not a binding amendment, I think it is an expression of the Senate, and at times when we have an opportunity to buy oil at a cheap price, the best protection this country could have would be to fill the strategic petroleum reserve.

I congratulate the Senator on the amendment. I intend to vote with him.

Mr. BRADLEY. I thank the Senator from Florida.

I expect that sometime in the next several months, there could be a consumer-producer coalition that could come behind this, when these funds are needed to assure the energy security and national security of our Nation, as well as provide a market for oil producers in this country.

So, Mr. President, with that stated, I am prepared to yield back the remainder of my time.

Mr. DOMENICI. I yield myself 1 minute on the resolution.

Mr. President, I say to the Senator from New Jersey that if we could find some money to pay for increased funding for the strategic petroleum reserve, I not only would be in favor of overturning these deferrals but also buying more oil, not less. I have constantly favored the development of a strategic petroleum reserve. But, as Budget Committee chairman, I can state that we do not have enough money to pay for many of our programs unless we borrow it.

Frankly, with oil at the price it is and our producers in this country feeling the effects of this tremendous drop in price, just as the American people felt the tremendous consequences of the surge in price, I think everything ought to be done to minimize the long-term negative effects of the recent price decline.

I would not even be averse to raising new money to buy strategic petroleum, and I want the Senator to know that. He does not come from an oil-producing State, as I do, but he has been a staunch advocate of getting ready for the inevitable. I believe that the inevitable is not only an oil shortage some day but also that the time will arrive in the near future when the price of oil will be much, much higher than it is today.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 1805) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Conclusion of later proceedings.)

Mr. BOSCHWITZ. Madam President, I ask unanimous consent that further time on the quorum call that I will put in at the conclusion of this unanimous-consent request be charged not against the Bradley amendment but rather be charged against the bill equally divided so that no further time will be charged against the Bradley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1530

(During the call of the roll Mr. BOSCHWITZ occupied the chair.)

Mr. DOMENICI. Mr. President, I ask unanimous consent that the clerk dispense with the further reading of the roll.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I have been discussing with the minority and with the majority leader a unanimous-consent proposal that relates to the DeConcini amendment, and I would like to propound it at this time.

Mr. President, following morning business at 10:30 a.m. on tomorrow, I ask unanimous consent that there be a time agreement on the DeConcini amendment, which has been temporarily laid aside, amendment No. 1803 to the budget resolution, as follows: Five minutes under the control of Senator RUDMAN, 5 minutes under the control of Senator DOMENICI, and 20 minutes under the control of Senator DECONCINI. I also ask unanimous consent that no amendments be in order to the DeConcini amendment, and following the conclusion of the 30 minutes above on the DeConcini amendment the Senate proceed to vote in relation to the DeConcini amendment No. 1803.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object—I do not expect to object—are we to understand then that the amendment by Mr. DECONCINI will be the first matter of pending business immediately after the conclusion of morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair, and I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOMENICI. Reserving the right to object for purposes of an inquiry, I had told the distinguished Senator from Arizona that I might table his amendment when it was appropriate. I understand there is no misunderstanding that a tabling motion would be in order under the unanimous-consent proposal as presently pending.

Mr. BYRD. Mr. President, if I may respond to that, there is no misunderstanding on this side.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

GARRISON DIVERSION UNIT

Mr. ANDREWS. Mr. President, I ask unanimous consent the Senate now turn to H.R. 1116, the Garrison diversion unit reauthorization.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I do not think there will be much time used. I do not intend to object. Will this time be charged against the time on the budget resolution?

Mr. ANDREWS. Mr. President, I ask unanimous consent that we proceed for 3 minutes not to be charged to the budget resolution.

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1116) to implement certain recommendations made pursuant to Public Law 98-180.

The Senate proceeded to consider the bill.

Mr. ANDREWS. Mr. President, the Garrison diversion unit is a reclamation and water supply project for the State of North Dakota that was authorized by this Congress in 1965. Since that time there have been some environmental questions and some questions from the Canadians. This body passed last year, Mr. President, a resolution calling for the setting up of a commission to restudy the report. That commission has acted. The report has been studied by the other body, and while the final results in the other body after 7 long months are not what we in North Dakota nor perhaps too many others would like, it is a compromise. It is the best package we can get and we would hope that we can pass it through the Senate because we are long behind the time that we needed to get it. There is a drop-dead date of March 31 on it. I appreciate the cooperation on our side of the aisle and I assure, Mr. President, the Senate that the senior Senator from North Dakota, my colleague, Senator BURDICK and I have worked, when I was in the other body and now here, together solidly for this project which has the bipartisan support of the people of North Dakota and is now supported by the environmental groups as well as the Canadians and the rest. I urge its passage and yield to my colleague, the distinguished senior Senator from North Dakota.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. The passage of this bill today means a great deal to water development in North Dakota and to the entire Missouri River Valley. The fact that it will pass by consent indi-

cates the support this Senate will give to water development throughout this Nation. This is really a great day for North Dakota. It is a great day for the Nation. It is a great day for conservation and development of our water resources.

Mr. ANDREWS. Mr. President, I move passage of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1116) was ordered to a third reading, was read the third time, and passed.

Mr. ANDREWS. I move to reconsider the vote by which the bill was passed.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The Senate continued with consideration of the concurrent resolution.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself time off the resolution. As I understand it, we are presently talking with Senator BRADLEY about his amendment, which is pending, because we have temporarily laid aside the DeConcini amendment. The Bradley amendment is a sense-of-the-Senate proposal, and I understand that he is either on the way here so that we might dispose of his amendment today without the need for a rollcall vote. Because of that and if I might have the understanding of my friend, Senator MELCHER, I am prepared to join him in asking that the Bradley amendment be temporarily laid aside so that the Senator might proceed with his amendment. If the Senator from Montana would agree with us that, in the event we can work out something to dispose of the Bradley amendment expeditiously and without a rollcall vote today, we would then return to the Bradley amendment.

Mr. MELCHER. Mr. President, if the Senator from New Mexico will yield——

Mr. DOMENICI. I will be pleased to yield.

Mr. MELCHER [continuing]. I would be perfectly agreeable to such an arrangement and I am ready to offer my amendment now.

Mr. DOMENICI. Might I ask the Senator before we proceed with his amendment, is the Senator amenable to a unanimous-consent agreement with reference to reducing the 1-hour time which the Senator has on the amendment? We are clearly willing to waive a substantial portion of ours. Perhaps we can do that after the Senator has discussed the amendment a bit. I understand that we would be willing to reduce the time that would remain tomorrow before the vote to 10 or 5 minutes on our side. If the Senator would also agree to reduce some of his time on the amendment tonight, we would save that much more time.

Mr. MELCHER. Mr. President, if the distinguished chairman will yield, I would be delighted to only use about 15 minutes today and relinquish all of my time other than reserving 15 minutes for tomorrow just prior to the vote.

Mr. DOMENICI. We will work that out and propound the unanimous-consent request as soon as we have heard from Senator BRADLEY.

Now, Mr. President, I ask unanimous consent that the Bradley amendment be temporarily laid aside so that Senator MELCHER may proceed with his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Montana is recognized.

AMENDMENT NO. 1806

(Purpose: To transfer $21 million from function 50 (national defense) to function 270 (energy) to fund research and development of magnetohydrodynamic [MHD] generators)

Mr. MELCHER. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 1806:

□ 1540

Mr. MELCHER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 10, strike "$295,100,000,000" and insert in lieu thereof "$295,079,000,000"

On page 6, line 11, strike "$280,000,000,000" and insert in lieu thereof "$279,979,000,000"

On page 9, line 16, strike "$4,900,000,000" and insert in lieu thereof "$4,921,000,000"

On page 9, line 17, strike "$5,000,000,000" and insert in lieu thereof "$5,021,000,000"

Mr. MELCHER. Mr. President, the purpose of this amendment is to transfer $21 million from function 50, which is national defense, to section 270, which is energy. While this is a rather modest amendment transferring $21 million from the Defense Department to the Department of Energy, it is a very important amendment.

This amendment deals with magnetohydrodynamics. It is 20 letters in 1 word, which is always abbreviated to MHD. MHD is a method of generating electricity by burning fuel at a very high temperature in an electromagnetic field.

Farrady, in the last century, established the principle. Researchers have pursued its application since then, to make it practical, to make it feasible.

The pursuit of research in MHD has been principally in Russia, Japan, and the United States. Russia pulled ahead about 20 years ago, and it remains ahead now.

Their research and development and engineering applications in MHD are far ahead of ours. They have on line MHD generators which can generate electricity to be used commercially. We are behind in this regard; and while we have had probably the second spot in research and development for MHD, it is regrettable that we are behind the Soviet Union.

MHD is a highly efficient method of generating electricity. This process recovers about 50 percent more electricity out of a single unit of fuel than you can get out of conventional methods that are now used. The fuels that are used as feed stock in the MHD process are oil, natural gas, or coal.

Most of the research in the United States has been on the generation facilities for the use of electricity for commercial uses. This continues to be a very important part of our basic research for better utilization of fuels to create more electricity per unit of fuel.

But now MHD is becoming very significant for national defense as well, particularly in developing laser weapons to be used in space.

I must add right here, Mr. President, that the MHD units for this purpose would probably be much smaller than we have worked with to date. We are thinking in terms of 15 megawatts, and we are thinking of using solid fuels.

Returning, in general, to where the research has been conducted for MHD, let me list some of the institutions and some of the localities where MHD research has been carried out. The Department of Energy has Component Development Integration Facilities for MHD in Butte, MT. The University of Tennessee has done significant work on MHD research. The University of Mississippi had been involved in MHD research for about 30 years. Generally speaking, there have been contracts for MHD research in many other research institutions.

Some of the contractors that have been involved in MHD research are Avco, General Electric, Westinghouse, and TRW.

A few days ago, to be exact, on April 14, the Senator from Utah, Senator HATCH, brought to the attention of the Senate the MHD gap in national defense. The University of Tennessee

Space Institute for a number of years worked with both the Army and the Air Force in the Department of Defense in pursuing MHD research applications that would be prudent and wise for national defense.

The MHD pulse generator is the one that the Air Force and others are most interested in developing. The Air Force continues to pursue it but without much vigor.

What Senator HATCH demonstrated in a statement on April 14 is that the Soviet Union, on the other hand, has pursued it with vigor in its own basic research and development for laser weapons in outer space. That is where the 15-megawatt pulse generator reference that I made earlier comes from. We believe, from information that we have from the Department of State and the Department of Defense, that the Soviet Union has been quite successful in building such a pulse generator.

So far, we have not. In fact, our research and development for MHD, in general, has waned during the past several years. We now see that it has no place in the President's energy budget for several years. It has been zero budgeted. In other words, there is no more research and development for the MHD process of any size, at least through the Department of Energy. That is a regrettable situation and one that must be reversed.

Congress itself has always appropriated money, about $30 million a year, during the past 3 years so that our basic research in MHD will not go completely out the window. We would continue it even though under a very limited amount of funds.

I think that, too, is a mistake. I believe it is absolutely essential that we heed the advice of Senator HATCH and others who have raised the question of why we are not pursuing it more vigorously for national defense purposes; that is, pursuing the basic research for MHD application for pulse generation to be utilized in laser weapons in outer space. This is basic research and one that should not be neglected.

I believe it is time that we take note of this in this budget resolution. The purpose of my amendment, although a very modest amendment, is to show the intent of Congress in adopting the budget resolution, that we want this work to be pursued by the Air Force, Army, and others in the Department of Defense, and to be carefully done under the auspices of the Department of Energy.

Let me explain. The Department of Energy is the body that should continue to have jurisdiction over this type of research and development because they have had jurisdiction over what has been done in MHD research to date. The Department of Defense would work with DOD and contract out the type of research and development application that should be carried out.

The research itself would be done through a number of different research institutions, and undoubtedly the University of Tennessee Space Institute would be involved, the University of Mississippi would be involved, and other research institutions in other parts of the country.

What is essential is that we renew our efforts as vigorously as possible and as soon as possible to see what application could be made of this process which is the most promising of energy research and development for certain applications of any that are before us now.

The MHD principle, well over a century old, simply has not yet come into practice as far as being practical, properly engineered, properly designed for purposes here in the United States. National defense is one of its important applications in terms of the pulse generator of a small size to be used with lasers, but there are many more applications to pursue, most of them of a peaceful nature.

We can no longer afford to ignore any of them but surely in a budget with $295 billion for national defense we can afford to take $21 million of that to direct at the proper application and proper use for research and development from the Department of Defense, transfer that to the Department of Energy, and pursue the goals for MHD.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself as much time as I use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, let me say to my friend from Montana, Senator MELCHER, that we are shortly going to propose a unanimous-consent agreement that will reserve 15 minutes for him and 15 minutes for the Senator from New Mexico in opposition, which will follow immediately after the disposition of the DeConcini amendment on tomorrow. We are waiting to clear that.

I do not want to use more than 15 minutes, at which time I will indicate why I oppose the amendment.

If the Senator from Montana needs additional time, I am delighted to yield the floor at this time. If he does not, while we are waiting for the unanimous consent, I would seek a quorum call and charge it to the resolution equally.

Mr. MELCHER. Mr. President, if the chairman will yield, I seek no more time to discuss the amendment today. The proposal that the distinguished chairman has made for tomorrow is perfectly agreeable with me.

Mr. DOMENICI. I might just say to my friend from Montana, the unanimous consent that we will propose will leave the latitude for either an up-or-down vote or a tabling vote on his amendment. I hope the Senator understands we have made this arrangement on all the amendments and we make a similar arrangement on his amendment also.

With that, he does not have to wait here. The unanimous consent will be consistent with what I have told him. We will reserve him 15 minutes and we will have 15 minutes in opposition.

I thank the Senator.

Mr. MELCHER. I thank the chairman.

Mr. DOMENICI. I suggest the absence of a quorum and ask unanimous consent that it be charged equally.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1610

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself time off the resolution.

The PRESIDING OFFICER. The Senator from New Mexico.

U.S. DEBT

Mr. DOMENICI. Mr. President, sometime back I spoke here on the Senate floor about the tremendous growth of debt in the United States, individual debt, consumer debt, corporate debt, and last but not least, public debt of the United States in behalf of her people, that debt which now has surpassed $2 trillion.

I called the speech which I gave "Borrowed Money on Borrowed Time." I noted with interest that the distinguished Chairman of the Board of Governors of the Federal Reserve System, Mr. Paul Volcker, testified before a subcommittee of the U.S. House, the Subcommittee on Telecommunications, Consumer Protection, and Finance. In that testimony, which was delivered on April 23 of this year, the Chairman of the Board of Governors of the Federal Reserve System followed the same theme and the same thesis, using the most recent records and evidence at his disposal. His testimony expands on this tremendous phenomenon, which has occurred in the United States in the past decade, of increased corporate, individual, and public debt.

A number of interesting observations were made by the distinguished Chairman of the Board of Governors. While his entire testimony is not related solely to that issue, I find no way to

separate out the part which is relevant to borrowed money and borrowed time. I think it is testimony of such relevance with reference to our debate here on the floor in terms of fiscal policy and the Federal Government's requirements to borrow money to pay for the things that we as policymakers, Congress and the President, determine that our people need. I ask unanimous consent the testimony of the distinguished Chairman of the Board of Governors as I have described it be made a part of the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY PAUL A. VOLCKER, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

I appreciate this opportunity to discuss the rapid growth of debt in the United States and its possible implications for our financial markets and economy. As you know, this is a subject about which I have expressed some concern from time to time over the past few years, and I welcome an exploration of the many difficult and complex issues it raises. Given those difficulties and complexities, no single hearing can do more than identify tendencies, raise questions, and point to areas for further study. In that sense, this testimony is more descriptive than prescriptive, but I think it does suggest the importance of the subject.

The increase in indebtedness since the early 1980's certainly has been extraordinary.[1] The debt of domestic nonfinancial sectors—the measure of credit monitored by the Federal Open Market Committee—has increased at rates ranging from around 11 to 14 percent in each of the three years of the current economic expansion. This growth has been much faster than the nominal increase in GNP and income, breaking a pattern that had persisted through most of the postwar period.

Until the early 1980s debt and income expanded at roughly comparable rates over time, and the ratio of debt to income fluctuated at or just below 140 percent. Since then, however, as debt expansion far outpaced the growth of income, this ratio has risen sharply to almost 170 percent at the end of 1985. Historically, changes of that magnitude, up or down, are unusual except in highly disturbed economic circumstances—depressions, wars, or major inflations—not just in the U.S. but also, so far as comparable statistics are readily available, in other major countries. That itself raises questions as to what is different now.

In that connection, I should emphasize that there is nothing particularly significant or alarming, in itself, about one or another ratio of debt to income. Even if the statistics were fully comparable and accurate through time, there are a number of reasons why the ratios might change over time or between countries. One major influence, for instance, is the amount of financial intermediation characteristic of an economy. The data I just cited nets out debt of defined financial intermediaries—banks, thrifts, finance companies and other "financial" firms. But "non-financial" firms and governments both lend and borrow, more today than before, and, from one point of view, the related debt is double counted in the data. Stated another way, offsetting borrowings and loans on balance sheets of firms may not suggest the same risks and "leveraging" as borrowings not matched by comparable financial assets.

However, even after allowing for identified areas of double counting or greater intermediation—for instance, the spate of advance refundings late last year by state and local governments—the overall data do strongly suggest greater "leveraging" among borrowers; that is a larger burden of interest and principal payments relative to net worth and income streams. In the corporate sector, the same conclusion is implicit in the massive net retirement of equity recently, amounting to some $150 billion over the last two years, even though retained earnings have been rising.

The willingness to take on large volumes of additional debt certainly has not impeded the economic expansion. To some degree, the high levels of borrowing have helped support the spending needed to keep the economy growing. However, at some point a rising debt load is not sustainable. Debt cannot rise without limit relative to the income needed to service it, and increased leveraging implies smalls safety margins to deal with economic adversity. Consequently, continuing rapid growth of debt has disturbing implications for the fragility of the financial system over time, and the question is especially apropos at a time when certain important groups of borrowers are already under severe financial stress. The vulnerability of the economy to unanticipated increases in interest rates or a shortfall in income appears to be increasing, rather than the reverse. Surely we must be concerned about achieving a better balance in the sources of our economic expansion if we wish it to be sustained.

SOURCES OF CREDIT GROWTH

The very structure of the growth of debt in the last few years reflects underlying imbalances in our national economy. To a considerable extent, the unusually rapid growth of debt in recent years directly reflects the borrowing by the Federal Government to finance an unprecedented string of budget deficits. Usually, budget deficits and federal borrowing decline as the economy recovers from recession, boosting tax receipts. In the last three years, by contrast, the budget deficit has remained extraordinarily high during the expansion, and federal debt held by the public has grown by more than 15 percent each year.

The Federal Government is our strongest borrower, and an increase in the federal debt ordinarily would not connote greater weakness in our credit structure. Even then, however, the need to service that debt requires higher taxation than would otherwise be necessary—with consequences for economic efficiency—and pressure of government debt service have historically sometimes led to excess money creation and inflation.

Viewed from an economy-wide perspective, large borrowings by the Federal Government have typically been accompanied by small increases in private debt. In the current setting, however, borrowing by nonfederal sectors also has been unusually strong, with household, business, and state and local government indebtedness all rising relative to GNP.

In that sense, it's hard to see direct evidence of "crowding out" of private borrowing. In substantial part, the simultaneous rapid expansion of both federal and private debt has been a reflection of the relative ease with which this country has attracted savings and capital from other countries in recent years.

In effect, there has been a massive imbalance between the generation of loanable funds at home and the amount of borrowings. The resulting pressures on interest rates have been moderated by the capital inflow from abroad. But that inflow exacts a price. The net transfer of financial resources has been accompanied by a similar transfer of real resources to the U.S.—or to put it in more comprehensible language, record trade deficits. And we have, in the space of a few years, reversed our position as the largest world creditor (net) and are in the process of becoming the largest world debtor.

We don't want those developments to continue indefinitely—ultimately they are both politically and economically unsustainable. The willingness of foreigners to advance credit to the U.S. is not inexhaustible, and the capital inflow and related trade deficit has been maintained at the expense of our own manufacturing industry.

Moreover, for a country as well as an individual or business, rising debt levels imply greater obligations to make interest payments out of future income. This would be less of a concern if the foreign savings could be seen as being used to build up our domestic productive capacity, improving our prospects for growth and giving us a stronger base from which to make interest or dividend payments abroad. But with domestic investment spending relatively modest in recent quarters, it seems evident that in large measure the foreign lending is going, directly or indirectly, to fill the deficiency in domestic saving created by federal deficits. In a real sense, the rapid growth of federal debt and imbalance in foreign transactions has placed a mortgage on our future.

Perhaps the most striking evidence of greater willingness to incur debt can be found in the substitution of debt for equity associated with the wave of mergers, leveraged buyouts, and stock repurchase programs over the last few years. These activities resulted in the gross retirement of around $100 billion in outstanding equity of nonfinancial corporations in 1984 and again in 1985, funded in the initial stages primarily by new debt issues, amounts not nearly offset by new sales of equity.

The unusual volume of equity retirements may have accounted for roughly one percentage point of debt growth each of the last two years. While some of this debt may subsequently be paid down through sales of assets, or with equity obtained by sales of stock or internally generated cash flow, it seems clear that at least for some time a significant number of businesses will be carrying more debt, and therefore greater financial exposure, than if these corporate restructurings had not occurred.

These concerns are mitigated by the substantial profits and cash flow of many businesses, so that equity and cash cushions have been better maintained than debt data alone might suggest. Moreover, the recent surge in stock prices has greatly bolstered the market value of corporate equity—ratios of market valuations of corporate debt to equity have actually declined in the past year. Declining interest rates also moderate the debt burden. Nonetheless, the trend in debt creation, if extended, would imply some increase in financial risk for the economic system.

[1] The attached charts and tables illustrate various aspects of recent debt growth.

In the household sector, savings rates have been unusually low and both consumer and mortgage indebtedness has risen much more rapidly than disposable income. Some part of the rise in the ratio of debt to income for households—which stands at a postwar high—undoubtedly reflects lengthening debt maturities, shifting demographics, and greater convenience use of credit, rather than an underlying increase in debt burdens. Even so, it appears that households, like businesses, have become more willing to take on debt, at the expense of more vulnerable financial positions.

SHIFTING ATTITUDES TOWARD DEBT

The reasons for the apparent shift in attitudes are not easily identified and quantifiable. It is evident that the tax system favors debt over equity sources of funds for businesses through its differential treatment of interest and dividend payments. It also encourages household borrowing by allowing unlimited deductions for interest expenses. However, these provisions and their incentives have not substantially changed in the 1980s, and lower marginal tax rates tend to reduce the incentives.

The inflation experience of the 1970s probably had a profound effect on attitudes toward debt. During much of that period, inflation rates outstripped interest rates, making leveraged buying a seemingly attractive economic strategy. Some borrowers may have expected inflation to pick up again as the economy expanded after 1982, inducing them to buy in advance of price increases and in anticipation of repaying debts in dollars of lower real value. Perhaps they looked to some degree to the borrowing patterns of the Federal Government as justification of a view that debt creation is benign.

This tactic might have seemed quite risky and unattractive if borrowing had to be done at the high long-term rates prevailing over this period. But the greater availability of short- and floating-rate instruments reduced the risk considerably, since if inflation did not rebound, short-term rates would be expected to move lower.

The shift to floating rate instruments is but one example of innovations in financial markets that have played a role in supporting, if not encouraging, the growth of debt. The proliferation of techniques such as interest rate swaps, securitization of loan portfolios, and third-party guarantees may have given borrowers access to sources of funds that might otherwise have been closed to them, and reduced preceptions of risk. Many smaller or growing companies have long used low or unrated bonds as an important financing technique, and those securities clearly have a legitimate role in finance. But recent innovations, relying on the use of such bonds to finance large takeovers of well-established companies, seem to have opened new channels from lenders to borrowers, increasing the flow of credit for particular uses.

For intermediaries, the rapid development of secondary markets at home and abroad for loans of various types has enabled them to originate a far larger volume of credit than would be consistent with their own command over resources. In addition, concerns over exposure to interest rate fluctuations probably do not constrain asset growth at banks or thrifts to the degree they once did, given the greater opportunities to structure both assets and liabilities to manage the degree of interest rate risk.

At the same time, elimination of most deposit rate ceilings allows depository institutions to compete for funds for lending under a variety of circumstances, even if interest rates were to rise sharply. And the lifting of many usury ceilings has meant that lenders would continue to be willing to make credit available under such conditions. Thus, deregulation has substantially diminished the threat of constraints on credit availability as credit markets tighten, though it may also imply a wider swing in interest rates over the cycle.

From one perspective, these developments have increased the efficiency of our credit markets and improved the distribution of saving among competing uses. The greater variety of instruments available enables borrowers to tailor the maturity and other characteristics of debt to their specific needs or expectations. And with deregulation, borrowers probably feel a greater sense of assurance that funds will be available to roll over existing debt, even if interest rates should rise. On the supply side of the credit market, the ability of intermediaries to reduce interest rate risk, to compete for funds without regulatory constraint, and to replenish lendable funds through sales of assets probably has encouraged a more aggressive pursuit of lending opportunities and an eager embrace of innovative techniques to appeal to borrowers.

CONSEQUENCES AND CONCERNS

On balance, the net effect of shifting attitudes and financial innovation appears to have been to increase the expansion of private debt. Many of the particular techniques developed are designed to reduce risks for one or more of the parties directly involved. The larger question remains as to whether risks have, in fact, been reduced on balance for the financial system and the economy as a whole. The increase in total debt burdens, the longer and larger chain of transactions between ultimate borrowers and lenders with a diffusion and possible widening of credit judgment, the greater internationalization of the system all raise questions.

One thing seems reasonably clear. More of the risk of unexpected movements in interest rates has been shifted onto borrowers. Most recently, borrowers have benefitted from this shift, as declining interest rates have reduced their interest costs and enabled them to extend debt maturities at considerably lower rates than if they had been using long-term credit all along. But the strategy can, and does, carry considerable risk that an unanticipated rise in interest rates could sap the financial strength and creditworthiness of a substantial number of borrowers.

My general concern relates primarily to the degree to which the continuing buildup of debt may, as a by-product of eroding financial positions, leave a substantial number of borrowers so extended that they would have great difficulty dealing with unanticipated financial setbacks. Of course, borrowers ordinarily do not take on debt they expect, with any high degree of probability, will cause them problems ahead (although even that assumption may not be valid with respect to a relatively few depository institutions in hard-pressed financial circumstances that have been willing, in effect, to make high-stake gambles with insured depositors' money). Nonetheless, the larger the share of income devoted to debt servicing in relatively prosperous times or the smaller the equity cushion—and that has been the trend over rather a long period of time—the more likely is it that an unexpected shortfall in income or rise in interest rates will lead to problems in meeting obligations.

For individual borrowers, income could weaken owing to factors beyond their control, reflecting conditions in a particular region or industry as well as a general downturn in the economy. A substantial rise in interest rates could prove especially troublesome, given the still heavy reliance on short-term or floating-rate debt. Many borrowers may minimize such possibilities—and economic policy typically works to limit the risk. But all of history suggests it would be short-sighted to behave as if such possibilities did not exist.

The agricultural sector of our economy provides ample evidence of the effect of unexpected developments on highly leveraged borrowers. Those farmers who went deeply into debt in the late 1970s in anticipation of maintenance of higher land and crop prices are experiencing the most agonizing difficulties as these expectations are not fulfilled. Their problems in turn have serverely weakened a number of agricultural lenders.

Potential vulnerabilities are suggested not only by elevated debt-to-income ratios throughout the economy, but also by the deterioration or disappointing performance of certain more direct indicators of financial distress at a time of rising economic activity generally. Corporate bond downgradings, for example, have trended sharply higher over the past two years, reflecting in part concerns about the effects of additional leveraging on the financial strength of certain corporations. In addition, problems in the household sector are indicated by some upward tendency in delinquency rates on consumer and mortgage loans or other measures of financial distress during the expansion period.

In another vein, I addressed earlier some of the implications of our growing dependence on capital and credit from abroad. That is hardly a dependable source of financing for years to come, and indeed will shrink as our trade balance improves, as we hope.

I do not suggest that these developments point to some inexorable accumulation of debilitating financial difficulty. Indeed, there are a number of developments currently working in the opposite direction. Recent substantial declines in interest rates and increases on financial positions. The fall in rates by itself will reduce debt servicing burdens, and both firms and households have taken advantage of the considerable downward movement in long-term rates to lengthen the maturities of their liabilities, locking in lower rates and reducing exposure to an unanticipated rise in short-term rates. The higher stock prices are currently strengthening the financial positions of many individuals and companies. New stock issues have picked up. And recent regulatory and supervisory initiatives can help.

At the same time, enough has gone on, and continues to go on, to raise clear warning signals to justify further analytic effort, and to support action in areas where such action is plainly warranted.

ADDRESSING THE CONCERNS

We know enough to understand that disproportionate increases in debt extended over years do not constitute a solid, sustainable base for satisfactory economic growth and stability indefinitely into the future. Ultimately, debt can only be serviced from income. If that relationship is strained, financial pressures will jeopardize further growth in income itself, aggravating the dif-

ficulties. The time to act is before the strains become oppressive, not after.

The most direct step that can be taken by the government itself to address concerns about the growth of debt is to decrease, and eventually eliminate, the federal budget deficit. Such a course will reduce pressures on domestic credit markets, freeing domestic savings to be channelled into domestic investment and encouraging further restructuring of balance sheets through greater reliance on long-term debt and equity. By promoting better balance between spending and income domestically, it will also work to reducing dependence on foreign capital.

Some of these effects already were discernible as the Gramm-Rudman-Hollings legislation moved toward passage late last year; the improved outlook for budget balance appeared to contribute materially to the decline in rates on bonds and fixed-rate mortgages, in an environment in which the dollar was also depreciating toward levels more consistent with restoring the international competitive position of U.S. products. Concrete actions to implement the law will provide a constructive background for financial markets over coming years, partly by its direct effects and partly by reducing the chances of a resurgence in inflationary pressures.

Beyond that step, I believe the time has come for Congress to also address those elements of our tax code that so strongly favor debt finance. While that "bias" has long existed, other changes in the economic and financial environment seem to have had the effect of making it more important in decisionmaking.

The original Treasury tax reform proposal had some limited elements that moved in the right direction; they have subsequently been dropped or sharply diluted. One lesson, I suppose, is that no strong constituency has emerged for a reform with such diffuse and seemingly indirect benefits. But I also believe that other efforts to reduce excessive insignificance so long as that basic bias imbedded in the tax system exists.

I noted that deregulation and innovation may encourage growth of debt. Those changes respond to basic technological and competitive forces that cannot be denied. We can, however, respond in constructive ways, strengthening when necessary oversight of key markets and intermediaries so that they do not become the unwitting vehicles for the spread of problems through the economy.

To this end, the Federal Reserve, working in concert with other regulators of depository institutions, has stepped up its examination of banks and bank holding companies, tightened capital standards, and proposed keying those standards to the risk profile of the banks. We and the other bank regulators are also acting to deal with present points of strain, particularly in the agricultural and energy areas, through a variety of techniques. We have also joined with the other regulators in requesting that Congress extend and liberalize legislative authorization for interstate acquisition of troubled institutions.

These are essentially defensive measures, designed to keep immediate problems from infecting the financial system more generally by easing adjustments by individual institutions and local areas. They are not, and cannot be, a substitute for forward-looking structural change.

In that connection, it seems to me imperative to clarify and modernize the laws governing the structure of our depository and financial systems. Too often in recent years, old legislation has clashed with new market facts. Accommodation is achieved more by the exploitation of perceived loopholes in existing law than by a well-considered design of how we want the financial system to evolve. Distinctions among banking, other financial institutions, and commercial firms are fast eroding with little considered debate—and less action—to guide the process.

For a long time, as the result of the lessons of the past financial crises, the unique role of banking and the payments system in our economy has, in concept, been recognized through provision of a federal "safety net," backed up by special oversight and supervision. Today, the distinctions underlying that approach are rapidly eroding, raising new questions about our ability to maintain the stability of the whole. The situation cries out for review and for new laws, adapted to the problem of today and tomorrow.

Nor can we evade a review of the basic safeguards and trading practices in other key sectors of financial markets, given the complex interdependencies that exist. One specific example came to your attention last year, and the Committee responded by providing a legislative framework for limited surveillance and regulation of the government securities market. As you know, action has not yet been completed on that matter.

CONCLUSION

In one sense, the extraordinary volume of credit flows in recent years is a tribute to the efficiency and innovative instincts of financial intermediaries, borrowers, and lenders alike. There has been rapid and effective response to new technological possibilities.

Those same developments also highlight the complex interactions involved and the new interdependencies created. And, in the end, credit creation is constructive only to the extent the obligations are manageable in relation to income.

It is in those areas that questions arise.

I must emphasize that the government can take a number of basic steps to address concerns about the rapid growth of debt. These include, most importantly, a balanced approach to economic policy, including cutting excessive budget deficits and a fresh look at some important provisions of the tax code. Government must also provide a supervisory and regulatory structure to promote a sound financial system.

Ultimately, and quite properly in our free market economy, the strength of our financial system must also ultimately rest on the prudent decisions of private parties. Borrowers and lenders must recognize risks and act to manage them. In such a context, the growth of debt would hold no concerns for us, but rather would be seen as an integral part of a healthy and active economy.

DEBT-TO-EQUITY RATIOS NONFINANCIAL CORPORATIONS

[In percent]

	Debt (par) [1] equity (current)	Debt (market) [2] equity (market)
End of period:		
1962	38.4	42.4
1964	40.8	37.7
1966	45.1	43.4
1968	45.6	35.6
1970	46.5	48.0
1971	45.6	46.7
1972	45.4	45.4
1973	45.0	61.9
1974	40.7	91.1

DEBT-TO-EQUITY RATIOS NONFINANCIAL CORPORATIONS—Continued

[In percent]

	Debt (par) [1] equity (current)	Debt (market) [2] equity (market)
1975	38.1	72.0
1976	37.4	72.9
1977	38.0	84.0
1978	37.0	87.5
1979	36.8	79.0
1980	35.2	60.4
1981	35.2	70.3
1982	36.3	71.5
1983	36.6	63.4
1984	41.8	75.0
1985	46.5	72.8

[1] Debt is valued at par, and equity is balance sheet net worth with tangible assets valued at replacement cost.

[2] The market value of debt is an estimate based on par value and ratios of market to par values of NYSE bonds; equity value is based on market prices of outstanding shares.

ESTIMATES OF NET EQUITY ISSUES OF NONFINANCIAL CORPORATIONS

[In billions of dollars, annual rate]

	New issues (including direct sales)	Retirements	Net change
1981	21.5	33.0	−11.5
1982	28.9	17.5	11.4
1983	40.0	11.7	28.3
1984	18.0	92.5	−74.5
1985	24.9	106.5	−81.6
1985:			
1st quarter	19.7	104.0	−84.3
2d quarter	27.9	95.0	−67.1
3d quarter	25.0	100.0	−75.0
4th quarter	27.0	127.0	−100.0

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

THE BUDGET RESOLUTION

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HART. Mr. President, this year marks the 40th anniversary of the Employment Act of 1946, perhaps one of the most significant attempts by the Congress to write economic policy into the law. The act charges the Federal Government to use "all practicable means" to "promote maximum employment, production and purchasing power." You can quarrel with the aspirations of this law, but it was written with the understanding that this Government can help set a positive course for our Nation's future.

This year also marks the first time Congress will produce a budget under the new procedures mandated by

Gramm-Rudman. Gramm-Rudman, in contrast with the Employment Act of 1946, begins from the flawed premise that the Nation's leaders should function as accountants or bystanders, but not visionaries. It's based on a philosophy that the market, and the market alone, is capable of providing improvements we need most—in education, innovation, skills, productivity, global trade, and basic industry—to help our people prepare for the challenges of the future.

Mr. President, it is my belief—a belief that is at the core of what my party represents—that the budget of the United States is more than a list of numbers or an equation of revenues and spending. Fundamentally, it is a mirror of our values and our priorities. The choices embodied in our Federal budgets amount to nothing less than our vision for America's future. The budgets we choose in the late 1980's should be a blueprint for the Nation we want for our children in the year 2000.

Our great and gifted Nation faces difficult challenges: Stubborn unemployment rates; a record trade deficit; the loss of 2 million jobs to foreign competition in manufacturing, information industries, and services; high illiteracy and dropout rates. In candor, we must acknowledge that these are problems that neither the magic of the free market nor the immense goodwill of the American public can solve on their own.

Instead, these are challenges that demand a blueprint for investment in our people, our schools, our factories—indeed, investments in our very survival as a economic power. These challenges cannot be subordinated to reducing the deficit if we are to provide for a strong America in the decades to come.

In the next few days, the country will be able to compare a variety of very different visions for the Nation's future, as expressed in the budget.

Although it will not be a part of this debate, I think someone should acknowledge the administration's budget for 1987.

This proposal attracted 7 votes in the Budget Committee and all of 12 on the floor of the House. It was rejected, like other administration budgets, because it failed to reflect the goals most Americans share for the country. It proposed a 12-percent increase in defense spending, higher debts, more wasteful spending, and diminished investments in the future. CBO said that this proposal did not meet the deficit reduction targets in Gramm-Rudman; or committee determined that it did not meet the requirements of our future. When Senator DOMENICI offered just the 40-plus program reductions and terminations of their budget, his amendment received just 14 votes. This speaks volumes about the relevance of the administration's budget to this debate.

The supporters of the administration's priorities will come forward with a proposal to cut needed investments in education, health, and training for workers and maintain tax giveaways for the wealthy—all to lard on more spending for defense. The resolution already contains a 2.8-percent increase for the Pentagon; this, after 6 years of 7-percent-plus growth in defense. The defense number contained in this resolution, in my judgment, provides budget stability for a strong national defense. But for those who believe that the only measure of our preparedness is now much we are spending, this will not be enough.

There is also the underlying resolution, the bipartisan compromise. It is the first budget in 5 years that uses revenues, defense, and domestic spending restraint in even measure to make some sense of the budgetary chaos created by Reaganomics. Senators DOMENICI and CHILES deserve credit for trying to reverse the flawed priorities that have haunted our budgets since 1981. Given the existence of Gramm-Rudman, this compromise makes the best of a bad situation.

Finally, there is the Democratic alternative which I have coauthored with Senator CHILES. Later in the debate, the Senator from Colorado, and the Senator from Florida, joined by a dozen of our colleagues, will challenge this body to do a little more than rearrange the austerity of Gramm-Rudman. This amendment would commit the country in 1987 to $3 billion in key investments—for education, science, retraining, and basic research. It is a statement by its supporters that our goal shouldn't be cutting a little less; it should be accomplishing a lot more.

Accomplishing more for America will cost more. As the law requires, our amendment will pay for these investments dollar-for-dollar with new revenues. Our amendment makes clear that added revenues to fund essential investments should not, must not, and will not come from the income taxes paid by low- and middle-income Americans.

This amendment is worth the money it costs. Senator CHILES and I believe that our people are willing to spend money to help our economy grow, to create new opportunities, to meet and overcome the challenges we face from abroad. In contrast to the borrow and spend philosophy which has animated the Reagan budgets for 6 years, we are proposing a modest "pay-as-you-invest proposal" to help secure this country's future.

By emphasizing investments in our economy, this amendment does not disregard national security or downplay social justice in America. Rather, it reflects a belief that economic growth is inseparable from both national security and social justice. A strong economy will increase our influence abroad and enable us to meet our global commitments. A strong economy will increase the availability of jobs, opportunity, and hope. Ultimately, no military program strengthens our defense if it bankrupts our economy; and social programs will never be fully compassionate if our economy cannot generate the resources to support a humane public agenda.

These are the visions the country will compare during the debate on the budget resolution. I urge our Senate colleagues, and, indeed, the American people, to ask which vision will create a more competitive economy and a nation stronger in muscle and spirit.

WHY WE NEED A CHANGE IN DIRECTION

Mr. President, during the hearings on the budget resolution, the Director of the Office of Management and Budget, Mr. Miller, testified before our committee. He recited a series of extravagent claims about the performance of the economy which he said resulted from "steadfast adherence to the economic program the President presented in February of 1981 * * *."

We've heard this litany before. But when he said "family income is at an all-time high," Senator MOYNIHAN and I had to object. Of course, this claim, like the others, is not true. Since 1973, real median family income has dropped more than 6 percent.

Mr. Miller's comments reflect an attitude that pervades this administration. Certainly, a President is entitled to have a cadre of true believers who accept the optimism and the hyperbole of the press releases and the advance teams. But the Senate would be shirking its responsibility if it were to base fundamental decisions about our economic future on the jazz age rhetoric of a nostalgic administration.

The decision must be made with the facts. If the facts measure up to the happy-days conclusions offered by this administration, then, they're right—we need not change course. But if the performance of the economy reveals a gap between the rhetoric and the reality, it will be time for a new direction. So, let's look at the record.

Through fiscal 1981, the deficit consumed 2.2 percent of the gross national product. It now accounts for 5 percent of GNP. In real terms, tax receipts are down; interest payments and defense expenditures are way up; and all other Government spending has been slashed. The program that was supposed to balance the budget in 4 years has instead doubled the national debt.

In 3 years, by borrowing $400 billion from abroad, we have gone from being the World's largest creditor to the world's largest debtor. Unprecedented budget and trade deficits have com-

bined to cripple our competitive position in world trade. In spite of promising reductions in the dollar's overvaluation, it will take years for many of our industries to recover; for many businesses and skilled workers, it is already too late.

Over the past 18 months, economic growth has averaged 2 percent. Over the past 4½ years, it averaged 2.5 percent, well below historical averages.

The level of savings and investment in our economy, so critical to productivity, is at the lowest level in 50 years.

In 1981, when the administration submitted its economic program, it predicted that Carter-era policies would generate "only" 9 million jobs. In fact, after a $750 billion tax bonanza, after a trillion-and-a-half dollars in defense; and $240 billion in spending cuts, just 9 million jobs were created between 1981 and 1984. Thus, beyond creating historically high deficits, their program did nothing to create jobs.

But we do have more discouraged workers than before. We do have a 3-year record of stagnant incomes. And thoughout this much-heralded recovery, black teenage unemployment hasn't once fallen below 40 percent. Overall, unemployment is no better than when the prior administration left office.

The President, in his recent State of the Union Address, called this record an "economic miracle." But hear and heed the words of his former Budget Director, Mr. Stockman:

> The fundamentals I look at are not a miracle. Our savings rate is the lowest in modern times. Last year productivity growth was flat when our whole theory was we were going to cause an explosion of productivity growth and rising real incomes . . . . We have conducted the greatest free lunch fiscal policy of modern times. We have doubled the national debt in four or five years. And it'll keep rising unless this policy is changed.

GROWTH AND INVESTMENT: THE ALTERNATIVE

Fundamentally, that is precisely what this debate is about—changing policies. For 6 years, we have been on a borrow-and-spend binge: Borrowing to pay for a wasteful military buildup; borrowing to finance ill-conceived and unproductive tax cuts; borrowing to subsidize leveraged buyouts, so that powerful interests can rearrange the corporate landscape without adding to the productive capacity of the Nation.

And yet, in a time of profound economic danger, we are budgeting like boosters for economic appeasement—determined to ignore or surrender to the tremendous social and technological forces challenging this Nation.

We cannot sustain our economic leadership as long as our major competitors like Japan educate their children 2 months more each year than we do, graduate more engineers, spend more money promoting their exports devote more attention to maintaining their economic circulatory system—their roads, bridges, and ports, and commit more energy to designing the economic circulatory system of their future—supercomputers and fibre-optic cables.

My colleagues can speak for themselves, but I believe that the budget of the United States should have higher goals than obsolete factories, displaced workers, dilapidated schools, and a future for our children of declining expectations.

That's the future sketched between the lines of Gramm-Rudman. The committe resolution might delay that future. But the adoption of the growth and investment alternative will steer us toward an altogether different future—a better future.

Mr. President, I ask that information about this alternative amendment and tabular material detailing the declining commitment in our budgets to programs which invest in our future be made a part of the RECORD.

The material follows:

SELECTED GROWTH AND INVESTMENT ORIENTED EXPENDITURES

[Dollar amounts in millions]

	Total	Total fiscal year 1982 dollars	As a share of the budget (percent)	As a share of GNP (percent)
Fiscal year:				
1962	$3,778	$13,584.7	3.54	0.68
1963	5,437	18,799.6	4.88	.92
1964	7,584	25,798.7	6.40	1.20
1965	8,863	29,603.8	7.50	1.32
1966	11,628	37,295.8	8.64	1.57
1967	11,865	36,823.8	7.54	1.50
1968	13,405	39,567.7	7.53	1.57
1969	12,736	35,397.8	6.94	1.37
1970	13,147	34,230.1	6.72	1.33
1971	13,793	33,430.5	6.56	1.30
1972	15,497	35,443.8	6.72	1.35
1973	16,232	34,847.9	6.61	1.26
1974	16,022	31,448.1	5.95	1.13
1975	19,289	34,012.2	5.80	1.27
1976	23,001	37,726.7	6.19	1.35
1977	25,295	38,486.2	6.18	1.31
1978	30,930	43,974.9	6.74	1.42
1979	33,814	44,340.8	6.72	1.38
1980	37,118	43,913.2	6.28	1.39
1981	39,472	42,282.6	5.82	1.32
1982	34,497	34,496.7	4.63	1.10
1983	34,538	33,178.1	4.27	1.04
1984	35,216	32,612.1	4.13	.95
1985	38,431	34,360.9	4.06	.98
1986	40,160	34,835.9	4.10	.96
1962–81 (percent)	13.14	6.16	2.66	3.57
1981–86 (percent)	.35	−3.80	−6.77	−6.20

NOTE.—Selected expenditures comprise those budget subfunctions predominantly oriented to growth and investment; they include outlays in the following areas: space, science, and technology, agricultural research and services, educated and training, and health research and training. Growth and investment oriented expenditures in subfunctions predominantly oriented toward other purposes are not included.

U.S. SENATE,
Washington, DC, April 28, 1986.

DEAR COLLEAGUE: This week in the Senate, members will debate the Budget Resolution and will vote on a number of amendments to that measure.

With Senators CHILES, BYRD, and others, I offer an amendment—The Growth and Investment Initiative—which proposes several billion dollars in investments over three years. The investments, funded with new revenues, will be in the areas of science, education, technology development, training and trade promotion.

Cosponsors of the Hart-Chiles amendment include Sens. KENNEDY, RIEGLE, ROCKEFELLER, KERRY, MATSUNAGA, SIMON, BINGAMAN, HARKIN, SASSER, DECONCINI and SARBANES.

The attached materials describe the amendment. I would appreciate your consideration of the proposal. If you have any further questions, or wish to cosponsor this amendment, please contact Mark Steitz (45852) of my staff.

Sincerely,

GARY HART.

THE HART-CHILES GROWTH AND INVESTMENT INITIATIVE

The Hart-Chiles Growth and Investment initiative would invest $3.0 billion more in fiscal year 1987 and $17.1 billion more over the next three years, compared to the bipartisan compromise. These investments would be financed through increased taxes—the amendment includes, however, language expressing the sense that these revenues not come from increasing income taxes on low and middle income Americans.

As the attached table shows, the amendment contemplates three major initiatives: investments in science and technology, in resource development, and in education and training.

The science and technology initiatives include:

New Investment in technology development focused on biomedical and biotechnical research, supercomputers, robotics, fiber optics and other advanced processes; and

Increased basic research through the NSF and other research organizations.

The resource development initiative is designed to develop our nation's energy, agricultural, metalurgical and other natural resources.

The education and training initiatives, accounting for roughly two-thirds of the funds in the amendment, aim to restore the nation's historic commitments to our childrens' future and a skilled and flexible labor force. The amendment would:

Invest in skills critical to our growing and changing economy including math, science, and foreign language programs;

Ensure a quality education for the children most at risk—those 14 million growing up in poverty; more will be invested in successful programs with proven track records, such as Head Start, compensatory education and Pell grants, as well as new public/private partnership, demonstration, and educational excellence initiatives;

Combat adult illiteracy and growing high school dropout rates; and

Reaffirm our commitment to training dislocated and disadvantaged workers by increasing participation in current, successful programs and establishing pilot programs to develop new approaches.

THE GROWTH AND INVESTMENT INITIATIVE—HART-CHILES

[Increases over SBC resolution, billions of dollars]

	1987	1988	1989	1987–89 total
INVESTMENTS IN SCIENCE AND TECHNOLOGY				
Advance Basic Science (F. 250):				
Budget authority	0.3	0.4	0.6	1.3
Outlays	.2	.3	.5	1.0
Develop innovative technologies:				
Health (F. 550):				
Budget authority	.3	.7	1.0	2.0
Outlays	.2	.5	.8	1.5
Industry and commerce (F. 370):				
Budget authority	.2	.2	.2	.6
Outlays	.2	.2	.2	.6
Subtotal:				
Budget authority	.8	1.3	1.8	3.9
Outlays	.6	1.0	1.5	3.1

THE GROWTH AND INVESTMENT INITIATIVE—HART-CHILES—Continued

[Increases over SBC resolution, billions of dollars]

	1987	1988	1989	1987–89 total
INVESTMENTS IN RESOURCE DEVELOPMENT				
Energy (F. 270):				
Budget authority	.3	.3	.4	1.0
Outlays	.2	.2	.3	0.7
Agriculture (F. 350):				
Budget authority	.3	.3	.4	1.0
Outlays	.3	.3	.3	0.9
Other natural resources (F. 300):				
Budget authority	.1	.2	.4	0.7
Outlays	.1	.2	.3	0.6
Subtotal:				
Budget authority	.7	.8	1.2	2.7
Outlays	.6	.7	.9	2.2
INVESTMENTS IN EDUCATION AND TRAINING (F. 500)				
Education:				
Budget authority	1.7	4.8	5.4	11.9
Outlays	1.3	2.0	4.3	7.6
Training:				
Budget authority	.8	3.1	3.7	7.6
Outlays	.5	.9	2.8	4.2
Subtotal:				
Budget authority	2.5	7.9	9.1	19.5
Outlays	1.8	2.9	7.1	11.8
Grand total:				
Budget authority	4.0	10.0	12.1	26.1
Outlays	3.0	4.6	9.5	17.1

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1987

The Senate continued with the consideration of the concurrent resolution.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I have been working with the minority and the distinguished majority leader with reference to our notion this past Thursday to stack some votes for Tuesday, and to use some time today. In pursuance of that proposition I make the following two unanimous-consent requests.

Mr. President, I ask unanimous consent that when the Senate resumes the unfinished business on tomorrow that 20 hours be considered as remaining on the resolution.

□ 1620

Mr. BYRD. Mr. President, reserving the right to object. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I further ask unanimous consent that after the vote on the DeConcini amendment No. 1803, there be 30 minutes of debate equally divided between the Senator from New Mexico [Mr. DOMENICI] and the Senator from Montana [Mr. MELCHER] on the Melcher amendment; that there be no amendments in order to the Melcher amendment; and, following the expiration of time or yielding back of time on the amendment, that a vote occur immediately in relation to the Melcher amendment to Senate Concurrent Resolution 120, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Now, Mr. President, what this means is that if all time is used on the Melcher amendment, a rollcall vote can be expected in relation to the amendment at 11:50 a.m. This may cause us to run over a few moments into the 12 noon to 2 p.m. recess. This has been checked with the majority leader and, I understand, the minority leader, who is here, has no objection.

Mr. President, I did make a commitment on the floor Thursday, because the distinguished Senator from Massachusetts, Senator KENNEDY, had been waiting a long time to propose an amendment. It is my intention, and I believe the distinguished ranking minority member, the Senator from Florida, Senator CHILES, concurs, that when we dispose of the Melcher amendment we will move to the Kennedy amendment on Medicare, if the senior Senator from Massachusetts is prepared. I hope that he will be advised that this is our intention, to accommodate him in that manner.

I also would ask that the distinguished chairman of the Finance Committee, Senator PACKWOOD, and the distinguished chairman of the subcommittee of the Finance Committee which has jurisdiction over Medicare, understand that the Kennedy amendment will, in all probability, come to the floor sometime shortly after the expiration of the 12 noon recess. If they are available to give their comments on the floor of the Senate, the Senator from New Mexico would greatly appreciate that. I will advise their offices personally.

I yield the floor.

Mr. BYRD. Mr. President, has morning business been ordered?

The PRESIDING OFFICER. It has not been.

ROUTINE MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, and that there be no time limitation for the distinguished minority leader with reference to remarks that he might want to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Mexico, the manager of the budget resolution and chairman of the Budget Committee.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on April 25, 1986, received a message from the President of the United States, transmitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received on April 25, 1986, are printed at the end of the Senate proceedings.)

RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 140

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on April 25, 1986, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on Armed Services, and the Committee on the Budget:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three rescission proposals totaling $114,500,000 affecting programs in the Department of Defense—Military.

The details of these rescission proposals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *April 25, 1986.*

PHILIPPINES ASSISTANCE LEGISLATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 141

Under the authority of the order of the Senate of January 30, 1985, the Secretary of the Senate, on April 25, 1986, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I hereby transmit for the consideration of the Congress proposed legislation, entitled "Philippines Assistance Act of 1986," which authorizes supplemental economic and military assistance for the Philippines.

The bill authorizes a total of $150 million in supplemental assistance for the Philippines, of which $100 million is to be used for Economic Support Fund activities and $50 million is to be used for the Military Assistance Program. A supplemental appropriation request for fiscal year 1986 is concurrently being transmitted to the Congress.

Through the inauguration of President Aquino, the Philippines has been offered an historic opportunity to effect significant structural and institutional reforms that will bring the benefits of peace and prosperity to all

of its citizens. The special relationship that the people of the United States share with the people of the Philippines strongly warrants our renewed commitment in support of these efforts. I urge the Congress to act without delay on this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *April 25, 1986.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Labor and Human Resources.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:54 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, without amendment:

S. 1952. An act to provide for the striking of medals to commemorate the Young Astronaut Program;

S.J. Res. 187. Joint resolution designating Patrick Henry's last home and burial place, known as Red Hill, in the Commonwealth of Virginia, as a National Memorial to Patrick Henry; and

S.J. Res. 264. Joint resolution designating April 28, 1986, as "National Nursing Home Residents Day".

MEASURE PLACED ON THE CALENDAR

The following was read the second time and placed on the calendar:

H.R. 281. An act to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-632. Resolution adopted by the Senate of the Legislature of Hawaii; to the Committee on Appropriations.

RESOLUTION 108

"Whereas, termination of the MOD-5B wind project would mean the loss of years of effort to determine the technical and economic viability of large wind turbines as a means of reducing our Nation's dependence on non-renewable fuels; and

"Whereas, Hawaii is extremely dependent on imported oil for more than 90 percent of its energy needs and has a vital stake in research to find alternatives to fossil fuels; and

"Whereas, the U.S. Government already has a contract with Hawaiian Electric Industries to purchase the MOD-5B upon completion and conduct the necessary research to determine the viability of such large wind turbines; and

"Whereas, termination of the MOD-5 program so close to completion would represent the waste of more than $70 million spent to date and several million dollars more that will be required to dismantle the MOD-5B and return the site to its original condition; now, therefore, be it

"Resolved, by the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, That the Congress of the United States of America be asked to maintain the current appropriation for the MOD-5 research program; and

"Be it further resolved, that Congress is asked to make such further appropriation for Fiscal Year 1987 as may be necessary to complete this valuable research program; and

"Be it further resolved, that certified copies of this resolution is transmitted to the members of Hawaii's congressional delegation, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Governor of Hawaii, and the Secretary of the United States Department of Energy."

POM-633. Joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation:

JOINT RESOLUTION

"Whereas remote sensing of the ocean is playing an increasingly important role in fishery research, fish harvesting, and marine safety along the Pacific Coast of the United States and Canada; and

"Whereas satellite sensors give a unique view of the ocean surface and provide extensive and detailed images of sea surface temperature, color, mixed layer depth, currents, and wave action; and

"Whereas the oceanic measurements taken by the satellite are used in determining variations in ocean conditions that play key roles in causing fluctuations in stocks of fishes and their vulnerability to harvesting; and

"Whereas this timely information on the changing ocean, rather than on average ocean conditions, is necessary to understand and eventually predict the effects of the marine environment on fish populations; and

"Whereas up-to-date weather information can provide the fishing fleet accurate weather data that will increase the safety and efficiency of fish harvesting; and

"Whereas the use of satellite sensors combined with conventional data collection techniques provides a powerful tool toward ensuring the wise use of living marine resources; and

"Whereas this information can provide valuable clues as to where foreign fishing fleets may be targeting certain North American fish stocks on the high seas; and

"Whereas these clues can lead the United States Coast Guard and other enforcement agencies to the precise locations where harmful interception of North American fish are taking place; and

"Whereas several manufacturers have developed oceanographic color displays designed to receive signals from a satellite and to display, in color, an absolute surface temperature distribution for a large water area; and

"Whereas in order to provide this information to fishermen, enforcement agencies, and research facilities, receiving stations need to be established in Alaska to monitor the North Pacific region; and

"Whereas an all-weather satellite is needed to provide this detailed information because it is not dependent on cloud cover conditions; and

"Whereas the National Aeronautics and Space Administration has abandoned the Gilmore Creek Satellite Receiving Station and this station can be used by the National Weather Service to receive satellite data in Alaska; be it

"Resolved that the Alaska State Legislature finds establishment of all-weather satellite and receiving stations would benefit the fishermen, marine researchers, enforcement agents, and merchant mariners of the United States and Alaska; and be it

Further resolved that the Alaska State Legislature respectfully requests the United States Congress to establish an all-weather monitoring satellite for the waters of the North Pacific Ocean; and be it

Further resolved that the legislature respectfully requests that Congress transfer NASA's Gilmore Creek Satellite Receiving Station to the National Weather Service and provide funding for its use; and be it

Further resolved that the legislature also requests that funds be allocated for the purchase of oceanographic color displays for the receiving stations and for the distribution of this data to fishermen, researchers, enforcement agencies, and merchant mariners."

POM-634. Resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Energy and Natural Resources:

"RESOLUTION

"Whereas, on June twenty-fifth, nineteen hundred and fifty, Communist forces of the Korean People's Army launched an offensive against the Republic of Korea; and

"Whereas, in response to this atrocious act of aggression against freedom, the President of the United States, Harry S. Truman, on Tuesday, June twenty-seventh, nineteen hundred and fifty, ordered United States Air and Sea Forces to give the Korean Government troops, cover and support, thus beginning involvement of the United States in the Korean conflict which ended on July twenty-seventh, nineteen hundred and fifty-three; and

"Whereas, of the six million Korean era veterans, fifty-four thousand, two hundred and thirty-five Americans were killed in action and eight thousand, one hundred and seventy-seven are unaccounted for, including three hundred and eighty-nine who were prisoners of war; and

"Whereas, these Americans served their country with dignity, displaying the ideals of America, fighting for freedom on foreign territory, far from home and loved ones; and

"Whereas, those Americans who had made the supreme sacrifice, and those Americans who were willing to make the supreme sacrifice of life, remain the only veterans not recognized with a memorial in our country's capital; now therefore be it

"Resolved, That the Massachusetts House of Representatives hereby urges Congress, the President and the Veterans' Administration of the United States to commemorate the Korean era veteran with an appropriate memorial in Washington, D.C.; and be it further

"Resolved, That copies of these resolutions be sent by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress, the Director of the Veterans' Administration and to the members thereof from this Commonwealth.

POM-635. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

A JOINT MEMORIAL

"Whereas, the Idaho State Legislature recognizes and appreciates the necessity of immediately addressing and reducing the federal deficit, by the reduction of federal spending, including some cuts in transfer payments to the states for public education support and land grant universities; and

"Whereas, Congress has adopted the Gramm-Rudman-Hollings Act which is estimated to cut federal payments to Idaho by approximately $50 million for the next eighteen months; and

"Whereas, the Idaho State Legislature is willing to accept cuts which equally impact on all of the states and which will require all states to increasingly shoulder the responsibilities for funding of necessary programs, including public education, with state-level revenue; and

"Whereas, the economic and tax base of Idaho is not as fully developed as necessary to provide maximum support for education as is the case in other states which do not experience 64% federal land ownership within their boundaries; and

"Whereas, Federal Forest Reserve Funds and Impact Aid Funds (P.L. 874) payments to Idaho public schools could be reduced or eliminated by Congress or the automatic cuts in the Gramm-Rudman-Hollings Act; and

"Whereas, federal "in lieu of" tax payment funds, which previously supported public education and other state and local government functions based on this federal ownership acreage, are also proposed for reduction or elimination; and

"Whereas, the State of Idaho, through our constitutional Land Board, working with all potentially affected lessees and adjacent owners to avoid or minimize economic, recreational, or other impacts, is prepared to assist the Federal Government in selecting appropriate sections of land for transfer. Now, therefore, be it *Resolved by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein,* that Congress, with the advice of the Secretary of the Interior and the Secretary of Agriculture of the United States, authorize the transfer of two additional sections per township from federal lands to the State of Idaho for state ownership and for the sole and exclusive purpose of supporting public schools and institutions of higher education in Idaho.

"Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Secretary of the Interior of the United States, and the Secretary of Agriculture of the United States."

POM-636. Resolution adopted by the Legislature of the State of Minnesota; to the Committee on Energy and Natural Resources:

"A RESOLUTION

"Whereas, the Mississippi River traverses ten states and has a profound impact on the commerce, tourism, and manufacturing in those states; and

"Whereas, the river's course is abundant in historical sites, natural areas, wildlife refuges, industrial sites, population centers, and other areas that are integral to our national heritage; and

"Whereas, it is appropriate that the federal government undertake significant efforts to retain, enhance, and interpret, for present and future generations, the cultural, historical, natural, recreational, and economic resources of the corridor that are consistent with industrial and economic growth; and

"Whereas, the Congress of the United States is considering the Mississippi River National Heritage Corridor Act of 1986 that, if adopted, will ensure that the above activities in the corridor will be instituted; now, therefore, be it

Resolved by the Legislature of the State of Minnesota that it urges the Congress of United States to immediately enact, and the President of the United States approve, the Mississippi River National Heritage Corridor Act of 1986.

Be it further resolved that the Secretary of State of the State of Minnesota is directed "to prepare certified copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-637. Resolution adopted by the Borough Council of Stone Harbor, NJ, opposing the research burning of toxic chemicals in the ocean; to the Committee on Environment and Public Works.

POM-638. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works.

JOINT RESOLUTION

"Whereas, a recent administrative decision by the U.S. Army Corps of Engineers would require the City of Orofino to compensate the federal government up to $60,000 annually for hydropower loss in order for the Idaho community to divert water from behind Dworshak Dam for municipal and domestic purposes; and

"Whereas, the Corps has in the past taken the position that it does not need a state water right because it only passes water through the dam; and

"Whereas, the Corps should not be entitled to compensation for loss of a water right which it does not claim; and

"Whereas, the policy behind the Corps administrative decision could have a devastating impact for existing and future water use development in Idaho, the Northwest and the Nation, should the Corps require compensation for loss of power for any diversion of water upstream from one of its power generation dams in any river basin, now, therefore, be it

"Resolved by the members of the Second Regular session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein that the Secretary of Defense, Caspar W. Weinberger, be encouraged to reverse the decision of the U.S. Army Corps of Engineers requiring compensation for loss of hydropower generation resulting from upstream uses of water in the public interest and enunciate a corps policy of compliance with state water allocation statutes.

"Be it further resolved that the United States Congress enact legislation providing that hydropower facilities constructed by the Corps have only such water rights as explicitly authorized by Congress or as have been developed under applicable state law and that compensation is not required for loss of hydropower generation resulting from upstream water use development.

"Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of Defense, Caspar W. Weinberger, to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-639. Resolution adopted by the Board of Education of Community High School District No. 218, Oak Lawn, IL, opposing certain provisions of H.R. 3838; to the Committee on Finance.

POM-640. Resolution adopted by the Board of Education of Oak Lawn Community High School, District No. 229, Oak Lawn, IL, opposing certain provisions of H.R. 3838; to the Committee on Finance.

POM-641. Resolution adopted by the Board of Trustees of the Village of Park Forest, IL, opposing certain provisions of H.R. 3838; to the Committee on Finance.

POM-642. Resolution adopted by the South Palos Township Sanitary District, Cook County, IL, opposing certain provisions of H.R. 3838; to the Committee on Finance.

POM-643. Resolution adopted by the Board of Education of School District No. 127, Cook County, IL, opposing certain provisions of H.R. 3838; to the Committee on Finance.

POM-644. Resolution adopted by the Board of Trustees of the Village of Lincolnshire, IL, opposing certain provisions of H.R. 3838; to the Committee on Finance.

POM-645. Resolution adopted by the Glenside Public Library District, DuPage County, IL, opposing certain provisions of H.R. 3838; to the Committee on Finance.

POM-646. Joint resolution adopted by the Legislature of the State of California, to the Committee on Finance.

"RESOLUTION

"Whereas, Federal and state solar energy tax credits have been an effective stimulus for the development of a new industry in the State of California, providing jobs and otherwise contributing to the state's economic development; and

"Whereas, Since the enactment of the California solar tax credit, the combined federal/state incentive has resulted in the dramatic growth of the solar industry in California; and

"Whereas, The benefits to the citizens of California from this growing solar industry include increased energy supply, a cleaner

environment, and new job opportunities; and

"Whereas, The solar energy tax credits have been an effective economic incentive to encourage individuals and businesses to invest in renewable energy technologies; and

"Whereas, The utilization of solar energy offers an opportunity to lessen dependence upon our country's limited energy resources and foreign imports; and

"Whereas, Solar energy is an environmentally clean, safe, and sound form of energy development; and

"Whereas, The interest of the people of the State of California is served by keeping the combined strength of the federal/state solar tax incentives; and

"Whereas, The federal solar tax credit expires on December 31, 1985, and the California state tax credit has been extended on a reduced basis through December 31, 1986; and

"Whereas, The State of California supports a balanced United States energy policy; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support extension of the federal solar tax credit with a graduated phaseout of the credit; and, be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of the resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairpersons of the House and Senate Committees of Ways and Means and Finance, and to each Senator and Representative from California in the Congress of the United States."

POM-647. Joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations:

"JOINT RESOLUTION

"Whereas the Navarin Basin oil and gas lease sale in April 1984, resulted in total accepted bids of $631,200,000, of which $108,174,000 was for an area claimed by the Soviet Union; and

"Whereas the winning bidders for the 17 tracts in the area claimed by the Soviet Union not only are precluded from exploring for oil and gas in these valuable seabed areas, but their bid deposit money is being held in a suspense account by the U.S. Department of the Interior and is yielding only the U.S. Treasury rate of return; and

"Whereas there are hundreds of American jobs at stake at the drilling sites and at industry support sites; and

"Whereas the question of territorial jurisdiction also has implications for bottom fishery operations for American fishermen; and

"Whereas the normal depiction of lines on the globe are by the arc of a great circle, especially when they involve great distances in the open ocean, such as the 1867 Convention Line marking the boundary between the United States and Russia; and

"Whereas the U.S. Department of State's International Boundary Study #14 ("U.S.-Russia Convention Line of 1867"), which was published in 1965, depicted the 1867 Convention Line by arcs of a great circle; and

"Whereas discussions have been conducted between the U.S. Department of State and the Soviet Government over this issue since 1981, with the latest round being held in Moscow on July 23 and 24, 1984, with the American delegation led by Davis R. Robinson, the Legal Adviser of the U.S. Department of State; and

"Whereas Article IV, Sec. 3 of the United States Constitution provides that 'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and

"Whereas the western-most limit to the oil and gas leasing program of the U.S. Department of the Interior for the Outer Continental Shelf in the Bering Sea has been set by the U.S. Department of State at the U.S.-Russia Convention Line of 1867;

"Whereas the leasing program involving the 1867 Convention Line in the Bering Sea includes the Navarin Basin and the Norton Basin; and

"Whereas there are highly significant oil and gas deposits estimated by the U.S. Department of the Interior in these basins; and

"Whereas these potential hydrocarbon deposits are a vital part of the future energy production for the United States and its goal of energy independence; and

"Whereas the leasing schedule for sales of oil and gas includes the Navarin Basin in April 1984 and March 1986, the St. George Basin in May 1985 and April 1987, and the Norton Basin in December 1985; and

"Whereas the area is estimated to contain approximately 100,000 tons of sustainable yield of pollock that is presently being fished exclusively by foreign fishing fleets; and

"Whereas during the announcement of the Navarin Basin's April 1984 sale, the Department of the Interior revealed that the Soviet Union was demanding part of the Outer Continental Shelf in the Navarin Basin and that the Department of State was requiring that the proposed oil and gas lease sales in the area claimed by the Soviet Government be held in abeyance, that is, the bids received and retained but the leases not awarded until the matter is resolved; and

"Whereas the Federal Register announcement described the dispute as follows:

" 'The differing claims relate to differing depictions of the line established by the 1867 Convention Ceding Alaska between the United States and Russia. The United States depicts the 1867 Convention Line as the maritime boundary by arcs of a great circle while the Soviet Union depicts the 1867 Convention Line as rhumb lines.'; and

"Whereas the area of the Outer Continental Shelf demanded by the Soviet Union between the arc-of-a-great-circle and the rhumbline depictions in the Bering Sea amounts to approximately 18,000 square miles; and

"Whereas an agreement to concede this area to the Soviet Union would contribute to the petroleum production and bottom fishery potential of the Soviet Union;

"Be it resolved that the Alaska State Legislature finds that it is in the best interests of the United States and of the State of Alaska that the U.S. Department of State not yield to the demands of the Soviet Union to set the western-most Outer Continental Shelf limit of the United States in the Bering Sea by a rhumb-line depiction rather than the arc-of-a-great-circle depiction of the U.S.-Russia Convention Line of 1867; and be it

"Further Resolved that this resolution be understood as the sentiments of the State of Alaska concerning the interests of the United States in adhering to the arc-of-a-great-circle depiction in the diplomatic discussions regarding the question; and be it

"Further resolved the United States Department of State is urged to adopt a firm stance and aggressively pursue a resolution of the Bering Sea Boundary dispute favorable to the interests of the government and the people of the United States."

POM-548. Joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Foreign Relations:

"JOINT RESOLUTION

"Whereas, the Sandinista government of Nicaragua is a notoriously repressive regime, with a record of violations of human rights including genocide of the Miskito Indians and torture and imprisonment of citizens who voice legitimate opposition to the government; and

"Whereas, the government of Nicaragua is openly involved in the export of communism through the region, including violations of the borders of neighboring countries, involvement of guerrillas in attacks against neighboring governments, and a public vow to bring communist revolution through Central America; and

"Whereas, the Sandinista regime is the recipient in these efforts of extensive aid from the Soviets and other Soviet bloc nations, from the communist government of Cuba, and from the government of Libya and the PLO; and

"Whereas, America has traditionally and historically supported the efforts of the Freedom Fighters in Nicaragua, and has encouraged their legitimate efforts to resist communism in their nation and to restore freedom and democracy in Nicaragua; and

"Whereas, victory of the Sandinista regime in Nicaragua constitutes a threat to the vital security and economic interest of Central America and consequently represents a threat to the security of the United States; and

"Whereas, there is now pending before the Congress of the United States a program of military assistance for the Freedom Fighters of Nicaragua which is essential to their success and to the future of freedom in the Western Hemisphere; now, therefore, be it

Resolved by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein that the Legislature of the State of Idaho urges the Congress of the United States to join with the President of the United States in providing essential assistance to the Freedom Fighters of Nicaragua in their efforts to resist the repressive regime of the Sandinista government.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM-649. Resolution adopted by the Board of Supervisors, County of Los Angeles, CA, favoring an anti-drug operation in Los Angeles County involving Federal and military services; to the Committee on the Judiciary.

POM-650. Resolution adopted by the mayor and Township Committee of Voor-

hees, NJ, favoring a constitutional convention to propose an amendment relating to taxation of interest income; to the Committee on the Judiciary.

POM-651. Resolution adopted by the United Steelworkers of America, Local Union 1104, Lorain, OH, supporting Save American Industry/Jobs Day; to the Committee on the Judiciary.

POM-652. Petition from a citizen of Concord, NH, favoring enactment of H.R. 3649; to the Committee on the Judiciary.

POM-653. Petition from a citizen of Concord, NH, favoring the enactment of H.R. 3649; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "First Monetary Policy Report for 1986" (with additional views) (Rept. No. 99-289).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STAFFORD (by request):

S. 2373. A bill to encourage the standardization of nuclear powerplants, to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HEINZ:

S. 2374. A bill to amend the Job Training Partnership Act to provide for remedial education assistance for dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BENTSEN (for himself and Mr. WALLOP):

S. 2375. A bill to disapprove of certain deferrals of Strategic Petroleum Reserve budget authority, to authorize additional appropriations with respect to the Strategic Petroleum Reserve, and to increase oil import fees; to the Committee on Finance.

By Mr. THURMOND (by request):

S. 2376. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1987 and for other purposes; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 2377. A bill to make a technical modification in the Excellence in Education Act; to the Committee on Labor and Human Resources.

By Mr. LUGAR (by request):

S. 2378. A bill to authorize supplemental economic and military assistance for the Philippines, and for other purposes; to the Committee on Foreign Relations.

By Mr. PRYOR:

S. 2379. A bill to repeal the application of Revenue Ruling 86-63, relating to the deductibility of contributions to university athletic funds; to the Committee on Finance.

By Mr. QUAYLE:

S. 2380. A bill to amend title 10, United States Code, to require the head of a Department of Defense agency to consider the foreign policy objectives of the United States before entering into a procurement contract with a foreign government or an instrumentality of a foreign government; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD (by request):

S. 2373. A bill to encourage the standardization of nuclear powerplants, to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes; to the Committee on Environment and Public Works.

NUCLEAR FACILITY STANDARDIZATION ACT

Mr. STAFFORD. Mr. President, I am introducing the text of a bill that was introduced by request by Senator MCCLURE on February 18. The purpose of my action is to clear up confusion caused by the mistaken referral of that bill, the Nuclear Facility Standardization Act of 1986.

The text of the bill was drafted and transmitted to Congress by the Department of Energy in an executive communication, EC-1114. The bill is intended to encourage standardization of designs of nuclear powerplants and to improve the nuclear licensing and regulatory process.

The executive communication was mistakenly referred to the Committee on Energy and Natural Resources, as was the bill incorporating the Department's draft legislation.

The subject matter of the legislation is clearly within the jurisdiction of the Committee on Environment and Public Works. The introduction and referral today should clarify any confusion over the question of appropriate Senate jurisdiction.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Facility Standardization Act of 1986".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, recognizing that an effective and efficient licensing and regulatory process, for siting, construction, and operation of nuclear powerplants, which meets safety and environmental criteria is in the national interest, finds and declares that—

(1) interstate commerce is substantially affected by the siting, construction, and operation of nuclear powerplants;

(2) opportunity for meaningful public participation in the siting and licensing of nuclear powerplants should be assured;

(3) there is a need to encourage the development and use of standardized nuclear powerplant designs because (A) these designs would benefit public health and safety by concentrating the resources of designers, engineers, and vendors on particular designs, by stimulating standardized programs of construction practice and quality assurance, by improving the training of personnel, and by fostering more effective maintenance and improved operations; and (B) the use of these designs would permit a more effective and efficient licensing and inspection process;

(4) the licensing process will be facilitated by selecting and approving a site for a nuclear powerplant in advance of a commitment to construct a facility at that site;

(5) the licensing and regulatory process will be facilitated if licensing decisions are made as early as possible in the process and if issues resolved in Nuclear Regulatory Commission proceedings are not reconsidered in the absence of a showing required by this Act and the regulations of the Nuclear Regulatory Commission;

(6) consistent with the adequate protection of the public health and safety and the common defense and security, the regulatory process should provide greater stability in licensing standards and criteria for approved designs of nuclear powerplants;

(7) consistent with the paramount responsibility of the Nuclear Regulatory Commission to protect the public health and safety, and recognizing that the elimination of all risk is an unattainable goal for any energy source, it is appropriate and in the public interest for the Nuclear Regulatory Commission to consider the economic consequences of its regulatory practices, including the cost of safety requirements; and

(8) the Nuclear Regulatory Commission should adopt regulations setting forth criteria to govern all additions, deletions, and modifications to its regulatory requirements; these regulations should require a systematic, centralized, and documented review of the concerns that give rise to the proposed change, the improvement in safety that would result from adoption of the proposed change, estimates of costs or other impacts on potentially affected licensees and the public, taking into account, if facility specific, the remaining life of the facility, and such other matters as the Commission determines to be necessary.

(b) The purposes of this Act are—

(1) to facilitate the development and use of standardized designs and the use of preapproved sites for nuclear powerplants;

(2) to provide for the issuance of a license to construct and operate a nuclear powerplant under conditions that enhance the protection of the public health and safety and are in accord with the common defense and security; and

(3) to improve the stability of licensing standards and criteria for nuclear powerplants and prior Commission licensing approvals.

TITLE I—LICENSING AND REGULATORY REFORM

APPROVAL OF STANDARDIZED DESIGNS

SEC. 101. The Atomic Energy Act of 1954 is amended by adding after section 191 (42 U.S.C. 2241) a new section 193 to read as follows:

"SEC. 193. APPROVAL OF STANDARDIZED DESIGNS.—

"a. The Commission shall establish procedures to permit the approval of standardized designs for a production or utilization facility to be licensed by the Commission and the approval of designs for any major subsystem of such a facility that represents a discrete element of the facility, as defined by the Commission, upon application by any person, after providing an opportunity for public hearing under section 189 of this Act, notwithstanding the fact that an applica-

tion for a construction permit or construction and operating license for the facility has not been filed.

"b. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, the Commission shall not require an application filing or issuance fee for an application for approval or for an amendment or renewal of an approval under this section. The Commission may allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses who propose to use the approved design. If there is no application for a construction permit or a construction and operating license within ten years from the initial date of issuance of the approval, then the holder of the design approval shall pay the filing and issuance fees at the end of the ten year period.

"c. (1) After considering the information submitted in the application, and after providing an opportunity for public hearing under section 189 of this Act, the Commission shall issue an approval under this section if it determines that the design will comply with this Act, the rules and regulations of the Commission, and will not be inimical to the common defense and security or to the health and safety of the public.

"(2) Subject to section 187 of this Act, a design approval may be amended or modified in a design amendment proceeding. In a design amendment proceeding, the Commission shall not admit an issue that has been considered and decided in the design approval proceeding or an earlier design amendment proceeding unless the Commission determines that there is a material issue in dispute that cannot be resolved with sufficient accuracy except in a hearing and—

"(A) the issue could not have been considered and decided in a proceeding for the issuance, modification, or amendment of a design approval; or

"(B) a showing has been made that there is a nonconformance with the design approval that could materially and adversely affect the safe operation of a facility using the design.

"(3) A change to the design approval required by the Commission shall not apply to a construction permit or construction and operating license incorporating the design approval unless (A) the licensee requests the change, or (B) the requirements of section 187 of this Act are satisfied with respect to the change.

"d. (1) An approval issued by the Commission under this section may be incorporated by reference in, and shall be conclusive with respect to, an application for a construction permit or a construction and operating license if the application meets the conditions of the approval and is filed within a period of ten years from the date of issuance or renewal of the approval.

"(2)(A) Not less than twelve nor more than eighteen months prior to the expiration of the ten-year period provided under paragraph (1), the holder of the design approval may apply for a renewal of the approval. Upon review, the Commission may renew the approval for additional ten-year periods from the date of renewal.

"(B) Upon application for renewal of an approval issued under subsection c. of this section, the Commission shall renew the approval unless it finds, based on significant new information relevant to the design, that the design will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety and the common defense and security.

"e. (1) The Commission shall approve an amendment to a design approval issued under this section upon application by the holder of the design approval if the Commission determines that the amendment will comply with this Act and the Commission's regulations.

"(2) An amendment approved by the Commission under paragraph (1) shall apply to an application for a construction permit or construction and operating license incorporating the design approval for which the amendment has been granted that is filed after the effective date of the amendment.

"(3) An amendment approved by the Commission under paragraph (1) shall not apply to an application for a construction permit or construction and operating license incorporating the design approval for which the amendment has been granted that is filed before the effective date of the amendment unless (A) the applicant requests that the amendment apply to the application, or (B) the requirements of section 187 are satisfied with respect to the amendment.

"f. The holder of a permit, license, or approval may deviate from any aspect of the permit, license, or approval, without prior Commission approval unless the deviation involves a change in technical specifications incorporated in the permit, license, or approval or an unreviewed safety question. A deviation that involves changes to technical specifications or unreviewed safety problems shall be proposed to the Commission as an amendment to the permit, license, or approval.

"g. A final Commission determination on an application filed under sections 193 a. or d. of this Act is a final order of the Commission for purposes of section 189 b. of this Act.".

EARLY SITE APPROVAL

SEC. 102. The Atomic Energy Act of 1954 is amended by adding after section 193, as added by this Act, a new section 194 to read as follows:

"SEC. 194. EARLY SITE APPROVAL.—

"a. The Commission shall establish procedures to issue a site permit for approval of a site for one or more production or utilization facilities upon the application of any person, notwithstanding the fact that an application for a construction permit or a construction and operating license for the facility or facilities has not been filed.

"b. (1) After considering all information submitted by an applicant, and after providing the opportunity for a public hearing under section 189 of this Act, the Commission shall issue a site permit subject to conditions that it considers appropriate if it determines that the proposed site is suitable for the construction and operation of the facility or facilities described in the application and that use of the proposed site will not be inimical to the common defense and security or to the health and safety of the public.

"(2) In a subsequent Commission proceeding involving use of a site for which a site permit has been granted under this section, the Commission shall not admit an issue that has been considered and decided in the site permit proceeding unless the Commission determines that there is a material issue in dispute that cannot be resolved with sufficient accuracy except in a hearing and—

"(A) the issue could not have been considered and decided in a proceeding for the issuance, modification, or amendment of a site permit; or

"(B) a showing has been made that there is a nonconformance with the site permit that could materially and adversely affect the safe operation of a facility at the site.

"(3) A final Commission determination on an application filed under this section is a final order of the Commission for the purposes of section 189 b. of this Act.

"c. (1) A site permit issued under this section may be incorporated by reference in, and shall be conclusive with respect to, an application for a construction permit or a construction and operating license if the application meets the conditions of the site permit and is filed within ten years from the date of issuance or renewal of the site permit.

"(2)(A) Not less than twelve nor more than eighteen months before the expiration of the ten-year period, a site permit holder may apply for a renewal of the site permit. Upon review, the Commission may review a site permit for additional ten-year periods from the date of renewal.

"(B) Upon application for renewal of a site permit, the Commission shall renew the site permit unless it finds, based on significant new information that the site will not comply with this Act of the Commission's rules and regulations for protection of the public health and safety and the common defense and security.

"d. Approval of a site under this section does not preclude its approval for use as a site for an alternate or modified type of energy facility or for any other purpose.

"e. The Commission may issue a site permit with respect to limited aspects of the suitability of the site for its intended purpose, under rules and regulations the Commission considers appropriate.".

CONSTRUCTION PERMITS, OPERATING LICENSES, AND CONSTRUCTION AND OPERATING LICENSES

SEC. 103. Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) and its catchline are amended to read as follows:

"SEC. 185. CONSTRUCTION PERMITS, OPERATING LICENSES, AND CONSTRUCTION AND OPERATING LICENSES.—

"a. An applicant for a license to construct or modify a production or utilization facility shall, if the application is consistent with the provisions of this Act, the rules and regulations of the Commission, and public health and safety and the common defense and security be initially granted a construction permit, after the Commission has provided an opportunity for a public hearing under section 189 of this Act. Upon the filing of additional information by the applicant needed to bring the original application up to date and after the Commission has provided an opportunity for a public hearing under section 189 of this Act, the Commission shall issue an operating license to the applicant upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended, the provisions of this Act, and the rules and regulations of the Commission. For all other purposes of this Act, a construction permit is a 'license'.

"b. (1) The Commission shall issue a construction and operating license to an applicant for a commercial production or utilization facility, after providing an opportunity for a public hearing under section 189 of this Act, if the application contains sufficient information to enable the Commission to determine that there is reasonable assurance that the facility will be constructed

and will operate in conformity with the application, the provisions of this Act, and the rules and regulations of the Commission. The Commission shall incorporate in the construction and operating license a phased-approval procedure for construction quality assurance. The Commission also shall incorporate in the construction and operating license the inspections, tests, analyses, and acceptance criteria therefor, that are necessary to provide reasonable assurance that the plant has been constructed and will operate in accordance with the license. The Commission procedure also may provide for inspections by the licensee's designated quality assurance inspectors, designated engineering and inspection representatives, and Commission inspectors.

"(2) Before a facility licensed under this subsection may begin operation, the utility shall notify the Commission of its readiness to operate the facility. Based on this notification, the Commission shall publish in the Federal Register a notice of intended operation of the facility, and shall provide a thirty-day period during which any person may file a written objection to operation on the basis that the facility has not been constructed or will not operate in conformity with the license. An objection must set forth in reasonable detail the facts and arguments upon which the objection is based, and may be accompanied by a request for a hearing. If a hearing is requested, the Commission shall conduct a hearing if it determines that there is a material issue in dispute that cannot be resolved with sufficient accuracy except in a hearing and—

"(A) the issue was not and could not have been considered and decided in a proceeding for the issuance, modification, or amendment of a license, permit, or approval for that facility, its site, or design; or

"(B) a showing has been made that there is a nonconformance with the license that could materially and adversely affect the safe opposition of the facility.

The Commission also shall determine whether the hearing must be commenced or completed before facility operation begins in order to provide reasonable assurance of the protection of the public health and safety and common defense and security.".

MODIFICATIONS

SEC. 104. Section 187 of the Atomic Energy Act of 1954 (42 U.S.C. 2237) and its catchline are amended to read as follows:

SEC. 187. MODIFICATIONS.—

"a. The Commission shall not require nor take an action to cause a change to a design approval; a site permit; a production or utilization facility for which a construction permit, operating license, or construction and operating license has been issued; the design of the facility; the procedures under which the facility is to be constructed or operated; or the organization required to construct or operate the facility, unless the Commission determines that the proposed change would result in a substantial improvement in overall safety of facility operation required under this Act and, for a production or utilization facility, is justified when taking account of the remaining life of the facility after considering the following factors—

"(1) the potential reduction in the risk to the public from the accidental off-site release of radioactive material;

"(2) the potential impact on radiological exposure of facility employees;

"(3) the installation and continuing costs associated with the proposed change, including the cost of construction delay or effect on continuity of service;

"(4) the potential safety impact of changes in plant or operational complexity including the effect on other proposed and existing requirements;

"(5) the estimated resource burden on the Commission associated with the proposed change and the availability of the resources;

"(6) the potential impact of differences in facility type, design, or age on the relevancy and practicality of the proposed change;

"(7) whether the proposed change is an interim or final requirement and, if interim, the justification for imposing the proposed change on an interim basis; and

"(8) such other matters as the Commission determines to be necessary.

"b. The Commission shall establish a centralized, systematic, and documented review process to evaluate and consider a proposed change. The Commission may make the proposed change effective, after its determination has been made, only by an amendment to the license or by issuing a rule, regulation, order, or amendment thereof. This section does not apply if the Commission determines that immediate action to impose a proposed change is necessary to protect the public health and safety or the common defense and security. If the Commission determines that immediate action is necessary, it shall document its determination after the fact.".

TITLE II—CONFORMING AMENDMENTS

ANTITRUST PROVISIONS

SEC. 201. The first sentence of section 105c.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2135c.(2)) is amended by striking "a license to construct or operate" and inserting in its place "a license to construct, operate, or construct and operate".

LICENSE APPLICATION REVIEW

SEC. 202. Subsection 182b. of the Atomic Energy Act of 1954 (42 U.S.C. 2232b.) is amended to read as follows:

"b. The Advisory Committee on Reactor Safeguards shall review an application to grant, amend, or renew a license, construction permit, construction and operating license, or site permit. The Committee shall review each application for design approval, each proposed amendment or renewal of a design approval, and any application under section 103, 104, or 194 of this Act that the Commission refers to the Committee. The Committee shall submit a report to the Commission on each application, design approval or proposed amendment, or renewal of a rule that it reviews. The Committee decision to review or fail to review an application or proposed amendment or renewal of a design approval and the Commission decision to refer or not refer an application to the Committee, is not subject to judicial review. Except to the extent that security classification prevents disclosure, any report required by this subsection shall be made part of the record of the application or rulemaking proceeding and available to the public.".

REVOCATION

SEC. 203. Section 186a. of the Atomic Energy Act of 1954 (42 U.S.C. 2236a.) is amended by inserting—

(1) "or site permit or design approval" after "license", wherever it appears; and

(2) ", 193, or 194" after "182".

ATOMIC SAFETY AND LICENSING BOARD

SEC. 204. Section 191a. of the Atomic Energy Act of 1954 (42 U.S.C. 2241a.) is amended by—

(1) striking "or" after "license" and inserting in its place a comma; and

(2) inserting "site permit, or design approval" after "authorization".

TABLE OF CONTENTS

SEC. 205. The table of contents of the Atomic Energy Act of 1954 is amended by—

(1) striking the item relating to section 185 and inserting in its place the following:

"Sec. 185. Construction Permits, Operating Licenses, and Construction and Operating Licenses.";

(2) striking the item relating to section 187 and inserting in its place the following:

"Sec. 187. Modifications."; and

(3) adding after the item relating to section 191 the following:

"Sec. 193. Approval of Standardized Designs.

"Sec. 194. Early Site Approval.".

By Mr. HEINZ:

S. 2374. A bill to amend the Job Training Partnership Act to provide for remedial educational assistance for dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

DISLOCATED WORKERS ASSISTANCE AMENDMENTS ACT

Mr. HEINZ. Mr. President, I would like to take a few minutes to commend the Budget Committee for providing $175 million for title III of the Job Training Partnership Act, which compares with a $110 million appropriation last year. This title provides assistance to displaced workers—those unemployed workers who held their previous job for 3 or more years and are unemployed through no fault of their own. The Office of Technology Assessment estimates that there are over 2 million such workers in this country, and the assistance they receive is minimal at best. My reason for taking the floor at this time is to remind my colleagues that many, many regions across the country continue to suffer prolonged unemployment, while money for job training has been reduced by 58 percent over the last 5 years. So when I say to my colleagues that I am pleased there is a little more money in the budget this year than the $110 million appropriated last year, the fact remains that a lot more is needed if we are to return these workers to productive employment.

Mr. President, when we approved the Labor-HHS-Education and Related Agencies appropriation, I took the floor to express my concern that continued lowfunding of the Job Training Partnership Act, and in particular the dislocated worker portion of that act, would dim the future of distressed communities. Since that time, many more communities in the South and West have begun to feel the terrible

effects of joblessness. This is not the time to short-fund a program which invests in the future of our cities and towns by making investments in skilled and productive human beings.

In fiscal year 1985, $222 million was appropriated for title III. That amount would aid only 150,000 of the millions who are dislocated in our economy. The budget resolution before us, by providing $50 million less than the 1985 appropriation, means that even fewer workers will receive assistance. There is sufficient budget authority within function 500 to bring JTPA title III back to its proper funding level without denying other worthy programs their money.

Mr. President, a number of people have criticized JTPA title III for spending down its money slowly, and for a disorganized start. I recognize these problems and I intend to introduce—indeed, I shall today introduce legislation to correct them.

This legislation would provide a renewed emphasis on remedial education and vocational skills training in title III, and require the States to report the mix of services they offer to dislocated workers. Effective skills training and job search assistance are the best ways to return productive citizens to full-time employment.

That is not only my personal opinion. It is borne out by an OTA study, "Technology and Structural Unemployment," which Senator DOLE and I requested. I ask unanimous consent that a segment of that study be printed in the RECORD.

There being no objection, the segment of the report was ordered to be printed in the RECORD, as follows:

DISPLACED WORKER PROGRAMS

Displaced workers are not the only unemployed workers. According to the definition of displacement of the U.S. Department of Labor, displaced workers accounted for about 14 percent of unemployment in January 1984. Displaced workers have the advantage of established work histories and good work habits, and many have some transferable skills. As a result, they are usually more employable than disadvantaged workers or unemployed teenagers, many of whom lack acceptable work habits such as demonstrated willingness to show up on time and put in the requisite number of hours. In view of the greater problems of the disadvantaged and current constraints on public spending, some observers question whether the government should provide special services for displaced workers.

One justification for government programs for displaced workers is that these people bear a disproportionate share of the burden for having a dynamic, adaptable, and generally open economy. Displaced worker programs may be viewed as the price society pays for an open trade policy and for a labor market that permits private employers considerable latitude in hiring and firing—much more than in some other industrialized countries. Another justification is that displaced worker programs can also help society avoid other kinds of expenditure, such as unemployment insurance, food stamps, Medicaid, and welfare that arise during long stretches of unemployment. Little recent information is available on the extent to which displaced worker programs substitute for other kinds of social expenditures, but earlier studies, evaluating the displaced worker program of the 1960s, found that savings in welfare and other transfer payments were large enough to pay back the investment of public funds in 2 to 4 years.

Concern over displacement, and government programs designed to serve displaced workers, tend to wax with unemployment and wane as employment recovers. In 1962, concerned with rising unemployment rates and fearing that automation would aggravate unemployment, Congress provided special funding for displaced workers in the Manpower development and Training Act [MDTA]. Within 2 years, however, a prosperous economy and falling unemployment caused a shift in the emphasis of government employment and training programs, toward assistance for disadvantaged workers. The unemployment rate stayed low through out the 1960s, partly due to the enormous fiscal stimulus of the Vietnam conflict and the Great Society programs. In the 1970s, unemployment rates again edged up. By the late 1970s, unemployment in a nonrecession economy had risen to 7 percent, and it hit a post-World War II high of 10.8 percent in December 1982, at the depth of the recession. Concern over displacement reemerged strongly.

Concern was translated into action with the 1982 Job Training Partnership Act [JTPA, Public Law 97-300]. Title III of JTPA authorized services for displaced workers. In October 1983, State Title III programs to serve displaced workers were initiated. Federal funding of $223 million was provided for a startup period of 21 months. JTPA Title III was the first Federal program designed to serve all groups of displaced workers since the beginning of MDTA, in the early 1960s.

Although unemployment remains high by the standards of the past four and a half decades, it has fallen from its peak in the 1981-82 recession. In mid-1985, civilian unemployment fluctuated between 7 and 7.5 percent for nearly a year, dipping to 7 percent in August. With the unemployment rate falling from recession highs, concern over displaced workers also lessened.

The economic recovery neither stopped nor even greatly reduced displacement. Displacement is an ongoing process, associated with technical and economic change, and the problems of displacement are not the same as those of general or cyclical unemployment. Plant closings and mass layoffs, major contributors to displacement, are continuing during the recovery. Moreover, plant closings and mass layoffs are by no means confined to mature industries such as steel, textiles, and automobiles. For example, in Santa Clara County (California's Silicon Valley) semiconductor industry employment fell by about 2,000 in a few months, from 51,000 in November 1984 to 49,000 in May 1985. In the semiconductor industry as a whole, employment fell by 9,600 between its peak in December 1984 and July 1985.

The need for services to displaced workers does not vanish during economic recovery and growth. There is a continuing need for displaced worker services in an economy that is changing as rapidly as that of the United States. The demand for services may be greater during recessions, when it is more difficult for displaced workers to find jobs on their own. Displacement itself may increase during recessions, as some marginally competitive firms close or permanently cut back production and employment. For example, employment losses in the textile industry have been heavy during recessions, and these losses have not been made up during recoveries. According to the BLS survey, over 1.2 million workers were displaced even in 1979, by most standards a healthy year economically.

PERFORMANCE OF JTPA TITLE III

Judgments about the effectiveness of Title III should be made cautiously at this point. JTPA Title III is the first comprehensive program for displaced workers in nearly 20 years. Most States have had to spend some part of the first 2 years of Title III's existence organizing to serve displaced workers. Few projects have yet learned how to cope with differing economic circumstances and changing populations of displaced workers. As a result, some projects and States have spent their initial allotments of funds quite slowly, leaving $184.5 million in unspent, but probably mostly obligated, funds by June 1985.

Title III served 96,100 workers in its first 9 months, and another 132,200 workers were newly enrolled in the full program year July 1984-June 1985. This is probably less than 5 percent of the eligible population. In 1983 over 3 million adult workers were displaced from their jobs, according to the BLS survey; most of these workers were eligible for Title III services. So far, the number of workers served per year by Title III is about 3.5 times the number of workers served by the Industrial Adjustment Service [IAS] of Canada, while the U.S. work force is almost 10 times larger than Canada's.

IAS and Title III are different: the Title III program offers a broad range of services, including counseling, job search and placement assistance, vocational training, and education. The IAS program is focused on helping displaced workers find new jobs quickly, offering services immediately on notification of mass layoffs or plant closings. The IAS program does not itself provide vocational training or education, but can refer workers to Canada's extensive, free adult training program. However, IAS reaches many more workers, in relation to the size of the Canadian labor than Title III does for the U.S. work force. If a program similar to the IAS existed in the United States, the number of people seeking services from ITPA Title III might well increase.

So far in a number of respects, the Title III program seems to be working in accordance with major emphases in the law. The Federal role is minor, and States are in control of the program. The influence of the private sector is strong, particularly in the emphasis on placement, low costs, and marketing the program to potential employers. The act's limits on administrative and support services have been satisfied.

Whether Title III is an effective and sufficient response to the problem of worker displacement is questionable. One important question is whether the heavy emphasis on placement may divert attention and resources away from training. The limited information available on program spending indicates that vocational skills training in Title III programs is probably sparse. Generally, the majority of displaced workers are much more interested in returning to work than in training or education, although a significant minority of the people may

become interested in training opportunities. While retraining for strictly "high-technology" skills and occupations may have been over-emphasized in the past, training is still a very important component of well-run displaced worker programs. For many displaced workers, training is the best route back to a job with reasonable opportunities for advancement. This is particularly true for unskilled or semi-skilled manufacturing production workers, whose former jobs were based largely on routine manual and mental skills. Many of these people need substantial retaining or education to get tood jobs in the service-producing sectors, where most new jobs are being created.

In well-run programs such as the Downriver Community Conference in Wyandotte, Michigan, and the reemployment program at the former Ford assembly plant in Milpitas, California, a substantial minority of workers—20 to 35 percent—are likely to choose and benefit from vocational skills training. It should be emphasized that these percentages would be much lower without these programs' strong commitment to counseling and encouraging workers who are qualified to consider training.

A substantial barrier to retraining for displaced workers who are interested and qualified is that few adults can undertake it without income support. Basic unemployment insurance [UI] benefits, lasting 26 weeks, are the main source of income for most workers in training. Some training institutions and programs have adapted effective courses to fit this constraint, but by no means all. Extensive training, without other sources of financial support than basic UI, is often infeasible.

Judging by available numbers on spending, emphasis on and commitment to training may not be characteristic of JTPA Title III projects. In the initial 9 months of Title III, spending per worker averaged $768 and in the following program year $895, far less than the approximately $3,000 spent on each worker at the Ford Milpitas plant, where training—usually the most expensive service offered in any displaced worker project—was emphasized heavily. However, information on Title III program spending and services are both too limited and too out-of-date to judge the effectiveness and appropriateness of the program's training component.

Another concern is the low priority most State Title III programs give to remedial or brush-up education for displaced workers, even though displaced workers who lack good basic skills will increasingly be forced to take low-wage jobs. A substantial proportion of U.S. workers are poorly equipped to learn new job skills, except for relatively elementary ones, because they have deficiencies in basic education, or use only a narrow range of job skills that do not transfer easily to difficult occupations.

While estimates of adult functional illiteracy are both outdated and misleading, it is clear that large numbers of adults lack adequate skills in reading, writing, mathematics, problem-solving, and communications. These people will find it increasingly difficult to compete successfully for good new jobs once displaced, or to qualify for occupational skills training. Many people require remedial education before they can benefit from other kinds of training.

Lack of basic skills in the work force is a problem for U.S. businesses as well as for individuals. The lack may manifest itself in sluggish productivity growth, increased needs for supervision, and deficient product quality. These costs are difficult to quantify but are probably substantial. While private firms can and sometimes do provide basic education to employees, many employers feel with some justification, that it is the job of the public school system, not business, to make sure that people enter the work force with adequate basic skills.

Retraining programs, which usually stress placement, often do not emphasize basic skills or remedial education. As a result, many people with basic skills problems receive no help at all from Title III projects. Few States have made remedial education an integral part of Title III services, although some with large numbers of non-English speaking workers have given it considerable attention. Most State directors of Title III programs see little need for providing remedial education, because they believe displaced workers have adequate basic skills, because remedial education is available elsewhere, or because of lack of interest on the part of the displaced workers. Project staff who work directly with displaced workers often see the matter differently; a number of projects have reported that one-fifth to one-third of their clients cannot read or figure at the sixth-grade level. Many displaced workers lack the basic skills which would qualify them for good new jobs or for training in skilled occupations. This is especially true of those who formerly held semi-skilled or unskilled jobs—the same workers who are especially vulnerable to displacement. Displaced worker programs can offer very effective remedial education services, as some outstanding individual projects have shown.

Mr. HEINZ. Let me recapitulate for a moment about what OTA found:

First, Mr. President, OTA found that less than 5 percent—1 in 20—of displaced workers ever receive assistance from JTPA—less than 5 percent.

Second, OTA found that most assistance takes the form of low-cost job search assistance. Higher cost items such as life-sustaining stipends, vocational skills training, and remedial education are all but ignored in many parts of the country, including hard-hit areas such as Pennsylvania.

My legislation would provide authority for the Department of Labor to issue $10 million in grants to the States for remedial education. Thus, this important part of job training will be removed from the general service mix of JTPA title III and given its own line of funds. OTA estimated that over 20 percent of the dislocated workers required remedial education before entering job training or job searches. My legislation gives remedial education the priority that it is completely lacking in the present service mix.

In addition, the bill requires the States to report plans for improving vocational skills training to dislocated workers, and requires the Department of Labor to assist the States in developing and implementing vocational education programs, if the States request the assistance.

Lastly, my legislation would require the States to report to us on the number and types of services dislocated workers presently receive, and how much is spent on each service. It is inconceivable that this type of basic information on an important program has never been provided before.

As a case in point, my hometown afternoon newspaper, the Pittsburgh Press, recently ran a detailed series on the empty promises of the Job Training Partnership Act. The articles detailed a sad and terrible story: The lost dollars, workers sent on endless and fruitless job searches, and worse. One of the cruelest aspects of the program is its inability to fund training programs for the poorest of the unemployed. As Charles Kisner of North Versailles Township said, "This program does not work for people with no income." He received $3 a day for his training. It did not even cover his bus fare to the classroom.

I ask unanimous consent that the articles from the Press appear in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Press, Apr. 13, 1986]

REAL HELP ELUSIVE IN JOB TRAINING PARTNERSHIP

(By Paul Maryniak)

As hundreds of unemployed steelworkers protested outside The Pittsburgh Hilton and Towers, Downtown, Ronald Reagan on a dreary day in April 1983 heralded the birth of his $2.9 billion Job Training Partnership Act.

JTPA is the federal government's latest attempt to teach ghetto teenagers to read and write well enough to secure jobs, equip welfare recipients with skills for productive employment and retrain workers affected by factory shutdowns.

Like previous federal programs of this kind, JTPA uses tax dollars to fund full-time classroom instruction, on-the-job training and job-hunting.

Unlike past programs, JTPA asks business leaders to work with government bureaucrats in running it.

That partnership, Reagan said, would ensure JTPA "wouldn't be a bureaucratic boondoggle, but would provide real help."

Three years after Reagan's campaign address, a study by The Pittsburgh Press has found JTPA's "real help" is mired in a bureaucratic tangle that throws millions of dollars into dead-end training programs.

Millions more allocated for JTPA by Congress lie idle in the U.S. Treasury because states, including Pennsylvania, haven't set up programs to serve the unemployed.

An estimated 42 million economically disadvantaged people and 1.3 million dislocated workers who have been bypassed by economic recovery also have been bypassed by JTPA.

Between July 1984 and June last year, the program's first full operating year, it served about 3 percent of the jobless poor and about 5 percent of the victims of plant shutdowns.

Those lucky enough to get into JTPA programs are often teased with promises of jobs that don't materialize or don't last.

The Labor Department reported the placement of 64 percent of 647,300 people who completed programs for the poor and

65 percent of 113,600 who were in dislocated workers programs in 1984–85.

But U.S. Department of Labor officials don't define placement. They count both full- and part-time jobs in the figures they use, to tout JTPA's success. Andy they don't know how long the jobs last.

The Pittsburgh Press study of JTPA was based on a review of hundreds of documents from the U.S. Labor Department, the U.S. General Accounting Office, Congress, the Pennsylvania Department of Labor and Industry, Allegheny County and City of Pittsburgh agencies, and various national associations.

More than 150 JTPA participants and officials were interviewed.

Those documents and interviews showed JTPA more often is a multi-billion-dollar illusion offering empty promises to people like Elmer Golock, 51, of North Huntingdon in Westmoreland County.

Golock joined a JTPA job-search club in October 1984 shortly after he lost his laborer's job with Westinghouse Electric Corp., where he worked for 20 years.

"We spent 35 hours a week in a room with free long-distance telephone service, classified ads from out-of-town newspapers and workshops on how to look for a job. It wasn't much of a program," said the unemployed father of five.

Cheryl Boyd, 31, of Pittsburgh's Uptown District also found nothing but empty promises from JTPA.

A single mother who is working a temporary job to qualify for welfare, Miss Boyd found the Pittsburgh JTPA program "a waste of my time."

"I want on-the-job training. I don't care what it pays because I figure I can work my way up if I get my foot in the door. But the city people just keep saying 'Call back.' They seem terribly overworked," she said.

John Ezell, 21, of Oakland just got a job in Florida a few weeks ago—but not through the JTPA-funded electronics school he attended last year. It packed up and left town before delivering its promised job-placement assistance to trainees.

Miss Boyd, Golock and Ezell are among an estimated 2.5 million economically disadvantaged Pennsylvanians and 184,000 workers in the state idled by factory layoffs.

JTPA served 40,071 needy Pennsylvanians and 10,276 dislocated workers in 1984–85. Of those trainees, 17,136 poor people and 3,152 dislocated workers found jobs.

Yet, Pennsylvania failed to spend nearly $56 million in JTPA funds it received last year.

Nationally, federal labor officials said states never used $756.5 million in JTPA funds for the economically disadvantaged and $343.5 million for dislocated workers.

When Congress saw those figures last fall, it slashed appropriations for the dislocated workers program by 69.2 percent.

Pennsylvania reaped a bitter harvest for not spending 62.9 percent of its $21.7 million dislocated workers appropriation within the federal time limit—the state's 1986–87 funds were cut in half.

"The spending figures were distorted by the federal government for its own purposes. All our money was allocated for dislocated workers programs in 1984–85, but might not have been spent until the new program year began," said state JTPA director Mike Acker.

"We're saying the systems are too slow and the money is therefore unnecessary," countered U.S. Department of Labor budget officer Jack Rapport.

"There's some truth to both sides," observed Robert Knight, executive director of the National Association of Private Industry Councils, the groups of business and community leaders who guide local JTPA spending.

"The feds ignore the very large lag time" before allocated funds actually are spent, Knight said. "But the expenditure rate didn't go near what it should to sustain a quarter-billion-dollar-a-year program."

LITTLE PUBLICITY

Many times, dislocated workers and the poor never hear about JTPA.

Only this year has Pennsylvania begun a marketing program to reach them. For almost two years, state officials never put notices about JTPA in the envelopes containing unemployment or welfare checks.

Edward Pepper, 21, of North Braddock wishes he had known about JTPA before he spent $2,000 on tuition for a truck-driving school—which could have been covered by the program had he been enrolled.

He entered JTPA last year after quitting a job with a trucking firm that took $1,200 a month from his pay to cover leasing the vehicle.

"I was getting only about $400 a month for myself after the fee. I got in the hole real fast. Now I've got a student loan to pay and I'm still waiting for JTPA to help me find a job," said Pepper.

Often the needy can't get into JTPA programs because of its strict income eligibility requirements.

Renee Lagrotteria, 21, of Penn Hills is considered ineligible even though she, her husband and child live on only $100 a week.

"I wanted to get some training in the medical field, but they told me I was ineligible because we live with my husband's parents," she said. "They told me to move out. But we can't afford a place on our own."

Dislocated workers don't confront income eligibility standards.

But they, like the needy, often face a no-win situation when they try to avail themselves of training.

They cannot afford full-time instruction in a classroom on the $3 or $9 a day, depending on their need, they get from JTPA.

"This program does not work for people with no income," said Charles Kisner, 44 of North Versailles, who lost his 15-year steel job in 1983.

"I was in a school for a few months, but I quit. The $3 a day didn't even pay my bus fare. I've got a mortgage payment, a wife and two kids and I'm trying to make a go of things on $131 a month in food stamps and working as a bartender for $3.62 an hour 26 hours a week, Kisner said.

Even if they do stay in full-time classroom instruction, many JTPA trainees emerge no better off.

Studies have found JTPA nationally consists largely of short-term, low-cost training programs. It is "an efficient personnel office for businesses," consultant Gary Walker told Congress last May.

The Labor Department, in the Feb. 3 Federal Register, acknowledged that experts "expressed concern that the adult standards were too stringent and that as a result programs would be forced to avoid serving the hard to serve."

"I wanted to get into robotics but they told me I was too old," said Regis Wirkowski, 45, of Etna.

"One guy told me that schools want people who stand to work for 20 years in that field. They told me they'd call me if they thought there was some other kind of training program, but they never did," said Wirkowski, whose family of five children survive on welfare.

Some people like Joseph and Phyllis Brentzel of Westmoreland County, got real help from JTPA.

When Brentzel, 39, of North Huntingdon lost his job as a machinist in November 1984 after 15 years at Westinghouse, he and his 36-year-old wife in March of last year entered JTPA program that taught them how to write resumes and copy letters.

By June, Brentzel found one part-time and a full-time job. And Mr. Brentzel now works as a JTPA counselor in Uniontown.

But William Tomko of West Millin is more typical of JTPA's service.

A 32-year-old ex-steelworker Tomko last year made a 62-mile-round-trip trek to a robotics school five days a week after Allegheny County's JTPA program agreed to pay his tuition.

He has a diploma, but no job to support his wife and three children. "This program helped me get knowledge" said Tomko, "but the JTPA people aren't much help in lining up a job. I've gone on one interview through them and 12 on my own."

When Tom Nestor lost his job with U.S. Steel in September 1983, he hoped the county JTPA program would help him secure a job that would earn him enough money to support his wife and three children.

Instead of help, the 29-year-old Sheraden man found "a game."

"They give you directories of companies and have you call vice presidents to get around the personnel office, but all that happens is you get transferred to the personnel office anyway," said Nestor.

"It's frustrating," he said. "The federal government gives out a bunch of bucks to get us working and the only people who seem to have jobs are these bureaucrats who run these programs. They think nothing of sending you $3-an-hour jobs."

Pennsylvanians who have secured employment through JTPA got jobs that paid an average $4.71 an hour—slightly higher than the national JTPA average wage of $4.61 and well above the federal mimimum wage of $3.35.

In alalyzing 11,544 of the 15,293 jobs obtained by trainees in 1984–85 programs for the disadvantaged, the state found most placements occurred in precision production, paying an average $5.23 an hour. The 2,339 jobs in this field represented 20 percent of all JTPA-filled jobs.

The next-highest number of jobs were in administrative support, mainly secretaries and clerical positions. The 2,147 jobs obtained by trainees represented 18.4 percent of all placements and paid an average $4.71 an hour.

Jobs like fast-food work and janitorial help accounted for the third-highest number of placements—17.9 percent—and paid an average $3.86 an hour.

Six JTPA programs—covering Pittsburgh, Philadelphia, Harrisburg, the Johnstown-Altoona area. Lackawanna County and Washington and Green counties—recorded the highest percentage of placements in service occupations.

Average wages in those jobs were less than $3.90 an hour.

"I have no problem with the average wages being paid in those jobs, especially when you consider many of the people never worked steadily before," state JTPA director Acker said.

But many unemployed people like Tom, 42, of Monroeville, do have a problem with the wages JTPA-filled jobs offer.

Tom is a dislocated steelworker who doesn't want his full name published because his 15-year-old son, one of two children, "is embarrassed enough to be going to school with kids who can afford a lot more than I can give him."

In 1984, Tom was laid off from his laborer's post at Westinghouse after 17 years on the job. Tom and his family are living with his father because their only income is $200 a month in food stamps.

Forced to quit a training program because he could not live on the $3 a day he received for full-time classroom instruction, Tom has been offered jobs by JTPA. But he has turned them down because they pay $5 an hour—half his old pay.

"They wanted me to go to Carnegie for a forklift job. Getting out there would run me $25 a week for gas. The job didn't pay any benefits and it meant I'd be taking home $150 a week. How am I supposed to pay for my car insurance, medical insurance and everything else?"

Critics and supporters of JTPA agree that no one can expect any public employment program to place people in jobs that pay what trainees think is an acceptable wage.

But many experts say no one knows enough about the jobs trainees are getting through JTPA.

"Although the data indicate over 9,600 youth and adults were placed in employment, very little is known about the quality of placements," said a report in March of last year by the Michigan Legislative Audit Bureau of that state's program—one of 10 most-heavily funded in the country.

Until recently, the U.S. Labor Department has bent to White House staffers who oppose monitoring how long JTPA jobs last because they felt it was too costly.

But groups like the AFL-CIO and the National Alliance of Businessmen say the information is needed badly.

They echoed the remarks made to The Pittsburgh Press by Robert Knight, executive director of the National Association of Private Industry Councils.

"If you can't address job retention," he said, "you can't do a lot to justify this program from either the perspective of the employer or the perspective of public investment."

Federal labor officials are now developing a monitoring system—but they still won't define placements.

That issue is raising concerns abour fraud and other abuse in JTPA nationally while audits raise allegations of mismanagement in Western Pennsylvania.

[From the Pittsburgh Press, Apr. 14, 1986]

PROGRAM DESIGNED TO AVOID REPEAT OF CETA SCANDALS

(By Paul Maryniak)

For two days in January 1979 close to 50 people filed through Common Pleas Court to receive their punishment for pleading guilty to charges in the Allegheny County Manpower scandal.

That scandal—one of the most notorious public corruption cases in recent Pittsburgh history—cost taxpayers at least $300,000 in training funds lost through fraud.

Prosecutors said they could not account for as much as $3 million they said was squandered through mismanagement.

Scandals like the Manpower case were common across the nation when the Comprehensive Employment and Training Act was the primary federal effort to help train the unemployed. It was replaced by the Job Training Partnership Act in 1983.

No one knows how much of the $60 billion in CETA funds appropriated nationally between 1973 and 1983 was squandered or simply stolen.

But even the most conservative government reports say hundreds of millions of dollars annually were lost because of inadequate financial controls and lax management.

In the Manpower case, for example, convicted administrator Robert Hawkins and other aides used phony names of participants to siphon thousands of dollars in funds that were supposed to help poor people stay in school. Hawkins recently completed a six-year prison term.

Two years ago, federal prosecutors in Pittsburgh convicted two administrators of a CETA-funded job training program in McKeesport of embezzling more than $200,000. They used the money to buy fancy cars and jewelry and to throw lush parties for their friends.

To eliminate abuse—and reduce the red tape that engulfed the U.S. Labor Department's job training administration—JTPA shifted oversight and planning for the program from Washington to the states.

But the red tape that swamped federal officials under CETA now swamps the states, according to two separate consultant studies performed for the federal government, in the past two years.

Those studies also suggest JTPA administrators, anxious to avoid CETA's bad image, are focusing on programs that serve only those who need short-term training.

Yet, no study suggests that CETA was any more successful in accomplished the federal mission of providing the unemployed with skills.

Diane, a Penn Hills single mother of two, is so embarrassed about being on welfare she requested anonymity.

A 24-year-old woman, she is a veteran of federal jobs programs.

In the hope of securing full-time employment six years ago, she enrolled in CETA.

"All I got in three years was three government jobs. They each lasted 1,000 hours. I couldn't understand why none of them turned into fulltime jobs. All my employers said I was a good worker," she said.

Two years ago, Diane enrolled in Allegheny County's JTPA program.

Since then, she has been sent on three interviews. Each time, she said the prospective employer had not been told she was coming.

"The biggest difference between CETA and JTPA was at least I had a job for a while under CETA," she said.

Actually the biggest difference between CETA and JTPA is money.

Total funds provided for JTPA today are only a third of the $9.53 billion that went to CETA during the high point in its funding in 1978.

More than half of CETA's funds went to local governments to create jobs that theoretically were to lead to full-time employment.

But the Reagan Administration felt that public-service employment was nothing more than a subsidy for state and local governments that gave people dead-end jobs.

JTPA eliminated public-service employment.

It also drastically limited stipends for training—generally averaging $90 every two weeks under CETA—that gave people an income while they were in full-time classroom instruction.

Those limits to Allegheny County and Pittsburgh translate into $3 or $9 a day, depending on need.

The U.S. General Accounting Office last November said another local JTPA program in Pennsylvania, which it did not identify, provided no support to trainees with a monthly income greater than $87.

Officials say the lack of financial support particularly hurts workers who have lost jobs through plant shutdowns and need to develop new skills. Unlike people in programs for the economically disadvantaged, dislocated workers often can't qualify for welfare.

Bernard Powers, director of the Allegheny County Federal Programs Department, said insufficient support for full-time classroom trainees forces dislocated workers "to make sacrifices at a time when they have already lost so much.

I'm not in favor of government giveaways," Powers said. "But many people leave us because they can't afford to be trained."

Mr. HEINZ. Mr. President, this is an issue for my colleagues to consider very carefully. I know of few States which do not have large pockets of unemployment, and as we have seen in recent months a boom can turn into a bust very quickly. I ask unanimous consent that the bill and a section-by-section analysis of its contents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dislocated Workers Assistance Amendments Act".

SEC. 2. Section 3(c) of the Job Training Partnership Act (hereinafter in this Act referred to as the "Act") is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) There are authorized to be appropriated $10,000,000 for fiscal year 1987 and for each succeeding fiscal year to carry out section 309.".

SEC. 3. (a) Title III of the Act is amended by adding at the end thereof the following new sections:

"REMEDIAL EDUCATION PROGRAM

"SEC. 309. (a) Upon application by a State for a grant under this section, the Secretary shall make grants to each State in each fiscal year in an amount not to exceed the State's allotment under subsection (b) for remedial education programs for displaced workers assisted under this title.

"(b)(1) From the amount for each fiscal year appropriated pursuant to section 3(c) of this Act, the Secretary shall allot to each State an amount which bears the same ratio to the amount appropriated in each fiscal year as the population of the State bears to the population of all States.

"(2) The Secretary may reallot to other States the allotments described under paragraph (1) whenever the Secretary determines that a State has not requested or will not need the assistance authorized by this section.

"STATE REPORTING REQUIREMENTS; TECHNICAL ASSISTANCE

"SEC. 310. No later than October 1 of each year, each State administering programs pursuant to this title shall submit a report to the Secretary of the activities of such programs performed in the preceding fiscal year which shall include—

"(1) a summary of the activities such State engaged in pursuant to section 303;

"(2) the relative amount of resources and funds which were used for each such activity from the available resources and funds for all such activities; and

"(3) recommendations and procedures to provide for a more equitable use of funds for vocational skills training.

"(b) The Secretary shall, upon application by a State, furnish technical assistance to that State in the implementation of the employment and training assistance program authorized by this title, designed to assure a more successful placement record for dislocated workers.".

(b) Section 303 of the Act is amended by adding at the end thereof the following new subsection:

"(c) Financial assistance under this title from allocations made under section 301 may not be used for remedial education.".

(c) The table of contents of the Act is amended by adding after item "Sec. 308." the following:

"Sec. 309. Remedial education program.
"Sec. 310. State reporting requirements; technical assistance.".

SECTION-BY-SECTION ANALYSIS, "DISLOCATED WORKERS ASSISTANCE AMENDMENTS ACT"

Section 1. Remedial education program:

Section 1 gives remedial education a priority in JTPA. States may apply to the Department of Labor for remedial education grants, which are to be used for education and skills training for displaced workers. $10 million is authorized to be apportioned to each State on the basis of the number of certified title III trainees in the State.

Remedial education is removed from the service mix within the Title III program. The grant program is a separate activity, to be coordinated with the displaced worker program.

Section 2. State reporting requirements and technical assistance:

Section 2 requires the states to provide the Department of Labor with an annual report detailing the services provided to displaced workers. The state must also include recommendations for improvements in vocational training.

The Department of Labor must provide technical assistance in developing job training programs to any state which requests such assistance.

Mr. HEINZ. Mr. President, over 2 million displaced workers remain unemployed. Those who found new jobs are employed part time or have taken substantial pay cuts and many remain at risk of becoming unemployed again. According to OTA, job skills training is the best way to reemploy these workers. Unfortunately, OTA also found that the funding level for an effective Skills Training Program should be $2,000 per enrollee. JTPA seldom provides over $500 per enrollee—when training is provided at all.

Mr. President, I hope I have made my point very clear. The displaced workers need training. They need remedial education; $175 million is not going to provide it. My colleagues must understand that I am prepared to defend JTPA, and will do so later in the year.

By Mr. BENTSEN (for himself and Mr. WALLOP):

S. 2375. A bill to disapprove of certain deferrals of Strategic Petroleum Reserve budget authority, to authorize additional appropriations with respect to the Strategic Petroleum Reserve, and to increase oil import fees; to the Committee on Finance.

DISAPPROVAL OF DEFERRAL OF CERTAIN STRATEGIC PETROLEUM RESERVE BUDGET AUTHORITY

Mr. BENTSEN. Mr. President, the oil crisis of 1973 was a searing national event. For the first time in our Nation's peacetime history, a vital raw material was manipulated by foreign producers. And we remember the results all too well: shortages, gasoline lines that stretched around the block, odd-even license plates systems to control fuel use, and massive energy conservation and fuel switching investments that diverted billions of dollars from productive investments.

It took our Nation several years to piece together an effective response. But once we began, a broad national energy policy consensus emerged. It had many components, including energy conservation, mandatory fuel economy standards, the use of coal in place of oil, and many others. All of these steps were taken with one simple objective in mind: To reduce our Nation's reliance on imported oil. And the policy worked. Net oil imports in the peak import year of 1977 reached 8.6 million barrels or 47 percent of total U.S. consumption. By last year, net imports had dwindled to a bare 27 percent of oil use, a dramatic improvement.

A key part of that successful oil policy was establishment of an insurance policy, a strategic petroleum reserve, or SPR. The concept underlying SPR is simple: Our national security is greatly enhanced if this Nation has the ability to be energy independent—to be free of reliance on imported oil—for a limited period of time. The SPR will discourage a repeat of the 1973 embargo when our foreign policy was held hostage to foreign oil. And the larger SPR is, the greater is the deterrent to another embargo. The SPR will give oil producers—be they Iran or Libya or elsewhere—fair warning that oil embargos will not bring the United States to her knees. We will have the will and the means to retain a stout national defense and steady foreign policy.

These high-sounding words were backed by deeds. In 1977, we established a target of a SPR containing 750 million barrels of oil. With net oil imports of 8.5 million barrels per day in 1977, that was enough oil to replace imports for 90 days.

ADMINISTRATION POLICY TOWARD SPR

Progress on meeting the 750 million barrel target has been slow but steady. The Department of Energy estimates, for example, that SPR will contain 502 million barrels or two-thirds of the target by the end of this coming May. The administration in past years has not always worked eagerly to meet the congressional target. This foot-dragging came to a head in January when the administration proposed to freeze SPR at 502 million barrels. It requested no funding for fiscal year 1987 designed to move us closer toward our original target. Indeed, the administration is sitting on some $578 million in deferred congressionally appropriated funds from past years for the purchase of additional crude oil for SPR. And it was deferred an additional $41 million in congressional appropriations targeted to expand SPR capacity beyond the current 519 million barrels. Last week, it released another $157 million in deferred funds under threat of a GAO lawsuit.

The administration is failing to meet the congressional oil reserve target. It says our reserves are high enough. They are wrong. Here is what they say. Last year, net oil imports were 4.3 million barrels a day, exactly one-half the 1977 level. The administration argues that this lower import level translates into more insurance today compared to 1977 with less oil reserves. And indeed, the current 500 million barrel SPR will replace net oil imports for 116 days if oil imports remain at 1985 levels. The administration believes we can get more for less. But I was always taught that you rarely, if ever, get more for less. If the deal looks Too good to be true, that's probably what it is: Too good to be true.

And here is the catch: The administration's policy on SPR assumes that oil producers and consumers will ignore the recent freefall in oil prices to $10 or $11 per barrel and that U.S. oil imports will not rise. The administration's oil reserve policy assumes our Nation will act in the future like oil is still $29 a barrel.

Twenty-nine dollars per barrel is what oil prices have averaged since 1977. That is why U.S. oil production has risen since 1977. That is why U.S. crude oil reserves are higher today than they have been in a number of years. That is why U.S. oil consumption was lower last year than in 1977. And that is largely why foreign oil imports have dropped since then by half. But we all know oil prices can only go one way in the future. And we need an oil reserve policy designed for that future.

The administration's oil reserve policy is designed for the past. The ad-

ministration hopes we will close our eyes and ears to the lightening and thunder rumbling across the world as oil prices have dropped by over 60 percent in recent months. It hopes we will turn our backs on economics and the market. It hopes America will not increase oil use at the lower prices. And it hopes the oil patch will maintain production and exploration despite the free-fall in oil prices.

Well, that is all too good to be true. The manipulated reduction in oil prices by the Organization of Petroleum Exporting Countries [OPEC] since November has left the administration's oil reserve policy in shambles. If a SPR of 500 million barrels was adequate at 1985 prices, it sure isn't adequate at today's prices. And it will be markedly inadequate tomorrow.

OIL SUPPLY AND DEMAND OUTLOOK

Oil prices are set by OPEC. And OPEC wants lower prices to drive out non-OPEC production in areas like Texas and the North Sea. OPEC has shown a willingness to drive the price down and keep it down until its policy succeeds. And Norway's recently announced cut in her North Sea oil exploration budget shows that it may well succeed.

The collapse in oil prices engineered by OPEC is cutting like a raging brushfire throughout the oil patch. Oil company after oil company has announced dramatic reduction in investment and exploration. Reductions already announced will cut energy industry investment by over $11 billion this year, or 24 percent. Compared to its 1981 peak, energy industry investment will be down $49 billion, or 60 percent this year. Declining investment by energy firms will drag all investment down this year. As a result, total U.S. business investment is now projected to be flat this year and to decline at least 5 percent in 1987.

Oil industry employment is off sharply, as well. Some 33,000 jobs have been lost in the Texas drilling industry alone. And each oil industry job supports as many as five other jobs. These ripple effects of lower oil prices are cutting across the oil patch, reaching into many areas of my State of Texas, the West, and Southwest. The unemployment rate for Texas in March was up 1.7 percentage points over January's rate. And if oil prices rebound to hover even at $15 per barrel, my State will still lose up to 250,000 jobs in the next 3 years, and $30 billion in lost incomes.

We have heard a great deal about falling farmland values. But they have been matched or exceeded by the fall in value of oil and gas assets in recent months. Indeed, Standard & Poors has downgraded the credit ratings of six of Texas' biggest banks. Thirty-four banks failed last year in the Southwestern energy-producing States. More will follow this year. And one of Texas' largest S&L's is being reorganized because our weak domestic energy sector has pulled the rug from beneath the real estate market.

My State of Texas will fight back. But our Nation will not recover so easily. As I said earlier, we imported 27 percent of our oil last year—a dramatic improvement over the dangerous years in the late seventies when oil imports rose to 47 percent. With over 7 of every 10 barrels of oil coming from our own wells last year, we enjoyed energy security.

But we are losing that security daily now as oil prices drop. Oil drilling and exploration has ground to a near halt. Rigs are being stacked all across this Nation. Atlantic Richfield is shutting down over half its drilling rigs in Alaska as prices plunge. A startling low 865 rotary rigs are now in operation, the lowest level since the desperately dark days of the fifties when production far outstripped reserves. Virtually every oil company is in the midst of gutting oil exploration budgets and laying off field engineers and seismic crews. Cuts of up to 50 percent have been made by firms like Amoco, Phillips, and Atlantic Richfield. And the decline will continue, eroding our oil reserve base for years to come.

Data Resources has just predicted that domestic crude oil reserves will plunge 20 percent to 23 billion barrels over the next 4 years—the largest drop in our history.

Alaskan oil production will now peak next year. By 1991, its production will be down by half. Most vulnerable, however, are small so-called stripper wells—wells producing up to 10 barrels daily. We have some 452,000 of these wells. And they have been providing a crucial margin to oil supplies for years. Many strippers are isolated and expensive to maintain. But they will be able to produce for many years more if prices rebound. At present prices, however, they are being closed by the thousands. Phillips Petroleum, for example, is arbitrarily shutting down low volume strippers when maintenance becomes necessary. Expensive oil produced from wells with enhanced recovery techniques in California will be closed too, along with some Alaskan production. The loss of stripper production is the most serious. The Interstate Compact Commission has estimated that 40.8 percent of our stripper wells will be abandoned as uneconomical if oil stays at $10 per barrel. That would mean 184,000 wells being closed and the loss of 638,000 barrels of production.

A good number of these wells will need to be cemented shut to comply with State and Federal environmental laws, their production lost essentially forever. That's why firms like Atlantic Richfield and Union Oil Company are projecting a 1 million barrels decline in overall U.S. oil production this year.

All of that oil must be replaced with imports. In January and February, production was down 40,000 barrels per day. By March, the loss had accelerated to 75,000 barrels per day in less production than in 1985. As prices fall, oil imports will surge with rising demand, as well. The collapse of energy prices has left the administration without an energy policy. Indeed, it seems bent on encouraging consumption, not conservation. It has urged a roll back of the auto fuel economy standards which played a pivotal role in limiting the recent growth of domestic gasoline consumption. As a result, Conoco is projecting a 10 to 15 percent jump in driving this year. Moreover, the administration is seeking to throw out standards to conserve energy in Federal offices which capped temperatures at 68 degrees in winter and held them no lower than 76 degrees in summer.

Falling oil prices are also causing major industrial users to increasingly switch back to oil from coal and gas. Firms announcing major switches include Boeing, Southwest Forest Products, Grumman, LTV Corporation, and Goodyear. Overall since February, U.S. oil demand is up 5 percent, paced by jet fuel and gasoline. And we are using 800,000 barrels per day more thus far in 1986 compared to 1985.

RISING OIL IMPORTS AND DECLINING ENERGY SECURITY

Declining oil production and more consumption means greater imports. It means an erosion of reliable energy supplies and a deterioration in national security. Indeed, the drop in oil prices will dramatically heighten our Nation's oil vulnerability. The drop in production means higher oil imports. The rise in consumption means higher oil imports. Already this year, oil imports are up 18 percent or 750,000 barrels a day. And those higher oil imports will increasingly come from OPEC sources. Moreover, the longer oil prices remain at present levels, the greater will be the loss of production and the increase in foreign oil imports.

I asked the Library of Congress to examine the impact of lower oil prices on oil import levels. Their report was finished March 24, 1986, and contains the most comprehensive evaluation thus far of the looming threat to energy security posed by the OPEC manipulation of oil prices. The study is entitled, "Oil Price Decreases: Illustrative Effects on U.S. Oil Use, Production, and Imports."

The report doesn't pull punches. It shows that domestic oil production will decline nearly 30 percent to 7.5 million barrels a day in 1989 if prices stay around $10 per barrel. If prices rally to $15 per barrel, production will decline 20 percent, to 8.6 million barrels per day. Consumption was found to rise dramatically at today's low

prices, as well. If prices stay at $10 per barrel, domestic oil use will jump a third by 1989 to 20.3 million barrels a day. At $15 per barrel, it will rise about 20 percent to 18.6 million barrels daily.

Both these trends will see imports shooting sky high very soon. At $10 per barrel, oil imports will surge 150 percent to 12.8 million barrels by 1989 from 5.1 million barrels in 1985. We export over half a million barrels daily. So net oil imports in 1989 are projected in this Library of Congress study to reach 12.3 million barrels at a price of $10 per barrel. At a price of $15 per barrel, net imports will jump to 9.5 million barrels, still up 125 percent from net oil imports in 1985.

Surprised? You shouldn't be. American consumers and producers are economically savvy; they react rationally to changing prices. And, their behavior will sharply erode the national energy insurance policy embodied in the SPR.

As the attached table shows, a 500 million barrel SPR will provide a 116-day reserve if net oil imports remain at the 1985 level. We will very likely never see oil imports that low again in our lifetime. At the lower oil prices now prevailing, the surge in imports has already dramatically eroded the reserve cushion of that 500 million barrels. Indeed, as the attached table shows, the 116-day cushion in 1985 will shrink sharply this year and into the future.

Since oil imports will increase faster if oil is at $10 per barrel, the reserve in SPR shrinks more quickly at $10 per barrel than if prices rebound to $15 per barrel. In either case, the insurance value of the SPR reserve will fall drastically in the immediate future as oil imports jump. This year alone, the insurance value of the SPR reserve will be eroded by half if oil holds around $10 per barrel. And the insurance value will drop a sharp 34 percent if oil rises to $15 per barrel. In other words, during 1986 alone, as much as one-half of the insurance value of SPR will be eroded by rising imports. And by 1989, SPR's insurance value will be worth considerably less than half its 1985 value. Indeed, it could well have less than half its targeted value of providing a 90-day oil reserve for our Nation. If oil remains at $10 per barrel, it will contain oil for a bare 41 days.

STRATEGIC PETROLEUM RESERVE INSURANCE DAYS

Year	Import replacement days available in the strategic petroleum reserve	
	$10 per barrel	$15 per barrel
1985	116	116
1986	58	77
1987	55	67
1988	47	60
1989	41	53

OUR OIL INSURANCE POLICY IN DISARRAY

The administration has been accused of having no energy policy. Based on administration inaction on SPR and retreat on energy conservation, those accusations are on target.

But it looks to me as though it has a confused national security policy as well. Sitting on its hands while our Nation's energy insurance policy erodes is imperiling our national security. It is setting the Nation up for energy blackmail again just as we were challenged in 1973.

The administration's oil reserve policy is a nonpolicy. It will result in a dramatic reduction in our Nation's oil security as oil imports continue rising. That policy has three other features which need reform.

First, the policy is actually weakening the domestic energy market, further eroding our energy security. According to DOE, if the SPR expansion to 750 million barrels was put back on track, an additional 100,000 to 200,000 barrels of crude a day could be purchased on domestic oil markets open the next 5 years. Moreover, if production at the naval petroleum reserve at Elk Hills was reduced to conserve it for an emergency, some 75,000 barrels a day of production would be withdrawn from domestic markets. Taken together, those two steps would dramatically enhance our oil security and stabilize the domestic oil market and prices by adding 175,000 barrels a day of new demand this year and 275,000 barrels per day in 1988 and thereafter.

Second, current administration oil reserve policy is to buy dear and sell cheap. The Government has paid an average $29.06 per barrel for the crude now in SPR, but is selling potential reserves from Elk Hills at $8.88 per barrel. It makes far more sense for the administration to reverse course and begin buying oil for the reserve now rather than selling it.

Third, the administration has proposed to sell the Elk Hills Naval Petroleum Reserves. And it has continued pumping that field despite the dramatic erosion now occurring in the insurance value of our oil reserves. We shoud be adding to those reserves, not depleting them.

TOWARD A NEW OIL RESERVE POLICY

What should be done? First, the administration must expand SPR. It should accept the congressional mandate that requires a 90- or 120-day reserve of oil. The prospective 60-day reserve we will have at the end of this year and the prospective 41-day reserve we could have by 1989 if oil prices remain at present prices is simply inadequate. And second, the administration should stop pumping oil from the deep reservoirs at Elk Hills Naval Petroleum Reserves pending a full review of prices there and the role Elk Hill reserves should play in our national oil reserve system.

OUTLINE OF LEGISLATION

STRATEGIC PETROLEUM RESERVES

The administration should reverse direction and accept the congressional 750 million barrel target. Moreover, the Department of Energy must promptly undertake studies to identify where an additional 250 million barrels of capacity can be located in the event a 1 billion barrel reserve is needed in the future.

CAPACITY EXPANSION

The Department of Energy plans to have 519 million barrels of SPR capacity on hand by early 1987. It will cost DOE $41 million including $9 million for surface work to raise that capacity to 600 million barrels at the existing Bryan Mound and West Hackberry SPR sites. That money has already been appropriated, but deferred by the administration.

According to DOE, despite the release of $157 million in deferred funds 2 weeks ago, an additional $163 million is needed to raise the SPR capacity by 150 million additional barrels to a total 750 million barrels. That expansion has two components. It would involve opening a new site of 140 million barrel capacity at Big Hill, TX, at a cost of $148 million. This project carries a total cost of $300 million, but $152 million is now being spent by DOE. Second, a new 10 million barrel cavern at the existing Bayou Choctow site near Baton Rouge must be created at a cost of $15 million. This project carries a total cost of $20 million, but $5 million is now being spent by DOE.

The capacity expansion to 750 million should begin immediately. It is a 5-year job at best, and the sooner we begin, the sooner the erosion in our insurance policy can be stemmed. Congress had appropriated $198 million for capacity expansion. But the administration deferred those funds. Under threat of court order, $157 million of those funds were released last week by the administration, leaving $41 million in construction money still deferred. The legislation I am introducing today will reappropriate that $41 million, and authorizes $163 million more to (a) expand SPR capacity to 750 million barrels and (b) to conduct preliminary survey site work for another 250 million barrels of capacity for a total potential SPR of 1 billion barrels.

OIL FILL

In addition, the administration should carry out the congressional mandate to fill SPR to 750 million barrels. By the end of May, 502 million barrels of crude will be in SPR. Some 250 million more barrels are needed to bring the reserve to its target of 750 million barrel capacity. And the administration should begin planning now to make these purchases as new capacity is opened at West Hackberry, Bryan Mound, Big Hill, and Bayou

Choctaw. Congress has already appropriated $578 million for such purchases. But like funding for capacity expansion, the administration has deferred these funds. My legislation will reauthorize that $578 million and authorize an additional $1 billion in fiscal year 1987, 1988, and 1989 to provide funds for the purchase of 250 million more barrels of crude oil for SPR.

I noted earlier that the administration has paid an average of $29.06 for the oil current in SPR. The oil I propose we buy now for SPR will cost considerably less, perhaps only a third as much, a bargain in anyone's book.

STRIPPER WELLS

DOE estimates that the fill capacity of SPR is now 100,000 barrels a day. That fill rate could grow to 200,000 barrels per day in 1988 as the Big Hill site is leeched and filled. The additional crude oil to be purchased under my legislation for SPR should come from domestic stripper wells which would otherwise be capped in today's weak market. Anything we can do to strengthen the demand for oil and especially stripper oil, will help firm up the oil market. In particular, buying stripper crude which would otherwise be lost will keep these vitally important wells on-line, and add to our Nation's oil reserves.

FINANCING SPR

Over $4 billion will be needed to raise our oil reserve to 750 million barrels. With the budget deficit ballooning, I believe these funds should come from an increase in our existing custom's duties on imported crude and oil products. That fee is quite small now, ranging from a nickel (5.25¢) to a dime (10.5¢) a barrel for imported crude, for example. Raising these customs duties to between 21 cents and 42 cents, with proportionate increases on imported oil products as my legislation proposes, will produce $850 million a year according to the U.S. International Trade Commission.

ELK HILLS NAVAL PETROLEUM RESERVE

Far and away the Government's largest natural oil reserve is the Elk Hills field in Kern County, CA. It is one of the three naval petroleum reserve sites, and contains some 700 million barrels of high quality crude reserves. The administration has proposed selling these reserves. I have reservations about the wisdom of that sale. But I am even more concerned about an immediate problem at Elk Hills.

The Government is presently selling about 93,000 barrels a day there at a 30-percent discount from posted prices in the local Kern County market. Currently, these sales of Elk Hills crude average $8.88 per barrel, over $4 per barrel below the $13.28 posted price. The administration and DOE's willingness to accept such low prices when that oil will be far more valuable in the future raises dramatic questions in my mind regarding the administration's management of Elk Hills. We have bought oil at an average $29.06 per barrel for SPR, yet are selling oil from the Elk Hills reserve at $8.88 per barrel. That is an energy policy of buy high and selling low. And it is an energy policy that needs review. Specifically, 80 percent of the Government's 93,000 barrel per day share of Elk Hill's production is from deep wells. And it may well be that some or all that production can be shut in without harming reservoir integrity, and kept as part of our national oil reserve. I question the wisdom of depleting oil from a national reserve at $8.88 a barrel when it would be worth two or three times that as part of our national oil reserve when OPEC jacks prices up again in the future.

I am concerned with more than the price we are receiving from Elk Hills. We are selling crude from there when it could conceivably be retained as part of our strategic petroleum reserve. The Department of Energy contends that Elk Hills is on the west coast while we need reserves stored in the gulf coast. Yet in a prolonged energy crisis, Elk Hills production could well be valuable either in swap arrangements or even transhipped to the gulf cost. Moreover, North Slope production will begin to decline after next year. And Elk Hills production could partially replace that lost oil production in a crisis.

There are more questions than answers right now involving Elk Hills. And my legislation calls for a pause in the production of its deep wells for 6 months while Congress and the administration examine all aspects of this national asset in light of our need for expanded crude oil reserves. This pause in production will affect only that portion of Elk Hills output which can be shut in temporarily without harming reservoir integrity. Moreover, this pause will not affect that small portion of the Elk Hills output which is owned by Chevron. My legislation will permit Chevron to continue taking its share of production from Elk Hills at up to the actual levels of production it received in 1985.

Mr. President, I ask unanimous consent that a factsheet on this legislation be printed in the RECORD.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

FACT SHEET: ENERGY SECURITY ACT: ELK HILLS

Review of Elk Hills Naval Petroleum Reserve: Elk Hills is by far the nation's largest Naval Petroleum Reserve. Yet, its high quality crude is currently being sold rather than preserved as part of the United States oil reserve. Moreover, the crude is being sold at $8.88 per barrel, some 30 percent below the prevailing price for similar crude from nearby oil fields. This Act mandates a six-month pause in sales from the deep wells at Elk Hills pending review of pricing practices there. That freeze will preserve 75,000 barrels per day in our nation's Reserves. In combination with expansion of the Strategic Petroleum Reserve, this will boost demand for domestic oil production by 175,000 barrels daily.

STRATEGIC PETROLEUM RESERVE

I. Capacity Expansion:

Target Capacity Called for by Energy Security Act: 750 million barrels.

Current Administration Target: 502 million barrels.

Additional Capacity and Cost (Department of Energy Data): Expansion of Storage Capacity to 750 million barrels will require additional reserves at Bryan Mound, West Hackberry, Bayou Choctaw, and Big Hill salt caverns.

Under threat of court suit, the Administration released $157 million for this expansion in mid-April. An additional $204 million is needed, of which $41 million has been appropriated, but deferred by the Administration. This Act reappropriates those funds and authorizes the balance for FY 1987. These funds will also permit a preliminary survey to be initiated to assess where capacity exists to raise total reserves to one billion barrels, if needed.

II. Crude Oil Purchase: Crude oil to complete the 750 million capacity reserve could cost an estimated $3.5 billion over the next five years. $578 million of these funds has been appropriated, but deferred by the Administration. The Act reappropriates those funds and authorizes the additional $3 billion needed for this bill.

III. Stripper Priority for Reserve Oil Purchases: Falling oil prices have jeopardized high-cost stripper well production. In some cases, these vulnerable wells have already been capped. And many other wells face eminent closure, prematurely ending their useful lives, as routine maintenance comes due. The Interstate Oil Compact Commission has estimated that as many as 184,000 of our 452,000 stripper wells will be closed this year. This Act requires the Secretary of Energy to purchase crude for the further expansion of the Strategic Petroleum Reserve to the maximum extent possible from imperiled stripper wells in danger of being capped.

IV. Strategic Petroleum Reserve Insurance Values:

Original Reserve Insurance Target: 750 million barrels or 90 days replacement of imports at the 1977 rate of importation.

Current Administration Reserve Target: $500 million barrels or 116 days replacement of imports at the 1985 rate of importation.

Future Insurance Reserve: The present 500 million capacity oil reserve provided insurance for 116 days of imports in 1985. Oil imports are up 18 percent thus far in 1986, eroding the reserve coverage to 100 days. By year-end, it will be worth as little as 60 days, barely two-thirds the initial Congressional target of 90 days. This Act will boost the Strategic Petroleum Reserve's insurance values by 50 percent as quickly as possible.

STRATEGIC PETROLEUM RESERVE INSURANCE DAYS

Year	Import replacement days available in the strategic petroleum reserve	
	$10 per barrel	$15 per barrel
1985	116	
1986	58	77
1987	55	67
1988	47	60

STRATEGIC PETROLEUM RESERVE INSURANCE DAYS—Continued

Year	Import replacement days available in the strategic petroleum reserve	
	$10 per barrel	$15 per barrel
1989	41	53

Source: Library of Congress, Congressional Research Service.

V. Funding for Reserve Expansion: To provide the funds appropriated and authorized by this Act, the Energy Security Act increases the current customs duty on crude oil imports and oil product imports by $850 million annually beginning next January. The across-the-board increase is proportionate. For example, the current fee on imported crude of 5¢ to 10¢ per barrel will rise to a range of 21¢ to 42¢ per barrel.

By Mr. THURMOND (by request):

S. 2376. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1987 and for other purposes; to the Committee on the Judiciary.

DEPARTMENT OF JUSTICE APPROPRIATION AUTHORIZATION

Mr. THURMOND. Mr. President, at the request of the administration, today I am introducing a bill authorizing certain activities of, and appropriations for, the Department of Justice.

As it has for the last 3 years, the Department has recommended legislation to authorize appropriations for the approaching fiscal year and to permanently include in the United States Code various authorities which historically have been part of the annual authorization bill.

Mr. President, Senator BIDEN and I have agreed with the Department that certain authorizations, such as those relating to the purchase of vehicles and firearms, should be made permanent in order to eliminate the disruptive effects of their needless inclusion in the annual authorization process. Although the Judiciary Committee reported, and the Senate approved, authorization bills in 1984 and 1985 which included these permanent authorizations, the House unfortunately did not consider those bills. In fact, Congress has not enacted a Department of Justice authorization bill for the last 7 fiscal years. I am hopeful that this year Congress will break this disappointing practice.

Mr. President, the principal features of the Department of Justice's proposed appropriation authorization request includes increases to be used: To construct additional facilities to ease the overcrowding the Federal Prison System; to continue the efforts of the Drug Enforcement Administration and the Federal Bureau of Investigation; to update and modernize information management capabilities; and, to defend claims against the Federal Government. Decreases are recommended in administration costs, several criminal justice system grants, and travel, meal and lodging costs incurred by State and local officials training at Department of Justice facilities. Other decreases are recommended in programs where the workload has declined or an alternative source of funding is available. Further the administration proposes to terminate five programs that were funded in 1986. These are: The President's Commission on Organized Crime, the Juvenile Justice Grant Program, the Drug Enforcement Administration's State Drug Division Grant Program, the Regional Information Sharing System Grant Program, and the State Justice Institute.

Mr. President, I ask unanimous consent that a copy of the bill which I am introducing, the letter of transmittal from the Department of Justice, and section-by-section anaylsis of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Justice Appropriation Authorization Act, Fiscal Year 1987."

TITLE I—1987 FISCAL YEAR AUTHORIZATION

SEC. 2. There are authorized to be appropriated for the fiscal year ending September 30, 1987, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following sums:

(1) For General Administration: $73,708,000;

(2) For the United States Parole Commission $10,420,000;

(3) For General Legal Activities, $584,099,000; which shall include

(A) not to exceed $50,000 which may be transferred from the "Alien Property Funds, World War II," for the general administrative expenses of alien property activities;

(B) not to exceed $20,000 for unusual expenses necessary in the collection of evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General or Deputy Attorney General; and

(C) not to exceed $6,000,000 of those funds appropriated for litigation-support contracts, which amount shall remain available until September 30, 1988;

(4) For the Foreign Claims Settlement Commission: $596,000;

(5) For the Antitrust Division: $50,009,000;

(6) For the United States Marshals Service: $176,759,000; which shall include not to exceed $1,350,000 for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites.

(7) For the Oversight of Bankruptcy Cases: $11,663,000

(8) For the Support of United States Prisoners in non-Federal institutions: $54,180,000; which amounts shall include sums available for reimbursements to appropriate health care providers for the care, diagnosis and treatment of United States prisoners and persons adjudicated in Federal courts as not guilty by reason of insanity, provided that such services shall be provided at rates that, in the aggregate, do not exceed the full cost of these services; and in addition $4,000,000 shall be available until expended under the Cooperative Agreement Program for the purpose of renovating, constructing, and equipping state and local correctional facilities.

(9) For Fees and Expenses of Witnesses: $34,676,000; which shall remain available until expended and which shall include such funds as may be made available under 18 U.S.C. 3525 for restitution or compensation for victims injured by protected witnesses; provided, that restitution of not to exceed $25,000 shall be paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Federal witness protection program, if such crimes were committed prior to October 12, 1984 and within two years after protection was terminated, notwithstanding any limitations contained in part (a) of 18 U.S.C. 3525;

(10) For the Community Relations Service: $32,009,000 of which $24,829,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980, (P.L. 96-422).

(11) For the Federal Bureau of Investigations: $1,278,410,000; which shall include

(A) not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General or Deputy Attorney General;

(B) not to exceed $3,000,000 of those funds appropriated for research relating to investigative activities, which portion shall remain available until expended;

(C) not to exceed $10,000,000 of those funds appropriated for automated data processing and telecommunications and not to exceed $1,000,000 for undercover operations, which amounts shall remain available until September 30, 1988;

(D) not to exceed $15,000,000 of those funds appropriated for the expansion and renovation of the Bureau's New York field office, which amount shall remain available until expended; and

(E) not to exceed $45,000 for official receptions and representation expenses.

(12) For the Drug Enforcement Administration: $411,329,000; which shall include

(A) not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General or the Deputy Attorney General;

(B) not to exceed $1,200,000 of those funds appropriated for research, which amount shall remain available until expended; and

(C) not to exceed $1,700,000, of those funds appropriated for the purchase of evidence and for payments for information, which amount shall remain available until September 30, 1988;

(13) For the Immigration and Naturalization Service: $609,393,000; which shall include

(A) not to exceed $50,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the

Attorney General and to be accounted for solely on the certificate of the Attorney General or the Deputy Attorney General;

(B) not to exceed $400,000 of those funds appropriated for research, which amount shall remain available until expended; and

(C) not to exceed $425 per annum per employee for members of the Border Patrol and not to exceed $300 per annum per employee for Immigration Inspectors of the Immigration and Naturalization Service who are required by regulations or statute to wear a prescribed uniform in the performance of official duties.

(14) For the Federal Prison System, including the National Institute of Corrections: $767,454,000; which shall include

(A) $598,807,000 for Salaries and Expenses;

(B) $9,495,000 of those funds appropriated for carrying out the provisions of sections 4351 through 4353 of Title 18, United States Code, which established a National Institute of Corrections; which amount shall remain available until expended;

(C) $159,152,000 of those funds appropriated for planning, acquisition of sites and construction of new facilities; and for the purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional institutions; and for the payment of United States prisoners for work performed in these activities; which amount shall remain available until expended; and

(D) not to exceed $300 per annum per employee for those employees of the Federal Prisons System who are required by regulation or statute to wear a prescribed uniform in the performance of official duties.

TITLE II—PERMANENT ENABLING LEGISLATION

SEC. 3 (a) Part II of Title 28, United States Code, is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—GENERAL AUTHORIZATIONS—DEPARTMENT OF JUSTICE

"Sec.
"577. General Authorizations
"578. Authorizations and Exemptions Available for Undercover Investigative Operations

"§577. General Authorizations—Department of Justice

"(a) The Attorney General or his designee is authorized to use Department of Justice appropriations to make payments for the conduct of the activities of the Department of Justice. Such payments may include payments for:

"(1) expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses as authorized by law; provided that no witness shall be paid more than one attendance fee for any one calendar day;

"(2) restitution or compensation pursuant to 18 U.S.C. 3525 for victims injured by protected witnesses;

"(3) advances of public moneys under 31 U.S.C. 3324; provided that travel advances to law enforcement personnel engaged in undercover activity shall be deemed public monies within the meaning of 31 U.S.C. 3527;

"(4) planning, acquisition of sites and construction of new law enforcement facilities; and construction, operation, remodeling and repair of buildings and facilities used for law enforcement purposes; and the purchase of necessary equipment and the payment of necessary expenses directly related to the conduct of these activities;

"(5) contracting with private organizations or entities for the safekeeping, care and subsistence of persons held under any legal authority;

"(6) the lease or purchase of passenger motor vehicles; provided that police type vehicles for law enforcement use may be purchased without regard to the general purchase price limitation for the fiscal year during which such a purchase is effected;

"(7) the purchase of firearms and ammunition for use by law enforcement officers and security personnel, and the participation in firearms competitions;

"(8) the purchase, lease, maintenance and operation of aircraft for law enforcement purposes;

"(9) the lease of real property, including space in buildings, without disclosure of the government's involvement; provided that any such lease and the non-disclosure of the government's involvement are necessary for law enforcement or foreign counterintelligence purposes, other than for an undercover investigative operation; provided further that such authority may be exercised only by those law enforcement bureaus listed in 28 U.S.C. 578(a);

"(10) miscellaneous and emergency expenses authorized or approved by either the Attorney General, the Deputy Attorney General, the Associate Attorney General or the Assistant Attorney General for Administration.

"(11) official reception and representation expenses;

"(12) attendance at meetings;

"(13) services of experts and consultants as authorized by 5 U.S.C. 3109;

"(14) services of interpretors and translators who are not citizens of the United States;

"(15) payment of rewards, the purchase of evidence and payment for information in connection with law enforcement;

"(16) the purchase of insurance for motor vehicles, boats and aircraft operated in official government business in foreign countries;

"(17) contracting with individuals for personal services abroad; provided that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management; and

"(18) benefits for employees serving overseas as authorized under section 901(3), (5), (6A), (8), (9), and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081(3), (5), (6A), (8), (9) and 22 U.S.C. 4084), and under the regulations issued by the Secretary of State;

"(b) The Attorney General or his designee is authorized to collect fees from state, local or prviate agencies or members of the public to defray all or part of the costs of any service, including training provided by the Federal Bureau of Investigation, the Drug Enforcement Administration and the National Institute of Corrections, which the Department of Justice may provide to such agencies or individuals. Any fees collected shall be credited to the appropriation accounts used to pay the expenses incurred in providing the service and shall be available in those accounts only to the extent specified in appropriations acts.

"(c)(1) The Attorney General is authorized to accept and utilize, on behalf of the United States, any gift, donation, or bequest of real or personal property for the purpose of aiding or facilitating the work of the Department of Justice, including Federal Prison Industries, Inc. No gift may be accepted:

"(A) that attaches conditions inconsistent with applicable laws or regulations, or

"(B) that is conditioned upon or will require the expenditure of appropriated funds unless such expenditure has been authorized by Act of Congress.

"(2) The Attorney General shall promulgate rules for accepting gifts pursuant to this provision, to ensure, among other things, that no gifts are accepted under circumstances that will create a conflict of interest for the Department of Justice.

"(3) Gifts and bequests of money and the proceeds from sales of property received as gifts or bequests that were not immediately useable by the Department of Justice may be credited to any appropriation or fund and shall remain available until expended, upon order of the Attorney General.

"(4) Gifts, bequests of property, and property acquired from the proceeds credited to appropriations or funds pursuant to subsection (3), and which are no longer required by the Department of Justice for its needs and the discharge of its responsibilities, shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

"(5) Property accepted pursuant to this section and the proceeds credited to appropriations of funds pursuant to subsection (3) shall be used as nearly as practicable in accordance with the terms of the gift or bequest.

"(6) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States."

"(d)(1) The Attorney General or his designee is authorized to use appropriations for the Federal Bureau of Investigation to make payments for the conduct of its activities. Such payments may not be used to pay the compensation of any employee in the competitive service but may include payments for:

"(A) expenses necessary for the detection and prosecution of crimes against the United States;

"(B) protection of the person of the President of the United States and the person of the Attorney General;

"(C) investigations regarding official matters under the control of the Department of Justice and the Department of State, as may be directed by the Attorney General;

"(D) training in the United States and abroad for foreign law enforcement personnel, with the concurrence of the Secretary of State, as a counterpart to similar training programs designed for state and local officers; and

"(E) acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments on related agencies.

"(2) The Federal Bureau of Investigation may establish and collect fees for the processing of noncriminal employment and licensing fingerprint cards. Such fees shall represent the full cost of furnishing the service. The funds collected shall be credited to the Salaries and Expenses, Federal Bureau of Investigation appropriation without regard to 31 U.S.C. 3302(b), and shall be available, only to the extent specified in ap-

propriations acts, until expended, to pay for salaries and other expenses incurred in operating the FBI Identification Division. No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies.

"(e) The Attorney General or his designee is authorized to use appropriations for the Drug Enforcement Administration to make payments for the conduct of its activities. Such payments may include payments for expenses necessary for the detection and prosecution of crimes against the United States where such crimes arise from drug related activities, including but not limited to crimes enumerated in Title 21 of the United States Code.

"(f) The Attorney General or his designee is authorized to use appropriations for the Immigration and Naturalization Service to make payments for the conduct of its activities. Such payments may include payments for:

"(1) distribution of citizenship textbooks to aliens without cost to such aliens;

"(2) allowances to aliens for work performed while held in custody under the immigration laws;

"(3) refunds of maintenance bills, immigration fines and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

"(4) the lease of horses from officers or employees of the Service;

"(5) acquisition of land as sites for enforcement fences, and expenses incident to the construction of such fences; and

"(6) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

"(g) The Attorney General or his designee is authorized to use appropriations for the Bureau of Prisons to make payments for the conduct of its activities. Such payments may include payments for:

"(1) the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions; and for inmate legal services within the Federal prison system;

"(2) construction of buildings at prison camps and acquisition of land as authorized by 18 U.S.C. 4010;

"(3) the labor of United States prisoners performed in the construction or remodeling of prison buildings or facilities; and

"(4) the purchase and exchange of farm products and livestock.

"(h) As used in this section the term "law enforcement" refers to the activities of the Federal Bureau of Investigation; the Drug Enforcement Administration; the Immigration and Naturalization Service; the Bureau of Prisons; and the United States Marshals Service; except that for the purposes of subsection (a)(4), "law enforcement" refers only to the activities, in the United States, of the Bureau of Prisons and, subject to the provisions of 8 U.S.C. 1252(c) and 18 U.S.C. 4003, of the Immigration and Naturalization Service.

"§ 578. Authorizations and Exemptions Available for Undercover Investigative Operations

"(a) Subject to the provisions of subsection (f) of this section, the authorizations and exemptions provided below may be utilized for undercover operations conducted by the following bureaus of the Department of Justice: The Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service and the United States Marshals Service. As used herein, the head of a bureau refers, respectively, to the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service and the Director of the United States Marshals Service.

"(b)(1) An exempt undercover operation refers to any operation designed and necessary to detect and prosecute crimes against the United States as to which the head of a bureau, or his designee, and the Attorney General, or his designee, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation; provided that as to undercover investigative operations of the Federal Bureau of Investigation any designee for the Director of the Federal Bureau of Investigation and any designee for the Attorney General shall be a member of the Undercover Operations Review Committee.

"(2) An exempt undercover operation also refers to any operation of the Federal Bureau of Investigation designed and necessary to collect foreign intelligence or to conduct foreign counterintelligence, as to which the Director of the Federal Bureau of Investigation, or the Assistant Director of the Intelligence Division if so designated by the Director, and the Attorney General, or the Counsel for Intelligence Policy if so designated by the Attorney General, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation.

"(3) The type of exemptions sought for each operation shall be specified on the certification and the use of the exemptions for each operation will be reviewed during the bureau pursuant to subsection (b) (1) or (2) of this section.

"(c)(1) Appropriations may be used for purchasing or leasing property, buildings, facilities, space, goods, insurance, licenses and any equipment necessary to establish and/or operate an undercover operation. These acquisitions shall be made in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal acquisitions, federal property management and federal appropriations shall not apply to any acquisition for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

"(2) Appropriations may be used to establish, acquire and/or operate proprietary corporations or business entities in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal appropriations and government corporations shall not apply to any transaction for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

"(3) Appropriations and the proceeds from an exempt undercover operation may be deposited in banks or other financial institutions and may be used to offset necessary and reasonable expenses incurred in such operation without deposit in the Treasury; provided that, as soon as any such proceeds are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(d) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (2) of paragraph (c) with a net value of over $150,000 is to be liquidated, sold, or otherwise disposed of, the head of the bureau, as much in advance as he or his designee determines is practicable, shall report the circumstances to the Attorney General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(e)(1) The Attorney General shall direct and supervise a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1987, and each fiscal year thereafter, and shall, not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

"(2) For purposes of these audit and reporting requirements:

"(A) the term "closed" refers to the point in time at which—

"(i) all criminal proceedings (other than appeals) are concluded, or

"(ii) covert activities are concluded, whichever occurs later;

"(B) the terms 'undercover investigative operation' and 'undercover operation' mean any undercover investigative operation of a bureau (other than a foreign counterintelligence undercover investigative operation)—

"(i) in which—

"(a) the gross receipts (excluding interest earned) exceed $150,000, or

"(b) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

"(ii) which is exempt from laws applicable to federal appropriations and government corporations.

"(f) The Commissioner of the Immigration and Naturalization Service, or his designee, and the Director of the United States Marshals Service, or his designee, shall include in the request for the Attorney General's certification required by subsection (b)(1) of this section: the expected time period for utilizing the exemptions, the expected resources to be committed, a description of the circumstances for using the exemptions, and a specification of the scope of the effort.

SEC. 3. (b) "The Attorney General or his designee is authorized to use Department of Justice appropriations to make payments for assistance to individuals under section 501(c) of the Refugee Education Assistance Act of 1980 (P.L. 96-422) without regard to section 501(e)(2)(B) of that Act, which prohibits such assistance to individuals with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has been entered. Such payments may include grants which shall be administered by the Community Relations Service."

SEC. 3. (c) Section 4082(c) of Title 18, United States Code, (62 Stat 850) is amended by striking the final words "as miscellaneous receipts" and inserting therefore the following: "to the credit of the appropriation available for such costs at the time such collections are made."

SEC. 3. (d) Section 6 of the Act of July 28, 1950 (64 Stat. 380), 8 U.S.C. 1555, is hereby repealed.

SEC. 3. (e) Section 4043 of Title 18, United States Code, and section 871(c) of Title 21, United States Code, are hereby repealed.

SEC. 4. (a) Section 1501 of Title 18, United States Code, and Section 581(a) of Title 28, United States Code, are amended, effective October 1, 1986, by adding the following two subsections:

"(11) Eastern District of Michigan.

"(12) Northern District of Ohio."

SEC. 4. (b) Section 408 of the act of November 6, 1978 (Public Law 95-598, 92 Stat. 2549, 2686-87) is hereby repealed.

SEC. 5. Chapter 303 of Title 18, United States Code, is amended by inserting after section 4043 the following new section

"§ 4044. Authority to Conduct Autopsies.

"A chief executive officer of a federal penal or correctional facility may, pursuant to rules and regulations of the Director, order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death when it is determined that such autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of local law protecting religious beliefs with respect to such autopsies shall be observed. Such officer may also order an autopsy or other post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility, with the written consent of a person authorized to permit such an autopsy or post-mortem operation under the law of the State in which the facility is located."

SEC. 6. Chapter 307 of Title 18, United States Code, is amended as follows:

(a) the first paragraph of section 4121 is deleted and a new first paragraph is inserted as follows:

" 'Federal Prison Industries', a government corporation of the District of Columbia, shall be administered by a board of six directors, appointed by the President to serve at the will of the President. Members of the board who are not employees of the Federal Government or the District of Columbia shall be paid for their services at the daily equivalent of the rate prescribed for GS 18 of the General Schedule in section 5332 of Title 5, United States Code."

(b) following section 4128 a new section is inserted as follows:

"§ 4129. General authorizations—Federal Prison Industries, Inc.

"Federal Prison Industries, Incorporated, is authorized to make such expenditures and to make such contracts and commitments, without regard to fiscal year limitation, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles."

SEC. 7. Section 4204(b) of Title 18, pertaining to the United States Parole Commission, is amended by adding at the end thereof the following new subsection:

"(a) the lease or purchase of passenger motor vehicles."

SEC. 8. Chapter 401 of Title 18, United States Code, is amended by deleting subsection (a) of section 5003 and inserting the following:

"(a) The Director of the Bureau of Prisons when proper and adequate facilities and personnel are available, is hereby authorized to contract with proper officials of a State, or Territory, or Indian Tribe, for the custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in the courts of such State, Territory or Tribe: *Provided*, That any such contract shall provide for reimbursing the United States in full for all costs or other expenses involved; except that, where reimbursement from a State is not legally available, the contract shall provide for receiving in exchange persons convicted of criminal offenses in the courts of the United States, to serve their sentence in appropriate institutions or facilities of the State or Territory by designation as provided in Section 4082(b) of this title, this exchange to be made according to formulas or conditions which may be negotiated in the contract."

SEC. 9. Section 263 of title 22, United States Code, is amended by inserting the following at the end thereof:

"The Attorney General or his designee is also authorized to make payments from Department of Justice appropriations for expenses necessary to host, at intervals of ten years or longer, the annual meeting of the General Assembly of INTERPOL and to periodically sponsor INTERPOL conferences on topics of international crime."

SEC. 10. Section 1622d of title 22, United States Code, pertaining to the Foreign Claims Settlement Commission, is amended by adding at the end thereof the following new paragraph:

"The Commission is authorized to hire passenger motor vehicles, for field use only, and to purchase insurance for official motor vehicles used abroad. The Commission may advance funds abroad and may advance funds to other government departments or agencies in connection with reimbursable agreements. The Commission is also authorized to employ aliens abroad and, with the approval of the Secretary of State, to acquire necessary office space and living quarters and to maintain, repair, furnish and provide utilities for such properties."

TITLE III—UNITED STATES MARSHALS SERVICE

SEC. 11 (a) Chapter 37 of Title 28, United States Code, is amended such that sections 561, 562, 564, 565 and 566, shall read as follows:

"§ 561. United States Marshals Service

"(a) There is hereby established a United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. The United States Marshals Service (hereinafter referred to in this chapter as the "Service") shall be headed by a Director appointed by the Attorney General.

"(b) The Director of the United States Marshals Service (hereinafter referred to in this chapter as the "Director") shall exercise the powers and duties set out in this chapter and such other powers and duties as may be vested in the Director pursuant to statute or delegation from the Attorney General.

"(c) The President shall appoint, by and with the advice and consent of the Senate, a United States Marshal for each judicial district of the United States, except that any Marshal appointed for the Northern Mariana Islands may at the time serve as Marshal in another district. Each United States Marshal shall be an official of the Service and shall serve under the direction and subject to the coordination of the Director.

"(d) Each Marshal shall be appointed for a term of four years. On expiration of his term, unless he shall resign or be removed by the President, a Marshal shall continue to perform the duties of his office until his successor is appointed and qualified or until a person is designated to act as Marshal in accordance with Section 562.

"(e) The Director shall designate places within a judicial district for the official station and offices of each Marshal. Each Marshal shall reside within the district for which he was appointed, except that—

"(1) the Marshals for the District of Columbia and for the Southern District of New York may reside within 20 miles thereof; and

"(2) any Marshal appointed for the Northern Mariana Islands who at the same time is serving in the same capacity in another district may reside in such other district.

"(f) The Director is authorized to select, appoint, employ, and fix compensation for Deputy Marshals and such officials and employees as shall be necessary to carry out the powers and duties of the Service and may designate such Deputy Marshals as law enforcement officers, in accordance with the policies and procedures he shall establish. Deputy Marshals, officials, and employees are subject to disciplinary action, including removal, by the Director.

"(g) The Director shall supervise and direct the United States Marshals Service in the performance of its duties, including criminal investigations, and in accounting for public moneys. Each official of the Service shall report any official proceedings, receipts, and disbursements and the condition of the office under the purview of such official as the Director requires.

"(h) The Director may delegate to any other official of the Service the authority to carry out any function of the Director.

"(i) There is authorized to be appropriated such sums as are necessary to exercise the powers and duties of the United States Marshals Service.

"§ 562. Vacancies

"(a) In the case of a vacancy in the office of United States Marshal, the Attorney General may designate a person to perform the functions and act as Marshal. The Attorney General shall not designate to act as Marshal a person whose appointment by the President to that office the Senate has refused to give its advice and consent.

"(b) Such person designated by the Attorney General may serve until the earliest of the following events:

"(1) the entry into office of a United States Marshal appointed by the President, pursuant to Article II, Section 2 of the Constitution;

"(2) the expiration of the thirtieth day following the end of the next session of the Senate; or

"(3) if such designee of the Attorney General is appointed by the President pursuant to section 561(c), said designee may serve until the expiration of the thirtieth day following the refusal of the Senate to give its advice and consent to the appointment by the President.

"§ 564. Powers as sheriff

"An official of the Service, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

§ 565. Expenses of United States Marshals Service

"The Service is authorized to—

"(a) establish procedures and to pay for:

"(1) the actual and necessary expenses associated with the offices established under section 561;

"(2) the expense of transporting prisoners, including the transporting between the United States and foreign countries of persons charged with crime, and including the cost of necessary guards and the travel and subsistence expenses of prisoners and guards;

"(3) the lease, acquisition, maintenance, and operation of aircraft and the lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for any current fiscal year and including the operation and maintenance for official use of vehicles seized and forfeited to the U.S. Government;

"(4) the purchase of firearms and ammunition and attendance at firearms matches and law enforcement competitions;

"(5) supervision of United States prisoners in non-federal institutions;

"(6) payment of rewards and the purchase of evidence and payments for information;

"(7) other necessary expenditures as required by law; and

"(b) enter into contracts and cooperative agreements, as authorized by the Attorney General, including contracts for personal guard and other personal services, and may utilize such contracts for the service of government process in lieu of service by U.S. Marshals or Deputy Marshals.

"§ 566. Powers and duties

"(a) The United States Marshals Service is authorized to provide for the safety and security of the Federal courts of the United States and provide other assistance in accordance with the policies established by the Attorney General.

"(b) Except as otherwise provided by law or the Federal Rules of Procedure, the United States Marshals Service shall execute all lawful writs, process and orders issued under the judicial authority of the United States, in accordance with the policies established by the Attorney General, and shall command all necessary assistance to execute its duties.

"(c) The Director, United States Marshals, and other law enforcement officers of the United States Marshals Service may carry firearms and may make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(d) The United States Marshals Service is authorized to investigate fugitive matters, both domestic and foreign, as directed by the Attorney General."

SEC. 11. (b) Chapter 37 of Title 28, United States Code, is further amended—

(a) by repealing sections 567, 568, 569, and 570;

(b) by renumbering sections 571, 572, 573, 574, 575, and 576 to read 567, 568, 569, 570, 571, and 572, respectively; and

(c) by adding the following new section:

"§ 573. Authorization for Certain Witness Security Expenses:

"The expenses incurred for the use of facilities in the protection of witnesses, and planning, acquisition, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites shall be paid from appropriations available to the Marshals Service."

SEC. 11. (c) Chapter 123 of Title 28, United States Codes, is amended such that Section 1921 shall read as follows:

"§ 1921. United States Marshals' fees

"(a)(1) The United States Marshals or Deputies shall routinely collect, and a court may tax as costs, fees for the following:

"(A) serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, complaints, or any other writ, order or process in any case or proceedings;

"(B) serving a subpoena or summons for a witness or appraiser;

"(C) forwarding any writ, order, or process to another judicial district for service;

"(D) the preparation of any notice of sale, proclamation in admiralty, or other public notice or bill of sale;

"(E) the keeping of attached property (including boats, vessels, or other property attached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen's or keepers' fees, insurance, and an hourly rate including overtime for each Deputy Marshal required for special services, such as guarding, inventorying, and moving;

"(F) copies of writs or other papers furnished at the request of any party;

"(G) necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor; and

"(H) overtime expenses incurred by Deputy Marshals in the course of serving or executing civil process.

"(2) The Marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under subparagraph (E), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of this title.

"(3) For purposes of subparagraph (G), if two or more services or endeavors, or if any endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to the place of service or endeavor which is most remote from the place where service is returnable, adding thereto any additional mileage traveled in serving or endeavoring to serve in behalf of that party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

"(b) The Attorney General shall from time to time prescribe by regulation the fees to be taxed and collected under subsection (a). Such fees shall to the extent practicable, reflect the actual and reasonable cost of the service provided.

"(c)(1) The United States Marshals Service shall collect a commission of 3 per centum of the first $1,000 collected and 1½ per centum on the excess of any sum over $1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of the commission shall be within the range set by the Attorney General. If the property is not disposed of by Marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than the Marshal or his Deputy, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other part. This subsection applies to judicially ordered sales and execution sales, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law.

"(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commission collected under paragraph (1).

"(d) The United States Marshals may require a deposit to cover any of the fees and expenses prescribed under this section.

"(e) Without regard to the provisions of 31 U.S.C. § 3302, the United States Marshals Service is authorized to credit amounts from fees and expenses collected (including amounts for overtime expenses) for the service of civil process, including complaints, summonses, subpoenas, and similar process and seizures, levies, and sales performed by the Marshals to its current appropriation account (Salaries and Expenses, United States Marshals) for the purpose, only, of carrying out those activities."

SEC. 11. (a) Chapter 301 of Title 18, United States Code, is amended to add the following new section:

"§ 4002A. Support of United States Prisoners in non-Federal Institutions

"The Attorney General or his designee is authorized to make payments from appropriations available for the support of United States Prisoners in Non-Federal Institutions for:

"(1) necessary clothing;

"(2) medical aid and necessary guard hire;

"(3) payment of rewards for assistance in the capture or information leading to the capture of a federal fugitive; and

"(4) entering into contracts or cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any state or local government which agrees to provide guaranteed bed space for federal detainees within that correctional system, in accordance with regulations issued by the Attorney General and which are comparable to the regulations issued under 18 U.S.C. § 4006, except that amounts made available for this purpose shall not exceed the average per-inmate-cost of constructing similar confinement facilities for the federal prison population; and, provided further that the availability of such federally assisted facility shall be assured for housing federal prisoners and the per diem rate charged for housing such federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement."

TITLE IV—PROGRAM REDUCTIONS AND TERMINATIONS

SEC. 12. (a) Section 1402(c)(1) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2171), 42 U.S.C. 10601(c)(1), is amended by deleting the period at the end thereof and adding the following:

"; except that excess funds shall be deposited in the general fund of the Treasury if in fiscal year 1986 the Fund reaches the sum of $64.9 million or if in fiscal years 1987 or 1988 the Fund reaches the sum of $35 million."

(b) Section 517(b) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2075), 21 U.S.C. 873(d), is hereby repealed.

(c) Section 609 of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2088-90), 42 U.S.C. 3769 through 3679d, is hereby repealed.

(d) Part A, sections 204-206, Part B, sections 221-229, and Part C, sections 241-249, of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, 88 Stat. 1109), as amended by the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2108), 42 U.S.C. 5611, are hereby repealed.

(e) The following sections of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351), as amended or added by the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2080-2087), are hereby repealed: Sections 402 (1), (2) and (4); sections 403 through 408; and sections 501 through 506 (42 U.S.C. 3742 (1), (2) and (4); 42 U.S.C. 3743-3748; and 42 U.S.C. 3761-3766).

TITLE V—TABLES OF CHAPTERS AND SECTIONS

SEC. 13. The table of sections for chapter 301 of Title 18, United States Code, is amended by inserting after the item relating to section 4002 the following new item:

"4002A. Support for United States prisoners in non-Federal institutions.".

SEC. 14. The table of sections for chapter 303 of Title 18, United States Code, is amended by deleting the item relating to section 4043 and inserting the following new items:

"4043. Repealed."

"4044. Authority to conduct autopsies."

SEC. 15. The table of sections for chapter 307 of Title 18, United States Code, is amended by inserting after the item relating to section 4128 the following new item:

"4129. General authorizations—Federal Prison Industries, Inc."

SEC. 16. The table of chapters for part II of Title 28, United States Code, is amended by changing the item related to chapter 37 to read:

"37. United States Marshals Service 561."

and by inserting after the item relating to chapter 37 the following new item:

"38. General authorizations 577."

SEC. 17. The table of sections for chapter 37 of Title 38, United States Code, shall read as follows:

"561. United States Marshals Service."
"562. Vacancies.
"563. Oath of Office.
"564. Powers as Sheriff.
"565. Expenses of United States Marshals Service.
"566. Powers and duties.
"567. Disbursements of salaries and moneys.
"568. Collection of fees; accounting.
"569. Delivery of prisoners to successor.
"570. Delivery of unserved process to successor.
"571. Practice of law prohibited.
"572. Reemployment rights.
"573. Authorization for certain witness security expenses.

SEC. 18. The table of sections for Chapter 38 of Title 28 United States Code, shall read as follows:

"577. General authorizations."
"578. Authorizations and exemptions available for undercover investigative operations."

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, April 10, 1986.

Hon. GEORGE BUSH,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the Attorney General, I hereby transmit for the consideration of the Congress, the proposed Department of Justice Appropriation Authorization Act for Fiscal Year 1987.

The enclosed proposal contains five parts. Part I contains provisions related to the 1987 fiscal year annual authorization. Part II is permanent enabling legislation. Part III contains the proposed United States Marshals Service Act previously submitted to the Congress. Part IV contains provisions supporting determinations made by the President's 1987 Budget to reduce and terminate certain programs. Part V contains provisions that conform the various tables, code chapters and sections to the amendments made by the proposal. Finally, the proposal is accompanied by a detailed section-by-section analysis.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this proposal to the Congress and that its enactment would be in accord with the Administration's program.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

SECTION-BY-SECTION ANALYSIS

TITLE I—1987 FISCAL YEAR AUTHORIZATION

Proposed Section 2:

This section of the bill authorizes 1987 fiscal year appropriations for various categories of activities conducted by the Department of Justice. Fourteen separate categories of appropriations are listed.[1] Within certain of these categories additional provisions are made for allowing a portion of an appropriation to be available on a multi-year or a no year basis. Similar language has been inserted in previous authorization and appropriation legislation and the amount authorized to be expended will equal the total of those amounts. For example, funds for the FBI's automated data processing and telecommunications expenses will be available for two years, and the FBI's and DEA's funds for research will be available until expended. Other provisions set maximum amounts which may be used for certain purposes, such as representation expenses, construction of witness safesites, unusual expenses necessary in the collection of evidence, and emergency expenses. Finally, there is a one year modification of the statute, 18 U.S.C. 3525, which authorizes compensation payments to the families of persons killed by then current participants in the witness protection program. The modification allows for compensation if the crime was committed within two years of the termination of the witness protection but prior to the effective date of the statute (October 12, 1984).

TITLE II—PERMANENT ENABLING LEGISLATION

Part II of the Bill contains authorizations that, for the most part, the Department had been obtaining in prior years on an annual basis. If Part II is enacted as permanent law, future Department of Justice authorizations bills will generally be confined to the true fiscal year authorization contained in Part I.

Proposed Bill Section 3(a):

Part II of Title 28, United States Code, is amended by inserting after chapter 37 the following new chapter:

"Sec.
"577. General Authorizations
"578. Authorizations and Exemptions Available for Undercover Investigative Operations

This section of the bill will amend Title 28, United States Code, by adding chapter 38, which will contain two sections. Proposed section 577 will provide permanent appropriations authorization for the various types of expenses incurred by the Department of Justice in the conduct of its activities. Proposed section 578 will provide specific authorizations and exemptions available only for undercover investigative operations.

Proposed Section 577:

General Authorizations—Department of Justice;

Proposed section 577 contains nine principal subsections. Subsection 577(a) contains eighteen authorization provisions which, in general, are available for all Department of Justice activities. Subsection 577(b) provides general gift acceptance authority and subsection 577(c) provides general authority to collect user fees. Subsections 577 (d), (e), (f) and (g) contain specific authorization provisions applicable, respectively, to the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the Bureau of Prisons. Subsection 577(h) defines the term law enforcement as used in the general authorization provisions of subsection 577(a).

Proposed Section 577(a):

The Attorney General or his designee is authorized to use Department of Justice appropriations to make payments for the conduct of the activities of the Department of Justice. Such payments may include payments for:

This provision allows appropriations for the Department of Justice to be used to support the Department's activities. Additional specific authorizations are provided in eighteen subsections.

Proposed Section 577(a)(1):

Expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses as authorized by law; provided that no witness shall be paid more than one attendance fee for any one calendar day:

This provision allows Department of Justice appropriations to be used to pay for the fees and expenses of witness and prohibits any multiple payment to a witness who attended more than one proceeding on the same day.

Proposed Section 577(a)(2):

Restriction or compensation pursuant to 18 U.S.C. 3525 for victims injured by protected witnesses;

Section 1208 of the Comprehensive Crime Control Act of 1984 (P.L. 98-473), codified as 18 U.S.C. 3525, authorizes the payment of restitution or compensation to victims injured by participants in the witness protection program. This provision authorizes such payments to be made from Department of Justice appropriations.

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[1] The appropriation for the Antitrust Division includes funds transferred from the Interstate Commerce Commission)

Proposed Section 577(a)(3):

Advances of public moneys under 31 U.S.C. 3324; provided that travel advances to law enforcement personnel engaged in undercover activity shall be deemed public monies within the meaning of 31 U.S.C. 3527;

This provision will give the Attorney General authority to permit advance payments on contracts and in other matters where it is in the interest of the Department of Justice to do so. The proviso regarding travel advances to law enforcement personnel engaged in undercover activity assures that the non-negligent loss of such funds will be reimbursable.

Proposed Section 577(a)(4):

Planning, acquisition of sites and construction of new law enforcement facilities; and construction, operation, remodeling and repair of buildings and facilities used for law enforcement purposes; and the purchase of necessary equipment and the payment of necessary expenses directly related to the conduct of these activities;

This provision will provide the Attorney General with construction and renovation authority. The authority granted is limited to buildings and facilities used for law enforcement purposes. The availability of this construction authority is limited to those law enforcement bureaus listed in proposed section 577(h).

Proposed Section 577(a)(5):

Contracting with private organizations or entities for the safekeeping, care and subsistence of persons held under any legal authority;

This provision will allow the Department of Justice, principally the Bureau of Prisons and the Immigration and Naturalization Service, to contract with private companies to provide prison and detention facilities.

Proposed Section 577(a)(6):

The lease or purchase of passenger motor vehicles; provided that police type vehicles for law enforcement use may be purchased without regard to the general purchase price limitation for the fiscal year during which such a purchase is effected;

The lease or purchase of passenger motor vehicles is generally prohibited by 31 U.S.C. 1343 unless specifically authorized by statute. This provision provides the necessary statutory authorization for such leases and purchases. The provision regarding police type vehicles is necessary because the required design features for such vehicles normally result in a higher purchase price than the general purchase price limitation for any given fiscal year.

Proposed Section 577(a)(7):

The purchase of firearms and ammunition for use by law enforcement officers and security personnel, and participation in firearms competitions;

This provision would authorize both the purchase of firearms and ammunition for use by law enforcement officers and security personnel and the participation in firearms competition by Department personnel.

Proposed Section 577(a)(8):

The purchase, lease, maintenance and operation of aircraft for law enforcement purposes;

The lease or purchase of aircraft is generally prohibited by 31 U.S.C. 1343 unless specifically authorized by statute. This provision provides the necessary statutory authorization for such leases and purchases.

Proposed Section 577(a)(9):

The lease of real property, including space in buildings, without disclosure of the government's involvement; provided that any such lease and the non-disclosure of the government's involvement are necessary for law enforcement or foreign counterintelligence purposes, other than for an undercover investigative operation; provided further that such authority may be exercised only by those law enforcement bureaus listed in 28 U.S.C. 578(a)

This provision will allow the rental of space for law enforcement and foreign counterintelligence investigations without disclosure of the government's involvement. Such authority is needed when obtaining lookout post and other offsite premises where procurement, banking and other regulatory statutes might require, directly or indirectly, the disclosure of the government's role in the transaction. Similar authority is provided separately in proposed section 578 for undercover investigative operations. This provision would provide the same exemptions available to certified exempt undercover operation under 28 U.S.C. 578(c)(1) except that this provision only applies to non-undercover operations:

Proposed Section 577(a)(10):

Miscellaneous and emergency expenses authorized or approved by either the Attorney General, the Deputy Attorney General, the Associate Attorney General or the Assistant Attorney General for Administration

This provision allows the use of funds in unforeseen circumstances, such as the appointment of a Special Counsel under the Ethics In Government Act.

Proposed Section 577(a)(11):

Official reception and representation expenses;

This provision authorizes the use of funds to pay the expenses of Department of Justice senior employees whose official positions entail the responsibility for establishing and maintaining relationships of value to the Department.

Proposed Section 577(a)(12):

Attendance at meetings;

This provision allows the Attorney General to authorize employees to attend meetings without regard to the prohibitions of 5 U.S.C. 5946.

Proposed Section 577(a)(13):

Services of experts and consultants as authorized by 5 U.S.C. 3109;

This provision permits payments to be made for the services of experts and consultants. Payment for such services is prohibited by 5 U.S.C. 3109 unless authorized by statute.

Proposed Section 577(a)(14):

Services of interpreters and translators who are not citizens of the United States;

Government employment is generally available only to United States citizens. This provision permits the employment of noncitizens solely in the capacities of interpreters and translators.

Proposed Section 577(a)(15):

Payment of rewards, the purchase of evidence and payment for information in connection with law enforcement;

These provisions allow law enforcement agencies to pay rewards, purchase evidence, and pay for information as part of their mission to conduct criminal and foreign counter intelligence investigations.

Proposed Section 577(a)(16):

The purchase of insurance for motor vehicles, boats and aircraft operated in official government business in foreign countries;

The United States government generally acts as a self insurer. In foreign countries, however, compulsory insurance laws and/or prudent business practice may require that motor vehicles, boats and aircraft be covered by private insurance policies. This provision will allow the Department of Justice to produce appropriate insurance coverage when doing business in foreign countries.

Proposed Section 577(a)(17):

Contracting with individuals for personal services abroad; provided that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management; and

Government employment is generally available only to citizens of the United States. This provision would allow the Department of Justice to employ non-U.S. citizens in those foreign countries where the Department conducts activities. It will also allow the Department to employ U.S. citizens who reside abroad; in particular, the dependants of Foreign Service, military and other U.S. Government personnel. Such employees would not be entitled to the personnel benefits associated with United States government employment.

Proposed Section 577(a)(18):

Benefits for employees serving overseas as authorized under section 901 (3), (5), (6A), (8), (9), and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081 (3), (5), (6A), (8), (9) and 22 U.S.C. 4084), and under the regulations issued by the Secretary of State;

This provision affords to Department of Justice employees serving overseas certain of the benefits provided for members of the foreign service. These benefits, as set forth in Title 22, include: travel expenses for family members (§ 4081(3)); medical care (§ 4081(5)); rest and recuperation travel (§ 4081(6A)); family visitation travel (§ 4081(8)); emergency family visitation (§ 4081(9)); and health care benefits (§ 4084).

Proposed section 577(b):

The Attorney General or his designee is authorized to collect fees from state, local or private agencies or members of the public to defray all or part of the costs of any service, including training provided by the Federal Bureau of Investigation, the Drug Enforcement Administration and the National Institute of Corrections, which the Department of Justice may provide to such agencies or individuals. Any fees collected shall be credited to the appropriation accounts used to pay the expenses incurred in providing the service and shall be available in those accounts only to the extent specified in appropriations acts.

This provision would authorize the Department of Justice to collect fees for services rendered to State, local or private agencies or members of the public. Fees would not exceed the costs of the services. Any moneys collected would be credited to the appropriation account used to pay the expenses of providing the service and would be available to the extent specified in appropriation acts.

Proposed section 577(c)

(1) The Attorney General is authorized to accept and utilize, on behalf of the United States, any gift, donation, or bequest of real

or personal property for the purpose of aiding or facilitating the work of the Department of Justice, including Federal Prison Industries, Inc. No gift may be accepted:

(A) that attaches conditions inconsistent with applicable laws or regulations, or

(B) that is conditioned upon or will require the expenditure of appropriated funds unless such expenditure has been authorized by Acts of Congress.

(2) The Attorney General shall promulgate rules for accepting gifts pursuant to this provision, to ensure, among other things, that no gifts are accepted under circumstances that will create a conflict of interest for the Department of Justice.

(3) Gifts and bequests of money and the proceeds from sales of property received as gifts or bequests that were not immediately useable by the Department of Justice may be credited to any appropriation or fund and shall remain available until expended, upon order of the Attorney General.

(4) Gifts, bequests of property, and property acquired from the proceeds credited to appropriations or funds pursuant to subsection (3), and which are no longer required by the Department of Justice for its needs and the discharge of its responsibilities, shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(5) Property accepted pursuant to this section and the proceeds credited to appropriations or funds pursuant to subsection (3) shall be used as nearly as practicable in accordance with the terms of the gift or bequest.

(6) For the purpose of Federal income, estate, or gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

This provision would authorize the Attorney General to accepts gifts, donations, or bequests of real or personal property to aid the Department in carrying out its functions, including the functions of the Federal Prison Industries, Inc. Gifts that attach conditions inconsistent with applicable laws or that are conditioned upon or require the expenditure of appropriated funds (unless the expenditure had been authorized by Congress) may not be accepted. The Attorney General is required to establish rules to insure that no gifts are accepted that will create a conflict of interest for the Department.

Proposed Section 577(d)(1):

The Attorney General or his designee is authorized to use appropriations for the Federal Bureau of Investigation to make payments for the conduct of its activities. Such payments may not be used to pay the compensation of any employee in the competitive service but may include payments for:

This provision allows appropriations for the Federal Bureau of Investigation to be used to support the Bureau's activities. Payment from Bureau appropriations for the compensation of any employee in the competitive service is expressly forbidden. Additional specific authorizations are set out in subsections A through E.

Proposed Section 577(d)(1)(A):

Expenses necessary for the detection and prosecution of crimes against the United States;

Payments for the detection and prosecution of crimes against the United States include the expenses necessary for the FBI to conduct investigations of those violations of Federal law for which the FBI has responsibility. In addition to national priority areas of organized crime, foreign counterintelligence, terrorism and white-collar crime, the FBI has primary jurisdiction over numerous other Federal statutes concentrating on such areas as interstate crimes, forcible, crimes against banking institutions, civil rights, and fugitive investigations. Typical expenses include personnel compensation and benefits, travel and transportation of persons and property, rent, communications and utilities, capital and noncapital equipment, and supplies.

Proposed Section 577(d)(1)(B):

Protection of the person of the President of the United States and the person of the Attorney General;

Payments are utilized for the purposes of assuring the security of the President and of the Attorney General. Typical expenses include personnel compensation and travel costs.

Proposed Section 577(d)(1)(C):

Investigations regarding official matters under the control of the Department of Justice and the Department of State, as may be directed by the Attorney General;

This provision would allow the Attorney General to authorize payments to conduct investigations regarding official matters of concern to the Department of Justice and the Department of State.

Proposed Section 577(d)(1)(D):

Training in the United States and abroad for foreign law enforcement personnel as a counterpart to similar training programs designed for State and local officers; and

This section would extend explicit authority for the Federal Bureau of Investigation to provide training for foreign law enforcement personnel, either in the United States or abroad, with the concurrence of the Secretary of State. Heretofore, the conduct of the kind of training that would be explicitly authorized by this section has been justified as inherenty authorized as part of the Bureau's mission. The authority provided by this section would not change the statutory basis for, or the funding of, training of foreign law enforcement personnel carried out by the Bureau under arrangements with the Agency for International Development pursuant to the Foreign Assistance Act of 1961, as amended.

Proposed Section 577(d)(1)(E):

Acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments of related agencies.

This provision authorizes the collection and preservation of identification and other records and their exchange with authorized officials. Expenses include the maintenance at FBI Headquarters of the Central Records System, consisting of over six million investigative, personnel, applicant, administrative, and general case files, and the maintenance of fingerprint identification records submitted by over 20,000 authorized agencies. In addition, payments under the authorization include expenses of providing information contained in FBI records to other Federal agencies in compliance with Executive Order 10450 and to authorized officials of States, cities, and other institutions.

Proposed Section 577(d)(2):

The Federal Bureau of Investigation may establish and collect fees for the processing of noncriminal employment and licensing fingerprint cards. Such fees shall represent the full cost of furnishing the service. The funds collected shall be credited to the Salaries and Expenses, Federal Bureau of Investigation appropriation without regard to 31 U.S.C. 3302(b), and shall be available only to the extent specified in appropriations acts, until expended, to pay for salaries and other expenses incurred in operating the FBI Identification Division. No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies.

This provision allows the Federal Bureau of Investigation to set fees for services rendered by the Identification Division and permits any collected fees to be used to pay for the operation of the Bureau's Identification Division.

Proposed Section 577(e):

The Attorney General or his designee is authorized to use appropriations for the Drug Enforcement Administration to make payments for the conduct of its activities. Such payments may include payments for expenses necessary for the detection and prosecution of crimes against the United States where such crimes arise from drug related activities, including but not limited to crimes enumerated in Title 21 of the United States Code.

This provision allows appropriations for the Drug Enforcement Administration to be used to support the Administration's activities. Payments are particularly authorized for the conduct of the Administration's principal mission, the detection and prosecution of drug related criminal offenses.

Proposed Section 577(f):

The Attorney General or his designee is authorized to use appropriation for the Immigration and Naturalization Service to make payments for the conduct of its activities. Such payments may include payments for:

This provision allows appropriations for the Immigration and Naturalization Service to be used to support the activities of the Service. Additional specific authorizations are set out in subsection (1) through (6).

Proposed Section 577(f)(1):

Distribution of citizenship textbooks to aliens without cost to such aliens;

This provision allows appropriations to be used to pay for citizenship textbooks which may be distributed, without costs, to aliens who are seeking or are interested in seeking United States citizenship.

Proposed Section 577(f)(2):

Allowances to aliens for work performed while held in custody under the immigration laws;

This provision will allow aliens to be paid for work which they perform while in custody under the immigration laws. Payment rates are set, from time to time, in Department of Justice appropriations acts.

Proposed Section 577(f)(3):

Refunds of maintenance bills, immigration fines and other items properly returnable, except deposits of aliens who become public charges and deposits of secure payment of fines and passage money;

This provision will allow appropriations for the Immigration and Naturalization

Service to be used to pay for refunds to which an alien may be properly entitled. Such appropriations may not, however, be used for refunds of any deposit by an alien who becomes a public charge, or of deposits made to secure payment of a fine or to secure payment of passage money.

Proposed Section 577(f)(4):

The lease of horses from officers or employees of the Service;

This provision will allow the Service to lease horses from its officers and employees notwithstanding general prohibitions against any agency entering into private business transactions with its employees. This authority benefits the Service because in remote border areas employees living in the region who own horses may be the best available providers of horses for lease. This authority currently exists as stated in section 1555 of Title 8.

Proposed Section 577(f)(5):

Acquisition of land as sites for enforcement fences, and expenses incident to the construction of such fences; and

This provision would give the Service limited land acquisition authority. Enforcement fences are constructed in border areas as a passive preventive measure which is used in conjunction with other strategies for controlling the flow of unlawful entrants.

Proposed Section 577(f)(6):

Expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

This provision will allow the Service to come to the aid of State and local law enforcement agencies when they are searching for a lost person. The Service is often in a unique position to provide such assistance due to its knowledge of, and access to, remote border areas.

Proposed Section 577(g):

The Attorney General or his designee is authorized to use appropriations for the Bureau of Prisons to make payments for the conduct of its activities. Such payments may include payments for:

This provision allows appropriations for the Bureau of Prisons to be used to support the activities of the Bureau. Additional specific authorizations are set out in subsections (1) thru (4).

Proposed Section 577(g)(1):

The administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions; and for inmate legal services within the Federal prison system;

This provision authorizes appropriations to be used to support the Bureau's principal mission of operating the federal penal system, including the supervision of prisoners in non-federal institutions and the delivery of appropriate legal services.

Proposed Section 577(g)(2):

Construction of buildings at prison camps and acquisition of land as authorized by 18 U.S.C. 4010;

This provision would give the Bureau construction authority in connection with facilities at prison camps and authority to acquire land. Land acquisitions are generally in the vicinity of prisons and for the purpose of perimeter security or site expansion.

Proposed Section 577(g)(3):

The labor of United States prisoners performed in the construction or remodeling of prison buildings on facilities; and

This provision would authorize the Bureau's use of prisoner labor in the construction and remodeling of prison buildings and facilities and would authorize the payment of prisoners for their labor.

Proposed Section 577(g)(4):

The purchase and exchange of farm products and livestock.

This provision would authorize the Bureau to purchase and exchange farm products and livestock. Such authority will facilitate the efficiency of the farm programs operated as part of the federal prison system.

Proposed Section 577(h):

As used in this section the term "law enforcement" refers to the activities of the Federal Bureau of Investigation; the Drug Enforcement Administration; the Immigration and Naturalization Service; the Bureau of Prisons; and the United States Marshals Service; except that for the purposes of subsection (a)(4), "law enforcement" refers only to the activities, in the United States, of the Bureau of Prisons and, subject to the provisions of 8 U.S.C. 1252(c) and 18 U.S.C. 4003, of the Immigration and Naturalization Service.

The general authorities set forth in proposed section 577(a) contain various references to authorities that are available for a purpose related to law enforcement. Proposed section 577(h) defines these references to law enforcement as indicating that the authority applies to the activities of five specific bureaus of the Department of Justice. The construction authority conferred by proposed section 577(a)(4) is available, however, only for the Bureau of Prisons and the Immigration and Naturalization Service.

Proposed Section 578:

Authorizations and Exemptions Available for Undercover Investigative Operations

Proposed section 578 contains provisions which authorize the use of appropriated funds for the conduct of undercover investigative operations. In addition, if certain approval procedures are followed, the proposed section exempts such operations from federal acquisition, appropriations, property management and government corporation laws which would otherwise be applicable to a federal agency. These exemptions may be used if complying with those federal laws would risk compromise of the undercover nature of the investigation.

Proposed Section 578(a):

The authorizations and exemptions provided below may be utilized for undercover operations conducted by the following bureaus of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service and the United States Marshals Service. As used herein, the head of a bureau refers, respectively, to the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service and the Director of the United States Marshals Service.

This provision lists the law enforcement bureaus that may utilize the authorizations and exemptions available for undercover investigation operations.

Proposed Section 578(b):

(1) An exempt undercover operation refers to any operation designed and necessary to detect and prosecute crimes against the United States as to which the head of a bureau, or his designee, and the Attorney General, or his designee, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation; provided that as to undercover investigative operations of the Federal Bureau of Investigation any designee for the Director of the Federal Bureau of Investigation and any designee for the Attorney General shall be a member of the Undercover Operations Review Committee.

(2) An exempt undercover operation also refers to any operation of the Federal Bureau of Investigation designed and necessary to collect foreign intelligence or to conduct foreign counterintelligence, as to which the Director of the Federal Bureau of Investigation, or the Assistant Director of the Intelligence Division if so designated by the Director, and the Attorney General, or the Counsel for Intelligence Policy if so designated by the Attorney General, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation.

(3) The type of exemptions sought for each operation shall be specified on the certification and the use of the exemptions for each operation will be reviewed during the operation by the official designated by the head of the bureau pursuant to subsection (b) (1) or (2) of this section.

This provision establishes high level approval procedures to be followed within the Department of Justice in order for an available exemption to be applicable to a given criminal law enforcement or foreign counterintelligence undercover investigation operation.

Proposed Section 578(c):

(1) Appropriations may be used for purchasing or leasing property, buildings, facilities, space, goods, insurance, licenses and any equipment necessary to establish and/or operate an undercover operation. These acquisitions shall be made in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal acquisitions, federal property management and federal appropriations shall not apply to any acquisition for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

(2) Appropriations may be used to establish, acquire and/or operate proprietary corporations or business entities in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal appropriations and government corporations shall not apply to any transaction for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

(3) Appropriations and the proceeds from an exempt undercover operation may be deposited in banks or other financial institutions and may be used to offset necesssary and reasonable expenses incurred in such operation without deposit in the Treasury; provided that, as soon as any such proceeds are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall

be deposited in the Treasury of the United States as miscellaneous receipts.

This provision contains the three basic types of authorizations and exemptions available for undercover operations. Such operations may conduct their business transactions in accord with prevailing commercial practices. The exemptions available through this provision allow the undercover operation to proceed with these transactions without complying with certain classes of federal laws which would be applicable to such transactions solely because a government agency rather than a private entity, was a party to the transaction. These exemptions may be used if complying with the law in question would risk disclosure of the fact that the supposed private person or entity conducting the operation is, in fact, a government agent or agency.

Exemptions may be obtained from federal acquisition laws, property management laws, appropriation laws, and laws relating to government corporations. These categories of federal law may be defined, and the need for exemptions illustrated, as follows:

Federal acquisition laws govern the acquisition by contract of supplies or services by purchase or lease using appropriated funds. These activities are principally governed by Title 41 of the United States Code. Requirements that may be incompatible with undercover operations include: the requirement to advertise proposed purchases and proposed contracts for supplies or services, 41 U.S.C. § 5. and the inclusion of certain contract provisions such as the Walsh-Healey Act representations and stipulations required by 41 U.S.C. § 35, the requirement to purchase blind-made products, 41 U.S.C. §§ 46–48C; the prohibition on advance payment to contractors, 41 U.S.C. § 255; and the requirements for full and open competition, 41 U.S.C. § 253.

Federal property management laws govern the control and use of Federal real and personal property. These activities are principally governed by Title 40 of the United States Code. Restrictions that may be incompatible with undercover operations include; limitations on the leasing of space in the District of Columbia, 40 U.S.C. § 34; restrictions on construction loans for office buildings by Government Corporations, 40 U.S.C. § 33a; limitation on a Government Corporation's leasing of buildings in addition to the limitation on rental rates, 40 U.S.C. § 129; and the prohibition against the inclusion, in any lease, of any provision regarding the repair of real property, 40 U.S.C. § 303b.

Federal appropriations laws refer to any act of Congress that permits Federal agencies to incur obligations and to make payments out of the Treasury for specified purposes. Fiscal transactions are principally governed by Title 31 of the United States Code. Restrictions that may be incompatible with undercover operations include: the proscription against the depositing of money in banks or lending money 31 U.S.C. § 3302(a); the requirement that all proceeds shall be deposited into the Treasury 31 U.S.C. § 3302(b); the requirement that contracts and leases must be reexecuted at the beginning of each fiscal year 32 U.S.C. § 1341; the prohibition against the acceptance of voluntary services 31 U.S.C. § 1342; the proscription against installing telephones in private residence 31 U.S.C. § 1348; and the requirement that agreements be in writing in order to record an amount as an obligation 31 U.S.C. § 1501.

Government corporation laws govern corporations that are owned by the Federal Government. While undercover proprietaries are not government corporations in the classical sense, they nonetheless may meet the definition set out in 31 U.S.C. § 9101(1). Government corporations are principally governed by Title 31 of the United States Code. Requirements pertaining to Government corporations that may be incompatible with undercover operations include; the requirement that each corporation established or acquired by an agency be specifically authorized by Congress 31 U.S.C. § 9102; the requirement for budget submission 31 U.S.C. § 9103; and the limitation on the obligations that may be issued by a Government corporation, 31 U.S.C. § 9108.

Proposed Section 578(d):

If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (2) of paragraph (c) with a net value of over $150,000 is to be liquidated, sold, or otherwise disposed of, the head of the bureau, as much in advance as he or his designee determines is practicable, shall report the circumstances to the Attorney General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

This provision allows for the orderly liquidation of corporations or business entities valued in excess of $150,000, which have been acquired during an undercover operations. Any excess proceeds, after meeting obligations, are to be deposited in the Treasury as miscellaneous receipts.

Proposed Section 578(e):

(1) The Attorney General shall direct and supervise a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1987, and each fiscal year thereafter, and shall, not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(2) For purposes of these audit and reporting requirements: (A) the term "closed" refers to the point in time at which—

(i) all criminal proceedings (other than appeals) are concluded, or

(ii) covert activities are concluded, whichever occurs later;

(B) the terms 'undercover investigative operation' and 'undercover operation' means any undercover investigative operation of a bureau (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(a) the gross receipts (excluding interest earned) exceed $150,000, or

(b) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from laws applicable to federal appropriations and government corporations.

If an undercover investigative operation has made use of exemptions from federal appropriations laws and from laws regarding government corporations and has had receipts or expenditures in excess of $150,000 the Attorney General must direct and supervise an audit of the undercover operation once it has been closed. The results of the audit must be transmitted to Congress within 180 days after the undercover operation was closed. This audit requirement does not apply to foreign counterintelligence undercover operations.

Proposed Section 578(f)

(f) The Commissioner of the Immigration and Naturalization Service, or his designee, and the Director of the United States Marshals Service, or his designee, shall include in the certification required by subsection (b)(1) of this section: the expected time period for utilizing the exemptions, the expected resources to be committed, a description of the circumstances for using the exemptions, and a specification of the scope of the effort.

This provision provides that additional information shall be provided by the Immigration and Naturalization Service and the United States Marshals Service when either bureau certifies to the Attorney General that the action is necessary for the conduct of an undercover investigation. In addition to specifying the type of exemptions sought, the Commissioner of the Immigration and Naturalization Service or his designee and the Director of the United States Marshals Service shall include in the certification the expected time period for utilizing the exemptions, the expected resources to be committed, a description of the circumstances for using the exemptions, and a specification of the scope of the effort.

(Additional Authorizations)

Proposed bill section 3(b):

The Attorney General or his designee is authorized to use Department of Justice appropriations to make payments for assistance to individuals under section 501(c) of the Refugee Education Assistance Act of 1980 (P.L. 96-422) without regard to section 501(e)(2)(B) of the Act, which prohibits such assistance to individuals with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has been entered. Such payments may include grants which shall be administered by the Community Relations Service.

Title V of the Refugee Education Assistant Act of 1980 (P.L. 96-422) was enacted primarily to provide federal reimbursement for State and local government expenditures for Cuban and Haitian entrants. However, because of the way section 501(e) of the Act defines Cuban and Haitian entrants, funds provided for this program cannot be applied to Cuban and Haitian entrants who are under "final, nonappealable, and legally enforceable orders of deportation or exclusion." When Cuba refused to accept these individuals, this provision became necessary in order to overcome the restricting clause so benefits could be provided to these entrants. An agreement has been negotiated between the United States and Cuba which provides for repatriation of 2,746 Mariel Cubans. It is anticipated that this repatriation will ultimately have an effect on Community Relations Service activities; however, currently repatriation activities have ceased and therefore, it is not possible to predict when or to what extent, the reception, processing and care of Cubans and Haitians program will be effected.

Proposed bill section 3(c):

Section 4082(c) of Title 18, United States Code, (62 Stat. 850) is amended by striking the final words "as miscellaneous receipts" and inserting therefore the following:

"To the credit of the appropriation available for such costs at the time such collections are made."

This provision will allow the Bureau of Prisons to retain payments received from prisoners who are working in the community. Such payments may be collected under regulations issued by the Attorney General. The effect of this provision will be separately achieved when the new section 3622 of

Title 18, United States Code, becomes effective, That section was scheduled to become effective on November 1, 1986 but in Public Law 99-217 Congress extended the effective date by an additional twelve months.

Proposed bill section 3(d):

Section 6 of the Act of July 28, 1950 (64 Stat. 380), 8 U.S.C. 1555, is hereby repealed.

The provision will repeal the current authorization set out in Title 8 for the Immigration and Naturalization Service. These same authorizations will be available to the Service under 28 U.S.C. 577 as proposed above.

Proposed bill section 39(e):

Section 4043 of Title 18, United States Code (96 Stat. 1059), and section 871(c) of Title 21, United States Code (84 Stat. 1270), are hereby repealed.

This provision repeals specific gift acceptance authorizations for the Bureau of Prisons and the Drug Enforcement Administration. The Attorney General will be able to accept gifts for the benefit of any component of the Department under 28 U.S.C. 577(c) as proposed above.

Proposed bill section 4(a):

Section 1501 of Title 11, United States Code (92 Stat. 2652), and Section 581(a) of Title 28, United States Code (92 Stat. 2662), are amended, effective October 1, 1986, by adding the following two subsections:

"(11) Eastern District of Michigan.

"(12) Northern District of Ohio."

This provision will allow the appointment and functioning of a United States Trustee in each of two additional judicial districts.

Proposed bill section 4(b):

Section 408 of the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2549, 2686-87) is hereby repealed.

This provision will repeal the sunset provision which would otherwise terminate the United States Trustee program as of September 30, 1986.

Proposed bill section 5:

Chapter 303 of Title 18, United States Code, is amended by inserting after section 4043 the following new section "§ 4044. Authority to Conduct Autopsies.

"A chief executive officer of a federal penal or correctional facility may, pursuant to rules and regulations of the Director, order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death when it is determined that such autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of local law protecting religious beliefs with respect to such autopsies shall be observed. Such officer may also order an autopsy or other postmortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility, with the written consent of a person authorized to permit such an autopsy or postmortem operation under the law of the State in which the facility is located."

This provision would give the Bureau of Prisons authority to conduct autopsies in appropriate circumstances. Such authority is needed because of jurisdictional and practical difficulties that arise when state officers are asked to conduct autopsies within the federal enclave of a United States prison.

Proposed bill section 6:

Chapter 307 of Title 18, United States Code, is amended as follows:

(a) the first paragraph of section 4121 is deleted and a new first paragraph is inserted as follows:

"'Federal Prison Industries', a government corporation of the District of Columbia, shall be administered by a board of six directors, appointed by the President to serve at the will of the President. Members of the board who are not employees of the Federal Government or the District of Columbia shall be paid for their services at the daily equivalent of the rate prescribed for GS 18 of the General Schedule in section 5332 of Title 5, United States Code."

(b) following section 4128 a new section is inserted as follows:

"§ 4129. General authorization—Federal Prison Industries, Inc.

"Federal Prison Industries, Incorporated, is authorized to make such expenditures and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles.

Chapter 307 of Title 18, United States Code, contains various sections dealing with the Federal Prison Industries, (FPI), Inc. FPI was created by Congress in 1934 and is a wholly-owned Government corporation. Its mission is to employ and train Federal inmates through a diversified program providing products with a minimum of competition to private industry and labor. Employment provides inmates with work, develops occupational knowledge and skills, and earns money for personal expenses and family assistance.

Proposed section 6 first amends section 4121 so as to authorize compensation for service as a member of the Board of Directors of FPI. The proposed section then enacts a new section 4129 which will provide FPI with appropriate authorizations for the conduct of its activities.

Proposed bill section 7:

Section 4204(b) of Title 18, pertaining to the United States Parole Commission, is amended by adding at the end thereof the following new subsection:

"(a) the lease or purchase of passenger motor vehicles."

The lease or purchase of passenger motor vehicles is generally prohibited by 31 U.S.C. 1343 unless specifically authorized by statute. Passenger vehicles are needed by the Parole Commission for transporting hearing examiners to hearing locations. This provision would give the Commission the necessary authority for acquiring passenger motor vehicles.

Proposed bill section 8:

Chapter 401 of Title 18, United States Code, is amended by deleting subsection (a) of section 5003 and inserting the following:

"(a) The Director of the Bureau of Prisons when proper and adequate facilities and personnel are available, is hereby authorized to contract with proper officials of a State, or Territory, or Indian Tribe, for the custody, care, subsistence, education, treatment, and training or persons convicted of criminal offenses in the courts of such State, Territory or Tribe: Provided, That any such contract shall provide for reimbursing the United States in full for all costs or other expenses involved; except that, where reimbursement from a State is not legally available, the contract shall provide for receiving in exchange persons convicted of criminal offenses in the courts of the United States, to serve their sentence in appropriate institutions or facilities of the State or Territory by designation as provided in Section 4082(b) of this Title, this exchange to be made according to formulas or conditions which may be negotiated in the contract."

This provision amends the section in Title 18, United States Code, which deals with the authority of the Bureau of Prisons to contract to accept state prisoners into federal custody. The principal changes which will result are: (1) that such contracts may now be made with territories and Indian tribes; and (2) that such contracts may now include inmates exchanges as part of the consideration in negotiating a custody contract.

Proposed bill section 9:

Section 263 of title 22, United States Code, is amended by inserting the following at the end thereof:

"The Attorney General on his designee is also authorized to make payments from Department of Justice appropriations for expenses necessary to host, at intervals of ten years or longer, the annual meeting of the General Assembly of INTERPOL and to periodically sponsor INTERPOL conferences on topics of international crime."

The additional legislative authority being proposed is extremely important to INTERPOL-USNCB. Currently, the United States, through the INTER-USNCB, is exerting a greater leadership role in the international organization. In this regard, the INTERPOL-USNCB, with substantial member country support, has successfully initiated an ongoing fiscal audit and review of the INTERPOL General Secretariat and plans are currently being made to implement a similar management review of the General Secretariat.

Additionally, during the recent meeting of the General Assembly, the United States achieved the support of the majority of the INTERPOL member countries in passing specific resolutions relating to international crime. The increasing leadership role of the United States in the international organization also is reflected by this country's successful efforts to seek and win the Presidency of INTERPOL in 1984. As United States involvement continues to expand, it is important that a highly credible United States image is maintained and that INTERPOL member countries perceive that the United States is assuming a greater participatory role in the organization.

One way to accomplish this objective is for the INTERPOL-USNCB to host the annual meeting of the INTERPOL General Assembly at intervals of approximately ten years or more. The proposed legislative language would clarify the USNCB's role in hosting such annual meetings and other conferences.

Proposed bill section 10:

Section 1622d of Title 22, United States Code, pertaining to the Foreign Claims Settlement Commission, is amended by adding at the end thereof the following new paragraph.

"The Commission is authorized to hire passenger motor vehicles, for field use only, and to purchase insurance for official motor vehicles used abroad. The Commission may advance funds abroad and may advance funds to other government departments or

agencies in connection with reimbursable agreements. The Commission is also authorized to employ aliens abroad and, with the approval of the Secretary of State, to acquire necessary office space and living quarters abroad and to maintain, repair, furnish and provide utilities for such properties.

This provision gives additional permanent spending authorizations to the Foreign Claims Settlement Commission. All of these authorizations have been available to Commission under language contained in the Department of Justice Appropriation Act for the 1986 fiscal year.

TITLE III—UNITED STATES MARSHALS SERVICE

The United States Marshals Service Act of 1985 has been introduced during the 99th Congress in both the House of Representatives (H.R. 4001) and the Senate (S. 2044). That bill, with certain editorial changes, has been integrated into the Department's Authorization bill as Part III.

Proposed section 11(a):

Chapter 37 of Title 28, United States Code, is amended such that sections 561, 562, 564, 565 and 566, shall read as follows:

This section of the Marshals Service Act enacts five new or replacement sections within Chapter 37 of Title 28, United States Code. These sections establish the United States Marshals Service (§ 561); provide for filing vacancies (§ 564); reaffirm a Marshal's power as a sheriff (§ 564); authorize the payment of necessary expenses (§ 565); and define the powers and duties of the Marshals Service (§ 566).

Proposed section 561: United States Marshals Service

(a) There is hereby established a United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. The United States Marshals Service (hereinafter referred to in this chapter as the "Service") shall be headed by a Director appointed by the Attorney General.

(b) The Director of the United States Marshals Service (hereinafter referred to in this chapter as the "Director") shall exercise the power and duties set out in this chapter and as may be vested in the Director pursuant to statute or delegation from the Attorney General.

(c) The President shall appoint, by and with the advice and consent of the Senate, a United States Marshal for each judicial district of the United States, except that any Marshal appointed for the Northern Mariana Islands may at the same time serve as Marshal in another district. Each United States Marshal shall be an official of the Service and shall serve under the direction and subject to the coordination of the Director.

(d) Each Marshal shall be appointed for a term of four years. On expiration of his term, unless he shall resign or be removed by the President, a Marshal shall continue to perform the duties of this office until his successor is appointed and qualified or until a person is designated to act as Marshal in accordance with Section 562.

(e) The Director shall designate places within a judicial district for the official station and offices of each Marshal. Each Marshal shall reside within the district for which he was appointed except that—

(1) the Marshals for the District of Columbia and for the Southern District of New York may reside within 20 miles thereof; and

(2) any Marshal appointed for the Northern Mariana Islands who at the same time is serving in the same capacity in another district may reside in such other district.

(f) The Director is authorized to select, appoint, employ, and fix compensation for Deputy Marshals and such officials and employees as shall be necessary to carry out the powers and duties of the Service and may designate such Deputy Marshals as law enforcement officers, in accordance with the policies and procedures he shall establish. Deputy Marshals, officials, and employees are subject to disciplinary action, including removal, by the Director.

(g) The Director shall supervise and direct the United States Marshals Service in the performance of its duties, including criminal investigations, and in accounting for public moneys. Each official of the Service shall report any official proceedings, receipts, and disbursements and the condition of the office under the purview of such official as the Director requires.

(h) The Director may delegate to any other official of the Service the authority to carry out any function of the Director.

(i) There is authorized to be appropriated such sums as are necessary to exercise the powers and duties of the United States Marshals Service.

Proposed section 561 establishes the United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. It provides for a Director appointed by the Attorney General and establishes the administrative and management authority necessary for the efficient and effective operation of the Service.

This section also includes the currently existing provision for the appointment by the President, by and with the advice and consent of the Senate, of United States Marshals for each judicial district of the United States, except for the Northern Mariana Islands wherein the Marshal may at the same time serve as Marshal in another district. Marshals are appointed to 4-year terms.

Administrative authorities contained in the amended section 561 relate to the selection and appointment of law enforcement and staff support personnel in accordance with applicable Federal Personnel regulations, and to the supervisory authority of the Director. This section also provides for the accounting of funds collected by the Marshals, and for the appropriation of such sums as may be necessary to exercise the powers and duties of the U.S. Marshals Service.

Proposed Section 562: Vacancies

(a) In the case of a vacancy in the office of United States Marshal, the Attorney General may designate a person to perform the functions and act as Marshal. The Attorney General shall not designate to act as Marshal a person whose appointment by the President to that office the Senate has refused to give its advice and consent.

(b) Such person designated by the Attorney General may service until the earliest of the following events:

(1) the entry into office a United States Marshal appointed by the President, pursuant to Article II, Section 2 of the Constitution;

(2) the expiration of the thirtieth day following the end of the next session of the Senate; or

(3) if such designee of the Attorney General is appointed by the President pursuant to section 561(c), said designee may service until the expiration of the thirtieth day following the refusal of the Senate to give its advice and consent to the appointment by the President.

Proposed section 562 provides for the appointment of an acting Marshal by the Attorney General in the case of a vacancy in such office. It also assures the temporary nature of such interim appointment by prohibiting the designation of any person whose appointment by the President to that office has been rejected by the Senate and by providing for the automatic termination of such interm appointments under specified circumstances.

Proposed Section 564: Power as Sheriff

An official of the Service, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

Proposed section 564 restates the historic authority of United States Marshals, in executing the laws of the United States, to exercise the same powers as a sheriff of a State. The only change modifies the language to clarify that such authority is also shared by other law enforcement officials of the United States Marshals Service.

Proposed Section 565: Expenses of United States Marshals Service

The Service is authorized to—

(a) establish procedures and to pay for:

(1) the actual and necessary expenses associated with the offices established under section 561;

(2) the expense of transporting prisoners, including the transportation between the United States and foreign countries of persons charged with crime, and including the cost of necessary guards and the travel and subsistence expenses of prisoners and guards;

(3) the lease, acquisition, maintenance, and operation of aircraft and the lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for any current fiscal year and including the operation and maintenance for official use of vehicles seized and forfeited to the U.S. Government;

(4) the purchase of firearms and ammunition and attendance at firearms matches and law enforcement competitions;

(5) supervision of United States prisoners in non-federal institutions;

(6) payment of rewards and the purchase of evidence and payments for information;

(7) other necessary expenditures as required by law; and

(b) enter into contracts and cooperative agreements, as authorized by the Attorney General, including contacts for personal guard and other personal services, and may utilize such contracts for the service of government process in lieu of service by U.S. Marshals of deputy Marshals.

Proposed section 565 consolidates into one section an enumeration of the various activities for which the Service is authorized to expend funds. These include the "actual and necessary" expenses associated with the operation of the Marshals Service offices in all Federal judicial districts; the expense of transporting prisoners; and acquisition, maintenance and operation of law enforcement of vehicles and aircraft; expenses relating to the supervision of Federal prisoners in non-federal institution; expenditures for firearms, ammunition and activities associated with the development of expertise in their use; and the payment of rewards and for information pertaining to authorized investigative activities. This section also permits the Service to enter into contracts

and cooperative agreements, as authorized by the Attorney General, for the hiring of security guards and for the service of civil process.

Proposed Section 566: Powers and duties

(a) The United States Marshals Service is authorized to provide for the safety and security of the Federal courts of the United States and provide other assistance in accordance with the policies established by the Attorney General.

(b) Except as otherwise provided by law or the Federal Rules of Procedure, the United States Marshals Service shall execute all lawful writs, process and orders issued under the judicial authority of the United States, in accordance with the policies established by the Attorney General, and shall command all necessary assistance to execute its duties.

(c) The Director, United States Marshals, and other law enforcement officers of the United States Marshals Service may carry firearms and may make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(d) The United States Marshals Service is authorized to investigate fugitive matters, both domestic and foreign, as directed by the Attorney General."

Proposed Section 566 specifies the duties of the Service with respect to the protection of the Federal courts and the execution of writs and process in accordance with policies established by the Attorney General. It also explicitly continues the authority currently provided by statute or delegation from the Attorney General to conduct investigations relating to the apprehension of fugitives, to carry firearms, and to make arrests.

Proposed Bill Section 11(b)

Chapter 37 of Title 28, United States Code, is further amended—

(a) by repealing section 567, 568, 569, and 570;

(b) by renumbering sections 571, 572, 573, 574, 575, and 576 to read 567, 568, 569, 570, 571, and 572, respectively; and

(c) by adding the following new sections:

This section of the Marshals Service Act repeals four existing sections in Title 28 whose provisions are incorporated, in whole or in part, in the previously amended sections enacted by Section 11(a) of the bill.

This section also renumbers certain of the sections in chapter 37 of Title 28. Finally this section adds a new section to Chapter 37 to Title 28.

Proposed Section 573

Authorization for Certain Witness Security Expenses:

The expenses incurred for the use of facilities in the protection of witnesses, and planning, acquisition, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites shall be paid from appropriations available to the Marshals Service.

Section 573 authorizes the expenditures of funds from appropriations available to the Marshals Service for facilities required in the protection of witnesses.

Proposed Bill Section 11 (c)

Chapter 123 of Title 28, United States Code, is amended such that section 1921 shall read as follows:

This section of the Marshals Service Act amends the provision in Title 28 which authorizes the Marshals Service to collect fees to defray the costs of providing services to private litigants in federal cases.

Proposed Section 1921 United States Marshals' fees

(a) (1) The United States Marshals or Deputies shall routinely collect, and a court may tax as costs, fees for the following:

(A) serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, complaints, or any other writ, order or process in any case or proceedings;

(B) serving a subpoena or summons for a witness or appraiser;

(C) forwarding any writ, order, or process to another judicial district for service;

(D) the preparation of any notice of sale, proclamation in admiralty, or other public notice or bill of sale;

(E) the keeping of attachment property (including boats, vessels, or other property attached or libeled), actual expenses incurred, such as storage, moving, boat hire, or thier special transportation, watchmen's or keepers' fees, insurance, and an hourly rate including overtime for each Deputy Marshal required for special services, such as guarding, inventorying, and moving;

(F) copies of writs or other papers furnished at the request of any party;

(G) necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor; and

(H) ovetime expenses incurred by Deputy Marshals in the course of serving or executing civil process.

(2) The Marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under subparagraph (e), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of ths title.

(3) For purposes of subparagraph (G), if two or more services or endeavors, or if any endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to theplace of servcie or endeavor which is most remote from the place where service is returnable, adding thereto any additional mileage traveled in serving or endeavoring to serve in behalf of that party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage for only one such write shall be collected.

(b) The Attorney General shall from time to time prescribe by regulation the fees to be taxed and collected under subsection (a). Such fees shall to the extent practicable, reflect the actual and reasonable cost of the service provided.

(c)(1) The United States Marshals Service shall collect a commission of 3 per centum of the first $1,000 collected and 1½ per centum on the excess of any sum over $1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of the commission shall be within the range set by the Attorney General. If the property is not disposed of by Marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than the Marshal or his Deputy, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other part. This subsection applies to judicially ordered sales and execution sales, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law.

(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commission collected under paragraph (1).

(d) The United States Marshals may require a deposit to cover any of the fees and expenses prescribed under this section.

(e) Without regard to the provision of 31 U.S.C. § 3302, the United States Marshals Service is authorized to credit amounts from fees and expenses collected (including amounts for overtime expenses) for the service of civil process, including complaints, summons, subpoenas, and similar process and seizures, levies, and sales performed by other marshals to its current appropriation account (Salaries and Expenses, United States Marshals) for the purpose, only, of carrying out those activities.

Proposed section 1921 allows the Attorney General to set fees collected from non-federal entities by United States Marshals in civil and criminal matters at levels reflecting the actual cost of the service provided. It also permits the Service to credit such fees collected to its curent appropriation and use such funds to defray oprating expenses for these activities. Under current law such fees are set at an artificially low level, well below the actual cost to the government, thus subsidizing at taxpayers' expense the service of non-federal government process.

Proposed Bill Section 11(d)

Chapter 301 of Title 18, United States Code, is amended to add the following new section:

This section of the Marshals Service Act originally authorized certain payments to be made from Marshals Service Appropriations. Since introduction of the Marshals Service Act, the President's Budget has maintained a separate appropriation for the Support of United States Prisoners rather than implementing a planned merger of this appropriation into the general appropriation for the Marshals Service. As a consequence, the language of the originally submitted Marshals Service Act has been changed to reflect the continued separate status for the Support of United States Prisoners appropriation.

Proposed Section 4002A

Support of United States Prisoners in non-Federal Institutions

The Attorney General or his designee is authorized to make payments from appropriations available for the support of United States Prisoners in non-Federal Institutions for:

(1) necessary clothing;

(2) medical aid and necessary guard hire;

(3) payment of rewards for assistance in the capture or information leading to the capture of a federal fugitive; and

(4) entering into contracts or cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisi-

tion of equipments, supplies, or materials required to establish acceptable conditions of confinement and detention services in any state or local government which agrees to provide guaranteed bed space for federal regulations issued by the Attorney General and which are comparable to the regulations issued under 18 U.S.C. §4006, except that amounts made available for this purpose shall not exceed the average per-inmate-cost of constructing similar confinement facilities for the federal prison population; and, provided further that the availability of such federally assisted facility shall be assured for housing federal prisoners and the per diem rate charged for housing such federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement.

Proposed Section 4002A authorizes payment from appropriated funds for the necessary clothing and medical care for federal prisoners in non-federal institutions and for the payment of rewards in connection with the capture of federal fugitives. It also provides and codifies the authority for the Cooperative Agreement Program under which the Marshals Service provides funds for state and local jail construction or modernization in exchange for the housing of federal prisoners.

TITLE IV—PROGRAM REDUCTIONS AND TERMINATIONS

The following provisions effectuate program reductions and terminations mandated by the President's 1987 Budget. These provisions are consistent with the need to reduce federal spending and limit expenditures of the Department to core functions.

Proposed Bill Section 12(a)

Section 1402(c)(1) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2171), 42 U.S.C. 10601(c)(1), is amended by deleting the period at the end thereof and adding the following:

"; except that excess funds shall be deposited in the general fund of the Treasury if in fiscal year 1986 the fund reaches the sum of $64.9 million or if in fiscal year 1987 or 1988 the Fund reaches the sum of $35 million.

This provision would reduce the amount available to the Crime Victims Fund from collected fines. At present $100 million of collected fines is available to the Fund each year and any funds collected in excess of that amount are to be deposited in the general fund of the Treasury. The proposed amendment would reduce the amount available to the Fund to $64.9 million in fiscal year 1986 and $35 million in fiscal years 1987 and 1988. The present statute provides that no amounts will be deposited in the Fund after September 30, 1988.

Proposed Bill Section 12(b)

Section 517(b) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat 2075), 21 U.S.C. 873(d), is hereby repealed.

This provision would repeal the Attorney General's authority to make grants to state and local governments to assist in suppressing the diversion of controlled substances from legitimate medical, scientific and commercial use. This program has never been funded by Congress.

Proposed Bill Section 12(c)

Section 609 of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat 2088-90), 42 U.S.C. 3769 thru 3769d, is hereby repealed.

This provision would repeal the authority of the Director of the Bureau of Justice Assistance to make grants to state and local governments to assist in the construction of correctional facilities. No monies have ever been appropriated for this program.

Proposed Bill Section 12(d)

Part A, Sections 204-206, Part B, sections 221-229, and Part C. sections 241-249, of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, 88 Stat. 1109), as amended by the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2108), 42 U.S.C. 5611, are hereby repealed.

This provision would repeal the authority of the Administrator of the Office of Juvenile Justice and Delinquency Prevention to make grants to state and local governments for juvenile justice programs.

Proposed Bill Section 12(e)

The following sections of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351), as amended or added by the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2080-2087), are hereby repealed: Sections 402(1), (2) and (4); sections 403 through 408 and sections 501 through 506 (42 U.S.C. 3742(1), (2) and (4); 42 U.S.C. 2743-3748; and 42 U.S.C. 3761-3766)

This provision would repeal the authority of the Director of the Bureau of Justice Assistance to make grants to State and local governments for certain programs to improve the functioning of the criminal justice system.

TITLE V—TABLES OF CHAPTERS AND SECTIONS

The provisions in this part of the bill correct tables of chapters and sections within the United States Code to conform to amendments effected earlier in the bill.

Proposed Bill Section 13

The table of sections for chapter 301 of Title 18, United States Code, is amended by inserting after the item relating to section 4002 the following new item:

"4002A. Support for United States prisoners in non-Federal institutions."

This provision should be enacted if proposed bill section 11(d) is enacted.

Proposed Bill Section 14

The table of sections for chapter 303 of Title 18, United States Code, is amended by deleting the item relating to section 4043 and inserting the following new items:

"4043. Repealed."
"4044. Authority to conduct autopsies."

This provision should be enacted if proposed bill sections 3(e) and 5 are enacted.

Proposed Bill Section 15

The table of sections for chapter 307 of Title 18, United States Code, is amended by inserting after the item relating to section 4128 the following new item:

"4219. General Authorizations—Federal Prison Industries, Inc."

This provision should be enacted if proposed bill section 6(b) is enacted.

Proposed Bill Section 16

The table of chapters for part II of Title 28, United States Code, is amended by changing the item related to chapter 37 to read:

"37. United States Marshals Service .. 561"

and by inserting after the item relating to chapter 37 the following new item:

"38. General Authorizations..... 577"

This provision should be enacted if proposed bill sections 3(a) read 11(a) the enacted.

Proposed Bill Section 17

The table of sections for chapter 37 of Title 28, United States Code, shall read as follows:

"561. United States Marshals Service."
"562. Vacancies."
"563. Oath of Office."
"564. Powers as Sheriff."
"565. Expenses of United States Marshals Service."
"567. Disbursements of salaries and moneys."
"568. Collection of fees, accounting."
"569. Delivery of prisoners to successor."
"570. Delivery of unserved process to successor."
"571. Practice of law prohibited."
"572. Reemployment rights."
"573. Authorization for Certain Witness Security Expenses."

This provision should be enacted if proposed bill sections 11(a) and 11(b) are enacted.

Proposed Bill Section 18

The table of sections for Chapter 38 of Title 28 United States Code, shall read as follows:

"577. General authorizations."
"578. Authorizations and exemptions available for undercover investigative operations."

This provision should be enacted if proposed bill section 3(a) is enacted.

By Mr. HEINZ:

S. 2377. A bill to make a technical modification in the Excellence in Education Act; to the Committee on Labor and Human Resources.

EXCELLENCE IN EDUCATION MODIFICATION

● Mr. HEINZ. Mr. President, today I am submitting a technical modification to the Excellence in Education Act, title VI of the Education for Economic Security Act. This program has thus far stimulated nearly 1,000 applications for funding, despite the Department of Education's unwillingness to spend money appropriated by the Congress to carry out the act.

The sum of $7.5 million has been appropriated, $5 million in fiscal year 1985 and $2.5 million in fiscal year 1986. The reason for the low appropriation in fiscal year 1986 was the continuing carryover of $5 million from the prior year. These appropriations were to be combined and the President's budget listed the full amount of $7.5 million as fiscal year 1986 moneys. The Department of Education, however, has indicated to me that they will only spend $5 million, left over from 2 years ago, on the program this year. The $2.5 million in fiscal year 1986 money remains in limbo.

The purpose of the act is to promote educational improvement by upgrading school curriculums through a renewed focus on basic education and basic skills. In addition, the measure provides incentives for outstanding teacher performance as well as encouraging private-sector involvement in educational excellence.

Under the authorizing statute $3 million is to go for projects which are jointly funded by business and local school districts in order to encourage the private sector in the upgrading of education. The Department has determined that it will spend down the money appropriated by Congress over the next 2 years, and thus the $3 million set-aside will take up virtually all of the money available in direct contradiction to the will of the Congress.

Because the Department of Education is determined in its opposition to a well-meaning set-aside provision, my modification will allow the set-aside for business-secured projects to take effect only when appropriations are at least $15 million for a fiscal year. It is important that we modify the act in this way, and I hope that Congress will act quickly on behalf of the technical correction.●

By Mr. LUGAR (by request):

S. 2378. A bill to authorize supplemental economic and military assistance for the Philippines, and for other purposes; to the Committee on Foreign Relations.

PHILIPPINES ASSISTANCE ACT

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to authorize supplemental economic and military assistance for the Philippines, and for other purposes.

This proposed legislation has been requested by the President and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the message from the President to the Congress dated April 25, 1986.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Philippines Assistance Act of 1986".

ECONOMIC AND MILITARY ASSISTANCE

SEC. 2. (a) The Congress recognizes that the restoration of democracy through the inauguration of President Corazon Aquino provides the Philippines with an opportunity to rebuild the social and economic institutions necessary to achieve growth, prosperity and stability for the benefit of the people of the Philippines and the countries of the entire region. The Congress also recognizes that the economic and security issues confronting the Philippines make the task of achieving these objectives extremely difficult, depending in significant measure on the ability of the Government of the Philippines to undertake significant economic and military reforms, and the willingness of the United States and other supporters of democracy to assist the Government in those efforts.

(b) Accordingly, there are authorized to be appropriated to the President, in addition to amounts otherwise authorized to be appropriated for such purposes, for the fiscal year 1986—

(1) $100,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, to be made available for the Philippines; and

(2) $50,000,000 to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, to be made available for the Philippines.

(c) Amounts appropriated under paragraph (1) are authorized to remain available until expended.

REPEAL

SEC. 3. Section 901 of the International Security and Development Cooperation Act of 1985 is repealed.

To the Congress of the United States:

I hereby transmit for the consideration of the Congress proposed legislation, entitled "Philippines Assistance Act of 1986," which authorizes supplemental economic and military assistance for the Philippines.

The bill authorizes a total of $150 million in supplemental assistance for the Philippines, of which $100 million is to be used for Economic Support Fund activities and $50 million is to be used for the Military Assistance Program. A supplemental appropriation request for fiscal year 1986 is concurrently being transmitted to the Congress.

Through the inauguration of President Aquino, the Philippines has been offered an historic opportunity to effect significant structural and institutional reforms that will bring the benefits of peace and prosperity to all of its citizens. The special relationship that the people of the United States share with the people of the Philippines strongly warrants our renewed commitment in support of these efforts. I urge the Congress to act without delay on this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *April 25, 1986.*

SECTION-BY-SECTION ANALYSIS

Section 1 states that the Act may be cited as the Philippines Assistance Act of 1986.

Section 2 recognizes that, through the inauguration of President Aquino, the Philippines has an opportunity to rebuild the social and economic institutions necessary for growth and prosperity. To assist the Philippines in this effort, as well as to help the Philippines address security needs, $100 million in additional Economic Support Fund assistance and $50 million in additional Military Assistance Program assistance is authorized.

Section 3 repeals section 901 of the International Security and Development Cooperation Act of 1985. That section contains statements of policy and earmarks of funds for the Philippines which had been enacted out of concern over the activities of the previous Philippines government.●

By Mr. PRYOR:

S. 2379. A bill to repeal the application of Revenue Ruling 86-63, relating to the deductibility of contributions to university athletic funds; to the Committee on Finance.

REPEAL OF REVENUE RULING 86-63

● Mr. PRYOR. Mr. President, today I'm introducing a bill to repeal Revenue Ruling 86-63, which was issued today by the Internal Revenue Service [IRS]. The bill provides that the tax law is to be applied without regard to this ruling.

Revenue Ruling 86-63 deals with contributions to athletic scholarship funds. Basically, it provides that if an individual gives money to an athletic scholarship program and receives the right to purchase season tickets on any basis—other than as a member of the general public—then no gift is involved. If there is no gift, then there is no charitable contribution under section 170 of the Internal Revenue Code.

Mr. President, in 1984 the IRS issued Revenue Ruling 84-132. This ruling essentially held that no charitable contribution was present when a donation was made to an athletic scholarship fund and the donor received preferred seating. After a great deal of congressional interest in this issue, the Treasury Department withdrew the ruling. A public hearing was then held by the IRS on January 7, 1985. Revenue Ruling 86-63 is the result of those hearings.

I am very concerned over the effect of this ruling on the ability of the colleges and universities in this country to raise money for scholarships for student-athletes. When the earlier ruling was issued I know many people who expressed serious concern over what would happen to donations. These funds are used primarily for scholarships for these students, and with this ruling hanging in the air, I'm afraid contributions will drop dramatically. All of us want to do all we can to maintain and strengthen our educational system, and with this ruling it seems that we're headed in the other direction.

I ask unanimous consent that a copy of the legislation I'm introducing today be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Internal Revenue Code of 1954 shall be applied—

(1) without regard to Revenue Ruling 86-63 (and without regard to any other regulation, ruling, or decision reaching the same result as, or a result similar to, the result set forth in such Revenue Ruling), and

(2) with full regard to the rules in effect before Revenue Ruling 86-63.●

By Mr. QUAYLE:

S. 2380. A bill to amend title 10, United States Code, to require the

head of a Department of Defense agency to consider the foreign policy objectives of the United States before entering into a procurement contract with a foreign government or an instrumentality of a foreign government; to the Committee on Armed Services.

CONSISTENCY IN DEFENSE CONTRACTING AND FOREIGN POLICY ACT

● Mr. QUAYLE. Mr. President, the recent raid on Libya has made it clear that the United States is ready and willing to fight state-supported terrorism even if it means taking military action against the states actually supporting terrorism. Ironically, however, our defense contracting procedures do not yet appear to reflect this commitment.

In specific, early last December the Department of Defense revealed that an Italian firm, nearly 15 percent of which is owned by an official financial arm of the Libyan Government, was the lowest bidder on a defense contract for tractor crawlers. Under existing Defense procurement practices, the Department tends to give preference to the lowest bidder, in this case, Fiat of Italy.

When congressional inquires were first made to determine the appropriateness of awarding Fiat the contract, administration officials indicated that Libya's influence on the firm was insufficient to bar Fiat from getting the contract. Shortly thereafter, the President announced a complete embargo on all U.S. business dealings with Libya.

Mr. President, in light of the embargo and the recent raid on Libya, questions have been raised concerning the legality of awarding Fiat the contract. The General Accounting Office has been asked to make such a determination. Legislation also has been suggested that would prohibit the transaction. Needless to say, the entire affair has been the cause of considerable controversy and embarrassment. After several more weeks of controversy, I would be surprised if the contract is let to Fiat unless the company manages to rid itself of its Libyan investors.

Mr. President, I think we can do better than this. Later this week I have scheduled a Defense Acquisition Policy Subcommittee hearing to review this case and to determine the likelihood of other such cases arising. At this time I also intend to solicit comments from the State and Defense Departments on legislation that I am introducing today.

My bill, the Consistency in Foreign Policy and Defense Contracting Act, would require the head of any contracting defense agency to determine if a prospective contractor is controlled or owned in whole or in part by a foreign government or an instrument of a foreign government. In such cases, he would have to determine further if awarding such a contract would be inconsistent with our Nation's foreign policy or national security objectives.

My bill would also require congressional notification before any release contract is entered into with a contractor owned or controlled in part by a foreign government listed by our Government as a state supporter of terrorism.

The intent of this bill is to prevent the sort of embarrassment and confusion associated with the Fiat case. Forewarned is forearmed when it comes to possibly controversial contracts. Certainly, Congress ought not to leave determinations and notification concerning these cases to ad hoc administrative actions.

Once congressional concerns are expressed concerning such contracts, I am confident that good sense will prevail. I also believe that this legislation will put reasonable pressure on the few firms that are partially owned by state supporters of terrorism. It will give clear notice that no further Department of Defense contracts are likely to be forthcoming unless and until they rid themselves of terrorist supporting investors.

Mr. President, I ask unanimous consent that the text of my bill along with several recent news clips concerning the Fiat case be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2408. Foreign policy considerations in defense contracting

"(a)(1) Before an agency named in clause (1), (2), (3), or (4) of section 2303(a) of this title may enter into a contract under chapter 137 of this title with any contractor owned or controlled, in whole or in any substantial part, by a foreign government or an instrumentality of a foreign government, the head of the agency shall determine whether such contract (or the award of such contract) is inconsistent with the foreign policy and national security objectives of the United States.

"(2) In making a determination under paragraph (1), the head of the agency shall consider the relationship of the United States with the foreign government or instrumentality of such government, the extent of the ownership and control of the contractor by the foreign government or instrumentality, and whether proceeds of the contract or information available to the contractor as a result of the contract may be used for purposes inimical to the interests of the United States.

"(b) Before an agency referred to in subsection (a)(1) enters into a contract with any contractor owned or controlled, in whole or in any substantial part, by a foreign government included in the control list published under section 6(l) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(l)), or by an instrumentality of any such government, the head of the agency shall transmit a report on the contract to Congress. The report shall identify the foreign government, the instrumentality (if any), the nature of the contract, and the reasons for entering into the contract.

"(c) The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting at the end thereof the following new item:

"2408. Foreign policy considerations in defense contracting.".

(b) The amendment made by subsection (a)(1) shall take effect with respect to contracts awarded, modified, or extended on or after the date of the enactment of this Act.

[From the Defense News, Apr. 28, 1986]

FIAT'S LIBYAN TIES MAY POISON U.S. BUSINESS

(By Tom Donnelly)

WASHINGTON.—President Reagan's executive order banning all trade with Libya may have thrown a monkey wrench into a number of the Pentagon's major weapons buys and poses a problem for one of the major European firms interested in participating in the Strategic Defense Initiative.

Reagan's Jan. 7 executive order banning the "performance by any United States person of any contract in support of industrial or other commercial or government project in Libya" has created difficulties for the U.S. subsidiaries of the giant Italian automobile firm Fiat SpA. The Libyan government, through the Libyan Arab Foreign Investment Co., owns roughly 13 percent of Fiat's voting stock and 14.9 percent of its nonvoting stock.

Several weeks ago, a Marine Corps award of a contract for 178 bulldozers to Fiat Allis, an American subsidiary of Fiat SpA based in Illinois, was held up because of a protest by one of the losing competitors for the contract.

J.I. Case Co., the second-lowest bidder, protested to the General Accounting Office (GAO). The GAO agreed to look at the protest, and the contract award has been held up until the GAO rules sometime in May.

James P. Wade, assistant secretary of defense for acquisitions and logistics, tells *Defense News,* "Current U.S. law does not provide the authority to deny the contract award in the situation. However, nothing is settled."

Surio Colombo, president of Fiat U.S.A., the holding company for Fiat's U.S. interests, says, "All the signs are that [the protest] will be denied. "All preliminary rulings have been in our favor. The Libyans have no access to power with Fiat, and not even marginal participation."

Last Thursday, two powerful House committee chairmen sent a letter to Defense Secretary Caspar W. Weinberger, strongly protesting the award of the bulldozer contract to the Fiat subsidiary. Rep. Les Aspin (D-Wis.), chairman of the House Armed Services Committee, and Rep. Jack Brooks (D-Texas), chairman of the House Government Operations Committee, told Weinberger, "It is our strong belief that the U.S. government, particularly the Department of Defense, should not be awarding lucrative contracts to any company which is substantially owned or controlled by foreign gov-

ernments that are hostile to our country. With the award of this contract, we are indirectly providing financial support for Libya's sponsorship of worldwide terrorism."

Colombo says that because the Libyan interest involves no control of the company—Fiat SpA is 30 percent owned and entirely run by Italy's leading industrialist, Gianni Agnelli, and his family—the executive order does not apply.

However, if the protest is upheld, several other U.S. weapons programs might be in jeopardy. For example, Fiat also makes parts for the Pratt & Whitney PW2037 engine that will power the Air Force's C-17 transport aircraft and makes a number of gearboxes for the General Electric CF6-50C2 engine, powerplant for the KC-10 tanker. Bill Schuman, a General Electric spokesman in Washington, says, "We have received no instructions from the government about this." Fiat's share of the engine work is 4 percent of the Pratt & Whitney engine and, Schuman says, "about 5 percent" of the GE engine.

The Libyan Arab Foreign Investment Co. was created to invest the country's oil earnings in U.S. and European industrial firms. Fiat's Washington representative, Paolo Zannoni, says that Libya first bought into Fiat more than 10 years ago. Many Middle East oil states have created overseas investment firms to protect their oil earnings, and Wall Street defense investment experts speculate that it is quite likely that a number of these investment companies may well own stock in U.S. defense firms. Fiat's Colombo says that these firms, such as the Arab Banking Co., have substantial Libyan ownership.

The case of Fiat is particularly sensitive, as the firm is anxious to participate in the Strategic Defense Initiative (SDI). Fiat has been a strong lobbying arm within Italy for the program, pressuring the Italian government to make a commitment to SDI.

We went to the prime minister, the foreign minister and the parliament," says Colombo. "We've been most vocal in asking the government to make the political choice to be committed to SDI."

Fiat is anxious to try to rid itself of Libyan involvement, and the Libyan ownership has been an embarrassment to Agnelli and the firm, the Italian press has reported. In an interview with the Milan daily *Il Giornale* April 22, Fiat managing director Cesare Romitti admitted that the Libyan ownership is proving a drawback in its efforts to win business from the U.S. government. Agnelli has made a standing offer through its investment firm to buy back the Libyan shares.

[From the New York Times, Apr. 23, 1986]

FIAT OWNERS SEEK LIBYA'S BIG STAKE

(By E.J. Dionne)

ROME, April 22.—The Italian owners of Fiat S.p.A. have offered to buy back the large minority share that Libya owns in the company, a Fiat spokesman said today.

The Libyan Government, through the Libyan Arab Foreign Investment Company, owns 13 percent of Fiat's common voting shares and 15 percent of its nonvoting preferred shares, the Fiat spokesman said.

The spokesman, Camillo Fré, director of Fiat's international press relations, said that Libya had so far shown no interest in selling its shares. The Libyan investment company has been refusing to comment on its plans for the Fiat stake.

"There must be two people to make a deal," Mr. Fré said. "They don't want to get out. They've done quite well. They bought their shares for less than $400 million in 1976. The shares are now worth about $2.7 billion. That's not bad. And beyond that, they've gotten dividends."

EMBARRASSMENT FOR FIAT

Libya's ownership of such a large stake has been an embarrassment for Fiat, Italy's largest industrial company, and for the Agnelli family, which controls the sprawling concern. This problem was accentuated with the arrest Sunday of an employee of the Libyan investment company on suspicion of plotting a year ago to kill the United States Ambassador to Italy and the Saudi and Egyptian Ambassadors.

In an interview published today in Il Giornale, a Milan daily, Cesare Romiti, Fiat's managing director, acknowledged that the Libyan stake in the company was creating difficulties for Fiat in its effort to obtain public contracts in the United States.

"These problems are real," he said. "But I think the attitude of certain American sectors is excessive."

Fiat has expressed a strong interest in winning contracts for the Reagan Administration's Strategic Defense Initiative, known as "Star Wars."

The Libyan connection also fits badly with the repeated entreaties by Fiat's president and the country's most important industrialist, Gianni Agnelli, that Italy should think of itself more as a European nation than a Mediterranean one. Advocates of a "Mediterranean" Italy have encouraged close Italian ties to Arab countries.

A condition of the original agreement with Libya was that the company—in effect, the Agnelli family and its designates—remain free of any interference in its management. Mr. Fré said that Libya had shown no interest in having any role in company decisions and was apparently holding the shares only as an investment.

"Up to now, we've never had trouble with their participation," Mr. Fré said. "I must say they've behaved in a very correct way."

He said that the Agnelli family controlled 31 percent of the company, and that it could count on institutional investors and other corporate shareholders, such as the tire company Pirelli, in the event of "an impossible fight."

Mr. Romiti said that the Agnelli family, through IFI, its finance company, was prepared to buy back the Libyan shares at any time.

Although there have been rumors of a buyback of the Libyan shares in recent months, none of these have come to fruition, largely, it appears, because of Libya's reluctance to sell its shares. It is also unclear whether Libya would sell the shares at the current market rates or seek a higher price.

Mr. Fré said that finding the roughly $2.7 billion to buy back the shares from Libya would be "a minor problem." He noted that the IFI holdings amounted to $5.3 billion to $6 billion.●

ADDITIONAL COSPONSORS

S. 524

At the request of Mr. ARMSTRONG, the name of the Senator from Maine [Mr. MTICHELL] was added as a cosponsor of S. 524, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 707

At the request of Mr. SIMON, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 707, a bill to amend title 38, United States Code, to provide disability and death allowances, compensation, health care, and other benefits to veterans and the survivors of veterans who participated in atomic tests or the occupation of Hiroshima and Nagasaki and suffer from diseases that may be attributable to ionizing radiation.

S. 1494

At the request of Mr. GORTON, the name of the Senator from Florida [Mrs. HAWKINS] was withdrawn as a cosponsor of S. 1494, a bill to amend title 23, United States Code, to limit outdoor advertising adjacent to Interstate and Federal-aid primary highways.

S. 1622

At the request of Mr. MELCHER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1622, a bill to promote the development of Native American Culture and Art.

S. 1997

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1997, a bill to amend the Internal Revenue Code of 1954 to impose a tax on the importation of crude oil and refined petroleum products.

S. 2098

At the request of Mr. BENTSEN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2098, a bill to establish a National Space Grant College Program.

S. 2180

At the request of Mr. GORTON the name of the Senator from Delaware [Mr. BIDEN] was added as a consponsor of S. 2180, a bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

S. 2203

At the request of Mr. STAFFORD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2203, a bill to establish a program to reduce acid deposition and for other purposes.

S. 2208

At the request of Mr. KASTEN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Tennessee [Mr. GORE], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 2208, a bill to establish the African Famine, Recovery and Development Fund for the relief, recovery, and long-term development of sub-Saharan Africa, and for other purposes.

S. 2231

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 2231, a bill to amend the Federal Deposit Insurance Act.

S. 2255

At the request of Mr. WILSON, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2255, a bill to prohibit the expenditure of Federal funding for Congressional Newsletters.

S. 2284

At the request of Mr. NICKLES, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2284, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to take certain actions to minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers, and for other purposes.

S. 2294

At the request of Mr. WEICKER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 2294, a bill to reauthorize certain programs under the Education of the Handicapped Act, to authorize an early intervention program for handicapped infants, and for other purposes.

S. 2333

At the request of Mr. DURENBERGER, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2333, a bill to amend title XIX of the Social Security Act to strengthen and improve medicaid services to low-income pregnant women and children.

S. 2350

At the request of Mr. ABDNOR, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2350, a bill to extend the period for filing a claim for credit or refund of Federal income taxes with respect to certain changes made by the Consolidated Omnibus Reconciliation Act of 1985 with respect to insolvent farmers.

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the name of Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 134, joint resolution to designate "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 143

At the request of Mr. GORE, the name of Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 143, joint resolution to authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia at an appropriate site in Constitution Gardens.

SENATE JOINT RESOLUTION 298

At the request of Mr. QUAYLE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 298, joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 314

At the request of Mr. QUAYLE, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of Senate Joint Resolution 314, joint resolution to designate the week beginning July 27, 1986, as "National Nuclear Medicine Week."

SENATE JOINT RESOLUTION 326

At the request of Mr. WALLOP, the names of the Senator from California [Mr. WILSON], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. MCCLURE], the Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. EAST], the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. HECHT], the Senator from Idaho [Mr. SYMMS] the Senator from Iowa [Mr. GRASSLEY], the Senator from Arizona [Mr. GOLDWATER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Oklahoma [Mr. NICKLES], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of Senate Joint Resolution 326, joint resolution to proclaim May 21, 1986, as "Andrei Sakharov Honor and Freedom Day."

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. SIMON, the names of the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. NICKLES], the Senator from Maine [Mr. MITCHELL], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Concurrent Resolution 117, concurrent resolution expressing the sense of the Congress in support of RIAS, the radio in the American Sector of Berlin.

SENATE RESOLUTION 303

At the request of Mr. HEINZ, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 303, resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 369

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of Senate Resolution 369, resolution relating to trade between the United States and the Republic of Korea.

AMENDMENTS SUBMITTED

FIRST CONCURRENT RESOLUTION ON THE BUDGET

BRADLEY (AND OTHERS) AMENDMENT NO. 1805

Mr. BRADLEY (for himself, Mr. JOHNSTON, and Mr. METZENBAUM) proposed an amendment to the concurrent resolution (S. Con. Res. 120) setting forth the congressional budget for the U.S. Government for the fiscal years 1987, 1988, and 1989; as follows:

At the end of the resolution add the following:

SEC. . It is the sense of the Congress that the Congress intends to disapprove the deferral proposed in D86-37 and D86-10A.

MELCHER AMENDMENT NO. 1806

Mr. MELCHER proposed an amendment to the concurrent resolution (S. Con. Res. 120), supra; as follows:

On page 6, line 10, strike "$295,100,000,000" and insert in lieu thereof "$295,079,000,000"

On page 6, line 11, strike "$280,000,000,000" and insert in lieu thereof "$279,979,000,000"

On page 9, line 16, strike "$4,900,000,000" and insert in lieu thereof "$4,921,000,000"

On page 9, line 17, strike "$5,000,000,000" and insert in lieu thereof "$5,021,000,000"

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. HEINZ. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Monday, April 28, 1986, in closed executive session in order to conduct a hearing on strategic homeporting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act, as amended.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 28, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 32. This report meets the requirements for Senate scorekeeping of section 5 of the Senate Concurrent Resolution 32 and is current through April 25, 1986. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

No changes have occurred since my last report.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESSS, 2D SESSION, AS OF APR. 25, 1986

[Fiscal year 1986—in billions dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Current level [1]	1,057.1	980.7	778.6	1,989.7
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by		13.1		
Under resolution by	12.6		17.1	89.0

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not be made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,078.7 billion.

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF APR. 25, 1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			777,794
Permanent appropriations and trust funds.	723,778	629,772	
Other appropriations	525,778	544,947	
Offsetting receipts	−188,561	−188,561	
Total enacted in previous sessions.	1,060,679	986,159	777,794
II. Enacted this session:			
Commodity Credit Corporation urgent supplemental appropriation, 1986 (Public Law 99–243).			
Federal Employees Benefits Improvement Act of 1986 (Public Law 99–251).		4	
VA home loan guarantee amendments (Public Law 99–255).		−51	
Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272).	−4,259	−6,001	765
Department of Agriculture urgent supplemental, 1986 (Public Law 99–263.			
Advance to hazardous substance response trust fund (Public Law 99–270).			
Total	−4,259	−6,048	765
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses.			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Veterans compensation	272	185	
Veterans readjustment benefits.	91	91	
Compact of free association	205	205	
Special benefits (Federal employees).	14	14	
Family social services	100	75	
Guaranteed student loans	6		
Payment to civil service retirement [1].	(37)	(37)	
Total entitlements	688	570	
Total current level as of Apr. 25, 1986.	1,057,108	980,681	778,559
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution.		13,081	
Under budget resolution.	12,592		17,141

[1] Interfund transactions do not add to budget totals.

Note: Numbers may not add due to rounding.

AMERICAN HOSTAGES IN LEBANON

● Mr. SIMON. Mr. President, I would like to submit for the RECORD today, a copy of a letter sent to the President on April 26, 1985. It has been 1 year since colleagues on both sides of the aisle from both Houses joined together to ask the administration to redouble efforts to secure the release of our American hostages in Lebanon.

There is a paradox in the measure of progress in that effort. For the family of Rev. Benjamin Weir, successful progress has been made in his return. For the family of Peter Kilburn, despite our efforts, the results have been tragic. For the families of David Jacobsen and Thomas Sutherland, they have been cast into crisis since April 26, 1985. It is difficult to measure our progress.

With the families of William Buckley, Father Lawrence Martin Jenco, and Terry Anderson have committed themselves to continue their efforts on behalf of all the remaining hostages.

I believe it is extremely difficult for any of us to comprehend the turmoil, the pain and the confusion of these families during the past year. The much described "rollercoaster" experience is all too real to them. Some of them have been to Washington over 30 times. They have travelled to the United Nations, contacted numerous private organizations, appealed to embassy officials, witnessed innumerable staff and contact changes, held candlelight vigils, prayer services, taped public service announcements, launched postcard campaigns and scheduled more press interviews than they ever thought possible in 1 year. They have met with their President. They have worked with each other to form a close knit support group to push them forward when they lacked the energy and hope to see them through the new day. Where they may have experienced political failure, they have experienced personal growth and triumph.

There are those who would fail to understand the changes and reactions of the family members of hostages. They have experienced shock, anger, frustration and lack of confidence in elected and appointed officials. They have experienced, understandably, a compulsion to act and they have expressed resentment and confusion at the apparent lack of progress in gaining the safe release of their loved ones.

I have been taken by the comments of Timothy Kilburn, nephew of Peter Kilburn. He said in a recent press interview that he was not angry at the President for the death of his uncle. I share this, not from either a partisan or a political posture, but from a human one. Timothy Kilburn has shown us a glimpse of the noble self, the self to which we aspire, but so rarely express.

There is a great deal that we can learn from these families. As we struggle to understand terrorism, we can learn more about the effects of that terror. As we weigh the value of single, human lives in our day to day decisions, we can note the powerful love these Americans share.

And as we struggle, one year later, for resolutions to this crisis, we can look, paradoxically, at the courageous faith and leadership, the creative commitment and dedication of these hostages and their families. I urge my colleagues to renew their personal and public commitment to creatively and effectively work toward the resolution of this hostage crisis.

I ask that the attached letter be printed into the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, May 10, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our deep concern for the safety and welfare of William Buckley, the Reverend Benjamin Weir, Peter Kilburn, Father Lawrence Martin Jenco and Terry Anderson, the five U.S. citizens who are being held hostage in Lebanon.

We know that the Department of State has been working through various channels to secure the hostages' release. While we recognize the process is a delicate one, we urge you to direct the Department to redouble its efforts and to become personally involved in efforts to obtain the hostages' release. Recent events in Lebanon make our request more urgent.

The families of these men anxiously hope and wait for news of their safe release. We would greatly appreciate your ensuring that all possible means to achieve this end are exhausted.

Cordially,

Alan Cranston, U.S. Senator; Paul Simon, U.S. Senator; George M. O'Brien, Member of Congress; Norman Y. Mineta, Member of Congress; Senators Pete Wilson, John H. Glenn, Jr., J. James Exon, Slade Gorton, Carl M. Levin, Alfonse M. D'Amato, Alan J. Dixon, J. Bennett Johnston, Wendell H. Ford, Daniel P. Moynihan, John C. Danforth, William S. Cohen, Jesse Helms, David Boren, Quentin N. Burdick, Bill Bradley, Daniel K. Inouye, Edward Zorinsky, Dale Bumpers, Dan Quayle, Max Baucus, Dennis DeConcini, Rudolph E. Boschwitz, Howard M. Metzenbaum, Tom Harkin, Paula Hawkins, Edward M. Kennedy, David Pryor, Donald W. Riegle, Jr., Paul S. Sarbanes, Strom Thurmond, Gordon J. Humphrey, William Proxmire, John D. Rockefeller, Gary Hart, Christopher J. Dodd, Lawton Chiles, David Durenberger, Howell T. Heflin, Ernest F. Hollings, John F. Kerry, Richard G. Lugar, George J. Mitchell, Albert Gore, Jr., John Heinz, Lloyd Bentsen, Frank R. Lautenberg, John Melcher, Frank H. Murkowski, Sam Nunn, James Sasser, John C. Stennis, Daniel J. Evans, Thomas F. Eagleton, Mark Andrews, Larry Pressler, Arlen Specter, Claiborne Pell, Nancy Landon Kassebaum, and Joseph R. Biden, Jr.;

Representatives Mike Lowry, Charles E. Schumer, Larry J. Hopkins, Ed Zschau, Austin J. Murphy, Ralph Regula, Robert J. Lagomarsino, James H. Scheuer, James M. Jeffords, Frank Horton, Joseph D. Early, Vic Fazio, Peter H. Kostmayer, Morris K. Udall, Nick Joe Rahall II, Bill Lowery, Howard L. Berman, Lee H. Hamilton, Bob Edgar, Peter W. Rodino, Norman D. Dicks, Wes Watkins, David E. Bonior, Thomas D. DeLay, William F. Clinger, Jr., Thomas R. Carper, Lawrence J. Smith, Major R. Owens, Bill Green, John Conyers, Jr., Sidney R. Yates, Cardiss Collins, John M. Spratt, Jr., Dan Coats, William H. Gray, Fred J. Eckert, George C. Wortley, Bill Richardson, William J. Hughes, Tony Coelho, Daniel K. Akaka, Melvin Price, Henry J. Hyde, Edward R. Madigan, Frank Annunzio, Gary L. Ackerman, Christopher H. Smith, Frederick C. Boucher, Harold L. Volkmer, Guy Vander Jagt, Patricia Schroeder, Henry A. Waxman, Jim Courter, Robert A. Young, Don Young, Jack Brooks, Barbara F. Vucanovich, Bruce F. Vento, Harley O. Staggers, Jr., Harry M. Reid, Sid Morrison, Barney Frank, Jerry Lewis, Thomas A. Daschle, Wyche Fowler, Jr., John E. Grotberg, Lynn Martin, Ted Weiss, Marty Russo, Benjamin A. Gilman, John Edward Porter, J. Roy Rowland, Dan Rostenkowski, Marge Roukema, Bobbi Fiedler, Dante B. Fascell, John J. LaFalce, Harris W. Fawell, Michael DeWine, Terry L. Bruce, Charles Wilson, Philip M. Crane, Dennis E. Eckart, Gene Chappie, Silvio O. Conte, F. James Sensenbrenner, Barbara A. Mikulski;

Representatives Robert A. Young, Stan Lundine, Norman F. Lent, Patricia Schroeder, Edward J. Markey, Walter E. Fauntroy, John Paul Hammerschmidt, Doug Walgren, James J. Howard, Mickey Leland, Bernard J. Dwyer, Nicholas Mavroules, Timothy J. Penny, Robert K. Dornan, Robert J. Mrazek, Barbara Boxer, Mel Levine, Buddy MacKay, Jim Moody, Mervyn M. Dymally, Sala Burton, Jaime B. Fuster, Pete Stark, Claude Pepper, George Miller, Charles A. Hayes, Bill Frenzel, Marcy Kaptur, John R. Miller, Helen Delich Bentley, Don Edwards, Walter B. Jones, Tom Lantos, Bruce F. Vento, Robert A. Roe, Michael D. Barnes, Bruce A. Morrison, Martin D. Sabo, Thomas J. Manton, Robert Garcia, Bobbi Fielder, John Bryant, William J. Coyne, Lindsay Thomas, Robert H. Michel, Julian C. Dixon, Mike Synar, Parren J. Mitchell, Berkley Bedell, Tony P. Hall, and Don Ritter.

AMERICAN LEGION HANDBOOK ON CAREERS AND SCHOLARSHIPS

● Mr. STEVENS. Mr. President, as part of its effort to help the young people of this country, the American Legion has published its 35th edition of "Need a Lift?" It is one of the best career and scholarship informational handbooks available.

The information in this book can be used by students, parents, and school counselors, and is presented in clear and concise terms. It is available for general distribution through the American Legion Education Program, Americanism and Children and Youth Division, Indianapolis, IN 46206, for a nominal fee of $1.

It is important for students to have as much information as is available about scholarships, and I ask that sections IV and V be printed in the RECORD.

The material follows:

SECTION IV: SOURCES OF SCHOLARSHIP AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS (SUBJECT TO CHANGE BECAUSE OF PENDING LEGISLATION)

1. U.S. Department of Education provides the largest source of funding for financial aid programs. These programs are listed in the following paragraphs. Applications are available at postsecondary schools and high schools. The "Student Guide: Five Federal Financial Aid Programs, 1985-86" may be obtained by writing to Federal Student Aid Programs, Department DEA-86, Pueblo, Colorado 81009.

a. College Work-Study Program (CWSP). This program provides employment to students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The financial aid administrator sets the student's work schedule. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Guaranteed Student Loan Program. (GSL) This program provides loans to students for educational expenses and is available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. The family income must be less than $30,000 or if over $30,000 the student must demonstrate finanical need. Students are eligible for Federal payment of interest charges of 8 percent on their loans during school years, during a 6-month grace period, and during authorized periods of deferment. A 5 percent origination fee is required at the time of disbursement of the funds.

Loans must be repaid. Repayment normally is over a 5-10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payments will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted during any period in which the borrower is attending a participating institution on a full-time basis, is engaged in approved graduate fellowship study of a course of study under a rehabilitation training program for disabled individuals, up to 3 years if temporarily totally disabled, up to 3 years while serving in the U.S. Armed Forces, the Commissioned Corps of the Public Health Service, Peace Corps, VISTA, or a comparable organization; or for a single period not exceeding 12 months if seeking and unable to find full-time employment, or up to 2 years while serving an internship required for professional practice.

Undergraduate students may borrow up to $2,500 per year, to a total of $12,500. Graduate students may borrow up to $5,000 per year to a total of $25,000 (including loans made at the undergraduate level). See Table II for the address of your state's agency.

c. National Direct Student Loan Program (NDSL). These loans are available to students enrolled at least half time in a regular program of study at a participating school, and have need of financial assistance to continue. Aggregate loans may not exceed $12,000 for a graduate student including under-graduate loans; $6,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $3,000 for any other student. Repayment of the loan begins six months after a borrower ceases to carry at least one half the normal academic work load and is to be repaid within 10 years. Interest of 5 percent will begin at the time the repayment period begins. Thereafter, should a borrower teach in a designated school located in a poverty area, or in a Headstart Program, or in a public or other non-profit elementary or secondary school for handicapped children, cancellation of the loan up to 10 percent is possible. Also for a member of the Armed Forces of the U.S. who serves in an area of hostilities, cancellation of up to 50 percent is possible. Rates of cancellation may be obtained from the institution's financial aid office.

d. Parent loans for undergraduate students (PLUS). PLUS loans are available to provide additional funds at 12 percent interest. Like GSL's, they are made by a lender such as a bank, credit union, or savings and loan association. Parents of dependent undergraduates or graduates may borrow $3,000 per year. Independent undergraduates may borrow $2,500 per year. All borrowers must begin repaying a PLUS loan within 60 days, unless the borrower is entitled to a deferment. All borrowers must begin paying

the interest within 60 days. The negotiation of each loan is between the student and the lending institution. Students who desire more information or wish to initiate a loan should discuss the matter with their lender and the financial aid administrator at their school. (See Table II).

e. Pell Grant Program. Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutes, hospital schools of nursing, correspondence schools and other participating postsecondary institutions. To be eligible, an applicant must be an undergraduate student enrolled on at least a half-time basis. Awards will depend on program funding. During the 1985-86 award period, individual awards may range up to $2,100. To apply for a Pell Grant, a student must complete the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid: the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form or the Student Aid Application for California (SAAC). Only one application is required. Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

f. Supplemental Educational Opportunity Grant (SEOG) Program. This grant program is for students with financial need and does not have to be paid back. Students must be enrolled at least half-time as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. Graduate students are not eligible. The amount of the award varies from $200 to $2,000 per year.

2. U.S. Department of Health and Human Services also administers programs of assistance for students enrolled in health professions programs.

Information on these programs may be obtained from the Health Resources and Services Administration, Bureau of Health Professions, 5600 Fishers Lane, Rockville, MD 20857 or the Office of Financial Aid at the school you plan to attend.

a. Exceptional Financial Need Scholarship Program for first-year students is for students with exceptional financial need. Purpose of the program is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometry, pharmacy, podiatry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico. Virgin Islands, Guam, the trust territory, or the North Mariana Islands. Scholarships will cover (1) cost of tution for school year and other reasonable educational expenses plus a stipend of $599 per month for 12 consecutive months; (2) no service obligation accompanies the scholarship.

b. The Health Education Assistance Loan (Heal) Program is similar to the Guaranteed Student Loan Program of the U.S. Department of Education. Students of medicine, osteopathy, dentistry, podiatry, veterinary medicine and optometry, may borrow up to $20,000 a year, not to exceed a total of $80,000. Pharmacy, chiropratice, health administration, clinical psychology or public health students may borrow up to $12,500 per year, not to exceed a total of $50,000.

For students to take part in the program, their school must have an agreement with the Secretary.

The maximum interest is the average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the previous quarter plus 3.5 percentage points, rounded to next higher ⅛ of 1 percent. The loan principal is repayable over a 10-25 year period starting 9-12 months after completion of training. However, payments of principal are not required during periods of up to 4 years of internship and residency training or up to 3 years of service in the Armed Forces, National Health Service Corps, Peace Corps or Volunteers in Service to America (VISTA). Deferments are also made during periods of full-time study. At HHS's discretion, borrowers may enter into agreement with HHS for repayment of loans, plus interest, at a rate of not more than $10,000 a year for each year of service in NHSC or in private practice in a health manpower shortage area. Minimum service period is 2 years.

c. The Health Professions Student Loan Program. Under this program, Federally supported loans are available at participating schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry and veterinary medicine for students who need assistance to pursue a full-time course of study at the school. The amount of the loan depends upon the student's need as determined by the school; however, the maximum amount per academic year is the cost of tuition plus $2,500 or the amount of the financial need of the student, whichever is less. The loan is repayable over a 10-year period beginning one year after the student ceases to pursue a full-time course of study at a health professions school. During the repayment period, interest accrues on the total loan at the rate of 9 percent. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps (up to three years each). Repayment may also be deferred during periods of advanced professional training, including internships and residencies. Obligation to repay the loan will be cancelled in the event of death, or permanent and total disability.

d. National Health Service Corps (NHSC) scholarships are awarded to U.S. citizens enrolled or accepted for enrollment as full-time students in accredited U.S. schools of allopathic or osteopathic medicine, dentistry, and other health disciplines needed for the mission of NHSC. These scholarships include a monthly living stipend and payment of school tuition. Each year of scholarships support incurs a year of Federal service obligation. The minimum service obligation is 2 years.

The NHSC places full-time primary health care practitioners in selected federally-designated Health Manpower Shortage Areas of the United States. Virtually all of these practitioners owe service obligations of 2 to 4 years due to their participation in the NHSC Scholarship Program.

Due to the limited appropriated funds which may be available, first-time scholarship awards for 1985-86 academic year will be restricted to students of allopathic or osteopathic medicine and dentistry who have been participants at their health professions schools of the Federal "Scholarship Program for First-Year Students of Exceptional Financial Need." No first-time awards will be available for pre-medical or predental undergraduate education, or for students of medicine or dentistry entering their first year in 1985-86.

The scholarship program is administered by the Bureau of Health Care Delivery and Assistance, Division of Health Services Scholarships. For further information address: NHSC Scholarships, Parklawn Building, Room 7-16 5600 Fishers Lane, Rockville, Maryland 20857.

e. Minority Access to Research Careers Program (MARC) honors undergraduate research training awards. The Minority Access to Research Careers Program's Honors Undergraduate Research Training Program is designed to increase the number of well prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in a biomedical science. Its goal is also to help develop a strong science curriculum and research opportunities to prepare students for careers in biomedical science. A formal research experience for the recipient is an important feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement in the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be minority honor students in their third or fourth year of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as American Indians, Blacks, Hawaiians, Mexican Americans or Puerto Ricans.

Each school will make awards for stipend and tuition support for five to ten students. The award may include travel expenses to one national meeting closely related to a project.

Applications may be filed by February 1st or October 1st. Apply for information or application to: United States Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Bethesda, Maryland 20205.

3. Other U.S. Department of Health and Human Services programs are:

a. Commissioned Officer Student Training and Extern Program (COSTEP). College students who have successfully completed a minimum of one year of study in medical, dental or veterinary school prior to assignment, and students who have completed a minimum of two years of a baccalaureate program prior to assignment in dietetics-nutrition, engineering, nursing, pharmacy, therapy, sanitary science or medical record administration are eligible to participate in the COSTEP Program. COSTEP assignments fall into two major categories: Medical and Hospital Services, Research and Public Health Practice. Successful candidates are commissioned as reserve officers in the Commissioned Corps of the Public Health Service and called to active duty during vacation periods. Applications must be received (1) not later than October 1 for positions during the period January through April; (2) not later than February 1 for positions during the period May through August; (3) not later than May 1 for positions during the period September through December. For further information write: COSTEP, Parklawn Building, Room 4-35, 5600 Fishers Lane, Rockville, MD 20857 (301) 443-6324.

71-059 O-87-48 (Pt. 6)

NOTE: This is not a scholarship, but is a job. The program's purpose is to recruit for the Commissioned Corps of the Public Health Service.

b. Professional Nurse Traineeship Program. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend and tuition and fees as set by the participating training institution not to exceed $5,292. Trainees are selected by the training institutions. Further information and a list of participating institutions are available from the: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Students should request information through the Dean of Nursing at their institution.

NOTE: This assistance is only for students studying at the master's or doctoral level.

c. Nursing Student Loan Program. Federally supported loans are available through participating schools of professional nursing for students who need assistance to pursue full-time or half-time courses of study. Amount of an individual loan depends on the general availability of student aid funds and on need as determined by the student's school; however, no loan may exceed $2,500 per academic year, and no student may receive more than a total of $10,000 for all years in loan assistance. The total loan is repayable over a 10-year period beginning nine months after the borrower completes or discontinues his other nursing studies. During the repayment period, interest accrues on the total loan at the rate of 6%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps and also during periods of advanced professional training in nursing. Obligation to repay the loan will be cancelled in the event of death or permanent and total disability. Contact the Director of Student Financial Aid at the school the student is attending or plans to attend.

4. The U.S. Department of Interior Administrators Programs Indian Tribal Grants and Loans. Over 45 Indian tribes have established their own Grant and Loan Programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, DC 20245, or through the Tribal Headquarters.

5. Indians Higher Education Grant Program is a program for students who are ¼ or more degree Indian, Eskimo, or Aleut of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree. Must demonstrate financial need by the institution they are or will be attending. For information, write the U.S. Dept. of the Interior at the address above.

6. The U.S Information Agency sponsors the Fulbright Teacher Exchange Program. Under the Mutual Educational and Cultural Exchange for qualified American educators to work in elementary and secondary schools abroad and in some instances, institutions of higher education in the United Kingdom, Canada, Denmark, Switzerland, Italy, Germany and France. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars held in Italy and the Netherlands. The Government provides round-trip transportation to some countries for those selected to participate but no transportation is provided for dependents or for teachers going to Canada, Great Britain or Switzerland. A maintenance allowance, paid in the currency of the host country is based upon that country's cost of living. For teachers participating in the Exchange Program, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round-trip transportation, tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual recruitment date is October 15. Application forms can be obtained from and then submitted to the Teachers Exchange Branch, E-ASX, Room 248, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547.

B. ASSISTANCE FOR UNDERGRADUATES ONLY

The AFL-CIO offers a scholarship guide with a wide variety of scholarships to postsecondary institutions including, two and four-year colleges and universities, graduate schools, culinary institutes, musicians training institutes, vocational, technical and nursing schools. Though most scholarships listed in the guide are available to union members and their families, some are available to the general public. Single copies are available without charge for union members only. Copies are $3.00 apiece for all others. Checks should be made payable to the Secretary-Treasurer AFL-CIO and sent to the AFL-CIO Department of Education, 815 16th Street, N.W., Washington, D.C. 2006.

Aid Association for Lutherans (AAL) (for undergraduates only) awards at least 400 All-College Scholarships annually, 200 of which are renewable and 200 nonrenewable scholarships. AAL also awards at least 25 renewable nursing scholarships annually through the Competitive Nursing Scholarship Progam. Each applicant must be a high school senior owning an AAL certificate of membership and insurance in his or her name. The CEEB SAT must be taken no later than December of the high school senior year. The American College Test (ACT) will also be accepted. Individual stipends for renewable scholarship, range from $500 to $1750 and are renewable for three additional years or until requirements for a baccalaureate degree are met, whichever is earlier. The 200 nonrenewable awards are for $500. Financial need is not considered until winners have definitely been selected. Competitive Nursing Scholarships are renewable for three additional years or until a Registered Nurse (RN) Certificate is obtained, whichever is earlier. Renewal is based on satisfactory academic progress and continuing AAL membership. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs before November 30. Applications may be secured by writing: Member and Family Benefits, Aid Association for Lutherans: Appleton, WI 54919. AAL scholarship assistance is also available to AAL members at Lutheran colleges, universities and seminaries participating in other AAL scholarship programs. For more details, contact the institution's financial aid office.

Aid Association for Lutherans (AAL) will be awarding up to 100 Vocational/Technical School Scholarships annually. Up to 50 scholarships will be awarded to persons who graduated from high school in previous years, and up to 50 scholarships will be awarded to graduating seniors each year. Applicants must own an AAL certificate of membership and insurance in their own name. Persons of any age may apply for their scholarships provided they will have completed high school or have a GED, and have a well-defined course of study. They must be enrolled or planning to enroll in an accredited vocational/technical institute or community college on either a full or half-time basis with the intent of completing requirements for a vocational diploma or an associate degree. Individual award amounts are $500 for full-time attendance and $250 for half-time attendance. Awards will be renewable for up to one year for full-time studies after the initial year and up to three half years after the initial half year, or until a degree/diploma is earned, whichever is earlier. Applications may be obtained by writing: Member and Family Benefits, Aid Association for Lutherans, Appleton, WI 54919.

American Business Women's Association. The more than 2000 chapters of the American Women's Association provide scholarships to women students who are beginning or continuing educational training for a business or professional career. Scholarships are awarded on a basis of financial need to students who have at least average grades. The amount of a scholarship is determined both by the applicant's need and the amount in a chapter's treasury. Students desiring sponsorship should contact a chapter of the Association. In most communities, chapters are listed with the Chamber of Commerce. If unavailable, applicants may contact the Scholarship Counselor at ABWA National Headquarters, 9100 Ward Parkway, P.O. Box 8728, Kansas City, MO 64114. Scholarship assistance is also available from the Stephen Bufton Memorial Education Fund, the national scholarship program of ABWA. Applicants who have achieved at least the Junior level in an accredited college or university are eligible for consideration for outright grants with a maximum of $800 and interest free loans with a maximum of $1,500. Repayment of loan notes commences approximately sixty days following the completion of studies. Monthly payments are $50 on $75 depending on the amount of the loan granted. Women students desiring consideration for grants and loans must also be sponsored by a chapter of the Association and should follow the procedure above for obtaining information on chapters in their communities.

American Medical Technologists' Scholarship Program offers five scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technolcgy or medical assisting program. May 1 is the

filing deadline for applications and supporting documents from AMT, 710 Higgins Road, Park Ridge, IL 60068.

The American Society for Metals Foundation for Education and Research sponsors $500 undergraduate scholarships for students in metallurgy that are attending colleges or universities and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy, motivation, achievement, potential and scholarship. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program. For further information, write: American Society for Metals, Metals Park, OH 44073.

The Business and Professional Women's Foundation: Career Advancement Scholarships and the Clairol Loving Care Scholarships are awarded to women 25 and 30 years of age and older, respectively. The scholarship programs administered by the BPW Foundation provide financial assistance to raise the training level of mature women employed or seeking employment in the workforce, and to increase the pool of women qualified for positions that promise career opportunity. Scholarships are awarded for full-time or part-time programs of study. They may cover academic of vocational/paraprofessional/office skills training. Awards must be used for classes beginning after the date of the Selection Committee meeting at which they are granted; scholarships cannot be applied to payment for classes already in progress. Scholarships range from $100 to $1,000 for one year. The average award is between $400 and $700. Application forms are available between February 1 and April 1; July 1 and September 1. Requests for application forms should be made at the time they are available. The Foundation does not have a mailing list nor does it keep requests for application forms on hand. The applicant must be a woman 25 years of age or older and a citizen of the United States; be graduating within 24 months from July 1 if applying for the April 15 deadline, or January 1 if applying for the September 15 deadline; be officially accepted into an accredited program or course of study at a United States institution; demonstrate need for financial assistance to upgrade skills or complete education for career advancement; and have a definite plan to use the desired training to improve chances for advancement, to train for a new career field, or to enter or re-enter the job market. These scholarship programs do NOT cover: study at the doctoral level (this does not apply to law or medical students); correspondence courses; or post-doctoral studies. Information is available by writing: Business and Professional Women's Foundation, 2012 Massachusetts Avenue, NW, Washington, DC 20036. Additional scholarship and loan programs are available.

Club Managers Association of America maintains under-graduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work at a four-year school, are awarded on the basis of scholastic ability, financial need and interest in private club management. Information on high school, college or university training in preparation for a club industry position can be obtained by writing; the Club Managers Association of America, 7615 Winterberry Place, Bethesda, MD 20817.

The Education Council of the Graphic Arts Industry, Inc., Council's National Scholarship Trust Fund has awarded scholarships during the past 26 years for studies in printing management, printing technology and graphic arts education. For the school year beginning 1985-86, the Council has 50 new scholarships available in the fields of printing management engineering and teaching. Applications must be filed by January 15. Inquiries for summary of applications made available by the Graphic Arts Industry may be requested by writing: 4615 Forbes Avenue, Pittsburgh, PA 15213 ATTN: NSTF.

Educational Communications Scholarship Foundation provides a minimum of 50 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of aptitude test scores, grade point average and leadership activities. Semi-finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid, but this is not a major factor. Application must be submitted by June 1 and may be obtained in most high school guidance offices or write direct to: Educational Communications Scholarship Foundation, 721 N. McKinley Road, Lake Forest, IL 60045.

The Elks Foundation Scholarship Awards, for 56 years, have made it possible for many students to attend college. In recent years, the Foundation has awarded over $2,300,000 in scholarships. Any student in the graduating class of a high school or its equivalent who is a citizen of the U.S. and resident within the jurisdiction of the Benevolent & Protective Order of Elks, may file an application. Scholarship, leadership and financial need are the criteria by which applicants will be judged. Application blanks should be obtained from an officer of the local Elks Lodge or the Secretary of the State Elks Association and must be filed on or before February 1 with the Secretary or Lodge Foundation Chairman of the B.P.O. Elks Lodge in the city in which the applicant is a resident.

Entomological Society of America annually awards one $1,000 undergraduate scholarship sponsored by Bio Quip Corporation. Portions of the award are paid at the beginning of each semester or term. Students from Mexico, Canada or the United States must be an undergraduate pursuing a course of study in Entomology or a related field (Biology, Zoology, etc.) and show an interest in the Science of Entomology. Application deadline is June 1 each year. For further information, write: Entomological Society of America, 4603 Calvert Road College Park, MD 20740. Additional scholarships are available.

The Foundation of the National Student Nurses' Association offers a number of scholarships each year for Registered Nurses. Scholarships are awarded to Nurses for undergraduate studies and are based on financial need, academic achievement and a demonstrated commitment to nursing through involvement in nursing student organization and/or school and community activities. Requests for application deadline of February 1. Awards are made in April. For further information and application, send a self-addressed, stamped envelope with 44¢ postage to: Foundation of the National Student Nurses' Association, 555 West 57th Street, Suite 1325, New York, NY 10019.

The Harry S. Truman Memorial Scholarship Program, enacted by Public Law 93-642, is authorized to award scholarships, through nationwide competition, to persons who demonstrate outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years, neither shall they exceed the cost of tuition, fees, books, room and board, or $5,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarships may apply to any institution of higher education offering courses of study or training to prepare persons for a career in government. The institution's nominations must be forwarded to the Foundation by December 1. Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, DC. 20006.

Horatio Alger Scholarship Program offers one $5,000 scholarship to a graduating senior each high school hosting a Horatio Alger Day. Eligibility requirements for the scholarship include: must be a Senior in high school, have a significant financial need and must participate in the Horatio Alger Day at his/her school. Grades, character, college entrance scores, school activities, community involvement and part-time/summer work record will also be considered in the final decision. Preliminary screening is accomplished by a committee of local school officials/staff. Final selection is made by the Horatio Alger Association of Distinguished Americans, Inc. A requirement for hosting a Horatio Alger Day is that the host school must provide an audience of at least 1,000 Junior/Senior students for the keynote speaker provided by the Association. Schools not having a Junior/Senior population sufficient to meet this requirement, will be required to extend invitations to neighboring schools to provide a minimum audience. Only one scholarship, however, will be awarded to the hosting school. For more information about the Horatio Alger Day and Horatio Alger Scholarship, contact the Horatio Alger Association for Distinguished Americans, Inc., One Rockefeller Plaza, Suite 1609, New York, NY 10020.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" is for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1,000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1,000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need and may be renewed annually subject to satisfactory academic performance. Five of these scholarships, and one for the Columbian Squire, are placed at The Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships and one for the Columbian Squire, may be used at a Catholic college of student's choice. Final filing date for these applications is March 1. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, P.O. Drawer 1670, New Haven, CT 06507.

National Achievement Scholarship Program for outstanding Negro Students, a compensatory activity, created in 1964, is conducted by National Merit Scholarship Corporation (NMSC) which also administers

the National Merit Scholarship Program (as described in the following paragraphs). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, over 675 Achievement Scholarships worth over $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, semifinalists are named in each of several U.S. geographic regions, proportionate to each region's Negro population.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. All winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

Three types of Achievement Scholarships are awarded annually: About 350 are National Achievement $2,000 Scholarship that are single-payment awards. Every Finalist is considered for one of these awards. About 200 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and are worth between $2,000 and $8,000 over the four college years. About 125 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAF/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in the Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One American Plaza, Evanston, IL 60201 (312) 866-5100.

National Merit Scholarship Program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. Over 5,700 Merit Scholarships, valued at about $20 million, have been awarded each year in recent programs. Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the National total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship competition. All Merit Scholars are chosen from the group of approximately 13,500 finalists. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements and the endorsement and recommendation of the student's school.

Three types of Merit Scholarships are awarded annually: at least 1,800 are National Merit $2,000 Scholarships that are single-payment awards allocated to winners on a state representation basis, and every Finalist is considered for one of these awards. Over 1,450 are corporate-sponsored four-year Merit Scholarships for which winners must meet preferential criteria specified by the grantor organization providing funding for the award, and that are worth between $2,000 and $8,000 over the four college years. About 2,450 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligiblity and the Merit Scholarships offered are published annually in the PSAT-NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: NMSC, One American Plaza, Evanston, IL 60201 (312) 866-5100.

The National Association of Secondary School Principals and the National Honor Society sponsors the Century III Leaders Program which provides 102 $1,500 scholarships and 102 $500 awards (2 each per state and D.C.) and one $10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in September (in advance of the October 10 deadline), or write to: The National Association of Secondary School Principals, 1904 Association Drive, Reston, VA 22091.

National Presbyterian College Scholarships are offered by the Presbyterian Church (U.S.A.) to qualified Presbyterian young people entering as college freshmen any of the participating Presbyterian church-related colleges in the fall of each year. There are approximately 150 awards ranging from $100 to $1,400. There are honorary awards with no stipend where no need is shown. To qualify, applicants must be members of the Presbyterian Church U.S.A. Applications are available after mid-August and the filing deadline is December 1. Information may be secured by writing: National Presbyterian College Scholarships, Vocation Agency, Presbyterian Church (U.S.A.), 475 Riverside Drive, New York, NY 10115.

National 4-H Council, through 60 business corporations and foundations, offers more than 270 4-H college scholarships with total value of more than $250,000 and range from $500-$1,500. The majority are open only to current 4-H members who have won state honors in specific 4-H projects. (Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4-H members who either are in, or plan to attend, college. Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, (4) agricultural home economics or closely related career fields.) For further information on eligibility requirements, write to State 4-H Leader at the State Land-Grant University. A list of these leaders may be obtained from the National 4-H Council, 7100 Connecticut Avenue, Chevy Chase, MD 20815.

RCA Corporation maintains one or more undergraduate scholarships at more than 30 colleges and universities. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are available in the fields of physical science, engineering, broadcast journalism, industrial relations, business economics, telecommunications and procurement/materials management as specified at each institution. The selection of scholars is made by the college or university in each case and students already enrolled should apply to the Scholarship or Financial Aid Officer for further information. Also, up to 25 2-year vocational/technical career scholarships are awarded to children of employees. Graduate fellowships are maintained in journalism, electrical engineering, electronics and physics at seven universities and are open to any qualified graduate student enrolled at the institutions which select the Fellow and administer the grants. RCA also supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students.

The Railroad Retirement Act provides monthly benefits for children who are students of deceased railroaders who were insured under the Act of Death. Dependent grandchildren of deceased railroaders may also be eligible if both natural parents are deceased or disabled. A student is defined as a child under age 19 in full-time attendance at an elementary school or a secondary school. Benefits continued until the student reaches age 19 or graduates from high school, whichever is earlier. Children who are students of retired railroad workers cannot qualify for benefits directly. However, a retired worker's benefit may be increased under a special guarantee provision of the Railroad Retirement Act. The address of the Railroad Retirement Board Office may be found in the telephone directory.

Samuel Robinson Scholarships are for undergraduate students enrolled in one of the Presbyterian-related colleges. No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminster Shorter Catechism, and write a 2,000-word original essay on an assigned topic related to the shorter Catechism. Amount of Award: $500. Deadline: April 1. For further information, contact the financial aid officers at the Presbyterian-related colleges or Presbyterian Church (U.S.A.), 475 Riverside Drive, New York, New York 10015.

Science Talent Search, conducted by Science Service and sponsored by the Westinghouse Electric Corporation and the Westinghouse Educational Foundation, annually offers scholarships for boys and girls in their last year of high school. Awards are based on high school records, national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews by judges of the forty finalists at the Science Talent Institute in Washington, D.C. Awards include 10 scholarships of one $12,0900, two $10,000, three $7,500 and four $5,000. The remaining 30 finalists each receive Westinghouse Science Awards of $500. State Science Talent Searches are conducted currently with the National Competition in 36 states and the District of Columbia. Entry deadline date is December 15, Detailed information is avail-

able from Science Service, 1719 N Street, N.W., Washington, D.C. 20036.

Soroptimist International of the Americas Youth Citizenship Award of $1,250 per Soroptimist region and a finalist award of $2,000 offered to high school seniors demonstrating good citizenship qualities. Citizenship qualities include integrity, worth and ability, and encourage youth to develop the highest concepts of patriotism and effective cooperation in home and community affairs. Deadline is December 15. For further information, contact Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, PA 19103.

Student Opportunity Scholarships. These scholarships are for young persons of limited opportunities, members of racial/ethnic groups who are related to the Presbyterian Church (U.S.A.). Must be entering college as an incoming freshman and apply to the college for financial aid. Amount of Award: $100 to $1,400. Those eligible should write between January 15 and March 15 to: Student Opportunity Scholarships, Presbyterian Church in the (U.S.A.), 475 Riverside Drive, Room 430, New York, NY 10115.

The Theodore A. Serrill Journalism Scholarship is offered annually by the National Newspaper Foundation to a Junior or Senior enrolled full-time in an accredited sequence of journalism. The scholarship program is designed to encourage study in the print media field. The scholarships, in the sums of $1,000, $500 and $250, are payable during the Junior or Senior year. The student must have at least a B average and a recommendation by the Dean, Director or Department Head of the school in which he/she is enrolled. Deadline is June 15. Write for an application to: Selection Committee, Serrill Scholarship, National Newspaper Foundation, 1627 K Street, N.W., Suite 400, Washington, D.C. 20006.

The Westinghouse Educational Foundation sponsors the following awards annually:

1. The Westinghouse Family Scholarship—five $10,000 and fifty $1,500 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations Office where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request his science teacher to write to Science Service, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H Electric Program—4-H Club members should contact their local 4-H leader or County Extension Agent for information and application.

4. Bertha Lamme Scholarship—these scholarships are awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017.

5. National Achievement Scholarship Program for outstanding Negro students—five $2,000 scholarships. Information may be obtained through the National Merit Scholarship Corp., One American Plaza, Evanston, IL 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search and, The Bertha Lamme require that the applicant be in his or her last year of high school and applications must be submitted during the Fall months of their Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

Western Golf Association sponsor the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) candidates must have completed junior year in high school and rank in upper 25% of class; (2) must have caddied for a minimum of two years; and (3) must require financial assistance to attend college. Applications are available by writing Western Gulf Association, Golf, IL 60029.

C. ASSISTANCE FOR GRADUATES AND UNDERGRADUATES

The American Dental Hygienists' Association Foundation offer the following scholarships: (1) CERTIFICATE SCHOLARSHIP PROGRAM to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, have completed at least one year in dental hygiene curriculum and have a minimum grade point average of 3.00 (on a 4.00 scale); (2) BACCALAUREATE DENTAL HYGIENE SCHOLARSHIP PROGRAM to students who have a minimum grade point average of 3.00 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university; if a Baccalaureate Degree sought is not in Dental Hygiene, evidence of a Dental Hygiene Certificate or qualification for the Dental Hygiene Certificate within the current academic year must be provided. (3) GRADUATE DENTAL HYGIENE FELLOWSHIP PROGRAM to students who can provide evidence of acceptance as a full-time Master's or Doctoral degree candidate in a university program, are graduates of a certified associate dental hygiene program or baccalaureate program, and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 3.00 (on a 4.00 scale). The maximum scholarship is $1,500, depending on need. Deadline for applications is May 1. Information and application may be obtained by writing: American Dental Hygienists' Association, 44 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Dental Hygienists' Association Foundation Research Grant Program makes research grant funds available for licensed dental hygienists or students pursuing a dental hygiene degree who submit a completed research grant application according to the specified guidelines. The purpose is to provide financial assistance to associate baccalaureate, master's, doctoral candidates and practicing dental, hygienists to implement research. All proposals and applications due by July 1 and awards are made in October of the year in usual amounts up to $1,500. Further information and application may be obtained by writing: American Dental Hygienists' Association Foundation, 444 Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Institute of Architects. Scholarships are available for the first professional degree candidate and for a graduate student in architecture. Graduate scholarships available for one academic year to study health facility design. Finally, a scholarship program is available for students from minority or disadvantage backgrounds. For further information write Director, Education Programs. The American Institute of Architects, 1735 New York Avenue, NW., Washington, DC, 20006.

ASMT Education & Research Fund, Inc. Medical technology students, who have completed the first semester of their sophomore year, may apply for a $3,000 Fisher Scientific Company Undergraduate scholarship. This scholarship will be paid in equal installments to one recipient for the junior and senior year in college. The Specialty Scholarship is available for graduate students. Scholarships are also offered by the Fund for interested students continuing their advanced education in certain specialty fields. Applications are available in October of each year. No application is sent between March 1 and October 1. The application deadline is March 1. The Fisher and the Graduate Specialty Scholarship applications are available from the ASMT Education & Research Fund, 330 Meadow Fern Dr., Houston, TX 77067.

The American Society of Heating, Refrigeration, Air Conditioning Engineers, Inc. offers grants-in-aid to full-time graduate students of ASHRAE-related technologies to encourage students to continue preparation for service in the industry. An application is made on the student's behalf by a faculty adviser. Up to $6,000 may be awarded during a calendar year. Applications are available from the Director of Research, American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.

The Dow Jones Newspaper Fund, Inc. is an organization to encourage talented young people to consider careers in journalism. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism/mass communications, general information on where jobs are and how to find them. It also lists more than $3 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students majoring in journalism/mass communications. Single copies of the Guide are available at no charge to interested individuals. Bulk orders are also available at $2.00 per copy. The Fund operates two editing internship programs: the Newspaper Editing Intern Program for College Juniors and the Minority Editing Intern Program for College Seniors.

The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment as a copy editor on a daily newspaper. The Fund also sponsors: Urban Journalism Workshops that are designed for inner-city minority high school students; the Teacher Fellowship Program for inexperienced high school journalism teachers to attend summer publications workshops; and the Special Awards Program which ends in the naming of the High School Journalism Teacher of the Year. For information of these programs, as well as a copy of the Journalism Career and Scholarship Guide, write the Dow Jones Newspaper Fund, P.O. Box 300, Princeton, NJ. 08540.

Institute of Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or

technology. Awards include 24 freshman and sophomore, and 37 junior and senior scholarships of $500 to $2,000; 14 graduate Fellowships up to $6,000. Deadline: Graduate Fellowships—February 1; Junior and Senior Scholarships—February 1, Sophomore Scholarships—March 1; Freshman Scholarships—February 15. Booklet, IFT Scholarship Fellowship Program and applications are available after September 15 from IFT Scholarship Department, 221 N. LaSalle St., Suite 2120, Chicago, IL 60601, or, from Department Head of approved institution.

The International Chiropractors Association has two scholarship programs, the Womens' Auxiliary and King Koll scholarship programs, which provide funds to student ICA chapters for distribution to student ICA members. ICA also furnishes career information to interested individuals. Upon request, ICA will send a list of chiropractic colleges. Write to the International Chiropractors Association, Career/Scholarship Information, 1901 L St., N.W., Suite 800, Washington, D.C. 20036.

Kappa Kappa Gamma Fraternity annually offers scholarships to female citizens of the U.S. or Canada who are juniors or seniors in college or graduate students working towards a degree in the field of rehabilitation. Applicants must have completed two years of study on a campus where there is a chapter or be a graduate student. Scholarships for both members/non-members are granted to assist in preparation for work with the mentally retarded, physically handicapped, socially deprived, emotionally disturbed and the aged. Awards are for $300-$1000. Graduate fellowships are also offered for members and non-members with high academic standing in fields other than rehabilitation. The same qualifications are required as with the rehabilitation scholarships. Deadline is February 15 and details are available by sending self-addressed stamped envelope to Kappa Kappa Gamma Fraternity Headquarters, P.O. Box 2079, Columbus, OH 43216.

The Material Handling Education Foundation, Inc. awards scholarships to students enrolled in programs of study pre-qualified by the Foundation. Majors in Industrial Engineering (and other programs in related areas) may qualify. This program should include an emphasis in material handling through direct and related courses and through independent study. To be eligible, students must be; beyond their second year of a Bachelor's program or beginning graduate study; U.S. citizens and maintaining at least a "B" average. The application deadline is early February; the forms are available from faculty members at approved institutions. For general information, you may write: The Material Handling Institute, 1326 Freeport Road, Pittsburgh, PA 15238.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members each year in the following categories: Undergraduate, Advanced Undergraduate, Graduate and Technical/Vocational Scholarships. Deadline date is April 1. Information and forms may be secured from: Civil Air Patrol Unit Commanders or from National Headquarters, Civil Air Patrol/TT, Maxwell AFB, AL 36112.

National Congress of Parents and Teachers does not have a scholarship and loan program at a national level. A large number of state congresses have such programs and others are encouraging scholarship grants at council and local levels. Awards are made possible by dues received for memberships, memorial gifts and/or voluntary contributions from PTA's. Most are for teacher training education, but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children and in-service teachers' summer term work. Special fellowships offered. Inquiries should be sent to inquirer's state congress.

National Institute for the Foodservice Industry administers the following scholarship programs for students who are interested in a management career in the food service industry including hotel, restaurant and institutional management:

1. H.J. Heinz Company Scholarship Program

A. Junior/Community College Scholarship Award. For high school graduates enrolled or planning to enroll in a program leading to an associate degree in food service management at a junior/community college. Three scholarships at $1,900 each awarded annually. Basic amount of $950 per year is given for two years. Winners are expected to find summer employment related to food service management.

B. Senior College Scholarship Award. For students completing their second year in food service education in a four-year institution or those in a two-year program who wish to continue at a four-year institution. Seven scholarships at $2,600 each are awarded annually. Basic amount of $1,300 is given for two years. Winners are expected to find summer employment related to food service management.

C. Graduate Degree Fellowship. One fellowship at $2,000; one fellowship at $1,200; and, five fellowships at $1,000 each are awarded on a competitive basis to teachers and administrators enrolled in academic programs leading to a master's or doctorate degree to improve skills in teaching or administering food service career education.

2. Golden Plate Scholarship Program—Sponsored by International Food Service Manufacturers Association—offers approximately 100 awards to students enrolled or planning to enroll in a food service program in a junior/community, senior college or graduate school. The amount of each scholarship is $750. Awards are for one academic year.

Deadline filing date is April 1. Further information and applications may be obtained from: National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620 Chicago, IL 60606.

Nurses' Educational Funds is an organization which grants scholarships to registered nurses pursuing further full-time study through degree programs. Men and women who are members of The American Nurses Association and who qualify for these awards study in nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The Board of Directors determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is January 15 preceeding the academic year for which award is made. Write for application forms or additional information to Nurses' Educational Funds, 555 West 57th Street, New York, NY 10019.

The Rotary Foundation Scholarships are available to graduate or undergraduate students, journalists or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professionals who have been employed in a technical or professional field for at least 2 years. Freedom From Hunger Scholarships will be granted to students from developing country districts working toward advanced degrees in agricultural studies. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own and provide for school fees, room and board, round trip airfare between home city and place of study and expenses for limited travel during the year. Applications are due October 1. Contact you local Rotary Club for details.

The Society of Exploration Geophysicists Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarhips ranging from $750 to $1,000 annually are available to students wishing to enter college, already in college and at the graduate level. Applications must be filed prior to March 1. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 702740, Tulsa, OK 74170.

The Society of Naval Architects and Marine Engineers annually awards both undergraduates and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be a citizen of either the United States or Canada:

1. Undergraduate Awards, normally $1,000 each, are to be applied for by contacting one or more of the following schools directly: University of California (Berkeley); University of Michigan (Ann Arbor); Massachusetts Institute of Technology (Cambridge); State University of New York Maritime College (Fort Schuyler) and/or Florida Atlantic University (Boca Raton, FL). These are the only five schools where undergraduate awards are available.

2. Graduate Awards, which usually cover the cost of tuition at the college selected, are to be filed with the Society no later than February 1. Applications for graduate awards and information can be obtained by writing to: Mr. Robert G. Mende, Secretary and Executive Director, The Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, New York 10048.

D. ASSISTANCE FOR GRADUATES ONLY

The American Association of University Women Educational Foundation awards approximately 70 fellowships annually ranging from $3,500 to $7,000 (up to $10,000 for postdoctoral fellowships) to women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Awards are also made to women for postdoctoral research and for the final year of study in the fields of law, final year of MBA, dentistry, medicine, osteopathic medicine, veterinary medicine and architecture. Applications are available after August 1 of each year. Deadline for application is December 15 except for MBA which is February 1. For further information, write to: Director of Educational Foundation Programs, AAUW, 2401 Virginia Avenue, N.W., Washington, D.C. 20037.

The American College of Hospital Administrators, offers a limited number of loans to assist worthy students to continue their professional education and training toward careers in hospital administration. Loans are available to students in a graduate program

in hospital or health services administration, accredited by the Accrediting Commission on Education for Health Services Administration, and acceptable to the American College of Hospital Administrators. Applicants must be student associates of ACHA, and demonstrate financial need. Applications must be endorsed by the University Program Course Director prior to submission to ACHA's Student Loan Committee. For further information contact the American College of Hospital Administrators, 840 North Lake Shore Drive, Chicago, IL 60611.

The American Congress on Surveying and Mapping administers the following graduate fellowships: (1) American Association for Geodetic Surveying Fellowship—$2,000. (2) William A. Fischer Memorial Scholarship—$1,000. (3) Wild Heerbrugg Geodetic Fellowship—$4,000 and (4) Wild Heerbrugg Photogrammetric Fellowship—$4,000. Completed applications must be filed by January 15. For further information and application, contact Education Director, American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, VA 22046

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 and additional scholarships of $2,000. These scholarships cover the sophomore year of medical training. Awards are based on scholarships (top 20% of class), financial need, good moral attendance at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Deadline June 1 for receipt of applications. The National Osteopathic Foundation, individual Colleges of Osteopathic Medicine and other osteopathic state organizations administer loan funds. For information write: American Osteopathic Association, 212 East Ohio Street, Chicago, IL 60611

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in energy conversion, transportation, jet propulsion, space flight and flight structures. The fellowships provide stipends ranging up to $5,000 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or, aeronautical, mechanical, chemical or civil engineering are sought. (The Fellowships are open to women as well as men.) The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel and Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia.

Dental Laboratory Technology Scholarships are available on complete information application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed for a second year by the Selection Committee if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 East Chicago Avenue, Chicago, IL 60611.

Dental Scholarships for Minority Students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon re-application and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school and application deadline is May 1. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Write: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 E. Chicago Avenue, Chicago, IL 60611.

Eisenhower Memorial Scholarship Foundation, Inc., awards several graduate scholarships, ranging from $1,000 to $3,000 at the discretion of the Board of Trustees and upon the recommendation of the Graduate Scholarship Committee. Applicants must be U.S. citizens having an academic degree equivalent to a Bachelor's Degree from an accredited college or university. Students interested should also have a plan of study or research which will advance the applicant's professional competence and have intentions of devoting full-time graduate study during the scholarship year. Financial need will not be a consideration. Awards will be based on those applicants who appear most likely to make the greatest contributions and of becoming thought leaders in the area of advancing the principles of individual freedom, patriotism, limited government and free-market economics. The award is for one academic year and is not renewable. For further information and application write: Eisenhower Memorial Scholarship Foundation, Inc., 539 South Walnut, Bloomington, IN 47401, or call Mr. E.M. Sears, Executive Director by phone (812) 332-2257.

Foreign Area Programs of the Social Science Research Council and the American Council of Learned Societies offer fellowships for doctoral dessertation research in social science and humanistic fields related to many foreign areas. Since these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should be directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, NY 10158.

The Institute of International Education offers American college graduates approximately 700 scholarships for study in foreign countries, about 500 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31, 1984. Further information and application forms are available from the Institute of International Education, Division of Study Abroad Programs, 809 United Nations Plaza, New York, N.Y. 10017, or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston and San Francisco.

The Knights of Columbus Graduate Fellowships are established at the Catholic University of America, Washington, D.C., for work in the fields offered in the Graduate School. The followships cover room, board and tuition, and may be renewed annually up to three years.

For these awards, preference is given to members of the Knights of Columbus, to the wife, son, daughter or sister of a member. The member must be in good standing in the Order; if deceased, he must have been in good standing at the time of his death.

These Fellowships are administered by the Graduate School of the Catholic University for applicants who have been accepted for graduate work there. Application forms may be obtained from the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064.

The Knights of Columbus Bishop Charles P. Greco Graduate Fellowships, established in 1973, for members, their wives, sons and daughters and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of his program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 a semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance. The deadline is May 1. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507.

National Medical Fellowships, Inc., awards scholarships to members of the four underrepresented minority groups, (Native Americans, American Blacks, Mexican Americans and Mainland Puerto Ricans) who have been accepted by or are attending accredited schools of allopathic and osteopathic accredited schools of medicine in the U.S. Applicants must be U.S. citizens.

NMF General Scholarship awards are based on financial need and are awarded to first and second-year medical students. Special merit awards are granted to outstanding juniors and seniors.

Applications should be requested from The Scholarship Program, National Medical Fellowships, 250 West 57th Street, New York, NY 10107. All NMF applications are available in March. The deadline for entering medical students is August 30 and from currently enrolled students is April 26.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $4,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program, may be considered within this fellowship program. The deadline is December 31. Write to: The Executive Vice President, National Wildlife Federation, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

Woodrow Wilson National Fellowship Foundation conducts the following programs in higher education:

(1) Mellon Fellowships for Graduate Studies in the Humanities for beginning graduate students who plan careers in college teaching. (For more information on Mellon

write: P.O. Box 288, Princeton, NJ.) (2) Charlotte W. Newcombe Dissertation Fellowships for Ph.D. candidates writing on topics of religious and ethical values in all fields. Application Request Deadline—December 23, of each year. (3) Women's Studies Research Grants for Ph. D. candidates writing their dissertations on a topic concerning women. Application Request Deadline—November 14, of each year. (4) Administrative Internships which place holders of M.B.A. and other professional degrees in management positions at developing colleges. (5) Visiting Fellows Program which sends professionals to college campuses for a week at a time. (6) Faculty Development Awards for former Woodrow Wilson Fellows.

Applicants interested in the above programs should write for further information to: Woodrow Wilson National Fellowship Foundation, Box 642, Princeton, New Jersey 08540.

SECTION V: OTHER PRIVATE AND STATE SOURCES OF LOANS

The following loans represent funds available through private sources. Information on sources of Guaranteed Student Loans for each state is found in Table II.

The American Optometric Association, has provided funds to establish a special reserve with the United Student Aid Funds. This enables optometry students to borrow money from financial institutions at a low interest rate. USAF guarantees the loan, supported by the AOA reserve. USAF is a nonprofit corporation which endorses low-cost loans made by participating hometown financial institutions to deserving students. In order to qualify for the loans, the AOA student member must be in good academic standing, pursuing a Doctor of Optometry degree and be beginning his first, second, third or fourth year of graduate study at an accredited college of optometry. He must have demonstrated a definite need for financial assistance to meet educational expenses. An eligible student may borrow up to $5,000 per academic year under all guaranteed student loan programs or $25,000 for an entire academic career including undergraduate and graduate study. Applications can be obtained until January 30. For futher information and application form, write: The American Optometric Association, 243 North Lindbergh Blvd., St. Louis, MO 63141.

Pickett and Hatcher Educational Fund makes loans to undergraduate students with current preference given to students who are residents of the Southeastern portion of the United States (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia) and who are enrolled full-time, for a minimum of 15 credit hours, in colleges and universities offering broad liberal arts education. Loans are not available to students in vocational schools or business colleges, or those planning to enter the professions of medicine, law, or the ministry. The loans may include amounts required for fees tuition, room and board, up to $2,400 for an academic year, with the total amount borrowed not to exceed $9,600. (Interest on loans is payable quarterly at a rate of 2% per annum while in college and monthly at a rate of 6% per annum after a student leaves college or ceases to take at least 9 credit hours.) Monthly payments on principal amount to at least ten percent of the borrower's income or 1/12 of 10% of total amount borrowed, whichever is larger. Deadline: July 1. For more information and application form write: Pickett and Hatcher Educational Fund, P.O. Box 8169, Columbus, GA 31908.

United Student Aid Funds, Inc. brings together public spirited financial institutions throughout the United States to make low-cost educational loans available to post-secondary and professional students. Guaranteed Student Loans for undergraduates are available up to $2,500 yearly to a cumulative maximum of $12,500; loans to graduate/professional students are available up to $5,000 yearly to a cumulative maximum of $25,000, including amounts borrowed as an undergraduate. The current interest rate for this program is 8%.

The PLUS program is also available to parents of dependent undergraduates, graduate students and independent undergraduate students. Parents may borrow up to $3,000 per year for each dependent undergraduate. Graduate/professional students may borrow up to $3,000 per year in addition to what they borrow under the Guaranteed Student Loan Program. Independent undergraduate students may borrow up to $2,500 per year including amounts borrowed under the Guaranteed Student Loan Program. The interest rate for this program is currently 12%. For further information, contact United Student Aid Funds, Inc., 8085 Knue Road, P.O. Box 50827, Indianapolis, Indiana 46250, or call toll-free, 800-LOAN-USA (Nationwide) or 800-382-4506, if calling from Indiana.

TABLE II: SOURCES OF INFORMATION ON THE GUARANTEED STUDENT LOAN PROGRAMS AND STATE SCHOLARSHIP PROGRAMS

ALABAMA

Alabama Commission on Higher Education, 1 Court Square, Suite 221, Montgomery, AL 36197.

GSL and State aid: (205) 269-2700.

ALASKA

Alaska Commission on Postsecondary Education, 400 Willoughby Avenue, Pouch FP, Juneau, AK 99811.

State Aid: (907) 465-2962.

ARIZONA

GSL: Arizona Educational Loan Program, 2600 N. Central Avenue, Suite 621, Phoenix, AZ 85004, (602) 252-5793.

State Aid: Arizona Commission for Postsecondary Education, 1645 W. Jefferson, #127, Phoenix, AZ 85007, (602) 255-3109.

ARKANSAS

GSL: Student Loan Guarantee Foundation of Arkansas, 219 South Victory Road, Little Rock, AR 72202, (501) 371-2634.

State Aid: Dept. of Higher Education, 1301 W. Seventh Street, Little Rock, AR 72202, (501) 371-1441. ext. 56.

CALIFORNIA

California Student Aid Commission, 1410 Fifth Street, Sacramento, CA 95814.

GSL: (916) 323-0435.

State Aid: (916) 445-0880.

COLORADO

GSL: Colorado Student Loan Program, 11990 Grant Street, Suite 500, Northglenn, CO 80233, (303) 450-9911.

State Aid: Colorado Commission on Higher Education, 1300 Boardway, 2nd Floor, Denver, CO 80203, (303) 866-4034.

CONNECTICUT

GSL: Connecticut Student Loan Foundation, 25 Pratt Street, Hartford, CT 06103, (203) 547-1510.

State Aid: Connecticut Department of HIgher Education, 61 Woodland Street, Hartford, CT 06105, (203) 566-2618.

DELAWARE

GSL: Delaware Higher Education Loan Program, P.O. Box 7139, Wilmington, DE 19803, (302) 478-3000 ext. 203.

State Aid: Delaware Postsecondary Education Commission, Carvel State Office Building, 820 N. French Street, 4th Floor, Wilmington, DE 19801, (302) 571-3240.

DISTRICT OF COLUMBIA

GSL: Higher Education Assistance Foundation Loan Program of Washignton, DC., 1030 15th Street, N.W., Suite 1050, Washington, DC 20005, (202) 289-4500.

State Aid: Office of Postsecondary Education, Research and Assistance, D.C. Dept. of Human Services, 1331 H Street, N.W., Suite 600, Washington, DC 20005, (202) 727-3688.

FLORIDA

Office of Student Financial Assistance, Florida Dept. of Education, Knott Building, Tallahassee, FL 32301.

GSL: (904) 488-8093.

State Aid: (904) 488-6181.

GEORGIA

Georgia Higher Education Assistance Corporation, 2082 East Exchange Place, Suite 200, Tucker, GA 30084.

GSL: (404) 493-5467.

State Aid: (404) 493-5451.

HAWAII

GSL: Hawaii Education Loan Program, 1314 S. King St., Suite 962, Honolulu, HI 96814, (808) 536-3731.

State Aid: State Postsecondary Education Commission, 124F Bachman Hall, Univ. of Hawaii, 2444 Dole Street, Honolulu, HI 96822, (808) 948-8213.

IDAHO

GSL: Student Loan Fund of Idaho, Inc., Processing Center, P.O. Box 730, Fruitland, ID 83619, (208) 452-4058.

ILLINOIS

GSL: Illinois Guaranteed Loan Program, 106 Wilmot Road, Deerfield, IL 60015, (312) 945-7040.

State Aid: Illinois State Scholarship Commission, 106 Wilmot Road Deerfield, IL 60015, (312) 948-8550.

INDIANA

State Student Assistance Commission of Indiana, 964 N. Pennsylvania St., 1st Floor, Indianapolis, IN 46204.

GSL: (317) 232-2366.

State Aid: (317) 232-2350.

IOWA

Iowa College Aid Commission, 201 Jewett Building, 9th and Grand, Des Moines, IA 50309.

GSL: (515) 281-4890.

State Aid: (515) 281-3501.

KANSAS

GSL: Higher Education Assistance Foundation, 34 Corporate Woods, 10950 Grand View Drive, Suite 270, Overland Park, KS 66210, (919) 648-4255.

State Aid: Kansas Board of Regents, Suite 609, Capitol Tower, 400 S.W. Eighth Street, Topeka, KS 66603, (913) 296-3421.

KENTUCKY

Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, West Frankfort Office Complex, Frankfort KY 40601.

GSL and State Aid: (502) 564-7990.

LOUISIANA

Governor's Special Commission on Education Services, 4637 Jamestown Street, P.O. Box 44127, Baton Rouge, LA 70804.

GSL and State Aid: (504) 925-3630.

MAINE

State Dept. Of Educational and Cultural Services, Div. of Higher Education Services, State House Station 119, Augusta, ME 04333.

GSL and State Aid: (207) 289-2183.

MARYLAND

GSL: Maryland Higher Education Loan Corporation, 2100 Guilford Avenue, Baltimore, MD 21218, (301) 659-6555.

State Aid: Maryland State Scholarship Board, 2100 Guilford Avenue, Baltimore, MD 21218, (301) 659-6420.

MASSACHUSETTS

GSL: Massachusetts Higher Education Assistance Corporation, 330 Stuart Street, Boston, MA 02116, (617) 426-9796.

State Aid: Massachusetts Board of Regents of Higher Education, Scholarship Office, 330 Stuart Street, Boston, MA 02116, (617) 727-9420.

MICHIGAN

GSL: Michigan Department of Education, Box 30047, Lansing, MI 48909, (517) 373-0760.

State Aid: Michigan Dept. of Education, P.O. Box 30008, Lansing, MI 48909, (517) 373-3394.

MINNESOTA

GSL: Higher Education Assistance Foundation (HEAF), Hemar Building, 85 E. Seventh Street, St. Paul, MN 55101, (612) 227-7661.

State Aid: Minnesota Higher Education Coordinating Board, 400 Capitol Square, 550 Cedar Street, St. Paul, MN 55101, (612) 296-3974.

MISSISSIPPI

GSL: Mississippi Guarantee Student Loan Agency, 3825 Ridgewood Road, P.O. Box 342, Jackson, MS 39205, (601) 982-6663.

State Aid: Mississippi Post-Secondary Education Financial Assistance Board, P.O. Box 2336, Jackson, MS 39225-2336, (601) 982-6168.

MISSOURI

Coordinating Board for Higher Education, P.O. Box 1438, Jefferson City, MO 65102,

GSL and State Aid: (314) 751-3940.

MONTANA

GSL and State Aid: Montana University System, 33 South Last Chance Gulch, Helena, MT 59620, (406) 444-6570.

NEBRASKA

Higher Education Assist. Foundation, Cornhusker Bank Building, 11th and Cornhusker Hwy, Suite 304, Lincoln, NE 68521, (402) 476-9129.

State Aid: Nebraska Coordinating Commission for Postsecondary Education, 301 Centennial Mall South, P.O. Box 95005, Lincoln, NE 68509, (402) 471-2847.

NEVADA

GSL: Nevada State Department of Education, 400 West King Street, Carson City, NV 89710, (702) 885-5914.

State Aid: University of Nevada Reno, Rm. 200 TSSC, Reno, NV 89557, (702) 784-4666.

NEW HAMPSHIRE

GSL: New Hampshire Higher Education, Education Assistance, 44 Warren Street, P.O. Box 877, Concord, NH 03301, (603) 225-6612, ALPS: 1-800-236-2577, (Outside NH: 1-800-525-2577).

State Aid: New Hampshire Postsecondary Education Commission, 61 South Spring Street, Concord, NH 03301, (603) 271-2555.

NEW JERSEY

GSL: New Jersey Higher Education Assistance Authority, C.N. 540, Trenton, NJ 08625, (609) 292-3906.

State Aid: Department of Higher Education, Office of Student Assistance, 4 Quakerbridge Plaza, C.N. 540, Trenton, NJ 08625, (800) 792-8670 (within NJ) (609) 292-4390.

NEW MEXICO

GSL: New Mexico Educational Assistance Foundation, P.O. 27020, Albuquerque, NM 87125-7020, (505) 843-7010.

State Aid: Board of Educational Finance, 1068 Cerrillos Road, Santa Fe, NM 87501-4295, (505) 827-8300.

NEW YORK

New York State Higher Education Services Corporation, 99 Washington Avenue, Albany, NY 12255.

GSL: (518) 473-1574.

State Aid: (518) 474-5642.

NORTH CAROLINA

North Carolina State Education Assistance Authority, P.O. Box 2688, Chapel Hill, NC 27515-2688.

GSL and State Aid: (919) 549-8614.

NORTH DAKOTA

GSL: Bank of North Dakota Student Loan Division, 700 Main Street, Drawer 1657, Bismarck, ND 58501, (701) 224-5656.

State Aid: North Dakota Student Financial Assistance Program, 10th Floor, State Capitol, Bismarck, ND 58505, (701) 224-4114.

OHIO

GSL: Ohio Student Loan Commission, P.O. Box 16610, Columbus, OH 43216, (614) 466-3091.

State Aid: Ohio Board of Regents Student Assistance Office, 3600 State Office Tower, 30 East Broad Street, Columbus, OH 43215, (614) 466-7420.

OKLAHOMA

Oklahoma State Regents for Higher Education, 500 Education Building, State Capitol Complex, Oklahoma City, OK 73105.

GSL: (405) 521-8262.

State Aid: (405) 521-2444.

OREGON

Oregon State Scholarship Commission, 1445 Willamette Street, #9, Eugene, OR 97401.

GSL: (800) 452-8807 (within OR), (503) 686-3200.

State Aid: (503) 686-4166, (800) 452-8807.

PENNSYLVANIA

Pennsylvania Higher Education Assistance Agency, 660 Boas Street, Harrisburg, PA 17102.

GSL: (800) 692-7392 (within PA), (717) 257-2860.

State Aid: (800) 692-7435 (within PA), (717) 257-2800.

RHODE ISLAND

Rhode Island Higher Education Assistance Authority, 274 Weybosset Street, Providence, RI 02903.

GSL and State Aid: (401) 277-2050.

SOUTH CAROLINA

GSL: South Carolina Student Loan Corporation, Interstate Center, Suite 210, P.O. Box 21487, Columbia, SC 29221, (803) 798-0916.

State Aid: Higher Education Tuition Grants Agency, 411 Keenan Bldg., Box 11638, Columbia, SC 29211, (803) 758-7070.

SOUTH DAKOTA

GSL: South Dakota Education Assistance Corporation, 115 First Avenue, SW, Aberdeen, SD 57401, (605) 225-6423.

State Aid: Department of Education and Cultural Affairs, Richard F. Kneip Building, 700 North Illinois Street, Pierre, SD 57501, (605) 773-3134.

TENNESSEE

Tennessee Student Assistance Corporation, B-3 Capitol Towers, Suite 9, Nashville, TN 37219.

GSL and State Aid: (800) 342-1663 (within TN), (615) 741-1346.

TEXAS

GSL and PLUS: Texas Guaranteed Student Loan Corporation, P.O. Box 15996, Austin, TX 78761, (512) 835-1900, in Texas: (800) 252-9743.

State Aid: Coordinating Board, Texas College and University System, P.O. Box 12788, Capitol Station, Austin, TX 78711, (512) 475-8169.

UTAH

GSL: Loan Servicing Corporation, P.O Box 31802, Salt Lake City, UT 84131, (801) 487-4448.

State Aid: Utah State Board of Regents, 355 West North Temple, 3 Triad Center, Suite 550, Salt Lake City, UT 84180-1205, (801) 538-5247.

VERMONT

Vermont Student Assistant Corporation, Champlain Mill, P.O. Box 2000, Winooski, VT 05404.

GSL and State Aid: 1-(800) 642-3177 (within VT), (802) 655-9602.

VIRGINIA

GSL: Virginia State Education Assistance Authority, 6 North Sixth Street, Suite 300, Richmond, VA 23219, (804) 786-2035.

State Aid: State Council of Higher Education for Virginia, James Monroe Building, 101 N. 14th Street, Richmond, VA 23219, (804) 225-2141.

WASHINGTON

GSL: Washington Student Loan Guaranty Association, 500 Colman Building, 811 First Avenue, Seattle, WA 98104, (206) 625-1030.

State Aid: Council for Postsecondary Education, 908 East Fifth Avenue, Olympia WA 98504, (206) 753-3571.

WEST VIRGINIA

GSL: Higher Education Assistance Foundation, Higher Education Loan Program of West Virgina, Inc., P.O Box 591, Charleston, WV 25322, (304) 345-7211.

State Aid: West Virginia Board of Regents, P.O. Box 4007, Charleston, WV 25364, (304) 347-1211.

WISCONSIN

GSL: Wisconsin Higher Education Corporation, 137 East Wilson Street, Madison, WI 53702, (608) 266-2897.

State Aid Wisconsin Higher Education Aids Board, P.O. Box 7885, Madison, WI 53707, (608) 266-1660.

WYOMING

GSL: Higher Education Assistance Foundation, American National Bank Building, 20 Street at Capital, Suite 320, Cheyenne, WY 82001, (307) 635-3259.

State Aid: Wyoming Community College Commission, 1720 Carey Avenue, Boyd Building, Fifth Floor, Cheyenne, WY 82002, (307) 777-7763.

AMERICAN SAMOA

GSL: Pacific Islands Education Loan Program, United Student Aid Fund, Inc., 1314 South King St. Suite 962, Honolulu, Hawaii 96814, (808) 536-3731.

State Aid: American Samoa Community College, P.O. Box 2609, Pago Pago, American Samoa 96799, (684) 699-9155.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

GSL: See American Samoa.

State Aid: Northern Marianas College Board of Regents, P.O. Box 1250, Saipan, CM 96950, (Saipan) 7542/7642.

GUAM

GSL: See American Samoa.

State Aid: University of Guam, UOG Station, Mangilao, Guam 96913, (671) 734-2920/9.

PUERTO RICO

GSL: Higher Education Assistance Corporation, P.O. Box 42001, Minillas Station, Santurce, Puerto Rico 00940, (809) 726-2525.

State Aid: Council on Higher Education, Box F-UPR Station, San Juan, Puerto Rico 00931, (809) 751-5082/1136.

TRUST TERRITORY

GSL: See American Samoa.

State Aid: Community College of Micronesia, P.O. Box 159, Kolonia, Ponape, F.S.M. 96941, (Ponape) 480 or 479, (Saipan) 9870.

VIRGIN ISLANDS

Board of Education, OB No. 1, P.O. Box 9128, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

GSL and State Aid: (809) 774-4546.

USA Funds, Inc., United Student Aid Funds Processing Center, P.O. Box 50827, Indianapolis, IN 46250, (800) 382-4506 (Indiana only), (800) LOAN USA (Other States).

SECTION VI: STATE EDUCATIONAL BENEFITS

Most states, including the District of Columbia, have statutes which authorize educational assistance for students. To be eligible for these benefits, the applicants must have made reasonably good grades in high school or meet academic standards acceptable to the school in which they are presently enrolled. In many instances, but not all, states establish as one eligibility requirement that applicants be in need of financial help to obtain the desired education. In addition, some states have authorized educational benefits for veterans and their dependents, particularly the children of deceased and disabled veterans. Included is a summary of educational benefits for veterans and their dependents presented in abbreviated form on the following pages: (See TABLE III). In using this summary, it is important to remember:

1. The summary presents only general information concerning each state and does not pretend to be either complete or authoritative because of legislative changes that occur;

2. More complete information and application forms should be obtained from the division of government responsible for the administration of these laws in the respective states;

3. While we have attempted to give up-to-date information, state laws and appropriations do change from time to time;

4. In practically all instances, educational benefits authorized can only be provided if the necessary state appropriations are made.

Application for state educational aid should normally be made well in advance of the anticipated date of enrollment. Get the answers to your individual questions, more detailed information and application forms from the designated division of government in each state. See Table II for the address of your state agency.●

AMNESTY URGED FOR DOREL CATARAMA

● Mr. SIMON. Mr. President, the case of Dorel Catarama has become a symbol of what many believe to be religious oppression in Romania.

While Romanian officials disagree, the evidence appears overwhelming that charges leveled against Mr. Catarama are trumped up.

Dorel Catarama is imprisoned in Romania on charges of embezzlement and possession of foreign currency. But Amnesty International believes the real reason for his imprisonment is his religious activities as a Seventh-day Adventist and his family's refusal to return to Romania after a visit to the United States in 1982.

Released prisoners have described Mr. Catarama's treatment as extraordinarily brutal.

I recently met with representatives of the Romanian Parliament. It was a cordial, yet frank meeting.

I think the simple gesture of granting Dorel Catarama amnesty would go a long way to showing the United States that Romania is serious about improving its record on human and religious rights.●

NAUM AND INNA MEIMAN: LET THEM GO BEFORE IT IS TOO LATE

● Mr. SIMON. Mr. President, Naum and Inna Meiman are suffering. The Meimans are a Soviet couple who have applied to emigrate numerous times and have always been refused. Naum has experienced harassment by Soviet authorities for over 10 years.

Now, Inna is critically ill. Her cancer is treatable according to Western medical authorities, but the Soviet doctors have told her there is nothing more that they can or will do. Time is running out for Inna. She must have the advanced medical treatment being offered to her in the West to live.

Naum is an older man who also has little time left. What do the Soviets gain by holding this elderly and sick couple? They certainly are not gaining in the public relations area.

I strongly urge the Soviets to allow the Meimans to emigrate to Israel.●

SURVIVORS OF ABORTION: THE DREADED COMPLICATION

● Mr. HUMPHREY. Mr. President, last week I submitted several articles regarding infants who survive abortions. It has been demonstrated that 300 to 400 infants live through second and third-term abortions each year. The articles quite candidly pointed out how ill-equipped the medical community is to deal with this "complication" in a consistently humane fashion.

The two procedures which can result in live births are saline injections and prostaglandin treatments. Another method which is rapidly gaining acceptance is known as "dilatation and evacuation." It involves cutting up a tiny infant into pieces and removing him or her from the mother. This procedure does not result in a live birth.

The popularity of this procedure is due primarily to its efficacy. There are not troubling dilemmas for the patient because the fetus never survives. But something unexpected has occurred. "D & E" is exacting a high toll on the medical practitioners themselves. The following paper was delivered by two such physicians at the 1978 meeting of the Association of Planned Parenthood Physicians in San Diego, CA.

I ask that the paper be printed in the RECORD.

The paper follows:

WHAT ABOUT US? STAFF REACTIONS TO THE D&E PROCEDURE

(Warren M. Hern, M.D., M.P.H., and Billie Corrigan, R.N., M.S.)

A major controversy has emerged during the last few years concerning the technical risks and acceptability of the "dilatation and evacuation" (D&E) abortion performed during the second trimester of pregnancy. Multi-center studies reported by the Center for Disease Control demonstrate a lower risk of major complications for D&E by comparison with saline and prostaglandin amnioinfusion abortions. There are wide differences of opinion about the use of laminaria vs. manual dilatation and about the desirability or need for single or multiple laminaria treatment.

Several authors agree that the D&E procedure is easier emotionally for the patient since she does not have to deliver a fetus which may have signs of life. There is recognition that the emotional trauma of the experience is transferred from the patient to those who are performing the abortion. This problem, however, has received little attention.

The present study is the result of nearly four years of direct experience by staff members of a small, private, ambulatory abortion facility where D&E procedures are performed up to 22 menstrual weeks gestation. The senior author has performed over 300 of these procedures in this setting. Both authors have noted intense reactions in themselves and in other staff members to the D&E procedure. The study of these reactions is considered to be important since the feelings and attitudes of those providing abortion services have a profound effect on the quality of care experienced by the patients. These reactions may, in fact, determine whether the patient even receives the care she requests. It has been clear from the beginning, for example, that some staff members are unable to assist with late abortion procedures due to their reaction to it or belief that it was wrong to perform an abortion beyond a certain week of gestation.

MATERIALS AND METHODS

Twenty-three present and former staff members of the clinic were polled via questionnaire to determine whether they had as-

sisted with D&E procedures and, if so, what their reactions had been. The questionnaire asked the respondent to specify the role in which he or she had assisted the patients: doctor, nurse, telephone contact, receptionist, or other; it also asked how many patients the respondent had assisted in this capacity. Respondents were asked to describe their thoughts about the moral, legal, medical and other aspects of second trimester abortions and to state their primary feelings about the patients having late abortions, the procedure itself, the medical risks, the visual impact of the fetus, and the doctor. Respondents were asked to list and explain the differences that existed for them in assisting with first vs. second-trimester abortions. They were asked to specify whether there was a limit in length of pregnancy beyond which they would not assist with abortion and to give the reasons. Respondents were asked to describe uncertainties and changes in their feelings about these matters and invited to describe other reactions or impact such as dreams or preoccupations with the procedure while not at work.

Fifteen present and former staff members responded to the questionnaire and these were interviewed individually to followup questions raised in the written response.

From a technical point of view, the D&E procedure using a multiple laminaria technique described elsewhere has been used in this series with an exceedingly low complication rate. Operative complications such as hemorrhage and retained fetal parts have occurred more than in first trimester procedures but no truly major complications have occurred. Patients receive three laminaria treatments over a period of 42 hours followed by supplemental manual dilatation up to 2.5cm under local anesthesia. Each counselor is assigned one patient and follows that patient through each step including laminaria changes, procedure, and recovery room. Procedure times varies from an average of 15-20 minutes initially to less than 10 minutes currently, reflecting experience and improved technique by the operator. Blood loss averages between 100-250cc depending on the length of gestation, is often negligible and rarely exceeds 500cc. Two patients have been hospitalized overnight for observation; one for a suspected perforation and another for operative hemmorrhage due to uterine atony.

RESULTS

Of the 15 respondents, all approved of the second trimester procedure in principle but 8 had several reservations along with their approval. Most respondents felt sympathetic or protective toward the patient, but four expressed feelings of resentment, irritation, or anger toward patients who had waited so long before seeking abortion. Positive comments about the D&E procedure itself were in the minority; only three expressed views that it was a better alternative for the patient. The rest thought that the procedure was difficult, tedious, riskier, painful for everyone, and feared major complications. Nine were quite preoccupied with the medical risks while six were not concerned or did not comment. Reactions to viewing the fetus ranged from "I haven't looked" to shock, dismay, amazement, disgust, fear, and sadness. Attitudes toward the doctor were those of sympathy, wonder at how he could perform the procedure at all, and a desire to protect him from the trauma. Two felt that it must eventually damage him psychologically.

Differences between first trimester and second trimester D&E procedures noted by the respondents included an increased fear of complications in the late procedures, the visual impact of the fetus, and the violence. About a third felt that the procedure was longer and harder on the patients and several thought it was more difficult to rationalize or intellectualize the D&E procedure.

Ten respondents thought that there was a limit to the length of pregnancy which could be interrupted with opinions ranging from 12 weeks to 24-26 weeks.

Most respondents expressed considerable ambivalence and shifting feelings toward the late procedure depending to some extent on familiarity with amnioinfusion procedures and experience with the D&E procedure. About half felt more positive with greater D&E experience and about half had more conflict or felt "burnt out". One respondent expressed increasing resentment of the casual attitudes of some patients considering the emotional cost to those providing the service.

Two respondents described dreams which they had had related to the procedure. Both described dreams of vomiting fetuses along with a sense of horror. Other dreams revolved around a need to protect others from viewing fetal parts, dreaming that she herself was pregnant and needed an abortion or was having a baby.

Six respondents denied any preoccupation with the D&E procedure outside the clinic. Several others felt that the emotional strain affected interpersonal relationships significantly or resulted in other behavior such as an obsessive need to talk about the experience. In this group, a common observation was that personal problems outside the clinic made it much more difficult to handle the stress of the D&E procedure.

DISCUSSION

One of the questions which emerges from these interviews is whether there is a relationship between the role played and the attitude toward the D&E procedure. In general, it appears that the more direct the physical and visual involvement (i.e. nurses, doctor), the more stress experienced. This is evident both in conscious stress and in unconscious manifestations such as dreams. At least, both individuals who reported several significant dreams were in these roles.

Is there a relationship between the number of D&E procedures performed or participated in and attitudes toward them? The evidence is equivocal since some respondents reported more tension as they participated in more procedures and some felt more comfortable. All agreed that there was more psychological stress than with first trimester procedures.

We discerned that the following psychological defenses were used by staff members at various times to handle the traumatic impact of the destructive part of the operation: denial, sometimes through literal distance from viewing the procedure itself; projection, as evidenced by concern or anguish for other staff members assisting with or performing the procedure; and intellectualization. Popularly, the latter took the form of discussing the pros and cons of performing the D&E procedure and rationalizing its value.

There is no question that the properly performed D&E procedure, aside from its advantages in risk reduction, is more traumatic for the operator and assistants them for the patient. An improperly performed D&E would be traumatic for the patient as well. Technically, however, it is possible to reduce discomfort and trauma to the patient to a minimum consistent with the medical objective of emptying the uterus with the least damage to the cervix and other pelvic structures.

The most important challenges in late abortion are not the technical questions of medical treatment. These yield to persistence, immigration, surgical skill, and commitment to standards of medical excellence. The most difficult thing is how we feel about doing it. We have produced an unusual dilemma. A procedure is rapidly becoming recognized as the procedure of choice in late abortion, but those capable of performing or assisting with the procedure are having strong personal reservations about participating in an operation which they view as destructive and violent. The same people who cannot help with the procedure applaud its introduction because of increased safety for the patient. Some part of our cultural and perhaps even biological heritage recoils at a destructive operation on a form that is similar to our own, even while we may know that the act has a positive effect for a living person. No one who has not performed this procedure can know what it is like or what it means; but having performed it, we are bewildered by the possibilities of interpretation.

We have reached a point in this particular technology where there is no possibility of denial of an act of destruction by the operator. It is before one's eyes. The sensations of dismemberment flow through the forceps like an electric current. It is the crucible of a raging controversy, the confrontation of a modern existential dilemma. The more we seem to solve the problem, the more intractable it becomes.●

CONSTRUCTION INDUSTRY LABOR LAW AMENDMENTS

Mr. BYRD. Mr. President, on behalf of Senator KENNEDY, I ask that the measure, H.R. 281, which appears on the calendar of bills and joint resolutions read the first time be read the second time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 281) to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

Mr. DOMENICI. Mr. President, I object to any further consideration of the measure.

The PRESIDING OFFICER. Objection having been heard to further consideration of the bill after its second reading, pursuant to rule XIV the bill will be placed on the calendar.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I think Senators know, but let me now repeat more explicitly, there will be no further action today on the budget resolution. It will return to the calendar as per the unanimous consent agreements which are obvious in the RECORD. I understand from the distinguished leader, Senator DOLE, that he

intends to not only dispose of the amendments which are the subject matter of unanimous-consent agreements, but that we will proceed with additional amendments and that there will be a significant number of votes following the two which have been arranged.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has the distinguished manager of the budget resolution announced that there will be no further action on that resolution today?

The PRESIDING OFFICER. He has.

Mr. BYRD. I thank the Chair.

Mr. President, has the order already been entered as to the time that will remain to be allotted to both sides on the budget resolution by tomorrow? Has that order already been entered?

The PRESIDING OFFICER. The order has been entered that, as of tomorrow, there will be 20 hours that remain.

Mr. BYRD. Very well. Then the time that I shall take at this point does not come off the time of the budget resolution. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

□ 1630

Mr. BYRD. Mr. President, anytime the majority leader wishes to transact additional Senate business or if any other Senator wishes to have the floor, I shall be glad to relinquish the floor. I ask unanimous consent that in that event, the CONGRESSIONAL RECORD not show an interruption of my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this is a continuation of the series of floor speeches which I have been delivering on the subject of the U.S. Senate since March 1980. As I recall, this is the 82d of such speeches, and the title of today's speech is *The Senate and a Bipartisan Foreign Policy,* 1953-60.

THE UNITED STATES SENATE

THE SENATE AND A BIPARTISAN FOREIGN POLICY, 1953-1960

Mr. BYRD. Mr. President, the late Francis Wilcox was an astute observer of the United States Senate's role in foreign policy, both from his posts as the first chief of staff of the Senate Foreign Relations Committee, and as an Assistant Secretary of State in the Eisenhower administration. During his tenure with the committee and the Department of State, the foreign policy of the United States was frequently and correctly described as a bipartisan policy. Democrats and Republicans alike agreed that politics stopped at the water's edge. While there was still much criticism of individual policies and policy-makers, a broad-based consensus in the government and in the country supported the fundamental objectives of the United States in those difficult early years of the Cold War. Such bipartisanship lasted until the Vietnam War in the 1960's, when legislative-executive relations became intensely estranged. Having witnessed the rise and fall of bipartisanship, Dr. Wilcox once recorded what he considered as the ideal conditions for a bipartisan foreign policy:

> First, when the White House and the administration are controlled by one party, and the Congress is controlled by the other party—as in the case of the 80th Congress—when cooperation becomes absolutely essential; the government can't function in that kind of a situation unless you have a bipartisan approach. Secondly, when there is a fairly good consensus in the country about the basic principles or goals of our foreign policy and the way it should be conducted. . . . Thirdly, the kind of leadership on Capitol Hill that can command the confidence of the Congress and the executive and be willing to deemphasize politics while working for the national interest. And fourthly the kind of strong leadership in the White House that is willing to accord Congress its rightful place in the constitutional scheme of things and is willing to consult frequently with Congress on important foreign policy questions.[1]

Today, in my continuing series of addresses on the history of the United States Senate, I should like to take Dr. Wilcox's wise prescription for bipartisanship as a means of examining the Senate's role in the foreign policy of the United States between 1953 and 1960—a crucial decade for this Nation and this institution. It was a period of grave challenges and dramatic decisions affecting the survival of humanity on this globe. It was also a period when the executive branch used foreign policy as a means of strengthening presidential power vis-a-vis Congress. This was an ironic situation because General Dwight D. Eisenhower had run for the presidency in 1952 deeply opposed to executive aggrandizement. Yet, as Professor Arthur Schlesinger has pointed out in his important book, *The Imperial Presidency,* by the end of his second term, Eisenhower had accelerated the transfer of power from Congress to the presidency. "Two things had happened," Schlesinger wrote: "the belief that the world was greatly endangered by the spread of communism had generated a profound conviction of crisis in the United States; and the conviction of crisis had generated a foreign policy that placed the separation of powers prescribed by the American Constitution under unprecedented, and at times unbearable, strain." [2]

In 1953, war still raged in Korea; the United States had 3.6 million men in uniform, and was allocating billions of dollars for military expenditures. All of this enormously strengthened the president as Commander-in-Chief. Although critical of some aspects of strategy and policy, Congress still tended to defer to the president on matters of warfare and national security. It is also important to remember that the two parties at that time fundamentally viewed the world situation in the same way. The Republican Eisenhower inherited his basic national security structure from the Democratic Truman, and adopted the broad outlines of his policies.

In June 1953, President Eisenhower convened a six-week, top-secret policy study, conducted in the penthouse solarium of the White House. "Operation Solarium" drafted the policy statements that guided the next eight years of American foreign policy initiatives under Eisenhower. Only recently were the records of "Operation Solarium" declassified, and they make most interesting reading. We find, for instance, that Eisenhower rejected the 1952 Republican campaign promise of rolling back Soviet control of Eastern Europe, and instead decided to concentrate his efforts on building a position of strength so that other nations would respect American interests and see the United States as a source of support. This strategy required that the United States use any means possible, from conventional ground troops to nuclear weapons, to deter aggression. The United States and its allies would strengthen themselves to prevent political or military gains by the Communists and to diminish Soviet influence in the world. Essentially, this was a continuation of the policies forged under Harry Truman.[3]

Eisenhower began his presidency with a broad national consensus on foreign policy and strong bipartisan support in the Congress. The greatest difficulty he encountered was not from the opposition party but from critics within his own party. In a previous address I discussed the peculiar crusade of Senator Joseph R. McCarthy, whose hunt for Communists in government deeply shook the Department of State, driving competent, independent-minded men out of policy-making positions, and severely depressing the morale of those who remained. Opposition came also from Senator William Knowland, who in the summer of 1953 became the Republican majority leader. Knowland's close attachments to the government

of Chiang Kai-shek had won him the nickname of "the senator from Formosa." A man of principle, Knowland was willing to fight even the titular leader of his own party if they disagreed on an issue.

But it was silver-maned Senator John Bricker from Ohio who made the most direct assault on Eisenhower's foreign policy leadership. In 1951, Senator Bricker began introducing an amendment to the Constitution which would prohibit the United States from entering into any international agreements that might affect the rights and freedoms of the people or the character and structure of the government. What motivated Bricker was a concern that American participation in the UN Charter and human rights covenant might somehow override American laws. As it evolved, however, the main thrust of the Bricker Amendment came to be: "Congress shall have power to regulate all executive and other agreements with any foreign power or international organization."

Many Republicans saw the Bricker Amendment as a vehicle for preventing presidents from entering into unsupervised executive agreements such as the one Roosevelt reached with Stalin and Churchill at Yalta. Mrs. Phyllis Schlafly, already a political activist in 1953, called the Bricker Amendment "the most important and necessary legislation that the present Congress can pass." The amendment also won support from such groups as the American Bar Association, the Chamber of Commerce, and the Daughters of the American Revolution.[4]

When Senator Bricker reintroduced his amendment at the beginning of the 83rd Congress, he had 62 co-sponsors, including 45 of the 48 Senate Republicans. The amendment frightened many experts in the State Department. Some interpreted it as meaning that future treaties would have to be ratified by each of the states. Seeing the amendment as a congressional attempt to reduce the powers of the president over foreign policy, Eisenhower was determined to block that effort. He and Secretary of State John Foster Dulles met with Senator Bricker but could not budge him, for Bricker, as Eisenhower noted, had "gotten almost psychopathic on the subject." The president became so frustrated over his dealings with the senator that he once remarked to his press secretary, James Hagerty: "If it's true that when you die the things that bothered you most are engraved on your skull, I am sure I'll have there the mud and dirt of France during the invasion and the name of Senator Bricker." [5]

As the Eisenhower administration fought desperately to delay and defeat the Bricker amendment, it turned to the chairman of the Foreign Relations Committee for help. The chairman, Alexander Wiley of Wisconsin, suffered badly by comparison with his predecessors, Arthur Vandenberg and Tom Connally. An amiable politician, he simply lacked the knowledge, interest, and prestige to handle that job competently. Secretary Dulles found it impossible to discuss substantive issues of foreign policy with Senator Wiley. But Wiley was an administration loyalist, and he fought tooth and toenail in opposition to the Bricker Amendment. Pat Holt, a member of the Foreign Relations Committee staff, and later its director, recalled that "there were *endless* hours spent fooling around with words" on the Bricker Amendment, "what hypothetical situations would this particular formulation apply to, and so on. In this process there were a good many meetings in the White House with Eisenhower and John Foster Dulles and various senators who were interested in it. Wiley's principal function in these meetings was to stiffen the spine of the Eisenhower administration and keep them from agreeing to something which they would probably regret." Senator Wiley, according to Pat Holt, "had a gut feeling that it would do violence to the Constitution." Wiley showed considerable political courage, lined up against most of the senators from his own party, and in the face of a substantial mail campaign in favor of the treaty. "I've got 10,000 letters supporting the Bricker Amendment," he once commented, "but three million people voted in Wisconsin in the last election, and I haven't heard from the other 2,990,000 of them." [6]

□ 1640

In addition to help from Senator Wiley, the Eisenhower administration looked to Senate Democrats. In January 1954, Eisenhower and Dulles met with Senator Walter George, ranking Democrat on the Foreign Relations Committee, to find a way to prevent passage of the amendment. Senate Democratic Leader Lyndon Johnson welcomed this opportunity to help save the president from isolationists in his own party. Senators Johnson and George, and the Democratic Policy Committee thus began drafting an alternative resolution. This one stated that: "An international agreement other than a treaty shall become effective as internal law in the United States only by an act of the Congress." Even this version, however, raised objections from the Department of State as restricting presidential authority. In February, the Senate voted down the Republican version of the Bricker amendment by a substantial margin but then came very close to passing the Democratic version. Eisenhower marshaled all of his lobbying skills to persuade members to vote against the George substitute and managed to defeat it by a single vote. It was the late Senator Harley Kilgore of West Virginia, who cast that decisive vote. The Bricker amendment was finally dead.[7]

In July 1953, the United Nations and North Korea signed an armistice at Panmunjon, ending the Korean war. Immediately, American concerns were focused on another Asian trouble spot, Indochina. There the French were holding an increasingly precarious position against nationalist forces led by Ho Chi Minh. In his first appearances before the Senate Foreign Relations Committee and the House Foreign Affairs Committee, Secretary Dulles drew special attention to this region. "In some ways it is more dangerous, I would think, than any other situation in the world," he told the Congressmen, "because the loss of Indochina would probably have even more serious repercussions upon the Indian-Asian population than even the loss of South Korea and, also, because what is going on in Indochina has very serious repercussions in Europe and upon the mood of France, and the willingness of the French to move in partnership with Germany toward the creation of unity and security in Europe." [8]

Senate concern over the course of events in Indochina became evident during the debate over President Eisenhower's request in 1953 for an additional $400 million in military aid for that region. The House passed the bill with little opposition, but the Senate engaged in a sharp debate on the matter. Senator BARRY GOLDWATER of Arizona introduced an amendment requiring the French to set a target date for the complete independence of Indochina. Senator GOLDWATER argued that unless the political aspirations of the people of Indochina were met, the United States would inevitably be drawn into military conflict in the region. The only way to "prevent our boys from ending up in the jungles of southeast Asia," said Senator GOLDWATER, was "to ask France, * * *, to grant independence and the right of freedom to those people who have fought so long for their independence and freedom."

Senator John F. Kennedy of Massachusetts agreed with Senator GOLDWATER that the war could never be won unless "large numbers of the people of Vietnam are won over from their sullen neutrality and open hostility to it and fully support its successful conclusion." This could never be done, Kennedy asserted, unless the people of Indochina were assured of their independence at the conclusion of the war. Kennedy, however, wanted to avoid "an ultimatum" to the French and offered a substitute for GOLDWATER'S amendment, that all mutual security funds spent in Indochina would be administered in such a way

as to encourage the freedom and independence of the people there. Even this measure was considered too drastic, and the Senate defeated Kennedy's proposal by a 64 to 17 vote. Considering the roles they would later play in the Vietnam war, it is interesting to note that Senators GOLDWATER and Kennedy sponsored these cautionary amendments, and Senator Lyndon Johnson voted against them.

Congress voted the $400 million for Indochina, but the French immediately asked for another $385 million, warning that without it they might have to withdraw from the area. The Eisenhower administration agreed to the increase, and Thruston Morton, then assistant secretary of state for congressional relations, came to Capitol Hill to brief the influential Senator Richard Russell. Morton later recalled that Senator Russell told him, "You are pouring it down a rathole; the worst mess we ever got into, this Vietnam. The president has decided it. I'm not going to say a word of criticism. I'll keep my mouth shut, but I'll tell you right now we are in for something that is going to be one of the worst things this country ever got into." What a tragedy that Richard Russell's prophetic warning was not heeded!

In addition to increased financial aid, the Eisenhower administration wanted to send 200 aircraft technicians to assist the French. Senator Mike Mansfield, who had traveled through Indochina and who was as familiar with that region as any member of the Senate, approved the sending of these troops but warned that it was up to the people of Indochina rather than the United States to fight this war. Senator JOHN STENNIS voiced similar concerns: "I am afraid, we will move to a point from which there will be no return," he warned.[9]

In March, the Viet Minh attacked the French garrison at Dienbienphu. Some observers feared that the loss of Dienbienphu might mean the loss of all of Indochina. Should the United States intervene militarily to save the French? Secretary of State Dulles and Admiral Arthur Radford, Chairman of the Joint Chiefs of Staff, leaned toward intervention. In a press conference Eisenhower made his famous analogy of falling dominoes to describe the situation: if the Communists knocked one over, all the rest would fall. By April 1, the situation had so deteriorated that policy planners were considering an American air strike to aid the French garrison. The administration drafted a joint resolution empowering the president to use American forces to resist aggresion in Southeast Asia. On April 3, Secretary Dulles called congressional leaders to the State Department for a briefing. There, Radford and Dulles warned of the consequences of a Communist victory and urged that the president be given congressional support to use military power.

□ 1650

Senate Republican Leader William Knowland supported the venture, but Democratic leaders were skeptical. Senator Earl Clements asked Admiral Radford if the plan for an American air strike at Dienbienphu had the support of other members of the Joint Chiefs of Staff. No, Radford replied. How many agreed with him? None, said the Admiral. "How do you account for that?" Clements demanded. "I have spent more time in the Far East than any of them and I understand the situation better," Radford insisted. Senator Lyndon Johnson then asked whether Secretary Dulles had consulted with other nations who would be allies in the intervention. Dulles said he had not. By the end of the meeting, congressional Republicans and Democrats alike advised Dulles to seek allies for the plan and not to plan on unilateral American action.[10]

Back at the Capitol, Senator Lyndon Johnson met with a small group of Democratic senators and gave them "a vivid, muscular and athletic recounting" of the meeting with Dulles. When the support of the congressional leaders had been solicited, Johnson told them, he had pounded on the desk to emphasize his opposition. It was clear from such displays that the administration could not count upon uncritical congressional support unless it could demonstrate strong pledges of assistance from American allies. On April 6, for instance, Senator John Kennedy in a speech in the Senate stated that he favored a policy of united action by many nations. "But to pour money, materiel, and men into the jungles of Indochina without at least a remote prospect of victory would be dangerously futile and self-destructive." Senator JOHN STENNIS added: "I do not believe that Congress would ever vote, or should vote, to have the United States go in on a unilateral basis. It would have to be a united effort; not a token effort, but a real united effort."

Secretary Dulles flew to London to persuade the British to join in a united front in Indochina, but to no avail. British Foreign Minister Anthony Eden recalled in his memoirs that Prime Minister Winston Churchill had decided it would be a mistake for the British to join the United States in sending troops into Indochina. "Sir Winston summed up the position by saying that what we were being asked to do was to assist in misleading Congress into approving a military operation, which would in itself be ineffective, and might well bring the world to the verge of a major war." The British refusal to intervene undercut Dulles' efforts and convinced Eisenhower not to involve the United States militarily at Dienbienphu. "Without allies and associates," the president told his staff, "the leader is just an adventurer, like Genghis Kahn." On May 7, 1954, the garrison at Dienbienphu fell to the Communists. This set in motion the independence of Indochina from France, and its partition at the Geneva Conference, into Laos, Cambodia, and North and South Vietnam.[11]

President Eisenhower has received commendation from historians for his decision not to intervene at Dienbienphu. In light of subsequent events in Vietnam, he clearly made the right decision. When we consider that Secretary Dulles had in his pocket a draft resolution calling for American military intervention, and that Vice President Nixon was suggesting that American troops might need to be sent to Indochina if the French withdrew, Eisenhower was the model of a cautious, rational, pragmatic national leader. However, we should keep in mind that strong congressional opposition to unilateral intervention had exerted a moderating influence on the administration and reminded it of the need to seek allies. This was the conclusion of Chalmers Roberts' famous article on "The Day We Didn't Go to War." Congress had helped the administration face reality.

In 1954, Democrats won majorities in both the Senate and the House, and for the rest of Eisenhower's administration the Republican president had to deal with a Democratic Congress. In some ways, Eisenhower had an easier time with Congress after the Democrats took charge. No longer did he need to agonize over John Bricker's amendment or McCarthy's harassment of the State Department and the Army. Now he dealt with Lyndon Johnson rather than Bill Knowland as majority leader, with Sam Rayburn rather than Joe Martin as Speaker of the House. And recalling one of Francis Wilcox's precepts, with which I began this talk, a bipartisan approach to foreign policy seems to work best when the presidency and Congress are controlled by different parties: it forces both sides to act responsibly and with some degree of mutuality.

As president, Eisenhower wanted to open "lines of communication" with Congress. We often forget, when considering his military background, that in the early 1930's Eisenhower had served as General MacArthur's aide-de-camp, and had handled congressional relations for the Army. He was no stranger to Washington's ways. Secretary Dulles was also aware of the example of his predecessor, Dean Acheson's poor relations with Congress, and he went out of his way to consult with congressional leaders on major issues. The Eisenhower administration

created the first legislative liaison unit in the White House, with regular liaison officers assigned to work with the Senate and House. President Eisenhower wrote that he "early embarked on a program of discussing issues, in a social atmosphere, with groups of Congressmen and senators of both parties, in the hope that personal acquaintance would help smooth out the difficulties inherent in partisanship." [12]

Eisenhower and Dulles' efforts to build links to Congress paid off in the bipartisan support they were able to win, fairly consistently, during the 1950's. Take, for example, the crisis that developed in the Formosa Straits in 1954 and '55. In September, 1954, the Chinese Communists commenced artillery shelling of the island of Quemoy, which was occupied by the Nationalist Chinese under Chiang Kai-shek. Occasionally, this artillery fire was supplemented by air attacks, and an invasion from Mainland China seemed imminent. In a message on January 24, 1955, President Eisenhower invited Congress "to participate now, by specific resolution, in measures designed to improve the prospect of peace," including "the use of the Armed Forces of the United States if necessary to assure the security of Formosa and the Pescadores." [13]

Now, the Congress which had cautioned President Eisenhower against intervention in Indochina was not eager to initiate any action which might lead to war with the People's Republic of China. In addition, as Senator John Sparkman recalled, "There was on the /Foreign Relations/ Committee at this time a profound distrust of Chiang and his intentions. Dulles did his best to allay these fears, telling the committee that he had explicit commitments from Chiang not to undertake a return to the mainland without U.S. approval." The Foreign Relations and Armed Services committees met jointly in closed session to hear Secretary Dulles' justification of the proposed resolution. The resolution was "absolutely necessary," said Dulles because "there is at least doubt as to whether or not the president could, without congressional authorization, take the kind of action which I am talking about. The area of authority as between the president and the Congress in these matters is admittedly a shady one." The venerable Alben Barkley, former majority leader and vice president, now returned for his last term in the Senate, asked the question on everyone's mind: "Would it be fair to describe this resolution as a predated declaration of war?" Secretary Dulles replied that "the president does not interpret this as a declaration of war, and if there were a situation to arise which in his opinion called for a declaration of war, he would come back again to the Congress." [14]

With such assurances, both the Senate and House quickly approved the Formosa Resolution. At that time, I was a member of the House Foreign Affairs Committee. By asking Congress for a joint resolution when the government faced the possibility of military engagement overseas, President Eisenhower did what President Truman had neglected to do after the Korean invasion. Professor Arthur Schlesinger has noted that in contrast to earlier resolutions in American history, the Formosa Resolution ordered no action and named no enemy. "Rather it committed Congress to the approval of hostilities without knowledge of the specific situation in which the hostilities would begin." But Congress was in no mood to challenge the assumptions of presidential leadership in foreign and military affairs. As Majority Leader Lyndon Johnson said: "We are not going to take the responsibility out of the hands of the constitutional leader and try to arrogate it to ourselves." [15]

The president returned to Congress with a similar request two years later, this time dealing with the Middle East. In 1956, Great Britain, France, and Israel had invaded Egypt to seize the Suez Canal. The United States had opposed the invasion and forced its allies to retreat. In the process. Great Britain, upon whom we had relied as the chief bulwark against Soviet intervention in the Middle East, lost its prestige and influence in the region. Secretary Dulles, perceiving a dangerous power vacuum in the Middle East that the Soviets would be tempted to exploit, sought some means of injecting the United States into the Middle East, a region in which this country had long played only a peripheral role. The difficult question was how we could replace the British bulwark without taking on the hated mantle of colonialism. With these issues in mind, President Eisenhower appeared before Congress on January 5, 1957, to request authority to send American armed forces to the Middle East if necessary to preserve the territorial independence of nations there from international communism.

Once again the question of a "predated declaration of war" was raised, this time by Senator Hubert Humphrey. Secretary Dulles objected to the term, attributing the peaceful outcome of the Formosa Crisis to the authority granted by the Formosa Resolution. "I would call it a declaration of peace rather than a declaration of war because I think that without this we are in great danger of getting into war," Dulles observed. But unlike the Formosa Resolution, which rushed through Congress with a minimum debate, the Middle East Resolution, or "Eisenhower Doctrine" as the press called it, was the subject of extensive Senate scrutiny. The House approved the resolution by a wide margin on January 30. However, the Senate Foreign Relations and Armed Services committees held joint hearings in public and executive sessions between January 28 and February 12, and the Senate debated the resolution for twelve days before passing it on March 5. [16]

□ 1700

Mr. President, I would like to read some of the comments made by members of the Senate in the closed-door hearings on the Middle East Resolution. These hearings were classified and closed until 1979 when they were published by the Senate Foreign Relations Committee as part of its "Historical Series." In previous remarks I have cited the volumes in this series for the Truman administration. I am pleased that the committee has opened and published its executive session transcripts for all of the Eisenhower administration and that it is currently publishing volumes covering the Kennedy years. This series, which the committee launched in 1973, has been praised by diplomatic historians as a critical research tool for understanding the historic role of Congress in the formulation of American foreign policy. I commend Chairman RICHARD LUGAR and other members of the Foreign Relations Committee for this important public service.

One of those most skeptical of the Middle East Resolution was Senator J. William Fulbright of Arkansas. Although not yet chairman of the Foreign Relations Committee, Senator Fulbright was already recognized as the Senate's leading expert in international relations. Senator Fulbright had supported the Formosa Resolution, but now had his doubts. In a speech in the Senate on February 11, he charged that there had been "no real prior consultation with Congress, nor will there be any sharing of power. The whole manner of presentation of this resolution—leaks to the press, speeches to specially summoned Saturday joint sessions, and dramatic secret meetings of the Committee on Foreign Relations after dark one evening before the Congress was even organized, in an atmosphere of suspense and urgency—does not constitute consultation in the true sense. All this was designed to manage Congress, to coerce it into signing this blank check."

In the closed sessions, other senators expressed similar concerns about the resolution. Senator Richard Russell objected that it left Congress "as an appendage of the executive branch in dealing with this very vital and important matter." Senator Russell continued: "In my opinion, the Congress of the United States is being treated as a group of children, and very small chil-

dren, and children with a very low IQ at that, in the manner that this resolution has been presented to us * * * . I think that the Congress, if it is going to preserve its own self esteem, ought to have more information than we have on it." "I don't wish to pose as a prophet," Senator Russell said, "but I unhesitatingly say that if we pass this resolution in this fashion, that from here on out we will never get back in control of your program in this area * * * . It may be going for the next 25 or 30 years, and the Congress will never regain control of it. It will from here on out be in the hands of the executive branch of the Government."[17]

Senator Sam Ervin of North Carolina counseled: "The Constitution of the United States, as I construe it, contemplates that the Armed Forces of the United States, will not be put into an offensive war * * * without the consent of Congress; and here this first part of this resolution says that the president can put our Armed Forces against some enemy which has not yet been selected, in the Middle East. The resolution is not directed against Russia; it is directed against the nations which we fear will become Communist in the Middle East * * * and it is a a perfect invitation for another Korea, with Russia furnishing arms, and us furnishing the boys to do the dying."[18]

Senator Wayne Morse of Oregon argued: "You have got a resolution here which, for the first time, suggests that the President of the United States can exercise discretion to proceed to protect the territorial integrity of some other country somewhere in the world attacked by some Communist country, because he thinks that eventually that may involve the security of the United States, and I think that is an absurd stretching of that alleged emergency power on the part of the president, and I think it would be a clear violation of the constitutional power of the president."[19]

The members of the Senate Foreign Relations and Armed Services committees wrestled long and hard with what Richard Russell called the "shadowland" between the president's authority to use military forces and the need for a declaration of war. They finally amended the Middle East Resolution to strike out the idea of a congressional authorization and to leave the resolution as more of a declaration of U.S. policy in the Middle East. "The effect on Eisenhower," Professor Schlesinger has noted, "was to convince him less of the need for serious consultation with Congress than of his inherent authority to employ armed forces at presidential will." The next year, when the president sent American troops to Lebanon, he did not invoke the Middle East resolution, or ask Congress for any approval, but instead acted under his authority as Commander-in-Chief.[20]

There is a historical postscript to this fascinating debate over the Middle East Resolution. As I pointed out, the two committees deliberated for several weeks on this issue and made significant changes in the text of the resolution. By contrast, when President Lyndon Johnson presented the Congress with the Gulf of Tonkin Resolution in 1964 there was neither protracted nor significant debate in committee or on the floor. Why so much attention to one and not to the other? It is hard to say for sure, but perhaps the effect of so many resolutions in support of presidential use of armed forces, from Formosa in 1955 through the Middle East Resolution in 1957 and the Cuba and Berlin resolutions in 1962, helped lull the Congress into inattentiveness. The constitutional scruples that members had agonized over earlier were put aside in 1964, much to the later regret even of the resolution's sponsors. Reading through these observations by Senators Fulbright, Russell, and Ervin over the Middle East Resolution, one might wish that they had raised the same warning flags over Vietnam. Only Senator Wayne Morse was consistent in his suspicion of both measures.

□ 1710

Mr. President, I think it is clear from my discussion of such issues as the Formosa and Middle East resolutions that President Eisenhower received strong support and helpful advice from the Congress during the 1950's. But despite the bipartisan endorsement of our foreign policies, and the administration's efforts to build and maintain strong links to Congress, there remained significant areas where the administration acted independently, without consulting or informing Congress of its activities. We know now, as we did not know then, that the Eisenhower administration made unprecedented use of covert activities to shape American foreign policy. We know now, as we did not know then, that the Central Intelligence Agency helped overthrow the government of Mohammed Mossadegh in Iran in 1953 and helped the Shah of Iran return to power. We know now, as we did not know then, that the CIA organized the revolution in Guatemala that overthrew the government of Jacobo Arbenz Guzman in 1954. There was no congressional oversight of intelligence activities at that time. The only member of the Senate regularly informed of CIA activities was Senator Richard Russell, chairman of the Armed Services Committee and of the military appropriations subcommittee. During the 1950's, Senator Mike Mansfield began to call for a special committee to oversee the CIA, but this call went unheeded for another twenty years.

There was a price to pay for Congress' lack of involvement in intelligence issues, and the price included such avoidable blunders as the U-2 affair in 1960 and the Bay of Pigs invasion in 1961. The CIA had used its high flying U-2 planes to gather extraordinary information about the closed Soviet society, but they continued the flights to the very eve of President Eisenhower's summit meeting with Premier Nikita Khrushchev. When the plane piloted by Francis Gary Powers was shot down on May 1, 1960, the Eisenhower administration was caught in a clumsy lie, pretending it had been a weather flight. Eventually, the president conceded the intelligence-gathering nature of the flight, but refused to apologize to the Soviets, and Khrushchev stormed out of the summit meeting. We also know now, but did not know then, that in March 1960, President Eisenhower gave the CIA authorization to begin training Cuban refugees for an invasion of Cuba, which a year later, at the beginning of John Kennedy's administration, ended in complete failure at the Bay of Pigs. Had a congressional intelligence committee existed at that time, or had congressional leaders been at all consulted in advance one suspects that cautionary warnings would have been raised that could have saved the administration from international embarrassment.

By the end of Eisenhower's second term a sense of congressional disenchantment with the administration's foreign policies had developed. In 1959, Senator Hubert Humphrey was complaining that "the slogan of 'bipartisanship' has too often been invoked to muzzle criticism of administration mistakes." One study by the Foreign Relations Committee noted that: "As the President's second term ran out, public debate, in its preoccupation with the U-2 incident and missile-gap controversy, had begun to show some signs of the development of the kind of 'credibility gap' that had plagued President Truman in his last years."

Mr. President, I began my remarks today with Dr. Francis Wilcox's ingredients for an ideal bipartisan arrangement on foreign policy. In brief these were: (1) Congress and the presidency should be controlled by opposite parties; (2) there should be national consensus on foreign policy; (3) leadership on Capitol Hill that commands respect in both Congress and the executive branch and that is willing to deemphasize politics; and (4) a presidency that is willing to recognize Congress' constitutional role in foreign policy and to consult with it frequently on important international matters. To a remarkable degree, these conditions existed during the 1950's while Dwight

Eisenhower was President and Lyndon Johnson was Senate majority leader—and that is a credit to both of those men. And yet, despite the national consensus, despite the inherent congressional support for presidential leadership in foreign policy, despite the president's good intentions of opening communications links with Congress, the bipartisanship of the Eisenhower years did not produce entirely satisfactory results. As one Foreign Relations Committee study concluded: "On balance/there was/little to indicate that Congress had become anything like an equal partner in the making of foreign policy or given access to the inner councils. Good intentions, it would seem on the basis of this evidence, were not enough in themselves to lower the barriers to an open executive-legislative relationship." [21]

Mr. President, I ask unanimous consent to have printed in the RECORD, footnotes, to "Senate and Bipartisan Foreign Policy."

There being no objection, the footnotes were ordered to be printed in the RECORD, as follows:

FOOTNOTES TO "SENATE AND BIPARTISAN FOREIGN POLICY"

[1] *Francis O. Wilcox, Chief of Staff, Senate Foreign Relations Committee, 1947-1955* (Oral History Interviews, 1984, Senate Historical Office), 205-6.

[2] Arthur M. Schlesinger, Jr., *The Imperial Presidency* (New York, 1974), 163.

[3] William B. Pickett, "The Eisenhower Solarium Notes," *The Society for Historians of American Foreign Relations Newsletter*, XVI (June 1985), 1-10.

[4] Duane A. Tananbaum, "Bricker Amendment Controversy," *Diplomatic History*, IX (Winter 1985), 73-83.

[5] Stephen A. Ambrose, Eisenhower, *The President* (New York, 1984), 68-70, 154-5.

[6] *Francis O. Wilcox, Chief of Staff, Senate Foreign Relations Committee*, Senate Historical Office Oral History Interviews, 1984, 132-3; *Pat M. Holt, Chief of Staff, Foreign Relations Committee*, Senate Historical Office Oral History Interviews, 1980, 102-4.

[7] Tananbaum, "Bricker Amendment Controversy," 74-93.

[8] U.S. Congress, Senate, Committee on Foreign Relations, *The U.S. Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part I, 1945-1961*, Senate Print 98-185, 98th Cong., 2nd sess. (Washington, 1984), 120.

[9] Ibid., 129-63.

[10] Chalmers Roberts, "The Day We Didn't Go to War," *Washington Post*, June 7, 1954.

[11] *The U.S. Government and the Vietnam War*, 163-227; Stanley Karnow, *Vietnam, a History*, (New York, 1983), 197.

[12] U.S. Congress, Senate, Committee on Foreign Relations, *Congress, Information and Foreign Affairs*, Committee Print, 95th Cong., 2nd sess. (Washington, 1978), 29-30.

[13] U.S. Congress, Senate, Committee on Foreign Relations, *Executive Sessions of the Senate Foreign Relations Committee (Historical Series), Volume VII, Eighty-Fourth Congress, First Session, 1955* (Washington, 1978), 65.

[14] Ibid., 87, 104.

[15] Schlesinger, *The Imperial President*, 159-60.

[16] U.S. Congress, Senate, Committee on Foreign Relations, *Executive Sessions of the Senate Foreign Relations Committee Together with Joint Sessions with the Senate Armed Services Committee (Historical Series), Volume IX, Eighty-Fifth Congress, First Session, 1957* (Washington, 1979), 20.

[17] Ibid., 1, 245-6, 267.

[18] Ibid., 297.

[19] Ibid., 310.

[20] Schlesinger, *The Imperial Presidency*, 162.

[21] Committee on Foreign Relations, *Congress, Information and Foreign Affairs*, 38-40.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1750

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE AGENDA

Mr. DOLE. Mr. President, let me indicate to my colleagues on both sides through their officer that we do hope to complete action on the budget resolution this week. As I understand, when we start tomorrow at 10:30 there will be 20 hours remaining. I am also advised the distinguished chairman of the committee, Senator DOMENICI, will not be able to go late on Wednesday evening. He has a longstanding commitment. I would guess we would probably go quite late tomorrow night and probably very late on Thursday night, with a good chance of some action on Friday.

So I would indicate to my colleagues that I am not in a position to indicate what the schedule will be on this coming Friday. I would plan on being in session if I were anyone who might be listening.

Mr. President, I would also hope that before we make a decision on whether to extend the Memorial Day recess for 2 days on the 29th and 30th of May, Thursday and Friday of that week, that we can reach some agreement that we can take care of the following matters:

The House message to accompany S. 49, the gun bill; S. 2295, the military reorganization bill; trade legislation, to be more clearly defined by Senators DANFORTH and METZENBAUM; general supplemental appropriations bill, if available; S. 2231, the Federal Deposit Insurance Act; S. 2180, the daylight savings time vehicle; S. 41, the Malt Beverage Act; S. 1848, drug export bill; a Senate concurrent resolution with respect to farm credit offered by 53 Senators, and discharge and pass S. 2339, dealing with the schooling of the two children of the deceased F-111 pilots killed in the strike on Libya.

□ 1740

I am not certain that is the total list, Mr. President, but I have asked my staff to prepare a list. We hope to give what I have by the close of business to the distinguished minority leader. If there are any items to be added, I can do that tomorrow.

ORDERS FOR TUESDAY

RECESS UNTIL 9:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Tuesday, April 29, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be special orders for the following Senators for not to exceed 5 minutes each—Senators HAWKINS, CRANSTON, WALLOP, and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that, following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, at 10:30 a.m., by a previous unanimous-consent agreement, the Senate will resume consideration of the DECONCINI amendment No. 1803 to the budget resolution under the following time agreement:

That 5 minutes under the control of Senator RUDMAN; 5 minutes under the control of Senator DOMENICI; 20 minutes under the control of Senator DECONCINI.

No amendments are in order to the DeConcini amendment, and following the conclusion or yielding back of time, the Senate will proceed to vote in relation to amendment No. 1803. Therefore, a rollcall could occur as early at 11 a.m., on Tuesday.

Following the vote on the DeConcini amendment, the Senate will proceed to the consideration of the Melcher amendment under the following time agreement: 30 minutes on the amendment to be equally divided between the Senator from New Mexico [Mr. DOMENICI] and the Senator from Montana [Mr. MELCHER].

No amendments are in order to the Melcher amendment, and following the conclusion or yielding back of time, a vote will occur in relation to that amendment.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMORROW

Mr. President, I ask unanimous consent that the Senate stand in recess tomorrow between the hours of 12

noon and 2 p.m. in order for the weekly party caucuses to meet. This could be extended briefly if we run over on a vote on the Melcher amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. At 2 p.m., the Senate will resume consideration of Senate Concurrent Resolution 120, the budget resolution.

RECESS UNTIL TUESDAY, APRIL 29, 1986 AT 9:30 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. on Tuesday, April 29, 1986.

The motion was agreed to and, at 5:42 p.m., the Senate recessed until Tuesday, April 29, 1986, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 25, 1986, under authority of the order of the Senate of January 3, 1985:

IN THE ARMY

The following-named Army National Guard of the United States officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Biondi, Philip J., xxx-xx-xxxx
Campbell, James F., Jr., xxx-xx-xxxx
Dampier, William E., xxx-xx-xxxx
Everett, Leslie T., Jr., xxx-xx-xxxx
Kaigle, Gerald N., xxx-xx-xxxx
King, William O., xxx-xx-xxxx
Mabey, Robert D., xxx-xx-xxxx
McNamara, Michael P., xxx-xx-xxxx
O'Hare, Joseph L., Jr., xxx-xx-xxxx
Prendergast, John E., xxx-xx-xxxx
Reed, James F., III, xxx-xx-xxxx
Stiefvater, Dennis B., xxx-xx-xxxx
Szczygiel, David P., xxx-xx-xxxx
Williamson, Ronald F., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Buckman, James F., xxx-xx-xxxx
Orso, Ronald W., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Andres, Charles W., xxx-xx-xxxx
Bell, Phillip R., xxx-xx-xxxx
Bierhaus, Paul O., xxx-xx-xxxx
Broderick, Robert A., xxx-xx-xxxx
Brooks, Alan W., xxx-xx-xxxx
Downey, Ronald O., xxx-xx-xxxx
Ferrari, Mark E., xxx-xx-xxxx
Ferreira, Joseph L., xxx-xx-xxxx
Gregory, James K., Jr., xxx-xx-xxxx
Hagle, Diana C., xxx-xx-xxxx
Ham, David R., xxx-xx-xxxx
Hockensmith, James R., xxx-xx-xxxx
Jackson, Stephen R., xxx-xx-xxxx
Johnston, Donald W., xxx-xx-xxxx
Kerwood, Ronald K., xxx-xx-xxxx
Knauer, Richard J., Jr., xxx-xx-xxxx
Kovacs, Alex D., Jr., xxx-xx-xxxx
Leahigh, James F., xxx-xx-xxxx
Lee, James E., xxx-xx-xxxx
Lee, Percy H., Jr., xxx-xx-xxxx
Marler, Danny G., xxx-xx-xxxx
McElwee, Williams A., xxx-xx-xxxx
McGee, Joseph M., xxx-xx-xxxx
Rahkola, William A.R., xxx-xx-xxxx
Richburg, Billy J., xxx-xx-xxxx
Richcreek, Larry L., xxx-xx-xxxx
Roberts, Harry L., xxx-xx-xxxx
Rogers, William J., xxx-xx-xxxx
Sanfason, David B., xxx-xx-xxxx
Siler, Lawrence E., xxx-xx-xxxx
Steele, Willie W., Jr., xxx-xx-xxxx
Stevens, John E., xxx-xx-xxxx
Taylor, Edwin V., Jr., xxx-xx-xxxx
Tooles, John F., xxx-xx-xxxx
Truax, Dwayne S., xxx-xx-xxxx
Watkins, Roger E., xxx-xx-xxxx
Whiles, Michael P., xxx-xx-xxxx
Wood, Ernest E., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Ade, Emmett M., II, xxx-xx-xxxx
Staehling, Gerald M., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Carroll, Frances M., xxx-xx-xxxx
Massey, Jean A., xxx-xx-xxxx
McAllister, Kathryn, B., xxx-xx-xxxx
Schulte, William E., xxx-xx-xxxx
Thompson, Carol E., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Bobo, Edgar E., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Boremski, Ronald J., xxx-xx-xxxx
Johnson, Wesley L., xxx-xx-xxxx
Jones, Autrey D., xxx-xx-xxxx
Majerus, Thomas C., xxx-xx-xxxx
Moore, Thomas M., xxx-xx-xxxx

The following-named Army National Guard of the United States officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 593 and 3353:

MEDICAL CORPS

To be lieutenant colonel

Smith, Claude K., xxx-xx-xxxx

IN THE MARINE CORPS

Capt. Timothy W. Foley, U.S. Marine Corps, for appointment to the grade of major, under the provisions of title 10, United States Code, section 6222.

IN THE MARINE CORPS

The following-named Marine Corps Enlisted Commissioning Education Program graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Joseph P. Davis, 1611

The following-named Naval Reserve Officers Training Corps graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, sections 531 and 2107:

Walter O. McClenney, 1364

Executive nominations received by the Senate April 28, 1986:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Lynne Vincent Cheney, of Wyoming, to be chairperson of the National Endowment for the Humanities for a term of 4 years, vice William J. Bennett.

EXTENSIONS OF REMARKS

IMPROPER ASBESTOS DISPOSAL IS A POTENTIALLY DEADLY PROBLEM

HON. JAMES J. FLORIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. FLORIO. Mr. Speaker, for the second time in recent weeks deadly asbestos debris has been discovered in an abandoned building in Camden, NJ. Asbestos is a known carcinogen which can cause lung cancer, mesothelioma or asbestosis when airborne fibers of the mineral are inhaled. Exposure to airborne asbestos fibers is particularly dangerous for children since they breathe five times faster than adults.

In the first Camden incident, plastic bags stuffed with asbestos debris were found in the basement of an abandoned house. Fortunately, the bags were not damaged, but if children playing in the house had come across these bags and ripped them open, the results could have been deadly. The second Camden incident is even more dangerous. Several lengthy pieces of asbestos-containing material were dumped unwrapped in an abandoned building. It seems likely the people wandering through the building were exposed to airborne fibers if they passed in the vicinity of the materials.

Currently, contractors who perform asbestos abatement work do not have to be accredited. The Environmental Protection Agency [EPA] has decided against promulgating regulations that would establish a contractor accreditation program and prescribe proper disposal of asbestos debris. The results of this Federal inaction are frightening. EPA estimates that 75 percent of all school asbestos cleanup work has been done improperly because without Federal regulations guiding cleanup work, this difficult, dangerous activity is often left to disreputable contractors who deliberately skip safety precautions or use slipshod methods. Improper abatement work is worse that no cleanup work at all because more hazardous fibers are released into the air than if the asbestos had not been treated.

Furthermore, these disreputable contractors are likely incorrectly disposing of asbestos debris in order to save money. The Camden incidents, and other countless unknown disposal problems are the unfortunate result. Congress must act now to end this problem.

Senator STAFFORD and I have introduced legislation that would force contractors who do school cleanup work to be fully trained and accredited and would require the proper disposal of asbestos debris. The Asbestos Hazard Emergency Response Act of 1986 (H.R. 4311) also establishes a roadmap showing school officials how to properly inspect for hazardous asbestos and how they should clean it up once it is found. Following the establishment of standards, schools will be required to inspect where they have not done so already and prepare and implement cleanup plans for any hazardous asbestos found in buildings.

Proper cleanup only alleviates part of the problem. Asbestos must also be disposed of correctly so situations like the one in Camden can be avoided. We must act now to end this national problem.

I urge my colleagues to cosponsor this legislation and commend an article from the Courier-Post detailing this example of improper asbestos dumping in Camden.

ASBESTOS FOUND IN ABANDONED CITY PROPERTY

CAMDEN.—Potentially dangerous asbestos has been found in another city-owned, abandoned property.

It was the second time in a month that police and city officials have had to deal with the expensive problem of removing the material left there illegally.

The latest discovery was reported at 1039 Diamond St., near Haddon Avenue and Mount Vernon Street, yesterday afternoon by a neighbor who complained to the mayor's office.

The neighbor, Daniel Torres, said he noticed the material in the two-story row house about two weeks ago. There are at least four pieces of material about 4 or 5 feet in length with approximate diameter of 12 inches.

Walter Richardson, the public works director, speculated that the material had been used to wrap high pressure steam lines. He said he would ask business administrator Richard Cummings to declare an emergency and allow the city to hire a contractor to remove the material, hopefully sometime today.

Richardson said he did not know how much the job would cost and his aides could not immediately determine the cost of a similar emergency removal last month.

That asbestos was found in six specially marked bags in a building at 430 Chestnut St., approximately two miles from the Diamond Street building. Concerned neighbors asked the city to demolish the building and it was torn down.

Richardson said he does not know whether it will be necessary to demolish the fire-damaged and stripped Diamond Street building immediately. The building had been boarded up, but some of the boards have been removed.

The Chestnut Street asbestos also prompted an investigation by Detective Richard Arensberg that resulted in illegal dumping charges now pending against three men. Arensberg said yesterday he has begun an investigation of the Diamond Street complaint.

AN EDITORIAL VIEWPOINT

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. BEREUTER. Mr. Speaker, the American people have run out of patience with the murderous terrorism of Libya's Colonel Qadhafi. As a recent eiditorial in the York News-Times makes clear, we have tried diplomacy, economic sanctions, and warnings, all to no avail. We then resorted to the only option left to us, military force. Let us hope, as the News-Times does, that this time we got Qadhafi's attention.

The editorial follows:

[From the York (NE) News-Times, Apr. 15, 1986]

REASON FAILS WITH KHADAFY, BOMBS MAY GET HIS ATTENTION

While not all Americans are going to jump for joy about the United States' air strikes against Libya Monday evening, alternatives to that action apparently have been exhausted. It seems obvious that dealing with those who operate outside the realm of civilized activities requires somewhat different procedures than when sane and civilized persons are negotiating.

At a meeting in Lincoln last weekend, a colleague commented that it was ridiculous to bring the full force of the United States as a premiere power in the world against a small and essentially weak nation like Libya. However, that thinking is a bit simplistic since aggression such as the indiscriminate slaughter effectuated by Khadafy cannot be solved by communications between rational persons. Idiots like Khadafy delight in kicking someone in the shins when there is no possibility of reprisal.

I hate war. I hate aggressive action such as that initiated Monday night, because I know in the long run we are going to lose some good, young servicemen through the mad-dog actions of a weird Arab. But we must compare against it the fact that Khadafy is so insane as to instigate actions to kill those Americans who are especially dangerous to him—elderly men, women and young children tourists.

The United States, at least, has the common decency to attack military or paramilitary targets rather than wholesale bombing or rocket attacks on civilian populations. Additionally, there was, if everyone is telling the truth, "direct, precise and irrefutable" evidence that Khadafy planned and carried out the terrorist attack in the West Berlin night club about 10 days ago. This, at least, justified the air strikes against terrorist facilities.

Is it possible to deal with Khadafy? We've tried diplomacy, economic sanctions, warnings, etc. He has found, apparently blissfully ignorant of the fact, that America, despite indications to the contrary, will not sit still forever, that no longer will we deal with him as a little boy kicking a grownup in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

shins, but as someone who should be held responsible for his irrational and idiotic behavior. • • •

Khadafy's indiscriminate slaughter is inexcusable as a civilized act among humans. He is, without question, a different kind of individual and outside the realm of civilized personnel. Whether he is capable of understanding what has happened is not known. One can only hope, as pointed out above, that the hit on the head with a two-by-four has gotten his attention. I do not like the American reaction to Khadafy's terrorism, but I cannot see any other solution.

What was done was the least palatable solution; but any other action has already been tried and failed. Let's hope this one works.

WINNING SPEECH

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. DioGUARDI. Mr. Speaker, I would like to include in the RECORD for my colleagues' review, the winning speech from the American Legion New York State 49th Annual Oratorical Contest. The contest, which took place in New Rochelle, NY, was won by Kedra Small of City Honors High in Buffalo. Congratulations to Kedra for her winning speech which follows:

THE CONSTITUTION: FOUNDATION OF A NATION

(By Kedra Small)

Every country has its foundation, but just as a house cannot stand for long without a good foundation, neither can a nation. America has endured for over two centuries because its foundation is a unique covenant, the United States Constitution.

As citizens of this great country we cannot help but appreciate the difficult task of our Founding Fathers who wrote such an extraordinary document which contains the Preamble, seven Articles and to this date 26 amendments.

On May 25, 1787, our Founding Fathers gathered in Philadelphia. There were great fears in our country at that time. We had fought hard and won independence from England, and we were facing chaos in our union under the weak document known as the Articles of Confederation. The men who gathered together knew that specific principles had to be established which would unite our country and most importantly provide for the rights of the people.

Our Founding Fathers were wise men, George Washington and James Madison from the State of Virginia, Alexander Hamilton from New York, and Benjamin Franklin from Pennsylvania, to name just a few.

It was recorded that George Washington said, "Let us raise a standard to which the wise and honest can repair! The event is in the hands of God." After these words, the framers of our Constitution began to debate and decide. Word by word, they fashioned the foundation and the framework, so unique, so new that it was like building a steel high-rise in the age of wood and stone, better able to endure the ravages of the winds of history. In this foundation and framework were the principles which provide for our national stability and personal security.

The checks and balance system, the first great wall of the foundation, insures the separation of powers. This great principle insures that America has a Federal Government. It is the principle that pertains to our three branches.

The Executive Branch holds the highest office in our country, the President who executes our laws and has the power of the veto.

The Legislative Branch consists of Congress, with both the House of Representatives and the Senate. This is where the laws of the land are made. The Congressional Members of both Houses are elected directly by the people and have the power to enact new Legislation with the power to overrule a veto by the President.

The Judicial Branch is our Supreme Court, with its nine Justices who interpret our laws and whose rulings over often controversial issues constitute the supreme law of the land.

The second wall in our foundation, the second principle is the Constitution's dual form of government. This enables our National and State Governments to function separately and also collaborating as one.

The third great wall of our foundation is the third principle. It is very important because it stresses another great right given in the Constitution. It is the principle of having a government by representation and it goes hand in hand with our right to vote. Whether it is by the people directly or indirectly, our elected officials are in office to serve our needs.

And finally, but not the least important is the fourth wall, the amending process. The framers of the Constitution were able to see into the future and recognize that the needs of the Nation would change in order for it to grow and prosper.

Separation of powers, dual form of government, representation of the people, and the amending process are the four principles, the four great walls which form the foundation and give stability to our nation. "This strong document, unique in all of history, has held our country and its citizens together through all the struggles that we have triumphed over: a great Civil War which nearly tore our Nation apart, the assassinations of three Presidents, two world wars and a great world-wide economic depression." [1]

In 1787, our Founding Fathers wrote: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity do ordain and establish this Constitution for the United States of America.

Ladies and gentlemen, this covenant will not remain strong without the knowledge and support of every American.

We must realize, as Thomas Paine wrote: "Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it." The rights accorded us in this document will not continue to benefit us and future generations unless we take responsibility and become involved in the decisions of our lawmakers.

But how do we assume these responsibilities?

Vote! We must vote and become actively involved in the political process.

Write! We must write to our elected officials in Congress.

Call! We must call our local political leaders, the mayor, our councilmen, and our county legislators.

We must keep informed about the issues and make sure that our legislators at every level, hear our voices. We must speak out against injustice, for in every age there are those who lust for power and attempt to undermine our freedom, bit by bit, piece by piece.

Sir Thomas Moore stated: "All that is necessary for the forces of evil to win in the world is for good men to stand by and do nothing."

But I say to you that all that is necessary for America to lose its freedom is for good men and women to stand by and do nothing.

The United States of America, with all its freedoms and benefits can only survive on the strength and support of the people, because, ladies and gentlemen, the Constitution survives through us.

As citizens of the United States, it is not only our duty to be aware of the principles in this document but to utilize them fully. We should no longer sit back and take for granted the Freedom of Religion, Freedom of Press, Freedom of Speech, the Right to Assembly and the Right to Petition, which are guaranteed to us in the Bill of Rights.

This document is a safeguard from the oppression of the tyrant. For there are always those in every age who lust for power. Our Constitution protects us from these would be tyrants.

From all the movements of the past, we have but a small task which is to keep this covenant strong, and above all know and understand the full meaning of what its words mean. Yes, ladies and gentlemen, to appreciate and to understand the meaning of these words is the duty of every American citizen.

At the close of the Constitutional Convention, on the backrest of the chair in which George Washington was seated, unknown to those in the room was a painting which depicted a Sun. As the long meeting came to close, the men made preparations to leave. Upon noticing the painting which was protrayed on the back of the chair, a lively discussion broke out as to whether the painting was a rising Sun or a setting Sun, until Benjamin Franklin concluded: "Now we know what it is. It is a rising Sun."

Let us, as citizens of this country, always remember this time in 1787, when a new Nation was born.

Let us have a never ending appreciation in this covenant with its separation of powers, dual form of government, representation of the people and the amending process.

May the Constitution always shine its light of stability and assurance on this country, because, ladies and gentleman, it is a rising Sun.

[1] Quote from Robin Wolfgang's American Legion Speech, 1984.

CONGRESSMAN GILMAN SUPPORTS BIPARTISAN ACID RAIN INITIATIVE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4567, a promising bill that addresses an environmental problem in urgent need of Federal attention. Acid deposition, or, as it is commonly known, acid rain, is a primary concern to all who care about our envi-

ronment, and has been a sore point in United States–Canadian relations. As a member of the 92 Group's Task Force on Acid Rain and an original cosponsor of this bill, I am pleased that the task force, in cooperation with the gentleman from California [Mr. WAXMAN], has been able to fashion legislation which significantly reduces the two pollutants most closely linked with acid rain; sulfur dioxide and nitrogen oxides. I am also heartened by the flexibility that this bill, the Acid Deposition Control Act of 1986, gives to the States to achieve these reductions. I wish to thank the gentleman from Minnesota [Mr. SIKORSKI], the gentleman from New Mexico [Mr. RICHARDSON], the gentlemen from Massachusetts [Mr. CONTE], and most especially my colleague from New York [Mr. BOEHLERT], who spearheaded the task force's efforts, for introducing this comprehensive, bipartisan measure. I also wish to commend the gentleman from Iowa [Mr. TAUKE], for the leadership he provided in bringing together a viable compromise on this issue.

My congressional district encompasses a large portion of the scenic Hudson River Valley. It is areas such as this which face incalculable damage from acid rain, and it is for areas such as this that the Federal Government must act expeditiously before irreversible damage occurs. Both the United States and Canada have stated, through endorsement of the Joint Report of the Special Envoys on Acid Rain, that "acidic emissions transported throughout the atmosphere undoubtedly are contributing to the acidification of sensitive areas in both [countries]. The potential for long-term socioeconomic costs are high." While per-year structural damage costs due to acid rain are difficult to quantify, estimates run into the billions. The damage done to aquatic ecosystem, forests, and the quality of life to all who enjoy the outdoors, is even more difficult to measure. What is clear, however, is that it is imperative that Congress act quickly to enact legislation to remedy this international problem.

Previous congressional attempts to address the acid rain problem have failed, in part, because they were tailored to specific geographical areas of the country and consequently did not garner national support. Each geographical area of the country contributes to, and is affected by, acid rain differently. Some States, such as my own, New York, have already adopted acid rain measures, while many others have not. Therefore, the most logical approach is to coordinate State action by establishing Federal emissions standards, allowing the States themselves to determine the best method to meet these standards. H.R. 4567 will reduce sulfur dioxide emissions by 10 million tons and nitrous oxides emissions by approximately 4 million tons by 1997, yet permits States and utilities to reduce their emissions without prohibitively high socioeconomic costs.

H.R. 4567 has several advantages over previous legislative initiatives. First, and most importantly given the need to trim Federal spending, the bill finances itself with a modest tax on electricity to be determined by the Administrator of the Environmental Protection Agency. The maximum cost to consumers from this tax is 50 cents on the typical monthly electric bill. The bill also sets two statewide emissions rate standards for sulfur dioxide, one to be met by 1993, the other to be met by 1997, which allows the States adequate time to comply with the standards in a manner best suited to them. The 1993 standard will further ensure that States act in a timely fashion to reduce their emissions rate of sulfur dioxide. In accordance with this legislation, coal-burning electric utilities will not bear the sole responsibility of reducing sulfur dioxide and nitrous oxides emissions to help curb acid rain. Mobile sources, industrial boilers, and smelters will also be called upon to reduce their emissions of these pollutants. Congress will also be evaluating the progress of emissions reductions, and will be afforded the opportunity to adopt correctional legislation following completion of the first phase in 1993.

I believe this bill represents negotiations in good faith by both sides of the aisle. The fact that 46 Republicans and 104 Democrats are original cosponsors of H.R. 4567 is indicative of the bipartisan nature of this issue and this legislation. We have studied the problems for years. The casual link between sulfur dioxide, nitrous oxides, and other pollutants to acid rain is definite, even if it is not fully understood. Congress must take the initiative on what is probably the most challenging environmental problem of this decade. As David Gardiner, the legislative director of the Sierra Club, stated in regard to this measure: "This is the right bill at the right time."

Accordingly, I request that a summary of this bill be inserted at this point in the RECORD, and commend it to my colleagues' immediate attention and urge their cosponsorship.

SUMMARY OF H.R. 4567, THE ACID DEPOSITION ACT OF 1986

The program would result in a 10 million ton reduction in sulfur dioxide emissions and a four million ton reduction in nitrogen oxide emissions from a 1980 base by 1997, through the following steps:

(1) State-developed strategies are required to reduce emissions. A two-phase program is mandated, giving states until 1993 to reduce sulfur emissions by five million tons from electric utilities, and until 1997 to reduce sulfur emissions by an additional five million tons from major stationary sources. States are given until 1997 to reduce nitrogen oxide emissions by about two million tons from electric utilities and industries boilers. Each state would have the flexibility to pursue any control strategy within each source category to achieve the required reductions. Failure of a state to submit an approvable plan would result in congressionally imposed emissions limitations. Western smelters would have to be in compliance with the Clean Air Act by 1988.

(2) A congressional mid-course correction is possible before second phase. The EPA is required to submit a study to Congress in 1993, to determine the reduction in acid rain achieved under phase I of the program, and the feasibility to meeting phase II requirements. If Congress fails to adjust the program by January 1994, phase II requirements go into effect.

(3) A Federal interest subsidy program will keep residential electric rates from increasing more than 10 percent. A Governor can receive Federal assistance if he decides to require the use of control technology to protect coal production while reducing sulfur emissions. A Federal trust fund is created by levying a fee on electricity generated not to exceed ⅛ mill per kilowatt-hour (about 25 to 50 cents per month on a typical electrical bill). The fund would be available to pay for interest on loans or bonds for control technology to maintain electric rates below a 10 percent increase.

(4) Tougher standards for new power plants. The new source performance standards would be tightened for nitrogen oxide emissions from new power plants. This tightening would reduce nitrogen oxide emissions by about one million tons by 1997.

(5) Tighter standards for new cars and trucks. Beginning in model year 1988, new trucks would have to meet tighter standards for nitrogen oxide emissions. The levels required for trucks would be comparable to those already achieved by new cars. Beginning in model year 1989, new cars would have to meet tighter standards for nitrogen oxide emissions. These standards would reduce nitrogen oxide emissions by about one million tons by 1997.

(6) Instructs the Secretary of State to negotiate emissions limitations with Mexico to ensure that its Nacazari smelter does not excessively pollute the southwestern United States.

THE JOINT BALTIC AMERICAN NATIONAL COMMITTEE'S 25TH ANNIVERSARY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. MICHEL. Mr. Speaker, on May 1, 1986, the Joint Baltic American National Committee (JBANC) will mark its 25th anniversary by awarding the Baltic Freedom Award to Members of Congress and other Government officials.

Among those to be honored will be our colleague, BILL CARNEY of New York, and Senators WILLIAM ARMSTRONG and DON RIEGLE.

Linas Kojelis, Special Assistant to the President, Office of Public Liaison; Mark Palmer, Deputy Assistant Secretary for European Affairs at the State Department, and the staff of the Commission on Security and Cooperation in Europe, will also be honored.

JBANC was established on April 27, 1961, by the three central national organizations of Baltic Americans—the Estonian American National Council, the American Latvian Association, and the Lithuanian American Council.

In its recent annual report, JBANC stated:

Despite the occupation of Estonia, Latvia, and Lithuania by Soviet forces for over 45 years, the struggle for re-establishing freedom and independence of the Baltic republics continues. The Baltic people today continue to maintain their national identities in the face of cruel oppression and increased Soviet attempts to russify their countries. Baltic refugees and their descendants in the West are faced with an equally important fight to keep the Baltic issue alive in countries that frequently display indifference or ignorance to their plight and that of their countrymen.

As you know, the United States has never recognized and does not now recognize the incorporation—by force and violence and de-

portations and assassinations and terror—of Estonia, Latvia, and Lithuania into the Soviet Union. This crime against humanity took place when the Communist Party controlling the Soviet Union joined with its treaty ally, Hitler's Nazi Party controlling Germany, in dividing Eastern Europe between them.

How often do you see this terrible story on television "docudramas"? How many times do you see the Soviet Embassy picketed by Americans of non-Baltic birth in a show of solidarity with the Baltic people? How often do we see articles in our news magazines about the plight of the Baltic people and of the terror they have endured? Rarely, if ever, in each case. Our collective memory suffers from "selective indignation" when it comes to crying out against human rights violations. There are some crimes—the violation of the Baltic States among them—that have gone down the memory hole. JBANC reminds us of the tragic fate of the Baltic people and in doing so, performs a service not only for the Baltic people, but for our national character.

During a recent debate, I said that we do not want to see Nicaragua, Costa Rica, and Honduras go the way of Estonia, Latvia, and Lithuania. I believe that the more we know about the facts of the forced incorporation of these proud nations into the Communist police state we call the Soviet Union, the more we understand the need to be of help in every effective way, to those fighting today to avoid a similar fate, all over the world.

HART HONORED FOR ESSAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues the civic and scholarly achievement of an outstanding resident of New Jersey's First Congressional District, Michele Hart.

Michele was recently honored by the New Jersey Association of Conservation Districts for placing first in the 1985 conservation essay contest. Michele's essay is entitled, "Why We Need To Conserve Soil on Farmland," and represents the kind of intelligence, insight, and imagination which will lead our great Nation into the 21st century. For as much as development is important to the economic health of our country, I am certain that my colleagues would agree that agriculture is the heart of a strong, healthy America.

I am grateful to the New Jersey Association of Conservation Districts for sponsoring this contest and for promoting a greater awareness in New Jersey of the importance of soil conservation.

Mr. Speaker, I am sure our colleagues would be pleased to join with me, Michele's family and friends, and the entire community in paying tribute to her outstanding achievement.

Please allow me to share Michele's essay with the House of Representatives:

WHY WE NEED SOIL CONSERVATION ON FARMLANDS

Conserving soil on farmiands is very important, and there are many reasons why we need to do so. One such reason is that the probability of being able to start a farm on a piece of land which man has never interfered with is low. If a farmer could start work as nature does, he could doubtlessly maintain fertility and crop production at a high standard. But, because this is unlikely, man must learn to conserve his farmland soil to keep productivity high. After all, if a man dedicates his life to producing food for society, he dedicates his life to the soil which will work for him.

Farmland soil is continually plagued by soil erosion. Soil erosion may be so gradual that serious damage is done before the farmer is aware of what is happening. Each time a hard rain hits bare land, soil is torn loose and swept away. With each drop of rain that hits the earth there is an explosion sending wet soil in every direction. Not only is soil torn loose to be washed away but also available nutrients are dissolved and carried away. Because of soil, sheet, gully, wind, and water erosion, farmland is disappearing and conservation is the only method of regaining it. It must be realized that soil is a natural resource which can be exhausted. The belief of its indestructability is a common misconception that must be corrected.

In addition to protecting and improving the land, soil conservation yields many side benefits. It helps lower the cost of farm production. This increases farmers' profit and helps lower the cost of food and clothing to city dwellers. Soil conservation helps check drought damage in dry seasons and reduces flood crests in small and large streams in wet times. It reduces siltation of streams, reservoirs, and harbors, helping to insure a cleaner water supply for cities and towns, improves navigation, and provides a better habitat for fish and other wildlife. Conservation methods do away with the ugly scars of erosion and provide a more beautiful countryside in which to work and play.

PUTTING STOP TO TERRORISM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. BEREUTER. Mr. Speaker, I believe the American people are united behind President Reagan in his decision on the use of military force against terrorist targets in Llbya. A recent editorial in the Wayne Herald argues that since diplomacy, economic sanctions, and public condemnation had not worked, the President had to use a last resort, air strikes on Libyan terrorist bases. The editorial goes on to point out how terrorism can threaten all of us, even citizens in the heartland, far from the usual scene of terrorist actions. That is a valid point. Terrorism is a threat to all of us, to democracies, and to the American way of life. It must be countered effectively, as the Herald points out, "on a worldwide basis."

[From the Wayne (NE) Herald, Apr. 17, 1986]

PUTTING STOP TO TERRORISM

(By Chuck Hackenmiller)

What the United States military did on Monday, strike at Libyan targets, was a bold but necessary move in an effort to control the terrorism carried out at will by Moammar Khadafy and his followers.

In the past, Khadafy had been repeatedly warned of his regime's participation in terrorist activities popping up throughout the world.

He had responded with arrogance and spite—and with more terrorist acts.

Diplomacy didn't work with Khadafy. Neither did public condemnation of his regime's action or United States economic sanctions. One of several last resorts remained and that was for President Reagan to conduct air strikes on the Libyan terrorist bases.

The bombing at the La Belle discotheque in West Germany was, as "irrefutable" evidence points, executed under the direct orders of the Libyan regime. * * *

Ripples of the terrorist acts bring on the understandable concern of individuals who have children or relatives serving at terrorist-prone areas. It can extend close to home.

And that is why we must be concerned with controlling widespread terrorism on a worldwide basis.

REDFISH CONSERVATION AND MANAGEMENT ACT OF 1986

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. BREAUX. Mr. Speaker, the legislation that I am introducing today may well be among my last as a member of this great House of Representatives, but it is certainly far from the least significant. In many respects this bill represents a manifestation of an increasingly recognized need to fundamentally reassess the system by which this Nation manages its marine fishery resources.

For years, as chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, I have vigorously encouraged and promoted the full development of the U.S. fishing industry. The resources of the sea offer our people superior recreation and a very healthy diet. Fisheries also provide a very significant potential for employment and economic activity. For example, the development of fisheries in, for example, my home State of Louisiana will be central to our efforts to effect a transition away from an oil and gas dependent economy and to restore economic stability.

But, as was always contemplated by those of us who have devoted much time to this area of law, fisheries development in the United States was intended to be held synonymous with wise resource utilization through the application of thoughtful and effective conservation and management regimes. I, and a number of distinguished Members of Congress, have made a substantial effort to develop and perfect the Fishery Conservation and Management Act and various international fishery agreements to which the United States is a party. Our objective has been to require that fishery utilization and development go hand in hand with resource conservation and management. Our goal has been to ensure that our living marine resources remain renewable for all generations to come.

With disturbing frequency, however, I have been witness to the failure of this system to

achieve our intended goals and objectives. Time and time again I have seen the Federal fishery managers confronted with a situation where its already too late, where the resource is overfished and damaged, and where all of our efforts are to restore rather than conserve and manage a fishery. Our great technology has now enabled us to develop fisheries at a "gold rush" pace; far exceeding the pace of the fishery management system we created. Because fishery resources and the fishing industry are so complex, so too is the conservation and management system we have developed. In order to consider and account for all that need be, this system requires a timeframe that, by definition, can no longer respond in a timely fashion to rapid fishery development. Federal fishery management has become crises management; a little too little, a little too late.

In the Gulf of Mexico, possibly the most familiar and popular of fishes is the redfish, also known as the red drum. I can say with no lack of experience that this is a premier gamefish and, as the world has now also discovered, a superior food fish. Ironically, these attributes also threaten to be the demise of this great resource.

Since the "cajun rage" has hit this Nation's finer restaurants, the demand for redfish has grown astronomically. Since 1980, the commercial harvest of redfish in the gulf has grown by nearly 400 percent, and that is acknowledged by the scientists to be a very conservative estimate. In order to satisfy the demands of the now enlightened American diner, gulf fishermen are forced to move further and further offshore in the gulf to find large quantities of these fish. Unfortunately, it is in these offshore waters, which are primarily under Federal jurisdiction, that the large breeding stock of redfish reside. It is this stock on which the reproductive capacity and the very future of this resource depend.

The redfish crisis is that, while these fish are under the jurisdiction and stewardship of the U.S. Government, absolutely no Federal conservation or management provisions exist for this species. Furthermore, our scientific understanding of this resource is so limited, we hardly know what to do about it. Fishermen, commercial and recreational alike, are now completely free to harvest this resource at will and our scientists cannot tell us with any certainty just how much damage is being done. Only the years of experience and intuition of these experts can tell us that no species can for long sustain the kind of fishing pressure now developing on the redfish in Federal waters. Some type of management provisions must be quickly applied, but none currently exist.

Under normal procedures, it could take 2 years for a Federal management plan to be developed and implemented. By then, there might not be enough redfish to worry about. The purpose of this legislation is to allow both our scientists and our Federal fishery conservation and management system to essentially "catch up" to the fishery development process before this resource is irreparably damaged. For once I'd like to see us put the conservation of the resource first. For once I'd like to see us manage a healthy fishery before a crisis develops, rather than see us struggle to restore a fishery that has already collapsed.

The provisions of this legislation are simple and are designed to phase in, through a three-step process, a full-scale Federal fishery management plan for redfish. The first step is to put a temporary halt to the harvest of redfish in Federal waters. The next step is to direct the Secretary of Commerce, through the National Marine Fisheries Service, to develop and implement emergency interim management regulations which apply to the waters under Federal jurisdiction. The legislation gives the Secretary 90 days from the date of enactment to promulgate such regulations and, upon that date, the initial moratorium will be replaced with such regulations.

The third step in the process is for the Gulf of Mexico Regional Fishery Management Council to develop and implement a Federal fishery management plan for redfish which will apply permanently. As I indicated earlier, this process can take 2 years and upon completion would replace the Secretary's interim emergency regulations. As such, I think the legislation provides a very fair and livable mechanism for protecting the redfish resource during the process of developing a sound Federal management regime in the Gulf of Mexico.

Another very important provision of this legislation is one that directs the Secretary of Commerce, again through the National Marine Fisheries Service, to immediately commence a 2-year scientific research program on redfish. Effective fishery management decisions are impossible without a high degree of understanding of the population dynamics and various behaviors of a fishery resource and so this provision is central to the overall objective of achieving a constructive Federal management regime for redfish.

Mr. Speaker, the process I have outlined deviates somewhat from the normal fishery management plan development process to which many have grown accustomed, and so will "rock the boat" of those more comfortable with precedent. But as I have explained, our precedents have not always worked. The "gold rush" is on for redfish, and without this legislation, the redfish is a deadfish by any other name.

SAVE THE COOPERATIVE EXTENSION SERVICE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. LIPINSKI. Mr. Speaker, I rise today in support of maintaining a strong and vibrant Cooperative Extension Service. The extension has not only been instrumental in providing rural families with much-needed information on the technological and managerial aspects of farming, but has greatly enriched the lives of urban dwellers. Indeed, the majority of my own district is urban and has benefited from programs that fall under the extension's budget, especially the 4-H program. I realized that 4-H was popular in my district, but had no idea how popular. After hearing that the program would be subject to severe cuts under the President's budget or virtually eliminated through rewording of the Smith-Lever Act, over 1,000 of my constituents signed a petition to voice their disapproval.

According to one constituent who wrote to my office, there are 98 volunteer adult leaders for every paid staff person in the 4-H program in the city of Chicago. I agree with his conclusion that you would have to look hard and long for a more efficient use of American tax dollars. 4-H provides an opportunity for the youth of Chicago and of our Nation in general to develop into responsible and productive citizens. Youth are able to choose from a variety of activities, including such diverse areas as public speaking and urban gardening, which insure a rich atmosphere of interaction. Without a vital 4-H, many urban youth would have next to nothing in relation to alternative activities—something that could have serious consequences.

In this time of budgetary constraint and fiscal austerity, most understand that Federal spending will have to be curtailed in certain areas. With regard to funding of the extension, States have already begun to pay more of the cost of programs like 4-H. However, to cut Federal funding by nearly 60 percent as proposed by the administration, is both unfair and irresponsible. The extension makes up only seven-tenths of 1 percent of the USDA budget, has proved itself to be of invaluable service to farmers and others, and yet is being subjected to huge budget cuts. Our Nation cannot afford to lose the opportunity to invest in the future of American farmers and American youth.

SOVIET JEWRY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. WEISS. Mr. Speaker, I am proud to participate today in the "Congressional Call to Conscience Vigil for Soviet Jews," and I thank my colleague, TOM KINDNESS, for organizing this event.

The Soviet Union's 1.8 million Jews live under a regime that routinely interferes with the exercise of their religion and violates their human rights. Denied even those rights that are extended to other religions in the Soviet Union, Jews are permitted no Hebrew publications, no organization, and no regular ties with fellow Jews abroad. Their country contains fewer than 60 functioning synagogues, and not a single rabbinical school.

Among those now enduring the fate of the refuseniks are Sonia Furman and her daughter Asya. For 13 years, Sonia and Asya have been separated from their son and brother, Yakov, who in 1973 was among the lucky few allowed by the Soviet Government to emigrate. Their attempts to emigrate and join Yakov in Israel have now twice been denied.

Asya first applied for an exit visa in December 1978, and for 6 months heard nothing from the government. In the meantime, Asya's father wrote an article for a government newspaper called "Curse on Zionism Which Divid-

ed My Family." In May 1979, she learned that her request had been denied on the grounds that she lacked her father's consent and on the basis of public opinion. Asya's parents had been divorced for years. Later Soviet officials acknowledged that the fact that Asya lacked her father's consent was not a valid basis for denying her emigration, but still she was not granted an exit visa.

Asya's troubles did not end there. In the same month that she was first refused emigration, Asya was fired from her job as a music teacher for the blind. It took several years before Asya was able to get a position as a cashier at a photo studio.

Both Sonia and Asya have since applied for emigration but have been denied. The only explanation the government offered for this decision was that there is "no reason for them to leave the Soviet Union."

Today, I call upon the Soviet Union to grant exit visas to Sonia and Asya Furman and allow them to reunite as a family with Yakov in Israel.

TRIBUTE TO BARBARA AMEDURI

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. FLORIO. Mr. Speaker, citizens of Camden County, NJ, were saddened recently by the tragic loss of Barbara Jones Ameduri in an automobile accident.

Ms. Ameduri moved from Orange County, CA, to Voorhees, NJ, 3 years ago. She quickly became active in civic affairs and political campaigns, serving as a Republican committeewoman for Camden County.

This accident occurred just before Ms. Ameduri was to move to Springfield, MO, with her husband, Dr. Clifford J. Ameduri, a physician at Our Lady of Lourde's Medical Center.

Mr. Speaker, we all have individuals in our districts who are dedicated to the political process and who work to better their communities. Barbara Ameduri was one such person, and her loss is greatly felt by her family and all who knew her.

The Courier-Post newspaper obituary follows:

BARBARA JONES AMEDURI, COUNTY COMMITTEEWOMAN

VOORHEES.—Services for Barbara Jones Ameduri, a Republican Camden County committeewoman who died in an automobile accident Monday, will be private.

Mrs. Ameduri, 35, of the Sturbridge Lakes section of Voorhees, was active in local Republican politics.

A native of Buffalo, N.Y., she lived in California before moving to Voorhees in 1982.

A graduate of Criss College, she had an associate degree in computer programming and worked in the insurance field. She was attending Camden County College working toward a bachelor's degree in finance.

"She was relatively new to the county committee, but she seemed to be an outstanding woman," said George F. Geist, Camden County Republican chairman. "She was very dedicated to her community."

Mrs. Ameduri was interested in the preservation of wildlife and was a member of the American Museum of Natural History. She was an avid weight lifter and a world traveler, having visited India, the Soviet Union and many parts of Europe.

Surviving are her husband, Dr. Clifford J.; her mother, Flozell Jones of Florida; her father, Ulysses Jones of Buffalo; and her grandmother, Lee Stearman of Buffalo.

A Barbara Jones Ameduri Scholarship Fund has been established for the preservation and study of wildlife. Contributions may be sent in care of Ronald Capuccio, Esq., 212 Haddon Ave., Westmont, N.J. 08108.

NEBRASKA NEWSPAPER COMMENTS ON LIBYA ATTACK

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. BEREUTER. Mr. Speaker, the one word I hear more than any other in connection with the American bombing raid on Libya is "justified." That, apparently, is what most Americans believe. As a recent article in the Nebraska City News Press makes clear, the view is that it was time that someone stepped up and did something. The editorial for the News Press is convinced that appeasement is a futile course, and it argues that even if some lives are lost, we have no choice but to confront Qadhafi and others of his ilk.

I commend the article to my colleagues.

RECENT ATTACK ON LIBYA WAS JUSTIFIED

The United States' attack on Libya Monday night was justified, and it is my hope that should Mr. Khadafy continue his terroristic tactics, President Reagan will again order U.S. bombers into Libya.

There. I've come right out and said it, and you all probably think I'm some sort of bleeding heart, dyed-in-the-wool warmonger just itching to pull the trigger. Well, I'm not. I'm just a 23-year-old American who thinks it's about time that someone stepped up and did something about terrorism.

Most of the editorialists in the nation seem to feel that our bombing of Libya will prompt Khadafy to step up his terroristic tendencies, and there is no doubt in my mind that terrorism will increase in Europe and other countries.

But common sense tells me that if bombs are dropped on his home every time he kills someone, Khadafy will be less eager to blow up airplanes and harm innocent people.

The experts say that Khadafy envisions himself as a martyr to his cause, that by bombing his homeland the United States will just enhance his reputation and bring him closer to his dream.

But it doesn't take a student of modern history to know that once a maniacal leader is disposed of, his followers do not usually follow in his footsteps (i.e. Hitler, Mussolini, etc.).

The only thing that has distressed me about the whole situation is the fact that our "allies" have really come through with flying colors, although it is not totally unexpected. Naturally they have more reasons to be afraid of Khadafy because the European community is much more vulnerable to terrorism.

Great Britain and West Germany seem to be the only nations on our side. What about France? Well, that nation seem to have forgotten that without the United States, there would have been no stopping Adolf Hitler in World War II, and France would have never been liberated.

Other nations seem to owe us a similar debt, but they choose to denounce our efforts to end terrorism, and instead they remain neutral in hopes that Khadafy and his Middle East buddies will continue to ship them oil.

They hope to ignore and appease Khadafy, hoping that he will spare them his terror. It seems to me that the European community tried to appease Adolf Hitler once before in 1938, and we ended up with the extermination of 6 million Jews. In other words, if ignorance is bliss, France and the like ought to be in ecstasy.

As for the Soviet Union, it is quite logical that they denounce anything the United States does, forgetting that they've been violating Afghanistan for several years now.

In the long run, we will undoubtedly see terrorism increased around the world, and some lives will be lost in the struggle. But by choosing to confront Khadafy and the other terroristic madmen of the world, we are showing that at least one nation, the greatest nation on earth, is not going to sit around and let the few rule the many.

ARMED DRUG TRAFFICKING ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. RANGEL. Mr. Speaker, today I am introducing a bill entitled the "Armed Drug Trafficking Act," which would amend 19 U.S.C. section 924(c) to include narcotics offenses as crimes of violence under this statute. The effect of this amendment would be to impose an additional 5-year term on individuals who carry a firearm during the commission of a narcotics crime.

On November 26, 1985, the Circuit Court of Appeals in New York State reversed and vacated a sentence imposed by U.S. District Judge John F. Keenan on a drug dealer. In substance the decision held that the Federal violent crime statute providing for a minimum 5-year jail sentence for carrying firearms in the commission of a violent crime cannot be applied to narcotics offenders. If felonies involving the sale and distribution of narcotics are to be deemed crimes of violence for purposes of section 924(c), the court observed, Congress should amend the law.

Drug dealers are not tolerant of mistakes or excuses, many of them will kill to accomplish their objectives. They have no regard for human life, they are motivated by greed. Violence and intimidation are part of the daily stock in trade of professional narcotics traffickers. The abduction and murder of DEA Special Agent Enrique Camarena in Mexico last year, and the violence that has now become commonplace in South Florida and along the Southwest border attest that narcotics offenses are crimes of violence.

Mr. Speaker, Senator ALFONSE D'AMATO attempted to add this provision as an amendment to the continuing resolution bill last year; however, the amendment was dropped in con-

ference. On December 4, 1985, he introduced S. 1894 to accomplish this objective. S. 1894 has been referred to the Senate Committee on the Judiciary, Subcommittee on Criminal Law, however, to date no hearings have been held on the bill. My bill is identical to S. 1894, and I am hopeful that the House Judiciary Committee will be able to act on it expeditiously.

I am pleased that Congressman BENJAMIN A. GILMAN, the ranking minority member of the Select Committee on Narcotics Abuse and Control, has joined me in cosponsoring the "Armed Drug Trafficking Act." Our former colleague, Edward Koch, now the mayor of New York City, has taken an active interest in this issue and supports passage of this legislation.

TRIBUTE TO AMERICANS OF LATVIAN HERITAGE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. YATRON. Mr. Speaker, I rise to pay tribute to the many Americans of Latvian heritage. Latvian Americans have contributed significantly to the richness and success of our society, deeply involved in civic, educational, charitable, and religious activities. They have also been one of the true defenders of freedom around the world, and have actively worked to promote the democratic principles and basic human rights which serve as the foundation of our own society.

It is one of the great tragedies of modern times that Latvians in the U.S.S.R. still suffer under the heavy hand of Soviet oppression. Denied basic human rights, with all manifestations of cultural identity ruthlessly suppressed, they have, nevertheless, valiantly and courageously maintained their traditions and heritage. They have not lost their thirst for freedom and they should serve as an inspiration to all of us. As chairman of the House Subcommittee on Human Rights and International Organizations, I have a deep respect for these people and their efforts to overcome the brutal and relentless Soviet tyranny. I have actively worked in support of the Latvian cause and will continue to do so until their freedom is achieved.

On May 2–4 this year, several hundred leaders of Latvian American organizations throughout the United States will gather in Washington, DC, to attend the 35th annual Congress of the American Latvian Association. This is a most noteworthy event, and I have submitted to the CONGRESSIONAL RECORD a copy of a press release from the ALA which provides details about the event as well as the Latvian people.

HONORING THE HOLLISWOOD SCHOOL OF QUEENS COUNTY, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today to commend and congratulate the Holliswood School (P.S. 178) of Queens County, NY, on the occasion of its 35th anniversary, which will be celebrated the week of May 12, 1986.

Mr. Speaker, P.S. 178 is truly unique. From kindergarten through the sixth grade, it offers special programs that most other students cannot take until they reach high school. These youngsters can choose from a variety of subjects that range from Latin and Spanish to a music program for gifted children. All Holliswood students are instructed in art, gym, computer, and a special advanced science program. The school has been recognized citywide for excellence; both its science lab and its publications center have won special awards.

Mr. Speaker, in an age when too few schools can offer even the basics, P.S. 178 goes far beyond. It gives its students a look at the exciting worlds of science, physical fitness, and culture—without neglecting a firm grounding in the reading, writing, and math skills they will need to exploit those worlds. The true atmosphere of education that the faculty and administrators have encouraged at the Holliswood School is a gift that the young scholars will be able to savor through their years of schooling and on to adult life.

To celebrate the school's 35th anniversary, the faculty and parents, under the direction of the excellent principal, Carol Harris, have organized a week of education and fun for the students. The events will culminate with a symposium, on Wednesday, May 14, featuring a panel of community leaders, alumni, parents, and special guests from the media.

Mr. Speaker, we in Queens County, NY, are very proud of the Holliswood School because we are honored by its achievements. I call now on all of my colleagues in the House of Representatives to join with me in paying tribute to the Holliswood School, upon the momentous occasion of its 35th anniversary, and in extending the school, its students, faculty, administration and alumni our best wishes as it embarks on its next 35 years.

TRIBUTE TO LILLIAN KATZ

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1986

Mr. DioGUARDI. Mr. Speaker, I rise today to pay tribute to Lillian Katz, founder and chief executive officer of Lillian Vernon Corp., whose company will be celebrating its 35th anniversary this year.

Lillian Katz emigrated from Europe at the age of 10. In 1951, Mrs. Katz decided to supplement her husband's income by starting her own business at home. Despite being a female entrepreneur and being pregnant with her oldest son, she began the process of turning a $2,000 investment into a multimillion-dollar company. Soon after Lillian Vernon's founding, Mrs. Katz decided to utilize her creativity and began designing her own products for mail order sales, and her small company began to grow rapdily. In 1965, the Lillian Vernon Corp. began to manufacture products for other companies such as Revlon and Avon. In 1970, the company, under Mrs. Katz's helmsmanship, decided to devote its efforts toward growth. Since that time, the company has soared to incredible heights.

Even though the Lillian Vernon Corp. has grown to be a mail order giant, "they are still proud to call themselves a family firm." The benefits which employees receive range from employee health programs to gifts for the holiday season. There is even a CPR training program available to the members of the Lillian Vernon corporate family.

Not only is the company generous to the people within the corporation, but they also continue to extend their generosity into the communities of Westchester County, NY. Lillian Katz has made many donations, including: children's furniture for day care centers, a room in the Mount Vernon Hospital, and a nine-passenger van for the handicapped. Also, the company has participated in several blood drives, and they have founded a summer concert series, the "Run for Help" marathon, and a physical education program for the handicapped.

Mrs. Katz has made many contributions to Westchester County. She has created numerous jobs and has generously contributed to various charities. She has proven that being successful does not encompass making profits alone, but being an active part of the community as well. Lillian Katz is not just a businesswoman; she is a model citizen we can all be proud of.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 29, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

9:00 a.m.
Armed Services
To resume hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on Guard and Reserve.
SR-222

9:15 a.m.
*Commerce, Science, and Transportation
Business meeting, to consider the nomination of James C. Fletcher, of Virginia, to be Administrator of the National Aeronautics and Space Administration.
SR-253

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on the human resources impact of reentry of women into education and the labor force.
SD-430

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 2346 and S. 2215, bills to authorize funds for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), establishing the standards by which the Environmental Protection Agency regulates the production and application of pesticide used for agricultural and other purposes.
SR-332

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on S. 2015 and H.R. 4151, bills to provide for the security of United States diplomatic personnel, facilities, and operations.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contracts between senior officials of the Department of Defense and defense contractors.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings on certain activities of the Federal Bureau of Investigation, Department of Justice.
SD-226

1:30 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 2346 and S. 2215, bills to authorize funds for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), establishing the standards by which the Environmental Protection Agency regulates the production and application of pesticide used for agricultural and other purposes.
SR-332

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Food and Drug Administration of the Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-138

Armed Services
Preparedness Subcommittee
To resume open and closed hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense, focusing on the National Strategic Stockpile; and to mark up S. 2102, to prescribe the method for determining the quantity and classification of any materials to be stockpiled under the Strategic and Critical Materials Stock Piling Revision Act (P.L. 96-41).
SR-222

Judiciary
To hold hearings on pending nominations.
SD-226

MAY 1

8:30 a.m.
Veterans' Affairs
To resume hearings in closed session on the reported sightings of live military personnel missing in action in Southeast Asia.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain defense programs.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987, focusing on environmental implications of Multilateral Development Bank lending policies.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial governments.
SD-138

Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2199, authorizing funds for fiscal year 1987 for the Department of Defense.
SR-232A

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the impact of coal and electricity imports on the domestic coal industry.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 571, proposed Drug Money Seizure Act.
SD-538

11:00 a.m.
Veterans' Affairs
To continue hearings on the reported sightings of live military personnel missing in action in Southeast Asia.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

4:00 p.m.
Finance
To hold hearings on the nomination of Dorcas R. Hardy, of California, to be Commissioner of Social Security, Department of Health and Human Services.
SD-215

MAY 2

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings to review proposed budget estimates for fiscal year 1987 for intelligence programs.
S-407, Capitol

MAY 5

1:30 p.m.
Finance
International Trade Subcommittee
To hold hearings on miscellaneous tariff bills.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to review the Department of Energy nuclear research and development program policy.
SD-366

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Air Force aircraft procurement programs.
SD-192

2:00 p.m.
Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.
S-146, Capitol
Labor and Human Resources
To hold oversight hearings on medical malpractice.
SD-430
Select on Intelligence
Closed business meeting, to continue markup of proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2260, to settle certain claims arising out of activities on the Pine Ridge Indian Reservation, and S. 2243, to improve the health status of Native Hawaiians.
SD-124

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1987 for the National Aeronautics and Space Administration, focusing on the space transportation system.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for strategic systems.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the government approval of the release of genetically-engineered organisms.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Holocaust Memorial Council and the Smithsonian Institution.
SD-192
Judiciary
To resume hearings on white collar crime in the United States, focusing on the E.F. Hutton investigation.
SD-226

MAY 9

9:30 a.m.
Finance
Health Subcommittee
To hold hearings to examine the condition of rural hospitals under the Medicare program
SD-215

MAY 13

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business items.
EF-100, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Coast Guard, and H.R. 1362, to revise, consolidate, and enact certain laws related to load lines and measurement of vessels as parts C and J of subtitle II of title 46, U.S. Code.
SR-253
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 673, to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and S. 580, to ensure the independence of certain administrative law judges.
SD-226

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration, Department of Health and Human Services.
SD-116
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138
Environment and Public Works
To hold hearings on H.R. 2403, to require that public buildings constructed or altered under the Public Buildings Act shall be in compliance with nationally recognized building codes and State, and local zoning laws, and proposed legislation authorizing funds for

fiscal year 1987 for public buildings program of the General Services Administration.
SD-406

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on S. 525, to provide for the transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of radiation effects.
SD-342

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To resume hearings on S. 1327, to establish higher minimum rates of basic pay in geographic areas where the Federal Government is experiencing significant recruitment and retention problems, S. 1727, to establish alternative personnel management systems for scientific and technical employees, and provisions of S. 2082, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors.
SD-124

MAY 15

9:00 a.m.
Veterans' Affairs
To resume hearings on the reported sightings of live military personnel missing in action in Southeast Asia.
SD-628

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on S. 2083, to promulgate regulations for asbestos hazard abatement in the nation's schools, and S. 2300, to set standards for identification and abatement of hazardous asbestos in Federal and other buildings.
SD-406

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2050, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-124

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SR-253

Energy and Natural Resources
Natural Resources Development and Production Subcommittee
To hold oversight hearings on the prospects for exporting American coal.
SD-366

1:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To resume hearings in closed session to examine legal mechanisms to combat terrorism.
S-407, Capitol

2:00 p.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on the prosecution of Soviet Embassy demonstrators.
SD-226

2:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Vice Admiral Paul A. Yost, Jr., to be Commandant, U.S. Coast Guard, with the grade of admiral, and Rear Admiral James C. Irwin, to be Vice Commandant, U.S. Coast Guard, with the grade of vice admiral.
SR-253

10:15 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for the Maritime Administration, Department of Transportation, and proposed legislation authorizing funds for the Federal Maritime Commission.
SR-253

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on strategies to reduce hunger in America.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 3

10:00 a.m.
Energy and Natural Resources
To hold hearings on the implementation of the Public Utility Regulatory Policies Act (P.L. 95-617).
SD-366

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on statistical policy for an aging America.
SD-342

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings to review the imposition of user fees in FDA approval procedures for new drugs.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1935, to provide for certain vessels to be documented under the laws of the United States to entitle them to engage in domestic coastwise trade.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations to the National Advisory Council on Women's Educational Programs.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

JUNE 12

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint oversight hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary and Vocational Education on illiteracy in America.
2175 Rayburn Building

JUNE 17

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S. 2055, to establish the Columbia Gorge National Scenic Area.
SD-366

Labor and Human Resources
To resume oversight hearings on medical malpractice.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

JUNE 25

9:30 a.m.
Labor and Human Resources
To hold hearings on the administration of the Mine Safety and Health Review Commission.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

JULY 16

9:30 a.m.
Labor and Human Resources
To hold hearings on measures to improve the health of children.
SD-430

JULY 17

9:30 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on work and welfare issues.
SD-430

Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 22

9:30 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume joint hearings with the Committee on Labor and Hunan Resources' Subcommittee on Employment and Productivity on work and welfare issues.
SD-430

Labor and Human Resources
Employment and Productivity Subcommittee
To resume joint hearings with the Committee on Finance's Subcommittee on Social Security and Income Maintenance Programs on work and welfare issues.
SD-430

JULY 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

AUGUST 13

9:30 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 29

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 2105, S. 2106, and S. 2107, bills to provide for the settlement of certain claims of the Papago Tribe of Arizona.
SR-385

APRIL 30

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the findings of the Presidential Commission on the Space Shuttle Challenger Accident.
SR-253

MAY 1

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on employee benefit and pension policy implications contained in proposed tax reform legislation.
SD-430